

**BOARD OF ADJUSTMENT
MEETING
THURSDAY, MAY 23, 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– March 28, 2024**
- Item 4.** **Conflicts of Interest**
- Item 5.** **Quasi-Judicial Statement:**
- Item 6.** **PLZNA- 2024-00179 Variance** - The Board of Adjustment is requested to consider a variance from Michelle Tucker from the maximum 6-foot fence height for the side and rear yard in a residential district in order to construct a 10-foot tall privacy fence at 4148 Rogers Road (09-366-013A).
- Item 7.** **PLZNA- 2024-00196 Variance** - The Board of Adjustment is requested to consider a variance from Marvin Chambers of Blakely’s Funeral Home from the 10-foot rear yard setback requirement and the 25-foot landscape buffer in order to allow for an accessory structure to remain at 714 East Franklin (09-195-045).
- Item 8.** **Next Meeting:** June 27, 2024
- Item 9.** **Adjournment**

***ATTENTION BOARD MEMBERS:
Please call Heidi Bumgarner at 704.282.4527
to confirm your attendance.
Thank you.***

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

MINUTES OF THE BOARD OF ADJUSTMENT MEETING

March 28, 2024, at 6:00 P.M.

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

To HR:

Item 1. Call to Order

Chair, Kenneth Deal called the March 28, 2024, meeting to order at 6:00 p.m. and noted that there was a quorum present with 3 members. Doug Britt, Senior Planner, called the roll.

Members Present: Kenneth Deal, Louis Philippi and William Draper

Members Absent: George Smith (sick)

Staff Present: Doug Britt, Senior Planner, Patrick Blaszyk, Planner; Al Benshoff, BOA Attorney

Guests: Carol Draper, Mark Gidenko, John Massey, Danielle Massey, Douglas Davis, Jose Delgado, Fernando Delgado.

Item 2. Pledge of Allegiance and Moment of Silence

Item 3. Approval of Minutes – Minutes of February 22, 2024

There were no comments for the February 22nd Board of Adjustment meeting minutes.

Motion: William Draper made a motion to approve the minutes of the February 22, 2024, meeting.

Second: Louis Philippi

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

AYES: Kenneth Deal, Louis Philippi and William Draper

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.

Item 6. **PLSUP- 2024-00156 Special Use Permit-The Board of Adjustment is requested to consider a Special Use Permit request from John Massey of Cutting Edge Landscaping in order to conduct warehouse storage at 411 East Windsor Street (Tax ID # 09-231-028A) in the General Business (GB) Zoning District**

Chair said if anyone is giving testimony for this matter, please step forward to be sworn in. Patrick Blaszyk, Doug Britt and John Massey approached the podium and were sworn/affirmed in by the Chair.

Patrick Blaszyk said good evening board, tonight I am here to present a Special Use Permit request for 411 East Windsor Street in which the applicant is looking to conduct warehouse and storage. It is required to obtain a Special Use Permit to conduct this use in the General Business zoning district.

Proposed Findings:

1. The property located at 411 East Windsor Street is owned International Graphics Technologies Inc, and is zoned GB (General Business). (Exhibit 1, 2, & 3)
2. A Special Use Permit application was submitted on February 14th 2024 by John Massey of Cutting Edge Landscaping, requesting to conduct warehouse storage for their landscaping business at 411 East Windsor Street. (Exhibit 4)

3. Table 7.1. Table of Permissible Uses from the City of Monroe Unified Development Ordinance (UDO) displays that a Special Use Permit is required for Warehouse & Storage in the General Business zoning district. (Exhibit 5)

TABLE 7.1. - TABLE OF PERMISSIBLE USES																	
"P" = Permitted, "S" = Special Use Permit Required, "X" = Prohibited																	
Use Type	Traditional Districts											Mixed-Use Districts					REFERENCE
	RR	RLD	RMD	RHD	OM	NB	GB	GI	HI	PUD	PCD	DC-MX	DG-MX	CC-MX1	CC-MX2	RC-MX	MD-MX
Warehouse & Storage	X	X	X	X	X	X	S	P	P	X	P	X	X	X	X	X	7.2.8.H

4. All adjoining property owners have been notified of the Special Use Permit application. (Exhibit 6 & 7).
5. The Applicant testified that the warehouse would be used primarily to store vehicles. Equipment, pipe, machinery and trailers. Only de minimis amounts of fuel and herbicides would be stored.

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 if the application for a Special Use Permit was submitted and accepted by the City as complete?

Patrick Blaszyk said yes.

Chair asked if there were any questions for staff?

There were none.

Chair asked the applicant to step forward and state their name and address for the record.

John Massey stepped to the podium and confirmed he is the owner of Cutting Edge Lawn Care & Landscaping.

Chair asked John Massey to explain what he is trying to do here.

John Massey explained that he is looking to store his landscape material here. This includes equipment, trailers, implements machines, for tractors and skid-steers to be stored inside. Pipe will be stored here and materials for basic lawn care and landscaping needs. Again, this is an indoor storage facility to keep all of my equipment locked up and under roof which is super expensive nowadays.

Chair asked if there is going to be any excessive flammable materials or hazardous materials going to be stored on site?

John Massey said the only hazardous thing stored on site will be Round-Up and we will have it contained. No flammable liquids will be stored on site as we buy all our fuel and oil from Monroe Oil and other local companies.

Chair asked if there will be no excessive fertilizers stored on the site?

John Massey said no, we buy seasonal pretty much. Some may be stored on the site for a few weeks but we tend to buy fertilizer and applicate it in the first two weeks of owning it. We are not going to have thousands of pounds of fertilizer, seeds or anything like that on site.

Louis Philippi asked if there is any kind of fire control inside the building?

John Massey said no, the fire measures that were inside the building are no longer active. It did have a sprinkler system. We had Mr. Davis and the Fire Marshal out and the system I would not say is dismantled, just not in use.

Chair asked if there were any more questions for the applicant, there were none.

Chair stated for clarification for the board members, the reason a special permit is required is to ensure that that we're doing what we're doing to make sure we don't allow activities in GB that are incompatible with their surroundings and I'm not noting any so, the first thing that I would like to do is go through the proposed findings of fact as presented in the staff report.

Chair said that I would accept a motion to motion on whether or not to accept the findings of fact as provided in the staff report.

Motion: William Draper made a motion to accept the Findings of Fact of the Planning Department

Second: Louis Philippi

Action: The motion to approve the Findings of Fact 1-5 passed unanimously with the following votes:

AYES: Kenneth Deal, Louis Philippi and William Draper

NAYS: None

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: Louis Philippi made a motion that the standard is met because it will not endanger anything. It's a warehouse for mostly machinery. And I don't see how it in any way will affect safety of the public and public health.

Second: William Draper

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

AYES: Kenneth Deal, Louis Philippi and William Draper

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: William Draper made a motion that the standard has been met.

Second: Louis Philippi

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

AYES: Kenneth Deal, Louis Philippi and William Draper

NAYS: None

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

Motion: Louis Philippi moved that the standards are met. What he's going to be doing in that building is quite similar to everything that is done in the other buildings in that area. That area consists mostly of warehousing and industrial world work at that area. So yes, it meets it.

Second: William Draper

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

AYES: Kenneth Deal, Louis Philippi and William Draper

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: William Draper motioned that the standard has been met and should not have any impact on the surrounding area.

