



## VARIANCE APPLICATION

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

FY2005 Case #: <u>06-019</u> Date Filed: <u>06-1-11-06</u> Meeting Date: _____ Received By: <u>[Signature]</u> Office Use Only
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Variance requested on property located at: 7023 Beatties Ford Road

Property Zoned: R-3

Tax Parcel #: 03709103 & 03709111

Property Owner: Paul & Janette Skyers

Date Existing Structure Erected: 1945

### TO THE CHARLOTTE ZONING BOARD OF ADJUSTMENT:

I C. L. Helt, 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):

This existing home daycare is being planned to become a child  
care center and therefore the R-3 propeerty needs to be rezoned  
INST-CD to meet the planning department requirements.

### Describe the VARIANCE being requested on the above referenced property:

The existing structure is 56.0' away from the front property line.  
The variance being requested is 6.0' so the existing structure  
will be allowed to remain in its present location which will be  
6.0' into the new zoning 40.0' setback in lieu of 30.0' for R-3  
zoning.

**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.)

In requesting the rezoning of R-3 to INST-CD, the setback  
changes from 30.0' to 40.0' from CDOT 100.0' right-of-way

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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.)

The hardship that the rezoning has developed pertaining  
to the setback requirements, the existing daycare will  
not be able to expand to meet the demand of caring for  
more children by their clients.

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

The hardship is due to the present location of the  
house when it was built in 1945 on a rural road. That  
road now has doubled in right-of-way width and the  
rezoning is impacted by that change.

- (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.)

This request is to continue the property as an expanded use  
of an existing daycare in which the planning department  
supports the rezoning to INST-CD for this effort and will not  
visually change the appearance from the highway.

- (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 this variance is denied, the Planning Commission will not  
be able to allow the present owner to submit for the rezoning  
to INST-CD from R-3 and the daycare would not be able to  
continue its plans to expand the number of children to meet  
the community's request for more care.

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

Janette Skyers  
Printed Name of Appellant

C. L. Helt  
Printed Name of Representative (if any)

3914 Green Pasture Road  
Mailing Address

1136 Greenwood Cliff  
Mailing Address

Charlotte, NC 28269  
City, State, Zip

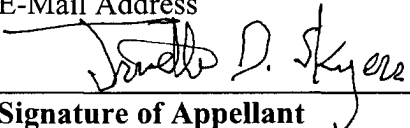
Charlotte, NC 28204  
City, State, Zip

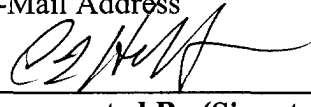
(704)-395-3481      (704) 395-3456  
Telephone Number      Fax Number

(704) 342-1686      (704) 343-0054  
Telephone Number      Fax Number

jmillsky@bellsouth.net  
E-Mail Address

chethelt@clhelt.com  
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:**

- |     |  |                              |
|-----|--|------------------------------|
| 1.  | <u>Trinity Methodist Church</u><br><u>6230 Beatties Ford Road</u><br><u>Charlotte, NC 28216</u>          | Tax Parcel # <u>02535105</u> |
| 2.  | <u>Mildred U. Davis</u><br><u>7100 Beatties Ford Road</u><br><u>Charlotte, NC 28216</u>                  | Tax Parcel # <u>02535106</u> |
| 3.  | <u>Kenneth C. Davis</u><br><u>7100 Beatties Ford Road</u><br><u>Charlotte, NC 28216</u>                  | Tax Parcel # <u>02535107</u> |
| 4.  | <u>Wilton A. &amp; Hazel K. Dunn</u><br><u>7003 Beatties Ford Road</u><br><u>Charlotte, NC 28216</u>     | Tax Parcel # <u>03709101</u> |
| 5.  | <u>Michael Joseph Bishop</u><br><u>7015 Beatties Ford Road</u><br><u>Charlotte, NC 28216</u>             | Tax Parcel # <u>03709102</u> |
| 6.  | <u>Allen D. Watson &amp; Others</u><br><u>7111 Beatties Ford Road</u><br><u>Charlotte, NC 28216</u>      | Tax Parcel # <u>03709104</u> |
| 7.  | <u>John D. Slachciak, Sr. &amp; Wife</u><br><u>7117 Beatties Ford Road</u><br><u>Charlotte, NC 28216</u> | Tax Parcel # <u>03709105</u> |
| 8.  | <u>Betty Johnston</u><br><u>7123 Beatties Ford Road</u><br><u>Charlotte, NC 28216</u>                    | Tax Parcel # <u>03709106</u> |
| 9.  | <u>Carol E. Wilson</u><br><u>7131 Beatties Ford Road</u><br><u>Charlotte, NC 28216</u>                   | Tax Parcel # <u>03709107</u> |
| 10. | <u>Ronald J. Brewer &amp; Others</u><br><u>3733 Kidd Lane</u><br><u>Charlotte, NC 28216</u>              | Tax Parcel # <u>03709109</u> |

