

Project # 15306



CHARLOTTE

ADMINISTRATIVE VARIANCE  
APPLICATION

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

FY2005

Case #: 06-016

Date Filed: 01-06-06

Received By: [Signature]

Office Use Only

Variance requested on property located at: 7819 Forest Pine Drive

Property Zoned: B-2 (CD)

Tax Parcel #: 16719308

Property Owner: STARRY THREE LLC / LIMON ENTERPRISES

Date Existing Structure Erected: NONE

TO THE OFFICE OF THE ZONING ADMINISTRATOR:

I RANDY M. SMITH, am requesting an administrative  
(name)

deviation from the literal provisions and interpretations of the Charlotte Zoning Ordinance. 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 an Administrative Variance from the following provision(s) of the Zoning Ordinance (cite Section numbers and Code requirements):

SECTION 12-413  
TABLE 12-413 REQUIRES 8 VEHICLE STORAGE SPACE PER DRIVE  
THRU. EACH SPACE IS REQUIRED TO BE 20' LONG. THIS  
CALCULATES TO 160' REQUIRED.

Describe the VARIANCE being requested on the above referenced property:

I AM REQUESTING THIS VARIANCE TO BE REDUCED THE  
VEHICLE STORAGE LENGTH FROM 160' TO 150'. THE ZONING  
REVIEWER FOR THE PROJECT HAS INDICATED THAT AS  
CURRENTLY SHOWN. HE MEASURES 150' OF STORAGE

**FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:**

The Zoning Administrator, with the delegated authority of City Council, can deviate only slightly from the measurable and quantifiable standards of the Zoning Ordinance. Section 4.107 of the Zoning Ordinance, titled "Delegated authority for development approval based upon existing conditions" states That the Zoning Administrator can give an administrative approval for a deviation of the Ordinance for any one of the following conditions: (a) physical contours of the street, the land, or some other topographical or geographical feature is the basis for a surveying or other inadvertent error; (b) physical layout of the land and structure on the land is such that the Ordinance requirements can not be met; (c) the nature of the abutting property or intervening topographical or geographical features would not serve a useful purpose according to the application of the Ordinance.

In the following spaces, indicate the facts and the argument to support your request for administrative consideration.

- (a) The physical contour of the street, the land, or some other topographical or geographical feature is the basis for a surveying or other inadvertent error. State facts and arguments to support the above:

DUE TO THE 90' SETBACK REQUIRED BY THE CITY  
OF CHARLOTTE. WE CAN NOT PUSH THE BUILDING  
CLOSER TO THE STREET.

- (b) The physical layout of the land and the structures on the land are such that the Ordinance requirement cannot be met.

DUE TO THE CORNER LOT OF THE SITE AND  
REQUIRED SET BACK OF 90'. THE BUILDING IS  
POSITIONED AS FAR FORWARD AS POSS. 6 C.C.

- (c) Because of the nature of the abutting property or intervening topographical or geographical features, the application of the Ordinance requirements would not serve a useful purpose.

DUE TO THE RELOCATED EASEMENT OF ADJACENT  
PROPERTY. MOVING BUILDING CLOSER TO ARROWOOD  
ROAD WOULD CAUSE TRAFFIC CONGESTIONS.

- (d) The applicant has agreed to measures that would ameliorate the deviation from complete compliance with the Ordinance requirement. Include any conditions or improvements to which you would agree.

N/A  
WE HAVE FENCE SIDEWALK ON ARROWOOD  
SIDE AND MOVE THE BUILDING FOLLOWING  
THE MAXIMUM STRECKY AVERAGE ON THE  
SETBACK.

