



David A. & Virginia A. Prunczik
11660 Old Surry Lane
Charlotte, NC 28277

RE: VARIANCE
11660 Old Surry Lane
CASE NUMBER 2017-042

To Whom It May Concern:

At its meeting on September 26, 2017, the City of Charlotte Zoning Board of Adjustment ("Board") **denied** a 4 foot variance from the 45 foot required rear yard to allow for an addition to be built.

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

1. The applicants are David A. and Virginia A. Prunczik.
2. The proposed site is located 11660 Old Surry Lane, further identified as tax parcel 229-243-08.
3. The property is zoned R-3 (single family district).
4. The structure that currently occupies the site that was built around 1989.
5. Per Code Section 9.205(1)(g), the minimum required rear yard for an R-3 zoned property is 45 feet.
6. The existing structure is in compliance with the R-3 development standards.
7. The applicant is proposing to construct a room addition and a deck expansion to the rear of the existing single family structure that will encroach into the required rear yard.
8. Per Section 12.106(3), decks and other similar expansions to a single family home are allowed to encroach up to 25% of the depth of the required rear yard. Heated living space additions do not qualify as a type of expansion allowed to encroach into the required rear yard per Section 12.106(3).
9. The applicants are requesting a 4 foot variance from the 45 foot required rear yard to allow for an addition to be built.
10. The applicant may have other options that would not require a variance which could include a smaller addition and/or relocation of the addition.
11. There is no evidence of practical difficulty or unnecessary hardship set for in the variance request.
12. The depth and size of the subject property is similar to other parcels within the area.
13. The lot has no irregular shape.

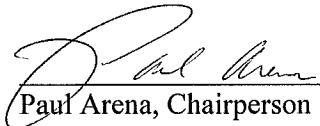
Based upon the above findings of fact, the Board concludes that the applicant has met the standards set forth in North Carolina General Statutes § 160A-388, and more specifically:

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.

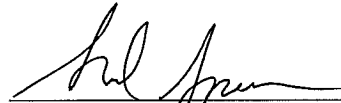
If any permits are required, please make sure the variance case number is referenced on the permit application and/or site plan. Section 5.111 of the Zoning Ordinance provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit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

9/29/17
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**


Shad Spencer, Zoning Administrator

10/2/17
Date