

# APPEAL FROM A DECISION OR INTERPRETATION

PY2005
Case #: 06-089
Date Filed: 12-14-05
Meeting Date: 31 Jan 2006
Received By: See

This application must be filed within thirty (30) days of a Notice of Violation or the written Interpretation of the Zoning Administrator. The Appeal Application must be filed in person, and can not be accepted by mail.

# TO THE CHARLOTTE ZONING BOARD OF ADJUSTMENT:

I, KVELYN MCGRANT (name)	
	The second Affine an analysis this
requesting to reverse the decision of the Zoning Adminis	errator or Zoning Enforcement Officer of as stated in the
Notice of Violation or the Zoning Code Interpretation date	
at: 736 EASTWAY DR, CHARLOSE, NO. (Address)	18205
(Address)	
Tax Parcel Number 693-011-10	
Violation Number (if applicable):	
SECTIONS OF CODE IN QUESTION: 8,105	
Attach copy of Notice of Violation or Interpretation	· ·
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STATE WHAT FACTS OR EVIDENCE YOU ARE I OF ADJUSTMENT THAT SHOULD LEAD THE BO THE ZONING OFFICER OR ADMINISTRATOR IS	PREPARED TO PROVE TO THE ZONING BOARD DARD TO CONCLUDE THAT THE DECISION OF ERRONEOUS:
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9/27/2005

Neighborhood Development Site Office Code Enforcement Division Merchandise Mart 800 Briar Creek Road, Suite AA405 Charlotte, NC 28205

EVELYN MCGRANT 726 EASTWAY DRIVE CHARLOTTE NC 28205

# Zoning Violations Letter 2005000384

RE:Address:

726 EASTWAY

DRIVE

Zoning:

R-22MF

A CARLOR OF THE STATE OF THE ST

Parcel

Number:

093-011-10

Map

CHAR

Number:

Inspection Date:

9/27/2005

The provision(s) of the City of Charlotte Zoning Ordinance indicated on the next page(s) have been violated:

You are hereby instructed to cease and desist OPERATING A COMMERCIAL BUSINESS OUT OF A SINGLE FAMILY RESIDENTIAL AREA. SIGNS ARE NOT PERMITTED.

IMMEDIATELY CORRECT THE VIOLATION. If the violation is not corrected and there is no appeal to the Zoning Board of Adjustment, the Division reserves the right to exercise any one of the following REMEDIES: REVOCATION OF A CERTIFICATION OF OCCUPANCY making continued occupancy unlawful, issuing a CITATION, if unpaid and a judgement, could become a LIEN on the property, seeking of an INJUNCTION, or the issuance of a CRIMINAL SUMMONS.

The Zoning Board of Adjustment is empowered to rule on the interpretation of the Zoning Ordinance and to grant variances when a difficulty or hardship exists. Appeals will not be heard by the Board unless application is properly filed in the Zoning Administrator's office within thirty (30) days of the date on this Notice of Violation. Once the deadline has passed, your right of appeal is forfeited. Forms are available in this office

If you have any questions as to what is required by this Notice, please contact me at 704/336-3573 between 8:00 and 9:00 A.M.

