

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

Date Filed: JUN 9 2012

Case Number: 12 - 028

Received by: Sonda Kennedy
ZBA Clerk

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: LUNDBERG WINDOWS & SIDING INC.

Mailing Address: 2700 MONROE RD

City, State, Zip: CHARLOTTE, NC 28205

Daytime Telephone: (704) 737-7290

Home Telephone: (704) 737-7290

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

Property Owner(s) [if other than applicant/agent]: JAMES E. HARRIS

Mailing Address: 5301 BAKER DR.

City, State, Zip: CHARLOTTE, NC 28209

Daytime Telephone: (704) 408-1354

Home Telephone: _____

Property Address: 5301 BAKER DR., CHARLOTTE, NC 28209

Tax Parcel Number: 17111201

Zoning District: R4

Subdivision Name: GREEN ACRES

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.

6/19/2012
Date

Karen M. Harris
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
Example	9.205 (1)(g)	45 foot rear yard	35 foot rear yard (10 foot reduction from required)
A	9.205(1)(G)	40 FOOT REAR YARD	13 FOOT REAR YARD (27' REDUCTION)
B			
C			
D			
E			

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

AT TIME OF CONSTRUCTION OF THE HOME THERE WERE NO APPLICABLE SET BACKS IN THE AREAS OF CONCERN / QUESTION. THE HOUSE & DECK WERE POSITIONED ON THE LOT IN A MANNER WHICH CAUSED AN ENCROACHMENT WHEN LATER ZONING REQUIREMENTS SUBJECTED THIS TO MORE RESTRICTIVE SET BACKS. THIS REQUEST DOES NOT CREATE ANY FURTHER ENCROACHMENTS IN ADDITION TO THOSE EXISTING.

(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 STRUCTURE ALREADY ENCROACHES INTO THE SET BACK APPROXIMATELY 15'. THE HOUSE WOULD HAVE TO BE TORN DOWN TO MEET FULL COMPLIANCE. THE VARIANCE ALLOWS FOR THE DECK TO BE REPLACED / REPAIRED IN ACCORDANCE WITH CURRENT CODES TO ENSURE THE SAFETY OF THE PUBLIC.

(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.)

THER WERE NO REAR SET BACKS REQUIRED AT THE TIME OF
CONSTRUCTION OF THE HOME

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

THE STRUCTURES IN QUESTION WERE BUILT PRIOR TO THE
ZONING RESTRICTIONS OF TODAY. WHEN THE STRUCTURE WAS
BUILT IT WAS IN COMPLIANCE WITH THE ZONING
RESTRICTIONS OF THE DAY.

(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 EXISTING DECK IS APPROXIMATELY 16' FROM THE
PROPERTY LINE & THE PROPOSED VARIANCE DOES NOT ENCRUCH
ANY FURTHER.

(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 VARIANCE ALLOWS FOR THE DECK TO BE REPLACED / REPAIRED
IN ACCORDANCE WITH CURRENT CODES TO ENSURE THE SAFETY
OF THE PUBLIC.

