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

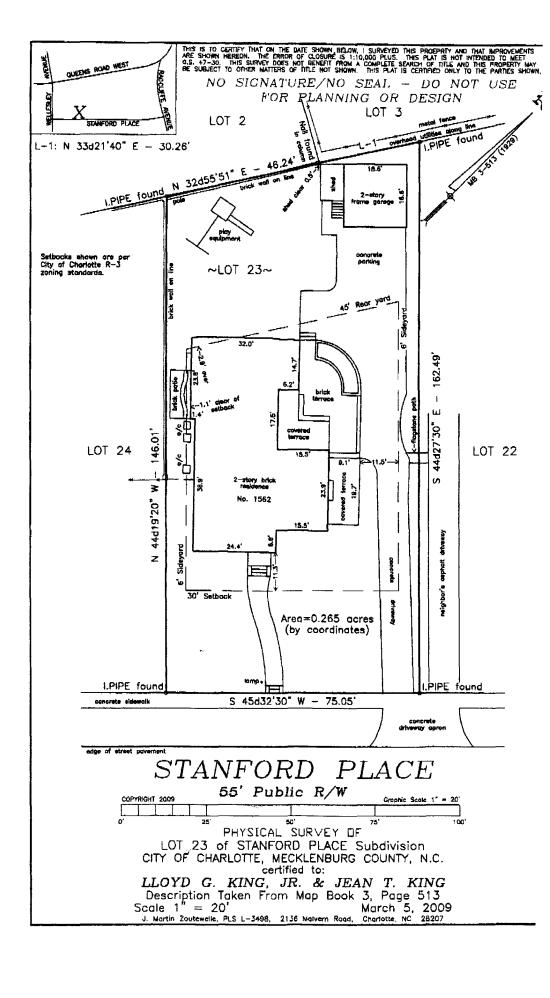
Date	Filed: 3/19/09 Case Number: 09-014 Received by: Sklune Ly									
	Instructions  This form must be filed out completely. Please attach the appropriate additional form depending on your request type along with required information as outlined in the appropriate checklist. Please type or print legibly. 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 Mc Millan - McMillan ETERRY  Mailing Address: 6101 Carnegic Blud - Ste 310  City, State, Zip: Charlotte NC 28209									
	Daytime Telephone: 704552-997 Home Telephone: 704372500'  Interest in this Case (please circle one): Owner Adjacent Owner Other									
	Property Owner(s) [if other than applicant/agent]: Torrence + Marcie Shealy  Mailing Address: 49 Bucknell Ave.									
	City, State, Zip: <u>Charlotte</u> NC <u>28707</u> Daytime Telephone: <u>704 517-9</u> 285 Home Telephone: <u>704 376 2383</u>									
	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.    Sold   16   16   16   16   16   16   16   1									

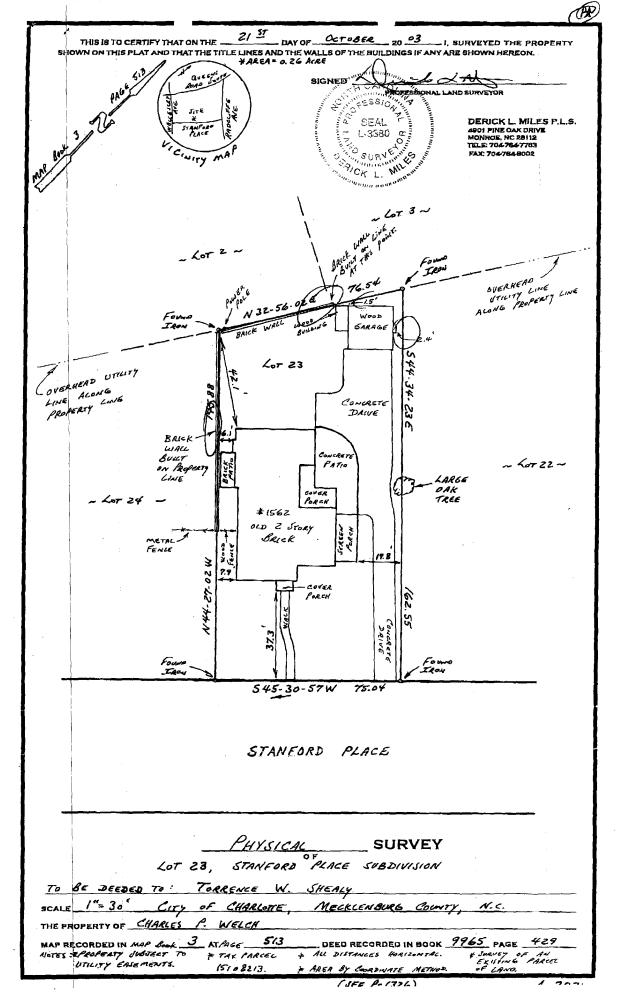
## Variance Application - Form 2 Zoning Board of Adjustment City of Charlotte

