

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

Date Filed: 4/24/09 Case Number: 09-020 Received by: B. Mett

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: B & B HOME BUILDERS INC. (KRIS BROWN)

Mailing Address: 127 N Tryon ST STE 250

City, State, Zip: CHARLOTTE NC. 28202

Daytime Telephone: 704-622-4723 OFFICE Home Telephone: 704-394-1261

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

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

Mailing Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Daytime Telephone: \_\_\_\_\_ Home Telephone: \_\_\_\_\_

Property Address: 5802 LINDEN RIDGE LN. CHARLOTTE NC. 28216

Tax Parcel Number: 03712627 Zoning District: CHARLOTTE

Subdivision Name: LINDEN ESTATES 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.

4/24/09  
Date

Kris Brown  
Property Owner B & B HOME BUILDERS INC.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner

**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
Example	9.203 (1) (a)	33' rear yard	33' rear yard (10' and reduction from 33' to 23')
A	9.205 (1) (6)	45' REAR YARD	35' REAR YARD 10' REDUCTION
B			
C			
D			
E			

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

REAR CORNER OF HOME IS OVER SET BACK LINE  
APPROXIMATELY 5 FEET. HOME IS SOLD AND READY TO  
BEGIN BUILDING.  
THIS LOT IS THE SMALLEST LOT IN THE SUBDIVISION.  
IT ALSO HAS ODD SHAPE AND CONDITIONS.

(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 VARIANCE IS DENIED, BUILDER WILL HAVE TO BUILD A  
SMALLER HOME WHICH WILL MOST LIKELY DEVIATE FROM  
COMMUNITY SPECS ALREADY SET FORTH. BUILDER COULD LOSE  
POTENTIAL SALE AND CONTRACT ON HOME.

(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 CUL-DE-SAC ON THE RIGHT AND THE OVER ABUNDANT 49' REAR
SET BACK ON THIS LOT WILL NOT ALLOW FOR FUTURE EXPANSION
FOR THE OWNER.

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

OWNER BOUGHT LOT AS IS, READY TO BEGIN CONSTRUCTION
IN LESS THAN A MONTH.

(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.)

THIS LOT IS ODD SHAPED DUE TO THE CUL-DE-SAC ON THE RIGHT.
THE REAR PROPERTY LINE IS THE SAME AS THE SIDE SET BACK LINE
OF THE ADJACENT HOME BEHIND. THE MINIMUM SQUARE FOOTAGE IN
LINDEN ESTATES IN 1950. THE SMALLEST HOME WE HAVE IS 2806
AND WE ARE TRYING TO KEEP OUR COMMUNITY CONSISTANT IN REGARDS
TO SIZE AND STYLE OF HOMES. WE DO NOT WANT TO BUILD ANYTHING
LESS THAN 2700 SQUARE FEET TO KEEP THE COMMUNITY VALUE

(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.)

B & B HOME BUILDERS REQUESTS THIS VARIANCE BECAUSE A
LESSER HOME IN SIZE WILL DE-VALUE THE COMMUNITY
IN THE LONG TERM. THIS HOME IS POTENTIALLY SOLD AND
UNBUILT CONTRACT VERY SOON.

Addressing Verification Internet Form

To: Charlotte-Mecklenburg Code Enforcement

From: Mecklenburg GIS Database

Date: 4/24/2009

Assigned Street Address (Address of Record): 5802 LINDEN RIDGE LN CHARLOTTE

Jurisdiction: CHARLOTTE

Sphere of Influence: CHAR

Parcel Number: 03712612

**Addressing Verification Form Disclaimer**

The party indicated on this application shall be responsible for maintaining this address throughout the life of the project from plan submittal through final C/O. The contents of this form reflect information provided by the party listed.

