



Wendy L. Tinoco-Amaya
6910 Murray Grey Lane
Charlotte, NC 28273

RE: VARIANCE
6910 Murray Grey Lane
CASE NUMBER 2019-030

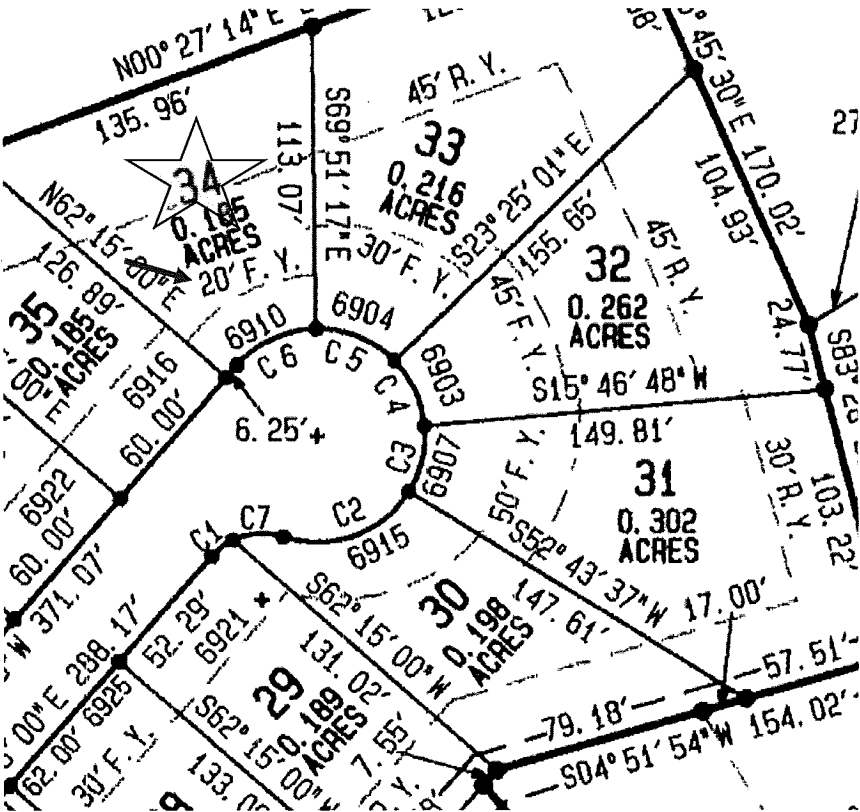
To Whom It May Concern:

At its meeting on May 28, 2019, the City of Charlotte Zoning Board of Adjustment ("Board") **denied** an 11 foot reduction from the 45 foot rear yard to allow a living room expansion on the rear of the existing single family home.

