



Anderson "Davis" and Annie Warlick, Jr.
2228 Wellesley Avenue
Charlotte, NC 28207

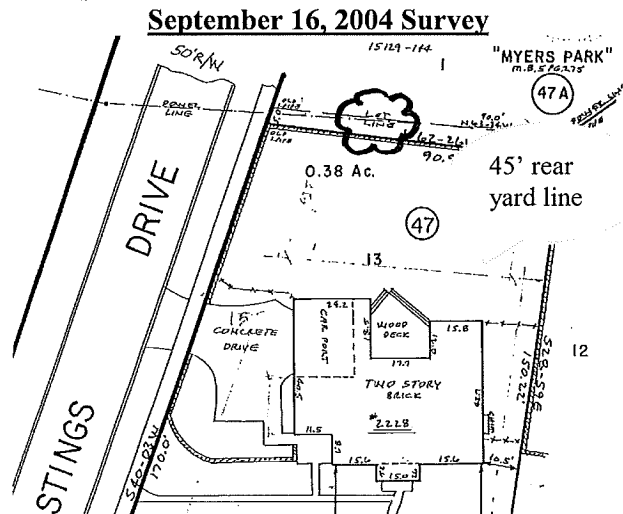
RE: VARIANCE
2228 Wellesley Avenue
CASE NUMBER 2019-004

To Whom It May Concern:

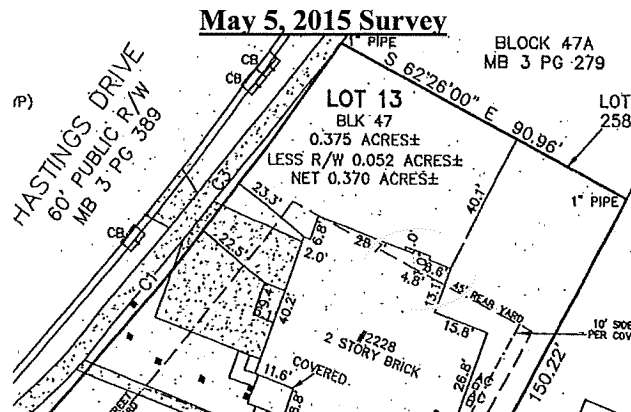
At its meeting on January 29, 2019, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 2.6 foot variance from the required 45 foot rear yard to allow the existing single family residence to remain in its current location.

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

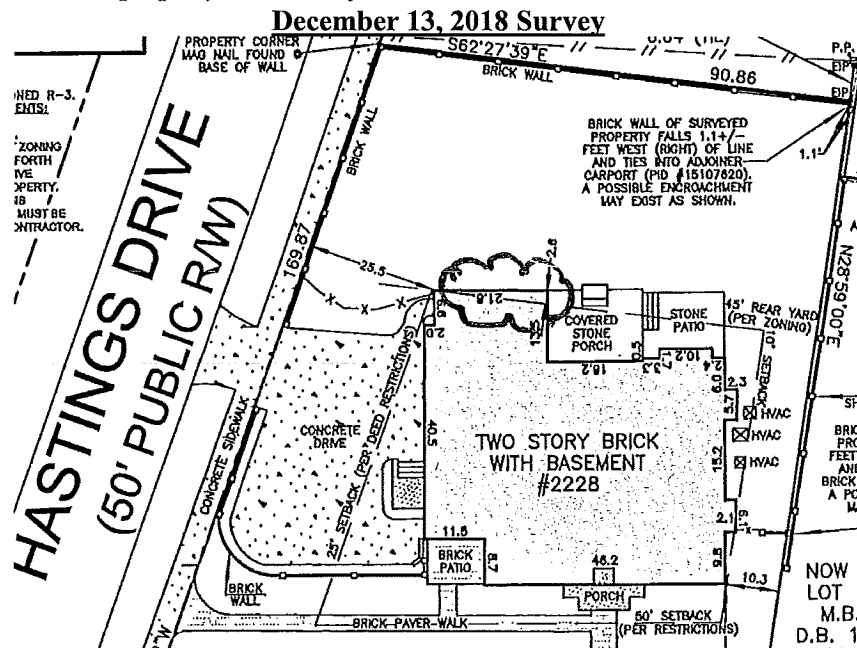
1. The applicants are Annie Warlick and Anderson "Davis" Warlick, Jr..
2. The site is located 2228 Wellesley Avenue, further identified as tax parcel 151-076-19.
3. The property is zoned R-3 (single family).
4. The site comprises of approximately 0.36 acres.
5. The single family structure that currently occupies the site was built in 1956.
6. A minimum rear yard of 45 feet is required for the subject property.
7. The original single family home configuration is shown on a survey dated September 16, 2004. The single family home was compliant with the minimum 45 foot rear yard.



8. An addition to the rear of the structure was permitted in 2015 for additional heated square footage and a covered porch.
9. A May 5, 2015 survey showed a 4.9 foot encroachment of the addition into the 45 foot rear yard.
10. The 4.9 foot encroachment was thought to be the covered porch and therefore permitted to encroach 25% into the required rear yard.



11. The encroachment of 2.6 feet of heated square footage into the 45 foot rear yard was discovered during the sale of the property on a survey dated December 13, 2018.



12. The applicant is seeking a variance of 2.6 feet from the required 45 foot rear yard to allow the existing home to remain in its current location.
13. The hardship is not a result from actions taken by the current or previous property owners. A building permit was obtained for the 2015 addition and passed final inspection under the assumption that the encroachment shown on the survey was the covered porch. The current and previous owners of the property were unaware that the encroachment was non-compliant with the Zoning Ordinance.
14. Section 4.107 of the Zoning Ordinance allows for an administrative deviation of a yard requirement up to 2 feet. Since the encroachment is 2.6 feet, it cannot be remedied through this provision.
15. The granting of the variance does not impact public safety.
16. The variance will not detract from the character of the neighborhood.
17. Strict application of the Ordinance will require a portion of the home to be demolished which will result in an unnecessary hardship.

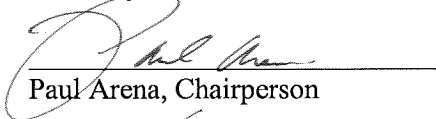
Based upon the above findings of fact, the Board concludes that the applicant has met

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

2/1/19
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**


Shad Spencer, Zoning Administrator

2/6/19
Date