



**CERTIFIED MAIL**

E. C. Griffith Company  
1944 Brunswick Avenue  
Charlotte, NC 28207

**RE: VARIANCE  
1824 FREEDOM DRIVE  
CASE NUMBER 2013-053**

Dear E. C. Griffith Company:

At its meeting on November 26, 2013, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** two variances: (1) 18 foot reduction from the required 20 foot transitional setback and (2) to allow maneuvering in the setback.

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

1. The applicant is E.C. Griffith Company (Represented by Collin W. Brown (K&L Gates) representing Morgan Property Group).
2. The proposed site is located at 1824 Freedom Drive, further identified as tax parcel 071-051-06.
3. The property is comprised of approximately .87 acres and is zoned I-2 (General Industrial).
4. The site is currently vacant.
5. The applicant proposes to develop the property to accommodate a convenience store/gas station.
6. The applicant is requesting two variances (1) 18 foot reduction from the required 20 foot transitional setback to allow underground storage tanks (2) to allow maneuvering in the setback.
7. Per Code Section 12.103(2), a transitional setback or yard shall also be established for each zoning district which abuts a thoroughfare that has an existing right-of-way which is not as wide as the right-of-way established for that thoroughfare.
8. Per Code Section 12.206(3), the space between the required setback, side, or rear yard abutting a street may not be used as maneuvering space for parking/unparking of vehicles.
9. This section of Freedom Drive is classified as a class III-C commercial arterial.
10. The Zoning Ordinance requires a 75' proposed right-of-way from the centerline of the existing right-of-way, of which the future setback should be established.
11. A 20 foot setback is required from the future right-of-way.
12. There are no funded or planned public improvements to this portion of Freedom Drive.
13. Granting the variance will not adversely affect adjacent or contiguous properties.
14. The lot is irregularly shaped.
15. The variance is necessary to facilitate proper and safe circulation of fuel trucks and other vehicles on site.

**Conditions:**

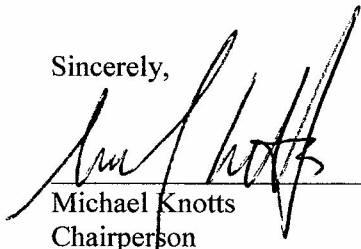
1. The variance is for the development and use of the site as a convenience store and a station.

**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 not a result of action of the owner of the property.
  - b. The difficulty or hardship is peculiar to the property in question.
  - c. 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.

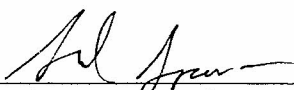
Sincerely,

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

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

**DECISION FILED IN THE PLANNING DEPARTMENT:**

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

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

Cc: Collin Brown, Attorney-at-Law