



## VARIANCE APPLICATION

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

FY2005
Case #: <u>06-011</u>
Date Filed: <u>12-19-05</u>
Meeting Date: <u>28 Feb 06</u>
Received By: <u>[Signature]</u>
Office Use Only

Variance requested on property located at: 4301 ACORN ST

Property Zoned: R4

Tax Parcel #: 101-152-26

Property Owner: Michael A. Argenio

Date Existing Structure Erected: 1954 , 1970

### TO THE CHARLOTTE ZONING BOARD OF ADJUSTMENT:

I Michael Argenio, 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):

Section 9.205 (1) (P). The Ordinance requires a  
30 ft Setback for properties zoned R4. The  
property meets all other provisions of this section.

Describe the VARIANCE being requested on the above referenced property:

The Structure is 10ft too close to the Tarrywood Ln.  
property line. It has been grandfathered in as a  
single family property. I'm requesting a variance to  
use it as an R4 corner lot Duplex.

## 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.)

To comply with the ordinance a major structural  
portion of the house would need to be removed to  
achieve the setback.

- (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 at 2100 Saff HLA is considerable  
larger than most single family dwellings in its vicinity.  
It is too large to rent as a single unit in this  
neighborhood. Due to a preexisting condition I'm not  
able to subdivide and use it as a duplex like other  
corner lot properties in the vicinity

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

As established owners retire they are renting  
their homes. The neighborhood is changing  
from an owner occupant to a rental neighborhood.

- (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.)

The property footprint will not be changed and  
off street parking is provided. No change in  
property use should be noticed. Also there are 3  
multifamily properties within one block of the house.  
One has 3 units.

- (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 denied the property due to its size will not be  
usable as a viable rental property. Also the  
neighborhood will be deprived of a housing unit that  
is in harmony with the similar properties in its  
vicinity

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

Michael A. Argenio  
Printed Name of Appellant

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

318 Meller St  
Mailing Address

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

Mount Holly NC 28120  
City, State, Zip

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

704-827-6117 (same call first)  
Telephone Number Fax Number

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

N/A  
E-Mail Address

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

Michael A Argenio  
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:**

\_\_\_\_\_  
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 a variance 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>

IF THE APPLICANT IS NOT THE OWNER OF THE PROPERTY, indicate the owner's name and address, along with a notarized letter signifying approval TO REQUEST A VARIANCE on his property.

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

(If different from Applicant)

Address \_\_\_\_\_

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

TYPE OR PRINT 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:

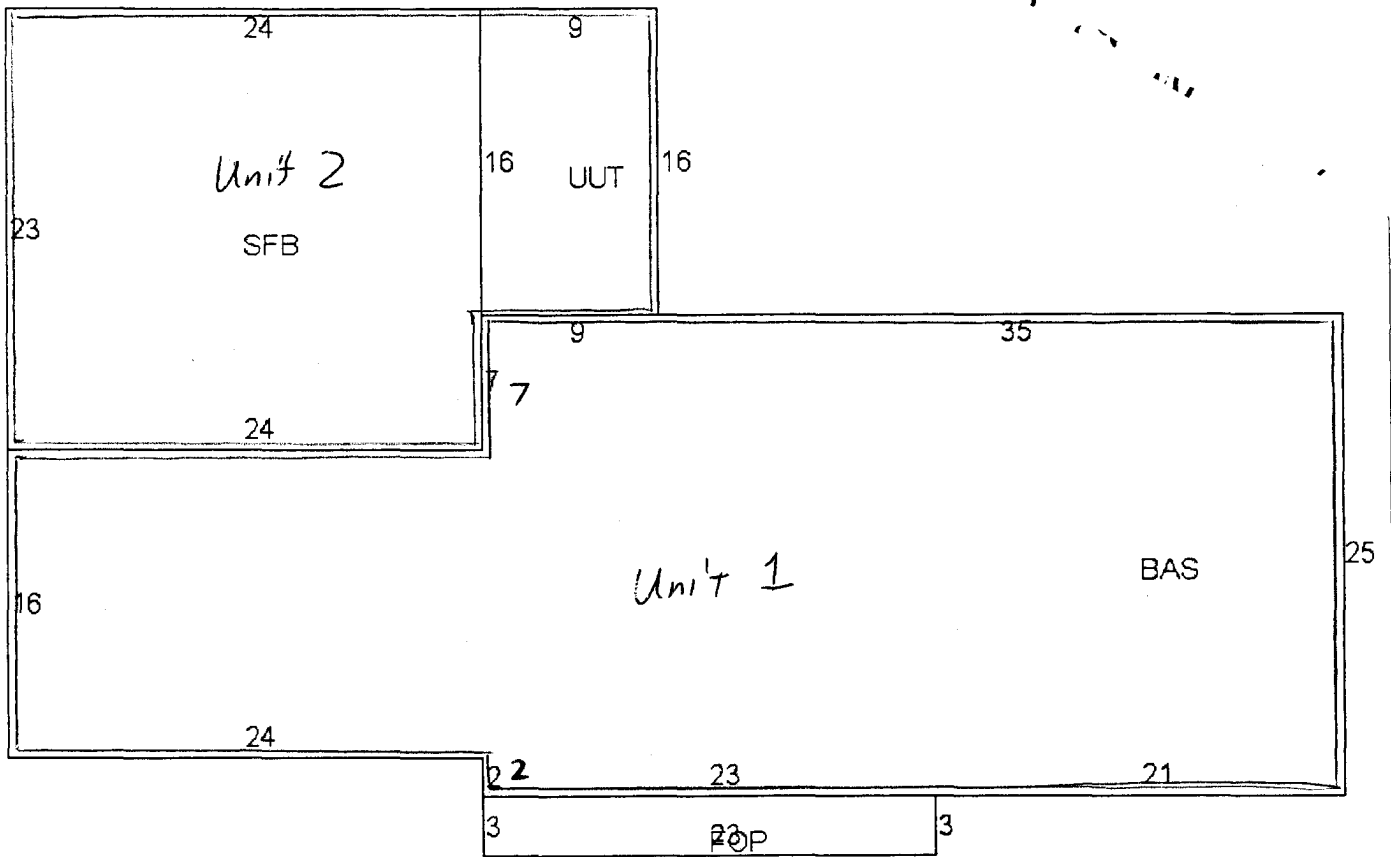
**ADJACENT PROPERTY OWNERS:**

1. Casey & Joleen Ruskin Tax Parcel # 101-132-21  
4257 ACORN ST  
Charlotte NC 28205
2. Ray H. & Delsie L Mapels Tax Parcel # 101-133-09  
4243 N Sharon Amity Rd  
Charlotte NC 28205-4845
3. Charles A & Margaret M. Seism Tax Parcel # 101-153-04  
166200 Blackberry Hills Dr  
Midland, NC 28107
4. Fredrick R. Angenio Tax Parcel # 101-152-27  
4216 Maywood Dr  
Charlotte NC 28205
5. David E Byrum Tax Parcel # 101-152-25  
5124 Tannywood LN  
Charlotte NC 28205
6. Ben Leroy & Etta P. Christenbury Tax Parcel # 101-132-22  
5226 Tannywood LN  
Charlotte NC 28205-4830
7. \_\_\_\_\_ Tax Parcel # \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. \_\_\_\_\_ Tax Parcel # \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
9. \_\_\_\_\_ Tax Parcel # \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Attach additional sheet if necessary).

