

**BOARD OF ADJUSTMENT
MEETING
THURSDAY, JULY 23, 2020
6:30 P.M.
Conference Room
300 West Crowell Street
Monroe NC**

AGENDA

- Item 1.** **Call to Order.**
- Item 2.** **Approval of Minutes** - Minutes of May 28, 2020 Meeting and June 25, 2020 Training Session.
- Item 3.** **Case #20-11000006** – The applicant, Jacob Tarlton, is requesting a Special Use Permit to allow a single family dwelling to be constructed at the property located at 610 John Street (Tax ID #09-228-127)
- Item 4.** **Case #20-11000007** – The applicant, Jacob Tarlton, is requesting a Special Use Permit to allow a single family dwelling to be constructed at the property located at 608 John Street (Tax ID #09-228-127A)
- Item 5.** **Training Video on Special Use Permits**
- Item 6.** **Next Meeting:** August 27, 2020
- Item 7.** **Adjournment**

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

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

**MINUTES OF THE
BOARD OF ADJUSTMENT MEETING
TRAINING SESSION
JUNE 25, 2020 at 6:30 P.M.
Council Chambers
300 West Crowell Street
Monroe NC**

To S. Laney – e-mailed 6-26-20

Item 1. Call to Order

Chairman George Massey called the June 25, 2020 meeting to order at 6:30 p.m.

Members Present: George Massey, Louis Philippi, Julius Marsh, Jr., William Draper

Members Absent: David Covington

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

Doug Britt said we have two (2) videos tonight, about 30 minutes a piece, *Making a Quasi-Judicial Decision and Evidentiary Hearings*. He said at any point you can ask questions. He said this Board is an evidentiary body. He said when there are cases before you, the only thing you are going to consider are the facts presented at the meeting itself. He said you cannot make decisions because it is warm and fuzzy. He said you have to provide support or a reason why you are supporting your decision. He said if somebody does not like your decision, there is no calling staff or the City Manager. He said your decision goes from the Board of Adjustment to the courts. He said when it goes to the courts, what they take is a copy of the minutes. He said when Maryann does the minutes, she does not do them verbatim. He said when she is doing the motions and your findings, she is doing them close to verbatim because if the minutes go to court, that is what they are taking.

Doug said there will be two (2) more videos to watch, a total of four (4) videos. He said we already have two (2) cases for next month's meeting. He said the cases will not take a lot of time, so we may be able to show one (1) video next month.

Mr. McCollum said the difference with this Board and City Council is legislature. He said they can talk to anybody, do anything, talk politics, etc. He said this Board is the judicial branch. He said we are like a court and the court hears what goes on in front of them. Doug said you can look at a site, but you cannot have a conversation with the applicant. He said the only conversation you may have is the conversation at the hearing. He said when staff goes to City Council to present projects, we do not swear in. He said when staff goes to Board of Adjustment, we have to swear in. He said it is just like Mr. McCollum said, it is just like a court hearing. He said the Board of Adjustment is a little more formal than the other Boards we deal with. He said, however, the Historic District Commission is also a quasi-judicial board and the only thing that you can consider is what is presented at the meeting itself.

Keri Mendler, Planner, distributed brochures on variances and special use permits. She said these will be reviewed in the later videos. She said the videos tonight are introductory into quasi-judicial decisions. She said in these brochures, on the back, there is a quick description as to what a variance and special use permit is as well as what we require an applicant to submit. She said if somebody comes in to apply for a special use permit or a variance, this is the brochure that we give them so that they may have a better understanding of what they are getting into.

Julius Marsh, Jr. explained that at the last meeting, he did not know what a variance was. Keri said the brochure will give you a good idea of what a variance is vs. a special use permit. She said Mr. McCollum is here tonight to answer any legal questions you may have and Doug and she are always in the office if you have other questions as well.

Mr. Massey said at one time this Board used to go to Mooresville for training sessions. Keri said this is probably very similar to that because the videos were done by the UNC School of Government and they do regional trainings. She said every other year they alternate between quasi-judicial and legislative proceedings. She said it is probably very similar but it is just in a video format.

William Draper asked if Board members were allowed to go out and take a look at a building or site prior to the hearing. Keri said you can, but you really should limit your interactions with individuals. Mr. McCollum said if you do that and you are considering that on your decision, you are supposed to state it on the record. He said technically, you could be asked questions about it. He said it almost makes you a witness and you don't want to become a witness. He said if the case goes to Superior Court and the lawyers found out that you considered something that was not on the record, that is the first thing they would attack.

William Draper asked if variances on the sign ordinance come before the Board of Adjustments. Doug said yes. Keri said any variances from the zoning code will go before this Board.

Julius Marsh, Jr. asked about the paperwork that is sent to Board members before each meeting. He asked if it would be okay to review this paperwork then go to the site in each case. Mr. McCollum said no. Keri said the videos go into this and hopefully answer any questions you may have.

Item 2. Two short training videos were presented to the Board: *Making a Quasi-Judicial Decision and Evidentiary Hearings*:

Making a Quasi-Judicial Decision: This module reviews how local government boards make quasi-judicial decisions as part of their land development regulations. The concepts discussed include: the two key parts of a quasi-judicial decision – determining facts and applying standards, the requirement for impartial decision-makers, use of conditions on approvals, the role of prior decisions in setting precedents, the mechanics of making a decision, and requirements for the decision document.

Evidentiary Hearings: This module reviews how local government boards conduct evidentiary hearings as a part of their land development regulations – a necessary step in making quasi-judicial decisions. The concepts outlined include: when an evidentiary hearing is required and why, the purposes of an evidentiary hearing, the roles of various persons at these hearings, actions taken prior to the hearing, conducting the hearing itself, and compiling the record of the hearing.

Item 3. **Questions/Discussion**

Mr. McCollum said in the first video, the City Council acted as the Board of Adjustment. Mr. McCollum said that the Statute does allow the Council to be the Board of Adjustment also. He said a lot of small towns do that. He said, however, it is not recommended because the Board of Adjustment should be an independent body.

William Draper said if public opinion does not have any bearing on the decision, would traffic, sewers, schools or community services have an effect on the decision. Mr. McCollum said it would depend on what the ordinance says, so yes it would. Doug said this Board is different from Council. He said Council does not hear any special use permits in the City of Monroe. He said if he, as a neighbor, complains about the traffic of a special use permit, that is not evidence. He said the Board of Adjustment in Monroe does not hear any special use permits where there is going to be a project such as a development. He said what you might get is an applicant wanting to do something and someone saying that he feels that might injure property values. He said this does not mean anything unless an appraiser states that and puts it into documentation that it will have an adverse impact on property values. He said with a special use permit, if it is anything other than residential, the applicant is required to have an appraisal or evaluation done by a certified appraiser that states whether the proposal is going to have an adverse impact on property values or not.

Mr. Massey said sometimes one of the questions is will it affect public safety. He said unless there is evidence that something has happened, we are assuming that it will not affect public safety based on our knowledge. Doug said Keri had an application for a proposed bar and that would be a situation where this Board would decide if this would affect public safety or not. He said sometimes you have the situation where someone just wants to build a house. He said if someone wants to build a house, there would have to be something very unique in order for this Board to say that it would affect public safety. He said when building a house, you are required to meet State building codes, etc. He said there are cases where public health and safety would come into play, depending on what is being applied for.

Mr. McCollum said if something arises where the petitioner wants to change his plans or agrees to some condition, you can ask that the decision be postponed. Louis Philippi asked if this Board can seek counsel from professionals. Mr. McCollum said we cannot, but they can talk to whoever they want. He said it would be the petitioner's responsibility to do that and then come back to this Board. Doug said the only thing to be considered by this Board is what is presented at the meeting. Louis Philippi said the burden is always on the petitioner to provide sufficient data to satisfy any concerns this Board may have. He said if the Board is not satisfied, he will not be granted a special use permit or variance. Doug said also, you could not table the hearing for staff to come up with more requirements. He said the requirements are what they are when they submitted the petition. He said if this Board does not like something, the ordinance cannot be changed. He said when a petitioner submits an application they are bound to follow the ordinance. He said you cannot change the requirements as you go through the process. He said staff gives the Board the requirements. He said staff gives the Board, in their packets, everything needed to make decisions.

McCollum said if there are some conditions, the parties might want a little more time to talk to staff to see if the condition would solve some problem. Doug said if some questions come up, the Board can table the hearing until next month and then additional information that you requested can be brought back.

Julius Marsh, Jr. said, for example, if one of the Board members was going to build something or start a business and needed permits, would he be able to vote on this matter. Mr. McCollum said no if the Board member needed a special use permit approved by this Board. He said if he didn't need a special use permit approved by this Board and just needed building permits from the City, there is no conflict.

Doug said staff does a lot of permits on a daily basis. He said you can apply for a fence, build a shed or building or build a house. Julius Marsh, Jr. said what if it is going to be a business. Doug said it would not matter. He said the only thing that would be a conflict, for example, if you were going to do an addition to your house and the addition did not meet the setbacks. He said you would then ask for a variance to vary from the rules of the City. He said this Board is the only board that would hear this variance request. He said you, as a Board member, would not be able to vote on that. He said if it is something that does not come before this Board, there would be no conflict.

Discussion was held on voting for a variance, which requires 4/5ths of the members of the entire Board. Doug said Joe will be at each meeting, as well as a City Attorney. He said they can assist this Board to make sure there are enough members at the meeting to grant or deny a variance.

Doug explained that we send out the packets for a meeting a week before the meeting, Thursday or Friday at the latest. He said Maryann will check with you to see if we have a quorum for the meeting. He said a few meetings ago we had variances requests and they could not be heard because we did not have a majority to grant the variance. He said it is important to let Maryann know if you are coming to the meeting. He said if you are not, that is fine. He said we can then plan to see if we have that quorum. He said during the meeting, someone may recuse himself due to a conflict of interest. He said that is why it is important that an attorney is at the meeting to determine if we have enough members for the vote.

Mr. McCollum said if you know that you will not be at the meeting, let us know in advance. He said if we know that and there is going to be a variance request, we need 4/5ths of the entire Board. He said there is usually some conversation between the City Attorney and himself to make sure we are on the same page as to how many people have to vote and whether or not we can even hear the variance.

Doug said the worse thing is for the applicant to show up and we don't have enough people to hear the application.

Louis Philippi asked if 4/5ths was 80% of the eligible people who are on the Board. He said if there are only four (4) attending the meeting, you will need all four (4) members. Mr. McCollum said that is right. Doug said if we have all five (5) members and someone does not show, at least we have four (4) members. He said if we only have four (4) members at a meeting, we give the applicant the opportunity to come back the next month and maybe we will have five (5) members in attendance and you have a better chance. He said for the applicant, it is kind of a gamble---do you want to go ahead with the hearing tonight or wait until the next month. Mr. McCollum said he actually told an applicant on occasion to make sure he understands that he needs to have everyone here to vote on the application.

Louis Philippi said if there are only three (3) members, you only need all three (3) because that would give you 80%. Mr. McCollum said no, if you have five (5) members, you have to have four (4) members.

Doug said he wanted to mention that members can call staff if they have any questions about the information received or questions about the request. He said we present the facts to you and you decide what to do with the request. He said it is the Board's decision, not staff's decision. He said with other projects we do with City Council we actually make recommendations.

Louis Philippi had a legal question on the effective date and the actual countdown on 30 days. He said the effective date is the date that it is signed but the 30 day-grace period doesn't begin until it is delivered to the recipient. He asked what is the significance of the effective date. Mr. McCollum said the effective date is the date the decision is made. He said the mailing date is the date that the 30 days start so they can appeal to Superior Court.

Keri said staff takes care of the required notices of the meeting. She said staff posts the subject property, sends legal notices to the adjoining property owners and publishes the legal notice in the paper.

Louis Philippi said when you bring in an expert witness or witnesses, they may have different opinions, so you will have to pick the one you want. He said just because an expert says this, it doesn't mean the Board will have to believe him. Mr. McCollum said it is up to the Board to decide credibility. Mr. Philippi said to keep in mind that the applicant picks his expert. Doug said it was stated that to consider property values and traffic, it has to be done by an expert witness who has done studies.

Mr. Massey said he had a question about swearing people in. He said at the last meeting a lady came up and said she wasn't going to swear or affirm on the Bible, but she elected to sit down. He asked if they do not want to swear or affirm on the Bible, can they still testify? Mr. McCollum said they can still affirm. He said it is not required that they have a hand on the Bible. Mr. Massey said she did not want to do either. Mr. McCollum said she would have to do one or another.

Item 4. **Other**

Doug said at the next meeting, provided we have the time, we will see another video. He said the next two (2) videos are on variances and special use permits. Louis Philippi asked if these videos can be found on the internet. Keri said no, these are not available for public viewing. She said we were able to get this through the City at a special purchase. She said to Mr. Philippi that he can try going through the UNC School of Government website and see what resources they have.

Mr. McCollum said he represented some neighbors who were fighting a radio tower a number of years ago in the County. He said both sides paid for experts. He said that hearing was finally concluded at 4:00 a.m.

Item 5. **Next Meeting - July 23, 2020**

Item 6. **Adjournment**

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

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

Second: Julius Marsh, Jr.

Action: The motion to adjourn passed unanimously.

The meeting was adjourned at 8:22 p.m.

Respectfully submitted,

George Massey
Chairman

Maryann Brown
Clerk of the Board

**MINUTES OF THE
BOARD OF ADJUSTMENT MEETING
MAY 28, 2020 at 6:30 P.M.
Council Chambers
300 West Crowell Street
Monroe NC**

To S. Laney – e-mailed 5-29-20

Item 1. Call to Order

Chairman George Massey called the May 28, 2020 meeting to order at 6:30 p.m. The Clerk of the Board called the roll. Mr. Massey noted that there was a quorum present with 4 members.

Members Present: George Massey, Julius Marsh, Jr., William Draper, Louis Philippi

Members Absent: David Covington

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

Guests: Zach Mendelson and Michael Berkowitz

Item 2. Approval of Minutes – Meeting of February 27, 2020 Meeting

Approval of the minutes for the meeting was requested.

Motion: Julius Marsh, Jr. moved to adopt the minutes of the February 27, 2020 Meeting.

Second: Louis Philippi

Action: The motion to approve the minutes passed unanimously.

Item 3. Case #20-34000004 – Chairman said the applicant, Zach Mendelson, is requesting a Variance from Section 156.137 of the Unified Development Ordinance titled Minimum Lot Size for the properties located at 417 Hill Street and 420 Miller Street (Tax ID # 09-228-221) (Tabled from February 27, 2020 meeting)

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

Doug Britt, Senior Planner, introduced this item. He said this is a variance request. He said for the new members, variances are a relaxation of the ordinance rules which people can apply for if they cannot meet the ordinance requirements. He said a variance request goes to the Board of Adjustment. He said the Board of Adjustment hears those cases and decides whether the requirements are met. He said he placed in front of each member a copy of the findings you would have to answer if you choose to approve the variance.

Doug said Mr. Zach Mendelson is requesting a variance from the minimum lot size for the properties located at 417 Hill Street and 420 Miller Street. He said this property has two (2) houses on each address but they are located on one (1) parcel. He said the applicant is requesting a variance to meet the minimum lot size requirement for the R-10 zoning district in order to subdivide the property so that each house would be located on its own parcel. He said at this time he would go through the Findings:

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

Doug said the applicant requested the variance because there are two (2) houses located on the same piece of property. He said typically if someone is going to come in during 2020 and look to build a house, the City only allows one (1) house per parcel. He said the houses were built prior to 1950 and he did not know how the houses were built on the same property. He said the variance request the applicant is asking for is to put a lot line down the middle of the property. He said in the zoning district R-10, each lot would not have 10,000 square feet. He said R-10 means 10,000 square feet per parcel.

