



VARIANCE APPLICATION

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

FY2005
Case #: <u>06-020</u>
Date Filed: <u>1-11-06</u>
Meeting Date: _____
Received By: <u>L. Bell</u>
Office Use Only

Variance requested on property located at: 419 Beaumont Ave, Chlt, NC

Property Zoned: R-5

Tax Parcel #: 08020111

Property Owner: Charles Stratford 4601 Griffith Rd, Chlt, NC 28112

Date Existing ^{MAIN} Structure Erected: 1930. No record of added utility room.

TO THE CHARLOTTE ZONING BOARD OF ADJUSTMENT:

I Charles Stratford, 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):

12.106 Uses and structures prohibited and allowed in required setbacks and yards. (1) No principal building or principal structure shall be located within any setback or yard required by the regulations except as provided in this section and else where in the regulations.

Describe the VARIANCE being requested on the above referenced property:

A variance of 2.97" is being requested to allow an existing utility room addition to remain in the side yard setback of 5'. This room existed on the house when we purchased it in 2005. From our research it was added prior to the 1990's. Also Also a variance of 1.6' is being requested for the front yard setback of 20". The present house is located 18.4' per the survey attached on page 6. 1.

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 order to comply with the present zoning ordinance, 2.97'
of the utility room would have to be cut off and removed from
the 5' sideyard, deeming the room useless and not functioning
for the house as it has for more than the past 17 years or more.
The original house was built in 1930 at its present location
which is encroaching the present front yard set back by 1.6'.

- (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.)

We purchased the house as was, got a building permit to modify
the structure within the present footprint, including the
5' x 12.5' utility room. We have completed the project but can't
get an occupancy permit until we secure a variance for the
existing 2.99' projection existing in the side yard. We have
noticed from the survey that the front of the house encroaches
1.6' into the 20' setback. The entire neighborhood exists in its
original orientation to the street but everything is in harmony
with the general purpose and intent of the R-5 ordinance.

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

The utility room that encroaches the 5' yard setback by 2.97'
was built a long time ago by a previous owner. We can't
document when it was built but we have not done anything to
cause its existance or modication to the footprint of the
existing structure. The front variance is required to allow the
existing structure remain in its present location, facing the
street since it was built in 1930.

- (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 variance are in harmony with the general purpose and intent
of the ordinance and preserves its spirit in keeping the existing
structure intact and in harmony with the design of the house
and 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.)

Granting this variance does substantial iustice since the utility
room was added to this years ago and the present owner has
complied with all city requirements for remodeling the house
but has been denied an occupancy permit since no variance is on
record of this room or when it was added. Also the variance for
the front yard maintains the existing relationship to the street
and its neighbors since it was built in 1930.

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

Charles Stafford
Printed Name of Appellant

4601 Griffith Rd
Mailing Address

Monroe, NC 28112
City, State, Zip

704-408-6872 NA
Telephone Number Fax Number

NA
E-Mail Address

Charles L. Stafford
Signature of Appellant

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

1136 Greenwood Cliff
Mailing Address

Charlotte, NC 28204
City, State, Zip

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

chethelt@clhelt.com
E-Mail Address

C. L. Helt
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**Tax Parcel #**

- | | | |
|-----|--|------------|
| 1. | Martins Episcopal Church
1500 E 7 th Street
Charlotte, NC 28204 | # 08019101 |
| 2. | Hospice at Charlotte Inc
1420 E 7 th Street
Charlotte, NC 28204 | #08019102 |
| 3. | Hospice at Charlotte Inc
1331 The Plaza
Charlotte, NC 28205 | #08019104 |
| 4. | Mecklenburg Co. Boys Scouts
1410 E 7 th Street
Charlotte, NC 28204 | #08019105 |
| 5. | F & F Hamer
3832 Warrington Dr
Charlotte, NC 28211 | #08020101 |
| 6. | Tony Franklin Miller
360 N Caswell Rd #200
Charlotte, NC 28204 | #08020103 |
| 7. | Selwyn Group LLC
1419 E 7 th Street
Charlotte, NC 28204 | #08020105 |
| 8. | Selwyn Group & Ronald Carriker
1419 E 7 th Street
Charlotte, NC 28204 | #08020106 |
| 9. | Thomas P & Brim and Robert Turner
1008 Berkeley Ave
Charlotte, NC 28203 | #08020107 |
| 10. | David & Janieh Barker
412 Livingston Dr
Charlotte, NC 28211 | #08020108 |
| 11. | Lawing Investment Group
1443 E 7 th Street
Charlotte, NC 28204 | #08020109 |

