



Paul & Jennifer Kepp
Represented by Dryden Design Build
1200 E. 35th Street
Charlotte, NC 28205

**RE: VARIANCE
1200 E. 35th Street
CASE NUMBER 2018-064**

To Whom It May Concern:

At its meeting on September 25, 2018, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 5 foot variance from the 35 foot rear yard requirement to allow for an addition to the existing principal structure.

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

1. The applicants are Paul and Jennifer Kepp (Represented by Michelle Sutton with Dryden Design Build).
2. The proposed site is located at 1200 E. 35th Street, further identified as tax parcel 083-166-01.
3. The property is zoned R-5 (single family district).
4. The single family structure currently occupying the site was built around 1910.
5. The property is approximately 9,720 square feet in lot area and a lot depth of 110 feet.
6. Per Code Section 9.205(1)(g), the minimum required rear yard for the R-5 zoning district is 35 feet.
7. The applicant is requesting a 5 foot variance from the required 35 foot rear yard to allow for an addition to the existing principal structure in order to upgrade the kitchen.
8. The 110 foot depth of the lot is less than the majority of the lots within their neighborhood. The majority of the lots within the area range from a lot depth of 195 feet to 135 feet.
9. The existing structure was built around 1910, in an era during very different requirements and design standards.
10. The single family home currently encroaches into the required rear yard and is a legal nonconforming structure.
11. The addition will encroach no further into the established rear yard than the existing nonconforming principal structure.
12. Granting the variance will not alter the essential character of the neighborhood.
13. Due to the layout of the 1910 structure and the depth of the lot, the applicants are constrained in renovation designs.

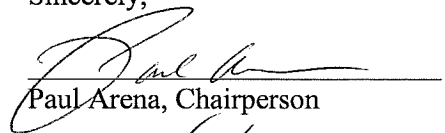
Based upon the above findings of fact, the Board concludes that the applicant has met the standards set forth in North Carolina General Statutes § 160A-388, and more specifically:

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

10/3/18

**DECISION FILED IN THE
PLANNING DEPARTMENT:**


Shad Spencer, Zoning Administrator

Date

10/9/18