

**BOARD OF ADJUSTMENT
MEETING
THURSDAY, AUGUST 27, 2020
6:30 P.M.
Conference Room
300 West Crowell Street
Monroe NC**

AGENDA

- Item 1.** **Call to Order.**
- Item 2.** **Approval of Minutes – July 23, 2020**
- Item 3.** **Case #21-34000001 – The applicant, Linda McMahan, is requesting a Special Use Permit to allow a reduction of the front yard setback for the property located on Hillside Drive and further identified as Tax ID #09-204-035-A**
- Item 4.** **Training Video on Special Use Permits**
- Item 5.** **Next Meeting: September 24, 2020**
- Item 6.** **Adjournment**

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

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

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

To S. Laney – e-mailed 7-24-20

Item 1. Call to Order

Chairman George Massey called the July 23, 2020 meeting to order at 6:30 p.m. The Clerk of the Board called the roll. Mr. Massey noted that there was a quorum present with 3 members.

Members Present: George Massey, Louis Philippi and William Draper

Members Absent: David Covington, Julius Marsh, Jr.

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

Guests: Jacob Tarlton, Teresa Carter, Mary Medlin, Mia Allen, Mary Thompson and Valerie Massey

Item 2. Approval of Minutes – Minutes of May 28, 2020 Meeting and June 25, 2020 Training Session

Approval of the minutes for the meetings was requested.

Motion: Louis Philippi moved to adopt the minutes of the May 28, 2020 Meeting and June 25, 2020 Training Session.

Second: William Draper

Action: The motion to approve the minutes passed unanimously.

Item 3. Case #20-11000006 – The applicant, Jacob Tarlton, is requesting a Special Use Permit to allow a single family dwelling to be constructed at the property located at 610 John Street (Tax ID #09-228-127)

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

Doug Britt, Senior Planner, introduced this item. He said this is a Special Use Permit request by Jacob Tarlton of Tarlton Helicopter LLC to construct a new home at 610 John Street. He said at this time he would present the Findings of the case:

Findings:

1. The property at 610 John Street is currently owned by Tarlton Helicopters, LLC and is zoned R-10 (Residential- Low Density). The property is also located in the Winchester Overlay District. (Exhibit 1, 2, 3) *Doug said this property was under single ownership and for years it showed one (1) tax parcel because it used to be when the County did the tax bill by hand, if there were multiple properties owned by the same person on the road, they would just combine the properties for tax purposes and do one (1) tax bill. He said we did receive documentation from the County that there are two (2) lots there. He said the lot is 100-feet wide so the lots are 50-feet wide each. He said it shows as one (1) tax parcel but really there are two (2) lots there because they were never combined. He said this is commonly done by the Tax Assessor's Office. He said if there were multiple properties owned by the same property owner, instead of sending out 5 – 6 tax bills, they combined the bill.*
2. According to Section 156.124, Overlay Districts, all principal developments in the Winchester Overlay District shall obtain a Special Use Permit. This section has several other requirements; however, due to state law changes, many can no longer be enforced. Each requirement has been addressed below (Exhibit 4): *Doug said these are requirements that are currently in the ordinance but most of these requirements were taken away from the City to be able to enforce by the State and North Carolina Legislature.*
 - a. The construction or renovation as proposed and designed will be compatible in the neighborhood, and along the street with which it is located.
-This requirement can no longer be enforced due to G.S. 160A-381 as it is considered a design standard, which cannot be used unless the applicant voluntarily consents to it.
 - b. The construction or renovation as proposed and designed fulfills the intent of § [156.132](#) of the City of Monroe Code of Ordinances.
-This standard applies only to commercial properties.
 - c. The construction or renovation as proposed and designed will not substantially injure the value of adjoining or abutting property.
-This standard is addressed in the Special Use Permit standards.
 - d. The construction or renovation as proposed maintains the historic character and integrity of the infill neighborhood in which it is located.
-This requirement can no longer be enforced due to G.S. 160A-381 as it is considered a design standard, which cannot be used unless the applicant voluntarily consents to it.
 - e. The construction or renovation as proposed shall adhere to the strategies and objectives outlined in the City of Monroe Land Development Plan.
-This standard is addressed in the Special Use Permit standards.
 - f. Duplexes may be allowed on corner lots.
-The applicant is not proposing a Duplex.
 - g. All principal developments shall obtain a special use permit.

h. Mobile homes shall not be permitted.

-The applicant is not proposing a mobile home.

3. The applicant submitted a Special Use Permit Application on June 26, 2020 requesting to construct a new single family home on the property. The home is 1,379 heated square feet with a one car garage. (Exhibit 5 and 6)
4. All adjoining property owners have been properly notified of this special use permit. (Exhibit 7)

Doug said this completes staff's presentation. He said the applicant is here to answer any questions you may have. He said citizens are here as well. He said he would be glad to answer any questions.

Mr. Massey said from the Findings, the Board will act on c. and e. Doug said c. and e. were covered in the requirements of the application. He said these are the Special Permit standards which this Board will have to answer.

Doug said another thing he wanted to mention, although this does not affect the Winchester Neighborhood but does affect City-wide, the City of Monroe can no longer regulate the square footage of houses and it can no longer regulate the exterior of the houses. He said the only way the City can do this if the applicant voluntarily agrees or if we are going through a rezoning process, which we call a Conditional District rezoning process, and it is approved by City Council. He said in the past years, the City was able to dictate what size house someone could do based on what was around them. He said we can no longer do that. He said the State took that away from the City.

Mr. Massey asked if there were any questions for staff. There were none.

Mr. Massey asked if there was anyone who would like to come forward and give testimony. He asked that everyone give their name and address when they come to the podium.

Ms. Teresa Carter came forward and said she lives at 606 John Street. She said the housing that is being proposed will be adjacent to her. She said her concerns are:

- Violence in area. Gunshots every night.
- Lot is not big enough for a house.
- Traffic on John Street.
- Piping on Fairley Avenue causing flooding in streets. Needs to be capped off.
- People sleeping in park on John Street.

Mr. Massey asked if anyone had any questions.

Louis Philippi said to Ms. Carter that if someone were building a house, and the house was for sale, as opposed to for rent, do you not feel you would get a better caliber of people living there if they own the property? Ms. Carter said where she lives and where the house is being proposed, there is no driveway. She said you cannot even put cars through there. She said they are going to be looking in her bathroom window, her bedroom window and her kitchen window.

Louis Philippi said to Ms. Carter that he bought a piece of property at 910 Efir Street, which is not near her home. He said the property was renovated and sold to a young couple who both had jobs. He said he took this house which was a rental property that was condemned with burns in it to a place with a working couple to upgrade the neighborhood. He asked Ms. Carter to think about that possibility.

