

**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. 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:** 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 intentions 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.

**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.**

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.

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Cassie Crutchfield  
Program Support Assistant