Attachments: Section 8.105 Section 8.106

Dorald Moore

DONALD MOORE

Zoning Code Enforcement Inspector

09902112

Ali + Amar Elaa ar 3201 Sretaw Dr. 28210 Citiside Proporties

Citiside Properties LLC 7301 Carnel Exec. Pk # 102 28226

### **ADJACENT PROPERTY OWNERS:**

1.	JAHES D MCDUFFIE 819 EASTWAY DE CHARLOHE, NC 28205	Tax Parcel #_ <u>()490 &amp;114</u>	
2.	SIALAS FORE 708 EASTWAY DR CHARLOTTE, NC 28205	Tax Parcel # 093011 3	
3.	JUSE SANCHEZ 704 EASTWAY DR CHARIOHE, NC 28205	Tax Parcel # 0930114	
4.	TOMMY STARDES POBOX 5371 CHARlotte, NC 28299	Tax Parcel # 0930112	. دوب
5.	John Frank 811 EASTWAY DR CHARlotte, NC 28205	Tax Parcel # 09902113	
6.	Curtis REEVES 824 EASTWAY DR CHARlotte, NC 28205	Tax Parcel # 0936 1408	<b>∀</b> o
7.	PATRICIA MORRISON SOO EASTWAY DR CHARLOTTE, NC 08205	Tax Parcel # 09301412	Renthanen land
8.	HERMAN J Thomas 820 EASTWAY DE CHARLOHE, N.C. 24205	Tax Parcel # 09301409	~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~
9.	TOSE SANCHEZ TOLLEAST WAY DR CHARIOHE, NC 20205	Tax Parcel #	
10.	DEDRAL FARAONE 700 EASHWAY DR CHARLOTTE, NC 28205	Tax Parcel # 09301115	

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).

09301111 Tommy + Panuela Starnes P.O. Bat 5371 28225

730109 Trny Berny Sr.5 Lucille Jiles 4200 Blachwood 09301413 Hary + Judy Thompson 800 Ascot Drive 28213

8205

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 Attached (Exhibit H)

RE: 726 Eastway Drive

Charlotte, NC

December 13, 2005

Charlotte Zoning Board of Adjustment:

#### **Summary**

The attachments that are being forward to you are showing evidence that the property at 726 Eastway Drive was altered in 1996. The property has been used as a commercial daycare, trucking company and now as an office. No one has lived on the property since 1995.

I'm asking that you consider the facts and zone this property office. I have been victimized by purchasing this property and believing that it was already zoned business. I can't sell or rent the property as a residence due to the altering of the property.

#### **Area Business Oriented**

The area in question has been business oriented since the 1990s. In the past two years the Bi-Lo Shopping Center has opened at Eastway and the Plaza (Exhibit A) along with other businesses. In 2004 the Eastway Plaza Shopping Center was revived across the street (Exhibit A).

This area is losing its residential status. Traffic congestion has doubled. Some homes in the 600 and 800 block of Eastway Drive are already zoned O-2 (Exhibit A). There are only 19 homes in the block that are zoned R-22MF and 8 of them are businesses (Exhibit A).

On Weldon Avenue there are 16 houses: 11 are residential, 1 is a daycare, and 5 of the properties are vacant (Exhibit A) with no for sale signs and only 1 for rent. On Blackwood Street there are 9 houses and 1 is vacant (Exhibit A) with no for sale or rent sign. My business being there has helped keep a community from demise.

#### **History of Building**

Building and zoning permits were issued for the property in 1996 (Exhibits B and C). The property was renovated for a daycare. Walls were taken down, and two entrances were made to the side of the house, a handicap ramp was built, the existing bathroom had handicap fixtures installed and another half bath was created with handicap fixtures

(Exhibit D). A child sink and area for a water fountain is in the kitchen (Exhibit D) all the changes were approved to comply with business use.

The real estate value of the property increased in 1997 due to the remodeling (Exhibit E). What was once a 3 bedroom-1 bath single resident was turned into an office building. It would cost over \$20,000 to get this property back to a single-family housing unit.

