



CASE NO. 06-049⁰⁵¹
MEETING DATE _____

APPLICATION FOR A VARIANCE

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

Variance requested on property located at: 8926 Summer Club Char. NC 28277
Property Zoned: R-3 Zoning Map #: B-3 Tax Parcel #: 229-058-20
Property Owner: Bill and Terri Saint
Date Existing Structure Erected: _____

TO THE CHARLOTTE ZONING BOARD OF ADJUSTMENT:

I William Saint, hereby petition the Board of 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):

Part 1: Section (3b)

Section 9.205(1)(g)

Describe the VARIANCE being requested on the above referenced property:

Request to be granted a variance to increase the allowed encroachment of a covered porch by 2'-4".

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 he 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.)

Without the requested variance, the outdoor covered porch can NOT reasonably be used for its intended purpose. This porch is integral to the overall design of the home.

- (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.)

the hardship results from the lot configuration, i.e. the angle in which the rear property line bears in relationship to the side yard property line is such that it restricts the property from having a usable covered porch in the rear of the home.

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

The hardship results from the lot size and angle of rear property line which restricts the size of the intended rear covered porch.

- (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.)

See Attached information

- (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.)

The proposed variance secures the public safety and welfare of the community and substantial justice has been done. This variance will create no ill effect on the public.

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


Signature of Applicant

William Saint
Typed or Printed Name of Applicant

8926 Summer Club
COMPLETE ADDRESS

Charlotte NC 28277
City, State, Zip Code

4-11-06
Date

704 507-2068
Telephone Number

Represented By: (signature)

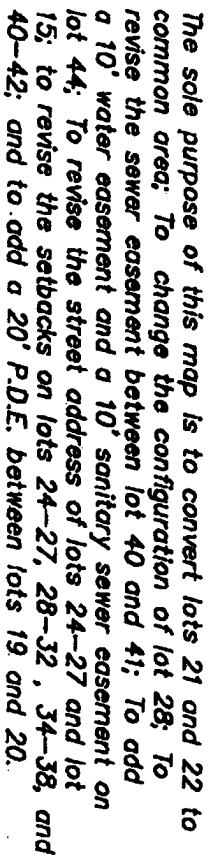
Typed or Printed Name of Above

COMPLETE ADDRESS

City, State, Zip Code

Date

Telephone Number



Highgrove Future Map 2
Ballantyne Properties LLC
10805/553
LOT 24
8926 Summer Club

Sheet 1 of 2

REVISIONS
CSN 3/14/00
CSN 3/30/00

CSN 4/10/00
CSN 4/24/00
CSN 5/1/00

CSN 5/3/00
ETN 5/23/00

10/23/20

Drawing file *Haruchina4.dwg* Drawing no. 97/196

ARCHITECTS

1668 Telegraph Road Suite 250
 Bloomfield Hills MI 48302
 Tel 248 335 8888 Fax 248 335 0944
 www.DTArchitects.com

April 4, 2006

Bill Saint
 1910 South Boulevard
 Suite 200
 Charlotte, NC 28203

Dear Bill:

I made the necessary changes to the design of your custom residence for Highgrove Lot #24. The house was reoriented on the site to optimize the building envelope, thus allowing you the largest possible Loggia in the rear of the home. However, as Dominick described to you, the Loggia still will not comply with the Charlotte Code. Therefore, I made adjustments to the Loggia in order to reduce the noncompliance, thus making it easier for you to obtain the variance.

Part 1: Section 3 of the Charlotte Code restricts the encroachment of covered porches into the rear yard to no more than 25% of the total depth of the rear yard (from the rear setback to the rear property line). It also restricts covered porches that extend outside of the buildable area to no more than 50% of the total width of the residence. Therefore, per your conversation with Dominick, the Loggia has been reduced from 35'-5" to 30'-9". The allowed encroachment into the rear yard is 7'-6". Currently, the Loggia extends 9'-10" into the rear yard. You will have to obtain a variance for this 2'-4" difference.

I have attached a schematic site plan to illustrate what I described above. The wording for the variance that I advise you to use is as follows:

TO THE CHARLOTTE ZONING BOARD OF ADJUSTMENT:

(1) (Section numbers and code requirements):

"Part 1: Section (3b)"

(2) (Describe the VARIANCE):

"Request to be granted a variance to increase the allowed encroachment of a covered porch by 2'-4".

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:

(a-2):

"The hardship results from the lot configuration, i.e. the angle in which the rear property line bears in relationship to the sideyard property line is such that it restricts the property from having a usable covered porch in the rear of the home."



