

**BOARD OF ADJUSTMENT
MEETING
THURSDAY, FEBRUARY 27, 2020
6:30 PM
Council Chambers
300 West Crowell Street
Monroe NC**

AGENDA

- Item 1.** **Call to Order**
- Item 2.** **Approval of Minutes**
- Item 3.** **Special Use Permit request for the property located at 1819 Dickerson Blvd**
- Item 4.** **Variance request for the property located at 2211 Morgan Mill Road**
- Item 5.** **Variance request for the property located at 417 Hill Street and 420 Miller Street**
- Item 6.** **Variance request for the properties located at 314, 316 and 318 Cemetery Drive**
- Item 7.** **Next Meeting**
- Item 8.** **Adjournment**

*Attention: BOARD MEMBERS:
Please call Maryann Brown at 704.282.4527 to confirm your attendance. Thank you!*

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

**MINUTES OF THE
BOARD OF ADJUSTMENT MEETING
JANUARY 23, 2020 at 6:30 P.M.
Council Chambers
300 West Crowell Street
Monroe NC**

To S. Laney – e-mailed on 1-24-19

Item 1. Call to Order

Chairman George Massey called the January 23, 2020 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 3 members.

Members Present: George Massey, David Covington, Louis Philippi (alternate)

Members Absent: None

Staff Present: Doug Britt, Senior Planner; Ashley Britt, Assistant City Attorney; Joe McCollum, BOA Attorney and Maryann Brown, Administrative Assistant

Guests: Derek Hodge, William K. Draper, Carol H. Draper, Lesly J. Kyle Hayes, Martin Rangel Cortez, Cristian Gutierrez, Ramon Oscar Jacques, Omar Rodriguez, Rachel Lindsay

The alternate sat on the dais to fill in for a vacancy.

Item 2. Approval of Minutes – Meeting of December 19, 2019 Meeting

Approval of the minutes for the meeting was requested.

Motion: David Covington moved to adopt the minutes of the December 19, 2019 Meeting.

Second: Louis Philippi

Action: The motion to approve the minutes passed unanimously.

Item 3. Case #20-11000002 – The applicant, Maria Rangel, is requesting a Special Use Permit to construct a single-family dwelling at the property located at 503 Winchester Avenue (Tax ID #09-228-195A)

Mr. Massey said that anyone who is going to give testimony in this case needs to be administered the oath. Doug Britt, Kyle Hayes and Martin Rangel Cortez came forward and were sworn in.

Doug Britt, Senior Planner, introduced this item. He said this is a Special Use Permit in order to construct a new single-family home at 503 Winchester Avenue. He said at this time he would proceed with the findings of the record:

1. The property at 503 Winchester Avenue is currently owned by Maria Rangel and is zoned R-10 (Residential- Low 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. 160A-381 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. 160A-381 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 December 2, 2019 requesting to construct a new single family home on the property. The home is 2,389 square feet with a two car garage. (Exhibit 5, 6, 7, 8, 9)
4. All adjoining property owners have been properly notified of this special use permit. (Exhibit 10)

Doug said he would be glad to answer any questions. He said a representative of the applicant is here tonight to answer any questions as well.

Mr. Massey asked Doug if he received any calls or questions from any of the residents regarding this request. Doug said no.

Mr. Massey asked if anyone would like to give testimony or speak, you may come forward. There was no one.

Mr. Massey asked if any Board Members had any questions. There were none.

Mr. Massey asked for a motion from the Board on each standard:

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

Motion: David Covington made a motion that this standard is met and will not endanger the public health or safety.

Second: Louis Philippi

Action: The motion that the standard was met passed unanimously.

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: Louis Philippi made a motion that the standard is met

Second: David Covington

Action: The motion that the standard was met passed unanimously.

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

Motion: David Covington made a motion that the standard is met and the use or development will not adversely impact surrounding property and will not injure the value of adjoining property.

Second: Louis Philippi

Action: The motion that the standard was met passed unanimously.

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 and is in conformity with the Monroe Land Development Plan.

Second: David Covington

Action: The motion that the standard was met passed unanimously.

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

Motion: David Covington made a motion to grant the Special Use Permit based on the fact that all standards have been met.

Second: Louis Philippi

Action: The motion to approve the Special Use Permit passed unanimously.

Mr. Massey said the Special Use Permit has been granted.

Item 4. Case #20-11000003 – The applicant, Group Fenix, is requesting a Special Use Permit to allow an Event Facility in the General Business (GB) zoning district located at the property of 620 Euclid Street (Tax ID #09-223-089)

Mr. Massey said that anyone who is going to give testimony in this case needs to be administered the oath. Doug Britt and Derek Hodge came forward and were sworn in.

Doug Britt, Senior Planner, introduced this item. He said this is a Special Use Permit request to allow an event facility in the General Business (GB) zoning district located at 620 Euclid Street. He said at this time he would proceed with the findings:

1. The property at 620 Euclid Street is owned by Group Fenix, Inc. and is zoned GB (General Business). (Exhibit 1, 2)
2. The applicant submitted a Special Use Permit Application on December 9, 2019 requesting to operate an Event Facility on the property. (Exhibit 3, 4)
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 5).
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 6)
5. All adjoining property owners have been properly notified of this Special Use Permit. (Exhibit 7)

Doug said staff did not receive any questions or calls from adjoining property owners.

Doug said he would be glad to answer any questions. He said the applicant is here tonight and he will be able to answer any questions too.

Mr. Massey asked if there were any questions.

Louis Philippi asked if there would be any exit onto Euclid Avenue or will it go straight onto Secrest Short Cut. Doug said according to the site, it basically is an open swap. He said you can get access to Euclid Avenue or Secrest Short Cut Road.

Mr. Massey asked what the planned occupancy will be as far as the number of people allowed in the building. Doug said he did not know but would defer this to the applicant. He said typically that would be determined when you get to the building permit stage. He said it would be determined by the Fire Marshall. He said no matter what it is, it would have to be adhered. He said whether it is occupant or assembly, and based on the size of it, this would determine the occupancy. He said this is the first step of the process. He said we won't accept an application for a permit until they receive this approval first.

David Covington asked if there would be adequate parking to sustain all events. Doug said staff believes there will be. He said typically with event facilities, events are held in the evenings or weekends. He said currently in our ordinance we do not have parking requirements. He said our parking requirements are based on you providing a reasonable amount of parking based on use which equates to not having parking requirements. He said staff does not see this being an issue.

Mr. Massey asked if there were any other questions. There was not.

Mr. Massey said there were some questions that needed to be answered by the applicant. He asked if there were any additional comments.

Mr. Derek Hodge came forward and said he was the architect working with Group Fenix on this project. He said some of the ideas that we are looking at on a preliminary basis would be redoing outside exterior elevations to enhance it a little bit. He produced some sketches of the building. He said they have looked at developing the property. He said there is going to be some road improvements on the intersection of Hwy 74 and Secrest Short Cut Road that we are still trying to finalize. He said we have done a few sketches as far as parking, entrance areas and things like that, as well as possible expansion of this space. He said we would like to keep the door open for that. He said there is a 50-foot buffer requirement between the residential property. He said there is going to be some stormwater detention structures. He said we are still working on the preliminary basis of those. He said we are trying to get approval to see if they can do it first before we spend too much of their money on surveys, engineering and things like that. He said depending on the road improvements from Secrest Short Cut intersection, Hwy 74 and Euclid Avenue, we have proposed one-way in and two-ways out here on Secrest Short Cut. He said this would have to go through DOT for driveways and things, but to improve the view from areas (that large swath of area that you can park haphazardly) they are looking at doing some landscaping to better improve the environment and the way people perceive this and use this. He said they want to provide a more structured entrance activity area. He said it is more of a phased-type of development now.

Mr. Massey asked what the square footage of the building. Mr. Hodge said it is about 8,000 square feet. He said the existing building is about 1,000 square feet.

Louis Philippi said to Mr. Hodge that there are a lot of contingencies, such as the road getting fixed. He said you have given us a picture of what you expect if all goes well. He said if it doesn't go well will you still build. Mr. Hodge said road improvements take a long time and what we will try to do is plan for it so that it doesn't interfere with the intended function. He said you can get an idea of what they are looking at. He said it is not always going to be what ends up but we would like to reserve that space for the intersection improvements. He said the improvements to the exterior will happen based on the existing building. Mr. Philippi said to Mr. Hodge if he was looking at building structure with the hope of making it a little nice as time goes by. Mr. Hodge said the additional space expansion is down the road. He said this is for the event center for the current building (Monroe Outlets). He said we are trying to phase it so that the end result is a unified development so that we are not tearing things up as we go.

There were no other questions.

Mr. Massey asked for a motion from the Board on each standard:

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

Motion: David Covington made a motion that the standard is met and the event hall will not in any way endanger the public health or safety.

Second: Louis Philippi

Action: The motion that the standard was met passed unanimously.

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: Louis Philippi made a motion that the standard is met and it does comply with all of Monroe's zoning ordinances. He said he can't see where it is bothering any others.

Second: David Covington

Action: The motion that the standard was met passed unanimously.

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

Motion: David Covington made a motion that the standard is met and the use of the property as family-oriented events, receptions and meetings will not have an adverse impact on the adjoining properties.

Second: Louis Philippi

Action: The motion that the standard was met passed unanimously.

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. He said the property is located in the GB zoning district and once the business is approved, the business will be in general conformity with the Monroe Land Development Plan.

Second: David Covington

Action: The motion that the standard was met passed unanimously.

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

Motion: David Covington made a motion to grant the Special Use Permit for the property.

Second: Louis Philippi

Action: The motion to approve the Special Use Permit passed unanimously.

Mr. Massey said the Special Use Permit has been granted.

Item 5. Other

There was no other business.

Item 6. Next Meeting - February 27, 2020

Item 7. Adjournment

Mr. Massey said he would entertain a motion to adjourn at this time.

Motion: David Covington made a motion to adjourn the meeting.

Second: Louis Philippi

Action: The motion to adjourn passed unanimously.

The meeting was adjourned at 6:55 p.m.

Respectfully submitted,

George Massey
Chairman

Maryann Brown
Clerk of the Board



STAFF REPORT
Case #20-11000004

TO: Board of Adjustment Members

DATE: February 27, 2020

FROM: Doug Britt, Senior Planner

PREPARED BY: Keri Hutchins, Planner

SUBJECT: Special Use Permit request by Omar Nunez to allow an Event Facility in the GB zoning district located at 1819 Dickerson Blvd.

SUMMARY STATEMENT

The Board of Adjustment is requested to consider this request by Omar Nunez to allow an Event Facility in the GB zoning district located at 1819 Dickerson Blvd.

SITE DATA

Type of Action: Special Use Permit

Date of Petition: February 6, 2019

Name of Petitioner: Omar Nunez

Location: 1819 Dickerson Blvd.

Tax ID #: 09-264-026

Lot Size: 13.66 acres

Zoning Classification: GB (General Business)

FINDINGS

Staff offers the following Findings:

1. The property at 1819 Dickerson Blvd. is owned by John Couchell and is zoned GB (General Business). (Exhibit 1, 2)

2. The applicant submitted a Special Use Permit Application on February 6, 2020 requesting to operate an Event Facility 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 properly notified of this special use permit. (Exhibit 6)

CONCLUSIONS

Please see attached Special Use Permit Worksheet.

Attachment(s):

Exhibit 1: Ortho Map
Exhibit 2: Zoning Map
Exhibit 3: Application
Exhibit 4: Section 156.110
Exhibit 5: Impact Study
Exhibit 6: APOs

Prepared by: KEM 2-10-20

**SPECIAL USE PERMIT WORKSHEET
TO ALLOW AN EVENT CENTER TO OPERATE AT 1819 DICKERSON BLVD.
(PARCEL # 09-264-026)**

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: The proposed use will not endanger public health or safety, the desired use will boost public health because the building will be thoroughly cleaned and sanitize after every event. Public safety will not be impacted because the events will [be] protected by private security and local police during large events. Venue staff has a strict policy against underage drinking, and minor's curfew.

