



Thomas and Tammi J Cooper
10403 Snowbell Ct
Charlotte, NC 28215

**RE: VARIANCE
10403 SNOWBELL CT
CASE NUMBER 2020-019**

To Whom It May Concern:

At its remote meeting on July 28, 2020, the City of Charlotte Zoning Board of Adjustment (“Board”) **DENIED** a variance request of 598 square feet from the required 8,000 square foot minimum lot size to allow a childcare center in a residence.

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

1. The applicant is Tammi J. Cooper.
2. The proposed site is located at 10403 Snowbell Court, further identified as tax parcel 105-036-27.
3. The property is zoned MX-1 (INNOV), Mixed Use Innovative Development District, and is approximately 7,402 square feet.
4. The property is currently in use as a family childcare home for up to 8 children and has been in operation since 2016.
5. On February 15, 2016, zoning permit Z2923879 was issued for a family childcare home for up to 8 children.
6. Per Code Section 12.502(1)(b), a family childcare home requires the minimum lot area for a detached dwelling in the district in which it is located.
7. Per Code Section 11.205(2), MX districts shall meet the minimum lot area established for the R-6 district.
8. Per Code Section 9.205(1)(c), the minimum lot area for a detached dwelling in the R-6 zoning district is 4,500 sq. ft.
9. The subject property is approximately 7,402 sq. ft., and compliant with the minimum lot area requirement for a family childcare home.
10. The applicant would like to convert the family childcare home to a childcare center in a residence.
11. Per Code Section 12.502(2)(b), a childcare center in a residence requires the minimum lot area for a duplex dwelling in the district in which it is located.
12. The minimum lot area for a duplex in the MX district is 8,000 sq. ft. per Code Sections 11.205(2) and 9.205(1)(c).
13. The applicant is requesting a variance of 598 sq. ft. from the 8,000 sq. ft. minimum lot area requirement to allow a childcare center in a residence on the 7,402 sq. ft. property.
14. There is no evidence of practical difficulty or unnecessary hardship.
15. The hardship results from actions taken by the applicant and changing the use of the property from a family childcare home for up to 8 children to a childcare center in a residence for up to 12 children, without the required minimum lot area.
16. The hardship is not peculiar to the property.

17. The property is located in the Seven Oaks subdivision which has a minimum lot area of 4,500 sf. Ft. for the 273 dwelling units on the approved rezoning plan (Petition #2005-022), so other lots in the development would not meet the required minimum lot area for a childcare center in a residence.
18. The property is permitted for a family childcare home for up to 8 children which may continue in compliance with code without the need for a variance.
19. The applicant has not tried to purchase any adjacent property that would allow the lot to comply with the required minimum lot size for a childcare center in a residence.
20. The applicant stated that the lot is compliance with North Carolina Division of Child Development requirements for outdoor play space for a childcare center in a residence, because the minimum required square footage is 900 square feet, and 2,703 square foot is provided.

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 does not result from conditions that 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 not 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,



Rick Sanderson, Chairperson

7/30/2020
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**

 Recoverable Signature



Shad Spencer
Zoning Administrator
Signed by: sspencer@ci.charlotte.nc.us

8/4/2020
Date