



December 2, 2019

**RE: ZONING APPROVAL FOR AN ADMINISTRATIVE DEVIATION
1401 BILTMORE DRIVE
TAX PARCEL NUMBER: 155-122-02
CASE NUMBER: 2019-091AD**

Dear Property Owner:

Your request for an administrative deviation has been **granted** to allow a 0.7 foot encroachment of a chimney into the 15 foot street side yard, required by the Ordinance, and shown on a Physical Survey of the property dated November 1, 2019.

The following facts warrant approval of the administrative deviation request:

1. The subject property is currently zoned R-4 (single family).
2. The property is a corner lot separated from another corner lot by a common rear lot line.
3. Per Code Section 12.102(6), if two corner lots are separated by a common rear lot line, the common side yards of the lots on the street must be a minimum of 50 percent of the required setback for the district.
4. The left side of the property abuts Colville Road, which is classified as a collector street.
5. Per Code Section 9.205(1)(e2), the minimum setback from the right-of-way along collector streets for the R-4 zoning district is 30 feet. The required street side yard along Colville Road is 15 feet.
6. A chimney on the side of the home encroaches 0.7 feet into the 15 foot street side yard.
7. The encroachment was discovered when a survey was completed for the sale of the property.
8. The applicant requests an administrative deviation of the 0.7 foot encroachment that was caused by an inadvertent error during the construction of the chimney.
9. This requested deviation is within the dimensional measurement allowed by the Zoning Ordinance Section 4.107(2).
10. The encroachment is minor and is not easily detectable or visible.
11. The encroachment is only into the street 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 lisa.mccarter@charlottenc.gov or 704-336-8314.

Sincerely,

Lisa McCarter
Planning Project Manager