

Hearing Request Application - Form 1
Zoning Board of Adjustment
City of Charlotte

1/23/09
Date Filed: 01/16/2009

Case Number: 09-009

Received by: SSK

Instructions

This form must be filed out completely. Please attach the appropriate additional form depending on your request type along with required information as outlined in the appropriate checklist. Please type or print legibly. All property owners must sign and consent to this application, attach additional sheets if necessary. If the applicant is not the owner, the owners must sign the Designation of Agent section at the bottom of this form.

The Applicant Hereby (check all that apply):

- ☒ Requests a variance from the provisions of the zoning ordinance as stated on Form 2
☐ Appeals the determination of a zoning official as stated on Form 3
☐ Requests an administrative deviation as stated on Form 4

Applicant or Agent's Name: West Engineering, Inc., Thomas C. West

Mailing Address: 601-B Eagleton Downs Drive

City, State, Zip: Pineville, NC 28134

Daytime Telephone: (704) 583-9378

Home Telephone:

Interest in this Case (please circle one): Owner Adjacent Owner

Other

Property Owner(s) [if other than applicant/agent]: St. Marks Coptic Orthodox Church

Mailing Address: 101 Shasta Lane

City, State, Zip: Charlotte, NC 28211

Daytime Telephone: (704) 365-1399

Home Telephone:

Property Address: 101 Shasta Lane

Tax Parcel Number: 185-091-25

Zoning District: R-3

Subdivision Name:

Conditional District: YES NO

Applicant Certification and Designation of Agent

I (we) certify that the information in this application, the attached form(s) and documents submitted by me (us) as part of this application are true and correct. In the event any information given is found to be false, any decision rendered may be revoked at any time. I (we) hereby appoint the person named above as my (our) agent to represent me (us) in this application and all proceedings related to it. I (we) further certify to have received, read and acknowledged the information and requirements outlined in this packet.

01/16/2009

Date

01/16/2009

Date

Thomas C. West
Property Owner

Property Owner

Variance Application - Form 2
Zoning Board of Adjustment
City of Charlotte

Date Filed: 01/16/2009

Case Number: 09-009

Fee Collected: _____

Has work started on this project? YES ☐ NO ☒
If yes, Did you obtain a building permit? YES ☐ NO ☐ If yes, attach a copy.
Have you received a Notice of Violation for this project? YES ☐ NO ☒ If yes, attach a copy.
Has this property been rezoned? YES ☐ NO ☒ If yes, Petition Number: _____

(1) What zoning ordinance section numbers are you seeking a variance from? Please list each section, the requirement and the requested variance.

Item	Code Section	Code Requirement	Variance Request
<i>Example</i>	9.205 (1)(g)	45 foot rear yard	35 foot rear yard (10 foot reduction from required)
A	9.102.(a)5	Dry land Access	Exempt from Dry Land Access requirement
B	9.102.(a)12	Parking, more than 6" of water	Exempt from 6" depth water requirement
C			
D			
E			

(2) Please describe why the variances requested are necessary.

The Church desires to expand its ministries, service and outreach to the community. The expansion includes a larger sanctuary, 600 seats, new multipurpose fellowship hall, 24 classrooms, and a family life center. This will be built in a number of phases. The existing 250 seat Church is located in the FEMA Floodway. In 1991 the Church was built to an elevation that is still above the Community Base Flood Elevation; however, the parking lot is subject to flooding during this storm event. Both public streets, Randolph Road and Shasta Lane are also inundated during this storm event. When this event occurs there is approximately 4 feet of standing water over most of the parking lot.

(3) THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS IN THE WAY OF CARRYING OUT THE STRICT LETTER OF THE ORDINANCE. The courts have developed three rules to determine whether, in a particular situation, "practical difficulties or unnecessary hardships" exist. State facts and arguments in support of each of the following:

(a) If the property owner/applicant complies with the provisions of the Ordinance, the property owner can secure no reasonable return from, or make no reasonable use of his property. (It is not sufficient that failure to grant the variance simply makes the property less valuable.)

