

**BOARD OF ADJUSTMENT MEETING
THURSDAY, OCTOBER 23, 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– August 28, 2025**
- Item 7.** **Quasi-Judicial Statement**
- Item 8.** **PLZNA 2026-00024 Variance** - The Board of Adjustment is requested to consider a variance to deviate from the minimum lot size and minimum lot width in order to allow a new lot to be created at 508 E. Talleyrand Avenue. (Parcel ID 09-231-079) (Tabled from August 28, 2025 and continued from September 25, 2025)
- Item 9.** **PLZNA 2026-00043 Variance** - The Board of Adjustment is requested to consider a variance from the accessory structure setback requirements in a residential zoning district in order to bring an accessory structure into compliance that was installed at 2540 Arnold Drive. (Parcel ID # 09-301-081)
- Item 10.** **PLZNA-2026-00062 Variance** - The Board of Adjustment is requested to consider a variance request from Randall Wallace of Fox Valley Metrology, on behalf of Shelley Martin, from the minimum width of a Type 4 Perimeter Buffer in order to construct an addition to the existing structure at 3012 Old Charlotte Highway. (Parcel ID # 09-301-218E)
- Item 11.** **Set Date for Next Meeting: November 2025-Possible Alternate Date-**
Thursday, November 20, 2025
- Item 12.** **Attorney’s Remarks**
- Item 13.** **Adjournment**

ATTENTION BOARD MEMBERS:

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

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



STAFF REPORT

Case # PLZNA-2026-00024

TO: Board of Adjustment Members

DATE: October 23, 2025

FROM: Keri Mendler, Senior Planner

PREPARED BY: Keri Mendler, Senior Planner

SUBJECT: Eleanor McGinnis is requesting a variance from the minimum lot area and minimum lot width in order to subdivide the existing single lot into two lots at 508 E. Talleyrand Avenue (*tabled from August 25, 2025*)

SUMMARY STATEMENT

Eleanor McGinnis is requesting a variance from the minimum lot area and minimum lot width to allow for a parcel with an existing single family detached home to be subdivided to create a new lot between 508 E. Talleyrand Ave. and 512 E. Talleyrand Avenue. The property is zoned Residential Medium Density, which requires a minimum lot size of 12,000 square feet and a minimum lot width of 75-feet.

SITE DATA

Type of Action: Variance

Date of Petition: August 5, 2025

Name of Petitioner: Eleanor McGinnis

Location: 508 E. Talleyrand Avenue

Tax ID #: 09-231-079

Lot Size: 0.74 Acres

Current Zoning Classification: RMD, Residential Medium Density

REVIEW

Adopted Findings:

1. The property located at 508 E. Talleyrand Avenue is owned by Emily and Michael McGinnis

and is zoned RMD, Residential Medium Density. (Exhibits 1-3)

2. In May 2024, a lot line recombination plat was recorded that provided 10,621 square feet of land from parcel 09-231-078 (512 E. Talleyrand Avenue) to parcel 09-231-079 (508 E. Talleyrand Avenue. At the time of platting, it was noted this was a property addition to the parcel in question and not a buildable lot. (Exhibit 4)
3. A variance application was submitted on August 5, 2025 by Eleanor McGinnis requesting a variance from the minimum lot area and minimum lot size requirements for the RMD, Residential Medium Density District, to create a new buildable lot – as shown in Exhibit 4. (Exhibit 5)
4. Table 4.2.3.2. RMD District Development Standards of the Unified Development Ordinance (UDO) outlines the development standards for the RMD zoning district. The table requires a minimum lot size of 12,000 square feet and a minimum lot width of 75-feet. (Exhibit 6)
5. The proposed lot is 10,621 square feet in size and 60.61 feet wide. In order to subdivide the property, the applicant is requesting a 1,379 square foot variance to the size requirement as well as a 14.39-foot variance to the lot width requirement. (Exhibit 7)
6. All adjacent property owners have been notified of the proposed variance. (Exhibit 8-9)

Additional adopted findings by the Board of Adjustment on August 25, 2025

7. If the property is subject to the RMD standards, another dwelling cannot be built.
8. Without the variance requested, the value of the vacant portion of the property will remain empty and therefore the value will be impaired.
9. If a new property line is established that make the lot conforming to the UDO “RMD District Development Standards Table” then a portion of the existing driveway and a portion of an existing wrought iron fence will be on the new lot. The applicant testified that it would be expensive to remove the driveway and the fence.
10. The pattern of house numbers on Talleyrand Street shows the vacant portion of 508 Talleyrand Street was intended to be a building lot.
11. There is a pattern of non-conforming lots on Talleyrand Street. The lots are non-conforming in both minimum areas and lot widths.
12. The applicant stated that it is her goal to build a new dwelling consistent with the other houses on the street in both size and location on the property.

Conclusions:

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

Motion: Corey Noland made a motion that an unnecessary hardship **would** result from the strict application of the ordinance in that if the Ordinance is strictly applied, the lot cannot be built on which causes significant financial harm to the salability and value of the property.
Second: No second
Action: The motion failed with no second.

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

Motion: Thomas Loria made a motion that an unnecessary hardship **would not** result in a hardship from the strict application of the ordinance since it is currently owned by the same family.
Second: Ryan Haywood
Action: The motion failed with the following votes:
AYES: Thomas Loria, Ryan Haywood
NAYS: Corey Noland

2. It is the Board's CONCLUSION that the hardship **is** peculiar to the applicant's property.

Motion: Thomas Loria made a motion that the hardship **is** peculiar to the applicant's property due to the small size of the property.
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** the result of the applicant's own actions.

Motion: Thomas Loria made a motion that the hardship **is** the result of the applicant's own actions.
Second: Ryan Haywood
Action: The motion failed with the following votes:
AYES: Thomas Loria, Ryan Haywood
NAYS: Corey Noland

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

Motion: Thomas Loria made a motion that the variance **is not** consistent with the spirit, purpose, and intent of the ordinance.
Second: No second

Action: The motion failed with no second.

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

Motion: Corey Noland made a motion that the variance is consistent with the spirit, purpose, and intent of the ordinance.

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 the variance, the public safety **will/will not** be secured and substantial justice **will/will not** be achieved.

The Board of Adjustment did not take action on this conclusion during the August 25, 2025 meeting due to mailed prior motions.

THEREFORE, on the basis of all foregoing, IT IS ORDERED that the application Variance PLZNA-2026-00024 be (**approved/denied**).

NOTE FROM THE ATTORNEY:

The Board cannot deny a variance by failing to act. In other words, the Board has a duty to decide variances within a reasonable time. A reasonable time is not well-defined. After a “reasonable time”, an applicant may petition the Superior Court for a decision. The Court will likely grant the variance, thus taking the decision out of your hands.

A unanimous vote is required because variances must be granted by a 4/5 super-majority vote.

In this variance, the Board approved two conclusions of law in August. Conclusion 2 is in effect neutral. Conclusion 4 (a), that the variance is consistent with the spirit and purpose of the UDO, is a conclusion supporting granting he variance.

The public hearing is still open. The Board may hear additional testimony.

The Board may revisit and amend any of the adopted findings of fact or make new ones. The same is true of the conclusions of law.

Please contact me at any time if you have any questions at 980-622-6440 or benshoff@broughlawfirm.com .

Exhibits:

1. Ortho Map

2. Zoning Map
3. Deed to Property
4. Recorded Plat
5. Variance Application
6. Table 4.2.3.2
7. Proposed Lot Layout
8. APO List
9. APO Map




Prepared by: KM 8-15-25



Ortho Map

PLZNA-2026-00024

Legend

-  Centerlines
-  Parcels
-  Subject Property

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

**Owner: Emily & Michael
McGinnis**

Acres: .74

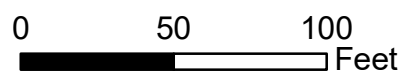


Exhibit 1

Zoning Map

PLZNA-2026-00024

Legend

- Centerlines
- Parcels
- Subject Property

Existing: RMD
(Residential Medium Density)

**Owner: Emily & Michael
McGinnis**

Acres: .74

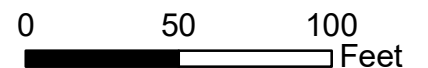


Exhibit 2

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

FILED Nov 26, 2019
AT 03:26 pm
BOOK 07527
START PAGE 0116
END PAGE 0117
INSTRUMENT # 37141
EXCISE TAX \$500.00
JT

Excise Tax: \$500.00

Tax Lot No: _____ Parcel Identifier No. 09231079
Verified by _____ County on the _____ day of _____, 2019 by _____

Mail after recording to Helms Robison Lee & Bennett, P.A.
This instrument was prepared by Travis F. Greene (tdc)

Brief Description for the index 508 E. Talleyrand Ave.

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made November 22, 2019 by and between

GRANTOR	GRANTEE
<p>Thomas Wesley Davis and wife, Jean C. Davis</p>	<p>Emily M. McGinnis and spouse, Michael D. McGinnis</p> <p><i>Mailing Address:</i> 508 E. Talleyrand Ave. Monroe, NC 28112</p>

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

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

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

Beginning at an iron stake on the south edge of Talleyrand Ave., Tilro Horton's corner, and running thence with the south edge of said Ave. S. 64-25 E. 118 feet to an iron stake, Mrs. H. F. McCauley's corner; thence with her line S. 25-75 W. 185 feet to Earnhardt's line; thence with his line N. 64-25 W. 118 feet to an iron stake, said Horton's southeast corner; thence with his line N. 25-75 E. 185 feet to the BEGINNING, and being Lot 12 of the Capt. C. M. T. McCauley Estate Lands.

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

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1469, Page 643, Union County Registry.

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

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

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

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

APPLICABLE ZONING; ANY EASEMENTS AND RIGHTS OF WAY FOR SERVICE LINES, ROADS AND UTILITIES AS MAY BORDER OR CROSS THE PROPERTY INCLUDING, IF APPLICABLE, THE SUBDIVISION STREETS AS SHOWN ON RECORDED PLAT; ANY EASEMENTS RESERVED IN THE RESTRICTIVE COVENANTS, INCLUDING HOMEOWNERS ASSOCIATION PROVISIONS; APPLICABLE RESTRICTIVE COVENANTS OF RECORD AND STREET ASSESSMENTS; 2019 REAL PROPERTY TAXES; SUBJECT TO MATTERS THAT COULD BE REVEALED BY A CURRENT ACCURATE PHYSICAL AND BOUNDARY SURVEY AND ACTUAL INSPECTION OF THE PROPERTY.

