



August 10, 2011

Victoria and Robert Zabel
500 Pecan Avenue
Charlotte, NC 28204

RE: **ZONING APPROVAL FOR AN ADMINISTRATIVE VARIANCE**
500 PECAN AVENUE
TAX PARCEL NUMBER:
CASE NUMBER: 11-027AD

Dear Mr. and Mrs. Zabel:

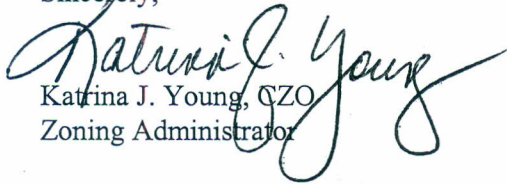
Your request for an administrative deviation for a two (2) foot variance to allow an enclosure and renovation of an existing porch has been **granted**. You may obtain a permit to reflect your variance at 700 N. Tryon Street (Hal Marshall Building).

My investigation and review of the request indicates that the following facts warrant approval of the request:

1. The physical layout of the land and the structures upon the land are such that the ordinance requirement cannot be met.
 - A. *The original structure was built in 1921 and encroaches into the required 16 foot side yard.*
 - B. *A survey completed revealed that the porch is located fourteen (14) feet back of curb.*
2. Because of the nature of the abutting property or intervening topographical or geographical features, the application of the ordinance requirement would not serve a useful purpose.
 - A. *There currently exists an unheated area that is used as a porch.*
 - B. *Additional land cannot be purchased to allow the enclosure and addition as the lot abuts a public right-of-way.*
 - C. *The encroachment will be visually undetectable since it will be located in the same area as the unenclosed porch and will not significantly change the characteristics of the neighborhood.*
 - D. *The amount of the variance is very small in context.*
3. The applicant has agreed to measures that would ameliorate the deviation from complete compliance with the ordinance requirement.
 - A. *Shrubbery and trees abutting the public right-of-way will be maintained.*

An administrative approval was granted under Section 4.107(Delegated Authority). Please make sure that the annotation of this section is noted on the permit application. If I can be of further assistance in this matter, please contact me at (704) 336-3571.

Sincerely,


Katrina J. Young, CZO
Zoning Administrator

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

Date Filed: 7/27/11

Case Number: 11-027AD

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: Victoria and Robert Zabel

Mailing Address: 500 Pecan Avenue

City, State, Zip: Charlotte, NC 28204

Daytime Telephone: 704-441-2274

Home Telephone: 704-333-4741

Interest in this Case (please circle one):

Owner

Adjacent Owner

Other

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

Mailing Address: _____

City, State, Zip: _____

Daytime Telephone: _____

Home Telephone: _____

Property Address: 500 Pecan Avenue, Charlotte NC, 28204

Tax Parcel Number: 127-056-08

Zoning District: _____

Subdivision Name: Elizabeth

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.

7/26/11
Date

7/26/11
Date

Victoria C. Zabel
Property Owner

Robert C. Zabel
Property Owner

Administrative Deviation Application - Form 4
Zoning Administrator
City of Charlotte

Date Filed: 7/27/11 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: _____

The requested deviation is for (place an X under the applicable categories):

Yard Requirement	Buffer Requirement	Involves a Heating or Air Conditioning Unit	Other Measurable Requirement	Handicap Ramp or Similar Structure Required by Law

(1) What zoning ordinance section numbers are you seeking a deviation from? Please list each section, the requirement and the requested variance.

Item	Code Section	Code Requirement	Deviation 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	7.103 (5)	Non-conforming structure	Enclosure/renovation of existing side porch
B	9.205 (1) (e2)	Minimum setback from back of curb	14 feet from back of curb (2 ft deviation from requirement)
C	12.102 (7)	Side yard requirement	No 50 percent requirement for corner lot
D			
E			
F			

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

In an effort to improve our home and quality of life, we have undertaken to renovate and enclose our existing side porch to create more livable space within our home. We will not expand the footprint of the existing structure but simply to erect walls to enclose it. As a portion of the existing structure lies within a setback area, an Administrative Deviation is necessary to receive Zoning approval to proceed with our project. We believe the proposed change will enhance not only our home but also our neighborhood by incorporating an unused portion of our home into the total structure of the house; that it will improve our security within our home; and, that it will pose no threat to public safety or any other concern.

(3) In the following spaces, indicate the facts and the arguments to support your request.

(a) The physical contour of the street, the land, or some other topographical or geographical feature is the basis for a surveying or other inadvertent error.

Our home is situated on a corner lot of a relatively busy street at the intersection of Pecan Ave. and 8th Street. As such, we do not currently enjoy the use of the existing porch that overlooks the intersection. An enclosed porch would provide a more efficient use of the existing space by allowing us to enjoy our porch without the noise, pollution and public safety risks associated with having an open, unprotected space at an

intersection of a vibrant urban area.

- (b) The physical layout of the land and structures on the land are such that Ordinance requirements cannot be met.

