

**BOARD OF ADJUSTMENT
MEETING
WEDNESDAY, MARCH 22, 2023
6:00 P.M.
Council Chambers
300 W. Crowell Street
Monroe NC**

AGENDA

- Item 1.** **Call to Order:**
- Item 2.** **Pledge of Allegiance and Moment of Silence**
- Item 3.** **Approval of Minutes** – February 23, 2023
- Item 4.** **Conflicts of Interest**
- Item 5.** **PLZONA-2023-00133 Appeal-** The Board of Adjustment is requested to consider an appeal from Wendy Love, on behalf of Love Construction Company, regarding a zoning determination letter for 1411 Love Road. Parcel # 09-307-024
- Item 6.** **PLZNA- 2023-00122 Variance** The Board of Adjustment is requested to consider a variance request from Dorian Jones for 2913 Silo Court in order to deviate from Section 157.8.3.10 of the Unified Development Ordinance that requires fences in the rear and side yards of residential zoning districts to be a maximum of 6' in height. (Parcel# 09-216-181)
- Item 7.** **PLZNA 2023-00123 Variance-** The Board of Adjustment is requested to consider a Variance application from Lewis Fisher for property located at the corner of N. Rocky River Road and James Hamilton Road. The applicant is requesting a variance from Section 157.5.5.C of the Unified Development Ordinance for the maximum front and rear setback, Section 157.8.3.5.B and Section 157.8.3.7.A of the Unified Development Ordinance for the required street yard buffer, Section 157.8.8.3.D of the Unified Development Ordinance for the required open space, and Section 159.303 (B) of the Stormwater Management Ordinance for the stormwater treatment system in order to develop the property. (Parcel # 09-336-030)
- Item 8.** **Next Meeting:** April 27, 2023
- Item 9.** **Adjournment**

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

cc: *Ashley Britt
Doug Britt
Keri Mendler
Megan Brightharp*

MINUTES OF THE BOARD OF ADJUSTMENT MEETING

February 23, 2023, at 6:00 P.M.

Council Chambers

300 W. Crowell St.

Monroe, NC

To S. Laney :03/15/2023

Item 1. Call to Order

Chairman Kenneth Deal called the February 23, 2023, meeting to order at 6:00 p.m. and noted that there was a quorum present with 3 members. Ashlyn Penegar, Administrative Assistant, called the roll.

Members Present: Kenneth Deal, William Draper and George Smith

Members Absent: None

Staff Present: Doug Britt, Senior Planner; Megan Brightharp, Planner I; Al Benshoff, BOA Attorney; Ashley Britt, Assistant City Attorney; Ashlyn Penegar, Administrative Assistant

Guests: Heather Miller, Adolfo Roldan, Rafe Bromfield

Item 2. Pledge of Allegiance and Moment of Silence

Item 3. Approval of Minutes – Minutes of November 17, 2022

Motion: Draper made a motion to approve the minutes of the November 17, 2022, meeting.

Second: George Smith

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

AYES: Kenneth Deal, William Draper and George Smith

NAYS: None

Item 4. Conflicts of Interest

Chair asked if there were any conflicts of interest. There were none.

Item 4. PLZNA 2023-00086 Variance- The Board of Adjustment is requested to consider a Variance application from LeNeal Austin Love, Secretary of the United Church of Deliverance for 520 Craig Street. The applicant is requesting a variance from Section 157.4.2.3 of the Unified Development Ordinance that requires a minimum lot area of 12,000 square feet in the RMD, Residential Medium Density, District in order to subdivide the property. (Parcel # 09-273-200)

Chair said that anyone who is going to give testimony in this case needs to be administered the oath. Megan Brightharp, Planner I, Doug Britt, Senior Planner, and Heather Miller, came forward and were sworn.

Megan Brightharp, Planner I, said this is a Variance request to reduce the minimum lot size of the Residential Medium Density District in order to subdivide the property located at 520 Craig Street. She proceeded to enter the proposed Findings into the record:

1. The property located at 520 Craig Street is owned by United Church of Deliverance, Inc. and is zoned RMD (Residential Medium Density). (Exhibit 1 and 2)
2. A variance application was submitted on January 4, 2023, by Heather Miller, on behalf of the applicant, requesting a variance from the minimum lot size in order to subdivide the subject property. (Exhibit 3 and 4)
3. Unified Development Ordinance (UDO) Table 4.2.3 entitles “RMD-Residential Medium Density” states in relevant parts: (Exhibit 5)

Table 4.3.4.3 RMD District Development Standards Table
Lot: Area: 12,000 Square Feet Minimum (By Right)

4. In order to subdivide the property, the applicant request a lot area reduction from 12,000 square feet to 10,409 square feet. (Exhibit 6)
5. A church sanctuary and house are located on the property.
6. The existing house at 520 Craig Street is vacant and has been vandalized.
7. The house is creating blight in the neighborhood.
8. UCD does not have the resources to continue repairing the house and the house is a burden.
9. United Church of Deliverance has a willing buyer who will repair the house and rent or sell it to occupants.
10. A variance was granted on November 17, 2022, to reduce the minimum lot size to 10,433 square feet at this property with the condition that the parents, once subdivided, meet the minimum setbacks. However, after the variance was approved and a land surveyor was retained, it was discovered that the measurements provided in the variance application were incorrect, requiring the applicant to resubmit a variance application with the correct square footage.
11. All adjacent property owners have been notified of the proposed variance. (Exhibit 7 and 8)

Megan Brightharp said I am happy to answer any questions that you might have for Staff and the applicant is here if you have any questions for her.

Chair said I've got a few questions. Going back to exhibit 1, there is two adjacent lots next to that that have been subdivided in the past that looks to be split pretty much 50/50 down the way, but if the lot lines are correct, those two parcels are small. Do you know how much square footage those two parcels are?

Megan Brightharp said I do not, they are not relevant to the case at hand. So, we didn't obtain that information.

Chair said they are. They are in the circle. They are relevant.

Megan Brightharp said they are not. It is possible that they were subdivided into the size they are now prior to us determining that this will be the minimum lot size that we require.

Doug Britt said I will add too, when those two lots were subdivided, I have no idea.

Chair said at this moment, I will entertain motions on whether or not to accept the proposed Findings of Fact as a matter of record. Since this is RMD, I don't know if it were in the old code if they would have been zoned either R-10 or R-20, but if they were R-10, it would be 10,000 square foot and if it was R-20, it would be 20,000 square feet. But, this could have been subdivided 15 years ago or whatever the requirements were at that time. Now, assuming they were subdivided, they wouldn't meet the requirement at that current time. But, with how it is zoned right now and someone is going to subdivide that, obviously it's going to be different. There are differences every year. That's why this is with this case right now.

Chair said I understand. My point is that I look at it relevance because once of the things we should be considering, in my opinion, is by granting the variance, what impact does it have on the neighborhood and the surrounding property owners? That's why I consider everything in that circle to be relevant in this case. Or we wouldn't be asking them for comments on it. Next thing is exhibit 3, it is, the application. Is the application correct?

Megan Brightharp said yes.

Chair said that's all I need to know.

Megan Brightharp said there was an exhibit further down that has the survey that was submitted by their land surveyor that shows those measurements.

Chair said ok, does anyone else have any questions? Ok, thank you. Would the applicant like to come forward and make any comments?

Heather Miller stepped forward and introduced herself and said I had submitted the original application for LeNeal Love and again, this time she is unable to come today, so it is just me that's here.

Chair said if I am remembering correctly, the intent is to fix up the existing other residence and sell it or rent it or whatever, so it's not like it's going to be torn down.

Ms. Miller said right, the buyer is actually here with me right now with LeNeal couldn't make it.

Yes, the intent is to be able to subdivide it off and make that property habitable again.

Chair asked Megan, can you put exhibit 1 back up for me? Where are you proposing the new subdivided line be? Can you demonstrate that on the drawing? So, that's 20 ft. off the side of the church, is that correct? 20.6 ft.?

Ms. Miller said I can't see...

Megan Brightharp said the new proposed lot line is 20.6 ft. away from the rear of the church. The minimum rear setback is 10 ft.

Chair said great, that's what I wanted to know. Are there any other questions, gentlemen?

William Draper asked when they go to subdivide it, will that not create another need for a variance?

Al Benshoff asked what kind of variance?

William Draper said the lot size for that house will be too small.

Al Benshoff said that's what the variance is for. The variance is to reduce the lot size from 12,000 square feet to 10,409, if that is the correct area?

Chair said yes. That's why they are here, to ask for a reduction of the minimum lot size established by the UDO. Any other questions?

George Smith said now we are only looking at is a change in about 24 square feet.

Megan Brightharp said the only different between what we are presenting today and what we presented time is a few dozen square feet that weren't accounted for when the measurements were taken from GIS as opposed to when the actual land surveyor went out and got the measurements.

George Smith said it's a real minor amount of space.

Chair said it's under the 12,000 minimum allowed.

George Smith said we have to be exact for legal purposes.

Chair said that's just shy of 1,600 square foot.

George Smith said yes.

Chair asked if there are any other questions? Any comments? Discussions? Thank you very much.

Al Benshoff said there is a worksheet at your place that says Variance Worksheet. It's on letterhead and looks like this, I'm not sure if it would be helpful when you deliver your deliberations. I also prepared an order in advance for the meeting for your consideration when you are ready for it. It's in here somewhere.

Chair asked do the members have any comments or concerns with the Findings of Facts that have been stated thus far? 1-11? Any comments? Alright, I will entertain a motion on whether or not to accept the proposed Findings of Fact as fact.

Motion: Mr. Smith made a motion to approve the Findings of Fact 1-11.
Second: Mr. Draper
Action: The motion to approve the Findings of Fact 1-11 passed unanimously with the following votes:

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

Chair said now we are moving onto the conclusions of law.

1. It is the Board's CONCLUSION, that unnecessary hardship would result from the strict application of the ordinance because the house has been vandalized.

Motion: Mr. Smith made a motion that it would be an unnecessary hardship due to the condition of the house and vandalized conditions. The fact that the church cannot afford to repair it and the house affects the church sanctuary by attracting vandals to the property.

Second: Mr. Draper

Action: The motion passed unanimously with the following votes:

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

2. It is the Board's CONCLUSION, that the hardship is peculiar to the applicant's property.

Motion: Mr. Draper made a motion that it is peculiar to that piece of property because original development was built on a lot of 22,409 square feet.

Second: Mr. Smith

Action: The motion passed unanimously with the following votes:

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

3. It is the Board's CONCLUSION, that the hardship is not the result of the applicant's own actions because the applicant did not create the 22,409 square foot lot nor did the applicant vandalize the property.

Motion: Mr. Smith made a motion that it is not because the applicant did not create the 22,409 square foot lot nor did the applicant vandalize the property.

Second: Mr. Draper

Action: The motion passed unanimously with the following votes:

AYES: Kenneth Deal William Draper and George Smith

NAYS: None

4. (a) It is the Board's CONCLUSION, that the variance is consistent with the spirit, purpose, and intent of the ordinance because it promotes the re-use of an existing blighted house which will improve both the applicants' remaining property and the neighborhood overall.

Motion: Mr. Smith made a motion that it is because it promotes the re-use of an existing blighted house which will improve the applicants' remaining property and neighborhood overall.

Second: Mr. Draper

Action: The motion passed unanimously with the following votes:

AYES: Kenneth Deal, William Draper and George Smith

NAYS: None

- (b) It is the Board's CONCLUSION, that in granting of the variance, the public safety will be secured and substantial justice will be achieved because an attractive nuisance will be eliminated, and the neighborhood improved by eliminating a location of blight.

Motion: Mr. Smith made a motion that in granting the variance, the public safety will be secured.

Second: Mr. Draper

Motion: Mr. Draper made a motion that in granting the variance, substantial justice will be achieved because an attractive nuisance will be eliminated and the neighborhood improved by eliminating a location of blight.

Second: Mr. Smith

Action: The motion passed unanimously with the following votes:

AYES: Kenneth Deal, William Draper and George Smith

NAYS: None

Al Benshoff said Mr. Chairman, let me pass out the draft order of the Board because it has conditions of approval for your consideration on the bottom of the second page. The first one is

saying that the last time you heard this variance and that is that the divided property must meet the minimum setback requirements. The new condition is that the variance order 2023-55 granted last November is repealed or cancelled because that will make no end of confusion if there is no record that the earlier variance has been voided.

Chair said that makes perfect sense. At this point, I would state that the Board needs a motion to either approve or deny the petition based on the Findings of Fact and the Conclusions of Law, with the conditions that the divided properties must meet the minimum setback requirements and that the variance order 2023-55, which we granted back on November 17, 2022 is repealed.

Motion: Mr. Draper made a motion to grant this variance based on the information provided, subject to the stated conditions.
Second: Mr. Smith
Action: The motion to grant the variance, subject to the conditions passed unanimously with the following votes:

AYES: Kenneth Deal, William Draper and George Smith

NAYS: None

Item 5. **PLZNA- 2023-00097 Variance- The Board of Adjustment is requested to consider a Variance application from Adolfo Roldan for 1091 Parker Street in order to deviate from section 157.4.2.3 of the Unified Development Ordinance that requires a 20' front setback in the RMD, Residential Medium Density district. (Parcel# 09-238-010A)**

Chair said that anyone who is going to give testimony in this case needs to be administered the oath. Megan Brightharp, Planner I, Doug Britt, Senior Planner, and Adolfo Roldan, came forward and were sworn.

Megan Brightharp, Planner I, said this is a Variance request from the minimum front yard setback of the Residential Medium Density District in order to bring a recently constructed home into compliance. She proceeded to enter the proposed Findings into the record:

Proposed Findings:

1. The property located at 1091 Parker Street is owned by B&R Property Investments, LLC and is zoned RMD (Residential Medium Density). (Exhibit 1 and 2)
2. A variance application was submitted on January 24, 2023 by Adolfo Roldan, on behalf of the property owner, requesting a variance from the minimum front yard setback in order to bring into compliance a recently built single family home. (Exhibit 3)
3. Unified Development Ordinance (UDO) Table 4.2.3 RMD- "Residential Medium Density" states in relevant parts: (Exhibit 4)
Table 4.2.3.2 RMD District Development Standards Table
Setbacks: Front: 20 Feet (By Right)

4. On November 4, 2022, a building permit application for the house at 1091 Parker Street was reviewed and failed by the Planning Department for not accurately specifying the distance the house would be from the property lines.
5. On November 16, 2022, the application was resubmitted and corrected to indicate that the new single family home would be 30 feet from the front property line, 28 feet from the northern side property line, 40 feet from the southern side property line, and 44 feet from the rear property line (Exhibit 5).
6. For new single family homes and additions, the Planning Department includes in the conditions of the building permit that a foundation survey must be submitted within 10 days of the foundation being poured (Exhibit 6).
7. The issued building permit also included a miscellaneous condition where the zoning district of the subject property was listed with the applicable setbacks.
8. Unified Development Ordinance (UDO) Section 157.8.10.2.B entitled “RMD-Residential Medium Density” states in relevant parts: (Exhibit 7)
Building Placement (Setbacks), shall be measured from the nearest part of the applicable building, structure or sign, measured perpendicularly to the lot line or street right-of-way line.
9. On January 9, 2023 a foundation survey was submitted and failed for indicating that the front of the house had been built into the setbacks (Exhibit 8).
10. At the time the foundation survey was submitted, the applicant had unsuccessfully attempted to schedule the framing and rough inspections, indicating a significant portion of the home had been completed (Exhibit 9).
11. All adjacent property owners have been notified of the proposed variance. (Exhibit 10 and 11)

Chair asked did you get any comments back from any of the adjoining property owners to your inquiry?

Megan Brightharp said no.

Chair asked is the application that was submitted correct in accurate?

Megan Brightharp said yes.

Chair asked do we have any questions for Staff?

George Smith said I am just trying to understand the foundation. It doesn't meet the setback, even though on the paperwork, it should have?

Megan Brightharp said the plot plan that was submitted when they applied for building permits and the foundation survey do not align. The house isn't even remotely close to where they said they would put it. It should be further back and it's much further up and closer to the property line and that's how it ended up in the setbacks.

George Smith said ok.

Chair said to cut through the smoke, what I'm seeing then is the house continued to be constructed on a foundation that failed the foundation inspection?

Megan Brightharp said my understanding is that this is how far they had gotten, prior to actually submitting the foundation survey.

Doug Britt said I will say this, the foundation survey, it says 10 days, but common practice for the Permit Center is and I don't do the permit requirements. But, they do the foundation, and the foundation is inspected from a building code standpoint, not from a planning standpoint. Then, once they do that inspection, that allows them to start doing the framing and so what happens is and what the common practice is, before we would do the full framing inspection, they were required to turn that foundation survey. Because trying to track it 10 days after, as far as doing it when the amount it has to be due, even before we got busy, that's why it was there and easier to do it before. That's the easier way for us to monitor it and keep up with it, rather than counting 10 days from that standpoint. I'll also say too though, with the plot plan, you wonder how you go from the plot plan to foundation survey being such a deviation. The plot plan is not required to be...in Monroe and the different places that I've worked at, some of them require them to be done by a surveyor and some places don't. But, a plot plan in Monroe is not required to be done by a surveyor. A lot of times when you get new subdivisions and they are laying them out, they have a surveyor lay them out. For one, they are on smaller lots, and that's with consistent with the other places I've worked at. Usually when it says a subdivision is being done by a homebuilder, they have a surveyor lay them all out on the plot plans, so when you turn in, you know exactly and it might show as 5.2 feet if you get down to that point. But, typically in the places that I've worked at, when you are just doing building out on a road and you get on a half-acre, usually you don't have a plot plan from a surveyor. When you get a half-acre, you usually have plenty of room to do it. But, there will be times when a surveyor comes in and say they are doing to do a house or an addition, they are still going to have to do a plot plan and draw up what they are going to do and label how far that addition or house is going to be from the property line. I will say though, if it's really tight and GIS is not exact, it's a good discussion point. But, I will tell people that it is not survey quality. I can measure and if they are going to do a 20 ft. addition off their side and they only have a 10 ft. side yard setback and I'm only measuring 30 ft., my statement would be, you can apply for this, but just so you know when you do that foundation survey and you come up not meeting that 10 ft. You either have to tear it down or apply for a variance. Obviously, if you aren't sure where your property lines are, I would hire a surveyor to kind of lay it out to see. If you think it's going to be close, it's probably better to get a surveyor on the front end. In this case, Mr. Roldan and he can probably explain it better. There was just a misunderstanding from where he thought where the front property line was and that's how we got to where we are today.

Al Benshoff asked are you testifying to what you told Mr. Roldan or are you testifying to the standard procedures at the permit center?

Doug Britt said I am testifying to the standard procedures.

Chair said I am trying to get it in my mind how it got almost all the way done before this came up.

Doug Britt said that's why. They won't schedule the inspections for that framing until they turn in the foundation survey, that's how it got to that point.

Chair said from the City of Monroe standpoint, and I put you in the hot seat all the time. From the City of Monroe standpoint, what is the downside to the City of a variance being approved?

Al Benshoff said I don't believe that Mr. Britt is qualified to speak for the City of Monroe.

Chair said sure he is; he is a Senior Planner.

Megan Brightharp said that is more of an economic action.

Al Benshoff said he can testify as to his professional opinion, but you asked him to testify about the opinion of the city as a whole, as a municipal cooperation. I don't believe he can do that.

Doug Britt said I will say that this for you to decide for the variance. My opinion is from a planning standpoint. You are going to make the decision on whether they meet the guidelines in the application that's outlined. But, I just wanted to give you background on how it got this far along. That's what the practice is.

Chair said that is very helpful. It threw a lot of the fog out of the way, because I was trying to figure out how we got to this point. Does anyone else have any questions for Staff?

William Draper asked when did you realize you were in violation?

Megan Brightharp asked are you asking me or...?

Chair said wait a minute, this is for Staff.

Chair said would the applicant like to step forward. Please give your name and address for the record.

Adolfo Roldan stepped forward and introduced himself, said I live at 1297 Dickerson Blvd. Monroe, NC. I've been in Monroe since 1966. I am a 30-year teacher and a 40-year builder. I built houses the whole time I taught, 30 years, and build 5,6,7 houses a year and I actually have 5 other houses that I've built on Parker St. The first one is when you come in, those brick homes, I built all 5 of those homes. You were asked when it was found out? The same man that lays out my houses, there was two white stakes on the property and I thought that was the property lines because they were perpendicular and there weren't any other stakes and I told him to make sure you measure. He measured 30 ft. from where that line is and that's what he did. He measured 30 ft. and it's just a mistake. I've had my license since 1981 and this is the first time that I've ever had to ask for a variance. It's a little pretty house, the thing that's holding the house, that's intruding on the right of way for the City is the porch. It's a 6 ft. porch and if I were to have to tear that porch off, that's going to mess up the esthetics of the house and also, on item number 8, I've already got my building inspection. If you look it up on the City of Monroe portal, I had the inspection on the 5th, they said the 9th, the inspection has already been done for the framing. They said it hadn't been

done, but it's been done. It's an honest mistake and I am sorry. I just hate to tear that porch off and I understand that I can keep that roof, it's just the porch, but it's going to have pickets that look nice. I brought some pictures for everyone. The first one (Exhibit 12) is my house and I took pictures of 9 houses that are either up in front of my house or by the sides of my house. I took these the day before yesterday.

Al Benshoff said Mr. Roldan, if you want to Board to consider these pictures, you will need to go through each one of them and identify them. You need to tell the Board what the show. Do you have the addresses of these? Do you know when they were built? Picture number two....

Mr. Roldan said I have no idea. I was just showing you all these in hopes that I can keep my house the way it is. It's not going to really hurt the neighborhood because you've already got these houses in it and mine is actually further back. These are the only 9 that I took, there are other ones. All these are on Parker Street, and they are all up closer or about the same as mine and I just thought I would throw that in, just to show.

Al Benshoff asked where are they in relation to this house?

Mr. Roldan said well, Parker Street is maybe two blocks.

Megan Brightharp said approximately.

Mr. Roldan said they are close, all of them are close to my house. The further you get back on Parker, you've got the brand new, big houses that they are building. Then, you have duplexes all on one side, you've got about six duplexes.

Al Benshoff said take a look at the map on the screen. Are any of the houses that you showed us in these pictures on that map?

