



CERTIFIED MAIL

True Homes LLC
2649 Brekonridge Centre Dr
Monroe, NC 28110

**RE: VARIANCE
3008 BRIDLE BROOK WAY
CASE NUMBER 2016-023**

Dear True Homes LLC:

At its meeting on April 26, 2016, the City of Charlotte Zoning Board of Adjustment ("Board") **denied** a 10 foot variance from the required 45 foot rear yard to allow the construction of a single family home.

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

1. The applicant is True Homes LLC (Represented by David E. Tibbals).
2. The proposed site is located 3008 Bridle Brook Way, further identified as tax parcel 227-144-02.
3. The property is zoned R-3 (single family district).
4. The lot is currently vacant.
5. Per Code Section 9.205(1)(g), the minimum required rear yard for an R-3 zoned property is 45 feet.
6. The applicant is requesting a 10 foot variance from the required 45 foot rear yard to allow a portion of a proposed single family home to be constructed within the required rear yard.
7. The plat for Canterbury Place Map 6, which includes this subject lot, was recorded in 2006. The developer, Canterbury Place of Matthews, LLC, utilized the SWIM buffer incentives within the Zoning Ordinance to reduce the minimum lot sizes from 10,000 square feet to 9,000 square feet, reduce the setbacks from 30 feet to 20 feet, and reduce the required side yards from 6 feet to 3 feet.
8. The western property line is approximately 21 feet shorter in length than the eastern property line length.
9. The applicant has the option of using a different floor plan to fit the existing building envelop.
10. There is no evidence of unnecessary hardship or special conditions applicable to the property.
11. The lot is not oddly shaped.
12. If the variance were granted it would result in a direct conflict with a specific provision of the Zoning Ordinance.

Based upon the above findings of fact, the Board concludes that the applicant has not met the standards set forth in North Carolina General Statutes § 160A-388, and more specifically:

1. Unnecessary hardships would not 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 results from actions taken by the applicant or the property owner.
4. The requested variance is not consistent with the spirit, purpose, and intent of the Zoning Ordinance, in that the public safety not secured and substantial justice is achieved.


Pursuant to N. C. G. S. Section 160A-388(e2), the Board's decision in Case No. 2016-023 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,


Paul Arena, Chairperson

5/9/16
Date

**DECISION FILED IN THE PLANNING
DEPARTMENT:**


Shad Spencer, Zoning Administrator

5/12/16
Date

David E. Tibbals, Agent