

**BOARD OF ADJUSTMENT
MEETING
THURSDAY, OCTOBER 26, 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** – August 24, 2023
- Item 4.** **Conflicts of Interest**
- Item 5.** **PLZNA 2024-00056 Variance-** The Board of Adjustment is requested to consider a variance request from Kenda McCoy for the property located at 2109 Wilson Ave. The request is to deviate from the minimum side yard setback for the RLD, Residential Low Density, District in order to bring a house currently under construction into compliance with the District Development Standards, as outlined in the City of Monroe's Unified Development Ordinance. (Tax ID #: 09-339050)
- Item 6.** **PLZNA 2024-00076 Variance-** The Board of Adjustment is requested to consider a variance request from Wendy Love for the property located at 304 S. Charlotte Ave. The request is to deviate from the minimum front yard setback for the OM, Office Medical, District in order to bring a building currently under construction into compliance with the District Development Standards, as outlined in the City of Monroe's Unified Development Ordinance. (Tax ID #: 09-232-151)
- Item 7.** **Discussion:** Date of November Meeting
- Item 8.** **Adjournment**

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

cc: *Richard Long
Terry Sholar
Doug Britt
Keri Mendler
Megan Brightharp
Patrick Blaszyk*

MINUTES OF THE BOARD OF ADJUSTMENT MEETING

August 24, 2023 at 6:00 P.M.

**Council Chambers
300 W. Crowell St.
Monroe, NC**

To HR: 09/19/2023

Item 1. Call to Order

Chairman Kenneth Deal called the August 24, 2023 meeting to order at 6:02 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; Patrick Blaszyk; Al Benshoff, BOA Attorney; Richard Long, City Attorney

Guests: Kim Wetherall, Lewis Wetherall, Melanie Cox

Item 2. Pledge of Allegiance and Moment of Silence

Item 3. Approval of Minutes – Minutes of July 27, 2023

Motion: William Draper made a motion to approve the minutes of the July 27, 2023 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?

George Smith said no.

William Draper said no.

Item 5. PLZNA-2023-00184 Variance- The Board of Adjustment is requested to reconsider a variance request from Lewis Wetherall for 2600 Meadowood Court in order to deviate from the minimum front yard setback in the RR, Rural Residential, District as written in Section 157.4.2.3 of the Unified Development Ordinance. This is a reconsideration of the second Finding of Fact from the hearing that took place on June 22, 2023. No new evidence will be presented. (Parcel ID # 09-295-044)

Chair said anyone who wishes to speak in regards to this item, please approach and be sworn in.

Megan Brightharp and Melanie Cox approached the dais and were sworn in by the Chair.

Melanie Cox approached the podium and introduced herself. She said I represent the applicants in this case, Mr. and Mrs. Wetherall. Last month, I handed up a folder of information that I quickly summarized for you and I am happy to go back through that, if you need your memory refreshed. But, the reason we are here tonight is because we are asking you to reconsider the Finding of Fact regarding the self-created hardships for the Wetherall's. It's our contention that due to the nature of the property and the stream on their lot, that it is not a self-created hardship and that is why they are requesting the variance to be allowed to build their house, as it's been staked out and built with a less than 50 ft. setback from the lot line. I am happy to answer any questions.

Chair asked do we have any questions for the attorney? The question we are here tonight to reconsider is question two and it's to whether or not that the hardship is or is not peculiar to the applicant's property, any motion made needs to be based on the findings of fact or testimony that was originally submitted during the initial review. Does anyone want to make a motion on that question or do we have any discussions on that question?

William Draper asked has there been any construction on that foundation, has there? The total house is up now?

Melanie Cox said the house was up prior to the as built survey being completed and my clients received all of the necessary permits by the City of Monroe during this time. On September 19th of 2022, they received the permit and that was in your packet for the home and the permit included that building, mechanical, electrical, plumbing and zoning. So, that was my second argument was that not only do we think that the property is peculiar, but the fact that they had a common law vested right and that they detrimentally relied on the City granting them a permit and telling them that it was ok to continue to build. That's not my legal argument here tonight though, I think that's for another day and possibly another court. But, why we are here tonight is just regarding this parcel, it's 1.66 acres and in this zoning district, you can have one house per acre. If you may recall the flood line runs right down the middle and that's the 100-year flood line of their property. There was also an issue regarding where the measured, because they measured the 50 ft. from the center of the cul-de-sac, and according to their survey, it was their property. I believe the City measured further up, closer to the right of way and I'm sure the City can answer those questions for you.

Chair said I know that the Unified Development Ordinance says a 50 ft. setback from the street, not from the center of the cul-de-sac, so it means the measurement is taken from the edge of the street.

Melanie Cox said the definition of your UDO states, the required distance measured from both the property line and the street right of way, to the nearest part of the building, structure or sign. In this case, the property line and the right of way, we contend, are different measurements. So, that definition makes it a little harder to apply to this case.

Chair said it's written in way to... A property has four boundaries, basically four property lines and the setbacks are usually measured from the property line, except when there is a public street that intersects that.

Mr. Wetherall said the measurement was taken from the curb off the street to the property, even though the property does go out halfway into the street, but the measurement was from the street from the curb.

Chair asked you came out 17 ft. short in that measurement?

Mr. Wetherall said yes... (inaudible)

Doug Britt said he needs to go to the podium, so that we can hear it for the record.

Chair said you haven't been sworn in, so you technically can't speak.

Melanie Cox said the area within the right of way is 2,060 square feet and if I can approach, it might be easier to see. (Ms. Cox shows the Board the site plan)

Al Benshoff asked is this an exhibit that we have in evidence?

Chair said yes, it was in the packet.

Chair said one reason that I was in favor of reconsidering this when you came before the Board last month, this decision on the property weighed on my mind, even after the meeting was over with. So, I have to ask myself if this would have come before the Board of Adjustment asking for that particular setback waiver variance, before the house would have been built. Due to the peculiarities of the property, I may have been inclined at that point to vote in favor of the variance. I guess what bothered me during the original hearing was the fact that the construction on the property had continued after the failure of the foundation inspection, so when your foundation fails inspection, you need to correct that circumstance before you move forward with completing the building of the home. There were some mitigating circumstances brought in during the pandemic and slow responses in inspections, although the evidence of when they were called in and what delay there was involved, wasn't entered into the record. So, there are a lot of things to consider here, the topography of the property is unique with the flood plain that comes through the back of it. Based on the topography of the property, I'm going to make a new motion

that is the Board's conclusion that the hardship is peculiar to the applicant's property, based on the re-examination of the topography of the property.

Motion: Kenneth Deal made a motion that it is the Board's conclusion that the hardship is peculiar to the applicant's property based on the re-examination of the topography of the property.

Second: William Draper

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

AYES: Kenneth Deal, William Draper and George Smith

NAYS: None

Chair said on the basis of the foregoing, do I have a motion to approve or deny the request for a variance?

Motion: George Smith made a motion to approve the variance.

Second: Kenneth Deal

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

AYES: Kenneth Deal, William Draper and George Smith

NAYS: None

Al Benshoff said it will take me a few hours to finish the order and send it to Doug to get to you for a signature.

Item 8. **Next Meeting: September 28, 2023**

Item 8. **Adjournment**

Motion: William Draper made a motion to adjourn the meeting.

Second: George 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 6:13 p.m.

Respectfully submitted,

Kenneth Deal

Chair

Ashlyn Penegar

Clerk of the Board



STAFF REPORT

Case # PLZNA 2024-00056

TO: Board of Adjustment Members

DATE: September 28, 2023

FROM: Doug Britt, Senior Planner

PREPARED BY: Patrick Blaszyk, Planner

SUBJECT: A variance request by Kenda McCoy from the minimum side yard setback for the RLD, Residential Low Density, District for property located at 2109 Wilson Avenue.

SUMMARY STATEMENT

Kenda McCoy is requesting a variance from the minimum side yard setback for the RLD, Residential Low Density, District in order to bring a house currently under construction into compliance with the District Development Standards as outlined in the City of Monroe's Unified Development Ordinance.

SITE DATA

Type of Action: Variance

Date of Petition: August 25, 2023

Name of Petitioner: Kenda McCoy

Location: 2109 Wilson Avenue

Tax ID #: 09-339-050

Lot Size: 0.505 Acres

Current Zoning Classification: RLD, Residential Low Density

PROPOSED FINDINGS

Proposed Findings:

1. The property located at 2109 Wilson Avenue is owned by Kensley McCoy and is zoned RLD, Residential Low Density. (Exhibits 1, 2, and 3)
2. In July 2022, a building permit application was submitted for the construction of a single family detached home at 2109 Wilson Avenue that listed the owner, Kensley McCoy, as

the Contractor. An Owner Exemption Affidavit was simultaneously submitted in which the owner agreed to superintend and manage all aspects of the construction of the home. A plot plan for 2109 Wilson Avenue was also submitted by Kensley McCoy. (Exhibits 4, 5, and 6)

3. The Building Permit for the home was issued in July 2022 by the City of Monroe Permit Center. In this permit, all building setback information was listed under a Miscellaneous Condition. (Exhibit 7)
4. In March 2023, the Planning and Zoning review for the home was failed by planning staff after the foundation survey was submitted showing that the left side yard setback was only 7.3' and not the required 15' required by the RLD Zoning District. (Exhibit 8)
5. A variance application and variance letter of support was submitted in August 2023 by Kenda McCoy, requesting a variance amount of 7.7' from the minimum side yard setback of the RLD, Residential Low Density, District in order for the house under construction to meet the district's development standards. (Exhibit 9 and 10)
6. Table 4.2.2. RLD District Development Standards Table of the Unified Development Ordinance (UDO) states in relative parts:

Setbacks: Side: 15'
(Exhibit 11)
7. All adjacent property owners have been notified of the proposed variance. (Exhibit 12 and 13)

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 PLZNA 2024-00056 be (**approved/denied**).

Exhibits:

Exhibit 1: Ortho Map
Exhibit 2: Zoning Map
Exhibit 3: Deed to Property
Exhibit 4: Building Permit Application
Exhibit 5: Owner Exemption Affidavit
Exhibit 6: Original Plot Plan
Exhibit 7: Issued Building Permit
Exhibit 8: Foundation Survey
Exhibit 9: Variance Application
Exhibit 10: Variance Letter of Support
Exhibit 11: Table 4.2.2 of UDO
Exhibit 12: APO Map
Exhibit 13: APO List

Prepared by: PB 9/14/2023

Ortho Map
2109 Wilson Avenue

Legend

- Centerlines
- ▭ Parcels
- ▭ Subject Property

Owner:
Kensley McCoy

Acres: 0.505



0 50 100
Feet

Zoning Map
2109 Wilson Avenue

Legend

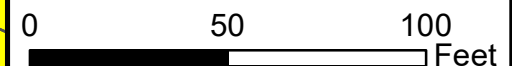
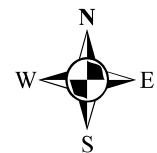
- Centerlines
- Parcels
- Subject Property

Zoning Districts

- RLD
- RMD

Owner:
Kensley McCoy

Acres: 0.505



FILED	Oct 06, 2021
AT	12:51:00 PM
BOOK	08270
START PAGE	0178
END PAGE	0181
INSTRUMENT #	47712
EXCISE TAX	\$0.00

Excise Tax **\$0.00**

Recording Time, Book and Page

Tax Parcel No. **09339050****NO TITLE EXAMINATION REQUESTED OR PERFORMED**

Mail/Box to: Grantee

This instrument was prepared by: W. Ann Pilkington, Esq., Pilkington Law, PLLC

Brief Description for the
index**Lot 55 of Helms Park****NORTH CAROLINA GENERAL WARRANTY DEED**THIS DEED made as of this **12th** day of **August, 2021**, by and between:

Grantor	Grantee
Betty Lou Johnson, widow	Kensley McCoy, unmarried
<u>Forwarding Address:</u> 2509-A Countryside Lane Monroe, North Carolina 28110	<u>Property Address:</u> 0 Wilson Avenue Monroe, North Carolina 28110
	<u>Mailing Address:</u> 1003 Woodurst Drive Monroe, North Carolina 28110

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Union County, North Carolina and more particularly described as follows:

See Exhibit "A" attached hereto.

Submitted electronically by "Pilkington Law, PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Union County Register of Deeds.

This property **does not** include all or a portion of Grantor's primary residence.

The property hereinabove described was acquired by Grantor by instrument recorded in **Book 707, Page 455** in the Union County Public Registry. **For information only:** John M. Johnson died in Union County on October 30, 2019 (20-E-6).

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions: **All valid and enforceable easements, restrictions and rights of way of record and the lien of ad valorem taxes for 2021 and subsequent years.**

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

[SEE ATTACHED SIGNATURE PAGE]

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Betty Lou Johnson (SEAL)
BETTY LOU JOHNSON

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, Winona Ann Pilkington, a Notary Public for Union County, North Carolina, do hereby certify that **Betty Lou Johnson**, Grantor, personally appeared before me this day and acknowledged that they executed the foregoing instrument for the purposes stated therein.

WITNESS my hand and notarial seal, this 12th day of August, 2021.

Winona Ann Pilkington
Winona Ann Pilkington, Notary Public

[SEAL]

My Commission Expires: 07/22/2023

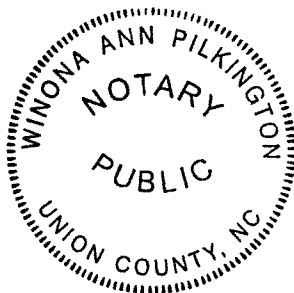


EXHIBIT "A"

Legal Description

BEGINNING at a point on the northwesterly side of Wilson Avenue, said point being located North 26 degrees 15 minutes East 1000 feet from the northeasterly corner of the intersection of Wilson Avenue with Old U.S. Highway 74 (being County Road 1009) (each of said streets being 60 feet in width) and running thence from said **BEGINNING** point North 63 degrees 45 minutes West 220 feet; thence North 26 degrees 15 minutes East 100 feet; thence South 63 degrees 45 minutes East 220 feet to a point in the northwesterly side of Wilson Avenue; thence with said northwesterly edge of Wilson Avenue South 26 degrees 15 minutes West 100 feet to the **BEGINNING** point and being known as Lot 55 of Helms Park, according to a survey and map by T. C. Dove, dated March 7, 1962.



Building Standards Department
BUILDING PERMIT APPLICATION

For Permit Center Use Only

Submittal Date: _____

Permit #: _____

Parcel: _____-_____-_____

Project Address: 2109 Wilson Ave, Monroe 28110
Total Project Cost: \$ 345,000 Subdivision Name: Helms Park Lot: 55 Phase: _____
Owner/Tenant: Kensley McCoy
Address: 1003 Woodhurst Dr. City: Monroe
State: NC Zip Code: 28110 Phone No. 704-291-0117

Property Use: Personal Residence

Description of Proposed Work: New Build - single family
Three bedrooms, 2 bath

Heated SQ FT: 2205 Unheated SQ FT: 1500

UTILITIES: ☒ New ☐ Existing

Power Company: Union Power

Gas Company: City of Monroe

Electric Appliances: Oven

Gas Appliances: Hot water, Cook top, HVAC

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).

