



The Charlotte-Mecklenburg Hospital Authority
(Represented by John Carmichael)
101 North Tryon Street, Suite 1900
Charlotte, NC 28246

RE: VARIANCE
1540 Garden Terrace, 1130 Blythe Boulevard, 1730 Lombardy Circle
CASE NUMBER 2019-077

To Whom It May Concern:

At its meeting on October 29, 2019, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a variance to allow two new critical facilities, a rehabilitation hospital, and an acute care hospital to be constructed in the 500-year (0.2%) flood fringe area.

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

1. The applicant is the Charlotte-Mecklenburg Hospital Authority (Represented by John Carmichael with Robinson Bradshaw).
2. The property is located at 1540 Garden Terrace, 1100, 1130, 1200 & 1300 Blythe Boulevard, and 1730 Lombardy Circle, further identified as tax parcels 153-011-024, 153-023-28 & 153-023-27.
3. The subject parcel's current zoning classification is O-6 (CD), which is office conditional district zoning.
4. According to Mecklenburg County records, the three existing buildings to be removed were constructed in 1939, 1959, and 1988.
5. Critical Facility is defined in the City of Charlotte Floodplain Regulations as a building used to house a function that is vulnerable or essential to the community. Uses include but are not limited to: child and adult daycare facilities, nursing homes, schools, hospitals, fire, police and medic facilities and other uses as deemed by the Floodplain Administrator.
6. The Floodplain Administrator determined the proposed buildings meet the Critical Facility definition.
7. Section 9-101 (k) of the City of Charlotte Floodplain Regulations states that any new critical facility must be located outside of the 500-year (0.2%) flood fringe area and elevated at least one foot above the 500-year (0.2%) flood elevation or the Community Base Flood Elevation whichever is greater.
8. The parcels are within the 500-year flood fringe area.
9. A variance from 9-101 (k) is required for the construction of the proposed rehabilitation and acute care facilities. The redevelopment includes the removal of two non-compliant buildings and construction of two new compliant buildings.
10. The finished floor of the existing building at 1300 Blythe Boulevard is 1.6 feet below the 500-year Flood Elevation (2.6 feet below the Flood Protection Elevation) and 1200 Blythe Boulevard is 1.5 feet below the 500-year Flood Elevation (2.5 feet below the Flood Protection Elevation). Both buildings are non-compliant structures.
11. The finished floor elevation at 1100 Blythe Boulevard is 3.1 feet above the 500-year Flood Elevation (2.1 feet above the Flood Protection Elevation).

12. The 500-year Flood Elevation at proposed Building A (As designated on Application Exhibit A) is 629.8 feet and the Flood Protection Elevation is 630.8 feet.
13. The 500-year Flood Elevation at proposed Building B (As designated on Application Exhibit A) is 630.3 feet and the Flood Protection Elevation is 631.3 feet.
14. The existing two non-compliant structures will be demolished and replaced with new compliant structures (Building A & B).

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

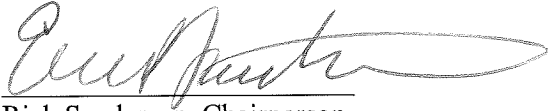
1. The two proposed buildings must have Dryland Access during the 500-year flood event.
2. The Lowest Adjacent Grade at the two new buildings must be elevated above the 500-year Flood Elevation (629.8 feet for Building A and 630.3 feet for Building B).
3. The lowest finished floor elevation must be above 630.8 feet for Building A and 631.3 feet for Building B and no basements or underground parking are allowed.
4. All electrical and mechanical equipment servicing the proposed buildings must be elevated above the Flood Protection Elevation or resistant to infiltration and damage from flooding.
5. A Floodway Engineering Analysis must be submitted and approved if any fill encroaches into the Community Encroachment Area.
6. A Floodplain Development Permit must be obtained for all development within the 500-year Flood Fringe.
7. FEMA Flood Insurance will be required.
8. An Elevation Certificate is required to be completed after construction before a Certificate of Occupancy can be issued for Buildings A & B.
9. An As-built survey showing elevations/topo required verifying that the Floodway Engineering Analysis requirements were met (if applicable for fill inside the Community Encroachment Area).

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.

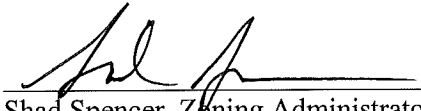
Sincerely,



Rick Sanderson, Chairperson

11/26/19
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

12/3/19
Date