



Stephanie & Dan Hayes
Represented by Urban Building Group
220 Holly Lane
Charlotte, NC 28270

**RE: VARIANCE
220 Holly Lane
CASE NUMBER 2018-041**

To Whom It May Concern:

At its meeting on June 26, 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 are Stephanie Robinett-Hayes and Dan Hayes (Represented by Urban Building Group)
2. The property is located at 220 Holly Lane, further identified as tax parcel 187-301-05.
3. The subject parcel's current zoning classification is R-3 (single family residential).
4. According to Mecklenburg County records, the existing single family structure on the subject property was constructed in 1961
5. Per Code Section 12.107(2), no more than one principal building devoted to residential uses shall be located on a lot.
6. The applicants would like to occupy their existing single family home while they construct their new single family home on the same lot.
7. Once the new home is completed, the existing older home will be demolished prior to a certificate of occupancy for the new home is issued.
8. The site is of sufficient size and width to be subdivided into two lots and meet all Zoning Ordinance development regulations; however, approval to subdivide cannot be granted due to the City of Charlotte Floodplain Regulations.
9. A dryland access variance is triggered by the desire to construct a newer home that is to replace the existing home on the lot.
10. Section 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."

11. 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.
12. 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.
13. The lot is located within the FEMA/Community Floodplains and the FEMA Floodway/Community Encroachment Area.
14. Per the applicant, elevation of the existing public roadway at the subject residential parcel is below the Community Base Flood Elevation.
15. The driveway for the existing home is below the Community Base Flood Elevation.
16. The property does not have "Dryland Access".
17. A dryland access variance is required for the redevelopment of the subject property. The Community Base Flood Elevation at this location is 572.2'.
18. The Flood Protection Elevation (Community Base Flood Elevation +1') at this location is 573.2'.

Mecklenburg County Storm Water Services supports granting of the variance with the following conditions.

1. A Floodplain Development Permit Application (with review fee) including a Site Plan, Erosion Control/Grading Plan showing the proposed house, driveway location and proposed fill must be submitted for review.
2. New structure must be a single family home. Structures such as Duplexes, Multifamily & other Non-Single - Family Habitable Buildings will not be supported.
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. An as-built survey, Certification of No Disturbance in the Community Encroachment Area/FEMA Floodway, and a FEMA Elevation Certificate are required to be completed by a Professional Land Surveyor after construction is complete and before a Certificate of Occupancy can be issued.
7. The current owners can continue to live in the existing house while the new house is being constructed. Once the construction is complete, the owners are required to demolish the existing house.

Conditions:

Once construction of the new home is complete, the applicant will not be issued a certificate of occupancy for the new home until the exiting old home is completely demolished.

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.

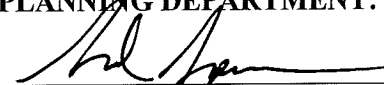
If any permits are required, please make sure the variance case number is referenced on the permit application and/or site plan. Section 5.111 of the Zoning Ordinance provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit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


Rick Sanderson, Acting-Chairperson

6/28/18
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**


Shad Spencer, Zoning Administrator

7/2/18
Date