



VARIANCE APPLICATION

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

FY2005
Case #: <u>06-017</u>
Date Filed: <u>1-9-06</u>
Meeting Date: <u>Feb 06</u>
Received By: <u>L. Bee</u>
Office Use Only

Variance requested on property located at: 5221 EQUIPMENT DRIVE

Property Zoned: B-2

Tax Parcel #: 047-011-17

Property Owner: GEORGE K AND DINA BELIGRINIS

Date Existing Structure Erected: 8/03

TO THE CHARLOTTE ZONING BOARD OF ADJUSTMENT:

I DINA BELIGRINIS  
GEORGE K BELIGRINIS, 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):

12.530 - DAY LABOR SERVICE  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe the VARIANCE being requested on the above referenced property:

600FT VARIANCE 12.530  
- 375.2 NEAREST R-4  
226 VARIANCE ADJUSTMENT  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## 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.)

THE LAST 2 RETAIL SPACES HAVE NOT BEEN  
RENTED SINCE THE BUILDING WAS ERECTED  
IN 8/03. APPROXIMATELY 2 1/2 YRS IT HAS  
BEEN VACANT.

- (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.)

A. THE BUILDING IS NOT VISIBLE FROM  
SUGAR CREEK (MAJOR STREET)  
B. EQUIPMENT DRIVE DOES NOT HAVE A STOPLIGHT,  
PREVENTING EASY ACCESS TO SUGAR CREEK  
C. THE BUILDING IS THE ONLY STRIP MALL IN  
THE AREA.

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

NO

- (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.)

IF THE VARIANCE IS GRANTED THE USE OF THE PROPERTY  
WILL NOT SUBSTANTIALLY DETRACT FROM THE CHARACTER  
OF THE NEIGHBORHOOD. THE PROPERTY IS  
SURROUNDED BY BUSINESS AND INSTITUTIONAL  
ZONING. SEE "EXHIBIT A"

- (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.)

SEE "EXHIBIT B"  
"EXHIBIT C"  
"EXHIBIT D"

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

DINA BELIGRINIS  
GEORGE K BELIGRINIS  
Printed Name of Appellant

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

4806 BROWNSFERRY RD  
Mailing Address

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

CHARLOTTE, NC 28269  
City, State, Zip FAX (704) 599-9939

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

(704) 921-8963  
Telephone Number Fax Number

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

\_\_\_\_\_  
E-Mail Address  
George Beligrinis  
DINA BELIGRINIS

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

\_\_\_\_\_  
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>

**ADJACENT PROPERTY OWNERS:**

*SEE EXHIBIT "E"*

1.	<hr/> <hr/> <hr/>	Tax Parcel # <hr/>
2.	<hr/> <hr/> <hr/>	Tax Parcel # <hr/>
3.	<hr/> <hr/> <hr/>	Tax Parcel # <hr/>
4.	<hr/> <hr/> <hr/>	Tax Parcel # <hr/>
5.	<hr/> <hr/> <hr/>	Tax Parcel # <hr/>
6.	<hr/> <hr/> <hr/>	Tax Parcel # <hr/>
7.	<hr/> <hr/> <hr/>	Tax Parcel # <hr/>
8.	<hr/> <hr/> <hr/>	Tax Parcel # <hr/>
9.	<hr/> <hr/> <hr/>	Tax Parcel # <hr/>
10.	<hr/> <hr/> <hr/>	Tax Parcel # <hr/>

These persons, including the Appellant and the representative, will be notified in writing of the time and place of the hearing. (Attach additional sheet if necessary).

