

**BOARD OF ADJUSTMENT
MEETING
THURSDAY, FEBRUARY 22, 2024
6:00 P.M.
Council Chambers
300 W. Crowell Street
Monroe NC**

AGENDA

- Item 1.** **Call to Order:**
- Item 2.** **Pledge of Allegiance and Moment of Silence**
- Item 3.** **Approval of Minutes** – January 25, 2024
- Item 4.** **Conflicts of Interest**
- Item 5.** **Quasi-Judicial Statement:**
- Item 6.** **PLZNA- 2024-00146 Variance**-The Board of Adjustment is requested to consider a variance request from Michael Stewart to modify the minimum lot size for car, boat, other vehicle sales and rental establishments in order to operate a vehicle sales lot at 1610 Lynn Street. (Parcel ID # 09-188-105)
- Item 7.** **PLZNA-2024-00148 Variance**- The Board of Adjustment is requested to consider a variance request from Ronald Reynoso, of Shining Light Baptist Church, to modify the required perimeter buffer along the left and rear property lines to allow for a new educational building to be constructed at 2601 Old Charlotte Highway. (Parcel ID# 09-301-242)
- Item 8.** **Next Meeting:** March 28, 2024
- Item 9.** **Adjournment**

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

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

MINUTES OF THE BOARD OF ADJUSTMENT MEETING

January 25, 2024, at 6:00 P.M.

Council Chambers

300 W. Crowell St.

Monroe, NC

To HR: 02/12/2024

Item 1. Call to Order

Chair, Kenneth Deal called the January 25, 2024, meeting to order at 6:04 p.m. and noted that there was a quorum present with 3 members. Ashlyn Penegar, Administrative Assistant, called the roll.

Members Present: Kenneth Deal, Louis Philippi and George Smith

Members Absent: None

Staff Present: Doug Britt, Senior Planner; Patrick Blaszyk; Al Benshoff, BOA Attorney; Richard Long, City Attorney; Ashlyn Penegar, Administrative Assistant II

Guests: James Gerber, Marc Rodriguez, Lloyd Cobb and William Lawrence

Item 2. Pledge of Allegiance and Moment of Silence

Item 3. Approval of Minutes – Minutes of November 30, 2023

Chair asked has all Board members had a chance to review the minutes?

Louis Philippi said yes, I have. But, I was not a member of the Board. Am I allowed to vote on this?

Chair said yes and you were present for that meeting, so it makes you more than qualified.

Motion: George Smith made a motion to approve the minutes of the November 30, 2023, meeting.

Second: Louis Philippi

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

AYES: Kenneth Deal, Louis Philippi and George Smith

NAYS: None

Item 4. Conflicts of Interest

Chair asked if there were any conflicts of interest?

There were none.

Item 5. Quasi-Judicial Statement:

Al Benshoff said this is for the audience and it is a brief explanation of what the Board of Adjustment does. This is a quasi-judicial hearing, which means it is like a court hearing. North Carolina law sets specific procedures and rules concerning how this board of adjustment must make its decisions. these rules are different from other types of land use decisions, such as rezoning's. This board's discretion is limited. This board must base its decisions on competent, relevant and substantial evidence in the record. A quasi-judicial process is not a popularity contest, it is a decision limited by the standards in the zoning ordinance and based on the facts presented. If you will speak as a witness, please focus on the facts and ordinance standards, not personal preference or opinion. Participation is limited by state law and this meeting is open to the public. Everyone is welcome to watch and parties with standing have rights to participate fully. Parties may present evidence, call witnesses and make legal arguments. Parties are limited to the town, applicant and individuals who can show that they will suffer special damages. Other individuals may serve as witnesses when called by the chair, general witness testimony is limited to facts, not opinions. For certain topics, this board needs to hear opinion testimony from expert witnesses. These topics include impacts on property values and increased traffic. Persons providing expert opinion must be qualified as experts and provide the factual evidence on which their opinions are based. Witnesses may be cross-examined by parties with standing and witnesses must swear or affirm their testimony.

Al Benshoff said one other thing, Mr. Britt suggests that Item 8 be taken first because it may be shorter than the other ones.

Chair asked is Mr. Rodriguez here to speak on this?

Marc Rodriguez said I am.

Chair asked does any Board member have any objections to changing Item 8 to Item 4a?

There were none.

Chair said very well, we will consider Item 8 now as Item 4a. We will take it next. In that case, the next item will be:

PLSUP 2024-00135 Special Use Permit- The Board of Adjustment is requested to consider a special use permit from Marc Rodriguez in order to install barbed wire to the top of a chain link fence in the rear and side yard of the property located at 2411 Nelda Drive. (Parcel ID # 09-261-005F)

Chair said if anyone is giving testimony for this matter, please step forward to be sworn in.

Patrick Blaszyk, Doug Britt and Marc Rodriguez approached the podium and were sworn in by the Chair.

Patrick Blaszyk said tonight, I am here to present a Special Use Permit request for 2411 Nelda Drive in which the applicant is looking to add barbed wire to the top of an existing chain link fence at the rear and left side of the property.

Proposed Findings:

1. The property located at 2411 Nelda Drive is owned by Charles H. Griffin and is zoned GI (General Industrial). (Exhibit 1 & 2).
2. A Special Use Permit application was submitted in January 2024 by Marc Rodriguez of ARC3 Gases requesting to install a 1-foot tall section of barbed wire to the top of a perimeter chain link fence with the barbed wire being located on the rear and left side of the perimeter fence where vehicles, materials and gases are stored. (Exhibit 3 & 4)
3. Section 8.3.10 C. of the City of Monroe Unified Development Ordinance (UDO) states in relative parts:

“Barbed wire fencing is only permitted in conjunction with agricultural activities in the, RLD, and RMD districts. Barbed wire may be approved by special use permit in other districts in accordance with the required standards of review in Section 3.4.9: Special Use Permits and if deemed necessary to protect health and safety in association with utility structures, landfills, airports or similar civil uses.” (Exhibit 5)
4. Site plans displaying the location of the fence were submitted by the applicant. (Exhibits 6 & 7)
5. The applicant submitted parcel information about 2411 Nelda Drive from the Union County, NC Go Maps 4.0 website. (Exhibit 8)
6. All adjoining property owners have been notified of the Special Use Permit application. (Exhibit 9 & 10)

Patrick Blaszyk said this concludes my presentation at this time. Please let me know if you have any questions for me or the applicant, who is here as well.

Chair asked did you receive any inquiries or comments from the people who were notified?

Patrick Blaszyk said no, I did not.

Chair asked was the application for the Special Use Permit submitted accurately and complete and accepted by the Planning Department?

Patrick Blaszyk said it was.

Chair asked are there any questions from any other Board members?

There were none.

Chair said if the applicant would like to step forward and introduce yourself. You indicated that you had some statements because you were sworn in.

Marc Rodriguez said I don't have anything in particular, except its standard operating procedure typically to put up a fence like that. We are just doing what we've typically done, we've got 58 locations across the Carolinas and Georgia. Its standard operating procedure for us to install these because of the compressed gasses and flammable gasses and things that we don't want undesirables or people that shouldn't be roaming the territory or getting access to something like that. It's what all of our competitors do as well.

Chair said I believe all of that was stated in your application as well.

Mr. Rodriguez said it was.

Chair asked if any Board members have any questions for the applicant?

Louis Philippi said I have a question. I saw your building today and looked at it. There's a 3 ft. barbed wire top on top of the fence. Are you wanting to put more on there?

Mr. Rodriguez said no sir. We just want it as is, that's it.

Louis Philippi said ok, that's all I've got.

George Smith asked what type of gasses do you store there?

Mr. Rodriguez said oxygen, nitrogen, argon. We are a welding supply company. We have helium and we do a lot of CO2 as well.

Chair asked do we have any other questions?

There were none.

Chair asked is there anyone else that was sworn in that wants to give testimony to this? If not, I will go through the worksheet and we can make the motions.

Special Use General Standards-

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

Motion: George Smith made a motion that the standard is met because compressed gasses can be extremely dangerous, even if they aren't flammable. It's good to have them sealed off away from the public and access to them can be detrimental to the people getting involved in the community around.

Second: Louis Philippi

Action: The motion passed unanimously with the following votes:

AYES: Kenneth Deal, Louis Philippi and George Smith

NAYS: None

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

Motion: Louis Philippi made a motion that the standard is met because securing compressed gasses with a chain link fence with barbed wire at the top is what the applicant installs at all of their stores across the Carolinas. It would be unsafe for the neighborhood and the community to not have the extra caution.

Second: George Smith

Action: The motion that the standard is met passed unanimously with the following votes:

AYES: Kenneth Deal, Louis Philippi and George Smith

NAYS: None

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

Motion: George Smith made a motion that the standard is met because the location is in an industrial area and having the property properly secured would actually enhance the value of the land around the property.

Second: Louis Philippi

Action: The motion that the standard is met passed unanimously with the following votes:

AYES: Kenneth Deal, Louis Philippi and George Smith

NAYS: None

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

Motion: Louis Philippi moved that the location and character of the use will be in harmony with the neighborhood in which it is located and in conformity with the Monroe Land Development Plan because it's a simple and well-constructed fence, it's in an industrial area where other businesses have their property secured and rightly so. Also, there is a residential area close to the sides, so there could be kids roaming around looking for a place to play. It's not only meeting the standard, its good idea.

Second: George Smith

Action: The motion that the standard is met passed unanimously with the following votes:

AYES: Kenneth Deal, Louis Philippi and George Smith

NAYS: None

Chair asked for a motion to approve, deny or modify the Proposed Findings of Fact as submitted in the Staff Report.

Motion: George Smith made a motion to approve the Findings of Fact 1-6 as presented.

Second: Louis Philippi

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

AYES: Kenneth Deal, Louis Philippi and George Smith

NAYS: None

Chair asked for a motion to grant or deny the request of the Special Use Permit

Motion: Louis Philippi made a motion to grant the Special Use Permit request.

Second: George Smith

Action: The motion to grant the Special Use Permit modification passed unanimously with the following votes:

AYES: Kenneth Deal, Louis Philippi and George Smith

NAYS: None

Item 6. **PLZNA 2024-00103 Variance-** The Board of Adjustment is requested to consider ten variance requests from William Lawrence in order to subdivide the existing four houses on one lot at 422 English Street. (Parcel ID # 09-189-133)

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

Doug Britt, Patrick Blaszyk, William Lawrence and Lloyd Cobb approached the dais and were sworn in by the Chair.

Chair said element one of this is a determination of preliminary matters. Is the request within the jurisdiction of the Board of Adjustment? At this time, I would like to recognize the City Attorney, Richard Long.

Richard Long approached the podium and said thank you Mr. Chairman. Mr. Chairman, as you are aware that the City has zoning ordinances and the zoning ordinance has standards of permitted uses throughout wherever they are in the City. What this is attempting to do is change our zoning ordinance about a permitted use by a variance, which is not allowed under the statute. When you are looking at the variance statute, it specifically says that no change in permitted uses may be authorized by a variance. So, what they are really asking you to do here is to do something that should be done by a change in zoning or rezoning. Now, there might not be a rezoning that fits this, and I can't tell you whether there is or there is not. But, I think this is the wrong procedure.

Chair asked the Board if there were any questions or discussions.

There were none.

Chair thanked Mr. Long and asked William Lawrence to approach the podium.

Mr. Lawrence approached the podium and introduced himself. He asked is everyone had a copy of his plat?

Chair said we are only dealing with the preliminary matters. Do you disagree with anything that the City Attorney said as to his feeling that this in an inappropriate venue?

Mr. Lawrence said yes, I believe that this is an appropriate venue.

Chair asked what do you base that on?

Mr. Lawrence said like he stated, there is no rezoning. In order for each dwelling to be on its own parcel of land, this is the only alternative in which to make that subdivision process applicable. Currently you have 4 dwellings on one parcel and there is no rezoning for that size. This is the only process that would allow that to be subdivided.

Chair asked the Board, does anyone of you have any questions?

Louis Philippi said yes, these 4 houses were built as rentals in the late 40's, I guess?

Mr. Lawrence said yes, I believe so.

Louis Philippi said they've changed hands several times. What is the motivation for wanting to break it up and get all these variances?

Mr. Lawrence said it's my understanding that the property owner wants to sell 1-2 of the dwellings independently and because they are only on one parcel, of course you would have to sell the entire parcel.

Louis Philippi asked if the owner has a buyer or if he just wants to be able to? Do you have a buyer? Is the buyer an individual who would reside there, just out of curiosity?

Chair said Louis, be careful not to actually get into the variances. We are only discussing the preliminary matters about the appropriateness right now.

Louis Philippi said thank you.

Chair asked if there were any other questions?

Al Benshoff said I have some. Mr. Lawrence, have you or the owner asked the City Council or Planning Board to amend the zoning ordinance to allow these small lot, single family residences that you propose?

Mr. Lawrence asked, amend the zoning ordinance how?

Al Benshoff asked are you aware that people can petition the City Council to amend the zoning ordinance?

Mr. Lawrence said I was aware of that, but because no zoning would be in compliance.

Al Benshoff said I don't mean a map amendment; I mean a text amendment.

Mr. Lawrence said no, I don't think I was aware of that.

Al Benshoff said so, you haven't asked the City Council or Planning Board to amend the text of the UDO to create a zoning district that would allow this small lot, single family development?

Mr. Lawrence said no, I was not aware that was even a possibility of creating its own special use.

Al Benshoff asked you testify that there was no recourse that asking for a variance or multiple variances was the only recourse?

Mr. Lawrence said yes. You are saying that petitioning the amendment of the zoning ordinance is another recourse, to make it a special use zoning?

Al Benshoff said yes, but you will have to talk to the Planners and the Planning Board about how the text would read. That's not something the Board of Adjustment does, they only answer the questions that they are presented. Their jurisdiction is always the first question that has to be answered and that is what the Board is wrestling with, whether they have jurisdiction to hear these variances.

Chair said I am either at an advantage or a disadvantage because I also sit on the Monroe Planning Board. But, from a Board of Adjustment standpoint, the way I look at this is the property already exists and under the Unified Development Ordinance, it's considered a non-conforming standard and it was grandfathered because it pre-exists the ordinance. What you are really asking us to do is replace one non-conforming standard with another non-conforming standard and under state statute, I don't feel that we have that authority. The City of Monroe is incorporated with its own City Council and its own Planning Department to process rezoning or conditional planned developments to meet certain standards. So, in my estimation, if the City can take a twin home that's two houses in one that is sitting on one piece of property, and divide it into two properties for sale, then this is well within the Planning Board and City Council adjudication authority and not the Board of Adjustment. Do you understand what I'm trying to show you?

Mr. Lawrence said yes, I think I do. Thank you.

Chair asked does anyone else have standing that wants to say something?

Lloyd Cobb approached the podium. He said I respect the attorney and I respect you guys.

Chair said since your name is not in the agenda, please state your name and address for the record.

Mr. Cobb introduced himself and said I reside at 2004 Planters Knoll Drive in Monroe, NC. I bought these properties about 12 years ago and Captain Greene, the Mayor and the Lieutenants, it took us two years to clean the drugs up in that area. When you first went in there and I don't know if you guys have went through there, but guys would stop you and it was just infected with drugs. I take a lot of pride in buying those properties and cleaning that area up. You can go through there and you don't have any of that now because of the hard work that I put in with the neighbors and Captain Greene, I don't know if she is still with the City. But, we worked really hard to do that. Some of these tenants have been in these properties since they were little kids, 30-40 years. What I am doing is trying to turn those guys that's been there all of their lives and didn't have the opportunities to own properties, is to have them buy these properties. I'm trying everything I can do to make that happen. I've got two houses where the guys have grown up there and the parents have died and I'm trying to make it to where I can sell those properties to those guys and I will finance them. I've got five other properties that I've got with families living in now that are buying those houses. At the same time, I respect what you are telling us today. I just hope that there is a remedy that we can somehow come up with that would enable me to sell those properties. Right now, there are four houses on one parcel of land. I get one tax bill and of course it would be a benefit to the City to do it because they are going to get more tax money. That's what I'm trying to do, maybe someone could guide us to do whatever we need to do to make it happen. Thanks for your time.

Chair said thank you and I know the City thanks you for cleaning up that area. I do believe there is probably a remedy using the legislative process instead of the judiciary process. Again, I don't feel that its within our authority to hear this matter because it's really a Planning Board/City Council decision and not an adjudicated Board of Adjustment decision.

Al Benshoff said we would need a motion...

Chair said I know that, I'm getting to that.

Al Benshoff said I'm sorry, Mr. Deal.

Chair said I try not to be the one making the motions, if I have to, I will, but I prefer it to be a team effort and let the other Board members have an opportunity to make a motion first. So, I will solicit a motion as to whether or not my fellow members feel that we have jurisdiction to review this matter.

Motion: George Smith made a motion due to our lack of jurisdiction over this matter, that we do not review the case at the Board of Adjustment Meeting.

Second: Louis Philippi

Action: The motion passed unanimously with the following votes:

AYES: Kenneth Deal, Louis Philippi and George Smith

NAYS: None

Chair said I would recommend that you get with Mr. Britt or other members of the Planning Department to go the rezoning or amendment to the UDO, or whatever route they recommend.

Mr. Lawrence said thank you.

Item 7. **PLZNA 2024-00136 Variance-** The Board of Adjustment is requested to consider two variance requests from James Gerber from the minimum lot area in order to subdivide the existing single lot into two lots at 615 English Street. (Parcel ID # 09-189-139)

Chair said if anyone is giving testimony on this, please step forward to be sworn in.

Al Benshoff said the staff doesn't need to be sworn in every time.

James Gerber approached the dais and was sworn in by the chair.

Chair said again, I will recognize Mr. Long for the determination of preliminary matters, is the request within the jurisdiction of the Board of Adjustment.

Richard Long said without being redundant, I will repeat myself again if that's what you would like. But, the argument for this is the same argument as before.

Chair said ok, thank you. Do we have any questions for the City Attorney?

