



**Town of Cornelius
Planning Board/Board of Adjustment**

**Agenda
December 10, 2018
6:30 PM
Assembly Room**

- 1. Call To Order**
- 2. Determination of Quorum**
- 3. Approval of Minutes**
 - A.** October 08, 2018
 - B.** October 29, 2018
- 4. Public Hearing and Consideration of Approval**
 - A.** VAR 08-18 18045 Old Statesville Rd.
- 5. Consideration of Approval**
 - A.** Built Upon Area Averaging Certificate Applications
- 6. Old Business**
- 7. New Business**
- 8. Next Meeting**
- 9. Adjournment**

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: December 10, 2018

To: Chair and Planning Board Members

From: Summer Smigelski, Planning Admin.


Action Requested:

Approval of Minutes

Manager's Recommendation:

Approval

ATTACHMENTS:

Name:	Description:	Type:
 Minutes_10082018_Draft.docx	October 08, 2018 Minutes	Backup Material

Minutes

TOWN OF CORNELIUS PLANNING BOARD

Assembly Room
October 08, 2018
6:30 p.m.

Members Present

Hardy McConnell
Keith Eicher, *Chair*
Danielle Miller
Michael Osborne
Phil Bechtold, *Alternate*
Joseph Dean
Cameron Bearder, *Alternate*
Edward Marxen, *Alternate*
Susan Johnson
Lee Peterson, *Vice Chair*

Members Absent

Staff Present

Summer Smigelski, *Admin. Assistant*
Aaron Tucker, *Assistant Planning Director*
Wayne Herron, *Deputy Town Manager/ Planning Director*
Becky Partin, *Senior Planner*
Gary Fournier, *Planner*
Monterai Adams, *Planner*
Catherine Gautier, *Planner*

VISITORS

See Sign-In Sheet

DETERMINATION OF QUORUM

Chair Eicher called the Planning Board meeting to order at 6:32 pm and noted there was a quorum present.

2018 Transportation Bond Referendum

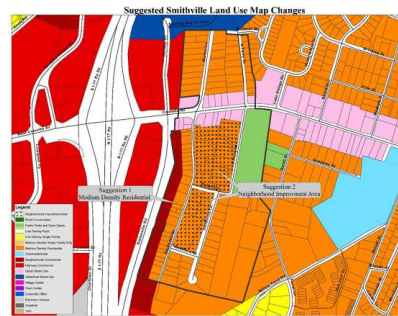
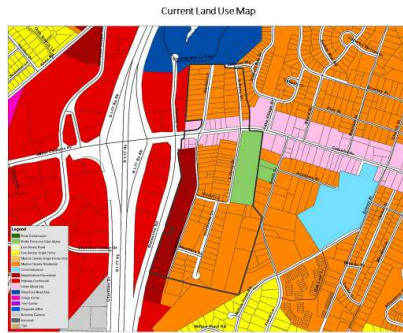
Town Manager, Andrew Grant, provided an overview of the upcoming Transportation Bond Referendum.

2014 Land Use Plan Update-Smithville

Mr. Herron presented the 2014 Smithville land use plan update to the board. Land Use on the west side of South Hill Street would be changed from Neighborhood Commercial to Medium Density Residential. No land use change to Highway 21 frontage (remains Neighborhood Commercial). No impact to current zoning. What the change means; only medium density residential zoning would be recommended on South Hill Street if any subdivisions or re-zonings were proposed (maximum 4/acre).

Proposed schedule:

- Planning Board – October 8. Discussion, public input, potential recommendation
- Town Board – November 5. Discussion, public input, potential adoption of resolution amending the Land Use Map



After discussion the board agreed to recommend approval.

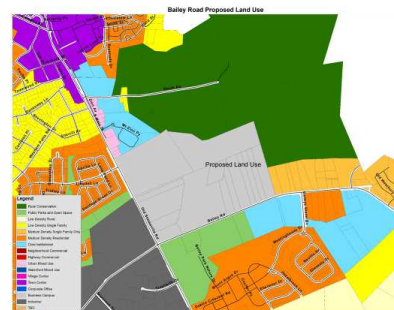
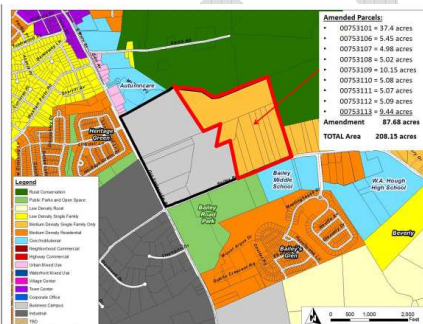
Mr. Peterson made a motion to approve 2014 Land Use Plan Update-Smithville. Mr. Osborne seconded. All in favor, motion approved.

In Favor: Mr. Eicher, Mr. Dean, Mr. McConnell,
Ms. Johnson, Mr. Peterson, Ms. Osborne,
Ms. Miller

Opposed: None

2014 Land Use Plan Update-Bailey Road

Ms. Adams presented the 2014 Bailey Road land use plan update to the board. As part of the 2014 Land Use Plan Update, Staff was asked by the Town Board to explore an expansion of the Business Campus category along Bailey Road, east of NC 115. Staff notified the property owners earlier this year. Staff has heard mixed reaction from the property owners. Out of 9 total properties being considered, staff has heard from 2 in favor and 2 in opposition. Reminder, change in the Land Use Plan does not change the zoning. It simply gives staff the ability to consider recommending a zoning change should someone ask.



BUSINESS CAMPUS

Business Campus areas include a wide range of business, light industrial, office, research and development, and related ancillary uses, such as restaurants and small-scale retail and convenience shopping. They generally take on the appearance of an office development, yet with warehousing capabilities. Business Campus centers may take the form of a "campus" in the integration and coordination of uses and quality and character of the development. These areas are prime locations with good access to major road networks and should be reserved for high-return employment generating uses such as office buildings or light manufacturing or warehousing operations.

Primary Land Uses:

- Corporate offices
- Research and Development
- Light industrial and warehousing
- Flexspace

Secondary Land Uses:

- Bank
- Copy and printing services
- General government services
- Business-campus-supporting retail and restaurants

Typical Development Characteristics:

- Prevailing Building Heights: 1 - 3 Stories
- Range of Residential Densities: N/A
- Range of Non-Residential Intensities: .25 - .50 FAR

After discussion the board agreed to table the 2014 Bailey Road Land Use Plan Update to give property owners more time to respond and asked that staff try to reach out to those property owners again.

Mr. Dean made a motion to table 2014 Land Use Plan Update-Bailey Road. Ms. Johnson seconded. All in favor, motion approved.

In Favor: Mr. Eicher, Mr. Dean, Mr. McConnell,
Ms. Johnson, Mr. Peterson, Ms. Osborne,
Ms. Miller

Opposed: None

VAR 06-18 21449 Country Club Dr.

Mr. McConnell made a motion to open the public hearing. Mr. Dean seconded. All in favor, motion approved.

In Favor: Mr. Eicher, Mr. Dean, Mr. McConnell,
Ms. Johnson, Mr. Peterson, Ms. Osborne,
Ms. Miller

Opposed: None

Chair Eicher Reads:

What is a Variance

A variance is a request to deviate from current zoning requirements. If granted, it permits the owner to use his land in a way that is ordinarily not permitted by the zoning ordinance. It is not a change in the zoning law, but a waiver from the requirements of the zoning ordinance.

This hearing is a quasi-judicial evidentiary hearing. That means it is like a court hearing. State law sets specific procedures and rules concerning how this board must make its decision. These rules are different from other types of land use decisions like rezoning cases.

The board's discretion is limited. The board must base its decision upon competent, relevant, and substantial evidence in the record. A quasi-judicial decision is not a popularity contest. It is a decision constrained by the standards in the ordinance and based on the facts presented. If you will be speaking as a witness, please focus on the facts and standards, not personal preference or opinion.

Participation is limited. This meeting is open to the public. Everyone is welcome to watch. Parties with standing have rights to participate fully. Parties may present evidence, call witnesses, and make legal arguments. Parties are limited to the applicant, the local government, and individuals who can show they will suffer special damages. Other individuals may serve as witnesses when called by the board. General witness testimony is limited to facts, not opinions. For certain topics, this board needs to hear opinion testimony from expert witnesses. These topics include projections about impacts on property values and projections about impacts of increased traffic. Individuals providing expert opinion must be qualified as experts and provide the factual evidence upon which they base their expert opinion.

Witnesses must swear or affirm their testimony. At this time, we will administer the oath for all individuals who intend to provide witness testimony.

Chair Eicher called forward anyone wishing to testify to be sworn in by the Board Secretary.

Ms. Smigelski swore in the applicant's and Town staff.

How Voting Works

State law requires a four-fifths majority of the board to grant a variance. What this means tonight that there must six votes in favor of variance in order for it to be granted.

Mr. Fournier: Chairman, members of the board my name is Gary Fournier and I will presenting VAR 06-18. The applicant Kevin Joshua Cohn at 21449 Country Club Dr. The tax parcel ID number is 00116422. The location of the property is 21449 Country Club Dr. The current zoning is general residential (GR). The Applicant is seeking a variance from the 10 foot side yard setback per Section 5.5.4 of the Land Development Code. The applicant is asking for the side yard setback to be decreased to 8 feet. Staff will present testimony at the hearing that covers the following basic facts and will introduce the Town exhibits into evidence. The subject property is within the Town of Cornelius Zoning jurisdiction and is zoned General Residential (GR). The property is shown on the Zoning Map as Exhibit A, Aerial Vicinity Map as Exhibit B, Aerial Property Map as Exhibit C. The Cornelius Planning Department's common practice on a development permit is to use the setbacks from the recorded plat and to use the Land Development Code for any setbacks that are not on the recorded plat. The subject property is recorded on a plat with the Mecklenburg County Register of Deeds Office in Map Book 12 Page 21. There are no setbacks for any of the parcels shown on the recorded plat. The recorded plat is shown as Exhibit D. In the Land Development Code Section 5.5.4 Table of Dimensional Requirements, side setbacks in the General Residential (GR) zoning district are 10'. The Land Development Code Section 5.5.4 is shown as Exhibit E. The Applicant submitted a Town of Cornelius Variance Application, which is shown as Exhibit F. I visited the property and took two pictures, which are shown as Exhibits G and H. That concludes staff presentation.

Mr. Fournier opened for questions from the board.

Mr. Dean: "What is the current setback?"

Mr. Fournier: "The current setback is 10 feet but I'm not sure how far the house is from the side property line, if that is what you are asking."

Mr. Dean: "So we don't know what the setback is. We assume that the house that is there now is setback at 10 feet on the sides?"

Mr. Fournier: "I do not know that. The house was built well before our code required side rear setbacks."

Mr. Peterson: "Lets just say this is eight feet, if part of the foundation is left does that allow them to build at eight feet out?"

Mr. Fournier: "Yes, a significant amount of the foundation (Inaudible)."

Ms. Johnson: "Is the plan to completely demolish the entire home including the foundation and start over?"

Mr. Fournier: "I do not know that."

Mr. Herron: "I believe that is correct. That is what I have been told by the applicant and of course they would need to testify to that."

Ms. Johnson: "Do we have a survey for the existing property?"

Mr. Fournier: "I do not."

Mr. Peterson: "This home was purchased in 2012, according to the GIS records that I looked at, and at that time the setback was eight feet. It changed to 10 feet in 2015. Did we not have a couple years ago on something in regard to the waterfront property where the town had a 50 foot setback?"

Mr. Herron: "Gary can explain better than I can because he does this everyday but on the waterfront, yes, state law currently says 50 feet, but Cornelius does it a little different. We base the setback on the date recorded. The setback from the lake has been different over the years. It has been 30, then 40, now 50. We believe the lot should be grandfathered on the date that the plat was recorded."

Mr. Peterson: "In this case there were no setbacks in place other than what we as the city established as eight feet at that time?"

Mr. Herron: "There were no setbacks recorded on plat but based on the date of the recording of the plat it was prior to the watershed so we recognize this as having a 30-foot lake buffer."

Mr. Peterson: "I was wondering why we changed that from 50 to 35 just because those people bought it when it was 35."

Mr. Herron: "We honor that, it's actually 30."

Mr. McConnell: "This eight-foot setback, this is on both sides?"