Second: Louis Philippi

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

AYES: Kenneth Deal, Louis Philippi and William Draper
NAYS: None

Board of Adjustment Attorney Al Benshoff interjected and stated, Mr. Chairman, if I could make a suggestion that the board adopt one more findings of fact, something along the lines that the applicant testified that the use of the property would be to store equipment machines, trailers, pipes and minimal amounts of Roundup and fertilizer. Because that goes to support the first and the third finding. I need a fact in the record. So I can write this up that says how he's going to use the property.

Chair asked for a motion to approve or deny Board of Adjustment Attorney Al Benshoff's suggestion to add an additional Finding of Fact.

Motion: William Draper made a motion to approve Board of Adjustment Attorney Al Benshoff's suggestion to add an additional Finding of Fact.
Second: Louis Philippi
Action: The motion to approve Board of Adjustment Attorney Al Benshoff's suggestion to add an additional Finding of Fact is passed unanimously with the following votes:

AYES: Kenneth Deal, Louis Philippi and William Draper
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: William Draper
Action: The motion to grant the Special Use Permit modification passed unanimously with the following votes:

AYES: Kenneth Deal, Louis Philippi and William Draper
NAYS: None

Item 7. 321 East Sunset Drive (Variance) - Jose Delgado is requesting a variance from the accessory structure setback requirements in a residential zoning district in order to bring an accessory structure into compliance that was installed at 321 East Sunset Drive (Tax ID # 09-234-050).

Chair said if anyone is giving testimony for this matter, please step forward to be sworn in. Jose Delgado and Fernando Delgado approached the podium and were sworn/affirmed in by the Chair.

Patrick Blaszyk said good evening again board, tonight I am here to present a Variance request for 321 East Sunset Drive. The applicant is looking to obtain this variance for an accessory structure that was built with permits. They are looking to seek this variance from the minimum accessory structure setback requirement.

Proposed Findings:

1. The property located at 321 East Sunset Drive is owned by Jose Delgado and is zoned RMD, Residential Medium Density. (Exhibits 1, 2, and 3)
2. On February 13th 2024, the applicant submitted a variance application in order to request a 3-foot variance from the 10-foot accessory structure setback requirement for an accessory structure located at 321 East Sunset Drive. (Exhibit 4)
3. Section 157.7.5 Accessory Uses and Accessory Structures of the Unified Development Ordinance (UDO) states in relative parts:
 - A. General Accessory Use Standards
 9. Setbacks:
 - a. Within a residential district, shall not be located closer than ten (10) feet to a property line. (Exhibit 5)
4. The applicant submitted a survey of the existing location of the accessory structure at 321 East Sunset Drive. The survey indicated the accessory structure was located 8.6 feet from the property line. (Exhibit 6)
5. All adjacent property owners have been notified of the proposed variance. (Exhibit 7 and 8)
6. The applicant testified that a building permit for the shed was obtained prior to construction.
7. The applicant testified that a survey was obtained prior to construction which incorrectly located the rear property line.

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.

Patrick Blaszyk stated the size of the accessory structure is twenty feet by twenty-five feet in case the board was pondering the size.

William Draper asked if this is a new accessory structure?

Patrick Blaszyk said that this is a new accessory structure that permits were obtained for.

Chair asked if the application for a Variance was submitted and accepted by the City as complete?

Patrick Blaszyk said yes.

Chair asked if twenty by twenty-five for a permanent structure, does that require a building permit?

Patrick Blaszyk said that it does require a permit as well as a foundation survey.

Chair asked if both of those were obtained?

Patrick Blaszyk confirmed they were both obtained.

Chair asked if the permit and survey were obtained after the construction of the building or prior to the construction of the building?

Patrick Blaszyk said prior to.

Chair stated asked if this was discovered during the final inspection?

Patrick Blaszyk stated that this was found after the foundation survey was turned into the Permit Center.

Chair asked when they obtained the building permit that they obtained a copy of the survey?

Patrick Blaszyk stated that the applicant submitted a site plan of the accessory structure on the property indicating that they were going to meet the ten-foot accessory structure setback requirement.

Senior Planner Doug Britt stated that when somebody applies for a permit, like this, or even when they're applying for our house permit, they're not required to submit a scale drawing. I just wanted make sure you all know because like now when we do like the new neighborhoods of course with those lots those guys have it laid out in you know, with a surveyor, but when somebody just wants to do a shed or build a house out and a half acre, they're not required to have a survey per se we get it, we get on you know when they on the back end. And that's when we get it back. So just make sure you're aware of that.

Chair asked if there were any more questions for staff.

There were none.

Chair asked the applicant, Jose Delgado and Fernando Delgado to step up to the podium. Fernando Delgado stated I am going speak and translate as he is not as familiar with English as I am.

Chair asked the applicant to provide a rundown on what happened and why you are in need of a variance for the building?

Jose Delgado said something inaudible.

Fernando Delgado said what happened is we paid a surveyor to go survey our house and our whole property and they give us measurements. So where the property started and ended and that's what we're based on. So we started building our shed. And upon completing it, we had the final survey made showing the location where the shed was located and it turns out we are about two feet short.

Chair asked if this was a surveying error or a measurement error.

Fernando Delgado said that this was a surveying error.

Chair stated that this survey in the record was done after-the-fact and asked if Fernando Delgado had a survey done prior to the construction of the shed.

Fernando Delgado stated that he does not have the survey but he does have the receipt that the surveyor gave them.

Louis Philippi asked if when the surveyor did the first survey, did they not leave stakes in the ground or a flag? He further stated that apparently, if the first survey was done correctly, when you measure this enough, you must measure it incorrectly. Is that correct?

Fernando Delgado stated no, we have had problems with a surveying company. Because we have a fence on the back property of one foot off and we were talking upon them they said that fence was ours and the property lines are one foot behind the fence that we were based on. The corner on the right far side we didn't get no stakes there. We actually had them come up twice to do the survey and they kept on switching stakes every once in a while.

Chair asked if there were any further questions for the applicant?

There were none.

Chair added that he would like to add a finding of fact number six that building permits were obtained prior to construction.

Chair entertained a motion to accept the finding of facts one through six to be entered into the record.

Motion: William Draper made a motion to accept the finding of facts one through five and adding finding six to be entered into the record.
Second: Louis Philippi
Action: The motion to approve to accept the finding of facts one through five and adding finding six to be entered into the record is passed unanimously with the following votes:

AYES: Kenneth Deal, Louis Philippi and William Draper

NAYS: None

Chair asked if there were any further questions for the applicant.

There were none.

Variance Standards

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

Motion: Louis Philippi made a motion that an unnecessary hardship would result from the strict application of the ordinance. The building it's a nice looking building a lot of money to do anything and it appears to be an intentional error not made by the applicant.

Second: William Draper

Action: The motion passed unanimously with the following votes.

AYES: Kenneth Deal, Louis Philippi and William Draper

NAYS: None

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

Motion: William Draper made a motion that the hardship is peculiar to the applicant's property because the building exists and is in violation of the ten-foot setback.

Second: Louis Philippi

Action: The motion passed unanimously with the following votes:

AYES: Kenneth Deal, Louis Philippi and William Draper

NAYS: None

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

Motion: Louis Philippi made a motion that the hardship is not the result of the applicants own actions because the applicant hired a surveyor and the surveyor provided the applicant the wrong information.

Second: William Draper

Action: The motion passed unanimously with the following votes:

AYES: Kenneth Deal, Louis Philippi and William Draper

NAYS: None

4. (a) It is the Board's CONCLUSION, that the variance is 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 with the following votes:

AYES: Kenneth Deal, Louis Philippi and William Draper

NAYS: None

(b) It is the Board's CONCLUSION that in granting of the variance, the public safety will be secured and substantial justice will be achieved.