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

Randy Smith  
Printed Name of Applicant

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

400 N. Harbor, Suite F-2  
Mailing Address

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

Davidson, NC 28036  
City, State, Zip

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

704-896-6677  
Telephone Number      Fax Number

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

rmsmad@bellsouth.net  
E-Mail Address

\_\_\_\_\_  
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:**

Faison Arrowood Property LTD  
Property Owner (If different from Applicant)

121 W. Trade St. Suite 1900  
Address

Charlotte, NC 28202  
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. (Property ownership information is available at:**

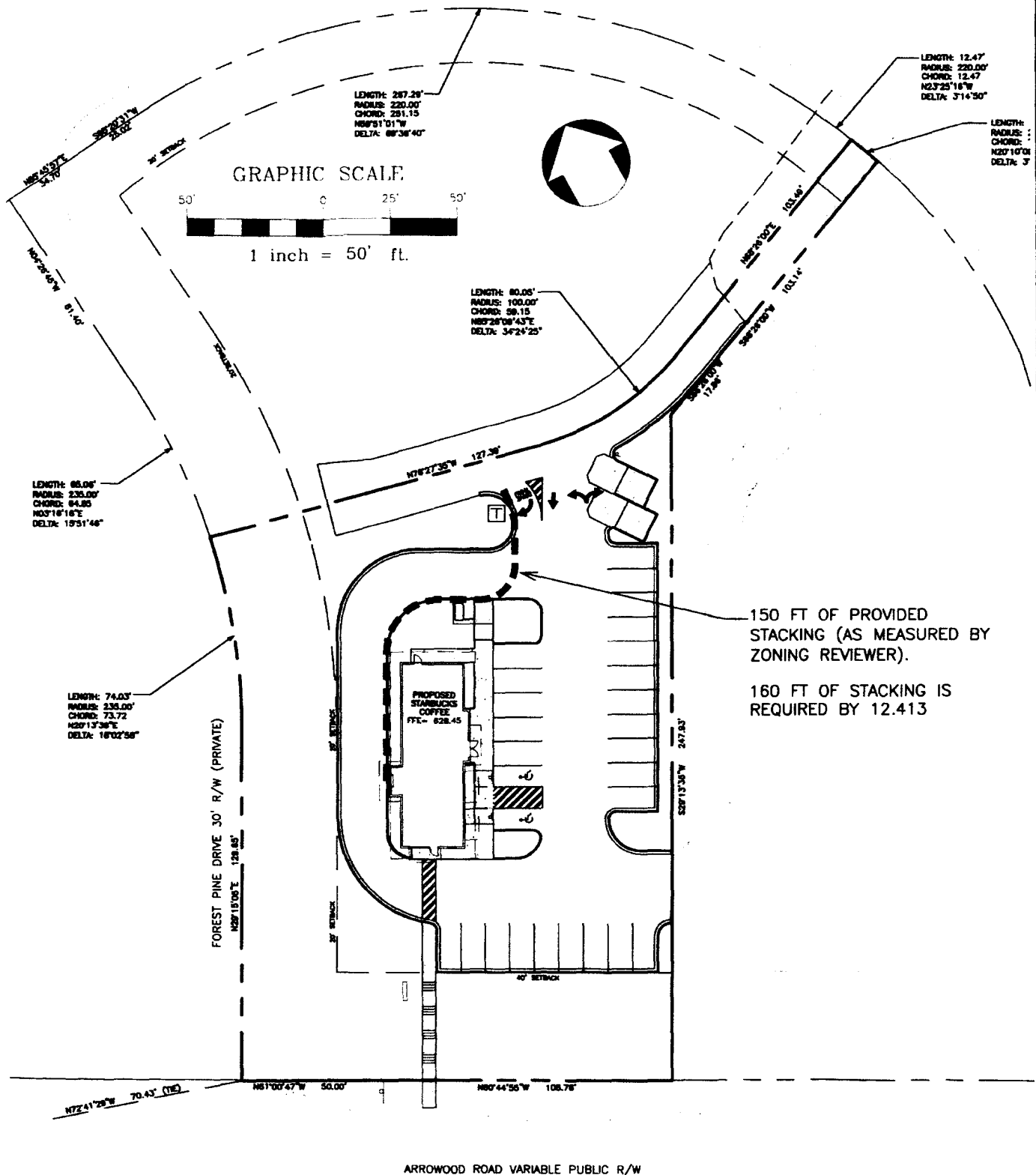
**<http://meckcama.co.mecklenburg.nc.us/relookup/> or**  
**<http://mcmf.co.mecklenburg.nc.us:3007/cics/txre/txre00i>**