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).

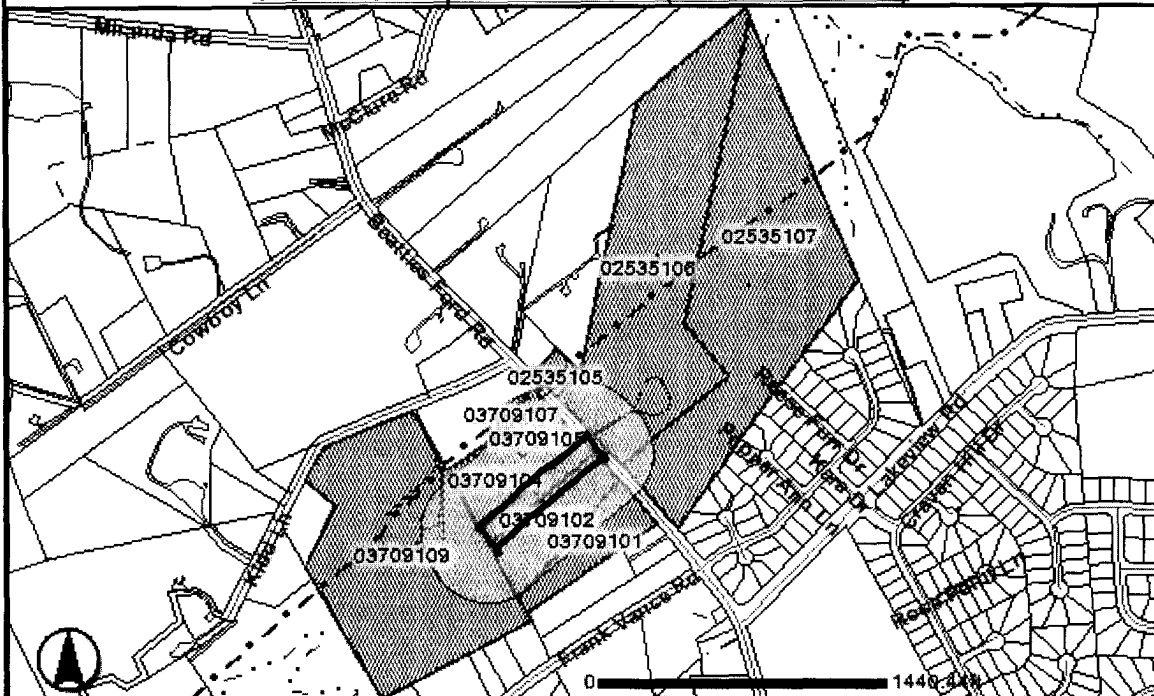
**Mecklenburg County, NC POLARIS**  
**Property Ownership Land Records Information System**

**Adjoining Owner's Report**

Buffer Distance: 300 Feet

2/2/2004 8:05:25 AM

[Click Here to Open Owner's List \(Comma-Delimited\)](#)