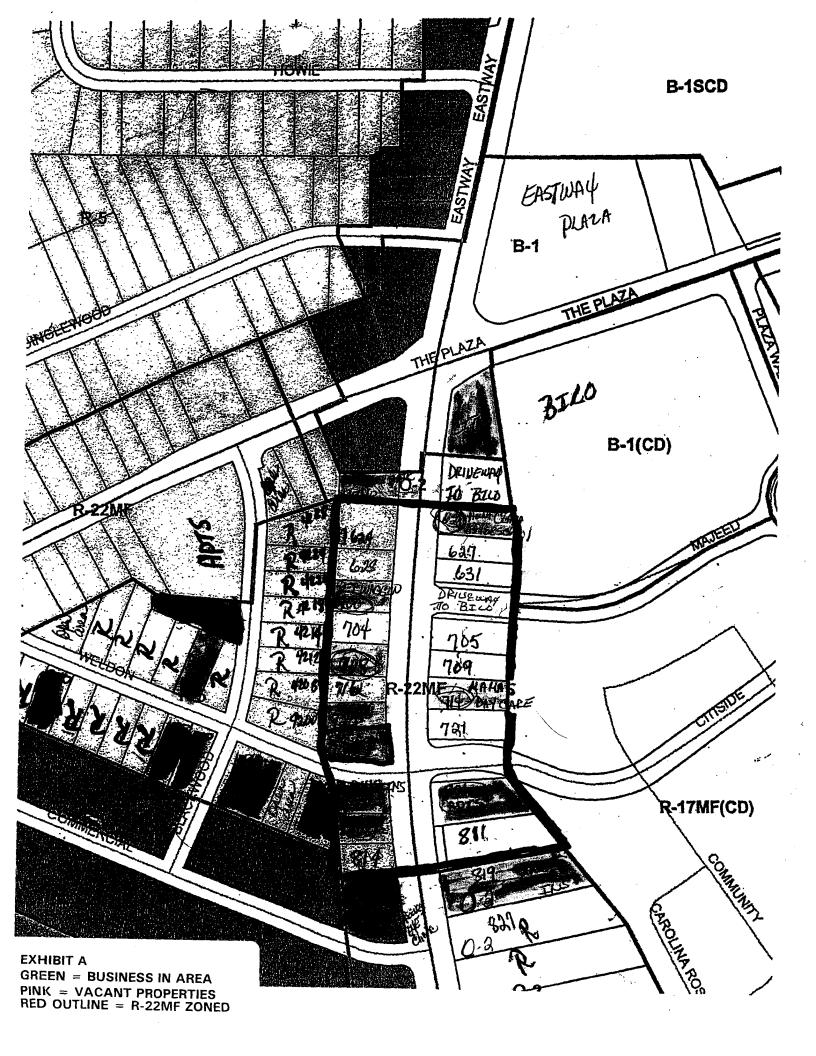
#### **Business Use**

This property has not been a residence since 1995 when it was purchased for a daycare. In 1999 a courier occupied the property (Exhibit F) until 2002 when I purchased it. My business has been operating in this location since 2002 (Exhibit G).

#### **Conclusion**

It would be devastating to me as a struggling entrepreneur to relocate this business. It will cost me a lot of money and lost revenue that will be to crippling to me financially. The property will be vacant for a long period of time that will create an eyesore and a haven for criminal activity. The area has sufficient daycare businesses.

Thank you.



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Re	elated	Info	meilon			
14	<u>r</u>		Project: Project #: 0001882315001 Addr. 726 EASTWAY DR Nm: CHANGE OF USE/DAYCARE CTR Req. Pmts:5 Issued:5		CO: Not Issued	TCO: Not issued
4		*	Project: Project #: 0001862316001 Addr: 726 EASTWAY DR Nm: RENOVATION Req. Pmts:4 Issued:4	CHARLOTTE	CO: Not Issued	TCO: Not issued
4			Project: Project #: 0001862317001 Addr: 726 EASTWAY DR Nm: HANDICAP RAMP & BATH RENO Req. Pmts:2 issued:2	CHARLOTTE	CO: Not Issued	TCO: Not issued
4		×	Project: Project #: 0001862319001 - Addr: 726 EASTWAY DR Nm: R/S ZONING Req. Pmts:1 issued:0	CHARLOTTE	CO: Not issued	TCO: Not issued
4	3		Project: Project #: 000186231B001 Addr. 726 EASTWAY DR Nm: CLIST HOME OCC Req. Pmts:1 Issued:1	CHARLOTTE	CO: Not Issued	TCO: Not issued
4		*	Project: Project #: 000186231C001 Addr. 726 EASTWAY DR Nm: R/S ZONING Req. Pmts:1 Issued:0	CHARLOTTE	CO: Not Issued	TCO: Not Issued
4	-	*	Project: Project #: 000186231C002 Addr. 726 EASTWAY DR Nm: R/S ZONING Req. Pmts:1 Issued:0	CHARLOTTE	CO: Not issued	TCO: Not Issued
4		,,	Project: Project #: 000186231C003 Addr. 726 EASTWAY DR Nm: CUST HOME OCC Req. Pmts:1 Issued:1	CHARLOTTE	CO: Not issued	TCO: Not Issued

