

Town of Mint Hill

John M. McEwen Assembly Room 4430 Mint Hill Village Lane Mint Hill, North Carolina 28227

Mint Hill Board of Adjustment Agenda

October 28, 2019 at 6:30 p.m.

- 1. Call To Order
- 2. Roll Call and Declaration of Quorum
- 3. Approve Minutes of September 12, 2018 Called Meeting
- 4. Reports of Committees, Members, and Staff
- 5. Old Business
- 6. New Business
 - A. Discussion and Decision on Variance Request #V19-1, Filed by Kathryn Rohera, is requesting to increase the size of the accessory structures to be greater than the size of the primary structure, located at 6732 Wilgrove Mint Hill Rd, Tax Parcel #137-076-10
 - B. Discussion and Decision on Variance Request #V19-2, Filed by Alexey Nazaruk, is requesting to be able to build a new home in the rear of the property, while two existing accessory structures remain in the front yard, located at 7544 Davis Rd, Tax Parcel #137-042-10
- 7. Other Business
- 8. Adjournment

MINUTES OF THE MINT HILL BOARD OF ADJUSTMENT September 12, 2018

The Mint Hill Board of Adjustment met in called meeting session on Wednesday, September 12, 2018 at 6:30 p.m. in the John M. McEwen Assembly Room, Mint Hill Town Hall.

ATTENDANCE

Vice Chairman: June Hood Members: Michael Weslake, Ronald Rentschler and Bobby Reynolds ETJ Members: Debi Powell and David Tirey Absent Member: Todd Fisher and Gary Isenhour Town Planner: Nathan Farber Clerk to the Board: Cassie Crutchfield

CALL TO ORDER

Mr. Rentschler called the meeting to order at 6:30 p.m., declared a quorum present and the meeting duly constituted to carry on business.

ORDER OF BUSINESS

Approval of Minutes of June 25, 2018 Regular Meeting: Upon the motion of Mr. Reynolds, seconded by Mr. Tirey the Board unanimously approved the minutes of the June 25, 2018 regular meeting.

Reports of Committees, Members and Staff: None.

Old Business: None.

New Business:

A. <u>Discussion and Decision on Variance Request #V18-3, Filed by D. Max McLeod and Nita H. McLeod, Property Located 4024 David Drive, Tax Parcel #195-011-12 from Section 6.1 Dimensional Requirements of the Mint Hill Unified Development Ordinance:</u> The following individuals were sworn in and spoke in conjunction with V18-3: Town Planner Nathan Farber and D. Max McLeod. Town Planner Farber asked the applicant, Mr. McLeod to present his case.

Mr. McLeod stated he was the home owner of 4024 David Drive, Matthews, NC 28105. He was requesting a variance that would allow him to divide his property into two parts. They had a 1.2-acre lot and wanted to subdivide it into 24,000 sq. ft. which would be less than the 30,000 sq. ft. lot size requirement. The 30,000 sq. ft. lot-size requirement prohibited them from subdividing their property. The reason they wanted to subdivide their property was because they had a purchaser that was interested in building a house size with three bedrooms on a half-acre lot. Mr. McLeod stated when they had bought the property, they had no intensions of subdividing it. Mr. McLeod said they were getting old and would like less maintenance. The Town required 30,000 sq. ft. and originally, the property was a half-acre lot. The majority of the developed properties on David Drive, built primarily in the 1960s and 1970s,

substantially less than 30,000 sq. ft., most built on approximately 100 x 200 lot size. They had contacted Mecklenburg County and were told they would not supply public sewer to the property because of the topography of David Drive would require a pump to Highway 51. Mr. McLeod said he hired a surveyor and had maps of the property to show to the board. Most residents on the street had a septic tank so they were able to be issued a septic tank permit for the property. They were being consistent with the neighborhood by reducing to a 24,000 sq. ft. lot size. Mr. McLeod said they wanted to sell the half-acre property to the purchaser so that they could build a house on the lot.

