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Petition # 1981-48

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OFFICIAL REZONING APPLICATION CITY OF CHARLOTTE

| |
|---------------------------------|
| Petition No. <u>81-48</u> |
| Date Filed <u>7/16/81</u> |
| Received By <u>Steve Hester</u> |
| OFFICE USE ONLY |

Ownership Information

Property Owner El Villa, Limited

Owner's Address 715 Providence Road, Charlotte, North Carolina 28207

Date Property Acquired July 13, 1976

Deed Reference Book 3860, Page 595 Tax Parcel Number 155-062-03

Location Of Property (address or description) 715 Providence Road,
Charlotte, North Carolina 28207

Description Of Property

Size (Sq. Ft.-Acres) 1949.5 square feet Street Frontage (ft.) N/A

Current Land Use Restaurant

Zoning Request

Existing Zoning 0-6 Requested Zoning B-1

Purpose of zoning change See Schedule A attached

Berry, Hogewood, Edwards & Freeman, P.A.
Name of Agent
One NCNB Plaza, Suite 3601, Charlotte, N.C.
Agent's Address 28280
374-1566
Telephone Number

Grand Cafe, Inc.
Name of Petitioner(s)
715 Providence Rd., Charlotte,
Address of Petitioner(s) N.C. 28207
376-3633
Telephone Number
By [Signature]
Signature
El Villa, Limited
Signature of Property Owner if Other
Than Petitioner
By: [Signature]
GENERAL PARTNER

INSTRUCTIONS FOR FILING A PETITION FOR A CHANGE IN A ZONING CLASSIFICATION

A petitioner for a zoning change must complete and file in duplicate the application form on the reverse side of this sheet. All information requested must be given.

There is a filing fee of \$100.00 required with each rezoning petition.

No application shall be considered filed until it has been discussed with and accepted by a member of the staff of the Planning Commission.

The application must be accompanied by two copies of a map, drawn to scale, of the property to be considered for a change in zoning.

If the area proposed to be changed is part of a SUBDIVISION recorded in the plat books in the Mecklenburg County Register of Deeds Office, then the map must include the following information:

- 1) A copy of that portion of the recorded map that shows the property to be considered for the proposed zoning change, plus sufficient additional area to show the location of the property in reference to the nearest street intersection.
- 2) The lot and block number(s) of the property proposed to be changed.
- 3) The name of the subdivision, and the plat book and page number at which the map is recorded.
- 4) Dimensions and compass bearings of all lines bounding the property proposed to be changed.

If the area proposed to be changed is ACREAGE or PROPERTY NOT LOCATED IN A RECORDED SUBDIVISION then the map must include the following information:

- 1) The exact dimensions and compass bearings of all lines bounding the property to be considered for the proposed zoning change.
- 2) The location of the property in reference to a street intersection, railroad, creek, or other features easily identified on the ground. Adequate information (distances, compass bearings) must be given to show the exact location of the property with respect to the reference point.

If the petitioner is not the owner of the property, the application must be signed by the owner, or accompanied by a letter signed by the owner signifying his approval of the proposed change. (This does not apply when the petitioner is a group of neighborhood property owners seeking a general change in the zoning of lands or properties within the neighborhood.)

Petitions which have been completed and filed with the Planning Commission will be heard at the earliest feasible scheduled date.

All petitions are considered at a public hearing held jointly by the City Council and the Planning Commission.

SCHEDULE A

TO OFFICIAL REZONING APPLICATION - CITY OF CHARLOTTE - OF GRAND CAFE, INC.

The property with respect to which this zoning amendment is being requested is a small (1,949.5 square feet) portion of the Villa Square Shopping Center developed and owned by El Villa, Limited. Specifically, the lot is a triangular portion of the rear of the courtyard of Blanche's Restaurant. The Villa Square Shopping Center is identified in the records of the City of Charlotte/Mecklenburg County Tax Collector as parcel #155-062-03, and is currently owned by El Villa, Limited. The petitioner, Grand Cafe, Inc., leases a portion of Villa Square Shopping Center from El Villa, Limited, and operates Blanche's Restaurant within the leased property. A portion of the restaurant is located within the Reynolds-Gourmajenko House, a portion is located in an addition adjacent to the Reynolds-Gourmajenko House, and a portion is operated in the courtyard located to the rear. The restaurant and courtyard were first placed into use in 1978 as the Saucey Crepe, Etc., were operated for a short time as Khaki's Restaurant, and now are operated as Blanche's Restaurant. Since the opening in 1978, the courtyard in the rear of the restaurant has been used for restaurant purposes. Meals and drinks have been served in the courtyard area, and entertainment has been provided from time to time in the courtyard.

Prior to the opening of Blanche's Restaurant, improvements were made to the courtyard, including construction of a deck, a waiter's station and screening.

A boundary between the B-1 zoning district and the 0-6 zoning district runs from the northwesterly corner of tax parcel #155-062-06 to the southwesterly corner of tax parcel #155-062-74, traversing the rear of the courtyard. The fact that the zoning boundary line crossed the courtyard was discovered in connection with the issuance of an occupancy certificate for the improvements recently constructed in the courtyard in compliance with the building permit issued therefor. A temporary occupancy permit was issued on May 22, 1981, by the Building Inspection Department of the City of Charlotte conditioned upon the submission of this rezoning application to change the classification of the affected property from 0-6 to B-1.

There are no side yard requirements for the B-1 district. There is a ten foot rear yard required for boundaries adjoining office districts by §23-53 of the Charlotte Zoning Ordinance; this rear yard is indicated on the attached map of the property, and no improvements are located within this yard.

The petitioner, Grand Cafe, Inc., respectfully submits that the zoning change will serve to correct a technical problem with location of a zoning boundary line which was placed when originally drawn in a manner which did not comprehend the practical use of the property or its physical characteristics, and will not affect the use of the property in any respect. Moreover, the zoning requested will not result in any property adjoining a business district which does not currently adjoin a business district, nor will the zoning requested increase the length of any boundary of the business district adjoining the property of any person or entity other than El Villa, Limited, since the changes in the district boundaries are located entirely on property belonging to El Villa, Limited.

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