

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

Date Filed:

3/27/09

Case Number:

09-016

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:

Charles BRANDAU

Mailing Address:

2219 SAGAMORE Rd.

City, State, Zip:

CHARLOTTE, N.C. 28209

Daytime Telephone:

704-523-7668

Home Telephone:

704-521-8008

Interest in this Case (please circle one):

Owner

Adjacent Owner

Other

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

John & Sandra Ibach

Mailing Address:

5600 Wintercrest Lane

City, State, Zip:

Charlotte NC 28209

Daytime Telephone:

704-5605444

Home Telephone:

704-5528232

Property Address:

5600 Wintercrest Lane Charlotte NC

Tax Parcel Number:

17705209

Zoning District:

R-3

Subdivision Name:

Picardy

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.

Date

3/16/09

Date

3/16/09

Property Owner

Sandra B. Ibach

Property Owner

John W. Ibach

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
	9.205 (1)(g)	45 foot rear yard	35 foot rear yard (10 foot reduction from required)
A	9.205(1)(g)	45 FOOT REAR Set back	37 Foot rear yard (8 FOOT reduction from required)
B			
C			
D			
E			

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

we are unable to build a functional addition on the only allowable location on the property due to the set back restrictions (corner lot).

One end of the addition is in compliance with set back - the variance is needed for the other end of the addition.

(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 WE COMPLY WITH THE ORDINANCE WE CANNOT build a functional addition anywhere on the property.

(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 property is on a corner lot with its restrictions and right of way(s) which do not allow for an addition to be built on any other location on the property.

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

The hardship is not a result of any previous actions taken by the applicant from the original footprint of the current structure.

(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.)

In order for the structure to be liveable and within code, this minimal variance request is required. If the variance is granted, it will not detract in the least from the character of 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.)

Public safety is not an issue regarding the request for this variance.

09-016

VD:

- | | | |
|---------------------|----------|----------------------------|
| RIGHT OF WAY | D. BK. | DEED BOOK/PG. |
| NEW IRON REBAR | P.D.E. | PUBLIC DRAIN ESM'T |
| NOW OR FORMERLY | M.B.S.L. | MIN. BUILDING SETBACK LINE |
| EXISTING IRON REBAR | | (FROM REC. PLAT) |
| EXISTING IRON PIPE | □ | FENCE |
| OVERHEAD POWER LINE | △ | CALCULATED POINT ONLY |
| FRONT YARD SETBACK | | (NO POINT SET) |
| SIDE YARD SETBACK | ℙ | PROPERTY LINE |
| REAR YARD SETBACK | | |

OPEN SPACE NOTES

AREA OF LOT = 15,365 sq. ft.
 AREA OF EXIST. BUILDINGS = 1,991 sq. ft.
 (HOUSE = 1,388 sq. ft.)
 (GARAGE = 603 sq. ft.)
 13.0% OCCUPIED BY EXIST'NG. BUILDINGS
 87.0% OF LOT IS OPEN SPACE (65% REQUIRED)

CHAR.-MECK. ZONING:

YARD REQUIREMENTS SETBACKS		FRONTAGE
FRONT = 30'		LOT
SIDE = 6'		OPEN SPACE
REAR = 45'		

