



Thomas Meyers
5232 Amity Place
Charlotte, NC 28212

**RE: VARIANCE
5232 Amity Place
CASE NUMBER 2016-061**

Dear Thomas Meyers:

At its meeting on December 13, 2016, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a variance to allow the roof overhang on an existing accessory structure to encroach one (1) foot into the three (3) foot separation required from a lot line for accessory structures located within an established rear yard.

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

1. The applicant is Thomas Meyers.
2. The subject site is located at 5232 Amity Place, further identified as tax parcel 133-262-02.
3. The property is zoned R-4 (single family residential).
4. The applicant was granted a building permit by Mecklenburg County Land Use and Environmental Services in November of 2005 for the construction of the subject accessory structure.
5. According to Mecklenburg County Tax records, the construction on the accessory structure was completed in 2006.
6. Per Code Section 12.106(2)(a), no accessory structures, including architectural features, as cited in five (5) below, shall be located within any setback or side yard required of these regulations, or located within three (3) feet of a lot line in the established rear yard. The subject accessory structure is located within the established rear yard.
7. Per Code Section 12.106(5), architectural features on a principal structure may project up to three feet into any required yard. This provision does not apply to accessory structures.
8. According to the variance application, the contractor inadvertently marked the location of the foundation by not taking into account the eave of the accessory structure's roof.
9. The right side property line along which the accessory structure is located extends at a slight angle from the front property line to the rear property line.
10. The side exterior wall of the accessory structure closest to the right side property line ranges from three feet and one inch to six feet from the side property line. A small portion of the eave of the accessory structure encroaches up to one foot into the three foot separation required from the side property line.
11. A notice of violation was issued October 04, 2016, stating that the accessory structure is within the three foot separation required from a lot line.

12. The applicant is requesting a variance to allow the roof overhang on an existing accessory structure to encroach one (1) foot into the three (3) foot separation required from a lot line for accessory structures located within an established rear yard.
13. The one foot encroachment for a corner of the eave on the accessory structure is minor and is not easily detectable or visible.
14. The hardship is not a result of the actions of the applicant but rather an inadvertent error by the contractor when locating the foundation of the accessory structure.
15. Granting the variance will not alter the essential character of the neighborhood.
16. Granting the variance will not adversely affect adjacent or contiguous properties.

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.

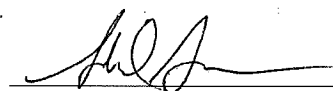
If any permits are required, please make sure the variance case number is referenced on the permit application and/or site plan. Section 5.111 of the Zoning Ordinance provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit 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

12/23/16
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**


Shad Spencer, Zoning Administrator

12 | 30 | 16
Date