



October 2, 2020

**RE: ADMINISTRATIVE DEVIATION NOTIFICATION
2029 MARGUERITE AVENUE
TAX PARCEL NUMBER: 095-028-09
CASE NUMBER: 2020-088AD**

Dear Property Owner:

Your request for an administrative deviation has been **granted** to allow a 1 foot encroachment of two HVAC units into the required 5 foot side yard setback, as shown on a property survey dated September 4, 2020.

The following facts warrant approval of the administrative deviation request:

1. The subject property is currently zoned R-5 (single family).
2. The minimum required side yard in the R-5 district is 5 feet.
3. Per Code Section 12.106(2)(d) heating, ventilation, or air conditioning (HVAC) equipment may encroach up to 50% into the required side yard. Therefore, the minimum required side yard setback for HVAC equipment in the R-5 zoning district is 2.5 feet.
4. The two HVAC units located in the right side yard of the property encroach into the side yard by 3.2 feet and 2.8 feet, respectively.
5. The encroachment is shown on a survey dated September 4, 2020.
6. The applicant requests an administrative deviation of 1 foot for the encroachment that was caused by a surveying error during construction of the home in 2019.
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 setback on the subject property, 1.8 feet from the east (right) side property line adjacent to 2035 Marguerite Avenue, 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 or 704-336-3818.

Sincerely,

Maxx Oliver
Zoning Administration Specialist