

**BOARD OF ADJUSTMENT MEETING  
THURSDAY, JULY 24, 2025**

**6:00 P.M.**

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

**AGENDA**

- Item 1.      Call to Order – Roll Call**
- Item 2.      Appoint Chair**
- Item 3.      Pledge of Allegiance and Moment of Silence**
- Item 4.      Adopt Agenda**
- Item 5.      Conflicts of Interest**
- Item 6.      Approval of Minutes– May 22, 2025**
- Item 7.      Quasi-Judicial Statement**
- Item 8.      PLZONA-2025-00213 Appeal - The Board of Adjustment is requested to consider an Appeal of Planning Staff's zoning determination from Joe Rybinski of Double Eagle Properties LLC of new gravel driveways and a gravel parking area at 400 Sanford Street. (Parcel ID 09-235-190A)**
- Item 9.      Next Meeting: Thursday, August 28, 2025**
- Item 10.     Adjournment**

***ATTENTION BOARD MEMBERS:***

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

***cc:      Al Benschhoff, Attorney  
         Jeff Wells, Assistant City Manager  
         Lisa Stiwinter, Director of Planning & Development  
         Planning Staff***

**MINUTES OF THE  
BOARD OF ADJUSTMENT MEETING  
May 22, 2025, at 6:00 P.M.  
Council Chambers  
300 W. Crowell St., Monroe, NC**

To HR: 05/27/25

**Item 1. Call to Order – Roll Call**

Corey Noland called the Board of Adjustment meeting to order at 6:00 p.m. Kimberly Davis, Administrative Assistant, called the roll.

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

Members Absent: None

Staff Present: TC Morphis, BOA Attorney; Lisa Hollowell, Asst. City Manager; Jeff Wells, Asst. City Manager; Doug Britt, Asst. Director of Planning and Dev; Megan Brightharp, Planner 1; Patrick Blaszyk, Planner 1; Kimberly Davis, Admin. Asst. II

Guests: Jennifer Loria; Oktawian Rybinski, Mariusz Wizgach; Roger Harry; Ryan Tino; Kat Stegeman; Dean Stump; Lanny Stack; Susan Volz;

**Item 2. Appoint Chair**

**Motion:** Ryan Haywood made a motion to appoint Corey Noland to serve as Acting Chair for this May 22, 2025, Board of Adjustment Meeting.

**Second:** Thomas Loria

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

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

**NAYS:** None

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

**Item 4. Adopt Agenda**

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

**Second:** Ryan Haywood

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

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

**NAYS:** None

**Item 5. Conflicts of Interest** – None noted.

**Item 6. Approval of Minutes** – Minutes of March 27, 2025

**Motion:** Ryan Haywood made a motion to approve the minutes of the March 27, 2025, meeting.

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

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

Attorney T.C. Morphis - This is for the audience, and it is a brief explanation of what the Board of Adjustment does. This is a quasi-judicial hearing, which means it is like a court hearing. North Carolina law sets specific procedures and rules concerning how this board of adjustment must make its decisions. These rules are different from other types of land use decisions, such as a rezoning. This board's discretion is limited. This board must base its decisions on competent, relevant and substantial evidence in the record. A quasi-judicial process is not a popularity contest. It is a decision limited by the standards in the zoning ordinance and based on the facts presented. If you will speak as a witness, please focus on the facts and ordinance standards, not personal preference or opinion. Participation is limited by state law and this meeting is open to the public. Everyone is welcome to watch and parties with standing have rights to participate fully. Parties may present evidence, call witnesses and make legal arguments. Parties are limited to the town, applicants and individuals who can show that they will suffer special damages. Other individuals may serve as witnesses when called by the chair. General witness testimony is limited to facts, not opinions. For certain topics, this board needs to hear opinion testimony from expert witnesses. These topics include impacts on property values and increased traffic. Persons providing expert opinion must be qualified as experts and provide the factual evidence on which their opinions are based. Witnesses may be cross-examined by parties with standing and witnesses must swear or affirm their testimony.

**Item 8. PLSUP 2025-00183 Special Use Permit - The Board of Adjustment is requested to consider a Special Use Permit request from Kat Stegeman in order to conduct the use of indoor recreation with an escape room at 300 North Hayne Street. (Parcel ID 09-232-029)**

Doug Britt, Patrick Blaszyk, Kat Stegeman, Dean Stump and Susan Volz came forward and were sworn in.

Patrick Blaszyk, Planner 1, presented the proposed findings:

1. The property located at 300 North Hayne Street, is owned by Walters Investment Holdings LLC and B&C Land Holdings LLC, is proposed to be leased by Kat Stegeman and is zoned DG-MX (Downtown Gateway Mixed Use). (Exhibit 1, 2 & 3). Exhibit 1 is the Ortho Map where the subject property can be seen highlighted in blue. Exhibit 2 is a Zoning Map for the area where the subject property is highlighted in blue and is zoned DG-MX. The majority of the parcels in the area share the same zoning designation, but parcels to the south are zoned DC-MX for Downtown Central Mixed Use. Exhibit 3 is a copy of the deed to the property.
2. A Special Use Permit application was submitted on March 20, 2025 by Kat Stegeman requesting to conduct the use indoor recreation at 300 North Hayne Street in the DG-MX zoning district. The proposed type of indoor recreation by the applicant is an escape room.

(Exhibit 4) Exhibit 4 is a copy of the Special Use Permit Application.

3. Table 7.1. – Table of Permissible Uses from Section 7.1 of the City of Monroe Unified Development Ordinance (UDO) displays how a Special Use Permit is required in order to conduct the use of indoor recreation in the DG-MX zoning district: (Exhibit 5) Exhibit 5 shows how a Special Use Permit is required and is highlighted in yellow.
4. All adjoining property owners have been notified of the Special Use Permit. (Exhibit 6 & 7) Exhibit 6 is the APO Map where the subject property is indicated by a red star. There was a total of forty-three parcels that were notified. Staff received a few general inquires. We also received two emails for this request and one email against this request (due to parking concerns in the area). Exhibit 7 is the APO List.