Flood Plain: ☐ YES ☒ NO Historic District: ☐ YES ☒ NO Acreage: 0.495 No. of Stories: 2

Downtown: ☐ YES ☒ NO Site Improvement: ☐ YES ☒ NO

Water Supply: ☒ City ☐ County ☐ Private Well ☐ Community Sewer Type: ☒ City ☐ County ☐ Septic Permit

RESIDENTIAL

☒ Single Family ☐ Modular ☐ Duplex ☐ Apartment ☐ Accessory Building ☐ Addition ☐ Renovations ☐ Accessory

☐ Mobile Home: Year: _____ Make: _____ Size: _____
Serial #: _____

COMMERCIAL

Type of Construction: ☐ I-A ☐ I-B ☐ II-A ☐ II-B ☐ III-A ☐ III-B ☐ IV ☐ V-A ☐ V-B

Group: ☐ Assembly ☐ Business ☐ Educational ☐ Mercantile ☐ Factory/Industrial ☐ Institutional ☐ Storage

☐ Utility/Misc _____

CONTRACTOR(S):

BUILDING: Kensley McCoy
Address: 1003 Woodhurst Dr
City/St: Monroe NC **Zip:** 28110
Phone: 704-291-0117 **Email:** mccoy@townplanner.com

Contract Cost

\$ _____

NC License #:**ELECTRICAL:** ☐ No ☒ Yes**MECHANICAL:** ☐ No ☒ Yes**PLUMBING:** ☐ No ☒ Yes

Sub contractors must complete their own application/ sub contractor forms.

- ALL INFORMATION MUST BE COMPLETED PRIOR TO APPLICATION BEING PROCESSED.
- WORK PERFORMED ON STRUCTURES USED FOR COMMERCIAL USE MAY REQUIRE PLANS OR MORE INFORMATION PRIOR TO ISSUING A PERMIT.
- THIS APPLICATION BECOMES A PERMIT ONLY UPON APPLICATION APPROVAL AND PAYMENT OF ALL FEES.

If permits are granted, I hereby certify that all information in this application is correct and that all work will comply with the North Carolina State Building Code and all other applicable city ordinances, local laws and regulations of the State of North Carolina regulating such work and the specifications or plans submitted. The Building Standards Department will be notified of any changes in the approved plans and specifications for the projects permitted herein. I hereby affirm that the foregoing statements are accurate and correct to the best of my knowledge.

PRINT APPLICANT'S NAME:Kensley McCoy**APPLICANT'S SIGNATURE:**Kensley McCoy**DATE:**5-10-2022**ADDRESS:**1003 Woodhurst Dr**CITY:**Monroe**STATE:**NC**ZIP:**28110**PHONE:**704-291-0117**FAX:****EMAIL:**mccoy@townplanner.com**METHOD OF PAYMENT:**

Cash

☐

Check

☒

Credit

☐

Existing A/R Account

☐**Permit Center****P.O. Box 69 Monroe, NC 28111****300 W. Crowell Street, Monroe, NC 28110****Telephone:** (704)282-4524**Fax:** (704)282-4735**Email:** PermitCenter@monroenc.org

Address and Parcel Identification of Real Property where building is to be constructed or altered:

Parcel# 09 339050 Address: 2109 Wilson Ave, Monroe

Type of Construction: ☒ Residential ☐ Commercial ☐ Industrial ☐ Other

Intended use after completion with this application: personal residence

1 Kensley Nicole McCoy 704-291-0183
(Print Full Name) (Phone Number)

hereby claim an exemption from licensure under G.S. 87-1(b) (2) by initialing the relevant provision in paragraph 1 and initialing paragraphs 2-5 below and attesting to the following:

1. KMM I certify that I am the owner of the property set forth above on which this building is to be constructed or altered and for which application for a building permit is hereby made;
OR
_____ I am legally authorized to act on behalf of the firm or corporation that is constructing or altering this building on the property owned by the firm or corporation as set forth above (name of firm or corporation): _____.
2. KMM I will personally superintend and manage all aspects of the construction or alteration of the building and that duty will not be delegated to any person not duly licensed under the terms of Article 1, Chapter 87 of the General Statutes of North Carolina.
3. KMM I will be on site regularly during construction and I will be personally present for all inspections required by the NC State Building Code, unless the plans for the construction or alteration of the building were drawn and sealed by an architect licensed pursuant to Chapter 83A of the General Statutes of North Carolina.
4. KMM I understand that by executing this licensing exemption AFFIDAVIT pursuant to G.S. 87-1(b)(2), I am required by law to occupy the building for which the licensing exemption is granted for twelve months after completion, during which time it may not be offered for rent, lease or sale.
5. KMM I understand that a copy of this AFFIDAVIT will be transmitted to the NC Licensing Board for General Contractors for verification that I am validly entitled to claim an exemption under G.S. 87-1(b)(2) for the building construction or alteration specified herein. I further understand if the NC Licensing Board for General Contractors determines I am not entitled to claim this exemption, the building permit issued for the construction or alteration specified herein shall be revoked pursuant to G.S. 153A-362 or G.S. 160A-422.

Therese N. McLoey
(Signature of Affiant)

4/28/22
(Date)

Sworn to (or affirmed) and Subscribed before me this

The 28 day of April, 2022

(Signature of Notary Public)

(Signature of Notary Public)
Todd Price
(Printed Name of Notary Public)

My Commission Expires: 8-24-27

(NOTE: It is a Class F felony to willfully commit perjury in any affidavit taken pursuant to law G.S. 14-209)



Growth Management Planning Division

PLOT PLAN FOR PERMIT APPLICATION

Permit #:

ONE/TWO FAMILY, MODULAR, MOBILE HOME, ACCESSORY STRUCTURE OR ZONING USE

Street #: 2109 Street Name: Wilson Ave (AV, RD, etc.) Suite #/Units: _____

Tax Parcel #: 09339050 Job #: _____

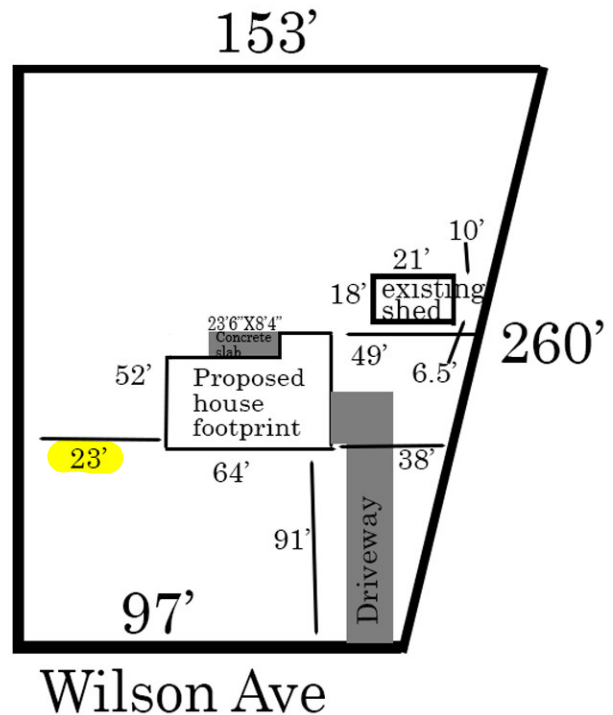
INSTRUCTIONS:

In the space provided, draw plot plan as neatly and accurately as possible or state in box "See Attachment" and attach Survey or Plot Plan to this Application.

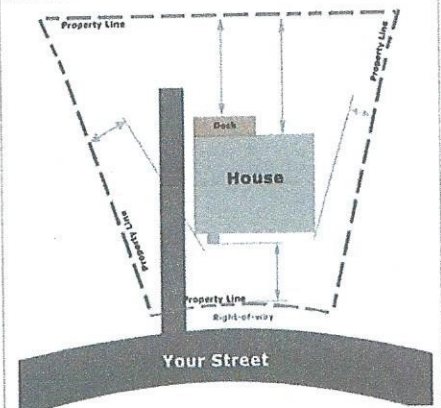
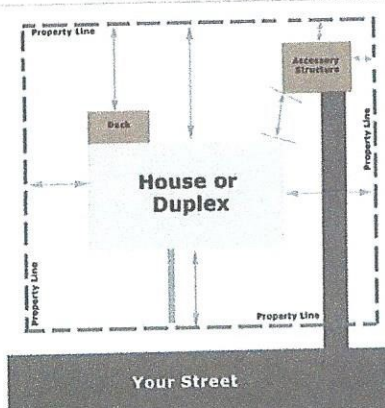
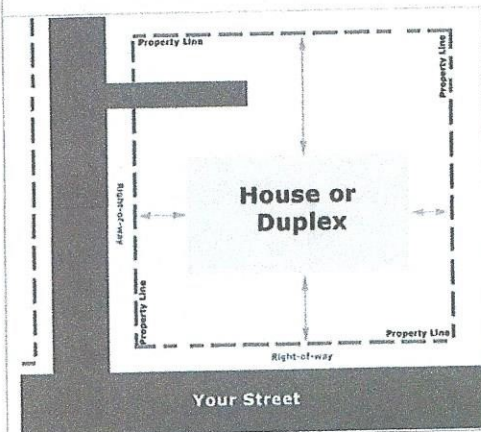
Separate application and plot plan required for each building.

1. Draw street(s)
2. Draw property lines with dimensions.
3. Draw proposed and existing buildings showing any attached porch(es), deck(s), chimney(s), carport(s) or garage(s), etc...
4. Show distances of buildings from property lines or other structures.
5. Show all water bodies, streams and floodplain.
6. List building heights for Accessory Structures.

244'



Plot Plan Examples



ALL EXISTING AND PROPOSED BUILDINGS ON LOT ARE SHOWN WITH MEASUREMENTS INDICATED.

Applicant's signature: Kensley McCoy

Date: 5-10-2022

PRINT APPLICANT'S NAME: Kensley McCoy

Zoning Approved By: _____

Date: _____

Remarks: _____



New 1 or 2 Family Dwelling or
Townhouses
Monroe, NC

Permit No: PRSF202300084

ISSUED

July 27, 2022

Job Address	2109 WILSON AVE, MONROE, NC 28110
Owner	JOHNSON BETTY LOU 2113 WILSON AVE MONROE, NC 28110
Applicant	Kensley MCCoy 10003 Woodhurst dr Monroe, NC 28110 (704) 291-0117
Contractor	Kensley MCCoy 10003 Woodhurst dr Monroe, NC 28110 (704) 291-0117 CAROLINA PLUMBING SERVICE, INC 2218 SUMMERLIN DAIRY RD WINGATE, NC 28174 (704) 233-4700 G ELECTRICAL SERVICES LLC 4911 ASBURY DRIVE MONROE, NC 28110 (704) 225-7450 DEPENDABLE HEATING & A/C 14421 LAWYERS RD MATTHEWS, NC 28104 (704) 882-1344
Description:	New Single Family 3 bedrooms and 2 bath - Helms Park - Lot 55

Parcel #	Type of Construction	Zoning	# Of Units	Fee Amount
09339050	New			\$2,187.39

Building Components:

Description	Units	Quantity
Detached (Heated)	SQ FT	3705
HVAC System	SQ FT	3705
Electrical Wiring	SQ FT	3705
Temp Saw Pole	QTY	1
Plumbing System New/Alteration	SQ FT	3705
Site Plan (Residential) New	QTY	1

Total Value of Work: \$345,000.00

Permit in force for period of 180 days from above date. Provided, however, the above named party complies with all of the regulations as set out in the Building and Zoning Ordinances as are now in effect or that may be enacted during the time this permit is in effect. Any violations of Ordinances and Building Codes if not corrected will automatically cancel this permit.

The permit holder is to ensure that all construction meets the current North Carolina Building Code, and is responsible for any code violations that may be discovered during inspection that result in any changes that may require reconstruction.

The work completed shall comply with all State Building Code and all other applicable State and local laws.

The issuance of this permit does not relieve the property owner from complying with the City of Monroe's minimum housing code or suspend any associated enforcement actions.

Vanessa Blackwell

Permitting Official
Monroe, NC

SIGNED: _____

Chief Building official

Permits included on this application:

Building
Mechanical
Electrical
Plumbing
Zoning

Conditions:

Lien Agent / Workers Comp Form Required

Lien Agent / Workers Comp Form Required

PL - Foundation Survey

For Single Family Residential uses, a Foundation Survey shall be required no later than 10 days after the foundation has been poured.

PL - New Residential

1. All disturbed areas shall be seeded with grass and covered with straw or be sodded
2. All construction equipment and debris must be removed from the site prior to the zoning inspection
3. The driveway must be paved from the road to the garage and must be able to accommodate at least 2 vehicles.

PL - Zoning inspection (for certificate of occupancy)

All zoning requirements must be inspected by the zoning officer prior to requesting a certificate of occupancy if required.

Please call 704.282.4524 to schedule a zoning inspection.

PL - Trees (residential)

The front yard of each lot shall contain at least two (2) canopy trees, suitable for healthy growth in our climate, each with a minimum height of five (5) feet from grade and with a minimum caliper of one and one-half inches measured at a height of six (6) inches above grade.

Misc Conditions

2109 Wilson Avenue is zoned RLD, Residential Low Density. Please note the following setbacks of that district:

Front: 25'

Side: 15'

Rear: 20'

ES1

NC ONE Call – Please call NC One Call at 811 prior to excavation activities. Any conflict with utilities must be resolved prior to the work. Others such as the applicant or owner will be responsible for cost to protect City utilities facilities and/or relocation of the facilities as determined by the City.

Misc Conditions

PRIOR TO CERTIFICATE OF OCCUPANCY AND INSPECTIONS

(THREE INSPECTIONS – THREE SEPARATE INSPECTIONS)

DRIVEWAY PHOTOS – NEW (Inspection) Water Meter/Sanitary Sewer Cleanout

CLEANOUT PHOTOS – NEW (Inspection) Sanitary Sewer Cleanout

WATER METER – NEW (Inspection) Water Meter and Lid

- Per the City of Monroe Specifications for water main construction, Section 09.01.05, "If an installed water and/or sewer service is in conflict with a proposed driveway, the service will be required to be relocated at the Developer's expense."

Additional comments have been provided to the Engineer and Permittee throughout the permitting process and approved permitted plans regarding services shall not be within driveways.