Hearing no further questions, Mr. Rentschler asked the Board to move into the fact finding portion of the case.

Unnecessary hardships would result from the strict application of the ordinance.

Mr. Weslake stated hardship would result from the application of ordinance due to the 30,000 sq. ft. minimum requirements.

Mr. Reynolds stated he thought it would be an unnecessary hardship by not allowing this subdivision property to occur.

Mrs. Hood and Mr. Rentschler agreed.

Mrs. Powell stated unnecessary hardships would result from the strict application of the ordinance by having this lot conformed to a stricter minimum lot size than the majority of the lots in the older development neighborhood built under Mecklenburg County.

Mr. Tirey agreed with Mrs. Powell.

The hardship results from conditions that are peculiar to the property, such as location, size or topography.

Mr. Reynolds stated he believed it was a result from conditions that were peculiar to the property due to a size limitation.

Mrs. Hood and Mr. Rentschler agreed.

Mrs. Powell stated the hardship resulted from conditions that were peculiar to the property due to Mecklenburg County would not supply public sewer to this address.

Mr. Tirey agreed.

The hardship did not result from actions taken by the applicant or the property owner.

Mr. Tirey stated the hardship was not a result from any actions taken by the property owner.

Mrs. Powell, Mrs. Hood and Mr. Rentschler agreed.

Mr. Reynold stated the hardship did not result from actions taken by the property owner. They were resulted from actions that occurred when it was originally purchased.

Mr. Weslake agreed.

<u>The requested variance is consistent with the spirit, purpose and intent of the ordinance</u> <u>such that public safety is secured and substantial justice is achieved.</u>

Mr. Weslake stated the requested variance was consistent with the spirit, purpose and intent of the ordinance such that public safety was secured and substantial justice was achieved. The subdividing of the property did not affect the surrounding properties and it was consistent with the other lots.

Mr. Reynolds, Mrs. Hood, Mr. Rentschler, Mrs. Powell and Mr. Tirey agreed with Mr. Weslake.

- A. Upon the motion of Mr. Rentschler, seconded by Mr. Reynolds, the Mint Hill Board of Adjustment voted unanimously to grant Variance Request #V18-3, Filed by D. Max McLeod and Nita H. McLeod, Property Located 4024 David Drive, Tax Parcel #195-011-12 from Section 6.1 Dimensional Requirements for 30,000 sq. ft. minimum lot size to reduction in lot to 24,000 sq. ft. and lot width 120 ft., for the following reasons:
- 1. Unnecessary hardships would result from the strict application of the Ordinance, and hardships results from conditions that are peculiar to the property, and furthermore did not result from actions taken by the applicant in that this lot should not be made to conform to a stricter minimum lot size than most of the lots in this older developed neighborhood built under Mecklenburg County less stringent codes.
- 2. A variance would be consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured, and substantial justice is achieved by not holding this one lot to a higher standard than the original lot sizes of 65% of the current lots on David Drive.

The vote was 6-0; the variance was granted.

Other Business: None

Adjournment: Upon the motion of Mr. Reynolds, seconded by Mr. Tirey, and unanimously agreed upon, Mr. Rentschler adjourned the meeting at 6:47 p.m.

Cassie Crutchfield Program Support Assistant

Memo

To: Board of Adjustment

From: Staff

Date: 9/25/2019

Re: Variance Request #V19-1, Filed by Kathryn Rohera for property at 6732 Wilgrove Mint Hill Rd, Tax Parcel #137-076-10

Variance Request

The applicant is requesting a variance from Section 6.9.7 of the Mint Hill Unified Development Ordinance for property located at 6732 Wilgrove Mint Hill Rd. The applicant is requesting to increase the size of the accessory structures to be greater than the size of the primary structure.

