



CERTIFIED MAIL

Steve Waddell
13224 Steele Creek Road
Charlotte, NC 28273

**RE: VARIANCES
17827 THERAN LANE
CASE NUMBER 10-023**

Dear Mr. Waddell:

At its meeting on June 29, 2010, the City of Charlotte Zoning Board of Adjustment ("Board") **denied** two variance requests: (1) a 45 foot variance from the 50 foot required buffer and (2) a 30 foot variance from the 40 foot requirement for all principal structures landward from the full pond level in order to construct a room addition and to construct a roof over the existing deck.

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

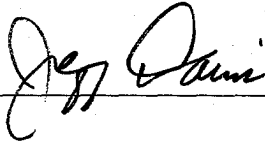
1. The applicant is Steve Waddell (Represented by Randy Suddreth).
2. The proposed site is located at 17827 Theran Lane, further identified as tax parcel 217-191-39.
3. The subject parcel zoning classification is R-5 (Residential).
4. The existing single-family structure was built before the adoption of the zoning ordinance and is a legal nonconforming structure.
5. The existing structure encroaches in the rear yard and in the required 50 foot buffer.
6. The applicant has proposed to enclose a portion of a deck.
7. There is additional land closer to the front setback that may be used for an addition.
8. If the variance is granted, the applicant would also have to seek approval from the North Carolina Environmental Management Commission (EMC) for a major watershed variance in accordance with 15A NCAC 2B.0104@ which states that a major watershed variance is to be determined on a case-by-case basis, when necessary to accommodate important social and economic development.
9. The variance request 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 by granting the variances in that a residential addition will be constructed five (5) feet from the required rear yard.
2. The hardship is a personal hardship that is a result of the applicant's desire to enclose and add additional rooms to the single-family structure and not a result of the ordinance.
3. By denying the variances, there can still be a reasonable use of the property.

Pursuant to N. C. G. S. Section 160A-388(e), the Board's decision in Case No. 10-023 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.

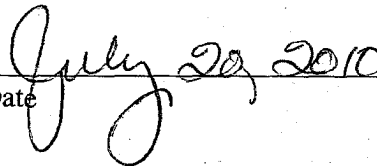
Sincerely,



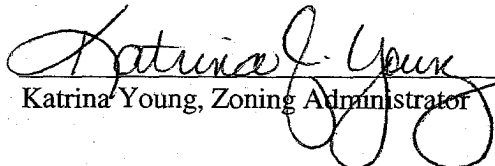
Jeff Davis
Chairperson

Cc: Randy Suddreth

DECISION FILED IN THE PLANNING DEPARTMENT:



Date



Katrina Young, Zoning Administrator