2. On January 9, 2020, the applicant submitted a variance application in order to request a variance to the minimum lot size requirement for the R-10 zoning district in order to subdivide the property so each dwelling would be located on its own parcel. (Exhibit 3)

Doug said the application was signed by Zach Mendelson as Property Manager of Kbud, LLC. He said Travis Howard signed as Owner of Kbud, LLC. He said Mr. Howard is a managing member who has authority to sign.

3. According to Section 156.137 titled Minimum Lot Size of the Unified Development Ordinance the minimum lot size required for the R-10 zoning district is 10,000 square feet. The applicant is requesting a variance to subdivide the 16,009 square feet parcel to create a lot for each dwelling. The applicant is requesting a 2,000 square foot variance for each lot. (Exhibit 4 & 5)
4. All adjacent property owners have been notified of the proposed variance. (Exhibit 6)

Doug said the Conclusions are in the staff report for you to consider. Doug said he would be happy to answer any questions and the applicant is here to answer any questions as well.

Mr. Massey asked Doug if any of the adjoining property owners contacted you. Doug said the Union County Public School System called him to inquire about the variance. He said there is also a property owner next door that would like to speak.

Mr. Zach Mendelson came forward and said he is the applicant for the 417 Hill Street and 420 Miller Street variance request. Mr. Massey asked Mr. Mendelson if he needed to add anything to the conclusion answers he provided in his application. Mr. Mendelson said he thought his answers were sufficient but he would provide anything that is missing.

Mr. Massey asked if the Board had any questions.

Louis Philippi said to Mr. Mendelson that he has two (2) houses, both rentals, and they will remain as rentals. Mr. Mendelson said correct. He said a variance was requested to make this two (2) separate lots. He asked Mr. Mendelson why he was doing this. Mr. Mendelson said it keeps it a little easier for them to track. He said in that way it would be one house, one lot. He said it is part of their company policy.

Mr. Mendelson said they manage about 400 doors for different investors. He said they acquire property, they paint it, etc., and then they have a group of investors that they manage the property for. He said it matches what is going on in the neighborhood and would benefit the City and them as well.

Louis Philippi said to Mr. Mendelson that it would also allow you to disperse one of the properties to another investor whereas now it is one investor that owns both houses. Mr. Mendelson said yes.

Julius Marsh, Jr. asked Mr. Mendelson if there was any potential for the renters to buy the property or would it always be a rental. Mr. Mendelson said there is always an option. He said one of the things that they pride themselves in is providing affordable housing. He said they work with a number of government programs and things like that. He said if they have a tenant that is in good standing twelve months in a row for an entire year, then 100% that becomes an option that is on the table if the tenant comes forward with that. He said they would just go to the homeowner and say that this is what they are looking for and is it something that might work for them. He said if it doesn't work for that potential homeowner or investor, we might have another one that might work better for the tenant.

Julius Marsh, Jr. said once you fix a property up and you have a tenant in there and they pay their rent on time, they might want to buy the property. Mr. Mendelson said they have had this come up in the past where people have asked if they can rent to own. He said they have had some tenants that have lived in a house for three (3) years. He said you add that up and over the course of time they have put quite a bit of money into the house. Mr. Marsh said especially when they take care of the property.

William Draper said to Mr. Mendelson that you are going through a lot of trouble to do this. Mr. Mendelson said yes. Mr. Draper said to Mr. Mendelson that he could have put a fence through the lot. Mr. Mendelson said we could, but the advantage would be if two (2) different people wanted a house. He said otherwise it is going to be one (1) package of two (2) houses at all times.

William Draper said it wasn't a disadvantage to the people who bought it this time. Mr. Mendelson said we are multi-level and it works for our entry strategy. He said they bought five (5) houses from a gentleman who had been renting out the homes for a number of years. He said for us, it allows us to cater to two (2) people vs. finding one (1) that has the ability to do two (2).

Mr. Massey asked Mr. Mendelson if the tax on the land is split between the two. Mr. Mendelson said currently there is only one (1) tax bill. He said the bill would then be split.

Julius Marsh, Jr. asked Mr. Mendelson if they do background checks on the tenants because one tenant may move up into society and the other tenant may not. He said this might cause a problem. Mr. Mendelson said this could potentially but they put all of their prospects through the same background check.

Louis Philippi said obviously dividing the two (2) lots would be an advantage to your company. He asked Mr. Mendelson what advantage the people of Monroe or the City of Monroe could obtain by this variance getting approved. Mr. Mendelson said it provides consistency on the block by having the lots mimic what is happening next door. He said he imagined with having two (2) separate parcels that the two (2) separate tax bills would be more than the individual tax bill. He said from that standpoint it would be potentially more revenue for the City and also easier for the City to track because if you look up one (1) address you can't find the house because the parcel is listed under the other address. He said he finds that the consistency is beneficial for everyone.

Louis Philippi said he was having some difficulty in understanding why you wanted to do this. He said he could understand if you were going to sell the properties. Mr. Mendelson said we are going to sell the properties but we will still be the property manager after we sell the properties.

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

Mr. Massey asked the Board for a motion on each Conclusion that this Board must consider before granting or denying the variance request:

1. It is the Board's CONCLUSION, that unnecessary hardship (~~would~~/would not) result from the strict application of the ordinance.

Motion: William Draper made a motion that unnecessary hardship **would not** result from the strict application of the ordinance.

Second: Louis Philippi

Action: The motion passed unanimously.

2. It is the Board's CONCLUSION, that the hardship (is/is not) peculiar to the applicant's property.

Motion: Louis Philippi made a motion that the hardship **is not** peculiar to the applicant's property.

Second: William Draper

Action: The motion passed unanimously.

3. It is the Board's CONCLUSION, that the hardship (is/~~is not~~) the result of the applicant's own actions.

Motion: Louis Philippi made a motion that the hardship **is** the result of the applicant's own actions.

Second: William Draper

Action: The motion passed unanimously.

4. (a) It is the Board's CONCLUSION, that the variance (is/is not) consistent with the spirit, purpose, and intent of the ordinance.

Motion: William Draper made a motion that the variance **is not** consistent with the spirit, purpose, and intent of the ordinance.

Second: Julius Marsh, Jr.

Action: The motion passed unanimously.

(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.

Motion: Louis Philippi made a motion that in granting of the variance, the public safety **will not** be secured and substantial justice **will not** be achieved.

Second: William Draper

Action: The motion passed unanimously.

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

Motion: Louis Philippi made a motion that the variance **will** result in the extension of a nonconforming situation in violation of Section 156.90, and it **will** authorize the initiation of a nonconforming use of land.

Second: Julius Marsh, Jr.

Action: The motion passed unanimously.

Mr. Massey asked for a motion to grant or deny the Variance request.

Motion: Louis Philippi made a motion to **deny** this Variance based on the information provided.

Second: William Draper

Action: The motion to **deny** the Variance passed unanimously.

THEREFORE, on the basis of the foregoing, IT IS ORDERED that the application Variance #20-34000004 be denied.

Item 4. Case #20-34000005 – Chairman said the applicant, Zach Mendelson, is requesting a Variance from Section 156.137 of the Unified Development Ordinance titled Minimum Lot Size and Section 156.140 of the Unified Development Ordinance titled Building Setback Requirements for the properties located at 314, 316 and 318 Cemetery Drive (Tax ID #09-235-113) (Tabled from February 27, 2020 meeting)

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

Doug Britt, Senior Planner, introduced this item. He said this is a variance request for the properties located at 314, 316, and 318 Cemetery Drive. He said the applicant is requesting a variance from the minimum lot size and setback requirements for these three (3) addresses. He said all of the addresses currently are approved as single-family homes located on one (1) parcel. He said the applicant is requesting a variance from the minimum lot size in the R-10 zoning district and setback requirements in order to subdivide the property so each house would be located on its own parcel. He said at this time he would go through the Findings:

1. The dwellings located at 314, 316, and 318 Cemetery Drive are owned by Kbud, LLC and are zoned R-10 (single family residential). (Exhibit 1 & 2)

2. On January 9, 2020, the applicant submitted a variance application in order to request a variance to the minimum lot size for the R-10 zoning district and setback requirements in order to subdivide the property so each dwelling would be located on its own parcel. (Exhibit 3)
-
3. According to Section 156.137 titled Minimum Lot Size of the Unified Development Ordinance the minimum lot size required for the R-10 zoning district is 10,000 square feet and the side yard setback pursuant to Section 156.140 of the Unified Development Ordinance titled Building Setback Requirements is ten (10) foot. The applicant is requesting a variance to subdivide the 28,347 square feet parcel to create three separate parcels for each dwelling. The applicant is requesting the lot size for 314 Cemetery Drive to be 7,525 square feet (2,475 square foot variance request) and the lot size for 316 Cemetery Drive to be 9,112 square feet (888 square foot variance request). Additionally, the applicant is requesting a .1-foot variance for the side yard setbacks for both 316 and 318 Cemetery Drive. (Exhibit 4 & 5)
4. All adjacent property owners have been notified of the proposed variance. (Exhibit 6)

Doug said he would be glad to answer any questions and there is one (1) person in the next room who would like to speak as well.

Mr. Massey asked Doug if he received any complaints or questions. Doug said he did not.

William Draper asked Doug about the aerial view. He asked if there were sidewalks on Lancaster. Doug said yes.

Mr. Zach Mendelson came forward and said he is the applicant for the 314, 316 and 318 Cemetery Drive variance request. Mr. Massey asked Mr. Mendelson if he needed to add anything to the conclusion answers he provided in his application. Mr. Mendelson said no.

Mr. Massey asked if there were any questions for Mr. Mendelson.

Louis Philippi said this neighborhood is a strong neighborhood and he has seen several houses refurbished and they are owner-occupied. He said these are lower income working-class people who are struggling to make this a nicer, safer community. He said consistent rental properties do not do the neighborhood good at all.

William Draper asked Mr. Mendelson if he would be willing to improve the property by putting sidewalks in front of those streets. Mr. Mendelson asked was this in order to be granted the variance? Mr. Draper said yes. He said he looks at this and it is different than your previous application. He said the configuration is different. He said to Mr. Mendelson that it would be an advantage to you, but it also should be an advantage to the City. He said to improve the property should be an advantage. He said he does not know what it would cost to put sidewalks in front but he wouldn't think it would be outrageous. He said it would be to your advantage long-haul.

Mr. Mendelson said it is interesting that you are talking about this and in the previous case they bought both of those houses and brought them to a more appealing condition. He said here we are now being told that if we pay for a sidewalk then we will be granted the variance. He said isn't this the same situation as the previous case. He said he is just the project manager and he would have to get this approved by the owner in order to get that done. He said it is an interesting little street with the cemetery and the school also backs up to the street.

William Draper said again, we represent the City of Monroe and to see any piece of property improved is an advantage to the City and its residents. He said he can see why your application is different here than the case prior and he would be for this. He said we can table this and you could come back at a future meeting. Mr. Mendelson said for him it is worth looking into. Mr. Draper asked Mr. Mendelson if he was dead set against this. Mr. Mendelson said no.

Louis Philippi said he would like to see this as an advantage for you and your investors. He said we represent the people as well as the City of Monroe, and the City has to get something. He said we cannot be throwing things out to investors. He said it also would make it possible that somebody might buy one of those properties, clean it up and put his wife and kids in there. He said he would like to say that we are taking care of the working class people and the bulk of the population and as well as making the City a better place to live.

Mr. Massey referred this to the Board Attorney, Joe McCollum. Mr. McCollum said this is a variance, not a special use. He said you cannot put conditions on a variance but you can on a special use.

Doug said the variance is for the lot size and setbacks, not sidewalks. He said where is the sidewalk supposed to go---in the right-of-way, outside the right-of-way? He said you are asking for something that is coming out of left field.

Louis Philippi said we are not allowed to do this but if that property was better than it was when you came in here, he would be very heavily inclined to approve. He said he cannot make a deal on this.

Doug said he is not asking for a deal. He said he is asking for a variance request.

Louis Philippi asked if Mr. Mendelson can come back and ask for a different variance. Mr. McCollum said they will have to do this as a variance if they want to split the property. He said they can certainly come back with anything he proposes to do.

Louis Philippi asked Mr. Mendelson how many properties do they manage in the Monroe City Limits. Mr. Mendelson said these are our first. He said they bought all three (3) houses in a very poor condition and made into a very nice, suitable home for somebody to live in. He said from their perspective they are providing affordable housing and he would think that the City would also want to have these separated for the uniformity of not having three (3) properties on one (1) lot. He said he agrees with what you are saying about these different neighborhoods. He said they work in different cities as well. He said that is why we make sure the outside is painted so that when you drive by you notice and feel that this neighborhood is starting to change.

Mr. Mendelson said the challenge with this particular road is that it is very tight and he is not sure that there is room for a sidewalk. Doug said that Ashley Britt, Assistant City Attorney, said that you can impose conditions that are reasonably related to a variance, in general, but she is not sure if something more specific in the ordinance would govern here. He said just because it is a street does not mean that it is fit for sidewalks. He said there are plenty of streets in Monroe that have sidewalks and there are many that do not. He said there is nobody here that is an engineer so there is no one he can ask. He said what Ashley is leaning toward, as well as Joe, is that this is not a reasonable condition to add to this type of variance. He said, also, if a sidewalk is installed, the City would be maintaining the sidewalk.

Mr. Massey said instead of three (3) separate lots and if it was divided into two (2) lots, would you still need the variance. Mr. Mendelson said yes. Doug said all three (3) lots would not require the setback variance, nor would all three (3) lots require the lot size variance, but they would require one or the other. William Draper asked if these houses were also built at a time...Mr. Mendelson said the gentleman they had purchased the property from had owned them for 50+ years. Doug said for older properties, this is not uncommon. He said it does not happen all the time but there are plenty of properties in the City of Monroe that might be zoned R-10 (10,000 square foot minimum) but the lot size might be 7,500 square feet.

Doug informed the Board that Exhibit 4, attached to the staff report, is basically just the requirements for the setback and lot size.

Doug went to get the citizen that wished to speak on this request.

Louis Philippi said to Mr. McCollum that his understanding is that since the Board of Adjustment is a quasi-judicial board, we can review the papers but cannot look at the property. Mr. McCollum said on your own, but not as a group.

William Draper said if you look at the aerial picture, and the house on the right had a fire, how would a fire engine get back in there to the house. Mr. Mendelson said there is a driveway that can be used. He said it would be a tight turn.

Ms. Gerondalon Hamilton of 625 S. Washington Street came forward to speak and was sworn in by Mr. Massey. She said she received a letter about the property across the street from her. She thought it was the adjacent property next to her property. She said she just discussed this with Doug Britt and she will be getting together with him soon. She said when she first purchased her home, at that time there was a power station that was in the adjacent property besides her property. She said the City was going to disable it, which they have, and there was opportunity for her to purchase that property besides her home. She said this gentleman (Mr. Mendelson) had purchased the property across the street, so this is totally different. She said she thought it was for the property beside her property.

Mr. Massey asked Mr. Mendelson if he had anything else to say. Mr. Mendelson said not really. He said he would like to think that our goal and our purpose as we go through these different neighborhoods is to clean up the houses and try to uplift the neighborhood and community and provide affordable housing. He said they thought that this would be a good fit for all parties involved, especially with this interesting layout that isn't typical. He said he felt that it would be beneficial on all sides to have one (1) house on one (1) lot.

Louis Philippi said the only upside he could see if it is broken down to three (3) separate individual lots is that somewhere along the line somebody may buy it and make it into a residence. He said he would like to see as much owner-occupied property in the City as possible. He said we have enough rentals.

Mr. Massey asked the Board for a motion on each Conclusion that this Board must consider before granting or denying the variance request:

1. It is the Board's CONCLUSION, that unnecessary hardship (would/~~would not~~) result from the strict application of the ordinance.

Motion: Louis Philippi made a motion that unnecessary hardship **would** result from the strict application of the ordinance.
Second: William Draper
Action: The motion passed unanimously.

2. It is the Board's CONCLUSION, that the hardship (is/~~is not~~) peculiar to the applicant's property.

Motion: Louis Philippi made a motion that the hardship **is** peculiar to the applicant's property.
Second: William Draper
Action: The motion passed unanimously.

