

**CHARLOTTE UNIFIED DEVELOPMENT BOARD OF ADJUSTMENT MINUTES**

**November 18th, 2025**

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The Unified Development Ordinance Board of Adjustment (hereinafter “Board”) for the Charlotte Unified Development Ordinance held a meeting at 9:08 a.m., November 18th, 2025. Chair Deborah Dryden called the meeting to order. Reference to “Ordinance” means “Charlotte Unified Development Ordinance” (“UDO”).

**Present:** Deborah Dryden (Chair), Kevin Shea (Vice-Chair), Amy Sun, Hamilton Cort, Marshall Williamson

**Also Present:** Solomon Fortune, Zoning Administrator  
John Kinley, Senior Project Manager  
Terrie Hagler-Gray, Senior Assistant City Attorney, Lead  
Paige Inman, Assistant City Attorney  
Crystal Monsegur, Planner  
Kamesha Lampley, Associate Planner, Clerk to the Board  
Elizabeth Majors, Veritext Court Reporting

**Index of Cases:**

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Case # VAR-2025-00046

**Recommendation Agenda**

**Case No.:** VAR-2025-00043

**Subject Ordinance:** *Unified Development Ordinance (UDO)*

**Request:** Variance from Article 19.6.A.2.B Table 19-4 to allow surface parking, driveways, circulation and maneuvering areas within the required setback.

**Applicant/Agent:** Ken Flemming of JMH REAL ESTATE LLC (represented by Rick Korvick) for property owned by JMH REAL ESTATE LLC

**Address:** 219 Greenwich Rd

**Parcel ID Number:** 15717220

**Applicable Code Sections:**

**2.3 GENERAL DEFINITIONS**

Setback – Front - A front setback is a required setback located along the shortest lot line dividing the lot from the right-of-way.

Setback, Established - An established setback is the area between the curb line, lot line, or other point set by

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the Ordinance and the building line of a principal building or structure.

**19.6 Table 19-4: Surface Parking Area Location and Access – Part 1**

Surface parking, driveways, circulation, and maneuvering areas may be located in the established setback along a street; however, such areas are prohibited in the required setback.

*The Board granted the requested variance with the condition that the pavement for the standard parking space and a triangular area of approximately 115 sqft between the standard space and driveway aisle be removed and landscaping and screening shrubs or a screen wall matching the standards of Article 20.5 B. 3. & 4. shall be provided between the handicap space and the driveway aisle.*

***The Board approved the following findings of fact:***

1. The applicant is Ken Flemming of JMH REAL ESTATE LLC (represented by Rick Korvick) for property owned by JMH REAL ESTATE LLC
2. The site's address is 219 Greenwich Rd further identified as tax parcel 15717220.
3. The property is zoned OFC (Office Flex Campus Zoning District) and is 0.370 acres.
4. The applicant is requesting a variance from Article 19.6.A.2.B Table 19-4 to allow surface parking, driveways, circulation and maneuvering areas within the required setback.
5. Parking and maneuvering between the building and street is permitted in the OFC district within the established setback, but outside of the required setback.
6. The frontage setback for OFC zoning along Greenwich Rd. is 36 ft measured from the back of curb. As shown on the layout plan provided by the applicant the frontage setback line covers the majority of the front of the lot. The established setback is 41 ft, a difference of about 5 ft.
7. The hardship does result from strict application of the Ordinance.
8. The site does not have an accessible parking space near the front entrance of the building. Vehicular access to the site can at times be limited by school traffic. The applicant installed parking and a secondary driveway to address these issues.
9. However, strict application of the Ordinance standards prevents all parking and maneuvering between the building and street for the subject lot.
10. The hardship does result from conditions that are peculiar to the property.
11. The lot is the last property on the left side of Greenwich Rd. prior to the dead end into the driveway for Cotswold Elementary School's site. The school's driveway is used by busses and parents to drop off and pickup students. The proximity of the site's primary driveway to the school driveway creates unsafe conditions for the site's employees and customers and those entering and exiting the school property.
12. The lot slopes down about 10 ft from Greenwich Rd. to the rear of the lot. There is a small parking area to the rear of the building accessed by a driveway to the right side of the building. The topography and layout of the building and parking restricts accommodations for persons with disabilities.
13. The hardship does not result from actions taken by the applicant or the property owner.
14. According to the applicant's variance application the applicant hired a contractor to install the secondary driveway and parking spaces to address the accessibility and safety issues, however; the contractor failed to inform the applicant that permit approval was necessary.
15. Additionally, the hardship results from the unique location of the site, the site layout and strict application of the Ordinance.
16. The requested variance is consistent with the spirit, purpose, and intent of the Ordinance.
17. Granting the variance will allow an accessible parking space near the front door of the existing building.



