

Date Filed: 12/5/08 Case Number: 09-002 Received by: Kennedy

Property Owner

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

Date Filed: 12/5/08 **Case Number:** 09-002 **Fee Collected:** 415⁰⁰

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
<i>1. each</i>	<i>9.205 (1)(g)</i>	<i>45 foot rear yard</i>	<i>35 foot rear yard (10 foot reduction from required)</i>
A	12.102(6)	10 foot side yard on a corner lot	5.5 foot side yard (4.5 foot reduction from required)
B		per 9.205 (1)(e)	
C			
D			
E			

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

A 4.5 foot variance from the required 10 foot side yard abutting a street is necessary to allow the addition of a second story above an existing non conforming first story that encroaches into the required side yard. The proposed renovation will not increase the size of the existing footprint of the house in the area where the variance is being requested. We want only to raise the height of the house to add a second story and extend the chimney.

(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 order to comply with the present zoning ordinance, if a second story was added, 4.5 feet of the living room would have to be removed or the chimney would have to be dismantled and capped off, making the fireplace useless and not in keeping with the character of the neighborhood. The original house was built in 1946 at its present location before the zoning ordinances were enacted. The neighborhood is undergoing significant transition as homes are being remodeled, enlarged or torn down and rebuilt to maximize size and convenience. Failure to receive the variance would have a negative economic impact to our home and by extension the greater Chantilly neighborhood.

(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 location of the existing house makes it difficult to modify the front of the house with out a variance. The location of the front and side of the house is in line with its adjacent neighbors, the character of the neighborhood includes small lots and small established side yards. Due to the location of the fireplace/chimney , in order to construct an addition of a second floor a variance is necessary. If we were to attempt to build within with required setbacks there would be no way to accommodate a chimney for the first floor fireplace that met all code requirements.

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

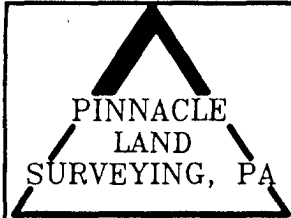
The hardship is a result of the adoption of zoning regulations in 1956, the structure was built in 1946 when the subdivision was established. The hardship is a result of predated actions on what was planned for this particular lot and not an action created by the homeowner for which the hardship now 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 character of the streetscape would be maintained. Allowing for a second story addition over the existing foot print would maintain the original width of the house and allow for the rooms in the front and the Bascom side of the house to keep their original layout.. The part of the footprint of the house that encroaches the 10 foot setback will not change.
The variance would be in harmony with the general purpose and intent of the ordinance and preserve its spirit in keeping the existing structure intact and in harmony with the design of the house and the neighborhood. Also during construction a laundry room and deck built by previous owners will be demolished bringing the remainder of the house in compliance with established zoning regulations.

(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 will preserve the character of the house. Leaving the existing footprint intact would not endanger the public welfare or safety. If the variance is denied the bump out along the side of the house and the chimney would have to be removed. By doing so it will lose architectural elements common to the neighborhood which date back over 60 years. The will create a "blank wall effect" which will be unattractive along a public right of way. Only a very small portion of the overall structure encroaches into the required sideyard.