3. It is the Board's CONCLUSION, that the hardship (is/is not) the result of the applicant's own actions.

Motion: William Draper made a motion that the hardship **is not** the result of the applicant's own actions.
Second: Louis Philippi
Action: The motion passed unanimously.

4. (a) It is the Board's CONCLUSION, that the variance (is/~~is not~~) consistent with the spirit, purpose, and intent of the ordinance.

Motion: William Draper made a motion that the variance **is** consistent with the spirit, purpose, and intent of the ordinance.
Second: Louis Philippi
Action: The motion passed unanimously.

- (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.

Motion: Louis Philippi made a motion that in granting of the variance, the public safety **will** be secured and substantial justice **will** be achieved.
Second: Julius Marsh, Jr.
Action: The motion passed unanimously.

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

Motion: William Draper made a motion that the variance **will not** result in the extension of a nonconforming situation in violation of Section 156.90, and it **will not** authorize the initiation of a nonconforming use of land.
Second: Julius Marsh, Jr.
Action: The motion passed unanimously.

Mr. Massey asked for a motion to grant or deny the Variance request.

Motion: William Draper made a motion to **approve** this Variance based on the information provided.
Second: Louis Philippi
Action: The motion to **approve** the Variance passed unanimously.

THEREFORE, on the basis of the foregoing, IT IS ORDERED that the application Variance #20-34000005 be approved.

Item 5. Case #20-11000005 – Chairman said the applicant, Faulk & Foster, on behalf of Verizon Wireless, is requesting a Special Use Permit to allow the construction of a Telecommunications Tower in the General Business (GB) Zoning District located at the property of 1504 Miller Street (Tax ID #09-225-037 D & E)

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

Doug Britt, Senior Planner, introduced this item. He said this is a Special Use Permit request by Faulk & Foster on behalf of Verizon Wireless to allow construction of a telecommunications tower in the GB zoning district located at 1504 Mill Street. He said at this time he would go through the Findings:

1. The subject property located at 1504 Miller Street is a total of 1.58 acres and is owned by Poindexter Properties, LLC and zoned GB (General Business). (Exhibits 1 & 2)
2. The applicant, Jim Lapann of Faulk & Foster on behalf of Verizon Wireless is requesting to construct a 180-foot stealth monopole tower that is to be located within a 100 ft. by 100 ft. leased area on the subject property.
3. Telecommunication towers are permitted in the GB (General Business) zoning district with the issuance of a Special Use Permit in accordance with Sections 156.110 and 156.125 of the Monroe Unified Development Ordinance. (Exhibits 3 & 4)
4. The applicant, Jim Lapann of Faulk & Foster on behalf of Verizon Wireless submitted a Special Use Permit application on March 2, 2020 requesting to construct a 180-foot stealth monopole tower. (Exhibits 5 & 6A-6g)

Doug said Frank Poindexter on behalf of Poindexter Properties, LLC, property owner, signed the application as a member of the LLC.

5. The proposed tower will satisfy the 50 ft. setback requirement from all property lines in the GB (General Business) zoning district.
6. The applicant has provided a statement that collocation of the required additional telecommunications equipment on an existing structure is not technically or practically possible as there are no existing towers or feasible alternative support structures within the search ring for the proposed tower.
7. The applicant has provided documentation they acknowledge a no hazard to air navigation must be received from the Federal Aviation Administration prior to the tower construction.
8. The applicant has provided a no hazard determination documentation from the Federal Aviation Administration.

9. An Impact Analysis has been conducted for this Special Use Permit as required by Section 156.37 (G) and the Special Use Permit application to determine whether or not the telecommunication tower would have an adverse impact on the surrounding properties. It is the opinion of appraiser Michael Berkowitz; the proposed monopole tower will not adversely impact the adjoining properties.

10. All adjoining property owners have been properly notified of this special use permit. (Exhibit 7)

Doug said if the Board so chooses to approve this Special Use Permit, staff recommends the following conditions: Applicant shall obtain any and all Federal, State and Local permits prior to construction.

Doug said he would be glad to answer any questions. He said the appraiser, Michael Berkowitz, is here as well to speak on behalf of the tower. He said there were other people that were going to attend this meeting but did not come because of social distancing and the fact that they were multiple hours away.

Doug said in the board packets should be a copy of the Special Use Permit worksheet for you to go through when making consideration to approve this.

William Draper asked if this was going to be a lighted tower. Mr. Berkowitz said no.

Michael Berkowitz came forward and said he is acting in a dual capacity tonight to minimize unnecessary travel. He said he wanted to make sure that all of the exhibits that Doug just went through were entered into the record just for evidence purposes in this quasi-judicial format. He said he will not go through the findings of fact. He said there are five (5) basic pieces that he had to go through, one of which was addressed in his impact study that he provided. He went through the proposed standards:

1. That it will comply with all regulations and standards generally applicable with the zoning district and specifically applicable to the particular type of special use.
2. The proposed development will not materially endanger the public health or safety. He said the traffic that will be there will be a maintenance truck maybe once or twice a month. He said the utilities are electrical and there is no water or sewer services associated with that. He said soil erosion is handled in the development process and in site plans. He said for the protection of public community and private water supplies, there is minimal impervious surface with the development of these towers.
3. The proposed development will not substantially injure the value of abutting property. He said that in the study he did he found matched pair sales of subdivisions of residential properties. He said with commercial properties it is hard to judge or isolate a particular item. He said that is the goal of a matched pair. He said in the report he provided several matched pair analysis of residential properties that were in proximity to cell towers of which there was no impact of value. He said it was based upon that as well as the other items in the location siting of this tower along one of the major transportation corridors for the County. He said if you drive down major transportation corridors throughout the State, you will find that this is common. He said regardless, it is his opinion professionally that the proposed use and character development for the surrounding uses will not cause any of the conflicts. He said all of the access and frontal visibility for all the commercial and industrial properties is away from this property. He said there is an existing clump of trees in there which actually serves well as a buffer.
4. The proposed tower will be in harmony with the area which it is located. He said if you look up major transportation corridors throughout North Carolina, you will see cell towers along those transportation corridors and similar locations to the proposed development. He said it is his opinion that the proposed development will be in harmony with the area.

5. The proposed tower will be in general conformity with the comprehensive plan. He said based upon information from the Planner, Mr. Lapann, and their agreement, that has been said.

Mr. Berkowitz said based upon the information presented here, he asks for your approval of this Special Use Permit. He said he would be happy to answer any questions.

Mr. Massey asked Mr. Berkowitz if he put in the cell tower at Carmel Village. Mr. Berkowitz said no, he did not do an impact study for that tower. He said some people like the trees, some people don't. He said they work really well in the mountains because of the elevation changes in the background.

William Draper said to Mr. Berkowitz that the tower along 485 raised a lot of eyebrows. Mr. Berkowitz said yes, there is not much you can do with a 185-foot structure to hide it.

William Draper asked Mr. Berkowitz if these towers are usually multi-use. Mr. Berkowitz said yes. He said it would be for cell tower use, Verizon, T-Mobile, etc. He said all those users would be able to co-locate on there. He said there would also be secondary users like Straight Talk (WalMart). He said they piggy back on other people's networks and sell their own service. He said in looking at the propagation maps you have more of a capacity issue than a coverage issue. He said the capacity of that area is being overloaded. He said just like when you built the Monroe Bypass to get away from the traffic on Hwy 74, they need another tower to offload some of that traffic so that you don't get dropped calls or lose service.

Julius Marsh, Jr. asked Mr. Berkowitz would the tower be located in the area where you turn into the gas station. Mr. Berkowitz said there is not a gas station where they are proposing the tower. He said it is in the rear in that clump of trees. He said to him, as an appraiser, it is hard to make use of that back little piece because of its shape and the fact that it is going to be used for this purpose.

Julius Marsh, Jr. said to Mr. Berkowitz that the one off of 485 is well off the road. Mr. Berkowitz said it is also a lot taller. Mr. Marsh said it looks like a tree which is good. Mr. Berkowitz said we are trying to be amenable. He said it costs a lot of money to build a tower like that but if that is what the City wants, they are willing to do that.

Julius Marsh, Jr. asked how much property would it take up. Mr. Berkowitz said 10,000 square feet. He said they actually put in a buffer to keep people away from the equipment. He said there is also the perimeter inside the fence and an area for landscaping around it. There will be a concrete pad for the equipment and the tower itself. He said that is all the impervious surface area.

Louis Philippi asked what the height of the tower would be. Mr. Berkowitz said 180 feet with a 4-foot lightening rod. Mr. Philippi said that is why you don't have to have a license---it is below regulations. Mr. Berkowitz said yes.

Louis Philippi asked how far from the center pole to where the pole goes up is the closest property line. Mr. Berkowitz said he thinks it is 78 feet. He said the requirement is 50 in the GB zoning district.

Louis Philippi said since the proliferation of land line telephones is all but dead nowadays, if you don't have a signal, you don't have security and safety. He said you have to have them (cell towers) whether you like them or not. Mr. Berkowitz said this is the way we are going.

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

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

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

Motion: Louis Philippi made a motion that the standard is met because it is within all specifications of what it needs to take to prevent the tower falling down.

Second: William Draper

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

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

Doug reminded everyone that in the Special Use Permit worksheet are the Petitioner's responses which can be used to assist when making motions.

Motion: William Draper made a motion that the standard is met because the proposal for this development includes an Ordinance Compliance Statement that demonstrates on a paragraph by paragraph basis that the application is in full compliance with the Telecom Ordinances of the City of Monroe, and the applicant has submitted the required documentation and proof of compliance with the Federal standards as applied by the Federal Aviation Administration. Since the proposal complies with the zoning code it therefore is in conformity with the Monroe Land Development Plans.

Second: Louis Philippi

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

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

Motion: William Draper made a motion that the standard is met because the applicant proved through the testimony and introduction of a report from an expert appraiser as Exhibit 6G that states that the proposed project will not substantially injure the value of adjoining or abutting property.

Second: Julius Marsh, Jr.

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

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

Motion: Louis Philippi made a motion that the standard is met because the proposed tower will be in harmony with the business district that it will be located in. This part of Monroe is a commercial area and the area has a wide variety of buildings and businesses. The base of the tower and the ground equipment will be hidden from view of the people in the area through extensive landscaping, as well as the presence of large commercial buildings. Since the project complies with the City's current ordinance it is in conformity with the Development Plan.

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

Section 156.125(H) (3) - Additional Findings of Fact Required for Telecommunication Towers:

- (a) *The use will not interfere with the FAA Part 77 surfaces surrounding the Monroe Regional Airport or affect the radio and navigation signals of the operating ground and airborne equipment in the vicinity of the airport.*

Motion: William Draper made a motion that the standard is met because the applicant has submitted a No Hazard Determination issued by the FAA for the specific location of the proposed cell tower site. As part of the No Hazard Determination the FAA states that it has made the determination: "...based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power...". Therefore, the No Hazard Determination does state that the use will not interfere with the Monroe Regional Airport or affect the radio and navigational signals of the operating ground and airborne equipment in the vicinity of the airport.

Second: Julius Marsh, Jr.
Action: The motion that the standard was met passed unanimously.

- (b) *For any tower proposed to be located in a residential zoning district or within 500 feet of the nearest property line of a legal conforming residential use. The applicant has submitted substantial evidence that the tower cannot, by technical necessity, be located more than 500 feet from the nearest property line of a legal conforming residential use.*

Motion: Louis Philippi made a motion that the standard is met because the applicant has established through the use of an aerial photograph that there are no residences within 500 feet of the proposed tower (Exhibit C) and this project is not located in a residential zoning district.

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

- (c) *For any tower proposed to be located in a non-residential zoning district or within 500 feet of the nearest property line of a legal conforming residential use or residential zoning district. The applicant has submitted substantial evidence that the tower cannot, by technical necessity, be located more than 500 feet from the nearest property line of a legal conforming residential use or residential zoning district.*

Motion: William Draper made a motion that the standard is met because the applicant has established through the use of an aerial photograph that there are no residences within 500 feet of the proposed tower (Exhibit C) and this project is not located in a residential zoning district.

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

- (d) *The height of the tower, as proposed, is required to: (1) provide a reasonable level of service; or (2) meet the co-location requirements /policy of this section; or (3) prevent the need for another tower in the search area. (Ord. O-2003-63, passed 12-16-03)*

Motion: Louis Philippi made a motion that the standard is met because The applicant submitted proof from the Verizon radio frequency engineer that the tower needed to be of the height proposed to provide the support for the existing towers that will allow the service provided to the cellular users in the region to have an acceptable level of service that is currently not present.

Second: William Draper

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

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

Motion: Louis Philippi made a motion to grant the Special Use Permit based on the fact that all standards have been met, with the following condition: Applicant shall obtain any and all Federal, State and Local permits prior to construction.

Second: William Draper

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

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

Item 6. Other

There was no other business.

Item 7. Next Meeting - June 25, 2020

Item 8. Adjournment

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

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

Second: Julius Marsh, Jr.

Action: The motion to adjourn passed unanimously.

The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

George Massey
Chairman

Maryann Brown
Clerk of the Board



STAFF REPORT
Case #20-11000007

TO: Board of Adjustment Members

DATE: July 23, 2020

FROM: Doug Britt, Senior Planner

SUBJECT: Special Use Permit request by Jacob Tarlton of Tarlton Helicopters, LLC to construct a new single family home at 610 John Street

SUMMARY STATEMENT

The Board of Adjustment is requested to consider this request by Jacob Tarlton of Tarlton Helicopters, LLC to build a new Single Family residence at 610 John Street, which is located in the Winchester Overlay District.

SITE DATA

Type of Action:	Special Use Permit
Date of Petition:	June 26, 2020
Name of Petitioner:	Jacob Tarlton of Tarlton Helicopters, LLC
Location:	610 John Street
Tax ID #:	09-228-127
Lot Size:	.16 acres
Zoning Classification:	R-10 (Residential- Low Density)

FINDINGS

Staff offers the following Findings:

1. The property at 610 John Street is currently owned by Tarlton Helicopters, LLC and is zoned R-10 (Residential- Low Density) The property is also located in the Winchester Overlay District. (Exhibit 1, 2, 3)

2. According to Section 156.124, Overlay Districts, all principal developments in the Winchester Overlay District shall obtain a Special Use Permit. This section has several other requirements; however, due to state law changes, many can no longer be enforced. Each requirement has been addressed below (Exhibit 4):
 - a. The construction or renovation as proposed and designed will be compatible in the neighborhood, and along the street with which it is located.
-This requirement can no longer be enforced due to G.S. 160A-381 as it is considered a design standard, which cannot be used unless the applicant voluntarily consents to it.
 - b. The construction or renovation as proposed and designed fulfills the intent of § [156.132](#) of the City of Monroe Code of Ordinances.
-This standard applies only to commercial properties.
 - c. The construction or renovation as proposed and designed will not substantially injure the value of adjoining or abutting property.
-This standard is addressed in the Special Use Permit standards.
 - d. The construction or renovation as proposed maintains the historic character and integrity of the infill neighborhood in which it is located.
-This requirement can no longer be enforced due to G.S. 160A-381 as it is considered a design standard, which cannot be used unless the applicant voluntarily consents to it.
 - e. The construction or renovation as proposed shall adhere to the strategies and objectives outlined in the City of Monroe Land Development Plan.
-This standard is addressed in the Special Use Permit standards.
 - f. Duplexes may be allowed on corner lots.
-The applicant is not proposing a Duplex.
 - g. All principal developments shall obtain a special use permit.
 - h. Mobile homes shall not be permitted.
-The applicant is not proposing a mobile home.
3. The applicant submitted a Special Use Permit Application on June 26, 2020 requesting to construct a new single family home on the property. The home is 1,379 heated square feet with a one car garage. (Exhibit 5 and 6)
4. All adjoining property owners have been properly notified of this special use permit. (Exhibit 7)

CONCLUSIONS

Please see attached Special Use Permit Worksheet.

