

**BOARD OF ADJUSTMENT MEETING
THURSDAY, FEBRUARY 27, 2025**

6:00 P.M.

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

AGENDA

Item 1. **Call to Order – Roll Call**

Item 2. **Appoint Chair**

Item 3. **Pledge of Allegiance and Moment of Silence**

Item 4. **Adopt Agenda**

Item 5. **Conflicts of Interest**

Item 6. **Approval of Minutes– January 23, 2025**

Item 7. **Quasi-Judicial Statement:**

Item 8. **SUP PLSUP-2025-00137 - The Board of Adjustment is requested to consider this Special Use Permit request by Sinh Mai to re-establish a duplex in the Office Medical (OM) District at 203 Charles Street. (Parcel ID # 09-231-067)**

Item 9. **Next Meeting: Thursday, March 27, 2025**

Item 10. **Adjournment**

ATTENTION BOARD MEMBERS:

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

***cc: Albert Benshoff, Attorney
 Jeff Wells, Assistant City Manager
 Planning Staff***

MINUTES OF THE BOARD OF ADJUSTMENT MEETING

January 23, 2025, at 6:00 P.M.

Council Chambers

300 W. Crowell St., Monroe, NC

To HR: 02/04/25

Item 1. Call to Order – Roll Call

Corey Noland called the Board of Adjustment meeting to order at 6:03 p.m. Kimberly Davis, Administrative Assistant, called the roll.

Members Present: Corey Noland (Acting Chair), Thomas Loria, Ryan Haywood

Members Absent: None

Staff Present: Al Benshoff, BOA Attorney; Jeffrey Wells, Asst. City Manager; Doug Britt, Asst. Planning and Dev. Director; Patrick Blaszyk, Planner I; Bryson Hester, Transportation Planner; Kimberly Davis, Admin. Asst. II

Guests: Patti Duncan, Faye Thibodeaux, Bill Thibodeaux, Louis Philippi, Carlos Alvarez, Dani Enriques, Tapas Baidya, Greg Salzo Amanda Cotter, Ken Deal, Louis Suarez, Dottie Nash, Richard and Bonnie Whitley

Under legal recommendation from Attorney Al Benshoff:

Motion: Ryan Haywood made a motion to have Corey Noland serve as Acting Chair for this Board of Adjustment Meeting on January 23, 2025.

Second: Thomas Loria

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

AYES: Corey Noland, Thomas Loria and Ryan Haywood

NAYS: None

Item 2. Pledge of Allegiance and Moment of Silence

Item 3. Conflicts of Interest – None noted.

Item 4. Approval of Minutes – Minutes of November 21, 2024

Motion: Thomas Loria made a motion to approve the minutes of the November 21, 2024 meeting.

Second: Ryan Haywood

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

AYES: Corey Noland, Thomas Loria, Ryan Haywood

NAYS: None

Item 5. **Approval of the Closed Session Minutes to be handled by Attorney Al Benshoff**
– November 21, 2024 – Moved to the end of the meeting.

Item 6. **Quasi-Judicial Statement:**

Attorney Al Benshoff - 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, applicants 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 9. **PLZONA-2025-00057 Appeal** - **The Board of Adjustment is requested to consider an Appeal of Planning staff's decision regarding a zoning determination of an accessory dwelling unit located at 1003 Oak Hill Drive, PID # 09-279-073.**

The applicant is not present although there are multiple people in the audience in response to this appeal. There was a request by the applicant for this matter to be continued.

Motion: **Corey Noland made a motion to deny the request for a continuance for this appeal.**

Second: **Thomas Loria**

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

AYES: **Corey Noland, Thomas Loria, Ryan Haywood**

NAYS: **None**

Doug Britt, Patrick Blaszyk and Dottie Nash came forward and were sworn in.

Patrick Blaszyk, Planner 1, presented the proposed findings:

1. The property located at 1003 Oak Hill Drive is owned by Ann Walters and is zoned RLD (Residential Low Density). (Exhibit 1-3) Exhibit 1 is the Ortho Map for the area where the subject property is highlighted in blue. Exhibit 2 is the Zoning Map with the subject property highlighted in blue and zoned RLD (Residential Low Density). There are several

other RLD parcels in the area as well as RMD parcels to the west and north of the property. Exhibit 3 is the deed to the property.

