

**BOARD OF ADJUSTMENT MEETING
THURSDAY, JANUARY 22, 2026**

5:30 P.M.

Council Chambers, 300 W. Crowell Street, Monroe NC

AGENDA

5:30 p.m.-6:00 p.m. Quasi-Judicial Training Matthews- Attorney Melanie D. Cox

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– October 23, 2025

Item 7. Quasi-Judicial Statement

Item 8. Approval of Denial Order for Variance for 508 E. Talleyrand Avenue

Item 9. PLZNA 2026-00102 Variance - The Board of Adjustment is requested to consider a variance from the accessory structure setback requirements in a residential zoning district from Michael Clevenger in order to construct a detached garage in the rear yard of 1915 Overhill Drive. (Parcel ID 09-298-035)

Item 10. Next Meeting: Thursday, February 26, 2026

Item 11. Adjournment

ATTENTION BOARD MEMBERS:

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

***cc: Melanie Cox, Board Attorney
Jeff Wells, Assistant City Manager
Lisa Stiwinter, Director of Planning & Development
Planning Staff***

**MINUTES OF THE
BOARD OF ADJUSTMENT MEETING
October 23, 2025, at 6:00 P.M.
Council Chambers
300 W. Crowell St., Monroe, NC**

To HR: 10/27/25

Item 1. Call to Order – Roll Call

Attorney Al Benshoff called the Board of Adjustment meeting to order at 6:01 p.m. Kimberly Davis, Administrative Assistant, called the roll.

Members Present: Thomas Loria, Ryan Haywood, Myles Kuly

Members Absent: Corey Noland

Staff Present: Al Benshoff, BOA Attorney; Doug Britt, Asst. Dir. Of Planning and Dev.; Keri Mendler, Senior Planner; Patrick Blaszyk, Planner I; Megan Brightharp, Planner I; Kimberly Davis, Admin. Asst. II;

Guests, Witnesses: Mujeeb Shah-Khan, Atty.; Ellen McGinnis; Randall Wallace; Shelley Martin; Matt and Mary Kate Kegel; Freddie Kirk; Nick Stathopedos; Carol Kelvs;

Item 2. Appoint Chair

Motion: Ryan Haywood made a motion to appoint Thomas Loria to serve as Acting Chair for this October 23, 2025 Board of Adjustment Meeting.

Second: Myles Kuly

Action: The motion passed with the following votes:

AYES: Thomas Loria, Ryan Haywood, Myles Kuly

NAYS: None

Item 3. Pledge of Allegiance and Moment of Silence

Item 4. Adopt Agenda

Motion: Ryan Haywood made a motion to adopt the agenda.

Second: Myles Kuly

Action: The motion passed with the following votes:

AYES: Thomas Loria, Ryan Haywood, Myles Kuly

NAYS: None

Item 5. Conflicts of Interest – None noted.

Item 6. Approval of Minutes – Minutes of August 28, 2025

Motion: Ryan Haywood made a motion to approve the minutes of the August 28, 2025, meeting.

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

Item 7. Quasi-Judicial Statement:

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

Item 8. PLZNA 2026-00024 Variance - The Board of Adjustment is requested to consider a variance for Eleanor McGinnis 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. (Parcel ID 09-231-079) (Tabled from the August 28, 2025 Meeting)

Keri Mendler approached the dais to be sworn in.

Keri Mendler, Senior Planner, presented the findings adopted on August 25, 2025:

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) Exhibit 1 is the Aerial Map where the subject property is highlighted in blue. It is located south of East Talleyrand Avenue. Exhibit 2 is the Zoning Map where the subject property is highlighted in blue. It is zoned RMD (Residential Medium Density) as are the surrounding parcels. The green area shown in the north is Office Medical. Exhibit 3 are two copies of a Deed showing ownership to the property. This first deed is from the original purchase in 2019. In 2024, some property was added to the original parcel.
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 separate buildable lot. (Exhibit 4) Exhibit 4 is a copy of the recorded lot line revision plat.

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, in order to create a new buildable lot – as shown in Exhibit 4. (Exhibit 5) Exhibit 5 is a copy of the application. The second part of Exhibit 5 is the answer to the questions and the property owner’s signature. There is also a Letter of Authorization from the property owner, Emily McGinnis, authorizing Ms. Eleanor McGinnis to apply for this variance.
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. This table requires and shows the minimum lot size of 12,000 square feet and the minimum lot width of 75-feet. (Exhibit 6) Exhibit 6 is a copy of Table 4.2.3.2.
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 lot size requirements as well as a 14.39-foot variance to the lot width requirement. (Exhibit 7) Exhibit 7 is a copy of the proposed lot layout. This proposal is to create an individual lot as shown in red from the area of the land that was added to 508 [E. Talleyrand] in 2024. This portion in red was part of the parcel to the right [east] side and now they want to create it as an individual lot, separating it from the 508 [E. Talleyrand].
6. All adjacent property owners have been notified of the proposed variance. (Exhibit 8-9) Exhibit 8 is a copy of the APO [Adjacent Property Owners] mailing list. Exhibit 9 is a copy of the APO Map.
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 the property line were adjusted to meet the property line on its face, it would substantially limit the buildable area of the new lot because there would be a fence and a driveway on it that would have to be moved or removed with significant expense.
10. The pattern of house numbers on Talleyrand Avenue shows the vacant portion of 508 [E.] Talleyrand Street [Avenue] was intended to be a building lot.
11. There is a pattern of non-conforming lots on [E.] Talleyrand Street [Avenue]. 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.

