

original

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

Date Filed: 12/17/07 Case Number: 08-004 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: PRADEEP GANDHI & KALPANA GANDHI

Mailing Address: 45248 ELK COURT

City, State, Zip: FREMONT, CA 94539

Daytime Telephone: 408 921 2269 Home Telephone: 408 921 2269

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: 2108 DICKINSON PLACE, CHARLOTTE, NC 28207

Tax Parcel Number: 15112310 Zoning District: R100 Charlotte

Subdivision Name: Myers Park 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.

12/14/07
Date

12/14/07
Date

Pradeep Gandhi
Property Owner

Kalpna Gandhi
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	9.205 (1)(g)	45 foot rear yard	15 foot rear yard setback
B		Setback	(Pl. see survey illustration)
C			
D			
E			

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

Due to shape of the lot at 2148 Dickinson Place, the buildable area, according to City of Charlotte zoning requirements is extremely awkward, and would significantly detract from the value of the neighbourhood. Upon this discovery, every reasonable effort has been made to comply with the city of Charlotte code. By allowing the use of the existing building foot print, the value of the property and the neighbourhood will not be compromised. The variance is necessary in order to build and make reasonable use of the property.

(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.)

The buildable area, according to City of Charlotte zoning requirements is triangular in shape & extremely awkward. It is not possible to build a house and make reasonable use of the property.

(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 neighbouring lots have a proper topology and does not cause building problems. Lot #9 is the only lot that ends up with a triangular area that makes building on it very awkward. Therefore it is this issue that creates the unique circumstance causing hardship.
(Please refer to aerial map attached.)

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

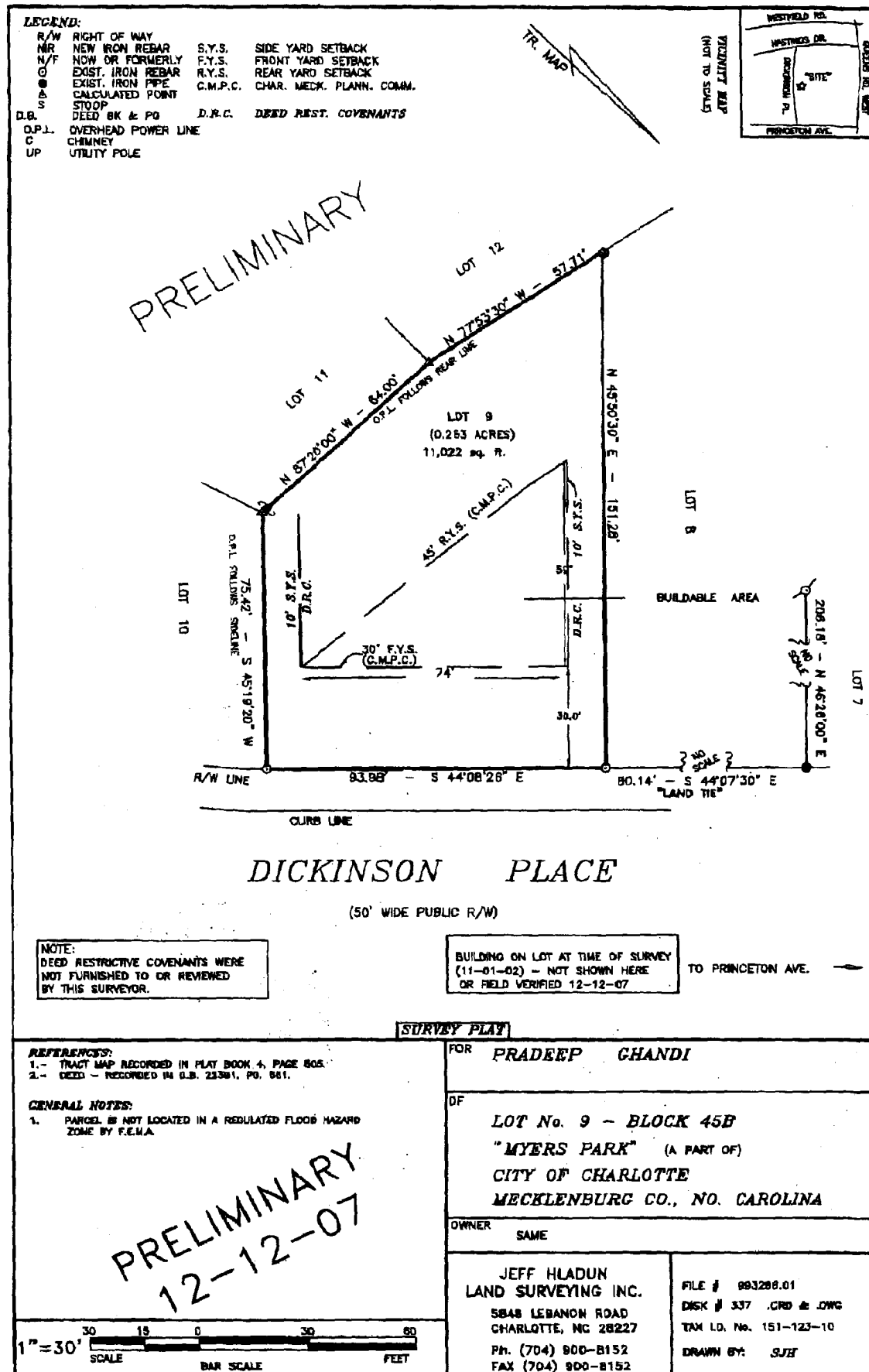
We have just bought the lot with the assumption to build on it. We have not done anything to the lot that has resulted in this hardship.

