



**CERTIFIED MAIL**

Family Outreach & Counseling Center, Inc.  
c/o Mrs. Dona M. Patterson  
200 W. Sugar Creek Road  
Charlotte, NC 28213

**RE: VARIANCE  
200 W. SUGAR CREEK ROAD  
CASE NUMBER 2015-007**

Dear Family Outreach & Counseling Center, Inc.:

At its meeting on March 31, 2015, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** the following two variances to allow an existing structure to remain as currently constructed:

1. a 5.1 foot variance from the required 12 foot Class "C" buffer along the southern property line.
2. a 3.1 foot variance from the required 10 foot side yard along the southern property line.

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

1. The applicant is Family Outreach & Counseling Center, Inc. (Represented by Alan Patterson).
2. The proposed site is located at 200 W. Sugar Creek Road, further identified as tax parcel 089-012-03.
3. The subject parcel's current zoning classification is R-12MF (multi-family residential).
4. The property is currently occupied by a single family detached structure built in 1957.
5. The structure on the subject property is being used as an office use which is not permitted within the current zoning designation.
6. The applicant has submitted a petition to rezone the parcel from R-12MF (multi-family residential) to O-1(CD) (office, conditional district).
7. The proposed conditional rezoning of the property is to retain the existing single family home for office uses.
8. The proposed zoning classification will make a non-compliant office use that has operated for years, compliant.
9. The rezoning request has prompted the need for a variance due to the fact that existing residential structure will be required to meet more restrictive yard and buffer requirements per the Office District.
10. The applicant is requesting two variances: (1) a 5.1 foot variance from the required 12 foot Class "C" buffer along the southern property line and (2) a 3.1 foot variance from the required 10 foot side yard along the southern property line, to allow an existing structure to remain as currently constructed.
11. The abutting property along the southern property line is zoned R-17MF (multi-family residential) and occupied by a cemetery.
12. The property owner submitted a site plan depicting the portion of the existing structure that will encroach into the required buffer and side yard.
13. The planting requirements (i.e. 3 trees and 20 shrubs per 100 linear feet) of the 12 foot Class "C" buffer is required to be provided along the southern property line abutting the cemetery.

CHARLOTTE-MECKLENBURG PLANNING DEPARTMENT

[www.charlotteplanning.org](http://www.charlotteplanning.org)

600 East Fourth Street  
Charlotte, NC 28202-2853  
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14. The hardship is a result of the placement of the existing structure on the subject site and the applicant's attempt to reuse the existing structure for office uses.
15. The hardship is unique to the applicant's property and is not neighborhood-wide or community-wide.
16. In granting the variance, the public safety and welfare have been assured and substantial justice has been done.

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:

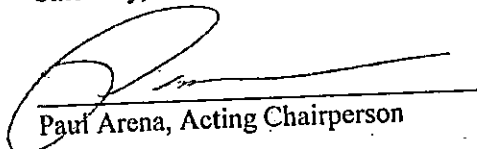
1. Unnecessary hardships would result from the strict application of the Ordinance.
2. The hardship results from conditions that are peculiar to the property (location, size or topography).
3. The hardship does not result from actions taken by the applicant or the property owner.
4. The requested variance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

**Conditions:**

1. When the existing structure is removed and site redeveloped; the variance will expire.

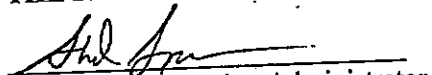
All applicable permits must be obtained from the Planning Department, which has been notified of this decision. The Ordinance § 5.111, provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit or a certificate of occupancy 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,

  
Paul Arena, Acting Chairperson

4/17/15  
Date

**DECISION FILED IN  
THE PLANNING DEPARTMENT:**

  
Shad Spencer, Zoning Administrator

4/20/15  
Date