



Grinnell Water Works Three, LLC
(Represented by Ed McCoy Holding, LLC)
338 S. Sharon Amity Road
P.O. Box 331
Charlotte, NC 28211

RE: VARIANCE
S. Summit Avenue
CASE NUMBER 2019-064

To Whom It May Concern:

At its meeting on September 24, 2019, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** two variances to allow the site to be developed.

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. Grinnell Water Works Three, LLC (Represented by Ed McCoy Holding, LLC).
2. The property is located at South Summit Ave, Charlotte NC, 28208, further identified as Tax Parcel 067-011-05.
3. The subject parcel's current zoning classification is B-1 (Neighborhood Business).
4. According to Mecklenburg County records, this parcel is vacant.
5. The lot is located within the FEMA/Community Floodplains and the FEMA Floodway/Community Encroachment Area.
6. The Community BFE (Base Flood Elevation) at this location is 644.1 feet.
7. The Flood Protection Elevation (Community BFE +1 foot) at this location is 645.1 feet.
8. The lowest adjacent grade is 14.3 feet below the FEMA Base Flood Elevation of 642.1 ft. (Elevations based on LIDAR Data).
9. Elevation of the existing public roadway at the subject parcel is below the Community BFE.
10. The driveway for the existing building is below the Community BFE.
11. The property does not have "Dryland Access".
12. A dryland access variance is required for the development of the subject property. The proposed development is a parking lot built at natural grade.

Mecklenburg County Storm Water Services does not oppose granting of the variance with the following conditions.

1. A Floodway Engineering Analysis must be submitted and approved if the construction includes placement of fill and/or a new structure.

2. An Individual Floodplain Development Permit Application including a Site Plan, Erosion Control/Grading Plan showing the proposed work, driveway location and proposed fill if any, must also be submitted for review.
3. The driveway must meet Specific Standards 9-102(d) 4.b of the City of Charlotte's Floodplain Regulations.
4. An As-built survey showing elevations/topo is required.
5. 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.
6. A flood warning system maintenance plan must be developed and include annual testing requirements.
7. 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.
8. 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, Chairperson

9/27/19

Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

10/1/19

Date