



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

**Agenda
February 11, 2019
6:30 PM
Room 203**

Pre-Meeting

A. 5:30pm Legislative Process Training

1. Call To Order

2. Determination of Quorum

3. Approval of Minutes

A. December 18, 2018

4. Consideration of Approval

A. Built Upon Area Averaging Certificate Applications

5. Old Business

6. New Business

7. Next Meeting

8. Adjournment

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: February 11, 2019

To: Planning Board Members
From: Wayne Herron, AICP
Deputy Manager/Director of Planning

Action Requested:

Staff will pick up on the School of Government Training Module where we left off last year with the legislative process. The training will begin at 5:30pm, dinner provided. We will take a break at 6:20pm and then reconvene for the regular agenda at 6:30pm.

Due to the light agenda, all business, for both pre-meeting and regular, will take place in room 203.

Manager's Recommendation:

Conduct Training in Pre-Meeting

ATTACHMENTS:

Name:	Description:	Type:
No Attachments Available		

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: February 11, 2019

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_12182018_Draft.docx	December 18, 2018 Minutes	Backup Material

Minutes

TOWN OF CORNELIUS PLANNING BOARD

Assembly Room
December 18, 2018
6:30 p.m.

Members Present

Hardy McConnell
Keith Eicher, Chair
Danielle Miller
Phil Bechtold, Alternate
Susan Johnson
Lee Peterson, Vice Chair
Edward Marxen, Alternate

Members Absent

Michael Osborne
Cameron Bearder, Alternate
Joseph Dean

Staff Present

Summer Smigelski, Admin. Assistant
Aaron Tucker, Assistant Planning
Director
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 6:34 pm and noted there was a quorum present.

APPROVAL OF MINUTES

Mr. McConnell made a motion of approval for the October 08, 2018 Minutes and the October 29, 2018 Minutes. Ms. Johnson seconded. All in favor, motion approved.

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

Opposed: None

VAR 08-18 18045 Old Statesville Rd.

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

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

Ms. Adams: "Chairman, members of the board my name is Monterai Adams and I will be presenting VAR 08-18. The applicant Maria (Tina) Karres at 18045 Old Statesville Rd. The tax parcel ID number is 00502114. The current zoning is neighborhood residential (NR). 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: The subject property is within the Town of Cornelius Zoning jurisdiction and is zoned Neighborhood Residential (NR). The property is shown on the Zoning Map as Exhibit A, Aerial Vicinity Map as Exhibit B and Aerial Property Map as Exhibit C.

Exhibit A Zoning Map

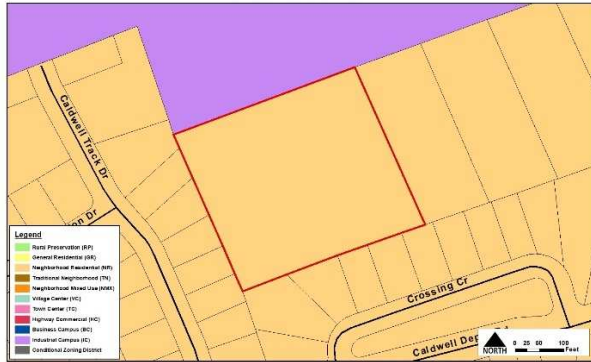


Exhibit B Aerial Vicinity Map



Exhibit C Aerial Property Map



In the Land Development Code Section 5.5.1 (B) states that all lots shall front upon a street built in accordance with the Mecklenburg County Land Development Standards Manual. Land Development Code Section 5.5.1 (B) is shown as Exhibit D. Land Development Code Section 5.5.4 Table of Dimensional Requirements states the minimum frontage at right of way in the Neighborhood Residential (NR) zoning district is 16'. Land Development Code Section 5.5.4 is shown as Exhibit E. Exhibit D **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. 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

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

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. People used to change lot lines through Deeds and those would not make it to the town's attention. That is why we began requiring plats to ensure that the code is met. The Applicant submitted a Town of Cornelius Variance Application, which is shown as Exhibit F.

EXHIBIT F Pg 1

**TOWN OF CORNELIUS
VARIANCE APPLICATION**

Date Filed: 1 / 1	Case #: VAR
Fee Paid: \$	Public Hearing: 1 / 1

Applicant: <u>Maria (Tim) KROGGS</u>	Tax Parcel: <u>00502114</u>
Location of Variance: <u>18045 Old Starks Rd</u>	Zoning: <u>NR</u>

I, Maria KROGGS, 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 Plat Plan attached to this form. I request a variance from the following provisions of the Land Development Code (cite Section and number):

Section 5.5.4 and Chapter 5.5.1 B

18'-100' Road Setback on a public street

Describe the variance being requested on the above referenced property:

100' Road Setback on a public street is not sensible at the cost of 300,000 to give to Mecklenburg County standards to serve 4 homes with like 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-385), 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.

