



MWEJ Properties LP
1227 Barkley Road
Charlotte, NC 28209

RE: VARIANCE
3814 Monroe Road & 501 Oak Grove Road
CASE NUMBER 2016-050

Dear MWEJ Properties LP:

At its meeting on September 27, 2016, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 110 foot variance from the required 300 foot separation from any lot in a residential zoning district or residential use to allow for outdoor pet services.

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

1. The applicant is MWEJ Properties LP (Represented by Bill Hillis, Mutt Cutts, Inc. (operating as Social Pet)).
2. The proposed site is located at 3814 Monroe Road and 501 Oak Grove Road, further identified as Mecklenburg County Tax Parcel number 159-048-02 & 159-048-05.
3. The subject parcel is zoned I-2 (General Industrial).
4. The applicant is requesting a 110 foot variance from the required 300 foot separation from any lot in a residential zoning district or residential use to allow for outdoor pet services.
5. Code section 12.541(1) requires that all outdoor pet services be located at least 300 feet from any residential district or residential use.
6. The outdoor play area is proposed to be located approximately 190 feet from the closest residential used lot.
7. The proposed outdoor play area will be enclosed by an 8-foot tall commercial grade fence with privacy fabric and the surface of the area will be a high-grade artificial turf.
8. The application states that existing vegetation located to the rear of the site will be preserved to provide screening to the outdoor play area.
9. Per applicant's application, an accessory structure is proposed to be located on the applicant's site between the outdoor play area and the existing residentially used properties which will provide screening and help to mitigate noise from the outdoor play area.
10. The existing residentially used properties within 300 feet of the proposed area are located in an I-2 district.
11. The existing residential uses are not permitted in the I-2 district, and are therefore considered non-conforming uses.
12. The Independence Boulevard Area Plan adopted by City Council in 2011 indicates the proposed land use for the subject site along with the surrounding properties, including the residentially used properties, is office, retail, industrial, and warehouse/distribution.

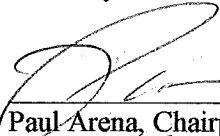
13. There is not a suitable location on the property for the outdoor play area other than its proposed location. The proposed pet services facility will utilize the existing structure located on the front portion of the site and the outdoor play area would be located adjacent to that structure. This would place the outdoor play area as far as possible from the residentially used properties.
14. All other uses surrounding the property are commercial and industrial.
15. On December 13, 2011, the Zoning Board of Adjustment granted a 123.5 foot variance from the required 300 foot minimum separation distance to residential uses to allow the location of an outdoor play area to be constructed as part of a pet services facility one block east of the subject site.

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.

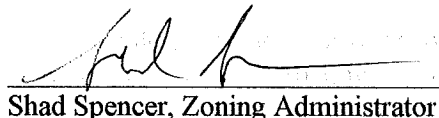
If any permits are required, please make sure the variance case number is referenced on the permit application and/or site plan. Section 5.111 of the Zoning Ordinance provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit 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

10/23/16
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**


Shad Spencer, Zoning Administrator

10/25/16
Date

cc: Bill Hillis, Mutts Cutts, Inc.