



Jonathan David Filz  
2338 E. 7<sup>th</sup> Street  
Charlotte, NC 28204

**RE: VARIANCE**  
**2338 E. 7<sup>th</sup> Street**  
**CASE NUMBER 2020-010**

To Whom It May Concern:

At its meeting on January 28, 2020, the City of Charlotte Zoning Board of Adjustment (“Board”) **granted** a 3 foot variance from the required 3 foot accessory side yard to allow a two car garage at the rear of the property.

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

1. The applicant is Jonathan David Filz.
2. The proposed site is located at 2338 East 7<sup>th</sup> Street, further identified Mecklenburg County tax parcel 127-133-13.
3. The subject parcel is zoned R-22MF (multi family) and is approximately 0.16 acres.
4. The home on the property was built in 1930, prior to Zoning Ordinance regulations.
5. Per Code Section 12.106(2)(a), no accessory structure shall be located within three feet of a lot line in the established rear yard.
6. The subject parcel contains a nonconforming accessory structure that abuts the side property line in the established rear yard, encroaching 3 feet into the required 3 foot accessory side yard.
7. The existing accessory structure also abuts the rear property line.
8. Per Code Section 12.102(3), the 3 foot accessory rear yard is measured from the centerline of the alley behind the property, and is therefore compliant.
9. The applicant proposes to remove the existing accessory structure and construct a new accessory structure on the side property line, within the required 3 foot accessory side yard.
10. The applicant is seeking a 3 foot variance from the 3 foot accessory side yard to allow a 0 foot accessory side yard for the new accessory structure.
11. There is evidence of practical difficulty or unnecessary hardship.
12. There is no other compliant area in the established rear yard to locate an accessory structure.
13. The hardship does not result from actions taken by the property owner.
14. The hardship is peculiar to the applicant’s property.
15. Per the property survey dated September 27, 2019, there is an overhead powerline that runs across the rear of the property.


**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

2/10/2020  
Date

**DECISION FILED IN THE  
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

2/10/2020  
Date