



**CERTIFIED MAIL**

Solon Jean-Francois  
9508 Clifton Meadow Dr  
Matthews, NC 28105

**RE: VARIANCE  
3723 MONROE ROAD  
CASE NUMBER 2015-014**

Dear Solon Jean-Francois:

At its meeting on April 28, 2015, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a variance of 7 parking spaces to reduce the required parking from 27 to 20 parking spaces to allow a restaurant to occupy an existing structure on the site.

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

1. The applicant is Solon Jean-Francois.
2. The proposed site is located at 3723 Monroe Road, further identified as tax parcel 159-054-03.
3. The subject parcel is comprised of approximately 0.34 acres zoned B-2 (general business).
4. The building on the subject property has a floor area of 2,685 square feet.
5. The most recent use of the property was a Sweepstake establishment which required a parking ratio of 1 parking space per 250 square feet of floor area. This ratio required 11 parking spaces.
6. The use of the property prior to the Sweepstake establishment was a restaurant. The restaurant was considered legal nonconforming due to the fact that it did not meet the Zoning Ordinance required parking ratio.
7. The applicant is proposing to reestablish a restaurant use within the existing building on the subject site and was unaware that there was inadequate parking for a restaurant on this site.
8. Code Table 12.202 Minimum Required Off-Street Parking Space by Use table requires 1 parking space per 75 square feet of floor area for an eating, drinking, and entertainment establishment (i.e. restaurant use).
9. Based on the 2,685 square feet of floor area, the restaurant is required at total of 36 parking spaces.
10. The applicant has received a 25% parking space reduction in accordance with Section 12.202(2) of the Zoning Ordinance due to the fact that parking cannot be met on site without the demolition of an existing structure. This 25% reduction decreased the required number of parking spaces from 36 to 27 parking spaces.
11. The site currently has a total of 20 parking spaces.
12. The applicant is requesting a variance to reduce required parking by 7 parking spaces to allow 20 required parking spaces.
13. The existing structure on the subject property prevents the ability to provide additional parking spaces on site.
14. The lot is irregularly configured and uniquely shaped and therefore makes it difficult to reconfigure the existing parking lot to provide the required number of parking spaces.

**Conclusion of Law:**

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,



Mark Loflin, Vice- Chairperson

5-18-15

Date

**DECISION FILED IN THE PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

5 - 20 - 15

Date