Mr. Fournier: "The applicant is requesting eight feet on each side."

Chair Eicher asked for the applicant to please address the board

Applicant: My name is Kevin Joshua Cohn. Address 21449 Country Club Dr., Cornelius, NC 28031. First and foremost, I want to thank the Chairman and the board for getting a lot done in time to come and present our case here today. I also want to thank (Inaudible) for all their efforts. This has been an ongoing discussion since April 2016 with Gary, he has been fantastic through the process. Me being here today is not a negative of the job he has done. Wayne took some time and sat down with me as well about a month and a half ago. I really appreciate your guys efforts as well. I would like to give you just a little history of why we are here today. We bought our home in 2012 with the intentions of remodel or rebuild. In April 2016 we decided we wanted to take the first step and getting the plans created. That's when we reached out to Gary. I provided you emails that Gary and I have gone back and forth on. Our conversation started in April and last one in October where Gary gave me the setbacks and to tell the architect to move forward based on these plans, we proceeded. The second document is the site plan for what we received from the architect back in October. We had already invested a significant amount of money to have these plans created. We provided some pictures of the second document. This is showing you how this peculiar shaped lot (Inaudible) It sits on the front setback now. As far as the side setbacks, we have surveys that were created at the request of Gary when we first started talking about this, we provided that to our architect. It was at least recorded on that survey. Fast forward to January and February 2018; My wife and I did not move forward with the original plans, we decided to wait. We hired (Inaudible) in April 2018. It is my understanding from the conversations I have had with Wayne was that there was a law change I think in March that I was not aware of that changed the setback from 8 to 10. When we met with Jamie the first time we eight-foot setbacks. She did that and she provided us with the first few renderings at eight-feet. That is why we asked the two documents that we provided you, one eight-feet and one 10 feet. She did call the town just to make sure that it was accurate, around the July time frame. By that time, she told us that the eight-foot is incorrect and that it was 10. She changed the design of our home, which does significantly does affect a few things on our end. If you look at the two documents that I provided. The 10-foot setback impedes the water view of our neighbors to the left. We have a good relationship with them. It is not our intention but with this

peculiar shaped lot but also the left side from the line is much shorter. The way the house will be designed under a ten-foot setback will encroach on the water view. We have the support from both our neighbors, Both the Armstrong and the Visser's on the right and left have given us their support and I think them not being here today is a clear indication of their support. I just wanted to go through the four points. Unnecessary hardship would result from the strict application of the ordinance. Our response with the redesign for a significant alteration would result from the strict variance and in keeping with the neighbor water view the Visser's would result from this strict variance. The design of the home under a ten-foot setback would significantly affect our curb appeal and would change the natural look of the neighborhood. The peculiar shape of the lot is a pie shape lot where the front is very narrow with a short setback in the front and the house needs to be pushed back. It can't because the other side is restricted. The difference in the depth is peculiar, we are facing west and the west side of the lot is much shorter than the right side, so we felt like the shape of the lot gives us a hardship. Hardship did not result from any action, we felt when the home was purchased the side setbacks were eight-feet and we received information from the town that suggests that as well (Inaudible) A 10-foot setback is more intrusive to our neighbors. We believe the ordinance with the 10-foot setback was created to ensure that neighbors were not encroaching on each other. We feel like we are doing opposite even though were getting the smaller setback in a sense that we are actually preserving the view of neighbor to the left. That is all if you have any questions.

Mr. Peterson: "Did you say that you had a survey of your current house on the property?"

Mr. Cohn: "We got a number a survey done for a number of different reasons. Unfortunately, we never had a survey done of our actual house on the property because it was never necessary it was never something we was going to consider, but we do have a survey and on the survey, I recall asking to please put those setbacks on there and in one of my emails from Gary actually mentions that the eight-foot setback was recorded."

Mr. Peterson: "So in other words your house currently eight-feet?"

Mr. Cohn: "I do not know where house currently sits. I know that it does violate the front setback because my architect says that, but she didn't say where the house currently sits."

Ms. Johnson: "Where does the house end? Back side, how far from a comparative manner, where you are saying that it's going to impede your neighbors view. Where does your house end, the back side of your house, in relation to this?"

Mr. Cohn: "Currently, It would be my guess that it ends somewhere right here but its shaped this way. Its not a straight line, it's a turn."

Ms. Johnson: "So I guess my question is where you are talking about it would impede your neighbors view, the 8 versus the 10. This area right here is that about the same place as that corner ends as well?"

Mr. Cohn: "No."

Ms. Johnson: "What is the difference there? How much are you going into your yard further to impede your neighbors?"

Mr. Cohn: "I would guess 15, 20 more feet additionally on the left side. If you look at the 10-foot setback that I mentioned, that blue area all of that would be house if we use the 10-foot setback."

Mr. Peterson: "You would be building the same house just moving it back?"

Mr. Cohn: "Yes. We went through this process assuming it was an eight-foot setback based on the information that was provided then our architect came back and said we need to change this. We thought through it and they redesigned what we can do, we tried to think about the pros and the cons, we obviously thought about our neighbors. We looked at this as a negative for them, then we had conversations with the Armstrongs and they were very supportive and felt like even the turning of the house would look very odd in the neighborhood."

Chair Eicher: "Common sense would tell you that if you go from a 10-foot setback to an eight-foot setback you are improving not diminishing. I have 10-foot revision then what was eight, I would get a better vision with the eight, you are telling me that is not the case?"

Mr. Cohn: "Yes, it is due to the shape of the lot to fit the house in there."

Mr. Peterson: "You are building the same house and to get 10-feet you have to shift the house back which now impedes your neighbors view!"

Chair Eicher: "Which is not a hardship for you."

Ms. Johnson: "Either way your neighbors view is being impeded, if its additional two feet or not. So, it's just a matter of are you going to impede their view an additional two feet or not?"

Mr. Cohn: "It's more than two feet with the way the house is turning. The shape of the lot it has made it very difficult to build it, put anything on there."

Chair Eicher: "Can you build a house either way? If we say we want the 10-foot setback, can you still build the house?"

Mr. Cohn: "We could be a house, we could not build the house that we have been working on for several years before the law changed."

Chair Eicher: "What would change? The two plans I see here look the same."

Mr. Dean: "One shows an eight-foot setback."

Ms. Johnson: "It's the same house so basically what they are having to do is shift it back."

Chair Eicher: "My point is that whatever we do does not prohibit him from building his house."

Ms. Johnson: "Correct, its just the matter of the neighbors being impeded. My point to your point is they're already going to not have the view that they have today regardless of the house that you build."

Chair Eicher: "Not being disrespectful of the neighbors, I appreciate the concern, but that is not his hardship."

Ms. Johnson: "You are absolutely right."

Chair Eicher: "Do you understand my point? It's not your hardship that your neighbors cannot see."

Mr. Cohn: "Sure."

Chair Eicher: "I am sympathetic to the neighbors in that respect."

Mr. Cohn: "I guess the hardship is that we would not build the home we planned on building for the last three years."

Ms. Johnson: "So if we don't approve the eight-foot setback, what you are saying is that you would build a different plan?"

Mr. Cohn: "We are hoping it doesn't come to that. The orientation of the house as it is, is eight-feet. We would not build this house there for sure, I wish I had a picture of the neighborhood and then you see house that is turned and it doesn't fit in."

Mr. Peterson: "Do you have a picture of the back of your house so we can get an idea?"

Mr. Cohn: "No, the pictures my wife took, I think we gave you that all."

Chair Eicher: "I guess part of my dilemma is if I'm looking at the eight-foot in the 10-foot setback and I seen significant differences in the two houses, there are not any differences, just the way they are located on the lot. Same house just located differently."

Mr. Cohn: "That is correct, again we wanted show eight-foot versus the 10-foot, so you can see what it does to the neighbor's house turned."

Mr. Dean: "So, I guess I'm just unclear on this. I am looking at the picture of the plan with an eight-foot setback, and I guess this is what you were asking, It's the same house. Is there any change to the size or the plan of the house at all?"

Mr. Cohn: "As it stands today, No."

Chair Eicher: "Just a matter of orientation."

Mr. Dean: "So that house of the current plan could be placed on your lot with a ten-foot setback?"

Mr. Cohn: "Yes."

Mr. Peterson: "By doing that you would then block your neighbors view, which could be a hardship on how you get along with your neighbor after that."

Mr. Cohn: "For sure, it would change the neighborhood fully."

Mr. Peterson: "Let me ask if the part of your foundation could be salvaged and if its eight-foot away, could be rebuilt upon that foundation?"

Mr. Cohn: "I have asked and they have all said no, I do not know why."

Mr. Herron: "The current ordinance does say that you can reutilize the foundation if you keep it, in regardless if its currently encroaching in a setback or not."

Mr. Peterson: "By leaving that foundation, if you left it and built around it that's not a problem?"

Mr. Herron: "No it is not. We have allowed people to do that. If there is anything new outside of the foundation, it would have to meet the new setback unless the board granted a variance."

Ms. Johnson: "How big is the house you intend to build versus the house that you currently live in?"

Mr. Cohn: "That house is 4700 square feet and the current house is approximately 2900 square feet."

Ms. Johnson: "Just seems there is a lot of land leftover on the right side and you could reconfigure. I know that is obviously more money but to make everyone happy."

Mr. Cohn: "Yeah, the reason we are trying to keep it forward there is a gas pipe that runs through there so there is an easement. There is a portion of our property that we cannot build on but you are right we could potentially. We couldn't turn the house and we try to use some of the area here, we will encroach on the setback."

Ms. Johnson: "I think its only like a 50-foot setback from the easement?"

Mr. Herron: "As far as we would require is that you would stay out of the easement."

Ms. Johnson: "You could make it less wide and narrower, but I don't know from a flood perspective how that. It is hard to see when it is this small."

Mr. Cohn: "This would impede our neighbors view even further. If anything, we would like to bring the house this way."

Mr. Herron announced that all of exhibits that Mr. Cohn presented will be entered into evidence.

Ms. Smigelski swore in Ms. Cohn

Ms. Cohn: "My name is Blair Cohn. I think what we are trying to accomplish is (Inaudible) with our neighbors. With the 10-foot setback, as you can see from our current house how tight the front of the lot is. Any type of lateral movement that achieve will open up the front of the house, and increase the curb appeal. It will also while shifting of the house within the lot that we can shift more towards the street rather than our neighbors home. It will also allow a lateral shift towards the neighbor that will not be affected. It will allow lateral shifts as well and a transitional shift. What we have come up with the architect is if we continue with the ten-foot setbacks then the way the house drawn now our rear setback will go all the way to the very last point which is either 30 or 35. The eight-foot size setbacks and allowing that shift forward into the neighborhood is not affected. It will actually change the rear setback approximately seven to 10 feet, so we are able to pull off the water seven to 10 feet, not only does it pull away from the neighbors' view, but it pulls away from the water as well."

Mr. Peterson: "Your neighbor's house is house is angled looking across your property towards deeper part of the lake. Basically, on a waterfront property that is a huge effect on value."

Mr. Cohn: "I want to add that we are kind of impeding on their water view as it is, currently there are large evergreens that line the property on the left side of our house. They do not have a view currently, those were there before. We are not really impeding any view that they have now, we would remove those. Where they are now is where I think the house with a ten-foot setback would go to and then with the eight-foot setback we would be able to remove it a little further back."

Ms. Johnson asked for the applicant to go over the points of findings again

Mr. Cohn: "The unnecessary hardship would result from the strict application of the ordinance. If redesigned with a significant alteration (Inaudible) from the strict variance. We would have to do a large alteration to what we have already planned to do and impede the neighbors water view. In relation to what we considered."

Ms. Johnson: "Can you elaborate on C for us? Just because it was not self-created does not necessarily make it a hardship."

Ms. Cohn: "Maybe defining a hardship (Inaudible) Is this a complete hardship, no ultimately we can build a house. I think we are running into what some would consider a hardship because we have gone through many processes with different architects. Thinking that we had grandfathering setbacks. The hardship would be that we are going to have to possibly change it and possibly shift some things around. Will we be able to build a house, Yes? Will it be as appealing as if we were granted the eight-feet, No."

Chair Eicher: "That is not a hardship. That is the problem we are having right now. We must go by the basis if it's a true hardship or not. Its not at this point because you can build a house it just won't be as esthetically pleasing as you would like for it to be."

