

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

Date Filed: 3/19/09 Case Number: 09-014 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: Ralph McMillan - McMillan & Terry

Mailing Address: 6101 Carnegie Blvd - Ste 310

City, State, Zip: Charlotte NC 28209

Daytime Telephone: 704 552-9997 Home Telephone: 704 372 5007

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

Property Owner(s) [if other than applicant/agent]: Torrence + Marcie Shealy

Mailing Address: 2419 Bucknell Ave.

City, State, Zip: Charlotte NC 28207

Daytime Telephone: 704 517-9285 Home Telephone: 704 376 2383

Property Address: 1562 Stanford Place

Tax Parcel Number: 15108213 Zoning District: R-3

Subdivision Name: Myers Park 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.

3/16/09  
Date

3/16/09  
Date

3/16/09  
Date

3/16/09  
Date

Torrence W Shealy  
Property Owner

Marcie C Shealy  
Property Owner

John A. Doughty Jr.  
Property owner as of March 19, 2009

Alan T. Day  
Property owner as of March 19, 2009

**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	9.205 (g)	45 foot rear yard	42.1 foot rear yard (2.9 foot reduction from required)
B			
C			
D			
E			

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

The left rear corner of the house was inadvertently built over the rear setback line by the prior owner.

(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.)

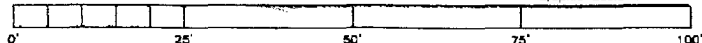
The owner cannot use the portion of the home where the home encroaches and would have to destroy the portion that encroaches.





55' Public R/W

Graphic Scale 1" = 20'



J. Martin Zoutewelle, PLS L-3498, 2136 Malvern Road, Charlotte, NC 28207



*Staff Checklist for ZBA Applications - 2*

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Date	Clerk to the Board Checklist	Notes
3/19	Process Application	
3/19	User Fee	
	Mailing List	
	Mailing Labels	
	Polaris Pix (1 / 2 / vicinity)	
	Access	
	Prep Form	
	Copy / Distribute	
	Scan	
	Appeal?	email to ND Inspector / Gary / Walter

**REVENUE FEE - Receipt**  
**CHARLOTTE-MECKLENBURG PLANNING COMMISSION**  
**600 E. FOURTH STREET, CHARLOTTE, NC 28202-2853**  
(704)-336-2205

**Date:** 3/19/2009

**Receipt:** Z3277

**Recieved From:** Ralph McMillian

**Address:** 6101 Carnegie Blvd Suite 310  
Charlotte, NC 28209

**Project Name:** 09-014 1562 Stanford Place

**Acres:**

**Check #:** 14658951

CMPC Code	Fund	G/L#	Center	Description	Fee
0952	0101	5507		Zoning Variance - Residential	\$415.00
<b>Total:</b>					<b>\$415.00</b>

FOR OFFICE USE ONLY

Petition or File Number: 09-014

Other:

Recieved By: SSK