2. On July 24, 2024, staff received a notification regarding a Zillow Advertisement that was posted for 1003 Oak Hill Drive. In this advertisement, it was displayed that secondary living quarters were available in a separate building in the rear yard of the property. (Exhibit 4) Exhibit 4 is the Zillow advertisement. The second page shows where the secondary living quarters is highlighted. The third page shows pictures of that accessory dwelling unit.
3. On July 26, 2024, Planning staff sent a courtesy letter to Ms. Walters regarding the violation of an accessory dwelling unit on the property. The letter discussed that per section 4.2.2 of the UDO, accessory dwelling units are not permitted within the RLD, Residential Low Density zoning district as only one dwelling unit is allowed per lot in this district and the accessory dwelling unit must cease. (Exhibit 5-7). Exhibit 5 is the RLD description in the Unified Development Ordinance discussing how single-family residential development there should only be single-family homes on larger lots. Exhibit 6 displays the RLD District Development Standards. Maximum density is two units per acre. Each of these units would have to be on individual lots and meet all of the requirements on the table. Exhibit 7 is the courtesy letter sent to the applicant on July 26, 2024.
4. On August 8, 2024, Planning staff sent a Notice of Violation to Ms. Walters regarding the accessory dwelling unit. Planning Staff received the first Notice of Violation back from the post office with a return to sender notification. On August 27, 2024, Planning Staff physically posted a second Notice of Violation at 1003 Oak Hill Drive regarding the accessory dwelling unit. (Exhibit 8-10) Exhibit 8 is the first Notice of Violation that Planning staff mailed on August 8, 2024. Exhibit 9 is the second Notice of Violation that was physically posted on the applicant's property on August 27, 2024. Exhibit 10 is the photo of the physically posted Notice of Violation taped to the applicant's door.
5. On September 23, 2024, Ms. Walters submitted an appeal application to appeal the Notice of Violation that was issued referencing section 4.2.2 of the UDO, regarding the accessory dwelling unit in the rear yard of the property. (Exhibit 11) Exhibit 11 is the appeal application.
6. All adjacent property owners and those within 150-feet of the subject property have been notified of this appeal application via first class mail and a sign has also been on the property for 10 days. (Exhibit 12-13) Exhibit 12 is the APO Map for the area where the subject property has a red star on it. The red oval is the 150-foot buffer, and all parcels notified of the appeal request were highlighted here in blue. Exhibit 13 is the APO Mailing List for all parcels notified.

There were no citations issued for the zoning violation since the applicant applied for the appeal which halted and ceased the violation process. There were no other questions for staff.

Dottie Nash, at 1005 Oak Hill Drive, lives in the house right beside the subject property. She reported this situation twice before. When the house went up for sale, the building was listed as a

secondary living quarters. Ms. Walters did this before on Virginia Avenue with a shed which was torn down. She also has a “tiny house” on Arden Drive. These properties are zoned R-20 RLD. She reported four people living in the subject house in 2019 and code enforcement came out. In 2022, code enforcement was called again. Ms. Walters is renting this “shed” for \$1000 a month. They have two meters which can be seen from the power bill. She wants the appeal to be denied. The main house is a rental house. Another house on Arden has a shed in the backyard which has a vent pipe and vent cover. She advertised as a “Tiny House for Rent.” On the Virginia Avenue, she got a courtesy letter and they tore that shed down.

Atty. Benshoff explained that when the Board of Adjustment hears an appeal it steps into the shoes of the staff member who issued the citation, and the Board has all the powers of the staff member as well as the Board of Adjustment. The Board may affirm that the violations were issued correctly or incorrectly or do something else with the matter. The only issue before the Board is whether the staff correctly issued the NOVs.

There were no permits with the City of Monroe about making them habitable structures. The structure was permitted when originally built. The violation is not the structure, but the purpose for what the structure is used. If the accessory building is used as a garage or storage building, it would not be in violation. It has been confirmed that it is currently being used as a residence.

Motion: Corey Noland made a motion to adopt the Findings of Fact 1-6 as stated by staff.

Second: Ryan Haywood

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

AYES: Corey Noland, Thomas Loria, Ryan Haywood

NAYS: None

Motion: Corey Noland made a motion to add an additional Findings of Fact that the appeal application itself acknowledges the fact that the structure is being rented out to a third party.

Second: Thomas Loria

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

AYES: Corey Noland, Thomas Loria, Ryan Haywood

NAYS: None

There were no permits with the City of Monroe about making them habitable structures. There were no additional Finding of Facts.

Motion: Corey Noland made a motion to affirm the violations that have been issued by staff.

Second: Thomas Loria

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

AYES: Corey Noland, Thomas Loria, Ryan Haywood

NAYS: None

There is an ongoing resolution that orders will be signed out of session.

Item 7. PLZNA 2025-00111 Variance - The Board of Adjustment is requested to consider a variance to deviate from the minimum lot size for car, boat, other vehicle sales and rental establishments located in the City of Monroe Unified Development Ordinance in order for the applicant to operate a vehicle sales lot at 707 N. Sutherland Avenue, PID # 09-188-080A .

Doug Britt, Patrick Blaszyk and Tapas Baidya approached the podium and were sworn in by the Acting Chair.

Patrick Blaszyk, Planner 1, presented the proposed findings:

1. The property located at 707 North Sutherland Avenue, is owned by Carlos Alvarez, and is proposed to be leased by Tapas Baidya and is zoned GI (General Industrial). (Exhibit 1, 2 & 3) Exhibit 1 is the Ortho Map with the subject property highlighted in blue. Exhibit 2 is the Zoning Map with the subject property highlighted in blue and is zoned GI (General Industrial). Parcels to the north and east are also zoned CD for Conditional District. Exhibit 3 is the deed to the property submitted along with the Plat Map.
2. The Unified Development Ordinance (UDO) Section 7.2.6 entitled “Commercial Uses” states in relevant parts (Exhibit 4):
 - P. Car, Boat, Other Vehicle Sales & Rentals
 4. Use Standards.
 - a. Minimum lot size for car, boat, other vehicle sales and rental establishments shall be two (2) acres.
3. On November 13, 2024, the applicant submitted a variance application in order to request a variance of the minimum lot size requirement for an automotive sales lot. (Exhibit 5) Exhibit 5 is the Variance application form.
4. The applicant submitted a site plan of the proposed layout of the car sales lot at 707 North Sutherland Avenue. (Exhibit 6) Exhibit 6 shows the car sales lot will occur on the southern side of the Site Plan.
5. The applicant submitted photos of the existing conditions of the site. (Exhibit 7)
6. All adjacent property owners have been notified of the proposed variance. (Exhibit 8 & 9) Exhibit 8 is the APO Map where the subject parcel has the red star. The red polygon is the 150-foot buffer and all parcels that were notified are highlighted here in blue. There was a total of 21 parcels that were notified. Exhibit 9 is the APO mailing list for all parcels that were notified.

