



CERTIFIED MAIL

William A. Miller
2247 Westminister Place
Charlotte, NC 28207

**RE: VARIANCE
2247 WESTMINSTER PLACE
CASE NUMBER 06-026**

Dear Mr. Miller:

At its meeting on March 28, 2006, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 20.5 foot variance from the required 45 foot rear yard to allow an addition to encroach into the rear yard.

1. The parcel is identified as Tax Parcel B code ("parcel") 175-023-22, which is located at 2247 Westminister Place. The parcel is zoned R-3.
2. There was no opposition from neighbors present at the March 28, 2006 hearing.
3. The desire of the applicant to preserve the bungalow character of the house and a large tree will be observed by the granting of the variance.
4. There are numerous examples of large rear yard encroachments in this neighborhood.
5. Granting the variance is consistent with the keeping of the neighborhood.
6. The home was built in 1925, prior to the ordinance.
7. The depths of the lots are decreased due to the triangular shape of the street, per Government Exhibit #1.
8. Exhibit #1 shows lots approaching the intersection of Sharon Road and Westminister place to have convergent rear yards.
9. The convergence creates shallow lots which do not provide sufficient rear yards.
10. The variances create no substantial increase beyond the existing encroachment.

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 granting the variance will not alter the character of the neighborhood.
2. The hardship is the result of the reduced depth/size of the lot/building envelope due to the convergence of streets and shallowness of lots at Westminster and Sharon Road.

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. 06-026 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 Commission Director
Dominic Williams, Zoning Inspector
Rodger Lentz, Zoning Administrator
Keith MacVean, Planning Commission

DECISION FILED IN THE PLANNING COMMISSION:

4/27/06
Date


Rodger Lentz, Zoning Administrator