



**CERTIFIED MAIL**

Men's Shelter of Charlotte, Inc.  
Attn: Mr. Carson Dean  
3410 Statesville Road  
Charlotte, NC

**RE: VARIANCE  
3410 STATESVILLE ROAD  
CASE NUMBER 12-009**

Dear Men's Shelter of Charlotte, Inc.:

At its meeting on June 26, 2012, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** variances to allow: (1) an area of 2,116 square foot variance where the existing building encroaches into the required buffer; (2) reduced width of required Class "B" buffer to accommodate existing building, parking lot, and trash area; (3) a .38 acre variance from the two (2) acres required; and (4) allow existing structure to encroach into the side yard.

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

1. The Applicant is the Men's Shelter of Charlotte, Inc. (Represented by John Carmichael).
2. The property subject to these variance requests contains approximately 1.62 acres, is located at 3410 Statesville Avenue in Charlotte, NC and is designated as Tax Parcel No. 077-056-10.
3. The Applicant is requesting the following variances:
  - a) Reduce the width of the required Class B buffer as more particularly depicted on to the Applicant's Application.
  - b) Reduce the width of the required side yard as more particularly depicted on the applicant's application.
  - c) Reduce the minimum lot size requirement under Section 12.538 to 1.62 acres.
4. The referenced property and all of the adjacent parcels are zoned I-1 (Industrial District), while parcels of land east of the Property are zoned I-2.
5. The existing building located on the property encroaches into a portion of the required side yard.
6. In 2009, the Applicant began operating a homeless shelter within the building located on the property. A homeless shelter is permitted in the I-1 zoning district provided that it meets the requirements of Section 12.538 of the Ordinance.
7. The Class "B" buffer is only required to be located on those portions of the Property adjacent to the residential parcel.

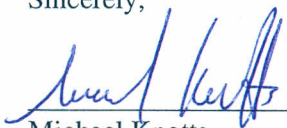
8. That parcel of land located along a portion of the Property's northern boundary line designated as Tax Parcel No. 077-056-01 contains a single family home and is currently used as single family residential.
9. The single family residential use is not listed as a permitted use in the industrial district.
10. The Applicant's homeless shelter does not meet the following requirements of Section 12.538:
  - a) A Class "B" buffer shall be provided along all property lines abutting residentially zoned and/or used property.
  - b) The property shall have a minimum size of two acres.
11. When the Applicant acquired the property, the building and improvements were in place.
12. The applicant has attempted to purchase adjacent property to meet existing buffer requirements and bring the parcel into compliance with the Ordinance.
13. The adjacent property's nonconforming use is causing a hardship.
14. The hardship is not the result of the Applicant's actions.

**Based upon the above findings of fact, the Board concludes that the applicant has met each of the three standards stated in §5.108(1) of the Ordinance, and more specifically:**

1. By granting the requested variances the public safety and welfare are secured and substantial justice is done.
2. The variances are in harmony with the general purpose and intent of the Zoning Ordinance and preserve its spirit.
3. Practical difficulties or unnecessary hardships would result from the strict application of these regulations.

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  
Vice - Chairperson

7/30/12  
Date

**DECISION FILED IN THE PLANNING DEPARTMENT:**

July 30, 2012   
Date Katrina Young, Zoning Administrator