



CERTIFIED MAIL

Mecklenburg County Park and Recreation
5841 Brookshire Boulevard
Charlotte, NC 28216

**RE: VARIANCE
1542 LILAC ROAD
CASE NUMBER 2016-021**

Dear Mecklenburg County Park and Recreation:

At its meeting on April 26, 2016, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 55.1 foot variance from the required 100 foot separation between outdoor recreation facilities and abutting residentially zoned lots and to maintain the existing buffer conditions to allow for the expansion/renovation of an existing restroom facility accessory to Freedom Park.

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

1. The applicant is Mecklenburg County Park and Recreation (Represented by Brian Conroy).
2. The subject structure within Freedom Park is located at 1542 Lilac Road, further identified as tax parcel 151-041-01.
3. The subject parcel's current zoning classification is R-4 (single family residential).
4. The subject property is occupied by an outdoor recreational facility on approximately 105 acres.
5. Per Table 12.540-1 of the Zoning Ordinance, a 100 foot separation and a 50 foot Class C buffer is required between outdoor recreation facilities and abutting residentially zoned lots.
6. The applicant is requesting a 55.1 foot variance from the required 100 foot separation between outdoor recreation facilities and abutting residentially zoned lots and to maintain the existing buffer conditions to allow for the expansion/renovation of an existing restroom facility accessory to Freedom Park. The facility expansion will be entirely facing the park.
7. The existing restroom facility was constructed in the 1970's and is located 44.9 feet from the abutting residentially zoned lot.
8. The existing restroom facility is considered a legal nonconforming structure.
9. The majority of the subject property meets the separation and buffer requirements for an outdoor recreational facility.
10. Per Section 7.103(5) of the Zoning Ordinance, a nonconforming structure cannot be expanded unless the part of the structure to be expanded and the area of the lot into which the expansion is taking place conform to the current standards.
11. Existing topography, mature planted areas, and existing utility locations make relocation of the restroom facility extremely difficult.
12. The proposed renovation/expansion of the existing restroom facility is to re-orient the entrances away from adjacent residential properties and have them face internal towards the park.
13. The proposed expansion which includes a patio and shade pergola is located on the side of the existing structure furthest from the abutting single family lots.

14. Reversing the location of the restroom entrances will meet current accessibility requirements and improve safety for those who frequent the park.
15. Currently, there are hidden areas on the rear and sides of the existing structure which will be removed. Removing these from the existing structure increases visibility from the park and improves security.
16. The variance is in harmony with the general purpose and intent of the Ordinance and further preserves its spirit.
17. Granting the variance will not adversely affect adjacent or contiguous properties.

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,


Paul Arena, Chairperson

5/9/16
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**


Shad Spencer, Zoning Administrator

5/12/16
Date

Cc: Brian Conroy, Agent