**BOARD OF ADJUSTMENT**
**MEETING**
**THURSDAY, JULY 25, 2024**
**6:00 P.M.**
**Council Chambers**
**300 W. Crowell Street**
**Monroe NC**

# AGENDA

**Item 1.** **Call to Order – Roll Call**

**Item 2.** **Pledge of Allegiance and Moment of Silence**

**Item 3.** **Approval of Minutes– June 27, 2024**

**Item 4.** **Conflicts of Interest**

**Item 5.** **Quasi-Judicial Statement:**

**Item 6.** **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 7.** **Next Meeting: August 22, 2024**

**Item 8.** **Adjournment**

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

*cc:* *Albert Benshoff, Attorney*
*Doug Britt*
*Keri Mendler*
*Patrick Blaszyk*

# MINUTES OF THE
# BOARD OF ADJUSTMENT MEETING

**June 27, 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 June 27, 2024, meeting to order at 6:00 p.m. and noted that there was a quorum present with 4 members. Kimberly Davis, Administrative Assistant, called the roll.

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| Members Present: | Kenneth Deal (Chair), William Draper, Corey Noland and Louis Philippi |
| Members Absent: | George Smith (Vice-Chair) |
| Staff Present: | Doug Britt, Senior Planner; Patrick Blaszyk, Planner 1; Al Benshoff, BOA Attorney; Kimberly Davis, Administrative Assistant |
| Guests: | Tamara Bright, Osco Gardin Jr, Olivia Noland |

**Item 2. Pledge of Allegiance and Moment of Silence**

**Item 3. Approval of Minutes – Minutes of May 23, 2024**

**Motion:** **William Draper made a motion to approve the minutes of the May 23, 2024, meeting.**
**Second:** **Corey Noland**
**Action:** **The motion approve the minutes passed with the following votes:**

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

**Item 4. Conflicts of Interest**

Chair said we have two cases for consideration tonight. Does any member have any conflicts of interest? None noted.

**Item 5. Quasi-Judicial Statement:**

Al Benshoff, Attorney, 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. 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.** **PLZNA- 2024-00203 Variance - The Board of Adjustment is requested to consider a variance from Tamara Bright requesting multiple variances from the accessory structure setback requirements in a conditional residential zoning district in order to bring concrete pool decking, a wooden deck and a concrete pad into compliance that were installed at 1420 Lena Street without obtaining building permits (09-125-213).**

Chair said all those giving testimony tonight, please step forward to be sworn in.

Patrick Blaszyk, Doug Britt and Tamara Bright approached the podium and were sworn/affirmed in by the Chair.

Patrick Blaszyk said good evening, Board. I am here to present a Variance request for 1420 Lena Street in which the applicant is seeking alleviation from the accessory structure setback requirements. At this time, I'd like to move forward with the proposed findings.

Proposed Findings:

1. The property located at 1420 Lena Street, is owned by Tamara Bright and is zoned CD, Conditional District Cottage Green Phase II. (Exhibits 1, 2, and 3) Exhibit 1 is the Ortho Map where the subject property can be seen outlined in blue. Exhibit 2 is the Zoning Map for the area where the subject property is outlined in blue and is zoned CD (Conditional District). So are all the other parcels in this area as they are all within the Cottage Green Development. Exhibit 3 is the deed to the property.

2. On May 20, 2024, Tamara Bright submitted a variance application in order to request three

variances from the accessory structure setback requirements for concrete pool decking, a wooden deck and a concrete pad that were installed without obtaining building permits at 1420 Lena Street. (Exhibit 4) Exhibit 4 is the Variance Application form.

3. A building permit was obtained by Tamara Bright on September 13, 2022 in order to construct a standalone 16-foot by 32-foot swimming pool at 1420 Lena Street. (Exhibit 5 & 6) Exhibit 5 is the Building Permit Application for that stand-alone in-ground swimming pool. Exhibit 6 is the Site Plan utilized for that stand-alone swimming pool. It can be seen that it is a survey that the pool was hand-drawn.

4. Building permits were obtained by Tamara Bright after-the-fact on March 18, 2024 for the concrete pool decking and wooden deck after Planning Staff conducted a zoning inspection of the site. (Exhibits 7 & 8) Exhibit 7 is the Permit for the concrete decking for the swimming pool. Exhibit 8 is the permit for the wooden deck.

5. The first variance is a 3-foot variance from the 10-foot accessory structure setback requirement for concrete pool decking constructed on the west side of the property. The second variance is a 6-foot variance from the 10-foot accessory structure setback requirement for a wooden deck built on the north side of the property. The third variance is a 7-foot variance from the 10-foot accessory structure setback requirement for a concrete pad that was installed in the northwest corner of the property.

6. 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 9)

7. The applicant submitted a survey of the existing location of the concrete pool decking, wooden deck and concrete pad at 1420 Lena Street. The survey indicated the concrete pool decking was located 7.7 feet from the west property line, the wooden deck, which is located north of the site, was located from 4.3-7.7 feet from the north property line and the concrete pad, located in the northwest corner of the site, is approximately 5 feet from west and north the property lines. (Exhibit 10)

8. The applicant submitted photos of the concrete pool decking, wooden deck and concrete pad at 1420 Lena Street. (Exhibit 11) Exhibit 11 is the top photo where the pool decking and pool can be seen and the wooden deck can be seen here in the background. The next photo shows the wooden deck and the proximity to the fence. It can be seen through that fence is a stake from where the survey was taken giving an indication of where that property line is located. These next photos here, this top one, shows that curvature of the edge of that concrete pool decking in relation to the fence to that west property line. The bottom photo here shows the concrete pad that was installed in this proximity to the north and west property lines. Finally, the last photo here for Exhibit 11 shows another view of that concrete pad as well as the wooden deck.

9. All adjacent property owners have been notified of the proposed variance. (Exhibit 12 and 13) Exhibit 12 is the APO map for the area where the subject property can be seen here with the red star on it. The red 150-foot oval is the 150-foot buffer and all the parcels highlighted in blue were notified of the variance request. Exhibit 13 is the APO mailing list for all the properties that were notified of the variance request.

10. Staff wanted to add an additional finding. In regards to the wooden deck and concrete deck, being located inside the public storm drains easement, and this statement comes from City Engineering Staff, that "the property owner shall be aware that the deck is within an existing drainage easement and on top of a 30-inch diameter reinforced concrete pipe." Per The City of Monroe Storm Drainage Policy: "The property owner will be responsible for the relocation of the deck should any maintenance work be needed in the future within the drainage easement. In addition, if the existing pipe is damaged by the installation of the deck, the property owner will be responsible for the cost of the repairs."

Chair said please make sure you give that exact language to the Board Attorney to add in Finding 10. I started to write it down, but you got ahead of me.

Patrick Blaszyk said this concludes my presentation.

Chair asked do you find that the variance application was complete and accurate?

Patrick Blaszyk said yes.

Chair asked are there any questions for the Presenter? None noted. Thank you. Would the applicant like to step forward and give your name and address for the record please?

Tamara Bright approached the podium and said her name at 1420 Lena Street, Monroe, NC 28112.

Chair said there is a lot of ask here in these variances. Do you understand the… you put in a pool and a deck and some pads and never pulled any permits.

Tamara Bright said when I got the pool, the permit was granted and I did do the application here when I first put the pool in.

Chair said prior to them putting the pool in?

Tamara Bright said yes sir. That is correct. They should have the application on file.

Patrick Blaszyk said permits were obtained. I'll go back. That was under Exhibit 5. This was a permit for a stand-alone swimming pool, but on this application and the site plan, there was no indication of concrete decking, a wooden deck or concrete pad. Essentially, with this permit here, the only thing that was applied for was the rectangular box for a pool itself and nothing else. That's what was applied for back in September of 2022.

Chair asked if after the pool was put in, was there an inspection made of the pool?

Patrick Blaszyk said the inspection that occurred was back in March of 2024. That is when it was found that the concrete decking and wooden deck were installed. There were no inspections up to that point until a couple of months ago on the property.

Chair said so the pool was permitted, but not the concrete and wood decking.

Patrick Blaszyk said not the decking and the concrete pad.

