





**NOTICE OF RESCHEDULED MEETING
TOWN OF MINT HILL
BOARD OF ADJUSTMENTS**

THE REGULAR MEETING OF THE MINT HILL BOARD OF ADJUSTMENTS TO BE HELD ON MONDAY, MARCH 27, 2023 AT 6:30 P.M. HAS BEEN CANCELLED DUE TO A LACK OF QUORUM. THE MEETING HAS BEEN RESCHEDULED TO MONDAY, APRIL 3, 2023 AT 6:30 P.M. IN THE JOHN M. MCEWEN ASSEMBLY ROOM, MINT HILL TOWN HALL, 4430 MINT HILL VILLAGE LANE.

Savanna Ocasio
Program Support Assistant

1. CALL TO ORDER
2. ROLL CALL AND DECLARATION OF QUORUM
3. APPROVE MINUTES OF SEPTEMBER 26, 2022 REGULAR MEETING
4. REPORTS OF COMMITTEES, MEMBERS, AND STAFF
5. OLD BUSINESS
6. NEW BUSINESS
 - A. VARIANCE REQUEST [#V23-1](#), FILED BY PARKSDALE BUILDING COMPANIES, LLC, PROPERTY LOCATED AT 3820 MATTHEWS-MINT HILL ROAD, TAX PARCEL #195-013-10, TO REQUEST A VARIANCE TO ALLOW A REDUCTION OF THE 40 FT REAR YARD SETBACK TO 20 FT, TO ACCOMMODATE THE CONSTRUCTION OF A HOME
7. OTHER BUSINESS
8. ADJOURNMENT

<p style="text-align: center;">VIEWING A PUBLIC MEETING ONLINE</p> <p>The Town of Mint Hill live-streams the regularly scheduled meetings of the Board of Commissioners, Planning Board and Board of Adjustment. Anyone can view the live meetings or watch at a later time on the Town’s YouTube Channel. To watch a meeting, hover a smartphone camera app over the QR Code to the right or navigate any web browser to https://bit.ly/2YBIORz.</p>	 <p style="text-align: center;">LIVE STREAM</p>
<p style="text-align: center;">AGENDAS & MINUTES</p> <p>Current and past Agendas and Minutes for the Board of Commissioners, Planning Board and Board of Adjustment can be found at https://bit.ly/3guVL4 or hover a smartphone camera app over the QR Code to the right.</p>	 <p style="text-align: center;">AGENDA & MINUTES</p>

**MINUTES OF THE MINT HILL BOARD OF ADJUSTMENT
SEPTEMBER 26, 2022**

The Mint Hill Board of Adjustment met in regular session on Monday, September 26, 2022 at 6:30 p.m. in the Assembly Room, Mint Hill Town Hall.

ATTENDANCE

Chairman: Ronald Rentschler

Members: Todd Fisher, Bill Mathers, Frank Norwood, and Bobby Reynolds

ETJ Member: Debi Powell

Planning Director: John Hoard

Commissioner: Twanna Henderson

Clerk to the Board: Savanna Ocasio

Absent: Michael Weslake

CALL TO ORDER

Chairman 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 August 22, 2022 Regular Meeting: Upon the motion of Mr. Reynolds, seconded by Mr. Fisher, the Board unanimously approved the minutes of the August 22, 2022 regular meeting.

Reports of Committees, Members and Staff: None.

Old Business: None.

New Business: The following individuals were sworn in to speak in conjunction with the requested Variance: Planning Director Hoard and Ms. Mercedes Castro.

A. Variance Request #V22-04, Filed by Mercedes Castro, Property Located at 8908 Brown Oak Court, Tax Parcel #135-413-24, to request a Variance to allow a 3' left side setback to accommodate a home addition: Planning Director Hoard submitted the following memo to the Board.

The applicant is requesting a variance from Section *6.1 Building Lot Standards and Dimensional Requirements* of the Mint Hill Unified Development Ordinance, for property located at 8908 Brown Oak Court, Tax Parcel # 135-413-24. The applicant is asking for a variance to reduce the side yard to 3' (left side if facing the house), to accommodate a 9'x10' walk-in closet home addition.

Ms. Castro introduced herself to the Board and presented her request. She stated she was requesting a Variance to reduce the side yard to 3' as the land on the left side of her house sat at an angle and was unusable. She explained there was also a large utility transformer in her backyard which took

up a significant amount of space. Ms. Castro stated she would like to accommodate a 9'x10' walk-in closet home addition but was unable to as her current setback was 15' which brought her before the Board.

