

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

Date Filed: 2/27/09 Case Number: 09-012 Received by: 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: *Guy P. Peters, PE*

Mailing Address: *PO Box 7030*

City, State, Zip: *Charlotte, NC 28241*

Daytime Telephone: *803-802-2440*

Home Telephone: *704-506-2384*

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

Property Owner(s) [if other than applicant/agent]: *Ryan & Christina A. Cole*

Mailing Address: *3217 Westfield Road*

City, State, Zip: *Charlotte, NC 28209*

Daytime Telephone: *704-607-3019*

Home Telephone: *704-607-3019*

Property Address: *3217 Westfield Rd, Charlotte, NC 28209*

Tax Parcel Number: *17517717*

Zoning District: *R-5*

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.

2/5/09
Date

Ryan J. Cole
Property Owner

Date

Property Owner

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

Date Filed: _____ Case Number: _____ 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	City Code 9-102.5	Dry Land Access	Public Street Access Below Base Flood Elev. (BFE)
B			
C			
D			
E			

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

Existing public roadway infrastructure at the subject residential parcel does not allow for establishment of dry land access. Elevation of existing public roadway at the subject residential parcel is below the effective base flood elevation (BFE). A variance is necessary for the project to move forward.

(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 were to comply with the Ordinance, reconstruction of the existing public infrastructure would be required, costing many times the value of the proposed home and affecting a dozen or more existing homes. No reasonable return on this type of investment in public infrastructure could be expected for a single family parcel owner.

(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 land is located in an existing floodplain of Little Sugar Creek. An ordinance-compliant structure can be built on the land, but as stated in (a), modifications to the infrastructure to provide dry land access are impractical. This is a unique set of circumstances peculiar to a portion of the neighborhood.

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

The hardship is not the result of the Applicant's actions. The existing public infrastructure has existed since the first half of the twentieth century.

(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 variance will allow for an ordinance-compliant structure to be built and will remove a non-compliant structure from the regulated floodplain. Removal of non-compliant structures is a stated goal of the Mecklenburg Flood Mitigation Program. The proposed home will have only a slightly increased footprint; its size and architectural style is very much in character with other redeveloped properties in the neighborhood.

(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.)

Granting of the variance maintains the status quo in terms of dry land access, but enhances safety of the owners in that it allows for a safer, ordinance-compliant structure. Roadway flooding depth in the base flood is relatively shallow and vehicle access for emergency service providers is maintained.

