



CERTIFIED MAIL

Ray Marin
1007 W. Roosevelt Blvd. (Hwy 74)
Charlotte, NC 28269

**RE: APPLICATION FOR A VARIANCE
3503 DAVID COX ROAD, SUITE B
CASE NUMBER 06-022**

Dear Mr. Marin:

At its meeting on March 28, 2006, the City of Charlotte Zoning Board of Adjustment ("Board") **denied** an 11 foot variance from the required 25 foot building distance separation to the property line to allow the construction of a deck addition to an existing restaurant.

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

1. The parcel of land is identified as Tax Parcel Number 027-132-15.
2. The approved B-1SCD plan shows a 25 distance from all buildings to property line.
3. The Applicant may request a rezoning of the property to eliminate the 25 feet separation requirement.
4. The variance is large in context.
5. The Applicant can make reasonable use of the property without the proposed deck addition.
6. There is no land hardship.
7. Granting the variance will serve the same purpose as rezoning the property.
8. The Commercial Center (CC) District also requires a 25 foot building separation to the property line
9. The B-ISCD plan was approved under Petition Number 87-46(c). Code Section Number 3210.4(3) was in effect at the time of the approval
10. Land Use and Environmental Services Agency requires a building permit for the construction of a deck.

11. Code Section 1606 of the 1987 Zoning Ordinance states that accessory structures will not be permitted in any required or established setback.
12. The required side yard setback for 3503 David Cox Road is 25 feet.
13. There are other options available.
14. The hardship is not unique, but neighborhood-wide.

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 desires a deck addition that will be located too close to the property line.
2. The spirit of the Ordinance would not be observed, because the requirement for a B-1SCD zoning is that buildings are to be located 25 feet from any property line.

Pursuant to N.C.G.S. Section 160A-388(e), the Board's decision in Case no. 06-022 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.

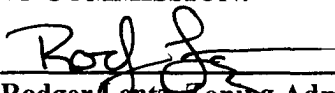
Sincerely,


Andy Zoutewelle
Chairperson

cc: Walter Fields
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