



CERTIFIED MAIL

The Salvation Army
Attn: Ham Wade
4335 Stuart Andrew Blvd Suite 120
Charlotte, NC 28217

**RE: VARIANCE
MARSH ROAD – PARCEL ID 149-131-39
CASE NUMBER 2014-030**

Dear Salvation Army:

At its meeting on July 29, 2014, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 10 foot variance from the required 42 foot setback requirement measured from the back of curb along Marsh Road and a 5 foot variance from the required 15 foot sideyard corner side setback measured from the right-of-way of Little Hope Road to allow the construction of a single-family dwelling.

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

1. The applicant is Salvation Army Attn: Ham Wade (represented by Christopher Deese).
2. The proposed site is identified as tax parcel 149-131-39.
3. The property is zoned R-4 (single family).
4. Currently the site is vacant.
5. The Salvation Army obtained the property around 1990.
6. The applicant is seeking a 10 foot variance from the required 42 foot setback requirement measured from the back of curb along Marsh Road and a 5 foot variance from the required 15 foot corner side setback measured from the right-of-way of Little Hope Road.
7. The lot is irregularly shaped and is considered a legal nonconforming lot of record.
8. The hardship is unique to the applicant's property and is not neighborhood-wide or community-wide.
9. The hardship is unique to the property because of the shape and size of the property.

Conditions:

The property owner is to work with Charlotte-Mecklenburg Storm Water Services to relocate the channel located on the parcel. (See attached) If the channel is not relocated to the satisfaction of Charlotte-Mecklenburg Storm Water Services 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.

CHARLOTTE-MECKLENBURG PLANNING DEPARTMENT

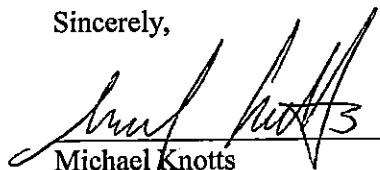
www.charlotteplanning.org

600 East Fourth Street
Charlotte, NC 28202-2853
PH: (704)-336-2205
FAX: (704)-336-5123

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

Cc: Jain Design LLC/ Christopher Deese

Shad,

Thanks for bringing this to our attention. In scenarios like this we would like the property owner to work with us.

The owner would not be allowed to build over the channel without relocating the system around the proposed house so the drainage would still function. They could either relocate the channel around the house, or pipe the system and upstream runoff around the house. If the owner is proposing to pipe in the channel or relocate it they would need to hire someone and determine if the channel is jurisdictional or not. Notification to the Dept of Water Quality/DENR would be the minimal unless it is jurisdictional, which would then require a permit. The size of the channel or pipe would need to be designed & determined by a licensed engineer to make sure it is sized correctly and does not unintentionally create a drainage problem. If any of the relocation encroached into the R/W an encroachment agreement by CDOT would need to be obtained.

I haven't checked to see if there is an existing drainage easement on the site, but I am going to put a building hold on this parcel, which will require the owner to coordinate with us about these questions and others.

Douglas T. Lozner, PE

Watershed Area Manager
Char-Meck Storm Water Services
600 East 4th Street
Charlotte, NC 28202
704-432-0964

From: Spencer, Shad
Sent: Friday, July 25, 2014 1:20 PM
To: MacIntyre, Mike
Cc: Mosley, Barry
Subject: Marsh & Little Hope Road Site

Mike,

Attached is the property (parcel 149-131-39) I left you a voicemail regarding. I'm trying to prepare for any questions the Zoning Board of Adjustment may have regarding stormwater issues pertaining to the subject site. The owners are requesting a setback variance in order to construct a single family home. The home would be constructed over the "storm channel" identified below. If the home is constructed, will they be required to modify the storm channel or pipe it?

Thanks

Shad Spencer
Zoning Administrator
Charlotte-Mecklenburg Planning Department
600 East Fourth Street | Charlotte, NC 28202
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