



CERTIFIED MAIL

City of Charlotte
c/o Tim O'Brien, City Real Estate
600 East Fourth Street
Charlotte, NC 28202

**RE: VARIANCE
441 BEAUMONT AVENUE
CASE NUMBER 2015-018**

Dear City of Charlotte:

At its meeting on April 28, 2015, the City of Charlotte Zoning Board of Adjustment ("Board") made the decision on the following variances to allow the construction of a planned multi-family development:

Granted

1. Reduction of the required 20 foot setback along East Independence Boulevard from 20 feet to 5 feet (15 foot variance) and

Denied

2. Elimination of the required 16' Class "C" buffer along a portion of the southern property line abutting single family (tax parcel 080-201-13).

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

1. The applicant is City of Charlotte (represented by Delray Ventures, LLC/John Carmichael).
2. The subject property contains approximately 1.5 acres, is located at 441 Beaumont Avenue, and is designated as tax parcel 080-201-17.
3. The subject parcel's current zoning classification is B-1 (neighborhood business).
4. The property is currently improved with four freestanding buildings and a parking lot. The property has previously been devoted to commercial uses.
5. The City of Charlotte is the owner of the property.
6. The applicant has entered into a contract with the City of Charlotte to purchase the property.
7. The applicant is proposing to develop a planned multi-family community with a maximum three story building that could contain up to 12 multi-family units and up to 10 single family attached dwelling units.
8. East Independence Boulevard, which is a limited access freeway, is located along the subject property's northern boundary line.
9. Pursuant to Section 9.805(1)(g) of the Zoning Ordinance, a 20 foot setback is required to be established along the property's northern boundary line adjacent to East Independence Boulevard.
10. An existing masonry wall and vegetation within the East Independence Boulevard right-of-way currently screens the site from the freeway.
11. The site sits at a higher elevation than East Independence Boulevard.

12. A single family residential lot designated as tax parcel 080-201-13 and zoned R-5 (single family residential) is located adjacent to a portion of the subject property's southern boundary line.
13. Pursuant to Sections 9.303(19)(g), 9.805(3) and 12.302(3) and Tables 12.302(a) and (b) of the Ordinance, a 16 foot Class "C" buffer (or a 12 foot Class "C" buffer with a fence or wall) is required to be established along a portion of the property's southern boundary line adjacent to single family zoned and/or used properties.
14. The Applicant is requesting the following variances:
 - (a) A variance from Section 9.805(1)(g) of the Zoning Ordinance to reduce the 20 foot setback from East Independence Boulevard along the property's northern boundary line from 20 feet to 5 feet; and
 - (b) A variance from Sections 9.303(19)(g), 9.805(3) and 12.302(3) and Tables 12.302(a) and (b) of the Ordinance to eliminate the 16 foot Class "C" buffer along that portion of the property's southern boundary line abutting single family (tax parcel 080-201-13).
15. The applicant has committed to construct and install a six foot tall brick wall and to install a 5 foot wide landscaped area along that portion of the subject property's southern boundary line abutting single family (tax parcel 080-201-13) for the second variance request.
16. A hardship exists in that the 20 foot setback from East Independence Boulevard that restricts the developable area of the Property, particularly near Beaumont Avenue. The 20 foot setback from East Independence Boulevard would encroach into the proposed three story apartment building and into vehicular circulation and parking areas.
17. Testimony was given alternative possibilities exist to meet parking requirements thus mitigating the need for the second variance.
18. The hardship for the first variance results from several unique circumstances, including a portion of the subject property is narrow, and the property is unusually shaped.
19. The hardship for the first variance is not the result of the applicant's actions.

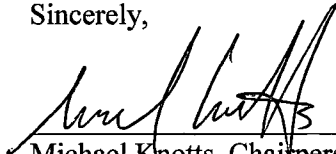
Conclusion of Law:

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.

Pursuant to N. C. G. S. Section 160A-388(e2), the Board's decision in Case No. 2015-018 may be appealed by a petition for review in the nature of *certiorari* to Superior Court within thirty (30) days from the date stated below, which is the date when the decision of the Board was filed in the Planning Department/Zoning Administration Division, or within thirty (30) days after receipt of the decision by an aggrieved party who filed a written request for such copy with the Clerk to the Board at the time of the hearing of the case, whichever is later.

Sincerely,

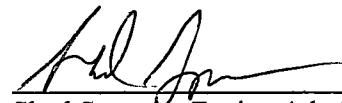


Michael Knotts, Chairperson

5-21-15

Date

DECISION FILED IN THE PLANNING DEPARTMENT:



Shad Spencer, Zoning Administrator

5-27-15

Date

Cc: Delray Ventures, LLC
John Carmichael