Louis Philippi said when was the pool put in? 2022?

Patrick Blaszyk said that's when the permits were first obtained for that.

Corey Noland asked when were the other structures constructed?

Tamara Bright said at the same time because it's a pool deck.

Louis Philippi said so you are telling me that you applied for the swimming pool?

Tamara Bright said yes.

Louis Philippi said and all the other accessory stuff you did on top were not part of the application process? Is that correct?

Tamara Bright said well, I didn't even know that I was supposed to. It's a pool deck so, when I put the pool on the first application, I didn't even know I was supposed to do the other stuff because I was going to put a pool deck in. I thought everything was…

Louis Philippi said so what I'm trying to clarify in my mind is the first permit was in 2022 and that was for a swimming pool. Only a swimming pool. You put the pool in and, since you had already done a building permit application, you should have known what they are. I'm looking at some of the things that are written on it. Then when you put up a pool deck and you've got that structure in the back. It looks like a little picnic area. All those things you put in, but did not bother to apply for a permit. Is that correct?

Tamara Bright said I didn't know I was supposed to get a permit for it, sir.

Louis Philippi said well, how did you know you were supposed to get a permit for the first one, to put the pool in? You applied for that in 2022.

Tamara Bright said yes, when I purchased my home, I had already told the people who I bought it from that I want a place to find room to put a pool in so I didn't even know that I was supposed to put a deck. The concrete that is around the pool is how the pool is made.

Louis Philippi said I understand what you're saying. I'm going to read you something at the bottom of the first application you made in 2022. Right above your signature and the 9/2/22, it says these

permits are granted, "I hereby certify that all information in this application is correct and that all work will comply with North Carolina State building code and all of the applicable City Ordinances, local laws and regulations of the State of North Carolina regulating such work and the specification or plans to admit it. The (unintelligible) will be notified of any changes in the approved and specifications for the projects that are permitted herein. I hereby affirm that the foregoing statements are accurate and correct to the best of my knowledge." So when you initially applied for the pool that is what you signed. Here is your signature right below it. How could you be putting other stuff up there, decks and little picnic areas in the back? I saw the property. It's filled almost to walls. How could you have done that without knowledge of what you signed right here, saying I'm going to make sure it is within specification. Now you put a pool in and that was fine, but what gets me is you already knew you has to do an application. You did that. When you did that, you got the specifications of what you could do and how far you could go. It looks like you said, well heck, I'm not going to do that and make another application until he came down and saw your property and he brought this to our attention. I just want to mention that to you as well as the Board. It looks a little bit flaky.

Tamara Bright said I didn't know. I told him. Didn't I tell you the same time when he came out? Before you say I have a picnic area, I don't have a picnic area. That concrete with the shade is when I have a cookout in my yard, I put the grill on the concrete instead of the grass. I didn't know I had to come and get a permit even for that. I didn't know.

Louis Philippi said you also put a further curtain of cement around the pool which was the first violation. You had permission to put in a pool specifically. This is what I want to put in. It's the last specification on it. That is part of your first application and that was approved. You put it in then you put in more things afterwards. There was no application that came up until he went out to the property and said this stuff is in violation.

Corey Noland said I have a question that may be better directed to staff. What is the difference between Exhibit 5 and Exhibit 7? Were there two applications made in 2022?

Patrick Blaszyk said so Exhibit 5 is the application just for the pool itself. This is what was covered back then. Exhibit 6 is going along with that. All Exhibit 5 is reflecting was shown here in Exhibit 6. It is just for this rectangle box that was drawn. Exhibit 7 is what your question is, correct?

Corey Noland said when was Exhibit 7 received by the City?

Patrick Blaszyk said Exhibit 7 was here and this is edited from 2022, but this actual one right here was taken back in March of 2024. That's when they added the concrete decking to that initial pool permit.

William Draper said but the original application would have been in compliance with setback rules?

Patrick Blaszyk said so if they were able to meet of what was stated here in this application, with it showing that having 13-feet on the west side, 16-feet on the east side and 34-feet to the north and that is correct to what it shows right here. That would have complied.

William Draper said it looks like that pool is centered on this application. Who moved it to the left? Did you request that or did the pool installation people make a mistake?

Patrick Blaszyk said I can speak for the first plan is hand-drawn and the second one is the survey that was taken after the fact. I cannot speak for what happened between when that permit was initially obtained and when the variance was applied for.

Corey Noland said I'm not still entirely clear on Exhibit 7.

Patrick Blaszyk said Exhibit 7 is the initial building permit application from back in 2022, but it is edited to also have the concrete decking that can be seen here on the left side. It was re-submitted in March 2024. That's when that happened.

Doug Britt said basically, the only thing in Exhibit 7 is she wanted to revise her application to add those additional features when it was discovered that they had not been permitted on the original permit. That's all that Exhibit 7 is. That doesn't happen often. It does happen from time to time. Someone will do work and sometimes they need to do something above and beyond what they originally applied for so they can go in and revise their application and that's what she did with Exhibit 7.

Chair said I agree with what you are pointing out. The original application clearly stated that there was going to be thirteen feet on one side and sixteen feet on the other side. The actual construction was probably within the permit prior to the concrete apron being added. Had the concrete apron been figured in the first permit, the pool could have been centered better and you still could have come in compliance on both sides as far as the concrete decking is concerned. The way they put it in, they offset it to one side and that's why you've come in short on one side with the decking. The wooden decking, you would never have gotten a permit to construct it because you were constructing it on top of an easement. That permit wouldn't have been approved based on the survey. A survey is supposed to be submitted when you get those types of permits. Now it's discovered after the fact that the wood decking was constructed over top of the twenty foot permanent storm easement. The little grill pad off to the side, because it's concrete, it would have had to be permitted to go that close to the fence. We are actually looking at three entirely different easement variance requests here. In fact, part of that concrete apron around the pool also infringes upon that storm easement.

William Draper said all, but the wooden deck, would have been acceptable had they put the pool where they said they were going to put it on the original application. Seems like everything goes back to the installer.

Chair asked how wide is the concrete apron around the pool, particularly on the bows on either end? Do you know how wide the concrete is?

Tamara Bright said this side is short and one side is three feet and the other side is four. My door is right there. That's my little patio right there on the side. It's not much (unintelligible).

Patrick Blaszyk said under Exhibit 7, under the application, there are figures and numbers like three by thirty-six, six by thirty-six and four by seventeen. It looks like that was added in for that concrete decking.

Chair said I guess what I'm getting at is that concrete decking is what throws that left side of that pool out of code.

Patrick Blaszyk said yes.

Chair said the pool itself, although it is a little off from the first application is still technically in the limits. It's the apron that threw it over. So how was this discovered? Did somebody report it or had enforcement found it?

Patrick Blaszyk said this was discovered when I went out to conduct a zoning inspection of the site for the pool.

Chair said it's been up there for about two years?

Tamara Bright said yes. A lady came out from here, do you remember her name, and she did the inspection and did everything too. She reported everything was fine on her end. She also took pictures too.

Patrick Blaszyk said that was with Katie with our Engineering Department. She went out just to look at it in regards to that public storm drains easement so that is on the Engineering Department, not with the Planning Department.

Corey Noland asked when was that?

Patrick Blaszyk said that was back in March of 2024, a couple of months ago.

Chair said that's probably why they are requesting it in case they have to get in there and do the work then they will tear your deck down and they are not going to put it back up. They have the right-of-way.

Al Benshoff, Attorney, said I would like to advise the Board that any statement about what Katie from Engineering said or didn't say is heresy and you should not base your decision on that.

Chair asked if there were any other questions? None noted. Thank you. Before we get into discussions, first let me solicit a motion on accepting the Findings of Fact 1 through 10.

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| **Motion:** | **Corey Noland made a motion to accept the Findings of Fact 1-10.** |
| **Second:** | **William Draper** |
| **Action:** | **The motion to approve the Findings of Fact 1-10 passed unanimously with the following votes:** |

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

Chair asked if there are any discussions on it. What are your perceptions?

Corey Noland said I have no doubt that having to remove the concrete decking and remove the deck is in fact a hardship and is not something that is going to be easy for you to do in your property. Unfortunately, that is not the only thing we have to consider tonight in deciding whether or not it is an appropriate variance for the Board to allow.