Motion: Louis Philippi made a motion that in granting the variance, public safety will be secured and substantial justice will be achieved.

Second: William Draper

Action: The motion passed unanimously with the following votes:

AYES: Kenneth Deal, Louis Philippi and William Draper

NAYS: None

Board of Adjustment Attorney Al Benshoff recommended to add a seventh finding of fact that the applicant obtained a survey before construction and the survey was an error as it did not correctly locate the rear property line.

Chair with the advice of the board attorney recommended a motion to add a finding the fact number seven that a survey was obtained prior to construction as per the testimony of the applicant.

Motion: William Draper made a motion to add a finding the fact number seven that a survey was obtained prior to construction that was an error as per the testimony of the applicant.

Second: Louis Philippi

Action: The motion to motion to add a finding the fact number seven that a survey was obtained prior to construction that was an error as per the testimony of the applicant passed unanimously with the following votes:

AYES: Kenneth Deal, Louis Philippi and William Draper

NAYS: None

Chair asked for a motion to grant or deny the variance request.

Motion: William Draper made a motion to grant the variance request.

Second: Louis Philippi

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

AYES: Kenneth Deal, Louis Philippi and William Draper

NAYS: None

Item 8. **East Sunset Drive Water Tower (Special Use Permit)** - Scott Clark, Director of the Water Resources for the City of Monroe is requesting a Special Use Permit in order to install a water tower South of the East Sunset Drive and Charles Street intersection utilizing a parcel with Tax ID # 09-237-001 in the Residential Low Density (RLD) Zoning District. ***APPLICANT IS DEFERRING TO A FUTURE BOARD OF ADJUSTMENT MEETING. THIS ITEM WILL NOT BE HEARD AT THIS MEETING.***

Chair stated that this item has been deleted.

Item 9. **Next Meeting:** March 28, 2024

Chair asked is everyone available on April 25?

There were no conflicts.

Item 10. **Adjournment**

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

Second: **Louis Philippi**

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

AYES: **Kenneth Deal, Louis Philippi and William Draper**

NAYS: **None**

The meeting was adjourned at 7:43 p.m.

Respectfully submitted,

Kenneth Deal
Chair

Patrick Blaszyk
Planner



STAFF REPORT

Case # PLZNA 2024-000179

TO: Board of Adjustment Members

DATE: May 23, 2024

FROM: Doug Britt, Assistant Director of Planning and Development

PREPARED BY: Patrick Blaszyk, Planner

SUBJECT: Variance request from Michelle Tucker from the maximum fence height requirement for a property located at 4148 Rogers Road.

SUMMARY STATEMENT

Michelle Tucker is requesting a variance from the maximum side and rear yard fence height in a residential zoning district in order to construct a privacy fence at 4148 Rogers Road.

SITE DATA

Type of Action: Variance

Date of Petition: April 23, 2024

Name of Petitioner: Michelle Tucker

Location: 4148 Rogers Road

Tax ID #: 09-366-013A

Lot Size: 0.75 Acres

Current Zoning Classification: RLD (Residential Low Density)

REVIEW

Proposed Findings:

1. The property located at 4148 Rogers Road is owned by Michelle Tucker and is zoned RLD (Residential Low Density). (Exhibit 1, 2 & 3)
2. A variance application was submitted on April 23rd, 2024 by Michelle Tucker, requesting a 4-foot variance from the maximum fence height for the side and rear yard in a residential district in order to construct a 10-foot tall privacy fence along the west side of 4148 & 4142 Rogers Road and along the north side of 4142 Rogers Road. (Exhibit 4)

3. Unified Development Ordinance (UDO) Section 157.8.3.10 entitled “Fences, Walls, and Berms” states in relevant parts: (Exhibit 5)

A. General Standards

5. The maximum height of a fence within required rear and side yards shall be six (6) feet in residential zoning districts and maximum height of a fence within a front yard shall be five (5) feet.
4. The applicant submitted a survey of the property with the proposed location of the 10-foot tall privacy fence at 4148 & 4142 Rogers Road. (Exhibit 6)
5. The applicant submitted photos of the rear yard of the property from the interior of the home. (Exhibit 7)
6. All adjacent property owners have been notified of the proposed variance. (Exhibit 8 and 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-2024-000179 be (**approved/denied**).

Exhibits:

Exhibit 1: Ortho Map
Exhibit 2: Zoning Map
Exhibit 3: Deed to Property
Exhibit 4: Application
Exhibit 5: UDO Section 157.8.3.10.5
Exhibit 6: Survey of Property
Exhibit 7: Photos of the Property
Exhibit 8: APO List
Exhibit 9: APO Map

Prepared by: PB 5/7/2024

Ortho Map

Case #: PLZNA-2024-000179

**4148
Rogers Road**

Legend

-  Subject Property
-  Centerlines
-  Parcels

Owner: Michelle Tucker

0.75 Acres



0 100 200
Feet

Exhibit 1

Zoning Map

Case #: PLZNA-2024-000179

**4148
Rogers Road**

Legend

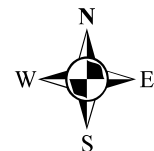
Zoning Districts

NEW_ZONING

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

Owner: Michelle Tucker

0.75 Acres



0 100 200
Feet



Exhibit 2

FILED	Aug 19, 2021
AT	11:28:00 AM
BOOK	08210
START PAGE	0647
END PAGE	0649
INSTRUMENT #	39175
EXCISE TAX	\$520.00

Exhibit 3

Revenue Stamps: \$520.00

Sales Price: \$260,000.00

Recording Time, Book and Page

Tax Lot No.	Parcel Identifier No. 09366013
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Verified by _____ County on the ____ day of _____, 2021

Mail after recording to Grantee

This instrument was prepared by Claudia Soto, Attorney At Law

Soto Law, PLLC, 1808 East Blvd, Charlotte NC 28203

Brief Description for the index

Metes and Bounds

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this **19th day of August 2021**, by and between

GRANTOR	GRANTEE
Donna High Sizemore a/k/a Donna Lynn Sizemore and spouse, Danny Ray Sizemore Whose Address Is: <u>4810 Manchineel Ln</u> <u>Monroe, NC 28110</u>	Michelle Tucker, unmarried Property Address Is: <u>4202 Rogers Rd</u> <u>Monroe, NC 28110</u> Mailing Address: <u>4018 Rosewater Ln</u> <u>Indian Trail, NC 28079</u>
The property conveyed herein _____ includes or __X__ does not include the primary residence of the Grantor.	

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

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

See attached Schedule "A"

Property address: 4202 Rogers Road, Monroe, NC 28110

Parcel: 09366013

The property hereinabove described was acquired by Grantor by instrument recorded in **Book 6600, Page 421**.

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

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

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

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

1. ANY AND ALL EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD.
2. ANY AND ALL ZONING AND PLANNING ORDINANCES.
3. ANY DISCREPANCIES AS AN ACCURATE SURVEY OF THE PREMISES MIGHT REVEAL.
4. 2021 AD VALOREM TAXES

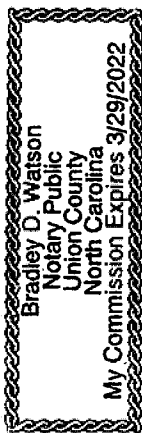
IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

Donna High Sizemore a/k/a
Donna Lynn Sizemore
 Donna High Sizemore a/k/a
 Donna Lynn Sizemore

Danny Ray Sizemore
 Danny Ray Sizemore

(Note: Do not place seal outside this box into the margin)

SEAL STAMP



STATE OF North Carolina

COUNTY OF Mecklenburg

I, Bradley D. Watson, a Notary Public of Union County and the said state, certify that **Donna High Sizemore a/k/a Donna Lynn Sizemore and Danny Ray Sizemore** Grantor(s), personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they/he/she voluntarily executed the same in their/his/her capacity, for the purposes contained therein and that by their/his/her signature on the instrument, they executed the instrument.

