

BOARD OF ADJUSTMENT MEETING
THURSDAY, NOVEMBER 21, 2024 at 6:00 P.M.
Council Chambers, 300 W. Crowell Street, Monroe NC

REVISED AGENDA

- Item 1.** **Call to Order – Roll Call**
- Item 2.** **Pledge of Allegiance and Moment of Silence**
- Item 3.** **Conflicts of Interest**
- Item 4.** **Approval of Minutes– July 25, 2024**
- Item 5.** **Quasi-Judicial Statement:**
- Item 6.** **PLZNA-2025-00055 Variance** - The Board of Adjustment is requested to consider a variance request from David Thrun to deviate from the minimum side yard setback for an accessory structure in a residential district in order to construct a garage at 2521 Foxworth Avenue (Parcel ID 09-345-135).
- Item 7.** **PLZNA 2025-00056 Variance** – The Board of Adjustment is requested to consider a variance request from the minimum side yard setback for the RLD (Residential Low Density) district in order to bring an addition to a house currently under construction at 509 Creekridge Drive into compliance with the District Development Standards as outlined in the City of Monroe’s Unified Development Ordinance (Parcel ID 09-147-067).
- Item 8.** **PLZNA 2025-00095 Variance** - The Board of Adjustment is requested to consider a variance from Coastal CLT Investments, LLC, requesting a variance from the required speaker box setback defined in the Permissible Use Definition and Standards section of the Unified Development Ordinance (UDO) in order to construct a drive-through speaker box at 847 East Roosevelt Boulevard (Parcel ID 09-156-002F).
- Item 9.** **PLZNA-2025-00093 Variance** – The Board of Adjustment is requested to consider a variance from Tatsiana Karzhova, requesting a variance from the maximum lot quantity allowed to utilize a private driveway defined in the Subdivision Standards section of the Unified Development Ordinance (UDO) in order for three lots to utilize a private drive at 1027 Legacy Lake Drive (Parcel ID 09-105-169).
- Item 10.** **PLSUP-2025-00090** - The Board of Adjustment is request to consider a Special Use Permit request from Sandy Salcedo on behalf of the Sandy Salcedo Corporation in order to operate a warehouse storage for use in the General Business District at 403 N. Sutherland Avenue (Parcel ID 09-188-069). ***THIS ITEM WILL NOT BE HEARD AT THIS MEETING.***
- Item 11.** **Set Date for Next Meeting:** December 19th
- Item 12.** **Adjournment**

ATTENTION BOARD MEMBERS:

Please call Kimberly Davis at 704.282.4527 to confirm your attendance. Thank you.

cc: *Albert Benshoff, Attorney*
 Planning Staff

MINUTES OF THE BOARD OF ADJUSTMENT MEETING

**July 25, 2024, at 6:00 P.M.
Council Chambers
300 W. Crowell St., Monroe, NC**

To HR: 8/8/24

Item 1. Call to Order

Chair, Kenneth Deal, called the July 25, 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.

Members Present: Kenneth Deal, George Smith, Corey Noland and Louis Philippi

Members Absent: William Draper

Staff Present: Al Benshoff, BOA Attorney; Doug Britt, Senior Planner; Patrick Blaszyk, Planner 1; Kimberly Davis, Administrative Assistant II

Guests: Marvin Chambers-2132 Bluebonnet Lane, Stallings, NC 28104 and
Tiny Matthews-1712 Copperplate Road, Charlotte, NC 28262

Item 2. Pledge of Allegiance and Moment of Silence

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

Motion: Corey Noland made a motion to approve the minutes of the June 27, 2024, meeting.

Second: Louis Philippi

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

AYES: Kenneth Deal, George Smith, Corey Noland and Louis Philippi

NAYS: None

Item 4. Conflicts of Interest – None noted.

Item 5. Quasi-Judicial Statement:

Kenneth Deal, Chair, 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 a 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- 2024-00196 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).

Doug Britt, Patrick Blaszyk, Marvin Chambers and Tiny Matthews approached the podium and were sworn in by the Chair.

Patrick Blaszyk, Planner 1, presented the 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) Exhibit 1 is the Ortho Map for the area where the subject property is outlined in blue. Exhibit 2 is the zoning map for the area where the subject property is outlined in blue and zoned OM (Office Medical). Exhibit 3 is the deed to the property.
2. A variance application was submitted on April 11 2024 by Marvin Chambers, on 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) Exhibit 4 is the variance application form.
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) Exhibit 5 is the UDO Table. The setbacks for the rear yard must be at least 10 feet from the property line. That 10-foot requirement is highlighted here in yellow.
5. Unified Development Ordinance (UDO) Section 157.8.3.2 entitled "Landscaping, Buffering, Fences and Walls", "Applicability" states in relevant parts: (Exhibit 6) Exhibit 6 is the UDO Section 157.8.3.2. and the excerpt from the Ordinance is discussing the threshold and what type of buffer needs to be installed on the site. In this case, due to the current Ordinance requirements, the buffering, that needs to be installed in the Office Medical zoning district, goes off the threshold of 50%. That is in regards to the size of the new accessory structure being built. For example, if the new accessory structure being built,

like in this case, is 50% or less of the square footage of the principal structure then the required buffer only needs to be installed around where the new building was constructed and that portion of the site. For example, if it were 50% or larger than the square footage of the existing principal structure then the buffers would have to be installed around the entirety of the site. For tonight's example, the buffers will need to be installed around the improved areas where the new building was constructed.

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) Exhibit 7 is the UDO Figure 157.8.3.4. which gives you a visual of what that Type 3 25-foot buffer is intended to look like.
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) Exhibit 7 shows the approximate location of the new accessory structure which is shown by this green rectangular polygon. This is not 100% to scale. It is shorter than this and is better displayed in the next finding.
8. Photos of the new accessory structure at 714 Franklin Street were obtained by Planning Staff. (Exhibit 8) Exhibit 8 shows the new accessory structure, located to the right of the existing brick one, is made out of this corrugated metal material. I wanted to let you know that, even if the variance requests are approved today, the materials that this building was constructed out of are not permitted in the Office Medical Zoning District per the Non-residential Building Design Standards. The applicant would have to reconfigure the exterior of the building to match those standards which would be covering the outside with brick or hardie board material. I discussed that with the applicant when they were filling out the application and they said they could do that. I wanted to make you aware of that.
9. All adjacent property owners have been notified of the proposed variance. (Exhibit 9 and 10) Exhibit 9 are the photos of the rear of this accessory structure in proximity to the neighboring property owner. Exhibit 10 is the APO map for the area where the subject property can be seen with the red star. The red oval is the 150-foot buffer and all the parcels outlined and highlighted in blue were notified of the variance request. Exhibit 11 is the APO mailing list for the area and for all the properties that were notified.

Patrick Blasyzk clarified that the new accessory building is approximately 6-feet off the property line. The Application for Request of Variance was filled out appropriately and filed accordingly. He received one or two calls and inquiries about what the variance sign was for. The Planning Staff was alerted through a complaint that the current structure was constructed at the end of April

or beginning of May. He was not sure about the age of the adjacent accessory structure. This new building was constructed without obtaining any building permits and it is approximately 6-feet off the property line. He and Doug Britt confirmed that 50% includes all accessory buildings to the main structure.

The Board held a brief discussion about the older accessory structure and the fact that it was grandfathered in.

Mr. Marvin Chambers, assisted by Ms. Tiny Matthews, approached the podium. The accessory building was put up without a permit because he didn't think he needed one since he didn't need to install power or a bathroom. He asked for forgiveness and favor. The new accessory building was constructed a few months ago. He got a call from the "City" before it was completely put up and it isn't completely up now. The building is to store two limousines and a hearse for his funeral business. He spoke with someone or possibly Patrick who said the building is in non-conformance with building standards. He understands, if he gets to keep it, that the building will need to be a brick building and he is able to brick it. He understands the Board is only reviewing the variance on the rear setback and the variance on the buffer.

The Board discussed the first variance of a 10-foot rear setback. The location of the new accessory structure will continue to be in line with the existing accessory if the variance is granted. The current location is in harmony with the rest of the neighborhood. One struggle expressed by Corey Noland is whether the hardship is not brought about by one's own actions. It was confirmed that no building permits were obtained for this structure. Chair expressed that any improvements should be an efficient use of land and the structure was built on a paved lot. He said the 10-foot setback with a 4-foot difference will not negatively affect his neighbor or the driveway.

Doug Britt pointed out that the 10-foot variance setback for the structure itself is the smaller variance and the 25-foot variance buffer requirement is the larger issue. If they don't grant the buffer variance then ruling on the 10-foot variance setback is a moot point.

Al Benshoff, Attorney, asked the Planners if the setback is six or eight feet due to wording on Finding of Fact 3. Since a survey was not conducted, the 2-feet are for leeway purposes. It is an estimated amount and the lean is more towards an 8-foot leeway.

Al Benshoff also suggested the Board go ahead and deal with this variance first in case it goes to court. When one variance is decided and one isn't, the court will just rule on both of them. The Chair decided to follow the legal advice on ruling on the 10-foot variance first.

Motion: Corey Noland made a motion to approve the Findings of Fact 1-9.
Second: Louis Philippi
Action: The motion to approve the Findings of Fact 1-9 passed unanimously with the following votes:
AYES: Kenneth Deal, George Smith, Corey Noland and Louis Philippi
NAYS: None

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. The building exists and if the applicant were forced to remove the building there would be economic hardship for the business. It would also prevent expansion of the business, the use of these additional vehicles and potential service to the community for the services that are provided by the applicant.

Second: George Smith seconded and said, even if he replaced it with a brick building, that is about the only place on the property that it would fit.

Action: The motion passed unanimously with the following votes.

AYES: Kenneth Deal, George Smith, Corey Noland and Louis Philippi

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 the rest of the buildings have been put up and grandfathered so, therefore, it would be out of harmony if Ordinances were strictly applied.

Second: Corey Noland seconded and said the former building exists already.

Action: The motion passed unanimously with the following votes:

AYES: Kenneth Deal, George Smith, Corey Noland and Louis Philippi

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 is not the result of the applicants own actions because it is aligned with the building that already existed that was in compliance with applicable enforcement codes at the time and was used as a reference point for the installation of this new building.

Second: George Smith

Action: The motion passed unanimously with the following votes:

AYES: Kenneth Deal, George Smith, Corey Noland and Louis Philippi

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: George Smith made a motion that the variance is consistent with the spirit, purpose, and intent of the ordinance on the fact that you are trying to maximize the usage of the land and support the business that is already on there.

Second: Corey Noland

Action: The motion passed unanimously with the following votes:

AYES: Kenneth Deal, George Smith, Corey Noland and Louis Philippi

NAYS: None

- (b) It is the Board's CONCLUSION that in denying 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 denying the variance, public safety will be secured and substantial justice will be achieved because there is no public safety involved. The building is just a building sitting in a corner lot.

Second: Corey Noland

Action: The motion passed unanimously with the following votes:

AYES: Kenneth Deal, George Smith, Corey Noland and Louis Philippi

NAYS: None

Motion: Corey Noland made a motion to approve the variance request.

Second: George Smith

Action: The motion passed unanimously with the following votes:

AYES: Kenneth Deal, George Smith, Corey Noland and Louis Philippi

NAYS: None

The Board began discussing the 25-foot buffer variance and asked Patrick to put the overlay (Exhibit 1) back up on the screen. It was said that the grandfathered structure was consistent with the main structure and would meet the 25-foot buffer. Another concern is that enforcement of the buffer would block the driveway causing parking and safety issues with regards to traffic entering and exiting the property. It was noted that only one of the surrounding businesses could actually comply with that buffer and the rest were residential if enforced. None of the adjacent property owners were present to voice any complaints or concerns with the potential variance request.

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

Motion: George Smith made a motion that an unnecessary hardship would result from the strict application of the ordinance because it makes a lot of the property unusable.

Second: Corey Noland

Action: The motion passed unanimously with the following votes:

AYES: Kenneth Deal, George Smith, Corey Noland and Louis Philippi

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 25-feet, from the back edge of the next building, would be tragic and who knows what that pocket behind those two buildings would be then.

Second: George Smith

Action: The motion passed unanimously with the following votes:

AYES: Kenneth Deal, George Smith, Corey Noland and Louis Philippi

NAYS: None

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

Motion: Louis Philippi made a motion that the hardship is not the result of the applicants own actions because the harmony at the back end of that lot is from buildings that are there by-right from some time many years ago. Just wanting it to be in harmony with that is a hardship that he is not making, but history is making it.

Second: Corey Noland

Action: The motion passed unanimously with the following votes:

AYES: Kenneth Deal, George Smith, Corey Noland and Louis Philippi

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 is consistent with the spirit, purpose, and intent of the ordinance because the variance does nothing to change the offset of this new addition. It doesn't change how close a building will be to the adjacent property owner and would allow the applicant effectively run his business.

Second: George Smith

Action: The motion passed unanimously with the following votes:

AYES: Kenneth Deal, George Smith, Corey Noland and Louis Philippi

NAYS: None

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

Motion: George Smith made a motion that in denying the variance, public safety will be secured and substantial justice will be achieved because he has bought three valuable assets that he wants to protect inside that area so that they aren't damaged by vandalism or nature by itself. I think it is only just that he be allowed to do that.

Second: Corey Noland

Action: The motion passed unanimously with the following votes:

AYES: Kenneth Deal, George Smith, Corey Noland and Louis Philippi

NAYS: None

Chair pointed out for clarification that the end of the existing building to the street is the only area that the 25-foot buffer would play into for the building of an additional building. He said it's not like you are going to move the old building off the property line. In keeping in harmony with the location of the business, it is common sense and not substantial justice to enforce that 25-foot buffer on that small little piece of a much bigger piece of property.

Motion: Louis Philippi made a motion to approve the variance request.

Second: George Smith

Action: The motion passed unanimously with the following votes:

AYES: Kenneth Deal, George Smith, Corey Noland and Louis Philippi
NAYS: None

Chair clarified to Mr. Chambers that variances have both been approved although the structure itself is not in compliance with building regulations. He told him that if he wants to put up a correct building or fix this one by putting the correct structures around it then he can build it where it is.

Item 7. **Next Meeting: August 22, 2024- No issues with that date.**

Item 8. **Adjournment**

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

Second: **George Smith**

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

AYES: Kenneth Deal, George Smith, Corey Noland and Louis Philippi

NAYS: None

The meeting was adjourned at 6:45 p.m.

Respectfully submitted,

Kenneth Deal
Chair

Kimberly Davis
Clerk of the Board



STAFF REPORT

Case # PLZNA 2025-00055

TO: Board of Adjustment Members

DATE: November 21, 2024

FROM: Doug Britt, Assistant Director of Planning and Development

PREPARED BY: Megan Brightharp, Planner

SUBJECT: Variance request by David Thrun for property located at 2521 Foxworth Drive.

SUMMARY STATEMENT

David Thrun is requesting a variance from the minimum side yard setback for an accessory structure in a residential district in order to construct a garage.

SITE DATA

Type of Action:	Variance
Date of Petition:	August 19, 2024
Name of Petitioner:	David Thrun
Location:	2521 Foxworth Drive
Tax ID #:	09-345-135
Lot Size:	.719 Acres
Current Zoning Classification:	RLD (Residential Low Density) Zoning District

PROPOSED FINDINGS

Proposed Findings:

1. The property located at 2521 Foxworth Drive is owned by David and Kathleen Thrun and is zoned RLD (Residential Low Density). (Exhibit 1-3)
2. A variance application was submitted on August 19, 2024 by David Thrun requesting a 6-foot variance from the minimum side yard setback of 10' in order to construct a garage. (Exhibit 4 and 5)

3. Unified Development Ordinance (UDO) section 157.7.5 entitled “Accessory Uses and Accessory Structures” states in relevant 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 6)

4. All adjacent property owners have been notified of the proposed variance. (Exhibit 7 and 8)

Conclusions:

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

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

THEREFORE, on the basis of all foregoing, IT IS ORDERED that the application Variance 2025-00055 be (**approved/denied**).

Exhibits:

Exhibit 1: Ortho Map
Exhibit 2: Zoning Map
Exhibit 3: Deed to Property
Exhibit 4: Application
Exhibit 5: Site Plan
Exhibit 6: UDO Section 7.5
Exhibit 7: APO List
Exhibit 8: APO Map

Prepared by: MB 11/13/2024

Ortho Map
PLZNA-2025-00055

Legend

- Centerlines
- Parcels
- Subject Property

Existing:
RLD
(Residential Low Density)

Owner:
David and Kathleen Thrun

Acres: .719



0 100 200
Feet

Exhibit 1

Zoning Map
PLZNA-2025-00055

Legend

-  Centerlines
-  Parcels
-  RLD
-  Subject Property

Existing:
RLD
(Residential Low Density)

Owner:
David and Kathleen Thrun

Acres: .719



0 100 200
 Feet

Exhibit 2

5363
0873

FILED
UNION COUNTY, NC
CRYSTAL CRUMP
REGISTER OF DEEDS

FILED Jul 19, 2010
AT 02:59 pm
BOOK 05363
START PAGE 0873
END PAGE 0874
INSTRUMENT # 17428
EXCISE TAX \$236.00
TAW

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$236.00

Parcel Identifier No. 09-345-135 Verified by _____ County on the ____ day of _____, 20____
By: _____

Mail/Box to: RUSSELL Z. ASTI

This instrument was prepared by: RUSSELL Z. ASTI

Brief description for the Index: LOT 79 GLEN EAGLES, SECTION II

THIS DEED made this 12 day of JULY, 2010, by and between

GRANTOR	GRANTEE
CHRISTOPHER TODD WILLIAMS AND WIFE, KRISTIN WILLIAMS (FKA KRISTIN MICHELLE GAMACHE) 14800 BRIDGEWATER LANE CHARLOTTE, NC 28227	DAVID L. THRUN AND WIFE, KATHLEEN A. THRUN 2521 FOXWORTH DRIVE MONROE, NC 28110

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

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

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

BEING ALL OF LOT 79 OF GLEN EAGLES, SECTION II, AS SHOWN ON PLAT RECORDED IN PLAT CABINET C, FILE 433, UNION COUNTY REGISTRY, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION.

"A PROPERTY DESCRIBED HEREIN _____ INCLUDES/DOES NOT INCLUDE _____, THE PRIMARY RESIDENCE OF A GRANTOR NAMED HEREIN."

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1274, page 478.

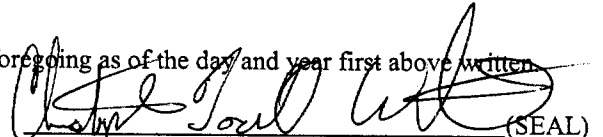
A map showing the above described property is recorded in PLAT CABINET C, PAGE 433.

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

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

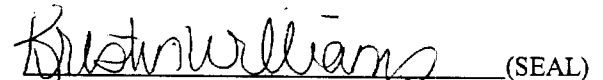
IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

(Entity Name)


(SEAL)
CHRISTOPHER TODD WILLIAMS

By: _____

Title: _____


(SEAL)
KRISTIN WILLIAMS

By: _____

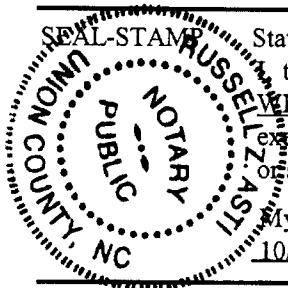
Title: _____

(SEAL)

By: _____

Title: _____

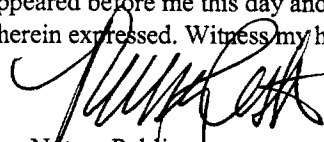
(SEAL)



State of North Carolina – County of UNION

the undersigned Notary Public of the County and State aforesaid, certify that CHRISTOPHER TODD WILLIAMS AND KRISTIN WILLIAMS personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 19 day of JULY, 2010.

