

**BOARD OF ADJUSTMENT
MEETING
THURSDAY, SEPTEMBER 24, 2020
6:30 P.M.
Conference Room
300 West Crowell Street
Monroe NC**

AGENDA

- Item 1.** **Call to Order.**
- Item 2.** **Approval of Minutes** – August 27, 2020
- Item 3.** **Case #21-11000001** – The applicant, Better Path Homes, LLC, is requesting a Special Use Permit to construct a new single-family home at 605 Winchester Avenue, which is located in the Winchester Overlay District and further identified as Tax ID #09-228-144
- Item 4.** **Case #21-11000002** – The applicant, Better Path Homes, LLC, is requesting a Special Use Permit to construct a new single-family home at 607 Winchester Avenue, which is located in the Winchester Overlay District and further identified as Tax ID #09-228-143
- Item 5.** **Case #21-11000003** – The applicant, Shannon Bromstrup, is requesting a Special Use Permit to allow an Event Facility in the GB zoning district located at 2515 W. Roosevelt Boulevard and further identified as Tax ID #09-261-006
- Item 6.** **Next Meeting:** October 22, 2020
- Item 7.** **Adjournment**

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

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

**MINUTES OF THE
BOARD OF ADJUSTMENT MEETING
August 27, 2020 at 6:30 P.M.
Conference Room
300 West Crowell Street
Monroe NC**

This is not the final version of the minutes.
Final approval will be made by the Board at its next meeting.

Item 1. Call to Order

Chairman George Massey called the August 27, 2020 meeting to order at 6:30 p.m. He said he would like to observe a moment of silence for a member of the Board, David Covington, who passed away this weekend.

The Clerk of the Board called the roll. Mr. Massey noted that there was a quorum present with 3 members.

Members Present: George Massey, Louis Philippi and William Draper

Members Absent: Julius Marsh, Jr.

Staff Present: Doug Britt, Senior Planner; Ashley Britt, Assistant City Attorney (ZOOM); Joe McCollum, BOA Attorney and Maryann Brown, Administrative Assistant

Guests: Ron and Linda McMahan, 316 Hillside Drive
Don Howe, 209 Hillside Drive
Matt Hasslacher, 106 Hillside Drive
Jeff Underwood, 115 Hillside Drive
Dolly Hafner, 317 Hillside Drive
Bruce M. Blackwell, Jr., 215 Hillside Drive
Unintelligible, 210 Hillside Drive
Becky Wolfe, 318 Hillside Drive
James Wolfe, 318 Hillside Drive
Zachary Kopchick, 317 Hillside Drive

Doug said due to State Covid 19 regulations, all guests are seated in the Council Chambers and able to watch this meeting. He said he would bring individuals in who wished to speak one at a time.

Item 2. Approval of Minutes – Minutes of July 23, 2020 Meeting

Approval of the minutes for the meetings was requested.

Motion: William Draper moved to approve the minutes of the July 23, 2020 Meeting.

Second: Louis Philippi

Action: The motion to approve the minutes passed unanimously.

Item 3. **Case #21-34000001 – Mr. Massey said the applicant, Linda McMahan, is requesting a Special Use Permit to allow a reduction of the front yard setback for the property located on Hillside Drive and further identified as Tax ID #09-204-035-A**

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

Doug Britt, Senior Planner, introduced this item and said this is a Special Use Permit request to reduce the front yard setback from 100 feet to 70 feet in order to build a new single-family home at the property located on Hillside Drive. He said at this time he would present the Findings to the record:

Findings:

1. The property is located on Hillside Drive and is zoned R-20 (Residential – low density). (Exhibit 1 & 2)
2. The lot is considered an in-fill lot by the zoning ordinance. Section 156.131 (2)(B)(i) of the Unified Development Ordinance titled Supplementary Standards for Single Family and Infill Lot in Single Family Residential Districts requires the front yard setback to be computed as an average of the dwellings on the lots immediately adjacent to either side of the subject property. (Exhibit 3)
3. The homes on the adjacent lots have an approximate front setback of 100 feet from the edge of the right-of-way, so the proposed home on the subject property would be required to have a 100-foot front setback from the right-of-way as well. (Exhibits 4 and 4a)
4. On August 3, 2020, Linda McMahan submitted a complete application for a special use permit to reduce the front yard setback to 70 feet in order to locate the proposed home in line with the adjacent lots. (Exhibit 5)
5. All adjoining property owners have been properly notified of this special use permit. (Exhibit 6)

Doug showed a neighborhood map which identified all neighbors that received notification of this meeting.

Doug said he would be happy to answer any questions. He said the applicant is here as well as citizens who wish to speak as well.

Mr. Massey asked Doug about Exhibit 4 which showed the applicant's property. Doug said the applicant is requesting to have a house 70 feet from the edge of the right-of-way. He said the only thing that the Board must consider tonight is the setback, whether it is going to be 70 feet or denied and stay at 100 feet. He said that is the only thing up for consideration tonight.

Mr. Massey asked if there were any other questions. Mr. Draper said in one of the pictures it looks like the setback is about the same as the house to the right. Doug said it is comparable. Mr. Draper said the 100-foot setback would look like too much setback. Doug said the 100-foot setback is just the ordinance requirement. He said within the Infill Lot Requirements there are a lot of things we used to be able to do. He said, for example, we used to be able to dictate exterior building materials and regulate the house size but the State took that ability away from us. He said within this ordinance there is not a whole lot else we can regulate. But, he said setbacks are one we can regulate. He said this is one of the very few sections of the ordinance where if you want to vary from it, because typically it would be a variance, not a special

use permit. He said this section was crafted so that if you needed a relaxation of the ordinance, the special use permit was the process set up for this ordinance section.

Louis Philippi asked Doug if there was a homeowner's association here. Doug said he could not speak to this. He said the people from the neighborhood in the next room would have to speak to that.

Mr. Ron McMahan came forward and thanked the Board for letting them come tonight to ask about giving them permission to move this setback. He said there is a Trust that owns the property. He said the Trust has asked him to represent them tonight because he is an engineer, contractor, developer and builder and they thought he could better try to represent this issue to you gentlemen than they could. He said that is why he is up here tonight.

Louis Philippi asked Mr. McMahan if the Trust has a name. Doug said it is on the application. Mr. McMahan said his wife is here as a Trustee of that Trust.

Mr. McMahan said this property is in the County but it is in the Monroe ETJ. He said that is what brings him here tonight in requesting this change. He said as Doug said, the property is zoned R-20, is .56 acres, and is probably one of the smaller lots in that community. He said this lot was created in 1975. He said since 1975 this lot has been sold six (6) times, always as a separate lot. He said it might have been sold on a deed where it was Tract #3 or Tract #5, or whatever, but always sold as a separate tract and identified as a separate tract. He said ever since that time the property has always been taxed, not by the City, but by the County. He said the tax has been paid up through last year. He said he did not think the Trust has received the latest tax bill but it has been taxed as a separate lot since 1975.

Mr. McMahan said he did not want to repeat himself but would like to try and explain a little bit of what he is up here for. He said this Trust has come before this Board before asking to build a house on this lot. He said it was the Trust that came before the Board then, in fact they have the documents with them. He said the Board at that time gave us unanimous approval. He said when the gentlemen voted on it they gave us unanimous approval to build a house on there. He said the only condition was that it had to be 2,100 square feet. He said since that time, there have been changes in the law that have said to the City you can't tell how many square feet it's going to be. He said, however, we still intend to build a house that is like the other houses as far as square footage. He said we are not going to build a cracker box out there. He said we are not going to build a small, little house, even though legally we could. He said they still want to build a house of over 2,000 square feet. He said some of the plans are 2,555 square feet. He said it is going to be a two-story house.

Mr. McMahan asked Doug to display the survey of the lot. He said we have not decided on which house plan. He said they have several house plans. He said the issue of building a house there, as far as they are concerned, has already been decided. He said they are going to build a house there. But, because of it being a cul-de-sac lot...and he has built on a lot of cul-de-sac lots. He said some times they present special situations, special problems, that this house that he is a Trustee for, and he lives there, won't necessarily cause a problem because the road is straight in front. He said they thought it would be the best if they could move it forward.

Mr. McMahan said he knows that some of the things that he is going to say now are in this permit request. He said this lot has presented some special situations. He said not only its shape, but back in the lower area [he pointed to the back of the lot] there is some drainage area back there. He said in the summertime, like right now, there is no water back there at all. He said it is as dry as it can be. He said in a heavy storm often times you get some water back there. He said they are concerned about the foundation of the house---that the foundation be strong, the footing be strong. He said if they get into an

area that is too damp, that could endanger the structure of the house. He said that is part of what they are doing.

Mr. McMahan said they are also not asking the City to change the side setback. He said they are 12. He said they are not asking to change those. He said they are not asking to change the rear setback. He said only the front. He said they did a couple of elevations to see how the house dropped off as you got to the back. He said it was quite a bit of a drop. He said the center part of the lot is fairly level and that would be a very desirable place to try to put the house. He said by putting it there we haven't changed any of the other setbacks. He said the closest house to this proposed house is this house next door [he pointed to the house]. He said if they move the setback to the mark on the grass, it kind of puts this house in line with that house. He said they thought of for aesthetic value looks, and so forth, it would look so much better that the front of the new house be somewhat in line with this house as opposed to staying with that 100-foot setback. He said this house would be in the back of that house. He said they do not think it will look as good, aesthetically, as it would be if we are allowed to put it here.

Mr. McMahan said obviously under the proposed use that you have asked me about in this form, he said what they wanted to do is to move it 30-feet forward. He said he wanted to be a little bit specific about that 30 feet. He said we are not saying 30 feet. He said he is talking about these irons that are showing on that survey. He said the surveyor said he found iron pipes on both sides. He said that is the point which he is requesting that you gentlemen allow us to measure 70 feet. He said the surveyor has measured 100 feet of that point. He said, as Britt said, there is also a little thing in your regulations that they look at the other houses and so forth. He said we know for a fact because he said there are a number of houses that are much, much closer than the 70 feet.

Mr. McMahan said as he goes through this permit application, the next question that he answered was that they are not trying to make any changes in the subdivision. He said it is what it is. He said we are not trying to change the design of the subdivision, we are not trying to change the operation of anything in the subdivision and we are not trying to change any ordinances. He said nothing changes except for this 70-feet. He said that is the request that we are making. He said they cannot imagine any endangerment to public health or safety. He said if they can build a house there anyway, even at 100 feet, he does not know if they are endangering any health or anything anymore than any other house out there. He said we cannot see if we were granted permission to do this, that we would be in any way affecting anybody's health or safety in doing this. He said the house has been approved for already by the City three (3) years ago to build a single-family there. He said that is what they intend to do. He said any State or local regulations that are required in building this house, naturally we intend to observe all of those building codes. He said we will be dealing with the City of Monroe when it comes to the building of the house because they have the priority as far as the building permit and inspections of the house. He said the City will be inspecting this house to make sure it is built properly if we get permission to move forward. He said even if we don't, we intend to build it back but he does not think it will be the best thing. He said that is why he has encouraged the members of the Trust to allow him to come before you and see if we can get permission to move it forward.

Mr. McMahan said we felt like this subdivision was originally built...Dr. Phifer bought this land years ago and had it subdivided and so forth. He said he has long since passed away. He said they felt like if they were given the opportunity...this neighborhood is 50 years old. He said building a new house in that neighborhood, where you got a lot of houses that were built there when the subdivision was originally put together, building a new 2000 plus square foot house out there, we couldn't figure out how in the world that could do anything but maybe increase the value of the other houses that were out there. He said they

didn't see where that would be a detriment to the other people out there as far as values are concerned because we are not building a house that is any less than what the other ones are out there. He said this one would be new.

Mr. McMahan said there would be no change in the City development plan or the County...he said this property is in the County but it is also in the ETJ which he mentioned. He said they do anticipate that this house, when it is finished, will be in harmony with all the other houses out there. He said this will be a brick house, will be a beautiful house. He said at the time they submitted this, they were not absolutely sure which house they wanted to do. He said the house will be three (3) bedrooms, two (2) bathrooms, a big beautiful fireplace. He said they are already talking about the accents on the front of the house---a special brick that will make it look distinguishable from any other house out there.

Mr. McMahan said again, he would be glad to answer any questions but that is the request that we have come before this committee to ask you if you would allow us to move it back 70 feet from those irons as seen on those drawings. He said he would be glad to answer any questions if you want to ask him anything about what they would like to do.

Louis Philippi said he wanted to take a look at that photograph with the pin where the front of your house would be. He said he could get a perspective of this. Mr. McMahan said there is another house around the corner but it is hard to relate to that house because it's turned 90 degrees to this house and the proposed house. Mr. Draper asked Mr. McMahan which house he lived in. Mr. McMahan pointed to the house. He said he does not own the house. He said it was sold to his mother years ago and she lived in it until she passed away. He said when he came before this committee before, his daughter, who is a nurse, maybe you remember that, thought it was a good idea because he is getting a little bit older and she thought it would be a good idea for her to build a house there. He said she would be close to us and as we began to get older, it would be nice to have her living right next door. He said we ran into a little opposition back then and she just decided she didn't want anything to do with this. She went out and bought something somewhere else.

Mr. McMahan said now, even his wife and him are considering moving into this house. He said the reason being, as we get older, there are things that you can't do today that you did when you were 25 or 35, just like getting into a bathtub. He said he had said to his wife, if the Trust lets them move into it, that something as simple as a bathtub...we would get one with the door you would open and close so older folks could get into the tub and actually get down into the water. He said they have a lot of hopes that they might be able to do this. He said even if they build back behind there, assuming that the Trust goes ahead with that, we would still be able to get that bathtub. He said but this would be a better location. He said it is fairly flat there, we are not on a hill and all we want to do is change that front setback. He said if you agree to let us do it, we will build a house that will comply with everything that the City of Monroe requires. He said he would be glad to answer any questions.

