



**CERTIFIED MAIL**

The Presbyterian Home at Charlotte, Inc.  
5100 Sharon Road  
Charlotte, NC 28210

**RE: VARIANCE  
3429 SUNNYBROOK DRIVE  
CASE NUMBER 2013-043**

Dear Presbyterian Home at Charlotte, Inc.:

At its meeting on November 26, 2013, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** two variances: (1) eliminate 50 foot class "C" buffer to preserve existing residential structure and (2) allow existing structure to encroach 9 feet into the required 20 foot side yard. (Note: These variances are contingent upon City Council approving a petition to rezone the subject site to Inst (CD).

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

1. The applicant is The Presbyterian Home at Charlotte, Inc. (Represented by John Carmichael).
2. The proposed site is located at 3429 Sunnybrook Drive, further identified as tax parcel 179-051-04.
3. The applicant acquired the property on May 13, 2011.
4. The current zoning is R-3 (Residential) and does not permit independent living facilities.
5. The applicant is requesting a variance to (1) eliminate the 50 foot class "C" buffer and (2) allow the existing structure to remain and encroach 9 feet into the required 20 foot side yard.
6. The applicant has submitted a rezoning application requesting to rezone the property from R-3 (Residential) to Inst. (CD) (Institutional Conditional District).
7. The rezoning application was submitted to the Planning Department on June 24, 2013, and is scheduled for Public Hearing on December 16, 2013, and decision in January 2014.
8. If the rezoning application is approved, the applicant proposes to add this parcel along with four others to the Sharon Towers property which they abut.
9. The applicant is proposing to use the existing house for a single family cottage style independent living unit.
10. The proposed use will not change the character of the neighborhood, because the single-family use will remain consistent with the neighborhood.
11. Per Code Section 9.505(1)(e) a minimum side yard of 20 feet is required.
12. Per Code Section 12.302(a) a Class "C" buffer is required when an institutional use abuts existing single-family use.
13. Granting the variance will not adversely affect adjacent or contiguous properties.
14. Granting the variance will not alter the essential character of the neighborhood, in fact, it will maintain the existing integrity.

**Conditions:**

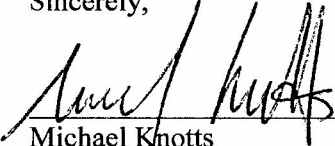
1. The variance does not apply to future modifications/additions or reconstructions to the building that increases the encroachment into the required buffer and yards.
2. The existing structure or any replacement may only be used as a single family dwelling or a single family independent living unit.

**Based upon the above findings of fact, the Board concludes that the applicant has met the standards set forth in North Carolina General Statutes § 160A-388, and more specifically:**

1. The spirit of the regulations will be observed by granting the variance.
2. Public safety has been protected and substantial justice achieved.

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,

  
\_\_\_\_\_  
Michael Knotts  
Chairperson

12/6/13  
\_\_\_\_\_  
Date

**DECISION FILED IN THE PLANNING DEPARTMENT:**

12/9/2013  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Shad Spencer, Interim Zoning Administration

Cc: John Carmichael, Attorney-at-Law