



CERTIFIED MAIL

Obinna Nnaji
230 West 24th St
Charlotte, NC 28206

**RE: VARIANCE
311 WEST 24th STREET
CASE NUMBER 2015-006**

Dear Obinna Nnaji:

At its meeting on February 24, 2015, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** two variances with a condition: (i) Four foot encroachment into the 20 foot required setback along West 24th Street for an accessible parking space; (ii) Eliminate the required 5 foot separation from the exterior lot line to allow for the parking/maneuvering of vehicles.

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

1. The applicant is Obinna Nnaji (Represented by Elisha Nnaji).
2. The proposed site is located at 311 West 24th Street, further identified as tax parcel 079-109-15.
3. The subject parcel is zoned I-2 (General Industrial).
4. A single family home constructed in 1931 currently occupies the 0.247 acre parcel.
5. All properties contiguous and adjacent to the site are currently zoned I-2.
6. All abutting properties contain nonresidential uses.
7. The North Tryon Area Plan adopted by City Council in 2010 indicates nonresidential land uses for the subject site.
8. The existing structure is intended to be converted and renovated from a residential use to a nonresidential use for a child enrichment center.
9. Per Table 12.206(3), parking/maneuvering of vehicles is not permitted within 5 feet of any exterior lot line.
10. The applicant is proposing to install a driveway from West 24th Street along the northern side of the existing structure to the rear yard for the parking/maneuvering of vehicles. Due to only approximately 11 feet of separation from the existing structure to the northern property line, the driveway is shown to encroach into the entire required 5 foot separation from the exterior lot line.
11. Per Table 12.206(3), parking/maneuvering of vehicles is not permitted within the required setback.
12. The applicant is proposing to install one accessible parking space within the front yard next to a proposed accessible ramp. Approximately 4 feet of the accessible parking space is shown to encroach into the required 20 foot setback.
13. Due to the size and shape of the property along with the placement of the existing structure on the parcel, the applicant cannot meet the development standards for off-street parking as outline in the Zoning Ordinance.

Condition:

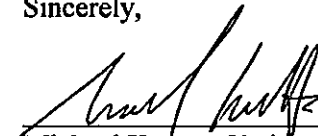
1. The variance will expire when the existing structure is demolished and the site is redeveloped.

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. Unnecessary hardships would result from the strict application of the Ordinance.
2. The hardship results from conditions that are peculiar to the property (location, size or topography).
3. The hardship does not result from actions taken by the applicant or the property owner.
4. The requested variance is consistent with the spirit, purpose, and intent of the Zoning Ordinance, in that the public safety is secured and substantial justice is achieved.

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 Knetts, Chairperson

2/27/15

Date

**DECISION FILED IN
THE PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

3/2/15

Date

Cc: Elisha Nnaji (Agent)