- | | | |
|-----|--|-----------|
| 12. | John Thomas
415 Beaumont Ave
Charlotte, NC 28204 | #08020110 |
| 13. | Charles Stratford
419 Beaumont Ave
Charlotte, NC 28204 | #08020111 |
| 14. | Henry & Martha Kears
423 Beaumont Ave
Charlotte, NC 28204 | #08020112 |
| 15. | Henry & Martha Kears
427 Beaumont Ave
Charlotte, NC 28204 | #08020113 |
| 16. | City Of Charlotte
600 E 4 th Street
Charlotte, NC 28202 | #08020114 |
| 17. | City of Charlotte
600 E 4 th Street
Charlotte, NC 28202 | #08020115 |
| 18. | F & F Hamer
3832 Warrington Dr
Charlotte, NC 28211 | #08020116 |
| 19. | City Of Charlotte
600 E 4 th Street
Charlotte, NC 28202 | #08020117 |
| 20. | Thomas & Donna Brim, G Turner
122 N McDowell Street
Charlotte, NC 28204 | #08020118 |
| 21. | Henry & Maude Cantrell
1501 E 7 th Street
Charlotte, NC 28204 | #08020202 |
| 22. | Youth Homes Inc
601 E 5 th Street
Charlotte, NC 28202 | #08020205 |

- | | | |
|-----|--|-----------|
| 23. | Judson Gee
427 Louise Ave
Charlotte, NC 28204 | #08020206 |
| 24. | Augustus & Dianna Green
435 Louise Ave
Charlotte, NC 28204 | #08020207 |
| 25. | Vincent Kuntz
439 Louise Ave
Charlotte, NC 28204 | #08020208 |
| 26. | John Foster
445 Louise Ave
Charlotte, NC 28204 | #08020209 |
| 27. | Joseph & Joann Holzinger
501 Louise Ave
Charlotte, NC 28204 | #08020210 |
| 28. | James & Lisa Rubenson
509 Louise Ave
Charlotte, NC 28204 | #08020211 |
| 29. | Alan Harms & Joe Stringer
3703 Newtown Rd
Waxhaw, NC 28173 | #08020212 |
| 30. | James McMillin
926 Garden District Dr
Charlotte, NC 28202 | #08020214 |
| 31. | Amir Mehrizi
PO Box 470112
Charlotte, NC 28247 | #08020215 |
| 32. | Katharyn Horne
432 Beaumont Ave
Charlotte, NC 28204 | #08020216 |
| 33. | Delphine Gross
1104 E 214 th Street
Bronx, NY 70469 | #08020217 |

34.

James & Judith Wood
4407 Tory Path Rd
Waxhaw, NC 28173

#08020218

35.

John Wellman
420 Beaumont Ave
Charlotte, NC 28204

#08020219

36.

Matthew Faircloth
1012 East Blvd
Charlotte, NC 28203

#08020220

37.

Dominoque Romagnolo
20943 Island Forest Drive
Cornelius, NC 28031

#08020221

38.

Dominoque Romagnolo
20943 Island Forest Drive
Cornelius, NC 28031

#08020222

39.

Ronald Lundgren
2900 Hinsdale Street
Charlotte, NC 28210

#08020223

40.

Ronald Lundgren
2900 Hinsdale Street
Charlotte, NC 28210

#08020224

41.

Henry & Maude Cantrell
2100 Providence Rd
Charlotte, NC 28211

#08020225

42.

Henry & Maude Cantrell
2100 Providence Rd
Charlotte, NC 28211

#08020226

43.

Henry & Maude Cantrell
2100 Providence Rd
Charlotte, NC 28211

#08020227

44.

