

Original

Hearing Request Application - Form 1

Zoning Board of Adjustment

City of Charlotte 12-034

Date Filed: JUL 25 2012

Case Number: 12-034

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: William Keathley

Mailing Address: 621 Tilden Rd

City, State, Zip: Charlotte N.C. 28214

Daytime Telephone: 704 392-0845 Home Telephone:

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

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

Mailing Address:

City, State, Zip:

Daytime Telephone: Home Telephone:

Property Address: 11032 Moores Chapel Rd

Tax Parcel Number: 05308203 Zoning District: R-3

Subdivision Name: NA 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.

6-26-2012  
Date

6-26-2012  
Date

William Keathley  
Property Owner

Gale Shaw Keathley  
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	12.106(2A)	unAttached Garage	Place Garage in front side of
B		Not Allowed in set back	house (unAttached)
C			
D	9.205(1)(ez)	Required Set back	Place Garage in Set back area
E			

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

Request to build A Detached two Car Garage in front Side yard to be accessible and adjacent to Driveway. Two Car Garage would not be accessible to drive way if put any where else

(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.)

- |   |  |
|---|--|
| ① | Garage needs to be accessible to drive way             |
| ② | IF Garage built beside house would block three windows |
| ③ | would have to down size Garage due to code Clearance   |
| ④ | Water run off would be a problem                       |
|   |  |
|   |  |



(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.)

water run off would run off under or toward the house if built beside the house
The house is old and the foundation is very low, It would difficult to build up dirt around the foundation

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

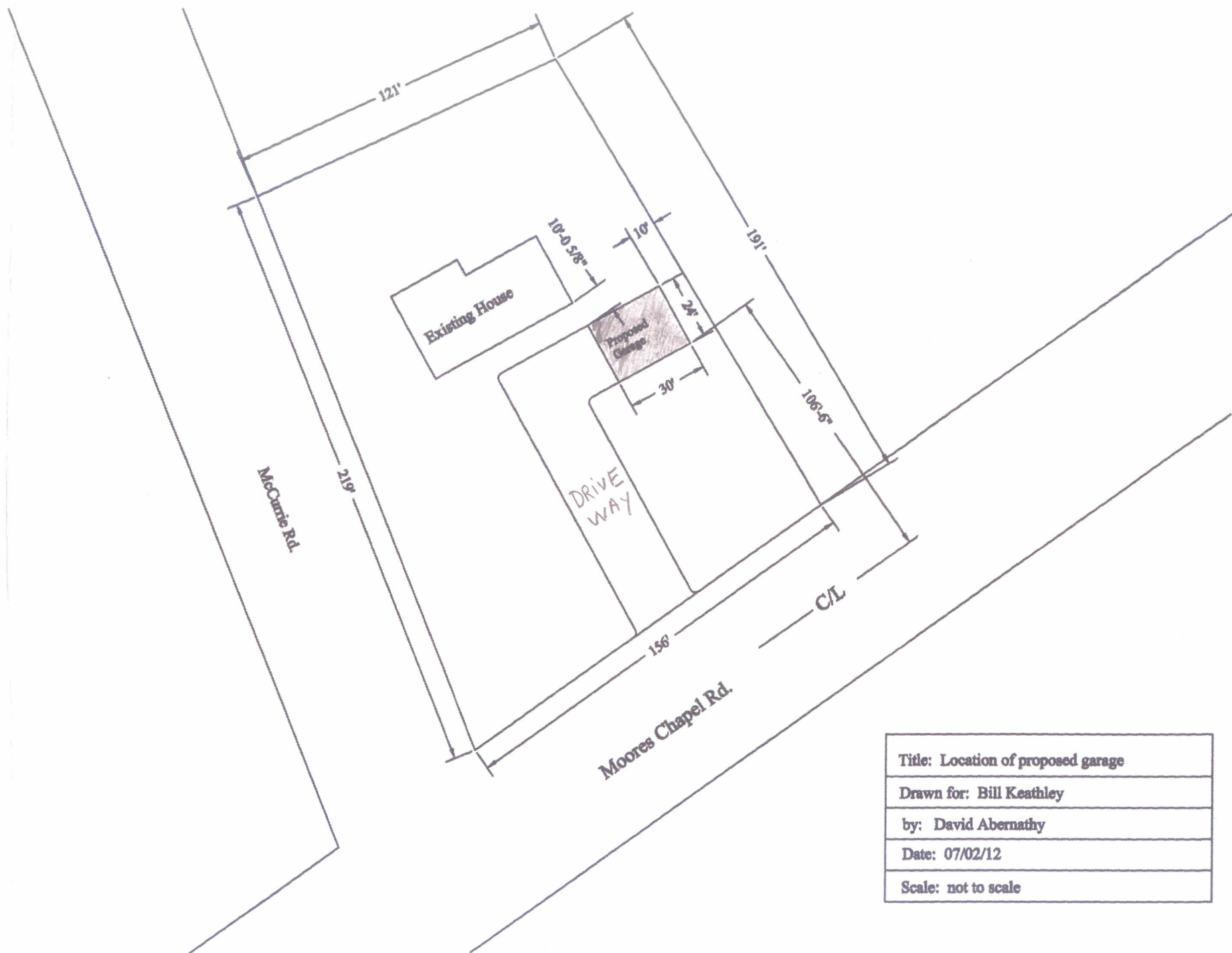
Best location for Access to House and driveway
Back yard is not accessible to drive way and has fill lines and washing machine pit
If built on side of house would block view and run off would be a <del>po</del> problem

