



**CERTIFIED MAIL**

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

**RE: VARIANCE  
5800 SARDIS ROAD  
CASE NUMBER 11-038**

Dear Providence Day School, Inc:

At its meeting on 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.

**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 Section 12.302 requires a 75' wide Class "B" buffer.
6. The applicant is requesting to locate the required 75' Class "B" buffer on the adjacent parcel.
7. Per Section 12.302 and 12.540, a buffer and screening is required for a high school adjacent to a residential use.
8. A portion of the tennis courts is located in the required buffer between the applicant's parcel and Tax Parcel 187-041-24.
9. A land hardship does not exist because the hardship is personal as the result of the applicant constructing the tennis courts in the required buffer.
10. 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.
11. Land transactions in 2008 made the recreation facility no longer in compliance with the separation and buffer requirements.

**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.

Pursuant to N. C. G. S. Section 160A-388(e), the Board's decision in Case No. 11-038 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,

  
\_\_\_\_\_  
Jeffrey Davis  
Chairperson

11-22-11  
\_\_\_\_\_  
Date

**DECISION FILED IN THE PLANNING DEPARTMENT:**

November 22, 2011   
Date Katrina Young, Zoning Administrator