Attachment(s):

Exhibit 1: Ortho Map
Exhibit 2: Zoning Map
Exhibit 3: Winchester Overlay Map
Exhibit 4: Winchester Overlay Requirements
Exhibit 5: Application
Exhibit 6: House Plans
Exhibit 7: APOs

Prepared by: DB 7-10-20

**SPECIAL USE PERMIT WORKSHEET
TO CONSTRUCT A NEW SINGLE FAMILY HOME AT 610 JOHN STREET
(PARCEL # 09-228-127)**

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

I. Completeness of Application:

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

II. Special Use General Standards:

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

Petitioner's Response: No the home will not affect or deviate from the above.

☐ Motion standard is met; or

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

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

Petitioner's Response: Yes. The proposed plan is in compliance.

☐ Motion standard is met; or

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

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

Petitioner's Response: The proposed plan will not affect the surrounding property in a negative way, it will impact in a positive way.

☐ Motion standard is met; or

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

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

Petitioner's Response: Will be in harmony with the surrounding area.

☐ Motion standard is met; or

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

III. Permit Action

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

OR;

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

Ortho Map

Case #: 20-11000007

Legend

-  Centerlines
-  Parcels

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

**Owner: Tarlton Helicopters,
LLC**

Acres: .16



0 40 80
 Feet



Zoning Map

Case #: 20-11000007

Legend

— Centerlines

▭ Parcels

Zoning Districts

Code

▭ R-10

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

**Owner: Tarlton Helicopters,
LLC**

Acres: .16



0 40 80
Feet



Overlay Map

Case #: 20-11000007

Legend

— Centerlines

▭ Parcels

overlay districts

NAME

▭ Winchester

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

**Owner: Tarlton Helicopters,
LLC**

Acres: .16



0 40 80
Feet



- a. The construction or renovation as proposed and designed will be compatible in the neighborhood, and along the street with which it is located.
-This requirement can no longer be enforced due to G.S. 160A-381 as it is considered Design Standards.
- b. The construction or renovation as proposed and designed fulfills the intent of § [156.132](#) of the City of Monroe Code of Ordinances.
-This requirement can no longer be enforced due to G.S. 160A-381 as it is considered Design Standards.
- c. The construction or renovation as proposed and designed will not substantially injure the value of adjoining or abutting property.
-This standard is already addressed in the Special Use Permit standards.
- d. The construction or renovation as proposed maintains the historic character and integrity of the infill neighborhood in which it is located.
-This requirement can no longer be enforced due to G.S. 160A-381 as it is considered Design Standards.
- e. The construction or renovation as proposed shall adhere to the strategies and objectives outlined in the City of Monroe Land Development Plan.
-This standard is already addressed in the Special Use Permit standards.
- f. Duplexes may be allowed on corner lots.
-The applicant is not proposing a Duplex.
- g. All principal developments shall obtain a special use permit.
- h. Mobile homes shall not be permitted.
-The applicant is not proposing a mobile home.



SPECIAL USE PERMIT APPLICATION

Applicant's Name: Jacob Tarlton

Applicant's Mailing Address: P.O. Box 99 Marshville, NC 28103

Applicant's Phone Number: 704-221-9452

Applicant's Facsimile Number: _____

Applicant's Email Address: tarltonheli@gmail.com

Property Location: John St

Tax ID Number: 09 - 228 - 127 **Deed Reference Number:** BOOK P PAGE 127

Existing Zoning: R-10

Proposed Special Use:

Build Single Family Home, proposed house roughly 1,300 heated square feet with garage, poured concrete driveway.

Proposed Conditions:

To build single family home

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

General Information Required

- A location map that shows the project in relation to surrounding parcels, zones, streets, right of ways, and utility services and easements, total acreage, north arrow, legend, and a vicinity map.
- Name of the applicant(s) and the name of the proposed development including a copy of the current deed.
- The names and address of all adjoining property owners referenced by tax ID numbers. (This information can be obtained at the office of the Union County Tax Collector located in the Old Courthouse)
- Scale, at one (1) inch equals 100 feet, unless otherwise approved by the Zoning Administrator.

Revised 12-22-15

SUP Application.doc REVISED 3-99, 7-99, 2/00, 12/03, 7/04, 9/13, 1/14, 12/15

For Staff Use Only	
Project Number:	<u>20-11000006</u>
Date Submitted:	<u>6/26/20</u>
Approved _____	
Denied _____	

Information on Natural, Historic, and Recreational Features Required

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

Zoning and Lot Information Required

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

Transportation and Utilities Information Required

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

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

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

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

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

Upon acceptance of the site plan by planning staff, the petitioner shall provide fifteen (15) copies of the site plan for review by the Board of Adjustment.

Revised 12-22-15
SUP Application.doc REVISED 2-99, 7-99, 2/00, 12/03, 7/04, 9/13, 1/14, 12/15

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

I. Special Use General Standards:

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

Correct, the proposed plan will not affect or deviate from statement above.

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

Yes, the proposed plan is in compliance.

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

No, the proposed plan will not affect the surrounding property in a negative way, it will impact in a positive way.

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

Yes, the proposed plan will be in harmony with the surrounding area.

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

Jacob Tarlton
Applicant (printed)

Jacob Tarlton
Applicant's Signature

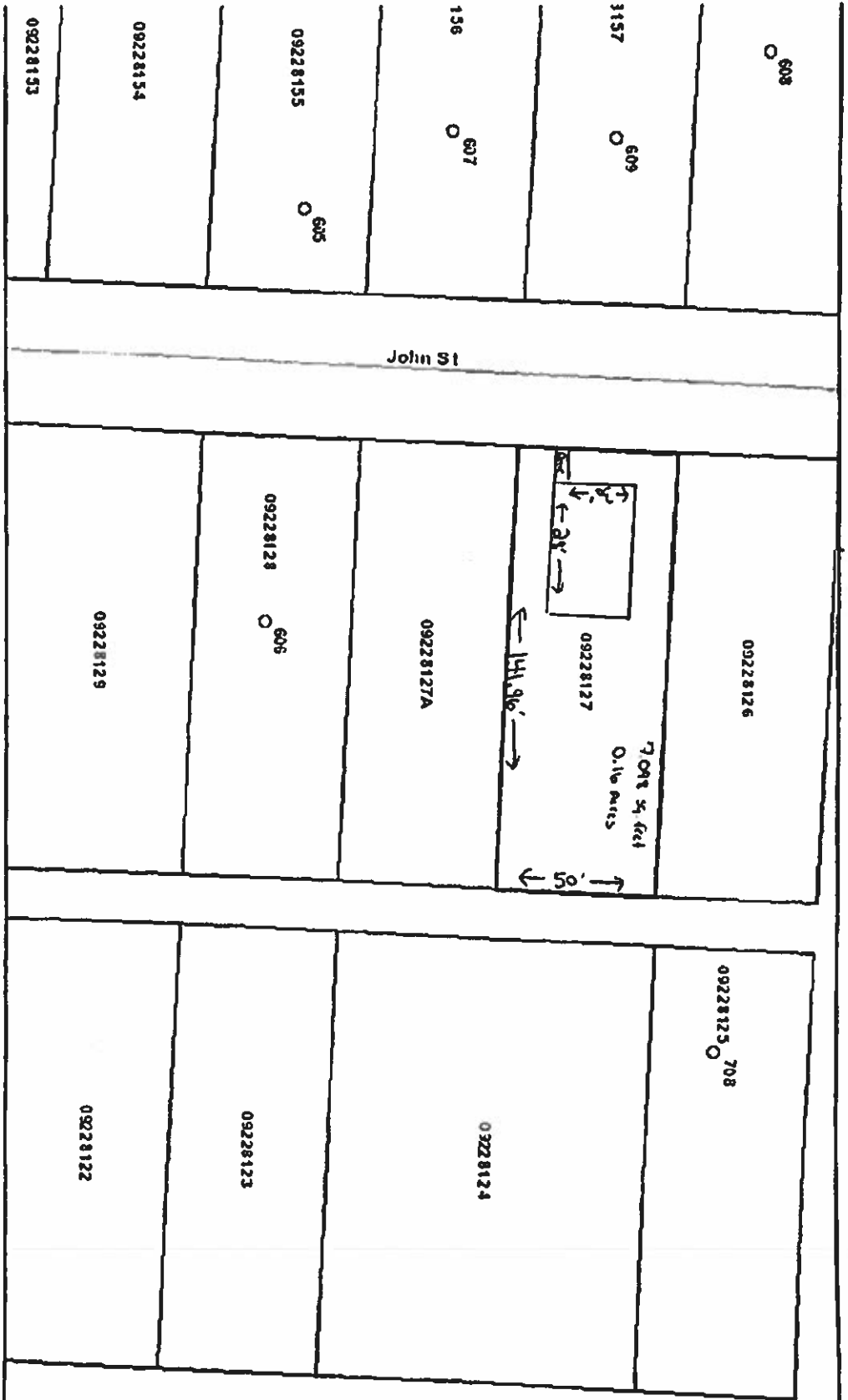
06-24-2020
Date

Tarlton Helicopters LLC by Jacob Tarlton member/manager 100% owner
Property Owner (printed)

Tarlton Helicopters, LLC by Jacob Tarlton member/manager 100% owner
Property Owner's Signature

06-24-2020
Date

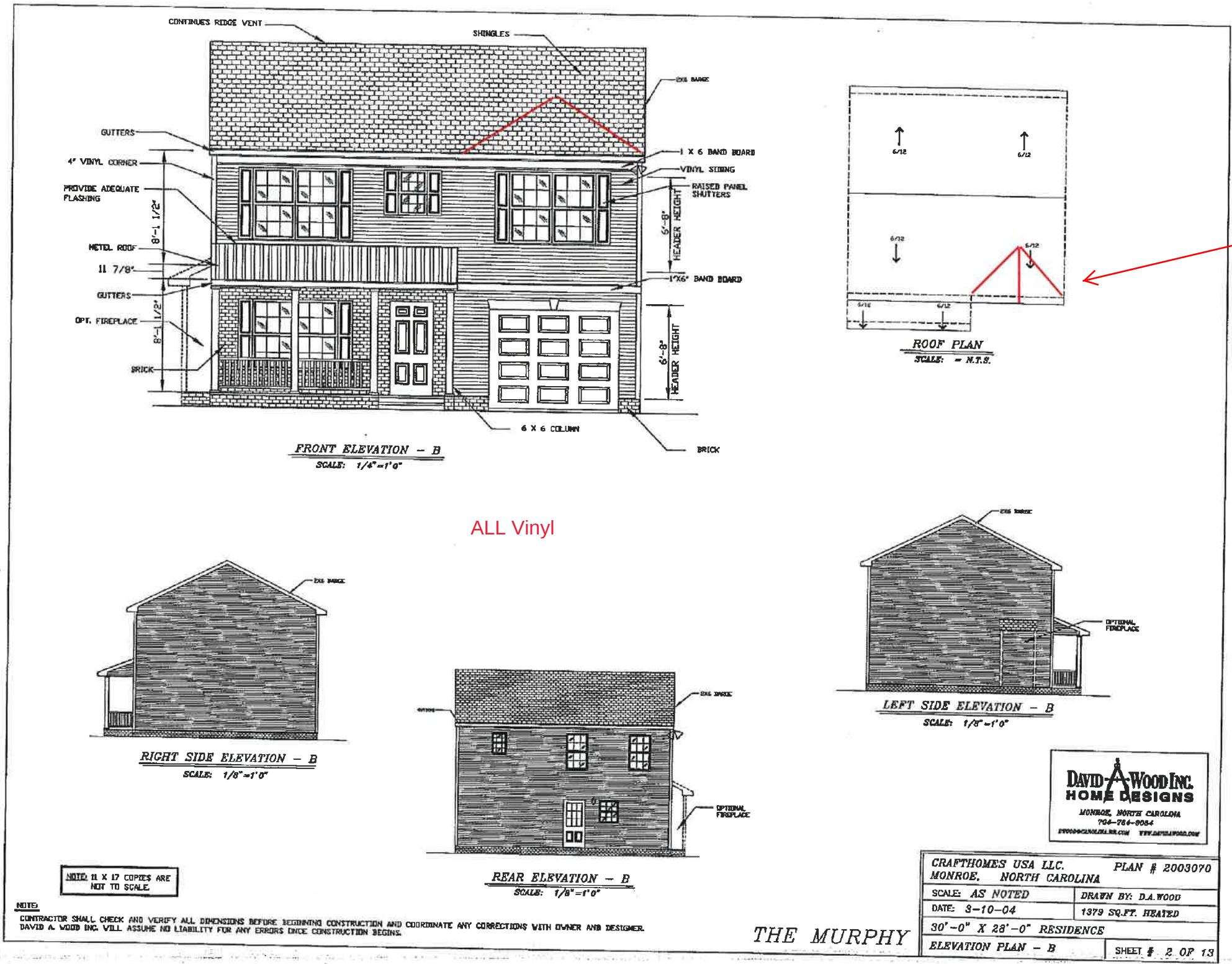
09-228-127



0 0.005 0.01
 0 0.0075 0.01
 Source: San Jose, County
 of Santa Clara, Santa Clara
 County, California, NAD83, PG 0
 GIS User Community

John Street

trim tails on trusses under gable
no side overhangs



METER BASE ON SAME SIDE AS TRANSFORMER

GENERAL NOTES:

1. REVIEW LOCAL BUILDING CODES REFERRING TO STUD WALL DESIGN.
2. TEMPERED GLASS TO BE USED AT ALL REQUIRED LOCATIONS ACCORDING TO LOCAL CODE.
3. GARAGE WALLS ADJACENT TO HEATED SPACE TO BE SHEETROCKED OR REFER TO LOCAL CODES.
4. ALL ROOMS SHALL MEET VENTILATION & EGRESS REQUIREMENTS AS REQUIRED BY STATE AND LOCAL CODES.
5. CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT SITE BEFORE BEGINNING CONSTRUCTION. ANY DISCREPANCIES SHALL BE REPORTED TO DAVID A. WOOD, INC. FOR JUSTIFICATION AND/OR CORRECTION BEFORE PROCEEDING WITH WORK. CONTRACTOR SHALL ASSUME RESPONSIBILITY FOR CORRECTIONS THAT ARE NOT REPORTED.
6. ALL COLUMNS OR SOLID FRAMING SHOULD BE DESIGNED TO CARRY LOADS AND SHOULD EXTEND DOWN THRU THE LEVELS BELOW AND TERMINATE AT THE BASEMENT FLOOR OR AT OTHER BEARING POINTS DESIGNED TO CARRY THE LOAD.

EL ESPAÑOL
LAS DIMENSIONES ESTÁN AL
EXTERIOR DE PAREDES
EXTERIORES HASTA LA LÍNEA

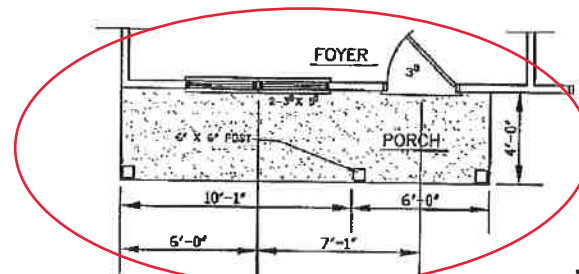
NOTE:

DIMENSIONS ARE TO OUTSIDE OF
EXTERIOR WALLS AND TO CENTERLINE
OF INTERIOR WALLS

NOTE:

ALL SHELVES ARE
TO BE 12" TYP

NOTE: ALL ANGLES ARE 45°
UNLESS OTHERWISE NOTED.

