



VARIANCE APPLICATION

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

FY2005
Case #: <u>06-030</u>
Date Filed: <u>02-13-06</u>
Meeting Date: <u>03-28-06</u>
Received By: <u>[Signature]</u>
Office Use Only

Variance requested on property located at: 1546 THOMAS AVE.

Property Zoned: R-5

Tax Parcel #: 08118716

Property Owner: WILLIAM G. STAHL & ROBERT SCOTT MACFETRICH

Date Existing Structure Erected: 1929

TO THE CHARLOTTE ZONING BOARD OF ADJUSTMENT:

I WILLIAM G. STAHL, 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):

9.205(1)(g)

Describe the VARIANCE being requested on the above referenced property:

I am requesting a variance to connect my residence to an existing detached garage. The garage rear foundation lies 8' from the deeded property line and 15' from the center of the gravel alley and 23' from the rear neighbor's property line.

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.)

The use of the garage will not change due to the connection to the residence. The detached garage will serve the same purpose as the attached garage. It will protect the occupants from inclement weather crossing from garage to home.

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- (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.)

Due to the size limitations of lots within the Plaza-Midwood neighborhood adhering to the minimum set back would be impossible. The residence lies closer to the rear property line providing a larger front yard and smaller back yard. This layout is opposite of most residences on Thomas Avenue. The majority of homes have larger back yards and smaller front yards.

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

THE GARAGE WAS LOCATED ON THE LOT WITH ALL
ZONING, SETBACKS. THE ATTACHED PIECE-COURTWAY
CONNECTS THE RESIDENCE TO THE BUILT GARAGE.
THE LIMITED LOT SIZE WOULD MAKE IT IMPOSSIBLE
TO MOVE THE GARAGE AS WELL AS THE PHYSICAL STRUCTURE.

- (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 ATTACHED GARAGE IS IN HARMONY WITH IT'S
SURROUNDINGS. IT DOES NOT HINDER THE APPEARANCE
OR CHARACTER OF 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.)

THIS GARAGE DOES NOT AFFECT SAFETY OR WELFARE FOR ANYONE

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

WILLIAM G STAHL
Printed Name of Appellant

Printed Name of Representative (if any)

1546 THOMAS AVENUE
Mailing Address

Mailing Address

CHARLOTTE, NC 28205
City, State, Zip

City, State, Zip

704-564-9194 704-335-0462
Telephone Number Fax Number

Telephone Number Fax Number

JERRY STAHL @ TURNKEYMEDIA.COM
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:

Property Owner (If different from Appellant)