APPLICATION FOR BUILDING PERMIT

TYPE PERMIT ☒ Single Family ☐ Two Family ☐ Commercial ☐ Mobile Home ☐ Modular		PERMIT #																																												
ADDRESS	STREET # (N,S,E,W) <u>5301</u> STREET NAME <u>BAKER</u> (AV, RD, ST, etc) <u>ST</u>																																													
	SUITE/UNIT(S): _____																																													
	TAX JURISDICTION: (Check One) ☐ 0-Mecklenburg ☒ 1-Charlotte ☐ 2-Davidson ☐ 3-Cornelius ☐ 4-Pineville ☐ 5-Matthews ☐ 6-Huntersville ☐ 7-Mint Hill																																													
SITE DATA	PROJECT/SUBDIVISION NAME _____ PHASE _____ SECTION _____ PROJECT # _____																																													
	OWNER <u>JIMMY HARRIS</u> ADDRESS <u>5301 BAKER ST.</u>																																													
	CITY <u>CHARLOTTE</u> STATE <u>NC</u> ZIP <u>28209</u> PHONE # _____																																													
	TAX PARCEL # _____ LOT # _____ BLOCK # _____ LAND AREA (sq. ft.) _____ CENSUS <u>17111201</u>																																													
	ZONING <u>R-4</u> JURIS <u>1</u> MAP # _____ R/W _____ SPECIAL (Circle) C D N P S FLOOD PLAIN ☐ Yes FLOOD ELEV _____ FIRE DIST. ☐ Yes APR'D _____ LOT ☐ CORNER ☐ THROUGH FRONT SHEET (if different) _____ MINIMUM SETBACKS: FRONT _____ LEFT SIDE _____ RIGHT SIDE _____ REAR _____ REQ. PARK'G _____																																													
PROJECT	JOB # _____ TYPE WORK: ☐ New ☒ Addition ☐ Accessory ☐ Upfit ☐ Shelf ☐ Demolish ☐ Other																																													
	USDC # _____ PROJECT DESCRIPTION (Residence, Office, etc.) <u>DECK w/ STORAGE AREA UNDERNEATH</u> Mobile Home: include Yr./Make & Serial # _____																																													
	PURPOSE AREA (sq. ft.): Heated _____ Unheated _____ Deck(s) <u>400 +</u> # STORIES <u>1</u> BASEMENT Yes _____																																													
	OCC. TYPE ONE/TWO FAMILY, MODULAR, OR MOBILE HOME: TOTAL # ROOMS _____ # BEDROOMS _____ # BATHS _____ Work includes: ☐ Attached Carport ☐ Attached Garage ☐ Masonry Fireplace(s)																																													
	CONST SPRINKLERS ☐ Yes # UNITS _____ MULTI-FAMILY: # HANDICAP UNITS _____																																													
SERVICES	ELECTRICAL Power Company _____ Service: ☐ New ☐ Existing Total Amps _____ # Circuits _____ # Connections 120 Volts _____ # Connections over 120 Volts _____																																													
	MECHANICAL: Gas Company _____ # Gas Conn _____ # Appliances _____ ☐ Heat Only ☐ Central A/C Only ☐ Heat and A/C ☐ 1-Heat Pump ☐ 2-Central A/C ☐ 3-Elect. Baseboard ☐ 4-Elect. Furnace ☐ 5-Elect. Ceiling ☐ 6-Gas/Oil Furnace ☐ 7-Gas/Oil Steam ☐ 8-Gas Pack ☐ 9-Pre-Fab Fireplace ☐ 10-Chimney ☐ 11-Stove																																													
	PLUMBING: # of Fixtures (Sink, Water Closet, etc.) _____ # of Appliances (Dishwasher, Water Heater, etc.) _____																																													
