



Edward & Janet McCluskey
1727 Lake Drive
Charlotte, NC 28214

**RE: VARIANCE
1727 Lake Drive
CASE NUMBER 2020-002**

To Whom It May Concern:

At its meeting on January 28, 2020, the City of Charlotte Zoning Board of Adjustment (“Board”) **granted** a 30 foot variance from the required Catawba River/Lake Wylie Watershed Critical Area 100 foot buffer to allow the construction of a single family dwelling.

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

1. The applicants are Edward and Janet McCluskey.
2. The proposed site is located at 1727 Lake Drive, further identified as tax parcel 031-472-13.
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 0.54 acres in area and contains a single family dwelling.
5. The single family home on the property was constructed in 1966, prior to the current zoning ordinance regulations, and is a legal nonconforming structure.
6. 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.
7. The existing single family home on the property encroaches approximately 65 feet into the required 100 foot buffer.
8. The home was flooded in 2019, causing the home to be damaged to an extent that it is no longer livable.
9. The applicant is asking for a variance of 48 feet from the 100 foot Lake Wylie Watershed Buffer to reconstruct the home.
10. Per Zoning Ordinance Section 7.103(7), reconstruction resulting from the flood damage to the single family home is permitted without a variance, when a home is restored to original dimensions.
11. The existing one story home is proposed to be replaced with a two story home, and therefore, will require a variance.
12. The proposed home does not exceed the existing 65 foot encroachment into the 100 foot buffer, and reduces the encroachment by approximately 17 feet, bringing the footprint of the home closer to Lake Drive and further from the shoreline of Lake Wylie.
13. The applicant has provided an engineering report stating that an abandoned septic field area is located in the front portion of the property, preventing the proposed home from being located closer to Lake Drive.
14. The proposed single family home will be built in accordance with the Mecklenburg County Floodplain Regulations.

15. The existing home was built prior to Lake Wylie Critical Area Watershed Overlay regulations and the lot is over 50% encumbered by the watershed buffer.
16. Granting the variance will not alter the essential character of the neighborhood.
17. In granting the variance, the public safety has been assured and substantial justice has been achieved.
18. Granting the variance will not adversely affect adjacent or contiguous properties.
19. The proposed expansion does not encroach into the required 50 foot state watershed buffer measured from the shoreline of Lake Wylie.

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

2/10/2020
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

2/10/2020
Date