Al Benshoff said the Board can grant three, two, one or no variances. You are not required to grant all the variances that are requested.

Chair said I guess my struggle is concrete is a biggie to remove and a financial hardship for the applicant. No one was standing to complain about the structure or has shown up to testify. The wooden decking, however, is not a permanent structure. It's a secure structure, but not a permanent structure. The variances for the deck needs to be decided on as to whether the Board wishes to proceed with that. The small concrete pad for the grill can be removed without significant cost and re-poured outside of the easement. Without the Engineering Department stating they have no objections of the concrete that was laid over the drainage easement, we can't assume that they are ok with that. They do have the option of ripping it up and not replacing it should they need to get in there and do the work.

Corey Noland said the portion of the concrete that crosses over the easement was not mentioned in the proposed and now the adopted Finding of Fact 10, correct?

Chair said correct. It's just the City's right to demo it if necessary and not replace it. So those are the things you need to consider. If we want to review each variance as an individual variance then we will have to go through the questions per variance. If instead you want to consider it as a package, we can go through the conclusions one time and include all three variances. If it's something you want to break up into individual variances then I need you to tell me that.

Louis Philippi said the pool, I can see was a mistake. The pool was a legitimate deal and it would have been ok if it was centered like it was supposed to. For everything else beyond here, you are setting an example. These are small lots. I went to the property and this is the only property that literally from the front door to the back fence there is stuff stuck up there and everybody else has grass in the back. I don't have a problem with somebody wanting to do this sort of thing. The pool I can easily forgive because that was just the construction guy did it wrong. I don't want to set an example to where people can say I can get a free variance from this guy at the Board of Adjustment and do all this other stuff. This is way out of line. All of it in general. What bothers me more than anything is I can even understand somebody doing this, not knowing you are supposed to go get these permits, but the first application was done in 2022. They were supposed to know what they are doing and what the rules are. Yet, forgiving the pool put a couple of feet apart, everything else is a bit of a problem.

Chair said what I'm hearing you say is you would like to address the variances individually.

Louis Philippi said yes.

Corey Noland and William Draper said I agree.

Chair said we will address them individually. Patrick, I'm going to ask you to step up here. We are going to review each variance so the first variance we are going to deal with is the 3-foot variance on the left side of the pool. There are three variances we are dealing with, correct? We are going to handle them individually so you present them, just the first one, and we are going to go through the questions on the first one.

Patrick said first variance is a three foot variance from the ten foot accessory structure setback requirement for concrete pool decking on the west side of the property.

Al Benshoff asked why isn't it a 2.3-foot variance?

Patrick said due to a potential surveyor error, we are giving it an extra leeway just in case something were to come back through.

Chair said so we are only dealing with the 3-foot variances on the west side. We are going to go into the Board conclusions on that variance alone.

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

   **Motion:** **Corey Noland made a motion that an unnecessary hardship <u>would</u> result from the strict application of the ordinance for this Variance. It seems from the testimony of the applicant, and the application itself, that there would be a tremendous financial hardship in removing the significant portion of the concrete that abuts the pool and could potentially cause issues with the pool itself so I would make a motion that it <u>would</u> result in unnecessary hardship.**
   **Second:** **Louis Philippi**
   **Action:** **The motion passed unanimously with the following votes.**

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

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

   **Motion:** **Louis Philippi made a motion that the hardship <u>is</u> peculiar to the applicant's property because the pool was put in the wrong place. Not by her intentionally, I don't think.**



DRAFT

Al Benshoff said I think we need a Finding of Fact that says how the pool got here because I haven't heard any testimony about how the pool was put where it is now as opposed to where it was supposed to be according to Exhibit 6. There has been some speculation about what the contractor may or may not have done, but there is no fact to support that.

Chair said the peculiarity of the property supported the construction that it wasn't …

Al Benshoff said and maybe we are really talking about number three that Mr. Philippi said. The location of the pool is a mistake and we don't know whose mistake.

Louis Philippi said well, not being able to get physical proof, realistically, if you look at this piece of property and the way it's shaped, the pool would go in the middle, by any normal standard. Although we cannot prove it because we don't have the pool builder here, but I would look at this and, in my mind's eye, I see the pool being put in incorrectly by the contractor.

Al Benshoff said can we ask Ms. Bright how the pool got where it is today?

Louis Philippi said yes, sir.

Tamara Bright said I was thinking that there is a guy who works here who came out a couple of months ago. He came out and we had to send him pictures. It wasn't you. It was someone else, but I can't recall his name. I can most certainly go back and find out who the guy was, but he works in this area as well. We had to send him pictures and everything down to the wire. He did the wire checking of the pool before the pool was put in. He checked all of that. You know the lining and underneath the ground, he checked all of that. I just can't recall his name right now, but he did come out and do his inspection as well before you all came out. I can't think of his name. The one who put in the pool had to send the information over to him. I could try to step out and call him, but it was a guy who worked in this area right here.

Corey Noland said I think the question that they are asking is very specific and asking it for a very specific reason. You saw the map that showed where the pool was supposed to be. Why, then, is the pool shifted from, when it was ultimately put in, over a couple of feet from the middle of the yard? Was that a mistake?

Tamara Bright said I don't know. I don't know how they did it like that. I've got pictures on my phones in the very beginning.

Al Benshoff said can we go back to 6, please? Ms. Bright, here is what I'm trying to ask. I believe this is part of the application and it shows the pool inside the setback lines. Do you see that? Do you understand where the pool is on this picture?

Tamara Bright said yes, in the middle.

Al Benshoff said right and it wasn't built there so when the contractor came out, did you tell him where to put the pool?

Tamara Bright said they did everything on their own. I don't know anything about a pool. This is my first pool and they built everything on their own.

Al Benshoff asked did you hire the contractor? Did you pay?

Tamara Bright said yes. Yes.

Al Benshoff said so the contractor put the pool where he wanted to put it on your property?

Tamara Bright said I told him in the back, but as far as the length or how to build it, I don't know how to do…

Al Benshoff said you did not tell him where you wanted the pool?

Tamara Bright said I just said I want it in the back and we measured to make sure that it was enough room in the back to put a pool back there after I got permission from the HOA, you know, the owners of it.

Chair said that diagram that is up there, did you provide that to the pool installation people as part of your permit to show them you had a permit. So they saw this? If you put the pool there and you put a three foot concrete skirt over it and guess what you come down to? Ten feet and we wouldn't be here talking about it. They didn't put it per the permit.

Tamara Bright said ok.

Corey Noland said so I think that gives us a basis for an additional Finding of Fact.

**Motion: Corey Noland made a motion for an additional Finding of Fact 11 that the contractor who installed the pool was provided the application which had enough room for the setback even with the concrete apron. Despite the contractor being provided the map, the installation by the contractor was not what was represented in the map. Despite the contractor knowing where the pool was supposed to go, the contractor did not install the pool where he was supposed to be given on the map.**

Chair said and the homeowner was unaware that he had not done that until the inspection. That gives you your basis for your question. First, we need to vote on adding that Finding of Fact. Do I hear a second?

**Second:** **Louis Philippi**
**Action:** **The motion passed unanimously with the following votes.**

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

Louis Philippi said can I ask a legal question? Without Finding of Fact is that the contractor did not do what he was supposed to do based upon the stuff he was given, does that make him liable where this lady could sue him and make him move the pool?

