



June 10, 2020

**RE: ADMINISTRATIVE DEVIATION NOTIFICATION  
1926 LUTHER STREET  
TAX PARCEL NUMBER: 125-233-27  
CASE NUMBER: 2020-046AD**

Dear Ms. Blake:

Your request for an administrative deviation has been **granted** to allow for a 1.92 foot encroachment of a cantilevered fireplace on the side of the home into the 5 foot side yard setback, as shown on a property survey dated May 12, 2020.

The following facts warrant approval of the administrative deviation request:

1. The subject property is currently zoned R-12MF (multi-family).
2. Per Code Section 9.305(f), the minimum side yard for a single-family detached dwelling in the R-12MF zoning district is 5 feet.
3. Per Code Section 12.106(1), no principal structure, or part thereof, shall be located within any setback or yard.
4. The attached cantilevered fireplace on the side of the principal structure encroaches 1.92 feet into the required 5 foot side yard.
5. The encroachment is shown on a survey dated May 12, 2020
6. The applicant requests an administrative deviation of the 1.92 foot encroachment that was caused by an inadvertent error during construction.
7. This requested deviation is within the dimensional measurement allowed by the Zoning Ordinance Section 4.107(2).
8. The encroachment is minor and is not easily detectable or visible.
9. The encroachment is only into the 5 foot required side yard on the subject property, 3.08 feet from the left side property line, and there is no encroachment that extends beyond the subject property.

The administrative deviation approval was granted under Section 4.107 (Delegated Authority) of the City of Charlotte Zoning Ordinance. If any permits are required, please make sure that the annotation of this section is noted on the permit application. Please retain this letter as documentation that the administrative deviation for the encroachment was granted. If I can be of further assistance, please contact me at [maxx.oliver@charlottenc.gov](mailto:maxx.oliver@charlottenc.gov) or 704-336-3818.

Sincerely,

Maxx Oliver  
Zoning Administration Specialist