

**BOARD OF ADJUSTMENT MEETING  
THURSDAY, MAY 22, 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– March 27, 2025**
- Item 7.**      **Quasi-Judicial Statement**
- Item 8.**      **PLSUP 2025-00183 Special Use Permit** - The Board of Adjustment is requested to consider a Special Use Permit request from Kat Stegeman in order to conduct the use of indoor recreation with an escape room at 300 North Hayne Street. (Parcel ID 09-232-029)
- Item 9.**      **PLZNA-2025-00186 Variance** - The Board of Adjustment is requested to consider a variance request from Roger Harry requesting a variance from the minimum side yard setback for a corner lot for a single family detached home in the Residential Low Density (RLD) district in order to bring a home currently under construction into compliance at 103 Buck Hill Road. (Parcel ID 09-244-022)
- Item 10.**     **PLZNA-2025-00188 Variance** - The Board of Adjustment is requested to consider this variance request from Lanny Stack requesting a variance from the minimum side yard setback for an accessory structure in a residential district in order to bring into compliance an accessory structure currently under construction at 1701 Polk Street. (Parcel ID 09-188-001)
- Item 11.**     **PLZONA-2025-00213 Appeal** - The Board of Adjustment is requested to consider an Appeal of Planning Staff's zoning determination from Joe Rybinski of Double Eagle Properties LLC of new gravel driveways and a gravel parking area at 400 Sanford Street. (Parcel ID 09-235-190A)
- Item 12.**     **Next Meeting: Thursday, June 26, 2025**
- Item 13.**     **Adjournment**

**ATTENTION BOARD MEMBERS:**

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

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

**MINUTES OF THE  
BOARD OF ADJUSTMENT MEETING  
March 27, 2025, at 6:00 P.M.  
Council Chambers  
300 W. Crowell St., Monroe, NC**

To HR: 03/28/25

**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 Benschhoff, BOA Attorney; Jeff Wells, Asst. City Manager; Doug Britt, Asst. Director of Planning and Dev; Megan Brightharp, Planner 1; Patrick Blaszyk, Planner 1; Bryson Hester, Transportation Planner; Kimberly Davis, Admin. Asst. II

Guests: Alton Plyler, Jason Schlappich, Ingram Walters, Saul Santiago Martinez, Ronald Traywick, Constantino Morales, Jonathan H Sossamer, Jr.

**Item 2. Appoint Chair**

**Motion:** Ryan Haywood made a motion to have Corey Noland serve as Acting Chair for this March 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:** Ryan Haywood made a motion to adopt the agenda.

**Second:** Thomas Loria

**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 February 27, 2025

**Motion:** Thomas Loria made a motion to approve the minutes of the February 27, 2025, 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 7. Quasi-Judicial Statement:**

Attorney Al Benschhoff - 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. 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)**

Doug Britt, Patrick Blaszyk and Saul Santiago Martinez came forward and were sworn in. During the hearing, Ingram Walters and Costantino Morales were also sworn in.

Patrick Blaszyk, Planner 1, presented the proposed findings:

1. The property located at 431 Morgan Mill Road is owned by Saul Santiago Martinez and is zoned GB (General Business). (Exhibits 1, 2 & 3) Exhibit 1 is the Ortho Map for the area where the subject property can be seen highlighted in blue. It is located to the north of Morgan Mill Road and to the south of Fairley Avenue. Next to the parcel is Monroe's Discount Beverages and down to the south is Mr. G's Restaurant. Exhibit 2 is the Zoning Map for the area. The subject property is highlighted in blue and is zoned GB (General Business). There are other General Business parcels in the area, but also to the south there are OM (Office Medical) and to the west, RMD (Residential Medium Density) and to the north are RHD (Residential High Density) parcels. Exhibit 3 is the Deed to the Property.

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) Exhibit 4 is a copy of the Variance Application.
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) Exhibit 5 shows Section 7.2.6.Q.4.b. of the UDO where this Ordinance requirement is seen highlighted in yellow.
4. Staff created a site plan displaying the location of the required perimeter landscape buffer. (Exhibit 6) Exhibit 6 is the Site Plan and highlighted in red is where this landscaping buffer would be required. The residential parcel on Fairley Avenue can be seen to the west of that.
5. Staff have taken photos of the existing conditions of the site. (Exhibit 7) Exhibit 7 are photos of the existing conditions of the Site. The western property line can be seen along the fence.
6. All adjacent property owners have been notified of the proposed variance. (Exhibit 8 & 9) Exhibit 8 is the APO Map where the subject property has the red star on it. The eighteen parcels highlighted in blue were notified of the variance request. Staff did not receive any inquiries from the public about the Variance request. Exhibit 9 is the APO List.

The Board began with questions for Mr. Blaszyk. This variance is just for the landscape buffer. The buffer requirement is 20ft. The buffer will be required along the property line. There would be trees or shrubs planted for a Type II buffer.

Saul Santiago Martinez, the applicant, approached the podium and stated his name. The hardship that would result from the strict application of the ordinance is that the only gate to access the back property would not be able to open with the buffer applied. If the gate is moved to the right side, there would be no place for parking. He wants to drive through the gate and have access to the back bay door for vehicles as well as store some vehicles within the gated area. He originally stated the purchase of the property rests on having a usable facility and parking area, but he purchased the property in July 2024. He will only use one bay to the back right of the building. The fenced area used to be graveled, but now grass has grown over it.

Ingram Walters, who formally owned the subject property, came forward to explain on behalf of Mr. Martinez. He said the applicant has no plans to make a driveway or enter off Fairley Avenue. The applicant will access the entire fenced area from the Morgan Mill Road side. If trees have to be put up 10ft to 20ft inside of the fence, most or all of the parking lot will be unusable.

Constantino Morales is the owner of 1400 Fairley Avenue, the residence beside the subject property. He and his family have been living there for two years. He feels that it is an issue for him if the applicant is allowed to use the fenced area to park and store cars. It can become a “home for wildlife” and bring insects and snakes into his yard and make it dangerous for his kids. He is

worried about the noise with air compressors and other machinery. He said Monroe body shops tend to decline and “become a mess” over time. Cars get left behind and not moved and chemicals can spill or leak from the stored vehicles. He is concerned about having a shop beside his house and said he is the only residence affected in the area.

Mr. Noland clarified that the Board is unable to rule on whether to have a shop on the subject property, but only on the landscape perimeter buffer at this time.

Doug Britt and Patrick Blaszyk brought a staff-created site plan utilizing Union County Go-Maps GIS Tool to show the specific distances of the property, and this will be considered Exhibit 10. The length of the fence is 110 ft. The distance from the fence to the northwestern corner of the building is 60ft. The area between the two red lines is 20ft and represents the 20-foot buffer. The whole area is 5,500 square feet. There are no gates on Fairley Avenue. The buffer is required to be 20ft, but the applicants are not required to fill the whole area with plant material. There are examples of species of tree and shrub types mentioned in the Ordinance. If the Board allows a 10ft area instead of 20ft, the large maturing trees may not be used, but another tree type will still achieve the screening necessary. It is totally at the discretion of the Board if they decide to rule on a 10ft buffer rather than a 20ft. There is a 10ft buffer standard in the UDO called a Type 1 buffer which has a mixture of trees and scrubs.

Ingram Walters said the applicant is concerned about the black line on Exhibit 10 since that is where his chain-link gate and only drivable access to the subject property is allowed. The landscape buffer at 20ft will take more than half of the gate.

**Motion:** Corey Noland made a motion that the Board adopt Findings of Fact 1-6 as well as a Finding that a 20ft buffer would impact the applicant’s ability to use his gate that is already on the property. An additional Finding of Fact that the direct neighbor, who has a residential property next to the subject property, has testified of concerns with the view of the subject property. This is a motion to adopt Findings of Fact 1-8.

**Second:** Thomas Loria

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

1. It is the Board’s CONCLUSION that unnecessary hardship **would** result from the strict application of the ordinance.

**Motion:** Corey Noland made a motion that an unnecessary hardship would result from the strict application of the ordinance because the property owner would lose access to the rear portion of his property through the existing gate which would cause financial burden to their use of the property.

**Second:** Ryan Haywood

**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 peculiar to the applicant’s property.

**Motion:** Corey Noland made a motion that the hardship is peculiar to the applicant's property because of the existing gate and where the gate is located in reference to the buffer zone and the property structure.

**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 **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 in that the building itself was there whenever he bought the property so how he would access the property was established whenever he bought the property. He didn't take any actions to create that hardship.

**Second:** Ryan Haywood

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

Attorney Benshoff advised the newly appointed Board that one of their powers is to grant a smaller variance than one that has been requested. It is not all or nothing. The Board has the authority to change the size of the variance. This is a case where the Board might want to look at granting some of the variance request, but not all of it.

4. (a) It is the Board's CONCLUSION that the variance is consistent with the spirit, purpose, and intent of the ordinance.

**Motion:** Corey Noland said the variance to be addressed would be 10ft (instead of 20ft) and also cuts off where the red line ends at the gate (instead of blocking the use of the gate). He made a motion that it is the Board's conclusion that the variance, as contemplated, is consistent with the spirit, purpose, and intent of the ordinance in that it balances the use of the property against the concerns of the adjacent property owner.

**Second:** Thomas Loria

**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** be secured and substantial justice **will** 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 the property owner should still be able to use most of the property for the purpose that he

is intending on as well as access to his gate while providing some protection for the adjacent property owner.

**Second:** Ryan Haywood

**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 such that, rather than a 20ft barrier, it is a 10ft Type 1 barrier as well as the carve out discussed on the record in looking at Exhibit 10. The blue portion of the line will be complete and not have buffer requirements, but for the red line on Exhibit 10 the variance be a Type 1 10ft buffer.

**Second:** Ryan Haywood

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

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

**NAYS:** None

**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)

All participants have been sworn in already. Patrick Blaszyk, Planner 1, presented the proposed findings:

1. The property located at 431 Morgan Mill Road is owned by Saul Santiago Martinez and is zoned GB (General Business). (Exhibits 1, 2 & 3) Exhibit 1 is the Ortho Map. Exhibit 2 is a Zoning Map. Exhibit 3 is the Deed to the Property.
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) Exhibit 4 is the Variance Application.
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) Exhibit 5 is Section 8.4.3.B.1.a of the UDO and is highlighted in yellow.
4. Staff created a site plan displaying the location of the required areas for paving regarding the parking and circulation areas. (Exhibit 6) Exhibit 6 is a Site Plan of the rear yard of the property.

5. Staff have taken photos of the existing conditions of the site. (Exhibit 7) Exhibit 7 are photos of the site.
6. All adjacent property owners have been notified of the proposed variance. (Exhibit 8 & 9) Exhibit 8 is the APO Map and Exhibit 9 is the APO List.

The Board began asking Mr. Blaszyk questions. Any vehicle storage area has to be paved and screened. Storage is a general concept and does not pertain to any particular time frame. The lot, on satellite imagery, looks like a grass field, although the applicant said it was previously gravel. The state of the current site, by resembling a grass field, would exempt any grandfathering and the area would need to be paved. Engineering would be able to give data on the permeability of the land. Since this site has been vacant from automobile uses as well as accessing the rear bays, staff would consider this as a request for expanding the current parking area to park and circulate vehicles. Adding gravel to the fenced area again would not be allowed.

The applicant, Saul Santiago Martinez, came to the podium for questions. The fenced area is not only to move cars into the bay, but to store some cars. There is gravel although the grass has grown up over it. There were no other questions for the applicant or staff.

**Motion:** Corey Noland made a motion to look at the Findings of Fact as well as incorporate the record of Item 8 for this specific variance request. He makes a motion to add an additional Finding of Fact that the applicant testified that the grassy area would also be used for moving cars into the bay and also storage. He also makes a motion, for purposes of the record, to incorporate the testimony of the property owner next door from his testimony from Item 8, specifically his concerns about cars being stored or parked in the grassy area.

**Second:** Thomas Loria

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

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

**NAYS:** None

1. It is the Board's CONCLUSION that unnecessary hardship **would** 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 financial hardship of bringing this within the standards set forth in Exhibit 5.

**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 **not** peculiar to the applicant's property.

**Motion:** Corey Noland made a motion that the hardship is not peculiar to the applicant's property in that the property is an overgrown area and paving or not paving has nothing to do with the shape or condition of the property.

**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 **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 it has been an overgrown area. He did not cause the area to be overgrown and not paved.

**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 **not** consistent with the spirit, purpose, and intent of the ordinance.

**Motion:** Corey Noland made a motion that the variance is not consistent with the spirit, purpose, and intent of the ordinance because the intent and purpose of the ordinance is that the driveway be used for moving cars from one place to the other. The applicant testified that they intend on using this area of the property for other reasons, such as storage. The property neighbor also testified about concerns over that issue and, so if the variance is granted, I do not think it is consistent with the spirit, purpose, and intent of the ordinance in protecting the adjacent property owner.

**Second:** Thomas Loria

**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 denying the variance, the public safety **will** be secured and substantial justice **will** be achieved.

**Motion:** Corey Noland made a motion that in denying the variance, public safety will be secured, and substantial justice will be achieved for the same reasons stated for Finding of Fact 4a, especially the concerns of the adjacent property owner and potential misuse of the property if that portion is used for storage rather than just transportation of cars into the back bay.

**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 deny the variance request PLZNA 2025-00169.

**Second:** Thomas Loria

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

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

**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)**

Megan Brightharp and Jonathan Sossaman came forward and were sworn in.

Megan Brightharp, Planner 1, presented the proposed findings:

1. The property at 1938 B Skyway Drive is owned by Alton Eugene Plyler and is zoned GB (General Business). (Exhibits 1-3). Exhibit 1 is the Ortho Map showing the subject property highlighted in blue. The subject property is located east of Skyway Drive. Exhibit 2 is the Zoning Map showing the subject property highlighted in blue. The subject property is zoned General Business as are the contiguous parcels. Exhibit 3 is a copy of the Deed of the Property showing that Alton Eugene Plyler is the owner.
2. A Special Use Permit Application was submitted on October 7, 2024 requesting to establish truck parking, loading, and staging as well as outdoor building material storage uses in the GB (General Business) District. (Exhibits 4 & 5) Exhibit 4 is a copy of the submitted application. Exhibit 5 is the Site Plan. The applicant currently owns the parcel south of the proposed property and is requesting the Special Use Permit in order to expand their operations and provide truck parking, loading and staging and outdoor material storage for their business. They are planning to abandon the existing driveway to the subject property, and they are going to pave it with asphalt. They are proposing a screened fence along the property line to meet the outdoor storage standards as written in the Unified Development Ordinance. They will use the existing driveway to the existing property south to access both parcels. The paved area will be for the truck parking and the outdoor building material storage.
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) Exhibit 6 is a copy of UDO Section 157.7.1 “Tables of Permissible Uses” showing, highlighted in yellow, that outdoor storage requires a Special Use Permit in the General Business District.
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.” (Exhibit 7) Exhibit 7 is a copy of UDO Section 157.7.2.8.1 outlining in detail outdoor storage and the Use standards.

5. All adjoining property owners have been notified of the Special Use Permit application. (Exhibits 8 & 9) Exhibit 8 is the APO List and Exhibit 9 is the APO Map. Fifteen parcels were notified. We did not get any responses to those letters or the signs that were posted.

The Board began with questions for Ms. Brightharp. If the Special Use Permit were granted, would there be any other issues, and would it meet the Code of Ordinances for the City of Monroe? Ms. Brightharp said the applicant owns the gray area as shown in Exhibit 5 and he is trying to buy the blue section so they can expand their operations for outdoor storage.

Jonathan Sossaman came to the podium, representing Coy Coley. He is the civil engineer that designed the site layout and researched the code requirements. He worked with the City of Monroe staff in regard to items, such as a parking buffer. The Building Center owns this adjacent property, and they purchased this facility in 2023. It was a contractor/builder's supply that supplied building materials for the area. Based on the growing needs of the area, they identified the opportunity to possibly purchase this piece of land adjacent to them through Mr. Plyler. They understood there would be a Special Use request and wanted to go through to see if it could be approved before purchasing the property. The property would be primarily used for staging trucks to take materials to builders or store materials. The triangular area at the bottom of Exhibit 5 is a water quality basin detention pond so they can treat the new impervious area that is added to the site. On the east side of the subject property, the hatched area is a tree save area. The dark gray area is where trucks can park and the white section on the current property is all gravel. There is some concrete behind the facility for trucks docking, but the majority of it is gravel.