**NOTE:** Incorrect information may result in delays in getting final approval of permits and the final C/O.

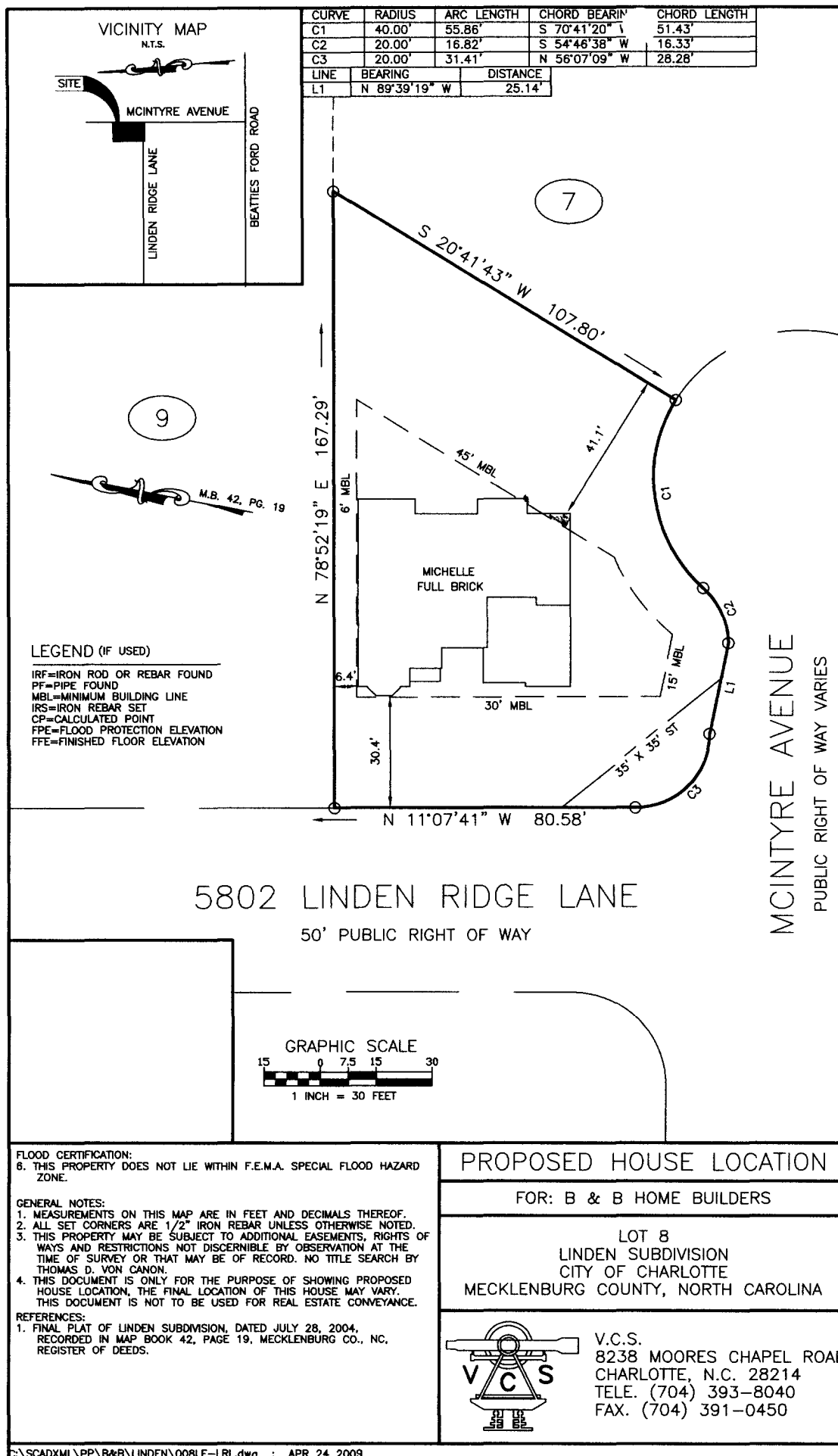
Special Circumstances: If a temporary address is being verified for the purposes of Plan Review, the responsible party will be required to obtain and submit a new form verifying the permanent address prior to issuance of the permit.

**Customer Section (to be completed by customer):**

**Remarks:** Please add a brief description of scope of work: NEW CONSTRUCTION SINGLE  
FAMILY RESIDENTIAL - VARIANCE REAR SETBACK

Company: B & B Home Builders Inc.  
Company Address: 127 N Tryon St. STE 250 Charlotte NC. 28202  
Telephone: 704-622-4723  
Name (please print) Kris Brown

Signature: Kris A. Brown Date: 4/24/09

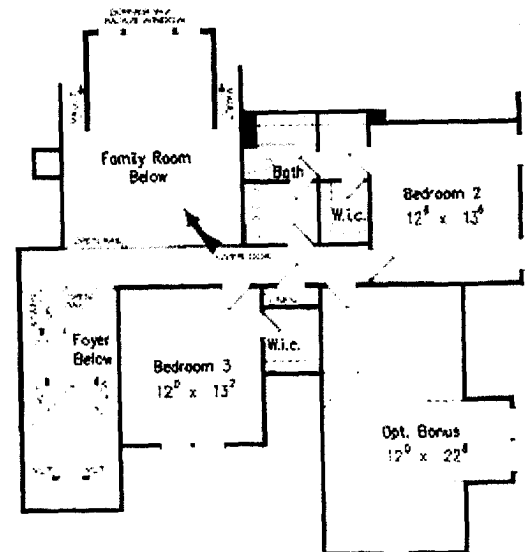
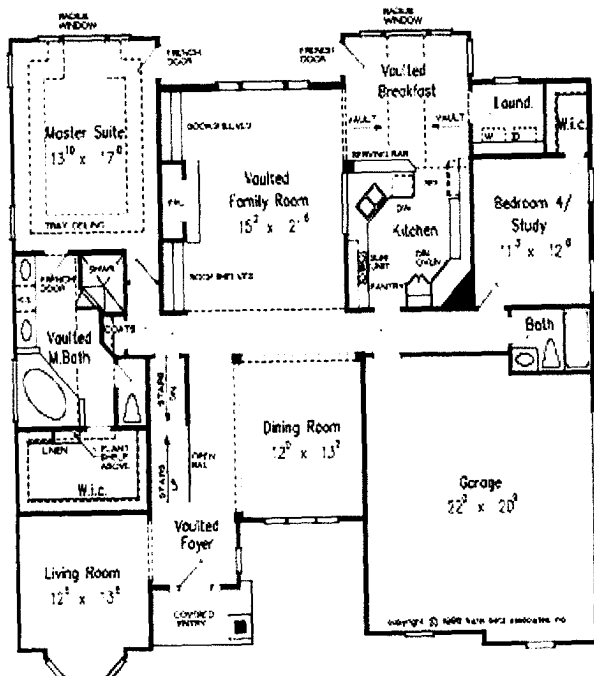


[illegible]



## The Pennington 2958 Sq ft

Linden Estates  
Charlotte, NC



Available on Lot 8 only