Ms. Carter said her problem with that is the traffic. She said it is a one-way street, you go down and come up. She said they have traffic coming from the projects, from Roosevelt, Winchester and Fairley Avenue. She said you are putting more traffic on this small community.

Mr. Massey thanked Ms. Carter and asked the next person to come forward to speak.

Ms. Valerie Massey came forward and said she lives across the street from Teresa. She said basically everything she said is true. She said we grew up in this neighborhood; everybody knows everybody. She said her concerns are:

- A house was put next door to her sideways and it does not have enough space. She said it has ten (10) people in the house and they are running a construction business with constant noise and trucks.
- Homeless shelter put close to John Street by the City.
- Increase of traffic in area.
- Increase of crime in area.
- Not enough room to put two (2) more houses on street.
- She did not receive a notice of this meeting.

Mr. Massey thanked Ms. Massey and said he wanted to make a comment regarding houses being placed in the City. He said if there is enough land and it meets the City code and ordinance, then this Board has no authority to say it cannot be built if it meets certain criteria. He said as far as how many people that are in a house, this Board does not have any jurisdiction over that.

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

Mr. Massey asked Doug if there was anyone else who would like to speak. Doug said he asked and there was no one else.

Mr. Massey asked the applicant if he would like to speak.

Mr. Jacob Tarlton came forward and was sworn in. He said he just wanted to follow up on what was said about houses being built in the neighborhood and the two (2) lots being too small to build a house. He showed an aerial map which showed the neighbor's property, 606 John Street, being the same size lot as his lots. Also, he said 605, 607, 609, and 608 John Street have the same lot dimensions as the lots he has.

Mr. Tarlton said as far as traffic he did not see where building two (2) homes would add a lot of traffic to the area.

Louis Philippi asked Mr. Tarlton if these were going to be revenue producing properties or is it a flip. Mr. Tarlton said it would be “for sale”.

Mr. Massey asked Mr. Tarlton how the size of his lots compared to the other lots in the area. Mr. Tarlton showed the aerial map and said that his lots are the same size as the other lots. Doug Britt presented a zoning map that showed all surrounding lots to be of the same size. Mr. Massey asked if the lots were about ¼ acre. Mr. Tarlton said they are .16 acres. Doug said the lots are small at 50-feet wide and the houses that they are going to build are 30-foot lot houses with a ten (10) foot setback on each side. He said even when you do a brand new subdivision, if you have 50-foot lots and ten (10) foot setbacks, you can put 30-foot houses on the lots. He said you may have a 40-foot wide lot and five (5) foot setbacks and they will have a 2-car garage. He said the proposed lots will have a 1-car garage. He asked if it was tight; it is.

Mr. Massey asked if there were any further questions.

Ms. Massey said to Mr. Tarlton that he said he was going to build houses and sell them. Mr. Tarlton said yes. Ms. Massey said to Mr. Tarlton that once the houses are out of his hands, we don’t know who is living in our neighborhood. She said you are not going to stay there; somebody else is going to stay there. She said basically, we won’t know who or what is coming to our neighborhood. She asked Mr. Tarlton if he would build a house and stay there. Mr. Tarlton said where he lives, he has no control over his adjoining property and who comes in and buys that property. Ms. Massey asked Mr. Tarlton again if he would live in one of the houses. Mr. Tarlton said yes.

Mr. Tarlton said he did not think anyone has control over his neighbor’s property to decide who can come in and who can buy the property or not. He said when his neighbor sells his property, unless he (Mr. Tarlton) buys it, he can’t control his property. Ms. Massey asked Mr. Tarlton if he would buy the property if he knew that he had to get a special permit to build a house and that was his intention. She asked why did you buy the property in the first place to get a special permit to build a house on some land that wasn’t legally supposed to have a house built on anyway. She said if that is the case, and if that is what you bought it for, we shouldn’t have to be here to get special permission to build it. She asked if this was not true.

Doug said, as he stated in the beginning of the meeting, in the Winchester Overlay District, whether for commercial or residential zoned property, if you are doing new construction, you are required to get a Special Use Permit. He said these lots are old lots. He said they have been two (2) lots forever. He said over the years, if somebody owned multiple properties in a row, the County Tax Assessor’s Office would combine all the properties. He said if someone owned five different tax bills, the County would combine the properties for tax purposes into one (1) tax bill. He said that is where we are today. He said there are two (2) lots. He said whenever Winchester was subdivided and created, the lots were created in this particular area at this size. He said some of the lots in Winchester are larger, but as far as the reason we are here tonight it is because if you are doing new construction in the Winchester Overlay District, and you are required to go through the Special Use Permit process.

Doug said when Mr. Tarlton came to the Planning Department, he was advised by staff that if he was wishing to develop this property, he had to go through the Special Use Permit process. He said if Mr. Tarlton were to purchase the properties and come in to apply for building permits, we would have denied the building permits because he would have been told to apply for a Special Use Permit before the Board of Adjustment that would grant you permission to build a house there. He said this is why we are here tonight.

Resident said the previous owner wanted to build a house there. She said they would not let him because the lot was too small. She said the end lot belonged to the church, Friendship Baptist. Doug said he can't speak to what happened with the previous owner.

Mr. Tarlton said he spoke to the gentleman at the church about his property. He said it sounded like he didn't have any disagreement. Resident said he has been buying up all the property on John Street for the church. She said she did not understand why he would let you build there when he wanted the land for the church.

Mr. Massey said if there are no other questions or comments, he would ask for a motion from the Board on each finding:

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

Motion: William Draper made a motion that this standard is met because it appears that it would not endanger the public health on this street, as all the lots appear to be the same.

Second: Louis Philippi

Action: Approved.

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

Motion: Louis Philippi made a motion that the standard is met because zoning staff agrees with this.

Second: William Draper

Action: Approved.

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

Motion: William Draper made a motion that the standard is met because the actual value of the homes surrounding the property will probably increase in value with the two (2) new homes being built.

Second: Louis Philippi

Action: Approved.

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

Motion: Louis Philippi made a motion that the standard is met.

Second: William Draper

Action: Approved.

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

Motion: Louis Philippi made a motion to grant the issuance of the Special Use Permit.
Second: William Draper
Action: The motion to grant the Special Use Permit passed unanimously.