Address

City, State & Zip

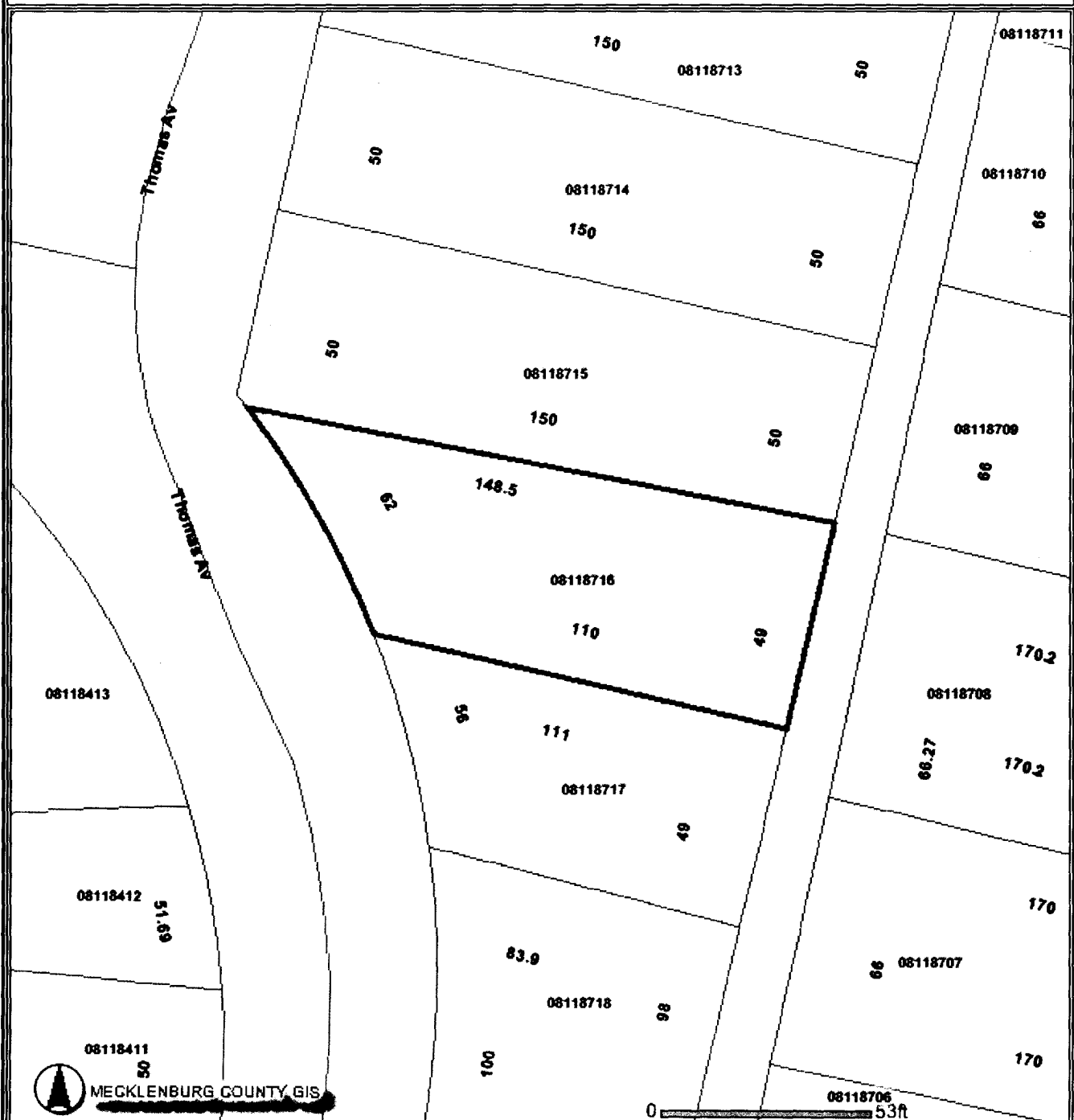
TYPE OR PRINT below the COMPLETE names, tax parcel numbers, mailing addresses and zip codes for the owners of the adjacent properties, including the properties directly across the street from the property, for which a variance is being requested. (Property ownership information is available at:

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

Mecklenburg County, North Carolina

POLARIS**Property Ownership Land Records Information System**

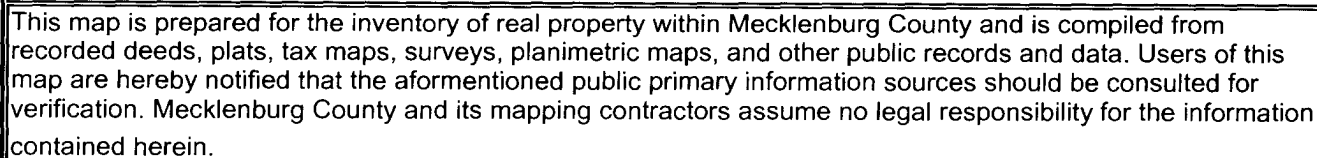
Date Printed: Fri Feb 10 15:25:52 EST 2006

1546 THOMAS AV

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.

Date Printed: Fri Feb 10 15:25:52 EST 2006

1546 THOMAS AV



ADJACENT PROPERTY OWNERS:

1. DANNA B. PENTES
1542 THOMAS AVE
CHARLOTTE, NC 28205
2. CHARLES S. SEUCIK
3201 CONNECTICUT AVE
CHARLOTTE, NC 28205
3. MYRA A. SELLERS
11600 THOMAS AVE
CHARLOTTE, NC 28205
+ Karen R.
4. DONALD L. CATES
1615 THE PLAZA
CHARLOTTE, NC 28205
+ Carol
5. THOMAS HANCHETT
1609 THE PLAZA
CHARLOTTE, NC 28205
6. Jackson S. McRae
1507 Kensington Dr.
Cher, NC 28205
7. Jimmy L. Tomlinson
+ Alexandra Felsing
1601 Thomas Ave.
28205
8. _____

9. _____

10. _____

Tax Parcel # 08118717

Tax Parcel # 08118413

Tax Parcel # 08118715

Tax Parcel # 08118709

Tax Parcel # 08118708

Tax Parcel # 08118503

Tax Parcel # 08118504

Tax Parcel # _____

Tax Parcel # _____

Tax Parcel # _____

New Owner: Donnis
Ray + Stephanie
1600 Thomas Ave.
Charlotte, NC 28205

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).

