

**BOARD OF ADJUSTMENT MEETING
THURSDAY, MARCH 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– February 27, 2025**
- Item 7.** **Quasi-Judicial Statement**
- Item 8.** **PLZNA 2025-00162 Variance** - The Board of Adjustment is requested to consider a variance request from the required perimeter landscape buffer along the west property line in order to operate an automotive repair business at 431 Morgan Mill Road. (Parcel ID 09-189-038)
- Item 9.** **PLZNA 2025-00169 Variance** - The Board of Adjustment is requested to consider a variance request from parking and circulation area paving for a property located at 431 Morgan Mill Road. (Parcel ID 09-189-038)
- Item 10.** **PLSUP-2025-00064 Special Use Permit** - The Board of Adjustment is requested to consider this Special Use Permit request by Coy Coley on behalf of Alton Plyer, property owner, to establish truck parking, loading, and staging as well as outdoor building material storage uses within the General Business (GB) District at 1938 Skyway Drive. (Parcel ID 09-222-001A)
- Item 11.** **Next Meeting:** Thursday, April 24, 2025
- Item 12.** **Adjournment**

ATTENTION BOARD MEMBERS:

Please call Kimberly Davis at 704-282-4527 to confirm your attendance. Thank you.

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

MINUTES OF THE BOARD OF ADJUSTMENT MEETING

February 27, 2025, at 6:00 P.M.

Council Chambers

300 W. Crowell St., Monroe, NC

To HR: 02/28/25

Item 1. Call to Order – Roll Call

Corey Noland called the Board of Adjustment meeting to order at 6:00 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; Doug Britt, Asst. Director of Planning and Dev; Megan Brightharp, Planner 1; Kimberly Davis, Admin. Asst. II

Guests: John Powell, Khuong Nguyen, Sinh Mai

Item 2. Appoint Chair

Motion: Ryan Haywood made a motion to have Corey Noland serve as Acting Chair for this February 27, 2025 Board of Adjustment Meeting.

Second: Thomas Loria

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

AYES: Corey Noland, Thomas Loria and Ryan Haywood

NAYS: None

Item 3. Pledge of Allegiance and Moment of Silence

Item 4. Adopt Agenda

Motion: Thomas Loria made a motion to adopt the agenda.

Second: Ryan Haywood

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

AYES: Corey Noland, Thomas Loria and Ryan Haywood

NAYS: None

Item 5. Conflicts of Interest – None noted.

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

Motion: Ryan Haywood made a motion to approve the minutes of the January 23, 2025 meeting.

Second: Thomas Loria

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

AYES: Corey Noland, Thomas Loria, Ryan Haywood
NAYS: None

Item 7. 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 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)

Doug Britt and Megan Brightharp came forward and were sworn in.

Megan Brightharp, Planner 1, presented the proposed findings:

1. The property at 203 Charles Street is owned by Sinh Mai and is zoned OM (Office Medical). (Exhibit 1-3) Exhibit 1 is a copy of the Ortho Map showing the subject property highlighted in blue. The subject property is located at the corner of East Franklin and Charles Street, south of East Franklin Street and east of Charles Street. Exhibit 2 is a copy of the Zoning Map with the subject property highlighted in blue. The subject property is zoned Office Medical (OM) as are the properties to the north and directly to the east. Properties to the south are Residential Medium Density (RMD) and properties to the west are Conditional District (CD). That property is a teahouse. Exhibit 3 is a copy of the deed of the property showing that the applicant, Sinh Mai, is the owner.
2. A Special Use Permit Application was submitted on January 28, 2025 requesting to reestablish a duplex in the Office Medical (OM) District. (Exhibit 4-5) Exhibit 4 is a copy of the application. Exhibit 5 is a copy of the Site Plan of the home showing the existing structure.

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) Exhibit 6 is a copy of Table 7.1 from the City of Monroe Unified Development Ordinance. Shown in the table, crossing between the “Duplex, Triplex, and Quadplex Residential Use” and the “Traditional Zoning District of Office Medical” shows an “S” that stands for Special Use Permit Required.
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) Exhibit 7 is a copy of the UDO Section 157.7.2.4.C.
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) Exhibit 8 is a copy of Table 4.3.1 from the City of Monroe Unified Development Ordinance titled *Office Medical District Development Standards Table*. The lot shown meets the minimum lot width of 75 feet, minimum lot area of 7,500 square feet and the density of six units per acre.
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) Exhibit 9 is a copy of Section 10.3 of the Unified Development Ordinance. Highlighted on the screen is Item 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.”
9. All adjoining property owners have been notified of the Special Use Permit application. (Exhibit 10-11) Exhibit 10 is a copy of the APO List. Exhibit 11 is a copy of the APO Map. Twenty-four properties were notified. We only received two inquires just asking general questions about what the applicant is trying to do. A worksheet has been completed by staff for your use and is located behind your staff report for your consideration.

The Board began with questions for Megan. She spoke with the applicant earlier in the day who said he would be at the meeting, but had not yet arrived. There are no uses in the building and no medical offices there at this time. In the late summer or early fall of 2024, the applicant was trying to turn utilities back on, but that is when it was realized that utilities had been off for over 180

days. Planning told them that, before the utilities could be turned back on, they would need to get the Special Use Permit. The purchase of the property and the Deed were filed on February 2, 2018. The property is currently under contract to be sold.

The applicant and friend arrived so some questions were deferred to them once they were sworn in. Sinh Mai, Owner, and his friend, Khuong Nguyen came forward and were both sworn in. Sinh Mai, applicant, lives at 11804 Sir Francis Drake Drive, Charlotte, NC 28277. Khuong Nguyen lives at 7526 British Gardens Lane, Charlotte, NC 28277.

Khuong Nguyen spoke on what he has personal knowledge of regarding the situation. Mr. Mai purchased the property back in 2018 and, at the time, he had tenants that were renting both sides. (Mr. Mai) hired a property manager and everything was going well until about 2023. (Mr. Mai) went back to his home country of Vietnam and stayed there for six months. (Mr. Mai) did not receive the notices and the property manager quit, the tenants vacated and he didn't know anything. (Mr. Mai's) kids checked the mail and threw away all of the mail received from the City. (Mr. Mai) was unaware, but he contacted (Mr. Nguyen) last year to list the property. They (Mr. Mai and Mr. Nguyen) have the property currently under contract with a very serious buyer that wants to go in and renovate the property and continue using it as a duplex. When they came here to turn on the utilities that is when they realized it was no longer able to be used as a duplex. They hope to continue that usage since it was always a duplex since Mr. Mai purchased it and it was a duplex for years prior. Surrounding the property, it is mainly residential. There is a retail center across the street, but that is more on Franklin and the property is located more on Charles. The property is currently under contract and it is a condition of the Special Use Permit. The potential buyers want to remodel the property and continue using it as a duplex. It would cost them an "extensive amount" to bring it to one unit instead of keeping it as a duplex. The two sides of the property are not identical. The parking is like a parking lot driveway. It has a carport to fit two cars and the drive parking lot area will fit ten cars. The front and back each have separate entrances for each side of the duplex. The inside has a living room, adjacent to the kitchen and dining room, and has a solarium along with a staircase that goes up to the bedrooms upstairs. The other side of the duplex is identical. It is all completely divided and with separate meters.

Sinh Mai spoke and said he wishes to bring it back to the way it is. He said it is his fault in not responding to the power being off for six months. He just found out.

Attorney Al Benshoff explained to Mr. Mai that there are four standards and asked for an explanation directly from Mr. Mai and/or Mr. Nguyen on how the property, as a duplex, meets those standards.

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

Mr. Nguyen answered that it will not endanger the public health since the building has been used as a duplex for numerous years and the building is set up already as a duplex with separate meters, separate HVAC systems, separate electrical systems, and with separate ingress and egress. It has been functioning over thirty years as a duplex.

- 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.

Mr. Nguyen answered that the current development is set up as a duplex and has been used as a duplex for numerous years and he feels it would be more hazardous to reconvert it into a single building versus keeping the current usage of a duplex.

Mr. Noland asked staff if there were any other ways in which this property is not compliant with any other regulations.

Ms. Brightharp answered that this property was non-conforming. It existed and was being used as a duplex prior to the adoption of the UDO in 2022. Items F and G, there is one driveway and it is on a corner lot.