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Board Member Kevin Shea made a motion to **approve** the variance with conditions. The motion was seconded by Board Member Amy Sun. The Board voted unanimously in favor of the motion to **approve** the variance with conditions. The motion passed 5-0.

Board Member Hamilton Cort made a motion to **approve** the findings of fact and conclusions of law as amended. Board Member Amy Sun seconded the motion. The Board voted unanimously in favor of the motion to **approve** the findings of facts and conclusions of law as amended. The motion passed 5-0.

**Case No.:** VAR-2025-00044

**Subject Ordinance:** *Unified Development Ordinance (UDO)*

**Request(s):** Variance from UDO Article 8.3.C., Table 8-2 Row A to reduce the frontage setback from 36' to 10' along Honeywood Ave.

Variance from UDO Article 20.9 Table 20-2 to reduce the width of the required Class A landscape yard from 40 ft to 25 ft.

**Applicant/Agent:** Epic Realty Solutions LLC (represented by Nicole Emina)

**Address:** 110 Honeywood Av

**Parcel ID Number:** 06512514

- This case was deferred until the December meeting.
- The motion to continue was made by Board Member Hamilton Cort and seconded by Board Member Amy Sun.
- The Board voted unanimously in favor of the motion to continue this case to the December meeting.

[The Board took a break from 9:58 a.m. until 10:07 a.m.]

**Case No.:** VAR-2025-00045

**Subject Ordinance:** *Charlotte Unified Development Ordinance (UDO) – Amended 6/16/25*

**Request:** Variance from UDO Article 8.3.D. Table 8-3 (Manufacturing and Logistics Zoning Districts Building Height Standards) to increase maximum building height to 115 ft from 80 ft, a 35 ft increase, for a proposed building.

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**Applicant/Agent:** Steven Wilson of Gray AES, PSC (represented by Brian Sinn of SIEMENS ENERGY INC), for property owned by SIEMENS ENERGY INC.

**Address:** 5101 Westinghouse Bv

**Parcel ID Number:** 19953101A

**Applicable Code Sections:**

**Article 2.3 General Definitions:**

**Building Height** - Building height is the vertical distance between the average grade at the base of the structure and the highest point of the structure.

**Article 8, Table 8-3 Manufacturing and Logistics Zoning Districts Building Height Standards**

Standards for ML-2 zoning

Maximum Building Height: 80 feet

**Table 8-3 Manufacturing and Logistics Zoning Districts Building Height Standards**

<b>Table 8-3: Manufacturing and Logistics Zoning Districts Building Height Standards</b>			
		<b>ML-1</b>	<b>ML-2</b>
<b>A</b>	<b>Maximum Building Height (feet) 1, 2</b>	80	80

*The Board granted the requested variance with the condition that the variance is only applicable to the proposed new building as depicted on the variance site plan.*

***The Board approved the following findings of fact:***

1. The applicant is Steven Wilson of Gray AES, PSC (represented by Brian Sinn of SIEMENS ENERGY INC), for property owned by SIEMENS ENERGY INC.
2. The site is located at 5101 Westinghouse Bv., further identified as tax parcel 19953101A.
3. The property is zoned ML-2 (Manufacturing and Logistics Zoning District) and is 292.460 acres.
4. The development is a proposed Large Power Transformer (LPT) manufacturing and service facility and includes space and equipment requiring additional height such as a disassembly area, main hall, testing bay and bridge crane.
5. The applicant is requesting a variance from UDO Article 8.3.D. Table 8-3 (Manufacturing and Logistics Zoning Districts Building Height Standards) to increase maximum building height to 115 ft from 80 ft, a 35 ft increase, for the proposed building.
6. The pre-UDO zoning of the property was I-2 which required a base height of 40 ft that could be increased with an increase to side yard setbacks. There was no cap to maximum building height with the side yard increases.

