



Moore & Moore Partners LLC  
Represented by Van Dolan Moore  
825 N. Graham Street  
Charlotte, NC 28206

**RE: VARIANCE**  
**825 N. Graham Street**  
**CASE NUMBER 2017-045**

To Whom It May Concern:

At its meeting on October 31, 2017, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 34' variance from the proposed 175' right-of-way measured from the centerline of I-277 (Class I Thoroughfare) to allow for the expansion of the existing building.

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

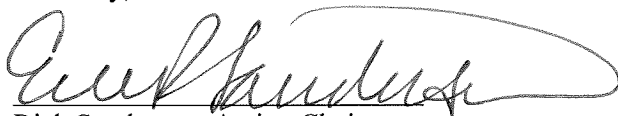
1. The applicant is Moore & Moore Partners, LLC (Represented by Van Dolan Moore).
2. The proposed site is located at 825 North Graham Street, further identified as tax parcel 078-421-02.
3. The property is comprised of approximately 0.413 acres and is zoned I-2 (general industrial).
4. The sites current use is that of an automobile body shop.
5. The applicant proposes to expand the existing building.
6. The subject property is a corner lot with the required setback from North Graham Street and the required street side yard along the I-277 frontage.
7. Per Code Section 9.1105(1)(d), the required setback for the subject I-2 zoned property is 20 feet.
8. Per Code Section 12.102(6), the street side yard of the subject corner lot is 50% of the required setback. The required street side yard along I-277 is 10 feet.
9. I-277 is classified as a freeway or expressway (Class I thoroughfare) and requires a future right-of-way of 175 feet measured from the centerline of the thoroughfare per Code Section 12.103(1).
10. Per Code Section 12.103(2), a transitional setback or yard shall also be established for each zoning district which abuts a thoroughfare that has an existing right-of-way which is not as wide as the right-of-way established for that thoroughfare.
11. The applicant is requesting a 34' variance from the proposed 175' right-of-way measured from the centerline of I-277 (Class I Thoroughfare) to allow for the expansion of the existing building.
12. The proposed building expansion complies with the required 10' street side yard along I-277 with the approval of the variance request.
13. The subject property is an irregularly shaped parcel located on the corner of two thoroughfares.
14. The Charlotte Department of Transportation (CDOT) has indicated that there are no funded or planned public improvements to this portion of I-277.
15. The size of the property and the application of the proposed 175' right-of-way measured form the centerline of I-277 significantly reduce the developable area of the subject property.
16. 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.


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,

  
Rick Sanderson, Acting Chairperson

11/9/17  
Date

**DECISION FILED IN THE  
PLANNING DEPARTMENT:**

  
Shad Spencer, Zoning Administrator

11/14/17  
Date