Motion: Corey Noland made a motion to adopt the Findings of Fact as presented by staff as well as the following Findings of Fact: 10) The application presented is conclusory and presents no facts surrounding the standards that this Board has to consider; 11) The property currently only has one driveway; 12) This duplex is on a corner lot and is not designed in a way that each unit fronts on a different street. Corey Noland made a motion to adopt all twelve Findings of Fact.

Second: Thomas Loria

Action: The motion passed with the following votes:

AYES: Corey Noland, Thomas Loria, Ryan Haywood

NAYS: None

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.

Motion: Corey Noland made a motion that the standard for this conclusion of law is met in that the building has been previously used as a duplex for a number of years. It is set up with different electrical systems, separate ingress and egress according to the testimony that we heard and, for this conclusion, I would make 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

- 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: Corey Noland made a motion that the standard is not met based on the following Findings of Fact: 1) There is only one driveway for this property; and 2) This is a duplex on a corner lot that is not designated in a way that

each unit fronts on a different street. The standard is not met based on these Findings of Fact.

Second: Thomas Loria

Action: The motion passed with the following votes:

AYES: Corey Noland, Thomas Loria, Ryan Haywood

NAYS: None

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

Motion: Corey Noland made a motion that the standard is not met based on the following Findings of Fact: There are no Findings of Fact related to how this would impact surrounding property.

Second: Ryan Haywood

Action: The motion passed with the following votes:

AYES: Corey Noland, Thomas Loria, Ryan Haywood

NAYS: None

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: Corey Noland made a motion that the standard is not met based on the Findings set forth for conclusion B.

Second: Ryan Haywood

Action: The motion passed with the following votes:

AYES: Corey Noland, Thomas Loria, Ryan Haywood

NAYS: None

Under legal recommendation:

Motion: Corey Noland made a motion to adopt the testimony related to separate electrical systems and separate entrances as well as the fact that this building has been previously used as a duplex as Finding of Fact 13.

Second: Thomas Loria

Action: The motion passed with the following votes:

AYES: Corey Noland, Thomas Loria, Ryan Haywood

NAYS: None

III. Permit Action

Motion: Thomas Loria made a motion to DENY the Special Use Permit based on the finding of General Standards of the above and the previous responses of B, C and D. They are generally not met.

Second: Corey Noland

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

AYES: Corey Noland, Thomas Loria, Ryan Haywood

NAYS: None

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

Item 10. **Adjournment**

Motion: **Corey Noland made a motion to adjourn the meeting.**
Second: **Ryan Haywood**
Action: **The motion to adjourn passed with the following votes:**
 AYES: Corey Noland, Thomas Loria, Ryan Haywood
 NAYS: None

The meeting was adjourned at 6:38 p.m.

Respectfully submitted,

Corey Noland
Acting Chair

Kimberly Davis
Clerk of the Board



STAFF REPORT

Case # PLZNA-2025-00162

TO: Board of Adjustment Members

DATE: March 27, 2025

FROM: Doug Britt, Assistant Director of Planning and Development

PREPARED BY: Patrick Blaszyk, Planner

SUBJECT: Variance Request by Saul Santiago Martinez from landscape buffering for a property located at 431 Morgan Mill Road.

SUMMARY STATEMENT

Saul Santiago Martinez is requesting a variance for alleviation from the required perimeter landscape buffer along the west property line in order to operate an automotive repair business at 431 Morgan Mill Road.

SITE DATA

Type of Action: Variance
Date of Petition: February 28, 2025
Name of Petitioner: Saul Santiago Martinez
Location: 431 Morgan Mill Road
Tax ID #: 09-189-038
Lot Size: 0.76 Acres
Current Zoning Classification: GB (General Business)

REVIEW

Proposed Findings:

1. The property located at 431 Morgan Mill Road is owned by Saul Santiago Martinez and is zoned GB (General Business). (Exhibit 1, 2 & 3)
2. On February 28, 2025, Saul Santiago Martinez submitted a variance application from section 7.2.6.Q.4.b. of the Unified Development Ordinance (UDO) to not install the

required Type 2, 20-foot wide perimeter landscape buffer along the west property line. (Exhibit 4)

3. Section 7.2.6.Q.4.b. of the UDO titled “Minor Vehicle Service & Vehicle Part Sales” under “Permissible Use Definitions and Standards” lists if a parcel is located in the General Business (GB) zoning district or abuts a residential use, a Type 2, 20-foot wide landscape buffer is required to be provided. This parcel is located in the GB zoning district and abuts a residential parcel. (Exhibit 5)
4. Staff created a site plan displaying the location of the required perimeter landscape buffer. (Exhibit 6)
5. Staff has taken 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)

Conclusions:

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

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

THEREFORE, on the basis of all foregoing, IT IS ORDERED that the application Variance PLZNA-2025-00162 be (**approved/denied**).

Exhibits:
Exhibit 1: Ortho Map
Exhibit 2: Zoning Map
Exhibit 3: Deed to Property
Exhibit 4: Variance Application
Exhibit 5: Section 7.2.6.Q.4.b. of the UDO
Exhibit 6: Site Plan
Exhibit 7: Photos of Site
Exhibit 8: APO Map
Exhibit 9: APO List

Prepared by: PB 3-7-2025



Ortho Map

Case #: PLZNA-2025-00162

431 Morgan Mill Road

Legend

-  Parcels
-  Subject Property
-  Centerlines

**Owner: Saul Santiago
Martinez**

Acres: 0.76



0 75 150
 Feet

Exhibit 1

Zoning Map

Case #: PLZNA-2025-00162

431 Morgan Mill Road

Legend

-  Parcels
-  Subject Property
-  Centerlines
-  GB
-  OM
-  RHD
-  RMD

**Owner: Saul Santiago
Martinez**

Acres: 0.76



0 75 150
 Feet

Exhibit 2

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

FILED Aug 20, 2024
AT 01:40 pm
BOOK 08961
START PAGE 0687
END PAGE 0689
INSTRUMENT # 19752
EXCISE TAX \$800.00
DE

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: ~~300.00~~ 800⁰⁰

Parcel Identifier No: 9189038

Mail/Box to: **Burns & Gray, PA**

This instrument was prepared by: **John T. Burns / eb**

Brief description for the Index: 431 Morgan Mill Rd.

THIS DEED made this 19 day of August, 2024, by and between

GRANTOR

GRANTEE

Walters Investment Holdings, LLC
A North Carolina Limited Liability Company
PO Box 1561
Monroe, NC 28111

Saul Usiel Santiago Martinez
1517 Maurice Trull
Wingate, NC 28174

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

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

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

See attached schedule A

Transfer of this property does not include the Grantors primary residence.

The property hereinabove described was acquired by Grantor by instrument recorded in **Book 8580, page 280.**

Exhibit 3

A map showing a portion of the above described property is recorded in Plat Cabinet __, File ____.

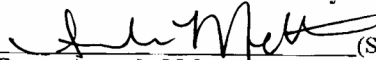
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

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

All right of ways of roads and utilities that border or cross said property.

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

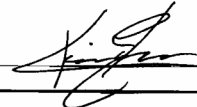
Walters Investment Holdings, LLC, a
North Carolina Limited Liability Company

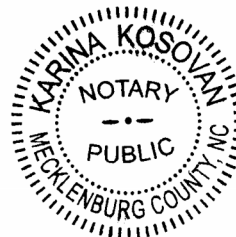
 (SEAL)
By: Amanda Melton, Manager

State of North Carolina - County of Union

I, the undersigned Notary Public of the County and State aforesaid, certify that **Amanda Melton** personally came before me this day and acknowledged that she is the **Manager of Walters Investment Holdings, LLC** a North Carolina limited liability company, and that by authority duly given and as the act of such entity, she signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 14th day of August, 2024.

My Commission Expires: 02-27-27


Notary Public



Schedule "A"**Property address: 431 Morgan Mill Rd.****Property ID: 09189038**

FIRST TRACT: BEGINNING at an iron stake located in the north right-of-way line of Morgan Mill Road, C.B. Mangum's property corner, and runs thence with the Mangum property line, North 41 degrees 30 minutes West 1431.42 feet to an iron, another corner of C.B. Mangum; thence North 48 degrees 23 minutes 30 seconds East, passing an iron stake at 22.85 feet, a total distance of 80 feet to an iron, a common corner with the City of Monroe; thence with the City of Monroe's property line, South 41 degrees 30 minutes East 143.57 feet to an iron located on the north right-of-way line of Morgan Mill Road; thence with the north right-of-way line of Morgan Mill Road; South 48 degrees 30 minutes West 80 feet to the point of BEGINNING; as surveyed by William J. Alexander, Registered Surveyor, January 16, 1987, to which survey further reference is hereby made.