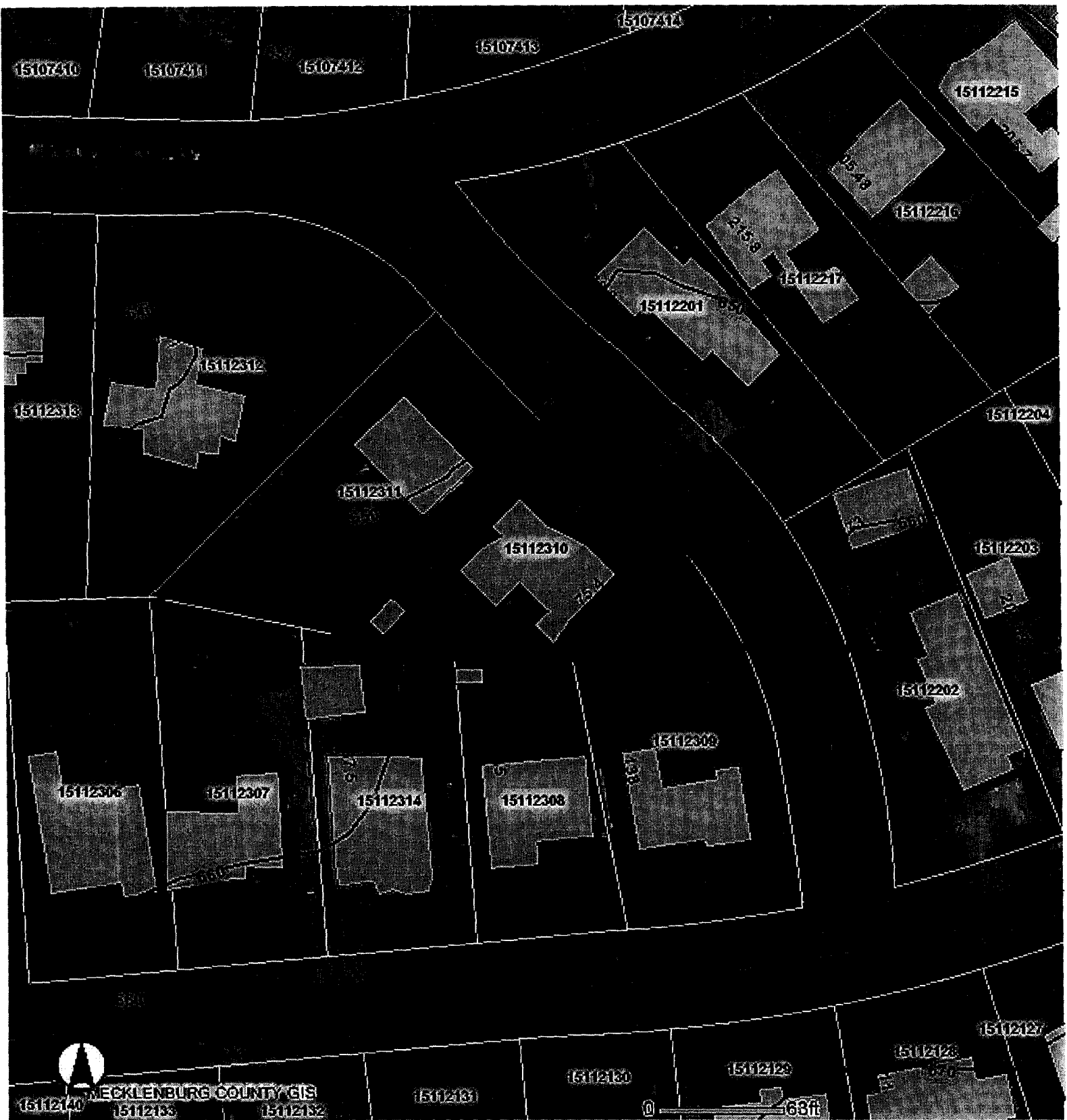
(4) THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE AND PRESERVES ITS SPIRIT. (State facts and arguments to show that the requested variance represents the least possible deviation from the letter of the Ordinance to allow a reasonable use of the land; and, that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.)

