

# Hearing Request Application - Form 1

Zoning Board of Adjustment

City of Charlotte

Date Filed: MAY 24 2012

Case Number: 12 - 023

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: GEORGE A. ARZBERGER III

Mailing Address: 18200 HIDEAWAY ROAD

City, State, Zip: CHARLOTTE, N.C. 28278

Daytime Telephone: (704) 609-2459

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

Interest in this Case (please circle one):

Owner

Adjacent Owner

Other

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

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

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

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

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

Property Address: 18200 HIDEAWAY ROAD, CHARLOTTE, NC 28278

Tax Parcel Number: 217-172-41

Zoning District: R-5

Subdivision Name: \_\_\_\_\_

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

May 10 2012

Property Owner

George A. Arzberger III

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	9.205 (1)(g)	45 foot rear yard	35 foot rear yard (10 foot reduction from required)
A	9.205(1)(g)	35 foot REAR YARD	22 foot REAR YARD (13 foot REDUCTION)
B			
C			
D			
E			

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

(SEE ATTACHED)

(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.)

(SEE ATTACHED)



(2) **Why Variance is necessary:**

The appellant purchased this mobile home on the 1.38 acre parcel in 1986. The mobile home was placed on the site in 1969, during the year of the adoption of zoning in Mecklenburg County for this area. The placement of this mobile home was to orient the front of the unit facing towards the impounded waters of Lake Wylie. The purpose was to have a lake front view of the lake and to avoid the steep elevation drop off of the parcel. (See submitted topo maps) The appellant was advised that the high water line along the lake and the area in front of the mobile home was the actual rear yard since the lot abutted and had access along Hideaway Road. He understood that the other property lines were side property lines subject to an 8' & 6' setback at the time of his purchase.

The Zoning Administrator has currently advised that the property line that was once considered a side property line is now interpreted as a rear lot line and is required to provide a 35 foot setback.

The existing mobile home is planned for removal and replacement with the construction of a new residence. This new dwelling would encroach no further than the existing 22 foot rear yard setback. However the increase in size of the dwelling would increase the amount of buildable area beyond the existing footprint that is now classified as a non conforming required 35 foot rear yard. The dwelling would be 13 feet into the required rear.

The variance request is to have a 22 foot rear yard for the construction of a new "Stick Built" dwelling, thus requiring a variance of 13 feet along the rear property line.

(3) **Practical Difficulties or Unnecessary Hardship:**

(a) With the placement of a new residence in the requested 22 foot rear yard, the development of the site would avoid the practical difficulties and hardship of the existing location of the septic system and the severe slope of the parcel. (See submitted topo maps) The existing footprint and area is ideally suited to provide the required flow down hill for an approved existing septic system and needed improvements for the expanded dwelling size.

(b) The hardship is a result of an irregular shaped lot not having a typical side yard, property line being interpreted as a rear property line. The parcel has a figure "7" shape, resulting in the current determination that the property line that is parallel to the front setback line is the rear property line. The ordinance definition of the application of the rear property line as the rear property line has provided no relief that the property line of this lot also faces the impounded water of Lake Wylie. Typical lots along the lake will have a front setback along the public street and a rear property line along the lake. Note also that most developments along a lake will have the front entrance of a dwelling facing the water of the lake as proposed for this development.

(c) **Hardship Is Not the Result of Applicants Own Actions**

With the original placement of the existing structure on the site in 1969, the same year that Mecklenburg County established zoning in this area along Lake Wylie, the determination of the current rear property line was not applicable if placed before the adoption of zoning in the area, or based on a previous determination that the current rear property line was a side property line due to the lake front of the parcel.

(4) **In Harmony with the General Purpose and Intent**

With the applicant seeking to place a new dwelling on the parcel facing the lake frontage of Lake Wylie, the proposed development would be in harmony with the surrounding developed parcels having dwellings front the lake. The replacement of the existing mobile home with an increase in the square footage and a newly constructed dwelling would enhance further the improvements of this pre-zoning development that existed along the lake as well as for the surrounding properties.

(5) **Variance Secures the Public Safety and Welfare**

By granting a variance, the removal of an existing mobile home with a newly constructed dwelling would benefit the property value of surrounding properties. A variance would allow the appellant to locate a new dwelling in the same location on the parcel that is primarily suited for a dwelling due to the topography of the site. (See submitted Topo Maps)

The variance would provide substantial justice to the appellant due to the original intent to have a dwelling face the waters of Lake Wylie. The appellant would continue to enjoy the benefits of a lake front lot, with standing any negative or encroachment impacts to abutting properties.



