



CERTIFIED MAIL

David & Sabine Schweiman
2318 Cumberland Avenue
Charlotte, NC 28203

**RE: VARIANCE
2318 CUMBERLAND AVENUE
CASE NUMBER 06-025**

Dear Mr. & Mrs. Schweiman:

At its meeting on March 28, 2006, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a variance from the Floodplain Ordinance to allow the expansion of a house located in the FEMA Floodway and the Community Encroachment Area.

1. The tax parcel code number is 151-033-54, which is located at 2318 Cumberland Avenue. The parcel is zoned R-5.
2. The applicant applied for a Floodplain Development Permit on June 24, 2005.
3. Applicant submitted a flood study prepared by a North Carolina Registered Professional Engineer that demonstrates that the proposed house expansion will not cause an increase in flood levels during the occurrence of the Community Base Flood Discharge.
4. Elevating the house with the use of fill material most likely would cause an increase in the Community Base Flood Elevation.
5. Applicant submitted plans showing that the property would have permanent vehicular access to the house during occurrence of the Community Base Flood.
6. Applicant is elevating the house on piers. Applicant will be required to install an underpinning once the house expansion is complete.
7. There was no neighbor opposition present at the March 28, 2006 hearing, although prior to the hearing, there was neighbor opposition.
8. Factors of Code Section 9-18 were considered and met by the Board.

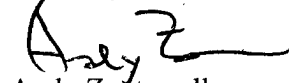
Based upon the above findings of fact, the Board concludes that the applicant has met each of the three standards stated in §5.108(1) of the Ordinance, and more specifically:

1. Applicant met the requirements of the City of Charlotte Floodplain Ordinance Code Section 9-18 and a variance is granted for applicant to expand the house according to the flood study and construction plans provided. Specifically, applicant has demonstrated that the proposed house expansion would not result in an increase in flood levels and that permanent vehicular access will be provided to the building.

All applicable permits must be obtained from the Planning Commission, 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.

Pursuant to N.C.G.S. Section 160A-388(e), the Board's decision in Case no. 06-025 may be appealed by a petition for review in the nature of *certiorari* to Superior Court within thirty (30) days from the date stated below, which is the date when the decision of the Board was filed in the Planning Commission/Zoning Administration Division, or within thirty (30) days after receipt of the decision by an aggrieved party who filed a written request for such copy with the Clerk to the Board at the time of the hearing of the case, whichever is later.

Sincerely,



Andy Zoutewelle
Chairperson

cc: George Hollodick, Esquire
Debra Campbell, Planning Commission Director
Bill Tingle, Floodplain Administrator
David Goode, Storm Water Services
Rodger Lentz, Zoning Administrator
Keith MacVean, Planning Commission

DECISION FILED IN THE PLANNING COMMISSION:

Date 4/27/06


Rodger Lentz, Zoning Administrator