The Board began with questions for Mr. Blaszyk. The current on-street parking, as well as the public parking throughout downtown, would satisfy the requirements for parking. The total building is 10,000 square feet. This business use complies with all regulations and standards with the City of Monroe.

Kat Stegeman, at 300 North Hayne Street, Downtown Monroe, approached the podium to answer questions. The proposed business will be in about 5,000 square feet. Due to the nature of the business as an escape room, the amount of people will never reach capacity since escape rooms do not generally have more than four cars, at most, and that is if they are completely sold out. Her heart is to be a partner with the community. She anticipates doing cross-promotional opportunities with other downtown businesses, such as their soft launch at the Historic Belk Mansion. It was a great success with the players as well as the local business owners.

Dean Stump, owner of The Courthouse Bar at 101 West Franklin, approached the podium and spoke in favor of Kat Stegeman and the escape room.

Susan Volz, owner of The Belk Mansion, approached the podium and spoke in favor of Kat Stegeman and the escape room. She spoke also about how Kat Stegeman took a poll on social media sites about the proposed escape room and received favorable results.

**Motion: Corey Noland made a motion to adopt the Findings of Fact from Planning as well as to receive the exhibits that have been introduced.**

**Second: Thomas Loria**

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

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

**NAYS: None**

**I. Completeness of Application:**

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

**II. Special Use General Standards:**

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

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

**Motion:** Corey Noland made a motion that the standard is met. (The Board) heard testimony from the applicant that concerns regarding occupancy are not necessarily an issue. The building will have staggered attendance. They will comply with other health and safety guidelines.

**Second:** Ryan Haywood

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

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

**NAYS:** None

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

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

**Motion:** Corey Noland made a motion that the standard is met based on Planning's testimony in this matter as well as the exhibits that have been received into evidence.

**Second:** Ryan Haywood

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

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

**NAYS:** None

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

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

**Motion:** Thomas Loria made a motion that the standard is met and will not affect the surrounding properties or community. It will be all inside and the parking sounds like it is taken care of and, with the staggered entry times, it will not overwhelm that corner or the surrounding businesses.

**Second:** Corey Noland

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

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

**NAYS:** None

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

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

**Motion:** Ryan Haywood made a motion that the standard is met based on the Findings of Fact and testimonies we have today as well as the fact that the petitioners are following the process to seek the Special Use Permit for the building in line with the code.

**Second:** Corey Noland

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

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

**NAYS:** None

### III. Permit Action

A. **Corey Noland made a motion to GRANT the Special Use Permit.**

**Second:** Thomas Loria

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

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

**NAYS:** None

**Item 9.** **PLZNA-2025-00186 Variance** - The Board of Adjustment is requested to consider a variance request from Roger Harry requesting a variance from the minimum side yard setback for a corner lot for a single family detached home in the Residential Low Density (RLD) district in order to bring a home currently under construction into compliance at 103 Buck Hill Road. (Parcel ID 09-244-022)

Megan Brightharp and Roger Harry came forward and were sworn in.

Megan Brightharp, Planner 1, presented the proposed findings:

1. The property located at 103 Buck Hill Road is owned by Roger Harry and Ryan Tino and is zoned RLD (Residential Low Density). (Exhibit 1-3) Exhibit 1 is a copy of the Ortho Map showing the subject property highlighted in blue. The subject property is located south of Buck Hill Road and west of Markway Street. The house shown in the Ortho Map is the house that was previously at this address. Exhibit 2 is a copy of the Zoning Map showing the subject property highlighted in blue. The subject property, as are the surrounding parcels, are zoned RLD (Residential Low Density). Exhibit 3 is a copy of the Deed to the property showing that Roger Harry and Ryan Tino are the property owners.
2. On January 17, 2024, a demolition permit was applied for to demolish the existing house at 103 Buck Hill after succumbing to a structure fire. (Exhibit 4) Exhibit 4 is a copy of the Demolition Permit.
3. In April 2024, a building permit application was submitted for a single-family home at 103 Buck Hill Road. During the course of the application review process, multiple versions of the plot plan were submitted, confirming that the proposed house would meet the minimum district setbacks of the RLD (Residential Low-Density) district. (Exhibit 5 and 6) Exhibit 5 is a copy of the Building Permit. In the building permit, Planning staff enter conditions that must be met in order to receive their Certificate of Occupancy.

Applicants are required to provide a foundation survey, schedule a zoning inspection and the structure must meet the minimum building setbacks of that district. Those setbacks for this district are 25-ft from the front, 15-ft from the side, 20-ft from the corner side and 20-ft from the rear. Exhibit 6 is a copy of the original plot plan that was submitted showing that the proposed structure would meet the minimum district setbacks.

4. In October 2024, a document that was submitted and earmarked as the “As-Built Survey” was reviewed by planning staff and approved. (Exhibit 7) Exhibit 7 is a copy of the survey that was submitted as the “as-built” survey showing that the structure would meet the minimum district setbacks.
5. In March 2025, the Zoning Inspection of the home was also passed by planning staff.
6. In March 2025, Planning Staff was contacted by the applicant and were made aware that after having the property surveyed by a different surveyor, it was discovered that the home had been built into the side yard setback.
7. A variance application was submitted on March 28, 2025 by Roger Harry requesting a 1 ½ -foot variance from the minimum side yard setback for a corner lot of 20’ in order to bring a previously constructed single family detached home into compliance. (Exhibit 8 and 9) Exhibit 8 is a copy of the application. Exhibit 9 is a copy of the site survey showing that the side of the home encroaches into the minimum street side yard setback which is 20-ft. The house is 18.7-ft and then the side porch is 14.5-ft.
8. Unified Development Ordinance (UDO) Table 4.2.2 entitled “RLD District Development Standards Table” states in relevant parts, “side setbacks: 20’ (corner lot)”. (Exhibit 10) Exhibit 10 is a copy of Table 4.2.2 “RLD District Development Standards Table” showing in highlight that the side setback from a corner lot is 20-ft.
9. All adjacent property owners have been notified of the proposed variance. (Exhibit 11 and 12) Exhibit 11 is the APO List and Exhibit 12 is the APO Map. Nineteen properties were notified. Five phone calls were received, but they were all inquiries about what the case is about. Once it was explained then there weren’t any additional questions on the matter.