Mr. Roldan said yes, the one next door and the one on the house side. There are two houses on there.

Al Benshoff said thank you.

Mr. Roldan said it was an honest mistake and I take the blame for it. I'm not going to blame the guy that laid it out. I built a few hundred houses in my time, and this is the first time that I've ever, and I've laid them all out myself, it's really all I can say. It really had nothing to do with the owner, Mr. Bromfield. He looks to me....

Board discusses.

Chair asked are there any more questions for the applicant?

Mr. Draper asked what's the price tag on correction?

Mr. Roldan said well, I would have to tear the porch off. Then the house, on one side has the kitchen, I really don't have anywhere to put the other door. Unless I put it coming in through the living room. It would be a few thousand dollars. I don't want to take the porch off, because it will mess up how the house looks, and the house is going to be hardy plank. It's going to be a nice little house and I don't want to mess up the front of it. I did get the house inspected on the 5th and I have that on my portal, my city portal, where it passed inspection. I'm sure that has nothing to do with it, but I just wanted to let you know.

Chair said unless there is an objection, I'm going to accept the pictures as exhibits 12-19 into the record. Do I have any objections to that?

Mr. Draper said no.

Chair said pass those down.

Al Benshoff said there is a worksheet for your consideration. It says Variance Worksheet, Variance to the minimum lot size for subdivision at 1091 Parker St.

Chair asked do the members have any comments or concerns with the Findings of Facts that have been stated thus far? 1-11 and also the additional exhibits, 12-19?

Al Benshoff said Mr. Chair, you already accepted the pictures as evidence, you don't have to do it again. There is one correction to number 1, the owner is B & R Properties Investments, LLC. Not, Rafe Bromfield.

Chair said ok, so with the modification of Finding number 1 and strike the Rafe Bromfield and insert B & R Properties Investments LLC. Any objections to that? Alright, I will entertain a motion on whether or not to accept the proposed Findings of Fact as fact.

Motion: Mr. Draper made a motion to approve the Findings of Fact 1-11.
Second: Mr. Smith
Action: The motion to approve the Findings of Fact 1-11 passed unanimously with the following votes:

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

Chair said now we are moving onto the conclusions of law.

1. It is the Board's CONCLUSION, that unnecessary hardship would result from the strict application of the ordinance.

Motion: Mr. Draper made a motion that it would be an unnecessary hardship as a result from the strict application of the ordinance.
Second: Mr. Smith
Action: The motion passed unanimously with the following votes:

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

2. It is the Board's CONCLUSION, that the hardship is not peculiar to the applicant's property because the contractor failed to properly measure the front setbacks, which harmed the owner.

Motion: Mr. Smith made a motion that the hardship is not peculiar to the applicant's property because the contractor failed to properly measure the front setbacks, which harmed the owner.

Second: Mr. Draper

Action: The motion passed unanimously with the following votes:

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

3. It is the Board's CONCLUSION, that the hardship (is/is not) the result of the applicant's own actions because the owner should not be responsible for the applicant's mistake.

Chair said let me clarify, the applicant is the contractor, and the owner is the gentleman here before us.

Al Benshoff said the contractor is in the green shirt, who talked to us. We've been told that the owner is in blue, but he hasn't identified himself, so we technically don't know who he is.

Mr. Draper said so, the guy who poured the foundation worked for the contractor.

Chair said ok, let me read it again.

It is the Board's CONCLUSION, that the hardship is the result of the applicant's own actions because the owner should not be responsible for the applicant's mistake.

Motion: Mr. Draper made a motion that it is a result of the applicant's own actions because the owner should not be responsible for the applicant's mistake.

Motion: Mr. Smith made a motion that it is not the result of the applicant's own actions because the owner should not be responsible for the applicant's mistake.

Mr. Draper said I will second his motion then.

Mr. Smith said we can vote and make a decision.

Chair said we can't vote unless it's been seconded and neither motion has been seconded. So, by

not getting a second, the motion is therefore moot. Do you want to make a new motion?

Motion: **Mr. Smith made a motion that it is not the result of the applicants own actions because the owner should not be responsible for the applicant's mistake.**

Mr. Draper asked whose responsibility is it? The General Contractor is responsible for everything that takes place.

Chair said the applicant's name is Adolfo Roldan. You're the applicant and the contractor?

Mr. Roldan said I am representing Mr. Bromfield.

Chair said the property owner is Mr. Bromfield and Mr. Bromfield is not the applicant. The applicant is the contractor. So, the question is, is it the Board's conclusion that is or is not the result of the applicants own actions. So, is the hardship because of the applicant's hardships?

Mr. Smith said because the owner should be responsible for the applicant's mistake. If you read the wording, the applicant made a mistake, but the owner should not be responsible for that. That's how I read it.

Mr. Draper said we aren't dealing with the owner; we are dealing with the applicant.

Al Benshoff said the standard talks about the applicant, not the owner and that's the standard that the Board has to find. The second half of the sentence is a justification that you may or may not accept.

Motion: **Mr. Draper made a motion to go back to his original motion, that it is a hardship from the result of the applicant's own actions because the owner should not be responsible for the applicant's mistake.**

Second: **Mr. Smith**

Chair said so, you are making a motion that the hardship is the result of the applicants own action, because the owner should not be responsible for the applicant's mistake. It's been made and seconded.

Action: **The motion failed with the following votes:**

AYES: **Kenneth Deal and William Draper**

NAYS: **George Smith**

Chair asked how can you say nay on a motion that you seconded.

Mr. Smith said because we had to vote on something. You said if it doesn't get seconded, we can't vote on it. I would disagree with it, but I would second it.

Chair said correct me if I'm wrong, but if you second a motion, then you are seconding in agreement, but can you second it to get it to the question?

Al Benshoff said you can second it to move it on for discussion, then vote against it, if you want to.

Mr. Smith said that's what I did.

Al Benshoff said the vote appears to be 2-1.

Chair said with only 3 members, we need all 3 to be in agreement.

Al Benshoff said you need all 3 for every motion, so the motion fails.

Ms. Smith said ok, let's do it one more time. I want to bring it up, just the way he said it again to have us vote on it again.

Chair said so the desire is for the panel to revote the question?

Mr. Smith said yes.

Chair said I am going to read it again because we are going to re-vote it.

3. It is the Board's CONCLUSION, that the hardship is the result of the applicant's own actions because the owner should not be responsible for the applicant's mistake.

Motion: Mr. Smith made a motion that it is the result of the applicant's own actions because the owner should not be responsible for the applicant's mistake.

Second: Mr. Draper

Action: The motion passed unanimously with the following votes:

AYES: Kenneth Deal, William Draper and George Smith

NAYS: None

4. (a) It is the Board's CONCLUSION, that the variance is consistent with the spirit, purpose, and intent of the ordinance because it promotes single family residential infill in existing single family residential neighborhood.

Motion: Mr. Smith made a motion that it is because it promotes single family residential infill in existing single family residential neighborhood.

Second: Mr. Draper

Action: **The motion passed unanimously with the following votes:**

AYES: **Kenneth Deal, William Draper and George Smith**

NAYS: **None**

(b) It is the Board's CONCLUSION, that in granting of the variance, the public safety will be secured, and substantial justice will be achieved because the neighborhood improved by adding another single family home.

Motion: **Mr. Smith made a motion that in granting the variance, the public safety will be secured.**

Second: **Mr. Draper**

Al Benshoff said there is a language problem here, if not a legal problem. Because the third Conclusion of Law failed, you cannot grant the variance and what that means is that you can't say that it is the Board's Conclusion that in granting the variance public safety will be secured because you are not granting the variance.

Mr. Smith said true.

Al Benshoff said so you will have to change the wording for 4b.

Mr. Smith said I don't see anything wrong with public safety if we granted it.

Al Benshoff said you can't grant the variance unless all the variance standards are met.

Mr. Smith said you are already saying that we're not, so...

Mr. Benshoff said it would read something like in the Board's Conclusion that in denying the variance, the public safety will be secured and so on and so forth.

Chair said I see what you're saying. The question I put before you before I go down this road, is again going back to question 3, if it is the Board's overall intent to deny the application and have the builder tear it down, then we are at the end of the road. If it is the Board's desire to grant the variance, then we need to again re-vote question number 3.

Mr. Smith said my question is, if you tear off that porch, what's that do to the neighborhood. Does it make the neighborhood better or does it make the neighborhood worse?

Chair said that's the question you need to ask yourself. This one has always befuddled me because I know when we voted on it. If it was not a result of the applicants own actions, then it couldn't not be approved.

Al Benshoff said ask yourself if there is any evidence in the record that it's not the applicant's fault

that the house was put in the wrong place?

Chair said that can be a matter of conjecture, it wasn't intentionally his fault. His actions made it his fault because he read the wrong property line, so intent versus actual action.

Al Benshoff said we don't have evidence in the record to support that.

Chair said the gentleman testified.

Mr. Smith said he made reference that there were some markings that appeared to be survey lines and he went off those. So, someone put something there to cause him to go astray.

Mr. Roldan asked can I say something else?

Al Benshoff said I would let him.

Chair said sure.

Mr. Roldan said the reason I thought those lines were the survey, because that's the only thing that was there. It wasn't until after we built the house that the surveyor came and put his markings. I had no way of knowing, that's where I thought the lines were. The electrical, heating, plumbing were already in at that point. That's why I was going off those line.

Mr. Draper said I would be inclined to grant the variance. I'm not clear, if we vote any of these in a negative fashion, we can't grant the variance.

Chair said on a variance.

Mr. Draper said so we have to go back and take up number 3.

Chair said if it's the majority of the Board's intent not to deny the applicant, then we need to have a motion to go back and have a re-vote.

Mr. Smith said we need a reason; we can't just revote.

Al Benshoff said the Conclusions of Law are supposed to be based on facts of the record.

Mr. Smith said it wasn't his own actions, it was the fact that there was a mark on the property that appeared to be a survey mark. He worked off that in good faith, when they came out and it was time for the official blessing, they found out that the mark wasn't true and it made everything shift, from what he built. I can't see that it's his fault, that someone put something out there, that appeared to be what it was, when it wasn't. I don't know if there were some kids out there, or a soccer ball. I don't know. I don't think it was his fault. I don't think the hardship was from his own action, because someone else put those boards there.

Motion: Mr. Draper said I'll make a motion, to go back and re-evaluate number 3.

Mr. Draper said I'll make a motion, to go back and re-evaluate number 3.

Chair said after further consideration of the facts, you feel that we missed voted and you would like to go back and re-vote question number 3? Do we have a second on that?

Second: Mr. Smith

Action: The motion passed unanimously with the following votes:

AYES: Kenneth Deal, William Draper and George Smith

NAYS: None

Mr. Smith asked and said so are you going to re-read and vote on number 3?

Chair said after consideration by Board members, we feel that we misinterpreted question number 3, and we would like to re-visit question number 3 and re-vote, after reconsideration. Again I'll state...

It is the Board's CONCLUSION, that the hardship is not the result of the applicant's own actions because the owner should not be responsible for the applicant's mistake.

Motion: Mr. Draper made a motion that it is not the result of the applicant's own actions because in good faith he measured off of what he truly believed to be the property line and was unaware that he had made that mistake until after the surveyor planted the flags, then it became obvious that he had made a mistake.

Second: Mr. Smith

Action: The motion passed unanimously with the following votes:

AYES: Kenneth Deal, William Draper and George Smith

NAYS: None

Chair said so that changes that from an is to an is not result. Now we are back to...

Al Benshoff said now we are back to question 4 b.

(b) It is the Board's CONCLUSION, that in granting of the variance, the public safety will be secured and substantial justice will be achieved because the neighborhood improved by adding another single family home.

Motion: Mr. Smith made a motion that in granting the variance, the public safety will be secured and substantial justice will be achieved because the neighborhood improved by adding another single family home.

Second: Mr. Draper

Action: The motion passed unanimously with the following votes:

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

THEREFORE, on the basis of all foregoing, IT IS ORDERED that the application Variance 2023-00097 be **approved**.

Motion: Mr. Draper made a motion to approve the variance.
Second: Mr. Smith
Action: The motion to adjourn passed unanimously with the following votes:

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

Item 7. Next Meeting: March 22, 2023

Chair asked do we have any cases for that?

Doug Britt said yes, remember that's a Wednesday night.

Al Benshoff said Mr. Chair, could I have 5 minutes please?

Chair asked before we adjourn or after?

Al Benshoff said before.

Chair said ok.

Al Benshoff said I would like to put this on the record. I have other clients that have just established brand new Boards of Adjustment and I wrote a script for one of them and I thought maybe this could be useful in Monroe.

Chair said I think overall; I would like it.

Al Benshoff said it looks something like this and what's in quotes is read and they generally have quotation marks for what the Chair reads, but I missed some on the first two pages. So, what you would get would be a script with the agenda in it and the Chair would just go through the script and read his part and then the other players would do their part - Megan and the witnesses and so on and so forth. This is a lot of play acting, but if you get to a contested case where there are attorneys representing both parties and it's hard to talk. This could be very helpful when there aren't lawyers present, this could get you comfortable with doing it. Because nobody wants to have a case appealed and overturned. This is for your consideration, and you can start doing it at a future meeting to be determined since I haven't talked it over with the Staff.

Chair said it's basically insert a here, b there, c there and d there and so on.

Chair said I will be reading all night long, but I like it.

Al Benshoff said those are your statutory duties.

Chair said I don't know if explaining what a quasi-judicial hearing is...

Al Benshoff said you can delegate that to me. That's for the applicant, because they usually have no idea that this is a kind of court.

Chair said I might let you do that. Let's let Staff have a chance to look it over to see what they think. I think it will be a little easier to stay on point, if we can do this, but it will be a little more work for Staff to fill in the blanks. Do we have anymore items of business?

Chair said I will entertain a motion to adjourn.

Item 8. **Adjournment**

Motion: **Mr. Draper made a motion to adjourn the meeting.**

Second: **Mr. Smith**

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

AYES: **Kenneth Deal, William Draper and George Smith**

NAYS: **None**

The meeting was adjourned at 7:18 p.m.

Respectfully submitted,

Kenneth Deal
Chair

Ashlyn Penegar
Clerk of the Board

BEFORE THE CITY OF MONROE
BOARD OF ADJUSTMENT

In the Matter of:

MOTION TO CONTINUE



STAFF REPORT

Case # PLZONA-2023-00133

TO: Board of Adjustment Members

DATE: March 22, 2023

FROM: Lisa Stiwinter, Planning and Development Director

PREPARED BY: Keri Mendler, Senior Planner

SUBJECT: Appeal Request by Wendy Love on behalf of Love Construction Company, Inc. for property located at 1411 Love Rd.

SUMMARY STATEMENT

Wendy Love on behalf of Love Construction Company, Inc. is appealing staff's zoning determination of 1411 Love Road issued on January 27, 2023.

SITE DATA

Type of Action: Appeal

Date of Petition: February 24, 2023

Name of Petitioner: Wendy Love on behalf of Love Construction Company, Inc.

Location: 1411 Love Road

Tax ID #: 09-307-024

Lot Size: 4.76 Acres

Current Zoning Classification: RMD (Residential Medium Density)

REVIEW

1. The property located at 1411 Love Road is owned by Love Rentals, LLC and is zoned RMD (Residential- Medium Density). (Exhibit 1-2)
2. On or about December 29, 2023, Vann Love with Love Construction Company, Inc applied for a Plumbing Permit to run a water and sewer line to newly installed taps. The Permit Technician working on this application was checking the licensing information, as required,

and noted Love Construction, the applicant, had updated their licensing information on the North Carolina licensing website to reflect 1411 Love Road whereas the license address for Love Construction was previously listed as 2675 Old Charlotte Highway. Additionally, the application indicated the use of the property was “commercial”. The Permit Technician working on this permit inquired about both of these items with Planning Staff, which is when Planning Staff failed the permit application with the following corrections: *“The application lists this property as “commercial”. The property at 1411 Love Road is not commercial and may not be utilized for a commercial business.”* (Exhibit 3-4)

3. On January 18, 2023 Ms. Wendy Love sent an email and indicated the property had continuously been utilized by Love Plumbing and Love Construction since it was constructed in 1963 and claimed the use was grandfathered. (Exhibit 5)
4. On January 20, 2023 Ms. Keri Mendler sent an email to Ms. Love and explained in order for a use to be grandfathered it must have first been legally established. Ms. Mendler explained the City has no records of 1411 Love being utilized for a commercial business and there is no indication in our files a business has legally been operating at this location for the last 180 days. (Exhibit 6)
5. On January 27, 2023, Ms. Mendler sent the official zoning determination letter to Ms. Love regarding 1411 Love Road. The zoning determination letter stated the zoning of the property was Residential Medium Density (RMD) and that commercial businesses, storage, and mechanic operations are not permitted in the zoning district. Ms. Mendler informed Ms. Love she would have 30 days from January 27, 2023 to submit an appeal to the zoning determination letter. (Exhibit 7-8)
6. Planning staff utilized various documents to identify if a business was operating on this property including occupancy permits and fire inspection history. According to Jim Murray, Engineering Technician 1, who creates addresses for the City, 1411 Love Road was created on August 16, 2022. As such there are no occupancy permits or fire inspections for 1411 Love Road. (Exhibit 9)
7. Planning staff checked historical imagery to determine past use of a business. The imagery from 2021 shows no business activity on the site such as vehicles near 1411 Love Road or evidence of where vehicles would be parking on a regular basis (Exhibit 10)
8. Planning staff conducted inspections of the site from the road to determine if the property was being utilized as a business on multiple occasions. Staff visited on January 20, 2023, January 24, 2023, and February 28, 2023. (Exhibit 11-13)
9. On February 24, 2023, Ms. Love submitted an appeal application to appeal staff’s determination of this property. (Exhibit 14)
10. All adjacent property owners and those within 150-feet of the subject property have been notified of this appeal application via first class mail and a sign has also been on the property for 10 days. (Exhibit 15-16)

RECOMMENDATION

Based on the evidence submitted, the Board of Adjustment shall make the determination to affirm, reverse, or modify Planning Staff's determination.

Exhibit:

1. Ortho Map
2. Zoning Map
3. Plumbing Application
4. Permit Corrections Notice
5. January 18, 2023 Email
6. January 20, 2023 Email
7. January 27, 2023 Email
8. Zoning Determination Letter for 1411 Love Road
9. Address History
10. 2021 Aerial
11. Site Visit Image 1-20-23
12. Site Visit Image 1-24-23
13. Site Visit Image 2-28-23
14. Application
15. APO List
16. APO Map

Prepared By: KM 3-9-23

Ortho Map

PLZONA-2023-00133

Legend

- Centerlines
- Parcels

Existing: RMD
(Residential Medium Density)

Owner: Love Rentals, LLC

Acres: 4.76



0 290 580
Feet

Exhibit 1

Zoning Map

PLZONA-2023-00133

Legend

— Centerlines

□ Parcels

Zoning Districts

■ RLD

■ RMD

Existing: RMD
(Residential Medium Density)

Owner: Love Rentals, LLC

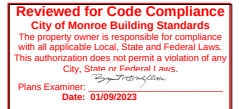
Acres: 4.76



0 290 580
Feet

Exhibit 2

CITY OF MONROE
Building Standards Department
Plumbing Permit Application



PROPERTY TYPE: _____ Residential _____ X Commercial

SITE INFORMATION:

Address: 1411 Love Rd Monroe, NC 28110 Lot#: N/A
Subdivision Name: N/A

CONTRACTOR INFORMATION:

Contractor Name (as licensed): Love Construction Company, Inc. Phone#: (704) 283-4697
Address: 2675 Old Charlotte Hwy City: Monroe State: NC
Zip: 28110 License # L.02176 Fax#: _____
E-mail: lovehomesnc@gmail.com

OWNER'S INFORMATION:

Name: Love Rentals, LLC Phone#: (704) 283-4697
Address: 2675 Old Charlotte Hwy City: Monroe State: NC
Zip: 28110 Any Building permit # associated with this permit: No

UTILITIES:

() Septic (X) Existing Utility Company: Electric- Union Power meter # 81651847

Total Project Cost: \$ 1,500.00

EQUIPMENT INFORMATION:

Number Description

**** Run water line and sewer line to newly installed taps**

_____ **Complete Renovation (residential)**
_____ Each Toilet Room
_____ Gas Line
_____ Water Heater Change Out
_____ Radiant Heat Systems
_____ Sprinkler System (1-100 heads) _____ (# of additional heads) _____
_____ Unclassified installations _____

All residential inspections for dwellings covered by the NC Building and Residential Code will include verification of the presence of carbon monoxide alarms as required by City of Monroe Ordinance 150.10 (C)(1).

APPLICANT'S SIGNATURE: *Vann J. Love* **DATE:** 12/19/2022

PRINT APPLICANT'S NAME: Love Construction Company, Inc. by Vann J. Love

Method of Payment: () Cash () Check Will pay permit link when ready

Building Standards Department
300 W. Crowell Street
Monroe NC 28111
Tel: 704.282.4524 FAX: 704.282.4735

March 26, 2014

City of Monroe
Permit Center
300 West Crowell Street
Monroe, NC 28112
(704)282-4524



Corrections Notice

Permit Application #PRPL202301225

Project Address:

1411 LOVE RD, MONROE, NC 28110

Project Description: New Water and sewer lines - Converting from Well & Septic

Date: January 10, 2023

The following comments are regarding the plan review for the above referenced application. These items must be addressed through revised drawings and/or addendum submitted to our office in order to proceed. Any revisions in reference to these comments will need to be submitted to the Permit Center in order to be formally processed.

If you have questions about your plan review comments, please contact the plan reviewer by using the number listed below.

Planning and Zoning Review (Reviewed By: Keri Mendler) (Phone number: (704)282-5797)

1. The application lists this property as "commercial". The property at 1411 Love Road is not commercial and may not be utilized for a commercial business.

If you have questions about the resubmittal process, please contact the Permit Center at (704) 282-4524 or by email at PermitCenter@monroenc.org.

Sincerely,

Catherine Mullis
Permit Center Supervisor

From: Catherine Mullis
Sent: Thursday, January 19, 2023 7:53 AM
To: Keri Mendler
Subject: FW: 1411 Love Rd - Plan review corrections notice

Keri,

1411 Love Rd.

Catherine Mullis
City of Monroe
Permit Center Supervisor- ICC Certified
Office 704-282-4524
Fax 704-282-4735
300 W Crowell St
Monroe NC 28112
cmullis@monroenc.org
monroenc.org



E-mail correspondence to and from this address may be subject to North Carolina's public records laws and if so, may be disclosed.

