



CERTIFIED MAIL

Samira and Ravi Loganathan
5707 Chretien Point Drive
Charlotte, NC 28270

**RE: VARIANCE
3239 WESTFIELD ROAD
CASE NUMBER 2015-003**

Dear Samira and Ravi Loganathan:

At its meeting on February 24, 2015, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a variance (with conditions) 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 applicant is Irma Louise Johnson Lonon (Represented by Samira and Ravi Loganathan).
2. The property is located at 3239 Westfield Road, further identified as tax parcel 175-176-14
3. The subject parcel current zoning classification is R-5 (Single Family Residential).
4. According to Mecklenburg County records, the existing single family home on the subject property was constructed in 1945.
5. Sections 9-102(d)1 and 9-102(d)3 of the City of Charlotte Floodplain Regulations 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. Dryland Access is defined as "a gravel, paved or concrete access route, at least 12' wide, which is above the Community Base Flood Elevation and connects a Habitable Building to a Dry Public Street."
7. Dry Public Street is defined as "a public street at the intersection of a proposed driveway where the surface of the pavement is at an elevation above the Community Base Flood Elevation."
8. The driveway for the existing home is below the Community Base Flood Elevation.
9. Westfield Road at the driveway connection is entirely below the Community Base Flood Elevation.
10. The property does not have "Dryland Access".
11. A dryland access variance is required for the redevelopment of the subject property. The redevelopment includes the removal of an existing non-compliant home and construction of a new compliant home.
12. The existing house is not compliant with City of Charlotte's Floodplain Regulations. The finished floor of the existing house is 3.2' below the flood protection elevation. (609.8') and would be inundated by 2.2' of water during a Community Base Flood.
13. The lowest adjacent grade is 4.4' below the FEMA base flood elevation (604.0').
14. The Flood Protection Elevation (Community Base Flood Elevation + 1') at this location is 609.8'.

15. The existing house will be demolished and replaced with a new compliant house on this parcel.
16. A "No-Rise" study depicting the proposed fill on the lot has been submitted by the property owner and approved by Mecklenburg County Storm Water Services.
17. The proposed house will be at less risk from flooding than the existing house.
18. FEMA Flood Insurance will be required.

Conditions:

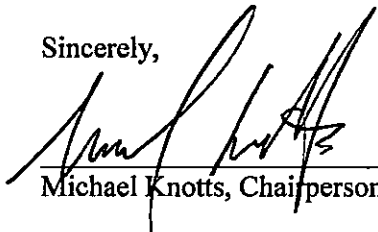
1. Floodplain Development Permit Application must be submitted to Mecklenburg County Storm Water Permitting and Compliance Department (flood study/no rise certification received). In accordance with the approved flood study, the proposed building footprint will keep the front wall location and the maximum width of 40' (W) x 60' (D) as shown in Appendix D of the Flood Study performed by Seungho Song, PE, CFM and verified by David Love, PE, CFM dated 12/10/2014 (See FDP #1739 in Mecklenburg County Permitting & Compliance Program's file). Any variation from the approved flood study will require another review.
2. New structure must be a single family home. Structures such as Duplexes, Multifamily & other Non-Single - Family Habitable Buildings will not be supported.
3. The driveway for the new structure must meet Specific Standards 9-104(d)4.b.
4. The new structure will meet Specific Standards 9-102 of the City of Charlotte's Floodplain Regulations.

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.

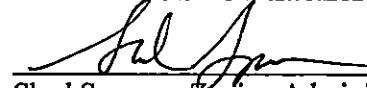
All applicable permits must be obtained from the Planning Department, which has been notified of this decision. The Ordinance § 5.111, provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit or a certificate of occupancy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

2/26/15
Date

THE PLANNING DEPARTMENT:


Shad Spencer, Zoning Administrator

2/27/15
Date

DECISION FILED IN