



**CERTIFIED MAIL**

Chad and Elizabeth Hagler  
3328 Landerwood Drive  
Charlotte, NC 28210

**RE: VARIANCE  
313 ROCKLYN PLACE  
CASE NUMBER 2013-020**

Dear Chad and Elizabeth Hagler:

At its meeting on June 25, 2013, 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 Chad and Elizabeth Hagler.
2. The subject parcel is located at 313 Rocklyn Place, further identified as tax parcel 175-175-10.
3. The subject parcel's current zoning classification is R-5 (Residential).
4. The subject parcel is located in or adjacent to the FEMA Floodplain, FEMA Floodway, Community Floodplain and Community Encroachment Area.
5. The applicants request a variance from Section 9-102(a)(5) of the City of Charlotte Floodplain Regulations which 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."
6. The property does not qualify for an exemption because both the driveway and the building site are located within the Community Encroachment Area.
7. The driveway to the existing house is below the level of the Community Base Flood Elevation.
8. Construction of a new house on the lot will require that the lowest floor be built at a level that is at least one foot above the Community Base Flood Elevation (610.5').
9. The property does not have "Dryland Access"
10. The Community Base Flood Elevation at this location is 609.5'.
11. The elevation of the lowest floor of the existing house is 606.4'
12. Floodwater would be 3.1 feet above the floor of the existing house during a Community Base Flood.
13. The habitable space in a new house would be at less risk from flooding than the existing house.
14. A Floodplain Development Permit (FDP), including a "No-Rise" study depicting the proposed building/fill on the lot must be approved by Mecklenburg County Storm Water Services prior to construction or placement of fill on the lot.

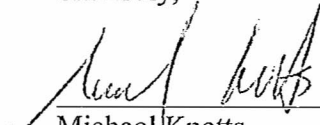
15. The certificate of occupancy will not be issued until a professional land surveyor certifies the house is constructed to the required elevation.
16. Mecklenburg County Storm Water Services supports granting of the variance.

**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.

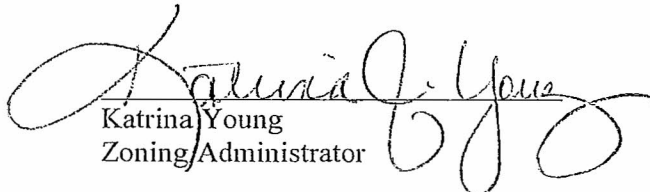
All applicable permits must be obtained from the Planning Department, which has been notified of this decision. The Ordinance §5.111, provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit or a certificate of occupancy 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,

  
\_\_\_\_\_  
Michael Knotts  
Chairperson

7/30/13  
\_\_\_\_\_  
Date

**DECISION FILED IN THE PLANNING DEPARTMENT:**

  
\_\_\_\_\_  
Katrina Young  
Zoning Administrator

July 30, 2013  
\_\_\_\_\_  
Date