Mr. Fisher asked Planning Director Hoard if the Morris Farm subdivision was platted under Mecklenburg County's jurisdiction. Planning Director Hoard said yes. Mr. Fisher asked if a 5' side setback would have been applicable. Planning Director Hoard stated possibly, but he was unsure.

Mr. Reynolds asked Planning Director Hoard if the property in question was located in Mint Hill's ETJ (extraterritorial jurisdiction). Planning Director Hoard said yes.

Hearing no further questions, Chairman 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.

Mrs. Powell stated unnecessary hardships would result from the strict application of the Ordinance by not allowing this small addition to the left side of a 1100 sq. ft. residence that was built under Mecklenburg County Ordinances which in the 1980's allowed building closer to the property lines than the Town of Mint Hill Ordinances allow.

Mr. Norwood, Mr. Fisher, Chairman Rentschler, and Mr. Mathers agreed with Mrs. Powell.

Mr. Reynolds stated unnecessary hardships would not result from the strict application of the Ordinance as the addition needed to be put on a different elevation of the home.

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

Mrs. Powell stated the hardship resulted from conditions that were peculiar to the property, such as location, size, or topography. The hardship resulted from the size and narrowness of the lot which was developed under Mecklenburg County and not being able to adhere to Mint Hill's stricter Ordinances.

Mr. Norwood, Mr. Fisher, Chairman Rentschler, Mr. Reynolds, and Mr. Mathers agreed with Mrs. Powell.

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

Mrs. Powell stated the hardship did not result from actions taken by the applicant or the property owner as the hardship was the result of implementing stricter Ordinances to a lot that was developed in the 1980's under Mecklenburg County Ordinances.

Mr. Norwood, Mr. Fisher, Chairman Rentschler, and Mr. Mathers agreed with Mrs. Powell.

Mr. Reynolds stated the hardship did result from actions taken by the applicant or the property owner by wanting to add an addition to that particular side.

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.

Mrs. Powell 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. A Variance would allow additional, but minimal, square footage to this residence without negatively impacting the surrounding neighbors.

Mr. Norwood, Mr. Fisher, Chairman Rentschler, Mr. Reynolds, and Mr. Mathers agreed with Mrs. Powell.

Mrs. Powell made a motion to approve Variance Request #V22-04, filed by Mercedes Castro, for property located at 8908 Brown Oak Court, being Tax Parcel #135-413-24, requesting a Variance to allow a 3' left side setback to accommodate a home addition. Mrs. Powell made a motion to approve the Variance for the following reasons:

- 1. Unnecessary hardships would result from the strict application of the Ordinance as enforcing Mint Hill's stricter setback lines to a property that was developed under looser Mecklenburg County setback requirements would create an unnecessary hardship.**
- 2. The hardship results from conditions that were peculiar to the property, in that the size and narrowness of the lot, which was developed under Mecklenburg County Ordinances, prevents it from adhering to Mint Hill's stricter Ordinances.**
- 3. A Variance would keep with the spirit, purpose, and intent of the Ordinance such that public safety was secured and substantial justice was achieved in that this Variance would be minimal when compared to the setbacks that existed in a neighborhood built prior to the current Ordinance and would have no negative impact to the surrounding neighbors.**

Mr. Mathers seconded the motion, and the Board unanimously voted to approve the Variance.

Other Business: None.

Adjournment: Upon the motion of Mr. Reynolds, seconded by Mr. Fisher and unanimously agreed upon, Chairman Rentschler adjourned the meeting at 6:42 p.m.

Savanna Ocasio
Program Support Assistant

Memo

To: Board of Adjustment

From: Staff

Date: March 27, 2023

Re: Variance Request #V23-01, Filed by Parksdale Building Companies, LLC, Property
Located at 3820 Matthews-Mint Hill Road, Tax Parcel #195-013-10

Variance Request

The applicant is requesting a variance from Section *6.1 Building Lot Standards and Dimensional Requirements* of the Mint Hill Unified Development Ordinance, for property located at 3820 Matthews-Mint Hill Road, Tax Parcel # 195-013-10. The applicant is asking for a variance to reduce the 40' rear yard to 20'.

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 #:	<u>V-23-1</u>
Date Filed:	<u>2/9/23</u>
Received By:	<u>NJ</u>

Variance requested on property located at: 3820 Matthews-Mint Hill Rd, Matthews NC 28105

Tax Parcel Number: 19501310 Zoning District: R

Describe variance being requested:

The property owner is requesting a reduction in the 40-foot rear yard setback to 20 feet.