There were none.

Chair asked Mr. Gerber, would you like to give us a presentation? Please keep it factual and evidentiary. This is just on the preliminary as to why you feel that this is an appropriate venue for your request.

James Gerber approached the podium and said you guys do variances and this is just a variance of one of the terms of which you base lots on. It's not like I'm changing this from a single family to a multifamily or anything other than multifamily, I'm just requesting the ability to be able to split the lot and be able to use them independently I was under the impression that this was the forum in which we could request the variance on any of those issues and therefore, it would be appropriate to bring this request to you guys. With the prior discussion, it was splitting it from multifamily down to single families and things like that, I feel that this is a separate sort of issue. Because this is just a single family and additionally, if you look at the way the home is placed, it's all the way on the south side of the lot and clearly, it was intended to have multiple houses on that lot and I guess they just never got around to building another home there. Additionally, there are a number of homes within a quarter of a mile there that are on much smaller lots, 0.16 acres and I can give you the address. But, they are all homes that are all on smaller lots than what I am discussing. This is over a half an acre and to split it up into two quarter lots, I feel that this would be the appropriate venue to do that.

Chair asked does the Board have any questions.

There were none.

Chair said I have looked through, not only the individual request, but the neighborhood, but that all beside again, as with the splitting a lot from 1 into 4 or 1 into 2, the issue is in fact the same. It's the compliance of the square footage of the minimum lot sizes, which is the jurisdiction of the Planning Board and City Council to make a ruling on whether or not a lot can be subdivided. If it was one lot and you had a situation on the lot that you were trying to get a variance because you weren't in compliance because you were trying to put up a shed or something like that. Or the square footage of what you were wanting to construct exceeded your allotment or things of that nature, would be appropriate here. You are in fact looking for a rezoning action so that you can repurpose the lot from one to two lots. As a member of the Planning Board and knowing how the actions that they've dealt with in the past, that's the kind of stuff I see there and not at this particular Board. So, in my judgement, it's not within our jurisdiction to tell the City that their Unified Development Ordinance doesn't apply in your situation.

George Smith asked do we need to make a motion?

Motion: Louis Philippi made a motion due to our lack of jurisdiction over this matter, that we do not review the case at the Board of Adjustment Meeting.
Second: George Smith

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

AYES: **Kenneth Deal, Louis Philippi and George Smith**

NAYS: **None**

Chair said we would love to do it if we could, it's just not within our jurisdiction to do it.

Mr. Gerber asked something inaudible.

Chair said get with Mr. Britt with the Planning Department. They have different forms that you have to fill out in order to start that process.

Item 9. **Next Meeting: February 22, 2024**

Chair asked do we have any cases for that yet that you know of?

Patrick Blaszyk said yes, we have one.

Chair asked is everyone available on February 22?

There were no conflicts.

Item 10. **Adjournment**

Motion: **Louis Philippi made a motion to adjourn the meeting.**

Second: **George Smith**

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

AYES: **Kenneth Deal, Louis Philippi and George Smith**

NAYS: **None**

The meeting was adjourned at 6:48 p.m.

Respectfully submitted,

Kenneth Deal
Chair

Ashlyn Penegar
Clerk of the Board



STAFF REPORT

Case # PLZNA-2024-00146

TO: Board of Adjustment Members

DATE: February 22, 2024

FROM: Doug Britt, Senior Planner

PREPARED BY: Patrick Blaszyk, Planner

SUBJECT: Variance Request by Michael Stewart for property located at 1610 Lynn Street.

SUMMARY STATEMENT

Michael Stewart is requesting a variance to modify the minimum lot size for car, boat, other vehicle sales and rental establishments in order to operate a vehicle sales lot at 1610 Lynn Street.

SITE DATA

Type of Action: Variance

Date of Petition: January 22, 2024

Name of Petitioner: Michael Stewart

Location: 1610 Lynn Street

Tax ID #: 09-188-105

Lot Size: 0.37 Acres

Current Zoning Classification: GB (General Business) Zoning District

REVIEW

Proposed Findings:

1. The property located at 1610 Lynn Street is owned by Melissa Plyler and is zoned GB (General Business). (Exhibit 1, 2 & 3)
2. The Unified Development Ordinance (UDO) Section 7.2.6 entitled “Commercial Uses” states in relevant parts (Exhibit 4):

P. Car, Boat, Other Vehicle Sales & Rentals

4. Use Standards.

- a. Minimum lot size for car, boat, other vehicle sales and rental establishments shall be two (2) acres.

3. The subject property is a total of .37 acres. (Exhibit 5)
4. On January 22, 2024, the applicant submitted a variance application in order to request a variance of the minimum lot size requirement for an automotive sales lot. (Exhibit 6)
5. The applicant submitted a site plan of the existing layout of 1610 Lynn Street. (Exhibit 7)
6. All adjacent property owners have been notified of the proposed variance. (Exhibit 8 & 9)

Conclusions:

1. It is the Board's CONCLUSION, that unnecessary hardship (would/would not) result from the strict application of the ordinance.
2. It is the Board's CONCLUSION, that the hardship (is/is not) peculiar to the applicant's property.
3. It is the Board's CONCLUSION, that the hardship (is/is not) the result of the applicant's own actions.
4. (a) It is the Board's CONCLUSION, that the variance (is/is not) consistent with the spirit, purpose, and intent of the ordinance.
- (b) It is the Board's CONCLUSION, that in granting of the variance, the public safety (will/will not) be secured and substantial justice (will/will not) be achieved.

THEREFORE, on the basis of all foregoing, IT IS ORDERED that the application Variance PLZNA-2024-00146 be (**approved/denied**).

Exhibits:

Exhibit 1: Ortho Map
Exhibit 2: Zoning Map
Exhibit 3: Deed to Property
Exhibit 4: Ordinance Excerpt 7.2.6 P
Exhibit 5: Parcel Report
Exhibit 6 Variance Application
Exhibit 7: Site Plan
Exhibit 8: APO Map
Exhibit 9: APO List

Prepared by: PB 2-5-2024



Ortho Map

1610 Lynn Street

Legend

- Centerlines
- Parcels

 Subject Property

Owner: Melissa Plyler



EXHIBIT 1

Zoning Map

1610 Lynn Street

Legend

— Centerlines

▭ Parcels

Zoning_091321

CD

GI

GB

★ Subject Property

Owner: Melissa Plyler



EXHIBIT 2

LYNN ST

WALKUP AVE

FILED
UNION COUNTY, NC
CRYSTAL D. GILLIARD
REGISTER OF DEEDS
FILED Mar 14, 2019
AT 01:49 pm
BOOK 07329
START PAGE 0498
END PAGE 0499
INSTRUMENT # 06365
EXCISE TAX (None)
CG

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax:\$0.00 Transfer
Parcel Identifier No.09-188-105 Verified by _____ County on the ____ day of _____, 20____
By: _____

Mail/Box to: Grantee
This instrument was prepared by: Grantee *Melissa M. Plyler*
Brief description for the Index:0.37 acres Lynn Street

THIS DEED made this _____ day of _____, 2019, by and between	
GRANTOR	GRANTEE
Terry M. Richardson, Widow	Melissa M. Plyler, Married
Mailing Address: 5608 Lancaster Hwy. Monroe, NC 28112	Mailing Address: 4808 Old Highway Road Monroe, NC 28112

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

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

BEGINNING at an iron on the South side of Nash Street, said point being located North 58 deg. 5 min. East 277.9 feet from a ten inch (10") steel post marking the intersection of the East right of way line of U.S. Highway #74 and the South side of said Nash Street and running thence with the South side of said Nash Street, North 58 deg. 5 min. East 211.1 feet to an iron stake in the center of a 30 foot street, corner of the M & H Building Materials, Inc., property and running thence with the center of said street and with said M. & H. property line, South 29 deg. 50 min. East 69.9 feet; thence South 51 deg. 30 min. West 199.7 feet to an iron stake; thence with a line of the S. P. Helms property, North 38 deg. 10 min. West 93 feet to the BEGINNING corner and containing 37/100 of an acre, according to survey and map by Ralph W. Elliott, R.L.S., dated August 27, 1962.

Also described as: That certain tract containing 0.37 of an acre, more or less, on Lynn Street as more fully described in Deed recorded in Deed Book 333, Page 203, Union County Registry.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 333 page 203 and Book 468, Page 822.
All or a portion of the property herein conveyed does not include the primary residence of a Grantor.

