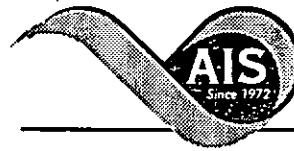




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# City of Charlotte – Planning Dept. Scanning Rezoning Files

Petition # \_\_\_\_\_

## Document type:

- Applications
- Correspondence
- Department Comments
- Land Use Consistency
  - Mail Info
  - Mapping
  - Other
- Site Plans



\* 0 0 B R E A K 0 0 \*

December 24, 1974

Petition No. 74-43C

PETITIONERS - Johny R. and Patricia Westbery

Request Change from R9 to Rural

Location: North side of Auten Road beginning about 269 feet West of the Statesville Road

## STATEMENT IN REBUTTAL OF PLANNING

### COMMISSION REPORT

We, the Petitioners herein, Johny R. and Patricia Westbery, because of the recent theft from our home, certain items of personal property as explained in the accompanying newspaper article attached hereto as Exhibit "A" and because of our fear that such thefts might reoccur, were desirous of having a place near our place of business where we spend a great deal of our time where we might store certain items of personal property.

In order to determine the sort of building that I might lawfully place on my property, I, Johny Westbery, visited an official of the zoning permit office of Mecklenburg County, stated to him that I wished to place a storage building on my property on Auten Avenue. At the time I spoke with the said official, I was not aware of the exact zoning of the said property; the official with whom I spoke informed me that the property in question was zoned I-2 and that it would be permissible for me to have a storage building on the said property as large as 48' x 70'. I stated to him that I would like to place such a building on my property that I would like to have a permit to do so. I paid the required fee for the permit and it was issued to me. Relying on my conversations with the said official and on the assumption that I was proceeding within the law, I proceeded at considerable personal expense to place on the said property a 24' x 70' mobile home. Prior to the purchase of the said mobile home and again in reliance on information received from personnel of the local zoning office, my wife and I did a considerable amount of shopping in various places in North Carolina and after considerable effort, chose the trailer which we as set out above have placed on our property. The down payment on the said trailer represented the results of a number of years of saving.

We placed the said trailer exactly as directed by the above-mentioned employee of the zoning permit office. A few days after completion of setting up the said mobile home, we were informed that the building permit had been issued by mistake, that the property in question was R-9 rather than I-2. After having been informed that the permit was to be revoked and that the trailer would have to be moved, I inquired of personnel of the zoning office as to what I should do to rectify the situation. It was suggested to me that I petition the County Commission to re-zone the property to RMH. In order to secure further advice regarding the matter, I contacted members of the Planning Commission where it was suggested that R-U zoning would be more appropriate. Following their advice, I filed the Petition in question here today.

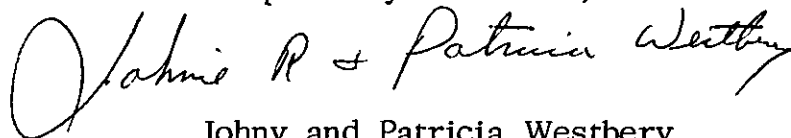
It has been stated by members of the Planning Commission and others that to grant my request would involve spot zoning. It should be pointed out that my community is not a stranger to spot zoning. The place of business known as Redmen's Hall is located on a piece of property which was "spot zoned" in a manner similar to that which I request be done in the present case. Additionally, there is a small lot on the lot adjoining mine zoned office.

I was surprised to be told that mobile homes are not allowed in the area in which I live, because of the fact that there are presently several mobile homes on the street in question. Photographs of the said mobile homes are attached hereto as Exhibit "B."

In summary, I would like to re-state that my wife and I have made every effort to observe the letter and spirit of the law in this matter, we consulted with the appropriate county officials prior to determining the sort of structure that we would place on our property. In reliance on information received from those officials, we expended a considerable amount of time and effort searching for an appropriate structure to place on our property and spent a sizeable portion of our savings on the mobile home which we finally purchased. We were not informed of the legal problems involved until after we had spent the said money as well as additional money to have the trailer moved and set up on our property.

If we are forced to move the trailer now, we will be subjected to further hardship and a considerable additional increase. Because of the spot zoning which has already taken place in our neighborhood and because of the fact that other mobile homes have been placed on the street and have been allowed to remain without any problems, as well as because of the mistake which was made by the zoning office, we feel that equity would require that we be given some consideration in this matter. It seems only fair that we be allowed to avoid any further expense by being permitted to do that which we were informed some weeks ago we could lawfully do.

