



CERTIFIED MAIL

Do Kim
1601 Geneva Ct
Charlotte, NC 28209

**RE: VARIANCE
1628 GENEVA COURT
CASE NUMBER 2016-012**

Dear Do Kim:

At its meeting on February 23, 2016, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a variance 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 Do Kim (Represented by Patrick Sterchi, Lynn Properties Incorporated).
2. The property is located at 1628 Geneva Court, further identified as tax parcel 151-113-04.
3. The subject parcel's current zoning classification is R-4 (single family residential).
4. According to Mecklenburg County records, the existing single family home on the subject property was constructed in 1959.
5. Section 9-102 (d) 1 and 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 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. Per the applicant, elevation of the existing public roadway at the subject residential parcel is below the Community Base Flood Elevation.
9. The driveway for the existing home is 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 0.8' below the flood protection elevation. (614.8').
13. The lowest adjacent grade is 2.5' below the FEMA base flood elevation (613.7').
14. The Flood Protection Elevation (Community Base Flood Elevation +1) at this location is 614.8'.

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 is pending approval 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.

Mecklenburg County Storm Water Services supports granting of the variance with the following Conditions:

1. Floodplain Development Permit Application must be submitted to (and the permit subsequently issued by) Mecklenburg County Storm Water Permitting and Compliance Department.
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 9-102(d)4.b of the City of Charlotte's Floodplain Regulations.
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 each of the three standards stated in § 9-87 of the Floodplain Regulations, and more specifically:

1. There was a showing of good and sufficient cause to grant the variance.
2. There was a determination that failure to grant the variance would result in exceptional hardship.
3. There was a determination that granting the variance will not result in increased flood heights (unless the requirements of Section 9-102(a)(6) are met), additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances.

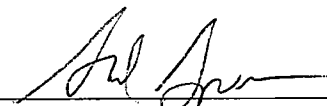
All applicable permits must be obtained from the Planning Department, which has been notified of this decision. The Ordinance § 5.111, provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit or a certificate of occupancy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


Mark Loflin, Acting Chairperson

3-1-16
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**


Shad Spencer, Zoning Administrator

3-2-16
Date

Cc: Patrick Sterchi, Lynn Properties, Inc