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

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

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

(Entity Name)

By: _____
Print/Type Name & Title: _____


Print/Type Name: **Terry M. Richardson**

(SEAL)

Print/Type Name: _____

(SEAL)

Print/Type Name: _____

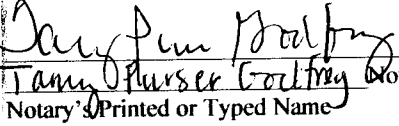
(SEAL)

Print/Type Name: _____

State of North Carolina - County or City of Union
I, the undersigned Notary Public of the County or City of Union and State aforesaid, certify that Terry M. Richardson personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 12 day of March, 2019
My Commission Expires: 11-13-2019
(Affix Seal)



TAMMY PURSER GODFREY
Notary Public, North Carolina
Union County
My Commission Expires
November 13, 2019


Notary's Printed or Typed Name

State of _____ - County of _____
I, the undersigned Notary Public of the County of _____ and State aforesaid, certify that Terry M. Richardson personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this _____ day of _____, 2019.
My Commission Expires: _____
(Affix Seal)

Notary Public

Notary's Printed or Typed Name

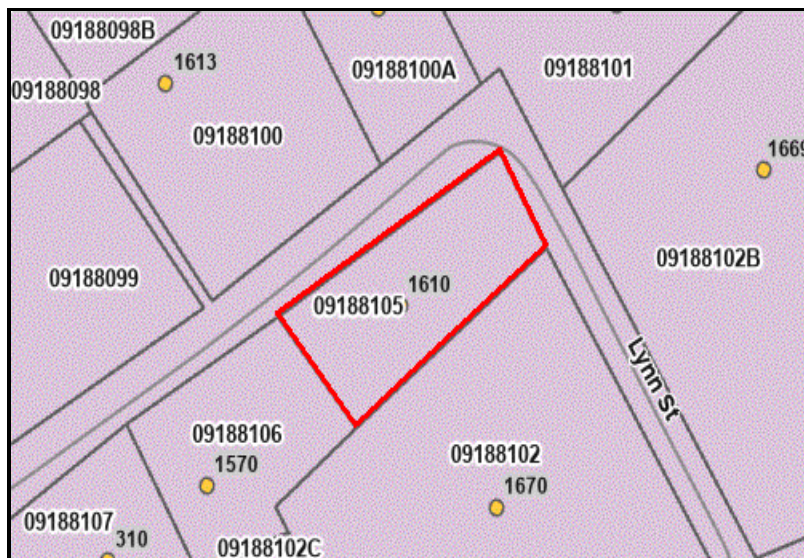
P. Car, Boat, Other Vehicle Sales & Rentals

1. Characteristics. Establishments that are involved with the sale or lease of motor vehicles (including but not limited to cars and boats), renting of motor vehicles, and display of these motor vehicles.
2. Accessory Uses. Accessory uses may include ancillary indoor storage, associated office, showroom, vehicle fueling (for vehicles for sale or lease, not open to the general public), car wash (for vehicles for sale or lease, not open to the general public), and limited retail sales of items associated with motor vehicles.
3. Examples. Examples include but are not limited to car dealerships, boat dealerships, motor vehicle dealerships dealing in recreational vehicles, car rental establishments, moving vehicle rental establishments.
4. Use Standards.
 - a. Minimum lot size for car, boat, other vehicle sales and rental establishments shall be two (2) acres.

Exhibit 4

Parcel Number

09188105

OwnerPLYLER
MELISSA M**Mailing Address**4808 OLD HIGHWAY RD
MONROE
NC, 28112**Account Information**

Land Value \$40,700.00

Building Value \$43,200.00

Total Value \$83,900.00

Acreage 0.3700

Description 7329-498

Situs Address 1610 LYNN ST

Property Class COMMERCIAL

Sales Information

Sale Date	Sale Amount	Book & Page	Grantor
03/14/2019	\$0.00	7329 498	RICHARDSON, TERRY MULLIS
07/20/2016	\$0.00	W16E 0677	RICHARDSON CARROLL DOUGLAS HEIRS
07/20/2016	\$0.00	W16E 0677	RICHARDSON CARROLL DOUGLAS HEIRS

Location Information

Municipal Administration Monroe

County Zoning Code CITY

Zoning Administration Monroe

ETJ

Fire District Monroe

Soils BuB

12 Mile Service Area No

School [School Assignment Information](#)

Census Tract Number 206.01

FEMA Panel 5445

FEMA Zone

Building Information [View Real Property Site](#)

Total Living Area 00

Year Build 0

District Voting Assignments (Jurisdictions)

Polling Place	SUTTON PARK RECREATION CENTER	School District	1	Congressional District	9
Precinct District	#4	State House	55	Senate District	35

Exhibit 5

City of Monroe Variance Application Form

Applicant's Name: MICHAEL STEWART (CRUISE AUTO)

Applicant's Address: 1610 LYNN ST, MONROE, 28110, NC.

Property Owner's Name: MELISSA PLYLER

Property Owner's Address: 4808 OLD HIGHWAY RD, MONROE, NC, 28112

Legal Relationship of Applicant to Property Owner: TENANT

Contact Person Name and Phone Number: KEVIN PLYLER 704 507 0170

Existing Use of Property: AUTO REPAIR

Property Location: 1610 LYNN ST, MONROE, 28110, NC

Tax Map Number: 09-188-105 Lot Size: 0.37 Zoning District: GB

Ordinance section number to which a variance is being sought. 7.2.6 P4a

Proposed variance description: AUTO SALES - TO ALLOW SALES OF CARS BOUGHT AND REPAIRED BY EXISTING AUTO REPAIR TENANT.

For Staff Use Only

Application #: _____

Date Submitted: _____

Approved: _____

Denied: _____

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

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

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

SAID PROPERTY WAS LEASED WITHOUT KNOWLEDGE OF THE STRINGENT REQUIREMENT OF A 2 ACRE MINIMUM LOT SIZE FOR AUTO SALES. AS THUS DENIED A DEALER LICENSE, I HAVE BEEN SEVERELY LIMITED IN BUSINESS. MY BUSINESS MODEL WAS ALWAYS TO BUY, REPAIR AND SELL DAMAGED CARS. ABOUT 2-3 PER MONTH.

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

THE 0.37 ACRE SIZE OF SAID PROPERTY IS UNDER THE 2 ACRE MINIMUM SIZE FOR AUTO SALES. I ONLY INTEND TO SELL 2-3 CARS PER MONTH SO LOT SIZE IS LARGELY IMMATERIAL.

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

THESE STRINGENT REGULATIONS WERE CREATED BY THE CITY OF MONROE AND ARE VERY UNFAIR TO A SMALL BUSINESS OWNER LIKE MYSELF WHO IS JUST TRYING TO GET BY IN TOUGH TIMES.

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

YES, THE REQUESTED VARIANCE IS MOST CERTAINLY CONSISTANT AND THE PUBLIC SAFETY, HEALTH AND GENERAL WELFARE OF THE CITIZENS OF MONROE WILL NOT BE IMPACTED IN THE SLIGHTEST.

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

1. The boundaries of the lot(s) in question,
2. The size, shape and location of all existing buildings, parking facilities and accessory buildings,
3. The size, shape and location of all proposed buildings, parking facilities and accessory uses,
4. The location of all setbacks and front lot widths as measured at the front setback,
5. The location and type of screening and buffering proposed; and
6. Other information deemed by the Zoning Officer necessary to consider the application complete.

MICHAEL STEWART

Printed name of Applicant


Signature of Applicant

01/22/24

Date

OWNER OF CRUISE AUTO LLC

Printed name of Owner

Melvin P. Hoffman
Signature of Owner

1/12/24
Date

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

FOR STAFF USE ONLY

(PLEASE DO NOT WRITE BELOW THIS LINE)

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

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

Public hearing date: _____

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

Action taken by the Board of Adjustment: _____

Notification of Action Mailed to applicant on: _____

S I T E P L A N
1610 Lynn St
Monroe, NC 28110
Parcel ID: 09-188-105
Lot area: 0.37 Acres
Paper Size: 24"x36"