The Board began asking Ms. Brightharp questions. The home is physically completed, but the builder does not have a Certificate of Occupancy yet. The house is under contract which is why the property was surveyed by a different surveyor.

The applicant, Roger Harry, with Gatewood Builders, came to the podium for questions. The building is complete and everything has been applied for pending this variance. Not having this variance approved would have a major financial impact of six figures since the house would have to be altered. The applicant has built houses for twenty years and explains the process. He calls a surveyor and asks him to pin the footings. Stakes are put in the ground and the footing is laid out all based on the plot plan which is approved by the city which is what was given to the surveyor. The house is 31-ft off the street. To the eye, it seemed like everything was in line to the plot plan that they drew. The property line on the opposite side is about 10-ft from the neighbor. It is an older neighborhood and some things were grandfathered in. Visually, there was nothing that

caused a red flag and that the footings had been pinned incorrectly. They dug the footings and moved forward as intended and then the City had to submit a foundation survey prior to scheduling roughing and framing inspections. Usually, by that time, the house is already built. The plot plan does not have to be a survey, but they have one that got submitted in error from a reputable company. The original house, from the first picture, is demolished and is about 10-ft off the property line. The new house has been moved back and built 18.7-ft off the property line. The property was listed and buyers gave them a new survey after the property was already surveyed two times. The house is in-line with the house behind it and represents the neighborhood very well.

**Motion:** Corey Noland made a motion to adopt proposed Findings 1-9 as well as accept into evidence Exhibits 1-12.

**Second:** Thomas Loria

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

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

**NAYS:** None

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

**Motion:** Corey Noland made a motion that an unnecessary hardship would result from the strict application of the ordinance based on testimony of the severe economic impact that a strict application would cause to this ongoing project.

**Second:** Ryan Haywood

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

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

**NAYS:** None

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

**Motion:** Thomas Loria made a motion that the hardship is peculiar to the applicant's property based on the multiple surveys and the failure with those surveys.

**Second:** Corey Noland

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

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

**NAYS:** None

3. It is the Board's CONCLUSION that the hardship **is/is not** the result of the applicant's own actions.

**Motion:** Corey Noland made a motion that the hardship is not the result of the applicant's own actions because of the detailed testimony surrounding the circumstances of the surveys that were done in this matter. Surveys that, it was reasonable for the applicant to rely on.

**Second:** Thomas Loria

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

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

**NAYS:** None

4. (a) It is the Board's CONCLUSION that the variance **is/is not** consistent with the spirit, purpose, and intent of the ordinance.

**Motion:** Corey Noland made a motion that the variance **is** consistent with the spirit, purpose, and intent of the ordinance because the issues are not ones caused by the applicant. There are no safety concerns in granting the variance. There have been no concerns raised by any adjacent property owners in the record.

**Second:** Ryan Haywood

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

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

**NAYS:** None

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

**Motion:** Thomas Loria made a motion that in **granting** the variance, public safety **will** be secured and substantial justice **will** be achieved since the difference is only a foot and a half.

**Second:** Corey Noland

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

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

**NAYS:** None

**Motion:** Ryan Haywood made a motion to approve the variance request **PLZNA 2025-00186**.

**Second:** Corey Noland

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

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

**NAYS:** None

**Item 10.** **PLZNA-2025-00188 Variance** - The Board of Adjustment is requested to consider this variance request from Lanny Stack requesting a variance from the minimum side yard setback for an accessory structure in a residential district in order to bring into compliance an accessory structure currently under construction at 1701 Polk Street. (Parcel ID 09-188-001)

Megan Brightharp and Lanny Stack came forward and were sworn in.

Megan Brightharp, Planner 1, presented the proposed findings:

1. The property located at 1701 Polk Street is owned by Ivy H. Stack and is zoned RMD (Residential Medium Density). (Exhibit 1-3) Exhibit 1 is a copy of the Ortho Map showing the subject property highlighted in blue. Subject property is located east of Morgan Mill, north of Polk Street and northeast of North Sutherland Avenue. Exhibit 2 is a copy of the Zoning Map showing the subject property highlighted in blue. The subject property, as are the contiguous parcels, are all zoned RMD (Residential Medium Density) and are surrounded by parcels that are zoned General Industrial, General

Business and some that are Conditional Districts. Exhibit 3 is a copy of the Deed to the property showing that Ivy H. Stack is the property owner.

2. On March 20, 2025, a building permit application was submitted for an accessory building at 1701 Polk Street. Included with the application was a survey of the subject property showing the accessory structure that is currently under construction, with the front corner shown being 9.7 feet away from the side property line. (Exhibit 4) Exhibit 4 is a copy of the Building Permit Application.
3. A variance application was submitted on April 1, 2025 by Lanny Stack requesting a .3-foot variance from the minimum side yard setback of 10' in order to bring into compliance the accessory structure currently under construction. (Exhibit 5 and 6) Exhibit 5 is a copy of the Application. Exhibit 6 is a copy of the Site Plan where the applicant is proposing to locate the proposed garage. In showing where the variance will be needed, the bottom left corner is 9.7 feet away from the property line.
4. The Unified Development Ordinance (UDO) Section 157.7.5 entitled "Accessory Uses and Accessory Structures" states in relevant parts:
  - A. General Accessory Use Standards. 9. Setbacks: a. Within a residential district, shall not be located closer than ten (10) feet to a property line, (Exhibit 7) Exhibit 7 is a copy of UDO Section 157.7.5 entitled "Accessory Uses and Accessory Structures." Highlighted is the setback information stating "Within a residential district, shall not be located closer than 10-ft to a property line."
5. All adjacent property owners have been notified of the proposed variance. (Exhibit 8 and 9) Exhibit 8 is the APO List and Exhibit 9 is the APO Map. Twenty parcels were notified with no responses.

