



VARIANCE APPLICATION

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

FY2005

Case #: 06-049

Date Filed: 21 April 06

Meeting Date: 30 May 06

Received By: K. Bell

Office Use Only

Variance requested on property located at: 4435 Monroe Road

Property Zoned: B-1

Tax Parcel #: 15906124

Property Owner: Bob Jung

Date Existing Structure Erected: 1931

TO THE CHARLOTTE ZONING BOARD OF ADJUSTMENT:

I Chet Helt, hereby petition the Board of
(name)

Adjustment for a VARIANCE from the literal provisions of the Charlotte Zoning Ordinance because, under the interpretation given to me by the Zoning Administrator, 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 a variance from the following provisions of the Zoning Ordinance (cite Section numbers and Code requirements):

1.) Table 12.202 requires 250 sq. feet/parking space and this structure has a total of 1,988 square feet heated space requiring 8 spaces, only 7 can be provided with the 60' right-of-way vs. the original 40' right-of-way when it was built, using 6.5 feet of the setback.

2.) The existing building now lies approximately 6.5' into the setback due to the 60' right-of-way vs. the 40' right-of-way when it was built. The existing carport even extends into the larger right-of-way. The owner is reluctantly agreeing to remove the carport.

Describe the VARIANCE being requested on the above referenced property:

1.) Requesting 7 parking spaces be allowed instead of 8, with one projecting 6.5' into the setback.

2.) Allowing the main house to remain in its existing location even though the 60' right-of-way shifts the 10' setback into the structure that was built in 1931, meeting all zoning and building requirements at that time.

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach three conclusions as a prerequisite to the issuance of a variance: (a) that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance, (b) that the variance is in harmony with the general purposes and intent of the Ordinance and preserves its spirit, and (c) that in the granting of the variance, the public safety and welfare have been assured and substantial justice has been done. In the following spaces, indicate the facts and the argument you plan to render, in order to convince the Board, to properly determine that each of these three (3) CONCLUSIONS are applicable to this structure and site.

- (a) **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:

- (1) **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.)

1.) The existing B-1 site does not allow for parking as required on table 12.202 due to the encroachments made with the layout of the present 60' right-of-way and the 10' side-yard setback.

2.) The existing structure encroaches the present setback due to the present 60' right-of-way vs. the 40' right-of-way when it was built in 1931. The building cannot be shifted to meet these requirements. 6.5' would have to be cut off the side of the building adjacent Commonwealth Avenue to be used for its B-1 Zoning.

- (2) **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 Commission. Also, unique personal or family hardships are irrelevant since a variance, if granted, runs with the life of the land.)

This structure is in harmony with its neighboring structures. It has no unusual features that violate the site except that over the years, the right-of-way was changed and it cuts the carport in half and the main structure and its parking extends 6.5' into the setback. It does not allow itself to meet the B-1 Zoning requirements at no fault of the owner, only revisions made over time by the City.

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

The owner has not modified the original structure that was built in 1931 and does not plan to change the original footprint with the proposed use of a dry cleaning service. There are three (3) 32" to 60" willow oaks that will remain in the existing 60' right-of-way. The curb cut to the proposed parking lot in the rear is moved 35 feet further away from the intersection of Commonwealth Avenue and Monroe Road.

(b) **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.)

This requested variance is the least possible deviation from the letter of the ordinance to allow the use be provided that is approved for the existing B-1 Zoning. This use will not change the existing appearance of the structure or the neighborhood. In fact, it will be brought up to code inside and will remain a strong benchmark in preserving the neighborhood's character.

The proposed plan meets all other requirements of buffering, setbacks on the other three (3) sides and it will be in A-1 condition.

(c) **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.)

If the variance is denied, the existing structure can not be renovated to any use in its present zoning of B-1. The only option then is to tear down the structure and build a new structure that will not be in character of the neighborhood.