From: Wendy Love [<mailto:lovehomesnc@gmail.com>]
Sent: Wednesday, January 18, 2023 10:24 PM
To: Catherine Mullis <cmullis@monroenc.org>
Subject: Re: 1411 Love Rd - Plan review corrections notice

Catherine,
How can we resubmit as Residential? We understand the property is actually zoned as residential. The property has been used continuously by Love Plumbing and Love Construction since it was built in 1963 and therefore the use is grandfathered.
Thanks,
Wendy Love

On Tue, Jan 10, 2023 at 3:19 PM Catherine Mullis <cmullis@monroenc.org> wrote:

Wendy,

Please see the attached plan review corrections notice.

Our office will be closed Monday, January 16, 2023 in observance of Martin Luther King Jr. Day.

Catherine Mullis

City of Monroe

Permit Center Supervisor- ICC Certified

Office 704-282-4524

Fax 704-282-4735

300 W Crowell St

Monroe NC 28112

cmullis@monroenc.org

monroenc.org



E-mail correspondence to and from this address may be subject to North Carolina's public records laws and if so, may be disclosed.

From: Keri Mendler
Sent: Friday, January 20, 2023 2:37 PM
To: 'Wendy Love'
Cc: Doug Britt; Lisa Stiwinter
Subject: RE: 1411 Love Rd - Plan review corrections notice

Wendy,

In order for a use to be grandfathered, it must have first been legally established. With that said, we have no records of 1411 Love Road being utilized for a commercial business. There is no indication that it has legally been operating at this location for the last 180 days; therefore, there is no grandfathered use and this property may not be utilized for a business.

Thank you,

Keri Mendler, AICP, CZO
Senior Planner
City of Monroe
300 W. Crowell Street/ P.O. Box 69
Monroe, NC 28112-0069
(704)-282-5797 p
(704)-283-7704 f
kmendler@monroenc.org



E-mail correspondence to and from this address may be subject to North Carolina's public records laws and if so, may be disclosed.

From: Catherine Mullis
Sent: Thursday, January 19, 2023 7:53 AM
To: Keri Mendler <khutchins@monroenc.org>
Subject: FW: 1411 Love Rd - Plan review corrections notice

Keri,

1411 Love Rd.

Catherine Mullis
City of Monroe
Permit Center Supervisor- ICC Certified
Office 704-282-4524
Fax 704-282-4735
300 W Crowell St
Monroe NC 28112

cmullis@monroenc.org
monroenc.org



E-mail correspondence to and from this address may be subject to North Carolina's public records laws and if so, may be disclosed.

From: Wendy Love [<mailto:lovehomesnc@gmail.com>]
Sent: Wednesday, January 18, 2023 10:24 PM
To: Catherine Mullis <cmullis@monroenc.org>
Subject: Re: 1411 Love Rd - Plan review corrections notice

Catherine,
How can we resubmit as Residential? We understand the property is actually zoned as residential. The property has been used continuously by Love Plumbing and Love Construction since it was built in 1963 and therefore the use is grandfathered.
Thanks,
Wendy Love

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Our office will be closed Monday, January 16, 2023 in observance of Martin Luther King Jr. Day.

Catherine Mullis

City of Monroe

Permit Center Supervisor- ICC Certified

Office 704-282-4524

Fax 704-282-4735

300 W Crowell St

Monroe NC 28112

cmullis@monroenc.org

monroenc.org



E-mail correspondence to and from this address may be subject to North Carolina's public records laws and if so, may be disclosed.

From: Keri Mendler
Sent: Friday, January 27, 2023 1:49 PM
To: 'Wendy Love'
Cc: Doug Britt
Subject: RE: 1411 Love Rd - Plan review corrections notice
Attachments: [1411 Love Rd. Zoning Determination Letter.pdf](#)

Wendy,

I have attached a zoning determination letter regarding the zoning and use of 1411 Love Road. If you disagree with the information presented in this formal zoning verification letter, you may appeal the decision to the Board of Adjustment within thirty (30) days of today, January 27, 2023.

If you choose to appeal this decision, the burden to prove the use not only existed, but was lawfully established with proper permits, inspections, etc. and in turn qualifies as a nonconforming use is your responsibility; however, the information below does not establish this in staff's opinion. Also, any legal nonconforming use is considered terminated if it operates for 180 days without proper permits. Additionally, if you choose to appeal staff's decision and the Board of Adjustment finds you have met your burden of establishing it is a legal nonconforming use and overturns staff's decision, only the existing use(s) as indicated below would be grandfathered. The uses cannot be expanded or changed without coming into compliance with the current code.

Thank you,

Keri Mendler, AICP, CZO
Senior Planner
City of Monroe
300 W. Crowell Street/ P.O. Box 69
Monroe, NC 28112-0069
(704)-282-5797 p
(704)-283-7704 f
kmendler@monroenc.org



E-mail correspondence to and from this address may be subject to North Carolina's public records laws and if so, may be disclosed.

From: Wendy Love [<mailto:lovehomesnc@gmail.com>]
Sent: Friday, January 20, 2023 3:07 PM
To: Keri Mendler <khutchins@monroenc.org>
Subject: Re: 1411 Love Rd - Plan review corrections notice

Keri,

There was not a separate modern address attached to the building until recently. I will give you a history on the building.

This building was built in about 1963. When it was built it had an address of something like Route 6 box 66?. I don't know exactly what its box number was. I can ask my father if you want. He can probably remember it. The building and a house were both located on what is now tax parcel 09307024. My family lived in the house and my father's business Love Plumbing was located in the building. So in 1963 the address was Route 6, Box 66? whatever the box number was.

So Love Plumbing operated from the building and the mechanic's building behind it and at some point started using a post office box for their address. Then Love Plumbing moved their main office over to Old Charlotte Hwy but still had storage and mechanic's operations at the Love Rd buildings and Love Construction also used the buildings on Love Rd. Love Construction started operating in the building at our inception in 1970. Then over time Love Plumbing completely moved all operations over to Old Charlotte Hwy. By the mid 1980's only Love Construction had any operations at the Love Road site. Love Construction never received mail there so we didn't need an address there.

Love Construction recently decided to start receiving mail there and had an address assigned to the building. It's the same building that has been used by our family businesses since 1963, but just now has a modern address assigned to it. Its original address of Route 6 Box 66? doesn't work any longer so it needed an address. The house that shares the tax parcel has an address but it also has a tenant so we wanted a separate mailing address than the tenant. Love Construction has literally had commercial operations on that site and in those buildings since 1970. It has been far more than in the last 180 days.

I have electrical bills in Love Construction's name for the meter there. They have the wrong address as 1412 Love Rd but it is that building and it has been on in our name there forever.

Sometimes there are people and businesses that try to get things over on you/the city. But this is not one of those times. We built that building before it was annexed into the city. We were using that building commercially (since and by Love Construction when it was founded in 1970) before it was annexed into the city. There is no clearer case of a grandfathered use than that.

Thanks,
Wendy Love

On Fri, Jan 20, 2023 at 2:36 PM Keri Mendler <khutchins@monroenc.org> wrote:

Wendy,

In order for a use to be grandfathered, it must have first been legally established. With that said, we have no records of 1411 Love Road being utilized for a commercial business. There is no indication that it has *legally* been operating at this location for the last 180 days; therefore, there is no grandfathered use and this property may not be utilized for a business.

Thank you,

Keri Mendler, AICP, CZO

Senior Planner

City of Monroe

300 W. Crowell Street/ P.O. Box 69

Monroe, NC 28112-0069

(704)-282-5797 p

(704)-283-7704 f

kmendler@monroenc.org



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From: Catherine Mullis

Sent: Thursday, January 19, 2023 7:53 AM

To: Keri Mendler <khutchins@monroenc.org>

Subject: FW: 1411 Love Rd - Plan review corrections notice

Keri,

1411 Love Rd.

Catherine Mullis

City of Monroe

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Office 704-282-4524

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E-mail correspondence to and from this address may be subject to North Carolina's public records laws and if so, may be disclosed.

||

January 27, 2023

Attn: Wendy Love
Love Construction
2675 Old Charlotte Hwy.
Monroe, NC 28110

RE: 1411 Love Road (Parcel ID: 09-307-024)

Ms. Love,

The subject property is zoned RMD (Residential Medium Density). Section 157.4.2.3 titled, *RMD – Residential Medium Density*, of our zoning ordinance states this zoning district is intended to allow for a mix of housing types and may permit compatible uses as permitted in Section 7: Permissible Uses and Standards. The zoning code does not allow commercial businesses, storage, or mechanic operations within this zoning district.

A permit application for 1411 Love Road was submitted for new water and sewer lines. The applicant of this permit selected the property type of 1411 Love Road as "commercial". The city has no permits or fire inspections to indicate this property has ever been utilized for a commercial business, including, but not limited to, a construction office, mechanic operations, or storage. While you have indicated there are utility bills in the business name, this does not establish a legal use of the property as commercial, it simply indicates who pays the bill. Per section 3.4.20 of the zoning code, permits are required for business occupancy, which also results in a fire inspection; none of which the city has for this address. Therefore, if the property is being utilized as such, it is considered an illegal use and as such the use is not "grandfathered" and may not operate on this property.

If you disagree with the information presented in this formal zoning verification letter, you may appeal the decision to the Board of Adjustment within thirty (30) days of today, January 27, 2023. Planning staff can provide you with the appropriate information and application. If you have any questions, you may contact staff at 704-282-5797 or by email at kmendler@monroenc.org.

Thank you,



Keri Mendler
Senior Planner

From: Jim Murray
Sent: Tuesday, March 7, 2023 4:00 PM
To: Keri Mendler
Subject: RE: Address History

Kerri,

Once HTE goes really goes away, finding out when an address was created will be a difficult thing to do. But for this one, it was entered into HTE on 8-16-2022.

From: Keri Mendler
Sent: Tuesday, March 7, 2023 3:19 PM
To: Jim Murray <jmurray@monroenc.org>
Subject: Address History

Jim,

Can you let me know when the address 1411 Love Road was created?

Thanks,

Keri Mendler, AICP, CZO
Senior Planner
City of Monroe
300 W. Crowell Street/ P.O. Box 69
Monroe, NC 28112-0069
(704)-282-5797 p
(704)-283-7704 f
kmendler@monroenc.org



E-mail correspondence to and from this address may be subject to North Carolina's public records laws and if so, may be disclosed.

2021 Aerial

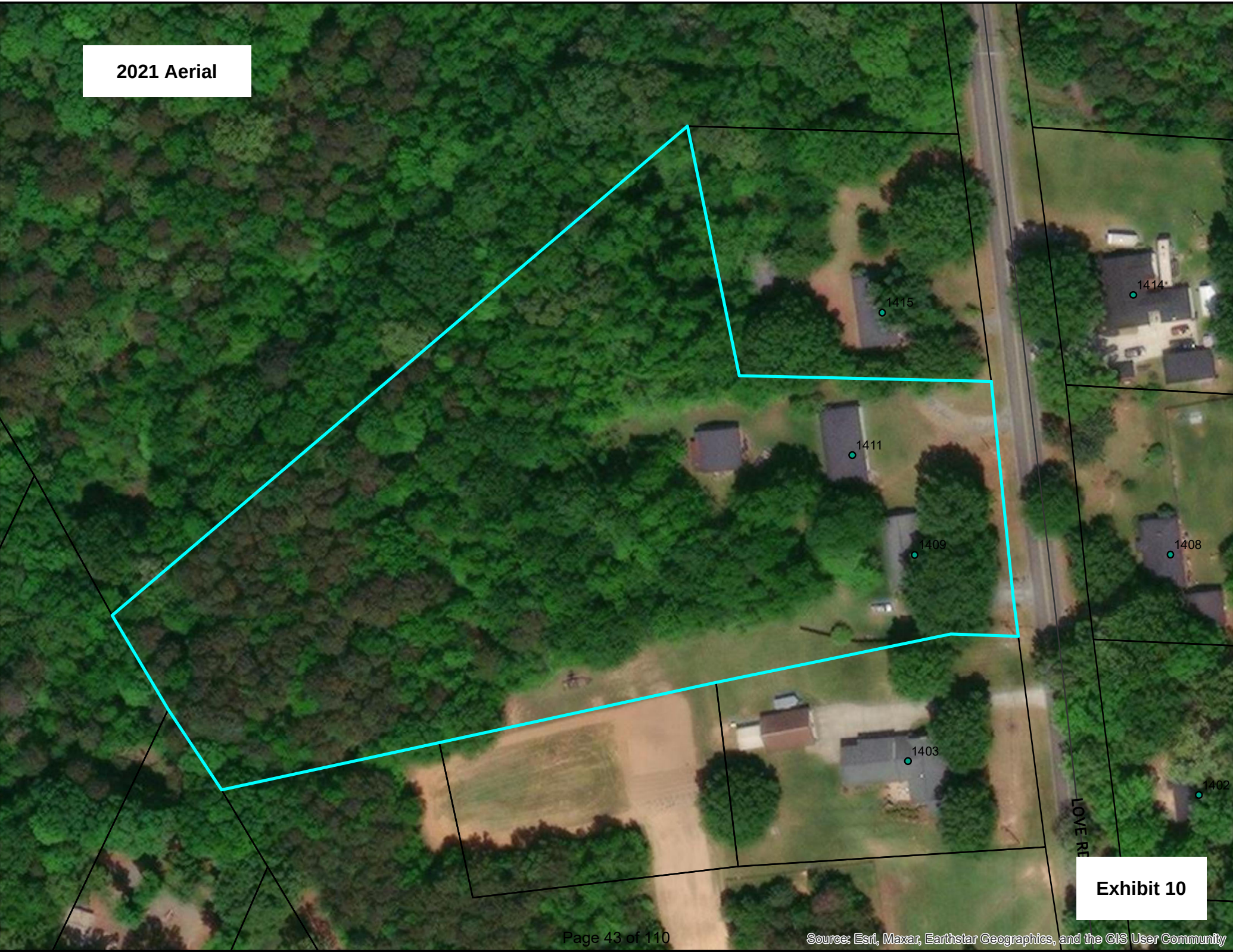


Exhibit 10

1-20-23 Imagery



Exhibit 11

1-24-23 Imagery



Exhibit 12

1-20-23 Imagery



City of Monroe Appeal Application Form

Applicant's Name: Love Construction Company, Inc. / Love Rentals, LLC

Applicant's Address: 2675 Old Charlotte Hwy. Monroe, NC 28110

Property Owner's Name: Love Rentals, LLC

Property Owner's Address: 2675 Old Charlotte Hwy Monroe, NC 28110

Existing Use of Property: Commercial

Property Location: 1411 Love Rd. Monroe, NC 28110

Tax Map Number: 09-307-024 Lot Size: 4.76 Zoning District: Residential Medium Density

Date of Zoning Officer's decision: January 27, 2023

Summary of Zoning Officer's decision: The zoning code does not allow commercial businesses, storage, or mechanic operations within this zoning district.

Reason for appeal of decision: use was in place prior to Union County zoning ordinance first adopted and then property used continuously before and after involuntary annexation into the City. Use should be permitted & may have been known to the City and is visible from a public highway (i.e. statute of limitations applies).

Wendy Love
Applicant-Printed

Wendy E. Love
Applicant-Signature
VP of Love Construction
Manager of Love Rentals
Ken Menden
Signature of Zoning Officer

Represented by
Stephen M. Bennett
Helm's Bennett PA

2/24/2023

Date

2/24/2023

Date

ACCTNO	OWNERNAME1	OWNERADDRE	OWNERCITY	OWNERSTATE	OWNERZIP
09301243 60	SHINING LIGHT BAPTIST CHURCH % TIM CRUSE	2541 OLD CHARLOTTE HWY	MONROE	NC	28110
09301243 70	SHINING LIGHT BAPT CHURCH % TIM CRUSE	2541 OLD CHARLOTTE HWY	MONROE	NC	28110
09301248	LOVE RENTALS LLC	2675 OLD CHARLOTTE HIGHWAY	MONROE	NC	28110
09301248A	LOVE RENTALS LLC	2675 OLD CHARLOTTE HIGHWAY	MONROE	NC	28110
09301248B	LOVE VANN JUNIOR	1511 LOVE RD	MONROE	NC	28110
09301248C	LOVE WENDY E	1507 LOVE RD	MONROE	NC	28110
09301249	LOVE RENTALS LLC	2675 OLD CHARLOTTE HIGHWAY	MONROE	NC	28110
09301250	BAUCOM SUSAN M	1621 LOVE RD	MONROE	NC	28110
09301250A	LOVE RENTALS LLC	2675 OLD CHARLOTTE HIGHWAY	MONROE	NC	28110
09301250B	MCMANUS MELISSA	1617 LOVE RD	MONROE	NC	28110
09301250C	PRICE HELEN S	1705 LOVE RD	MONROE	NC	28110
09301250E	MCMANUS CLIFFORD W TRUSTEE	1615 LOVE RD	MONROE	NC	28110
09301250F	MCMANUS CLIFFORD W TRUSTEE	1615 LOVE RD	MONROE	NC	28110
09301251	MCMANUS CLIFFORD W	4832 BUTTERWICK LN	CHARLOTTE	NC	28212
09301251A	WATKINS DEREK	1700 VIRGINIA ST	MONROE	NC	28110
09301251B	WATKINS DEREK	1700 VIRGINIA ST	MONROE	NC	28110
09301252	MANUS ELAINE	1716 LOVE RD	MONROE	NC	28110
09301252A	GURDYMOV OLEG C	1718 LOVE RD	MONROE	NC	28110
09301252B	LOVE VANN J	1511 LOVE RD	MONROE	NC	28110
09301253	RIPPLE LEE ANN	1711 LOVE RD	MONROE	NC	28110
09301254	SUTTLE WILLIAM JOSEPH SUTTLE MARY ANN	1715 LOVE RD	MONROE	NC	28110
09301256	LOVE DARRELL WAYNE	1510 LOVE RD	MONROE	NC	28110
09307001	WINFIELD CYNTHIA M ET AL	704 EDGEHILL DR	MONROE	NC	28110
09307002	ROGERS CATHY W EUDY	2515 GOLDMINE RD	MONROE	NC	28110
09307003B	TROTT PATRICIA	1219 STEVENS RD	MONROE	NC	28110
09307003C	GARRISON COURTNEY STEVENS	2505 GOLDMINE RD	MONROE	NC	28110
09307005	MOORE JOE DANIEL	2425 GOLDMINE RD	MONROE	NC	28110
09307006	HELMS CLARENCE E	2417 GOLDMINE RD	MONROE	NC	28110
09307017	HELMS DANNY LYNN TRUSTEE	2491 SHINING LIGHT CHURCH RD	MONROE	NC	28112
09307018	HURRINUA NIKOLAS PATRICK	2424 GOLDMINE RD	MONROE	NC	28110
09307018A	GARCIA JOSE	1304 LOVE RD	MONROE	NC	28110
09307018B	DAO TUAN KIET GIA	1308 LOVE RD	MONROE	NC	28110
09307019	MARLOW JAMES F	936 SECREST HILL DR	MONROE	NC	28110

09307019A	HERNANDEZ TERESA JANETT	4400 BLANCHARD CIR	INDIAN TRAIL	NC	28079
09307019B	LANGE SHAWN CHRISTOPHER	1312 LOVE RD	MONROE	NC	28110
09307020	MCDONALD ARTHUR	1402 LOVE RD	MONROE	NC	281107801
09307021	FITZPATRICK LIEF GARRETT	1408 LOVE RD	MONROE	NC	28110
09307022	REYNOLDS DEBBIE LOVE	1414 LOVE RD	MONROE	NC	28110
09307023	LOVE GARY MICHAEL	1315 LOVE RD	MONROE	NC	28110
09307023A	LOVE GARY MICHAEL	1315 LOVE RD	MONROE	NC	28110
09307023B	LOVE DAVID A	1403 LOVE RD	MONROE	NC	28110
09307023D	MCMAHAN ALLISON L	2516 GOLDMINE RD	MONROE	NC	28110
09307023H	LOVE DAVID A	1403 LOVE RD	MONROE	NC	28110
09307024	LOVE RENTALS LLC	2675 OLD CHARLOTTE HIGHWAY	MONROE	NC	28110
09307025	PRIVETTE SANDRA ET AL	1415 LOVE RD	MONROE	NC	28110
09307026	HELMS ALVA P	2491 SHINING LIGHT CHURCH RD	MONROE	NC	28110
09307026B	HELMS DANNY LYNN	2431 SHINING LIGHT CH RD	MONROE	NC	281108561
09307026C	JOHNSON J ROBERT II	2451 SHINING LIGHT CH RD	MONROE	NC	281108561
09307026D	HELMS ALVA P	2491 SHINING LIGHT CHURCH RD	MONROE	NC	28110
09307121	GARRISON COURTNEY STEVENS	2505 GOLDMINE RD	MONROE	NC	28110
09342137B	MARTIN PATRICIA W	PO BOX 351	MONROE	NC	281110351
09342140	MOTLEY HOLDINGS LLC	PO BOX 91398	SAN DIEGO	CA	92169
09342001 60	SHINING LIGHT BAPTIST CHURCH TRUSTEES	2541 OLD CHARLOTTE HWY	MONROE	NC	28110
09342001 70	SHINING LIGHT BAPTIST CHURCH TRUSTEES	2541 OLD CHARLOTTE HWY	MONROE	NC	28110
09342046	HINSON MITCHELL	1717 LOVE RD	MONROE	NC	28110
09345001	THOMAS GERALD R	516 RAINTREE DR	MATTHEWS	NC	28104
09345001A	VILLA MIGUEL ANGEL ROCHA	2602 GOLDMINE RD	MONROE	NC	28110
09345001C	LEDFORD EMMA S	2526 GOLD MINE RD	MONROE	NC	281108946
09345002A	MCCOTTER JUSTIN	2612 GOLDMINE RD	MONROE	NC	28110
09345002H	PALACIOS GUILLERMO CAPOTE	1324 TUCKER RD	MONROE	NC	28110
09345002J	JAUREGUI LILIA	1328 TUCKER RD	MONROE	NC	28110

APO Map

1411 Love Road

Legend

Centerlines

Parcels

150-ft Buffer

Notified Properties

Subject Property



Exhibit 16



STAFF REPORT

Case # PLZNA 2023-00122

TO: Board of Adjustment Members

DATE: March 22, 2023

FROM: Doug Britt, Senior Planner

PREPARED BY: Megan Brightharp, Planner

SUBJECT: Variance request by Dorian Jones from the maximum fence height in a residential district for property located at 2913 Silo Court.