Mr. Peterson: "Wayne, there is no grandfathering going back from these changes because there no recorded setbacks in the subdivision?"

Mr. Herron: "I will tell you what I believe and if the attorney can back me up to make sure I'm correct. The issuance of a permit is what grandfathers you, emails, conversations do not grandfather."

Attorney: "That is correct."

Mr. McConnell: "But for point of clarification, he did have some emails at that time with Gary stating this is an eight-foot."

Mr. Herron: "That is correct."

Mr. Cohn: "We would have never known that the law changed. We had no idea, the thing that concerns me if this happens again. If you decide that homes are being built to close to each other and change it to 12-feet."

Chair Eicher: "Any further discussions or questions from the board? Anyone else wishing to speak? Please come forward and be sworn in please."

Ms. Smigelski swore in Ariel

Citizen: "Hi! My name is Ariel, I live at 20512 Willow Pond Rd. I am just curious as far as hardship goes because obviously impeding a neighbor is not ideal but financial hardship, investing all that time and money into surveys and architect wouldn't that be considered a hardship?"

Chair Eicher: "Unfortunately not."

Chair Eicher: "Anyone else wishing to speak? I will entertain a motion to close the public hearing."

Mr. Dean made a motion to close the public hearing. Ms. Johnson seconded. All in favor, motion approved.

In Favor: Mr. Eicher, Mr. Dean, Mr. McConnell,
Ms. Johnson, Mr. Peterson, Ms. Osborne,
Ms. Miller

Opposed: None

Finding #1

Unnecessary hardship 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.

Mr. Osborne: "I appreciate what you are trying to do for your neighbors. As a board member I must determine if the finding is in favor of an unnecessary hardship. I do not believe that an unnecessary hardship would result from the strict application of the ordinance. I recommend that finding #1 be denied."

Mr. Osborne made a motion to deny Finding of Fact #1. Mr. Dean seconded. All in favor, motion approved."

In Favor: Mr. Eicher, Mr. Dean, Mr. McConnell,
Ms. Johnson, Mr. Peterson, Ms. Osborne,
Ms. Miller

Opposed: None

Finding #2

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

Ms. Miller: "Even though the property of a size, I just don't believe that the hardship results from that condition. You can build a home on the property."

Ms. Miller made a motion that Finding of Fact #2 has been met. Ms. Johnson seconded. All in favor motion approved."

In Favor: Mr. Eicher, Mr. Dean, Mr. McConnell,
Ms. Johnson, Mr. Peterson, Ms. Osborne,
Ms. Miller

Opposed: None

Finding #3

The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

Ms. Johnson: "I was wanting more information so that we could try and get this to be a hardship but although it wasn't self-created I do believe there are things you can do to still get your house."

Ms. Johnson made a motion Finding of Fact #3 has been met. Mr. McConnell seconded. All in favor motion approved."

In Favor: Mr. Eicher, Mr. Dean, Mr. McConnell,
Ms. Johnson, Mr. Peterson, Ms. Osborne,
Ms. Miller

Opposed: None

Finding #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.

Mr. Peterson: "The ordinance is pretty cut and dry."

Mr. Peterson made a motion to deny Finding of Fact #4. Mr. McConnell seconded. All in favor motion approved."

In Favor: Mr. Eicher, Mr. Dean, Mr. McConnell,
Ms. Johnson, Mr. Peterson, Ms. Osborne,
Ms. Miller

Opposed: None

Ms. Johnson made a motion to deny VAR 05-18. Mr. Dean seconded. All in favor motion approved."

In Favor: Mr. Eicher, Mr. Dean, Mr. McConnell,
Ms. Johnson, Mr. Peterson, Ms. Osborne,
Ms. Miller

Opposed: None

REZ 06-17 Catawba @ Knox

Mr. Herron informed the board that Staff is continuing to work with the applicant for final approval of TIA and site plans. Staff and applicant agree to request the case be tabled to the next Planning Board Meeting.

Mr. Dean made a motion to table REZ 06-17 Catawba at Knox. Mr. McConnell seconded. All in favor, motion approved.

In Favor: Mr. Eicher, Mr. Dean, Mr. McConnell,
Ms. Johnson, Mr. Peterson, Ms. Osborne,
Ms. Miller

Opposed: None

REZ 01-18 CD Nantz

Mr. Tucker presented REZ 01-18. Convenience Development Partners, LLC is requesting to rezone the property located at 18808 and 18830 West Catawba Avenue to develop a convenience store with gas pump and car wash, two commercial buildings totaling 9,400 square feet fronting West Catawba Avenue, and an office building housing 45,000 square feet of office space. Also included with this proposal is the extension of Nantz Road east of West Catawba Avenue.

Ramey Kemp & Associates conducting the TIA. Expected to have NCDOT approval in the coming weeks. Developer phasing project to allow for West Catawba(R-2555B) widening project construction. New office building is proposed to be pushed back from the Nantz Road Extension. Staff has heard comments that Board members prefer the building pulled forward to the road. Board comment is desired regarding this issue. Applicant wishes to provide a brief overview this evening. Staff requests the project be tabled until the next Planning Board Meeting to allow further review and refinement of the plan.

Mr. Tucker presented the timeline:

- Community Meeting held on May 9th

- Town Board Public Hearing #1 – May 21st
- Architectural Review Board – May 25th and October 26th
- Planning Board – October 8th and the next scheduled meeting.
- Town Board public hearing #2 and potential final decision – TBD

The applicant has requested this rezoning case move forward to the Planning Board. Currently, the site plan is still under Staff review. The TIA is still being updated by the Town's traffic consultant and yet to be submitted to NCDOT for final approval. Revised architectural drawings have been submitted and are tentatively scheduled to go back to the Architectural Review Board on October 26th.

After discussion the board agreed to table.

Mr. Dean made a motion to table REZ 01-18. Ms. Johnson seconded. All in favor motion approved.

In Favor: Mr. Eicher, Mr. Dean, Mr. McConnell,
Ms. Johnson, Mr. Peterson, Ms. Osborne,
Ms. Miller

Opposed: None

REZ 03-18 Cambridge Square

Ms. Adams presented REZ 03-18 to the board. David Smith in association with Landworks Design Group Engineers are requesting a conditional rezoning for property located at 18745 West Catawba Avenue to develop the site with one new 12,500 square foot commercial building and 20 single family homes in the rear. The developer is proposing to re-purpose the existing church building on site for general commercial use. The 20 single family lots will front on an internal gated private street.

Staff recommends approval of this project subject to the following conditions.

1. Town approval is contingent on review and approval by other applicable local, state and federal agencies.
2. The development shall comply with all other applicable requirements of the Town of Cornelius Land Development Code.
3. Town approval incorporates and shall comply with any and all submittals in the case file and correspondence presented to the board in support of this application, including, but not limited to the following: The site/sketch plan, architectural elevations, and any other information related to this case or improvements recommended by the Town and/or other agencies.
4. The US Postal Service has notified the Town that all future subdivision approvals must utilize a community mail delivery system. Locations and details of the proposed community mailboxes must be included in the Construction Documents, and must be reviewed and approved by the Post Master for this area. The applicant(s) must provide the Town with written confirmation that the local Post Master is in agreement with the proposed box locations.
5. A gate will be required for the residential portion of the plan. The gated private street will not be maintained by the Town but must be built to Town standards and conform to Chapter 7 of the Land Development Code.

6. All civic uses shall be prohibited. All other standard commercial, retail, service, office, restaurant and micro-brewery uses shall be permitted within the two non-residential buildings.
7. The existing commercial building must be renovated and receive a certificate of occupancy prior to the recording of any plats for the residential portion of the plan. Building must be renovated with the exterior matching the plan that shall be approved by the Architectural Review Board.
8. Coordinate with NCDOT on constructing the multi-purpose path and all other required improvements on West Catawba Avenue for widening project R-2555B.
9. To ensure southern connectivity, the abutting property to the south must be granted access and construction easements upon the initiation of development and connectivity will be provided in accordance with what is shown on the approved plan.
10. Final concept approval is required by the Architectural Review Board, along with the submission of both layout options for the new commercial building as well as the redesign of the existing building to reflect more of a commercial design. This final concept approval must be obtained prior to Town Board final consideration.
11. Landscape buffer cross-sections shall be shown on the landscape plan, specifically showing the required masonry wall within the proposed type A buffer, prior to Town Board review.

After discussion the board agreed to recommend approval with changes to conditions 7 and 8.

Mr. McConnell made a motion to approve REZ 03-18. Ms. Johnson seconded. All in favor motion approved.

In Favor: Mr. Eicher, Mr. Dean, Mr. McConnell,
Ms. Johnson, Mr. Peterson, Ms. Osborne,
Ms. Miller

Opposed: None

TA 09-17 Small Cell Wireless

Ms. Partin presented TA 09-17 to the board. NC General Assembly adopted a law (HB 310) in 2017 to reform small wireless communications infrastructure to aid in deployment of new technologies. As long as small wireless facilities in the public right-of-way meet the height requirements allowed by statute, review must be administrative. We currently require CZ process for such antenna systems. Each new utility pole & each modified or replacement utility pole installed in the right-of-way shall not exceed 50' in height above the mean grade elevation of the road. Each new small cell wireless facility in the right-of-way shall not extend more than 10' above the utility pole, city utility pole or wireless support structure on which it is located.

We can require that any utility facility, wireless facility or small cell wireless facility comply with land use, public safety, and zoning considerations, including aesthetics, undergrounding, landscaping, structural design, setbacks, and fall zones, State and local building code requirements, consistent with the provisions of federal law provided in G.S. 160A-400.50 We can require a site plan, with sufficient detail to show the proposed location of items the applicant seeks to install in the right-of-way including any manholes or poles, the size type, and depth of any conduit or enclosure. We can require that the small cell wireless facilities will be activated for use by a wireless services provider to provide service no later than one year from the permit

issuance date. We can require that the small cell wireless facilities will be collocated on existing utility pole or wireless support structure or a statement regarding the infeasibility of collocation on existing structures when an applicant seeks to construct a new pole. On single-family residential properties (outside of the right-of-way), we can and will require a Special Use Permit. Staff originally presented this amendment to LDCAB in January, but due to concerns expressed by AT&T, Verizon and others, the amendment was put on hold to allow the Town Attorney to further evaluate. The additional discussions did not produce any additional meaningful amendments.

Land Development Code Changes:

Chapter 2, New Definitions:

Wireless Facility

Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (1) equipment associated with wireless communications; and (2) radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small cell wireless facilities. The term shall not include the following: (A) the structure or improvements on, under, within, or adjacent to which the equipment is collocated (B) Wireline backhaul facilities; (C) Coaxial or fiber-optic cable that is between wireless structures or utility poles or city utility poles that is otherwise not immediately adjacent to or directly associated with a particular antenna.

Wireless Facility, Small Cell

A wireless facility that meets both of the following qualifications: (1) each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet; and (2) all other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services. Such facilities may be installed on a new, modified, or replacement pole no greater than 50' in height or extended no more than 10' above such pole or wireless support structure.

Deleted definition: Antenna Systems

Chapter 4, added Section 4.2.4: Small Cell Wireless Facilities

- a. Shall be collocated on existing poles where feasible;
- b. May be installed on a new, modified, or replacement pole not to exceed 50' in height or extend no more than 10' above the utility pole, city utility pole, or wireless support structure on which it is located.
- c. Shall be camouflaged, disguised, hidden, and/or blended in with the surrounding environment;
- d. Shall be installed at property lines and street corners where feasible;
- e. Shall be located such that they do not interfere with public health or safety, such as but not limited to a fire hydrant, fire station, fire escape, water valve, underground vault, valve housing structure, or any other public health or safety

- facility. New facilities shall not be installed directly over any water, sewer, or service line;
- f. Shall be of the same or better nature as other utilities in the immediate area (same or better decorative pole type; underground; etc.)
 - g. Shall Bear no signs or advertising devices except as required by law.