Mr. Massey said he has a question for staff. He said if this was approved before, what has changed. Doug said the request before was the size of the house, not the setback. He said he went to look at the minutes and there was no mention about the setbacks when it was done. He said at this point, it is a moot point because we cannot enforce this anyway. He said when we approved this several years ago, there was no mention about the location of the house on the property.

Mr. McMahan asked if there were any questions and that he would be glad to answer them. There were none.

Doug went to the Council Chambers to bring in the first guest that wanted to speak before the Board.

Mr. Don Howe of 209 Hillside Drive came forward and was sworn in. Mr. Howe said he has lived at his home for less time than anybody and he has five (5) acres. He said according to the ordinance and the restrictions, there can only be one (1) house per lot. He said what he [Mr. McMahan] is building in that area has all been his, whether it is his mother's house or his daughter's house, whatever, and it is all one (1) lot. He said now he is wanting to build a house there and he hasn't told you yet who is going to live there. He said he is going to sell the house and be going somewhere else because he owns property all over this County. He said the people have stopped him once before. He said if you do this and grant him permission to build this house, and it was stopped before, according to the codes and stuff that he has agreed to when he moved here, that he would abide by. He said he is not doing that. He said if you do this and approve this for him to build this house from this setback, this is just the thing for him to get the go-ahead for this, then he'll [cannot understand] open up the whole thing. He said he has five (5) acres there. He said he can build a driveway down by his house and build two (2) houses per acre. He said that is not what it is designed for. He said it is a beautiful community and this will disrupt the whole process. He said he comes before you tonight as retired Charlotte Fire Department. He's been there 26 years and he moved here to get closer to his grandkids. He said they love it here, it's good, peaceful and quiet, and this has been before you once before and you all have denied it. He said he asks you to deny this. He said this should be stopped, it is one (1) lot and he has it surveyed as two (2) and already dreamed up as a different lot. He said he owns all of this, whether it is in his mother's name or his, but it is his. He said what he can do, he can sell this and be gone. He said he understands that he has been known to do this according to some of his neighbors. He said he asked the Board's condolences to be with us and help us out on this if you would to save our community. He said all these codes and restrictions that are in here, and he is sure will be brought up again, don't allow this. He said he is trying to come up and get approval and pass it through everybody that lives in this neighborhood. He thanked the Board for its time and effort.

Louis Philippi asked if the lot in question was once one (1) single lot owned by one (1) single Trust. Mr. Howe said he is not sure because he has not been here that long. He said Dolly and Becky can tell you more about that than he can. He said he will have to say he is not aware of this. He said he has been here 2.5 years and he has the biggest lot. He said he can build a driveway and have two (2) houses per acre. He said this is not what this whole subdivision was designed for. He asks everyone to stop this. He said all the people sitting out in the next room are against what he is doing. He said there is no one living across from him because the owner passed away from cancer this week. He said his wife has full knowledge of what we are doing here tonight for you to stop this. He said he would appreciate it if you would look at this as if you were living in this neighborhood. He said we do not want him to ruin it; we want it to stay the same.

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

Mr. McMahan asked Doug if he would get a chance to rebut what is being said. Joe McCollum suggested waiting to the end. Chairman agreed.

William Draper said he thought that this was something done back in the 70s. Louis Philippi said his question was about the lot next door, owned by the same Trust, and when did it break.

Mr. Matthew Hasslacher of 106 Hillside Drive came forward and was sworn. He said he has lived in his house for a little over two (2) years. He said he is the first house and has a 150-foot setback. He said when he moved in, they went through the whole process of buying a house just like everyone is aware. He said they were handed covenants and restrictions that they were to abide by which were a minimum of two (2) acres, minimum 2,100 square foot and so on and so forth. He said they moved out of the City; they wanted to be outside the City Limits. He said they wanted to live out in the country, nice and peaceful. He said it is a very quiet neighborhood and just like everyone else, we want to keep it the same. He said they do not want a full subdivision. He said that is why they moved from the City, they didn't want that. He said that is his biggest concern. He said there are a lot more people here that have lived in the neighborhood longer that will speak but the neighborhood is perfect the way it is.

Louis Philippi asked Mr. Hasslacher where the covenants came from. Mr. Hasslacher said as far as he knows, when they sold the land to begin with they set up covenants and restrictions for the whole neighborhood. Mr. Philippi asked Mr. Hasslacher if they are documentable. Mr. Hasslacher said as far as he is concerned, yes. He said he had to agree on those when he moved in. He said the other people have the covenants and research with them which states all the rules and regulations as far as the neighborhood goes.

Doug said he wanted to add that as a Local Government in North Carolina, we do not enforce covenants. He said covenants are done by neighborhoods, not Local Governments. He said obviously they do have covenants but it is not something that the City enforces. He said, for instance, the City may say you can build a fence out of regular fence-like material, but you might live in a neighborhood that states that if you want to install a fence, it has to be a wood-processed fence or split rail fence and that chain-link fences are not allowed. He said the City does not enforce covenants from different neighborhoods. He said we enforce our ordinances and the covenants are enforced by individual HOAs in the neighborhoods. He wanted to make sure everyone understood that we are not able to enforce covenants.

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

Ms. Dora M. Hafner of 317 Hillside Drive came forward and was sworn. She asked if anyone wanted a copy of the covenants. Louis Philippi said yes. She said the covenants say how we want to keep the development. She said we are very distinct about what they say. She said the lot size is one of the deals we have a problem with and putting a small house on this little pie shape here doesn't really go in harmony with the way the whole development looks. She said it is absolutely a gorgeous street. She said as far as Ron saying about the Trust, they have owned that for years, Ron and Linda McMahan, and they change it every few years to her name, his name, the mother's name, the Trust name, and all that. She said who knows why. She said this is so close here that their driveway is almost connected, in fact in one of those pictures it looks like it does overlap, which takes away from the other...She said her home is this one and it is valued about \$400,000. She said so really, she does not need a \$200,000 one here with a shared driveway.

Ms. Hafner said Becky's house is here [she indicated on the drawing]. She said if they bring this up closer, she is going to be looking at the back of that house, which for harmony, that kind of knocks that out. She said not too long ago, Linda told her, to her face, that they were counting the days when they could move out of this neighborhood, they hate it so much. She said she is not sure why they would think it was a good idea to build a smaller house here, two-story, especially when they are getting older and use steps anyway, but that is another issue.

Ms. Hafner said they [the McMahan's] are concerned about the little slope here in the back. She said her house is built on a slope. She said she has a driveway that comes down and back, and her garage is underneath the house because her house was sitting on such a slope that it had to be built up. She said it is gorgeous. She said that little hill that they have is really not an issue.

Ms. Hafner said we would really like them to stick to the rules, be 100 feet back, it doesn't have to be even. She said not many of the houses are even; they are back. She said if we wanted cookie-cutter houses sitting right next to each other, we would go live in another development and not live on 2.5 to 5-acres of property.

Ms. Hafner said we just love the neighborhood and don't want it to change. She said we don't want our property values to go down. She said we are just afraid that putting a well, putting a septic system, and putting a house, is going to blend with our homes. She said it is not going to keep our values up. She said she would not want to buy a house...yeah she would because the neighborhood is beautiful. She said we have had this discussion before and we really don't want to do another civil suit, but it is just unfortunate that we can't get along with this.

Ms. Hafner said from what she understands this piece of property is on the original deed to this house. She said we have a copy of that deed from 1984 maybe. She said originally, the owners of the street took this piece of land from Becky's property and squished it over there so that would be more even. She said they did something to mine two (2) years ago before she had it so that they were making them even. She said that is why there is that little piece of property anyway. She said it was an after-thought on the guys that owned the, Dr. Phifer...She said so we don't want it to change and we don't need a new house. She said we all have beautiful houses and they are good, sturdy, beautiful brick houses with beautiful yards and we don't want it to change. She said thank you for your consideration.

Louis Philippi said to Ms. Hafner that she talked about that lot being separated from the original lot. He asked if that was correct? Ms. Hafner said yes. Mr. Philippi asked if Ms. Hafner had documentation as to when. Ms. Hafner said she believes it was 1984. Mr. Philippi asked Ms. Hafner when the house was built that is on there. Ms. Hafner said she did not know. She said it has always been together since the original development.

Mr. Massey asked the lot sizes. He said it was said some are larger, some are smaller, with reference to this particular lot. He asked Doug how this lot fits with the rest. Doug said it is R-20 and at least a half-acre lot. He said if someone wanted to create a lot in there now, we use the same ordinance as infill lots. He said when we determine the house size, we take the median of the ten (10) closest house sizes, we take out the four (4) largest lots and the four (4) smallest and then average the middle lots. He said that is what we would do in this situation here. He said as he said before, when you speak about covenants, if somebody comes to us and wants to subdivide property, we do not check to see what the covenants are because we do not enforce covenants. He said we would follow our ordinances. He said as far as those lots go [could not hear], they [the McMahan's] came several years to request a Special Use Permit to vary from the house size. He said it is the same lot today as it was 3-4 years ago. He said as far as when it was formed, he did not know. Mr. Massey said it wasn't a problem then, but that was not the issue then. Doug said apparently it wasn't because it was created as a lot and recorded in the Register of Deeds. He said he cannot tell you the details of how, he did not know.

Mr. Bruce Blackwell of 215 Hillside Drive came forward and was sworn. He said he moved to this neighborhood because it was a slice of heaven. He said it was beautiful. He said we have covenants; they are legal and legit. He said they have been filed and we have been through this once before. He said it's funny because yes, they are getting along in age so they want to build a two-story house. He said we have a problem here with greed and people who just want to live and abide by the laws. He said these people have really given us time with these by-laws. He said they have tried everything that they can and we want an end to this. He said every three (3) years we cannot hire lawyers to keep going through this, over-and-over again over something that if you give them what they want, we are going to take them to civil court and the by-laws are going to kick in and they are not going to be able to build on a half-acre, period.

Mr. Blackwell said as far as the lot goes, they are going to put a septic tank on there. He said it did not perk the first time around. He said he does not know who he [Mr. McMahan] found to make it perk the second time around. He said he guessed you can talk to different people and get different things. He said the septic tank is going to be in the backyard because it is going to be too close to the street. He said he [Mr. McMahan] is going to put it next to Becky's well. He said he does not see that as being safe to him.

Mr. Blackwell said if they want a house just for them getting old, they need to buy a flat house with no steps. He said that step in shower is going to be 12-13 steps upstairs to get into that shower. He said he does not really buy any of this and he knows that you can all see through what is happening to our neighborhood or what they are trying to do to our neighborhood. He said he just turned 60 years old and he bought this house hoping that it would be his last house. He said it is a slice of heaven. He said he feels like he is in the country. He said he does not want to live in a neighborhood where you can open the window and throw a sock and hit the next house. He said Becky doesn't want to look at the side of this house. He said she wants to see out into the front yard and the street like she always has.

Mr. Blackwell said he just wishes you would put yourself in our spot and see that we are going through a lot of trouble because of people that are greedy. He said there is nothing else that he can say about it. He said it is just greed. He said they are going to build a house to sell and we are going to be stuck with it. He said our property values...he asked the McMahan's if they thought their property value would go up because they are building a house on a small lot. He said he just wanted to ask you [the McMahan's], do you think so? Linda McMahan asked if she should be sworn. Mr. Blackwell asked if she needs to be sworn because let's put this on the minutes because when we go back to the court...Mr. McCollum said yes.

Mr. Blackwell asked Mrs. McMahan to tell him why she thinks our property values are going to go up because you are all building a small house on a tiny lot. Linda McMahan came forward and was sworn. Mrs. McMahan said her name is Linda McMahan and Ron is her husband. She said she has lived in this neighborhood since 1984 at 310 Hillside Drive. She said we did not create this lot. She said it was created in 1975, ten (10) years before we moved in the neighborhood. She said there were two (2) owners prior to us. She asked Mr. Blackwell what was his question to her. Mr. Blackwell asked her if she thought property values would go up or down. Mrs. McMahan said up. Mr. Blackwell asked Mrs. McMahan how did she figure. Mrs. McMahan said the property values will go up because this will be a new beautiful house. She asked Mr. Blackwell what the square footage of his house was. Mr. Blackwell said his is 2,160. Mrs. McMahan said this house will be larger. Mr. Blackwell said okay, but on a smaller lot than his. He asked Mrs. McMahan how did that figure. Mrs. McMahan said to Mr. Blackwell that she is not here to argue with him and asked if he was an appraiser. Mr. Blackwell said he just asked if you thought it was going to increase in...he said to Mrs. McMahan that she could sit down if you would

like. Mr. McMahan said he is a builder and developer and is more qualified to answer that than she is. Mr. Blackwell said he has been a plumber for 38 years and he thinks he knows a little bit about it myself. Mr. McMahan said plumbing is not the same as developing and building. Mr. Blackwell said to Mr. McMahan that he knows you can't perk that land without knowing somebody. Mr. McMahan asked the Chairman, Mr. Massey, if he could answer this. Mr. McCollum said yes.