☐ 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 desired use is allowed in general business zoning, and meets all regulations.

☐ 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: A banquet space will not negatively impact surrounding property nor business within the same area because the business hours of the majority of the business will not overlap. A banquet space will actually boost local economy by creating new business to local caterers, decorators, and event planners.

☐ 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 space will fit in perfectly in the shopping complex, because of the ample parking, and access to Hwy. 74. The majority of the complex is empty, and will not create much disturbances.

☐ 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

Case #: 20-11000004

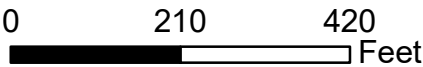
Legend

-  Centerlines
-  Parcels

**Existing: GB
(General Business)**

Owner: John Couchell

Acres: 13.66



Zoning Map

Case #: 20-11000004

Legend

Centerlines

Parcels

Zoning Districts

Code

R-20

GB

CD

Existing: GB
(General Business)

Owner: John Couchell

Acres: 13.66



0 210 420
Feet



SPECIAL USE PERMIT APPLICATION

Applicant's Name: Omar Nunez

Applicant's Mailing Address: 1706 Polk St
Monroe, NC 28110

Applicant's Phone Number: 704-352-1990

Applicant's Facsimile Number: _____

Applicant's Email Address: Salone1Rex@ICloud.com

Property Location: 1819 Dickerson Blvd, Monroe, NC

Tax ID Number: _____ - _____ - _____ Deed Reference Number: BOOK _____ PAGE _____

Existing Zoning: GB

Proposed Special Use: Event space to host weddings,
Birthday parties

Proposed Conditions:

The events hosted in proposed location will be private events, specificity
friends and families of the host. The building will not operate as a nightclub
nor bar. The only events open to the public will be organized by non profit
organizations

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

- 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.
- The names and address of all adjoining property owners referenced by tax ID numbers. (This information can be obtained at the office of the Union County Tax Collector located in the Old Courthouse)
- Scale, at one (1) inch equals 100 feet, unless otherwise approved by the Zoning Administrator.

Revised 12-22-15

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

For Staff Use Only	
Project Number: _____	
Date Submitted: _____	
Approved _____	
Denied _____	

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 fifteen (15) 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.

The proposed use will not endanger public health or safety, the desired use will boost public health because the building will be thoroughly cleaned and sanitize after every event. Public safety will not be impacted because events will protected by private security and local police during large events. Venue staff has a strict policy against underage drinking, and minors curfew.

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.

The desired use is allowed in general business zoning, and meets all regulations.

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

A banquet space will not negatively impact surrounding property nor business within the same area because the business hours of the majority of the business will not overlap. A banquet space will actually boost local economy by creating new business to local caterers, decorators, and event planners.

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.

The space will fit in perfectly in the shopping complex, because of the ample parking, and access to hwy 74. The majority of the complex is empty, and will not create much disturbances.

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

Omar Nunez

Applicant (printed)

Omar Nunez

Applicant's Signature

01-29-2020

Date

John Couchell

Property Owner (printed)

John Couchell

Property Owner's Signature

1/31/20

Date

<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>CBD</i>	<i>GB</i>	<i>GI</i>	<i>C</i>
Social, fraternal clubs and lodges, union halls, event facilities and similar uses	S	S			S	S	S		ZS



MORRISON APPRAISAL, INC.
PROVIDING EXCEPTIONAL VALUE SINCE 1985

Impact Study – An Events Center

OMAR NUNEZ

1819 Dickerson Blvd.
Monroe, NC

As of:
February 3, 2020

Date of Report:
February 5, 2020

For:
Omar Nunez

By:
Andy Morrison, Appraiser
613 Euclid Street
Monroe, North Carolina 28110

Prepared By, Andrew G. Morrison, MAI



February 5, 2020

Omar Nunez

Dear Mr. Nunez:

As requested, I have studied the property located at 1819 Dickerson in Monroe, NC. The property is a unit in Union Square shopping center on 13.666 acres of land. The property is owned by Union Square Monroe, LLC. The prospective tenant, Omar Nunez, is interested in operating an events center. The City of Monroe requires a special use permit in order for the property to be used for the proposed use.

Based on the information gathered, it is my opinion that using the site for special events will not substantially injure the value of the abutting or adjoining property and will be in harmony with the neighborhood.

If you have any questions, please let me know.

Sincerely,

Andrew G. Morrison, MAI
Morrison Appraisal, Inc.
NC Certified General
Appraisal Institute #497226



CERTIFICATION OF THE STUDY

Andrew Morrison, certifies that, to the best of my 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 appraisal 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. The property is appraised on the basis of it being under responsible ownership.
3. The appraiser must provide prior consent before the lender/client specified in the appraisal report can distribute the appraisal report (including conclusions about the property value, 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 borrower; the mortgagee or its successors and assigns; the mortgage insurer, consultants professional appraisal organizations; and state or federally approved financial institution; or any department, agency, or instrumentality of the United States for any state or the District of Columbia; except that the lender/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 because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.
5. The appraiser has noted in the appraisal 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 appraisal. Unless otherwise stated in the appraisal 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 property. The value estimate 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 appraisal 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. Any allocation of the total value estimated in this report between the land and the improvements applies only under the stated program of utilization. The separate values allocated to the land buildings must not be used in conjunction with any other appraisal and are invalid if so used.
8. The appraise 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.
9. The appraiser has provided a sketch in the appraisal report to show approximate dimensions of the improvements and the sketch is included only to assist the reader of the report in visualizing the property and understanding the appraiser's determination of its size.
10. Responsible and competent property management is assumed.
11. 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.
12. 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.
13. The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice.
14. Possession of the report, or a copy thereof, does not carry with it the right of publication.

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IMPORTANT FACTS AND CONCLUSIONS

Property Location	1819 Dickerson Blvd., Monroe, NC
Owner	Union Square Monroe, LLC
Person Requesting Study	Omar Nunez
Date of Study	February 5, 2020
Property Rights	Fee simple
Zoning	GB- Central Business District
Map reference	09-264-026
Legal Description	#A Union Square Parcel OPCL221
Land area	13.666 acres
Description of Improvements	Shopping Center
Proposed Use	Events center



INTRODUCTION

The subject is a commercial building that is located at 1819 Dickerson in Monroe. Union Square Monroe, LLC owns the property and is identified as part of tax parcel 09-264-026. The owners plan to use the space for a special events. A special use permit is required by the City of Monroe.

PURPOSE OF THE LAND UTILIZATION STUDY

The purpose of this study is to meet the requirements of the City of Monroe for events use in the GB zoning. The report will address: "The use will not substantially injure the value of the adjoining property" and whether it is in harmony with the neighborhood.

EFFECTIVE DATE OF THE STUDY

The effective date of this study is February 3, 2020, which is the date of the inspection. The date of the report is February 5, 2020.

SCOPE OF THE APPRAISAL

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

The scope of the appraisal includes an exterior inspection of the subject property and observation of the surrounding area. The unit's interior could be viewed from the storefront.



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 event centers and adjacent properties that have sold/leased.

DATA ANALYSIS

The study researches and analyzes the effect of event centers on surrounding properties. Sales of properties adjacent to properties that have event centers are compared to properties without exposure.

Sales adjoining properties where events are held will be compared to sales in the area that are not influenced by the presence of similar facilities. The analysis will help determine the impact of the planned project on the surrounding area.

HISTORY OF PROPERTY

Union Square Monroe, LLC has owned the property since November 25, 2019 when it was purchased from WBCMT 2006-C24 Dickerson Rd LLC for \$2,650,000. The shopping center was anchored by Harris Teeter which closed a few years ago. This caused the center to mostly go dark. The subject unit is a former CVS that went vacant during this time period. Omar Nunez has plans to lease the space and operate an events center for weddings, etc.

SITE

The shopping center is on 13.666 acres of land that has frontage on Roosevelt Blvd and Dickerson Blvd. The acreage of the site is based on the tax map. The subject is a unit in this shopping center.

Access is provided by Roosevelt Blvd and Dickerson Blvd, which is the main commercial intersection in Monroe. Access to the site is good.

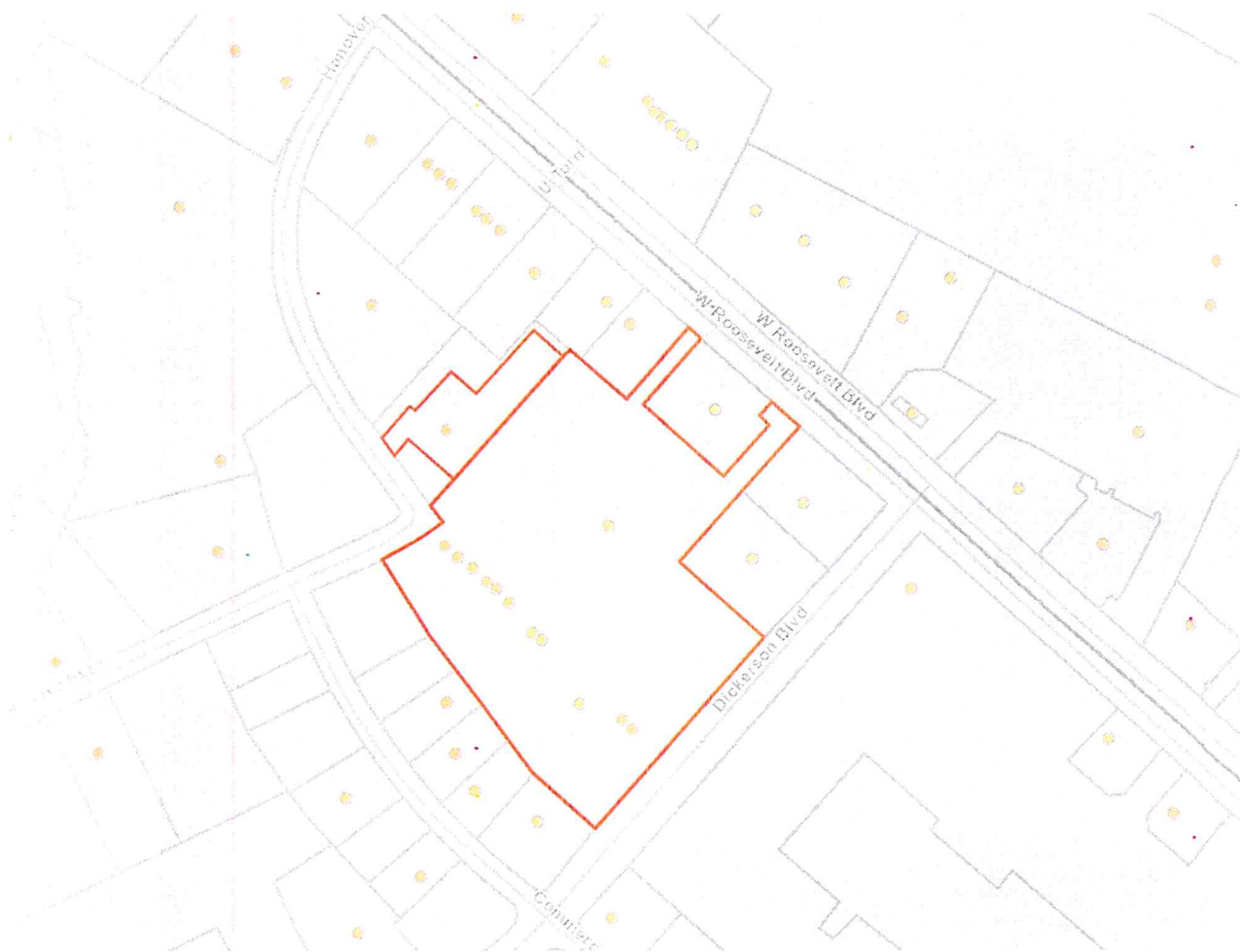


Public utilities that the City of Monroe provides to the site include electricity, water, sewer, and gas.

