



TSO Bryant Street Self Storage LP(Represented by Moore & Van Allen PLLC)  
100 North Tryon Street, Suite 4700  
Charlotte, NC 28202

**RE: VARIANCE**  
**1451 Bryant Street**  
**CASE NUMBER 2019-038**

To Whom It May Concern:

At its meeting on June 25, 2019, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** two variances to allow the site to be redeveloped with a self-storage facility.

1. A variance from the required dryland access if any portion of either the habitable building or vehicular access route is within the floodplain per Section 9-102(d) of the Charlotte Floodplain Ordinance.
2. A variance to allow the parking spaces to be more than 0.5' below the Community Base Flood Elevation as required in Section 9-102(k) in the City of Charlotte Floodplain Ordinance.

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

1. The applicant is **TSO Bryant Street Self Storage LP (represented by John Floyd, Moore & Van Allen PLLC)**
2. The property is located at **1451 Bryant Street Charlotte NC, 28208**, further identified as Tax Parcel **067-011-04**.
3. The subject parcel's current zoning classification is **I-1**.
4. According to Mecklenburg County records, the existing building on subject property was constructed in 1959.
5. The lot is located within the FEMA/Community Floodplains and the FEMA Floodway/Community Encroachment Area.
6. The Community Base Flood Elevation at this location is 644.0 ft.
7. The Flood Protection Elevation (Community Base Flood Elevation +1 ft) at this location is 645.0 ft.
8. The lowest adjacent grade is 9.9 ft below the FEMA Base Flood Elevation of 642.0 ft.
9. Elevation of the existing public roadway at the subject residential parcel is below the Community Base Flood Elevation.
10. The driveway for the existing building is below the Community Base Flood Elevation.
11. The property does not have "Dryland Access".
12. A dryland access variance is required for the redevelopment of the subject property. The proposed redevelopment includes the removal of an existing non-compliant structure and replacing it with a new compliant structure.
13. The finished floor of the existing structure is 12.3 ft below the Flood Protection Elevation.
14. The existing structure is not compliant with City of Charlotte's Floodplain Regulations.
15. The proposed structure will be compliant with the City of Charlotte's Floodplain Regulations.
16. The existing structure will be demolished and replaced with a new compliant structure on this parcel.

**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:**

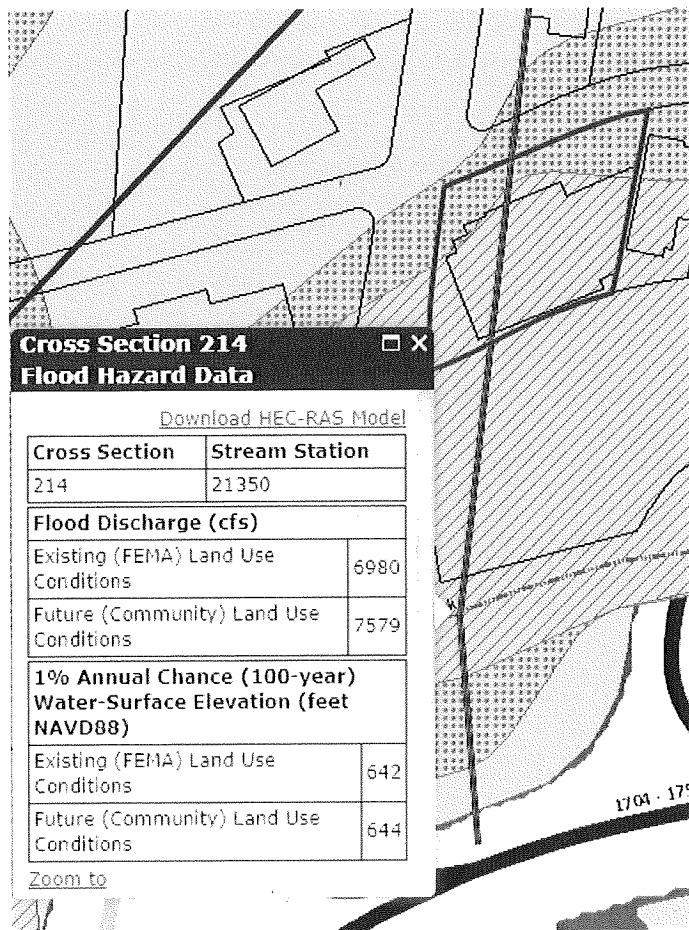
1. Unnecessary hardships would result from the strict application of the Ordinance.
2. The hardship does result from conditions that are peculiar to the property (location, size or topography).
3. The hardship does not result from actions taken by the applicant or the property owner.
4. The requested 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.

**Mecklenburg County Storm Water Services supports granting of the variance with the following conditions.**

1. A Floodway Engineering Analysis must be submitted and approved if the proposed structure footprint is larger than the existing structure footprint.
2. An Individual Floodplain Development Permit Application including a Site Plan, Erosion Control/Grading Plan showing the proposed building, driveway location and proposed fill must also be submitted for review and approval.
3. According to the Mecklenburg County Tax Records, the existing structure is a warehouse.
4. The driveway for the new structure must meet City of Charlotte Ordinance 9-102(d)(4)(b) entitled "Specific Standards".
5. The new structure will meet Specific Standards 9-102 of the City of Charlotte's Floodplain Regulations.
6. The lowest floor and all mechanical equipment servicing the building of the new structure must be elevated 1.0 ft above the Community Base Flood Elevation (AKA the Flood Protection Elevation).
7. An Elevation Certificate is required to be submitted after construction is completed before a Certificate of Occupancy can be issued.
8. An As-built survey showing elevations/topo is required.
9. The owner must provide a flood warning system (including controls, flood warning sensors, visual/audio alarms, etc.) designed by a professional engineer and approved by County Storm Water Permitting & Compliance Program.
10. A flood warning system maintenance plan must be developed and include annual testing requirements.
11. A cabling system designed by a professional engineer to prevent off-site floatation of vehicles during a flood event must be submitted and approved by County Storm Water Permitting & Compliance Program.
12. A flood warning sign must be posted. Wording must be approved by County Storm Water Permitting & Compliance Program.

**Based upon the above findings of fact, the Board concludes that the applicant has met each of the three standards stated in § 9-87 of the Floodplain Regulations, and more specifically:**

1. There was a showing of good and sufficient cause to grant the variance.
2. There was a determination that failure to grant the variance would result in exceptional hardship.
3. There was a determination that granting the variance will not result in increased flood heights (unless the requirements of Section 9-102(a)(6) are met), additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances.



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, Acting-Chairperson

Date

**DECISION FILED IN THE  
PLANNING DEPARTMENT:**

Shad Spencer, Zoning Administrator

Date