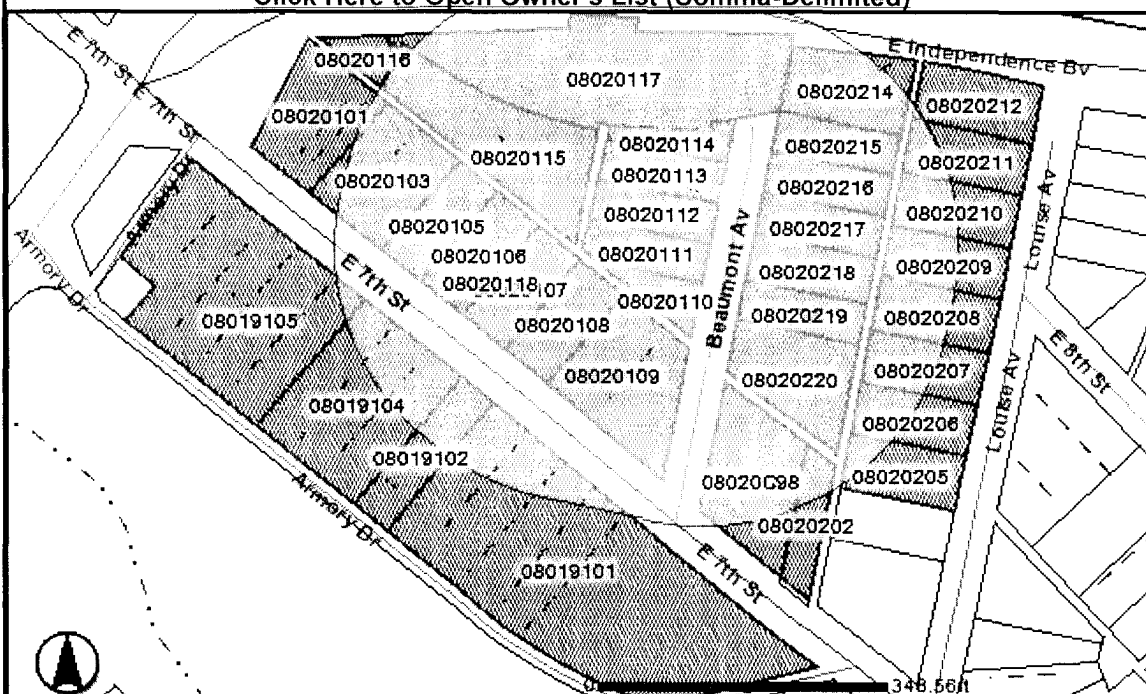
Henry & Maude Cantrell
2100 Providence Rd
Charlotte, NC 28211

#08020228

- | | | |
|-----|---|-----------|
| 45. | Henry & Maude Cantrell
2100 Providence Rd
Charlotte, NC 28211 | #08020229 |
| 46. | Henry & Maude Cantrell
2100 Providence Rd
Charlotte, NC 28211 | #08020230 |
| 47. | Henry & Maude Cantrell
2100 Providence Rd
Charlotte, NC 28211 | #08020231 |
| 48. | Henry & Maude Cantrell
2100 Providence Rd
Charlotte, NC 28211 | #08020232 |

Mecklenburg County, NC POLARIS
Property Ownership Land Records Information System
Adjoining Owner's Report
 Buffer Distance: 300 Feet
 1/10/2006 1:49:51 PM

[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
08019101	CHURCH ST MARTINS EPISCOPAL	1500 E 7TH ST	CHARLOTTE	NC	28204	L10-13B22 1500 E 7TH ST			0 AC
08019102	HOSPICE AT CHARLOTTE INC	1420 E 7TH ST	CHARLOTTE	NC	28204-2408	L9 B22 M202-485	06913	316	0 AC
08019104	HOSPICE AT CHARLOTTE INC	1331 THE PLZ	CHARLOTTE	NC	28205-3427	L6-8 B22 M202 485 1420 E 7TH S	06202	061	0 AC
08019105	MECKLENBURG COUNTY BOY SCOUTS OF AMERICA INC	1410 E 7TH ST	CHARLOTTE	NC	28204	N/A	02839	201	0 AC
08020101	F&F HAMER LIMITED PARTNERSHIP	3832 WARRINGTON DR	CHARLOTTE	NC	28211	P1 & 2 B14 M146-206	18305	818	0 AC
08020103	TONY FRANKLIN MILLER	360 N CASWELL RD #200	CHARLOTTE	NC	28204	P2 & 3 B14 M146-206	10237	508	0 AC
08020105	SELWYN GROUP LLC	1419 E 7TH ST	CHARLOTTE	NC	28204-2407	P4 B14 M146-206	10119	852	0 AC
08020106	SELWYN GROUP LLC AND RONALD H JR CARRIKER AND REBECCA C CARRIKER	1419 E 7TH ST	CHARLOTTE	NC	28204	L5 B14 M146-206	11220	173	0 AC
08020107	THOMAS P & BRIM AND G ROBERT TURNER	1008 BERKELEY AVE	CHARLOTTE	NC	28203	P6 B14 M146-206	04213	670	0.214 AC

