



CERTIFIED MAIL

Pleasant Acres, LLC
c/o Mr. William Chase
13 Crimson Circle
Troy, NY 12180

**RE: VARIANCE
3061 NORTH SHARON AMITY ROAD
CASE NUMBER 12-024**

Dear Pleasant Acres, LLC:

At its meeting on July 31, 2012, the City of Charlotte Zoning Board of Adjustment (“Board”) **denied** a variance to allow 10 parking spaces from the required 67 parking spaces to allow a dialysis clinic.

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

1. The applicant is Pleasant Acres, LLC (Represented by John Carmichael).
2. The proposed site is located at 3061 North Sharon Amity Road, further identified as tax parcel 133-014-01.
3. The subject parcel is zoned B-1 (Neighborhood Business) and is approximately 1.59 acres.
4. The current use of the parcel is retail (approx. 6,751 sq. ft.) and there are two vacant commercial spaces (approx. 6,051 sq. ft.).
5. Currently there are 77 parking spaces located on the lot.
6. The applicant is proposing to construct a 7,317 square foot addition.
7. The applicant is proposing to combine the vacant commercial spaces (approx. 6,051 sq. ft.) and the addition (approx. 7,317 sq. ft.) for a total of approximately 13,368 square feet to allow for a medical clinic.
8. Based on 13,368 square feet of building space the medical use is required to have a total of 67 parking spaces, Code Table 12.202 minimum required off-street parking spaces for a medical use is 1 parking space per 200 square feet of building space.
9. The applicant is requesting a variance for 10 parking spaces from the required 67 parking spaces to allow a dialysis clinic to operate on the site.
10. The hardship is personal in nature because the applicant desires to locate a medical use in a location that does not have the required number of parking spaces.
11. There are other suitable uses for the site that could meet the existing parking requirements.

Based upon the above findings of fact, the Board concludes that the applicant has failed to meet the three standards stated in § 5.108(1) of the Ordinance, and more specifically:

1. No practical difficulties or unnecessary hardship exist because:
 - a. The difficulty or hardship is a result of action of the owner of the property.
 - b. The difficulty or hardship is not peculiar to the property in question.
 - c. The difficulty or hardship resulting from the application of these regulations would not prevent the owner from securing a reasonable return or making a reasonable use of the property.
2. The spirit of the regulations will be observed by denying the variance.

Pursuant to N. C. G. S. Section 160A-388(e2), the Board's decision in Case No. 12-024 may be appealed by a petition for review in the nature of *certiorari* to Superior Court within thirty (30) days from the date stated below, which is the date when the decision of the Board was filed in the Planning Department/Zoning Administration Division, or within thirty (30) days after receipt of the decision by an aggrieved party who filed a written request for such copy with the Clerk to the Board at the time of the hearing of the case, whichever is later.

Sincerely,

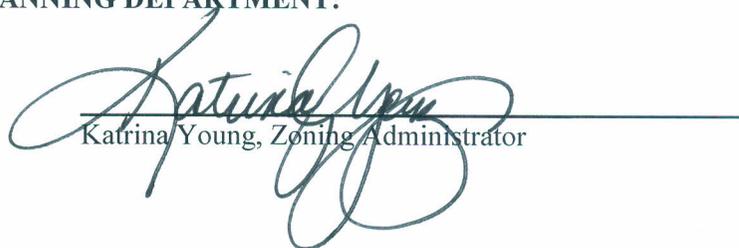


Randy Fink
Chairperson

8/24/2012
Date

DECISION FILED IN THE PLANNING DEPARTMENT:

August 28, 2012
Date



Katrina Young, Zoning Administrator