Mr. McMahan said whenever we do a development or build a house on a lot, and we have other lots we are building on now. He said what this gentleman is saying is absolutely untrue. He has never checked that lot. He said we have already had a soil scientist look at this lot. He said he has already looked at several lots that we got. He said his initial reaction was that the soil in the back of that lot is acceptable for a conventional system. He said not only that, and he is sure this gentleman doesn't know, because this development was done in 1972, you do not have to have a septic repair area in any development that was done prior to 1982. He said we have already checked this. He said to Mr. Blackwell that he did not know where he gets his information. He said the soil scientist, and I'm sure he hasn't talked to him, said he does believe that it won't be a problem. He said another thing came up about the well. He said the law has changed over the years when it comes to wells. He said he bets if you ask him [Mr. Blackwell], he doesn't know what the current restrictions for wells are. He said it used to be that a well had to be 100-feet away from a septic system. He said that is what it used to be years ago. He said the State of North Carolina has changed that law. He said they now allow the well to be 50 feet of a septic system. He said the compromise was that the well had to have a casing that had to go down in the ground much deeper. He said the State made a compromise between the 50 feet and the deeper well casing. He said they have had Cato Well Drilling out there to look at that lot to see if he thought there would be any problem in distancing those together. He said he [Cato] did not see a problem at all. He said he did not know where he [Mr. Blackwell] was getting his information but he did not think he could back it up with any proof.

Mr. Blackwell said what we've figured out is you have a lot of education and not much common sense. Mr. McMahan asked why are you doing that? Mr. Blackwell said you can't squeeze the house on a half-acre lot. He said you knew the by-laws when you moved in. He said you saw them just like we all did. Mr. McMahan said the by-laws aren't the issue here. Mr. Blackwell said they will be so...Mr. Massey said the question has been answered so we need to move on.

Mr. Blackwell said to the Board that he appreciated their time and he hates at this point that this will have to go further and we've wasted all your time and you have these people to thank.

Louis Philippi said before we move on, he said to Mr. McCollum that we cannot use anything to make a decision and we cannot go and look at the property before-hand. He said when they talk about this and that, we do not know that, so we cannot take that under consideration. Mr. Draper said that we are only to determine one (1) item and that is the setback. Mr. McMahan said that Mr. McCollum was the attorney the first time we came, and he mentioned about [could not hear]. He said he would like to address all of this when we are through.

Mr. James Wolfe of 318 Hillside Drive came forward and was sworn. He distributed a handout to the Board, a copy of which is attached to these minutes. He said he lives at the adjacent parcel, which he pointed to on the drawing. He said he was going to address some specific issues related to the application and report related to the setback. He said as stated, before the infill setback requirements that required the setback for the proposed parcel to be the average of two (2) adjoining properties, it is alleged in the report and application to be 100 feet. He said that is inaccurate. He said using the GoMaps system at Union County, and on the second page of his handout, he has done a GIS mapping and measured from the right-

of-way to the point that was alleged in the application to be the setback for this house. He said that measurement on the map is 111 feet. He said in addition to that, Section 156.131 of the Unified Development Ordinance excludes stoops and steps from the calculation of the setback. He said on the third page there is a four (4)-foot stoop on Mrs. Wolfe's house, his Mom's house, and so the setback for this is in fact 115 feet, not 100 feet. He said that makes the required setback for this one 107.5 feet and makes this request not 30 feet but 37.5 feet.

Mr. Wolfe said this entire proceeding is flawed because it doesn't have the actual, correct setback of 107.5 feet as the required setback. He said the request is not 30 feet, it is in fact 37.5 feet. He said that is a 35% reduction in the setback and that is egregious. He said that significantly undermines the purpose of the setback standards. He said one would think that the setbacks are for the 100 feet as required or there is a large tree or some unusual thing about the lot and someone needs 98 feet. He said that would seem like a reasonable request. But, he said that a 35% reduction of the setback undermines the entire purpose of the setbacks.

Mr. Wolfe said the Board of Adjustment's charter indicates that is a quasi-judicial entity, which is why we are sworn in here. He said it requires substantial, competent and material evidence in making its determinations. He said that would require an accurate measure, an accurate application, an accurate report and this measure is inaccurate. He said an application that willfully understates the required setbacks violates the standards that this body requires in making its determinations.

Also, Mr. Wolfe said the house is here [he pointed to the drawing], and the side setbacks, even on this diagram and application, become 10 feet. He said there are no 10-foot setbacks in this neighborhood. He said not one. He said, in fact, the covenants on the side setbacks require 25 feet. He said it puts the house on the narrowest part of the pie-shaped lot. He said that certainly violates the harmony standard. He said it is a nonconforming lot but it has 10-foot setbacks, close to the street, which violates the entire harmony of the neighborhood.

Mr. Wolfe said you would think that when you have a pie-slice parcel like this, and you want to comport with the proper required setbacks, you would be required to be closer to the back of the parcel. He said, in fact, the requirement is one of 107.5 feet not 100 feet.

Mr. Wolfe said we are asking that you acknowledge that the application is flawed, it does not have the correct measurements, it does not have the correct required setback, and therefore, it understates the requested setback by 7.5 feet.

Mr. Wolfe said that is all he has for this Board. He asked if there were any questions.

Mr. Massey asked how did you determine that it is flawed. Mr. Wolfe said on page 2 of his handout is a mapping of the Union County GIS mapping system. He said from the right-of-way [using the line that was alleged in the application] to the front of the stoop or roofline where those 2 dots are. He said the stoop adds 4 feet so it would be 115 feet from the right-of-way (111 feet plus 4 feet). He said the requirement is this average of these two (2) houses, which would make this 107.5, not 100 feet. He said it is an erroneous application and it also means the setback request if for 37.5 feet and not 30 feet.

Mr. Massey said to Mr. Wolfe that he also mentioned a 25-foot setback. He asked Mr. Wolfe how he came up with that figure if the City's setback is different. Mr. Wolfe said 25 feet is in the covenants. He said the application includes a diagram with two (2) potential house locations and it shows 10-foot side

setbacks. He said his reasoning for mentioning the 10-foot setbacks is that none of the other houses in the neighborhood have 10-foot setbacks. He said we are back to the harmony issue again. He said a house on that parcel is an outlier completely in this neighborhood but, even just focusing on the setback standards, this request is an outlier. He said what is the point of having setbacks if they can modify at will by 35%. He said if there are 10-foot setbacks in the City, and someone asked for a 35% reduction, they would be down to a 6.5 foot-setback. He said that is just egregious.

Louis Philippi asked Mr. Wolfe for the lots that he is addressing. Mr. Wolfe said 318 Hillside Drive, 310 Hillside Drive and 317 Hillside Drive.

Mr. Wolfe said one other issue regarding discussion earlier is that this parcel was sold to the McMahan's by Dr. Elber. He said these two (2) parcels have always been deeded together. He said when they bought it, it was two (2) parcels but on the same deed. He said he believes it was 1984, the deed is public---he has seen it, but they were sold together. He said they have always been the owners and have lived there since that time.

Mr. Massey asked if there were any further questions, there were none.

Doug Britt said there is nobody else that would like to speak. He said everyone that signed up did not speak, but nobody else has said they want to speak.

Mr. McCollum said that Mr. McMahan would like to make a rebuttal.

Mr. McMahan said as you can see, some of his neighbors do not want him to build this house. He said a lot of his neighbors said they weren't coming to this meeting tonight because they said "We feel like the man should be able to build whatever he wants to on his own property within certain limits." So, he said they didn't come. He said they are the oldest tenants in that neighborhood. He said a lot of the folks that came up talked about subdivision restrictions over and over. He said we have been through this before when we went in front of your committee three (3) years ago. He said we were told then by Mr. McCollum, the attorney representing the City, said the covenants are a different issue.

Mr. McMahan said we are not talking about covenants. He said, but, a lot of folks said that those two (2) pieces of property were always bought together. He said we developed property over the years. He said attorneys can take one (1) deed and on that one (1) deed put ten (10) tracts of land. He said he knows that Mr. McCollum is aware of that. He said this property, whenever we bought it to begin with, was on one (1) deed but it was tract #1 and tract #2. He said that little tract of land we talked about was actually done by an attorney years ago. He said the original deed when Dr. Phifer did this subdivision was done back in 1972. He said back in 1972, there was an attorney, Bennett Glass, who owned this property this and some stuff over here [he pointed to a drawing]. He said Bennett Glass, according to the documents he had, is the one that wrote the subdivision restrictions saying [back in 1972] that you can't divide or subdivide the lots into a smaller lot. He said the ink had hardly dried on that piece of paper until he sold a separate lot to a Mr. Matthews. He said Mr. Matthews was in charge of GTE in Monroe years ago. He sold that lot to Mr. Matthews as a separate lot. He said why he bought it, he doesn't know, but he did buy it as a separate lot. He said from 1975 on when Mr. Matthews built that house, that has always been a separate lot and taxed as a separate lot.

Mr. McMahan said a lot of the things that some folks said, like the gentleman who was up here last, talking about these distances, we never had anything to do with calculating those distances. He said he doesn't really care if it was 100 feet that we put on the drawing, that was just something that we asked the surveyor to put on there, or if it was 103.75 feet. He said we are asking this committee to allow us to change that distance, whether it is 100, 105, or 106.23. He said he does not care what it is. He said we are asking you to give us permission to move that house that is going to be built there to 70 feet from those irons. He said that because he wanted to clarify exactly to the committee what we wanted to do. He said as a developer, we have run into this thing with cul-de-sac lots over and over again. He said when you are in the County, you do a development and you end up with County or City restrictions from the very beginning. He said those setbacks are marked all through this subdivision. He said that doesn't mean that the authorities that are in charge, like in this case, the City, that you don't have the right to make a change if you don't feel like that there is a good reason for it and that it is not going to cause a problem with all those things we put on there.

Mr. McMahan said obviously, there is some gentleman, instead of him talking about this, he wants to throw off on me. He said he does not think this has any bearing on that because he does not like me. He said he has been asking what covenant are we breaking. He said there are only two (2) covenants that we could possibly break. He said one is that we don't build a house there of a certain square footage. He said that is in the covenants. He said this has already been settled. He said we are going to build a house there of that square footage or better. He said the other thing is that several people have said he [Mr. McMahan] did this, he is the one that bought that and put it over there. He said he didn't do that. He said the attorney did that and sold it to Mr. Matthews. He said then, after Mr. Matthews built a house there [the house he is living in], he in turn sold it to Dr. Elber. He said Dr. Elber was an Ears, Nose and Throat doctor in town. He said Dr. Elber's wife lived there for a long time. He said when Dr. Elber bought it, he bought this tract and that tract. He said whether it is on the same deed or not, doesn't make any difference, it is called out as a separate tract: Tract 1, Tract 2, Tract 3 and Tract 4. He said if you go to an attorney and ask him to draw up the documents, he is going to say that we don't have to draw up a separate deed for every tract, we just put all the tracts on this deed. He said that is what happened there, that tract has always been done that way. He said his mother has never owned this tract. He said one of these folks said his mother owned the lot. He said his mother has never owned that lot. He said she owned this house at one time before she passed away but she has never owned that lot.

Mr. McMahan said after Dr. Elber sold it to him he said he lived in the house and he is still living there. He said this is the house, not the lot. He said these are two (2) different issues. He said his mother never owned the lot. He said that lot was then sold to a corporation. He said the corporation owns other properties and was thinking about developing that. He said they turned around and sold it to the Trust. He said the Trust has owned it ever since that time. He said that deed was September 2006, along with a deed for lots of other properties. He said the attorney put it all on one (1) deed but there were lots of different tracts. He said we do that all the time when we develop properties and build houses. He said every time we get into a lot in a cul-de-sac, you always run into those problems that we are talking about today.

Mr. McMahan said Ms. Hafner, who lives across the street, basically said it was okay to build a house at the 100-feet. He said that is exactly what she said while she was standing here...that we could build it back here. He said we can do that. He said we are satisfied from a legal point of view that we could build it there at 100 feet or whatever that gentleman said. He said we are here tonight to ask you gentlemen not where we can build it. He said if they want to go ahead and pursue legal something, they can do that. He said they have every right to do it. He said what we are here tonight to ask is moving that. He said he does not see that any of the covenants are an issue at all in the request we are making to you gentlemen.

Mr. McMahan said one lady talked about the value of the house. He said several people talked about things about that lot and house that they never checked into. He said we have paid people to come out and look at that lot. He said we paid a soil scientist. He said he came out there with an auger. He said it was a licensed soil scientist. He said he took the auger and went down into the ground and pulled out a sample of the dirt and looked at it. He said from his experience, he said he thought this is going to work. He said the next step was to apply for a septic permit. He said there would not be a repair area there because you didn't have to do that in 1972. He said it was just the way the law was written. He said we have to deal both with the City and County. He said the City is going to determine everything about the house itself. He said the County is going to determine about the well and the septic system. He said the next step would be to fill out the application for the County for them to come out. He said the soil scientist would come out with a backhoe and dig up a trench in the ground with a step in it to allow the inspector to get down into that hole easily, and he will check it. He said if he confirms what we already suspect, you can put a conventional septic system in there with no repair area. He said we brought Cato Well Drilling out there. He said they have been in Union County forever and they drilled a lot of those wells out there. He said he [Cato] said to him that the State has changed the rules about well drilling and septic systems. He said a septic system now, instead of being 100 feet, can be 50 feet from a well. He said the way that the State decided it was okay is that the casing of the well has to go in the ground much deeper. He said we feel like, when you take the measurements, this really makes it okay.

Mr. McMahan said he would also like to talk about the setbacks. He said those setbacks may be in the subdivision restrictions but we are following the City of Monroe regulations. He said the City says 12 feet. He said the house that we did was based on 12 feet and that is pretty much what we do throughout the County. He said the City's setback, he is pretty sure, is 12 feet.

Mr. McMahan said one gentleman talked about us getting old. He said his beard looked a little gray himself, but we planned to put an elevator in there. He said the master bedroom and the bathroom are all on the first floor. He said we don't have to go upstairs to take a shower or bath or to sleep. He said it is all on the first floor. He said if we have to go up there, we talked to an elevator company about how big it had to be because we have done this before, we built houses at the beach, we will put an elevator in there. He said that will take us up. He said if we have guests that come to the house, if they want to get up there they can take the elevator upstairs if they don't want to walk up the steps. He said the kids will naturally want to play on the elevator.