The Board had no questions for staff.

Lanny Stack came to the podium in order to answer the Board's questions. Without an official estimate, the applicant said the hardship would cost \$20,000 to \$30,000 to bring the house into compliance without the variance. Visible stakes were on the corners of the property line and that is what they used. During the course of excavation, the tractor bucket caused the footing to get out-of-line. When the foundation wall was being poured, the mason asked if he could move over by one brick to fulfill the building code and it looked like they had three inches to spare. After the survey, they realized it is not the distance they thought. The Board had no other questions.

**Motion:** Corey Noland made a motion to adopt the proposed Findings of Fact 1-5 as well as an additional Finding of Fact that, if the variance was not granted, there would be significant economic harm to the applicant. Another Finding of Fact is that the applicant's plan for the site was within the standards, setbacks and, only until a request to alter set plan by the mason on the property, did the building come out of conformity with the standards.

**Second:** Thomas Loria

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

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

**NAYS: None**

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

**Motion:** Corey Noland made a motion that an unnecessary hardship would result from the strict application of the ordinance based on the testimony of the applicant. The applicant would economically suffer to bring this building back within conformity absent the variance.

**Second:** Ryan Haywood

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

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

**NAYS:** None

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

**Motion:** Thomas Loria made a motion that the hardship is peculiar to the applicant's property in that it is only three inches.

**Second:** Corey Noland

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

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

**NAYS:** None

3. It is the Board's CONCLUSION that the hardship **is/is not** the result of the applicant's own actions.

**Motion:** Corey Noland made a motion that the hardship is not the result of the applicant's own actions because the applicant was striving to make sure this building was within conformity and, with a request from the mason who was working on the property, that plan was adjusted.

**Second:** Thomas Loria

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

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

**NAYS:** None

4. (a) It is the Board's CONCLUSION that the variance **is/is not** consistent with the spirit, purpose, and intent of the ordinance.

**Motion:** Thomas Loria made a motion that the variance is consistent with the spirit, purpose, and intent of the ordinance because he is beautifying the property and increasing property value.

**Second:** Corey Noland

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

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

**NAYS:** None

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

**Motion:** Corey Noland made a motion that in granting the variance, public safety will be secured, and substantial justice will be achieved. There has been no evidence of any public safety concerns with this .3-ft that is discussed and substantial justice will be achieved in that the applicant will be able to use the new building for the intended purpose without suffering unnecessary financial hardship.

**Second:** Ryan Haywood

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

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

**NAYS:** None

**Motion:** Ryan Haywood made a motion to grant the variance request PLZNA 2025-00188 of .3-ft based on the conclusions set forth.

**Second:** Corey Noland

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

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

**NAYS:** None

**Item 11.** PLZONA-2025-00213 Appeal - The Board of Adjustment is requested to consider an Appeal of Planning Staff's zoning determination from Joe Rybinski of Double Eagle Properties LLC of new gravel driveways and a gravel parking area at 400 Sanford Street. (Parcel ID 09-235-190A)

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

**Motion:** Corey Noland made a motion to continue the appeal request PLZONA-2025-00213 until the next meeting.

**Second:** Ryan Haywood

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

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

**NAYS:** None

**Item 12.** Next Meeting: Thursday, June 26, 2025

**Item 13.** Adjournment

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

**Second:** Thomas Loria

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

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

**NAYS:** None

The meeting was adjourned at 6:53 p.m.

Respectfully submitted,

Corey Noland  
Acting Chair

Kimberly Davis  
Clerk of the Board



**STAFF REPORT**

*Case # PLZONA-2025-00213*

**TO:** Board of Adjustment Members

**DATE:** July 24, 2025

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

**PREPARED BY:** Patrick Blaszyk, Planner

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

**SUMMARY STATEMENT**

Staff has received an appeal application from Joe Rybinski of Double Eagle Properties LLC regarding Planning Staff’s zoning determination of new gravel driveways and a parking area at 400 Sanford Street. This item was previously tabled at the May 22, 2025 Board of Adjustment Meeting.

