

Hearing Request Application - Form 1
Zoning Board of Adjustment
City of Charlotte

Date Filed: 12/12/07 Case Number: 08-003 Received by: SKennedy

Instructions

This form must be filed out completely. Please attach the appropriate additional form depending on your request type along with required information as outlined in the appropriate checklist. Please type or print legibly. All property owners must sign and consent to this application, attach additional sheets if necessary. If the applicant is not the owner, the owners must sign the Designation of Agent section at the bottom of this form.

The Applicant Hereby (check all that apply):

- ☒ Requests a variance from the provisions of the zoning ordinance as stated on Form 2
☐ Appeals the determination of a zoning official as stated on Form 3
☐ Requests an administrative deviation as stated on Form 4

Applicant or Agent's Name: Randolph K Epting

Mailing Address: 1310 Buchanan Street

City, State, Zip: Charlotte NC 28203

Daytime Telephone: 704 488-2412 Home Telephone: 704 488-2412

Interest in this Case (please circle one): Owner Adjacent Owner Other

Property Owner(s) [if other than applicant/agent]: _____

Mailing Address: _____

City, State, Zip: _____

Daytime Telephone: _____ Home Telephone: _____

Property Address: _____

Tax Parcel Number: 12312215 Zoning District: R-22MF

Subdivision Name: East Dilworth Conditional District: YES NO

Applicant Certification and Designation of Agent

I (we) certify that the information in this application, the attached form(s) and documents submitted by me (us) as part of this application are true and correct. In the event any information given is found to be false, any decision rendered may be revoked at any time. I (we) hereby appoint the person named above as my (our) agent to represent me (us) in this application and all proceedings related to it. I (we) further certify to have received, read and acknowledged the information and requirements outlined in this packet.

Dec. 10, 2007
Date

Randolph K. Epting
Property Owner

Date

Property Owner

Variance Application - Form 2
Zoning Board of Adjustment
City of Charlotte

Date Filed: _____ **Case Number:** _____ **Fee Collected:** _____

Has work started on this project? YES ☐ NO ☒
 If yes, Did you obtain a building permit? YES ☐ NO ☐ If yes, attach a copy.
 Have you received a Notice of Violation for this project? YES ☐ NO ☒ If yes, attach a copy.
 Has this property been rezoned? YES ☐ NO ☒ If yes, Petition Number: _____

(1) What zoning ordinance section numbers are you seeking a variance from? Please list each section, the requirement and the requested variance.

Item	Code Section	Code Requirement	Variance Request
Example	9.205 (1)(g)	45 foot rear yard	35 foot rear yard (10 foot reduction from required)
A	9.305(1)(g)	20 foot rear yard	15 foot rear yard (5 foot reduction from required)
B			
C			
D			
E			

(2) Please describe why the variances requested are necessary.

The home, built in 1939 zoned R-22MF resides on a 54 foot deep lot whereas the built structure intrudes into the current rear yard requirement stated in Code Section 9.305(1)(g) and is nonconforming. Homeowner seeks 374 foot side addition to existing 815 foot dwelling within a limited area of rear setback for reasonable occupation. The requested encroachment is minimal in relationship to the lot size. The proposed addition would add 16 feet to the side and 20 feet toward the back property line, and intrudes only 5 feet of the rear yard setback with no height added to the structure. This addition is the subject to which the homeowner request a variance needed to build suitable residential living space.

(3) 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:

(a) 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.)

In compliance to the 20 foot rear yard requirement, the acceptable structure would not be a practical dwelling. The strict definition of this ordinance would limit any proposed structure from being built on this lot for any reason. The survey suggest a relatively close rear property line to build from and would make it difficult to adjust any plan to meet this ordinance without an applied variance. To abide by this ordinance, the current conditions of this code would make it unreasonable to build and unrealistic for habitat while creating a hardship for common residency within the community as planned.

(b) 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 Department. Also, unique personal or family hardships are irrelevant since a variance, if granted, runs with the life of the land.)