****ANY CONFLICT FOR WATER AND SEWER SERVICES WITHIN DRIVEWAYS WILL REQUIRE SERVICES TO BE RELOCATED AT THE DEVELOPER'S EXPENSE.****

Photo documentation must be provided to the Water Resources Project Manager clearly demonstrating the water meter box and sewer cleanout are not within the driveway. In addition to a clear view of the meter box, cleanout, and driveway/driveway forms, a clear identifier of the location, either lot number or street address, must be clearly visible in the photo. Contact WILLIAM "COLE" HANCOCK at whancock@monroenc.org to submit photo documents. Emails must contain the lot number and/or street address as well as the subdivision in the subject line.

Proper documentation must be provided prior to the issuance of the Certificate of Occupancy.

SEWER CLEANOUTS

- Photo documentation must be provided to the Water Resources Project Manager clearly demonstrating the sewer cleanout is flush with final grade. In addition to a clear view of the cleanout, a clear identifier of the location, either lot number or street address, must be visible in the photo. Contact WILLIAM "COLE" HANCOCK at whancock@monroenc.org to submit photo documents. Emails must contain the "Street Address – CLEAN OUT" in the subject line.

WATER METER PHOTO(S)

- Photo documentation must be provided to the Water Resources Project Manager clearly demonstrating the water meter box and lid meet City of Monroe specifications and have not been damaged. "City of Monroe" imprinted on the lid must be visible and must properly fit on the box. In addition to a clear view of the meter box/lid, a clear identifier of the location, either lot number or street address, must be visible in the photo. Contact WILLIAM "COLE" HANCOCK at whancock@monroenc.org to submit photo documents. Emails must contain the "Street Address – CLEAN OUT" in the subject line.

Misc Conditions

NC ONE CALL

Applicant is to call NC ONE CALL AT 800-632-4949 to locate all utilities prior to digging.

- No permanent structures, fences, extensive landscaping or trees shall be placed within 10-feet of a water main or within 15-feet of a sanitary sewer main.
- Any grading resulting in depth of cover over existing water or sewer mains shall require written approval from the Water Resources Department.
- Any conflicts with existing mains or appurtenances shall be brought to the attention of the Water Resources Engineer for review and approval and resolved at the Developer's expense.

WATER RESOURCES STANDARD CONDITIONS

Building Sewer Elevations

- Permittee shall be responsible for establishing building sewer elevations satisfactory to meet city's tap location and depth as well as satisfy NC plumbing code.
- If necessary, permittee shall furnish and operate a lift pump as part of building sewer at his/her expense.

It is the permittee's responsibility to arrange on on-site inspection with the City of Monroe if there are questions about the location or depth limits on the city's sewer tap.

Building Sewer Backwater Valve

- Permittee shall require his/her plumber to determine if a backwater valve on building sewer or drain(s) are required in accordance with the NC state building code.
- If required by plumbing inspector, the plumber shall provide a backwater valve certification to plumbing inspector that plumber has determined elevation of closest upstream manhole of public sewer is below the elevation of all plumbing fixtures installed.
- Plumber should call 704-282-4601 if assistance from city in locating manhole is required.

Irrigation System(s)

- Pursuant to North Carolina GS 143-355.4, all new in-ground irrigation system installed in the City of Monroe shall be connected to a separate water meter.

Driveways / Structures

- Driveways and/or structures shall be located six (6) feet away from fire hydrants if located on property.

Grading

- Any grading resulting in grade changes around fire hydrants shall require fire hydrants be adjusted at the developer's/builder's expense.

Meter Boxes / Sewer Cleanouts

- No meter box or sewer cleanout shall be located within the driveway. Any conflicts shall require the developer/builder to pay for the services to be relocated.

Sewer Cleanouts

- Sewer cleanouts shall be located outside of any low lying areas not subject to runoff.

WATER RESOURCES FEES

- A fee sheet for water and sewer service has been uploaded to the CityView document cabinet.

- Note: Tapping and capacity fees are calculated in accordance with the City of Monroe fees schedule in effect as of the date of execution of this form. However, final determination of capacity fees and tapping fees shall be assessed on the date fees are paid in accordance with the City of Monroe fees schedule in effect on such date.

WATER METER REMOVAL AND UNAUTHORIZED TAKING OF WATER PROHIBITED

- Builder is expected to strictly adhere to the Monroe Code of Ordinances, Chapter 53, Section 53.01 regarding unauthorized taking of water. Citations will be issued when the Code is violated.

Review Comments:

Verify Application/Submittals - Narissa Blackwell

Engineering - Erosion Control Review - Zach Ross

Energy Services Review - Rob Miller

External Agencies Review - Narissa Blackwell

Planning and Zoning Review - Megan Brightharp

Water Resources Review - William "Cole" Hancock

- City of Monroe to install water & sewer taps. Please place survey marker (Pin flags or wooden stakes) in locations of preferred Sanitary Sewer Cleanout/Domestic Water Meter locations along R/W line of Wilson Ave. Blue flag/paint for domestic water meter and green flag/paint for sanitary sewer cleanout. Water meter and sanitary sewer cleanout will not be placed inside limits of driveway. Please contact Cole Hancock at (704) 282-4613 or at whancock@monroenc.org with any questions.

Plumbing - Other - William "Cole" Hancock

- Driveway inspection to confirm water meter box and sewer clean out are not impacted by driveway concrete placement.

Plumbing - Other - William "Cole" Hancock

- Sewer Cleanout inspection to confirm cleanout is at final grade w/acceptable cap.

Plumbing - Other - William "Cole" Hancock

- Water Meter inspection to confirm box & lid are undamaged and from approved manufacturer.

Verify Final Review Status - Narissa Blackwell

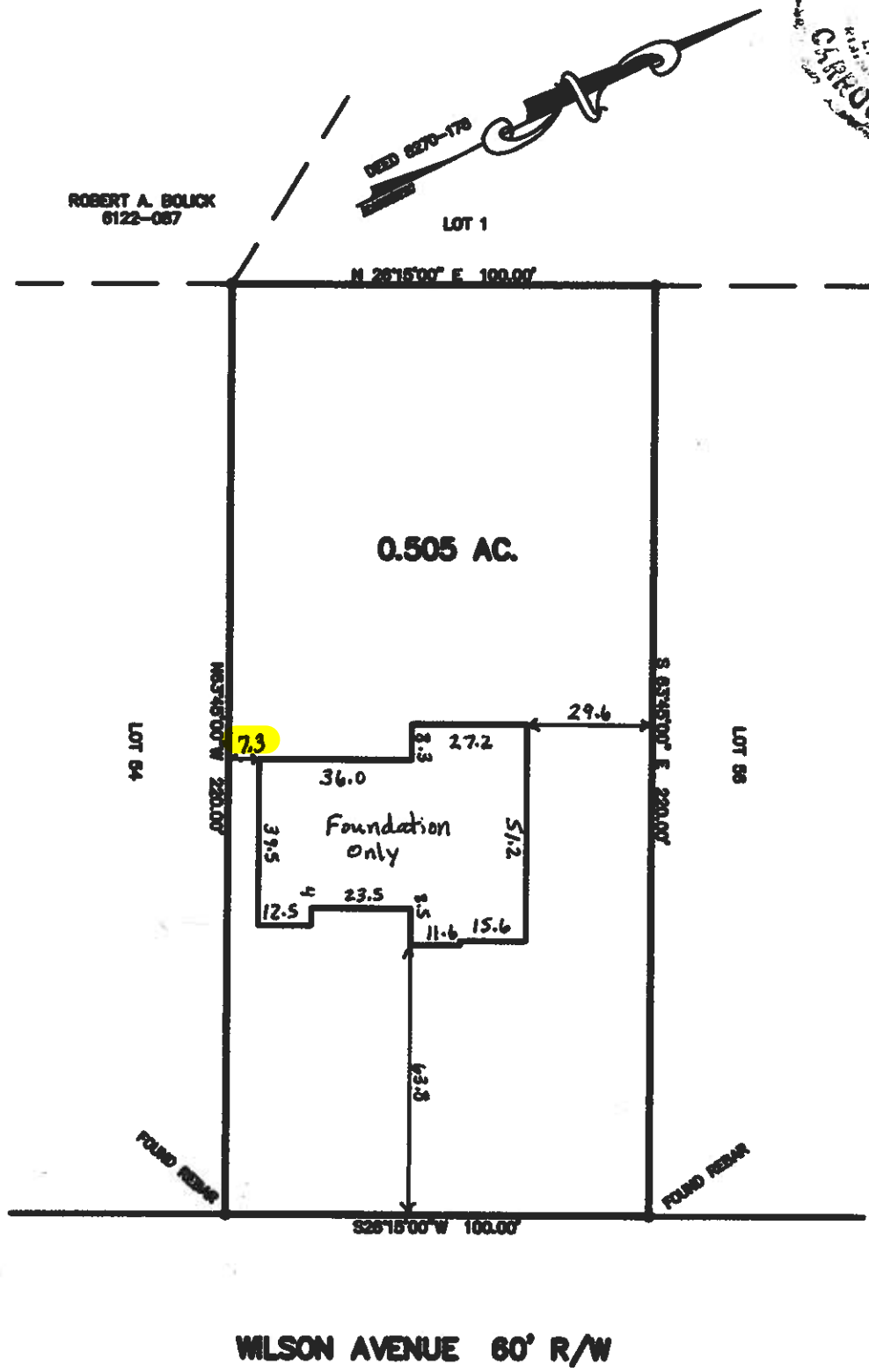
Stamp Approved Plans -

Waiting for Fee Payment - Narissa Blackwell

Generate/Issue Permit(s) - Narissa Blackwell

THIS IS TO CERTIFY THAT ON THE 27th DAY OF OCT. 20 22 I, SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS IF ANY ARE SHOWN HEREON.

SIGNED *Carol L. Rensley*
REGISTERED SURVEYOR



WILSON AVENUE 60' R/W

FOUNDATION SURVEY
OF

LOT 55 HELMS PARK

SCALE 1" = 40' CITY OF MONROE UNION COUNTY, N.C.
THE PROPERTY OF KENSLEY MCCOY
MAP RECORDED IN PLAT CAB. 5 AT PAGE 77 DEED RECORDED IN BOOK 8270 PAGE 178

City of Monroe Variance Application Form

Applicant's Name: Kenda McCoy

Applicant's Address: 1003 Woodhurst Drive, Monroe

Property Owner's Name: Kensley McCoy

Property Owner's Address: 1003 Woodhurst Drive, Monroe

For Staff Use Only

Application #: _____

Date Submitted: 8/25/23

Approved: _____

Denied: _____

Legal Relationship of Applicant to Property Owner: Mother

Contact Person Name and Phone Number: Kenda McCoy 704-291-0117

Existing Use of Property: vacant lot with new construction in progress

Property Location: 2109 Wilson Ave, Monroe (located in Helms Park)

Tax Map Number: 09- 339 - 050 Lot Size: .505 AC. Zoning District: RLD

Ordinance section number to which a variance is being sought. 4.2.2

Proposed variance description: We are seeking a variance to allow the sideline to be reduced from 15' to 7.3' due to the fact that the house was built too close to the line.

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.] A professional surveyor pinned the house therefore we were not aware of any issues with the setback. All inspections have been approved without any issues. We received notification from the inspection office in March that there may be a problem with the position of the house. I contacted the surveyor and he went back a few weeks later and redid the survey. I was informed at that time that we were not in-compliance with the regulations. At that point the house was about 80% complete.

2. **The hardship results from conditions that are peculiar to the property, such as location, size, or topography.** [Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance] The location of the house as it is now will result in house only being 7.3' from side lot line. We will not be able to get a certificate of occupancy when house is complete. The neighboring property is a double lot and their house is positioned with more than double the sideline restrictions on both sides. They are satisfied with the look of the new construction on the property being cohesive with the neighborhood and don't have a problem with the position of the house. However, they had rather not sell any of their property to us. Therefore, I am asking for this variance.
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] My mother has owned this lot and the house on the other side for 39 years. She bought this lot to have a garden on. My dad died in 2019 so it was not being used. Since my daughter, her grand daughter was getting married, we decided to build her a house on this vacant lot. We hired a surveyor to help position the house and make sure we were in compliance with any restrictions. I even went to the register of deeds and pulled the original deeds from Robert Helms when development was built. We were trying to comply with guidelines and in no way incorrectly placed this house intentionally.
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.** When the new construction was being considered, we met with the surveyor and showed him our thoughts on where the house should be positioned. Our considerations were for preserving the look of that beautiful neighborhood by position the house to save as many of the huge trees that are on the lot as possible. I feel like the surveyor was trying to take our requests for saving the trees into consideration when the house was placed and therefore just simply made a mistake. Since the house looks to be positioned in the middle of the lot, he just failed to double check his calculations. Also, I recently learned that there were changes to the zoning and setback requirements April 2022 and he may not have been aware of the new requirements.

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.

Kenda McCoy

Printed name of Applicant



Signature of Applicant

08/25/2023

Date

Kensley McCoy

Printed name of Owner

Kensley McCoy

Signature of Owner

08/25/2023

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: _____

Adjacent property owners:

**Max and Constance Haithcox
Parcel 09-339-048
2105 Wilson Ave
Monroe**

704-651-0248

Max and Constance Haithcox
2105 Wilson Avenue
Monroe, NC 28110
chaithcox@gmail.com
M: 704-651-0248

Monday, August 28, 2023

City of Monroe Planning & Development Department
300 W. Cromwell Street
Monroe, NC 28111

Subject: Letter of Support for Property Variance Application – Kendra McCoy – Parcel 09339050 located on Wilson Avenue, Monroe, NC 28110

Dear City of Monroe Planning & Development Division,

I am writing to express my strong support for the property variance application submitted by Kendra McCoy for Parcel 09339050 located on Wilson Avenue, Monroe, NC 28110. I believe that the requested variance aligns with the best interests of the neighborhood and the overall objectives for both property owners.

Having reviewed the details of the minor variance application, I am convinced that the proposed changes are reasonable for all affected parties. The minor variance being sought is well within the norms of the area and will not have any adverse impact on the character or aesthetics of the community. Moreover, the requested variance will not compromise safety, create an unreasonable precedent, or hinder the achievement of the city's long-term development goals.

It's evident that the applicant has taken into consideration the potential implications of the variance on the adjacent properties and has made efforts to mitigate any potential adverse effects.

I wholeheartedly encourage the City Planning Division to review this application favorably and grant the requested minor variance to Kendra McCoy for parcel #09339050.

Thank you for considering my perspective on this matter as the adjoining property owner. I trust that your decision will be well-informed and will contribute to the betterment of the Helms Park community as a whole. If you require any additional information or clarification, please feel free to contact me at chaithcox@gmail.com or 704-651-0248.

