

**BOARD OF ADJUSTMENT
MEETING
THURSDAY, FEBRUARY 24, 2022
6:30 P.M.
Council Chambers
300 W. Crowell Street
Monroe NC**

A G E N D A

Due to the increased risk of exposure and possibility of transmission associated with the
Delta strain of COVID-19, everyone will be required to wear face
masks at this meeting.

- Item 1.** **Call to Order.**
- Item 2.** **Approval of Minutes** – December 16, 2021
- Item 3.** **Conflicts of Interest**
- Item 4.** **CASE PLZNA-2022-00099** – The applicant, Stafford Street Monroe, LLC, is requesting a Variance to install an eight (8) foot chain-link fence with 12” inches of barbed wire on top for a total of nine (9) feet and to remove four (4) trees over seventy-five (75) inches in circumference at 1912 Stafford Street Extension/2026 Skyway Drive (Tax ID #09-180-004-90, 09-180-004-H-80, & 09-180-004-H-90)
Continued from December 16, 2021 Meeting
- Item 5.** **CASE PLSUP-2022-00122** – The applicant, Symetha Blake, is requesting to modify the conditions of an existing Special Use Permit to operate a Childcare Center for ages 6 weeks to 12 years old Monday – Friday from 6:30 a.m. to 6:00 p.m. on the property located at 1103 Icemorlee Street (Tax ID #09-270-049)
- Item 6.** **Procedural Discussions**
- Item 7.** **Meeting Time Discussion**
- Item 8.** **Next Meeting:** March 24, 2022
- Item 9.** **Adjournment**

*Attention: BOARD MEMBERS:
Please call Doug Britt at 704.282.4568 to confirm your attendance. Thank you!*

cc: *Mujeeb Shah-Khan
Ashley Duncan
Doug Britt
Keri Hutchins
William Nance*

**MINUTES OF THE
BOARD OF ADJUSTMENT MEETING
DECEMBER 16, 2021 at 6:30 P.M.
Council Chambers
300 West Crowell Street
Monroe NC**

To S. Laney – e-mailed 12-17-21

Item 1. Call to Order

Chairman George Massey called the December 16, 2021 meeting to order at 6:30 p.m. The Clerk of the Board called the roll. Mr. Massey noted that there was a quorum present with five members.

Members Present: George Massey, Kenneth Deal, Lou Philippi, William Draper and George Smith

Members Absent: None

Staff Present: Doug Britt, Senior Planner; Keri Mendler, Senior Planner; William Nance, Planning Technician; Megan Brightharp, Planner I; Albert Benshoff, BOA Attorney; Ashley Britt, Assistant City Attorney and Maryann Brown, Administrative Assistant

Guests: See attached list

Item 2. Approval of Minutes – Minutes of August 26, 2021 Meeting

Approval of the minutes for the meeting was requested.

Motion: William Draper moved to approve the minutes of the August 26, 2021 Meeting.

Second: Kenneth Deal

Action: The motion to approve the minutes passed unanimously with the following votes:

AYES: **George Massey, Kenneth Deal, Louis Philippi, William Draper and George Smith**

NAYS: **None**

Item 3. Conflicts of Interest

Mr. Massey asked if there were any conflicts of interest. There were none.

Louis Philippi asked Mr. Massey if we were not supposed to set a policy on Conflicts of Interest since there was an incident with him two (2) meetings ago. He said he was recused and there was no reason whatsoever given by anybody. He said it was kind of humiliating since he still does not know why

he was recused. He said we should set up a policy whereby if someone is recused there is a reason given. He said, otherwise, anyone can be recused for anything. Mr. Massey said we will consult with the Attorney after the meeting and moving forward, that will be taken care of. He said we will always ask if there is a conflict of interest when opening a meeting.

Item 4. CASE PLSUP-2022-00080 – Chairman said the applicant, Matthew Ruggiero, on behalf of Better Path Homes, LLC, is requesting a Special Use Permit to construct a new single-family home at the property located at 605 Winchester Avenue (Tax ID #09-228-143)

Mr. Massey said that anyone who is going to give testimony in this case needs to be administered the oath. Keri Mendler, Senior Planner, Matthew Ruggiero and John Harris came forward and were sworn.

Mr. Massey said for the record, when you come to the podium please give your name and address.

Keri Mendler, Senior Planner, said tonight she is here to present a Special Use Permit for a single-family home to be built at 605 Winchester Avenue, which is located within the Winchester Overlay District. She said at this time she will introduce the Findings:

Findings:

1. The property at 605 Winchester Avenue is currently owned by Better Path Homes, LLC and is zoned R-10 (Residential - High Density) The property is also located in the Winchester Overlay District. (Exhibit 1, 2, 3)
2. According to Section 156.124, Overlay Districts, all principal developments in the Winchester Overlay District shall obtain a Special Use Permit. This section has several other requirements; however, due to state law changes, many can no longer be enforced. Each requirement has been addressed below (Exhibit 4):
 - a. The construction or renovation as proposed and designed will be compatible in the neighborhood, and along the street with which it is located.
-This requirement can no longer be enforced due to G.S. 160D-702 as it is considered a design standard, which cannot be used unless the applicant voluntarily consents to it.
 - b. The construction or renovation as proposed and designed fulfills the intent of §156.132 of the City of Monroe Code of Ordinances.
-This standard applies only to commercial properties.
 - c. The construction or renovation as proposed and designed will not substantially injure the value of adjoining or abutting property.
-This standard is addressed in the Special Use Permit standards.
 - d. The construction or renovation as proposed maintains the historic character and integrity of the infill neighborhood in which it is located.
-This requirement can no longer be enforced due to G.S. 160D-702 as it is considered a design standard, which cannot be used unless the applicant voluntarily consents to it.

- e. The construction or renovation as proposed shall adhere to the strategies and objectives outlined in the City of Monroe Land Development Plan.
-This standard is addressed in the Special Use Permit standards.
 - f. Duplexes may be allowed on corner lots.
-The applicant is not proposing a Duplex.
 - g. All principal developments shall obtain a Special Use Permit.
 - h. Mobile homes shall not be permitted.
-The applicant is not proposing a mobile home.
3. The applicant submitted a Special Use Permit Application on October 28, 2021 requesting to construct a new single family home on the property. The home is 1,290 heated square feet with a 109 square foot front porch. (Exhibit 5 and 6)
 4. A Comparative Market Analysis was completed by Rebekah Sosa of Allen Tate Realtors. (Exhibit 7)
 5. All adjoining property owners have been properly notified of this Special Use Permit. (Exhibit 8 and 9)

Keri said a worksheet has been completed by staff for your use and is located behind the staff report for reference.

Keri said she will be glad to answer any questions and the applicant is here to answer any questions as well.

Mr. Massey asked Keri if this particular case come up before. Keri said yes, it was just over a year ago. She said it was denied by the Board of Adjustment. She said since then, a year has passed and the applicant has submitted a new application.

Kenneth Deal asked Keri if there are any substantive changes between this submission and the last submission. Keri said they are both single-family houses and as far as the specific house size, she does not recall the house sizes on the applications but they were single-family houses on individual lots and they are still a single-family houses on individual lots.

Louis Philippi asked Keri if the single-family houses were one (1) story and now they are two (2) story. Keri said she believes one (1) house was a one (1) story and the other was a two (2) story on the applications that came before you last year.

Mr. Massey said it looks like nothing has changed other than the time. Keri said there has been a year in-between but they are requesting a single-family house on an individual lot. She said according to the Winchester Overlay District, a Special Use Permit must be obtained for any principal development, which would be the house.

William Draper asked what was the significance with the star on the map. Keri said that is the Adjoining Property Owner Map so the star indicates the subject property.

Mr. Massey asked Keri if she had received any calls either for or against the request. Keri said she received one (1) phone call yesterday and she called back today. She said the caller was not in favor of this request. She said she told the caller that she could come to this meeting and provide any testimony tonight.

Mr. Massey asked if there was anyone who wanted to provide testimony at this time.

Mr. Matt Ruggiero, COO of Better Path Homes, came forward and said there are a couple of changes from last year. He said they chose a slightly smaller plan and a little bit skinnier floor plan. He said the other plan was about 17-feet wider. He provided a drawn survey as well as a plan drawn by an engineer.

Mr. Ruggiero said they feel very strongly about the type of market that this type of house demands. He said they finished about 50-55 houses in the one (1) year that has gone by. He said this is a local Charlotte builder and our houses have sold very well. He said they are in high demand from the first-time homebuyer, single mothers, single fathers, veterans, etc.

Mr. Ruggiero said we believe that it is not necessarily the plans that have changed too much but the situation in Monroe, Charlotte, Gastonia, and Huntersville. He said there is a real estate agent here tonight to give some quick testimony as far as the market. He said another concern that the Board had with this was what happened if the house did not sell, would this become a rental etc.

Louis Philippi asked if this house would be sold to an owner-occupant, not to an investor. Mr. Ruggiero said if the only offer they received was from an investor, which he finds hard to believe, we would consider it. He said we have sold out most of their houses, all but probably two (2).

Mr. Ruggiero said his Project Manager has a final walk-through with the buyers and we are very involved with the whole process. He said people are very happy to get a house that is brand new. He said many of these people put every dollar they have into these houses. He said the houses have a very good warranty.

Louis Philippi said to Mr. Ruggiero that if we approve this there would have to be a provision that the house be sold to an owner-occupant and not an investor. He asked Mr. Ruggiero if that would work for you. Mr. Ruggiero said absolutely. He said this is something that has been discussed. He said most of the houses they have put on the market have anywhere from 20-30 showings in the first couple of days. He said we usually make a decision within three (3) days.

William Draper said to Mr. Ruggiero that he had a problem before with the house closest to John Street in that the side yard looks like it is right up to that piece of property. Mr. Ruggiero said there is a 13.1 and 13.3 slope gap between the house and the side house. He said a lot of the houses we build do have to be squeezed into a tighter area. He said the last time we submitted it our application he believes we had a ten (10) foot space. He said he definitely understands your concern.

Kenneth Deal said to Mr. Ruggiero that he appreciated the survey that was provided.

Mr. Massey asked if there were any further questions. There were none.

Ms. Rebekah Sosa of Allen Tate Realty came forward and gave a marketing presentation on homes being sold in this area. She said she has been working with Better Path Homes for two (2) years. She distributed material that has the house plan and a booklet of what is in the homes. She said out of the 26 that she has sold for Better Path Homes over the last year, only two (2) have sold to investors looking to rent them out.

Ms. Sosa said she really believes in their product. She said they sell homes that are affordable in the Charlotte region. She said she can testify that she has many buyers over the last year and a half that have been extremely disheartened by our market. She said in this region it is extremely difficult to find a home that buyers can afford without competing with 50-70 other offers on the table, often times they being cash offers. She said thankfully companies like Better Path have come along, they have seen the need and they are providing a quality home with a ten (10) year structure warranty and a full two (2) year warranty on the property. She said she it is extremely said what is happening throughout our region. She said we are pushing affordable housing out of our region. She said if we don't allow companies like this to build, and these are the kind of lots they can find, everything else is being sold to really large companies like Lennar or DL Horton.

Mr. Massey asked Ms. Sosa what the average price of these homes would be and the median income for Monroe, Union County and how do they compare Ms. Sosa said the homes that she has sold have all been less than \$245,000 throughout the Charlotte region. She said the comps for this region show about \$235,000 which is an extremely affordable home in our market and very difficult to find. She said it would be less than a \$1,500 a month payment if you are a vet and need 100% financing.

Mr. Massey asked if there were any further questions. There were none.

Mr. Massey asked if there was anyone else who would like to give testimony.

Mr. John Harris of 2501 King Arthur Drive, Monroe, came forward and said his parents own 601 Winchester Avenue, which is the property adjoining 605 Winchester Avenue. He said he is also speaking on behalf of the neighbors that are homeowners nearby, the Morrow family, Ms. Alberta Wilson on John Street and also Hubert Harris, the owner of the property next door. He said we went through this last year. He said we are all about people in the Winchester neighborhood getting affordable houses. He said there was one (1) house sitting on the lots. He said talking with people in the neighborhood, we don't mind people building a house on the lot that is affordable, but not trying to squeeze two (2) houses on that little small lot. He said Winchester Avenue is a thoroughfare, a gateway coming from Hwy 74 downtown. He said he appreciated this Board last year and he hopes that the Board denies this again tonight because the only thing that they are doing is coming in and squeezing two (2) houses on a piece of property, getting their money, and leaving. He said they do not have to live here, we do, every day. He said in speaking on behalf of the homeowners, we hope you deny this. He said if they want to build a house they can build a single dwelling house that is affordable for some family to live in.

Mr. Harris asked how big the house was going to be. Someone said 1,200 square feet. Mr. Harris asked everyone if they would invest over \$200,000 in a 1,200 square foot house to live in.

Kenneth Deal asked Keri if this lot has been subdivided into two (2) lots or has it always been two (2) lots. Keri said staff did look into this and went to old parcel data and there has been two (2) individual lots for at least the last twenty years. She said that is the most information we could find. She said it has been two (2) individual lots since about 2000 and they are proposing to do one (1) house on an individual lot. She said there would be two (2) individual lots with one (1) house on each lot.

Kenneth Deal asked Keri if there was a house there previously. Keri said she cannot speak to that but it sounds like there may have been. She said she does not know if it was built over the property line. She said there certainly are houses out there, historic homes or just older homes, that were built over property lines. She said they did not have the same regulations that we have today.

Mr. Harris came forward and said there was one (1) house on that lot and a strip of land that was 15 feet wide. He said if they go back and look through the records they will find this. He said a lady approached him about buying the strip of land probably back in the early 1990s. He said he thinks she just went ahead and just gave it to Jeff when he bought the land. He said it was only a driveway in width and property. He said that house was the only thing there.

Mr. Massey asked if the applicant would like to respond. Mr. Ruggerio said the property was purchased as two (2) separate lots from the seller. He said he understands that it is a little tight. He said, however, if the price of everything goes up, unfortunately the sales price will also increase a little in this market. He said they are still trying to keep the median price in this market to \$285,000 for a house of this size.

Ms. Betty Williams came forward and was sworn in. She said she is a resident of the Winchester neighborhood. She said she is the lady that called the planning department this morning. She said she was very firm and matter-of-fact about the builders not getting a special permit to build two (2) houses on that small plot of land. She said as a social worker she sees that dysfunction that is pouring into the neighborhood. She said the City of Monroe is allowing all kinds of little, teeny houses, she calls them chicken coups, to be built and after they are built, the builders are gone. She said she lived in Monroe for 35 years and she has never been able to afford a house in Monroe because the prices are too high. She said the price of the houses is too high for this neighborhood. She said there are a lot of old people there who have been living in that neighborhood all their lives. She said the houses that they are living in are falling apart. She said instead of building these small houses that you can barely breathe in, do something for the older people that are living there. She said they can't move out of their homes. She said they cannot afford \$190,000 house.

Ms. Williams suggested that instead of building two (2) houses on this small plot of land, why don't they fix it up. She said it would be good for respite, walking, for old people to gather and talk during the day, and for children to play. She said it should be fixed up in honor of Robert Franklin Williams.

Ms. Williams said when the land is developed it should be called "Good Trouble". She said there should be a plaque for Robert Franklin Williams and maybe another plaque for Martin Luther King, Jr.

Mr. Massey asked if there were any questions. Mr. Benshoff asked what is the average size lot in the neighborhood. Keri said staff did take a look at this earlier because she knows it was a concern last time. She said the Winchester Overlay is made up of a number of residential single-family parcels and some multi-family parcels. She said there are some duplexes and some commercial. She said they tried to capture just the single-family parcels. She said there were about 376 lots with single-family homes within the Winchester Overlay District. She said what was calculated with the tax data was that the average lot size was .24 of an acre, which is about 10,454 square feet. She said this lot is 8,276 square feet so it is slightly less than the average lot size but in line with the average. She said she does not have the ranges of the lots but there were 370 lots.