The applicant and homeowner, Eleanor McGinnis, is represented by Attorney Mujeeb Shah-Khan who approached the podium to address the Board. Mr. Shah-Khan said that the goal is to build another property consistent to what is in the neighborhood. He states the hardship is there due to

the UDO setting the requirements for the lines and is not something the applicant did or created. The property was purchased in 2024 and the new ordinance went into effect 2021 or 2022. The history of the property is that there were two lots with one number, divided up by a prior owner, but one house was built on a piece of the property which left the other lot vacant. The fence and driveway were added in 2021. There are two deeds, the first is for the original property in 2019 and the second is for the subject property. Shah-Khan stated the UDO requires the Board of Adjustment has to consist of a minimum of five and a maximum of seven members. Any less than five members should be a unanimous vote. Currently, he states that this Board has four members and that it is in violation of the UDO. Secondly, this matter began consideration in August and there was no September meeting due to lack of quorum. Shah-Khan said Mr. Kuly is a new member of the Board of Adjustment this term and did not serve on the August Board with the initial hearing. He said his concern is whether or not it is appropriate for Mr. Kuly to be able to make a decision on this matter. He said if Mr. Kuly would recuse himself then the Board will be down to two members. He said it is better to move this hearing to the next session in November to give Mr. Kuly a chance to review the case. He said the hardship was not procured by the applicant. He said the hardship was the result of the conditions of the property because of how the lot lines have been set. He said it would be a property built in accordance with the requirements for what the Historic District ordinance would require. He said if the Board decides they are competent to hear this matter and that all the members can hear this matter then the Board should grant the variance.

Al Benshoff said in answer to- Mr. Loria, the public hearing was not closed in August and is still open. Any Findings of Fact can be revisited or amended or deleted. The Board in August did not reach the question or make a decision if the hardship was created by the applicant's own actions. Mr. Shah-Khan may appeal. I have been waiting for someone to make the point that five members are required by the ordinance and the statute to properly constitute a Board of Adjustment. The City has made the decision to proceed with these hearings to grant relief to the applicants rather than the alternatives: wait for a five-member Board which might take years or to go to Superior Court to file a petition asking the Court to give them relief since the City was unable to hear their case. The Board has been invited to table the action until November. The standard for Mr. Kuly is whether he has sufficiently reviewed the evidence to make a decision. The minutes show that the staff report heard tonight is almost the same as in August. The record and exhibits are the same. The recorded hearing for the August meeting exists and can be given to Mr. Kuly a chance to listen to that testimony or you can proceed with the decision. A member of the Board can recuse Mr. Kuly, but that would make the Board two members.

Ryan Haywood- Mr. Shah-Khan, are you requesting the Board to table this matter until Mr. Noland can be here and Mr. Kuly has the chance to review the recorded material.

Mujeeb Shah-Khan- What I am asking for is that you grant the variance if you consider yourselves properly constituted to hear this. I am giving you several options to consider. If you aren't going to grant the variance, we, in order to prevent you giving us a solid appeal path, may wish to exercise. If you choose to not grant the variance, you have issues that come into play. You have had an improperly constituted Board for quite a while. I am presenting it as a point in favor of my client. If you grant the variance, we are fine with you not tabling it. It may not be a five-member Board for a long time.

Thomas Loria- Mr. Kuly, do you feel you have had sufficient time to read over the minutes and have a strong understanding of the information provided.

Myles Kuly- I do, but I have some questions about the property. What is the history of the lot? When were the fence and driveway added? When was the property acquired?

Mujeeb Shah-Khan- According to my client, the history of the property is that there were two lots with one number, divided up by a prior owner, but one house was built on a piece of the property which left the other lot vacant. The fence and driveway were added in 2021. There are two deeds, the first is for the original property in 2019 and the second is for the subject property. There was a lot line revision.

Eleanor McGinnis was sworn in and approached the podium for questions from the Board. She said, in 1930, the lots were equal size, but as the variance changes and houses were sold, 512 [E. Talleyrand] was made whole and that left less for 510 [E. Talleyrand]. She clarified that the driveway is concrete and about 6-inches deep.

Ryan Haywood made a suggestion to change Finding of Fact 8 to read, “If the variance is not passed, the value of the empty property will not diminish, but be a part of 508 East Talleyrand.” Al Benshoff said that the way the original Finding of Fact 8 reads is “the value of the vacant property will remain empty” is not logical or clear English.

Motion: Thomas Loria made a motion to strike Findings of Fact # 8.
Second: Ryan Haywood
Action: The motion passed with the following votes.
AYES: Thomas Loria, Ryan Haywood, Myles Kuly
NAYS: None

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

Motion: Thomas Loria made a motion that an unnecessary hardship would result from the strict application of the ordinance because of the undue expense that would be incurred if the fence and driveway at 508 Talleyrand Street were moved west of a new property line creating a second lot. Without moving these site features, a new conforming 12,000 square foot lot cannot be created.
Second: Myles Kuly
Action: The motion passed with the following votes
AYES: Thomas Loria, Ryan Haywood, Myles Kuly
NAYS: None

Al Benshoff stated this motion was unanimously adopted in the August 28, 2025 meeting that: “2. It is the Board’s CONCLUSION that the hardship is peculiar to the applicant’s property due to the size and configuration of the lot.” The Board did not revisit this Conclusion.

The Board next considered the third conclusion: It is the Board’s CONCLUSION that the hardship **is/is not** the result of the applicant’s own actions.

Motion: Ryan Haywood made a motion that the hardship is the result of the applicant's own actions because of Finding of Fact 12. The applicant's goal is to build a new dwelling consistent with the houses up the street and in both sides and location. Without that, it would not exist.

No one seconded this motion.

Motion: Thomas Loria made a motion that the hardship is not the result of the applicant's own actions because the property was purchased in 2024, the applicant was not made aware of the new UDO in 2022. She had limited or no knowledge of this change. There are 181 acres in the historic district. There are a range of historic lots sizes in the historic district from 8,000 to 15,000 sq ft. Many historic lots exist below the minimum 12,000.

