



SGH/DJS Trucker Guys LLC  
Represented by HensonFoley  
700 East Morehead Street Suite 202A  
Charlotte, NC 28202

**RE: VARIANCE**  
**9335 Old Statesville Road**  
**CASE NUMBER 2018-065**

To Whom It May Concern:

At its meeting on September 25, 2018, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 71 foot variance to reduce the 91 foot Class "A" Buffer required between the proposed industrial use and the existing abutting institutional use.

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

1. The applicant is SGH/DJS Trucker Guys LLC (Represented by Tim Foley of Henson Foley).
2. The proposed site is located at 9335 Old Statesville Road, further identified as tax parcel 025-042-08 and 025-042-10.
3. The subject property is zoned I-2 (general industrial district).
4. The site is currently vacant but was previously occupied with a commercial use.
5. The applicant is proposing to redevelop the site with an industrial trucking/warehousing facility.
6. All abutting properties are zoned I-2.
7. The abutting property northeast of the subject site is zoned I-2 and occupied with a "civic, social service, or fraternal facility" which is classified as a low intensity institutional use.
8. Per Code Section 12.302, buffer requirements include a minimum distance separation from the property line and required planting of trees and shrubs within the buffer. The minimum buffer requirements are based on the size of the lot in accordance with Table 12.302(b).
9. Tables 12.302(a) & (b), require a Class "A" buffer width of 91 feet when a developing industrial use is abutting a low intensity institutional use.
10. The applicant is seeking a 51 foot variance to reduce the 91 foot Class "A" Buffer required between the proposed industrial use and the existing abutting institutional use.
11. The applicant has worked with City staff to modify their original request of a 71 foot variance and reduced the variance request to a 51 foot variance to accommodate a 40 foot wide Class "A" buffer and the associated required plantings where the subject site abuts the existing institutionally used property.
12. The topography of the subject property falls off toward the southwestern portion of the site.
13. Per the variance application, substantial fill would be required along the southwestern portion of the site in order to shift the proposed facility in that direction to accommodate a larger buffer along the northeastern portion of the site abutting the institutional use.
14. The proposed future land use of the abutting institutionally used I-2 zoned property is for warehouse/distribution per the adopted Northlake Area Plan.

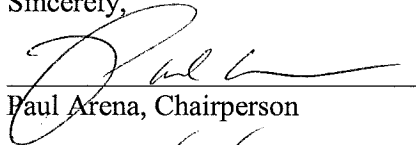
15. The shape and topography of the lot creates a hardship to develop the site with an industrial use and to accommodate a 91 foot wide buffer.
16. The proposed 40 foot wide Class "A" buffer with 9 trees and 60 shrubs per 100 linear feet along the common property line with the abutting institutional use meets the spirit and intent of the buffer regulations of the Zoning Ordinance while taking into account the hardship associated with the topography of the site.

**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