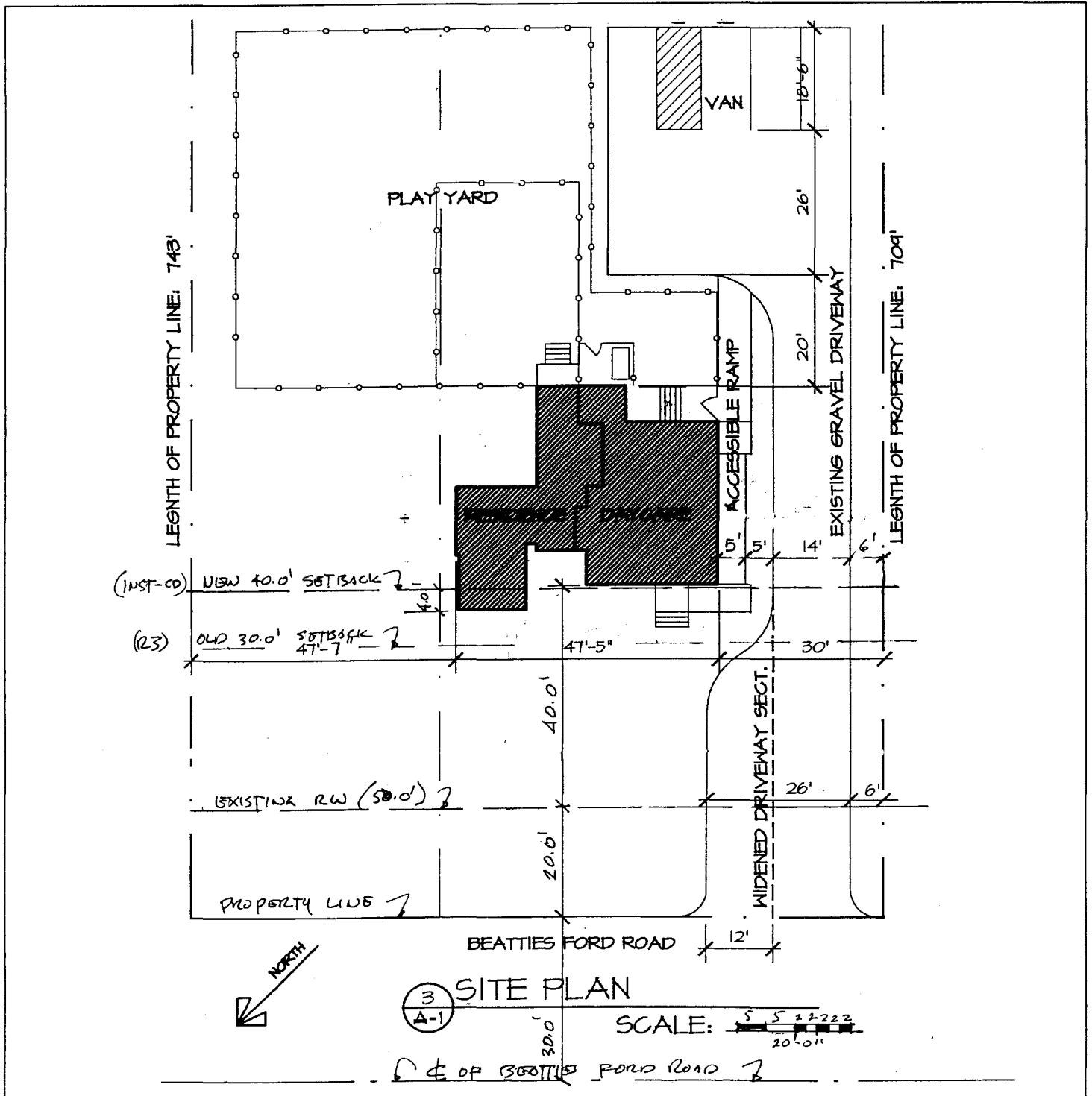


This map is prepared for the inventory of real property within Mecklenburg County and is compiled from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification. Mecklenburg County and its mapping contractors assume no legal responsibility for the information contained herein.