	III & WVS								
08020108	DAVID L BARKER AND JANIEH BARKER	412 LIVINGSTON DR	CHARLOTTE	NC	28211	L7 B14 M146 206 1437 E7TH ST	03888	616	0 AC
08020109	III LAWING INVESTMENT GROUP	1443 E 7TH ST	CHARLOTTE	NC	28204	L8&9B14M146 206 1443 E 7TH ST	04742	568	0 AC
08020110	JOHN THOMAS	415 BEAUMONT AVE	CHARLOTTE	NC	28204- 2325	P10 B14 M146- 206 (DEED ERROR 9241- 141)	09192	282	1 LT
08020111	CHARLES CARLYLE III STRATFORD	419 BEAUMONT AVE	CHARLOTTE	NC	28204	P10B14M202- 485	18516	422	1 LT
08020112	HENRY MONTJOY JR KEARSE AND MARTHA DIXON	423 BEAUMONT AVE	CHARLOTTE	NC	28204	P11B14M202- 485 423 BEAUMONTAV	07054	488	1 LT
08020113	HENRY MONTJOY JR KEARSE AND MARTHA DIXON KEARSE	427 BEAUMONT AVE	CHARLOTTE	NC	28204	P11&12 B14 M202-485	15423	931	1 LT
08020114	CITY OF CHARLOTTE	600 E 4TH ST	CHARLOTTE	NC	28202- 2816	BEAUMONT ST	02641	512	0 AC
08020115	CITY OF CHARLOTTE	600 E 4TH ST	CHARLOTTE	NC	28202- 2816	L19B14M202- 485 526 E INDEP BV	02668	502	0 AC
08020116	F&F HAMER LIMITED PARTNERSHIP	3832 WARRINGTON DR	CHARLOTTE	NC	28211	P20 B14 M202- 485	18305	818	0 AC
08020117	CITY OF CHARLOTTE	600 E 4TH ST	CHARLOTTE	NC	28202- 2816	NA			1.071 AC
08020118	THOMAS P BRIM AND DONNA M BRIM AND G ROBERT III TURNER	122 N MCDOWELL ST	CHARLOTTE	NC	28204	P6 B14 M146- 206	14284	168	0.001 AC
08020202	HENRY B CANTRELL AND MAUDE P CANTRELL	1501 E 7TH ST	CHARLOTTE	NC	28204- 2455	P2 B13 M146- 206	07141	623	0 AC
08020205	YOUTH HOMES INC	601 E 5TH ST #330	CHARLOTTE	NC	28202- 3094	L5 B13 M202- 485	04190	039	1 LT
08020206	JUDSON H GEE	427 LOUISE AVE	CHARLOTTE	NC	28204- 2337	L6 B13 M202- 485	08566	377	1 LT
08020207	AUGUSTUS E JR GREEN AND DIANNA L GREEN	435 LOUISE AVE	CHARLOTTE	NC	28204- 2337	L7 B13 M202- 485	08607	943	1 LT
08020208	VINCENT KUNTZ	439 LOUISE AVE	CHARLOTTE	NC	28204	L8 B13 M202- 485	09158	862	1 LT
08020209	JOHN ALLAN FOSTER	445 LOUISE AVE	CHARLOTTE	NC	28204- 2337	L9 B13 M202 485	10049	609	1 LT
08020210	JOSEPH T HOLZINGER AND JOANN C HOLZINGER	501 LOUISE AVE	CHARLOTTE	NC	28204	L10 B13 M202 485 501 LOUISE AV	05392	673	1 LT
08020211	JAMES T RUBENSON AND LISA H RUBENSON	509 LOUISE AV	CHARLOTTE	NC	28204	L11 B13 M202- 485	17426	25	1 LT
08020212	ALAN E HARMS AND JOE B STRINGER III &WVS	3703 NEWTOWN RD	WAXHAW	NC	28173	P12 B13 M202- 485	07946	110	0.182 AC
08020214	JAMES G MCMILLIN	926 GARDEN DISTRICT DR	CHARLOTTE	NC	28202	NA	16940	569	0.236 AC
08020215	AMIR RAY MEHRIZI	PO BOX 470112	CHARLOTTE	NC	28247	M202-485	13017	277	0 AC