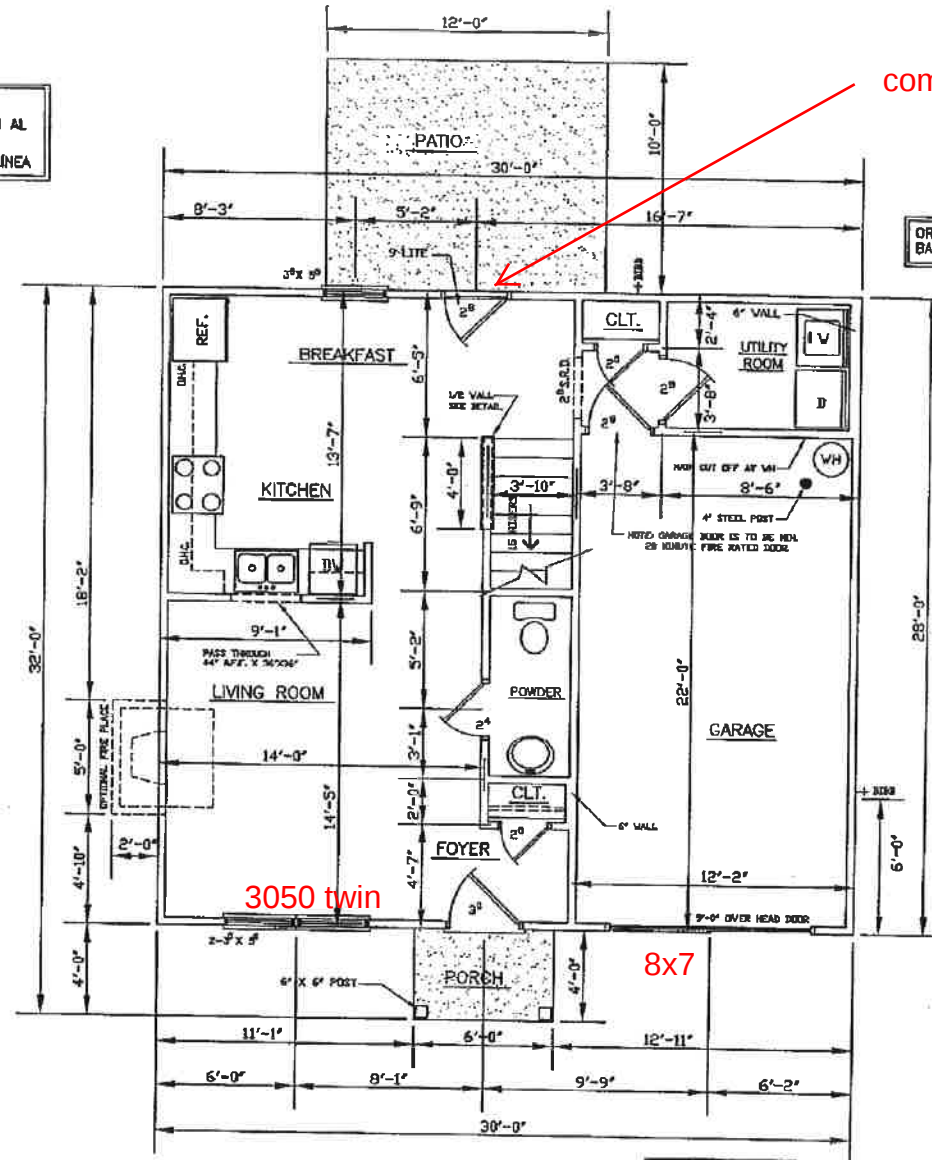


OPTIONAL FRONT PORCH - ELEV. B & C
SCALE: 1/4" = 1'-0"

NOTE: 11 X 17 COPIES ARE
NOT TO SCALE.

NOTE:

CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS BEFORE BEGINNING CONSTRUCTION AND COORDINATE ANY CORRECTIONS WITH OWNER AND DESIGNER.
DAVID A. WOOD INC. WILL ASSUME NO LIABILITY FOR ANY ERRORS ONCE CONSTRUCTION BEGINS.



FIRST FLOOR

SCALE: 1/4" = 1'-0"

SEE ELEVATION FOR
BRICK OPTION

576 SQ. FT. - 1ST FLOOR HEATED
603 SQ. FT. - 2ND FLOOR HEATED
262 SQ. FT. - GARAGE
1379 SQ. FT. - TOTAL HEATED

DAVID A. WOOD INC.
HOME DESIGNS
MONROE, NORTH CAROLINA
704-764-9046
DW@DAWOODINC.COM WWW.DAWOODINC.COM

CRAFTHOMES USA LLC. PLAN # 2003070	
MONROE, NORTH CAROLINA	
SCALE: AS NOTED	DRAWN BY: D.A. WOOD
DATE: 3-10-04	1379 SQ. FT. HEATED
30'-0" X 28'-0" RESIDENCE	
FIRST FLOOR	SHEET # 10 OF 13

THE MURPHY

John St

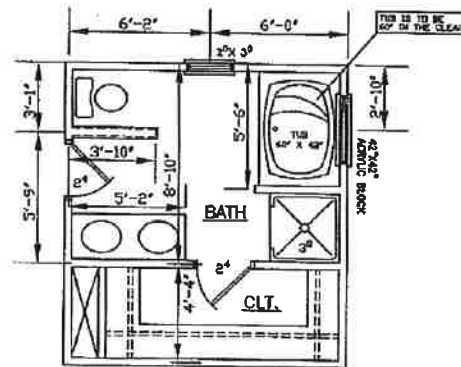
GENERAL NOTES:

1. REVIEW LOCAL BUILDING CODES REFERRING TO STUD WALL DESIGN.
2. TEMPERED GLASS TO BE USED AT ALL REQUIRED LOCATIONS ACCORDING TO LOCAL CODE.
3. GARAGE WALLS ADJACENT TO HEATED SPACE TO BE SHEATHED OR REFER TO LOCAL CODES.
4. ALL ROOMS SHALL MEET VENTILATION & EGRESS REQUIREMENTS AS REQUIRED BY STATE AND LOCAL CODES.
5. CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT SITE BEFORE BEGINNING CONSTRUCTION. ANY DISCREPANCIES SHALL BE REPORTED TO DAVID A. WOOD, INC. FOR JUSTIFICATION AND/OR CORRECTION BEFORE PROCEEDING WITH WORK. CONTRACTOR SHALL ASSUME RESPONSIBILITY FOR ERRORS THAT ARE NOT REPORTED.
6. ALL COLLARS OR SOLID FRAMING SHOULD BE DESIGNED TO CARRY LOADS AND SHOULD EXTEND DOWN THRU THE LEVELS BELOW AND TERMINATE AT THE BASEMENT FLOOR OR AT OTHER BEARING POINTS DESIGNED TO CARRY THE LOAD.

EL ESPAÑOL
LAS DIMENSIONES ESTÁN AL
EXTERIOR DE PAREDES
EXTERIORES HASTA LA LÍNEA

NOTE: ALL ANGLES ARE 45°
UNLESS OTHERWISE NOTED.

NOTE:
ALL SHELVES ARE
TO BE 12" TYP



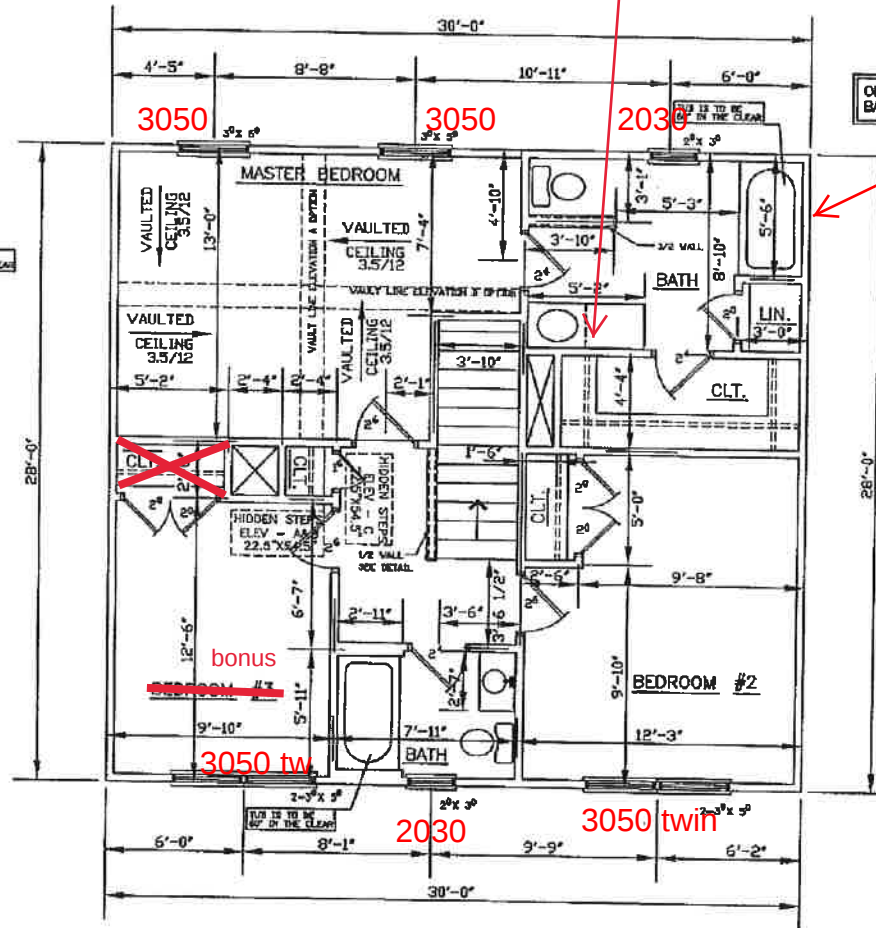
OPTIONAL MASTER BATH
SCALE: 1/4" = 1'-0"

NOTE:
DIMENSIONS ARE TO OUTSIDE OF
EXTERIOR WALLS AND TO CENTERLINE
OF INTERIOR WALLS

NOTE: 11 X 17 COPIES ARE
NOT TO SCALE.

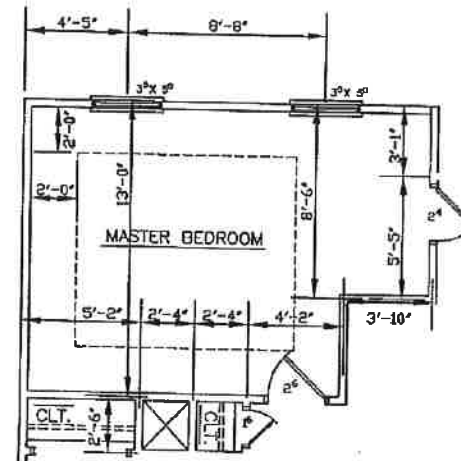
NOTE:
CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS BEFORE BEGINNING CONSTRUCTION AND COORDINATE ANY CORRECTIONS WITH OWNER AND DESIGNER.
DAVID A. WOOD INC. WILL ASSUME NO LIABILITY FOR ANY ERRORS ONCE CONSTRUCTION BEGINS.

NOTE: 8'-0" CEILINGS THROUGHOUT



SECOND FLOOR
SCALE: 1/4" = 1'-0"

ORIGINATION POINT
BACK RIGHT



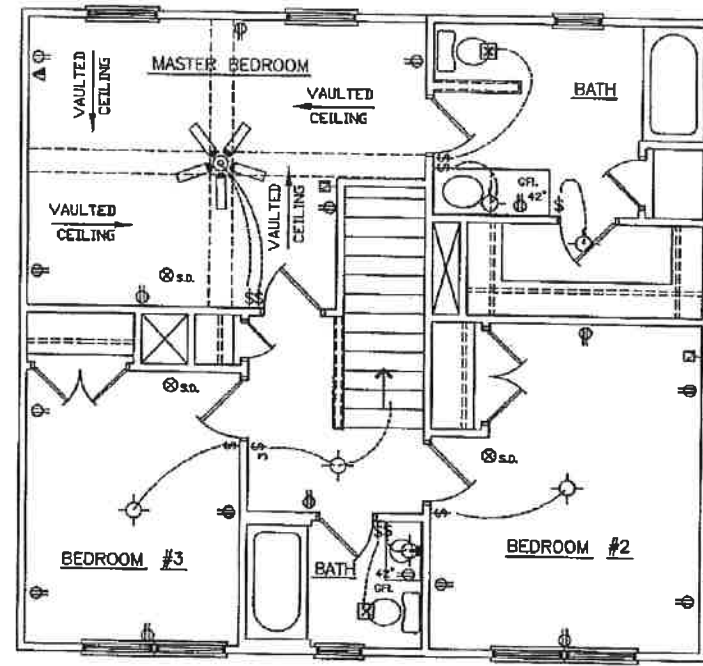
**ELEVATION C MASTER BEDROOM
CEILING OPTION**
SCALE: 1/4" = 1'-0"

DAVID A. WOOD INC.
HOME DESIGNS
MONROE, NORTH CAROLINA
704-704-3004
DW@DAWOOD.COM WWW.DAWOOD.COM

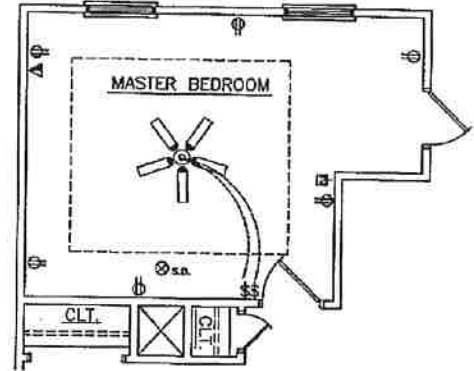
CRAFTHOMES USA LLC. PLAN # 2003070	
MONROE, NORTH CAROLINA	
SCALE: AS NOTED	DRAWN BY: D.A. WOOD
DATE: 3-10-04	1379 SQ. FT. HEATED
30'-0" X 28'-0" RESIDENCE	
SECOND FLOOR	SHEET # 11 OF 13

THE MURPHY

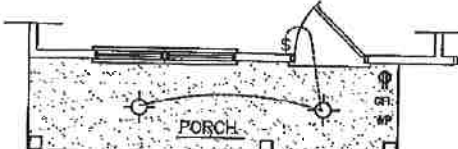
John St



SECOND FLOOR
SCALE: 1/4" = 1' 0"

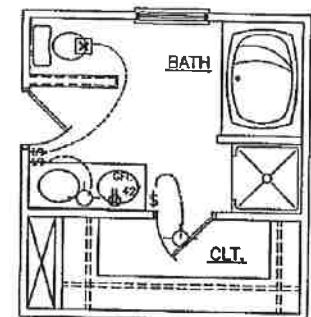


ELEVATION C MASTER BEDROOM
CEILING OPTION
SCALE: 1/4" = 1' 0"



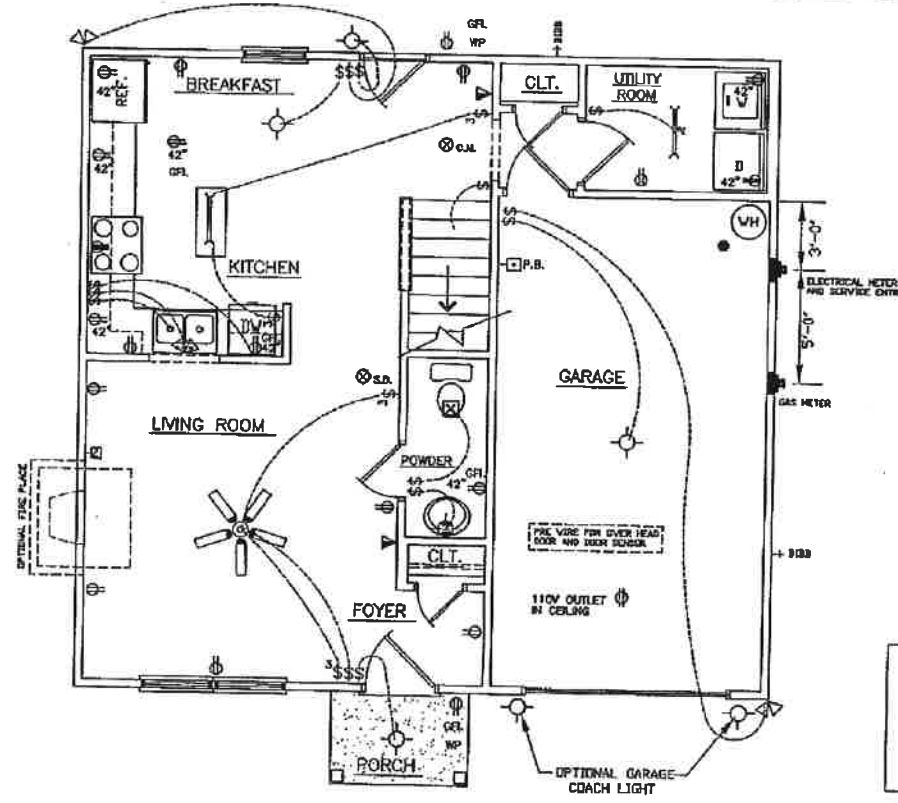
OPTIONAL FRONT PORCH - ELEV. B & C
SCALE: 1/4" = 1' 0"

NOTE: 11 X 17 COPIES ARE NOT TO SCALE.
CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS BEFORE BEGINNING CONSTRUCTION AND COORDINATE ANY CORRECTIONS WITH OWNER AND DESIGNER. DAVID A. WOOD INC. WILL ASSUME NO LIABILITY FOR ANY ERRORS ONCE CONSTRUCTION BEGINS.