Parcel ID	Owner Name	Mailing Address	City	State	ZIP	Legal Description	Deed Book	Deed Page	Land Area
02535105	TRINITY METHODIST CHURCH	6230 BEATTIES FORD RD	CHARLOTTE	NC	28216	7120 BEATTIES FORD RD	02362	535	0 SMAC
02535106	MILDRED U DAVIS	7100 BEATTIES FORD RD	CHARLOTTE	NC	28216	NA	08951	709	22.85 AC
02535107	KENNETH C DAVIS	7100 BEATTIES FORD RD	CHARLOTTE	NC	28216	NA	08106	505	27.689 AC
03709101	WILTON A DUNN AND HAZEL K DUNN	7003 BEATTIES FORD RD	CHARLOTTE	NC	28216	NA	01015	152	3.52 AC
03709102	MICHAEL JOSEPH BISHOP	7015 BEATTIES FORD RD	CHARLOTTE	NC	28216	NA	11449	056	3.25 AC
03709103	PAUL SKYERS AND JANETTE SKYERS	7023 BEATTIES FORD RD	CHARLOTTE	NC	28216	NA	15506	784	0 AC
03709104	ALLEN D WATSON AND DEBORAH H WATSON AND ELBERT LEE WATSON	7111 BEATTIES FORD RD	CHARLOTTE	NC	28216	NA	15272	41	3.57 AC
03709105	JOHN D SR SLACHCIAK AND DONNA MARIE SLACHCIAK (H/W)	7117 BEATTIES FORD RD	CHARLOTTE	NC	28216	NA	12735	753	0 AC
03709106	BETTY JOHNSTON	7123 BEATTIES FORD RD	CHARLOTTE	NC	28216	7123 BEATTIES FORD RD	02074	459	0 AC
03709107	CAROL E WILSON	7131 BEATTIES FORD RD	CHARLOTTE	NC	28216	7131 BEATTIES FORD RD	07773	293	0.613 AC
03709109	RONALD J BREWER AND BEVERLY	3733 KIDD LN	CHARLOTTE	NC	28216	NA	06413	726	22.32 AC

