



C W Williams Community Health Care Center Inc.
3333 Wilkinson Blvd.
Charlotte, NC 28208

**RE: VARIANCE
3333 WILKINSON BLVD.
CASE NUMBER 2022-005**

To Whom It May Concern:

At its remote meeting on February 22, 2022 the City of Charlotte Zoning Board of Adjustment (“Board”) **granted** two variances to redevelop the medical center on the property:

1. Eliminate the 20 foot transitional setback.
2. A 20 space reduction of required off-street parking.

The board based its decision on the following findings of facts:

1. C.W. Williams Community Health Care Center, Inc. (Represented by Andre L. Lennon P.E. Civil and Environmental Consultants Inc.).
2. The proposed site is located at 3333 Wilkinson Boulevard, further identified as tax parcel 117-052-08.
3. The property is zoned I-2 (general industrial) and currently contains a medical clinic building constructed in 1940.
4. The applicant wishes to redevelop the site with a new 17,770 square foot medical clinic building.
5. Per Code Table 12.202, the minimum required parking spaces for a 17,770 square foot medical clinic is 89 spaces which equates to a parking ratio of one space per 200 square feet.
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. Wilkinson Boulevard is classified as a Class III-C Commercial Arterial, so the ‘proposed right-of-way’ is 75 feet measured from the centerline of Wilkinson Boulevard.
7. 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.
8. The required 20 foot ‘transitional setback’ along Wilkinson Boulevard is measured from the 75 foot ‘proposed right-of-way’.
9. The applicant is requesting the following two variances to redevelop a medical clinic on the property: 1) Eliminate the 20 foot transitional setback; and 2) A 20 space reduction of the required on-street parking to permit 69 spaces.
10. The proposed development will be outside the proposed 75 foot right-of-way along Wilkinson Boulevard and meet the required 20 foot setback from the current right-of-way along Wilkinson Boulevard.
11. The hardship is not a result of actions taken by the applicants.
12. The hardship is peculiar to the property.
13. There is significant topography on the property, with a 20 foot decrease in grade from the front to the rear of the property.

14. Due to the topography, the applicant states that the north side of the site is not sufficient for parking, site circulation and pedestrian access from Wilkinson boulevard.
15. The past right-of-way acquisition for the widening of Wilkinson Boulevard decreased the depth of the subject property and permitted building area.
16. The applicant states the decreased lot depth and transitional setback measured from proposed right-of-way allows no parking along Wilkinson Boulevard and hinders the site from providing the required parking.
17. Granting the variance will not alter the essential character of the area.
18. Properties along Wilkinson Boulevard have nonconforming principal structures that encroach into the 'proposed right-of-way' and transitional setback.
19. The request meets the spirit and intent of the ordinance.
20. Section 12.202 permits a 25% decrease in required parking in order to preserve trees or buildings. The proposed development would not qualify for this provision because the redevelopment will not preserve existing buildings or trees.
21. Section 12.205 provides options for reduced parking with dedicated carpool parking spaces when there are at least 100 required parking spaces. The proposed development would not qualify for this provision because only 89 spaces are required.
22. Section 12.209 provides options for a 25% decrease in required parking with additional bike parking measures when there are at least 100 required parking spaces. The proposed development would not qualify for this provision because only 89 spaces are required.
23. Although the proposed development would not meet criteria in Sections 12.202, 12.205, and 12.209 to allow a 25% parking reduction on the site, the requested variance of 20 spaces is under 25% of the required 89 spaces.
24. The applicant has provided letters from two churches that have agreed to allow 30 of their parking spaces to be utilized by employees via a shuttle service for the subject property. The two churches are located beyond the 400 foot requirement for off-site parking per Section 12.206(1) of the Zoning Ordinance. The churches are located approximately 4,200 feet (4101 Morris Field) and 12,600 feet (1901 Rozzelles Ferry) from the proposed medical clinic.
25. Granting the variance assures public safety is secured and substantial justice is achieved.
26. There is no front entry to the existing building and no pedestrian connection between the bus shelter and in front of the property to the rear entry of the building. Customers must use the driveway of the parking lot, the road right of way, or walk down the grassed hill on the side of the building to access the rear entry.
27. The applicants proposed redevelopment plan includes a connected sidewalk and parking lot crosswalk from the bus shelter to the front entry of the building for pedestrian safety.
28. The building is located along Wilkinson Boulevard at the intersection of Donald Ross Road and the proposed plan will add a sidewalk along Donald Ross Road which currently does not have a sidewalk.
29. The current site has two driveways in close proximity along the Donald Ross Road frontage. The proposed plan eliminates one driveway, increasing parking lot safety by eliminating pedestrian conflict points.
30. Granting the variance will not adversely affect adjacent or contiguous properties.
31. The property was granted variance #2019-089 in 2019 that eliminated the 20 foot transitional right of way requirement to allow a front entry on the existing building on the site.
32. In response to the 2019 variance request, CDOT (Charlotte Department of Transportation) indicated that they did not have objections. Both the 2019 and current requests propose to eliminate the 20 foot transitional setback. The previous variance also granted a 5 foot variance from the proposed right of way, but this request is compliant with the proposed right of way.

33. Previously, the CATS Silver Line corridor alignment was located along Wilkinson Boulevard in front of the property. Since that time, the alignment has changed and is no longer adjacent to the front of the property. John Howard, with CATS issued the following comments on February 15, 2022, regarding the proposed variance request:
Since that time the refined LPA for Silver Line is now adjacent to the Norfolk Southern freight line at the rear of this property. The variance request does not affect the light rail corridor.
29. Due to the past right of way acquisition for Wilkinson Boulevard that decreased the depth of the property, the installation of a pedestrian network for the proposed development, and the mitigation of the decreased parking through off site parking agreements and shuttle service, hardships would result from strict application of the 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,

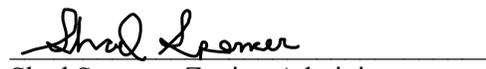


Deborah Dryden, Co-Chair

3-10-2022

Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

Date