



James & Jillian Logan
Represented by Garrett P. Nelson Studio
4033 Alexandra Alley Drive
Charlotte, NC 28210

RE: VARIANCE
237 Cottage Place
CASE NUMBER 2017-048

To Whom It May Concern:

At its meeting on October 31, 2017, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 10' variance from the required 45' rear yard to allow for an expansion of an existing second floor and to allow for the construction of a new fireplace.

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

1. The applicants are James & Jillian Logan (Represented by Garrett P. Nelson Studio).
2. The proposed site is located 237 Cottage Place, further identified as tax parcel 155-062-57.
3. The property is zoned R-3 (single family residential).
4. The single family structure currently occupying the site was built around 1951.
5. Per Code Section 9.205(1)(g), the minimum required rear yard for an R-3 zoned property is 45 feet.
6. The principal structure is considered a nonconforming structure because it encroaches into the required 45' rear yard but was constructed lawfully prior to the effective date of the zoning regulations.
7. The house built in 1951 was placed on the lot at an angle and met the building requirements at the time of construction. Today's ordinance requirements are more restrictive.
8. The current Zoning Ordinance regulations prevent a fireplace and second story addition on the portion of the home that encroaches in the required rear yard without a variance.
9. The applicants are requesting a 10 foot variance from the required 45 foot rear yard to allow for an expansion of an existing second floor and to allow for the construction of a new fireplace.
10. The applicant is proposing a second story addition that will encroach no greater into the established rear yard than the existing structure.
11. The depth of the lot is significantly less than neighboring properties.
12. The hardship is unique to the property because of the existing structure positioning on the lot.
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,

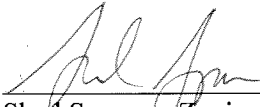


Rick Sanderson, Acting Chairperson

11/9/17

Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

11/14/17

Date