Louis Philippi asked Mr. Massey if there could be limited discussion before this Board makes a decision. He said he would like to comment that he was one of the people that led in getting this request disapproved a year ago. He said his dream was to get just one (1) house on the lot. He said he would like to see a house that he is accustomed to but the fact is that one of the big things that stifles crime is when people live in a home that they own. He said you would be less likely to allow your kids be criminal, or yourself, because you got too much to lose. He said let them put a house up that was discussed but sell it to an owner-occupant, not to an investor. He said then we are giving that neighborhood a shot at more stability, even if it is not as pretty as we would like for it to be.

Kenneth Deal said to Mr. Philippi that he agrees with what he has said. He said any stipulation that we put on this builder does not convey to any future owners.

Mr. Massey said there are certain standards that this Board has to look at and have to be met and that is what we need to deal with:

A. The use will not materially endanger the public health or safety if located, designed, and proposed to be operated according to plan.

Motion: William Draper made a motion that this standard is **not met** because 13 feet is not separation.

Second: George Smith

Action: The motion to approve passed unanimously with the following votes:

AYES: George Massey, Kenneth Deal, Louis Philippi, William Draper, and George Smith

NAYS:

Mr. Benshoff said we need a clear vote for the record. He said he will poll the Board and ask again that all of you in favor of the motion that the standard is not met, say aye.

Motion: William Draper made a motion that this standard is **not met** because 13 feet is not separation.

Second: George Smith

Action: The motion was denied with the following votes:

AYES: George Massey and Louis Philippi

NAYS: Kenneth Deal, William Draper and George Smith

Mr. Benshoff reiterated that the motion was that the standard is not met. He said if you voted for the motion, you are saying that the standard is not met. He said the secretary needs to have the names of the people who said the standards is not met.

B. The use or development complies with all regulations and standards of the City of Monroe Zoning Ordinance, as well as any other state or local rule or regulation governing the development of land.

Motion: George Smith made a motion that the standard **is met** because

Second: Kenneth Deal

Action: The motion to approve passed with the following votes:

AYES: George Massey, Kenneth Deal, Louis Philippi, William Draper, and George Smith

NAYS: William Draper

- C. **The use or development will not adversely impact surrounding property and will not substantially injure the value of adjoining property.**

Motion: Kenneth Deal made a motion that the standard is met based on the CMA (Property Values).
Second: Louis Philippi
Action: The motion to approve passed unanimously with the following votes:

AYES: George Massey, Kenneth Deal, Louis Philippi, William Draper, and George Smith

NAYS: None

Discussion was held on who seconded this motion. Maryann Brown had Louis Philippi and Keri had William Draper. Both denied seconding the motion. Kenneth Deal said he would ask the Board to take the time and read the standards before you make a motion. He said this standard is clearly stated based on value and we have a CMA as part of the package that supports the petitioner's value statement. He said that statement has been met. He said he will restate the motion:

Motion: Kenneth Deal made a motion that the standard **is met** based on the CMA (Property Values).
Second: George Smith
Action: The motion to approve passed with the following votes:

AYES: Kenneth Deal, Louis Philippi and George Smith

NAYS: George Massey and William Draper

- D. **The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Monroe Land Development Plan.**

Motion: Kenneth Deal made a motion that the standard is **not met** based on the testimony of the surrounding residences and the character of the surrounding residences.
Second: Louis Philippi
Action: The motion to approve passed unanimously with the following votes:

AYES: George Massey, Kenneth Deal, Louis Philippi, William Draper, and George Smith

NAYS: None

Mr. Massey asked for a motion to grant or deny the Special Use Permit request.

Motion: George Smith made a motion to deny the issuance of the Special Use Permit.
Second: William Draper
Action: The motion to deny the Special Use Permit passed unanimously with the following votes:

AYES: George Massey, Kenneth Deal, Louis Philippi, William Draper, and George Smith

NAYS: None

Mr. Massey said the Special Use Permit CASE PLSUP-2022-00080 request has been denied.

Item 5. CASE PLSUP-2022-00081 – The applicant, Matthew Ruggiero, on behalf of Better Path Homes, LLC, is requesting a Special Use Permit to construct a new single-family home at the property located at 607 Winchester Avenue (Tax ID #09-228-144)

Request was withdrawn by Matthew Ruggiero. Mr. Benshoff said this withdrawal needs to be writing. Mr. Ruggiero said he would e-mail the withdrawal to Keri.

Item 6. CASE PLZNA-2022-00099 – Chairman said the applicant, Stafford Street Monroe, LLC, is requesting a Variance to install an eight (8) foot chain-link fence with 12” inches of barbed wire on top for a total of nine (9) feet and to remove four (4) trees over seventy-five (75) inches in circumference at 1912 Stafford Street Extension/2026 Skyway Drive (Tax ID #09-180-004-90, 09-180-004-H-80, & 09-180-004-H-90)

Mr. Massey said that anyone who is going to give testimony in this case needs to be administered the oath. Doug Britt, Senior Planner, Chris Platè, Monroe-Union County Economic Development, Darius Olesky, Suncap, Wes Faulk, Plyer Trust, Donna Plyer and Emily Parks came forward and were sworn.

Doug Britt, Senior Planner, said this is a Variance request by Stafford Street Monroe, LLC to install an 8-foot chain-link fence with 12” of barbed wire on top for a total of nine (9) feet, as well as to remove four (4) trees over seventy-five inches in circumference. He proceeded to enter the Findings into the record:

Findings:

1. The property located at 1912 Stafford Street Extension/2026 Skyway Drive is owned by Dorothy Plyler Trustee and William Franklin Plyler and is zoned R-20 (single family residential). (Exhibit 1, 2)
2. A rezoning application was submitted in October of 2021 to rezone the subject properties from R-20 (single family residential) to GI (General Industrial). The request will be considered by City Council at the January 11 City Council meeting.
3. On November 11, 2021, the applicant submitted a variance application to request a variance from Sections 156.136 (A)(2) and 156.136 (B)(10) titled Fences and Walls and Section 156.221 titled Tree Preservation in order to install an eight (8) foot chain-link fence with 12” inches of barbed wire on top for a total of nine (9) feet and to remove four (4) trees over seventy-five (75) inches in circumference. (Exhibit 3, 4)
4. Sections 156.136 (A)(2) and 156.136 (B)(10) stipulate, the maximum height of a fence or wall in an industrial district shall be eight (8) feet and that barbed wire fencing is prohibited except in the R-40 and R-20 district, where it may be used in conjunction with bona-fide farming activities. (Exhibit 5)
5. Section 156.221 (A) stipulates trees seventy-five (75) inches in circumference must be preserved and shall not be removed. (Exhibit 5)

6. All adjacent property owners have been notified of the variance request. He said there were approximately 97 properties notified for tonight's meeting. (Exhibit 6, 7)

Doug said staff is recommending one (1) condition if the Board chooses to grant the Variance: Variance approval will be contingent upon the rezoning that will be considered by City Council at the January 11, 2022 City Council meeting. He said if the Variance is not approved, the Variance will be null and void. He said if the rezoning is approved, then the Variance will be approved contingent upon that rezoning being approved by City Council.

Doug said he would be glad to answer any questions at this time and the applicants are here as well. He passed out the Variance worksheet for the Board's consideration. He said the questions in the packet will help to assist you through this process.

Mr. Massey asked Doug if he received any calls from the adjoining property owners. Doug said staff received one (1) call. He said it was in opposition of the request.

Mr. Massey asked if there was anyone who would like to give any testimony.

Mr. Darius Olesky came forward and said he represents the applicant. He said his address is 6101 Carnegie Boulevard, Charlotte, NC 28209. He said he is here to answer any questions. He said Doug did a good job in his presentation. He said we are asking to remove four (4) trees, three (3) of which are in the path of the sewer line which is coming from Highway 601 into the property and back to the building. He said the fourth tree is being removed because of the pond on the site plan and also for the access drive that surrounds the property. He said we tried to save the tree but based on the grading and the route zone any attempts to save the tree would fail. He said the barbed wire fence is a standard security detail for this type of user, which is warehouse distribution. He said it is only proposed around the truck court. He said it is not proposed anywhere around the perimeter of the property or for employee parking, but strictly just for where the warehousing and distribution activities occur, one side which is van accessible and the other side which is tractor trailer accessible.

Louis Philippi said to Mr. Olesky that this is a 337,000 square foot distribution center. He said the only people he knows that are that big are Amazon, UPS and Fed Ex. He asked if this would be one of them. Mr. Olesky said he is under a non-disclosure agreement but yes, that would be the type of user that we are targeting for this facility.

Louis Philippi said that without the applicant being here, there cannot be a lot of discussion of what they can put up and what they cannot. Mr. Olesky said he is the applicant. Mr. Philippi said if this is not approved, the applicant can move to Wadesboro and Monroe would lose 300-400 jobs. Mr. Olesky said any one of the users that you mentioned know best how to operate their business. He said they require security. He said unfortunately we need to have security fencing to protect the packages that are being delivered to you and my home. He said concerning the packages, some are large, some are small but expensive. He said this is their best attempt in keeping the packages inside the facility.

Mr. Massey said it says that the maximum height is 8-feet for a business or industrial district. He asked Mr. Olesky if there would be a problem to have the fence 7-feet and the barbed wire top 12 inches. He said in this way you would be within the Ordinance. Mr. Olesky said there are two (2) requests. He said 8-foot tall is the minimum height and barbed wire is simply not allowed. He said the Variance request is asking for a 9-foot total height and for barbed wire. He said he would be open to suggestions...George Smith said he thinks, when looking at industry around Monroe, they have 8-foot fences with barbed fences.

Kenneth Deal said part of the reason for the barbed wire going on top of an 8-foot fence is to ensure that there is no incidental damages to people or wildlife that may come and encounter it. George Smith said you don't want someone to run into barbed wire.

Kenneth Deal said should this be approved tonight, he asked Mr. Olesky if he would have any problem with this Board adding a stipulation that none of this work is to commence until City Council has ruled on the rezoning. Mr. Olesky said he is perfectly fine with that.

Mr. Massey asked if there was anyone else who wanted to give testimony.

Mr. Wes Faulk came forward and said his business address is 309 Post Office Drive in Indian Trail, NC 28079. He said he is an attorney representing the owner of the property on behalf of the owner in office support for the Variance request and speak in favor of it. He said the owner is a Trust and the Trustee and sole beneficiary of that Trust is Dorothy Moser Plyler. He said Miss Plyler is his Grandmother. He said also here are certain members of the family, children and grandchildren, who are also in favor of the request.

Mr. Faulk said Miss Plyler chose to be home and settle down by this time of the evening. He said she did provide a written statement to him which she asked to be presented to the Board for its consideration. He distributed copies of the signed statement to the Board.

Mr. Faulk said to the Board, as you can see Miss Plyler has signed the statement and there is reference to an amendment to the current underlying agreement between the owner and the buyer. He said anticipating some potential opposition, we referenced that because there may be some opposition from certain parts of the adjoining property owners. He said there has been an amendment to the current contract that would remove a part of that property of the adjoining property to the Trust. He said that is on the 601 side of the lake. He said if an adjoining owner might have had any argument or opposition that would be meritorious, the carve out would effectively nullify that and make it moot and address it. He said again, he recommends the Variance request in full support of Miss Plyler as the Trustee and sole beneficiary of the Trust, and it also has support of several of the adjoining owners who are several of her children and grandchildren. He said he would be happy to answer any questions regarding this.

Chris Platè came forward and said he was the Director of Economic Development for the City of Monroe and Union County. He has been working with the end-user of the project as well as the applicant. He said this project is significant to the benefit to the City of Monroe and all of its residents. He said it could be as high as \$70,000,000 of investment on this property, generating over \$350,000 per year, which is equivalent to one (1) penny of the tax rate that would be reduced. He said you are talking about several hundred.

Mr. Platè said the area between Hwy. 601 and Hwy. 200 and North of Sutherland up to the Expressway has been targeted for industrial from the time that he has been here as the future growth for the City. He said knowing the Expressway was going to be built even in 1999 and 2000, we were targeting this area. He said with all of the projects he has worked on, well over \$2 billion in investment in Union County, specifically into Monroe, not a single one has been identical to the previous one. He said they all have their special needs and they all have special requirements, specifically around security. He said almost every one of those projects have an 8-foot fence with barbed wire attached. He said all of the companies have different types of requirements; this is no different and falls right in line with what you would have as reasonable accommodation and an expectation for a company coming into a community.

Mr. Platè said with that, and for the benefit of all the residents here, we are very much in favor of this project and Variance.

Mr. Benshoff asked if there was a representative here from Stafford Street Monroe LLC. Mr. Darius Olesky came forward. Mr. Benshoff said we have heard representations that the Variance request covers a smaller piece of property than the application details. He asked Mr. Olesky if he could amend the application to strike out the properties that are now not subject to the contract. He said, otherwise, the Board will have to consider all the properties despite the representations that we have that there is an amended contract. He said the Board has to consider the application that it has to make.

Mr. Olesky said the contract is for two (2) properties, one (1) of which is fronting on Hwy 601 and the second property is the remainder, which is straddled on either side of Stafford Street. He said the amended contract is still with those two (2) properties. He said basically what the contract amendment does is take Plyler Lake out of the contract. Mr. Benshoff said the application lists four (4) tax map numbers. Mr. Olesky said that is right. Mr. Benshoff said to Mr. Olesky that he is saying that all four (4) of the tax map numbers are subject to the application. Mr. Olesky said that is right, and they will continue to be subject. Mr. Benshoff said the four (4) tax map numbers are not the properties show on the screen. Mr. Olesky said they still comprise of four (4) tax map numbers. Mr. Benshoff asked Mr. Olesky what property does your application cover. Mr. Olesky indicated the property on the screen.

Mr. Benshoff asked Mr. Olesky which representations about the contract changing the application are not correct. Mr. Faulk said the contract is going to be amended to take a portion of the property out of the contract, but none of that portion of the property is part of the site plan that is showing right now. He said it is not changing the site plan but what it is doing is taking the lake out. He said while we had done the contract amendment as an accommodation, if it makes it more difficult for the Board to understand it, we can ignore it for now or we can change the application, whichever is easier to digest. He said it is going to be the same for parcel numbers; a portion of one of those parcel numbers, which is the entirety of Plyler Lake, is going to be removed. He said this was done as a concession to adjacent property owners that have concerns about their access to the lake which we don't want to...Mr. Benshoff asked Mr. Faulk if it was his application. Mr. Faulk said yes. Mr. Benshoff said that is up to you whether you want to amend it or not. He said he just trying to clarify what this Board is being asked to do.

Mr. Massey asked if there was anyone else who would like to speak in opposition.

Ms. Emily Plyler Parks came forward and said she grew up at 2040 Skyway Drive and she lives at 2042 Skyway Drive, right beside her Mom and Dad. She has a husband and two young kids. She said she understands that this company wants to put up an 8-foot fence with an additional 1-foot of barbed wire on top. She said her concern is that while it is proposed right now to be just around the building, what kind of assurances does she and her family have that the fence will not enter into her backyard. She said currently, her back fence on her property is at least 70 feet from the lake. She said if that fence is put up, her property value is ruined. She said who is to say that within five (5) years if they see her kids on a paddleboat that is a liability. She said she knows they said they are taking the lake out of the contract, but today it is still in the contract. She said she did not want to be here tonight but she has to fight for her property and what she thinks is right. She said if there is a fence there, her children will not be able to fish or feed the ducks. She said it will be turned upside down. She asked the Board to consider denying this until the lake is taken out of the contract. She said once the lake is taken out, they will not have any problem.

Ms. Parks said she just took the Variance application over to her Grandmother at 10:30 a.m. She said she handed the application to her Grandmother and her Grandmother looked at her and said she had never seen it before. She also said the sale of this would devastate her property more than it would affect anyone else or properties involved.

Kenneth Deal asked Ms. Parks to indicate on the map where her home is on the map. He also asked Ms. Parks if the sale of the property is pending on City Council's rezoning action. Ms. Parks said yes.

Doug Britt said the Variance request, as advertised, includes all four (4) parcels. He said the site plan the shows the approximate location of the fence. He said when a Variance is approved, [could not hear the rest] He said this is not a Conditional District with a site-specific plan.....

Kenneth Deal said if so stipulated than they would have to come back for an amendment. Doug said...[hard to hear].

