



Edwin P. Wilson Jr.  
415 Beatties Ford Road  
Charlotte, NC 28216

**RE: VARIANCE**  
**2620 Tuckaseegee Road**  
**CASE NUMBER 2017-005**

Dear Mr. Wilson:

At its meeting on February 28, 2017, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** two variances to (1) eliminate the required 22 foot class "B" buffer along the southern property and (2) eliminate the 10 foot required street side yard to allow for the renovation and expansion of a nonconforming structure.

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

1. The applicant is Edwin P. Wilson, Jr. (Represented by Michael Hopkins).
2. The proposed site is located at 2620 Tuckaseegee Road, further identified as tax parcel 071-094-09.
3. The structure was built around 1938.
4. The subject property is located on a corner lot.
5. The subject property is zoned B-1(Neighborhood Business).
6. Abutting property to the rear is zoned R-5 (Single Family Residential) while property to the left side of the site is zoned R-8 (Single Family Residential).
7. Per Section 12.102(7) of the Zoning Ordinance, the street side yard of the subject corner lot must be at least 50 percent of the required setback for the abutting lot but not less than 10 feet. Therefore, the required street side yard along State Street for the subject property is 10 feet.
8. Per Section 9.205(1)(e2) of the Zoning Ordinance, the required setback within the R-5 zoning district is 20 feet.
9. According to the applicant's survey prepared by Phoenix Land Surveying, Inc., portions of the principal structure currently encroach into the required street side yard along State Street and in the required buffer area adjacent to the R-8 Single-Family District.
10. The applicant is seeking two variances (1) eliminate the required 22 foot class "B" buffer and eliminate the 10 foot required street side yard to allow a nonconforming structure to remain.
11. The applicant contends that the structural integrity of the roof was compromised and in need of repair.
12. The applicant received a façade improvement grant through the City's Business Matching Grant Program to help refurbish this property.
13. Granting the variance will not alter the essential character of the area.
14. The hardship is peculiar to the applicant's property.

**Condition:**

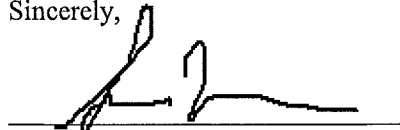
The variance is granted based on the existing building's footprint as shown in Government Exhibit #11 and that any extensions or modifications to the existing building footprint are not permitted under this variance. Any and all future extensions or modifications to the existing building future shall be subject to approval based on the applicable variance standards at the time of the application.

**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,

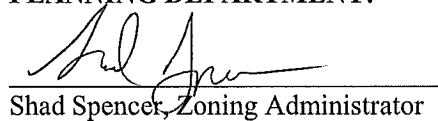


Scott Browder, Vice Chairperson

3/7/17

Date

**DECISION FILED IN THE  
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

3/8/2017

Date

cc: Michael Hopkins