Atty. Benshoff asked Patrick Blaszyk about the attached commercial lease agreement between the landlord and the tenant. Mr. Blaszyk said the lease had not been signed yet and was contingent on the fact of the variance and Special Use Permit being approved. There is currently no lease agreement. Mr. Blaszyk confirmed to Atty. Benshoff that the owner has been informed, was present and does consent to granting the variance and Special Use Permit which will affect his property. Atty. Benshoff asked about the buffers on the site plan. Mr. Blaszyk also clarified that there were no setback requirements for parking vehicles. The yellow area on the site plan is a proposed concrete driveway. The whole site is currently gravel and so the site would be paved if

all is approved. The proposed business will cover the bottom portion of the site plan for the vehicle sales lot where the upper portion will be for vehicle repair which already exists on the site. The vehicle repair and the sales will be one business and there is another business on the other side of the property. The entire lot is 1.1 acres with two independent businesses operating separately. Atty. Benshoff said the Board should not adopt the presented site plan as a condition since it is not the final site plan.

The applicant, Tapas Baidya, at 8713 Anklin Forest Drive, Waxhaw, NC 28173, approached the podium to answer questions from the Board. He wants to pave the gravel lot for the car sales and to improve appearance. The buffers were on North Sutherland Avenue. All of the junk cars will be removed, and nicer cars will be sold off the lot. It will open up opportunity for employment. The car sales will be about 2/3 of the paved area and the car repair business will remain gravel and will make up 1/3 of the property. Mr. Baidya owns both businesses. If this does not pass, it will be “a major setback” because the car repair business will not be viable on its own and may not last long. Car sales will be the “bread and butter” of the business. If the variance is not granted, Mr. Baidya will not continue to operate the repair business and feels it will not be successful on its own. Currently there is an agreement between him and Carlos Alvarez to buy his repair business. There is not and will not be any fences between the businesses, but if the City requires it then they can do it. The current structure will not be impacted or changed at all. The office space and the repair shop will remain as is. One of the two offices will be used for car sales and the other is being used for the repair business. There were no other questions for the applicant.

The property owner, Carlos Alvarez, at 3327 Edwards Road, Wingate, NC, came forward and was sworn in. He is the current owner of Awesome Automotive and Tires which he is selling to Tapas Baidya. He owns the land (Lot 1) beside the subject property (Lot 2) and had it zoned for a used car dealership about eight years ago and was approved. Lot 1 is not currently functioning as a used car lot. He would like the subject property (Lot 2) approved for a used car dealership.

If the variance were granted, Mr. Alvarez said he would approve of it. Mr. Baidya has a contract and a lease with Mr. Alvarez in order to buy the business pending this Board’s decision. Mr. Alvarez is willing to sign a consent to the variance application and this will be a condition if the variance is approved.

Motion: Corey Noland made a motion to adopt the Findings of Fact 1-6.
Second: Ryan Haywood
Action: The motion to approve the Findings of Fact 1-6 passed with the following votes:
AYES: Corey Noland, Thomas Loria, Ryan Haywood
NAYS: None

There were no additional Findings of Fact.

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

Motion: Thomas Loria made a motion that an unnecessary hardship would result from the strict application of the ordinance based on the lot size, the

business they are proposing and the economic consequences of a strict application of the ordinance.

Second: Corey Noland

Action: The motion passed with the following votes.

AYES: Corey Noland, Thomas Loria, Ryan Haywood

NAYS: None

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

Motion: Corey Noland made a motion that the hardship is peculiar to the applicant's property because of how the lots are set forth in relation to the streets that are on either side of Lot 2 and also how the existing structures are placed on Lot 2.

Second: Thomas Loria

Action: The motion passed with the following votes:

AYES: Corey Noland, Thomas Loria, Ryan Haywood

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 applicant's own actions because the applicant is not the property owner, and he had no involvement in how the lots were set out.

Second: Ryan Haywood

Action: The motion passed with the following votes:

AYES: Corey Noland, Thomas Loria, Ryan Haywood

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: Thomas Loria made a motion that the variance is consistent with the spirit, purpose, and intent of the ordinance because the adjoining lot is already zoned for a used car dealership. It would increase the visual appeal and property value in that area.

Second: Corey Noland

Action: The motion passed with the following votes:

AYES: Corey Noland, Thomas Loria, Ryan Haywood

NAYS: None

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

Motion: Corey Noland made a motion that in granting the variance, public safety will be secured, and substantial justice will be achieved because it will allow for further economic development of Lot 2. It will allow for the current debris in Lot 2 to be cleaned up and for there to be increased economic

activity in Lot 2.
Second: Thomas Loria
Action: The motion passed with the following votes:
AYES: Corey Noland, Thomas Loria, Ryan Haywood
NAYS: None

Motion: Corey Noland made a motion to approve the variance request with the condition that the property owner (Carlos Alvarez) sign a form in accordance with local Ordinances that he consents to the variance being placed on the property.

