



Butler Properties, LLC (Represented by CRS, Inc.)  
1920 Quincy Street NW  
Washington, DC 20011

**RE: VARIANCE**  
**3419 Tappan Place**  
**CASE NUMBER 2019-015**

To Whom It May Concern:

At its meeting on March 26, 2019, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 1 foot variance from the 5 foot side yard setback to allow an existing addition to remain..

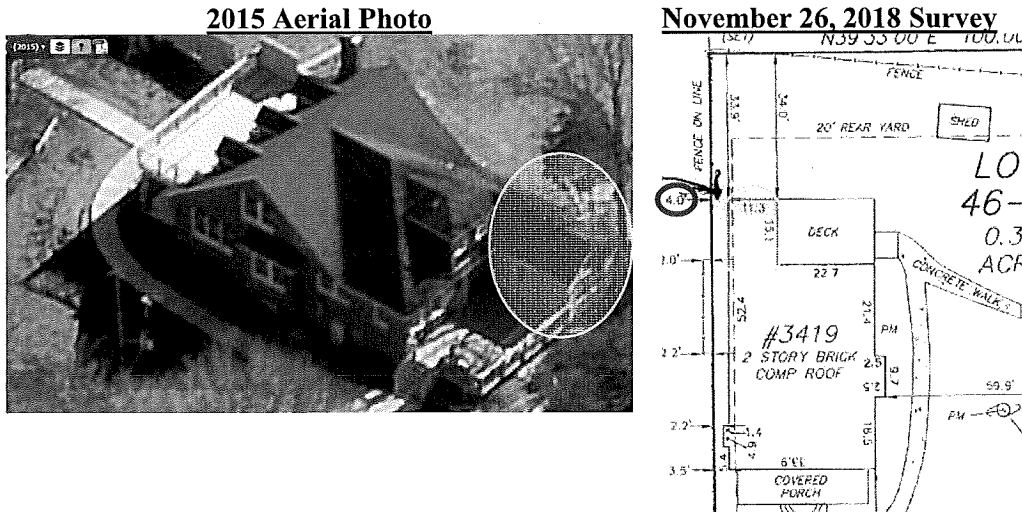
**The Board based its decision on the following findings of fact:**

1. The applicant is Butler Properties, LLC (Represented by CRS, Inc.).
2. The proposed site is located at 3419 Tappan Place, further identified as tax parcel 093-051-09.
3. The property is zoned B-1 (Neighborhood Business).
4. The single family structure currently occupying the site was built in 1936 per Mecklenburg County GIS.
5. The property is approximately 0.34 acres.
6. Per Code Section 9.805(1)(h), the minimum required side yard for a residential structure on a B-1 zoned property is 5 feet.
7. The 1936 home is an existing nonconforming structure because the established left side yard encroaches into the 5 foot required side yard approximately 1 foot.
8. Previously, there was a covered porch or deck on the rear of the home as seen in this 2013 aerial from Mecklenburg County POLARIS GIS.

**2013 Aerial Photo**



9. On October 2, 2014 an interior upfit permit was issued to renovate the interior of the existing nonconforming home.
10. An interior upfit, or renovation of the nonconforming home was permitted per Code Section 7.103(4) since the use would remain single family residential, and create no additional square footage.
11. On February 23, 2015, a stop work order was issued for the construction on the home after an inspector determined that the work exceeded the scope of the permit. In addition to interior renovation, the construction on the home included a room addition and structural changes.
12. The room addition (yellow highlight below) was within the 1 foot side yard encroachment as shown below on a survey dated November 26, 2018, and 2015 aerial photograph from Mecklenburg County POLARIS GIS.



13. On September 27, 2018, a building permit was issued to address code violations from previous construction in order to obtain a Certificate of Occupancy.
14. The applicant is requesting a 1 foot variance from the required 5 foot side yard to allow the existing addition to the home to remain.
15. A remedy to correct the encroachment is locating the addition outside of the 5 foot side yard.
16. The building permit issued in 2014 was for an interior upfit. The room addition that encroaches into the 5 foot side yard exceeded the scope of an interior upfit.
17. The minimum 5 foot side yard requirement was listed on the 2014 permit and associated plot plan.
18. The hardship is a result of actions taken by the use of an unlicensed contractor, by improper permitting and construction activity.
19. The overall footprint of the structure was not increased by the construction activities.
20. The construction activity maintained the side of the addition to match the existing structure.

**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.

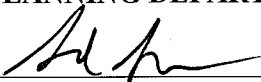
If any permits are required, please make sure the variance case number is referenced on the permit application and/or site plan. Section 5.111 of the Zoning Ordinance provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit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

4/6/19  
Date