08020216	KATHARYN HORNE	432 BEAUMONT AVE	CHARLOTTE	NC	28204	L5B13M332-148 432 BEAUMONT AVE	04485	825	1 LT
08020217	DELPHINE A GROSS	1104 E 214 TH ST	BRONX	NY	70469	L6 B13 M332-148	17318	487	1 LT
08020218	JAMES W WOOD AND JUDITH H WOOD	4407 TORY PATH RD	WAXHAW	NC	28173	424 BEAUMONT AVE	05518	259	1 LT
08020219	JOHN S WELLMAN	420 BEAUMONT AV	CHARLOTTE	NC	28204-2326	P7 B13 M332-148	12528	341	1 LT
08020220	MATTHEW A FAIRCLOTH	1012 EAST BV	CHARLOTTE	NC	28203	NA	18594	220	1 LT
08020221	DOMINOQUE ROMAGNOLO	20943 ISLAND FOREST DR	CORNELIUS	NC	28031	UNIT 406 U/F 185	07104	258	1 LT
08020222	DOMINOQUE ROMAGNOLO	20943 ISLAND FOREST DR	CORNELIUS	NC	28031	UNIT 408A U/F 185	07104	258	1 LT
08020223	RONALD V LUNDGREN	2900 HINSDALE ST	CHARLOTTE	NC	28210	UNIT 408B U/F 185	11852	502	1 LT
08020224	RONALD V LUNDGREN	2900 HINSDALE ST	CHARLOTTE	NC	28210	UNIT 410 U/F 185	11852	502	1 LT
08020225	HENRY B CANTRELL AND MAUDE P CANTRELL	2100 PROVIDENCE RD	CHARLOTTE	NC	28211	UNIT 1 U/F 185	08332	688	1 LT
08020226	HENRY B CANTRELL AND MAUDE P CANTRELL	2100 PROVIDENCE RD	CHARLOTTE	NC	28211	UNIT 2 U/F 185	08332	688	1 LT
08020227	HENRY B CANTRELL AND MAUDE P CANTRELL	2100 PROVIDENCE RD	CHARLOTTE	NC	28211	UNIT 3 U/F 185	08332	688	1 LT
08020228	HENRY B CANTRELL AND MAUDE P CANTRELL	2100 PROVIDENCE RD	CHARLOTTE	NC	28211	UNIT 4 U/F 185	08332	686	1 LT
08020229	HENRY B CANTRELL AND MAUDE P CANTRELL	2100 PROVIDENCE RD	CHARLOTTE	NC	28211	UNIT 5 U/F 185	08332	688	1 LT
08020230	HENRY B CANTRELL AND MAUDE P CANTRELL	2100 PROVIDENCE RD	CHARLOTTE	NC	28211	UNIT 6 U/F 185	08332	686	1 LT
08020231	HENRY B CANTRELL AND MAUDE P CANTRELL	2100 PROVIDENCE RD	CHARLOTTE	NC	28211	UNIT 7 U/F 185	08332	688	1 LT
08020232	HENRY B CANTRELL AND MAUDE P CANTRELL	2100 PROVIDENCE RD	CHARLOTTE	NC	28211	UNIT 8 U/F 185	08332	688	1 LT

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.

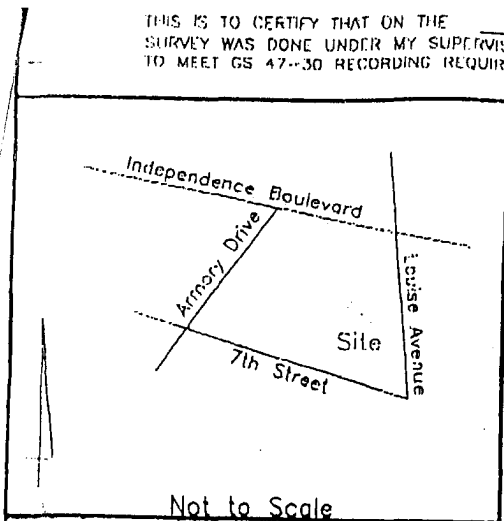
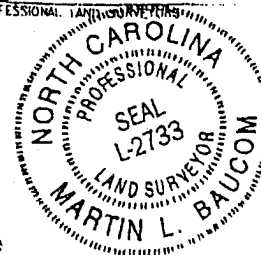
THIS IS TO CERTIFY THAT ON THE 23 DAY OF March 2005 AN ACTUAL SURVEY WAS DONE UNDER MY SUPERVISION OF THE PROPERTY SHOWN HEREON. THIS MAP IS NOT INTENDED TO MEET GS 47-30 RECORDING REQUIREMENTS.

