

Required Attachments/ Submittals for:

- 1. Typed metes and bounds description of the property (or portion of property). A recorded deed is sufficient, if the deed describes only the subject property.
- 2. Cabarrus County Land Records print out of names and addresses of all immediately adjacent landowners, including any directly across the street.
- 3. If applicable: 6 copies of a plan drawn to scale (conditional district plan) for the initial submittal to be reviewed by internal City Staff. 16 folded copies, with all plan review comments address, are required to be submitted for Planning and Zoning Commission meetings. (Check with staff for final submittal dates)
- 4. Money Received by \_\_\_\_\_ Date: \_\_\_\_\_  
Check # \_\_\_\_\_ Amount: \$ 500.00 Cash: \_\_\_\_\_  
X  
*The application fee is nonrefundable.*

**\*\*\* If any of the above requirements are not presented at the time of submittal of application, the application will not be accepted due to incompleteness. \*\*\***

(Please type or print)

*Note: A variance is not a right. It may be granted to an applicant, only if the applicant establishes compliance with the hardship criteria established in NCGS § 160A-388(d).*

Applicant Name, Address, Telephone number: Charlotte Motor Speedway (SMI)  
5555 Concord parkway south, Concord, NC 28027  
(800)-455-3267

Owner Name, Address, Telephone number: Charlotte Motor Speedway (SMI)  
5555 Concord parkway south, Concord, NC 28027  
(800)-455-3267

Project Location/Address:  
5560 Concord parkway south, Concord, NC 28027

P.I.N.: 45989740610000

Area of Subject Property (acres or square feet):  
14.56 acres, Total 939.882 acres

Lot Width: Varies Lot Depth: Varies

Current Zoning Classification: Zoned PID

Existing Land Use: Gravel lot - Speedway use

Description of Use Requested:  
Event Center/ Commercial - Retail

*Variance Request*

I, Charlotte Motor Speedway, Speedway Motorsports Inc., hereby petition the Board of Adjustment for a variance from the literal provisions of the City of Concord Development Ordinance because under the interpretation given to me by the Zoning Administrator, I am prohibited from using the parcel of land described in this application, in the manner that I have proposed. I request a variance from the following provisions of this Ordinance:

4.3.2 (A) Buffer and Setback width

Class I Stream

So that the above-mentioned property can be used in a manner described herein:

Event Venue with supporting commercial and retail uses.

*Factors Relevant to the Issuance of a Variance*

The Board of Adjustment has limited discretion in deciding whether to grant a variance. In order to determine whether a variance is warranted in a particular case, the applicant must present the facts addressing four (4) criteria. Providing evidence supporting these conclusions is the responsibility of the applicant. Below, indicate facts to convince the Board of Adjustment that these criteria are met:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property:

Due to the width of the property, an event venue with adequate vehicular access would be impossible- Variance actually increases RSOD from existing.

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2. The hardship results from conditions that are peculiar to the property, such as the location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

Existing impervious extends up to stream . Stream is to not see impact.

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3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

No stream impact and Improved condition of buffer.

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4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.
- Increase in RSOD over existing buffer. Reduction in impervious area adjacent to stream.

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The Board of Adjustment is not empowered to grant a variance without an affirmative finding of fact on all four (4) criteria above. Each finding of fact shall be supported by substantial evidence in the record of proceedings before the Board.

Under the State Enabling Act, the Board is required to take the evidence presented by the applicant and reach three (3) conclusions before it issues a variance. Below, indicate facts supporting these conclusions:

1. That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance:

Existing conditions do not allow for RSOD development represent an improvement.

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2. That the variance is in harmony with the general purposes and intent of the Ordinance and preserves its spirit:

Yes, Increases RSOD, Riparian buffer.

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3. That in granting the variance, the public safety and welfare have been assured and substantial justice has been done:

Yes, development will reduce impervious area and increase RSOD which will not impact public safety & welfare and allow development while protecting to a greater degree the existing stream.

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The Board may also impose reasonable conditions upon the granting of any variance to insure that the public health, safety, and general welfare shall be protected and substantial justice has been done.

\*\*Calls or conversations with Board members prior to the meeting cannot be considered in the final decision and may result in the Board Member's recusal due to a conflict of interest. If adjacent property owners are to testify on behalf of the applicant, they must be present. Petitions and written consent may be accepted by the Board, but they cannot be used as a basis for the decision.

***Certification***

*I hereby acknowledge and say that the information contained herein and herewith is true and that this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the City of Concord Planning & Neighborhood Development Department.*

Date: 6-29-21

Applicant Signature: 

**Staff Use Only:**

1. Scheduled for Planning and Zoning Commission consideration:  
 Date: \_\_\_\_\_, 20\_\_\_\_ Time: \_\_\_\_\_ Location:  
 \_\_\_\_\_
2. Date advertised, written notice(s) sent, and property posted: \_\_\_\_\_,  
 20\_\_\_\_\_
3. Record of Decision: Motion to: \_\_\_ Approve \_\_\_ Deny
4. Members vote:
 

	Yea	Nay
_____	___	___
_____	___	___
_____	___	___
_____	___	___
_____	___	___
_____	___	___
5. Planning and Zoning Commission recommendation: \_\_\_ Approve \_\_\_ Deny  
 If denied, was an appeal filed? \_\_\_\_\_
6. Applicant notified of Commission action:  
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7. Comments: (see Minutes for details):  
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