My Commission Expires:
10/21/2014


Notary Public

SEAL-STAMP State of North Carolina - County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that he is the _____ of _____, a North Carolina or _____ corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.

My Commission Expires: _____

Notary Public

SEAL-STAMP State of North Carolina - County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____

Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.

My Commission Expires: _____

Notary Public



City of Monroe Variance Application Form

Applicant's Name: DAVID L. THRON

Applicant's Mailing Address: 2521 FOXWORTH DRIVE

MONROE, NC 28110

Property Owner: DAVID L. + KATHLEEN A. THRON

Property Owner's Address: 2521 FOXWORTH DRIVE, MONROE NC 28110

Legal Relationship of Applicant to Property Owner: SAME

Contact Person Name and Phone Number: DAVID THRON 716-378-7565

Existing Use of Property: RESIDENCE

Property Location: 2521 FOXWORTH DRIVE, MONROE NC 28110

Tax Map Number: - - - Lot Size: 1712 SQ FT 31296 SQ FT Zoning District: - - -

Ordinance section number to which a variance is being sought: - - -

Proposed variance description: BUILD A 24' X 24' GARAGE WITHIN 4 FT. OF LOT LINE.

For Staff Use Only	
Application #:	<u>- - -</u>
Date Submitted:	<u>- - -</u>
Approved:	<u>- - -</u>
Denied:	<u>- - -</u>

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.]

PROPOSED GARAGE LOCATION NEEDS TO BE THERE DUE TO EXISTING STRUCTURE
AND TOPOGRAPHY. -

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]

GARAGE TO BE LOCATED WHERE EXISTING STRUCTURES ALLOW. PLOT PLAN IS
AS WE PURCHASED PROPERTY IN 2010.

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]

PLOT PLAN AS IT WAS WHEN PURCHASED.

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.**

PROPOSED GARAGE WILL FIT IN WELL WITH SURROUNDING AREA STRUCTURES.

5. **The variance will neither result in the extension of a nonconforming situation in violation of § [156.90](#), nor authorize the initiation of a nonconforming use of land.**

NO

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.

Applicant (printed): David L. Thum

Applicant's Signature: David L. Thum

Date: 8-19-2024

Property Owner: David L. + Kristina A. Thum

By: _____

Title: _____

Owner's Signature: David L. Thum

Date: _____

****If you are signing on behalf of a business (such as an LLC), you must include your title with 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: _____

LOT 79 OF GLEN EAGLES SECTION II
MONROE TOWNSHIP, UNION COUNTY, NORTH CAROLINA
PLAT CABINET C, PAGE 433

DAVID THRUN

Exhibit 5

7.5. ACCESSORY USES AND ACCESSORY STRUCTURES

A. General Accessory Use Standards. Accessory uses and accessory structures shall comply with the following standards. Accessory uses and structures:

1. Shall only be allowed when a principal use/ primary building exists.
2. Shall:
 - a. Be accessory and clearly incidental and subordinate to permitted uses and structures;
 - b. Be located on the same lot as the permitted uses or structures;
 - c. Not involve operations or structures inconsistent with the character of the primary use or principal structure served; and
3. Shall be consistent with all standards in the district for the principal use except as otherwise noted.
4. Are not permitted to be located or placed in any recorded easement and or required perimeter buffer as defined in Section 8.3 Landscaping, Buffering, Fences and Walls.
5. Shall comply with maximum building coverage requirements. Multiple structures are permitted; however, in no instance shall an accessory use and or structure exceed (in total) the heated square footage of the principle structure.
6. Are limited to a maximum thirty-five (35) feet in height or the height of the primary structure, whichever is lesser.
7. An accessory building sharing one (1) or more common walls with the principal building shall be considered part of the principal building for purposes of this ordinance and must meet all yard requirements applied to the principal building.
8. Accessory uses and structures (except fences, walls, or facilities associated with outdoor dining) shall not be located between the front of the principal structure and the front lot line.
9. Setbacks:
 - a. Within a residential district, shall not be located closer than ten (10) feet to a property line,
 - b. Within a non-residential district, shall meet the district setback standards.

ACCTNO	OWNERNAME1	OWNERNAME2	OWNERADDRE	OWNERCITY	OWNERSTATE	OWNERZIP
09345123	BOCK GREGORY	LOMBARDONI KAYLA	2516 FOXWORTH DR	MONROE	NC	28110
09345111	BYRUM MARLON B		2613 FOXWORTH DR	MONROE	NC	281108901
09345154	FLETCHER SHERRY C	FLETCHER MICHAEL	11814 OLD TIMBER RD	CHARLOTTE	NC	28269
09345133	MCNEILL MARY DAVIS		2609 FOXWORTH DR	MONROE	NC	281108901
09345126	MCRORIE GLENN		2522 FOXWORTH DR	MONROE	NC	28110
09345136	MILLER CATHERINE L		2519 FOXWORTH DR	MONROE	NC	28110
09345128	MULLIS DANNY RAY	MULLIS DARLEEN CONNELL	2602 FOXWORTH DR	MONROE	NC	28110
09345137	MURPHY RICHARD D JR	MURPHY MICHELLE	2517 FOXWORTH DR	MONROE	NC	28110
09345155	RATLIFF HAROLD E		2518 HOPEWOOD LN	MONROE	NC	281107621
09345124	REDMON DANIEL R		2518 FOXWORTH DR	MONROE	NC	28110
09345112	SANDOVAL FRANCO G		2611 FOXWORTH DR	MONROE	NC	28110
09345125	STANTON LEONARD WAYNE	STANTON SULEIMA	2520 FOXWORTH DR	MONROE	NC	28110
09345135	THRUN DAVID L	THRUN KATHLEEN A	2521 FOXWORTH DR	MONROE	NC	28110
09345134	TKACHUK DANIELLA TAMARA		2601 FOWXORTH DR	MONROE	NC	28110
09345127	WARREN JAMES E	WARREN BRENDA M	2600 FOXWORTH DR	MONROE	NC	28110
09345153	WINEGARD BRIAN KEITH		2512 HOPEWOOD LN	MONROE	NC	28110

Exhibit 7

APO Map
PLZNA-2025-00055

Legend

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

Existing:
RLD
(Residential Low Density)

Owner:
David and Kathleen Thrun

Acres: .719



0 162.5 325
 Feet

Exhibit 8



STAFF REPORT

Case # PLZNA 2025-00056

TO: Board of Adjustment Members

DATE: November 21, 2024

FROM: Doug Britt, Assistant Director of Planning & Development

PREPARED BY: Patrick Blaszyk, Planner

SUBJECT: A variance request by Maria Mora from the minimum side yard setback requirement for a property located at 509 Creekridge Drive.

SUMMARY STATEMENT

Maria Mora is requesting a variance from the minimum side yard setback for the RLD, Residential Low Density district in order to bring an addition to a house currently under construction at 509 Creekridge Drive into compliance with the District Development Standards as outlined in the City of Monroe's Unified Development Ordinance.

SITE DATA

Type of Action: Variance

Date of Petition: August 20, 2024

Name of Petitioner: Maria Mora

Location: 509 Creekridge Drive

Tax ID #: 09-147-067

Lot Size: 0.22 Acres

Current Zoning Classification: RLD, Residential Low Density

PROPOSED FINDINGS

Proposed Findings:

1. The property located at 509 Creekridge Drive is owned by Maria Mora and is zoned RLD, Residential Low Density. (Exhibits 1, 2, and 3)
2. In November 2023, a building permit application and site plan were submitted for the construction of a 320 square foot addition to 509 Creekridge Drive that listed, Maria Mora as the contractor. (Exhibits 4, 5, and 6)
3. The City of Monroe Permit Center issued the Building Permit for the addition in April 2024. In this permit, all building setback information were listed under a miscellaneous

condition. Planning Staff also listed they recommend the applicant obtain a professional survey for the addition under a miscellaneous condition due to the close proximity of the addition to the right side yard property line. (Exhibit 7)

4. In June 2024, the required foundation survey was conducted and submitted to the Permit Center. It displayed that the right side yard setback was only 14.5' and not the required 15' required by the RLD Residential Low Density. (Exhibit 8)
5. Planning Staff sent the property owner a Notice of Violation regarding the .5 foot encroachment of the addition into the side yard setback in August 2024. (Exhibit 9)
6. A variance application was submitted in August 2024 by Maria Mora, requesting a variance amount of 1' from the minimum side yard setback of the RLD, Residential Low Density district in order for the addition of the house under construction to meet the district's development standards. The applicant also submitted a historical plat map of the property. (Exhibit 10 & 11)
7. Table 4.2.2. RLD District Development Standards Table of the Unified Development Ordinance (UDO) states in relative parts:

Setbacks: Side: 15'
(Exhibit 12)

8. Planning Staff has obtained a photo of the current conditions of the site. (Exhibit 13)
9. All adjacent property owners have been notified of the proposed variance. (Exhibit 14 & 15)

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 2025-00056 be (**approved/denied**).

Exhibits:

Exhibit 1: Ortho Map
Exhibit 2: Zoning Map
Exhibit 3: Deed to Property
Exhibit 4: Building Permit Application
Exhibit 5: Owner Exemption Affidavit
Exhibit 6: Original Site Plan
Exhibit 7: Issued Building Permit
Exhibit 8: Foundation Survey
Exhibit 9: Signed NOV
Exhibit 10: Variance Application
Exhibit 11: Historic Plat Map
Exhibit 12: Table 4.2.2. of UDO
Exhibit 13: Photo of Addition
Exhibit 14- APO Map
Exhibit 15- APO List

Prepared by PB: 10-17-2024



Ortho Map

Case #: PLZNA 2025-00056

509 Creekridge Drive

Legend

-  Subject Property
-  Centerlines
-  Parcels

Owner: Maria Mora

Acres: .22



0 50 100
 Feet

Exhibit 1

Zoning Map

Case #: PLZNA 2025-00056

509 Creekridge Drive

Legend

 Subject Property

 Centerlines

 Parcels

Zoning

 CD

 RLD

Owner: Maria Mora

Acres: .22



Exhibit 2

0 50 100
 Feet

6461
0772

Exhibit 3

RECORDING REQUESTED BY:

Name: Apolinar Avalos Alavez

INSTRUMENT PREPARED BY:

Name: Kevin D. & Martha R. Murray
Address: 2006 Walkup Ave Ste A200
Monroe, North Carolina 28110

FILED
UNION COUNTY, NC
CRYSTAL CRUMP
REGISTER OF DEEDS
FILED Jun 09 2015 11:28 am
AT BOOK 06461
START PAGE 0772
END PAGE 0774
INSTRUMENT # 16821
EXCISE TAX \$170.00
AH

Excise Tax (70.00)

(Above reserved for official use only)

RETURN DEED TO:

Name: Apolinar Avalos Alavez
Address: 509 Creekridge Dr
Monroe, North Carolina 28110

SEND TAX STATEMENTS TO:

Name: Murray Properties
Address: 2006 Walkup Ave Ste A200
Monroe, North Carolina 28110

Title Order # N/A

Tax Parcel/APN # 09147067
Escrow # [REDACTED]

GENERAL WARRANTY DEED FOR NORTH CAROLINA

(Joint Tenants)

STATE OF NORTH CAROLINA
COUNTY OF UNION

DATE: 04/01/2015

KNOW ALL MEN BY THESE PRESENTS THAT, for and in consideration of the sum of \$84545.00, the receipt and sufficiency of which is hereby acknowledged, Kevin D. & Martha R. Murray, ("Grantor") hereby conveys, sells, and grants to Apolinar Avalos Alavez, Maria Claudia Mora Morgan, ("Grantees") and Grantees' heirs and assigns forever, all of Grantor's right, title, interest, and claim, and subject to all easements, encumbrances, protective covenants, rights-of-way, mineral rights, and other conditions and restrictions, if any, in or to the following described real estate (the "Property") located at 509 Creekridge Dr, Monroe, North Carolina 28110.

Legal Description: Lot # 18 Block A of Creekridge Subdivision Tax Parcel # 09147067.

Grantor hereby covenants as follows that Grantor is lawfully seized of the Property in

fee simple, that Grantor has good title to sell the Property, that Grantor and Grantor's successors and assigns will warrant and forever defend Grantees and Grantees' heirs and assigns against all lawful claims on title to the Property, and that the Property is free from all encumbrances and other restrictions unless otherwise stated below.

Grantor 1: Kevin D. & Martha R. Murray
Marital Status: Married
Address: 2006 Walkup Ave Ste A200
Monroe, North Carolina 28110

Grantor 1's Spouse Name: Martha R. Murray
Address: 2006 Walkup Ave Ste A200
Monroe, North Carolina 28110

Grantee 1: Apolinar Avalos Alavez
Marital Status: Married
Address: 509 Creekridge Dr
Monroe, North Carolina 28110

Grantee 1's Spouse Name: Maria Claudia Mora Morgan
Address: 509 Creekridge Dr
Monroe, North Carolina 28110

Grantee 2: Maria Claudia Mora Morgan
Marital Status: Married
Address: 509 Creekridge Dr
Monroe, North Carolina 28110

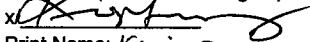
Grantee 2's Spouse Name: Apolinar Avalos Alavez
Address: 509 Creekridge Dr
Monroe, North Carolina 28110

Vesting Information / Property Interest: Joint tenancy, with rights of survivorship.

Signatures

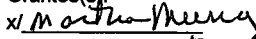
Grantor signed, sealed, and delivered this General Warranty Deed to Grantees on June 2 2015 (date).

Grantor 1 (or authorized agent)

x 
Print Name: Kevin D. Murray

Grantor 1's Spouse (or authorized agent)

I, Martha Murray, acknowledging receipt of sufficient consideration, hereby waive and release all my rights, title, and interest, if any, in the above Property unto Grantee(s).

x 
Print Name: Martha Murray

Notary Public

STATE OF NC
COUNTY OF Union

On this the 2nd day of June, 20 15, the foregoing instrument was sworn to and acknowledged before me by Kevin D. Murray + Martha R. Murray

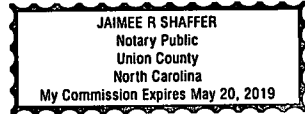
6461
0774

known or proven to me to be the person(s) whose name(s) is/are subscribed to the within instrument.

WITNESS my hand and official seal.

Jaimee R. Shaffer
(Print Name)

Jaimee R. Shaffer [Affix seal]
(Signature)



NOTARY PUBLIC

My Commission Expires: May 20, 2019



received
11/14/23

Building Standards Department
BUILDING PERMIT APPLICATION

For Permit Center Use Only

Submittal Date: _____

Permit #: _____

Parcel: _____ - _____ - _____

Project Address: 509 Creekridge Dr. Monroe NC 28110
Total Project Cost: \$ 26,000 Subdivision Name: Creekridge Lot: _____ Phase: _____
Owner/Tenant: Maria Claudia Mora Morgan
Address: 509 Creekridge Dr City: Monroe
State: NC Zip Code: 28110 Phone No. 980-328-8095

Property Use: Residential

Description of Proposed Work: Additional bedroom

Heated SQ FT: 320 Unheated SQ FT: _____

UTILITIES: ☐ New ☒ Existing

Power Company: _____

Gas Company: _____

Electric Appliances: City

Gas Appliances: _____

All residential inspections for dwellings covered by the NC Building and Residential Code will include verification of the presence of carbon monoxide alarms as required by City of Monroe Ordinance 150.10 (C)(1).

Flood Plain: ☐ YES ☒ NO Historic District: ☐ YES ☒ NO Acreage: _____ No. of Stories: 1

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

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

RESIDENTIAL

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

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

COMMERCIAL

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

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

☐ Utility/Misc _____

CONTRACTOR(S):**BUILDING:** _____Address: 509 Creekridge DrCity/St: Monroe, NC Zip: 28110Phone: 980-328-8095 Email: morgan.30@hotmail.com**Contract Cost**

\$ _____

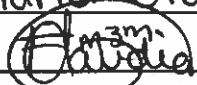
NC License #:

ELECTRICAL: ☐ No ☒ Yes**MECHANICAL:** ☐ No ☒ Yes**PLUMBING:** ☒ No ☐ Yes

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

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

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

PRINT APPLICANT'S NAME: Maria Claudia Mora Morgan**APPLICANT'S SIGNATURE:**  **DATE:** 11-14-23**ADDRESS:** 509 Creekridge Dr **CITY:** Monroe **STATE:** NC **ZIP:** 28110**PHONE:** 980-328-8095 **MOBILE:** _____ **FAX:** _____**EMAIL:** morgan.30@hotmail.com**METHOD OF PAYMENT:** Cash ☐ Check ☒ Credit ☐ Existing A/R Account ☐

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

COUNTY OF Union**Exhibit 5**com Inspection Department

Parcel Identification Number and address where the building is to be constructed: PIN _____

Address 509 CreekrIDGE Dr. Monroe NC. 28110Type of construction: ☒ Residential ☐ Commercial ☐ Industrial ☐ OtherIntended use after completion (e.g. Personal residence): Personal Residence

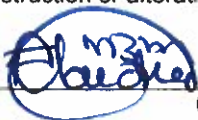
Building permit number associated with this application: _____

I, Mona C. Mora (Print Full Name) (980) 328 8095 (Phone Number)hereby claim exemption from licensure under G.S. 87-1(b)(2) by initialing the relevant provision in paragraph 1 and initialing paragraphs 2-5 below attesting to the following:

1. MM I certify I am the owner of the property set forth above on which a building is to be constructed or altered and for which application for a building permit is hereby made;
OR
MM I am legally authorized to act on behalf of the firm or corporation that is constructing or altering this building on the property owned by the firm or corporation as set forth above:

(Name of Firm or Corporation)

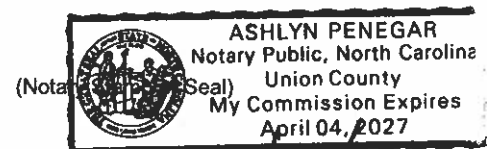
2. MM I will personally superintend and manage all aspects of the construction or alteration of the building and that duty will not be delegated to any person not duly licensed under the terms of Article 1, Chapter 87 of the General Statutes of North Carolina.
3. MM I will be on site regularly during construction and I will be personally present for all inspections required by the North Carolina State Building Code, unless the plans for the construction or alteration of the building were drawn and sealed by an architect licensed pursuant to Chapter 83A of the General Statutes of North Carolina.
4. MM I understand that by executing this licensing exemption AFFIDAVIT pursuant to G.S. 87-1(b)(2), I am required by law to occupy the building for which the licensing exemption is granted for twelve months after completion, during which time it may not be offered for rent, lease or sale.
5. MM I understand a copy of this AFFIDAVIT will be transmitted to the North Carolina Licensing Board for General Contractors for verification I am validly entitled to claim an exemption under G.S. 87-1(b)(2) for the building construction or alteration specified herein. I further understand if the North Carolina Licensing Board for General Contractors determines I am not entitled to claim this exemption the building permit issued for the construction or alteration specified herein shall be revoked pursuant to G.S. 160D-1115.