Chapter 5, Table of Uses

- Added Small Cell Wireless Facility in all districts, requiring a Special Use Permit in single-family residential districts; otherwise it's a permitted use by right
- Deleted Antenna Systems

Chapter 6, Uses Permitted With Conditions

Added Small Cell Wireless Facility Conditions:

- All Small Cell Wireless Facilities must follow the requirements of Section 16.7, Special Use Permits, unless located within a public right-of-way. If placed within a public right-of-way a utility right-of-way master permit must be obtained from the Town. On private property an agreement properly approved by the private property owner authorizing the use is required. Copies of all approvals must be provided to the Town.
- The maximum height of each new, modified, or replacement utility pole shall not exceed 50' above ground level. Each new small cell wireless facility shall not extend more than 10' above the pole on which it is located.
- Documentation including engineered plans, photographic renderings, GIS mapping and all other pertinent requirements of Chapter 13 are required to be submitted at time of application.
- All ground mounted components of the Small Cell Wireless Facility shall be screened with a Type A buffer.
- Must comply with Section 4.2.4, Building Design-Small Cell Wireless Facilities.

Deleted Antenna Systems Conditions

Ms. Johnson made a motion to approve TA 09-17 Small Cell Wireless. Mr. Peterson seconded. All in favor motion approved.

In Favor: Mr. Eicher, Mr. Dean, Mr. McConnell,
Ms. Johnson, Mr. Peterson, Ms. Osborne,
Ms. Miller

Opposed: None

TA 02-18 Watershed Built Upon Area Averaging

Ms. Partin presented TA 02-18. For years, the Town has allowed the transfer of impervious area from lot A to lot B.

- Both lots must be in the same watershed
- Lot A must maintain compliance with its specific maximum impervious area
- Impervious area to be transferred by recorded plat

Earlier this year, after receiving a complaint from a local attorney, the State notified the Town it was not in compliance with state statute with our current impervious area transfer process.

To comply with state statute, Section 11.3, Built-Upon Area Averaging, is proposed to be added to the Land Development Code. Section 11.3 also specifies the necessary process for a

property owner to obtain additional built-upon area rights with the approval of a Built-Upon Area Averaging Certificate issued by the Watershed Review Board.

Mr. Peterson made a motion to approve TA 02-18. Ms. Miller seconded. All in favor motion approved.

In Favor: Mr. Eicher, Mr. Dean, Mr. McConnell,
Ms. Johnson, Mr. Peterson, Ms. Osborne,
Ms. Miller

Opposed: None

APPROVAL OF MINUTES

Mr. Dean made a motion of approval for the September 10, 2018 Minutes. Mr. Peterson seconded. All in favor, motion approved.

In Favor: Mr. Eicher, Mr. Dean, Mr. McConnell,
Ms. Johnson, Mr. Peterson, Ms. Osborne,
Ms. Miller

Opposed: None

NEXT MEETING

Rescheduling of the November 2018 Regular Meeting

Mr. McConnell made a motion to reschedule the November meeting to October 29, 2018. Mr. Dean seconded. All in favor, motion approved.

In Favor: Mr. Eicher, Mr. Dean, Mr. McConnell,
Ms. Johnson, Mr. Peterson, Ms. Osborne,
Ms. Miller

Opposed: None

ADJOURNMENT

Ms. Johnson made a motion to adjourn the meeting at 9:28p.m. Mr. McConnell second. All in favor and motion approved.

In Favor: Mr. Eicher, Mr. Dean, Mr. McConnell,
Ms. Johnson, Mr. Peterson, Ms. Osborne,
Ms. Miller

Opposed: None

Respectfully Submitted:

Keith Eicher
Chair

Date

Summer Smigelski
Secretary

Date

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: December 10, 2018

To: Chair and Planning Board Members

From: Summer Smigelski, Planning Admin.


Action Requested:

Approval of Minutes

Manager's Recommendation:

Approval

ATTACHMENTS:

Name:	Description:	Type:
 Minutes_10292018_Draft.docx	October 29, 2018	Backup Material

Minutes

TOWN OF CORNELIUS PLANNING BOARD

Assembly Room
October 29, 2018
6:30 p.m.

Members Present

Hardy McConnell
Keith Eicher, Chair
Danielle Miller
Michael Osborne

Members Absent

Susan Johnson
Lee Peterson, Vice Chair

Staff Present

Summer Smigelski, Admin. Assistant
Aaron Tucker, Assistant Planning
Director
Wayne Herron, Deputy Town Manager/
Planning Director

Joseph Dean
Cameron Bearder, Alternate
Edward Marxen, Alternate
Phil Bechtold, Alternate

VISITORS

See Sign-In Sheet

DETERMINATION OF QUORUM

Chair Eicher called the Planning Board meeting to order at 6:33 pm and noted there was a quorum present.

APPROVAL OF MINUTES

Mr. McConnell made a motion of approval for the July 9, 2018 Minutes. Mr. Peterson seconded. All in favor, motion approved.

In Favor: Mr. Eicher, Mr. Dean, Mr. McConnell,
Mr. Marxen, Ms. Johnson, Mr. Peterson,
Mr. Bechtold, Ms. Miller

Opposed: None

REZ 06-17 Catawba @ Knox

Mr. Tucker presented the updated plan for REZ 06-17 Catawba @ Knox.

- Site Plan Submitted and Town Begins Traffic Impact Analysis (TIA) – Summer 2017
- Staff Review First Site Plan Submittal – August 11, 2017
- Community Meeting – October 4, 2017
- Public Hearing #1 – October 16, 2017
- Kimley Horn (KH) Completes TIA for Town – June 2018
- KH submits TIA to NCDOT for Approval – June 2018
- NCDOT Congestion Management Issues Conditional Approval – August 13, 2018
- Final NCDOT approval was received on Friday.

Staff has attached the most recent site plan that is currently under review. It includes five buildings.



Brady Finklea with Kimley Horn presented the TIA to the board.

Staff is recommending approval with the following conditions:

1. Town approval is contingent on review and approval by other applicable local, state and federal agencies.
2. The development shall comply with all other applicable requirements of the Town of Cornelius Land Development Code.
3. Town approval incorporates and shall comply with any and all submittals in the case file and correspondence presented to the board in support of this application, including, but not limited to the following: The site/sketch plan, architectural elevations, and any other information related to this case or improvements recommended by the Town and/or other agencies.
4. The US Postal Service has notified the Town that all future subdivision approvals must utilize a community mail delivery system. Locations and details of the proposed community mailboxes must be included in the Construction Documents, and must be reviewed and approved by the Post Master for this area. The applicant(s) must provide the Town with written confirmation that the local Post Master is in agreement with the proposed box locations.
5. Commercial, retail, office, grocery store and restaurant with drive-through uses shall be permitted.
6. Applicant shall coordinate with NCDOT on additional right-of-way and all other required improvements on One Norman/Knox Road for widening project U-5906.
7. Applicant and Town shall confirm site plan design for One Norman/Knox matches that of NCDOT's design for U-5906.
8. TIA mitigation Items included in Construction of U-5906:

a. W Catawba Avenue at One Norman Boulevard

- Construction of an additional southbound left-turn lane along One Norman Boulevard with 175 feet of storage, creating a three-lane approach that includes dual left-turn lanes and a shared through/right lane.
- Reconfiguration of the northbound approach of One Norman Boulevard to provide an exclusive left-turn

lane and a shared through-right lane (same as existing).

- Removal of the split phasing planned for the side-street northbound and southbound approaches.

b. Knox Road at Harken Drive/Private Street C (D/W #3)

- Eastbound right-turn lane along Knox Road with 100' of storage
- Eastbound left-turn lane along Knox Road with 100' of storage (as shown on proposed site plan)
- Westbound left-turn lane along Knox Road with 100' of storage (as shown on proposed site plan)

9. TIA mitigation items prior to CO and U-5906

a. W Catawba Avenue at One Norman Boulevard

- Extension of the westbound right-turn lane to provide 150' of storage.

b. W Catawba Avenue at Private Street A (D/W #1)

- Allow for left-over access (right-out only)
- Westbound right-turn lane along W Catawba Avenue with 100' of storage
- Single southbound egress and single ingress lane along Private Street A
- Provide an internal protected stem of 100' along Private Street A

c. Knox Road at Private Street A (D/W #2)

- Single northbound egress and single ingress lane along Private Street A.
- Provide an internal protected stem of 75' along Private Street A.

d. Knox Road at Harken Drive/Private Street B (D/W #3)

- Single northbound egress and single ingress lane along Private Street B
- Provide an internal protected stem of 120' along Private Street B

10. A crosswalk shall be provided at the Knox Road/Private Drive "A" intersection and shall be coordinated with NCDOT with regard to design for U-5906.

11. All parking spaces shall be located within 60 feet of an overstory tree.

12. The type "b" landscape buffer shall be provided along West Catawba and in the curve at One Norman/Knox. Masonry walls shall be provided along any drive-through facility as part of the type "b" buffer detail. Buffer area along Knox Road is to be retained, but shall be supplemented, if necessary, to meet the type "a" buffer planting requirement.

13. Buffer area along Knox Road is to be retained, but shall be supplemented, if necessary, to meet the type "a" buffer planting requirement.

14. Internal sidewalks shall be a minimum width of five feet and shall be provided as shown in the locations noted on the approved site plan.

15. With regard to the two connectivity access points, the applicant shall provide easements for access and construction, as necessary.

16. A photometric lighting plan shall be provided during construction document review and shall meet the requirements of Chapter 7.

17. The drive through menu boards as well pick up windows shall provide a minimum five foot wide weather covering.
18. The Town shall complete the cycle 3 review and additional conditions may be necessary prior to Town Board.

Chair Eicher called forward anyone wishing to speak.

Martha Acouisto at 10700 Valiant Way expressed concerns on what the neighborhood would be looking at.

John Acouisto at 10700 Valiant Way expressed concerns with road safety.

Joseph Bailey at 19707 Valiant Way expressed concerns with the location of the driveways and traffic flow.

After discussion the board agreed to recommend approval

Mr. Osborne made a motion to approve REZ 06-17 with conditions. Mr. McConnell seconded. All in favor motion approved.

In Favor: Mr. Eicher, Mr. Dean, Mr. McConnell,
Mr. Marxen, Mr. Bearder, Mr. Osborne,
Mr. Bechtold, Ms. Miller

Opposed: None

REZ 01-18 CD Nantz

Mr. Tucker presented the updated plan for REZ 01-18 CD Nantz. Convenience Development Partners, LLC is requesting to rezone the property located at 18808 and 18830 West Catawba Avenue to develop a convenience store with gas pump and car wash, two commercial buildings totaling 9,400 square feet fronting West Catawba Avenue, and an office building housing 45,000 square feet of office space. Also included with this proposal is the extension of Nantz Road east of West Catawba Avenue.

Andrew Eagle presented the TIA report to the board.

Staff recommends approval with the following conditions:

1. Town approval is contingent on review and approval by other applicable local, state and federal agencies.
2. The development shall comply with all other applicable requirements of the Town of Cornelius Land Development Code.
3. Town approval incorporates and shall comply with any and all submittals in the case file and correspondence presented to the board in support of this application, including, but not limited to the following: The site/sketch plan, architectural elevations, and any other information related to this case or improvements recommended by the Town and/or other agencies.
4. The US Postal Service has notified the Town that all future subdivision approvals must utilize a community mail delivery system. Locations and details of the proposed community mailboxes must be included in the Construction Documents, and must be reviewed and approved by the Post Master for this area. The applicant(s) must provide the Town with written confirmation that the local Post Master is in agreement with the proposed box locations.

5. A convenience store with fuel station and car wash shall be allowed in the building at the corner of West Catawba Avenue and Nantz Road. Commercial, retail, service, office and restaurant uses shall be permitted within the two non-residential buildings fronting West Catawba Avenue. Professional office uses shall be permitted in the rear building.
6. Final CO will be held for the rear office building until 2020 in order to properly phase and coordinate with the West Catawba Avenue widening project.
7. Applicant shall coordinate with NCDOT on constructing the multi-purpose path, additional right-of-way and all other required improvements on West Catawba Avenue for widening project R-2555B.
8. TIA mitigation items:

West Catawba Avenue and Nantz Road/Site Access A

2019 Build Phase 1 Improvements:

- Restripe, and widen if necessary, the eastbound Nantz Road approach to provide a left turn lane with 125 feet storage and appropriate taper, and one shared through/right lane.
- Construct the westbound Site Access A approach with one left turn lane with 150 feet of storage and appropriate taper, and one shared through/right lane.
- Construct a southbound West Catawba Avenue left turn lane with 100 feet of storage and appropriate taper.
- Provide permissive left turn treatments on the side streets and permissive/protected left turn treatments on the West Catawba Avenue approaches.