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

# SKETCH



## SUB AREA

## SUB AREA DETAIL

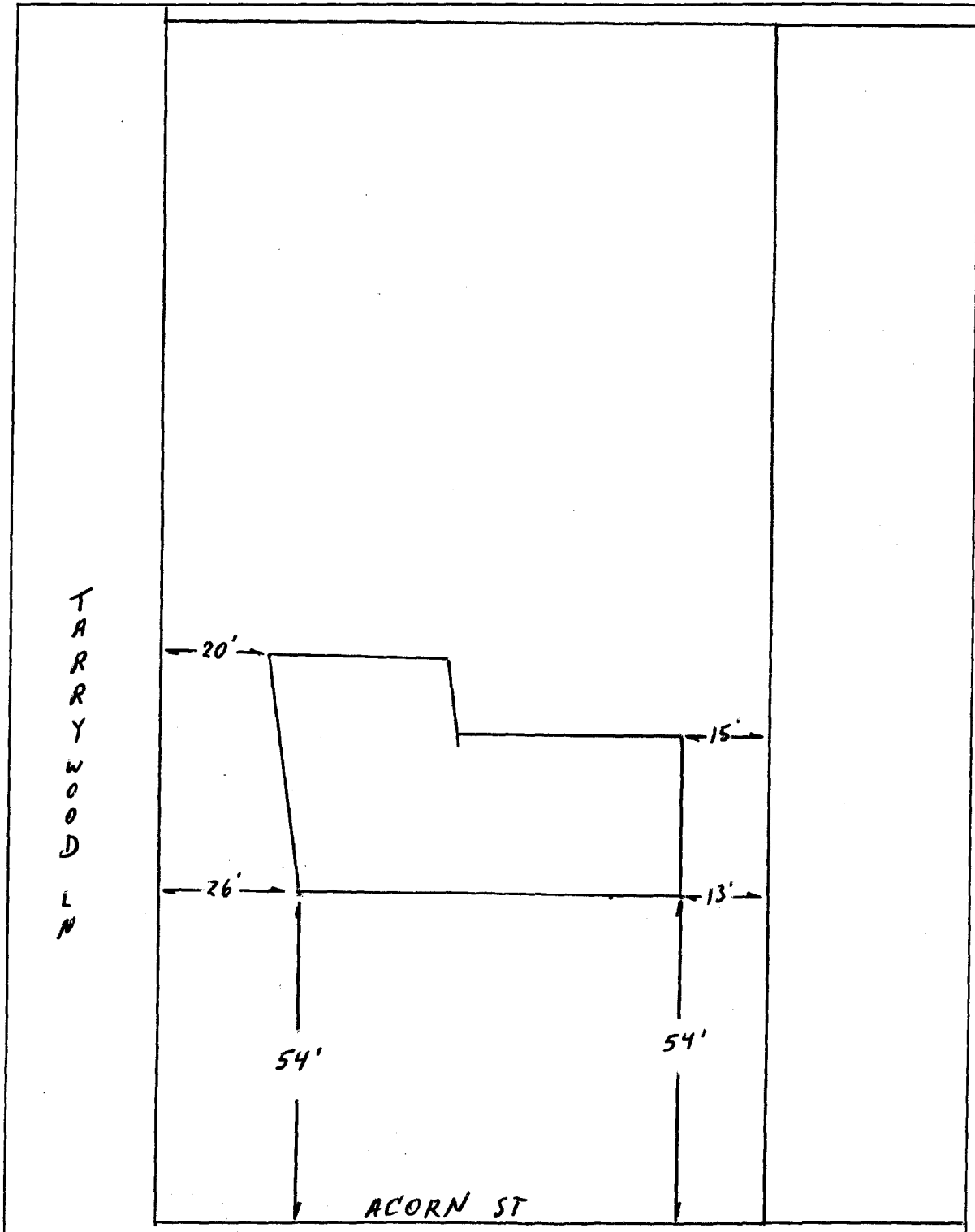
Code	Description	Area - SQ	Rate - AV	Undepr Value	Sub Area	% Usbl	Descrip	% Type	Qu	# Ten
BAS	BASE	1,484	59.310	88,016						
SFB	BASE/SFIN	552	47.450	26,191						
UUT	UTIL/UNF	144	23.720	3,416						
FOP	PCH/OPEN/FIN	69	24.000	1,656						
Net Sketched Area:		2,249	Total:	119,279						
Size Ad	2036	Gross Area	2249	FinArea	2036					