Sincerely,

Constance W. Haithcox

Constance W. Haithcox
cc: Kendra McCoy

Monroe which may not be served by public water or sewer and are not appropriate for higher densities. RLD is intended to allow for single family homes on larger lots and may permit compatible uses as permitted in Section 7: Permissible Uses and Standards.

- B. **Standards.** The standards that apply to RLD districts, which are intended to protect the character of the rural land use area and promote larger lot single family residential development, are defined in Table 4.2.2. below.
- C. **Density.** Maximum permitted density is two (2) dwelling units per acre.

Table 4.2.2. RLD District Development Standards Table

RLD District Development Standards Table		
Building Height		Maximum 3 Stories
Density		Maximum 2 Units / Acre
Setbacks ¹	Front	25'
	Side	15' (interior lot) 20' (corner lot)
	Rear	20' (interior lot) 25' (through lot)
Lot	Width	100' Minimum
	Area	20,000 Square Feet Minimum
	Coverage	20% Maximum
Open Space		See Section 8.8: Open Space

APO Map

**RLD "2109
Wilson Avenue"**

Legend

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

**Owner:
Kensley McCoy**

Acres: 0.505



0 150 300
Feet



ACCTNO	OWNERNAME1	OWNERNAME2	OWNERADDRE	OWNERCITY	OWNERSTATE	OWNERZIP
09339047	STRIDER JOHN DAVID		2101 WILSON AVE	MONROE	NC	28110
09339051	BAREFOOT REALTY LLC		2509-A COUNTRYSIDE LN	MONROE	NC	28110
09339053	WAGGLE JASON M		2117 WILSON AVE	MONROE	NC	28110
09339092	MOLINA RAMON AGUILAR	APOLINAR SARI OCAMPO	2102 WILSON AVE	MONROE	NC	28110
09339087	SMITH DAVID ALAN		2118 WILSON AVE	MONROE	NC	28110
09339038A	COMER CAROL STARNES HESS	YATES JOAN STARNES	PO BOX 46	CHERAW	SC	29520
09339038C	BOLICK ROBERT A	BOLICK TERRIE R	2080 MELODY DR	MONROE	NC	28110
09339048	HAITHCOX CONSTANCE W	HAITHCOX MAX G	2105 WILSON AVE	MONROE	NC	28110
09339091	ANDRADE AGUSTIN ANDRADE	HERNANDEZ TEREZA CRISTINA	2106 WILSON AVE	MONROE	NC	28110
09339050	MCCOY KENSLEY		1003 WOODURST DR	MONROE	NC	28110
09339057	HELMSMAN HOMES LLC		PO BOX 3965	MOORESVILLE	NC	28117
09339088	GALLEY BENJAMIN J	GALLEY BRITTANY B	2114 WILSON AVE	MONROE	NC	28110
09339086	SMITH DAVID ALAN		2118 WILSON AVE	MONROE	NC	28110
09339056	VICENTE ARMANDO		3409 SCOTTY LANE	MONROE	NC	28110
09339058	HELMSMAN HOMES LLC		PO BOX 3965	MOORESVILLE	NC	28117
09339055	TURNER JIMMIE W		3407 SCOTTY LN	MONROE	NC	28110
09339089	NICHOL MICHAEL R		2110 WILSON AVE	MONROE	NC	28110



STAFF REPORT

Case # PLZNA 2024-00076

TO: Board of Adjustment Members

DATE: October 26, 2023

FROM: Doug Britt, Senior Planner

PREPARED BY: Patrick Blaszyk, Planner

SUBJECT: A variance request by Wendy Love from the minimum front yard setback for the OM, Office Medical, District for property located at 304 South Charlotte Avenue.

SUMMARY STATEMENT

Wendy Love is requesting a variance from the minimum front yard setback for the OM, Office Medical, District in order to bring a house currently under construction into compliance with the District Development Standards as outlined in the City of Monroe's Unified Development Ordinance.

SITE DATA

Type of Action: Variance

Date of Petition: September 30, 2023

Name of Petitioner: Wendy Love

Location: 304 S. Charlotte Ave

Tax ID #: 09-232-151

Lot Size: 0.166 Acres

Current Zoning Classification: OM, Office Medical

PROPOSED FINDINGS

Proposed Findings:

1. The property located at 304 South Charlotte Avenue is owned by Love Construction Company Inc. and is zoned OM, Office Medical. (Exhibits 1, 2, and 3)
2. In June 2023, a building permit application was submitted for the construction of a single family detached home at 304 South Charlotte Avenue that listed, Love Construction

Company Inc. as the Contractor. A plot plan for 304 South Charlotte Avenue was also submitted by the Love Construction Company Inc. (Exhibits 4, 5, and 6)

3. The Building Permit for the home was issued in July 2023 by the City of Monroe Permit Center. In this permit, all building setback information was listed under a Miscellaneous Condition. (Exhibit 7)
4. In September 2023, the applicant contacted the Planning Department after the foundation survey was conducted. It displayed that the front yard setback was only 14.2' and not the required 15' required by the OM Zoning District. (Exhibit 8)
5. A variance application was submitted in September 2023 by Wendy Love, requesting a variance amount of 10" from the minimum front yard setback of the OM, Office Medical, District in order for the house under construction to meet the district's development standards. (Exhibit 9)
6. Table 4.3.1. OM District Development Standards Table of the Unified Development Ordinance (UDO) states in relative parts:

Setbacks: Front: 15'
(Exhibit 10)

7. The applicant has submitted photos of the current conditions of the site. (Exhibits 11 & 12)
8. The applicant submitted maps displaying the setback distances of the adjoining lots. (Exhibits 13 & 14)
9. All adjacent property owners have been notified of the proposed variance. (Exhibit 15 & 16)

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.

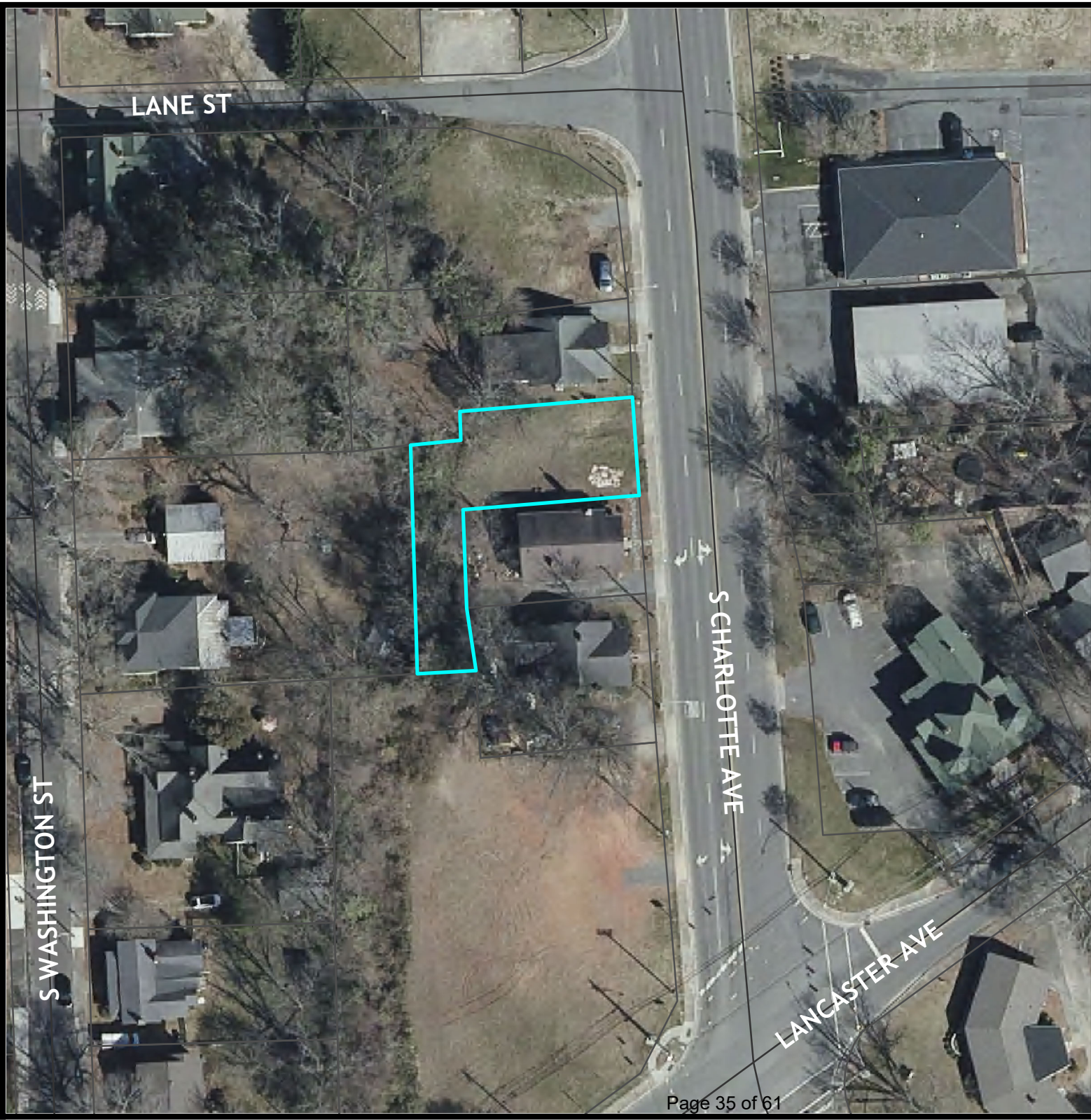
(b) It is the Board's CONCLUSION, that in granting of the variance, the public safety (will/will not) be secured and substantial justice (will/will not) be achieved.

THEREFORE, on the basis of all foregoing, IT IS ORDERED that the application Variance PLZNA 2024-00076 be (**approved/denied**).

Exhibits:

- Exhibit 1: Ortho Map
- Exhibit 2: Zoning Map
- Exhibit 3: Deed to Property
- Exhibit 4: Building Permit Application
- Exhibit 5: Subcontractor Authorization Form
- Exhibit 6: Original Plot Plan
- Exhibit 7: Issued Building Permit
- Exhibit 8: Foundation Survey
- Exhibit 9: Variance Application
- Exhibit 10: Table 4.3.1 of UDO
- Exhibit 11: Photo of Current Site
- Exhibit 12: Photo of Current Site 2
- Exhibit 13: 302 S. Clt Ave Example
- Exhibit 14: 306 S. Clt Ave Example
- Exhibit 15- APO Map
- Exhibit 16- APO List

Prepared by: PB 10/6/2023



Ortho Map

PLZNA-2024-00076

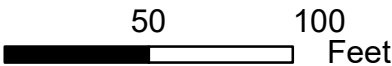
Legend

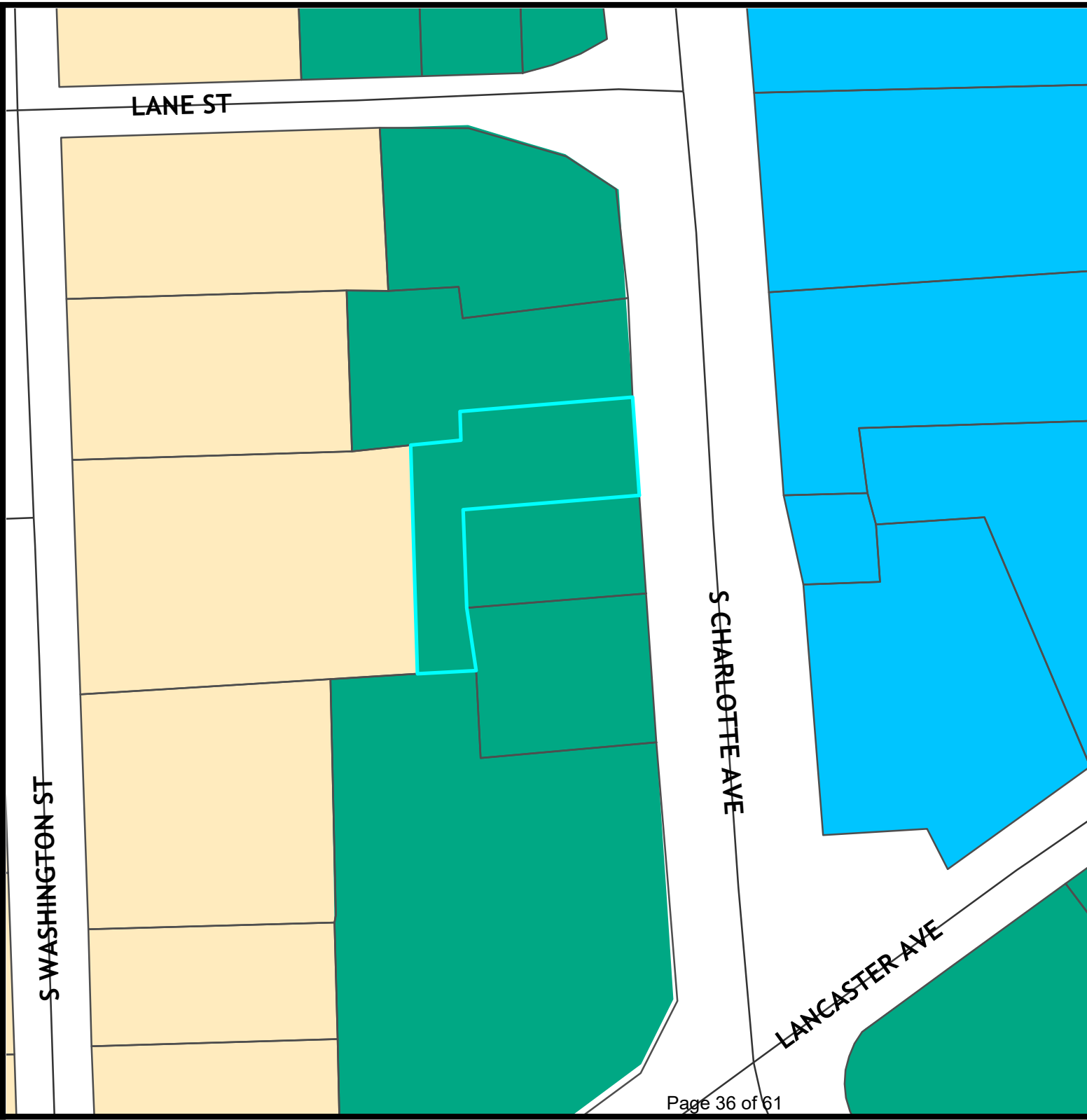
-  Centerlines
-  Parcels

**Existing: OM
(Office Medical)**

**Owner: Love Construction
Company Inc.**

Acres: .16





Zoning Map

PLZNA-2024-00076

Legend

Centerlines

Parcels

Zoning Districts

DG-MX

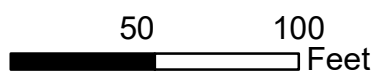
OM

RMD

Existing: OM
(Office Medical)

Owner: Love Construction
Company Inc.