(Complete if Applicant is other than Property Owner)

Anatoliy & Nina Torchilo

Name of Property Owner

3824 Matthews-Mint Hill rd

Address of Owner

Matthews, NC 28105

City, State, Zip

980-406-1215

Telephone Number

ntorchilo88@yahoo.com

E-Mail Address

Signature of Property Owner

Parksdale Building Companies, LLC

Name of Applicant

1014 Coral Bell Ct

Address of Applicant

Monroe, NC 28110

City, State, Zip

704-993-1030

Telephone Number

info@parksdalebuilds.com

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.

Adherence to the 40ft rear yard setback requirement would leave insufficient space on the lot to construct a suitable dwelling for the family, making it impossible to fulfill their housing needs.

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 rear portion of the yard contains soils that are inadequate for the proper functioning of a septic system, and the only suitable soils for a septic are located in the buildable area.

This results in an awkward and irregular shaped lot that cannot accommodate a functional dwelling. Despite efforts to modify the design with the engineer, the current septic design is the best solution, and there is no alternative location to install the septic system in the rear yard.

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.

It was not possible to anticipate the suitability of the soils, as the presence and type of soils are beyond the control of the property owner. Despite this, extensive resources were invested in soil testing and the design process to determine the best solution for the septic system.

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 lot at the rear of our property is mostly used as an undeveloped water runoff area.

No neighboring properties or individuals would be negatively impacted by the request to reduce the rear setback. Additionally, the proposed house would not be visible from the

main rd, as it would be obscured by existing houses and the long driveway.

Furthermore the current owners aspire to construct a home where they can establish roots, pursue their livelihood, and cultivate personal growth. There is no intention of engaging in speculative real estate ventures or seeking short-term financial gain.

Engineered Septic Design

PROJECT NO.
22-1175
PROJECT MGR.
WO
DRAWN BY
WO
FIELD WORK
WO
SCALE
1" = 60'

Soil & Forestry Services
of the Carolinas, PA
813 Davidson Dr NW
Concord NC 28025
soilandforestry.com



PROJECT NAME:
PARKSDALE BUILDING
MATTHEWS-MINT HILL RD
MECKLENBURG COUNTY
DECEMBER 2022

SHEET TITLE:
SEPTIC SYSTEM LAYOUT
SKETCH MAP

SHEET
1 OF 1

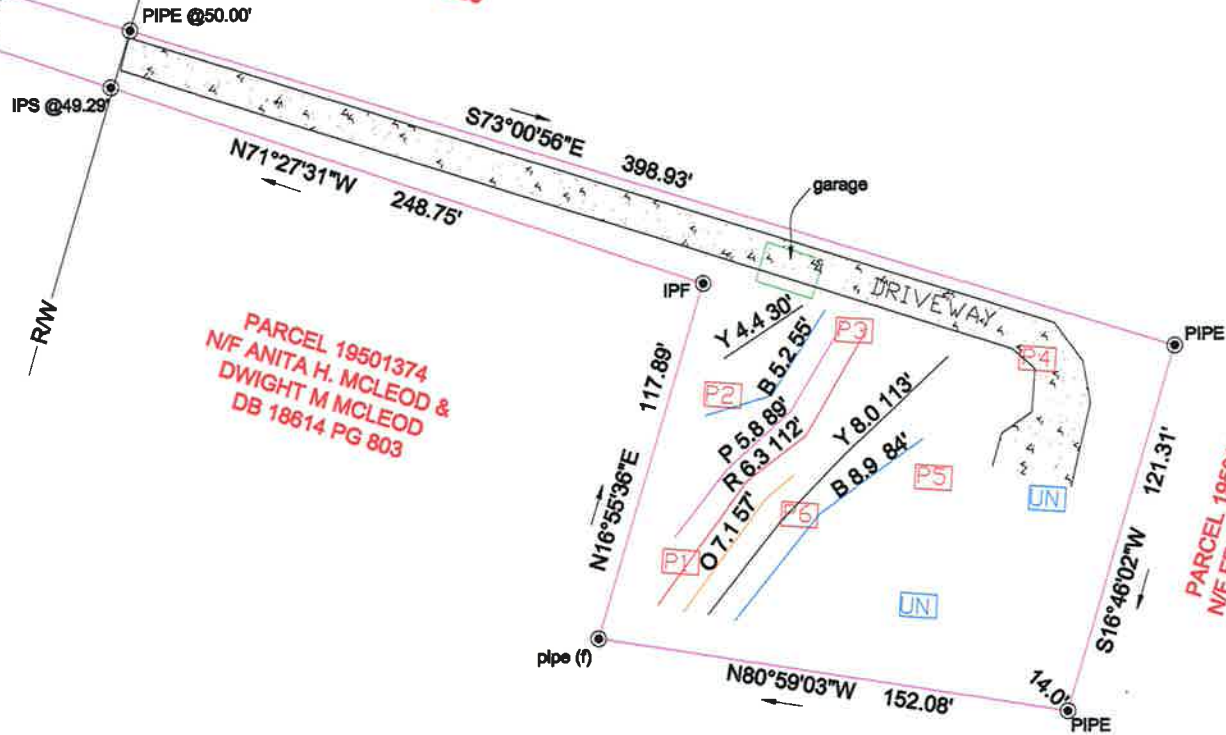
MATTHEWS-MINT HILL ROAD
100' Public Right-Of-Way

