

Hearing Request Application - Form 1

Zoning Board of Adjustment

City of Charlotte

*Sonda Kennedy*  
ZBA Clerk

Date Filed: 03/23/2012  
by: \_\_\_\_\_

Case Number 2012-011

Received *SSK*

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: Betty McKinney

Mailing Address: 920 Charlottetowne Ave Charlotte North Carolina 28204

Daytime Telephone: 704 375 3239

Home Telephone: 980 205- 1127

Interest in this Case (please circle one):

Owner

Adjacent Owner

Other

Property Owner(s) [if other than applicant/agent]: Hunter's Affordable Bonding

Mailing Address: 428 East 4<sup>th</sup> St Suite 400, Charlotte North Carolina 28102

Daytime Telephone: 704 374- 3239 Home Telephone: 704 492- 6576

Property Address: 920 Charlottetowne Ave Charlotte North Carolina 28204

Tax Parcel Number: 12522303 Zoning

District: \_\_\_\_\_

Subdivision Name: \_\_\_\_\_ Conditional District: YES NO X

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

03/23/12

Property Owner

*Ellis Hunter*

Date

Property Owner



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

Date Filed: 03/23/2012 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
<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>
<b>A</b>	9.705(1)(e)	20ft front	5ft (15FT Reduction)
<b>B</b>	9.705(1)(f)	5ft side	3ft9(2FT Reduction)
<b>C</b>	Table 12/206(3)	No park on side and setback	Allow parking in setback and sides
<b>D</b>			
<b>E</b>			

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

Because of the physical layout of this triangular shaped property at this corner, it would be impossible to adhere to the regulations in the code application. This hardship is peculiar to the natural configuration of the property in question. And is not shared by other properties in this neighborhood. Because of the layout of the area with city streets on both sides of the property, without granting exceptions to the setback requirements, the property cannot be put to reasonable use.

(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.)

The triangular corner prevents compliance with the provisions of the setback requirements and parking requirements. Again, without requirements requested, we cannot secure reasonable return from or any reasonable use of the area.



(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 hardship of which we are concerned about results from the natural layout of the land. This hardship is unique to this property in this area. The property aligns with Charlottetowne Ave on the right side and Fox Street On the left street. The property ends at the curb where Charlottetowne Ave and Fox comes to an apex. This the way The property was acquired.

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

The hardship did not in any way result from our actions but to the natural layout of the triangular lot with narrow Sides with very little setbacks to be had .

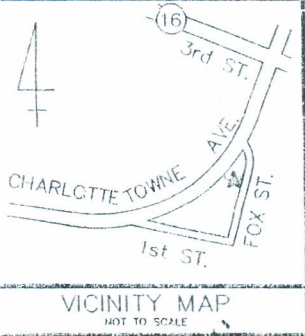
(4) THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE AND PRESERVES IT'S SPIRIT. (State facts and arguments to show that the requested variance represents the least possible deviation from the letter of the Ordinance to allow a reasonable use of the land; and, that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.)

We definitely feel the variance is in harmony with the general purpose and represents the least possible deviation from The letter of the Ordinance since the triangular area won't afford any use if the setbacks are not granted Also if the variances are not granted it would not in any way detract from the character of the neighborhood, in Fact, we strongly feel that our presence has greatly enhance the neighborhood as stated by the city council and If no one is using the property , it would return to it earlier dilapidated condition it was in when we purchased it.

(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.)

