



**CERTIFIED MAIL**

David and Liza Sippe  
3938 Miriam Drive  
Charlotte, NC 28205

**RE: VARIANCE  
3213 Westfield Road  
CASE NUMBER 12-051**

Dear Mr. and Mrs. Sippe:

At its meeting on November 27, 2012, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a variance from the required dryland access to allow construction of a residence on a lot that does not have dryland access.

**The Board based its decision on the following findings of fact:**

1. The applicants are David and Liza Sippe.
2. The property is located at 3213 Westfield Road, further identified as tax parcel 175-177-16
3. The subject parcel current zoning classification is R-5 (Residential).
4. According to Mecklenburg County records, the previous structure was demolished in 2006.
5. Based on City of Charlotte Floodplain Regulations the site does not have dryland access.
6. The applicant is proposing to construct a new single-family structure that will meet other City of Charlotte Floodplain Regulations building requirements.
7. Section 9-102(a)(5) of the City of Charlotte Floodplain Regulations states that "Dryland Access must be provided to new or Substantially Improved Habitable Buildings according to the following criteria: Dryland Access is required if any portion of either the Habitable Building or vehicular access route, connecting the Habitable Building to a public street, is within the Floodplain. If Dryland Access cannot be obtained, a variance to the requirement for Dryland Access may be granted by the Board of Adjustment."
8. Dryland Access is defined as "a gravel, paved or concrete access route, at least 12' wide, which is above the Community Base Flood Elevation and connects an Habitable Building to a Dry Public Street."
9. Dry Public Street is defined as "a public street at the intersection of a proposed driveway where the surface of the pavement is at an elevation above the Community Base Flood Elevation."
10. The driveway for the demolished house was below the Community Base Flood Elevation.
11. One-hundred percent of the frontage on Westfield Road is below the Community Base Flood Elevation.
12. The Flood Protection Elevation at this location is currently 610.5 feet.

13. A new house constructed on this lot will be required to have the lowest floor elevated at or above the Flood Protection Elevation.
14. A certificate of occupancy will not be granted until a professional land surveyor certifies the house is constructed to the required elevations.
15. The Board has considered all the requirements of Section 9-85 of Chapter 9 Floodplain regulations and weighed them appropriately.

**Based upon the above findings of fact, the Board concludes that the applicant has met each of the three standards stated in § 9-87 of the Floodplain Regulations, and more specifically:**

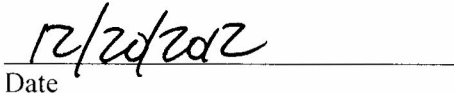
1. There was a showing of good and sufficient cause to grant the variance.
2. There was a determination that failure to grant the variance would result in exceptional hardship.
3. There was a determination that granting the variance will not result in increased flood heights (unless the requirements of Section 9-102(a)(6) are met), additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances.

All applicable permits must be obtained from the Planning Department, which has been notified of this decision. The Ordinance §5.111, provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit or a certificate of occupancy pertaining to the need for the variance is not obtained within two (2) years from the date of the meeting of the Board at which the Board rendered its decision.

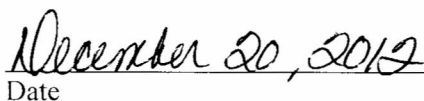
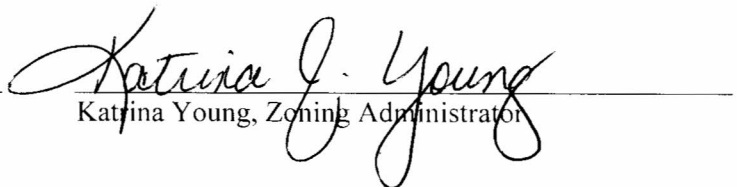
Sincerely,



Randy Fink  
Chairperson

  
Date

**DECISION FILED IN THE PLANNING DEPARTMENT:**

  
Date  
Katrina Young, Zoning Administrator