



CERTIFIED MAIL

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

**RE: VARIANCE
8420 REA ROAD
CASE NUMBER 10-040**

Dear Village at Robinson Farm, LLC:

At its meeting on October 26, 2010, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** (1) a 275 foot variance from the required 400 foot distance to allow a nightclub to be located 125 feet from a residential district and (2) a 50 foot variance from the required 400 foot distance to allow a nightclub to be located 350 feet from a residential district.

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 proposed site is located at 8420 Rea Road, further identified as tax parcel 229-101-09.
3. The subject parcel is zoned NS (Neighborhood Business Services).
4. The NS (Neighborhood Business Service) district permits nightclubs, bars and lounges under prescribed conditions.
5. The variance will allow "Cosmos Café, LLC" to be located 125 feet from the nearest residential use.
6. Code Section 9.803(19) requires nightclub, bars, and lounges to be located at least 400 feet from any residential use or district.
7. Restaurants are a permitted use at this location.
8. The parking and patrons' entrance is on the opposite side of the building from the residential use.
9. The thoroughfare, fencing, landscaping, and grade changes provide physical separation.
10. Actual pedestrian and vehicular access from the business to the residential use exceeds 400 feet in distance.

Based upon the above findings of fact, the Board concludes that the applicant has met each of the three standards stated in §5.108(1) of the Ordinance, and more specifically:

1. Granting the variance will not adversely affect the adjacent properties.
2. Granting the variance is in harmony with the general purpose and intent of the Ordinance and further preserves the spirit.

All applicable permits must be obtained from the Planning Department, which has been notified of this decision. The Ordinance §5.111, provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit or a certificate of occupancy pertaining to the need for the variance is not obtained within two (2) years from the date of the meeting of the Board at which the Board rendered its decision.

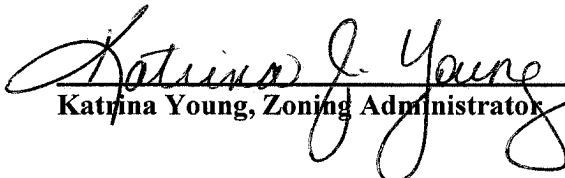
Sincerely,



Jeff Davis
Chairperson

Cc: Collin W. Brown, Attorney

DECISION FILED IN THE PLANNING DEPARTMENT:

November 2, 2010 
Date Katrina Young, Zoning Administrator