



August 11, 2014

Xue Quan Zhang
630 W. 24th Street
Charlotte, NC 28206

**RE: APPROVAL FOR A ZONING VARIANCE EXTENSION OF CASE 2003-071
630 W. 24TH STREET
TAX PARCEL NUMBER: 079-099-01
PROPERTY OWNER: XUE QUAN ZHANG
CASE NUMBER 2014-036AD**

Dear Xue Quan Zhang:

Your request for an extension to the variance that was granted by the Zoning Board of Adjustment on July 29, 2003 has been approved. The original approval was for the following four (4) variances to allow a retail addition to the existing restaurant and for required parking lot improvements:

1. a 5 foot variance from the required rear yard to allow a recycling container and dumpster to encroach into the required rear yard,
2. a 4 foot variance for a parking area to encroach into the North Graham Street setback,
3. a 4 parking space variance to allow a reduction in the required parking from 24 parking spaces to 20 parking spaces, and
4. a one parking space variance to allow an increase of compact parking from the required 5 compact spaces to 6 compact spaces.

The variance expired two years from the date of the meeting in which the Board rendered its decision. This extension will expire one year from today's date. You may obtain a permit to reflect your variance at 700 N. Tryon Street (Hal Marshall Building).

The original findings of fact made by the City of Charlotte Zoning Board of Adjustment ("Board") in granting the variances are:

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

1. *Chan Kim and Oh Sook Kim own tax parcel code ("parcel") 079-099-01, which is located at 630 West 24th Street. The parcel is zoned I-2.*
2. *Code Section 9.1105 requires a minimum rear yard of 10 feet and a minimum setback of 20 feet in an I-2 zoning district. Code Section 12.206 (3) states no off-street parking or driveways are permitted in the required setback or within any required side yard which abuts a street in any district. Code Section 12.202 requires a minimum of 1 parking space per 250 square feet. Code Section 12.204(2) states in parking lots with 20 or more spaces, and no more than 25 percent of all required parking spaces shall be designed and designed for compact cars.*

CHARLOTTE-MECKLENBURG PLANNING COMMISSION

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3. *Paul Eich, adjoining property owner, testified that a 10-foot easement was established in or about 1986. Mr. Eich also testified that with the new alterations of the seafood addition, he supports the variance.*
4. *The variance for the compact cars is needed to enhance pedestrian access to site. The proposed plans for the new seafood market will bring the upgrade the parcel.*
5. *Granting the variance will improve the vehicular traffic around the site.*
6. *The building material for the new addition will be compatible with the existing structure.*

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 hardship is the result of the location of the existing structure and the configuration of the lot.*
2. *The spirit of the Ordinance shall be observed, because the applicant will bring the upgrade the parcel to protect the safety and welfare of the public.*

The circumstances for granting the variance have not change and therefore the approval for extension is granted administratively in accordance with **Code Section 5.111** (Effect of grant of variance) and **Code Section 4.107** (Delegated Authority). **Code Section 5.111** states that if two years have expired, the Zoning Administrator shall have the authority to issue the permit if the Zoning Administrator determines that, based upon the Board's decision; the circumstances for the granting of the variance have not changed and would allow the issuance of the permit. **Code Section 4.107** states the Zoning Administrator has the authority to grant an administrative approval of deviations from measurable and quantifiable standards of this ordinance, except for density requirements and signs, if the deviations are in accordance with conditions listed.

Please make sure that the annotation of this section is noted on the permit application.

If I can be of further assistance in this matter, please contact me at (704) 353-1132.

Sincerely,



Shad Spencer
Zoning Administrator

Cc: Mercedes Underwood