



CERTIFIED MAIL

The CATO Corporation
Attn: Mr. Richard Wilson
P.O. Box 34216
Charlotte, NC 28234

**RE: VARIANCE
8100 DENMARK ROAD
CASE NUMBER 2013-005**

Dear CATO Corporation:

At its meeting on January 29, 2013, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a variance conditioned upon materially implementing the proposed layout as shown on the right half of applicant's Exhibit "C" to allow maneuvering in the setback.

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

1. The applicant is The Cato Corporation c/o Richard Wilson (represented by Kevin Ammons, RLA.)
2. The proposed site is located at 8100 Denmark Road, further identified as tax parcel 205-163-301.
3. The subject parcel's current zoning classification is I-2 (Industrial).
4. The applicant is proposing to create a loading/unloading driveway and drop-off along Denmark Road that will encroach into the required side yard.
5. Per Table 12.206(3) the space between the required setback, side, or rear yard abutting a street may not be used as maneuvering space for vehicles.
6. Per Table 12.206(3) parking of vehicles is not permitted within required setback or required side yard that abuts a street on any lot.
7. The applicant has proposed to install a green space between the main entrance and drop-off area.
8. The applicant has no other options for a drop off area that does not affectively remove the green space.

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. The amount of variance requested is small in context in this particular situation.
2. The resulting impact on adjoining properties would not be too excessive and/or inequitable and is not the particular type of impact envisioned for a violation of this Code provision.
3. In granting the variance the public safety and welfare have been assured and substantial justice has been done.

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.

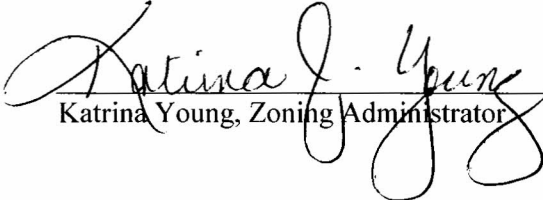
Sincerely,



Randy Fink
Chairperson

2/18/2013
Date

DECISION FILED IN THE PLANNING DEPARTMENT:

February 21, 2013 
Date Katrina Young, Zoning Administrator

Enclosure: Applicant's Exhibit "C"

Cc: Kevin Ammons, RLA