SUMMARY STATEMENT

Dorian Jones is requesting a variance from maximum fence height in a residential district in order to bring a recently built fence, at 2913 Silo Court, into compliance.

SITE DATA

Type of Action:	Variance
Date of Petition:	March 22, 2023
Name of Petitioner:	Dorian Jones
Location:	2913 Silo Court
Tax ID #:	09-216-181
Lot Size:	.429 Acres
Current Zoning Classification:	RLD (Residential Low Density) Zoning District

PROPOSED FINDINGS

Proposed Findings:

1. The property located at 2913 Silo Court is owned by Dorian Jones and is zoned RLD (Residential Low Density). (Exhibit 1 and 2)
2. The City of Monroe became aware that work had been done to the home at 2913 Silo Court, including the installation of a fence and that the fence had been built 7' tall and advised Mr. Jones to complete permit applications and apply for a variance.

3. Unified Development Ordinance (UDO) Section 157.8.3.10 entitled “Fences, Walls, and Berms” states in relevant parts: (Exhibit 3)

A. General Standards

5. The maximum height of a fence within required rear and side yards shall be six (6) feet in residential zoning districts and maximum height of a fence within a front yard shall be five (5) feet.
4. A variance application was submitted on February 22, 2023 by Dorian Jones requesting a variance from the maximum fence height in a residential district in order to bring his fence into compliance. (Exhibit 4)
6. In order to bring the newly built fence into compliance, the applicant is requesting a variance of 1 foot.
7. All adjacent property owners have been notified of the proposed variance. (Exhibit 5 and 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.

THEREFORE, on the basis of all foregoing, IT IS ORDERED that the application Variance 2023-00122 be (**approved/denied**).

Exhibits:

Exhibit 1: Ortho Map
Exhibit 2: Zoning Map
Exhibit 3: UDO Section 157.8.3.10
Exhibit 4: Application
Exhibit 5: APO List
Exhibit 6: APO Map

Prepared by: MB 3/15/2023

Ortho Map
2913 Silo Court

Legend

- Centerlines
- Parcels
- Subject Property

Owner:
Dorian Jones
Acres: 0.429



0 1530 60 90 120
Feet

Zoning Map
2913 Silo Court

Legend

-  Centerlines
-  Parcels
-  RC-MX
-  RLD
-  RMD
-  Subject Property

Owner:
Dorian Jones
Acres: 0.429



0 1530 60 90 120
 Feet

8.3.10. FENCES, WALLS AND BERMS

A. General Standards.

1. Fences and walls must be constructed of high-quality materials including brick and stone, stucco over concrete masonry blocks, treated wood, wrought iron, composite fencing, PVC vinyl, and other like materials as approved by the Department of Planning and Development.
2. All fence support structure must be located on the inside of the fence covering material.
3. Fences and walls must be maintained; any missing or deteriorated portions of fencing material or wall shall be replaced.
4. The maximum height of a fence or wall shall be eight (8) feet in non-residential zoning districts. Exceptions may be granted for unique uses such as sports venues, or where required for safety of pedestrians or motorists.
5. The maximum height of a fence within required rear and side yards shall be six (6) feet in residential zoning districts and maximum height of a fence within a front yard shall be five (5) feet.
6. Bright colors including orange, yellow and red are not permitted for permanent fences.
7. No fence, wall or berm may encroach into a public right-of-way or inhibit motorist visibility or site triangle. Fences and walls shall not block any required ingress or egress point.
8. Fences, walls and berms may encroach into required yards.
9. Fences, walls and berms are exempt from setback requirements. However, a berm may not be constructed in a manner that any portion of berms slopes extend over the property line.
10. All fences and walls shall be installed with the finished side facing towards the exterior or adjoining properties and rights-of-way.

B. Electric Fences. Electric fences are only permitted in conjunction with agricultural activities in the, RLD, and RMD districts, by right in the GI and HI districts, and by special use permit in the GB district. Electric fences must abide by the following standards:

1. Electric fences must be driven only by a commercial storage battery not to exceed twelve (12) volts DC.

City of Monroe Variance Application Form

Applicant's Name: DORIAN M JONES
Applicant's Address: 2913 Silo Ct
Monroe NC 28110
Property Owner's Name: Same
Property Owner's Address: Same

For Staff Use Only	
Application #:	_____
Date Submitted:	_____
Approved:	_____
Denied:	_____

Legal Relationship of Applicant to Property Owner: Self
Contact Person Name and Phone Number: D. JONES 704-254-3322
Existing Use of Property: Home Residence
Property Location: 2913 Silo Ct
Tax Map Number 09-216-181 Lot Size: _____ Zoning District: RMD
Ordinance section number to which a variance is being sought. 8.3.10 Fences, Wall, Berms
Proposed variance description: Variance from maximum height by 1'

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.]

- Essentially add height to protect ourselves from
stray arrows related to the neighbor Archery
shooting lane -

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]

- Severe Grade challenges - front to back i.
side to side - location is issue - fence
necc. to block potential arrows -

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]

hardship is complete result of Archery lane
that neighbor has pointing into our backyard

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.

Variance is in complete agreement with
the above statement.

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:

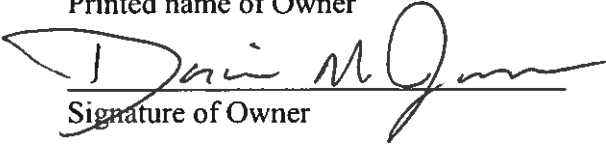
1. The boundaries of the lot(s) in question,
2. The size, shape and location of all existing buildings, parking facilities and accessory buildings,
3. The size, shape and location of all proposed buildings, parking facilities and accessory uses,
4. The location of all setbacks and front lot widths as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

DORIAN M. JONES
Printed name of Applicant

Dorian M Jones
Signature of Applicant

2-22-23
Date

Printed name of Owner


Signature of Owner

2-22-23
Date

****If you are signing on behalf of a company, please include your title within the company****

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

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

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

Public hearing date: _____

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

Action taken by the Board of Adjustment: _____

Notification of Action Mailed to applicant on: _____

ACCTNO	PIN	OWNERNAME1	CURR_ADDR2	OWNERADDRE	OWNERZIP	OWNERSTATE	OWNERCITY	OWNERNAME2
09216148	09216148	BARBEE FARMS HOMEOWNEF	1201 STALLINGS RD	C/O KEY COMMUNITY MANAGEMENT	28104	NC	MATTHEWS	
09216001D	09216001D	BARBEE JERRY ALVIN		311 MAPLE HILL	281108736	NC	MONROE	BARBEE ROSCOE FERRIS
09216176	09216176	JONES DANIEL		600 BARBEE FARM DR	28110	NC	MONROE	JONES DANIKA
09216177	09216177	FKH SFR PROPCO J LP	1850 PARKWAY PL STE 900	C/O FIRST KEY HOMES LLC	30067	GA	MARIETTA	
09216178	09216178	CARMEN CLEMENTE SORIANO		620 BARBEE FARM DR	28110	NC	MONROE	
09216179	09216179	ALVAREZ ROENNY ET AL		624 BARBEE FARM DR	28110	NC	MONROE	ARIAS YODERMY ALTAGRACIA MEDRANO
09216180	09216180	SHELNUTT DAVID F		2910 SILO CT	28110	NC	MONROE	SHELNUTT JULIA E
09216182	09216182	BIRD LORRAINE		2909 SILO CT	28110	NC	MONROE	
09216183	09216183	ESPIRITU GLENN D		2905 SILO CT	28110	NC	MONROE	
09216184	09216184	HOLSTE BRENT		2901 SILO CT	281105619	NC	MONROE	HOLSTE NICOLE
09216185	09216185	WARRINER MICHELLE C		712 BARBEE FARM DR	28110	NC	MONROE	
09216190	09216190	EHRlich THERESA ANN		2922 WAGON WHEEL RD	281105620	NC	MONROE	

APO Map
2913 Silo Court

Legend

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

Owner:
Dorian Jones
Acres: 0.429



0 160 320 640 960 1,280
Feet



STAFF REPORT

Case # PLZNA 2023-00123

TO: Board of Adjustment Members

DATE: March 22, 2023

FROM: Lisa Stiwinter, Planning and Development Director

PREPARED BY: Doug Britt, Planner

SUBJECT: Variance request by Lewis Fisher for property located at the intersection of James Hamilton Road and Rocky River Road

SUMMARY STATEMENT

Attorney Lewis Fisher, on behalf of Teramore Development, LLC is requesting a variance from the maximum front and rear setback, the street yard buffer, the open space, and the storm water controls measures.

SITE DATA

Type of Action: Variance

Date of Petition: February 15, 2023

Name of Petitioner: Lewis Fisher

Location: Intersection of James Hamilton Road & Rocky River Road

Tax ID #: 09-336-030

Lot Size: 3.01 Acres

Current Zoning Classification: CC-MX1 (Community Corridor Mixed-Use 1) Zoning District

PROPOSED FINDINGS

Proposed Findings:

1. The property located at the intersection of James Hamilton Road and Rocky River Road is owned by Thomas J. and Helen H. Williams and is zoned CC-MX1 (Community Corridor Mixed-Use 1. (Exhibits 1 and 2)

2. The North Carolina Department of Transportation (NCDOT) is currently preparing for a road realignment that will align James Hamilton Road and Myers Road. The realignment will create a safer intersection of the two roads with North Rocky River Road. (Exhibit 3)
3. As a result of the road realignment project NCDOT will obtain a portion of the subject property owned by Thomas J. and Helen H. Williams.
4. A variance application was submitted on February 15, 2023 by Lewis Fisher, on behalf of Teramore Development, LLC, requesting a variance from the maximum front yard setback along North Rocky River Road and James Hamilton Road, the maximum rear setback, the street yard buffer, the open space requirement for development in the Community Corridor Mixed-Use 1 zoning district and the storm water measure design for the removal of total suspended solids in order to construct a Dollar General on the site. (Exhibit 4)
5. According to Section 157.5.5.C titled Community Corridor Mixed-Use 1 District Development Standards Table of the Unified Development Ordinance the maximum front/street setback is 30 feet and the maximum rear setback is 50 feet. (Exhibit 5)
6. A building is proposed to be constructed that will be located 94.89 feet from the right-of-way of North Rocky River Road and 84.96 feet from the right-of-way of the existing James Hamilton Road and the applicant is requesting a 64.89-foot variance along North Rocky River Road and a 54.96-foot variance along existing James Hamilton Road from the maximum front setback requirement. Additionally, the building is proposed to be located 130.07 feet from the rear property line and an 80.07-foot variance is being requested from the maximum rear setback. (Exhibit 6)
7. According to Section 157.8.3.5.B titled Perimeter Buffer Types, Table 8.3.1 Perimeter Buffer Types Table and Section 157.8.3.7.A titled Street Yard Buffer of the Unified Development Ordinance the required street yard buffer is ten (10) feet. (Exhibit 7)
8. The applicant is proposing for the street yard buffer along North Rocky River Road to be 7.45 feet wide and is requesting a 2.55-foot variance from the required street yard buffer. (Exhibit 6)
9. According to Section 8.8.3.D titled Open Space Percentage Requirements of the Unified Development Ordinance developments within a mixed-use zoning district shall require the greater of .50 acres (21,780 square feet) or fifteen percent (15%) of the total development size which in this case would be .50 acres (21,780 square feet) of open space. (Exhibit 8)
10. The applicant is proposing to provide .049 acres (2,148 square feet) of open space and is requesting a .45 acre (19,632 square foot) variance from the open space requirement. (Exhibit 6)

11. According to Section 159.303 (B) titled Structural Stormwater Control Requirements of the Stormwater Management Ordinance all structural stormwater treatment systems used to meet these requirements shall be designed to have a minimum of 85% average annual removal for Total Suspended Solids (TSS). (Exhibit 9)
12. The applicant is proposing construct the detention facility in order to remove no less than 20% of Total Suspended Solids (TSS) and is requesting a 76.5% variance of the Total Suspended Solids (TSS) requirement of the Stormwater Management Ordinance which is a reduction of 65%.
13. All adjacent property owners have been notified of the proposed variance. (Exhibit 10 and 11)

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.

THEREFORE, on the basis of all foregoing, IT IS ORDERED that the application Variance 2023-00123 be (**approved/denied**).

Exhibits:

Exhibit 1: Ortho Map
Exhibit 2: Zoning Map
Exhibit 3: NCDOT Map
Exhibit 4: Application
Exhibit 5: 157.5.5 Community Corridor Mixed-Use 1
Exhibit 6: Site Plan
Exhibit 7: 157.8.3.5.B Perimeter Buffer Types & Section
157.8.3.7.A Street Yard Buffer
Exhibit 8: 8.8.3.D titled Open Space Requirements
Exhibit 9: 159.303 (B) Stormwater Ordinance
Exhibit 10: APO List
Exhibit 11: APO Map

Prepared by: DB 3/14/2023

Ortho Map

Case #: PLZNA 2023-00123

Legend

— Centerlines

▭ Parcels

Existing: Community Corridor
Mixed-Use 1

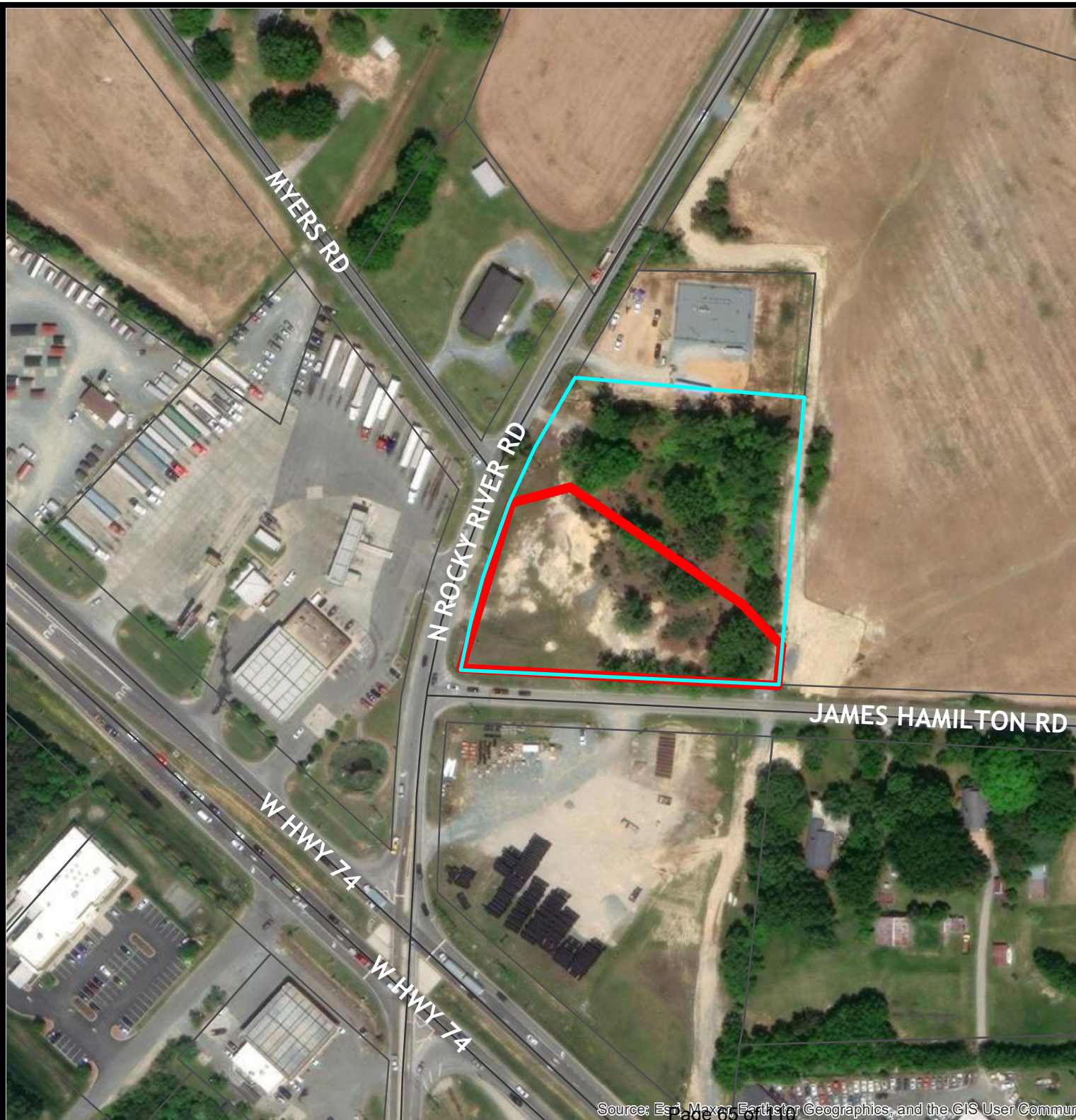
Owner: Thomas J. and
Helen H. Williams

Acres: 3.01/1.44



0 150 300
Feet

Exhibit 1



Zoning Map

Case #: PLZNA 2023-00123

Legend

— Centerlines

▭ Parcels

NEW_ZONING

▭ CC-MX1

Existing: Community Corridor
Mixed-Use 1

Owner: Thomas J. and
Helen H. Williams

Acres: 3.01/1.44



0 180 360
Feet

Exhibit 2

MYERS RD

W HWY 74

N ROCKY RIVER RD

W HWY 74

JAMES HAMILTON RD

STATE	PROJECT NO.	SHEET NO.	TOTAL SHEETS
N.C.	50129.3.J	4	
F.A. PROJECT NO. NHPP-0074060			

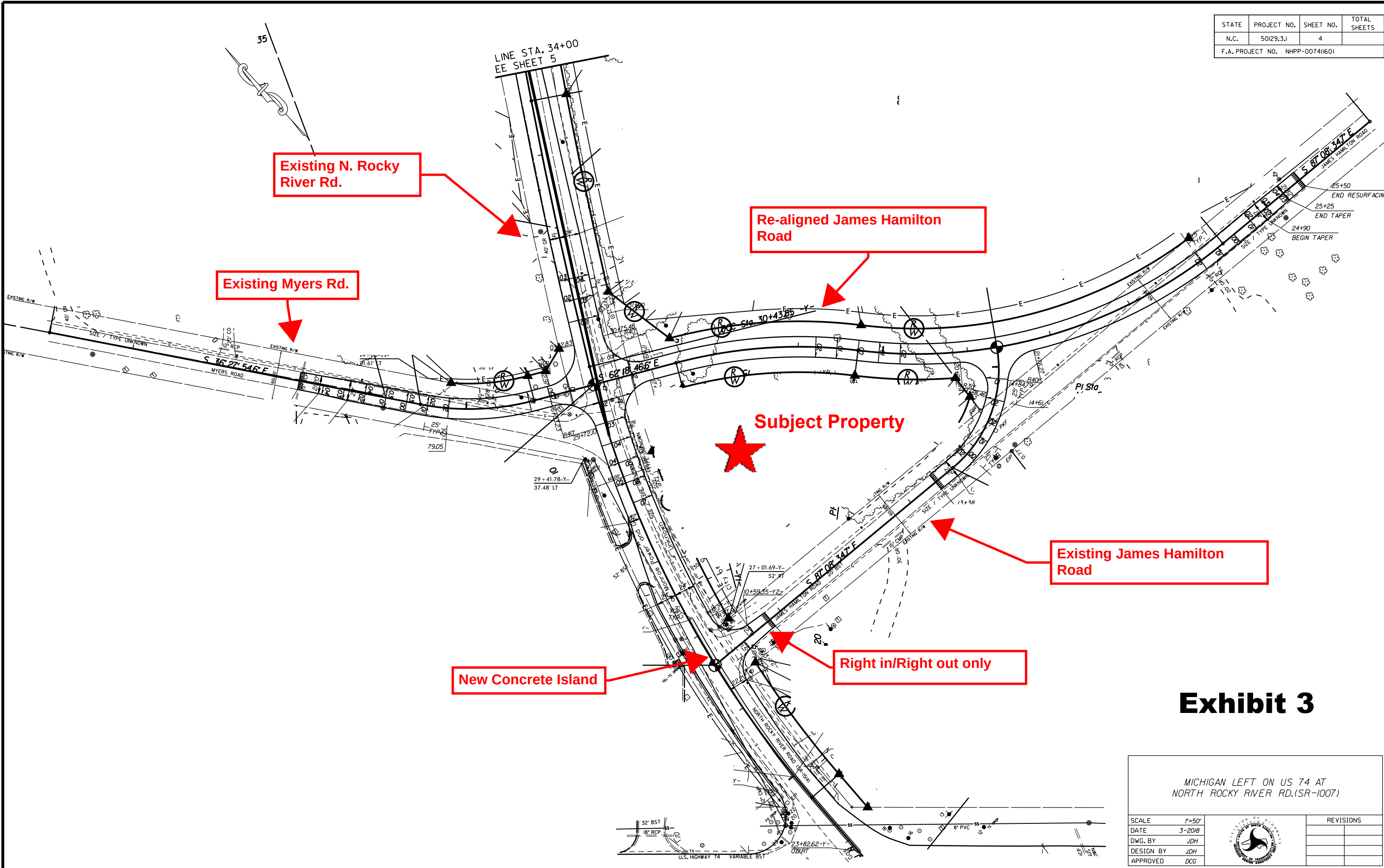


Exhibit 3

MICHIGAN LEFT ON US 74 AT
NORTH ROCKY RIVER RD.(SR-1007)

SCALE	1"=50'		REVISIONS	
DATE	3-2018			
DWG. BY	JDH			
DESIGN BY	JDH			
APPROVED	DCG			

City of Monroe Variance Application Form

Applicant's Name: Lewis R. Fisher

Applicant's Address: 305 W Franklin St, Ste A
Monroe, NC 28112

Property Owner's Name: Thomas J and Helen H Williams

Property Owner's Address: 2031 Massy Clark Drive
Matthews, NC 28105

Legal Relationship of Applicant to Property Owner: Attorney

Contact Person Name and Phone Number: Lewis R Fisher 704-289-2551

Existing Use of Property: Vacant

Property Location: Intersection of James Hamilton Road and Rocky River Road

OUT OF
 Tax Map Number: 09_336_030 Lot Size: _____ Zoning District: _____

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

Proposed variance description: See Exhibit "A" Attached

For Staff Use Only	
Application #:	<u>PL2NA 2023-00123</u>
Date Submitted:	<u>2/15/23</u>
Approved:	_____
Denied:	_____

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

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

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

See Exhibit "B" Attached

Exhibit 4

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]

See Exhibit "B" Attached

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]

See Exhibit "B" Attached

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.**

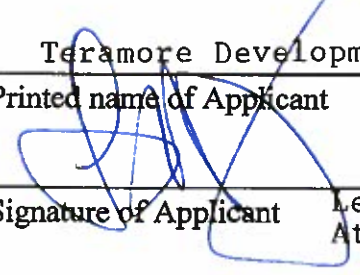
See Exhibit "B" Attached

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.

