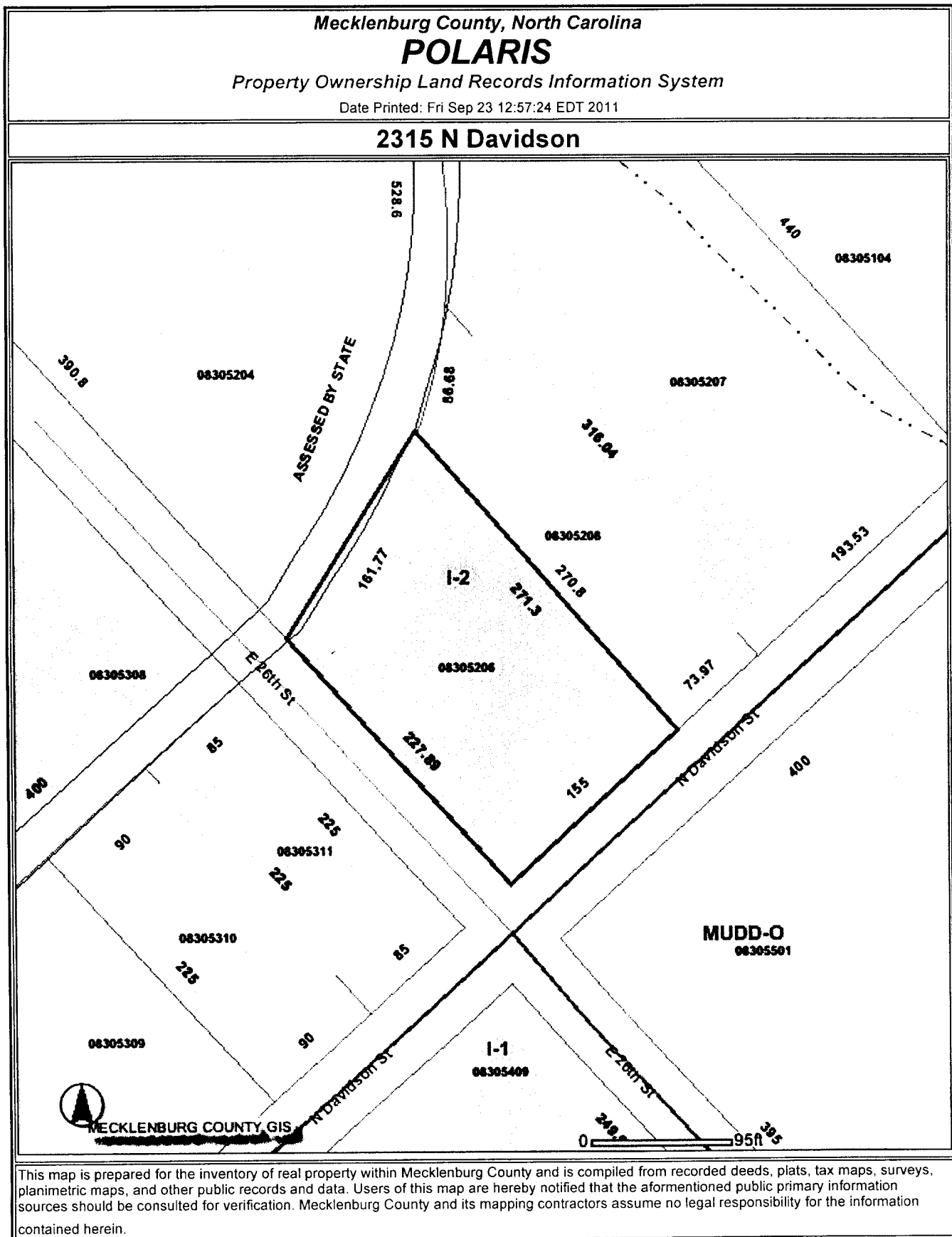




08305206 001



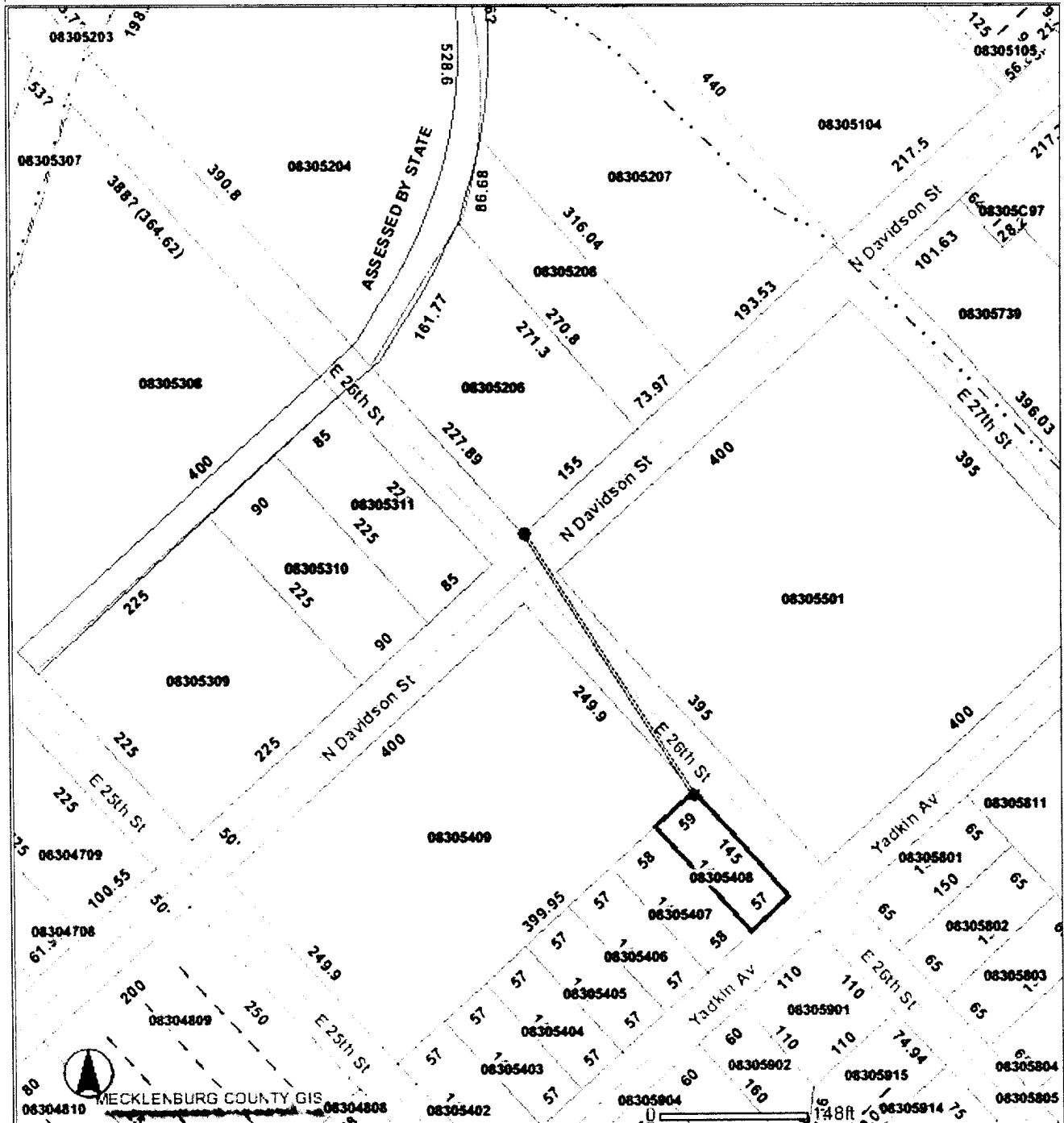
Mecklenburg County, North Carolina

POLARIS

Property Ownership Land Records Information System

Date Printed: Wed Sep 28 2011 14:48:57 GMT-0400 (Eastern Daylight Time)

