



CERTIFIED MAIL

Elizabeth Yarborough
1150 Kimbrell Road
Fort Mill, SC 29745

**RE: APPLICATION FOR A VARIANCE
961 SEIGLE AVENUE
CASE NUMBER 06-014**

Dear Ms. Yarborough:

At its meeting on March 28, 2006, the City of Charlotte Zoning Board of Adjustment ("Board") **denied** an 8 foot variance from the required 10 foot side yard to allow an addition to the commercial building.

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

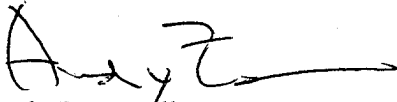
1. The property is identified as Tax Parcel Number 081-084-08.
2. The variance is very large in context.
3. The existing structure was built prior to current zoning regulations and is legal nonconforming. Any addition to the existing structure must comply with today's zoning development standards.
4. Approving the variance as requested would allow a substantial encroachment into the required side yard.
5. There is sufficient room in the rear yard to accommodate the proposed addition.
6. There is a residential use directly across from the commercial site which would be impacted by the addition if located 2 feet from the road.
7. The applicant should review other options such as closing the street and using that area as a buffer from the residential use.
8. The request is personal and revolves around a proposed use.
9. The request is more of an aesthetic issue; this is not a land hardship issue.

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 add to the existing structure without meeting current zoning regulations.
2. The spirit of the Ordinance would not be observed, because the granting of the variance to allow such a large reduction in the required side yard would have the effect of amending the Zoning Ordinance as there are other similar properties in the area.
3. The spirit of the Ordinance would not be observed, because the granting of the variance would be in direct conflict with the Zoning Ordinance.
4. The hardship is personal and has been brought on by the applicant.

Pursuant to N.C.G.S. Section 160A-388(e), the Board's decision in Case no. 06-014 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: ALB Architecture, PA
Debra Campbell, Planning Director
Derrick Caudell, Zoning Inspector
Rodger Lentz, Zoning Administrator
Keith MacVean, Planning Commission

DECISION FILED IN THE PLANNING COMMISSION:

4/27/06
Date


Rodger Lentz, Zoning Administrator