



Keith P Sweeney
6431 Rosecrest Drive
Charlotte, NC 28210

**RE: VARIANCE
6431 ROSECREST DR
CASE NUMBER 2020-024**

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 to allow one large commercial vehicle to park in the driveway of a single family residential zoning district.

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

1. The applicant is Keith Sweeney.
2. The proposed site is located at 6431 Rosecrest Drive, further identified as tax parcel 173-051-39.
3. The property is zoned R-4 (single family) and is approximately 0.27 acres.
4. The property is currently in use as a single family dwelling.
5. The applicant owns a vehicle used for business purposes that has a gross vehicle weight rating of 6000 pounds, a height of 11 feet (including accessories), and a length of 23 feet (including a cargo area/work platform of 18 feet in length).
6. Per Code Section 2.201, the applicant’s vehicle meets the definition of a large commercial vehicle.
7. Code Section 2.201 defines a large commercial vehicle as any vehicle designed or used for business purposes that has a GVWR of 13,000 pounds or more. Large vehicles also include commercial vehicles with a GVWR of less than 13,000 pounds if the height of the vehicle exceeds 9.5 feet (including any installed accessories such as ladder racks, cranes, compressors, hose reels, welders, etc), or the length of the cargo area/work platform exceeds 14 feet (not to include step bumpers less than 18 inches in length).
8. Per Code Section 12.218(1)(c), large commercial vehicles are prohibited from parking in all residential zoning districts.
9. On February 17, 2020, Charlotte Code Enforcement sent a notice of violation to the applicant because of a large commercial vehicle parked at the residentially zoned property.
10. The applicant requests a variance to allow one large commercial vehicle to park in the driveway of the residentially zoned property.
11. The hardship does not result from the strict application of the ordinance.
12. The hardship results from personal circumstances.
13. The applicant states that the large commercial vehicle is parked on the property to allow access to garage storage and electricity.
14. There are options to store the large commercial vehicle off-site.
15. The hardship is not peculiar to the property.

16. The hardship of being prohibited from parking a large commercial vehicle is shared by other residentially zoned properties and is therefore a condition common to the neighborhood and the general public.
17. The applicant has other options to park a commercial vehicle on the property.
18. Per Code Section 12.218, a light or medium commercial vehicle is permitted to be parked overnight at a residence.
19. The applicant states that the large commercial vehicle is parked intermittently, and not permanently parked at the residence.
20. Code Section 12.218 prohibits large commercial vehicle parking in all residential zoning districts. This standard applies to all large commercial vehicle parking in residential districts, including those that are parked on an intermittent, temporary, or permanent basis.

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