



CERTIFIED MAIL

Gary and Tatiana Travis
1616 S. Wendover Road
Charlotte, NC 28211

**RE: APPEAL
2101 & 2115 PROVIDENCE ROAD – COTTAGES on PROVIDENCE TOWNHOMES
CASE NUMBER 2015-016**

Dear Gary and Tatiana Travis:

On April 28, 2015, the City of Charlotte Zoning Board of Adjustment (“Board”) overturned the Zoning Administrator’s interpretation that architectural features of a principal structure may project up to three feet into a required buffer.

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


1. The applicants are Gary and Tatiana Travis.
2. The property for which the subject interpretation has been applied is located at 2115 Providence Road, further identified as tax parcels 181-061-10 & 11. This site is being developed as a townhome development known as the Cottages on Providence.
3. The site is zoned R-8MF(CD) (multi-family, conditional).
4. The subject townhome development is required to have a 28 foot wide Class “C” buffer along the property lines abutting single family zoning districts.
5. The building wall of a townhome structure is located 28 feet from the southeastern property line abutting single family zoning per the February 13, 2015 survey provided by Gary Travis. The roof overhang of the townhome structure projects up to one foot into the required 28 foot wide Class “C” buffer.
6. The applicant is appealing the Zoning Administrator’s interpretation that architectural features such as roof overhangs of a principal structure may project up to three feet into a required buffer.
7. Section 12.106(5) of the Zoning Ordinance allows for architectural features of a principal structure to project up to three feet into any required buffer is erroneous, unless they would obstruct driveways, which might be used for service and emergency vehicles.
8. Chapter 2 of the Zoning Ordinance defines required yards as the minimum distance/separation required by this ordinance between the building/structure and the lot line.
9. Section 12.302(3) of the Zoning Ordinance indicates that buffers are required to include two components:
 - a. a minimum distance/separation from the property line and
 - b. required planting of trees and shrubs within the buffer.

10. Section 12.302(12) of the Zoning Ordinance allows for a limited amount of disturbances to the land that is located within the required buffer. These disturbances include driveways, sidewalks, paths, walls/fences, utility lines, berms, and the installation/maintenance of landscaping. These items require the land within the buffer to be physically disturbed and the possible removal of vegetation.

Based upon the above findings of fact, the Board concludes that the applicant has met the standard stated in § 5.109(1) of the Ordinance, and more specifically:

The Zoning Administrator's interpretation that Section 12.106(5) of the Zoning Ordinance allows architectural features of a principal structure to project up to three feet into a required buffer is erroneous.

Sincerely,



Mark Loflin, Vice-Chairperson

5-18-15

Date

DECISION FILED IN THE PLANNING DEPARTMENT:



Shad Spencer, Zoning Administrator

5-20-15

Date