**ADJACENT PROPERTY OWNERS:**

- |     |  |              |                 |
|-----|--|--------------|-----------------|
| 1.  | <u>Exxon Mobil Corp.</u>                                 | Tax Parcel # | <u>16719307</u> |
|     | <u>PO Box 53</u>   |              |                 |
|     | <u>Houston, TX 77001-0053</u>                            |              |                 |
| 2.  | <u>Faison Arrowood Property LTD</u>                      | Tax Parcel # | <u>16719101</u> |
|     | <u>121 W. Trade St. Ste 1900</u>                         |              |                 |
|     | <u>Charlotte, NC 28202</u>                               |              |                 |
| 3.  | <u>Scee Arrowood Two LLC</u>                             | Tax Parcel # | <u>16719142</u> |
|     | <u>319 S. Sharon Amity Rd. Ste 300</u>                   |              |                 |
|     | <u>Charlotte, NC 28211</u>                               |              |                 |
| 4.  | <u>Lewis Lane Loyko and</u>                              | Tax Parcel # | <u>16719309</u> |
|     | <u>Phyllis Atterbury Loyko</u>                           |              |                 |
|     | <u>316 Mid Valley Center, Unit 272</u>                   |              |                 |
|     | <u>Carmel, CA 93923</u>                                  |              |                 |
| 5.  | <u>Properties LP Bree / Amerisu:tes</u>                  | Tax Parcel # | <u>20303132</u> |
|     | <u>200 W. Monroe St., Tax Dept. 8<sup>th</sup> Floor</u> |              |                 |
|     | <u>Chicago, IL 60606</u>                                 |              |                 |
| 6.  | <u>Bef Reit, Inc.</u>                                    | Tax Parcel # | <u>20303131</u> |
|     | <u>3776 S. High St.</u>                                  |              |                 |
|     | <u>Columbus, OH 43207-4012</u>                           |              |                 |
| 7.  | <u>Faison Arrowood Property LTD</u>                      | Tax Parcel # | <u>16719308</u> |
|     | <u>121 W. Trade St. Ste 1900</u>                         |              |                 |
|     | <u>Charlotte, NC 28202</u>                               |              |                 |
| 8.  | <u></u>  | Tax Parcel # | <u></u>         |
|     | <u></u>  |              |                 |
|     | <u></u>  |              |                 |
| 9.  | <u></u>  | Tax Parcel # | <u></u>         |
|     | <u></u>  |              |                 |
|     | <u></u>  |              |                 |
| 10. | <u></u>  | Tax Parcel # | <u></u>         |
|     | <u></u>  |              |                 |
|     | <u></u>  |              |                 |

These persons, including the Applicant and the Representative, will be notified in writing of the request for the Administrative Variance and provided the opportunity for comment. (Attach additional sheet if necessary).





## VARIANCE EXHIBIT

STARBUCKS - ARROWOOD ROAD  
 CHARLOTTE, NORTH CAROLINA  
 DATE: DECEMBER 30, 2005  
 BY: HUSSEY, GAY, BELL & DeYOUNG, INC.  
 JOB No.: 405121501  
 SCALE: 1" = 50'

**Project:** 153061 - Starbucks - Arrowood Dr - Shell W/ F/F

Printer Friendly Version

|                    |                        |                    |           |
|--------------------|------------------------|--------------------|-----------|
| <b>Unit:</b>       | LUESA: Commercial      | <b>Date:</b>       | 12/9/2005 |
| <b>Assessment:</b> | Commercial Plan Review | <b>Entered By:</b> | Ron Jones |
| <b>Cycle:</b>      | 2                      |                    |           |
| <b>Checklist:</b>  | Commercial - Zoning    |                    |           |
| <b>Item:</b>       | Bicycle Parking        |                    |           |

