



Charlotte-Mecklenburg Board of Education
Represented by Alfred Benesch & Co.
P.O. Box 30035
Charlotte, NC 28208

RE: VARIANCE
1430 Alleghany Street
CASE NUMBER 2018-062

To Whom It May Concern:

At its meeting on September 25, 2018, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a variance to allow an 8 foot encroachment into the 20 foot required side setback to allow for an extension of the existing track.

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

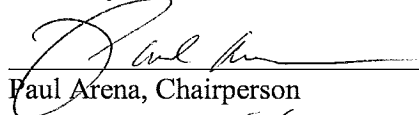
1. The applicant is Charlotte-Mecklenburg Board of Education (Represented by Brian Cannella PLA of Alfred Benesch & Co.
2. The subject site is located 1430 Alleghany Street, further identified as tax parcel 067-142-02.
3. The property is zoned INST (Institutional District).
4. Phillip O Berry Academy which is a public high school currently occupies the site and was built in 2002.
5. The site comprises of approximately 40.40 acres.
6. Per Mecklenburg County GIS tax records, the school contains approximately 31,000+/- heated square feet.
7. Code Section 9.505(1)(e) states that the minimum required side yard for the INST zoning district is 20 feet.
8. The applicants are seeking a variance to allow an 8 foot encroachment into the 20 foot required side yard to allow for an extension of the existing track.
9. The existing track does not allow for full competition standards at Phillip O Berry Academy. The proposed track will meet the National Federation State High School Association standards and allow for such a program to exist at the school.
10. The track encroachment is to the side and rear portion of the site and not noticeable.
11. The proposed encroachment into the required side yard abuts the rear property line of a commercial use which fronts Freedom Drive.
12. The applicant has indicated that they have attempted to purchase additional property to accommodate the proposed new track but was unable to purchase additional property.
13. The existing field house and bleachers on the school site limits the placement of the proposed new track.
14. A hardship exists based on the shape of the property and the existing built conditions on the subject site.
15. The variance will not detract from the character of the neighborhood.

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.

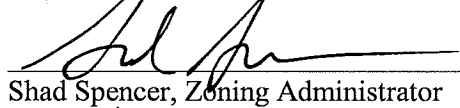
If any permits are required, please make sure the variance case number is referenced on the permit application and/or site plan. Section 5.111 of the Zoning Ordinance provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit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

10/3/18
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**


Shad Spencer, Zoning Administrator

10/9/18
Date