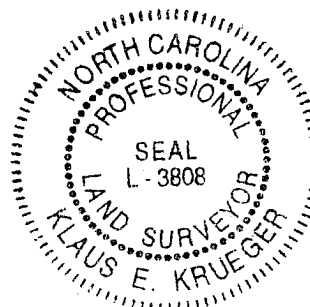


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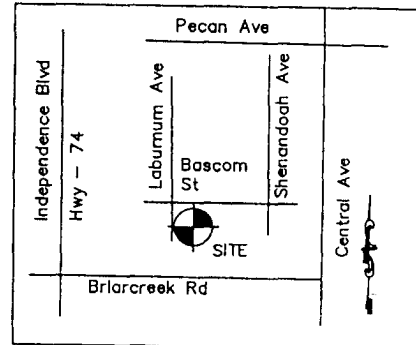
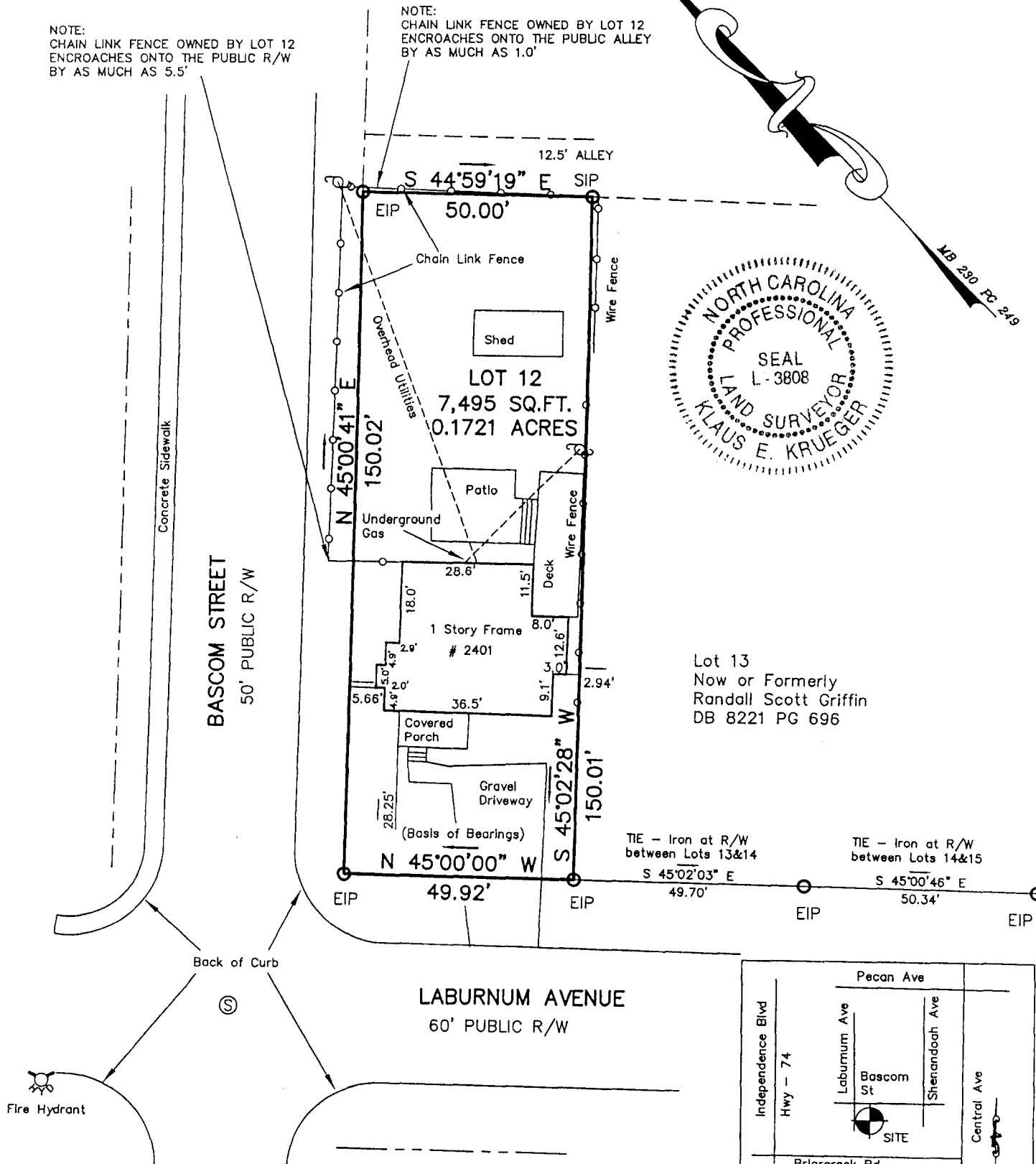
Klaus E. Krueger
KLAUS E. KRUEGER PLS L-3808

NOTE:
CHAIN LINK FENCE OWNED BY LOT 12
ENCROACHES ONTO THE PUBLIC R/W
BY AS MUCH AS 5.5'

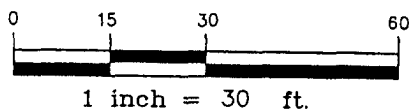
NOTE:
CHAIN LINK FENCE OWNED BY LOT 12
ENCROACHES ONTO THE PUBLIC ALLEY
BY AS MUCH AS 1.0'