Mr. McMahan said we did not allege any setbacks. He said the gentleman that was just here kept pointing to this distance here that he looked up on Google or something. He said we never made any comments of what that distance was. He said those distances were what Mr. Britt told you fellows when you first came in here. He said again, we realize that this is a little bit of a change from all the houses. He said we know the lots are bigger; most of the lots are bigger. He said we still contend that we have the legal right to build a house. He said the only issue we are after with you gentlemen is permission to move it to where it is 70 feet from those irons that are in the front. He said if you look at the drawing on the survey, it shows that the road has a 60-foot right-of-way, 15 feet on each side. He said if you look at the survey, the distance from here to here is 50 feet [Mr. McMahan was pointing on the survey]. He said the distance from here to the road is just half of that 60 feet or 30 feet. He said we are already 50 feet back. He said our request, from those irons right there, we are asking to move it back to 70 feet regardless of what that number said.

Mr. McMahan said one person said something about the application that he made was flawed because he put 100 feet on there instead of 103 or 104. He said he has had this discussion back when we filled out all of this stuff with Mr. Britt. He said that drawing was made even prior to this discussion and we admit that the City has another method of calculating where you would take, as Mr. Britt said, the one with the highest and lowest, and do that. He said some of those houses are way back in the woods.

Mr. McMahan said he would not like to make this a discussion about subdivision restrictions. He said he would like it to be your decision to be made based upon what we asked for to move it forward and still us going ahead and building it back 100 or 107 feet or whatever and end up with the back of that house way down here. He said we have paid taxes on that property ever since we lived in that house as a separate lot. He said it is called out as a separate lot. He said it is not part of that house lot. He said we bought it, but it was purchased when we bought it as a separate lot. He said since 1975, it has always been taxed and recorded as a separate lot.

Louis Philippi said it was still unclear to him. He asked when that house was built [the house the McMahan's are living in now], and was that little lot attached to that property then. Mr. McMahan said yes. Mr. Philippi said he is only talking about the pie shape lot. He asked when the person that built that house, when he bought that lot, did he buy both those lots together? Mr. McMahan said they are on the same deed. Mr. Philippi asked if he bought them at the same time? Mr. McMahan said no, but he bought that lot as Tract #1 and this is Tract #2. Mr. Philippi asked at two (2) separate times? Mr. McMahan said he could not say. He did not look up the dates. Mr. Philippi said the original question was "did the original owner buy those two (2) lots together to make a lot to build a house?" Mr. McMahan said he would have to know what was in his mind. Mr. Philippi said it would certainly help to know if he bought those two (2) lots together and built a house on that property. He said it would be one thing if he built the house and bought the property later. Mr. McMahan said he does not have the dates with him of the two (2) purchases, all he knows that if you go back to the deed where Mr. Matthews bought it, he bought two (2) separate tracts. Mr. Philippi asked Mr. McMahan if he bought the tracts at the same time. Mr. McMahan said yes, as two (2) separate tracts. He said we've kept it as a separate tract because we thought we might do something with it, maybe build something on it later. He said it was not part of the loan on the house. He said it does not include that lot; it is separate. He said it has been a separate lot since 1975.

Mr. McMahan asked if there were any other questions he could answer. There were none.

Mr. Massey said before we proceed, he wanted to remind everyone that tonight we are to consider the Special Use Permit request for the 30 feet, and not what the homeowner's association has to say.

Mr. Massey said there are certain standards that this Board has to look at and have to be met and that is what we need to deal with:

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

Motion: William Draper made a motion that this standard is met because it meets the City standards. There is no standard setback so it doesn't seem like this would be out of character, especially since it is on a cul-de-sac. If you drew a straight line on the front of the house on the left that would probably be about 70 feet.

Louis Philippi said the petitioner's response in the application was that there was no change to the subdivision design, plan and operation. He said there is a distinct design because the lot is considerably smaller and certainly will affect the neighbors next door. He said the plan of the whole development was to be out of the City. He said putting a 1/2-acre lot right in the middle of multi-acre lots does not go with the design. He said there will be change to the subdivision design. He said look at the tiny piece compared to everybody else.

William Draper said that is what allowing a variance to the 100-foot setback is but changing it by 30 feet is not going to do anything to the public health or safety in the neighborhood. He said yes, it is a design change but he would say that the guy who built the 245-foot setback house in the woods is a design change.

Second: None

Mr. McCollum said that the Chairman, George Massey, can second the motion if he wished.

Second: George Massey

Action: The motion passed with Louis Philippi opposing.

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

Motion: Louis Philippi made a motion that the standard is met because there are no standards or regulations of the ordinance that we are not allowed to make a change on, as well as any other regulation that we know of governs development. He said it is not a question as to whether it's written design of the development, it is a question if any rule has been broken.

Second: William Draper

Action: The motion to approve passed unanimously.

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

Motion: Louis Philippi made a motion that the standard is not met because the surrounding property is going to be adversely affected because the people who bought that property thought that it would be the intent of the neighborhood to sell with the intention of mass separation of residences and this thing is too tight.

William Draper said it is the intent of the neighborhood itself is to have large lots with large areas of separation.

Second: William Draper

Action: The motion to deny passed unanimously.

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

Motion: William Draper made a motion that the standard is not met because the size of the lot, the setback and the intent of the neighborhood cannot be met.
Second: Louis Philippi
Action: The motion to deny passed unanimously.

Mr. McCollum said that Standards C and D have not been met.

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

Motion: Louis Philippi made a motion to **deny** the issuance of the Special Use Permit because Standards C and D have not been met.
Second: William Draper
Action: The motion to **deny** the Special Use Permit passed unanimously.

Mr. Massey said the Special Use Permit request has been denied based on Standards C and D have not been met.

Item 4. Training Video on Special Use Permits

Doug said there would be no training video tonight.

Item 5. Next Meeting - September 24, 2020

Item 6. Adjournment

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

Motion: William Draper made a motion to adjourn the meeting.
Second: Louis Philippi
Action: The motion to adjourn passed unanimously.

The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

George Massey
Chairman

Maryann Brown
Clerk of the Board



STAFF REPORT
Case #21-11000001

TO: Board of Adjustment Members

DATE: September 24, 2020

FROM: Keri Mendler, Planner

SUBJECT: Special Use Permit request by Elijah English, Project Manager for Better Path Homes, LLC to construct a new single family home at 605 Winchester Avenue

SUMMARY STATEMENT

The Board of Adjustment is requested to consider this request by Elijah English, Project Manager for Better Path Homes, LLC to construct a new single family home at 605 Winchester Avenue, which is located in the Winchester Overlay District.

SITE DATA

Type of Action: Special Use Permit
Date of Petition: September 1, 2020
Name of Petitioner: Better Path Homes, LLC
Location: 605 Winchester Avenue
Tax ID #: 09-228-144
Lot Size: .19 acres
Zoning Classification: R-10 (Residential- Low Density)

FINDINGS

Staff offers the following Findings:

1. The property at 605 Winchester Avenue is currently owned by Better Path Homes, LLC and is zoned R-10 (Residential- Low Density) The property is also located in the Winchester Overlay District. (Exhibit 1, 2, 3)

2. According to Section 156.124, Overlay Districts, all principal developments in the Winchester Overlay District shall obtain a Special Use Permit. This section has several other requirements; however, due to state law changes, many can no longer be enforced. Each requirement has been addressed below (Exhibit 4):
 - a The construction or renovation as proposed and designed will be compatible in the neighborhood, and along the street with which it is located.
-This requirement can no longer be enforced due to G.S. 160A-381 as it is considered a design standard, which cannot be used unless the applicant voluntarily consents to it.
 - b The construction or renovation as proposed and designed fulfills the intent of § [156.132](#) of the City of Monroe Code of Ordinances.
-This standard applies only to commercial properties.
 - c The construction or renovation as proposed and designed will not substantially injure the value of adjoining or abutting property.
-This standard is addressed in the Special Use Permit standards.
 - d The construction or renovation as proposed maintains the historic character and integrity of the infill neighborhood in which it is located.
-This requirement can no longer be enforced due to G.S. 160A-381 as it is considered a design standard, which cannot be used unless the applicant voluntarily consents to it.
 - e The construction or renovation as proposed shall adhere to the strategies and objectives outlined in the City of Monroe Land Development Plan.
-This standard is addressed in the Special Use Permit standards.
 - f Duplexes may be allowed on corner lots.
-The applicant is not proposing a Duplex.
 - g All principal developments shall obtain a special use permit.
 - h Mobile homes shall not be permitted.
-The applicant is not proposing a mobile home.
3. The applicant submitted a Special Use Permit Application on September 1, 2020 requesting to construct a new single family home on the property. The home is 1,204 heated square feet with an 85 square foot front porch. (Exhibit 5 and 6)
4. All adjoining property owners have been properly notified of this special use permit. (Exhibit 7)

CONCLUSIONS

Please see attached Special Use Permit Worksheet.

Attachment(s):

- Exhibit 1: Ortho Map
- Exhibit 2: Zoning Map
- Exhibit 3: Winchester Overlay Map
- Exhibit 4: Winchester Overlay Requirements
- Exhibit 5: Application
- Exhibit 6: House Plan and Site Plan
- Exhibit 7: APOs

Prepared by: KM 9-9-20

**SPECIAL USE PERMIT WORKSHEET
TO CONSTRUCT A NEW SINGLE FAMILY HOME AT 605 WINCHESTER
AVENUE (PARCEL # 09-228-144)**

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: No harm will be caused to the public as all structure(s) will be built according to code.

☐ Motion standard is met; or

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

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

Petitioner's Response: We have contacted local officials to be aware of rules and regulations and therefore abide by them.

☐ Motion standard is met; or

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

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

Petitioner's Response: The use of property will not injure the value of surrounding property as the structure will be built so as not to drastically stand out from surrounding houses.

☐ 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: Yes. Sufficient research has been done to ensure accordance with Monroe Land Development Plan.

[] Motion standard is met; or

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

III. Permit Action

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

OR;

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

Ortho Map

Case #: 21-11000001

Legend

— Centerlines

▭ Parcels

**Existing: R-10
(Residential- High Density)**

**Owner: Better Path
Homes, LLC**

Acres: .19



0 30 60
Feet



Zoning Map

Case #: 21-11000001

Legend

— Centerlines

▭ Parcels

Zoning Districts

Code

▭ R-10

▭ OT

**Existing: R-10
(Residential- High Density)**

**Owner: Better Path
Homes, LLC**

Acres: .19



0 30 60
Feet

Winchester Overlay Map

Case #: 21-11000001

Legend

— Centerlines

□ Parcels

Overlay District

■ Winchester

**Existing: R-10
(Residential- High Density)**

**Owner: Better Path
Homes, LLC**

Acres: .19



0 30 60
Feet

- a. The construction or renovation as proposed and designed will be compatible in the neighborhood, and along the street with which it is located.
-This requirement can no longer be enforced due to G.S. 160A-381 as it is considered Design Standards.
- b. The construction or renovation as proposed and designed fulfills the intent of § [156.132](#) of the City of Monroe Code of Ordinances.
-This requirement can no longer be enforced due to G.S. 160A-381 as it is considered Design Standards.
- c. The construction or renovation as proposed and designed will not substantially injure the value of adjoining or abutting property.
-This standard is already addressed in the Special Use Permit standards.
- d. The construction or renovation as proposed maintains the historic character and integrity of the infill neighborhood in which it is located.
-This requirement can no longer be enforced due to G.S. 160A-381 as it is considered Design Standards.
- e. The construction or renovation as proposed shall adhere to the strategies and objectives outlined in the City of Monroe Land Development Plan.
-This standard is already addressed in the Special Use Permit standards.
- f. Duplexes may be allowed on corner lots.
-The applicant is not proposing a Duplex.
- g. All principal developments shall obtain a special use permit.
- h. Mobile homes shall not be permitted.
-The applicant is not proposing a mobile home.



SPECIAL USE PERMIT APPLICATION

Applicant's Name: Better Path Homes

Applicant's Mailing Address: 10935 Winds Crossing Dr
NE 300 Charlotte, NC 28273

Applicant's Phone Number: 980-622-5027

Applicant's Facsimile Number: 704-973-0996

Applicant's Email Address: elijah@choosebetterpath.com

Property Location: 605 Winchester Ave Monroe 28110

Tax ID Number: 83-165 8934 Deed Reference Number BOOK 07967 PAGE 0325-0327

Existing Zoning: R10

Proposed Special Use:

Use to construct single family house

Proposed Conditions:

House will be a 1204 square foot house with an 85 sq ft
covered porch in front. This house is a single story
ranch style house built on a slab.

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

General Information Required

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

Revised 12-22-15

*P:\Applications doc R1\1112-09, 7-99, 2-00, 12-03, 7-04, 9-11, 1-14, 12-15

Information on Natural, Historic, and Recreational Features Required

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

Zoning and Lot Information Required

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

Transportation and Utilities Information Required

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

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

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

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

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

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

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

I. Special Use General Standards:

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

NO harm will be caused to the public as all structure(s) will be built according to code

- 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.

We have contacted local officials to be aware of rules and regulations and therefore abide by them.

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

The use of property will not injure the value of surrounding property as the structure will be built so as not to drastically stand out from surrounding houses.