WWW. Meck Permit. Com

# **Building Permit**

Job#	B0451735 6001 3049749		ommercial ancelled	Į	nspection Results
Property Address Tax Jurisdicti	726 EASTWAY	DR Parc		Lot Block	·
Site Data Land Area (so Front Street	q. ft.)	Parkin	g Spaces Rqd		
Lot:	☐ Corner	Through	Irregular		
Minimum Set	backs: Front 30.0	Left Side 15.0	Right Side 8.0	Rear 40.0	
Project Project # Project Name Type of Work Description Mobile Ho  USDC Code Occupancy T Construction Contract Cos Area: He  Shell: # Stories: # Units:	Other Office Office Vear-Make Serial Num 437 - ALL Corpe E * EDUCA Type 5B * WOOD st \$10,200	ber THER BLDGS/STR TIONAL FRAME/UNPROTE 8 sq. ft. Unhea	ECTED	ONS,REMODELI sq. ft. Deck: er System	NG) sq. ft.
One/Two Fan	nily or Modular:				
# Rooms:	# Bedroom	s: #Ba	ths:		
Work Inclu	des: Attache	d Carport	Attached Garag	е	
	Masonr	y Fireplace			
Multi-Family:		# Handicappe	ed Units:		
Phone Address		GLENDA/CARTER,I	ELIZA		
EXHIBIT C					

Architect Phone Address					
License #					
Building Contractor Contractor ID Phone Address	J S CONSTRUC B73690 J S CO (704) 334-0580			Y INC	
License #					
Trade Detai Electrical Total Amps # Circuits Service Type Utility Compar	Existing  BY DUKE ENERG	Connect	ions at 120 V ions over 120		
Mechanical # Gas Connect Utility Compar  Heat Pump Central Air Electric Base Electric Central	ny PIEDMOI  Conditioning  seboard	☐ Gas or ☐ Gas Pa	L GAS Oil Furnace O <u>i</u> l Steam	ace	☐ Chimney ☐ Stove
Plumbing # Fixtures	3	# Appliar	nces		
Utilities Service Type	Existing Public Meter/C	onnection Master	Private Individual	Service Commu	nitv
Water/Well					•
Sewer/Septic					
Sub-Permits					
Permit #	Issue Date				
53815F 525w	Mar 22, 1996				
	Mar 22, 1996				
<b>Go</b> P0451738	Mar 22, 1996	726 EASTW	/AY DR CHA	RLOTTE	

Fees

Permit Fee Type Construction			
Permit Fee	\$152.25	Fast Track Fee	\$0.00
Double Fee	\$0.00	NESHAP Fee	\$0.00
Fire Damage Fee	\$0.00	Fee Adjustment	\$0.00
Fax Fee	\$0.00	Total Fee	\$152.25
Home Owner Recovery Fund	\$0.00		

#### Miscellaneous

Entry Date 03/22/1996 12:00 am Entered By Conversion

Issue Date 03/22/1996 12:00 am Issued By

#### Remarks

Last Updated By Note

Go Conversion

Go Conversion Entered By: FNS...

This permit will expire if work either has not started within 6 months or is discontinued for a period of 12 months. No refunds will be given after expiration.

Home

PS ZONING

### **Project**

**Address Information** 

09301110 726 EASTWAY DR Parcel # Lot Address Phase **Block** Tax Jurisdiction CHARLOTTE

**Project Information** 

Project # 000186231C001

C001 Job#

Description

Permit	Issued	Required
Building	0	0
Electrical	0	0
Mechanical	0	0
Plumbing	0	0
Zoning	0	0
Other	0	, 1
Total	0	1

TCO Issued Date Not Issued

**TCO Status** 

**Certificate of Occupancy Status** Not Issued

**Certificate of Occupancy Issued** 

Utility Type Gas Electrical

**Utility Date** 

Occupancy Holds

Hold Status Release Date Agency **Agency Phone Number** 

There are no Occupancy Holds for this Project.