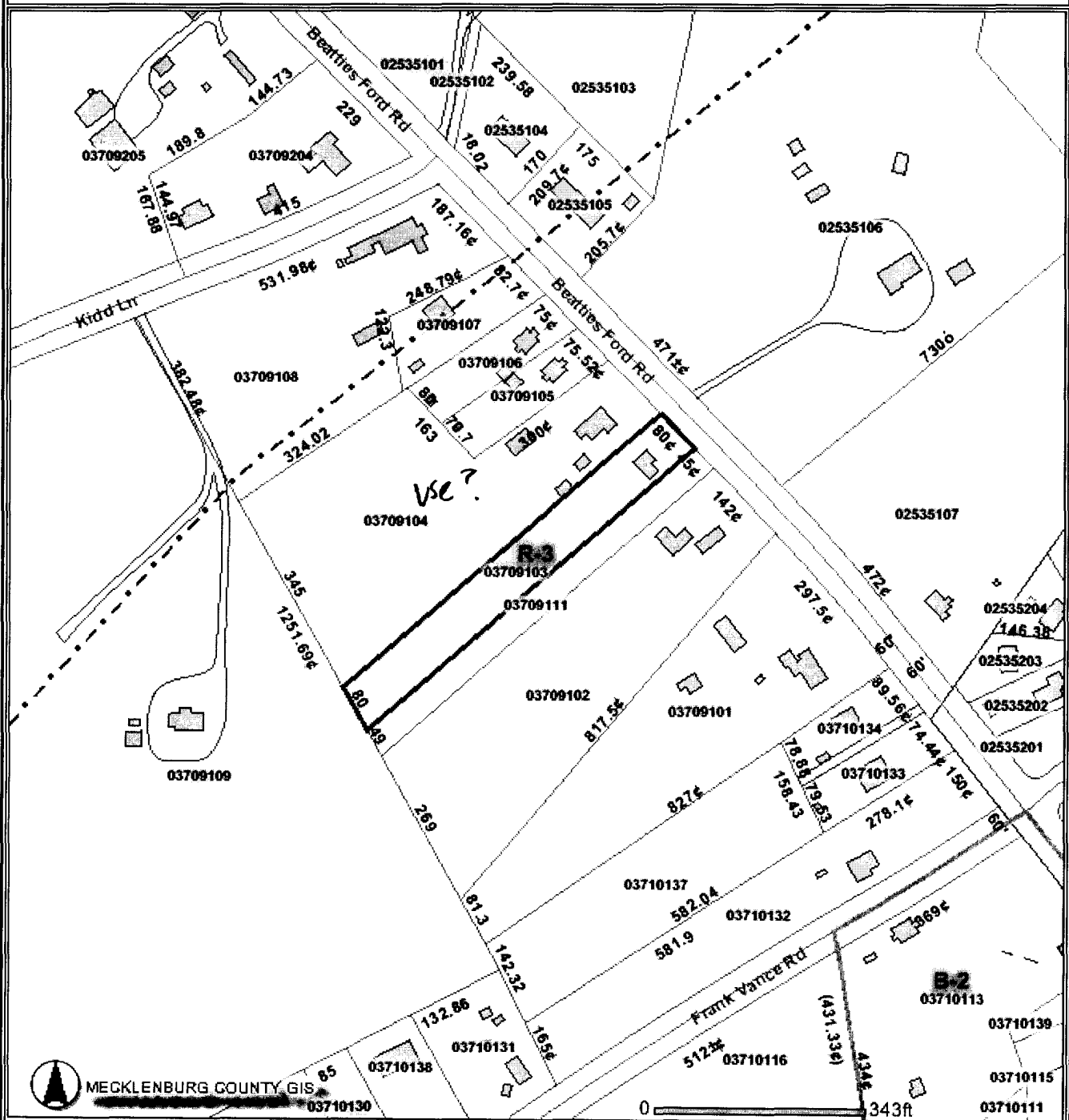
*ABERNETHY*

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.