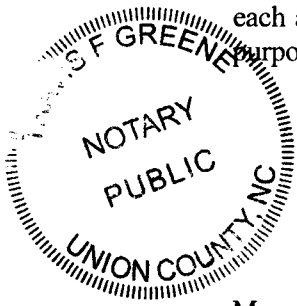
IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Thomas Wesley Davis (SEAL)
Thomas Wesley Davis

Jean C. Davis (SEAL)
Jean C. Davis

SEAL-STAMP State of North Carolina, County of Union

I, the undersigned, a Notary Public of the County and State aforesaid, certify that **Thomas Wesley Davis and wife, Jean C. Davis,** , Grantors, personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing instrument for the purpose stated therein and in the capacity indicated. This 22 day of November, 2019.



T. F. Green Notary Public
Thomas F Green
(Typed or printed name of Notary)

My commission expires: 3/25/23

FILED Jun 05, 2024
AT 09:29:00 AM
BOOK 08915
START PAGE 0520
END PAGE 0522
INSTRUMENT # 12790
EXCISE TAX \$50.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$50.00

Parcel Identifier No. 09231078 Verified by _____ County on the ____ day of _____, 20__

By: _____

Mail/Box to: The Law Office of Robert Forquer, PLLC, 110 Matthews Station Street, Suite 1E, Matthews, NC 28105

This instrument was prepared by: The Law Office of Robert Forquer, PLLC, 110 Matthews Station Street, Suite 1E, Matthews, NC 28105

Brief description for the Index: _____

THIS DEED made this 3rd day of JUN, 2024, by and between

GRANTOR

GRANTEE

Lawrence JarMark Parker and spouse Crystal A. Parker

Michael McGinnis and spouse Emily McGinnis
508 E. Talleyrand Ave.
Monroe, NC 28112

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, Monroe City, Union County, North Carolina and more particularly described as follows:

BEING that 0.24 acre of land, measuring 10,621 square feet as same is shown on that Map or Plat entitled Lot Line Revision & Physical Survey of 512 E. Talleyrand Avenue recorded in Plat Cabinet S, File 21, Union County Public Registry, reference to which is hereby made for a more complete description by metes and bounds.

This property is to be added to tax parcel 09-231079

The property hereinabove described was acquired by Grantor by instrument recorded in Book 8178 page 303.

All or a portion of the property herein conveyed X 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.

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. Easements, rights-of-way, and restrictions of record.
- 2. Ad valorem taxes for the current year, not yet due and payable.

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

 (Entity Name) Lawrence JarMark Parker (SEAL)
 Print/Type Name: Lawrence JarMark Parker

By: _____
 Print/Type Name & Title: _____ Crystal Parker (SEAL)
 Print/Type Name: Crystal A. Parker

By: _____ (SEAL)
 Print/Type Name & Title: _____ Print/Type Name: _____

By: _____ (SEAL)
 Print/Type Name & Title: _____ Print/Type Name: _____

State of North Carolina - County of Mecklenburg

I, the undersigned Notary Public of the County and State aforesaid, certify that Lawrence JarMark Parker and Crystal A. Parker 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 5th day of JUNE, 2024.

My Commission Expires: 11/7/2024

ROBERT FORQUER NOTARY PUBLIC Union County North Carolina <small>My Commission Expires November 7, 2026</small>	Notary Public
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State of _____ - County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that _____ he is the _____ of _____

_____, a North Carolina or _____ corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, _____ he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this _____ day of _____, 20_____.

My Commission Expires: _____

Notary Public

State of _____ - County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____

Witness my hand and Notarial stamp or seal, this _____ day of _____, 20_____.

My Commission Expires: _____

Notary Public

The foregoing Certificate(s) of _____
is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page
shown on the first page hereof.

_____ Register of Deeds for _____ County
By: _____ Deputy/Assistant - Register of Deeds

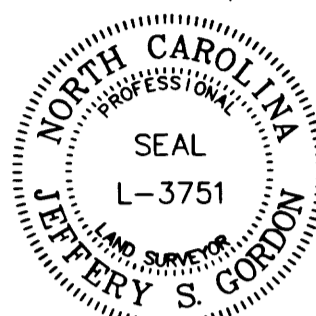
NORTH CAROLINA, UNION COUNTY

I, Jeffery S. Gordon, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed descriptions recorded in Deed Book 8178, Page 303); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, Page _____; that the ratio of precision as calculated is 1: 10,000 ±; that this plat was prepared in accordance with G.S. 47-30 as amended.

I also certify that this survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exemption or exception to the definition of subdivision.

Witness my original signature, registration number and seal this 2 day of APRIL, A.D., 2024.

Seal or Stamp



Jeffery S. Gordon
Professional Land Surveyor
Registration Number
L-3751

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (We) hereby certify that I (We) am/are the owner(s) of the property described hereon, that the property is within the subdivision jurisdiction of the City of Monroe and that I (We), hereby adopt this plan of subdivision with my, (our free consent and hereby establish all lots and dedicate to the public all streets, alleys, easements, walks, parks and other open spaces as shown hereon unless otherwise noted as private.

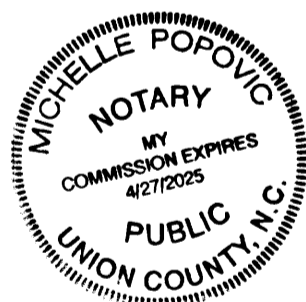
5/3/24
Date *Lawrence J. Parker*
Owner

5/3/24
Date *Crystal Parker*
Owner

NORTH CAROLINA, UNION COUNTY,

I, Michelle Popovic, THE UNDERSIGNED, A NOTARY PUBLIC OF UNION COUNTY, NORTH CAROLINA, AFORESAID-CERTIFY THAT Lawrence J. Parker and Crystal Parker PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL SEAL THIS 3rd DAY OF May, 2024

MY COMMISSION EXPIRES:



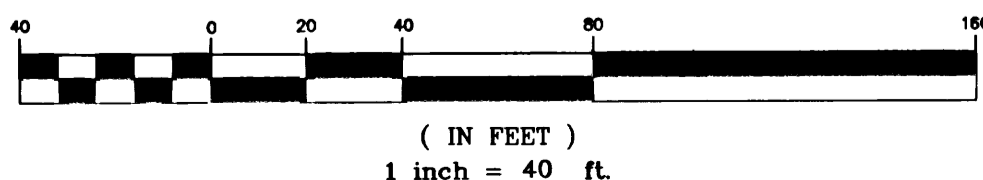
FILED May 16, 2024 02:53 pm
PLAT SLIDE 0000S - 0021
INSTRUMENT 11221
Geraldine Rodriguez
REGISTER OF DEEDS

NOTES:

- TAX I.D. #09-231-078
- AREA CALCULATED BY COORDINATES.
- NO NCGS MONUMENT FOUND WITHIN 2000'
- ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES, MEASURED WITH ELECTRONIC METERS
- #5 REBARs SET AT ALL LOT CORNERS UNLESS OTHER WISE NOTED.
- ADJOINING PROPERTY OWNERS NAMES WERE TAKEN FROM UNION COUNTY TAX OFFICE RECORDS, AND ARE CONSIDERED AS NOW OR FORMERLY
- THIS PROPERTY IS NOT SUBJECT TO A FEMA REGULATED FLOOD HAZARD ZONE, AS PER NFIP, FIRM MAP, NO. 3710543500J, PANEL 5435, EFFECTIVE DATE: 16 OCTOBER 2008.
- PROPERTY MAY BE SUBJECT TO OTHER EASEMENTS AND OR RIGHT OF WAYS, EITHER RECORDED OR IMPLIED.
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
- 10,261 SF/0.24 AC TO BE DEEDED TO TAX PARCEL #09-231-079 AS A PROPERTY ADDITION ONLY, AND IS NOT CONSIDERED A BUILDABLE LOT.

Current Zoning Information & Setbacks
RMD - City of Monroe
Minimum Lot Width = 75'
Minimum Lot Size = 12,000 SF
Front Yard Setback = 20'
Side Yard Setback = 10'
Rear Yard Setback = 10'

GRAPHIC SCALE



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City of Monroe Variance Application Form

Applicant's Name: Eleanor D. McGinnis

Applicant's Address: 505 E. Talleyrand Ave.
Monroe, NC 28112

Property Owner's Name: Emily and Michael McGinnis

Property Owner's Address: 508 E. Talleyrand Ave.
Monroe, NC 28112

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

Legal Relationship of Applicant to Property Owner: Mother

Contact Person Name and Phone Number: Eleanor McGinnis; 704-441-1180

Existing Use of Property: vacant lot

Property Location: 508 E Talleyrand Ave. Monroe, NC 28112

Tax Map Number: 09-231-078 Lot Size: _____ Zoning District: _____

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

Proposed variance description: Decrease in requirement for street frontage and total lot square footage. (plat attached)

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

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

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

See attached

1. No dwelling can be built on the lot because it does not meet the requirement for the street frontage and total lot square footage.
2. This lot, as shown on the Seaborn Map, was combined with the lot now known as #512. You can tell by the placement of 512 that this was intended to be a buildable lot. This lot has never been maintained by any of the owners of 512 and was often an eye sore to the street (used for junk, cars, etc.).
3. The hardship is the result of changes in the ordinance over the past 100+ years.
4. I believe the variance strongly supports the spirit, purpose, and intent of the ordinance.

Ellen- lot

Ellen McGinnis <ellenmcginnis15@gmail.com>
To: Ellen McGinnis <ellenmcginnis15@gmail.com>

Mon, Aug 4 at 12:23 PM

[Quoted text hidden]

Printed name of Owner

Emily McGinnis Engstrom

Signature of Owner

8-5-25

Date

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

FOR STAFF USE ONLY

(PLEASE DO NOT WRITE BELOW THIS LINE)

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

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

Public hearing date: _____

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

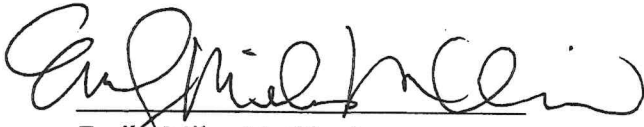
Action taken by the Board of Adjustment: _____

Notification of Action Mailed to applicant on: _____

Letter Of Authorization

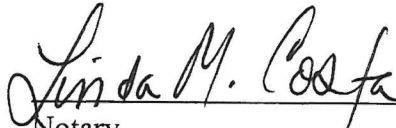
To whom it may concern,

I, Emily Miles McGinnis, hereby authorize Eleanor McGinnis to act on my behalf in matters related to a property line variance for 508 E Talleyrand Ave.



