

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

Date Filed: 12/23/08

Case Number: 09-005

Received by: Frank Daskal/SSK

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: Tom Anastasi, P.E.

Mailing Address: WRG Design 9101 Southern Pine Boulevard, Suite 300

City, State, Zip: Charlotte, NC 28273

Daytime Telephone: 704-927-9748 Home Telephone: 704-302-6175

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

Other

Property Owner(s) [Property currently under contract]: Myra Clark, Executive Director  
(Center for Community Transitions)

Mailing Address: 904 Pecan Avenue

City, State, Zip: Charlotte, NC 28205

Daytime Telephone: 704-374-0762 Home Telephone: 704-576-4448

Property Address: 5825 Old Concord Road Charlotte, NC

Tax Parcel Number: 049-011-18 Zoning District: I-2 & INST

Subdivision Name: None 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.

12-23-08  
Date

Myra Clark  
Property Owner (currently under Contract)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner

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

**Date Filed:** \_\_\_\_\_ **Case Number:** \_\_\_\_\_ **Fee Collected:** \_\_\_\_\_

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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    | 9.503 (b)(i) | 100 feet from residential property line | 42 feet from residential property line (which is the corner of the existing building) |
| B    |              |   |   |
| C    |              |   |   |
| D    |              |   |   |
| E    |              |   |   |

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

The Center for Community Transitions operates a halfway house for female offenders transitioning to the community for the purpose of temporary housing; work, educational and training opportunities; family and individual counseling and life skills. This usage is currently classified as a "jail" in the Zoning Ordinance. The existing building and site are being purchased in order to provide a new location for the program which has operated in this community for 21 years. The corner of the existing structure is approximately 42 feet from a neighboring property that is zoned I-2, but is in use as a mobile home park. Section 9.503, paragraph b, requires that "any portion of the principal structure shall be separated from the nearest residentially zoned or residentially used property by a minimum of 100 feet."

(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 existing building cannot be utilized for its intended purpose, since the adjacent property is zoned I-2 but used as a mobile home park, if the property owner complies with the strict letter of the Ordinance.

(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 unique circumstances related to the hardship on this property stems from the non-conforming use of the neighboring property. The adjacent property is zoned I-2, and were the property actually utilized in conformance with its zoning classification, the required setbacks would be as follows----

**I-2**

Front setback: Min.20' From Road R/W

Rear setback: Min. 10'

Side setback: Min. 4'

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

The corner of the existing building is approximately 42 feet from a neighboring property that is utilized as a mobile home park. Although the Center for Community Transitions is a permitted use for both I-2 and INST (see attached letter), the building cannot be utilized due to the nonconforming use of the neighboring property, which is also zoned I-2.

(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.)

As a halfway house for the purpose of temporary housing with support services the use of the property will appear residential and would be in keeping with the residential use nearby. We submit that this use will add to the character of the neighborhood and not diminish it in any way. In our opinion the setback requirements for this use should be similar to those required for the classification "Dormitory". With more than 12 living units, it would fall under page 9-63 of the ordinance, utilizing setbacks stipulations from Zone R-22MF. Given this to be the case, the required setbacks would be as follows-----

**INST (R-22MF)**

Front setback: Min.20' From Road R/W

Rear setback: Min. 40'

Side setback: Min. 10'

(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 nature and work of the Center for Community Transitions enhances public safety and welfare through its programs and services to people with criminal records. In fact we have success rates ranging from 87-93% that show that our clients go on to lead law abiding, productive lives as tax paying citizens.

Participants in the program work in the community, pay taxes, complete restitution payments and repay the cost of court fines and fees as well as child support payments.

The benefit to the public is significantly outweighed by the variance request of 56 feet.



August 22, 2008

RE: ZONING VERIFICATION LETTER

TO: WHOM IT MAY CONCERN

The property located at 5825 Old Concord Road and further identified as tax parcel 049-011-18 is zoned I-2 (General Industrial District) & INST (Institutional District)

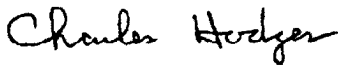
Permitted uses for I-2 include those listed in section 9.1102, 9.1103 and 9.1104 of the City of Charlotte Zoning Ordinance. Permitted uses for INST include those listed in section 9.502, 9.503 and 9.504 of the City of Charlotte Zoning Ordinance.

A Transitional Housing Facility for female inmates for the purpose of temporary housing, counseling and training is permitted in these zoning districts.

As of the date of this letter, a computer search of records stored in this department indicates there are no known zoning violations at this location.

If this office can be of any further assistance, please contact us at (704)-432-4392.

