



CERTIFIED MAIL

Gate Petroleum Company
9540 San Jose Blvd, PO Box 23627
Jacksonville, FL 32241-3627

**RE: VARIANCE
4712 MONROE ROAD
CASE NUMBER 11-025**

Dear Gate Petroleum Company:

At its meeting on July 26, 2011, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 20 foot variance from the required 20 foot setback to allow an existing pump island canopy to be removed and rebuilt in the same location with conditions as stated in item 12 in the findings of fact.

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

1. The applicant is Gate Petroleum Company.
2. The proposed site is located at 4712 Monroe Road, further identified as tax parcel 161-082-22.
3. The parcel current zoning classification is B-1(commercial).
4. The current use of the property is for a gas station.
5. The applicant is proposing to remove and replace an existing pump island canopy. Code Section 9.805(1)(g) states that the minimum setback is 20 feet.
6. Code Section 12.103(2) states that the transitional setback or yard area established for lots abutting thoroughfares can be used for any purpose allowed by the particular zoning district, except for (a) those uses which are prohibited in the required setbacks or yards as established by this ordinance.
7. Monroe Road is classified as a major thoroughfare with a right-of-way width of 100 feet.
8. The existing right-of-way for Monroe Road is 60 feet, which is not as wide as the right-of-way established for the thoroughfare.
9. The existing gas station is non-conforming because it is located in the setback.
10. If the applicant were to remove and replace any part of the existing principal structure; the new construction is required to comply with the setback requirements.
11. Currently there are no plans to widen Monroe Road between N. Wendover Road and S. Sharon Amity Road.
12. If and when Monroe Road is widened to the designated width of 100 feet, the applicant agrees that there will be no compensation for this addition due to the new construction in the transitional setback.
13. Charlotte DOT is not opposed to the request as indicated in a letter dated July 19, 2011 to the Zoning Administrator.

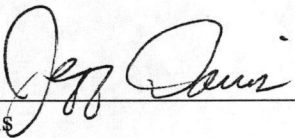
14. Granting the variance will not adversely affect adjacent or contiguous properties.

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. If the variance were denied, practical difficulties or unnecessary hardship would result from the strict application of these regulations.
2. The spirit of the ordinance is observed by granting the variance.
3. In granting the variance the public safety and welfare have been assured.

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

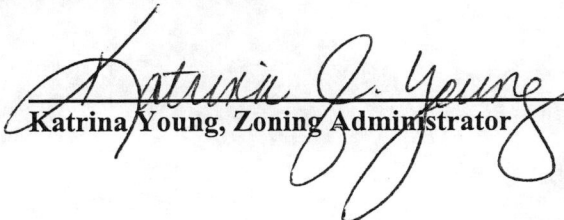
8-24-11

Date

DECISION FILED IN THE PLANNING DEPARTMENT:

August 26, 2011

Date



Katrina Young, Zoning Administrator