Mr. Noland proposed a correction on a typo within Proposed Finding 2: "A Special Use Permit Application was submitted on October 7, 2024" (Correction from 2025). He also proposed an additional Finding of Fact: The applicant is prepared to and has submitted a plan that has the appropriate buffer and is otherwise in compliance with Monroe Ordinances.

**Motion: Corey Noland made a motion to adopt the additional Finding of Fact as well as the responses on the Special Use Permit worksheet for each Subsection A, B, C and D as Findings of Fact. That would be a motion to adopt a total of 10 Findings of Fact.**

**Second: Ryan Haywood**

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

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

**NAYS: None**

#### **ADOPTED FINDINGS OF FACT:**

1. The property at 1938 Skyway Drive is owned by Alton Eugene Plyler and is zoned GB (General Business). (Exhibits 1, 2 & 3 were introduced by Megan Brightharp, Planner. All exhibits are found in the case file for PLSUP-2025-00064 at the City of Monroe Planning Department.)
2. A Special Use Permit Application was submitted on October 7, 2024, requesting to establish truck parking, loading, and staging as well as outdoor building material storage uses in the GB (General Business) District. (Exhibits 4 & 5 were introduced by Ms. Brightharp.)

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 was introduced by Ms. Brightharp.)
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 was introduced by Ms. Brightharp.)
5. All adjoining property owners have been notified of the Special Use Permit application. (Exhibits 8&9 were introduced by Ms. Brightharp.).
6. Applicant’s site plan (See Exhibit 5) shows the appropriate buffers and tree save areas. The site plan complies with all applicable City ordinances.
7. The application states, “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”.
8. The application further 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.”
9. Also, the application states that “At no time during the development and later use 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.”
10. Finally, 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 Unified Development Ordinance and to conduct business in harmony of the proposed location.”

I. Completeness of Application:

Staff find 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.

**Motion:** Corey Noland made a motion that the standard is met in that the proposed plan has appropriate buffers, that the applicant has engaged the services of an engineer to ensure compliance with all appropriate ordinances according to the plan submitted tonight.

**Second:** Thomas Loria

**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 rules or regulations governing the development of land.

**Motion:** Corey Noland made a motion that the standard is met in taking the testimony of Planning as well as examining the map of the site plan that has been presented.

**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:** Thomas Loria made a motion that the standard is met due to the detail and effort that went into planning this out. They have the required buffer zone and are putting in drainage ditches to prevent overflow into the neighbor's property and adding some landscaping which will beautify the area. Also noted, there were no objections or comments from any surrounding property owners according to staff testimony.

**Second:** Corey Noland

**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 met according to the Findings that have been adopted by this Board. The plan was reviewed and commented on by staff with special emphasis on the appropriate buffer and other safeguards for this to be in conformity with the Standards and Ordinances of Monroe.

**Second:** Thomas Loria

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

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

**NAYS:** None

### III. Permit Action

A. **Corey Noland made a motion to GRANT the special use permit with the condition that the site plan presented tonight is followed in what is going to be done with this property.**

**Second: Ryan Haywood**

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

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

**NAYS: None**

**Item 11.            Next Meeting: Thursday, April 24, 2025**

**Item 12.            Adjournment**

**Motion: Ryan Haywood 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 7:24 p.m.

Respectfully submitted,

Corey Noland  
Acting Chair

Kimberly Davis  
Clerk of the Board





**STAFF REPORT**

*Case # PLSUP-2025-00183*

**TO:** Board of Adjustment Members

**DATE:** May 22, 2025

**FROM:** Doug Britt, Assistant Director of Planning and Development

**PREPARED BY:** Patrick Blaszyk, Planner

**SUBJECT:** Kat Stegeman is requesting a Special Use Permit for a property located at 300 North Hayne Street

**SUMMARY STATEMENT**

Kat Stegeman is requesting a Special Use Permit in order to conduct the use of indoor recreation at 300 North Hayne Street in the Downtown Gateway Mixed Use (DG-MX) zoning district.

**SITE DATA**

**Type of Action:** Special Use Permit

**Date of Petition:** March 20, 2025

**Name of Petitioner:** Kat Stegeman

**Location:** 300 North Hayne Street

**Tax ID #:** 09-232-029

**Lot Size:** 0.26 Acres

**Zoning Classification:** DG-MX (Downtown Gateway Mixed Use)

**PROPOSED FINDINGS**

Proposed Findings:

1. The property located at 300 North Hayne Street, is owned by Walters Investment Holdings LLC and B&C Land Holdings LLC, is proposed to be leased by Kat Stegeman and is zoned DG-MX (Downtown Gateway Mixed Use). (Exhibit 1, 2 & 3).

2. A Special Use Permit application was submitted on March 20, 2025 by Kat Stegeman requesting to conduct the use indoor recreation at 300 North Hayne Street in the DG-MX zoning district. The proposed type of indoor recreation by the applicant is an escape room. (Exhibit 4)
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 indoor recreation in the DG-MX zoning district: (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	
Indoor Recreation	X	X	X	X	X	S	P	S	X	X	P	P	S	P	P	P	X	7.2.6.J

4. All adjoining property owners have been notified of the Special Use Permit request. (Exhibit 6 & 7).

**CONCLUSIONS**

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

- Exhibits:
- Exhibit 1: Ortho Map
  - Exhibit 2: Zoning Map
  - Exhibit 3: Deed to Property
  - Exhibit 4: Special Use Permit Application
  - Exhibit 5: Table 7.1 of UDO
  - Exhibit 6: APO Map
  - Exhibit 7: APO List

Prepared by: PB 4/8/2025

---

*SPECIAL USE PERMIT WORKSHEET*  
**TO ESTABLISH AN THE USE OF INDOOR RECREATION VIA AN  
ESCAPE ROOM WITHIN THE DG-MX, DOWNTOWN GATEWAY  
MIXES-USE DISTRICT AT 300 NORTH HAYNE STREET (PARCEL #  
09-232-029)**

---

**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:** This business will be sure to follow all public health and safety guidelines set forth by the City of Monroe.

Motion standard is met; or

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

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---

*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 Bat and The Bee, LLC will comply with all regulations and standards established with the City of Monroe as well as other state or local regulations.

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:** I believe the Bat and Bee, LLC will have a positive impact on the neighboring property and the community as a whole.

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:** This business will conform to the standards of the City of Monroe and, as such, it will have a positive impact on the other businesses and the people in our area.

Motion standard is met; or

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

---

**III.** *Permit Action*

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

OR;

- B. **Motion** to DENY the special use permit based on the finding that general standard(s)




\_\_\_\_\_ above is/are not met.

## Ortho Map

Case #: PLSUP-2025-00183

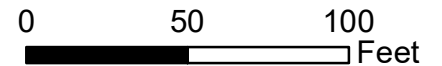
300 North Hayne Street

### Legend

-  Parcels
-  Subject Property
-  Centerlines

Owner: Walters Investment  
Holdings LLC

Acres: 0.26



**Exhibit 1**

## Zoning Map

Case #: PLSUP-2025-00183

300 North Hayne Street

### Legend

-  Parcels
-  Subject Property
-  Centerlines
-  DC-MX
-  DG-MX

Owner: Walters Investment Holdings LLC

Acres: 0.26

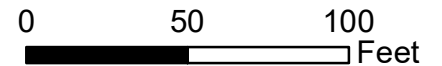


Exhibit 2



FILED Mar 21, 2025  
AT 04:25:00 PM  
BOOK 09083  
START PAGE 0674  
END PAGE 0675  
INSTRUMENT # 06822  
EXCISE TAX \$1,480.00

# NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax \$ 1,480.00

Parcel Identifier No. 09232029 Verified by Union County on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_

Mail/Box to: HINSON FAULK, P.A., 309 POST OFFICE DRIVE, INDIAN TRAIL, NC 28079

This instrument was prepared by: HINSON FAULK, P.A. / FILE NO. 20250312724

Brief description for the index: 50% undivided interest in 300 N Hayne Street

THIS DEED made this the 21st day of March, 2025, by and between

**GRANTOR**

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

Mailing Address:

PO Box 1561  
Monroe, NC 28111

**GRANTEE**

**B & C Land Holdings, LLC**  
*a North Carolina Limited Liability Company*

Mailing Address:

2627 Brekonridge Centre Drive  
Monroe, NC 28110

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, a **50% undivided right, title and interest in and to** that certain lot or parcel of land situated in Union County, North Carolina and more particularly described as follows:

BEGINNING at a point 2.87 feet south of the corner of a brick building and in the sidewalk near the intersection of the northern right of way line of Franklin Street with the eastern right of way line of Hayne Street and runs with the face of said building and with Hayne Street North 01-22-10 East 63.33 feet to a point being the corner of a white stucco building, the property of A. F. Ferguson Furniture Co.; thence with said property South 88-47-03 East 182.38 feet to a point marked by the corner of said white stucco building and the western edge of Beasley Street; thence with Beasley Street along and with Franklin Street North 89-29-40 West 182.78 feet to the point of BEGINNING as surveyed by Walter L. Gordon & Associates, August 2, 1995. For reference, see deed recorded in Deed Book 476, Page 521, Union County Registry.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 9069, Page 825.

submitted electronically by "Hinson Faulk, P.A."  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Union County Register of

**Exhibit 3**

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

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

Title to the property hereinabove described is subject to the following exceptions:

All such valid and enforceable easements, restrictions and rights of way of record and the lien of ad valorem taxes for the current year which the grantee herein assumes and agrees to pay.

All or a portion of the property herein conveyed does not include the primary residence of a Grantor.

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

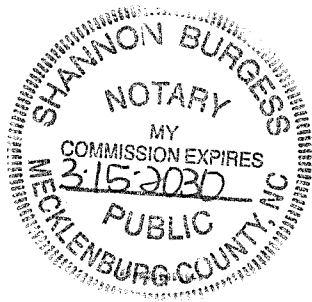
Walters Investment Holdings, LLC  
A North Carolina limited liability company

By Terry Hannaford (SEAL)  
Terry Hannaford, Manager

SEAL - STAMP

State of North Carolina, County of Union

I, Shannon Burgess, a Notary Public for Mecklenburg County, State of North Carolina, certify that the following person(s), either personally known to me or proven by satisfactory evidence, personally appeared before me this day and acknowledged to me that they voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Terry Hannaford. Witness my hand and official stamp or seal, this 21 day of March, 2025.



Shannon Burgess  
Notary Public

My Commission Expires: 3-15-2030



# SPECIAL USE PERMIT APPLICATION

Applicant's Name: Kat Stegeman

Applicant's Mailing Address: 1203 W Franklin St.  
Monroe, NC 28112

Applicant's Phone Number: 980.229.5734

Applicant's Email Address: Kat@BatandBee.com

Property Owner: Ingram Walters

Property Location: 300 N Hayne St. Monroe, NC 28112

Tax ID Number: 092-32-029 Deed Reference Number: BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

Existing Zoning: DG-MX

**Proposed Special Use:**

I would like to bring an escape room to downtown Monroe to bring more families into downtown, helping to economically support our growing community.

**Proposed Conditions:**

Looking to offer guests an exciting activity where they will test their wits and team skills to complete a series of puzzles and win the game.

For Staff Use Only
Project Number: _____
Date Submitted: _____
Approved _____
Denied _____

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

**Exhibit 4**

- 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.

This business will be sure to follow all public health and safety guidelines set forth by the city of Monroe.

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 Bat and The Bee LLC will comply with all regulations and standards established with the city of Monroe as well as any other state or local regulations.

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

I believe that The Bat and The Bee LLC will have a positive impact on the neighboring property and the community as a whole, bringing a family-friendly activity into downtown and partnering with neighboring businesses to welcome even more families to visit and play in downtown Monroe.

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.

This business will conform to the stands of the City of Monroe and, as such, it will have a positive impact on the other businesses and the people in our area.

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

Applicant (printed): Kathleen Stegeman

Applicant's Signature: Kathleen Stegeman

Date: 19 March 2025

Property Owner: Ingram Walters

By: Walters Investment HOLDINGS LLC Title: OWNER

Owner's Signature: Ingram

Date: 03/20/2025

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

B3C LAND HOLDINGS LLC  
ALL INFORMATION 4/10/25

**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	
Indoor Recreation	X	X	X	X	X	S	P	S	X	X	P	P	S	P	P	P	X	7.2.6.J

**Exhibit 5**

## APO Map

# PLSUP-2025-00183

### Legend

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

## 43 Parcels Notified



# Exhibit 6

ACCTNO	OWNERNAME1	OWNERNAME2	OWNERADDRE	CURR_ADDR2	OWNERCITY	OWNERSTATE	OWNERZIP
09232005C	SANTANIELLO LAWRENCE		1509 SCHUSTER CT		MATTHEWS	NC	28105
09232005F	HISTORY HOLDINGS LLC		7011 HYDE PARK DR		INDIAN TRAIL	NC	28079
09232032	P & L PROPERTIES OF MONROE LLC		316 N HAYNE ST		MONROE	NC	28112
09232044	GLASS PRISCILLA A		111 RIDGEWOOD DR		MONROE	NC	28112
09232047	UNION COUNTY COURTHOUSE		SUITE 901	500 N MAIN ST	MONROE	NC	28112
09232055	STEWART ROBERT P	STEWART VICKIE T	3408 CORINTH CHURCH RD		MONROE	NC	28112
09232056	LILY SAMSON LLC		201 N MAIN ST STE 111		MONROE	NC	28112
09232005A	205 EAST FRANK LLC		7011 HYDE PARK DR		INDIAN TRAIL	NC	28079
09232038	COHEN HOLDING COMPANY LLC		105 E JEFFERSON ST		MONROE	NC	28112
09232005	SHIPP DUNG TUAN		1010 CONCORD AVE		MONROE	NC	28110
09232030	HAYNE STREET PARTNERSHIP		PO DRAWER 99		MONROE	NC	281110099
09232037	FIRST CITIZENS BANK		ATTN: CENTRAL ACCT 839	PO BOX 27131 DAC 50	RALEIGH	NC	27611
09232043	JEFFERSON INVESTMENT GROUP LLC		C/O ARNOLD SMITH PLLC	200 N MCDOWELL ST	CHARLOTTE	NC	28204
09232045B	LAWRENCE ANDRES OWN TRUSTEE	LAWRENCE FAMILY TRUST	2745 ROLLING HILLS DRIVE		MONROE	NC	28110
09232049	FRANKLIN 8 LLC (THE)		C/O SA HEFNER	7915 DEERFIELD MANOR DR	CHARLOTTE	NC	28270
09232051	CARLSON HEISNER HOLDINGS LLC		408 W WINDSOR ST		MONROE	NC	28112
09232007A	URBAN INVESTMENTS OF MONROE LLC		408 W ROOSEVELT BLVD		MONROE	NC	28110
09232027A	STEPP-LEHNHARDT PROPERTIES LLC		PO BOX 159		MONROE	NC	28111
09232027B	KALTSOUNIS SPIRYDON	MICHEAUX RESOURCE MANAGEMENT LLC	PO BOX 1561		MONROE	NC	28111
09232003	MOOSE PHARMACY PROPERTIES LLC		215 E JEFFERSON ST		MONROE	NC	28112
09232004	THOMAS GERALD R		516 RAINTREE DR		MATTHEWS	NC	28104
09232005B	BIG TOWN SUPERETTE LLC		209 E FRANKLIN ST		MONROE	NC	28112
09232007	218 EAST FRANKLIN LLC		PO BOX 1014		MONROE	NC	28111
09232028	UNION BUILDING PARTNERS LLC		408 W ROOSEVELT BLVD		MONROE	NC	28110
09232005D	CHEN JI LONG		221 E FRANKLIN ST		MONROE	NC	28112
09232027	JR SHUTE COMPANY LLC		321 E WINDSOR STREET		MONROE	NC	28112
09232029	WALTERS INVESTMENT HOLDINGS LLC	B & C LAND HOLDINGS LLC	PO BOX 1561		MONROE	NC	28111
09232033	KERR-JEFFERSON LLC		PO BOX 783		MONROE	NC	28111
09232035	HUTAFF SUSAN E		PO BOX 278		MONROE	NC	28111
09232035A	SWAIN KENNETH A	SWAIN ROBIN M	PO BOX 3308		MONROE	NC	28111
09232027C	ASHCRAFT JOHN B JR	ASHCRAFT DEBRA P	210 NORTH HAYNE STREET		MONROE	NC	28112
09232034	STRIPES HOLDINGS 2 LLC		106 E JEFFERSON STREET		MONROE	NC	28112
09232053	RIGGINS BROTHERS LLC		3173 KERSHAW CAMDEN HWY		LANCASTER	SC	29720
09232054	ASHCRAFT MARK F		718 BARON RD		WAXHAW	NC	28173
09232048	SECRET BUILDING LLC		4214 DOSTER RD		MONROE	NC	28112
09232052	LAND'S END PROPERTIES INC		212 N MAIN ST		MONROE	NC	28112

Exhibit 7



**STAFF REPORT**

*Case # PLZNA 2025-00186*

**TO:** Board of Adjustment Members

**DATE:** May 22, 2025

**FROM:** Doug Britt, Assistant Director of Planning and Development

**PREPARED BY:** Megan Brightharp, Planner

**SUBJECT:** Variance request by Roger Harry for property located at 103 Buck Hill Road.

**SUMMARY STATEMENT**

Roger Harry is requesting a variance from the minimum side yard setback for a corner lot for a single family detached home in the Residential Low Density (RLD) district in order to bring a home currently under construction into compliance.

