



**CERTIFIED MAIL**

Connecticut Avenue, LLC  
5625 Fairview Rd  
Charlotte, NC 28209

**RE: APPEAL  
940 TYVOLA ROAD  
CASE NUMBER 10-016**

Dear Connecticut Avenue, LLC:

At its meeting on June 29, 2010, the City of Charlotte Zoning Board of Adjustment ("Board") **upheld** the Zoning Administrator's interpretation that a theater, drive-in motion picture is not a permitted use at 940 Tyvola Road.

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

1. Connecticut Avenue, LLC is appealing the Zoning Administrator's interpretation that a drive-in theater is not a permitted use at 940 Tyvola Road.
2. The property is located at 940 Tyvola Road, further identified as tax parcel 167-042-46.
3. The site is zoned CC (CD) commercial.
4. The property is currently being used for a drive-in motion picture facility.
5. The property is bordered by S. Tryon, Tyvola Road and a single-family development.
6. The uses under CC do not list "theater, drive-in motion picture" as a permitted use.
7. "Drive-in motion pictures" are permitted uses in the I-2 district only.


**Based upon the above findings of fact, the Board concludes that the applicant has failed to meet the requirements of §5.109(1) of the Ordinance, and more specifically:**

1. The Zoning Board of Adjustment upholds the Zoning Administrator's interpretation that a theater, drive-in motion picture is not a permitted use in the CC district and on this parcel.

Pursuant to N. C. G. S. Section 160A-388(e), the Board's decision in Case No. 10-016 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.

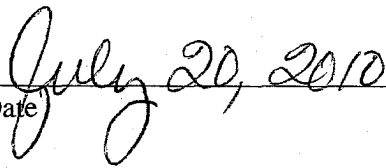
Sincerely,

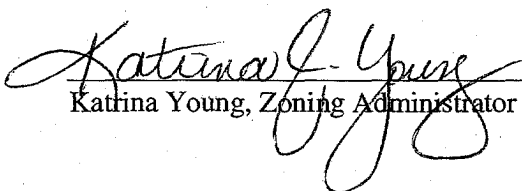
  
\_\_\_\_\_  
Jeff Davis  
Chairperson

Cc: Afshin Ghazi, The Ghazi Company  
Nasser Razmyer, Tyvola Theater, LLC

**DECISION FILED IN THE PLANNING DEPARTMENT:**

Date

  
\_\_\_\_\_  
July 20, 2010

  
\_\_\_\_\_  
Katrina Young, Zoning Administrator