



**CERTIFIED MAIL**

Louis G. Ratcliffe Inc.  
2019 W. Sugar Creek Road  
Charlotte, NC 28262-4953

**RE: VARIANCE  
5715 N. GRAHAM STREET  
CASE NUMBER 11-002**

Dear Mr. Ratcliffe:

At its meeting on January 25, 2011, the City of Charlotte Zoning Board of Adjustment ("Board") **denied** two variances: (1) a 75 foot variance from the rear of the structure to the nearest residential zoning district and (2) a 200 foot variance on the front from the required 400 foot separation of a nightclub, bar or lounge to a residential use or residential district.

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

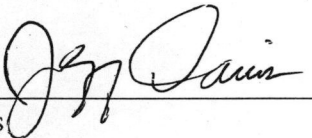
1. The applicant is Louis G. Ratcliffe Inc. (Represented by R. Susanne Todd, Attorney).
2. The proposed site is located at 5715 Graham Street, further identified as tax parcel 04-511-202.
3. The subject parcel is zoned B-2 (Business).
4. Theaters are permitted by right in the B-2 district and are not subject to any separation requirements.
5. Nightclubs, bars, and lounges are allowed uses under prescribed conditions.
6. Code section 9.803 (19) requires that any structure in which nightclubs, bars and lounges (B-1 and B-2 only) are the principal use shall be located at least 400 feet from any residential use or residential district.
7. The applicant is seeking a variance to reduce the distance requirement for a lounge to be located from a residential use or residential district.
8. The applicant's desire to operate a lounge creates a personal hardship.
9. There are properties zoned R-3 and R-17 within 400 feet.
10. The primary use of the properties is residential and religious institution.
11. The proposed lounge is approximately 349.11 feet from the residential zoning district and approximately 234.67 feet from the multifamily district.
12. There is no hardship as a result of the City's Zoning Ordinance.
13. There are other uses allowed in the B-2 district that would not require a variance.

**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 applicant can make reasonable use of the property without a variance.
2. Granting the variance will be in direct violation of the Zoning Ordinance.
3. If the variance is granted, the health, safety, and welfare of the community may not be observed due to the proximity of the proposed lounge to residential property.

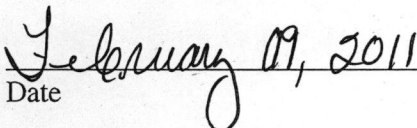
Pursuant to N. C. G. S. Section 160A-388(e), the Board's decision in Case No. 11-002 may be appealed by a petition for review in the nature of *certiorari* to Superior Court within thirty (30) days from the date stated below, which is the date when the decision of the Board was filed in the Planning 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.

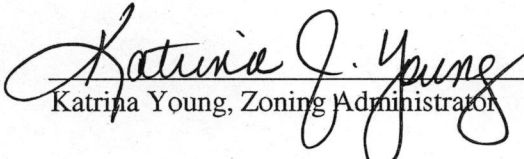
Sincerely,

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

Cc: R. Susanne Todd, Attorney  
Bernard Samonds

**DECISION FILED IN THE PLANNING DEPARTMENT:**

  
\_\_\_\_\_  
Date

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