The site is not in a flood area. A soil analysis was not provided and it is assumed that there are not any adverse soil conditions that would affect the marketability of the site.

A survey was not provided and it is assumed that there are not any adverse easements, encroachments or other adverse conditions affecting the site.

TAX MAP



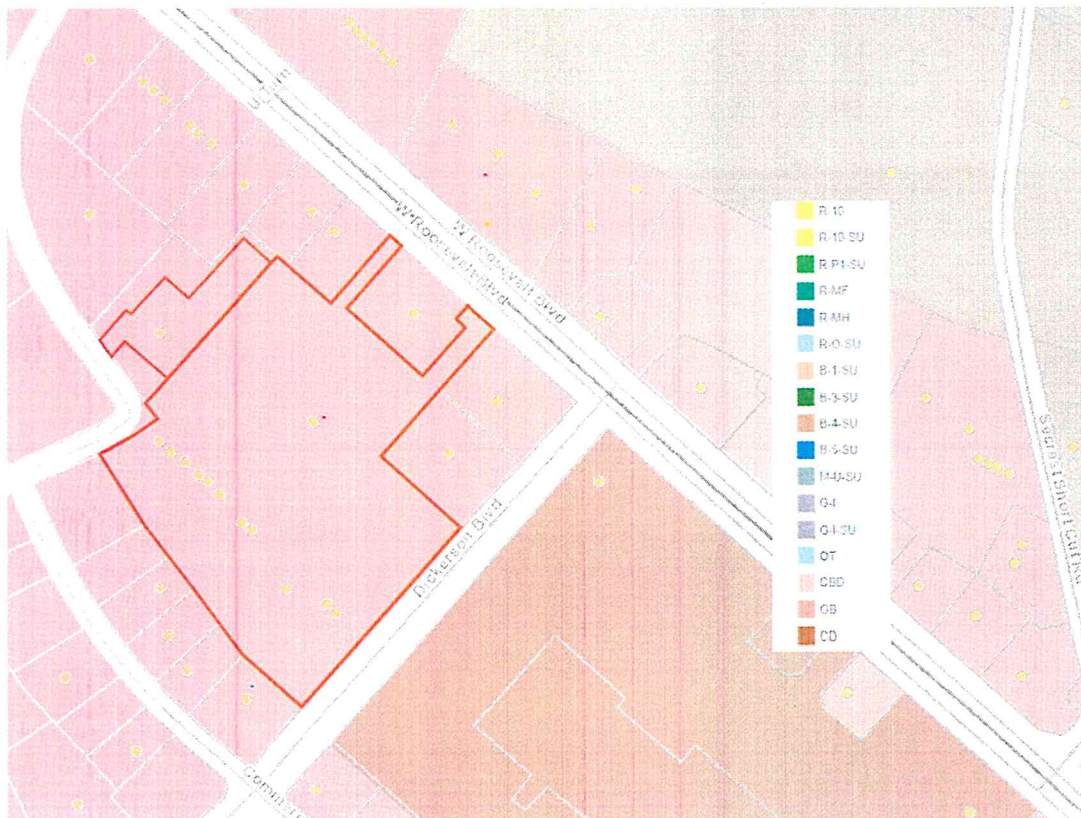
ZONING

The property is currently zoned GB- Central Business District. The district is designed to accommodate a wide variety of commercial activities (particularly those that are pedestrian oriented) that will result in the most intensive and attractive use of the City's Central Business District.

The zoning is controlled by the City of Monroe and the proposed use requires a special use permit.

DESCRIPTION	R- 40/R- 20	R-10	R- MF	R-MH	OT	CBD	GB	GI	C
Social, fraternal clubs and lodges, union halls, event facilities and similar uses	S	S			S	S	S		ZS

ZONING MAP



IMPROVEMENTS

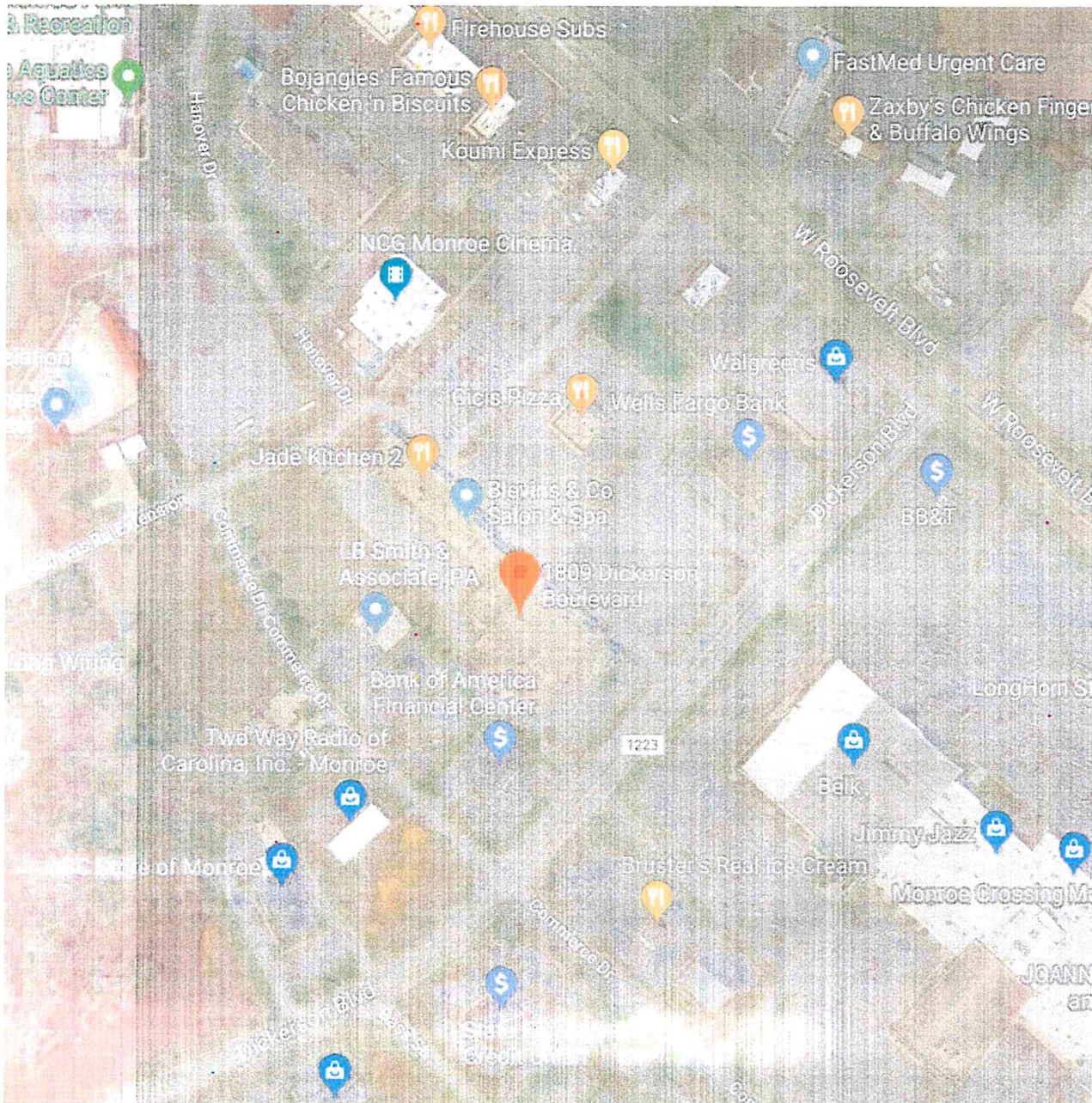
The subject property is currently improved with a 32,670 square foot shopping center that was built in 1988. The subject unit is the junior anchor space next to the former Harris Teeter. The space is open retail and was last used as a pharmacy.







SURROUNDING PROPERTIES



The subject is located on Dickerson Blvd in Monroe off Highway 74, the main commercial corridor in Monroe. The properties adjacent to the subject are commercial. Business includes the Wells Fargo, Cici's Pizza, Bank of America Financial Center, and Wallgreens. The demand in the area is average to good particularly along Highway 74.



THE EFFECT ON ADJOINING PROPERTY

The planned use will be special events. Other locations where special events are allowed will be studied to determine if the planned use will impact the value of the adjoining property.

Areas Examined

1) Rolling Hills Country Club – Roosevelt Boulevard - Parcel 09-259-067

This property is located on Roosevelt Blvd. This is located in a commercial and residential area. The country club holds special events such as weddings and meetings. There is one sale that joins this site that was sold in October of 2011 for \$950,000. This price is similar to other sites on Roosevelt Boulevard that have sold and the use of the club for special events did not affect the sale price.

2) Masonic Lodge – Franklin Street – Parcel #09-231-061

The masonic lodge is located on the corner of Franklin St and Hough Street. The area surrounding this parcel is made up of residential and commercial uses. The last commercial sale that closed in this area is a retail building across the street from the subject that sold for \$200,000 on February 1, 2008. The price per sq. ft. of this sale is similar to commercial sales that are not in the area of a lodge.

There have been two house sales that closed on Talleyrand next to the subject. These sales closed in 2009 and 2010. The price per sq. ft. of each sale was similar to the other sales that are not located next to lodges. The commercial parcel is 09-231-060 and the residential parcel numbers are 09-231-073 and 074.



3) American Legion Post 27 – Sutherland Avenue – Parcel 09-188-054

This parcel is located on Sutherland Avenue and it is surrounded by commercial, industrial and residential uses. A single family house that joins the site sold in 2005 for \$63,000, which is similar to other sales of houses that did not join lodges. This parcel number was 09-188-014.

4) Treehouse Vineyard – Bay St – Parcel 09-238-125

The vineyard hosts private events, tours, and ceremonies. It is surrounded by small residential development. 204 Fallingtree Ln abuts the property and sold in 2014 for \$135,900 (\$72.91/sqft). It is located in Bramblewood subdivision and the sale is similar to neighborhood's overall price trend. The event center did not have an impact on the sale price.

FINAL CONCLUSION

The subject property is located off Highway 74 in an area made up of commercial uses. The client plans to use the building as an events center.

After examining other special event locations in Monroe, it is the appraiser's opinion that using the site for special events will not substantially injure the value of the abutting or adjoining property and will be in harmony with the neighborhood.

