



Mauricio & Anna Kuykendal Rusconi
(Represented by Robinson Bradshaw & Hinson, P.A. c/o Ty E. Shaffer)
7350 Delta Lane
Charlotte, NC 28215

RE: VARIANCE
7350 Delta Lane
CASE NUMBER 2018-027

To Whom It May Concern:

At its meeting on April 24, 2018, the City of Charlotte Zoning Board of Adjustment (“Board”) **granted** two variances to allow the existing home to remain.

1. A 12 foot variance from the required 45 foot rear yard.
2. Allow the existing wood deck along the rear of the home to remain in its current condition and extend beyond the allowed 25% encroachment into the proposed 33 foot rear yard.

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

1. The applicants are Mauricio and Anna Kuykendal Rusconi (Represented by Ty E. Shaffer, Robinson Bradshaw & Hinson, P.A.).
2. The proposed site is located 7350 Delta Lane, further identified as tax parcel 107-122-34.
3. The property is zoned R-3 (single family residential).
4. The single family structure that currently occupies the site was built in 1987.
5. The site comprises of approximately 0.45 acres.
6. Per Mecklenburg County GIS tax records, the house is approximately 2,072 heated square feet.
7. Code Section 9.205(1)(g) requires a minimum rear yard of 45 feet for the subject property.
8. The applicant’s survey dated February 22, 2018, reveals that the existing structure encroaches into the required 45 foot rear yard by 12 feet.
9. Code Section 12.106(3)(b) allows for decks to encroach up to 25% into the required rear yard.
10. The applicant’s survey also shows that an existing deck along the rear of the home encroaches greater than the allowed 25% encroachment into the current and proposed required rear yard.
11. The applicants are seeking two variances: (1) a 12 foot variance from the required 45 foot rear yard and (2) allow the existing wood deck along the rear of the home to remain in its current condition and extend beyond the allowed 25% encroachment into the proposed 33 foot rear yard.
12. The applicants were unaware of the encroachment into the required rear yard at the time they purchased the home in 2015. The hardship is not a result from actions taken by the applicants. The encroachment existed for nearly 30 years before they purchased the property.
13. The subject property abuts a pond and the closest property on the opposite side of the pond is approximately 300 feet. Decreasing the dimension of the required rear yard will not negatively impact neighbors to the rear of the subject site.
14. The variance will not detract from the character of the neighborhood.

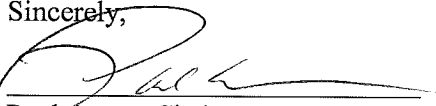
15. Strict application of the Ordinance will require for the home to be demolished which will result in an unnecessary hardship.

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