Acres: .16



FILED
UNION COUNTY, NC
CRYSTAL D. GILLIARD
REGISTER OF DEEDS
FILED Aug 09, 2023
AT 02:43 pm
BOOK 08760
START PAGE 0032
END PAGE 0034
INSTRUMENT # 19243
EXCISE TAX \$120.00
KSE

Excise Tax: \$120.00

Tax Lot No: _____ Parcel Identifier No. 09-232-151
Verified by _____ County on the _____ day of _____, 2023 by _____

Mail after recording to Helms Law Group, PA
This instrument was prepared by Nicole Price (sgf)
Brief Description for the index 304 Charlotte Avenue, Monroe, NC 28112

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made August 7, 2023 by and between

GRANTOR	GRANTEE
Lois Overcash McGuirt AKA Lois Diann McGuirt AKA Diann Overcash McGuirt (Widow), Individually and as Executor of the Estate of William Regan McGuirt (23-E-2235)	Love Construction Company, Inc. a North Carolina Corporation Property Address 304 S. Charlotte, Avenue Monroe, NC 28112 Mailing Address 1411 Love Road Monroe, NC 28110
Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.	

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Monroe, Monroe Township, Union County, North Carolina and more particularly described as follows:

See Exhibit “A”

All or a portion of the property herein conveyed ___ includes or X does not include the primary residence of a Grantor.

The property hereinabove described was acquired by will in estate file 23-E-2235 for William Regan McGuirt and William Regan McGuirt acquired by will in estate file 93-E-371 for Janette R. McGuirt. Janette R. McGuirt acquired by instrument recorded in Book 105, Page 67 and Book 163, Page 520, Union County Registry.

A map showing the above described property is recorded in Plat Book 1, Page 36.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

APPLICABLE ZONING; ANY EASEMENTS AND RIGHTS OF WAY FOR SERVICE LINES, ROADS AND UTILITIES AS MAY BORDER OR CROSS THE PROPERTY INCLUDING, IF APPLICABLE, THE SUBDIVISION STREETS AS SHOWN ON RECORDED PLAT; ANY EASEMENTS RESERVED IN THE RESTRICTIVE COVENANTS, INCLUDING HOMEOWNERS ASSOCIATION PROVISIONS; APPLICABLE RESTRICTIVE COVENANTS OF RECORD AND STREET ASSESSMENTS; 2023 REAL PROPERTY TAXES; SUBJECT TO MATTERS THAT COULD BE REVEALED BY A CURRENT ACCURATE PHYSICAL AND BOUNDARY SURVEY AND ACTUAL INSPECTION OF THE PROPERTY.

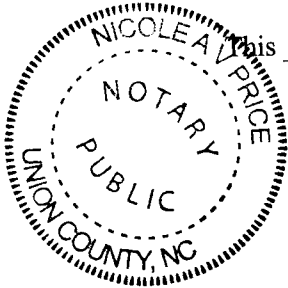
IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Lois Overcash McGuirt (SEAL)
**Lois Overcash McGuirt AKA Lois Diann McGuirt
AKA Diann Overcash McGuirt, Individually and as
Executor**

NORTH CAROLINA, UNION COUNTY.

SEAL-
STAMP

I, the undersigned, a Notary Public of the County and State aforesaid, certify that **Lois Overcash McGuirt AKA Lois Diann McGuirt AKA Diann Overcash McGuirt (Widow), Individually and as Executor of the Estate of William Regan McGuirt (23-E-2235),** Grantor, personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing instrument for the purpose stated therein and in the capacity indicated.



This 9 day of August, 2023.

Nicole Avrie Notary Public
(Typed or printed name of Notary)

My commission expires: 08-01-2026

Exhibit 'A'

Tract 1:

In the City of Monroe on Bickett Street and being Lot No. 8 in Block B, as shown on plat recorded in Plat Book 1, Page 36 in the office of the Register of Deeds of Union County, and being the same lot of land which was conveyed to T.L. Jerome and wife, to M. E. Conaway and Katherine Conaway Lee by deed dated January 19, 1938, recorded in Book 83, Page 307 and being the lot on which is located dwelling No. 304 Bickett Street.. The lot herein conveyed has a frontage on Bickett Street of 48.7 feet and runs back on one side 82.75 feet and on the other side 84.25 feet.

Tract 2:

BEGINNING at an iron stake, Dr. J. G. Faulk's property corner on the old A. J. Fowler line and runs thence with said old Fowler line S. 1 deg. E. 116.25 feet to an iron stake; a corner of the A. R. Smith (formerly Gillam Craig) property corner; thence with said Smith's line S. 89 deg. W. 25 feet to an iron stake, a new corner; thence a new line N. 1 deg. W. 116.25 feet to an iron stake on Dr. J. G. Faulk's line, a new corner; thence with said Faulk's line N. 89 deg. E. 25 feet to the beginning and being the same property as conveyed to C. H, Elliott and wife, Allie Mae M. Elliott, by deed dated February 19, 1947, and recorded in Deed Book 104, at page 448, in the Office of Register of Deeds, Union County, North Carolina.



Building Standards Department
BUILDING PERMIT APPLICATION

For Permit Center Use Only

Submittal Date: _____

Permit #: _____

Parcel: _____-_____-_____

Project Address: 304 S. Charlotte Ave. Monroe, NC 28112

Total Project Cost: \$ 210,000 Subdivision Name: _____ Lot: _____ Phase: _____

Owner/Tenant: Love Construction Company, Inc. (have contract to purchase lot. Will close lot before begin construction)

Address: 1411 Love Road City: Monroe

State: NC Zip Code: 28110 Phone No. (704) 283-4697

Property Use: Residential

Description of Proposed Work: Construction of new single-family home with deck and driveway/sidewalk

Heated SQ FT: 2204 Unheated SQ FT: 156 Porch

UTILITIES: ☒ New ☐ Existing

Power Company: City of Monroe

Gas Company: N/A

Electric Appliances: Heat pump(s), W/H, ranges

Gas Appliances: N/A

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).

Flood Plain: ☐ YES ☒ NO Historic District: ☒ YES ☐ NO Acreage: .159 No. of Stories: 2 with split foyer

Downtown: ☒ YES ☐ NO Site Improvement: ☒ YES ☐ NO

Water Supply: ☒ City ☐ County ☐ Private Well ☐ Community Sewer Type: ☒ City ☐ County ☐ Septic Permit

RESIDENTIAL

☐ Single Family ☐ Modular ☐ Duplex ☐ Apartment ☐ Accessory Building ☐ Addition ☐ Renovations ☐ Accessory

☐ Mobile Home: Year: _____ Make: _____ Size: _____
Serial #: _____

COMMERCIAL

Type of Construction: ☐ I-A ☐ I-B ☐ II-A ☐ II-B ☐ III-A ☐ III-B ☐ IV ☐ V-A ☐ V-B

Group: ☐ Assembly ☐ Business ☐ Educational ☐ Mercantile ☐ Factory/Industrial ☐ Institutional ☐ Storage

☐ Utility/Misc _____

CONTRACTOR(S):**BUILDING:** Love Construction Company, Inc.Address: 1411 Love Rd.City/St: Monroe, NC Zip 28110Phone: (704) 283-4697 Email: lovehomesnc@gmail.com**Contract Cost**\$ 210,000**NC License #:**20748**ELECTRICAL:** ☐ No ☒ Yes**MECHANICAL:** ☐ No ☒ Yes**PLUMBING:** ☐ No ☒ Yes

Sub contractors must complete their own application/ sub contractor forms.

- ALL INFORMATION MUST BE COMPLETED PRIOR TO APPLICATION BEING PROCESSED.
- WORK PERFORMED ON STRUCTURES USED FOR COMMERCIAL USE MAY REQUIRE PLANS OR MORE INFORMATION PRIOR TO ISSUING A PERMIT.
- THIS APPLICATION BECOMES A PERMIT ONLY UPON APPLICATION APPROVAL AND PAYMENT OF ALL FEES.

I certify that I am the property owner, am authorized to sign on behalf of the property owner, or am otherwise legally authorized to sign this application. If permits are granted, I hereby certify that all information in this application is correct and that all work will comply with the North Carolina State Building Code and all other applicable city ordinances, local laws and regulations of the State of North Carolina regulating such work and the specifications or plans submitted. The Building Standards Department will be notified of any changes in the approved plans and specifications for the projects permitted herein. I hereby affirm that the foregoing statements are accurate and correct to the best of my knowledge.

PRINT APPLICANT'S NAME: Love Construction Company, Inc. by: Wendy E. Love**APPLICANT'S SIGNATURE:** Wendy E. Love **DATE:** 06/27/2023**ADDRESS:** 1411 Love Rd **CITY:** Monroe **STATE:** NC **ZIP:** 28110**PHONE:** (704) 283-4697 **MOBILE:** _____ **FAX:** _____**EMAIL:** lovehomesnc@gmail.com**METHOD OF PAYMENT:** Cash ☐ Check ☐ Credit ☐ Existing A/R Account ☐

Permit Center
P.O. Box 69 Monroe, NC 28111
300 W. Crowell Street, Monroe, NC 28110
Telephone: (704)282-4524 **Fax:** (704)282-4735 **Email:** PermitCenter@monroenc.org



SUB CONTRACTOR AUTHORIZATION FORM

ADDRESS:

City of Monroe
Permit Center
P.O. Box 69
Monroe, NC 28110

FAX: (704) 282-4735

EMAIL: PermitCenter@monroenc.org

PHONE: (704) 282-4524

Permit #: _____

Project Name: 304 S. Charlotte Hwy Monroe, NC 28112

Project Address: 304 S. Charlotte Hwy Monroe, NC 28112

I, FREDIE MEDLIN, of MEDLINE ELECTRIC CO INC do
(Print Name) (Sub Contractor Company Name)

hereby authorize Love Construction Company, Inc. to be my agent for the purpose of
(General Contractor Company Name)

filing application for the issuance of a/an Electrical permit at the address
(Trade Type - Plumb, Mech, Elec)
listed above on my behalf.

NC license #: 11276-U

Email Address: medeleco@aol.com

NOTE: We cannot accept this form without it being completed in its entirety.

I also agree that all work done shall comply with the N.C. State Building Code and all other applicable State and local laws. I warrant that I possess the corporate or other organizational power to grant the authorization stated herein and that all requisite action of my company's management and/or governing body has been taken to enable me to make such authorization.

Fredie Medlin

Signature

FREDIE MEDLIN

Print Name

PASSIDENT-OWNER

Print Title

6-20-23

Date

March 25, 2014



SUB CONTRACTOR AUTHORIZATION FORM

ADDRESS:

City of Monroe
Permit Center
P.O. Box 69
Monroe, NC 28110

FAX: (704) 282-4735

EMAIL: PermitCenter@monroenc.org

PHONE: (704) 282-4524

Permit #: _____

Project Name: 304 S. Charlotte Hwy Monroe, NC 28112

Project Address: 304 S. Charlotte Hwy Monroe, NC 28112

I, G. Michael Love, of Love Plumbing & Air Conditioning do
(Print Name) (Sub Contractor Company Name)

hereby authorize Love Construction Company, Inc. to be my agent for the purpose of
(General Contractor Company Name)

filing application for the issuance of a/an Mechanical permit at the address
(Trade Type - Plumb, Mech, Elec)

listed above on my behalf.

NC license #: 16090

Email Address: mikel-1PAC@Carolina.RA.com

NOTE: We cannot accept this form without it being completed in its entirety.

I also agree that all work done shall comply with the N.C. State Building Code and all other applicable State and local laws. I warrant that I possess the corporate or other organizational power to grant the authorization stated herein and that all requisite action of my company's management and/or governing body has been taken to enable me to make such authorization.

G. Michael Love
Signature

G. Michael Love
Print Name

Pres
Print Title

6-22-23
Date



SUB CONTRACTOR AUTHORIZATION FORM

ADDRESS:

City of Monroe
Permit Center
P.O. Box 69
Monroe, NC 28110

FAX: (704) 282-4735

EMAIL: PermitCenter@monroenc.org

PHONE: (704) 282-4524

Permit #: _____

Project Name: 304 S. Charlotte Hwy Monroe, NC 28112

Project Address: 304 S. Charlotte Hwy Monroe, NC 28112

I, G. Michael Love of Love Plumbing + Air Conditioning do
(Print Name) (Sub Contractor Company Name)

hereby authorize Love Construction Company, Inc. to be my agent for the purpose of
(General Contractor Company Name)

filing application for the issuance of a/an Plumbing permit at the address
(Trade Type - Plumb, Mech, Elec)
listed above on my behalf.

NC license #: 16090

Email Address: Mikel-IPAC@CAROLINA-RR.COM

NOTE: We cannot accept this form without it being completed in its entirety.

I also agree that all work done shall comply with the N.C. State Building Code and all other applicable State and local laws. I warrant that I possess the corporate or other organizational power to grant the authorization stated herein and that all requisite action of my company's management and/or governing body has been taken to enable me to make such authorization.

