



CERTIFIED MAIL

Michael S. Gillis
Fresh Start Sober Living
P. O. Box 35272
Charlotte, NC 28235

**RE: FAIR HOUSING ACT REASONABLE ACCOMODATION
5901 AMITY PLACE
CASE NUMBER 2014-011**

Dear Michael S. Gillis:

At a special meeting on May 12, 2015, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a reasonable accommodation under the Fair Housing Act (FHA) to allow two (2) additional residents at 5901 Amity Place for a total of eight (8) recovering alcoholics and/or drug addicts (considered members of a protected class under the FHA) to reside together in its sober living home in a residential neighborhood where the Zoning Ordinance definition of "family" limits the number of unrelated persons residing together in a single family dwelling to not more than six (6).

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

1. The applicant is Fresh Start, Sober Living, LLC ("Fresh Start"), owner Michael Gillis (Represented by Laura H. Budd).
2. The proposed site is located at 5901 Amity Place, further identified as tax parcel 133-123-08.
3. The subject parcel is zoned R-4 (single family residential).
4. Fresh Start is a basic 12-Step sober living program for men and women who are recovering from alcoholism and/or drug addiction.
5. Recovering alcoholics and drug addicts are considered disabled under the Fair Housing Act; therefore, the housing at 5901 Amity Place will be used by individuals with who are members of a protected class under the Fair Housing Act.
6. Under City of Charlotte zoning regulations, sober living homes are not considered group homes.
7. Charlotte's Zoning Ordinance defines a family as "[a]n individual, or two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit; or a group of not more than six persons not related by blood, marriage or adoption, living together as a single housekeeping unit."
8. The sober living home environment is intended to function as a supportive living arrangement that functions like a traditional single-family home.
9. The residents must: contribute to house hold chores, abide by house rules, be employed, and participate in either Alcoholics Anonymous or Narcotics Anonymous.
10. The residents of sober living facilities are treated as the "functional equivalent" of a family and, therefore in Charlotte, as many as six (6) recovering addicts may reside together in single-family neighborhoods with no additional regulatory restrictions.

11. The applicant has requested the City waive its definition of "family" which limits the number of unrelated persons residing together in a single family dwelling to not more than six (6) to allow thirteen (13) residents in its home at 5901 Amity Place.
12. An accommodation is necessary to make specific housing available to the recovering addicts at the 5901 Amity Place home owned by Fresh Start.
13. An accommodation to allow 13 (thirteen) residents is not reasonable or necessary.
14. Occupation of 5901 Amity Place by more than eight (8) adults would have an impact on parking, traffic, safety, noise and other quality of life impacts on the neighborhood similar to a higher density zoning district which would undermine the legitimate purposes and effect of the Zoning Ordinance.
15. There are a number of sober living homes near the home at 5901 Amity Place that provide alternatives in housing choices for recovering addicts as indicated by Government Exhibit #23.
16. Two (2) additional residents living at 5901 Place would provide the residents of the Amity Place sober living home an equal level of benefit as other single-family homes without providing a superior advantage which is not required under the FHA as indicated by Appellant Exhibit #11.

Conditions:

1. Fresh Start's compliance with this decision shall be met through resident attrition.
2. Reasonable accommodation shall terminate upon Fresh Start or its affiliates ceasing to use property as a sober living home in manner described at hearing.

Conclusion of Law:

Based on the circumstances surrounding this reasonable accommodation request, an accommodation of two (2) additional residents to allow no more than eight (8) total residents would be reasonable, necessary, and would afford recovering addicts an equal opportunity to use and enjoy single-family housing at the Fresh Start home on 5901 Amity Place.

All applicable permits must be obtained from the Planning Department, which has been notified of this decision.

Sincerely,




Mark Loflin, Vice-Chairperson

6-18-15

Date

Cc: Laura Budd
Al Austin

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

6/18/15

Date