



Nasar El-Arabi
Represented by Jonathan Andrews
1101 Sunset Road, Unit 680913
Charlotte, NC 28216

**RE: VARIANCE
3001 Hudson Street
CASE NUMBER 2018-048**

To Whom It May Concern:

At its meeting on July 31, 2018, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** an 8 foot variance from the 10 foot future required transitional street side yard.

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

1. The applicant is Nasar El-Arabi (Represented by Jonathan Andrews).
2. The proposed site is located at 3001 Hudson Street, further identified as tax parcel 083-168-08.
3. The property is approximately 0.11 acres and is zoned R-5 (single family residential).
4. The site is currently vacant.
5. The applicant proposes to develop the property to accommodate a single family home.
6. Per Code Section 12.103(1), the minimum yards or setbacks prescribed for each zoning district, which abuts a thoroughfare shall be measured from the proposed right-of-way line established for each classification of thoroughfare.
7. 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.
8. Matheson Avenue is classified as a Major Arterial bounded by Route 4 and I-85 and requires a future right-of-way of 40 feet measured from the centerline of the thoroughfare.
9. A 20 foot setback is required along Hudson Street and a 10 foot street side yard is required from the future right-of-way along Matheson Avenue.
10. The subject property is a corner lot and the side of the lot with frontage along Matheson Avenue is required to have a street side yard of 10 feet (50 percent of the required 20 foot setback for detached dwellings) from the future right-of way line.
11. The applicant is requesting an 8 foot variance from the 10 foot future required transitional street side yard.
12. The variance will allow for the construction of a single family residence while maintaining the possibility of the future 40 foot right-of-way from centerline and is only a reduction in the future street side yard.
13. The subject property is located on the corner of a Major Arterial that requires additional right-of-way which will reduce the size and width of an already relatively small and narrow lot as compared to other lots within the surrounding neighborhood.

14. The size of the property and the application of the transitional setback and yards along street frontages make it difficult to develop the site without encroaching into the transitional setback.
15. Staff testified that they spoke with the Charlotte Department of Transportation, who expressed no opposition.
16. Granting the variance will not alter the essential character of the area.
17. Granting the variance will not adversely affect adjacent or contiguous properties.
18. The hardship is unique to the property because of the size of the property.
19. The hardship is unique to the property because of the shape of the property.

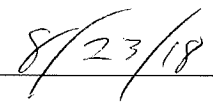
Based upon the above findings of fact, the Board concludes that the applicant has met the standards set forth in North Carolina General Statutes § 160A-388, and more specifically:

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.

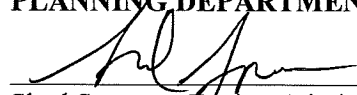
If any permits are required, please make sure the variance case number is referenced on the permit application and/or site plan. Section 5.111 of the Zoning Ordinance provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit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

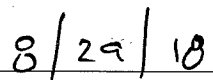
Sincerely,


Paul Arena, Chairperson


Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**


Shad Spencer, Zoning Administrator


Date