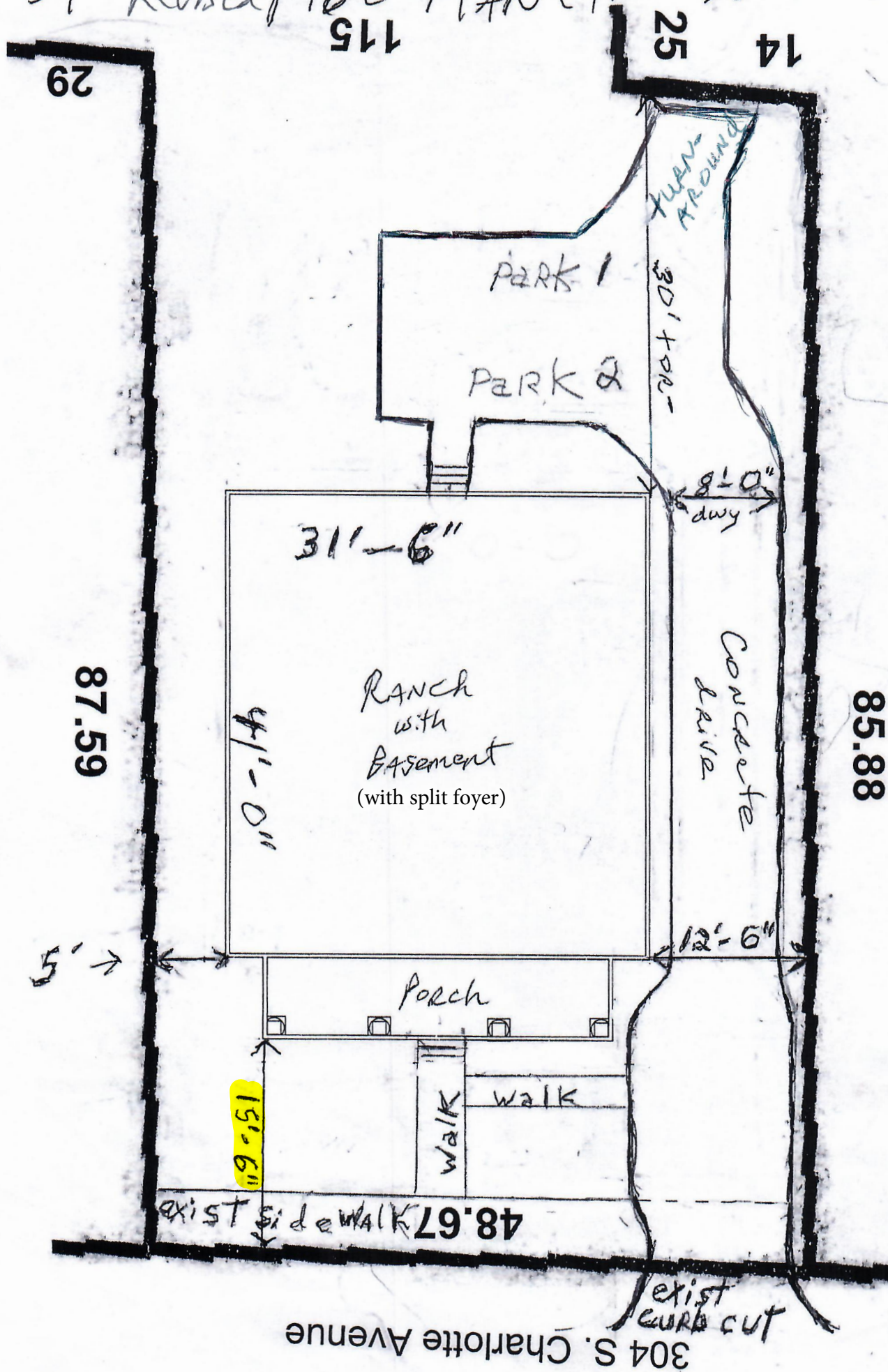
G. Michael Love
Signature

G. Michael Love
Print Name

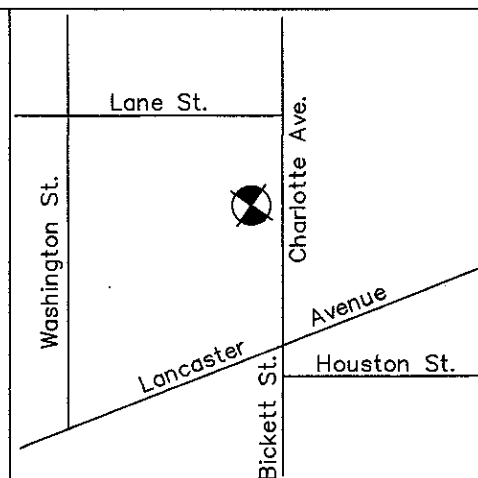
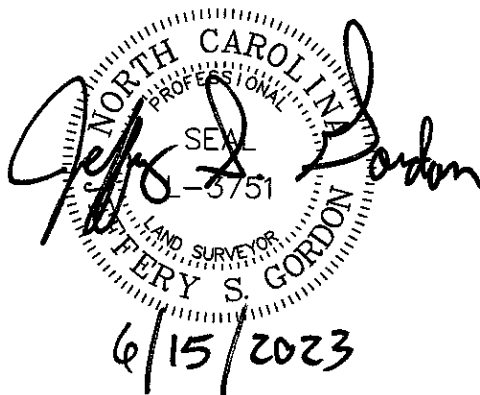
Pres
Print Title

6-22-23
Date

1" = 1' Revised Plot PLAN (front section of lot)

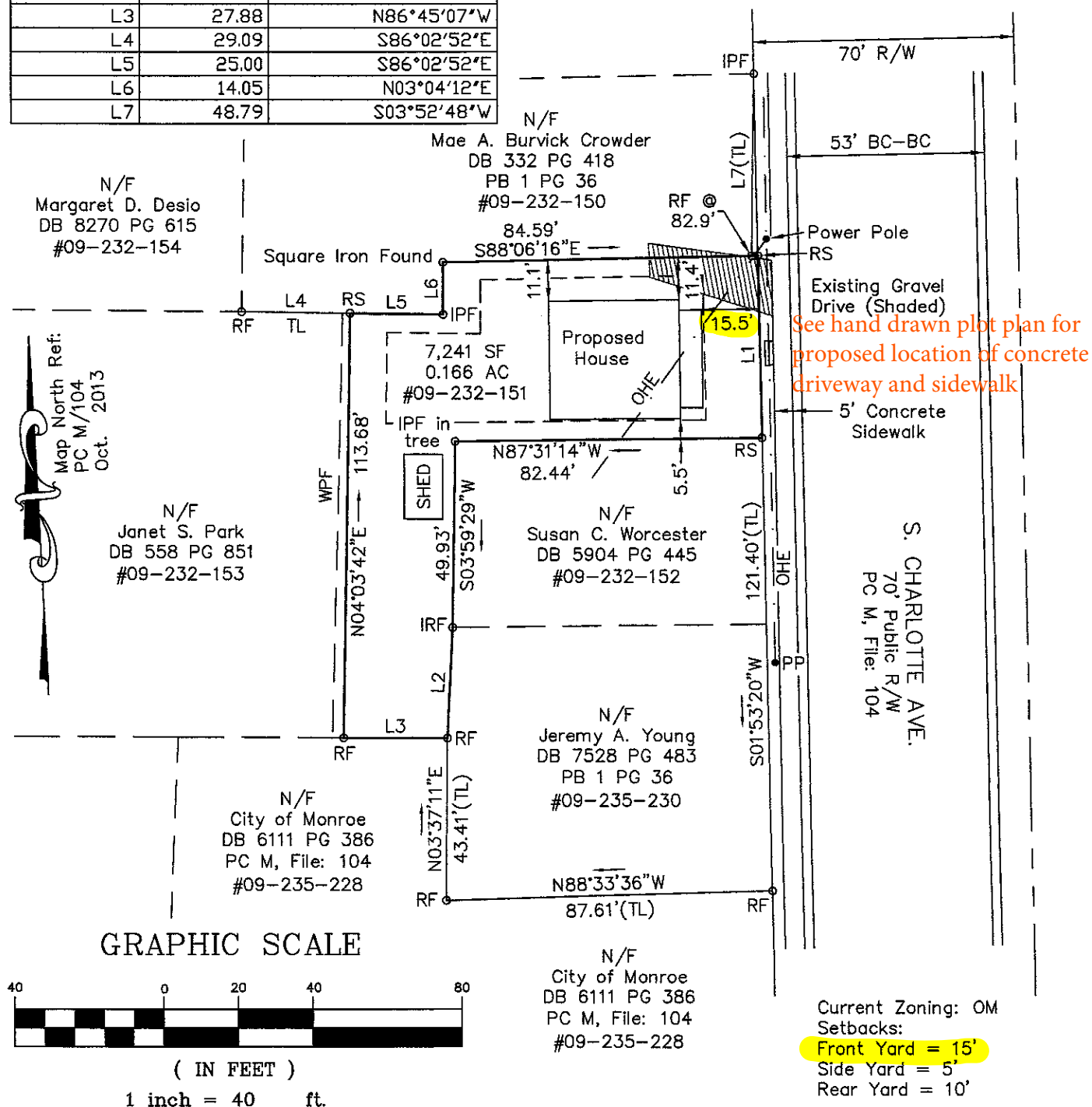


RF - Rebar Found
RS - Rebar Set
IPF - Iron Pipe Found
#09-232-151 - Tax I.D.
IRF - Iron Rod Found
TL - Tie Line
N/F - Now or Formerly
DB - Deed Book
PG - Page
PC - Plat Cabinet
PB - Plat Book
Tot. - Total
SF - Square Feet
AC - Acres
R/W - Right of Way
WPF - Wood Privacy Fence
OHE - Overhead Electric Line



THIS PROPERTY IS NOT SUBJECT TO
A FEMA REGULATED FLOOD HAZARD
ZONE AS PER THE NFIP, FIRM MAP,
NO. 3710543500J, PANEL 5435,
EFFECTIVE DATE: OCT. 16, 2008.

LINE TABLE		
LINE	LENGTH	BEARING
L1	48.70	S01°53'20"W
L2	29.71	S05°48'22"W
L3	27.88	N86°45'07"W
L4	29.09	S86°02'52"E
L5	25.00	S86°02'52"E
L6	14.05	N03°04'12"E
L7	48.79	S03°52'48"W



Jeffery S.
Gordon
Surveying

Boundary & Plot Plan Survey of:
#304 S. CHARLOTTE AVENUE
Property of: William R. McGuirt
Legal Ref: DB 105 PG 67, DB 163 PG 520
PB 1, PG 36, W93E - 371
City of Monroe, Monroe Twsp., Union County, N.C.
Scale: 1" = 40' Date: 15 June 2023
Jeffery S. Gordon, PLS, L-3751
1394-B Walkup Ave, Monroe, NC 28110 (704)
Dwg. File: #5\CharlotteAveS304.dwg

REF:

(704) 283-9726



New 1 or 2 Family Dwelling or
Townhouses
Monroe, NC

Permit No: PRSF202400001

ISSUED

July 25, 2023

Job Address	304 S CHARLOTTE AVE, MONROE, NC 28112
Owner	MCGUIRT WILLIAM REGAN 4915 MAGGLUCCI PL CHARLOTTE, NC 28227
Applicant	LOVE CONSTRUCTION COMPANY INC. 2675 OLD CHARLOTTE HIGHWAY MONROE, NC 28110 (704) 283-4697
Contractor	LOVE CONSTRUCTION COMPANY INC. 2675 OLD CHARLOTTE HIGHWAY MONROE, NC 28110 (704) 283-4697 MEDLIN ELECTRIC COMPANY INC., FREDDIE MARTIN MEDLIN 5310 SIKES MILL ROAD MONROE, NC 28110 (704) 533-9710 LOVE PLUMBING & A/C CO.(Mech), LOVE, GARY MICHAEL 2602 OLD CHARLOTTE HIGHWAY MONROE, NC 28110 (704) 289-4528 LOVE PLUMBING & A/C CO.(Mech), LOVE, GARY MICHAEL 2602 OLD CHARLOTTE HIGHWAY MONROE, NC 28110 (704) 289-4528
Description:	New single-family home construction

Parcel #	Type of Construction	Zoning	# Of Units	Fee Amount
09232151	New			\$1,565.02

Building Components:

Description	Units	Quantity
Detached (Heated)	SQ FT	2360
HVAC System	SQ FT	2360
Electrical Wiring	SQ FT	2360
Temp Saw Pole	QTY	1
Plumbing System New/Alteration	SQ FT	2360
Site Plan (Residential) New	QTY	1

Total Value of Work:	\$210,000.00
-----------------------------	--------------

A building permit issued pursuant to N.C. General Statute 160D-1111 expires by limitation six months, or any lesser time fixed by ordinance, after the date of issuance if the work authorized by the permit has not been commenced. If, after commencement, the work is discontinued for a period of 12 months, the permit shall immediately expire. No work authorized by any building permit that has expired shall be performed until a new permit has been secured. Provided, however, the above named party complies with all of the regulations as set out in the Building and Zoning Ordinances as are now in effect or that may be enacted during the time this permit is in effect.

Any violations of Ordinances and Building Codes if not corrected will automatically cancel this permit.

The permit holder is to ensure that all construction meets the current North Carolina Building Code and local laws, and is responsible for any code violations that may be discovered during inspection that result in any changes that may require reconstruction.

The issuance of this permit does not relieve the property owner from complying with the City of Monroe's minimum housing code or suspend any associated enforcement actions.

Catherine Mullis

Permitting Official
Monroe, NC

SIGNED: _____

Bryan Mullis

Chief Building official

Permits included on this application:

Building
Mechanical
Electrical
Plumbing
Zoning

Conditions:

Lien Agent / Workers Comp Form Required

Lien Agent / Workers Comp Form Required

Misc Conditions

The Historic District approved the construction of a new house at this location with the following conditions:

The driveway was approved as concrete; however, it must be stained an earth tone color.

The windows must be wood windows.

The front door must be wood, like the example shown at the meeting (the rear doors may be steel as proposed).

The siding was approved as submitted to be fiber cement

The roofing was approved as submitted to be asphalt shingles

The columns were approved as submitted - Azek square tapered columns with brick base

The rear deck was approved as submitted with composite deck boards and wrought iron railing

PL - Zoning inspection (for certificate of occupancy)

All zoning requirements must be inspected by the zoning officer prior to requesting a certificate of occupancy if required.

Please call 704.282.4524 to schedule a zoning inspection.

PL - Foundation Survey

For Single Family Residential uses, a Foundation Survey shall be required no later than 10 days after the foundation has been poured.

Misc Conditions

The building setbacks are as follows:

Front: 15-feet

Sides: 5-feet

Rear: 10-feet

PL - New Residential

1. All disturbed areas shall be seeded with grass and covered with straw or be sodded

2. All construction equipment and debris must be removed from the site prior to the zoning inspection

3. The driveway must be paved from the road to the garage and must be able to accommodate at least 2 vehicles.

ES3 - EL Meter

Electric meter must be located within 5 feet of front corner of the home or building that corresponds with the location of the transformer or secondary hand box.

ES1 - NC One Call

NC ONE Call – Please call NC One Call at 811 prior to excavation activities. Any conflict with utilities must be resolved prior to the work. Others such as the applicant or owner will be responsible for cost to protect City utilities facilities and/or relocation of the facilities as determined by the City.

Misc Conditions

NC ONE CALL

Applicant is to call NC ONE CALL AT 800-632-4949 to locate all utilities prior to digging.

- No permanent structures, fences, extensive landscaping or trees shall be placed within 10-feet of a water main or within 15-feet of a sanitary sewer main.

- Any grading resulting in depth of cover over existing water or sewer mains shall require written approval from the Water Resources Department.

- Any conflicts with existing mains or appurtenances shall be brought to the attention of the Water Resources Engineer for review and approval and resolved at the Developer's expense.

WATER RESOURCES STANDARD CONDITIONS

Building Sewer Elevations

- Permittee shall be responsible for establishing building sewer elevations satisfactory to meet city's tap location and depth as well as satisfy NC plumbing code.



- If necessary, permittee shall furnish and operate a lift pump as part of building sewer at his/her expense.

It is the permittee's responsibility to arrange on on-site inspection with the City of Monroe if there are questions about the location or depth limits on the city's sewer tap.

