

Appeal

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

Date Filed: JUN 28 2012

Case Number: 12-030

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: Henry E. Stepp, II (HOA President)

Mailing Address: 106 Colville Rd. Apt. 31B

City, State, Zip: Charlotte, NC 28207

Daytime Telephone: 240-505-9723 Home Telephone: Same as Daytime

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

Property Owner(s) [if other than applicant/agent]: Alson Court Condominium Owners Assoc. Inc.

Mailing Address: 106 Colville Rd. Apt. 31B

City, State, Zip: Charlotte, NC 28207

Daytime Telephone: 240-505-9723 Home Telephone: Same as Daytime

Property Address: 127 South Laurel Ave. Charlotte, NC 28207

Tax Parcel Number: 155 115-03C-96 Zoning District: R-22MF

Subdivision Name: Eastover 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.

6.27.2012
Date


Property Owner

Date

Property Owner

Appeal Application - Form 3
Zoning Board of Adjustment
City of Charlotte

Date Filed: 6/28/12 Case Number: 12-030 Fee Collected: _____

Has work started on this project?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
If yes, Did you obtain a building permit?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	If yes, attach a copy. See exhibit K
Have you received a Notice of Violation for this project?	YES <input type="checkbox"/> NO <input type="checkbox"/>	If yes, attach a copy.
Has this property been rezoned?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If yes, Petition Number: _____

(1) What zoning ordinance section numbers do you allege were applied in error? Please list each section, the requirement and the requested variance.

Item	Code Section	Code Requirement
<i>Example</i>	<i>9.205 (1)(g)</i>	<i>45 foot rear yard</i>
A	7.103	Nonconforming Structure - Repair
B	7.104	Nonconforming Accessory Structure
C		
D		
E		

(2) Please describe why you feel the code sections listed above were applied in error. Tell the Board what you feel is the appropriate application of each code section.

(a) Code Section 7.103.

The carport is a nonconforming structure that was legally constructed in 1939 (see exhibits A & B). The rear wall of the carport acts as both structural support for the carport as well as a retaining wall for the soil behind the wall. A tree located on the adjacent property is pushing on the rear wall of the carport causing the entire structure to lean (see exhibit C). The tree was recently removed per an agreement with adjacent property owner (see exhibit D). The Charlotte Fire Department deemed the structure "unsafe". (See exhibit J.)

The proposed project is limited to work necessary to bring the structure to a sound condition. (see exhibit H). By common definition, this is a repair. Pursuant to Code Section 7.103, repair and maintenance may be performed to allow to the continuation of nonconforming structure.

If the work proposed to be performed on the carport is deemed to be beyond a repair, it must be deemed a renovation. Because the proposed project does not increase the floor area of the structure and does not change the use of the structure, Code Section 7.103 allows the carport to remain without being in conformity with any of the regulations.

(b) Code Section 7.104.

If the carport is deemed to be an accessory structure, all of the arguments listed above still apply. Additionally, Code Section 7.104 allows accessory structures to be expanded if the nonconforming features of the structure are not expanded to increase the degree of nonconformity. Here there is no expansion of nonconforming features. In fact, there is no expansion of the accessory structure at all. Thus, the HOA proposes to do much less than what it is allowed to do pursuant to Code Sections 7.103 and 7.104.

KEITH KENNEDY
HENRY STEPP



Staff Checklist for Pre-Variance Meetings
PLEASE PRINT

Date 6/15/2012

Staff B. Mosley

PI # 155 - 03C - 96 Zoning R-22MF

Property Address: 209 10c Fenton Pl Charlotte

Contact Information 106 Colville Rd Apt 318 (28207) Alson Court

Mailing Address: 1528 W. Sussex Crk Rd / 127 S. Laurel Ave

Tele: Home _____ Cell 240-505-9723 Business _____

Home Fax: _____ Business Fax: _____

E-Mail Address: Henry@Alsoncourt.com

Violation Letter # (if applicable) _____ Compliance Date _____

Registered Owner(s): Henry Stepp

(Check the box that applies)

- Property Owner
- Developer (Company) _____ Title _____
- Agent (Company) _____ Title _____
- Other (Explain) _____

1) Description of Issue:

- Garage - Non conforming, Tree removed (pushed in wall)
- Roof repair - remove and replace
- Garage - remove wall (1) and replace

2) Specific Code Sections of the Zoning Ordinance

- 7.103 - Nonconforming Structures
- 9.305 - Side Yard Buffer
- 12.302 - Multi-Fam Single-Buffer

Application Review:

- Application procedures and instructions (Page 2)
- Application process by staff (Page 3)
- Hearing procedures (Page 4)
- Schedule of meeting and submission deadlines (Page 15)
- Schedule of fees (Page 16)

- Hearing request application (Form 1)
- Variance application (Form 2)
- Appeal application (Form 3)
- Administrative deviation request application (Form 4)

- Variance request checklist and instructions (Page 6)
- Appeal request checklist and instructions (Page 9)
- Administrative deviation request checklist instructions (Page 12)

- Authorized Practices Advisory Opinion 2006-1 Statement (Notification by NC Bar)
- Standards for granting a variance (Section 5.108)
- Standards for granting an appeal (Section 5.109)

Public Records

Personal information contained in this form, collected and maintained will be used for the purpose of responding to the Application and creating a public record. The Owner's Signature acknowledges that "personal information [is] collected and maintained specifically for the purpose of creating a record available to the general public;" and is governed by the North Carolina public records laws. If you have questions about the North Carolina public records laws, refer to N.C. G.S. 1321.1 et. Seq.



Signature of Owner

6-15-2012

Date

Office Use Only:			
Date Application Filed _____			
Type of Application	<input type="checkbox"/> Variance	<input type="checkbox"/> Appeal	<input type="checkbox"/> Administrative Deviation
Fee Amount	<input type="checkbox"/> Paid	<input type="checkbox"/> Unpaid	
Application accepted by _____			
Case # _____			