(A). Property is adjacent to two public streets, Randolph Road and Shasta Lane. Both streets are inundated during a 100 year or Community Base Flood. The existing and proposed structure will only be occupied two days a week, Sundays and Tuesdays or Wednesdays. Therefore, it is impractical to provide dry land access to the site.
(B). Presently, most of the existing parking is located within the FEMA Floodway. Due to the culvert constriction under Randolph Road, there is approximately 4 feet of standing water in the parking lot during a 100 year or Community Base Flood. Therefore, filling the property to meet the ordinance will produce a rise in the Flood elevation and that is not allowed by FEMA.

(b) The hardship of which the Applicant complains results from unique circumstances related to the Applicant's land. (Note: Hardships common to an entire neighborhood, resulting from overly restrictive zoning regulations, should be referred to the Charlotte-Mecklenburg Planning Department. Also, unique personal or family hardships are irrelevant since a variance, if granted, runs with the life of the land.)

The Church is located within the FEMA Floodway. In 1991, the Church received a valid permit to construct the present facility. The new regulations restrict the Church from utilizing the full potential of their land. The Church is in the process of preparing a flood study for this project. The Church will be required to prove that the new facility exhibits a no rise in the Floodway elevation during the 100 year storm event.

(c) The hardship is not the result of the Applicant's own actions.

(4) THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE AND PRESERVES ITS SPIRIT. (State facts and arguments to show that the requested variance represents the least possible deviation from the letter of the Ordinance to allow a reasonable use of the land; and, that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.)

The new facility will be built on top of a raised structure such that it will be above the Community Base Flood Elevation. The Church has meet the requirements of the SWIM Buffer. The Church will also meet the requirements of the no rise as part of building within the FEMA Floodway.

(5) THE GRANTING OF THE VARIANCE SECURES THE PUBLIC SAFETY AND WELFARE AND DOES SUBSTANTIAL JUSTICE. (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the Applicant.)

This facility will be used only a few times per week. Mainly on Sundays for worship services. The granting of this variance does not impact the public safety and welfare of the public. All buildings will be built to a elevation above the required Community Base Flood Elevation. The Church will install a storm water alarm system that will notify people within the new facility if water levels rise to the level at which the parking lot begins to flood.



**Saint Mark Coptic
Orthodox Church**

P.O. Box 241332
Charlotte, NC 28224
Ph. # (704) 365 1399
E-mail: fr.arsanios@gmail.com

The Coptic Orthodox Church of St. Mark
101 Shasta Lane
Charlotte, NC 28211

January 19, 2009

Re: Delegation of Agent Engineer on behalf of St. Mark Church to the City of Charlotte
Zoning Board of Adjustment

The Coptic Orthodox Church of St. Mark has delegated Mr. Tomas C. West (of West Engineering, Charlotte, NC) to represent the church in the Hearing Request Application submittal to the City of Charlotte Zoning Board of Adjustment.

All communications from the Zoning Board concerning St. Mark's expansion project can be addressed and delivered to:

Tomas C. West
West Engineering, Inc.
601 Eagleton Downs Drive, Suite B
Pineville, NC 28134-7428

In addition to a courtesy copy to:

The Coptic Orthodox Church of St. Mark
101 Shasta Lane,
Charlotte, NC 28211

Respectfully submitted

Fr. Arsanios B.R.

**PRESIDENT
FR. ARSANIOS B. RAGHEB**

Adly Abdelmalek

**TREASURER
ADLY ABELMALEK**

Addressing Verification Internet Form

To: Charlotte-Mecklenburg Code Enforcement

From: Mecklenburg GIS Database

Date: 1/15/2009

Assigned Street Address (Address of Record): 101 SHASTA LN CHARLOTTE

Jurisdiction: CHARLOTTE

Sphere of Influence: CHAR

Parcel Number: 18509125

Addressing Verification Form Disclaimer

The party indicated on this application shall be responsible for maintaining this address throughout the life of the project from plan submittal through final C/O. The contents of this form reflect information provided by the party listed.

NOTE: Incorrect information may result in delays in getting final approval of permits and the final C/O.