Second: Myles Kuly

Action: The motion did not pass with the following votes:

AYES: Thomas Loria, Myles Kuly

NAYS: Ryan Haywood

The Board then considered the first part of the fourth conclusion: 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 it falls within the average lot sizes within the Historic District. It was an individual lot at some point.

Second: Myles Kuly

Action: The motion did not pass with the following votes:

AYES: Thomas Loria, Myles Kuly

NAYS: Ryan Haywood

The Board then considered the second part of the fourth conclusion: 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.

Motion: Thomas Loria made a motion that in granting the variance, public safety will be secured and substantial justice will be achieved.

Second: Myles Kuly

Action: The motion did not pass with the following votes:

AYES: Thomas Loria, Myles Kuly

NAYS: Ryan Haywood

Attorney Shah-Khan - "As a point of clarification for the applicant, if we understand correctly, the first conclusion was 'the unnecessary hardship would result from the strict application from the ordinance,' and that was a unanimous vote. The second was 'that the hardship was peculiar to the applicant's property' and that was a unanimous vote. It is the third where you got hung up and was a two-one vote. The Chair and Mr. Kuly voting in favor and Mr. Haywood voting against which, of course, with Mr. Benshoff correctly pointing out, if it is not granted then there is no reason to go to the fourth. Although, you did, at the prior meeting, authorize 'that the variance was consistent with the spirit, purpose, and intent of the ordinance.' We would ask that you may wish to and have the ability to reconsider the third item if that is not going to do violence to anyone's views on the

subject. We would note that, if, then the variance is denied, as we pointed out, we have already noted that the arguments would be that the Board is improperly constituted to hear the case to start with and that the variance should then be granted because the Board can't take action. Your attorney has pointed that out in staff report so I'm just again noting that it would, to prevent making an easy appeal to Superior Court where we will perhaps also seek a declaratory judgement that this Board cannot act in any capacity until it reaches five members. We would ask that you reconsider on the third conclusion. That way, it prevents there from being an appeal and it prevents us from looking at the possibility of asking that there be a declaration issued that said this Board cannot act until it finally reaches the five-member threshold."

Chair asked Attorney Benshoff if Conclusion #3 can be opened up for discussion.

Attorney Benshoff - "The Board can (open up for discussion) or the Board can stand on what was already decided. Mr. Shah-Khan has made it very clear that, if the variance is not granted, he will appeal and that is his right and his client's right. It is your (the Board's) job to decide the matter on the facts presented before you. So if the Board does find that the variance is not appropriate then you are duty-bound to turn it down and let the chips fall where they may."

The Chair asked Mr. Haywood: "Why do you think that it is the applicant's own actions for the hardship on Item #3?"

Ryan Haywood - "As I understand, our responsibilities and any motion we make for varying the law must be based on something that we have in the record as evidence. Based on the findings that we have in front of us, the findings seem to indicate to me that the hardship is directly a result of the applicant's actions. So I don't know how I could vote that it is not, when that is what the findings we have accepted, indicate."

Attorney Shah-Khan - "Mr. Chairman, I would note that, with respect to Mr. Haywood's point, Mr. Haywood seems to be suggesting that the applicant procured the situation. I think the record is very clear in the testimony that you heard in the August meeting as well as this meeting. This agrees with that. You're suggesting that the applicant procured the reason the hardship is taking place. That couldn't be further from the truth based on what's here. This was a lot line revision that was, to make it consistent, to ensure there would be some form of a buildable lot. You've also, I think as the Chair pointed out, noted that the lot line issues in the UDO were something that the applicant didn't know about. So I think, in acting on Conclusion 3, is inconsistent with what you did on Conclusion 1 because Conclusion 1 stated, 'that the applicant was not aware of what the requirements were under the UDO.' In that case, if that is what you're hanging your hat on, with respect, you cannot be logically consistent voting for one and then voting against on three. I am curious if you would like to please advise us, so for purposes of this hearing and perhaps for your colleagues' sake, what the rationale is on saying 'she procured the circumstances of the hardship on Conclusion 3.'"

Attorney Benshoff - "I believe Mr. Haywood said it was based on Findings of Fact #12. So unless somebody makes a motion to revise #3, it stands as adopted. (No motion from the Board,) It looks like #3 stands and the variance is denied."

Thomas Loria- With no resolution, the conclusion fails.

Attorney Shah-Khan – “Mr. Chairman, we would note for purposes of the record, you should say that the Board took no action. It is not a denial of the variance per your attorney. It is not an approval; it is not a denial because you never reached that point because of the failure to agree on a conclusion.”

Attorney Benshoff – “Well, we could have a motion to deny and I imagine the vote would be the same thing and Mr. Shah-Khan would make the same argument that it is not a definitive ruling. The “why” is that the variance is not granted unless all four conclusions are found for that. Yes, you could make a motion to deny #3 if you would like, Mr. Haywood. It didn’t pass and Mr. Shah-Khan is making a very technical point that ‘not passing’ doesn’t mean it was ‘denied,’ although you get to the same result.”

Motion: Ryan Haywood made a motion in relation to Conclusion #3 that the hardship is the result of the applicant’s own action because of purchasing the land after the new UDO went into effect and desiring to build a home on it which created the need for the variance.

Second: No second

The motion failed for lack of a second.

Motion: Thomas Loria made a motion that in granting the variance, public safety will be secured and substantial justice will be achieved.

Second: Myles Kuly

Action: The motion did not pass with the following votes:

AYES: Thomas Loria, Myles Kuly

NAYS: Ryan Haywood

Thomas Loria- The variance has been denied.

There was a five-minute recess.

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)

Patrick Blaszyk, Freddie Kirk and Matt Cagle came forward and were sworn in.

