



Greater St James Church of God
938 Justice Avenue
Charlotte, NC 28206

**RE: VARIANCE
938 JUSTIE AVENUE
CASE NUMBER 2022-014**

To Whom It May Concern:

At its remote meeting on February 22, 2022 the City of Charlotte Zoning Board of Adjustment (“Board”) **granted** a variance to allow a residential local street to provide frontage and primary vehicular access to a small religious institution to allow the construction of a new sanctuary

Staff recommends approval of the variance requests with the following condition:

In addition to the installation of required sidewalks along the property frontage, the applicant shall install ADA compliant curb ramps on all corners of the Justice Avenue and Isenhour Street intersection in accordance with the council adopted Charlotte WALKS policy.

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

1. The applicant is Greater St James Church of God (Represented by Alex Sithong, StudioOne9 Architecture).
2. The applicant has agreed to the proposed condition.
3. The proposed site is located at 938 Justice Avenue, identified as tax parcel 077-199-03.
4. The property is zoned R-8 (single family) and contains a small religious institution built in 1950.
5. The property has frontage on Justice Avenue, a local Class VI street.
6. Per Code Section 9.203(18), a religious institution is a permitted use in the R-8 (single family) zoning district, subject to the regulations of Section 12.506 of the Zoning Ordinance.
7. Per Code Section 12.506, 6(a) & 7, a small sized religious institution shall be permitted only on a lot with frontage on a collector street, minor thoroughfare, or major thoroughfare, and primary access shall not be provided by a local (Class VI) street.
8. Since the existing church was constructed in 1950, it is nonconforming since it predates and does not comply with current ordinance requirements.
9. On June 19, 1995, the Zoning Board of Adjustment granted variance #95-33 permitting a nonconforming fellowship hall addition, and to allow Justice Avenue, a local Class IV street, to provide primary vehicular access to the religious institution.
10. The applicants now wish to redevelop the site by demolishing the existing sanctuary structure and building a larger sanctuary.
11. New buildings are subject to the current Zoning Ordinance requirements.
12. The applicants are requesting a variance to allow a residential local street to provide frontage and primary vehicular access to a small religious institution to allow the construction of a new sanctuary.
13. The hardship was not caused by the applicant and results from conditions peculiar to the property.

14. The church on the property was constructed in 1950 and the location on which the church was constructed has frontage and access on a local road which does not meet current zoning ordinance requirements.
15. The applicant states that the church has grown, and the variance will allow them to increase the sanctuary from 4,702 square feet to 6,300 square feet. This will allow an increase from 178 seats in the sanctuary to 400 seats.
16. The applicant states that the existing church has structural issues.
17. The requested variance is consistent with the spirit and intent of the Zoning Ordinance.
18. The site has been in use as a religious institution since the 1950's and the variance request will allow the use to continue.
19. Granting the variance with staff's recommended condition upholds public safety.
20. There are currently non-connected portions of substandard sidewalk in front of the building.
21. Redevelopment of the site will require installation of sidewalk built to current Charlotte Department of Transportation (CDOT) standards.
22. Per correspondence from the CDOT on January 24, 2022:
'CDOT anticipates the construction of the larger sanctuary will result in an increase in traffic to the area. In order to encourage pedestrian traffic to the sanctuary CDOT would be supportive of the variance if the requestee installs ADA compliant curb ramps on all corners on the Justice Avenue and Isenhour Street intersection. This condition is in concurrence with the council adopted Charlotte WALKS policy. As part of the development (and regardless of the variance), the sidewalks along the property frontage would need to be reconstructed per the Chapter 19 ordinance.'
23. The hardship results from the strict application of the ordinance due to the nonconforming location of the church, that has access and frontage on a local road, preventing the construction of a new church building.

Conclusion of Law:

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.

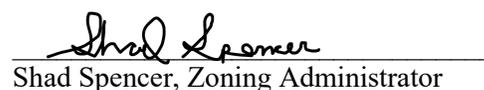
If any permits are required, please make sure the variance case number is referenced on the permit application and/or site plan. Section 5.111 of the Zoning Ordinance provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit 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,


 Deborah Dryden, Co-Chair

3-10-2022
 Date

**DECISION FILED IN THE
 PLANNING DEPARTMENT:**


 Shad Spencer, Zoning Administrator

 Date