Witness my hand and official stamp or seal, this 19 day of August, 2021.

Notary Public: *[Signature]*

My Commission Expires: 3/29/22

Exhibit "A"
Legal Description

BEGINNING at a point in the Rogers Road, Raymond Long's corner, now or formerly, indicated by an iron stake on said Long's line North side of road, and runs thence with said Long's line North 27 degrees 15 minutes West 627 feet (passing said Long's other corner at 432 feet) to an iron stake by a hickory; thence North 62 degrees 45 minutes East 209 feet to an iron stake by a B. Gum; thence South 27 degrees 15 minutes East 611 feet to a point in the Rogers Road, indicated by an iron stake on the line North side of Road; thence with said Road South 58 degrees West 215 feet to the BEGINNING, and containing 3 acres, more or less, as surveyed by Ralph W. Elliott, R.L.S., June 29, 1961.

Property address: 4202 Rogers Road, Monroe, NC 28110

Parcel: 09366013



City of Monroe Variance Application Form

Applicant's Name: Michelle Tucker

Applicant's Address: 4148 Rogers Rd
Monroe NC 28110

Property Owner's Name: Michelle Tucker

Property Owner's Address: 4018 Ridenour Lane
Indian Trail NC 28079

Legal Relationship of Applicant to Property Owner: N/A

Contact Person Name and Phone Number: Michelle Tucker 704 804 3343

Existing Use of Property: Primary Residence

Property Location: 4148 Rogers Rd Monroe NC 28110

Tax Map Number: 09-366-013 Lot Size: .75 Zoning District: City of Monroe

Ordinance section number to which a variance is being sought: 1 & 2

Proposed variance description: TO erect a 10 ft Privacy fence that will serve as
a noise barrier & privacy due to close proximity to industrial commercial zone.

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.]

With a primary residence adjoin to a industrial commercial properties
without the erection of a privacy fence, could result in further
lost of value for the property now and future state. Additionally,
I serves As A noise barrier from the load equipments been used on
the premises

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

The location of my primary residence to an industrial commercial park poses a lot of noise especially in this case where the market is closest to the boundary line, requires the need to have a wall for privacy noise avoidance.

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]

The property is located in Monroe and is deemed residential, however, it is adjoining a industrial zone that is located in the city of Indian trace.

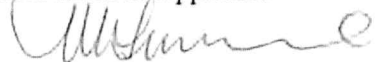
4. **The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.**

The requested fence will seek to provide privacy and a level of safety for the occupants.

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.

Michelle Tucker
Printed name of Applicant


Signature of Applicant

2/21/2024
Date

Michelle Tucker

Printed name of Owner

M. Lunn

Signature of Owner

2/21/2024

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. _____

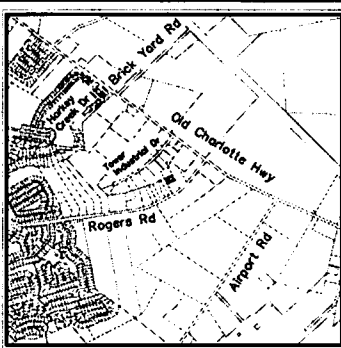
Action taken by the Board of Adjustment: _____

Notification of Action Mailed to applicant on: _____

Section 157.8.3.10.5

A. General Standards

5. The maximum height of a fence within required rear and side yards shall be six (6) feet in residential zoning districts and maximum height of a fence within a front yard shall be five (5) feet.



Vicinity Map

(NTS)

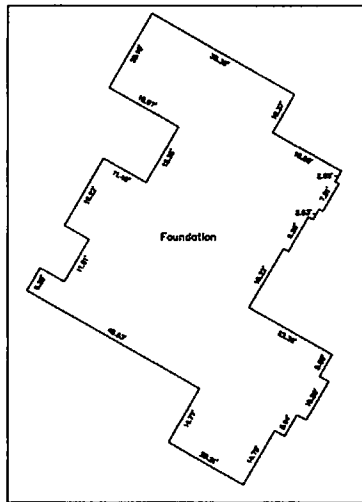
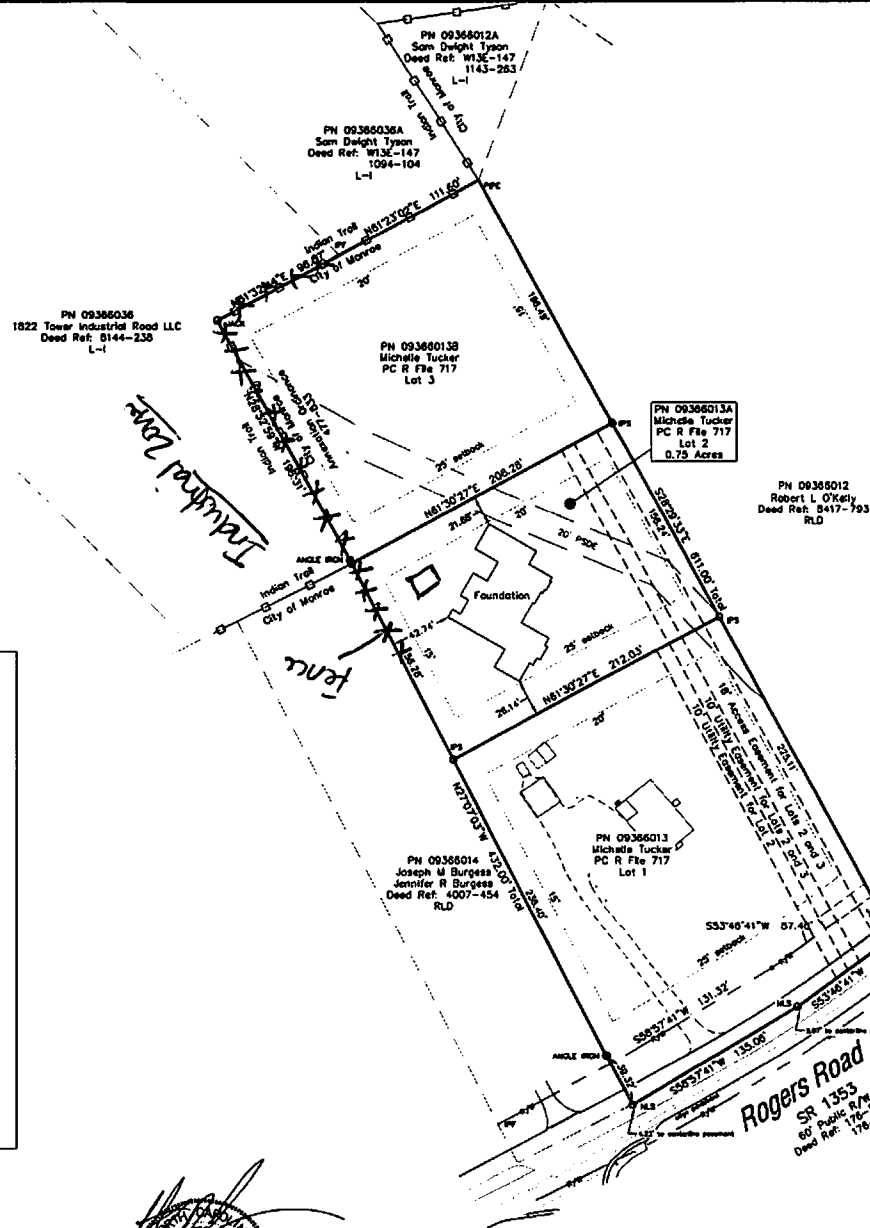
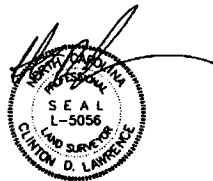


