



CERTIFIED MAIL

Julie Clark
Mecklenburg County Greenway Director
5841 Brookshire Blvd
Charlotte, NC 28216-2403

**RE: VARIANCE
1437 Morehead Street
CASE NUMBER 09-013**

Dear Ms. Clark:

At its meeting on March 31, 2009, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 20 foot variance from the required 20 foot transitional setback to allow a clock tower to be located in the required setback.

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

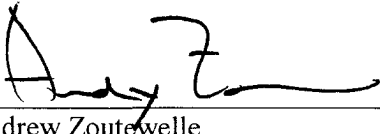
1. The applicant is Mecklenburg County (Represented by Julie Clark).
2. The subject parcel current zoning classification is B-1 (Business).
3. The proposed sign is to be located at 1437 Morehead Street, further identified as tax parcel 125-213-07 and the site is approximately 1.63 acres.
4. The site is being redeveloped as part of the Mecklenburg County Little Sugar Creek Greenway project.
5. The property is bound by two major thoroughfares as identified on the MUMPO 2004 Thoroughfare Plan (E. Morehead Street and S. Kings Drive).
6. S. Kings Drive is subject to the transitional setback requirements because the existing right-of-way is not as wide as the right-of-way established for the thoroughfare.
7. Charlotte Department of Transportation (CDOT) has approved the location of the clock tower and modification to the right-of-way at this location only along S. Kings Drive.
8. With proposed modifications to the transitional setback, the site will meet the intent of the ordinance.
9. The health, safety and welfare of the community will not be compromised in allowing the encroachment into the transitional setback.

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

1. The hardship is a result of restrictions imposed by the Zoning Ordinance.
2. The request meets the intent and spirit of the Zoning Ordinance.
3. The public safety and welfare have been protected and substantial justice done.

All applicable permits must be obtained from the Planning Department, which has been notified of this decision. The Ordinance §5.111, 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,

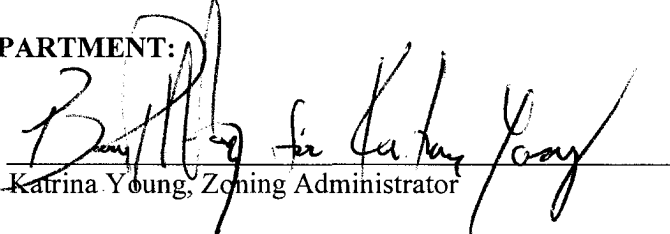


Andrew Zoutewelle
Chairperson

DECISION FILED IN THE PLANNING DEPARTMENT:

Date

4/29/09


Katrina Young, Zoning Administrator