**POLARIS**

Date Printed: Mon Feb 2 07:52:21 EST 2004

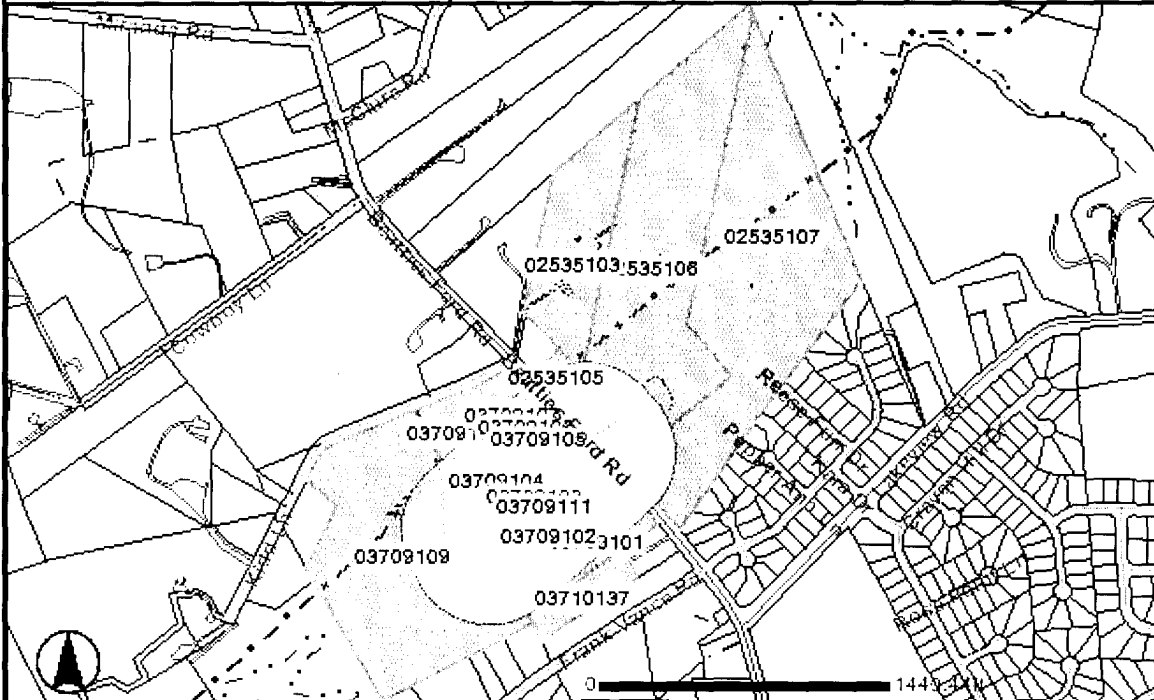


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**Mecklenburg County, NC POLARIS**  
**Property Ownership Land Records Information System**  
**Adjoining Owner's Report**  
**Buffer Distance: 400 Feet \***  
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[Click Here to Open Owner's List \(Comma-Delimited\)](#)



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Parcel ID	Owner Name	Mailing Address	City	State	ZIP	Legal Description	Deed Book	Deed Page	Land Area
02535103	EDWIN R PUCKETT AND LOIS P PUCKETT	7208 BEATTIES FORD RD	CHARLOTTE	NC	28216	BEATTIES FORD RD	03849	654	8.65 AC
02535105	TRINITY METHODIST CHURCH	6230 BEATTIES FORD RD	CHARLOTTE	NC	28216	7120 BEATTIES FORD RD	02362	535	0 SMAC
02535106	MILDRED U DAVIS	7100 BEATTIES FORD RD	CHARLOTTE	NC	28216	NA	08951	709	22.85 AC
02535107	KENNETH C DAVIS	7100 BEATTIES FORD RD	CHARLOTTE	NC	28216	NA	08106	505	27.689 AC
03709101	HAZEL K DUNN	7003 BEATTIES FORD RD	CHARLOTTE	NC	28216	NA	01015	152	3.52 AC
03709102	MICHAEL JOSEPH BISHOP	7015 BEATTIES FORD RD	CHARLOTTE	NC	28216	NA	11449	056	3.25 AC
03709103	PAUL SKYERS AND JANETTE SKYERS	3914 GREEN PASTURE RD	CHARLOTTE	NC	28269	NA	15506	784	1 LT
03709104	ALLEN D WATSON AND DEBORAH H WATSON AND ELBERT LEE WATSON	7111 BEATTIES FORD RD	CHARLOTTE	NC	28216	NA	15272	41	3.57 AC
03709105	JOHN D SR SLACHCIAK AND	7117 BEATTIES	CHARLOTTE	NC	28216	NA	12735	753	0 AC

	DONNA MARIE SLACHCIAK (H/W)	FORD RD							
03709106	BETTY JOHNSTON	7123 BEATTIES FORD RD	CHARLOTTE	NC	28216	7123 BEATTIES FORD RD	02074	459	0 AC
03709107	CAROL E WILSON	7131 BEATTIES FORD RD	CHARLOTTE	NC	28216	7131 BEATTIES FORD RD	07773	293	0.613 AC
03709108	THOMAS P CRANE AND BETTY J CRANE	7139 BEATTIES FORD RD	CHARLOTTE	NC	28216	NA	04815	469	3.48 AC
03709109	RONALD J BREWER AND BEVERLY ABERNETHY	3733 KIDD LN	CHARLOTTE	NC	28216	NA	06413	726	22.32 AC
03709111	PAUL SKYERS AND JANETTE SKYERS	3914 GREEN PASTURE RD	CHARLOTTE	NC	28269	NA	15506	784	0.796 AC
03710137	JAMES SCOTT TUCKER AND VICKI K TUCKER	3700 MIRANDA RD	CHARLOTTE	NC	28216	NA	13417	464	2 AC