



CERTIFIED MAIL

Mr. Paul Raetz/Sunoco Partners Butane Blending LLC
525 Fritztown Rd
Sinking Spring, PA 19608

**RE: VARIANCE
6801 FREEDOM DRIVE
CASE NUMBER 11-044**

Dear Mr. Raetz:

At its meeting on December 13, 2011, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** two variances: (1) a variance to install a fence to reduce the buffer with the least amount of reduction as possible (see attachment) and (2) a variance to allow a 24 foot separation instead of a 100 foot separation as required by the ordinance from the property line. The City of Charlotte Zoning Board of Adjustment ("Board") **denied** the request to waive tree planting for a buffer.

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

1. The applicant is Sunoco Linguistics.
2. The proposed site is located at 6801 Freedom Drive, further identified as Mecklenburg County tax parcel number 055-012-04.
3. The subject parcel is zoned I-2 (Heavy Industrial).
4. The applicant proposes to install butane storage tanks on the property.
5. Code Section 9.1103(37)(b) requires that all storage tanks and facilities be a minimum distance of 100 feet from any exterior property line.
6. The proposed butane storage tank will be located approximately 24 feet from the property line.
7. Code Section 9.1103(37)(d) requires that all buildings and structures and off-street parking associated with petroleum storage facilities with a storage capacity of no more than 200,000 gallons be separated by a Class A buffer.
8. Code Table 12.302(b) requires nine trees per 100 feet in the required buffer.
9. The hardship is the result of an irregular shaped lot.
10. The parcel under construction is landlocked by two (2) pipelines, right-of-ways and a railroad line.

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 spirit of the Ordinance is observed by granting the variance, because of the hardship created by the irregular shape of the lot.
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.

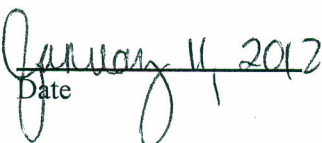
Pursuant to N. C. G. S. Section 160A-388(e), the Board's decision in Case No. 11-044 (denial) may be appealed by a petition for review in the nature of *certiorari* to Superior Court within thirty (30) days from the date stated below, which is the date when the decision of the Board was filed in the 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,

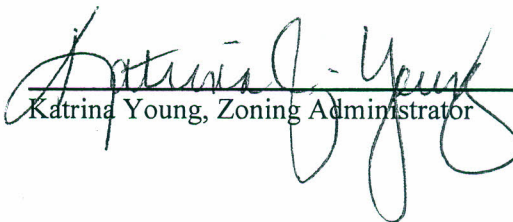


Jeffrey Davis
Chairperson

DECISION FILED IN THE PLANNING DEPARTMENT:



Date



Katrina Young, Zoning Administrator

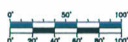
Attachments: Landscape Plan
Variance Site Plan



ALL SETBACKS & RIGHT OF WAYS ARE REFERENCED FROM SURVEY CREATED BY:

JOHNNY NOBELS & ASSOC.
416 CHESTNUT ST.
LUMBERTON, N.C. 28358
(910) 738-6875

DATED 2/13/04



PARCEL 0890102 SHABOARD
COASTLINE RR

EXISTING R.R.

OLD DRIVEWAY R.O.W.
(ASSUMED ABANDONED)

100' CLEARANCE LIMITS
75' CLEARANCE PER NFPA 58

NEW PRIVACY FENCE TO BE LOCATED MIN 25' OFF OF EXISTING R.R. R.O.W.

SEE 'FENCE DETAIL' CO4A
LINE INDICATES 100' SETBACK FROM PROPERTY LINE

NEW PRIVACY FENCE TO BE ADDED TO REDUCE 55' CLASS A BUFFER REQUIREMENT BY 25% CONTR. TO COORD. W/ SPBB. LOCATE AS SHOWN. SEE 'FENCE DETAIL' CO4A

REQUESTED AREA FOR VARIANCE (4341 s.f.)

NOTE:
IT IS A VIOLATION OF THE LAW FOR ANYONE TO ALTER ANY ITEM OF THIS DRAWING IN ANY WAY UNLESS THAT ALTERATION IS MADE UNDER THE DIRECTION OF THE LICENSED PROFESSIONAL ENGINEER WHOSE STAMP AND SIGNATURE APPEAR ON THIS DRAWING.

MARCH ADAMS & ASSOC., INC.
316 DODDS AVE., POB 3088 - CHATTANOOGA, TN 37404
ph: (423) 686-8878 fax: (423) 686-8838 web: www.marchadams.com

NO.	DATE	REVISION PURPOSE
1	10/07/11	NEW PROP. LINE
2	01/04/12	REVIEW COMMENTS

DWG DATE: 11/07/11
DWG SCALE: 1"=50'
DRAWN BY: SAH
JOB NUMBER: 10579



Sunoco
Partners Butane
Blending, L.L.C. FOR
KINDER MORGAN

CHARLOTTE TERMINAL
6801 FREEDOM DRIVE
CHARLOTTE, NC 28214
MECKLENBURG COUNTY
PHONE: (704) 399-5696

DRAWING TITLE:
VARIANCE SITE PLAN

VARIANCE BRO MTG
DATE Nov. 2011
MARCH ADAMS SHEET NUMBER:
VSP-1