



**CERTIFIED MAIL**

Kevin Ammons, RLA  
200 S. Tryon St, Suite 1400  
Charlotte, NC 28202

**RE: VARIANCE  
1415 PRINCETON AVENUE  
CASE NUMBER 12-053**

Dear Kevin Ammons:

At its meeting on November 27, 2012, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** three (3) variances: (1) an 88 foot variance from the 100 foot separation requirement for outdoor recreation located on external lots, (2) a 30 foot variance from the required 42 foot setback from existing or future back of curbs along local and collector streets to allow the expansion of an athletic field and (3) a 3-foot variance from the required 5-foot maximum height to allow an 8-foot high fence.

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


1. The applicant is Kevin Ammons.
2. The proposed site is located at 1415 Princeton Avenue, further identified as tax parcel 151-041-01.
3. The subject parcel's current zoning classification is R-4 (Single-Family).
4. Portions of the park were established in 1950, and have continued to develop as of today.
5. Code Section 9.205(1)(e2) requires a 42 foot front setback.
6. Per Table 12.540-1 the applicant is required to have a 100' separation from the road and install a Class "C" buffer.
7. A small retaining wall, an eight foot fence and a warning track are proposed to be constructed per applicants' exhibits.
8. The existing ball field currently encroaches into the required 100' buffer separation requirement.
9. The hardship is created by the uniqueness and orientation of the existing structure.

**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. No practical difficulties or unnecessary hardship exist because:
  - a. The difficulty or hardship is a result of action of the owner of the property.
  - b. The difficulty or hardship is not peculiar to the property in question.
  - 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.

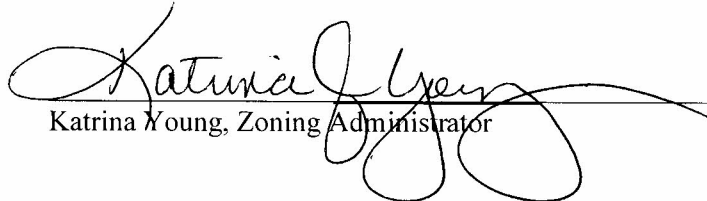
All applicable permits must be obtained from the Planning Department, which has been notified of this decision. The Ordinance § 5.111, provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit or a certificate of occupancy 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,

  
Randy Fink  
Chairperson

12/20/2012  
Date

**DECISION FILED IN THE PLANNING DEPARTMENT:**

December 20, 2012   
Date Katrina Young, Zoning Administrator

Cc: Mecklenburg County Parks & Recreation