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

Item 4. **Case #20-11000007 – The applicant, Jacob Tarlton, is requesting a Special Use Permit to allow a single family dwelling to be constructed at the property located at 608 John Street (Tax ID #09-228-127A)**

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

Doug Britt, Senior Planner, introduced this item. He said this is a Special Use Permit request by Jacob Tarlton of Tarlton Helicopter LLC to construct a new home at 608 John Street which is located in the Winchester Overlay District. He said at this time he would present the Findings of the case:

1. The property at 608 John Street is currently owned by Tarlton Helicopters, LLC and is zoned R-10 (Residential- Low Density). The property is also located in the Winchester Overlay District. (Exhibit 1, 2, 3)
2. According to Section 156.124, Overlay Districts, all principal developments in the Winchester Overlay District shall obtain a Special Use Permit. This section has several other requirements; however, due to state law changes, many can no longer be enforced. Each requirement has been addressed below (Exhibit 4):
 - a. The construction or renovation as proposed and designed will be compatible in the neighborhood, and along the street with which it is located.
-This requirement can no longer be enforced due to G.S. 160A-381 as it is considered a design standard, which cannot be used unless the applicant voluntarily consents to it.
 - b. The construction or renovation as proposed and designed fulfills the intent of § [156.132](#) of the City of Monroe Code of Ordinances.
-This standard applies only to commercial properties.
 - c. The construction or renovation as proposed and designed will not substantially injure the value of adjoining or abutting property.
-This standard is addressed in the Special Use Permit standards.
 - d. The construction or renovation as proposed maintains the historic character and integrity of the infill neighborhood in which it is located.
-This requirement can no longer be enforced due to G.S. 160A-381 as it is considered a design standard, which cannot be used unless the applicant voluntarily consents to it.

- e. The construction or renovation as proposed shall adhere to the strategies and objectives outlined in the City of Monroe Land Development Plan.
-This standard is addressed in the Special Use Permit standards.
 - f. Duplexes may be allowed on corner lots.
-The applicant is not proposing a Duplex.
 - g. All principal developments shall obtain a special use permit.
 - h. Mobile homes shall not be permitted.
-The applicant is not proposing a mobile home.
3. The applicant submitted a Special Use Permit Application on June 26, 2020 requesting to construct a new single family home on the property. The home is 1,615 heated square feet with a one car garage. (Exhibit 5 and 6)
4. All adjoining property owners have been properly notified of this special use permit. (Exhibit 7)

Doug informed the Board that staff mails the notice of this Board meeting to property owners. He said we don't mail to the tenants. He said ultimately the property owner is responsible for the property so they are the ones that receive notices of meetings. He said staff gets that a lot from people saying they did not get a notice. He said he has been doing this for 22 years and he feels that if you found a way to make it to the public meeting, he could check the box that staff made notification. He said we post the property as well and publish the legal notice in the newspaper. He said if you don't get a letter, but you come to the meeting, that is even better.

Doug said he would be glad to answer any questions you may have.

Discussion was held on one of the houses being 30-feet wide and the other 28-feet wide. Doug said it doesn't matter because both lots are 50-feet wide. He said there is a ten (10) foot setback that we measure from the foundation. He said he is sure Mr. Tarlton will have a surveyor stake the property. He said when you build a house in the City of Monroe, you are required to get a survey. In addition, after you do your foundation, City Inspection requires you to do a foundation survey sealed by a surveyor before you do your framing inspection. He said our thought is you would rather tear up the foundation than take a wall down. He said if there is a problem, it will come up at the foundation.

Mr. Massey asked Mr. Tarlton if he had any questions. Mr. Tarlton said no.

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

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

Motion: Louis Philippi made a motion that this standard is met because he has seen the house drawings, it is a fine home, and the neighborhood would be uplifted by having it there.

Second: William Draper

Action: Approved.

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

Motion: William Draper made a motion that the standard be approved because all the regulations and standards of the City have been met.

Second: Louis Philippi

Action: Approved.

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

Motion: Louis Philippi made a motion that the standard is met because it is newer construction and modern design and it will definitely increase home values and enhance the neighborhood.

Second: William Draper

Action: Approved.

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

Motion: William Draper made a motion that the standard is met because the standards of the City have met throughout the application and the house looks very nice.

Second: Louis Philippi

Action: Approved.

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

Motion: William Draper made a motion to grant the issuance of the Special Use Permit.

Second: Louis Philippi

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

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

Item 5. Training Video on Special Use Permits

Doug said this video would be rescheduled to the next meeting.

Item 6. Next Meeting - August 27, 2020

Item 7. Adjournment

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

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

Second: Louis Philippi

Action: The motion to adjourn passed unanimously.

The meeting was adjourned at 7:25 p.m.

Respectfully submitted,

George Massey
Chairman

Maryann Brown
Clerk of the Board



STAFF REPORT
Case #21-34000001

TO: Board of Adjustment Members

DATE: August 27, 2020

FROM: Doug Britt, Senior Planner

SUBJECT: Special Use Permit request by Linda McMahan to Reduce the Front Yard Building Setback of a Lot on Hillside Drive

SUMMARY STATEMENT

The Board of Adjustment is requested to consider this request by Linda McMahan to allow for a reduction of the front yard setback from 100 feet to 70 feet in order to build a new single family residence on the subject property.

SITE DATA

Type of Action:	Special Use Permit
Date of Petition:	August 3, 2020
Name of Petitioner:	Linda McMahan
Location:	Hillside Drive
Tax ID #:	09-204-035-A
Lot Size:	.56 acres
Zoning Classification:	R-20 (Residential- Low Density)

FINDINGS

Staff offers the following Findings:

1. The property is located on Hillside Drive and is zoned R-20 (Residential – low density). (Exhibit 1 & 2)
2. The lot is considered an in-fill lot by the zoning ordinance. Section 156.131 (2)(B)(i) of the Unified Development Ordinance titled Supplementary Standards for Single Family and Infill Lot in Single Family Residential Districts requires the front yard setback to be computed as an average of the dwellings on the lots immediately adjacent to either side of the subject property. (Exhibit 3)

3. The homes on the adjacent lots have an approximate front setback of 100 feet from the edge of the right-of-way, so the proposed home on the subject property would be required to have a 100-foot front setback from the right-of-way as well. (Exhibit 4)
4. On August 3, 2020, Linda McMahan submitted a complete application for a special use permit to reduce the front yard setback to 70 feet in order to locate the proposed home in line with the adjacent lots. (Exhibit 5)
5. All adjoining property owners have been properly notified of this special use permit. (Exhibit 6)

CONCLUSIONS

Please see attached Special Use Permit Worksheet.

Attachment(s):

Exhibit 1: Ortho Map
Exhibit 2: Zoning Map
Exhibit 3: Supplementary Standards Ord.
Exhibit 4: Layout Map 1
Exhibit 5: Layout Map 2
Exhibit 6: APOs

Prepared by: DB 8-17-20

**SPECIAL USE PERMIT WORKSHEET
TO CONSTRUCT A NEW SINGLE FAMILY HOME AT HILLSIDE DRIVE
(PARCEL # 09-204-035-A)**

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

I. Completeness of Application:

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

II. Special Use General Standards:

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

Petitioner's Response: There are no changes in the subdivision design, plan and operation are requested. Current ordinances and codes will not change. No public health or safety will be endangered by the setback change.

