



**CERTIFIED MAIL**

Brian Crutchfield  
4511 Morrowick Rd  
Charlotte, NC 28226

**RE: VARIANCE  
5301 SHARON ROAD  
CASE NUMBER 2013-003**

Dear Brian Crutchfield:

At its meeting on January 29, 2013, the City of Charlotte Zoning Board of Adjustment ("Board") **denied** a request for a variance to extend time for a nonconforming use to be discontinued in order to re-establish/resume the use of a daycare facility.

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


1. The applicant is Brian and Debbie Crutchfield.
2. The subject parcel's current zoning classification is R-3 (Residential).
3. The site is located at 5301 Sharon Road, further identified as tax parcel 209-073-03.
4. The property currently has a vacant building located on site.
5. The applicant is requesting a variance to extend time for a nonconforming use to be discontinued in order to re-establish/resume the nonconforming use of a daycare.
6. The applicant conceded that the use of the property as a nonconforming childcare center has been visibly discontinued for more than 12 consecutive months.
7. Per Code Section 7.102(6), where a nonconforming use is visibly discontinued for 12 consecutive months, then the use shall not be re-established or resumed, and any subsequent use of the land or structure shall conform to the requirements of these regulations.
8. The hardship is not a result of the Zoning Ordinance but that of the applicant's desire to re-establish a childcare center at 5301 Sharon Road, after the use has been visibly discontinued for 12 consecutive months.
9. The applicant has the option to pursue a rezoning which will allow the desired use.
10. Reasonable use of the property can be made without granting a variance.

**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 hardship exist because:
  - a. The difficulty or hardship is a result of action of the owner of the property.
  - b. 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(e2), the Board's decision in Case No. 13-003 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.

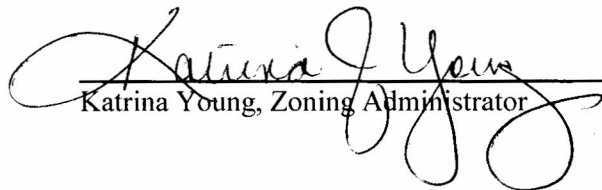
Sincerely,

  
\_\_\_\_\_  
Randy Fink  
Chairperson

2/18/2013  
\_\_\_\_\_  
Date

**DECISION FILED IN THE PLANNING DEPARTMENT:**

February 21, 2013  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Katrina Young, Zoning Administrator

Cc: Loren Fauchier, Property Owner