	UTILITIES: ☐ NEW ☐ Existing Public 1-Individual Meter/Connection ☐ Water ☐ Sewer Private 3-Individual ☐ Well ☐ Septic 2-Master Meter/Connection ☐ Water ☐ Sewer 4-Community ☐ Well ☐ Septic																																													
	CONTRACTORS <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">ACCT #</th> <th style="width: 60%;">CONTRACTOR(S): (Name/Address as appears on license)</th> <th style="width: 20%;">CONTRACT COST Nearest \$100</th> <th style="width: 10%;">APR'D FEES \$</th> </tr> </thead> <tbody> <tr> <td></td> <td>Bldg <u>LUNDBERG WINDOWS & DOORS INC</u> Phone <u>704-375-9956</u> Lic # <u>63364</u></td> <td>Bldg</td> <td></td> </tr> <tr> <td></td> <td>Add <u>2700 MONROE RD</u> City/St <u>CHARLOTTE/NC</u> Zip <u>28205</u></td> <td>\$ <u>20,500.00</u></td> <td></td> </tr> <tr> <td></td> <td>Elect <u>JOHN HARRIS ELECTRIC INC</u> Phone <u>704-379-0400</u> Lic # <u>23678</u></td> <td>Elect.</td> <td></td> </tr> <tr> <td></td> <td>Add <u>531 HANEY RD</u> City/St <u>YORK/SC</u> Zip <u>29745</u></td> <td>\$ <u>650.00</u></td> <td></td> </tr> <tr> <td></td> <td>Mech _____ Phone _____ Lic # _____</td> <td>Mech.</td> <td></td> </tr> <tr> <td></td> <td>Add _____ City/St _____ Zip _____</td> <td>\$</td> <td></td> </tr> <tr> <td></td> <td>Plbg _____ Phone _____ Lic # _____</td> <td>Plbg.</td> <td></td> </tr> <tr> <td></td> <td>Add _____ City/St _____ Zip _____</td> <td>\$</td> <td></td> </tr> <tr> <td></td> <td>PLANS ☐ Arch/Eng _____ Phone _____ Lic # _____</td> <td>Total Const. Cost</td> <td></td> </tr> <tr> <td></td> <td>Add _____ City/St _____ Zip _____</td> <td>\$ <u>21,150.00</u></td> <td></td> </tr> </tbody> </table>			ACCT #	CONTRACTOR(S): (Name/Address as appears on license)	CONTRACT COST Nearest \$100	APR'D FEES \$		Bldg <u>LUNDBERG WINDOWS & DOORS INC</u> Phone <u>704-375-9956</u> Lic # <u>63364</u>	Bldg			Add <u>2700 MONROE RD</u> City/St <u>CHARLOTTE/NC</u> Zip <u>28205</u>	\$ <u>20,500.00</u>			Elect <u>JOHN HARRIS ELECTRIC INC</u> Phone <u>704-379-0400</u> Lic # <u>23678</u>	Elect.			Add <u>531 HANEY RD</u> City/St <u>YORK/SC</u> Zip <u>29745</u>	\$ <u>650.00</u>			Mech _____ Phone _____ Lic # _____	Mech.			Add _____ City/St _____ Zip _____	\$			Plbg _____ Phone _____ Lic # _____	Plbg.			Add _____ City/St _____ Zip _____	\$			PLANS ☐ Arch/Eng _____ Phone _____ Lic # _____	Total Const. Cost			Add _____ City/St _____ Zip _____	\$ <u>21,150.00</u>
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OTHER	FT ☐ TOTAL ESTIMATED PROJECT COST FOR FAST TRACK OR MODULAR \$ _____																																													
	REMARKS: _____																																													
	OTHER FEES \$ _____ TOTAL FEE \$ _____																																													

THE UNDERSIGNED HEREBY CERTIFIES THAT HE/SHE IS EITHER THE OWNER OR THE AUTHORIZED AGENT OF THE OWNER AND HEREBY MAKES APPLICATION FOR PERMIT AND INSPECTION OF WORK DESCRIBED AND AGREES TO COMPLY WITH ALL APPLICABLE LAWS REGULATING THE WORK.

