

Hearing Request Application - Form 1
Zoning Board of Adjustment
City of Charlotte

Sonda Kennedy
ZBA Clerk

Date Filed: APR 27 2012

Case Number: 12-019

Received by: _____

Instructions

This form must be filed out completely. Please attach the appropriate additional form depending on your request type along with required information as outlined in the appropriate checklist. Please type or print legibly. All property owners must sign and consent to this application, attach additional sheets if necessary. If the applicant is not the owner, the owners must sign the Designation of Agent section at the bottom of this form.

The Applicant Hereby (check all that apply):

- Requests a variance from the provisions of the zoning ordinance as stated on Form 2
- Appeals the determination of a zoning official as stated on Form 3
- Requests an administrative deviation as stated on Form 4

Applicant or Agent's Name: Christopher White

Mailing Address: 9149 Cameron Wood Dr.

City, State, Zip: Charlotte, NC 28210

Daytime Telephone: 704-771-3946 Home Telephone: 704-543-4547

Interest in this Case (please circle one) Owner Adjacent Owner Other

Property Owner(s) [if other than applicant/agent]: _____

Mailing Address: _____

City, State, Zip: _____

Daytime Telephone: _____ Home Telephone: _____

Property Address: 9149 Cameron Wood Dr. Charlotte, NC 28210

Tax Parcel Number: 20948102 Zoning District: R3 158

Subdivision Name: Cameron Wood Conditional District: YES NO

Applicant Certification and Designation of Agent

I (we) certify that the information in this application, the attached form(s) and documents submitted by me (us) as part of this application are true and correct. In the event any information given is found to be false, any decision rendered may be revoked at any time. I (we) hereby appoint the person named above as my (our) agent to represent me (us) in this application and all proceedings related to it. I (we) further certify to have received, read and acknowledged the information and requirements outlined in this packet.

April 27 2012
Date

Chris White
Property Owner

Date

Property Owner

Variance Application - Form 2
Zoning Board of Adjustment
City of Charlotte

Date Filed: _____ **Case Number:** _____ **Fee Collected:** _____

Has work started on this project? YES NO
 If yes, Did you obtain a building permit? YES NO If yes, attach a copy.
 Have you received a Notice of Violation for this project? YES NO If yes, attach a copy.
 Has this property been rezoned? YES NO If yes, Petition Number: _____

(1) What zoning ordinance section numbers are you seeking a variance from? Please list each section, the requirement and the requested variance.

Item	Code Section	Code Requirement	Variance Request
<i>Example</i>	<i>9.205 (1)(g)</i>	<i>45 foot rear yard</i>	<i>35 foot rear yard (10 foot reduction from required)</i>
A	9.205 (1)(g)	45 foot rear yard	35 foot rear yard (10 foot reduction from required)
B			
C			
D			
E			

(2) Please describe why the variances requested are necessary.

The existing structure was built before the current R3 setback requirement of 45 feet was passed. It is located on a corner lot with a 35 foot rear yard setback. The rear wall of the entire structure is parallel to the rear yard property line which makes any changes within 10ft of the rear wall a violation. Due to the depth of the house (29ft), a 10ft variance cuts through the main features of the living space and a reasonable floor plan is not possible while meeting the setback code requirement. The proposed addition is the best plan that does not change the foot-print of the existing structure and limits the exterior changes.

(3) THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS IN THE WAY OF CARRYING OUT THE STRICT LETTER OF THE ORDINANCE. The courts have developed three rules to determine whether, in a particular situation, "practical difficulties or unnecessary hardships" exist. State facts and arguments in support of each of the following:

(a) If the property owner/applicant complies with the provisions of the Ordinance, the property owner can secure no reasonable return from, or make no reasonable use of his property. (It is not sufficient that failure to grant the variance simply makes the property less valuable.)

The current structure is located on a corner lot with a 35 foot rear yard setback and was built prior to the R3 45ft setback code requirement. This is a pre-existing condition to the purchase of the home by the current homeowner. The rear wall of the entire structure is parallel to the rear yard property line which makes any changes within 10ft of the rear wall a violation. Due to the depth of the house (29ft), a 10ft variance cuts through the main features of the living space and a reasonable floor plan is not possible while meeting the setback code requirement. The proposed addition is the best plan that does not change the foot-print of the existing structure and limits the exterior changes.