**SITE DATA**

**Type of Action:** Appeal

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

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

**Location:** 400 Sanford Street

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

**Lot Size:** .22 Acres

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

**REVIEW**

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

3. On January 2, 2025, Planning staff sent a courtesy letter to Double Eagle Properties LLC regarding the violation of two new gravel driveways and a gravel parking area in front of the home. Staff explained that per section 8.4.3.B of the Unified Development Ordinance (UDO), new driveways must be paved, furthermore, this property is located in the Historic District and a Certificate of Appropriateness (COA) is required for new driveways as well per section 6.3.D of the UDO. (Exhibit 5 & 6)
4. On January 21<sup>st</sup>, 2025, Planning Staff sent a courtesy email explaining that the Historic District Commission cannot approve gravel for the driveways and parking area. Planning Staff then stated that similar violations in the past have been provided three months to pave driveways or remove the gravel in order to remedy the violation. With this, Planning Staff provided the property owner would have until April 6<sup>th</sup>, 2025 to resolve the violation by either removing the gravel and putting straw and seed over the top or to apply for a COA to pave the new driveways and remove the gravel parking area in front of the house. (Exhibit 7)
5. Planning Staff conducted an inspection of the property on April 8<sup>th</sup>, 2025 and the gravel driveways and parking area had not been removed and a COA had not been applied for. With this, a Notice of Violation (NOV) was sent to Double Eagle Properties LLC. With another inspection on April 22<sup>nd</sup>, 2025 conducted by Planning Staff, the violation still remained and a 1<sup>st</sup> Civil Citation was sent to Double Eagle Properties LLC. (Exhibit 8 & 9)
6. Mr. Rybinski of Double Eagle Properties LLC contends there was an existing gravel driveway in these areas in the past. The applicant submitted photos of the site when they purchased 400 Sanford Street. The applicant also submitted an email from the grading company that installed the driveways and parking area. Section 10.1.B of the Unified Development Code states: "The burden of establishing that a nonconformity lawfully exists shall be the responsibility of the person who owns or rents the property upon which the nonconformity exists. Evidence that may be used to prove the legal status as a lawful nonconformity may include approved permits, construction plans, and records of previously approved regulations." Mr. Rybinski has not provided sufficient evidence to staff to prove a gravel driveway or parking area was located in front of the home or to the rear of the home prior to installing the gravel on or about January 2, 2025. (Exhibit 10-12)
7. While Section 10 of the Unified Development Ordinance places the burden of proof on the property owner or tenant, Planning Staff utilized various documents to identify if a driveway was in this location including past aerial images, Google Street View images and Zillow images; however, staff was unable to find documentation of a gravel driveway in front of or to the rear of the home. Furthermore, there is no evidence of a gravel driveway or parking area in front of or to the rear of the home. (Exhibit 13)
8. On April 29<sup>th</sup>, 2025 Joe Rybinski of Double Eagle Properties LLC submitted an appeal application to appeal staff's determination of this property. (Exhibit 14)
9. All adjacent property owners and those within 150-feet of the subject property have been notified of this appeal application via first class mail and a sign has also been on the property for 10 days. (Exhibit 15 & 16)

---

## RECOMMENDATION

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

Exhibit:

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




Prepared By: PB 5-29-2025

## Ortho Map

Case #: PLZONA-2025-00213

**400 Sanford Street**


### Legend

-  Parcels
-  Subject Property
-  Centerlines

**Owner: Double Eagle  
Properties LLC**

**Acres: 0.22**



0 40 80  
 Feet

**Exhibit 1**

**GORDON STREET**

**SANFORD STREET**

**EFIRD STREET**

## Zoning Map

Case #: PLZONA-2025-00213

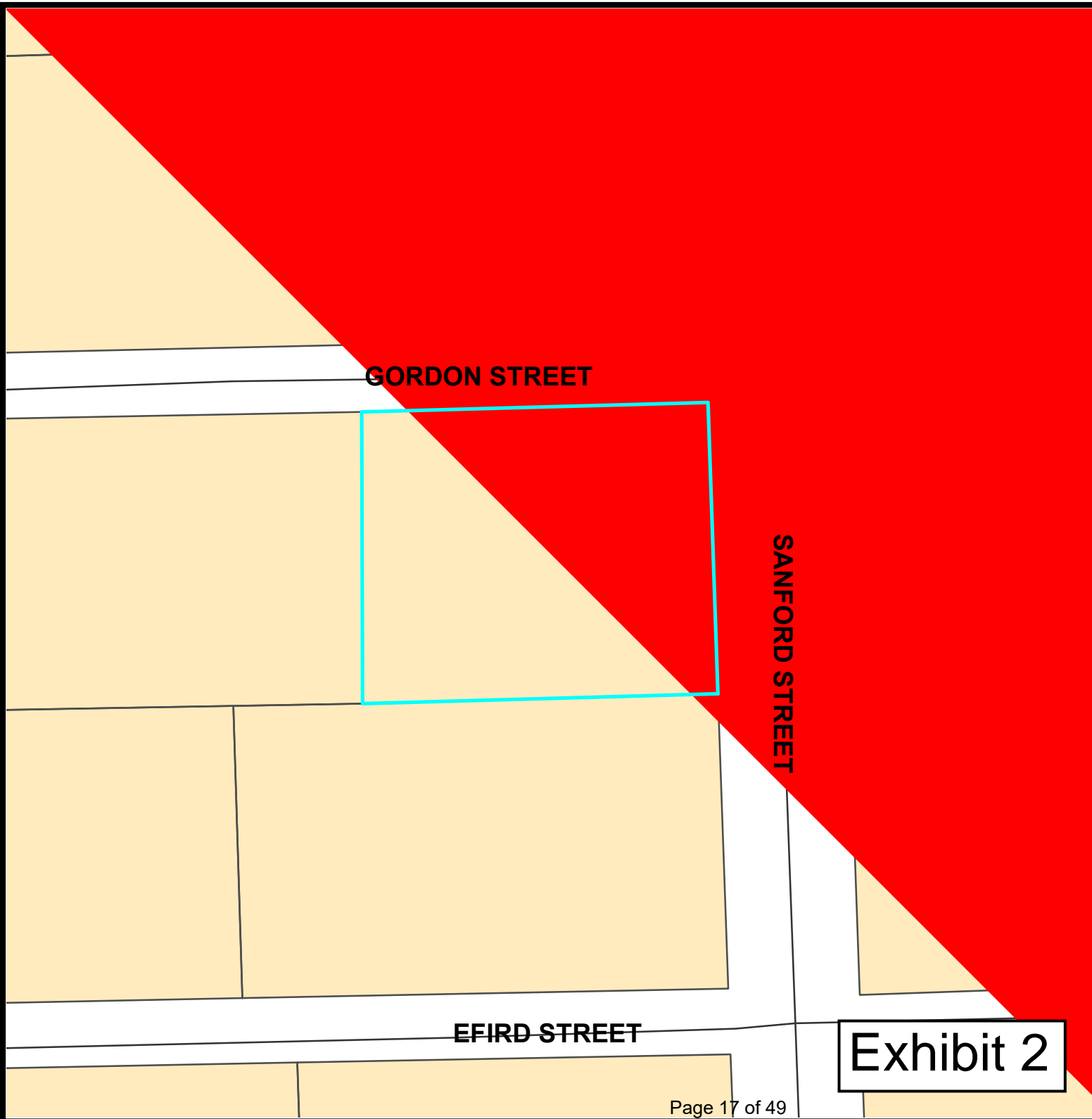
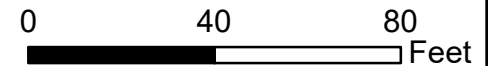
**400 Sanford Street**