Ms. Donna Plyler came forward and said she lives at 2040 Skyway Drive. She said her husband is Aaron Plyler Jr. She said all this stems from a contract that was signed on July 4, 2021. She said Dorothy Plyler is the seller and she owns the family farm. She said she (Dorothy Plyler) signed a contract to sell the family farm, but she did not know when she signed it that it included her backyard, her daughter's backyard and the whole lake. She said they have been trying since July 10, 2021 to have all property, her backyard and her daughter's backyard, to have Wes Faulk, her Grandson, to have this pulled out. She said this morning, when we realized the meeting was tonight, we went to her house this morning at 10:30 a.m. to talk to her about this Variance application. She said her Grandmother did not know anything about it. She said she had never seen the form, she didn't know it was tonight, she didn't know anything about it. She said her Grandmother thought the land had already been pulled out and she wanted the lake to be pulled out. She said the lake was built by her husband, the late Aaron Plyler, 70 years ago.

Ms. Plyler said this Variance application is premature. She said their goal is just to get their property pulled out of this contract and they have been trying since July 10, 2021. She said an hour before she was to come to this meeting she got an e-mail from Wes Faulk which showed a map and some documentation that Dorothy Plyler had signed but the buyer hadn't signed.

Ms. Plyler said they are concerned if this Variance is approved and they do not get their land pulled out, then they could put up a fence wherever they want to.

William Draper asked Ms. Plyler if her house was on land she did not own. Ms. Plyler said no. She said they cleared out all property down to the lake. She said from her house you can see the lake. She said we use the lake, her grandchildren fish there. She said they did not know that behind their house is being sold. Ms. Parks said the Trust property runs all the way around their entire backyard.

Ms. Plyler said she cannot support anything until that land is taken out of the contract. She said the document that Wes Faulk sent her tonight will have to be shown to an attorney. She said she is not against the sale of the land but is against our backyards being owned by SunCap.

Mr. Massey suggested to the Board that since the approval of the rezoning by City Council may affect this one way or another, would you have any problem if this was delayed until City Council makes its decision.

Louis Philippi said [could not hear everything] he would like to protect the community and restrict them to what they can do on this property. He said he does not want to lose this tremendous asset for Union County

Mr. Massey said to Mr. Philippi that he hears his concern but his concern is if we act on this Variance request and City Council does not approve it, we are back at square one. William Draper agreed and made the following motion:

Motion: William Draper made a motion to table this Variance hearing until after City Council meets on January 11, 2022.

Second: George Smith

Mr. Benshoff suggested to Mr. Draper that he move to “continue” the hearing until the January meeting. Doug Britt said staff also recommended that this be continued without further advertising. Mr. Benshoff said if it is continued, it does not have to be advertised.

Motion: William Draper made a motion to continue this Variance hearing until after City Council meets on January 11, 2022.

Second: George Smith

George Smith asked about the second pond on the map. Kenneth Deal said that is stormwater management. Mr. Smith asked if there would be fences around these ponds. Mr. Olesky said if they are required by the State, they will be four (4) foot fences.

Mr. Faulk (?) said he has a fully executed amendment to the contract that carves out 22.4 acres of the exact property that Ms. Parks and Plyler are referencing. He said it is their concern that somehow the fence could be impactful (??) on Trust-owned property that adjoins their property. He said it is not their property, it is Trust-owned property that adjoins their property. He said that problem is solved with this legally binding amendment to the contract which has been duly executed by Mrs. Plyler and a representative of the buyer. He said the only objection or voice of opposition has been heard on that basis. He said that problem is in every manner solved by reason of the amendment to the contract.

He said if we pull that property out, it will never be conveyed. He said it still involves the same parcels as Mr. Olesky touched on but the only point of dispute is fully rectified and resolved by the amendment to the contract. He said he sees no reason why there should be any delay or continuance when that problem has been addressed and there is overwhelming support, approval or agreement on behalf of the owner and the applicant.

Mr. Benshoff asked Mr. Faulk if he heard the conversation that he had with the representative of the applicant. Mr. Faulk said yes. Mr. Benshoff said this Board has an application, submitted by the applicant, and the applicant has to amend the application for a smaller footprint of the property or the Board has to consider the application before it. He said he does not doubt that you have a signed contract, but that is not an evidence before the Board. He said we have your statement that it was signed, but until the Board sees the contract, it is not an evidence. He asked again, does the applicant wish to amend their application. Mr. Faulk said he would be happy to hand out the fully executed contract for review if it is allowable, he said he means the amendment. Mr. Benshoff said it is allows if you want to make than an exhibit.

Mr. Olesky said if the motion is going to be to continue this until after the City Council meeting, he is fine in doing that. He said if we have to clean-up the application prior to that, we can do that. He said we are trying to be as easy to work with as possible in trying to get these two (2) Variances heard and

approved. He said if that means that, we wait until after the Council meeting, that is fine and we will leave the application as is.

Ms. Donna Plyler asked that we have a chance to look at the contract and have an attorney on our behalf review the contract. Mr. Benshoff said that is not a decision the Board can make.

Doug said staff wanted to point out [hard to hear].....

Kenneth Deal said he is not comfortable going forward when there is a dispute over boundaries of property unless the applicant wants to provide proof that it has been taken out of the equation as our attorney stipulated.

William Draper was asked to restate his motion:

Motion: William Draper made a motion to continue this Variance hearing until after City Council meets on January 11, 2022.

Second: George Smith

Action: The motion to adjourn passed unanimously with the following votes:

AYES: George Massey, Kenneth Deal, Louis Philippi, William Draper and George Smith

NAYS: None

Item 7. **CASE PLSUP-2022-00100** – Chairman said the applicant, Ken Hammond, is requesting a Special Use Permit to allow for a reduction of the front yard setback from 85 feet to 41 feet in order to build a new single-family residence at the property located at 1100 Leewood Drive (Tax ID #09-159-033)

Mr. Massey said that anyone who is going to give testimony in this case needs to be administered the oath. William Nance, Planning Technician, and Ken Hammond came forward and were sworn.

William Nance, Planning Technician, said tonight he will be presenting a Special Use Permit request by Ken Hammond to allow for the reduction of the front setback from 85 feet to 41 feet at the property located at 1100 Leewood Drive. He said at this time he will introduce the Findings:

Findings:

1. The property is located on Leewood Drive and is zoned R-20 (Residential – Low Density). (Exhibit 1 & 2)
2. According to Section 156.131 (2)(B)(i) of the Unified Development Ordinance titled *Supplementary Standards for Single Family and Infill Lot in Single Family Residential Districts*, the front setbacks for single family infill shall be computed as an average of the dwellings on the lots immediately adjacent to either side of the subject property. If the adjacent lots are undeveloped, the setback can be computed using the dwelling units within 100 feet. (Exhibit 3)
3. The only dwelling unit within 100 feet of the subject property has an approximate front setback of 85 feet. Therefore, the proposed home on the subject property would be required to have an 85-foot front setback. (Exhibit 4)

4. On November 30, 2021, Ken Hammond submitted a complete application for a Special Use Permit to reduce the front yard setback to 41-feet. (Exhibit 5-7)
5. All adjoining property owners have been properly notified of this Special Use Permit. (Exhibit 8-9)

William said a worksheet has been completed by staff for your use and is located in your staff report.

William said he will be glad to answer any questions and the applicant is here to answer any questions as well.

Kenneth Deal asked William if he could provide what the flood plain looks like. William said there is a blue line stream that runs at the back of this property (he pointed out the location on the map). He said he is not sure where the flood plain is on the property.

Mr. Benshoff asked William to show where the stream is on the topo map. William identified where the stream is located.

Mr. Massey asked if there were any further questions. There were none.

Mr. Massey asked anyone who would like to speak to come forward.

Mr. Ken Hammond came forward and said he is with True Homes. His address is 2649 Brekonridge Centre Drive in Monroe. He said they have the topographical survey with one (1) foot contour lines. He said the lot falls from the front to the back. He said every line represents one (1) foot until it gets into the creek bed and then it goes up on the other side. He said we pushed the house back as far as physically possible so it would not fall off a cliff. He said we were also very concerned about the creek and potentially flooding and all of the negatives that would go along with that.

Mr. Hammond said the only thing we are asking for here is to change the front setback from what would normally be 85 feet to 41 feet. He said the 85 feet is not a static setback that the rest of this neighborhood has to adhere to. He said the front setback is determined solely by how far back your neighbors are set. He said it is supposed to be an average of the two (2). He said there is a vacant lot to their left, so the City defaulted to the house that is next to them, which is 85 feet back. He said there are several homes in the neighborhood that are a lot closer than even the 41 feet that we are asking for. He said there are some homes that are 30 feet to the street, some that are 25 feet, so this would not be an anomaly in a neighborhood where all the homes are setback and we would be up front. He said they would be closer to the street than their neighbor and that is all. He said it is because of the natural topographic layout of the site---it is an active creek. He said we don't necessarily have any reason to ask for the house to be closer to the street other than that. He said the house will fit in really well as far as the shape, design and the size.

Mr. Hammond said there will be no negative impacts or detriments to the properties. He said it will be just the opposite. He said 41 feet is a decent setback from the street just based on the market and even for this neighborhood.

Kenneth Deal asked Mr. Hammond how many feet wide is your lot. Mr. Hammond said about 180 feet wide.

Louis Philippi said it looks like it is pretty cut and dry to him. He said this neighborhood appears to be a decent neighborhood and this house will not be a problem whatsoever.

Kenneth Deal said he agreed and if you look at houses in the back on Pamela Drive, they look very close to that setback as well. He said the house is in harmony with the surrounding area.

Mr. Massey asked if there was anyone else who would like to speak. There was no one.

Mr. Massey said there are certain standards that this Board has to look at and have to be met and that is what we need to deal with:

A. The use will not materially endanger the public health or safety if located, designed, and proposed to be operated according to plan.

Motion: Louis Philippi made a motion that this standard **is met**.

Second: George Smith

Action: The motion to approve passed unanimously with the following votes:

AYES: George Massey, Kenneth Deal, Louis Philippi, William Draper, and George Smith

NAYS: None

B. The use or development complies with all regulations and standards of the City of Monroe Zoning Ordinance, as well as any other state or local rule or regulation governing the development of land.

Motion: Kenneth Deal made a motion that the standard **is met**.

Second: William Draper

Action: The motion to approve passed unanimously with the following votes:

AYES: George Massey, Kenneth Deal, Louis Philippi, William Draper, and George Smith

NAYS: None

C. The use or development will not adversely impact surrounding property and will not substantially injure the value of adjoining property.

Motion: George Smith made a motion that the standard **is met**.

Second: Kenneth Deal

Action: The motion to approve passed unanimously with the following votes:

AYES: George Massey, Kenneth Deal, Louis Philippi, William Draper, and George Smith

NAYS: None

D. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Monroe Land Development Plan.

Motion: Kenneth Deal made a motion that the standard **is met**.

Second: William Draper

Action: The motion to approve passed unanimously with the following votes:

AYES: George Massey, Kenneth Deal, Louis Philippi, William Draper, and George Smith
NAYS: None

Mr. Massey asked for a motion to grant or deny the Special Use Permit request.

Motion: William Draper made a motion to grant the issuance of the Special Use Permit.
Second: George Smith
Action: The motion to grant the Special Use Permit passed unanimously with the following votes:

AYES: George Massey, Kenneth Deal, Louis Philippi, William Draper, and George Smith
NAYS: None

Mr. Massey said the Special Use Permit Case PLSUP-2022-00100 request has been granted.

Item 8. CASE PLSUP-2022-00101 – Chairman said the applicant, Amber Martin, is requesting a Special Use Permit to allow an Event Center/Multipurpose space in the GB (General Business) zoning district at the property located at 103 Wilkes Drive, Unit H (Tax ID #09-222-057A)

Mr. Massey said that anyone who is going to give testimony in this case needs to be administered the oath. William Nance, Planning Technician, Randy Martin and Amber Martin came forward and were sworn.

William Nance, Planning Technician, said tonight she will be presenting a Special Use Permit request by Amber Martin to allow an event center in the General Business zoning district located at 103 Wilkes Drive. He said at this time he will introduce the Findings:

Findings:

1. The property at 103 Wilkes Drive is zoned GB (General Business). (Exhibit 1, 2)
2. The applicant submitted a Special Use Permit Application on November 1, 2021 requesting to operate an Event Center/Multipurpose space on the property. (Exhibit 3)
3. According to Section 156.110 of the City of Monroe Unified Development Ordinance titled “Table of Permissible Uses”, Event Facilities are only allowed in the GB zoning district with the issuance of a Special Use Permit from the Board of Adjustment. (Exhibit 4)
4. A Standard 5 Appraisal Impact Study was completed by Morrison Appraisal, Inc. It is the opinion of Morrison Appraisal, Inc. that the proposed Event Center use will not adversely affect the value of the adjoining properties. (Exhibit 5)
5. All adjoining property owners have been notified of this special use permit. (Exhibit 6,7)

William said a worksheet has been completed by staff for your use and it is located behind your staff report. He said he would be happy to answer any questions and the applicant is also here to answer any questions.

Mr. Massey asked William if he received any calls from any of the adjoining property owners. William said he did not receive any phone calls. Keri said she received one (1) call and she returned the call and left a message. She said she did not get a return call.

William Draper asked if the parking lot is striped. William said yes.

Ms. Amber Martin came forward and said it was actually just paved last month. She said the property had a fire about a year ago. She said the owner had to redo everything so a lot of the building is a rebuild and the parking lot is newly paved with new lines. She said a lot of the former tenants have moved out due to the fire. She said only the bingo space is a pre-existing tenant. She said everyone else is new.

Kenneth Deal asked Ms. Martin if the structure inside the parking lot is a fuel pump. Ms. Martin said there is a gas station on the corner and directly across the street is another gas station. She said they will take up what was once several units of the parking lot. She said someone just got a permit to open an ice cream store. She said there is a new beauty salon, two (2) churches back-to-back and then there is Bingo, which takes up two (2) units.

Ms. Martin explained that she and her husband, Randy, do events. She said they will be doing all-inclusive events. She said the next step for them is to own a space.

Mr. Massey asked Ms. Martin for the approximate capacity of the space. Ms. Martin said she did not know. Keri came forward to answer and was sworn in. She said any new business will have to go through the permit process with our Permit Center. She said that is where Ms. Martin will meet with Fire, Building and the other departments. She said the Fire Code will ultimately set her occupancy.

Randy Martin came forward and said some of the things they will do will vary. He said some will be instructional classes. He said there could be 15-30 people. He said some small events will be 50 people. He said this is why it will be a multipurpose place.

Ms. Martin said it will be a blanket space that you can transform into what you would need.

Kenneth Deal asked Ms. Martin what kind of hours was she looking at operating. Ms. Martin explained the hours, depending upon the event. Mr. Deal asked Ms. Martin if she would have some after dusk events. Ms. Martin said yes. Mr. Deal asked about lighting in the parking lot. Ms. Martin said because there is a gas station there, as well as a storage facility behind the strip mall, the area is well lit.

Mr. Massey said there are certain standards that this Board has to look at and have to be met and that is what we need to deal with:

A. The use will not materially endanger the public health or safety if located, designed, and proposed to be operated according to plan.

Motion: Kenneth Deal made a motion that this standard **is met**.

Second: Louis Philippi

Action: The motion to approve passed unanimously with the following votes:

AYES: George Massey, Kenneth Deal, Louis Philippi, William Draper, and George Smith
NAYS: None

- B. The use or development complies with all regulations and standards of the City of Monroe Zoning Ordinance, as well as any other state or local rule or regulation governing the development of land.**

Motion: Kenneth Deal made a motion that the standard **is met**.
Second: George Smith
Action: The motion to approve passed unanimously with the following votes:

AYES: George Massey, Kenneth Deal, Louis Philippi, William Draper, and George Smith
NAYS: None

- C. The use or development will not adversely impact surrounding property and will not substantially injure the value of adjoining property.**

Motion: George Smith made a motion that the standard **is met**.
Second: Louis Philippi
Action: The motion to approve passed unanimously with the following votes:

AYES: George Massey, Kenneth Deal, Louis Philippi, William Draper, and George Smith
NAYS: None

- D. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Monroe Land Development Plan.**

Motion: Louis Philippi made a motion that the standard **is met**.
Second: William Draper
Action: The motion to approve passed unanimously with the following votes:

AYES: George Massey, Kenneth Deal, Louis Philippi, William Draper, and George Smith
NAYS: None

Mr. Massey asked for a motion to grant or deny the Special Use Permit request.