Emily Miles McGinnis

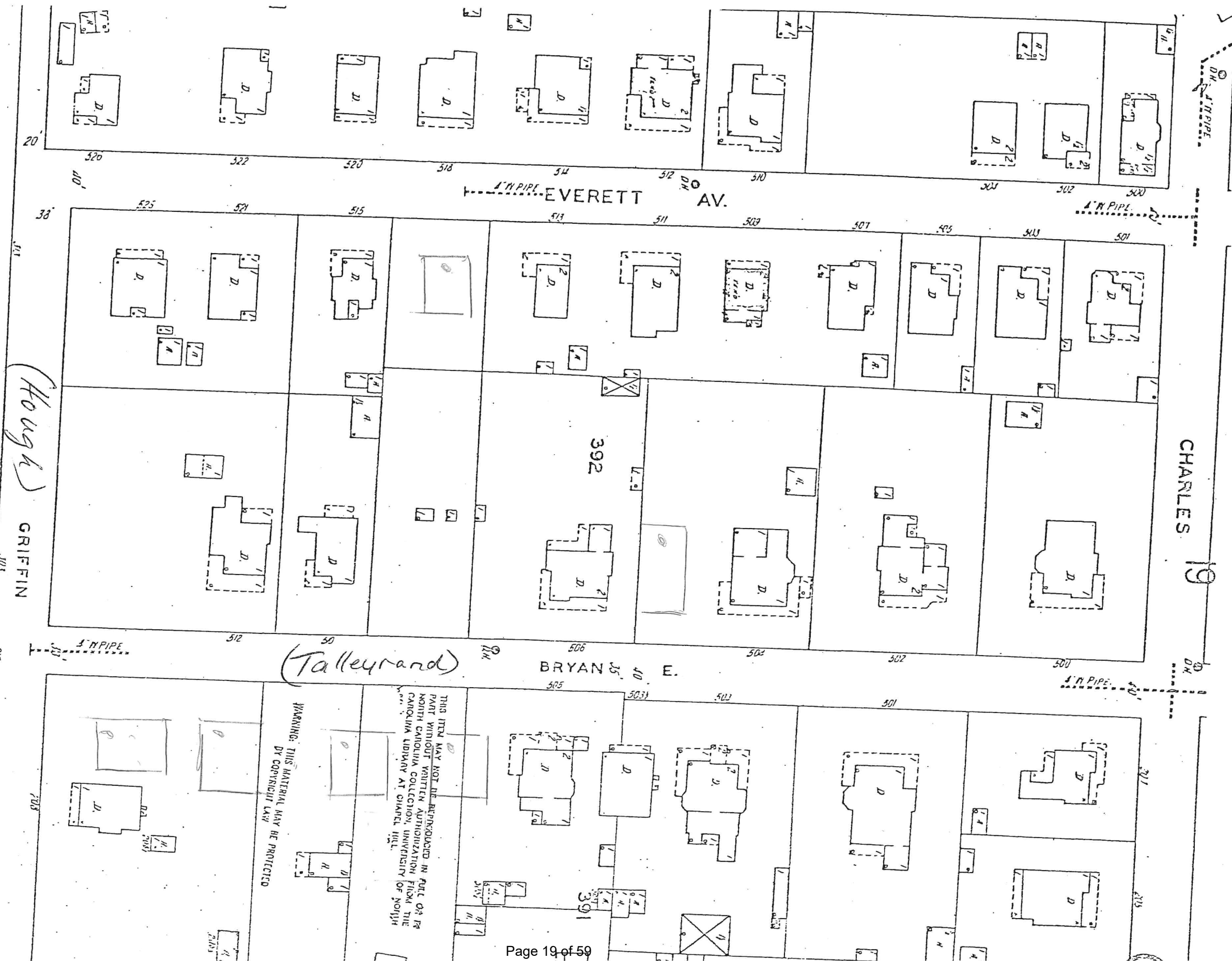
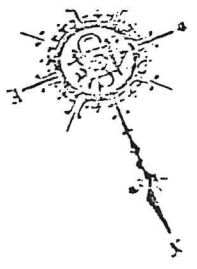
7/28/25
Date



Notary
Union County Notary

7/28/2025
Date





THIS ITEM MAY NOT BE REPRODUCED IN FULL OR IN PART WITHOUT WRITTEN AUTHORIZATION FROM THE CAROLINA LIBRARY AT CHARLESTON, UNIVERSITY OF NORTH CAROLINA.

WARNING: THIS MATERIAL MAY BE PROTECTED BY COPYRIGHT LAW.

Exhibit 5

RMD District Development Standards Table		
Lot	Width ²	75' Minimum
	Area	12,000 Square Feet Minimum (By-Right) 6,500 Square Feet Minimum (Cluster) (Refer To Table 4.2.2.1)
Additional Standards	<p>¹ In any area that is located outside a designated floodplain, but where a stream is located, no building or fill may be located within a distance of the stream bank equal to five times the width of the stream at the top of the bank or 35 feet on each side, whichever is greater.</p> <p>² Lot width minimum requirements shall not apply to townhomes/attached single family or duplex/triple/quadplex units.</p>	

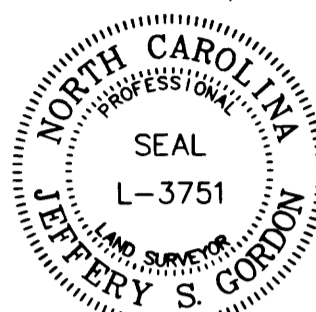
NORTH CAROLINA, UNION COUNTY

I, Jeffery S. Gordon, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed descriptions recorded in Deed Book 8178, Page 303); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, Page _____; that the ratio of precision as calculated is 1: 10,000 ±; that this plat was prepared in accordance with G.S. 47-30 as amended.

I also certify that this survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exemption or exception to the definition of subdivision.

Witness my original signature, registration number and seal this 2 day of APRIL, A.D., 2024.

Seal or Stamp



Jeffery S. Gordon
Professional Land Surveyor
Registration Number
L-3751

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (We) hereby certify that I (We) am/are the owner(s) of the property described hereon, that the property is within the subdivision jurisdiction of the City of Monroe and that I (We), hereby adopt this plan of subdivision with my, (our free consent and hereby establish all lots and dedicate to the public all streets, alleys, easements, walks, parks and other open spaces as shown hereon unless otherwise noted as private.

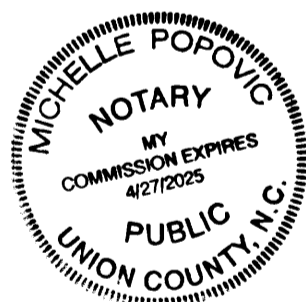
5/3/24
Date *Lawrence J. Parker*
Owner

5/3/24
Date *Crystal Parker*
Owner

NORTH CAROLINA, UNION COUNTY,

I, Michelle Popovic, THE UNDERSIGNED, A NOTARY PUBLIC OF UNION COUNTY, NORTH CAROLINA, AFORESAID CERTIFY THAT Lawrence J. Parker and Crystal Parker PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL SEAL THIS 3rd DAY OF May, 2024

MY COMMISSION EXPIRES:



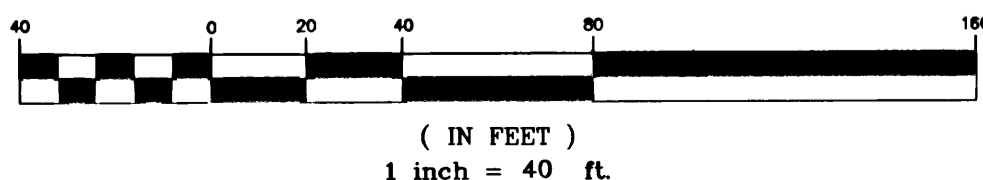
FILED May 16, 2024 02:53 pm
PLAT SLIDE 0000S - 0021
INSTRUMENT 11221
Geraldine Rodriguez
REGISTER OF DEEDS

NOTES:

- TAX I.D. #09-231-078
- AREA CALCULATED BY COORDINATES.
- NO NCGS MONUMENT FOUND WITHIN 2000'
- ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES, MEASURED WITH ELECTRONIC METERS
- #5 REBARS SET AT ALL LOT CORNERS UNLESS OTHER WISE NOTED.
- ADJOINING PROPERTY OWNERS NAMES WERE TAKEN FROM UNION COUNTY TAX OFFICE RECORDS, AND ARE CONSIDERED AS NOW OR FORMERLY
- THIS PROPERTY IS NOT SUBJECT TO A FEMA REGULATED FLOOD HAZARD ZONE, AS PER NFIP, FIRM MAP, NO. 3710543500J, PANEL 5435, EFFECTIVE DATE: 16 OCTOBER 2008.
- PROPERTY MAY BE SUBJECT TO OTHER EASEMENTS AND OR RIGHT OF WAYS, EITHER RECORDED OR IMPLIED.
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
- 10,261 SF/0.24 AC TO BE DEEDED TO TAX PARCEL #09-231-079 AS A PROPERTY ADDITION ONLY, AND IS NOT CONSIDERED A BUILDABLE LOT.

