



CERTIFIED MAIL

Cambridge-Davis Lake, LLC
Attn: George L. Maloomian
831 E. Morehead Street, Suite 245
Charlotte, NC 28202

**RE: VARIANCE
4968 WEST W.T. HARRIS BOULEVARD
CASE NUMBER 2014-051**

Dear Cambridge-Davis Lake, LLC:

At its meeting on December 9, 2014, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** two (2) variances to waive the following requirements:

- i. a six-foot wide sidewalk along the subject site's West W.T. Harris Boulevard street frontage, and
- ii. a sidewalk connection between a commercial building and the adjoining public street.

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

1. The applicant is Cambridge-Davis Lake, LLC (Represented by George L. Maloomian).
2. The proposed site is located at the northwest corner of West W.T. Harris Boulevard and Davis Lake Parkway, further identified as tax parcel 043-221-08.
3. The subject property was rezoned in 2013 (Rezoning Petition 2013-024) from CC (commercial center) to CC SPA (commercial center, site plan amendment) to allow the development of a 15,000-square foot commercial building on a newly configured outparcel in the existing Shoppes at Davis Lake Shopping Center.
4. The 2013 rezoning had a conditional note which indicated that the petitioner reserves the right to request a variance to eliminate the required sidewalk along West W.T. Harris Boulevard. If such variance is approved, the 14-foot setback will be designated a tree save area.
5. Per Code Section 11.405(7)(e), developments within the CC zoning district that utilize reduced setbacks (i.e. reduced from a 35-foot setback to a 14-foot setback) are required to provide a streetscape along all abutting streets. The required streetscape is an eight-foot planting strip and a six-foot sidewalk.
6. West W.T. Harris Boulevard is classified as a Limited Access Arterial (Class II).
7. The North Carolina Department of Transportation (NCDOT) prohibits the installation of a sidewalk within the right-of-way of West W.T. Harris Boulevard. Any sidewalk would be required to be placed on private property.
8. There are currently no sidewalks along West W.T. Harris Boulevard within the general area of this subject site. The remaining balance of the already developed portions of the Shoppes at Davis Lake Shopping Center does not have a sidewalk along their West W.T. Harris street frontage.

9. Severe changes in topography exist along the subject site's West W.T. Harris Boulevard frontage. The installation of a six-foot wide sidewalk would require the removal of a significant number of existing trees.
10. Per Code Section 12.529(1), sidewalk connections are required between certain commercial buildings and all adjoining public streets except for freeways or expressways.
11. The topography of the land is such that it makes it difficult to develop a sidewalk connection along W.T. Harris Boulevard.
12. The hardship is a result of the impact of the Zoning Ordinance upon the property.
13. The hardship results from the severe topography of the subject site along the West W.T. Harris Boulevard frontage.

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. Unnecessary hardships would result from the strict application of the Ordinance.
2. The hardship results from conditions that are peculiar to the property (location, size or topography).
3. The hardship does not result from actions taken by the applicant or the property owner.
4. The requested variance is consistent with the spirit, purpose, and intent of the Zoning Ordinance, in that the public safety is secured and substantial justice is achieved.

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

12/16/17

Date

DECISION FILED IN THE PLANNING DEPARTMENT:



Shad Spencer, Zoning Administrator

12/18/14

Date