



Caldwell Family Trust  
C/O William K. Moseley  
111 Dorie Drive  
Belmont, NC 28012

**RE: VARIANCE**  
**352 North Caswell Road**  
**CASE NUMBER 2017-057**

To Whom It May Concern:

At its meeting on July 31, 2018, the City of Charlotte Zoning Board of Adjustment (“Board”) **amended** the second condition:

1. A variance to reduce the required parking to 9 spaces from the required 12 spaces.

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

1. The applicant is Caldwell Family Trust (Represented by William K. Moseley).
2. The proposed site is located at 352 North Caswell Road, further identified as tax parcel 127-046-05.
3. The subject parcel’s current zoning classification is O-2 (general office).
4. The site is approximately 0.218 acres in size.
5. The structure on the site is currently vacant.
6. The applicant is proposing to develop the site for uses allowed within the existing office zoning district. The proposed reuse of the existing structure requires the entire property to be brought into compliance with current City regulations.
7. Per Section 12.302, a 10 foot wide Class “C” buffer with 3 trees and 20 shrubs per 100 linear feet is required abutting single family uses or zoning along the subject property’s western and southern property lines.
8. Per Table 12.206(3), neither parking nor maneuvering of vehicles is allowed within the required setback for nonresidential uses.
9. Per Section 9.705(1)(e), the minimum required setback for the subject property is 20 feet from the right-of-way of North Caswell Road.
10. Per Table 12.206(3), the parking of vehicles is not permitted within 5 feet of any exterior property line.
11. The existing structure on the subject property is indicated by the applicant to be approximately 2,660 square feet and is proposed to be occupied by medical offices within half of the structure and other O-2 permitted business uses within the remaining half of the structure. This equates to a parking requirement of 12 parking spaces (i.e. 1330sf at a parking ratio of 1 space per 200sf (6.65) plus 1330sf as a parking ratio of 1 space per 250sf (5.32) equals 12 parking spaces).
12. The applicant is requesting four variances i) a variance to reduce the width of the required Class C Buffer abutting residential zoning or uses from 10 feet to 1 foot and eliminate the buffer planting requirements ii) a variance to allow for the addition of parking/maneuvering within the

20 foot required setback iii) a variance to reduce the required 5 foot separation of parking spaces from any exterior lot line to 3 feet and iv) a variance to reduce the required parking to 9 spaces from the required 12 spaces.

**Conditions:**

- A 6 foot high solid fence shall be built at the rear and right side of the property.
- The variance shall apply only to general office use or clinics, medical, dental and optical use.

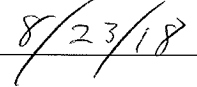
**Based upon the above findings of fact, the Board concludes that the applicant has met the standards set forth in North Carolina General Statutes § 160A-388, and more specifically:**

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.

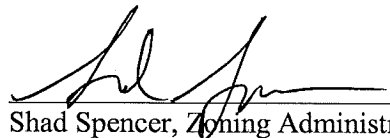
If any permits are required, please make sure the variance case number is referenced on the permit application and/or site plan. Section 5.111 of the Zoning Ordinance provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit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

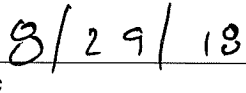
Sincerely,

  
Paul Arena, Chairperson

  
Date

**DECISION FILED IN THE  
PLANNING DEPARTMENT:**

  
Shad Spencer, Zoning Administrator

  
Date