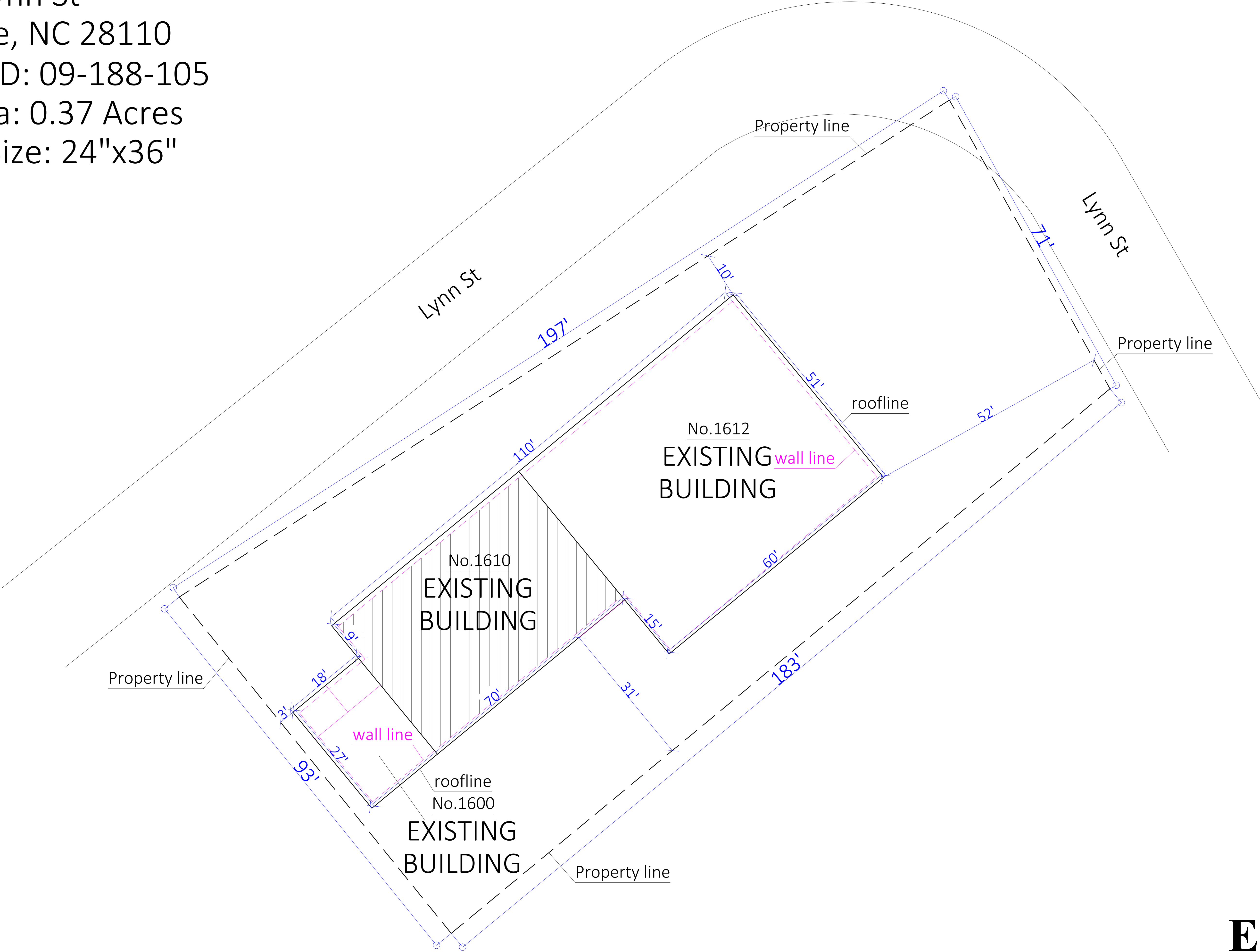
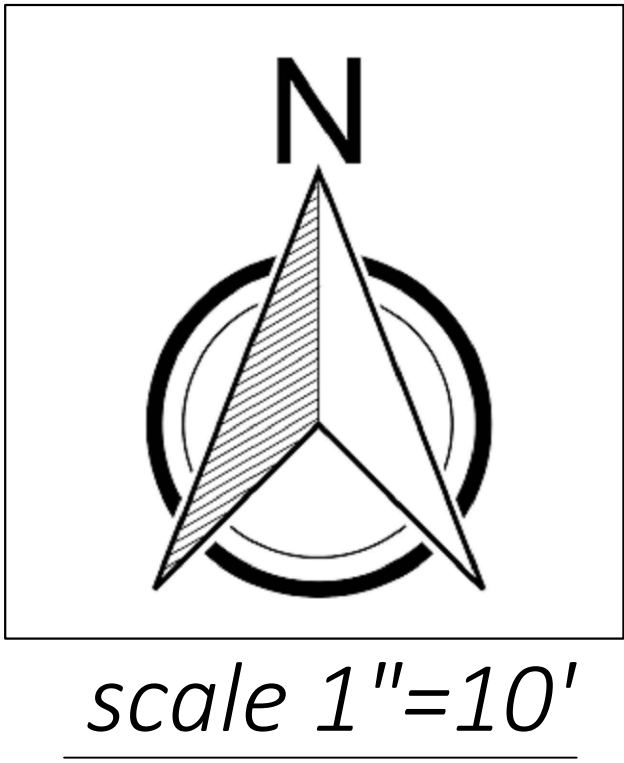


Exhibit 7

APO Map

1610 Lynn Street

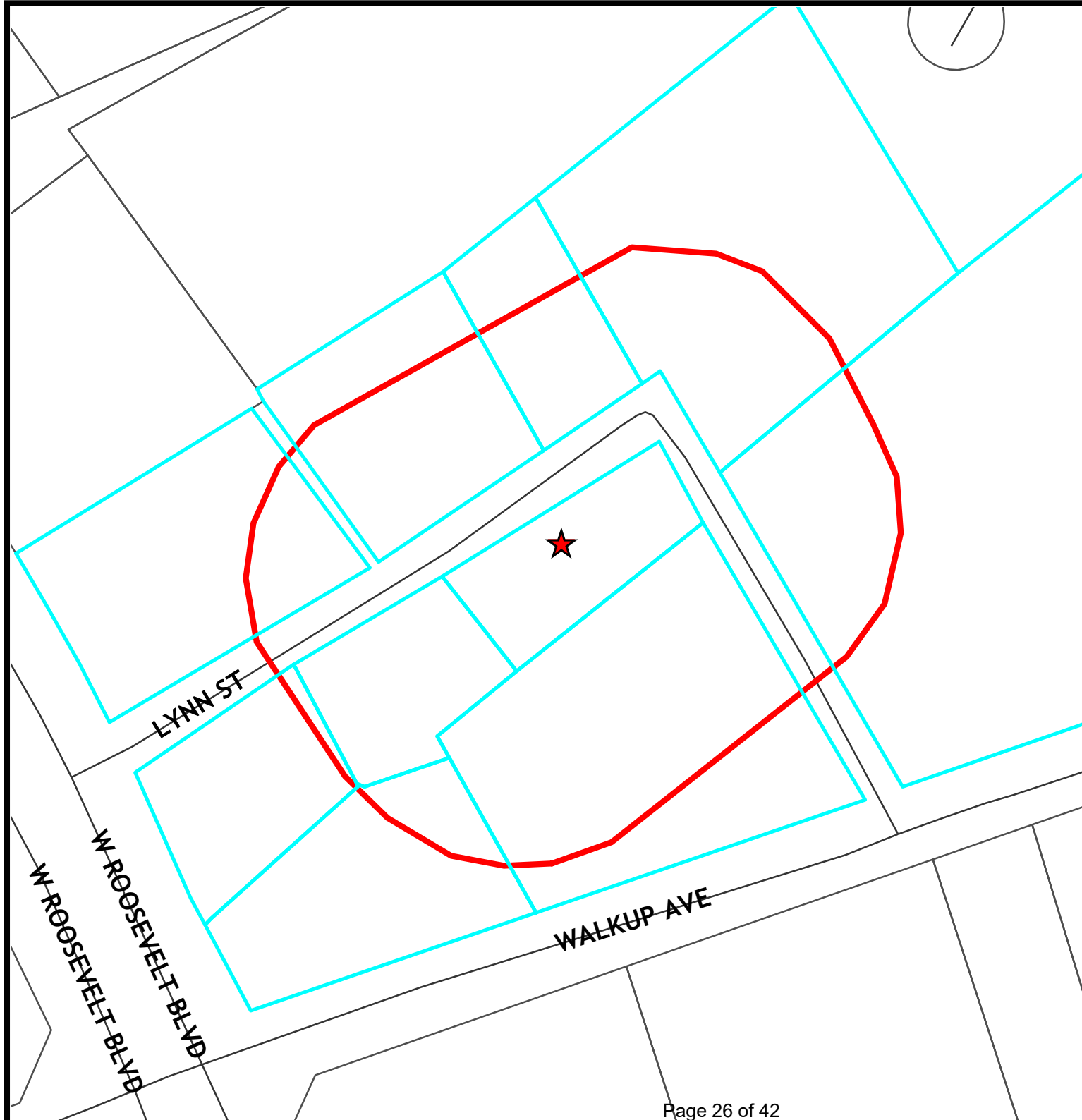
Legend

-  Centerlines
-  Parcels
-  150 foot buffer
-  Notified Properties
-  Subject Property

Owner: Melissa Plyler



Exhibit 8



ACCTNO	OWNERNAME1	OWNERADDRE	CITY	STATE	ZIP
09188099	Z V PATE INCORPORATED	PO BOX 159	LAUREL HILL	NC	28351
09188100	WIGGINS CLARA P	408 W ROOSEVELT BLVD	MONROE	NC	28110
09188100A	WIGGINS CLARA P	408 W ROOSEVELT BLVD	MONROE	NC	28110
09188101	CCC OF UNION LLC	3219 DUCK POINT DR	MONROE	NC	28110
09188102	TUCKER DAVID N	PO BOX 2066	MONROE	NC	28111
09188102B	SOUTH CENTRAL OIL CO INC #804	2121 WEST MAIN ST	ALBEMARLE	NC	28001
09188102C	TUCKER DAVID	PO BOX 2066	MONROE	NC	28111
09188105	PLYLER MELISSA M	4808 OLD HIGHWAY RD	MONROE	NC	28112
09188106	YOUNCE JEFFREY KEVIN TRUSTEE	5422 SUGAR AND WINE RD	MONROE	NC	28110
09188107	KALTSOUNIS SPIRYDON	314 ABELLIA DR	WAXHAW	NC	28173

Exhibit 9



STAFF REPORT

Case # PLZNA-2024-00148

TO: Board of Adjustment Members

DATE: February 22, 2024

FROM: Doug Britt, Senior Planner

PREPARED BY: Patrick Blaszyk, Planner

SUBJECT: Variance Request by Ronald Reynoso for property located at 2601 Old Charlotte Highway.

