



**CERTIFIED MAIL**

Van Kpa and Hdem Rmah  
806 Pennsylvania Avenue  
Charlotte, NC 28216

**RE: VARIANCE**  
**806 Pennsylvania Avenue**  
**CASE NUMBER 10-009**

Dear Mr. Kpa and Ms. Rmah:

At its meeting on April 27, 2010, the City of Charlotte Zoning Board of Adjustment ("Board") **denied** a 3.8 foot variance request from the required 5 foot minimum side yard to allow an attached garage to remain as constructed.

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

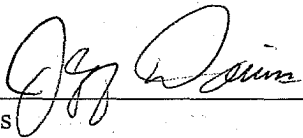
1. The applicant is Van Kpa and Hdem Rmah, represented by Nancy Pugh with Habitat for Humanity of Charlotte.
2. The proposed site is located at 806 Pennsylvania Avenue, further identified as tax parcel 069-101-10.
3. The subject parcel's current zoning classification is R-5 (residential).
4. The applicant built an attached garage which encroaches into the required side yard.
5. The applicant obtained a building permit September 24, 2009, which lists all minimum required yards.
6. The hardship is a result of the applicant's own action, in that the applicant constructed a structure in violation despite having the proper measurements as shown on the building permit.
7. The spirit of the Ordinance is not observed because the structure encroaches closer than allowed.
8. The lot is not irregularly shaped.

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

1. The public safety and welfare cannot be secured by granting the variance request.
2. If the requested variance were granted, the Board's actions would be in direct conflict with a specific provision of the Zoning Ordinance.
3. By denying the variance, the applicant would still have reasonable use of property.

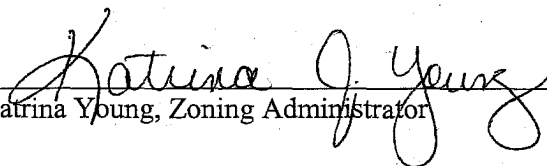
Pursuant to N. C. G. S. Section 160A-388(e), the Board's decision in Case No. 10-009 may be appealed by a petition for review in the nature of *certiorari* to Superior Court within thirty (30) days from the date stated below, which is the date when the decision of the Board was filed in the Planning 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,

  
\_\_\_\_\_  
Jeff Davis  
Chairperson

**DECISION FILED IN THE PLANNING DEPARTMENT:**

May 20, 2010  
Date

  
\_\_\_\_\_  
Katrina Young, Zoning Administrator