

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

Date Filed: JUN 26 2012

Case Number: 12 - 029

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: ANGIE F. LAUER / ALB ARCHITECTURE, PA

Mailing Address: 9200 BOB BEATTY RD STUDIO C-D

City, State, Zip: CHARLOTTE, NC 28269

Daytime Telephone: 704-494-4400 (C) Home Telephone: 704-506-6540

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

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

Mailing Address: 1025 ISLEWORTH AVENUE

City, State, Zip: CHARLOTTE, NC 28203

Daytime Telephone: 704-756-0812 Home Telephone: \_\_\_\_\_

Property Address: 1025 ISLEWORTH AVENUE

Tax Parcel Number: 12311209 Zoning District: R-4

Subdivision Name: ALWORTH 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.

6/25/2012  
Date

Robert Sapienza  
Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner

Revised  
7-10-12

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

Date Filed: \_\_\_\_\_

Case Number: 12-029

Fee Collected: \_\_\_\_\_

Has work started on this project?  
If yes, Did you obtain a building permit?  
Have you received a Notice of Violation  
for this project?  
Has this property been rezoned?

YES ☐ NO ☒  
YES ☐ NO ☐  
YES ☐ NO ☒  
YES ☐ NO ☒

If yes, attach a copy.

If yes, attach a copy.

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   |
|------|--------------|------------------|--|
| A    | 9.205(1)(g)  | 40' REAR YARD    | REDUCTION OF REAR SETBACK<br>TO ALLOW FOR A SIDE<br>YARD ADDITION & REAR<br>DECK (COVERED)<br>VARIES FROM 12'-4" to 16'-4" |
| B    |              |                  |  |
| C    |              |                  |  |
| D    |              |                  |  |
| E    |              |                  |  |

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

DUE TO THE CONFIGURATION OF THE LOT AND HOUSE LOCATION ON THE LOT, THE HOUSE IS NON-CONFORMING TO THE REAR SETBACK. IN ORDER TO ADD AN ADDITION ON THE RIGHT, REAR CORNER OF THE HOUSE, A VARIANCE IS NEEDED TO REDUCE THE REAR SETBACK. ALL OTHER POSSIBLE LOCATIONS HAVE BEEN EXPLORED AND NO OTHER LOCATION FOR A BATHROOM WILL WORK.

(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 REAR SETBACK OBSTRUCTS THE PRINCIPAL STRUCTURE IN HALF, THUS NOT ALLOWING ANY ALTERATIONS TO BE MADE TO THE FIRST FLOOR OR POSSIBLE SECOND FLOOR ADDITION AT ANY TIME. AN ADDITION WOULD ONLY BE ALLOWED TO THE FRONT OF THE HOUSE. THIS NOT PRACTICAL WITH THE FLOW OF THE FLOOR PLAN.



(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.)

THE CONFIGURATION OF THE LOT AND HOUSE LOCATION ON THE LOT RESTRICT THE OWNER FROM FUTURE ADDITIONS. THE CURRENT SETBACK CUTS THE EXISTING HOUSE IN HALF, MAKING THE STRUCTURE NON-CONFORMING. THE REAR SETBACK WOULD PROHIBIT ANY ALTERATIONS WITHIN THE GUIDELINES OF A NON-CONFORMING STRUCTURE.

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

THE OWNER HAS NOT CAUSED ANY HARDSHIPS ON THE PROPERTY. THE HARDSHIP IS SOLELY DUE TO LOT CONFIGURATION AND HOUSE PLACEMENT ON THE LOT.

(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.)