**ATTACH A PHYSICAL SURVEY OR DRAW A SITE PLAN, TO SCALE, DESCRIBING THE PROPERTY AND VARIANCE REQUEST. PROVIDE ALL APPROPRIATE DIMENSIONS; LOCATE ALL EXISTING AND PROPOSED BUILDINGS/STRUCTURES, AND PROVIDE THEIR DISTANCE TO THE PROPERTY LINES, RIGHTS-OF-WAY, ETC.**

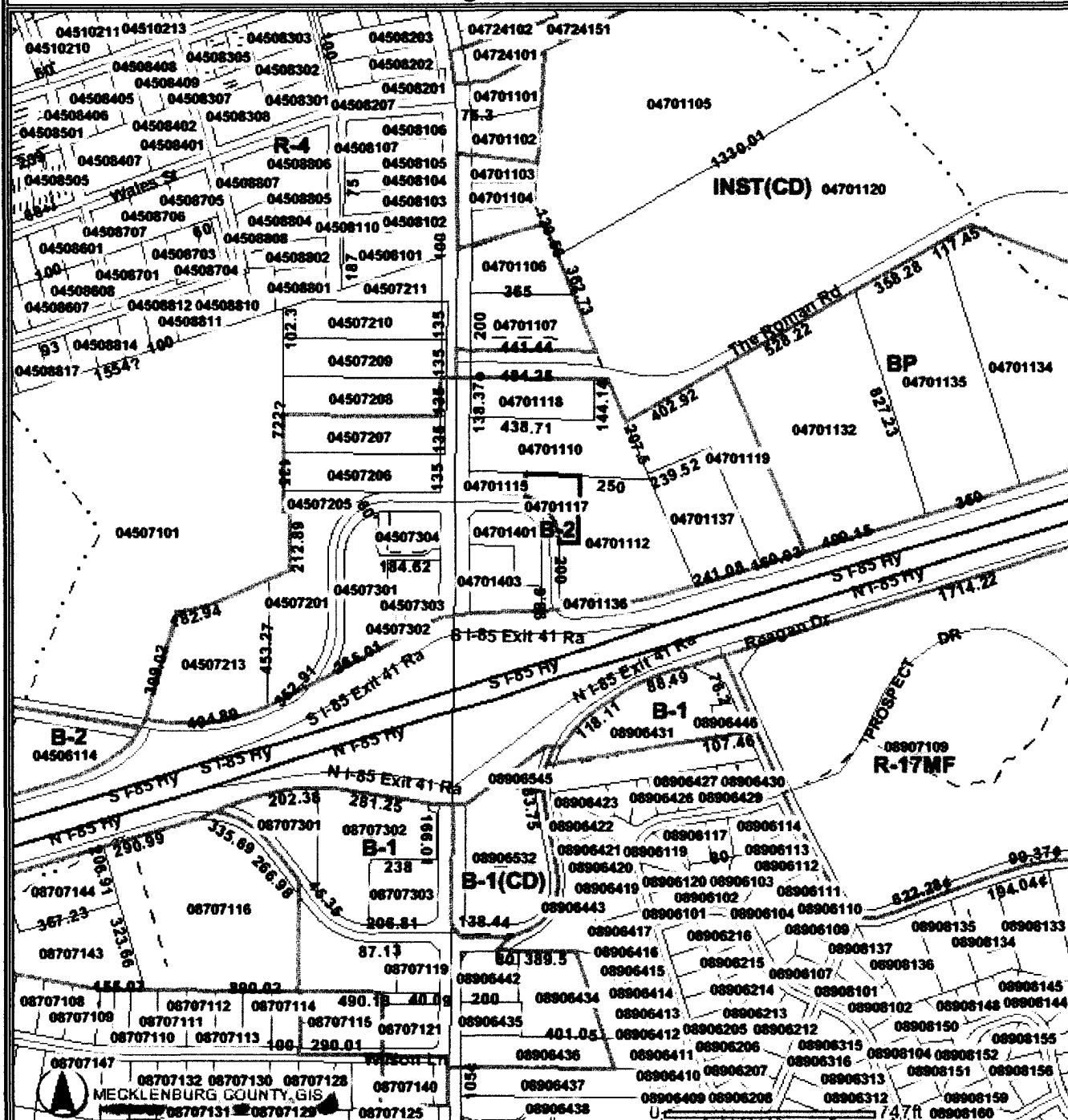
SEE EXHIBIT "F"  
EXHIBIT "G"

# POLARIS

**Property Ownership Land Records Information System**

Date Printed: Sun Jan 8 11:01:38 PST 2006

## Zoning Mid-Level View



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.