### Legend

-  Parcels
-  Subject Property
-  Centerlines
-  RMD

**Owner: Double Eagle  
Properties LLC**

**Acres: 0.22**



**Exhibit 2**

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

**NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax: \$181.00

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

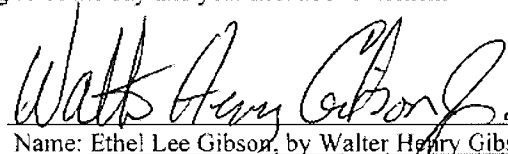
**Exhibit 3**

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

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

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

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

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

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

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

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

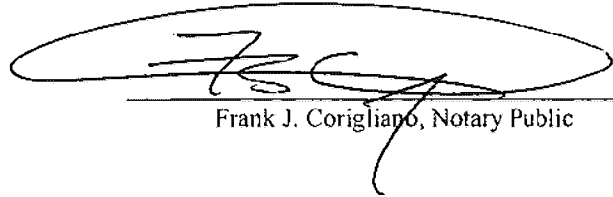
By: \_\_\_\_\_  
Print/Type Name & Title: \_\_\_\_\_

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

State of North Carolina - County of Mecklenburg

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

My Commission Expires: January 25, 2026

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

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

**EXHIBIT "A"**

Commitment No.: 2022-246

The Land is described as follows:

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

Parcel ID 09-235-190A

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



Exhibit 4

### 8.4.3. PARKING DESIGN STANDARDS

#### **B. Paving.**

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

### 6.3. HISTORIC DISTRICTS

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

Exhibit 5

January 2, 2025

Double Eagle Properties LLC  
3232 Michelle Drive  
Matthews, NC 28104

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

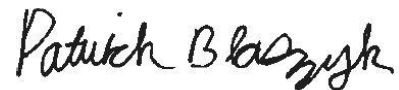
To Whom It May Concern:

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

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

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

Thank you,



Patrick Blaszyk,  
Planner

**Exhibit 6**



Tue 1/21/2025 12:24 PM

Keri Mendler <khutchins@monroenc.org>

**RE: 400 Sanford Street – Driveway**

To mariuszwizgala@gmail.com

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

Mariusz,

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

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

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

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

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

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

Thank you,

**Keri Mendler, AICP, CZO**

Senior Planner

City of Monroe

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

Monroe, NC 28112-0069

(704)-282-5797 p

(704)-283-7704 f

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



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

**Exhibit 7**



# CITY OF MONROE

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

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

April 08, 2025

DOUBLE EAGLE PROPERTIES LLC  
3232 MICHELLE DR  
MATTHEWS, NC 28104

Copy to:

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

Dear DOUBLE EAGLE PROPERTIES LLC:

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

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

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

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

**Exhibit 8**



## CITY OF MONROE

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

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

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



# CITY OF MONROE

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

## VIOLATION DETAIL

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

## OPTIONS TO REMEDY VIOLATION

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

OR

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

## PHOTOS







# CITY OF MONROE

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

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

April 22, 2025

DOUBLE EAGLE PROPERTIES LLC  
3232 MICHELLE DR  
MATTHEWS, NC 28104

Copy to:

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

Dear DOUBLE EAGLE PROPERTIES LLC:

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

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

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

Issued by: Patrick Blaszyk  
Planner

**Exhibit 9**



# CITY OF MONROE

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

STATE OF NORTH CAROLINA  
COUNTY OF UNION

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

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

**PARTIES:**  
Copy Sent To:

**ADDRESS:**

DOUBLE EAGLE PROPERTIES LLC

3232 MICHELLE DR MATTHEWS, NC 28104

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

Issued on April 22, 2025

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



# CITY OF MONROE

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

## VIOLATION DETAIL

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

## OPTIONS TO REMEDY VIOLATION

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

OR

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

## PHOTOS





## SECTION 10 NONCONFORMITIES

### 10.1. GENERAL APPLICABILITY

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

Exhibit 10



Uncontrolled plants grew into driveway.



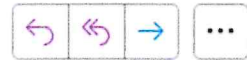
Back driveway was gravel. Soil incursion and lack of maintenance.

**Exhibit 11**

## Driveways



greg@greggersgrading.com  
To ojr@ppcac.com



6:32 AM

Good morning Joe,

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

Please call with any questions or comments.

Thank you  
Greg

**Greggers Grading, LLC**

5310 Cane Creek Rd  
Waxhaw, NC 28173

704-309-2874

Letter from grading contractor.