**Notes:**

Show and label how the long term bike rack requirement is being met. Provide detail.

|                    |                                    |                    |           |
|--------------------|------------------------------------|--------------------|-----------|
| <b>Unit:</b>       | LUESA: Commercial                  | <b>Date:</b>       | 12/9/2005 |
| <b>Assessment:</b> | Commercial Plan Review             | <b>Entered By:</b> | Ron Jones |
| <b>Cycle:</b>      | 2                                  |                    |           |
| <b>Checklist:</b>  | Commercial - Zoning                |                    |           |
| <b>Item:</b>       | Dumpsters/Recycling with screening |                    |           |

**Notes:**

Dumpster and recycling enclosures are required to have gates (no chain-link). Show on the site plan and provide detail showing how they will be constructed.

|                    |                        |                    |           |
|--------------------|------------------------|--------------------|-----------|
| <b>Unit:</b>       | LUESA: Commercial      | <b>Date:</b>       | 12/9/2005 |
| <b>Assessment:</b> | Commercial Plan Review | <b>Entered By:</b> | Ron Jones |
| <b>Cycle:</b>      | 2                      |                    |           |
| <b>Checklist:</b>  | Commercial - Zoning    |                    |           |
| <b>Item:</b>       | Screening              |                    |           |

**Notes:**

Screening shrubs must be evergreen.

|                    |                        |                    |           |
|--------------------|------------------------|--------------------|-----------|
| <b>Unit:</b>       | LUESA: Commercial      | <b>Date:</b>       | 12/9/2005 |
| <b>Assessment:</b> | Commercial Plan Review | <b>Entered By:</b> | Ron Jones |
| <b>Cycle:</b>      | 2                      |                    |           |
| <b>Checklist:</b>  | Commercial - Zoning    |                    |           |
| <b>Item:</b>       | Parking required:      |                    |           |

*Requested VARIANCE*

**Notes:**

Stacking is measured along the curb line leading up to the service window. As the stacking measures on the plans, the 8th car is pushed into the drive beyond Starbucks.





# Real Estate Lookup

[Print](#)
[Close](#)

## Parcel Information

|                              |                               |                           |                 |
|------------------------------|-------------------------------|---------------------------|-----------------|
| <b>Parcel ID</b><br>16719308 | <b>Account</b><br>PARTNERSHIP | <b>Parent</b><br>16719306 | <b>Previous</b> |
|------------------------------|-------------------------------|---------------------------|-----------------|

## Owner(s)

|   |   |  |
|---|---|--|
| <b>Owner Name</b><br>FAISON ARROWOOD PROPERTY LTD | <b>Mailing Address</b><br>121 W TRADE ST STE 1900 | <b>City/State</b><br>CHARLOTTE NC 28202-1161 |
|---|---|--|

## Legal Information

|                                |                                  |                |                         |   |                        |
|--------------------------------|----------------------------------|----------------|-------------------------|---|------------------------|
| <b>Legal</b><br>TR A-2 M31-797 | <b>Municipality</b><br>CHARLOTTE | <b>Annexed</b> | <b>Special District</b> | <b>Fire District</b><br>CITY OF CHARLOTTE | <b>Acreage</b><br>1.62 |
|--------------------------------|----------------------------------|----------------|-------------------------|---|------------------------|

## Total Parcel Assessment & Exemptions

|                      |                       |                      |                        |                  |                      |                    |               |
|----------------------|-----------------------|----------------------|------------------------|------------------|----------------------|--------------------|---------------|
| <b>Building</b><br>0 | <b>Land</b><br>543400 | <b>Features</b><br>0 | <b>Total</b><br>543400 | <b>Exemption</b> | <b>Year Approved</b> | <b>Review Date</b> | <b>Amount</b> |
|----------------------|-----------------------|----------------------|------------------------|------------------|----------------------|--------------------|---------------|