Sincerely,



Charles Hodges  
Zoning Technician

## Addressing Verification Internet Form

To: Charlotte-Mecklenburg Code Enforcement

From: Mecklenburg GIS Database

Date: 12/23/2008

Assigned Street Address (Address of Record): 5825 OLD CONCORD RD CHARLOTTE

Jurisdiction: CHARLOTTE

Sphere of Influence: CHAR

Parcel Number: 04901118

### **Addressing Verification Form Disclaimer**

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.

**NOTE: 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.

### **Customer Section (to be completed by customer):**

**Remarks:** Please add a brief description of scope of work:

*Renovation of existing building  
for the Center for Community Transitions*

Company:

*MHA works (Architect)*

Company Address:

*2030 S. Tryon Street, Suite 3F*

Telephone:

*704-332-4511*

Name (please print)

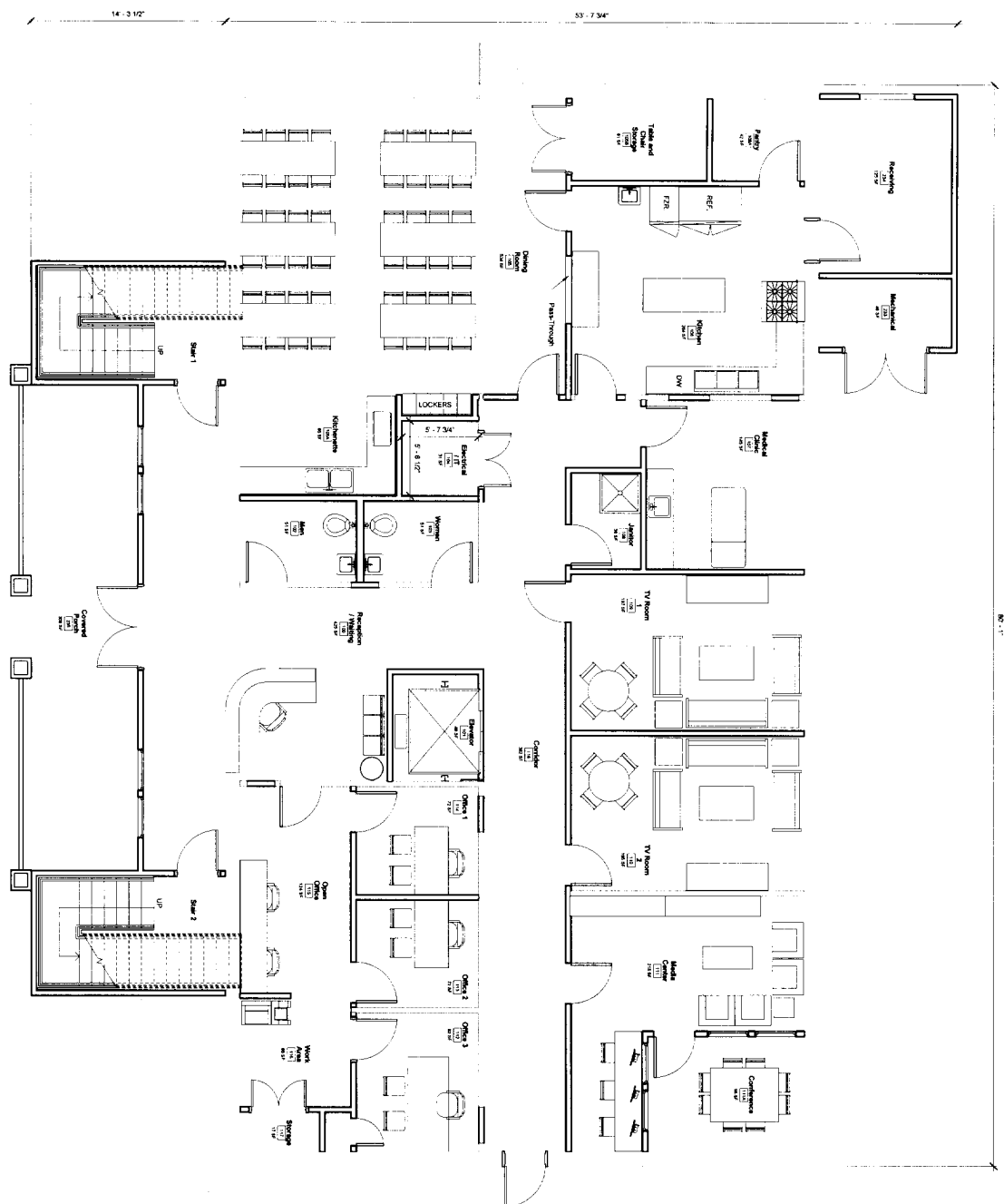
*H. Cline McGee, AIA*

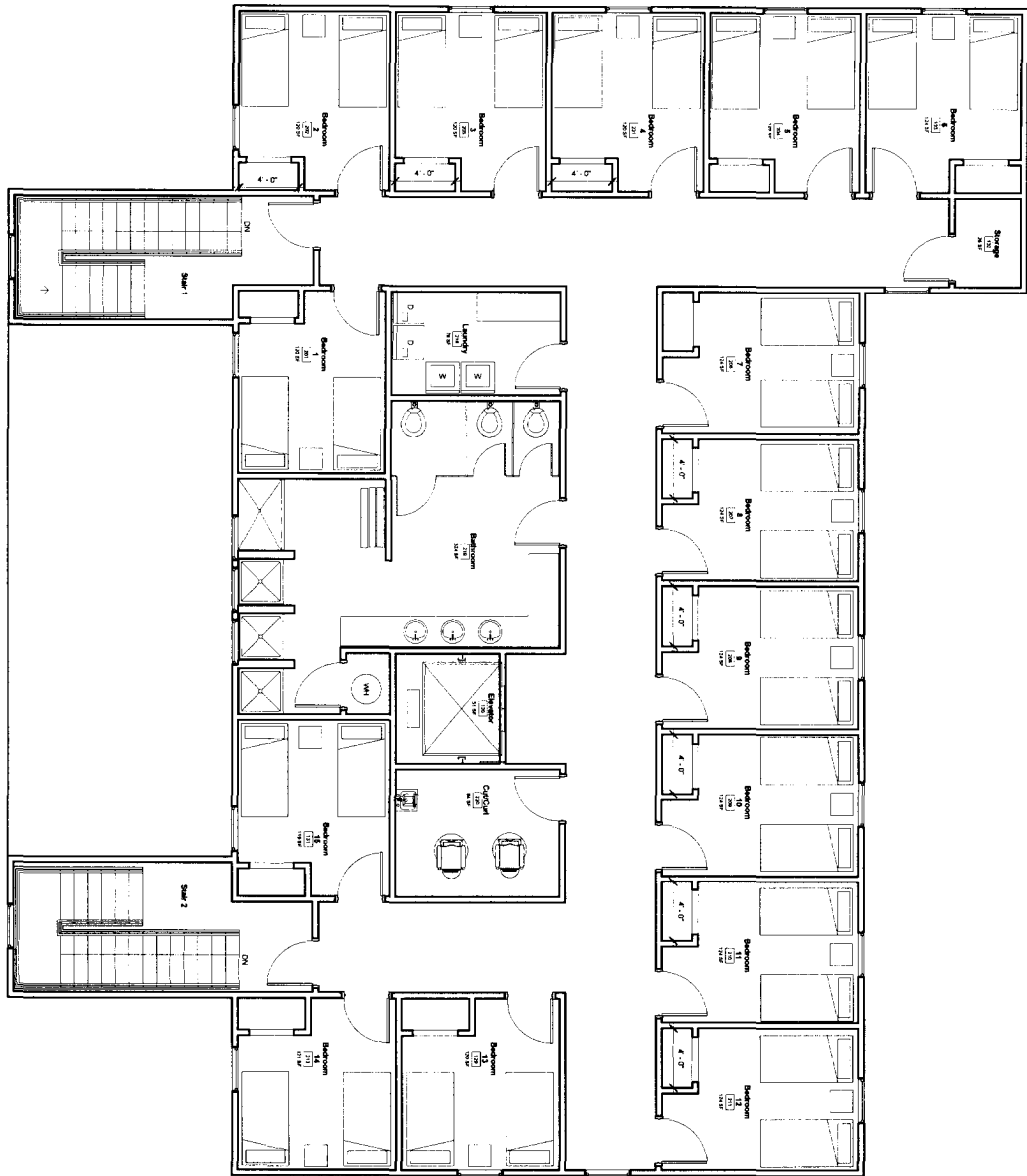
Signature:

*H. Cline McGee*

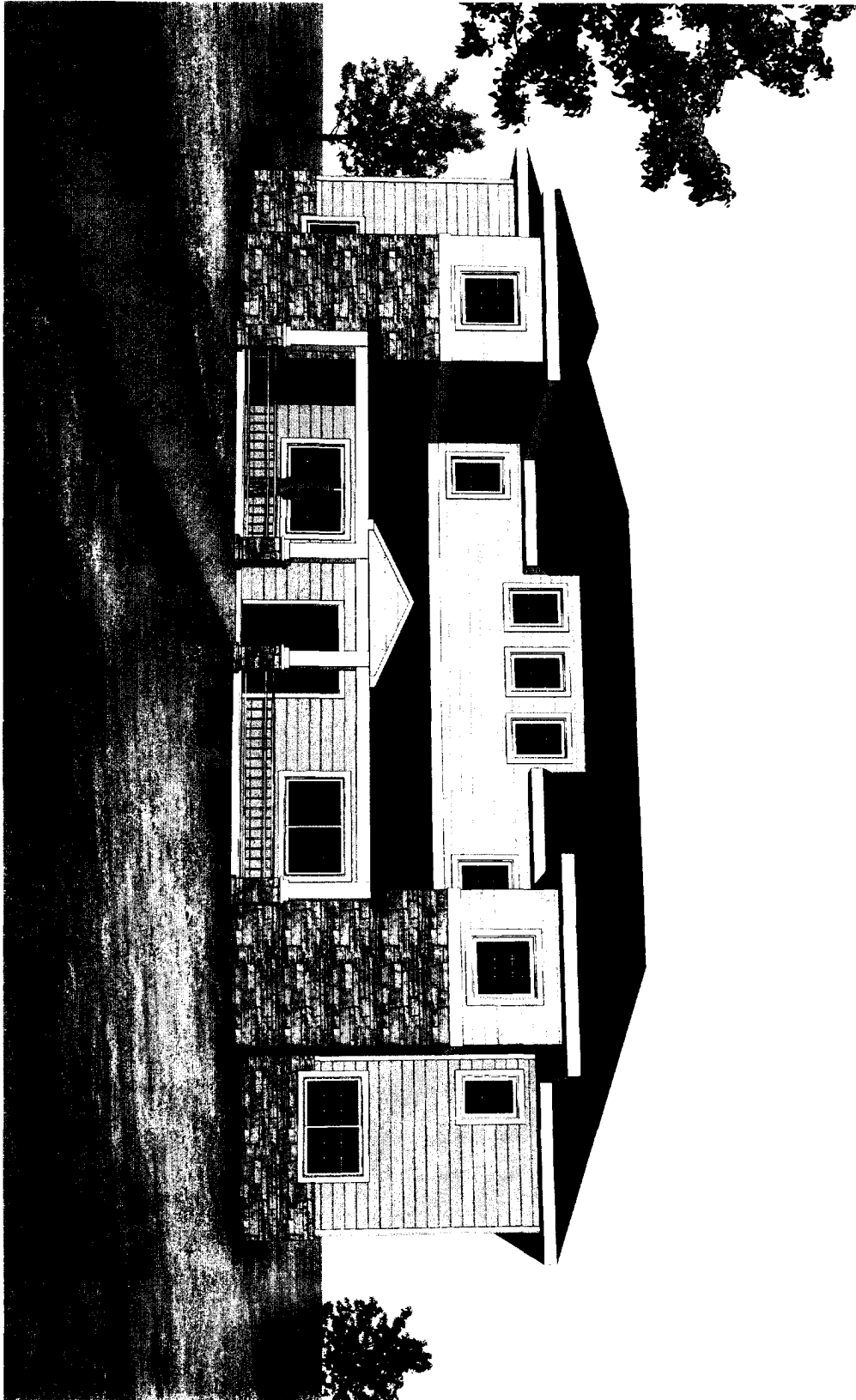
Date:

*12/23/08*









1 South Elevation  
A-3 Not to Any Scale

SHEET NAME:  
South Elevation

ISSUE DATE: 12.22.2008  
PROJECT #: 08072  
DRAWN BY: CJB / PAW

A-3

## Center for Community Transitions

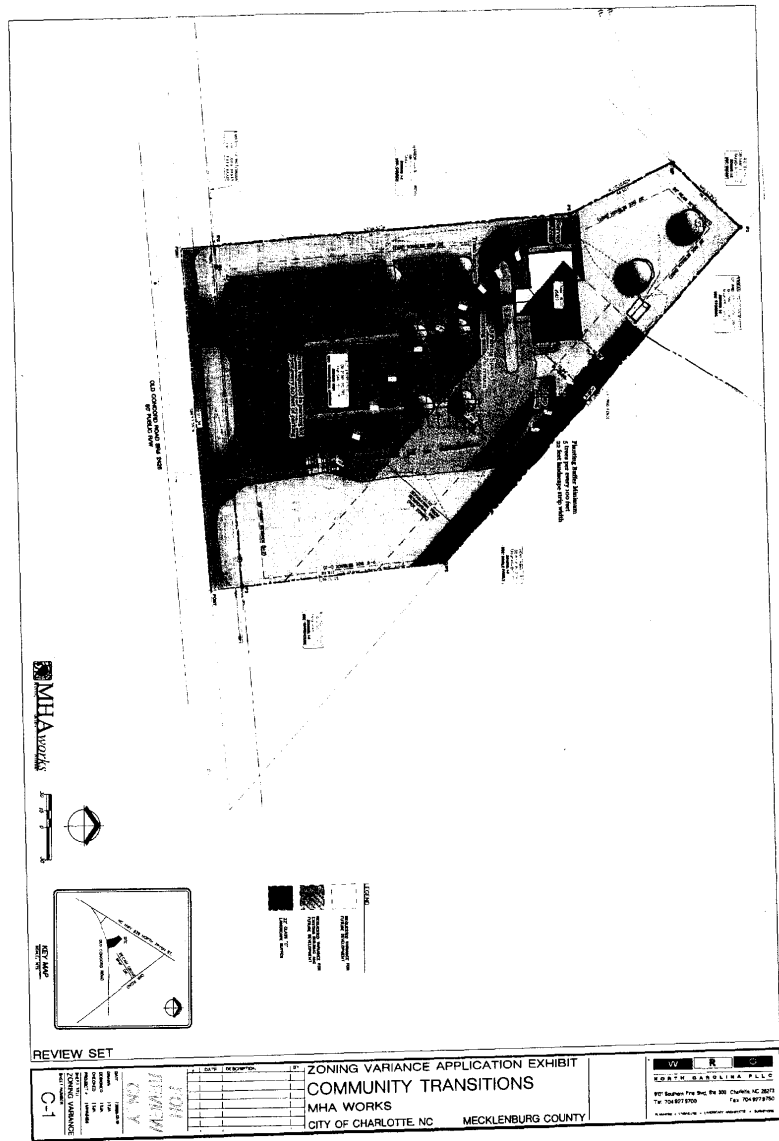
5825 Old Concord Road  
Charlotte, NC 28213



**MHAworks**  
DESIGN • ARCHITECTURE • INTERIORS

2030 SOUTH TRYON STREET, SUITE 3F  
CHARLOTTE, NORTH CAROLINA 28203  
p 704.332.4511  
f 704.332.4513  
[www.mhaworks.com](http://www.mhaworks.com)

-DURHAM  
-CHARLOTTE  
-GREENVILLE



MHAworks

REVIEW SET

C-1



CITISPACE IN SOUTHEND  
2030 S. TRYON STREET, SUITE 3F  
CHARLOTTE, NC 28203  
P (704) 332-4511  
F (704) 332-4513

12-23-08 P04:34 IN *wy*

# TRANSMITTAL LETTER

**PROJECT:** Center for Community Transitions  
5825 Old Concord Road Charlotte, NC 28213

**ARCHITECT'S  
PROJECT NO.:** 08072

**DATE:** December 23, 2008

**TO:** Katrina Young, CZO  
Charlotte-Mecklenburg Planning Department  
600 East Fourth Street  
Charlotte, NC 28202

**WE TRANSMIT:** ☒ herewith ☒ via hand-delivery

☐ in accordance with your request

**FOR YOUR:** ☒ approval ☒ distribution to parties ☒ information

☒ review & comment ☐ record

☒ use ☐ signature

THE FOLLOWING:

| COPIES | DATE       | ITEM                | DESCRIPTION   | ACTION CODE |
|--------|------------|---------------------|---|-------------|
| 15     | 12/23/2008 | Submittal Documents | Request for Variance Package including Form 1, Form 2, architectural plans and rendering, site plan | E           |
| 1      | 12/22/2008 | Fee for Variance    | Check in the amount of \$1,035.00   | E           |
|        |            |                     |   |             |
|        |            |                     |   |             |
|        |            |                     |   |             |
|        |            |                     |   |             |
|        |            |                     |   |             |


ACTION CODE:  
A. Action indicated on item transmitted  
B. No action required  
C. For signature and return to this office

D. For signature and forwarding as noted below  
E. See REMARKS below

REMARKS:

Please file for the Zoning Board of Adjustment meeting of January 27, 2009. Thank you.

CC: Tom Anastasi (WRG)  
Myra Clark (Center for Community Transitions)  
MHAworks – File

BY:   
Cline McGee, Vice President  
MHAworks, P.A.