

**APPEAL FROM A
DECISION OR INTERPRETATION**

This application must be filed within thirty (30) days of a Notice of Violation or the written Interpretation of the Zoning Administrator. The Appeal Application must be filed in person, and can not be accepted by mail.

FY2005

Case #: 06-008

Date Filed: _____

Meeting Date: _____

Received By: _____

Office Use Only

TO THE CHARLOTTE ZONING BOARD OF ADJUSTMENT:

I, Robert Hill, hereby appeal to the Zoning Board of Adjustment,
(name)
requesting to reverse the decision of the Zoning Administrator or Zoning Enforcement Officer or as stated in the
Notice of Violation or the Zoning Code Interpretation dated 5/23/05, for the property located
at: 4223 Morris Field Drive, Charlotte, NC 28208
(Address)

Tax Parcel Number 117-111-25

Violation Number (if applicable): 80-310-05

SECTIONS OF CODE IN QUESTION: Alleged 9.802

Attach copy of Notice of Violation or Interpretation

STATE WHAT FACTS OR EVIDENCE YOU ARE PREPARED TO PROVE TO THE ZONING BOARD OF ADJUSTMENT THAT SHOULD LEAD THE BOARD TO CONCLUDE THAT THE DECISION OF THE ZONING OFFICER OR ADMINISTRATOR IS ERRONEOUS:

The ordinance is unconstitutionally vague and does not define what is considered construction equipment.

The Defendant does not believe that his equipment which has been at this location for far over 10 years is not
Contemplated under the statute. In addition other parts of the ordinance conflict with the terms of the provision
which the Defendant allegedly violated.

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

Robert Hill
Printed Name of Appellant

4205 Morris Feild Drive
Mailing Address

Charlotte, NC 28208
City, State, Zip

704-451-8862
Telephone Number Fax Number

E-Mail Address

Signature of Appellant

Leonard Kornberg, Esq
Printed Name of Representative (if any)

1801 East Blvd
Mailing Address

Charlotte, NC 28203
City, State, Zip

704-998-2043 704-333-5443
Telephone Number Fax Number

E-Mail Address

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:

same as above
Property Owner (If different from Appellant)

Address

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, for which an appeal is being requested. (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. Nolie Wells/ Willette Woods Tax Parcel #11508623
4336 Connelly Drive
Charlotte, NC 28208
2. City of Charlotte Tax Parcel #11711122
600 E. 4th St
Charlotte, NC 28202
3. Robert Hill Tax Parcel #11711127
4205 Morris Field Drive
Charlotte, NC 28208

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

Robert Hill
Printed Name of Appellant

4205 Morris Feild Drive
Mailing Address

Charlotte, NC 28208
City, State, Zip

704-451-8862
Telephone Number Fax Number

E-Mail Address
Signature of Appellant

Leonard Kornberg, Esq
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2. _____ Tax Parcel # _____

3. _____ Tax Parcel # _____

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Robert Hill
Printed Name of Appellant

4205 Morris Feild Drive
Mailing Address

Charlotte, NC 28208
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Signature of Appellant

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ADJACENT PROPERTY OWNERS:

1. _____ Tax Parcel # _____

2. _____ Tax Parcel # _____

3. _____ Tax Parcel # _____

4.	Rosa Lee Kearns Hill 4209 Morris Field Drive Charlotte, NC 28208	Tax Parcel #11711126
5.	Rosa Lee Hill/ Blandina Kearns 894 Webster Avenue New Rochelle, NY 10804	Tax Parcel #11711124
6.	James Albert Wells 4336 Connelly Road Charlotte, NC 28208	Tax Parcel # 11508611
7.	Juanita Crawford 405 State Street Charlotte, NC 28208	Tax Parcel # 11508610
8.		Tax Parcel #
9.		Tax Parcel #
10.		Tax Parcel #
11.		Tax Parcel #
12.		Tax Parcel #
13.		Tax Parcel #
14.		Tax Parcel #

3

Parcel Information

[Return to Search Results Listing](#)
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Parcel Ownership Summary

Parcel ID#: 11508611 GIS ID#: 11508611

Owner Name: JAMES ALBERT WELLS
Mailing 4336 CONNELLY CIR
Address: CHARLOTTE, NC 28208

