



MET Properties  
C/O Jonathan Stanley  
8812 Fultram Lane  
Mint Hill, NC 28227

**RE: VARIANCE**  
**1534 Thomas Avenue**  
**CASE NUMBER 2017-039**

To Whom It May Concern:

At its meeting on August 29, 2017, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 12' variance from the required 35' rear yard setback to allow for the construction of a second story addition within the existing footprint of the home.

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

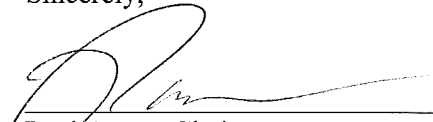
1. The applicant is MET Properties (Represented by Jonathan Stanley).
2. The subject site is located at 1534 Thomas Avenue, further identified as tax parcel 081-187-18.
3. The property is zoned R-5 (single family district) and located within the historic district overlay.
4. The single family structure currently occupying the site was built around 1930.
5. Per Code Section 9.205(1)(g), the minimum required rear yard for an R-5 zoned property is 35 feet.
6. The principal structure is considered a nonconforming structure because it encroaches into the required 35' rear yard but was constructed lawfully prior to the effective date of the zoning regulations.
7. The applicant is seeking a 12' variance from the required 35' rear yard setback to allow for the construction of a second story addition within the existing footprint of the home.
8. The applicant contends that the encroachment was discovered during their appearance before the HDC for the addition approval.
9. The current Zoning Ordinance regulations prevent a second story addition on the portion of the home that encroaches in the required rear yard without a variance.
10. The applicant is proposing a second story addition that will encroach no greater into the established rear yard than the existing structure.
11. If the existing structure were voluntarily removed, a new structure could not be built without a variance due to current Zoning Ordinance restrictions.
12. The lot depth of the subject property is approximately 64.3 feet along the southern property line and approximately 81 feet along the northern property.
13. The lot size and shape makes it difficult to build on this lot.
14. Granting the variance will not alter the essential character of the neighborhood.
15. 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.

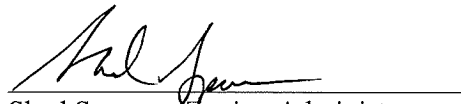
If any permits are required, please make sure the variance case number is referenced on the permit application and/or site plan. Section 5.111 of the Zoning Ordinance provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit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

9/5/17  
\_\_\_\_\_  
Date

**DECISION FILED IN THE  
PLANNING DEPARTMENT:**

  
\_\_\_\_\_  
Shad Spencer, Zoning Administrator

9/19/17  
\_\_\_\_\_  
Date