



Rebecca B. Earley
3750 Sol Mull Street
Morganton, NC 28655

**RE: VARIANCE
1017 Riverside Drive
CASE NUMBER 2017-009**

Dear Rebecca B. Earley:

At its meeting on March 28, 2017, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a variance requesting a 40 foot variance from the required Catawba River/Lake Wylie Watershed Critical Area 100 foot buffer to allow the construction of a single-family structure.

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

1. The applicant is Rebecca B. Earley (Represented by Bradley Helton).
2. The proposed site is located at 1017 Riverside Drive, further identified as tax parcel 031-151-11.
3. The property is zoned R-5 (single family residential) and located within the Critical Area of the Catawba River/Lake Wylie Watershed Overlay.
4. The applicant is seeking a 40 foot variance from the required 100 foot buffer to allow the construction of a single-family structure.
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 of the subject property is 158.60 feet on right and 154.60 feet on left from the right-of-way line of Riverside Drive to the rear property line.
8. Majority of the existing single family home on the subject property is located within the required 100 foot buffer.
9. The proposed new single family structure will be built in accordance with the FEMA regulations.
10. In granting the variance the public safety has been assured and substantial justice has been achieved.
11. Granting the variance will not adversely affect adjacent or contiguous properties.
12. Maintaining a minimum 60 foot watershed buffer complies with the minimum state watershed regulation for the Catawba River.

Conditions:

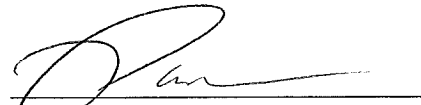
1. The property owner must work with Charlotte-Mecklenburg Storm Water Service Mecklenburg County Water Quality Program to develop a mitigation plan to offset environmental impacts. If the mitigation plan is not approved, then the variance shall be void.

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.

If any permits are required, please make sure the variance case number is referenced on the permit application and/or site plan. Section 5.111 of the Zoning Ordinance 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,

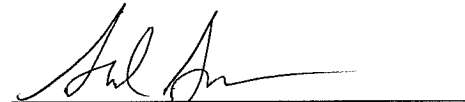


Paul Arena, Chairperson

4/4/17

Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

4/12/17

Date

cc: Bradley Helton