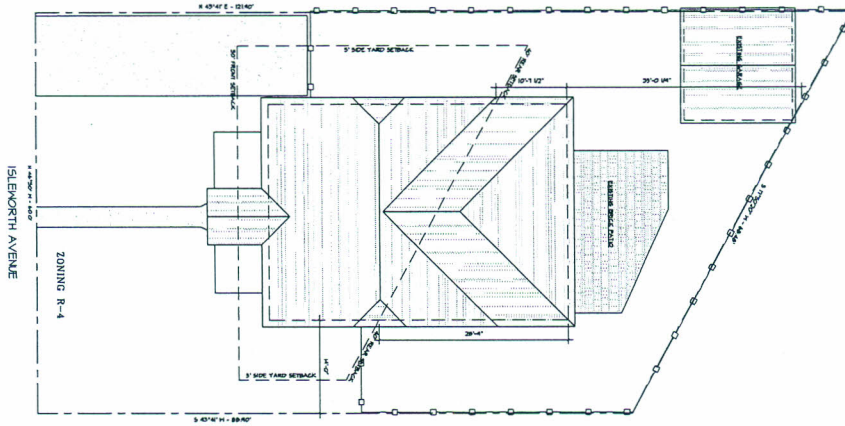
GRANTING THIS VARIANCE WOULD KEEP THE HARMONY OF THE STREET AND NEIGHBORHOOD IN HISTORIC DULWORTH. THE ONE STORY 1939 HOUSE IS ONLY 1400 SQ. FT. AND ADDING A SMALL ADDITION OF 180 SF AT THE RIGHT REAR CORNER OF THE HOUSE IS THE ONLY PRACTICAL LOCATION FOR ANY ADDITION. THE CHARM OF A ONE STORY BUNGALOW WOULD KEEP THE NEIGHBORHOOD IN HARMONY. THE DECK WOULD NOT COMPROMISE THE ORDINANCE HARMONY.

(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.)

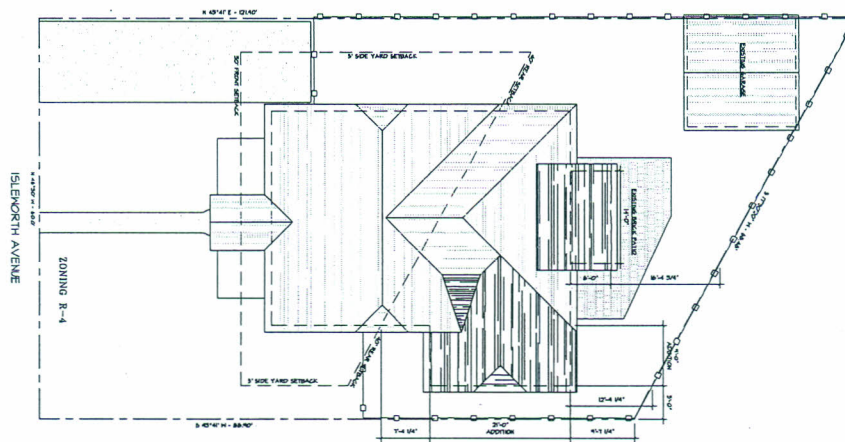
IF A VARIANCE IS NOT GRANTED THE FUTURE USE OF THIS HOUSE WILL ALWAYS BE LIMITED TO ITS CURRENT USE. THE REQUEST IS FOR A BATHROOM AND CLOSET THAT IS LARGER THAN A 5'x6' ROOM. A REAR DECK WOULD INTEGRATE THE HOUSE WITH THE BACK YARD.

7-10-12

② EXISTING SITE PLAN  
1/8" = 1'-0"



① PROPOSED SITE PLAN  
1/8" = 1'-0"



OF TWO

A-1

EXISTING & PROPOSED  
SITE PLAN

DATE: 7-10-12  
DRAWN BY: J. L. L. (JLL)

Dilworth Renovation & Addition for:  
**SAPIENZA RESIDENCE**  
1025 Isleworth Avenue, Charlotte, NC 28203

