



CERTIFIED MAIL

Eva A. Martinez
6736 North Tryon Street
Charlotte, NC 28226

**RE: VARIANCE
6736 NORTH TRYON STREET
CASE NUMBER 10-031**

Dear Ms. Martinez:

At its meeting on September 28, 2010, the City of Charlotte Zoning Board of Adjustment ("Board") **denied** a 155 foot variance from the required 400 foot distance separation to allow a structure in which a nightclub is the principal use to be located 245 feet from a residential district.

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

1. The applicant is Eva A. Martinez (represented by James H. Carter).
2. The proposed site is located at 6736 N. Tryon Street, further identified as tax parcel 049-081-03.
3. The subject parcel's current zoning classification is B-2 (Commercial).
4. Code Section 9.803(19) states that a nightclub, bars and lounges located in a B-1 and B-2 zoned district shall be located at least 400 feet from any residential use or residential district.
5. The applicant is seeking a variance to reduce the distance requirement for a nightclub to be located from a residential use or residential district.
6. The structure is located approximately 150 feet from a residential district.
7. There is approximately 270 feet between the rear of the structure and the rear property line.
8. The adjacent properties are zoned R-3 and the primary use is residential.
9. The hardship is personal in that the applicant would like to operate a nightclub from a location that does not meet the ordinance separation requirements.
10. There are other uses allowed in the B-2 district that would not require a variance.
11. The variance request is large in context.

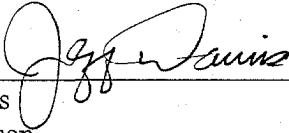
Based upon the above findings of fact, the Board concludes that the applicant has failed to meet the three standards stated in §5.108(1) of the Ordinance, and more specifically:

1. The owner can make reasonable use of the property without a variance.

2. The spirit of the Ordinance would not be observed, because granting the variance would have the effect of amending the Zoning Ordinance.
3. In denying the variance, public safety has been assured and substantial justice done.

Pursuant to N. C. G. S. Section 160A-388(e), the Board's decision in Case No. 10-031 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.

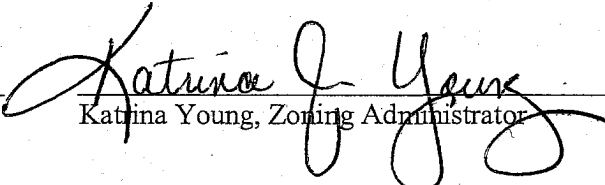
Sincerely,



Jeff Davis
Chairperson

DECISION FILED IN THE PLANNING DEPARTMENT:

October 18, 2010
Date



Katrina Young, Zoning Administrator