6.9.7.A.1

A. Minor uses or structures which are necessary to the operation or the enjoyment of a permitted principal use and are appropriate, incidental and subordinate to any such uses, shall be permitted in all districts as an accessory use, subject to the following:

1. Such accessory uses or structures shall be permitted only on the same lot as the principle permitted use. The total square footage of all accessory structures combined shall be less than the square footage of the principal structure.

VARIANCE APPLICATION

Town of Mint Hill Board of Adjustment 4430 Mint Hill Village Lane Mint Hill, N.C. 28227 (704) 545-9726

| Office Use Only | | | | |
|-------------------|--|--|--|--|
| Petition #: | | | | |
| Date Filed: 92019 | | | | |
| Received By:NP | | | | |
| | | | | |

Variance requested on property located at: 6732 Wilgrove MintHill Rd. Mint Hill, NC 28227

Tax Parcel Number: 137-076-10 Zoning District: B-G (General Business)

Describe variance being requested:

Mint Hill Zoning regulations limit the size of an accessory structure based on square footage of the principal structure. This variance request is to increase accessory structure size to allow a metal weather shelter for protection of high value recreational vehicles while not in use.

Thomas RV Rentals of Charlotte, Inc. Name of Property Owner

6724 Wilgrove MintHill Rd. Address of Owner

Mint Hill, NC 28227 City, State, Zip

704.545.2452 Telephone Number

kathryn@thomasrvrentals.com

E-Mail Address

onias KV Rentals.

(Complete if Applicant is other than Property Owner)

Kathryn Rohera

Name of Applicant

Same

Address of Applicant

City, State, Zip

Telephone Number

E-Mail Address

Signature of Applicant

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the State Enabling Act, the Board is required to reach four conclusions as a prerequisite to the issuance of a variance: (1) that unnecessary hardships would result from the strict application of the Ordinance; (2) the hardship results from conditions that are peculiar to the property, such as location, size, or topography; (3) that the hardship did not result from actions taken by the applicant or the property owner and, (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.

In the spaces provided, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these four required conclusions.

UNNECESSARY HARDSHIPS WOULD RESULT FROM THE STRICT **APPLICATION 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.

This location has served as a recreational vehicle (RV) rental business in Mint Hill since circa 1993. Since that time, costs for these vehicles have increased exponentially and protection from weather (hail, wind blow debris, lighting etc.) while not in use has become a primary concern. The unnecessary hardship is to limit our ability to protect these high value assets. Zoning regulations limit accessory structure size to the square footage of the principal use. In this case, that size would be 1,255 sf which equates to a single "garage" for one RV. Currently, we have over 20 RV's at this location and this proposed variance to increase accessory use to 3,300 sf will allow a structure large enough to protect 4 of our top units. A secondary unnecessary hardship is the increased insurance costs that must be carried due to unprotected vehicle storage.

THE HARDSHIP RESULTS FROM CONDITIONS THAT ARE PECULIAR TO THE PROPERTY, SUCH AS LOCATION, SIZE OR TOPOGRAPHY. Hardship 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.

This site was previously a residential dwelling which has been converted into a rental office. Because of this, the building is smaller than a typical commercial business operation which is inadvertantly limiting the accessory structure size. Theoretically, the principal structure could be renovated with a large addition which would subsequently increase allowable accessory structure square footage.

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 granting a variance shall not be regarded as a self-created hardship.

This business more than likely predates zoning regulations limiting accessory structure size.

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.

Yes - given the use as an RV rental business is acceptable and has been part of the Mint Hill community for some time, this variance will allow for protection of the business assets associated with that use and the General Business zoning classification. There will be no adverse impact to public safety.















Memo

To: Board of Adjustment

From: Staff

Date: 9/26/2019

Re: Variance Request #V19-2, Filed by Alexey Nazaruk for property at 7544 Davis Rd, Tax Parcel #137-042-10

Variance Request

The applicant is requesting a variance from Section 6.9.7 of the Mint Hill Unified Development Ordinance for property located at 7544 Davis Rd. The applicant is requesting to be able to build a new home in the rear of the property, while two existing accessory structures remain in the front yard.