Current Zoning Information & Setbacks
RMD - City of Monroe
Minimum Lot Width = 75'
Minimum Lot Size = 12,000 SF
Front Yard Setback = 20'
Side Yard Setback = 10'
Rear Yard Setback = 10'

GRAPHIC SCALE



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Parcel Number	Property Name	Mailing Address	City	State	Zip
9231051	GROUP FENIX INC	1230 W ROOSEVELT BLVD	MONROE	NC	28110
09231175A	WIGGINS CLARA P	408 W ROOSEVELT BLVD	MONROE	NC	28110
9231205	MSG COMMERCIAL PROPERTIES LLC	PO BOX 1699	MONROE	NC	28111
9231175	WIGGINS CLARA P	408 W ROOSEVELT BLVD	MONROE	NC	28110
9231174	CURETON RHONDA	395 DURANT ST	MONROE	NC	28112
9231173	CITY OF MONROE	PO BOX 69	MONROE	NC	281110069
9231139	WIGGINS CLARA P	408 W ROOSEVELT BLVD	MONROE	NC	28110
9231102	BURGESS JEAN C	8123 PINE HILL RD	MINT HILL	NC	28227
09231101A	VISWALINGAM VELMURUGAN	515 EVERETTE ST	MONROE	NC	28112
9231100	MENA ALEJANDRO MORAN	512 EVERETTE ST	MONROE	NC	28112
9231098	EG&T CAPITAL LLC	PO BOX 78372	CHARLOTTE	NC	28271
9231099	DMS CAPITAL LLC	2316 WENSLEY DR	CHARLOTTE	NC	28210
9231097	POTTS MEGHAN	520 EVERETTE ST	MONROE	NC	28112
9231096	KARAGOUNIS JOHN	6505 CRANBORNE CHASE CT	CHARLOTTE	NC	28210
9231056	EDWARDS SHARON C	PO BOX 3272	MONROE	NC	281113272
09231071A	MCGINNIS ELEANOR	505 E TALLEYRAND AVE	MONROE	NC	28112
9231086	COVINGTON EARNEST	1211 AUSTIN CHANEY RD	WINGATE	NC	28174
9231092	BUENDIA JESUS DAVILA	517 EVERETTE ST	MONROE	NC	28112
9231080	HERNANDEZ JESUS DIAZ	506 E TALLEYRAND AVE	MONROE	NC	28112
9231067	MAL SINH	11804 SIR FRANCIS DRAKE DR	CHARLOTTE	NC	28277
9231089	CHAMBERS KATHERLEAN B HEIRS	511 E EVERETTE ST	MONROE	NC	28112
9231083	TUCKER DAVID N	PO BOX 2066	MONROE	NC	28111
9231081	HIGHSTONE CAROLYN	504 E TALLEYRAND AVE	MONROE	NC	28112
9231064	SALINA/POMONKEY NORTH CAROLINA LLC	81 SUMMIT ST	HUDSON	NY	12534
9231068	WALTERS JOSEPH	205 CHARLES ST	MONROE	NC	28112
09231064A	SKI MTN RENTAL LLC	1649 S PEAK VIEW DR	CASTLE ROCK	CO	80109
9231084	RS RENTAL III-B LLC	199 LAFAYETTE ST 7TH FLOOR	NEW YORK	NY	10012
9231060	ARCHITEKTON LLC	PO BOX 1637	MONROE	NC	28111
9231057	EDWARDS SHARON C	PO BOX 3272	MONROE	NC	281113272
9231062	MONROE MASONIC LODGE #244 AF & AM C/O B CANNUP JR	PO BOX 944	MONROE	NC	281110944
9231091	TEDESCO PAUL	515 EVERETTE ST	MONROE	NC	28112
9231087	GLENN JOHN JR	507 EVERETT ST	MONROE	NC	28112

9231077	BAISDEN JENNIFER DENISE RENE A	514 EAST TALLEYRAND AVE	MONROE	NC	28112
9231074	MOORE GALARD JR	2524 KING ARTHUR DR	MONROE	NC	28110
9231079	MCGINNIS EMILY M	508 E TALLEYRAND AVE	MONROE	NC	28112
9231058	COVINGTON SHARON E	2009 ROCKYCREEK LN	MONROE	NC	28112
9231090	YANACSEK ROBERT S	513 EVERETT ST	MONROE	NC	28112
9231070	MCGINNIS ELEANOR DUNLAP	505 E TALLEYRAND AVE	MONROE	NC	28112
9231082	MCGINNIS ELEANOR	505 E TALLEYRAND AVE	MONROE	NC	28112
9231063	CHEN KAREN Y	2652 36TH AVE	SAN FRANCISCO	CA	94116
9231078	STEULAND JAYNE K	512 E TALLYRAND AVE	MONROE	NC	28112
9231055	AMDM INVESTMENTS LLC	PO BOX 502	HARRISBURG	NC	28075
9231072	WYNKOOP JOHN D	509 E TALLEYRAND AVE	MONROE	NC	28112
9231069	WHITMAN LUCIDIA GALLEGO	PO BOX 470351	CHARLOTTE	NC	28247
9231066	SALINA/POMONKEY NORTH CAROLINA LLC	81 SUMMIT ST	HUDSON	NY	12534
09231063A	FKH SFR PROPCO I LP\ C/O FIRSTKEY HOMES LLC	600 GALLERIA PARKWAY STE 300	ATLANTA	GA	30339
9231073	SOTELO LAURA DEL CARMEN VEGA	500 N THOMPSON ST	MONROE	NC	28112
9231088	MENDOZA JOSE JUIS	509 EVERETTE ST	MONROE	NC	28112
9231065	HALL ROCKY TRUSTEE	7496 NIXON CT	VENTURA	CA	93003
9231093	SOUTH RIDGE PROPERTIES LLC	2820 SELWYN AVENUE #781	CHARLOTTE	NC	28209
9231071	MCGINNIS ELEANOR D	505E TALLEYRAND AVE	MONROE	NC	28112
9231085	KIRKPATRICK JOHNNY L JR	6419 KIRKPATRICK DR	MARSHVILLE	NC	28103

APO Map

PLZNA-2026-00024

Legend

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

Notified Parcels: 52

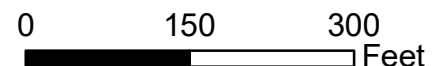


Exhibit 9



STAFF REPORT

Case # PLZNA-2026-00043

TO: Board of Adjustment Members
DATE: October 23, 2025
FROM: Doug Britt, Assistant Director of Planning and Development
PREPARED BY: Patrick Blaszyk, Planner
SUBJECT: A variance request by Freddie Kirk for an accessory structure at 2540 Arnold Drive.

SUMMARY STATEMENT

Freddie Kirk is requesting a variance from the accessory structure setback requirements in a residential zoning district in order to bring an accessory structure into compliance that was installed at 2540 Arnold Drive.

SITE DATA

Type of Action: Variance
Date of Petition: August 29, 2025
Name of Petitioner: Freddie Kirk
Location: 2540 Arnold Drive
Tax ID #: 09-301-081
Lot Size: 0.46 Acres
Current Zoning Classification: RLD, Residential Low Density

REVIEW

Proposed Findings:

1. The property located at 2540 Arnold Drive is owned by Freddie and Cherry Kirk and is zoned RLD, Residential Low Density. (Exhibits 1, 2, and 3)
2. On August 29th 2025, the applicant submitted a variance application in order to request a 7-foot variance from the 10-foot accessory structure setback requirement for an accessory structure located at 2540 Arnold Drive. (Exhibit 4)

3. Section 157.7.5 Accessory Uses and Accessory Structures of the Unified Development Ordinance (UDO) states in relative 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 5)
4. The applicant submitted a site plan of the existing location of the accessory structure at 2540 Arnold Drive. The site plan indicates the accessory structure is located 3 feet from the property line. (Exhibit 6)
5. All adjacent property owners have been notified of the proposed variance. (Exhibit 7 and 8)

Conclusions:

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

THEREFORE, on the basis of all foregoing, IT IS ORDERED that the application Variance PLZNA-2026-00043 be (**approved/denied**).

-
- Exhibits:
 Exhibit 1: Ortho Map
 Exhibit 2: Zoning Map
 Exhibit 3: Deed to Property
 Exhibit 4: Variance Application
 Exhibit 5: UDO Section 157.7.5 A.9
 Exhibit 6: Accessory Structure Site Plan
 Exhibit 7: Existing Conditions
 Exhibit 8: APO Map
 Exhibit 9: APO List

Prepared by: PB 10/2/2025



Ortho Map

Case #: PLZNA-2026-00043

2540 Arnold Drive

Legend

- Centerlines
- ▭ Parcels
- ▭ Subject Property

Owners: Freddie & Cherry Kirk

Acres: 0.46

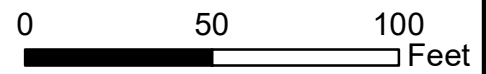
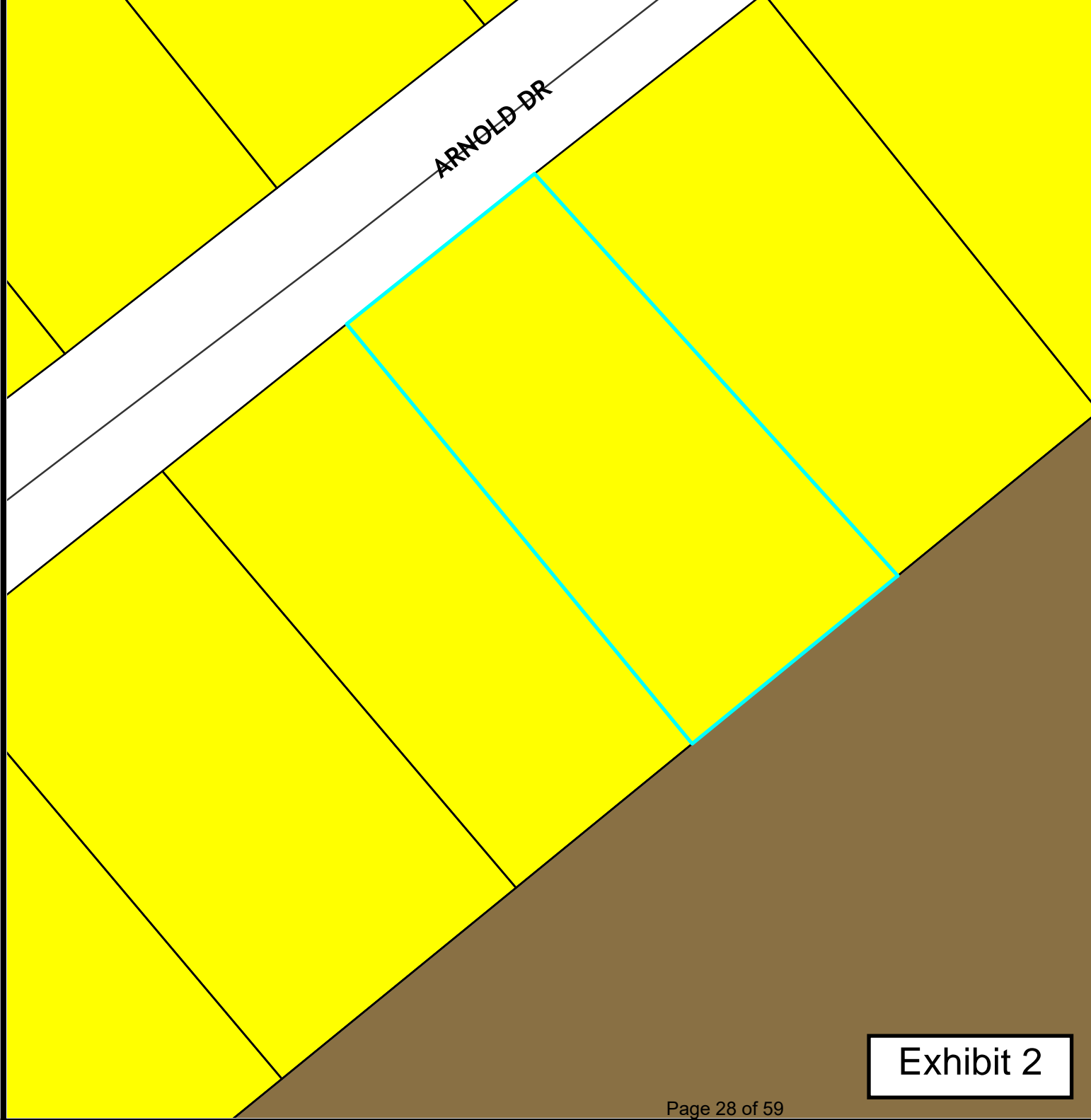