**SITE DATA**

**Type of Action:** Variance

**Date of Petition:** March 28, 2025

**Name of Petitioner:** Roger Harry

**Location:** 103 Buck Hill Road

**Tax ID #:** 09-244-022

**Lot Size:** .5 Acres

**Current Zoning Classification:** RLD (Residential Low Density) Zoning District

**PROPOSED FINDINGS**

Proposed Findings:

1. The property located at 103 Buck Hill Road is owned by Roger Harry and Ryan Tino and is zoned RLD (Residential Low Density). (Exhibit 1-3)
2. On January 17, 2024, a demolition permit was applied for to demolish the existing house at 103 Buck Hill after succumbing to a structure fire.(Exhibit 4)

3. In April 2024, a building permit application was submitted for a single family home at 103 Buck Hill Road. During the course of the application review process, multiple versions of the plot plan were submitted, confirming that the proposed house would meet the minimum district setbacks of the RLD, Residential Low Density district. (Exhibit 5 and 6)
4. In October 2024, a document that was submitted and earmarked as the “As-Built Survey” was reviewed by planning staff and approved. (Exhibit 7)
5. In March 2025, the Zoning Inspection of the home was also passed by planning staff.
6. In March 2025, Planning Staff was contacted by the applicant and were made aware that after having the property surveyed by a different surveyor, it was discovered that the home had been built into the side yard setback.
7. A variance application was submitted on March 28, 2025 by Roger Harry requesting a 1 ½ -foot variance from the minimum side yard setback for a corner lot of 20’ in order to bring a previously constructed single family detached home into compliance. (Exhibit 8 and 9)
8. Unified Development Ordinance (UDO) Table 4.2.2 entitled “RLD District Development Standards Table” states in relevant parts, “side setbacks: 20’ (corner lot)”. (Exhibit 10)
9. All adjacent property owners have been notified of the proposed variance. (Exhibit 11 and 12)

Conclusions:

1. It is the Board’s CONCLUSION, that unnecessary hardship (would/would not) result from the strict application of the ordinance.
2. It is the Board’s CONCLUSION, that the hardship (is/is not) peculiar to the applicant’s property.
3. It is the Board’s CONCLUSION, that the hardship (is/is not) the result of the applicant’s own actions.
4. (a) It is the Board’s CONCLUSION, that the variance (is/is not) consistent with the spirit, purpose, and intent of the ordinance.  
  
 (b) It is the Board’s CONCLUSION, that in granting of the variance, the public safety (will/will not) be secured and substantial justice (will/will not) be achieved.

**THEREFORE**, on the basis of all foregoing, IT IS ORDERED that the application Variance

2025-00186 be (**approved/denied**).

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**Exhibits:**

- Exhibit 1: Ortho Map
- Exhibit 2: Zoning Map
- Exhibit 3: Deed to Property
- Exhibit 4: Demolition permit
- Exhibit 5: Building Permit
- Exhibit 6: Original Site Plan
- Exhibit 7: Plot Plan "As-Built"
- Exhibit 8: Application
- Exhibit 9: Site Survey
- Exhibit 10: Table 4.2.2
- Exhibit 11: APO List
- Exhibit 12: APO Map

Prepared by: MB 4/25/2025

**Ortho Map**  
**PLZNA-2025-00186**

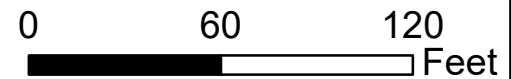
**Legend**

- Centerlines
- ▭ Parcels
- ▭ Subject Property

**Existing:**  
**RLD**  
**(Residential Low Density)**

**Owner:**  
**Roger Harry and Ryan Tino**

**Acres: .5**



BUCK HILL RD

MARKWAY ST

Exhibit 1

**Zoning Map**  
**PLZNA-2025-00186**

**Legend**

- Centerlines
- Parcels
- RLD
- Subject Property

**Existing:**  
**RLD**  
**(Residential Low Density)**

**Owner:**  
**Roger Harry and Ryan Tino**

**Acres: .5**

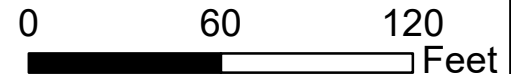


Exhibit 2

FILED Mar 19, 2024  
AT 02:05:00 PM  
BOOK 08870  
START PAGE 0789  
END PAGE 0790  
INSTRUMENT # 05921  
EXCISE TAX \$130.00

**NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax:	\$ 130.00
Parcel ID:	09-244-022
Mail/Box to:	Millsaps & Bratton, PLLC, 2201 East 7th Street, Charlotte, NC 28204
Prepared by:	Millsaps & Bratton, PLLC, 2201 East 7th Street, Charlotte, NC 28204
Brief description for the Index:	LOT 12, Roy L. Walters and T. Bruce Walters Subdivision

THIS GENERAL WARRANTY DEED ("Deed") is made on the 18th day of March 2024, by and between:

GRANTOR	GRANTEE
Larry King and spouse, Della King 2212 Bearskin Lane Monroe, NC 28110	Roger Harry, married Ryan Tino, married 103 Buck Hill Road Monroe, NC 28112

*Enter in the appropriate block for each Grantor and Grantee their name, mailing address, and, if appropriate, state of organization and character of entity, e.g. North Carolina or other corporation, LLC, or partnership. Grantor and Grantee includes the above parties and their respective heirs, successors, and assigns, whether singular, plural, masculine, feminine or neuter, as required by context.*

FOR VALUABLE CONSIDERATION paid by Grantee, the receipt and legal sufficiency of which is acknowledged, Grantor by this Deed does hereby grant, bargain, sell and convey to Grantee, in fee simple, all that certain lot, parcel of land or condominium unit in the City of Monroe, \_\_\_\_\_ Township, Union County, North Carolina and more particularly described as follows (the "Property"):

BEING all of Lot 12 of Roy L. Walters and T. Bruce Walters Subdivision as shown on that plat recorded in Plat Book 4, Page 22, Union County Registry, to which reference is hereby made for a more particular description.

All or a portion of the Property was acquired by Grantor by instrument recorded in Book 7831 page 212.

All or a portion of the Property  includes or  does not include the primary residence of a Grantor.

A map showing the Property is recorded in Plat Book 4 page 22.

TO HAVE AND TO HOLD the Property and all privileges and appurtenances thereto belonging to Grantee in fee simple. Grantor covenants with Grantee that Grantor is seized of the Property in fee simple, Grantor has the right to convey the Property in fee simple, title to the Property is marketable and free and clear of all encumbrances, and Grantor shall warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Any and all valid easements, covenants, restrictions, and conditions of record. Ad Valorem 2024 Property Taxes.

IN WITNESS WHEREOF, Grantor has duly executed this North Carolina General Warranty Deed, if an entity by its duly authorized representative.

[Signature]  
Name: Larry King

[Signature]  
Name: Della King

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Entity Name \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

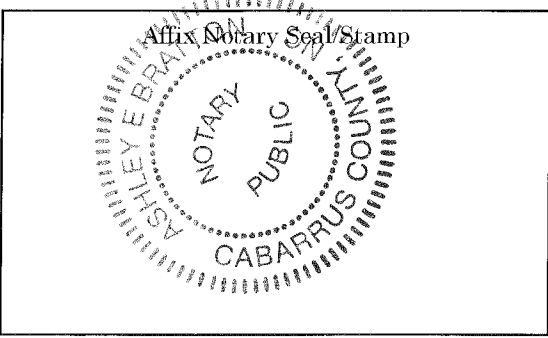
By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF North Carolina, COUNTY OF Union

I Asuley E. Brault, a Notary of the above state and county, certify that the following person(s) personally appeared before me on the 18th day of March 2024 each acknowledging to me that he or she signed the foregoing document, in the capacity represented and identified therein (if any): Larry King, Della King



[Signature]  
Notary Public (Official Signature)  
My commission expires: 8/16/2025



Demolition  
Monroe, NC

Permit No: PRDE202401671

**ISSUED**

May 06, 2024

<b>Job Address</b>	103 BUCK HILL RD, MONROE, NC 28112
<b>Owner</b>	
<b>Applicant</b>	Roger Harry 3124-b W. Trade St. Charlotte, NC 28208 (704) 398-8499
<b>Contractor</b>	GATEWOOD BUILDERS INC. 1747 SEIFERT CIR CHARLOTTE, NC 28205 (704) 309-0455
<b>Description:</b>	Demo - whole house  Structure Fire 1/16/24

Parcel #	Type of Construction Demolition	Zoning	# Of Units	Fee Amount
				\$66.00

**Building Components:**

Description	Units	Quantity
Building/Structure Demolition	QTY	1

**Total Value of Work:** \$0

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

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

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

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

SIGNED:

Permitting Official  
Monroe, NC

Chief Building official



**Permits included on this application:**

Demolition

**Conditions:**

Misc Conditions

Approve as submitted. Demolition of entire house.

ES1 - NC One Call

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

**Review Comments:**

Damage Assessment Inspection - Bryan McAllister

Damage Assessment Inspection -

Verify Application/Submittals - Grace Brown

Engineering - Erosion Control Review - Zach Ross

- All sediment spilled, dropped, washed, or tracked onto the public street must be removed immediately. Applicant is responsible for all offsite sedimentation that occurs until site is stabilized.

Energy Services Review - Rob Miller

External Agencies Review - Grace Brown

Planning and Zoning Review - Patrick Blaszyk

Water Resources Review - Barandyk Leo

Verify Final Review Status - Grace Brown

Generate/Send Correction Notice - Grace Brown

Waiting for Resubmittal - Grace Brown

Verify Resubmittal - Grace Brown

Engineering - Erosion Control Review - Zach Ross

Energy Services Review - Rob Miller

External Agencies Review - Grace Brown

Planning and Zoning Review - Patrick Blaszyk

Water Resources Review - Barandyk Leo

Verify Final Review Status - Grace Brown

Stamp Approved Plans - Grace Brown

Waiting for Fee Payment - Grace Brown

Generate/Issue Permit(s) - Grace Brown





**Permits included on this application:**

- Building
- Mechanical
- Electrical
- Plumbing
- Zoning

**Conditions:**

Lien Agent / Workers Comp Form Required

Lien Agent / Workers Comp Form Required

PL - Foundation Survey

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

PL - Zoning inspection (for certificate of occupancy)

All zoning requirements must be inspected by the zoning officer prior to requesting a certificate of occupancy if required.

Please call 704.282.4524 to schedule a zoning inspection.

Misc Conditions

The house must meet the setbacks for the RLD zoning district as listed below:

Front: 25'

Side: 15' Corner Side: 20'

Rear: 20'

Misc Conditions

NC ONE CALL

Applicant is to call NC ONE CALL AT 800-632-4949 to locate all utilities prior to digging.

- No permanent structures, fences, extensive landscaping or trees shall be placed within 10-feet of a water main or within 15-feet of a sanitary sewer main.

- Any grading resulting in depth of cover over existing water or sewer mains shall require written approval from the Water Resources Department.

- Any conflicts with existing mains or appurtenances shall be brought to the attention of the Water Resources Engineer for review and approval and resolved at the Developer's expense.

**WATER RESOURCES STANDARD CONDITIONS**

**Building Sewer Elevations**

- Permittee shall be responsible for establishing building sewer elevations satisfactory to meet city's tap location and depth as well as satisfy NC plumbing code.

- If necessary, permittee shall furnish and operate a lift pump as part of building sewer at his/her expense.

It is the permittee's responsibility to arrange on on-site inspection with the City of Monroe if there are questions about the location or depth limits on the city's sewer tap.

**Building Sewer Backwater Valve**

- Permittee shall require his/her plumber to determine if a backwater valve on building sewer or drain(s) are required in accordance with the NC state building code.

- If required by plumbing inspector, the plumber shall provide a backwater valve certification to plumbing inspector that plumber has determined elevation of closest upstream manhole of public sewer is below the elevation of all plumbing fixtures installed.

- Plumber should call 704-282-4601 if assistance from city in locating manhole is required.

**Irrigation System(s)**

- Pursuant to North Carolina GS 143-355.4, all new in-ground irrigation system installed in the City of Monroe shall be connected to a separate water meter.

**Driveways / Structures**

- Driveways and/or structures shall be located six (6) feet away from fire hydrants if located on property.



Grading

- Any grading resulting in grade changes around fire hydrants shall require fire hydrants be adjusted at the developer's/builder's expense.

Meter Boxes / Sewer Cleanouts

- No meter box or sewer cleanout shall be located within the driveway. Any conflicts shall require the developer/builder to pay for the services to be relocated.
- All sewer clean-outs and water meter boxes shall be located a minimum of 2' from the edge of the driveway having a typical driveway alignment for a 2 car garage.
- Meter box shall be level and free from dirt and debris.
- Sewer cleanouts shall be located outside of any low lying areas not subject to runoff.
- Sewer cleanouts shall be at final grade to avoid future damage that can result from mowers and general lawn equipment.

WATER METER REMOVAL AND UNAUTHORIZED TAKING OF WATER PROHIBITED

- Builder is expected to strictly adhere to the Monroe Code of Ordinances, Chapter 53, Section 53.01 regarding unauthorized taking of water. Citations will be issued when the Code is violated.

ES4- GS Meter

Gas meter must be located within 10 feet of front corner of the home or building, on the opposite side of the electric meter. Gas meter must be roadside of the HVAC unit.

ES2 - COM not Power Provider

City Power N/A – City power is not available to this address or customer. Another power provider will service this address.

ES1 - NC One Call

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

PL - New Residential

1. All disturbed areas shall be seeded with grass and covered with straw or be sodded
2. All construction equipment and debris must be removed from the site prior to the zoning inspection
3. The driveway must be paved from the road to the garage and must be able to accomodate at least 2 vehicles.