## **EXHIBIT B**

There would be no negative impact on the neighborhood:

- We provide jobs for people with different skill levels. They range from CDL drivers to service cleaning personnel. We have tight rules in place at our business location and in the selection of our employees who are sent out to work. The business will not cause vagrants, damage to surrounding properties and trespassing. See "Exhibit C" for the proposed interior design. See Exhibit D for a photograph of the type of office to be placed on the property.
- A majority of our employees do not have vehicles therefore most of them utilize the bus system. With this in mind, the granting of the variance would not substantially increase vehicular and pedestrian traffic.

### OUR GOAL:

is to become more centrally located in the north part of Charlotte. We would like to contribute to Charlotte's growth by providing an opportunity for more people to go out to work in this area. This location has easy access to Interstate 85 and is on a bus line. In addition, it has a large employee base.

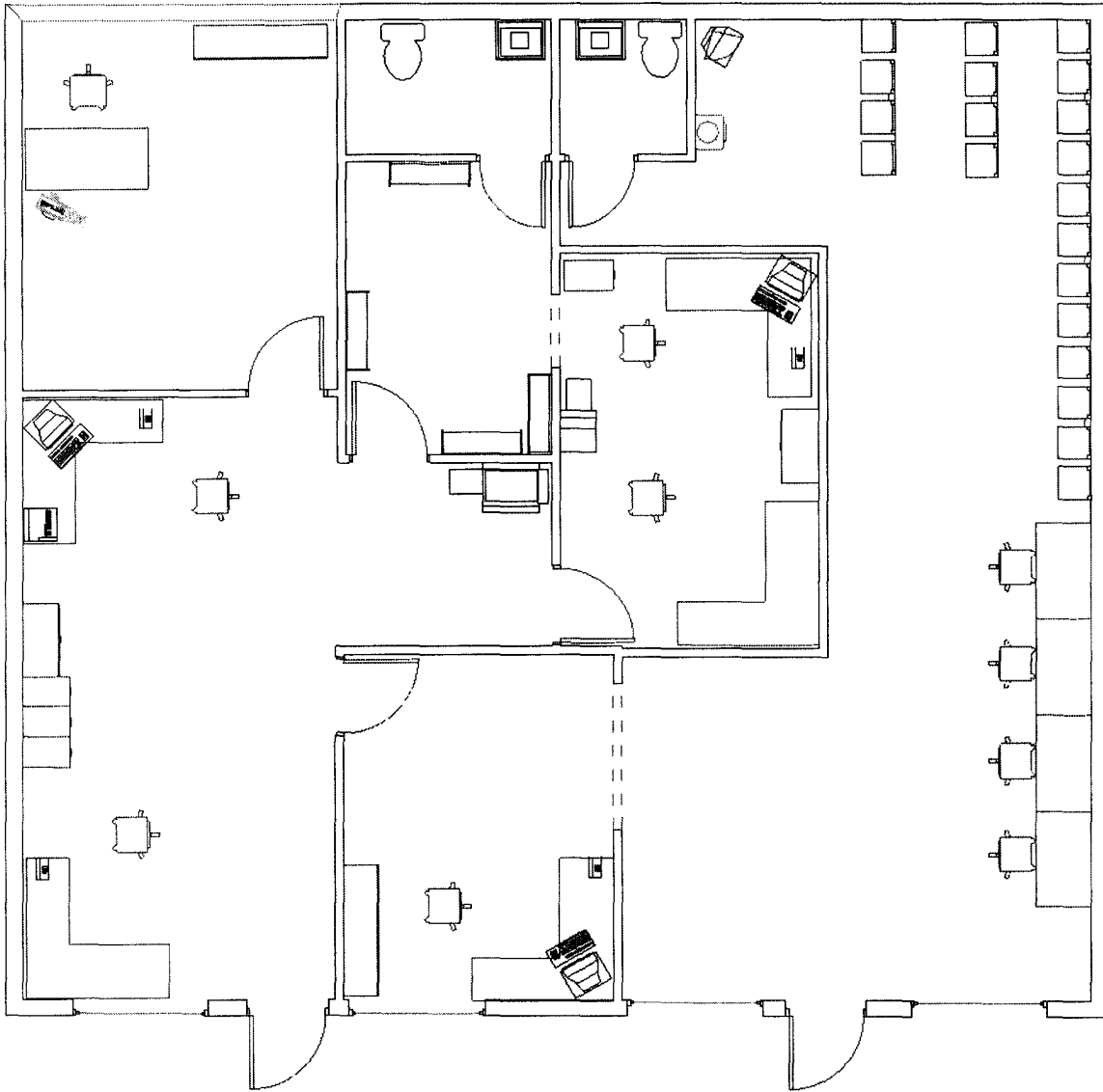
### OUR BUSINESS HARDSHIP:

