



CERTIFIED MAIL

Charlotte Swim and Racquet Club
Attn: Mr. Rodney Spence
608 Ashworth Rd
Charlotte, NC 28211

**RE: VARIANCE
1000 LOMAX AVENUE
CASE NUMBER 11-006**

Dear Charlotte Swim and Racquet Club:

At its meeting on March 29, 2011, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a variance to expand a nonconforming structure by adding canopy lighting to tennis courts number six (6) and number seven (7).

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

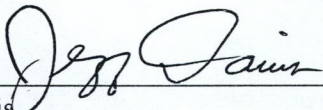
1. The applicant is Charlotte Swim and Racquet Club (Represented by Rodney Spence).
2. The proposed site is located at 1000 Lomax Avenue, further identified as tax parcel 157-192-34.
3. The subject parcel is zoned R-3 (residential).
4. The applicant is seeking to add a total of 16 canopy lights to tennis courts number six (6) and number seven (7).
5. Per Table 12.540-1 a 100-foot separation and class C buffer is required when outdoor recreation is part of a planned development (external lots only) or not part of a planned development.
6. The existing tennis courts encroach into the required 100-foot separation and therefore are considered nonconforming.
7. The layout, topography and shape of the lot create a hardship.
8. Per Code Section 7.103(5) a nonconforming structure may be expanded, without bringing the nonconforming structure into conformity with these regulations, only if the part of the structure to be expanded and the area of the lot into which the expansion is taking place are both brought into conformity with the requirements of these regulations.
9. There was no opposition present.
10. There was testimony given from the applicant that the proposed canopy lights would not increase light levels on other properties.

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. In granting the variance the public safety and welfare have been assured.
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.

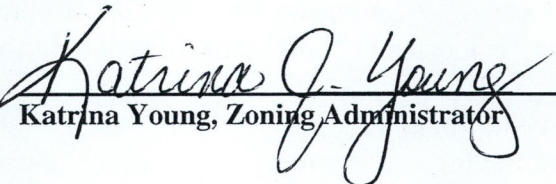
Sincerely,



Jeff Davis
Chairperson

DECISION FILED IN THE PLANNING DEPARTMENT:

4-25-11
Date April 25, 2011



Katrina Young, Zoning Administrator