



Charles & Jenney Turner
10111 Hatfield Road
Charlotte, NC 28278

RE: VARIANCE
15840 Alloway Lane
CASE NUMBER 2018-40

To Whom It May Concern:

At its meeting on June 26, 2018, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 20 foot variance from the required Lower Lake Wylie Watershed Overlay Critical Area 50 foot buffer to allow for the construction of a single family dwelling unit.

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

1. The applicant is Charles and Jenney Turner.
2. The proposed site is located at 15840 Alloway Turner, further identified as tax parcel 199-301-12.
3. The subject parcel is zoned R-5 (single family residential) and located within the Critical Area of the Lower Lake Wylie Watershed Overlay.
4. Per Code Section 10.708(1), the property is subject to a 50 foot undisturbed vegetative buffer measured from the full pond elevation of Lake Wylie.
5. Per Code Section 10.708(3), no permanent structure or built upon areas shall be allowed within the 50 foot watershed buffer with limited exceptions.
6. The site is roughly 0.867 acres and is currently vacant.
7. The applicants purchased the property in 1998
8. The applicants are requesting a 20 foot variance from the required Lower Lake Wylie Watershed Overlay Critical Area 50 foot buffer to allow for the construction of a single family dwelling unit.
9. The lot's shape is unique being primarily a peninsula, surrounded by water on three (3) sides.
10. The 50 foot water quality buffer imposed on three (3) sides limits the allowable buildable area.
11. The topography of the lot does not make it feasible to build a structure on the lot further back from the lake.
12. The property has a moderate to steep slope within the north side yards extending from the established setback towards the lake.

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.

Conditions:

1. The variance if approved shall be contingent upon obtaining an authorization certificate application for water quality buffer disturbances from CMSWS, which would include details about a Mitigation plan.

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,

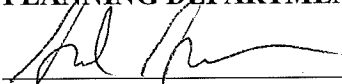


Rick Sanderson, Acting-Chairperson

7/9/18

Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

7/16/18

Date