

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

Date Filed: 12/4/08 Case Number: 09-001
by: _____

Received 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: William T Blalock

Mailing Address: 338 S Sharon Amity rd PMB 234

City, State, Zip: Charlotte NC 28211

Daytime Telephone: 704-516-8029 Home Telephone: 704-568-0817

Interest in this Case: Owner

Property Address: 6533 Freedom Dr Charlotte NC 28214

Tax Parcel Number: 05923121 Zoning District: City of Charlotte

Subdivision Name: N/A Conditional District: 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.

Date 11-30-08
Property Owner _____

Date 12/1/08
Property Owner _____

Charles M. M. M. M. M.

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

Date Filed: 12/04/08
Collected: _____

Case Number: 09-001

Fee 1,035⁰⁰

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
A	12.103 {2}	20 ft Transitional setback	20 ft setback reduction from required
B			
C			
D			
E			

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

Existing transitional setback requirements will only allow for a building of approximately 250 sq ft to be built. As a result the property cannot be put to reasonable use.

Pursuant to code section 12.103 {4}; "An affected property owner shall have the right to appeal transitional yard or setback requirements to the Board of adjustments for variance or modification as they apply to the particular piece of property. The Board of Adjustments may vary or modify these requirements upon a showing that....." Please see Exhibit one for requirements and our responses.

(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.)

If the property owner complies with provisions of the ordinances the maximum allowable square footage that can be built on the lot is approximately 250 square feet {as shown by exhibit two}. The practical hardships are due to the irregular shaped lot, transitional set back requirements, and future right of way requirements. Reasonable usage of the property cannot be made with a maximum allowable buildable square footage of 250 square feet.

- (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 irregular shaped parcel is the only affected parcel in the area that is severely impacted by overlapping development standards. These requirements consume over half of the parcel. The future transitional right-of-way setback and the setback for the corner lot side yard provide a unique circumstance resulting from the irregular shaped lot. The end result would permit a structure that would be out of character and non-functional.

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

The application of the ordinances code provisions were established to address and apply to regularly shaped lots, which would result in a reasonable building footprints. The owners' actions to purchase this parcel from the City of Charlotte assumed the parcel's availability to develop a reasonable structure. The hardships unique to this property are the result of the transitional set back requirements, and not the owners' actions.

(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 20 ft setback reduction represents the least possible deviation from the letter of the ordinances that will allow the property to be put to reasonable use. The reduction will allow for a reasonable building footprint of approximately 1,250 sq ft. A footprint that is any smaller would more than likely eliminate most, if not all, potential tenants. While no concrete data is available, by observing the types of businesses that tend to occupy B1 parcels, it is reasonable to conclude that they would require at least 1,250 square feet in order to conduct business.

The abutting parcel owners will suffer no negative consequences as a result of the granting of this variance. A variance granted to permit reasonable development within the transitional setback will have no impact on the abutting parcel to the south. The parcel is located at a point between two streets. Other surrounding parcels are separated with their setbacks and off street parking areas. Site distances will not be impacted from the intersection of the two streets with development in the transitional setback. More than likely, nearby property owners and the neighborhood in general will benefit from the lot being developed to its highest and best use.

- (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 granting of the variance request would provide a substantial benefit to the area with a new development as a focus point at the intersection of three streets. The development would provide a practical aesthetically pleasing structure that would increase property values of nearby properties. If the variance is denied no reasonable return or usage of the property will be possible. The lot will remain vacant and nearby property owners will suffer from the resulting vacancy.

DATE: 10/30/2008 PERMIT NUMBER: _____

TO: CHARLOTTE-MECKLENBURG CODE ENFORCEMENT

FROM: MECKLENBURG COUNTY GIS

JURISDICTION: CHAR _____

059-231-21

PARCEL NUMBER

6533 FREEDOM DR

ASSIGNED STREET ADDRESS (ADDRESS OF RECORD)

N/A

EXISTING STREET ADDRESS (IF DIFFERENT FROM ASSIGNED)

N/A

PROJECT NAME (IF APPLICABLE)

Remarks: ADDRESS VERIFIED- FOR VARIANCE

Signed: _____



Addressing Verification Form Disclaimer Statement

The party indicated on this application shall be responsible for maintaining this address throughout the life of the project from plan submittal through final C/O. The contents of this form reflect information provided by the party listed on this form.

Incorrect information may result in delays in getting final approval of permits and the final C/O.

Special Circumstances: If a temporary address is being verified for the purposes of Plan Review, the responsible party will be required to obtain and submit a new form verifying the permanent address prior to issuance of the permit.

Name (please print) _____

Company _____

Company Address _____

Telephone # _____

Signature _____

Date _____

Exhibit one; Code section 12.103 {4} requirements and responses

Section 12.103 {4}

{a} The peculiar nature of the property results in practical difficulties or unnecessary hardships that impede carrying out the strict letter of the requirement.

Response: The parcel is a triangular shaped corner lot with overlapping required setback and side yard requirements, which consume approximately half of the buildable footprint. The impacts of the development standards are more severe for this particular parcel, due to its peculiar narrow pointed shape, as well as its location at a three way intersection. Without some relief, reasonable usage of the lot is not possible.

Other surrounding properties subject to the same code requirements have not suffered usage restrictions as a result of existing code requirements, further demonstrating the uniqueness of the lot and this particular situation.

{b} The property will not yield a reasonable return or cannot be put to reasonable use unless relief is granted;

Response: Existing requirements result in a buildable footprint of approximately 250 square feet, as shown in exhibit two. Without consideration to extend the proposed buildings foot print into the 20 foot transitional setback, no reasonable return or practical use can be made of the lot.

{c} Balancing the public interest in enforcing the setback requirements and the interest of the owner, the grant of relief is required by considerations of justice and equity.

Response: The balancing of the public interest was previously maintained when the non-conforming with improvement located in the setback was sold to the current property owner by the city tax commissioner. The former structure did not create any safety or neighborhood impacts detrimental to the area. In response to Charlotte Mecklenburg code enforcement, the owner attempted to repair the property. However, due to structural problems the repairs could not be properly made. Rather than improperly repairing the property to remedy pre-existing building code violations, the owner elected to demolish the structure in the hopes of erecting a similar one in its place.