



Kevin Hoffman  
Represented by Ryan Hoffman of Alexander Ricks PLLC  
4601 Park Road, Suite 580  
Charlotte, NC 28209

**RE: VARIANCE**  
**2309 Lynhaven Street**  
**CASE NUMBER 2018-054**

To Whom It May Concern:

At its meeting on July 31, 2018, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 6 foot variance from the required 35 foot rear yard to allow for an existing addition to remain on the existing principal dwelling.

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

1. The applicant is Kevin Hoffman (Represented by Ryan Hoffman of Alexander Ricks PLLC).
2. The proposed site is located 2309 Lynhaven Street, further identified as tax parcel 095-027-09.
3. The property is zoned R-5 (single family district).
4. The applicant purchased the property in September 2017.
5. The single family structure currently occupying the site was built around 1947.
6. According to the applicant an addition was added to the property between 2002 and 2004, which was later found to encroach into the required rear yard.
7. Per Code Section 9.205(1)(g), the minimum required rear yard for an R-5 zoned property is 35 feet.
8. The applicant is requesting a 6 foot variance from the required 35 foot rear yard to allow for an existing addition to remain on the existing principal dwelling.
9. The applicant noted in the application that they are unable to purchase any property from the neighbor on the other side of his rear lot line.
10. The subject property has a slightly angled front property line along Lynhaven Street which impacts the lot depth along the right side of the property.
11. The depth of the lot along the right side property line, which is the side of lot on which the principal structure encroaches into the required rear yard, is approximately 112 feet. Lot depths within the area typically range from 124 feet to 175 feet.
12. The encroachment has been in existence for quite some time and does not negatively affect surrounding properties.
13. The area of the encroachment is a portion of the master bedroom bathroom and closet. The removal of this portion of the home would have a significant impact on the design and function of the home.
14. There is an accessory building located to the right of principal structure which encroaches into the required side yard. The applicant has agreed to relocate the building to another location on the lot that would comply with the Zoning Ordinance requirements.

15. The hardship is not the result of actions by the applicant.
16. Granting the variance will not alter the essential character of the 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

9/27/18  
Date

**DECISION FILED IN THE  
PLANNING DEPARTMENT:**

  
Shad Spencer, Zoning Administrator

10/2/18  
Date