**Permits** 

Inspection Requests Inspection Results Permit # Issue Date Permit Status

There are no Permits for this Project.

Home

#### **EXHIBIT C**

RIS ZONING

## **Project**

#### **Address Information**

Address 726 EASTWAY DR Parcel # 09301110 Lot
Tax Jurisdiction CHARLOTTE Phase Block

### **Project Information**

Project #

0001862319001

Job#

9001

Description

Permit	Issued	Required
Building	0	0
Electrical	0	0
Mechanical	0	0
Plumbing	0	0
Zoning	0	0
Other	0	1
Total	0	1

TCO Issued Date Not Issued

**TCO Status** 

Certificate of Occupancy Status Not Issued

**Certificate of Occupancy Issued** 

Utility Type Gas Electrical

Utility Date

Occupancy Holds

Hold Status Release Date Agency

**Agency Phone Number** 

There are no Occupancy Holds for this Project.

**Permits** 

Permit # Issue Date Permit Status Inspection

Inspection Requests Inspection Results

There are no Permits for this Project.

Home

**EXHIBIT C** 

PK ZONING

## **Project**

#### **Address Information**

Address726 EASTWAY DRParcel # 09301110LotTax Jurisdiction CHARLOTTEPhaseBlock

#### **Project Information**

Project #

000186231C002

Job#

C002

Description

Permit	Issued	Required
Building	0	0
Electrical	0	0
Mechanical	0	0
Plumbing	0	0
Zoning	0	0
Other	0	1
Total	0	1

TCO Issued Date Not Issued

**TCO Status** 

Certificate of Occupancy Status Not Issued

**Certificate of Occupancy Issued** 

Utility Type Gas Electrical

Utility Date

**Occupancy Holds** 

Hold Status Release Date Agency
Released Feb 28, 2003 City Engineering

Agency Phone Number

(704)336-6692

Go Released

**Permits** 

Permit # Issue Date Permit Status

Inspection Requests Inspection Results

There are no Permits for this Project.

