



CERTIFIED MAIL

Charlotte Retirement Residence II LLC
PO Box 14111
Salem, OR 97309

**RE: VARIANCE
5101 PROSPERITY CHURCH ROAD
CASE NUMBER 06-018**

Dear Charlotte Retirement Residence II LLC:

At its meeting on March 28, 2006, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** two variances: 1) a 43 foot variance from the required 48 foot buffer requirement; and 2) a 15 foot variance from the required 20 foot side yard to allow a driveway to encroach into the required buffer and required side yard.

1. The tax parcel number is 027-062-06, which is located at 5101 Prosperity Church Road. The parcel is zoned INST (CD).
2. The driveway will be in alignment with the driveway across Prosperity Church Road.
3. The hardship is not the result of the applicant's own actions but results from the City of Charlotte Department of Transportation requirement to locate the driveway in-line with the existing driveway across the street.
4. Aligning the driveway provides for a safer traffic flow to and from the site.
5. The driveway will not encroach for the entire length of the buffer area and will gradually bear away and increase the distance from the property line.
6. The variance, if granted is limited to the area of driveway as shown on Government Exhibit 5.
7. The hardship is peculiar to the Applicant's property.

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

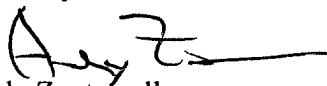
1. The spirit of the Ordinance will be observed because in granting the variance the public safety and welfare have been assured and substantial justice has been done.

1. The spirit of the Ordinance will be observed because in granting the variance the public safety and welfare have been assured and substantial justice has been done.
2. Denial of the request would provide unnecessary hardship on the petitioner.
3. The variance is in harmony with the general purpose and intent of the Ordinance and further preserves its spirit.

All applicable permits must be obtained from the Planning Commission, which has been notified of this decision. The Ordinance §5.111, provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit or a certificate of occupancy pertaining to the need for the variance is not obtained within two (2) years from the date of the meeting of the Board at which the Board rendered its decision.

Pursuant to N.C.G.S. Section 160A-388(e), the Board's decision in Case no. 06-018 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: George Hollodick, Esquire
Debra Campbell, Planning Commission 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