



CERTIFIED MAIL

Mary Brown
601 Coates Ct
Charlotte, NC 28213

**RE: VARIANCE
1211 PARKWOOD AV
CASE NUMBER 10-044**

Dear Mrs. Brown:

At its meeting on December 14, 2010, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** (1) a variance to allow a parking lot and driveway to encroach 3 feet into the required 7.5 foot buffer on the right side of the property that is reduced with a fence and (2) a variance to allow a two foot encroachment of an existing structure in the required 5 foot buffer on the left side of the property for the purpose of establishing a religious institution.

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

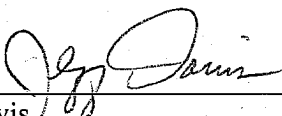
1. The applicant is Mary Brown (represented by Robert Porter).
2. The proposed site is located at 1211 Parkwood Avenue, further identified as tax parcel 083-091-12.
3. The subject parcel is zoned R-5 (Residential).
4. The site was rezoned in 2004 from B-1 to R-5 along with several other properties in close proximity.
5. The existing structure became nonconforming when it was rezoned to R-5.
6. Religious institutions are permitted in the R-5 district under prescribed conditions.
7. The property fronts along a major thoroughfare as required by the ordinance.
8. Per Code Section 7.103, nonconforming structures may undergo a change of use without having to bring the structure into conformity provided certain standards are met. (see Code Section 7.103 (4))
9. Code Section 12.202(b) requires a Class C buffer with a minimum width of 10 feet on the right property line and a minimum width of 5 feet on the left property line.
10. The lot does not meet the minimum lot area for a nonresidential building.
11. Charlotte Department of Transportation has preliminarily reviewed the applicant's request and is in support of the variance applied for.
12. Charlotte Department of Transportation will work with the applicant to ensure property ingress and egress to the site.
13. The applicant is proposing to install a fence along the right side property line adjacent to R-5 district to reduce the required 10 foot buffer to 7.5 feet.
14. By denying the variance, the current structure is not usable.
15. If structure is expanded or demolished from its current use, then the variance is extinguished.

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

1. The hardship is unique to the property because of the size of the existing structure and location on the lot.
2. The variance is in harmony with the general purpose and intent of the Ordinance and further preserves its spirit.

All applicable permits must be obtained from the Planning Department, which has been notified of this decision. The Ordinance §5.111, provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit or a certificate of occupancy pertaining to the need for the variance is not obtained within two (2) years from the date of the meeting of the Board at which the Board rendered its decision.

Sincerely,

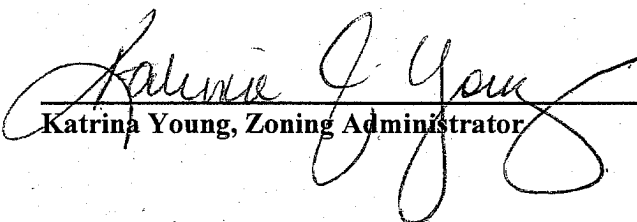


Jeff Davis
Chairperson

Cc: Robert Porter, Attorney

DECISION FILED IN THE PLANNING DEPARTMENT:

December 22, 2010
Date



Katrina Young, Zoning Administrator