Andrew (Andy) Morrison, MAI
613 Euclid Street
Monroe, NC 28110

NC Certified General #A7253
Member of the Appraisal Institute #497226
MAI Designated



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, Issues, 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

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

PARTIAL CLIENT LIST

- Pinnacle Bank
- First National Bank
- BB&T
- Capital Bank
- Cranfill Sumner Hartzog LLP
- Town of Indian Trail
- Keller Williams
- Culp, Elliot, Carpenter

ACCTNO	OWNERNAME1	OWNERNAME2	OWNERADDRE
09216073 01	FRANCES SIMPSON FAMILY LLC	% BOJANGLES	307 C J THOMAS RD
09264026	WBCMT 2006-C24 DICKERSON RD LLC		1601 WASHINGTON AVE STE 700
09264026	WBCMT 2006-C24 DICKERSON RD LLC		1601 WASHINGTON AVE STE 700
09264026	WBCMT 2006-C24 DICKERSON RD LLC		1601 WASHINGTON AVE STE 700
09261001A	EAST BROADWAY APARTMENTS LLC		%ZELMAN REALTY
09264024	VINSON ENTERPRISES INC	% WALGREEN CO	PO BOX 1159
09264003 01	MONROE CROSSING OWNER LLC		% TIME EQUITIES INC
09265021	ARMSTRONG KATHERINE T	HUSBAND JAMES L HELMS	1111 OAK HILL DR
09264036			
09216074	TY-PAR REALTY INC		P O BOX 748
09216074	TY-PAR REALTY INC		P O BOX 748
09264034	FIRST UNION NATIONAL BANK OF NC	% THOMSON REUTERS	PO BOX 2609
09264026	WBCMT 2006-C24 DICKERSON RD LLC		1601 WASHINGTON AVE STE 700
09264026A	MONROE CINEMAS LLC		314 E COMSTOCK ST
09264003 01	MONROE CROSSING OWNER LLC		% TIME EQUITIES INC
09264035			
09216072	CHERRY LOG DEVELOPERS LLC		101 RIVERWOODS DRIVE
09264025	CHOPRA ISH K		%BANK OF AMERICA
09264003 01	MONROE CROSSING OWNER LLC		% TIME EQUITIES INC
09216089	QUACH GROUP LLC (THE)		2825 PULASKI DR
09216090	FRANCIS LLC		2263 W ROOSEVELT BLVD
09264033	HUMPHRIES HERBERT B JR		PO BOX 1216
09264003 01	MONROE CROSSING OWNER LLC		% TIME EQUITIES INC
09265018	PRS HOLDINGS LLC		2208 COMMERCE DR
09265019	LBSJR PROPERTIES LLC		516 S ELM ST
09216073 02	FRANCES SIMPSON FAMILY LLC	% BOJANGLES	307 C J THOMAS RD
09216074	TY-PAR REALTY INC		P O BOX 748
09216075	TYSON CENTER LLC		PO BOX 748
09261016	CITY OF MONROE		P O BOX 69
09264003 01	MONROE CROSSING OWNER LLC		% TIME EQUITIES INC
09216072	CHERRY LOG DEVELOPERS LLC		101 RIVERWOODS DRIVE
09216149	MR TOKYO TRADING LLC		13725 DALTREY LN
09265017	DAVIS JASON		2204 COMMERCE DR
09264003 01	MONROE CROSSING OWNER LLC		% TIME EQUITIES INC
09264003 01	MONROE CROSSING OWNER LLC		% TIME EQUITIES INC
09265020	ANDREWS DEANA S		1105 CHADBOURNE AVE

OWNER	CITY	OWNER STATE	OWNER ZIP
MONROE		NC	28110
MIAMI BEACH		FL	33139
MIAMI BEACH		FL	33139
MIAMI BEACH		FL	33139
WOODBURY		NY	11797
DEERFIELD		IL	60015
NEW YORK		NY	10003
MONROE		NC	28112
MONROE		NC	28111-0748
MONROE		NC	28111-0748
CARLSBAD		CA	92018
MIAMI BEACH		FL	33139
OWOSSO		MI	48867
NEW YORK		NY	10003
MORGANTON		NC	28655
CHARLOTTE		NC	
NEW YORK		NY	10003
MONROE		NC	28110
MONROE		NC	28110
MONROE		NC	28111-1216
NEW YORK		NY	10003
MONROE		NC	28110
MARSHVILLE		NC	28103
MONROE		NC	28110
MONROE		NC	28111-0748
MONROE		NC	28111
MONROE		NC	28111-0069
NEW YORK		NY	10003
MORGANTON		NC	28655
CHARLOTTE		NC	28277
MONROE		NC	28110
NEW YORK		NY	10003
NEW YORK		NY	10003
CONCORD		NC	28027



STAFF REPORT

Case # 20-34000006

TO: Board of Adjustment Members

DATE: February 27, 2020

FROM: Doug Britt, Senior Planner

PREPARED BY: Keri Mendler, Planner

SUBJECT: Variance Request by Carolina Tractor & Equipment for a Larger Directional Sign

SUMMARY STATEMENT

Lauren Glenn, on behalf of Carolina Tractor Equipment, is requesting a variance to the sign section of the Zoning Code for a larger directional sign at 2211 Morgan Mill Road. The applicant is requesting to install an eight (8) foot tall, thirty-two (32) square foot directional sign at 2211 Morgan Mill Road.

SITE DATA

Type of Action: Variance
Date of Petition: February 11, 2019
Name of Petitioner: Lauren Glenn on behalf of Carolina Tractor & Equipment
Location: 2211 Morgan Mill Road
Tax ID #: 09-143-007F
Lot Size: 32.09 Acres
Zoning Classification: General Industrial

REVIEW

Findings:

1. The property located at 2211 Morgan Mill Road is owned by Carolina Tractor and Equipment Company and is zoned General Industrial. (Exhibit 1 and 2)
2. On February 1, 2019, the applicant submitted a variance application in order to request a variance to the sign code regarding the size and height of a directional sign. (Exhibit 3)

3. According to the zoning code onsite directional signs are allowed; however, they cannot exceed three (3) square feet. Directional signs are also limited to three (3) feet tall. The applicant is requesting a four (4) foot wide by eight (8) foot tall directional sign for a total square footage of 32 square feet. They are seeking a variance of 29 square feet and five (5) feet in height. (Exhibit 4, 5, 6)
4. All adjacent property owners have been notified of the proposed variance. (Exhibit 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 20-34000006 be (**approved/denied**).

Attachments:

Exhibit 1: Aerial Map
Exhibit 2: Zoning Map
Exhibit 3: Application
Exhibit 4: Ordinance Allowances
Exhibit 5: Sign Proposal
Exhibit 6: Sign Site Plan
Exhibit 7: APOs

Prepared by: KM 2-12-20



Ortho Map

Case #: 20-34000006

Legend

-  Centerlines
-  Parcels
-  City Limits

Existing: GI
(General Industrial)

**Owner: Carolina Tractor
& Equipment**

Acres: 32.09

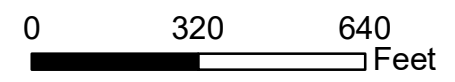


Exhibit 1

Zoning Map

Case #: 20-34000006

Legend

— Centerlines

▭ Parcels

— City Limits

Zoning Districts

Code

▭ R-40

▭ R-20

▭ G-I

▭ CD

Existing: GI
(General Industrial)

**Owner: Carolina Tractor
& Equipment**

Acres: 32.09



0 320 640
Feet

Exhibit 2



City of Monroe Variance Application Form

Applicant's Name: Lauren Glenn

Applicant's Address: 224 Industrial Drive - Lexington, SC 29072

Property Owner's Name: CAROLINA TRACTOR & EQUIPMENT

Property Owner's Address: 9000 STATEVILLE ROAD

CHARLOTTE, NC 28269

Legal Relationship of Applicant to Property Owner: Sign Contractor

Contact Person Name and Phone Number: KEVIN HARVEY, DIRECTOR REAL ESTATE & FACILITIES, 704-731-7400

Existing Use of Property: HEAVY EQUIPMENT DEALERSHIP (CAROLINA CATERPILLAR)

Property Location: 2211 Morgan Mill Rd - Monroe, NC 28110

Tax Map Number: 09-143-007F Lot Size: 32.09 ACRES Zoning District: _____

Ordinance section number to which a variance is being sought: _____

Proposed variance description: 4x8 Double-Sided Directional

For Staff Use Only

Application #: _____

Date Submitted: _____

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.]

We are requesting to have a small directional sign at the entrance to direct traffic flow around the

property so that trucks are not backing out into the road to turn around due to going the wrong direction.

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]

Because the driveway is short on this property and the business is on a main road, drivers need to see which direction to go before they pull in for deliveries and pickups to avoid causing traffic jams on Morgan Mill Rd.

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]

No, the hardship was not known at the time of purchase of the property because they did not know what signage they would need and how the business would be laid out and how traffic would flow at the time of purchase.

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.**

Yes, the requested variance is consistent with the spirit of the the ordinance. We are only requesting a small deviation from the ordinance.

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.**

No, this variance request will not result in the extension of a nonconforming situation. This business does not have any nonconforming issues with current signage.

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.

Lauren Glenn
Printed name of Applicant

Lauren Glenn
Signature of Applicant

12/30/19
Date

KEVIN HARVEY
Printed name of Owner

[Signature]
Signature of Owner

12-17-19
Date

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. _____

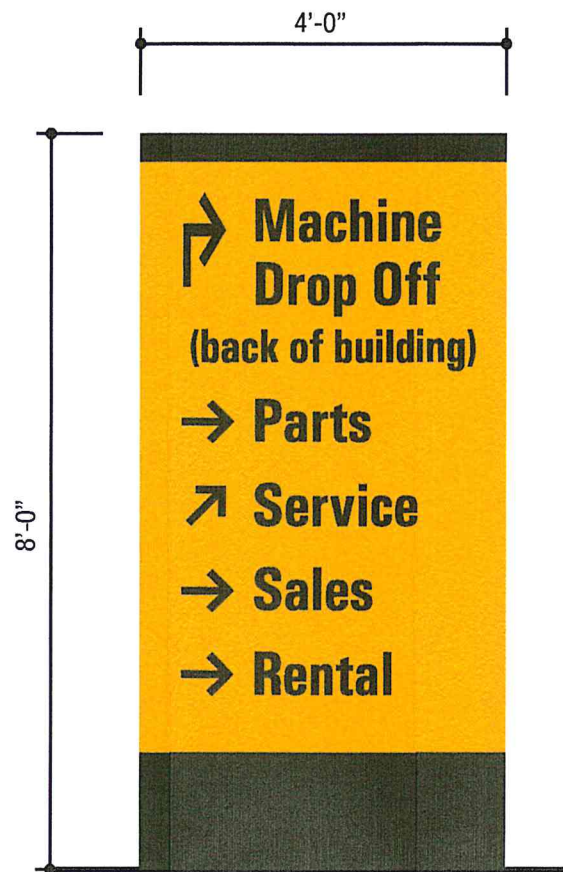
Action taken by the Board of Adjustment: _____

Notification of Action Mailed to applicant on: _____

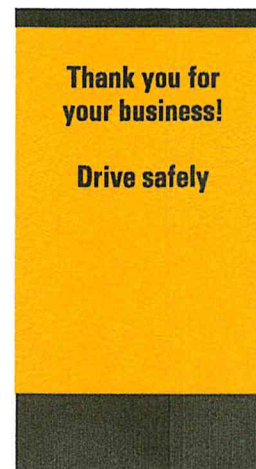
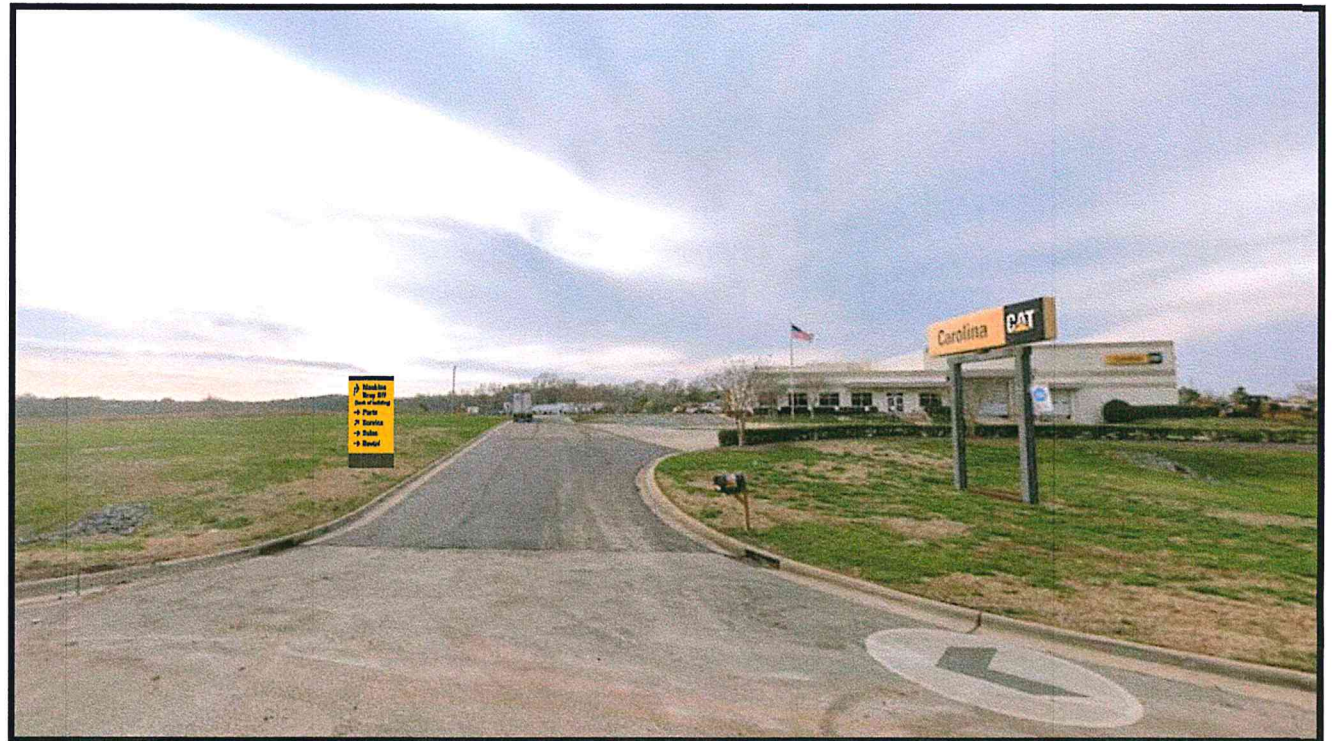
§ 156.133 SIGNS.

