



September 17, 2020

**RE: ADMINISTRATIVE DEVIATION NOTIFICATION  
509 LOUISE AVENUE  
TAX PARCEL NUMBER: 080-202-11  
CASE NUMBER: 2020-084AD**

Dear Applicant:

Your request for an administrative deviation has been **granted** to allow for a 2.4 foot encroachment of an accessory structure into the required 3 foot accessory side yard, as shown on a property survey dated August 19, 2020.

The following facts warrant approval of the administrative deviation request:

1. The subject property is currently zoned R-5 (single family).
2. There is a detached accessory structure on the property that was built in 2017.
3. The subject accessory structure is two stories with finished and heated space. The structure was not designed for year-round habitation and does not contain a full kitchen with a stove, so it does not meet the Zoning Ordinance definition of a dwelling unit, and therefore, not considered ADU (Accessory Dwelling Unit).
4. Per Code Section 12.106(2)(a), the minimum side and rear yard for a detached accessory structure are 3 feet.
5. The rear of the accessory structure is 1.1 feet from the rear property line and is compliant with the required 3 foot accessory rear yard per Code Section 12.102(3) which permits the rear yard to be measured from the center line of the 10 foot alley that runs behind the subject property.
6. The right side of the accessory structure encroaches 2.4 feet into the 3 foot side yard as shown on a property survey dated August 19, 2020.
7. Section 4.107(2) of the Zoning Ordinance allows a deviation of up to 2 feet in the instance of an unintended error. The subject encroachment is 2.4 feet, however, the difference of .4 feet, being a fraction of less than a half of a foot, can be disregarded per the fractional requirements of Code Section 2.103.
8. This requested deviation is within the dimensional measurement allowed by the Zoning Ordinance Section 4.107(2).
9. The encroachments were discovered when the above survey was completed for the sale of the property.
10. The proposed deviation was caused by an inadvertent error that occurred during the construction of the accessory structure.
11. The deviation will allow the accessory structure to remain as it is currently built. No new construction is currently proposed.
12. The encroachment is only into the required side yard on the subject property 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