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7. The Unified Development Ordinance went into effect in June of 2023. The site's I-2 zoning was automatically translated to ML-2.
8. ML-2 zoning has a maximum building height of 80 ft with no provisions for height increases. Building height is restricted to 50 feet within the first 100-foot distance and 65 feet for structures between 100-200 foot distance of the Neighborhood 1 place type.
9. The proposed building is approximately 1700 feet from the nearest Neighborhood 1 place type, therefore the maximum of 80 ft applies to the proposed building.
10. The hardship is a result of strict application of the ordinance because the UDO does not provide the ability to increase building heights with an increase to setbacks and the Development Bonus Standards within Article 16, do not apply to the ML zoning districts.
11. Strict application of the height limitation would prevent the construction of the proposed facility, which requires interior clear heights up to 100 feet to safely house overhead cranes and maneuver large power transformers. The ordinance limitation effectively prohibits the proposed industrial use.
12. The hardship results from conditions that are peculiar to the historical utilization of the property prior to the implementation of the UDO and the unique manufacturing process needs for the facility.
13. A manufacturing facility has operated on the site since 1968. The existing 100-foot-tall building was constructed in 1997.
14. The proposed building contains an electrical test bay for transformer equipment. The testing can result in energy being released. The increased height allows for a grounding system similar to a Faraday cage and ensures that equipment within the building remains outside of the dispersion zone protecting it from potential damage and enabling uninterrupted operations.
15. The subject property is developed with heavy manufacturing, specifically the production and servicing of large power transformers. This use is unique and requires building heights and crane capacities that are not typical of general industrial facilities. The need for additional height is therefore inherent to the property's specialized function rather than a generalized request.
16. The hardship does not result from actions taken by the applicant or the property owner, the hardship results from the strict application of the Ordinance and the unique nature of the technical requirements of the transformer manufacturing process.
17. The applicant is constrained by engineering and safety standards that dictate building height for crane operation, transformer clearance, and testing functions.
18. The requested variance is consistent with the spirit, purpose, and intent of the *Unified Development Ordinance*, in that public safety is secured and substantial justice is achieved.
19. Without the variance the electrical testing functions of the existing manufacturing use could not be accommodated.
21. Granting the variance will allow the property to be developed in a manner consistent with its industrial zoning designation, supporting the manufacturing use, and continued investment into the site by Siemens Energy. The variance does not alter the essential character of the ML-2 zoning district and is aligned with the ordinance's intent to accommodate industrial uses while maintaining safety and orderly development.
22. The applicant has offered and agreed to the condition that the variance is only applicable to the proposed new building as depicted on the variance site plan.
23. The building is approximately 1700 feet from the Neighborhood 1 place type and the previous Ordinance allowed for building heights over 80 feet with increased setbacks. There is an existing building over 100 feet in height on the site.
24. Granting the variance will not alter the essential character of the nearby neighborhoods.