APPLICANT'S SIGNATURE Bradley D. Eisd DATE 5/30/12 PRINT APPLICANT'S NAME BRADLEY D. EISDT METHOD OF PAYMENT ☐ CASH/CHECK ☒ ACCOUNT

HOLDS	PROCESSED BY	APPROVED BY	VALIDATED BY

ORIGINAL

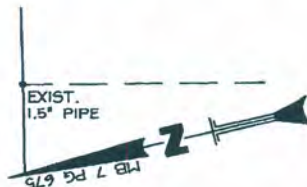


Control Point, Inc.
6130 Harris Technology Blvd.
Charlotte, N.C. 28269
Phone: (704)599-1010
Fax: (704)599-1120

NC: C-2725
SC: COA 3459

THIS IS A CLASS "A" SURVEY AS DEFINED BY THE STANDARDS OF PRACTICE OF LAND SURVEYING IN NORTH CAROLINA AND MEETS OR EXCEEDS THE MINIMUM RATIO OF PRECISION OF 1:10,000.

Wesley R. Huneycutt
Wesley R. Huneycutt L-4435 6/8/12

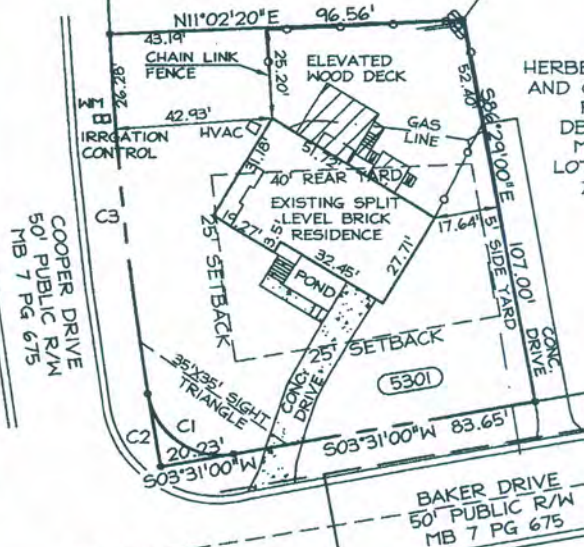


1. IRON PINS SET AT ALL CORNERS.
2. PROPERTY SUBJECT TO EASEMENTS OR RIGHT OF WAYS OF RECORD THAT MAY OR MAY NOT BE SHOWN.
3. NO NEW LOT LINES WERE CREATED.
4. ZONED: R-4
5. FIELD WORK PERFORMED: 6/6/2012.

N/F
LAURA SMALLWOOD AND
SHANNON LEIGH
SCARBOROUGH
PID: 17111221
DB 24931 PG 992
MB 7 PG 675
LOT 2, BLOCK 8
ZONED: R-4

N/F
HERBERT L. LOVE, JR
AND CHERYL C. LOVE
PID: 17111202
DB 3837 PG 891
MB 7 PG 675
LOT 19, BLOCK 8
ZONED: R-4

SUBJECT PARCEL
INFORMATION
N/F
JAMES E. HARRIS AND
KAREN M. HARRIS
PID: 17111201
DB 6216 PG 522
MB 7 PG 675
LOT 1, BLOCK 8



CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	BEARING
C1	31.88	20.00	28.61	S49°11'03\"W
C2	20.47	884.12	20.47	N85°48'41\"W
C3	99.54	884.12	99.49	N81°55'22\"W

THE PLAT RECORDED MARCH 29, 1956 ONLY SHOWED 25' FRONT SETBACKS. THE 5' SIDE AND 40' REAR YARD ARE BASED ON CURRENT CITY OF CHARLOTTE R-4 ZONING. THE RESIDENCE WAS CONSTRUCTED IN 1958 AND APPEARS TO HAVE BEEN IN COMPLIANCE WITH THE CURRENT ZONING STANDARDS AT THAT TIME.

Physical Survey

of
5301 Baker Drive

Lot 1, Block 8 of Green Acres

City of Charlotte, Mecklenburg County

North Carolina



Scale: 1"=40'

Map Recorded in Map Book 7 at Page 675.

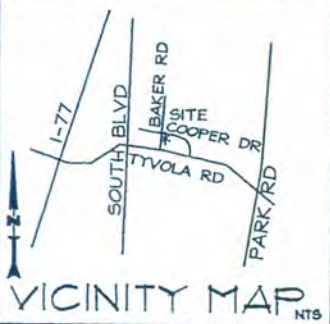
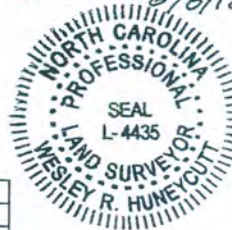


