



CERTIFIED MAIL

James Borga
529 Dawn Circle
Charlotte, NC 28213

**RE: APPEAL
521 DAWN CIRCLE
CASE NUMBER 11-031**

Dear Mr. Borga:

On October 25, 2011, the City of Charlotte Zoning Board of Adjustment ("Board") **upheld** the Zoning Administrator's interpretation that the current structure located on the lot is not a dwelling unit and therefore is not permitted as a principal structure in the single family residential zoning district.

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

1. The applicant is James Borga.
2. The proposed site is located at 521 Dawn Circle, further identified as tax parcel 089-201-14.
3. The subject parcel is zoned R-4 (residential).
4. The applicant was issued a Zoning Notice of Violation letter from the City on July 18, 2011, with a compliance date of August 18, 2011.
5. The violation letter stated that the applicant should remove an accessory structure from the vacant lot and cease occupying the accessory structure as a residence.
6. On August 17, 2011, the applicant filed an appeal application for the notice of violation received on July 18, 2011.
7. Per Code Section 9.204 accessory uses and structures are to be clearly incidental and related to the permitted principal use or structure on the lot.
8. A principal structure does not currently occupy the site.
9. The current structure doesn't have either bathroom facilities or kitchen facilities and seems to encroach into the setback.

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:

The Zoning Board of Adjustment upholds the Zoning Administrator's decision that an accessory structure cannot be located on a vacant lot without a principal structure and therefore cannot be used as a principal structure.

Pursuant to N. C. G. S. Section 160A-388(e), the Board's decision in Case No. 11-031 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,



Jeffrey Davis
Chairperson

11-22-11

Date

DECISION FILED IN THE PLANNING DEPARTMENT:

November 22, 2011
Date



Katrina Young, Zoning Administrator