



October 2, 2020

**RE: ADMINISTRATIVE DEVIATION NOTIFICATION
1909 MARLAND AVENUE
TAX PARCEL NUMBER: 151-132-02
CASE NUMBER: 2020-090AD**

Dear Applicant:

Your request for an administrative deviation has been **granted** to allow for a deviation of 1 foot in order to permit the existing 24.8 feet wide attached deck at the rear of the home which encroaches into the rear setback. This 1 foot deviation would bring the deck into compliance with maximum 50% unheated accessory structure width in relation to the dwelling at the rear building line provision - Code Section 12.106(3)(c) of the Zoning Ordinance, as shown on a property survey dated September 10, 2020.

The following facts warrant approval of the administrative deviation request:

1. The subject property is currently zoned R-4 (single family).
2. Per Code Section 9.205(1)(g), the minimum rear yard setback for R-4 is 40 feet.
3. Per Code Section 12.106(3), certain portions of the rear yard may be used for attached accessory structures including decks.
4. Per Code Section 12.106(3)(c) no such extension may be more than 50% of the width of the dwelling at the rear building line.
5. The attached deck on the rear of the principal structure is 24.8 feet wide.
6. The width of the principal dwelling at the rear building line is 48.25 feet.
7. The rear attached deck is 51.4% the width of the dwelling at the rear building line.
8. These dimensions are shown on the site survey dated September 10, 2020.
9. The applicant requests an administrative deviation of the 1 foot to the width of the deck to allow for the excess percentage of width at the rear building line of the principal dwelling. This additional width was caused by an inadvertent error during construction.
10. This requested deviation is within the dimensional measurement allowed by the Zoning Ordinance Section 4.107(2).
11. The additional width of the attached deck is minor and is not easily detectable or visible.
12. The encroachment of the attached unheated rear deck is less than 25% into the 40 foot required rear yard and is permitted by Code Section 12.106(3)(b). 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