OPTIONAL MASTER BATH
SCALE: 1/4" = 1' 0"

ELECTRICAL SYMBOL LEGEND	
SWITCHES:	
1	SINGLE POLE SWITCH
2	TWO-WAY SWITCH
3	THREE-WAY SWITCH
4	SPIDER SWITCH (SEE NOTE 1)
5	SINGLE POLE SWITCH 0-AN SWITCH
6	PUSH BUTTON - GARAGE DOOR
OUTLETS:	
7	110V DUPLEX OUTLET (14" ABOVE FLOOR)
8	110V DUPLEX OUTLET TURNED AND CENTERED IN BASEBOARD
9	110V DUPLEX SPLIT-WIRE OUTLET (TOP OF OUTLET SWITCHED)
10	220V OUTLET
11	110V DUPLEX OUTLET-GROUND FLAT INTERRUPTER
12	SPECIAL OUTLET
13	110V DUPLEX OUTLET EXTERIOR WATER PROOF
FIXTURES:	
14	WALL MOUNTED FIXTURE OR SCONCE
15	CEILING MOUNTED FIXTURE
16	RECESSED FIXTURE
17	SMOKE DETECTOR
18	CARBON MONOXIDE DETECTOR
19	FLUORESCENT TUBE FIXTURE (SEE DRAWING FOR SIZE)
20	FLUORESCENT SURFACE MOUNTED FIXTURE
21	EXTERIOR ABRASTABLE FLUORESCENT FIXTURE
22	CEILING MOUNTED ABRASTABLE FIXTURE
23	EXTERIOR DOUBLE FLUORESCENT FIXTURE
24	PHONE JACK
25	TELEVISION OUTLET
26	FAN



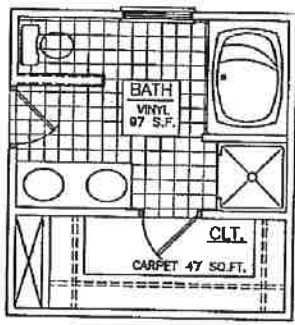
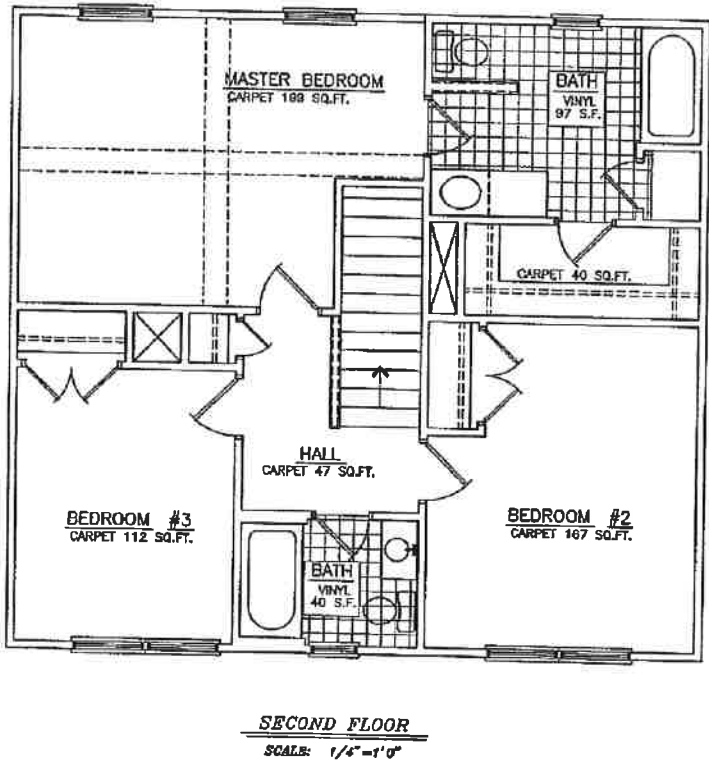
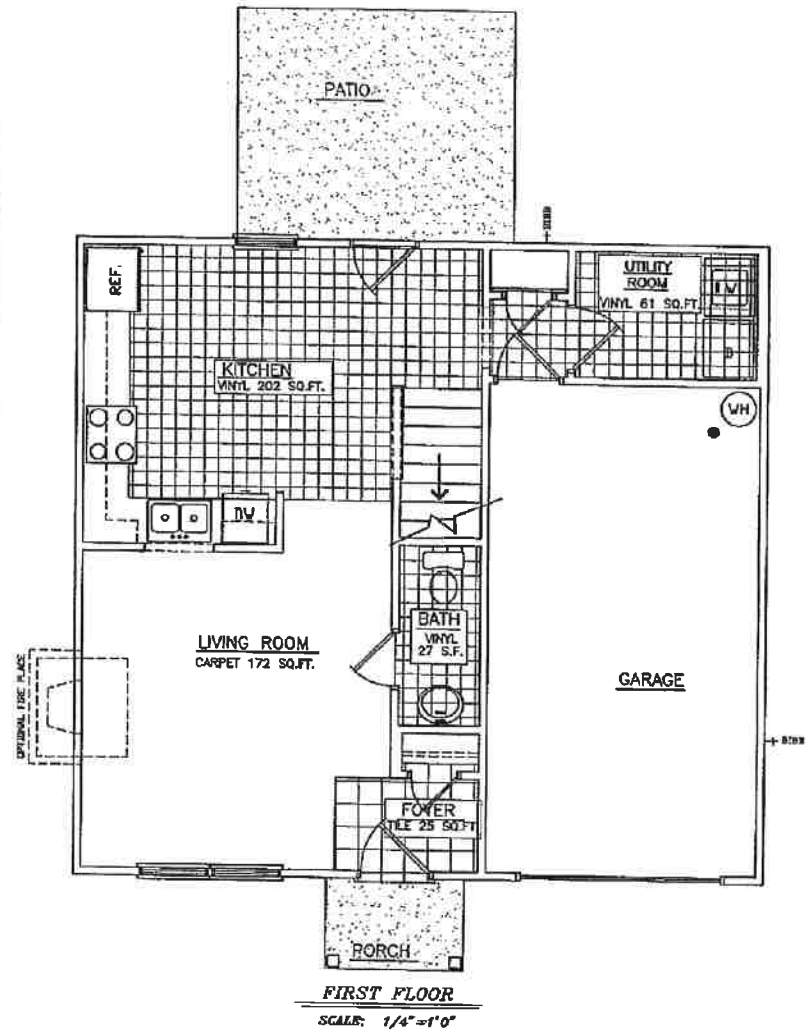
FIRST FLOOR
SCALE: 1/4" = 1' 0"

DAVID A. WOOD INC.
HOME DESIGNS
MONROE, NORTH CAROLINA
704-764-9086
DWOOD@CUMCUM.COM WWW.DAWOODINC.COM

CRAFTHOMES USA LLC. PLAN # 2003070	
MONROE, NORTH CAROLINA	
SCALE: AS NOTED	DRAWN BY: D.A. WOOD
DATE: 3-10-04	1379 SQ.FT. HEATED
30'-0" X 28'-0" RESIDENCE	
FIRST FLOOR ELECTRIC	SHEET # 12 OF 13

THE MURPHY

METER BASE SAME SIDE AS TRANSFORMER



NOTE:
CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS BEFORE BEGINNING CONSTRUCTION AND COORDINATE ANY CORRECTIONS WITH OWNER AND DESIGNER.
DAVID A. WOOD INC. WILL ASSUME NO LIABILITY FOR ANY ERRORS ONCE CONSTRUCTION BEGINS.

THE MURPHY

DAVID A. WOOD INC.
HOME DESIGNS
MONROE, NORTH CAROLINA
704-754-8084
DW@DAWOOD.COM WWW.DAWOOD.COM

CRAFTHOMES USA LLC.		PLAN # 2003070
MONROE, NORTH CAROLINA		
SCALE: AS NOTED	DRAWN BY: D.A. WOOD	
DATE: 3-10-04	1379 SQ.FT. HEATED	
30'-0" X 28'-0" RESIDENCE		
FLOOR COVERINGS		SHEET # 13 OF 13

ACCTNO	OWNERNAME1	OWNERADDRE	OWNERCITY	OWNER	OWNERZIP
09228098	HORTON BOYD JR	211 W JEFFERSON ST	MONROE	NC	28112
09228099	HOOD DIANA LYNN	709 CARR ST	MONROE	NC	28110
09228103	NIVEN ADDIE	UNKNOWN ADDRESS			00000
09228104	NIVENS BEATRYCE THOMASINIA HEIRS	7002 BOULEVARD APT 5A	GUTTENBURG	NJ	07093
09228122	CROWDER HELENA BENNETT	1501 STAFFORD ST	MONROE	NC	28110
09228159C	D K PROPERTIES OF UNION LLC	4001 SIKES MILL RD	MONROE	NC	28112
09228120	FRIENDSHIP MISSIONARY BAPTIST CHURCH	PO BOX 945	MONROE	NC	28111
09228125	NIVEN JOHN F HEIRS %ANNIE JORDAN ALL	715 BOYTE ST	MONROE	NC	28110-7208
09228153	WHITMAN LUCIDIA GALLEGO	PO BOX 470351	CHARLOTTE	NC	28246
09228099	HOOD DIANA LYNN	709 CARR ST	MONROE	NC	28110
09228101A	MASSEY LILLIE STREETER	707 SALISBURY ST	WADESBORO	NC	28170
09228127	ASHCRAFT JOE KENT & BEVERLY K	906 WATERVIEW LN	MONROE	NC	28110
09228159B	ALLEN WILHELMINA	901 JOHN ST	MONROE	NC	28110
09228097	FARACI GLENN & FRANCES PRESTIPINO	1719 S ROCKY RIVER RD	MONROE	NC	28112-8670
09228123	ENNIX BLANCHE N	40700 CHAMPION WAY	PALMDALE	CA	93551
09228155	RED ROOSTER PROPERTIES LLC	PO BOX 235	INDIAN TRAIL	NC	28079
09228101	ALVARADO MARIA ANGELICA	727 CARR ST	MONROE	NC	28112
09228105	GREENE IRA HEIRS %VIRGINIA POSTON	911 PLYLER ST	MONROE	NC	28110
09228126	CRAWFORD CLARENCE	4703 WAXHAW HWY	MONROE	NC	28112
09228156	HEATH ELEANOR PEARLENE & MARVIN	502 COLONY RD	MONROE	NC	28112
09228158	MCCARTER BRENDA Y	608 CARR ST	MONROE	NC	28110
09228159A	ALLEN MIA DENISE	901 JOHN ST	MONROE	NC	28110
09228101B	MASSEY LILLIE STREETER	707 SALISBURY ST	WADESBORO	NC	28170-0456
09228152	UNION TRIAD PROPERTIES LLC	613 EUCLID ST	MONROE	NC	28110
09228154	MEDLIN NEZZY CARELOCK HEIRS	838 SQUIRREL HILL RD	CHARLOTTE	NC	28215
09228106	POLK DONALD O & DOROTHY C	500 WINDY DR	MONROE	NC	28110-2812
09228128	D K PROPERTIES OF UNION LLC	4001 SIKES MILL RD	MONROE	NC	28112
09228157	FIGUEROA MANUEL G & ERIBERTO ALMANZA	609 JOHN ST	MONROE	NC	28110
09228100	IH3 PROPERTIES NORTH CAROLINA LP	%INVITATION HOMES-TAX DEPT	DALLAS	TX	75201
09228102	WHITLEY JAMES M & WILLIAM N	3311 WARRENSVILLE CENTER RD APT 408	SHAKER HEIGHTS	OH	44122
09228107	FRIENDSHIP BAPTIST CHURCH	501 BURKE ST	MONROE	NC	28110
09228124	D K PROPERTIES OF UNION LLC	4001 SIKES MILL RD	MONROE	NC	28112
09228129	CRAWFORD CLARENCE	4703 WAXHAW HWY	MONROE	NC	28112
09228151	CUTHBERTSON CORA HEIRS	113 DYER DR	SHELBY	NC	28152



STAFF REPORT
Case #20-11000006

TO: Board of Adjustment Members

DATE: July 23, 2020

FROM: Doug Britt, Senior Planner

SUBJECT: Special Use Permit request by Jacob Tarlton of Tarlton Helicopters, LLC to construct a new single family home at 608 John Street

SUMMARY STATEMENT

The Board of Adjustment is requested to consider this request by Jacob Tarlton of Tarlton Helicopters, LLC to build a new Single Family residence at 608 John Street, which is located in the Winchester Overlay District.

SITE DATA

Type of Action:	Special Use Permit
Date of Petition:	June 26, 2020
Name of Petitioner:	Jacob Tarlton of Tarlton Helicopters, LLC
Location:	608 John Street
Tax ID #:	09-228-127A
Lot Size:	.16 acres
Zoning Classification:	R-10 (Residential- Low Density)

FINDINGS

Staff offers the following Findings:

1. The property at 608 John Street is currently owned by Tarlton Helicopters, LLC and is zoned R-10 (Residential- Low Density) The property is also located in the Winchester Overlay District. (Exhibit 1, 2, 3)

2. According to Section 156.124, Overlay Districts, all principal developments in the Winchester Overlay District shall obtain a Special Use Permit. This section has several other requirements; however, due to state law changes, many can no longer be enforced. Each requirement has been addressed below (Exhibit 4):
 - a. The construction or renovation as proposed and designed will be compatible in the neighborhood, and along the street with which it is located.
-This requirement can no longer be enforced due to G.S. 160A-381 as it is considered a design standard, which cannot be used unless the applicant voluntarily consents to it.
 - b. The construction or renovation as proposed and designed fulfills the intent of § [156.132](#) of the City of Monroe Code of Ordinances.
-This standard applies only to commercial properties.
 - c. The construction or renovation as proposed and designed will not substantially injure the value of adjoining or abutting property.
-This standard is addressed in the Special Use Permit standards.
 - d. The construction or renovation as proposed maintains the historic character and integrity of the infill neighborhood in which it is located.
-This requirement can no longer be enforced due to G.S. 160A-381 as it is considered a design standard, which cannot be used unless the applicant voluntarily consents to it.
 - e. The construction or renovation as proposed shall adhere to the strategies and objectives outlined in the City of Monroe Land Development Plan.
-This standard is addressed in the Special Use Permit standards.
 - f. Duplexes may be allowed on corner lots.
-The applicant is not proposing a Duplex.
 - g. All principal developments shall obtain a special use permit.
 - h. Mobile homes shall not be permitted.
-The applicant is not proposing a mobile home.
3. The applicant submitted a Special Use Permit Application on June 26, 2020 requesting to construct a new single family home on the property. The home is 1,615 heated square feet with a one car garage. (Exhibit 5 and 6)
4. All adjoining property owners have been properly notified of this special use permit. (Exhibit 7)

CONCLUSIONS

Please see attached Special Use Permit Worksheet.