**Review Comments:**

- Verify Application/Submittals - Grace Brown
- Engineering - Erosion Control Review - Zach Ross
- Energy Services Review - Rob Miller
- External Agencies Review - Grace Brown
- Planning and Zoning Review - Patrick Blaszyk
- Water Resources Review - Barandyk Leo
- Verify Final Review Status - Grace Brown
- Stamp Approved Plans - Grace Brown
- Verify Resubmittal - Grace Brown
- Engineering - Erosion Control Review - Zach Ross
- Energy Services Review - Rob Miller
- External Agencies Review - Grace Brown
- Planning and Zoning Review - Patrick Blaszyk
- Water Resources Review - Barandyk Leo
- Verify Final Review Status - Grace Brown
- Stamp Approved Plans - Grace Brown
- Waiting for Fee Payment - Grace Brown
- Generate/Issue Permit(s) - Grace Brown

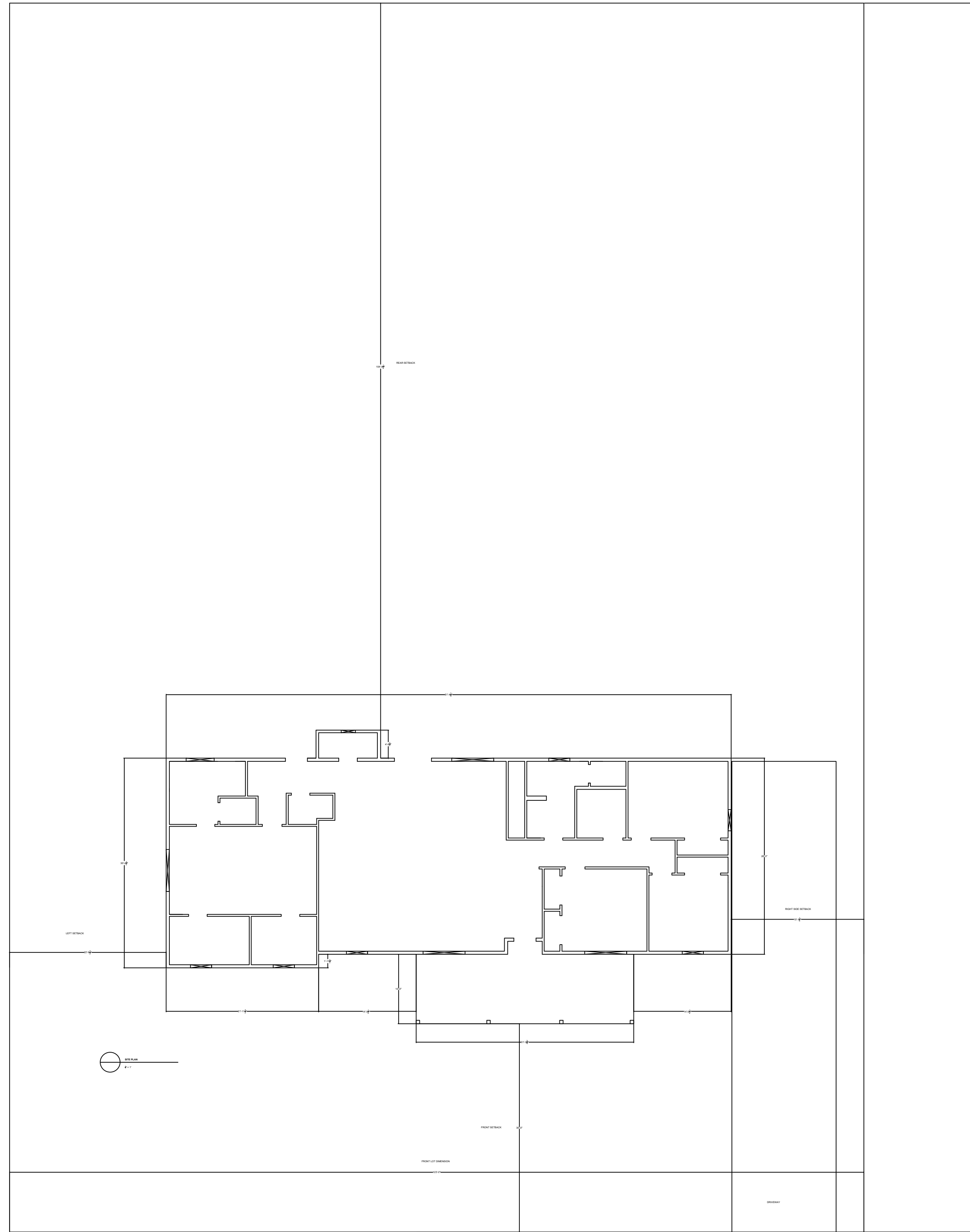


Exhibit 6

103 BUCKHILL RD	SITE PLAN
MONROE, NC 28112	3-27-2024



## City of Monroe

# Variance Application Form

Applicant's Name: Roger Harry

Applicant's Address: 402 Ridgewood Dr.  
Monroe, NC 28112

Property Owner's Name: Roger Harry + Ryan Tino

Property Owner's Address: 402 Ridgewood Dr. 3629 Wild Rose Ct.  
Monroe, NC 28112 Matthews, NC 28104

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

Legal Relationship of Applicant to Property Owner: Same

Contact Person Name and Phone Number: Roger Harry 704 309 0455

Existing Use of Property: Residential

Property Location: 103 Buck Hill Rd. Monroe, NC 28112

Tax Map Number: 09-244-022 Lot Size: 0.48 Zoning District: RLD

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

Proposed variance description: The left side setback is 20'. We need a variance to allow 18 1/2' on that side.

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

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

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

The setback on the left of the house is 20'. The house is built  
18.7' from the <sup>Property line</sup> ~~setback~~ according to the survey attached done on  
3/17/25. The survey done on 10/11/24 shows the house at 33.7'  
from the property line. The survey company from the 10/11/24 plot plan  
made a mistake. We assume he pulled the dimension from the road. I have  
spoke to the city planner and due to this hardship we need a variance.

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]

I have been a builder for over 25 years. We rely on licensed survey companies to give us accurate information for placement of a house on a lot and property corners. The house sits over 33' from the road leading us to believe the surveyors placement was correct and well within the setback.

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 hardship is due to the actions of a licensed survey company. The senior city planner of Monroe is familiar with this company and says they are very reputable and it seems this was an error by an employee.

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

Yes. The spirit and intent is for the house to be far enough away from the road for safety and aesthetics. The original house was closer to the road by 2' than the current house. The house behind it is also inline with the current house. This variance request is for a minimal change and will not compromise public safety.

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.

Roger Harry

Printed name of Applicant

[Signature]

Signature of Applicant

3/28/25

Date

Printed name of Owner Roger Harry  
Signature of Owner [Handwritten Signature]

3/28/25  
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: \_\_\_\_\_

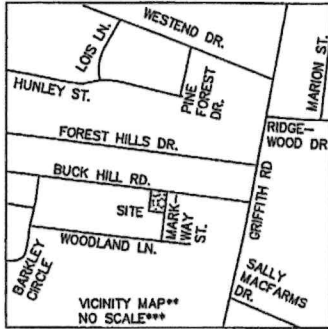
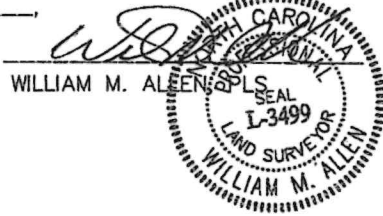


DON ALLEN & ASSOCIATES, P. A.

"Since 1971"

Commercial \* Residential \* Mortgage Surveys \* Multi-Family  
Construction Staking \* Subdivision Design \* Topographical  
127 Promenade Drive - Suite E \* Mooresville \* NC \* 28117  
DASSurveying.com \* (704) 664-7029 \* Info@donallensurvey.com

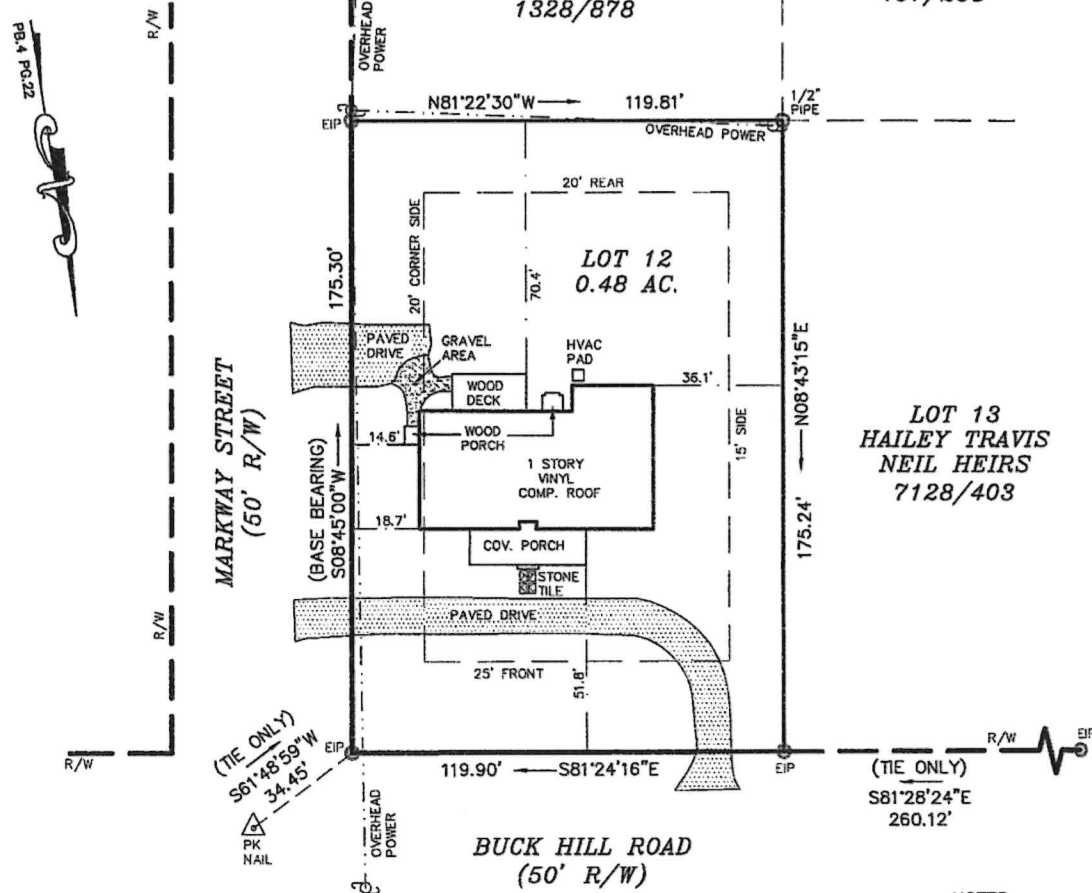
I, certify that this map was drawn under my supervision from an actual survey made under my supervision recorded in deed book 8870, page 0789, and/or plat book 4, page 22, that the ratio of precision is 1':10,000, that this map was prepared in accordance with the General Statutes of North Carolina Chapter 89C. my hand and seal on the 17TH day of MARCH, A.D. 2025.



LOT 11  
TIMOTHY FRED  
RATLIFF  
1328/878

LOT 14 & PT. 17  
SUE BELK HILL  
467/258

LOT 13  
HAILEY TRAVIS  
NEIL HEIRS  
7128/403



LEGEND  
E.I.P. = EXISTING IRON FOUND  
I.P.S. = #4 REBAR SET  
CP = COMPUTED POINT  
R/W = RIGHT-OF-WAY  
☉ = POWER POLE

- NOTES
- 1) THIS PROPERTY MAY BE SUBJECT TO ANY EASEMENTS AND/OR RIGHTS OF WAY OF RECORD.
  - 2) ACREAGE COMPUTED BY THE COORDINATE METHOD.
  - 3) NO GRID MONUMENT FOUND WITHIN 2000 FEET.
  - 4) OVERHEAD POWER
  - 5) THIS PROPERTY LIES WITHIN FEMA FLOOD AREA "ZONE X"
  - 6) SETBACKS SHOWN PER ZONING. PROPERTY ZONED: MONROE "RLD". \*\*VERIFY SETBACKS PRIOR TO ANY CONSTRUCTION\*\*

PHYSICAL SURVEY  
OF  
103 BUCK HILL ROAD  
LOT 12 ROY L. & T. BRUCE WALTERS PROPERTY

SCALE 1" = 40'  
ACQUIRED BY:

MONROE TWP., UNION CO., N.C.  
Robert J Sempsey and Lisa M Sempsey

FIELD BOOK: 600G  
FILE: ROY AND BRUCE WALTERS 12  
DRAWN BY: PJV  
TAX MAP NO: 09244022

Table 4.2.2. RLD District Development Standards Table

RLD District Development Standards Table	
Building Height	Maximum 3 Stories
Density	Maximum 2 Units / Acre
Setbacks <sup>1</sup>	Front 25'
	Side 15' (interior lot) 20' (corner lot)
	Rear 20' (interior lot) 25' (through lot)
Lot	Width 100' Minimum
	Area 20,000 Square Feet Minimum
	Coverage 20% Maximum
Open Space	See Section 8.8: Open Space
Additional Standards	<sup>1</sup> In any area that is located outside of 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.

ACCTNO	OWNERNAME1	OWNERNAME2	OWNERADDRE	CURR_ADDR2	OWNERCITY	OWNERSTATE	OWNERZIP
09282019	BLANTON ANDREW KENNON	BLANTON JULIE	105 FOREST HILLS DR		MONROE	NC	28112
09244008	BREHAUT STANLEY RAYMOND TRUSTEE		105 WOODLAND LN		MONROE	NC	28112
09244015A	BREWER GREGORY MARK	BREWER TAMMI HELMS	112 WOODLAND LN		MONROE	NC	281122426
09282021	CASH WILBERT JR HEIRS	BLAKNEY FELIX L	10932 S NC 109		PEACHLAND	NC	28133
09244016	CRUNKLETON ROY E	CRUNKLETON SHEILA H	106 BUCK HILL RD		MONROE	NC	28112
09244013	CURTIS BETTY JOAN TYNER		104 WOODLAND LANE		MONROE	NC	28112
09244012	DE MARTINEZ EUSEBIA CABRERA		102 WOODLAND LN		MONROE	NC	28112
09244021	HAILEY TRAVIS NEAL HEIRS	MOULTON ELIZABETH SAPP	104 BUCK HILL		MONROE	NC	28112
09244007	HERNANDEZ ARQUIMEDES DIAZ	GUTIERREZ CIRILA GOMEZ	107 WOODLAND LN		MONROE	NC	28112
09244015	HILL SUE BELK		110 WOODLAND LN		MONROE	NC	28112
09282020	HOOD LARRY L	HOOD DIANE C	107 FOREST HILLS DR		MONROE	NC	28112
09244006	JONES DONALD S	JONES ANNA C	109 WOODLAND LN		MONROE	NC	28112
09244022	HARRY ROGER	TINO RYAN	103 BUCK HILL RD		MONROE	NC	28112
09244005A	MCFARLAND EUGENE C		113 WOODLAND LN		MONROE	NC	28112
09244005	RAMSEY STEVEN B	HOPPERTON JOYCE R	315 STEVENS ST		MONROE	NC	28112
09244014	RATLIFF TIMOTHY FRED	RATLIFF CHERIE DAWN	108 WOODLAND LN		MONROE	NC	28112
09244024	SMITH ANDREW E	SMITH KATHERINE S	101 BUCK HILL RD		MONROE	NC	28110
09244023	SRAM PACK 1-C LLC		5001 PLAZA ON THE LAKE	SUITE 200	AUSTIN	TX	78746
09282022	WADE ROY L	WADE DOROTHY M	111 FOREST HILLS DR		MONROE	NC	28112

Exhibit 11

**APO Map**  
**PLZNA-2025-00186**

**Legend**

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

**Parcels Notified: 19**



Exhibit 12



**STAFF REPORT**

*Case # PLZNA 2025-00188*

**TO:** Board of Adjustment Members

**DATE:** May 22, 2025

**FROM:** Doug Britt, Assistant Director of Planning and Development

**PREPARED BY:** Megan Brightharp, Planner

**SUBJECT:** Variance request by Lanny Stack for property located at 1701 Polk Street.

**SUMMARY STATEMENT**

Lanny Stack is requesting a variance from the minimum side yard setback for an accessory structure in a residential district in order to bring into compliance an accessory structure currently under construction.

**SITE DATA**

**Type of Action:** Variance

**Date of Petition:** April 1, 2025

**Name of Petitioner:** Lanny Stack

**Location:** 1701 Polk Street

**Tax ID #:** 09-188-0011

**Lot Size:** .5 Acres

**Current Zoning Classification:** RMD (Residential Medium Density) Zoning District

**PROPOSED FINDINGS**

Proposed Findings:

1. The property located at 1701 Polk Street is owned by Ivy H. Stack and is zoned RMD (Residential Medium Density). (Exhibit 1-3)
2. On March 20, 2025, a building permit application was submitted for an accessory building at 1701 Polk Street. Included with the application was a survey of the subject

property showing the accessory structure that is currently under construction, with the front corner shown being 9.7 feet away from the side property line. (Exhibit 4)

3. A variance application was submitted on April 1, 2025 by Lanny Stack requesting a .3-foot variance from the minimum side yard setback of 10' in order to bring into compliance the accessory structure currently under construction. (Exhibit 5 and 6)
4. The Unified Development Ordinance (UDO) Section 157.7.5 entitled "Accessory Uses and Accessory Structures" states in relevant parts:

A. General Accessory Use Standards.

9. Setbacks:

- a. Within a residential district, shall not be located closer than ten (10) feet to a property line,

(Exhibit 7)

4. All adjacent property owners have been notified of the proposed variance. (Exhibit 8 and 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 2025-00055 be (**approved/denied**).

