



CERTIFIED MAIL

Tom Anastasi, P.E.
WRG Design
9101 Southern Pine Boulevard Suite 300
Charlotte, NC 28273

**RE: VARIANCE
5825 Old Concord Road
CASE NUMBER 09-005**

Dear Mr. Anastasi:

At its meeting on January 27, 2009, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 58 foot variance with the condition that a six (6) foot wooden privacy fence be installed as shown on Government Exhibit #04 (see attached).

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

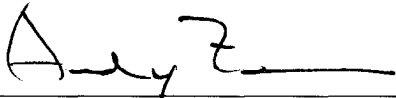
1. The applicant is Center for Community Transitions (Represented by Tom Anastasi, P.E.).
2. The existing structure is located at 5825 Old Concord Road, further identified as tax parcel 049-011-18 and the site is approximately 2.737 acres.
3. The original structure was constructed in 1968.
4. The subject parcel's current zoning classification is INST (Institutional) and I-2 (Industrial).
5. The applicant is requesting a variance to reduce the 100 foot structure separation from the nearest residential use (as required by both zoning districts) to 58 feet.
6. The I-2 zoned abutting property with a nonconforming residential use if developed according to its zoning classification would not require the structure separation. Because abutting use is nonconforming, if discontinued, the site would be developed under the I-2 requirements which do not permit residential uses.
7. The privacy fence will act as a buffer.
8. Denial of the variance would not prevent the proposed use of this 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 request meets the intent and spirit of the zoning ordinance.
2. The property abuts I-2 zoned property with a nonconforming use which makes it difficult to develop the property because of its size and due to buffer and separation requirements.

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.

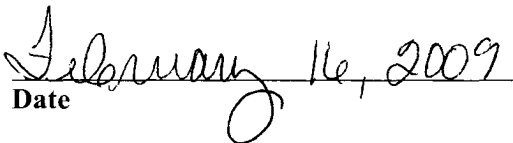
Sincerely,

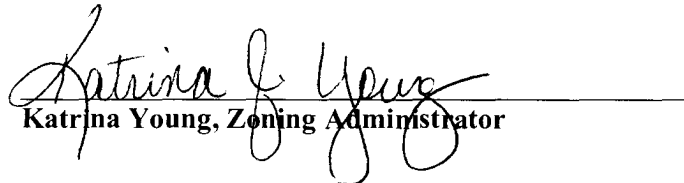


Andrew Zoutewelle
Chairperson

Cc: Debra Campbell, Planning Director
Myra Clark, Executive Director, Center for Community Transitions
Ali Bahmanyar, Property Owner
Dr. J. R. Farrington, Pastor – Harbor Baptist Church
Joe Gates, Zoning Inspector

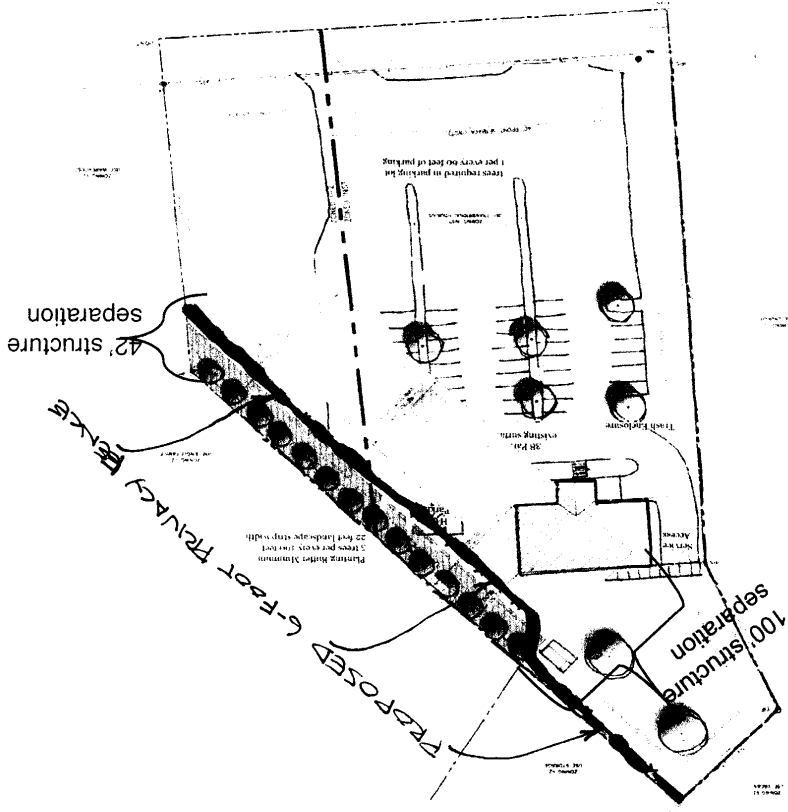
DECISION FILED IN THE PLANNING DEPARTMENT:


Date


Katrina Young, Zoning Administrator

1/27/09
A62

60 PUBLIC ROW 2426



19-CC-5