



Jennifer A. Weese
Represented by David W. Murray, The Odom Firm PLLC
904 Sunnyside Avenue
Charlotte, NC 28204

RE: VARIANCE
904 Sunnyside Avenue
CASE NUMBER 2017-049

To Whom It May Concern:

At its meeting on October 31, 2017, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 3.1' variance from the required 5' side yard to allow for a bathroom addition to the existing house.

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

1. The applicant is Jennifer A. Weese (Represented by David W. Murry, The Odom Firm, PLLC).
2. The proposed site is located at 904 Sunnyside Avenue, further identified as tax parcel 080-217-19.
3. The property is zoned R-8 (single-family residential) and is occupied by a single family structure.
4. Per Code Section 9.205(1)(f), the minimum required side yard for an R-8 zoned property is 5 feet
5. The applicant is requesting a 3.1' variance from the required 5' side yard to allow for a bathroom addition to the existing house.
6. The existing single family house was built in 1915 and was placed on the lot at an angle in order to align with the street frontage along Sunnyside Avenue.
7. A portion of the home is considered nonconforming because the left rear corner of the home encroaches into the required 5' side yard approximately 3.1'.
8. The applicant is proposing a 5'4" x 13'9" bathroom addition.
9. The proposed bathroom addition is on the left side of the home due to the proximity to the bedrooms. The existing layout of the rooms within the home makes it impractical for the addition to be located in areas that could comply with the current required setback and yards.
10. Due to the angle of the property line in relation to the angle of the existing home, the proposed addition would encroach 3.1' into the required side yard (1.9 feet from the left side property line).
11. The proposed addition will not encroach further into the established left side yard than the encroachment of the existing nonconforming portion of the home.
12. The hardship did not result from the action of the applicant but rather due to the configuration of the exiting principal structure orientation on the subject lot build in 1915.
13. The encroachment is minor and will not be easily detectable or visible.

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,

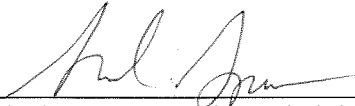


Rick Sanderson, Acting Chairperson

11/9/17

Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

11/14/17

Date