

# STYERS & KEMERAIT

attorneys+counselors@law

1101 Haynes Street, Suite 101  
Raleigh, North Carolina 27604  
919.600.6270

StyersKemerait.com

kkemerait@StyersKemerait.com  
919.600.6275

June 21, 2010

Ms. Sally Kost  
Mr. George Lucier  
Mr. Allen Michael "Mike" Cross  
Mr. Carl E. Thompson  
Mr. Tom Vanderbeck  
80-A East Street  
Pittsboro, North Carolina 27312

RECEIVED  
JUL 14 2010  
CHATHAM COUNTY PLANNING DEPT.

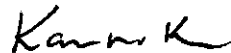
**Re: Waiver Request Pursuant to Section 15 of the Chatham  
County Compact Communities Ordinance**

Dear Board of Commissioners:

As you know, Newland Communities and The John R. McAdams Company provided a letter to the Chatham County Board of Commissioners on June 21, 2010, requesting that the Commissioners grant a waiver to Newland Communities for Phase 5, Section 1, of the Briar Chapel Compact Community pursuant to Section 15 of the Chatham County Compact Communities Ordinance. As you also know, we asked for a waiver of Section 9 of the Compact Communities Ordinance that provides for a ten-foot "no build" setback from the edge of the buffer. In the June 21 letter, we informed the Commissioners that two retaining walls (Wall No. 1 and Wall No. 3) in Phase 5, Section 1, slightly encroach into a portion of the ten-foot "no build" setback. Specifically, Wall No. 1 encroaches into the "no build" setback by 98 square feet, and Wall No. 3 encroaches into the "no build" setback by 82 square feet. I have attached the Overall Wall Exhibit (as Attachment "A") that shows the particular areas of encroachment for Wall No. 1 and Wall No. 3, for which we are requesting a waiver.

I am writing to confirm that the waiver that we are requesting is specifically limited to (1) the 98 square feet area of encroachment of Wall No. 1 in Phase 5 South, Section 1, in the "no build" setback, and (2) the 82 square feet area of encroachment of Wall No. 3 in Phase 5 South, Section 1, in the "no build" setback. I trust that this letter will clarify that the waiver we are requesting is specifically limited to those areas of encroachment.

Sincerely yours,



Karen M. Kemerait

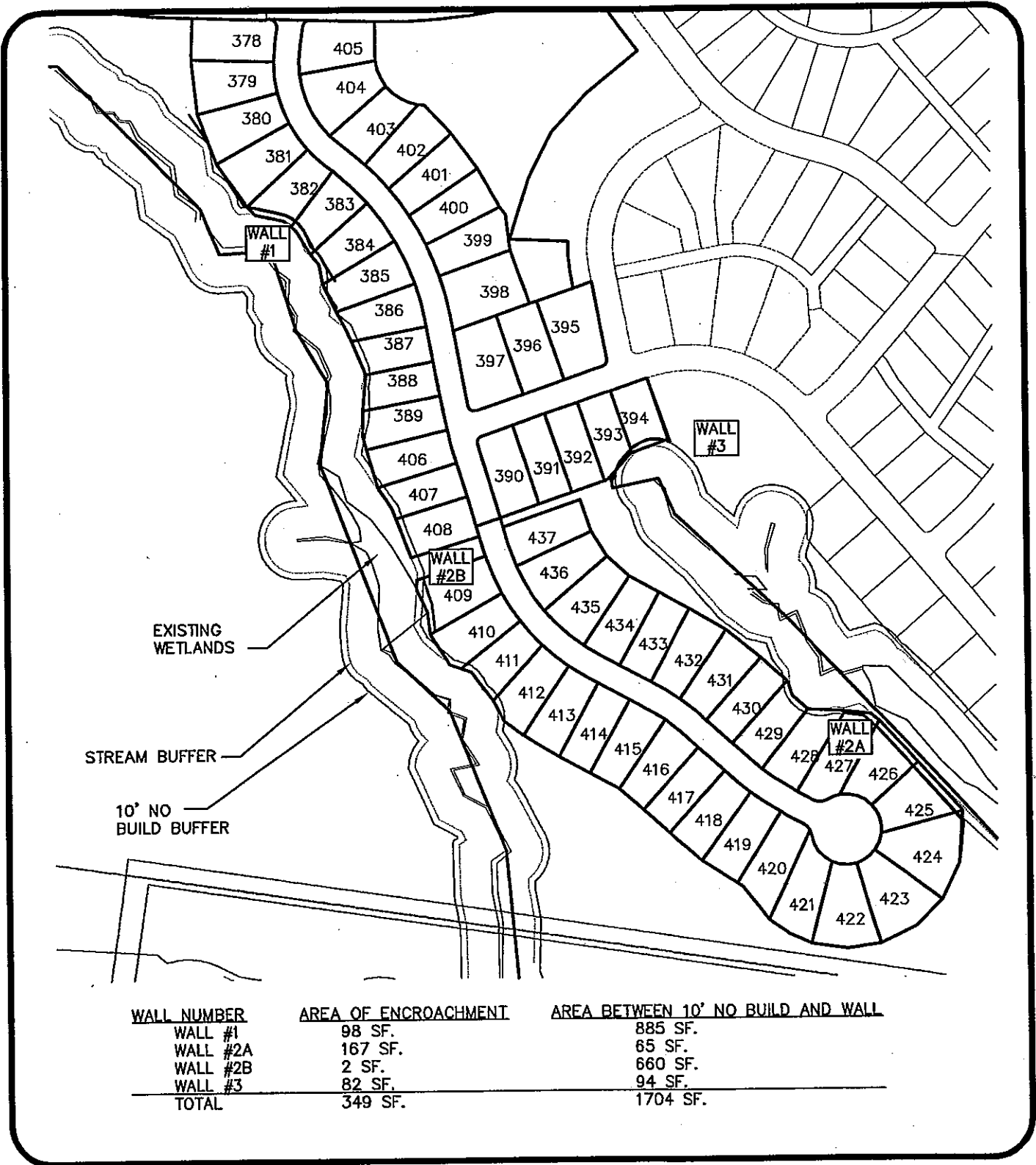
Cc: Jason Sullivan  
Richard J. Rose, Esq.

Enclosure

---

M. Gray Styers, Jr.  
Karen M. Kemerait  
Charlotte A. Mitchell  
Deborah K. Ross

{SK004781.DOCX }



WALL NUMBER	AREA OF ENCROACHMENT	AREA BETWEEN 10' NO BUILD AND WALL
WALL #1	98 SF.	885 SF.
WALL #2A	167 SF.	65 SF.
WALL #2B	2 SF.	660 SF.
WALL #3	82 SF.	94 SF.
<b>TOTAL</b>	<b>349 SF.</b>	<b>1704 SF.</b>

PROJECT NO. NEW-09007  
 FILENAME: RETWALL.DWG  
 SCALE: 1"=20'  
 DATE: 05-17-2010

# BRIAR CHAPEL

## PHASE 5 SOUTH SECTION 1

### OVERALL WALL EXHIBIT

**THE JOHN R. McADAMS COMPANY, INC.**  
 ENGINEERS • PLANNERS • SURVEYORS • ENVIRONMENTAL  
 RESEARCH TRIANGLE PARK • CHARLOTTE • WILMINGTON  
 1945 Meridian Parkway, Durham, NC 27715  
 800-725-6646 • www.johnr-mcadams.com • License No.: 0-0298