Motion: Kenneth Deal made a motion to grant the issuance of the Special Use Permit
Second: William Draper
Action: The motion to grant the Special Use Permit passed unanimously with the following votes:

AYES: George Massey, Kenneth Deal, Louis Philippi, William Draper, and George Smith
NAYS: None

Mr. Massey said the Special Use Permit Case PLSUP-2022-00101 request has been granted.

Item 9. Other

Mr. Massey said this is his last meeting as he will be rotating off the Board. He wanted to thank each one of you for having served. He said he is quite sure you will handle everything appropriately.

Louis Philippi said he wanted to welcome the new Board Attorney. He said he is as sharp as a tack and he is glad to have him here. Mr. Benshoff said thank you.

Keri introduced Megan Brightharp. She said she is one of our new planners and she will be doing some Board of Adjustment cases so you will be seeing some more of her in the future. She said she comes from Carbondale, Illinois. She said she started just last week.

Doug said this is Maryann's last meeting. He said she is retiring after 21 years on January 21, 2022.

Item 10. Next Meeting – January 27, 2022

Item 11. Adjournment

Motion: Kenneth Deal made a motion to adjourn the meeting.

Second: William Draper

Action: The motion to adjourn passed unanimously with the following votes:

AYES: **George Massey, Kenneth Deal, Louis Philippi, William Draper and
George Smith**

NAYS: **None**

The meeting was adjourned at 8:48 p.m.

Respectfully submitted,

George Massey
Chairman

Maryann Brown
Clerk of the Board



STAFF REPORT

PLZNA- 2022-00099

TO: Board of Adjustment Members

DATE: February 24, 2022

FROM: Lisa Stiwinter, Director of Planning and Development

PREPARED BY: Doug Britt, Senior Planner

SUBJECT: Variance request by Stafford Street Monroe, LLC to install an eight (8) foot chain-link fence with 12” inches of barbed wire on top for a total of nine (9) feet and to remove four (4) trees over seventy-five (75) inches in circumference.

SUMMARY STATEMENT

Stafford Street Monroe, LLC is requesting a variance to Sections 156.136 (A)(2) and 156.136 (B)(10) titled Fences and Walls and Section 156.221 titled Tree Preservation of the Unified Development Ordinance in order to install an eight (8) foot chain-link fence with 12” inches of barbed wire on top for a total of nine (9) feet and to remove four (4) trees over seventy-five (75) inches in circumference at 1912 Stafford Street Extension/2026 Skyway Drive.

SITE DATA

Type of Action:	Variance
Date of Petition:	November 11, 2021
Name of Petitioner:	Stafford Street Monroe, LLC
Location:	1912 Stafford Street Extension/2026 Skyway Drive
Tax ID #:	09-180-004-90, 09-180-004-G, 09-180-004-H-80, & 09-180-004-H-90
Lot Size:	161.18 Acres
Zoning Classification:	GI (General Industrial) and R-20 (single family residential)

REVIEW

Findings:

1. The property located at 1912 Stafford Street Extension/2026 Skyway Drive is owned by Dorothy Plyler Trustee and William Franklin Plyler and is zoned R-20 (single family residential). (Exhibit 1, 2)
2. A rezoning application was submitted in October of 2021 to rezone the subject properties from R-20 (single family residential) to GI (General Industrial). The request was modified to rezone a portion of parcel 09-180-004-90 to GI (General Industrial) and was approved by the City Council at the January 11th City Council meeting.
3. On November 11, 2021, the applicant submitted a variance application to request a variance from Sections 156.136 (A)(2) and 156.136 (B)(10) titled Fences and Walls and Section 156.221 titled Tree Preservation in order to install an eight (8) foot chain-link fence with 12” inches of barbed wire on top for a total of nine (9) feet and to remove four (4) trees over seventy-five (75) inches in circumference. (Exhibit 3, 4)
4. Sections 156.136 (A)(2) and 156.136 (B)(10) stipulate, the maximum height of a fence or wall in an industrial district shall be eight (8) feet and that barbed wire fencing is prohibited except in the R-40 and R-20 district, where it may be used in conjunction with bona-fide farming activities. (Exhibit 5)
5. Section 156.221 (A) stipulates trees seventy-five (75) inches in circumference must be preserved and shall not be removed. (Exhibit 5)
6. The variance requests will only be for the properties or portions of property that are zoned GI (General Industrial).
7. All adjacent property owners have been notified of the variance request. (Exhibit 6, 7)

Conclusions:

1. It is the Board’s CONCLUSION, that unnecessary hardship (would/would not) result from the strict application of the ordinance.
2. It is the Board’s CONCLUSION, that the hardship (is/is not) peculiar to the applicant’s property.
3. It is the Board’s CONCLUSION, that the hardship (is/is not) the result of the applicant’s own actions.
4. (a) It is the Board’s CONCLUSION, that the variance (is/is not) consistent with the spirit, purpose, and intent of the ordinance.

(b) It is the Board’s CONCLUSION, that in granting of the variance, the public safety (will/will not) be secured and substantial justice (will/will not) be achieved.

5. The variance (will/will not) result in the extension of a nonconforming situation in violation of § 156.90 and it (will/will not) authorize the initiation of a nonconforming use of land.

THEREFORE, on the basis of all foregoing, IT IS ORDERED that the application Variance *PLZNA-2022-00099* be (**approved/denied**).

Exhibits:
Exhibit 1-Aerial Map
Exhibit 2-Zoning Map
Exhibit 3-Application
Exhibit 4-Proposed Site Plan
Exhibit 5-Ordinance Sections
Exhibit 6-APO List
Exhibit 7-APO Map

Prepared by: DB 2-14-22

Ortho Map

Case #: PLZNA-2022-00099

Legend

-  Centerlines
-  Parcels

Existing: R-20
(Residential- Low Density)

Owner: Dorothy Plyler and
William Franklin Plyler

Acres: 161.18



0 580 1,160
Feet






Case #: PLZNA-2022-00099

Parcels

Zoning Districts

Code

R-20

 G-I

 GB

 CD

UC Zoning Districts

ZONE

LI

 RA-40

**Existing: R-20
(Residential- Low Density)**

Owner: Dorothy Plyler and William Franklin Plyler

Acres: 161.18



0 580 1,160 Feet



City of Monroe Variance Application Form

Applicant's Name: Stafford Street Monroe, LLC

Applicant's Mailing Address: 6101 Carnegie Blvd, Ste 180
Charlotte, NC 28209

Property Owner: Dorothy Plyler Trustee and William Franklin Plyler

Property Owner's Address: 2170 Concord Avenue, Monroe, NC 28110
C/O Dewey Alan Plyler, Jr / 3804 Watson Church Rd, Monroe, NC 28110

Legal Relationship of Applicant to Property Owner: Buyer

Contact Person Name and Phone Number: Van Boyette - 864-901-0927

Existing Use of Property: Agricultural

Property Location: 1912 Stafford Street Ext.

Tax Map Number:

09	1800	04H80
09	1800	04H90
09	1800	04G

 Lot Size: 161.184 AC. Zoning District: R-20 (current) / GI (proposed)

Ordinance section number to which a variance is being sought: 156.136.A.2, 156.136.B.10, 156.221.A

Proposed variance description: Permission to construct 8' high perimeter chainlink security fence with 12" of 3-strand barbed wire on top (total 9' high) and to remove (4) trees greater than 75" circumference

For Staff Use Only
Application #: <u>PLZNA-2022-00099</u>
Date Submitted: <u>11/21/21</u>
Approved: _____
Denied: _____

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under NC State law, the Board must reach the conclusions listed below before it can issue a variance. When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of the conclusions below.

Please provide facts and arguments on how the request for a variance meets each of the conclusions listed below. Please be as specific as possible in your statements. Should you need more room to complete the information, please attach a separate sheet.

1. **There are unnecessary hardships in the way of carrying out the strict letter of the ordinance.** [It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property, and it is not sufficient that failure to grant the variance will simply make the property less valuable.]

The ordinance does not allow for fences to be higher than 8 feet or to contain barbed wire.

The ordinance does not allow any trees greater than 75 inches in circumference to be removed.

Removal of the trees is necessary for construction of the driveway, sewer line, and pond.

2. **The hardship results from conditions that are peculiar to the property, such as location, size, or topography.** [Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance]

A secured vehicle court is required to limit theft, vandalism, and injury.

The proposed locations for the sewer line, driveway, and pond are the only viable locations

for this property and have been located in a way to minimize the amount of clearing required.

3. **The hardship did not result from actions taken by the applicant or the property owner.** [The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship]

The hardships are not self-imposed.

4. **The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.**

The proposed security fence configuration, in conjunction with the vehicular and pedestrian access gates, is

a proven method to secure the vehicular court. The proposed site plan preserves existing trees on site to

the maximum extent practical. Over 80% of the existing trees on site will be preserved.

5. **The variance will neither result in the extension of a nonconforming situation in violation of § [156.90](#), nor authorize the initiation of a nonconforming use of land.**

The variance will not create a nonconforming use.

Request for variances may need to be accompanied by a sketch plan or survey from a Registered Land Surveyor. Said plan shall show, in a scaled form, the location and size of:

1. The boundaries of the lot(s) in question,
2. The size, shape and location of all existing buildings, parking facilities and accessory buildings,
3. The size, shape and location of all proposed buildings, parking facilities and accessory uses,

4. The location of all setbacks and front lot widths as measured at the front setback,
5. The location and type of screening and buffering proposed; and
6. Other information deemed by the Zoning Officer necessary to consider the application complete.

Applicant (printed): Stafford Street Monroe, LLC

Applicant's Signature: Van Boyett (Associate) Date: 11-5-2021

Property Owner: [Signature]

By: We Foulk, attorney and authorized Title: signer for sellers/owners

Owner's Signature: _____ Date: November 9, 2021

****If you are signing on behalf of a business (such as an LLC), you must include your title with the company****

FOR STAFF USE ONLY
(PLEASE DO NOT WRITE BELOW THIS LINE)

Scaled plan attached: Yes _____ No _____ Fee Attached: Yes _____ No _____

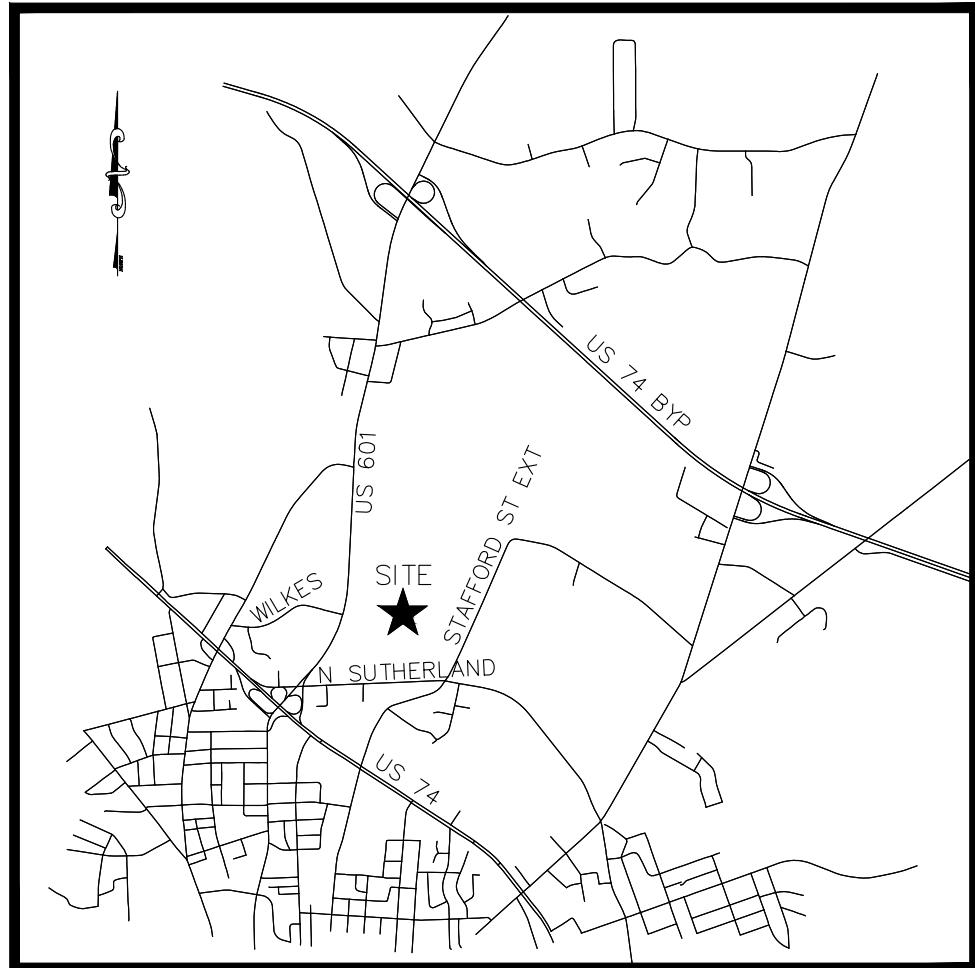
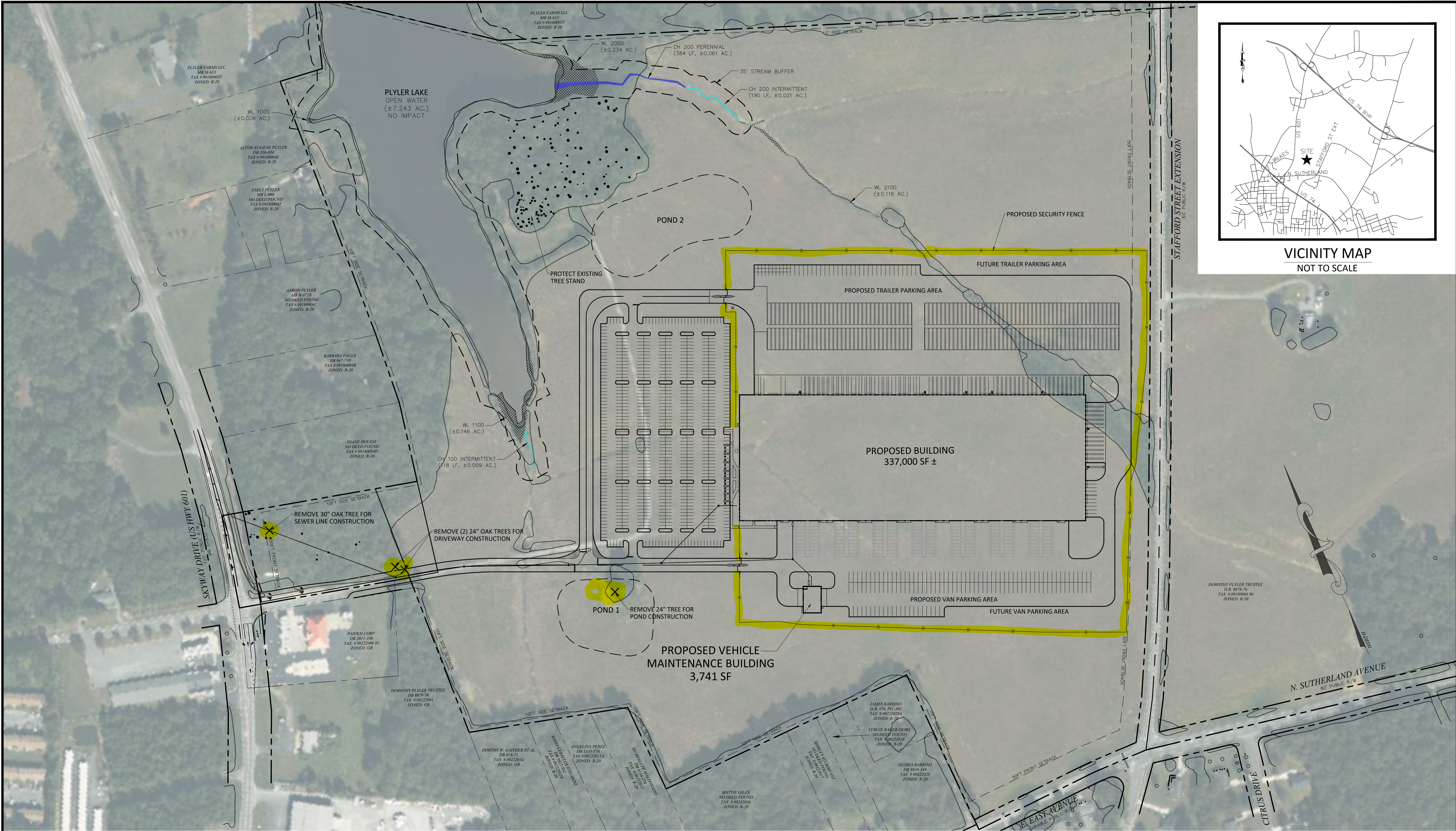
Adjoining property owner's information attached: Yes _____ No _____

