



Chantilly on the Green LLC  
Represented by Thomas Goode  
1300 Baxter Street  
Charlotte, NC 28204

**RE: VARIANCE**  
**2650 Shenandoah Avenue**  
**CASE NUMBER 2018-067**

To Whom It May Concern:

At its meeting on December 11, 2018, the City of Charlotte Zoning Board of Adjustment ("Board") **denied** a 10 foot variance to allow for a residential building of a planned multi-family development to encroachment into the required 20 foot rear yard.

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

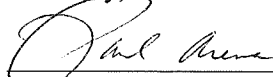
1. The applicant is Thomas Goode
2. The subject site is located at 2650 Shenandoah Avenue, further identified as tax parcel 127-102-04.
3. The property is zoned B-1 (neighborhood business).
4. A vacant commercial building constructed in the early 1950's currently occupies the site.
5. The applicant is proposing to redevelop the site with a planned multi-family development on 1.81 acres.
6. Planned multi-family developments are a permitted use within the B-1 zoning district.
7. An environmental monitoring area was discovered on the original larger parcel that included the subject property and the abutting property to the south (parcel 127-102-27). For the subject site to be developed prior to remediation and clean-up, the portion of land subject to the environmental monitoring needed to be subdivided off from the original project site.
8. The subdivided parcel to the south is home to a group of temporary monitoring wells which will monitor groundwater conditions until NC Department of Environmental Quality deems the area usable for residential use. Once clean-up has been completed and monitoring is no longer necessary within the environmental monitoring area, the two parcels can be recombined.
9. The property line established to subdivide the properties created the required rear yard from which the variance is being requested.
10. Per Code Section 9.805(1)(i), the minimum required rear yard for a residential building within a B-1 zoned property is 20 feet.
11. The applicant is requesting a 10 foot variance from the required 20 foot rear yard to allow for a residential building of a planned multi-family development to encroach into the required rear yard.
12. The 1.81-acre site to be redeveloped with a planned multi-family development is of a size that can accommodate compliance with the required rear yard.
13. There are other site/building layouts and/or product types that can comply with the required rear yard.
14. The applicant has the option to pursue a rezoning request to an urban residential zoning district with reduced development restrictions.

**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 results from conditions that not are peculiar to the property (location, size or topography).
3. The hardship does 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,



Paul Arena, Chairperson

12/17/18

Date

**DECISION FILED IN THE  
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

12/27/18

Date