



CERTIFIED MAIL

William G. Siler
5444 Addison Drive
Charlotte, NC 28211

**RE: VARIANCE
2701 PARK ROAD
CASE NUMBER 10-010**

Dear Mr. Siler:

At its meeting on April 27, 2010, the City of Charlotte Zoning Board of Adjustment ("Board") **denied** a 10 foot variance request to allow a fence to be located one (1) foot off the property line.

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

1. The applicant is Episcopal Church of the Holy Comforter, represented by Nancy Crown.
2. The proposed site is located at 2701 Park Road, further identified as tax parcel 151-031-01.
3. The subject parcel's current zoning classification is R-4 (residential).
4. The property owner submitted a site plan depicting the property in compliance with the current buffer standards.
5. The hardship is a result of the applicant's own action because the applicant now wants to locate the fence in an area to be used as a buffer requirement which is not allowed by the Ordinance.
6. Walls and fences are required to reduce the buffer but must be located within the inner half of the buffer. A wall or fence may be placed one foot from the property line but cannot be considered for a buffer reduction.
7. The hardship is not peculiar to the applicant's property.
8. The hardship is personal in nature.


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 applicant can comply with the current buffer requirements.

Pursuant to N. C. G. S. Section 160A-388(e), the Board's decision in Case No. 10-010 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,

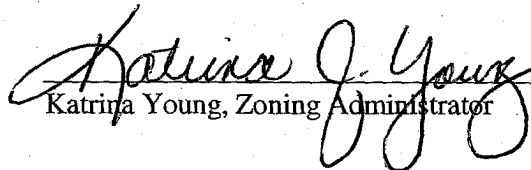


Jeff Davis
Chairperson

DECISION FILED IN THE PLANNING DEPARTMENT:

Date

May 20, 2010



Katrina Young, Zoning Administrator