



CERTIFIED MAIL

Mediterra at Carmel, LLC
Scott Sadler and Bruce Bleiman, Members/Managers
5960 Fairview Rd. #400
Charlotte, NC 28210

**RE: VARIANCE
3400 Carmel Road
CASE NUMBER 09-017**

Dear Mr. Sadler and Mr. Bleiman:

At its meeting on April 28, 2009, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** two variances: (1) a 2-foot variance from the maximum 5-foot fence or wall height requirement; and (2) a 2-foot variance from the maximum 7-foot sign height requirement for a detached sign.

Applicable Code Sections: Fences and Walls

- **Code Section 9.204 (7)** Fences and walls, subject to the regulations of Section 12.406.
- **Code Section 12.406 (1)** No fence or wall located in the required setback shall be built to a height greater than 5 feet above grade, unless it is a part of a zero lot line subdivision, then it may be 6 feet.
- **Code Section 12.406 (2)** No fence or wall located in the required side yard between the required setback and established rear yard shall be built to a height greater than 6 feet above grade.
- **Code Section 12.406 (3)** No fence or wall located in the established rear yard shall be greater in height than 8 feet above grade height in the rear yard.
- **Code Section 12.406 (5)** The capital of a fence post or column may extend up to 2 feet above the maximum height limit.

Applicable Code Sections: Signs

- **Code Section 9.205 (6)** Signs are permitted in all single family residential districts in accordance with Chapter 13.
- **Code Section 13.108 (4) (b)** Unless otherwise specified in Section 13.109, no detached sign shall exceed 7 feet in height.
- **Code Section 13.102(S7)(g)** Defines detached sign as any sign that is not affixed or attached to a building and is securely and permanently mounted in the ground. Such sign may be a ground mounted sign, pole sign, or monument sign.
- **Code Section 13.102(S4)** Defines sign height as the distance measured from the highest point of a sign to the base of the sign at the ground.

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

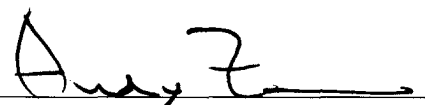
1. The applicant is Mediterra at Carmel, LLC (Represented by Scott Sadler & Bruce L. Bleiman).
2. The subject parcel's current zoning classification is R-3 (Residential).
3. The proposed site is located at 3400 Carmel Road, further identified as tax parcel 209-153-33 through 209-153-44 (comprising of 12 lots).
4. A wall/fence has been constructed along the perimeter of the 12 lot site along Carmel Road and Kingswood Road in the required setback and in excess of the height requirement for wall and fences built in the setback.
5. The required 30-foot setback for lots 1 through 8 is measured from Carmel Road.
6. The required 20-foot setback for lots 9 through 12 is measured from Kingswood Road.
7. A required 30-foot setback is also required for the portion of lot 9 that abuts Carmel Road.
8. The wall for the detached subdivision sign located at the intersection of Carmel Road and Kingswood Road exceeds the height requirement for detached signs.
9. The topography of the site slopes along Kingswood Road where a portion of the wall is located.
10. Numerous site inspections were conducted by Code Enforcement to check the height of the wall and sign for compliance and no violation was noted.
11. All adjoining property owners were duly notified and there was no objection~~s~~ raised.
12. The Applicant had no knowledge that the Applicant's actions would result in the violation of the Zoning Ordinance.

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 Applicant might be in technical violation of the City's Zoning Ordinance, but the impact would be a result, too excessive and/or inequitable.
2. In granting the variance, the public safety and welfare have been assured and substantial justice has been done.

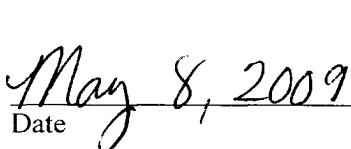
All applicable permits must be obtained from the Planning Department, which has been notified of this decision. The Ordinance §5.111, provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit or a certificate of occupancy 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,

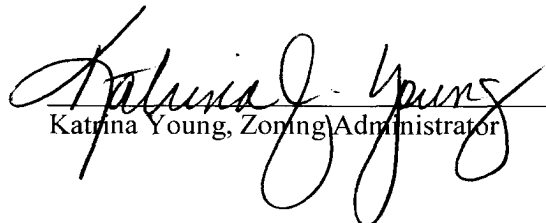


Andrew Zoutewelle
Chairperson

DECISION FILED IN THE PLANNING DEPARTMENT:



Date



Katrina Young, Zoning Administrator