Amount of Distance

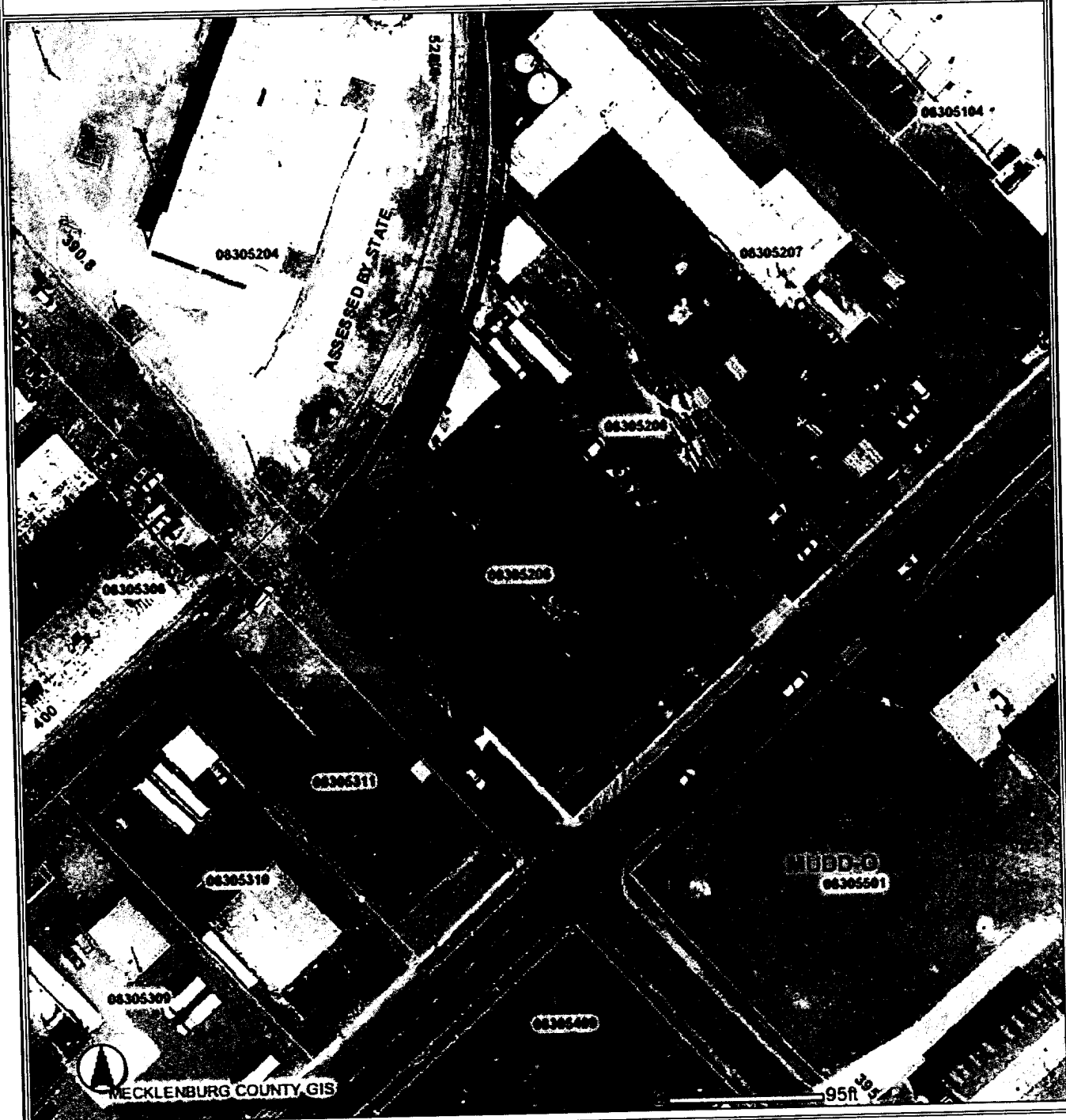


Total Measure Line Length: 306.78 Feet

This map is prepared for the inventory of real property within Mecklenburg County and is compiled from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification. Mecklenburg County and its mapping contractors assume no legal responsibility for the information contained herein.

POLARIS

Date Printed: Fri Sep 23 12:57:24 EDT 2011



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(5) THE GRANTING OF THE VARIANCE SECURES THE PUBLIC SAFETY AND WELFARE AND DOES SUBSTANTIAL JUSTICE. (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the Applicant.)

If granted the variance, we would have total control over alcohol consumption within the venue. This helps both maintain and improve NoDa in safety and character. We would be able to create more jobs which inevitably helps the neighborhood thrive and become a positive asset to the Charlotte-Mecklenburg communities. If granted the variance we would be able to host events in the community and put life into NoDa again. With the assistance to public safety in Noda, as well as the economic boost for the area, the variance could be a dramatic cause the creates the overall effect.

(b) The hardship of which the Applicant complains results from unique circumstances related to the Applicant's land. (Note: Hardships common to an entire neighborhood, resulting from overly restrictive zoning regulations, should be referred to the Charlotte-Mecklenburg Planning Department. Also, unique personal or family hardships are irrelevant since a variance, if granted, runs with the life of the land.)

This property was repurposed 10 years ago during a time when the area was suffering from a bad reputation. By repurposing the old furniture warehouse we assisted in the development of the NoDa neighborhoods recent resurgence and growth. When the improvements were made we planted trees and shrubs that further protect the residence from exposure.

(c) The hardship is not the result of the Applicant's own actions.

The building was constructed in 1943 and has been the site of a furniture maker who deployed hazardous chemicals, the old Sears warehouse that used the train tracks regularly creating a hazard to pedestrians, and then our company which used the building for office/ event venue. As such, we simply reused the existing construction to beautify and revive the neighborhood and create a broader tax base for Mecklenburg county.

(4) THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE AND PRESERVES ITS SPIRIT. (State facts and arguments to show that the requested variance represents the least possible deviation from the letter of the Ordinance to allow a reasonable use of the land; and, that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.)

We are within 93.22 feet of compliance with the ordinance as it is written, with the variance the event venue will be able to secure a liquor license and as such will enhance the reasonable use of the land. With stronger restrictions on how much alcohol is served we will be able to improve the character of the neighborhood, and be able to provide additional jobs for local residents. No additional construction will be required once the variance is obtained and we will therefore not detract from the current character of the neighborhood.