SECOND TRACT: BEGINNING at a point about 42 1/2 feet from the middle line of Morgan Mill Road, being the northeastern corner of the Lydia B. Simpson property and running thence with said road about N. 48 degrees 30 minutes East 110 feet; thence with a division line about N. 42 degrees 30 minutes West 140 feet; thence S. 48 degrees 30 minutes West 110 feet to the northwest corner of the Lydia B. Simpson property; thence with the Lydia B. Simpson line, S. 42 degrees 30 minutes East 140 feet to the BEGINNING; and shown in Plat Book No. 3, Page 69 in the Office of the Register of Deeds for Union County, North Carolina, to which recorded Plat further reference is hereby made.

THIRD TRACT: BEGINNING at a point in the southern edge of Fairley Avenue and the R.J. Donahew property, and running about South 48 degrees 30 minutes West 171 feet "to a point, being the northeastern corner of the Ronald E. Phillips and David N. Tucker property; thence about North along the line of the Phillips-Tucker property 110 feet to a point in the southern edge of Fairley Avenue; thence along said line of Fairley Avenue 130 feet to the point of BEGINNING; and shown in Plat Book No. 3, Page 69 in the office of the Register of Deeds for Union County, North Carolina, to which recorded plat further reference is hereby made.

City of Monroe Variance Application Form

Applicant's Name: Saul U Santiago Martinez

Applicant's Address: 1517 Maurice Trail Rd
Wingate NC 28174

Property Owner's Name: Saul U Santiago Martinez

Property Owner's Address: 1517 Maurice Trail Rd
Wingate NC 28174

Legal Relationship of Applicant to Property Owner: owner

Contact Person Name and Phone Number: (704) 993-1240 / 704-635-7538

Existing Use of Property: Vacant

Property Location: 431 Morgan Mill Rd Monroe NC 28110

Tax Map Number: 09-189-038 Lot Size: 0.7630 Acres Zoning District: GB

Ordinance section number to which a variance is being sought: 72.604B 8.43B.1.A

Proposed variance description: Request for approval of property to operate as a
business with existing barriers, fences, buffers and property separators
(See attached Photos)

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under NC State law, the Board must reach the conclusions listed below before it can issue a variance. When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of the conclusions below.

Please provide facts and arguments on how the request for a variance meets each of the conclusions listed below. Please be as specific as possible in your statements. Should you need more room to complete the information, please attach a separate sheet.

1. There are unnecessary hardships in the way of carrying out the strict letter of the ordinance. [It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property, and it is not sufficient that failure to grant the variance will simply make the property less valuable.]

Our request is for the property to be used as Martin
Automobile Operated the facility. Any setbacks would require
altering the present building entrances.

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

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

The hardship would require the building to be altered and
reduce the accessibility of the entrances

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

The purchase of the property rests on having a usable
facility and parking area. These variances would create a
financial hardship that was not expected

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

We have no problem with the variance except in the areas
that prohibit access to the building and parking areas

Request for variances may need to be accompanied by a sketch plan or survey from a Registered Land Surveyor. Said plan shall show, in a scaled form, the location and size of:

1. The boundaries of the lot(s) in question,
2. The size, shape and location of all existing buildings, parking facilities and accessory buildings,
3. The size, shape and location of all proposed buildings, parking facilities and accessory uses,
4. The location of all setbacks and front lot widths as measured at the front setback,
5. The location and type of screening and buffering proposed; and
6. Other information deemed by the Zoning Officer necessary to consider the application complete.

Saul U Santiago Martinez
Printed name of Applicant

[Signature]
Signature of Applicant

1/22/2023
Date

Saul U Santiago Martinez

Printed name of Owner

Signature of Owner

Date

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

FOR STAFF USE ONLY
(PLEASE DO NOT WRITE BELOW THIS LINE)

Scaled plan attached: Yes _____ No _____ Fee Attached: Yes _____ No _____

Adjoining property owner's information attached: Yes _____ No _____

Public hearing date: _____

Notice to applicant and adjoining property owners mailed on: _____ INT. _____

Action taken by the Board of Adjustment: _____

Notification of Action Mailed to applicant on: _____

7.2.6. COMMERCIAL USES

Q. Minor Vehicle Service & Vehicle Part Sales

4. Use Standards.

- a. If located in the GB district or abutting a residential use, a landscape buffer with buffer intensity of 2 shall be provided.

Exhibit 5



Exhibit 6



Exhibit 7



APO Map

PLZNA-2025-00162

Legend

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

18 Parcels Notified



Exhibit 8

ACCTNO	OWNERNAME1	OWNERNAME2	OWNERADDRE	OWNERCITY	OWNERSTATE	OWNERZIP
09189018	MORGAN MILL LLC		204-C WEST WOODLAWN RD	CHARLOTTE	NC	28217
09189015	HAMILTON LENELLE M		510 MANGUM ST	MONROE	NC	28110
09189034	SOCAP FAIRLEY LLC		PO BOX 1110	INDIAN TRAIL	NC	28079
09189038A	BARNICA ELSA MARINA AVILA	ACATITLAN CONSTANTINO MORALES	1400 FAIRLEY AVE	MONROE	NC	28110
09189043	RIVES LINDA SHAW SUCCESSOR TRUSTEE		3560 MEMBERS CLUB BLVD	SOUTHPORT	NC	28461
09189044	DREAMBRICKS LLC		3024 TWIN LAKES DRIVE	MATTHEWS	NC	281046114
09189042A	VPAT-SOUTH LLC		3142 BEAVER DAM DR	MONROE	NC	28110
09189054	CONSTANTE ASael AMAYA	AGUAS DULCE MARIA MENDIOLA	1301 FAIRLEY AVE	MONROE	NC	28110
09189039	STAMOULIS TINA MARIA	HOULI PARTNERS LLC	7407 QUAIL HILL RD	CHARLOTTE	NC	28210
09189035	JB'S REALTY LLC		437 MORGAN MILL RD	MONROE	NC	28110
09192004	MOSER LILLIAN L HEIRS	C/O JULIE M WATKINS	3920 STACK RD	MONROE	NC	28112
09189016	CERVANTES ALMANZA AGUSTINE	CERVANTES MARIA ISABEL	9824 DRAWBRIDGE DR	CHARLOTTE	NC	28215
09189014A	MASTER TOWING LLC		17414 BALDWIN HALL DR	CHARLOTTE	NC	28277
09189038	MARTINEZ SAUL USIEL SANTIAGO		1517 MAURICE TRULL	WINGATE	NC	28174
09189045	MOORE LORETTA L		3217 ALLENWOOD RD	CHARLOTTE	NC	28270

Exhibit 9



STAFF REPORT

Case # PLZNA-2025-00169

TO: Board of Adjustment Members

DATE: March 27, 2025

FROM: Doug Britt, Assistant Director of Planning and Development

PREPARED BY: Patrick Blaszyk, Planner

SUBJECT: Variance Request by Saul Santiago Martinez from parking and circulation area paving for a property located at 431 Morgan Mill Road.

SUMMARY STATEMENT

Saul Santiago Martinez is requesting a variance for alleviation from the required paving of the parking and circulation areas in the rear yard of the property at 431 Morgan Mill Road.

SITE DATA

Type of Action:	Variance
Date of Petition:	February 28, 2025
Name of Petitioner:	Saul Santiago Martinez
Location:	431 Morgan Mill Road
Tax ID #:	09-189-038
Lot Size:	0.76 Acres
Current Zoning Classification:	GB (General Business)

REVIEW

Proposed Findings:

1. The property located at 431 Morgan Mill Road is owned by Saul Santiago Martinez and is zoned GB (General Business). (Exhibit 1, 2 & 3)
2. The applicant has indicated the unimproved; grass area on the rear side of the property will be utilized in order to drive vehicles to and from the paved parking area to the vehicle maintenance bays on the rear of the building. The Unified Development Ordinance (UDO) requires all vehicle parking and circulation areas to be paved with

asphalt or concrete. On February 28, 2025, Saul Santiago Martinez submitted a variance application from section 8.4.3.B.1.a. of the UDO to not pave the parking and circulation areas located on the rear yard of the property. This variance would exempt the applicant from the submitting the required professionally engineered plans for paving the parking and circulation areas. These plans would require landscaping buffers, the orientation and layout of the parking lot and dimensions of parking spaces. (Exhibit 4)

3. Section 8.4.3.B.1.a. of the UDO titled “Paving” under “Parking Design Standards” lists that all new parking, loading, driveways and drive aisles, serving new construction, including expansions to existing uses must be paved with asphalt or concrete. (Exhibit 5)
4. Staff created a site plan displaying the location of the required areas for paving regarding the parking and circulation areas. (Exhibit 6)
5. Staff has taken 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)

Conclusions:

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

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

THEREFORE, on the basis of all foregoing, IT IS ORDERED that the application Variance PLZNA-2025-00169 be (**approved/denied**).

