

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

Date Filed: 1-23-09 Case Number: 09-008 Received by: SSH

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: Michael A. Bunn

Mailing Address: 6716 Olde Sycamore Dr

City, State, Zip: Charlotte, NC, 28227

Daytime Telephone: [REDACTED] Home Telephone: SAME

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

Property Owner(s) [if other than applicant/agent]: Mary Anne Pittman & % Gerard Tire Co Inc

Mailing Address: PO Box 790010

City, State, Zip: Charlotte NC 28206-7900

Daytime Telephone: _____ Home Telephone: _____

Property Address: 700 Seaboard St 28206

Tax Parcel Number: 07842401 Zoning District: I-2

Subdivision Name: _____ 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.

11-29-08
Date

11-29-08
Date

11-29-08
Date

11-29-08
Date

Mary Anne Pittman
Property Owner

Nancy L. Gerard
Property Owner

Thomas M. Bunn
Property Owner

Craig Bunn III
Property Owner

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

Date Filed: 1/23/09 Case Number: 09-008 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
A	9.1103 (23)	use must be located	280 feet from residential
B		300 ft from a	district would be
C		residential zoning	allowable for this use.
D		district	
E			

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

(2) In order to comply with the 300 foot distance requirement for this ordinance a variance is necessary. We are asking for a variance reduction of 20 feet that would allow 280 feet be an acceptable distance for this ordinance. Please consider that West Brookshire Fr runs between the 700 Seaboard property and the residential neighborhood. This Freeway provides an outstanding visual and sound buffer between the properties.

(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.)

(3) (a) This property was used in the past for the storage of car tires. This use created a 'junky' look to the property. The owners of this property have tried several times to lease this space out with little success and are considering using the property as tire storage again. Star Dog's plan is to renovate the property by installing vinyl privacy fence, artificial turf and paint for the building. The owners of this property understand, acknowledge and support the applicant's intended use of this 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.)

(b) The unique circumstance of this land is the major highway running directly beside the property. Brookshire Freeway is a *permanent* barrier that divides the residential neighborhood and the property. The 20 foot reduction variance requested by the applicant should be considered acceptable per this man made buffer that blocks all sound and site coming from the proposed land use towards the residential neighborhood.

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

(c) A 20 foot reduction variance allowing the 300 foot requirement to be reduced to 280 feet for the intended land use is not the result of the applicant's own actions. Expanding boundary lines or fence requirements are not necessary for this variance. No structural additions are planned for this land use.

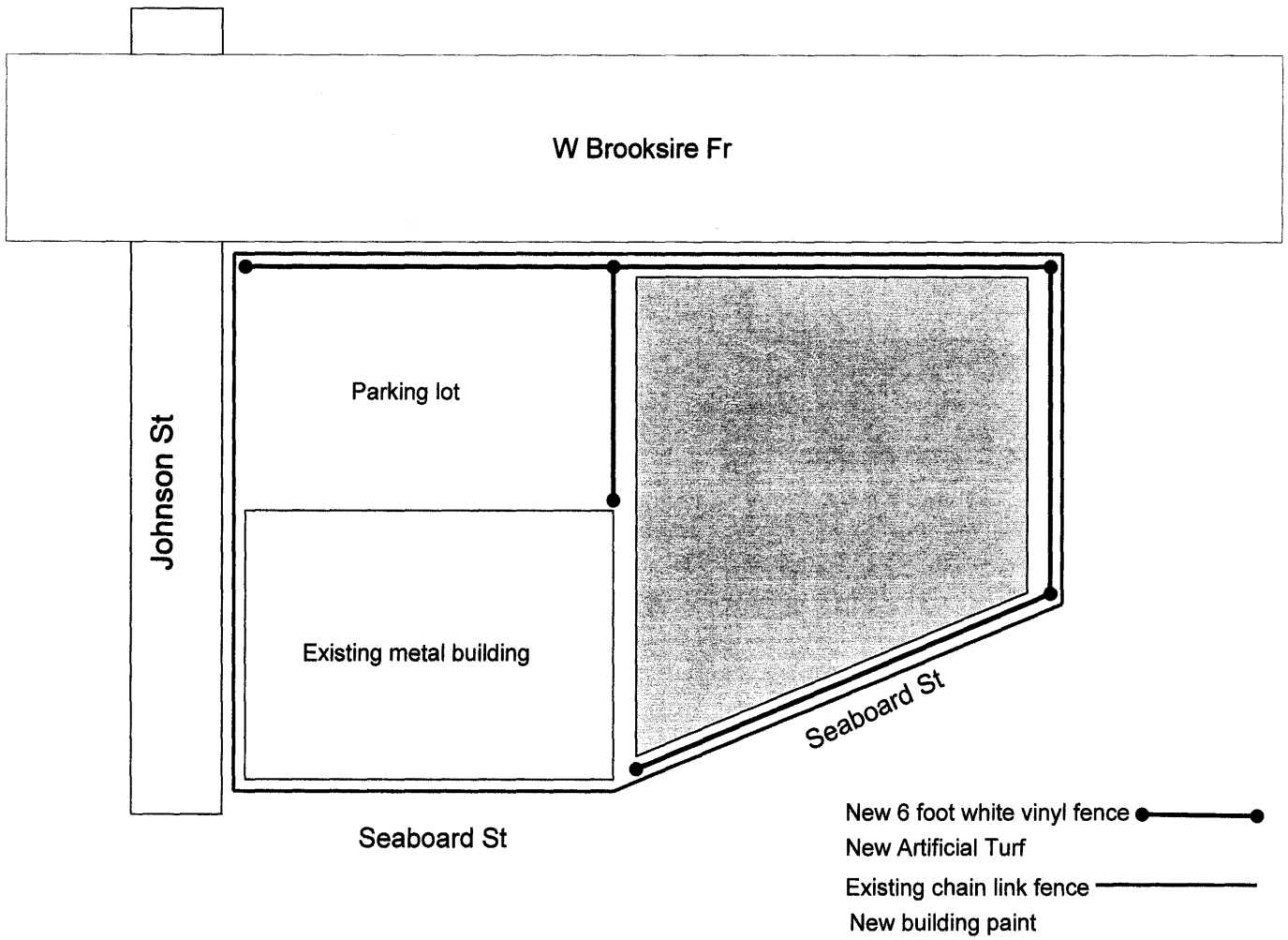
(4) THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE AND PRESERVES ITS SPIRIT. (State facts and arguments to show that the requested variance represents the least possible deviation from the letter of the Ordinance to allow a reasonable use of the land; and, that the use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