Patrick Blaszyk, Planner 1, presented the proposed findings:

1. The subject property located at 2540 Arnold Drive is owned by Freddie and Cherry Kirk 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 to the south of Arnold Drive. Exhibit 2 is the Zoning Map showing the subject property highlighted in blue. The subject property, as are many of the surrounding parcels, are zoned RLD (Residential Low Density). Parcels to the south, however, are zoned RHD for Residential High Density as these are the Nottingham Apartments. Exhibit 3 is a copy of the Deed to the property.

2. On August 29, 2025, the applicant submitted a variance application in order to request a 7-foot variance from the 10-foot accessory structure setback requirement for a carport accessory structure located at 2540 Arnold Drive. (Exhibit 4) Exhibit 4 is a copy of the application.
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) Exhibit 5 show the standards highlighted in yellow.
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 6-7) Exhibit 6 is a copy of the Site Plan. Exhibit 7 are photos of the existing conditions of the site. The first photo is taken from Arnold Drive. Other photos are taken from the rear yard of the property.
5. All adjacent property owners have been notified of the proposed variance. (Exhibit 8-9) Exhibit 8 is the APO Map where the subject property has a red star on it. There were a total of eleven parcels that were notified. Exhibit 9 is a copy of the APO List.

The Board began asking Patrick Blaszyk questions. There were some general inquiries from the APO mailings as well as one inquiry in support of the variance request. No inquires were recommending denial of the request. The City accessory structure setback requirement has been adopted since 2003.

The applicant, Freddie Kirk, from 2540 Arnold Drive, Monroe, came to the podium for questions. There has not been any concrete poured. The structure was installed roughly 2 ½ months ago and held in place by three spikes on each side at the metal base. He checked with his closest neighbor before he had the structure put in. There has been a camper in that same location for about 10-15 years. This is a nicer camper and the applicant wanted to protect it from the oak trees with this shelter. The applicant originally felt it didn't need a permit since it was not involving gas, electric, water or any City utilities, but after it was installed, he wanted to make sure. He came and spoke with Patrick Blaszyk and Doug Britt about whether it required a permit and found out what he needed to do. If he had to move it, it would be a hardship since that is the only place it can physically go in order to back up the camper into the shelter with his truck. He has four inches clearance on each side when backing the camper through the gate alongside the house. It is 53-ft from the gate to the shelter. The truck and camper both are 42-ft long once he clears the fence. There is no way to turn the camper or truck without hitting something. Neither neighbor had a problem with it being installed there. He chose a high-quality and properly-installed structure that would look good in the neighborhood and not be intrusive. The other side of the house and the property line are only 6-ft wide and the truck and trailer would not be able to back into the yard on that side.

Matt Cagle, who lives at 2538 Arnold Drive, is a neighbor who spoke in support of the applicant. He said there are buildings around the neighborhood that sit close to the property line and have been there since the 80's.

Thomas Loria made a Finding of Fact 6- That the length of the trailer and vehicle combined are 42-ft which makes it hard and almost impossible to make a turn into the shelter if it were in any other area of the property.

Thomas Loria made a Finding of Fact 7- There are mature trees in the backyard supporting Finding of Fact 1, making it difficult to navigate the vehicle.

Ryan Haywood made a Finding of Fact 8- Based on the layout of the property, it would not be possible to back a truck and trailer in from the other side of the home due to the proximity of the property line.

Motion: Ryan Haywood made a motion to adopt proposed Findings of Fact 1-8.
Second: Thomas Loria
Action: The motion passed with the following votes.
AYES: Thomas Loria, Ryan Haywood, Myles Kuly
NAYS: None

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

Motion: Ryan Haywood made a motion that an unnecessary hardship would result from the strict application of the ordinance based on the Findings of Fact adopted by staff and the ones added concerning the shape of the property and the inability to relocate the accessory structure to the opposite side of the property based on the proximity of the house. This seems to be the only place to place this structure in order for Mr. Kirk and his wife to protect their investment.
Second: Thomas Loria
Action: The motion passed with the following votes.
AYES: Thomas Loria, Ryan Haywood, Myles Kuly
NAYS: None

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

Motion: Myles Kuly made a motion that the hardship is peculiar to the applicant's property based on shape of the property and placement of existing trees.
Second: Ryan Haywood
Action: The motion passed with the following votes:
AYES: Thomas Loria, Ryan Haywood, Myles Kuly
NAYS: None

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

Motion: Ryan Haywood made a motion that the hardship is not the result of the applicant's own actions because the geography of the lot and the trees prevent the applicant from placing the accessory structure anywhere else.

Second: Thomas Loria

Action: The motion passed with the following votes:
AYES: Thomas Loria, Ryan Haywood, Myles Kuly
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.

Second: Myles Kuly

Action: The motion passed with the following votes:
AYES: Thomas Loria, Ryan Haywood, Myles Kuly
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.

Second: Myles Kuly

Action: The motion passed with the following votes:
AYES: Thomas Loria, Ryan Haywood, Myles Kuly
NAYS: None

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)

Megan Brightharp, Randall Wallace, Freddie Martin and Nick Stathopedos came forward and were sworn in.

Megan Brightharp, Planner 1, presented the 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) Exhibit 1 is a copy of the Ortho Map showing the subject property highlighted in blue. The subject property is located northeast of Old Charlotte Highway. Exhibit 2 is a copy of the Zoning Map showing the subject property highlighted in blue. The subject property is zoned Neighborhood Business (NB), as are the adjoining properties to either side. To the rear of the property is Residential Medium Density (RMD). Exhibit 3 is a copy of the Deed to the property showing that Shelley F. Martin is the property owner.