(Signature of Affiant)

14/11/2023
(Date)Sworn or affirmed and subscribed before me this the 14 day of November, 20 23

(Signature of Notary Public)

Ashlyn Penegar
(Printed Name of Notary Public)My Commission Expires: 04/04/2027

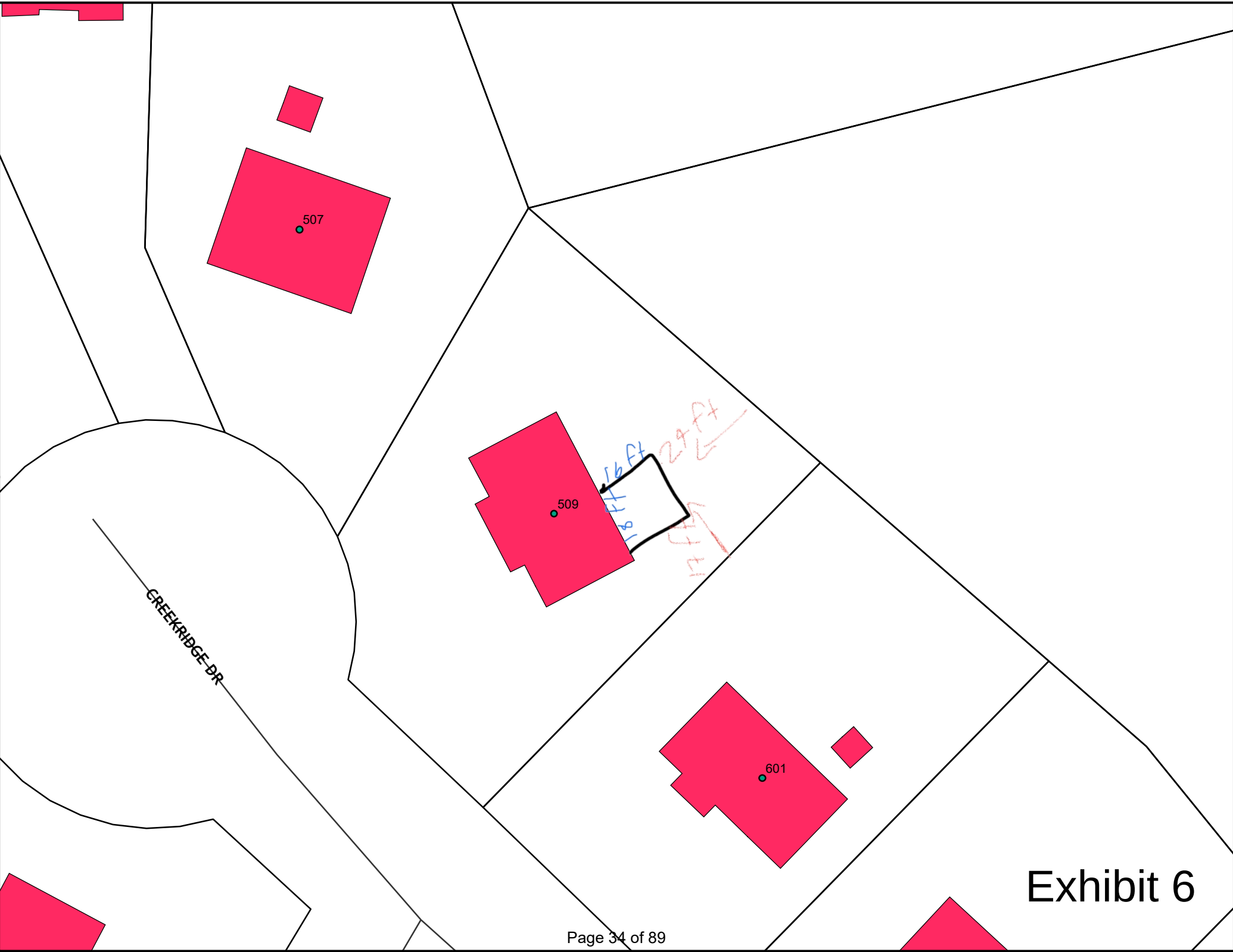


Exhibit 6



Addition
Monroe, NC

Permit No: PRAD202401399

ISSUED

April 18, 2024

Job Address	509 CREEKRIDGE DR, MONROE, NC 28110
Owner	ALAVEZ APOLINAR AVALOS 509 CREEKRIDGE DR MONROE, NC 28110 MORGAN MARIA CLAUDIA MORA 509 CREEKRIDGE DR MONROE, NC 28110 (980) 328-8095
Applicant	MORGAN MARIA CLAUDIA MORA 509 CREEKRIDGE DR MONROE, NC 28110 (980) 328-8095 Claudia Mora Morgan 509 Creekridge Dr Monroe , NC 28110
Contractor	MORGAN MARIA CLAUDIA MORA 509 CREEKRIDGE DR MONROE, NC 28110 (980) 328-8095 MORGAN MARIA CLAUDIA MORA 509 CREEKRIDGE DR MONROE, NC 28110 (980) 328-8095
Description:	Bedroom addition

Parcel #	Type of Construction	Zoning	# Of Units	Fee Amount
09147067	Addition			\$194.52

Building Components:

Description	Units	Quantity
Attached (Heated)	SQ FT	320
Site Plan (Residential)	QTY	1
HVAC System	SQ FT	320
Electrical Wiring	SQ FT	320

Total Value of Work:	\$26,000
-----------------------------	----------

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

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

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

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

Jessica Brummer

SIGNED:

Permitting Official
Monroe, NC

Brynn M. Allister

Chief Building official

Exhibit 7

Permits included on this application:

Building
Zoning
Mechanical
Electrical

Conditions:

ES1 - NC One Call

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

PL - Foundation Survey

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

PL - Zoning inspection (for certificate of occupancy)

All zoning requirements must be inspected by the zoning officer prior to requesting a certificate of occupancy if required. Please call 704.282.4524 to schedule a zoning inspection.

Misc Conditions

The addition must meet the Residential Low Density (RLD) zoning district setbacks. The setbacks are as follows:

Front: 25'
Side: 15'
Rear: 20'

Misc Conditions

Planning staff did recommend an engineered survey to be obtained due to the fact that the addition will be 2 feet from the 15-foot side yard RLD Zoning District Setback. The applicant acknowledged the distance to the setbacks but insisted on constructing the addition without an engineered survey of the addition.

Review Comments:

Verify Application/Submittals - Jessica Brummer
Engineering - Erosion Control Review - Zach Ross
Energy Services Review - Rob Miller
External Agencies Review - Jessica Brummer
Planning and Zoning Review - Patrick Blaszyk
Water Resources Review - Jennifer Hornberger
Verify Final Review Status - Jessica Brummer
Generate/Send Correction Notice - Jessica Brummer
Waiting for Resubmittal - Jessica Brummer
Verify Resubmittal - Jessica Brummer
Engineering - Erosion Control Review - Zach Ross
Energy Services Review - Rob Miller
External Agencies Review - Jessica Brummer
Planning and Zoning Review - Patrick Blaszyk
Water Resources Review - Jennifer Hornberger
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Verify Resubmittal - Jessica Brummer
Engineering - Erosion Control Review - Zach Ross
Energy Services Review - Rob Miller
External Agencies Review - Jessica Brummer
Planning and Zoning Review - Patrick Blaszyk
Water Resources Review - Jennifer Hornberger
Verify Final Review Status - Jessica Brummer
Generate/Send Correction Notice - Jessica Brummer
Waiting for Resubmittal - Jessica Brummer



Addition
Monroe, NC

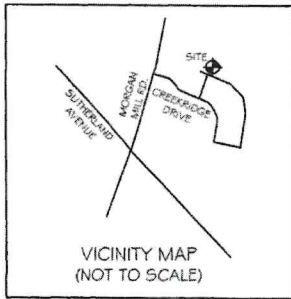
Permit No: PRAD202401399

ISSUED

April 18, 2024

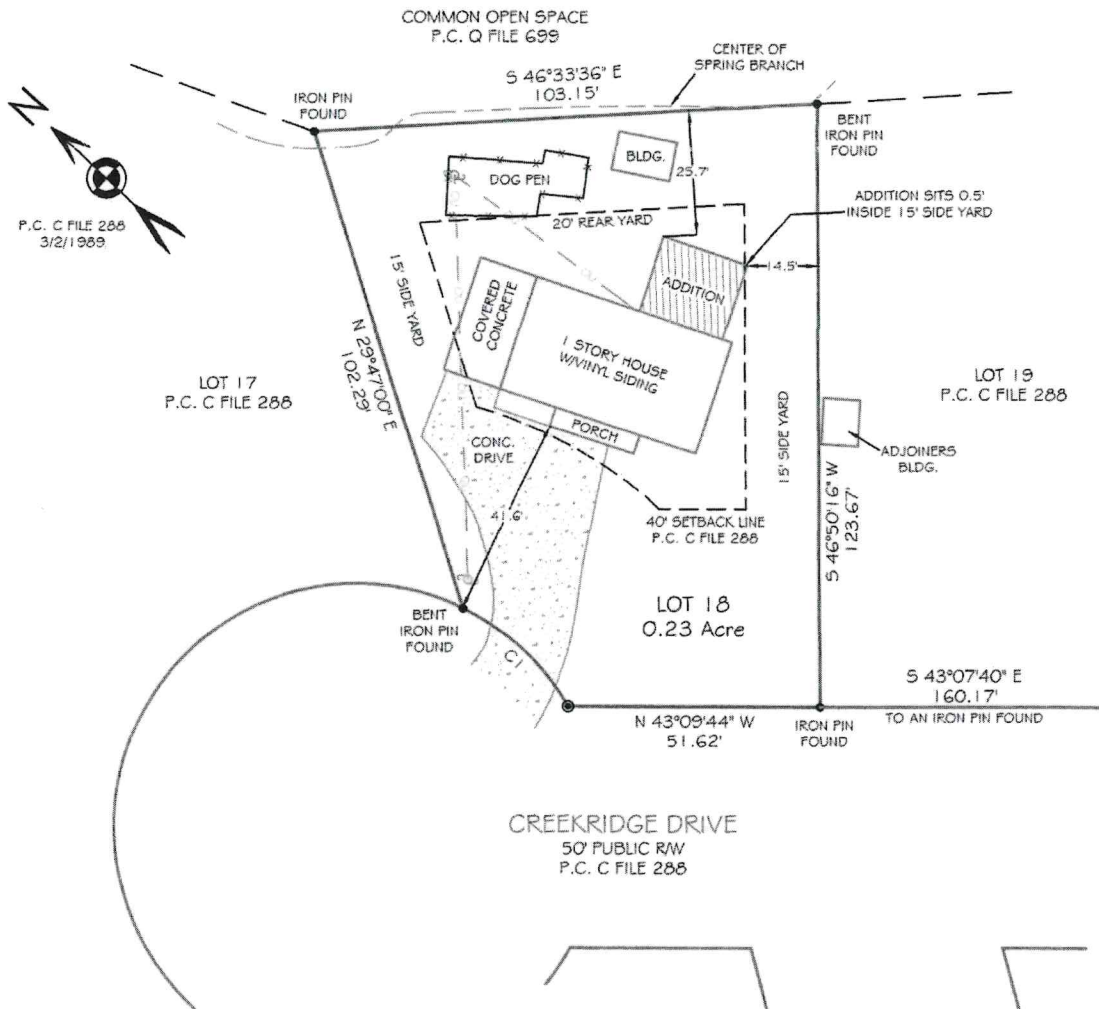
Verify Resubmittal - Jessica Brummer
Engineering - Erosion Control Review - Zach Ross
Energy Services Review - Rob Miller
External Agencies Review - Jessica Brummer
Planning and Zoning Review - Patrick Blaszyk
Water Resources Review - Jennifer Hornberger
Verify Final Review Status - Jessica Brummer
Stamp Approved Plans - Jessica Brummer
Waiting for Fee Payment - Jessica Brummer
Generate/Issue Permit(s) - Jessica Brummer

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (MAP RECORDED IN PLAT CABINET C FILE 288); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION AS SHOWN ON PLAT; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1:10,000+; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56. 1600). THIS 21st DAY OF JUNE, 2024.

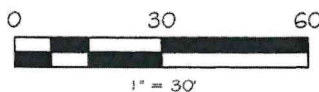


- NOTES:
- AREA BY COORDINATE METHOD SIGNED
 - THIS IS A SURVEY OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET
 - THIS MAP IS NOT INTENDED TO MEET G.S. 47-30 AND IS NOT TO BE RECORDED AS A PLAT
 - THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT REPORT. SUBJECT PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED EASEMENTS, RIGHT OF WAYS, SETBACKS AND/OR RESTRICTIVE COVENANTS NOT SHOWN HEREON AND SHOULD BE VERIFIED BEFORE ANY CONSTRUCTION.
 - UNDERGROUND UTILITIES ARE NOT LOCATED AT THE TIME OF SURVEY. UNDERGROUND UTILITIES NOT SHOWN HEREON MAY EXIST.
 - ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
 - SETBACKS SHOWN PER CURRENT CITY OF MONROE RLD ZONING UNLESS OTHERWISE NOTED.

JOHN D. SKIDMORE III, NCPLS L-3837



CURVE	RADIUS	ARC	CHORD	DIRECTION
C1	50.00'	29.52'	29.09'	N 00°22'23" W



LEGEND

- | | |
|----------------------------|-------------------------|
| R/W = RIGHT OF WAY | —OU— OVERHEAD UTILITIES |
| ● = IRON PIN | — PROPERTY LINE |
| ○ = IRON PIPE | — ADJOINER LINE |
| ⊙ = COMPUTED POINT | — RIGHT OF WAY |
| ⊕ = UTILITY POLE | — SEWER EASEMENT |
| ⊞ = CONCRETE MONUMENT | — STORM DRAIN EASEMENT |
| ⊗ = SANITARY SEWER MANHOLE | — SETBACK LINE |
| ⊙ = STORM DRAIN MANHOLE | |

PHYSICAL SURVEY

509 CREEKRIDGE DRIVE
LOT 18 - BLOCK A
CREEKRIDGE SUBDIVISION - PHASE III
CITY OF MONROE, UNION COUNTY, NORTH CAROLINA

THE PROPERTY OF:

APOLINAR AVALOS ALAVEZ and,
MARIA CLAUDIA MORA MORGAN

SURVEY DATE 6/20/2024	D.B. 6461 PG. 772
TAX No. 09147067	DRAWN BY: JDS
PLAT CABINET C FILE 288	DRAWING No. 24-198

SKIDMORE SURVEYING, INC.
LICENSE NO. C-1876
121 E. PHIPPS STREET
MONROE, N
704-289
skidmoresurveying

Exhibit 8



CITY OF MONROE

P.O. BOX 69 MONROE, NC 28111-0069
PHONE 704-282-4520

NOTICE OF VIOLATION - Case No. CEZONE202500186

August 16, 2024

ALAVEZ APOLINAR AVALOS
509 CREEKRIDGE DR
MONROE, NC 28110
MORGAN MARIA CLAUDIA MORA
509 CREEKRIDGE DR
MONROE, NC 28110

Copy to:

RE: Property Located at: 509 CREEKRIDGE DR, MONROE, NC 28110
Tax Map Lot Reference: 09147067

Dear ALAVEZ APOLINAR AVALOS MORGAN MARIA CLAUDIA MORA:

Upon investigation on August 16, 2024 the above referenced property is determined to be in violation of Code 157 of the City of Monroe Code of Ordinances entitled **ZONING CODE**, and specifically, the conditions constituting the violation are noted.

That you are ordered to abate or remove the conditions constituting the violation within 10 days from the receipt of this Notice. If you fail, neglect or refuse to abate or remove the conditions constituting the violation within 10 days from the receipt of this order, you will be liable for civil penalties as provided in Chapter 10 of the Monroe Code of Ordinances. This notice shall constitute a *Notice of Violation* pursuant to said section.

That the above-referenced property **MUST BE BROUGHT INTO COMPLIANCE** not more than 10 days after the receipt of this notice. Should you fail to bring the property into compliance with the City Code within 10 days, the City of Monroe may issue a **CIVIL CITATION** in the amount of \$50.00 for the first citation. A continued violation shall be subject to additional penalties of \$100.00 for the second citation, and \$500.00 for the third and subsequent citation, as well as any administrative costs, attorney's fees and other relief as provided by law.

If the violation is repeated within a two year period from the date of the initial violation, it shall be considered to be a continuation of the initial violation and shall be subject to the penalties as described above. A repeat violation is one which is identical to or reasonably similar to a previous violation for which a Notice of Violation or Civil Citation has been issued by the City.

Exhibit 9



CITY OF MONROE

P.O. BOX 69 MONROE, NC 28111-0069
PHONE 704-282-4520

APPEAL RIGHTS: If you disagree with the above findings and order for 509 CREEKRIDGE DR, MONROE, NC 28110, you have **THIRTY (30) DAYS** within which to exercise your right of appeal to the Board of Adjustment of the City of Monroe which will stay all proceedings until said Board makes its determination. Appeals may be filed with the Planning and Community Development Department of the City of Monroe at 300 West Crowell Street, Monroe, NC.


Patrick Blaszyk, Zoning Enforcement Officer

VIOLATION DETAIL

A bedroom addition was constructed .5 feet within the side-yard 15-foot setback requirement for the Residential Low Density (RLD) zoning district as seen in the attached survey. The addition must either be modified to meet the 15-foot side-yard setback requirement or apply for a variance from the 15-foot side-yard setback requirement.

Violation Photo



City of Monroe Variance Application Form

Applicant's Name: Maria Claudia Mora

Applicant's Mailing Address: 509 CreeKridge Dr.
Monroe NC. 28110

Property Owner: Maria Claudia Mora

Property Owner's Address: 509 CreeKridge Dr. Monroe NC. 28110

Legal Relationship of Applicant to Property Owner: Owner

Contact Person Name and Phone Number: 980 328 8095 Maria C. Mora

Existing Use of Property: Home

Property Location: 509 CreeKridge Dr. Monroe NC 28110

Tax Map Number: 09-147-067 Lot Size: 0.23 Acre Zoning District: RLD

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

Proposed variance description: Apply for ~~3~~ 1ft variance from 15' sideyard
setback. To keep addition

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.]

Exhibit 10

- It would have to be teared down
- Money Loss would result from removal of the addition

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]

we just guided ourselves based on the first property measurements we had in hand. That is the main reason why we would like to keep the ~~setback~~ ^{addition}.

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

We had measurments given to us previously that are different from the recent ones that we recieved from the Surveyor. We went along with the addition based on the first paper we had in our hands.

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

Yes, the requested variance is consistent with the spirit, purpose and intent of the ordinance. The addition will be similar and in harmony with the neighborhood

5. **The variance will neither result in the extension of a nonconforming situation in violation of § [156.90](#), nor authorize the initiation of a nonconforming use of land.**

~~_____~~
~~_____~~
~~_____~~

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.

