



**CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT
BASEMENT - CONFERENCE ROOM CH-14
GOVERNMENT CENTER – 600 EAST FOURTH STREET
TUESDAY SEPTEMBER 30, 2008 – 9:00 A.M.**

AGENDA

GRANTED with conditions

CASE NO. 08-059 – James Langdon, for property located at 2236 Ferncliff Road - Tax Parcel Number 181-171-09, requesting a 14 foot variance from the required 45 foot rear yard to allow the construction of a room addition. **Code Section 9.205(1)(g)** requires a 45 foot rear yard in the R-3 zoned district. **Code Section 9.201(h)** states that the required rear yard is the minimum distance required by this Ordinance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot as measured parallel to the rear lot line, projected to the side lines of the lot on which the building or structure is located. **Code Section 7.103(5)** states that a nonconforming structure may be expanded, without bringing the nonconforming structure into conformity with these regulations, only if the part of the structure to be expanded and the area of the lot into which the expansion is taking place are both brought into conformity with the requirements of these regulations.

Vote is Aye to Grant:

Ayes – Jeff Davis, Lee McLaren, Michael Knotts

Nays – Randy Fink, Steven Firestone (Alternate)

GRANTED with conditions

CASE NO. 08-060– West End Village of Whitehall, LLC/Paradise Billiards/Arthur Rosen (Represented by Collin Brown), for property located at 8943 South Tryon Street- Tax Parcel Number 203-091-33, requesting a 150 foot variance from the required 400 feet to allow a bar to be located 250 feet from a residential district. **Code Section 2.201** defines nightclubs as any commercial establishment serving alcoholic beverages and providing entertainment for patrons including bars, lounges, and cabarets. **Code Section 9.1103(30)** allows nightclubs, bars and lounges as a permitted use in the I-1 zoning district under the prescribed condition that the structure in which it is located shall be 400 feet from any residential use or residential district.

Vote is Aye to Grant:

Ayes – Jeff Davis, Lee McLaren, Michael Knotts, Randy Fink

Nays – Andy Zoutewelle

UPHELD ZONING ADMINISTRATOR'S DECISION

CASE NO. 08-057(APPEAL) – Application has been made by Aliyah Enterprises (All Stars Bar & Grill) (Represented by Collin Brown), for property located at 5638 Albemarle Road - Tax Parcel Number 133-051-05, appealing the Zoning Administrator's decision that the use located at 5638 Albemarle Road is a nightclub. **Code Section 9.803(19)** list nightclubs, bars and lounges (B-1 and B-2 only), as a permitted use under prescribed conditions provided that any structure in which a nightclub, bar or lounge is the principal use shall be located at least 400 feet from any residential use or residential district. **Code Section 2.201** defines nightclubs as any commercial establishment serving alcoholic beverages and providing entertainment for patrons including bars, lounges, and cabarets.

Vote is Aye to Uphold:

Ayes – Andy Zoutewelle, Jeff Davis, Michael Knotts, Randy Fink

Nays – Lee McLaren

BUSINESS

Approval of Minutes

~ **THE BOARD RESERVES THE RIGHT TO DEVIATE FROM THE AGENDA.** ~

City of Charlotte will comply with the American Disabilities Act (ADA), which prohibits discrimination on the basis of disability. Anyone needing special accommodations when attending this meeting and/or if this information is needed in an alternative format because of a disability please contact the Clerk to the Charlotte Zoning Board of Adjustment, (704) 336-3818 or skennedy@ci.charlotte.nc.us, at least 72 hours prior to the meeting.
