



November 15, 2012

Sam's Mart LLC
7935 Council Place, Suite 200
Matthews, NC 28105

RE: ZONING APPROVAL FOR AN ADMINISTRATIVE VARIANCE
6233 ALBEMARLE ROAD
TAX PARCEL NUMBER: 103-163-04
CASE NUMBER: 12-054AD

Dear Sam's Mart LLC:

Your request for an administrative deviation for a two (2) foot setback reduction to accommodate maneuvering of vehicles has been **granted**. You may obtain a permit to reflect your variance at 700 N. Tryon Street (Hal Marshall Building).

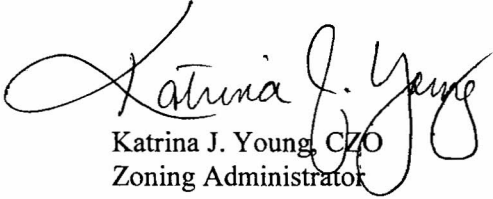
My investigation and review of the request indicates that the following facts warrant approval of the request:

1. The physical contours of the street, the land, or some other topographical or geographical feature is the basis for a surveying or other inadvertent error.
 - a. *The original site plans submitted indicated that the maneuvering space would not be considered as an encroachment into the setback.*
 - b. *The property is adjacent to a major thoroughfare with a potential road widening project that will require a transitional setback.*
2. The physical layout of the land and the structures upon the land are such that the ordinance requirement cannot be met.
 - a. *The property is adjacent to a major thoroughfare with a potential road widening project.*
 - b. *There is no opportunity to acquire additional land in order to meet the 20 foot setback requirement.*
 - c. *The size of the existing lot will not accommodate the needed maneuvering space.*
3. Because of the nature of the abutting property or intervening topographical or geographical features, the application of the ordinance requirement would not serve a useful purpose.
 - a. *The encroachment will occur in a very small portion of the required setback for maneuvering of vehicles only.*
 - b. *All of the structures and gas pumps will be located out of the required setback.*

4. The applicant agrees to measures that will mitigate the impact of the deviation.
 - a. *The applicant agrees to remove the existing paved area that currently encroaches into the transitional setback except for the area of the administrative deviation.*
 - b. *The property will comply with all other zoning ordinance regulations including parking and bike rack requirements.*

An administrative approval was granted under Section 4.107(Delegated Authority). Please make sure that the annotation of this section is noted on the permit application. If I can be of further assistance in this matter, please contact me at (704) 336-3571.

Sincerely,



Katrina J. Young CZO
Zoning Administrator