SIGNED

Martin L. Baucum
BAUCUM-DAVIS & ASSOCIATES, PROFESSIONAL LAND SURVEYORS
WWW.BAUCUM-DAVIS.COM
5100-12 REAGAN DRIVE
CHARLOTTE, NC 28204
PHONE: (704) 995-8008

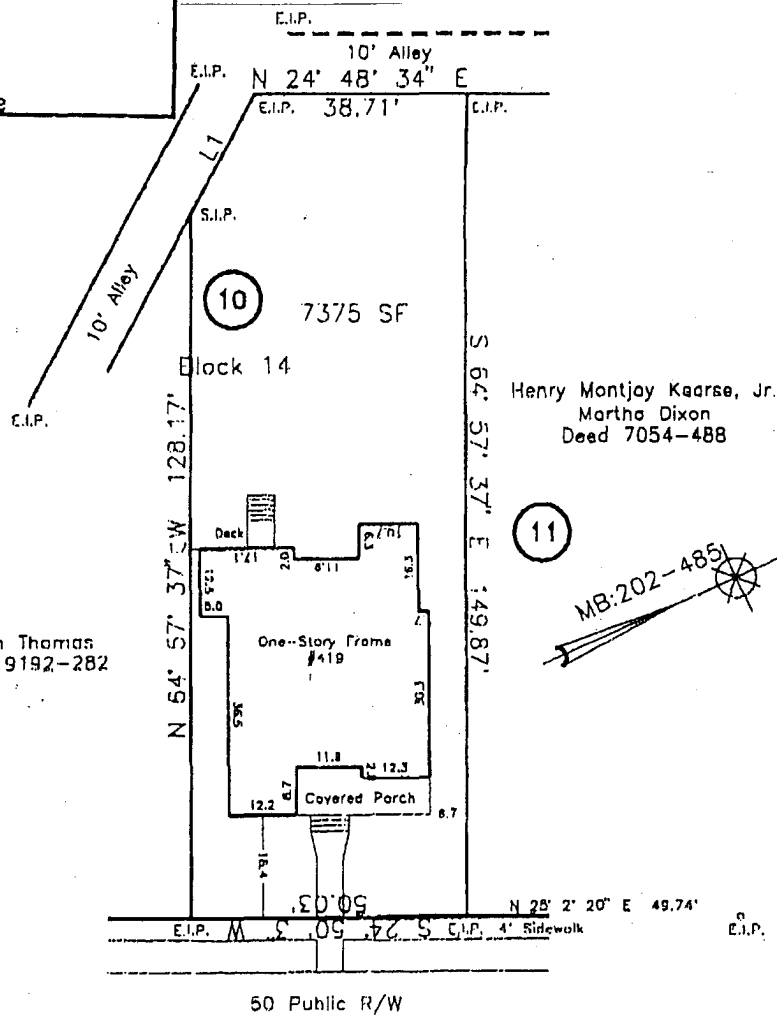
LEGEND

PROPERTY LINE
S.I.P. RE-SET IRON PIN
E.I.P. EXISTING IRON PIN
CLOSURE EXCEEDS 11" 10,000'
P.D.E. PUBLIC DRAINAGE EASEMENT
E.C.M. EXISTING CONCRETE MONUMENT
ADJOINER PROPERTY LINE BY DEED OR PLAT



Not to Scale
Vicinity Map

Line Bearing Distance
L1 N 37° 26' 14" W 24.50'



Physical SURVEY
OF

Lot P.O.F. 10, Block 14, Piedmont Park
Charlotte, Mecklenburg County, NC

SCALE 1" = 30'

THE PROPERTY OF Charles Carlyle Stralford, 111

Map Book 202 Page 485 Recorded Deed BK 2441 page 168

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