Exhibits:
Exhibit 1: Ortho Map
Exhibit 2: Zoning Map
Exhibit 3: Deed to Property
Exhibit 4: Variance Application
Exhibit 5: Section 8.4.3.B.1.a. of the UDO
Exhibit 6: Site Plan
Exhibit 7: Photos of Site
Exhibit 8: APO Map
Exhibit 9: APO List

Prepared by: PB 3-10-2025



Ortho Map

Case #: PLZNA-2025-00162

431 Morgan Mill Road

Legend

-  Parcels
-  Subject Property
-  Centerlines

**Owner: Saul Santiago
Martinez**

Acres: 0.76



0 75 150
Feet

Exhibit 1

Zoning Map

Case #: PLZNA-2025-00162

431 Morgan Mill Road

Legend

-  Parcels
-  Subject Property
-  Centerlines
-  GB
-  OM
-  RHD
-  RMD

**Owner: Saul Santiago
Martinez**

Acres: 0.76



0 75 150
 Feet

Exhibit 2

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

FILED Aug 20, 2024
AT 01:40 pm
BOOK 08961
START PAGE 0687
END PAGE 0689
INSTRUMENT # 19752
EXCISE TAX \$800.00
DE

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: ~~300.00~~ 800⁰⁰

Parcel Identifier No: 9189038

Mail/Box to: **Burns & Gray, PA**

This instrument was prepared by: **John T. Burns / eb**

Brief description for the Index: 431 Morgan Mill Rd.

THIS DEED made this 19 day of August, 2024, by and between

GRANTOR

GRANTEE

Walters Investment Holdings, LLC
A North Carolina Limited Liability Company
PO Box 1561
Monroe, NC 28111

Saul Usiel Santiago Martinez
1517 Maurice Trull
Wingate, NC 28174

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

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

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

See attached schedule A

Transfer of this property does not include the Grantors primary residence.

The property hereinabove described was acquired by Grantor by instrument recorded in **Book 8580, page 280.**

Exhibit 3

A map showing a portion of the above described property is recorded in Plat Cabinet __, File ____.

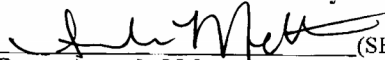
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

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

All right of ways of roads and utilities that border or cross said property.

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

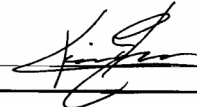
Walters Investment Holdings, LLC, a
North Carolina Limited Liability Company

 (SEAL)
By: Amanda Melton, Manager

State of North Carolina - County of Union

I, the undersigned Notary Public of the County and State aforesaid, certify that **Amanda Melton** personally came before me this day and acknowledged that she is the **Manager of Walters Investment Holdings, LLC** a North Carolina limited liability company, and that by authority duly given and as the act of such entity, she signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 14th day of August, 2024.

My Commission Expires: 02-27-27


Notary Public



Schedule "A"

Property address: 431 Morgan Mill Rd.

Property ID: 09189038

FIRST TRACT: BEGINNING at an iron stake located in the north right-of-way line of Morgan Mill Road, C.B. Mangum's property corner, and runs thence with the Mangum property line, North 41 degrees 30 minutes West 1431.42 feet to an iron, another corner of C.B. Mangum; thence North 48 degrees 23 minutes 30 seconds East, passing an iron stake at 22.85 feet, a total distance of 80 feet to an iron, a common corner with the City of Monroe; thence with the City of Monroe's property line, South 41 degrees 30 minutes East 143.57 feet to an iron located on the north right-of-way line of Morgan Mill Road; thence with the north right-of-way line of Morgan Mill Road; South 48 degrees 30 minutes West 80 feet to the point of BEGINNING; as surveyed by William J. Alexander, Registered Surveyor, January 16, 1987, to which survey further reference is hereby made.

SECOND TRACT: BEGINNING at a point about 42 1/2 feet from the middle line of Morgan Mill Road, being the northeastern corner of the Lydia B. Simpson property and running thence with said road about N. 48 degrees 30 minutes East 110 feet; thence with a division line about N. 42 degrees 30 minutes West 140 feet; thence S. 48 degrees 30 minutes West 110 feet to the northwest corner of the Lydia B. Simpson property; thence with the Lydia B. Simpson line, S. 42 degrees 30 minutes East 140 feet to the BEGINNING; and shown in Plat Book No. 3, Page 69 in the Office of the Register of Deeds for Union County, North Carolina, to which recorded Plat further reference is hereby made.

THIRD TRACT: BEGINNING at a point in the southern edge of Fairley Avenue and the R.J. Donahew property, and running about South 48 degrees 30 minutes West 171 feet "to a point, being the northeastern corner of the Ronald E. Phillips and David N. Tucker property; thence about North along the line of the Phillips-Tucker property 110 feet to a point in the southern edge of Fairley Avenue; thence along said line of Fairley Avenue 130 feet to the point of BEGINNING; and shown in Plat Book No. 3, Page 69 in the office of the Register of Deeds for Union County, North Carolina, to which recorded plat further reference is hereby made.

City of Monroe Variance Application Form

Applicant's Name: Saul U Santiago Martinez

Applicant's Address: 1517 Maurice Trail Rd

Wingate NC 28174

Property Owner's Name: Saul U Santiago Martinez

Property Owner's Address: 1517 Maurice Trail Rd

Wingate NC 28174

Legal Relationship of Applicant to Property Owner: owner

Contact Person Name and Phone Number: (704) 993-1240 / 704-635-7538

Existing Use of Property: Vacant

Property Location: 431 Morgan Mill Rd Monroe NC 28110

Tax Map Number: 09-189-038 Lot Size: 0.7630 Acres Zoning District: GB

Ordinance section number to which a variance is being sought: 72.604B 8.43B.1.A

Proposed variance description: Request for approval of property to operate as a business with existing barriers, fences, buffers and property separators (See attached Photos)

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under NC State law, the Board must reach the conclusions listed below before it can issue a variance. When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of the conclusions below.

Please provide facts and arguments on how the request for a variance meets each of the conclusions listed below. Please be as specific as possible in your statements. Should you need more room to complete the information, please attach a separate sheet.

1. There are unnecessary hardships in the way of carrying out the strict letter of the ordinance. [It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property, and it is not sufficient that failure to grant the variance will simply make the property less valuable.]

Our request is for the property to be used as Martin Automobile Operated the facility. Any setbacks would require altering the present building entrances.

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

Exhibit 4

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

The hardship would require the building to be altered and
reduce the accessibility of the entrances

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

The purchase of the property rests on having a usable
facility and parking area. These variances would create a
financial hardship that was not expected

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

We have no problem with the variance except in the areas
that prohibit access to the building and parking areas

Request for variances may need to be accompanied by a sketch plan or survey from a Registered Land Surveyor. Said plan shall show, in a scaled form, the location and size of:

1. The boundaries of the lot(s) in question,
2. The size, shape and location of all existing buildings, parking facilities and accessory buildings,
3. The size, shape and location of all proposed buildings, parking facilities and accessory uses,
4. The location of all setbacks and front lot widths as measured at the front setback,
5. The location and type of screening and buffering proposed; and
6. Other information deemed by the Zoning Officer necessary to consider the application complete.