THIS IS TO CERTIFY THAT ON THE 8th DAY OF May 1997 I SURVEYED THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS IF ANY ARE SHOWN HEREON.

Revised: Feb. 14, 2006

Ref. Map: 332-9

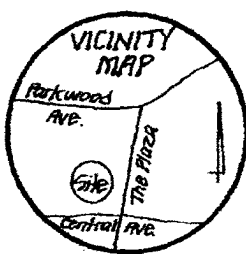
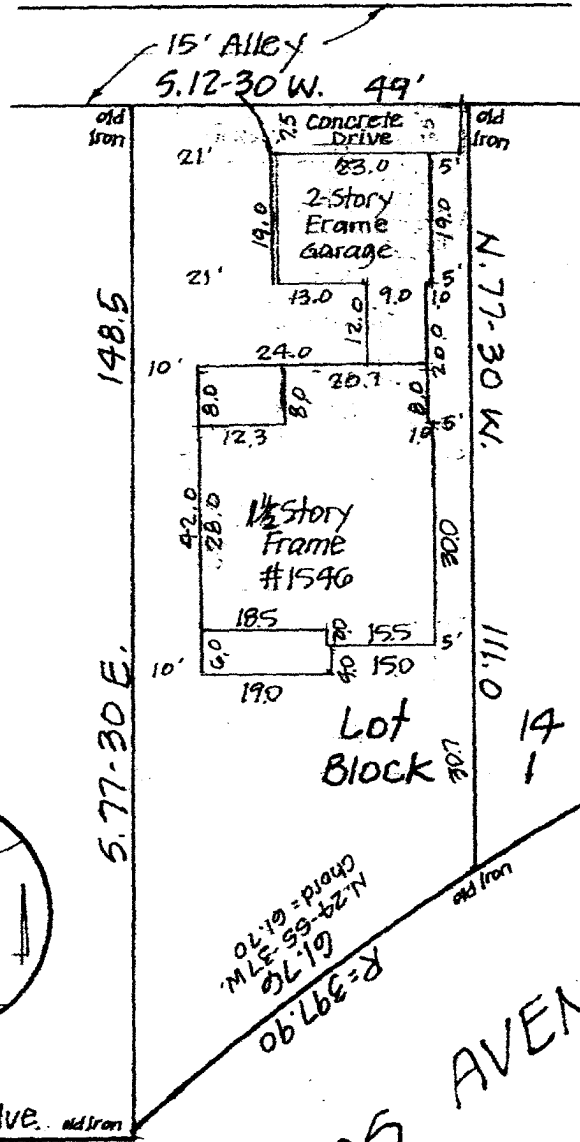
SIGNED

