



CERTIFIED MAIL

STB of Charlotte, Inc
c/o Joe Ledford, Attorney at Law
130-A North McDowell St
Charlotte, NC 28204

**RE: VARIANCE
12820 US 29 Hwy
CASE NUMBER 10-002**

Dear Mr. Ledford:

At its meeting on January 26, 2010, the City of Charlotte Zoning Board of Adjustment ("Board") **denied** a request for a variance from the distance requirements contained in the City of Charlotte Zoning Ordinance ("Ordinance") Section 12.518(b) to allow an existing adult establishment to remain at its current location.

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

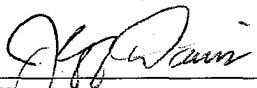
1. The applicant is STB of Charlotte, Inc. (Joe Ledford, Attorney).
2. The owners of the property are Mr. and Mrs. Jimmy F. and Ginger N. Love.
3. The subject property is located at 12820 US 29 Highway, further identified as tax parcel 051-091-02.
4. The subject parcel's current zoning classification is R-3 (Residential).
5. The current use is an "illegal non-conforming use" because it does not meet the separation requirement.
6. The use does not comply with Code Section 12.518(g) because there was no evidence of thoroughfares, traffic circulation patterns, structures or other natural or man-made geographic or topographic features that are likely to provide an adequate measure of protection for the protected zoning or use from any secondary effects of the adult establishment.
7. The applicant had more than eight years to comply with provisions of the ordinance.
8. The variance is large in context.
9. While the applicant requested a 500-600 foot reduction in the separation requirement, they acknowledge the need for a 966.5' variance.

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

1. The request does not meet the general intent and spirit of the Zoning Ordinance and is not in harmony with the neighborhood.
2. The hardship is the result of the applicant's own action, in that the use of the property as an adult establishment does not meet the regulations.
3. The granting of the variance would be in direct violation of the Zoning Ordinance.
4. The hardship is not peculiar to the applicant's property.
5. The owner can make reasonable use of the property without a variance.

Pursuant to N. C. G. S. Section 160A-388(e), the Board's decision in Case No. 10-002 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.

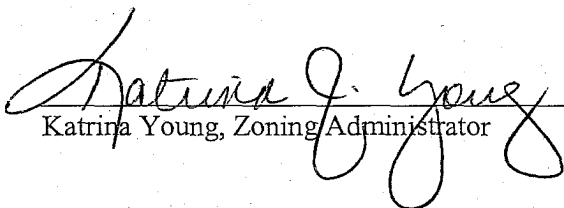
Sincerely,



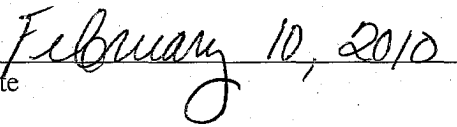
Jeffrey Davis
Co-Chairperson

Cc: John Carmichael
Craig Miller
Bob Rourke
Robert Brandon

DECISION FILED IN THE PLANNING DEPARTMENT:



Katrina Young, Zoning Administrator



Date