Lot 13
Now or Formerly
Randall Scott Griffin
DB 8221 PG 696



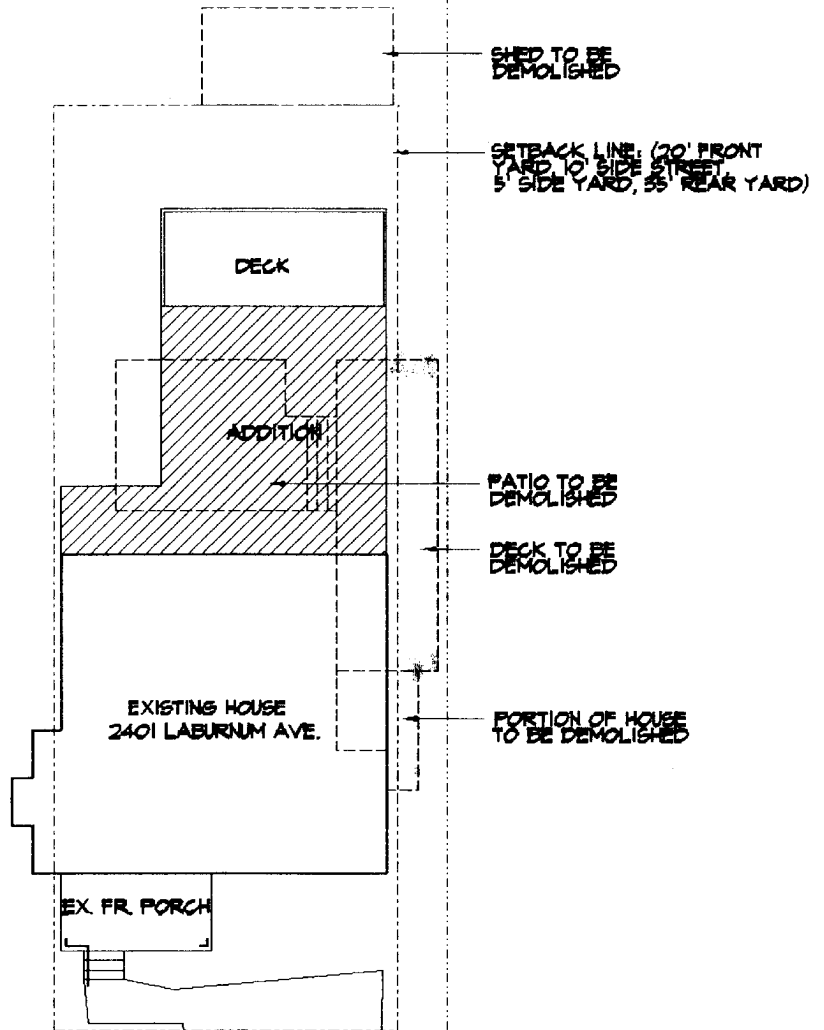
VICINITY MAP - Not to Scale



LEGEND	
SETBACK	-----

BASCOM STREET

50' R/W



SHED TO BE
DEMOLISHED

SETBACK LINE: (20' FRONT
YARD, 10' SIDE STREET,
5' SIDE YARD, 35' REAR YARD)

DECK

ADDITION

PATIO TO BE
DEMOLISHED

DECK TO BE
DEMOLISHED

EXISTING HOUSE
2401 LABURNUM AVE.

PORTION OF HOUSE
TO BE DEMOLISHED

EX. FR. PORCH

LABURNUM AVE.

