

**BOARD OF ADJUSTMENT
MEETING
THURSDAY, NOVEMBER 19, 2020
6:30 P.M.
Conference Room
300 West Crowell Street
Monroe NC**

AGENDA

- Item 1.** **Call to Order.**
- Item 2.** **Approval of Minutes** – September 24, 2020
- Item 3.** **Case #21-11000004 Special Use Permit** - The applicant, Bisrat Abraham, is requesting a Special Use Permit to allow a Daycare Center in the OT (Office Transitional) zoning district located at 2621 Wolf Pond Road and further identified as Tax ID #09-204-015 01
- Item 4.** **Next Meeting:** To Be Determined
- Item 5.** **Adjournment**

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

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

**MINUTES OF THE
BOARD OF ADJUSTMENT MEETING
September 24, 2020 at 6:30 P.M.
Conference Room
300 West Crowell Street
Monroe NC**

To S. Laney – e-mailed 9-25-20

Item 1. Call to Order

Chairman George Massey called the September 24, 2020 meeting to order at 6:30 p.m. The Clerk of the Board called the roll. Mr. Massey noted that there was a quorum present with **3** members.

Members Present: George Massey, Louis Philippi and William Draper

Members Absent: Julius Marsh, Jr.

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

Guests: **SUPs - 605 and 607 Winchester Avenue**
John F. Harris, 601 Winchester Avenue
Linda Y. Harris, 601 Winchester Avenue
Brenda Leake, 509 Patton Avenue
Larry W. Leake, 501 P.E. Bazemore Street
Harold R. Belton, 809 Winchester Avenue
Brent Anthony, 911 Belton Street
Aaron S [could not read name]
Elijah English, Better Path Homes

SUP - 2515 W. Roosevelt Blvd.
Shannon Bromstrup, 522 Ridge Road

George Smith, 407 S. Westover Street

Item 2. Approval of Minutes – Minutes of August 27, 2020 Meeting

Approval of the minutes for the meetings was requested.

Motion: Louis Philippi moved to approve the minutes of the August 27, 2020 Meeting.
Second: William Draper
Action: The motion to approve the minutes passed unanimously.

Keri Mendler said to Mr. Massey that the applicant for the Special Use Permit requests for 605 and 607 Winchester Avenue has not yet arrived. She asked if the Special Use Permit request for an event facility at 2515 W. Roosevelt Boulevard could be heard first or we could do the Winchester Avenue SUPs at your discretion. Doug Britt said it is the last SUP request on the agenda. He said the first two SUP requests [Winchester Avenue] on the agenda have the same applicant. Both Mr. Massey and Mr. McCollum agreed to hear the last item on the agenda first.

Item 3. Case #21-11000003 – The applicant, Shannon Bromstrup, is requesting a Special Use Permit to allow an Event Facility in the GB zoning district located at 2515 W. Roosevelt Boulevard and further identified as Tax ID #09-261-006

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

Doug Britt, Senior Planner, introduced this item and said this is a Special Use Permit request filed by Shannon Bromstrup to allow an event center located at 2515 W. Roosevelt Blvd. He said the ordinance does require a Special Use Permit for event centers located in the GB (General Business) district. He said at this time he would present the findings and exhibits to the record:

Findings:

1. The property at 2515 W. Roosevelt Boulevard is owned by Roosevelt Center Group, LLC and is zoned GB (General Business). (Exhibit 1, 2)
2. The applicant submitted a Special Use Permit Application on August 31, 2020 requesting to operate an Event Facility on the property. (Exhibit 3)
3. According to Section 156.110 of the City of Monroe Unified Development Ordinance titled “Table of Permissible Uses”, Event Facilities are only allowed in the GB zoning district with the issuance of a Special Use Permit from the Board of Adjustment. (Exhibit 4)
4. A Standard 5 Appraisal Impact Study was completed by Morrison Appraisal, Inc. It is the opinion of Morrison Appraisal, Inc. that the proposed Event Center use will not adversely affect the value of the adjoining properties. (Exhibit 5)
5. All adjoining property owners have been properly notified of this special use permit. He said the item was also posted at the site. (Exhibit 6)

Doug said he would be glad to answer any questions. He said the findings of fact worksheet is at the end of the staff report. He said the applicant is here to also answer any questions.

Mr. Massey asked Doug if he received any phone calls. Doug said he did not.

Mr. Massey asked if anyone had any questions.

Louis Philippi asked if this was in a shopping center. Doug said yes, a strip shopping center. Mr. Philippi said there is a restaurant there. Doug said there is a pizza place, a couple of restaurants, and a retail store.

Shannon Bromstrup came forward to speak. Mr. Massey asked her to give her name and address for the record.

Ms. Shannon Bromstrup said thank you for having her here tonight. She said her name is Shannon Bromstrup and her desire is to open a small event space here in the Union County area. She said it would be a space that is utilized by Monroe, Indian Trail and other surrounding towns, primarily for small events like birthday parties, bridal showers and things like that. She said clients can just rent the space and come in and do what they would like to or she would offer full planning services for the entire event, from set-up to take-down. She said she is really looking forward to the opportunity to possibly be able to do this. She said she would be happy to answer any questions that you may have.

Mr. Massey asked Ms. Bromstrup if whoever rents the facility would be responsible for providing alcohol. Ms. Bromstrup said correct. She said they would be responsible for getting permits, etc.

Louis Philippi asked Ms. Bromstrup if she was aware that last year this Board approved two (2) event facilities near your location. Ms. Bromstrup said she knows one (1) for sure but she has unfortunately not been able to find a lot of information on it to see what they offer.

Mr. Massey asked Ms. Bromstrup if she received the list of special use standards and the questions to be answered. Doug Britt said to Ms. Bromstrup that this is in the application that she filled out. Mr. Massey asked Ms. Bromstrup if she had any further comments. Ms. Bromstrup said she did not. She said she knows that there are other similar services in the area for events but as the appraisal that was provided stated there were no adverse effects on sales or property that pertained to that, no adverse effects on the neighborhood or any endangerment. She said she feels very certain that her event center would be the same case as well. She said the landlords of the property she has been working with are very interested in having this type of business there and that it would fit in very well with the area.

William Draper said there is plenty of parking at the property. Louis Philippi said yes. He said he eats in the restaurant next door. He said this is a commercial section. He said they do serve a public need. He said it is not our job to make sure you make money. He said it is our job that you do not hurt the community. He said he does not see any damage to the community.

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

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

Motion: Louis Philippi made a motion that this **standard is met** because it is a simple party event facility in a commercial area where you have restaurants and retail stores. He said he does not see it causing any difficulty in public health or safety.

Second: William Draper

Action: The motion to approve passed unanimously.

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

Motion: William Draper made a motion that the **standard is met** because the application is pretty clear that they have an understanding of the ordinances for this type of business.
Second: Louis Philippi
Action: The motion to approve passed unanimously.

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

Motion: Louis Philippi made a motion that the **standard is met** because it is essentially a retail business in a retail center and he did not see where it would have any effect whatsoever on her neighbors.
Second: William Draper
Action: The motion to approve passed unanimously.

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

Motion: William Draper made a motion that the **standard is met** because it is a commercial area and this type of business would not adversely affect the surrounding area and they would not impact this business.
Second: Louis Philippi
Action: The motion to approve passed unanimously.

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

Motion: Louis Philippi made a motion to grant the issuance of the Special Use Permit
Second: William Draper
Action: The motion to grant the Special Use Permit passed unanimously.

Mr. Massey said the Special Use Permit request has been granted.