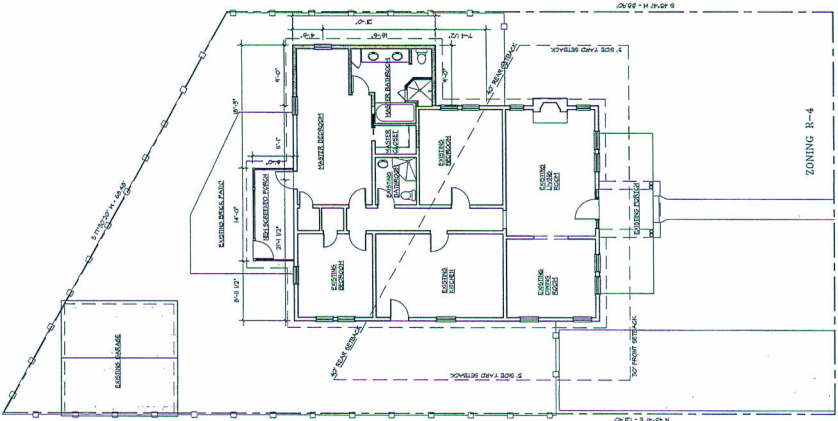
THIS PLAN IS THE PROPERTY OF J. L. L. (JLL) AND IS NOT TO BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF J. L. L. (JLL).  
ALL RIGHTS RESERVED.  
J. L. L. (JLL) IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS ON THIS PLAN.

7-10-12

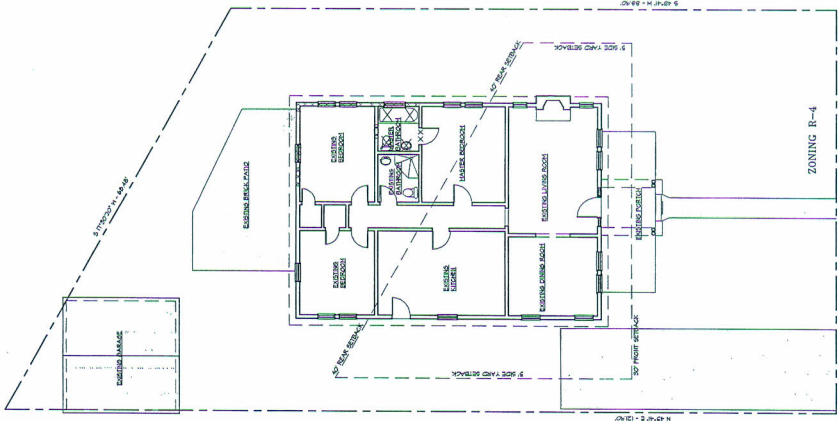
1025 S. B. B. Road  
Charlotte, NC 28203  
Phone: 704.444.4400  
www.jllarchitect.com





