



**CERTIFIED MAIL**

David Leuschel  
1005 Hollow Oak Drive  
Taylors, SC 29687

**RE: VARIANCE  
1135 RIVERSIDE DRIVE  
CASE NUMBER 2014-029**

Dear David Leuschel:

At its meeting on July 29, 2014, the City of Charlotte Zoning Board of Adjustment ("Board") **granted a 50 foot variance** from the required Lake Wylie/Catawba River Watershed Critical Area 100 foot buffer to allow the construction of a single-family dwelling unit.

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

1. The applicant is David Leuschel.
2. The proposed site is located at 1135 Riverside Drive, further identified as tax parcel 031-161-02.
3. The property is zoned R-5 (Single Family) and located within the Critical Area of the Catawba River/Lake Wylie Watershed Overlay.
4. The applicant is seeking a 50 foot variance from the required 100 foot buffer to allow the construction of a single-family dwelling unit.
5. Per Code Section 10.608 vegetative buffers are required along the shoreline of the Catawba River/Lake Wylie measured from the normal pool elevation and along all perennial streams measured from the top of bank on each side of the stream.
6. Per Code Section 10.608(1), the critical area minimum buffer area is 100 feet.
7. The lot depth as measured from the shoreline of the Catawba River to the right-of-way line of Riverside Drive ranges from 124 to 125.5 feet.
8. The requested 50 foot buffer complies with the minimum state watershed regulation for the Catawba River.

**Conditions:**

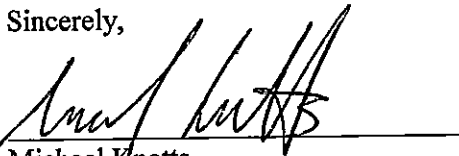
1. The property owner is to work with Charlotte-Mecklenburg Storm Water Service Mecklenburg County Water Quality Program on developing a mitigation plan to offset environmental impacts as outlined in their memorandum. (see attached) If a mitigation plan is not approved, then the variance will become void.

**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 the Ordinance.
2. The hardship results from conditions that are peculiar to the property (location, size or topography).
3. The hardship does not result from actions taken by the applicant or the property owner.
4. The requested variance is consistent with the spirit, purpose, and intent of the Zoning Ordinance, in that the public safety is secured and substantial justice is achieved.

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

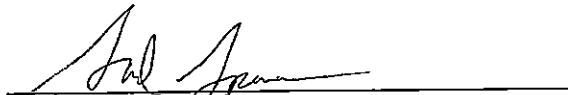
8/12/14

Date

**DECISION FILED IN THE PLANNING DEPARTMENT:**

8/12/14

Date

  
Shad Spencer, Zoning Administrator



700 North Tryon Street  
Charlotte, NC 28202  
Fax: 704.336.4391

July 16, 2014

## **MEMORANDUM**

**To:** Barry Mosley, Planning Coordinator  
**From:** David Caldwell, Environmental Supervisor  
**Subject:** ZBA Case 14-029 – 1135 Riverside Dr.

A handwritten signature in black ink, appearing to read "David Caldwell".

The subject property is located within the City of Charlotte Lake Wylie/Catawba River Watershed Critical Area which requires a 100 foot undisturbed buffer along upper Lake Wylie.

The Mecklenburg County Water Quality Program (MCWQP) has reviewed the subject variance application (50 foot variance requested) and inspected the site on 7/9/14 to review the existing conditions.

Based on the review of the application and inspection of the site, MCWQP offers the following comments:

- If the ZBA decides to grant the variance, we request that a mitigation condition be added to the approval in an attempt to offset some environmental impacts. Mitigation will likely involve the planting of additional trees and/or shrubs to improve the buffer's ability to filter storm water runoff prior to entering the lake. Any such mitigation plan would need to be approved by this Office and implemented prior to the issuance of a Certificate of Occupancy. This mitigation condition is consistent with previous, similar variances that have been issued on Lake Wylie on Riverside Dr. The applicant would need to submit the plan to our Office for approval. I have discussed this issue with the applicant and he has indicated that he would be in agreement with this condition if the variance was approved.

Please give me a call at 336-5452 if you have any questions. Thank you.



To report pollution, call: 704.336.5500  
To report drainage problems, call: 311  
<http://stormwater.charmeck.org>