Chair said that is not for us to even discuss. We did not want to get involved in a civil litigation. That is not our purpose. You are welcome to chat with her after the proceedings about that if you so desire. Question two on this Variance:

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

**Motion:** **Louis Philippi made a motion that the hardship <u>is</u> peculiar to the applicant's property because the pool was put in the wrong place.**
**Second:** **Corey Noland**
**Action:** **The motion passed unanimously with the following votes:**

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

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

**Motion:** **Corey Noland made a motion that the hardship <u>is not</u> the result of the applicants own actions for all the reasons we just set forth in Finding of Fact 11.**
**Second:** **William Draper**
**Action:** **The motion passed unanimously with the following votes:**

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

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

**Motion:** **Corey Noland made a motion that the variance <u>is</u> consistent with the spirit, purpose, and intent of the ordinance in that the purpose of the ordinance is to ensure that citizens are complying. The citizen did everything possible to comply, including giving their contractor the appropriate map. The contractor then did not follow it. As such, a granting of variance is in the spirit of purpose and intent of the ordinance.**
**Second:** **William Draper**
**Action:** **The motion passed unanimously with the following votes:**

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

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

**Motion:** **Louis Philippi made a motion that in granting the variance, public safety <u>will</u> be secured because it is in the ground properly and there is nothing to endanger anyone and substantial justice <u>will</u> be achieved, in as much, the lady got stiffed by the contractor, but it is not causing sufficient harm for us to want to make her tear the thing out. So we have achieved justice for the people of Monroe and I think with her to let her keep the pool there.**
**Second:** **Corey Noland**
**Action:** **The motion passed unanimously with the following votes:**

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

Al Benshoff said Mr. Chairman, before we go on, I would like the Board to consider adding a condition to this variance and the other two. It would be along the lines of: This Variance cannot be used as a defense to the enforcement by The City of Monroe of its rights to the public storm drainage easement. My concern is that the house may be sold and future decades and new people will move in, the storm drain will fail, the City will come in and remove the wooden deck, and maybe some of the concrete, and then the future owners will raise a defense that the City granted a variance and the City somehow gave up its rights to the storm drainage easement. I didn't say that very well because this Board can't bind future property owners, but there needs to be some kind of statement that this variance does not affect the property rights of the City of Monroe in the public storm drainage easement.

Chair said so that would be applicable on the second and third variance? The first variance isn't…

Al Benshoff said well, there is a piece of … if you look at number…

Chair said there is no variance request on the east side. Only on the west side. It's a matter not before this Board, that particular corner over there, although I noticed it as well.

Al Benshoff said ok, I see what you're saying. However, I would see that argued, if I represented the future property owner, I would argue if that wasn't in there. Maybe it's enough to have some kind of statement like that in the other two variances.

Louis Philippi asked if we disapprove the variance, would that mean she would have to tear it down now?

Al Benshoff said yes, that's correct. That is one possibility. That is a Code Enforcement question.

Louis Philippi said the stuff is up there and is not causing any kind of problems, but, nonetheless, you can build something over a storm drain and we know you can't do that.

Chair said again, you have to also consider the fact that if you just blanket grant after-action variances on structures, there's another hundred houses all around there looking at that. They will come in and argue, "Well you granted all the variances over here for this home. I want to do the exact same thing so you've got to grant us the same variance." Whether it gets torn down or not is also not a question for this Board. It's whether or not to grant the variance. I agree with the Board Attorney that we should include a statement in our findings that protect the storm water access easements that run through this property. Let's move on to number two since that's where it's applicable.

Doug Britt are do we not need …since you are breaking them up, are you going to vote to approve the variance?

Chair said I was going to do the final vote at last by calling the variance.

Doug Britt asked are you doing them each individually?

Chair said yes. Would you like to go ahead and vote on this variance now and get it put to bed? Ok, on Variance 1, the west side three foot variance, do I have a motion to either grant or deny the variance request?

**Motion: Louis Philippi made a motion to grant the variance request.**
**Second: William Draper**
**Action: The motion passed unanimously with the following votes:**

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

Corey Noland said I would ask for clarification though. Are we including, with this variance, the language that it does not supersede Monroe's rights? I think I agree with Council, but if we do it for two of them, I think it makes sense to do it for three of them even though there's nothing necessarily on that side. I think it could cause confusion if we do it for two and not for all three of them.

Al Benshoff said I prefer that you add it to this one, if you have to, by an affirmative vote of a Board.

Chair said I have no objections to that.

**Motion: Corey Noland made a motion to add the language proposed by Council that this variance does not supersede the rights of The City of Monroe to**

**the variance.**
**Second: Louis Philippi**
**Action: The motion passed unanimously with the following votes:**

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

Chair said we will add that to each one as we go through. That's one. You don't make it easy, do you, Patrick?

Patrick presented number 2 which is a 6-foot variance from the 10-foot accessory structure setback requirements for one deck built on the north side of the property.

Chair said ok. Any discussion on that variance?

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

**Motion: Corey Noland made a motion that an unnecessary hardship would result from the strict application of the ordinance. I believe there was still testimony about the financial hardship of, not only the concrete, but also the deck so I believe that an unnecessary hardship would result from strict application of the ordinance.**
**Second: William Draper**
**Action: The motion passed unanimously with the following votes.**

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

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

**Motion: Louis Philippi made a motion that the hardship is peculiar to the applicant's property because it is a deck in her backyard so, clearly, it is peculiar to her property.**
**Second: Corey Noland**
**Action: The motion passed unanimously with the following votes.**

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

William Draper asked who built the deck? It wasn't Noah. Who built the deck? Did you have a contractor?

Tamara Bright said Mr. Richard Carson.

William Draper said did you personally tell him, "This is where I want the edge of it?"

Tamara Bright said the grass is hot and coming from the concrete to the pool deck.

Chair said let me ask you this question. Was there no permit for the deck when it was built?

Tamara Bright said I didn't know I was supposed to get a permit. I thought that pool was the only thing to cover everything.

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

**Motion: William Draper made a motion that the hardship <u>is</u> the result of the applicants own actions. She just told us that she's the one that placed the deck where it is.**
**Second: Corey Noland**
**Action: The motion passed unanimously with the following votes:**

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

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

**Motion: Corey Noland made a motion that the variance <u>is not</u> consistent with the spirit, purpose, and intent of the ordinance. The purpose of getting a permit to get the deck is there is a reason that the ordinances are what they are. We want to encourage people getting permits and knowing what the appropriate setbacks should be.**
**Second: William Draper**
**Action: The motion passed unanimously with the following votes:**

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

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

**Motion: Louis Philippi made a motion that the public safety <u>will not</u> be secured.**

**I don't think there are any look at public safety that I can tell. Substantial justice will be achieved because the application was not applied for. It was built out of specification and we just can't say everything's ok when you did it wrong.**

**Second: William Draper**

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

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

**NAYS: None**

Chair said this is a touchy one. Based on the foregoing, in that the CONCLUSION number three is that it was the Board's conclusion that the hardship is the result of the applicant's own actions, our only option there is to deny that variance. So I need a motion to deny to second variance.

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

**Second: Louis Philippi**

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

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

**NAYS: None**

Chair said this one's a little complicated. Patrick, the third variance?

Patrick Blaszyk said the third variance is a 7-foot variance from the 10-foot accessory structure setback requirement for a concrete pad that was installed in the northwest corner of the property.

Chair asked any discussions on this one?

Louis Philippi said that concrete pad is not that obtrusive, but if the deck is not going to be here, it doesn't need a barbeque grill to sit next to it. It was designed to put a barbeque grill on.

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

**Motion: William Draper made a motion that an unnecessary hardship would result from the strict application of the ordinance. If she had to move the concrete pad, there is a reasonable expense involved and it would take away from where the deck might be moved.**

**Second: Corey Noland**

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

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

**NAYS: None**

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

**Motion:** **Corey Noland made a motion that the hardship <u>is</u> peculiar to the applicant's property because the concrete pad already exists.**
**Second:** **Louis Philippi**
**Action:** **The motion passed unanimously with the following votes.**

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

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

**Motion:** **William Draper made a motion that the hardship <u>is</u> the result of the applicants own actions.**
**Second:** **Corey Noland**
**Action:** **The motion passed unanimously with the following votes:**

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

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

**Motion:** **Corey Noland made a motion that the variance <u>is not</u> consistent with the spirit, purpose, and intent of the ordinance. I incorporate the same facts that I stated for the deck as it relates to getting a permit.**
**Second:** **William Draper**
**Action:** **The motion passed unanimously with the following votes:**

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

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

**Motion:** **William Draper made a motion that the public safety <u>is not</u> applicable for this type of… just to move a pad. Substantial justice <u>will</u> be consistent with the ordinances as far as the City is concerned.**

Chair said so let me see if I got this right. You went back to the ordinance question and we are on (b). Your motion is that the Board's conclusion in granting the variance, the public safety question is moot, but we are still required to give a will or will not. I'm going to ask you to modify that that public safety will be secured because there is no unsecured nature to it. That substantial justice, that's the one you didn't answer, the substantial justice part of the question.