Our side porch is part of the original structure of our home, which was built in 1921. We wish to honor the original architecture and design of this historic home by preserving the porch and its key design elements in our renovation. At the same time, we wish to efficiently use the existing space we have available in planned improvements to our home -- our location on a corner lot limits our options to renovate or expand in other directions.

- (c) Because of the nature of the abutting property or intervening topographical or geographical features, the application of the Ordinance requirements would not serve a useful purpose.

Along the rear line of our lot is our garage, driveway, and an alleyway. The alleyway abuts our property. Therefore, there is a separation between our rear lot line and our neighbor's side lot line.

- (d) If an inadvertent error by a City staff member, surveyor, contractor, building inspector or other similar individual is involved please describe the nature of the error and provide the name and contact information for the person who made the error.

N/A

- (e) The applicant agrees to the measures listed below to mitigate the impact of the requested deviation.

We will not expand the footprint of the existing structure of our home. We have engaged an architect who not only lives in our neighborhood, but who has completed several projects in our neighborhood and is well-respected for the quality of his work and respect for the historic proportions of the homes.

*Shrub
will be
maintained*

- (4) For handicap ramps and other similar structures, please indicate why the improvement is necessary and explain why there is no other feasible location that would comply with the zoning ordinance.

N/A

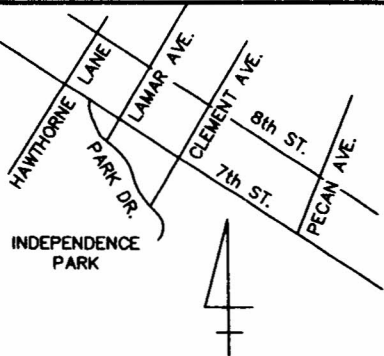
PLOT PLAN FOR PERMIT APPLICATION
ONE/TWO FAMILY, MODULAR, MOBILE HOME OR ZONING USE

L O C A T I O N	STREET # (N,S,E,W) <u>500</u> STREET NAME <u>PECAN</u> (AV,RD,ST, etc.) <u>AVE</u>		PERMIT # <u>B1010275</u>
	SUITE/UNIT(S): _____		
	TAX JURISDICTION: <input type="checkbox"/> 0 - Mecklenburg <input checked="" type="checkbox"/> 1 - Charlotte <input type="checkbox"/> 2 - Davidson <input type="checkbox"/> 3 - Cornelius (Check One) <input type="checkbox"/> 4 - Pineville <input type="checkbox"/> 5 - Matthews <input type="checkbox"/> 6 - Huntersville <input type="checkbox"/> 7 - Mint Hill		
TAX PARCEL # <u>127-056-08</u>			
E X A M P L E S / P L O T P L A N	<p align="center">- INSTRUCTIONS -</p> <p>In the space provided below, draw plot plan as neatly and accurately as possible, from survey if available.</p> <ol style="list-style-type: none">1. Draw street(s) and right-of-way(s).2. Draw property lines with dimensions.3. Draw proposed and existing buildings showing any attached porch(es), deck(s), chimney(s), carport(s), or garage(s), etc.4. Show distances of buildings from property lines or other structures.5. Separate application and plot plan required for each building.		
	<p>The plot plan shows a rectangular lot with a street labeled 'YOUR STREET' at the bottom. A driveway runs from the street to a 'HOUSE' with a 'Deck'. To the right of the house is a 'COVERED PORCH' and a 'GARAGE'. Dimensions include '11'4" clear' for the driveway, '7'4" clear' for the porch area, and '10' clear' for the side yard. A '4 FT min BLDG SEP' is indicated between the house and the porch. A '35' dimension is shown for the side yard. The street is labeled 'PECAN AVE' at the bottom.</p>		
	<p>EXISTING AND PROPOSED BUILDING(S) ON LOT ARE SHOWN WITH MEASUREMENTS INDICATED.</p>		