Property Characteristics

Legal Desc.: DIXIE RD
Land Area: 1.23AC
Fire District: 00-CITY OF
CHARLOTTE
Special District: N/A
Account Type: INDIVIDUAL
Municipality: 1-CHARLOTTE
Property Use: VACANT

Deed Reference(s) and Sales Price

02542-472 (1/1/1975) \$0.00

Situs Addresses Tied to This Parcel

 4350 CONNELLY CR

Choose an address from the list above and
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Parcel Information

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Parcel Ownership Summary

Parcel ID#: 11508623 GIS ID#: 11508623

Owner Name: NOLIE %WILLETTE
WELLS AND WOODS
Mailing 4336 CONNELLY CIR
Address: CHARLOTTE, NC 28208

Property Characteristics

Legal Desc.: WS MORRISFIELD
DR
Land Area: 33541 SF
Fire District: 00-CITY OF
CHARLOTTE
Special District: N/A
Account Type: INDIVIDUAL
Municipality: 1-CHARLOTTE
Property Use: VACANT

Situs Addresses Tied to This Parcel

 MORRIS FIELD DR

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Parcel Ownership Summary

Parcel ID#: 11711122 GIS ID#: 11711122

Owner Name: CITY OF CHARLOTTE
Mailing 600 E 4TH ST
Address: CHARLOTTE, NC 28202-
2816

Property Characteristics

Legal Desc.: 4201 MORRIS FIELD
DR
Land Area: 8.92AC
Fire District: 00-CITY OF
CHARLOTTE
Special District: N/A
Account Type: EXEMPT
Municipality: 1-CHARLOTTE
Property Use: VACANT

Deed Reference(s) and Sales Price

04723-669 (8/9/1983) \$0.00

Situs Addresses Tied to This Parcel

 4201 MORRIS FIELD DR

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Parcel Ownership Summary

Parcel ID#: 11711127 GIS ID#: 11711127

Owner Name: ROBERT J HILL
Mailing Address: 4205 MORRIS FIELD DR
CHARLOTTE, NC 28208

Property Characteristics

Legal Desc.: L6 4231 MORRIS FIELD DR
Land Area: 0.14 AC
Fire District: 00-CITY OF CHARLOTTE
Special District: N/A
Account Type: INDIVIDUAL
Municipality: 1-CHARLOTTE
Property Use: SINGLE-FAM

Deed Reference(s) and Sales Price

03888-051 (10/14/1976) \$0.00

Situs Addresses Tied to This Parcel



 4231 MORRIS FIELD DR

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Parcel Information

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Parcel Ownership Summary

Parcel ID#: 11711126 GIS ID#: 11711126

Owner Name: ROSA LEE KEARNS
HILL
Mailing 4209 MORRIS FIELD
Address: DR
CHARLOTTE, NC 28208

Property Characteristics

Legal Desc.: L5 4227 MORRIS
FIELD DR
Land Area: 1 LT
Fire District: 00-CITY OF
CHARLOTTE
Special District: N/A
Account Type: INDIVIDUAL
Municipality: 1-CHARLOTTE
Property Use: COMMERCIAL

Deed Reference(s) and Sales Price

02686-280 (1/1/1975) \$0.00

Situs Addresses Tied to This Parcel

 4227 MORRIS FIELD DR

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Parcel Information

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Parcel Ownership Summary**Parcel ID#: 11711124 GIS ID#: 11711124**

Owner Name: ROSA LEE SMITH HILL
AND BLANDINA
KEARNS % LANE
Mailing Address: 894 WEBSTER AVE
NEW
ROCHELLE , NY 10804

Property Characteristics

Legal Desc.: L3 U/M
Land Area: 6600 SF
Fire District: 00-CITY OF
CHARLOTTE
Special District: N/A
Account Type: INDIVIDUAL
Municipality: 1-CHARLOTTE
Property Use: SINGLE-FAM

Deed Reference(s) and Sales Price

01159-382 (1/1/1975) \$0.00

Situs Addresses Tied to This Parcel

 4209 MORRIS FIELD DR

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Parcel Information

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[Print Ownership and GIS Summary](#)

Parcel Ownership Summary

Parcel ID#: 11508610 GIS ID#: 11508610

Owner Name: JUANITA G CRAWFORD
Mailing 405 STATE ST
Address: CHARLOTTE, NC 28208-4246

Property Characteristics

Legal Desc.: 4226 MORRIS FIELD DR
Land Area: 14964 SF
Fire District: 00-CITY OF CHARLOTTE
Special District: N/A
Account Type: INDIVIDUAL
Municipality: 1-CHARLOTTE
Property Use: VACANT

Deed Reference(s) and Sales Price

01232-341 (1/1/1975) \$0.00

Situs Addresses Tied to This Parcel

● 4226 MORRIS FIELD DR

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4213 Morris Field Rd.