The hardship is unique in reference to its approximate size of 52.5 feet wide and 54 feet deep as compared to the adjacent lot (Parcel ID #12312201) to the side with a 125 foot lot depth and the bordering lot (Parcel ID #12312202) to the rear of 177.22 foot deep which is commonly found in lots developed within the area. The lot to which this variance applies makes its condition limited for building area in light of the uncommon size which differs from residential dwellings built during the described period of 1939. It is unusually small for its dimensions of lot size used during the original development of the neighborhood. It is the smallest lot on Buchanan Street at .07 acre.

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

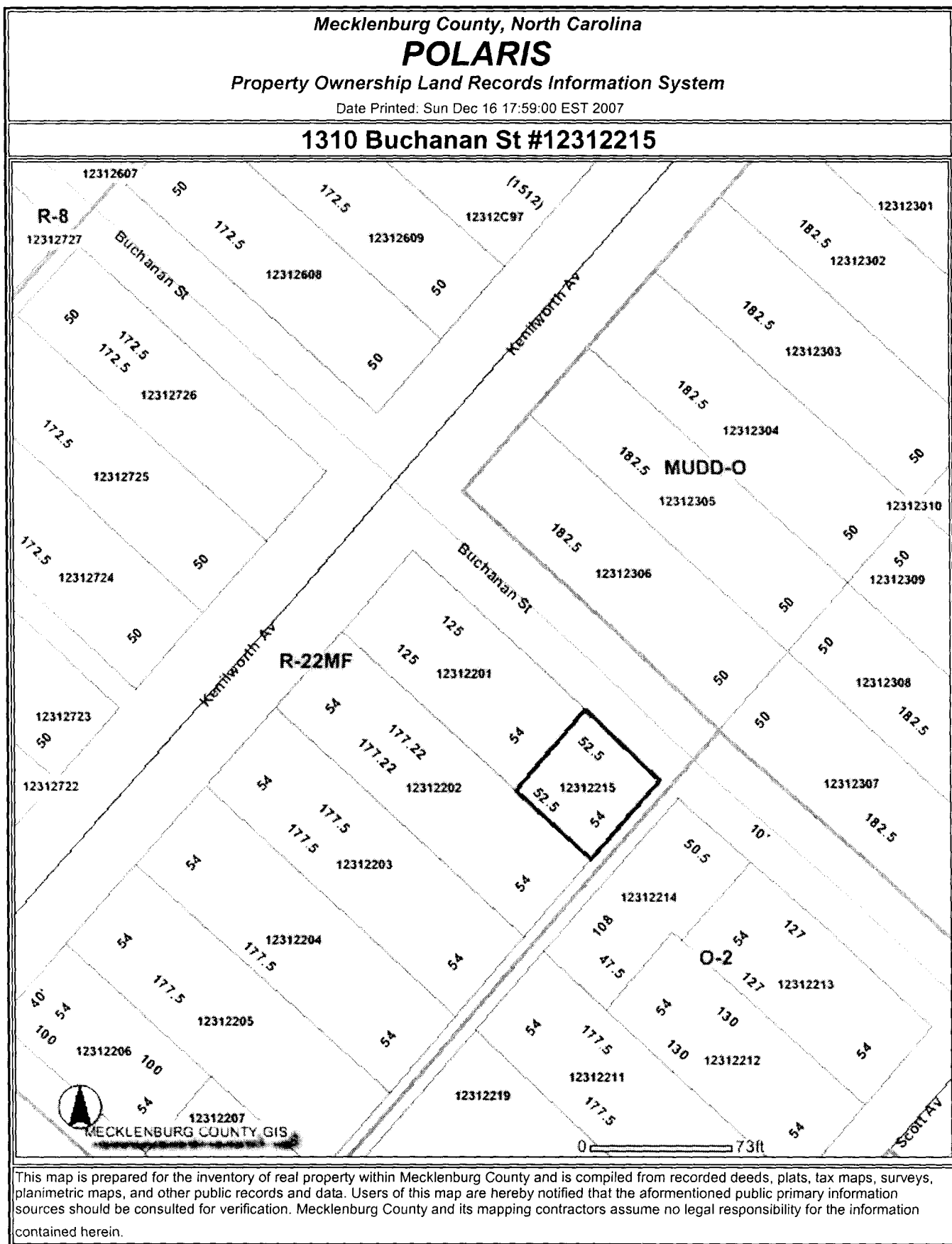
The subject of hardship is a result of pre dated actions on what was planned for that particular lot and not an action created by the homeowner to which the hardship now occurs.