Second: Thomas Loria
Action: The motion passed with the following votes:
AYES: Corey Noland, Thomas Loria, Ryan Haywood
NAYS: None

Item 8. **PLSUP 2025-00122 Special Use Permit** - The Board of Adjustment is requested to consider a Special Use Permit request as required by the City of Monroe Unified Development Ordinance in order to operate a car, boat, other vehicle sales and rental establishment in the General Industrial zoning district for a property located at 707 N. Sutherland Avenue, PID # 09-188-080A.

The property owner, the applicant and staff are still currently sworn in. Patrick showed where the property owner (Carlos Alvarez) signed the application for the variance and the Special Use Permit. Mr. Noland said they will leave that condition in place since they would prefer to have a separate consent signed.

Patrick Blaszyk, Planner 1, presented the proposed findings:

1. The property located at 707 North Sutherland Avenue, is owned by Carlos Alvarez, is proposed to be leased by Tapas Baidya and is zoned GI (General Industrial). (Exhibit 1, 2 & 3) Exhibit 1 is the Ortho Map with the subject property highlighted in blue. Exhibit 2 is the Zoning Map with the subject property highlighted in blue and is zoned GI (General Industrial). Parcels to the north and east are also zoned CD for Conditional District. Exhibit 3 is the deed to the property submitted along with the Plat Map.
2. A Special Use Permit application was submitted on December 7, 2024, by Tapas Baidya requesting to conduct the use of car, boat, other vehicle sales and rental establishments at 707 North Sutherland Avenue in the General Industrial (GI) Zoning District. (Exhibit 4) Exhibit 4 is the Special Use Permit application.
3. Table 7.1. – Table of Permissible Uses from Section 7.1 of the City of Monroe Unified Development Ordinance (UDO) displays how a Special Use Permit is required in order to conduct the use of car, boat, other vehicle sales and rental establishments in the General Industrial (GI) zoning district: (Exhibit 5) Highlighted in yellow is showing how a Special Use Permit is required to be granted by the Board of Adjustment.
4. The applicant submitted a site plan of the proposed layout of the car sales lot at 707 North Sutherland Avenue. (Exhibits 6) Exhibit 6 shows the car sales lot will occur on the

southern side of the Site Plan.

5. The applicant submitted photos of the existing conditions of the site. (Exhibit 7)
6. All adjoining property owners have been notified of the Special Use Permit request. (Exhibit 8 & 9) Exhibit 8 is the APO Map where the subject parcel has the red star. The red polygon is the 150-foot buffer and all parcels that were notified are highlighted here in blue. There was a total of 21 parcels that were notified. Exhibit 9 is the APO mailing list for all parcels that were notified.

Doug Britt stated that the SUP application is for the entire property because variances are parcel-specific and not by addresses. This SUP would allow an automotive sales on the property in conjunction with any other use that would be allowed in the GI zoning district. The SUP would not automatically limit the business to the sale of twenty cars unless the Board adds a condition for it.

Carlos Alvarez verbally consents to the Special Use Permit as it relates to the property he currently owns.

Motion: Corey Noland made a motion to adopt the Findings of Fact 1-6 as well as to incorporate the Findings, testimonies and evidence presented during Item 7, PLZNA 2025-00111 Variance request, into the record.

Second: Thomas Loria

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

AYES: Corey Noland, Thomas Loria, Ryan Haywood

NAYS: None

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

II A. Motion: In regard to the Special Use General Standards which state: “The use will not materially endanger the public health or safety if located, designed, and proposed to be operated according to plan,” Corey Noland made a motion that the standard is met.

Second: Thomas Loria

Action: The motion passed with the following votes:

AYES: Corey Noland, Thomas Loria, Ryan Haywood

NAYS: None

II B. Motion: In regards to the Special Use General Standards which state: “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,” Corey Noland made a motion that the standard is met.

Second: Ryan Haywood

Action: The motion passed with the following votes:

AYES: Corey Noland, Thomas Loria, Ryan Haywood

NAYS: None

II C. Motion: In regard to the Special Use General Standards which state: “The use or development will not adversely impact surrounding property and will not substantially injure the value of adjoining property,” Corey Noland made a motion that the standard is met.

Second: Ryan Haywood

Action: The motion passed with the following votes:

AYES: Corey Noland, Thomas Loria, Ryan Haywood

NAYS: None

II D. Motion: In regards to the Special Use General Standards which state: “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,” Corey Noland made a motion that the standard is met.

Second: Thomas Loria

Action: The motion passed with the following votes:

AYES: Corey Noland, Thomas Loria, Ryan Haywood

NAYS: None

III A. Motion: Corey Noland made a motion to grant the Special Use Permit with the condition that the property owner sign a consent form similar to that discussed as it relates to Item 7.

Second: Thomas Loria

Action: The motion passed with the following votes:

AYES: Corey Noland, Thomas Loria, Ryan Haywood

NAYS: None

It was confirmed with the Board members that there is not a condition relating to the number of vehicles.

Item 5. **Approval of the Closed Session Minutes to be handled by Attorney Al Benshoff – November 21, 2024**

Motion: Corey Noland made a motion to adopt but not open the Closed Session minutes of the November 21, 2024, meeting.

Second: Ryan Haywood

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

AYES: Corey Noland, Thomas Loria, Ryan Haywood

NAYS: None

Item 10. **Next Meeting: Thursday, February 27, 2025**

Item 11. **Adjournment**

Motion: Corey Noland made a motion to adjourn the meeting.

Second: Thomas Loria

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

AYES: Corey Noland, Thomas Loria, Ryan Haywood

NAYS: None

The meeting was adjourned at 7:22 p.m.