Saul U Santiago Martinez
Printed name of Applicant

[Signature]
Signature of Applicant

1/22/2023
Date

Saul U Santiago Martinez

Printed name of Owner

Signature of Owner

Date

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

FOR STAFF USE ONLY
(PLEASE DO NOT WRITE BELOW THIS LINE)

Scaled plan attached: Yes _____ No _____ Fee Attached: Yes _____ No _____

Adjoining property owner's information attached: Yes _____ No _____

Public hearing date: _____

Notice to applicant and adjoining property owners mailed on: _____ INT. _____

Action taken by the Board of Adjustment: _____

Notification of Action Mailed to applicant on: _____

8.4.3. PARKING DESIGN STANDARDS

B. Paving

1. **Applicability.** Paving shall be required per the standards of this Section for:
 - a. All new parking, loading, driveways and drive aisles, serving new construction, including expansions to existing uses;

Exhibit 5



Exhibit 6



Exhibit 7





APO Map

PLZNA-2025-00162

Legend

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

18 Parcels Notified



Exhibit 8

ACCTNO	OWNERNAME1	OWNERNAME2	OWNERADDRE	OWNERCITY	OWNERSTATE	OWNERZIP
09189018	MORGAN MILL LLC		204-C WEST WOODLAWN RD	CHARLOTTE	NC	28217
09189015	HAMILTON LENELLE M		510 MANGUM ST	MONROE	NC	28110
09189034	SOCAP FAIRLEY LLC		PO BOX 1110	INDIAN TRAIL	NC	28079
09189038A	BARNICA ELSA MARINA AVILA	ACATITLAN CONSTANTINO MORALES	1400 FAIRLEY AVE	MONROE	NC	28110
09189043	RIVES LINDA SHAW SUCCESSOR TRUSTEE		3560 MEMBERS CLUB BLVD	SOUTHPORT	NC	28461
09189044	DREAMBRICKS LLC		3024 TWIN LAKES DRIVE	MATTHEWS	NC	281046114
09189042A	VPAT-SOUTH LLC		3142 BEAVER DAM DR	MONROE	NC	28110
09189054	CONSTANTE ASael AMAYA	AGUAS DULCE MARIA MENDIOLA	1301 FAIRLEY AVE	MONROE	NC	28110
09189039	STAMOULIS TINA MARIA	HOULI PARTNERS LLC	7407 QUAIL HILL RD	CHARLOTTE	NC	28210
09189035	JB'S REALTY LLC		437 MORGAN MILL RD	MONROE	NC	28110
09192004	MOSER LILLIAN L HEIRS	C/O JULIE M WATKINS	3920 STACK RD	MONROE	NC	28112
09189016	CERVANTES ALMANZA AGUSTINE	CERVANTES MARIA ISABEL	9824 DRAWBRIDGE DR	CHARLOTTE	NC	28215
09189014A	MASTER TOWING LLC		17414 BALDWIN HALL DR	CHARLOTTE	NC	28277
09189038	MARTINEZ SAUL USIEL SANTIAGO		1517 MAURICE TRULL	WINGATE	NC	28174
09189045	MOORE LORETTA L		3217 ALLENWOOD RD	CHARLOTTE	NC	28270

Exhibit 9



STAFF REPORT
PLSUP-2025-00064

TO: Board of Adjustment Members

DATE: March 27, 2025

FROM: Doug Britt, Assistant Director of Development Services

PREPARED BY: Megan Brightharp, Planner

SUBJECT: Special Use Permit request for truck parking, loading, and staging as well as outdoor building material storage in the General Business (GB) District at 1938 Skyway Drive.

SUMMARY STATEMENT

The Board of Adjustment is requested to consider this Special Use Permit request by Coy Coley on behalf of Alton Plyer, property owner, to establish truck parking, loading, and staging as well as outdoor building material storage uses within the GB, General Business District at 1938 Skyway Drive.

SITE DATA

Type of Action: Special Use Permit

Date of Petition: October 7, 2024

Name of Petitioner: Coy Coley

Location: 1938 Skyway Drive

Tax ID #: 09-222-001A

Lot Size: 1.855 Acres

Zoning Classification: GB (General Business)

PROPOSED FINDINGS

Staff offers the following Proposed Findings:

1. The property at 1938 B Skyway Drive is owned by Alton Eugene Plyler and is zoned GB (General Business). (Exhibit 1-3).
2. A Special Use Permit Application was submitted on October 7, 2025 requesting to establish truck parking, loading, and staging as well as outdoor building material storage uses in the GB (General Business) District. (Exhibit 4&5)
3. According to Section 157.7.1 of the City of Monroe Unified Development Ordinance titled “Tables of Permissible Uses (Traditional and Mixed-Use)”, outdoor storage is only allowed in the GB Zoning District with the issuance of a Special Use Permit from the Board of Adjustment. (Exhibit 6)
4. According to Section 157.7.2.8.I of the City of Monroe Unified Development Ordinance titled “Outdoor Storage”, the use is described as “A lot designated for the extended outdoor storage of cars, boats, other vehicles. This use is not to be confused with commercial parking, which excludes outdoor storage. Outdoor storage is for the extended storage of cars, boats, and other vehicles, machinery, and equipment or material.” (Exhibit 7)
5. All adjoining property owners have been notified of the Special Use Permit application. (Exhibit 8&9).

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 to Property
Exhibit 4: Application
Exhibit 5: Site Plan
Exhibit 6: UDO Section 157.7.1
Exhibit 7: UDO Section 157.7.2.8.I
Exhibit 8: APO List
Exhibit 9: APO Map

Prepared by: MB 03/12/2025

SPECIAL USE PERMIT WORKSHEET
**FOR TRUCK PARKING, LOADING, AND STAGING AS WELL AS OUTDOOR
BUILDING MATERIAL STORAGE IN THE GB, GENERAL BUSINESS DISTRICT
AT 1938 SKYWAY DRIVE
(PARCEL # 09-222-001A)**

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 application states that "The Building Center will only be parking trucks, loading, staging and some outdoor building material storage. This design, use, and operation at this proposed location will in no way be a danger to the public throughout the existence of this facility".

☐ 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 application states that "The Building Center always and will always conduct business in this proposed location and in all other company sites in a manner which meets or exceed the existing local and state rules and ordinances which governs the development of land."

☐ 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 application states that "At no time during the development and late ruse of this proposed lot will there be any adverse impacts on adjacent property owners or business. The practice on site of the previously mentioned uses will not have any negative impacts to others outside of the proposed boundaries of the Building Center's Property."

☐ 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 application states that "The design for the proposed use of this site has been reviewed and commented on by the staff of the Town of Monroe. The designer has addressed the suggestions from the staff in a manner to conform to the Monroe Land Development Plan and to conduct business in harmony of the proposed location."

☐ 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-2025-00064

Legend

- Centerlines
- Parcels
- Subject Property

Existing:
GB
(General Business)

Owner:
Alton Plyler

Acres: 1.855



0 150 300
Feet

Exhibit 1

Zoning Map
PLSUP-2025-00064

Legend

- Centerlines
- Parcels
- GB
- GI
- RHD
- RMD
- Subject Property

Existing:
GB
(General Business)

Owner:
Alton Plyler

Acres: 1.855



0 150 300 Feet

Exhibit 2

Filed for record
Date 4.21.2004
Time 10:00 of clock 9 M
JUDY G. PRICE, Register of Deeds
Union County, North Carolina

Prepared by and Return to: Griffin, Smith, Caldwell, Helder & Helms, P.A.
P.O. Drawer 99, Monroe, NC 28110

A portion of tax parcel 09-222-001
Grantees Address: Alton Eugene Plyler
2170 Concord Avenue
Monroe, NC 28110

STATE OF NORTH CAROLINA

QUITCLAIM DEED

COUNTY OF UNION

THIS DEED, made and entered into this 20th day of April, 2004, by and between AARON W. PLYLER and wife, DOROTHY M. PLYLER, Grantors; and ALTON EUGENE PLYLER, Grantee;

WITNESSETH:

THAT WHEREAS, Grantors conveyed the hereinafter described property to Grantee a number of years ago but apparently the deed for such conveyance was never recorded and cannot now be found; and

WHEREAS, Grantee has built a building on said property and operated a business thereon for a number of years; and

WHEREAS, Grantors claim no interest in said property and desire to vest record title in said property in Grantee as Grantors had intended a number of years ago when they conveyed said property to Grantee.