6.9.7.A.11.A

A detached garage in any residential district shall comply with all yard requirements herein required for accessory uses. Such structure is limited to nine hundred (900) square feet of total footprint floor area and the maximum height allowed in the R District. For detached garages with a floor area footprint over nine hundred (900) square feet, the Administrator may approve if the following requirements can be met:

A. The site must consist of two (2) or more acres; and

B. The garage must be located in the rear yard; and

C. The rear and side setbacks are increased to twenty (20) feet; and

VARIANCE APPLICATION

Town of Mint Hill Board of Adjustment 4430 Mint Hill Village Lane Mint Hill, N.C. 28227 (704) 545-9726

| | Office Use Only |
|----------|-----------------|
| Petitior | # VLIG-2 |
| Date F. | iled 9/25/19 |
| Receiv | ed By NF |

Variance requested on property located at: 7544 Davis Rd

Tax Parcel Number: 137 - 042 - 10 Zoning District:

Describe variance being requested:

We would like a variance to be able to build a new house on our property with an existing front yard accessory structures. There are two structures. The accessory building #1 (marked on attached map) will be demolished either upon completion of the new house or sooner, if the city requires. We request accessory building #2 to stay and that we build in the back part of the 2 acre lot.

100

Stanislav Nazaruk Alexey Nazaruk

Anatoliy & Yuliq Nazaruk Name of Property Owner

7540 Davis Rd Address of Owner

Mint Hill, NC 28227 City. State, Zip

(206) 240-9195 Telephone Number

<u>stan@_stasn@live.com</u> E-Mail Address

Signature of Property Owner

(Complete if Applicant is other than Property Owner)

Alexey Nazaruk Name of Applicant

7540 Davis Rd

Address of Applicant

Mint Hill, NC 28227

City, State, Zip

(425) 343 - 6828 Telephone Number

aanzrk@gmail.com E-Mail Address Signature of Applican

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the State Enabling Act, the Board is required to reach four conclusions as a prerequisite to the issuance of a variance: (1) that unnecessary hardships would result from the strict application of the Ordinance; (2) the hardship results from conditions that are peculiar to the property, such as location, size, or topography; (3) that the hardship did not result from actions taken by the applicant or the property owner and, (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.

In the spaces provided, indicate the facts that you intend to show and the <u>arguments</u> that you intend to make to convince the Board that it can properly reach these four required conclusions.

UNNECESSARY HARDSHIPS WOULD RESULT FROM THE STRICT APPLICATION 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.

• We will not be able to build a new home on our 2 acre lot.

· Removing all existing structures will come with a steep cost.

· If we would need to build a two story home in front of

accessory structure #2, the power line (marked on map) will

need to be moved.

THE HARDSHIP RESULTS FROM CONDITIONS THAT ARE PECULIAR TO THE PROPERTY, SUCH AS LOCATION, SIZE OR TOPOGRAPHY. Hardship 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.

"The property has a really odd shape which limits where we

can put a new house

· The house property has pre-existing structures that we did not

build. Structure #1 is the oldest builing on the street, we would

be able to demolish that. However accessory structure #2 has

a large slab foundation and substantial framing that would be

of value to my property and cambersome to remove

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 granting a variance shall not be regarded as a self-created hardship.

· We did not build the accessory structures, which led to

the current hardship

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.

The variance will not pose any risks to the public.