(4) 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 requested variance would allow the expansion of similar square footage found on single family dwellings in Dilworth and the design would only encroach within a limited area of the rear yard. The variant given to the additional structure would not eliminate the setback requirement but would preserve the code in limited form as related to this unusual size of the lot. This variance allows the usefulness of an older established home positioned at rear corner of the lot to adhere to the principle of the code with proper modification. The structure will maintain its existence as a typical Bungalow structures built on smaller lots of that period without destroying existing housing sock in the area.

(5) 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 additional structure within the setback, as shown on the design, does not increase the overall height dimension and poses no safety issues to the abutting lots. If granted, the rear lot line will continue to be setback from the new structure and allow the rear adjoining lot use of their existing parking lot. The adjacent lots would continue to have access to the alley and does not obstruct parking to the surrounding parcels. By allowing this variance, this modest expansion would give reasonable logic to the code by an acceptable variant that bring justice to the spirit of the implied ordinance.

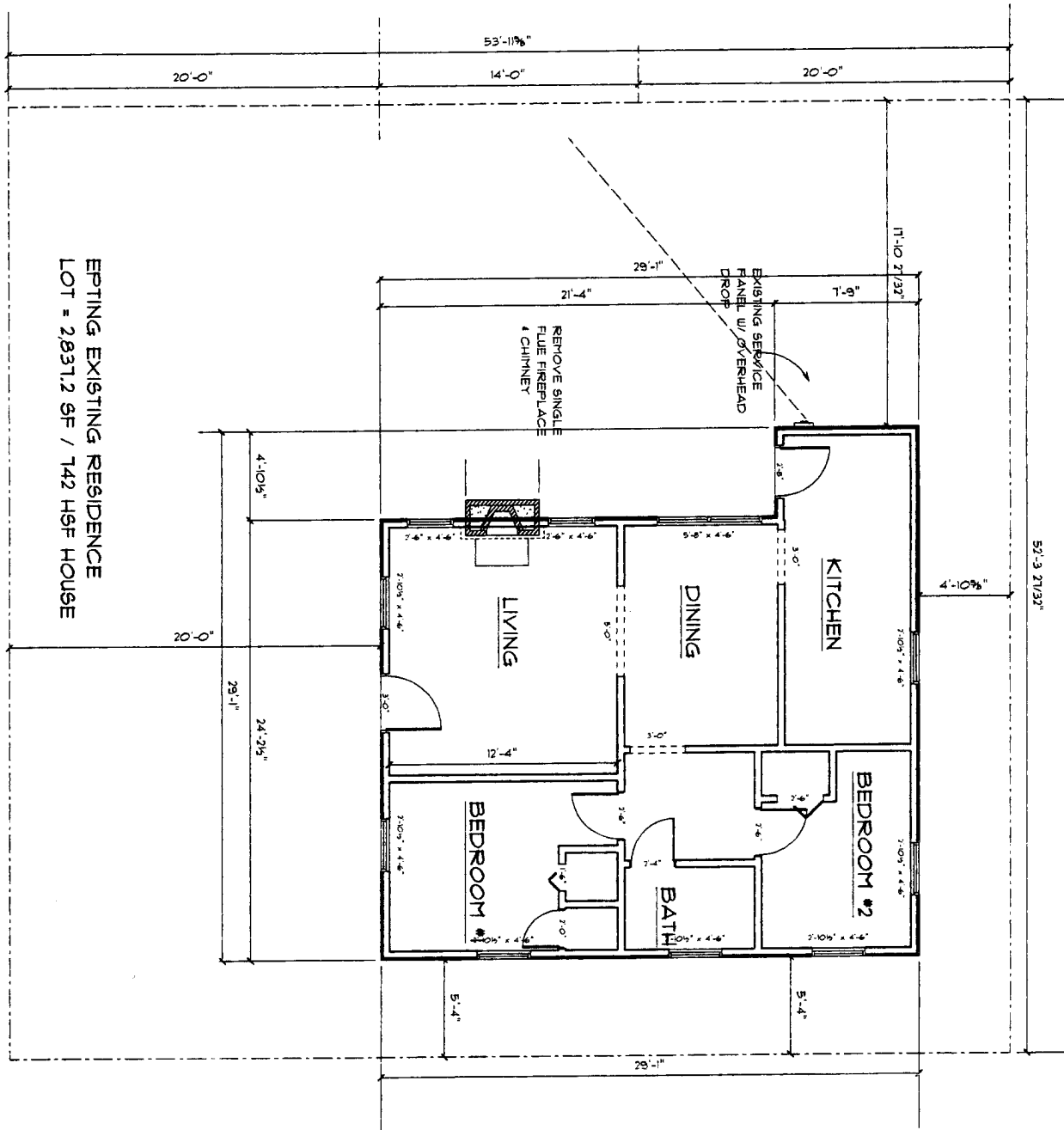




Existing side proposed for addition



Rear property line of lot



EXISTING RESIDENCE
LOT = 2837.2 SF / 742 HSF HOUSE

1310 BUCHANAN ST.
EXISTING LOT AND FLOOR PLAN

SCALE
DRAWN BY
AF / ED

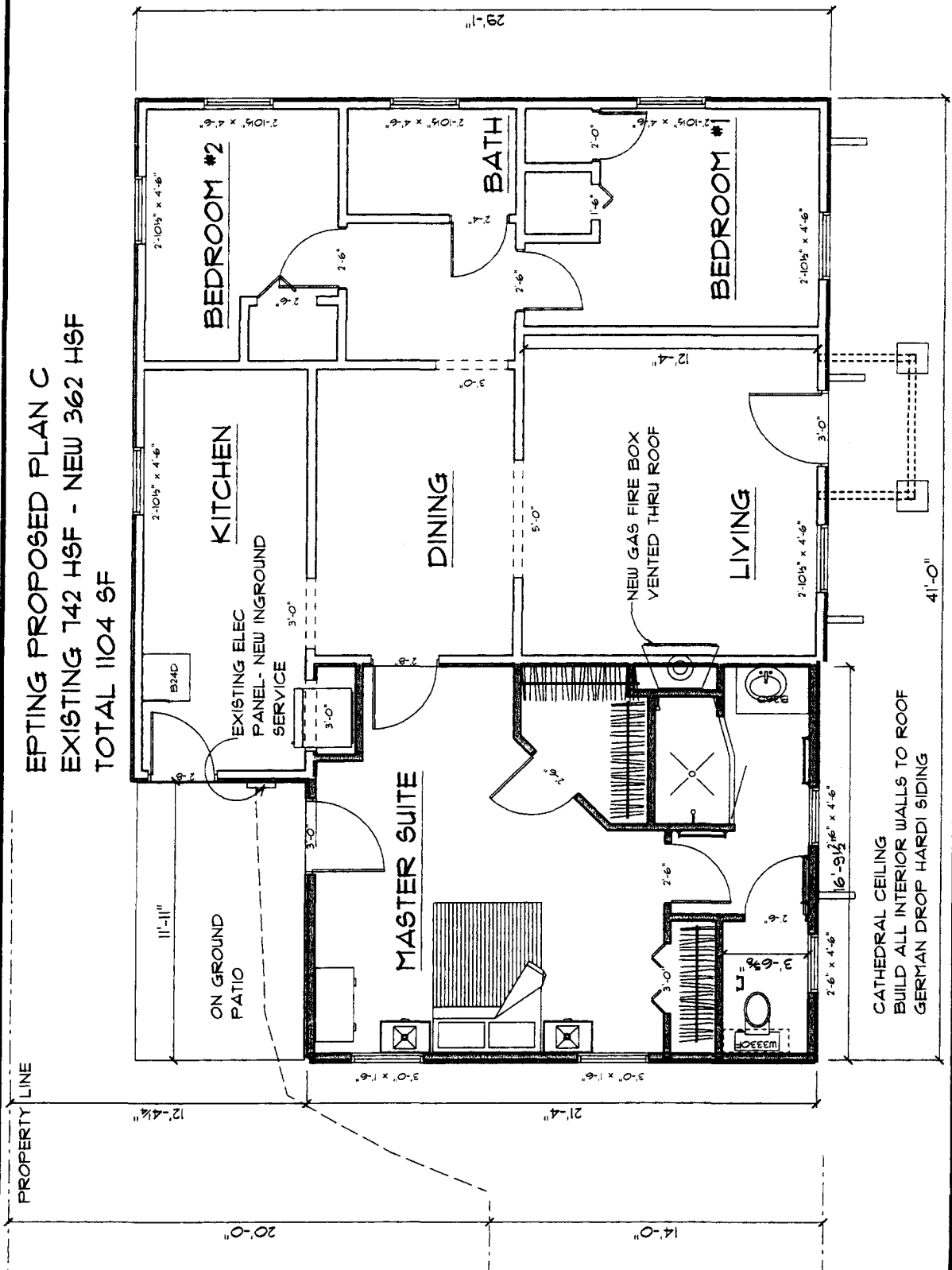
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DATE December 17, 2007
REVISED
DRAWING*