(S) *Zoning districts.* The regulations in this section apply in every zoning district, except where otherwise specified or indicated.

(c) *Non-commercial onsite directional signs.* Non-commercial onsite directional signs, not exceeding three (3) square feet in sign area, shall be allowed on each parcel. Directional signs shall be a maximum of three (3) feet in height.

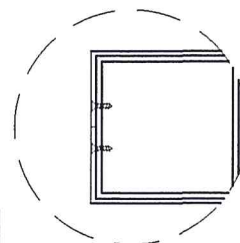
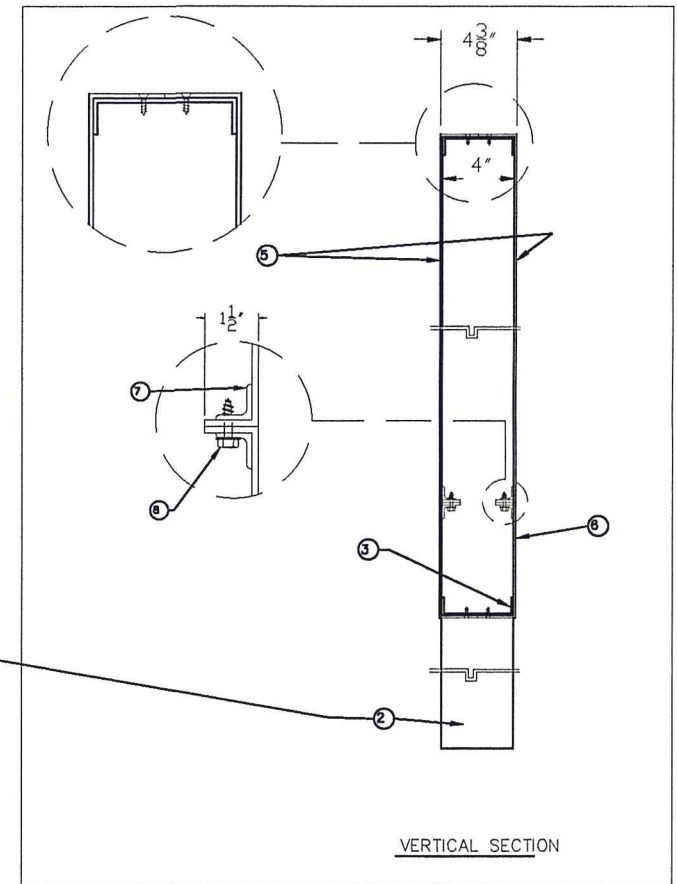
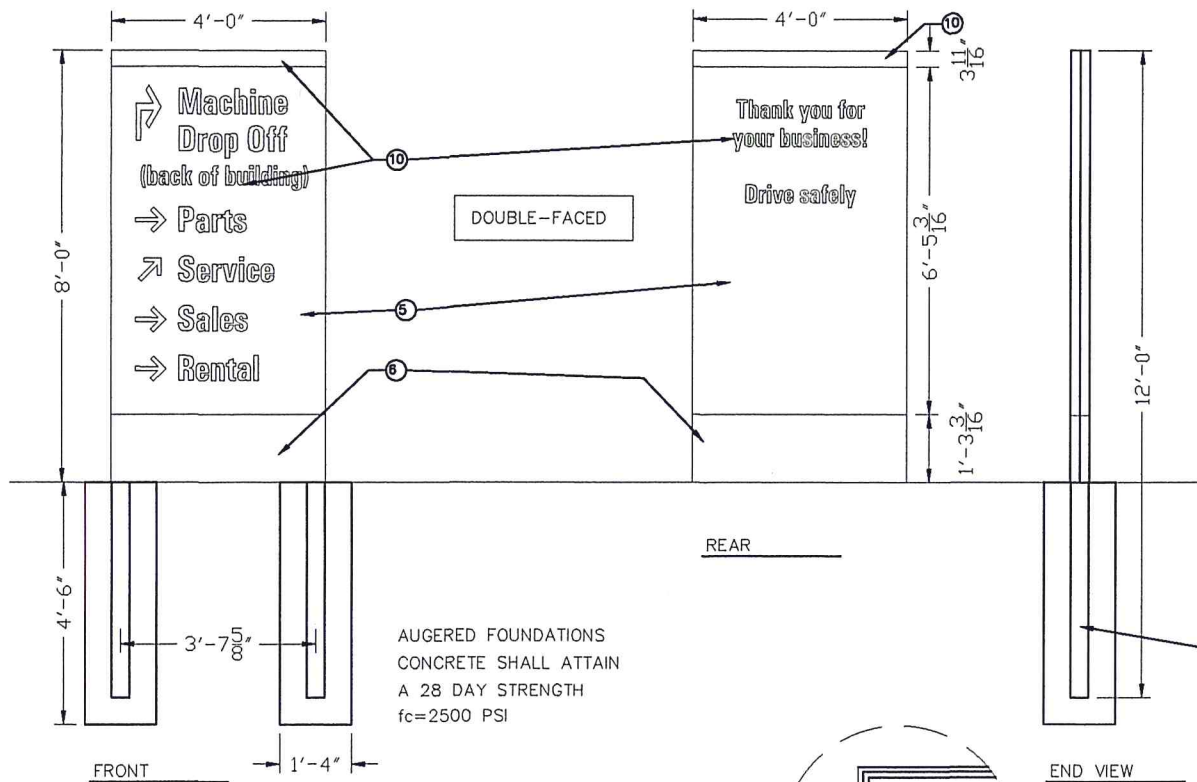


Proposed Directional -
SIDE A - DOUBLE SIDED UNIT

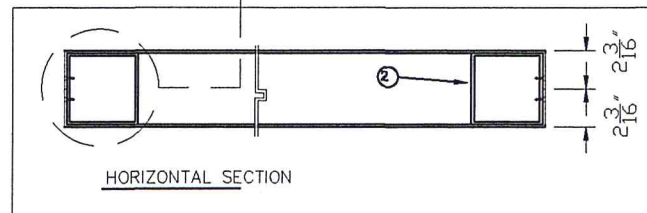


SIDE B

Exhibit 5



END VIEW

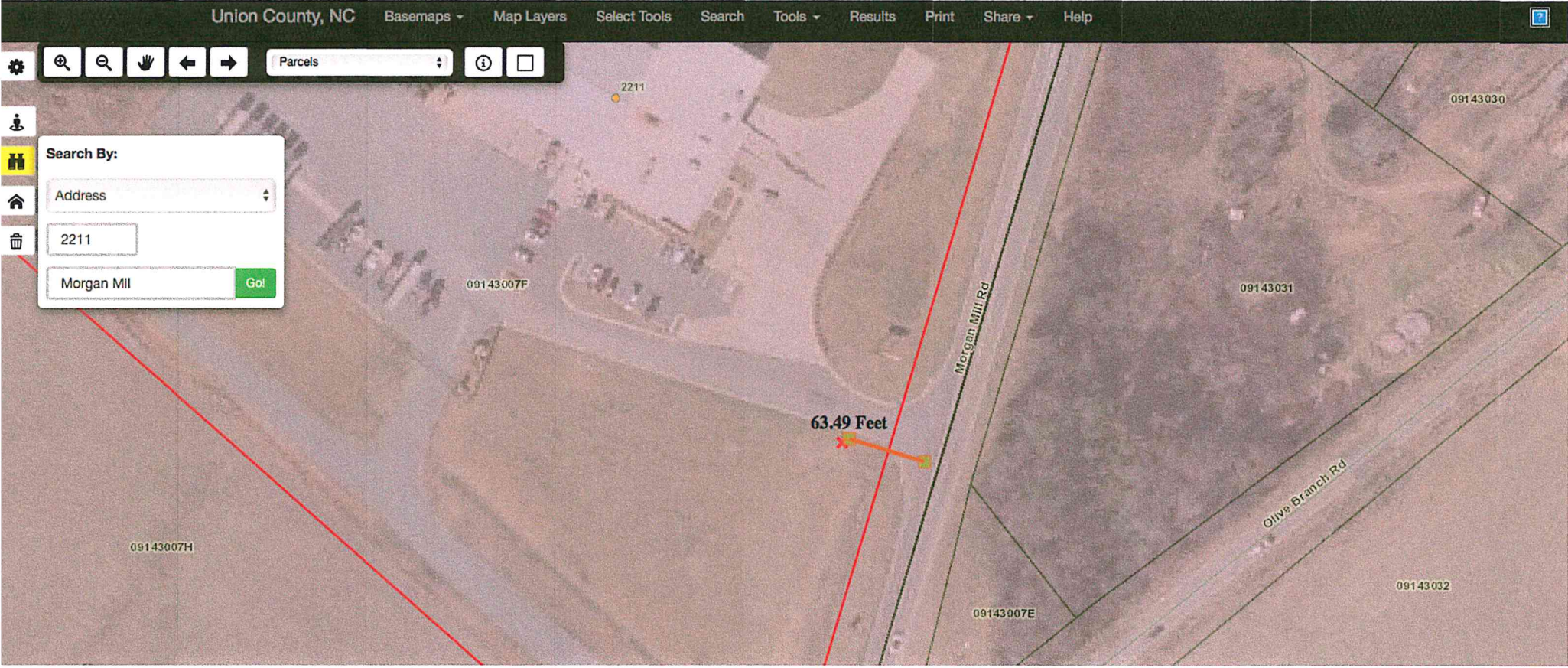


HORIZONTAL SECTION

BILL OF MATERIALS

PART NO.	QUANTITY	DESCRIPTION	
1			
2	24'-0"	4" X 4" X 1/8" AL. SQ. TUBE	
3	8'	1" X 4" X .125" THICK ALUM. CHANNEL	ALU0166
4			
5	80 SF	ALUcoil SIGNAL YELLOW / 4MM ACM	PLS0137
6	18 SF	ALUcoil CLASSIC BLACK S-34 / 4MM ACM	PLS0138
7	16'	1" X 1" X 1/8" AL. ANGLE	
8		#14 STEEL HEX HEAD SCREW	
9			
10	14'	BLACK VINYL - 3M 7725-12	VNL0007