Attachment(s):

Exhibit 1: Ortho Map
Exhibit 2: Zoning Map
Exhibit 3: Winchester Overlay Map
Exhibit 4: Winchester Overlay Requirements
Exhibit 5: Application
Exhibit 6: House Plans
Exhibit 7: APOs

Prepared by: DB 7-10-20

**SPECIAL USE PERMIT WORKSHEET
TO CONSTRUCT A NEW SINGLE FAMILY HOME AT 608 JOHN STREET
(PARCEL # 09-228-127A)**

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

I. Completeness of Application:

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

II. Special Use General Standards:

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

Petitioner's Response: No the home will not affect or deviate from the above.

☐ Motion standard is met; or

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

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

Petitioner's Response: Yes. The proposed plan is in compliance.

☐ Motion standard is met; or

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

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

Petitioner's Response: The proposed plan will not affect the surrounding property in a negative way, it will impact in a positive way.

☐ Motion standard is met; or

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

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

Petitioner's Response: Will be in harmony with the surrounding area.

☐ Motion standard is met; or

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

III. Permit Action

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

OR;

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

Ortho Map

Case #: 20-1100000 6

Legend

— Centerlines

▭ Parcels

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

**Owner: Tarlton Helicopters,
LLC**

Acres: .16



0 40 80
Feet



Zoning Map

Case #: 20-1100000 6

Legend

— Centerlines

▭ Parcels

Zoning Districts

Code

▭ R-10

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

**Owner: Tarlton Helicopters,
LLC**

Acres: .16



0 40 80
Feet



Overlay Map

Case #: 20-1100000 6

Legend

— Centerlines

▭ Parcels

overlay districts

NAME

▭ Winchester

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

**Owner: Tarlton Helicopters,
LLC**

Acres: .16



0 40 80
Feet

CARR ST

JOHN ST

FAIRLEY AVE

- a. The construction or renovation as proposed and designed will be compatible in the neighborhood, and along the street with which it is located.
-This requirement can no longer be enforced due to G.S. 160A-381 as it is considered Design Standards.
- b. The construction or renovation as proposed and designed fulfills the intent of § [156.132](#) of the City of Monroe Code of Ordinances.
-This requirement can no longer be enforced due to G.S. 160A-381 as it is considered Design Standards.
- c. The construction or renovation as proposed and designed will not substantially injure the value of adjoining or abutting property.
-This standard is already addressed in the Special Use Permit standards.
- d. The construction or renovation as proposed maintains the historic character and integrity of the infill neighborhood in which it is located.
-This requirement can no longer be enforced due to G.S. 160A-381 as it is considered Design Standards.
- e. The construction or renovation as proposed shall adhere to the strategies and objectives outlined in the City of Monroe Land Development Plan.
-This standard is already addressed in the Special Use Permit standards.
- f. Duplexes may be allowed on corner lots.
-The applicant is not proposing a Duplex.
- g. All principal developments shall obtain a special use permit.
- h. Mobile homes shall not be permitted.
-The applicant is not proposing a mobile home.



SPECIAL USE PERMIT APPLICATION

Applicant's Name: Jacob Tarlton

Applicant's Mailing Address: P.O. Box 99 Marshville, NC 28103

Applicant's Phone Number: 704-221-9452

Applicant's Facsimile Number: _____

Applicant's Email Address: tarltonhell@gmail.com

Property Location: John St.

Tax ID Number: 09 - 228 - 127A Deed Reference Number: BOOK P PAGE 127

Existing Zoning: R-10

Proposed Special Use:

Build Single Family Home, proposed house roughly 1,300 heated square feet with garage, poured concrete driveway.

Proposed Conditions:

To build single family home

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

General Information Required

- A location map that shows the project in relation to surrounding parcels, zones, streets, right of ways, and utility services and easements, total acreage, north arrow, legend, and a vicinity map.
- Name of the applicant(s) and the name of the proposed development including a copy of the current deed.
- The names and address of all adjoining property owners referenced by tax ID numbers. (This information can be obtained at the office of the Union County Tax Collector located in the Old Courthouse)
- Scale, at one (1) inch equals 100 feet, unless otherwise approved by the Zoning Administrator.

Revised 12-22-15

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

For Staff Use Only
Project Number: <u>20-11000406</u>
Date Submitted: <u>6/26/20</u>
Approved _____
Denied _____

Information on Natural, Historic, and Recreational Features Required

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

Zoning and Lot Information Required

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

Transportation and Utilities Information Required

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

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

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

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

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

Upon acceptance of the site plan by planning staff, the petitioner shall provide fifteen (15) copies of the site plan for review by the Board of Adjustment.

Revised 12-22-15
SUP Application.doc REVISED 2-99, 7-99, 2/00, 12/03, 7/04, 9/13, 1/14, 12/15

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

I. Special Use General Standards:

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

Correct, the proposed plan will not affect or deviate from statement above.

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

Yes, the proposed plan is in compliance.

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

No, the proposed plan will not affect the surrounding property in a negative way, it will impact in a positive way.

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

Yes, the proposed plan will be in harmony with the surrounding area.

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

Jacob Tarlton
Applicant (printed)

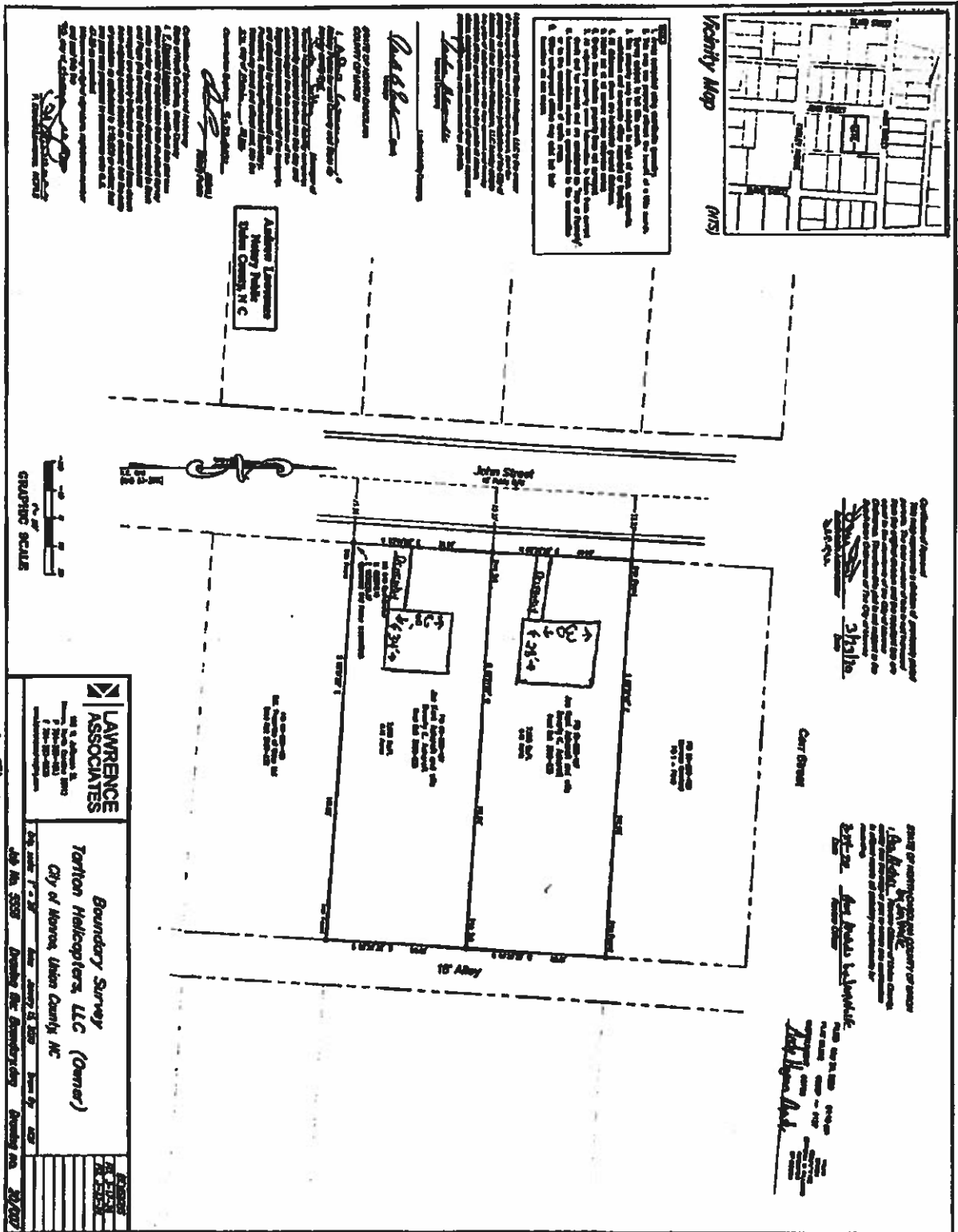
Jacob Tarlton
Applicant's Signature

06-24-2020
Date

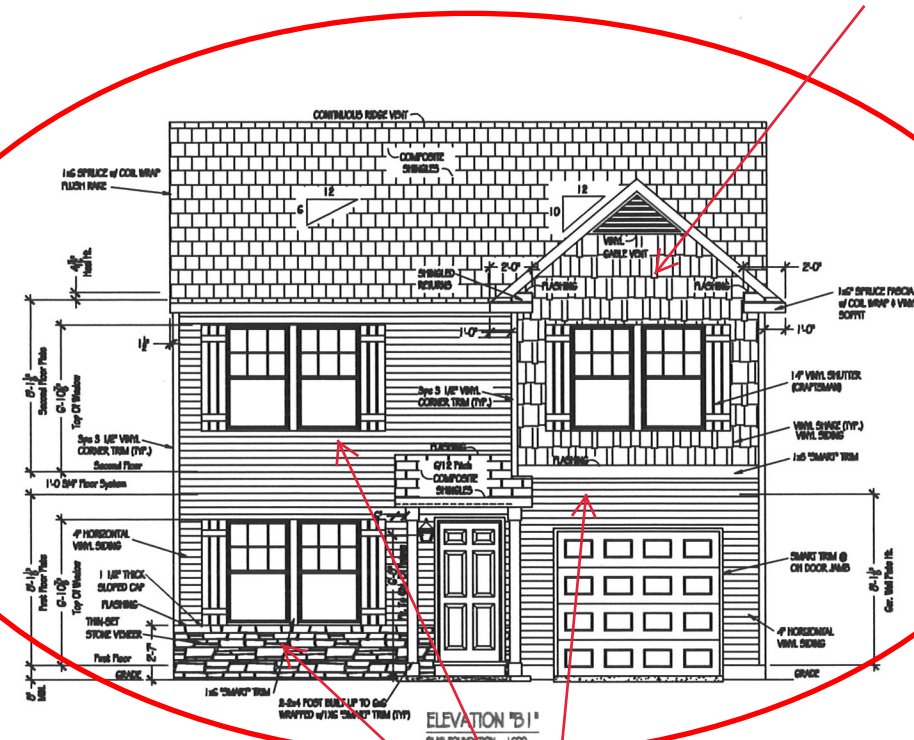
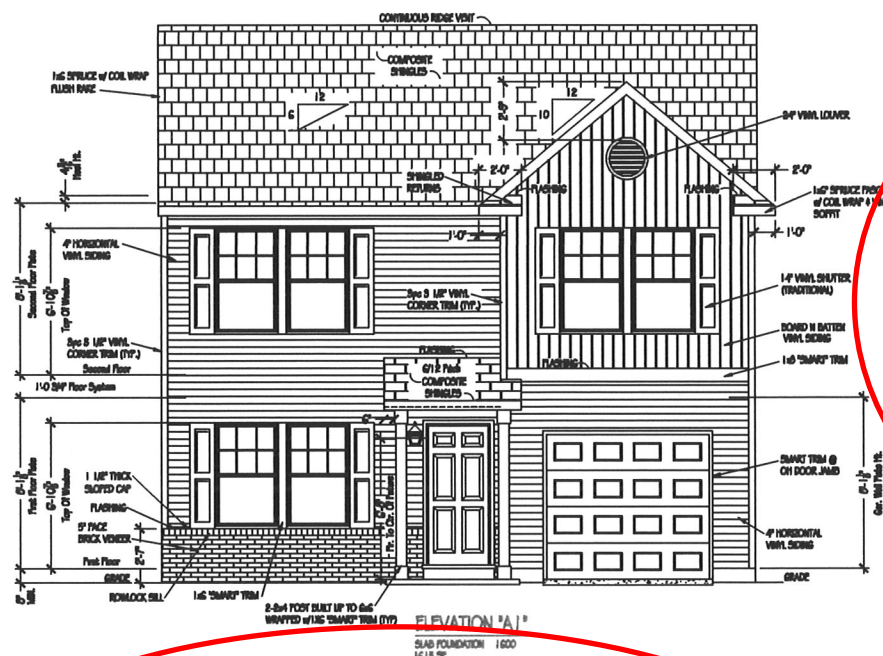
Tarlton Helicopters LLC by Jacob Tarlton member/manager 100% owner
Property Owner (printed)

Tarlton Helicopters, LLC by Jacob Tarlton member/manager 100% owner
Property Owner's Signature

06-24-2020
Date



Cob P File 127



METER BASE SAME SIDE AS TRANSFORMER



Shake

Vinyl

TRUE HOMES L.L.C.
2649 Breton Ridge Centre Dr.
Suite 104
Monroe, N.C. 28110
704-226-9486

