



CERTIFIED MAIL

Alex Yakimenko
1212 Mountain Laurel Ct
Stallings, NC 28104

**RE: VARIANCE
1129 RIVERSIDE DRIVE
CASE NUMBER 2015-24**

Dear Alex Yakimenko:

At its meeting on May 26, 2015, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 30 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 Alex Yakimenko.
2. The proposed site is located at 1129 Riverside Drive, further identified as tax parcel 031-161-01.
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 30 foot variance from the required 100 foot buffer to allow the construction of a single-family dwelling unit. The dwelling unit will be no closer than 70 feet from the normal pool elevation of Lake Wylie.
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 Lake Wylie to the right-of-way line of Riverside Drive is approximately 150 feet.
8. The existing structure encroaches further into the buffer than the proposed structure.
9. In granting the variance the public safety has been assured and substantial justice has been achieved.
10. Granting the variance will not adversely affect adjacent or contiguous properties.
11. Maintaining a minimum 70 foot watershed buffer complies with the minimum state watershed regulation for the Catawba River.

Conditions:

1. The property owner should work with Charlotte-Mecklenburg Storm Water Service Mecklenburg County Water Quality Program to develop a mitigation plan to offset environmental impacts. If a mitigation plan is not approved 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

6/8/15

Date

DECISION FILED IN THE PLANNING DEPARTMENT:



Shad Spencer, Zoning Administrator

6/10/15

Date