Exhibit 6



Legend	
Iron Pin Found	SPF
Iron Pin Set	SPS
Hub Set	NLS
Computed Point	*
Fire Hydrant	⊙ F40
Gas Meter	⊙ G4
Gas Valve	⊙ G4
Telephone Pedestal	⊙ TP0
Water Meter	⊙ WM
Water Valve	⊙ WV
Sanitary Sewer Manhole	⊙
Gas Line	— G —
Water Line	— W —



03/26/2024

LAWRENCE ASSOCIATES
 106 W. Jefferson St.
 Monroe, North Carolina 28112
 P 704-288-1013
 www.lawrenceassociates.com
 Firm License Number: C-2856

Foundation Survey
PN 09366013A
 City of Monroe, Monroe Township, Union County, NC

Orig. scale: 1" = 60' Date: March 4, 2024 Drawn By: JCB

Job No. 6536 Drawing file: Foundation.dwg Drawing no. 24/045

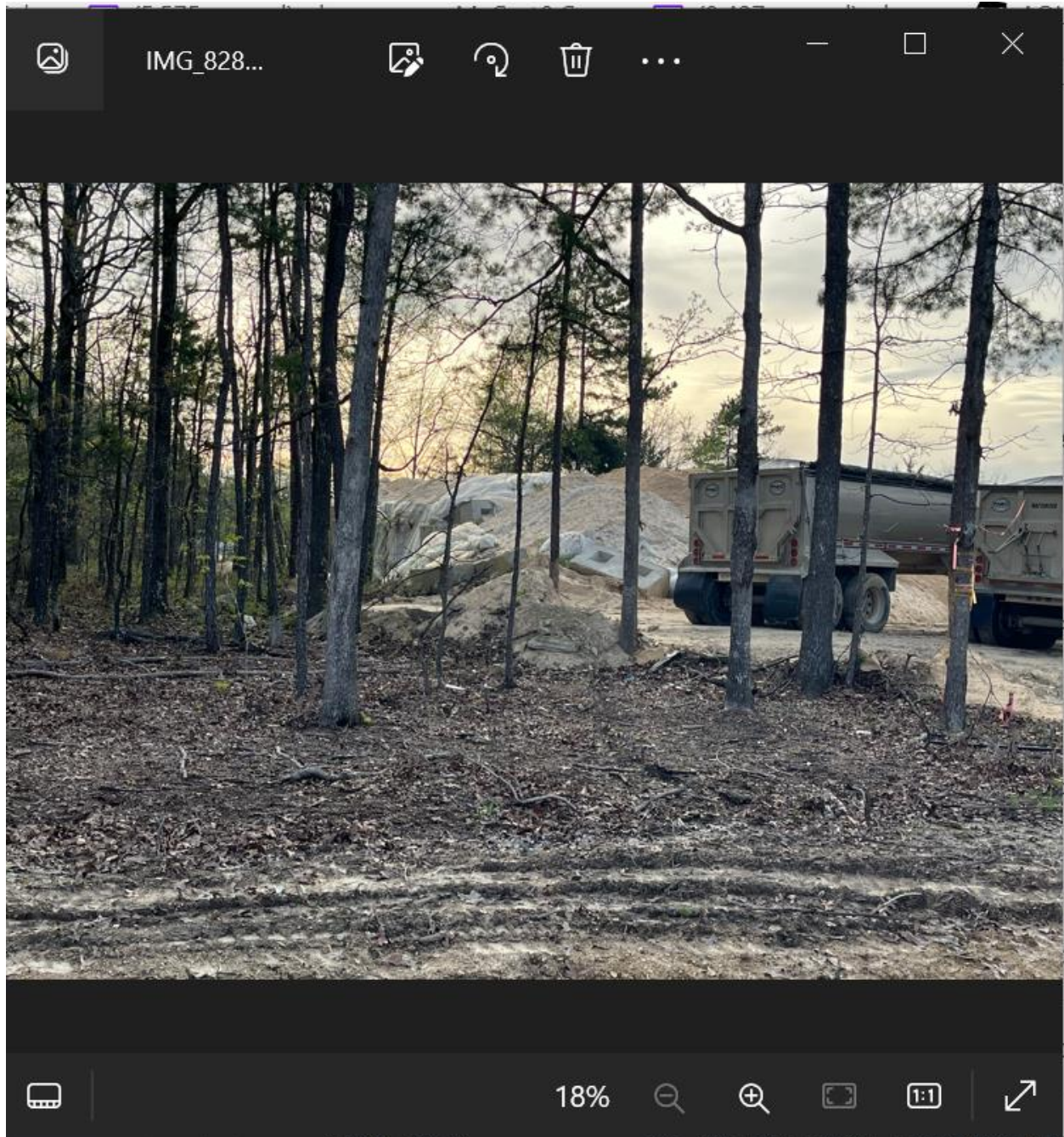
REVISIONS

NO.	DESCRIPTION

Exhibit 7



Exhibit 7



PIN	OWNERNAME1	OWNERNAME2	OWNERADDRE	OWNERCITY	OWNERSTATE	OWNERZIP
09366008B	SOUTH PIEDMONT COMMUNITY COLLEGE		PO BOX 126	POLKTON	NC	28135
09366015	BOONE MICHAEL L	BOONE SHARON	4210 ROGERS ROAD	MONROE	NC	28110
09366018G	MEGGS TIMOTHY CURTIS TRUSTEE	MEGGS DEBORAH W TRUSTEE	400 WOODLARK CT	INDIAN TRAIL	NC	28079
09366013	TUCKER MICHELLE		4018 ROSEWATER LN	INDIAN TRAIL	NC	28079
09366035	TYSON SAM DWIGHT		5808 MCWHORTER RD	WAXHAW	NC	28173
09366036	1822 TOWER INDUSTRIAL ROAD LLC		6508 COLLEYVILLE BLVD STE 300	COLLEYVILLE	TX	76034
09366016A	CASTREJON JESUS VISOSO		4216 ROGERS RD	MONROE	NC	28110
09366029A	GUY INVESTMENTS LLC		4401 E INDEPENDENCE BLVD SUITE 204	CHARLOTTE	NC	28205
09366013A	TUCKER MICHELLE		4018 ROSEWATER LN	INDIAN TRAIL	NC	28079
09366015A	STUMP GREGORY MICHAEL		4212 ROGERS RD	MONROE	NC	28110
09366011	ENNIS JOEL N	ENNIS MICKEY D	4309 OLD CHARLOTTE HWY	MONROE	NC	28110
09366012	O'KELLY ROBERT L		4122 ROGERS RD	MONROE	NC	28110
09366014	BURGESS JOSEPH M	BURGESS JENNIFER R	4206 ROGERS RD	MONROE	NC	28110
09366008	SOUTH PIEDMONT COMMUNITY COLLEGE		PO BOX 5041	MONROE	NC	28111

Exhibit 8

APO Map

Case#:
PLZNA-2024-000179

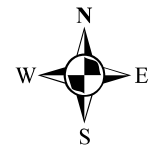
4148 Rogers Road

Legend

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

Owner: Michelle Tucker

0.75 Acres



0 250 500 Feet



Exhibit 9



STAFF REPORT

Case # PLZNA 2024-00196

TO: Board of Adjustment Members

DATE: May 23, 2024

FROM: Doug Britt, Assistant Director of Planning and Development

PREPARED BY: Patrick Blaszyk, Planner

SUBJECT: Variance requests from Marvin Chambers from the rear yard setback and buffer requirements for a property located at 714 East Franklin Street.

