



Charles Gornowich
607 Herndon Parkway, Ste 100
Herndon, VA 20170

**RE: VARIANCE
3390 SERVICE STREET
CASE NUMBER 2020-02**

To Whom It May Concern:

At its remote meeting on July 28, 2020, the City of Charlotte Zoning Board of Adjustment (“Board”) **GRANTED** two variances to allow a transformer in a setback in the industrial zoning district:

1. A 2.5 foot variance from the maximum width allowance of 4 feet.
2. A 0.5 foot variance from the maximum height allowance of 6 feet.

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

1. The applicant is Charles Gornowich.
2. The proposed site is located at 3390 Service Street, further identified as tax parcel 077-102-22.
3. The property is zoned I-2 (general industrial) and is approximately 1.55 acres.
4. The property is currently in use as a warehouse that was constructed in 1972.
5. Per Code Section 12.106(2)(a), accessory structures are not permitted within the required setback.
6. Per Code Section 9.1105(1)(d), the required setback for the property is 20 feet.
7. Per Code Section 2.201, a transformer meets the definition of an accessory structure.
8. Per Code Section 12.106(2)(b)(ii), above ground structures (other than a back-flow preventer) connected to and associated with underground electric, natural gas, telecommunications or cable television distribution lines, pipes, or conduits may be located in the required setback if they are no closer than 10 feet to the right-of-way and have dimensions of no more than 4 feet in width, 8 feet in length, and 6 feet in height.
9. The applicant wishes to place a transformer with dimensions of 6.5 feet in width, 6.75 feet in length, and 6.5 feet in height within the required 20 foot setback but no closer than 10 feet from the right-of-way.
10. The applicant is requesting two variances to allow the proposed transformer in the required setback: (1) A 2.5 foot variance from the maximum width allowance of 4 feet; and (2) A 0.5 foot variance from the maximum height allowance of 6 feet.
11. The hardship results from the size of the property and strict application of the ordinance. The size of the property and the clearances required would impede the applicant’s access to, and maintenance of the equipment.
12. The applicant states that the use of the property requires increased power supply.
13. The hardship does ~~not~~ result from particular conditions of the property, including its size.
14. The hardship is peculiar to the property.
15. The hardship of being prohibited larger above ground structures in the required setback is due to the size and shape of the property and is not detrimental to the character of the area.
16. The requested variance does meet the spirit, purpose, and intent of the Zoning Ordinance.

17. 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 by providing access to the service of energy equipment.

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 does 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 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,



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