



CERTIFIED MAIL

Donald and Caroline Naysmith
4717 Shamrock Drive
Charlotte, NC 28216-5109

**RE: VARIANCE
4717 SHAMROCK DRIVE
CASE NUMBER 11-004**

Dear Mr. and Mrs. Naysmith:

At its meeting on February 22, 2011, the City of Charlotte Zoning Board of Adjustment ("Board") **denied** a variance request to waive the requirement for a sidewalk connection between a commercial building and adjoining public street.

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

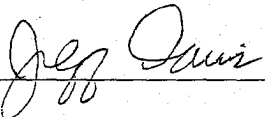
1. The applicants are Donald & Caroline Naysmith.
2. The proposed site is located at 4717 Shamrock Drive, further identified as tax parcel
3. 099-26-107.
4. The subject parcel is zoned MUDD-O(CD) (mixed use development district-optional-conditional district).
5. The applicant is seeking a variance to waive the requirement for a sidewalk connection between a commercial building and an adjoining public street.
6. Per Section 12.529, sidewalk connections are required between certain commercial buildings and all adjoining public streets except for freeways or expressways.
7. There is no evidence of hardship or special conditions applicable to the property covered by this request.
8. The hardship is the result of the applicant's own actions.
9. The hardship is not the result of the impact of the Zoning Ordinance upon the property but is a personal hardship in the applicant would like to have the sidewalk connection waived.
10. The applicant was aware prior to rezoning the parcel that sidewalk connections were required. The applicant had the option of applying for a variance prior to a rezoning.
11. The lot is not irregularly shaped.

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 applicant can make reasonable use of the property without a variance.
2. Granting the variance will be in direct violation of the Zoning Ordinance.
3. The spirit of the Ordinance would not be observed, because granting the variance would have the effect of amending the Zoning Ordinance.

Pursuant to N. C. G. S. Section 160A-388(e), the Board's decision in Case No. 11-004 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.

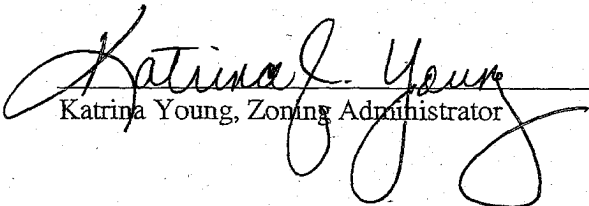
Sincerely,



Jeff Davis
Chairperson

DECISION FILED IN THE PLANNING DEPARTMENT:

March 10, 2011
Date



Katrina Young, Zoning Administrator