# Real Estate Lookup

Print

Close

## Parcel Information

<b>Parcel ID</b> 21717241	<b>Account</b> INDIVIDUAL	<b>Parent</b>	<b>Previous</b> 21717241
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## Owner(s)

<b>Owner Name</b> ARZBERGER GEORGE A III	<b>Mailing Address</b> 18200 HIDEAWAY RD	<b>City/State</b> CHARLOTTE NC 28278
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## Legal Information

<b>Legal</b> L41-A M50-977 & TR C M51-741	<b>Municipality</b> MECKLENBURG COUNTY-UNINCORPORATED	<b>Annexed Special District</b> FIRE SERVICE A STEELE CREEK #2	<b>Fire District</b> 1.38	<b>Acreage</b>
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## Total Parcel Assessment & Exemptions

<b>Building</b> 60200	<b>Land</b> 195000	<b>Features</b> 1300	<b>Total</b> 256500	<b>Exemption</b>	<b>Year Approved</b>	<b>Review Date</b>	<b>Amount</b>
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## Sales Information

<b>Sale</b> Jul 28 2009 May 6 1983	<b>Price</b> 65000	<b>Stamps</b>	<b>Qualify</b> MULTIPARCEL	<b>V/I</b> IMP	<b>DeedBook</b> 24962 - 289 04662 - 464	<b>Type</b> MULT LISTING DEED STAMPS	<b>Legal Ref.</b> 24962-289 04662-464	<b>Grantor</b> ARZBERGER,GEORGE ALB
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## Land Use

<b>Use</b> R124	<b>Units</b> 1.00	<b>Type</b> WF	<b>Neighborhood</b> V705	<b>Assessment</b> 195000
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## Building Information

<b>Bldg</b> 1	<b>Description</b> Single-Fam	<b>Type</b> RES	<b>Year Built</b> 1969	<b>Property Location</b> 18200 HIDEAWAY RD UNINC					
<b>Bldg</b> 1	<b>Story</b> 1 STORY	<b>Units</b> 1	<b>Total SqFt</b> 994	<b>Heated</b> 914	<b>Foundation</b> CRAWL SPACE	<b>Ext. Wall</b> WOOD ON SHTG -	<b>Grade</b> AVERAGE 03	<b>Value</b> 60200	
<b>Bldg</b> 1	<b>Heat</b> AIR-NO-DUCT	<b>Fuel</b> OIL/WD/COAL	<b>FirePlace</b>	<b>AC</b> AC-NONE	<b>Fixtures</b>	<b>Bedrooms</b> 2	<b>Full Baths</b> 1	<b>3/4 Baths</b>	<b>1/2 Baths</b> 0

## Sub Areas

<b>Bldg</b> 1	<b>Description</b> BASE (FIRST FLOOR)	<b>Size</b> 914
<b>Bldg</b> 1	<b>Description</b> PORCH - OPEN - FINISHED	<b>Size</b> 80

## Depreciation

<b>Bldg</b> 1	<b>Physical</b> AV - 21.00%	<b>Functional</b>	<b>Economic</b>	<b>Special</b>	<b>Override</b>
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## Notes