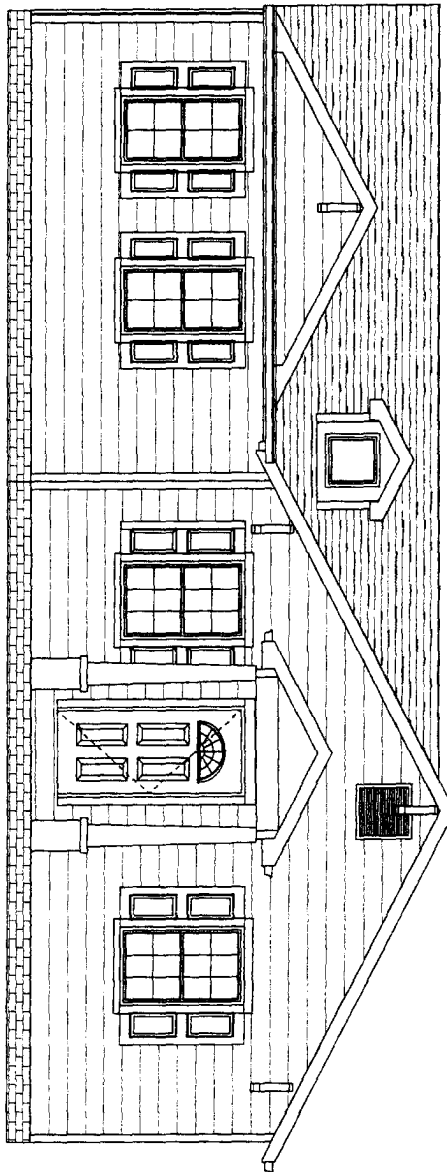


EPTING PROPOSED PLAN C
 EXISTING 742 HSF - NEW 362 HSF
 TOTAL 1104 SF

DATE December 17, 2007	REVIEWED	APPROVED	SCALE	DRAWN BY DAT	2	PROPOSED ADDITION	1310 BUCHANAN ST
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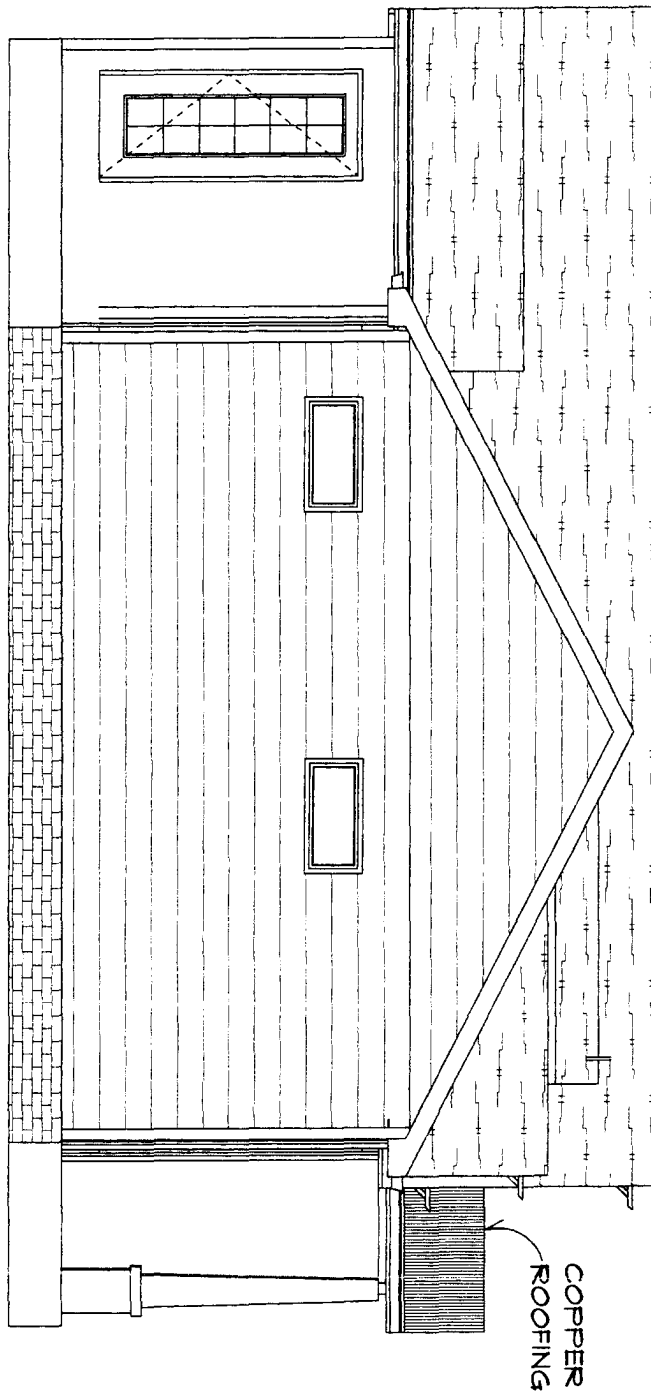


EPTING RESIDENCE PROPOSED FRONT ELEVATION
 1310 BUCHANAN ST.



	SCALE	3	DATE December 17, 2007	
	DRAWN BY DAT		REVISED	
	APPROVED		DRAWING*	