Item 4. **Case #21-11000001 – The applicant, Better Path Homes, LLC, is requesting a Special Use Permit to construct a new single-family home at 605 Winchester Avenue, which is located in the Winchester Overlay District and further identified as Tax ID #09-228-144**

Mr. Massey said that anyone who is going to give testimony in this case needs to be administered the oath. Keri asked Mr. Massey if everyone wishing to speak should be sworn in separately. She said there will be two (2) separate items. Mr. Massey said yes, swear them in separately. Keri came forward and was sworn.

Keri Mendler, Planner, introduced this item and said this is a Special Use Permit request. She said tonight she is here to present a Special Use Permit request for a single-family home at 605 Winchester Avenue, which is located within the Winchester Overlay District. She said at this time she would present the findings to the record:

Findings:

1. The property at 605 Winchester Avenue is currently owned by Better Path Homes, LLC and is zoned R-10 (Residential- Low Density) The property is also located in the Winchester Overlay District. (Exhibit 1, 2, 3)
2. According to Section 156.124, Overlay Districts, all principal developments in the Winchester Overlay District shall obtain a Special Use Permit. This section has several other requirements; however, due to state law changes, many can no longer be enforced. Each requirement has been addressed below (Exhibit 4):
 - a. The construction or renovation as proposed and designed will be compatible in the neighborhood, and along the street with which it is located.
-This requirement can no longer be enforced due to G.S. 160A-381 as it is considered a design standard, which cannot be used unless the applicant voluntarily consents to it.
 - b. The construction or renovation as proposed and designed fulfills the intent of § [156.132](#) of the City of Monroe Code of Ordinances.
-This standard applies only to commercial properties.
 - c. The construction or renovation as proposed and designed will not substantially injure the value of adjoining or abutting property.
-This standard is addressed in the Special Use Permit standards.
 - d. The construction or renovation as proposed maintains the historic character and integrity of the infill neighborhood in which it is located.
-This requirement can no longer be enforced due to G.S. 160A-381 as it is considered a design standard, which cannot be used unless the applicant voluntarily consents to it.
 - e. The construction or renovation as proposed shall adhere to the strategies and objectives outlined in the City of Monroe Land Development Plan.
-This standard is addressed in the Special Use Permit standards.

f. Duplexes may be allowed on corner lots.
-The applicant is not proposing a Duplex.

g. All principal developments shall obtain a special use permit.

h. Mobile homes shall not be permitted.
-The applicant is not proposing a mobile home.

3. The applicant submitted a Special Use Permit Application on September 1, 2020 requesting to construct a new single family home on the property. The home is 1,204 heated square feet with an 85 square foot front porch. (Exhibit 5 and 6)
4. All adjoining property owners have been properly notified of this special use permit. She said the property was posted as well with a Special Use Permit sign. (Exhibit 7)

Keri said a worksheet has been completed by staff for your use and is located in your staff report. She said she would be happy to answer any questions and the applicant is here as well.

Mr. Massey asked Keri if she received any calls. She said she did receive one (1) call and she believes he is here tonight.

Mr. Massey said at this time anyone giving testimony come forward to be sworn in.

Mr. John F. Harris came forward and was sworn in. He said his address is 601 Winchester Avenue, Monroe, North Carolina 28110.

Keri said to Mr. Harris that he should provide his comments at this time.

Mr. Harris asked Keri to go back to the map of the property. He pointed to the property and said there was one (1) house on this lot [lot to the left]. He said the lot on the right is not big enough to have a house on it. He said there was just a little strip of land between the single house before it was torn down and the house on the right. He said it was about 18 feet wide. He said the person that owned the land called him and asked if he wanted to purchase the land. He said he told the owner no because there was nothing he could do with 18 feet of land between two (2) houses.

Mr. Harris said he contacted the neighbors in the area, Miss Wilson on John Street and the Morrow family. He did not get a chance to contact Miss Ivey or the owners who lived in the house on the corner of John and Winchester. He said everybody we spoke to and the people here from the Winchester neighborhood, are all opposed to having two (2) houses on that single lot. He said everybody that he has spoken to, the Johnsons on Beard Street, the Morrrows on Winchester, Miss Alberta Wilson on John Street, and the people we spoke to in the Winchester neighborhood, everybody opposes them trying to put two (2) houses on that lot.

Mr. Harris said we don't have any problem with them building a single dwelling on that lot for homeowners. He said with the two (2) houses there it would not even conform with what is already in the neighborhood.

Keri said she wanted to clarify just one (1) thing. She said there are two (2) cases tonight, 605 and 607 Winchester Avenue and they are two (2) separate deeded lots. She said they are proposing one (1) house on each of the lots.

Mr. Harris said even though there will be one (1) house on each lot, we are not in favor of it. He said the Winchester Community has worked hard in getting our neighborhood up to par, and we don't want just anything built there. He said somebody coming here, throwing up something, and then leaving. He said he is speaking on behalf of the neighbors and the Winchester Community.

Mr. Massey asked Keri for the size of the lots. Keri said according to the survey, the first lot is 56.1 feet wide and the area is .19 acreage. She said the second lot is 47.04 feet wide and the area is .164 acreage. Mr. Massey asked Keri if we are now dealing with 605 Winchester. Keri said yes, the lot on the left. Mr. Massey said this is the larger of the lots. Keri said yes.

Mr. Massey asked if there were any questions for Mr. Harris. There were none.

Mr. Brent Anthony came forward and was sworn in. He said he lives at 911 Belton Street, Monroe. He said he is against this just because of the location. He said the construction will be a problem with the business right here and it is going to be hard doing something on Winchester Avenue. He said they are going to need driveways and just different things. He said one (1) house, okay, but two (2) houses is just out of place. He said he does not think that this is the best place for it. He said he actually thinks that is the first step in gentrification. He said why would you allow houses here at this particular location where everyone is saying that it is not feasible. He said you are trying to put something that doesn't fit. He said he does not understand the ideology behind this.

Mr. Massey asked if there were any questions for Mr. Anthony. There were none.

William Draper asked Keri if the side yard setbacks meet minimum standards. Keri said the side yard setbacks minimum is ten (10) feet. She said for the first lot they are proposing a 14-foot setback on both sides of the property. She said there is a 30-foot front setback from Winchester Avenue. She said it does meet the ordinance requirements.

Mr. Harold Belton came forward and was sworn. He said he lives at 809 Winchester Avenue. He said the Winchester Community has a Committee to try and improve the community and address all issues. He said there will be two (2) small houses. He said we want single-family homes because we want to provide homes to improve the community. He said in the first part of 2019, somebody asked the City Council to change building standards for all of Monroe. He said City Council was asked to take the Winchester Community out of this change where they could build cheaper houses. He said they met some of the Council Members and they tabled this instead of approving because they wanted to investigate more. He said this request is trying to circumvent this. He said the houses are too small. He said we want family homes in Winchester. He said we want people to buy homes for home ownership. He said we have enough rental homes in the community already. He said we welcome them to build a house for a family so that they can buy it. He said two (2) homes were built on Boyte Street and they are family homes. He said both are occupied right now. He said we do not want more rental property. He said this will be cheap rental property. He said with a house so small what size family are you going to have in it?

