



CERTIFIED MAIL

Robert & Jessica Newton
40781 Gibbel Rd
Hemet, CA 92544

**RE: VARIANCE
2427 MT HOLLY HUNTERSVILLE RD
CASE NUMBER 2015-060**

Dear Robert & Jessica Newton:

At its meeting on December 8, 2015, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 15 foot variance to allow a barn and manure pile to be located 85 feet from side lot lines instead of 100 feet as required by the ordinance for private stables.

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

1. The applicants are Robert & Jessica Newton (Represented by Janusz & Lindsey Walczak).
2. The subject parcel's current zoning classification is R-3 (single family residential).
3. The site is located at 2427 Mt. Holly Huntersville Road, further identified as tax parcel 031-182-48.
4. The property is currently occupied by a single-family structure.
5. The site is approximately 2.5 acres.
6. The lot width is approximately 190 feet.
7. Section 12.411(3) requires that all structures for the keeping and maintenance of animals and manure piles be located at least 100 feet from any lot line.
8. The applicant is requesting a 15 foot variance to allow a barn and manure pile to be located 85 feet from both eastern and western side lot lines instead of 100 feet as required by the ordinance for private stables.
9. The width of the subject lot is such that the 100 foot separation requirement cannot be met from the side property lines at any location on the property.
10. The proposed location of the barn and manure pile meets the 100 foot separation requirement from both the front and rear property line.
11. The proposed location of the barn and manure pile is where the most separation can be achieved from the side property lines by being located in the center of the 190 foot wide lot.
12. The areas between the side property lines and the proposed location of the barn and manure pile are heavily vegetated from the abutting properties.
13. Up to two (2) horses are allowed by right on the property due to the size.

Condition:

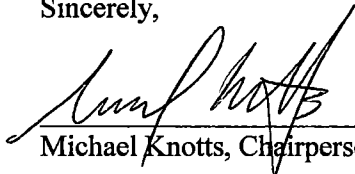
Twenty foot buffer as shown on Appellant Exhibit A must remain.

Based upon the above findings of fact, the Board concludes that the applicant has met the standards set forth in North Carolina General Statutes § 160A-388, and more specifically:

1. Unnecessary hardships would result from the strict application of the Ordinance.
2. The hardship does not result from conditions that are peculiar to the property (location, size or topography).
3. The hardship does not result from actions taken by the applicant or the property owner.
4. The requested variance is consistent with the spirit, purpose, and intent of the Zoning Ordinance, in that the public safety is secured and substantial justice is achieved.

All applicable permits must be obtained from the Planning Department, which has been notified of this decision. The Ordinance § 5.111, provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit or a certificate of occupancy pertaining to the need for the variance is not obtained within two (2) years from the date of the meeting of the Board at which the Board rendered its decision.

Sincerely,



Michael Knotts, Chairperson

12/15/15

Date

DECISION FILED IN THE PLANNING DEPARTMENT:



Shad Spencer, Zoning Administrator

12/16/15

Date

Cc: Janusz Walczak & Linsey Walczak