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

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Date Filed:	12 24 08 Case Number: 0	9-004	Received by:	XM				
on you Please t additio	Instruction must be filed out completely. Please request type along with required information or print legibly. All property owners and sheets if necessary. If the applicant is not section at the bottom of this form.	mation as outline must sign and c	ed in the appropriate onsent to this applica	checklist. tion, attach				
Applica	Applicant or Agent's Name: Maurice Wren - V.P. of Construction Mattamy Homes/Charlotte							
	Mailing Address: 2401 Whitehall Park Dr	·. #700						
	City, State, Zip: Charlotte, NC 28273							
	Daytime Telephone: 704-375-9373	Home Telephon	e:					
	Interest in this Case (please circle one):	Owner	Adjacent Owner	Other				
Propert	Property Owner(s) [if other than applicant/agent]: Mattamy Homes							
	Mailing Address: 2401 Whitehall Park Dr. #700							
	City, State, Zip: Charlotte, NC 28273							
	Daytime Telephone: 704-375-9373	Home Telephor	ne:					
Propert	ty Address: 13214 Reunion Street Charlo	tte, NC 28278						
	Tax Parcel Number: 21918314	Zoning District:	R-3 Cluster					
	Subdivision Name: Reunion	Conditional Dis	trict: YES NO)				
I (we) co part of t rendered represen	ertify that the information in this application, this application are true and correct. In the evolution with the evolution in this application are true and correct. In the evolution with the evolution in this application and all proceeding nowledged the information and requirements of the evolution in the evolution and the evolution in this application and all proceeding the evolution in this application and all proceeding the evolution in this application, and the evolution in this application, and the evolution in this application, and the evolution in this application and evolution in this application, and the evolution in this application are true and correct. In the evolution in this application are true and correct. In the evolution in this application are true and correct. In the evolution in this application are true and correct. In the evolution in this application are true and correct. In the evolution in this application are true and correct. In the evolution in this application are true and correct.	ent any information appoint the person ags related to it 1 (outlined in this page	n given is found to be far named above as my (ou we) further certify to ha	lse, any decision r) agent to				

Property Owner

Date

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

12-24-08 A10:13 IN

Date File	·d:	Case Number:			Fee Collected:		
	Have you received for this project? Has this property	tain a building permit? If a Notice of Violation been rezoned? The section numbers are years.	YES YES YES YES Ou yes ou seeking a	NO D NO D	If yes, attach a copy. If yes, attach a copy. If yes, Petition Number: rom? Please list each section, the		
Item	tem Code Section Code Requirement Variance Re		nce Request				
Example	9.205 (1)(g)	Code Requirement 45 foot rear vard			rear yard (10 foot reduction from required)		
A	9.205 (4)(B)	20 foot front yard			front yard(three foot reduction from		
В							
C							
D							
E							
CAR deter argur	RYING OUT THE mine whether, in a nents in support of (a) If the property secure no reasonable	E STRICT LETTER OF particular situation, "praeach of the following: owner/applicant compli	THE ORD actical difficulations with the coreasonable	INANCE. ulties or un provisions use of his	SARY HARDSHIPS IN THE WAY OF The courts have developed three rules to nnecessary hardships" exist. State facts and s of the Ordinance, the property owner can s property. (It is not sufficient that failure to		
					roof. All of the other homes in this		
				adversely	affect the appearance of the community and		
would not	be in harmony with	the intent of the commu	ınity.				
			<u>-</u>				

(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 property suffers from a severe slope in the back yard and while the surveyor that placed this home is not a part
of this variance application, it can be reasonably assumed that his intent was to preserve the grading and lot drainage
plan designed for this lot. The current location of this home allows for the natural flow of water around the
property so as not to adversely affect the lots adjacent to the parcel in question.
(c) The hardship is not the result of the Applicant's own actions.
This hardship was created by a Licensed Professional Surveyor no longer contracted by Mattamy Homes. His actions
were not malicious, however the location of this home is a direct result of his ineffectiveness to place the home
within the required setbacks. As stated before, Mattamy Homes was not notified of this encroachment until one
day prior to the closing date of December 23, 2008. The certificate of occupancy was issued on October 7, 2008
and the home was place on the market by Mattamy Homes under the assumption that all of the required zoning
Criteria had been met as represented by the Ceritficate of Occupancy as well as the permit report which found no zoning violations at the time of the C.O. being issued.
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 intent of the ordinance is to maintain a minimum parking area from the back of the sidewalk in the community
of no less than twenty(20) feet as outlined in section 12.206(3) "Development Standards for Off-Street Parking Driveways, and Garages"
This home exceeds the minimum requirement for this part of the ordinance.
(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 public safety will not be adversely affected by the granting of this variance. There is no obstruction of or to any
facilities or utilities that may need to be accessed in the event of an emergency. Furthermore, the rest of the
community will be affected by the removal of the porch and will cause greater harm over perceived loss of property
value to the rest of the current and future homeowners of this community.