SUMMARY STATEMENT

Ronald Reynoso, Assistant Pastor of Shining Light Baptist Church, is requesting a variance to modify the required perimeter buffer along the left and rear property lines to allow for a new educational building to be constructed at 2601 Old Charlotte Highway.

SITE DATA

Type of Action: Variance

Date of Petition: February 6, 2024

Name of Petitioner: Ronald Reynoso

Location: 2601 Old Charlotte Highway

Tax ID #: 09-301-242

Lot Size: 0.47 Acres

Current Zoning Classification: NB (Neighborhood Business) Zoning District

REVIEW

Proposed Findings:

1. The property located at 2601 Old Charlotte Highway is owned by Larry Adams and Wayne Thompson as Trustees of Shining Light Baptist Church and their successors in office and is zoned NB (Neighborhood Business). (Exhibit 1, 2 & 3)

2. On February 6, 2024, the applicant submitted a variance application in order to request a variance from Section 8.3.5 titled Perimeter Buffer Standards of the Unified Development Ordinance (UDO) to reduce the Type 3, 25-foot perimeter buffer to a 10-foot buffer with landscaping and fencing along the left and rear property lines in order to construct a new educational building. (Exhibit 4)
3. The Unified Development Ordinance (UDO) Section 8.3.5 entitled “Perimeter Buffer Standards” identifies the buffer types in Table 8.3.1, “Perimeter Buffer Types Table”. This property is required to provide a 25-foot landscape buffer per the ordinance. (Exhibit 5)
4. The applicant submitted a sketch plan of the site with the proposed 10-foot buffer at 2601 Old Charlotte Highway. (Exhibit 6)
5. All adjacent property owners have been notified of the proposed variance. (Exhibit 7 & 8)

Conclusions:

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

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

THEREFORE, on the basis of all foregoing, IT IS ORDERED that the application Variance PLZNA-2024-00148 be (**approved/denied**).

Exhibits:
Exhibit 1: Ortho Map
Exhibit 2: Zoning Map
Exhibit 3: Deed to Property
Exhibit 4: Variance Application
Exhibit 5: Table 8.3.1 Perimeter Buffer
Types Table in UDO
Exhibit 6: Site Plan
Exhibit 7: APO Map
Exhibit 8: APO List

Prepared by: PB 2-7-2024

Ortho Map

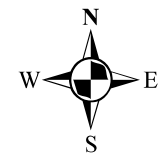
Case #: PLZNA-2024-00148

**2601
Old Charlotte
Highway**

Legend

-  Subject Property
-  Centerlines
-  Parcels

**Owner: Larry Adams &
Wayne Thompson, Trustees
of the Shining Light Baptist
Church.**



0 100 200
Feet

Acres: 0.47

Exhibit 1

Zoning Districts

Case #: PLZNA-2024-00148

2601

**Old Charlotte
Highway**

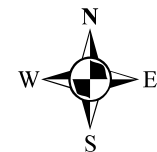
Legend

Zoning Districts

NEW_ZONING

-  GI
-  NB
-  RLD
-  RMD
-  Subject Property
-  Centerlines
-  Parcels

**Owner: Wayne Thompson
Trustee
Acres: 0.47**



0 100 200
Feet

Exhibit 2

FILED
UNION COUNTY, NC
CRYSTAL CRUMP
REGISTER OF DEEDS
FILED Jan 31, 2013
AT 02:48 pm
BOOK 05928
START PAGE 0104
END PAGE 0105
INSTRUMENT # 03511
EXCISE TAX \$900.00
AH

Prepared by and mail after recording to **Love & Hutaff, PLLC, Richard R. Hutaff, 108 E. Jefferson Street, Monroe, NC 28112.**
Excise Tax **\$900.00**

Tax Lot No. **09-301-242** Parcel Identifier No. _____
Verified by _____ County on the _____ day of _____, 20____
By _____

Brief Description for the index 0.5 ac, Old Charlotte Highway

NORTH CAROLINA SPECIAL WARRANTY DEED

THIS DEED made this 31st day of January, 2013, by and between:

GRANTOR	GRANTEE
Jeffrey Caviness Brown	Larry Adams and Wayne Thompson as Trustees of Shining Light Baptist Church and their successors in office
Mailing Address: 2647 Rolling Hills Drive Monroe, NC 28110	Mailing Address: 2541 Old Charlotte Hwy Monroe, NC 28110

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

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

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

TRACT 1: BEGINNING at a point in the southwestern edge of the old U.S. Highway 74 a corner of the Ernest Connell property, indicated by an iron stake on the southwestern side of said road and in the following line, and running thence with the Ernest Connell property line South 58 degrees West 140 feet to an iron stake; thence South 38 degrees East 200 feet to an iron stake, thence North 58 degrees East 140 feet to a point in the southwestern edge of said highway indicated by an iron stake on the southwestern side of said highway and in said line; thence with the edge of said highway North 38 degrees West 200 feet to the BEGINNING, and being a lot 140 X 200 feet.

TRACT 2: BEGINNING at a stake on the southerly edge of a semi-private road and being the Northwest corner of the property conveyed by George A. Ayscue to Shining Light Baptist Church (Deed Book 216, Page 413) and running thence from the edge of said road across said road with Ernest Connell line North 27 degrees 16 minutes West 151.3 feet to an iron stake; thence with another of Connell's lines North 58 degrees East 143.5 feet to an iron stake; thence with Vann Nash line South 38 degrees East crossing above-mentioned semi-private road, 135 feet to the southerly edge of said road; thence with the southerly edge of said road South 54 degrees West 171 feet to the point of BEGINNING and being all of the remaining portion of the property conveyed to George A. Ayscue by H.B. Smith, Commissioner by deed dated May 17, 1961.

(NC GS § 105-317.2) The property being conveyed herein does not contain the primary residence of the Grantor.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3671 Page 675.

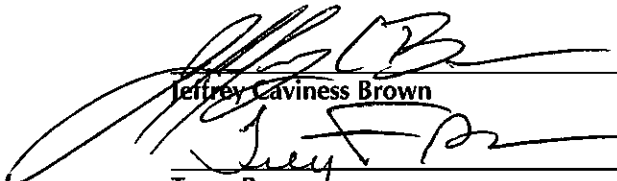
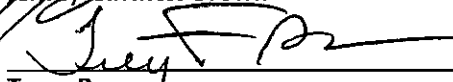
A map showing the above-described property is recorded in Plat Cabinet _____ at File No. _____.

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

The Grantor covenants with the Grantee, that Grantor has nothing to impair such title as Grantor received, and Grantor will grant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following exceptions:

All easements, rights-of-way and restrictive covenants of record and any unpaid ad valorem taxes.

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

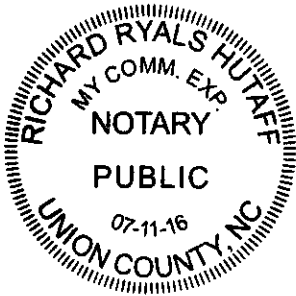
 (SEAL)
Jeffrey Caviness Brown
 (SEAL)
Tracy Brown

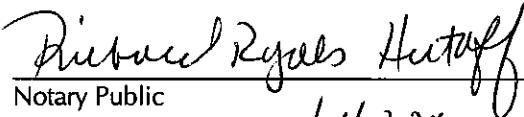
STATE OF NORTH CAROLINA

COUNTY OF UNION

I, Richard Ryals Hutaff, a Notary Public for said County and State, do hereby certify that **Jeffrey Caviness Brown and wife, Tracy Brown** Either being personally known to me or proven by satisfactory evidence, personally appeared before me this day, and acknowledged the voluntary due execution of the foregoing instrument by he / she/ them for the purposes stated therein.

Witness my hand and seal, this the 31st day of January, 2013.




Notary Public
My commission expires: 7/11/2016

\$ 350.00



City of Monroe Variance Application Form

Applicant's Name: Ronald Reynolds

Applicant's Address: 2541 Old Charlotte Hwy

Property Owner's Name: Shining Light Baptist Church

Property Owner's Address: 2541 Old Charlotte Hwy.
Monroe, NC

Legal Relationship of Applicant to Property Owner: Church Member / Pastoral Staff

Contact Person Name and Phone Number: Ronald Reynolds (502) 841-5777

Existing Use of Property: Storage Bldg.

Property Location: 2601 Old Charlotte Hwy.

Tax Map Number: 04-301-242 Lot Size: .47 Zoning District: NB

Ordinance section number to which a variance is being sought: 8.3.5.

Proposed variance description: Reduce required (000) buffer from 25 feet to 10 feet.

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

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

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

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

See Attached

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

See Attached

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

See Attached

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

See Attached

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

1. The boundaries of the lot(s) in question,
2. The size, shape and location of all existing buildings, parking facilities and accessory buildings,
3. The size, shape and location of all proposed buildings, parking facilities and accessory uses,
4. The location of all setbacks and front lot widths as measured at the front setback,
5. The location and type of screening and buffering proposed; and
6. Other information deemed by the Zoning Officer necessary to consider the application complete.