(4) Granting a variance for this land use will enable us to develop this property into a visually pleasing property. Star Dog's plan will upgrade the boundary fence with vinyl privacy fence, install artificial turf and paint the existing building. Most of the property (about 80%) does comply with the 300 foot ordinance. The area of non compliance will be *mainly used for parking*. This area on non compliance is currently 280 feet, only 20 feet short, of the required 300 foot distance from a residential neighborhood for the intended use. The planned outfitting of this property, if the variance is granted, will greatly improve the image of the property and add to the community around it.

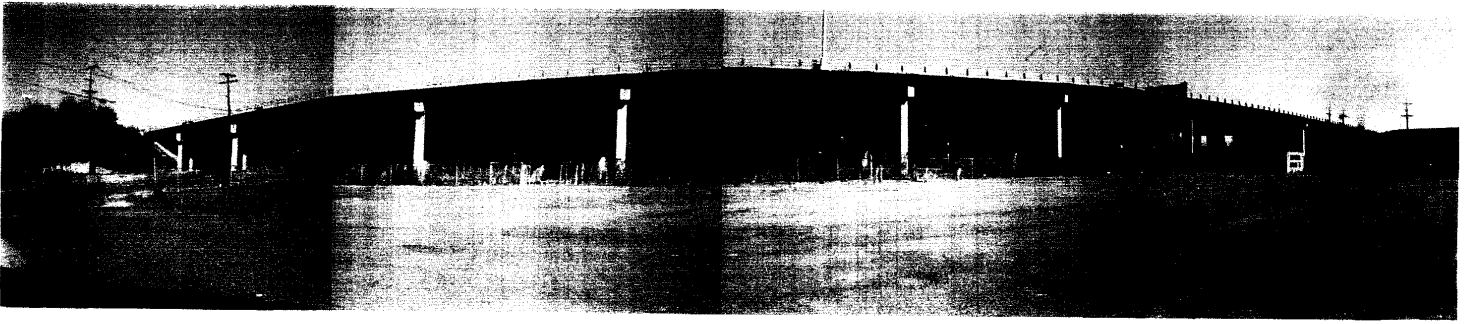
(5) THE GRANTING OF THE VARIANCE SECURES THE PUBLIC SAFETY AND WELFARE AND DOES SUBSTANTIAL JUSTICE. (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the Applicant.)

(5) As stated, we wish to use this property to train dogs and provide owners a resource for their dog's education. Our plan is to upgrade this property's existing boundary fencing and building condition providing the community with a visually pleasing and needed service for dog owners. Star Dog believes granting this variance secures the public safety and welfare and does substantial justice. Without this variance an uptown community of dog owners would be denied a wonderful resource center for the education and management their wonderful pet dogs. Star Dog will support Charlotte's dog community by providing events and educational seminars related to proper dog ownership.

Star Dog,LLC Basic Site Plan



700 Seaboard St property pictures



West Brookshire Freeway creates an outstanding sound and visual barrier between the two zoning districts.



Vinyl privacy fence will be placed along the property lines, artificial turf put down and new paint for the building.



New vinyl privacy fence will be placed inside of existing chain link fence.



**Noise from the rail road and freeway will muffle any dog barking noise.
This property will be upgraded to improve overall look and use requirements.**

