



**MECKLENBURG COUNTY**  
**Land Use and Environmental Services Agency**

**CERTIFIED MAIL**

David Baucom  
8001 North Tryon Street  
Charlotte, North Carolina 28262

**RE: APPLICATION FOR A VARIANCE**  
**CASE NO. 02-08**  
**TWIN PEEKS**  
**8011 NORTH TRYON STREET**

Dear Mr. Baucom:

At its meeting on January 8, 2002, the City of Charlotte ("City") Zoning Board of Adjustment ("Board") **granted** your request for a variance from the distance requirements contained in the City of Charlotte Zoning Ordinance ("Ordinance") Section 12.518(b), to allow Twin Peaks, the existing adult establishment located at 8011 North Tryon Street and further identified as Tax Parcel Number 047-451-18 ("Property"), to remain as an adult establishment within 1000 feet of a church and a residential zoning district.

**The Board based its decision on the following Findings of Fact:**

1. Twin Peaks, 8011 North Tryon Street, is currently zoned O-2, and further identified as Tax Parcel Number 047-451-18.
2. The Property is currently owned by All States Construction and is currently leased to David Baucom and M.A.L. Entertainment.
3. Ordinance Section 12.518(b) requires that any structure in which an adult establishment, other than an adult bookstore or adult mini motion picture theatre, is the principal or accessory use, shall be separated by a distance of at least 1000 feet from any residential district, school, church, child care center, park or playground.
4. As shown on Exhibit A, the attached map of the 8011 North Tryon Street, small sections of R-5 residential districts and a church lie within 1000 feet of the Property.
5. The residential districts are located on the east side of North Tryon Street and the Property is located on the west side of North Tryon Street.
6. No residential zoning district is located on the west, north, or south sides of the Property.
7. North Tryon Street is a major thoroughfare and its traffic circulation patterns provide an adequate measure or protection for the residential districts and the church from the Property.
8. Adequate buffers exists between the Property and the church and the impact

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on the church is minimum.

9. The development around the Property along North Tryon Street is increasingly commercial and the residential uses are diminishing.
10. The Zoning Administrator recommends the approval of the variance request.
11. There is no evidence that there has been any harmful effects from the location or operation of Twin Peaks at 8011 North Tryon Street and the denial of the variance would impose a hardship on the applicant.

**Based upon the above Findings of Fact, the Board made the following Conclusions of Law:**

1. Pursuant to Ordinance Section 12.518(g) the Board finds that the surrounding uses, e.g., industrial, business, vegetation, thoroughfares, traffic circulation patterns, structures and certain natural features provide an adequate measure of protection for the protected uses from any secondary effects of the adult establishment.
2. Because of conclusion number one, the Board grants the necessary variances for the use of the Property, 8011 North Tryon Street, from the 1000 feet spacing requirement as required by Ordinance Section 12.518(b).

**The Board grants the variance from the 1000 feet requirement of Ordinance Section 12.518(b) upon the following conditions:**

1. The variance granted in this decision is limited to the use of 8011 North Tryon Street, Twin Peaks, by its current tenant and owner and should either change, the owner and tenant agree to discontinue the use of the Property as an adult establishment.
2. The signage for Twin Peaks will be modified to identify the name and address only. No signage (attached or detached) will advertise or exhibit: "topless", "topless dancing", "dancing", "girls", "adult entertainment" and/or other similar words, phrases, sculptures, drawings, etc. which would indicate an adult use.
3. All neon lighting will be removed from the Property.
4. Signage and lighting modifications will be completed within one year of the approval of the variance request.

The Board's decision on this matter may be appealed to Superior Court within thirty (30) days from the date stated below, which is when the decision of the Board was filed with the Land Use and Environmental Services Department.

Sincerely,



William H. Sturges  
Chairman

Cc: Robert G. Young  
Cary Saul, Director of LUESA  
Robert Brandon, Zoning Administrator  
Heather Davis, Zoning Inspector  
Keith MacVean, Planning Commission  
Scott Putnam, Department of Transportation

DECISION FILED IN THE LAND USE AND ENVIRONMENTAL SERVICES DEPARTMENT:

2/25/02  
DATE

  
ROBERT BRANDON, ZONING ADMINISTRATOR