EPTING RESIDENCE PROPOSED LEFT ELEVATION
 1310 BUCHANAN ST.



COPPER
ROOFING

SCALE

DRAWN BY DAT

APPROVED

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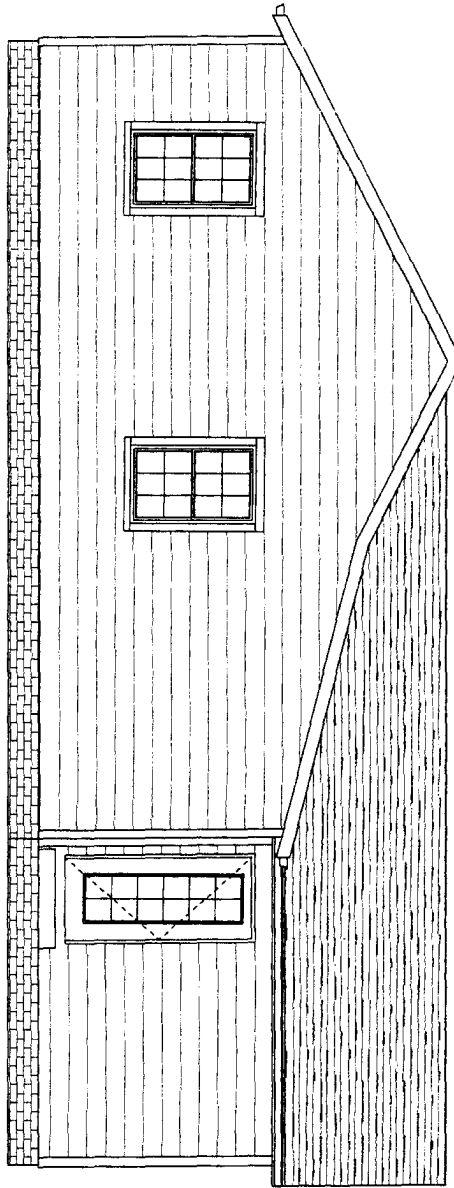
DATE December 17, 2007

REVISED

DRAWING*



EPTING RESIDENCE PROPOSED REAR ELEVATION
 1310 BUCHANAN ST.



SCALE

DRAWN BY DAT

APPROVED

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DATE December 17, 2007

REVISED

DRAWING*

DAVID
 Tyson
 & Associates
 LLC

