



Meghan & Jobe Ellis
2833 Sunset Drive
Charlotte, NC 28209

**RE: VARIANCE
2833 Sunset Drive
CASE NUMBER 2019-045**

To Whom It May Concern:

At its meeting on July 30, 2019, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 7 foot variance from the required 15 foot street side yard to allow a second story addition to be built in the established street side yard.

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

1. The applicants are Jobe and Meghan Ellis.
2. The proposed site is located at 2833 Sunset Drive, further identified as tax parcel 147-094-01.
3. The property is zoned R-4 (single family).
4. The property was created through a subdivision plat dated July 1930.
5. A single family structure, built in 1948, currently occupies the site.
6. Code section 9.205(1)(e2) indicates a minimum setback of 30 feet for a residential use within the R-4 zoning district when located along right-of-way approved prior to December 20, 2010.
7. Code section 12.102(6) states that if two corner lots are separated by a common rear lot line, the common side yards of the lots on the street must be a minimum of 50 percent of the required setback. Therefore, the required street side yard for this subject property is 15 feet along Edinburgh Lane.
8. Per a site plan of the subject property provided by the applicant, the right exterior wall of the house encroaches approximately 7 feet into the required 15 foot street side yard.
9. The existing home was constructed prior to the current zoning regulations and the portion of the home which encroaches into the required street side yard is considered a legal nonconforming structure.
10. Code section 7.103(5) states that nonconforming structures may be expanded only if the part of the structure to be expanded and the area of the lot into which the expansion is taking place comply with the current zoning regulations.
11. The applicant is requesting a variance for a 7 foot reduction from the required 15 foot street side yard along Edinburgh Avenue to allow a second story addition to be built over a nonconforming portion of the existing structure.
12. The hardship does not result from actions taken by the applicants.
13. The home was built in 1948, prior to current zoning regulations.
14. The encroachment is not easy to detect.
15. The subject lot is a corner lot which requires a greater side yard dimension when abutting a street than the typical side yard dimension when abutting another lot.
16. Granting the variance will allow the second story addition to be visually integrated with the existing home.
17. Granting the variance will not alter the essential character of the neighborhood.

18. Granting the variance will not adversely affect adjacent or contiguous properties.
19. The physical footprint of the existing house will not change and the 7 foot encroachment will not be increased.
20. Strict application of the ordinance, and extending the home footprint to the rear would require the removal of a 60 year old oak tree located behind the home.

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 does 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 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.

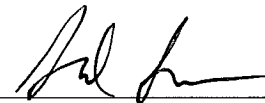
Sincerely,



Rick Sanderson, Vice-Chairperson

8/5/19
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

8/9/19
Date