



Misak Jemaneh and Saba B. Bekele  
3912 N. Sharon Amity Road  
Charlotte, NC 28205

**RE: VARIANCE  
3912 N. SHARON AMITY ROAD  
CASE NUMBER 2016-033**

Dear Misak Jemaneh and Saba B. Bekele:

At its meeting on July 26, 2016, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** the following two variances to allow an existing building to remain:

1. An 8 foot variance from the required 20 foot side yard and,
2. A 4.5 foot variance from the required 22 foot Class C buffer (reduced 25% to 16.5 feet with a fence/wall) along the northern property line.

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

1. The applicants are Misak Jemaneh and Saba B. Bekele (Represented by Ben Eisenschmidt (architect)).
2. The proposed site is located at 3912 North Sharon Amity Road, further identified as tax parcel 103-053-21.
3. The subject parcel is zoned R-4 (single family residential).
4. A single family structure and accessory structures currently occupy the property.
5. The applicant is proposing to change the use of the site from single family to a religious institutional use.
6. Per Code Section 9.205(1), the minimum side yard for non-residential uses within R-4 is 20 feet.
7. The applicant is proposing to utilize two of the existing structures on the property.
8. When the use of the property is converted to a religious institutional use, the subject structure is proposed to be the principal worship facility and will encroach into the required side yard.
9. Per Code Section 12.506(5), all buildings, outdoor recreational facilities, and off-street parking and service areas will be separated by a Class C buffer which abut property located in a residential district or abutting residential use.
10. When the use of the property is converted to a religious institutional use, the subject property is required to have a Class C buffer along property lines abutting single family. Two existing buildings and a sidewalk are currently located within the proposed required buffer. The applicant is proposing to remove one building and relocate the existing sidewalk out of the Class C buffer area.
11. Per Code Table 12.302(b), the required Class C buffer is to be a minimum width of 22 feet for property that is 3 acres in size.
12. Per Code Section 12.302(8), the width of the required 22 foot buffer may be reduced by 25% to 16.5

feet if a wall or fence is provided. The applicants are proposing to install a 6 foot high fence within the required buffer.

13. The applicants are requesting the following two variances:
  - a) An 8 foot variance from the required 20 foot side yard to allow an existing building to remain.
  - b) A 4.5 foot variance from the required 16.5 foot Class C buffer along the northern property line to allow a building to remain.
14. The applicant has acquired additional property, is proposing to remove one building, and relocate the existing sidewalk to reduce the number of variances needed for this property.
15. The variance request is small in nature in the context of the particular situation.
16. Granting the variance will not adversely affect adjacent or contiguous properties
17. Granting the variance will not alter the essential character of the neighborhood.

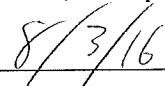
**Based upon the above findings of fact, the Board concludes that the applicant has met the standards set forth in North Carolina General Statutes § 160A-388, and more specifically:**

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.


If any permits are required, please make sure the variance case number is referenced on the permit application and/or site plan. Section 5.111 of the Zoning Ordinance 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,

  
Paul Arena, Chairperson

  
Date

**DECISION FILED IN THE  
PLANNING DEPARTMENT:**

  
Shad Spencer, Zoning Administrator

  
Date

Cc: Ben Eisenschmidt