



John Ivi Bilich and Jennifer Twiggs
2105 Chambwood Drive
Charlotte, NC 28205

**RE: VARIANCE
3104 Yadkin Avenue
CASE NUMBER 2017-001**

Dear John Ivi Bilich and Jennifer Twiggs:

At its meeting on January 31, 2017, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a variance requesting a 10 foot variance from the required 20 foot setback along Yadkin Avenue and a 25 foot variance from the required 35 foot rear yard to allow for the construction of a single family home.

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

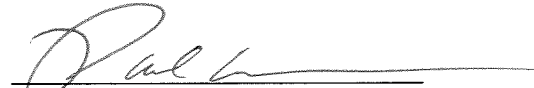
1. The applicants are John Ivi Bilich and Jennifer Twiggs.
2. The proposed site is located at 3104 Yadkin Avenue, further identified as tax parcel 083-082-08.
3. The property is zoned R-5 (single family residential).
4. The applicant is seeking a 10 foot variance from the required 20 foot setback along Yadkin Avenue and a 25 foot variance from the required 35 foot rear yard to allow for the construction of a single family home.
5. Per Code Section 9.205(1)(e2), a minimum setback of 20 feet is required for lots along a local and collector street right-of-way approved prior to 12-20-2010. Yadkin Avenue is a local street.
6. Per Code Section 9.205(1)(g), a minimum rear yard of 35 feet is required.
7. The property size prohibits any structure to be located on the lot without a variance.
8. The minimum lot area for a detached dwelling in the R-5 district is 6,000 square feet.
9. The applicant's lot area is approximately 1,962 square feet.
10. Per Virtual Charlotte, the lot depth is approximately 51.5 feet which is not sufficient to develop using current setback and yard regulations.
11. The hardship is unique to the applicant's property and is not neighborhood-wide or community-wide.
12. Granting the variance will not alter the essential character of the area.
13. Granting the variance will not adversely affect adjacent or contiguous properties.
14. The hardship is unique to the property because of the depth and size of the existing lot.
15. The applicant's act of purchasing the property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

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

3/14/17

Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

3/17/17

Date