



CERTIFIED MAIL

Mother of God Inc Russian Orthodox Church
Attn: Oleg Karobet, Warden
6149 Settlers Trail
Stanfield, NC 28163

**RE: VARIANCE
5310 STATESVILLE ROAD
CASE NUMBER 2016-027**

Dear Mother of God Inc Russian Orthodox Church:

At its meeting on June 28, 2016, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 5 foot variance from the required 20 foot side yard to allow an existing structure to remain within the required side yard.

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

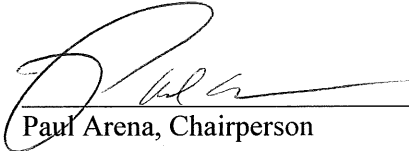
1. The applicant is Mother of God Inc. Russian Orthodox Church.
2. The proposed site is located at 5310 Statesville Road, further identified as tax parcel 045-312-02.
3. The subject parcel's current zoning classification is R-4 (single family residential).
4. The applicant is proposing to change the use of the property from single-family to religious institution.
5. The applicant is proposing to use the existing structures located on the site for the religious use along with an additional proposed building.
6. The existing accessory structure is compliant as an accessory use to the principal single-family use. However, when the use of the property is converted to a religious institutional use the accessory structure will encroach into the required side yard.
7. Per Code Section 9.205(1)(f), the required side yard for non-residential uses within the R-4 zoning district is 20 feet.
8. Per Code Section 12.506(9)(d), all accessory uses to a religious institution in residential districts shall meet the yard, separation and buffer requirements that apply to the principal structure(s).
9. The applicant is requesting a variance to allow an existing accessory structure to encroach 5 feet into the required 20 foot side yard along the southern property line.
10. The property is currently under contract to be purchased.
11. The structure is situated on a concrete slab and would be difficult to remove.
12. Granting the variance will not adversely affect adjacent or contiguous properties.
13. A religious institution is contiguous to the property along the southern property line next to the subject structure which is 15 feet from the property line.
14. Granting the variance will not alter the essential character of the neighborhood, in fact, it will maintain the existing integrity.


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,

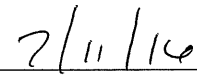


Paul Arena, Chairperson

Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

Date