



CERTIFIED MAIL

Philip M. Carey
1423 Lilac Road
Charlotte, NC 28209

**RE: APPLICATION FOR A VARIANCE
7648 BUCKLAND ROAD
CASE NUMBER 06-004**

Dear Mr. Carey:

At its meeting on January 31, 2006, the City of Charlotte Zoning Board of Adjustment ("Board") **denied** a 35 foot variance from the required 50 foot buffer to allow construction of a residence to be located 15 feet from the rear property line.

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

1. Philip M. Carey, owns tax parcel code ("parcel") 113-302-25, which is located at 7648 Buckland Road. The parcel is zoned R-5.
2. Code Section 10.708(1)(a) states that 50 feet is the minimum buffer area required in the Lower Lake Wylie Critical Area with the low density option.
3. The variance is very large in context.
4. The existing house was built prior to current zoning regulations and is legal nonconforming. To allow the demolition of that structure and a new structure to be erected within the required buffer and required rear yard would be in direct violation of the Zoning Ordinance.
5. Approving the variance as requested would allow a substantial infringement into the buffer area.
6. Approving the variance as requested would allow an encroachment into the required rear yard.
7. The lot is almost an acre in size and provides alternative location for a residence.
8. The owner can make some alterations to the existing structure.

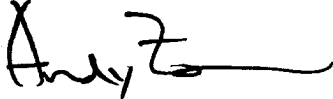
Based upon the above findings of fact, the Board concludes that the applicant has not met each of the three standards stated in §5.108(1) of the Ordinance, and more specifically:

1. The granting of this variance would be in direct violation of the Zoning Ordinance.

2. The spirit of the Ordinance would not be observed, because granting this variance would have the effect of amending the ordinance.

Pursuant to N.C.G.S. Section 160A-388(e), the Board's decision in Case no. 06-004 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 Commission/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,



Andy Zoutewelle
Vice-Chairperson

cc: Debra Campbell, Planning Director
Jeff Huss, Code Enforcement Inspector
Rodger Lentz, ~~Interim~~ Zoning Administrator
Keith MacVean, Planning Commission

DECISION FILED IN THE PLANNING COMMISSION:

3/29/06
Date


Rodger Lentz, Zoning Administrator