Applicant (printed): Maria Claudia Mora

Applicant's Signature: 

Date: 8/20/2024

Property Owner: Maria Claudia Mora

By: Maria Claudia Mora Morgan

Title: Owner

Owner's Signature: 

Date: 8/20/2024

****If you are signing on behalf of a business (such as an LLC), you must include your title with 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: _____

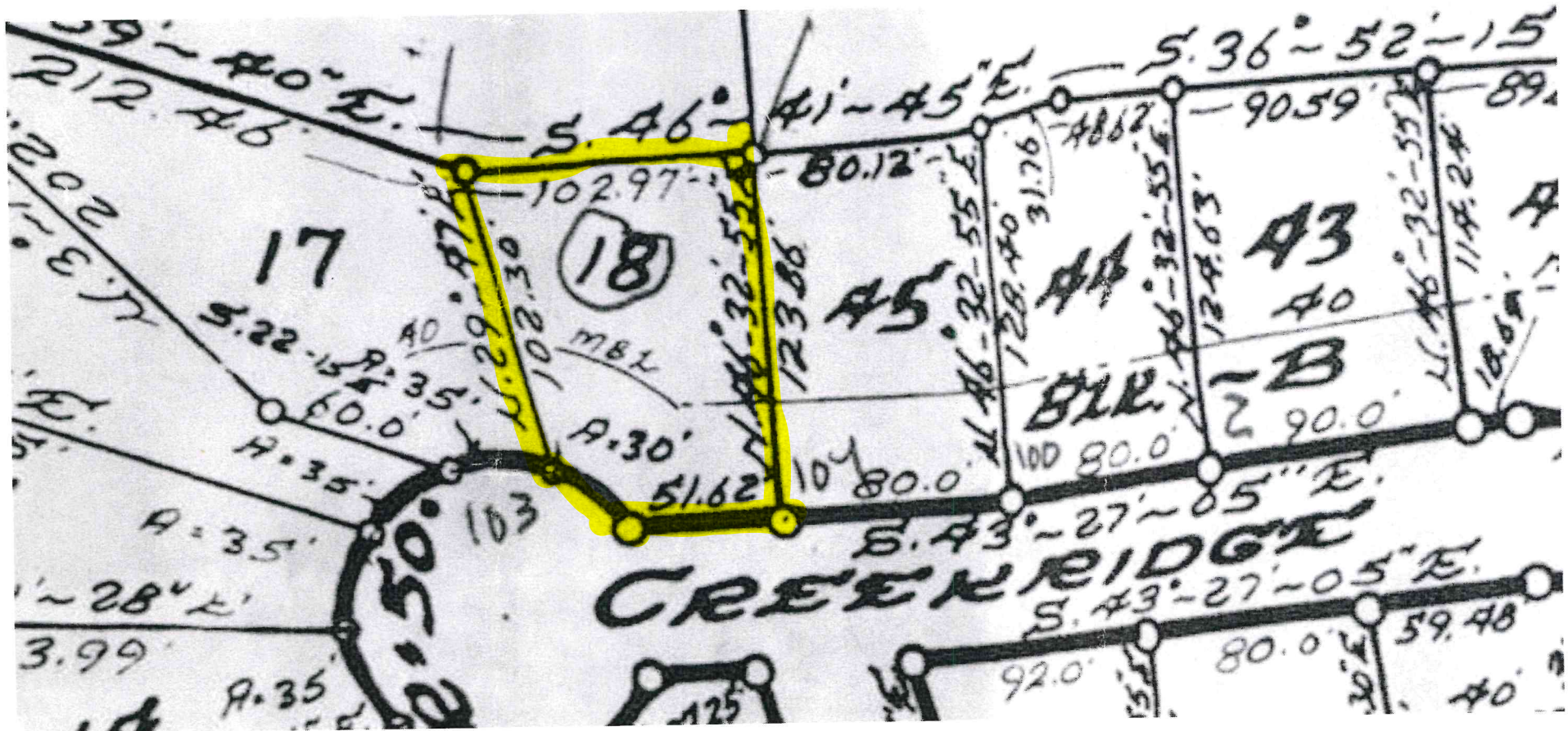


Exhibit 11

RLD District Development Standards Table		
Setbacks ¹	Front	25'
	Side	15' (interior lot) 20' (corner lot)
	Rear	20' (interior lot) 25' (through lot)

Exhibit 12



Exhibit 13

APO Map

Case#:
PLZNA 2025-00056

509 Creekridge Drive

Legend

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

Owner: Maria Mora

.22 Acres

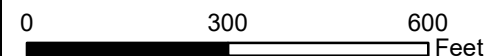
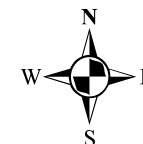


Exhibit 14

PIN	OWNERNAME1	OWNERADDRE	OWNERCITY	OWNERSTATE	OWNERZIP
09147062	TMURR PROPERTIES LLC	2006 WALKUP AVE STE A200	MONROE	NC	28110
09147070	CREEKRIDGE 1 LLC	211 WEST JEFFERSON ST	MONROE	NC	28112
09147067	MORGAN MARIA CLAUDIA MORA	509 CREEKRIDGE DR	MONROE	NC	28110
09147061	TMURR PROPERTIES LLC	2006 WALKUP AVE STE A200	MONROE	NC	28110
09147064	TMURR PROPERTIES LLC	2006 WALKUP AVE STE A200	MONROE	NC	28110
09147069	HORTON BOYD JR	211 W JEFFERSON ST	MONROE	NC	28112
09147091	HORTON BOYD JR	211 W JEFFERSON ST	MONROE	NC	28112
09143224	SCOTCH MEADOWS HOMEOWNERS ASSOCIATION INC	PO BOX 2265	MATTHEWS	NC	28106
09147065	TMURR PROPERTIES LLC	2006 WALKUP AVE STE A200	MONROE	NC	28110
09147066	TMURR PROPERTIES LLC	2006 WALKUP AVE STE A200	MONROE	NC	28110
09147068	CREEKRIDGE 1 LLC	211 WEST JEFFERSON ST	MONROE	NC	28112
09147060	TMURR PROPERTIES LLC	2006 WALKUP AVE STE A200	MONROE	NC	28110
09147063	TMURR PROPERTIES LLC	2006 WALKUP AVE STE A200	MONROE	NC	28110
09147090	HORTON BOYD JR	211 W JEFFERSON ST	MONROE	NC	281124713

Exhibit 15



STAFF REPORT

Case # PLZNA 2025-00095

TO: Board of Adjustment Members

DATE: November 21, 2024

FROM: Doug Britt, Assistant Director of Planning & Development

PREPARED BY: Patrick Blaszyk, Planner

SUBJECT: A variance request by Coastal Investments, LLC from the required speaker box setback for a property located at 847 East Roosevelt Boulevard.

SUMMARY STATEMENT

Coastal CLT Investments, LLC is requesting a variance from the required speaker box setback defined in the Permissible Use Definition and Standards section of the Unified Development Ordinance (UDO) in order to construct a drive-through speaker box at 847 East Roosevelt Boulevard.

SITE DATA

Type of Action: Variance

Date of Petition: October 31, 2024

Name of Petitioner: Coastal Investments, LLC

Location: 847 E. Roosevelt Blvd.

Tax ID #: 09-156-002F

Lot Size: 0.82 Acres

Current Zoning Classification: MD-MX, Medical District Mixed-Use

PROPOSED FINDINGS

Proposed Findings:

1. The property located at 847 East Roosevelt Boulevard is owned by Krug Investments, LLC, is leased by Coastal CLT Investments, LLC and is zoned MD-MX, Medical District Mixed-Use. (Exhibits 1, 2, and 3)

2. In October 2024, attorney David Murray on behalf of Coastal CLT Investments, LLC submitted a variance application in order to request a variance from Section 7.2.6.M.b. titled Permissible Use Definition and Standards of the Unified Development Ordinance (UDO) to reduce the required 50-foot drive-through speaker box setback by 33.5 feet. This in turn will position the drive-through speaker box to be constructed 16.5 feet from the property line. (Exhibits 4, & 5)
3. Section 7.2.6.M.4.b. of the Unified Development Ordinance (UDO) entitled “Permissible Use Definition and Standards” states in relative parts: (Exhibit 6)
 - b. Outdoor speakers associated with a drive-through shall be at least **fifty (50) feet** from any property line.
4. The applicant has submitted site plans indicating the layout of the parcel, the proposed location of the speaker box and the required 50-foot setback. (Exhibits 7, 8, & 9)
5. All adjacent property owners have been notified of the proposed variance. (Exhibit 10 & 11)

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-2025-00095 be (**approved/denied**).

Exhibits:
Exhibit 1: Ortho Map
Exhibit 2: Zoning Map
Exhibit 3: Deed to Property
Exhibit 4: Variance Application
Exhibit 5: Letter Displaying Attorney Representation
Exhibit 6: Section 7.2.6.M.4.b. of the UDO
Exhibit 7: Site Plan of Property

Exhibit 8: Site Plan Displaying Speaker Box
Exhibit 9: Site Plan Displaying 50' Setback
Exhibit 10: APO Map
Exhibit 11: APO List

Prepared by: PB 11-6-2024

Ortho Map

Case #: PLZNA 2025-00095

847 E. Roosevelt Blvd.

Legend

-  Subject Property
-  Centerlines
-  Parcels

Owner: Krug Invesements,
LLC

Acres: .82



0 75 150
Feet

Exhibit 1

Zoning Map

Case #: PLZNA 2025-00095

847 E. Roosevelt Blvd.

Legend

 Subject Property

 Centerlines

 Parcels

Zoning

 MD-MX

Owner: Krug Invesements, LLC

Acres: .82



0 75 150
 Feet

Exhibit 2

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

FILED Jan 27, 2022
AT 11:05 am
BOOK 08383
START PAGE 0331
END PAGE 0334
INSTRUMENT # 03281
EXCISE TAX \$430.00
JT

3

Excise Tax \$430.00	Recording Time, Book and Page
---------------------	-------------------------------

Tax Lot No.: _____ Parcel Identifier No.: portion of 09156002C
Verified by _____ County on the _____ day of _____, 20____
by _____
Mail after recording to Grantee
This instrument was prepared by: Parker Poe Adams & Bernstein LLP, 620 S Tryon St Suite 800, Charlotte, North Carolina 28202 (No title search performed, and no title opinion rendered)
Brief Description For The Index:

E. Roosevelt Boulevard

NORTH CAROLINA SPECIAL WARRANTY DEED

THIS DEED made this 26th day of January, 2022, by and between:

GRANTOR	GRANTEE
813 ROOSEVELT, LLC, a North Carolina limited liability company 131 Providence Rd Suite 105 Charlotte, NC 28207	KRUG INVESTMENTS, LLC, a North Carolina limited liability company 131 Providence Rd Suite 105 Charlotte, NC 28207
Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.	

PPAB 6879307v1

Exhibit 3

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 Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey, subject to the easements, restrictions, reservations, covenants, conditions and other exceptions set forth below, unto Grantee in fee simple, all that certain lot or parcel of land described in **Exhibit A** attached hereto ("**Property**").

The Property was acquired by Grantor by instrument recorded in Book _____, at Page _____, Mecklenburg County Public Registry.

The Property does not include the primary residence of Grantor.

The Property is conveyed subject to the following easements, restrictions, reservations, covenants, conditions and other exceptions (collectively, "**Exceptions**"):

- (a) Ad valorem taxes and assessments for the year 2022 and subsequent years;
- (b) Matters affecting title to the Property which would be shown on a current and accurate survey of the Property;
- (c) Easements, covenants, restrictions and conditions of record, and rights-of-way of public and private streets and roads; and
- (d) Rights of tenants under leases affecting or encumbering any portion of the Property.

TO HAVE AND TO HOLD, subject to the Exceptions, the Property and all privileges and appurtenances thereto belonging to Grantee in fee simple.

Subject to the Exceptions, Grantor covenants with Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the Exceptions.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, Grantor has hereunto set its hand and seal, the day and year first above written.

813 ROOSEVELT, LLC, a North Carolina limited liability company

By: [Signature]
Name: David Krug
Its: Manager

STATE OF NC
COUNTY OF Mecklenburg

I, Linda P Raborn, a Notary Public for Mecklenburg County, State of NC, do hereby certify that David Krug ("**Signatory**"), personally appeared before me this day and acknowledged that he/she is Manager of 813 ROOSEVELT, LLC, a North Carolina limited liability company, and that he/she, as Manager, in such capacity and being authorized to do so, executed the foregoing instrument on behalf of the limited liability company.

I certify that the Signatory personally appeared before me this day, and
(check one of the following)
☒ (I have personal knowledge of the identity of the Signatory); or
☐ (I have seen satisfactory evidence of the Signatory's identity, by a current state or federal identification with the Signatory's photograph in the form of:
(check one of the following)
☐ a driver's license or
☐ in the form of _____); or
☐ (a credible witness has sworn to the identity of the Signatory).

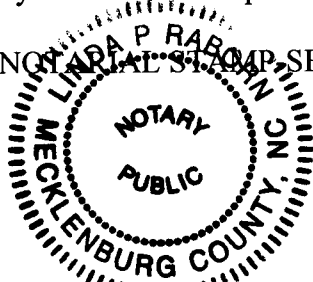
The Signatory acknowledged to me that he/she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

Witness my hand and official stamp or seal this 26 day of Jan, 2022.

Linda P Raborn
Notary Public

My Commission Expires: 4/7/23

[NOTARY SEAL]



PPAB 6879307v1

EXHIBIT A

Being all of Lot 1, 0.82 acres, as shown on a plat entitled "Minor Subdivision – Final Plat Property of 813 Roosevelt, LLC", made by Clinton D. Lawrence, NCPLS, dated October 5, 2021, last revised January 3, 2022 and recorded January 24, 2022 in Plat Cabinet, Q, File 370 in the Union County Public Registry.

Together with those access easement(s) granted or referred to in that certain instrument recorded in Book 435 at Page 485, Union County Public Registry.

Together with all those appurtenant real estate rights as contained in that certain Declaration of Easements, Covenants, and Restrictions recorded January 21, 2022 in Book 8383 at Page 315, Union County Public Registry.

PPAB 6879307v1



City of Monroe Variance Application Form

Applicant's Name: Coastal CLT Investments, LLC

Applicant's Address: 100 Clearbrook Rd, 2nd Floor, Elmsford, NY 10523

Property Owner's Name: Krug Investments LLC

Property Owner's Address: 131 Providence Road, Ste 105, Charlotte, NC 28207

For Staff Use Only

Application #: _____

Date Submitted: _____

Approved: _____

Denied: _____

Legal Relationship of Applicant to Property Owner: Tenant

Contact Person Name and Phone Number: David Murray, Murray Law Firm, 704-940-9095

Existing Use of Property: Vacant

Property Location: E Roosevelt Blvd.

Tax Map Number: 09156002F Lot Size: .82 Zoning District: MDMX

Ordinance section number to which a variance is being sought. 7.2.6.M.4.b.

Proposed variance description: Reduction of 50' drive-through outdoor speaker spacing to 16.5' (33.5' reduction)

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.]

The unnecessary hardship here is that the commercial site which is ideal for a drive-through window cannot

be used for a drive-through because the shape of the property necessitates the drive-through location and

speaker being placed within 50' of the adjacent property line. There is no location except directly in the

middle of the buildable envelope that would allow the speaker to exist.

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 hardship is directly related to the unique size and shape of the lot which is triangular and narrows

in the bend of E. Roosevelt Blvd. The site is not rectangular like other surrounding commercial sites

and the narrowing of the site causes the location of the speaker to be placed on the side closest to the bank.

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 applicant did not create the shape of the lot.

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 location is heavily commercial and drive-through windows are typical and expected. The site has stayed

vacant because of challenges to development from the lot shape. The drive-through use is reasonable and

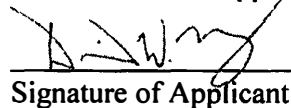
there are other examples along E Roosevelt Blvd where the speakers are much closer than 50' to the lot lines.

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.

Coastal CLT Investments, LLC

Printed name of Applicant

 attorney in fact
Signature of Applicant

10/31/24

Date

Printed name of Owner: Krug Investments LLC

Signature of Owner

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: _____

November 1, 2024

Via Email: pblaszyk@monroenc.org

Patrick Blaszyk, Planner
City of Monroe

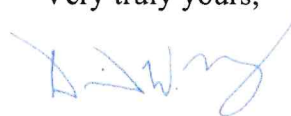
Re: *Representation Letter for Coastal CLT Investments, LLC*

Dear Patrick:

I have been retained by Coastal CLT Investments, LLC, to retain it in seeking the variance for the property located on E Roosevelt Blvd in Monroe. Please direct all future correspondence and communications regarding this variance to me.

Please contact me with any questions.

Very truly yours,



David W. Murray

Exhibit 5

cc: Client

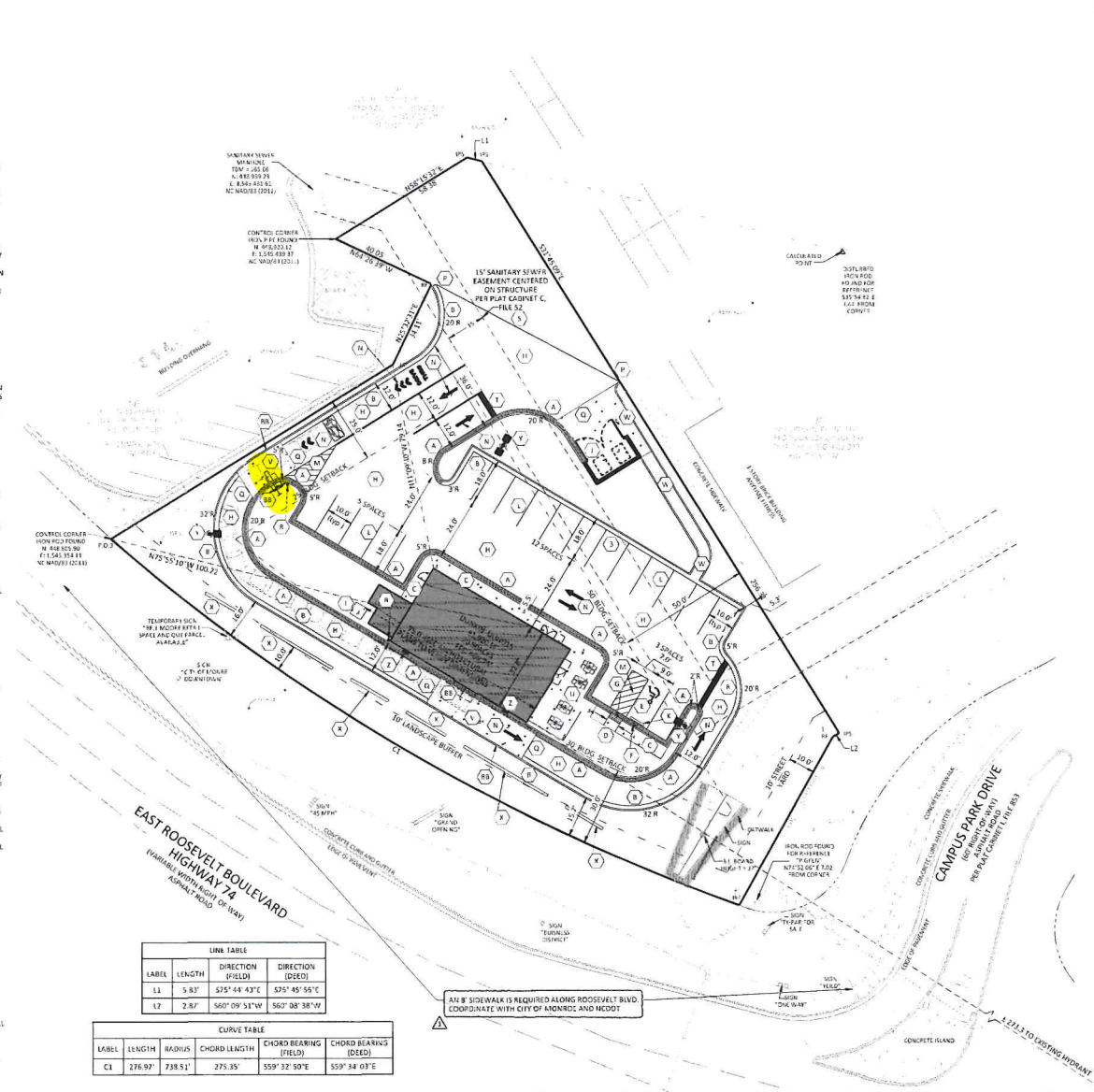
**Section 7.2.6.M.4.b Permissible Use Definition and Standards of the Unified
Development Ordinance (UDO)**

- b. Outdoor speakers associated with a drive-through shall be at least fifty (50) feet from any property line.