We have searched many locations in the north part of Charlotte and the variance has created a hardship. After months of searching for a location we have finally found one that meets our needs and provides a service to the area with no impact or detraction from the neighborhood.



"EXHIBIT C"

INTERIOR DESIGN FOR  
5221 EQUIPMENT DRIVE, SUITES G+H







"EXHIBIT E" (CONT.)

04701107	GREENE AND BY WILL	SUGAR CREEK RD	CHARLOTTE	NC	28262	W SUGAR CREEK RD	01147	240	0 AC
04701110	WATERLOO HOSPITALITY INC AND INC % PROPERTY ASSESSMENT SERVICE	10255 N 32ND ST #J4	PHOENIX	AZ	85028	NA	09619	938	3.014 AC
04701112	LALJI LLC	5301 N I-85 SERVICE RD	CHARLOTTE	NC	28262	NA	11693	143	3.76 AC
04701115	OM FOODS ASSOCIATES LLC	7530 WILKINS TERRACE DR	CHARLOTTE	NC	28269	NA	17813	392	0.318 AC
04701117	GEORGE K BELIGRINIS AND DINA J BELIGRINIS	1310 W SUGAR CREEK RD	CHARLOTTE	NC	28262- 4940	NA	08326	249	0.676 AC
04701118	SUGAR CREEK INN CO	1416 W SUGAR CREEK RD	CHARLOTTE	NC	28262	1416 W SUGAR CREEK RD	05989	506	1.43 AC
04701119	MOONBELT LLC	1200 PENDLETON DR	KANNAPOLIS	NC	28081	NA	08405	662	3.84 AC
04701120	CHARLOTTE N C INC NORTHSIDE BAPTIST CHURCH OF	5801 N I-85 SERVICE RD	CHARLOTTE	NC	28262	NA	03452	446	112.59 AC
04701136	LALJI LLC	1328 JAKE ALEXANDER BV	SALISBURY	NC	28146	NA	11693	143	0 AC
04701137	JKR GROUP LLC	5415 EQUIPMENT DR	CHARLOTTE	NC	28262	NA	18361	361	2.45 AC
04701401	GEORGE K BELIGRINIS AND DINA J BELIGRINIS	1310 W SUGAR CREEK RD	CHARLOTTE	NC	28262- 4940	NA	08326	246	0.99 AC
04701403	(BNY WESTERN TRUST CO TST TOSCO TRUST	PO BOX 52085 DC-17	PHOENIX	AZ	85072- 2085	NA	10614	422	1.15 AC
08906431	VASUDEV ENTERPRISES LLC	1415 TOM HUNTER RD	CHARLOTTE	NC	28213	NA	08724	453	4.33 AC