(b):

"The proposed deviation from the ordinance represents the least possible encroachment for a usable covered porch into the rear yard due to the restrictive nature of the property line orientation. A covered porch constructed under the ordinance without the variance would create an unusable covered porch, resulting in an unreasonable and inefficient use of space and land. The variance would be increasing the allowable encroachment for a covered porch from 25% of the rear yard to 32%, or a difference of 2'-4". Granting this variance will permit this residence to fit within the character of the existing neighborhood and is in support of the architectural style of the proposed residence."

(c):

"The proposed variance secures the public safety and welfare of the community and substantial justice has been done. This variance will create no ill effect to the public."

If you have any further questions regarding the variance or your residence please feel free to contact me.

Sincerely,

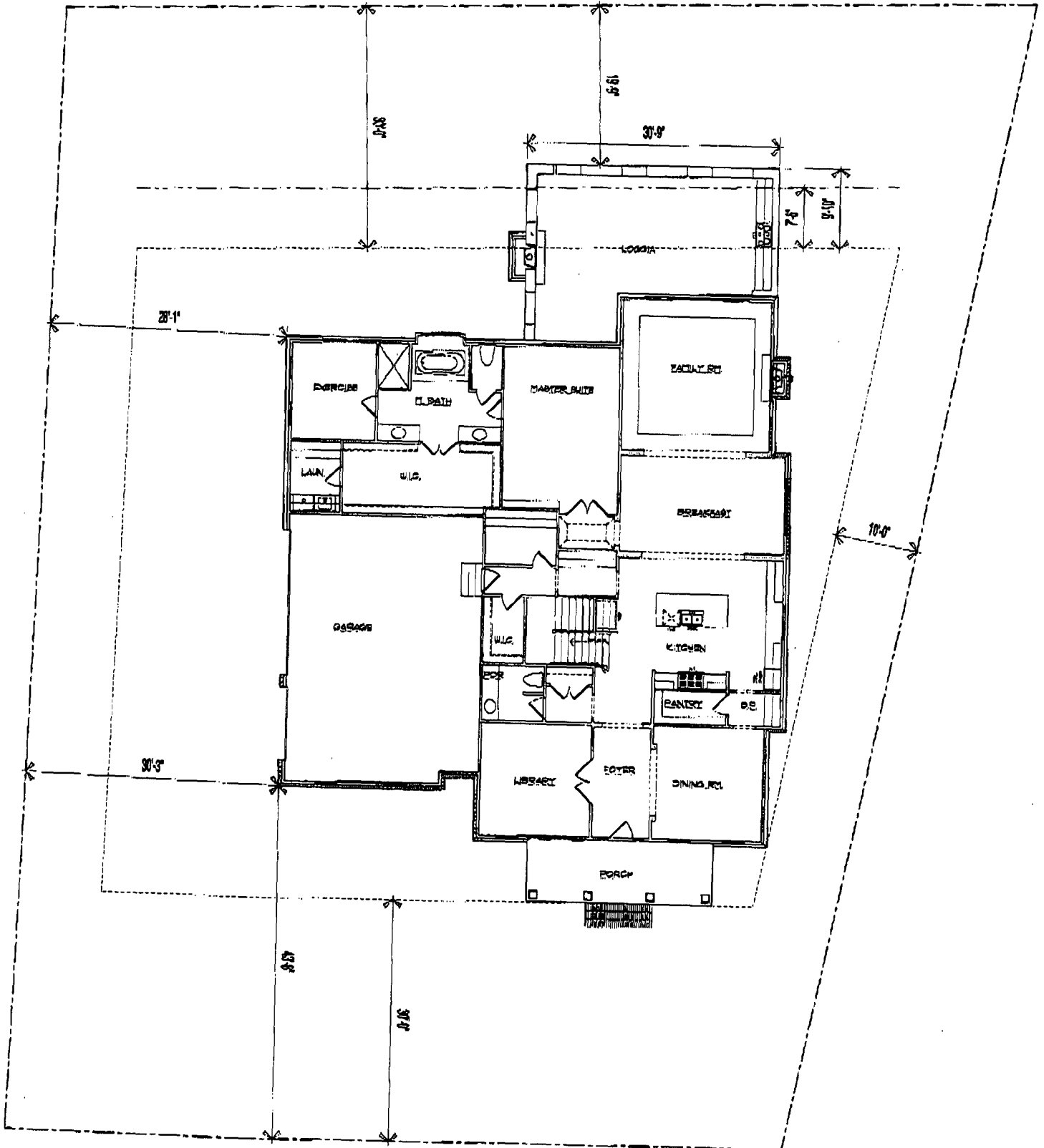
Stephen McKay, Jr.

Dominick Tringali Architects, Inc.

Enclosures: Site Plan

cc:





SAINT RESIDENCE

Lot #24 - Highgrove

DOMINICKTRINGALI ARCHITECTS



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