



**CERTIFIED MAIL**

Charles Austin  
P. O. Box 18722  
Charlotte, NC 28218

**RE: APPEAL  
1415 PIERSON DRIVE  
CASE NUMBER 10-035**

Dear Mr. Austin:

At its meeting on September 28, 2010, the City of Charlotte Zoning Board of Adjustment ("Board") **upheld** the Zoning Administrator's decision that a violation notice that an outside vehicle storage lot is not in violation of the Zoning Ordinance.

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

1. Charles A. Austin is appealing Zoning Violation letter #2010501718.
2. The property is located at 4913 Albemarle Road (formerly 1415 Pierson drive), further identified as tax parcel 131-131-13 (formerly 131-131-20).
3. The site is zoned B-2 (commercial).
4. The applicant was cited for operating a vehicle storage lot.
5. Vehicle storage lots/junk yards are not allowed in the B-2 zoning district.
6. Towing companies are permitted in the I-1 and B-2 industrial district.
7. The towing company was established in 2005 at 4913 Albemarle Road.
8. Per the 2007 City Policy, Section 9.803(5) and 9.1102(9), automobiles are limited to 90 days (temporary storage) for towing facilities and automobiles may be stored for longer than 90 days only while undergoing repair. A valid contract to repair the vehicle is required.
9. Storage of automobiles, not undergoing repair, for longer than 90 days (permanent storage) would change the use of the property to a junk yard which is not an allowed use in the B-2 and I-1 zoning districts.
10. The lot in question does not comply with interpretation of section 9.802(6) of the zoning ordinance.
11. Storage area where automobiles are temporarily housed for towing must be screened per section 12.303.

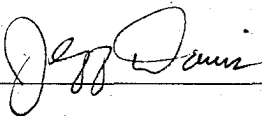
**Based upon the above findings of fact, the Board concludes that the applicant has failed to meet the three standards stated in §5.109(1) of the Ordinance, and more specifically:**

The Zoning Board of Adjustment upholds the Zoning Administrator's decision that an outside vehicle

storage lot is not permitted in the B-2 district.

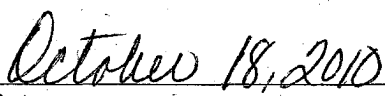
Pursuant to N. C. G. S. Section 160A-388(e), the Board's decision in Case No. 10-035 may be appealed by a petition for review in the nature of *certiorari* to Superior Court within thirty (30) days from the date stated below, which is the date when the decision of the Board was filed in the Planning 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.

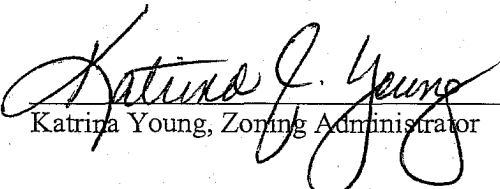
Sincerely,

  
\_\_\_\_\_  
Jeff Davis  
Chairperson

Cc: Tim Paris

**DECISION FILED IN THE PLANNING DEPARTMENT:**

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Katrina Young, Zoning Administrator