Ronald Reynoso

Printed name of Applicant

Ronald Reynoso

Signature of Applicant

2/06/24

Date

Printed name of Owner

Russell Wayne Thompson
Signature of Owner

02/06/2024
Date

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

FOR STAFF USE ONLY

(PLEASE DO NOT WRITE BELOW THIS LINE)

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

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

Public hearing date: _____

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

Action taken by the Board of Adjustment: _____

Notification of Action Mailed to applicant on: _____

City of Monroe
Variance Application Form Answers

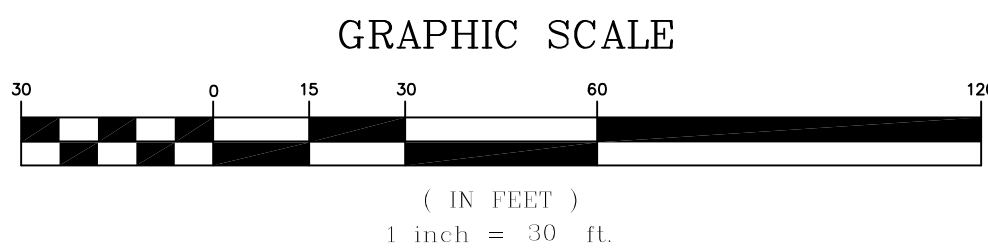
1. There are unnecessary hardships which would prevent a new construction from being built on our property. Mainly, the buffer requirement TYPE 3 which calls for a 25 foot buffer from our property to our neighbors.
2. To meet current building standards our current storage building must be re constructed in order to add Classrooms to our Church and Academy. Parking will be required on this .47 acre property. To the East of the property sits Shining Light Church Road, a city owned Public Street. To the north of this property sits a steep berm which connects to our other property on 2605 Old Charlotte Hwy. The Buffer requirement found on section 8.3.5 of the UDO presents an unnecessary hardship since we have the above obligations to fulfill. In order to fulfill these, our new building would be significantly smaller and almost unpractical to build if we maintain these buffers. By reducing the buffer standard from 25 feet to 10 feet we can provide a comparable building to our current structure and meet the parking space requirement.
3. This property was purchased as is and no changes have been made by Shining Light Baptist Church.
4. If such variance is granted, we would abide by all other buffering requirements and all other UDO standards would be upheld. Public safety would not be compromised and our neighbors would be unobstructed by such a construction.

Section 8.3.5 Perimeter Buffer Standards of the Unified Development Ordinance (UDO).

Table 8.3.1 Perimeter Buffer Types Table

PERIMETER BUFFER TYPES TABLE			
TYPE	OPTION 1	OPTION 2	OPTION 3
1	10' Width 3 Trees Per 100 LF 20 Shrubs Per 100 LF	10' Width 3 Trees Per 100 LF 20 Shrubs Per 100 LF	10' Width 3 Trees Per 100 LF 20 Shrubs Per 100 LF
2	20' Width 3 Trees Per 100 LF 40 Shrubs Per 100 LF 6' Fence (Optional)	20' Width 4 Trees Per 100 LF 30 Shrubs Per 100 LF 6' Fence (Optional)	20' Width 5 Trees Per 100 LF 15 Shrubs Per 100 LF 6' Fence (Optional)
3	25' Width 3 Trees Per 100 LF 1 Understory Trees Per 100 LF 50 Shrubs Per 100 LF 6' Fence, Wall, or berm	25' Width 4 Trees Per 100 LF 2 Understory Trees Per 100 LF 30 Shrubs Per 100 LF 6' Fence, Wall, or berm	25' Width 4 Trees Per 100 LF 3 Understory Trees Per 100 LF 20 Shrubs Per 100 LF 6' Fence, Wall, or berm
4	50' Width 4 Trees Per 100 LF 2 Understory Trees Per 100 LF 60 Shrubs Per 100 LF 6' Wall, Wall, or berm	50' Width 5 Trees Per 100 LF 3 Understory Trees Per 100 LF 40 Shrubs Per 100 LF 6' Wall, Wall, or berm	50' Width 5 Trees Per 100 LF 4 Understory Trees Per 100 LF 25 Shrubs Per 100 LF 6' Wall, Wall, or berm
5	100' Width, 8 Trees Per 100 LF, 4 Understory Trees Per 100 LF, Continuous Hedge, 8' Wall OR Fence, 5' High Berm		

Exhibit 6



Preliminary Site Plan

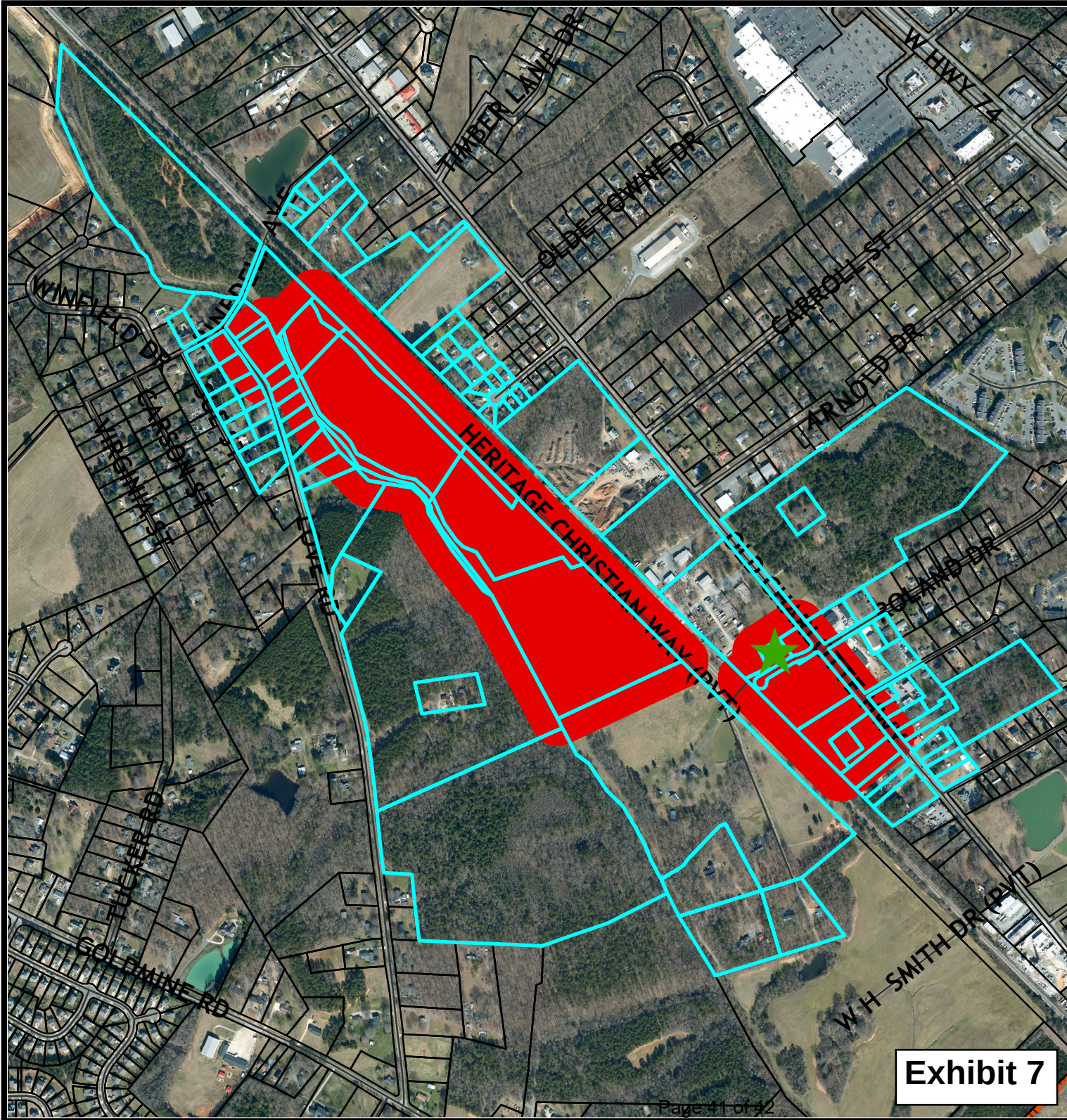
CHECKED BY	WML
JOB NUMBER	4181 / 6440



**LAWRENCE
ASSOCIATES**

Shining Light Baptist Church

[illegible]