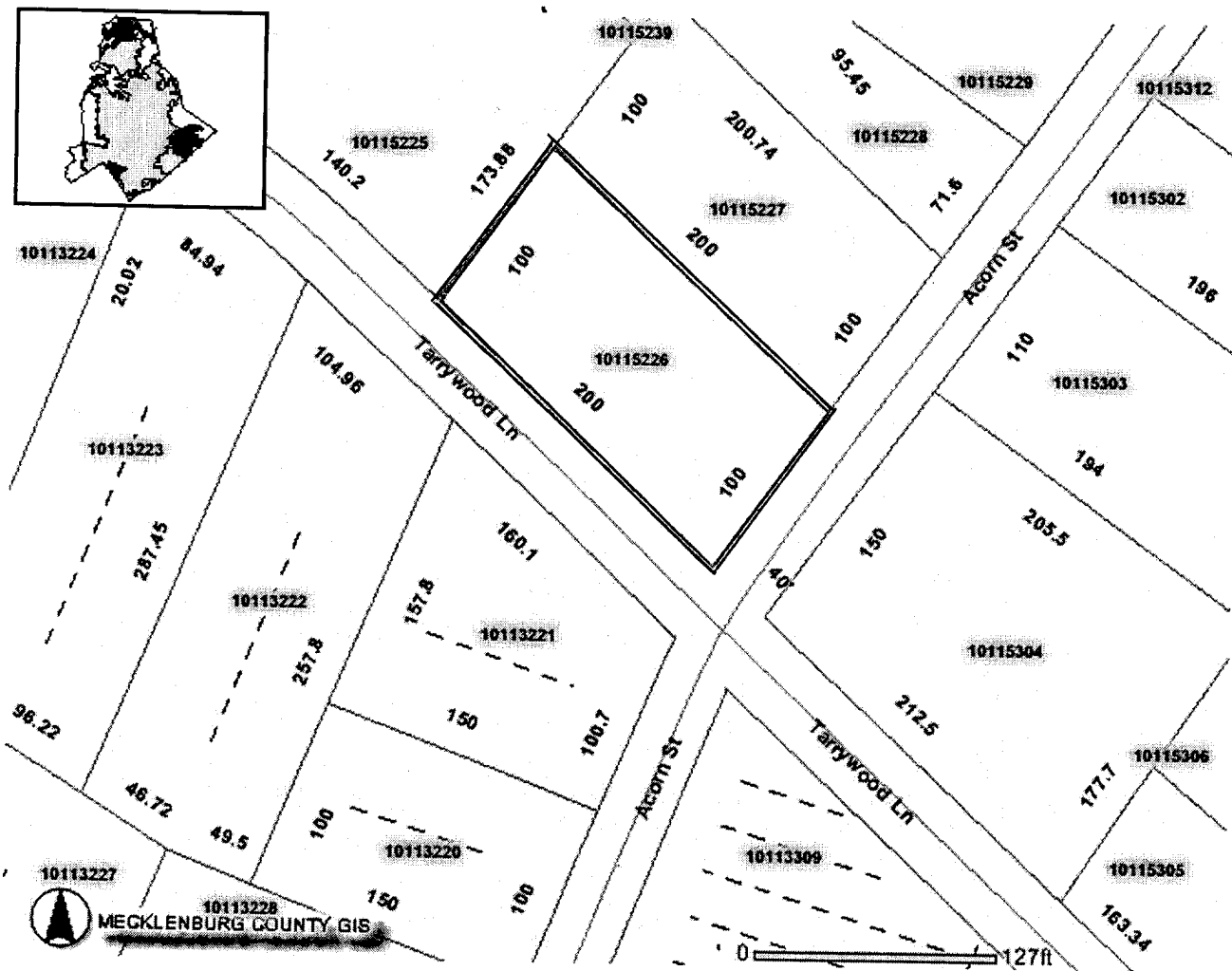
## IMAGE

AssessPro Patriot Properties, Inc



WITHIN THIS BOX, DRAW A SITE PLAN, TO SCALE, DESCRIBING THE PROPERTY AND VARIANCE REQUEST. PROVIDE ALL APPROPRIATE DIMENSIONS, BUILDINGS/STRUCTURES AND THEIR DISTANCE TO THE PROPERTY LINES, RIGHT-OF-WAYS, ETC.





map of adjoining properties.