Respectfully submitted,

Corey Noland
Acting Chair

Kimberly Davis
Clerk of the Board

DRAFT



STAFF REPORT
PLSUP-2025-00137

TO: Board of Adjustment Members

DATE: February 27, 2025

FROM: Doug Britt, Senior Planner

PREPARED BY: Megan Brightharp, Planner

SUBJECT: Request to re-establish a duplex in the Office medical (OM) District at 203 Charles Street

SUMMARY STATEMENT

The Board of Adjustment is requested to consider this Special Use Permit request by Sinh Mai to re-establish a duplex in the Office Medical (OM) District at 203 Charles Street.

SITE DATA

Type of Action: Special Use Permit

Date of Petition: January 28, 2025

Name of Petitioner: Sinh Mai

Location: 203 Charles Street

Tax ID #: 09-231-067

Lot Size: .45 Acres

Zoning Classification: OM (Office Medical)

PROPOSED FINDINGS

Staff offers the following Proposed Findings:

1. The property at 203 Charles Street is owned by Sinh Mai and is zoned OM (Office Medical). (Exhibit 1-3).

2. A Special Use Permit Application was submitted on January 28, 2025 requesting to re-establish a duplex in the Office Medical (OM) District. (Exhibit 4-5)
3. According to Table 7.1 of the City of Monroe Unified Development Ordinance titled *Tables of Permissible Uses (Traditional and Mixed-Use)*, duplex, triplex, and quadplex are only allowed in the OM Zoning District with the issuance of a Special Use Permit from the Board of Adjustment. (Exhibit 6)
4. According to Section 157.7.2.4.C of the City of Monroe Unified Development Ordinance titled *Duplex/Triplex/Quadplex*, the use is described as “A building containing up to four dwelling units, usually under single ownership, consolidated into a single structure. A duplex/triplex/quadplex is typically on a single lot and contains common walls.” Additionally, this sections list additional uses standard that state, “the lot width and lot size must be 1.5x the required minimum width of the base zoning district requirement for any duplex/triplex/quadplex and that density requirements shall be met for any district which a duplex/triplex/quadplex is located.” (Exhibit 7)
5. The minimum lot width of the OM, Office Medical, District is 75 feet and the subject property has a lot width of approximately 170 feet
6. The minimum lot size of the OM, Office Medical, District is 7,500 square feet and the subject property has a lot area of .45 acres or 19,602 square feet.
7. The maximum density of the OM, Office Medical, District is six units per acre. The proposed duplex will have a density of 4.4 units per acre.(Exhibit 8)
8. The subject property used to be a duplex. However, the use was abandoned for more than 180 consecutive days, losing its nonconforming status. In order for the duplex use to resume, the applicant is required to obtain a special use permit. (Exhibit 9)
9. All adjoining property owners have been notified of the Special Use Permit application. (Exhibit 10-11).

CONCLUSIONS

Staff is bringing this request before you tonight for your consideration.

Attachment(s):
Exhibit 1: Ortho Map
Exhibit 2: Zoning Map
Exhibit 3: Deed of Property
Exhibit 4: Application
Exhibit 5: Site Plan
Exhibit 6: UDO Table 7.1

Exhibit 7: UDO Section 157.7.2.4.C
Exhibit 8: UDO Table 4.3.1
Exhibit 9: UDO Section 10.3
Exhibit 10: APO List
Exhibit 11: APO Map

Prepared by: MB 02/12/2025

SPECIAL USE PERMIT WORKSHEET
**TO ESTABLISH A VEHICLE SALES LOT WITHIN THE GI, GENERAL
INDUSTRIAL DISTRICT AT 203 CHARLES STREET (PARCEL # 09-
231-067)**

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: The special use will no endanger public health or safety.

☐ 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 use will comply to all regulations, no new development.

☐ 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 use will not impact the surrounding properties.

☐ 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: The sue will be in harmony.

☐ 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
PLSUP-2025-00137

Legend

- Centerlines
- Parcels
- Subject Property

Owner:
Sinh Mai

Acres: .45



0 75 150
Feet

Exhibit 1

Zoning Map
PLSUP-2025-00137

Legend

- Centerlines
- Parcels
- CD
- OM
- RMD
- Subject Property

Owner:
Sinh Mai

Acres: .45



0 75 150
Feet

CHARLES ST

MORGAN MILL RD

E FRANKLIN ST

FILED	Feb 02, 2018
AT	01:49:00 PM
BOOK	07097
START PAGE	0515
END PAGE	0517
INSTRUMENT #	02842
EXCISE TAX	\$320.00

Return to: Grantee 11804 Sir Francis Drake Dr., Charlotte, NC 28277
File #: 1233633

Prepared By: John F. Renger, Attorney at Law
Hutchens Law Firm, 6230 Fairview Road, Suite 315, Charlotte, NC 28210

Revenue Stamps: \$320.00
Tax Parcel ID No: 09231067

STATE OF NORTH CAROLINA

GENERAL WARRANTY DEED

COUNTY OF UNION

THIS DEED made and entered into this the 1st day of February, 2018, by and between **Wanda L. Hall, unmarried**, hereinafter called "Grantor," whose mailing address is 1443 Hwy 17, Little River, SC 29566 and **Sinh Mai, unmarried**, whose mailing address is 11804 Sir Francis Drake Dr., Charlotte, NC 28277, hereinafter called "Grantee".

