



CERTIFIED MAIL

Hamilton Associates, LLC
1911 Central Avenue
Charlotte, NC 28205

**RE: APPEAL
1911 CENTRAL AVENUE
CASE NUMBER 11-036**

Dear Hamilton Associates, LLC:

On October 25, 2011, the City of Charlotte Zoning Board of Adjustment ("Board") **upheld** the Zoning Administrator's interpretation that a seating area may not be located in the required setback to a restaurant as a principal or accessory use as outlined by the City of Charlotte Zoning Ordinance.

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

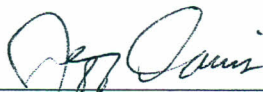
1. The applicant, Hamilton Associates LLC (Agent Robert L. Brandon), is appealing the Zoning Administrator's interpretation that a seating area cannot be located in the required setback.
2. The property is located at 1911 Central Avenue, further identified as tax parcel 095-077-05.
3. The site is zoned B-1 (Commercial District).
4. The applicant was issued a Zoning Violation letter on August 2, 2011.
5. The violation letter stated that an illegal seating area has been added in the front setback and to remove the seating area between the building and Central Avenue.
6. On August 31, 2011, the applicant filed an appeal application for the notice of violation issued on August 2, 2011.
7. Per Code Section 12.106(2a) using the area between the right-of-way and the required seating area is not allowed.
8. Per Code Section 2.201 an accessory use or structure is a use or structure that is customarily or typically subordinate to and serves a principal use or structure.

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 a seating area cannot be located in the required setback and must be removed immediately to conform to requirements of the Zoning Ordinance.

Pursuant to N. C. G. S. Section 160A-388(e), the Board's decision in Case No. 11-036 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

Cc: Robert Brandon