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

Yes. Sufficient research has been done to ensure accordance with Monroe Land Development Plan

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

Better Path Homes

Applicant (printed)



Applicant's Signature

August 11 2020

Date

Better Path Homes

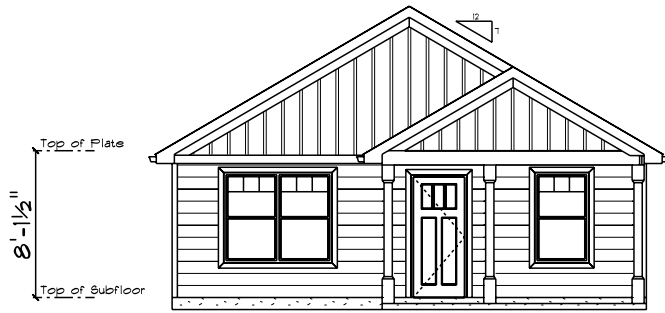
Property Owner (printed)



Property Owner's Signature

August 11 2020

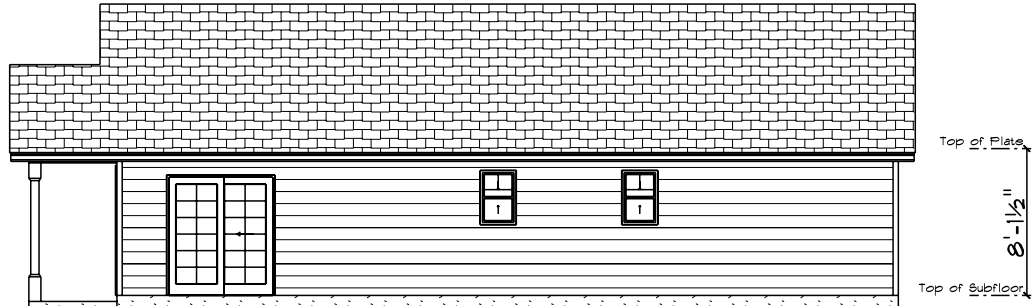
Date



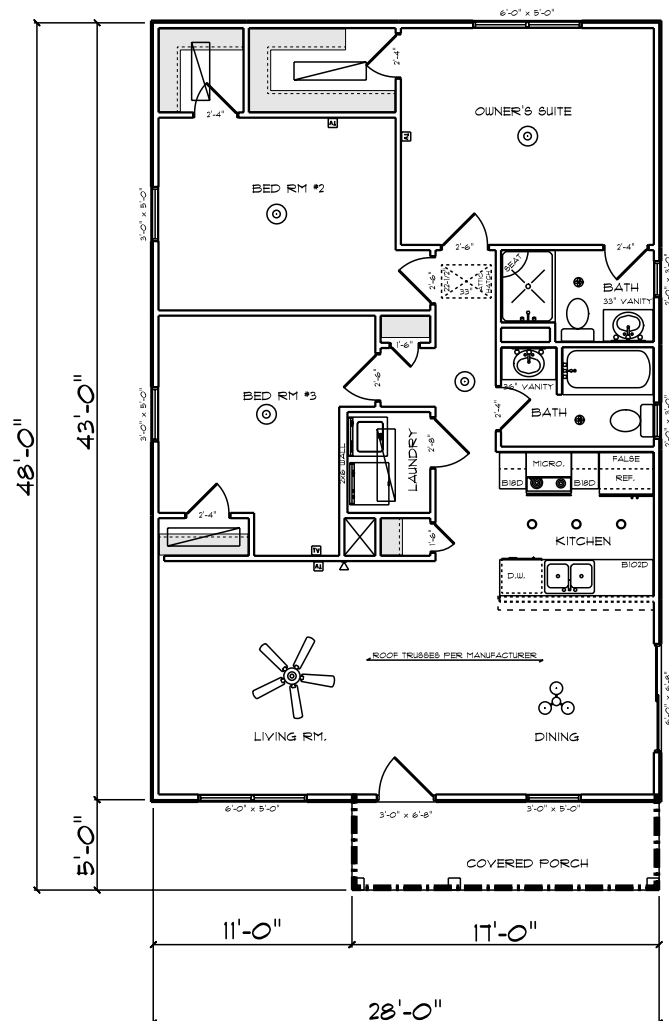
FRONT ELEVATION

1204 PLAN

1ST FLOOR 1204 SQFT.
TOTAL HEATED 1204 SQFT.
COVERED PORCH 85 SQFT.
TOTAL UNDER ROOF 1275 SQFT.



RIGHT ELEVATION



1ST FLOOR PLAN

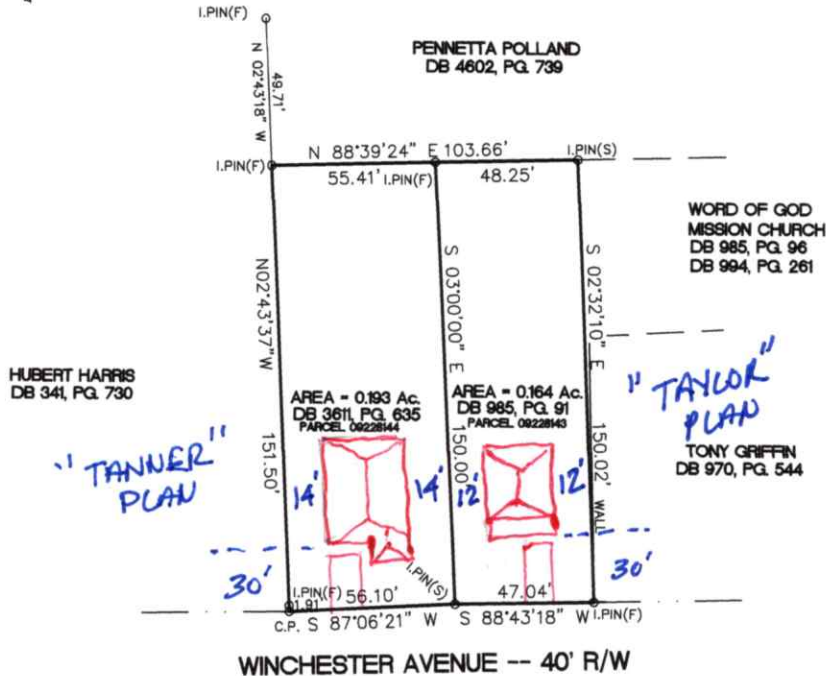
STATE OF NORTH CAROLINA
GASTON COUNTY

I certify that this map was drawn from an actual survey made under my supervision.
The unadjusted error of closure as calculated is 1' : 10,000' +
Boundaries not surveyed, if any, are noted. Deed descriptions are recorded in Book AS, Page SHOWN.

Witness my hand and seal this 6 day of AUGUST, 20 20.



LOCATION MAP - NOT TO SCALE



LEGEND

- ____ LINES SURVEYED
- ____ LINES NOT SURVEYED
- ALL CORNERS ARE AS NOTED O
- N.T.S. NOT TO SCALE
- C.P. CALCULATED POINT
- OVERHEAD UTILITY LINES
- UTILITY POLE
- METAL FENCE
- WOODEN FENCE
- SEWER MANHOLE
- MBSL - MINIMUM BUILDING SETBACK LINE
- I.PIN(S) - IRON PIN SET
- I.PIN(F) - IRON PIN FOUND
- I. - IRON CMF - CONCRETE MONUMENT(F)
- (F) FOUND
- (S) SET



**CAROLINAS
DESIGN
GROUP, PLLC**

• LAND SURVEYING • LAND PLANNING
201 West Second Avenue Gastonia, NC 28052
Phone: 704-854-9328 • 704-864-9007 • Fax 704-854-9328
NC LICENSE #P-0186

NOTES: SURVEY MADE USING EXISTING PHYSICAL EVIDENCE FOUND AT TIME OF SURVEY.

SUBJECT PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED EASEMENTS, RIGHT-OF-WAYS, SETBACKS AND/OR RESTRICTIVE COVENANTS NOT SHOWN HEREON.



**BOUNDARY SURVEY
OF
605 & 607 WINCHESTER AVENUE**

SCALE: 1" = 50'

CITY OF MONROE - UNION COUNTY, NC

DATE: AUGUST 6, 2020

PROPERTY TO BE ACQUIRED BY:

MAP RECORDED IN BOOK
CADD # 9420EDDO

AT PAGE
WORK ORDER # 9420

DEED RECORDED IN BOOK
DRAWN BY: MLC TAX ID NO. 09228144 & 09228143

09228138A
WILSON ALBERTA
404 JOHN ST
MONROE NC 28110

09231004
CITY OF MONROE
P O BOX 69
MONROE NC 28111-0069

09228136
MASSEY WILLIAM J
410 ROBIN DR
MONROE NC 28110

09228137
BROOKS DEVESTER HEIRS % C B BROWN
1900 PATTEN AVE
CHARLOTTE NC 28216

09228139
GLORIOUS TABERNACLE HOUSE OF
DELIVERANCE
703 WINCHESTER AVE
MONROE NC 28110

09228140
GRIFFIN TONY L
1414 CRESCENT ST
MONROE NC 28112

09228148
LITTLE WILMA ROSALIE
1900 PATTON AVE
CHARLOTTE NC 28216

09228170
MASSEY MICHAEL SCOTT
MASSEY RACHEL VICTORIA BRYANT
120 BENDING OAK WAY
MORRISVILLE NC 30327

09231007
CITY OF MONROE
P O BOX 69
MONROE NC 28111-0069

09231008
CITY OF MONROE
P O BOX 69
MONROE NC 28111-0069

09228135
THOMPSON ROBERT LEE & WF MARY L
701 BROWN ST
MONROE NC 28110

09228144
WORD OF GOD MISSION CHURCH INC
P O BOX 3045
MONROE NC 28111-3045

09228145
POLLARD PENNETTA
405 JOHN ST
MONROE NC 28110

09231005
CARTER W L HEIRS & ROBERT CARTER
% P M EVANS
840 MAURICE ST
MONROE NC 28112

09228146
LITTLE WILMA ROSALIE
609 BROWN ST
MONROE NC 28110

09228169
MASSEY MICHAEL SCOTT
MASSEY RACHEL VICTORIA BRYANT
120 BENDING OAK WAY
MORRISVILLE NC 27560

09228172
HARRIS HUBERT & DORA
P O BOX 573
MT GILEAD NC 27306

09231010, 09231006 & 09231006A
CITY OF MONROE
P O BOX 69
MONROE NC 28111-0069

09228171
GOMEZ CATALINA SANCHEZ
5220 FIRELIGHT LN APT B
CHARLOTTE NC 28212

09228174
RABON JAMES L & PATRICIA H RABON
% TRUSTEES
2311 BRAWINAL CT
MONROE NC 28110

09228141
WORD OF GOD MISSION CHURCH INC
P O BOX 3045
MONROE NC 28111-3045

09228142
WORD OF GOD MISSION CHURCH INC
P O BOX 3045
MONROE NC 28111-3045

09228147
LITTLE WILMA ROSALIE
1900 PATTON AVE
CHARLOTTE NC 28216

09228171A
GOMEZ CATALINA SANCHEZ
5220 FIRELIGHT LN APT B
CHARLOTTE NC 28212

09228173
IVEY TONYA E & LOUELLA IVEY
509 WINCHESTER AVE
MONROE NC 28110

09228138
GLORIOUS TABERNACLE
HOUSE OF DELIVERANCE
703 WINCHESTER AVE
MONROE NC 28110

09228143
WORD OF GOD MISSION CHURCH INC
P O BOX 3045
MONROE NC 28111-3045

09228175
RABON JAMES L & PATRICIA H RABON
% TRUSTEES
2311 BRAWINAL CT
MONROE NC 28110

09228178
JOHNSON ZABIA THOMAS SR &
WIFE EVELYN C
409 BEARD ST
MONROE NC 28110

BETTER PATH HOMES, LLC
10935 WINDS CROSSNG DR., #300
CHARLOTTE, NC 28273



STAFF REPORT
Case #21-11000002

TO: Board of Adjustment Members

DATE: September 24, 2020

FROM: Keri Mendler, Planner

SUBJECT: Special Use Permit request by Elijah English, Project Manager for Better Path Homes, LLC to construct a new single family home at 607 Winchester Avenue

SUMMARY STATEMENT

The Board of Adjustment is requested to consider this request by Elijah English, Project Manager for Better Path Homes, LLC to construct a new single family home at 607 Winchester Avenue, which is located in the Winchester Overlay District.

SITE DATA

Type of Action:	Special Use Permit
Date of Petition:	September 1, 2020
Name of Petitioner:	Better Path Homes, LLC
Location:	607 Winchester Avenue
Tax ID #:	09-228-143
Lot Size:	.16 acres
Zoning Classification:	R-10 (Residential- Low Density)

FINDINGS

Staff offers the following Findings:

1. The property at 607 Winchester Avenue is currently owned by Better Path Homes, LLC and is zoned R-10 (Residential- Low Density) The property is also located in the Winchester Overlay District. (Exhibit 1, 2, 3)

2. According to Section 156.124, Overlay Districts, all principal developments in the Winchester Overlay District shall obtain a Special Use Permit. This section has several other requirements; however, due to state law changes, many can no longer be enforced. Each requirement has been addressed below (Exhibit 4):
 - a. The construction or renovation as proposed and designed will be compatible in the neighborhood, and along the street with which it is located.
-This requirement can no longer be enforced due to G.S. 160A-381 as it is considered a design standard, which cannot be used unless the applicant voluntarily consents to it.
 - b. The construction or renovation as proposed and designed fulfills the intent of § [156.132](#) of the City of Monroe Code of Ordinances.
-This standard applies only to commercial properties.
 - c. The construction or renovation as proposed and designed will not substantially injure the value of adjoining or abutting property.
-This standard is addressed in the Special Use Permit standards.
 - d. The construction or renovation as proposed maintains the historic character and integrity of the infill neighborhood in which it is located.
-This requirement can no longer be enforced due to G.S. 160A-381 as it is considered a design standard, which cannot be used unless the applicant voluntarily consents to it.
 - e. The construction or renovation as proposed shall adhere to the strategies and objectives outlined in the City of Monroe Land Development Plan.
-This standard is addressed in the Special Use Permit standards.
 - f. Duplexes may be allowed on corner lots.
-The applicant is not proposing a Duplex.
 - g. All principal developments shall obtain a special use permit.
 - h. Mobile homes shall not be permitted.
-The applicant is not proposing a mobile home.
3. The applicant submitted a Special Use Permit Application on September 1, 2020 requesting to construct a new single family home on the property. The home is 1,290 heated square feet with a 109 square foot front porch. (Exhibit 5 and 6)
4. All adjoining property owners have been properly notified of this special use permit. (Exhibit 7)

CONCLUSIONS

Please see attached Special Use Permit Worksheet.