William Draper said will be met.

Chair said will be achieved.

**Motion: William Draper made a motion that the public safety <u>will be</u> secured and that substantial justice <u>will be</u> achieved.**
**Second: Corey Noland**
**Action: The motion passed unanimously with the following votes:**

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

Chair said again, on this variance, we bring to the Board's attention that question three is "the Board's conclusion that the hardship is the result of the applicant's own actions." That leaves us only one course of action and that is a motion to deny the third variance.

**Motion: Corey Noland made a motion to <u>deny</u> the variance request.**
**Second: William Draper**
**Action: The motion passed unanimously with the following votes:**

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

Chair said so the final result is the Board has approved the variance for the pool apron, but we cannot find a legal basis to approve the variances for the deck or the grill pad. Those variances are denied. You can speak with staff as to what your actions and options are after that.

**<u>Item 7</u>. PLZNA- 2024-00210 Variance - The Board of Adjustment is requested to consider a variance from Osco Gardin Jr., Senior Pastor of Elizabeth Missionary Baptist Church, is requesting a variance to modify the required perimeter buffer along the east and north property lines to allow for a new educational building to be constructed at 405 East Hudson Street (09-234-157).**

Chair said if anyone is giving testimony for this matter, please step forward to be sworn in. Osco Gardin Jr. approached the podium and was sworn in by the Chair.

Patrick Blaszyk said I am here to present a Variance request for 405 East Hudson Street in which the applicant is looking to seek alleviation from the required buffers on the north and east property lines. At this time, I'd like to move forward with the proposed findings.

Proposed Findings:

1. The property located at 405 East Hudson Street is owned by Elizabeth Missionary Baptist Church and is zoned RMD (Residential Medium Density). (Exhibit 1, 2 & 3) Exhibit 1 is the Ortho map for the area where the subject property is outlined here in blue. It can be seen and appears there are two parcels that are highlighted, but in fact this is one parcel that is divided here by East Hudson Street. The parcel we are discussing here today is the square above, to the north of East Hudson Street, with the long building on it and the parking lot. Exhibit 2 is the zoning map for the area. The subject property is outlined here in blue and is zoned RMD (Residential Medium Density) and so are the majority of the other parcels in the area. Exhibit 3 is the deed to the property.

2. On May 29, 2024, Osco Gardin Jr on behalf of Elizabeth Missionary Baptist 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 Type 1, 10-foot buffer along the east and north property lines in order to construct a new educational building. (Exhibit 4) Exhibit 4 is the variance application form.

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) Exhibit 5 is type 3, here which is highlighted in yellow, which is required of the Ordinance to be installed and the type 1 buffer, which is highlighted at the top of the chart, is what the applicant is looking to deviate towards.

4. The applicant submitted a site plan with the proposed 10-foot buffer at 405 East Hudson Street. (Exhibit 6) Exhibit 6 shows the proposed building, in the approximate location of the existing building you see outlined here, and the borders and the property lines being discussed today are highlighted here in yellow with that north property line highlighted in yellow with that east property line. It is seen here on this proposed site plan that there is approximately 11-feet from the building to the property lines both on the north side and the eastern side.

5. The applicant submitted a letter indicating what would occur at the new educational building, a letter displaying how the Elizabeth Missionary Baptist Church owns the property and letters of support from neighboring property owners. (Exhibit 7, 8, 9, & 10) Exhibit 7 is discussing of what would occur with the new educational facility. Exhibit 8 is a letter indicating how the church, in fact, does own the property. Exhibit 9 is the first letter of support of the variance from a neighboring property owner. Exhibit 10 is another letter of support from the Monroe Housing Authority.

6. All adjacent property owners have been notified of the proposed variance. (Exhibit 11 &

12) Exhibit 11 is the APO map for the area where the subject property can be seen here with a green star on it. The red polygon here is the 150-foot buffer and all the parcels that are highlighted in blue were notified of the variance request. Exhibit 12 is the APO mailing list for all the properties notified of the variance request.

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 was the variance request application submitted accurately and complete and accepted by the Planning Department?

Patrick Blaszyk said yes.

Chair said go back to the site picture. I'm trying to figure out how our parking… do they own this parking lot that's tucked away by a sidewalk here?

Patrick Blaszyk said is it inside this parcel here?

Chair said see this parking? Is that how they are complying with the parking requirements?

Patrick Blaszyk said so with the installation of the new educational facility, the staff has agreed that it would comply. I'm not sure exactly…

Chair said it's very limited parking here and you are taking in away.

Patrick Blaszyk said right. Staff has reviewed it and it has met the ordinance requirements for the buffers and for parking.

Chair said so that is their only parking lot?

Patrick Blaszyk said yes.

Chair asked if there are any questions for Patrick?

William Draper said have I missed it someplace? There are four buildings now on that property?

Patrick Blaszyk said yes, there are four buildings on the part of the parcel below East Hudson Street and there is one building currently on the part of the parcel that's north of East Hudson Street. There are a total of five buildings, but four of them are on this parcel here to the south.

William Draper said will that be modified to accommodate one building?

Patrick Blaszyk said the part that is being discussed is this part of the parcel north of East Hudson Street. There is nothing that is going to change with this part that is south of East Hudson Street. The only work that would be done is this square parcel here.

Chair said it looks like they are going to significantly increase the size of this building here in the top square. Would the applicant like to step forward and state your name and address for the record please?

Osco Gardin, Jr. said his name and his address is 2925 Medical Lane, Monroe, NC 28110.

Chair said what is your position with the church?

Osco Gardin, Jr. said Senior Pastor for thirty years.

Chair said can you give us a little idea what you are trying to do here that impacts on requesting a variance from the 25-foot buffer.

Osco Gardin Jr said I'm a former educator. I presently work with most of the high schools in the county with a program that is funded by the United States Department of Education called Trio of about Math and Science. There is a tremendous need for our church and my non-profit to continue educating students so we can hopefully do something about this pipeline from school to prison. It is our hope and prayer that this facility will provide us the opportunities to do that. If you are familiar with the neighborhood we're in, we've had some murders over the last few years. It's because children don't really have a place to go to where they can be loved on, educated and taught as they so deserve. The only thing that we have in our area that really attempts to meet that need is the J. Ray Shute Building and, probably fifteen plus years ago, I appealed to The City of Monroe to please put something over there that would help. They built the half gymnasium which I was a little disappointed about because I thought at least the children over there deserved a full court. We see the need to provide quality education assisting the efforts of our school system by giving our children what they need, primarily with a focus on education and STEM, but I'm a minister and everything I do is considered ministry. There is no way I will … piece for those persons who will benefit from this facility.

Chair said if this variance were not approved, what would be the impact on your new building? How much would you have to reduce it to comply with the ordinance?

Osco Gardin Jr said we wouldn't be able to build it at all.

Chair said that's your hardship. You wouldn't be able to move forward.

Osco Gardin Jr said absolutely. As you know, children are expensive. They need space and this size building will provide the space needed to provide the education during the school year, summer programs and meals during the day.

Chair said ok. Any questions?

Louis Philippi said no, but I do have a statement to make. I have never been in a public school in my life. I went to parochial schools as a child. I married my first wife many years ago. She had two children and the day I came back from my wedding, I took them down to the local Catholic School and put them in a parochial school. I'm a firm believer in parochial school system.

Churches insist on having a sense of morality which the public system does not require and I've got to tell you, truthfully, I have found people who go to parochial schools are usually a little smarter and more educated than the ones who go to public. I would say anything we can do to make this work, I would like to make it work because it will be good for the children for one thing. It will be good for the neighborhood. That neighborhood, I drove through it, to look this stuff over. It's got close to public housing and very close to deteriorating housing and it's also at the edge of the Historic District and there are some magnificent homes there. If you educate these people and they are "smarter than the average bear," as we say, they've got a better shot at getting a better job and uplifting that neighborhood. You tend to stay where you came from. I think anything it would take to educate children, better then what they are getting now in a public school system, I think we should back.