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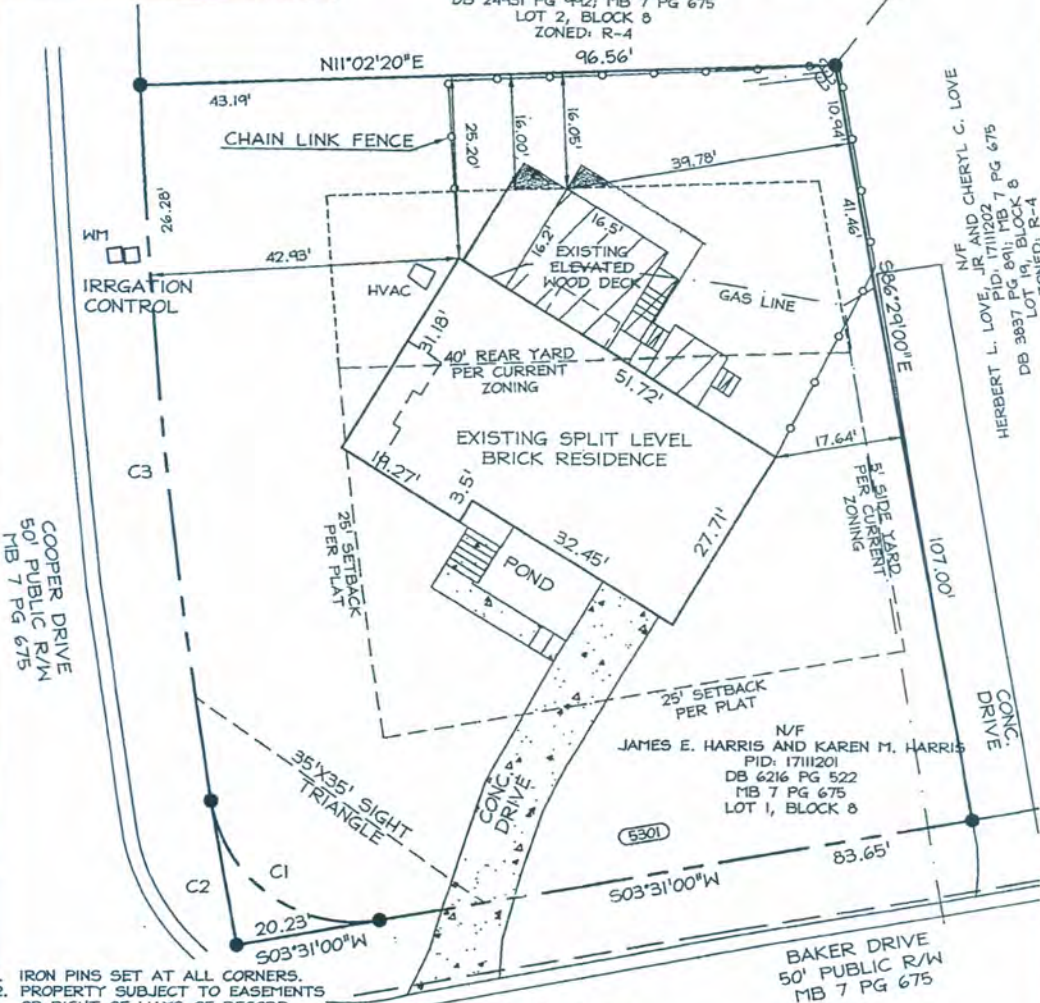
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Wesley R. Huneycutt
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LAURA SMALLWOOD AND SHANNON LEIGH SCARBOROUGH
PID: 17111221
DB 24931 PG 992; MB 7 PG 675
LOT 2, BLOCK 8
ZONED: R-4



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Physical Survey

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5301 Baker Drive

Lot 1, Block 8 of Green Acres

City of Charlotte, Mecklenburg County
North Carolina



Scale: 1"=20'