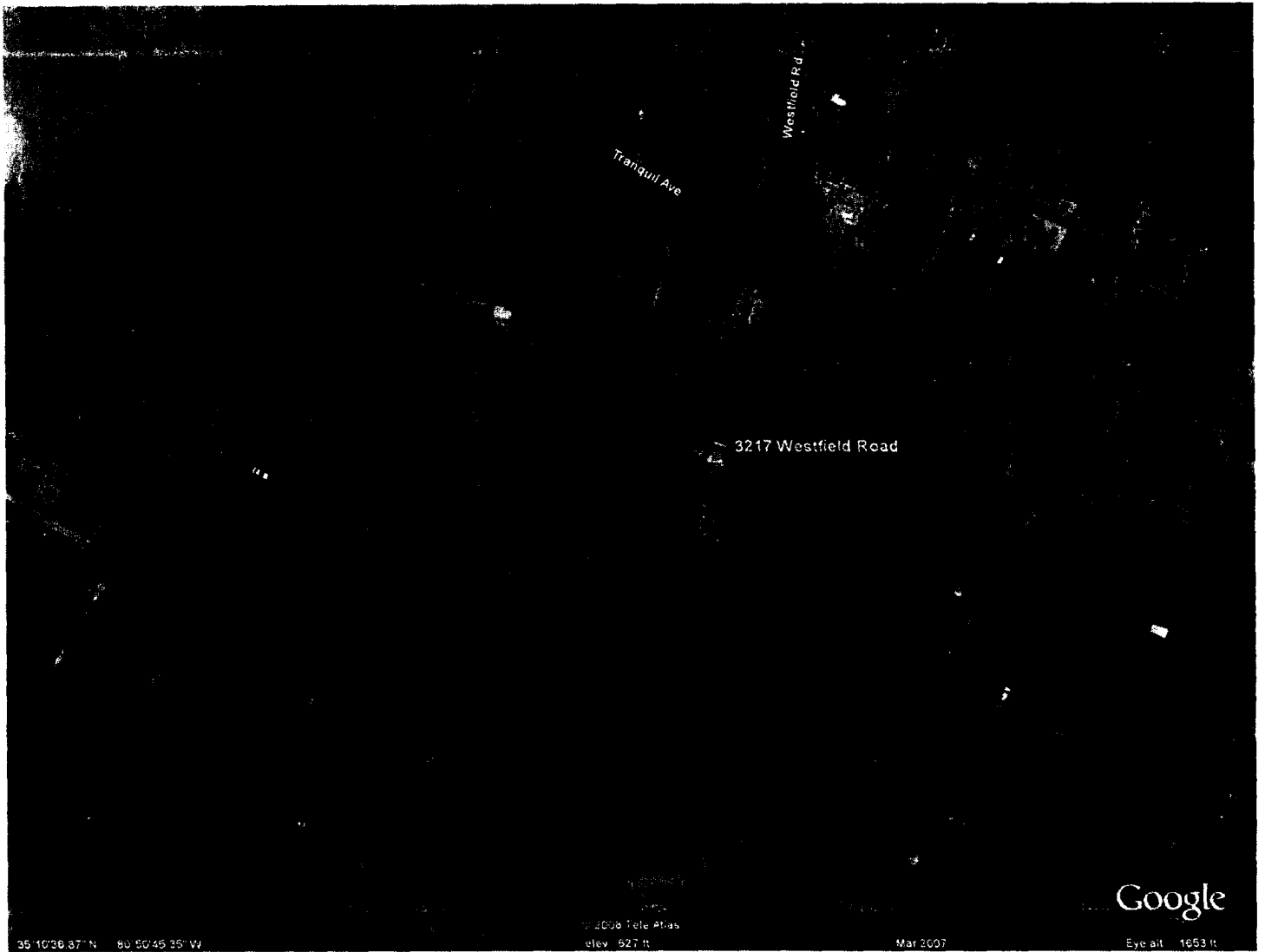


35°10'36.58" N 80°50'42.44" W

2006 TomTom Atlas
elev. 528 ft

Mar 2007

Eye alt 6345 ft



Westfield Rd

Tranquil Ave

3217 Westfield Road

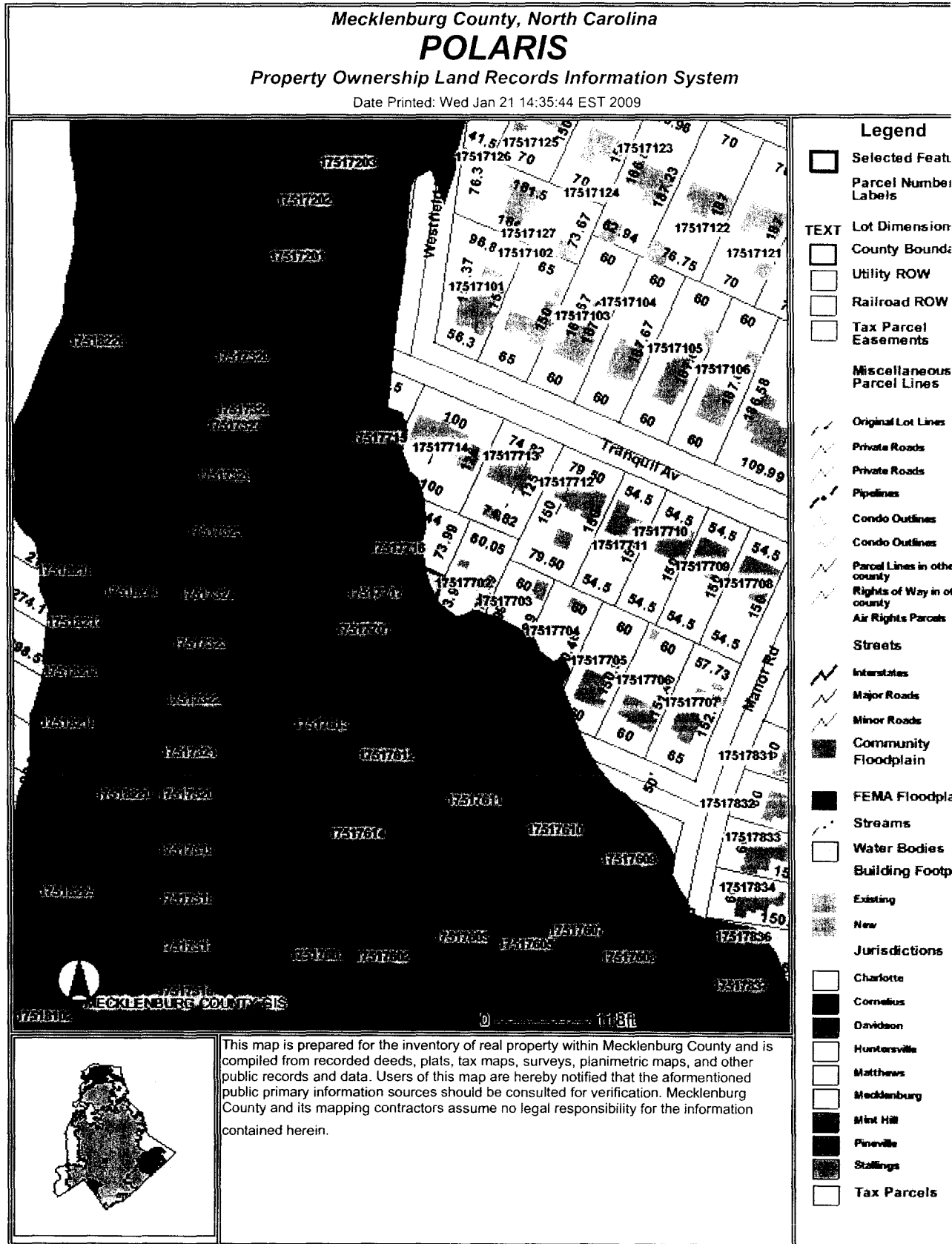
Google

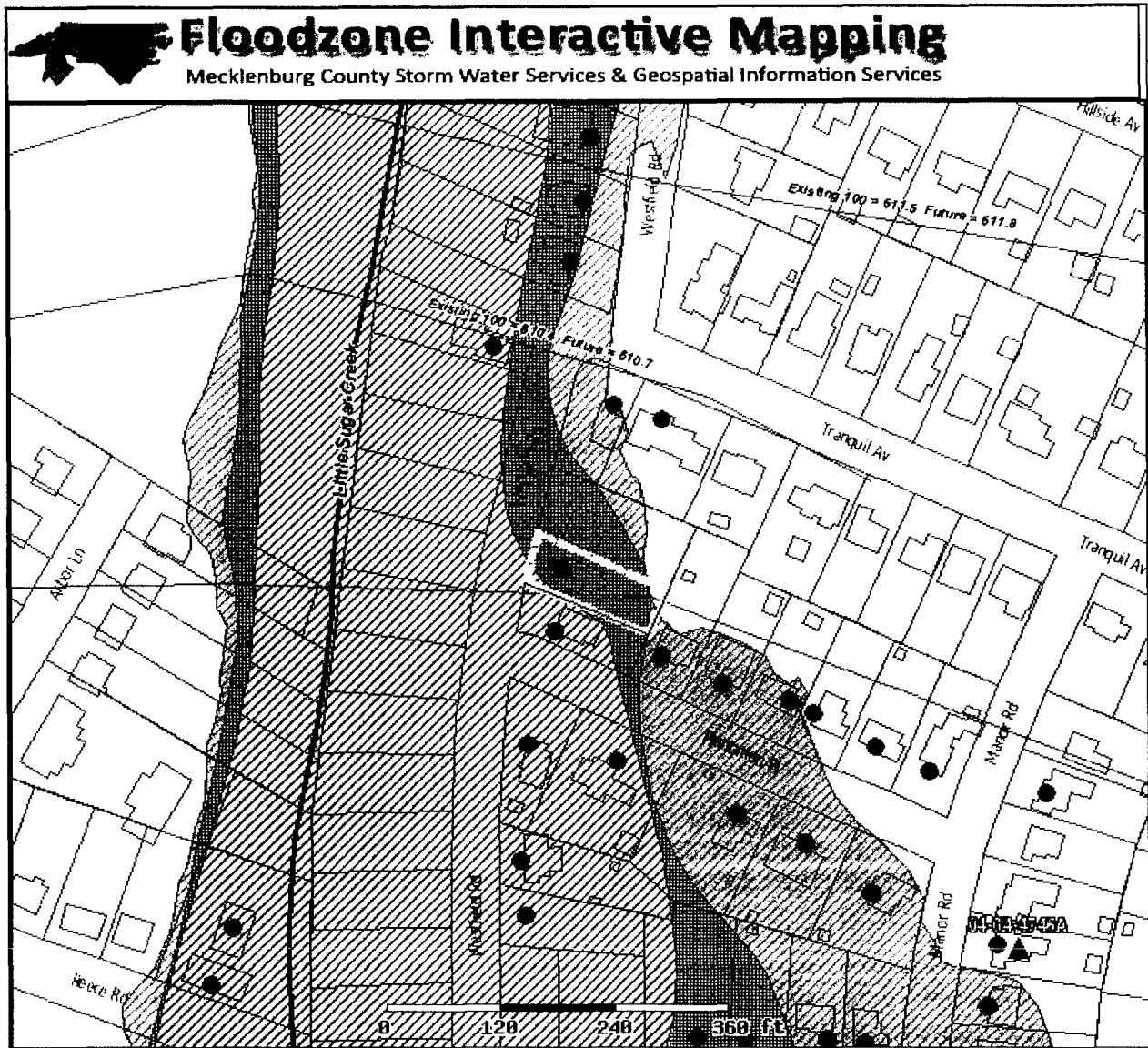
35°10'36.87"N 80°50'45.35"W

© 2006 Tele Atlas
elev: 527 ft

Mar 2007

Eye alt: 1653 ft











Results for 3217 WESTFIELD RD

- Elevation Data Points
- ▲ Structure Not in Floodplain by FEMA Letter
- ~ Streams
- ▭ Buildings
- ▭ Selected Parcel
- ▭ Tax Parcels
- ▭ X Sections
- ▨ FEMA Map Change Area
- ▨ FEMA Floodway Encroachment Area (FEMA restrictions apply)
- ▨ Community Encroachment (local restrictions apply)
- ▭ FEMA Floodplain (flood insurance required)
- ▭ Community Floodplain Area (flood insurance not required)

Parcel ID	Ownership			
17517717	CHRISTINA A COLE, RYAN COLE			
