



September 11, 2020

**RE: ADMINISTRATIVE DEVIATION NOTIFICATION
4440 SOUTH TRYON STREET
TAX PARCEL NUMBER: 145-253-18
CASE NUMBER: 2020-080AD**

Dear Applicant:

Your request for an administrative deviation has been **granted** to allow for a 5% reduction to the number of required parking spaces to allow for the construction of an additional drive-thru lane at an existing restaurant as shown on the proposed Variance Plan sheet dated August 28, 2020 and revised September 9, 2020.

The following facts warrant approval of the administrative deviation request:

1. The subject property is currently zoned B-2 General Business.
2. According to Chapter 12 Part 2: Off-Street Parking and Loading of the Charlotte Zoning Ordinance the minimum number of spaces required for the existing Eating, Drinking and Entertainment Establishment with drive-in service is 55 parking spaces.
3. The applicant is proposing to eliminate 3 parking spaces to bring the total number of off-street parking spaces to 52.
4. The applicant states that due to the existing development on the site "the physical layout of the land and structures upon the land are such that the ordinance requirements cannot be met." This resonating is consistent with Section 4.107(1) of the Charlotte Zoning Ordinance which allows the Zoning Administrator to grant deviations from measurable and quantifiable standards of the Ordinance, up to 5%.
5. A 5% deviation from the minimum required number of parking spaces would result in a reduction of 2.75 spaces. According to Section 2.103 Fractional Requirements of the Ordinance "...a fraction of a unit that is half or more will be rounded up to the next whole unit..." allowing for the reduction of 3 parking spaces.
6. The proposed reduction in the number of parking spaces is shown on the Variance Plan sheet dated August 28, 2020 and revised September 9, 2020. The revision to the site plan was immaterial to the Administrative Deviation request.
7. The applicant requests an administrative deviation of 5% from the minimum number of required parking spaces due to the physical layout of the land and structures.
8. This requested deviation is within the quantifiable standards allowed by the Zoning Ordinance Section 4.107(1).
9. The reduction is minor and will not have an easily detectable effect on the functioning of the land use or surrounding properties.

The administrative deviation approval was granted under Section 4.107 (Delegated Authority) of the City of Charlotte Zoning Ordinance. If any permits are required, please make sure that the annotation of this section is noted on the permit application. Please retain this letter as documentation that the administrative deviation for the encroachment was granted. If I can be of further assistance, please contact me at maxx.oliver@charlottenc.gov or 704-336-3818.

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4440 S. Tryon Street

Sincerely,

A handwritten signature in blue ink, appearing to read 'Maxx Oliver', is written over the word 'Sincerely,'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Maxx Oliver
Zoning Administration Specialist