



**CERTIFIED MAIL**

Mitchell M. Henkert  
4037 E. Independence Blvd, Suite 545  
Charlotte, NC 28205

**RE: VARIANCE  
3401 Commonwealth Avenue  
CASE NUMBER 09-003**

Dear Mr. Henkert:

At its meeting on January 27, 2009, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a variance to allow the backflow preventers to remain in the side yard.

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

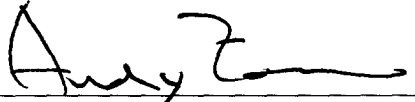
1. The applicant is Charles W. Walker, (Represented by Mitchell Henkert).
2. The property is located at 3401 Commonwealth Avenue, further identified as tax parcel 129-111-34.
3. The principal structure was constructed in 1983.
4. The subject parcel's current zoning classification is B-1 (Business).
5. The applicant is requesting a variance to allow the backflow preventers to remain in the required 10 foot side yard.
6. There is sufficient space between the back of the sidewalk and the backflow preventers to allow for public safety.

**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. In granting the variance the public safety has been assured and substantial justice has been served.

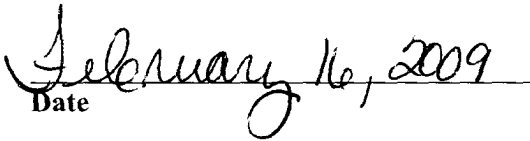
All applicable permits must be obtained from the Planning Department, which has been notified of this decision. The Ordinance §5.111, provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit or a certificate of occupancy 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.

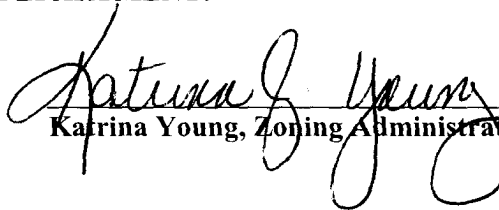
Sincerely,

  
\_\_\_\_\_  
Andrew Zoutewelle  
Chairperson

Cc: Debra Campbell, Planning Director  
Charles W. Walker, Property Owner  
Mark Fowler, Zoning Inspector

**DECISION FILED IN THE PLANNING DEPARTMENT:**

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Katrina Young, Zoning Administrator