



CERTIFIED MAIL

Providence Day School, Inc
c/o Paul Ibsen
5800 Sardis Road
Charlotte, NC 28270-5365

**RE: VARIANCE
5800 SARDIS ROAD
CASE NUMBER 12-017**

Dear Providence Day School, Inc:

At its meeting on May 29, 2012, the City of Charlotte Zoning Board of Adjustment (“Board”) **denied** a variance to allow the width of the required 56 foot, 3 inch buffer to be reduced to 22 feet, 4 inches and **denied** an alternative variance request for that portion of the third tennis court that is currently non-complaint with the Zoning Ordinance.

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

1. The applicant is Providence Day School, Inc. (Represented by John Carmichael).
2. The proposed site is located at 5800 Sardis Road, further identified as tax parcel 187-041-21.
3. The subject parcel is zoned R-3 (Residential District).
4. The parcel is part of an approximate 43.5 acre campus for Providence Day School.
5. Code Table 12.302 requires a 75’ wide class B buffer.
6. Per Code Sections 12.302 and 12.540, screening and a buffer are required for a parcel adjacent to a residential use.
7. The applicant is proposing to reduce the required 75 foot buffer to a width of 56 feet, 3 inch buffer by using the existing fence. The applicant is requesting a variance to reduce the 56 feet, 3 inch buffer to 22 feet, 4 inches.
8. October 25, 2011, the City of Charlotte Zoning Board of Adjustment (“Board”) **denied** a variance to locate the required 75’ Class B buffer on an adjoining parcel.
9. A portion of the tennis courts are located in the required buffer between the applicant’s parcel and tax parcel 187-041-24.
10. The hardship is a result of the applicant conveying a portion of the necessary buffer back to the neighboring property.

11. In seeking a permit for the tennis courts, in 2001, the applicant showed the outdoor recreation facility would be in compliance with the separation and buffer requirements with land, providing the necessary buffer, that was subsequently reconveyed to the neighboring property.

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. Granting the variance will be in direct violation of the Zoning Ordinance.
2. No practical difficulties or unnecessary hardships exist that would prevent the owner from securing a reasonable return or making a reasonable use of the property.
3. A reasonable person would have known that a reconveyance of land to the neighboring property would result in a violation of the Zoning Ordinance.

Pursuant to N. C. G. S. Section 160A-388(e), the Board's decision in Case No. 12-017 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,


Randy Fink
Chairperson

June 25, 2012
Date

DECISION FILED IN THE PLANNING DEPARTMENT:

July 2, 2012
Date


Katrina Young, Zoning Administrator