NOW, THEREFORE, Grantors, for and in consideration of the sum of Ten Dollars and other valuable consideration paid to them, have remised and do remise, release and forever quitclaim unto the Grantee and his heirs and assigns all right, title, claim and interest of Grantors in and to that certain tract or parcel of land lying and being in Monroe Township, Union County, North Carolina, and being more particularly described as follows:

BEGINNING at a point in centerline of US Hwy. 601 North, a corner of the property conveyed to Alton Eugene Plyler by deed recorded in Book 602, Page 818, and runs thence with the centerline of said Highway, North 25-35 East 94.0 feet to a point; thence South 65-20 East 419.0 feet to an iron stake in a line of the Aaron W. Plyler property; thence with a line of the said Aaron W. Plyler property South 24-11 West 115.0 feet to an iron stake, a corner of the Alton Eugene Plyler property described in deed in Book 602, Page 818, referred to hereinabove; thence with a line of the said Alton Eugene Plyler property, North 62-30 West 420.8 feet to the point and place of BEGINNING, and being all of Lot 3 of the Aaron W. Plyler property shown on map by Robert F. Knight, dated August 1970.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges thereunto belonging to Grantee and the Grantee's heirs, successors and assigns, free and discharged from all right, title, claim or interest of Grantors or anyone claiming by, through under Grantors.

IN TESTIMONY WHEREOF, Grantors have caused this instrument to be executed the day and year first above written.

Aaron W. Plyler (SEAL)
Aaron W. Plyler

Dorothy M. Plyler (SEAL)
Dorothy M. Plyler

STATE OF NORTH CAROLINA

COUNTY OF UNION

Before me, a Notary Public of said county and state, personally appeared this day AARON W. PLYLER and wife, DOROTHY M. PLYLER and acknowledged the execution of the foregoing instrument for the use and purposes therein expressed.

This the 20th day of April, 2004.

Frances W. Fundebank
Notary Public

My commission expires:

July 28, 2004



NORTH CAROLINA-UNION COUNTY
The foregoing certificate(s) of

Frances W. Fundebank

Notary(y) (es) Public
is/are certified
to be correct.

JUDY G. PRICE; REGISTER OF DEEDS

BY: *Mary B. Smith*
ASST. DEPT.



SPECIAL USE PERMIT APPLICATION

Applicant's Name: Coy COLEY

Applicant's Mailing Address: 10201 INDUSTRIAL DRIVE
PINEVILLE, N.C. 28134

Applicant's Phone Number: (704) 200-6194

Applicant's Email Address: CCOLEY@THEBUILDINGCENTERINC.COM

Property Owner: ALTON EUGENE PLYLER

Property Location: 1938 SKYWAY DRIVE

Tax ID Number: 092-220-01A Deed Reference Number: BOOK _____ PAGE _____

Existing Zoning: GENERAL BUSINESS

Proposed Special Use:

TRUCK PARKING, LOADING AND STAGING AS WELL AS OUTDOOR
BUILDING MATERIAL STORAGE

Proposed Conditions:

CONVERT EXISTING WOODED AND GRASSED AREA TO ASPHALT
PAVED AREA TO BE USED FOR TRUCK PARKING, LOADING AND
STAGING, AND BUILDING MATERIAL STORAGE.
LANDSCAPING AS NEEDED AND REQUIRED PER ZONING REQUIREMENTS.

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

5-12-21

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

For Staff Use Only

Project Number: _____

Date Submitted: _____

Approved _____

Denied _____

- 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

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

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

Applicant (printed): Cory Coley

Applicant's Signature: Cory Coley
Chief Real Estate Officer

Date: 9/23/2024

Property Owner: ALTON EUGENE PLYLER

By: ALTON EUGENE PLYLER

Title: Owner

Owner's Signature: Alton E. Plyler

Date: 9-24-2024

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



Megan,

I would like to add a little more detailed answers to the items under the Special Use General Standards. Please see below.

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.

The Building Center will only be parking trucks, loading, staging and some out door building material storage. This design, use and operation at this proposed location will in no way be a danger to the public though out the existence of this facility.

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 Building Center always and will always conduct business in this proposed location and in all other company sites in a manner which meets or exceeds the existing local and state rules and ordinances which governs the development of land.

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

At no time during the development and later use of this proposed lot will there be any adverse impacts on adjacent property owners or businesses. The practice on site of the previously mentioned uses will not have any negative impacts to others out side of the proposed boundaries of the Building Center's property.

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.

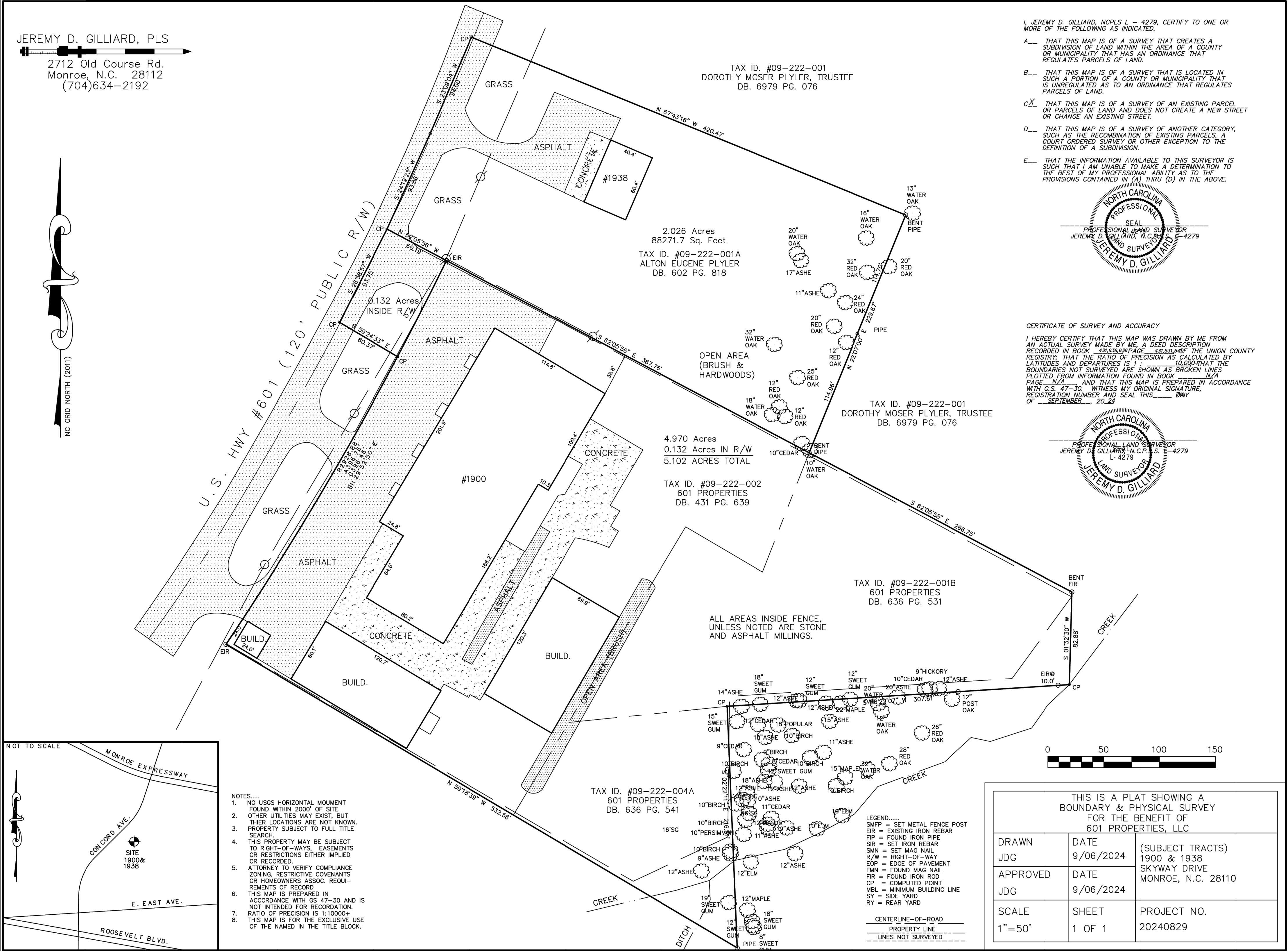
The design for the proposed use of this site has been reviewed and commented on by the staff of the Town of Monroe. The designer has addressed the suggestions from the staff in a manner to conform with the Monroe Land Development Plan and to conduct business in harmony of the proposed location.