2019 Full Build Improvements:

- No additional improvements are recommended.

West Catawba Avenue and Site Access B

2019 Build Phase 1 Improvements:

- Construct Site Access B with one ingress lane and one egress lane (right-in/right-out only).
- Install a quick curb median to prohibit left turns at the intersection.

2019 Full Build Improvements:

- No additional improvements are recommended.

Site Access A and Site Access C

2019 Build Phase 1 Improvements:

- Construct Site Access C with one ingress lane and one egress lane (shared left/right).

2019 Full Build Improvements:

- No additional improvements are recommended.

Site Access A and Site Access D

2019 Full Build Improvements:

- Construct Site Access D with one ingress lane and one egress lane (shared left/right).

9. Due to utility lines, low ornamental shade trees and shrub landscaping should be shown fronting West Catawba Avenue.

After discussion the board agreed to recommend approval

Mr. Bechtold made a motion to approve REZ 01-18 with conditions. Mr. Dean seconded. All in favor motion approved.

In Favor: Mr. Eicher, Mr. Dean, Mr. McConnell,
Mr. Marxen, Mr. Bearder, Mr. Osborne,
Mr. Bechtold, Ms. Miller

Opposed: None

NEXT MEETING

Monday, December 10th, 2018

ADJOURNMENT

Mr. Bechtold made a motion to adjourn the meeting at 8:06p.m. Mr. McConnell second. All in favor and motion approved.

In Favor: Mr. Eicher, Mr. Dean, Mr. McConnell,
Mr. Marxen, Mr. Bearder, Mr. Osborne,
Mr. Bechtold, Ms. Miller

Opposed: None

Respectfully Submitted:

Keith Eicher
Chair

Date

Summer Smigelski
Secretary

Date

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: December 10, 2018

To: Board of Adjustment members

From: Monterai Adams, MPA- Planner












Action Requested:

The Applicant is seeking a variance from the requirement that all lots shall front upon a street built with the Mecklenburg County Land Development Standards Manual per Section 5.5.1 (B) of the Land Development Code as well as the 16 feet of minimum frontage at right of way per Section 5.5.4. The applicant is asking to subdivide her property without being required to front upon a street.

Manager's Recommendation:

Hear evidence and render a decision

ATTACHMENTS:

Name:	Description:	Type:
 VAR_08-18_Staff_Report-waynereviseon.docx	Staff Report	Backup Material
 Exhibit_A_Zoning_Map.jpg	Exhibit A Zoning Map	Cover Memo
 Exhibit_B_Vicinity_Map.jpg	Exhibit B Vicinity Map	Cover Memo
 Exhibit_C_Property_Map.jpg	Exhibit C Property Map	Cover Memo
 Exhibit_D_LDC_5.5.1_(B).jpg	Exhibit D LDC 5.5.1 (B)	Cover Memo
 Exhibit_E_5.5.4.jpg	Exhibit E 5.5.4	Cover Memo
 Exhibit_F_Variance_Application.pdf	Exhibit F Variance Application	Cover Memo
 Exhibit_G_Property_Photo.jpg	Exhibit G Property Photo	Cover Memo
 Exhibit_H_Property_Photo.jpg	Exhibit H Property Photo	Cover Memo
 Exhibit_I_Property_Photo.jpg	Exhibit I Property Photo	Cover Memo
 VAR_05-18_FoF.docx	Finding of Facts	Cover Memo



VAR 08-18
18045 Old Statesville Rd.
Staff Analysis

November 15, 2018

Applicant: Maria (Tina) Karres
18045 Old Statesville Rd
Cornelius, NC 28031

Tax Parcel Reference: 005-021-14

Location: 18045 Old Statesville Rd.

Variance Request: The Applicant is seeking a variance from the requirement that all lots shall front upon a public street built with the Mecklenburg County Land Development Standards Manual per Section 5.5.1 (B) of the Land Development Code as well as the 16 feet of minimum frontage at right of way per Section 5.5.4. The applicant is asking to subdivide her property without being required to front upon a public street.

Zoning: Neighborhood Residential (NR)

Hearing Date: December 10, 2018

Staff Commentary:

The Applicant is seeking a variance from the requirement that all lots shall front upon a public street built with the Mecklenburg County Land Development Standards Manual per Section 5.5.1 (B) of the Land Development Code as well as the 16 feet of minimum frontage at right of way per Section 5.5.4. The applicant is asking to subdivide her property without being required to front upon a public street.

Staff will present testimony at the hearing that covers the following basic facts and will introduce the Town exhibits into evidence:

1. The subject property is within the Town of Cornelius Zoning jurisdiction and is currently zoned Neighborhood Residential (NR) and is roughly 3.18 acres. The property is shown on the Zoning Map as Exhibit A, on an Aerial Vicinity Map as Exhibit B, and on an Aerial Property Map as Exhibit C.
2. The Land Development Code states that all lots shall front upon a public street built in accordance with the Mecklenburg County standards and lots in the NR district have a minimum 16 feet frontage at the road right of way (ROW). LDC section 5.5.1 is shown as Exhibit D and LDC section 5.5.4 is shown as Exhibit E.
3. The Applicant has submitted a Town of Cornelius Variance Application and a survey of the property showing the proposed driveway encroachment. The Variance Application is shown as Exhibit F.

4. I visited the property and took three pictures which are shown as Exhibit G, H, and I.
5. In 2007 text amendment 09-07 changed the Land Development Code to require a recombination plat recorded with the Mecklenburg County Register of Deeds whenever property boundaries are modified. This was a follow up to a change in State law that also required plats to be recorded for all property boundary changes. Prior to these changes, lot lines could be changed through a deed and subsequently would not be reviewed by the Town to ensure compliance with the subdivision regulations, therefore, many lots were created over the years that may not have proper road frontage or non-conforming in some other manner. The code was revised with this language to ensure that all new lots meet the subdivision regulations.

The Board of Adjustment shall receive and consider all relevant evidence in the hearing and make its decision based on the competent, material and substantial evidence.

Exhibits:

<i>Exhibit A:</i>	Zoning Map
<i>Exhibit B:</i>	Aerial Vicinity Map
<i>Exhibit C:</i>	Aerial Property Map
<i>Exhibit D:</i>	Section 5.5.1(B) General Lot Provisions
<i>Exhibit E:</i>	Section 5.5.4 Table of Dimensional Requirements
<i>Exhibit F:</i>	Variance Application
<i>Exhibit G:</i>	Property Photo
<i>Exhibit H:</i>	Property Photo
<i>Exhibit I:</i>	Property Photo

Exhibit A Zoning Map

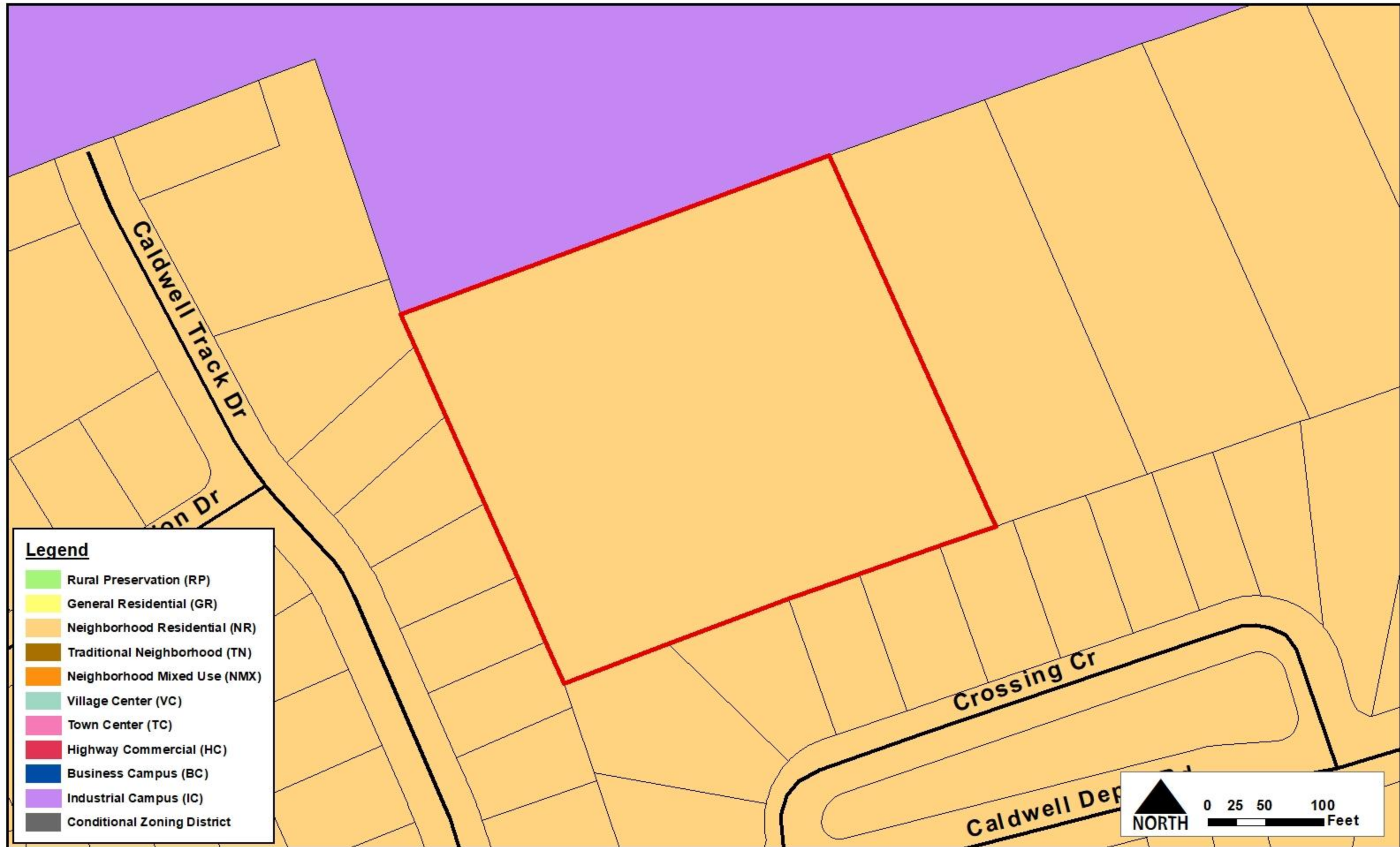
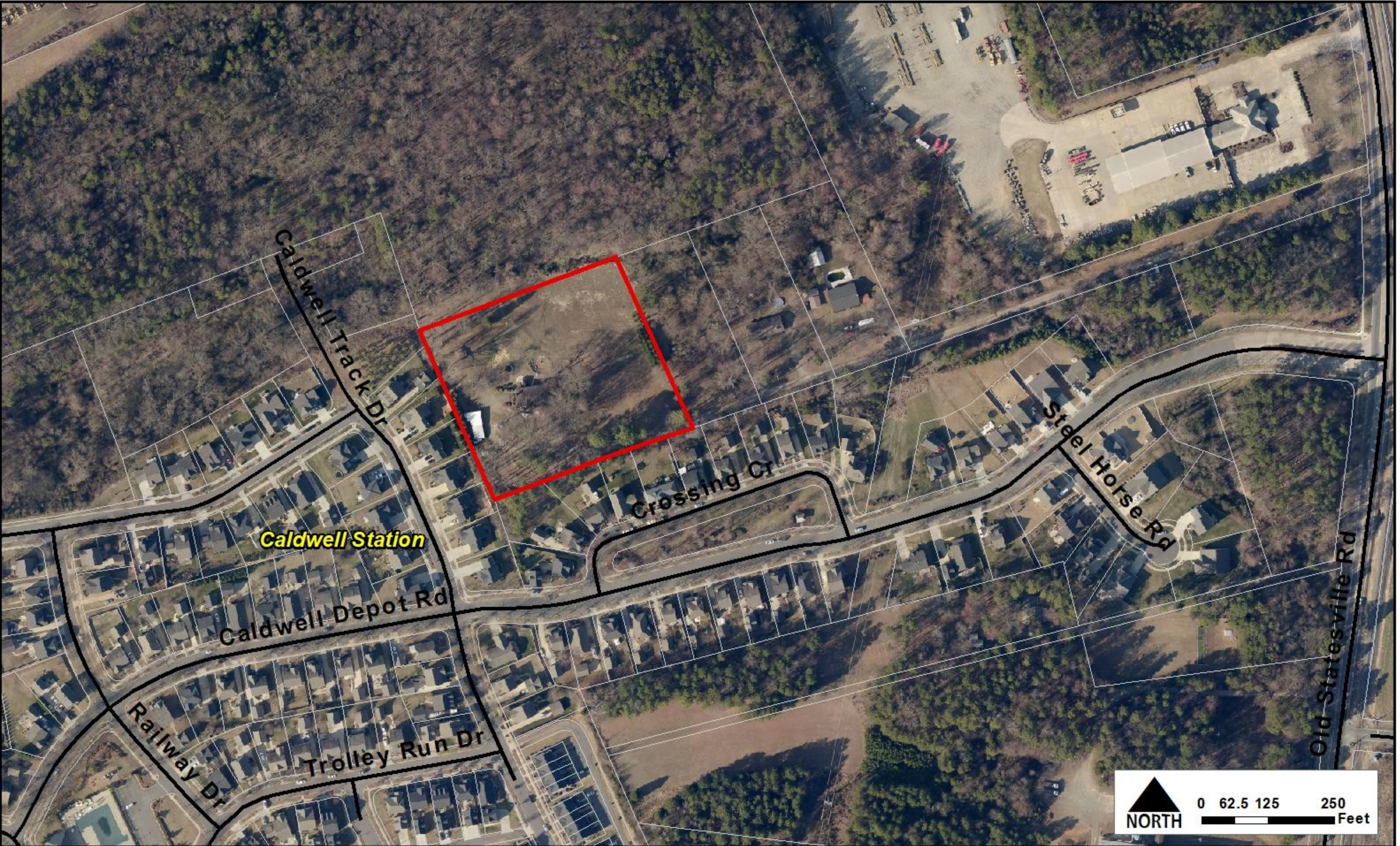


