



Harrill Street, LLC
Represented by CapRock, LLC Kyle DiPretoro
1500 South Boulevard Suite 101-B
Charlotte, NC 28203

RE: VARIANCE
907 Harrill Street
CASE NUMBER 2018-010

To Whom It May Concern:

At its meeting on March 27, 2018, the City of Charlotte Zoning Board of Adjustment ("Board") **denied** variance to eliminate the required pedestrian connection between the proposed use and Seigle Avenue.

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

1. The applicant is Harrill Street, LLC (Represented by CapRock, LLC, Kyle DiPretoro).
2. The proposed site is located at 907 Harrill Street, further identified as tax parcel 081-121-06.
3. The subject property and the abutting tax parcel 081-121-01 were rezoned in 2017 (Rezoning Petition 2017-083) from I-2 (general industrial) to UR-2(CD) (urban residential, conditional).
4. The purpose of the rezoning is to allow for the development of up to 19 attached dwelling units.
5. Per Code Section 12.529(2), commercial uses requiring sidewalk connections to streets include residential buildings of four (4) or more dwelling units.
6. Per Code Section 12.529(1), sidewalk connections are not required to freeways or expressways. Seigle Avenue is classified as a minor thoroughfare (aka minor arterial).
7. The applicant is requesting a variance to eliminate the required pedestrian connection between the proposed use and Seigle Avenue.
8. The applicant's approved conditional rezoning site plan identified the location of the proposed sidewalk connection to Seigle Avenue as required by Code Section 12.529 of the Zoning Ordinance.
9. There is an existing 8 to 10 foot tall retaining wall along the subject sites frontage with Seigle Avenue.
10. The applicant contends that creating a stairwell through the existing retaining wall along Seigle Avenue may be problematic and have significant economic expense.
11. There are currently no sidewalks along either side of Van Every Street which provides the only other access from the site of the proposed development to Seigle Avenue. This also would force pedestrians to walk in Van Every Street to Seigle Avenue.
12. The hardship is not a result of the impact of the Zoning Ordinance upon the property.
13. There is no evidence of practical difficulty or hardship peculiar to the site.

Based upon the above findings of fact, the Board concludes that the applicant has not met the standards set forth in North Carolina General Statutes § 160A-388, and more specifically:

1. Unnecessary hardships would not result from the strict application of the Ordinance.
2. The hardship does not result from conditions that are peculiar to the property (location, size or topography).
3. The hardship is not a result from actions taken by the applicant or the property owner.
4. The requested variance is not 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,


Terry Brown, Jr., Acting Vice-Chairperson

04/24/18
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**


Shad Spencer, Zoning Administrator

4/24/18
Date