



**CERTIFIED MAIL**

Childress Klein Properties  
2800 One Wachovia Center  
Charlotte, NC 28202

**RE: VARIANCE  
5100 WEST W.T. HARRIS BOULEVARD  
CASE NUMBER 10-033**

Dear Childress Klein Properties:

At its meeting on August 31, 2010, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** two variances: (1) a 28 foot variance from the required 50 foot buffer and (2) a 20 foot variance from the required 50 foot buffer for a total area of 432 square feet encroachment.

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

1. The applicant is Childress Klein Properties.
2. The proposed site is located at 5100 West W.T. Harris Boulevard, further identified as tax parcel 043-221-04.
3. The subject parcel's current zoning classification is I-1 (Industrial).
4. The applicant is required to provide a 50 buffer per the Zoning Ordinance.
5. The applicant is proposing to install a berm which will reduce the existing buffer by 25%.
6. The applicant is proposing to install landscaping above and beyond what is required by the Zoning Ordinance to enhance the vegetative buffer.
7. The applicant is requesting a 28 foot reduction in one area of the buffer and a 20 foot reduction in another area.
8. The majority of the required buffer will be undisturbed with the exception of the two areas requested.
9. The applicant's property is adjacent to the community common area which has heavy foliage. There is additional landscaping opposite the residential structures which are affected.
10. There was no opposition present.

**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. The variance is in harmony with the general purpose and intent of the Ordinance and further preserves its spirit.
2. In granting the variance the public safety and welfare have been assured and substantial justice has been done.
3. Granting the variance will not adversely affect adjacent or contiguous properties.

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.

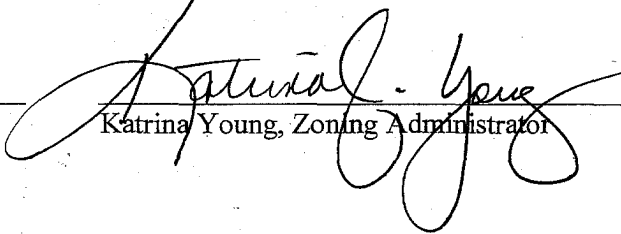
Sincerely,

  
\_\_\_\_\_  
Jeff Davis  
Chairperson

**DECISION FILED IN THE PLANNING DEPARTMENT:**

Date

9-15-10

  
\_\_\_\_\_  
Katrina Young, Zoning Administrator