Teramore Development, LLC

Printed name of Applicant


Signature of Applicant

Lewis R. Fisher
Attorney

January 31, 2023
Date

Helen H. Williams
Thomas J. Williams

Printed name of Owner

Thomas J. Williams
Signature of Owner

1-27-2023
Date

****If you are signing on behalf of a company, please include your title within the company****

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

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

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

Public hearing date: _____

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

Action taken by the Board of Adjustment: _____

Notification of Action Mailed to applicant on: _____

Exhibit “A”

This request outlines the modest variance(s) requested from various City of Monroe UDO provisions recently enacted and include:

1. Setback variance request along North Rocky River Road frontage (exceeding 30 feet). The actual setback as shown on the attached plat exceeds the maximum setback by 64.89 feet. It is noted that this setback provides an even greater buffer to the “adjacent property” lying across North Rocky River Road. The area requested for a variance is required to provide parking for the permitted commercial use of the property. The only property owner who might be impacted by this variance is a large convenience store oriented away from the subject property (towards US Highway 74) and a set of large tractor trailer truck refueling bays at the rear of the convenience store. Only transient truck drivers using the refueling bays would have occasion to see the subject property. Variance is requested from Section 5.5 Community Corrido Mixed-Use 1 District (CC-MX1), C. Community Corrido Mixed-Use 1 District (CC-MX1) Development Standards Table of the Unified Development Ordinance.

2. Landscape buffer variance request along North Rocky River Road frontage (encroaching into the 20’ street buffer) by 2.55 feet at the northwest intersection of North Rocky River Road and the proposed realigned James Hamilton Road. Variance is requested from Section 8.3.7. Street Yard Buffer and Section 8.3.5 Perimeter Buffer Standards, B. Perimeter Buffer Types, Table 8.3.1 Perimeter Buffer Types Table of the Unified Development Ordinance.

3. Setback variance request along original James Hamilton Road frontage (exceeding 30’ maximum building set back line) The actual variance is 54.96 feet beyond the maximum building set back line). It should be noted a) the “adjacent property” is separated by James Hamilton Road and the “adjacent property” is an as yet undeveloped commercial property fronting on US Highway 74 and b) this variance provides an even greater buffer to the “adjacent property”. Variance is requested from Section 5.5 Community Corrido Mixed-Use 1 District (CC-MX1), C. Community Corridor Mixed-Use 1 District (CC-MX1) Development Standards Table of the Unified Development Ordinance.

4. Setback variance along rear or eastern property line (exceeding the maximum 50’ building set back line). The actual variance is 80.07 feet. It should be noted that the rear property line(s) is actually the intersection of the newly aligned James Hamilton Road and former James Hamilton Road and provides an even greater buffer to the “adjacent” property owner to the rear of this property. Variance is requested from Section 5.5 Community Corrido Mixed-Use 1 District (CC-MX1), C. Community Corridor Mixed-Use 1 District (CC-MX1) Development Standards Table of the Unified Development Ordinance.

5. Open space variance. Required Open Space is .50 acres (21,780) square feet of the entire site, whereas the site plan provides for 0.049 acres (2,148 square feet) of the entire site. Variance is requested from Section 8.8 Open Space Standards, D. Open Space Percentage Requirements.

6. Stormwater variance: Variance is requested from 159.303 (B) All structural stormwater treatment systems used to meet these requirements shall be designed to have a minimum of 85% average annual removal for Total Suspended Solids (TSS). All stormwater provisions will be satisfied, save one. As to the storm water measure design to have a minimum of 85% average annual removal for Total Suspended Solids (TSS), it is anticipated that the Dry Pond(s) will provide a secondary stormwater control measure which is less effective at TSS removal than primary measures. However, given the unique configuration of the subject site, there is insufficient outlet depth at existing grades adjacent to the site to install primary measures. It is anticipated the dry pond will provide a level of TSS removal protection. There is no guidance provided in the NCDEQ design manual to quantify its precise effectiveness. It is anticipated for purposes of this variance request that TSS removal by use of the proposed measure(s) (dry pond) will result in not less than twenty (20%) TSS removal.

Exhibit "B"
DISCUSSION REGARDING THE REQUESTED VARIANCE

1. The subject property as shown on the current Union County GIS Map (09-336-030) is presented differently than the future configuration of the property. The applicant was informed during the process of applying for a zoning permit that the City of Monroe and the State of North Carolina had designs on reconfiguring the intersection of Myers Road, Rocky River Road and James Hamilton Road which would seriously impact the potential use and development of the subject property. My client's staff has worked diligently trying to obtain information about the proposed re alignment of the subject roadways to best understand its impact on the subject property. The impact(s) are significant, as the realignment (taking by the NC Department of Transportation) has essentially created an island of real property owned by the applicants creating significant challenges which are unique to this piece of property. A rigid enforcement of various setback and buffer ordinance provisions will essentially render the property unusable for a commercial enterprise.
2. The revisions/realignment of James Hamilton Road, creates a situation wherein this property has no adjoining property owners who would be affected by issues such as buffers and setbacks. North Rocky River Road is a main vehicular artery. There is a large tractor trailer truck fuel stop and convenience store on the property. The convenience store is oriented toward US Highway 74, while the large tractor trailer truck fuel bays depending on the orientation of the tractor trailer truck either face or back to the subject property. Mr. and Mrs. Williams own the property to the north of the subject property (across the realigned James Hamilton Road), and the property to the south is a commercially zoned property fronting on US Highway 74 and which will be accessed by James Hamilton Road.
3. The applicant through its staff had expended a significant amount of time and effort in creating a site plan that would comply with the former unified development ordinance (hereinafter (former UDO) and while informed that a new UDO was being considered by the City, the applicant was not informed that they could preserve the right to develop the subject property consistent with the prior UDO if they submitted a site plan prior to the enactment of the new UDO.
4. The subject property is properly zoned to permit the requested use. The applicants had no role in the realignment of James Hamilton Road. It was this realignment which has caused many of the issues requiring this application for variance(s).

5. The setbacks (and landscape) requirements are typically required when a property adjoins another tract(s). The purpose of the setback and landscape buffers are to provide a uniformity of appearance of properties which adjoin each other to provide a meaningful and consistent appearance. This peculiar and unique property does not present an issue with adjoining properties there are no adjoining properties as such and it is oriented to a major vehicular artery and commercially zoned and/or used properties. The subject property is essentially an island surrounded on all sides by street rights of ways and commercially zoned and/or commercially used properties.
6. The applicant had no role in the re alignment of James Hamilton Road and the re alignment has compromised the value/configuration of their property as they are left with the subject property and a remnant piece lying north of the subject property which has little if any value.

A. Unnecessary hardship would result from the strict application 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.

The subject property was created by virtue of the City of Monroe and NC Department of Transportation decision to re align James Hamilton Road. This was not a decision which was shared with Mr. and Mrs. Williams prior to its being made and as a result of this joint governmental decision, the subject property configuration was created. Additionally, Mr. and Mrs. Williams are left with a remnant parcel north of the realigned James Hamilton Road which will have little or no value.

As to the subject property, it is an island surrounded on all sides by road rights of ways. It has no immediately adjoining or adjacent properties. There is no property that can be combined with this property to remove or ameliorate the setback, buffer, open space or storm water requirements.

Staff of the proposed purchaser worked diligently with City Staff and the NC Department of Transportation to create a meaningful site plan. This effort was made during the course of the City of Monroe considering and adopting a new UDO. While it is conceded that the planned UDO was publicized, it was not made clear that the applicant could submit a site plan under the then existing UDO and that site plan would be “grandfathered” or provide a vested right to the applicant. The site plan submitted would have complied in large part with the then existing UDO.

The subject property being surrounded on all sides by road rights of ways prevent the applicant from strictly adhering to the setback, buffer, open space and storm water provisions of the UDO. It should be noted that during the process of submission of this variance application City Staff recognized some issues with setbacks and buffers and recommended a number of text changes which resulted in the applicant’s site plan not being required to submit additional variance requests.

B. 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.

This location, size and configuration of this property are the result of a decision by the City of Monroe and the North Carolina Department of Transportation to realign James Hamilton Road and by virtue of that realignment to bisect the applicants' property rendering the subject property as an island surrounded by road rights of ways on all sides. This property is both unique and peculiar and staff has acknowledged they are not aware of another parcel of real estate in the City of Monroe planning jurisdiction that is similarly situated and/or which pose similar development issues.

C. 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 justify the granting of a variance shall not be regarded as a self created hardship.

This hardship resulted from the actions taken by the City of Monroe and the North Carolina Department of Transportation. The applicants had no role in the planning or implementation of the James Hamilton Road realignment and had no ability to deny the taking. They wish to salvage some of the cost and impact of the taking by seeking this variance. The prospective purchaser will not acquire this property without the variances being granted and has therefore not acquired the subject property prior to the decision of this Board on these modest variance requests.

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

The subject property is properly zoned to permit the intended use.

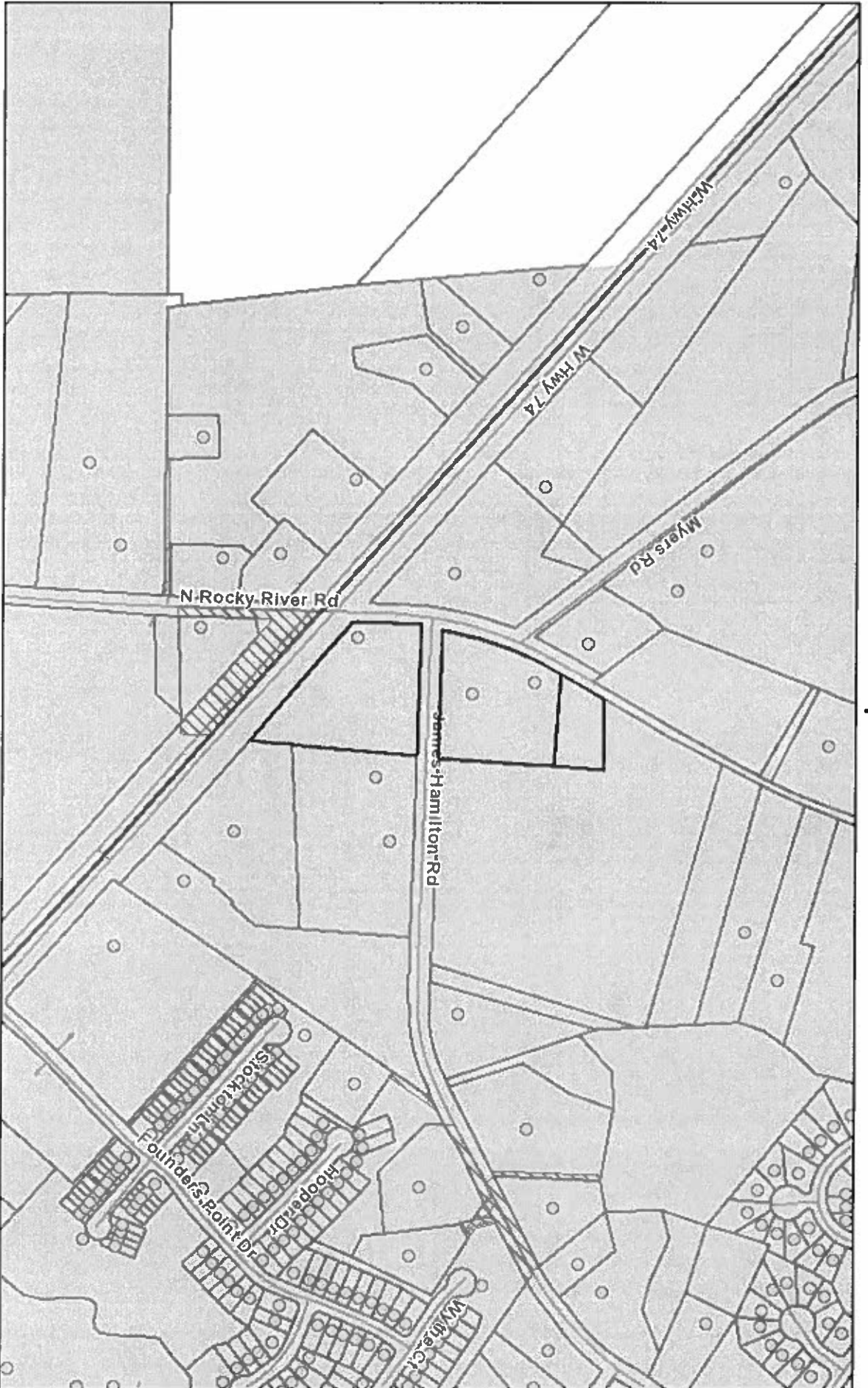
The design of the improvements on the property was done in careful coordination with City of Monroe planning staff given the unique and peculiar nature of the subject property.

The subject property is surrounded on all sides by street rights of ways.

The entrance and exit to the subject property are oriented as required by City Staff.

To the extent that there are property owners in the vicinity of the subject property they are similarly zoned (commercial). Therefore, the nature of the proposed use is consistent with the tenor of the area in which it is situated.

Applicant is not aware of any public safety concerns raised by City staff which had to be addressed in this variance application.



January 31, 2023

0 0.075 0.15 0.3 km
0 0.05 0.1 0.2 mi
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Parcel Number

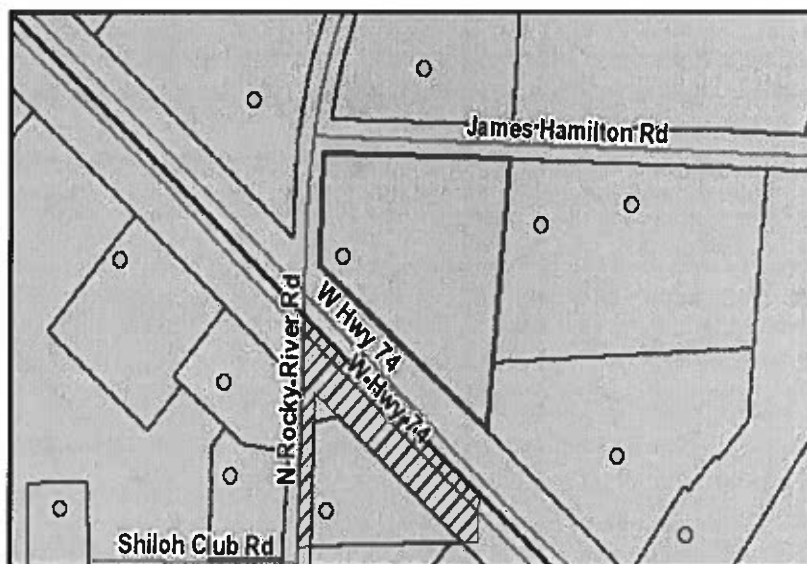
09336030B01

Owner

TYSON LAND
INVESTMENTS
LLC

Mailing Address

PO BOX 748
MONROE
NC, 28111

**Account Information**

Land Value \$1,548,400.00

Building Value \$0.00

Total Value \$1,548,400.00

Acreage 3.4200

Description 7088-779

Situs Address 4018 W HWY 74

Property Class COMMERCIAL

Sales Information

Sale Date	Sale Amount	Book & Page	Grantor
01/18/2018	\$1,450,000.00	7088 779	WILLIAMS HELEN H
11/09/2015	\$0.00	6563 769	WILLIAMS HELEN H
03/05/2002	\$0.00	1514 764	TRUSTEE & WILLIAMS HELEN TRUSTEE %JIM QUICK

Location Information

Municipal Administration Monroe

12 Mile Service Area No

County Zoning Code CITY

School School Assignment Information

Zoning Administration Monroe

Census Tract Number 204.01

ETJ

FEMA Panel 5427

Fire District Monroe

FEMA Zone

Soils CmB,BuB

Building Information View Real Property Site

Total Living Area 00

Year Build 0

District Voting Assignments (Jurisdictions)

Polling Place	School District	1	Congressional District	9
GRACE UNITED METHODIST CHURCH				
Precinct District #30	State House	69	Senate District	35

Parcel Number

09336030

OwnerWILLIAMS
HELEN H WILLIAMS THOMAS J**Mailing Address**2031 MASSY CLARK DR
MATTHEWS
NC, 28105**Account Information**

Land Value \$420,700.00
 Building Value \$0.00
 Total Value \$420,700.00
 Acreage 3.0110

Description #2 OCP760
 Situs Address 2704 N ROCKY RIVER RD
 Property Class COMMERCIAL

Sales Information

Sale Date	Sale Amount	Book & Page	Grantor
11/09/2015	\$0.00	6563 773	WILLIAMS HELEN HAMILTON TRUSTEE
08/02/1999	\$0.00	1282 070	HAMILTON ISABEL G %HENRY G HAMILTON

Location Information

Municipal Administration	Monroe	12 Mile Service Area	No
County Zoning Code	CITY	School	<u>School Assignment Information</u>
Zoning Administration	Monroe	Census Tract Number	204.01
ETJ		FEMA Panel	5427
Fire District	Monroe	FEMA Zone	
Soils	CmB,BuB,BdB2		

Building Information [View Real Property Site](#)

Total Living Area 00
 Year Build 0

District Voting Assignments (Jurisdictions)

Polling Place	GRACE UNITED METHODIST CHURCH	School District	3	Congressional District	9
Precinct District	#30	State House	69	Senate District	35

Parcel Number

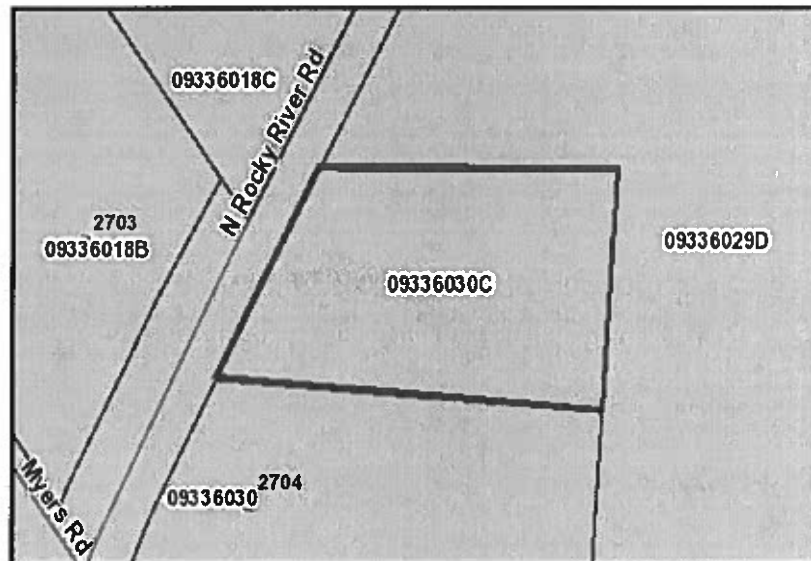
09336030C

Owner

PIEDMONT
NATURAL
GAS
COMPANY
INC

Mailing Address

4720 PIEDMONT ROW DR
CHARLOTTE
NC, 28210

**Account Information**

Land Value \$52,700.00
Building Value \$0.00
Total Value \$52,700.00
Acreage 0.8780

Description #1 OPCP760
Situs Address 0 N ROCKY RIVER RD
Property Class PUBLIC UTILITIES

Sales Information

Sale Date	Sale Amount	Book & Page	Grantor
03/29/2021	\$230,000.00	8043 018	WILLIAMS, THOMAS J
01/30/1998	\$11,000.00	1053 233	HAMILTON ISABEL G %HENRY G HAMILTON