## Sales Information

|                           |                   |               |                |                   |                                |                            |                                |                |
|---------------------------|-------------------|---------------|----------------|-------------------|--------------------------------|----------------------------|--------------------------------|----------------|
| <b>Sale</b><br>Dec 3 1985 | <b>Price</b><br>0 | <b>Stamps</b> | <b>Qualify</b> | <b>V/I</b><br>VAC | <b>DeedBook</b><br>05039 - 117 | <b>Type</b><br>DEED STAMPS | <b>Legal Ref.</b><br>05039-117 | <b>Grantor</b> |
|---------------------------|-------------------|---------------|----------------|-------------------|--------------------------------|----------------------------|--------------------------------|----------------|

## Land Use

|                    |                       |                   |                             |                             |
|--------------------|-----------------------|-------------------|-----------------------------|-----------------------------|
| <b>Use</b><br>C700 | <b>Units</b><br>70567 | <b>Type</b><br>SF | <b>Neighborhood</b><br>RE03 | <b>Assessment</b><br>543400 |
|--------------------|-----------------------|-------------------|-----------------------------|-----------------------------|

## Building Information

|             |                    |             |                   |   |
|-------------|--------------------|-------------|-------------------|---|
| <b>Bldg</b> | <b>Description</b> | <b>Type</b> | <b>Year Built</b> | <b>Property Location</b><br>FOREST POINT BV CHARLOTTE |
|-------------|--------------------|-------------|-------------------|---|

|             |              |              |                   |               |                   |                  |              |              |
|-------------|--------------|--------------|-------------------|---------------|-------------------|------------------|--------------|--------------|
| <b>Bldg</b> | <b>Story</b> | <b>Units</b> | <b>Total SqFt</b> | <b>Heated</b> | <b>Foundation</b> | <b>Ext. Wall</b> | <b>Grade</b> | <b>Value</b> |
|-------------|--------------|--------------|-------------------|---------------|-------------------|------------------|--------------|--------------|

|             |             |             |                  |           |                 |                 |                   |                  |                  |
|-------------|-------------|-------------|------------------|-----------|-----------------|-----------------|-------------------|------------------|------------------|
| <b>Bldg</b> | <b>Heat</b> | <b>Fuel</b> | <b>FirePlace</b> | <b>AC</b> | <b>Fixtures</b> | <b>Bedrooms</b> | <b>Full Baths</b> | <b>3/4 Baths</b> | <b>1/2 Baths</b> |
|-------------|-------------|-------------|------------------|-----------|-----------------|-----------------|-------------------|------------------|------------------|

## Sub Areas

|             |                    |             |
|-------------|--------------------|-------------|
| <b>Bldg</b> | <b>Description</b> | <b>Size</b> |
|-------------|--------------------|-------------|

## Depreciation

|             |                 |                   |                 |                |                 |
|-------------|-----------------|-------------------|-----------------|----------------|-----------------|
| <b>Bldg</b> | <b>Physical</b> | <b>Functional</b> | <b>Economic</b> | <b>Special</b> | <b>Override</b> |
|-------------|-----------------|-------------------|-----------------|----------------|-----------------|

## Special Features & Yard Items

|             |              |             |                 |              |              |
|-------------|--------------|-------------|-----------------|--------------|--------------|
| <b>Bldg</b> | <b>Built</b> | <b>Type</b> | <b>Quantity</b> | <b>Units</b> | <b>Value</b> |
|-------------|--------------|-------------|-----------------|--------------|--------------|

## Value Changes

|                    |                 |  |                   |                 |
|--------------------|-----------------|--|-------------------|-----------------|
| <b>Notice Date</b> | <b>Tax Year</b> | <b>Reason</b>                            | <b>Changed To</b> | <b>Deferred</b> |
| Apr 12 2005        | 2005            | Reviewed - No change in value            | 543400            | 0               |
| Apr 12 2005        | 2005            | Reviewed - No change in value            | 543400            | 0               |
| Mar 15 2004        | 2003            | Reviewed - No change in value            | 543400            | 0               |
| Mar 15 2004        | 2003            | Reviewed - No change in value            | 543400            | 0               |
| Mar 21 2003        | 2003            | Countywide Revaluation                   | 543400            | 0               |
| Apr 27 2000        | 2000            | Division of Real Estate and/or New Parce | 381060            |                 |

**NORTH CAROLINA SPECIAL WARRANTY DEED**

Excise Tax \$690.00

Portion of Tax Lot No. 167-193-08 Parcel Identifier No. \_\_\_\_\_  
Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_  
By \_\_\_\_\_

Mail after recording to Jim Blakely, 111 Manly Street, Greenville, South Carolina 29601This instrument was prepared by Robinson, Bradshaw & Hinson, P.A.