Exhibit 6

DEVELOPMENT NOTES

1. THE LOCATIONS OF ALL UTILITIES SHOWN ON THESE PLANS ARE BASED ON THE AVAILABLE INFORMATION. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF UTILITIES WITH THE UTILITY OWNERS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
2. ALL HANDICAP SITE FEATURES SHALL BE CONSTRUCTED TO MEET ALL FEDERAL, STATE AND LOCAL CODES.
3. ANY DISCREPANCY IN THIS PLAN AND ACTUAL FIELD CONDITIONS SHALL BE REPORTED TO THE OWNER PRIOR TO START OF CONSTRUCTION. GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION OF ALL SETBACKS, EASEMENTS, AND ENCUMBRANCES SHOWN HEREON BEFORE BEGINNING CONSTRUCTION.
4. PRIOR TO STARTING CONSTRUCTION, THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE TO VERIFY THAT ALL REQUIRED PERMITS AND APPROVALS HAVE BEEN OBTAINED. NO CONSTRUCTION OR FABRICATION OF ANY ITEM SHALL BEGIN UNTIL THE CONTRACTOR HAS RECEIVED ALL PLANS AND ANY OTHER DOCUMENTATION FROM ALL OF THE PERMITTING AND ANY OTHER REGULATORY AUTHORITIES. FAILURE OF THE CONTRACTOR TO FOLLOW THIS PROCEDURE SHALL CAUSE THE CONTRACTOR TO ASSUME FULL RESPONSIBILITY FOR ANY SUBSEQUENT VIOLATION OF THE WORK MANIFESTED BY ANY REGULATORY AUTHORITY. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH PERMITS ISSUED AND APPLICABLE STATE, COUNTY AND LOCAL CODES.
5. THE GENERAL CONTRACTOR SHALL CONTACT ALL OWNERS OF EASEMENTS, UTILITIES AND RIGHT-OF-WAYS, PUBLIC OR PRIVATE, PRIOR TO WORKING IN THESE AREAS.
6. CONTRACTOR SHALL MAINTAIN THE SITE IN A MANNER SO THAT WORKMEN AND PUBLIC SHALL BE PROTECTED FROM INJURY, AND ADDITIONAL PROPERTY PROTECTED FROM DAMAGE.
7. ACCESS TO UTILITIES, FIRE HYDRANTS, STREET LIGHTING, ETC., SHALL REMAIN UNDISTURBED, UNLESS COORDINATED WITH RESPECTIVE UTILITY.
8. CONTRACTOR IS RESPONSIBLE FOR DAMAGE TO ANY EXISTING ITEM AND/OR MATERIAL INSIDE OR OUTSIDE CONTRACT LIMITS DUE TO CONSTRUCTION OPERATIONS.
9. ALL DIMENSIONS ARE TO THE FACE OF CURB, UNLESS OTHERWISE NOTED.
10. DO NOT SCALE THIS DRAWING AS IT IS A REPRODUCTION AND SUBJECT TO DISTORTION.
11. THE GENERAL CONTRACTOR SHALL REMOVE ALL TRASH AND DEBRIS FROM THE SITE UPON COMPLETION OF THE PROJECT AND AT LEAST ONCE A WEEK DURING CONSTRUCTION.
12. THE GENERAL CONTRACTOR SHALL KEEP THE AREA OUTSIDE THE CONSTRUCTION LIMITS BROOM CLEAN AT ALL TIMES.
13. GENERAL CONTRACTOR SHALL ERECT AND MAINTAIN A SITE IDENTIFICATION SIGN, PER OWNER'S SPECIFICATION, COORDINATE LOCATION WITH OWNER'S REPRESENTATIVE.
14. FINISH CURB AND WALL ELEVATIONS SHALL BE 6" ABOVE FINISH PAVEMENT GRADE, UNLESS NOTED OTHERWISE ON PLAN.
15. CONTRACTOR SHALL ENSURE THAT ADEQUATE SITE LIGHTING IS PROVIDED PER OWNER'S SPECIFICATIONS.
16. ALL ROAD EXPOSURES SHALL TO FACE OF CURB.
17. ALL UTILITIES TO SERVICE BUILDING SHALL BE UNDERGROUND ON SITE, UNLESS OTHERWISE INDICATED.
18. ALL STREET SURFACES, DRIVEWAYS, CULVERTS, CURB AND GUTTERS, ROADSIDE DRAINAGE DITCHES AND OTHER STRUCTURES THAT ARE DISTURBED OR DAMAGED IN ANY MANNER AS A RESULT OF CONSTRUCTION SHALL BE REPLACED OR REPAIRED IN ACCORDANCE WITH THE SPECIFICATIONS.
19. ALL DISTURBED AREAS SHALL HAVE TEMPORARY SEEDING AND MULCHING. ALL AREAS THAT ARE PLANNED TO BE BARE FOR MORE THAN 45 DAYS SHALL BE SEEDDED AND MULCHED WITHIN SEVEN (7) DAYS.
20. THE CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION OF ALL UNDERGROUND UTILITIES. THE LOCATION OF ALL EXISTING UTILITIES ARE NOT NECESSARILY SHOWN ON THE PLANS AND WHERE SHOWN ARE ONLY APPROXIMATE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UNDERGROUND STRUCTURES. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING ALL NON-SUBSCRIBING UTILITIES. THE CONTRACTOR SHALL CONTACT "ONE CALL" AT 1-800-832-5869 FOR ASSISTANCE IN LOCATING EXISTING UTILITIES. CALL AT LEAST 48 HOURS PRIOR TO ANY DIGGING.
21. ALL LOT STRIPING AND DIRECTIONAL ARROWS TO BE WHITE REFLECTIVE PAINTING AND SHALL CONFORM TO LOCAL REGULATIONS.
22. CONSTRUCTION AND MAINTENANCE OF PROPER MOISTURE CONTENT OF THE SOIL UNDER BUILDINGS AND PAVED AREAS SHALL BE ACCOMPLISHED TO ACHIEVE STANDARD PROCTOR MAXIMUM DRY DENSITY OR AS RECOMMENDED IN THE SOIL REPORT.
23. THE CONTRACTOR SHALL MAINTAIN ALL "AS BUILT" SET OF DRAWINGS TO RECORD THE EXACT LOCATION OF ALL PAVING PRIOR TO CONCEALMENT. DRAWINGS SHALL BE GIVEN TO THE OWNER UPON COMPLETION OF THE PROJECT WITH A COPY OF THE TRANSMITTAL LETTER TO THE ENGINEER.
24. BEFORE COMMENCEMENT OF WORK, THE CONTRACTOR SHALL REVIEW ALL PLANS AND SPECIFICATIONS AND THE JOB SITE. THE CONTRACTOR SHALL NOTIFY THE OWNER AND THE ENGINEER WHO PREPARED THE PLANS OF ANY DISCREPANCIES THAT MAY REQUIRE MODIFICATIONS TO THESE PLANS OR OF ANY FIELD CORRECTIONS.
25. ALL PERMITS RELATIVE TO THE PROJECT MUST BE OBTAINED, PRIOR TO CONSTRUCTION. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH PERMITS ISSUED AND APPLICABLE STATE, COUNTY AND LOCAL CODES.
26. THE CONTRACTOR SHALL REFER TO THE ARCHITECTURAL DRAWINGS FOR ALL BUILDING DIMENSIONS.
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28. ALL PARKING LOT DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
29. CONTRACTOR SHALL COORDINATE EXACT SIZE OF HVAC CONCRETE PADS WITH MECHANICAL CONTRACTOR. REFER TO MECHANICAL PLANS FOR DETAILS.
30. ALL SEEDING, TEMPORARY AND PERMANENT, TO BE INSTALLED TO LOCAL REGULATIONS AND STANDARD PRACTICES.
31. ALL FORD WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE CURRENT EDITION OF THE STATE DEPARTMENT OF TRANSPORTATION CONSTRUCTION AND MATERIALS SPECIFICATIONS.
32. ANY AND ALL QUANTITIES SHOWN OR IMPLIED ON THESE PLANS ARE FOR ESTIMATION PURPOSES ONLY.
33. IT IS THE GENERAL CONTRACTOR'S RESPONSIBILITY TO COORDINATE WITH THE IRRIGATION CONTRACTOR, FOR IRRIGATION SLEEVE SIZE FOR IRRIGATION SYSTEM.
34. CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THIS REQUIREMENT SHALL BE WAIVED TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS. CONTRACTOR UNDERSTANDS AND AGREES TO OBTAIN, MAINTAIN, AND HOLD THE OWNER AND DESIGN PROFESSIONAL HARMLESS OF ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, INCLUDING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR DESIGN PROFESSIONAL.



LINE TABLE			
LABEL	LENGTH	DIRECTION (FIELD)	DIRECTION (DEED)
L1	5.93'	S75°44'43"E	S75°45'59"E
L2	2.87'	S60°09'51"W	S60°08'38"W

CURVE TABLE				
LABEL	LENGTH	RADIUS	CHORD BEARING (FIELD)	CHORD BEARING (DEED)
C1	276.97'	738.51'	275.35'	S59°32'50"E
				S59°34'03"E

AN 8' SIDEWALK IS REQUIRED ALONG ROOSEVELT BLVD. COORDINATE WITH CITY OF MONROE AND NCDOT.

LEGEND

	PROPOSED		EXISTING		BOUNDARY LINE		STANDARD DUTY ASPHALT PAVING
	CONCRETE CURB		CONCRETE CURB		CASEMENT LINE		HEAVY DUTY ASPHALT PAVING
	BUILDING LINE		BUILDING LINE		RETAINING WALL		CONCRETE PAVING
	WET LINE		WET LINE		TREE LINE		CONCRETE SIDEWALK
	SAW CUT LINE		SIGN		BOLLARD		PAVEMENT BY OTHERS (SEE ARCHITECTURAL PLANS)
	PARKING STALL COUNT		KEY NOTE		LIGHT POLE (BY OTHERS)		

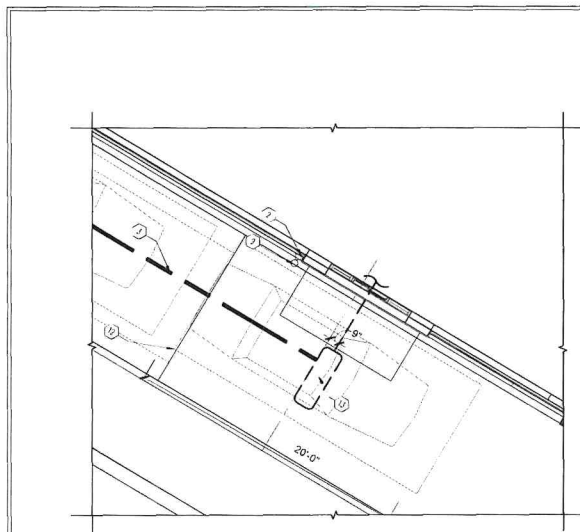
- ## KEY NOTES
- CONSTRUCT 2" OF CONCRETE SPILLING CURB AND GUTTER PER DETAIL SHEET
 - CONSTRUCT 2" OF CONCRETE CATCHING CURB AND GUTTER PER DETAIL SHEET
 - CONSTRUCT HEADER CURB PER DETAIL SHEET
 - CONSTRUCT CONCRETE SIDEWALK PER DETAIL SHEET
 - CONSTRUCT CONCRETE ACCESSIBLE RAMP PER DETAIL SHEET
 - ACCESSIBLE PARKING STALL
 - INSTALL VAN ACCESSIBLE PARKING SIGN PER DETAIL SHEET
 - DETECTABLE WARNING, PER DETAIL SHEET
 - ASPHALT PAVEMENT PER DETAIL SHEET
 - TRANSFORMER PAD BY GENERAL CONTRACTOR, PER ELECTRIC COMPANY SPECIFICATIONS, (COORDINATE SIGN AND LOCATION WITH UTILITY COMPANY)
 - CONSTRUCT DUMPSTER PAD, MINIMUM 6" CONCRETE WITH 8" CIRC BASE, AND TRASH ENCLOSURE WITH GATES, SEE ARCHITECTURAL SHEETS FOR DETAILS, MATERIALS TO MATCH BUILDING
 - CONCRETE WHOLE STOP, PER DETAIL SHEET
 - PAINT 4" WIDE STRIPE, WHITE
 - PAINT 4" WIDE STRIPE @ 45°, 2 FEET APART
 - PAINT TRAFFIC ARROWS PER DETAIL SHEET
 - SITE IDENTIFICATION SIGN, REFER TO ARCHITECTURAL PLANS
 - MATCH EXISTING CURB AND GUTTER
 - ASPHALT/CONCRETE TRANSITION PER DETAIL SHEET
 - INSTALL STEEL PIPE BOLLARD PER DETAIL SHEET
 - MATCH EXISTING PAVEMENT
 - 24" PAINTED STOP BAR PER MUTCD STANDARDS
 - CONCRETE PAVEMENT WITH 2" WIDE GRASS STRIP, REFER TO ARCHITECTURAL PLANS FOR FURNITURE PLACEMENT
 - CONCRETE PAVEMENT PER DETAIL SHEET
 - CONCRETE FILLING WITH BATTLE BRICKS PER DETAILS SHEET
 - DECORATIVE WALL
 - POLE MOUNTED AREA LIGHT, SEE LIGHTING PLAN
 - BUILDING MOUNTED AREA LIGHT, SEE LIGHTING PLAN

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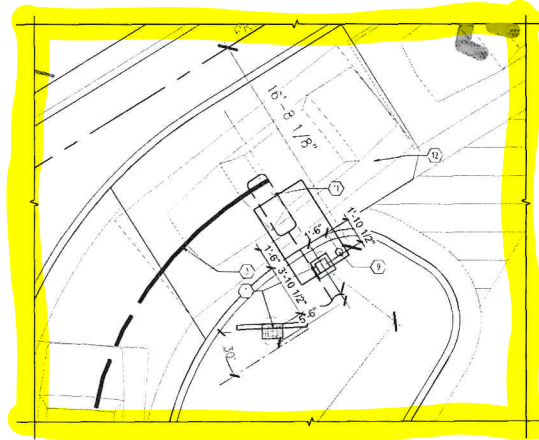
NORTH
0 10 20
SCALE IN FEET

NO DATE BY ECD APPR COMMENT 10/3/2024 STM GNS WBB EROSION CONTROL COMMENTS	PRELIMINARY DESIGN REVIEW PERMIT SUBMITTAL CONSTRUCTION DOCUMENTS	DRAWN BY STM DESIGNED BY NS CHECKED BY WBB PROJECT NO. 0219-2334	Sambatek www.sambatek.com Engineering Surveying Planning Environmental	SITE PLAN DUNKIN DUN-2304 847 EAST ROOSEVELT BLVD MONROE, NORTH CAROLINA	SHEET C-3.01 3 OF 14 REV. #
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Exhibit 7



2 DRIVE THRU WINDOW DETAIL
1/4" = 1'-0" NOTE



3 ORDER CANOPY/ DIGITAL MENU BOARD DETAIL
1/4" = 1'-0" NOTE

SITE NOTES:

1. LOCATE EXTERIOR MENU SYSTEM AT 100' MIN. FROM THE DRIVE THRU WINDOW.
2. CONSULT APPLICABLE CODES, ORDINANCES AND LAWS FOR ALL SPECIFIC SITE DESIGN REQUIREMENTS.
3. LANDSCAPE BED, PROVIDE TALLER PLANTINGS 8" TO 4" IN FRONT OF EXTERIOR WALLS. PROVIDE LOW PLANTINGS IN FRONT OF EXTERIOR WALLS STOREFRONT (RECOMMENDED IRRIGATION SYSTEM FOR US BEDS AND MAJOR PLANTINGS).
4. PARKING SPACE AND DRIVEWAY DIMENSIONS MAY VARY PER LOCAL CODE.
5. CONCRETE PAD AT DRIVE THRU LOOP/DETECTORS SHOULD MATCH THE ADJACENT LOT SURFACE MATERIAL AS MUCH AS POSSIBLE (PROVIDE BLACK STAINED CONCRETE WHEN USED ADJACENT TO ASPHALT MATERIAL).
6. FOLLOW LOCAL REQUIREMENTS TO MEET MINIMUM EROSION & SEDIMENTATION CONTROL STANDARDS TO ENSURE PROJECT REDUCES EROSION, ELIMINATES STORM WATER RUNOFF FROM SITE AND PROVIDES INLET PROTECTION DURING CONSTRUCTION. DOCUMENT PROTECTION METHODS AT 25%, 50% AND 75% CONSTRUCTION STAGES WITH PHOTOGRAPHS.
7. REFER TO CONSTRUCTION SPECIFICATIONS ON GH-1 SHEETS FOR ADDITIONAL SITE PLAN INFO.
8. G.C. TO COORDINATE W/ FRANCHISEE EXACT SIZE OF PAD FOR MENU BOARD, SPEAKER TOWER CANOPY & ORDER CONFIRMATION BOARD - SEE WEBSITE FOR INSTALLATION REQUIREMENTS & FOR COMPLETE INSTALLATION INFORMATION AND DETAILS. <http://dunkin.com/dunkinstore.com>
9. G.C. TO PROVIDE PVC CONDUIT FOR ALL NEW LOCATIONS. REFER TO ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION ON LOOP REQUIREMENTS. SAWCUT AT EXISTING LOCATION WHERE NECESSARY.

