



Terrence L. & Lenee M. Lassiter
9202 Bengali Circle
Charlotte, NC 28213

**RE: VARIANCE
9202 Bengali Circle
CASE NUMBER 2018-061**

To Whom It May Concern:

At its meeting on September 25, 2018, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a variance to allow for an existing covered and screened porch to encroach into the rear yard more than 25% of the depth of the required rear yard and to allow such extension to be more than 50% of the width of the dwelling at the rear building line.

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

1. The applicants are Terrence and Lenee Lassiter.
2. The proposed site is located at 9202 Bengali Circle, further identified as tax parcel 105-014-64.
3. The property is zoned MX-1 (residential mixed-use district).
4. The single family structure that currently occupies the site was built in 2014.
5. The site comprises of approximately 0.164 acres.
6. Per Mecklenburg County GIS tax records, the house is approximately 2,762 heated square feet.
7. Code Section 12.106(3) allows for certain portions of a single family home, which includes screened porches and covered porches to encroach into the required rear yards. Such encroachments may be up to 25% of the depth of the required rear yard and up to 50% of the width of the dwelling at the rear building line.
8. The applicants are seeking a variance to allow for an existing covered and screened porch to encroach into the required rear yard more than 25% of the depth of the required rear yard and to allow such extension to be more than 50% of the width of the dwelling at the rear building line.
9. The covered and screened porch exceeds the 50% of the width of the dwelling at the rear building line by approximately 4.5'. This equates to approximately 62% of the width of the dwelling at the rear building line.
10. The minimum required rear yard for the MX-1 zoning district is 30 feet.
11. The survey provided by the applicant does not indicate the amount the covered and screened porch encroaches beyond the 25% of the depth of the required rear yard. A 25% encroachment equates to a 7.5 foot encroachment into the required 30' rear yard.
12. The applicants were unaware of the encroachment into the required rear yard at the time they had the structure constructed 2017. The hardship is not a result from actions taken by the applicants.
13. The applicants hired a contractor who obtained permits and built the structure.
14. A building permit (Permit #B3103404) was issued on February 21, 2017 for the construction of a screened porch of conforming width.
15. The subject permit was cancelled by Gabri El with M&E Custom Homes LLC on May 2, 2017.

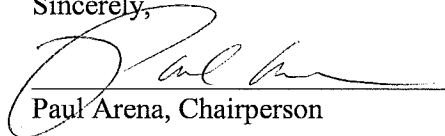
16. The applicants received a Notice of Violation dated March 16, 2018, stating that the porch to the rear was in violation.
17. The variance will not detract from the character of the neighborhood.
18. The encroachments are minor and not easily detected.
19. Strict application of the Ordinance will require for the porch and screened patio 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.

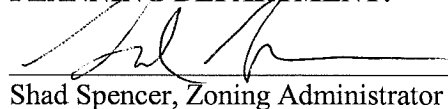
If any permits are required, please make sure the variance case number is referenced on the permit application and/or site plan. Section 5.111 of the Zoning Ordinance provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit 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

10/29/18
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**


Shad Spencer, Zoning Administrator

10/30/18
Date