APPLICANT'S SIGNATURE Robert J. Schilling DATE 2/2/14 PRINT APPLICANT'S NAME

CHARLOTTE-MECKLENBURG BUILDING STANDARDS DEPARTMENT
P.O. BOX 31097 • CHARLOTTE, NC 28231-1097 • 704/336-2831
8-83

ORIGINAL



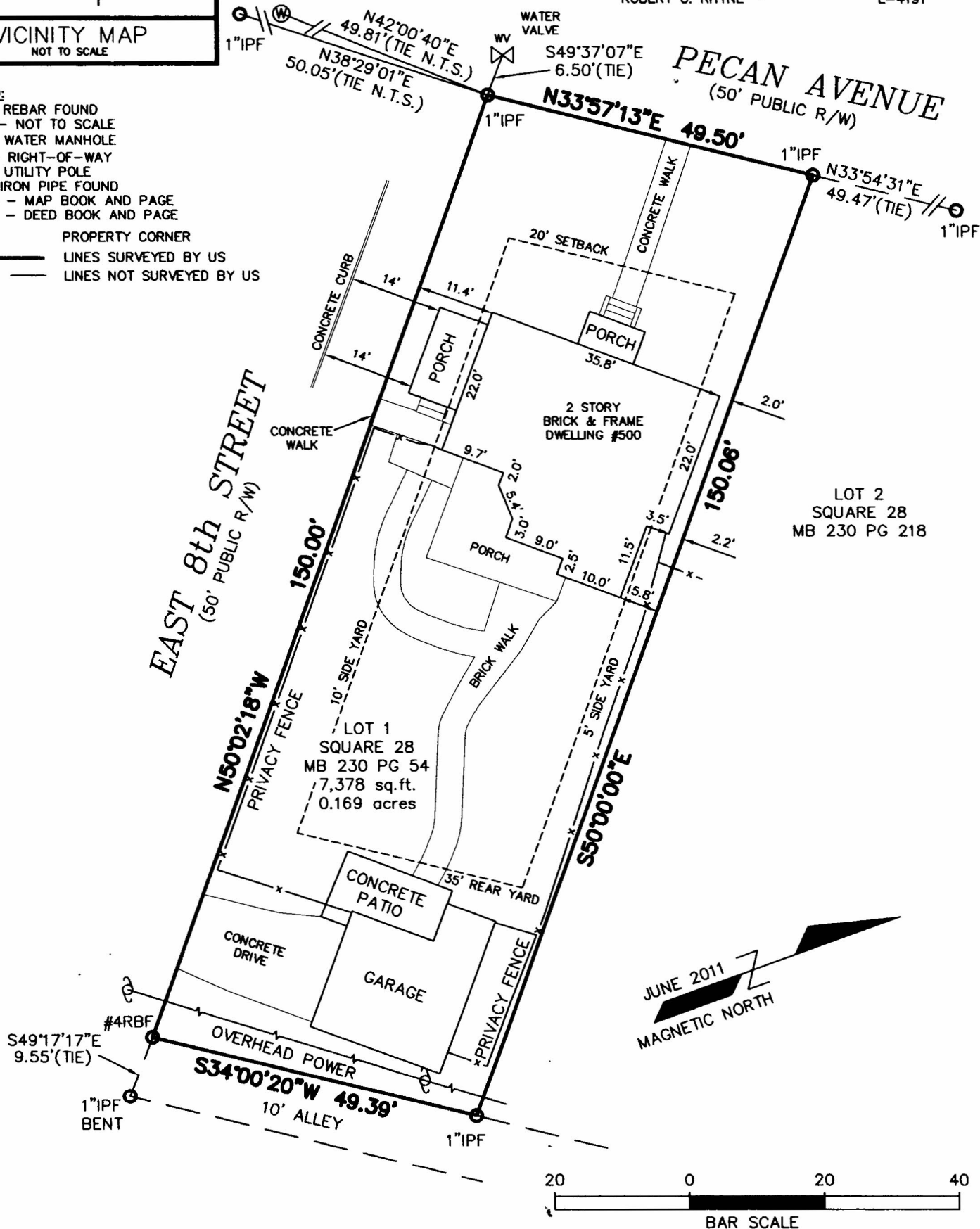
VICINITY MAP
NOT TO SCALE



I, ROBERT C. RHYNE, CERTIFY THAT THIS PLAT WAS DRAWN FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION ON THE 28th DAY OF JUNE 2011; 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 (21 NCAC 56.1600)

Robert C. Rhyne June 29, 2011
ROBERT C. RHYNE L-4191

- LEGEND:
- RBF - REBAR FOUND
 - N.T.S. - NOT TO SCALE
 - W - WATER MANHOLE
 - R/W - RIGHT-OF-WAY
 - U - UTILITY POLE
 - IPF - IRON PIPE FOUND
 - MB PG - MAP BOOK AND PAGE
 - DB PG - DEED BOOK AND PAGE
 - - PROPERTY CORNER
 - - LINES SURVEYED BY US
 - - - LINES NOT SURVEYED BY US



- NOTES:
- 1) NO RECOVERABLE NCGS MONUMENTS WITHIN 2000' OF SITE.
 - 2) THIS PROPERTY IS DESIGNATED TAX PARCEL #127-056-08.
 - 3) SUBJECT PROPERTY IS CURRENTLY ZONED R-5.
 - 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, COMM. PANEL #370159 4553J, DATED 03/02/2009.

BOUNDARY AND PHYSICAL SURVEY OF
LOT 1 OF SQUARE No. 28 OF THE HIGHLAND PARK COMPANY
SUBDIVISION AS SHOWN ON MAP RECORDED IN MB230 PG 54
CITY OF CHARLOTTE
MECKLENBURG COUNTY, NORTH CAROLINA

PREPARED FOR:

DAVID SCHWIEMAN

SURVEY DATE:
JUNE 28, 2011
REVISED:
JUNE 29, 2011

SCALE: 1" = 20'

ROBERT C. RHYNE, PLS
7023 STREAMSIDE DRIVE
CHARLOTTE, NC 28212
PHONE (704) 333-0169