PARCEL 19501371
N/F ANATOLIY TORCHILLO &
NINA Y. TORCHILLO
DB 32881 PG 389

PARCEL 19501374
N/F ANITA H. MCLEOD &
DWIGHT M MCLEOD
DB 18614 PG 803

PARCEL 19501305
N/F FRAN H. MULLIS
DB 6339 PG 958

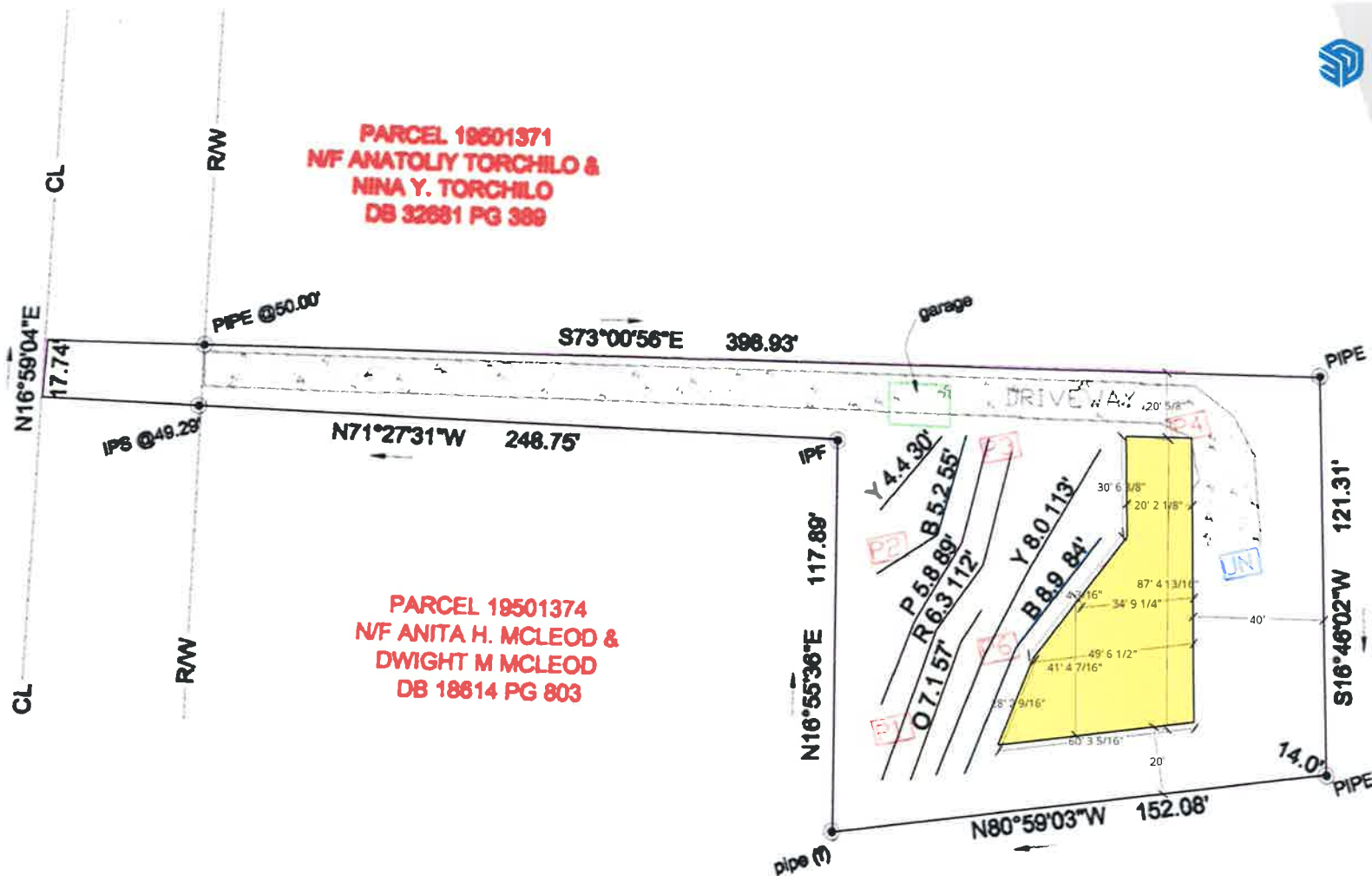
GRAPHIC SCALE
1" = 60'

