



CERTIFIED MAIL

Daniel R. Lewis and Kimberly S. Lewis
7235 Sheffingdell Drive
Charlotte, NC 28204

**RE: VARIANCE
7235 SHEFFINGDELL DRIVE
CASE NUMBER 2016-030**

Dear Daniel R. Lewis and Kimberly S. Lewis:

At its meeting on June 28, 2016, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 2.6 foot variance from the required 5 foot side yard to allow an existing bay window to remain within the required side yard.

The Board based its decision on the following findings of fact:

1. The applicant is Daniel R. Lewis and Kimberly S. Lewis (Represented by David W. Murray, The Odom Firm, PLLC).
2. The proposed site is located at 7235 Sheffingdell Drive, further identified as tax parcel 211-291-73.
3. The subject parcel's current zoning classification is R-3 (single family residential).
4. Cluster development rules were utilized to construct the principal structure thus reducing the side yard to 5' instead of 6' that is required for the R-3 District.
5. The applicant is requesting a variance to allow an existing bay window on the principal structure to encroach 2.6 feet into the required 5 foot side yard.
6. The portion of the home that is encroaching is the bay window in the dining area of the kitchen.
7. The width of the bay window (approximately 12 feet) is small compared to total length of the existing exterior right wall of the home (69.5 feet).
8. Mecklenburg County tax records indicate that the single family structure was built in 2008 when the property (Tax ID 211-291-74) adjacent to the encroachment was vacant.
9. The applicants purchased the property in 2009 and contend that they were unaware of any violations.
10. The encroachment was discovered on May 5, 2016, by the closing attorney for potential buyers. The property is currently under contract.
11. The encroachment has been in place for approximately 6 years and was not caused by the current owners.
12. Due to the placement of the home on the adjacent property, it is not possible to obtain additional land to remedy the encroachment.
13. Granting the variance will not adversely affect adjacent or contiguous properties.
14. Granting the variance will not alter the essential character of the neighborhood, in fact, it will maintain the existing integrity.

Condition:

The variance applies only to the existing encroachment into the required side yard.

Based upon the above findings of fact, the Board concludes that the applicant has met the standards set forth in North Carolina General Statutes § 160A-388, and more specifically:

1. Unnecessary hardships would result from the strict application of the Ordinance.
2. The hardship results from conditions that are peculiar to the property (location, size or topography).
3. The hardship does not result from actions taken by the applicant or the property owner.
4. The requested variance is consistent with the spirit, purpose, and intent of the Zoning Ordinance, in that the public safety is secured and substantial justice is achieved.

All applicable permits must be obtained from the Planning Department, which has been notified of this decision. The Ordinance § 5.111, provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit or a certificate of occupancy pertaining to the need for the variance is not obtained within two (2) years from the date of the meeting of the Board at which the Board rendered its decision.

Sincerely,




Paul Arena, Chairperson

2/6/16

Date

Cc: David Murray, The Odom Firm, PLLC

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

2/11/16

Date