

Mr Aaron Brown, ZA
August 28, 2018

RECEIVED

AUG 28 2018

CHARLOTTE
PLANNING & ZONING

Aaron,

By this letter I would like to appeal your decision, written to Patricia Coyle at 527 Church Hill Road on August 14, that Joe Rhoems pronouncement of compliance sometime in 2017 is final.

To review the history:

The Coyles came before the ZBA in 2015. The ZBA issued an option approving the site plan as presented and allowing an accessory structure with specific provisions designed to protect the character of the neighborhood. Two years of back and forth between the ZA and the Coyle's followed. There were two letters in the file stating non-compliance. Additionally, interested parties such as Bill Pinney and myself contacted the ZA to complain. On 10/3/16 the ZA wrote me the attached email.

On August 8 2018, frustrated at the continued state of the property, I sent you the attached letter outlining my belief that she was not in compliance. **Please see attached for my substantive argument and relief requested.** In response, you visited the site, came to the conclusion yourself that the Coyle/Coleman property was not in compliance, and mailed a letter to that effect. Patricia Coyle responded that the previous ZA Joe Rhoem had pronounced her compliance sometimes. You agreed with her conclusion that you were bound by the previous ZA's opinion and -- because it was not appealed within 15 days -- it must be upheld.

My procedural argument is twofold:

First, the opinion does not qualify for finality. There is no letter that anyone can produce. Nothing is in the file. Abutting neighbors and interested parties, including Bill Pinney and myself, were not notified of this conclusion. Thus there was no opportunity to appeal.

In the alternative, I would argue that even if Joe's conclusion in 2017 stands, is not binding to you now. At the time of the plantings, it may have been in compliance. But the ZBA opinion in 2015 is about result (effective screening from Church Hill Road!), not action. Three years later, the plantings are scrubby, short, and do not accomplish the intended aim.

In sum:

I believe you are mistaken that Joe's informally given opinion, given at a snapshot in time, binds you today. Furthermore, I don't believe substantively that the Coyle's are anywhere near compliance.

For three years the Coyle's have thumbed their nose at the town and the ZBA. I appeal your decision and hope the ZBA can put matters to right.

Andrew Swayze