Louis Philippi said to Mr. Belton that the house is 1,200 square feet which is bigger than many apartments. He asked Mr. Belton if he would say that it is a clear-cut better deal if you have an owner-occupied home as opposed to rental. Mr. Belton said the two (2) homes that were built on Boyte Street, the lots were similar to the lots here and they put one (1) house on each lot. He said both

of those homes are two-stories. Mr. Philippi said there is another house on Winchester....[could not understand]. Mr. Harris said that was a remodel. Mr. Belton said the two (2) houses built on Boyte Street have the same size lot. He said they built two-story homes with enough square footage for a family. Mr. Philippi asked Mr. Belton if he would rather have that property vacant than having two (2) more homeowners that would be good citizens. Mr. Belton said what the community wants is homeowners. He said if you build those two (2) houses, they would be rental properties. He said nobody is going to buy the houses. Mr. Philippi asked Mr. Belton if he had legal assurance that they would be sold as a owner-occupied home, would that change your mind? Mr. Belton said he did not think you could get legal assurance. He said nobody is going to invest their money in these houses. He said it is a lifetime investment when you buy a home.

Mr. Belton said building homes should be an investment, improve the community and increase property values. He said rental homes bring property values down. He said the Committee he is on has branded the community. He said signs are going to go up naming the community. He said we are trying to bring people together and improve the community. He said we need home ownership.

Ms. Linda Harris came forward and was sworn. She said her address is 601 Winchester Avenue. She said one of the main things that she wanted to bring up is that she is not sure everyone is aware of the area around the property. She said there is a lot of rental property. She said you can go on the internet and see how the rental property looks now. She said once they build these houses, we do not want them to look like the other rental properties. She said this is one of the main reasons she is here tonight.

Louis Philippi asked Ms. Harris if she was assured that the homes would be sold to families to occupy, not as rental units, would that change your mind? Ms. Harris said it would not.

William Draper asked Ms. Harris if she knew before this came up that there were two (2) lots there. He said everybody talks about this being one (1) lot. He said it is really two (2) lots. Ms. Harris said there was only one (1) home there, not two (2) homes. Mr. Draper said he does not know when this became two (2) lots but it is presented to us as two (2) lots and we have to consider it as two (2) separate individual units. Ms. Harris said the next gentleman will answer this question.

Mr. John Harris came forward and said he has been here for 32 years. He said there was a single house right here on this lot. He said there was a strip of land that was 18 feet long that was offered to him to buy. He said he did not buy it because there was a house there and another house on the corner. He said if you go back and look at a map of when this purchased, you will see that there was only one (1) house there and an 18-foot strip of land. He said he is assuming when the guy purchased that property, the property owner owned that property and the property around on John Street. He said there was one (1) owner on that lot. He said if it was two (2) lots, it wasn't in conformity to even put anything there. He said the person that owned it approached him about purchasing it. He said he told the owner that there was nothing he could do with 18 feet of length. He said this person owned this property and the Word of Mission church owned the other piece of property. He said there wasn't anything on this property but a single house. He said how they layed it out to be split into two (2) lots, he doesn't know because there wasn't anything there but one (1) house and a little bit of grass between this house and right here.

William Draper asked if this was recently subdivided. Keri said not to staff's knowledge. She said it has been two (2) lots. She said she does not know how long but staff has not done a subdivision. Mr. Philippi asked if the boundary of that one (1) house crossed over that line in the middle. Mr. Harris said it was only 18 feet between that house and the next house. He said before this property was subdivided there was only one (1) house and the strip of 18 feet of land.

Mr. Larry Leake came forward and was sworn. He said his address is 509 Patton Avenue. He said Friendship Baptist Church is in the area and that is why he supports the community for a single house.

Mr. Elijah English, the applicant, came forward and was sworn. He said he lives at 902 Coldwater Court, Concord, NC.

Louis Philippi asked Mr. English about the history of those two (2) pieces of land as far back as you may know about it and how you acquired it. Mr. English said they found those lots when they were owned by the Word of God Mission Church. He said the property was bought as two (2) separate lots because that's how they were already divided by the City. Mr. Philippi asked if there was a house on the property when the land was bought. Mr. English said no. Mr. Philippi asked when was the land purchased. Mr. English said two (2) months ago.

Louis Philippi asked if we had any access to the history of the land before two (2) months ago. Keri said the only thing she has is the deed showing that Better Path Homes purchased the property and it does list the two (2) separate parcels on the deed.

Louis Philippi asked how long the church owned the property before that. Keri said she was not sure. Mr. Philippi asked if the church was still in existence. Mr. Harris said they are not.

Mr. Draper said if you look at the second application and you look at the boundaries of that lot, it looks like the boundaries actually encompass the rear end of the home that faces John Street. Keri said we are on the first case now but this is a tax map in the packet; it is not 100% accurate. She said where it has the blue line potentially crossing over an existing structure, it is not 100% accurate. She said the survey in your packet does accurately depict where the property lines are.

Several people spoke [could not hear].

Louis Philippi said he wanted to propose that we do both proposals as one (1) unit but apparently....Keri said there were two (2) separate addresses, two (2) separate applications, two (2) separate parcels and two (2) separate houses. She said, therefore, there are two (2) separate cases.

Mrs. Harris asked why couldn't someone go back to the County Deeds Office to see when the first house was on the property. She asked why couldn't we just table what is going on tonight and go to the County Deeds Office to see how many parcels were on the land there when there was one (1) house. Mr. McCollum said we are not obligated, instructed or authorized to go and investigate. He said we are here like a jury to hear the evidence that is presented. Ms. Harris said you do not have the evidence. Mr. McCollum said that is your position; if you are a party you have to present evidence. Ms. Harris asked if we could table this, get the evidence, and come back. Mr. McCollum said if the Board wanted to, they could.

Question was asked if the houses, from a fire standard, would be too close together. He said he thought there had to be some separation between houses. Keri said the zoning code requires a 10-foot side yard setback. She said this lot has a 14-foot side yard setback from each side of the property line. She said the second parcel has a 12-foot setback so you have 26 feet between the houses. She said they do meet the setbacks for the property lines in the ordinance.

Mr. Belton asked if the houses that are to be built the same. Mr. English said no, they are different styles. Mr. Belton asked Mr. English if he was going to build both houses. Mr. English said no, a company he represents is going to build both houses. Mr. Belton said that proves they would be rental properties.

Keri asked Mr. Belton to come forward and speak at the podium so that it is on the record.

Mr. English said we exclusively build to sell to homeowners. He said we don't sell for rental properties. He said if you look at our company's track record, you will see that we build to sell. He said we are not in the rental market.

Mr. Belton asked Mr. English if he built a home and it did not sell, would he let it sit there. Mr. English said generally speaking, if you cannot sell a house you drop the price down. Mr. Belton said to Mr. English, if you can't sell a house, are you going to let it sit there. Mr. English said that he is just the Project Manager but he can't imagine we would just let a house sit there. He said we would figure out something but we would not rent the house. Mr. Belton said if you don't sell them, lease and rent are the same thing. Mr. English said we haven't ever run into that so...Mr. Belton said the only reason he is asking is because from the looks of those houses...I hope that you sell them. Mr. English asked Mr. Belton if he had seen the plans. Mr. Belton said no. Mr. English showed Mr. Belton the house plans. Mr. English said they are three (3) bedroom houses. He said they are 12 x 12 but the master suite is about 15 x 15. He said there is a kitchen, dining room, living room, 2 bathrooms. He said it would be 1,204 square feet. Mr. Belton said that is hard to imagine. Mr. English said he understands that plans look different but, he has been onsite...Mr. Belton asked if both houses would be the same size. Mr. English said no. He said the houses have different plans. He said the other house would be 1,290 square feet and 2-stories. He said three (3) bedrooms. He said the 2-story fits better on the slightly smaller lot. He said it is 47 feet wide, which is pretty standard for empty lots.

