



CERTIFIED MAIL

Marvin Austin Pewitt/Allied Grounds Management
P. O. Box 532
Paw Creek, NC 28130

**RE: APPEAL
1305 SUMMERVILLE ROAD
CASE NUMBER 2016-017**

Dear Marvin Austin Pewitt/Allied Grounds Management:

On March 29, 2016, the City of Charlotte Zoning Board of Adjustment ("Board") **overturned** the Zoning Administrator's interpretation that the current landscape business located on the subject residentially zoned property is not a permitted principal use and that large commercial vehicles and equipment are not permitted to be parked/stored on the subject property.

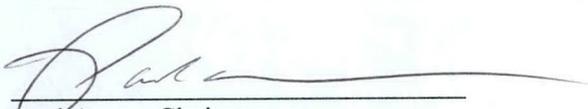
The Board based its decision on the following findings of fact:

1. The applicant is Marvin A. Pewitt with Allied Grounds Management.
2. The subject property is located at 1305 Summerville Road, further identified as tax parcel 035-213-19 and is owned by Thomas and Marie Harvey.
3. According to the Mecklenburg County Tax Office, the subject property (1305 Summerville Road) and the abutting property (1317 Summerville Road) were purchased by the Harvey's from the Auten family in 2003.
4. A carport and a storage building are located at 1305 Summerville Road and a single family home and a detached garage are located at 1317 Summerville Road.
5. The subject property is zoned R-4 (single family residential) and is also located within the Protected Area of the Catawba River/Lake Wylie Watershed Overlay.
6. The applicant is appealing the Zoning Administrator's interpretation that the current landscape business located on the subject residentially zoned property is not a permitted principal use and that large commercial vehicles and equipment are not permitted to be parked/stored on the subject property.
7. Prior to January 29, 1962, the property was not subject to zoning by the County or City.
8. On January 29, 1962, City zoning became applicable to the property and the property was zoned R-9.
9. There was testimony that the Auten family (i.e. the previous owners) began the operation of a lawn maintenance business on the subject property before January 29, 1962, and the lawn maintenance business has continued since then. There was no evidence to contradict this testimony.
10. The subject property was zoned R-9 (single-family residential) until it was converted to R-4 (single-family residential) in 1992.

11. A landscape business (aka contractor's office) was not a permitted principal use in the R-9 zoning district per the Zoning Ordinance prior to 1992. Nor is such a use permitted as a principal use in the current R-4 zoning district per the Zoning Ordinance in effect today.

Based upon the above findings of fact, the Board concludes that the applicant has carried the burden stated in § 5.109(1) of the Ordinance to show an error in the Zoning Administrator's application of the Ordinance.

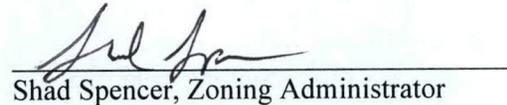
Sincerely,



Paul Arena, Chairperson

4/19/16
Date

DECISION FILED IN THE PLANNING DEPARTMENT:



Shad Spencer, Zoning Administrator

4/25/16
Date

Cc: Thomas H. Harvey, Owner