



CERTIFIED MAIL

Pfalzgraf Communities, LLC
c/o Bill Amann and American Tower Corporation
8001 Raintree Lane, Suite 213
Charlotte, NC 28277

**RE: APPEAL
5417 ALBEMARLE ROAD
CASE NO. 11-043**

Dear Mr. Amann and American Tower Corporation:

On December 13, 2011, the City of Charlotte Zoning Board of Adjustment ("Board") **reversed** the Zoning Administrator's interpretation of the distance requirements from the property line for a wireless communication transmission facility located in a residential district adjoining a business district.

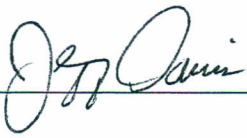
The Board based its decision on the following findings of fact:

1. The applicant is Pfalzgraf Communities LLC (Represented by Bill Amann and American Tower Corporation).
2. The property is located at 5417 Albemarle Road, further identified as tax parcel 103-011-32.
3. The site is zoned R-17MF (Multi-Family).
4. The wireless communication transmission facility is proposed to be located in a residential district.
5. The proposed tower to be erected at a height of over 40 feet.
6. The proposed tower is proposed to be erected at a height of 150 feet and will be located in a residential district.
7. An adjacent property is zoned non-residential.
8. Code Section 12.108 pertains to "height limitations" and states that no structure shall exceed a height of 40 feet, except as provided in this Section or elsewhere in these regulations.
9. Code Section 12.108(8)(a) if a proposed wireless communications facility is located on a residentially zoned property, separation from adjoining B-1 zoned property shall be controlled by the adjoining nonresidential zoned property's minimum separation standards concerning setbacks, side and rear yards as listed in Code Section 9.805(g & h).
10. Code Section 12.108(8)(a) for lots in or adjacent to a residential district, wireless communication facilities may be constructed over 40 feet in height provided that the minimum setback, side and rear yards adjacent to the residentially zoned property are increased by one foot for each one foot of facility height in excess of 40 feet, up to one foot for each one foot of facility height in excess of 40 feet, up to a maximum required separation 200 feet.

Based upon the above findings of fact, the Board concludes that the applicant has met the standard stated in §5.109(1) of the Ordinance, and more specifically:

The Zoning Board of Adjustment reversed the Zoning Administrator's interpretation of the distance requirements from the property line for a wireless communication transmission facility located in a residential district adjoining a business district.

Sincerely,

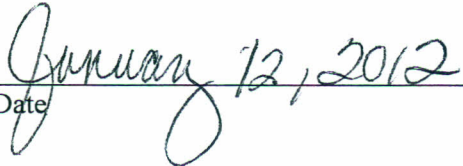


Jeffrey Davis
Chairperson

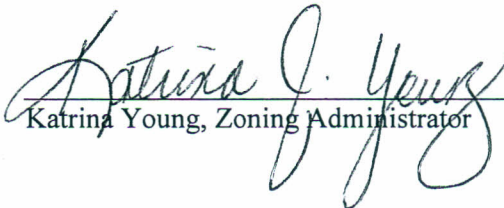
01-10-12

Date

DECISION FILED IN THE PLANNING DEPARTMENT:



Date



Katrina Young, Zoning Administrator