



CERTIFIED MAIL

Kenneth T. Davies
Attorney for Myers Park Homeowners Association
200 the Wilkie House
2112 East 7th Street
Charlotte, NC 28204

**RE: APPEAL
1900 SELWYN AVENUE
CASE NUMBER 12-002**

Dear Mr. Davies:

On February 28, 2012, the City of Charlotte Zoning Board of Adjustment (“Board”) **upheld** the Zoning Administrator’s interpretation of the following that: (1) that the proposed new parking deck and Levine Center and uses within are accessory to Queens University; (2) Wellesley Avenue is not a Class VI street; and (3) Queens University does not exceed the maximum floor area ratio as outlined by the City of Charlotte Zoning Ordinance.

The Board based its decision on the following findings of fact:

1. The applicant is Myers Park Homeowners Association and B.T. Atkinson represented by Kenneth T. Davis, Attorney.
2. The property is located at 1900 Selwyn Avenue, further identified as tax parcel 151-081-14.
3. The site is zoned R-3 (Single Family).
4. Per Code Section 9.203(22) universities, colleges and junior colleges are permitted in residential districts under prescribed conditions.
5. The principal use of the site is to provide education beyond the high school level.
6. Code Section 9.204(1) permits accessory uses and structures clearly incidental and related to the permitted principal use or structure on the lot.
7. The proposed new parking deck and Levine Center and uses within are accessory to Queens University.
8. Per Code Section 9.203(22)(c), primary vehicular access to the use will not be provided by way of a residential local (Class VI) street for universities, colleges and junior colleges.
9. The proposed structure will be located along Wellesley Avenue.
10. Charlotte Department of Transportation (CDOT) has determined that Wellesley Avenue is not a Class VI street.
11. Primary vehicular access may be achieved to the university by use of Wellesley Avenue.
12. Code Section 9.205(1)(b) development standards for single family districts state that the maximum floor area ratio for nonresidential buildings in an R-3 district is .50.
13. All dormitories are excused from the Floor Area Ratio calculation.

14. Footnote Chart 9.205(1)(7) states that a parking deck constructed as an accessory use to an institutional use shall not be subject to the Floor Area Ratio requirements, provided that the parking deck meets the requirements of Section 12.212(2).

Based upon the above findings of fact, the Board concludes that the applicant has failed to carry the burden stated in §5.109(1) of the Ordinance to show an error in the Zoning Administrator's application of the Ordinance, and more specifically:

The Zoning Board of Adjustment upholds the Zoning Administrator's interpretation: 1) that the proposed new parking deck and Levine Center and uses within are accessory to Queens University; (2) Wellesley Avenue is not a Class VI street; and (3) Queens University does not exceed the maximum floor area ratio.

Pursuant to N. C. G. S. Section 160A-388(e2), the Board's decision in Case No. 12-002 may be appealed by a petition for review in the nature of *certiorari* to Superior Court within thirty (30) days from the date stated below, which is the date when the decision of the Board was filed in the Planning Department/Zoning Administration Division, or within thirty (30) days after receipt of the decision by an aggrieved party who filed a written request for such copy with the Clerk to the Board at the time of the hearing of the case, whichever is later.

Sincerely,



Randy Fink
Chairperson

3/8/2012

Date

DECISION FILED IN THE PLANNING DEPARTMENT:

Katrina J. Young, Zoning Administrator
Date March 13, 2012 Katrina Young, Zoning Administrator

cc: William Nichols, Queens University of Charlotte
B. T. Atkinson