



CERTIFIED MAIL

Ali Zaghari
2713 South Tryon Street
Charlotte, NC 28203

**RE: VARIANCE
2713 SOUTH TRYON STREET
CASE NUMBER 06-024**

Dear Mr. Zaghari:

At its meeting on March 28, 2006, the City of Charlotte Zoning Board of Adjustment ("Board") **denied** a variance request to waive 10 parking spaces in order to construct an addition to the existing building for use as a convenience store and automotive service station.

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

1. The parcel is identified as Tax Parcel Number 147-011-75.
2. The variance request is very large in context.
3. The Applicant could choose a different use that requires fewer parking spaces.
4. The Applicant could choose to make a smaller addition thereby decreasing the number of parking spaces required.
5. Currently the site is nonconforming relative to screening and transitional setback requirements. Granting the variance of 10 parking spaces would be an intensification of the nonconformance.
6. The hardship is a result of the Applicant's own actions.
7. The hardship is personal.
8. The hardship is not peculiar to the Applicant's property.
9. The applicant is requesting a more profitable use of the land.

Based upon the above findings of fact, the Board concludes that the applicant has not met each of the three standards stated in §5.108(1) of the Ordinance, and more specifically:

1. There is no evidence of practical difficulty or unnecessary hardship.

2. The spirit of the Ordinance would not be observed, because the granting of the variance to allow a reduction in parking would have the effect of amending the Zoning Ordinance and not serve the public safety.
3. The hardship is not the result of the Zoning Ordinance's impact upon the property but is the result of the size of the lot with the proposed multiple uses.

Pursuant to N.C.G.S. Section 160A-388(e), the Board's decision in Case no. 06-024 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 Commission/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,



Andy Zoutewelle
Chairperson

cc: Calvin H. Cochran, Architect
Debra Campbell, Planning Director
Mark Griffin, Zoning Inspector
Rodger Lentz, Zoning Administrator
Keith MacVean, Planning Commission

DECISION FILED IN THE PLANNING COMMISSION:

4/27/06
Date


Rodger Lentz, Zoning Administrator