Exhibit B Aerial Vicinity Map



Caldwell Station

Caldwell Depot Rd

Crossing Cr

Steel Horse Rd

Old Statesville Rd

Railway Dr

Trolley Run Dr



Exhibit C Aerial Property Map



SECTION 5.5: GENERAL LOT PROVISIONS

5.5.1: All Districts

The following provisions shall apply throughout the zoning jurisdiction of the Town of Cornelius regardless of the underlying regulating district.

- B. All lots shall front upon a street built in accordance with the Mecklenburg County Land Development Standards Manual. All non-residential structures on a lot shall have access available from a public street for use by service or emergency vehicles.

Exhibit E

5.5.4: Table of Dimensional Requirements

		<u>ZONING DISTRICTS</u>										
<u>Measure</u>	<u>Unit</u>	<u>RP</u>	<u>GR</u>	<u>NR</u>	<u>NMX</u>	<u>WMX</u>	<u>TC</u>	<u>VC</u>	<u>HC</u>	<u>BC</u>	<u>CO</u>	<u>IC</u>
<u>LOT WIDTH</u>												
Min. Frontage at ROW	Feet	35	35	16	16	16	-	-	-	-	-	-



Exhibit F

TOWN OF CORNELIUS VARIANCE APPLICATION

Date Filed: / /	Case #: VAR
Fee Paid: \$	Public Hearing: / /
Applicant: <u>MARIA (Tina) KARRIS</u>	Tax Parcel: <u>00502114</u>
Location of Variance: <u>18045 Old Statesville Rd</u>	Zoning: <u>NR</u>

I, MARIA KARRIS, hereby petition the Board of Adjustment for a **VARIANCE** from the literal provisions of the Town of Cornelius Land Development Code because, under the interpretation given to me by the Zoning Administrator, I am prohibited from using the parcel of land described above in a manner shown by the Plot Plan attached to this form. I request a variance from the following provisions of the Land Development Code (cite Section and numbers):

Section 5.5.4 and Chapter 5.5.1 B
16'-100' Road frontage on a public street

Describe the variance being requested on the above referenced property: _____

100' Road frontage on a public street is not sensible
at the cost of 300,000.00 to pave to Mcklembury
county standards to serve 4 homes, with little
to no likelihood of any future development.

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 (G.S. 160A-388), the Board is required to reach the following conclusions as a prerequisite to the issuance of a variance:

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

- C. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- D. 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.

Please State Facts & Arguments in Support of EACH of the Following Statements:

- A. Unnecessary hardship 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

I would like to continue living in Cornelius where I have worked and served the community for 30 years. I have enough property to build a smaller, more energy efficient home.

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

*Unique property type for this AREA.
Larger than majority of single family home sites*

- C. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

I believe this rule did not exist when I purchased the property. It in fact was adopted in more recent history. Perhaps March 2018. And was only governed by County.

- D. 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.

can achieve my need and goal
with little to no effect on the public.
~~that a public road.~~

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information and belief.

MARIA KARRES
Name of Appellant

18045 Old Stateso. III
Appellant's Mailing Address

Cornelius NC 28031
City, State, Zip Code

10/16/18
Date

704 579 2390
Telephone Number

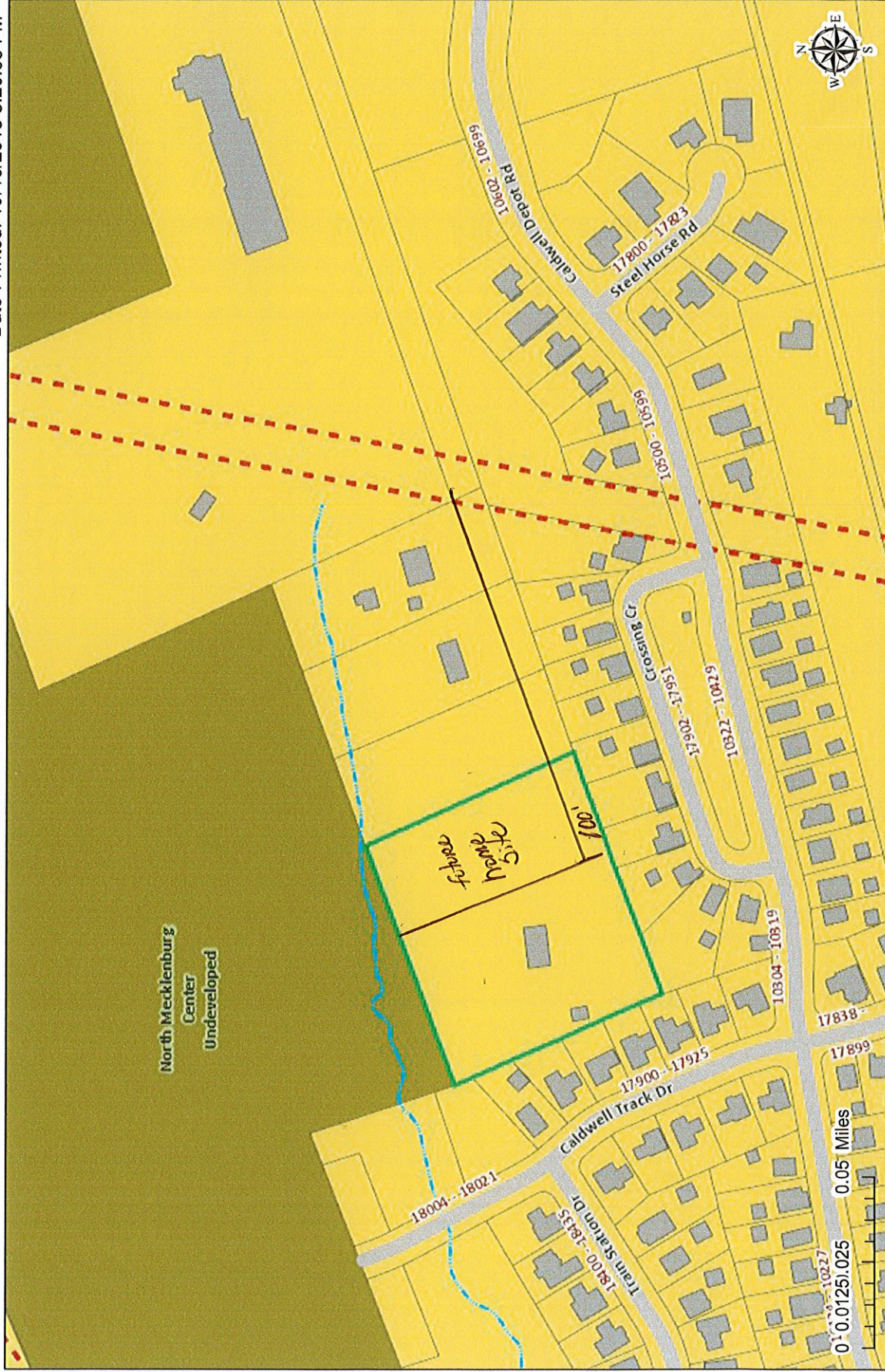
MCKARRES@AOL.com
Email Address

MCKarres
Appellant Signature

Submit or draw a Site Plan below describing property and variance request. Give all appropriate dimensions, buildings/structures and their distance to property lines, right-of-ways, etc.

Polaris 3G Map – Mecklenburg County, North Carolina

Date Printed: 10/16/2018 8:20:03 PM



This map or report is prepared for the inventory of real property within Mecklenburg County and is compiled from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data. Users of this map or report are hereby notified that the abovementioned public primary information sources should be consulted for verification. Mecklenburg County and its mapping contractors assume no legal responsibility for the information contained herein.

ATTACHMENT 1

Variance Application - Maria Karres 18045 Old Statesville Road Parcel ID 502114

Names and Addresses of all Abutting Property Owners:

Name	Address	Parcel ID
Clark & Betty Howard	PO Box 1056, Cornelius, NC 28031	502116
Leslie Dineen-Schwartz	17923 Crossing Circle, Cornelius, NC 28031	502218
David Alexander	17919 Crossing Circle, Cornelius, NC 28031	502217
Nicholas & Teresa Kent	17815 Crossing Circle, Cornelius, NC 28031	502216





Exhibit I





TOWN OF CORNELIUS

Variance FINDINGS OF FACT

Owner/Project: Maria (Tina) Karres	Case #: VAR 08-18
Acreage: 3.18	Tax Parcel(s): 005-021-14

The Planning Board, in considering an application for a variance, shall give due consideration to the following:

- The citing of other nonconforming or conforming uses of land or structures in the same or other districts, shall not be considered grounds for the granting of a variance.
- The request for a variance for a particular use expressly, or by inference, prohibited in the district involved, shall not be granted.

The Planning Board may only grant a variance, having first held a public hearing on the matter and having made the following determinations:

- A. There are unnecessary hardships resulting 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.

☐ YES

☐ NO

The decision to make this finding is based on the following facts: _____

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

☐ YES

☐ NO

The decision to make this finding is based on the following facts: _____

- C. The hardship does not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

☐ YES

☐ NO

The decision to make this finding is based on the following facts: _____

- D. 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

☐ NO

The decision to make this finding is based on the following facts: _____

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: December 10, 2018

To: Watershed Review Board Members

From: Gary Fournier, CZO - Planner

Action Requested:

For years, it has been a standard practice for Cornelius to allow the transfer of pervious area from one property (donor parcel) to another (recipient parcel). This process resulted in a new plat reviewed by staff and recorded with the Mecklenburg County Register of Deeds.

According to the North Carolina Department of Environmental Quality Division of Energy, Mineral and Land Resources, it is necessary for the Watershed Review Board to approve such requests. On November 5, 2018 the Town of Cornelius Board of Commissioners adopted TA 02-18 to incorporate the existing pervious area transfer process into the Land Development Code, which is now identified as Built Upon Area (BUA) Averaging, with the addition of approval by the Watershed Review Board.

