



CERTIFIED MAIL

Paul E. Ashby, Jr.
12103 Westbury Glen Court
Charlotte, NC 28262

**RE: VARIANCES
12103 WESTBURY GLEN COURT
CASE NUMBER 10-007**

Dear Mr. Ashby, Jr.:

At its meeting on April 27, 2010, the City of Charlotte Zoning Board of Adjustment ("Board") **denied** two variance requests: (1) an 8 foot variance request to allow an accessory structure (fireplace) to be located in the required setback and (2) a one (1) foot variance request to allow a 6 foot fence to be located in the front setback.

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

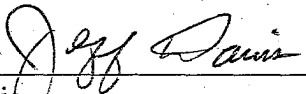
1. The applicant is Paul E. Ashby, Jr.
2. The proposed site is located at 12103 Westbury Glen Court, further identified as tax parcel
3. 029-064-01.
4. The subject parcel's current zoning classification is MX-2 (mixed-use).
5. The property is not peculiar or oddly shaped.
6. The hardship is not a result of the Zoning Ordinance; but a result of the owner's action in allowing a fence to be built too high and an outdoor fireplace in the required setback.
7. The applicant has other locations on the site to locate the fireplace and be in compliance.
8. The Settlements at Withrow Downs 2, Phase 1, Map 4, final plat clearly denotes the required yards. Note 15 states that lots adjoining Headquarters Farm Road shall have yard requirements as follows:
 - a. Minimum setback: 30'
 - b. Minimum side yard: 6'
 - c. Minimum side street yard: 15'
 - d. Minimum rear yard: 45'

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. By denying the variance the applicant can still secure reasonable use of the property.
2. The spirit and intent of the Ordinance will not be observed if the variance is granted.
3. The hardship is not unique to the applicant's property.

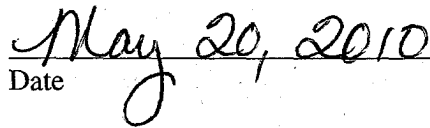
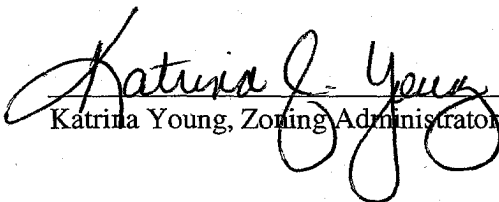
Pursuant to N. C. G. S. Section 160A-388(e), the Board's decision in Case No. 10-007 may be appealed by a petition for review in the nature of *certiorari* to Superior Court within thirty (30) days from the date stated below, which is the date when the decision of the Board was filed in the Planning 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,



Jeff Davis
Chairperson

DECISION FILED IN THE PLANNING DEPARTMENT:


Date _____


Katrina Young, Zoning Administrator