60' R/W

SITE PLAN

SCALE: 1" = 20'

	AREA FOR VARIANCE REQUEST
	AREAS BROUGHT INTO COMPLIANCE WITH RENOVATION

Front view of 2401 Laburnum Ave



Side of house seeking variance

Side view of 2401 Laburnum Ave



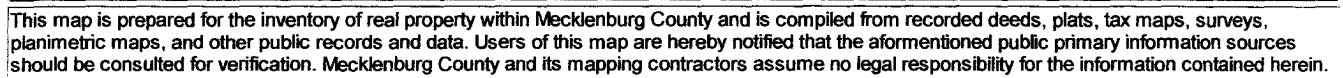
Portion of house seeking variance

Alternate side view of 2401 Laburnum Ave



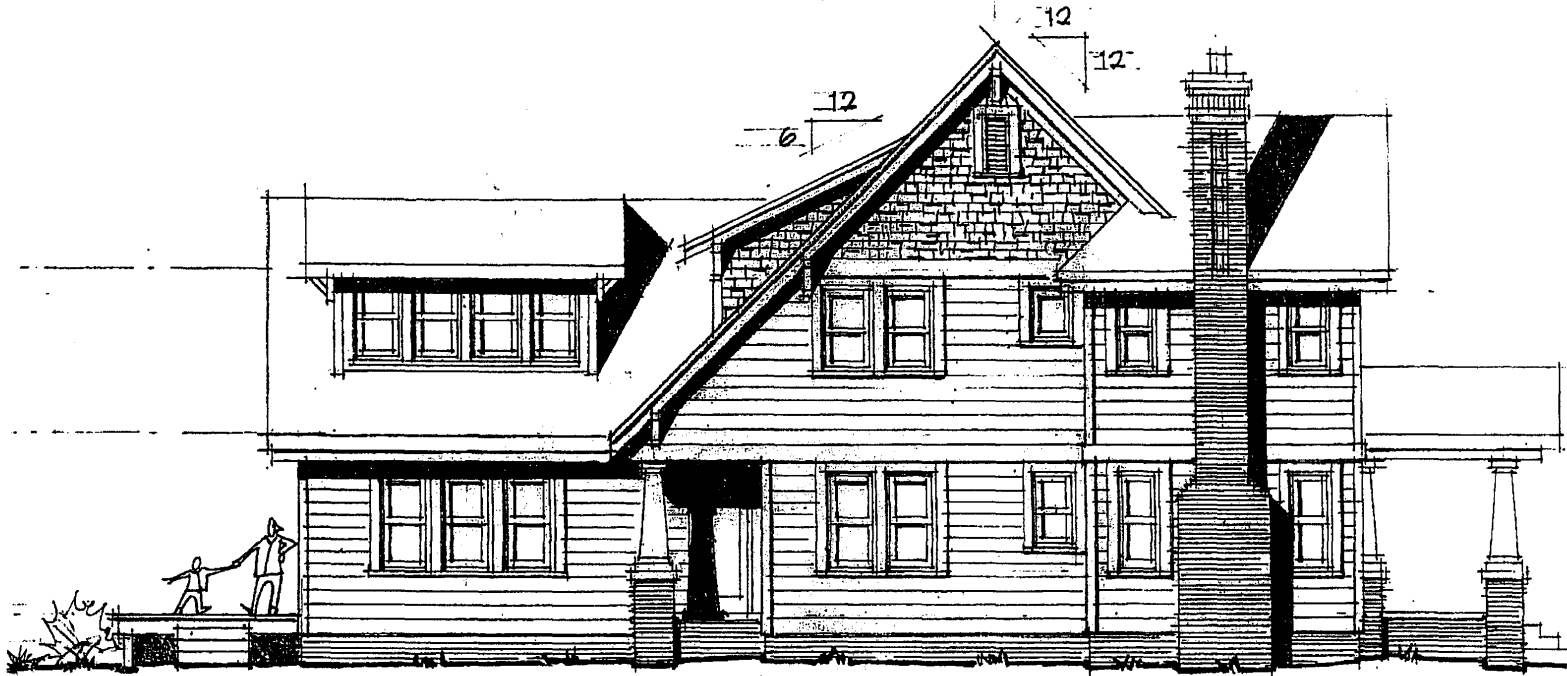
Portion of house seeking variance

Date Printed: Thu Nov 20 2008 17:30:48 GMT-0500 (Eastern Standard Time)





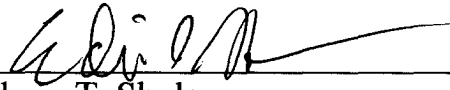
FRONT ELEVATION
1/8" SCALE



BASCOM SIDE ELEVATION
1/8" SCALE

Consent of Adjacent Property Owner

I, EDWIN T. SHULER, own the lot at 2400 Laburnum Avenue, Charlotte, NC 28205. My next door neighbors, Nina and Michael Toth, have notified me that they seek a Zoning Variance for the Code Section requiring a 10-foot side yard on Bascom Avenue in order to add a second story to the existing house. I have no objection to their addition or the granting of the Zoning Variance.