**Exhibit 12**

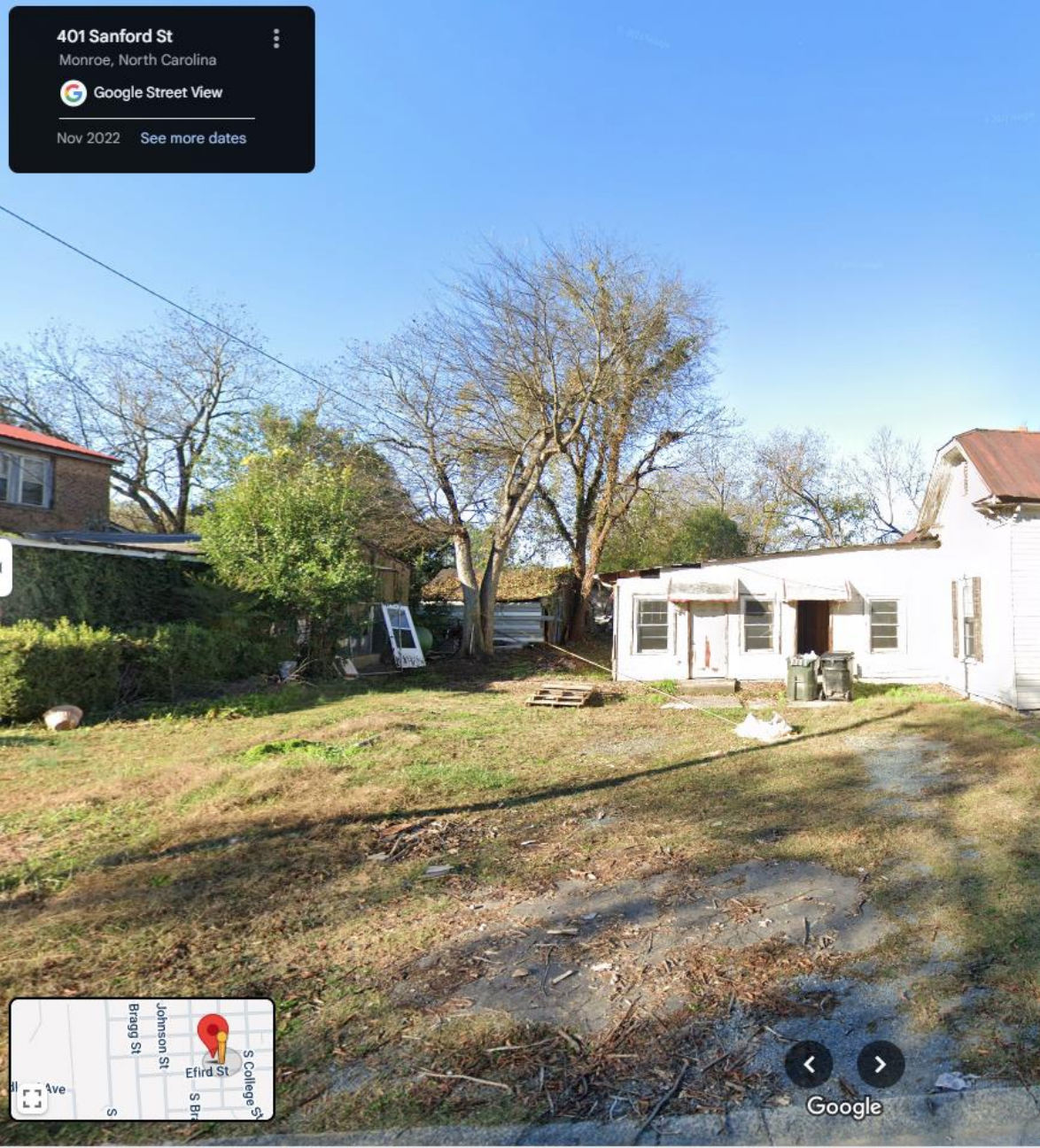
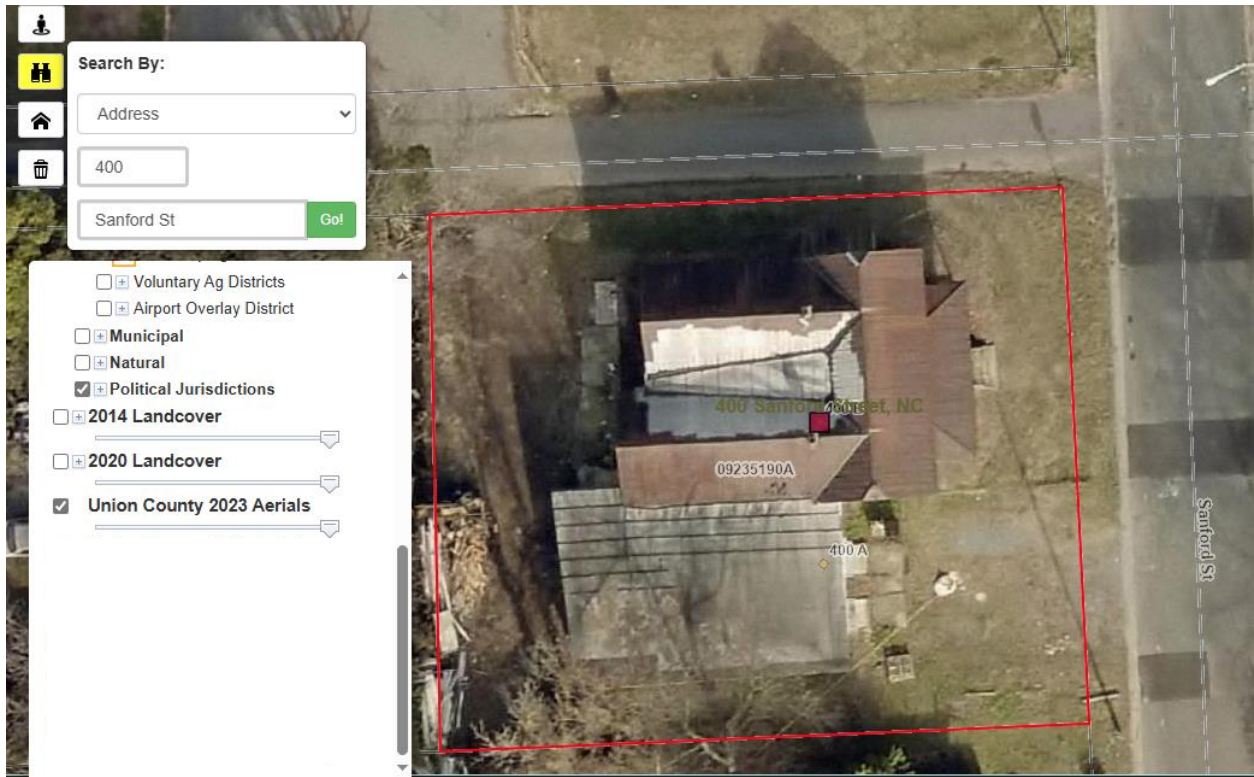