EXHIBIT F Pg 2

Variance Application continued

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. In fact was adopted in more recent history. Perhaps March 2018. And was only generated by County.

EXHIBIT F Pg 3

Variance Application continued

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 mind and goals with little to no effect on the public. Not 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 KROGGS
Name of Applicant

18045 Old Starks Rd
Applicant's Mailing Address

Cornelius, NC 28031
City, State, Zip Code

10/16/18
Date

704 599 2390
Telephone Number

mckrogs@att.com
Email Address

MCKROGS
Applicant Signature

EXHIBIT F Pg 4

Variance Application continued

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



Exhibit F Pg 6

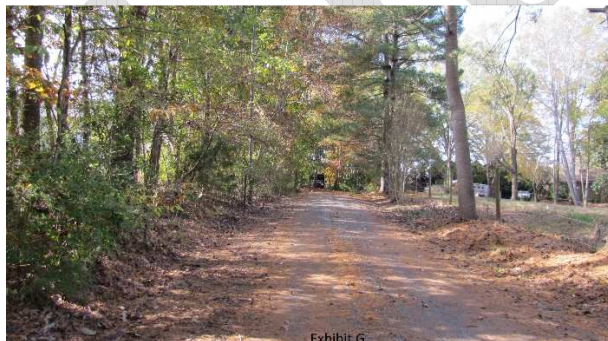
ATTACHMENT 1

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

I visited the property and took three pictures, which are shown as Exhibits G,H, and I.





That is, it from staff. Does the chairman or the board have any questions?"

Chair Eicher: "Any questions?"

Mr. Tucker: "Monterai, if you could go back to the slide that shows the aerial of the lot. Currently, what we have is a gravel access that comes off 115 up into the property and there is currently an access easement to the property. No public right of way but there is currently an easement to get to the property that is granted from all other property owners. The property, the small rectangle piece here, that is privately owned along with the other three properties in front of the subject property right here. As you have seen in the other exhibit, the applicant would like to subdivide their lot here and the issue being they don't have public street access currently."

Chair Eicher: "Any other questions?"

Mr. McConnell: "Who owns the drive?"

Mr. Tucker: "I think the last name is Howard that owns that front property and the other three lots."

Ms. Johnson: "So there is an easement in place for this parcel to be able to access that? Are all three of those parcels owned by the same person?"

Mr. Tucker: "I believe the one touching 115 and the front two are and the third one is owned by someone different."

Ms. Karres: "Its just the road (Inaudible) Energy United owns up to the road. (Inaudible) and his sister Clark and Betty own the next house. Then there's a vacant lot (Inaudible) I guess they own the road."

Chair Eicher: "Which house is that?"

Ms. Karres: "They don't live on site but they, coming from 115, they have the second and third parcels."

Mr. McConnell: "Energy United owns that right of way strip?"

Ms. Karres: "That was sold to them by their parent and sold where I live (Inaudible) 50 plus years ago."

Ms. Johnson: "Is there a maintenance agreement in place for that easement between the three parcels?"

Ms. Karres: "(Inaudible) No, there is not."

Chair Eicher: "I'm still unclear. This is owned by Energy United"

Ms. Karres: "No. The gravel drive was there before Energy United. Apparently, Cohen Baker, Jr. Baker's father, (Inaudible) Baker and the sister, sold these parcels. I am not sure as far as responsibility of maintaining (Inaudible) brother and sister. I bought that parcel at the end, I'm not sure how to word it in the deed. I do know the deeded easement process (Inaudible)."

Ms. Johnson: "How many acres is that?"

Ms. Karres: "3.18 but the length of that gravel driveway is a quarter of a mile long."

Ms. Johnson: "So what does Energy United own, I'm still confused?"

Chair Eicher: "Nothing."

Mr. McConnell: "Does the Baker's still own the right of way?"

Ms. Adams: "Yes, they are the first house."

Ms. Johnson: "The parcel with the blue dot and then the first part of the driveway with the blue line, that's all owned?"

Chair Eicher: "No, these owners own this. Is that correct? The first property is it rented or owned?"

Ms. Karres: "Yes. The first home the owner lives in."

Ms. Johnson: "Do they have an easement as well?"

Chair Eicher: "They all have easements."

