



August 4, 2020

**RE: ADMINISTRATIVE DEVIATION NOTIFICATION
3609 TILLEY MORRIS ROAD
TAX PARCEL NUMBER: 231-114-37
CASE NUMBER: 2020-068AD**

Dear Mr. Hayes:

Your request for an administrative deviation has been **granted** to allow for a 1 foot encroachment for a detached garage into the required 6 foot side yard setback, as shown on a property survey dated June 15, 2020.

The following facts warrant approval of the administrative deviation request:

1. The property is identified as Lot 3A of the Hennigan Place Map 2 subdivision recorded with the Mecklenburg County Register of Deeds – Map Book 67 Page 96.
2. The subject property is currently zoned R-3 (single family).
3. Per Code Section 12.106(2)(a) no accessory structure shall be located within any side yard required of these regulations.
4. Per Code Section 9.205(1)(f) the minimum required side yard setback in the R-3 zoning district is 6 feet.
5. The detached garage located within the established side yard to the southeast of the principal structure encroaches 0.9 feet into the required 6 foot side yard.
6. The encroachment is shown on a survey dated June 15, 2020.
7. The applicant requests an administrative deviation for the 1 foot encroachment for the existing detached garage. The deviation is required due to an inadvertent surveying error while platting new lots from a historic subdivision.
8. This requested deviation is within the dimensional measurement allowed by the Zoning Ordinance Section 4.107(2).
9. The encroachment is minor and is not easily detectable or visible.
10. The encroachment is only into the 6 foot required side yard setback on the subject property, 5.1 feet from the southeast side property line adjacent to 3603 Tilley Morris Road – Lot 1B of the Hennigan Place Map 2 subdivision. 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 or 704-336-3818.

Sincerely,

Maxx Oliver
Zoning Administration Specialist