Home

#### **EXHIBIT C**

# Occupancy Hold Details

**Created Date** 

Feb 20, 2003

Created By

**AFC** 

**Phone Number** 

Release Date

Feb 28, 2003

#### Reason

Agency

City Engineering

**Phone Number** 

(704)336-6692

TCO Max Days
TCO Restrictions

Home

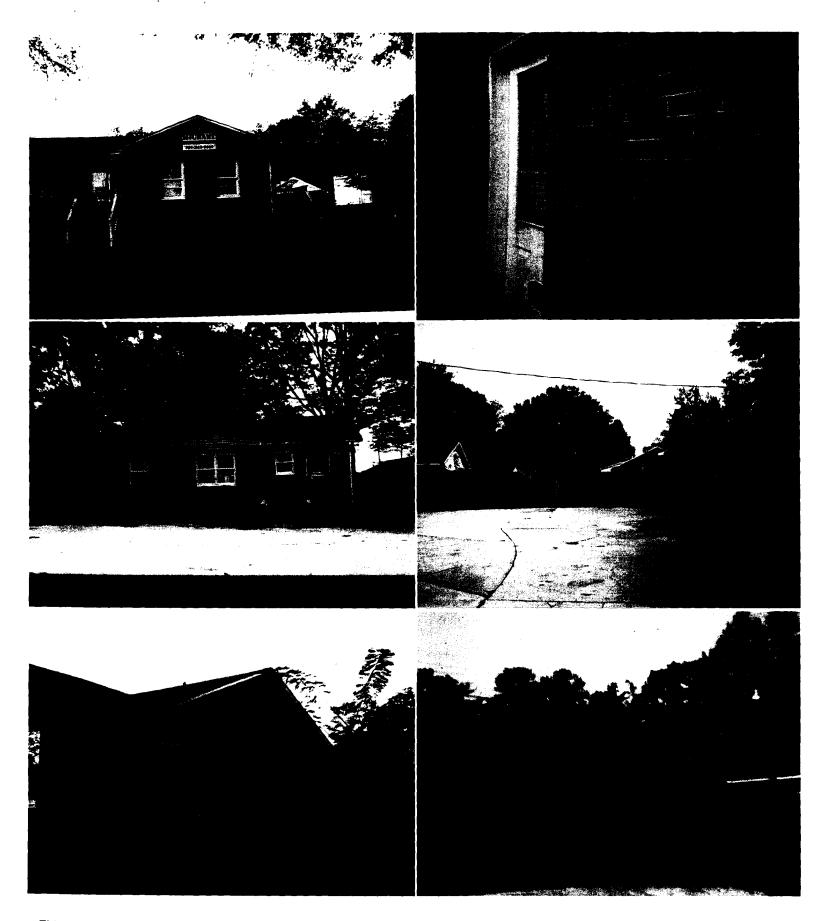
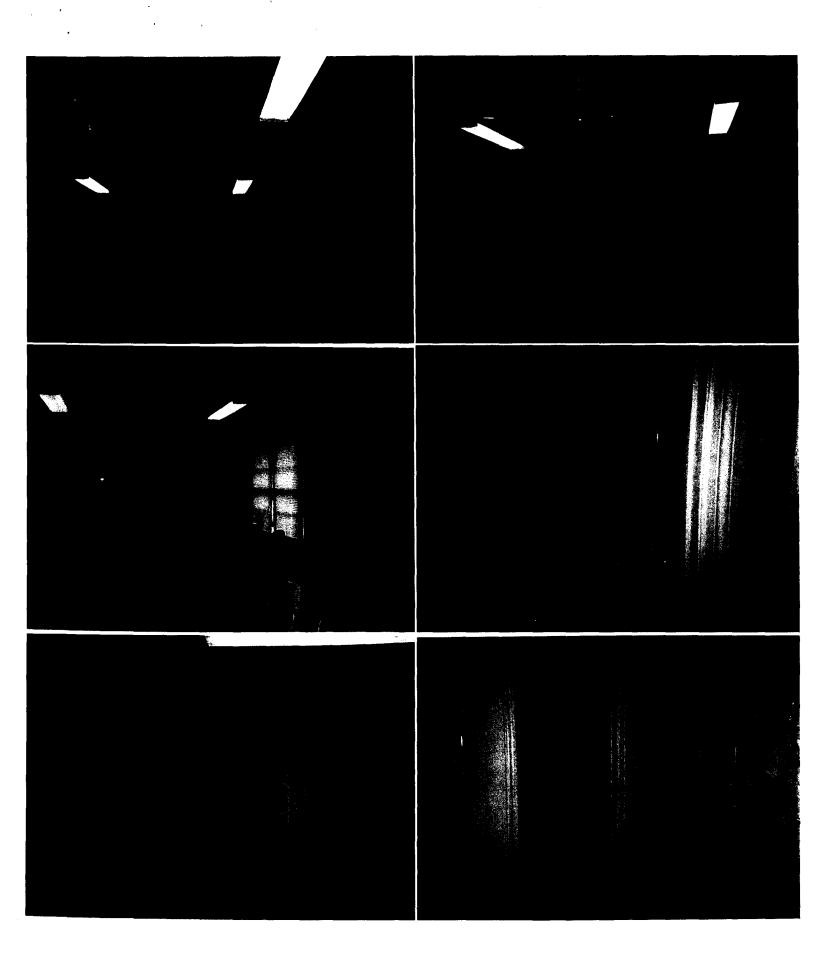


EXHIBIT D





# Real Estate Lookup

**Print** 

Close

**Parcel Information** 

Parcel ID 09301110 Account INDIVIDUAL Parent

Previous

Owner(s)

