

CITY OF CHARLOTTE
STATE OF NORTH CAROLINA

CASE NO. 06-012

MEETING DATE _____

APPLICATION FOR A VARIANCE**APPLICATION MUST BE FILED IN PERSON, CAN NOT BE ACCEPTED BY MAIL**

Variance requested on property located at: 3801 Miriam Drive
Property Zoned: I-2 Zoning Map #: _____ Tax Parcel #: 159-043-05
Property Owner: BOB FUER
Date Existing Structure Erected: _____

TO THE CHARLOTTE ZONING BOARD OF ADJUSTMENT:

I JOSE MORALES, hereby petition the Board of 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):

PARKING MANUEVERING TO BE ON SETBACK AREA

Describe the VARIANCE being requested on the above referenced property:

12.206 (#3)
26 FEET VARIANCE ON MIRIAM DRIVE
10 FEET VARIANCE ON PINWOOD AVE.
SEE SITE PLAN ATTACHED

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.

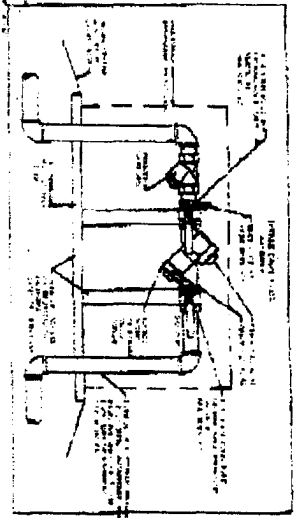
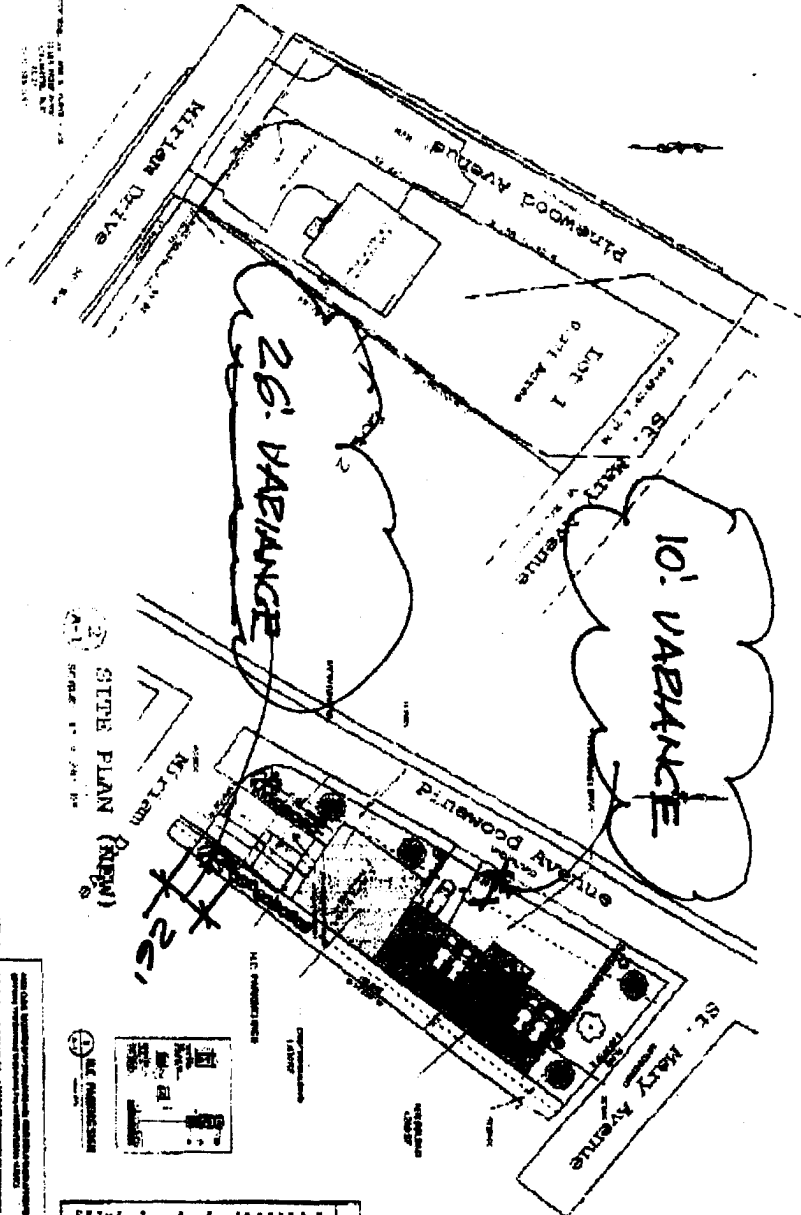
- (a) **THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS IN THE WAY OF CARRYING OUT THE STRICT LETTER OF THE ORDINANCE.** The courts have developed three rules to determine whether, in a particular situation, "practical difficulties or unnecessary hardships" exist. State facts and arguments in support of each of the following:

- (1) If he 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.)

BECAUSE OF THE PROPERTY WAS REZONE
FROM RESIDENTIAL TO I-2- EXISTING STRUCTURES
ARE ALMOST NON USABLE

1 SITE PLAN (EXIST.)
SCALE: 1" = 30' 0"

PORTION, REVIEW
(ON FILE)
APPROVED
DATE: 1/12/06
BY: [Signature]
CITY OF [City Name]
PLANNING COMMISSION



2 SITE PLAN (PROV)
SCALE: 1" = 30' 0"

3

THE PLANNING COMMISSION has reviewed the proposed site plan and finds that it is in substantial compliance with the Comprehensive Zoning Ordinance. The Commission hereby approves the proposed site plan for the [Project Name] located at [Address].

4

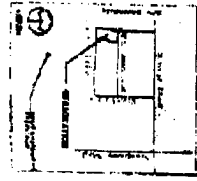
THE PLANNING COMMISSION has reviewed the proposed site plan and finds that it is in substantial compliance with the Comprehensive Zoning Ordinance. The Commission hereby approves the proposed site plan for the [Project Name] located at [Address].



ZONING CODE SUMMARY	
Zone	Residential Single-Family (RS)
Setback	Front: 10 feet, Side: 5 feet, Rear: 10 feet
Lot Area	Minimum 10,000 sq. ft.
Building Area	Maximum 10,000 sq. ft.
Height	Maximum 30 feet
Use	Single-Family Detached



5



6

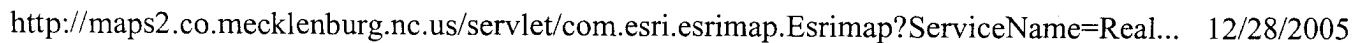
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- (2) The hardship of which the Applicant complains results from unique circumstances related to the Applicant's land. (Note: Hardships common to an entire neighborhood, resulting from overly restrictive zoning regulations, should be referred to the 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 IS A DEAD END LOT
AND WITH AN UNOPENED STREET
WILL HAVE TO BRING DOWN EXISTING EXIST. PROP.

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

- (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.)

- (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.)

IT DOES NOT PROMOTE - BUT DOES NOT
MAKE IT LESS SAFE - THERE IS NO TRAFFIC

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

BOB FURR.
Signature of Applicant
BOB FURR.
Typed or Printed Name of Applicant
3801 MIRIAM DRIVE
COMPLETE ADDRESS
CHARLOTTE, NC.
City, State, Zip Code
12-16 05
Date
764-309-3040
Telephone Number

[Signature] (OWNER)
Represented By: (signature)
JOHN A. MORRIS
Typed or Printed Name of Above
3801 MIRIAM DRIVE
COMPLETE ADDRESS

City, State, Zip Code

Date

Telephone Number

SAME

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:

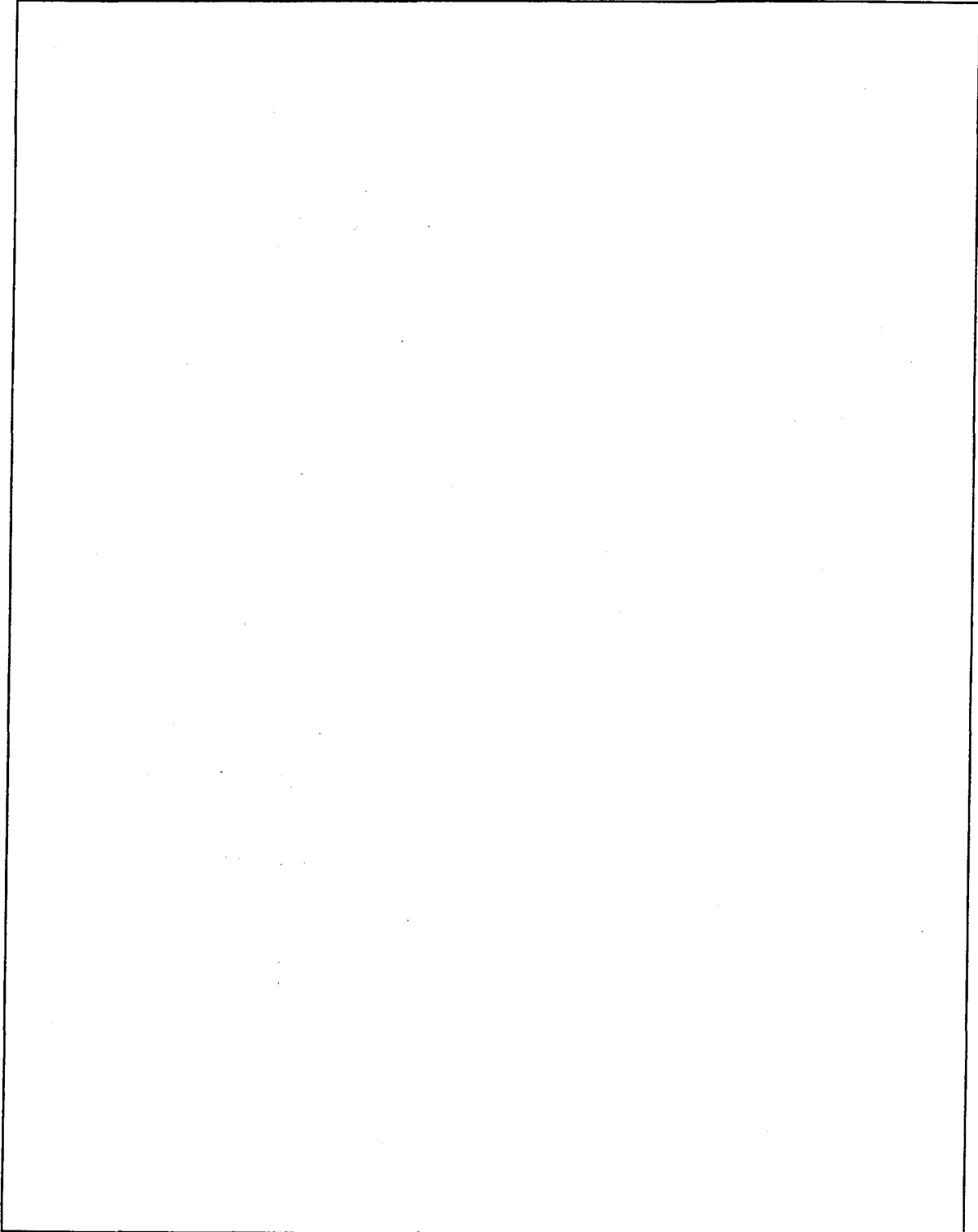
ADJACENT PROPERTY OWNERS:

- | | | | |
|----|-------|------------|---------|
| 1. | _____ | Tax Parcel | # _____ |
| | _____ | | |
| | _____ | | |
| 2. | _____ | Tax Parcel | # _____ |
| | _____ | | |
| | _____ | | |
| 3. | _____ | Tax Parcel | # _____ |
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| 4. | _____ | Tax Parcel | # _____ |
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| 5. | _____ | Tax Parcel | # _____ |
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| 6. | _____ | Tax Parcel | # _____ |
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| 7. | _____ | Tax Parcel | # _____ |
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| 8. | _____ | Tax Parcel | # _____ |
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| 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.

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.

A large, empty rectangular box with a thin black border, intended for a site plan drawing. It occupies the majority of the page below the instructions.