☐ Motion standard is met; or

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

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

Petitioner's Response: The existing use is an approved lot for a single family house, and taxed as an individual buildable lot. All State and local regulations will not change and still be complied with before and after this requested permit.

☐ Motion standard is met; or

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

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

Petitioner's Response: The proposed 30' front setback does not change the property zoning, nor does it change the neighborhood from a single family house location in a single family neighborhood. A new house in a 50-year-old neighborhood may increase property values.

☐ Motion standard is met; or

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

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

Petitioner's Response: No change in the City development plan or County plan is requested. This property is in the County but also in Monroe's ETJ. The proposed home will be in harmony with all other homes in the subdivision that exist.

☐ Motion standard is met; or

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

III. Permit Action

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

OR;

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

Ortho Map

Case #: 21-34000001

Legend

— Centerlines

□ Parcels

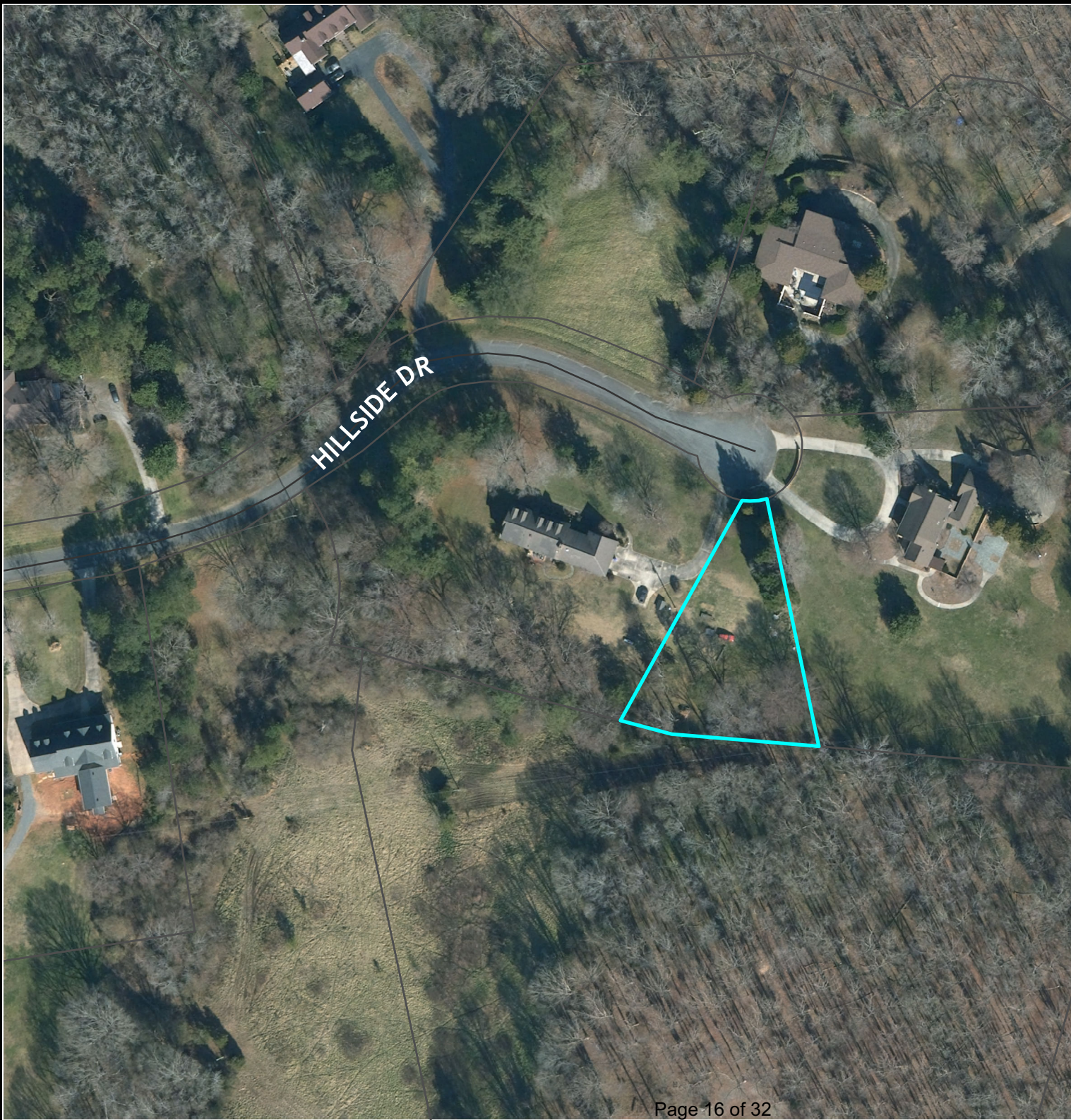
**Existing: R-20
(Residential- Low Density)**

**Owner: Linda S. McMahan,
Trustee for Early Mae Living
Trust**

Acres: .56



0 110 220
Feet



Zoning Map

Case #: 21-34000001

Legend

Centerlines

Parcels

Zoning Districts

Code

R-20

Existing: R-20
(Residential- Low Density)

Owner: Linda S. McMahan,
Trustee for Early Mae Living
Trust

Acres: .56



0 110 220
Feet

156.131 SUPPLEMENTARY STANDARDS FOR SINGLE FAMILY AND INFILL LOTS IN SINGLE FAMILY RESIDENTIAL DISTRICTS.

(A) Single family supplementary standards.

(1) *Intent.* The purpose of establishing supplementary requirements for the development of single-family lots and single-family homes on residentially zoned properties is to protect the character and property values of the area in which they are located. The existing and established residences are a critical part of the foundation of the city.

(2) *Development standards.* All new residences and property zoned for single-family residential uses shall conform to the following design standards unless the property is regulated under an approved special use permit or located within an approved special use zoning district.

(a) *Minimum lot area for the subdivision of property.* The minimum lot area for the 2013 S-18

subdivision of property shall equal the median lot area of the ten closest parcels with one single-family dwelling unit and having frontage or access on the same street as shown on a Union County Tax Map as of the date the zoning application is filed with the city. If the applicant's property fronts on two or more streets, the street with the greatest amount of frontage shall be utilized. In no case shall the minimum lot area be less than the area required for each residential zoning district. All minor subdivisions creating a minimum lot area of one acre or greater for all new lots, are exempt from the median lot area requirements.

