



Stephen Mogelesfsky  
10305 Winyah Bay Lane  
Charlotte, NC 28278

**RE: VARIANCE  
13911 Rhone Valley Drive  
CASE NUMBER 2018-059**

To Whom It May Concern:

At its meeting on September 25, 2018, the City of Charlotte Zoning Board of Adjustment ("Board") **denied** a variance to allow for a 1539 square foot increase from the assigned 5482 square foot impervious area for the subject lot based on the maximum allowable 24% built upon area for the Montreux subdivision located within the Protected Area of the Lower Lake Wylie Watershed Overlay.

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

1. The applicant is Stephen Mogelesfsky.
2. The proposed site is located at 13911 Rhone Valley Drive, further identified as tax parcel 217-292-02.
3. The property is zoned R-3 (single family residential).
4. The site is currently vacant comprising of approximately 0.74 acres.
5. The lot is located in the Protected Area of the Lower Lake Wylie Watershed Overlay.
6. The applicant is seeking a variance to allow for a 1539 square foot increase from the assigned 5482 square foot impervious area for the subject lot based on the maximum allowable 24% built upon area for the Montreux subdivision located within the Protected Area of the Lower Lake Wylie Watershed Overlay.
7. Per Code Section 10.706(2)(a), the maximum allowable built upon area for a residential development utilizing the low density option is 24%.
8. The Montreux single family residential subdivision was approved after the adoption of the Lower Lake Wylie Watershed Overlay and utilized the low density option to develop the neighborhood.
9. Per the recorded subdivision plat, the applicant's property is allowed a maximum of 5,482 square feet of built-upon area.
10. The applicant is proposing to develop the site with approximately 7,021 square feet of built-upon area.
11. The lot is of a sufficient size to accommodate a single family home and other impervious cover and comply with the allotted 5,482 square feet of built-upon area for the subject property.
12. The site's topography, shape, and size do not warrant granting a variance.
13. The property is developable without a variance.
14. Granting the variance could potentially adversely affect adjacent or contiguous properties.

**Based upon the above findings of fact, the Board concludes that the applicant has not met the standards set forth in North Carolina General Statutes § 160A-388, and more specifically:**

1. Unnecessary hardships would not result from the strict application of the Ordinance.
2. The hardship does not result from conditions that are peculiar to the property (location, size or topography).
3. The hardship is not a result from actions taken by the applicant or the property owner.
4. The requested variance is not consistent with the spirit, purpose, and intent of the Zoning Ordinance, in that the public safety is secured and substantial justice is achieved.

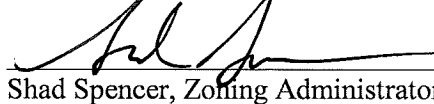
If any permits are required, please make sure the variance case number is referenced on the permit application and/or site plan. Section 5.111 of the Zoning Ordinance provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit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

10/3/18  
Date

**DECISION FILED IN THE  
PLANNING DEPARTMENT:**

  
Shad Spencer, Zoning Administrator

10/9/18  
Date