



**CERTIFIED MAIL**

American Roadside Burgers  
Attn: Rich LaVecchia  
5821 Fairview Rd, Suite 104  
Charlotte, NC 28204

**RE: VARIANCE  
5821 FAIRVIEW ROAD  
CASE NUMBER 12-039**

Dear American Roadside Burgers:

At its meeting on September 25, 2012, the City of Charlotte Zoning Board of Adjustment (“Board”) **denied** a variance to allow two (2) identification signs on the same premise.

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

1. The applicant is American Roadside Burgers (Represented by Rich LaVecchia).
2. The proposed site is located at 5821 Fairview Road, further identified as tax parcel 177-062-01.
3. The subject parcel’s current zoning classification is O-1 (Office).
4. The applicant is requesting a variance to allow two (2) identification signs on one lot.
5. Currently there are two detached signs located on the site.
6. A sign permit was obtained for American Roadside Burgers on March 6, 2012, by Casco Signs Inc.
7. The City of Charlotte sign permit application submitted by Casco Signs on February 28, 2012, indicates that the existing identification sign was to be removed.
8. Per Code Section 13.109(2)(b) only one identification sign is allowed per premise.
9. The property is not located on a corner lot.
10. The site is not an out parcel or part of an office and research park development.
11. The variance is large in context.
12. The site is not irregularly shaped.
13. The hardship is a result of the applicant’s own action.
14. Allowing the variance would be in direct conflict with the Zoning Ordinance.

**Based upon the above findings of fact, the Board concludes that the applicant has failed to meet the three standards stated in §5.108(1) of the Ordinance, and more specifically:**

1. No practical difficulties or unnecessary hardship exist because:
  - a. The difficulty or hardship is a result of action of the owner of the property.
  - b. The difficulty or hardship is not peculiar to the property in question.

- c. The difficulty or hardship resulting from the application of these regulations would not prevent the owner from securing a reasonable return or making a reasonable use of the property.
2. The spirit of the regulations will be observed by denying the variance.

Pursuant to N. C. G. S. Section 160A-388(e2), the Board's decision in Case No. 12-039 may be appealed by a petition for review in the nature of *certiorari* to Superior Court within thirty (30) days from the date stated below, which is the date when the decision of the Board was filed in the Planning Department/Zoning Administration Division, or within thirty (30) days after receipt of the decision by an aggrieved party who filed a written request for such copy with the Clerk to the Board at the time of the hearing of the case, whichever is later.

Sincerely,



Randy Fink  
Chairperson

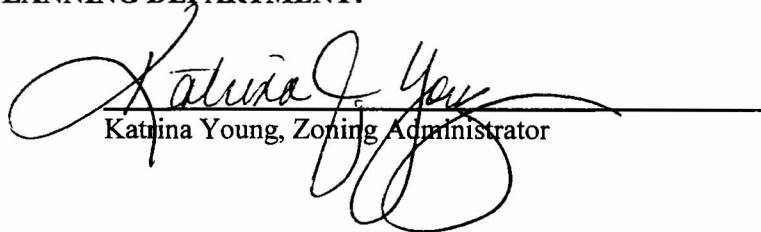
10/9/2012

Date

**DECISION FILED IN THE PLANNING DEPARTMENT:**

October 12, 2012

Date



Katina Young, Zoning Administrator