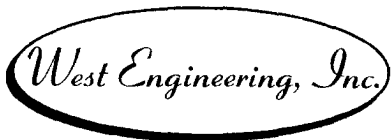
Special Circumstances: If a temporary address is being verified for the purposes of Plan Review, the responsible party will be required to obtain and submit a new form verifying the permanent address prior to issuance of the permit.

Customer Section (to be completed by customer):

Remarks: Please add a brief description of scope of work: Variance Application

Company: West Engineering, Inc
Company Address: 601-B Eagleton Downs Dr., Pineville, NC 28134
Telephone: (704) 583-9378
Name (please print) Thomas C. West

Signature: Thomas C. West Date: 1/16/09



Land Planning • Civil Design • Project Management

February 5, 2009

Katrina Young
Zoning Administrator
City of Charlotte Planning Department
600 E. Fourth Street
Charlotte, NC 28202

Re: Variance Application
Case # 09-009
101 Shasta Lane

Dear Ms. Young,

The following are our answers to Section 9-85 (a) of the City of Charlotte Floodway Ordinance.

- a. The entire proposed development with the exception of the ground level parking lot will be elevated above the Community Base Flood elevation.
- b. The danger to life and property is minimal. The owner will install an early detection system that will sound an alarm when the water level reaches the elevation of the ground parking lot. This alarm system will alert the parishioners to move their vehicles to higher ground.
- c. Since the proposed facility will be built on an elevated platform above the Community Base Flood elevation, the susceptibility to damage during this event will be negligible.
- d. The proposed development is the expansion and improvements to a house of worship. Additionally, it will provide classrooms that can be used by the community along with a full kitchen, a fellowship hall and family life center.
- e. N/A
- f. Over ninety percent of the existing property is inundated during the Community Base Flood event. The remaining ten percent would not even support the use. The land was purchased and the house of worship was built in 1991, before the new City of Charlotte Floodway Ordinance was enacted.
- g. As stated in item (f), the Church has been in existence since 1991. Since that time more single family dwelling have been built. The Church as continued to provide community based services to its parishioners as well as the extended community. The proposed building is compatible with the surrounding neighborhood, see provided rendering.
- h. The proposed development complies with the Floodplain Management Guidance Document and the Flood Hazard Mitigation Plan. This development is outside the limits for the McMullen Creek Greenway Plan. The proposed development is consistent with the local Land Use Plan and will have no adverse impact on the existing neighborhood.

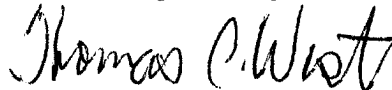
- i. Since both public roads to the site are inundated during a Community Base Flood there is only a small area, ten percent, that is accessible to emergency vehicles at that time. With the installation of the early detection system, there should not be a need to access the property during a Community Base Flood event. In a report prepared by Dewberry and Davis dated October 2003 for the Mecklenburg Storm Water Services, it states that for a Community Base flood event for the 10 year, 50 year and 100 year storms the depth of water over Randolph Road is 1.4, 2.6 and 3.0 feet respectively.
- j. The culvert under Randolph Road acts as a constriction to the flow of water downstream. As the water backs up and heightens behind the culvert, the maximum depth around the proposed development is 7 feet. The mean velocities range from 2.1 to 2.9 fps and the duration of the storm event should not exceed a twenty four hour time period.
- k. This development shall not add any additional cost to the governmental agencies that respond during a Community Base Flood event. No existing public utilities will be impacted by this development. However, there is one small 24" drainage system that transports water from Shasta Lane, a public street, to McMullen Creek. This system impact will occur under Phase IV of the master plan. It is unclear at this time whether this is a public or private drainage system. Conversations have been started with City Storm Water Services to determine the future ownership and maintenance of this line. If necessary, the line may be upgraded or relocated to meet future requirements.

This concludes our responses to the questions raised under Section 9-85 (a) of the City of Charlotte Floodway Ordinance.

If there are any questions please give us a call.

Yours Truly,

West Engineering, Inc.



Thomas C. West, PE
President

CC: file 061017
George Ghaly, PE
Fr. Arsanios Ragheb