



George Lamar Milam
125 W Panama Road
Winter Springs, Florida 32708

**RE: VARIANCE
1327 RIVERSIDE DRIVE
CASE NUMBER 2022-002**

To Whom It May Concern:

At its remote meeting on February 22, 2022 the City of Charlotte Zoning Board of Adjustment (“Board”) **granted** two variances to construct a single family home:

1. A 50 foot variance from the 100 foot watershed buffer.
2. A 5’ variance from the required 20 foot setback.

Staff recommends approval of the variance request with the following conditions:

1. *The applicant shall obtain an approved buffer revegetation/mitigation plan in accordance with the Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines.*
2. *All driveways shall be a minimum length of 20 feet.*

The board based its decision on the following findings of facts:

1. The applicant is George L. Milam.
2. The applicant has agreed to the proposed conditions.
3. The proposed site is located at 1327 Riverside Drive, further identified as tax parcel 031-161-12.
4. The property is zoned R-5 (single family) and located within the Critical Area of the Lake Wylie Watershed Overlay.
5. The subject property is approximately 0.254 acres and is currently vacant.
6. The parcel was subdivided in January 1961 and is identified as lot 13 in Map Book 9 Page 465.
7. Per Code Section 10.603.2, since the property was subdivided in 1961, prior to the adoption of the Lake Wylie Watershed Overlay regulations on June 21, 1993, it is exempt from the maximum 24% built upon allowance.
8. The application includes a variance request from the built upon allowance, but it is not necessary since Section 10.03.2 exempts the property from the maximum 24% built upon allowance.
9. Per Code Section 9.205(e2) there is a required 20 foot setback.
10. The property is located within the Lake Wylie Critical Area Watershed overlay and has a required 100 foot buffer from the normal pool elevation of Lake Wylie per Code Section 10.608.1.
11. The majority of the property area is located in the required 100 foot buffer area.
12. The applicant is asking for two variances to allow the construction of a single family home on the property: 1) A 5 foot variance from the 20 foot setback; and 2) A 50 foot variance from the 100 foot Lake Wylie Watershed Overlay buffer.
13. The hardship is not a result of actions taken by the applicant.
14. The property was subdivided in 1961, prior to the 1993 adoption of regulations requiring a 100 foot buffer which encumber the majority of the property.

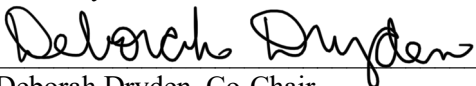
15. The hardship results from the strict application of the ordinance.
16. A single family home could not be constructed on the property without a variance.
17. Granting the variance will not alter the essential character of the neighborhood.
18. Fourteen other variance requests from the 100 foot MIL buffer requirements have been granted for properties on Riverside Drive.
19. In granting the variance, public safety has ben assured and substantial justice has been achieved.
20. Staff proposes a condition for an approved buffer revegetation/mitigation plan in accordance with the Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines.
21. Per Zoning Ordinance Section 10.608.4, mitigation is required for disturbing required lake buffer area so that the buffer can effectively perform its filtering and absorption functions and the development will not negatively impact water quality.
22. Charlotte-Mecklenburg Storm Water Services supports the proposed variance with the condition for a buffer revegetation/mitigation plan.
23. The proposed expansion does not encroach into the required 50 foot state watershed buffer measured from the shoreline of Lake Wylie.
24. Staff proposes a condition that all driveways be a minimum length of 20 feet.
25. There are two driveways shown on the proposed plan, with one driveway located in the area of the proposed setback encroachment labeled as 15 feet in length.
26. The plan shows stairs over five feet of the 20 foot driveway, however, the applicant states that the stairs will not prevent full use of the 20 foot driveway. Although they do not have a front elevation, the applicant states the staircase will be to the left of the driveway and not over the driveway.
27. Per Code Table 12.206(3) driveways and parking pads are required a minimum length of 20 feet for single family homes which accommodates parking and maneuvering area, ensures that vehicles are not parked in yards and allows for visibility and pedestrian safety.
28. The proposed 5 foot encroachment into the front setback of the proposed stairs prevents the home from encroaching further into the rear watershed buffer area.
29. Due to the majority of the lot being encumbered by the 100 foot watershed buffer and the lot having existed prior to the adoption of the buffer regulations, strict application of the ordinance would result in a hardship and the inability to construct a home on the property.

Conclusion of Law:

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.

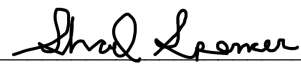
If any permits are required, please make sure the variance case number is referenced on the permit application and/or site plan. Section 5.111 of the Zoning Ordinance provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit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


 Deborah Dryden, Co-Chair

3-10-2022
 Date

**DECISION FILED IN THE
 PLANNING DEPARTMENT:**


 Shad Spencer, Zoning Administrator

 Date