Map Recorded in Map Book 7 at Page 675

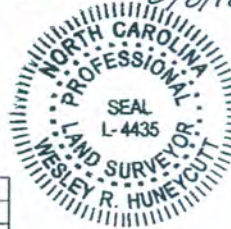


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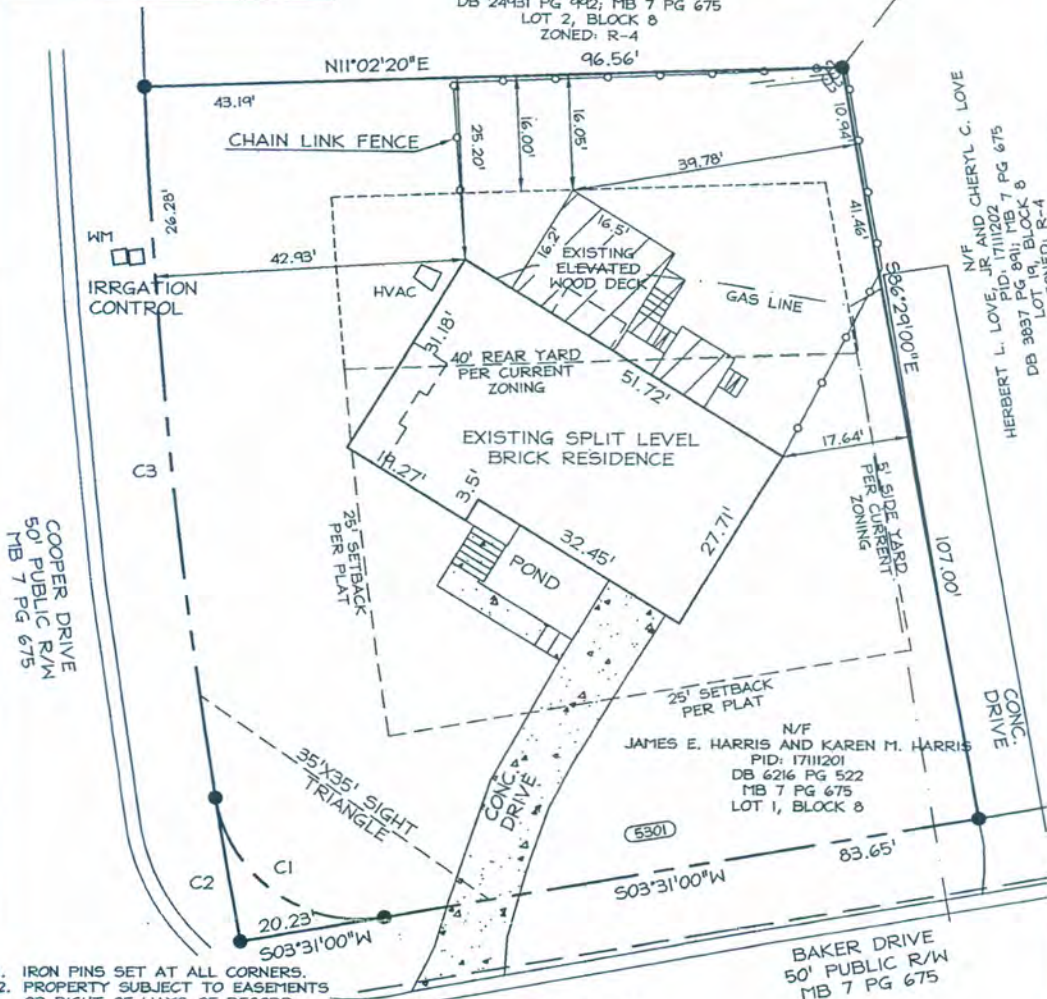
THIS IS A CLASS "A" SURVEY AS DEFINED
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Wesley R. Huneycutt
Wesley R. Huneycutt L-4435



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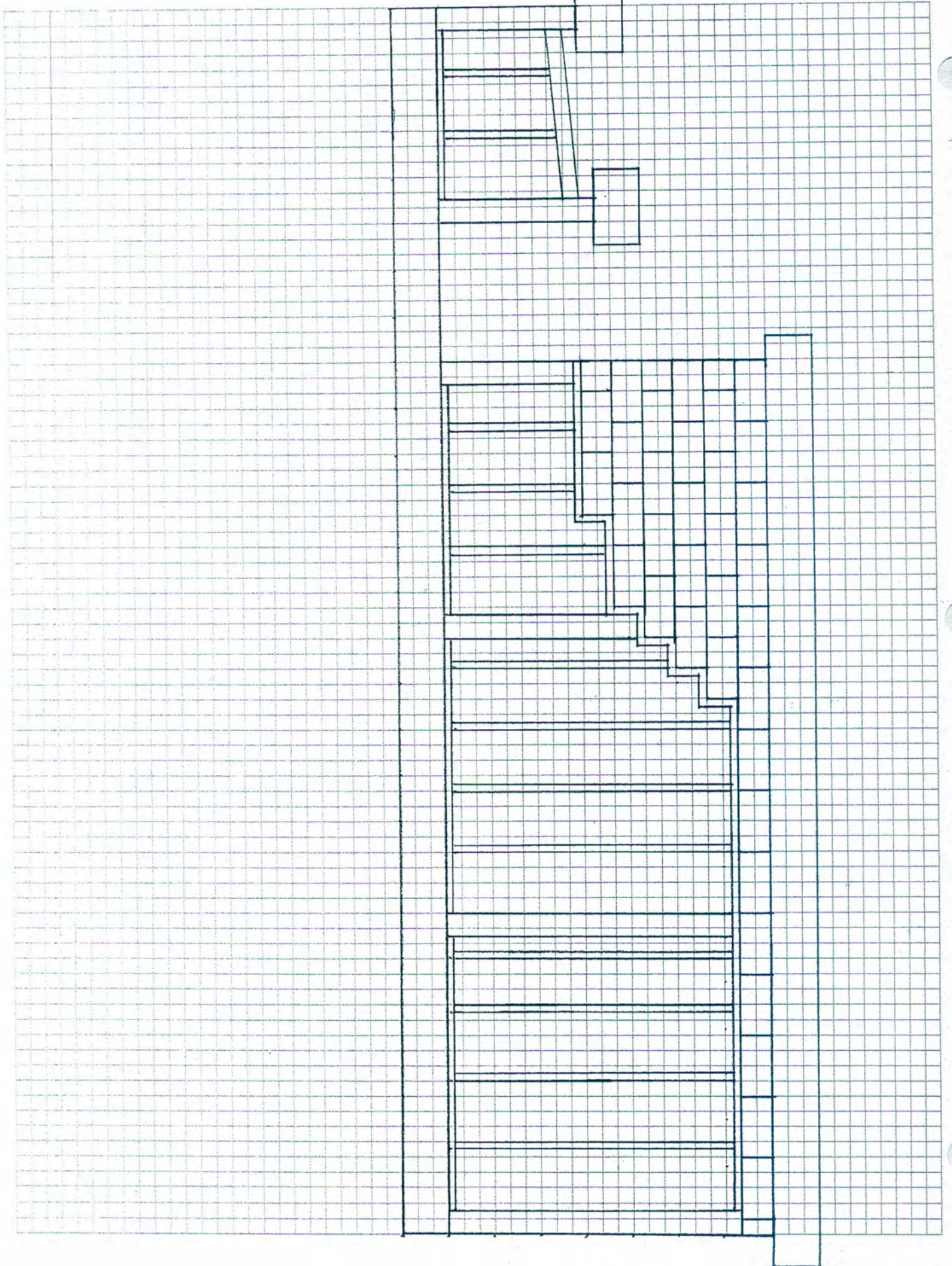
Physical Survey

