



CERTIFIED MAIL

Paul James
P.O. Box 471753
Charlotte, NC 28247

**RE: VARIANCE
4918 PARK ROAD
CASE NUMBER 2014-004**

Dear Paul James:

At its meeting on January 28, 2014, the City of Charlotte Zoning Board of Adjustment ("Board") granted two (2) variances: (1) eliminate the sidewalk connection to a public street and (2) eliminate the required five-foot distance separation from any exterior lot line for surface parking lots.

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

1. The applicant is Paul James.
2. The proposed site is located at 4918 Park Road, further identified as tax parcel 171-131-18.
3. The property is zoned O-2 (Office District).
4. The applicant is requesting a variance to (1) eliminate the sidewalk connection to a public street and (2) eliminate the five-foot distance requirement from any exterior lot line for surface parking lots.
5. Granting the variance will not alter the essential character of the area.
6. Granting the variance will not adversely affect adjacent or contiguous properties.
7. There was no expressed opposition.

Sidewalk Connection to a Public Street

8. Per Code Section 12.529 (1), Sidewalk connections shall be required after the effective date of this amendment between certain commercial buildings and all adjoining public streets.
9. The hardship is unique to the property because of the topography of the property from the front of the existing building to the public street.
10. The North Carolina Building Code requires that if a sidewalk connection is made between a building and the public street it must meet ADA standards.
11. The property has a nine-foot grade change from the front door of the building to the public street which makes the construction of a sidewalk not feasible at this location.

Required Five-Foot Separation from Any Exterior Lot Line for Surface Parking Lots

12. 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, nor within five feet of any exterior lot line.
13. The hardship is unique to the property because of the width of the property.

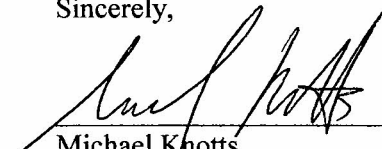
1. The Park Woodlawn Area Plan, adopted by City Council in 2013, has a community design policy that indicates buildings should orient to Park Road with parking and circulation areas located behind the buildings.
2. The variance only permits use of the side and rear yard for a surface parking lot to the extent shown on Government Exhibit #14. See attached.

Based upon the above findings of fact, the Board concludes that the applicant has met the standards set forth in North Carolina General Statutes § 160A-388, and more specifically:

1. By granting the variance, the public safety is secured and substantial justice is achieved.
2. The variance is in harmony with the general purpose and intent of the Zoning Ordinance and preserves its spirit.
3. Unnecessary hardships would result from the strict application of these regulations.

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,



Michael Khotts
Chairperson

2/14/14

Date

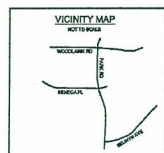
DECISION FILED IN THE PLANNING DEPARTMENT:

2/19/14

Date



Shad Spencer, Interim Zoning Administration



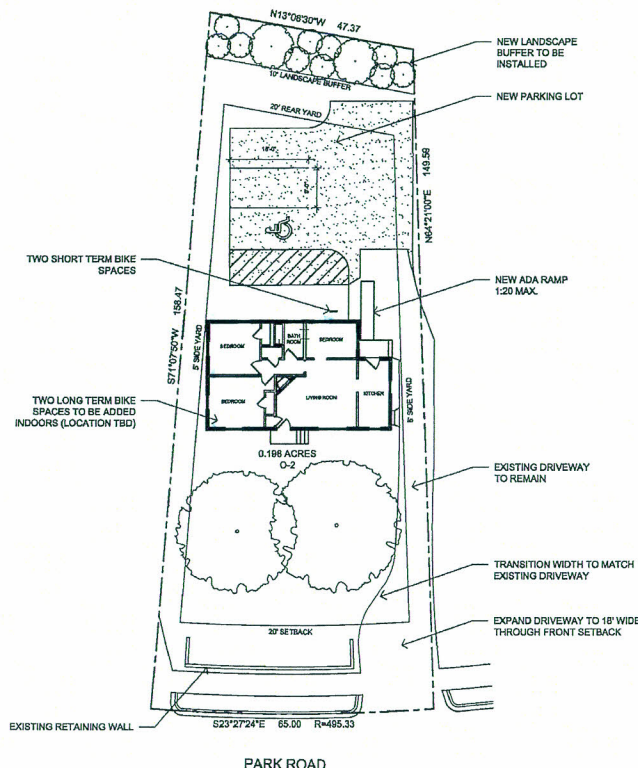
SITE DATA	
CURRENT SITE AREA	0.198 ACRES
ZONING DATA	
MINIMUM LOT AREA - N/A	as approved
MINIMUM LOT WIDTH - N/A	
FRONT SETBACK - 20' 0"	
SIDE SETBACK - 5' 0"	
REAR SETBACK - 20' 0"	
BUILDING HEIGHT ALLOWANCE - N/A	
LANDSCAPE BUFFER REQUIREMENTS - N/A	
PARKING CALCULATION MEANS	
RETAIL:	
3 PARKING SPACES / 1000 SF	
ACCESSIBLE REQUIREMENTS TO BE DETERMINED	

BUILDING DATA	
TOTAL AREA CALCULATIONS	
BUILDING	LEVEL
BLDG A	896 SF
TOTALS	896 SF
TOTAL AREA	896 SF

PARKING DATA	
RETAIL:	
3 PARKING SPACES / 1000 SF	
896 SF / 1000 SF = 0.896	
0.896 x 3 spaces provided	
3 spaces required	
TOTAL SPACES SHOWN:	
3 spaces provided	

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4918 PARK ROAD

SCHEMATIC SITE PLAN SCALE= 1:10

Charlotte, North Carolina - RJA Project #SP-736 - 01.22.14