Public hearing date: _____

Notice to applicant and adjoining property owners mailed on: _____ INT. _____

Action taken by the Board of Adjustment: _____

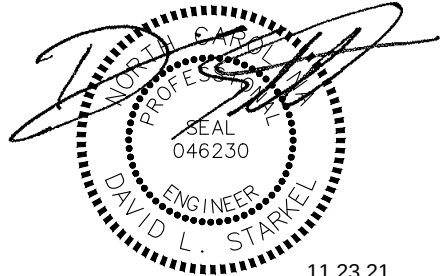
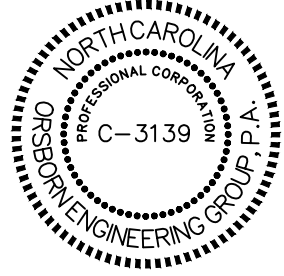
Notification of Action Mailed to applicant on: _____



VICINITY MAP
NOT TO SCALE

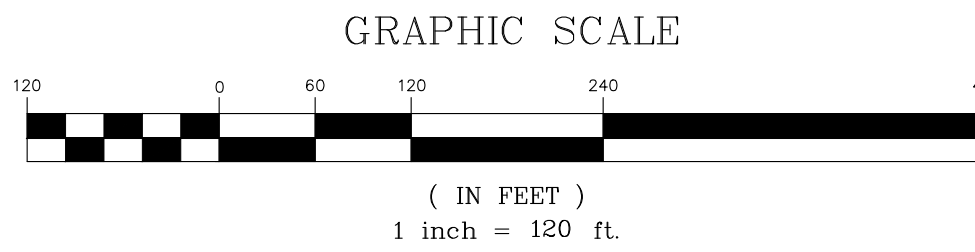


605 LEXINGTON AVENUE, SUITE 301
CHARLOTTE, NC 28203
P) 704-749-1432
www.orsborn-eng.com



11.23.21

MONROE DISTRIBUTION CENTER
SITE PLAN
MONROE, NORTH CAROLINA



156.136 FENCES AND WALLS.

(A) Except as otherwise noted, fences or walls are permitted in the various districts subject to the following regulations:

(1) *In Residential (R) Districts.*

(a) Within required rear and side yard areas the maximum height of a fence or wall shall be six (6) feet.

(b) Within the required front yard area, the maximum height of a fence or wall shall be five (5) feet.

(c) No electrical, chicken-wire or barbed wire fences in a Residential (R) districts are permitted.

(2) *In Business or Industrial Districts.* Within all required yard areas, the maximum height of a fence or wall shall be eight (8) feet.

(B) The general regulations of this subsection apply to all fences, regardless of the zoning district in which they are located.

(1) All fences must be constructed in a workman-like manner of customary or normal fencing material.

(2) The materials used in fence construction must be manufactured and marketed for construction of permanent fences. Brick and stone are permissible materials for fences.

(3) Materials typically used for temporary fences such as plastic, PVC, or similar materials may not be used for permanent fences unless it can meet the following criteria.

(4) Bright colors such as orange, yellow or red are not permitted for permanent fences.

(5) All fence support structures must be located on the inside of the fence covering material.

(6) All fences must be maintained in a reasonable condition and vertical position, and any missing or deteriorated slates, pickets, other fencing material, or structural elements must be replaced within a timely manner with the same type of materials and workmanship.

(7) No fence may be used to display any sign or advertising material other than a small maximum 1 square foot-placard identifying the sign contractor/manufacturer.

(8) Fences around tennis courts, swimming pools and other similar recreational facilities are expressly exempt from otherwise applicable fence height limitations.

(9) Electrically charged fences are prohibited, except in accordance with the following regulations.

(a) Electrically charged fences in conjunction with bona-fide farming activities shall be permitted in R-40 and R-20 zoning districts.

(b) The construction and use of electrified fences shall be permitted in the General Industrial (GI) zoning district, and may be approved through approval of special use permit in the General Business (GB) zoning district provided the following standards are met:

1. *Electrification.* The energizer for electric fences must be driven by a commercial storage battery, not to exceed 12 volts DC. The storage battery is charged primarily by a solar panel. However, the solar panel may be augmented by a commercial trickle charger. Additionally, the electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of the *International Electro Technical Commission (IEC) Standard No. 60335-2-76*.

2. *Perimeter fence or wall.* No electric fence shall be installed or used, unless it is completely surrounded by a non-electrical fence or wall that is not less than six feet in height. In no case shall the

non-electrical fence or wall exceed the maximum height allowed in the underlying zoning district for non-electrical fences.

3. *Height.* Electric fences shall not exceed the height of the surrounding non-electrical fence or wall by more than two feet.

4. *Warning signs.* Electric fences shall be clearly identified with warning signs that read "Warning-Electric Fence", in both the English and Spanish language, at intervals of not less than 60 feet.

5. *Accessibility.* If required by the Fire Department, a Knox Box shall be required and installed to support emergency access to properties contained within electric fences.

6. *General Business District (GB).* A special use permit is required for electric fences in the GB zoning district. Electric fences shall be limited to enclosing permitted outdoor storage areas or warehouse-type uses. or upon determination of site-specific characteristics, such as compatibility with adjacent uses, preponderance of criminal activity, site design issues, such as isolated location or easy access to building entry, or criminally targeted uses involving indoor storage of chemicals, pharmaceuticals and similar materials that require the specialized protection of an electric fence. All other standards in the section shall be met.

7. *Hold harmless agreement.* The owner of the electric fence shall enter into an indemnification and hold harmless agreement with the City of Monroe prior to approval for installation.

(10) Barbed wire fencing is prohibited except in the R-40 and R-20 district, where it may be used in conjunction with bona-fide farming activities. Barbed wire fencing may also be approved as part of a special use permit when deemed necessary to protect health and safety in association with utility structures, landfills, airports or similar facilities. When approved outside the R-40 or R-20 districts, barbed wire fencing must be located at least seven feet above grade.

156.221 TREE PRESERVATION.

The following standards shall limit excessive topping, clear-cutting and major pruning of existing trees and other interior landscaping. Existing wooded areas may be counted toward buffer and screening requirements as stated above, and as well as toward the tree preservation standards as stated herein. The following regulations shall apply to the preservation and maintenance of existing trees and landscape features:

(A) *General preservation standards:* Deciduous and evergreen trees shall be preserved to the greatest extent possible. Those trees at least twenty-five (25) inches in circumference within required buffer and landscaping areas shall be tagged prior to site clearance and shall be preserved and incorporated into the required landscaping. Overall, at least ten (10%) percent of all existing trees shall be preserved, where feasible and practical. In any case where a deciduous and/or evergreen tree over twenty-five (25) inches in circumference is removed from the buffer, it shall be replaced with at least four (4) or more trees of similar species and size, the location of which shall be determined by the City Planner. Trees seventy-five (75) inches in circumference must be preserved and shall not be removed.

ACCTNO	OWNERNAME1	OWNERADDRE	OWNERCITY	STATE	ZIP
09180004D	HOUGH DIANE PLYLER	2012 CONCORD AVE	MONROE	NC	28110
09180004E	PLYLER ALTON EUGENE	2170 CONCORD AVE	MONROE	NC	28110
09180042	TLAHUANCAPA-HERNANDEZ RUFINO	1511 CITRUS DRIVE	MONROE	NC	281102877
09180069	DUPONT SPECIALTY PRODUCTS USA LLC	974 CENTRE RD	WILMINGTON	DE	19805
09183004A	CAUDLE CYNTHIA A	1515 STAFFORD EXT ST	MONROE	NC	28110
09216042	HOWEY FRANKLIN W JR ET AL	PO BOX 429	MONROE	NC	28111
09223009	MUNOZ LOPEZ MARIA SOLEDAD	6107 MILL GROVE RD	INDIAN TRAIL	NC	28079
09222001A	PLYLER ALTON EUGENE	2172 CONCORD AVE	MONROE	NC	28110
09222015B	CEBALLOS-BASIO EDUARDO	APT C 369 MONTICELLO DR	MONROE	NC	28110
09222017	STURDIVANT SHIRLEY	239 EAST AVE	MONROE	NC	28110
09222020A	BARRINO JAMES H	249 EAST AVE	MONROE	NC	281102803
09222057D	ASL PROPERTIES INC	8539 MONROE RD	CHARLOTTE	NC	28212
09222057E	J AND H KIM INC	5019 MESA VARDE RD	CHARLOTTE	NC	28777
09180003E	PLYLER COMMERCIAL INVEST LLC	2148 SKYWAY DR	MONROE	NC	28110
09180004C	PLYLER AARON WESLEY JR	2040 SKYWAY DR	MONROE	NC	28110
09180028	PLYLER DOROTHY MOSER TRUSTEE	2170 CONCORD AVE	MONROE	NC	28110
09180037	DE LA CRUZ BYRON	1524 STAFFORD ST EXT	MONROE	NC	281102810
09180040	VILLA FRANCISCO M	1515 CITRUS ST	MONROE	NC	281102877
09186001	MORALES ROBERTO GONZALEZ	1516 STAFFORD ST	MONROE	NC	281102810
09180064A	CITY OF MONROE	PO BOX 69	MONROE	NC	281110069
09183004	TUCKER DAVID NEAL	PO BOX 2066	MONROE	NC	28111
09219033	SIMPSON DAVID B	501 HILLSDALE DR	MONROE	NC	28110
09219057	KENEPP JEFFREY	505 SUNYBROOK DR	MONROE	NC	28110
09222013	HEATH LILLIE C	5630 ANGLESEY CT	MATTHEWS	NC	281040654
09222015	MALDONADO GUADALUPE FLORES	227 E EASR AVE	MONROE	NC	28110
09222018	BAKER VERGIE W HEIRS	C/O LAURELLE MUNGO PO BOX 2706	MONROE	NC	28111
09222057	NGUYEN DAVID	7732 LINDA LAKE DR	CHARLOTTE	NC	28215
09222057A	TSIAMIS CAROLYN B	8009 WEDDINGTON DOWNS	WEDDINGTON	NC	28104
09222059	HELMS AMANDA	204 WILKES DR	MONROE	NC	28110
09222063	FINCHER RANDY S	145 GREEN BAY RD	ROCK HILL	SC	29732
09180003C	MAYE AARON T	PO BOX 67	MONROE	NC	281110067
09180041	ALCOCER JORGE	1513 CITRUS AVE	MONROE	NC	281102877
09183001	MOORE JOHNNIE OLIE	PO BOX 1155	MONROE	NC	281111155

09183002	WHITE JUSTIN	1517 STAFFORD ST EXT	MONROE	NC	281102809
09219003	HAMILTON EUNICE	500 HILLSDALE DR	MONROE	NC	28110
09219034	LEAK KELLY LUTHER	500 SUNNYBRROK DR	MONROE	NC	28110
09222004A	601 PROPERTIES	1900 SKYWAY DR	MONROE	NC	28110
09222061	QIN WENLONG	8112 CALISTOGA LN	WAXHAW	NC	28173
09223091	HOUGH NANCY DIANE PLYLER	2012 CONCORD AVE	MONROE	NC	28110
09180035	HOUGH NANCY DIANE P	2012 CONCORD AVE	MONROE	NC	28110
09180004 90	PLYLER DOROTHY MOSER TRUSTEE	2170 CONCORD AVE	MONROE	NC	28110
09180004I	PLYLER DOROTHY MOSER TRUSTEE	2170 CONCORD AVE	MONROE	NC	28110
09180033	FAULK BARBARA P	2038 SKYWAY DR	MONROE	NC	28110
09180064	CITY OF MONROE	PO BOX 69	MONROE	NC	281110069
09183006	DAVIS RODNEY O	246 E EAST AVE	MONROE	NC	28110
09219004	BJORLIN DAVID CARL	120 SPARROW CT	ABERDEEN	NC	28315
09219005	BROOME MARTHA S	504 HILLSDALE DR	MONROE	NC	28110
09222002	601 PROPERTIES	1900 SKYWAY DR	MONROE	NC	28110
09222020	BARRINO GLORIA WINFIELD	249 E EAST AVE	MONROE	NC	28112
09222066 01	PARIKH CORP	1974 SKYWAY DR	MONROE	NC	28110
09223090	PLYLER FARMS LLC	PO BOX 67	MONROE	NC	28110
09180034	HOUGH NANCY DIANE P	2012 CONCORD AVE	MONROE	NC	28110
09180003T	PLYLER FARMS LLC	2148 SKYWAY DR	MONROE	NC	281102812
09180004 80	PLYLER DOROTHY MOSER TRUSTEE	2170 CONCORD AVE	MONROE	NC	28110
09180004 90	PLYLER DOROTHY MOSER TRUSTEE	2170 CONCORD AVE	MONROE	NC	28110
09180004B	FAULK BARBARA P	2038 SKYWAY DR	MONROE	NC	28110
09180066	DAME BROTHERS CO LIMITED PARTNERSHIP	C/O TAX DEPARTMENT 300 NW 16TH ST	FRUITLAND	ID	836192218
09183005	CAUDLE CYNTHIA A	1515 STAFFORD EXT ST	MONROE	NC	28110
09219059	PLYLER ALTON EUGENE	2172 CONCORD AVE	MONROE	NC	28110
09219002	MCCALL MICHAEL JR	2203 CONCORD AVE	MONROE	NC	28110
09219031	MOUDY CHERYL L	505 HILLSDALE DR	MONROE	NC	28110
09222001	PLYLER DOROTHY MOSER TRUSTEE	2170 CONCORD AVE	MONROE	NC	28110
09222057B	SWAPS LLC	4003 BROOK VALLEY RUN	MONROE	NC	28110
09222060	HATHCOCK DAVID RAYMOND JR	110 WILKES DR	MONROE	NC	28110
09223001	AMBRIZ CARMELO	2008 CONCORD AVE	MONROE	NC	28110
09223002	FOWLER SAM EDWARD JR	2006 CONCORD AVE	MONROE	NC	281102705
09180003J	PLYLER FARMS LLC	PO BOX 67	MONROE	NC	28110