GAM

ADJACENT PROPERTY OWNERS:

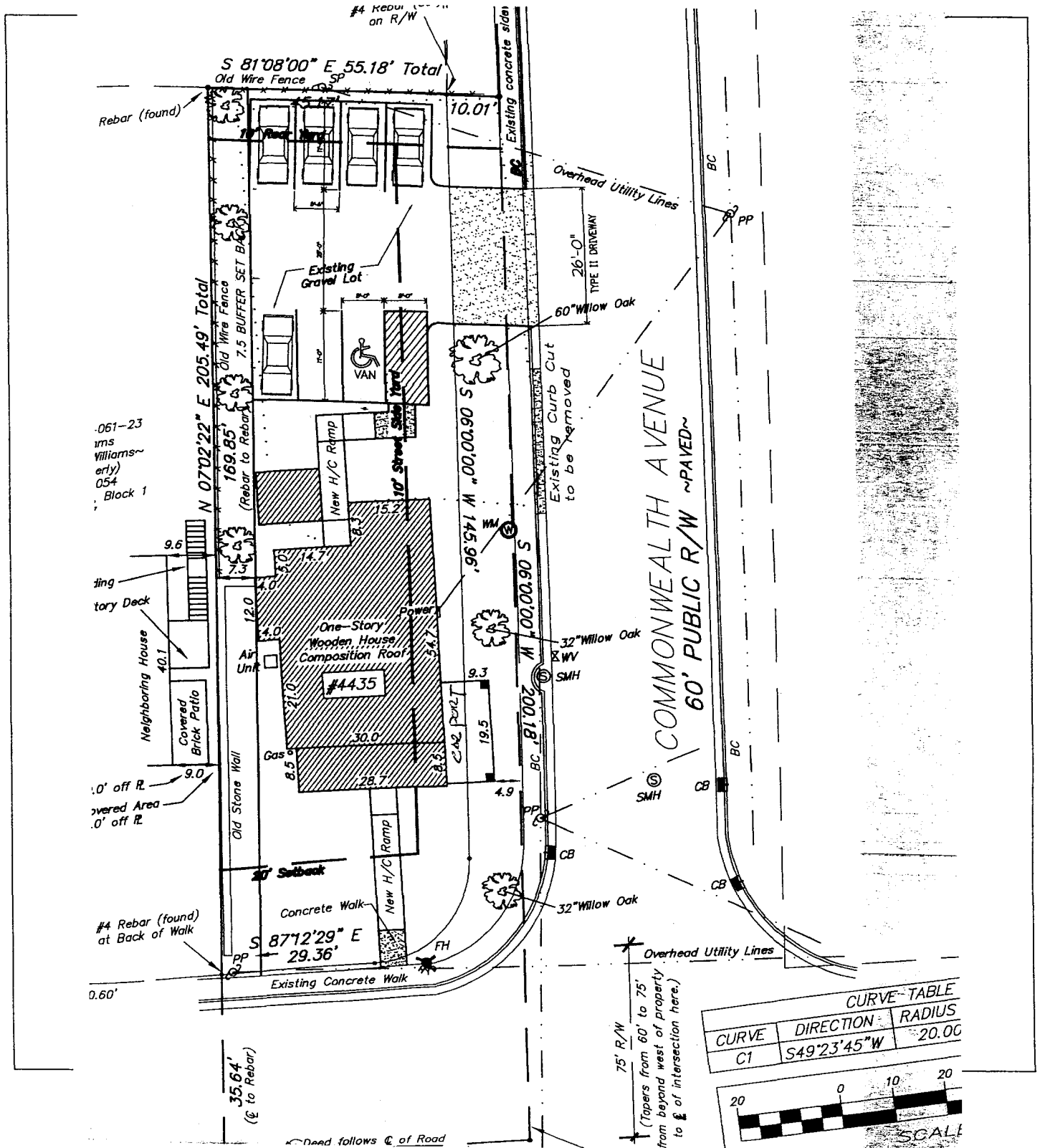
- | | | |
|-----|---|------------------------------|
| 1. | <u>Oakhurst Investments, LLC</u>
<u>4415 Monroe Road</u>
<u>Charlotte, NC 28205</u> | Tax Parcel # <u>15906118</u> |
| 2. | <u>Billy Byron, Jr.</u>
<u>4417 Monroe Road</u>
<u>Charlotte, NC 28205</u> | Tax Parcel # <u>15906119</u> |
| 3. | <u>Charlotte Firefighters Assoc.</u>
<u>4419 Monroe Road</u>
<u>Charlotte, NC 28205</u> | Tax Parcel # <u>15906120</u> |
| 4. | <u>Evelyn H. Furr</u>
<u>2010 Sharon Lane</u>
<u>Charlotte, NC 28211</u> | Tax Parcel # <u>15906122</u> |
| 5. | <u>James & Carol Williams</u>
<u>1208 Snyders Store Road</u>
<u>Wingate, NC 28174-8730</u> | Tax Parcel # <u>15906123</u> |
| 6. | <u>Bryant & Elizabeth Baker</u>
<u>P.O. Box 220685</u>
<u>Charlotte, NC 28222</u> | Tax Parcel # <u>15906125</u> |
| 7. | <u>Matthew & Erin Janssen</u>
<u>4416 Commonwealth Avenue</u>
<u>Charlotte, NC 28205-7220</u> | Tax Parcel # <u>15906126</u> |
| 8. | <u>Francis Beachum Helms</u>
<u>1400 N. Sharon Amity Road</u>
<u>Charlotte, NC 28211</u> | Tax Parcel # <u>15906127</u> |
| 9. | <u>Charles James Hick & (Hiers)</u>
<u>621 Marion Drive</u>
<u>Matthews, NC 28105</u> | Tax Parcel # <u>15906128</u> |
| 10. | <u>Brenda H. Welch</u>
<u>621 Marion Drive</u>
<u>Matthews, NC 28105</u> | Tax Parcel # <u>15906130</u> |