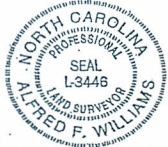
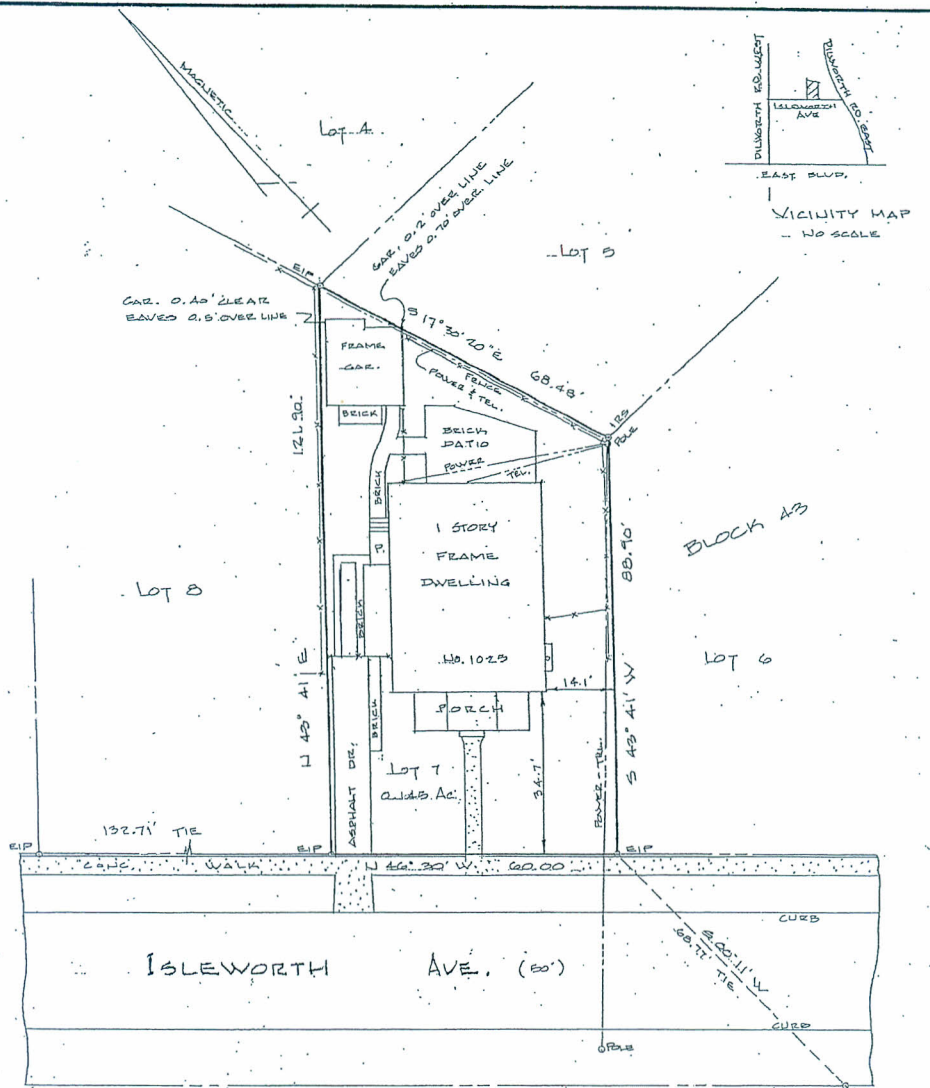


① PROPOSED FLOOR PLAN  
 1/8" = 1'-0"



② EXISTING FLOOR PLAN  
 1/8" = 1'-0"

TELEPHONE POST 184848 - 11-17



AREA COMPUTED BY COORDINATE METHOD

THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH

I, ALFRED F. WILLIAMS PROFESSIONAL LAND SURVEYOR CERTIFY THAT THIS MAP WAS DRAWN FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY DIRECTION AND SUPERVISION. THE RATIO OF PRECISION IS 1:10,000.

WITNESS MY HAND AND SEAL THIS 9 DAY OF

SEPT. 2007

*Alfred F. Williams* PLS

EIP - EXISTING IRON PIPE  
IRG - IRON ROD SET

| SURVEY FOR  |            |                |
|---|------------|----------------|
| WAI-YWEN MARI SAPIENZA AND  |            |                |
| ROBERT T. SAPIENZA  |            |                |
| SCALE: 1"=20'   | TAX PARCEL | DEED           |
| DATE: 9-22-07   | -12311209  | 7169-471       |
| BEING LOT 7, BLOCK 43, MAP SHOWING A PART OF "DILWORTH" BECKMEER, COUNTY REG. W.M.B 3 PG. 397 |            |                |
| CITY OF CHARLOTTE, MECKLENBURG COUNTY, N.C.   |            |                |
| ALFRED F. WILLIAMS, PROFESSIONAL LAND SURVEYOR  |            |                |
| 133 SUMMERSBROOK LANE, MOORESVILLE, NC 28117  |            |                |
| 704-277-5547  |            | DRAWING NUMBER |

② EXISTING SITE PLAN  
1/8" = 1'-0"