GENERAL NOTES:

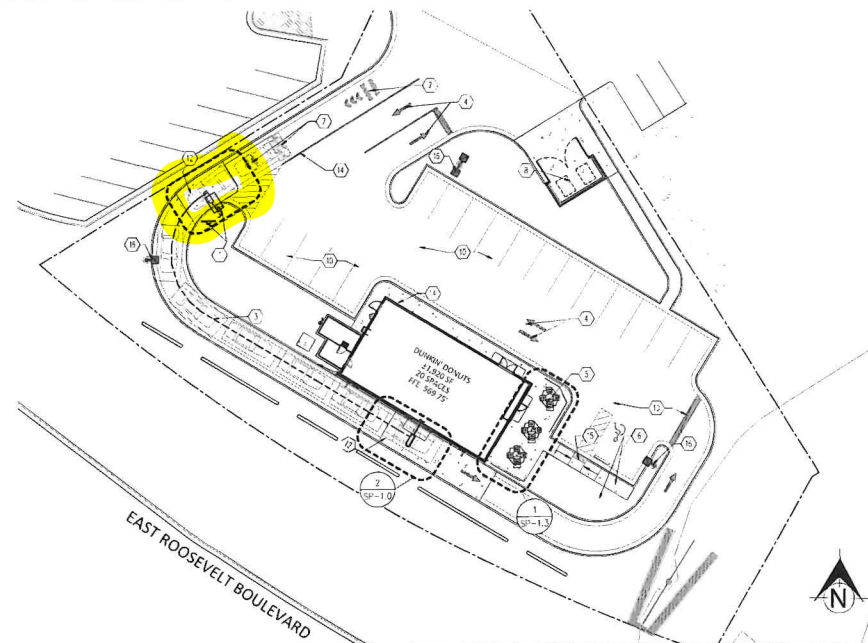
1. LOOP PLACEMENT IS DEFINED IN TERMS OF WHERE THE VEHICLE ENGINE BLOCK WOULD BE OVER THE LOOP IF THE CENTER OF THE DRIVER'S SIDE WINDOW IS AT THE SERVICE POINT. THE GOAL IS TO ENSURE THERE IS ONLY ROOM FOR ONE VEHICLE BEHIND THE PREVIOUS LOOP AND THE MERGE POINT. THIS IS HOW BEGINNING IS POSITIONED.
2. REFER TO ELECTRICAL DRAWINGS FOR FURTHER INFORMATION ON CONDUIT LOCATIONS AND QUANTITY CORRESPONDING TO EACH DRIVE THRU SET UP OPTION.
3. REFERENCE TO MASTER SCHEDULE FOR TRAFFIC STRIPING PAINT.

SPACE ALLOCATION & TRASH ENCLOSURE GUIDELINES:

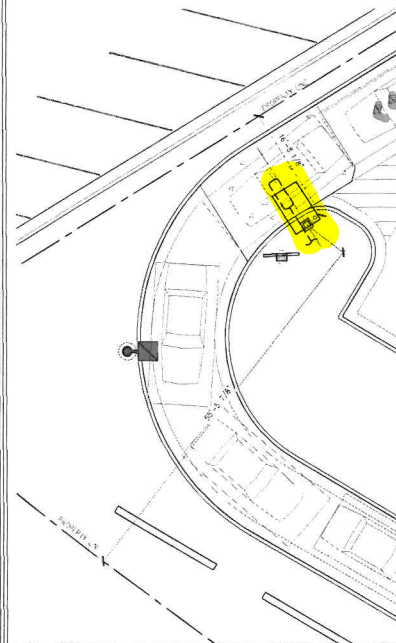
1. PROVIDE CONCRETE PAD AND FENCE AROUND DUMPSTER. FENCE TO BE CHAIN LINK WITH VINYL SLATS. ALTERNATE TO BE RECYCLED WOOD AND PLASTIC FENCE OR CMU BLOCK ENCLOSURE.
2. DUMPSTER ENCLOSURE MUST ABIDE BY LOCAL COMMUNITY CODE.
3. GENERALLY 10' (10'-0") YARD TRASH DUMPSTERS ARE REQUIRED. DUNKIN BRANDS RECOMMENDS 10'X10' IF WOODENCE ENCLOSURE OR 10'X10' IF CMU BLOCK ENCLOSURE. STANDARD 8'YARD DUMPSTER DIMENSIONS ARE NOMINAL 7'-0" (E-10' W) BY 7'-10" (D).
4. (10'-0") YARD TRASH DUMPSTERS WILL NOT FIT INSIDE 12'-0" X 10'-0" FENCED OR CMU BLOCK ENCLOSURE.

PLAN NOTES:

1. ORDER CANOPY WITH CONFIRMATION AND DIGITAL MENU BOARDS. SEE DETAIL # 2 AND 3 SP-1.1
2. DT STACK & MENU BOARD CAMERA MTD TO BUILDING. COORD FINAL LOCATION W/ OWNER.
3. LINE INDICATES 13' FEET FROM CENTER OF DT WINDOW TO SPEAKER POST.
4. SG-2 PAINT TEMPLATE FOR GRAPHIC AVAILABLE THROUGH DMS (SEE NATL. ACCOUNTS "ARROW" TP-01 WHITE).
5. EXTERIOR PATIO WITH RAILING - REFER TO DRAWING SP-1.3.
6. CONC. ADA CURB RAMP, SIDEWALK, LANDSCAPE - CIVIL PLAN FOR ADDITIONAL SITE PLAN DETAILS.
7. DRIVE THRU GRAPHIC (SEE NATL. ACCOUNTS, PAINT TP-01 WHITE).
8. DUMPSTER WITH CONCRETE PAD SEE CIVIL DRAWINGS FOR MORE INFO. DETAILS # SP-1.2.
9. CONC. FILL/STEEL BOLLARD. SEE DETAIL #3 / SP-1.1, TYP., BG-02.
10. HANDICAPPED AND REGULAR PARKING AND DRIVEWAY. SEE CIVIL PLANS FOR ADDITIONAL INFORMATION.
11. ORDER LANE SPEAKER ORDER CONFIRMATION LOOP.
12. PROVIDED 6" THICK CONC. PAD W/ 18" X 6" GROUND PROTECT. TOP OF SLAB SHALL BE FLUSH WITH PAVEMENT. SEE DETAIL # 2 / SP-1.1.
13. 18" X 6" GROUND PROTECT. (TYP.). REFER TO ELECTRICAL DWGS FOR CONDUIT REQUIREMENTS @ LOOP.
14. 6" LINE STRIPES PAINT TP-01 WHITE.
15. ADA CURBS AND RAMP. SEE CIVIL PLANS FOR ADDITIONAL INFORMATION.
16. POLE MOUNTED AREA LIGHT. SEE CIVIL PLANS FOR ADDITIONAL INFORMATION.



1 SCHEMATIC SITE PLAN
1" = 30' NOTE: SEE FULL ARCHITECTURAL SITE PLAN BY CIVIL ENGINEER



4 DT SPEAKER DISTANCE TO PROP. LINE
1" = 30' NOTE: SEE FULL ARCHITECTURAL SITE PLAN BY CIVIL ENGINEER

NOTE: DRAWINGS ARE NOT TO SCALE IF SHEET IS PLOTTED ON 11" x 17"



PROJECT NO. 22087

NATIONAL RESTAURANT DESIGNERS
A DIVISION OF LUNN ASSOCIATES
10000 W. 10TH AVE. SUITE 100
DENVER, CO 80231



DATE		SCALE	DRAWN	AY	DL	APFD
8/26/2024						

SET REVISIONS		SHEET REVISIONS	
NO.	DESCRIPTION	NO.	DESCRIPTION

837 US 601
MONROE, NC 28112

SCHEMATIC SITE PLAN,
DETAILS

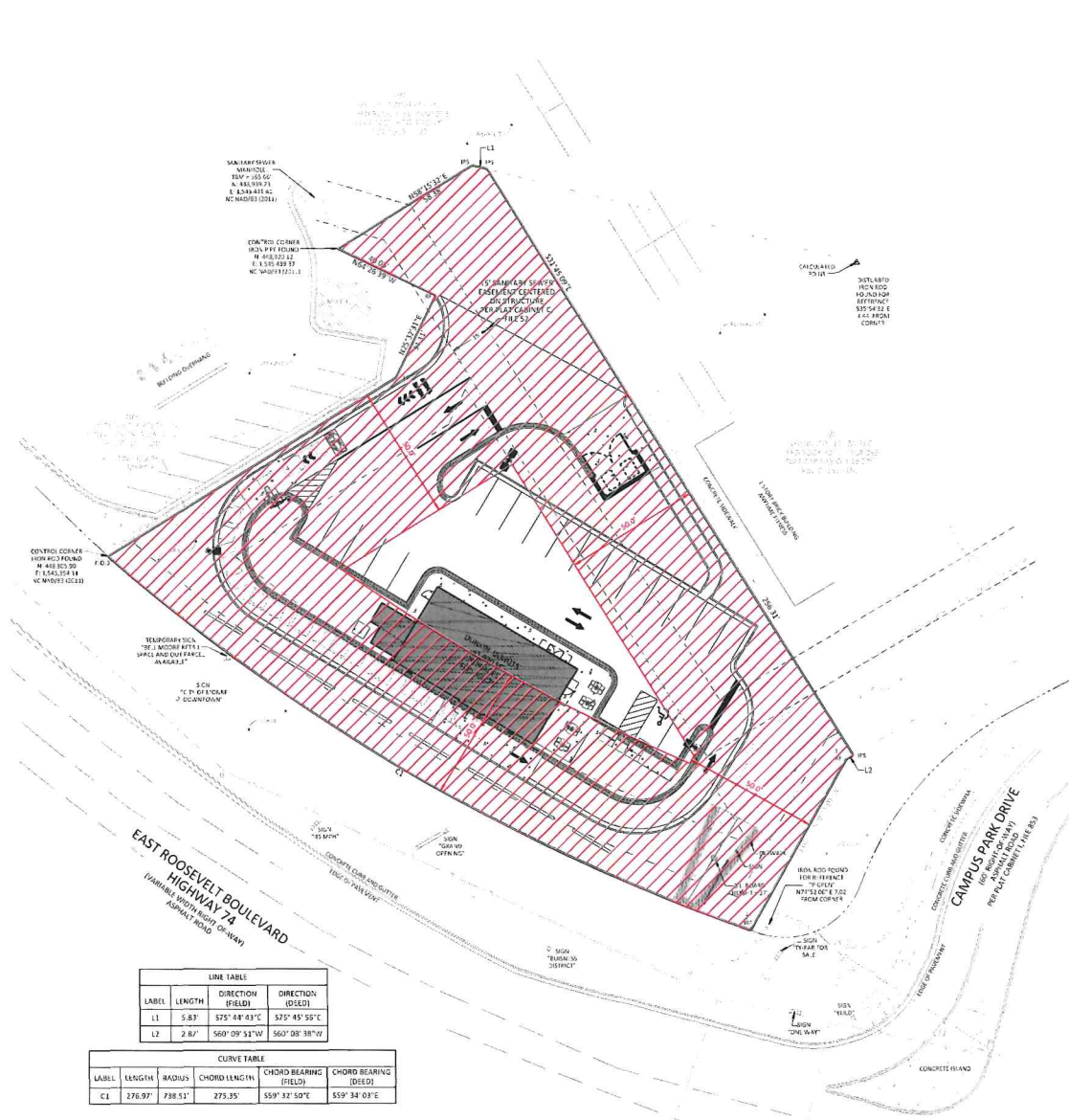
PC# 364677

SP-1.0

Exhibit 8

DEVELOPMENT NOTES

1. THE LOCATIONS OF ALL UTILITIES SHOWN ON THESE PLANS ARE BASED ON THE AVAILABLE INFORMATION. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF UTILITIES WITH THE UTILITY OWNERS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
2. ALL HANDICAP SITE FEATURES SHALL BE CONSTRUCTED TO MEET ALL FEDERAL, STATE AND LOCAL CODES.
3. ANY DISCREPANCY IN THIS PLAN AND ACTUAL FIELD CONDITIONS SHALL BE REPORTED TO THE OWNER PRIOR TO START OF CONSTRUCTION. GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION OF ALL SETBACKS, EASEMENTS, AND DISCREPANCIES SHOWN HEREON BEFORE BEGINNING CONSTRUCTION.
4. PRIOR TO STARTING CONSTRUCTION, THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE TO VERIFY THAT ALL REQUIRED PERMITS AND APPROVALS HAVE BEEN OBTAINED. NO CONSTRUCTION OR FABRICATION OF ANY ITEM SHALL BEGIN UNTIL THE CONTRACTOR HAS RECEIVED ALL PLANS AND ANY OTHER DOCUMENTATION FROM ALL OF THE PERMITTING AND ANY OTHER REGULATORY AUTHORITIES. FAILURE OF THE CONTRACTOR TO FOLLOW THIS PROCEDURE SHALL CAUSE THE CONTRACTOR TO ASSUME FULL RESPONSIBILITY FOR ANY SUBSEQUENT MODIFICATION OF THE WORKS. MODIFICATION BY ANY REGULATORY AUTHORITY. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH PERMITS ISSUED AND APPLICABLE STATE, COUNTY AND LOCAL CODES.
5. THE GENERAL CONTRACTOR SHALL CONTACT ALL OWNERS OF EASEMENTS, UTILITIES AND RIGHT-OF-WAYS, PUBLIC OR PRIVATE, PRIOR TO WORKING IN THESE AREAS.
6. CONTRACTOR SHALL MAINTAIN THE SITE IN A MANNER SO THAT WORKMEN AND PUBLIC SHALL BE PROTECTED FROM INJURY, AND ADDITIONAL PROPERTY PROTECTED FROM DAMAGE.
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8. CONTRACTOR IS RESPONSIBLE FOR DAMAGE TO ANY EXISTING UTILITIES OR MATERIAL INSIDE OR OUTSIDE CONTRACT LIMITS DUE TO CONSTRUCTION OPERATIONS.
9. ALL DIMENSIONS ARE TO THE FACE OF CURB, UNLESS OTHERWISE NOTED.
10. DO NOT SCALE THIS DRAWING AS IT IS A REPRODUCTION AND SUBJECT TO DISTORTION.
11. THE GENERAL CONTRACTOR SHALL REMOVE ALL TRASH AND DEBRIS FROM THE SITE UPON COMPLETION OF THE PROJECT AND AT LEAST ONCE A WEEK DURING CONSTRUCTION.
12. THE GENERAL CONTRACTOR SHALL KEEP THE AREA OUTSIDE THE CONSTRUCTION LIMITS BROOM CLEAN AT ALL TIMES.
13. GENERAL CONTRACTOR WILL ERECT AND ILLUSTRATE A SITE IDENTIFICATION SIGN PER OWNER'S SPECIFICATION. COORDINATE LOCATION WITH OWNER'S REPRESENTATIVE.
14. FINISH CURB AND WALK ELEVATIONS SHALL BE 6" ABOVE FINISH PAVEMENT GRADE UNLESS NOTED DIFFERENT ON PLAN.
15. CONTRACTOR SHALL ENSURE THAT ADEQUATE SITE LIGHTING IS PROVIDED PER OWNER'S SPECIFICATIONS.
16. ALL ROAD DIMENSIONS ARE TO FACE OF CURB.
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19. ALL DISTURBED AREAS SHALL HAVE TEMPORARY SEEDING AND MULCHING. ALL AREAS THAT ARE PLANNED TO BE BARE FOR MORE THAN 45 DAYS SHALL BE SEEDING AND MULCHING WITHIN SEVENTY DAYS.
20. THE CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION OF ALL UNDERGROUND UTILITIES. THE LOCATION OF ALL EXISTING UTILITIES ARE NOT NECESSARILY SHOWN ON THE PLANS AND WHERE SHOWN ARE ONLY APPROXIMATE. THE CONTRACTOR SHALL ON HIS INITIATIVE AND AT HIS OWN COST HAVE LOCATED ALL UNDERGROUND LINES AND STRUCTURES AS NECESSARY. NO CLAIMS FOR DAMAGES OR EXTRA COMPENSATION SHALL ACCRUE TO THE CONTRACTOR FROM THE PRESENCE OF SUCH PIPE, OTHER OBSTRUCTIONS OR FROM ANY DELAY DUE TO REMOVAL OR REARRANGEMENT OF THE SAME. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UNDERGROUND STRUCTURES. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING ALL NON-SUBSISTING UTILITIES. THE CONTRACTOR SHALL CONTACT THE "ONE CALL" AT 1-800-433-6889 FOR ASSISTANCE IN LOCATING EXISTING UTILITIES. CALL AT LEAST 48 HOURS PRIOR TO ANY DIGGING.
21. ALL LOT STRIPING AND DIRECTIONAL ARROWS TO BE WHITE REFLECTIVE PAINTING AND SHALL CONFORM TO LOCAL REGULATIONS.
22. CONSTRUCTION AND MAINTENANCE OF PROPER MOISTURE CONTENT OF THE SOIL UNDER BUILDINGS AND PAVED AREAS SHALL BE ACCOMPLISHED TO ACHIEVE 95 STANDARD PRACTICE MAXIMUM DRY DENSITY OR AS RECOMMENDED IN THE SOIL REPORT.
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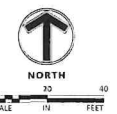
CURVE TABLE			
LABEL	LENGTH	CHORD LENGTH	CHORD BEARING (FIELD)
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LEGEND

PROPOSED	EXISTING	BOUNDARY LINE	STANDARD DUTY ASPHALT PAVING
CONCRETE CURB	CONCRETE CURB	CONCRETE CURB	HEAVY DUTY ASPHALT PAVING
CASEMENT LINE	CASEMENT LINE	CASEMENT LINE	CONCRETE PAVING
BUILDING LINE	BUILDING LINE	BUILDING LINE	CONCRETE SIDEWALK
RETAINING WALL	RETAINING WALL	RETAINING WALL	PAVEMENT BY OTHERS (SEE ARCHITECTURAL PLANS)
WETLAND	WETLAND	WETLAND	30' PROPERTY LINE OFFSET FOR SPEAKER REQUIREMENTS
TREE LINE	TREE LINE	TREE LINE	
SAW CUT LINE	SAW CUT LINE	SAW CUT LINE	
SIGN	SIGN	SIGN	
BOLLARD	BOLLARD	BOLLARD	
PARKING STALL COUNT	PARKING STALL COUNT	PARKING STALL COUNT	
KEY NOTE	KEY NOTE	KEY NOTE	
LIGHT POLE (BY OTHERS)	LIGHT POLE (BY OTHERS)	LIGHT POLE (BY OTHERS)	



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NO	DATE	BY	CD	APP	COMMENT
1	01/20/2021	J. HARRIS	CD		ISSUED FOR PERMIT
2	02/01/2021	J. HARRIS	CD		ISSUED FOR PERMIT
3	02/01/2021	J. HARRIS	CD		ISSUED FOR PERMIT
4	02/01/2021	J. HARRIS	CD		ISSUED FOR PERMIT
5	02/01/2021	J. HARRIS	CD		ISSUED FOR PERMIT
6	02/01/2021	J. HARRIS	CD		ISSUED FOR PERMIT
7	02/01/2021	J. HARRIS	CD		ISSUED FOR PERMIT
8	02/01/2021	J. HARRIS	CD		ISSUED FOR PERMIT
9	02/01/2021	J. HARRIS	CD		ISSUED FOR PERMIT
10	02/01/2021	J. HARRIS	CD		ISSUED FOR PERMIT

PRELIMINARY	DRAWN BY
DESIGN REVIEW	DESIGNED BY
PERMIT SUBMITTAL	CHECKED BY
CONSTRUCTION DOCUMENTS	PROJECT NO.

Sambatek
www.sambatek.com
Engineering | Surveying | Planning | Environmental

50' SPEAKER REQUIREMENT EXHIBIT

DUNKIN
DUN-2304
847 EAST ROOSEVELT BLVD.
MONROE, NORTH CAROLINA

SHEET	1
1 OF 1	
REV. 1	

Exhibit 9

APO Map

Case#:
PLZNA 2025-00095

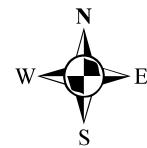
847 E. Roosevelt Blvd.

