



Mario Corrales
Represented by Richard W. Turner, Jr. Esq.
11220 Park Road
Charlotte, NC 28226

**RE: VARIANCE
11220 Park Road
CASE NUMBER 2018-001**

To Whom It May Concern:

At its meeting on February 27, 2018, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 3.6 foot variance from the required 5 foot side yard to allow for an existing attached carport to remain.

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

1. The applicant is Mario Corrales (Represented by Richard W. Turner, Jr., ESQ.).
2. The proposed site is located at 11220 Park Road, further identified as tax parcel 221-386-14.
3. The property is zoned R-4 (single family residential) and is occupied by a single family dwelling.
4. The principal structure was built in 1978.
5. The applicant purchased the property in 2003.
6. The subject property was zoned R-6MF (multi-family residential) prior to the rewrite of the Zoning Ordinance in 1992. The required side yard for this district indicated one side yard must be at least 6 feet and the other side yard at least 8 feet.
7. After the adoption of the 1992 Zoning Ordinance, the subject property and the surrounding properties converted to the R-22MF (multi-family residential) zoning designation. The required side yard for this district is 5 feet for detached dwellings.
8. The Charlotte City Council rezoned the subject property and the surrounding properties from R-22MF to the current R-4 zoning district in 1994.
9. Per Code Section 9.205(1)(f), the required side yard for a residential use within the R-4 zoning district is five (5) feet.
10. The applicant is seeking a 3.6 foot variance from the required five (5) foot side yard to allow the attached carport portion of the principal structure to remain 1.4 feet from the side property line.
11. The applicant was issued a notice of violation dated August 21, 2017, which stated that the structure violated the zoning R-4 side setback of 5 feet.
12. The applicant filed for a variance on December 11, 2017.
13. Per the variance application, the applicant indicates that the attached carport was existing at the time they purchased the home in 2003. The hardship did not result from actions taken by the applicant.
14. There is evidence of practical difficulty or unnecessary hardship.
15. Per testimony, the carport has been in existence and substantially unchanged since at least 1998.
16. The hardship is peculiar to the applicant's property.

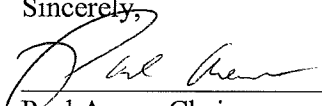
17. The design of the attached carport is consistent with that of the single family dwelling and is in character with the surrounding neighborhood.

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:

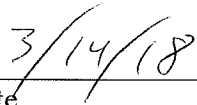
1. Unnecessary hardships would result from the strict application of the Ordinance.
2. The hardship results from conditions that are peculiar to the property (location, size or topography).
3. The hardship does not result from actions taken by the applicant or the property owner.
4. The requested variance 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

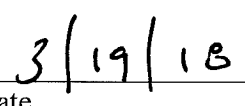


Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator



Date