SUMMARY STATEMENT

Marvin Chambers of Blakely's Funeral Home is requesting a variance from the rear yard setback requirement and a variance for the buffer requirements for a new accessory structure constructed without permits at 714 East Franklin Street.

SITE DATA

Type of Action: Variance

Date of Petition: April 11, 2024

Name of Petitioner: Marvin Chambers

Location: 714 East Franklin Street

Tax ID #: 09-195-045

Lot Size: 1.301 Acres

Current Zoning Classification: OM (Office Medical)

REVIEW

Proposed Findings:

1. The property located at 714 East Franklin Street is owned by Union Property Group LLC and is zoned OM (Office Medical). (Exhibit 1, 2 & 3)
2. A variance application was submitted on April 11 2024 by Marvin Chambers behalf of Blakely's Funeral Home for, two variances regarding an accessory structure at 714 East Franklin Street building permits were not obtained for. (Exhibit 4)

3. The first variance request is an 8-foot alleviation from the 10-foot rear yard setback requirement. The second variance request is to waive the required 25-foot landscape buffer from being installed around the improved area of the site where the new building was constructed.
4. Unified Development Ordinance (UDO) Table 157.4.3.1 entitled “Office Medical District Development Standards” states in relevant parts: (Exhibit 5)

Table 4.3.1. OM District Development Standards Table

OM District Development Standards Table		
Building Height		Maximum 3 Stories (By Right) Maximum 4 Stories (By SUP)
Density		Maximum 6 Units / Acre
Setbacks ¹	Front	15'
	Side	5' (interior lot) 10' (corner lot)
	Rear	10' (interior lot) 20' (through lot)

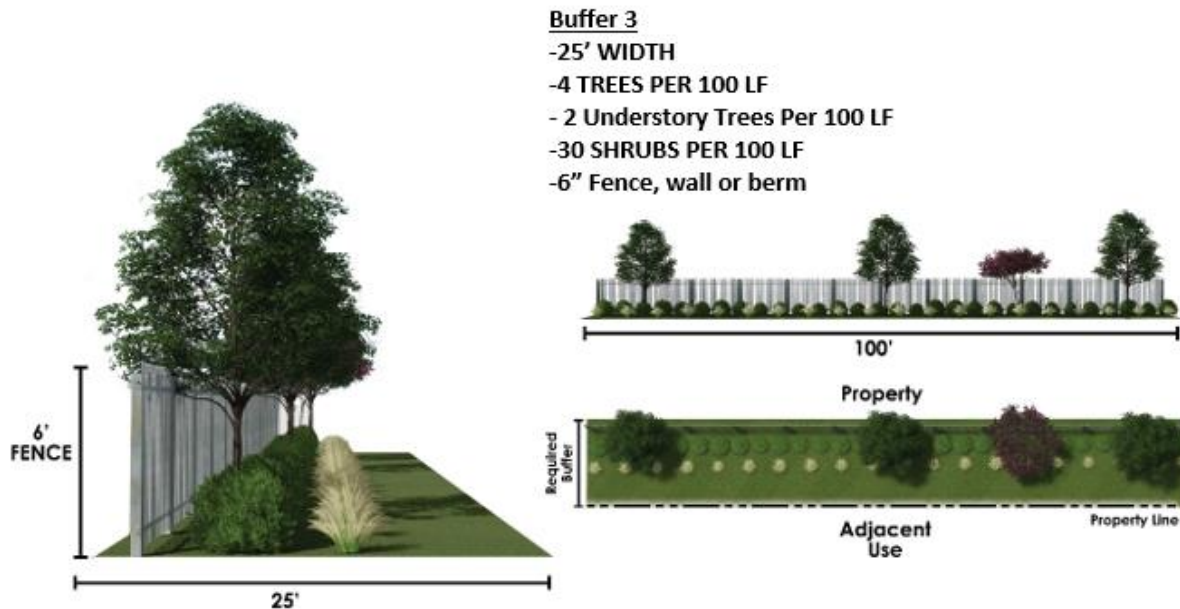
5. Unified Development Ordinance (UDO) Section 157.8.3.2 entitled “Landscaping, Buffering, Fences and Walls”, “Applicability” states in relevant parts: (Exhibit 6)

8.3.2. Applicability

C. **Improvements, Expansions and Additions.** Any improvements, expansions and additions of an existing structure, outdoor use area, or off-street parking area shall comply with the following standards:

1. For improvements, expansions and additions of fifty percent (50%) or less, the standards of this Section shall only apply to the improved/expanded areas.

6. Figure 8.3.3. Perimeter Buffer Type 3 displays the required Type 3 landscape buffer that is required around the improved areas of the site. (Exhibit 7)



7. A site plan of the property with the approximate location of the new accessory structure at 714 East Franklin Street was created by Planning Staff. (Exhibit 7)
8. Photos of the new accessory structure at 714 Franklin Street were obtained by Planning Staff. (Exhibit 8)
9. All adjacent property owners have been notified of the proposed variance. (Exhibit 9 and 10)

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-2024-000196 be (**approved/denied**).

Exhibits:

Exhibit 1: Ortho Map

Exhibit 2: Zoning Map

Exhibit 3: Deed to Property

Exhibit 4: Application

Exhibit 5: UDO Table 157.4.3.1

Exhibit 6: UDO Section 157.8.3.2

Exhibit 7: UDO Figure 157.8.3.4

Exhibit 8: Site Plan of Property

Exhibit 9: Photos of the Accessory Structure

Exhibit 10: APO Map

Exhibit 11: APO List

Prepared by: PB 5/14/2024



Ortho Map

Case #: PLZNA 2024-00196

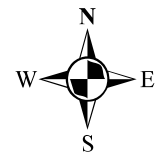
714 East Franklin Street

Legend

-  Subject Property
-  Centerlines
-  Parcels

Owner: Union Property Group LLC

1.301 Acres



0 100 200 Feet



Exhibit 1

Zoning Map

Case #: PLZNA 2024-00196

714 East Franklin Street

Legend

Zoning

 NB

 OM

 RMD

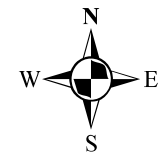
 Subject Property

 Centerlines

 Parcels

**Owner: Union Property
Group LLC**

1.301 Acres



0 100 200
 Feet

Exhibit 2

FILED
UNION COUNTY, NC
CRYSTAL D. GILLIARD
REGISTER OF DEEDS

FILED Mar 27, 2018
AT 04:41 pm
BOOK 07125
START PAGE 0776
END PAGE 0778
INSTRUMENT # 07837
EXCISE TAX \$850.00
KSE

Exhibit 3

Excise Tax: \$ 850.00

Tax Lot No: _____ Parcel Identifier No. 09-195-045
Verified by _____ County on the _____ day of _____, 2018 by _____

Mail after recording to Helms Robison Lee & Bennett, P.A.
This instrument was prepared by R. Kenneth Helms, Jr. (est)
Brief Description for the index

714 E. Franklin St.

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made March 27, 2018 by and between

GRANTOR	GRANTEE
THE LIVING CHURCH OF OUR LORD JESUS CHRIST, INC., (a North Carolina Non-Profit Corporation)	UNION PROPERTY GROUP, LLC (a North Carolina Limited Liability Company) c/o 2132 Blue Bonnet Lane Matthews, NC 28104

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:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

All or a portion of the property herein conveyed includes or XX does not include the primary residence of a Grantor, pursuant to N.C.G.S. § 105-317.2.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3473, Page 344, Union County Registry.

