



CERTIFIED MAIL

Michael A. Argenio
318 Meller Street
Mount Holly, NC 28120

**RE: APPLICATION FOR A VARIANCE
4301 ACORN STREET
CASE NUMBER 06-011**

Dear Mr. Argenio:

At its meeting on February 28, 2006, the City of Charlotte Zoning Board of Adjustment ("Board") **denied** a 14-foot variance from the required 30-foot setback to allow a residential structure to be converted to a duplex.

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

1. The property is identified as tax parcel code ("parcel") 101-152-26, which is located at 4301 Acorn Street. The parcel is zoned R-4.
2. Code Section 9.205(1)(e) states the minimum setback in an R-4 zoned district is 30 feet.
3. Code Section 9.203(5.1)(c) states the minimum setback requirement must be applied to each of the two different streets.
4. Code Section 2.201(f) defines setback as the distance between the right-of-way line and the front building line of a principal building or structure, as constructed, projected to the side lines of the lot.
5. Duplexes are allowed in residential districts on corner lots under prescribed conditions.
6. Varying from the prescribed conditions is the same as granting a use variance.
7. The variance request is large in context.
8. The lot is not irregular shaped.
9. The hardship is personal in that the applicant wishes to convert a single family residence into a duplex.
10. Granting the variance would be in direct violation of the Zoning Ordinance.

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. There is no hardship that is the result of the City's Zoning Ordinance. The applicant is seeking to have a duplex that does not meet the required setbacks.
2. The spirit of the Ordinance would not be observed, because the granting of the variance to allow a duplex without the prescribed conditions is a use variance.

Pursuant to N.C.G.S. Section 160A-388(e), the Board's decision in Case no. 06-011 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
Chairperson

cc: Debra Campbell, Planning Director
Donald Moore, Code Enforcement Inspector
Rodger Lentz, Zoning Administrator
Keith MacVean, Planning Commission

DECISION FILED IN THE PLANNING COMMISSION:

4/27/06
Date


Rodger Lentz, Zoning Administrator