Attachment(s):

- Exhibit 1: Ortho Map
- Exhibit 2: Zoning Map
- Exhibit 3: Winchester Overlay Map
- Exhibit 4: Winchester Overlay Requirements
- Exhibit 5: Application
- Exhibit 6: House Plan and Site Plan
- Exhibit 7: APOs

Prepared by: KM 9-9-20

**SPECIAL USE PERMIT WORKSHEET
TO CONSTRUCT A NEW SINGLE FAMILY HOME AT 607 WINCHESTER
AVENUE (PARCEL # 09-228-143)**

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: No harm will be caused to the public as all structure(s) will be built according to code.

☐ Motion standard is met; or

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

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

Petitioner's Response: We have contacted local officials to be fully aware of all rules and regulations and will abide by them.

☐ Motion standard is met; or

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

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

Petitioner's Response: The use of property will not injure the value of surrounding property as the structure will be built so as to blend in, and not drastically stand out from surrounding structures.

☐ Motion standard is met; or

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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: Yes, sufficient research has been done to ensure accordance with Monroe Land Development Plan.

☐ Motion standard is met; or

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

III. Permit Action

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

OR;

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

Ortho Map

Case #: 21-11000002

Legend

— Centerlines

□ Parcels

**Existing: R-10
(Residential- High Density)**

**Owner: Better Path
Homes, LLC**

Acres: .16



0 30 60
Feet



Zoning Map

Case #: 21-11000002

Legend

— Centerlines

▭ Parcels

Zoning Districts

Code

▭ R-10

▭ OT

**Existing: R-10
(Residential- High Density)**

**Owner: Better Path
Homes, LLC**

Acres: .16



0 30 60
Feet

WINCHESTER AVE

JOHN ST

Winchester Overlay Map

Case #: 21-11000002

Legend

— Centerlines

▭ Parcels

Overlay District

▭ Winchester

**Existing: R-10
(Residential- High Density)**

**Owner: Better Path
Homes, LLC**

Acres: .16



0 30 60
Feet

- a. The construction or renovation as proposed and designed will be compatible in the neighborhood, and along the street with which it is located.
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- h. Mobile homes shall not be permitted.
-The applicant is not proposing a mobile home.



SPECIAL USE PERMIT APPLICATION

Applicant's Name: Better Path Homes
 Applicant's Mailing Address: 10935 Winds Crossing
OF Rt 300 Charlotte, NC 28273

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

Applicant's Phone Number: 980-622-5027
 Applicant's Facsimile Number: 704-973-0996
 Applicant's Email Address: elijah@choosebetterpath.com
 Property Location: 607 Winchester Ave Monroe 28110
 Tax ID Number: 83-1658934 Deed Reference Number: BOOK 07767 PAGE 0325-0327
 Existing Zoning: R10
 Proposed Special Use:
Use to construct a single family house

Proposed Conditions:

House will be a 1290 square foot house with a 109
square foot covered porch. It will be a two story
structure built on a slab.

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

General Information Required

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

Revised 12-22-15

SLP Application doc REVISED 2/0, 7-09, 2/00, 12/03, 7/04, 9/13, 1/14, 12/15

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.
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- Watershed data to demonstrate compliance with sections 156.101 of the Monroe Code of Ordinances.
- Boundary of any phase lines, for phased development plans. (Include a statement for future building time line)
- Detailed landscape plan in compliance with section Chapter 156, Article XVII of the Monroe Code of Ordinances issued by a certified landscape architect, or other certified professional preparer

Transportation and Utilities Information Required

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

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

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

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

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

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

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

I. Special Use General Standards:

- A. The use will not materially endanger the public health or safety if located, designed, and proposed to be operated according to plan.
No harm will be caused to the public as all structure(s) will be built according to code
- 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.
We have contacted local officials to be fully aware of all rules and regulations and will abide by them.
- C. The use or development will not adversely impact surrounding property and will not substantially injure the value of adjoining property.
The use of property will not injure the value of surrounding property as the structure will be built so as to blend in, and not drastically stand out from surrounding structures.
- D. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Monroe Land Development Plan.
Yes, sufficient research has been done to ensure accordance with Monroe Land Development Plan

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

Better Path Homes

Applicant (printed)

Gh Goybl

Applicant's Signature

August 11 2020

Date

Better Path Homes

Property Owner (printed)

Gh Goybl

Property Owner's Signature

August 11 2020

Date

1290 PLAN

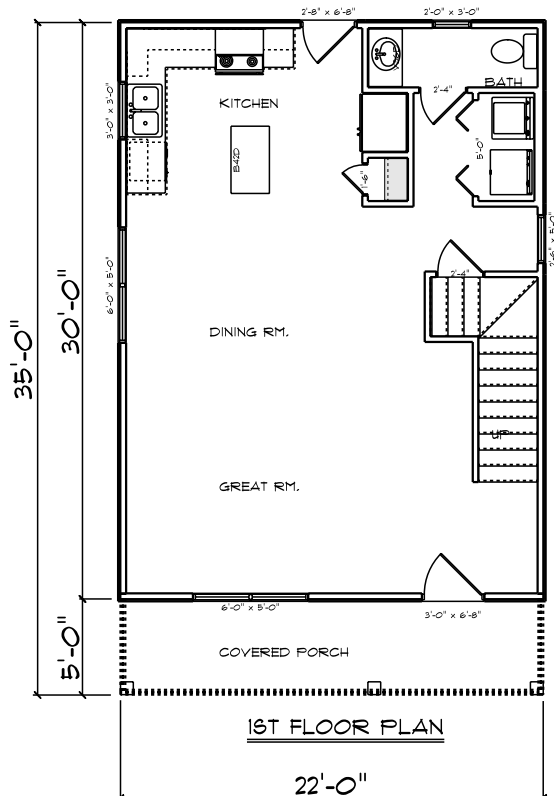


FRONT ELEVATION

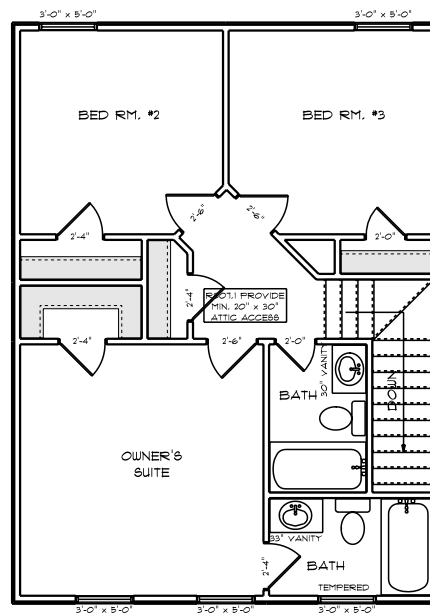
1ST FLOOR 660 SQFT.
2ND FLOOR 630 SQFT.
TOTAL HEATED 1290 SQFT.
COVERED PORCH 109 SQFT.
TOTAL UNDER ROOF 1399 SQFT.



LEFT ELEVATION



1ST FLOOR PLAN



SECOND FLOOR PLAN

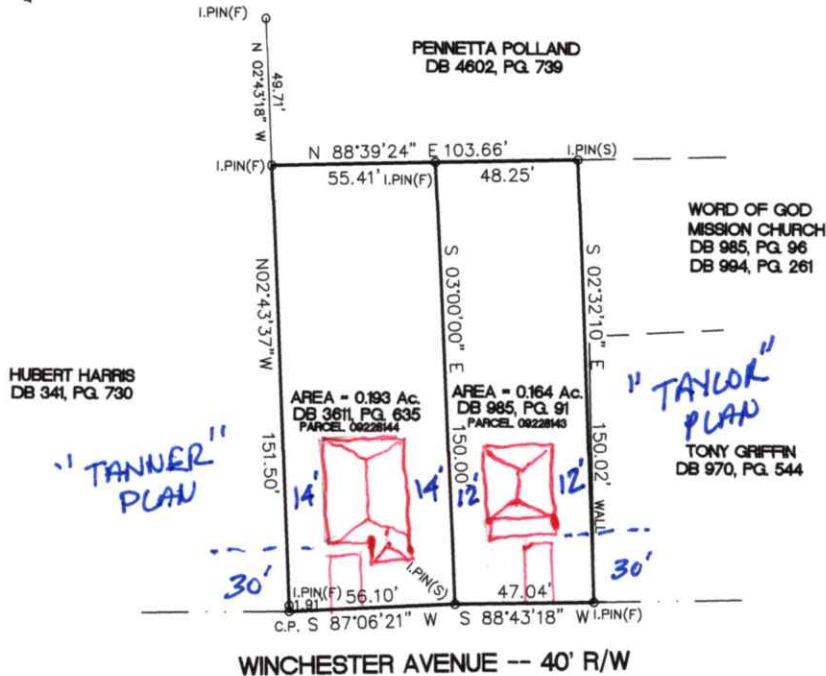
STATE OF NORTH CAROLINA
GASTON COUNTY

I certify that this map was drawn from an actual survey made under my supervision.
The unadjusted error of closure as calculated is 1' : 10,000' +
Boundaries not surveyed, if any, are noted. Deed descriptions are recorded in Book AS, Page SHOWN.

Witness my hand and seal this 6 day of AUGUST, 2020.



LOCATION MAP - NOT TO SCALE



LEGEND

- LINES SURVEYED
- - - LINES NOT SURVEYED
- ALL CORNERS ARE AS NOTED O
- N.T.S. NOT TO SCALE
- C.P. CALCULATED POINT
- OVERHEAD UTILITY LINES
- UTILITY POLE
- METAL FENCE
- WOODEN FENCE
- SEWER MANHOLE
- MBSL - MINIMUM BUILDING SETBACK LINE
- I.PIN(S) - IRON PIN SET
- I.PIN(F) - IRON PIN FOUND
- I. - IRON CMF - CONCRETE MONUMENT(F)
- (F) FOUND
- (S) SET



**CAROLINAS
DESIGN
GROUP, PLLC**

• LAND SURVEYING • LAND PLANNING
201 West Second Avenue Gastonia, NC 28052
Phone: 704-854-9328 • 704-864-9007 • Fax 704-854-9328
NC LICENSE #P-0186

NOTES: SURVEY MADE USING EXISTING PHYSICAL EVIDENCE FOUND AT TIME OF SURVEY.

SUBJECT PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED EASEMENTS, RIGHT-OF-WAYS, SETBACKS AND/OR RESTRICTIVE COVENANTS NOT SHOWN HEREON.



BOUNDARY SURVEY
OF
605 & 607 WINCHESTER AVENUE

SCALE: 1" = 50'

CITY OF MONROE - UNION COUNTY, NC

DATE: AUGUST 6, 2020

PROPERTY TO BE ACQUIRED BY:

MAP RECORDED IN BOOK
CADD # 9420EDDO

AT PAGE
WORK ORDER # 9420

DEED RECORDED IN BOOK
DRAWN BY: MLC TAX ID NO. 09228144 & 09228143

09228138A
WILSON ALBERTA
404 JOHN ST
MONROE NC 28110

09231004
CITY OF MONROE
P O BOX 69
MONROE NC 28111-0069

09228136
MASSEY WILLIAM J
410 ROBIN DR
MONROE NC 28110

09228137
BROOKS DEVESTER HEIRS % C B BROWN
1900 PATTEN AVE
CHARLOTTE NC 28216

09228139
GLORIOUS TABERNACLE HOUSE OF
DELIVERANCE
703 WINCHESTER AVE
MONROE NC 28110

09228140
GRIFFIN TONY L
1414 CRESCENT ST
MONROE NC 28112

09228148
LITTLE WILMA ROSALIE
1900 PATTON AVE
CHARLOTTE NC 28216

09228170
MASSEY MICHAEL SCOTT
MASSEY RACHEL VICTORIA BRYANT
120 BENDING OAK WAY
MORRISVILLE NC 30327

09231007
CITY OF MONROE
P O BOX 69
MONROE NC 28111-0069

09231008
CITY OF MONROE
P O BOX 69
MONROE NC 28111-0069

09228135
THOMPSON ROBERT LEE & WF MARY L
701 BROWN ST
MONROE NC 28110

09228144
WORD OF GOD MISSION CHURCH INC
P O BOX 3045
MONROE NC 28111-3045

09228145
POLLARD PENNETTA
405 JOHN ST
MONROE NC 28110

09231005
CARTER W L HEIRS & ROBERT CARTER
% P M EVANS
840 MAURICE ST
MONROE NC 28112

09228146
LITTLE WILMA ROSALIE
609 BROWN ST
MONROE NC 28110

09228169
MASSEY MICHAEL SCOTT
MASSEY RACHEL VICTORIA BRYANT
120 BENDING OAK WAY
MORRISVILLE NC 27560

09228172
HARRIS HUBERT & DORA
P O BOX 573
MT GILEAD NC 27306

09231010, 09231006 & 09231006A
CITY OF MONROE
P O BOX 69
MONROE NC 28111-0069

09228171
GOMEZ CATALINA SANCHEZ
5220 FIRELIGHT LN APT B
CHARLOTTE NC 28212

09228174
RABON JAMES L & PATRICIA H RABON
% TRUSTEES
2311 BRAWINAL CT
MONROE NC 28110

09228141
WORD OF GOD MISSION CHURCH INC
P O BOX 3045
MONROE NC 28111-3045

09228142
WORD OF GOD MISSION CHURCH INC
P O BOX 3045
MONROE NC 28111-3045

09228147
LITTLE WILMA ROSALIE
1900 PATTON AVE
CHARLOTTE NC 28216

09228171A
GOMEZ CATALINA SANCHEZ
5220 FIRELIGHT LN APT B
CHARLOTTE NC 28212

09228173
IVEY TONYA E & LOUELLA IVEY
509 WINCHESTER AVE
MONROE NC 28110

09228138
GLORIOUS TABERNACLE
HOUSE OF DELIVERANCE
703 WINCHESTER AVE
MONROE NC 28110

09228143
WORD OF GOD MISSION CHURCH INC
P O BOX 3045
MONROE NC 28111-3045

09228175
RABON JAMES L & PATRICIA H RABON
% TRUSTEES
2311 BRAWINAL CT
MONROE NC 28110

09228178
JOHNSON ZABIA THOMAS SR &
WIFE EVELYN C
409 BEARD ST
MONROE NC 28110

BETTER PATH HOMES, LLC
10935 WINDS CROSSNG DR., #300
CHARLOTTE, NC 28273



STAFF REPORT
Case #21-11000003

TO: Board of Adjustment Members

DATE: September 24, 2020

FROM: Doug Britt, Senior Planner

SUBJECT: Special Use Permit request by Shannon Bromstrup to allow an Event Facility in the GB zoning district located at 2515 W. Roosevelt Boulevard

SUMMARY STATEMENT

The Board of Adjustment is requested to consider this request by Shannon Bromstrup to allow an Event Facility in the GB zoning district located at 2515 W. Roosevelt Boulevard.