A map showing the above described property is recorded in Plat Cabinet , File .

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

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

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

APPLICABLE ZONING; ANY EASEMENTS AND RIGHTS OF WAY FOR SERVICE LINES, ROADS AND UTILITIES AS MAY BORDER OR CROSS THE PROPERTY INCLUDING, IF APPLICABLE, THE SUBDIVISION STREETS AS SHOWN ON RECORDED PLAT; ANY EASEMENTS RESERVED IN THE RESTRICTIVE COVENANTS, INCLUDING HOMEOWNERS ASSOCIATION PROVISIONS; APPLICABLE RESTRICTIVE COVENANTS OF RECORD AND STREET ASSESSMENTS; 2018 REAL PROPERTY TAXES; SUBJECT TO MATTERS THAT COULD BE REVEALED BY A CURRENT ACCURATE PHYSICAL AND BOUNDARY SURVEY AND ACTUAL INSPECTION OF THE PROPERTY.

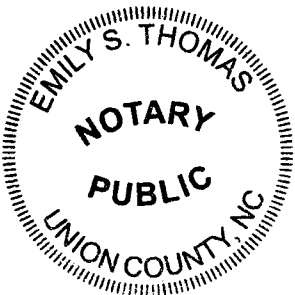
IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

**THE LIVING CHURCH OF OUR LORD JESUS
CHRIST, INC. (a North Carolina Non-Profit
Corporation)**

By: Wayne Butler
Wayne Butler, President

NORTH CAROLINA, UNION COUNTY.

SEAL-
STAMP



I, the undersigned, a Notary Public, certify that **WAYNE BUTLER** personally came before me this day acknowledging to me that he is the President **THE LIVING CHURCH OF OUR LORD JESUS CHRIST, INC. (a North Carolina Non-Profit Corporation)**, and that he, as President being authorized to do so, acknowledging to me that he voluntarily signed the foregoing instrument for the purpose stated therein and in the capacity indicated on behalf of the corporation.

WITNESS my hand and official seal this 27th day of March, 2018.

Emily S. Thomas Notary Public
Emily S. Thomas

My commission expires: 1/26/2019

EXHIBIT A
LEGAL DESCRIPTION

All that certain lot or parcel of land commonly known as 714 E. FRANKLIN STREET, MONROE, North Carolina, and more particularly described as being:

BEGINNING AT AN IRON STAKE IN THE SOUTHEASTERN INTERSECTION OF HARRIS LANE (FORMERLY TUCKER ST) AND EAST FRANKLIN ST. (FORMERLY WADESBORO AVE.), AND RUNNING THENCE ALONG AND WITH THE SOUTH EDGE OF THE SIDEWALK ON THE SOUTHERN SIDE OF EAST FRANKLIN ST., SOUTH 53 DEGREES 20 MINUTES EAST 204 FEET TO AN IRON STAKE, THE NORTHWESTERN CORNER OF THE T.J. MORGAN LOT (FORMERLY THE A.F. THOMPSON RESIDENCE LOT); THENCE WITH MORGAN'S LOT LINE, SOUTH 36 DEGREES 40 MINUTES WEST 275 FEET TO AN IRON STAKE; THENCE NORTH 53 DEGREES 20 MINUTES WEST 60 FEET TO AN IRON STAKE; THENCE SOUTH 36 DEGREES 40 MINUTES WEST 25 FEET TO AN IRON STAKE, A CORNER LOT NO. 15; THENCE NORTH 52 DEGREES 20 MINUTES WEST 144 FEET TO AN IRON STAKE, ANOTHER CORNER OF LOT NO. 15 IN THE EAST EDGE OF HARRIS LANE (FORMERLY TUCKER ST.); THENCE ALONG AND WITH THE EAST EDGE OF HARRIS LANE, NORTH 36 DEGREES 40 MINUTES EAST 300 FEET TO THE BEGINNING, AND BEING THE SAME LOT DESIGNATED AS THE TUCKER RESIDENT LOT AS SHOWN ON PLAT RECORDED IN PLAT BOOK 2, PAGE 43, UNION COUNTY, NORTH CAROLINA, REGISTRY. BEING THE SAME PROPERTY CONVEYED TO HARRIS-SCRUGGS FUNERAL HOME, INC. BY DEED DATED 10/1/68 AND RECORDED IN THE UNION COUNTY, NORTH CAROLINA, REGISTRY IN DEED BOOK 219, PAGE 353.

City of Monroe Variance Application Form

Applicant's Name: Union Property Group
Marvin Chambers/Blakely's Funeral Home

Applicant's Address: 714 E. Franklin St.
Monroe, NC 28112

Property Owner's Name: Marvin Chambers

Property Owner's Address: 2132 Bluebonnet Lane
Matthews, NC 28104

Legal Relationship of Applicant to Property Owner: Self

Contact Person Name and Phone Number: Marvin Chambers 980-722-2427

Existing Use of Property: Funeral Home

Property Location: 714 E. Franklin St. Monroe, NC 28112

Tax Map Number: 0919-5045 Lot Size: 1.30 Acres Zoning District: OM

Ordinance section number to which a variance is being sought: 8.3.02 11.3.1

Proposed variance description: 8 Ft Variance from Property Line
in the rear 25 Ft Bufferline along the improve ones

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.]

Storage, Vehicle Casket That What
Hardship

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

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 Reason is Expanding the exist Garage that already closed rear property line and it is in line with the other garage

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]

claim the owner think it should be discuss

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.

claim this request on Variance Refers to business and is consistent with the spirit of the ordinance

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.

Marvin Chan
Printed name of Applicant

Marvin Chan
Signature of Applicant

4-11-24
Date

Printed name of Owner

Mario Chul
Signature of Owner

4-11-24
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: _____

8.3.2. Applicability

C. **Improvements, Expansions and Additions.** Any improvements, expansions and additions of an existing structure, outdoor use area, or off-street parking area shall comply with the following standards:

1. For improvements, expansions and additions of fifty percent (50%) or less, the standards of this Section shall only apply to the improved/expanded areas.

Exhibit 5

Table 4.3.1. OM District Development Standards Table

OM District Development Standards Table		
Building Height		Maximum 3 Stories (By Right) Maximum 4 Stories (By SUP)
Density		Maximum 6 Units / Acre
Setbacks ¹	Front	15'
	Side	5' (interior lot) 10' (corner lot)
	Rear	10' (interior lot) 20' (through lot)

