



October 26, 2020

**RE: ADMINISTRATIVE DEVIATION NOTIFICATION
806 EAST TREMONT AVENUE
TAX PARCEL NUMBER: 121-091-07
CASE NUMBER: 2020-103AD**

Dear Property Owner:

On October 23, 2020, it was determined that the above referenced property should receive an administrative deviation in accordance with Section 4.107 (Delegated Authority for Development Approval based upon Existing Conditions) of the Zoning Ordinance. Jason Typrin, owner, seeks an administrative deviation for a 40 percent encroachment of an existing porch into the required 35 foot rear yard setback as shown on a property survey dated March 22, 2000. This is in order to rebuild the porch using its current dimensions.

My investigation and review indicate that the following facts warrant approval of the request:

1. The subject property is currently zoned R-5 (single family).
2. Per Code Section 12.106(2)(a) the minimum required rear yard setback in the R-5 zoning district is 35 feet.
3. According to Section 12.106(3) certain portions of the required rear yard on lots used for a single family home may be utilized for attached extensions of the principal structure.
4. Section 12.106(3)(b) state that no such extension may encroach into the rear yard more than 25% the depth of the rear yard.
5. The 40% encroachment of the existing porch into the 35 foot rear yard is shown on a survey dated March 22, 2000. This encroachment is considered legally nonconforming because the structure predates the current Zoning Ordinance.
6. The applicant requests an administrative deviation to allow for the porch to be rebuilt in its current location, maintaining its current dimensions.
7. Section 4.107(5) of the Zoning Ordinance allows for an administrative deviation for the restoration/replacement of historic features on an existing structure if the feature would encroach into a required yard.
8. The property is located in the Dilworth Historic District and an evaluation by Historic Districts Commission staff determined that both the exterior door framing and the rear porch supports/buttressing are original historic features on the house, which would indicate that this house historically did have rear access and a rear porch of some kind.
9. This requested deviation conforms to the standards outlined by the Zoning Ordinance Section 4.107(5).
10. The encroachment is minor and is not easily detectable or visible.
11. The encroachment is only into the 35 foot required rear yard setback on the subject property, 21 feet from the southeast property line adjacent to 805 and 809 Brookside Avenue, and there is no encroachment that extends beyond the subject property.

Code Section 4.107 states that any aggrieved person who objects to the administrative approval must provide a written request for denial of the variance. The request must be submitted within three working days of this notice. After this notice has expired, the Zoning Administrator will grant the above variance request. If I can be of further assistance, please contact me at maxx.oliver@charlottenc.gov or 704-336-3818.

Sincerely,



Maxx Oliver
Zoning Administration Specialist