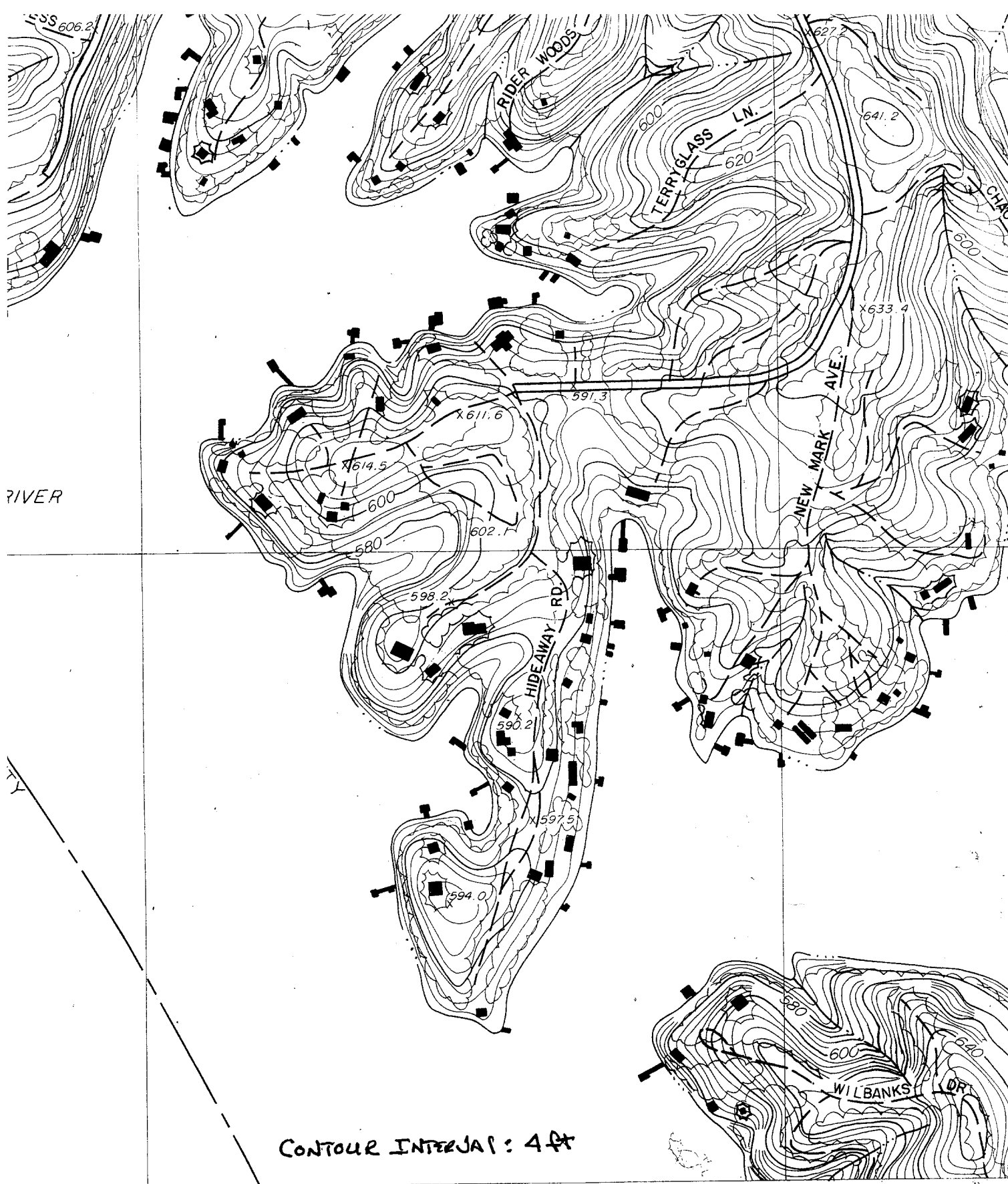
<b>Tax Year</b> 2011	<b>Notes</b> Informal Review Request Received	<b>Note Date</b> 02/21/2011
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## Special Features & Yard Items

<b>Bldg</b> 1	<b>Built</b> 1969	<b>Type</b> DECK	<b>Quantity</b> 1	<b>Units</b> 12X20	<b>Value</b> 1300
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## Value Changes

<b>Notice Date</b>	<b>Tax Year</b>	<b>Reason</b>	<b>Changed To</b>	<b>Deferred</b>
Feb 8 2011	2011	Countywide Revaluation	256500	0
Apr 23 2010	2010	Combining of Real Estate Parcels	136300	0
Jun 1 2009	2009	Combining of Real Estate Parcels	126200	0
Jan 17 2003	2003	Countywide Revaluation	83000	0
Mar 20 1998	1998	Countywide Revaluation	70170	
Jan 2 1991	1991	Countywide Revaluation	42060	



NORTH CAROLINA RECTANGULAR COORDINATE SYSTEM  
 ELEVATIONS REFERED TO MEAN SEA LEVEL DATUM  
 INDEXED AND IDENTIFIED BY SOUTHWEST COORDINATE  
 DATE OF PHOTOGRAPHY : 1975

1372-489	1384-489
1372-481	1384-481
1372-473	1384-473