APO Map

Case#:
PLZNA 2024-00148

2601 Old Charlotte Highway

Legend

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

Owner: Wayne Thompson Trustee

Acres: 0.47



0 750 1,500
Feet

Exhibit 7

ACCTNO	OWNERNAME1	OWNERNAME2	OWNERADDRE	OWNERCITY	OWNERSTATE	OWNERZIP
09301001D	WATTS JACKIE M		2511 OLD CHARLOTTE HWY	MONROE	NC	28110
09301003	HOWARD NASRIN	HOWARD TAD	2518 OLD CHARLOTTE HWY	MONROE	NC	28110
09301012	LOVE RENTALS LLC		2675 OLD CHARLOTTE HIGHWAY	MONROE	NC	28110
09301231D	HUFFMAN BRUCE	HUFFMAN CINDY	2917 OLD CHARLOTTE HWY	MONROE	NC	28110
09301247	BOULOS PROPERTIES LLC		1200 NATIONAL DR	WINSTON SALEM	NC	27103
09301297	LEWIS SYBIL SMITH		1608 MACKENZIE LN	MONROE	NC	281109111
09342030	FKH SFR PROPCO H LP		1850 PARKWAY PL STE 900	MARIETTA	GA	30067
09342033	GONZALES PEDRO M	GARCIA ALIUSKA GOMEZ	1810 LOVE RD	MONROE	NC	28110
09342034	SHINING LIGHT BAPTIST CHURCH		2541 OLD CHARLOTTE HWY	MONROE	NC	28110
09342040	BENJAMIN ANNETTE	BENJAMIN STACEY	1815 LOVE RD	MONROE	NC	28110
09342045	MIYAMOTO DIANNA A TRUSTEE		1801 LOVE RD	MONROE	NC	28110
09342055	HOLSHOUSER CARRIE RENEE	HOLSHOUSER DANIEL SCOTT	1806 PINEDELL AVE	MONROE	NC	28110
09342111H	BLACKMON JACK H	BLACKMON MARILYN L	5308 RAVENGALSS CT	WAXHAW	NC	281736705
09301001	WATTS JACKIE M		2511 OLD CHARLOTTE HWY	MONROE	NC	28110
09301001C	AYCOCK LEE B		2510 OLD CHARLOTTE HWY	MONROE	NC	28110
09301227	PALM TREE RENTALS LLC		6000 DEAL ROAD	WEDDINGTON	NC	281047987
09301230	CARVAJAL JESUS	PEREZ EDITH	2008 LEWIS ST	MONROE	NC	28110
09301236	BAUCOM DARYL SHANNON		1604 WALTER HASTY DR	MONROE	NC	281107810
09301237	GRIFFIN BILLY RAY	GRIFFIN ELLEN S	1606 WALTER HASTY DR	MONROE	NC	281107810
09301241	THOMPSON WAYNE TRUSTEE	ADAMS LARRY TRUSTEE	2541 OLD CHARLOTTE HWY	MONROE	NC	28110
09301252A	GURDYMOV OLEG C	MORGUN MARIYA V	1718 LOVE RD	MONROE	NC	28110
09303024	MILLER ANN		3003 WEDGE CT	MATTHEWS	NC	28104
09307026A	FRYE STEPHEN	FRYE ELIZABETH	2401 SHINING LIGHT CT	MONROE	NC	281108561
09342041	BARNES JOSHUA AUSTIN		1809 LOVE RD	MONROE	NC	28110
09301227E	CARVAJAL JESUS	PEREZ EDITH	2008 LEWIS ST	MONROE	NC	28110
09301228	GRIFFIN CHARLES MITCHELL	GRIFFIN RHONDA L	309 AUSTIN ST	MONROE	NC	28110
09301231	CONDER DAVID MICHAEL	CONDER JUDY NADINE W	5235 GOLDCREST DR	INDIAN TRAIL	NC	280794128
09301234	KNIGHT DAVID A	KNIGHT MELINDA C	1605 WALTER HASTY RD	MONROE	NC	28110
09301296	ALVAREZ HUGO ACOSTA	CRUZ SANDRA YOLANDA	1612 MACKENZIE LN	MONROE	NC	28110
09301302	MELTON MELISSA A		1609 MACKENZIE LN	MONROE	NC	28110
09301303	WALKER ALVIN WESTLEY	WALKER BRENDA JOYCE	1613 MACKENZIE LN	MONROE	NC	28110
09307026	HELMS ALVA P		2491 SHINING LIGHT CHURCH RD	MONROE	NC	28110
09342052	JAIMES JESSE		16316 RIVERPOINTE DR	CHARLOTTE	NC	28278
09301016	HARRELL J LAYNE		2306 ROLAND DR	MONROE	NC	281108522
09301227C	PENEGAR DAVID M	PENEGAR GAIL	2806 FOXWORTH DR	MONROE	NC	28110
09301238C	MCCARVER CALVIN EUGENE JR	RUSSELL CHRISTAL	1601 WALTER HASTY RD	MONROE	NC	28110
09301240A	PRIVETTE DAVID M		PO BOX 1189	MONROE	NC	28111
09301245	WHITLEY FRANK C		2523 OLD CHARLOTTE HWY	MONROE	NC	28110
09301299	MNSF T2 SPE LLC		6836 MORRISON BLVD STE 320	CHARLOTTE	NC	28211
09301300	SILVA ANIBAL	SILVA FEBA	1601 MACKENZIE LN	MONROE	NC	28110
09307026B	HELMS DANNY LYNN		2431 SHINING LIGHT CH RD	MONROE	NC	281108561
09342029	FKH SFR PROPCO H LP		1850 PARKWAY PL STE 900	MARIETTA	GA	30067
09342032	MWIMBI MWEMA	MUKOMA GERTRUDE K	1806 LOVE RD	MONROE	NC	28110
09342036	CHURCH DAVID W	CHURCH NICOLE A	1816 LOVE RD	MONROE	NC	28110
09342038	WORLEY THOMAS		1808 PINEDELL AVE	MONROE	NC	28110
09342111F	ROUSSEY DONALD K	ROUSSEY SUSAN P	1803 PINEDELL AVE	MONROE	NC	28110
09301003A	SANFORD JIMMY D	SANFORD TERESA G	2308 HARGETTE RD	MONROE	NC	28110
09301011	WOOTEN MICHAEL WAYNE		2307 HARGETTE RD	MONROE	NC	281108574
09342046	HINSON MITCHELL	SOTER RENEE	1717 LOVE RD	MONROE	NC	28110
09342053	PARKER CHRISTINE	PARKER JASON	1716 SUE ST	MONROE	NC	28110
09301235	MARKLE KYLE THOMAS ET AL	HARRIS KIMBERLY MEDLIN	1603 WALTER HASTY RD	MONROE	NC	28110
09301246B	WATTS JACKIE MATHIAS		2511 OLD CHARLOTTE HWY	MONROE	NC	28110
09342049	MURPHY PATRICIA E		1708 SUE STREET	MONROE	NC	281108548
09301054	BYRUM CHARLES W	BYRUM JANICE H	7111 SECREST SHORT CUT RD	INDIAN TRAIL	NC	28079
09301227B	DUNN DANNY F ET AL	DUNN JENNIFER	5409 BEVINGTON PL	CHARLOTTE	NC	28277
09301238B	HELMS CALLIE HEIRS		2109 PHALA CT	MONROE	NC	28112
09301239	PEI PROPERTIES LLC		2815 OLD CHARLOTTE HWY	MONROE	NC	28110
09301240	DELLINGER T C & FAYE A		821 TRIPLE OAKS RD	MONROE	NC	28112
09301246	MOORE KYLE BRUCE		2513 OLD CHARLOTTE HWY	MONROE	NC	28110
09301252	MANUS ELAINE		1716 LOVE RD	MONROE	NC	28110
09301301	ABERCROMBIE STEVEN A	ABERCROMBIE TERESA	1605 MACKENZIE LN	MONROE	NC	28110
09303025	MELTON ELIZABETH		2504 OLD CHARLOTTE HWY	MONROE	NC	28110
09342031	MONTCALM JAMES DAVID	MONTCALM STACIE BETH	1804 LOVE RD	MONROE	NC	28110
09342043	BARNES JOSHUA AUSTIN		1809 LOVE RD	MONROE	NC	28110
09342050	LANEY DAVID E	LANEY JUDY G	20 MACEDONIA CHURCH RD	MONROE	NC	28112
09342051	CONE RACHEL L		1712 SUE STREET	MONROE	NC	281108548
09301001A	PLYLER DEBORAH ALLEN		1717 EUGENE HOBBS RD	MONROE	NC	28110
09301015	C & D DEVELOPMENTS LLC		716 VICTORIAN LANE	MONROE	NC	28112
09301231A	KNIGHT DAVID ARNOLD	KNIGHT MELINDA C	1605 WALTER HASTY DR	MONROE	NC	281107810
09301243 70	SHINING LIGHT BAPT CHURCH % TIM CRUSE		2541 OLD CHARLOTTE HWY	MONROE	NC	28110
09301246A	DEAN PEGGY R		1716 WHITE STORE RD	MONROE	NC	28112
09301298	CROWDER ADRIAN T		1604 MACKENZIE LN	MONROE	NC	28110
09307026C	JOHNSON J ROBERT II	JOHNSON KATINA	2451 SHINING LIGHT CH RD	MONROE	NC	281108561
09342042	BARNES JOSHUA AUSTIN		1809 LOVE RD	MONROE	NC	28110
09342044	JONES KATIE A	MORGAN JOSEPH D	1803 LOVE RD	MONROE	NC	28110