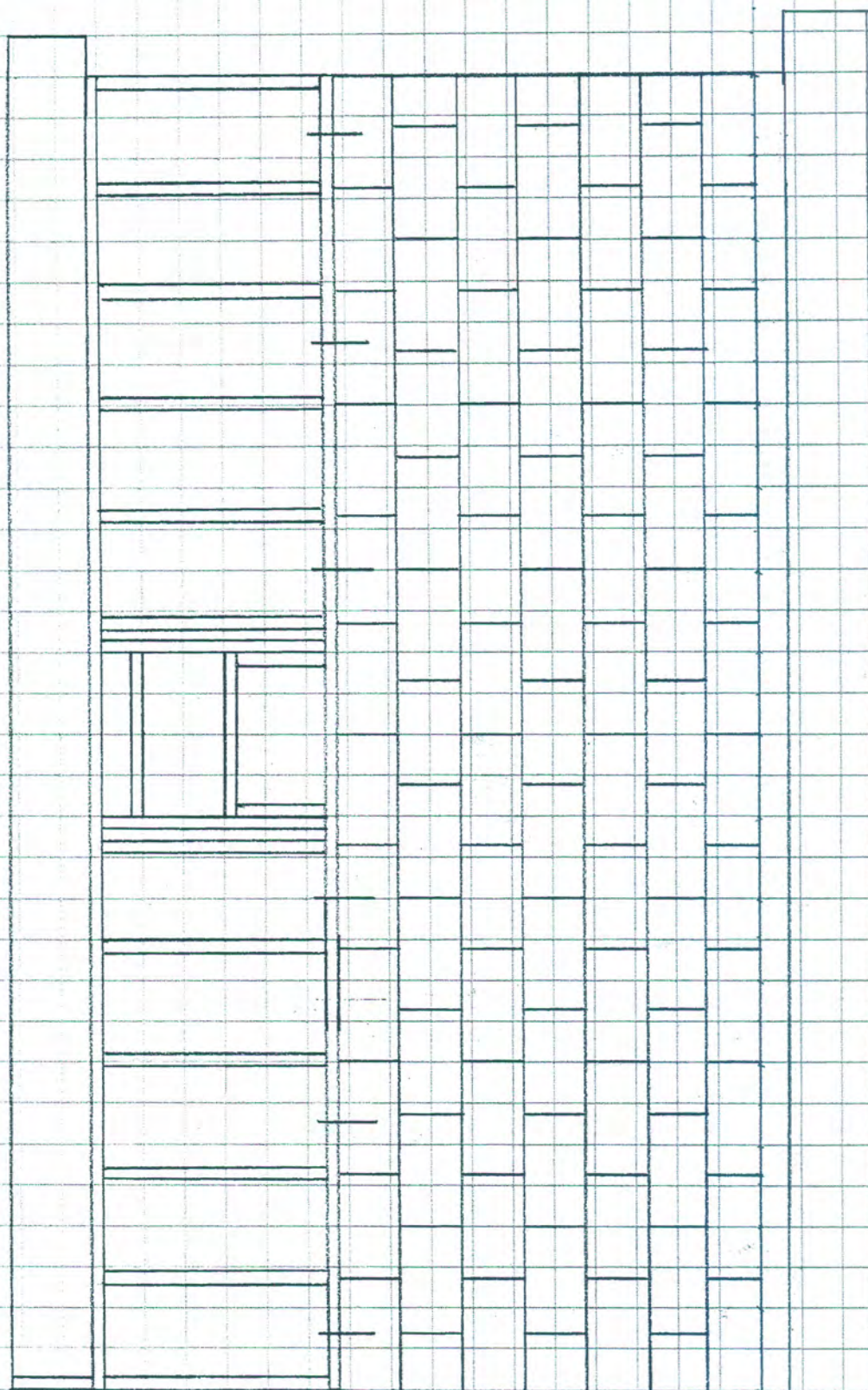
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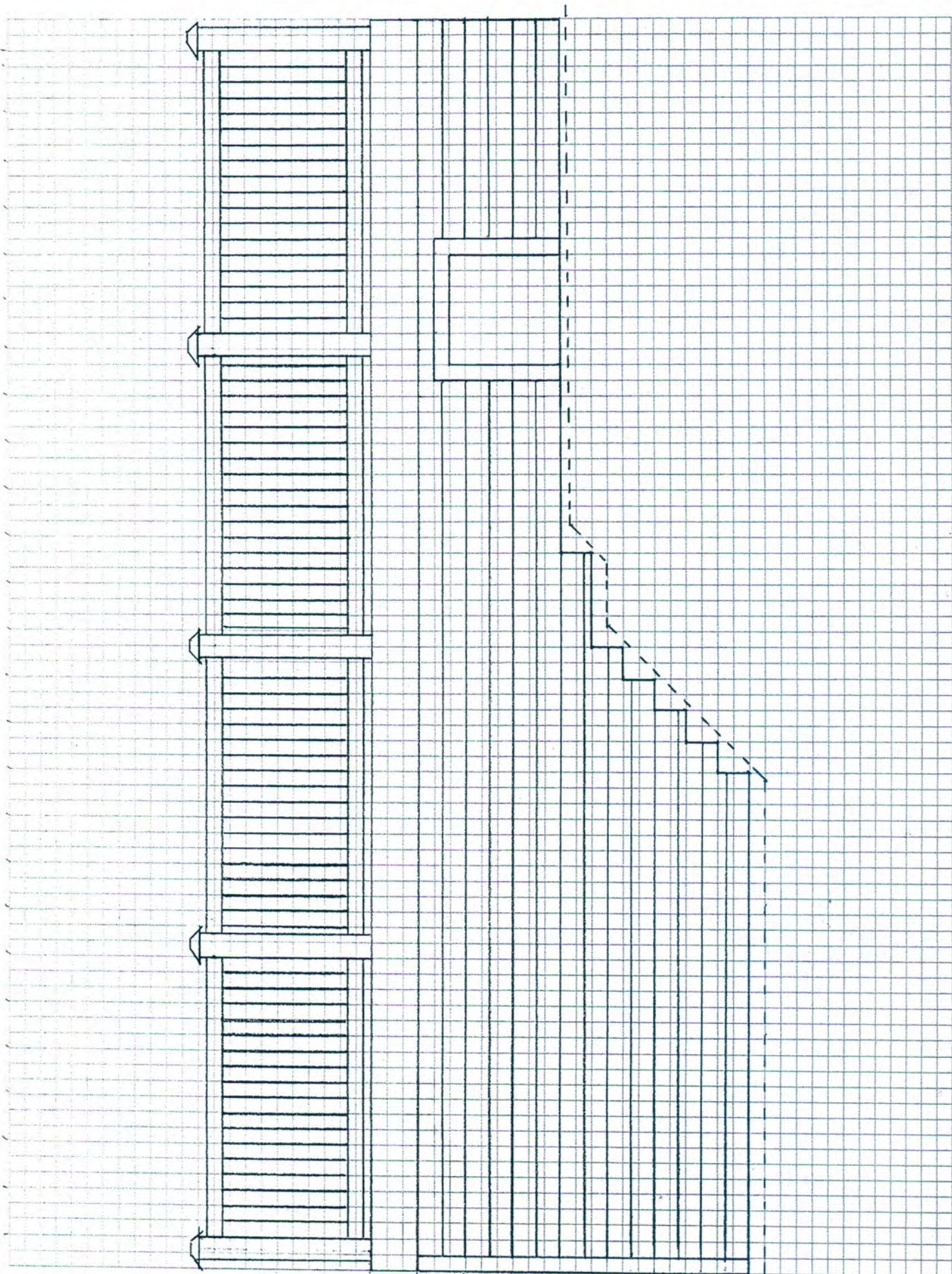


