



Phillips Academy of North Carolina, Inc.
3115 Providence Road
Charlotte, NC 28211

**RE: VARIANCE
4523 Montclair Avenue
CASE NUMBER 2019-006**

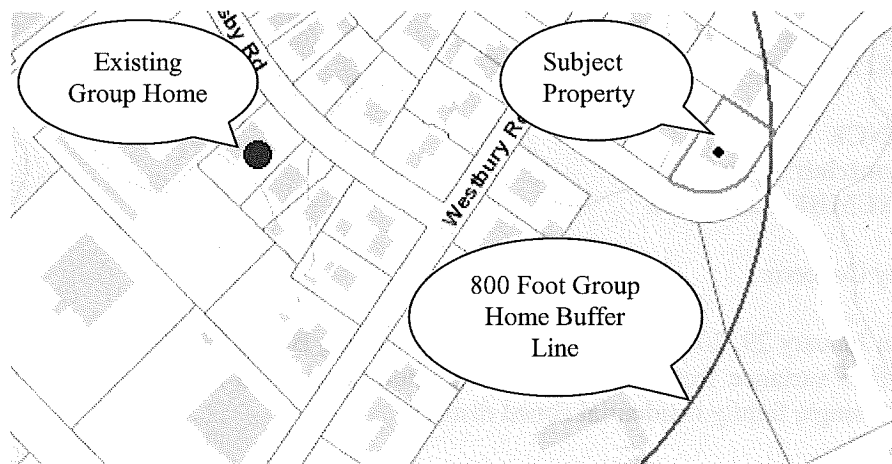
To Whom It May Concern:

At its meeting on January 29, 2019, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 175 foot variance from the 800 foot minimum separation requirement from another group home located in a single family residential zoned district.

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

1. The applicant is Philips Academy of North Carolina, LLC.
2. The site is located 4523 Montclair Avenue, further identified as tax parcel 185-041-07.
3. The property is zoned R-3 (single family).
4. The site comprises approximately 0.37 acres.
5. There is a single family structure on the property that was built in 1964.
6. The applicants became aware of the violation when a Notice of Violation was issued on October 17, 2018, from Charlotte Housing and Neighborhood Services, citing an unpermitted educational use being conducted on the property.
7. Philips Academy representatives met with the Zoning Administrator who determined the use of the property was a group home in accordance with the definition of group home in Chapter 2 of the Zoning Ordinance.
8. Group homes are permitted in the R-3 zoning district subject to supplemental regulations requiring new group homes to be separated from any existing group home by a distance of 800 feet measured from the closest point of each lot property line in a straight line.
9. The subject property is located approximately 625 feet from another property on which an existing group home is located.

Group Home 800 Foot Buffer: Approximately 625 Foot Property Distance



10. The applicant is seeking a variance of approximately 175 feet from the required minimum 800 foot group home separation requirement to allow the group home to operate on the property.
11. The variance is consistent with the intent of the distance requirement for group homes found in Section 12.517 of the ordinance, because the subject property is separated from the existing group home by 3 city maintained streets, and a portion of a property on which a church is located.
12. The purpose of the group home is to provide a home setting to teach domestic life skills needed in preparation for possible independent living to special needs young adults.
13. The property currently is not occupied overnight by more than four students and one staff member at a time.
14. The current students do not have drivers licenses.
15. The granting of the variance does not impact public safety.
16. The subject property is located across a residential street from a religious institution and accessory parking lot.
17. The variance will not detract from the character of the neighborhood.
18. Strict application of the Ordinance will require the group home to be relocated requiring the purchase of additional property.
19. North Carolina State Statutes require group homes for up to 6 residents to be permitted in all residential zoning districts, with an optional distance requirement being the only allowed local regulation.

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. Unnecessary hardships would result from the strict application of the Ordinance.
2. The hardship results from conditions that are peculiar to the property (location, size or topography).
3. The hardship does not result from actions taken by the applicant or the property owner.
4. The requested variance is consistent with the spirit, purpose, and intent of the Zoning Ordinance, in that the public safety is secured and substantial justice is achieved.

If any permits are required, please make sure the variance case number is referenced on the permit application and/or site plan. Section 5.111 of the Zoning Ordinance 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,


Paul Arena, Chairperson

3/1/19
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**


Shad Spencer, Zoning Administrator

2/6/19
Date