(b) The hardship of which the Applicant complains results from unique circumstances related to the Applicant's land. (Note: Hardships common to an entire neighborhood, resulting from overly restrictive zoning regulations, should be referred to the Charlotte-Mecklenburg Planning Department. Also, unique personal or family hardships are irrelevant since a variance, if granted, runs with the life of the land.)

Because the property is a corner lot, the rear wall of the entire structure is parallel to the rear yard property line which makes any changes within 10ft of the rear wall a violation. Due to the depth of the house (29ft), a 10ft variance cuts through the main features of the living space and a reasonable floor plan is not possible while meeting the setback code requirement. It is impractical to build toward the side yard because there is a significant downward grade to the yard. This would require a large load bearing retaining wall, extending the concrete foundation and adding 2 full floors of an addition. Furthermore, it would still be subject to the 45 foot setback code because the rear wall of the house is parallel to the property line. This would only allow us to expand half the width of the house. This would not be acceptable to the HOA or create any reasonable floor plan. There is only 7ft of clearance to the setback allowance to Cameron Wood DR. This has the same construction hurdles as the side yard (foundation, slope, floor plan). The proposed addition is the only feasible option to extend the existing structure based on the lot dimensions and existing structure location.

(c) The hardship is not the result of the Applicant's own actions.

The current structure is located on a corner lot with a 35 foot rear yard setback and was built prior to the R3 45ft setback code requirement. This is a pre-existing condition to the purchase of the home. The rear wall of the entire structure is parallel to the rear yard property line which makes any changes within 10ft of the rear wall a violation. Due to the depth of the house (29ft), a 10ft variance cuts through the main features of the living space and a reasonable floor plan is not possible while meeting the setback code requirement. The proposed addition is the best plan that does not change the foot-print of the existing structure and limits the exterior changes. The current homeowner/applicant purchased the home 10 years ago and has maintained its current foot-print with no structural changes over that time period. The home is still in the current state from the purchase date.

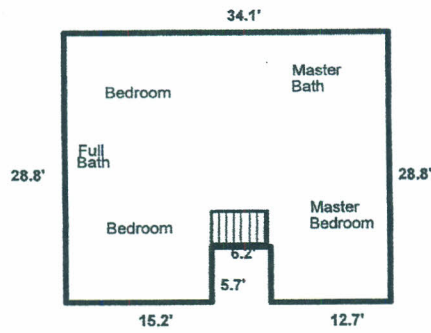
(4) THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE AND PRESERVES ITS SPIRIT. (State facts and arguments to show that the requested variance represents the least possible deviation from the letter of the Ordinance to allow a reasonable use of the land; and, that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.)

The current structure is located on a corner lot with a 35 foot rear yard setback and was built prior to the R3 45ft setback code requirement. This is a pre-existing condition to the purchase of the home. The rear wall of the entire structure is parallel to the rear yard property line which makes any changes within 10ft of the rear wall a violation. Due to the depth of the house (29ft), a 10ft variance cuts through the main features of the living space and a reasonable floor plan is not possible while meeting the setback code requirement. The proposed addition is the best plan that does not change the foot-print of the existing structure and limits the exterior changes. The HOA has approved this addition based on its conformance with the neighborhood appearance (see enclosed attached HOA approval). The HOA has made all surrounding neighbors aware of the proposed addition, as stated in the HOA letter dated Feb 1, 2012. To this date, the current applicant/homeowner is not aware of any neighbor complaints or petitions regarding this proposed addition.