Bobby J. Ray
REGISTERED SURVEYOR

BOBBY J. RAYE
N.C.R.L.S.
627 EASTWAY DRIVE
CHARLOTTE, NC 28205



13



2000 to Kensington Ave. old iron

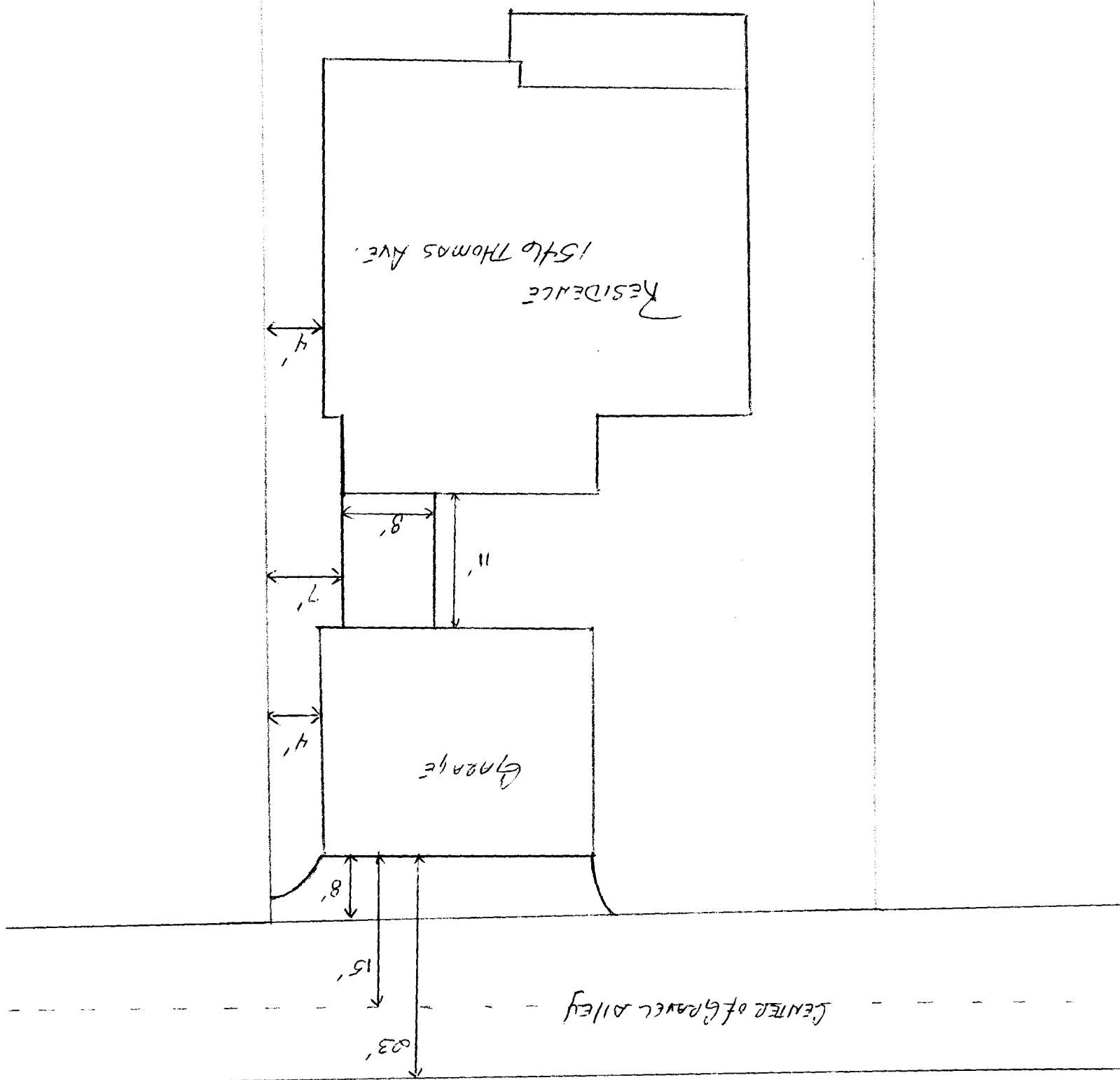
THOMAS AVENUE

Physical SURVEY

SCALE 1"=20' Part of Lot 14 Block 1 Chatham Estates
THE PROPERTY OF Charles K. Major
MAP RECORDED IN BOOK 332 AT PAGE 9 DEED RECORDED IN BOOK PAGE

WILLIAM STAHL
1546 Thomas Ave

DUNCAN, PARNELL, INC. CHARLOTTE, NC 704-372-7766 N105271



Mecklenburg County
Land Use and Environmental Services
P.O. Box 31097
700 N Tryon St
Charlotte, NC 28231-1097
(704) 336-3830



Permit: **B1477371**
Issue Date: May 05, 2005

Building Permit

One/Two Family

Property

Address: 1546 THOMAS AVE
Subdivision:

Parcel: 08118716 Lot: Block:
Tax Jurisdiction: CHARLOTTE

Site Details

Land Area (sq. ft.): Parking Required: Front Street:

Lot

Corner: N Through: N Irregular: N

Minimum Setbacks (ft.)

Front: Left: 3 Right: 3 Rear: 3

Project

Project Number: 122107

Occupancy Type: R3 * RESIDENTIAL - SINGLE FAM

Project Name: DETACHED GARAGE

Contract Cost: \$28,000

USDC: 438 - Residential Garages / Carports(attached or detach

Mobile Home: Year/Make:

Serial Number:

Heated Area: 650 sq. ft.

Unheated Area:

Deck Area:

Owner

Name: WILLIAM G STAHL

Address: SAME

Phone:

Trade Details

Electrical

Total Amps: 0 Number of Circuits: 0 Connections at 120 Volts: 0 Connections Over 120 Volts: 0

Service Type: Existing Utility Company:

Mechanical

No. of Gas Connections: 0 No. of Appliances: 0 Utility Company:

Heating/Cooling:

Plumbing

No. of Fixtures: 0 No. of Appliances: 0

Utilities

Type of Service: Existing

	Public Meter/Connection		Private Service	
	Individual	Master	Individual	Community
Water/Well:	No	No	No	No
Sewer/Septic:	No	No	No	No

This permit will expire if work either has not started within 6 months or is discontinued for a period of 12 months.
No credit or refund will be given unless applied for within 120 days after a permit has expired.



