

\* Reference file  
# 05-107A



ADMINISTRATIVE VARIANCE  
APPLICATION

FY2005

Case #: 06-048A

Date Filed: 4-18-06

Received By: L. Bell

Office Use Only

THIS APPLICATION MUST BE FILED IN PERSON, IT  
CAN NOT BE ACCEPTED BY MAIL

Variance requested on property located at: 14424 Myers Mill Lane, Charlotte, NC

Property Zoned: R-5 (CO)

Tax Parcel #: 22303165

Property Owner: Shea Homes, LLC

Date Existing Structure Erected: N/A

TO THE OFFICE OF THE ZONING ADMINISTRATOR:

I Shirley Henson, Land Development Adm. am requesting an administrative  
(name) Shea Homes, LLC

deviation from the literal provisions and interpretations of the Charlotte Zoning Ordinance. I am prohibited from using the parcel of land described above in a manner shown by the Plot Plan attached to this form. I request an Administrative Variance from the following provision(s) of the Zoning Ordinance (cite Section numbers and Code requirements):

Sec. 9.205 "All uses and structures permitted in the R-5 District shall meet the applicable development standards established in this section and all other requirements of these regulations. Minimum 35' rear yard"

Describe the VARIANCE being requested on the above referenced property:

Request an extension of the 2-year time period required for obtaining building permit associated with the variance granted by the zoning board in case # 03-37. Previous granted was for a 6' by 30' area of the 35' lot minimum rear yard. Variance extension request based on Section 5.111.

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## FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:

The Zoning Administrator, with the delegated authority of City Council, can deviate only slightly from the measurable and quantifiable standards of the Zoning Ordinance. Section 4.107 of the Zoning Ordinance, titled "Delegated authority for development approval based upon existing conditions" states That the Zoning Administrator can give an administrative approval for a deviation of the Ordinance for any one of the following conditions: (a) physical contours of the street, the land, or some other topographical or geographical feature is the basis for a surveying or other inadvertent error; (b) physical layout of the land and structure on the land is such that the Ordinance requirements can not be met; (c) the nature of the abutting property or intervening topographical or geographical features would not serve a useful purpose according to the application of the Ordinance.

In the following spaces, indicate the facts and the argument to support your request for administrative consideration.

- (a) **The physical contour of the street, the land, or some other topographical or geographical feature is the basis for a surveying or other inadvertent error. State facts and arguments to support the above:**

*This lot (#78) is an irregular size lot. The dimensions on one side is three (3) times the length of the other side.*

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- (b) **The physical layout of the land and the structures on the land are such that the Ordinance requirement cannot be met.**

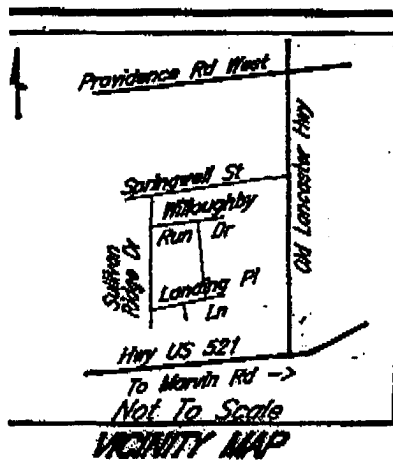
*Due to the shape of the lot the building envelope forms the shape of a triangle, therefore clipping the rear of the house. This prohibits building the house within the building setbacks.*

- (c) Because of the nature of the abutting property or intervening topographical or geographical features, the application of the Ordinance requirements would not serve a useful purpose.

The building envelope is the shape of a triangle due to shape of the lot. The dimensions on one side of the lot is three (3) times the length of the other side. This prohibits building the house within the building setbacks. Because of the shape of the lot the prior house plan would not fit.

- (d) The applicant has agreed to measures that would ameliorate the deviation from complete compliance with the Ordinance requirement. Include any conditions or improvements to which you would agree.

Shes Homes now has a product that will fit on this lot and we desire to pull the permit to begin construction.