09180003U	PLYLER DOROTHY MOSER TRUSTEE	2170 CONCORD AVE	MONROE	NC	28110
09180004H90	PLYLER WILLIAM FRANKLIN	C/O DEWEY ALAN PLYLER JR 3804 WATSON CT	MONROE	NC	28110
09180032	FAULK BARBARA P	2038 SKYWAY DR	MONROE	NC	28110
09180039	JORDAN JUDY L	1528 STAFFORD ST	MONROE	NC	281102810
09183003	HAGENBUCH CODY	248 E EAST AVE	MONROE	NC	28110
09219035	PERRONE JAMES F	502 SUNNYBROOK DR	MONROE	NC	28110
09222001B	601 PROPERTIES	1900 SKYWAY DR	MONROE	NC	28110
09222014	GAITHER DOROTHY W ET AL	217 EAST AVE	MONROE	NC	28110
09222058	STONEHENGE APARTMENT PROPERTIES LLC	7735 OLD GEORGETOWN RD #301	BETHESDA	MD	20814
09222058	STONEHENGE APARTMENT PROPERTIES LLC	7735 OLD GEORGETOWN RD #301	BETHESDA	MD	20814
09180036	UNGERER ESTHER	1522 STAFFORD EXT ST	MONROE	NC	28110
09180002	DAME BROTHERS CO LIMITED PARTNERSHIP	C/O TAX DEPARTMENT 300 NW 16TH ST	FRUITLAND	ID	836192218
09180004J	PLYLER EMILY LEIGH-FRANCES	2040 SKYWAY DR	MONROE	NC	28110
09180030	MARIN ROGELIO SR	3133 ELMWOOD DR	MONROE	NC	28110
	NEW VISION TRUST COMPANY CUSTODIAN				
09180038	FBO JAMES DALEY LINER IRA	135 BROAD ST	ASHEVILLE	NC	28801
09219058	CALZARETTA JILL	501 SUNNYBROOK DR	MONROE	NC	28110
09219032	NASH PAMELA A	503 HILLSDALE DR	MONROE	NC	28110
09222015A	GOMEZ RAUL VENEGAS	223 E EAST AVE	MONROE	NC	28110
09180003S	UNION COUNTY	500 N MAIN ST 7TH FLOOR	MONROE	NC	28110
09180004F	PLYLER AARON WESLEY	2040 SKYWAY DR	MONROE	NC	28110
09180004H80	PLYLER WILLIAM FRANKLIN	C/O DEWEY ALAN PLYLER JR 3804 WATSON CT	MONROE	NC	28110
09180031	MARIN ROGELIO SR	3133 ELMWOOD DR	MONROE	NC	28110
09223008A	CONLEY ROBERT	212 WILKES DR	MONROE	NC	28110
09223009A	LOPEZ MARIA MUNOZ	206 WILKES DR	MONROE	NC	28110
09222012	CHAMBERS EDNA MAE HEIRS	203 E EAST AVE	MONROE	NC	28110
09222016	GILES MATTIE	C/O ROBERT BURN 1325 G STREET NW #500	WASHINGTON	DC	20005
09222021	CORTEZ APOLONIO I	244 EAST AVE	MONROE	NC	281102847
09222022	CALDERON ANGEL SANCHEZ	1511 STAFFORD ST	MONROE	NC	281102809
09222062	SMITH IRIS A	106 WILKES DR	MONROE	NC	28110

APO Map

Legend

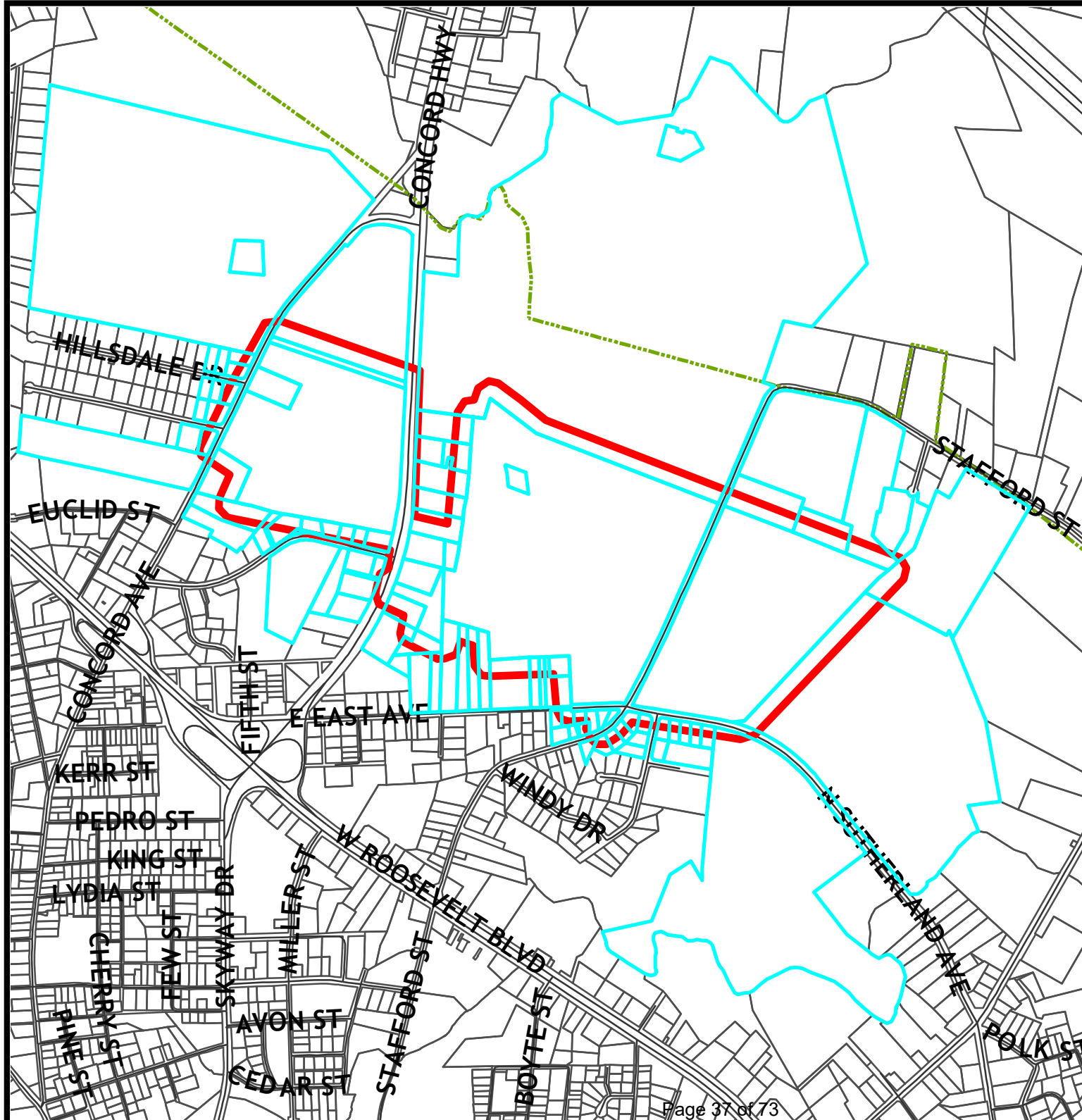
Centerlines

Parcels

Notified Properties

Subject Property

96 Properties Notified





STAFF REPORT
PLSUP-2022-00122

TO: Board of Adjustment Members

DATE: February 24, 2022

FROM: Doug Britt, Senior Planner

PREPARED BY: Megan Brightharp, Planner

SUBJECT: Request to deviate from original conditions on approved Special Use Permit to allow children 6 weeks to 12 years of age, to operate from 6:30 a.m. to 6:00 p.m., and the number of children permitted to coincide with the building and fire code at the childcare center located at 1103 Icemorlee Street.

SUMMARY STATEMENT

The Board of Adjustment is requested to consider this request by Symetha Blake in order to deviate from the conditions on the original approval in 2007. The Board of Adjustment approved a Special Use Permit to allow a childcare/recreational facility located at 103 Icemorlee Street with conditions.

If the Board of Adjustment approves this deviation, the applicant will still be required to go through the permitting process and have everything approved by the City Departments.

SITE DATA

Type of Action: Special Use Permit

Date of Petition: January 27, 2022

Name of Petitioner: Symetha Blake

Location: 1103 Icemorlee Street

Tax ID #: 09-270-049

Lot Size: .83 acres

Zoning Classification: CD (Conditional District) "Icemorlee Business Center"

FINDINGS

Staff offers the following Findings:

1. The property at 1103 Icemorlee Street is owned by Southgate Properties, LLC and is zoned CD (Conditional District) Icemorlee Business Center (Exhibit 1, 2).
2. A Special Use Permit was approved at the July 26, 2007 meeting with the following conditions (Exhibit 3):
 - That the maximum number of children to be served by this facility not exceed 25
 - That the ages of the children range from 5-17
 - That the hours of operation for this facility be Monday- Friday 7:00 a.m.- 6:00 p.m.
3. The applicant, Symetha Blake, submitted a Special Use Permit application to the Planning Department on January 27, 2022 to deviate from the original conditions as follows (Exhibit 4):
 - Allow children from 6 weeks to 12 years of age
 - Allow the hours of operation to span from 6:30 a.m. to 6:00 p.m.
 - Allow the number of children permitted to coincide with the limit set by the building and fire codes to be determined through the change of use permit process
4. A Standard 5 Appraisal Impact Study was completed by Morrison Appraisal, Inc. It is the opinion of Morrison Appraisal, Inc. that a childcare/recreational facility will not adversely affect the value of the adjoining properties. (Exhibit 5)
5. All adjoining property owners have been notified of the Special Use Permit application. (Exhibit 6&7).

CONCLUSIONS

Staff is bringing this request before you tonight for your consideration.

Attachment(s):
Exhibit 1: Ortho Map
Exhibit 2: Zoning Map
Exhibit 3: Original SUP
Exhibit 4: New Application
Exhibit 5: Standards Impact Analysis
Exhibit 6: APO List
Exhibit 7: APO Map

Prepared by: MB 02142022

SPECIAL USE PERMIT WORKSHEET
**TO DEVIATE FROM THE CONDITIONS OF THE ORIGINAL SUP
AT 1103 ICEMORLEE STREET (PARCEL # 09-270-049)**

Before the Board of Adjustment makes a decision concerning the proposed Special Use Permit, they shall consider the following:

I. Completeness of Application:

Staff finds the application to be complete and the jurisdiction proper.

II. Special Use General Standards:

- A. The use will not materially endanger the public health or safety if located, designed, and proposed to be operated according to plan.*

Petitioner's Response: No, the proposed use does not materially endanger the health or safety of the public. Childcare facilities licensed in the State of North Carolina are regulated by the State and the Department of Health and Human Services to provide a safe and healthy environment for the families and community they service.

☐ Motion standard is met; or

☐ Motion standard is NOT met based on the following findings of fact:

-
- B. The use or development complies with all regulations and standards of the City of Monroe Zoning Ordinance, as well as any other state or local rule or regulation governing the development of land.*

Petitioner's Response: The proposed use meets all the conditions and specifications of local government ordinance. The proposed site has already been approved for a childcare facility. All specification for local government ordinances have been met.

☐ Motion standard is met; or

☐ Motion standard is NOT met based on the following findings of fact:

- C. *The use or development will not adversely impact surrounding property and will not substantially injure the value of adjoining property.*

Petitioner's Response: The proposed use will not substantially injure the value of adjoining property. An impact study was completed to determine if proposed use would adversely impact surrounding properties. Finding in the study does not indicate an adverse impact in the value of adjoining properties.

☐ Motion standard is met; or

☐ Motion standard is NOT met based on the following findings of fact:

- D. *The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Monroe Land Development Plan.*

Petitioner's Response: The proposed use will be in harmony with the area in which it is in general conformity with the local government's development plan. The site has previous approval for proposed use and has complied with all government development plans.

☐ Motion standard is met; or

☐ Motion standard is NOT met based on the following findings of fact:

III. *Permit Action*

- A. **Motion** to GRANT the special use permit. (*Board of Adjustment may add conditions as deemed necessary*).

OR;

- B. **Motion** to DENY the special use permit based on the finding that general standard(s) _____ above is/are not met.



Ortho Map

**CD "Icemorlee
Business Center"**

Legend

- Centerlines
- Parcels
- Subject Property

Owner:
Southgate Properties, LLC

Acres: .83

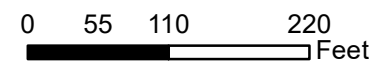
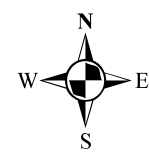


Exhibit 1

Zoning Map

CD "Icemorlee Business Center"

Legend

-  Centerlines
-  Parcels
-  Rail

Zoning Districts

Code

-  R-10
-  R-10SU
-  G-I
-  OT
-  CD

Owner:
Southgate Properties, LLC
Acres: .83



0 55 110 220
Feet

Exhibit 2

FILED
UNION COUNTY
CRYSTAL CRUMP
REGISTER OF DEEDS

FILED Jul 11, 2008
AT 03:06 pm
BOOK 04935
START PAGE 0225
END PAGE 0227
INSTRUMENT # 26142
EXCISE TAX (None)

TRB

Prepared by and return to the City of Monroe, PO Box 69, Monroe, NC 28111-0069

NORTH CAROLINA

PROJECT #: 07-11000008

UNION COUNTY

**THE CITY OF MONROE, NORTH CAROLINA
SPECIAL USE PERMIT**

On the date(s) listed below, the Board of Adjustment of the City of Monroe met and held a public hearing to consider the following application:

Record Owner(s): Brad & Carol Bradley

Property Location: 1103 -B Icemorlee Street

Tax Map & Parcel # 09-270-049 & 050 **Acreage:** 36,192 square foot

Deed Reference: **BOOKS** 3717 & 3912, **PAGES** 505 & 782

Type and Intensity of Use: Daycare Facility

Meeting Date: July 26, 2007 **Approval Date:** July 26, 2007

SECTION 1. FINDINGS: Having heard all of the evidence and arguments presented at the hearing, the Board of Adjustment, at its regular meeting, finds and determines that the application is complete, and subject to the conditions imposed below, the following findings are made:

1. The use will not materially endanger the public health or safety if located, designed, and proposed to be operated according to plan, and
2. The use or development complies with all regulations and standards of the City of Monroe Unified Development Ordinance, as well as any other state or local rule or regulation governing the development of land.
3. The use or development will not adversely impact surrounding property and will not substantially injure the value of adjoining property.
4. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Monroe Land Development Plan.

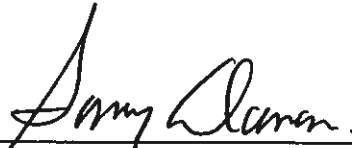
SECTION 2. CONDITIONS. Now, therefore, the application to make use of the above described property for the purpose indicated is hereby approved and granted, subject to all applicable provisions of Chapter 156 of the City of Monroe Code of Ordinances, Section 3 of this permit, and the following conditions:

1. The maximum number of children to be served by this facility shall not exceed 25.
2. The ages of the children will range from 5-17.
3. The hours of operation for this facility will be Monday -Friday 7:00 a.m.-6:00 p.m.

Exhibit 3

4. The applicant shall work with the City of Monroe Fire Department and meet all current and future standards for the proposed use.

SECTION 3. VESTED RIGHTS. Approval of this permit confers upon the property the right to develop with the type and intensity of use as herein described and as shown on the approved site plan. Development of the property, however, shall be subject to any and all future amendments to Chapters 156 and 157 of the Monroe Code of Ordinances which do not affect type and intensity of use (e.g. landscaping, design standards, screening, etc) as herein approved.



Sonny Damon, Chairman
Board of Adjustment

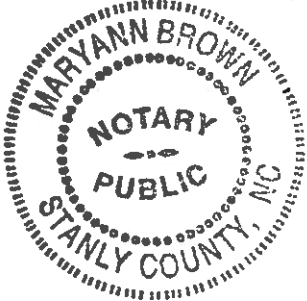
NORTH CAROLINA

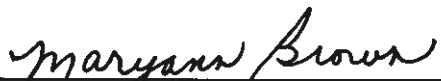
UNION COUNTY

I, Maryann Brown, a Notary Public in and for Stanly County, North Carolina, and Clerk to the Board of Adjustment, do hereby certify that Sonny Damon, Chairman, Board of Adjustment, personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this 10th day of July, 2008 .

(Seal)



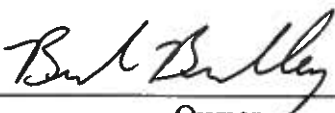


Notary Public

MY COMMISSION
EXPIRES 10-14-2011

We, Brad & Carol Bradley, do hereby acknowledge receipt of this Special Use Permit.

The undersigned official does further acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding on them and their successors in interest.