Respectfully submitted,



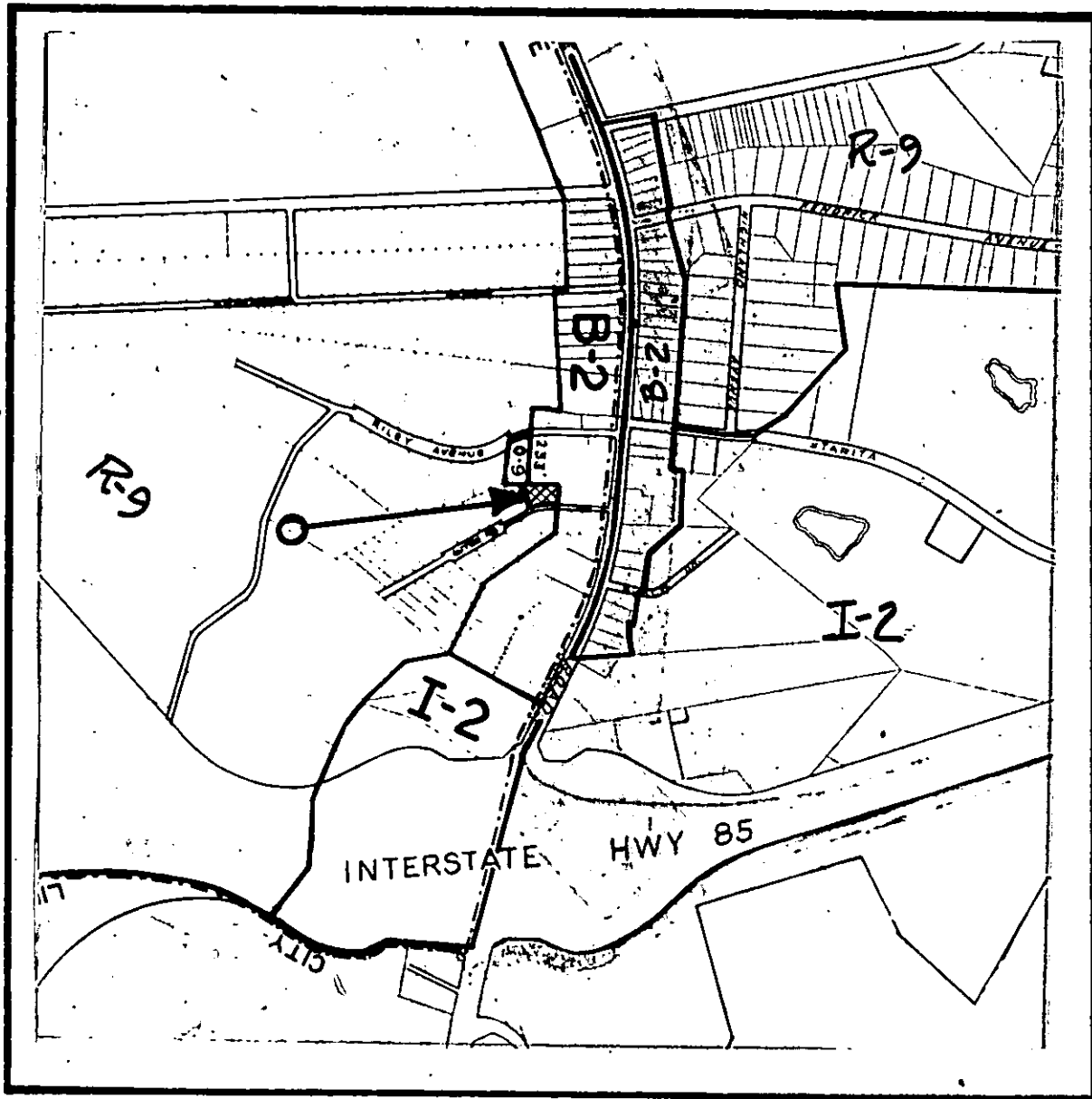
Johny and Patricia Westbery

PETITIONER Johnie R. and Patricia Westbury

PETITION NO. 74-43(c) HEARING DATE December 9, 1974

ZONING CLASSIFICATION, EXISTING R-9 REQUESTED RU

LOCATION Auten Avenue, off Statesville Road



ZONING MAP NO. C-1

SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE

