



December 10, 2014

NPR Properties LLC
Attn: Ms. Nasrin Robinson
400 Glen Oaks Road
Charlotte, NC 28270

Dear Ms. Robinson:

Enclosed is the City of Charlotte Zoning Board of Adjustment's decision for Case No. 2014-042. Case No. 2014-042 was an appeal of the Historic District Commission's prior decision to the Zoning Board of Adjustment.

If you have questions, please contact me at skennedy@charlottenc.gov or 704-336-3818.

Thank you,

Sonda Kennedy
Clerk to the Zoning Board of Adjustment

NORTH CAROLINA
MECKLENBURG COUNTY

CITY OF CHARLOTTE ZONING
BOARD OF ADJUSTMENT
2014-142 (APPEAL)

NPR PROPERTIES, LLC

Petitioner

v.

CHARLOTTE HISTORIC DISTRICT COMMISSION

Respondent.

ORDER

This matter came before the Charlotte Zoning Board of Adjustment (the "ZBA") on October 28, 2014, pursuant to North Carolina General Statutes Section 160A-400.9(e), Charlotte City Code Section 10.213(1), and ZBA Application 2014-142 ("Appeal of a Certificate of Appropriateness"). The ZBA reversed the decision of the Historic District Commission (the "HDC") and granted the Petitioner's application for a certificate of appropriateness.

The ZBA held that the HDC committed an error of law by not considering the Petitioner's application to replace existing wood siding with cementitious siding on a case-by-case basis as required by the HDC's Policy and Design Guidelines regarding non-traditional building materials. The HDC's decision was supported by no findings of fact.

The ZBA entered the following findings of fact:

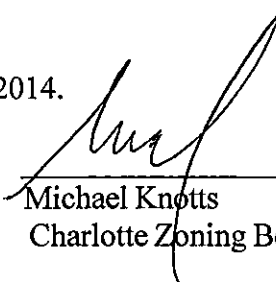
1. The structure in question was built in 1980.
2. The Historic District overlay did not affect the property until 1983.
3. The structure does not contribute to the historic character of the Dilworth Historic District.

4. Staff for the HDC stated at the HDC hearing that the structure was "non-contributing."
5. The existing siding on the structure was low-quality wood siding.
6. The Petitioner desires to replace the existing siding with higher-quality hardiplank siding, which has visual appeal at least as good as the existing siding.
7. The Petitioner has replaced the siding on the back and both sides of the structure with hardiplank siding, and desires to replace the siding on the front of the structure with hardiplank siding.
8. The Petitioner did not become aware of the need for a certificate of appropriateness until after replacing the siding on three sides of the structure.
9. The Petitioner acted in good faith by applying for a certificate of appropriateness without having received a notice of violation.

The ZBA concludes as a matter of law under *de novo* review of the HDC decision that the Petitioner is entitled to a Certificate of Appropriateness under the appropriate legal standard. Accordingly, decision of the Historic District Commission is REVERSED.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the decision of the HDC on ZBA Application 2014-142 to deny a Certificate of Appropriateness is REVERSED and the Certificate of Appropriateness sought in ZBA Application 2014-142 shall be GRANTED to Petitioner.

This the 10th day of December 2014.



Michael Knotts
Charlotte Zoning Board of Adjustment, Chair