Owner



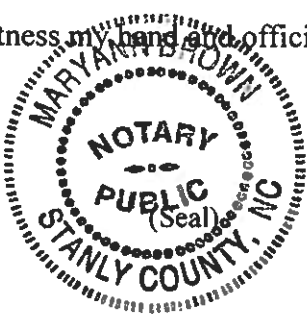
Owner

NORTH CAROLINA

UNION COUNTY

I, MARYANN BROWN a Notary Public in and for STANLY County, North Carolina, do hereby certify that BRAD BRADLEY + CAROL BRADLEY, personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 11th day of July, 2008.



Maryann Brown
Notary Public

(Seal)

MY COMMISSION EXPIRES 10-14-2011

The foregoing Certificate(s) of _____ is/are certified to be correct. This instrument and this certificate are duly registered at the date and time in the Book and Page shown on the first page hereof.

REGISTER OF DEEDS FOR UNION COUNTY

By _____ Deputy/Assistant-Register of Deeds



SPECIAL USE PERMIT APPLICATION

Applicant's Name: Symetha Blake

Applicant's Mailing Address: 6109 Eubanks
PO Box 506 Mineral Springs NC 28108

Applicant's Phone Number: 704-778-8966

Applicant's Email Address: Kidzconnection1630@gmail.com

Property Owner: Albert E. Isaac

Property Location: 1103 Icemorlee St Monroe NC 28110

Tax ID Number: 09 -270-049 Deed Reference Number: BOOK _____ PAGE _____

Existing Zoning: D

Proposed Special Use:

Childcare Center ages 6 weeks to 12 years. 6:30 Am
to 6:00pm M-F. Number of Children per building and
or fire code.

Proposed Conditions:

For Staff Use Only

Project Number: _____

Date Submitted: _____

Approved _____

Denied _____

Every petition for a reclassification of property shall be accompanied by a site plan drawn to scale and sealed by a registered engineer, surveyor, architect, or landscape architect licensed to practice in the State of North Carolina. Site plans for subdivision applications shall be in the form of a preliminary plat with all information that is required per Chapter 156 of the Monroe Code of Ordinances – Zoning Code, and specifically listed in the Appendix *Standards*. In addition, all applications for a Special Use Permit shall be accompanied by a written consulting report from a North Carolina State Certified Real Estate Appraisal that conforms to Standard 5 of the Uniform Standards of Professional Appraisal Practice (single family homes on single family lots are exempt from this requirement). The site plan shall include the following information; however, the Zoning Administrator may require additional information whenever necessary and may waive one or more of the requirements if such is found to be irrelevant to the proposed project.

General Information Required

5-12-21

SUP Application.doc REVISED 2-99, 7-99, 2/00, 12/03, 7/04, 9/13, 1/14, 12/15, 5/21

Exhibit 4

- A location map that shows the project in relation to surrounding parcels, zones, streets, right of ways, and utility services and easements, total acreage, north arrow, legend, and a vicinity map.
- Name of the applicant(s) and the name of the proposed development including a copy of the current deed.
- Scale, at one (1) inch equals 100 feet, unless otherwise approved by the Zoning Administrator.

Information on Natural, Historic, and Recreational Features Required

- Contour lines at no greater than five (5) foot intervals.
- Location and dimensions of all recreational areas, equipment, features, historic sites and open space.
- Natural screening (woods, thickets, etc.), streams, ponds, rivers and similar natural or man-made features.

Zoning and Lot Information Required

- Existing and proposed zoning district lines, flood plain delineation, property lines, existing and proposed parking, trash collection systems and screening (include a copy of the planting schedule) and building footprints for any structure or walls to be placed on the property. Residential uses shall include the number of units per building and the total project.
- Proposed lot dimensions and setbacks, with diagrams of proposed signs showing location on the lot, size, height, and attachment (if indicated).
- Watershed data to demonstrate compliance with sections 156.101 of the Monroe Code of Ordinances.
- Boundary of any phase lines, for phased development plans. (Include a statement for future building time line)
- Detailed landscape plan in compliance with section Chapter 156, Article XVII of the Monroe Code of Ordinances issued by a certified landscape architect, or other certified professional preparer

Transportation and Utilities Information Required

- Existing and proposed streets, sidewalks, easements, parking and loading areas, drainage facilities, storm water control devices, and public utilities.
- A driveway permit from NCDOT for developments on state maintained roads, and a city driveway permit for development on city maintained streets.
- A letter from the Director of Water Resources stating that adequate water and sewer is available, or can be made available, to the site in adequate capacities.

Special use permit approval requires several standard findings of fact (see below). It shall be the responsibility of the applicant to address all findings related to the development proposal. The burden of submitting competent evidence that the findings have been met is the applicant's responsibility. Every application shall include an appraisal report from a certified appraiser that the proposed use will not substantially injure the value of the adjoining property, as specified in the findings below. Additional information supporting the special use permit application shall be the responsibility of the petitioner and not the responsibility of the city.

At the Board of Adjustment hearing, petitioners should be prepared to testify to the following standard findings of fact for all special uses:

1. Will not endanger the public health or safety,
2. Will not injure the value of adjoining or abutting property,
3. Will be in harmony with the area in which it is located, and
4. Will be in conformity with the land-use plan, thoroughfare plan, or other plan officially adopted by the Council.

Note: Due to the amount of detailed information needing to be submitted to the city, it is *requested* that early contact with the city planning department be accomplished to avoid unnecessary delays. All applications for a special use permit shall be reviewed by the Zoning Administrator prior to Board of Adjustment review. The applicant shall submit a completed application no later than 30 days prior to the Board of Adjustment meeting at which the petition is to be heard. If the application is found to be incomplete or the development is found to be in conflict with the requirements of this application, the developer shall be notified and the petition rejected.

Upon acceptance of the site plan by planning staff, the petitioner shall provide a digital copy of the site plan. Depending on site details, the applicant may be required to provide ten (10) copies of the site plan for review by the Board of Adjustment.

It is understood and acknowledged that if the Special Use Permit is authorized, the property involved in this request will be perpetually bound to the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 156.42 of the Zoning Ordinance of the City of Monroe Code of Ordinances.

I. Special Use General Standards:

- A. The use will not materially endanger the public health or safety if located, designed, and proposed to be operated according to plan. No
- B. The use or development complies with all regulations and standards of the City of Monroe Zoning Ordinance, as well as any other state or local rule or regulation governing the development of land. Yes
- C. The use or development will not adversely impact surrounding property and will not substantially injure the value of adjoining property. No
- D. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Monroe Land Development Plan. Yes

To the best of my knowledge, all of the information herein submitted is accurate and complete.

Applicant (printed): Symettha Blake

Applicant's Signature: Symettha Blake

Date: _____

Property Owner: Southgate Properties, LLC

By: Albert F. Isaac

Title: Manager

Owner's Signature: Albert Isaac

Date: 1/11/2022

1/19/2022

****If you are signing on behalf of a business (such as an LLC), you must include your title with the company****

[Signature]

1.Special Use General Standards:

A. The proposed use does not materially endanger the health or safe of the public. Childcare Facilities licensed in the state of North Carolina are regulated by the state and the Department of Health and Human Services to provide a safe and healthy environment for the families and community they service.

B. The proposed use meets all the conditions and specification of local government ordinance. The proposed site. Has already been approved for a Childcare facility. All specification and local government ordinance have been met.

C. The proposed use will not substantially injure the value of adjoining property. An impact study was completed to determine if proposed use would adversely impact surrounding properties. Finding in the study does not indicate a adverse impact in the value of adjoining properties.

D. The proposed use will be in harmony with the area in which it is in general conformity with the local government's development plan. Site has previous approval for proposed use an has complied with all government development plan.



MORRISON APPRAISAL, INC.
PROVIDING EXCEPTIONAL VALUE SINCE 1985

Impact Study –Kidzconnection Proposed Daycare

1103 Icemorlee Street· Monroe, NC

As of: December 08, 2021

Date of Report: December 28, 2021

Client: Symetha Blake

Prepared By: Andrew G. Morrison, MAI

R. Kent Wilkinson,

Registered Trainee –T2601

Exhibit 5



December 28, 2021
Monroe Board of Adjustments

To Whom it May Concern:

As requested, I have studied the subject at 1103 Icemorlee Street, Monroe, NC 28110. Symetha Blake would like to lease the property and convert to a daycare.

The Monroe Board of Adjustments classifies this use as a Daycare Center which requires a special use permit in the Conditional Use - CD Zoning District. Properties adjacent or exposed to daycare facilities were reviewed as to their impact on surrounding properties.

Based on the information gathered, it is my opinion that the use will be in harmony and should not adversely affect surrounding properties.

If you have any questions, please let me know.

Sincerely,

R. Kent Wilkinson

R. Kent Wilkinson
NC-T6071



Symetha Blake, Monroe, NC 28110





CERTIFICATION OF THE APPRAISAL

Andrew Morrison, certifies that, to the best of our knowledge and belief,

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and is our personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.
4. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
5. I have not reported a predetermined opinion or conclusion, and I am not an advocate of anything other than assignment results. I have not paid fees, commissions, etc. in connection with procurement of this assignment.
6. I have made a personal inspection of the property that is the subject of this report.
7. No one provided significant real property appraisal assistance to the person(s) signing this certification.
8. The engagement in this assignment was not contingent upon developing or reporting predetermined results.
9. The compensation for completing this assignment is not contingent upon the development or reporting of a predetermined opinion that favors the cause of the client, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this report.
10. I have performed no services, as an appraiser or in any other capacity regarding the property that is the subject of the report within the three-year period immediately preceding acceptance of  this assignment.
11. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute. As of the date of  this



report, I have completed the Standards and Ethics education requirements of the Appraisal Institute for Members.

CONTINGENT AND LIMITING CONDITIONS

1. The appraiser obtained the information, estimates, and opinions that were expressed in the report from sources that he or she consider to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
2. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinion about the title.
3. The appraiser must provide prior consent before the client specified in the report can distribute the report (including conclusions about the opinion, the appraiser's identity and professional designations, and reference to any professional appraisal organization or the firm with which the appraiser is associated) to anyone other than the clients, consultants professional appraisal organizations: and state or federally; or any department, agency, or instrumentality of the United States for any state or the District of Columbia; except that the client may distribute the property description section of the report only to data collection or reporting services(s) without having to obtain the appraiser's proper written consent. The appraiser's written consent and approval must also be obtained before the appraisal can be conveyed by anyone to the public through advertising, public relation, news, sales, or other media.
4. The appraiser will not give testimony or appear in court, unless specific arrangements to do so have been made beforehand.
5. The appraiser has noted in the report any adverse condition (such as needed repairs, depreciation, the presence of hazardous wastes, toxic substance, etc.) observed during the inspection of the subject property or that he or she became aware of during the normal research involved in performing the study, Unless otherwise stated in the report, the appraiser has no knowledge of any hidden or unapparent condition of the property or adverse environmental conditions (the presence of hazardous wastes, toxic substance, etc.) that would make the property more or less valuable, and has assumed that there are no such condition and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. The appraiser is not qualified to detect substances such as asbestos, urea-formaldehyde foam insulation, mold, radon gas or other potentially hazardous





materials that may affect the value of the surrounding properties. The opinion is predicated on the assumption that there is no such material on or in the property which would cause a loss in value. The client is urged to retain an expert in this field, if desired. Because the appraiser is not an expert in the field of environmental hazards, the report must not be considered as an environmental assessment of the property.

6. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or for obtaining the engineering studies that may be required to discover them.
7. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, there are no guarantees express or implied, regarding this determination.
8. Responsible and competent property management is assumed.
9. The appraiser has not made a specific compliance survey and analysis of the subject parcel to determine whether or not it is in conformity with the various detailed requirements of the Americans with Disabilities Act ("ADA"). It is possible that a compliance survey of the property together with a detailed analysis of the requirements of the ADA could reveal that the subject parcel is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative effect upon the value of the property. Since the appraiser has no direct evidence relating to this issue, the appraiser did not consider possible non-compliance with the requirements of ADA in estimating the value of the subject.
10. The forecasts, projections, or operating estimates contained herein are based on current market conditions, anticipated short-term supply and demand factors, and a continued stable economy. These forecasts are, therefore, subject to changes with future conditions.
11. The appraiser will not disclose the contents of the report except as provided for in the Uniform Standards of Professional Appraisal Practice.
12. Possession of the report, or a copy thereof, does not carry with it the right of publication.
13. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.





TABLE OF CONTENTS

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SURROUNDING PROPERTIES	13
FINAL CONCLUSION	15





IMPORTANT FACTS AND CONCLUSIONS

LOCATION AND OWNERSHIP

Property Location	1103 Icemorlee Street Monroe, NC
Map Reference	09-270-049
Owner	Southgate Properties LLC.

PROPERTY INFORMATION

Subject Sq ft	5,280 4 Units
Zoning	CD
Description of Improvements	Proposed daycare

REPORT INFORMATION

Purpose of Report	Impact of daycare on surrounding properties
Intended User	Symetha Blake
Effective Date of Value	December 8, 2021
Date of Report	December 28, 2021

CONCLUSIONS

The use is in harmony with the neighborhood and does not adversely affect the surrounding properties.



INTRODUCTION

The property being studied is 1103 Icemorlee Street, Monroe, NC 28110. The owner wants to lease the property to a tenant that will convert into a daycare and will occupy three of the four units. This use is classified as a Daycare Center which requires a special use permit in the CD District.

PURPOSE OF ASSIGNMENT

The purpose of this assignment is to provide an opinion of the impact of daycares on the market value of surrounding properties, and whether it is in harmony with the center.

INTENDED USE & INTENDED USER

It is the appraiser understands that the report will be used by Symetha Blake to present before the Monroe Board of Adjustments. Symetha Blake ordered the report and is the intended user.

EFFECTIVE DATE OF THE APPRAISAL

The effective date of this appraisal is December 8, 2021. The date of the report is December 28, 2021

SCOPE OF ASSIGNMENT

The scope of work of this assignment is based on the intended use, requirements from the client, complexity of assignment and property, the sophistication of the market, and other pertinent information.

INSPECTION

Symetha Blake, Monroe, NC 28110

7



The scope of the appraisal includes an inspection of the subject property and observation of the surrounding area.

DATA RESEARCH AND COLLECTION

The scope of the appraisal also includes gathering local and regional information on the subject property. Databases are used to identify other properties that have daycares and adjacent properties that have sold/leased.

DATA ANALYSIS

The study researches and analyzes the effect of daycares on surrounding properties. Properties adjacent to daycares are compared to properties without exposure.

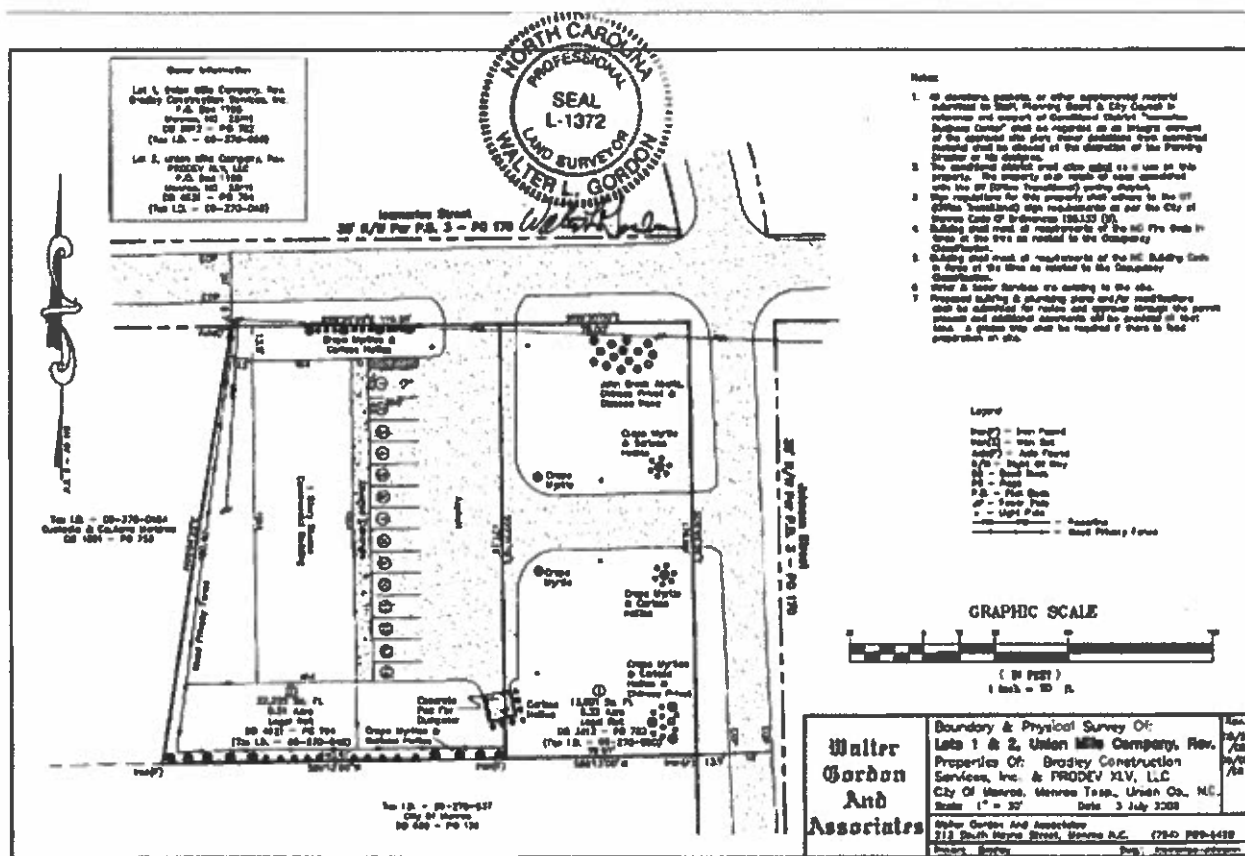
DATA REPORTING

The report is presented in a narrative format. Supporting documentation of analyses, opinions, and conclusions is stored in the work file. The appraiser has the experience necessary to complete this assignment.