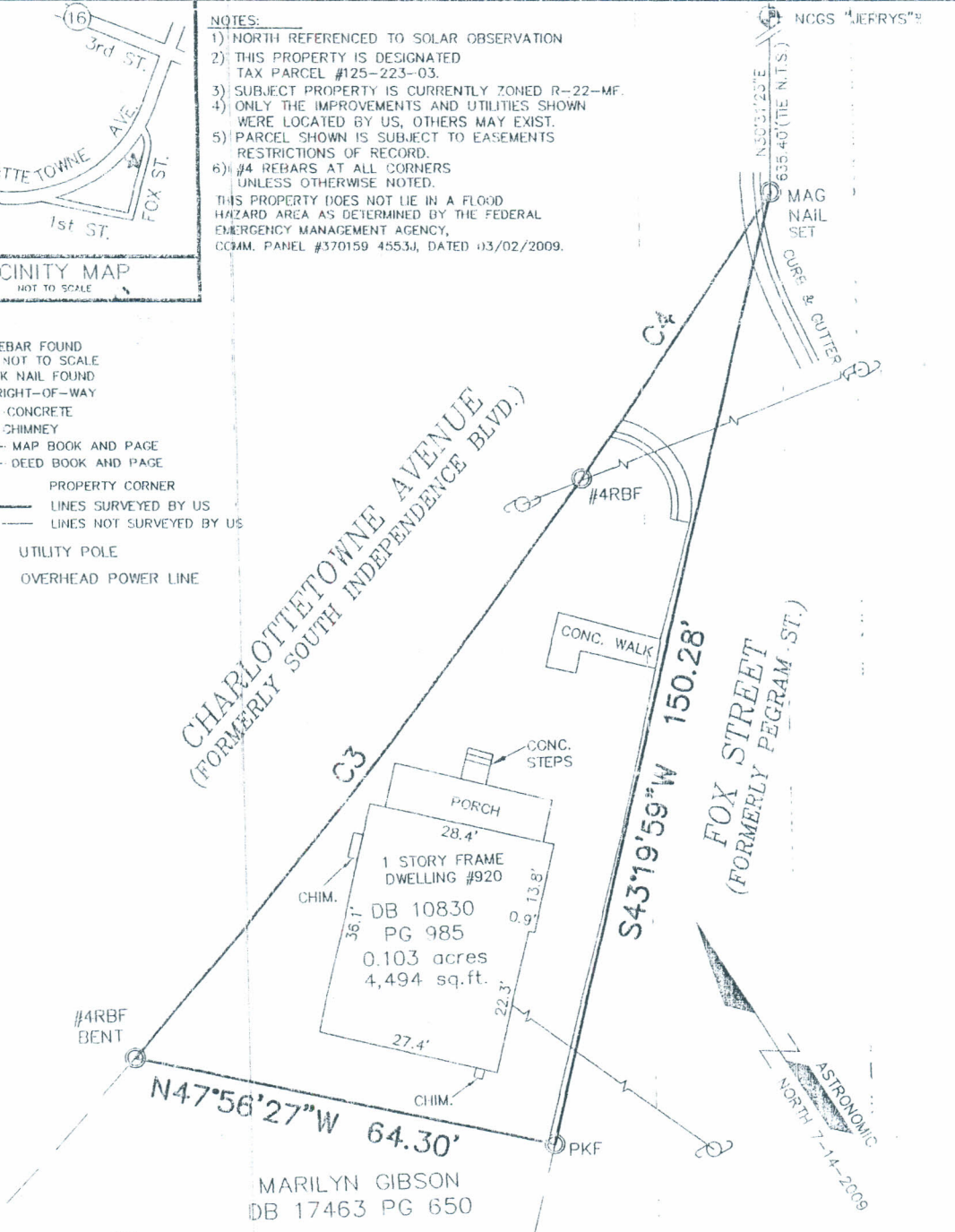
If the petition variance is denied, we would fear that the property would revert to its previous condition become an eyesore again. The area , at present ,is very well kept, the yard is groomed with grass, flowers and other greenery There's also paved parking and the house has been renovation . We feel strongly that that granting our petition would be best for the public and allow the owner reasonable use





- NOTES:
- 1) NORTH REFERENCED TO SOLAR OBSERVATION
  - 2) THIS PROPERTY IS DESIGNATED TAX PARCEL #125-223-03.
  - 3) SUBJECT PROPERTY IS CURRENTLY ZONED R-22-MF.
  - 4) ONLY THE IMPROVEMENTS AND UTILITIES SHOWN WERE LOCATED BY US, OTHERS MAY EXIST.
  - 5) PARCEL SHOWN IS SUBJECT TO EASEMENTS RESTRICTIONS OF RECORD.
  - 6) #4 REBARS AT ALL CORNERS UNLESS OTHERWISE NOTED.
- THIS PROPERTY DOES NOT LIE IN A FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, COHAM. PANEL #370159 45534, DATED 03/02/2009.

- LEGEND:
- RUF - REBAR FOUND
  - N.T.S. - NOT TO SCALE
  - PKF - PK NAIL FOUND
  - R/W - RIGHT-OF-WAY
  - CONC. - CONCRETE
  - CHIM. - CHIMNEY
  - MB PG - MAP BOOK AND PAGE
  - DB PG - DEED BOOK AND PAGE
  - O - PROPERTY CORNER
  - — — — — LINES SURVEYED BY US
  - — — — — LINES NOT SURVEYED BY US
  - ⊙ - UTILITY POLE
  - — — — — OVERHEAD POWER LINE



CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD DIR	CHORD
C3	112.34	1110.32	N67°39'12"E	112.29
C4	52.57	1110.32	N63°23'54"E	52.57



I, ROBERT C. RHYNE, CERTIFY THAT THIS PLAT WAS DRAWN FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION ON THE 10th DAY OF JULY 2009; THAT THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS 1:10,000 AND THAT THIS SURVEY AND PLAT COMPLIES WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN THE STATE OF NORTH CAROLINA.

ROBERT C. RHYNE July 15, 2009

BOUNDARY AND PHYSICAL SURVEY OF  
920 CHARLOTTETOWN AVENUE AS  
DESCRIBED IN DEED BOOK 10830 AT PAGE 985  
CITY OF CHARLOTTE  
MECKLENBURG COUNTY, NORTH CAROLINA

PREPARED FOR:  
**ELLIS HUNTER**

SURVEY DATE:  
JULY 10, 2009

PROJ# 090704  
SCALE: 1" = 20'

ROBERT C. RHYNE, FLS  
7023 STREAMSIDE DRIVE  
CHARLOTTE, NC 28212  
PHONE (704) 333-0162