SITE DATA

Type of Action:	Special Use Permit
Date of Petition:	August 31, 2020
Name of Petitioner:	Shannon Bromstrup
Location:	2515 W. Roosevelt Boulevard
Tax ID #:	09-261-006
Lot Size:	13.66 acres
Zoning Classification:	GB (General Business)

FINDINGS

Staff offers the following Findings:

1. The property at 2515 W. Roosevelt Boulevard is owned by Roosevelt Center Group, LLC and is zoned GB (General Business). (Exhibit 1, 2)
2. The applicant submitted a Special Use Permit Application on August 31, 2020 requesting to operate an Event Facility on the property. (Exhibit 3)

3. According to Section 156.110 of the City of Monroe Unified Development Ordinance titled “Table of Permissible Uses”, Event Facilities are only allowed in the GB zoning district with the issuance of a Special Use Permit from the Board of Adjustment (Exhibit 4).
4. A Standard 5 Appraisal Impact Study was completed by Morrison Appraisal, Inc. It is the opinion of Morrison Appraisal, Inc that the proposed Event Center use will not adversely affect the value of the adjoining properties. (Exhibit 5)
5. All adjoining property owners have been properly notified of this special use permit. (Exhibit 6)

CONCLUSIONS

Please see attached Special Use Permit Worksheet.

Attachment(s):

Exhibit 1: Ortho Map
Exhibit 2: Zoning Map
Exhibit 3: Application
Exhibit 4: Section 156.110
Exhibit 5: Impact Study
Exhibit 6: APOs

Prepared by: DB 9-09-20

**SPECIAL USE PERMIT WORKSHEET
TO ALLOW AN EVENT CENTER TO OPERATE AT 2515 W. ROOSEVELT BLVD.
(PARCEL # 09-261-026)**

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

I. Completeness of Application:

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

II. Special Use General Standards:

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

Petitioner's Response: The proposed use will not endanger public health or safety as the space will be used for family and community celebrations or events. Events such as birthdays, graduation parties, baby or bridal showers. These events will only bring a sense of community in attending hosted events.

☐ Motion standard is met; or

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

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

Petitioner's Response: The use of the space will adhere to all ordinances such as parking, noise levels, capacity, cleanliness and signage. No use of dangerous or illegal activity will be tolerated by guests and no changes to the existing land or building will be changed.

☐ 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: Surrounding properties including those that had events were reviewed for the impact study. The study found that events held at these properties had no impact on sale prices of properties or adjoining properties. The location is in the main commercial corridor of Monroe and will not injure the value of adjoining properties.

☐ Motion standard is met; or

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

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

Petitioner's Response: The evens space will be located in the main commercial corridor on 74 in Monroe in line with other commercial/retail spaces and is not in close proximity to residences. Since no outside changes to the existing land or building will occur, the use or the space for this purpose will be in harmony with the area and neighborhood.

☐ Motion standard is met; or

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

III. Permit Action

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

OR;

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

Ortho Map

Case #: 21-11000003

Legend

— Centerlines

□ Parcels

Existing: GB
(General Business)

Owner: Roosevelt Center
Group, LLC

Acres: 3.14



0 100 200
Feet

Zoning Map

Case #: 21-11000003

Legend

— Centerlines

□ Parcels

Zoning Districts

Code

GB

CD

Existing: GB
(General Business)

**Owner: Roosevelt Center
Group, LLC**

Acres: 3.14



0 100 200
Feet



SPECIAL USE PERMIT APPLICATION

Applicant's Name: Shannon Bromstrup

Applicant's Mailing Address: 522 Ridge Rd
Monroe, NC 28110

Applicant's Phone Number: 704-288-6285

Applicant's Facsimile Number: 704-316-8602

Applicant's Email Address: sd29291@gmail.com

Property Location: 9515 W Roosevelt Blvd. Suite F Monroe, NC 28110

Tax ID Number: 84-3800658 Deed Reference Number: BOOK 7286 PAGE 255

Existing Zoning: GB

Proposed Special Use:

Small Event Center for events such as birthday,
graduation parties/celebrations; bridal/baby showers,
business meetings, networking events, etc.

Proposed Conditions:

No changes to existing conditions

For Staff Use Only

Project Number: 21-11000003

Date Submitted: 8/31/20

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

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

Revised 12-22-15

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

Information on Natural, Historic, and Recreational Features Required

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

Zoning and Lot Information Required

- Existing and proposed zoning district lines, flood plain delineation, property lines, existing and proposed parking, trash collection systems and screening (include a copy of the planting schedule) and building footprints for any structure or walls to be placed on the property. Residential uses shall include the number of units per building and the total project.
- Proposed lot dimensions and setbacks, with diagrams of proposed signs showing location on the lot, size, height, and attachment (if indicated)
- Watershed data to demonstrate compliance with sections 156-101 of the Monroe Code of Ordinances
- Boundary of any phase lines, for phased development plans. (Include a statement for future building time line)
- Detailed landscape plan in compliance with section Chapter 156, Article XVII of the Monroe Code of Ordinances issued by a certified landscape architect, or other certified professional preparer

Transportation and Utilities Information Required

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

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

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

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

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

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

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

I. Special Use General Standards:

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

The use of the suite for an event space will not endanger the public health + safety as the space will be used for family + community celebrations or events. Events such as birthday, graduation parties, baby or bridal showers. These events will only bring a sense of community in attending hosted events.

2. 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 use of the space will adhere to all ordinances such as parking, noise levels, capacity, cleanliness + signage. No use of dangerous or illegal activity will be tolerated by guests + no changes to the existing land or building will be changed.

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

Surrounding properties, including those that hold events were reviewed for the impact study. The study found that events held at these properties had no impact on sale prices of properties or adjoining properties. The location is in the main commercial corridor of Monroe + will not injure the value of adjoining properties.

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

The event space will be located in the main commercial corridor on 74 in Monroe in line with other commercial/retail spaces and is not in close proximity to residences. Since no outside changes to the existing land or building will occur, the use of the space for this purpose will be in harmony w/ the area + neighborhood.

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

Shannon Bromstrup

Applicant (printed)

Shannon Bromstrup

Applicant's Signature

8/24/2020

Date

Michael Wright

Property Owner (printed)

MWR

Michael Wright (Aug 25, 2020 20:04 EDT)

Property Owner's Signature

Aug 25, 2020

Date

<i>DESCRIPTION</i>	<i>R- 40/R-20</i>	<i>R-10</i>	<i>R- MF</i>	<i>R-MH</i>	<i>OT</i>	<i>CBD</i>	<i>GB</i>	<i>GI</i>	<i>C</i>
Social, fraternal clubs and lodges, union halls, event facilities and similar uses	S	S			S	S	S		ZS



MORRISON APPRAISAL, INC.
PROVIDING EXCEPTIONAL VALUE SINCE 1985

IMPACT STUDY OF AN EVENTS CENTER

SHANNON BROMSTRUP
2515 W Roosevelt Boulevard
Monroe, NC

As of:
August 21, 2010

Date of Report:
August 24, 2010

For:
City of Monroe

By:
Rob Morrison
613 Euclid Street
Monroe, North Carolina 28110



Planning Dept.
City of Monroe
P.O. Box 69
Monroe, NC 28111

Dear Sir or Madam:

As requested, I have studied the property located at 2515 W Roosevelt Boulevard in Monroe, NC. The property consists of a retail store. The property is owned by Roosevelt Center Group, LLC. Shannon Bromstrup is interested in operating an events center in the building. The City of Monroe requires a special use permit in order for the property to be used for the proposed use.

Based on the information gathered, it is my opinion that the proposed use will not adversely affect the value of the abutting or adjoining properties.

If you have any questions please let me know.

Sincerely,

Rob Morrison
NC#A400





CERTIFICATION OF THE STUDY

Rob Morrison, certifies that, to the best of our knowledge and belief,

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and is our personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.
4. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
5. I have not reported a predetermined opinion or conclusion, and I am not an advocate of anything other than assignment results. I have not paid fees, commissions, etc. in connection with procurement of this assignment.
6. I have made a personal inspection of the property that is the subject of this report.
7. No one provided significant real property appraisal assistance to the person(s) signing this certification.
8. The engagement in this assignment was not contingent upon developing or reporting predetermined results.
9. The compensation for completing this assignment is not contingent upon the development or reporting of a predetermined opinion that favors the cause of the client, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this report.
10. I have performed no services, as an appraiser or in any other capacity regarding the property that is the subject of the report within the three-year period immediately preceding acceptance of this assignment.



CONTINGENT AND LIMITING CONDITIONS

1. The appraiser obtained the information, estimates, and opinions that were expressed in the report from sources that he or she consider to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
2. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinion about the title.
3. The appraiser must provide prior consent before the client specified in the report can distribute the report (including conclusions about the opinion, the appraiser's identity and professional designations, and reference to any professional appraisal organization or the firm with which the appraiser is associated) to anyone other than the clients, consultants professional appraisal organizations: and state or federally; or any department, agency, or instrumentality of the United States for any state or the District of Columbia; except that the client may distribute the property description section of the report only to data collection or reporting services(s) without having to obtain the appraiser's proper written consent. The appraiser's written consent and approval must also be obtained before the appraisal can be conveyed by anyone to the public through advertising, public relation, news, sales, or other media.
4. The appraiser will not give testimony or appear in court, unless specific arrangements to do so have been made beforehand.
5. The appraiser has noted in the report any adverse condition (such as needed repairs, depreciation, the presence of hazardous wastes, toxic substance, etc.) observed during the inspection of the subject property or that he or she became aware of during the normal research involved in performing the study. Unless otherwise stated in the report, the appraiser has no knowledge of any hidden or unapparent condition of the property or adverse environmental conditions (the presence of hazardous wastes, toxic substance, etc.) that would make the property more or less valuable, and has assumed that there are no such condition and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. The appraiser is not qualified to detect substances such as asbestos, urea-formaldehyde foam insulation, mold, radon gas or other potentially hazardous materials that may affect the value of the surrounding properties. The opinion is predicated on the assumption that there is no such material on or in the property which would cause a loss in value. The client is urged to retain an expert in this field, if desired. Because the appraiser is not an expert in the field of environmental hazards, the report must not be considered as an environmental assessment of the property.

6. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or for obtaining the engineering studies that may be required to discover them.
7. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, there are no guarantees express or implied, regarding this determination.
8. Responsible and competent property management is assumed.
9. The appraiser has not made a specific compliance survey and analysis of the subject parcel to determine whether or not it is in conformity with the various detailed requirements of the Americans with Disabilities Act ("ADA"). It is possible that a compliance survey of the property together with a detailed analysis of the requirements of the ADA could reveal that the subject parcel is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative effect upon the value of the property. Since the appraiser has no direct evidence relating to this issue, the appraiser did not consider possible non-compliance with the requirements of ADA in estimating the value of the subject.
10. The forecasts, projections, or operating estimates contained herein are based on current market conditions, anticipated short-term supply and demand factors, and a continued stable economy. These forecasts are, therefore, subject to changes with future conditions.
11. The appraiser will not disclose the contents of the report except as provided for in the Uniform Standards of Professional Appraisal Practice.
12. Possession of the report, or a copy thereof, does not carry with it the right of publication.



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IMPORTANT FACTS AND CONCLUSIONS

Property Location	2515 W Roosevelt Boulevard, Monroe, NC
Owner	Roosevelt Center Group, LLC.
Organization Requesting Study	Shannon Bromsstrup
Date of Study	August 21, 2020
Date of the Report	August 24, 2020
Property Rights	Fee simple
Zoning	General Business
Map reference	Part of 09-261-006
Legal Description	Part of Deed Book 7286 Page 255
Land area	Part of 3.144 acres
Description of Improvements	Commercial building
Proposed Use	Events center

CONCLUSIONS

The use is in harmony with the neighborhood and does not adversely affect the surrounding properties.