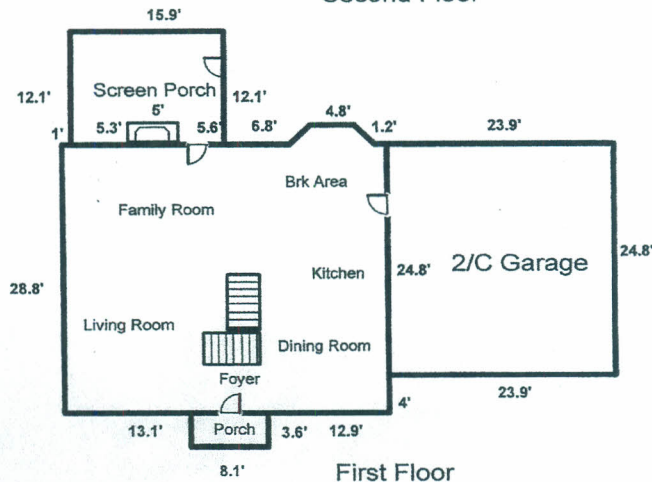
(5) THE GRANTING OF THE VARIANCE SECURES THE PUBLIC SAFETY AND WELFARE AND DOES SUBSTANTIAL JUSTICE. (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the Applicant.)

The applicant is not aware of any harm to the public from this variance. The existing structure has been in place since 1988 at the requested variance (10ft variance/35ft setback). The proposed structural addition does not add any additional foot print to the existing structure or create a negative impact to neighboring properties. There will not be an impact to the lot (removal of trees, grading of lot, increased water run-off) or an impact to the neighbor's enjoyment of their property. The requested variance is required for the only feasible addition to the property. Based on the applicant's desire to meet the needs of an expanding family, the only alternative to this addition is to move to a new house, after 10 years in the existing home. This would put both a personal and financial strain on the applicant's family.

Existing Floor Plan



Second Floor



First Floor

SUMMARY	SQ. FT. AREA	PERIMETER	AREA CALCULATION DETAILS		
Living Area			First Floor		
First Floor	997	127	7.0 X 2.1 =	14.7	
Second Floor	947	137	34.1 X 24.8 =	845.6	
Total	1944	265	34.1 X 4.0 =	136.4	
			Total	996.7	
Porches/Patios			Second Floor		
Porch	29	23	34.1 X 23.1 =	787.7	
Screen Porch	192	56	15.2 X 5.7 =	86.6	
			12.7 X 5.7 =	72.3	
			Total	946.6	
Garage/Carport					
Attached Garage	593	97			

Cameron Wood Homeowners Association, Inc.

P.O. Box 79032 • Charlotte, NC 28271-7047 • (704) 565-5009 • Fax (704) 353-7984
www.CameronWood.com

February 1, 2012

Christopher White
Jessica L. White
9149 Cameron Wood Drive
Charlotte, NC 28210

RE: ARC Request
Property: 9149 Cameron Wood Drive

Dear : Christopher White & Jessica L. White:

The Architectural Review Committee is in receipt of your request for a(n) Addition to Home, Specifically: " Addition to home over existing garage", and is pleased to grant approval. You may proceed with the changes to your property as detailed in the request.

Conditions or Comments: Addition to home is approved. Homeowner responsible for permits. Homeowner should put pod and dumpster on driveway and park cars in the street. Meeting with contractor should insist that "large" dumpster be removed after demolition is complete and if a dumpster is still necessary, replace with a smaller one. Porta Potty should be placed at end of driveway. B. Jenkins will be glad to meet with contractor if homeowner requests. The ARC committee will advise immediate neighbors that a major extended project is forthcoming. Homeowner should advise immediate neighbors of start date when contractor confirms..

We appreciate your attention to this matter. You remain responsible for investigating all appropriate codes and obtaining required building permits, inspections, etc. prior to beginning construction, ensuring that the project does not encroach upon any utility or drainage easements. All construction debris must be promptly removed and the necessary grading for drainage completed, if applicable.

Approval is valid for twelve (12) calendar months from the date of this letter, unless stipulated above. Any projects not commenced or completed within this timeframe will require additional approval. All projects should be completed within 30 days of start, unless a variance has been granted above.

Thank you for your contribution in helping to make Cameron Wood Homeowners Association, Inc. a pleasant and attractive place to live.

Sincerely,

Architectural Review Committee
for the Cameron Wood Homeowners Association, Inc.