(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.)

Building a two car Garage with access to driveway would <del>not</del> enhance value of house and would not detract from the appearance in any way and would not affect any other property owners. The County would benefit from the increased value of the property

(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.)

would not hinder <del>or</del> or affect any other property owner in any way
I have a signed statement of approval from the only close neighbor
There is a tree line between the neighbors and our property



Title: Location of proposed garage
Drawn for: Bill Keathley
by: David Abernathy
Date: 07/02/12
Scale: not to scale



**Mecklenburg County, North Carolina**

**POLARIS**

## Property Ownership Land Records Information System

Date Printed: Mon Jun 18 15:41:59 EDT 2012



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.





Address **11020 Moores Chapel Road**

Address is approximate



DATE: 07/09/2012 PERMIT NUMBER:

TO: CHARLOTTE-MECKLENBURG CODE ENFORCEMENT

FROM: MECKLENBURG COUNTY GIS

JURISDICTION: MECK  
CHAR(ETJ)

053-082-03

PARCEL NUMBER

11032 MOORES CHAPEL RD

ASSIGNED STREET ADDRESS (ADDRESS OF RECORD)

N/A

EXISTING STREET ADDRESS (IF DIFFERENT FROM ASSIGNED)

N/A

PROJECT NAME (IF APPLICABLE)

Remarks: ADDRESS VERIFIED- FOR VARIANCE

Signed:



### Addressing Verification Form Disclaimer Statement

The party indicated on this application shall be responsible for maintaining this address throughout the life of the project from plan submittal through final C/O. The contents of this form reflect information provided by the party listed on this form.

**Incorrect information may result in delays** in getting final approval of permits and the final C/O.

Special Circumstances: If a temporary address is being verified for the purposes of Plan Review, the responsible party will be required to obtain and submit a new form verifying the permanent address prior to issuance of the permit.

Name (please print) \_\_\_\_\_

Company \_\_\_\_\_

Company Address \_\_\_\_\_

Telephone # \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

APPROVAL FORM

6-25-2012

I CURTIS H. CATHEY owns and lives at 11016 Moores  
Chapel Rd; approve of the location and construction of a two car garage at  
11032 Moores Chapel Rd. adjacent to my property.

Curtis H. Cathey  
7/16/2012