



Jose Luis Garcia  
11215 Johnson Davis Road  
Huntersville, NC 28078

**RE: VARIANCE  
3840 Sally Lane  
CASE NUMBER 2017-017**

Mr. Garcia:

At its meeting on May 30, 2017, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a variance requesting a 20 foot variance from the required 40 foot rear yard to allow for a single family home to be constructed.

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

1. The applicant is Jose Luis Garcia.
2. The proposed site is located 3840 Sally Lane, further identified as tax parcel 135-163-02.
3. The property is zoned R-4 (single family district).
4. The site is currently vacant.
5. The property is triangular shape and is approximately 0.203 acres.
6. Per Code Section 9.205(1) (g), the minimum required rear yard for an R-4 zoned property is 40 feet.
7. The applicant is requesting a 20 foot variance from the required 40 foot rear yard to allow for a single family home to be constructed.
8. The depth of the subject property ranges from approximately 90 feet along the southern property line and narrows to a point on the northern end of the property.
9. Based on the irregular shape of the lot, the required rear yard is measured as a radius from the point of the intersection of the two side yards extending from Sally Lane.
10. The hardship is unique to the property because of the shape of the lot.
11. The hardship is unique to the property because of its size.
12. The hardship is unique to the property's lack of lot depth.
13. Granting the variance will not alter the essential character of the neighborhood.
14. 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,



Rick Sanderson, Acting - Chairperson

6/6/17  
Date

**DECISION FILED IN THE  
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

6/19/17  
Date