These persons, including the Appellant and the representative, will be notified in writing of the time and place of the hearing. (Attach additional sheet if necessary).

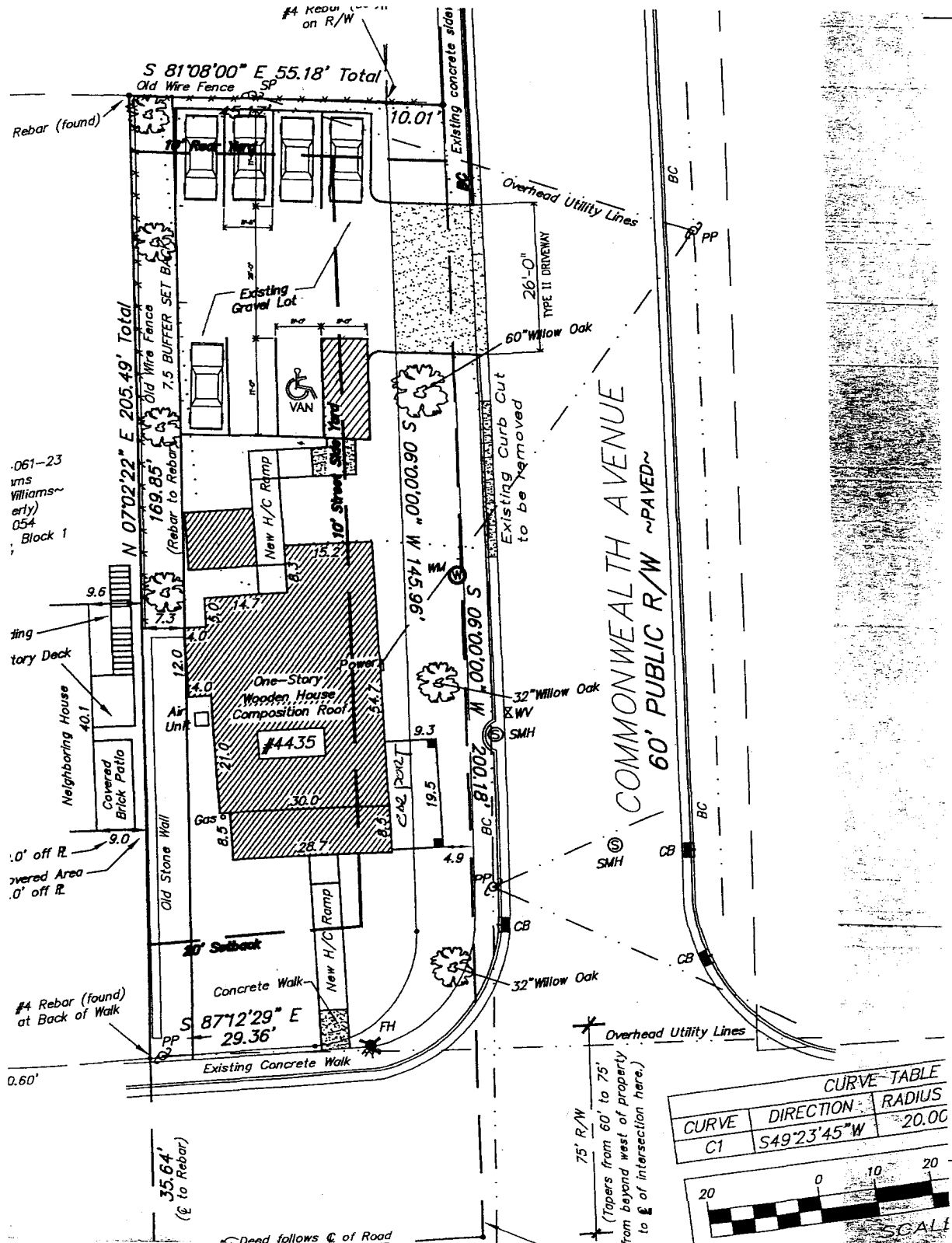
11.	<u>Samson Properties, LLC</u> <u>4314 Commonwealth Avenue #A-1</u> <u>Charlotte, NC 28205</u>	Tax Parcel # <u>15906174</u>
12.	<u>Suzanne S. Reynolds</u> <u>4416 Commonwealth Avenue</u> <u>Charlotte, NC 28205-7220</u>	Tax Parcel # <u>15906176</u>
13.	<u>Jeremy J. Fritz</u> <u>4408 Commonwealth Avenue</u> <u>Charlotte, NC 28205-7220</u>	Tax Parcel # <u>15906179</u>
14.	<u>Charlotte-Mecklenburg Board of Education</u> <u>701 E. 2nd Street</u> <u>Charlotte, NC 28202</u>	Tax Parcel # <u>16104338</u>
15.	<u>Monroe Road Associates, LLC</u> <u>P.O. Box 18664</u> <u>Charlotte, NC 28218-0664</u>	Tax Parcel # <u>16107113</u>
16.	<u>Danette Flow Edwards</u> <u>1201 Meadowood Lane</u> <u>Charlotte, NC 28211</u>	Tax Parcel # <u>16107115</u>
17.	<u>Waters Insurance & Realty Co. & Domar Corporation, Inc.</u> <u>301 S. McDowell Street, Suite 210</u> <u>Charlotte, NC 28204-2640</u>	Tax Parcel # <u>16107118</u>
18.	<u>Eight Associates, LLC</u> <u>4400 Stuart Andrew Blvd., Ste. A</u> <u>Charlotte, NC 28217-1591</u>	Tax Parcel # <u>16107119</u>
19.	<u></u> <u></u> <u></u> <u></u>	Tax Parcel # <u></u>
20.	<u></u> <u></u> <u></u> <u></u>	Tax Parcel # <u></u>

