



CERTIFIED MAIL

Sam's Investments IV LLC
7935 Council Place, Suite 200
Matthews, NC 28105

**RE: VARIANCE
4646 SOUTH BOULEVARD
CASE NUMBER 2015-034**

Dear Sam's Investments IV LLC:

At its meeting on June 30, 2015, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** two variances to allow the redevelopment of the subject property:

1. A 25 foot variance from the proposed 75 foot thoroughfare right-of-way from the centerline of Woodlawn Road (Commercial Arterial (Class III-C) and
2. A 10 foot variance from the required 20 foot setback.

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

1. The applicant is Sam's Investments IV LLC (Represented by Walter Fields).
2. The subject parcel's current zoning classification is I-2 (General Industrial District).
3. The site is located at 4646 South Boulevard, further identified as tax parcel 149-073-15.
4. The property is currently occupied by an automobile service station/convenience store that is no longer in operation.
5. The applicant is seeking the following two variances to allow redevelopment of the subject property:
 - 1) A 25 foot variance from the proposed 75 foot thoroughfare right-of-way from the centerline of Woodlawn Road (Commercial Arterial (Class III-C) and
 - 2) A 10 foot variance from the required 20 foot setback.
6. 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.
7. Per Code Section 9.1105(1)(d), the minimum setback is 20 feet within the I-2 zoning district.
8. The proposed right-of-way width for West Woodlawn Road at this subject site is 75 feet from the centerline of the road based on the road being designated a Commercial Arterial (Class III-C) street by the Thoroughfare Plan.
9. The subject parcel is approximately 0.44 acres and is one of the smallest commercially zoned properties in the area. The property's size was impacted by the Woodlawn Road/South Boulevard intersection improvements in 2005. The City acquired portions of the site for easements, utilities, and additional street right-of-way.
10. The parcel is a corner lot which has yard requirements along both Woodlawn Road and South Boulevard.

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 Woodlawn Transit Station Area Plan, adopted by City Council in 2008, indicates this portion of Woodlawn Road is to be a Four Lane Divided Avenue. This street type indicates a 70 wide street measured from back of curb to back of curb (i.e. 35 feet from centerline to back of curb). A minimum 24 foot building setback is then indicated to be measured from the proposed back of curb. The subject variance requests do not prevent the proposed streetscape from being achieved in the future.
13. Granting the variance will not alter the essential character of the area.
14. Granting the variance will not adversely affect adjacent or contiguous properties.
15. The hardship is unique to the property because the small size of the lot and the yard requirements along both Woodlawn Road and South Boulevard due to the parcel being a corner lot.

Condition:

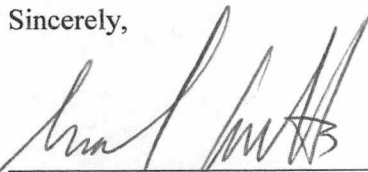
1. The variance shall become void if the subject property is combined with abutting properties and redeveloped in the future as part of a larger development.

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.

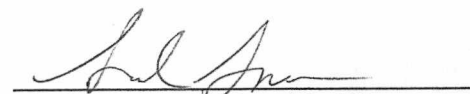
All applicable permits must be obtained from the Planning Department, which has been notified of this decision. The Ordinance § 5.111, provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit or a certificate of occupancy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

Sincerely,


Michael Knotts, Chairperson

7/2/15
Date

**DECISION FILED IN THE PLANNING
DEPARTMENT:**


Shad Spencer, Zoning Administrator

7/6/15
Date

Cc: Walter Fields, Agent