Ms. Johnson: "The parcel in question does not actually front to the street anyways. I'm confused why we have to."

Ms. Adams: "Since it is recorded in the deed as a easement for her to subdivide it has to touch a public road and the only public road is 115. That is the current situation."

Mr. McConnell: "If all the property owners were to get together and state that they want access to this road frontage, could they do that as well?"

Ms. Adams: "I believe, Aaron correct me if I'm wrong, they would have to bring the Mecklenburg county standards."

Mr. Tucker: "That is correct. To subdivide you would need to have that new road put in, a public right of way to the current standards. That is a Town requirement."

Ms. Johnson: "If it became a public right of way, would that be the responsibility of the Town?"

Mr. Tucker: "Not necessary, you can build a public right of way and choose not to turn it over to the Town for maintenance. Its in your best interest because it typically costs money to build and you would want the Town to maintain that after because it is expensive to maintain."

Ms. Johnson: "It would be their responsibility then and there would need to be a maintenance agreement in place between all the owners."

Mr. Tucker: "Yes."

Mr. McConnell: "I'm sorry, this is a real-estate question. In other words, as it is now, no other can be built on this piece of property? Nothing additional?"

Ms. Adams: "Correct. She can later build an accessory structure but not a home."

Ms. Johnson: "Is it two dwellings per acre in neighborhood residential?"

Mr. Tucker: "The current zoning is point three units per acre. You could basically put three homes on one acre of property in neighborhood residential."

Ms. Johnson: "Does it still have to be parceled out?"

Ms. Adams: "Yes."

Chair Eicher: "We would like to hear from the applicant now. State your name and address for the record."

Ms. Karres: "My name is Maria Karres and I live at 18045 Old Statesville Road. When I purchased the property, it was exactly what I needed. I needed to take care of my mother and my son was coming in from college and I had a twelve-year-old daughter. Everyone has grown up and my mother has passed away and I have a 3000-square foot home and its just me. I have worked in Cornelius for thirty years, I own Lake Norman Nail Shop. It was in that little A-frame on 21 for nearly thirty years and I want to stay but its expensive. Speaking about how many homes could be allowed on this property, I'm not looking to make it a public road. It is very quiet where I live, I have my horse in my back yard and a couple dogs and I would like to keep it that way. There is no intent for future development. I suppose if you put all our stuff together it would be about 24 houses down there and that's not what anyone wants. I am asking for a variance, so I can subdivide."

Mr. Peterson: "What size home do you plan on building?"

Ms. Karres: "Honestly, I do not know, with further research into it I had it (Inaudible) by the county to make sure. The expense of taping onto the water and sewer is very painful. Even though Mecklenburg County owns the property at the rear, they wont even consider accessing it."

Mr. Peterson: "The square footage wise you don't know what you want?"

Ms. Karres: "If it were me it would probably be 1700 square feet."

Ms. Johnson: "How many bedrooms?"

Ms. Karres: "I think on the application I put four and when you actually do the permit there is someone else I have to speak to, to apply for the permit. They did a perk test and there is flags all over in the pasture, so I think that's a yes. I am not going to apply for a permit until I know I can do this."

Ms. Johnson: "They didn't give an indication as to how many bedrooms?"

Ms. Karres: "It will be either three or four."

Mr. McConnell: "My heart goes out to you, I have a similar situation. I think the challenge is this road situation that we are all looking at and how best to respond the county. Is there any other

options that you tried to seek and try to get another access through a different location, maybe a back corner.”

Ms. Karres: “Mecklenburg County owns that dirt, sir. I’m sure they have changed the location of where they are building the rec center that is going to be back there.”

Chair Eicher: “Have you given any thought to just forgetting about us and tearing the existing down and building what you want?”

Ms. Karres: “No sir.”

Chair Eicher: “Why not?”

Ms. Karres: “It’s brick, it has good bones and someone else could use five bedrooms and three and a half baths. There is plenty of room. I have had more people die and move out then could occupy the other house. As far as traffic or travel on a gravel drive I understand why it would be problem to remain private.”

Chair Eicher: “Any further questions? Thank you! Anyone else from the public wish to speak? Come forward and state your name please.”

Citizen: “My name is Lewis Schwartz and I live at 17923 Crossing Circle. My property looks right into her property and I have owned it since 2005. As you can all see it’s a complex situation and if I heard it right she wants to build 24 houses?”

Chair Eicher: “No, one.”

Mr. Schwartz: “Where is that location regarding where you now have the horse patch? It would be part of the pasture?”

Ms. Karres: “Have you seen that large round roll of hay, from there and would go back.”