REV	DRAWN BY	DATE	DESCRIPTION
 224 INDUSTRIAL DRIVE • LEXINGTON, S.C. 29072 • PH. (803) 808-5600 THIS IS AN ORIGINAL, UNPUBLISHED DESIGN CREATED BY MAGNA SIGN INTERNATIONAL. IT IS SUBMITTED FOR YOUR PERSONAL USE IN CONNECTION WITH THE PROJECT PLANNED FOR USE BY MAGNA SIGN INTERNATIONAL. IT IS NOT TO BE SHOWN TO ANYONE OUTSIDE YOUR ORGANIZATION NOR TO BE USED, REPRODUCED, COPIED, OR EXEMPTED IN ANY MANNER WHATSOEVER. ALL OR ANY PART OF THIS DESIGN OR INVENTION IS THE PROPERTY OF MAGNA SIGN INTERNATIONAL.			
TITLE: INI DIRECTIONAL 4' X 8' CUSTOMER: CAROLINA CAT LOCATION: MONROE, NC. DATE: 10/23/18			DRAWING NUMBER: A4457 SHEET: 1 OF 1
DRAWN BY: RSS		CHECKED BY:	



09143004F
MCINNIS SHARON HARKEY &
HUSBAND DONA

7116 COBBLE CREEK DR
MATTHEWS NC 28104

09143007B
STEGALL & COMPANY INC

PO BOX 548
MONROE NC 28111-0548

09143007F
CAROLINA TRACTOR &
EQUIPMENT COMPANY
% EDWARD I WEISIGER JR
9000 STATESVILLE RD
CHARLOTTE NC 28269-7642

09143007P
BOSWELL JESSE KEITH & WIFE JUDY HILL

3807 OLD CAMDEN RD
MONROE NC 28110

09143032
HINSON DANNY NEAL TRUSTEE
HINSON ELLEN LOUISE TRUSTEE
2123 PAGELAND HWY
MONROE NC 28112

09180002
DAME BROTHERS CO LIMITED PARTNERSHIP
% TAX DEPARTMENT
300 NW 16TH ST
FRUITLAND ID 83619-2218

09143007
WOOD HARVEST INC

P O BOX 2165
MONROE NC 28111

09143007D
MYERS JERRY T

4605 HIDDEN HARBOR LN
RALEIGH NC 27615

09143007H
HINSON DANNY NEAL TRUSTEE
HINSON ELLEN LOUISE TRUSTEE
2123 PAGELAND HWY
MONROE NC 28112

09143007Q
STEGALL PETROLEUM INC

PO BOX 548
MONROE NC 28111-0548

09143033
JRE MONROE RE LLC

11047 LEADBETTER RD
ASHLAND VA 23005

09143007
WOOD HARVEST INC

P O BOX 2165
MONROE NC 28111

09143007E
HINSON DANNY NEAL TRUSTEE
HINSON ELLEN LOUISE TRUSTEE
2123 PAGELAND HWY
MONROE NC 28112

09143007M
SPEAR PROPERTIES
LIMITED PARTNERSHIP

PO BOX 35623
CHARLOTTE NC 28235

09143031
CATBIRD PROPERTIES LLC

4605 HIDDEN HARBOR LN
RALEIGH NC 27615

09180002
DAME BROTHERS CO
LIMITED PARTNERSHIP
% TAX DEPARTMENT
300 NW 16TH ST
FRUITLAND ID 83619-2218



STAFF REPORT

Case # 20-34000004

TO: Board of Adjustment Members

DATE: February 27, 2020

FROM: Doug Britt, Senior Planner

SUBJECT: Variance Request by Zach Mendelson for the minimum lot size of 417 Hill Street and 420 Miller Street

SUMMARY STATEMENT

Zach Mendelson, is requesting a variance to the minimum lot size section of the Zoning Code for the dwellings located at 417 Hill Street and 420 Miller Street. The addresses of 417 Hill Street and 420 Miller Street are currently improved with a house at each address, but are located on one parcel. The applicant is requesting a variance to the minimum lot size requirement for the R-10 zoning district in order to subdivide the property so each house would be located on its own parcel.

SITE DATA

Type of Action: Variance

Date of Petition: January 9, 2020

Name of Petitioner: Zach Mendelson

Location: 417 Hill Street & 420 Miller Street

Tax ID #: 09-228-221

Lot Size: .37 Acres

Zoning Classification: R-10

REVIEW

Findings:

1. The dwellings located at 417 Hill Street and 420 Miller Street are owned by Kbud LLC and are zoned R-10 (single family residential). (Exhibit 1 & 2)

2. On January 9, 2020, the applicant submitted a variance application in order to request a variance to the minimum lot size requirement for the R-10 zoning district in order to subdivide the property so each dwelling would be located on its own parcel. (Exhibit 3)
3. According to Section 156.137 titled Minimum Lot Size of the Unified Development Ordinance the minimum lot size required for the R-10 zoning district is 10,000 square feet. The applicant is requesting a variance to subdivide the 16,009 square feet parcel to create a lot for each dwelling. The applicant is requesting a 2,000 square foot variance for each lot. (Exhibit 4 & 5)
4. All adjacent property owners have been notified of the proposed variance. (Exhibit 6)

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 20-34000004 be (**approved/denied**).

Attachments:

Exhibit 1: Aerial Map
Exhibit 2: Zoning Map
Exhibit 3: Application
Exhibit 4: Section 156.137 of UDO
Exhibit 5: Survey
Exhibit 6: APOs

Prepared by: DB 2-13-20



Ortho Map

Case #: 20-34000004

Legend

-  Centerlines
-  Parcels

**Existing: R-10
(Residential- High Density)**

Exhibit 1

Acres: .37



0 90 180
 Feet

Zoning Map

Case #: 20-34000004

Legend

— Centerlines

□ Parcels

Zoning Districts

Code

■ R-10

■ G-I

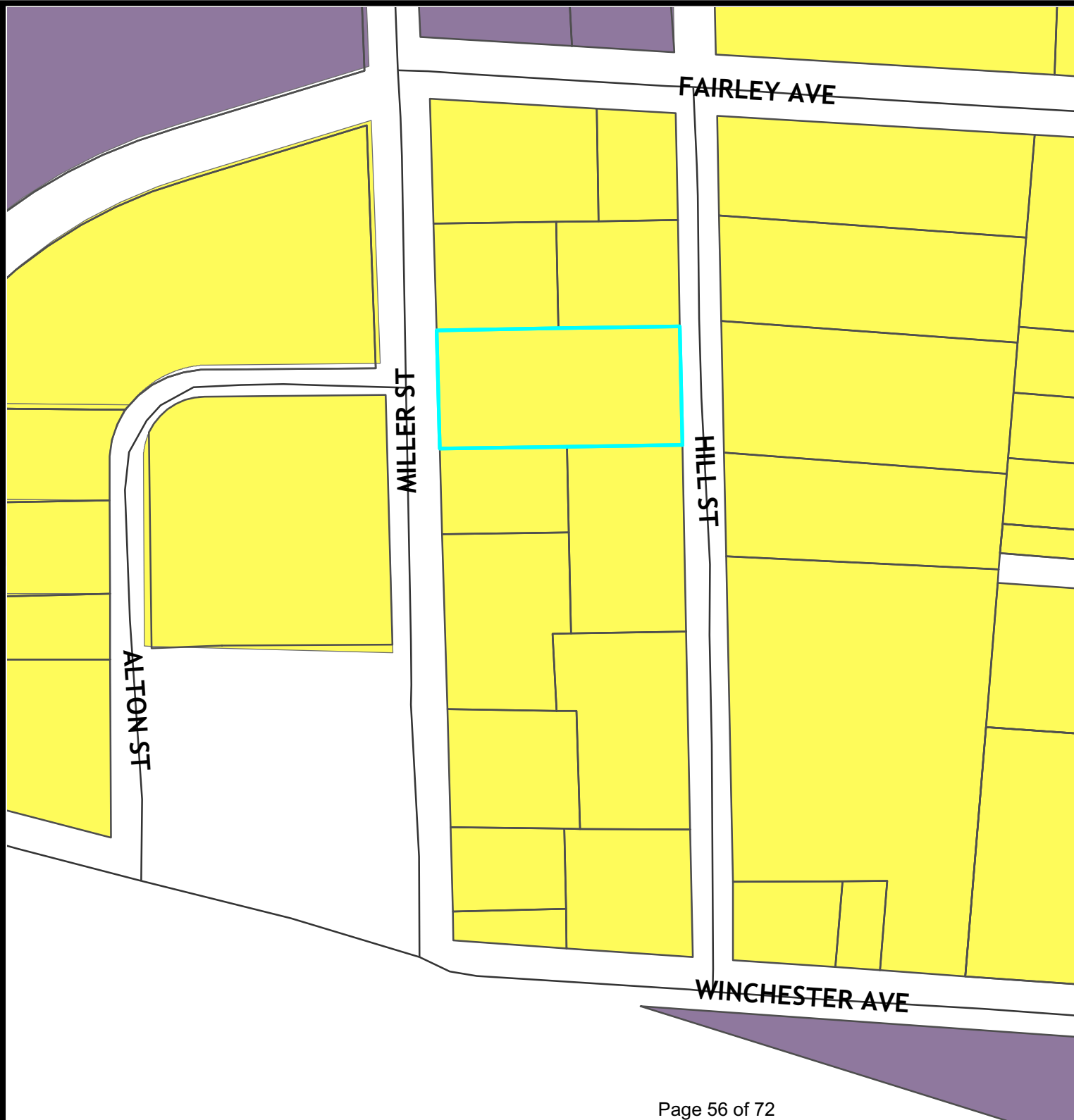
**Existing: R-10
(Residential- High Density)**

Exhibit 2

Acres: .37



0 90 180
Feet





City of Monroe
Variance Application Form
5219 The Plaza, Charlotte, NC 28215

Applicant's Name: Zach Mendelson -

Applicant's Address: 5219 The Plaza, Charlotte, NC 28215

Property Owner's Name: Kbud LLC

Property Owner's Address: 5219 The Plaza, Charlotte, NC 28215

For Staff Use Only

Application #: 20-3400004

Date Submitted: _____

Approved: _____

Denied: _____

Legal Relationship of Applicant to Property Owner: Project Manager of Kbud LLC

Contact Person Name and Phone Number: Zach Mendelson 704-345-2830

Existing Use of Property: Rental

Property Location: 417 Hill St and . 420 Miller St

Tax Map Number: 09 - 228 - 221 Lot Size: 16,009 Zoning District: R-10

Ordinance section number to which a variance is being sought. 156.137

Proposed variance description: - minimum lot size

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.]

We acquired this lot with 2 single family structures. To conform with Sec 5.020 and to create two lots that are identical to adjacent lots on either side of property. See parcels 09228220 and 09228218

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

The two units are on single lot, size 16,009 sqft and with variance the new proposed lot sizes would be 8,004 each. These lots will be identical to neighboring lots.

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]

We acquired the existing 2 structures on a single lot.

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.**

Our goal is to subdivide , so 1 unit per lot can be achieved, creating consistency on the block.

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.**

We will continue to use the properties as rental properties.

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.

Zach Mendelson

Printed name of Applicant

[Signature]

Signature of Applicant

2-19-20

Date

Travis Howard

Printed name of Owner

[Signature]

Signature of Owner

2-19-20

Date

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: 2-27-20

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

Action taken by the Board of Adjustment: _____

Notification of Action Mailed to applicant on: _____

§ 156.137 MINIMUM LOT SIZE.

Subject to the provisions allowed for in any conditional zoning district and/or § [156.131](#) Single Family Supplementary Standards, all lots in the following zones shall have at least the amount of square footage indicated in the following table:

<i>Zone</i>	<i>Minimum Square Feet</i>
R-40	40,000
R-20	20,000
R-10	10,000
R-MF	40,000
CBD	No minimum
OT	10,000 - single-familyNo minimum for all other uses
G-B	No minimum
G-1	No minimum
C	0

* As adopted and noted in the conditional district file for each district.