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) Exhibit 4 is a copy of the application. Included with the application is a preliminary site plan showing the old zoning of this parcel prior to the rezoning to Neighborhood Business (NB) in 2022 with the city-wide zoning map update. This parcel has split-zoning. The property was zoned R-20 to the rear and the rest of it was zoned General Business (GB). Exhibit 5 is a copy of the Site Plan the applicant has submitted showing where the 18-ft buffer would be and the proposed addition to the existing structure.
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) Exhibit 6 is a copy of the UDO table 157.8.3.1. There are three options you can choose from the different buffer types. All three options for the Type 4 buffer require that it has a minimum width of 50-ft.
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) Exhibit 7 is a copy of the UDO table 157.8.3.2 showing that if this property is Neighborhood Business and it adjoins Residential Medium Density, a Type 4 buffer would be required.
5. All adjacent property owners have been notified of the proposed variance. (Exhibit 8 and 9) Exhibit 8 is a copy of the APO list. Exhibit 9 is a copy of the APO map. Sixteen letters were mailed and one response was received. It was a neighboring property owner concerned about the new project that is associated with the variance and how that will affect their property. They were informed that the applicant was only requesting a variance from the rear landscape buffer width, but not requested a variance from any other elements of their proposed development and that by the time they apply for permits, they will be required to meet the rest of the UDO standards.

The Board began asking Megan Brightharp questions. If the Board grants the variance, once the applicant applies for permits, they will need to specify which option they have chosen. At that time, in order for the permit to be approved they will need to meet whatever elements are listed in the option they have chosen.

Nick Stathopedos, a neighbor of the subject property at 3016 Old Charlotte Highway, came to the podium with questions. The proposed expansion of the building is 18-ft from the property line to the edge of the buffer as they are proposing. They would still be expected to provide the trees, shrubs and a wall, fence or berm. He said he doesn't have enough information to be either for or against this project. He was concerned about the addition being consistent in roofing and building materials. He was also concerned about the stormwater drainage which Megan Brightharp explained will be reviewed by engineers in the permit process.

Randall Wallace, the applicant, and Freddie Martin, the landowner, approach the podium for questions. Randall Wallace is the General Manager of Fox Metrology which has been in business

in Monroe, NC since 2021. They leased the building from Freddie Martin in January 2022. Their business has grown substantially and they do business with many in Union County, including the City of Monroe and Fire Department. They do no manufacturing, but they calibrate dimensional and precise measuring equipment, such as pressure gauges to torque wrenches to flute meters. They have outgrown their current space and it would cost a lot of money to move to a different location. They are proposing an addition to this building. There is already a parking area in the rear of the building which is the exact location of the extension. The roofing and brick will be the same as the current building, but the only difference is that the roll-up door will be on the side instead of on the rear of the building. There will be an 18-ft buffer from the new building to the property line and there is already a berm with trees and at least a 6-ft fence dividing the back property line. Their employees primarily travel to work at the customer's facilities, but they have seven employees in a room that has to be kept at a certain temp and humidity. They have items stacked up that puts their accreditation at risk. They are not moving anything, but mostly restructuring their shipping and receiving area.

Ryan Haywood made a motion to adopt Finding of Fact 6- Based on the applicant's testimony, their current office restricts their workflow and potentially may have to engage in activities that could harm their accreditation and, therefore, harm their potential to operate their business which would cause a financial injury.

Motion: Ryan Haywood made a motion to adopt all proposed Findings of Fact 1-6.

Second: Thomas Loria

Action: The motion passed with the following votes.

AYES: Thomas Loria, Ryan Haywood, Myles Kuly

NAYS: None

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

Motion: Ryan Haywood made a motion that an unnecessary hardship would result from the strict application of the ordinance based on the Finding of Fact 6.

Second: Myles Kuly

Action: The motion passed with the following votes.

AYES: Thomas Loria, Ryan Haywood, Myles Kuly

NAYS: None

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

Motion: Ryan Haywood made a motion that the hardship is peculiar to the applicant's property based on Exhibit 1, the Otho map, as it was supplied by staff.

Second: Thomas Loria

Action: The motion passed with the following votes:

AYES: Thomas Loria, Ryan Haywood, Myles Kuly

NAYS: None

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

Motion: Thomas Loria made a motion that the hardship is not the result of the applicant's own actions due to the way the property is laid out and existing lot lines.

Second: Myles Kuly

Action: The motion passed with the following votes:
AYES: Thomas Loria, Ryan Haywood, Myles Kuly
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: Ryan Haywood made a motion that the variance is consistent with the spirit, purpose, and intent of the ordinance based on Findings of Fact 1-6 and the three prior conclusions.

Second: Thomas Loria

Action: The motion passed with the following votes:
AYES: Thomas Loria, Ryan Haywood, Myles Kuly
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.

Second: Myles Kuly

Action: The motion passed with the following votes:
AYES: Thomas Loria, Ryan Haywood, Myles Kuly
NAYS: None

Item 11. **Set Date for Next Meeting: November 2025-Possible Alternate Date-Thursday, November 20, 2025**

No alternate date for the November meeting was agreed on at this time.

Item 12. **Attorney's Remarks-**

Al Benschoff is retiring in January and December will be his last Board of Adjustment meeting.

Item 13. **Adjournment**

Motion: Myles Kuly made a motion to adjourn the meeting.