---

Exhibits:

- Exhibit 1: Ortho Map
- Exhibit 2: Zoning Map
- Exhibit 3: Deed to Property
- Exhibit 4: Building Permit Application
- Exhibit 5: Application
- Exhibit 6: Site Plan

Exhibit 7: UDO Section 7.5  
Exhibit 8: APO List  
Exhibit 9: APO Map

Prepared by: MB 4/25/2025

**Ortho Map**  
**PLZNA-2025-00188**

**Legend**

- Centerlines
- Parcels
- Subject Property

**Existing:**  
**RMD**  
**(Residential Medium Density)**

**Owner:**  
**Ivy H. Stack**

**Acres: .5**

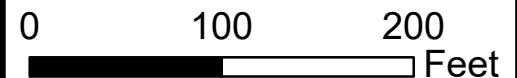


Exhibit 1

**Zoning Map**  
**PLZNA-2025-00188**

**Legend**

- Centerlines
- ▭ Parcels
- ▭ CD
- ▭ GB
- ▭ GI
- ▭ RMD
- ▭ Subject Property

**Existing:**  
**RMD**  
**(Residential Medium Density)**

**Owner:**  
**Ivy H. Stack**

**Acres: .5**

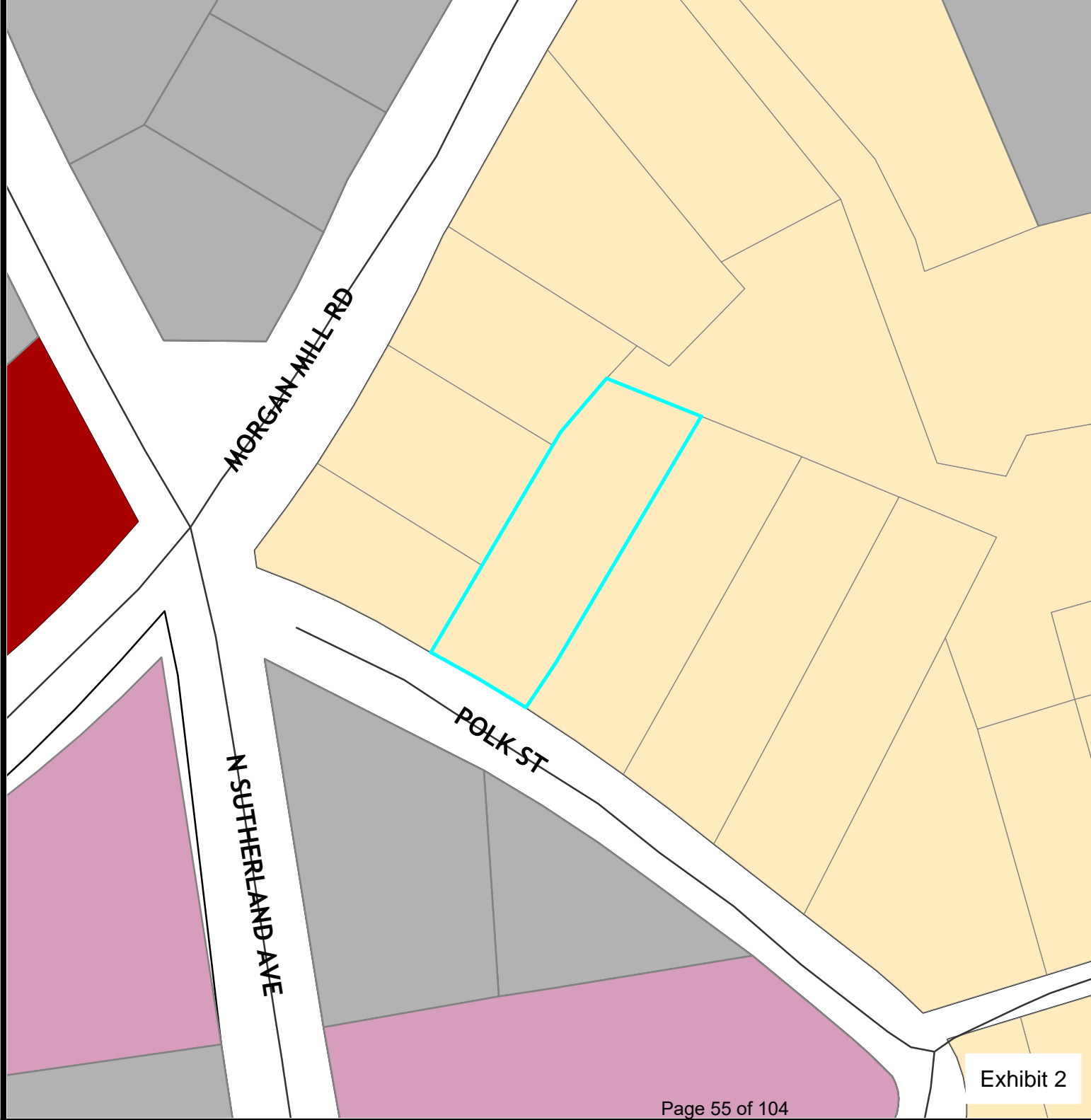
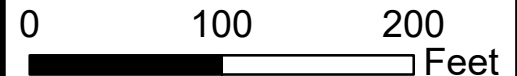


Exhibit 2

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

FILED Jun 20, 2022  
AT 10:02 am  
BOOK 08505  
START PAGE 0004  
END PAGE 0005  
INSTRUMENT # 21977  
EXCISE TAX (None)  
DM

**NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax: 00.00

Parcel Identifier No: 09188001

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

This instrument was prepared by: **Burns & Gray, PA / eb**

**TITLE SEARCH NOT REQUESTED, NOR PERFORMED**

Brief description for the Index: **.973 acres, Lot 3, Polk St.**

**THIS DEED** made this 15<sup>th</sup> day June, 2022, by and between

GRANTOR	GRANTEE
<b>Lanny Stack and wife, Berita Stack 1800 Morgan Mill Rd. Monroe, NC 28110</b>	<b>Ivy H. Stack 1701 Polk St. Monroe, NC 28110</b>

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 that certain lot or parcel of land situated in the **City of Monroe, Monroe Township, Union County, North Carolina** and more particularly described as follows:

**Being all of Lot 3 as shown on a survey titled " a final Plat of a Minor subdivision of the Lanny Stack and wife, Berita Stack property" by Gordon Svedberg, NCLS L-2725 dated September 27, 2004 and recorded in the Union County Register of Deeds Cabinet I, at File 312 to which reference is hereby made for a more particular metes and bounds description.**

A map showing the above described property is recorded in **Plat Cabinet I, File 312.**

**The property hereinabove described was acquired by Grantor by instrument recorded in Book 2035, page 123.**

**This Conveyance does contain the Grantor's primary residence.**

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.

Lanny K Stack (SEAL)  
Lanny Stack  
K.

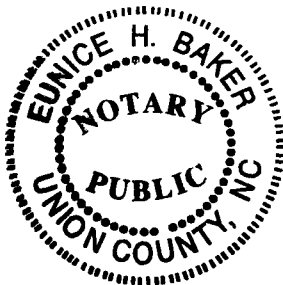
Berita A Stack (SEAL)  
Berita Stack

State of North Carolina - **County of UNION**

I, the undersigned Notary Public of the County and State aforesaid, certify that Lanny Stack and Berita Stack personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 15<sup>th</sup> day of JUNE, 2022.

My Commission Expires: 10-23-2023

Eunice H Baker  
Notary Public





MAR 13 2025  
BY: NB

Building Standards Department  
**BUILDING PERMIT APPLICATION**

*For Permit Center Use Only*  
Submittal Date: \_\_\_\_\_  
Permit #: \_\_\_\_\_  
Parcel: \_\_\_\_\_

Project Address: 1701 POIK ST  
Total Project Cost: \$ 42,000 Subdivision Name: \_\_\_\_\_ Lot: \_\_\_\_\_ Phase: \_\_\_\_\_  
Owner/Tenant: JOY STACK  
Address: (SAME) City: MONROE  
State: N.C. Zip Code: 28110 Phone No. \_\_\_\_\_

Property Use: RESIDENTIAL

Description of Proposed Work: Accessory building for hobby. Dog grooming, plants, work space

Heated SQ FT: 840 Unheated SQ FT: \_\_\_\_\_

UTILITIES:  New  Existing

Power Company: \_\_\_\_\_  
Gas Company: \_\_\_\_\_  
Electric Appliances: \_\_\_\_\_  
Gas Appliances: \_\_\_\_\_

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

Flood Plain:  YES  NO Historic District:  YES  NO Acreage: .50 No. of Stories: 1  
Downtown:  YES  NO Site Improvement:  YES  NO  
Water Supply:  City  County  Private Well  Community Sewer Type:  City  County  Septic Permit

**RESIDENTIAL**

Single Family  Modular  Duplex  Apartment  Accessory Building  Addition  Renovations  Accessory

Mobile Home: Year: \_\_\_\_\_ Make: \_\_\_\_\_ Size: \_\_\_\_\_  
Serial #: \_\_\_\_\_

**COMMERCIAL**

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

Group:  Assembly  Business  Educational  Mercantile  Factory/Industrial  Institutional  Storage

Utility/Misc \_\_\_\_\_

CONTRACTOR(S):

BUILDING: LANNY STAEK  
Address: 1800 MORGAN MILL RD  
City/St: MONROE Zip: \_\_\_\_\_  
Phone: 704 218 7714 Email: LANNY STAEK@YAHOO.COM

Contract Cost  
\$ 45,000  
NC License #:  
80897

ELECTRICAL:  No  Yes      MECHANICAL:  No  Yes      PLUMBING:  No  Yes

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

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

I certify that I am the property owner, am authorized to sign on behalf of the property owner, or am otherwise legally authorized to sign this application. If permits are granted, I hereby certify that all information in this application is correct and that all work will comply with the North Carolina State Building Code and all other applicable city ordinances, local laws and regulations of the State of North Carolina regulating such work and the specifications or plans submitted. The Building Standards Department will be notified of any changes in the approved plans and specifications for the projects permitted herein. By signing this application, I am certifying that I, the applicant, have full authority and license from the holder of the copyright to use the sealed plans, drawings, or diagrams submitted with this application, and I agree to indemnify and hold harmless the City of Monroe for any losses or claims incurred by the City arising from review and approval of such plans by the City of Monroe. I hereby affirm that the foregoing statements are accurate and correct to the best of my knowledge.

PRINT APPLICANT'S NAME: LANNY STAEK  
APPLICANT'S SIGNATURE: Lanny K Staeck DATE: 3/17/25  
ADDRESS: 1800 Morgan Mill CITY: Monroe STATE: NC ZIP: 28110  
PHONE: 704 218 7714 MOBILE: \_\_\_\_\_ FAX: \_\_\_\_\_  
EMAIL: LANNY STAEK@YAHOO.COM

METHOD OF PAYMENT: Cash  Check  Credit  Existing A/R Account

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



# City of Monroe Variance Application Form

Applicant's Name: LANNY STACK

Applicant's Mailing Address: 1800 MORGAN McCL RD.  
MONROE

Property Owner: IVY STACK

Property Owner's Address: 1701 POLK ST

Legal Relationship of Applicant to Property Owner: FATHER

Contact Person Name and Phone Number: Lanny Stack 704 218-7714

Existing Use of Property: Residential

Property Location: 1701 Polk St

Tax Map Number: 09-188 - 001 Lot Size: .50 acre Zoning District: RMD

Ordinance section number to which a variance is being sought: 7.5

Proposed variance description: Requesting a VARIANCE of .3 FT.

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

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

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

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

1) The hardship is that the building is constructed and can't be moved.-

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]

No, the property conditions aren't involved with the request.

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]

No, the error occurred with the excavation of the footing. The proper measurement was staked out and measured from the existing irons found at lot corners.

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

The violation was totally inadvertent. The result of the error will not impact the neighbors.

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

1. The boundaries of the lot(s) in question,
2. The size, shape and location of all existing buildings, parking facilities and accessory buildings,
3. The size, shape and location of all proposed buildings, parking facilities and accessory uses,

4. The location of all setbacks and front lot widths as measured at the front setback,
5. The location and type of screening and buffering proposed; and
6. Other information deemed by the Zoning Officer necessary to consider the application complete.

Applicant (printed): LANNY STACK

Applicant's Signature: Lanny R. Stack

Date: April 1<sup>st</sup> 2025

Property Owner: Livy Stack

By: Livy Stack

Title: \_\_\_\_\_

Owner's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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

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

---

Scaled plan attached: Yes \_\_\_\_\_ No \_\_\_\_\_ Fee Attached: Yes \_\_\_\_\_ No \_\_\_\_\_

Adjoining property owner's information attached: Yes \_\_\_\_\_ No \_\_\_\_\_

Public hearing date: \_\_\_\_\_

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

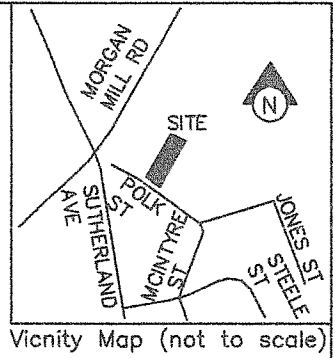
Action taken by the Board of Adjustment: \_\_\_\_\_

Notification of Action Mailed to applicant on: \_\_\_\_\_



NORTH CAROLINA, UNION COUNTY

I, Jeffery S. Gordon, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed descriptions recorded in Deed Book 8505, Page 4;) that the boundaries not surveyed are clearly indicated as drawn from information found in Book \_\_\_\_\_, Page \_\_\_\_\_; that the ratio of precision as calculated is 1: 10,000 +; that this map meets the requirements of standards of practice for land surveying in North Carolina (21 NCAC 56-1600).



Witness my original signature, registration number and seal this 6th day of February, A.D., 2025.

*Jeffery S. Gordon*  
Professional Land Surveyor  
**L-3751**

Registration Number  
**Rev: 3/31/25 JLG**

N/F  
CAROLINA DEVELOPMENT SERVICES LLC  
TRACT 2  
DB 8476 PG 503  
#09-185-008A

**LEGEND**

- RF - REBAR FOUND
- IPF - IRON PIPE FOUND
- PC - PLAT CABINET
- DB - DEED BOOK
- PG - PAGE
- SF - SQUARE FEET
- GPUE - GENERAL PUBLIC UTILITY EASEMENT
- FYSB - FRONTYARD SETBACK
- RYSB - REARYARD SETBACK
- SYSB - SIDEYARD SETBACK
- #1703 - ADDRESS
- #09-188-001 - TAX I.D.
- GDR - GRAVEL DRIVEWAY
- CSW - CONCRETE SIDEWALK
- N/F - NOW OR FORMERLY
- CONC. - CONCRETE
- CCP - CONCRETE CAR PORT
- BLDG. - BUILDING
- CONST. - CONSTRUCTION
- WWF - WOOD & WIRE FENCE

N/F  
JASON S. ALLEN  
DB 7489 PG 001  
#09-185-009A

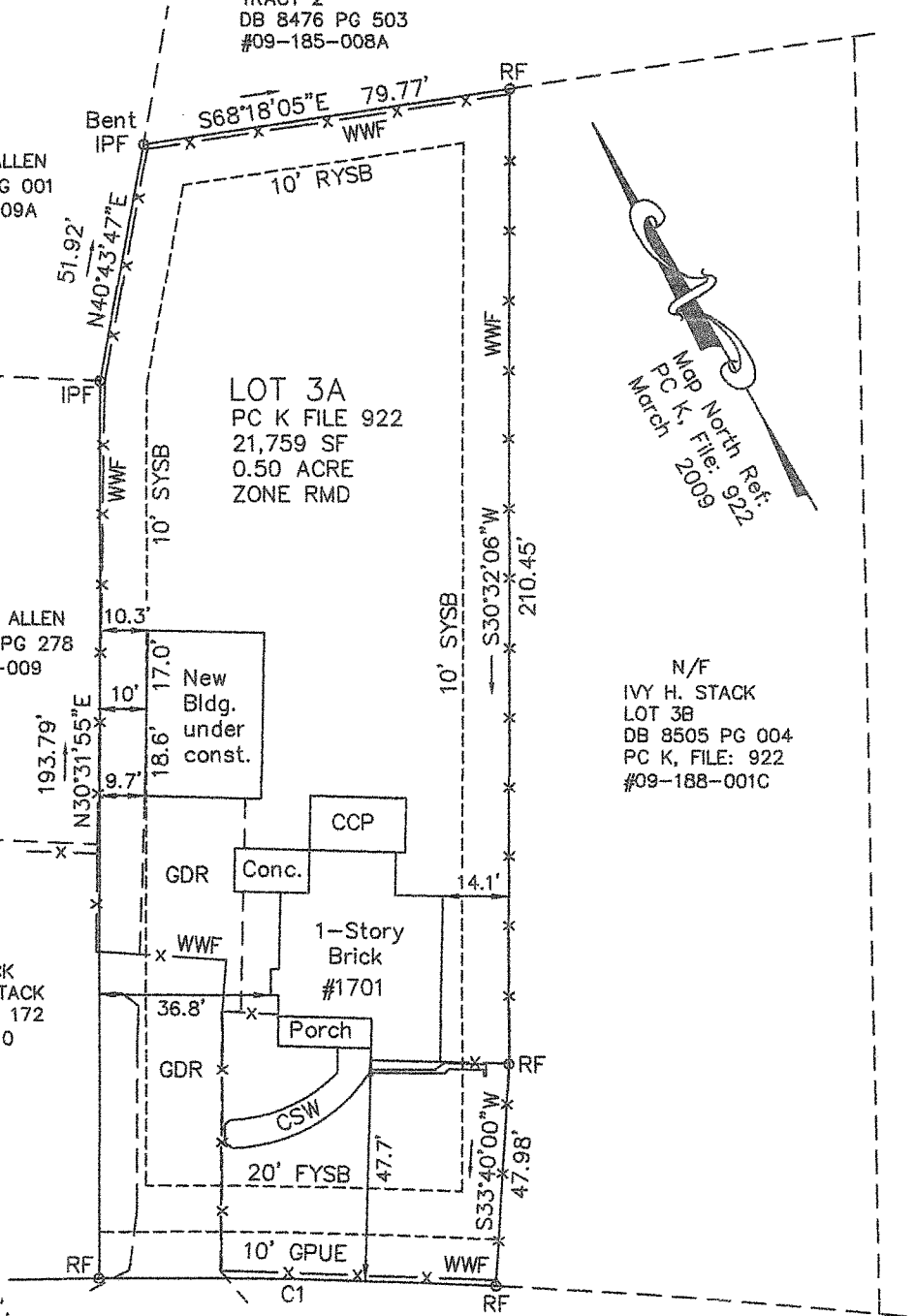
N/F  
JASON S. ALLEN  
DB 5614 PG 278  
#09-185-009