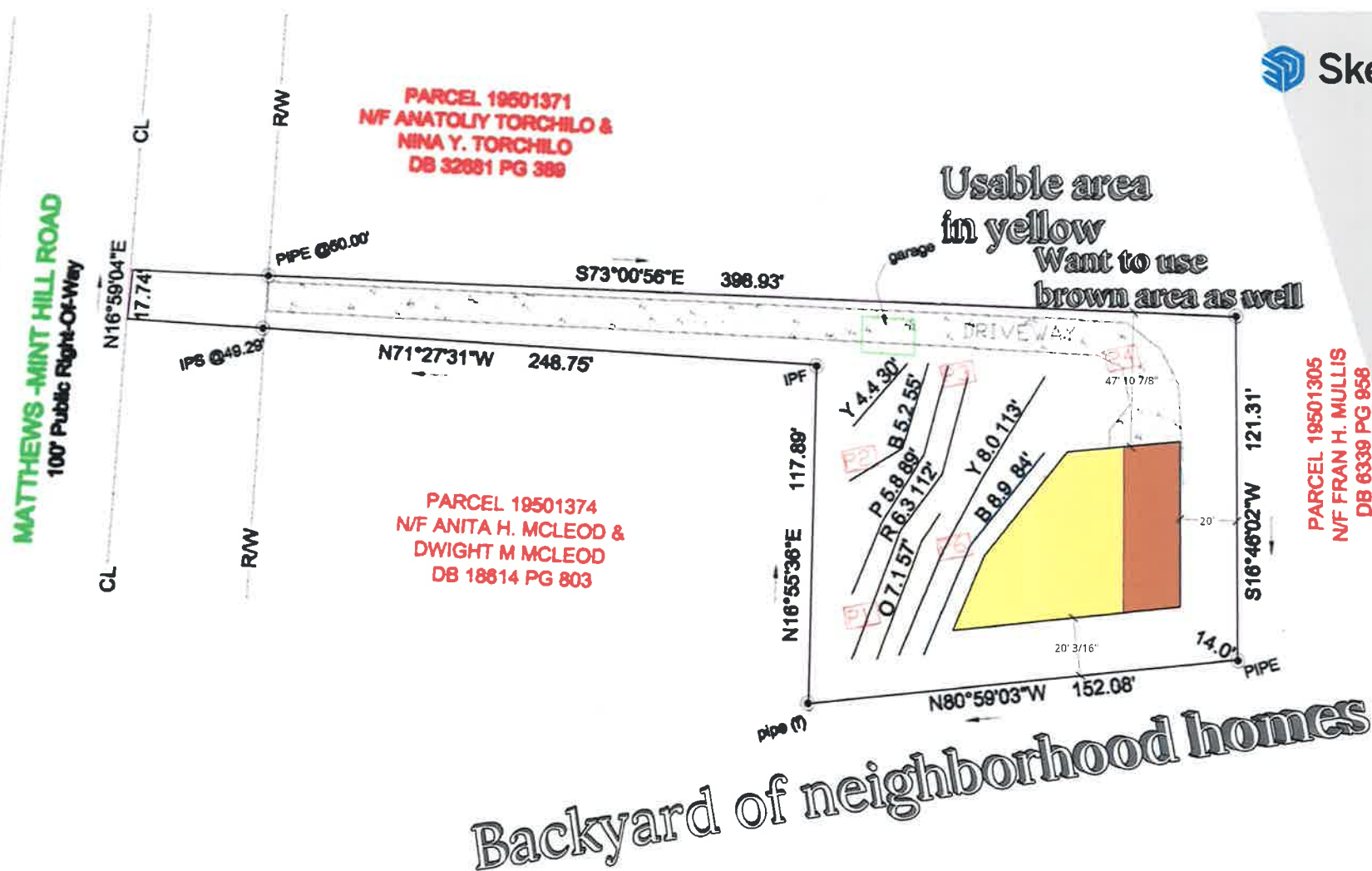


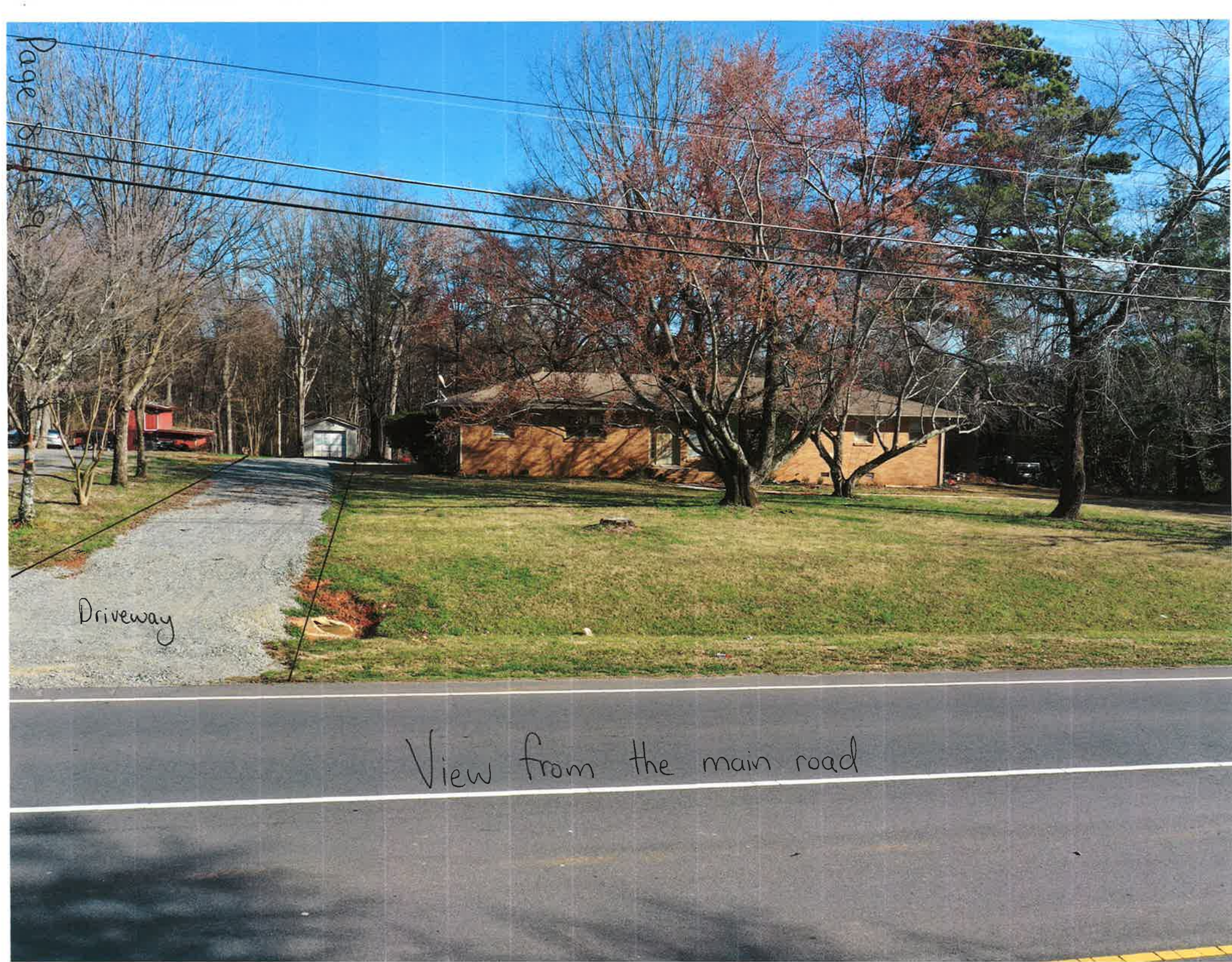
Current usable area in yellow



MATTHEWS -MINT HILL ROAD
100' Public Right-Of-Way







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Driveway

View from the main road

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Aerial view of the lot and
surrounding area