Variance Application - Form 2
Zoning Board of Adjustment
City of Charlotte

Date Filed: _____ **Case Number:** _____ **Fee Collected:** _____

Has work started on this project? YES ☐ NO ☒
 If yes, Did you obtain a building permit? YES ☐ NO ☐ If yes, attach a copy.
 Have you received a Notice of Violation for this project? YES ☐ NO ☒ If yes, attach a copy.
 Has this property been rezoned? YES ☐ NO ☒ If yes, Petition Number: _____

(1) What zoning ordinance section numbers are you seeking a variance from? Please list each section, the requirement and the requested variance.

Item	Code Section	Code Requirement	Variance Request
<i>Example</i>	<i>5.203.1.1.1</i>	<i>45 foot from a private residence</i>	<i>15 foot from a private residence, subject to a 10 foot buffer</i>
A	5.108	400 foot from a private residence	306.78 feet from private residence
B			
C			
D			
E			

(2) Please describe why the variances requested are necessary.

1. Because of the large building (parcel 08305409) the residence is shielded from the operations of our event venue, CenterStage@NoDa, and any secondary impacts of allowing the event venue to serve alcohol, and as such this application of the ordinance requirement would not serve as a useful purpose.
2. CenterStage@NoDa is an event venue rented to private parties and is not open to the public. This creates a controlled environment for alcohol consumption and protects the residence from any impact.
3. CenterStage@NoDa is impacted negatively because we are unable to equitably compete with like facilities in Mecklenburg County.
4. Our company wishes to have better control over alcohol use at the facility. Currently caterers and individuals are able to get liquor permits and bring in their own alcohol, this creates a situation whereby we do not know the amount being served, or have control over the servers. This creates a situation or extreme liability for the facility.

(3) THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS IN THE WAY OF CARRYING OUT THE STRICT LETTER OF THE ORDINANCE. The courts have developed three rules to determine whether, in a particular situation, "practical difficulties or unnecessary hardships" exist. State facts and arguments in support of each of the following:

(a) If the property owner/applicant complies with the provisions of the Ordinance, the property owner can secure no reasonable return from, or make no reasonable use of his property. (It is not sufficient that failure to grant the variance simply makes the property less valuable.)

If we comply with the ordinance as it stands we will be unable to sell this property for the intended use in the future.

Hearing Request Application - Form 1
Zoning Board of Adjustment
City of Charlotte

MAY 21 2012
Date Filed: _____ Case Number: **12-022** Received by: **Sonda Kennedy**
ZBA Clerk

Instructions

This form must be filed out completely. Please attach the appropriate additional form depending on your request type along with required information as outlined in the appropriate checklist. Please type or print legibly. All property owners must sign and consent to this application, attach additional sheets if necessary. If the applicant is not the owner, the owners must sign the Designation of Agent section at the bottom of this form.

The Applicant Hereby (check all that apply):

- ☒ Requests a variance from the provisions of the zoning ordinance as stated on Form 2
☐ Appeals the determination of a zoning official as stated on Form 3
☐ Requests an administrative deviation as stated on Form 4

Applicant or Agent's Name: Tri-C Investments

Mailing Address: 2315 North Davidson Street

City, State, Zip: Charlotte, NC 28205

Daytime Telephone: 704-332-8445

Home Telephone: 704-201-1459

Interest in this Case (please circle one): **Owner** Adjacent Owner Other

Property Owner(s) [if other than applicant/agent]: Clarke Davis Allen

Mailing Address: 2315 North Davidson Street

City, State, Zip: Charlotte, NC 28205

Daytime Telephone: 704-332-8445

Home Telephone: 704-201-1459

Property Address: 2315 North Davidson Street, Charlotte NC 28205

Tax Parcel Number: 08305206

Zoning District: Mecklenburg

Subdivision Name: NoDa

Conditional District: YES NO

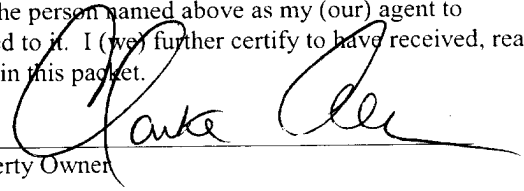
Applicant Certification and Designation of Agent

I (we) certify that the information in this application, the attached form(s) and documents submitted by me (us) as part of this application are true and correct. In the event any information given is found to be false, any decision rendered may be revoked at any time. I (we) hereby appoint the person named above as my (our) agent to represent me (us) in this application and all proceedings related to it. I (we) further certify to have received, read and acknowledged the information and requirements outlined in this packet.

Date

3/30/12

Property Owner



Date

Property Owner