**Conclusion of Law:**

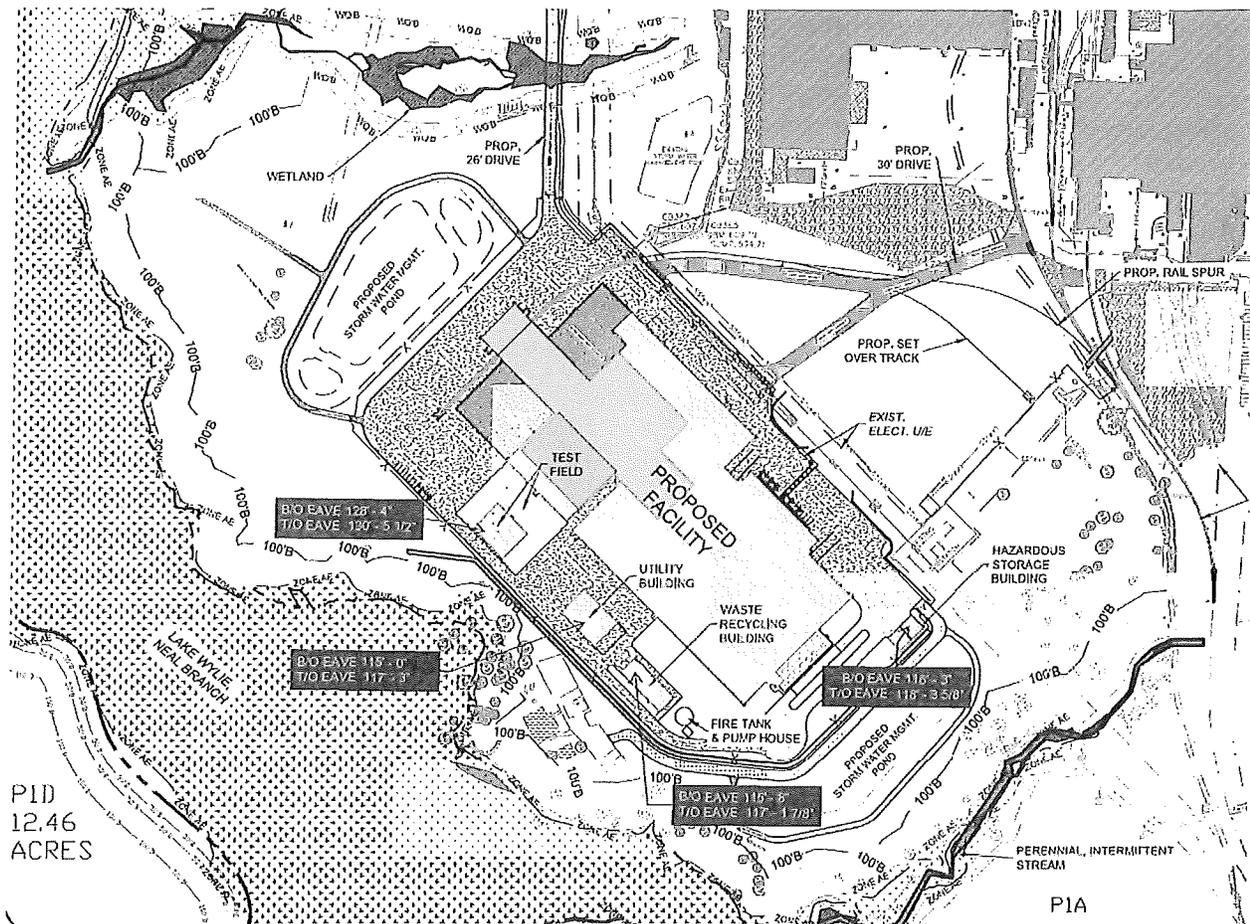
1. Unnecessary hardships would result from the strict application of the Ordinance.
2. The hardship does result from conditions that are peculiar to the property (location, size or

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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 *Unified Development Ordinance*, in that the public safety is secured and substantial justice is achieved.



Board Member Kevin Shea made a motion to **approve** the variance with conditions. The motion was seconded by Board Member Marshall Williamson. The Board voted unanimously in favor of the motion to **approve** the variance with conditions. The motion passed 5-0.

Board Member Hamilton Cort made a motion to **approve** the findings of fact and conclusions of law as written. Board Member Amy Sun seconded the motion. The Board voted unanimously in favor of the motion to **approve** the findings of facts and conclusions of law. The motion passed 5-0.

**Case No.:** VAR-2025-00046

**Subject Ordinance:** *Unified Development Ordinance (UDO) – Amended 6/16/25*

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**Request:**

- Variance from UDO Article 4 Table 4-2 Row B, to reduce the corner side setback from 13.5' to 7', a 6.5' reduction.
- Variance from UDO Article 17.2.E to reduce the required garage setback from 20' to 7', a 13' reduction.
- Variance from UDO Article 19.6.A.1.a.iii.C. to reduce the required driveway length from 20' to 7', a 13' reduction.
- Variance from UDO Article 19.6.A.1.a.iii.D. to reduce the required garage door setback from 20' to 7', a 13' reduction.

**Applicant/Agent:**

Matthew William Manning (represented by David Murray of Murray Law Firm) for property owned by MATTHEW WILLIAM MANNING.

**Address:**

4941 Virginian Ln.

**Parcel ID Number:**

21148105

**Applicable Code Sections:**

**2.3 GENERAL DEFINITIONS**

**Garage.** An accessory building or portion of a principal building designed to be used for the storage of motor vehicles and other household items of the occupants of the premises.

