



CERTIFIED MAIL

Alan B. Griffin
1617 South Tryon Street
Charlotte, NC 28203

**RE: VARIANCES
3609 TUCKASEEGEE ROAD
CASE NUMBER 10-022**

Dear Mr. Griffin:

At its meeting on July 27, 2010, the City of Charlotte Zoning Board of Adjustment ("Board") **denied** a 1.6 foot variance from the required 5 foot maximum height to allow a fence located in the required setback to remain as erected.

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

1. The applicant is Alan Griffin.
2. The proposed site is located at 3609 Tuckaseegee Road, further identified as tax parcel 065-055-20.
3. The subject parcel zoning classification is R-5 (Residential).
4. The lot is currently vacant.
5. An existing fence measured at its highest height at this location in the front setback is 6.6 feet.
6. A measurement taken at a section of the fence revealed an approximate 6 inch gap between the ground and base of the fence.
7. The Ordinance requires a maximum fence height of 5 feet in the required setback.
8. The hardship is personal in nature in that the applicant has installed a fence that exceeds the maximum height of 5 feet.
9. There is no hardship that is a result of the zoning ordinance.
10. The variance is large in context.


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

1. The spirit of the ordinance is not observed because granting the variance would be in direct violation of the ordinance.
2. If the variance is denied the applicant can still secure reasonable use of the property.
3. By denying the variance, public safety and welfare have been assured and substantial justice has been done.

Pursuant to N. C. G. S. Section 160A-388(e), the Board's decision in Case No. 10-022 may be appealed by a petition for review in the nature of *certiorari* to Superior Court within thirty (30) days from the date

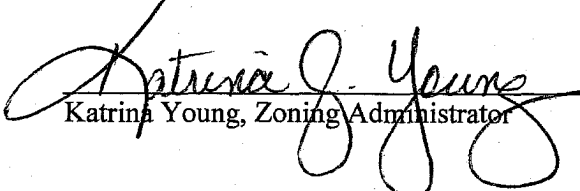
stated below, which is the date when the decision of the Board was filed in the Planning Department/Zoning Administration Division, or within thirty (30) days after receipt of the decision by an aggrieved party who filed a written request for such copy with the Clerk to the Board at the time of the hearing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

Sincerely,



Jeff Davis
Chairperson

DECISION FILED IN THE PLANNING DEPARTMENT:



Katrina Young, Zoning Administrator

August 6, 2010
Date