



CERTIFIED MAIL

Susan M. Medlin
(W.H. Moore, Jr.)
P. O. Box 6450
Norcross, GA 30091

**RE: VARIANCE
3309 QUEEN CITY DRIVE
CASE NUMBER 2015-036**

Dear Susan M. Medlin:

At its meeting on July 28, 2015, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 10 foot variance from the required 20 foot setback along Queen City Drive to allow parking and maneuvering 10 feet from the right-of-way.

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

1. The applicant is Susan Medlin c/o Moore W. H. Jr. (represented by Bryan Russell).
2. The proposed site is located at 3309 Queen City Drive, further identified as tax parcel 061-223-01.
3. The subject parcel's current zoning classification is B-2 (General Business).
4. Per Section 9.805(1)(g) of the Zoning Ordinance, a 20 foot setback is required within the B-2 zoning district.
5. The current use of the property is that of a restaurant.
6. The applicant is proposing to redevelop the existing nonconforming development with a new restaurant. The proposed redevelopment requires the entire property to be brought into compliance with current City regulations.
7. The subject property is fronted on three sides by streets. Per Section 12.102(8) of the Zoning Ordinance, a 20 foot setback is required along Queen City Drive and the Interstate 85 southbound entrance ramp and a 10 foot street side yard is required along Mulberry Church Road.
8. The applicant is requesting a 10 foot variance from the required 20 foot setback along Queen City Drive to allow parking and maneuvering 10 feet from the right-of-way.
9. Per Table 12.206(3) the space between the required setback, side, or rear yard abutting a street may not be used as maneuvering space for parking/unparking of vehicles.
10. Per Table 12.206(3) parking of vehicles is not permitted within required setback or required side yard that abuts a street on any lot.
11. Queen City Drive is classified as a major collector street. Per the Charlotte Land Development Standards Manual, a collector street is required to have a minimum right-of-way width of 60 feet.
12. Queen City Drive currently has a right-of-way width of approximately 100 feet.
13. Due to the larger right-of-way width for Queen City Drive, the proposed parking will be no closer than 45 feet to the back of curb along Queen City Drive.

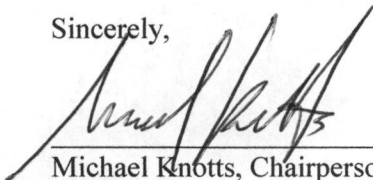
14. The hardship is unique to the property because of the property having frontage along three streets which requires setbacks on the two opposing streets and a street side yard along the third street.
15. The hardship is unique to the property due to the larger than required right-of-way width along Queen City Drive.
16. The hardship is unique to the applicant's property and is not community wide.
17. Redevelopment of the existing nonconforming site will require a development that is in conformance with the current City regulations and will be consistent with spirit and intent of the Zoning Ordinance.
18. The variance is in harmony with the general and intent of the Ordinance and further preserves its spirit.

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,

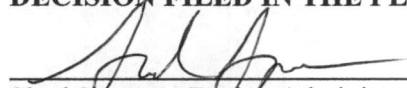


Michael Knotts, Chairperson

8/17/15

Date

DECISION FILED IN THE PLANNING DEPARTMENT:



Shad Spencer, Zoning Administrator

8/18/15

Date

Cc: Bryan Russell, Agent