ed: Case Number:		Fee Collected:							
If yes, Did you ob Have you receive for this project? Has this property hat zoning ordinar	otain a building permit? d a Notice of Violation been rezoned?  due section numbers are years.	YES 🗆	NO § NO § NO §	If yes, attach a copy.  If yes, attach a copy.  If yes, Petition Number:					
Code Section	Code Requirement		V	/ariance Request					
9.205 (g) 45 foot rear yard 42.		2.1 foot rear yard (2.9 foot reduction from equired)							
The left rear corner of the house was inadvertently built over the rear setback line by the prior owner.									
<ul> <li>(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:</li> <li>(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.)</li> <li>The owner cannot use the portion of the home where the home encroaches and would have to destroy the portion that encroaches.</li> </ul>									
	Has work started If yes, Did you of Have you receive for this project? Has this property  What zoning ordinar rement and the requ  Code Section  9.205 (g)  THERE ARE PR RYING OUT TH rmine whether, in a ments in support of  (a) If the property secure no reasonab grant the variance s er cannot use the p	Has work started on this project?  If yes, Did you obtain a building permit? Have you received a Notice of Violation for this project? Has this property been rezoned?  What zoning ordinance section numbers are y rement and the requested variance.  Code Section  Code Requirement  9.205 (g)  45 foot rear yard  Code are corner of the house was inadvertently but the corner of the house was inadvertently but the corner of the house was inadvertently but the corner of the following:  THERE ARE PRACTICAL DIFFICULT RYING OUT THE STRICT LETTER Of the corner of the following:  (a) If the property owner/applicant complesecure no reasonable return from, or make regrant the variance simply makes the property er cannot use the portion of the home when	Has work started on this project?  If yes, Did you obtain a building permit?  Have you received a Notice of Violation for this project?  Has this property been rezoned?  What zoning ordinance section numbers are you seeking rement and the requested variance.  Code Section  Code Requirement  9.205 (g)  45 foot rear yard  Lease describe why the variances requested are necessare ear corner of the house was inadvertently built over the RYING OUT THE STRICT LETTER OF THE OR mine whether, in a particular situation, "practical differents in support of each of the following:  (a) If the property owner/applicant complies with the secure no reasonable return from, or make no reasonat grant the variance simply makes the property less valuater cannot use the portion of the home where the home	Has work started on this project?  If yes, Did you obtain a building permit?  Have you received a Notice of Violation for this project?  Has this property been rezoned?  What zoning ordinance section numbers are you seeking a variatement and the requested variance.  Code Section  Code Requirement  9.205 (g)  45 foot rear yard  4  1  1  1  1  1  1  1  1  1  1  1  1					

(b) The hardship of which the Applicant complains resuland. (Note: Hardships common to an entire neighborhoshould be referred to the Charlotte-Mecklenburg Planchardships are irrelevant since a variance, if granted, runs	od, resulting from overly restrictive zoning regulations, uning Department. Also, unique personal or family
The variance line was old and hard to detect.	
(c) The hardship is not the result of the Applicant's own	actions.
The surveyor surveyed the property in error when the seller of contract to purchase before the encroachment was found.	the property bought it. The buyer had entered into a
the use of the property, if the variance is granted, will neighborhood.)  The encroachment is minor and has been present for over ten year	
(5) THE GRANTING OF THE VARIANCE SECURES TO SUBSTANTIAL JUSTICE. (State facts and arguments to benefit to the public will be substantially outweighed by the	show that, on balance, if the variance is denied, the
The variance corrects an old problem and avoids damage to innoc	ent parties.

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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

<b>Date:</b> 3/1	9/2009		Receipt:	Z3277		
Recieved From: Address:	Ralph McMillian 6101 Carnegie Blvd Suite 310 Charlotte, NC 28209					
Project Name:	09-014 1562 Star	nford Place	Acres:			
Check #:	14658951					
CMPC Code Fund 0952 0101	G/L# Center 5507	<b>Description</b> Zoning Variance - Residential		<b>Fee</b> \$415.00		
			Total:	\$415.00		
Petition or File Nur Other: Recieved By:	mber: 09-	FOR OFFICE USE ONLY				