Legend

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

Owner: Krug Investments, LLC

.82 Acres



0 200 400 Feet

Exhibit 10

ACCTNO	OWNERNAME1	OWNERNAME2	OWNERADDRE	OWNERCITY	OWNERSTATE	OWNERZIP
09156005	S&P REAL ESTATE PROPERTIES LLC		2020 CANYON CT DR	LA HABRA	CA	90631
09156008	DAY ALICE C HEIRS		5808 ROCKY RIVER RD N	INDIAN TRAIL	NC	28079
09156003L	HILLTOP DEVELOPMENT COMPANY OF MONROE LLC		PO BOX 748	MONROE	NC	281110748
09156009	THOMAS MARK C CO-TRUSTEE	STEELE SHARON T CO-TRUSTEE	5220 E BEACH DRIVE	OAK ISLAND	NC	28465
09156002B	NSP HILLTOP PLAZA LLC		1518 E 3RD ST STE 200	CHARLOTTE	NC	28204
09156002C	NSP HILLTOP PLAZA LLC		1518 E 3RD ST STE 200	CHARLOTTE	NC	28204
09156006	MORALES JOSE ANTONIO	VERGARA GUADALUPE	802 LEEWOOD DR	MONROE	NC	28112
09156007	FAITH ASSEMBLY OF CHRIST INCORPORATED		815 MCLARTY STREET	MONROE	NC	28112
09156002F	KRUG INVESTMENTS LLC		131 PROVIDENCE RD STE 105	CHARLOTTE	NC	28207
09156002D	GOOD YEAR PROPERTY LLC		4030 WAKE FOREST RD STE 349	RALEIGH	NC	27609

Exhibit 11



STAFF REPORT

Case # PLZNA 2025-00093

TO: Board of Adjustment Members

DATE: November 21, 2024

FROM: Doug Britt, Assistant Director of Planning & Development

PREPARED BY: Patrick Blaszyk, Planner

SUBJECT: A variance request by Tatsiana Karzhova from the maximum lot quantity allowed to utilize a private drive/ access easement for a property located at 1027 Legacy Lake Drive.

SUMMARY STATEMENT

Tatsiana Karzhova is requesting a variance from the maximum number of lots allowed to utilize a private drive/ access easement as defined in the Unified Development Ordinance (UDO) in order for three lots to utilize a private drive at 1027 Legacy Lake Drive. The applicant is proposing to subdivide the property located at 1027 Legacy Lake drive into two lots, totaling three lots that will utilize the private drive/ access easement.

SITE DATA

Type of Action: Variance
Date of Petition: October 31, 2024
Name of Petitioner: Premium Rent LLC
Location: 1027 Legacy Lake Drive
Tax ID #: 09-105-169
Lot Size: 2.52 Acres
Current Zoning Classification: RR, Residential Rural

PROPOSED FINDINGS

Proposed Findings:

1. The property located at 1027 Legacy Lake Drive is owned by Premium Rent LLC, and is zoned RR, Residential Rural. Premium Rent LLC is a North Carolina limited liability

company whose principal place of business is 13506 Reunion Street, Charlotte NC 28278-7879. The Registered Agent, President and Member of Premium Rent is Tatsiana M. Karzhova. (Exhibits 1, 2, 3 & 4)

2. In October 2024, Tatsiana Karzhova submitted a variance application in order to request a variance from Section 8.1.7.D.5.a. titled Subdivision Standards of the Unified Development Ordinance (UDO) to increase the maximum number of lots allowed to utilize a private drive/ access easement from two lots to three lots. A letter of support was also submitted by a neighboring property owner. (Exhibits 5 & 6)
3. Section 8.1.7.D.5.a. of the Unified Development Ordinance (UDO) entitled "Subdivision Standards of the Unified Development Ordinance" states in relative parts: (Exhibit 7)
 - A. **Residential, Detached Single Family.** If a lot does not have access to a public street, a private access easement may be utilized. A private access easement shall **not serve more than two (2) residential lots.**
4. The applicant has submitted a plat map of the neighborhood and survey of the property. These documents display the private drive in relation to the applicants' property. (Exhibits 8 & 9)
5. All adjacent property owners have been notified of the proposed variance. (Exhibit 10 & 11)

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-2025-0093 be (**approved/denied**).

Exhibits:
Exhibit 1: Ortho Map

Exhibit 2: Zoning Map
Exhibit 3: Deed to Property
Exhibit 4: Premium Rent LLC - Articles of
Organization
Exhibit 5: Variance Application
Exhibit 6: Letter of Support
Exhibit 7: Section 8.1.7.E.5.a. of the UDO
Exhibit 8: Plat Map
Exhibit 9: Survey of Property
Exhibit 10: APO Map
Exhibit 11: APO List

Prepared by: PB 11-7-2024

Ortho Map

Case #: PLZNA 2025-00093

1027 Legacy Lake Dr.

Legend

-  Subject Property
-  Centerlines
-  Parcels

Owner: Premium Rent LLC

Acres: 2.52



0 150 300 Feet



Exhibit 1

LEGACY LAKE DR



Zoning Map

Case #: PLZNA 2025-00093

1027 Legacy Lake Dr.

Legend

 Subject Property

 Centerlines

 Parcels

City of Monroe Zoning

 RR

Union County Zoning

 R-20

 R-40

Owner: Premium Rent LLC

Acres: 2.52



0 150 300 Feet

Exhibit 2

FILED	Jul 08, 2024
AT	03:55:00 PM
BOOK	08934
START PAGE	0319
END PAGE	0321
INSTRUMENT #	15706
EXCISE TAX	\$0.00

Exhibit 3

This Instrument Was Prepared Without

Benefit of Title Examination by:

McNaught & Clements, LLC

14045 Ballantyne Corporate Place, Ste. 500A

Charlotte, North Carolina 28277

Return to: **GRANTEE, 13506 Reunion Street, Charlotte, NC 28278**

NO STAMPS-\$0.00

Tax Parcel No: **09-105-169**

Property Address: **Legacy Lake Drive, Monroe, NC 28110**

STATE OF NORTH CAROLINA

COUNTY OF UNION

QUIT-CLAIM DEED

THIS INDENTURE, made this 3rd day of July, 2024, by and between **Dzmitry Viktoravic Bareka and wife, Tatsiana Mikhaylauna Karzhova**, hereinafter referred to as **Grantor**, and **Premium Rent LLC, a North Carolina Limited Liability Company**, having a mailing address of **13506 Reunion Street, Charlotte, NC 28278**, hereinafter referred to as **Grantee**.

WITNESSETH, that the said Grantor, for and in consideration of **NO STAMPS** in hand paid by Grantee, and for other good and valuable consideration, the receipt is hereby acknowledged, has remised, released and quit-claimed and by these presents does remise, release and quit-claim unto Grantee, and its heirs and assigns forever, all the right, title interest, claim and demand which Grantor has in and to the following-described lot, piece of parcel to wit:

See attached Exhibit "A"

TO HAVE AND TO HOLD THE SAME, together with all and singular, the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right title, interest and claim whatsoever of the said Grantor, wither in law or equity, to the only proper use, benefit and belief of Grantee, its heirs and assigns forever.

The property hereinabove described was acquired by Grantor by instrument recorded in **Book 8932 at Page 805** of the **Union County Public Registry**.

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

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal the day and year first above written.

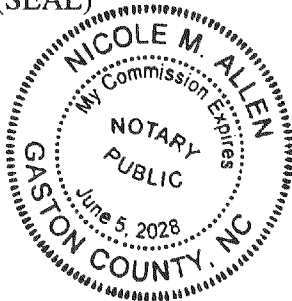

Dzmitry Viktaravic Bareka

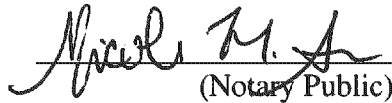

Tatsiana Mikhaylauna Karzhova

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I, Nicole M. Allen, a Notary Public of the County of Gaston and State aforesaid, certify that **Dzmitry Viktaravic Bareka and Tatsiana Mikhaylauna Karzhova**, personally came before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 3rd day of July, 2024.
(SEAL)




(Notary Public)

My commission expires: 06/05/28

Exhibit "A"

BEING all of Lot 29 of LEGACY ON THE LAKE, as same is shown on a map thereof recorded in Plat Cabinet D, at File No. 811 in the Union County Public Registry. Also includes that certain 20 foot Private Drive as same is more particularly shown on the aforesaid Subdivision Map.

Tax Parcel Number: 09-105-169

Property Address: Legacy Lake Drive, Monroe, NC 28110



NORTH CAROLINA

Department of the Secretary of State

To all whom these presents shall come, Greetings:

I, ELAINE F. MARSHALL, Secretary of State of the State of North Carolina, do hereby certify the following and hereto attached to be a true copy of

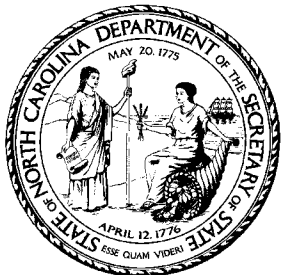
ARTICLES OF ORGANIZATION

OF

PREMIUM RENT LLC

the original of which was filed in this office on the 31st day of May, 2023.

Exhibit 4



Scan to verify online.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Raleigh, this 31st day of May, 2023.

Elaine F. Marshall

Secretary of State

*State of North Carolina
Department of the Secretary of State*

SOSID: 2641385
Date Filed: 5/31/2023 7:27:00 AM
Elaine F. Marshall
North Carolina Secretary of State
C2023 139 12906

Limited Liability Company
ARTICLES OF ORGANIZATION

Pursuant to §57D-2-20 of the General Statutes of North Carolina, the undersigned does hereby submit these Articles of Organization for the purpose of forming a limited liability company.

1. The name of the limited liability company is: Premium Rent LLC
(See Item 1 of the Instructions for appropriate entity designation)
2. The name and address of each person executing these articles of organization is as follows: (State whether each person is executing these articles of organization in the capacity of a member, organizer or both by checking all applicable boxes.) **Note: This document must be signed by all persons listed.**

Name	Business Address	Capacity
<u>TATSIANA M KARZHOVA</u>	<u>- 13506 REUNION ST CHARLOTTE NC, 28278-7879 United States</u>	☒ Member ☐ Organizer
_____	_____	☐ Member ☐ Organizer
_____	_____	☐ Member ☐ Organizer
3. The name of the initial registered agent is: TATSIANA M KARZHOVA
4. The street address and county of the initial registered agent office of the limited liability company is:
Number and Street 13506 REUNION ST
City CHARLOTTE State: NC Zip Code: 28278-7879 County: MECKLENBURG
5. The mailing address, if different from the street address, of the initial registered agent office is:
Number and Street _____
City _____ State: NC Zip Code: _____ County: _____
6. Principal office information: (Select either a or b.)
 - a. ☐ The limited liability company has a principal office.
The principal office telephone number: _____
The street address and county of the principal office of the limited liability company is:
Number and Street: _____
City: _____ State: _____ Zip Code: _____ County: _____

The mailing address, if different from the street address, of the principal office of the company is:

Number and Street: _____

City: _____ State: _____ Zip Code: _____ County: _____

b. ☒ The limited liability company does not have a principal office.

7. Any other provisions which the limited liability company elects to include (e.g., the purpose of the entity) are attached.

8. **(Optional):** Listing of Company Officials (See instructions on the importance of listing the company officials in the creation document.

Name	Title	Business Address
TATSIANA M KARZHOVA	President	13506 REUNION ST CHARLOTTE NC,

9. **(Optional):** Please provide a business e-mail address: Privacy Redaction
The Secretary of State's Office will e-mail the business automatically at the address provided above at no cost when a document is filed. The e-mail provided will not be viewable on the website. For more information on why this service is offered, please see the instructions for this document.

10. These articles will be effective upon filing, unless a future date is specified:

This is the 19th day of May, 2023.

TATSIANA M KARZHOVA

Signature

TATSIANA M KARZHOVA Member/Organizer
Type or Print Name and Title

The below space to be used if more than one organizer or member is listed in Item #2 above.

Signature

Signature

Type or Print Name and Title

Type or Print Name and Title

NOTE:

1. Filing fee is \$125. This document must be filed with the Secretary of State.

City of Monroe

Variance Application Form

Applicant's Name: Tatsiana Karzhova

Applicant's Address: 13506 Reunion St, Charlotte, NC, 28278

Property Owner's Name: Tatsiana Karzhova

Property Owner's Address: 13506 Reunion St, Charlotte, NC, 28278

Legal Relationship of Applicant to Property Owner: _____

Contact Person Name and Phone Number: Tatsiana 7044498998, Helen 7049574001

Existing Use of Property: _____

Property Location: #29 Legacy Lake Drive, Monroe, NC, 28110

Tax Map Number: 09-105-169 Lot Size: 2,514 Zoning District: RR

Ordinance section number to which a variance is being sought. 8.1.7 Subdivision Standards

Proposed variance description: to allow us to subdivide the lot into two (2) parcels. Allow for excess easement to access 3 parcels

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.]

If the variance is not granted we won't be able to built 2 Homes on 2 lots, + reference to #1 on the attachment

Exhibit 5

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]

reference #2 on the attachment

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]

Nothing has been done to the property. We just applying for an easment, so the road can legally service 3 lots instead of 2.

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.**

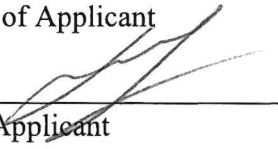
The lot is already located in the subdivision with residential homes. We are planning to build 2 homes which will comply with the purpose, spirit and intent of the ordinance.
+ reference to #4 on the attachment

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.

Tatiana Kourzhova

Printed name of Applicant


Signature of Applicant

10/31/2024

Date

Printed name of Owner

Totsi ong Karzhova
Signature of Owner

10/31/2024
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: _____

Request for Variance to Subdivide Lot

#29 Legacy Lake Drive, Monroe, North Carolina 28110 PID 09-105-169

To whom it may concern,

I am writing to formally request a variance to subdivide the lot located at #29 Legacy Lake Dr, Monroe, NC 28110 into two separate lots. I am seeking this variance for the following reasons:

1. **Family Needs:** Our primary intention for subdividing the lot is to build two homes—one for my family and another for my parents. This arrangement will allow us to provide mutual support as a family. My parents are aging and would benefit from being close to us, both for their care and to assist in caring for our granddaughter.
2. **Compliance with Zoning Ordinance:** According to the current zoning ordinance, this lot is eligible for subdivision. The lot has sufficient space to accommodate two homes, ensuring compliance with all zoning requirements for residential construction.
3. **Neighbor Support:** We have consulted with our neighboring property owners, and they support this subdivision. They believe that having three families sharing responsibility for the private road leading to the lot will enhance its maintenance and overall condition.
4. **Economic Benefit to the City:** Subdividing the lot will result in two taxable properties rather than one, which will increase the city's property tax revenue. This is a beneficial outcome for the city's financial resources.
5. **Mortgage and Future Sale:** Should we ever decide to sell one of the homes, the subdivision will facilitate a smooth transaction for potential buyers, including the ability to obtain appropriate financing. This ensures that all aspects of the subdivision and subsequent property transactions are conducted legally and transparently.
6. **Road Registration:** During the closing process, we discovered that the road providing access to the lot is not properly registered. After obtaining the variance, we will ensure that the road is registered correctly to serve its intended purpose and provide proper access to both proposed lots.

We believe that granting this variance aligns with the best interests of our family, the neighbors, and the city. We are committed to adhering to all legal and zoning requirements and ensuring that the subdivision process is conducted smoothly and professionally.

In addition, it is important to note that when the neighborhood was initially developed, the builder established access to the property in accordance with the prevailing regulations, which were accepted and recorded by the City of Monroe at that time. Given the age of this development, locating the original developer to obtain a formal easement, as currently requested by the city, is virtually impossible. That is why we are applying for variance as of right now. We believe that acknowledging this precedent will facilitate a fair resolution to our request.

Thank you for considering our request. We would be happy to provide any additional information or documentation required to support this application.

jw64pslfl (null) Jul 25

to me ▾



Hi Tanya and Dimitri

I see no issue with a second home being built on your property per approval of City of Monroe and Union County. The private right of way that we share to enter and exit our properties will be shared and maintained accordingly to our needs and abiding with the rules of the city and county. If additional information is needed please let me know.

Jon White
1031 Legacy Lake Drive
Monroe NC 28110

Exhibit 6

Carpe diem!

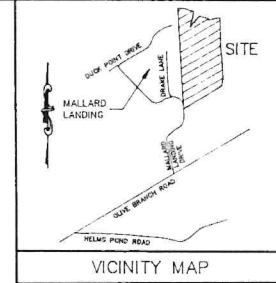
**Section 8.1.7.E.5.a. Subdivision Standards of the Unified Development Ordinance
(UDO)**

- a. **Residential, Detached Single Family.** If a lot does not have access to a public street, a private access easement may be utilized. A private access easement shall not serve more than two (2) residential lots.

Exhibit 7

Plat cabinet D-811

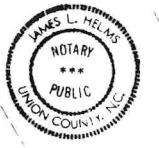
Exhibit 8



STATE OF NORTH CAROLINA
UNION COUNTY
I, DERRICK K. ODOM, REGISTERED LAND SURVEYOR
HEREBY CERTIFY THAT THIS MAP DRAWN UNDER MY
SUPERVISION FROM AN ACTUAL SURVEY MADE BEFORE
MY SUPERVISION, THAT THE ERROR OF CLOSURE AS
CALCULATED BY LATITUDES AND DEPARTURES IS
1:10000
AND THAT THIS MAP WAS PREPARED BY ACCORDANCE
WITH G.S. 47-39 AS AMENDED.
WITNESS MY ORIGINAL SIGNATURE, REGISTRATION
NUMBER AND SEAL, THIS 24th DAY OF November 1994
DERRICK K. ODOM, L-3128



NORTH CAROLINA - UNION COUNTY
I, JAMES L. HELMS, a NOTARY
PUBLIC OF UNION COUNTY, NORTH CAROLINA, CERTIFY
THAT DERRICK K. ODOM, A REGISTERED LAND
SURVEYOR, PERSONALLY APPEARED BEFORE ME, THIS
DAY AND ACKNOWLEDGED THE EXECUTION OF THE
FOREGOING INSTRUMENT.
WITNESS MY HAND AND OFFICIAL SEAL, THIS 19th
DAY OF November 1994
NOTARY PUBLIC
MY COMMISSION EXPIRES AUGUST 18, 1996



Restrictions are recorded in
Book 780 Pg 352

NORTH CAROLINA - UNION COUNTY
THE FOREGOING CERTIFICATE OF
JAMES L. HELMS, NOTARY PUBLIC
OF UNION COUNTY, N.C. IS
CERTIFIED
TO BE CORRECT, FILED FOR RECORD THIS 28th
DAY OF November 1994 AT 11:40 A.M.
IN PLAT BOOK D, FILE 811
JUDY G. PRICE, REGISTER OF DEEDS
BY: MARY R. HARRIS
ASST. / DEPT.