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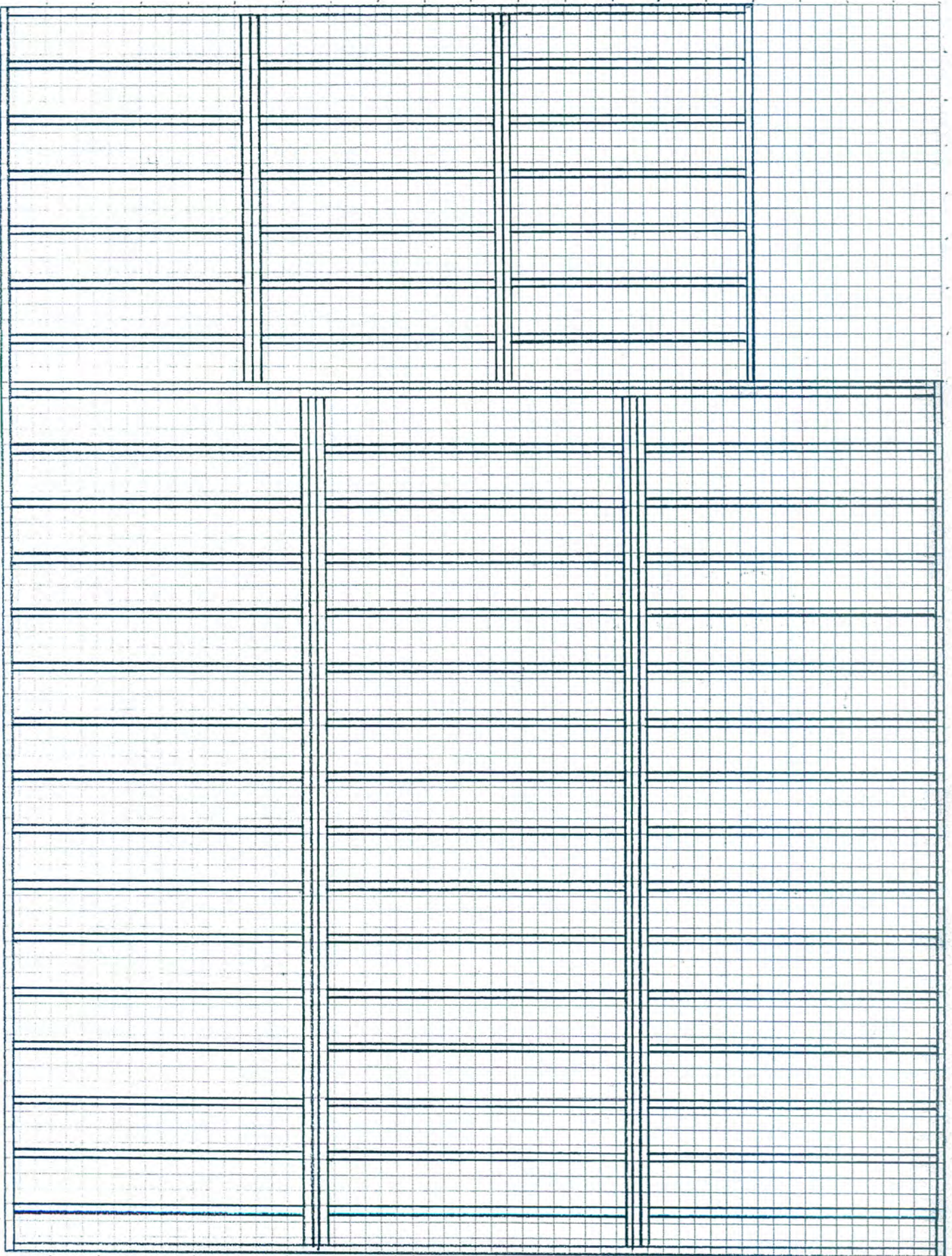
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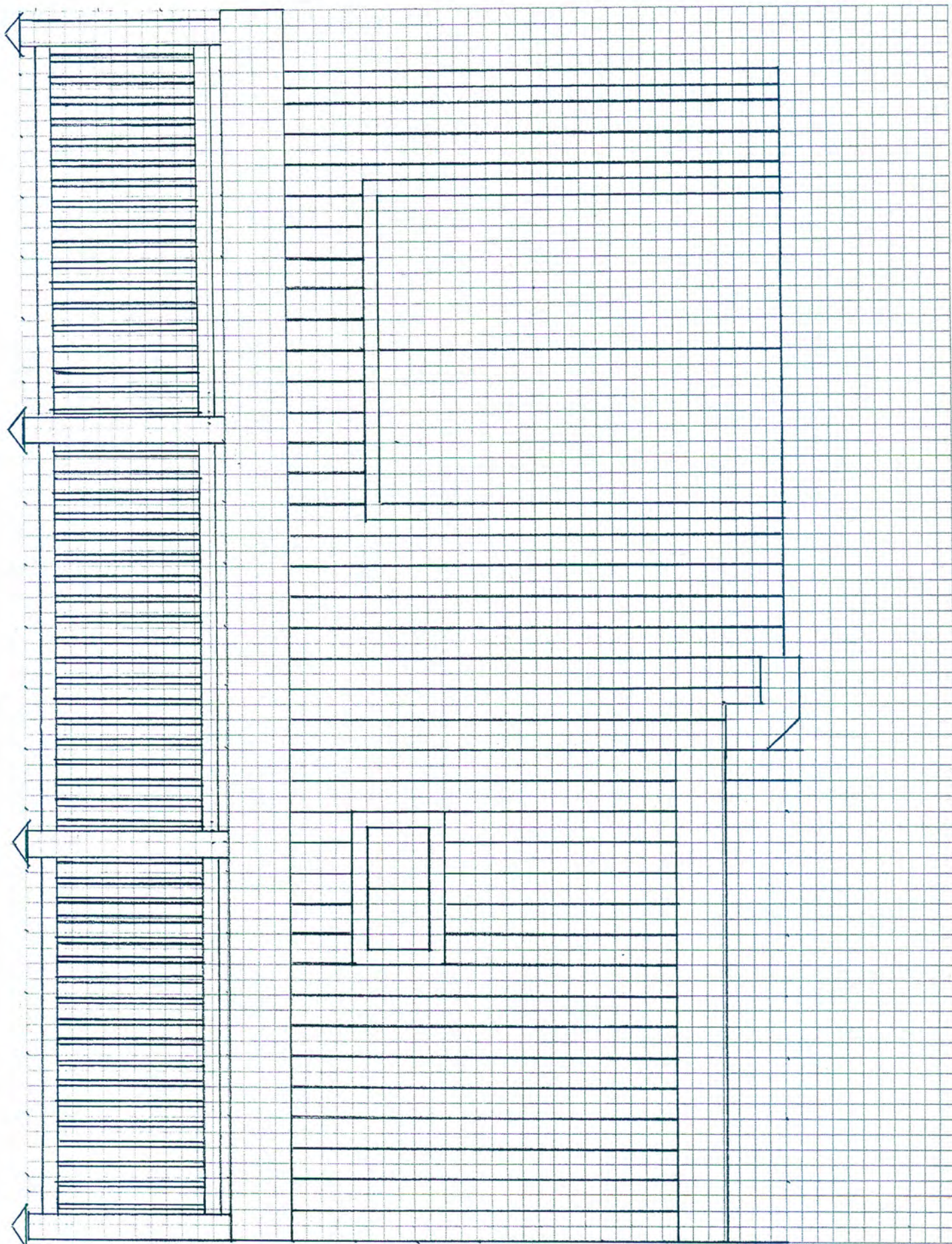






HOUSE





■ - BLOCK

