



Dawid Joubert
Represented by Lighting and Bulbs Unlimited
P.O. Box 1499
Indian Trail, NC 28079

RE: VARIANCE
4335 Monroe Road
CASE NUMBER 2018-018

To Whom It May Concern:

At its meeting on March 27, 2018, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** requesting a variance to allow for 6 required parking spaces to be placed within the transitional setback along Monroe Road.

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

1. The applicant is Dawid Joubert (Represented by Lighting and Bulbs Unlimited).
2. The proposed site is located at 4335 Monroe Road, further identified as tax parcel 159-061-16.
3. The property is comprised of approximately 0.815 acres and is zoned B-1 (Neighborhood Business District).
4. Per Code Section 9.805(1)(g), the minimum setback is 20 feet within the B-1 zoning district.
5. The site currently has a vacant building proposed to be demolished.
6. The applicant proposes to redevelop the property and construct a 12,000 square foot building for Lighting and Bulbs Unlimited.
7. The applicant is required to have 27 parking spaces for the proposed use. There is no other location on the property to place the six parking spaces proposed to be located in transitional setback.
8. The property fronts along Monroe Road which is classified as a Major Arterial (Class III) Thoroughfare by the adopted Thoroughfare Plan.
9. Per Code Section 12.103(1), the proposed right-of-way line for a Major Arterial (Class III) Thoroughfare is 50' measured from the thoroughfare centerline.
10. The existing right-of-way of Monroe Road is 30' measured from the centerline along the frontage of this subject property.
11. A 20' transitional setback is required from the proposed right-of-way line along Monroe Road.
12. Per Code Section 12.103(2), the transitional setback or yard area established for lots abutting thoroughfares can be used for any purpose allowed by the particular zoning district, except for ...
(b) to satisfy any minimum parking requirements if parking is not allowed in the setback or yard by the particular zoning district.
13. 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 5' of any exterior lot line for nonresidential uses.
14. There are 6 required parking spaces proposed to be located within the 20' transitional setback along Monroe Road to satisfy the minimum parking requirement.

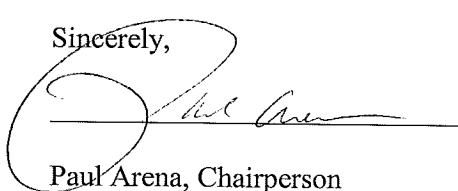
15. The applicant is requesting a variance to allow for 6 required parking spaces to be placed within the 20' transitional setback along Monroe Road.
16. The required parking spaces will be located out of the proposed right-of-way line for Monroe Road such as to preserve the area for possible future widening projects.
17. There are currently no planned improvements for Monroe Road within the area of this subject property.
18. The size of the property and the application of the transitional setback along the street frontage makes it difficult to develop the site without encroaching into the transitional setback.
19. Granting the variance will not alter the essential character of the area.
20. Granting the variance will not adversely affect adjacent or contiguous properties.

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

4/10/18
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

4/17/18
Date