

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

Date Filed: 2/27/09 Case Number: 09-013 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: Julie Clark, Mecklenburg County Greenway Director

Mailing Address: 5841 Brookshire Blvd.

City, State, Zip: Charlotte, NC 28216-2403

Daytime Telephone: 704-336-5927 Home Telephone: _____

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

Property Owner(s) [if other than applicant/agent]: _____

Mailing Address: _____

City, State, Zip: _____

Daytime Telephone: _____ Home Telephone: _____

Property Address: 1437 Morehead St.

12521307 Tax Parcel Number: 12521307 Zoning District: B-1

Subdivision Name: N/A 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.

2/27/09
Date

[Signature]
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
<i>Example</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	2.101	Transitional Setback	Requesting a 20' variance from required
B	12.103 (1)		20' transitional setback.
C	12.103 (2)	<i>Requirements for lots along thoroughfares</i>	
D			
E			

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

CDOT and Parks & Recreation have worked together over the past couple of years to set the curb line for Kings Drive and have therefore, do not need to utilize the future transitional setback for future widening.

(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 lot is irregular in shape. Imposing the transitional right of way makes a larger portion of it not buildable, there is limited park space due to the Little Sugar creek stream restoration, and the property is in the flood plain.

(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 lot is irregular in shape. Imposing the transitional right of way makes a larger portion of the lot not buildable, there is limited park space due to the Little Sugar Creek stream restoration and the property is in the flood plain.

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

The clocktower gateway has a fountain and therefore, needs to be located on land at a ^{high} elevation in that area.

(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 clocktower is located outside the 20' setback from the existing right of way. The clocktower is tied into the neighborhood as it is designed based on the historic street car shelters and shelters in Independence Park.

(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 clocktower is sited out of all site triangles and sight distance lines as well as existing setbacks.

DATE: 09/23/2008

PERMIT NUMBER:

TO: CHARLOTTE-MECKLENBURG CODE ENFORCEMENT

FROM: MECKLENBURG COUNTY GIS

JURISDICTION:

125-213-07

PARCEL NUMBER

1437 E. MOREHEAD ST

ASSIGNED STREET ADDRESS (ADDRESS OF RECORD)

N/A

EXISTING STREET ADDRESS (IF DIFFERENT FROM ASSIGNED)

SUGAR CREEK GREENWAY

PROJECT NAME (IF APPLICABLE)

Remarks: ADDRESS VERIFIED- NEW CONST (CLOCK TOWER)

Signed: 

Addressing Verification Form Disclaimer Statement

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 on this form.

Incorrect information may result in delays in getting final approval of permits and this is the responsibility of the applicant.

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.

Name (please print)

STEVEN SWEAT

Company

NEIGHBORING CONCEPTS

Company Address

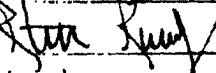
1230 W. MOREHEAD ST.

SUITE 204, CHARLOTTE, NC 28208

Telephone #

704/374-0916

Signature



Date

11/03/08