

(SEE FILING INSTRUCTIONS ON REVERSE SIDE)

Petition No. 66-30.

Date Filed Feb. 14 19 66

To Charlotte-Mecklenburg Planning Commission
Charlotte, North Carolina

Gentlemen:

Your consideration of a recommendation to the City Council for a change in the zoning classification of the property hereinafter described is requested.

Title to the property was acquired 9-23 19 40 / and 4-11-41, and is in the name of

Westside Ice & Fuel Company, Inc., whose address is 1635 W. Trade Street
_____, and the deeds ^{are} recorded in Books 1031-265,

and ~~XXXX~~ 1022-135 in the office of the Register of Deeds for Mecklenburg County.

Location of Property: Lying between Duckworth Avenue on south, East Trade Street on north, & lying on southerly side of Bruns Avenue with a depth southerly of 150 feet. See particular description attached.

Present Zoning Classification: B-2

Requested Zoning Classification: I-1

Reasons why the zoning classification should be changed:

See attached sheet

WESTSIDE ICE & FUEL COMPANY, INC.

Wardlow, Knox, Caudle & Wade
Name of ~~XXXX~~ (if any) Attorneys

BY: Robert V. Sisk, President
Signature of Owner

1416 Johnston Building
Charlotte, N. C.
Agent's Address

322 West Stonewall Street
Charlotte, N. C.
Owner's Address

372-1360
Telephone Number

ED 2-2104
Telephone Number

PETITION FOR CHANGE IN ZONING - WESTSIDE ICE & FUEL COMPANY, INC.

The property or tract involved in this request for a change in zoning classification is located and described as follows:

BEGINNING at an iron, the point of intersection of the southerly line of Bruns Avenue with the westerly line of West Trade Street and running thence in and along said line of West Trade Street, S. 2-49 W. 149 feet to an iron; thence N. 87-01 W. 285 feet to the easterly line of Duckworth Avenue; thence with that said line in a northeasterly direction 145 feet to the southerly line of Bruns Avenue; thence with that said line, S. 87-00 E. 261.8 feet to the point and place of beginning. Being one composite tract of land acquired by Westside Ice & Fuel Company by deed from City of Charlotte dated April 11, 1941, and recorded in Book 1031, Page 265, in the Mecklenburg County Public Registry, and by deed dated September 23, 1940, and recorded in Book 1022, Page 135, of said Registry.

* * * * *

The land involved in this petition is one integral tract, all owned by petitioner, and lying between Duckworth Avenue and West Trade Street, being on the southerly side of Bruns Avenue with the depth, southerly therefrom, of approximately 150 feet.

This tract was acquired by the petitioner in 1940 and in 1941 by deeds from the City of Charlotte and from Davidson College. Petitioner acquired the land for use at that time for carrying on an ice and fuel business which was then, and is now, needed in that area of the City.

When a zoning ordinance was enacted by the City of Charlotte, the zoning boundary line split this property with the easterly portion being in a "Light Industrial" Zone, and the westerly portion being in a "Residence-2" Zone.

In 1958, the petitioner desired to install fencing, make land fills, and other improvements to all of the tract. At that time, it requested that the portion of its tract lying in an R-2 zone be classified the same as the larger portion lying in the "Light Industrial" zone. This zoning re-classification was duly enacted at that time; and petitioner has continued to use its property for the same business purposes it has been carrying on since 1941 at this location.

In adopting the present zoning ordinance of January, 1962, and in locating the general boundary lines with respect thereto, this entire tract was placed in a "B-2" area. The petitioner had no actual notice of this zoning change and has continued to use the lot for its ice manufacture, and its fuel and ice storage and sales.

In addition, in adopting the present zoning ordinance of January, 1962, changes were made in the permitted uses allowed in the various zoning classification districts. Under the present zoning laws, the manufacturing, storage and sales of ice is not permitted in B-2 areas, but is permitted only in B-3 areas and in Industrial areas.

The petitioner's principal ice manufacturing facility has been located on McDowell Street. Recently, this facility was taken by the Charlotte Urban Re-development Commission and the petitioner has to move its principal ice manufacturing and storage operations. Petitioner wants to move its operations to the subject property.

Formerly, in connection with its ice and fuel business, the petitioner used the subject property for retail sales and also for the storage and sales of bulk coal. In preparation for conversion of this property to extended ice business, and in general upgrading of the use of this property, the petitioner is discontinuing the bulk handling of coal at this location and intends to move the bulk coal storage operation completely from this location.

By granting the requested zoning re-classification, the petitioner will be enabled to improve its property by adding to its ice manufacturing, storage and sales facilities. This improvement, together with elimination of the coal storage operation, will be a definite upgrading of the use and appearance of the property, and of material improvement to the present conditions and to the general benefit of adjoining properties.

The practical difficulty has been caused by the taking of Petitioner's ice-plant operation by the City in its Urban Redevelopment program. The present zoning regulations on its W. Trade Street works an unnecessary hardship. Petitioner's requested move of its ice manufacture and housing therefor will be an up-grading of the appearance and land use of the property.

Petitioner is willing to abide by any conditions or controls in this regard which will further protect property values in the area or which will otherwise promote public interests and the aims of the zoning code.