Second: Thomas Loria

Action: The motion to adjourn passed with the following votes:
AYES: Thomas Loria, Ryan Haywood, Myles Kuly
NAYS: None

The meeting was adjourned at **8:18 p.m.**

Respectfully submitted,

Thomas Loria
Acting Chair

Kimberly Davis
Clerk of the Board

Return to City of Monroe
Drawn by Albert Benshoff, The Brough Law Firm, PLLC

PIN 09-231-079

**NORTH CAROLINA
UNION COUNTY**

**DECISION OF THE CITY OF MONROE
ZONING BOARD OF ADJUSTMENT
VARIANCE CASE PLZNA-2026-00024**

Subject Property: 508 E. Talleyrand Ave., Monroe, NC
Tax ID No. (PIN): 09-231-079
Total Lot/Tract Size: 0.74 Acres
Property Owners: Emily and Michael McGinnis
Applicant/Petitioner: Eleanor McGinnis,

This matter concerns a petition to obtain a seven-foot variance from the side yard setback in order to bring an existing accessory structure into compliance with the Unified Development Ordinance (UDO). The variance came before the Board of Adjustment on Oct. 23, 2025. The Board, having considered the application and heard the testimony and arguments of the Applicant, City staff, and others, makes the following:

FINDINGS OF FACT

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). Exhibit 1 is the Aerial Map where the subject property is highlighted in blue. It is located south of East Talleyrand Avenue. Exhibit 2 is the Zoning Map where the subject property is highlighted in blue. It is zoned RMD (Residential Medium Density) as are the surrounding parcels. The green area shown in the north is Office Medical. Exhibit 3 are two copies of a Deed showing ownership to the property. This first deed is from the original purchase in 2019. In 2024, some property was added to the original parcel.
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). Exhibit 5 is a copy of the application. The second part of Exhibit 5 is the answer to the questions and the property owner’s signature. There is also a Letter of Authorization from the property owner, Emily McGinnis, authorizing Ms. Eleanor McGinnis to apply for this variance.

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). Exhibit 6 is a copy of [UDO] Table 4.2.3.2.
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). Exhibit 7 is a copy of the proposed lot layout. This proposal is to create an individual lot as shown in red from the land that was added to 508 in 2024. This portion in red was part of the parcel to the right side and now they want to create it as an individual lot, separating it from the 508.
6. All adjacent property owners have been notified of the proposed variance. (Exhibit 8-9). Exhibit 8 is a copy of the APO [Adjacent Property Owners] mailing list. Exhibit 9 is a copy of the APO map.
7. If the property is subject to the RMD standards, another dwelling cannot be built.
8. 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.
9. The pattern of house numbers on Talleyrand Street shows the vacant portion of 508 Talleyrand Street was intended to be a building lot.
10. There is a pattern of non-conforming lots on Talleyrand Street. The lots are non-conforming in both minimum areas and lot widths.
11. 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 of Law:

1. It is the Board’s CONCLUSION, that unnecessary hardship would result from the strict application of the ordinance because of the undue expense that would be incurred if the fence and driveway at 508 Talleyrand Street were moved west of a new property line creating a second lot. Without moving these site features, a new conforming 12,000 square foot lot cannot be created.

2. It is the Board's CONCLUSION, that the hardship is peculiar to the applicant's property due to the size and configuration of the lot.
3. The Board was unable to conclude that the hardship is OR is not the result of the applicant's own actions.
4. (a) The Board was unable to conclude that variance is consistent with the spirit, purpose, and intent of the ordinance.

(b) The Board was unable to conclude that in granting the variance, the public safety will be secured and substantial justice will be achieved.

THEREFORE, on the basis of all foregoing, the application for Variance PLZNA-2026-00024 is denied.

So ordered this the 23rd day of Oct. 2025.

Thomas Loria, Acting Board Chair

ATTEST:

Kimberly Davis, Clerk to the Board of Adjustment



STAFF REPORT

Case # PLZNA-2026-00102

TO: Board of Adjustment Members
DATE: January 22, 2026
FROM: Doug Britt, Assistant Director of Planning and Development
PREPARED BY: Patrick Blaszyk, Planner
SUBJECT: A variance request by Michael Clevenger for a proposed accessory structure at 1915 Overhill Drive.

SUMMARY STATEMENT

Michael Clevenger is requesting a 5-foot variance from the accessory structure setback requirement in a residential zoning district in order to construct a detached garage in the rear yard of 1915 Overhill Drive.

SITE DATA

Type of Action: Variance
Date of Petition: December 15, 2025
Name of Petitioner: Michael Clevenger
Location: 1915 Overhill Drive
Tax ID #: 09-298-035
Lot Size: 1.9 Acres
Current Zoning Classification: RLD, Residential Low Density

REVIEW

Proposed Findings:

1. The property located at 1915 Overhill Drive is owned by Michael and Linda Clevenger and is zoned RLD, Residential Low Density. (Exhibits 1, 2, and 3)
2. On December 15th 2025, the applicant submitted a variance application to request a 5-foot variance from the 10-foot accessory structure setback requirement in order to construct a 26’x 30’ detached garage in the rear yard of 1915 Overhill 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 proposed location of the 26'x 30' detached garage as well as photos of the site at 1915 Overhill Drive. The site plan indicates the accessory structure will be located 5-feet from the rear property line. (Exhibit 6 & 7)

5. 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 PLZNA-2026-00102 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