Mr. English said they are not cheap houses per se, they were trying to sell them in the \$200,000 range based on the comps in the area. He said we have 15 people on staff... [could not hear].

Mr. Massey asked Mr. English if the other houses in that general area could be sold for around \$200,000. Mr. English said that is what he is told. He said, again, he is the Project Manager, he is not in charge of financing. He said he is here to answer questions as best he can.

Mr. Massey asked Mr. English if he had any other comments or questions. Mr. English said no.

Louis Philippi said he is a firm believer in owner-occupied residences. He said it keeps crime down and makes it real [could not hear]. He said he noticed the neighborhood is turning and it is turning well. He said it still has a way to go but he has seen some good improvement in it. He said this property is really tight and he is torn between no rentals and being against the wishes of the citizens here who are trying to make it a better unit. He said he would like to see the property there where someone buys the home, moves there with their wife and kids, becomes a part of a neighborhood and contributing members of society.

William Draper said based on what he sees on the two (2) maps, he could not agree with the second lot. He said, to him, the lot is in people's backyards. He said it is great if you want community that close but when you can borrow a cup of sugar from your neighbor with just reaching out the window, he thinks it is a little close.

Louis Philippi asked staff that if there was actually one (1) lot to build a house, would they have to come before us again. Keri said yes. She said the Winchester Overlay District requires any principle structures get a Special Use Permit prior to development.

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

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

Motion: William Draper made a motion that this **standard is met** because they are going to build according to code and it doesn't look like it will endanger anything around them.

Second: Louis Philippi

Action: The motion to approve passed unanimously.

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

Motion: William Draper made a motion that the **standard is met** specifically on zoning because it meets the regulations as presented to us.

Second: Louis Philippi

Action: The motion to approve passed unanimously.

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

Motion: Louis Philippi made a motion that the **standard is not met** because it will adversely impact the neighborhood and it will also injure the value of homes that are being upfitted.

Second: William Draper

Action: The motion to deny passed unanimously.

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

Motion: William Draper made a motion that the standard is met because we are talking about a singular lot and a singular building.

Second: None

George Massey said he agreed [with Louis Philippi] and that he could not approve that; that the standard has not been met. Mr. McCollum said that motion failed for lack of a second so there has to be an alternate motion.

Motion: Louis Philippi made a motion that the standard is not met because it will not be in harmony with the area: the size of the house, the tightness it will be to the other stuff, and it will not be in harmony with the area.

Second: William Draper

Action: The motion to deny passed unanimously.

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

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

Mr. McCollum clarified that Standards C and D were not met.

Mr. Massey said the Special Use Permit request for 605 Winchester Avenue has been denied.

Item 5. **Case #21-11000002 – The applicant, Better Path Homes, LLC, is requesting a Special Use Permit to construct a new single-family home at 607 Winchester Avenue, which is located in the Winchester Overlay District and further identified as Tax ID #09-228-143**

Mr. Massey said that anyone who is going to give testimony in this case needs to be administered the oath. Keri Mendler came forward and was sworn.

Keri Mendler, Planner, introduced this item and said this is a Special Use Permit request to build a single-family home at 607 Winchester Avenue, which is located in the Winchester Overlay District. She said at this time she would present the findings to the record:

Findings:

1. The property at 607 Winchester Avenue is currently owned by Better Path Homes, LLC and is zoned R-10 (Residential- Low Density) The property is also located in the Winchester Overlay District. (Exhibit 1, 2, 3)
2. According to Section 156.124, Overlay Districts, all principal developments in the Winchester Overlay District shall obtain a Special Use Permit. This section has several other requirements; however, due to state law changes, many can no longer be enforced. Each requirement has been addressed below (Exhibit 4) Keri asked if there was anybody who needed her to go over this part again. There was no one.
 - a. The construction or renovation as proposed and designed will be compatible in the neighborhood, and along the street with which it is located.
-This requirement can no longer be enforced due to G.S. 160A-381 as it is considered a design standard, which cannot be used unless the applicant voluntarily consents to it.
 - b. The construction or renovation as proposed and designed fulfills the intent of § [156.132](#) of the City of Monroe Code of Ordinances.
-This standard applies only to commercial properties.
 - c. The construction or renovation as proposed and designed will not substantially injure the value of adjoining or abutting property.
-This standard is addressed in the Special Use Permit standards.

d. The construction or renovation as proposed maintains the historic character and integrity of the infill neighborhood in which it is located.

-This requirement can no longer be enforced due to G.S. 160A-381 as it is considered a design standard, which cannot be used unless the applicant voluntarily consents to it.

e. The construction or renovation as proposed shall adhere to the strategies and objectives outlined in the City of Monroe Land Development Plan.

-This standard is addressed in the Special Use Permit standards.

f. Duplexes may be allowed on corner lots.

-The applicant is not proposing a Duplex.

g. All principal developments shall obtain a special use permit.

h. Mobile homes shall not be permitted.

-The applicant is not proposing a mobile home.

3. The applicant submitted a Special Use Permit Application on September 1, 2020 requesting to construct a new single family home on the property. The home is **1,290** heated square feet with a **109** square foot front porch. (Exhibit 5 and 6)

4. All adjoining property owners have been properly notified of this special use permit. She said the property was posted as well. (Exhibit 7)

Keri said a worksheet has been completed by staff for your use and is located in your staff report. She said she would be happy to answer any questions and the applicant is here as well.

Mr. John Harris came forward and was sworn. He said his address is 601 Winchester Avenue, Monroe, NC 28110. He said he is speaking on behalf of Hubert and Dory Harris, owners of 601 Winchester Avenue, the neighbors of Winchester Avenue, the Morrow family, the Johnson family on Beard Street and the Wilson family on John Street. He said we are all opposed to the building of the home on 607 Winchester Avenue due to the fact that the lot is too small for a home to be placed there and it won't conform with the neighboring properties that are already there. He said it won't be in harmony with the properties and they do not want their property values to be decreased due to the building of that home.

Mr. Harris said as he mentioned before there was one (1) home there on that lot and an 18-foot strip of land. He said they would like to see a house there built to conform with the homes that are already there in the neighborhood for a family that is in need of a home. He said then they would have a good investment.

Mr. Elijah English, the applicant, came forward and was sworn. He said he is curious of what was said about the lot size. He said he wanted to bring up the fact that the corner lot is roughly half the size of the other lots. He said there is also a structure on this lot. Someone said that is the church. He said there are other lots smaller than this lot. Someone said there is a blue line...Mr. McCollum said to the person he needs to go up to the podium to speak. Mr. English said Keri said that is the tax map and it is not necessarily the most accurate.

Mr. Harold Belton came forward and was sworn. He said he lives at 809 Winchester Avenue. He referred to the blue line tax map and said he knows it's a tax map but the line is going through the other house. He said as mentioned before, we welcome them building a home on a lot, a single-family home, and not just throwing two (2) houses up together, too close. He said he is a member of the Winchester Community Committee and our goal is to improve the community, address all the issues and problems in the community, uplift the community by getting homeowners in there, and increase home values. He said we have enough rental houses. He said he wishes they would put one single-family home there that conforms with the homes in the area.

Mr. Belton said in 2019, when it was presented to City Council, to take the Newtown community out of the building code with the rest of Monroe, the community came together and we were against it and this is just another way to circumvent that. He said we welcome you to build a single-family home there.

