



CERTIFIED MAIL

Leah and Steven Grace
1320 Ordermore Avenue
Charlotte, NC 28209

**RE: VARIANCE
1320 Ordermore Avenue
CASE NUMBER 2014-005**

Dear Leah and Steven Grace:

At its meeting on January 28, 2014, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a variance to: (1) reduce the proposed right-of-way line from 40 feet from the thoroughfare centerline of Scott Avenue to 35 feet and (2) eliminate the required transitional setback.

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

1. The applicants are Leah and Steven Grace.
2. The proposed site is located at 1320 Ordermore Avenue, further identified as tax parcel 151-011-09.
3. The property is zoned R-22MF (Multifamily District).
4. The property is currently vacant.
5. The applicant purchased the property in 2006.
6. The applicant is seeking a variance to: (1) reduced the proposed right-of-way line from 40 feet from the thoroughfare centerline of Scott Avenue to 35 feet and (2) eliminate the required transitional setback.
7. Per Code Section 12.103(1), the minimum yards or setbacks prescribed for each zoning district, which abuts a thoroughfare shall be measured from the proposed right-of-way line established for each classification of thoroughfare.
8. The proposed right-of-way for Scott Avenue, a designated Major Arterial bounded by Route 4 and I-85, shall measure 40 feet from the centerline of the thoroughfare.
9. Scott Avenue and Kenilworth Avenue are a pair of one-way streets that function as one roadway. However, each one-way street is designated as a Major Arterial (Class III) and therefore is required to provide the proposed right-of-way dimensions for that designated thoroughfare.
10. The existing right-of-way for Scott Avenue at this subject site measures 25 feet from the centerline of the thoroughfare. Therefore, an additional 15 feet of right-of-way is proposed to achieve the 40-foot requirement. The variance request is to reduce the proposed additional right-of-way to 10 feet.
11. Per Code Section 12.103(2), the transitional setback or yard area established for lots abutting thoroughfares can be used for any purpose allowed by the particular zoning district, except for

- (a) those uses which are prohibited in the required setbacks or yards as established by this ordinance.
12. The subject property is a corner lot and the side of the lot with frontage along Scott Avenue is required to have a side yard setback of 10 feet (50 percent of the required 20-foot setback for detached dwellings) from the right-of way line.
 13. The Dilworth Land Use and Streetscape Plan, adopted by City Council in 2006, include a proposed streetscape along this portion of Scott Avenue that indicates an eight-foot planting strip and a six-foot sidewalk. CDOT and Planning have reviewed the proposed variance request along with the proposed streetscape and determined that sufficient area will be maintained to accomplish the proposed streetscape if the variance request is granted.
 14. Granting the variance will not alter the essential character of the area.
 15. Granting the variance will not adversely affect adjacent or contiguous properties.
 16. The hardship is unique to the property because of the size of the property.
 17. The hardship is unique to the property because of the shape of the property.

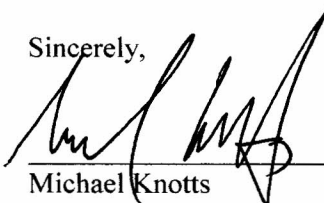
Based upon the above findings of fact, the Board concludes that the applicant has met the standards set forth in North Carolina General Statutes § 160A-388, and more specifically:

Conclusion of Law:

1. By granting the variance, the public safety is secured and substantial justice is achieved.
2. The variance is in harmony with the general purpose and intent of the Zoning Ordinance and preserves its spirit.
3. 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
Chairperson

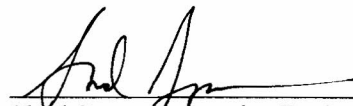
1/28/14

Date

DECISION FILED IN THE PLANNING DEPARTMENT:

1/29/14

Date



Shad Spencer, Interim Zoning Administration