



Aleksandra Borisenko
4329 Firwood Lane
Charlotte, NC 28209

**RE: VARIANCE
4329 Firwood Lane
CASE NUMBER 2018-081**

To Whom It May Concern:

At its meeting on December 11, 2018, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** two variances to allow an addition to be constructed to the existing principal dwelling:

1. A 17 foot variance from the required 40 foot rear yard to allow an addition to be constructed to the existing principal dwelling.
2. A 5 foot variance from the 30 foot setback to allow an unheated porch addition to be constructed to existing principle dwelling.

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

1. The applicant is Aleksandra and Roman Borisenko.
2. The subject site is located 4329 Firwood Lane, further identified as tax parcel 149-116-05.
3. The property is zoned R-4 (single family district).
4. The single-family structure currently occupying the site was built approximately 1960.
5. The property is approximately 7,632 square feet in lot area.
6. Per Code Section 9.205(1)(g), the minimum required rear yard for an R-4 zoned property is 40 feet.
7. The applicant is requesting a 17-foot variance from the required 40-foot rear yard to allow for an addition to the existing structure.
8. The subject property is irregularly shaped and the rear property line is angled.
9. The southern side property line has a depth of approximately 81 feet while the northern side property line has a depth of approximately 123 feet. The addition is proposed to extend from the existing home towards the southern property line.
10. The rear of the existing structure has a legal non-conforming encroachment into the required rear yard.
11. The proposed addition will be in line with the established rear building line of the home.
12. The applicant does not have other options to build without encroaching into the required rear yard. Due to the existing placement of the home on the subject property and the layout of the rooms within the home, there are no other viable alternatives for the proposed master bedroom addition, and additional bedroom.
13. Approximately 215sf of the proposed addition will encroach into the required rear yard and 157sf of the addition will conform to minimum rear yard.
14. The hardship is the result of the irregularly angled rear lot line, the depth of the lot along the southern property line, and the layout and placement of the existing home.
15. Granting the required rear yard 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.

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

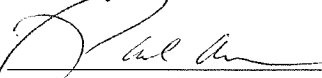
1. The applicant is Aleksandra and Roman Borisenko.
2. The subject site is located 4329 Firwood Lane, further identified as tax parcel 149-116-05.
3. The property is zoned R-4 (single family district).
4. The single-family structure currently occupying the site was built approximately 1960.
5. The property is approximately 7,632 square feet in lot area.
6. Per Code Section 9.205(1) (e2), the minimum setback from the right-of-way is 30 feet.
7. The applicant is requesting a 5-foot variance from the required 30-foot setback to allow for an unheated porch addition to the existing structure.
8. Due to the relatively limited depth of the lot the home appears to have been constructed closer to the street than other homes in the neighborhood.
9. The existing home currently complies with the required 30-foot setback.
10. According to Mecklenburg County POLARIS (Property Ownership and Land Records System) aerial imaging, neighboring properties appear to be in compliance with the 30-foot minimum setback.
11. Granting the variance would not alter the essential character of the neighborhood, because other homes in the neighborhood have comparable porches.

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

12/17/18
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**


Shad Spencer, Zoning Administrator

12/27/18
Date