



**CERTIFIED MAIL**

Village at Robinson Farm, LLC  
2138 Norton Road  
Charlotte, NC 28207

**RE: APPEAL  
8420 REA ROAD  
CASE NUMBER 10-039**

Dear Village at Robinson Farm, LLC:

At its meeting on October 26, 2010, the City of Charlotte Zoning Board of Adjustment ("Board") **upheld** the Zoning Administrator's decision that a restaurant that exhibits characteristics such as a DJ booth, dancing area, dancing and age restrictions is being operated as a nightclub at 8420 Rea Road.

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


1. The property owner is Village at Robinson Farm, LLC (represented by Collin W. Brown).
2. The applicants' property is located at 8420 Rea Road and further identified as tax parcel 229-101-09.
3. The subject property is currently zoned NS (Neighborhood Services).
4. The Zoning Ordinance defines nightclubs as any commercial establishment serving alcoholic beverages and providing entertainment for patrons including bars, lounges, and cabarets.
5. Per Code Section 9.9.803(19) commercial establishments such as nightclubs, bars and lounges are a permitted use in the Neighborhood Services district, provided that such establishments be located at least 400 feet from any residential use or residential district.
6. The applicant is appealing the Zoning Administrator's interpretation that a nightclub is established at 8420 Rea Road.
7. The use located at 8420 Rea Road serves alcohol and provides entertainment.
8. The use located at 8420 Rea Road is closer than 400 feet to a residential use or district.
9. The establishment is located approximately 350 feet from an R-12MF district and approximately 125 feet from an R-5(CD) district.
10. Zoning Staff testified that exhibits established several characteristics of nightclub/bar/lounge: DJ booth, dance area, dancing, and age restrictions.
11. In the Zoning Ordinance a nightclub is defined differently than a restaurant.
12. The establishment is operating principally as a restaurant and has an accessory nightclub use.
13. Code Section 12.201 states that in no event shall "accessory use" or "accessory structure" be construed to authorize a principal use or structure not otherwise permitted in the district in which the use is located.

**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:**

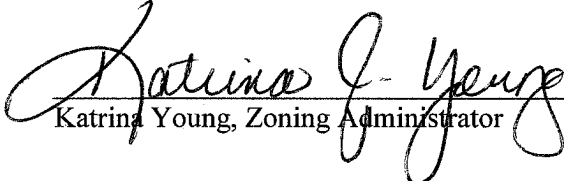
1. The Zoning Administrator's decision that there is an illegal use at 8420 Rea Road which is a night club and therefore, does not meet the 400 foot distance separation required from a residential zoned district is upheld.

Pursuant to N. C. G. S. Section 160A-388(e), the Board's decision in Case No. 10-039 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,

  
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Jeff Davis  
Chairperson

**DECISION FILED IN THE PLANNING DEPARTMENT:**

November 2, 2010        
Date      Katrina Young, Zoning Administrator