N/F  
LANNY STACK & BERITA STACK  
DB 1248 PG 172  
#09-185-010

**LOT 3A**  
PC K FILE 922  
21,759 SF  
0.50 ACRE  
ZONE RMD

Map North Ref:  
PC K, File: 922  
March 2009

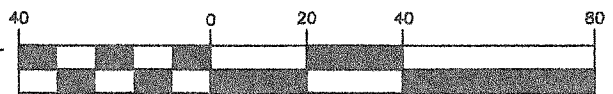
N/F  
IVY H. STACK  
LOT 3B  
DB 8505 PG 004  
PC K, FILE: 922  
#09-188-001C



- NOTES:**
1. TAX I.D. #09-188-001
  2. AREA CALCULATED BY COORDINATES.
  3. NO NCGS MONUMENT FOUND WITHIN 2000'.
  4. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES, MEASURED WITH ELECTRONIC METERS.
  5. ADJOINING PROPERTY OWNERS NAMES WERE TAKEN FROM UNION COUNTY TAX OFFICE RECORDS, AND ARE CONSIDERED AS NOW OR FORMERLY.
  6. PROPERTY MAYBE SUBJECT TO OTHER EASEMENTS AND/OR RIGHTS OF WAY, EITHER RECORDED OR IMPLIED.
  7. THIS PROPERTY IS NOT SUBJECT TO A FEMA SPECIAL FLOOD HAZARD ZONE AS PER FIRM, MAP NO. 3710544500J, PANEL 5445, EFFECTIVE DATE: OCTOBER 16, 2008.

POLK STREET  
30' R/W

**GRAPHIC SCALE**



( IN FEET ) 1 inch = 40 ft.

**CURVE TABLE**

CURVE	LENGTH	RADIUS	CHORD	DIRECTION	DELTA
C1	85.40	1559.53	85.38	N58°38'54"W	3°08'14"

**Jeffery S.  
Gordon  
Surveying**

Boundary & Physical Survey of:  
Lot 3A, Lanny & Berita Stack Sub.  
For: Ivy H. Stack  
Legal Ref: DB 8505 PG 4; PC K, File: 922  
City of Monroe, Monroe Twsp., Union County, N.C.  
Scale: 1" = 40' Date: 6 February 2025

REV:  
3-31-25

Jeffery S. Gordon, PLS, L-3751  
1394-B Walkup Ave, Monroe, NC 28110

(704) 283-9726

Dwg. File: 1701 Polk Street.dwg

## 7.5. ACCESSORY USES AND ACCESSORY STRUCTURES


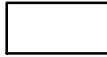


**A. General Accessory Use Standards.** Accessory uses and accessory structures shall comply with the following standards. Accessory uses and structures:

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

ACCTNO	OWNERNAME1	OWNERNAME2	OWNERADDRE	CURR_ADDR2	OWNERCITY	OWNERSTATE	OWNERZIP
09188001A	2017-1 IH BORROWER LP		C/O INVITATION HOMES	1717 MAIN ST STE 2000	DALLAS	TX	75201
09185009	ALLEN JASON SCOTT	MCCULLOUGH KARLA NICOLE	112 ARBOR RIDGE RD		MT HOLLY	NC	28120
09185009A							
09188080	ALVAREZ CARLOS A	ALVAREZ LUZ M	3327 EDWARDS RD		WINGATE	NC	28104
09185008A	CAROLINA DEVELOPMENT SERVICES LLC		2627 BREKONRIDGE CENTRE DR		MONROE	NC	28110
09185005							
09185008	CTJ INVESTMENT GROUP LLC		PO BOX 482		MONROE	NC	28111
09185037	MARSH EMMETT L	MARSH RONDA H	1402 MARSH RD		MARSHVILLE	NC	28103
09185036							
09185034	NATIONAL RETAIL PROPERTIES LP		C/O CIRCLE K STORES	PO BOX 52085	PHOENIX	AZ	85072
09185035							
09188056	NUNEZ ARTURO ET AL	NUNEZ-PLASCENCIA OMAR	706 N SUTHERLAND AVE		MONROE	NC	28110
09188057							
09188055	NUNEZ RENE	NUNEZ ARTURA	1706 POLK ST		MONROE	NC	28110
09185007	PENEGAR DAVID M	PENEGAR GAIL L	2806 FOXWORTH DR		MONROE	NC	28110
09188001B	RORIE JAMES CALVIN	RORIE DELPHENIA MCGEE	3211 SECREST PRICE RD		MONROE	NC	28110
09188001	STACK IVY H		1701 POLK ST		MONROE	NC	28110
09188001C							
09185010	STACK LANNY	STACK BERITA	1800 MORGAN MILL RD		MONROE	NC	28110
09185014	WASH ONE LLC		231 POST OFFICE DR SUITE B8		INDIAN TRAIL	NC	28079

**APO Map**  
**PLZNA-2025-00188**

**Legend**

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

**Parcels Notified: 20**



Exhibit 9





**STAFF REPORT**

*Case # PLZONA-2025-00213*

**TO:** Board of Adjustment Members

**DATE:** May 22, 2025

**FROM:** Doug Britt, Assistant Director of Planning & Development

**PREPARED BY:** Patrick Blaszyk, Planner

**SUBJECT:** Appeal Request by Joe Rybinski of Double Eagle Properties LLC for a property located at 400 Sanford Street.

**SUMMARY STATEMENT**

Staff has received an appeal application from Joe Rybinski of Double Eagle Properties LLC regarding Planning Staff’s zoning determination of new gravel driveways and a parking area at 400 Sanford Street.

**SITE DATA**

**Type of Action:** Appeal

**Date of Petition:** April 29, 2025

**Name of Petitioner:** Joe Rybinski of Double Eagle Properties LLC

**Location:** 400 Sanford Street

**Tax ID #:** 09-235-190A

**Lot Size:** .22 Acres

**Current Zoning Classification:** RMD (Residential Medium Density)

**REVIEW**

1. The property located at 400 Sanford Street is owned by Double Eagle Properties LLC and is zoned RMD (Residential Medium Density). (Exhibit 1-3)
2. On January 2, 2025, staff received notification regarding new gravel driveways and a gravel parking area installed at 400 Sanford Street. (Exhibit 4)

3. On January 2, 2025, Planning staff sent a courtesy letter to Double Eagle Properties LLC regarding the violation of two new gravel driveways and a gravel parking area in front of the home. Staff explained that per section 8.4.3.B of the Unified Development Ordinance (UDO), new driveways must be paved, furthermore, this property is located in the Historic District and a Certificate of Appropriateness (COA) is required for new driveways as well per section 6.3.D of the UDO. (Exhibit 5 & 6)
4. On January 21<sup>st</sup>, 2025, Planning Staff sent a courtesy email explaining that the Historic District Commission cannot approve gravel for the driveways and parking area. Planning Staff then stated that similar violations in the past have been provided three months to pave driveways or remove the gravel in order to remedy the violation. With this, Planning Staff provided the property owner would have until April 6<sup>th</sup>, 2025 to resolve the violation by either removing the gravel and putting straw and seed over the top or to apply for a COA to pave the new driveways and remove the gravel parking area in front of the house. (Exhibit 7)
5. Planning Staff conducted an inspection of the property on April 8<sup>th</sup>, 2025 and the gravel driveways and parking area had not been removed and a COA had not been applied for. With this, a Notice of Violation (NOV) was sent to Double Eagle Properties LLC. With another inspection on April 22<sup>nd</sup>, 2025 conducted by Planning Staff, the violation still remained and a 1<sup>st</sup> Civil Citation was sent to Double Eagle Properties LLC. (Exhibit 8 & 9)
6. Mr. Rybinski of Double Eagle Properties LLC contends there was an existing gravel driveway in these areas in the past. The applicant submitted photos of the site when they purchased 400 Sanford Street. The applicant also submitted an email from the grading company that installed the driveways and parking area. Section 10.1.B of the Unified Development Code states: "The burden of establishing that a nonconformity lawfully exists shall be the responsibility of the person who owns or rents the property upon which the nonconformity exists. Evidence that may be used to prove the legal status as a lawful nonconformity may include approved permits, construction plans, and records of previously approved regulations." Mr. Rybinski has not provided sufficient evidence to staff to prove a gravel driveway or parking area was located in front of the home or to the rear of the home prior to installing the gravel on or about January 2, 2025. (Exhibit 10-12)
7. While Section 10 of the Unified Development Ordinance places the burden of proof on the property owner or tenant, Planning Staff utilized various documents to identify if a driveway was in this location including past aerial images, Google Street View images and Zillow images; however, staff was unable to find documentation of a gravel driveway in front of or to the rear of the home. Furthermore, there is no evidence of a gravel driveway or parking area in front of or to the rear of the home. (Exhibit 13)
8. On April 29<sup>th</sup>, 2025 Joe Rybinski of Double Eagle Properties LLC submitted an appeal application to appeal staff's determination of this property. (Exhibit 14)
9. 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 15 & 16)

---

## RECOMMENDATION

Based on the evidence submitted, the Board of Adjustment shall make the determination to affirm, reverse, or modify Planning Staff's determination.

Exhibit:

1. Ortho Map
2. Zoning Map
3. Property Deed
4. New Gravel Driveway and Parking Area
5. UDO Sections 8.4.3.D & 6.3.D
6. Courtesy Letter sent to Double Eagle Properties LLC
7. Courtesy Email sent to Mariusz Wizgala of Double Eagle Properties LLC.
8. Notice of Violation Sent to Double Eagle Properties LLC
9. 1<sup>st</sup> Citation Sent to Double Eagle Properties LLC
10. UDO Section 10.1.B.
11. Photos of Site When Applicant Purchased Property
12. Email From Grading Company
13. Photos of Property Obtained by Planning Staff
14. Application
15. APO Map
16. APO List




Prepared By: PB 5-6-2025

## Ortho Map

Case #: PLZONA-2025-00213

**400 Sanford Street**


### Legend

-  Parcels
-  Subject Property
-  Centerlines

**Owner: Double Eagle  
Properties LLC**

**Acres: 0.22**



0 40 80  
 Feet



**Exhibit 1**

## Zoning Map

Case #: PLZONA-2025-00213

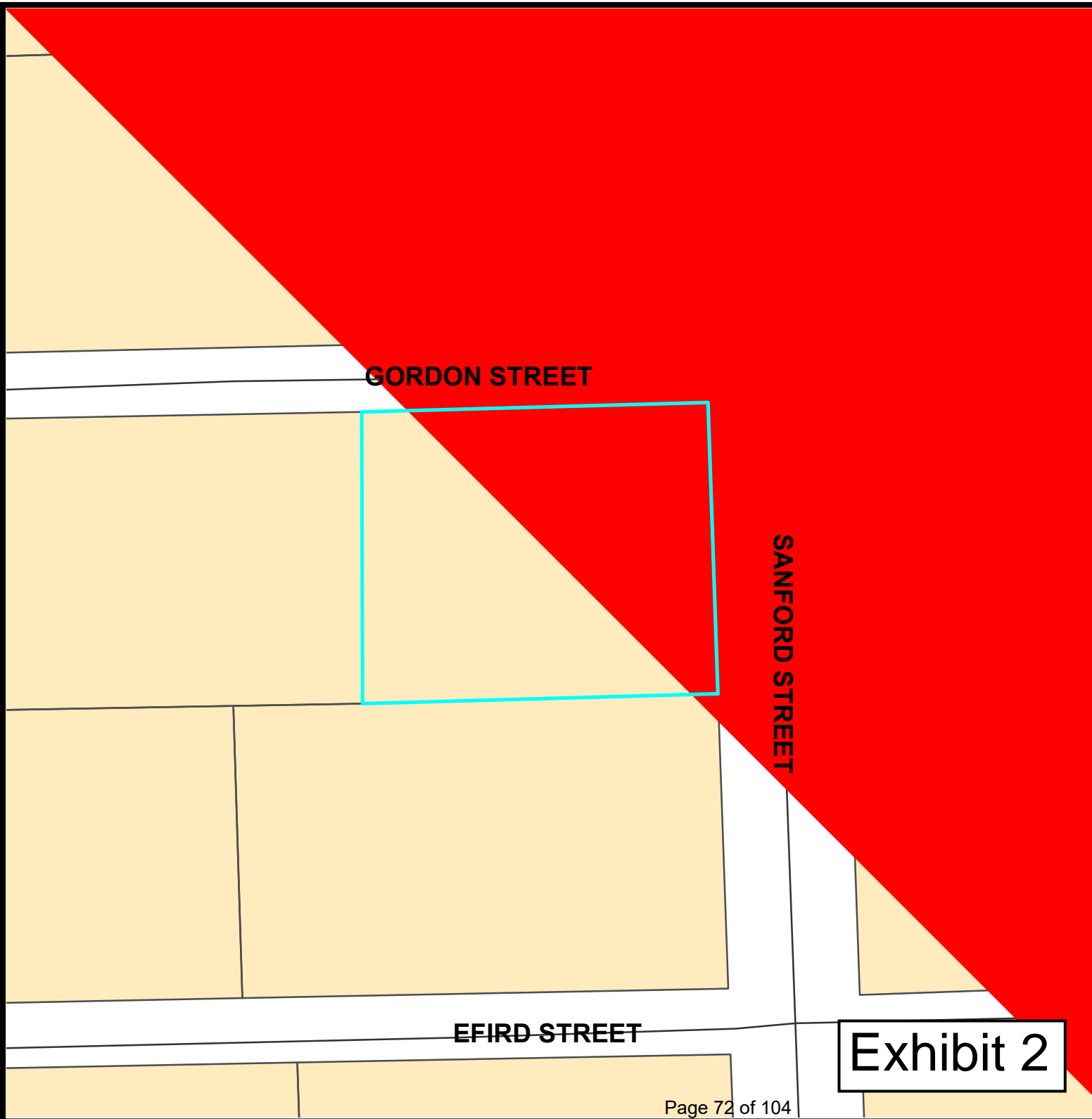
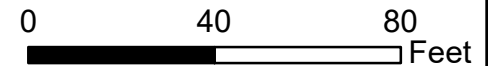
**400 Sanford Street**

### Legend

-  Parcels
-  Subject Property
-  Centerlines
-  RMD

**Owner: Double Eagle  
Properties LLC**

**Acres: 0.22**



**Exhibit 2**

FILED Aug 08, 2022  
AT 04:17:00 PM  
BOOK 08544  
START PAGE 0183  
END PAGE 0185  
INSTRUMENT # 28096  
EXCISE TAX \$181.00

**NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax: \$181.00

Parcel Identifier No. 09-235-190-A Verified by \_\_\_\_\_ County on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
By: \_\_\_\_\_

Mail/Box to: The Corigliano Law Firm, 110 Matthews Station Street, Suite 2F, Matthews, NC 28105

This instrument was prepared by: The Corigliano Law Firm, 110 Matthews Station Street, Suite 2F, Matthews, NC 28105

Brief description for the Index: \_\_\_\_\_

THIS DEED made this 8th day of August, 2022, by and between

GRANTOR	GRANTEE
<p><b>Ethel Lee Gibson, surviving spouse of Walter Henry Gibson, by Walter Henry Gibson Jr., Agent</b></p> <p><b>Mailing Address:</b> 1711 White Store Rd. Monroe NC 28112</p>	<p><b>Double Eagle Properties, LLC, a North Carolina Limited Liability Company</b> Address: 3232 Michelle Dr., Matthews NC 28104</p> <p>Property Address: 400A &amp; B Sanford Street Monroe, NC 28112</p>

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

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

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

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

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

All or a portion of the property herein conveyed  includes or  does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book \_\_\_\_\_ page \_\_\_\_\_.

