



Jack Wagler  
Represented by Vanessa Dobie  
1539 Sterling Road  
Charlotte, NC 28209

**RE: VARIANCE**  
**2501 Tuckaseegee Road**  
**CASE NUMBER 2018-080**

To Whom It May Concern:

At its meeting on December 11, 2018, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 5 foot variance from the required 5 foot parking area separation from an exterior lot line to allow for the driveway serving a proposed commercial daycare to be placed along the southern property line.

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

1. The applicant is Jack Wagler (Represented by Vanessa Dobie).
2. The subject site is located at 2501 Tuckaseegee Road, further identified as tax parcel 071-061-18.
3. The property is zoned B-1 (Neighborhood Business).
4. Per the Mecklenburg County tax records, the building that currently occupies the site was built in 1926.
5. The principal use on the subject property is currently a single-family dwelling with an in home childcare center.
6. The applicant is proposing to change the principal use of the site to a commercial childcare center which requires the property to comply with development regulations associated with a commercial use.
7. The existing driveway as shown on the Change of Use Plan dated July 20, 2017, as submitted with the variance application will remain to continue to provide access to the proposed commercial childcare center.
8. The existing driveway on the property is built directly adjacent to the southern exterior side property line.
9. Per Code Section 12.206(3), parking areas for single family dwellings and duplexes are not required to comply with the provision that such areas be 5 feet of any exterior lot line as required for other uses.
10. The change of use of the property from single-family residential to a commercial childcare center renders the existing driveway non-compliant with the Zoning Ordinance per Code Section 12.206(3) due to the driveway associated with the parking area not being permitted within 5 feet of the exterior lot line.
11. The applicant is requesting a variance from the parking provisions of the Zoning Ordinance that requires the driveway to be 5 feet from the exterior side property line for the existing driveway, which is built 0 feet from the exterior side property, to remain.

12. The driveway encroaches 5 feet into the 5-foot required spacing from the exterior side lot line.
13. Due to the existing building placement on the lot, there is not sufficient width to accommodate a driveway on either of the established side yards and still meet the five-foot distance requirement from the exterior lot line.
14. The established side yard along the southern property line, the side on which the existing driveway is located, is 12.5 feet. The established side yard along the northern property line is 8.5 feet.
15. The proposed parking area as shown on the Change of Use Plan dated July 20, 2017 will have a one-way drive aisle with a minimum width of 10 feet that extends from the entrance at Camp Green Street to the exit onto Tuckaseegee Road.
16. Allowing the existing driveway to remain will not change nor detract from the character of the surrounding neighborhood.
17. The hardship is unique to the property because of the narrow-established side yards and the placement of the existing building on the site.

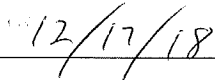
**Based upon the above findings of fact, the Board concludes that the applicant has met the standards set forth in North Carolina General Statutes § 160A-388, and more specifically:**

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.

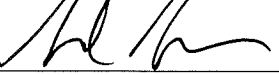
If any permits are required, please make sure the variance case number is referenced on the permit application and/or site plan. Section 5.111 of the Zoning Ordinance provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit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

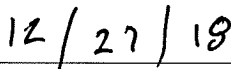
Sincerely,

  
\_\_\_\_\_  
Paul Arena, Chairperson

  
\_\_\_\_\_  
Date

**DECISION FILED IN THE  
PLANNING DEPARTMENT:**

  
\_\_\_\_\_  
Shad Spencer, Zoning Administrator

  
\_\_\_\_\_  
Date