Brief description for the Index

Tract A-3, Map Book 44, Page 672

THIS DEED made this 15<sup>th</sup> day of December, 2005, by and between**GRANTOR**FAISON-ARWOOD PROPERTIES LIMITED  
PARTNERSHIP, a North Carolina limited partnership**GRANTEE**Starby Three, LLC, a South Carolina limited liability  
companyc/o Hampton Development Company  
P.O. Box 25967  
Greenville, SC 29616

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Charlotte, Mecklenburg County, North Carolina and more particularly described as follows:

BEING all of Tract A-3, containing 0.876 acres, more or less, as shown on plat of \_\_\_\_\_

See Exhibit A attached hereto and made a part hereof by reference.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed by its duly authorized officers, the day and year first above written.

**FAISON-ARROWOOD PROPERTIES LIMITED PARTNERSHIP**, a North Carolina limited partnership

(SEAL)

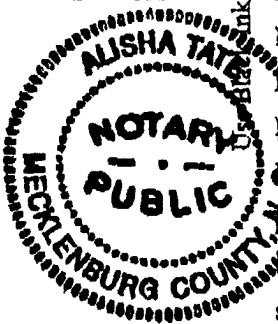
By: **FAISON-CHARLOTTE PROPERTIES LIMITED PARTNERSHIP**, a North Carolina limited partnership, its general partner

By: **Faison & Associates, LLC**, a North Carolina limited liability company, its general partner

By: *David B. Chandler*  
Name: DAVID B. CHANDLER  
Title: Vice President

USE BLACK INK ONLY

SEAL - STAMP



NORTH CAROLINA, Mecklenburg County.

I, a Notary Public of the County and State aforesaid, certify that David B. Chandler Vice President of Faison & Associates, LLC, a general partner of FAISON-CHARLOTTE PROPERTIES LIMITED PARTNERSHIP, a general partner of FAISON-ARROWOOD PROPERTIES LIMITED PARTNERSHIP, a North Carolina limited partnership, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument on behalf of the foregoing limited partnership. Witness my hand and official stamp or seal, this 15 day of December, 2005.

My commission expires: 6-23-08 Alisha Tate Notary Public

The foregoing Certificate(s) of \_\_\_\_\_

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

4. Easement(s) to Southern Public Utilities Company recorded in Book 802, page 411.
5. Easement(s) to Duke Power Company recorded in Book 5231, page 162.
6. Deed of Easement for Roadway by and between Faison-Arrowood Properties, LTD and Faison-Nesbitt Arrowood Venture recorded in Book 5297, page 689, re-recorded in Book 5322, page 721, and affected by Partial Release of Deed of Easement for Roadway recorded in Book 10973, page 759.
7. Contract Encroachment Right of Way to City of Charlotte recorded in Book 5760, page 58.
8. Declaration of Drainage Easements by and between Faison-Arrowood Properties and SREE Arrowood Two, LLC recorded in Book 10334, page 838, amended by First Amendment to Declaration of Drainage Easements recorded in Book 10766, page 738.
9. Declaration of Easements and Restrictions recorded in Book 10334, page 847, amended by first Amendment to Declaration of Easements and Restrictions recorded in Book 10766, page 751.
10. Easement Agreement recorded in Book 11236, page 792.
11. Right of way to State Highway Commission recorded in Book 2483, page 448.
12. Easement(s) to State Highway Commission recorded in Book 2632, page 197.