



CERTIFIED MAIL

Ralph Wood
1501 Gum Branch Lane
Charlotte, NC 28214

**RE: APPEAL
1501 GUM BRANCH LANE
CASE NUMBER 12-010**

Dear Mr. Wood:

On June 26, 2012, the City of Charlotte Zoning Board of Adjustment (“Board”) **upheld** the Zoning Administrator’s interpretation that the operation of a commercial kennel on the subject property was not a grandfathered use.

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

1. The applicant, Ralph N. Wood, is appealing Zoning Violation letter #Z20120005362.
2. The property is located at 1501 Gum Branch Road, further identified as tax parcel 031-062-01.
3. The site is zoned R-3 (single-family residential).
4. The applicant was issued a Zoning Violation Letter from the City on February 14, 2012, with a compliance date of March 5, 2012.
5. The violation letter stated that commercial kennels are not listed as permitted uses or accessory uses in single family districts.
6. Commercial kennels are not permitted in the R-3 district.
7. On March 3, 2012, the applicant filed an appeal application for the notice of violation issued on February 14, 2012.
8. The applicant concedes that a commercial kennel is being operated at this location.
9. There is insufficient competent evidence in the record to find that the existing commercial kennel use is a legal nonconforming use.
10. In 2009, a site visit revealed that dogs were being kept in kennels on the property.
11. On February 25, 2009, the applicant was cited for operating a commercial kennel at this location.
12. The Zoning Administrator issued an interpretation letter on August 13, 2009, which stated that research indicated that a change of use was never acquired to convert the single family residential use of record to a commercial kennel. The use of the site as a commercial kennel is in violation of the City of Charlotte Zoning Ordinance.

13. The applicant did not appeal the Zoning Administrator's August 13, 2009 interpretation.

Based upon the above findings of fact, the Board concludes that the applicant has failed to meet the three standards stated in §5.108(1) of the Ordinance, and more specifically:

The Zoning Board of Adjustment upholds the Zoning Administrator's decision that the commercial kennel use is not a grandfathered use.

Pursuant to N. C. G. S. Section 160A-388(e), the Board's decision in Case No. 12-010 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,

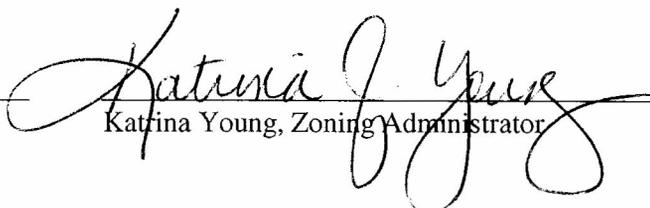


Michael Knotts
Chairperson

7/30/12

Date

DECISION FILED IN THE PLANNING DEPARTMENT:

July 30, 2012 
Date Katrina Young, Zoning Administrator