Owner Name MCGRANT MONIQUE **Malling Address** 726 EASTWAY DR City/State

**CHARLOTTE NC 28205** 

**Legal Information** 

Legal

Municipality

Annexed

**Special District** 

**Fire District** 

Acreage

P12 B1 M5-363 CHARLOTTE

CITY OF CHARLOTTE

**Total Parcel Assessment & Exemptions** 

Bullding 51600

Land 22500 **Features** 100

Total 74200

Exemption

Year Approved

**Review Date** 

Amount

**Sales Information** 

Sale Oct 21 2002 Sep 21 1995 Price **Stamps** 80000 160.0000 47000

Qualify

V/I DeedBook 14254 - 250 IMP IMP 08296 - 888

Type WARRANTY D **DEED STAMPS**  Legal Ref. 14254-250 08296-888 Grantor GACUTAN, LAGLENDA R ADCOCK HARRY MCLAINE

Nov 14 1993 0 **PROBATE** IMP **PROBATE** 

93-0000

ADCOCK HARRY MCLAINE

Land Use

Use R100 Units

Type LT

Neighborhood

**Assessment** 22500

J112

**Building Information** 

Bldg

Description Single-Fam

Type RES

Year Built

1953

**Property Location** 

726 EASTWAY DR CHARLOTTE

Bldg

Story 1 STORY Units Total SqFt 1148

Heated **Foundation** 1148 **CRAWL SPACE** 

Ext. Wall

**FACE BRICK -**

Grade **AVERAGE 02** 

Value 51600

Bldg Heat

AIR-NO-DUCT

Fuel **FirePlace** 1-FP3

AC AC-NONE **Fixtures Bedrooms** 3

**Full Baths** 

3/4 Baths

GAS

1/2 Baths

0

Sub Areas

Description BASE (FIRST FLOOR)

**Depreciation** 

Bldg

Bldg

**Physical** AV - 24%

**Functional** 

**Economic ECON - 10%**  Special

Override

Size

1148

**Special Features & Yard Items** 

1991

Bldg

Built 1953

Type TERRACE Quantity 1

Units 5X7

Value 100

Value Changes

**Notice Date** Jan 17 2003 2003 Jan 5 1998 1998 ★ Apr 18 1997 1997 ▲ Mar 8 1997 1997

Tax Year Reason Countywide Revaluation

Countywide Revaluation Remodeled Improvements and/or New Additi Remodeled Improvements and/or New Additi Countywide Revaluation

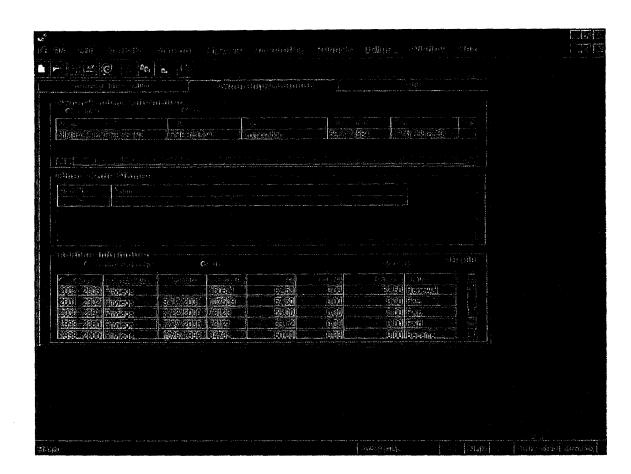
Changed To 74200 59160 52940

42840

49930

Deferred 0

Jan 2 1991 **EXHIBIT E** 



2002-2003 CITY OF CHARLOTTE &/OR MECKLENBURG COUNTY PRIVILEGE LICENSE ACCOUNT NO.

331 SERVICE COMPANIES, SCHOOLS OR CONSULTANTS

SUBJECT TO ORDINANCES IN FORCE OR HEREAFTER

SUBJECT TO ORDINANCES IN FORCE OR HEREAFTER ENACTED. TO CONDUCT THE FOLLOWING BUSINESS.

