



1900 WMP 02B, LLC  
Andy Lucas  
601 South Cedar Street, Ste 200  
Charlotte, NC 28202

**RE: VARIANCE  
1900 WEST MOREHEAD STREET  
CASE NUMBER 2020-078**

To Whom It May Concern:

At its remote meeting on September 29, 2020, the City of Charlotte Zoning Board of Adjustment (“Board”) **GRANTED** a 17 foot 3 inch variance from the required 20 foot transitional setback along W. Morehead Street to renovate an existing structure.

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

1. The applicant is 1900 WMP 02B, LLC (Represented by Andy Lucas).
2. The proposed site is located at 1900 W. Morehead Street, further identified as tax parcel 067-031-18.
3. The property is zoned I-1 (light industrial) and is approximately 2 acres.
4. The existing building on the site was constructed in 1957, prior to current zoning regulations.
5. The property abuts West Morehead Street which is classified as a Class III Major Arterial thoroughfare, and has an existing right-of-way of 30 feet measured from the street centerline.
6. Per Code Section 12.103(1), the minimum setback along a thoroughfare shall be measured from the ‘proposed right-of-way’ line, which is established by thoroughfare classification. Since West Morehead Street is classified as a Class III Major Arterial, and it is bounded by Route 4 and I-85, the ‘proposed right-of-way’ is 40 feet measured from the centerline of West Morehead Street.
7. Based on the existing 30 foot right-of-way from the centerline of West Morehead Street, and the required 40 foot proposed right-of-way, an additional 10 feet of right-of-way is required from the centerline of West Morehead Street.
8. Per Code Section 12.103(2), a ‘transitional setback’ shall be established along a thoroughfare that has an existing right-of-way which is not as wide as the right-of-way established for that thoroughfare.
9. The required 20 foot ‘transitional setback’ along West Morehead Street is measured from the 40 foot ‘proposed right-of-way’.
10. Per Code Section 12.103(2)(a) The ‘transitional setback’ established for lots abutting thoroughfares can be used for any purpose allowed by the particular zoning district, except for uses which are prohibited in the required setbacks.
11. Per Code Section 12.106(1) no principal buildings or structures shall be located within any setback.
12. Per Code Section 2.201, the transitional setback is defined as the area that lies between the existing required setback line and the future required setback.
13. The existing nonconforming structure on the property is located within the ‘transitional setback’, and also encroaches approximately 7 inches into the existing required setback of 20 feet measured from the existing 30 foot right-of-way from the centerline of West Morehead Street.

14. The applicant wishes to renovate the nonconforming structure by adding a second story and demolishing a portion of the building that encroaches into the 'existing setback'.
15. Per Code Section 7.103(5), a nonconforming structure may be expanded only if the area of expansion is brought into conformity with zoning requirements.
16. The applicant is requesting a 7 foot 3 inch variance from the required 20 foot "transitional setback" along W. Morehead Street to renovate the existing structure. Staff has accounted for 10 ft due to the site's proximity to I-85 and NC Route 4.
17. The hardship was not a result of actions taken by the applicants.
18. The site was developed in 1957 and contains a nonconforming structure that encroaches into 'required setback' and 'transitional setback'.
19. The proposed request meets the spirit and intent of the Zoning Ordinance.
20. Granting the variance would bring the nonconforming structure further into compliance by eliminating the existing encroachment into the 'required setback' and decreasing the existing encroachment into the "transitional setback" by approximately 3 feet.
21. The property is included in the Bryant Park Land Use and Streetscape Plan adopted by the Charlotte City Council on July 23, 2007.
22. Street improvement recommendations from the Bryant Park Land Use and Streetscape Plan were implemented on the portion of West Morehead Street adjacent to the subject property in 2018.
23. The Charlotte Department of Transportation has indicated their support of the proposed variance request.
24. The property has an angled rear property line which would make development to the rear of the building difficult.
25. Granting the variance will not adversely affect adjacent or contiguous properties.
26. Granting the variance will not alter the essential character of the area.
27. Properties along West Morehead Street have nonconforming principal structures that encroach into the 'required setback' and 'transitional setback'.
28. The variance will not impact public safety.
29. Due to the location of the existing nonconforming structure on the property, the angled rear property line, and application of the 'proposed right-of-way' and 'transitional setback' along West Morehead Street, a hardship exists that would make renovation of the building difficult without the requested encroachment.

**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,



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Rick Sanderson, Chairperson

10/16/2020

Date

**DECISION FILED IN THE  
PLANNING DEPARTMENT:**

 Recoverable Signature



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Shad Spencer

Zoning Administrator - Date: 10/23/2020

Signed by: sspencer@ci.charlotte.nc.us