By granting a variance, you are allowing the value of the property and neighbour's property to increase and compliment one another. The existing home location offers reasonable use of the land, despite the shape of the property.
By not granting the variance, we will not be able to rebuild. The current house condition is in bad shape and will bring down the value of neighbourhood.

(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 variances sought are in the backyard of the house. The variances sought are being respectful of the neighbours and the variance we are requesting is only to be able to build on the existing footprint.
There is no public safety at risk and we are aware of acting in public welfare.





LEGEND:

R/W RIGHT OF WAY
NIR NEW IRON REBAR
N/F NOW OR FORMERLY
○ EXIST. IRON REBAR
● EXIST. IRON PIPE
△ CALCULATED POINT
S STOOP

D.B. PUBLIC DRAIN ES'MT
P.D.E. MIN. BUILDING LINE
M.B.L. CONC. BLOCK WALL
O.P.L. OVERHEAD POWER LINE
X-X FENCING
C CHIMNEY
UP UTILITY POLE

DEED BK & PG
PUBLIC DRAIN ES'MT
MIN. BUILDING LINE
CONC. BLOCK WALL
OVERHEAD POWER LINE
FENCING
CHIMNEY
UTILITY POLE

F.Y.S. FRONT YARD SETBACK
S.Y.S. SIDE YARD SETBACK
R.Y.S. REAR YARD SETBACK
D.R.C. DEED RESTRICTIVE COVENANTS

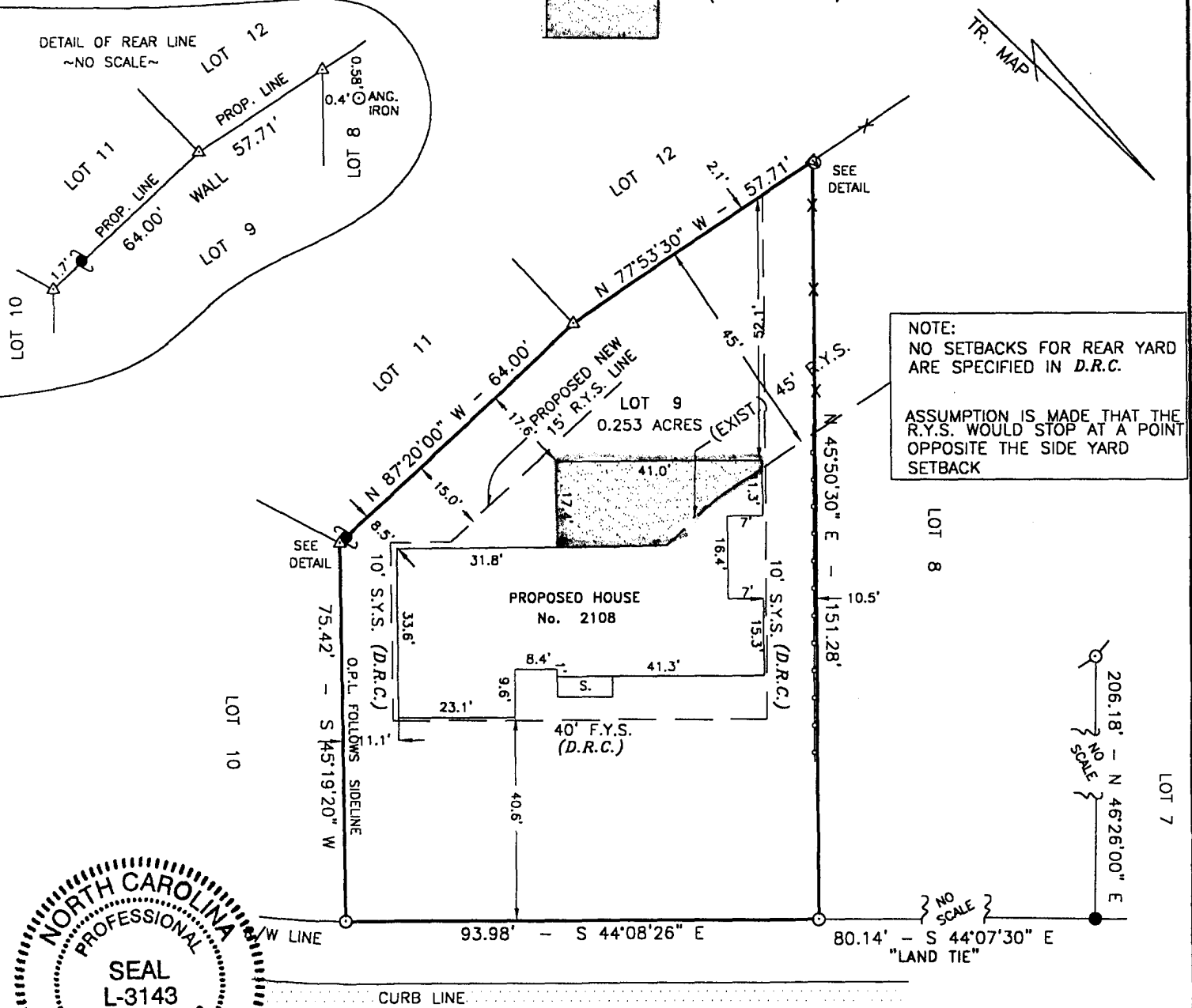
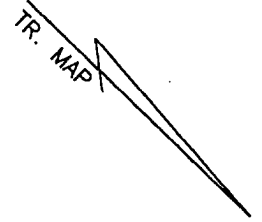
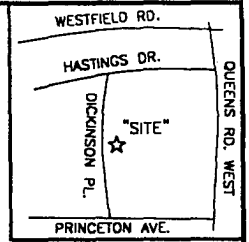
FRONT YARD SETBACK
SIDE YARD SETBACK
REAR YARD SETBACK

DEED RESTRICTIVE COVENANTS



AREA WITHIN SETBACK
(ENCROACHMENT)

VICINITY MAP
(NOT TO SCALE)



NOTE:
NO SETBACKS FOR REAR YARD
ARE SPECIFIED IN D.R.C.

ASSUMPTION IS MADE THAT THE
R.Y.S. WOULD STOP AT A POINT
OPPOSITE THE SIDE YARD
SETBACK



DICKINSON PLACE

(50' WIDE PUBLIC R/W)

TO PRINCETON AVE.

NOTE:
CONC. BLOCK WALL AND FENCING
OWNERSHIP WAS INDETERMINABLE
AT TIME OF SURVEY.

PROPOSED PLOT PLAN

SURVEY PLAT

REFERENCES:

- 1.- TRACT MAP RECORDED IN PLAT BOOK 4, PAGE 505. (MARCH, 1944)
- 2.- DEED - RECORDED IN D.B. 22391, PG. 661. (GHANDI)
- 3.- DEED RESTRICTIVE COVENANTS RECORDED.

GENERAL NOTES:

1. PARCEL IS NOT LOCATED IN A REGULATED FLOOD HAZARD

FOR

PRADEEP GHANDI
KALPANA GHANDI

OF