Exhibit 6

Figure 8.3.3. Perimeter Buffer Type 3

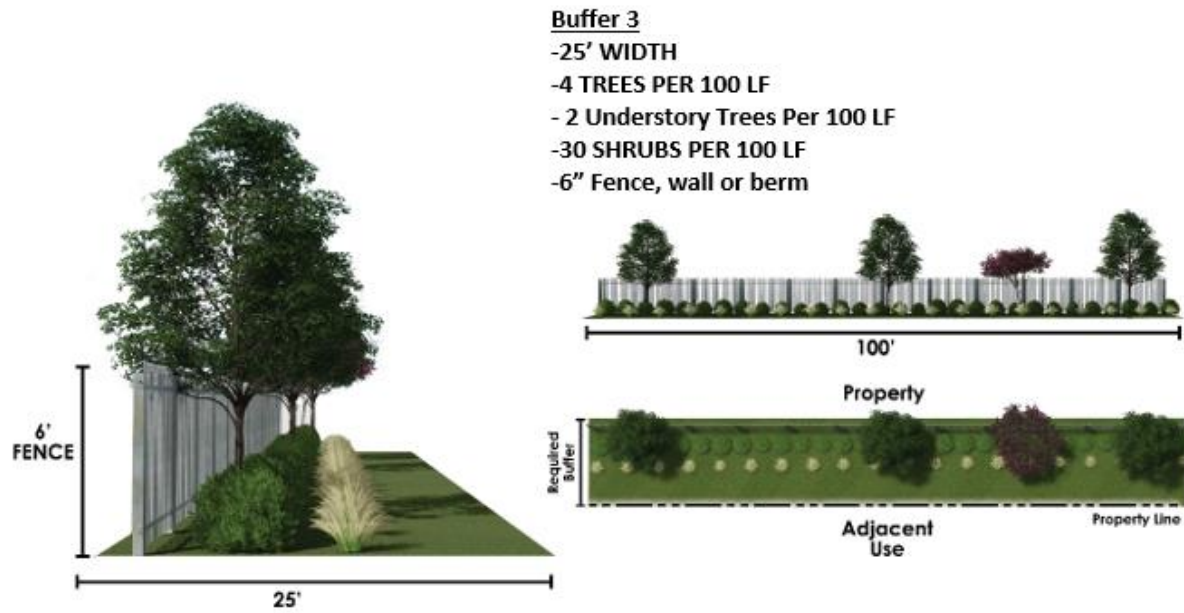


Exhibit 7

Site Plan

Case #: PLZNA 2024-00196

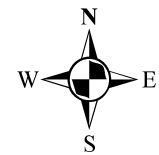
714 East Franklin Street

Legend

-  Subject Property
-  Centerlines
-  Parcels
-  New Acc. Structure

**Owner: Union Property
Group LLC**

1.301 Acres



0 50 100
 Feet

Exhibit 8



Exhibit 9



Exhibit 9

APO Map

Case#:
PLZNA 2024-00196

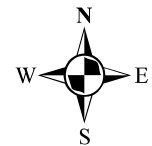
714 East Franklin Street

Legend

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

**Owner: Union Property
Group LLC**

1.301 Acres



0 175 350
Feet

Exhibit 10

PIN	OWNERNAME1	OWNERNAME2	OWNERADDRE	OWNERCITY	OWNERSTATE	OWNERZIP
09192103	DMS CAPITAL LLC		2316 WENSLEY DR	CHARLOTTE	NC	28210
09192118	SERVICE OIL OF MONROE INC		PO BOX 766	MONROE	NC	281110766
09195036B	BURGOS JULIO	BURGOS ELOISA	315 HOUGH ST	MONROE	NC	28112
09195039	STEWART CODY J	BREITENSTEIN CASSIE PAIGE	406 HARRIS LN	MONROE	NC	28112
09195040	PREFERRED HOMES OF CHARLOTTE LLC		8501 TOWER POINT DR STE A206	CHARLOTTE	NC	28227
09195055	PRICE HAROLD D JR	PRICE BETH	212 S THOMPSON ST	MONROE	NC	28112
09195080	HARKEY JAMES C		8415 LANDSFORD RD	MONROE	NC	28112
09195084	MBR RENTALS LLC		PO BOX 423	MARSHVILLE	NC	28103
09195085	ONE STOP RENOVATIONS LLC		1206 BEECHDALE DR	CHARLOTTE	NC	28212
09195036	ZAVALA ODALAIS		307 HOUGH ST	MONROE	NC	28112
09195045	UNION PROPERTY GROUP LLC		2132 BLUE BONNET LN	MATTHEWS	NC	281048558
09195058	NIXON BETTY MORGAN	WILLIAMS LINDA ANNE MORGAN	223 HUNTING RIDGE RD	ROANOKE RAPIDS	NC	27870
09195078	MCCARTER FRANKIE M		300 WILSON ST	MONROE	NC	28112
09192099	WHITE DEWEY STANLEY		502 N THOMPSON ST	MONROE	NC	28110
09195043	LPL DEVELOPMENT		1506 LAUREL HILL DR	WAXHAW	NC	28173
09195044	CHARTER PLACE PROPERTIES LLC		2041 PELLYN WOOD DRIVE	CHARLOTTE	NC	28226
09195053	CHADWICK VERNON PAUL III	MORA LAURA CONCEPCION MORALES	5915 HOOVER AVE	INDIAN TRAIL	NC	28079
09195059	KING JEFFREY S		802 E FRANKLIN ST	MONROE	NC	28110
09195083	HUFFMAN ROBERT ERIC	ENGLANDER CARLEY ELIZABETH	809 E FRANKLIN ST	MONROE	NC	28112
09195041	VEGA-SOTELO GERARDO		215 HOUGH ST	MONROE	NC	28110
09195042	SMITH RAYMOND G		PO BOX 398	MONROE	NC	28111
09195077	WILEY BRENDA R		306 WILSON ST	MONROE	NC	28112
09192105	PIERCE PHILLIP HALL		710 SHUTE ST	MONROE	NC	28110
09195038A	HONRINE JANIE G		412 HARRIS LN	MONROE	NC	28112
09195047	MURPHY GEORGIA V		415 HARRIS LN	MONROE	NC	28112
09195081	CEBALLOS HIPOLITO	CEBALLOS MARIA	210 WILSON ST	MONROE	NC	28112
09192119	GX MONROE LLC		1575 NORTHSIDE DR NW SUITE 470	ATLANTA	GA	30318
09195035	HELMS TODD A	HELMS DENISE M	2905 MEADOW CREEK LN	MONROE	NC	28110
09195036A	CROWDER JULIAN V		1515 CROWDER RD	MONROE	NC	28110
09195056	BRANDT DAVID FRANCIS	BRANDT ROBIN M	210 S THOMPSON ST	MONROE	NC	28112
09195057	TRUJILLO ANGELICA MENDEZ		208 S THOMPSON ST	MONROE	NC	28112
09195060	DESSINGUE CECILIA M		211 S THOMPSON ST	MONROE	NC	28112
09195079	COPENO SANTOS CUAMACATECO	ESTEBAN BLANCA MIRANDA	214-216 WILSON ST	MONROE	NC	28112
09195038	JOSEPH BROTHERS INC		437 MORGAN MILL RD	MONROE	NC	28110
09195046	SHIVE DAN MYLES		407 HARTIS LN	MONROE	NC	28112
09195061	JORDAN SYLVIA D		213 S THOMPSON ST	MONROE	NC	28112
09192100	ALLEGiant FREIGHT SYSTEMS INC		5000 TULIP LN	MATTHEWS	NC	28104
09192101	GUY PROPERTIES LLC		4401 E INDEPENDENCE BLVD STE 204	CHARLOTTE	NC	28205
09192104	VIDALS ERNESTO VAZQUEZ		5315 REID RD	INDIAN TRAIL	NC	28079
09195036C	RAMIREZ CRESPIAN		91 OVERLOOK PL	NEWBURGH	NY	12550
09195054	CLONTZ WILLIS E	CLONTZ DRUCILLA	216 S THOMPSON ST	MONROE	NC	28112
09195062	BOVINO MICHAEL	BOVINO CAMILA	1012 KINGS GRANT HWY	MATTHEWS	NC	28104
09195082	BARNES DAVID B	BARNES CHRISTINE Y	810 E FRANKLIN ST	MONROE	NC	28112

Exhibit 11