Building Sewer Backwater Valve

- Permittee shall require his/her plumber to determine if a backwater valve on building sewer or drain(s) are required in accordance with the NC state building code.
- If required by plumbing inspector, the plumber shall provide a backwater valve certification to plumbing inspector that plumber has determined elevation of closest upstream manhole of public sewer is below the elevation of all plumbing fixtures installed.
- Plumber should call 704-282-4601 if assistance from city in locating manhole is required.

Irrigation System(s)

- Pursuant to North Carolina GS 143-355.4, all new in-ground irrigation system installed in the City of Monroe shall be connected to a separate water meter.

Driveways / Structures

- Driveways and/or structures shall be located six (6) feet away from fire hydrants if located on property.

Grading

- Any grading resulting in grade changes around fire hydrants shall require fire hydrants be adjusted at the developer's/builder's expense.

Meter Boxes / Sewer Cleanouts

- No meter box or sewer cleanout shall be located within the driveway. Any conflicts shall require the developer/builder to pay for the services to be relocated.
- Meter box shall be level and free from dirt and debris.
- Sewer cleanouts shall be located outside of any low lying areas not subject to runoff.
- Sewer cleanouts shall be at final grade to avoid future damage that can result from mowers and general lawn equipment.

WATER RESOURCES FEES

- A fee sheet for water and sewer service has been uploaded to the CityView document cabinet.
- Note: Tapping and capacity fees are calculated in accordance with the City of Monroe fees schedule in effect as of the date of execution of this form. However, final determination of capacity fees and tapping fees shall be assessed on the date fees are paid in accordance with the City of Monroe fees schedule in effect on such date.

WATER METER REMOVAL AND UNAUTHORIZED TAKING OF WATER PROHIBITED

- Builder is expected to strictly adhere to the Monroe Code of Ordinances, Chapter 53, Section 53.01 regarding unauthorized taking of water. Citations will be issued when the Code is violated.

Misc Conditions

PRIOR TO CERTIFICATE OF OCCUPANCY AND INSPECTIONS

- Comparison of the water & sewer systems approved design plans with the lot plan provided here indicates there may be a conflict of the driveway and the water meter & sewer cleanout
- Per the City of Monroe Specifications for water main construction, Section 09.01.05, "If an installed water and/or sewer service is in conflict with a proposed driveway, the service will be required to be relocated at the Developer's expense."

Additional comments have been provided to the Engineer and Permittee throughout the permitting process and approved permitted plans regarding services shall not be within driveways.

****ANY CONFLICT FOR WATER AND SEWER SERVICES WITHIN DRIVEWAYS WILL REQUIRE SERVICES TO BE RELOCATED AT THE DEVELOPER'S EXPENSE.****

Photo documentation must be provided by email to the Water Resources Project Manager clearly demonstrating the following:

- (1) The water meter box and sewer cleanout are not within the driveway or sidewalk.
- (2) A view of the house number, must be clearly visible in the photo.
- (3) The meter box must be level, at grade, cleaned out, and the lid must be identifiable as an approved City of Monroe lid.
- (4) Sewer cleanout must be at final grade in order to minimize future impact of damage by mowers.
- (5) Clearly identify the water meter number in the meter box.

The email subject line shall be as follows: D/W Insp. Photos – Street Address, Subdivision Name

Contact Cole Hancock at whancock@monroenc.org or (704) 282-4613 for questions or to submit photo documents.

*****PROPER DOCUMENTATION MUST BE PROVIDED PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY*****

Review Comments:

Verify Application/Submittals - Catherine Mullis

Verify Condition Submittal - Catherine Mullis

Engineering - Erosion Control Review - Zach Ross

Energy Services Review - Rob Miller

External Agencies Review - Catherine Mullis

Planning and Zoning Review - Keri Mendler

Water Resources Review - William "Cole" Hancock

Plumbing - Other - William "Cole" Hancock

- INSPECTIONS TO BE ENTERED (These can be entered as one comprehensive inspection or as individual inspections).

Driveway inspection to confirm water meter box and sewer clean out are not impacted by driveway concrete placement. Photo can be submitted anytime between when the forms for driveway and sidewalk are placed and 2 weeks prior to property closing.

Sewer Cleanout inspection to confirm cleanout is at final grade w/acceptable cap. Photo(s) should be submitted after fine grading of lot (approximately 2 weeks prior to requesting the CO).

Water Meter Box & Lid to confirm they are undamaged and meet City of Monroe Specifications. Photos should be submitted after fine grading of lot (approximately 2 weeks prior to requesting the CO).

Water Meter identifying number to confirm correct meter is installed at the correct address.

Verify Final Review Status - Catherine Mullis

Stamp Approved Plans - Catherine Mullis

Waiting for Fee Payment - Catherine Mullis

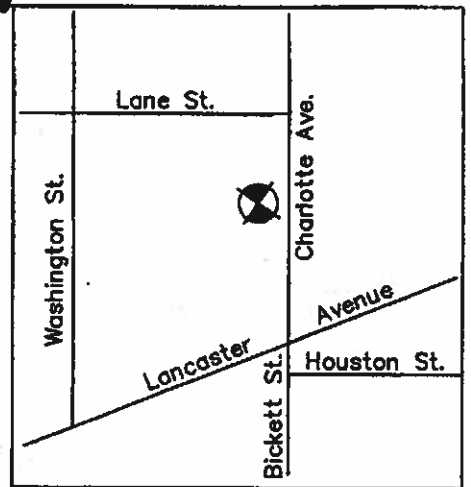
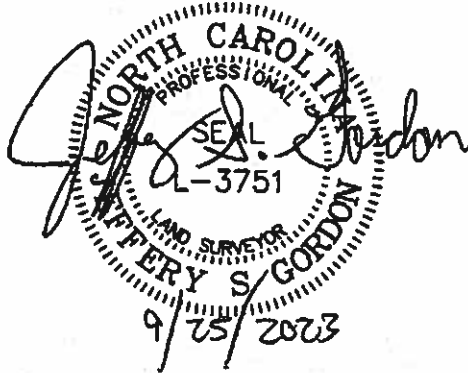
Generate/Issue Permit(s) - Catherine Mullis

Foundation

LEGEND

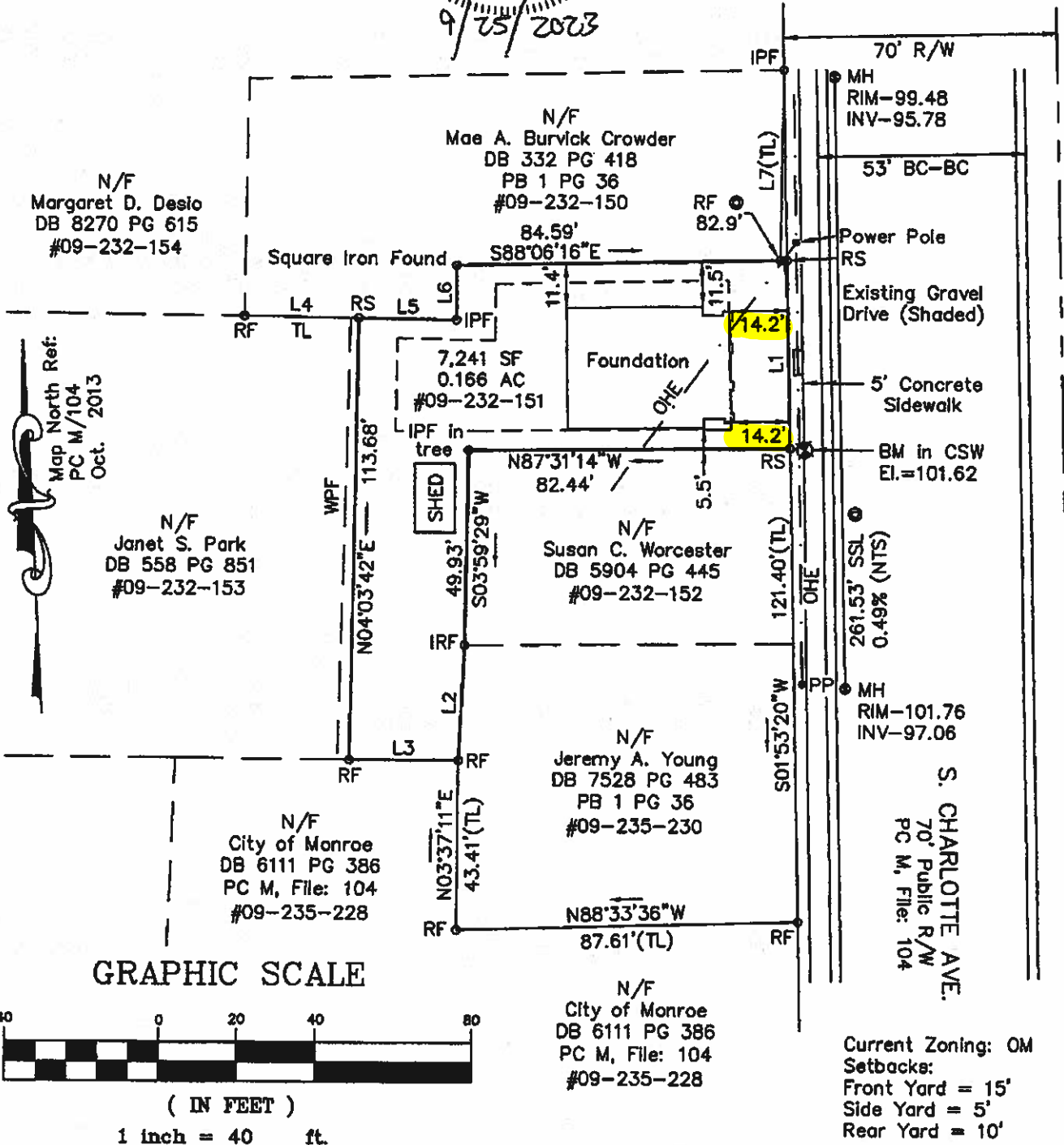
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IRF - Iron Rod Found
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N/F - Now or Formerly
DB - Deed Book
PG - Page
PC - Plat Cabinet
PB - Plat Book
Tot. - Total
SF - Square Feet
AC - Acres
R/W - Right of Way
WPF - Wood Privacy Fence
OHE - Overhead Electric Line
MH - Man Hole
INV. - Invert
BM - Benchmark
CSW - Concrete Sidewalk
NTS - Not to Scale
SSL - Sanitary Sewer Line

LINE TABLE		
LINE	LENGTH	BEARING
L1	48.70	S01°53'20"W
L2	29.71	S05°48'22"W
L3	27.88	N86°45'07"W
L4	29.09	S86°02'52"E
L5	25.00	S86°02'52"E
L6	14.05	N03°04'12"E
L7	48.79	S03°52'48"W



Vicinity Map (not to scale)

THIS PROPERTY IS NOT SUBJECT TO A FEMA REGULATED FLOOD HAZARD ZONE AS PER THE NFIP, FIRM MAP, NO. 3710543500J, PANEL 5435, EFFECTIVE DATE: OCT. 16, 2008.



Jeffery S.
Gordon
Surveying

Boundary & Foundation Survey of:
#304 S. CHARLOTTE AVENUE
Property of: Love Construction Company, Inc.
Legal Ref: DB 8760 PG 032, PB 1, PG 36
City of Monroe, Monroe Twsp., Union County, N.C.
Scale: 1" = 40' Date: 25 September 2023

REV:

Jeffery S. Gordon, PLS, L-3751

1394-B Walkup Ave, Monroe, NC 28110

(704) 283-9726

Dwg. File: #5\CharlotteAveS304-Monroe-Fnd.dwg

City of Monroe Variance Application Form

Applicant's Name: Love Construction Company, Inc.

Applicant's Address: 1411 Love Rd. Monroe, NC 28110

Property Owner's Name: Love Construction Company, Inc.

Property Owner's Address: 1411 Love Rd. Monroe, NC 28110

For Staff Use Only

Application #: _____

Date Submitted: _____

Approved: _____

Denied: _____

Legal Relationship of Applicant to Property Owner: Vice President of Owner

Contact Person Name and Phone Number: Wendy Love (704) 283-4697

Existing Use of Property: new infill single-family home under construction

Property Location: 304 S. Charlotte Ave. Monroe, NC 28112

Tax Map Number: 09 - 232 - 151 Lot Size: 0.166 Zoning District: OM

Ordinance section number to which a variance is being sought. UDO Section 4.3.1

Proposed variance description: The brick columns on the front porch exceed the front setback line by approximately 0.8 feet (~10 inches). As such, we are seeking a 10-inch reduction in the front setback requirements.

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.]

Our large brick porch column bases would have to be moved at very large expense. In addition to the expense, it will be difficult to do from a construction perspective. This is a basement home and the column bases come from below grade and are quite tall. Because of the very constrained nature of the site, it will be very hard to even get in to excavate around the column bases to remove them since they begin so far below the natural grade of the lot.

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

The building site is very compact due to being an infill lot in the Historic District. Even though the footprint of the house is small, we had to move it all the way forward on the lot to avoid a large tree that sat near the back corner of the house. It turns out that even moving the house all the way forward, we were not able to get far enough from the tree to save it. We ended up having to get a Certificate of Appropriateness from the Historic District to remove the tree because we damaged the roots because we did not have room to get around the house footprint in order to build the home without damaging the root system. The site was extremely constrained because of being an infill site and trying to preserve the tree

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

We did everything necessary to place the home properly within the prescribed setbacks. We had a survey done prior to applying for the building permit. We also had the surveyor to stake the house site off prior to beginning construction. We also had the foundation surveyed immediately after it was constructed and discovered this error. We acted in good faith and obtained all necessary surveys, building permits and Certificates of Appropriateness.

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.**

This variance request has no impact on public safety or property values. The structure being ~10" closer to the setback is negligible and will have no impact on adjacent properties. In fact, the surrounding homes sit closer to the street than this home does.

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.