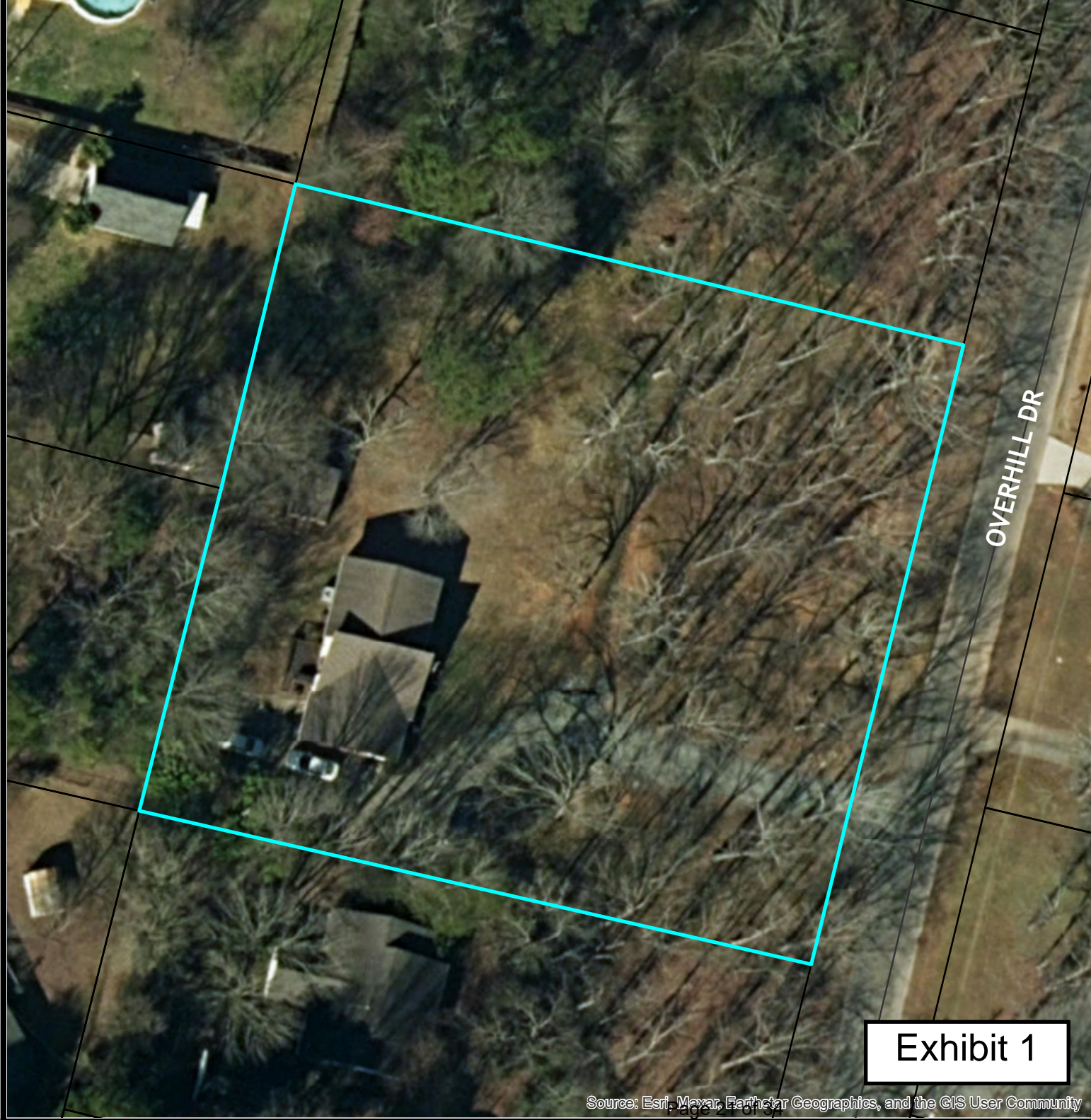
Exhibit 6: Accessory Structure Site Plan

Exhibit 7: Existing Conditions

Exhibit 8: APO Map

Exhibit 9: APO List

Prepared by: PB 1/6/2026






Ortho Map

Case #: PLZNA-2026-00102

1915 Overhill Drive

Legend

-  Centerlines
-  Parcels
-  Subject Property

Ownes: Michael & Linda Clevenger

Acres: 1.9

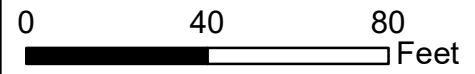


Exhibit 1

Zoning Map

Case #: PLZNA-2026-00102

1915 Overhill Drive

Legend

-  Centerlines
-  Parcels
-  RLD
-  Subject Property

**Ownes: Michael & Linda
Clevenger**

Acres: 1.9

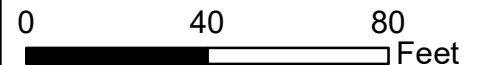
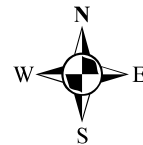


Exhibit 2

RECORDED
and
VERIFIED

JSM

BOOK 378 PAGE 458

UNION
COUNTY

037548

STATE OF
NORTH
CAROLINA



Real Estate
Excise Tax

12.00

Filed for record

Date: May 15, 1984

Time: 4:40 P.M.

MARY B. CARRIKER, Register of Deeds
Union County, Monroe, North Carolina

Excise Tax \$12.00

Recording Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. _____
Verified by _____ County on the _____ day of _____, 19____
by _____

Mail after recording to CLARK & GRIFFIN, ATTORNEYS, P. O. BOX 308, MONROE, NC 28110

This instrument was prepared by CLARK & GRIFFIN, ATTORNEYS, P. O. BOX 308, MONROE, NC 28110

Brief description for the Index Lots 18 & 19, Dogwood Acres Sub.

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 15th day of May, 1984, by and between

GRANTOR

GEORGE WALTER MCKISSICK and wife,
CLAIRE SUE BENNETT MCKISSICK

GRANTEE

MICHAEL LEE CLEVINGER and wife,
LINDA M. CLEVINGER
1915 Over Hill Drive
Monroe, NC 28110

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 the City of N/A, Monroe Township,

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

BEGINNING at an iron stake located on the western edge of the right of way of Overhill Drive, the northeast corner of Lot 17 of Dogwood Acres Subdivision and runs thence with the northern line of said Lot 17 North 75 degrees 11 minutes 50 seconds West 213.0 feet to an iron stake, the common corner of Lots 17, 18, 36 and 37; thence with the eastern line of Lot 36 North 13 degrees 43 minutes 10 seconds East 100.0 feet to an iron stake, the common corner of Lots 18, 19, 35 and 36; thence with the eastern line of Lot 35 North 15 degrees 15 minutes 20 seconds East 99.67 feet to an iron stake, the common corner of Lots 19, 20, 34 and 35; thence with the southern line of Lot 20 South 75 degrees 17 minutes 15 seconds East 213.57 feet to a point on the western edge of the right of way line of Overhill Drive; thence along and with the western edge of the right of way of Overhill Drive South 14 degrees 39 minutes 10 seconds West 200.0 feet to the point and place of BEGINNING and being all of Lots 18 and 19 of Dogwood Acres Subdivision, a plat of which is recorded in Plat Book 4, page 111, Union County Registry, as resurveyed by Carroll L. Rushing on August 16, 1979.