Exhibit 1



Zoning Map

Case #: PLZNA-2026-00043

2540 Arnold Drive

Legend

- Centerlines
- Parcels
- RHD
- RLD
- Subject Property

Owners: Freddie & Cherry Kirk

Acres: 0.46

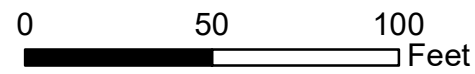


Exhibit 2

RECORDED
and
VERIFIED

OLP

State Excise Tax \$ 53.50

BOOK 333 PAGE 674

Recorded by
Deborah A. Hill, P.A.
A. W. HILL & SONS
Monroe, N. C. 28110

NORTH CAROLINA, Union County.

This Deed, Made this the 29th day of February, A.D., 1980 by

THOMAS M. HINSON and wife, HILDA KAY HINSON

parties of the first part (whether one or more persons) to

FREDDIE GUY KIRK and wife, CHERRY TUCKER KIRK
Route 9, Arnold Drive, Helms Park, Monroe, North Carolina

Parties of the second part (whether one or more persons) all of Union County, North Carolina. WITNESSETH, that said parties of the first part, in consideration of Ten Dollars and other good and valuable considerations, to them paid by said parties of the second part, the receipt of which is hereby acknowledged, have bargained and sold and by these presents do bargain, sell and convey unto said parties of the second part and their heirs or assigns,

a tract or parcel of land in the County of Union and State of North Carolina, in
Monroe Township, and bounded as follows:

BEGINNING at an iron on the southern edge of Arnold Street, a corner of Lots 201 and 202, and running thence the division line between said lots, South 37 degrees 28 minutes East 200 feet to a point on the old outside property line; thence with said old line South 51 degrees 45 minutes West 100 feet; thence with a line of Lot 200, North 37 degrees 28 minutes West 200 feet to an iron on the southern edge of Arnold Street; thence with the southern edge of Arnold Street North 51 degrees 45 minutes West 100 feet to the BEGINNING corner, and being known as Lot No. 201 of Briarwood Acres.

Being the identical property conveyed to Thomas M. Hinson and wife, Hilda Kay Hinson, by deed from B. Cray Hill and wife, Alene P. Hill, dated 10th day of April, 1964, and recorded in Deed Book 190, at page 116, of the Union County Registry.

This conveyance is made subject to those certain Restrictions as to use which are set forth in detail in the deed recorded in Book 188, at page 689, Union County Registry, and to rights of way and easements for public utilities which may border or cross the property.

To have and to hold the aforesaid tract or parcel of land and all privileges and appurtenances thereunto belonging to the said parties of the second part and their heirs and assigns forever.

And the said parties of the first part do covenant that they are seized of said premises in fee and have the right to convey the same in fee simple; that the same are free from incumbrances; and that they will warrant and defend the said title to the same against the claims of all persons whomsoever.

In testimony whereof the said parties of the first part have hereunto set their hands and seals the day and year first written.

Witness

Thomas M. Hinson (SEAL)
Thomas M. Hinson
Hilda Kay Hinson (SEAL)
Hilda Kay Hinson
(SEAL)

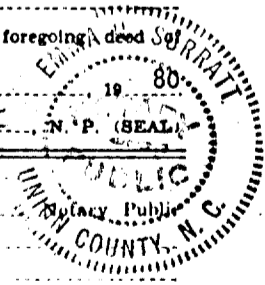
STATE OF NORTH CAROLINA—Union County

I, Emma H. Surratt, a Notary Public of said County, do hereby certify that
Thomas M. Hinson and wife Hilda Kay Hinson

grantors, personally appeared before me this day and acknowledged the execution of the foregoing deed conveyance.

Witness my hand and seal, this the 29th day of February
My commission expires 8/9, 1982

Emma H. Surratt
N.P. (SEAL)



STATE OF NORTH CAROLINA—Union County.

The foregoing certificate (s) of Emma H. Surratt, a
Notary Public of Union County, N.C.

of Union County, is certified to be correct. This instrument was presented for registration and recorded in this office in Book 333, Page 674

This 29th day of February, 1980 at 11:50 o'clock A.M.

MARY B. CARRIKER

Register of Deeds

By *Juan J. Meade*
Deputy

UNION COUNTY 029010
STATE OF NORTH CAROLINA
FEB 29 '80
RB. 16711
Real Estate Excise Tax
53.50

Exhibit 3



City of Monroe Variance Application Form

Applicant's Name: Freddie Kirk

Applicant's Address: 2540 Arnold Dr.

Monroe, NC 28110

Property Owner's Name: - Same -

Property Owner's Address: - Same -

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

Legal Relationship of Applicant to Property Owner: Self

Contact Person Name and Phone Number: Freddie Kirk, 704-207-4710

Existing Use of Property: Residential - my home

Property Location: 2540 Arnold Dr, Monroe, NC 28110

Tax Map Number: 09 - 301 - 081 Lot Size: 0.461 acre Zoning District: RLD

Ordinance section number to which a variance is being sought. LD 7.5 A9

Proposed variance description: Seeking a variance exception being 7' closer to the property line than the ordinance allows.

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

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

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

* See separate sheet for all responses.

Exhibit 4

Printed name of Owner

Freddie D. Kirk
Signature of Owner

8/29/25
Date

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

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

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

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

Public hearing date: _____

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

Action taken by the Board of Adjustment: _____

Notification of Action Mailed to applicant on: _____

City of Monroe Variance Application Form:

I am seeking to have the failure to have met any shelter construction violations forgiven under the following exceptions and conditions.

1) At the time of the shelter purchase I was unaware that a building permit would be needed for this free-standing shelter since it uses **no** City utilities (water, electricity, gas, nor sewer) and it did **not** require the digging of any foundations and therefore no search for underground utility lines was required. I now understand that the primary ordinance that I am in violation of is that the shelter should have been located 10' from my side property line. In order to park my camper under the new shelter it has to be backed in from the street and through the fence gate to the back yard. The location for the shelter was carefully chosen because of the narrow gate opening and narrow lot. It is not possible to turn the camper any to get it further away from the fence as the tow vehicle is limited by the gate opening and closeness to the fence. The only other option is to lose my entire \$4200 investment to protect our camper and have it completely disassembled and removed at additional multiple hundreds of dollars.

2) This hardship is primarily due to the fact that I was unaware of the 10' spacing regulation and the physical size and shape of the lot that will allow no other placement of the shelter.

3) I did ask the sales rep at the local place of purchase if he thought there was a chance I might need a building permit from the city to which he claimed ignorance of any rules or regulations. I suppose that if you apply the old adage that "...ignorance of the law is no excuse..." then I would have to plead guilty. As is noted in the next statement (#4) I took multiple steps of time and money to find a suitable structure that fits the neighborhood well including color, style, quality of structure, and quality of installation. (The shelter is 12'w x 25' l x 12' h.)

4) As partially noted above, the shelter itself, the color scheme, the quality construction and installation, and the best placement possible were all carefully considered. I also meet with the closest neighbor (Darryl Parker, 2542 Arnold Dr) and explained the project that was being considered and received his blessing to have the structure installed. By design the shelter has a very "open" presentation on all four sides and does **not** present a big intruding type of appearance. This particular shelter is considerably "upscale" compared to most standard car shelters. It has an "A" pitched roof with gable end caps and roofing seams that run vertically, **not** horizontally. It even has covered/hidden end seams around the entire structure.

Thank you for your consideration.

Freddie G. Kirk

7.5. ACCESSORY USES AND ACCESSORY STRUCTURES

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

9. Setbacks:

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

b. Within a non-residential district, shall meet the district setback standards.