Corey Noland said one question. You said if you didn't receive the variance, you would not be able to build the building. Why is that? Is it a structural thing? Is it the building wouldn't be big enough to matter? Why do you say you would not be able to build it?

Osco Gardin Jr said more of the latter. It would not be large enough to accommodate the number of students whose lives we are trying to impact.

Al Benshoff asked will this proposed building replace the building that is there?

Osco Gardin Jr said yes it will and I'm grateful to announce we have partnerships with almost every entity locally and statewide to include colleges, universities and I already mentioned, the Federal Government. It would replace that facility and we actually have a contractor who is ready to level that building at no costs to our efforts because he wants to support what we are doing. The County seems to be prepared to allow us to dispose of that refuse at no cost to our efforts because they likewise believe in what we are doing.

Chair asked if there are any other questions for the applicant? Thank you, sir.

Corey Noland said I have one more question for the staff. Which property owners submitted the letters for support on the map of adjacent properties.

Patrick Blaszyk said in regards to the first letter or both letters?

Corey Noland said either or both.

Patrick Blaszyk said no, I'm not aware.

Osco Gardin Jr. said to the north it would be the property owners straight forward, his name is Larry Bennett. To the east would be the Monroe Housing Authority. Those properties adjoin the proposed site.

Chair said and the residents to the south, have you received letters from them? Oh, you own that property, but I was looking beyond that. It's good. Thank you. First, we need to have a motion on whether to accept the staff report Findings of Fact 1 through 6 in the record.

**Motion:** **Corey Noland made a motion to <u>accept</u> the Findings of Fact 1-6.**
**Second:** **William Draper**
**Action:** **The motion to approve the Findings of Fact 1-6 passed unanimously with the following votes.**

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

1. The Board's CONCLUSION that unnecessary hardship **would/would** not result from the strict application of the ordinance.

**Motion:** **William Draper made a motion that the unnecessary hardship <u>would</u> result from the strict application of the ordinance because they are going to a much larger facility to accommodate what they are doing.**
**Second:** **Louis Philippi**
**Action:** **The motion passed with the following votes.**

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

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

**Motion:** **William Draper made a motion that the hardship <u>is not</u> peculiar to the applicant's property because it is a church. It is what it is.**

Chair said well, the question is the variance is on a 25-foot buffer versus a 10-foot buffer so the peculiarity of the property and what is proposed to be built, combined, does make that peculiar to the applicant's property based on what he is requesting. Does that make sense?

William Draper said sure.

**Motion:** **William Draper made a motion that the hardship <u>is</u> peculiar to the applicant's property because on the requested construction and the limitations of a 25-foot wide buffer.**
**Second:** **Louis Philippi**
**Action:** **The motion passed unanimously with the following votes:**

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

Chair said just to clarify a little bit. This is an existing neighborhood. The existing building, in no way, meets with the 25-foot buffer so the ordinance very heavily leans toward new construction, not as much as a rehabilitation of this property. If you applied a 25-foot buffer, they would be left with a parking lot. Everything else would be gone.

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

**Motion:** **Louis Philippi made a motion that the hardship <u>is not</u> the result of the applicants own actions based on the whole operation was built under different laws many years ago. I have looked at their property. It's the way it was done. They are not looking to do any changes here. Are they still going to have a building up against that edge?**
**Second:** **Corey Noland**
**Action:** **The motion passed unanimously with the following votes:**

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

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

**Motion:** **William Draper made a motion that the variance <u>is</u> consistent with the spirit, purpose and intent of the ordinance and the work that they are doing in that area.**
**Second:** **Corey Noland**
**Action:** **The motion passed unanimously with the following votes:**

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

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

**Motion:** **Corey Noland made a motion that in granting the variance, the public safety <u>will</u> be secured and substantial justice <u>will</u> be achieved because granting the smaller buffer does not affect public safety. The smaller buffer is not going to be by the road so no issues with safety there. Substantial justice will be achieved because it will allow for an appropriate sized building to do the work for the community.**
**Second:** **William Draper**
**Action:** **The motion passed unanimously with the following votes:**

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

Chair said therefore, based on the foregoing, the motion to either **approve** or **deny** the variance needs to be made.

**Motion:** **Louis Philippi made a motion to <u>approve</u> the variance request.**
**Second:** **Corey Noland**
**Action:** **The motion passed unanimously with the following votes:**

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

Chair said don't forget to invite us to come and check it out when it gets built. We want to see your good work first-hand.

Osco Gardin Jr said I was just getting ready to say I want to definitely extend to you an invitation to come and see it. Stay safe and try to stay cool.

**<u>Item 8.</u>** **<u>Next Meeting:</u> July 25, 2024 at 6:00pm**

Chair asked if anyone has a problem with that date? Do we have any cases that we know of?

Patrick Blaszyk said yes, we have one case that we are working on for Mr. Chambers and working on getting that application squared away.

**<u>Item 10.</u>** **<u>Adjournment</u>**

**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, William Draper, Louis Philippi and Corey Noland**
**NAYS:** **None**

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

Respectfully submitted,

<u>Kenneth Deal</u>
Chair

<u>Kimberly Davis</u>
Clerk of the Board



DRAFT

**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)<br>Maximum 4 Stories (By SUP) |
| Density | | Maximum 6 Units / Acre |
| Setbacks [1] | Front | 15' |
| | Side | 5' (interior lot)<br>10' (corner lot) |
| | Rear | 10' (interior lot)<br>20' (through lot) |

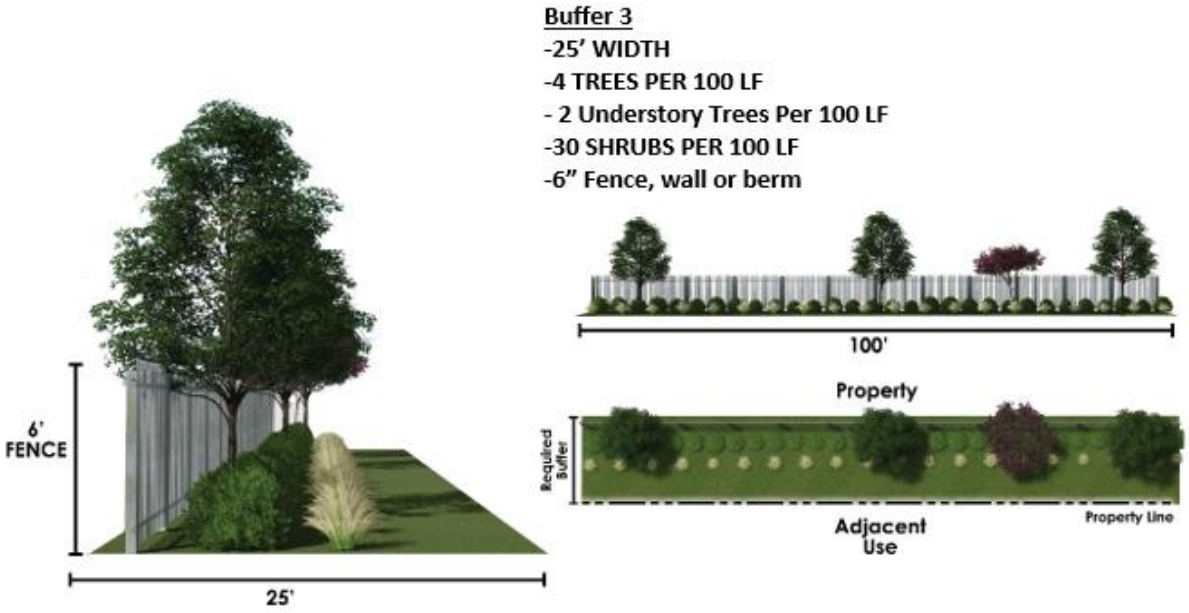
5. Unified Development Ordinance (UDO) Section 157.8.3.2 entitled "Landscaping, Buffering, Fences and Walls", "Applicability" states in relevant parts: (Exhibit 6)

