



CERTIFIED MAIL

Kidane Haile
7020 Lawyers Rd
Charlotte, NC 28227

**RE: VARIANCE
4541 MARGARET WALLACE RD
CASE NUMBER 10-043**

Mr. Haile:

At its meeting on December 14, 2010, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** (1) a 10 foot variance from the required 10 foot rear yard to allow a building to be constructed on the rear property line and (2) a 5 foot variance from the 5 foot distance required from an exterior lot line for vehicle parking on a lot.

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

1. The applicant is Kidane Haile (represented by Paul Lorenz, AIA).
2. The proposed site is located at 4541 Margaret Wallace, further identified as tax parcel 193-043-08.
3. The subject parcel is zoned B-1 (Business).
4. The subject parcel currently has a pending rezoning application to change the zoning of the site from B-1 (Business) to NS (Neighborhood Services).
5. The applicant is proposing to locate a new building at the rear property line.
6. The applicant is also proposing to locate vehicle parking at the rear property line.
7. The lot is small, rectangular, and presents problems in having a proposed building, off-street parking, rear yard, and exterior lot line requirements.
8. The proposed right-of-way of seventy feet for Margaret Wallace Road will demand a large portion of the site that will ultimately be deemed unusable.
9. The property is undevelopable due to current zoning district restrictions and is only developable with a rezoning.
10. The applicant was told by City of Charlotte staff Ron Jones and Tim Manes (retired) that the future right-of-way for this area along Margaret Wallace Road was 50 feet. During the developing stage, the correct future right-of-way created by eminent domain was confirmed to be 70 feet along Margaret Wallace Road.

Staff Comments:


Staff recommends approval of the variance contingent upon the rezoning approval by City Council from B-1 to NS.

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

1. In granting the variance the public safety and welfare have been assured and substantial justice has been done.
2. The applicant cannot make reasonable use of the property without a variance.
3. The lot is limited in size and depth which creates a hardship.

All applicable permits must be obtained from the Planning Department, which has been notified of this decision. The Ordinance §5.111, provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit or a certificate of occupancy pertaining to the need for the variance is not obtained within two (2) years from the date of the meeting of the Board at which the Board rendered its decision.

Sincerely,

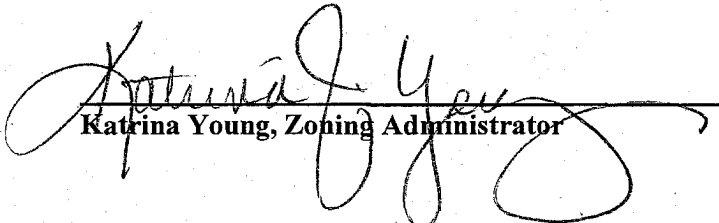


Jeff Davis
Chairperson

Cc: Paul Lorenz, AIA

DECISION FILED IN THE PLANNING DEPARTMENT:

December 22, 2010
Date



Katrina Young, Zoning Administrator