All references to Grantor and Grantee as used herein shall include the parties as well as their heirs, successors and assigns, and shall include the singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH:

For valuable consideration from Grantee to Grantor, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby gives, grants, bargains, sells and conveys unto Grantee in fee simple, subject to the Exceptions and Reservations hereinafter provided, if any, the following described property located in the City of Monroe, County of Union, State of North Carolina, more particularly described as follows:

See Attached Exhibit "A"

All or a portion of the property herein conveyed ☒ includes or ☐ does not include the primary residence of a Grantor. N.C. Gen. Stat. § 105-317.2(2).

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

Said property having been previously conveyed to Grantor by instrument(s) recorded in Book 552 Page 515.

A map showing the above described property is recorded in Map Book , Page .

TO HAVE AND TO HOLD unto Grantee, together with all privileges and appurtenances thereunto belonging, in fee simple, subject to the Exceptions and Reservations hereinafter and hereinabove provided, if any.

And Grantor hereby warrants that Grantor is seized of the premises in fee and has the right to convey same in fee simple, that title is marketable and is free and clear of encumbrances other than as set forth herein, and that Grantor will forever warrant and defend the title against the lawful claims of all persons or entities whomsoever.

This conveyance is made subject to the following Exceptions and Reservations:

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

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

Wanda L. Hall
Wanda L. Hall

STATE OF NC
COUNTY OF Mecklenburg

I certify the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: **Wanda L. Hall**

Date: 2-1-18 OTM

[Signature]
Notary Public Signature

JOHN F. Renger III
Printed Name of Notary Public

My Commission Expires: 4-22-21



Exhibit "A"

BEGINNING at a concrete monument W.L. McGuirt's northwestern corner and being on the edge of the Charles Street right-of-way; and runs thence with the edge of said right-of-way North 33-46-58 East 35.64 feet to a concrete monument; thence continuing with said right-of-way North 39-13-10 East 98.92 feet to a concrete monument; thence North 42-59-49 East 14.87 feet to a concrete monument; thence North 82-52-48 East 34.83 feet to an iron set in the Franklin Street right-of-way; thence with the Franklin Street right-of-way South 55-28-56 East 59.96 feet to an iron; Mrs. H.R. Doster's corner, now or formerly, (Book 344, Page 271, Union County Registry); thence with Doster's line South 26-50-14 West 154.97 feet to an iron in Gladys Curley's line, now or formerly, W.L. McGuirt's northeastern corner; thence with McGuirt's line North 64-30-00 West 118.01 feet to the point and place of BEGINNING according to a survey by R.B. Pharr, RLS, dated October 14, 1991.

Property address: 203 Charles Street Unit A and B, Monroe NC 28112
Parcel: 09231067

Title Insurance: Chicago Title Insurance Company



SPECIAL USE PERMIT APPLICATION

For Staff Use Only

Project Number: _____

Date Submitted: _____

Approved _____

Denied _____

Applicant's Name: Sinh Mai

Applicant's Mailing Address: 11804 Sir Francis Drake Dr Charlotte, NC 28277

Applicant's Phone Number: 704-968-7786

Applicant's Email Address: mshawn2000@yahoo.com

Property Location: 203 Charles St Monroe, NC 28112

Tax ID Number: 09 - 231 067 Deed Reference Number: BOOK NA PAGE _____

Existing Zoning: _____

Proposed Special Use:

Duplex (previous usage)

Proposed Conditions:

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 157 of the Monroe Code of Ordinances – Zoning Code. 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.
- Scale, at one (1) inch equals 100 feet, unless otherwise approved by the Zoning Administrator.

Information on Natural, Historic, and Recreational Features Required

06-21-23

SUP Application.doc REVISED 2-99, 7-99, 2/00, 12/03, 7/04, 9/13, 1/14, 12/15, 5/21, 6/23

- 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 section 157.6.1 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 157.3.4.17 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 a digital copy of the site plan. Depending on site details, the applicant may be required to provide ten (10) 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 157.3.4.9 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 The special use will not endanger public health or safety
- 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.
Yes The use will comply to all regulation, no new development
- C. The use or development will not adversely impact surrounding property and will not substantially injure the value of adjoining property.
Will not The use will not impact the surrounding properties
- 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.
Yes The use will be in harmony.

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

Sinh Mai
Applicant (printed)

[Signature]
Applicant's Signature

1/28/25
Date

Sinh Mai
Property Owner (printed)

[Signature]
Property Owner's Signature

1/28/25
Date

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

SITE PLAN

Address: 203 Charles St

Monroe, NC 28112

Parcel ID: 09-231-067

Lot area: 0.45 Acres

Plot Size: 11"x17"

Drawing scale: 1"=30'