This property is conveyed subject to restrictions of record.

IT IS UNDERSTOOD AND AGREED between the parties to this conveyance that as a part of the consideration paid and agreed to be paid, the parties of the second part hereby assume and expressly agree to pay the balance on that certain note secured by deed of trust by parties of the first part to NCNB MORTGAGE CORPORATION recorded in Book A-300, page 754, Union

Exhibit 3



City of Monroe Variance Application Form

Applicant's Name: Michael Clevenger

Applicant's Address: 1915 Overhill Drive Monroe, NC, 28110

Property Owner's Name: Michael & Linda Clevenger

Property Owner's Address: 1915 Overhill Drive Monroe, NC, 28110

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

Legal Relationship of Applicant to Property Owner: Self

Contact Person Name and Phone Number: Michael Clevenger Ph # - 704-282-7528

Existing Use of Property: Private Residence

Property Location: Dogwood Acres, Monroe, NC

Tax Map Number: 09- 298 - 035 Lot Size: 1.99 acres Zoning District: Monroe

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

Proposed variance description: I am applying for a 5' property offset to allow me to fit a 26' x 30' garage / storage building

(the size I need), and to allow sufficient space from my home. I spoke with my neighbor and he has no problem with the 5' offset.

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 the attached sheet for the statement

Exhibit 4

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

See the attached sheet for the statement

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]

See the attached sheet for the statement

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.**

See the attached sheet for the statement

willing to sign a statement to acknowledge the same.

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.

Michael Clevenger
Printed name of Applicant

Michael Clevenger
Signature of Applicant

12-4-25
Date

Michael Clevenger

Printed name of Owner

Michael Chesenger
Signature of Owner

12-4-25
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

Question # 1.

The 10' offset does not allow for me to build the size of garage needed for a reasonably sized 2 car garage or for future needs, storage, repair of my personal equipment and vehicles, etc. It also does not allow sufficient space between the garage and house for some additions needed to the house.

Question # 2.

The space I am asking for the variance is the best suited spot for the building to allow a direct connection to the paved driveway and proximity to the house. The topography of the other areas of the lot are wooded and are uneven which would require too much expense to clear trees and fill in dirt to build the garage, as well as build a road to the building. There is also a sewer easement on the lot that would cause more issues in finding a suitable spot. The garage would also be exposed and not as ecstasically pleaseable as hidden behind the house.

Question # 3.

I have owned the property for over 40 years and have not made any changes that would create the hardship for the variance I am asking for. No site improvements have been made to cause the hardship.

Question # 4.

I believe the variance maintains the spirit and purpose of the ordinance. The garage would not be taller than my house and not seen from the front of my home preventing an eye sore in the community, as well I do not see any issues with public safety. My neighbor is willing to sign a statement that he has no issue with the 5' offset, if it is needed, as well he cut down a low hanging tree over my property where the garage would be built.

Thank you in advance for your help,

Mike & Linda Clevenger

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

OVERHILL DR

Proposed Garage Location



Exhibit 7

Photos of Property



Photos of Property



APO Map

PLZNA-2026-00102

Legend

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

19 Parcels Notified



Exhibit 8

ACCTNO	OWNERNAME1	OWNERNAME2	OWNERADDRE	CURR_ADDR2	OWNERCITY	OWNERSTATE	OWNERZIP
09298054	HELMS LENORIA GRIFFIN		3410 ROMANY DR		MONROE	NC	281107833
09298055	HILL DAVID G		1821 OVERHILL DR		MONROE	NC	28110
09298025	HINSON KELLY M		1516 OLD FISH RD		MONROE	NC	28110
09298038	ARREDONDO JOSE A GUTIERREZ		1222 FAMILY CIR		MONROE	NC	28110
09298052	JOHNSON CHARLES E	JOHNSON KAREN R	3416 ROMANY DR		MONROE	NC	28110
09298053	HUNTLEY EVEN MICHAEL		3414 ROMANY DR		MONROE	NC	28110
09298026	CASTELINE DANIEL L		1914 OVERHILL DR		MONROE	NC	28110
09298035	CLEVINGER MICHAEL LEE	CLEVINGER LINDA M	1915 OVERHILL DR		MONROE	NC	28110
09298055C	CORTES JUAN J	GARCIA MARICRUZ	3413 ROMANY DR		MONROE	NC	28110
09298024	HESS JOYCE L		1918 OVERHILL DR		MONROE	NC	28110
09298034	SMITH LISA A		1909 OVERHILL DR		MONROE	NC	28110
09298050	CHILESHE CHRISTOPHER	FISHER ANNA	3502 ROMANY DR		MONROE	NC	28110
09298023	RUDAR CHRISTOPHER PAUL	BARNES CHIKARRA	2006 OVERHILL DR		MONROE	NC	28110
09298033	DZHURA OLEKSANDR	DZHURA VASYLYNA	3402 ROMANY DR		MONROE	NC	28110
09298051	LEGAULT RUSSELL SCOTT	LEGAULT TERESA BARR	3418 ROMANY DR		MONROE	NC	28110
09298055D	SMITH JASON A	ROBB KAYLEIGH	3411 ROMANY DR		MONROE	NC	28110
09298027	BUNDY APRIL LAUREN	MURPHY WALLACE EDWARDS	1910 OVERHILL DR		MONROE	NC	28110
09298028	CASSIDY EILEEN		1908 OVERHILL DR		MONROE	NC	28110
09298037	MICHAEL H STARNES CONSTRUCTION INC. C/O MICHAEL H STARNES		3814 STACK RD		MONROE	NC	28112

Exhibit 9