(b) *Minimum heated floor area.* The minimum heated floor area shall equal the median floor area of the ten closest parcels with one single family dwelling unit and having frontage or access on the same street as shown on a Union County Tax Map as of the date the zoning application is filed with the city. If the applicant's property fronts on two or more streets, the street with the greatest amount of frontage shall be utilized. In no case shall a dwelling unit be less than 1,000 square feet of heated floor area. Existing, platted subdivisions with more than ten lots may calculate an average of all of the dwelling units within the subdivision. This average shall be calculated and submitted on an annual basis. This average shall be the minimum heated floor area requirement for the entire year.

(c) *Applicability and exemptions.* The supplementary standards noted in this section shall not apply to properties that are regulated under an approved special use permit, or are within an approved conditional, conditional use or overlay zoning district. If a street contains less than ten dwelling units, the median shall be determined using the number of dwelling units that do exist. The ten dwelling units used to calculate the median must be located within 2,000 feet of the subject property. If ten dwelling units do not exist within 2,000 feet of the subject property, the median shall be determined using the number of dwelling units that do exist within 2,000 feet. If the applicant's property has equal majority of frontage on two or more streets, the applicant shall provide the required information for both streets and the higher standard in each category

shall be applied. Those applicants that meet the requirements of this section as well as the policies for development of single family homes as adopted in the Monroe Land Development Plan for individual lots will obtain a zoning permit. If any policies for development of single family homes on individual lots are not adhered to, a special use permit shall be required.

(d) *Minimum area for two car garages.* All two car garages required by this chapter or by special use permit, conditional district, or overlay district shall have a minimum enclosed area of 400 square feet and be a minimum of 20 feet by 20 feet in dimension.

(B) *Supplementary requirements for infill in single-family residential.*

(1) *Intent.* It is the intent of the City of Monroe to allow a diverse mix of quality housing opportunities for its citizens while protecting the health, safety, and welfare of its citizens and the property value of existing residential areas. No new dwelling structure shall be constructed nor shall the exterior of any existing dwelling structure be substantially modified in either single family residential district (R-40, R -20 or R-10) within any neighborhood shown on the Monroe Neighborhoods map of the Monroe Land Development Plan in which more than 50% of the recorded lots are developed, unless such construction or modification is in conformance with the provisions of this section. For the purposes of this section, **SUBSTANTIAL MODIFICATION** shall be defined as any work which involves the alteration of the building's foot print, construction of additional stories, or changes in roof pitch. No subdivision or lot within a subdivision that is subject to special use permit recorded at the Union County Register of Deeds shall be subject to the provisions of this section.

(2) *Design standards.* All new dwelling structures and any substantial modification to existing dwellings shall conform to the following design standards. These regulations shall be in addition to any other design standards, which may be required for residential construction:

2013 S-18

(a) *Accessory buildings.* Accessory buildings shall be permitted in the side and rear yard only.

(b) *Building articulation.* No wall of a dwelling visible from a public right-of-way shall run without wall offsets (unarticulated) for a distance greater than 24 linear feet. All wall offsets shall be at least 24 inches in depth.

(c) *Building orientation.* All dwellings shall be oriented so that the front of the structure is facing a public right-of-way.

(d) *Dwelling width.* The width of any dwelling shall not be less than 25 feet or less than 35% of the length/depth of the dwelling.

(e) *Exterior materials.* Common facade materials found in residential districts include wood, brick, stone, and vinyl. Acceptable materials for additions and new construction include these and other similar materials designed to give the exterior a residential appearance. Under no circumstances shall metal siding not intended to

mimic traditional lap siding or unfinished concrete block be allowed. All exposed chimneys should have a brick veneer.

(f) *Foundation.* Any house built on a slab foundation shall have a minimum four course brick masonry veneer skirt (of standard brick size) extending up the face of the slab.

(g) *Parking.* Off street parking shall be provided to the side or rear of residential units. No garages or carports attached or detached, which extend in front of the front wall of the dwelling shall be permitted. Side and rear load garages and carports are encouraged.

(h) *Roof pitch.* A minimum 6/12-roof pitch shall be maintained over a minimum of 80% of the total roof area.

(i) *Setbacks, front yard.* The front yard setback shall be computed as an average of the dwellings on the lots immediately adjacent to either side of the dwelling being constructed or modified or, where adjacent lots are undeveloped, within 100 feet of either side of such dwelling. This setback shall not be a minimum distance from the property line; rather it shall be construed to be a build to line requiring the front of the structure (excluding steps and stoops) to begin at that point. The above notwithstanding, no setback (build to) line shall be less than ten feet from the front property line or street right-of-way, whichever is closest.

(j) *Setbacks, side yard.* The side yard setbacks on any legal, nonconforming lot of record where the lot width is less than 50 feet can be reduced to five feet on one side of the lot provided that the side yard setback on the other side of the lot is increased to the same extent in order to accommodate side and/or rear yard parking. In no case shall the corner side of a corner lot be reduced to less than 15 feet.

(k) *Trees.* The front yard of each lot should contain at least two trees, suitable for healthy growth in our climate, each with a minimum caliper of one and one-half inches measured at a height of six inches above the ground.

(l) *Storage.* Enclosed storage area shall be provided, attached or detached. Detached storage area shall be located in a rear yard. The storage area shall be a minimum of 100 square feet.

(m) All dwelling structures shall meet the provisions of this section unless a special use permit is approved by the Zoning Board of Adjustment. Such special use permits shall be granted only if it complies with the intent of the infill development provisions.

(n) In the event of a conflict with the provisions of this section with any other zoning requirement in this chapter, the most restrictive requirement shall apply.

(Ord. O-2003-63, passed 12-16-03; Am. Ord. O-2004-37, passed 10-5-04; Am. Ord. O-2005-35, passed 11-1-05; Am. Ord. O-2012-02, passed 5-15-12)

Layout Map

Case #: 21-34000001

Legend

-  Centerlines
-  Parcels

**Existing: R-20
(Residential- Low Density)**

**Owner: Linda S. McMahan,
Trustee for Early Mae Living
Trust**

Acres: .56



0 70 140
 Feet





SPECIAL USE PERMIT APPLICATION

Applicant's Name: LINDA S. McMAHAN

Applicant's Mailing Address: 310 HILLSIDE DR.
MONROE, N.C. 28112

Applicant's Phone Number: 704-941-4712

Applicant's Facsimile Number: NONE

Applicant's Email Address: LINDA JO 2011 @ YAHOO.COM

Property Location: 314 HILLSIDE DRIVE, MONROE, N.C. 28112

Tax ID Number: 09-204-035A Deed Reference Number: BOOK 4310 PAGE 151

Existing Zoning: R20 PLAT BOOK 7, PAGE 39

Proposed Special Use: APPLICANT REQUESTS PERMISSION TO MOVE THE
FRONT SET-BACK 30' TOWARD THE CUL-D-SAC.