Louis Philippi said he has a comment on this. He said that just because something else was done wrong doesn't mean two (2) wrong things don't make a right. He said the fact is it is too small.

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

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

Motion: William Draper made a motion that this **standard is not met**. He said from public safety you would not be able to get a fire truck through the side yard because it would be very tight and we're causing a problem down the road by infringing on the other site.

Second: Louis Philippi

Action: The motion to deny passed unanimously.

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

Motion: Louis Philippi made a motion that the **standard is met**.

Second: William Draper

Action: The motion to approve passed unanimously.

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

Motion: Louis Philippi made a motion that the **standard is not met** on any conditions.

Second: William Draper

Action: The motion to deny passed unanimously.

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

Motion: William Draper made a motion that the **standard is not met** because of the size of the lot and location in conjunction with the neighbors.
Second: Louis Philippi
Action: The motion to deny passed unanimously.

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

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

Mr. McCollum clarified Standards A, C and D were not met.

Mr. Massey said the Special Use Permit request for 607 Winchester Avenue has been denied.

Item 6. **Next Meeting - October 22, 2020**

Item 7. **Adjournment**

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

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

The meeting was adjourned at 7:50 p.m.

Respectfully submitted,

George Massey
Chairman

Maryann Brown
Clerk of the Board



STAFF REPORT

TO: Board of Adjustment Members

DATE: November 19, 2020

FROM: Doug Britt, Senior Planner

PREPARED BY: Keri Mendler, Planner

SUBJECT: Special Use Permit request by Bisrat Abraham to allow a Daycare Center in the OT (Office Transitional) zoning district located at 2621 Wolf Pond Road

SITE DATA

Type of Action: Special Use Permit

Date of Petition: October 16, 2020

Name of Petitioner: Bisrat Abraham

Location: 2621 Wolf Pond Road

Tax ID #: 09-204-015 01

Lot Size: 2.86 acres

Zoning Classification: OT (Office Transitional)

SUMMARY STATEMENT

The Board of Adjustment is requested to consider this request by Bisrat Abraham for a Special Use Permit to allow a Daycare Center in the OT (Office Transitional) zoning district located at 2621 Wolf Pond Road.

FINDINGS

Staff offers the following Findings:

1. The property at 2621 Wolf Pond Road is owned by Laney Oil Co Inc and is zoned OT (Office Transitional) (Exhibit 1, 2)

2. The applicant submitted a Special Use Permit Application on October 16, 2020 requesting to open a Day Care Center at 2621 Wolf Pond Road. They have proposed to operate the Day Care for children ages 1 through 5. (Exhibit 3)
3. According to Section 156.110 of the City of Monroe Unified Development Ordinance titled "Table of Permissible Uses", Child Care Centers are only allowed in the OT zoning district with the issuance of a Special Use Permit from the Board of Adjustment (Exhibit 4).
4. A Standard 5 Appraisal Impact Study was completed by Morrison Appraisal, Inc. It is the opinion of Morrison Appraisal, Inc that the proposed Day Care use will not adversely affect the value of the adjoining properties. (Exhibit 5)
5. All adjoining property owners have been properly notified of this special use permit. (Exhibit 6 and 7)

CONCLUSIONS

Please see attached Special Use Permit Worksheet.

Exhibits

1. Ortho Map
2. Zoning Map
3. Application
4. Section 156.110
5. Impact Study
6. APOs mailing list
7. APO Map

Prepared by: KEH 11-5-20

**SPECIAL USE PERMIT WORKSHEET
TO ALLOW AN EVENT CENTER TO OPERATE AT 2621 WOLF POND ROAD
(PARCEL # 09-204-015 01)**

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

I. Completeness of Application:

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

II. Special Use General Standards:

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

Petitioner's Response: No, because I am going to use this property for child care within reasonable use so there will not be any damage to the property.

☐ Motion standard is met; or

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

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

Petitioner's Response: Yes, this property is commercially zoned and that's why I am applying the special use permit process according to the City of Monroe zoning ordinance.

☐ Motion standard is met; or

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

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

Petitioner's Response: No, it won't adversely impact surrounding property because majority of the daycare activities will be indoors and there is reasonable amount space on the backyard of the room between neighborhood properties.

☐ Motion standard is met; or

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

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

Petitioner's Response: Yes, I am not changing anything to the outside of the building it will remain the same. It will be in harmony within the area because my childcare will provide a service to the residential neighborhood in the area.

☐ Motion standard is met; or

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

III. Permit Action

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

OR;

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

Ortho Map

Case #: 21-11000004

Legend

-  Centerlines
-  Parcels
-  City Limits
-  ETJ

Existing: OT
(Office Transitional)

Owner: Laney Oil Co Inc

Acres: 2.86



0 130 260
 Feet

Zoning Map

Case #: 21-11000004

Legend

Centerlines

Parcels

City Limits

ETJ

Zoning Districts

R-20

OT

UC Zoning Districts

R-40

RA-40

**Existing: OT
(Office Transitional)**

Owner: Laney Oil Co Inc

Acres: 2.86



0 130 260 Feet





SPECIAL USE PERMIT APPLICATION

Applicant's Name: Bisrat Abraham

Applicant's Mailing Address: 5624 Verrazano dr

For Staff Use Only

Project Number: _____

Date Submitted: _____

Approved _____

Denied _____

Applicant's Phone Number: 704-340-0946

Applicant's Facsimile Number: bisrat_a@hotmail.com

Applicant's Email Address: bisrat_a@hotmail.com

Property Location: 2621 Wolf pond rd

Tax ID Number: 0920-4015-02 Deed Reference Number: BOOK _____ PAGE _____

Existing Zoning: medical building office (12-commercial)

Proposed Special Use:

Daycare, Ages 1-5 years old.

Proposed Conditions:

Daycare, Ages 1-5 years old.

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

General Information Required

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

Revised 12-22-15

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

Information on Natural, Historic, and Recreational Features Required

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

Zoning and Lot Information Required

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

Transportation and Utilities Information Required

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

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

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

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

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

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

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

I. Special Use General Standards:

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

No, because I am going to use this property¹⁵ for child care within reasonable use so there will not be any damage to the property.

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

Yes, this property is commercially zoned and that's why I am applying the special use permit process according to the City of Monroe zoning ordinance

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

No, it won't adversely impact surrounding property because majority of the daycare activities will be indoors & there is reasonable amount space on the backyard of the room between neighborhood properties.

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

Yes, I am not changing anything to the outside of the building it will remain the same. It will be in harmony within the area because my child care will provide a service to the residential neighborhood in the area.

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

B. Srat Abraham
Applicant (printed)

B. Srat
Applicant's Signature

9-8-20
Date

LANEY OIL CO., INC.
Property Owner (printed)

J. W. LANEY III PRESIDENT
J. W. LANEY III PRES.
Property Owner's Signature

9-4-2020
Date

<i>DESCRIPTION</i>	<i>R-40/R-20</i>	<i>R-10</i>	<i>R- MF</i>	<i>R-MH</i>	<i>OT</i>	<i>CBD</i>	<i>GB</i>	<i>GI</i>	<i>C</i>
DAY CARE CENTER	S	S	S	S	S		Z	S	ZS



MORRISON APPRAISAL, INC.
PROVIDING EXCEPTIONAL VALUE SINCE 1985

Impact Study –Laney Oil Co. Inc. Proposed Daycare

2621 Wolf Pond Road · Monroe, NC

As of: September 18, 2020

Date of Report: October 16, 2020

Client: Laney Oil Co.

