

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

Date Filed: 3/27/09 Case Number: 09-017 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: MEDITERRA AT CARMEL, LLC. *SCOTT SROGER member/MANAGER*
BRUCE L. BLEIMAN member/MANAGER

Mailing Address: 5960 FAIRVIEW RD. #400

City, State, Zip: CHARLOTTE, N.C. 28210

Daytime Telephone: (704) 641-1335

Home Telephone: (704) 995-3330

SCOTT (cell)

BRUCE (cell)

Interest in this Case (please circle one):

Owner

Adjacent Owner

Other

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

Mailing Address: Bruce Bleiman

City, State, Zip: _____

Daytime Telephone: _____

Home Telephone: _____

Property Address: 3400 CARMEL RD. CHARLOTTE, NC.

Tax Parcel Number: 20915333-20915344 Zoning District: R3

(12) lots

Subdivision Name: MEDITERRA AT CARMEL

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.

3/27/09
Date

Bruce Bleiman *member/manager*
Property Owner

3/27/09
Date

Scott C. Sroger
Property Owner

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

Date Filed: 3/27/09 Case Number: 09-017 Fee Collected: waived per

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?

YES ☒ NO ☐
YES ☒ NO ☐
YES ☐ NO ☒
YES ☐ NO ☒

If yes, attach a copy.

If yes, attach a copy.

If yes, Petition Number: _____

D. Campbell
3/27/09

(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	<i>12.406</i>	<i>5 Ft. Wall</i>	<i>Varied height from 5'11", Wall is Stepped Following</i>
B	<i>13.108</i>	<i>7 Ft. Height</i>	<i>9 Ft. Now (at peak), will be 7 once grade of Road</i>
C			<i>Soil is put BACK</i>
D			
E			

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

Because the walls and sign wall are already built per approval and two independent inspections by Gary Setzer of Code enforcement. Please be advised that these walls are permanent in nature and are composed of 12 inch poured concrete in place, 12 inch concrete block and finished stucco exterior.

(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.)

Hardship was created after the wall permit was obtained and the wall (property) was inspected and approved by Gary Setzer. The walls are within the setback and at this point would be cumbersome and costly to move to the point of causing the project to fail financially.

(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 orientation of the homes on the lots that abut Kingswood are opposite to the plat of the subdivision. In actuality the front yards as platted along Kingswood are really the rear yards for these future homes. The purpose of these walls is for security and privacy. The unique circumstance of the land is that both Kingswood and Carmel Roads are falling creating topography challenges which impact the stair-stepped wall as built resulting in if changed to meet ordinance requirements, the stair-stepped walls would be 5 ft. tall at the high side and as short as 2 feet tall at the low side due to grade change.

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

We relied on the communication with Gay Setzer following his two field inspections and proceeded accordingly. The walls are now complete.

(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.)

We believe the variance is in fact in harmony with the general purpose and intent of the ordinance.

(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.)

A wall permit was obtained through CDOT and the placement of the wall is approved per their requirements.