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.

submitted electronically by "The Corigliano 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.

**Exhibit 3**

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:

1. APPLICABLE ZONING
2. ANY EASEMENTS AND RIGHTS OF WAY FOR SERVICE LINES, ROADS AND UTILITIES AS MAY BORDER OR CROSS THE PROPERTY, INCLUDING THE SUBDIVISION STREETS AS SHOWN ON RECORDED PLAT
3. ANY EASEMENTS RESERVED IN THE RESTRICTIVE COVENANTS
4. APPLICABLE RESTRICTIVE COVENANTS OF RECORD AND STREET ASSESSMENTS
5. 2021 REAL PROPERTY TAXES
6. SUBJECT TO MATTERS THAT COULD BE REVEALED BY AN ACCURATE AND CURRENT PHYSICAL SURVEY AND BOUNDARY SURVEY OF THE PROPERTY.


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

\_\_\_\_\_  
(Entity Name)

By: \_\_\_\_\_  
Print/Type Name & Title: \_\_\_\_\_

By: \_\_\_\_\_  
Print/Type Name & Title: \_\_\_\_\_

By: \_\_\_\_\_  
Print/Type Name & Title: \_\_\_\_\_

  
 \_\_\_\_\_ (SEAL)  
 Name: Ethel Lee Gibson, by Walter Henry Gibson Jr., Her Agent under Power of Attorney recorded in Book 08429, Page 0247 in the office of the Union County Register of Deeds

\_\_\_\_\_ (SEAL)  
 Name: \_\_\_\_\_

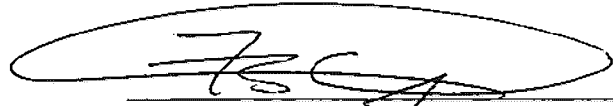
\_\_\_\_\_ (SEAL)  
 Name: \_\_\_\_\_

State of North Carolina - County of Mecklenburg

I, the undersigned Notary Public of the County and State aforesaid, certify that Walter Henry Gibson Jr., her Agent personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 8<sup>th</sup> day of August, 2022.

My Commission Expires: January 25, 2026

FRANK J. CORIGLIANO  
NOTARY PUBLIC  
Union County  
North Carolina  
My Commission Expires Jan. 25, 2026

  
 \_\_\_\_\_  
 Frank J. Corigliano, Notary Public

**EXHIBIT "A"**

Commitment No.: 2022-246

The Land is described as follows:

BEGINNING at an iron stake at the intersection of the western right of way of Sanford Street with the southern right of way of Gordon Street (now closed); and running thence along and with the western edge of Sanford Street, South 1 degree 1 minute 20 seconds West 89.3 feet to an iron stake; thence North 88 degrees 51 minutes 0 seconds West 110.52 feet to an iron stake; thence North 1 degree 53 minutes 10 seconds East 88.96 feet to an iron stake on the southern edge of Gordon Street (now closed); thence along and with the southern edge of Gordon Street, South 89 degrees 2 minutes 0 seconds East 109.18 feet to the point and place of BEGINNING, as shown on plat and survey by Thomas M. Park, R.L.S., dated December 4, 1984, and recertified on May 6, 1985.

Parcel ID 09-235-190A

Property Address:  
400A & B Sanford Street  
Monroe, NC 28112



Exhibit 4

### 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;
  - b. All parking, loading, and driveways and drive aisles, existing and new, serving any use expanded in lot coverage/square footage by more than twenty percent (20%) after the effective date of this ordinance; and
  - c. All existing parking, loading, and driveways and drive aisles, serving a use discontinued for a period of 180 days or longer.
2. **All Uses (Except Single family Residential).** All parking, loading, and driveway areas shall be paved and maintained with asphalt or concrete. Single family residential uses are not required to meet this standard.
3. **Single Family Residential Uses.** Single family residential shall be required to have a paved driveway off of a public street which provides a continuous paved surface from the edge of pavement or curb line of the public street to the attached or detached garage or carport, if provided, or front building line of the dwelling, if not provided. Such partial pavement shall not in any event be required to extend more than one-hundred (100) feet beyond the edge of pavement or curb line of the public street, except as otherwise stated in the UDO or approved by a variance. All driveways must be at least ten (10) feet in width at their narrowest point.

### 6.3. HISTORIC DISTRICTS

- D. Certificate of Appropriateness (COA).** A Certificate of Appropriateness (COA) shall be required when applicable in accordance with Section 3.4.12: Certificate of Appropriateness, whether a building permit is required or not. All requests for a COA shall be in compliance with N.C.G.S. § 160D -947. No exterior portion of any building or structure (including walls, fences, light fixtures, steps, pavement or other appurtenant features) may be erected, altered, restored, moved or demolished without approval of a COA by the HDC.

**Exhibit 5**

January 2, 2025

Double Eagle Properties LLC  
3232 Michelle Drive  
Matthews, NC 28104

RE: New gravel driveways and gravel in the front lawn at 400 Sanford Street

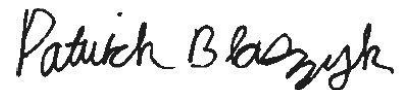
To Whom It May Concern:

This is a courtesy letter regarding a violation at 400 Sanford Street. Staff was informed new gravel driveways and gravel in the front lawn of the home was installed at 400 Sanford Street. Per section 8.4.3.B.3. of the City of Monroe Unified Development Ordinance (UDO), all driveway(s), including driveway extensions for single family residential shall be required to be paved with asphalt or concrete and provide a continuous paved surface from the edge of pavement or curb line of the street to the attached or detached garage or carport. Gravel is not a permissible material for driveways and parking areas.

This property is also located in the City of Monroe's Historic District. Therefore, an approved Certificate of Appropriateness is required for new driveways. There are no Certificates of Appropriateness or permits on file for this work.

Please remove the gravel driveways and the gravel from the front yard of the home or apply for permits to pave the driveways by **January 16, 2025** or Planning Staff will proceed with the standard violation process. I can be contacted at [pblaszyk@monroenc.org](mailto:pblaszyk@monroenc.org) or 704-282-4550 to discuss this matter.

Thank you,



Patrick Blaszyk,  
Planner

**Exhibit 6**



Tue 1/21/2025 12:24 PM

Keri Mendler <khutchins@monroenc.org>

**RE: 400 Sanford Street – Driveway**

To mariuszwizgala@gmail.com

Cc Patrick M. Blaszyk <pblaszyk@monroenc.org>

Mariusz,

The Historic District Commission cannot approve gravel, that is a zoning ordinance requirement. With that said, I went back and looked at other similar violations involving gravel driveways being installed in the historic district. We have allowed other similar violations three (3) months to pave their driveways or remove the gravel, so we can offer you the same time frame.

The original courtesy letter was sent on January 6, 2025, so by April 6, 2025 the violation should be resolved by completing one of the options below:

**Option 1:** Remove all gravel and replace with grass seed and straw on top

**Option 2:** Apply for a zoning permit and COA to pave the driveways, with the exception of the portion in front of the main portion of the house, which must be removed entirely (see attached images). The driveways must be paved with asphalt or stained concrete. The stain must be an earth tone color as required by the Historic District Design Standards.

As previously discussed, if gravel is maintained it can be refreshed, unfortunately that did not happen on your lot so the only option is to remove it or pave it. Natural stone is not an option, it must be paved with asphalt or stained concrete (per Historic District Design Standards).

If the violations are still in place after April 6, 2025, we will proceed with the violation process.

Thank you,

**Keri Mendler, AICP, CZO**

Senior Planner

City of Monroe

300 W. Crowell Street/ P.O. Box 69

Monroe, NC 28112-0069

(704)-282-5797 p

(704)-283-7704 f

[kmendler@monroenc.org](mailto:kmendler@monroenc.org)



E-mail correspondence to and from this address may be subject to North Carolina's public records laws and if so, may be disclosed.

**Exhibit 7**



# CITY OF MONROE

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

## NOTICE OF VIOLATION - Case No. CEZONE-2025-01924

April 08, 2025

DOUBLE EAGLE PROPERTIES LLC  
3232 MICHELLE DR  
MATTHEWS, NC 28104

Copy to:

RE: Property Located at: 400 SANFORD ST, MONROE, NC 28112  
Tax Map Lot Reference: 09-235-190A

Dear DOUBLE EAGLE PROPERTIES LLC:

Upon investigation on April 08, 2025 the above referenced property is determined to be in violation of Code 157 of the City of Monroe Code of Ordinances entitled **ZONING CODE**, and specifically, the conditions constituting the violation are noted.

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

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

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

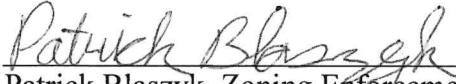
**Exhibit 8**



## CITY OF MONROE

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

**APPEAL RIGHTS:** If you disagree with the above findings and order for 400 SANFORD ST, MONROE, NC 28112, you have **THIRTY (30) DAYS** within which to exercise your right of appeal to the Board of Adjustment of the City of Monroe which will stay all proceedings until said Board makes its determination. Appeals may be filed with the Planning and Community Development Department of the City of Monroe at 300 West Crowell Street, Monroe, NC.

  
\_\_\_\_\_  
Patrick Blaszyk, Zoning Enforcement Officer



# CITY OF MONROE

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

## VIOLATION DETAIL

Staff has become aware of new gravel driveways and gravel in the front lawn of the home was installed at 400 Sanford Street. Per section 8.4.3.B.3. of the City of Monroe Unified Development Ordinance (UDO), all driveway(s), including driveway extensions for single family residential shall be required to be paved with asphalt or concrete and provide a continuous paved surface from the edge of pavement or curb line of the street to the attached or detached garage or carport. Gravel is not a permissible material for driveways and parking areas. This property is also located in the City of Monroe's Historic District. Therefore, an approved Certificate of Appropriateness is required for new driveways and parking areas. There are no Certificates of Appropriateness or permits on file for this work.

## OPTIONS TO REMEDY VIOLATION

1. Apply for a Certificate of Appropriateness to be heard by the City of Monroe Historic District Commission to remove the gravel parking areas and driveways and install asphalt or concrete driveways and parking areas at 400 Sanford Street.

OR

2. Remove the gravel driveway and parking areas installed at 400 Sanford Street.

## PHOTOS







# CITY OF MONROE

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

**1<sup>ST</sup> CIVIL CITATION \* - Case No. CEZONE-2025-01924**

April 22, 2025

DOUBLE EAGLE PROPERTIES LLC  
3232 MICHELLE DR  
MATTHEWS, NC 28104

Copy to:

**Property Location:** 400 SANFORD ST, MONROE, NC 28112  
**Tax Map ID:** 09-235-190A

Dear DOUBLE EAGLE PROPERTIES LLC:

On 04/08/2025 you were issued a **Notice of Violation** concerning an *ORDINANCE* violation of the Monroe City Code on your property referenced above after an initial inspection on April 08, 2025 . City records indicated that you have not filed an appeal from the Notice of Violation and therefore your appeal rights have been forfeited in this matter.

An inspection of your property on April 22, 2025 indicates that you have not abated or removed the conditions constituting a violation of the Monroe Code of Ordinances. You are hereby ordered to cease the conditions resulting in a violation of the Monroe Code of Ordinances and are hereby assessed a civil penalty in the amount of **\$50.00** which must be paid and the ***violation corrected within ten (10) days of the date of this citation.*** If this penalty is not paid and the violation corrected by the date and time shown below, the City will proceed against you in Civil Court. ***Additional Civil Citations may be issued for each day the same or similar violation continues. The continued violation shall be subject to additional penalties of \$100.00 for the second citation, and \$500.00 for the third and subsequent citations, as well as any additional costs, attorneys fees and other relief as provided by law. A repeat or continued violation within a two-year period from the date of the initial violation shall be considered a continuation of the violation, and shall be cited as a second or third Citation.***

This citation issued at 5:00 o'clock p.m. April 22, 2025 must be paid at the Planning and Development Department (Designee of the City Manager) at City Hall, located at 300 W. Crowell St., or in the alternative mailed to Attn: Planning and Development Dept. P.O. Box 69, Monroe, N.C. 28111-0069. **The penalty must be paid and the violation corrected on or before 5:00 p.m.**

Issued by: Patrick Blaszyk  
Planner

**Exhibit 9**



**CITY OF MONROE**

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

**STATE OF NORTH CAROLINA  
COUNTY OF UNION**

**RE: 400 SANFORD ST, MONROE, NC 28112      ADMINISTRATIVE ACTION FOR  
Monroe, North Carolina  
NOTICE OF VIOLATION**

**TO EACH OF THE PARTIES NAMED BELOW:**

**PARTIES:**  
Copy Sent To:

**ADDRESS:**

DOUBLE EAGLE PROPERTIES LLC

3232 MICHELLE DR MATTHEWS, NC 28104

**YOU ARE HEREBY SERVED** with the attached **CIVIL CITATION** which contains important duties and rights you have with respect to the above property.

Issued on April 22, 2025

  
\_\_\_\_\_  
Patrick Blaszyk, Planner



# CITY OF MONROE

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

## VIOLATION DETAIL

Staff has become aware of new gravel driveways and gravel in the front lawn of the home was installed at 400 Sanford Street. Per section 8.4.3.B.3. of the City of Monroe Unified Development Ordinance (UDO), all driveway(s), including driveway extensions for single family residential shall be required to be paved with asphalt or concrete and provide a continuous paved surface from the edge of pavement or curb line of the street to the attached or detached garage or carport. Gravel is not a permissible material for driveways and parking areas. This property is also located in the City of Monroe's Historic District. Therefore, an approved Certificate of Appropriateness is required for new driveways and parking areas. There are no Certificates of Appropriateness or permits on file for this work.

## OPTIONS TO REMEDY VIOLATION

1. Apply for a Certificate of Appropriateness to be heard by the City of Monroe Historic District Commission to remove the gravel parking areas and driveways and install asphalt or concrete driveways and parking areas at 400 Sanford Street.

OR

2. Remove the gravel driveway and parking areas installed at 400 Sanford Street.

## PHOTOS





## SECTION 10 NONCONFORMITIES

### 10.1. GENERAL APPLICABILITY

- A. **Intent.** Due to the establishment of this UDO, there exists uses of land, structures, lots of record, and site features that were lawfully established prior to the adoption of this UDO that may not be conforming. The purpose and intent of this Section is to allow and regulate the continued existence of such instances that do not conform to the provisions of this UDO.
- B. **Determination of a Nonconformity.** The burden of establishing that a nonconformity lawfully exists shall be the responsibility of the person who owns or rents the property upon which the nonconformity exists. Evidence that may be used to prove the legal status as a lawful nonconformity may include approved permits, construction plans, and records of previously approved regulations.
- C. **Ownership Changes.** No change of title or possession of property shall be construed to prevent the continuance of a nonconformity.
- D. **Increases in a Nonconformity.** A nonconformity shall not be expanded, intensified, or enlarged except as provided by this Section.

Exhibit 10



Uncontrolled plants grew into driveway.



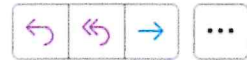
Back driveway was gravel. Soil incursion and lack of maintenance.

# Exhibit 11

## Driveways



greg@greggersgrading.com  
To ojr@ppcac.com



6:32 AM

Good morning Joe,

When we worked at your lot a year ago, 400 Sanford St in Monroe, we scraped the stone in front and back of house, where it was overrun with weeds and grass, down to stone only and then resurfaced the stone areas with fresh stone.

Please call with any questions or comments.

Thank you  
Greg

**Greggers Grading, LLC**

5310 Cane Creek Rd  
Waxhaw, NC 28173

704-309-2874

Letter from grading contractor.