Community
Lot #

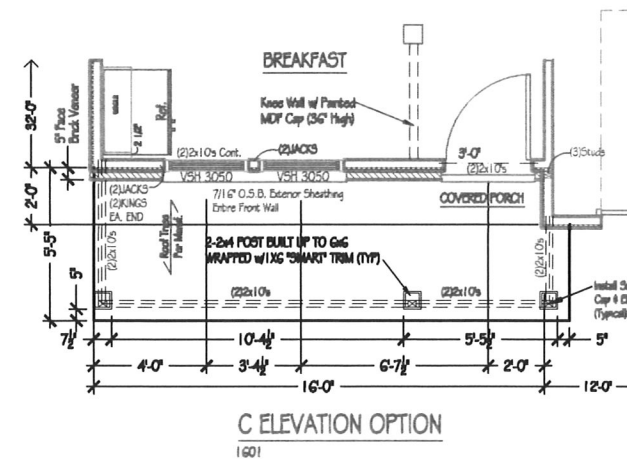
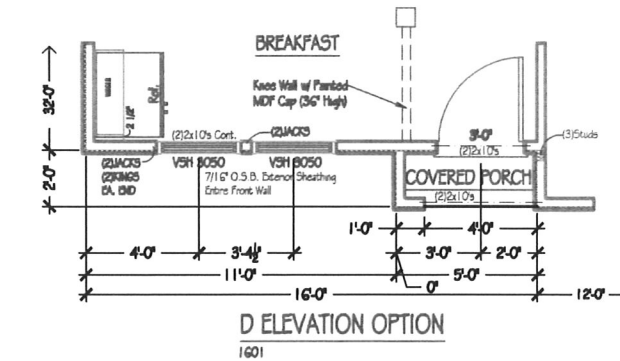
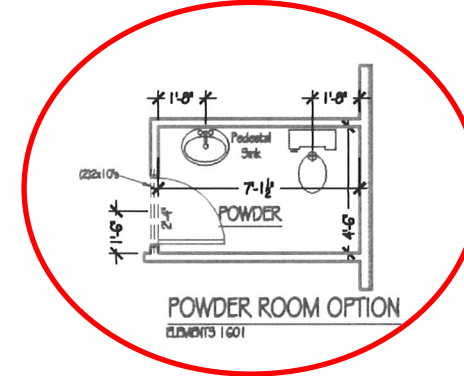
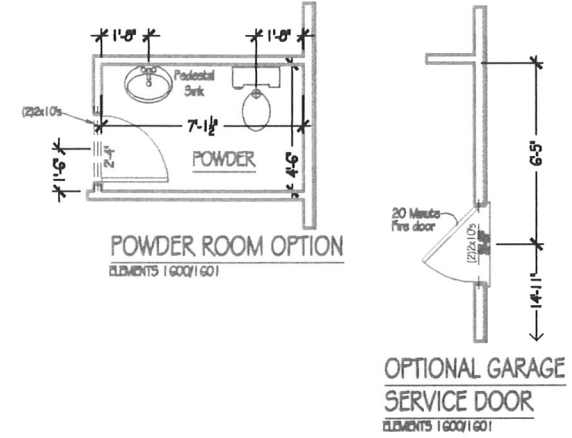
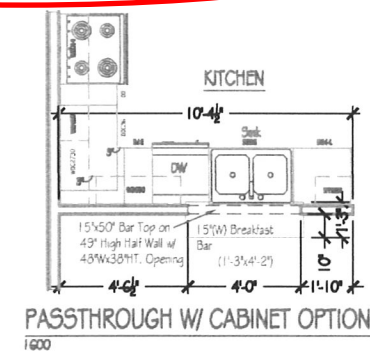
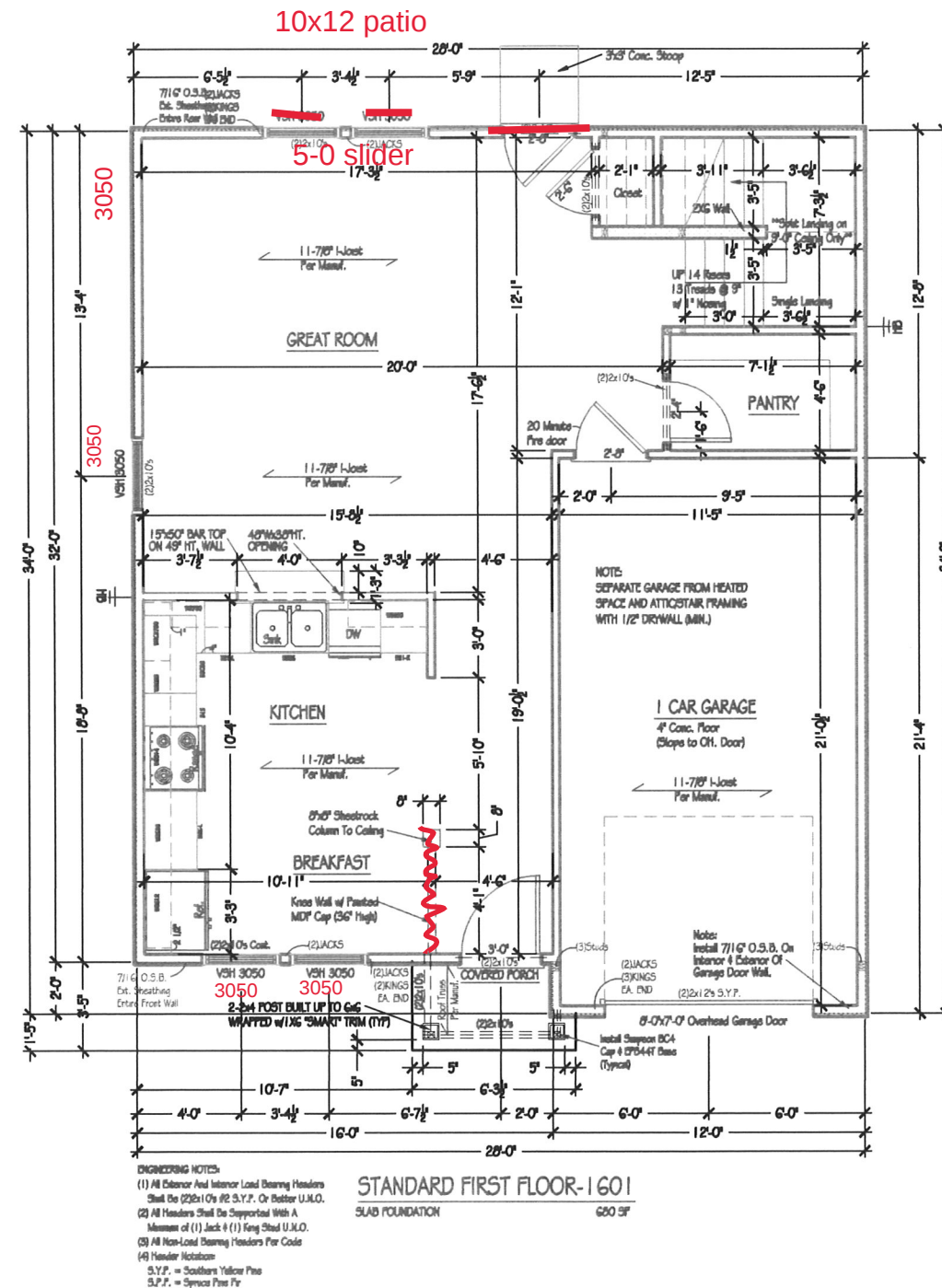
FRONT ELEVATIONS
1600 - JULIEN

Copyright True Homes L.L.C. All rights reserved. The duplication, reproduction, copying, sale, rental, financing, or any other distribution or use of these drawings, any portion thereof, or the plans depicted herein is strictly prohibited.
DRAWN BY: MAB
DATE: 4/1/08
SCALE: NOT TO SCALE
REVISION: DPS
JOB: STANDARD

SHEET:
1a
9

METER BASE SAME SIDE AS TRANSFORMER

John Street



- GENERAL NOTES:
1. 8'-1 1/8" CEILING HEIGHT, UNLESS NOTED OTHERWISE
 2. ALL INTERIOR NON LOAD BRG WALLS TO BE 2x4 STUDS 24" O.C.
 3. WINDOWS TO BE VINYL SINGLE-HUNG, SIZE AS INDICATED BY NUMBER ON PLAN (SEE WINDOW SCHEDULE)
 4. DIMENSIONS ARE FROM FACE OF STUDS
 5. PROVIDE BLOCKING ABOVE WINDOWS & DOORS 16" O.C. TYP.
 6. PROVIDE EXTRA STUDS AS INDICATED AT BEAM BEARING LOCATIONS
 7. ALL WINDOW HT. TO BE 6'-10 7/8" ABOVE FLOOR UNLESS OTHERWISE NOTED
 8. PROVIDE DOUBLE CRIPPLES UNDER HEADERS FOR BEARING AT OPENINGS 6'-0" WIDE AND GREATER
 9. SHIM EXTERIOR DOORS & PKT. DOORS 1/2" ABOVE SUBFLOOR
 10. UPPER KITCHEN CABINETS 55" ABOVE SUBFLOOR
 11. 16" O.C. STUDS AT KITCHEN WALLS W/ CABINETS
- HALF WALL (See plan for lt.)
- 2x4 WALL (see plan for plate lt.)
- 2x4 EXTERIOR WALL
- 2x6 WALL (see plan for plate lt.)
- 2x6 EXTERIOR WALL

TRUE HOMES L.L.C.
2649 Brekon Ridge Centre Dr.
Suite 104
Monroe, N.C. 28110
704-226-9486

Community
Lot #

FIRST FLOOR PLAN

1600-1 - JULIEN

Copyright True Homes L.L.C. All rights reserved. The depiction, representation, copying, sale, rental, financing, or any other distribution or use of these drawings, or any portion thereof, or the plans depicted herein is strictly prohibited.

DRAWN BY:
MAB

DATE:
4/1/08

SCALE:
NOT TO SCALE

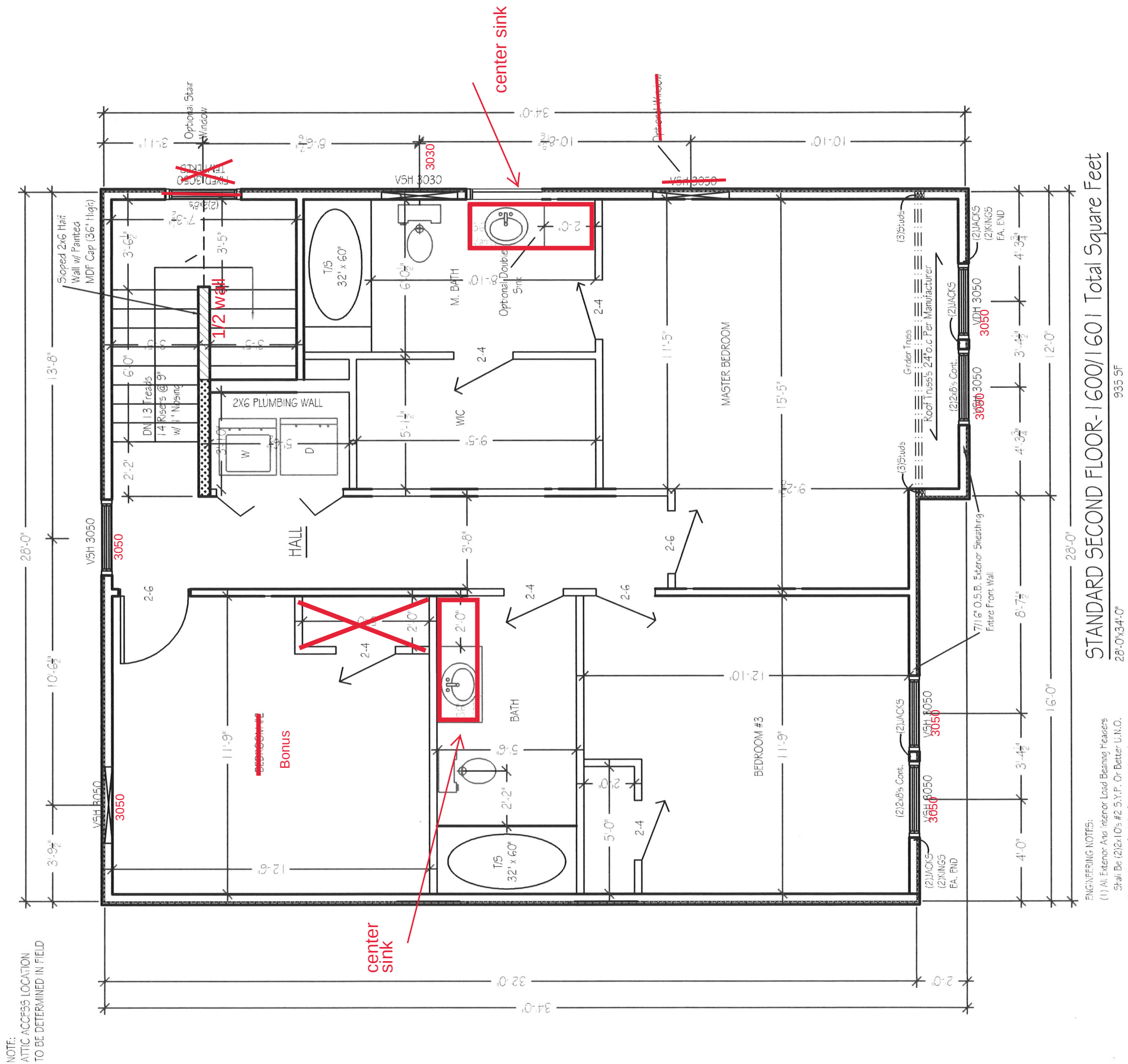
REVISION:
DPS

JOB:
STANDARD

SHEET:

4a

John St



ENGINEERING NOTES:

(1) All Exterior Airs Interior Load Bearing Headers Shall Be (2)2x10's @ #2 S.Y.P. Or Better U.N.O. Minimum of (1) Jack & (1) King Stud U.N.O.

(2) All Headers Shall Be Supported With A

(3) All Non-Load Bearing Headers Per Code

(4) Header Notation:

S.Y.P. = Southern Yellow Pine
S.P. = Spruce Yellow Fir

STANDARD SECOND FLOOR-1600/1601 Total Square Feet
28'-0"x34'-0" 935 SF

ACCTNO	OWNERNAME1	OWNERADDRE	OWNERCITY	OWNER	OWNERZIP
09228098	HORTON BOYD JR	211 W JEFFERSON ST	MONROE	NC	28112
09228099	HOOD DIANA LYNN	709 CARR ST	MONROE	NC	28110
09228103	NIVEN ADDIE	UNKNOWN ADDRESS			00000
09228104	NIVENS BEATRYCE THOMASINIA HEIRS	7002 BOULEVARD APT 5A	GUTTENBURG	NJ	07093
09228122	CROWDER HELENA BENNETT	1501 STAFFORD ST	MONROE	NC	28110
09228159C	D K PROPERTIES OF UNION LLC	4001 SIKES MILL RD	MONROE	NC	28112
09228120	FRIENDSHIP MISSIONARY BAPTIST CHURCH	PO BOX 945	MONROE	NC	28111
09228125	NIVEN JOHN F HEIRS %ANNIE JORDAN ALL	715 BOYTE ST	MONROE	NC	28110-7208
09228153	WHITMAN LUCIDIA GALLEGO	PO BOX 470351	CHARLOTTE	NC	28246
09228099	HOOD DIANA LYNN	709 CARR ST	MONROE	NC	28110
09228101A	MASSEY LILLIE STREETER	707 SALISBURY ST	WADESBORO	NC	28170
09228127	ASHCRAFT JOE KENT & BEVERLY K	906 WATERVIEW LN	MONROE	NC	28110
09228159B	ALLEN WILHELMINA	901 JOHN ST	MONROE	NC	28110
09228097	FARACI GLENN & FRANCES PRESTIPINO	1719 S ROCKY RIVER RD	MONROE	NC	28112-8670
09228123	ENNIX BLANCHE N	40700 CHAMPION WAY	PALMDALE	CA	93551
09228155	RED ROOSTER PROPERTIES LLC	PO BOX 235	INDIAN TRAIL	NC	28079
09228101	ALVARADO MARIA ANGELICA	727 CARR ST	MONROE	NC	28112
09228105	GREENE IRA HEIRS %VIRGINIA POSTON	911 PLYLER ST	MONROE	NC	28110
09228126	CRAWFORD CLARENCE	4703 WAXHAW HWY	MONROE	NC	28112
09228156	HEATH ELEANOR PEARLENE & MARVIN	502 COLONY RD	MONROE	NC	28112
09228158	MCCARTER BRENDA Y	608 CARR ST	MONROE	NC	28110
09228159A	ALLEN MIA DENISE	901 JOHN ST	MONROE	NC	28110
09228101B	MASSEY LILLIE STREETER	707 SALISBURY ST	WADESBORO	NC	28170-0456
09228152	UNION TRIAD PROPERTIES LLC	613 EUCLID ST	MONROE	NC	28110
09228154	MEDLIN NEZZY CARELOCK HEIRS	838 SQUIRREL HILL RD	CHARLOTTE	NC	28215
09228106	POLK DONALD O & DOROTHY C	500 WINDY DR	MONROE	NC	28110-2812
09228128	D K PROPERTIES OF UNION LLC	4001 SIKES MILL RD	MONROE	NC	28112
09228157	FIGUEROA MANUEL G & ERIBERTO ALMANZA	609 JOHN ST	MONROE	NC	28110
09228100	IH3 PROPERTIES NORTH CAROLINA LP	%INVITATION HOMES-TAX DEPT	DALLAS	TX	75201
09228102	WHITLEY JAMES M & WILLIAM N	3311 WARRENSVILLE CENTER RD APT 408	SHAKER HEIGHTS	OH	44122
09228107	FRIENDSHIP BAPTIST CHURCH	501 BURKE ST	MONROE	NC	28110
09228124	D K PROPERTIES OF UNION LLC	4001 SIKES MILL RD	MONROE	NC	28112
09228129	CRAWFORD CLARENCE	4703 WAXHAW HWY	MONROE	NC	28112
09228151	CUTHBERTSON CORA HEIRS	113 DYER DR	SHELBY	NC	28152