



June 4, 2014

Domenic Polzella
David and Leigh Polzella
8639 Summerfield Lane
Charlotte, NC 28078

**RE: APPROVAL FOR A ZONING VARIANCE EXTENSION
9132 BOB BEATTY ROAD
TAX PARCEL NUMBER: 027-532-52
PROPERTY OWNER: Domenic Polzella, David and Leigh Polzella
CASE NUMBER 14-026AD**

Dear Domenic Polzella, David and Leigh Polzella:

Your request for an extension to the variance that was granted on October 27, 2009 has been approved. The original approval was to allow an existing structure to remain within 13 feet from the rear property line. The variance expired two years from the date of the meeting in which the Board rendered its decision. This extension will expire one year from today's date. You may obtain a permit to reflect your variance at 700 N. Tryon Street (Hal Marshall Building).

The original findings of fact made by the City of Charlotte Zoning Board of Adjustment ("Board") in **granting** the variance are:

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

1. *The applicant is Allen L. Brooks.*
2. *The proposed site is located at 9132 Bob Beatty Road, further identified as tax parcel 027-532-52.*
3. *The subject parcel's current zoning classification is R-4 (residential) and is proposed to be rezoned O-1 (office) subject to application submittal and City Council approval.*
4. *The hardship is a result of the application of the Ordinance in that accessory structures in the O-1 district are subject to minimum rear yard requirements unlike accessory uses in the R-4 district.*
5. *The accessory structure under the present zoning classification is conforming.*
6. *The principal structure is considered a registered historic landmark and although the existing garage is not historic, it is recommended that the structure remain undisturbed.*
7. *The hardship is unique to the property because of the shape of the property.*

Based upon the above findings of fact, the Board concludes that the applicant has met each of the standards stated in §5.108(1) of the Ordinance, and more specifically:

1. *The spirit and intent of the Ordinance shall be observed.*
2. *Granting the variance will not alter the essential character of the neighborhood.*

The circumstances for granting the variance have not change and therefore the approval for extension is granted administratively in accordance with **Code Section 5.111** (Effect of grant of variance) and Code Section 4.107 (Delegated Authority). **Code Section 5.111** states that if two years have expired, the Zoning Administrator shall have the authority to issue the permit if the Zoning Administrator determines that, based upon the Board's decision; the circumstances for the granting of the variance have not changed and would allow the issuance of the permit. **Code Section 4.107** states the Zoning Administrator has the authority to grant an administrative approval of deviations from measurable and quantifiable standards of this ordinance, except for density requirements and signs, if the deviations are in accordance with conditions listed.

Please make sure that the annotation of this section is noted on the permit application.

If I can be of further assistance in this matter, please contact me at (704) 353-1132.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shad Spencer', with a long horizontal flourish extending to the right.

Shad Spencer
Zoning Administrator

Cc: Allen L. Brooks