(Ord. O-2003-63, passed 12-16-03)

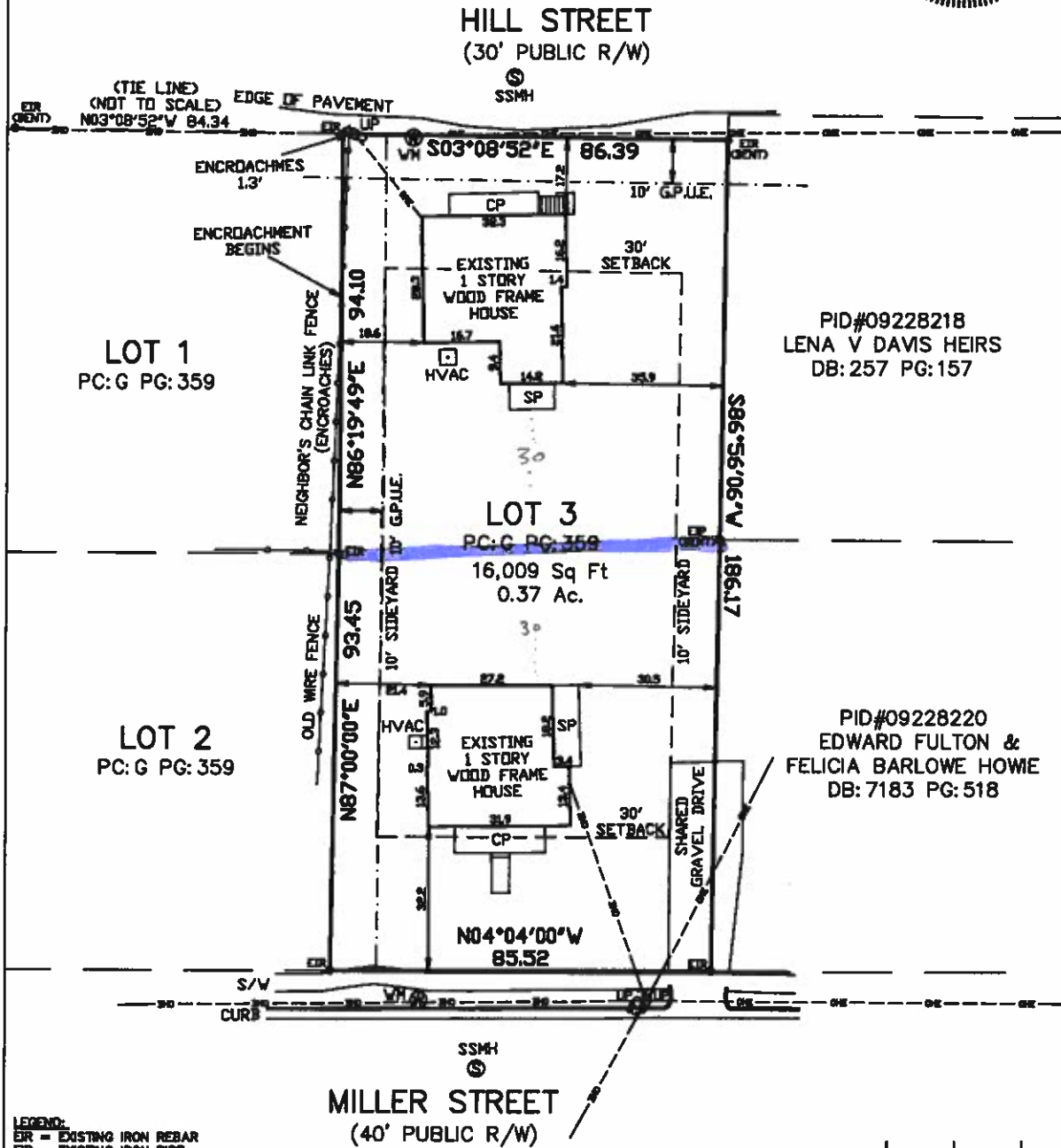
Exhibit 4

THIS IS TO CERTIFY THAT ON THE 13th DAY OF NOVEMBER, 2019 AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE IMPROVEMENTS, IF ANY, ARE AS SHOWN HEREON.

NOTES:

1. PARCEL ID# 09228221
2. DEED RECORDED AT DB: 7010 PG: 825
MAP RECORDED AT PG: G PG: 359
3. AREA COMPUTED BY COORDINATE METHOD.
4. THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL RECORDED OR UNRECORDED EASEMENTS, RIGHTS-OF-WAY, OR RESTRICTIVE COVENANTS, OTHER THAN SHOWN.
5. THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE F.E.M.A. AND FEDERAL INSURANCE ADMINISTRATION.
6. SETBACKS SHOWN ARE PER PLAT SPECIFICATIONS.

Justin Mckeown
JUSTIN MCKEOWN, PLS L-4739

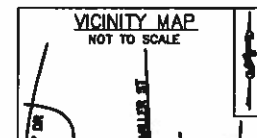


LEGEND:
 EIR = EXISTING IRON REBAR
 EIP = EXISTING IRON PIPE
 R/W = RIGHT OF WAY
 DB = DEED BOOK
 MB = MAP BOOK
 PG = PAGE
 SSMH = SANITARY SEWER MANHOLE
 WM = WATER METER
 UP = UTILITY POLE
 CP = COVERED PORCH
 SP = SCREEN PORCH
 SW = SIDEWALK
 OHE = OVERHEAD ELECTRIC

MILLER STREET
(40' PUBLIC R/W)



SCALE 1"=30'



ON POINT SURVEYING, PLLC
 2119 STATION ROAD
 MARSHVILLE, NC 28103
 980-328-8300
 LICENSE NO. P-0716

A PHYSICAL SURVEY
#420 MILLER ST & 417 HILL ST
 CITY OF MONROE, UNION COUNTY, NC

Exhibit 5

DRAWN BY: JOM FIELDWORK BY: AC, JOM
 LDO: MILLER420 CGO: MILLER420

ACCTNO	OWNERNAME1	OWNERADDRE	OWNERCITY	OWNERSTATE
09228223	HERNANDEZ ESDRAS JESUS MADRID	304 FAIRLEY AVE	MONROE	NC
09228221	TOMS TEDDY W	605 LANCASTER AVE	MONROE	NC
09228222	CASTILLO FRANCISCO SANDOVAL	419 HILL ST	MONROE	NC
09228206	D K PROPERTIES OF UNION LLC	4001 SIKES MILL RD	MONROE	NC
09228225	VACA DIANA CORTEZ	409 MILLER ST	MONROE	NC
09228222A	GODINEZ JOSE ANTONIO SANCHEZ	424 MILLER ST	MONROE	NC
09228218	DAVIS LENA V HEIRS	415 HILL ST	MONROE	NC
09228216	GARCIA ELIZABETH	704 S BRANCH ST	MONROE	NC
09228217	BARTELL JASON R	PO BOX 639	LOCUST	NC
09228219	CAMPBELL JOHN M CO	P O BOX 687	MONROE	NC
09228224	D K PROPERTIES OF UNION LLC	4001 SIKES MILL RD	MONROE	NC
09228208	MONDRAGON LUIS AGUILAR	412 HILL ST	MONROE	NC
09228207	XALOCAN CLAUDIO SANTILLO	416 N HILL ST	MONROE	NC
09228220	HOWIE FELICIA BARLOWE	3802 PARKWOOD SCHOOL RD	MONROE	NC
09228221	TOMS TEDDY W	605 LANCASTER AVE	MONROE	NC
09228210	BARTELL JASON R	PO BOX 639	LOCUST	NC
09228209	WILLIAMS STEPHANIE LYNNE	PO BOX 3317	MONROE	NC
09229015	NETTLES MARK A	7121 STRAWBERRY LN	STANFIELD	NC
09229015	NETTLES MARK A	7121 STRAWBERRY LN	STANFIELD	NC

Exhibit 6



STAFF REPORT

Case # 20-34000005

TO: Board of Adjustment Members

DATE: February 27, 2020

FROM: Doug Britt, Senior Planner

SUBJECT: Variance Request by Zach Mendelson for the minimum lot size and setback requirements of 314, 316, and 318 Cemetery Drive

SUMMARY STATEMENT

Zach Mendelson, is requesting a variance to the minimum lot size and setback requirements of the Zoning Code for the dwellings located at 314, 316, and 318 Cemetery Drive. All of the addresses are currently improved with a single family home but are located on one parcel. The applicant is requesting a variance to the minimum lot size for the R-10 zoning district and setback requirements in order to subdivide the property so each house would be located on its own parcel.

SITE DATA

Type of Action:	Variance
Date of Petition:	January 9, 2020
Name of Petitioner:	Zach Mendelson
Location:	314, 316, 318 Cemetery Drive
Tax ID #:	09-235-113
Lot Size:	.63 Acres
Zoning Classification:	R-10

REVIEW

Findings:

1. The dwellings located at 314, 316, and 318 Cemetery Drive are owned by Kbud LLC and are zoned R-10 (single family residential). (Exhibit 1 & 2)
2. On January 9, 2020, the applicant submitted a variance application in order to request a variance to the minimum lot size for the R-10 zoning district and setback requirements in

order to subdivide the property so each dwelling would be located on its own parcel. (Exhibit 3)

3. According to Section 156.137 titled Minimum Lot Size of the Unified Development Ordinance the minimum lot size required for the R-10 zoning district is 10,000 square feet and the side yard setback pursuant to Section 156.140 of the Unified Development Ordinance titled Building Setback Requirements is ten (10) foot. The applicant is requesting a variance to subdivide the 28,347 square feet parcel to create three separate parcels for each dwelling. The applicant is requesting the lot size for 314 Cemetery Drive to be 7,525 square feet (2,475 square foot variance request) and the lot size for 316 Cemetery Drive to be 9,112 square feet (888 square foot variance request) Additionally, the applicant is requesting a .1-foot variance for the side yard setbacks for both 316 and 318 Cemetery Drive. (Exhibit 4 & 5)
4. All adjacent property owners have been notified of the proposed variance. (Exhibit 6)

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 20-34000005 be (**approved/denied**).

Attachments:

Exhibit 1: Aerial Map
Exhibit 2: Zoning Map
Exhibit 3: Application
Exhibit 4: Section 156.137 of UDO
Exhibit 5: Survey
Exhibit 6: APOs

Prepared by: DB 2-13-20



Ortho Map

Case #: 20-34000005

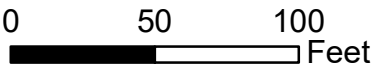
Legend

- Centerlines
- Parcels

**Existing: R-10
(Residential- High Density)**

Exhibit 1

Acres: .63



Zoning Map

Case #: 20-34000005

Legend

— Centerlines

----- City Limits

□ Parcels

Zoning Districts

Code

■ R-10

■ CD

**Existing: R-10
(Residential- High Density)**

Exhibit 2

Acres: .63



0 50 100
Feet

S CRAWFORD ST

LANCASTER AVE

S WASHINGTON ST

CEMETERY DR



City of Monroe

Variance Application Form

Applicant's Name: Zach Mendelson -

Applicant's Address: 5219 The Plaza, Charlotte, NC 28215

Property Owner's Name: Kbud LLC

Property Owner's Address: 5219 The Plaza, Charlotte, NC 28215

For Staff Use Only Application #: <u>20-3400005</u> Date Submitted: _____ Approved: _____ Denied: _____
--

Legal Relationship of Applicant to Property Owner: Project Manager of Kbud LLC

Contact Person Name and Phone Number: Zach Mendelson 704-345-2830

Existing Use of Property: Rental

Property Location: 314, 316, and 318 Cemetery

Tax Map Number: 09 - 235 - 113 Lot Size: 28348 Zoning District: R-10

Ordinance section number to which a variance is being sought. 156.137

Proposed variance description: - minimum lot size and minimum set backs (side)

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.]

