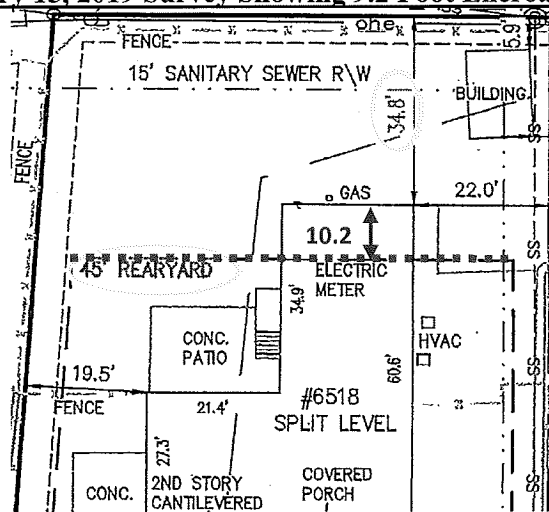


9. Once completed, the addition was inspected and issued a certificate of compliance on June 11, 2015.
10. On December 6, 2018, a Zoning Notice of Violation was issued that included the encroachment of the addition into the required rear yard.
11. The applicants provided a survey, dated January 15, 2019, to show the exact encroachment of 10.2 feet into the rear yard for the purpose of applying for the requested variance.

January 15, 2019 Survey Showing 9.2 Foot Encroachment



12. The applicants are requesting a variance of 11 feet from the required 45 foot rear yard to allow the existing addition to the home to remain in its current location.
13. The 2013 rear addition was permitted, inspected, and issued a certificate of compliance.
14. Code Section 12.106 allows certain unheated extensions of a single family home to encroach up to 25% of the depth of the required rear yard. Although the applicant specified that the addition would be heated on the 2014 upfit permit, the addition may have been permitted and inspected under the assumption that the addition was unheated and therefore, qualified to encroach into the rear yard per Code Section 12.106. An unheated sunroom addition would be permitted an encroachment of up to 11.25 feet into the 45 foot required rear yard.
15. The hardship is not a result from actions taken by the current or previous property owners. A building permit was obtained for the 2013 addition and passed final inspection. The owners of the property were unaware that the encroachment was non-compliant with the Zoning Ordinance prior to the Zoning Notice of Violation issued in 2018, 5 years after the addition was permitted.
16. The granting of the variance does not impact public safety.
17. The variance will not detract from the character of the neighborhood.
18. The addition cannot be easily detected because it is on the rear of the home, and there is a privacy fence.
19. The addition was permitted and constructed in 2013, and has existed for 5 years.
20. 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,



Rick Sanderson, Acting-Chairperson

3/27/19
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

4/8/19
Date