HISTORY OF PROPERTY

Southgate Properties LLC has leased the units since purchase in 2020. The prospective tenant has plans to convert to a daycare and will occupy three of the four units. The City of Monroe requires a special use permit.

SITE ANALYSIS



Comments: The subject is located on 1103 Icemorlee Street consisting of a 5,280 sq ft and is a four unit facility on a 38,028 sq ft lot. The site is located at the intersection of Icemorlee Street and N. Johnson Street and has frontage on both streets.



IMPROVEMENTS

The subject is a 5,280 sq ft 4 unit building that has been leased for mixed occupancy and is zoned Conditional Use. The building was constructed in 2007. The current space is shown below.





ZONING



The site was originally zoned OT (Office Transitional) and was rezoned to CD (Conditional Use) district is designed to allow retail as a use on this property. The property retains all uses associated with the OT (Office Transitional) zoning district. Sign regulations for this property shall adhere to the OT (Office Transitional) sign requirements as per the City of Monroe Code of Ordinances 156.133 (U). Building shall meet all requirements of the NC Fire Code in force at the time as related to the Occupancy Classification. Building shall meet all requirements of the NC Building Code in force at the time as related to the Occupancy Classification. The proposed use is classified under Daycare and requires a special use permit.



<i>DESCRIPTION</i>	<i>R-40/ R-20</i>	<i>R-10</i>	<i>R- MF</i>	<i>R-MH</i>	<i>OT</i>	<i>CB D</i>	<i>GB</i>	<i>GI</i>	<i>C</i>
DAY CARE CENTER	S	S	S	S	S		Z	S	ZS



SURROUNDING PROPERTIES

The subject is located at the corner of Icemorlee Street and N. Johnson Street. The area is made up of commercial ventures, houses of worship and single family homes.



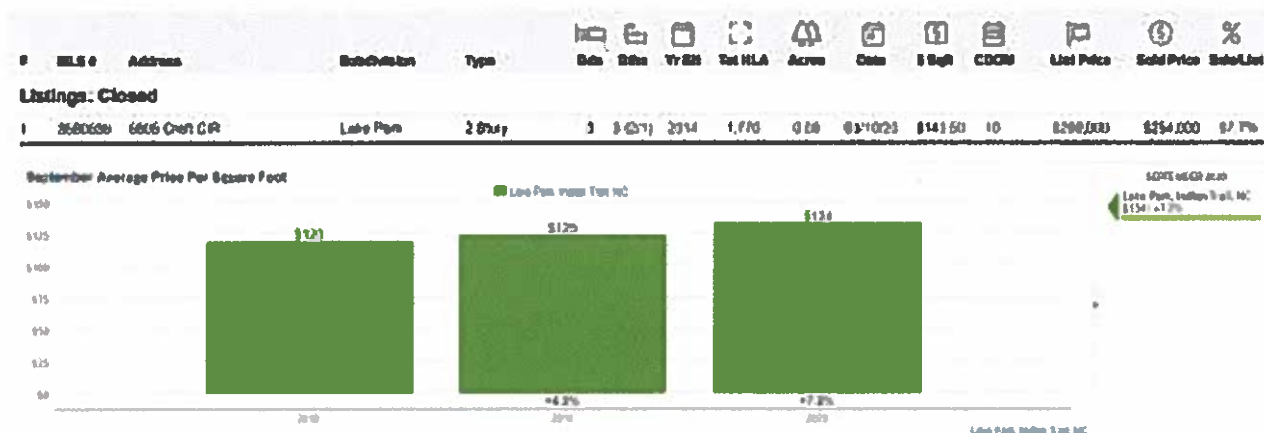
IMPACT ANALYSIS

The analysis consists of studying properties daycares.

STUDY 1- Ms Dee Dee's, Indian Trail, NC –6810 Creft Circle



This daycare was built in 2003. It is located in center of Lake Park surrounded by single family and commercial uses. 6805 Creft Cir is across the street from the daycare. It sold in March 2020 for \$254,000 or \$143.59psf. The average price per sqft of Lake Park homes is \$134. The daycare proximity did not affect the price of 6805 Creft Circle.





STUDY 2- Big Blue Marble Academy- 5000 Sardis Road, Indian Trail, NC



The daycare center on Wesley Chapel Stouts Road is completely surrounded by residential development. 5701 Lindley Crescent Dr in Shiloh Trace backs up to the daycare. It's price per sq ft is in line with averages in the subdivision. There is no adverse effect from being close to the daycare center.

#	MLS #	Address	Subdivision	Type	Bed	Bath	Ty Br	Tot HLA	Acres	Date	S/SqFt	COGN	List Price	Sold Price	Sold/Lst
Listings: Closed															
1	3640000	12203 Fulsom Ridge DR	Shiloh Trace	3 Story	4	3 (2+1)	2003	2,330	0.21	10/08/03	\$118.67	3	\$385,000	\$351,000	100.3%
2	3664016	5100 Overly R Falls DR	Shiloh Trace	2 Story	6	3 (2+1)	2004	2,907	0.26	10/07/03	\$111.80	2	\$319,000	\$325,000	104.6%
3	3640049	1421 Langdon Terrace DR	Shiloh Trace	3 Story	5	4 (2+1)	2006	3,032	0.21	08/21/03	\$99.80	8	\$349,000	\$330,000	87.1%
4	3636407	1209 Langdon Terrace DR	Shiloh Trace	2 Story	5	3 (2+1)	2005	3,607	0.25	09/21/03	\$88.10	3	\$319,000	\$325,000	101.6%
5	3636301	2305 Carochi Hollow CT	Shiloh Trace	2 Story	4	3 (2+1)	2004	2,538	0.36	08/03/03	\$118.63	3	\$294,000	\$298,000	100.4%
6	3622461	1211 Langdon Terrace DR	Shiloh Trace	2 Story	4	4 (2+1)	2005	3,570	0.23	07/02/03	\$98.18	2	\$348,500	\$368,500	100.4%
7	3600309	12203 Langdon Terrace DR #08	Shiloh Trace	3 Story	5	3 (2+1)	2003	2,763	0.18	08/10/03	\$106.20	33	\$288,000	\$296,000	98.4%
8	3681830	1417 Langdon Terrace DR	Shiloh Trace	3 Story	5	3 (2+1)	2006	3,403	0.21	08/08/03	\$23.40	4	\$325,000	\$315,000	96.9%
9	3601294	2001 Raley Park CT	Shiloh Trace	2 Story	4	4 (2+1)	2005	3,793	0.44	03/07/03	\$106.22	5	\$325,000	\$328,000	98.5%
10	3688305	1407 Langdon Terrace DR	Shiloh Trace	2 Story	6	3 (2+1)	2006	2,880	0.21	03/31/03	\$108.00	6	\$324,888	\$325,100	100.2%
11	3674761	5600 Fulsom Ridge DR	Shiloh Trace	2 Story	4	4 (2+1)	2003	2,873	0.22	02/28/03	\$103.62	44	\$297,000	\$303,500	101.9%
12	3684381	5226 Fulsom Ridge DR	Shiloh Trace	3 Story	4	3 (2+1)	2003	2,733	0.21	11/12/03	\$106.15	11	\$296,000	\$296,000	100.0%
13	3635301	5006 Overly R Falls DR	Shiloh Trace	2 Story	5	4 (2+1)	2004	3,543	0.22	06/22/03	\$91.75	12	\$329,000	\$325,000	101.0%
14	3623488	2104 Raley Park CT	Shiloh Trace	2 Story	5	3 (2+1)	2003	3,020	0.35	08/09/03	\$98.01	26	\$320,000	\$325,000	100.9%
15	3621440	5709 Lindley Crescent DR	Shiloh Trace	2 Story	4	3 (2+1)	2004	2,803	0.28	07/20/03	\$108.34	5	\$298,000	\$292,000	100.7%
16	3498380	2302 Carochi Hollow CT #02	Shiloh Trace	2 Story	4	3 (2+1)	2004	2,838	0.21	05/31/03	\$108.78	15	\$286,000	\$285,000	98.3%
17	3486306	1606 Langdon Terrace DR	Shiloh Trace	2 Story	6	3 (2+1)	2005	2,840	0.47	04/24/03	\$103.17	2	\$295,000	\$289,500	98.3%
18	3470021	5723 Lindley Crescent DR	Shiloh Trace	3 Story	4	3 (2+1)	2003	2,910	0.18	05/01/03	\$106.57	07	\$271,000	\$257,000	94.8%
19	3478119	5718 LINDLEY CRESCENT DR	SHILOH TRACE	2 Story	4	3 (2+1)	2004	2,250	0.56	04/30/03	\$112.22	234	\$256,000	\$252,500	98.6%
20	3462544	5707 Lindley Crescent DR	Shiloh Trace	2 Story	4	3 (2+1)	2003	2,671	0.28	04/04/03	\$101.00	77	\$268,000	\$269,000	100.4%
21	3406644	1303 Langdon Terrace DR	Shiloh Trace	2 Story	5	4 (4+1)	2006	3,800	0.21	04/16/03	\$96.07	43	\$326,000	\$334,250	98.6%
22	3471222	2303 Carochi Hollow CT	Shiloh Trace	2 Story	4	3 (2+1)	2004	2,575	0.30	03/02/03	\$104.85	183	\$273,000	\$275,000	98.2%
23	3446700	5701 Lindley Crescent DR	Shiloh Trace	2 Story	4	3 (2+1)	2004	2,624	0.68	01/09/03	\$103.29	26	\$274,000	\$271,000	98.6%
24	3649030	3308 Fulsom Ridge DR	Shiloh Trace	2 Story	4	3 (2+1)	2004	2,330	0.17	09/03/03	\$125.00	1	\$286,000	\$281,000	98.9%



Min	4.00	2.00	2000	2,000	0.17	\$90.01	1	\$290,000	\$292,000	99.6%
Max	6.00	4.00	2000	3,632	0.60	\$129.60	204	\$340,000	\$340,000	100.0%
Avg	4.66	2.42	2004	2,820	0.23	\$103.32	23	\$291,700	\$300,000	97.2%
Med	4.00	2.00	2004	2,700	0.22	\$104.34	10	\$290,000	\$290,000	96.7%

FINAL CONCLUSION

The subject property is located in a residential area. The studies analyzed the impact of daycares on neighboring properties. In both cases the proximity to the use did not impact the value of properties.

In conclusion, it is the appraiser's opinion that using the site for a daycare will not negatively the value of the abutting or adjoining property.



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EDUCATION

BS Degree – Appalachian State University
Political Science- Pre-Profession Legal Studies
Business Minor- December 2004

APPRAISAL COURSES ATTENDED AND PASSED WITH EXAM

R1 – Introduction to Real Estate Appraisal
Mingle Institute, Charlotte, NC- February 2005

R2 – Valuation Principles and Procedures
Mingle Institute, Charlotte, NC- April 2005

R3- Applied Residential Property Valuation
Mingle Institute, Charlotte, NC- May 2005

USPAP- Mingle Institute, Charlotte, NC- June 2005

G1- Introduction to Income Property Appraisal
Mingle Institute, Charlotte, NC- September 2005

G2- Advanced Income Capitalization Procedures
Mingle Institute, Charlotte, NC- October 2005

G3- Applied Income Property Valuation
Mingle Institute, Charlotte, NC- November 2005

Basic Income Capitalization
The Appraisal Institute, Greensboro, NC- May 2007

USPAP Update- Mingle Institute, Charlotte, NC- May 2007

Business Practices and Ethics-
The Appraisal Institute, Greensboro, NC- December 2007, Columbia, SC- May 2012
North Carolina General Certified Appraiser State Examination-
Passed December 2007



Report Writing and Valuation Analysis-
The Appraisal Institute, Greensboro, NC- July 2008

Advanced Income Capitalization-
The Appraisal Institute, Greensboro, NC- June 2009

USPAP Update- Mingle Institute, Charlotte, NC- July 2009

Market Analysis and Highest and Best Use-
The Appraisal Institute, Greensboro, NC- July 2009

Advanced Sales Comparison and Cost Approaches
The Appraisal Institute, Greensboro, NC- June 2010

Advanced Applications
The Appraisal Institute, Greensboro, NC- February 2011

Appraisal Institute Comprehensive Examination for the MAI Designation
Passed November 2011

USPAP Update- Erick Little & Company, Charlotte, NC- April 2012, April 2014

SEMINARS

Residential Development- Valuation Trends, IsPUEs, and Challenges
Online- October 2009

Using Spreadsheet Programs in Real Estate Appraisals
The Appraisal Institute, Greensboro, NC- February 2010

The Appraiser and the Site To Do Business: Location, Timing and Demographics
Online-August 2010

Understanding and Using Investor Surveys Effectively
Online- January 2011

Perspectives from Commercial Review Appraisers
Online- July 2011



The Green Guide to Appraising
McKissock- May 2013

Deriving and Supporting Adjustments
McKissock- May 2013

Evaluation Appraisal Seminar
The NC Chapter of the Appraisal Institute, Oct 2014

Rural Land Valuation
The Appraisal Institute- January 2017

Supervisor/Trainee Course
CPCC- Harris Campus- April 2017

CCIM- CI101: Financial Analysis for Commercial Real Estate
Charlotte, NC- February 2018

CCIM- CI104: Investment Analysis for Commercial Real Estate
Charlotte, NC - March 2019

CCIM- Commercial Real Estate Negotiations
Charlotte, NC- May 2019

CCIM- User Decision Analysis For Commercial Real Estate
Charlotte, NC – October 2019

CCIM Comprehensive Examination for the CCIM Designation
Passed August 2020



WORK HISTORY

2005 to Dec 2009 – Morrison Appraisal, Inc.
Registered Trainee/Property Manager

Dec 2009 to Present- Morrison Appraisal, Inc.
Certified General Real Estate Appraiser

PROFESSIONAL ORGANIZATIONS

The Appraisal Institute- MAI Designated
CCIM Institute- Candidate Member

PARTIAL CLIENT LIST

- Huntley Brothers Co Inc
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- BB&T
- Capital Bank
- Cranfill Sumner Hartzog LLP
- Town of Indian Trail
- Keller Williams
- Culp, Elliot, Carpenter

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Exhibit 6

APO Map

CD "Icemorlee Business Center"

Legend

-  Notified Properties
-  150 Foot Buffer
-  Centerlines
-  Parcels
-  Subject Property

Owner:
Southgate Properties, LLC

Acres: .83



0 55 110 220
Feet

Exhibit 7