Prepared By: Andrew G. Morrison, MAI

R. Kent Wilkinson,

Registered Trainee -T6071

COPY



October 16, 2020
Monroe Board of Adjustments

To Whom it May Concern:

As requested, I have studied the subject at 2621 Wolf Pond Road, Monroe, NC 28110. Laney Oil Co, Inc. previously operated the subject as a gas station. Brandy McCray would like to lease the property and convert to a daycare.

The Monroe Board of Adjustments classifies this use as a Daycare Center which requires a special use permit in the Office Transitional - OT Zoning District. Properties adjacent or exposed to daycare facilities were reviewed as to their impact on surrounding properties.

Based on the information gathered, it is my opinion that the use will be in harmony and should not adversely affect surrounding properties.

If you have any questions, please let me know.

Sincerely,

R. Kent Wilkinson

R. Kent Wilkinson
NC-T6071



Laney Oil Co. LLC 2621 Wolf Pond Road • Monroe, NC 28112





CERTIFICATION OF THE APPRAISAL

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

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



CONTINGENT AND LIMITING CONDITIONS

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



appraiser is not an expert in the field of environmental hazards, the report must not be considered as an environmental assessment of the property.

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





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IMPORTANT FACTS AND CONCLUSIONS

LOCATION AND OWNERSHIP

Property Location	2621 Wolf Pond Road Monroe, NC
Map Reference	09-204-015 02
Owner	Laney Oil Co. Inc.

PROPERTY INFORMATION

Subject Sq ft	1,120
Zoning	OT
Description of Improvements	Proposed daycare

REPORT INFORMATION

Purpose of Report	Impact of daycare on surrounding properties
Intended User	Laney Oil Co. LLC
Effective Date of Value	September 18, 2020
Date of Report	October 16, 2020

CONCLUSIONS

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



INTRODUCTION

The property being studied is 2621 Wolf Pond Road, Monroe, NC 28110. Laney Oil Co, Inc. previously operated the subject as a gas station. The owner wants to lease the property to a tenant that will convert into a daycare. This use is classified as a Daycare Center which requires a special use permit in the OT District.

PURPOSE OF ASSIGNMENT

The purpose of this assignment is to provide an opinion of the impact of daycares on the market value of surrounding properties, and whether it is in harmony with the center.

INTENDED USE & INTENDED USER

It is the appraiser understands that the report will be used by Laney Oil Co. LLC to present before the Monroe Board of Adjustments. Brandy McCray of Laney Oil ordered the report and is the intended user.

EFFECTIVE DATE OF THE APPRAISAL

The effective date of this appraisal is September 18, 2020, which is the date that Andy Morrison and R. Kent Wilkinson (Registered Trainee) inspected the property. The date of the report is October 16, 2020.

SCOPE OF ASSIGNMENT

The scope of work of this assignment is based on the intended use, requirements from the client, complexity of assignment and property, the sophistication of the market, and other pertinent information.



INSPECTION

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

DATA RESEARCH AND COLLECTION

The scope of the appraisal also includes gathering local and regional information on the subject property. Databases are used to identify other properties that have daycares and adjacent properties that have sold/leased.

DATA ANALYSIS

The study researches and analyzes the effect of daycares on surrounding properties. Properties adjacent to daycares are compared to properties without exposure.

DATA REPORTING

The report is presented in a narrative format. Supporting documentation of analyses, opinions, and conclusions is stored in the work file. The appraiser has the experience necessary to complete this assignment.

HISTORY OF PROPERTY

Laney Oil Co. LLC has operated as a gas station since purchase in 2002. The prospective tenant has plans to convert to a daycare. The City of Monroe requires a special use permit.



SITE ANALYSIS



Comments: The subject is located on 2621 Wolf Pond Road consisting of a 1,120 sq ft facility with approximately a 1,956 sq ft lot. The site has frontage on Wolf Pond Road at the intersection of Wolf Pond Road and Stack Road.



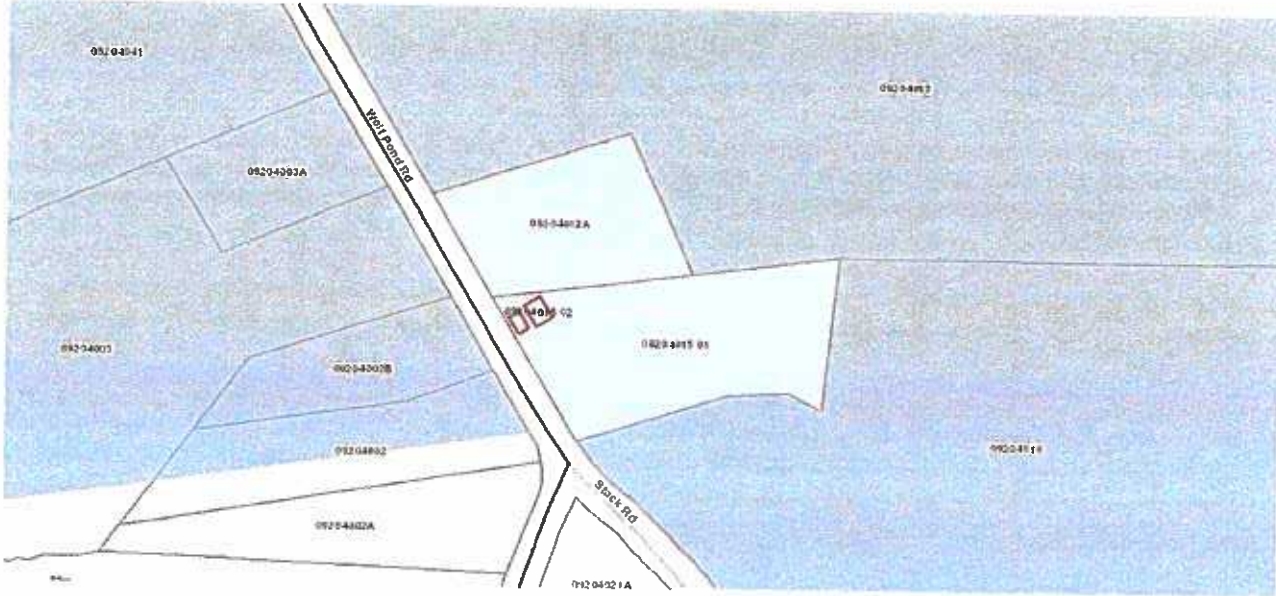
IMPROVEMENTS

The subject is a 1,120 sq ft building that was used as a gas station that is being converted into a daycare. The building was constructed in 1970. The current space is shown below.