**Exhibit 12**

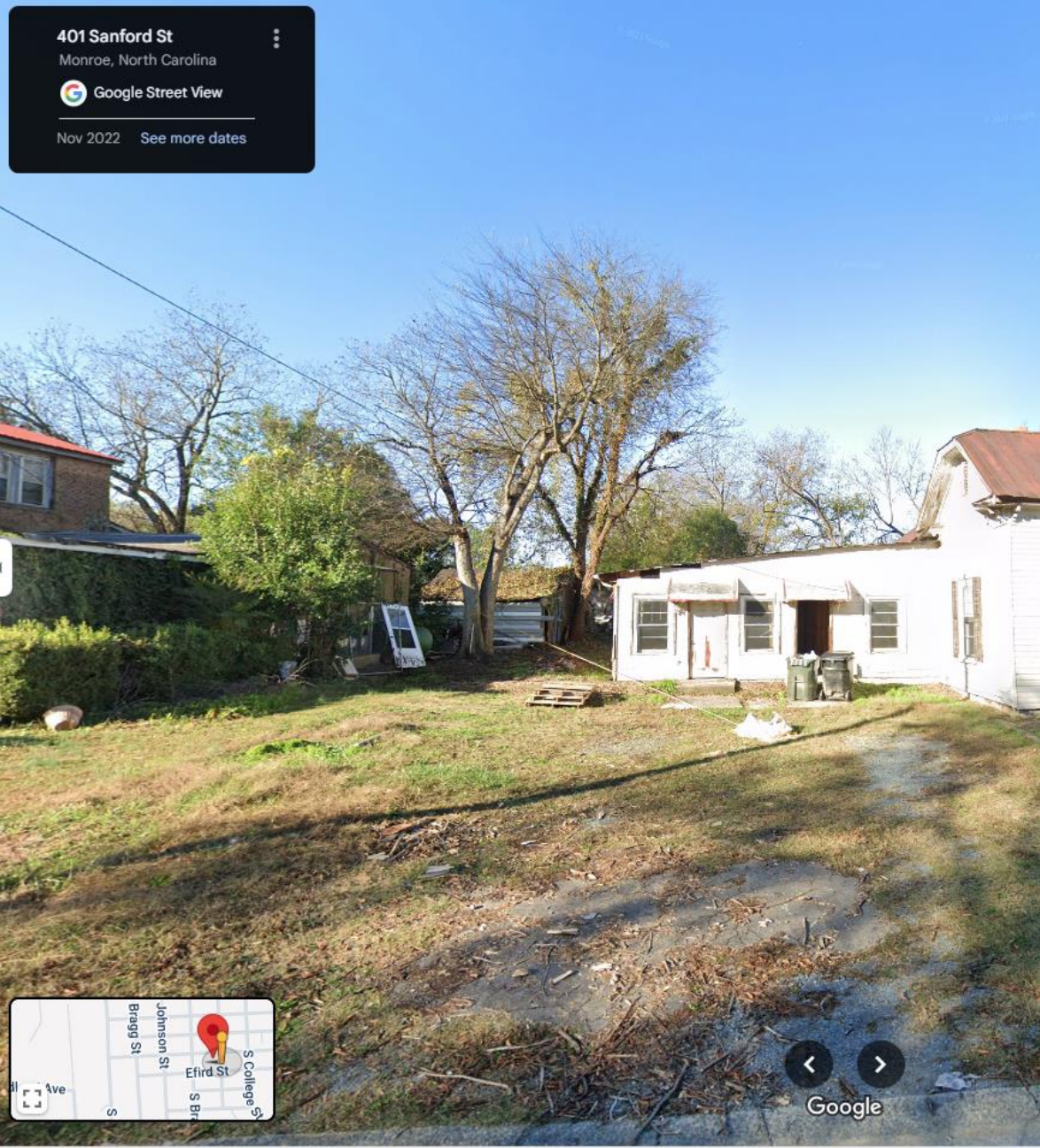
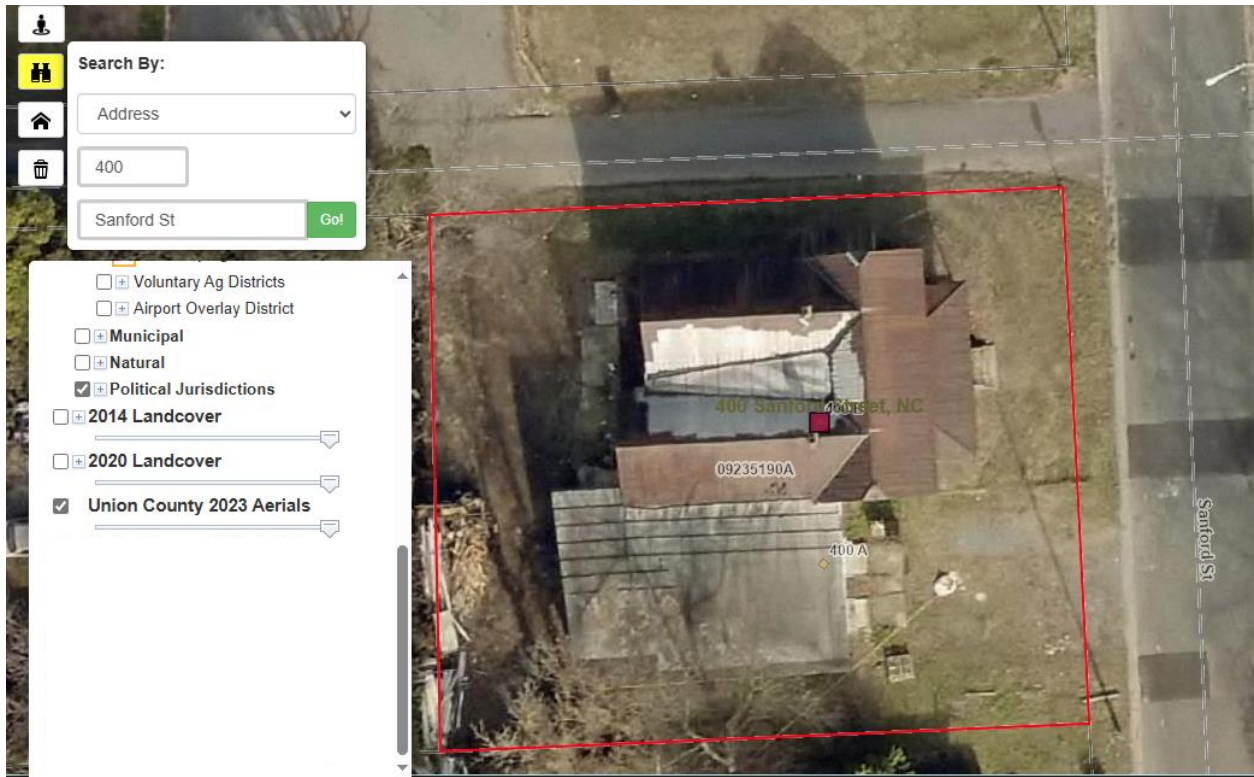


Exhibit 13











# City of Monroe Appeal Application Form

Applicant's Name: DOUBLE EAGLE PROPERTIES, LLC  
 Applicant's Address: 3116 Weddington Rd 900-305  
Matthews, NC 28105  
 Property Owner's Name: JOE RYBENSKI  
 Property ~~Owner's~~ Address: 400 SANFORD ST.  
MONROE  
 Existing Use of Property: Rental  
 Property Location: 400 SANFORD ST.  
 Tax Map Number: 09-235-190A Lot Size: .22 Acres Zoning District: RMD  
at Stone  
 Date of Zoning Officer's decision: April 8, 2025  
 Summary of Zoning Officer's decision: Violation of Gravel Driveway.

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

Reason for appeal of decision: Grandfathered property Feature.  
See Attached Letter

Oktawia Joe Rybnski  
 Applicant-Printed  
[Signature]  
 Applicant-Signature  
Patrick Blazgh  
 Signature of Zoning Officer

April 29 2025  
 Date  
APRIL 29, 2025  
 Date

**Exhibit 14**



**DOUBLE EAGLE PROPERTIES, LLC.**  
**3116 Weddington Road 900305**  
**Matthews, NC 28105**

---

April 23, 2025

Planning and Community Development Department  
City of Monroe  
300 West Crowell Street  
Monroe, NC

RE 400 Sanford Street, Monroe NC

We are in receipt of the notice of violation dated April 8<sup>th</sup>, 2025. The violation notice accuses our property of violating code 157 of the City of Monroe Code of Ordinances.

Pursuant to our rights to appeal, we are appealing against this violation to the Board of Adjustments.

Please take notice that this is our appeal.

Pursuant to our appeal, the violation is that the property has a gravel driveway. While we understand that this is not permissible in a parking area, it is permissible if the material is grandfathered in and there is an exception.

In support of our contention that this is an exception of the ordinance, I am attaching pictures of the lot at the time of the purchase of the property (2021). Gravel was on the lot prior to us purchasing the property. I am also including a letter from our grading company, the contractor that installed gravel during our renovation, that he attests to the fact that there was clear evidence of a gravel driveway in the front and the back of the home.

Please direct any further communication directly to me at the above address.

All the very best to you,

Oktawian Joe Rybinski

DOUBLE EAGLE PROPERTIES, LLC.



Uncontrolled plants grew into driveway.

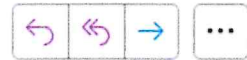


Back driveway was gravel. Soil incursion and lack of maintenance.

## Driveways



greg@greggersgrading.com  
To ojr@ppcac.com



6:32 AM

Good morning Joe,

When we worked at your lot a year ago, 400 Sanford St in Monroe, we scraped the stone in front and back of house, where it was overrun with weeds and grass, down to stone only and then resurfaced the stone areas with fresh stone.

Please call with any questions or comments.

Thank you  
Greg

**Greggers Grading, LLC**

5310 Cane Creek Rd  
Waxhaw, NC 28173

704-309-2874

Letter from grading contractor.

## APO Map

**PLZONA-2025-00213**

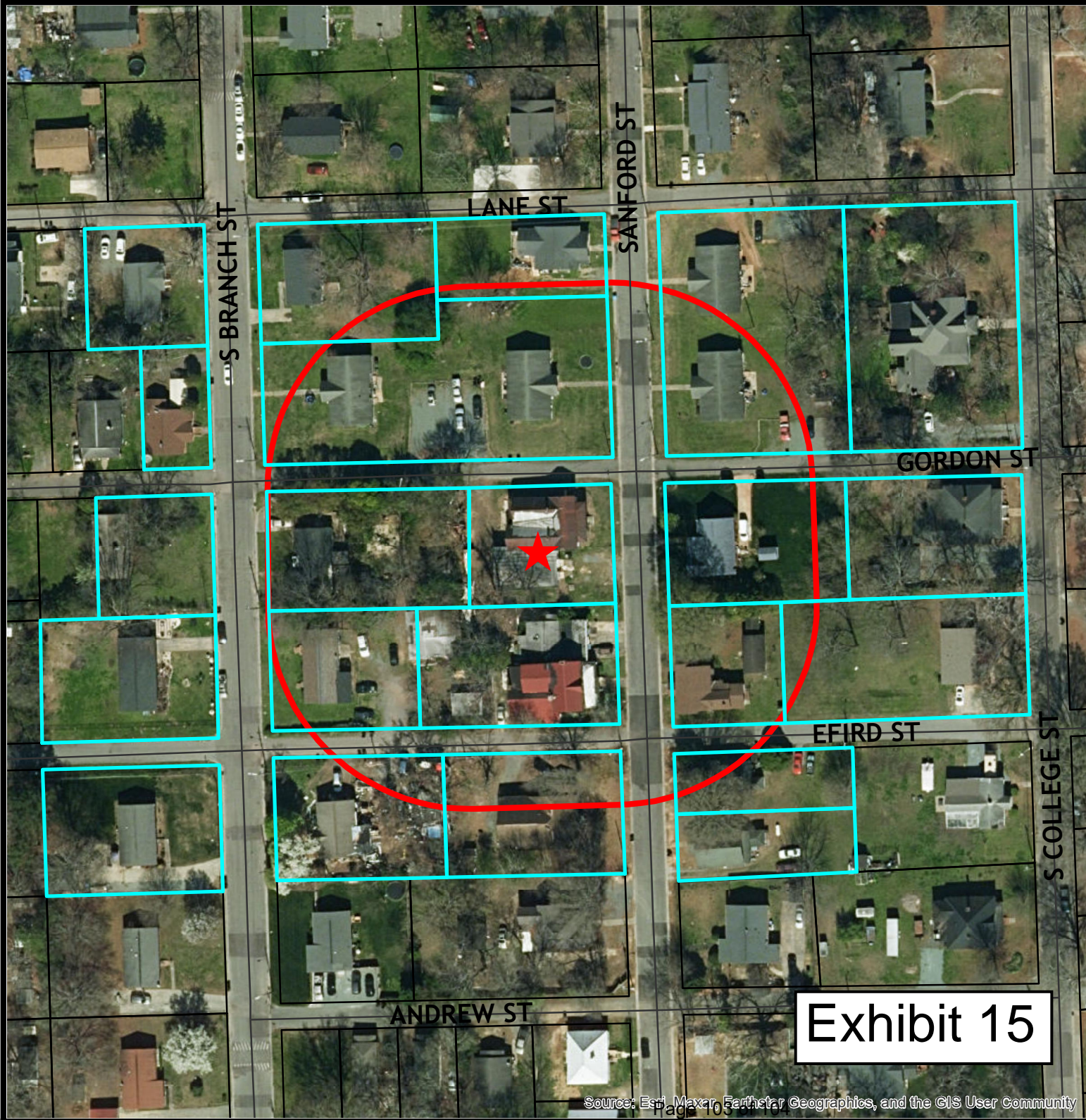
### Legend

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

**22 Parcels Notified**



**Exhibit 15**



ACCTNO	OWNERNAME1	OWNERNAME2	OWNERADDRE	OWNERCITY	OWNERSTATE	OWNERZIP
09235189A	MORAN MARIA DEL ROCIO MENA		525 S BRANCH ST	MONROE	NC	28112
09235193	KALTSOUNIS ANGELO JAMES		6136 GREYSTONE DR	MATTHEWS	NC	28104
09273049	CRAWFORD WILLIAM EDWARD JR		306 SOUTH BRANCH STREET	MONROE	NC	28112
09235191A	CHAVARRIA MAYCOL BANEGAS		607 SUMMERSTON LN	INDIAN TRAIL	NC	28079
09273042	BTR SCATTERED SITE OWNER 2 LLC		5001 PLAZA ON THE LAKE STE 200	AUSTIN	TX	78746
09235190	RAMIREZ MIGUEL		4511 HOWEY FARM DR	WAXHAW	NC	28173
09273050	CONRONA IGNACIO AGUIRRE	AGUIRRE SALVADOR AREVALO	6200 DAYBREAK DR	MONROE	NC	28110
09235190C	WITHERSPOON MICHELLE G		505-B BRANCH ST	MONROE	NC	28112
09232187	WIGGINS CLARA P		408 W ROOSEVELT BLVD	MONROE	NC	28110
09232187A	BARNETT STEVEN R	BARNETT SUSAN W	302 S COLLEGE ST	MONROE	NC	28112
09232188	TUCKER CAROL L		PO BOX 1102	MONROE	NC	28111
09235194	ALDRIDGE JUANITA DENISE		501 SANFORD ST	MONROE	NC	28112
09235190B	WITHERSPOON BRANDON C		501 S BRANCH ST	MONROE	NC	28112
09235195	ALDRIDGE WANDA FAY M		503 SANFORD ST	MONROE	NC	28112
09276252	GARCIA VICENTE MELCHOR	BLANCO MARIA ABEL	500 BRANCH ST	MONROE	NC	28112
09235189	DUIGNAN CHRISTOPHER	DUIGNAN CECILIA	15209 YARMOUTH RD	CHARLOTTE	NC	28277
09235190A	DOUBLE EAGLE PROPERTIES LLC		3232 MICHELLE DR	MATTHEWS	NC	28104
09235192	MYERS JOSHUA BRENT		4706 REHOBEGH RD	WAXHAW	NC	28173
09232189	PEREZ-AVALOS JOSE SERGIO	SANCHEZ VELIA SALAS	300 SANFORD STREET	MONROE	NC	28112
09235191	LICHTENHAN JONATHAN SCOTT	LICHTENHAN CARRIE ROWELL	400 S COLLEGE ST	MONROE	NC	28112
09276005	CAPUCHINO IGNACIO CABALLERO		404 S BRANCH ST	MONROE	NC	28112

Exhibit 16