CERTIFICATE OF APPROVAL
I HEREBY CERTIFY THAT THE REVISION
SHOWN ON THIS PLAT IS IN ALL RESPECTS IN
COMPLIANCE WITH THE UNION COUNTY LAND USE
ORDINANCES, AND THAT THEREFORE, THIS PLAT HAS
BEEN APPROVED BY THE UNION COUNTY PLANNING
DIRECTOR, SUBJECT TO ITS BEING RECORDED IN THE
OFFICE OF THE UNION COUNTY REGISTER OF
DEEDS WITHIN NINETY DAYS OF THE DATE OF THIS
11-28-94
DATE: [Signature]
PLANNING DIRECTOR

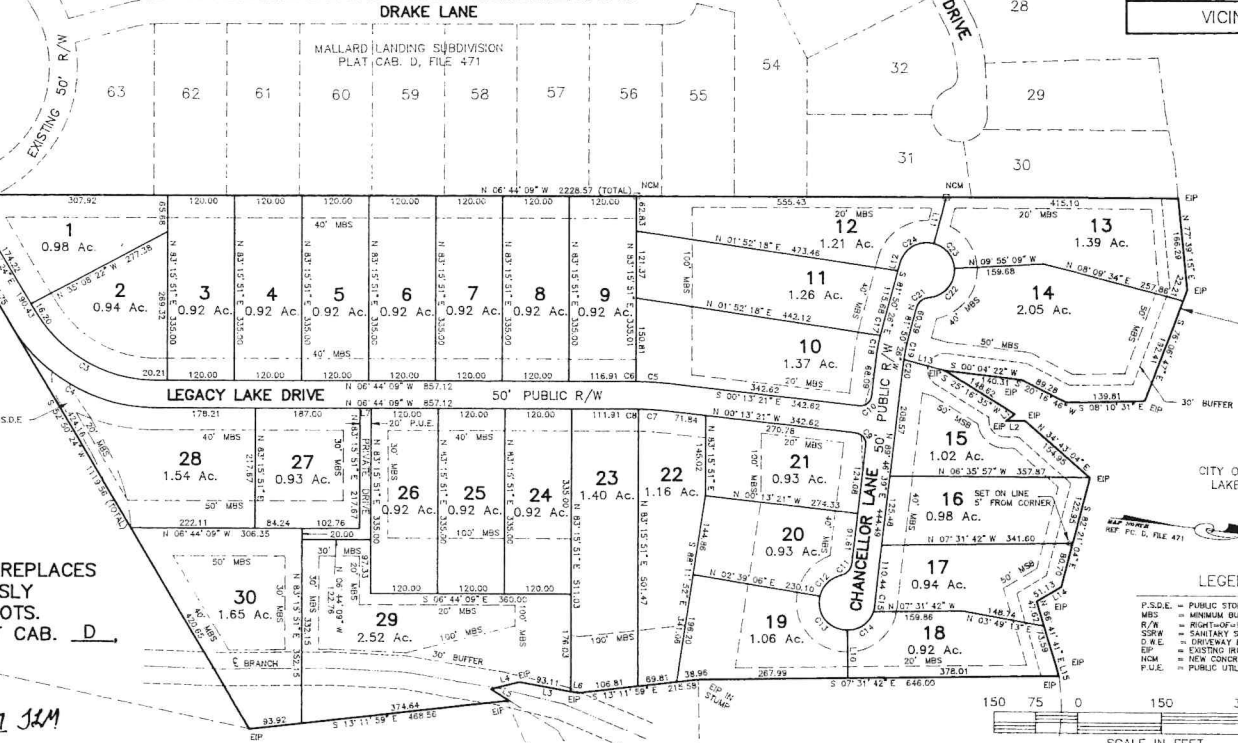
THE RECORDING OF THIS PLAT REPLACES
AND SUPERCEDES ALL PREVIOUSLY
RECORDED PLATS FOR THESE LOTS.
PREVIOUSLY RECORDED IN PLAT CAB. D,
FILE 806

CERTIFICATION OF OWNERSHIP AND DESIGNATION
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY
DESCRIBED HEREIN, WHICH PROPERTY IS LOCATED WITHIN THE
PLANNING DISTRICT OF THE UNION COUNTY PLANNING
COMMISSION. I HEREBY CERTIFY THAT THIS PLAT OF SUBDIVISION AND
DESIGNATION IS IN FULL COMPLIANCE WITH THE UNION COUNTY
PLANNING COMMISSION'S ORDINANCES, AND THAT I HAVE
MAINTAINED ALL SUCH AREAS UNTIL THE DATE OF REVISION
IS APPROVED BY THE APPROPRIATE PUBLIC AGENCY. ALL
PROPERTY SHOWN ON THIS PLAT AS DEDICATED FOR PUBLIC USE
SHALL BE DEEMED TO BE DEDICATED FOR ANY OTHER PUBLIC USE
AUTHORIZED BY LAW OR RESOLUTION OF THE PLANNING COMMISSION
BY THE BOARD OF COMMISSIONERS IN THE PUBLIC INTEREST.
DATE: [Signature]
JUDY G. PRICE, REGISTER OF DEEDS

Restrictions
BK. 775 Pg. 217 JLM



CURVE	DEG. TA	ADIUS	ARC	CHORD	TANGENT	CHORD BEG.	END	BEARING	DISTANCE
1	2° 30' 40"	255.00	11.18	11.18	5.59	31° 03' 47" W	1	S 47° 16' 04" E	30.33
2	9° 51' 09"	30.00	50.87	45.06	14.12	S 78° 29' 02" E	2	N 07° 38' 14" N	35.07
3	58° 34' 33"	350.00	239.85	246.40	143.11	N 23° 03' 07" E	3	S 89° 46' 36" W	107.30
4	6° 11' 30"	300.00	311.84	298.07	171.73	N 23° 03' 07" E	4	S 7° 58' 54" E	53.70
5	1° 19' 18"	500.00	3.09	3.09	1.54	S 08° 34' 30" E	5	N 24° 31' 00" N	38.76
6	0° 55' 11"	500.00	48.73	24.38	5.33	S 00° 57" E	6	S 02° 36' 30" W	14.09
7	0° 55' 37"	500.00	8.09	8.09	4.04	S 06° 16' 21" E	7	N 08° 44' 09" W	20.00
8	90° 00' 00"	20.00	31.42	28.28	20.00	S 44° 46' 39" W	8	N 81° 50' 24" W	86.52
9	90° 00' 00"	20.00	31.42	28.28	20.00	S 44° 46' 39" W	9	N 81° 50' 24" W	86.52
10	70° 31' 43"	25.00	30.77	26.87	17.68	S 54° 57' 30" W	10	N 08° 11' 32" E	75.31
11	43° 37' 37"	50.00	55.52	57.61	31.05	S 51° 30' 27" E	11	S 37° 31' 24" E	51.13
12	104° 12' 57"	50.00	80.94	78.81	64.24	N 44° 34' 36" E	12	N 67° 46' 52" E	20.59
13	43° 37' 37"	50.00	61.59	57.61	35.24	N 42° 42' 58" W			
14	70° 30' 47"	50.00	10.76	10.75	5.41	N 84° 02' 55" W			
15	0° 53' 18"	325.00	5.04	5.04	2.52	S 82° 17' 05" E			
16	7° 58' 37"	305.00	42.51	42.48	21.25	S 88° 44' 40" E			
17	7° 25' 44"	275.00	35.66	35.63	17.85	S 85° 33' 18" E			
18	0° 57' 11"	275.00	4.57	4.57	2.29	S 89° 44' 40" E			
19	70° 31' 44"	25.00	30.77	26.87	17.68	S 46° 34' 34" E			
20	88° 36' 57"	50.00	77.52	69.85	48.80	N 35° 36' 56" W			
21	71° 55' 17"	50.00	62.78	58.27	36.27	S 44° 07' 12" W			
22	90° 00' 00"	50.00	78.54	70.71	50.00	S 36° 50' 26" E			

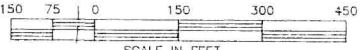


BOUNDARY OF
LAKE TWITY
AS TAKEN FROM
CITY OF MONROE
SURVEYS.

CITY OF MONROE
LAKE TWITY

LEGEND

- P.S.D.E. = PUBLIC STORM DRAINAGE EASEMENT
- MBS = MINIMUM BUILDING SETBACK
- R/W = RIGHT-OF-WAY
- S.D.W. = SANITARY SEWER RIGHT-OF-WAY
- D.E. = DRIVEWAY EASEMENT
- E.P. = EXISTING IRON PIPE OR PIPE
- N.C.M. = NEW CONCRETE MONUMENT
- P.U.E. = PUBLIC UTILITY EASEMENT



REVISED PLAT

LEGACY ON THE LAKE

MONROE TOWNSHIP, UNION COUNTY
NORTH CAROLINA

PROPERTY OF
#1 DEVELOPMENT COMPANY
DEED BOOK 720, PAGE 776
JUDIE M. WORTMAN, PRESIDENT
P.O. BOX 387
MINERAL SPRINGS, NORTH CAROLINA 28108
(704) 843-2182

SURVEYED BY: DERRICK K. ODOM, NCRLS L-3128
ALLIANCE ENGINEERING & SURVEYING, P.A.
1394-B WALKUP AVE., MONROE, N.C.
(704) 289-4712

DATE: NOVEMBER 10, 1994

SCALE: 1" = 150'

LOUISE M. THOMAS &
J.D. THOMAS, et ux
214 / 001
(NOW OR FORMERLY)

JOHN R. McCOLLUM &
ESTELLE K. McCOLLUM
498 / 795
(NOW OR FORMERLY)

NOTES:
ALL DISTANCES ARE HORIZONTAL GROUND
DISTANCES MEASURED WITH ELECTRONIC
MEASURING DEVICES.
THIS MAP MAY BE SUBJECT TO EASEMENTS
OTHER RECORDED OR IMPLIED.
ALL STORM DRAINAGE EASEMENTS AND PUBLIC
UTILITY EASEMENTS OR RIGHTS-OF-WAYS ARE
CONSIDERED AS BEING LOCATED BY BEING
CENTERED ON THE PIPE OR STRUCTURE.
NO URADAGE STRUCTURE OR UTILITY LINE WAS
IN PLACE AT THE TIME OF THE RECORDING OF
THIS PLAT, THEREFORE, THE EXACT LOCATION
OF EASEMENTS AND RIGHTS-OF-WAY IS NOT KNOWN.
SEE RESTRICTIVE COVENANTS FOR ADDITIONAL
EASEMENTS OR RIGHTS-OF-WAYS.
ALL ADJOINING LANDOWNERS NAMES WERE
TAKEN FROM CURRENT TAX RECORDS AND ARE
CONSIDERED AS NOW OR FORMERLY.
IRON PIN SET AT ALL LOT CORNERS.
THIS STREET IS DEDICATED TO PUBLIC USE,
HOWEVER, IT WILL BE PRIVATELY MAINTAINED
BY THE OWNER ON HIS ADDRESS UNTIL SUCH
TIME AS IT MEETS THE MINIMUM REQUIREMENTS
FOR STATE MAINTENANCE.

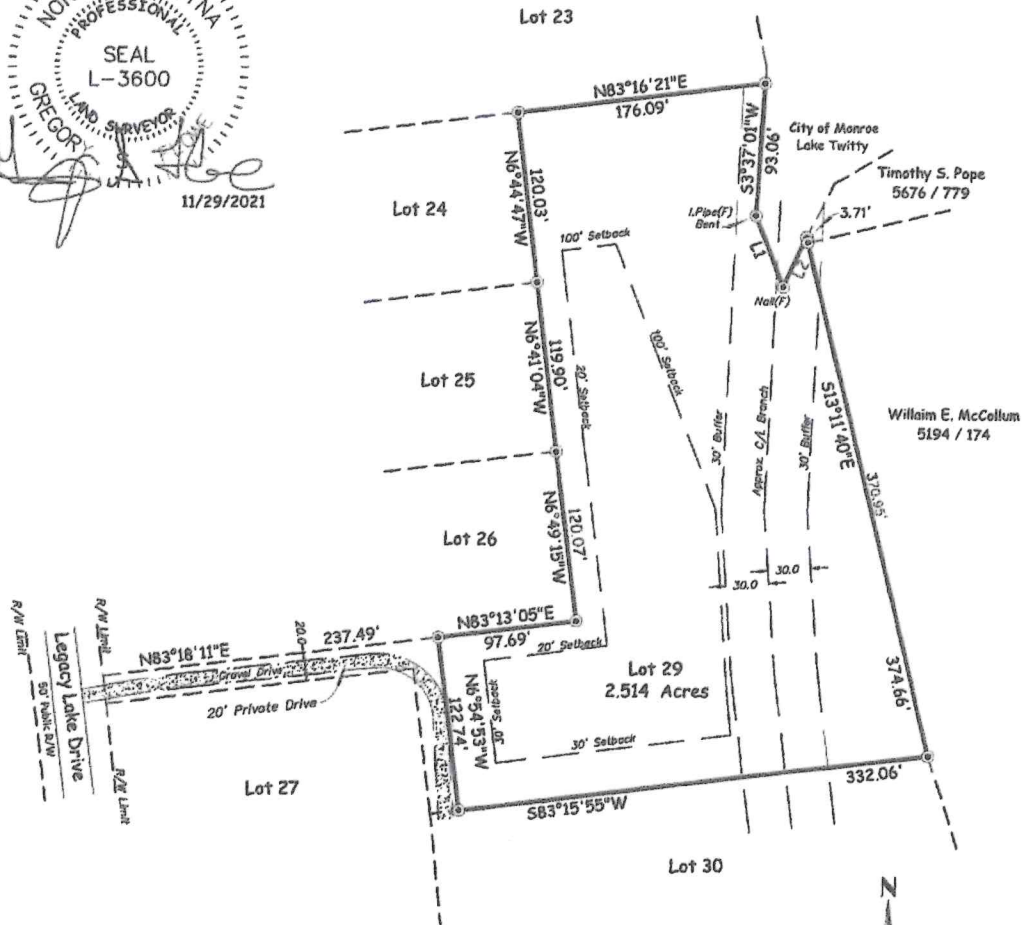
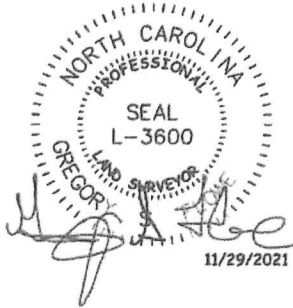
NOTE:
THIS PROPERTY IS LOCATED WITHIN A SPECIAL
WATERSHED DISTRICT AND REGULATED BY
UNION COUNTY AND CITY OF MONROE WATERSHED
ORDINANCES.
A BUFFER ZONE IS REQUIRED TO BE A NATURAL,
UNDISTURBED, VEGETATIVE BUFFER, MEASURED AT
30' FROM CENTER OF BRANCH AND 30' FROM
HIGH WATER MARK OR LAKE TWITY BOUNDARY.
ACCORDING TO A FLOOD STUDY PREPARED BY
FRED GORE, P.E. FOR THE VILLAGE LAKE SUBD,
THE 100 YEAR FLOODPLAIN IS CONTAINED WITHIN
THE LIMITS OF THE CITY OF MONROE BOUNDARY
OF LAKE TWITY, THEREFORE, NO PART OF THIS
PROPERTY BEING SOLD IS LOCATED IN A SPECIAL
FLOOD HAZARD AREA.

ZONING: R - 40 (W)
TAX PARCEL #: 9-105-05B
TOTAL AREA THIS MAP - 37.66 AC.
TOTAL AREA IN R/W - 31.2 AC.
TOTAL AREA IN LOTS - 34.36 AC.
TOTAL IN PRIVATE DRIVE - 0.16 AC.
MINIMUM FRONT SETBACK - 40'
MINIMUM SIDEYARD - 40'
MINIMUM REAR SETBACK (INTERIOR) - 40'
THE SETBACKS SHOWN ON THE PLAN WILL
CONTROL IN THE CASE OF A CONFLICT.

Exhibit 9

Surveyed By: Flowe & Son Land Surveying;
11316 Brief Road
Charlotte, N.C.
28227
(704) 309-6130

NUM	BEARING	DISTANCE
L1	S20°55'03"E	53.70'
L2	N24°38'01"E	38.76'



NOTE:
ALL CORNERS ARE I.PIN(F) UNLESS OTHERWISE NOTED.

NOTE:
ALL DISTANCES ARE HORIZONTAL DISTANCES
UNLESS OTHERWISE NOTED.

NOTE:
AREA BY COORDINATE COMPUTATION.

NOTE:
PROPERTY SUBJECT TO ANY VALID & ENFORCEABLE
EASEMENTS, RESTRICTIONS & RIGHTS OF WAY OF RECORD.

SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD
AREA AS DETERMINED BY FLOOD INSURANCE RATE MAP.

NOTE:
THIS PLAT IS OF A SURVEY OF AN EXISTING PARCEL or PARCELS OF LAND.

Tax Parcel: 09-105-169

E.C. = 1' : 10,000' +

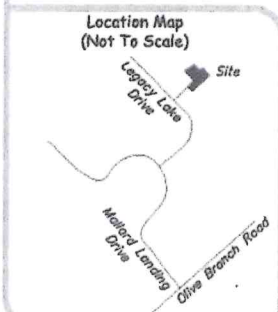
Deed Ref: 4176 / 472

Map Book: D / 811

Physical Survey
For

Irina Velikokhatko

Lot 29, Legacy on the Lake
Legacy Lake Drive
Union County
Monroe, N.C.



Drawing No. 210-21

Scale: 1" = 100'

November 29, 2021

APO Map

Case#:
PLZNA 2025-00093

**1027 Legacy Lake
Drive**

Legend

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

**Owner: Premium Rent
LLC**

2.52 Acres



0 450 900
Feet

Exhibit 10

ACCTNO	OWNERNAME1	OWNERNAME2	OWNERADDRE	OWNERCITY	OWNERSTATE	OWNERZIP
09105168	MARTINEZ EDGAR		38 NW 104TH ST	MIAMI	FL	33150
09105165	NANCE WANDA E		1019 LEGACY LAKE DR	MONROE	NC	28110
09105162	CLARK TODD	CLARK TAMMY	1007 LEGACY LAKE DR	MONROE	NC	28110
09105164	YORK WALTER WILLIAM JR		1015 LEGACY LAKE DR	MONROE	NC	28110
09105166	PONDS CHRISTOPHER	PONDS LAURA W	1023 LEGACY LAKE DR	MONROE	NC	28110
09105170	WHITE JONATHAN		1031 LEGACY LAKE DR	MONROE	NC	28110
09078003R	POPE TIMOTHY S	POPE WENDY B	1212 IRONGATE DR	MONROE	NC	28110
09105167	GOMEZ JESUS G	RODRIGUEZ VERONICA M	1101 LEGACY LAKE DR	MONROE	NC	28110
09105005	MCCOLLUM WILLIAM ELLIS		3205 OLIVE BRANCH RD	MONROE	NC	28110
09105005A	BAUCOM KAREN L TRUSTEE		3024 HELMS POND LN	MONROE	NC	28110
09105163	SPIERINGS DARRIN R	SPIERINGS DANA R	1011 LEGACY LAKE DR	MONROE	NC	28110
09105169	VELIKOKHATKO IRINA Y	VELIKOKHATKO MIKHAIL B	10308 NE 108TH AVE	VANCOUVER	WA	98662

Exhibit 11