



CERTIFIED MAIL

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

**RE: APPEAL
5821 FAIRVIEW ROAD
CASE NUMBER 12-038**

Dear Mr. LaVecchia:

On September 25, 2012, the City of Charlotte Zoning Board of Adjustment ("Board") **upheld** the Zoning Administrator's interpretation that only one identification sign is permitted per premise.

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

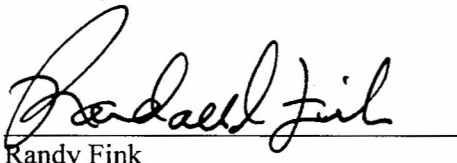
1. The applicant, American Roadside Burgers (Represented by Rich LaVecchia) is appealing the Zoning Administrator's interpretation that only one identification sign is permitted per premise.
2. The subject parcel is zoned O-1 (Office).
3. Casco Signs submitted a sign permit application on the behalf of American Roadside Burger on February 28, 2012, which noted that an existing sign is to be removed.
4. Casco Signs, on the behalf of American Roadside Burger was issued a sign permit (#S2298218), on March 6, 2012.
5. The existing sign was moved, not removed and a new sign was added so that there are now two (2) signs on the premises which are in violation of Code Section 13.109(2b).
6. The applicant was issued a Notice of Violation on July 16, 2012, with a compliance date of August 16, 2012.
7. The Notice of Violation stated that only one detached identification sign is permitted in an Office District and required the removal of the original identification sign to avoid monetary citations.
8. The applicant filed an appeal application on August 15, 2012.
9. Per Code Section 13.108(4) (a), the maximum size and permitted location of detached signs shall be regulated in accordance with Section 13.109.
10. Per Code Section 13.109(2b) detached signs on the premises of all other uses shall be regulated as one per premise.
11. The Zoning Ordinance 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.

12. The Zoning Ordinance defines ground identification sign as a sign which displays only the name, address, and/or crest, or insignia, trademark, occupation or profession of an occupant or the name of any building on the premises.

Based upon the above findings of fact, the Board concludes that the Zoning Administrator's decision that only one identification sign is permitted per premise is without an error.

Pursuant to N. C. G. S. Section 160A-388(e2), the Board's decision in Case No. 12-038 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,

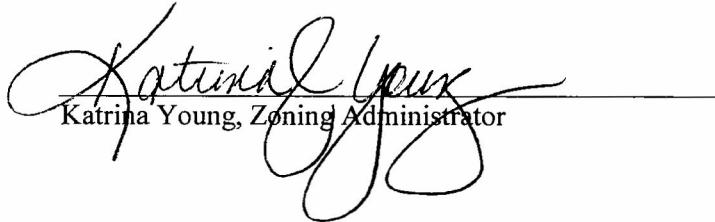


Randy Fink
Chairperson

10/9/2012
Date

DECISION FILED IN THE PLANNING DEPARTMENT:

October 12, 2012
Date



Katrina Young, Zoning Administrator