ZONING



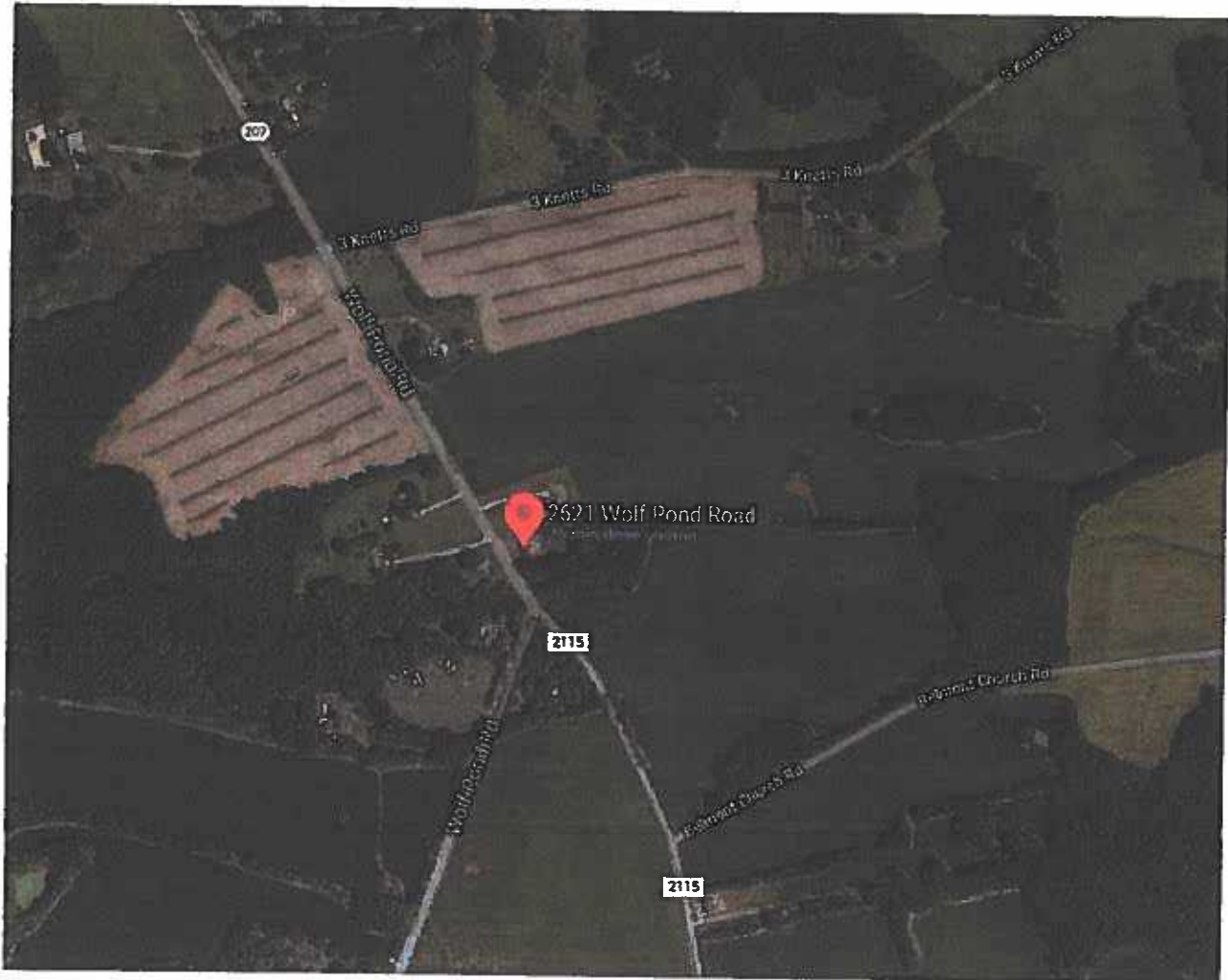
The OT (Office/Transitional) district is designed to accommodate a mixture of residential uses and uses that fall primarily within the 3.000 classification in the Table of Permissible Uses (office, clerical, research, services, etc.). It is intended that this zoning classification be applied primarily in areas that no longer are viable as single-family residential areas because of high traffic volumes on adjacent streets or because of other market factors but remain viable as locations for offices. Such areas will also generally constitute transition or buffer zones between major arterials or more intensively developed commercial areas and residential districts. The proposed use is classified under Daycare and requires a special use permit.

DESCRIPTION	R-40/ R-20	R-10	R- MF	R-MH	OT	CB D	GB	GI	C
DAY CARE CENTER	S	S	S	S	S		Z	S	ZS



SURROUNDING PROPERTIES

The subject is located on Wolf Pond road at the intersection of Wolf Pond Road and Stack Road. The area mostly single family on acreage and farmland. There is a small commercial building behind the subject used by a grading company.





IMPACT ANALYSIS

The analysis consists of studying properties daycares.

STUDY 1- Ms Dee Dee's, Indian Trail, NC -6810 Creft Circle



This daycare was built in 2003. It is located in center of Lake Park surrounded by single family and commercial uses. 6805 Creft Cir is across the street from the daycare. It sold in March 2020 for \$254,000 or \$143.59psf. The average price per sqft of Lake Park homes is \$134. The daycare proximity did not affect the price of 6805 Creft Circle.

#	MLS #	Address	Subdivision	Type	Beds	Baths	Yr Blt	Tot HLA	Acres	Date	\$ Sft	CCOM	List Price	Sold Price	Sale/List
1	3580636	6805 Creft CIR	Lake Park	2 Story	3	3 (2/1)	2014	1,770	0.06	03/10/20	\$143.50	10	\$260,000	\$254,000	97.7%

September Average Price Per Square Foot





STUDY 2- Big Blue Marble Academy- 5000 Sardis Road, Indian Trail, NC



The daycare center on Wesley Chapel Stouts Road is completely surrounded by residential development. 5701 Lindley Crescent Dr in Shiloh Trace backs up to the daycare. It's price per sq ft is in line with averages in the subdivision. There is no adverse effect from being close to the daycare center.