The variance will not be unjust to neighboring properties as the

hardship is unique to our property, compared to the neighborhood

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PLOT PLAN FOR PERMIT APPLICATION ONE/TWO FAMILY, MODULAR, MOBILE HOME OR ZONING USE



CHARLOTTE-MECKLENBURG BUILDING STANDARDS DEPARTMENT P.O. BOX 31097 - CHARLOTTE, NC 28231-1097 - 704,336-2831



PO Box 19829 Charlotte, NC 28219 704-631-9933 (O) 704-248-7880 (F)



www.ClearSiteIndustrial.com

Wrecking / Total Demolition - Specialty Interior Demolition - Asbestos Abatement - Dismantling - Grading - Roll Off

| | Proposal Submitted By | Date |
|---------------|--|---------------------|
| | Tim Rowe - (704) 607-8434 Trowe@ClearSiteIndustrial.com | 9/16/2019 |
| | Client Phone / Fax | |
| | | |
| Job Name | Job Location | CSI Proposal Number |
| 7540 Davis Rd | Mint Hill, NC | NC-15046-19 |
| 1. | Scope of Work To Be Performed | 1 |

Demolition Scope- Demolish 2 barn structures within building footprint down to and including any pads, footings and foundations to 3' below existing grade. Clear Sile Industrial to permit each structure. All erosion control measures and site security by others, this proposal is structure demolition only. All utility disconnects by owner prior to demolition activity. An environmental survey of each structure will need to be given to Clear Site Industrial prior to permitting process

Based on the following assumptions at minimum plus CSI ways and Means:

- 1 mobilization with continuous activity in phases
- All Salvage to be the property of CSI

Building Demolition - \$17,180.00

Hauling & Disposal Of Material on site Is Included In Base

UPON COMMENCEMENT OF NOTICE TO PROCEED, CLEAR SITE INDUSTRIAL RETAINS ALL SALVAGE RIGHTS AS ESTIMATED AT TIME OF PROPOSAL

Exclusions

Non-Demolition Exclusions MEP Disconnects Capping Layouls Palching & Repair Engineering/design/testing Water Supply for Dust Control

Demolition Exclusions Shoring Dewatering Power/Lighting/waler Rework/patching Backfill or grading Hazardous Materials Removal



Wrecking / Total Demolition - Specialty Interior Demolition - Asbestos Abatement - Dismantling - Grading - Roll Off

Page 2 of 2 CSI Proposal Number: NC-15046-19

This proposal is based on the following conditions

- All work will be completed during day shift with no overtime hours. One punch list to be issued prior to demobilizing.
- This proposal may be withdrawn if not accepted within 90 days
- Work to be completed in one mobilization. Additional mobilizations will be billed at \$1,750.00 each to be added to contract amount. Extra mobilization • fees are not subject to retainage and become due immediately
- Original Contract MUST be approved in writing prior to work being performed. Any alteration to above specifications involving extra costs will be . executed only upon written Change Orders, and will become an extra charge, in addition to, the contract
- P&P bonds are not included in this proposal, Should P&P bonds be required there will be an additional charge of 2 75% of the total contract amount.
- Minimum 72 hour mobilization notice required. .
- Contract based on the terms of this proposal
- 1 5% per month late fees, collection costs and attorney fees. In the event that project duration exceeds 30 days, monthly progress billings will be submitted and are to be paid within 15 days of submission
- Per company policy, a lien will automatically be placed on this project if full payment, including retainage, is not received within 90 days from completion of CSI's Scope of Work
- Payments to CSI for scope of work performed will be paid regardless of whether or not the client listed receives payment from the owner or other third party CSI reserves the right to stop work for non-payment without penalty
- When awarded contract, Clear Site Industrial requests that a signed copy of this proposal become part of the contract documents. ٠

Timothy Rowe 3931 Morris Field Dr. Charlotte, NC 28208 704-631-9933 (O) 704-248-7880 (F) 704-607-8434 (M) Trowe@ClearSiteIndustrial.com

PLEASE SIGN, DATE AND RETURN ORIGINAL

ACCEPTANCE OF PROPOSAL - The Above Prices, Specifications & Conditions Are Satisfactory And Are Hereby Accepted. You Are Authorized To Do The Work As Specified.

Signature: ______ Name: _____

Title: _____ Date of Acceptance: _____