We acquired this lot with 3 single family structures. To conform with Sec 5.020 and to create three lots with one structure each. We are requesting variance on lot size and set-back in order to subdivide a large single lot with 3 structures, to 3 separate lots with one unit each.

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

The new proposed property lines are as fairly and practically dividing the property into 3 lots. Due to the existing locations of the structures, we proposed new lines within the best of what was given.

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]

We acquired the existing 3 structures on a single lot as is.

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.**

Our goal is to subdivide , so 1 unit per lot can be achieved, creating consistency on the block and throughout the county. This also allows for overarching management to be more efficient for tracking one house, one lot.

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.**

We will continue to use the properties as rental properties.

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.

Zach Mendelson

Printed name of Applicant

[Signature]

Signature of Applicant

2-19-20

Date

Travis Howard

Printed name of Owner

[Signature]

Signature of Owner

2-19-20

Date

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: 2-27-20

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

Action taken by the Board of Adjustment: _____

Notification of Action Mailed to applicant on: _____

§ 156.137 MINIMUM LOT SIZE.

Subject to the provisions allowed for in any conditional zoning district and/or § 156.131 Single Family Supplementary Standards, all lots in the following zones shall have at least the amount of square footage indicated in the following table:

<i>Zone</i>	<i>Minimum Square Feet</i>
R-40	40,000
R-20	20,000
R-10	10,000
R-MF	40,000
CBD	No minimum
OT	10,000 - single-familyNo minimum for all other uses
G-B	No minimum
G-1	No minimum
C	0

(Ord. O-2003-63, passed 12-16-03)

§ 156.140 BUILDING SETBACK REQUIREMENTS.

(A) No portion of any building may be located on any lot closer to any lot line or to the right-of-way line, whichever is more restrictive, than is authorized in the table set forth in this section.

(B) As used in this section, the term "building" includes any substantial structure which by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associates with a building. Without limitation the generality of the foregoing, the following structures shall be deemed to fall within this description: Fences running along lot boundaries adjacent to public street right-of-way if such fences exceed six feet in height and are substantially opaque.

(C) Notwithstanding any other provisions of this chapter, a sign may be erected on or affixed to a structure that (i) has a principal function that is something other than the support of the sign (e.g., a fence), but (ii) does not constitute a building as defined in this chapter, only if such sign is located so as to comply with the setback requirement applicable to freestanding signs in the district where such sign is located.

(D) Gas pumps and overhead canopies or roofs shall have a 5 foot setback minimum from all public right-of-ways.

(E) With the exception of properties outlined in Subsections (F) and (G) of this section and §§ 156.132 and 156.98 of this chapter, setbacks from all property lines shall be a minimum of 10 feet from all right-of-ways.

(F) Minimum setbacks for properties within the Central Business District shall be all property lines.

(G) Properties having frontage along any of the following streets shall have a minimum of a 50-foot setback from all public right-of-ways: *

(Ord. O-2003-63, passed 12-16-03; Am. Ord. O-2004-18, passed 6-1-04)

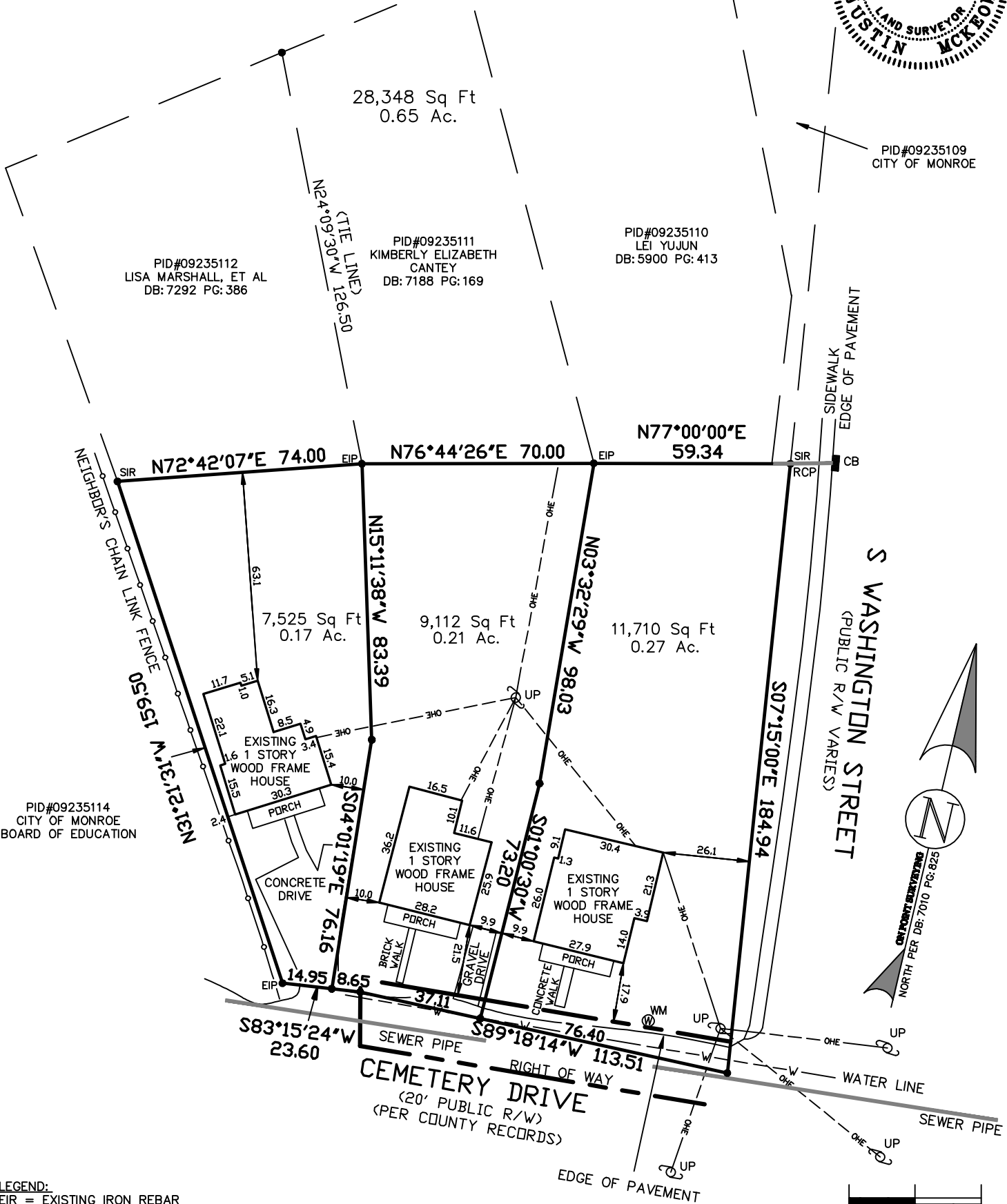
Exhibit 4

THIS IS TO CERTIFY THAT ON THE 18TH DAY OF FEBRUARY, 2020 AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE IMPROVEMENTS, IF ANY, ARE AS SHOWN HEREON.

- NOTES:
- 1. PARCEL ID#: 09235113
 - 2. DEED RECORDED AT DB: 7010 PG: 825
 - 3. AREA COMPUTED BY COORDINATE METHOD.
 - 4. THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL RECORDED OR UNRECORDED EASEMENTS, RIGHTS-OF-WAY, OR RESTRICTIVE COVENANTS, OTHER THAN SHOWN.
 - 5. THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE F.E.M.A. AND FEDERAL INSURANCE ADMINISTRATION.
 - 6. CURRENT ZONING OF PROPERTY IS R-10.
 - 7. ZONING CALLS FOR 10' SETBACKS ON ALL PROPERTY LINES AND RIGHT OF WAY. NOT SHOWN FOR CLARITY.

Justin McKeown
JUSTIN MCKEOWN, PLS L-4739

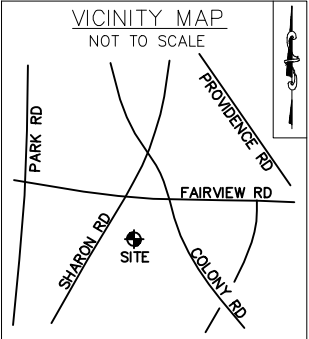
NORTH CAROLINA
PROFESSIONAL
SEAL
L-4739
LAND SURVEYOR
JUSTIN MCKEOWN



- LEGEND:
- EIR = EXISTING IRON REBAR
 - EIP = EXISTING IRON PIPE
 - R/W = RIGHT OF WAY
 - DB = DEED BOOK
 - MB = MAP BOOK
 - PG = PAGE
 - HV = HVAC
 - UP = UTILITY POLE
 - OHE = OVERHEAD ELECTRIC
 - WM = WATER METER
 - RCP = REINFORCED CONCRETE PIPE

ON POINT SURVEYING, PLLC
2110 STATON ROAD
MARSHVILLE, NC 28103
980-328-8300
LICENSE NO: P-0716

A PROPOSED SUBDIVISION
OF
#314, 316 & 318 CEMETERY DRIVE
CITY OF MONROE, UNION COUNTY, NC



DRAWN BY: CCM FIELDWORK BY: CCM, A.J.C, JGM
LDD: WAMATH3121 COGO: WAMATH3121

ACCTNO	OWNERNAME1	OWNERADDRE	OWNERCITY	OWNERS	OWNERZIP
09235114	MONROE CITY BOARD OF EDUCATION	500 N MAIN ST	MONROE	NC	28110
09235112	MARSHALL LISA ET AL	6425 TIMBER HITCH DR	OCEAN ISLE BEACH	NC	28469
09235114	MONROE CITY BOARD OF EDUCATION	500 N MAIN ST	MONROE	NC	28110
09235204	SONG REALTY LLC	P O BOX 79192	CHARLOTTE	NC	28271
09235107A	MCBETH TESHA M & DAMON T	2221 EQUESTRIAN DR	MATTHEWS	NC	28105
09235109	CITY OF MONROE	P O BOX 69	MONROE	NC	28111-0069
09235114	MONROE CITY BOARD OF EDUCATION	500 N MAIN ST	MONROE	NC	28110
09235248	HAMILTON GERONDALON	625 WASHINGTON ST	MONROE	NC	28112
09235249	HIDALGO ENRIQUE	621 WASHINGTON ST	MONROE	NC	28110
09235097	CITY OF MONROE	P O BOX 69	MONROE	NC	28111-0069
09235110	LEI YUJUN	10003 SILVER LAKE CT	CHARLOTTE	NC	28277
09235113	TOMS TEDDY W	605 LANCASTER AVE	MONROE	NC	28112
09235114	MONROE CITY BOARD OF EDUCATION	500 N MAIN ST	MONROE	NC	28110
09235205	SMITH PATTI	502 LANCASTER AVE	MONROE	NC	28112
09235114	MONROE CITY BOARD OF EDUCATION	500 N MAIN ST	MONROE	NC	28110
09235111	CANTEY KIMBERLY ELIZABETH	405 LANCASTER AVE	MONROE	NC	28112
09235113	TOMS TEDDY W	605 LANCASTER AVE	MONROE	NC	28112
09235114	MONROE CITY BOARD OF EDUCATION	500 N MAIN ST	MONROE	NC	28110
09235216	FOMEN ASHLEY	408 LANCASTER AVE	MONROE	NC	28112
09235217	BELK MATTHEW	400 LANCASTER AVE	MONROE	NC	28112
09235107C	ALDACO JAIME JUACHE	2720 BRIAR TRAIL CT	MATTHEWS	NC	28104
09235114	MONROE CITY BOARD OF EDUCATION	500 N MAIN ST	MONROE	NC	28110
09235114	MONROE CITY BOARD OF EDUCATION	500 N MAIN ST	MONROE	NC	28110

Exhibit 6