Location Information

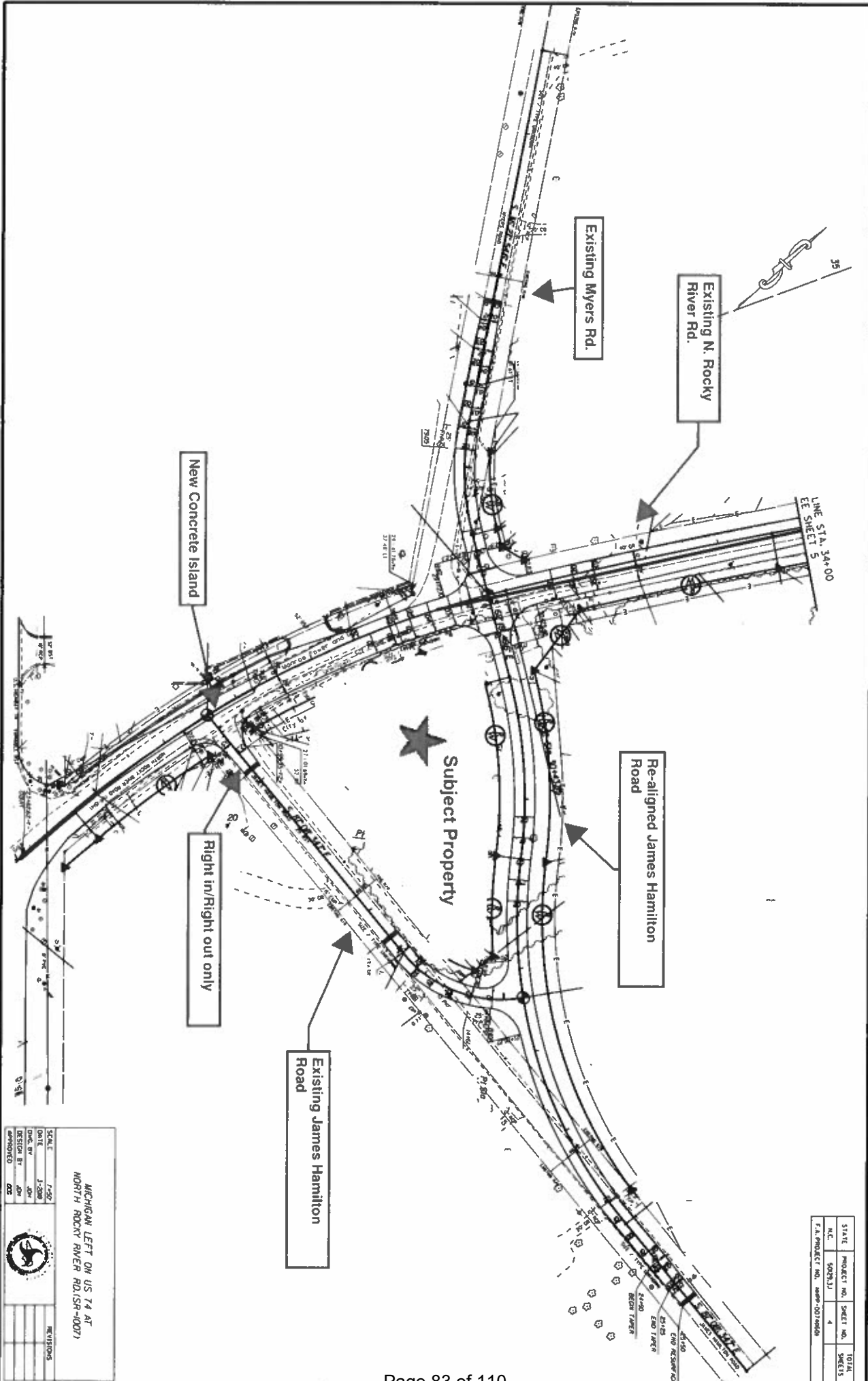
Municipal Administration	Monroe	12 Mile Service Area	No
County Zoning Code	CITY	School	<u>School Assignment Information</u>
Zoning Administration	Monroe	Census Tract Number	204.01
ETJ		FEMA Panel	5427
Fire District	Monroe	FEMA Zone	
Soils	BdB2		

Building Information [View Real Property Site](#)

Total Living Area 00
Year Build 0

District Voting Assignments (Jurisdictions)

Polling Place	GRACE UNITED METHODIST CHURCH	School District	3	Congressional District	9
Precinct District	#30	State House	69	Senate District	35



STATE	PROJECT NO.	SHEET NO.	TOTAL SHEETS
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F.A. PROJECT NO. 1000-001000			

SCALE 1"=50'

DATE 1-2008

DESIGN BY JPM

CHECKED BY JPM

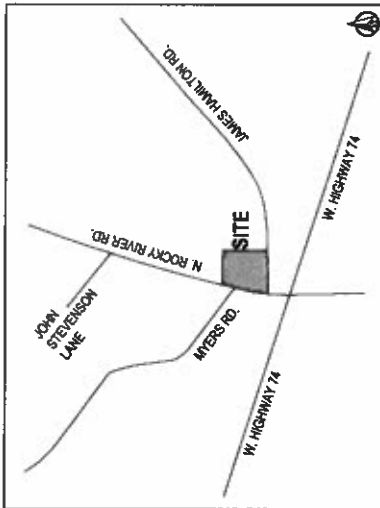
APPROVED BY JPM

REVISIONS

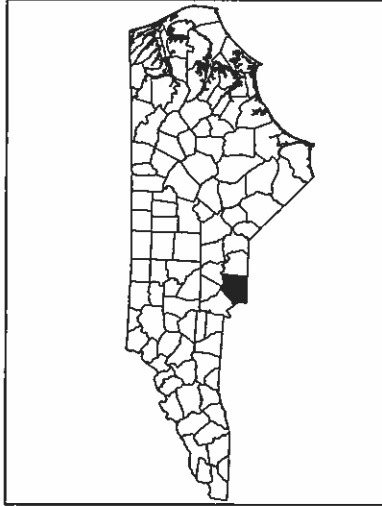
NO.	DATE	DESCRIPTION

**MICHIGAN LEFT ON US 74 AT
NORTH ROCKY RIVER RD (SR-1007)**

MONROE, NC
STORE #24612



VICINITY MAP (NTS)



NORTH CAROLINA COUNTY MAP
(UNION COUNTY)

SURVEY:

BLUE RIDGE GEOMATICS, PA
1520 MEADOWVIEW DRIVE
WILKESBORO, NC 28697
LICENSE: C-3576

ENGINEER:

BREC, PA
1520 MEADOWVIEW DRIVE
WILKESBORO, NC 28697
LICENSE: C-3448

SHEET INDEX	
C000	COVER SHEET
C001	NPDES NCG01
C002	EXISTING CONDITIONS
C003	DEMOLITION PLAN
C100	SITE PLAN
C200	GRADING PLAN
C201	PRE-CONSTRUCTION DA
C202	POST-CONSTRUCTION DA
C203	WATERSHED DA
C300	PHASE 1 ESC PLAN
C301	PHASE 2 ESC PLAN
C302	FINAL ESC PLAN
C400	UTILITY PLAN
G100	LANDSCAPE PLAN
C900	DETAILS
C901	DETAILS
C902	DETAILS
C903	DETAILS
C904	DETAILS

CITY/TOWN: MONROE, NC

SITE COORDINATES: LATITUDE = 35.038977° N LONGITUDE = -80.601354° W



DOLLAR GENERAL

MONROE, NC
STORE #24612

COVER SHEET

RE DEVELOPMENT, LLC

WILKE, GA 31759

11

Program	Year
...	...

Abstract

[illegible]

1000

2

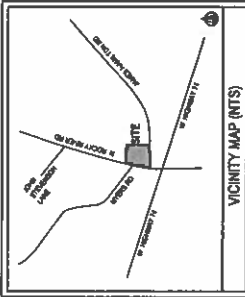
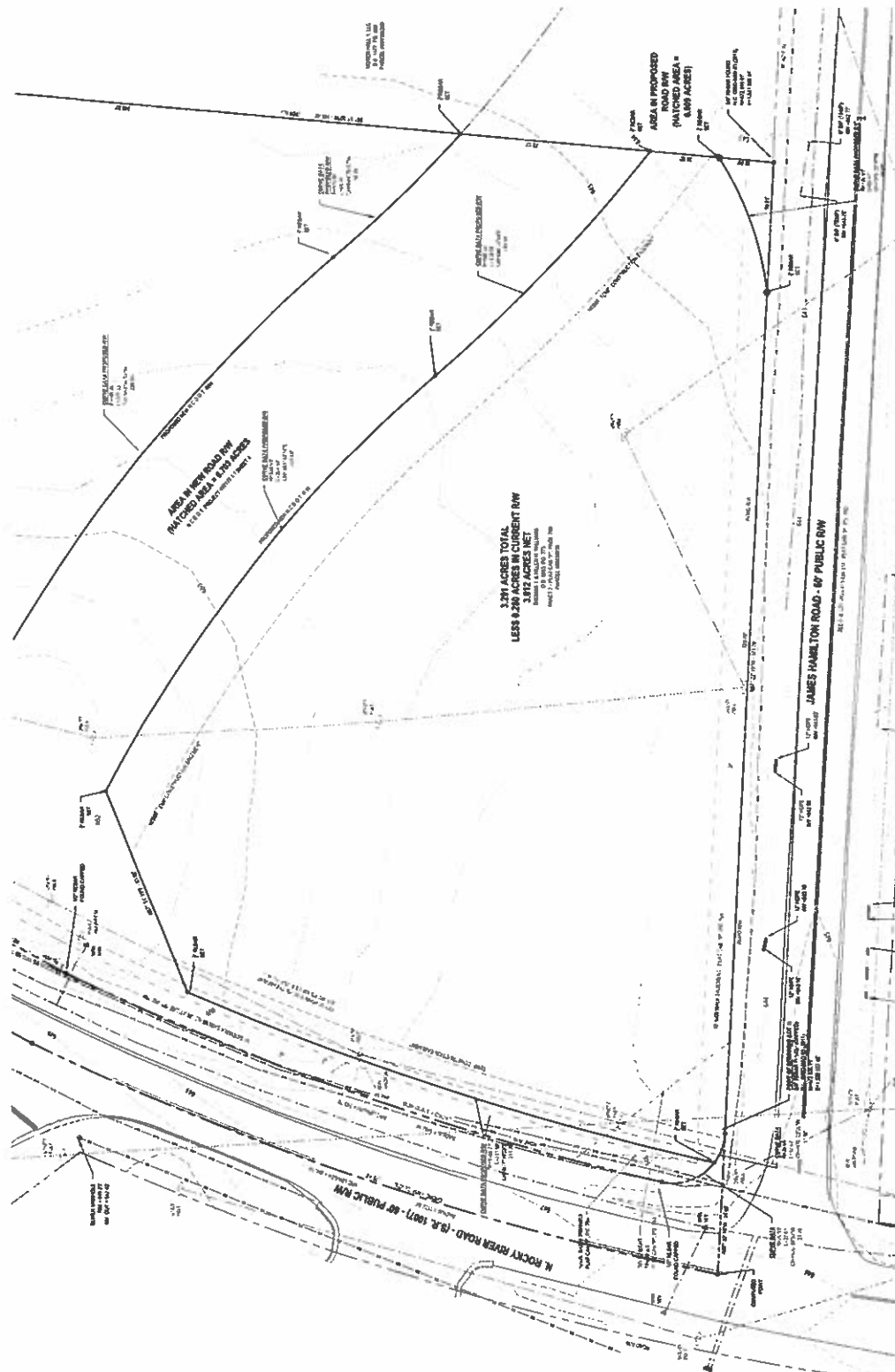
1

LL

11

TABLE 1

1. THE DESIGNER SHALL VERIFY ALL UTILITY LOCATIONS PRIOR TO BEGINNING WORK.
2. ALL WORK IS TO BE IN ACCORDANCE WITH ALL STATE AND LOCAL REGULATIONS.
3. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FOR CONSTRUCTION.
4. CONSTRUCTION IS RESPONSIBLE FOR COMPLIANCE WITH ALL LOCAL CONDITIONS.
5. EXISTING UTILITIES ON SITE SHALL BE RELOCATED AS REQUIRED. CONTRACTOR SHALL PAY ALL COSTS.
6. CONSTRUCTION IS TOTALLY RESPONSIBLE FOR ALL UTILITIES WITHIN THE CITY AND STATE ROW AND SHALL BE RESPONSIBLE FOR ALL RELOCATION COSTS.
7. ALL WORK PERFORMED WITHIN ACOT ROW SHALL BE FOR ACOT ROW AND SHALL BE IMPROVED FOR COMPLIANCE BY STATE INSPECTION AT THE COMPLETION.



- LEGEND**
- PROPERTY LINE
 - EXISTING CONTOURS
 - PROPOSED CONTOURS
 - BUILDING SETBACK
 - LANDSCAPE BUFFER
 - EX. OVERHEAD ELECTRIC
 - EX. SANITARY SEWER
 - EX. WATER
 - EX. NATURAL GAS



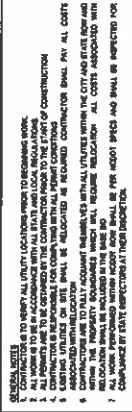
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MONROE, NC
STORE #24612

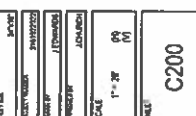
EXISTING CONDITIONS
OWNER: TROJAN DEVELOPMENT, LLC
PO BOX 440
THOMASVILLE, GA 31758

DATE	REVISIONS

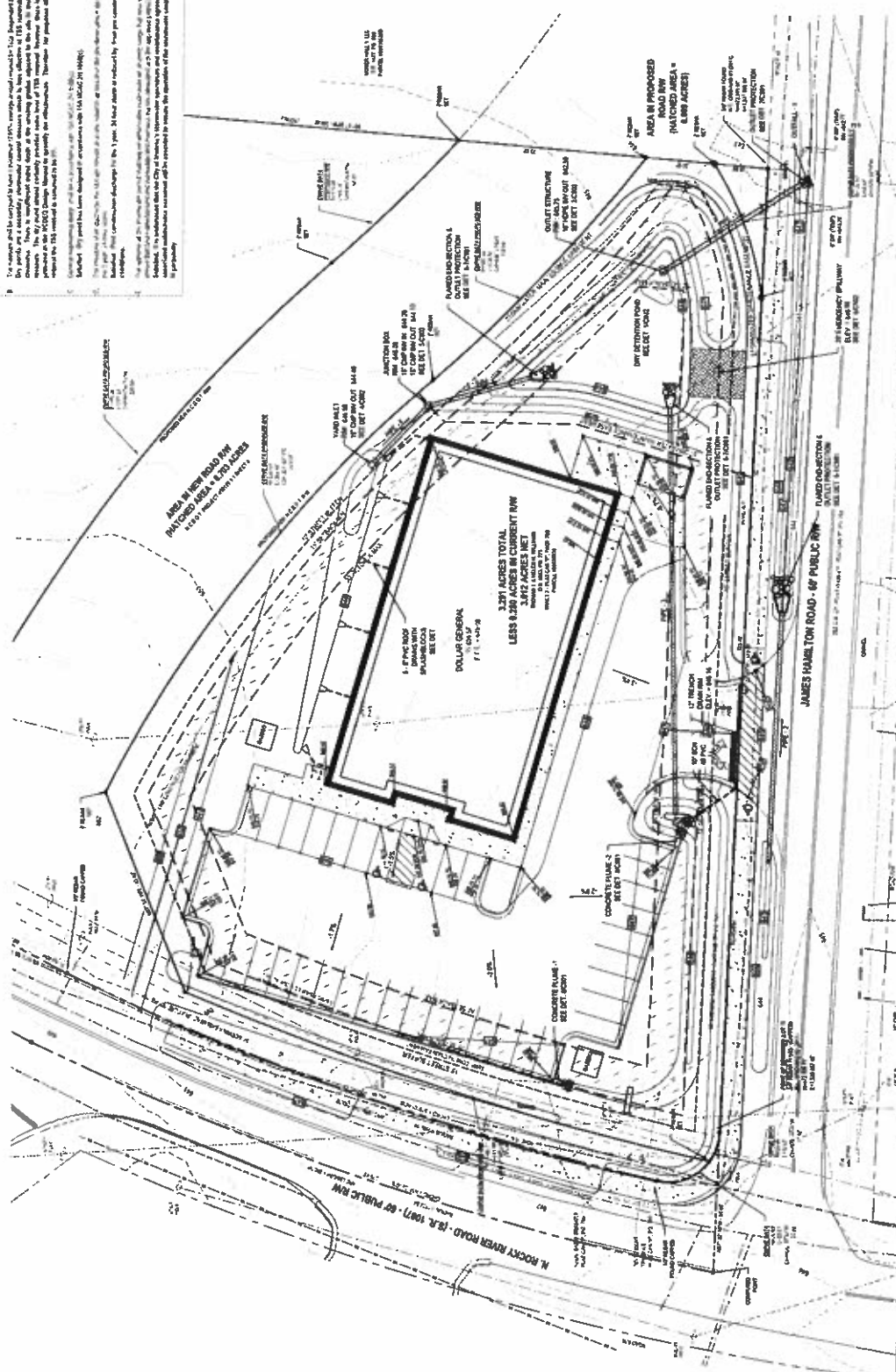
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SCALE	1" = 20'
SHEET	C002

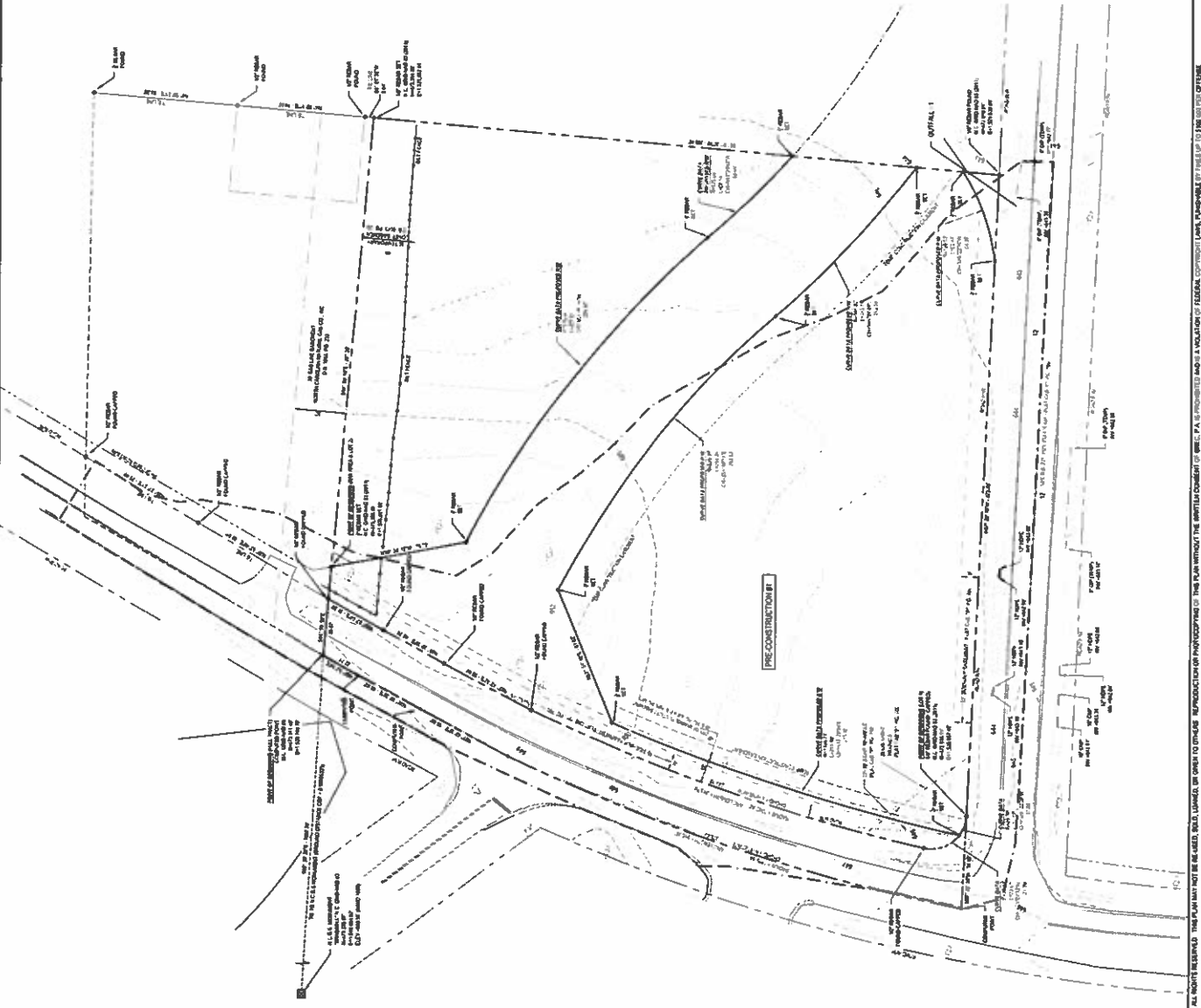
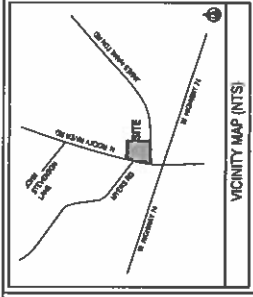




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CONDUCTING A LOCAL TRANSPORTATION AND LOGISTICS SURVEY OF SUPPLY NETWORKS







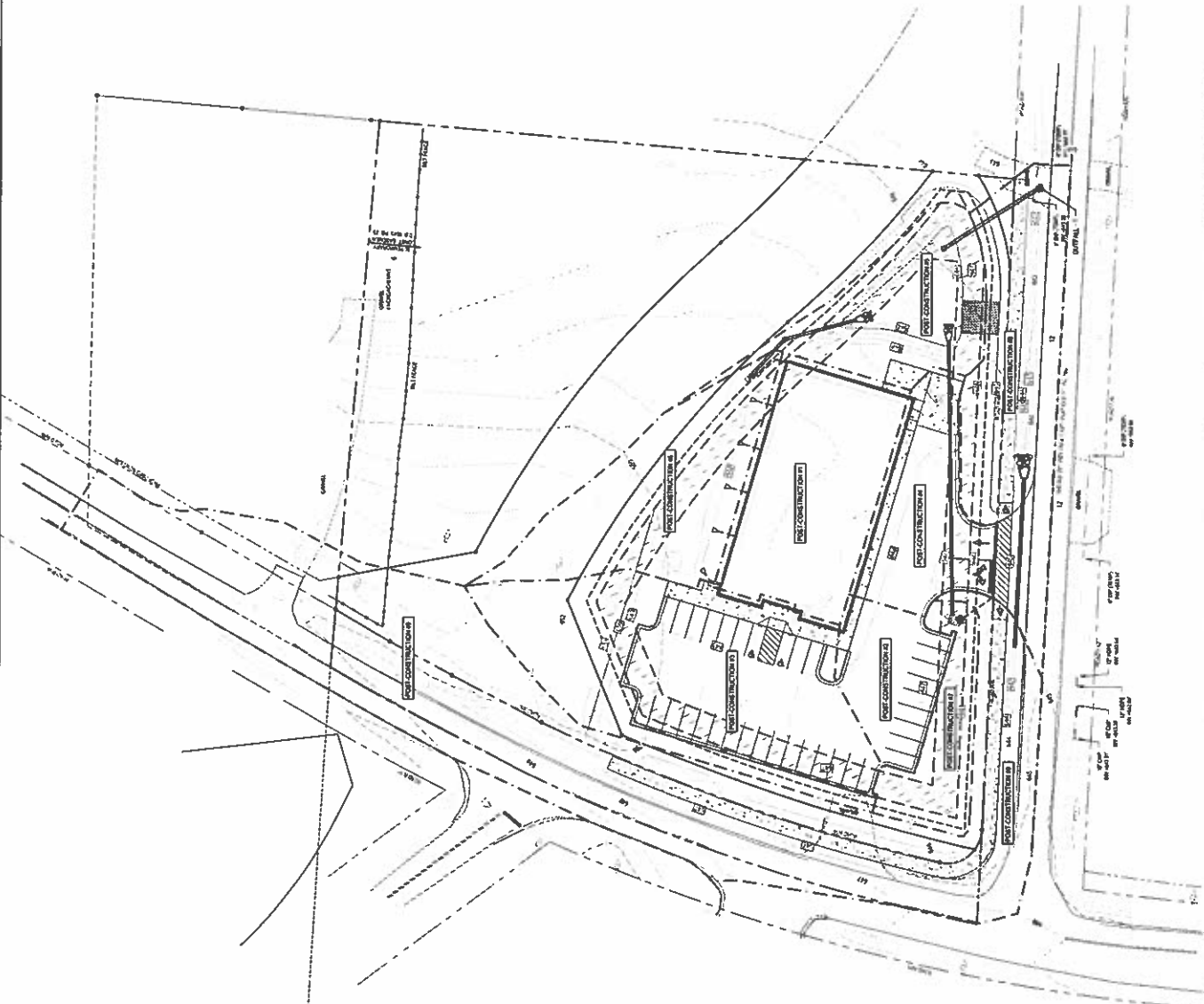
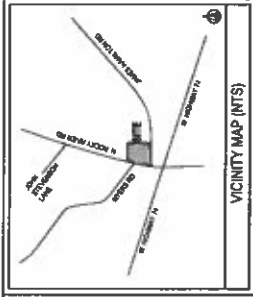
DOLLAR GENERAL
MONROE, NC
STORE #24612