COY COLEY

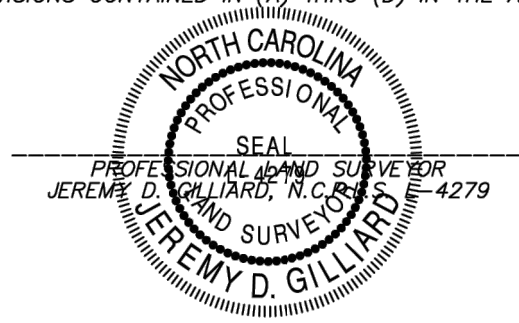
THE BUILDING CENTER INC



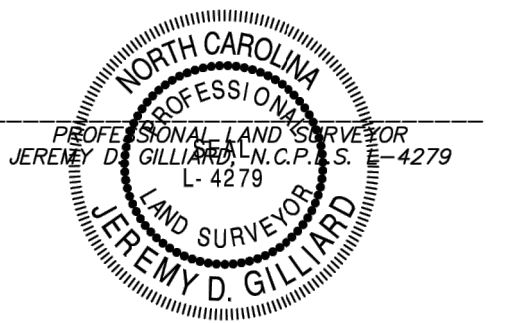
JEREMY D. GILLIARD, PLS
2712 Old Course Rd.
Monroe, N.C. 28112
(704)634-2192



- I, JEREMY D. GILLIARD, NOLPLS L - 4279, CERTIFY TO ONE OR MORE OF THE FOLLOWING AS INDICATED:
- A. THAT THIS MAP IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- B. THAT THIS MAP IS OF A SURVEY THAT IS LOCATED IN SUCH A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- C. THAT THIS MAP IS OF A SURVEY OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
- D. THAT THIS MAP IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF A SUBDIVISION.
- E. THAT THE INFORMATION AVAILABLE TO THIS SURVEYOR IS SUCH THAT I AM UNABLE TO MAKE A DETERMINATION TO THE BEST OF MY PROFESSIONAL ABILITY AS TO THE PROVISIONS CONTAINED IN (A) THRU (D) IN THE ABOVE.



CERTIFICATE OF SURVEY AND ACCURACY
I HEREBY CERTIFY THAT THIS MAP WAS DRAWN BY ME FROM AN ACTUAL SURVEY MADE BY ME, A DEED DESCRIPTION RECORDED IN BOOK 431, PAGE 636, THE UNION COUNTY REGISTRY, THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000. THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOK 431, PAGE 636, AND THAT THIS MAP IS PREPARED IN ACCORDANCE WITH GS 47-30. WITNESS MY ORIGINAL SIGNATURE, OF SEPTEMBER 20, 2024.



THIS IS A PLAT SHOWING A BOUNDARY & PHYSICAL SURVEY FOR THE BENEFIT OF 601 PROPERTIES, LLC		
DRAWN JDG	DATE 9/06/2024	(SUBJECT TRACTS) 1900 & 1938 SKYWAY DRIVE MONROE, N.C. 28110
APPROVED JDG	DATE 9/06/2024	
SCALE 1"=50'	SHEET 1 OF 1	PROJECT NO. 20240829

MONROE BUILDING CENTER

1938 Skyway Dr
Monroe, NC 28110

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DRAWING DATA

DRAWN BY: RP
PROJECT NUMBER: 24-101
FILE NUMBER:
DATE: 09-20-24

REVISION DATA

PRELIMINARY DRAWINGS

DRAWINGS ARE PRELIMINARY AND SHALL NOT BE USED FOR CONSTRUCTION, OR PRICING.

SHEET TITLE

EXISTING
CONDITIONS

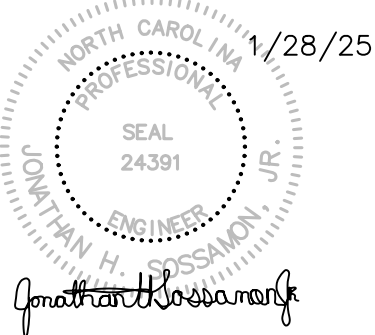
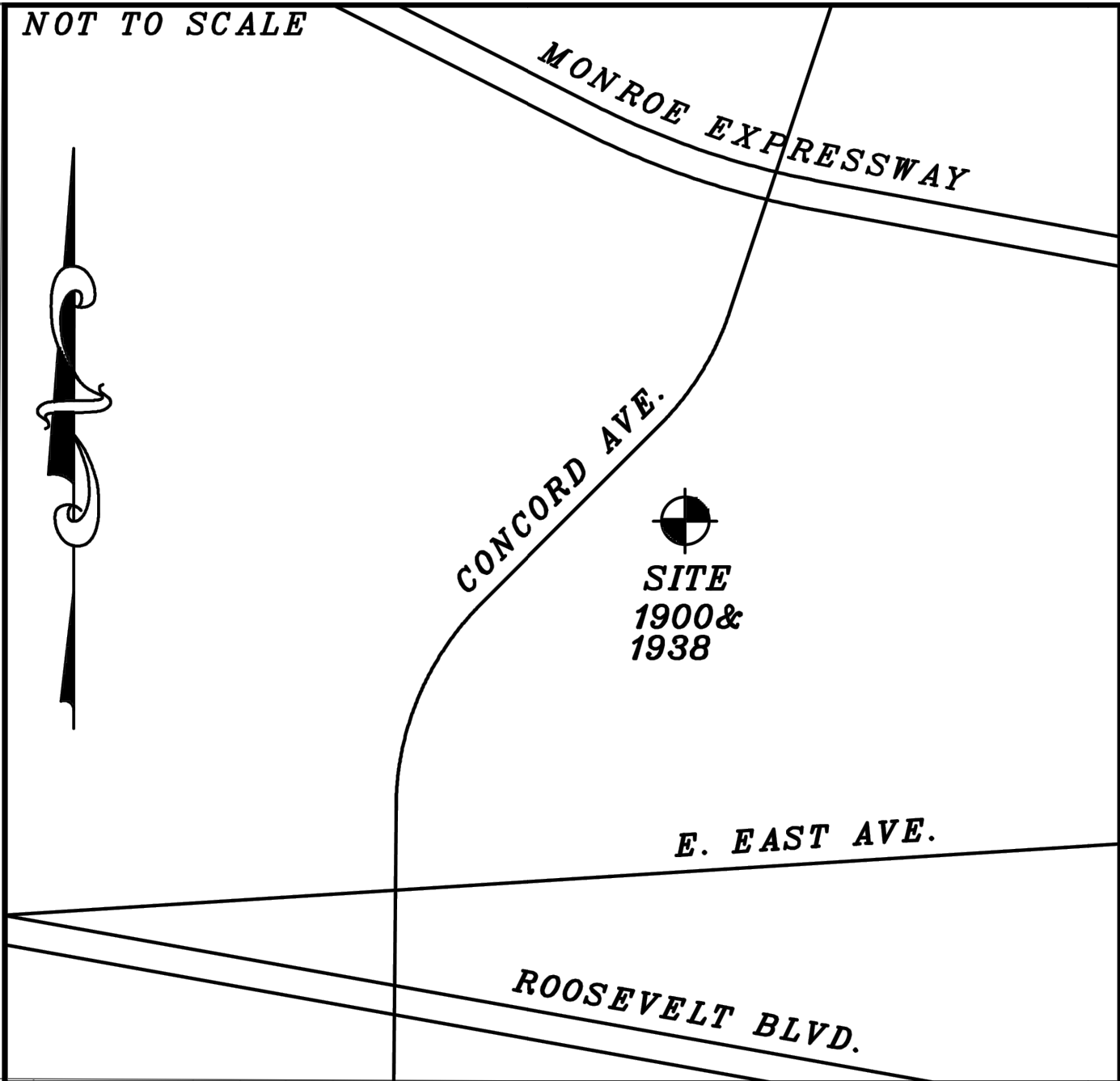
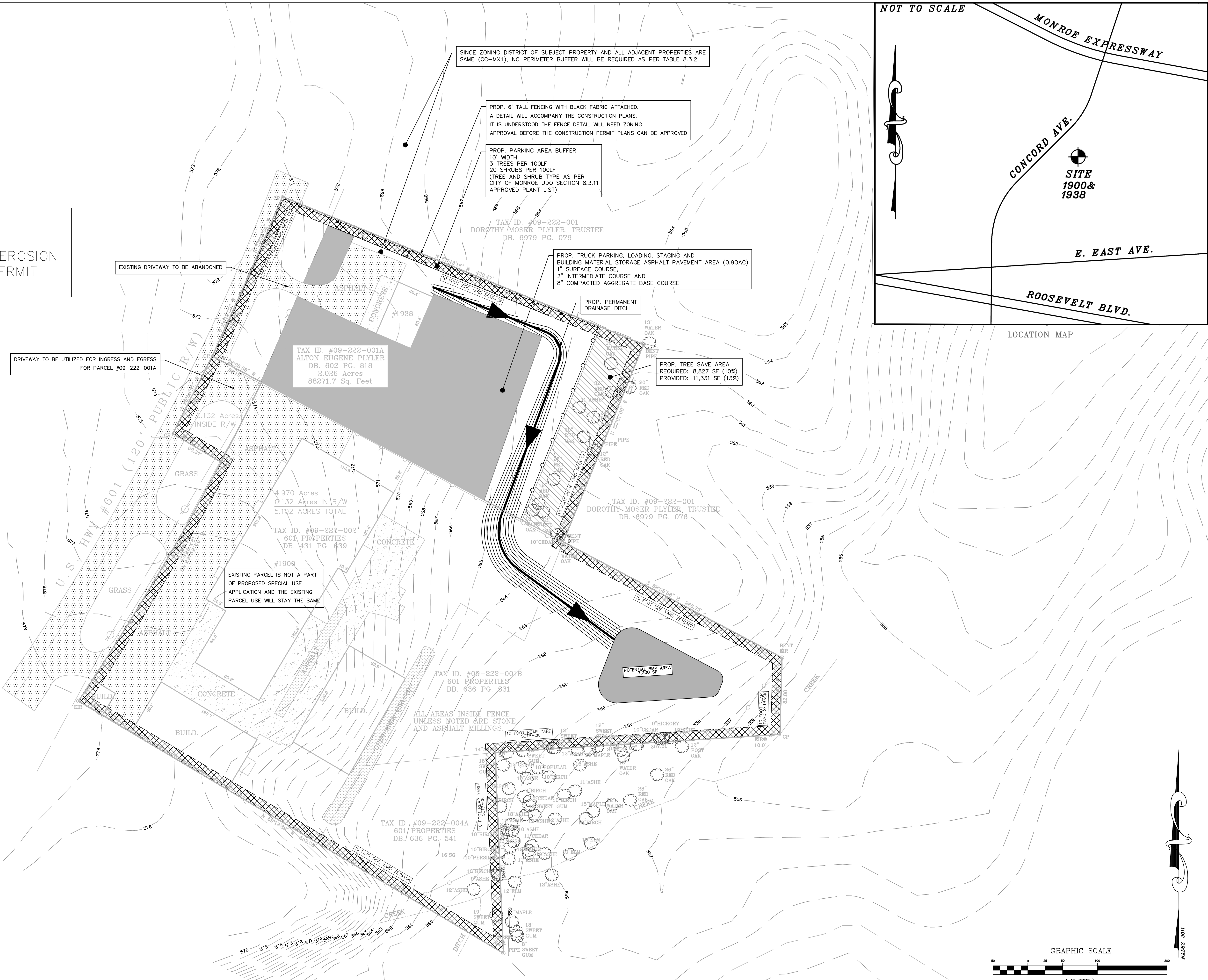
SHEET NUMBER

