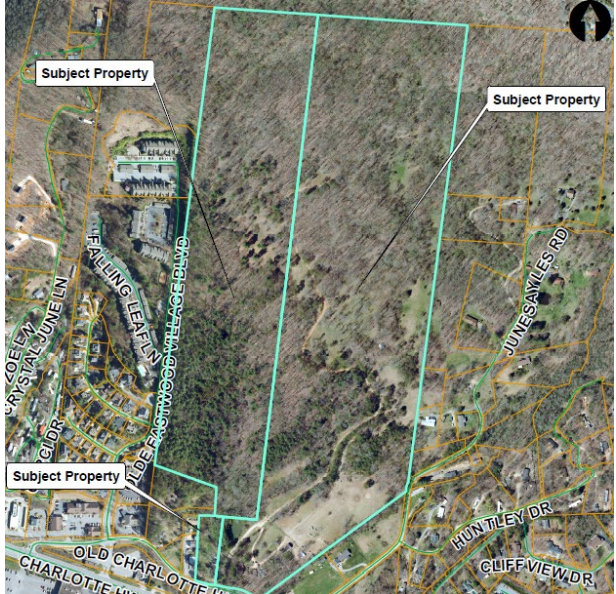




<b>A. PROPERTY INFORMATION</b>	<b>B. PROJECT SUMMARY:</b>
<p><b>CASE:</b> ZPH2022-00039  <b>RELATED CASE:</b> ZPH2022-00031  <b>PROJECT:</b> Old Charlotte Hwy- Doran</p>	<p><b>Variance application proposing the following:</b></p> <ul style="list-style-type: none"> <li>The Applicant requests to shift stormwater drainage from one basin to another</li> </ul>
<p><b>Application Submitted:</b> November 3, 2022  <b>PIN(s):</b> 9667830760, 9667852312, 9667858213  <b>Zoning:</b> : R-3 (Residential District), NS (Neighborhood Service)  <b>Current Land Use:</b> Residential and undeveloped  <b>Utilities:</b> proposed City of Asheville Water and MSD sewer  <b>Overlays:</b> Steep Slope/High Elevation Overlay on the northern portion of the property.</p>	<p><b>Reason for request:</b></p> <p>Applicant is requesting the variance to avoid burdening the existing storm conveyance system of the neighboring development to the west of the subject property.</p> 
<b>C. PUBLIC NOTICE</b>	
<p><b>Notice in AVL Citizen Times:</b> 12/21/2022  <b>Notice mailed to owners within 1,000 ft:</b> 12/21/2022  <b>Physical posting:</b> 12/23/2022  <b>Notice on County Website:</b> 12/21/2022  <b>Hearing Date:</b> 1/11/2023</p>	
<b>D. DOCUMENTATION SUBMITTED</b>	
<p><b>Applicant Documents:</b></p> <ul style="list-style-type: none"> <li>Variance Application</li> <li>Site plan</li> <li>Pictures of existing stormwater concerns on the adjacent development to the west.</li> </ul>	<p><b>Staff Documents:</b></p> <ul style="list-style-type: none"> <li>Motion Worksheet</li> <li>MAPS</li> </ul>

## E. VARIANCE STANDARDS

Sec. 26-362 (9). Stormwater management design standard -Variance:

- A. Any person may petition the Board of Adjustment or such other local governing body having jurisdiction in the area where the project is located for a variance granting permission to use the person's land in a manner otherwise prohibited by this article. To qualify for a variance the petitioner must show the following:
1. Unnecessary hardship would result from the strict application of the ordinance.
  2. The hardship results from conditions that are peculiar to the property.
  3. The hardship did not result from actions taken by the petitioner.
    - a. The requested variance is consistent with the spirit, purpose, and intent of the ordinance will secure public safety and welfare and will preserve substantial justice.

## B. STAFF COMMENTS

The applicant has not quantified how much drainage area will be shifted from one drainage basin to the other, and how much that is increasing the drainage area to the downstream property receiving the additional drainage area. Similarly, information on the capacity of the infrastructure downstream that will be receiving additional drainage area between the project site and Gashes Creek has not been provided.

## C. STAFF SUGGESTED CONDITIONS OF APPROVAL

Staff recommends, if the project is approved, the following **Conditions of Approval** be included in the Board's Order:

- None Noted, however, if approved, unique stormwater conditions will be recommended through the special use permit process.

- a) **Approval as presented.** *Note: An approval decision must be substantiated in the Board's findings of fact.*
- b) **Approval with conditions.** *Note: Conditions of approval must directly relate to the impacts of the project as substantiated in the findings of fact. The Applicant must indicate in writing, their acceptance of these conditions. Should the Applicant indicate an unwillingness to accept certain conditions, then the BOA must (a) deny the PUD application, or (b) approve it without the disputed condition.*
- c) **Denial as presented.** *Note: A denial decision must be substantiated in the Board's findings of fact.*
- d) **Continuance to a date certain.** *Note: A continuance should serve a specific purpose, such as to provide a party of standing (the Applicant, the County, an adjacent property owner, etc.) sufficient time to gather and provide additional documentation or information.*