#	MLS #	Address	Subdivision	Type	Bds	Bths	Yr Blt	Tot HLA	Acres	Date	\$ Sqt	CDOM	List Price	Sold Price	% Sale/List
Listings: Closed															
1	3649903	5503 Fulton Ridge DR	Shiloh Trace	2 Story	4	3 (2/1)	2003	2,580	0.21	10/09/20	\$118.87	2	\$300,000	\$301,000	100.3%
2	3654815	3100 Gambrell Falls DR	Shiloh Trace	2 Story	5	3 (2/1)	2004	2,907	0.20	10/08/20	\$111.80	2	\$310,000	\$325,000	104.8%
3	3640849	1421 Langdon Terrace DR	Shiloh Trace	2 Story	5	4 (3/1)	2006	3,032	0.21	09/21/20	\$90.86	8	\$340,000	\$330,000	97.1%
4	3636407	1209 Langdon Terrace DR	Shiloh Trace	2 Story	5	3 (2/1)	2005	3,007	0.23	09/21/20	\$90.10	3	\$319,900	\$325,000	101.6%
5	3632021	2305 Catcotin Hollow CT	Shiloh Trace	2 Story	4	3 (2/1)	2004	2,538	0.30	08/03/20	\$118.83	5	\$294,900	\$296,000	100.4%
6	3622461	1211 Langdon Terrace DR	Shiloh Trace	2 Story	4	4 (3/1)	2005	3,570	0.23	07/02/20	\$98.18	2	\$348,500	\$350,500	100.6%
7	3008309	1503 Langdon Terrace DR #98	Shiloh Trace	2 Story	5	3 (2/1)	2005	2,768	0.19	06/18/20	\$106.58	33	\$299,900	\$295,000	98.4%
8	3581835	1412 Langdon Terrace DR	Shiloh Trace	2 Story	5	3 (3/0)	2006	3,409	0.21	08/09/20	\$92.40	4	\$325,000	\$315,000	96.9%
9	3591294	2001 Ridley Park CT	Shiloh Trace	2 Story	4	4 (3/1)	2005	3,193	0.44	03/27/20	\$100.22	5	\$325,000	\$320,000	98.5%
10	3588785	1407 Langdon Terrace DR	Shiloh Trace	2 Story	6	3 (3/0)	2006	2,960	0.21	03/31/20	\$109.09	6	\$324,995	\$325,100	100.0%
11	3574781	5500 Fulton Ridge DR	Shiloh Trace	2 Story	4	4 (3/1)	2003	2,929	0.22	02/28/20	\$103.62	44	\$287,900	\$303,500	101.9%
12	3554361	5504 Fulton Ridge DR	Shiloh Trace	2 Story	4	3 (2/1)	2003	2,732	0.21	11/15/19	\$108.15	11	\$290,000	\$290,000	100.0%
13	3533391	3006 Gambrell Falls DR	Shiloh Trace	2 Story	5	4 (3/1)	2004	3,543	0.22	08/22/19	\$91.73	12	\$320,000	\$325,000	101.6%
14	3524348	2104 Ridley Park CT	Shiloh Trace	2 Story	5	3 (2/1)	2005	3,665	0.35	08/09/19	\$90.01	25	\$320,000	\$320,000	100.0%
15	3521489	5703 Lindley Crescent DR	Shiloh Trace	2 Story	4	3 (2/1)	2004	2,803	0.28	07/28/19	\$108.34	3	\$280,000	\$282,000	100.7%
16	3498780	2302 Catcotin Hollow CT #50	Shiloh Trace	2 Story	4	3 (2/1)	2004	2,596	0.21	05/13/19	\$109.78	15	\$290,000	\$285,000	98.3%
17	3485326	1505 Langdon Terrace DR	Shiloh Trace	2 Story	5	3 (2/1)	2005	2,610	0.47	04/24/19	\$103.17	2	\$296,000	\$289,900	98.3%
18	3470681	5723 Lindley Crescent DR	Shiloh Trace	2 Story	4	3 (2/1)	2003	2,510	0.19	05/01/19	\$106.57	62	\$271,500	\$267,500	98.5%
19	3478119	5718 LINDLEY CRESCENT DR	SHILOH TRACE	2 Story	4	3 (2/1)	2004	2,250	0.56	04/30/19	\$112.22	204	\$255,000	\$252,500	99.0%
20	3460544	5707 Lindley Crescent DR	Shiloh Trace	2 Story	4	3 (2/1)	2003	2,671	0.28	04/04/19	\$101.05	72	\$268,900	\$269,900	100.4%
21	3465544	1303 Langdon Terrace DR	Shiloh Trace	2 Story	5	4 (4/0)	2005	3,600	0.21	04/18/19	\$90.07	43	\$326,000	\$324,250	99.5%
22	3471222	2303 Catcotin Hollow CT	Shiloh Trace	2 Story	4	3 (2/1)	2004	2,575	0.30	03/08/19	\$104.85	185	\$275,000	\$270,000	98.2%
23	3445700	5701 Lindley Crescent DR	Shiloh Trace	2 Story	4	3 (2/1)	2004	2,624	0.69	01/09/19	\$103.28	26	\$274,900	\$271,000	98.6%
24	3649230	3308 Paddon Ridge DR	Shiloh Trace	2 Story	4	3 (3/0)	2004	2,330	0.17	09/03/20	\$120.60	1	\$290,000	\$281,000	96.9%
Min					4.00	2.00	2003	2,250	0.17		\$90.01	1	\$268,000	\$262,000	98.9%
Max					6.00	4.00	2006	3,632	0.69		\$120.60	204	\$348,600	\$350,600	104.8%
Avg					4.46	2.42	2004	2,938	0.28		\$103.59	32	\$301,786	\$300,690	99.6%
Med					4.00	2.00	2004	2,788	0.22		\$104.34	10	\$288,900	\$288,000	99.7%



FINAL CONCLUSION

The subject property is located in a residential area. The studies analyzed the impact of daycares on neighboring properties. In both cases the proximity to the use did not impact the value of properties.

In conclusion, it is the appraiser's opinion that using the site for a daycare will not negatively the value of the abutting or adjoining property.



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EDUCATION

BS Degree – Appalachian State University
Political Science- Pre-Profession Legal Studies
Business Minor- December 2004

APPRAISAL COURSES ATTENDED AND PASSED WITH EXAM

- R1 – Introduction to Real Estate Appraisal
Mingle Institute, Charlotte, NC- February 2005
- R2 – Valuation Principles and Procedures
Mingle Institute, Charlotte, NC- April 2005
- R3- Applied Residential Property Valuation
Mingle Institute, Charlotte, NC- May 2005
- USPAP- Mingle Institute, Charlotte, NC- June 2005
- G1- Introduction to Income Property Appraisal
Mingle Institute, Charlotte, NC- September 2005
- G2- Advanced Income Capitalization Procedures
Mingle Institute, Charlotte, NC- October 2005
- G3- Applied Income Property Valuation
Mingle Institute, Charlotte, NC- November 2005
- Basic Income Capitalization
The Appraisal Institute, Greensboro, NC- May 2007
- USPAP Update- Mingle Institute, Charlotte, NC- May 2007
- Business Practices and Ethics-
The Appraisal Institute, Greensboro, NC- December 2007, Columbia, SC- May 2012
- North Carolina General Certified Appraiser State Examination-
Passed December 2007



Report Writing and Valuation Analysis-
The Appraisal Institute, Greensboro, NC- July 2008

Advanced Income Capitalization-
The Appraisal Institute, Greensboro, NC- June 2009

USPAP Update- Mingle Institute, Charlotte, NC- July 2009

Market Analysis and Highest and Best Use-
The Appraisal Institute, Greensboro, NC- July 2009

Advanced Sales Comparison and Cost Approaches
The Appraisal Institute, Greensboro, NC- June 2010

Advanced Applications
The Appraisal Institute, Greensboro, NC- February 2011

Appraisal Institute Comprehensive Examination for the MAI Designation
Passed November 2011

USPAP Update- Erick Little & Company, Charlotte, NC- April 2012, April 2014

SEMINARS

Residential Development- Valuation Trends, IsPUEs, and Challenges
Online- October 2009

Using Spreadsheet Programs in Real Estate Appraisals
The Appraisal Institute, Greensboro, NC- February 2010

The Appraiser and the Site To Do Business: Location, Timing and Demographics
Online-August 2010

Understanding and Using Investor Surveys Effectively
Online- January 2011

Perspectives from Commercial Review Appraisers
Online- July 2011



The Green Guide to Appraising
McKissock- May 2013

Deriving and Supporting Adjustments
McKissock- May 2013

Evaluation Appraisal Seminar
The NC Chapter of the Appraisal Institute, Oct 2014

Rural Land Valuation
The Appraisal Institute- January 2017

Supervisor/Trainee Course
CPCC- Harris Campus- April 2017

CCIM- CI101: Financial Analysis for Commercial Real Estate
Charlotte, NC- February 2018

CCIM- CI104: Investment Analysis for Commercial Real Estate
Charlotte, NC - March 2019

CCIM- Commercial Real Estate Negotiations
Charlotte, NC- May 2019

CCIM- User Decision Analysis For Commercial Real Estate
Charlotte, NC – October 2019

CCIM Comprehensive Examination for the CCIM Designation
Passed August 2020



WORK HISTORY

2005 to Dec 2009 – Morrison Appraisal, Inc.
Registered Trainee/Property Manager

Dec 2009 to Present- Morrison Appraisal, Inc.
Certified General Real Estate Appraiser

PROFESSIONAL ORGANIZATIONS

The Appraisal Institute- MAI Designated
CCIM Institute- Candidate Member

PARTIAL CLIENT LIST

- Huntley Brothers Co Inc
- First National Bank
- BB&T
- Capital Bank
- Cranfill Sumner Hartzog LLP
- Town of Indian Trail
- Keller Williams
- Culp, Elliot, Carpenter

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