**Setback.** The minimum dimension a structure may be located as measured from a curb line, lot line, right-of-way line, or other point set by the Ordinance, along frontages and side and rear lot lines. A setback shall be located at or behind the required pedestrian/bicycle facilities and planting strip/amenity zone.

- **Corner side setback.** A corner side setback is a required setback located along the longest lot line dividing the lot from the right-of-way.

**Article 4.3 Table 4-2 Neighborhood 1 Zoning District Building Siting Standards**

- Standards for N1-A zoning
- Minimum corner side setback 13.5 ft

**Article 17.2.E GENERAL STANDARDS FOR ACCESSORY STRUCTURES**

**Garage, Detached -** Detached garages shall be set back a minimum of 20 feet from the right-of-way or back of sidewalk, whichever is greater, to allow a driveway or parking pad with a minimum length of 20 feet. A detached garage may be located in an established corner side setback along a street or frontage if it complies with the preceding setback requirement.

**19.6 DESIGN OF SURFACE PARKING AND PARKING LOTS**

**A. Surface Parking and Parking Lot Location and Configuration**

**1. Neighborhood 1 Zoning Districts and Neighborhood 2 Zoning Districts**

**a. Residential Dwellings**

**iii. All Dwellings**

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(C) Driveways and parking pad spaces shall be a minimum of 20 feet in length as measured from the right-of-way, back of sidewalk, or back of a shared use path, whichever is greater.

(D) Garages for individual units shall be set back a minimum of 20 feet or the required zoning district setback, whichever is greater. The 20-foot distance shall be measured from the right-of-way, back of sidewalk, or back of a shared use path, whichever is greater.

***The Board granted the requested variances with the condition that the variances are only applicable to the garage/accessory structure and replacement if damaged or destroyed as set forth in Section 38.3.G.***

***The Board approved the following findings of fact:***

1. The applicant is Matthew William Manning (represented by David Murray of Murray Law Firm) owned by MATTHEW WILLIAM MANNING.
2. The site's address is 4941 Virginian Ln further identified as tax parcels 21148105.
3. The properties are zoned N1-A (Neighborhood 1-A) and a total of 0.379 acres.
4. According to the survey submitted by the applicant the existing detached garage is located 7 ft from the street right-of-way along Flagstop Ct.
5. The applicant is requesting variances to four standards in Articles 4, 17, and 19 applicable to garages:
  - to reduce the corner side setback from 13.5' to 7', a 6.5' reduction.
  - to reduce the required garage setback from 20' to 7', a 13' reduction.
  - to reduce the required driveway length from 20' to 7', a 13' reduction.
  - to reduce the required garage door setback from 20' to 7', a 13' reduction.
6. The hardship does result from strict application of the Ordinance because the structure would have to be demolished and rebuilt to comply with the Ordinance. Demolition and reconstruction compliant with the Ordinance would impact existing trees, existing deck and cause undue hardship on the applicant who did not own the property at the time of construction.
7. The hardship does result from conditions that are peculiar to the property.
8. The hardship is related to the location of the lot on the corner, the distance between the actual lot line and the edge of the street along Flagstop Ct., and the existing permitted garage. The garage location is the peculiar condition at the property.
9. The hardship does not result from actions taken by the applicant or the property owner.
10. The garage was built by a previous owner in 2019 prior to applicant's purchase of the property in 2021.
11. The garage was permitted in 2019. The plot plan associated with the permit shows a 20 ft setback and the garage to be located 22 ft from Flagstop Ct. consistent with the Ordinance requirements. However, the garage was mistakenly built within 22' of the edge of pavement rather than the right-of-way. The plot plan does show the street right-of-way and does not specify that the setback is measured from the right-of-way.
12. The applicant purchased the property without knowledge of the encroachment. The applicant did not build or change in any way the garage structure that exists on the property.
13. The property is under contract to sell, and the violation was discovered when the buyer obtained a survey. The applicant is requesting the variances to bring conformity to the property so that a sale may occur.
14. The requested variances are consistent with the spirit, purpose, and intent of the Ordinance.
15. The garage has existed in its current position since 2019. The setback encroachment is not obvious because of the distance from the garage door face to the edge of the street.
16. It was built with permits. The plot plan submitted by the prior owner and builder indicates that they were under the belief that the setback for the garage was measured from the edge of the street, which

