



**CERTIFIED MAIL**

West Engineering, Inc., Thomas C. West  
601-B Eagleton Downs Drive  
Pineville, NC 28134

**RE: VARIANCE  
101 Shasta Lane  
CASE NUMBER 09-009**

Dear Mr. West:

At its meeting on February 24, 2009, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** two (2) variances: (1) a variance from the dryland access requirement in the amount of seven feet and (2) a variance from Section 9.102(12) to allow for 125 parking spaces that can be greater than 6 inches in depth. The variances were granted with the following **three (3) conditions**: (1) the applicant is to provide to the Zoning Administrator and Floodplain Manager a certificate of the design of a cabling system that is reasonably sufficient to ensure against the danger that materials allowed to be placed in the floodway as a result of the variance might be swept away onto other lands to the injury of others during a Community Base Flood; (2) to provide clear signage at each entrance to the area that the parking lot may be subject to flooding; and (3) that the applicant is to provide the Zoning Administrator and the Floodplain Manager proof of the installation of an early flooding detection and warning system to the satisfaction of the Floodplain Manager.

**The Board based its decision on the Staff and Floodplain Manager's findings of fact.**

**Staff's Findings of Fact: Variance #1 (Dryland) and Variance #2 (Parking Lot)**

1. The applicant is St. Marks Coptic Orthodox Church.
2. The existing structure is located at 101 Shasta Lane, further identified as tax parcel 185-091-25 and the site is approximately 4.92 acres.
3. The existing structure and parking lot were constructed in 1991.
4. The subject parcel current zoning classification is R-3 residential.
5. The applicant is requesting to waive the requirements of the Floodplain Regulation Code Section 9.102 (5) and Code Section 9.102 (12).
6. The existing parking lot will be slightly expanded.
7. A new, non-single family habitable building is proposed to be constructed on this site.
8. The hardship is the result of the recent amendment to the regulations whereby Section 9-102(a)(12) of the City of Charlotte Floodplain Regulations require that "all parking areas for new or substantially improved non-single family habitable buildings must be at an elevation such that

water depths would be less than 6 inches deep in any parking space during the occurrence of a Community Base Flood.

**Variance #1 Dryland (Floodplain Manager's findings)**

1. Section 9-81 (a) of Chapter 9 (Floodplain Regulations) of the Charlotte Code of Ordinances provides that the Zoning Board of Adjustment shall hear and decide appeals and requests for variances from the requirements of Chapter 9.
2. Section 9-102 (5) of the City of Charlotte Floodplain Regulations states that "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."
3. Dryland Access is defined as "a gravel, paved or concrete access route, at least 12 feet wide, which is above the Community Base Flood Elevation and connects an habitable building to a dry public street."
4. A substantially improved, non-single family habitable building is proposed to be constructed on this site.
5. The Applicant proposes to provide for Dryland Access to the buildings, but it is proposed to be less than 12 feet wide; therefore the Applicant is asking for a variance to the 12 foot width requirement.
6. A portion of the property does connect to a public street above the Community Base Flood Elevation; therefore an exemption from the Dryland Access requirement is not available.
7. The existing building does not have Dryland Access.
8. The City of Charlotte Floodplain Administrator does support granting the variance if the proposed dryland access route is at least 5 feet wide.

**Variance #2 Parking Lot (Floodplain Manager's findings)**

1. Section 9-81 (a) of Chapter 9 (Floodplain Regulations) of the Charlotte Code of Ordinances provides that the Zoning Board of Adjustment shall hear and decide appeals and requests for variances from the requirements of Chapter 9.
2. **Section 9-102 (12)** of the City of Charlotte Floodplain Regulations requires that "all parking areas for new or substantially improved non-single family Habitable buildings must be at an elevation such that water depths would be less than 6 inches deep in any parking space during the occurrence of a Community Base Flood."
3. A substantially improved, non-single family habitable building is proposed to be constructed on this site.
4. There is an existing paved and striped parking lot located on the site.
5. There is an overflow parking area on the site.
6. The existing and proposed parking spaces are located entirely within the Community Special Flood Hazard Area. Portions of the parking lot are located within the Community Encroachment Area and FEMA Floodway.
7. Water levels in all the parking spaces would be more than 6 inches deep during a Community Base Flood.
8. The City of Charlotte Floodplain Administrator does not support granting the variance without additional requirements.

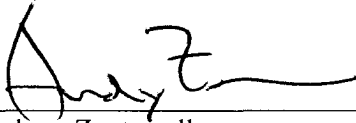
9. The risk to safety and property would be mitigated by implementing the three (3) conditions.

**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. There as a showing of good and sufficient cause.
2. There was a determination that failure to grant the variance would result in exceptional hardship.
3. There was a determination that the granting of a variance will not result in increased flood heights or additional threats to public safety.

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.

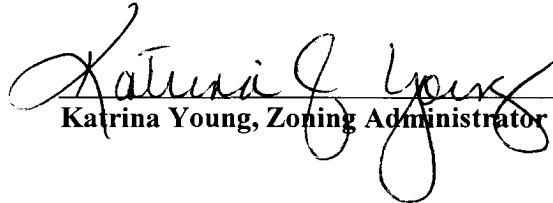
Sincerely,



Andrew Zoutewelle  
Chairperson

**DECISION FILED IN THE PLANNING DEPARTMENT:**

March 18, 2009  
Date

  
Katrina Young, Zoning Administrator