



Roof Above, Inc.
C/O John Carmichael
Robinson Bradshaw
101 North Tryon Street, Suite 1900
Charlotte, NC 28246

**RE: VARIANCE
575 CLANTON ROAD
CASE NUMBER 2020-134**

To Whom It May Concern:

At its remote meeting on January 26, 2021 the City of Charlotte Zoning Board of Adjustment (“Board”) **granted** a 0.6 floor area ratio variance to allow a building addition and the adaptative reuse of an existing building.

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

1. The applicant is Roof Above, Inc, represented by John Carmichael.
2. The proposed site is located at 575 Clanton Road, further identified as tax parcel 145-132-02.
3. The property is zoned B-1 (Neighborhood Business).
4. The property is identified as a portion of Lots 16 & 17 in Block 10A of Plat Map Book 4 Page 261, which showed a right-of-way for Blairhill Road running through the center of the property.
5. The parcel is approximately 0.978 acres, or 43,063 square feet per the site plan on ‘Exhibit B’ included in the variance application packet.
6. According to Mecklenburg County property records, the property was developed in 1985 as a hotel, prior to current zoning ordinance regulations.
7. The applicant would like to convert the use to a single room occupancy residence that will serve the homeless community.
8. Per Code Section 9.805(1)(c), the maximum FAR (floor area ratio) for nonresidential development in the B-1 zoning district is 0.50, which would permit a maximum of 21,532 square feet of building area on the subject property.
9. There is an existing FAR of 0.87 on the property, and since the property was developed prior to current FAR requirements, the existing structure is nonconforming.
10. Floor Area Ratio Calculations:
 - Subject Property Land Area: 43,063 sf
 - Existing Building: 37,527 sf
 - Existing Building with Proposed 6,500 sf Addition: 44,027 sf
 - Parcel 145-135-23 Land Area (Applicant owned property to the south of Blairhill R/W): 114,998 sf
 - Parcel 145-135-23 Building Square Footage Allowance: 32,500 sf
 - Total Land Area of Both Parcels Combined: 158,061 sf
 - Total Existing, Proposed and Allowance for Building on Both Parcels Combined: 76,527 sf

Permitted FAR on Subject Property: 0.50

Existing FAR on Subject Property: 0.87

$$37,527 \div 43,063 = 0.87$$

FAR on Subject Property with Proposed Addition: 1.02

$$44,027 \div 43,063 = 1.02$$

FAR on Both Parcels with Proposed Addition and Conditional Plan Building Allowance: 0.48

$$76,527 \text{ sf} \div 158,061 = 0.48$$

11. The applicant would like to expand the existing building with a 6,500 square foot addition that would house support services for the single room occupancy residence.
12. Per Code Section 7.103(5), any expansion of a nonconforming structure must comply with current Zoning Ordinance regulations.
13. Per the applicant's 'Exhibit B', the existing building on the property is approximately 37,527 square feet, and the addition of 6,500 square feet would result in a 44,027 square feet of gross floor area, or an approximately 1.02 FAR, which can be rounded up to a 1.10 FAR.
14. The applicant requests a 0.60 FAR variance for a 1.10 FAR, to allow the 6,500 square foot building addition and the adaptive reuse of the property.
15. The hardship results from conditions that are peculiar to the property.
16. The property is a unique configuration due to the location of the Blairhill Road right-of-way that runs adjacent to the property.
17. The Blairhill Road right-of-way separates the subject parcel from an adjacent property to the south, referred to in this document as 'adjacent property'. The 'adjacent property' is identified as tax parcel 145-135-23, and is also owned by the applicant.
18. The approved 1985 B-1 (CD), Neighborhood Business Conditional District, rezoning plan for the 'adjacent property' notes that it is to be used in conjunction with, and to house support facilities and buildings for, the subject property.
19. The conditional plan notes that the Blairhill Road right-of-way that separates the 'adjacent property' from the subject property will be petitioned for abandonment.
20. The hardship does not result from actions taken by the applicant.
21. The applicant pursued a petition for abandonment of the portion of Blairhill Road right-of-way that separates the subject property from the 'adjacent property'.
22. Right-of-way abandonment would have permitted the area within the right-of-way to be incorporated into the applicant's parcels, and for the two parcels to be combined into one property in which the maximum FAR would be calculated.
23. The applicant was unable to abandon the right-of-way because an owner of an adjacent property (tax parcel 145-132-07) did not consent.
24. The applicant has exhausted other avenues to expand the size of the parcel.
25. Although the subject property and the 'adjacent property' are in the same ownership and intended to be used in conjunction, they could not be combined due to the inability to abandon the Blairhill Road right-of-way.
26. The 'adjacent parcel' is 114,998 square feet, and the conditional rezoning plan for the property permits up to 32,500 square feet of gross floor area to be constructed to support the subject parcel. If the two parcels were to be combined it would result in a compliant FAR of 0.48.¹
27. Granting the variance will not impact public safety.
28. Granting the variance will not alter the essential character of the area.
29. The hardship results from the unusual configuration of the lot adjacent to Blairhill Road right-of-way that cannot be abandoned, the inability to combine the property with the adjacent property to the south, and from accommodating the current required FAR on a site that predates the zoning ordinance.

Conclusion of Law:

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,



Rick Sanderson, Chairperson

1/28/2021

Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**

 Recoverable Signature

X 

Shad Spencer
Zoning Administrator - 2/1/2021
Signed by: sspencer@ci.charlotte.nc.us