



James & Zana Lord (Represented by Matthew Johnson)
1016 Hartford Avenue
Charlotte, NC 28203

RE: VARIANCE
1016 Hartford Avenue
CASE NUMBER 2019-020

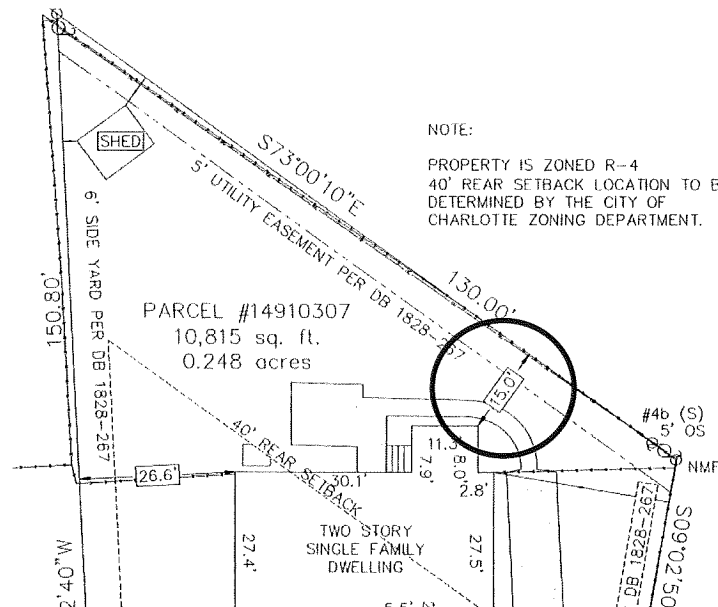
To Whom It May Concern:

At its meeting on April 30, 2019, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 29 foot variance from the required 40 foot rear yard to allow an 11 foot rear yard in order to construct a first floor addition and second story on an existing single family residence.

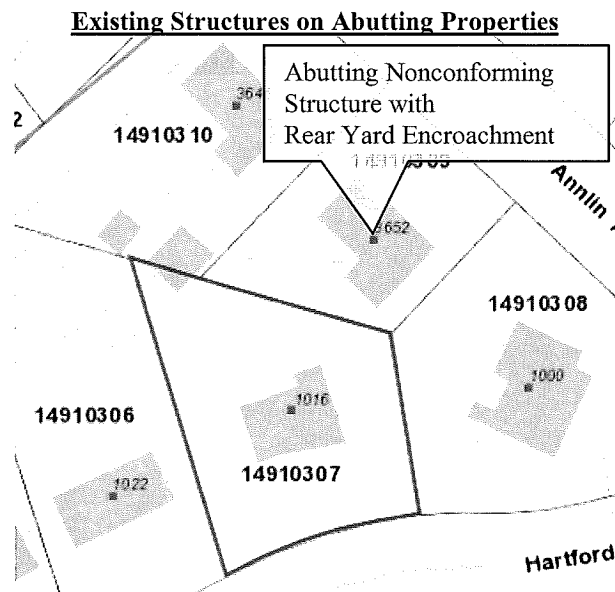
The Board based its decision on the following findings of fact:

1. The applicants are James & Zana Lord (Represented by Matthew Johnson).
2. The proposed site is located at 1016 Hartford Avenue, further identified as tax parcel 149-103-07.
3. The property is zoned R-4 (single family).
4. The property is approximately 0.27 acres in size.
5. Per Code Section 9.205(1)(g), the minimum required rear yard for R-4 is 40 feet.
6. The existing single family home on the property was built around 1956 and is a nonconforming structure, with an established rear yard of 15 feet, so there is an existing encroachment of 25 feet into the required 40 foot rear yard.
7. The applicant is requesting a 25 foot variance from the required 40 foot rear yard to allow an expansion of the first floor and addition of a second story on the existing single family home.

Existing 25 Foot Encroachment/15 Foot Established Rear Yard



8. The subject property is irregularly shaped and the rear property line is angled.
9. Due to the existing layout of the home on the subject property and the rooms within the home, the proposed location is the best alternative since it allows the existing kitchen, dining room and family room to be expanded without changing the entire first story layout. The second story will share the footprint of the first floor expansion.
10. The hardship is not the result of actions taken by the applicant as the existing home was constructed in the 1950's prior to current zoning regulations.
11. Granting the variance will not alter the essential character of the neighborhood as other homes have legal nonconforming rear yard encroachments, and there are other two story homes on the street.



12. The variance request is to expand upon single family use, which is consistent with the R-4 (single family) zoning, as well as the adopted future land use of single family as shown in the Park Woodlawn Area Plan.

The variance shall be subject to the following condition:

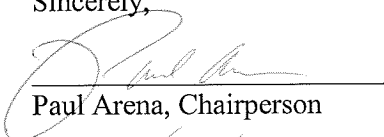
All new development shall maintain the established 15 foot rear yard and not encroach more than 25 feet into the required 40 foot rear yard.

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.

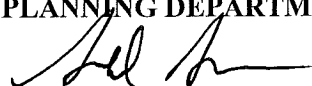
If any permits are required, please make sure the variance case number is referenced on the permit application and/or site plan. Section 5.111 of the Zoning Ordinance provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit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

5/17/19
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**


Shad Spencer, Zoning Administrator

5/27/19
Date