POST-CONSTRUCTION DA
PREPARED FOR
TERAMORE DEVELOPMENT, LLC
PO BOX 6480
THOMASTVILLE, GA 31758

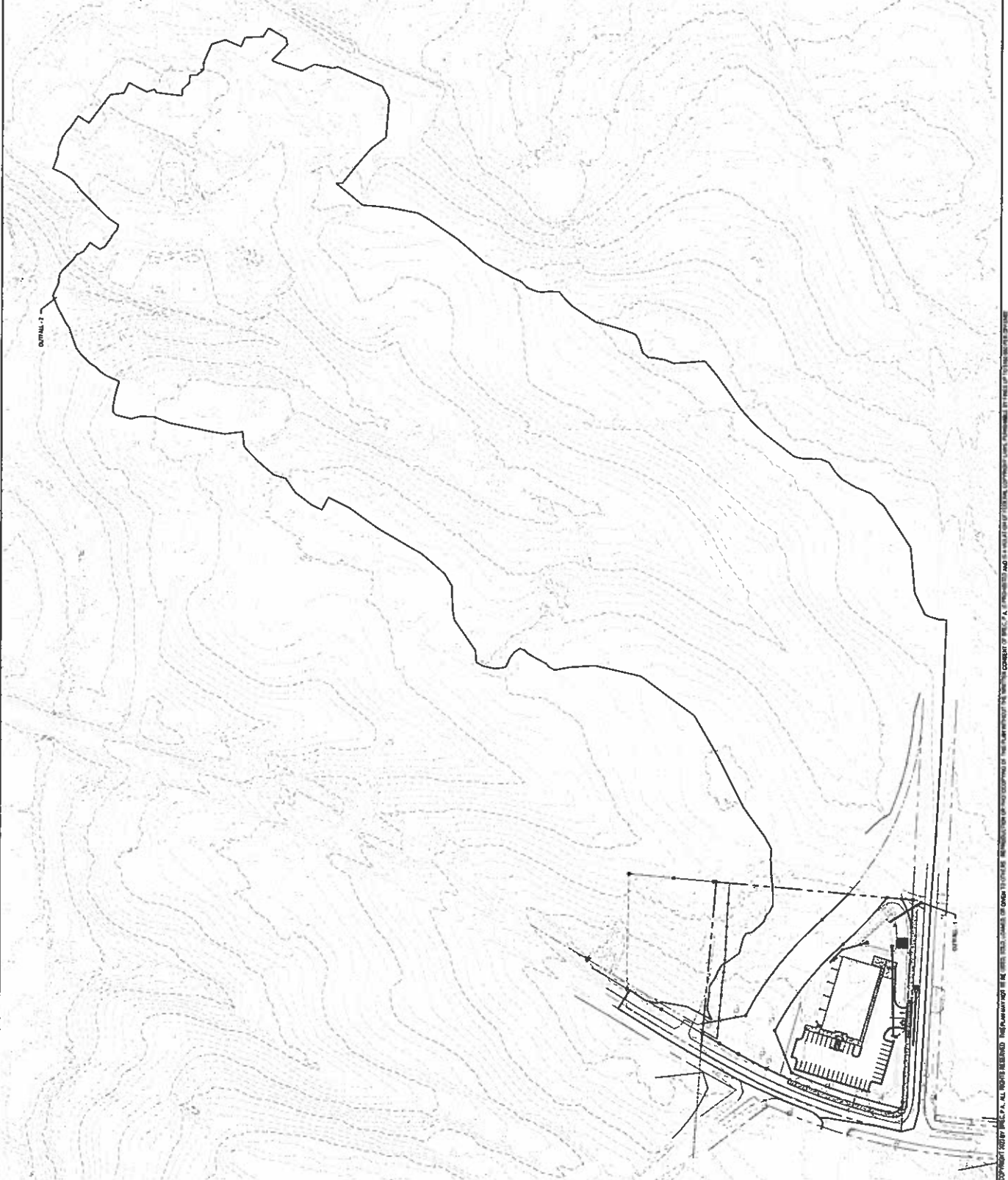
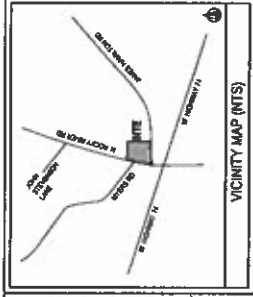
NO.	DATE	REVISIONS
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2	10/1/2021	ISSUED FOR PERMIT
3	10/1/2021	ISSUED FOR PERMIT
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5	10/1/2021	ISSUED FOR PERMIT
6	10/1/2021	ISSUED FOR PERMIT
7	10/1/2021	ISSUED FOR PERMIT
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9	10/1/2021	ISSUED FOR PERMIT
10	10/1/2021	ISSUED FOR PERMIT

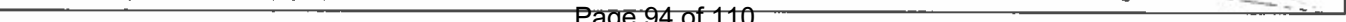
PROJECT NO.	24612
DATE	10/1/2021
PROJECT	TERAMORE DEVELOPMENT, LLC
SCALE	1" = 30'
SHEET	10

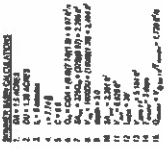
C202



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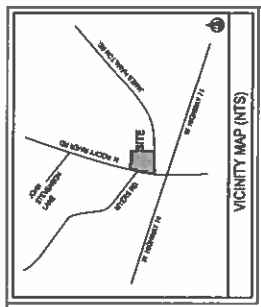


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- LEGEND**
- PROPERTY LINE
 - EXISTING CONTOURS
 - PROPOSED CONTOURS
 - MAINTENANCE EASEMENT
 - LANDSCAPE BUFFER
 - EXISTING ELECTRICAL
 - EXISTING SANITARY SEWER
 - EXISTING WATER
 - EXISTING GAS
 - EXISTING FENCE
 - LIMITS OF DISTURBANCE
 - PERMANENT PROTECTION
 - OUTLET PROTECTION
 - MAINTENANCE CLOTH INLET PROTECTION

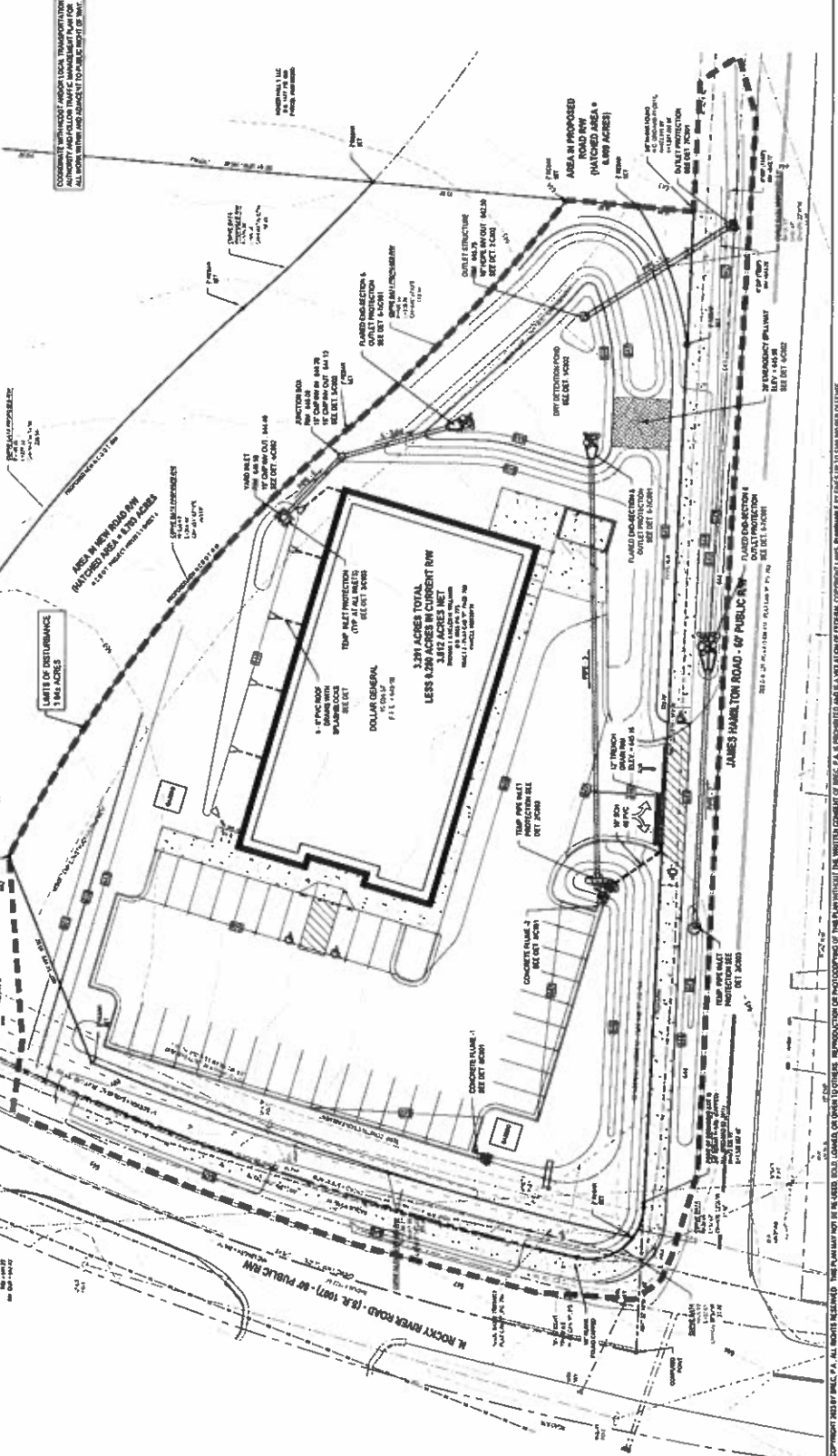
- DESIGN CRITERIA, CONSTRUCTION REQUIREMENTS**
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE NORTH CAROLINA REGIONAL DEVELOPMENT AND REMEDIATION CONTROL ACT.
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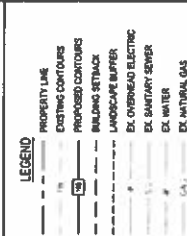
STABILIZATION TIMEFRAMES

SITE AND OCCUPATION	STABILIZATION	TIMEFRAME EXCEPTIONS
RESIDENTIAL	1 YEAR	1 YEAR
COMMERCIAL	2 YEARS	2 YEARS
INDUSTRIAL	3 YEARS	3 YEARS
HAZARDOUS WASTE	5 YEARS	5 YEARS
HAZARDOUS WASTE	10 YEARS	10 YEARS
HAZARDOUS WASTE	15 YEARS	15 YEARS
HAZARDOUS WASTE	20 YEARS	20 YEARS
HAZARDOUS WASTE	25 YEARS	25 YEARS
HAZARDOUS WASTE	30 YEARS	30 YEARS
HAZARDOUS WASTE	35 YEARS	35 YEARS
HAZARDOUS WASTE	40 YEARS	40 YEARS
HAZARDOUS WASTE	45 YEARS	45 YEARS
HAZARDOUS WASTE	50 YEARS	50 YEARS
HAZARDOUS WASTE	55 YEARS	55 YEARS
HAZARDOUS WASTE	60 YEARS	60 YEARS
HAZARDOUS WASTE	65 YEARS	65 YEARS
HAZARDOUS WASTE	70 YEARS	70 YEARS
HAZARDOUS WASTE	75 YEARS	75 YEARS
HAZARDOUS WASTE	80 YEARS	80 YEARS
HAZARDOUS WASTE	85 YEARS	85 YEARS
HAZARDOUS WASTE	90 YEARS	90 YEARS
HAZARDOUS WASTE	95 YEARS	95 YEARS
HAZARDOUS WASTE	100 YEARS	100 YEARS

**BEFORE YOU DIG
CALL 1-800-632-4949
N.C. ONE-CALL CENTER
IT'S THE LAW!**

- DESIGN CRITERIA, CONSTRUCTION REQUIREMENTS**
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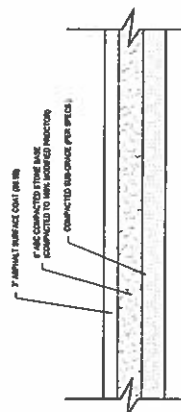
COORDINATE WITH SCHOOL AND/OR LOCAL TRANSPORTATION
AUTHORITY AND FOLLOW TRAFFIC MANAGEMENT PLAN FOR
ALL WORKS WITHIN AND ADJACENT TO PUBLIC ROAD OR HIGHWAY



- | LOCAL UTILITY COMPANIES | | | |
|-------------------------|---------------------|----------------|--|
| UTILITY | COMPANY NAME | PHONE | |
| ELECTRIC | CITY OF MOBILE | (904) 382-4611 | |
| WATER | MOBILE POWER CO-OP | (904) 268-3146 | |
| TELEPHONE | CHARLES | (877) 904-9431 | |
| TELEPHONE | ALBET | (800) 225-5289 | |
| NATURAL GAS | PRUDHOM NATURAL GAS | (800) 783-7811 | |
| SEWER/STORM | CITY OF MOBILE | (904) 382-4611 | |

1
C900

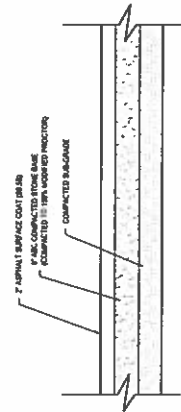
HEAVY-DUTY ASPHALT PAVING



EXTERNAL NOTES:
1. VERIFY EXIST' PAVING DESIGN WITH GEOTECHNICAL ENGINEER FOR PROJECT

2
C900

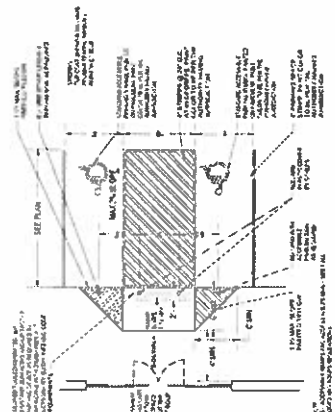
STANDARD ASPHALT PAVING



EXTERNAL NOTES:
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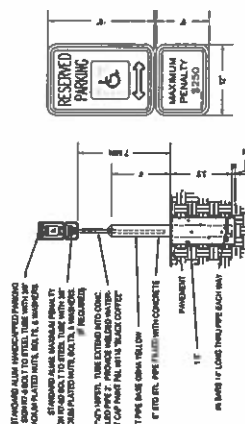
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HANDICAP RAMP



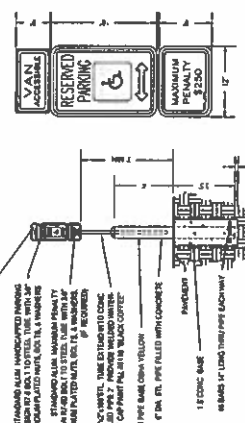
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HANDICAPPED PARKING SIGN



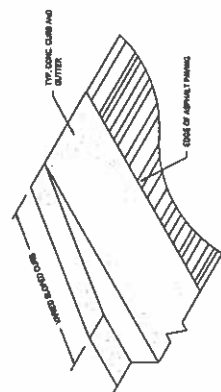
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VAN ACCESSIBLE PARKING SIGN



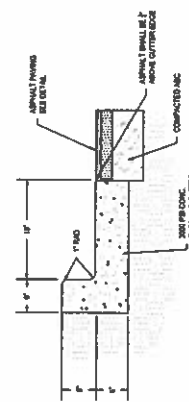
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DEPRESSED CURB



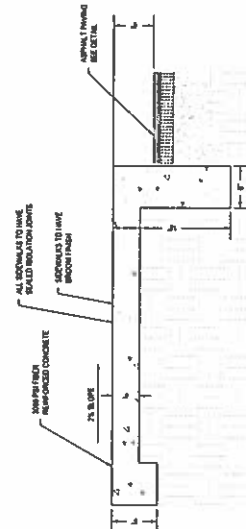
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CURB AND GUTTER



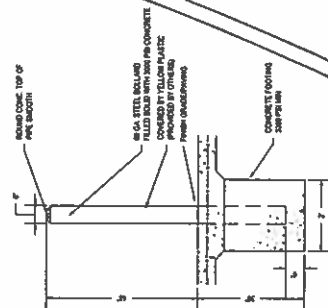
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SIDEWALK/CURB SECTION



9
C900

BOLLARD



C900

DETAILS

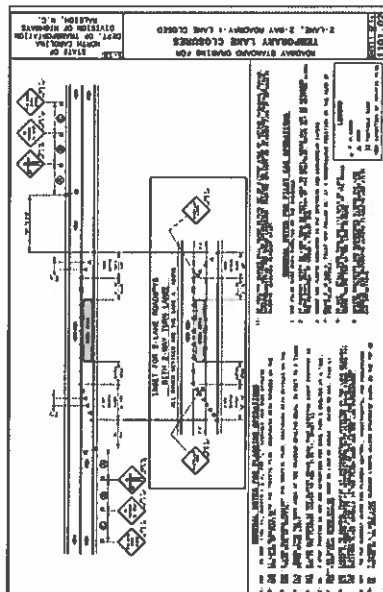
PREPARED FOR:
TECHNICAL DEVELOPMENT, LLC
PO BOX 1000
THOMASVILLE, GA 31758

DATE: _____
REVISIONS: _____
BY: _____
CHECKED BY: _____
APPROVED BY: _____

PROJECT: _____
SHEET: _____
SCALE: _____
DATE: _____

DOLLAR GENERAL
MUNROE, NC
STORE #24612

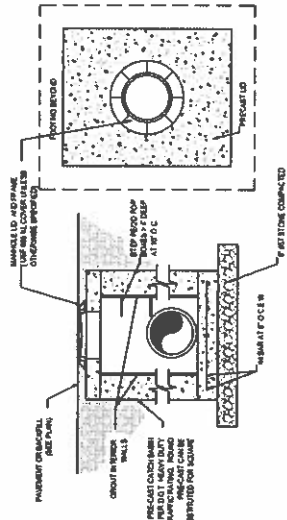




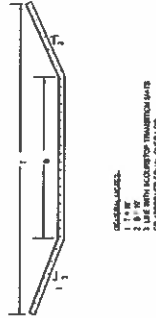
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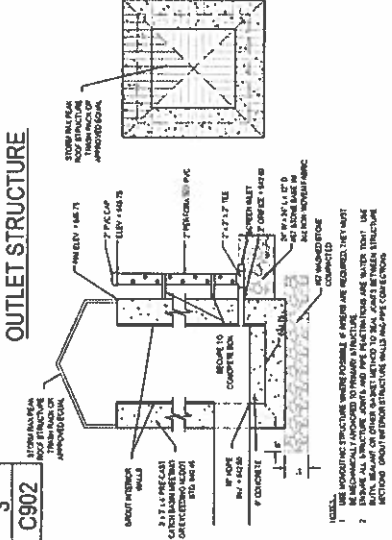
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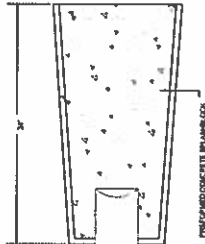
EMERGENCY SPILLWAY
STORMWATER CONTROL MEASURE



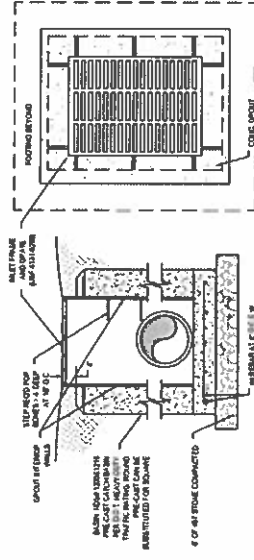
OUTLET STRUCTURE



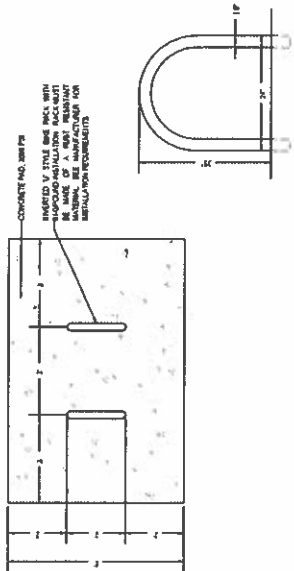
7	C902
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SPLASHBLOCK



YARD INLET



BIKE RACK

1	C902
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4	C902
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7	C902
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6	C902
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5	C902
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SHEET NO.	70-36
TITLE / SUBJECT	MATHS
DRAWN BY	
CHECKED BY	
SCALE	NTS
DATE	90 XX
SHEET	C902

DOLLAR GENERAL
MONROE, NC
STORE #24612

DETAILS

TERAMORE DEVELOPMENT, LLC
PO BOX 6483
THOMASVILLE, GA 31708

C902

1
C903

A cross-section diagram of a road construction. The diagram shows a horizontal line representing the ground surface. Below this line, there is a layer labeled "SOIL STABILIZATION FABRIC UNDER 1" COARSE AGGREGATE". Above the ground surface, there is a layer labeled "PUBLIC STREET". The diagram also shows a vertical line representing the "EXISTING GROUND" level. A dimension line indicates a distance of "5' MIN" from the existing ground level to the top of the soil stabilization fabric. Another dimension line indicates a distance of "5' MIN" from the top of the soil stabilization fabric to the top of the public street.