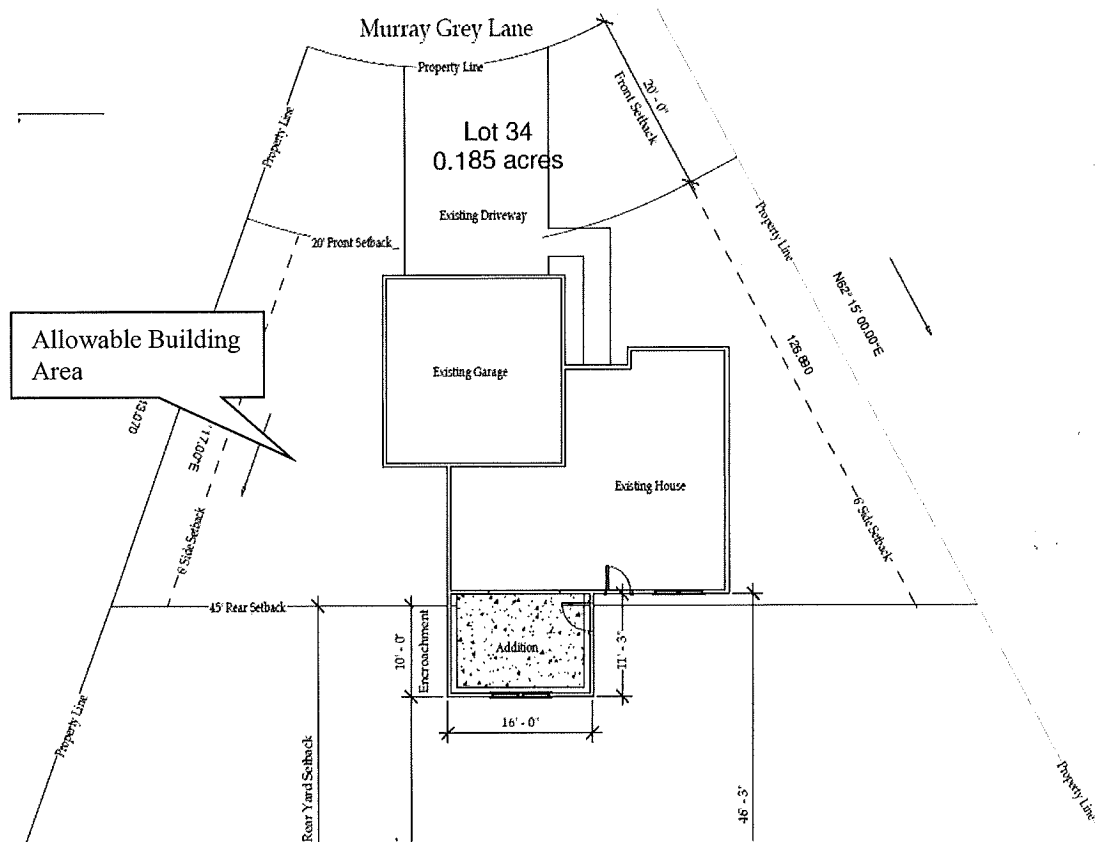
The Board based its decision on the following findings of fact:

1. The applicant is Wendy L. Tinoco-Amaya.
2. The proposed site is located at 6910 Murray Grey Lane, further identified as tax parcel 201-014-22.
3. The property is zoned R-3 (single family) and is 0.185 acres.
4. The existing single family structure on the site was built on or before 2000 per Mecklenburg County tax records.
5. The approved plat for the property was recorded on February 28, 2000, and shows the 45 foot required rear yard.
6. Per Code Section 9.205(1)(g), the minimum required rear yard for R-3 zoned property is 45 feet.
7. The applicant is requesting an 11 foot variance from the required 45 foot rear yard to allow for an addition to the existing home. The proposed addition is a heated extension of the living room.
8. Certain types of unheated encroachments are permitted in the rear yard per Code Section 12.106(3), however the proposed addition is heated square footage and does not meet the criteria for the encroachment provision.
9. The subject property is located along the bulb of a cul-de-sac and is slightly pie shaped, and wider towards back of the property.
10. The recorded plat for the subject property indicates a 20 foot front setback from Murray Grey Lane. Other lots located along the bulb of the cul-de-sac have platted setbacks ranging from 30 feet to 50 feet as shown below.
11. The smaller required front setback offsets the smaller depth of the property and keeps the building footprint and allowed building depth consistent with other lots along the street.

Cul-de-sac Setbacks as Shown on the Recorded Plat



Allowable Building Area




12. The applicant has other options to build within the setback, side yards, and rear yard without encroaching into the required rear yard.
13. The hardship is the result of actions proposed by the applicant.
14. Granting the variance will alter the essential character of the neighborhood, because there are no other rear yard encroachments observed for the neighboring properties.
15. The applicant was absent from the hearing. However, the board did review an email and pictures submitted to staff, and the application, as part of its review.

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 not result from the strict application of the Ordinance.
2. The hardship does not result 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 not 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

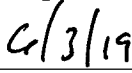


Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator



Date