**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

Exhibit 1

City of Monroe
Where Heartland Meets High Tech

# Ortho Map

**Case #: PLZNA 2024-00196**

## 714 East Franklin Street

**Legend**

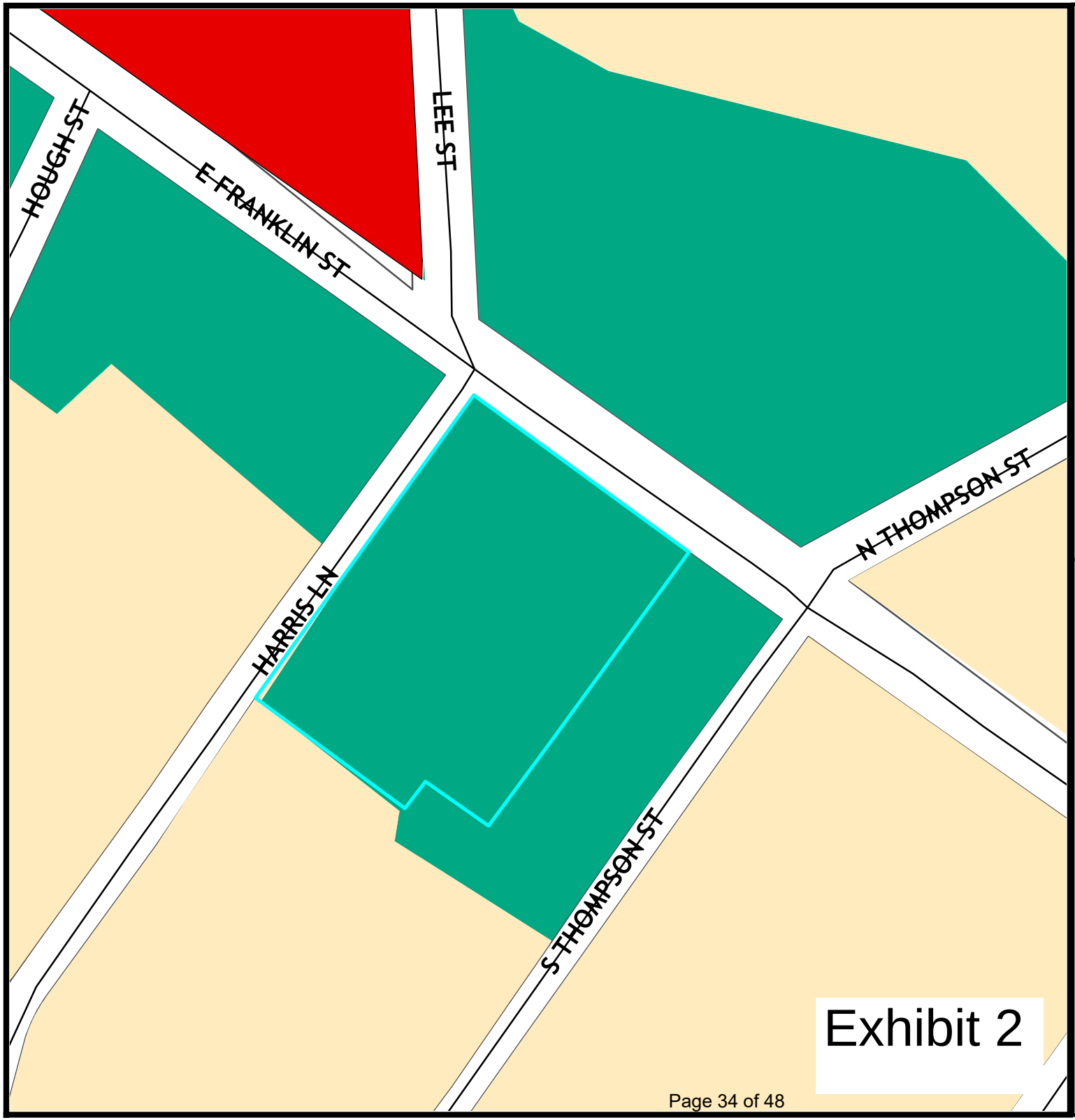
- Subject Property
- Centerlines
- Parcels

**Owner: Union Property Group LLC**

**1.301 Acres**

N
W E
S

0 100 200 Feet




City of Monroe
Where Heartland Meets High Tech

# 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**

N
W E
S

0 100 200 Feet

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)**<br><br>**c/o 2132 Blue Bonnet Lane**<br>**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.**

[1539265/1] N. C. Bar Assoc. From No. 3 © 1977
Printed by Agreement with the N.C. Bar Assoc.
#003

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, 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.

EMILY S. THOMAS NOTARY PUBLIC UNION COUNTY, NC

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

_____ Notary Public
Emily S. Thomas

My commission expires: 1/26/2019

[1539265/1] N. C. Bar Assoc. From No. 3 © 1977
Printed by Agreement with the N.C. Bar Assoc.
#003

# 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
Planning & Development

# 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

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

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: 07119-5045 Lot Size: 1.301 acres Zoning District: O M

Ordinance section number to which a variance is being sought. 8.3.02, 14.3.1

Proposed variance description: 8 Ft Variance from Property Line in the Rear 25 Ft. Buffer Lines along the Improvements

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, Vaulted Casket That what Hardship



Exhibit 4

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

The Reason is Expand the Exist Garage that already closet to rear Property line and it is in line with the oth 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]

Clam 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.**

Clam this kept on Varine Benficary to business and 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 Chamb
Printed name of Applicant

Marvin Chamb
Signature of Applicant

4-11-24
Date

Printed name of Owner

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)<br>Maximum 4 Stories (By SUP) |
| Density | | Maximum 6 Units / Acre |
| Setbacks [1] | Front | 15’ |
| | Side | 5’ (interior lot)<br>10’ (corner lot) |
| | Rear | 10’ (interior lot)<br>20’ (through lot) |

