



Michael R. Brantley  
Dallas R. Bolan  
3212 N. Alexander Street  
Charlotte, NC 28205

**RE: VARIANCE**  
**3212 N. Alexander Street**  
**CASE NUMBER 2019-057**

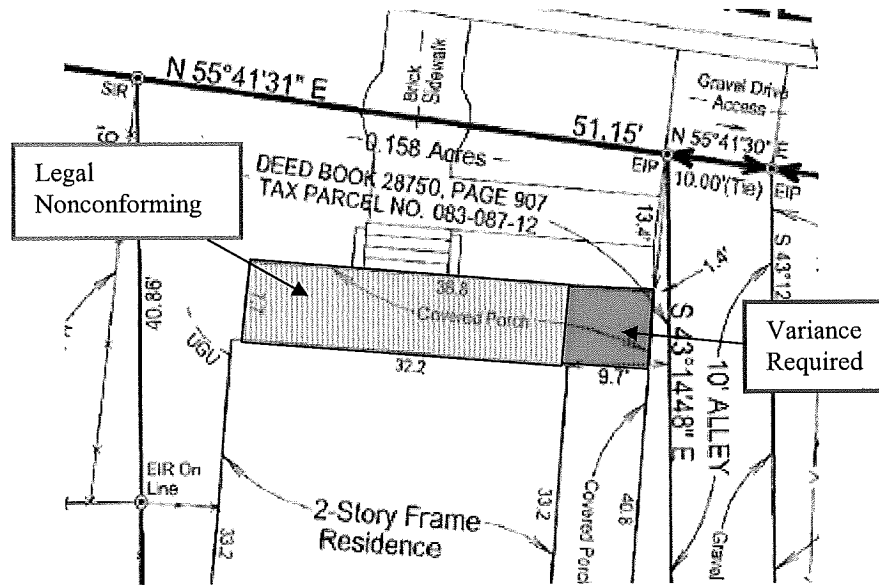
To Whom It May Concern:

At its meeting on August 27, 2019, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 7 foot variance from the 20 foot setback to allow for a covered porch to remain.

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

1. The applicants are Michael R. Brantley and Dallas R. Bolan.
2. The proposed site is located 3212 N. Alexander Street, further identified as tax parcel 083-087-12.
3. The property is zoned R-5 (single family).
4. The property was created through a subdivision plat dated April 1908.
5. The single family home that currently occupies the site was built prior to the subdivision plat in 1905.
6. The site is approximately 0.15 acres.
7. Code Section 9.205(1)(e2) requires a minimum front setback of 20 feet for the subject property.
8. The applicants purchased the property in April 2006 and obtained a survey, dated November 29, 1995, that showed the front portion of the covered front porch existed at that time, and is thought to have been included in the original 1905 construction. The 20 foot setback, and the encroachment of the covered front porch into the setback is not shown on the survey.
9. A building permit #B1332758 was obtained on February 9, 2004, to extend the front porch to the side of the home, following the established setback along the front of the property. The permit indicated the required front setback of 20 feet.

**Front Porch Setback Encroachment Permitted in 2004**



10. In preparation for the sale of the home, the applicants obtained a survey which shows that the front porch encroaches into the required 20 foot setback up to 7 feet.
11. The existing portion of the front porch encroachment that was constructed prior to the current zoning regulations is considered a legally nonconforming portion of the structure and does not require a variance.
12. 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.
13. Per Section 7.103(5), the expanded side portion of the front porch that encroaches into the setback is not compliant with ordinance requirements and is the subject of the variance request.
14. The applicant is requesting a 7 foot variance from the required 20 foot setback to allow the existing front porch to remain.
15. The applicants purchased the home in 2006, and said they were unaware of the setback encroachment.
16. The applicants became aware of the encroachment when a survey was created for the sale of the property.
17. The hardship is not a result from actions taken by the applicants.
18. The property is the only home located on its block of N. Alexander Street between 35<sup>th</sup> and 36<sup>th</sup> street that is oriented toward N. Alexander Street. Therefore, the reduced setback will not create an inconsistent streetscape or detract from the character of the neighborhood.
19. There is an opaque screen of evergreen trees between the front of the subject lot and the abutting lots.
20. Strict application of the Ordinance would require a portion of the front porch be demolished.

**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, Chairperson

9/25/19  
Date

**DECISION FILED IN THE  
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

10/1/19  
Date