



VARIANCE APPLICATION

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

FY2005
Case #: <u>06-024</u>
Date Filed: <u>1-30-06</u>
Meeting Date: <u>03-28-06</u>
Received By: _____
Office Use Only

Variance requested on property located at: 2713 South Tryon St.

Property Zoned: I-1

Tax Parcel #: 14701175 and 14701187

Property Owner: ALI Zaghari

Date Existing Structure Erected: 1960's

TO THE CHARLOTTE ZONING BOARD OF ADJUSTMENT:

I Ali Zaghari, 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):

Developmental Standards - Chapter 12 Part 2, Table 12.202

Describe the VARIANCE being requested on the above referenced property:

We need a waiver of 10 parking spaces
Table 12.202 @ 250 sq building per space = 30
We are only able to get 20 on the existing site.

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.)

Owner is trying to improve the property by adding to the existing building and opening an automotive service center.
Maximum parking we can get on the lot is 20 spaces.

- (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 will not be able to maximize the use of our property w/ the required parking spaces.

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

This is an existing site. We are not ~~loos~~ losing
any spaces with the building addition.

- (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 variance will allow us to upgrade this part
of the building from a laundromat + 2 office spaces
to a 4-bay service center. This will help improve the
neighborhood and add approximately 4 jobs to this
area.

- (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.)

We are improving the site - new side walk to
the street, new landscaping, new bicycle parking -
This provides better access and more pleasant place to
do business.

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

OSAMA ZAGHAR

Printed Name of Appellant

Calvin H. Cochran, Architect

Printed Name of Representative (if any)

2713 S. Tryon St

Mailing Address

111 W. Market St., Ekin, NC

Mailing Address

Charlotte NC 28203

City, State, Zip

ELKIN, NC 28621

City, State, Zip

704-377-4241 704-342-3168

Telephone Number

Fax Number

336-835-9980 835-2774

Telephone Number

Fax Number

E-Mail Address

osama.zaghar

Signature of Appellant

chcarchitect@earthlink.net

E-Mail Address

Calvin H. Cochran

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>Edgar & Nancy Grant</u>
<u>8968 Lynn Parker Ln</u>
<u>Charlotte, NC 28208</u> | Tax Parcel # <u>14701174</u> |
| 2. | <u>Housing Authority City of Charlotte</u>
<u>P.O. Box 36795</u>
<u>Charlotte, NC 28202</u> | Tax Parcel # <u>14701101 & 14505113</u> |
| 3. | <u>Charles W. Allison, Jr.</u>
<u>P.O. Box 35628</u>
<u>Charlotte, NC 28235</u> | Tax Parcel # <u>14701177</u> |
| 4. | <u>Ali Zaghari</u>
<u>1919 Rothmullan Dr.</u>
<u>Charlotte, NC 28262</u> | Tax Parcel # <u>14701175 & 14701187</u> |
| 5. | _____

_____ | Tax Parcel # _____ |
| 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).

CHARLOTTE CODE

PART 2: OFF-STREET PARKING AND LOADING

PERMITTED USES	REQUIRED NUMBER OF AUTO PARKING SPACES	LONG-TERM BICYCLE	SHORT-TERM BICYCLE
Restaurants	1 space per 75 square feet	2, or 1 per 10,000 square feet	5% of auto parking
Retail establishments - Motion Picture Theatres - Other retail establishments	1 space per 3 seats 1 space per 250 square feet	2, or 1 per 12,000 square feet	5% of auto parking
Shopping centers, greater than 50,000 square feet	1 space per 250 square feet	2, or 1 per 12,000 square feet	5% of auto parking
Wholesale establishments	.25 space per 1,000 square feet for the wholesaling portion plus 1 space per 400 square feet for any accessory office	2, or 1 per 40,000 square feet	5% of auto parking
Other business uses	1 space per 250 square feet	2, or 1 per 10,000 square feet	5% of auto parking
INDUSTRIAL USES:			
Airports	1 space per 4 seats in the terminal	Per CMPC review*	Per CMPC review
Manufacturers and warehouses	.25 spaces per 1,000 square feet for the manufacturing or warehousing portion plus 1 space per 400 square feet for any accessory office	2, or 1 per 40,000 square feet	1% of auto parking
Other industrial uses	1 space per 400 sq feet	2, or 1 per 40,000 square feet	1% of auto parking

(Petition 2005-013, § 12.209, 3/21/05)

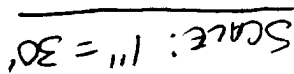
Planning Commission staff in conjunction with CDOT may waive or reduce bicycle parking depending on the surrounding land uses of a particular development, and the accessibility of a site by bicycle. One example of a location where less bicycle parking would be required is at a freeway interchange with no connection to the surrounding neighborhoods.

- - All square footage is gross footage.

Section 12.204. Size of required parking spaces and aisles.

- (1) Each required parking space shall meet the minimum dimensional requirements as set out in the Charlotte-Mecklenburg Land Development Standards Manual.
- (2) In parking lots with 20 or more spaces, no more than 25 percent of all required parking spaces shall be designed and designated for compact cars.
- (3) Each required parking space shall have direct and unrestricted access to an aisle of the minimum width as set out in the Charlotte-Mecklenburg Land Development Standards Manual.

E.I.R.
REAR OF
LOT 14



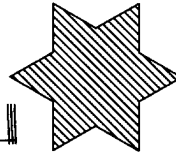
VICINITY MAP NOT TO SCALE

REEMOUNT RD.

YOUNGBLOOD ST.

FAIRMOOD AVE.

SITE



SOUTH TRYON ST.

FAIR-
WOOD
AVE.

BENJAMIN
STREET