Exhibit 13









## City of Monroe Appeal Application Form

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

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

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

Oktawia Joe Rybnski  
 Applicant-Printed

  
 Applicant-Signature

April 29 2025  
 Date

  
 Signature of Zoning Officer

April 29 2025  
 Date

# Exhibit 14



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

---

April 23, 2025

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

RE 400 Sanford Street, Monroe NC

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

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

Please take notice that this is our appeal.

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

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

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

All the very best to you,

Oktawian Joe Rybinski

DOUBLE EAGLE PROPERTIES, LLC.



Uncontrolled plants grew into driveway.

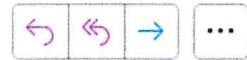


Back driveway was gravel. Soil incursion and lack of maintenance.

## Driveways



greg@greggersgrading.com  
To ojr@ppcac.com



6:32 AM

Good morning Joe,

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

Please call with any questions or comments.

Thank you  
Greg

**Greggers Grading, LLC**

5310 Cane Creek Rd  
Waxhaw, NC 28173

704-309-2874

Letter from grading contractor.

## APO Map

**PLZONA-2025-00213**

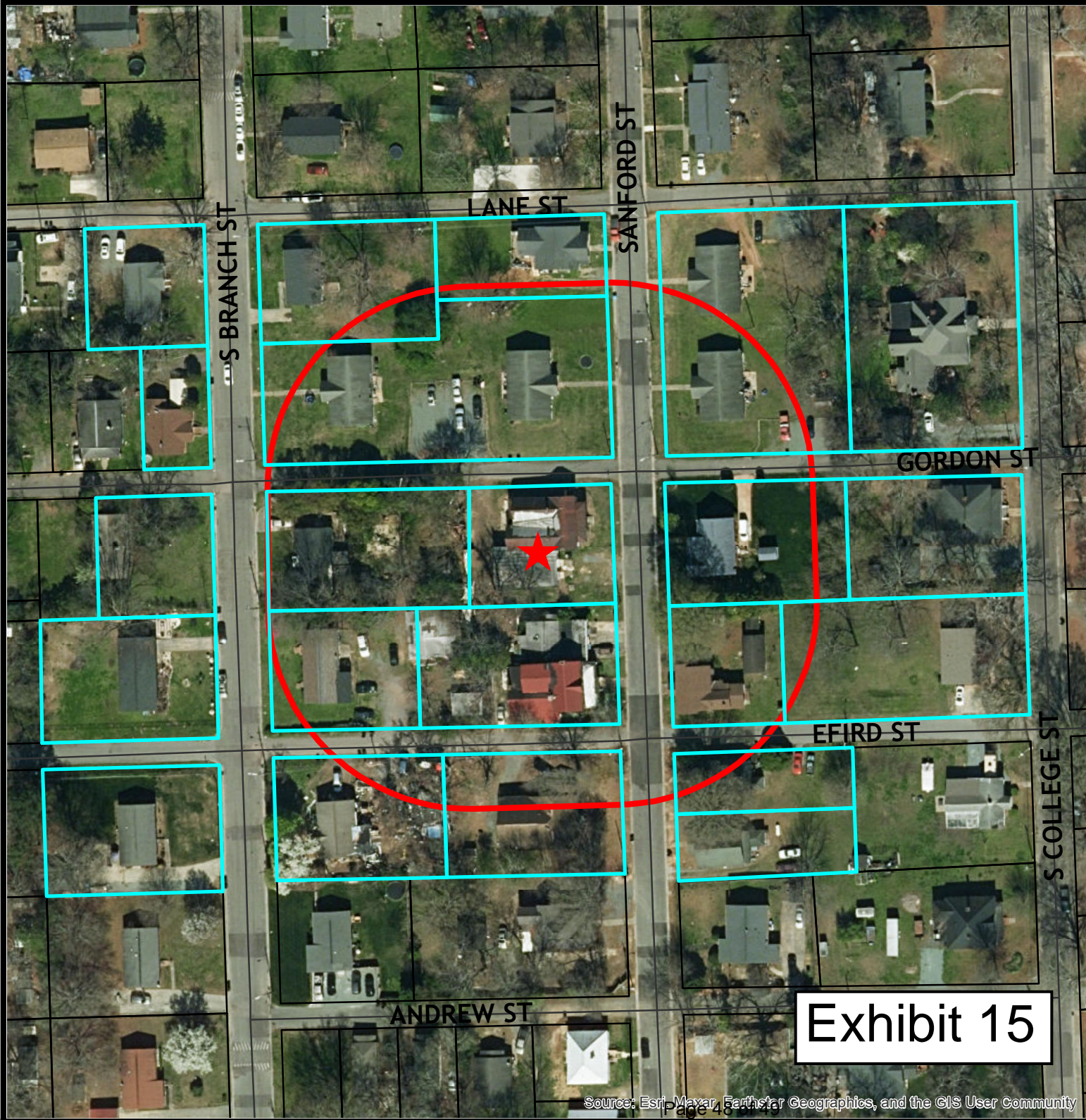
### Legend

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

**22 Parcels Notified**



**Exhibit 15**



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

Exhibit 16