



CERTIFIED MAIL

Dominick Ristaino
329 East Park Avenue
Charlotte, NC 28211

**RE: VARIANCE
316 & 320 WEST BLVD
CASE NUMBER 2015-026**

Dear Dominick Ristaino:

At its meeting on May 26, 2015, the City of Charlotte Zoning Board of Adjustment ("Board") granted a variance from ten (10) foot class "C" buffer and ten (10) foot required side yard to allow the existing principal structure and accessory structure to remain as shown on the site plan.

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

1. The applicant is Dominick Ristaino (Represented by Crag Isaac).
2. The proposed sites are located at 316 & 320 West Blvd., further identified as tax parcels 119-079-27 & 119-079-28.
3. The property is zoned R-5 (Single Family Residential) and located within the Historic District Overlay. However, the applicant has submitted a rezoning petition to change the zoning to O-1(CD) (Office, Conditional District).
4. The building was constructed in 1929 and is approximately 1,805 square feet.
5. Mecklenburg County tax records indicate that the use of the property is residential. If the rezoning is approved, the property will be utilized for office.
6. The proposed rezoning of the property has prompted the need for a variance due to the development standards for uses within the office zoning districts.
7. The applicant is seeking a variance from the required ten (10) foot class "C" buffer and ten (10) foot required side yard to allow the existing principal structure and accessory structure to remain along the western side of the property as shown on the site plan.
8. Per Code Section 9.705(1)(f), a minimum 10 foot required side yard is required for nonresidential buildings within the O-1 (office) zoning district.
9. Per Code Section 12.302, buffer requirements include a minimum distance separation from the property line and required planting of trees and shrubs within the buffer. The minimum buffer requirements are based on the size of the lot in accordance with Table 12.302(b).
10. The subject site is approximately 0.46 acres.
11. Per Code Section 12.302(b), a Class "C" buffer with a width of 10 feet is required when an office use is abutting a single family use or zoning district.
12. The site plan indicates a six foot tall opaque privacy fence and shrubs to be installed along the western property line of the subject property abutting the single family property. The fence extends from the detached garage to the front of the attached carport. The full required buffer is indicated to be installed from the back of the detached garage to the rear property line.

13. The proposed variance is to allow the existing detached garage and the existing attached carport to remain. The proposed variance will also allow a parking lot and a handicap accessible path to encroach five feet into the required 10 foot buffer.
14. The proposed development will be required to be reviewed and approved by the Historic Districts Commission to ensure compatibility with the character of the Wesley Heights Historic District prior to construction.
15. The existing principal structure on the subject site is deemed a "contributing structure" to the historic district. Granting the variance will help to maintain the character of the Wesley Heights Historic District.
16. The hardship is a result of the placement of the existing structures on the subject site and the applicant's attempt to reuse the existing structures for office uses.
17. The hardship is unique to the applicant's property and is not neighborhood-wide or community-wide.
18. 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 each of the three standards stated in § 9-87 of the Floodplain Regulations, and more specifically:

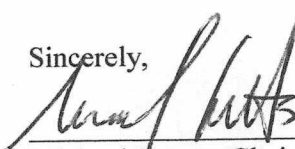
1. Unnecessary hardships would result from the strict application of the Ordinance.
2. The hardship is results from conditions that are peculiar to the property (location, size or topography).
3. The hardship results from actions taken by the applicant or the property owner.
4. The requested variance 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. The variance is subject to the installation of the fence and planting requirements indicated on the proposed site plan presented to the Board.
2. The variance is contingent on Historic District Commission's approved application.

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,

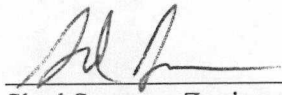


Michael Knotts, Chairperson

6/8/15

Date

DECISION FILED IN THE PLANNING DEPARTMENT:



Shad Spencer, Zoning Administrator

6/10/15

Date

Cc: Craig Isaac

Attachment: Site Plan

