



VARIANCE APPLICATION

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

FY2005
Case #: <u>06-023</u>
Date Filed: <u>1-27-06</u>
Meeting Date: <u>03-28-06</u>
Received By: _____
Office Use Only

Variance requested on property located at: 1700 Queen City Blvd.
Charlotte, NC 28208

Property Zoned: ~~currently I-1~~, requesting Institutional
(C0) to change the use from weekly rental to
Tax Parcel #: meck Co 06115207 senior condos

Property Owner: NC Golf Homes of Locust Valley IV, LLC
Stephen Content, MANAINGA STRUCTURE

Date Existing Structure Erected: _____

TO THE CHARLOTTE ZONING BOARD OF ADJUSTMENT:

I Edna Chirico & Stephen Content, 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):

Section 9.505 front, side and rear yard
setbacks
Section 12.102 buffer requirements
(SEE ATTACHMENT A)

Describe the VARIANCE being requested on the above referenced property:

We desire to change the use from weekly
motel to senior condos. To accomplish this
we must change zoning from industrial to
institutional. Changing the zoning puts us
out of compliance on buffers and setbacks
No structural changes to existing buildings
is requested.

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.)

Failure to grant the variance request will result in a withdrawal of the rezoning petition and the current use to stay in place. The current weekly rental situation has a tendency to attract drug users/dealers and prostitution in spite of the improved property management efforts

- (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.)

not applicable

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

not applicable

- (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 and rezoning are granted the change of use will significantly improve the character of the neighborhood

The zoning change was verified as meeting the Northwest District Plan

- (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 the variance is a substantial improvement to public safety and welfare. See Attached letters from Charlotte Mecklenburg Police and Charlotte Fire Dept.

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

<u>NC Golf Homes of Locust Valley</u>		<u>Edna Chirico</u>	
Printed Name of Appellant		Printed Name of Representative (if any)	
<u>Stephen Content,</u>		<u>Partner</u>	
<u>MANAGING</u>			
<u>504 N Central Ave</u>		<u>P.O. Box 680486</u>	
Mailing Address		Mailing Address	
<u>Locust NC 28097</u>		<u>Charlotte, NC 28216</u>	
City, State, Zip		City, State, Zip	
<u>704 888-6700</u>		<u>704 562-8847</u>	
Telephone Number		Telephone Number	
Fax Number		Fax Number	
<u>stephencontent@yahoo.com</u>		<u>echirico@chiricohuber.com</u>	
E-Mail Address		E-Mail Address	
<u>Stephen Content</u>		<u>Edna Chirico</u>	
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:

John Content
 Property Owner (If different from Appellant)
1700 Queen City Dr
 Address
Charlotte NC 28204
 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://meck.carma.co.mecklenburg.nc.us/lookup/> or
<http://mcml.ca.mecklenburg.nc.us/007/cics/taxr/tare00/>