Exhibit 5



Exhibit 6



Exhibit 7









APO Map

PLZNA-2026-00043

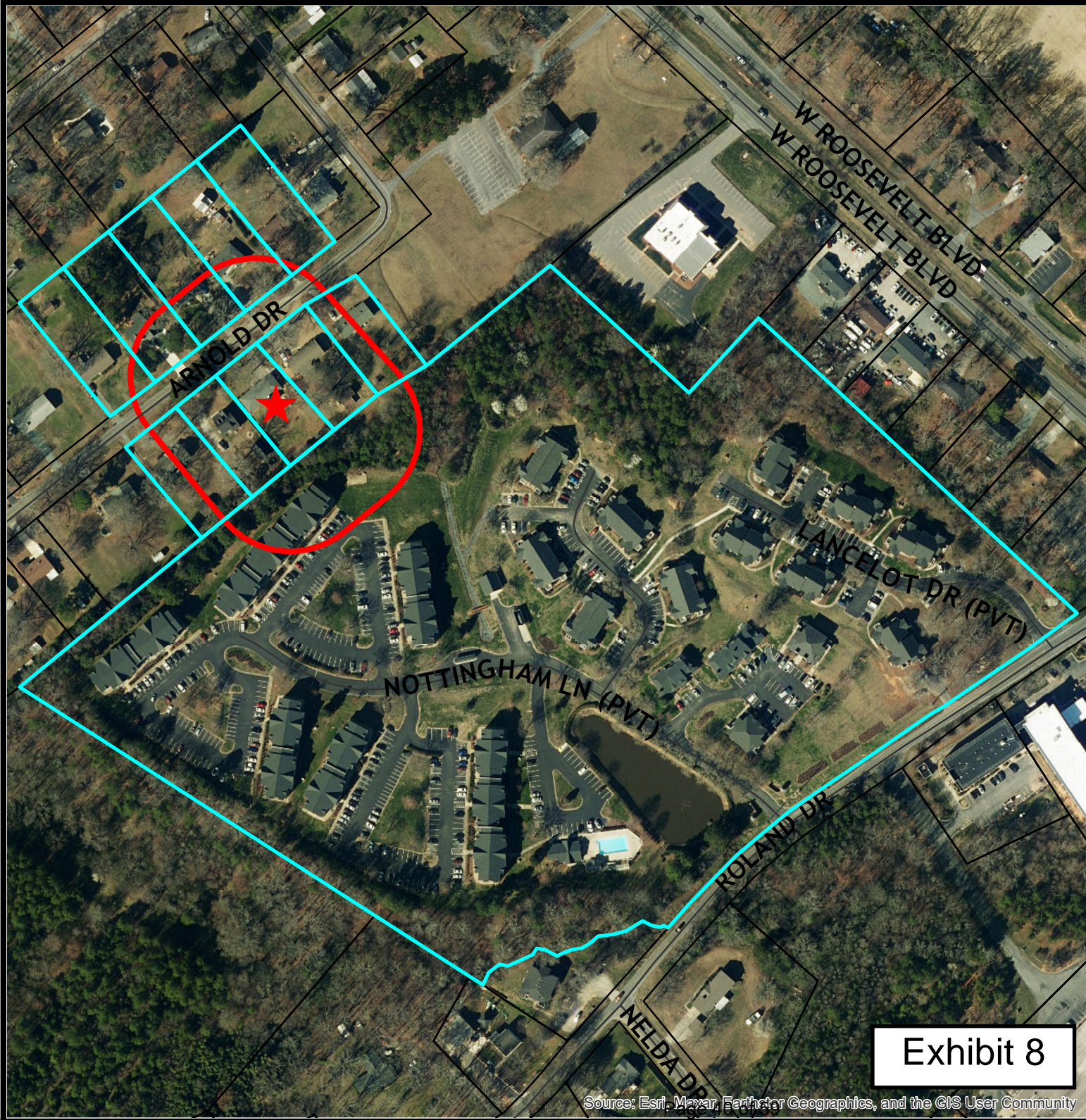
Legend

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

11 Parcels Notified



Exhibit 8



ACCTNO	OWNERNAME1	OWNERNAME2	OWNERADDRESS	CURR_ADDRESS2	OWNERCITY	OWNERSTATE	OWNERZIP
09301061	INTERURBAN FOREST LLP		ATTN: WILLIAM T DOOGAN	7495 PEAKVIEW AVE	ENGLEWOOD	CO	80111
09301082	SCURLOCK MARY-KATE	KEGEL MATTHEW	2538 ARNOLD DR		MONROE	NC	28110
09301079	KEZIAH RONDA H	HINSON CAROLYN STRAWN	2544 ARNOLD ROAD		MONROE	NC	28110
09301112	TRAVIS RONNIE DALE		2537 ARNOLD DR		MONROE	NC	28110
09301115	MANUEL ROJAS INVESTMENT LLC		3001 WREN WAY CT		MONROE	NC	28110
09301080	PARKER DARRYL E	PARKER LISA	2542 ARNOLD DR		MONROE	NC	28110
09301116	SMITH VADINE G		2545 ARNOLD DR		MONROE	NC	28110
09301081	KIRK FREDDIE GUY	KIRK CHERRY TUCKER	2540 ARNOLD DR		MONROE	NC	28110
09301083	GOODWIN THOMAS L	GOODWIN DEBBIE A	2536 ARNOLD DR		MONROE	NC	28110
09301113	BELMONT-VIRAMONTES RAUL	BELMONT KIMBERLY	2539 ARNOLD DR		MONROE	NC	28110
09301114	PERKINS ZACHARY W	PERKINS KENDYL L DEVONDE	2541 ARNOLD DR		MONROE	NC	28110

Exhibit 9



STAFF REPORT

Case # PLZNA 2026-00062

TO: Board of Adjustment Members

DATE: October 23, 2025

FROM: Doug Britt, Assistant Director of Planning and Development

PREPARED BY: Megan Brightharp, Planner

SUBJECT: Variance request by Randall Wallace of Fox Valley Metrology for property located at 3012 Old Charlotte Highway.

SUMMARY STATEMENT

Randall Wallace of Fox Valley Metrology is requesting, on behalf of Shelley Martin, a variance from the minimum width of a Type 4 Perimeter Buffer in order to construct an addition to the existing structure at 3012 Old Charlotte Highway.

SITE DATA

Type of Action: Variance

Date of Petition: October 1, 2025

Name of Petitioner: Randall Wallace

Location: 3012 Old Charlotte Highway

Tax ID #: 09-301-218E

Lot Size: .9 Acres

Current Zoning Classification: NB (Neighborhood Business) Zoning District

PROPOSED FINDINGS

Proposed Findings:

1. The property located at 3012 Old Charlotte Highway is owned by Shelley Martin and is zoned NB (Neighborhood Business). (Exhibit 1-3)
2. A variance application was submitted on October 1, 2025 by Randall Wallace of Fox Valley Metrology on behalf of Shelley Martin requesting a 32-foot variance from the

minimum width of a Type 4 Perimeter Buffer in order to construct an addition to the existing structure at 3012 Old Charlotte Highway. (Exhibit 4 and 5)

3. Unified Development Ordinance (UDO) table 157.8.3.1 entitled “Perimeter Buffer Types Table” states in relevant parts that Type 4 Perimeter Buffers have a minimum width of 50 feet. (Exhibit 6)
4. Unified Development Ordinance (UDO) table 157.8.3.2 entitled “Required Perimeter Buffer Type by District” states in relevant parts that if the zoning district of the subject property is NB, Neighborhood Business and the adjacent zoning district is RMD, Residential Medium Density, a Type 4 Perimeter Buffer is required. (Exhibit 7)
4. All adjacent property owners have been notified of the proposed variance. (Exhibit 8 and 9)

Conclusions:

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

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

THEREFORE, on the basis of all foregoing, IT IS ORDERED that the application Variance 2026-00062 be (**approved/denied**).

Exhibits:

- Exhibit 1: Ortho Map
- Exhibit 2: Zoning Map
- Exhibit 3: Deed to Property
- Exhibit 4: Application
- Exhibit 5: Site Plan
- Exhibit 6: UDO table 157.8.3.1
- Exhibit 7: UDO table 157.8.3.2
- Exhibit 8: APO List
- Exhibit 9: APO Map

Prepared by: MB 10/9/2025

Ortho Map

PLZNA- 2026-00062

Legend

- Centerlines
- ▭ Parcels
- ▭ Subject Property

Existing:

NB
(Neighborhood Business)

Owner:
Shelley F. Martin

Acres: .9



0 70 140
Feet

Exhibit 1



Zoning Map

PLZNA- 2026-00062

Legend

- Centerlines
- Parcels
- CD
- NB
- RMD
- Subject Property

Existing:

NB
(Neighborhood Business)

Owner:
Shelley F. Martin

Acres: .9

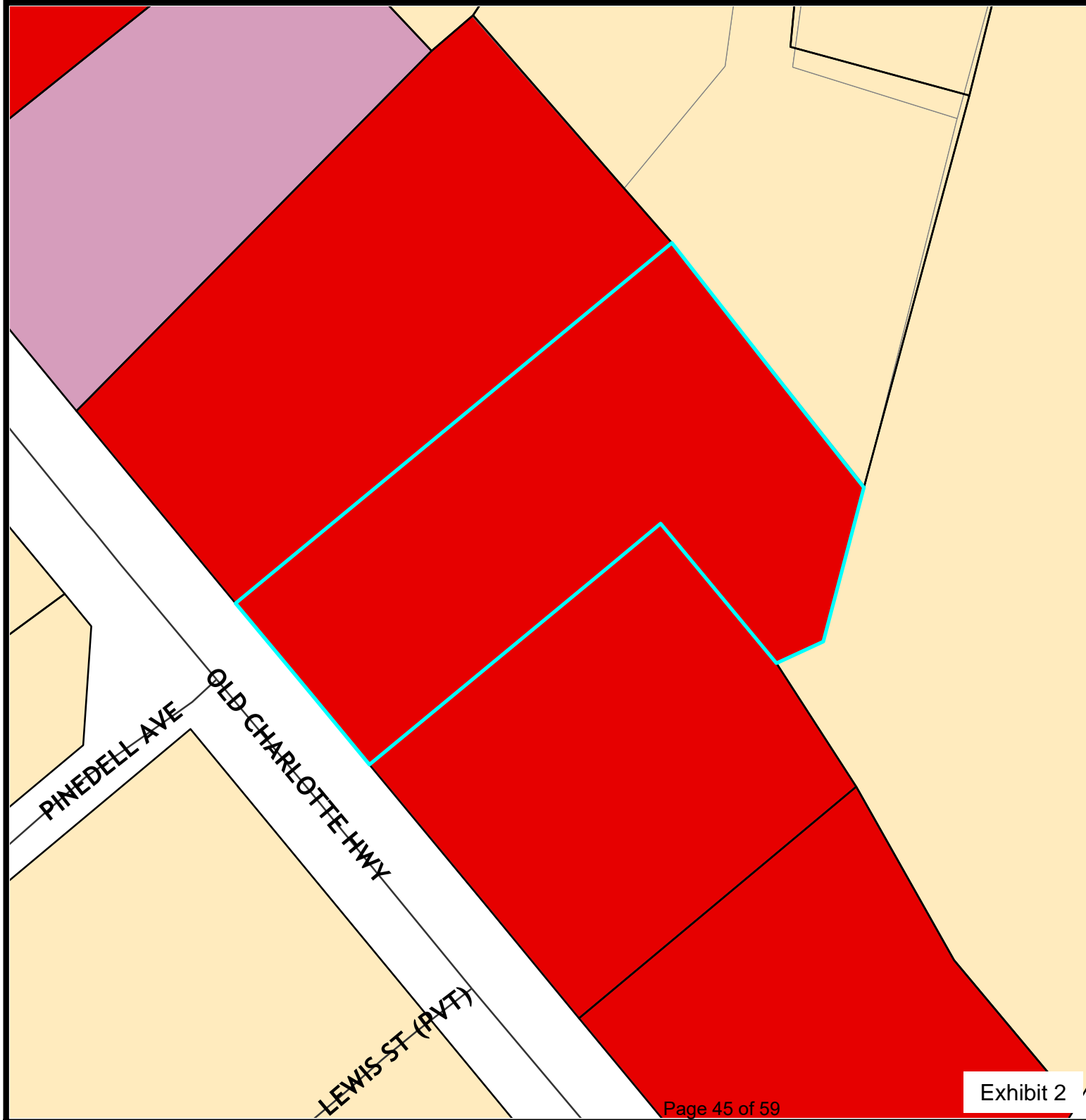
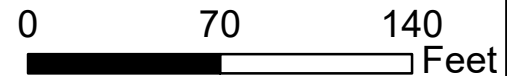


Exhibit 2

FILED Jan 15, 2021
AT 03:32:00 PM
BOOK 07956
START PAGE 0079
END PAGE 0080
INSTRUMENT # 02178
EXCISE TAX \$950.00

Excise Tax: \$ 950.00

Tax Lot No: _____ Parcel Identifier No. 09-301-218E
Verified by _____ County on the _____ day of _____, 2021 by _____

Mail after recording to Helms Robison Lee & Bennett, P.A.
This instrument was prepared by James Allen Lee (est)

Brief Description for the index 3012 Old Charlotte Hwy.