SUB CASHIER CITY TAX POST IN A CONSPICUOUS PLACE 12/23/2002 KNOX TOTAL COUNTY TAX

GS 105-366 (d) (1) (a) requires notification to the Tax Collector 48 hours prior to going out of business, the transfer of or pending sale to another party, DO NOT REPRODUCE, DOCUMENT VOID IF NOT DUAL COLOR PRINT

TAX COLLECTOR

HEREBY

MCGRANT TAX & BOOKKEEPING 126 EASTWAY DR

LICENSE IS

GRANTED:

CHARLOTTE

NC 28205-1425

726 EASTWAY

BUS ADD: (IF DIFFERENT)

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G EXHIBIT

SERVICE COMPANIES, SCHOOLS OR CONSULTANTS  SERVICE COMPANIES, SCHOOLS OR CONSULTANTS  SULCENSE IS MCGRANT TAX & BOOKKEEPING HEREBY 72.6 EASTWAY DR 12.6 EASTWAY DR 0.7 28205-1425  BUS ADD: (If DIFFERENT)  TAX COLLECTOR TAX COLLECTOR  OF THE PROPERTY OF TH	SERVICE COMPANIES, SCHOOLS OR CONSULTANTS  SERVICE COMPANIES, SCHOOLS OR CONSULTANTS  SUBJECTION CONSULTANTS  SUBJECTION CONSULTANTS  SUBJECTION CONSULTANTS  SUBJECTION CONSULTANT S  FOTAL  CASHIER  126 EASTIMAY DR  NC 28205-1425  BUS ADD: (IF DIFFERENT)  CASHIER  CONSPICUOUS PLACE  CON	O D D D D D D D D D D D D D D D D D D D	o.a.10 <b>&lt; &gt;</b> 0()Economi()	0 <b>★ 20 ★ 20 ★ 20 ★ 20</b>	•*UD <b>€ &gt;</b> 0!:	33)
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ES. SCHOOLS OR CONSULTANTS  X & BOOKKEEPING Y DR.  NC 28205-1425  LECTOR	10	GRANTED: CHARLOT BUS, ADD: [IP DIFFERENT]	LICENSE IS MCGRANT HEREBY 726 EAS			2004-2005 CI
MECKLENBURG COUNTY PRI ONSULTANTS -1425	X COLLECTOR	<b>y</b> .	X & BOOK			TY OF CHARLOTTE ANIES, SCHOOLS (
G COUNTY PRIVILEGE  SUB SUBJECT  TOTAL  TOTAL  DATE  GS 105-39 the Tax C business, another p VOID IF A		8205-1425	ING			&/OR MECKLENBUR
	business another VOID IF I	GS 105-3 the Tax (	CASHIEF DATE	TOTAL.	SUBJE	G COUNTY PRIVILEGI
	OCUMENT	OUS PLACE  OUT PLACE  quires notification to going out of			ES IN FORCE ON HEREAFTER THE FOLLOWING BUSINESS.	10-0121347 ACCOUNT NO. NOT TRANSFERABLE

KEEPING  NC 28205-1425	TAX COLLECTOR	BUS ADD: ((F DIFFERENT)	LICENSE IS MCGRANT TAX & BOOKKEEPING HEREBY 726 EASTWAY DR GRANTED: CHARLOTTE	
SUBJECT TO ORDINANCES IN FORCE OR HEREAFTER SUBJECT TO ORDINANCES IN FORCE OR HEREAFTER ENACTED. TO CONDUCT THE FOLLOWING BUSINESS OTAL  COUNTY TAX  COUNTY TAX  COUNTY TAX  COUNTY TAX  TOTAL  CASHIER  DATE  DYANNE GREEN  06/22/2005  POST IN A  CONSPICUOUS PLACE  CONSPICUOUS PLACE  GS 105-366 (d) (1) (a) requires notification to the Tax Collector 48 hours prior to going out of business, the transfer of or pending sale to another party. DO NOT REPRODUCE, DOCUME VOID IF NOT DUAL COLOR PRINT  VOID IF NOT DUAL COLOR PRINT	The contraction (1) of the contraction (1) o		KEEPING	

