



CERTIFIED MAIL

William Keathley
621 Tilden Road
Charlotte, NC 28214

**RE: VARIANCE
11032 MOORES CHAPEL ROAD
CASE NUMBER 12-034**

Dear William Keathley:

At its meeting on August 28, 2012, the City of Charlotte Zoning Board of Adjustment ("Board") **denied** a variance to allow an accessory structure to be located in the established setback.

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

1. The applicant is William Keathley.
2. The proposed site is located at 11032 Moores Chapel Road, further identified as tax parcel 053-082-03.
3. The subject parcel is zoned R-3 (Single-Family Residential).
4. The applicant is seeking a variance to construct an accessory structure in the established setback.
5. Per Code Section 12.106(2)(a) no accessory structure shall be located within any established setback in any residential district.
6. There are other alternatives for placement of the garage on the lot, i.e. attach to side of dwelling.
7. The parcel is of sufficient size to accommodate the accessory structure without seeking a variance.
8. The variance request is in direct conflict with the spirit and intent of the Ordinance.
9. The lot is not irregularly shaped.
10. The hardship is personal in nature and not a result of the Zoning Ordinance.

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:

1. No practical difficulties or unnecessary hardships exist because:
 - a. The difficulty or hardship is a result of the applicant's own actions.
 - b. The difficulty or hardship is not peculiar to the applicant's property.
 - c. The difficulty or hardship resulting from the application of these regulations would not prevent the owner from securing a reasonable return or making a reasonable use of the property.
2. The spirit of the regulations will be observed by denying the variance.

Pursuant to N. C. G. S. Section 160A-388(e), the Board's decision in Case No. 12-034 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

9/14/2012

Date

DECISION FILED IN THE PLANNING DEPARTMENT:

September 14, 2012 

Date Katrina Young, Zoning Administrator