Review two separate Built Upon Area (BUA) Averaging Certificate Applications and associated plats for the following properties:

BUA #1 - 18111 Harbor Light Blvd (recipient) 1,400sf being transferred

BUA #2 - 18218 Harbor Light Blvd (recipient) 1,100sf being transferred

Manager's Recommendation:

Approve two separate BUA Averaging Certificates for the following properties:

BUA #1 - 18111 Harbor Light Blvd (recipient)

BUA #2 - 18218 Harbor Light Blvd (recipient)

ATTACHMENTS:

Name:	Description:	Type:
 18111_Harbor_Light_Blvd_Application.jpg	BUA #1 - 18111 Harbor Light Blvd_Application	Backup Material
 18111_Harbor_Light_Blvd_Plat.pdf	BUA #1 - 18111 Harbor Light Blvd_Plat	Backup Material
 18111_Harbor_Light_Blvd.jpg	BUA #1 - 18111 Harbor Light Blvd Aerial Photo (Recipient)	Backup Material
 19831_Beard_St.jpg	BUA #1 - 19831 Beard St Aerial Photo (Donor)	Backup Material
 18218_Harbor_Light_Blvd_Application.pdf	BUA #2 - 18218 Harbor Light Blvd_Application	Backup Material
 18218_Harbor_Light_Blvd_Plat.pdf	BUA #2 - 18218 Harbor Light Blvd_Plat	Backup Material
 18218_Harbor_Light_Blvd.jpg	BUA #2 - 18218 Harbor Light Blvd Aerial Photo (Recipient)	Backup Material
 18516_Baltimore_Pines_Ln.jpg	BUA #2 - 18516 Baltimore Pines Ln Aerial Photo (Donor)	Backup Material



TOWN OF CORNELIUS

Planning Department

PO Box 399 | Cornelius, NC 28031 | Phone: 704-896-2461 | Fax: 704-896-2462

Staff Only:

Date Rec'd: _____

Fee Rec'd: _____

BUILT-UPON AREA (BUA) AVERAGING CERTIFICATE APPLICATION

1. Project Description

TRANSFER ALLOWABLE BUILT-UPON AREA
FROM 19831 BEARD STREET
TO 18111 HARBOR LIGHT BLVD.

2. Receiving Parcel Information

Property Owner's Name(s): WILLIAM & TARA WEGH

Property Owner's Mailing Address: 18111 HARBOR LIGHT BLVD.

Phone Number: _____ Email Address: _____

Tax Parcel Number(s): 001-322-46 Property Size (acres): 0.381

Zoning District: CONDITIONAL PLANNING Watershed Overlay District: LAKE NORMAN WATERSHED

Existing Impervious Coverage: 6395.3 (sq.ft.) Amount Receiving from Donor Parcel: 1400 (sq.ft.)

Has a watershed variance ever been granted for this parcel? Yes _____ No ☒

Property Owner's Signature(s): William Wagh

dotloop verified
11/26/18 4:25 PM EST
NRGY-1RU6-SII2-WJ60

Tara Wagh

dotloop verified
11/26/18 4:25 PM EST
7BPN-Z0FP-HESH-HNAK

3. Donor Parcel Information

Property Owner's Name(s): SARATOGA BEAVER BROOK, LLC

Property Owner's Mailing Address: 10205 STONEMEDE LAKE, MATTHEWS 28105

Phone Number: _____ Email Address: _____

Tax Parcel Number(s): 003-194-11 Property Size (acres): 0.424

Zoning District: NEIGHBORHOOD RESIDENTIAL Watershed Overlay District: LAKE NORMAN

Existing Impervious Coverage: 89 (sq.ft.) WATERSHED

Has a watershed variance ever been granted for this parcel? Yes ☒ No _____

Property Owner's Signature(s): Saratoga Beaver Brook, LLC, by Raymond W. Wetherington

dotloop verified
11/26/18 5:01 PM EST
1QZF-ECLJ-GLPE-OFDQ

***Built-Upon Area Averaging Plats must be reviewed by Town of Cornelius Planning Department staff and approved by the Watershed Review Board.

Recipient: 18111 Harbor Light Blvd.



Donor: 19831 Beard St.





TOWN OF CORNELIUS

Planning Department

PO Box 399 | Cornelius, NC 28031 | Phone: 704-896-2461 | Fax: 704-896-2462

Staff Only:

Date Rec'd: _____

Fee Rec'd: _____

BUILT-UPON AREA (BUA) AVERAGING CERTIFICATE APPLICATION

1. Project Description

TRANSFER ALLOWABLE BUILT-UPON AREA FROM
18510 BALMORE PINES LANE TO
18218 HARBOR LIGHT BLVD.

2. Receiving Parcel Information

Property Owner's Name(s): ARTHUR L. & MAUREEN M. GLASGOW

Property Owner's Mailing Address: 18218 HARBOR LIGHT BLVD CORNELIUS, NC 28031

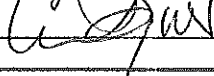
Phone Number: 704 997 5689 Email Address: glasgow28031@gmail.com

Tax Parcel Number(s): 001-322-23 Property Size (acres): 0.398 AC.

Zoning District: GENERAL RESIDENTIAL Watershed Overlay District: LAKE NORMAN

Existing Impervious Coverage: 7025.5 (sq.ft.) Amount Receiving from Donor Parcel: 1,100 (sq.ft.)

Has a watershed variance ever been granted for this parcel? Yes _____ No ☒

Property Owner's Signature(s):  Maureen Glasgow

3. Donor Parcel Information

Property Owner's Name(s): ARTHUR L. & MAUREEN M. GLASGOW

Property Owner's Mailing Address: 18218 HARBOR LIGHT BLVD CORNELIUS, NC 28031

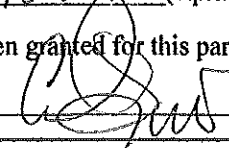
Phone Number: 704 997 5689 Email Address: glasgow28031@gmail.com

Tax Parcel Number(s): 001-1024-06 Property Size (acres): 0.497

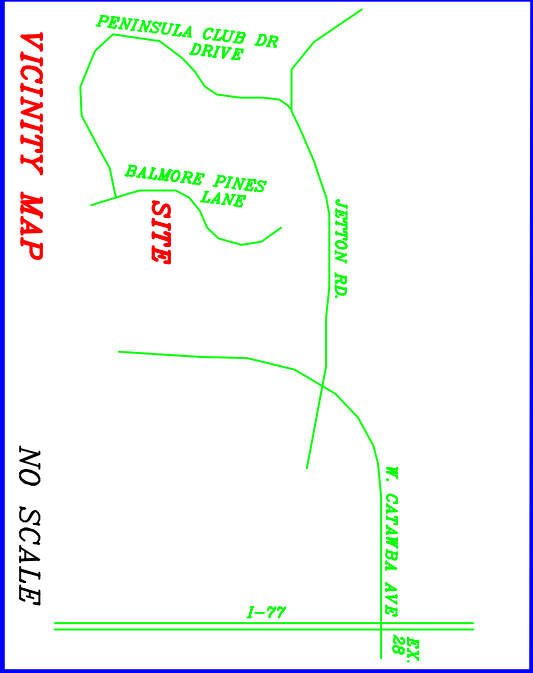
Zoning District: GENERAL RESIDENTIAL Watershed Overlay District: LAKE NORMAN

Existing Impervious Coverage: 7,562.4 (sq.ft.)

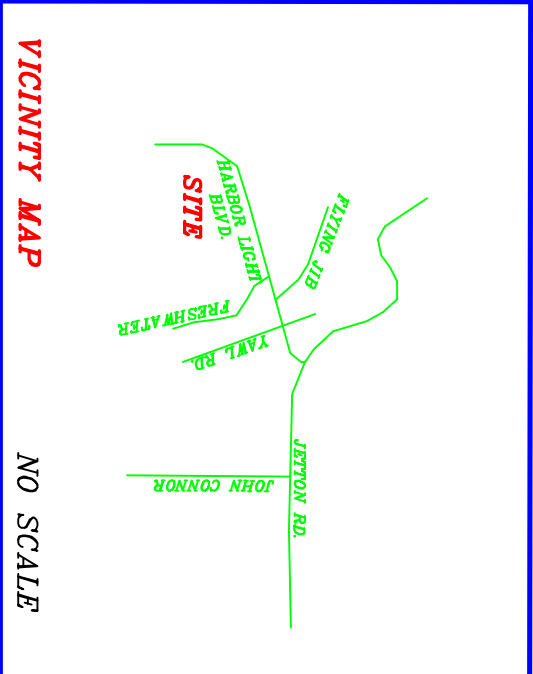
Has a watershed variance ever been granted for this parcel? Yes _____ No ☒

Property Owner's Signature(s):  Maureen Glasgow

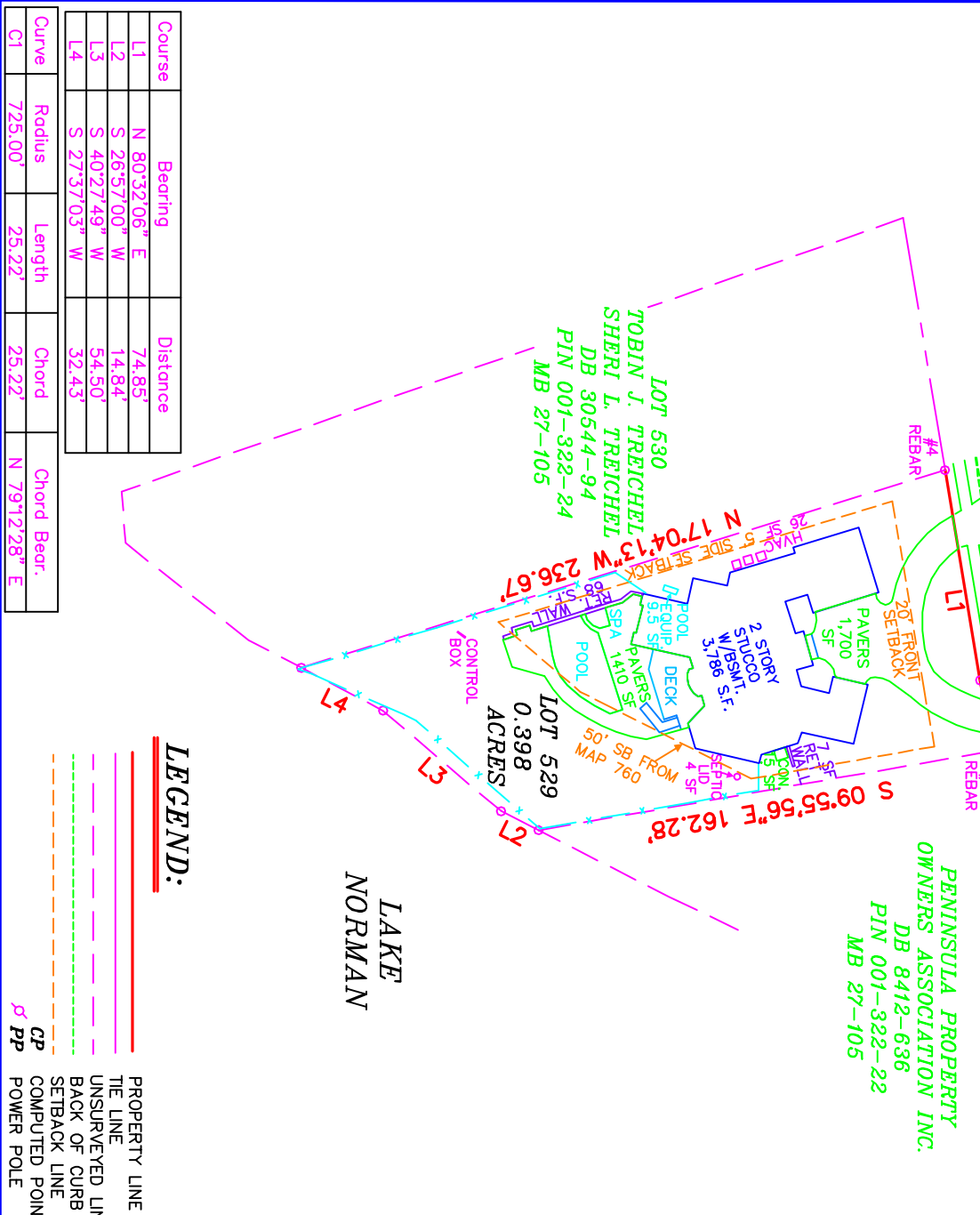
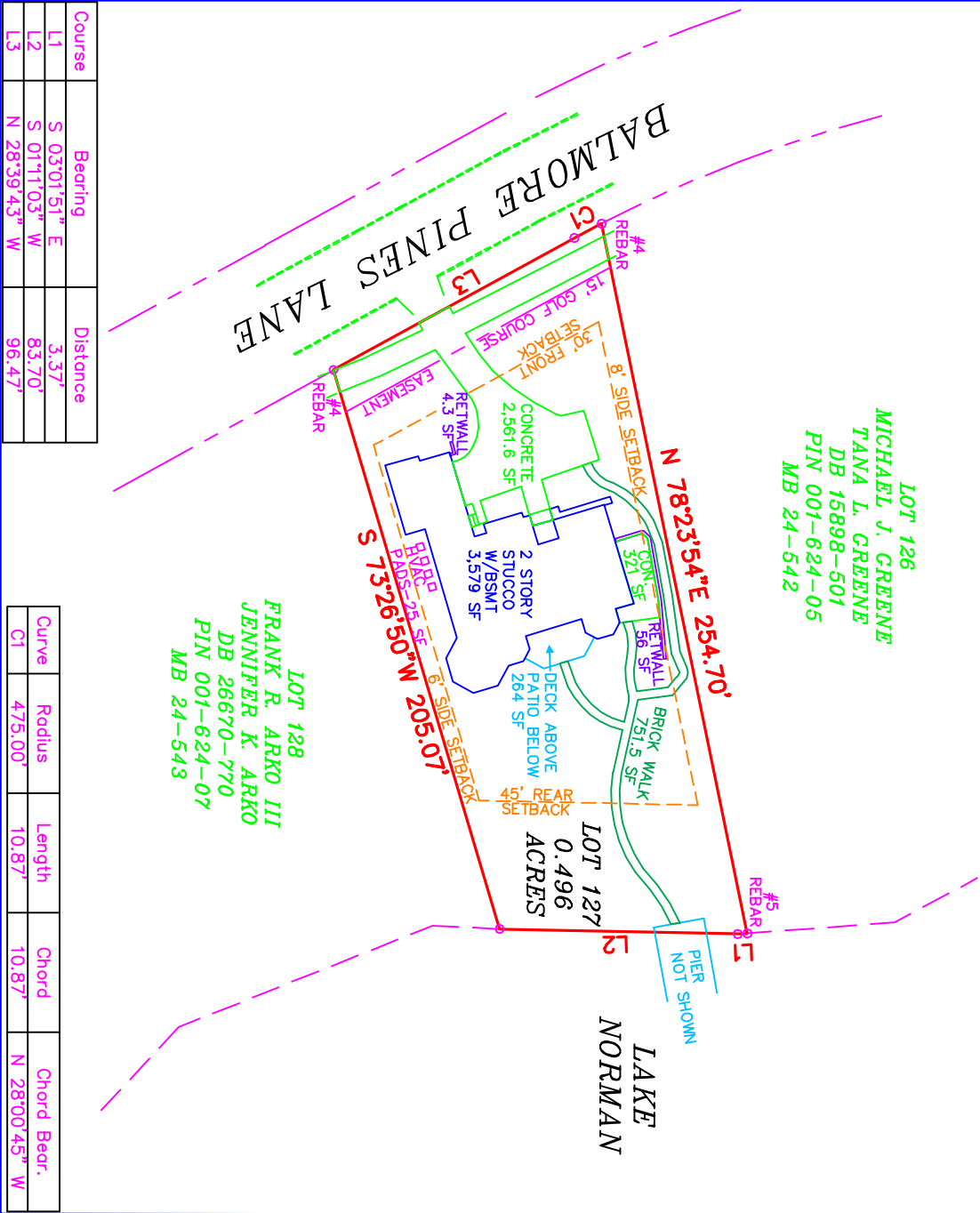
***Built-Upon Area Averaging Plats must be reviewed by Town of Cornelius Planning Department staff and approved by the Watershed Review Board.