Love Construction Company, Inc. by Wendy E. Love

Printed name of Applicant

Wendy E. Love
Signature of Applicant

9/30/2023
Date

Printed name of Owner Love Construction Company, Inc. by: Wendy E. Love

Wendy E. Love
Signature of Owner

9/30/23
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: _____

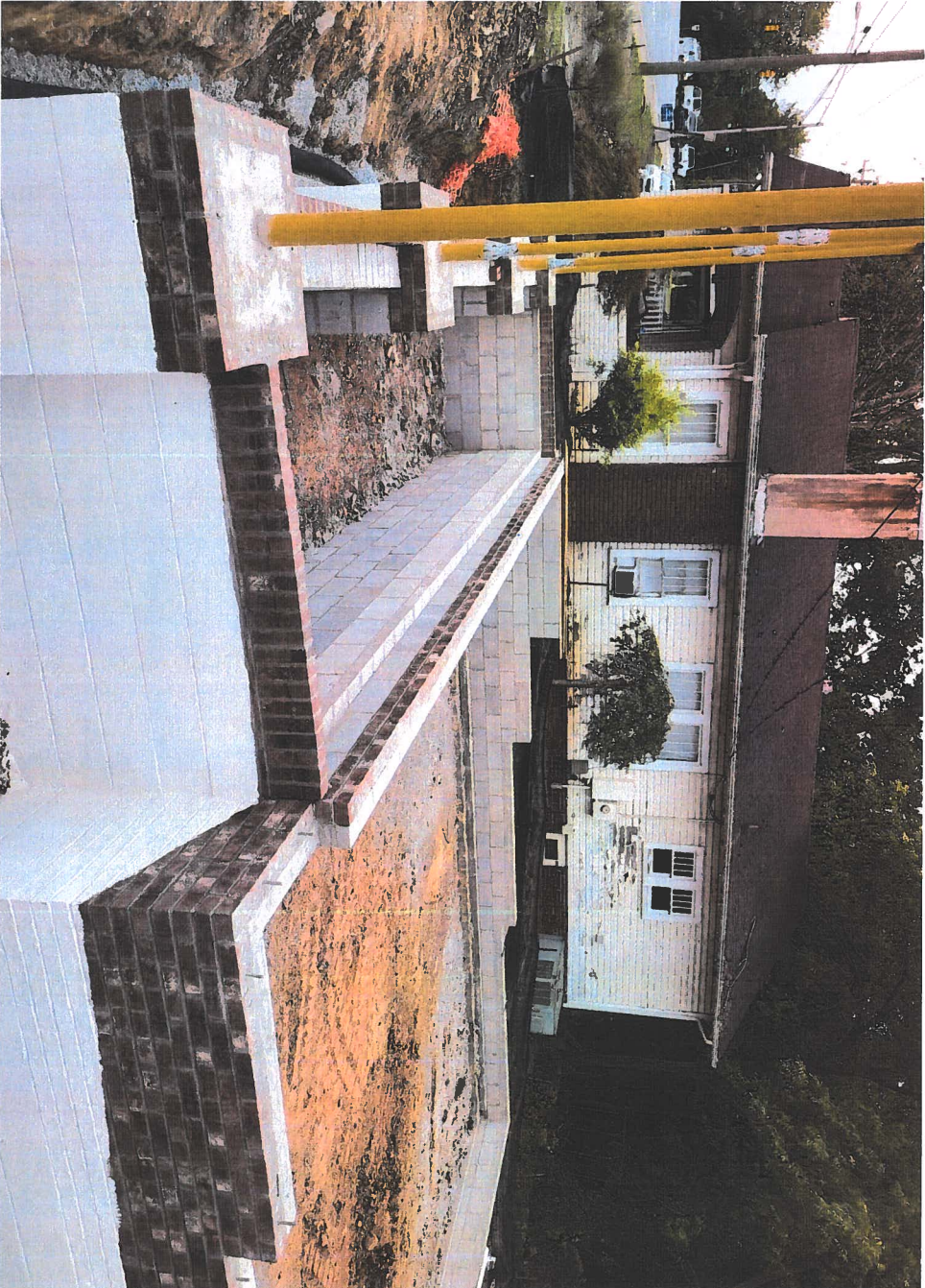
Table 4.3.1. OM District Development Standards Table

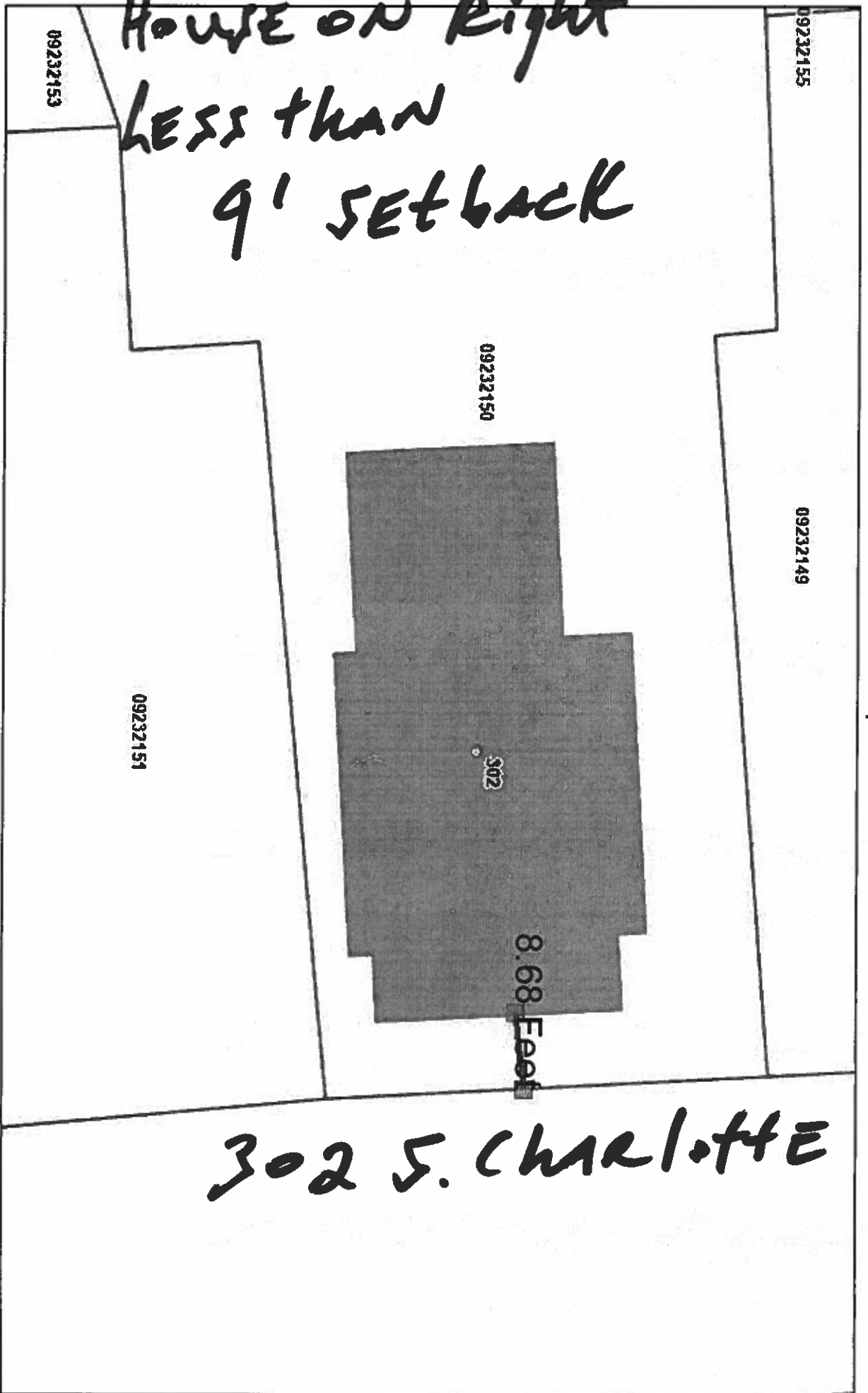
OM District Development Standards Table		
Building Height		Maximum 3 Stories (By Right) Maximum 4 Stories (By SUP)
Density		Maximum 6 Units / Acre
Setbacks ¹	Front	15'
	Side	5' (interior lot) 10' (corner lot)
	Rear	10' (interior lot) 20' (through lot)
Lot ²	Width	75' Minimum
	Area	7,500 Square Feet Minimum
	Coverage	50% Maximum
FAR ³		0.75 Maximum
Open Space		See Section 8.8: Open Space
Additional Standards	¹ In any area that is located outside a designated floodplain, but where a stream is located, no building or fill may be located within a distance of the stream bank equal to five times the width of the stream at the top of the bank or 35 feet on each side, whichever is greater.	

Columns are substantially below grade and are difficult to access because of site constraints



Columns are below grade and difficult to remove because of site size constraints and difficulty in being able to excavate around them





October 1, 2023

09232150

09232153

October 1, 2023

House on Left
Less than 9' setback

09232151

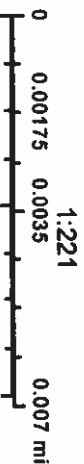
09232152

09235230

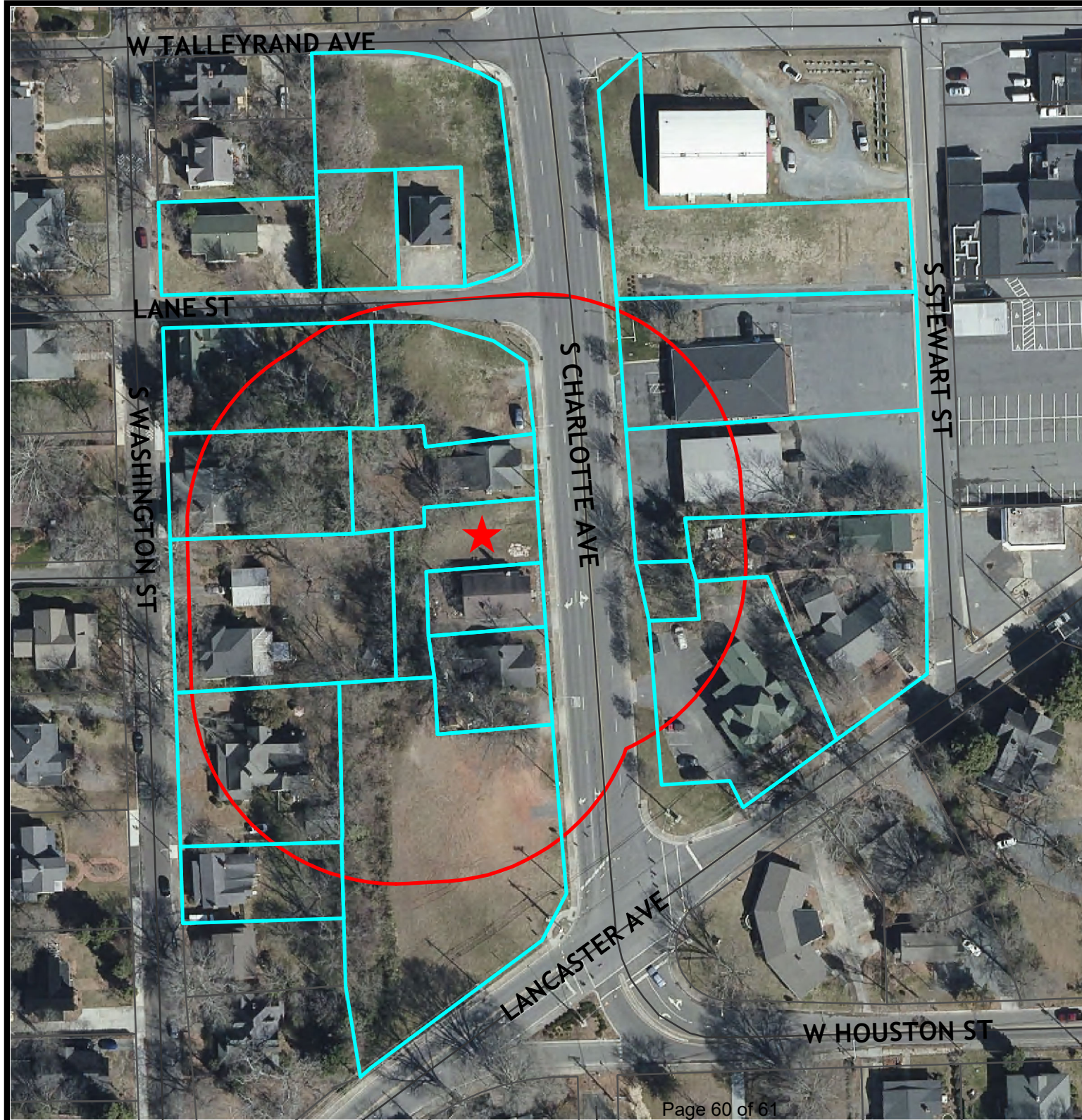
306

8.10 Feet

306 S. Charlotte



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



APO Map

304 S. Charlotte Ave.

Legend

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



ACCTNO	OWNERNAME1	OWNERNAME2	OWNERADDRE	OWNERCITY	OWNERSTATE	OWNERZIP
09232127	SMITH BEN	SMITH DAWN	200 LANCASTER AVE	MONROE	NC	28112
09232128	MESHEEHAN DJ	MESHEEHAN PHYLLIS A	2511 DOSTER RD	MONROE	NC	28112
09232150	CROWDER MAE AGNES BURVICK		1102 WOODLAND AVE	MONROE	NC	281125245
09232151	MCGUIRT WILLIAM REGAN		4915 MAGGLUCCI PL	CHARLOTTE	NC	28227
09232127A	SMITH BEN	SMITH DAWN	200 LANCASTER AVE	MONROE	NC	28112
09232154	DESIO MARGARET DAMON LIVING TRUST		305 S WASHINGTON ST	MONROE	NC	28112
09232155	THE B&B GROUP INC		5059 OVERCREST DRIVE	KANNAPOLIS	NC	28081
09232126	WKG PROPERTIES LLC		PO BOX 3200	MONROE	NC	28111
09232152	WORCESTER SUSAN C		306 S CHARLOTTE AVE	MONROE	NC	28112
09232153	PARKS JANET S		403 WASHINGTON ST	MONROE	NC	28112
09232149	BRADLEY ELITE PROPERTIES		3112 MEDLIN RD	MONROE	NC	28112
09235223	RICHARDS DONNA F	RICHARDS KEITH D	405 SOUTH WASHINGTON ST	MONROE	NC	28112
09235230	YOUNG JEREMY ALEXIS		308 S CHARLOTTE AVE	MONROE	NC	28112
09232126A	DANSEL HOLDINGS LLC		2118 CAROLINA PLACE DR	FORT MILL	SC	29708
09232142	GOLDFARB JILL PARKER	JASON TAYLOR	PO BOX 11982	CHARLOTTE	NC	28220
09232147	TSITOURIS CHRISTOPHER ERIC		4109 ROCKY RIVER RD S	MONROE	NC	28112
09235228	CITY OF MONROE		PO BOX 69	MONROE	NC	281110069
09232125	WKG PROPERTIES LLC		PO BOX 3200	MONROE	NC	28111
09232145	ZIMMERMAN NEAL	ZIMMERMAN SUSAN	207 SOUTH WASHINGTON ST	MONROE	NC	28112
09232146	BRADLEY CAROL		300 S CHARLOTTE AVE	MONROE	NC	28112
09235224	LAZARUS PROPERTIES LLC		400 LANCASTER AVE	MONROE	NC	28112