



CERTIFIED MAIL

Richard B. Fennell and Jon P. Carroll
c/o James, McElroy & Diehl, P.A.
600 South College Street
Charlotte, NC 28202

**RE: APPEAL
10762 TRAYMORE LANE
CASE NUMBER 12-004**

Dear Richard B. Fennell and Jon P. Carroll:

On July 31, 2012, the City of Charlotte Zoning Board of Adjustment ("Board") **upheld** the Zoning Administrator's interpretation that (1) a sidewalk located in the 50 foot required S.W.I.M. buffer is in violation and (2) property violates the Lower Lake Wylie watershed critical area requirement of 20% maximum built upon area.

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

1. The applicant, The Schnider Group, LLC is appealing the Zoning Administrator's interpretation.
2. The property is located at 10762 Traymore Lane, further identified as tax parcel 199-381-32.
3. The site is zoned R-5 (single-family residential).
4. The property is located in the Lower Lake Wylie Watershed Critical Area.
5. The applicant was issued a Zoning Violation Letter from the City on February 24, 2012, with a compliance date of March 26, 2012.
6. The violation letter of February 24, 2012 stated that the sidewalk is located in the required 50' S.W.I.M buffer and that the built upon area exceeds the Lower Lake Wylie Watershed Critical Area requirements of 20 percent per Code Section 10.706(1)(a)(i).
7. The applicant provided a survey that shows that the built upon area on the property does exceed 20 percent.
8. Per the applicant's survey, the site is comprised of approximately 1.5 acres with a total impervious area of 32.4 percent.
9. After the applicant received a Certificate of Occupancy, the applicant constructed a sidewalk of stone that extends from the residence into the required 50 foot buffer.
10. Per Code Section 10.708(3) No permanent structures, built upon areas, septic tanks systems or any other disturbance of existing vegetation shall be allowed within the buffer so to protect the watershed.
11. Stone is considered as impervious ground cover per Code Section 2.201.

12. The lot violates the maximum allowed 20 percent impervious area.

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 (1) a sidewalk located in the 50 foot required S.W.I.M. buffer is in violation and (2) property violates the Lower Lake Wylie watershed critical area requirement of 20% maximum built upon area.

Pursuant to N. C. G. S. Section 160A-388(e2), the Board's decision in Case No. 12-004 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,



Randy Fink
Chairperson

8/28/2012
Date

DECISION FILED IN THE PLANNING DEPARTMENT:

August 28, 2012
Date


Katrina Young, Zoning Administrator