



Shakti Holdings LLC  
8116 S. Tryon Street  
Suite B3 #174  
Charlotte, NC 28273

**RE: VARIANCE**  
**5344/5340 Rockwood Road**  
**CASE NUMBER 2019-031**

To Whom It May Concern:

At its meeting on May 28, 2019, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a variance from the requirement for road frontage for a residential lot with two existing homes and no road frontage to be subdivided.

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

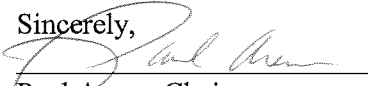
1. The applicant is Shakti Holdings, LLC (Represented by Justin Francis).
2. The proposed site is located at 5344/5340 Rockwood Road, identified as tax parcel 039-251-11.
3. The property is zoned R-4 (single family) and is 1.26 acres.
4. There is no plat on file for the property, and it is possible the lot was created through a deed. However, a 1956 plat for properties fronting Rockwood Road shows the 15 foot easement that serves the subject property, indicating the lot existed at that time.
5. There are currently two existing nonconforming single family structures on the site that were built in 1968 and 1972 per Mecklenburg County tax records.
6. Per Code Section 12.107, there shall be no more than one principle building per lot designated to residential use.
7. The subject lot and two principle structures contained on the lot are nonconforming, and are not compliant with the current Zoning Ordinance standards.
8. The applicant is requesting a variance from Code Section 12.101 regarding road frontage required for the subject property so that it can be subdivided.
9. An important distinction in this request is that the subject variance to be decided is not for subdivision approval, but for a variance from street frontage and access requirements, and if approved, will then allow the property to be subdivided administratively.
10. The description for the easement serving the property is found in a deed dated July 15, 2015 (Book 30129, Page 849). The 15 foot wide easement serves the two homes on the subject property as well as a home located on the adjacent lot with no frontage.
11. Granting the variance would improve public safety by providing for one residence per lot.
12. Granting the variance from 12.101 will allow the lot to be subdivided, which decreases the nonconformity.
13. Granting the variance will not alter the essential character of the neighborhood, because the two residences on the site already exist.
14. The term "extension", as indicated in Section 5.108, is defined by Merriam Webster as an enlargement in scope or operation.
15. Because the lot does not abut a street, there is no possible conforming use of the lot.

**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 not result from the strict application of the Ordinance.
2. The hardship does not result 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 not consistent with the spirit, purpose, and intent of the Zoning Ordinance, in that the public safety is secured and substantial justice is achieved.

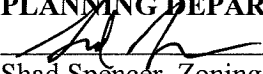
If any permits are required, please make sure the variance case number is referenced on the permit application and/or site plan. Section 5.111 of the Zoning Ordinance provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit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

5/31/19  
Date

**DECISION FILED IN THE  
PLANNING DEPARTMENT:**

  
Shad Spencer, Zoning Administrator

6/3/19  
Date