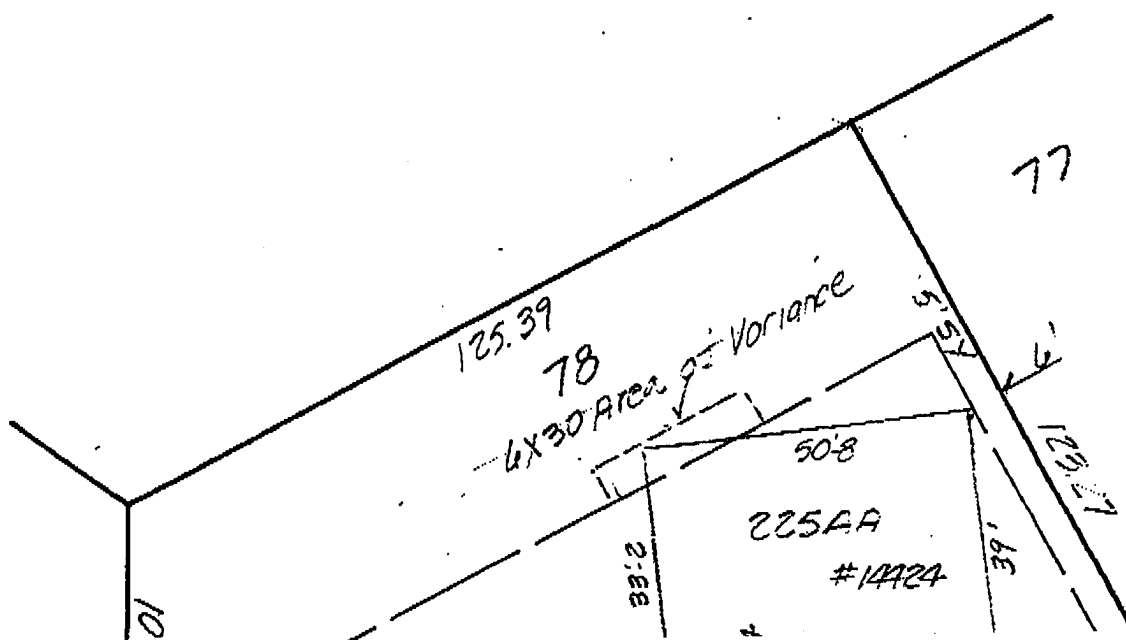
This drawing is for planning purposes only  
and does not represent a Field Survey. DO  
NOT Field stake house from this Plot Plan.

**LDS**  
Land Development Services  
2150 Park Drive  
Charlotte, NC 28204  
Tele: 704/333-5390

Reference  
MB 35-753

78

79



I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief.

Shirley Henson  
Printed Name of Applicant

\_\_\_\_\_  
Printed Name of Representative (if any)

3436 Toringdon Way, Ste. 100  
Mailing Address

\_\_\_\_\_  
Mailing Address

Charlotte, NC 28277  
City, State, Zip

\_\_\_\_\_  
City, State, Zip

704/319-5000      704/543-6327  
Telephone Number      Fax Number

\_\_\_\_\_  
Telephone Number      Fax Number

Shirley.Henson@sheahomes.com  
E-Mail Address

\_\_\_\_\_  
E-Mail Address

Shirley Henson  
Signature of Appellant

\_\_\_\_\_  
Represented By (Signature)

**IF THE APPELLANT IS NOT THE OWNER OF THE PROPERTY FOR WHICH THE APPEAL IS BEING REQUESTED, indicate the owner's name and address:**

Shea Homes, LLC  
Property Owner (If different from Applicant)

3436 Toringdon Way, Ste. 100  
Address

Charlotte, NC 28277  
City, State & Zip

**TYPE OR PRINT below the COMPLETE names, tax parcel numbers, mailing addresses and zip codes for the owners of the adjacent properties, including the properties directly across the street from the property. (Property ownership information is available at:**

