



Roger Chandler
211 Calley Road
Savannah, GA 31410

**RE: VARIANCE
3052 Nance Cove Road
CASE NUMBER 2018-020**

To Whom It May Concern:

At its meeting on April 24, 2018, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** two variances to allow for the construction of a new single family home.

1. A 10 foot variance from the 20 foot setback along Nance Cove Road.
2. A 60 foot variance from the required Mountain Island Lake Watershed Overlay Critical 100 foot buffer.

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

1. The applicant is Roger Chandler.
2. The proposed site is located at 3052 Nance Cove Road, further identified as tax parcel 023-151-37.
3. The subject parcel's current zoning classification is R-5 (single family residential) and located within the Critical Area of the Mountain Island Lake Watershed Overlay.
4. The site is roughly 0.53 acres and is currently occupied with a single family structure and an accessory structure which are proposed to be removed.
5. Per Code Section 9.205(1)(e2), the required setback for this property is 20 feet measured from the right-of-way line of Nance Cove Road.
6. Per Code Section 10.508(1)(a), the property is subject to a 100 foot undisturbed vegetative buffer measured from the normal pool elevation of Mountain Island Lake.
7. Per Code Section 10.508(3), no permanent structures or any other disturbance of existing vegetation shall be allowed within the buffer.
8. The applicant plans to construct a new single family residence that will encroach into the required 100 foot watershed buffer and the required 20 foot setback.
9. The applicant is requesting two variances: (1) a 10 foot variance from the 20 foot setback along Nance Cove Road; and (2) a 60 foot variance from the required Mountain Island Lake Watershed Overlay Critical 100 foot buffer.
10. The existing two bedroom one bathroom home was built around 1950 and is located within the 100 foot watershed water quality buffer.
11. The new single family home will still encroach into the required buffer but is proposed to be located further away from the normal pool elevation than the existing building footprint. Therefore reducing the nonconformity and bringing it further into compliance.
12. The lot's unique shape has a shallow depth between the right-of-way of Nance Cove Road and the shoreline of Mountain Island Lake.

13. The setback and buffer restrictions imposed on the applicant by the Zoning Ordinance makes it difficult to develop the property.
14. Granting the variance will not adversely affect adjacent or contiguous properties.
15. The hardship is a result of the Zoning Ordinance.

Condition:

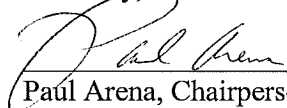
1. A mitigation plan must be submitted to and approved by the Mecklenburg County Public Health Department, Environmental Health Division.

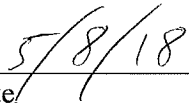
Based upon the above findings of fact, the Board concludes that the applicant has met the standards set forth in North Carolina General Statutes § 160A-388, and more specifically:

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.

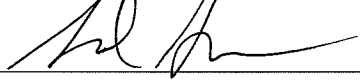
If any permits are required, please make sure the variance case number is referenced on the permit application and/or site plan. Section 5.111 of the Zoning Ordinance provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit 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.

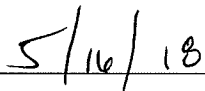
Sincerely,


Paul Arena, Chairperson


Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**


Shad Spencer, Zoning Administrator


Date