



CERTIFIED MAIL

Jo M. Best
2617 Gone Away Rd
Charlotte, NC 28210

**RE: APPEAL
3114 SHARON VIEW ROAD
CASE NUMBER 2015-051**

Dear Jo M. Best:

On December 8, 2015, the City of Charlotte Zoning Board of Adjustment ("Board") **upheld** the Zoning Administrator's interpretation that the subject property established in 2015 does not comply with the minimum lot width requirement of the current R-3 (single family residential) zoning designation.

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

1. The applicant is Jo M. Best/William W. Waters and Waters Construction Company, Inc. (Represented by Miles S. Levine, Esq., Goodman, Carr, Laughrun, Levine & Greene, PLLC).
2. The subject property is located at 3114 Sharon View Road, further identified as tax parcel 209-061-64.
3. The applicant is appealing the Zoning Administrator's interpretation that the subject property established in 2015 does not comply with the minimum lot width requirement of the current R-3 (single family residential) zoning designation.
4. According to a North Carolina Gift Deed filed with the Mecklenburg County Register of Deeds, Waters Construction Company, Inc. established the subject lot and granted it to Jo M. Best on June 17, 2015.
5. Section 20-6 (Definitions) of the Subdivision Ordinance states that transfers of tracts or parcels by inheritance or bona fide gift would not be included in the definition of subdivision nor be subject to the requirements of the Subdivision Ordinance. There was testimony stating this section does not exempt such transfers of tracts or parcels from the requirements of the Zoning Ordinance.
6. The deed to establish the subject property was recorded without a review of the local government agency for compliance with any applicable and development regulations.
7. The subject property is zoned R-3 (single family residential) and is approximately 0.398 acres.
8. Section 9.205(1)(d) of the Zoning Ordinance requires a minimum lot width be 70 feet for a lot with a residential dwelling located within the R-3 zoning district.
9. Per the definition of lot width within Section 2.201 of the Zoning Ordinance, the minimum lot width is measured along the setback line as established by the Zoning Ordinance for the subject property's zoning designation.

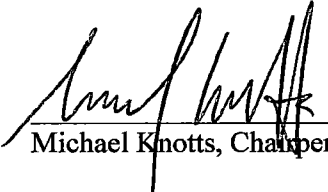
10. Section 9.205(1)(e1) of the Zoning Ordinance requires a minimum setback of 30 feet from the right-of-way along a designated thoroughfare for R-3 zoned property.
11. The subject property fronts along Sharon View Road. Sharon View Road is classified as a minor thoroughfare per the adopted Thoroughfare Plan.
12. A building permit was issued in July 2015 to construct a single family house at 3114 Sharon View Road. The tax parcel number on the permit application indicates tax parcel 209-061-28 and not tax parcel 209-061-64 which is assigned to 3114 Sharon View Road.
13. A Zoning Hold and Stop Work Order were placed on this subject property along with other surrounding properties due to alleged zoning violations in August 2015. While the applicant raised the issues related to the Stop Work Order, the Board did not consider those issues to be relevant to this decision.
14. The building permit application did not include a copy of the gift deed or any reference to the gift deed.
15. The building permit application did not show the width of the road frontage of the lot.

Based upon the above findings of fact, the Board concludes that the applicant has failed to carry the burden stated in § 5.109(1) of the Ordinance to show an error in the Zoning Administrator's application of the Ordinance and more specifically:


The Zoning Board of Adjustment determined that the required width of the lot is 70 feet measured at the required setback line at thirty feet and voted to uphold the Zoning Administrator's interpretation that the subject property established in 2015 does not comply with the minimum lot width requirement of the current R-3 (single family residential) zoning designation.

Pursuant to North Carolina General Statutes § 160A-388(e2), the Board's decision in Case No. 2015-051 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,


Michael Knotts, Chairperson

**DECISION FILED IN THE PLANNING
DEPARTMENT:**


Shad Spencer, Zoning Administrator

12/15/15
Date

12/16/15
Date

Cc: William W. Waters
Miles Levine