"EXHIBIT F"

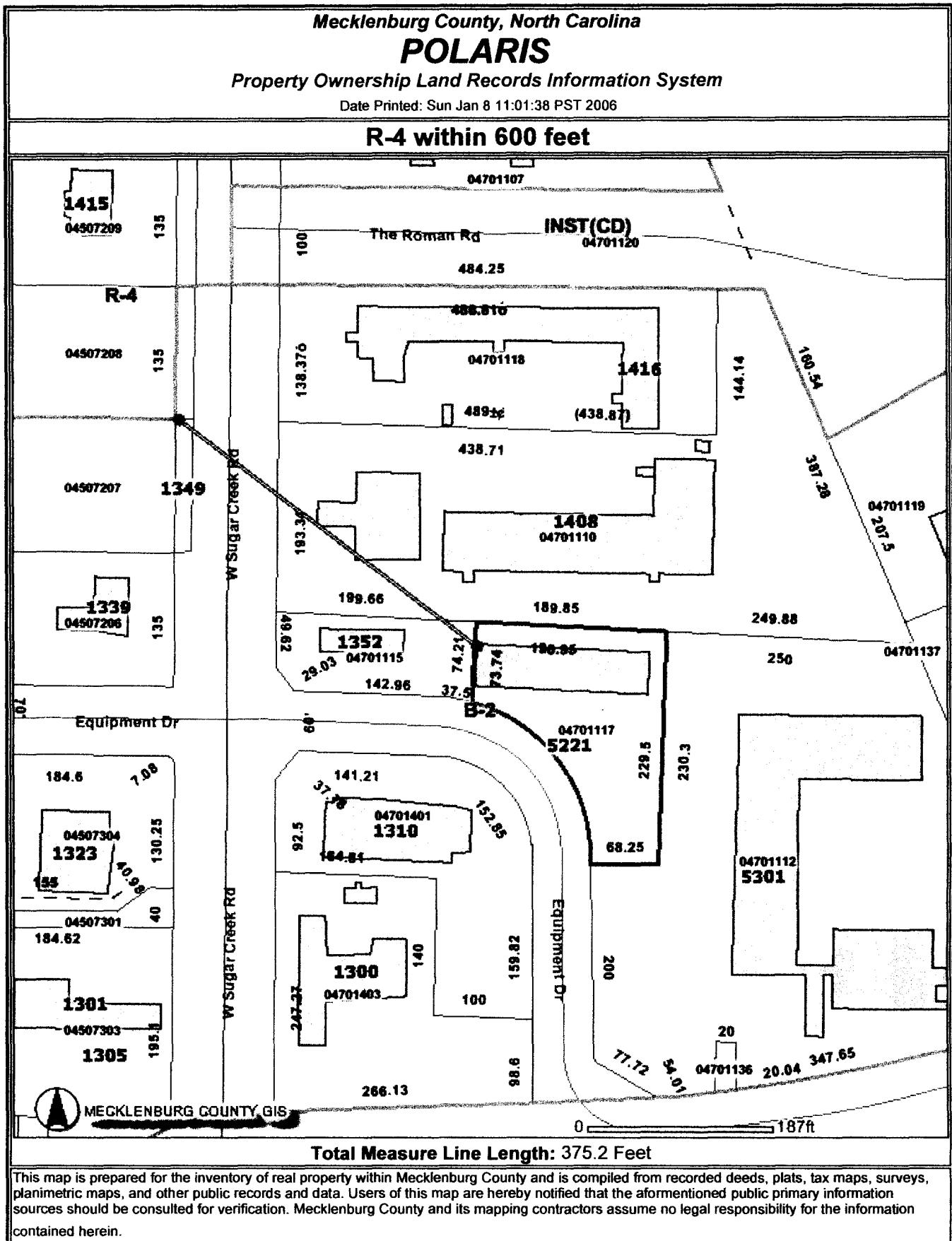


EXHIBIT 6