- 7
C903

2	C903
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C903



- | | |
|---|------|
| 3 | C903 |
|---|------|

PROTECTION



- 7
C903

FILED FOR
TERAMORE DEVELOPMENT, LLC
PO BOX 6400
THOMASVILLE, GA 31758

[illegible][illegible]

C903

C. Community Corridor Mixed-Use 1 District (CC-MX1) Development Standards Table.

Table 5.5. CC-MX1 District Development Standards

CC-MX1 District Development Standards		
Building Height		Maximum 4 Stories Buildings above 3 stories shall be situated closer to US 74 where practicable
Density		8 Units/Acre (By Right) 10 Units/Acre Maximum (See Section 5:10 for Incentives)
Building Placement (min/max)	Front/Street ¹	15'/30'
	Side ²	5'/25'
	Rear ³	10'/50'
Lot	Length (min)	100
	Width (min)	50
	Coverage (min/max)	50%/85%

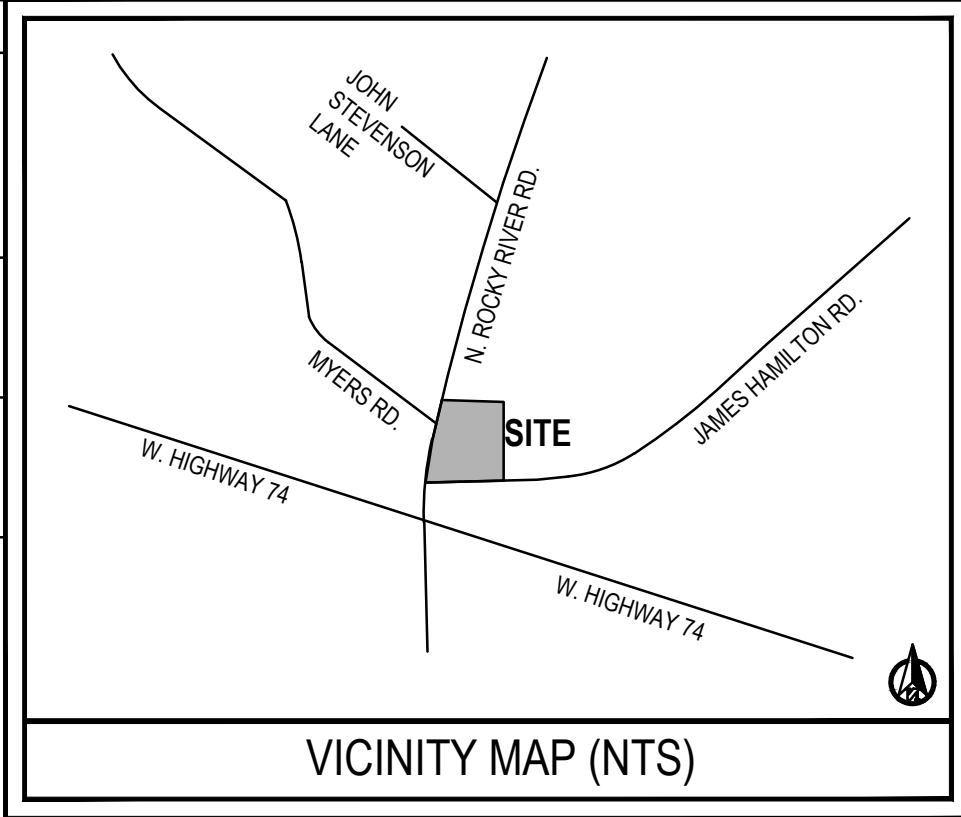
Exhibit 5

- GENERAL NOTES
- CONTRACTOR IS TO VERIFY ALL UTILITY LOCATIONS PRIOR TO BEGINNING WORK.
 - ALL WORK IS TO BE IN ACCORDANCE WITH ALL STATE AND LOCAL REGULATIONS.
 - ALL PERMITS ARE TO BE OBTAINED BY THE CONTRACTOR PRIOR TO THE START OF CONSTRUCTION.
 - CONTRACTOR IS RESPONSIBLE FOR COMPLYING WITH ALL PERMIT CONDITIONS.
 - EXISTING UTILITIES ON SITE SHALL BE RELOCATED AS REQUIRED. CONTRACTOR SHALL PAY ALL COSTS ASSOCIATED WITH RELOCATION.
 - CONTRACTORS ARE TO FULLY ACQUAINT THEMSELVES WITH ALL UTILITIES WITHIN THE CITY AND STATE ROW AND WITHIN THE PROPERTY BOUNDARIES WHICH WILL REQUIRE RELOCATION. ALL COSTS ASSOCIATED WITH RELOCATION SHALL BE INCLUDED IN THE BASE BID.
 - ALL WORK PERFORMED WITHIN NCDOT ROW SHALL BE PER NCDOT SPECS AND SHALL BE INSPECTED FOR COMPLIANCE BY STATE INSPECTORS AT THEIR DISCRETION.

- DOLLAR GENERAL PAVEMENT NOTES:
- DETAILS ARE DOLLAR GENERAL STANDARD REQUIREMENTS AND MAY INCREASE OR DECREASE WITH VARIOUS SOIL CONDITIONS. A GEO-TECHNICAL INVESTIGATION WITH PAVEMENT DESIGN RECOMMENDATIONS SHALL BE COMPLETED FOR EACH DEVELOPMENT. THE FOLLOWING DETAILS ARE MINIMUM DOLLAR GENERAL REQUIREMENTS. INCREASED RECOMMENDATIONS ARE TO BE USED.
 - THE SUBGRADE MATERIALS SHALL BE PROOF ROLLED AND/OR SCARIFIED AND COMPACTED PRIOR TO PLACEMENT OF BASE MATERIAL. WHERE EXISTING SUBGRADE MATERIALS ARE UNSUITABLE, THEY SHALL BE REMOVED AND REPLACED WITH COMPACTED SELECT MATERIAL IN ACCORDANCE WITH GEO-TECHNICAL RECOMMENDATIONS.
 - HEAVY DUTY CONCRETE PAVEMENT AND STANDARD DUTY CONCRETE PAVEMENT (AS RECOMMENDED BY GEO-TECHNICAL REPORT OR DOLLAR GENERAL MINIMUMS) SHALL BE STEEL REINFORCED. REINFORCEMENT TYPE SHALL BE PRIOR APPROVED BY DOLLAR GENERAL.
 - CONCRETE PAVEMENT PLAN SHALL BE PROVIDED TO DOLLAR GENERAL FOR PRIOR APPROVAL. ALL JOINTS MUST BE SEALED WITH AN APPROVED SEALANT. STEEL REINFORCING SHALL BE USED AT JOINTS. REFER TO ACI 308R (GUIDE FOR DESIGN AND CONSTRUCTION OF CONCRETE PARKING LOTS) FOR JOINT DESIGN AND LAYOUT.

- PARKING AND PAVEMENT NOTES
- ALL SIGNS, PAVEMENT MARKINGS, AND OTHER TRAFFIC CONTROL DEVICES SHALL CONFORM TO THE MANUAL ON UNIFORM TRAFFIC DEVICES, 2012 EDITION AS AMENDED.
 - ALL NCDOT PAVEMENT SYMBOLS SHALL BE THERMOPLASTIC PAINT.
 - ALL NCDOT PAVEMENT LINES SHALL BE POLYUREA PAINT.
 - ALL DIMENSIONS ARE TO FACE-OF-CURB UNLESS INDICATED OTHERWISE.
 - ALL CURB RADII ARE 5' UNLESS OTHERWISE INDICATED.
 - CONTRACTOR SHALL FURNISH AND INSTALL PAVEMENT MARKINGS AS SHOWN ON THE PLANS.
 - CONTRACTOR SHALL COORDINATE THE INSTALLATION OF ALL SIGNS, PAVEMENT MARKINGS, AND OTHER TRAFFIC CONTROL DEVICES WITH OTHER CONTRACTORS ON SITE.
 - JOINTS OR SCORE MARKS ARE TO BE SHARP AND CLEAN WITHOUT SHOWING EDGES OF JOINTING TOOLS.
 - CONTRACTOR SHALL SAW-CUT TIE-INS AT EXISTING CURBS AS NECESSARY TO INSURE SMOOTH TRANSITIONS.
 - CONTRACTOR SHALL SAW-CUT AND TRANSITION TO MEET EXISTING PAVEMENT AS NECESSARY AND AS DIRECTED BY INSPECTOR TO INSURE POSITIVE DRAINAGE (TYPICAL AT ALL INTERSECTIONS).
 - CONTRACTOR SHALL COMPLY WITH ALL PERTINENT PROVISIONS OF THE "MANUAL OF ACCIDENT PREVENTION IN CONSTRUCTION" ISSUED BY AGC OF AMERICA, INC. AND THE HEALTH AND SAFETY REGULATIONS FOR CONSTRUCTION ISSUED BY THE US DEPARTMENT OF LABOR.
 - CONTRACTOR SHALL FULLY COMPLY WITH THE REQUIREMENTS OF THE SOILS ENGINEER.
 - ALL EXISTING ON-SITE STRUCTURES SHALL BE REMOVED PER LOCAL CODES AND DISPOSED OF OFF-SITE, INCLUDING ALL ATTACHED UTILITIES AND APPURTENANCES. ANY AND ALL WELLS ON-SITE SHALL BE IDENTIFIED TO THE ENGINEER BEFORE CONSTRUCTION AND CAPPED PER HIS INSTRUCTIONS.
 - ALL AREAS NOT IDENTIFIED AS STANDARD DUTY PAVING SHALL BE CONSTRUCTED AS HEAVY DUTY PAVING (SEE DETAILS FOR STANDARD AND HEAVY DUTY PAVING REQUIREMENTS).
 - ALL SIGNS, WHETHER FREE-STANDING OR ATTACHED REQUIRE SEPARATE APPLICATION FOR EACH INDIVIDUAL SIGN. ALL SIGNS SHALL MEET LOCAL REQUIREMENTS. A SIGN PERMIT IS REQUIRED PRIOR TO INSTALLATION OF ANY SIGN.

SITE INFORMATION		STRIPING LEGEND	
PROPERTY SIZE	1.44± ACRES	YELLOW CURBING AND BOLLARDS - PARKING LOT	SURFACES SHOULD BE CLEAN, DRY AND METAL SURFACES FREE OF HEAVY RUST. 2 COATS SHERWIN WILLIAMS - KEM 4000 ACRYLIC ALKYD ENAMEL SAFETY YELLOW B55Y300
IMPERVIOUS AREA	SF (± ACRES)		
DISTURBED ACRES	1.84± ACRES		
ZONE	CC-MX1	STRIPING - PARKING LOT	SURFACES SHOULD BE CLEAN, DRY. TOP COAT SHERWIN WILLIAMS - PROMAR TRAFFIC MARKING PAINT YELLOW TM5495
PARKING COUNT	SPACES		
OPEN SPACE	REQUIRED 21,780 SF (0.50 ACRE)	HANDICAP STRIPING - PARKING LOT	SURFACES SHOULD BE CLEAN, DRY. TOP COAT SHERWIN WILLIAMS - PROMAR TRAFFIC MARKING PAINT "H.C." BLUE
	PROVIDED 2,148 SF		



- LEGEND
- PROPERTY LINE
 - EXISTING CONTOURS
 - PROPOSED CONTOURS
 - BUILDING SETBACK
 - LANDSCAPE BUFFER
 - EX. OVERHEAD ELECTRIC
 - EX. SANITARY SEWER
 - EX. WATER
 - EX. NATURAL GAS
 - NCDOT PAVING
 - STANDARD DUTY ASPHALT
 - HEAVY DUTY ASPHALT

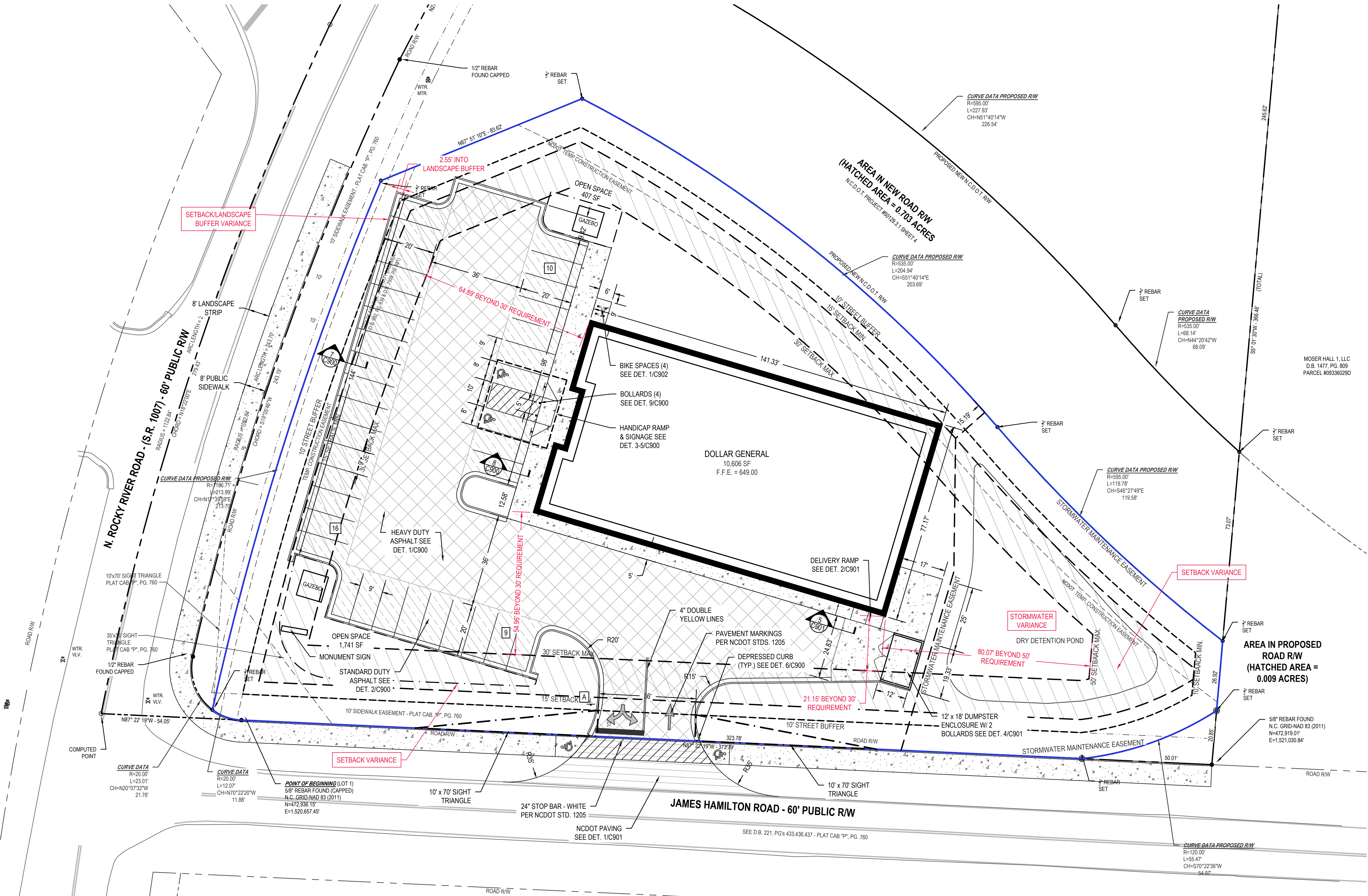
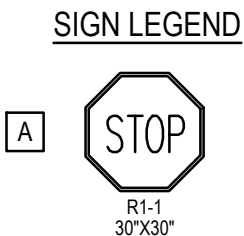
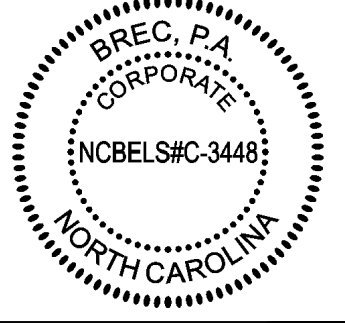


Exhibit 6



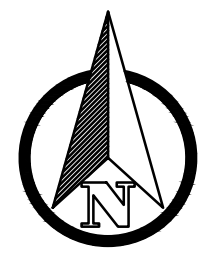
DOLLAR GENERAL
MONROE, NC
STORE #24612

SITE PLAN

PREPARED FOR:
TERAMORE DEVELOPMENT, LLC
PO BOX 6460
THOMASVILLE, GA 31758

DATE:	REVISIONS:

SHEET SIZE	24"x36"
PROJECT NUMBER	3161022022
DRAWN BY:	J.EDWARDS
APPROVED BY:	J.CHURCH
SCALE:	1" = 20' (H) (V)
SHEET:	C100



8.3.5. PERIMETER BUFFER STANDARDS

B. Perimeter Buffer Types. Perimeter buffer types include buffer types 1- 5, each with a varying degree of screening and intensity. Each buffer type may allow up to three (3) different options to achieve the required level of buffering, utilizing a mixture of trees, shrubs and fences/walls. The plant material required is per one-hundred (100) linear feet of property frontage. Table 8.3.1 lists the different perimeter buffer types with varying degrees of opacity for each perimeter buffer. Table 8.3.1 also provides options to achieve each perimeter buffer type. Figures 8.3.1 through 8.3.5 provide illustrative

Table 8.3.1 Perimeter Buffer Types Table

PERIMETER BUFFER TYPES TABLE			
TYPE	OPTION 1	OPTION 2	OPTION 3
1	10' Width 3 Trees Per 100 LF 20 Shrubs Per 100 LF	10' Width 3 Trees Per 100 LF 20 Shrubs Per 100 LF	10' Width 3 Trees Per 100 LF 20 Shrubs Per 100 LF
2	20' Width 3 Trees Per 100 LF 40 Shrubs Per 100 LF 6' Fence (Optional)	20' Width 4 Trees Per 100 LF 30 Shrubs Per 100 LF 6' Fence (Optional)	20' Width 5 Trees Per 100 LF 15 Shrubs Per 100 LF 6' Fence (Optional)
3	25' Width 3 Trees Per 100 LF 1 Understory Trees Per 100 LF 50 Shrubs Per 100 LF 6' Fence, Wall, or berm	25' Width 4 Trees Per 100 LF 2 Understory Trees Per 100 LF 30 Shrubs Per 100 LF 6' Fence, Wall, or berm	25' Width 4 Trees Per 100 LF 3 Understory Trees Per 100 LF 20 Shrubs Per 100 LF 6' Fence, Wall, or berm

8.3.7. STREET YARD BUFFER

A. Required. Any development that involves the construction of a new principal building or development along a right-of-way, except for exclusions listed in this Section, must include the installation of a street yard buffer (Buffer Type 1) and additional required plant material as follows

Exhibit 7

8.8.3. OPEN SPACE STANDARDS

D. Open Space Percentage Requirements. The minimum amount of open space required in a development shall be in accordance with this Section. Nothing in this Section shall restrict the development from providing more than the minimum required open space than what is required in this Section. The gross square footage of open space area shall be used in the calculation of open space percentage requirements. Vehicle use areas, streets, driveways, and sidewalks required per this UDO may not be used toward open space calculations unless explicitly stated in this Section. The amount of open space required shall be the greater of the following: 0.5 acres or the percentage identified in subsection (1), (2), (3) and (4) below.

2. Mixed-Use Zoning Districts. All new development subject to this Section within mixed-use districts as defined in Section 5: Mixed-Use Zoning Districts, shall require a minimum of fifteen percent (15%) open space of the total development size. The required fifteen percent (15%) open space shall also comply with the following additional standards:

Exhibit 8

159.303 STRUCTURAL STORMWATER CONTROL REQUIREMENTS.

Owners of property subject to this Ordinance and required to install structural stormwater control measures shall implement those measures in compliance with each of the following standards:

(A) The measures shall control and treat runoff from the first inch of rain. Runoff volume drawdown time for wet detention ponds shall be a minimum of 48 hours, but not more than 120 hours.

(B) All structural stormwater treatment systems used to meet these requirements shall be designed to have a minimum of 85% average annual removal for Total Suspended Solids (TSS);

(C) General engineering design criteria for all projects shall be in accordance with 15A NCAC 2H.1008(c), as explained in the Design Manual;

(D) The measure shall discharge the storage volume at a rate equal or less than the pre-development discharge rate for the (1) one-year, 24-hour storm.

(E) The approval of the stormwater permit shall require enforceable restrictions on property usage that runs with the land, including recorded deed restrictions and protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved project plans.

ACCTNO	OWNERNAME1	OWNERADDRE	OWNERCITY	STATE	OWNERZIP
09336029D	MOSER HALL I LLC	%THE MOSER GROUP	INDIAN TRAIL	NC	28079
09336029	GOOSE CREEK HOLDINGS LLC	4000 W HWY 74	MONROE	NC	281108446
09336018C	MYERS BROTHERS LLC	2805 N ROCKY RIVER RD	MONROE	NC	28110
09336010A	MONROE PROPERTIES INC	PO BOX 1109	MONROE	NC	28111
09336018B	SPENCE ELECTRIC COMPANY INC	PO BOX 1427	MONROE	NC	28111
09336030B01	TYSON LAND INVESTMENTS LLC	PO BOX 748	MONROE	NC	28111
09336030	WILLIAMS HELEN H	2031 MASSY CLARK DR	MATTHEWS	NC	28105
09336010	GX MONROE LLC	1575 NORTHSIDE DR NW	ATLANTA	GA	30318
09336030C	PIEDMONT NATURAL GAS COMPANY INC	4720 PIEDMONT ROW DR	CHARLOTTE	NC	28210

Exhibit 10

APO Map

Variance- N. Rocky River Road & James Hamilton Road

Legend

- Centerlines
-  150 ft. Buffer
-  Parcels
-  Notified Properties
-  Subject Property

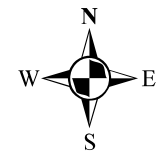


Exhibit 11

