

Appeal

MAR 20 2009

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

Date Filed: _____

Case Number: 09 - 015

Received by: Sonda Kennedy
ZBA Clerk

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: Greater Mt. Sinai Baptist Church

Mailing Address: 1243 West Blvd.

City, State, Zip: Charlotte, N.C. 28208

Church
Daytime Telephone: 704-332-2163

Contact Person: Theophilus Woodley
Home Telephone: 704-597-1444

Interest in this Case (please circle one):

Owner

Adjacent Owner

Other

Property Owner(s) [if other than applicant/agent]: Greater Mt. Sinai Baptist Church

Mailing Address: _____

City, State, Zip: SAME AS ABOVE

Daytime Telephone: —

Home Telephone: —

Property Address: _____

Tax Parcel Number: 11903330
11903327

Zoning District: A-4
A-4

Subdivision Name: UNKNOWN

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.

3-20-09
Date

Theophilus Woodley
Property Owner Trustee/Building Chairman
Church

Date

Property Owner

Date Filed: _____ Case Number: _____ Fee Collected: _____

YES ☐

NO ☒

YES ☐NO ☐

YES ☒

NO ☐

YES ☐

NO ☐

If yes, Petition Number: _____

Item	Code Section	Code Requirement	Variance Request
Example	9.205 (1)(g)	45 foot rear yard	35 foot rear yard (10 foot reduction from required)
A	12-506	contiguous site	Gran Father
B	12-506	contiguous site	Gran Father
C			
D			
E			

Hard Ship on Church - Parking

[illegible]

(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.)

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

(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 Lots has been used for 15 years. NO problem for neighbors

(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.)

Membership would be impacted with parking problem.

City of Charlotte

Fee Collected: _____

If yes, Petition Number: _____

(1) What zoning ordinance section numbers do you allege were applied in error? Please list each section, the requirement and the requested variance.

Item	Code Section	Code Requirement
Example	9.205 (1)(g)	45 foot rear yard
A	12-506	contiguous site
B		
C		
D		
E		

(2) Please describe why you feel the code sections listed above were applied in error. Tell the Board what you feel is the appropriate application of each code section.

(a) Code Section 12-506

We have parked here for 15 years
The city knew that this was a
parking lot. A permit was issued
to paving contractor for us to
put a drive way on West Blvd. and
we were able to tie in to
the sewage system

(b) Code Section _____

[illegible]

- (b) The physical layout of the land and structures on the land are such that Ordinance requirements cannot be met.

- (c) Because of the nature of the abutting property or intervening topographical or geographical features, the application of the Ordinance requirements would not serve a useful purpose.

- (d) If an inadvertent error by a City staff member, surveyor, contractor, building inspector or other similar individual is involved please describe the nature of the error and provide the name and contact information for the person who made the error.

We have used this lot for 15 yrs

- (e) The applicant agrees to the measures listed below to mitigate the impact of the requested deviation.

- (4) For handicap ramps and other similar structures, please indicate why the improvement is necessary and explain why there is no other feasible location that would comply with the zoning ordinance.

Neighborhood Development Site Office
Code Enforcement Division
Adam Service Area
4150 Wilkinson Blvd.
Charlotte, NC 28208



2/23/2009

GREATER MT SINAI BAPTIST
CHURCH TRUSTEES
1243 WEST BLVD
Charlotte, NC 28208

Zoning Violations Letter
2005006524

RE: Address

Parcel Number: 11903330

Zoning:

R-4

Map:

Inspection Date: 2/23/2009

The provision(s) of the City of Charlotte Zoning Ordinance indicated on the next page(s) have been violated:

You are hereby instructed to cease and desist
ILLEGALLY PARKING ON A RESIDENTIAL PROPERTY.

IMMEDIATELY CORRECT THE VIOLATION. If the violation is not corrected and there is no appeal to the Zoning Board of Adjustment, the Division reserves the right to exercise any one of the following REMEDIES: REVOCATION OF A CERTIFICATION OF OCCUPANCY making continued occupancy unlawful, issuing a CITATION, if unpaid and a judgement, could become a LIEN on the property, seeking of an INJUNCTION, or the issuance of a CRIMINAL SUMMONS. The Zoning Board of Adjustment is empowered to rule on the interpretation of the Zoning Ordinance and to grant variances when a difficulty or hardship exists. Appeals will not be heard by the Board unless application is properly filed in the Zoning Administrator's office within thirty (30) days of the date on this Notice of Violation. Once the deadline has passed, your right of appeal is forfeited. Forms are available in this office.

If you have any questions as to what is required by this Notice, please contact me between 8:00 and 9:00 A.M. at the number below.

Attachments:

Section 8.105
Section 8.106

LAWYER

File Appeal

*Contact Attorney
City Councilman*

*536-2205
(Planning)*

JOHN SUTTON
704-398-6767
ZONING INSPECTOR

Neighborhood Development Site Office
Code Enforcement Division
Adam Service Area
4150 Wilkinson Blvd.
Charlotte, NC 28208



2/23/2009

GREATER MT SINAI BAPTIST
CHURCH TRUSTEES
1243 WEST BLVD
Charlotte, NC 28208

Zoning Violations Letter
2005006523

RE: Address
Parcel Number: 11903327

Zoning: R-4
Map:
Inspection Date: 2/23/2009

The provision(s) of the City of Charlotte Zoning Ordinance indicated on the next page(s) have been violated:

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Attachments:

Section 8.105
Section 8.106

704
361-3481

JOHN SUTTON
704-398-6767
ZONING INSPECTOR

Code Sections:

12.506 (3)

12.506. Religious institutions in residential districts. (3) The principal building and accessory uses must be on a contiguous site.