BASED ON
MB 24-542
SEPTEMBER 3, 1991



BASED ON
MB 27-105
OCTOBER 16, 1995



LEGEND:

- PROPERTY LINE
- TIE LINE
- UNSURVEYED LINE
- BACK OF CURB
- SETBACK LINE
- CP COMPUTED POINT
- PP POWER POLE

DONOR LOT
PID: 001-624-06

16916 BALMORE PINES LANE, CORNELIUS, N.C. 28031

TOTAL SITE AREA OF PID 001-624-06 - 21,600 S.F. (0.496 ACRES)

EXISTING IMPERVIOUS AREA ON SITE - 7,562.4 S.F.

IMPERVIOUS RESTRICTION OF 80% - 21,600 S.F. X 80% = 17,280 S.F.

IMPERVIOUS AREA DONATED TO PIN 001-322-03 - 1,100 S.F.

NEW MAXIMUM ALLOWED IMPERVIOUS AREA IS 16,180 S.F.

16,180 S.F. - 7,562.4 S.F. = 8,617.6 S.F. ALLOWABLE IMPERVIOUS REMAINING

RECIPIENT
LOT 529, PID: 001-322-23

18218 HARBOR LIGHT BLVD, CORNELIUS, N.C. 28031

TOTAL SITE AREA OF PID 001-322-23 - 17,357 S.F. (0.398 ACRES)

FORMER MAXIMUM ALLOWED IMPERVIOUS AREA 6,000 S.F. PER MB 56-27.

IMPERVIOUS SURFACE ON SITE AT DATE OF SURVEY: 7,025.5 S.F.

IMPERVIOUS ALLOWANCE RECEIVED FROM PID 001-624-06: 1,100 S.F.

NEW MAXIMUM ALLOWED IMPERVIOUS 7,100 S.F.

REFERENCES:

DEEDS AND MAPS AS SHOWN

NOTES FOR DONOR LOT:

1. THE PURPOSE OF THIS PLAT IS TO ALLOCATE IMPERVIOUS AREA FROM PIN 001-624-06 TO THE PARCEL OF LAND (PIN 001-322-23) LOCATED WITHIN THE SAME WATERSHED.
2. THE DONOR PROPERTY SHOWN ON THIS PLAT DOES NOT LIE WITHIN A DESIGNATED FLOOD ZONE PER FEMA MAP #3710463200K, DATED 09/02/2015.
3. AREA DETERMINED BY COORDINATE COMPUTATION.
4. CP DENOTES COMPUTED POINT, NO MONUMENT FOUND OR SET.
5. UNDERGROUND UTILITIES NOT LOCATED AS OF THIS DATE.
6. NO NCGS GRID MONUMENTS ARE WITHIN 2000' OF SUBJECT PROPERTY
7. ALL MONUMENTS ARE EXISTING UNLESS OTHERWISE NOTED.
8. DONOR PARCEL: PIN 001-624-06 IS CURRENTLY ZONED GR.
9. SETBACKS PER MB 24-542: FRONT - 30', SIDE - 8', ONE SIDE, 6' OTHER SIDE REAR - 45'
10. THIS PROPERTY LIES IN THE THE LAKE NORMAN WATERSHED
11. MECKLENBURG COUNTY ZONING RR-CD PETITION #88-31C DUKE POWER COMPANY

NOTES FOR RECIPIENT LOT:

1. THE PURPOSE OF THIS PLAT IS TO ALLOCATE IMPERVIOUS AREA FROM PIN 001-624-06 TO THE PARCEL OF LAND (PIN 001-322-23) LOCATED WITHIN THE SAME WATERSHED.
2. THE RECIPIENT PROPERTY SHOWN ON THIS PLAT DOES LIE WITHIN A DESIGNATED FLOOD ZONE PER FEMA MAP #3710463200K, DATED 09/02/2015.
3. AREA DETERMINED BY COORDINATE COMPUTATION.
4. CP DENOTES COMPUTED POINT, NO MONUMENT FOUND OR SET.
5. UNDERGROUND UTILITIES NOT LOCATED AS OF THIS DATE.
6. NO NCGS GRID MONUMENTS ARE WITHIN 2000' OF SUBJECT PROPERTY
7. ALL MONUMENTS ARE EXISTING UNLESS OTHERWISE NOTED.
8. RECIPIENT PARCEL: PIN 001-322-23 IS CURRENTLY ZONED GR.
9. SETBACKS PER MB 27-105: FRONT - 20', SIDE - 5', REAR - 50' FROM 760 CONTOUR
10. THIS PROPERTY LIES IN THE THE LAKE NORMAN WATERSHED

SIGNED AND SEALED BY SURVEYOR ON THIS DATE

N.C.R.L.S. L-2844
LICENSE NO.



I, RUFUS JACKSON LOVE, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 28977, page 853, R. Book 32722, Page 35), that the boundaries not surveyed are clearly indicated as deduced from information found in Book (as shown), page (as shown); that the public use, precision as calculated is 1:10,000+; that this plat was prepared in accordance with GS 47-30 as amended. This survey is subject to the exception of the recombination of existing parcels to County records, and the exception to the definition of subdivision.

Witness my original signature and seal this 11th day of November, 2018

CERTIFICATE OF OWNERSHIP & DEDICATION

I hereby certify that I am the owner of the property shown and described herein, which is located in the jurisdiction of the Town of Cornelius and that I hereby adopt this plan with my free consent, establish minimum building setback lines and preserve and protect all significant trees over 18 inches diameter in the tree and root protection area, plant supplementary trees if required, and dedicate all streets, alleys, walks, parks, and other sites and easements, to public or private uses as noted. Once streets have been accepted by the Town or State, street trees shall be maintained and cared for by the property owner adjacent to the tree, except in subdivisions where the property owners association provides maintenance and care. Prior to street acceptance, the developer shall be responsible for ensuring care and maintenance. Maintenance shall include replacement and trimming as necessary. Furthermore, I hereby dedicate all sanitary sewer, storm sewer and water lines that are located in public utility easements or rights-of-way to the Town of Cornelius and Charlotte Water.

OWNER	DATE
OWNER	DATE

CERTIFICATE OF APPROVAL FOR RECORDING- WATERSHED

This property is located within a public water supply watershed. Development restrictions may apply. I certify that the plat shown hereon complies with the watershed protection ordinance and is approved by the Town of Cornelius for recording at the Mecklenburg County Register of Deeds.

Date Watershed Administrator, Town of Cornelius, NC

REVIEW OFFICER CERTIFICATION-STATE OF NORTH CAROLINA, COUNTY OF MECKLENBURG

I, _____ Review Officer of Mecklenburg County certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer Date

CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the subdivision plat shown hereon is exempt from the subdivision provisions of the Cornelius Land Development Code, and is therefore exempt from its provisions. The plat has been found to comply with the zoning regulations of the Cornelius Land Development Code, and has been approved by the Town of Cornelius for recording in the Office of the Register of Deeds of Mecklenburg County.

Planning Director, Cornelius, North Carolina

IMPERVIOUS ALLOCATION SURVEY

FOR LOT 529 OF THE PENINSULA, PHASE XVI,

OF MAP BOOK 27 PAGE 105

PROPERTY OF

ARTHUR & MAUREEN GLASGOW

DEED BOOK 28977-858, PID 001-322-23

18218 HARBOR LIGHT BLVD

LEMLEY TOWNSHIP, MECKLENBURG COUNTY

CORNELIUS, N.C.

PROPERTY OF

ARTHUR & MAUREEN GLASGOW

DEED BOOK 32722-35, PID 001-624-06

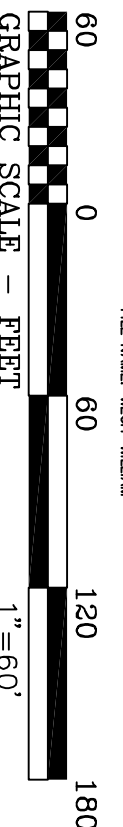
LOT 127, THE PENINSULA, PH. 5, MAP 5, MB 24-542

18516 BALMORE PINES LANE

LEMLEY TOWNSHIP, MECKLENBURG COUNTY

CORNELIUS, N.C.

SURVEY DATE: 11/21/2018 PLAT DATE: 11/26/2018



LAND SURVEYING

C-1341

RUFUS JACKSON LOVE

PROFESSIONAL LAND SURVEYOR L-2844

P.O. Box 11

Douglas, NC 28036

(704) 892-4249

Recipient: 18218 Harbor Light Blvd.



Donor: 18516 Balmore Pines Ln.