C0.0



SPECIAL NOTE:
WHEN PROJECT WILL GO FOR CONSTRUCTION PERMIT PLANS, EROSION CONTROL AND STORM WATER PERMIT APPROVALS WILL BE REQUIRED.

NOTE:
EXISTING TOPOGRAPHY DATA IS BASED ON GIS DATA.



MONROE BUILDING CENTER

1938 Skyway Dr
Monroe, NC 28110

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DRAWING DATA	
DRAWN BY:	RP
PROJECT NUMBER:	24-101
FILE NUMBER:	
DATE:	09-20-24

REVISION DATA	
1. PLANNING REVISIONS	11/6/24
2. PLANNING REVISIONS	1/28/25

PRELIMINARY DRAWINGS

DRAWINGS ARE PRELIMINARY AND SHALL NOT BE USED FOR CONSTRUCTION, OR PRICING.

SHEET TITLE

SITE PLAN
(CONDITIONAL)

SHEET NUMBER

C1.0

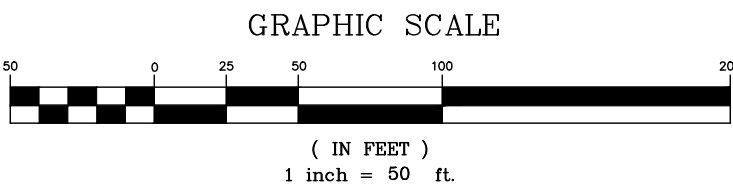


Exhibit 5

TABLE 7.1. - TABLE OF PERMISSIBLE USES																		
"P" = Permitted, "S" = Special Use Permit Required, "X" = Prohibited																		
Use Type	Traditional Districts											Mixed-Use Districts						REFERENCE
	RR	RLD	RMD	RHD	OM	NB	GB	GI	HI	PUD	PCD	DC-MX	DG-MX	CC-MX1	CC-MX2	RC-MX	MD-MX	
Laundry or Dry Cleaning Plant	X	X	X	X	X	X	X	P	P	X	X	X	X	X	X	X	X	7.2.8.F
Mini-Warehouse/Self Storage	X	X	X	X	X	S	P	P	P	X	P	X	X	X	X	X	X	7.2.8.G
Warehouse & Storage	X	X	X	X	X	X	S	P	P	X	P	X	X	X	X	X	X	7.2.8.H
Outdoor Storage	X	X	X	X	X	X	S	P	P	X	X	X	X	X	X	X	X	7.2.8.I
Mining	S	S	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	7.2.8.J
Land Debris Storage	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	7.2.8.K
Other Uses																		
Animal Day Care	X	X	X	X	X	S	P	X	X	P	P	S	S	P	P	P	X	7.2.9.A
Animal Grooming	X	X	X	X	X	P	P	X	X	P	P	S	S	P	P	P	X	7.2.9.B
Animal Kennel	X	X	X	X	X	X	P	S	X	X	X	X	X	X	X	X	X	7.2.9.C
Animal Shelter/Rescue	X	X	X	X	X	X	S	S	X	X	X	X	X	X	X	X	X	7.2.9.D
Adult Oriented Business (Adult Establishment)	X	X	X	X	X	X	X	S	X	X	X	X	X	X	X	X	X	7.2.9.E
Agricultural Activities	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	7.2.9.F

I. Outdoor Storage

1. Characteristics. A lot designated for the extended outdoor storage of cars, boats, other vehicles. This use is not to be confused with commercial parking, which excludes outdoor storage. Outdoor storage is for the extended storage of cars, boats, and other vehicles, machinery, and equipment or material.
2. Accessory Uses. Accessory uses may include associated office and parking.
3. Use Standards.
 - a. All outdoor storage shall be consistent with the standards defined in Section 8.3.9.C.

ACCTNO	OWNERNAME1	OWNERNAME2	OWNERADDRE	OWNERCITY	OWNERSTATE	OWNERZIP
09222001B	601 PROPERTIES		PO BOX 369	MONROE	NC	28111
09222002						
09222004A						
09222057D	ASL PROPERTIES INC		8539 MONROE RD	CHARLOTTE	NC	28212
09222057C						
09222012	CHAMBERS EDNA MAE HEIRS		108 CAMELIA DR	MONROE	NC	28110
09222014	GAITHER DOROTHY W ET AL		217 EAST AVE	MONROE	NC	28110
09222013	HEATH LILLIE C		5630 ANGLESEY CT	MATTHEWS	NC	281040654
09222057E	MEGH PROPERTY LLC		3118 STEPHEN PACE TRAIL	HUNTERSVILLE	NC	28078
09180004H	MI CHARLOTTE OWNER LP		100 WILSHIRE BLVD STE 650	SANTA MONICA	CA	904019
09222057	NGUYEN DAVID ET AL	NGUYEN NU THI	7732 LINDA LAKE DR	CHARLOTTE	NC	28215
09222066 01	PARIKH CORP		1974 SKYWAY DR	MONROE	NC	28110
09222001A	PLYLER ALTON EUGENE		2172 CONCORD AVE	MONROE	NC	28110
09222001	PLYLER DOROTHY MOSER TRUSTEE		2170 CONCORD AVE	MONROE	NC	28110
09222057A	TSIAMIS DIMITRIOS S	TSIAMIS CAROLYN B	8009 WEDDINGTON DOWNS	WEDDINGTON	NC	28104