



Clyde Shade
8921 Research Drive
Charlotte, NC 28262

**RE: VARIANCE
8921 Research Drive
CASE NUMBER 2016-040**

Dear Clyde Shade:

At its meeting on July 26, 2016, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 50 foot variance from the required 100 foot setback along Research Drive to allow for the expansion of an existing parking lot.

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

1. The applicant is Clyde Shade with Verizon Wireless.
2. The proposed site is located at 8921 Research Drive, further identified as tax parcel 047-401-04.
3. The subject parcel is zoned RE-2 (research district).
4. The parcel is approximately 6.31 acres.
5. The use of the site is office and a telecommunications/data storage facility.
6. Per Code Section 9.605(1)(a), the minimum setback is 100 feet within the RE-2 zoning district for this size lot.
7. The subject property is currently in compliance with the off-street parking requirements of the Charlotte Zoning Ordinance.
8. The applicant is proposing to add additional parking spaces that will encroach into the required setback along Research Drive.
9. Per Code Section 12.206(3), parking of vehicles is not permitted within required setbacks.
10. The applicant is requesting a 50 foot variance from the required 100 foot setback along Research Drive to allow for the expansion of an existing parking lot.
11. The existing vegetation will adequately screen the proposed parking expansion area from Research Drive.
12. The applicant is unable to acquire land from an adjacent Property owner.
13. Difficulties related to the existing conditions on the site, such as the storm water retention pond, prevent the applicant from constructing additional parking elsewhere on the subject property.

Conditions:

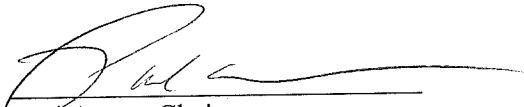
1. The existing vegetation along Research Drive and adjacent to the proposed parking expansion area shall be maintained.
2. The variance will terminate if a structured parking facility is constructed on the property.

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.

If any permits are required, please make sure the variance case number is referenced on the permit application and/or site plan. Section 5.111 of the Zoning Ordinance 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

8/3/16

Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

8/9/16

Date