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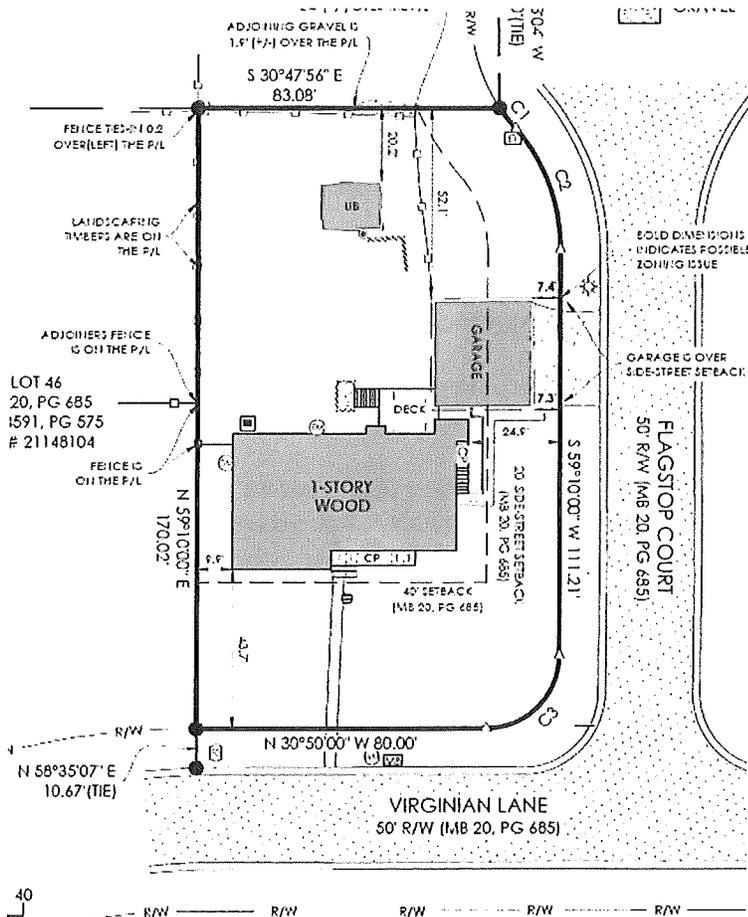
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according to the plot plan was 22'. However, the actual distance from the right-of-way was only 7.3' because the right-of-way is approximately 15 ft from the edge of the street pavement.

17. It is unlikely Flagstop Ct. will be widened because of its location within a neighborhood and its residential nature. There are no plans to add sidewalks to Flagstop Ct. in the future.
18. The distance between the garage door face and the edge of the street is over 20' providing space for vehicles to pull out of the travel lane so they do not impede the flow of traffic or pedestrians.
19. The applicant has offered and agreed to the condition that the variances are only applicable to the garage/accessory structure and replacement if damaged or destroyed as set forth in Section 38.3.G.
20. The garage does not encroach into the right-of-way.
21. Granting the variances would not alter the essential character of the neighborhood.

**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 *Unified Development Ordinance*, in that the public safety is secured and substantial justice is achieved.



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Board Member Marshall Williamson made a motion to **approve** the variance with conditions. The motion was seconded by Board Member Hamilton Cort. The Board voted unanimously in favor of the motion to approve the variance. The variance was **approved** with a 5-0 vote.

Board Member Hamilton Cort made a motion to approve the findings of fact and conclusions of law as amended. Board Member Marshall Williamson seconded the motion. The Board voted unanimously in favor of the motion to **approve** the findings of fact and conclusions of law as amended. The motion passed 5-0.

**MINUTES**

Board Member Hamilton Cort made a motion to **approve** the minutes from the October 28, 2025 Board of Adjustment Meeting. Board Member Amy Sun seconded the motion. The Board voted unanimously in favor of the motion to **approve** the meeting minutes. The motion passed 5-0.

Meeting adjourned at 10:25 a.m.

This 27 day of January, 2025.

Deborah Dryden  
Deborah Dryden, Chair

K. Lampley  
Kamesha Lampley - Clerk to the Board