**<http://meckcama.co.mecklenburg.nc.us/relookup/> or**

**<http://mcmf.co.mecklenburg.nc.us:3007/cics/txre/txre00i>**

**ADJACENT PROPERTY OWNERS:**

- |     |  |                       |
|-----|--|-----------------------|
| 1.  | Scott D. Nast<br>14436 Myers Mill Lane<br>Charlotte, NC 28277              | Tax Parcel # 22303164 |
| 2.  | Rajarshi + Jagrati Desai<br>14435 Myers Mill Lane<br>Charlotte, NC 28277   | Tax Parcel # 22303174 |
| 3.  | Brett + Bonnie Young<br>14429 Myers Mill Lane<br>Charlotte, NC 28277       | Tax Parcel # 22303173 |
| 4.  | Gary + Melinda Earleywine<br>14423 Myers Mill Lane<br>Charlotte, NC 28277  | Tax Parcel # 22303172 |
| 5.  | Sanjeev + Sajana Ramireddy<br>14417 Myers Mill Lane<br>Charlotte, NC 28277 | Tax Parcel # 22303171 |
| 6.  | Michael + Lynn Kenley<br>14412 Myers Mill Lane<br>Charlotte, NC 28277      | Tax Parcel # 22303166 |
| 7.  | YFP, LLC<br>1300 Altura Rd<br>Font Mill SC 29708                           | Tax Parcel # 22303112 |
| 8.  |  | Tax Parcel #          |
| 9.  |  | Tax Parcel #          |
| 10. |  | Tax Parcel #          |

These persons, including the Applicant and the Representative, will be notified in writing of the request for the Administrative Variance and provided the opportunity for comment. (Attach additional sheet if necessary).

**ATTACH A PHYSICAL SURVEY OR DRAW A SITE PLAN, TO SCALE, DESCRIBING THE PROPERTY AND VARIANCE REQUEST. PROVIDE ALL APPROPRIATE DIMENSIONS; LOCATE ALL EXISTING AND PROPOSED BUILDINGS/STRUCTURES, AND PROVIDE THEIR DISTANCE TO THE PROPERTY LINES, RIGHTS-OF-WAY, ETC.**

A large, empty rectangular box with a thin black border, intended for a physical survey or site plan. It occupies the majority of the page below the instructions.

SHEA FAMILY OF COMPANIES  
CELEBRATING 125 YEARS

**SheaHomes**

*Caring since 1881*

March 30, 2006

**VIA DASH COURIER SERVICE**

Ms. Katrina Young, Planning Coordinator  
Charlotte-Mecklenburg Planning Commission  
600 East Fourth Street (8th Floor)  
Charlotte, North Carolina 28202

RE: Case #03-37  
14424 Myers Mill Lane  
Tax Parcel #22303165

Dear Katrina:

Per our conversation several days ago, please consider this request for an extension of the above referenced zoning variance for Lot 78 in Providence Pointe. Although this variance has expired, we are requesting your administrative approval for extension of this variance.

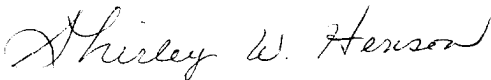
Because of the shape of the lot, the building envelope is a triangle thereby prohibiting the prior house plan to be built within the building setbacks. However, Shea Homes now has a product that will fit on that property and we desire to pull the permit to begin construction on this house.

Enclosed is the completed Administrative Variance Application along with a check in the amount of \$150.00 for the processing fee.

Any assistance you can give us in obtaining the extension of this variance will be greatly appreciated. Please feel free to call me at 704/602-3321 should you have any questions.

Very truly yours,

**SHEA HOMES, LLC**



Shirley W. Henson  
Land Development Administrator

Encs.: (1) Administrative Variance Application  
(2) Check #94842 - \$150.00

3436 Toringdon Way, Suite 100  
Charlotte, North Carolina 28277

704.319.5000 T  
704.543.6327 F

[www.SheaHomes.com](http://www.SheaHomes.com)