Exhibit 6

## Figure 8.3.3. Perimeter Buffer Type 3

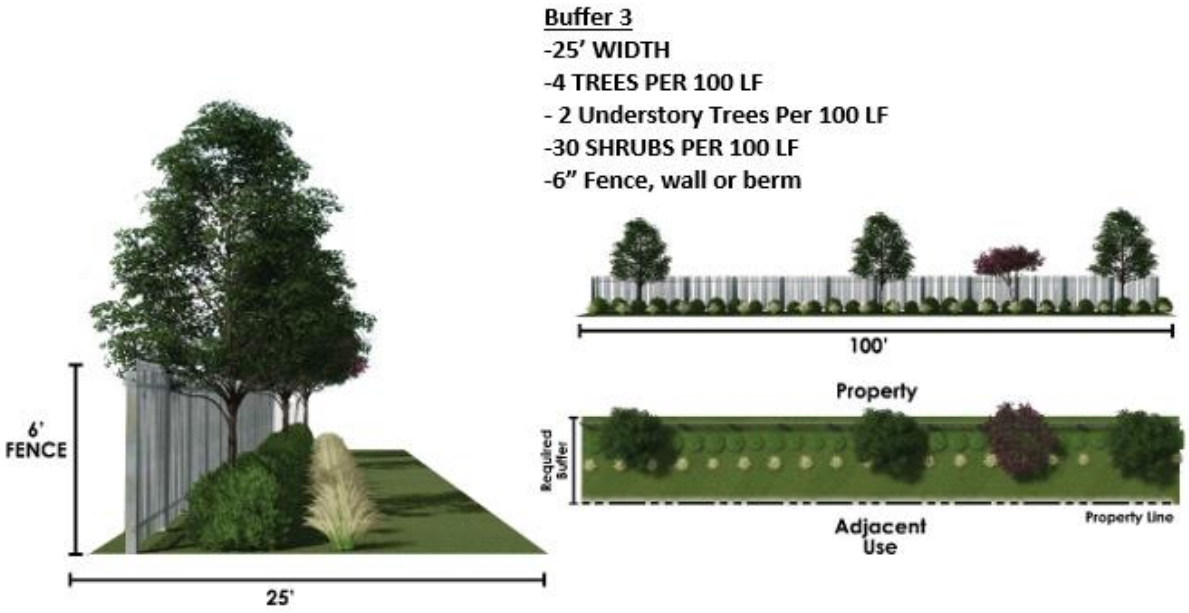
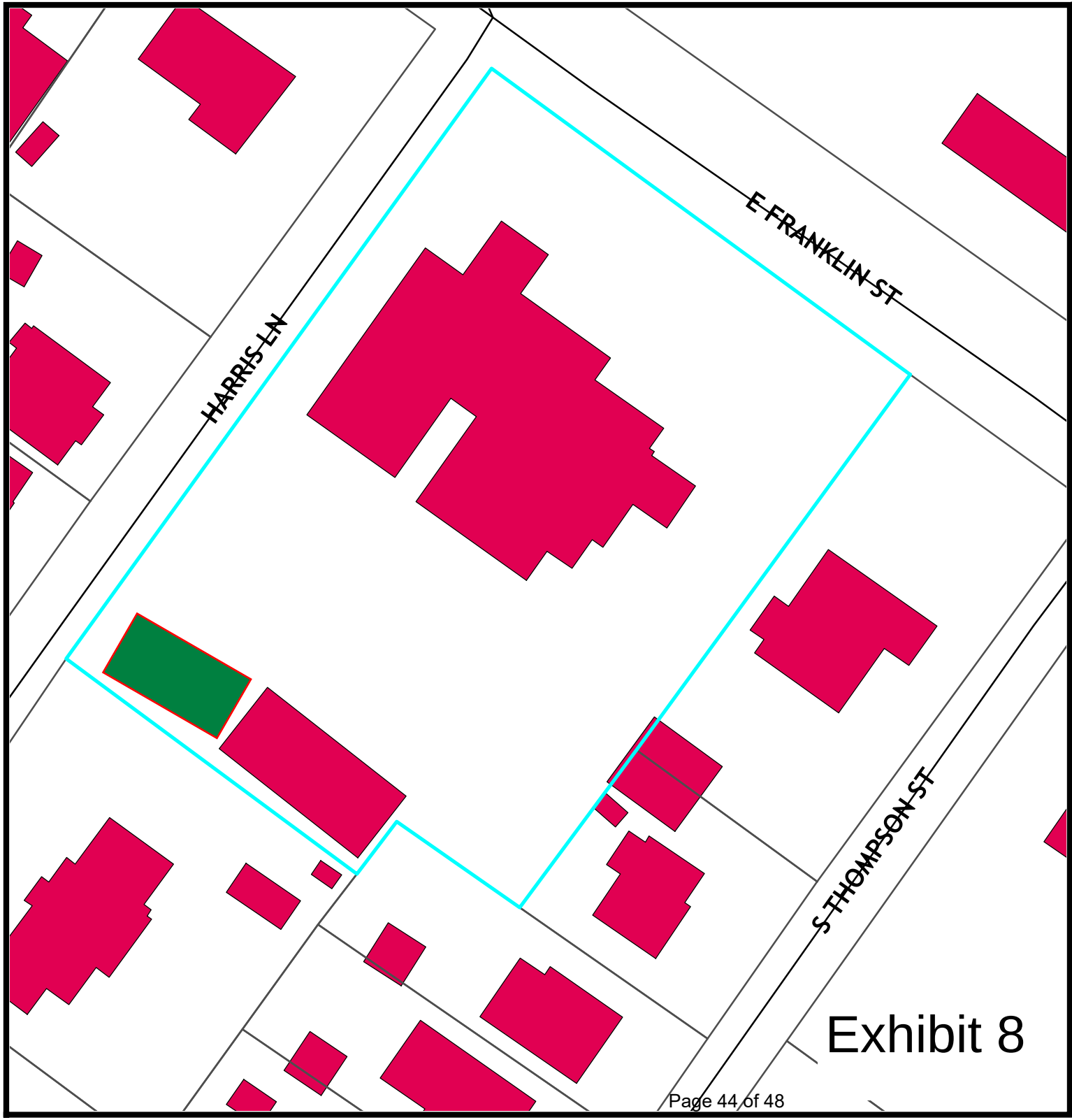



Exhibit 7




City of Monroe
Where Heartland Meets High Tech

# 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**

N
W E
S

0 50 100 Feet

Exhibit 9

# Exhibit 9

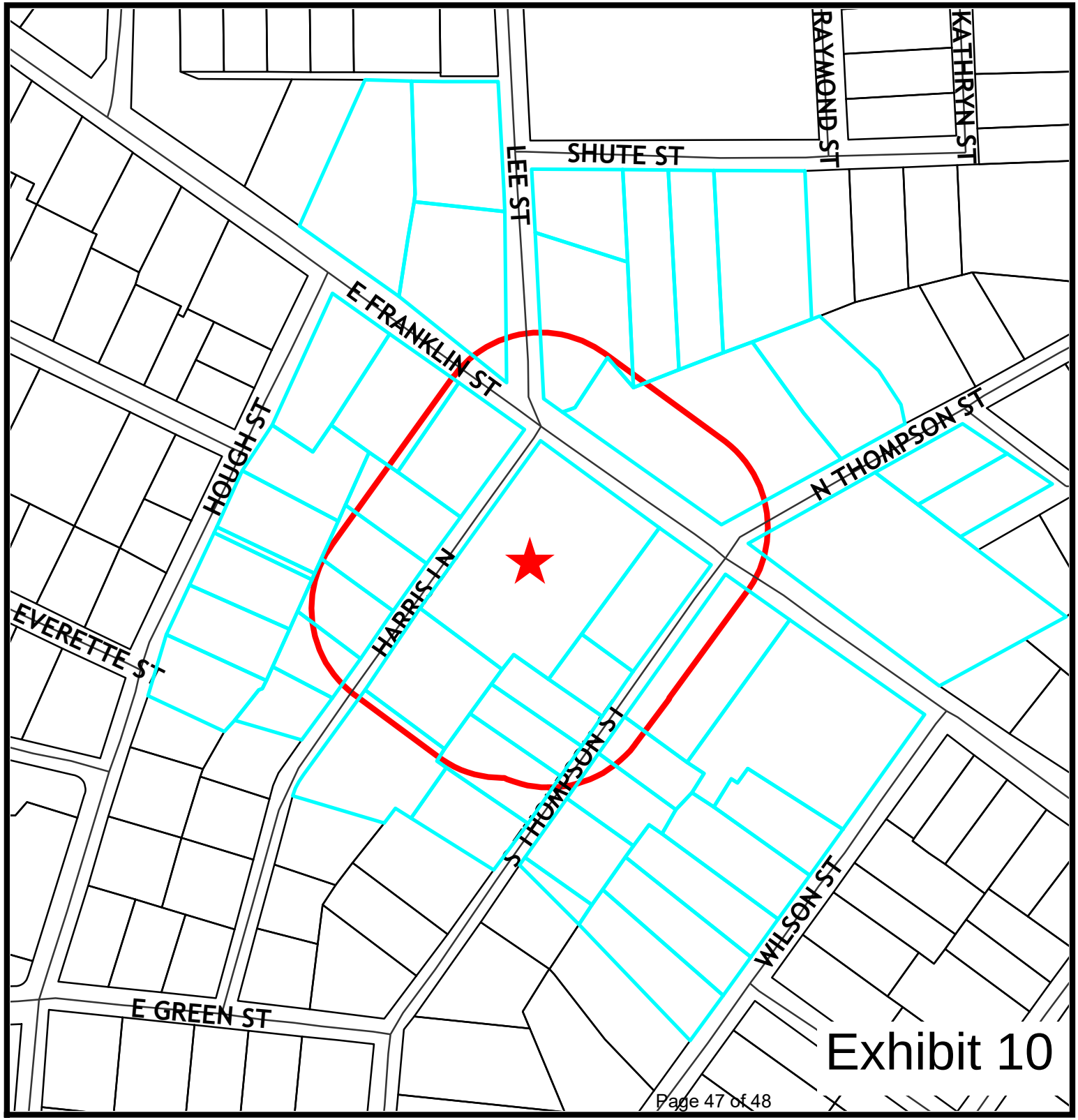



Exhibit 10

City of Monroe
Where Heartland Meets High Tech

# 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**

N
W E
S

0 175 350 Feet

| 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 CRESPIN | | 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