These persons, including the Applicant and the representative, will be notified in writing of the time, date, and place of the hearing.

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.

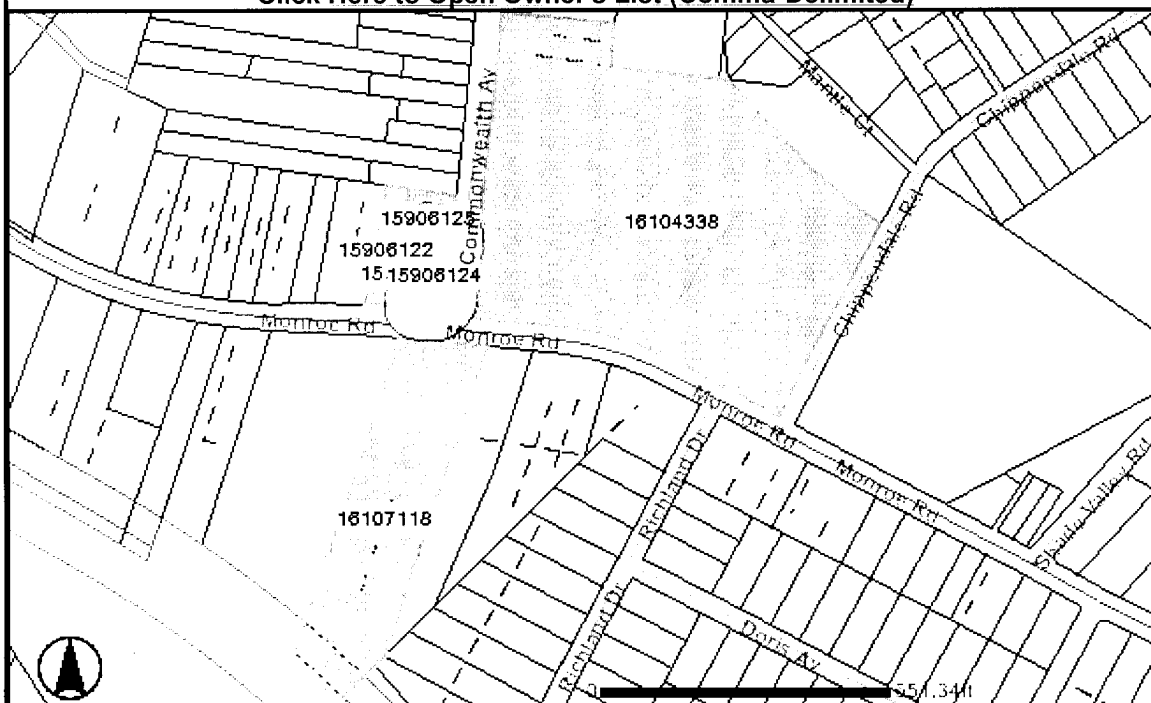


4



Mecklenburg County, NC POLARIS
Property Ownership Land Records Information System
Adjoining Owner's Report
Buffer Distance: 75 Feet
4/28/2006 9:51:57 AM

[Click Here to Open Owner's List \(Comma-Delimited\)](#)



This map is prepared for the inventory of real property within Mecklenburg County and is compiled from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification. Mecklenburg County and its mapping contractors assume no legal responsibility for the information contained herein.

Parcel ID	Owner Name	Mailing Address	City	State	ZIP	Legal Description	Deed Book	Deed Page	Land Area
15906122	EVELYN H FURR	2010 SHARON LN	CHARLOTTE	NC	28211	P3 B1 M3-27	02585	047	0 AC
15906123	JAMES DALE WILLIAMS AND CAROL H WILLIAMS	1208 SNYDERS STORE RD	WINGATE	NC	28174-8730	P2 B1 M3-27	02391	054	0 AC
15906124	JUNG PROPERTIES LLC	2231 RICHARDSON DR	CHARLOTTE	NC	28211	P1 B1 M3-27	19365	112	0 AC
15906125	BRYANT ALLEN BAKER AND ELIZABETH WATTS BAKER	PO BOX 220685	CHARLOTTE	NC	28222	P1 & 2 B1 M3-27	15873	966	0 AC
16104338	BOARD OF EDUCATION CHARLOTTE MECKLENBURG	701 E 2ND ST	CHARLOTTE	NC	28202	4511 MONROE RD	06191	042	13.2 AC
16107118	& WATERS INS & REALTY CO DOMAR CORP INC	301 S MCDOWELL ST STE 210	CHARLOTTE	NC	28204-2640	L1 & 2 B5 M3-27	03967	961	0 AC

Parcel Information

Parcel ID# 15906124
Parcel Name: JUNG PROPERTIES LLC
Parcel Address: 2231 RICHARDSON DR, CHARLOTTE, NC 28211

Parcel Ownership Summary

Parcel ID#: 15906124 GIS ID#: 15906124

Owner Name: JUNG PROPERTIES
LLC
Mailing 2231 RICHARDSON DR
Address: CHARLOTTE, NC 28211

Property Characteristics

Legal Desc.: P1 B1 M3-27
Land Area: 9291 SF
Fire District: 00-CITY OF
CHARLOTTE
Special District: N/A
Account Type: NC CORP
Municipality: 1-CHARLOTTE
Property Use: SINGLE-FAM

Deed Reference(s) and Sales Price

19365-112 (9/20/2005) \$225,000.00
17935-467 (10/29/2004) \$0.00
9864-932 (8/18/1998) \$95,000.00



Situs Addresses Tied to This Parcel

4435 MONROE RD

Choose an address from the list above and
click on the links below for more
information

[Where to Go Vote | School Districts](#)
[Parks Within 3 Miles | Get Directions](#)

Links to More Information

 [Building Photo\(s\)](#) 

[FEMA, Zoning, Etc. Adjoining Owners](#)
[Tax Values & Building Info.](#) [Tax Bill Info.](#)