Proposed Conditions:

USING THE 100' CURRENT SET-BACK WILL PUT THE REAR OF THE
PROPOSED HOUSE IN A WATER DRAINAGE AREA AND THE FRONT OF
THE PROPOSED HOUSE AT THE REAR OF THE NEAREST ADJOINING
PROPERTY.

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

General Information Required

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

Revised 12-22-15

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

For Staff Use Only

Project Number: _____

Date Submitted: _____

Approved _____

Denied _____

Information on Natural, Historic, and Recreational Features Required

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

Zoning and Lot Information Required

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

Transportation and Utilities Information Required

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

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

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

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

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

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

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

I. Special Use General Standards:

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

NO CHANGES IN THE SUBDIVISION DESIGN, PLAN AND OPERATION ARE REQUESTED. CURRENT ORDINANCES AND CODES WILL NOT CHANGE. NO PUBLIC HEALTH OR SAFETY WILL BE ENDANGERED BY THIS SET-BACK CHANGE.

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

THE EXISTING USE IS AN APPROVED LOT FOR A SINGLE FAMILY HOUSE, AND TAXED AS AN INDIVIDUAL BUILDABLE LOT. ALL STATE AND LOCAL REGULATIONS WILL NOT CHANGE AND STILL BE COMPLIED WITH BEFORE AND AFTER THIS REQUESTED PERMIT.

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

THE PROPOSED 30' FRONT SET-BACK DOES NOT CHANGE THE PROPERTY ZONING, NOR DOES IT CHANGE THE NEIGHBORHOOD FROM A SINGLE FAMILY HOUSE LOCATION IN A SINGLE FAMILY NEIGHBORHOOD. A NEW HOUSE IN A 50+ YEAR OLD NEIGHBORHOOD MAY INCREASE PROPERTY VALUES.

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

NO CHANGE IN THE CITY DEVELOPMENT PLAN OR COUNTY PLAN IS REQUESTED. THIS PROPERTY IS IN THE COUNTY BUT ALSO IN MONROE, ET AL. THE PROPOSED HOUSE WILL BE IN HARMONY WITH ALL OTHER HOMES IN THE SUBDIVISION THAT EXIST.

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

LINDA S. McMAHAN

Applicant (printed)

Linda Stroupe McMahon

Applicant's Signature

August 14, 2020

Date

LINDA STROUPE McMAHAN, TRUSTEE FOR THE EARLY MAE LIVING TRUST

Property Owner (printed)

Linda Stroupe McMahon, Trustee

Property Owner's Signature

August 14, 2020

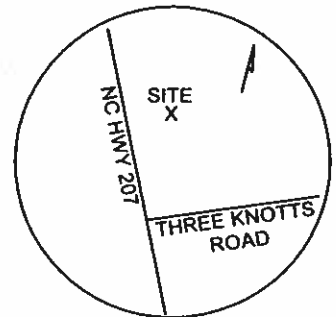
Date

FOR LINDA STROUPE McMAHAN, TRUSTEE OF THE EARLY MAE LIVING TRUST
 PROPERTY OF:
 LINDA STROUPE McMAHAN, TRUSTEE OF THE EARLY MAE LIVING TRUST
 DEED REFERENCE : 4310-151
 PLAT BOOK 7, PAGE 39
 TAX PARCEL : 09-204-035A
 CITY OF MONROE, UNION COUNTY, N.C.
 SURVEY DATE: JULY 14, 2020
 SCALE: 1"= 40'

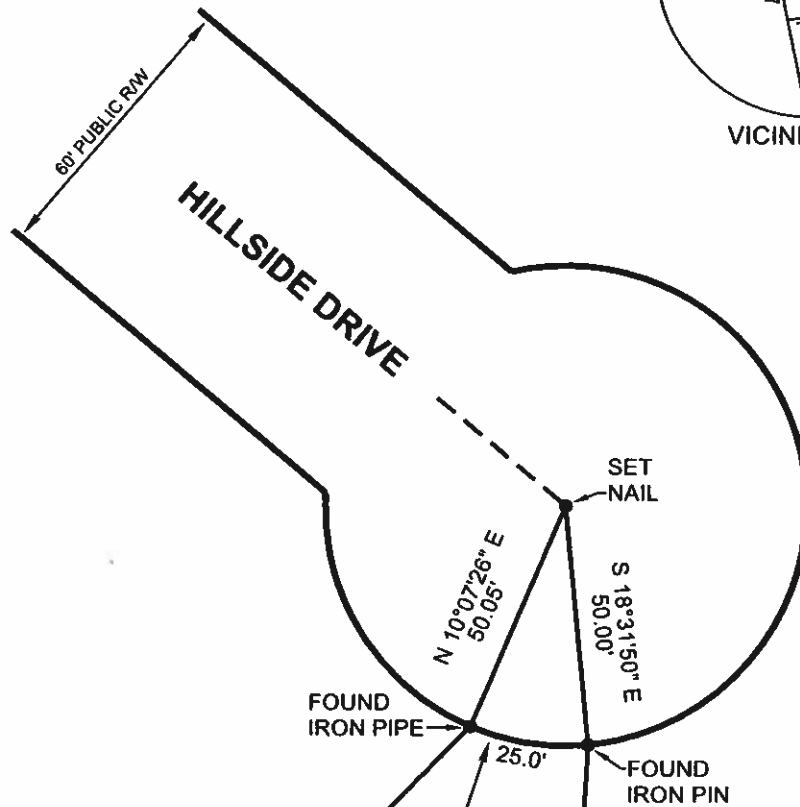
SURVEYED BY: DERICK L. MILES NCPLS
 4901 PINE OAK DRIVE
 MONROE, N.C. 28112
 TELE: 704-764-7763



Derick Miles
 7-22-20



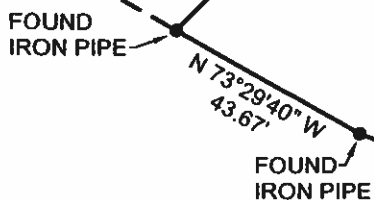
VICINITY MAP



RONNIE A. McMAHAN,
 TRUSTEE OF THE
 S.E. McMAHAN LIVING TRUST
 DB 4261-018
 09-204-031
 LOT 7, HIEL LEAH SUBDIVISION
 PLAT BOOK 7, PAGE 39

PORTION OF
 LOT 8
 0.56 AC.

