



CERTIFIED MAIL

James C. and Deborah E. Gardner
13207 Pine Harbor Rd
Charlotte, NC 28278

**RE: VARIANCE
RIVERSIDE DRIVE- Parcel No. 031-151-22
CASE NUMBER 2014-010**

Dear James C. and Deborah E. Gardner:

At its meeting on April 29, 2014, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a variance to allow a pier with a floating dock to remain on lot with the absence of a principal structure.

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

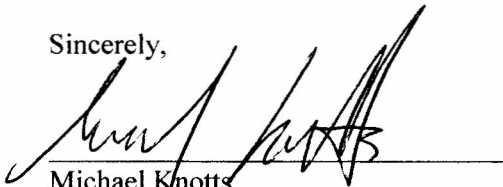
1. The applicants are James C. and Deborah E. Gardner.
2. The proposed site is located at the southern end of Riverside Drive, further identified as tax parcel 031-151-22.
3. The property is zoned R-5 (Single-family District) and located within the Critical Area of the Catawba River/Lake Wylie Watershed Overlay.
4. The property currently has a legal nonconforming accessory structure and the subject pier with floating dock located on the site.
5. The applicant purchased the property in 2009.
6. The owners were issued a zoning notice of violation letter on March 11, 2014.
7. The applicant submitted an application for a variance on March 19, 2014.
8. The applicant is seeking a variance to allow the pier with a floating dock to remain on lot with the absence of a principal structure.
9. Per Code Section 12.401, no accessory use or structure shall be approved, established, or constructed before the principal use is approved in accordance with these regulations.
10. The locally regulated Catawba River/Lake Wylie Watershed Overlay for the subject site requires a minimum buffer width along the shoreline of the Catawba River/Lake Wylie measuring 100 feet from the normal pool elevation. This buffer width prevents the construction of a principal structure on the subject property.
11. The state regulated watershed for the subject site requires a minimum buffer width along the shoreline of the Catawba River/Lake Wylie measuring 50 feet from the normal pool elevation. This buffer width along with the setback requirements of the R-5 zoning district prevents the construction of a principal structure on the subject property.
12. Granting the variance will not alter the essential character of the area.
13. Granting the variance will not adversely affect adjacent or contiguous properties.

Based upon the above findings of fact, the Board concludes that the applicant has met the standards set forth in North Carolina General Statutes § 160A-388, and more specifically:

1. Unnecessary hardships would result from the strict application of these regulations.
2. The hardship did not result from actions taken by the applicant or the property owner but from conditions that are peculiar to the property
3. By granting the variance, the public safety is secured and substantial justice is achieved.
4. The variance is in harmony with the general purpose and intent of the Zoning Ordinance and preserves its spirit.

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

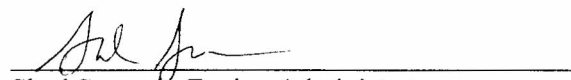
5/9/14

Date

DECISION FILED IN THE PLANNING DEPARTMENT:

5/12/2014

Date



Shad Spencer, Zoning Administrator