INTRODUCTION

The subject is a commercial building that was last used as a retail store that is located at 2515 W Roosevelt Boulevard in Monroe. Roosevelt Center Group, LLC owns the property and the property can be identified as tax parcel 09-261-006. Shannon Bromstrup plans to use the unit for special events and this causes a special use permit to be required by the City of Monroe.

PURPOSE OF THE LAND UTILIZATION STUDY

The purpose of this study is to meet the requirements of the City of Monroe for special events use in the GB zoning district. The report will address: "The use will not substantially injure the value of the adjoining property."

EFFECTIVE DATE OF THE STUDY

The effective date of this study is August 21, 2010, which is the date of the inspection and the date of the report is August 24, 2010.

SCOPE OF THE APPRAISAL

The scope of the study includes an inspection of the subject property and observation of the surrounding area.

The scope of the study also includes gathering local and regional information on the subject property. Information such as property values, growth rates, supply & demand, etc. will be gathered.

Sales adjoining properties where events are held will be compared to sales in the area that are not influenced by the presence of similar facilities. The analysis will help determine the impact of the planned project on the surrounding area.

TAXES AND ASSESSMENTS

The land and existing improvements are currently valued for tax purposes by the Union County Tax Assessor's Office at \$2,062,300 with \$1,069,000 attributed to the land. The tax rate is \$.7309 per hundred for the county and \$.6163 for the city. The tax value includes the whole building.

HISTORY OF PROPERTY

The current owners have owned the property since 12/18/2018. The property is not currently listed for sale.

SITE

The site is a portion of 3.144 acres of land. The acreage of the site is based on the tax map. The site is irregular in shape with a fairly level topography.

Access is provided by Roosevelt Boulevard, which is a state maintained highway. Access to the site is average.

Public utilities that the City of Monroe provides to the site include electricity, water and sewer.

According to flood map number 3710542600J (10/16/2008), there is a small flood area on the site. It does not affect the property. A soil analysis was not provided and it is assumed that there are not any adverse soil conditions that would affect the marketability of the site.

A survey was not provided and it is assumed that there are not any adverse easements, encroachments or other adverse conditions affecting the site.

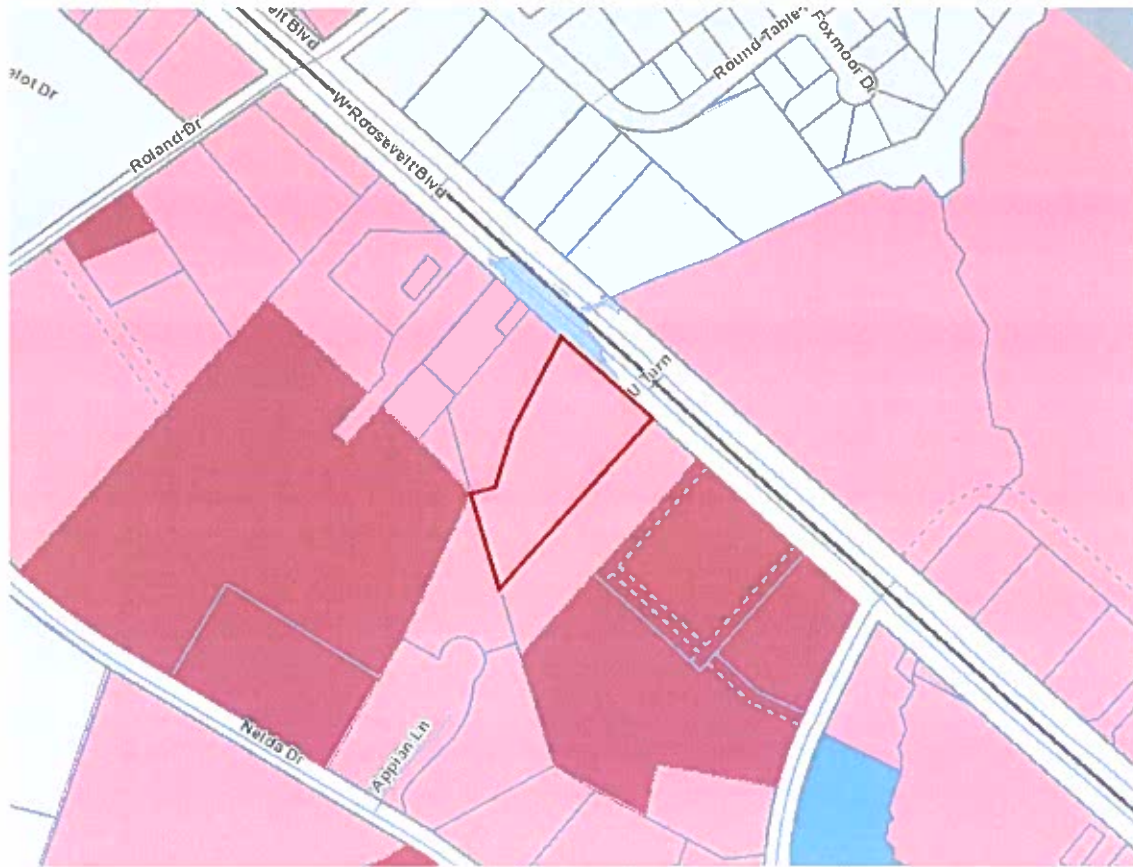




ZONING

The property is currently zoned G-B, General Business.

The zoning is controlled by the City of Monroe and the proposed use requires a special use permit.



IMPROVEMENTS

The subject property is currently improved with a 14,410 sq. ft. commercial building that is used for multiple uses. This building was built around 2009 and it appears to be in average condition.



SURROUNDING PROPERTIES



The subject is located on a part of a 3.144 acre parcel of land on Roosevelt Boulevard. This is the main commercial corridor in Monroe. The properties adjacent to the subject are commercial properties. Uses in the area include retail buildings, restaurants, offices and convenience stores. The majority of the buildings are occupied.

The zoning in the area is General Business along Roosevelt Boulevard. The area is stable and demand is average to good.

The adjoining properties are:

09-259-001A	Commercial Building
09-261-007	Commercial Building
09-301-002J	1.22 acres of vacant land
09-259-068	Car Dealership

THE EFFECT ON ADJOINING PROPERTY

The planned use will be special events such as receptions and meetings. Other locations where special events are allowed will be studied to determine if the planned use will impact the value of the adjoining property.

Areas Examined

1) Rolling Hills Country Club – Roosevelt Boulevard - Parcel 09-259-067

This property is located on Roosevelt Blvd. This is located in a commercial and residential area. The country club holds special events such as weddings and meetings. There is one sale that joins this site that was sold in October of 2011 for \$950,000. This price is similar to other sites on Roosevelt Boulevard that have sold and the use of the club for special events did not affect the sale price.

2) Masonic Lodge – Franklin Street – Parcel #09-231-061

The masonic lodge is located on the corner of Franklin St and Hough Street. The area surrounding this parcel is made up of residential and commercial uses. The last commercial sale that closed in this area is a retail building across the street from the subject that sold for \$200,000 on February 1, 2008. The price per sq. ft. of this sale is similar to commercial sales that are not in the area of a lodge.



There have been two house sales that closed on Talleyrand next to the subject. These sales closed in 2009 and 2010. The price per sq. ft. of each sale was similar to the other sales that are not located next to lodges. The commercial parcel is 09-231-060 and the residential parcel numbers are 09-231-073 and 074.

3) American Legion Post 27 – Sutherland Avenue – Parcel 09-188-054

This parcel is located on Sutherland Avenue and it is surrounded by commercial, industrial and residential uses. A single family house that joins the site sold in 2005 for \$63,000, which is similar to other sales of houses that did not join lodges. This parcel number was 09-188-014.

4) Treehouse Vineyard – Bay St – Parcel 09-238-125

The vineyard hosts private events, tours, and ceremonies. It is surrounded by small residential development. 204 Fallingtree Ln abuts the property and sold in 2014 for \$135,900 (\$72.91/sqft). It is located in Bramblewood subdivision and the sale is similar to neighborhood's overall price trend. The event center did not have an impact on the sale price.

FINAL CONCLUSION

The subject property is located in the main commercial corridor of Monroe. The area is commercial with commercial uses all along Roosevelt Boulevard as well as some commercial uses on Williams Road. The client plans to use the building as an events center.

After examining other special event locations in Monroe, it is the appraiser's opinion that using the site for special events will not substantially injure the value of the abutting or adjoining property.

Rob Morrison, Appraiser
Home – 815 Bridgewater Drive
Monroe, N. C. 28112
Office – 613 Euclid Street
Monroe, N. C. 28110

NC State Certified General Appraiser #A-400
SC State Certified #CG-2637

EDUCATION

BA Degree – University of North Carolina Charlotte – 1974

APPRAISAL COURSES ATTENDED AND PASSED WITH EXAM

Course 101 – Introduction to Appraising Real Property
Society of Real Estate Appraisers – May 1992

Course 201 – Principals of Income Property Appraising – May 1985
Society of Real Estate Appraisers – May 1985

Course 202
Society of Real Estate Appraisers – January 1991

North Carolina State Certification
General Certification – 1990

Course Part A Standards of Professional Practice
Appraisal Institute – 1992

USPAP – 2003

NC Rules and Appraisal Guidelines
2004

USPAP Update/Appraising Small Subdivisions
2005

APPRAISAL COURSES PASSED BY CHALLENGING EXAMS

Course 8 – Appraising the Single Family Residence
American Institute of Real Estate Appraisers – 1980

Course 102 – Applied Residential Property Valuation
Society of Real Estate Appraisers – November 1986

Course 1-A1 – Real Estate Principals
American Institute of Real Estate Appraisers – 1987

Course 1-A2 – Basic Valuation Procedures
American Institute of Real Estate Appraisers - 1987

Introduction to Review Appraisal
McKissock Data Systems – June 1997

Fourteen hours of continuing education per year 1998-2002

Trouble Appraisals – Eric Little – June 2002

WORK HISTORY

1985 to Present – Morrison Appraisal, Inc. – President
Real Estate Appraiser – Residential and Non-Residential
Fee Panel – FHA

1983 – 1985 Self-Employed as Real Estate Appraiser

1977 – 1985 Real Estate Broker
Received Broker License in 1977

1975 – 1977 Real Estate Appraiser for Union County Tax Office

APPRAISAL SEMINARS

Highest and Best Use	AIREA
Demonstration Report Writing	SREA
Standards of Professional Practices	SREA
R-41 C Seminar	League of Savings and Loan

CONTINUING EDUCATION

NC Department of Transportation
Appraisals of Highway Right of Ways – 1993

Revised URAR Form
Appraisal Institute – May 1994

Fair Lending
Appraisal Institute – July 1994

Real Estate Update
Union County Board of Realtors – February 1995

Residential Applications
Mingle Institute – May 1996

PROFESSIONAL ORGANIZATIONS

National Associations of Realtors
Union County Board of Realtors

PARTIAL LIST OF APPRAISAL CLIENTS

First Citizens
Branch Banking & Trust
Whitley Mortgage
State Employees Credit Union
Bank of America
American Bank and Trust
FHA Approved Appraiser





ACCTNO	OWNERNAME1	OWNERADDRE	OWNERCITY	STATE	OWNERZIP
09259001	TY-PAR REALTY INC	P O BOX 748	MONROE	NC	28111-0748
09259001A80	PENNINGTON REALTY GROUP LLC	1236 FIRETHORN CLUB DR	WAXHAW	NC	28173
09259001A90	PENNINGTON REALTY GROUP LLC	1236 FIRETHORN CLUB DR	WAXHAW	NC	28173
09259068	MSG COMMERCIAL PROPERTIES LLC	PO BOX 1699	MONROE	NC	28111
09261008C	ATLANTIC SKYLINE INVESTMENT LLC	2714 BRIDLE BROOK WAY	CHARLOTTE	NC	28270
09301002	TY-PAR REALTY INC	P O BOX 748	MONROE	NC	28111-0748
09301002C	ESSENCE OF THE CROSS MINISTRY (ECM)	PO BOX 571	MONROE	NC	28111
09301002J	ESSENCE OF THE CROSS MINISTRY (ECM)	PO BOX 571	MONROE	NC	28111
09259068	MSG COMMERCIAL PROPERTIES LLC	PO BOX 1699	MONROE	NC	28111
09301002	TY-PAR REALTY INC	P O BOX 748	MONROE	NC	28111-0748
09301002H	ESSENCE OF THE CROSS MINISTRY	2310 APPIAN LN	MONROE	NC	28110
09259068	MSG COMMERCIAL PROPERTIES LLC	PO BOX 1699	MONROE	NC	28111
09259068	MSG COMMERCIAL PROPERTIES LLC	PO BOX 1699	MONROE	NC	28111
09259118	UNION-ANSON COUNTY HABITAT	P O BOX 1688	MONROE	NC	28111
09301002	TY-PAR REALTY INC	P O BOX 748	MONROE	NC	28111-0748
09259001E01	TY-PAR REALTY INC	P O BOX 748	MONROE	NC	28111-0748
09259068	MSG COMMERCIAL PROPERTIES LLC	PO BOX 1699	MONROE	NC	28111
09261008B	SHRI VASUDEV HOSPITALITY LLC	412 W ROOSEVELT BLVD	MONROE	NC	28110
09259001B	TY-PAR REALTY INC	P O BOX 748	MONROE	NC	28111-0748
09259068	MSG COMMERCIAL PROPERTIES LLC	PO BOX 1699	MONROE	NC	28111
09261006	ROOSEVELT CENTER GROUP LLC	129 LEAFYCREEK DR	MORRISVILLE	NC	27560
09261007	PLAYER FAMILY ASSOCIATES	8820 ROSLARE VILLAS COURT	CHARLOTTE	NC	28226