TO: PLANNING COMMISSION

PETITION
NUMBER: 76-7

PETITIONER: ROSA LEE HILL

PROPERTY: MORRIS FIELD ROAD

PRESENT
ZONING: R6MF

REQUESTED CHANGE
IN ZONING: B-2 (CD)

Gentlemen:

Attached is Petitioner's site plan which accompanies the Application for Change in Zoning of the indicated property.

You will note that the matter set forth in Section 23-34.2(b) and (c) of the Code of the City of Charlotte appear upon the site plan.

Petitioner is married to Robert J. Hill, with whom she resides at 4209 Morris Field Road, only a few feet from the subject property. Upon the subject property is a grocery store operated by Mrs. Hill which has been continuously in business for 30 years. In 1946 Mr. Hill operated a coal business in which he would buy coal from coal yards, bag it, and sell and deliver it to the residents in and around Morris Field Road. Being a hard worker, diligent and frugal, Mr. Hill's business grew and in 1963 he began delivering fuel oil to area residents. At the present time he is the owner of 3 trucks and although he responds to all calls throughout the county, he primarily services the fuel oil needs of those residing around the Douglas Airport area.

One of the structures upon a portion of the property is a garage presently being used and to be used only for the servicing of those vehicles owned by Mr. Hill. Inside the garage is a desk and a telephone. There are no fuel oil storage facilities upon the premises, nor are any intended, it being Mr. Hill's practice to purchase oil from the Paw Creek terminal after an order has been received by telephone upon his premises. Deliveries are made directly from the Paw Creek area.

Char. Planning, Dev.
Zon. Admin.
Zon. Forms
Appeal App.

The Hills, separately and jointly, have made a significant investment in property in the area. As you know, most of the residential property in the area surrounding the subject property is non-owner occupied. Plato Price School is contiguous to the subject property and is presently being used for outdoor storage of heavy equipment, supplies and materials. Diagonally across the street is the E. J. Smith Industrial Park. Very few buildings are occupied by families along Morris Field Road between the intersection of Wilkinson Boulevard and Seymour Avenue. Most of the traffic along that road is business oriented and airport destined. Children are not to be observed playing in the yards in the vicinity of the subject property along Morris Field Road.

In the area to the rear of the subject property and behind Plato Price School, is United Processing Company upon which salvaged junk is kept.

To allow Petitioner's request for the change in zoning, will be to allow Robert J. Hill to continue to serve the fuel oil needs of the residents of the Morris Field Road area. Mr. Hill does not possess sufficient capital to relocate his business should he not be allowed to continue it from the location of the subject property.

It would appear that the needs of the community and those of Petitioner join in interest and that the requested change is one of those contemplated by the provisions of the referenced Ordinance.

