

12-043

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

Date Filed: AUG 24 2012

Case Number: 12-043

Received by: 12-043 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: Rebecca Richman

Mailing Address: 2530 Fort St.

City, State, Zip: Charlotte, NC 28205

Daytime Telephone: 704-996-2345 Home Telephone: 704-376-3880

Interest in this Case (please circle one): Owner Adjacent Owner Other *owner's agent*

Property Owner(s) [if other than applicant/agent]: Sam's mart, LLC

Mailing Address: 7935 Council Place, Suite 200

City, State, Zip: Matthews, NC 28105

Daytime Telephone: 704-563-3994 Home Telephone: 704-506-6134

Property Address: 6233 Albemarle Rd, Charlotte

Tax Parcel Number: 10316304 Zoning District: B2

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.

8-17-2012
Date

[Signature]
Property Owner

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
<i>Example</i>	9.205 (1)(g)	45 foot rear yard	35 foot rear yard (10 foot reduction from required)
A	9.805(1)(g)	20 foot setback from ROW	6 foot setback (14 foot reduction from required)
B	12.103 table	Proposed ROW is 75' from centerline of road, Commercial Arterial Class CIII	none
C	12.103 figure	Transitional setback description	(see setback variance requested in item A)
D	12.206(3) table	Maneuvering space, all other uses-not allowed in setback	Reduction in setback required to allow for maneuvering space on site
E			

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

This is an existing convenience store/gas station which was recently leased to a new tenant (7-Eleven). The new tenant wants to redevelop the site, which has triggered compliance with the current zoning regulations. The proposed redevelopment will maintain the site as a convenience store/gas station. Previously, the site predated these regulations and did not have to comply. There is a hardship in meeting these current requirements due to the size and shape of the property. We are requesting a variance reducing the setback on Albemarle Rd to a 6 foot setback (14 foot reduction from required) due to the inability to provide adequate maneuvering space on site that is not within the setback, as per code section 12.206(3) table.

(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 size and shape of the property would prohibit the new tenant from redeveloping this site for use as a convenience store/gas station, per the current zoning regulations. The existing convenience store/gas station requires modernization to meet the demands of its customers in this location.

(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 proposed Right-of-Way for Albemarle Rd is 75 feet from the centerline, per section 12.103, Commercial Arterial (Class CIII). A 20 foot setback is required from the Right-of-Way, per section 9.805(1)(g). A 20 foot Transitional setback from this proposed Right-of-Way would interfere with maneuvering at the Albemarle Rd entrance and around the gas pumps. Per section 12.206(3) table, maneuvering space cannot encroach into a setback. The maneuvering space cannot be reduced and still provide 2-way access to and from the pumps. Per the Charlotte-Mecklenburg Land Development Standards Manual 50.09A, 23' is the minimum aisle width permitted for 2-way traffic. The Area adjacent to the Albemarle entrance has been designed to incorporate this 23' aisle width while providing space for a gas truck to refuel the tanks. Moving the tanks to another location on the site would present the same issue of adequate maneuvering space.
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(c) The hardship is not the result of the Applicant's own actions.

Previously, the development on the site predated the current zoning regulations and did not have to comply.
Please note, a large amount of existing pavement predates the current zoning requirements and currently encroaches into this setback.

(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.)

With the exception of the variance requested, requirements of the current Zoning Ordinance will be met, including current requirements for parking and bike spaces. Some of the paved area that is currently in the Transitional Setback area on Albemarle Rd that is not required for maneuvering around the site will be removed to reduce the impervious area on the site and allow for landscaping.

(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.)

Allowing the site to be redeveloped will provide a building that meets the needs the customers and meets the current building code, including accessibility requirements. It will also allow the replacement of 23 year old gas tanks with tanks that meet current standards.



Plan Review Notes for 326536 -- 7-Eleven

Checklist Notes:

LUESA Commercial -- Commercial City Zoning Review Notes:

Cycle 1 Noted on 7/10/2012

1)Albemarle Rd has a proposed r/w of 150' (75' from c/l). The 20' setback is measured from the proposed r/w line. Please revise all site/civil plans showing and labeling the c/l of Albemarle Rd., the proposed r/w (75' from c/l), and the 20' setback. No new improvements are allowed and all existing hardscape and improvements must be removed from this area. Underground tanks are permitted in the 20' transitional setback but not in the proposed r/w. The drive must cross the area perpendicularly. Parking and maneuvering must be out of the 20' transitional setback off Albemarle Rd., the 10' side yard off Farm Pond Ln., and 5' off the left side and rear property lines. 2)The side yard off Farm Pond Ln. is 10'. Please revise all site/civil plans to reflect the 10'. No new improvements are allowed and all existing hardscape must be removed from this area. The drive must cross the area perpendicularly. The backflow must be located out of the 10'3)Please provide a plan showing stacking at the pumps. Each stacking space is 20' in length. Zoning Code requires 2 spaces at each pumping station (one fueling and one waiting). With 2 pumps per island, this would require 4 spaces on each side of the island (80' total). The stacking may not interfere with the 23' maneuvering for the parking spaces in front of the building or the required maneuvering between the pumps and Albemarle Rd. 4)Zoning Code requires a minimum 5' pedestrian walk from the building to each street. Please revise the plans to show sidewalks out to Farm Pond Ln and Albemarle Rd. The walk may not cross under gas canopy. It needs to be separate from the vehicle maneuvering and driveways. 5)Please show location of all backflows on the utility plan. Backflows must be out of setback and side yards. 6)Code requires 1 loading space @ 10' x 25'. Please show location on plans 7)All parking and loading must be screened from both streets and abutting properties. Please revise landscape plan to show screening. Please include plant schedule. All species must be from approved list in the Charlotte Land Development Stds. Manual. 8)Site requires 1 short-term and 2 long-term bike spaces. Please include this information in the 'Site Summary' on sheet C1.0. Lockers need to be provided for 2 bikes.



Mecklenburg County Code Enforcement

Addressing Verification Internet Form

To: Charlotte-Mecklenburg Code Enforcement

From: Mecklenburg GIS Database

Date: 8/23/2012

Assigned Street Address (Address of Record): 6233 ALBEMARLE RD CHARLOTTE

Jurisdiction: CHARLOTTE

Sphere of Influence: CHAR

Parcel Number: 10316304

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: Demolish existing convenience store/gas station, + redevelop site building new convenience store/gas station.

Company: Rebecca Richman, Architect

Company Address: 2530 Fort St. Charlotte, NC 28205

Telephone: 704-996-2345

Name (please print) Rebecca Richman

Signature: Rebecca B Richman Date: 8/23/12