



**CERTIFIED MAIL**

Nisbet Oil Co.  
c/o James White  
P.O. Box 35367  
Charlotte, NC 28235


**RE: APPEAL  
4915 SUNSET ROAD  
CASE NUMBER 11-005**

Dear Mr. White:

At its meeting on April 26, 2011, the City of Charlotte Zoning Board of Adjustment ("Board") **denied** your appeal of the Zoning Violation letter which states that a legal nonconforming use of a sign has now expired. The **denial** was based on the Board's Rules of Procedure Article VII (e) (2). Failure to Properly File A Request For A Continuance - which states that "if an Applicant fails to properly comply with the procedure described herein, then the case shall be heard as scheduled. **If the Applicant fails to appear for the hearing or appears and does not elect to proceed, then the application shall automatically be deemed to be denied.** The applicant shall be entitled to file an entirely new application and pay a new filing fee, as if no application had been filed before. However, if the application is a variance request or an appeal of a notice of zoning violation, and the thirty (30) days have transpired since the date of the notice of zoning violation, then the thirty (30) days will have expired and the Board shall not have jurisdiction to hear the variance request or the appeal on the notice of zoning violation." Because you failed to appear for your scheduled hearing and thirty (30) days have transpired since the date of the Notice of Violation on which your appeal was based, the Board no longer has jurisdiction to hear your appeal.

Pursuant to N.C.G.S. Section 160A-388(e), the Board's decision in Case No. 11-005 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 Commission/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.

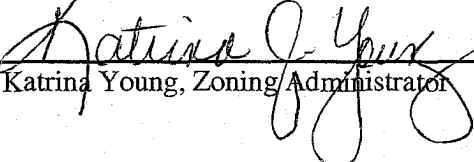
Sincerely,

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

cc: Sean Grass

**DECISION FILED IN THE PLANNING COMMISSION:**

May 26, 2011  
Date

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