



John M. Dwelle, Jr.
(Represented by McCormick Custom Construction c/o Adam McCormick)
P.O. Box 6412
Ocean Isle Beach, NC 28469

RE: VARIANCE
2822 Irby Drive
CASE NUMBER 2018-023

To Whom It May Concern:

At its meeting on April 24, 2018, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a variance from the required dryland access of the Floodplain Regulations 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 John M. Dwelle, Jr. (Represented by McCormick Custom Construction c/o Adam McCormick)
2. The property is located at 2822 Irby Drive, further identified as tax parcel 151-112-21.
3. The subject parcel's current zoning classification is R-17MF (Multi-Family).
4. According to Mecklenburg County records, the existing duplex on subject property was constructed in 1962.
5. Sections 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 in the City of Charlotte Floodplain Regulations 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 in the City of Charlotte Floodplain Regulations 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 lot is located within the FEMA/Community Floodplains and the FEMA Floodway/Community Encroachment Area.
9. Per the applicant, elevation of the existing public roadway at the subject residential parcel is below the Community Base Flood Elevation.
10. The driveway for the existing home is below the Community Base Flood Elevation.
11. The property does not have "Dryland Access".

12. 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.
13. The existing house is not compliant with City of Charlotte's Floodplain Regulations.
14. The finished floor of the existing house is 0.3' above the FEMA Base Flood Elevation of 613.2'.
15. The lowest adjacent grade is 3.8' below the FEMA Base Flood Elevation of 613.2'.
16. The Community Base Flood Elevation at this location is 613.3'.
17. The Flood Protection Elevation (Community Base Flood Elevation +1) at this location is 614.3'.
18. The finished floor is 0.8' below the Flood Protection Elevation.
19. The existing house will be demolished and replaced with a new compliant house on this parcel.

Conditions:

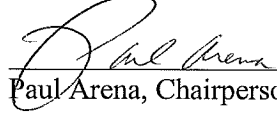
1. A "No-Rise" study along with the Floodplain Development Permit Application including a Site Plan, Erosion Control/Grading Plan showing the proposed house, driveway location and proposed fill must be submitted for review.
2. According to the Mecklenburg County Tax Records, the existing structure is a two-unit duplex. Proposed structure replacing existing duplex must have no more than two units.
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.
5. The lowest floor and all mechanical equipment servicing the building of the new house must be elevated 1.0' above the Community Base Flood Elevation.
6. FEMA Flood Insurance will be required.
7. An Elevation Certificate is required to be completed after construction before a Certificate of Occupancy can be issued for a structure within the floodplain.
8. An Asbuilt survey showing elevations/topo required verifying that the flood study requirements were met.

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.

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.

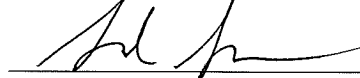
Sincerely,


Paul Arena, Chairperson

Date

5/8/18

**DECISION FILED IN THE
PLANNING DEPARTMENT:**


Shad Spencer, Zoning Administrator

Date

5/14/18