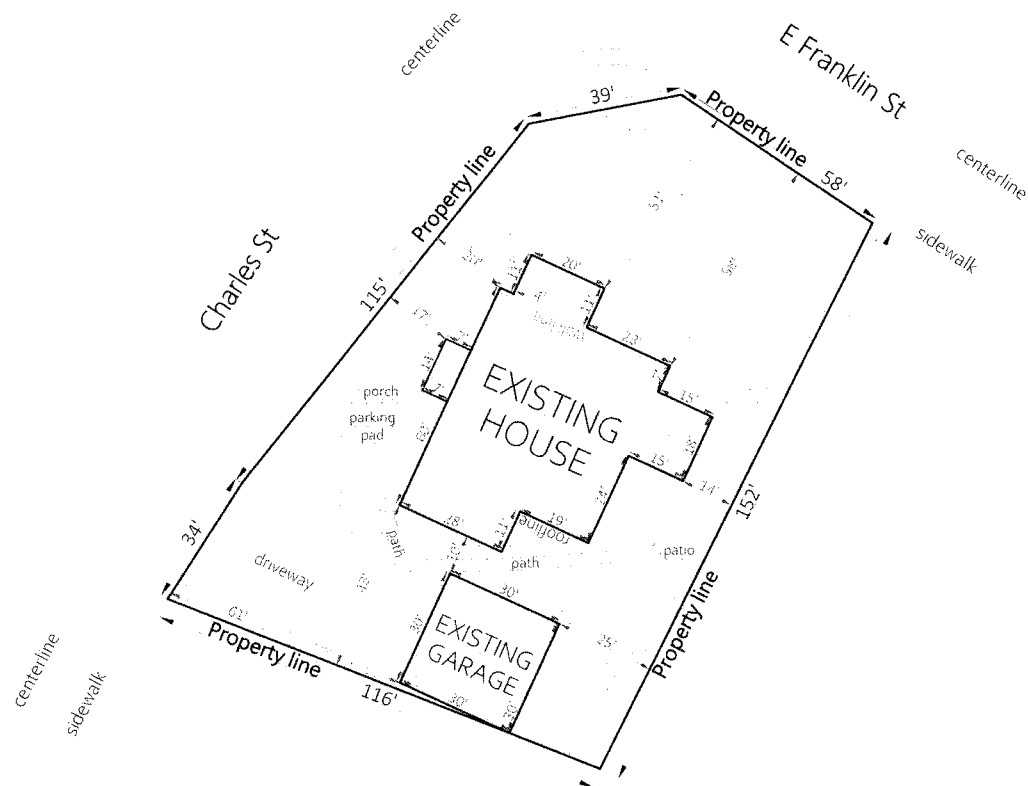
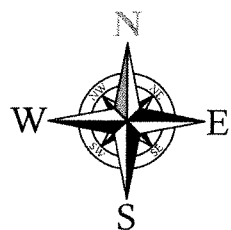


Exhibit 5 **BuyaSitePlan**
Fast and Quality Site Plans

Table 7.1 Table of Permissible Uses

TABLE 7.1. - TABLE OF PERMISSIBLE USES																		
“P” = Permitted, “S” = Special Use Permit Required, “X” = Prohibited																		
	Traditional Districts												Mixed-Use Districts					
Use Type	RR	RLD	RMD	RHD	OM	NB	GB	GI	HI	PUD	PCD	DC-MX	DG-MX	CC-MX1	CC-MX2	RC-MX	MD-MX	REFERENCE
Residential Uses																		
Single Family Detached	P	P	P	X	P	X	X	X	X	P	X	X	X	X	X	X	X	7.2.4.A
Townhouse/Attached Single Family	X	X	P	P	S	X	X	X	X	P	X	X	P	X	P	X	S	7.2.4.B
Duplex/Triplex/Quadplex	X	X	S	P	S	X	X	X	X	P	X	X	P	X	X	X	X	7.2.4.C
Multifamily	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	X	X	7.2.4.D
Upperstory Residential	X	X	X	S	P	X	X	X	X	P	X	P	P	P	P	P	P	7.2.4.E
Manufactured Home	X	S	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	7.2.4.F
Residential Care (ALF, ILF, CC)	X	X	X	P	P	P	P	X	X	P	P	X	X	P	P	X	P	7.2.4.G
Family Care Home	P	P	P	P	P	X	X	X	X	P	P	X	X	X	X	X	X	7.2.4.H
Board House/Rooming House	X	X	X	X	S	X	X	X	X	P	X	X	X	X	X	X	X	7.2.4.I
Student Housing	X	X	X	X	S	X	X	X	X	X	X	X	X	X	X	X	S	7.2.4.J

- b. All accessory and uses shall be clearly incidental to permitted principal use. All accessory buildings and pools shall be located in a side or rear yard.

C. Duplex/Triplex/Quadplex

1. Characteristics. A building containing up to four dwelling units, usually under single ownership, consolidated into a single structure. A duplex/triplex/quadplex is typically on a single lot and contains common walls. For regulatory purposes, the term is not to be construed as including mobile homes, recreational vehicles, travel trailers, housing mounted on motor vehicles, tents, houseboats, or other forms of temporary or portable housing.
2. Accessory Uses. Accessory uses commonly found are recreational facilities, parking of motor vehicles for the occupants, piers and docks, and accessory structures such as a garage or shed.
3. Examples. Examples include multiple family homes on a variety of lot sizes and types, such as a duplexes, triplexes, and quadplexes.
4. Uses Not Included.
 - a. Lodging where tenancy is arranged for one (1) week or less are considered to be a form of transient lodging (see commercial categories).
5. Use Standards
 - a. Development consisting of only duplex(es) are not permitted on lots greater than three (3) acres.
 - b. Lot width must be 1.5x the required minimum width of the base zoning district requirement for any duplex/triplex/quadplex.
 - c. Lot size must be 1.5x the required minimum lot size of the base zoning district requirement for any duplex/triplex/quadplex.
 - d. Density requirements shall be met for any district which a duplex/triplex/quadplex is located.
 - e. All accessory uses shall be clearly incidental to permitted principal use. All accessory buildings and pools shall be located in a side or rear yard.
 - f. Duplexes on corner lots shall be designed in a way that each unit fronts on a different street.
 - g. Each unit in the duplex shall have a separate entrance and separate drive.
 - h. Duplexes in the South Monroe Historic District shall only be allowed on corner lots.