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made January 15, 2021 by and between

GRANTOR

GRANTEE

TSB INVESTMENT GROUP, LLC,
a North Carolina Limited Liability Company

SHELLEY F. MARTIN

5403 Olivia Court
Marshville, NC 28103

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

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

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

BEING ALL of Parcel #2, containing 0.90 acres, as shown on map of survey entitled "LOT LINE REVISION – FINAL PLAT D. WAYNE BAKER PROPERTY" prepared by F. Donald Lawrence, NCPLS, dated June 6, 2007 and recorded in Plat Cabinet N, File 664, Union County Registry, to which plat reference is hereby made for a more particular description.

All or a portion of the property herein conveyed includes or XX does not include the primary residence of a Grantor, pursuant to N.C.G.S. § 105-317.2.

Submitted electronically by HELMS ROBISON LEE & BENNETT PA in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Union County Register of Deeds.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 7468, Page 223, Union County Registry.

A map showing the above described property is recorded in Plat Cabinet N, File 664.

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

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

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

APPLICABLE ZONING; ANY EASEMENTS AND RIGHTS OF WAY FOR SERVICE LINES, ROADS AND UTILITIES AS MAY BORDER OR CROSS THE PROPERTY INCLUDING, IF APPLICABLE, THE SUBDIVISION STREETS AS SHOWN ON RECORDED PLAT; ANY EASEMENTS RESERVED IN THE RESTRICTIVE COVENANTS, INCLUDING HOMEOWNERS ASSOCIATION PROVISIONS; APPLICABLE RESTRICTIVE COVENANTS OF RECORD AND STREET ASSESSMENTS; 2021 REAL PROPERTY TAXES; SUBJECT TO MATTERS THAT COULD BE REVEALED BY A CURRENT ACCURATE PHYSICAL AND BOUNDARY SURVEY AND ACTUAL INSPECTION OF THE PROPERTY.

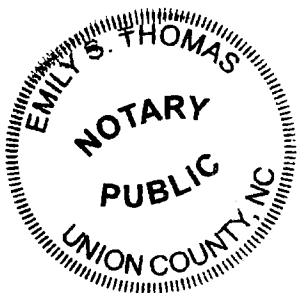
IN WITNESS WHEREOF, the undersigned Limited Liability Company Grantor has caused this instrument to be executed in the appropriate company name by its duly authorized manager(s) and has adopted as its seal the word "SEAL" appearing at or beside its name and their signature(s), the day and year first above written.

TSB INVESTMENT GROUP, LLC,
a North Carolina Limited Liability Company

By: Travis S. Ball (SEAL)
Travis S. Ball, Manager

STATE OF NORTH CAROLINA
COUNTY OF UNION

SEAL-
STAMP



I, the undersigned, a notary public of the aforesaid county, do hereby certify that **TRAVIS S. BALL**, Manager of **TSB INVESTMENT GROUP, LLC**, a North Carolina limited liability company, personally appeared before me this day, acknowledging to me that he voluntarily signed the foregoing instrument for the purpose stated therein and in the capacity indicated and acknowledged the execution and sealing of the foregoing instrument as Manager on behalf of **HELTIN HOMES, LLC** and as the act of the company referred to in this acknowledgement.

Witness my hand and official seal this the 15th day of January, 2021.

Emily S. Thomas Notary Public
Emily S. Thomas

My Commission Expires: 1/26/2024



City of Monroe Variance Application Form

Applicant's Name: Randall Wallace - Fox Valley Metrology

Applicant's Address: 3012 Old Charlotte Hwy, Monroe, NC 28110

Property Owner's Name: Shelley Martin

Property Owner's Address: 5403 Olivia Ct., Marshville, NC 28103

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

Legal Relationship of Applicant to Property Owner: N/A

Contact Person Name and Phone Number: Shelley Martin 704-282-6835

Existing Use of Property: Office / Commercial

Property Location: 3012 Old Charlotte Hwy, Monroe, NC 28110

Tax Map Number: 09-301-218E Lot Size: 0.9 Acres Zoning District: Monroe

Ordinance section number to which a variance is Section 8.3.5.C Perimeter Buffer - Required Buffer Type

being sought. Proposed variance description: Revision of rear property line buffer to be reduced from Type 4 Buffer to be 18' Buffer for construction of new building addition.

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

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

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

Please see attached response on a separate sheet at the end of the application.

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

Please see attached response on a separate sheet at the end of the application.

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

Please see attached response on a separate sheet at the end of the application.

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

Please see attached response on a separate sheet at the end of the application.

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

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

Randall Wallace
Printed name of Applicant

Randall Wallace
Signature of Applicant

10/1/25
Date

SHelley MARTIN

Printed name of Owner

Shelley Martin
Signature of Owner

10-1-25
Date

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

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

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

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

Public hearing date: _____

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

Action taken by the Board of Adjustment: _____

Notification of Action Mailed to applicant on: _____



10/1/2025

Randall Wallace
General Manager
980-890-3500

City of Monroe,

City of Monroe
Variance Application Form
Responses to Application Questions

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

Question #1 response:

The strict adherence to the ordinance would create an unnecessary hardship by limiting use of the property due to its abnormal shape and unique property lines. The zoning lines of the parcel when the original building was constructed in 2004-05 maximized the construction potential as the parcel was split GB and R20. The zoning lines have now been restructured to designate the entire parcel GB and there is room to expand to accommodate the business' growth. There is an existing concrete slab in the rear of the building that could accommodate the expansion however it provides for a 18' buffer which was acceptable in the previous UDO requirement of 10'. The new UDO requires a 50' buffer between current zoning NB and R-20 properties. If this variance is not granted it will prevent utilization of the existing pad and deprive the owner of reasonable economic use. Utilization of this existing pad provides a more favorable design for stormwater drainage and aesthetics for the community by constructing an addition to the rear of the building without disturbing the existing fence and foliage. It also provides for expansion without the necessary earth disturbance that an addition to the carwash side would create



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

Question #2 response:

The hardship results from property lines unique to this parcel. Given the abnormal shape and zoning condition at time of original development, the original building was built to its maximum potential in 2004-2005 range. Now that the zoning has been cleared up for the whole parcel to be zoned NB, there is room for expansion. The more favorable design for stormwater drainage and layout for aesthetics to the adjacent properties inclines for a squared off addition off of the rear elevation toward the rear property line. The addition will not change the boundary of the property or cause any unnecessary issues to the adjacent Properties.

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

Question #3 response:

This hardship is not a result of actions taken by the applicant or the property Owner. We currently provide services to several local customers (see partial list enclosed) throughout Union County, City of Monroe, and that includes the City of Monroe as well. Our business has grown more than anticipated over the years from the time of original property purchase and lease agreements. The change in UDO buffer requirements has now made this potential addition a hardship and will inhibit our business growth and impact service to our local customers as well.

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

Question #4 response:

We feel that the variance request meets the spirit of the ordinance by still providing an adequate buffer with existing fencing and vegetation. The building addition will provide a cleaner rear elevation by removing the existing rear facing garage doors to the closest neighbor and will reduce to one side garage door facing our properties open space to the East. The eastern property line is heavily vegetated and screened from the street with a berm and existing landscaping. This alleviates any potential eyesores and provides continuity within the surrounding community and businesses.



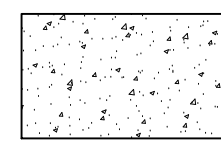
Below are a some of the local Clients we have and acceptance of this variance request for our building expansion here in Monroe would allow us to better serve. We will be happy to share direct contacts and references with the local industries listed below if desired to provide more clarity on the importance of our expansion to maintain close proximity to our customers.

Consolidated Metco
ATI
Charlotte Plastics
Greiner Bio One
City of Monroe
Union County Bus Garage
Assa Abloy
Circor
Record
Glemark Pharmaceutical
LA Simpson
Mistras
Oro Mfg.
Collins Aerospace
Midway Aerospace
Jaars
ICON Aerospace
Brown Equipment

Regards,

Randall Wallace
General Manager
Fox Valley Metrology

Paving Legend:



Proposed Concrete

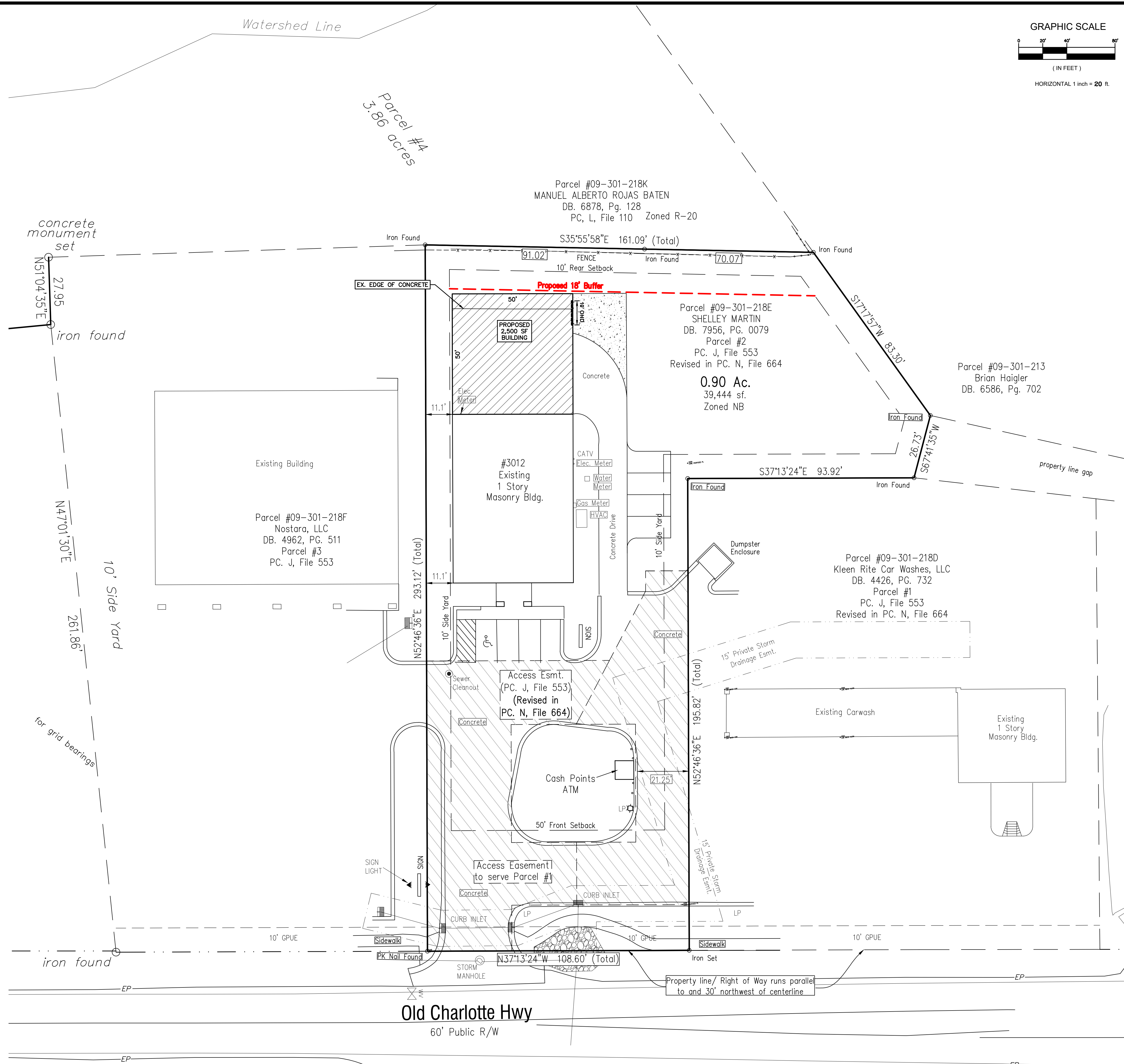
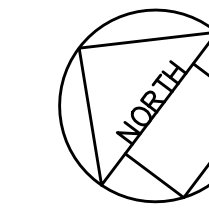
Asphalt and concrete specifications to be provide by geotechnical engineer. Geotechnical engineer to be hired by the owner.

GRAPHIC SCALE



(IN FEET)

HORIZONTAL 1 inch = 20 ft.



Old Charlotte Hwy

60' Public R/W

Exhibit 5

NO.	DATE	BY	ISSUE

Fox Valley Metrology
 Attn.: Randall Wallace
 3012 Old Charlotte Hwy
 Monroe, NC 28110
 Phone: 920-426-5894
 email: randall.wallace@foxvalleymetrology.com

LAWRENCE ASSOCIATES
 115 N. Church Street
 Monroe, NC 28112
 P. 704-288-1013
 www.lawrenceurveying.com
 Firm License Number: C-2856

**Preliminary
 For Review Only**

3012 OLD CHARLOTTE HWY SITE IMPROVEMENTS PID - 09301218E SKETCH PLAN	DESIGNED BY	TSB	SCALE	1451-7642
	CHECKED BY	TSB	DATE	10/01/25
DRAWN BY	DWG	DATE	10/01/25	
PER SHEET	TSB	DATE	10/01/25	

C-2.0

Table 8.3.1 Perimeter Buffer Types Table

PERIMETER BUFFER TYPES TABLE			
TYPE	OPTION 1	OPTION 2	OPTION 3
1	10' Width 3 Trees Per 100 LF 20 Shrubs Per 100 LF	10' Width 3 Trees Per 100 LF 20 Shrubs Per 100 LF	10' Width 3 Trees Per 100 LF 20 Shrubs Per 100 LF
2	20' Width 3 Trees Per 100 LF 40 Shrubs Per 100 LF 6' Fence (Optional)	20' Width 4 Trees Per 100 LF 30 Shrubs Per 100 LF 6' Fence (Optional)	20' Width 5 Trees Per 100 LF 15 Shrubs Per 100 LF 6' Fence (Optional)
3	25' Width 3 Trees Per 100 LF 1 Understory Trees Per 100 LF 50 Shrubs Per 100 LF 6' Fence, Wall, or berm	25' Width 4 Trees Per 100 LF 2 Understory Trees Per 100 LF 30 Shrubs Per 100 LF 6' Fence, Wall, or berm	25' Width 4 Trees Per 100 LF 3 Understory Trees Per 100 LF 20 Shrubs Per 100 LF 6' Fence, Wall, or berm
4	50' Width 4 Trees Per 100 LF 2 Understory Trees Per 100 LF 60 Shrubs Per 100 LF 6' Wall, Wall, or berm	50' Width 5 Trees Per 100 LF 3 Understory Trees Per 100 LF 40 Shrubs Per 100 LF 6' Wall, Wall, or berm	50' Width 5 Trees Per 100 LF 4 Understory Trees Per 100 LF 25 Shrubs Per 100 LF 6' Wall, Wall, or berm
5	100' Width, 8 Trees Per 100 LF, 4 Understory Trees Per 100 LF, Continuous Hedge, 8' Wall OR Fence, 5' High Berm		
<p>Additional Standards:</p> <ol style="list-style-type: none"> 1. Required plant material may not be clustered to achieve requirements. A maximum allowable 10' gap may be permitted. 2. Minimum shrubs may be double staggered. 3. Required trees may be on both sides of a fence/wall as long as a minimum one half of required trees are in front. 4. If perimeter buffer types are more intense than a required parking area buffer, the perimeter buffer will take precedent. 			

Table 8.3.2. Required Perimeter Buffer Type by District

TABLE 8.3.2. REQUIRED PERIMETER BUFFER TYPE BY DISTRICT													
ZONING DISTRICT OF ADJACENT PROPERTY													
ZONING DISTRICT OF SUBJECT PROPERTY	RR	RLD	RMD	RHD	OM	NB	GB	GI	HI	PUD	PCD	CC-MX 1 CC-MX2 RC-MX	MD-MX
RR	2	2	3	4	4	4	4	4	5	3	4	4	4
RLD	2	2	3	4	4	4	4	4	5	3	4	4	4
RMD	3	3	3	4	4	4	4	4	5	3	4	4	4
RHD	4	4	4	3	4	4	4	4	5	3	3	4	3
OM	3	3	3	3	1*	3	3	3	4	3	3	4	3
NB	4	4	4	3	3	1	3	3	4	3	3	3	3
GB	4	4	4	4	3	3	1	4	4	4	3	2	3
GI	4	4	4	4	4	4	4	1	1	4	4	4	3
HI	5	5	5	5	5	5	5	1	1	5	5	4	4
PUD	4	4	4	3	3	3	3	4	5	3	3	4	4
PCD	4	4	4	3	3	3	3	4	5	3	3	2	3
CCMX-1 & 2 RC-MX	4	4	4	4	4	3	2	4	4	4	2	-	-
MD-MX	4	4	4	3	3	3	3	3	4	4	3	-	-

Additional Buffer Type Standards

1. OM to OM *: If the adjacent OM property is single-family residential, the subject property must provide a Type 2 buffer.
2. If the subject property being developed is adjacent to another jurisdiction, the required buffer type will be chosen by the Planning Director.
3. If the subject property being developed is a proposed conditional district or is adjacent to existing conditional district, the required buffer type will be chosen by the Planning Director.

ACCTNO	OWNERNAME1	OWNERNAME2	OWNERADDRE	CURR_ADDR2	OWNERCITY	OWNERSTATE	OWNERZIP
09301213	BATEN ADAN FRANCISCO ROJAS		3004 WREN WAY CT		MONROE	NC	28110
09301218K	BATEN MANUEL ALBERTO ROJAS	FLORES NERI CHINOS	3001 WREN WAY CT		MONROE	NC	28110
09301218M	CADENA ADOLFO CONTRERAS	SALCEDO DORA MARIA	805 VALLEY CREEK DR		MONROE	NC	28112
09301226A	CHURCHMAN KEVIN M		2804 GLEN SUMMIT DR		CHARLOTTE	NC	28270
09301214	CRAGLE RODGER D	CRAGLE KAREN C	1717 TIMBERLANE DR		MONROE	NC	281107835
09301225A	KIKER LARRY		3017 OLD CHARLOTTE HWY		MONROE	NC	28110
09301227A	LOPEZ-RAMIREZ JOSE SANTOS	LOPEZ EDITH	2730 GUSTY LN		MONROE	NC	28110
09301218E	MARTIN SHELLEY F		5403 OLIVIA CT		MARSHVILLE	NC	28103
09301218C	MIKE BAUCOM PROPERTIES LLC		4119 TWENTY GRAND DRIVE		INDIAN TRAIL	NC	28079
09301215	NATIONAL RETAIL PROPERTIES LP		C/O CIRCLE K STORES	PO BOX 52085	PHOENIX	AZ	85072
09301218F	NOSTARA LLC		816 WANDERING WAY DR		WAXHAW	NC	28173
09301218J	OCHOA CARLOS WILFREDO HERNANDEZ	ANDINO DAMARIS ESTEFANI PEREZ	3000 WREN WAY CT		MONROE	NC	28110
09301226C	ORTIZ ARMANDO ALVARADO		3116 GRIMES ST		MONROE	NC	28110
09301226D	SHINING LIGHT BAPTIST CHURCH		2541 OLD CHARLOTTE HWY		MONROE	NC	28110
09301228A	THE PINES INVESTMENTS		13663 PROVIDENCE RD STE 142		MATTHEWS	NC	28104
09301218D	WASH ONE LLC		231 POST OFFICE DR SUITE B-8		INDIAN TRAIL	NC	28079

APO Map

PLZNA- 2026-00062

Legend

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

Parcels Notified: 16



Exhibit 9