CHARLOTTE CODE

PART 2: SINGLE FAMILY DISTRICTS

- (4) <u>Special subdivision lot and yard requirements.</u> The following provisions apply to any residential subdivision of 10 or more lots approved on or after the effective date of these regulations:
 - (a) The minimum lot size of any lots within a subdivision may be reduced by 10%, provided that the average size of all lots is at least equal to the minimum lot size for the zoning district, and the total number of lots does not exceed the number that would be allowed if all lots were the minimum size for the zoning district. Other lot size reductions may be applicable, subject to Section 12.105 and subsection (5) of this Section;
 - (b) Development on each lot need not meet the minimum setback requirement for the district in which such lot is located, if the average setback of all lots along a street within a subdivision meet the minimum setback requirement for the district. In no event, shall a structure be located any closer than 20 feet to the right-of-way. The setback for each lot shall be shown on the final plat;
 - (c) The minimum side yard may be reduced for a principal building or structure to 5 feet, provided a minimum building separation is maintained between the principal buildings or structures on adjoining lots that is equal to at least two times the minimum side yard required for the district;
 - (d) A zero lot line, z-lots, and angled z-lots may be permitted where the building line is on one side of the lot line in a residential district used for single family detached dwellings, provided that:
 - (i) Any wall constructed on the side lot line must be a solid windowless wall. If there is an offset of the wall from the lot line of more than 6 inches, the offset must be at least 6 feet;
 - (ii) The minimum building separation between the sides of adjacent dwellings shall be at least two times the minimum side yard required for the district;
 - (iii) A 5-foot maintenance easement and a maximum eave encroachment of 2 feet within the maintenance easement must be established in the deed restrictions and covenants of the adjoining lot. This will provide ready access to the lot line wall at reasonable periods of the day for normal maintenance;
 - (iv) Preliminary subdivision plans submitted to the Planning Commission must indicate the proposed location and configuration of dwellings, driveways and parking arrangements for each lot. A draft of the proposed encroachment and maintenance easements must be submitted for review;

CHARLOTTE CODE

PART 2: OFF-STREET PARKING AND LOADING

Driveways and Parking Pads	Driveways and parking pads shall have a minimum length of 20', measured from the back of the sidewalk, or back of the right-of-way, whichever is greater. Driveways can be installed across the required setback and yard areas, and shall be as nearly perpendicular to the street right-of-way as possible. Driveways and parking pads shall be improved*. Individual driveways or shared driveways shall have a maximum width at any one point of 20'. Driveways for individual garages may be used to meet a portion of the required parking if they are a maximum of 20' wide and at least 20' in length.	Driveways and parking pads shall have a minimum length of 20', measured from the back of the sidewalk, or back of the right-of-way, whichever is greater. Driveways can be installed across the required setback and yard areas, and shall be as nearly perpendicular to the street right-of-way as possible. Driveways and parking pads shall be improved*. Individual driveways or shared driveways shall have a maximum width at any one point of 20'. Driveways for individual garages may be used to meet a portion of the required parking if they are a maximum of 20' wide and at least 20' in length.	Driveways can be installed across the required setback and yard areas, and shall be as nearly perpendicular to the street right-of-way as possible.
Garages	Minimum setback of 20', or the district setback, whichever is greater. Setbacks are measured from the back of sidewalk or back of right-ofway, whichever is greater.	Minimum setback of 20', or the district setback, whichever is greater. Setbacks are measured from the back of sidewalk or back of right-of-way, whichever is greater.	N/A

- * For the purposes of this section, "improved" means surfaced with concrete, asphalt, gravel, or any other material commonly used for the parking of vehicles, but not including grass or dirt. (Petition No. 2007-102, § 12.206(3), 09/17/07)
- (4) This Section shall not apply to the MUDD, PED, TOD-R, TOD-E, TOD-M, TOD-RO, TOD-EO, TOD-MO, TS, UI, UMUD, and UR districts established in these regulations.

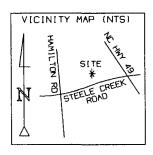
 (Petition 2004-128, § 12.206(4), 2/21/05)

Section 12.207. Parking barriers.

THIS IS TO CERTIFY THAT ON THE 23RD DAY OF DECEMBER. 2008. I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS IF ANY ARE SHOWN HEREON. THIS SURVEY DOES NOT INTEND TO MEET GS47-30 RECORDING REQUIREMENTS.

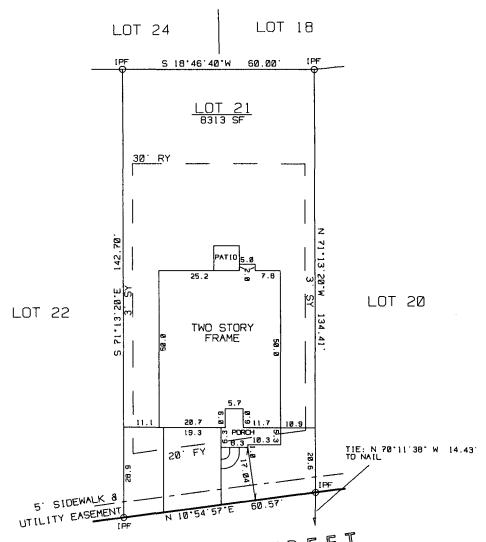
DSK JL145 (MATTGEO3) RN21 SIGNED

T. ANSON JENKING NOPLS 1-4608









REUNION STREET

50. PUBLIC R/W