Watershed	Zone	Community	Panel	Date
UPPER LITTLE SUGAR	AE	370159	0206E	02/04/2004

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 <h1>Floodzone Interactive Mapping</h1> <p>Mecklenburg County Storm Water Services & Geospatial Information Services</p> <p>Unofficial Elevation Certificate for Parcel 17517717</p>	
	 <p>17517717 001</p> <ul style="list-style-type: none"> ● Elevation Data Points ▲ Structure Not in Floodplain by FEMA Letter ~ Streams ▮ Buildings ▮ Selected Parcel ▮ Tax Parcels ▮ X Sections ▨ FEMA Map Change Area ▨ FEMA Floodway Encroachment Area (FEMA restrictions apply) ▨ Community Encroachment (local restrictions apply) ▨ FEMA Floodplain (flood insurance required) ▨ Community Floodplain Area (flood insurance not required)
BUILDING LOCATION	
Street Address	3217 WESTFIELD RD
City, State	CHARLOTTE, NC
FLOOD MAP INFORMATION	
Flood Insurance Rate Map ("FIRM") Panel Number	37119C0206E
Date of FIRM Panel	2004-02-04
National Flood Insurance Program Flood Hazard Zone	AE
Creek Name	Little Sugar Creek
FLOOD ELEVATION INFORMATION	
FEMA Base Flood Elevation (ft)	609.2
Community Base Flood Elevation (ft)	609.5
Flood Protection Elevation (ft)	610.5
SURVEY INFORMATION	
Lowest Finished Floor Elevation Building (ft)	609.0
Lowest Elevation of Ground Adjacent to Building ("LAG") (ft)	606.8
Date of Survey	
Building Diagram Number of Structure on Elevation Certificate	8 - CrawlSpace
BUILDING FLOOD INFORMATION	
The lowest finished floor is 1.5 feet Below the Flood Protection Elevation	
The lowest finished floor is 0.2 feet Below the FEMA Base Flood Elevation	
The lowest adjacent ground to the building is 2.4 feet Below the FEMA Base Flood Elevation	
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