



APPLICATION FOR A VARIANCE

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

Variance requested on property located at: 961 Seigle Avenue

Property Zoned: \_\_\_\_\_ Zoning Map #: \_\_\_\_\_ Tax Parcel #: 08108408

Property Owner: EHY Properties, LLC

Date Existing Structure Erected: 1945

**TO THE CHARLOTTE ZONING BOARD OF ADJUSTMENT:**

I, EHY Properties, LLC, 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):  
Section 9.1105

20 foot front street set back. Hence a 10 foot setback on side street.

Describe the VARIANCE being requested on the above referenced property:

We request a 2' 0" side street setback to allow extending the wall of the existing building along Van Every

**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.)

The one story industrial building encroaches into the setbacks that would create a difficulty in expanding to the rear in a sensitive manner to maintain the operation as a printing company.

MEETING DATE \_\_\_\_\_

- (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.) The lot is a narrow 50 foot wide lot that extends approximately 300 and into a

deep ravine. It is located at the corner of Van Every as it dead-ends at a rear

access alley that has been closed and barricaded midway at the length of the right property line.

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

The building was built in 1945 prior to the current zoning ordinance and is a viable

though small structure.

- (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 owner wants to simply add 60 feet to the approximately 30 deep building along the

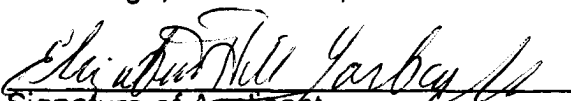
dead end street that would not affect the traffic and general development of the I-2 industrial neighborhood.

- (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.) The owner would increase the property value by removing

hazardous conditions, occupancy and also applying for the Façade Improvement

Grant Program to upgrade the existing building.

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

  
Signature of Applicant


ELIZABETH HILL YARBOROUGH  
Typed or Printed Name of Applicant

1150 Kimbrell Rd.  
COMPLETE ADDRESS

FORT MILL, S.C. 29745  
City, State, Zip Code

Nov. 30, 2005  
Date

803-802-4475  
Telephone Number

  
Represented By: (signature)

ALB Architecture, PA  
Typed or Printed Name of Above  
9200 Bob Beatty Road Suite C-D

COMPLETE ADDRESS  
Charlotte, NC 28269

City, State, Zip Code  
November 11, 2005

Date  
704-494-4400

Telephone Number

MEETING DATE

Property Owner	EHY Properties / Elizabeth Yarboro
	(If different from Applicant)
Address	1150 Kimbrell Road
City, State & Zip	Fort Mill, SC 29715

**ADJACENT PROPERTY OWNERS:**

1.	Larry & Beverly Lynn PO Box 3074 N. Myrtle Beach, SC 29582	Tax Parcel #	08108407
2.	Jeffery & Laura Lowder 7309 Leesburg Road Charlotte, NC 28215	Tax Parcel #	08112105
3.	Mecklenburg County c/o Real Estate - 600 East 4th Street 11th Floor Charlotte, NC 28202	Tax Parcel #	08108401
4.	Cynthia D. Williams 1001 Seigle Avenue Charlotte, NC 28205	Tax Parcel #	08108501
5.	LXT Properties LLC 1212 Burtonwood Circle Charlotte, NC 28212	Tax Parcel #	08112401
6.		Tax Parcel #	
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.**

I, Elizabeth Hill Yarborough, authorize ALB Architecture, PA to act on my behalf in the application process for a Zoning Variance on 961 Seigle Avenue, Charlotte, North Carolina, 28205.

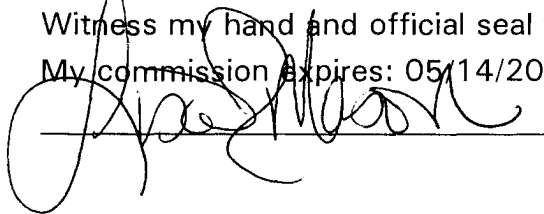
  
Elizabeth Hill Yarborough

NORTH CAROLINA, Lincoln County

I, Lisa R Mason, a Notary Public, for the State of North Carolina and County of Lincoln County, do hereby certify that Elizabeth Hill Yarborough, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal this 14th day of December 2005.

My commission expires: 05/14/2010

 Notary Public