REBECCA H. WOLFE
 DB 5905-683
 09-204-035
 PORTION OF LOT 8
 HIEL LEAH SUBDIVISION
 PLAT BOOK 7, PAGE 39

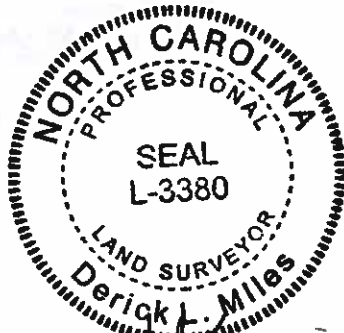


N 82°29'11" W 146.02'

ROBERT BRUCE SCOTT
 DB 1575-524
 09-204-035

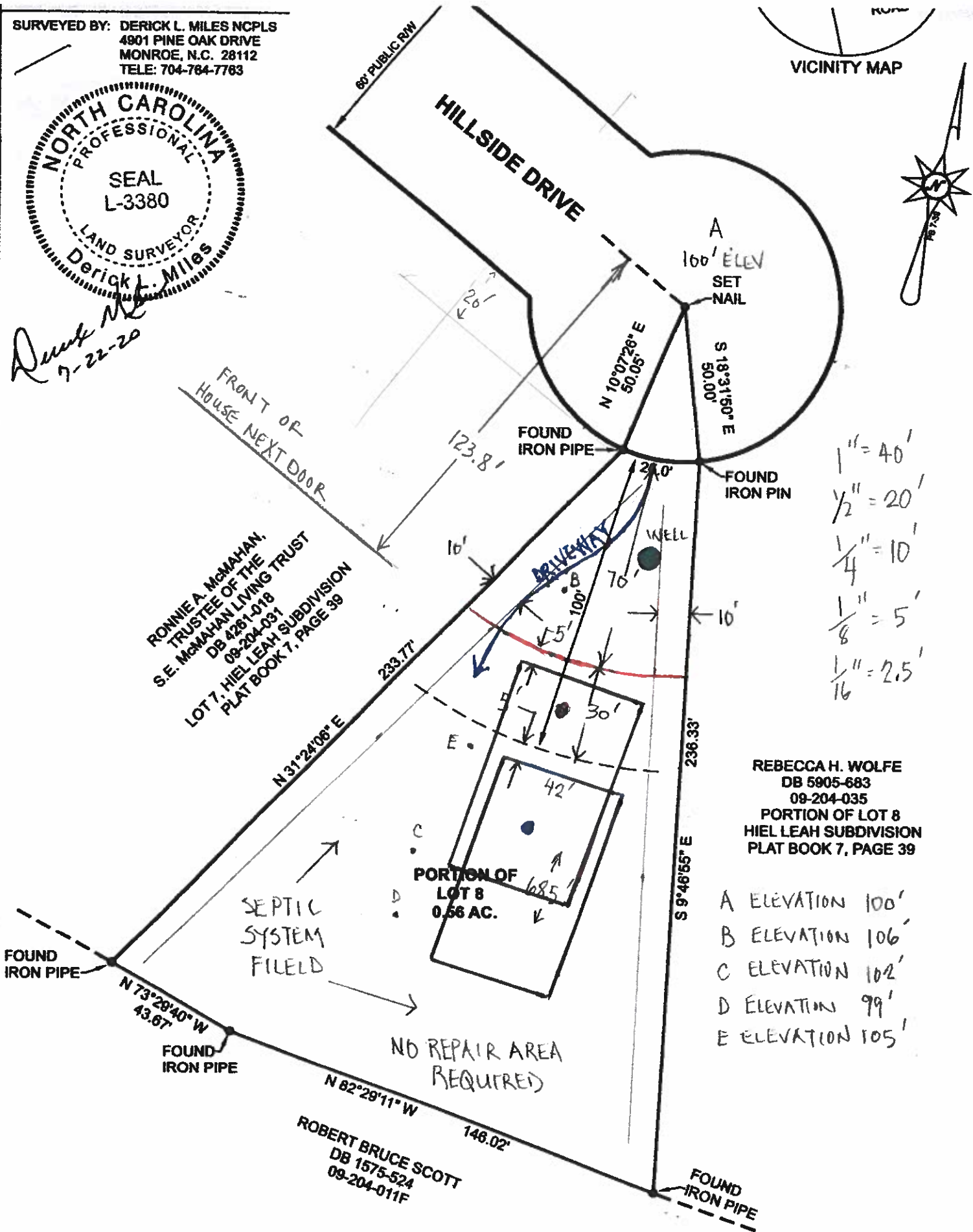
FOUND IRON PIPE

SURVEYED BY: DERICK L. MILES NCPLS
4901 PINE OAK DRIVE
MONROE, N.C. 28112
TELE: 704-784-7783



Derick Miles
7-22-20

VICINITY MAP



RONNIE A. McMAHAN,
TRUSTEE OF THE
S.E. McMAHAN LIVING TRUST
DB 4261-018
08-204-031
LOT 7, HIEL LEAH SUBDIVISION
PLAT BOOK 7, PAGE 39

