



**CERTIFIED MAIL**

Todd Hutcheson  
10925 Windy Grove Road  
Charlotte, NC 28278

**RE: APPEAL  
10925 WINDY GROVE ROAD  
CASE NUMBER 2014-023**

Dear Todd Hutcheson:

On May 27, 2014, the City of Charlotte Zoning Board of Adjustment ("Board") upheld the Zoning Administrator's interpretation that that a business that provides facilities for weddings, wedding receptions, and other meetings is prohibited in conjunction with a bed & breakfast use located within the R-5 (single family residential) zoning district.

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

1. The applicant, Todd Hutcheson (Represented by Benjamin R. Kuhn) is appealing the Zoning Administrator's interpretation.
2. The proposed site is located 10925 Windy Grove Road, further identified as tax parcel 113-251-06.
3. The property is currently zoned R-5 LLW-CA (single family, lower Lake Wylie critical area watershed overlay).
4. 10925 Windy Grove Road is occupied by a single family structure.
5. Mecklenburg County tax records indicate that Todd Hutcheson obtained ownership of 10925 Windy Grove Road in 2011.
6. A Zoning Notice of Violation letter (Z20140007240) was issued on March 28, 2014, with a compliance date of April 28, 2014.
7. The applicant filed an appeal on April 22, 2014.
8. The principal use of the property is for a bed and breakfast residence and the property has a valid license for a bed and breakfast.
9. Per Code Section 2.201, a bed and breakfast is defined as an owner-occupied, single family detached dwelling duly licensed as a Bed and Breakfast by the appropriate State agency which offers lodging for paying guests and may provide food service to these guests. Bed and breakfasts do not include other similar uses such as hotels or motels, health care facilities, boarding houses, group homes, halfway houses, hostels or rescue missions.
10. Per Code Section 9.203, bed and breakfast uses are allowed subject to Section 12.521 of the Zoning Ordinance.


11. Per the Zoning Ordinance, a business that provides facilities for weddings, wedding receptions, and other meetings is not a permitted use within the R-5 single family residential zoning district. Such uses are deemed a conference center. A conference center also includes corporate meeting, training, retreats, and other meeting facilities. These uses are permitted within institutional, office, and business zoning districts.
12. The subject property was zoned R-R (resort residential) from the time zoning was initially adopted by the Mecklenburg County Board of Commissioners in 1968 until 1992 when the zoning was converted to the current zoning of R-5 (single family residential) due to the adoption of a current Zoning Ordinance.
13. Per the Zoning Ordinance from the 1980's, bed and breakfast uses were allowed within the R-R zoning district.
14. Per the Zoning Ordinance from the 1980's, a business that provides facilities for weddings, wedding receptions, and other meetings is not a permitted use within the R-R zoning district.
15. The applicant has the option of applying to rezone the property to a zoning designation that would allow the uses desired.
16. The current principal use of the property is a venue for weddings.

**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 a business which provides facilities for weddings, wedding receptions, and other meetings is prohibited in conjunction with a bed & breakfast use located within the R-5 (single family residential) zoning district.

Pursuant to North Carolina General Statutes § 160A-388(e2), the Board's decision in Case No. 2014-023 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.

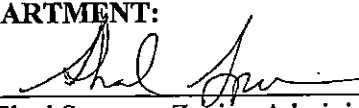
Sincerely,

  
\_\_\_\_\_  
David Hoffman  
Vice - Chairperson

  
\_\_\_\_\_  
Date

**DECISION FILED IN THE PLANNING DEPARTMENT:**

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Shad Spencer, Zoning Administrator

Cc: Benjamin R. Kuhn, Attorney-At-Law