



Venus M. Bobis
3020 Bridgeway, Unit 171
Sausalito, CA 94965

RE: VARIANCE
2011 Lake Drive
CASE NUMBER 2019-069

To Whom It May Concern:

At its meeting on October 10, 2019, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** two variances to allow reconstruction due to flood damage, and an addition to the single family home on the property:

1. Variance of 40 feet from the 100 foot Lake Wylie Watershed Overlay buffer.
2. Variance of 27 feet into the 35 foot rear yard.

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

1. The applicant is Venus M. Bobis.
2. The proposed site is located at 2011 Lake Drive, further identified as tax parcel 031-472-27.
3. The property is zoned R-5 (single family) and located within the Critical Area of the Lake Wylie Watershed Overlay.
4. The subject property totals approximately 0.6 acres in area and is currently three parcels used together for a single family home lot (tax parcels: 031-472-25 – 0.23 acres; 031-472-26 – 0.2 acres; and 031-472-27 – 0.17 acres).
5. The parcels were created through a subdivision plat in 1957, and identified as lots 6, 7 and 8 on Plat Map Book 8 Page 77.
6. There is a single family home on the property that was constructed in 1963, prior to the current zoning ordinance regulations, and is a legal nonconforming structure.
7. The property has a required rear yard of 35 feet for the R-5 (single family) zoning district.
8. The existing single family home on the property encroaches 27 feet into the 35 foot required rear yard, and therefore, the established rear yard on the property is approximately 9 feet.
9. The property is located in the Lake Wylie Critical Area Watershed overlay and has a required 100 foot buffer from the normal pool elevation of Lake Wylie.
10. The existing single family home on the property encroaches over 50 feet into the required 100 foot buffer, with the smallest depth of encroachment being 40 feet on the left side of the home.
11. The applicant is asking for two variances to allow reconstruction due to flood damage, and an addition to the single family home on the property: A 40 foot variance from the 100 foot Lake Wylie Watershed Overlay buffer; and a 27 foot variance from the 35 foot required rear yard.
12. Per Zoning Ordinance Section 7.103(7), reconstruction resulting from the flood damage to the single family home is permitted without a variance.
13. Per Zoning Ordinance Section 7.103(5), expansion to a nonconforming structure is permitted if the part of the structure expanded and the area of the lot the expansion takes place are brought into compliance with Zoning Ordinance regulations.

14. The lot area and part of the structure proposed for expansion encroach into the required 35 foot rear yard and 100 foot Lake Wylie buffer, and therefore, require a variance.
15. The proposed expansion does not exceed the established rear yard of 9 feet, nor the existing 100 foot buffer encroachment of 40 feet on the left side of the home.
16. The proposed new single family construction and addition will be built in accordance with the FEMA regulations.
17. The three lots shown on the approved 1957 subdivision plat Plat Map Book 8 Page 77, extended to the shoreline of Lake Wylie, with the lot depths ranging from approximately 168 feet to 197 feet.
18. Currently, on Mecklenburg County GIS, the lots do not extend to the shoreline of Lake Wylie, and range in depth from approximately 130 feet to 171 feet.
19. The abutting lot depths extend to the shoreline of Lake Wylie and range in depth from 168 feet to 213 feet.
20. The lot is unique because of the change in the lot depth from the original subdivision plat giving the lot a smaller depth compared to neighboring properties.
21. Granting the variance will not alter the essential character of the neighborhood.
22. In granting the variance, the public safety has been assured and substantial justice has been achieved.
23. Granting the variance will not adversely affect adjacent or contiguous properties.
24. The proposed expansion does not encroach into the required 50 foot state watershed buffer measured from the shoreline of Lake Wylie.

Conditions:

1. The applicant shall provide documentation of lot combination prior to obtaining permits.
2. The applicant shall obtain an approved buffer revegetation/mitigation plan in accordance with the Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines.

Findings of fact for the proposed conditions are:

1. The applicant has agreed to the proposed conditions.
2. Per the Zoning Ordinance definition of required rear yard in Section 2.201, the rear yard measurement is taken from the lot line.
3. Since the single family home is on three separate parcels, the applicant is currently combining the three parcels by recording a recombination plat with the Mecklenburg County Register of Deeds office.
4. Per Zoning Ordinance Section 10.608.4, mitigation is required for disturbing required lake buffer. Existing vegetation remaining in the buffer should be enhanced in accordance with the watershed buffer guidelines for Mecklenburg County so that the buffer can effectively perform its filtering and absorption functions.
5. Charlotte-Mecklenburg Storm Water Services supports the proposed variance with the proposed condition for mitigation.

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 does result 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.

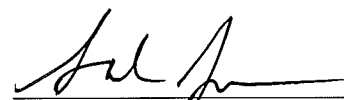
Sincerely,



Rick Sanderson, Chairperson

11/13/19
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

11/13/19
Date