



Khalid Davis
9536 Chastain Walk Drive
Charlotte, NC 28216

**RE: VARIANCE
9536 Chastain Walk Drive
CASE NUMBER 2018-028**

To Whom It May Concern:

At its meeting on April 24, 2018, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a variance to allow for a 547 square foot increase from the assigned 2,037 square foot impervious area for the subject lot based on the maximum allowable 24% built upon area for the Chastain Walk subdivision located within the Protected Area of the Catawba River/Lake Wylie Watershed Overlay.

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

1. The applicant is Khalid Davis.
2. The proposed site is located at 9536 Chastain Walk Drive, further identified as tax parcel 033-042-08.
3. The subject parcel's current zoning classification is R-4 (single family residential) and located within the Protected Area of the Catawba River/Lake Wylie Watershed Overlay.
4. The site is roughly 0.21 acres and is currently occupied with a single family structure.
5. Code Section 10.606(2)(A)(3) indicates a 24% maximum allowable built upon area for residential developments utilizing the low density option. The footnote for this Section indicates that lots of record established after 1993 are subject to this percentage unless otherwise specified on a recorded plat.
6. Per the recorded plat for this subject property established after 1993, the lot is allotted 2,037 square feet of maximum built upon area.
7. The applicant obtained a building permit in February, 2014 to construct a two story addition to the rear of the home.
8. The building permit was issued in error by City staff not verifying the correct maximum built upon area on the recorded plat as required by the watershed overlay.
9. The applicant built the addition as per the approved building permit.
10. The addition to the principal structure increased the built upon area 547 square feet beyond the allowable built upon area specified on the recorded plat for the subject property.
11. The applicant is seeking a variance to allow for a 547 square foot increase from the assigned 2,037 square foot impervious area for the subject lot based on the maximum allowable 24% built upon area for the Chastain Walk subdivision located within the Protected Area of the Catawba River/Lake Wylie Watershed Overlay.
12. Strict application of the Ordinance will require for the two story addition to be demolished which will result in an unnecessary hardship.

13. Granting the variance will not adversely affect adjacent or contiguous properties.

Condition:

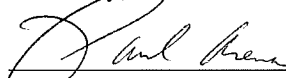
1. A mitigation plan must be submitted to and approved by the Charlotte-Mecklenburg Storm Water Services.

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:

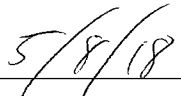
1. Unnecessary hardships would result from the strict application of the Ordinance.
2. The hardship results from conditions that are peculiar to the property (location, size or topography).
3. The hardship does not result from actions taken by the applicant or the property owner.
4. The requested variance 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

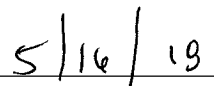


Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator



Date