REBECCA H. WOLFE
DB 5905-683
09-204-035
PORTION OF LOT 8
HIEL LEAH SUBDIVISION
PLAT BOOK 7, PAGE 39

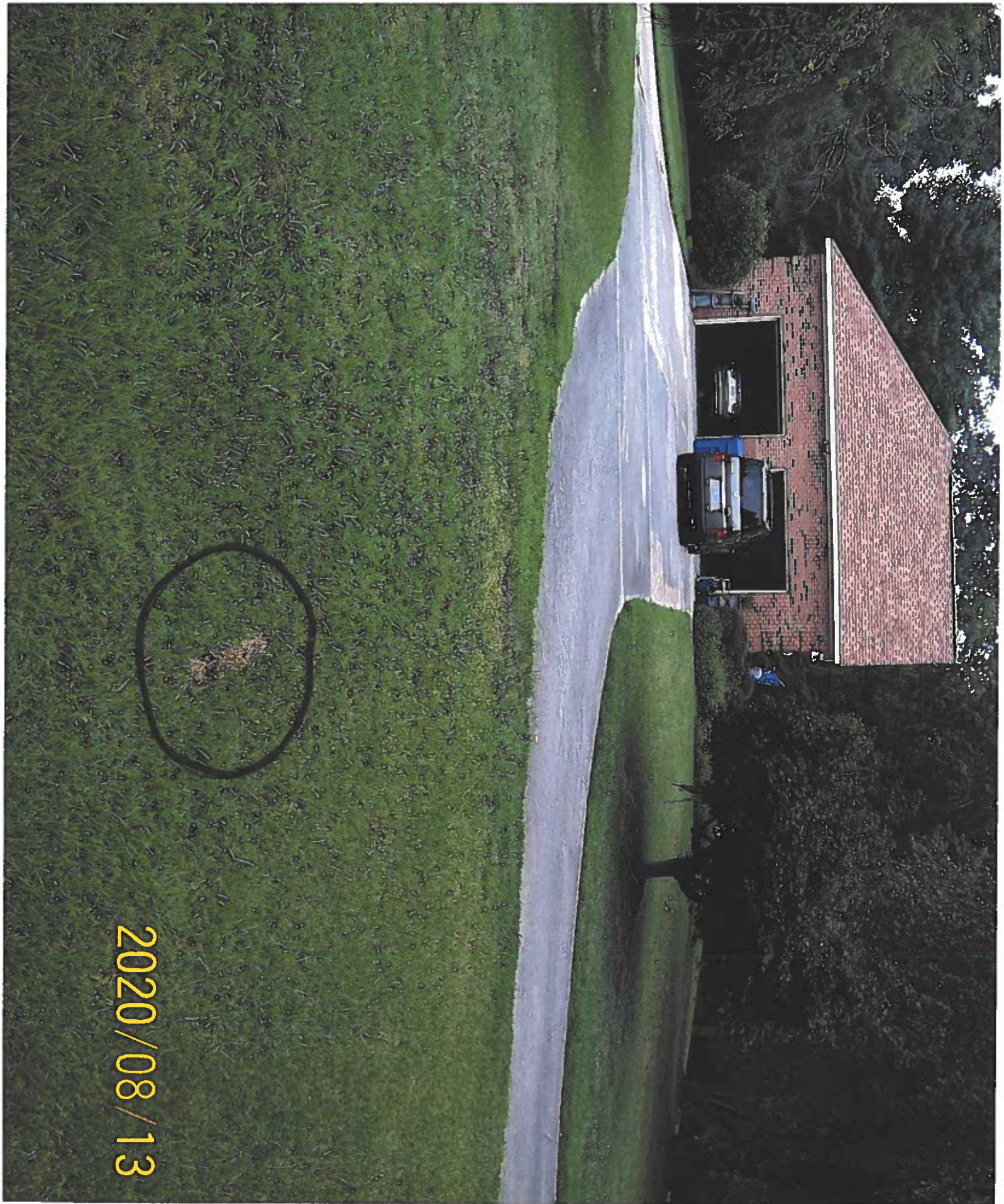
A ELEVATION 100'
B ELEVATION 106'
C ELEVATION 102'
D ELEVATION 99'
E ELEVATION 105'

NO REPAIR AREA
REQUIRED

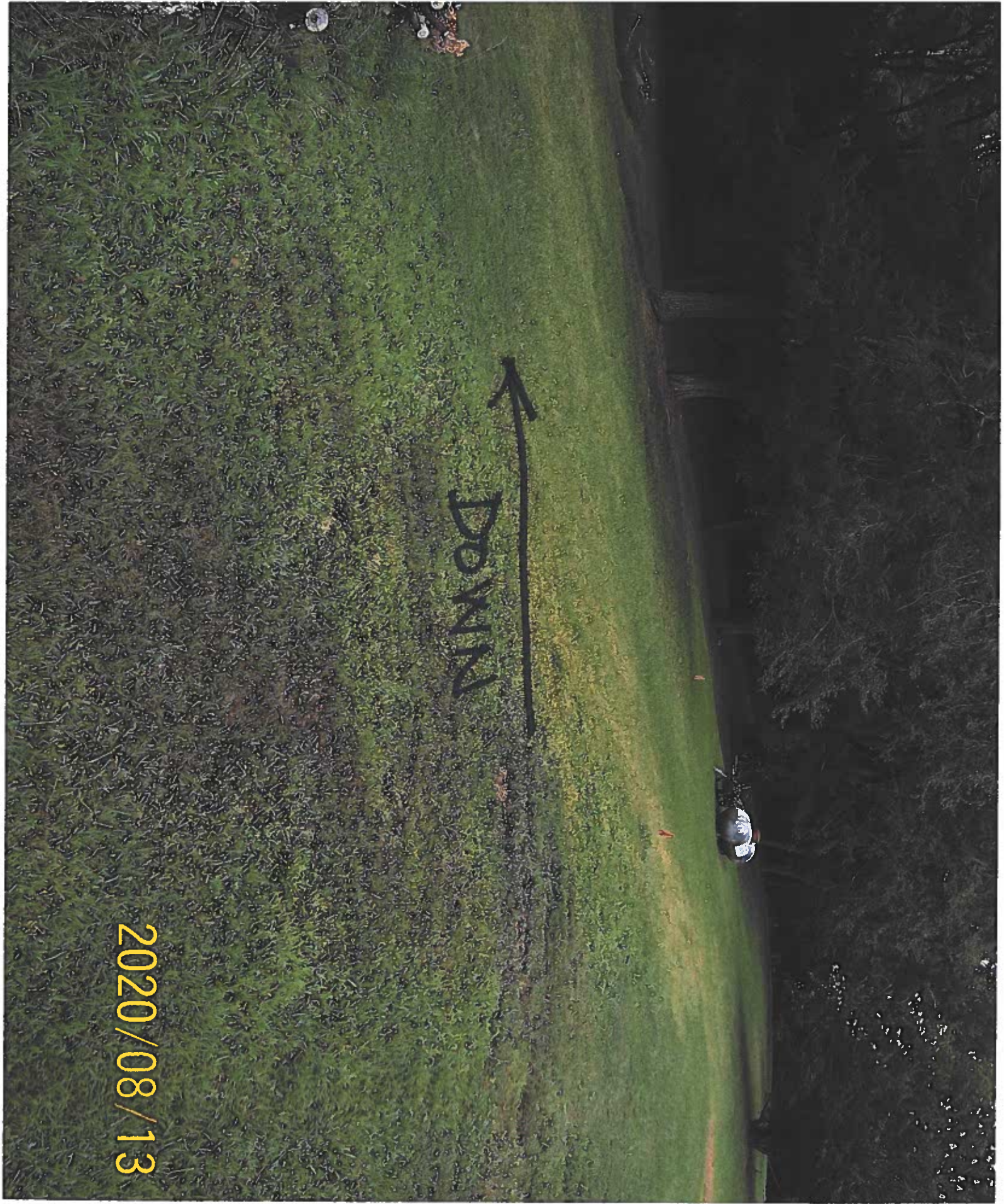
LEGEND	
AC.	ACRE
R/W	RIGHT-OF-WAY

NOTES

1. AREA BY COORDINATE GEOMETRY.
2. PROPERTY SUBJECT TO CITY OF MONROE ZONING AND BUILDING SETBACKS



PROPOSED LOCATION OF FRONT SET-BACK



PROPERTY SLOPES OFF AT BACK



← BACK FRONT →

2020/08/13

← FRONT BACK →