D. Multifamily

1. Characteristics. Multifamily dwelling units are characterized by a building that contains more than four dwelling units. This definition includes condominiums or

Table 4.3.1. OM District Development Standards Table

OM District Development Standards Table		
Building Height		Maximum 3 Stories (By Right) Maximum 4 Stories (By SUP)
Density		Maximum 6 Units / Acre
Setbacks ¹	Front	15'
	Side	5' (interior lot) 10' (corner lot)
	Rear	10' (interior lot) 20' (through lot)
Lot ²	Width	75' Minimum
	Area	7,500 Square Feet Minimum
	Coverage	50% Maximum
FAR ³		0.75 Maximum
Open Space		See Section 8.8: Open Space
Additional Standards	¹ In any area that is located outside a designated floodplain, but where a stream is located, no building or fill may be located within a distance of the stream bank equal to five times the width of the stream at the top of the bank or 35 feet on each side, whichever is greater. ² Lot width, lot area, lot coverage requirements only apply to residential dwellings. ³ Floor area ratio only applies to non-residential uses.	

10.3. NONCONFORMING USES

- A. **Generally.** Any lawfully existing nonconforming use may continue on the same land area and on the same floor area. Except as provided in this Section, nonconforming uses may not be increased in extent (either in square footage or intensity of use).
- B. **Change of Use.** A nonconforming use may not be changed to any use other than a permitted use in the zoning district where located. A use shall be deemed to have been changed when an existing nonconforming use has been terminated and a permitted use has commenced. A change of use from an existing nonconforming use to a permitted use shall require the following:
 - a. Parking and loading areas shall be improved to the minimum standards specified in Section 8.4: Parking and Loading, of this UDO.
 - b. Landscaping and buffering shall be provided, as defined in Section 8.3: Landscaping, Buffering, Fences and Walls, of this UDO, to the greatest extent possible.
 - c. Nonconforming signs shall be removed from the property and replaced with conforming signs.
- C. **Nonconforming Uses Within a Completed Building.** Nonconforming uses may be extended throughout any portion of a completed building if the building was designed to accommodate such a use. A nonconforming use may not be extended to additional structures or to land area outside the structure.
- D. **Abandonment or Discontinuance.** If a nonconforming use is discontinued or abandoned for 180 days or more, the use shall not be reestablished or resumed. Operation of the use without a license or permit required by the City or State, for 180 days or more, shall constitute a termination of nonconforming use.

10.4. NONCONFORMING STRUCTURES

- A. **Nonconforming Structures Containing a Conforming Use.** Any lawful nonconforming structure containing a conforming use may continue in accordance with this Section. Any enlargement of a nonconforming structure containing a conforming use shall comply with all required setbacks in this UDO and other applicable regulations, and may not create any additional dwelling units, create new nonconformities, or increase the extent of existing nonconformities. A nonconforming structure shall not be moved, in whole or in part, to another location on or off the parcel of land on which it is located, unless upon relocation it conforms to the requirements of this UDO.

ACCTNO	OWNERNAME1	OWNERNAME2	OWNERADDRE	OWNERCITY	OWNERSTATE	OWNERZIP
09231055	AMDM INVESTMENTS LLC		PO BOX 502	HARRISBURG	NC	28075
09231058	COVINGTON SHARON E		2009 ROCKYCREEK LN	MONROE	NC	28112
09231057	EDWARDS SHARON C	AGURS TAQWEN S	PO BOX 3272	MONROE	NC	281113272
09231056						
09231051	GROUP FENIX INC		1230 W ROOSEVELT BLVD	MONROE	NC	28110
09231052						
09231065	HALL ROCKY TRUSTEE	HALL PATRICIA TRUSTEE	7496 NIXON CT	VENTURA	CA	93003
09231050	HEALTH QUEST OF UNION COUNTY		415 E FRANKLIN ST	MONROE	NC	28112
09231081	HIGHSTONE CAROLYN	HIGHSTONE TIMOTHY J	504 E TALLEYRAND AVE	MONROE	NC	28112
09231054	KIELY MARY		116 HENDERSON ST	MONROE	NC	28112
09231067	MAL SINH		11804 SIR FRANCIS DRAKE DR	CHARLOTTE	NC	28277
09231071A	MCGINNIS ELEANOR		505 E TALLEYRAND AVE	MONROE	NC	28112
09231082						
09231071						
09231070						
09231205	MSG COMMERCIAL PROPERTIES LLC		PO BOX 1699	MONROE	NC	28111
09231066	SALINA/POMONKEY NORTH CAROLINA LLC		81 SUMMIT ST	HUDSON	NY	12534
09231064						
09231083	TUCKER DAVID N		PO BOX 2066	MONROE	NC	28111
09231068	WALTERS JOSEPH	WALTERS JULIA	205 CHARLES ST	MONROE	NC	28112
09231069	WHITMAN LUCIDIA GALLEG0		PO BOX 470351	CHARLOTTE	NC	28247
09231175	WIGGINS CLARA P		408 W ROOSEVELT BLVD	MONROE	NC	28110
09231175B						
09231175A						

APO Map
PLSUP-2025-00137

Legend

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

Parcels Notified: 24



Exhibit 11