



CERTIFIED MAIL

Centex Homes
Attn: Harris Lineberger
11121 Carmel Commons Blvd Suite 450
Charlotte, NC 28226

**RE: VARIANCE
11821 Avaly Lane
CASE NUMBER 10-004**

Dear Mr. Lineberger:

At its meeting on January 26, 2010, the City of Charlotte Zoning Board of Adjustment ("Board") **denied** a 5 foot variance from the required 30 foot rear yard for cluster developments to allow the construction of a single family residence to encroach into the required rear yard.

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

1. The applicant is Centex Homes (Harris Lineberger).
2. The vacant lot is located at 11821 Avaly Lane, further identified as tax parcel 229-163-30.
3. The subject parcel's current zoning classification is R-3 (Residential).
4. The applicant seeks to construct a single-family residence that will encroach 5 feet into the 30 foot required rear yard.
5. The zoning criteria section of the final plat for Stone Creek Ranch Cato (tract 1) Map 2, recorded on December 15, 2005, denotes that the R-3 minimum rear yard for interior lots is 30 feet.
6. The hardship results from the owners desire to build a structure that is too large; other options are available for the site.
7. 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 hardship or special conditions applicable peculiar to the property covered by this request.
2. The granting of this variance would be in direct violation of the Zoning Ordinance.
3. The applicant can make reasonable use of the property without a variance.

Pursuant to N. C. G. S. Section 160A-388(e), the Board's decision in Case No. 10-004 may be appealed by a petition for review in the nature of *certiorari* to Superior Court within thirty (30) days from the date

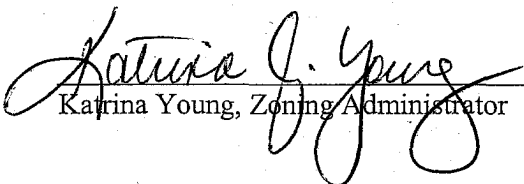
stated below, which is the date when the decision of the Board was filed in the Planning Department/Zoning Administration Division, or within thirty (30) days after receipt of the decision by an aggrieved party who filed a written request for such copy with the Clerk to the Board at the time of the hearing of the case, whichever is later.

Sincerely,



Jeffrey Davis
Co-Chairperson

DECISION FILED IN THE PLANNING DEPARTMENT:



Date February 10, 2010 Katrina Young, Zoning Administrator