Edwin T. Shuler

12-2-08
Date

Consent of Adjacent Property Owner

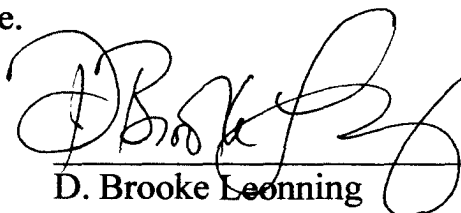
I, Willena J. Griffin, own the house at 2405 Laburnum Avenue, Charlotte, NC 28205. My next door neighbors, Nina and Michael Toth, have notified me that they seek a Zoning Variance for the Code Section requiring a 10-foot side yard on Bascom Avenue in order to add a second story to the existing house. I have no objection to their addition or the granting of the Zoning Variance.

Willena J. Griffin
Willena J. Griffin

11-30-08
Date

Consent of Adjacent Property Owner

I, DBrooke Leonning, own the house at 2341 Laburnum Avenue, Charlotte, NC 28205. My next door neighbors, Nina and Michael Toth, have notified me that they seek a Zoning Variance for the Code Section requiring a 10-foot side yard on Bascom Avenue in order to add a second story to the existing house. I have no objection to their addition or the granting of the Zoning Variance.


D. Brooke Leonning

11-30-08
Date

Consent of Adjacent Property Owner

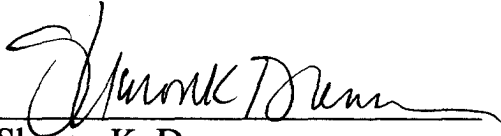
I, Geoffrey A. Haskell, own the house at 2341 Laburnum Avenue, Charlotte, NC 28205. My next door neighbors, Nina and Michael Toth, have notified me that they seek a Zoning Variance for the Code Section requiring a 10-foot side yard on Bascom Avenue in order to add a second story to the existing house. I have no objection to their addition or the granting of the Zoning Variance.

Geoffrey A. Haskell
Geoffrey A. Haskell

11/30/08
Date

Consent of Adjacent Property Owner


I, Sharon Drennan, own the house at 2340 Laburnum Avenue, Charlotte, NC 28205. My next door neighbors, Nina and Michael Toth, have notified me that they seek a Zoning Variance for the Code Section requiring a 10-foot side yard on Bascom Avenue in order to add a second story to the existing house. I have no objection to their addition or the granting of the Zoning Variance.


Sharon K. Drennan

11/30/08
Date

Consent of Adjacent Property Owner

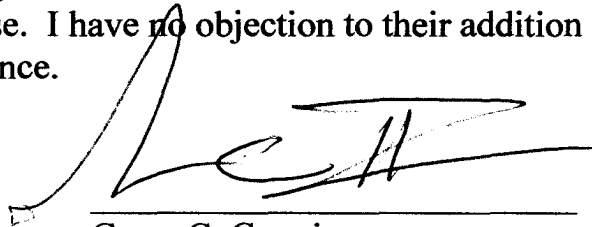
I, Robert W. Drennan, own the house at 2340 Laburnum Avenue, Charlotte, NC 28205. My next door neighbors, Nina and Michael Toth, have notified me that they seek a Zoning Variance for the Code Section requiring a 10-foot side yard on Bascom Avenue in order to add a second story to the existing house. I have no objection to their addition or the granting of the Zoning Variance.


Robert W. Drennan

11-30-2008
Date

Consent of Adjacent Property Owner

I, Gerry C. Coggins, own the house at 2404 Laburnum Avenue, Charlotte, NC 28205. My next door neighbors, Nina and Michael Toth, have notified me that they seek a Zoning Variance for the Code Section requiring a 10-foot side yard on Bascom Avenue in order to add a second story to the existing house. I have no objection to their addition or the granting of the Zoning Variance.



Gerry C. Coggins

11/30/08

Date