Building Permit

One/Two Family

Property

Address: 1546 THOMAS AVE
Subdivision:

Parcel: 08118716 Lot: Block:
Tax Jurisdiction: CHARLOTTE

Site Details

Land Area (sq. ft.): Parking Required: Front Street:
Lot

Corner: N Through: N Irregular: N

Minimum Setbacks (ft.)

Front: 20 Left: 5 Right: 5 Rear: 35

Project

Project Number: 122107 Occupancy Type: R3 * RESIDENTIAL - SINGLE FAM
Project Name: DETACHED GARAGE Contract Cost: \$3,200
USDC: 438 - Residential Garages / Carports(attached or detache
Mobile Home: Year/Make: Serial Number:
Heated Area: Unheated Area: 710 sq. ft. Deck Area:

Owner

Name: STAHL WM
Phone: (704) 564-9694

Address: 1546 THOMAS AV
CLT, NC 28205

Trade Details

Electrical

Total Amps: 0 Number of Circuits: 0 Connections at 120 Volts: 0 Connections Over 120 Volts: 0
Service Type: Existing Utility Company: DUKE ENERGY

Mechanical

No. of Gas Connections: 0 No. of Appliances: 0 Utility Company: PIEDMONT NATURAL GAS
Heating/Cooling:

Plumbing

No. of Fixtures: 0 No. of Appliances: 0

Utilities

Type of Service: Existing

	Public Meter/Connection		Private Service	
	Individual	Master	Individual	Community
Water/Well:	Yes	No	No	No
Sewer/Septic:	Yes	No	No	No



To file

HISTORIC DISTRICT COMMISSION

CERTIFICATE OF APPROPRIATENESS

CERTIFICATE NUMBER: 2005.07.PM.01

DATE: February 17, 2005

ADDRESS OF PROPERTY: 1546 Thomas Avenue

HISTORIC DISTRICT: Plaza Midwood

TAX PARCEL NUMBER: 081.187.16

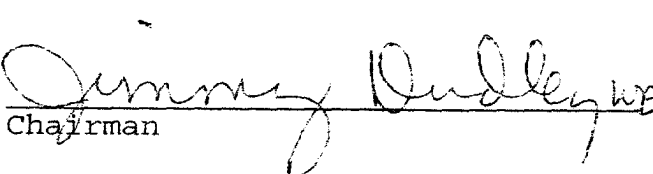
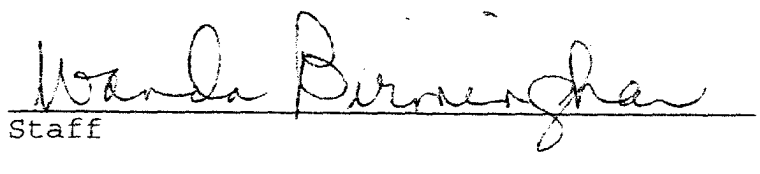
OWNER: McFetrich/Stahl

DETAILS OF APPROVED PROJECT: DEMOLITION OF EXISTING GARAGE AND NEW CONSTRUCTION. Gable end of new garage will face street with 19'x23' footprint and 18' height. Shed dormers - to each side - will tie onto roof below ridge. Band of windows in shed will proportionally match front of house. Pair of windows will match those on house. Materials (including siding and trim) and details (including soffit/eave treatment, siding exposure/reveal) will match house. SEE ATTACHED PLANS.

This Certificate of Appropriateness indicates that the project proposal submitted to the Historic District Commission has been determined to comply with the standards and policies of the Charlotte Historic District Commission. No other approvals are to be inferred. All work must be completed in accordance with all other applicable state and local codes.

Any changes from or additions or deletions to the plans referenced herein will void this Certificate, and a new application must be filed with the Historic District Commission.

This Certificate is valid for a period of six months from the date of issuance. Failure to obtain a building permit in that time will be considered as a failure to comply with the Certificate and the Certificate will become invalid. If a building permit is not required, then the approved work must be completed within six months of the date of issuance of this Certificate. The Certificate can be renewed within twelve months of its issuance by Historic District Commission staff by written request and submission of a valid reason for failure to comply within the six-month deadline.

 Chairman
 Staff