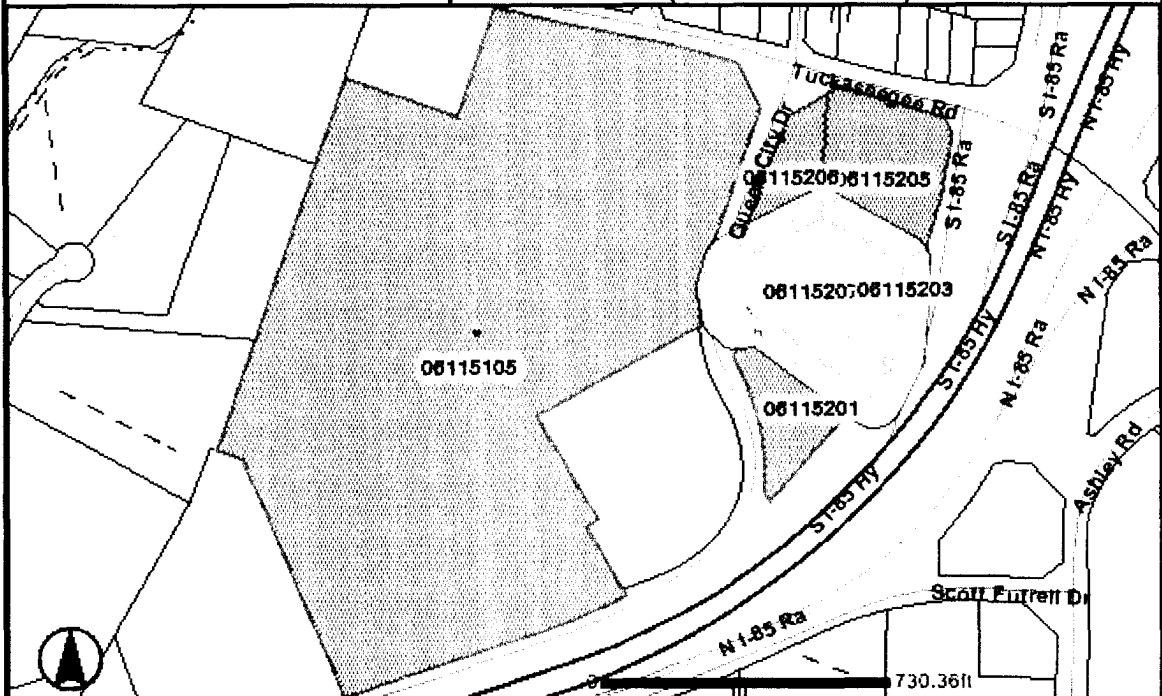
Adjustment for a VARIANCE from the literal Provisions of the Charlotte Zoning Ordinance:

Section 9.505 – front, side and rear yard setbacks:

- Variance of 17.5 feet off the front yard setback of Building C (orange shading)
- Variance of 5.9 feet off the side yard setback of Building C (orange shading)
- Variance of 4.9 feet off the side yard setback of Building A (orange shading)

Mecklenburg County, NC POLARIS
Property Ownership Land Records Information System
Adjoining Owner's Report
Buffer Distance: 75 Feet
1/23/2006 10:55:25 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
06115105	BEACON MONARCH LLC	9300 HARRIS CORNERS PY #100	CHARLOTTE	NC	28269	M39-99	18568	992	33.537 AC
06115201	MYRTLE P THOMPSON	3716 JOHNSTON OEHLER RD	CHARLOTTE	NC	28269	NA	10641	115	1.648 AC
06115203	DEPT OF TRANSPORTATION	PO BOX 640	ALBEMARLE	NC	28001	S I-85	04552	038	0 AC
06115205	PANKAJ N PATEL AND % HOWARD JOHNSON INN	4419 TUCKASEEGEE RD	CHARLOTTE	NC	28208	NA	09441	943	2.557 AC
06115206	SQUIRES REALTY INC AND DAVID E SR FULLER	916 PECAN AVE	CHARLOTTE	NC	28205	N/A	7640	990	1.2 AC
06115207	ESI-CHARLOTTE LEASING LLC	1705 QUEEN CITY DR	CHARLOTTE	NC	28208	NA	09484	558	2.888 AC

ADJACENT PROPERTY OWNERS:

- | | | | |
|-----|---|--------------|----------------|
| 1. | BEACON MONARCH LLC
9300 HARRIS CORNERS PY #100
Charlotte, NC 28269 | Parcel # | <u>6115105</u> |
| 2. | MYRTLE P THOMPSON
3716 JOHNSTON OEHLER RD
Charlotte, NC 28269 | Parcel # | <u>6115201</u> |
| 3. | DEPT OF TRANSPORTATION
PO BOX 640
ALBEMARLE, NC 28001 | Parcel # | <u>6115203</u> |
| 4. | PANKAJ N PATEL AND % HOWARD JOHNSON INN
4419 TUCKASEEGEE RD
Charlotte, NC 28208 | Parcel # | <u>6115205</u> |
| 5. | SQUIRES REALTY INC AND DAVID E SR FULLER
916 PECAN AVE
Charlotte, NC 28205 | Parcel # | <u>6115206</u> |
| 6. | _____

_____ | Tax Parcel # | _____ |
| 7. | _____

_____ | Tax Parcel # | _____ |
| 8. | _____

_____ | Tax Parcel # | _____ |
| 9. | _____

_____ | Tax Parcel # | _____ |
| 10. | _____

_____ | Tax Parcel # | _____ |

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).