



**CERTIFIED MAIL**

Roy and Nancy Majors  
5547 Fallon Court  
Charlotte, NC 28226

**RE: VARIANCE  
18033 New Mark Avenue  
CASE NUMBER 10-001**

Dear Mr. and Mrs. Majors:

At its meeting on January 26, 2010, the City of Charlotte Zoning Board of Adjustment ("Board") **denied** a 50 foot variance request to allow walkway pavers through the required buffer area with mitigation coordinated with Land Use and Environment Services Agency (LUESA) staff.

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


1. The applicant is Roy Majors.
2. The subject property is located at 18033 New Mark Avenue, further identified as tax parcel 217-172-12.
3. The subject parcel's current zoning classification is R-5 (Residential).
4. The parcel adjoins the Lower Lake Wylie and is subject to the Lower Lake Wylie watershed buffer requirements.
5. The applicant was cited by the Environmental Protection Agency for installing an impervious area (walkway) within the 50 foot buffer area.
6. The hardship is not a result of the application of the Ordinance but of the owners own action.
7. The 50 foot buffer is to remain undisturbed.
8. The applicant has disturbed the buffer by installing a large amount of impervious area.
9. The hardship is a personal hardship.

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

1. There is no evidence of practical difficulty or unnecessary hardship.
2. The public safety and welfare may not be assured if the variance is granted.
3. The property owner has reasonable use of the property without such a large variance.

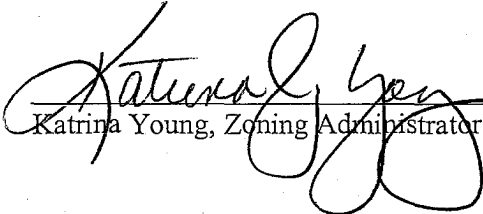
Pursuant to N. C. G. S. Section 160A-388(e), the Board's decision in Case No. 10-001 may be appealed by a petition for review in the nature of *certiorari* to Superior Court within thirty (30) days from the date stated below, which is the date when the decision of the Board was filed in the Planning Department/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,

  
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Jeffrey Davis  
Co-Chairperson

**DECISION FILED IN THE PLANNING DEPARTMENT:**

February 10, 2010  
Date

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