



**CERTIFIED MAIL**

DDR Cotswold LLC  
3300 Enterprise Parkway  
Beachwood, Ohio 44122

**RE: VARIANCE  
4400 RANDOLPH ROAD  
CASE NUMBER 2013-052**

Dear DDR Cotswold LLC:

At its meeting on November 26, 2013, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 15'3" variance from the required Class "B" 22 foot buffer.

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

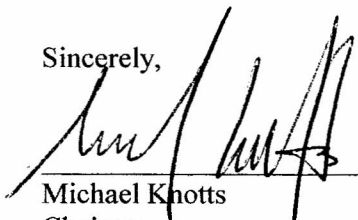
1. The applicant is DDR Cotswold LLC, c/o DDR Corp. (Represented by Brandstormers, LLC c/o John Carmichael).
2. The proposed site is located at 4400 Randolph Road, further identified as tax parcel 181-124-05.
3. The property is zoned B-1 (Neighborhood Business).
4. The building was constructed in 1966 and is approximately 3,281 square feet.
5. The building's previous use was that of a financial institution.
6. The applicant proposes a change of use to the existing structure to accommodate Smashburger Restaurant.
7. The applicant is seeking a 15'3" variance from the required Class "B" 22 foot buffer to maintain an existing surface parking lot.
8. If buffer is installed, eight (8) required parking spaces would be removed.
9. The applicant proposes to remove existing pavement and install a 25' 9" Class "B" buffer along approximately 50% of the length of the property line shared with the multi-family development.
10. As shown on the revised site plan, a 6 foot tall opaque privacy fence will be installed between the existing parking spaces and property shared with the multi-family development.
11. The proposed change of use will bring the subject site more into conformity with the buffer section of the Zoning Ordinance than its current condition.
12. Per Code Section 12.302, buffer requirements include a minimum distance separation from the property line and required planting of trees and shrubs within the buffer. The minimum buffer requirements, which are based on the size of the lot are in accordance with Table 12.302(b).
13. Code Section 12.302(b) requires a Class "B" buffer width of 22 feet when a restaurant use is adjacent to a multi-family use.
14. The hardship is the result of the impact of the Zoning Ordinance upon an oddly shaped lot.

**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. Practical difficulties or unnecessary hardship exist because:
  - a. The difficulty or hardship is peculiar to the property in question.
  - b. The difficulty or hardship is a result from the application of these regulations.
2. The spirit of the regulations will be observed by granting the variance.

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.

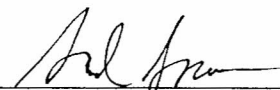
Sincerely,

  
\_\_\_\_\_  
Michael Knotts  
Chairperson

12/6/13  
\_\_\_\_\_  
Date

**DECISION FILED IN THE PLANNING DEPARTMENT:**

12/9/2013  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Shad Spencer, Interim Zoning Administration

Cc: John Carmichael, Attorney-at-Law