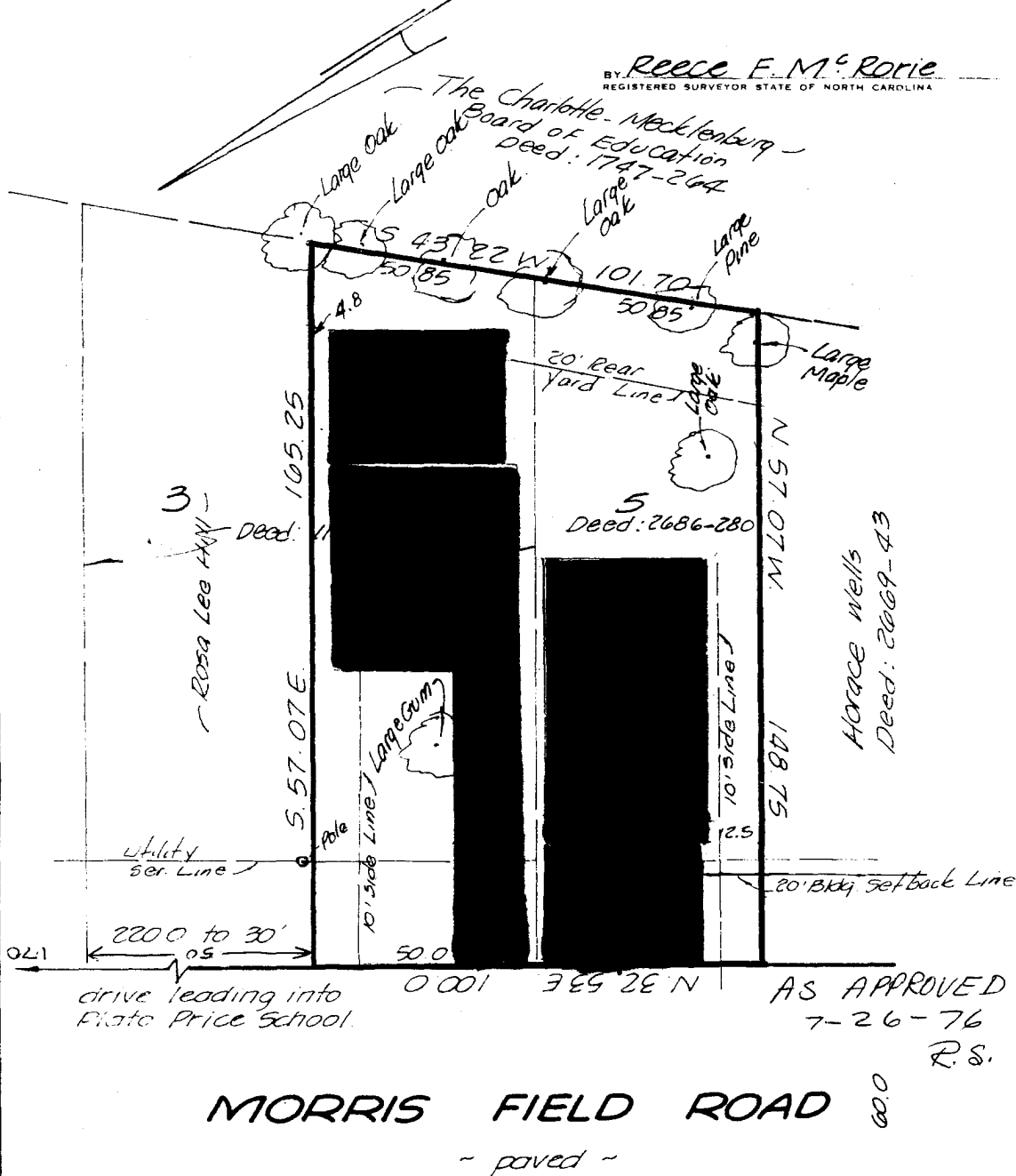
Petitioner respectfully requests approval of her petition for change in the zoning.

This the 25th day of June, 1976.

76-7

THIS IS TO CERTIFY THAT ON THE 24th DAY OF June 19 76 I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS IF ANY ARE AS SHOWN HEREON.

BY Reece F. M. Rorie
REGISTERED SURVEYOR STATE OF NORTH CAROLINA



Note:
Existing ZONE - R-6MF
Proposed ZONE - B-2(C-D)

Note: Property is not in
100 Year Flood Plain Ordinance
(15,700 Sq. Ft. Area)

Plat _____ SURVEY OF _____
LOT IN Charlotte TOWNSHIP MECKLENBURG COUNTY, NORTH CAROLINA, IN THE CITY
OF Charlotte ON Morris Field Road HOUSE NO. _____ SHOWN AS LOT NO. 4.5
IN BLOCK NO. _____ ON MAP OF E. R. M. Coy Prop. MAP RECORDED IN BOOK _____ PAGE _____
DEED RECORDED IN BOOK _____ PAGE _____ OFFICE OF THE REGISTER OF DEEDS FOR MECKLENBURG
COUNTY, N. C. THE PROPERTY OF Rosa Lee Hill

SCALE: 1" = 30 FT. DATE: 6-24 19 76

REECE MC RORIE SURVEYOR CHARLOTTE, N. C.

Recommend for app. by PL Comm. 7/6/76