Mr. Schwartz: “The property that I purchased, I paid additional because of the location and the additional that was required for the location was because it’s a prime piece on that circle. It was a prime piece because there would be nothing built back there so I paid an additional 10,000 because of that. What I can see of course the area of the horses which is very beautiful but to look at houses back there is against what I was told would never happen. I just think its very difficult to add any additional property to that property because of the way it is situated. I of course would be against the variance.”

Chair Eicher: “Anyone else? Hearing none the Chair will entertain a motion to close the public hearing.”

Mr. Bechtold made a motion Close the public hearing. Ms. Johnson seconded. All in favor, motion approved.

In Favor: Mr. Eicher, Mr. McConnell,
Mr. Marxen, Ms. Johnson, Mr. Peterson,
Mr. Bechtold, 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. Peterson: "In my opinion the property is being use currently so 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. Peterson made a motion that Finding of Fact #1 has not been met. Mr. McConnell seconded. All in favor, motion approved."

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

Mr. McConnell: "I have to say no. I think the property is useable, it's unfortunate that's it's in a tough place but it's not a hardship."

Mr. McConnell made a motion that Finding of Fact #2 has not been met. Ms. Miller seconded. All in favor motion approved."

In Favor: Mr. Eicher, Mr. McConnell,
Mr. Marxen, Ms. Johnson, Mr. Peterson,
Mr. Bechtold, 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: "She purchased the property as it was and it wasn't intended to be subdivided at that point in time and because there is an easement already in place and because it does not front, the land itself, unfortunately does not allow for us to approve it."

Ms. Johnson made a motion that Finding of Fact #3 has not been met. Mr. Peterson seconded. All in favor motion approved."

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

Ms. Miller: "I'm going to say it is not consistent with the spirit, purpose and intent of the ordinance. It is written that way that it needs a public access for fronting of the street so that would be false."

Ms. Miller made a motion that Finding of Fact #4 has not been met. Mr. McConnell seconded. All in favor motion approved."

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

Opposed: None

Mr. Peterson made a motion to deny VAR 08-18. Mr. McConnell seconded. All in favor motion approved."

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

Opposed: None

Built Upon Area Averaging Certificate Applications

Mr. Fournier presented three built upon area averaging certificate applications (BUA) to the board.

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 three 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

BUA #3 - 20231 Norman Colony Rd (recipient) 1,350sf being transferred

Ms. Johnson made a motion to approve BUA #1, BUA #2 and BUA #3. Ms. Miller seconded. All in favor motion approved.”

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

Opposed: None

NEXT MEETING

Monday, January 14, 2019

ADJOURNMENT

Mr. McConnell made a motion to adjourn the meeting at 7:14p.m. Mr. Peterson second. All in favor and motion approved.

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

Opposed: None

Respectfully Submitted:

Keith Eicher
Chair

Date

Summer Smigelski
Secretary

Date

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: February 11, 2019

To: Watershed Review Board Members

From: Gary Fournier, CZO - Planner

Action Requested:

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

BUA #1 - BUA 17150 Freshwater Ln (recipient)

BUA #2 - BUA 18007 Harbor Light Blvd (recipient)









Manager's Recommendation:

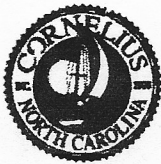
Approve BUA Averaging Certificates for the following properties:

BUA #1 - BUA 17150 Freshwater Ln (recipient)

BUA #2 - BUA 18007 Harbor Light Blvd (recipient)

ATTACHMENTS:

Name:	Description:	Type:
 BUA_17150_Freshwater_Ln_Application.pdf	BUA#1 17150 Freshwater Ln_Application	Backup Material
 BUA_17150_Freshwater_Ln_Plat.pdf	BUA#1 17150 Freshwater Ln_Plat	Backup Material
 17150_Freshwater_Ln.jpg	BUA #1 17150 Freshwater Ln_Aerial Photo (Recipient)	Backup Material
 20230_Sportsman_Dr.jpg	BUA#1 20230 Sportsman Dr_Aerial Photo (Donor)	Backup Material
 BUA_18007_Harbor_Light_Blvd_Application.pdf	BUA#2 18007 Harbor Light Blvd_Application	Backup Material
 BUA_18007_Harbor_Light_Blvd_Plat.pdf	BUA#2 18007 Harbor Light Blvd_Plat	Backup Material
 18007_Harbor_Light_Blvd.jpg	BUA #2 18007 Harbor Light Blvd_Aerial Photo (Recipient)	Backup Material
 18304_John_Connor_Rd.jpg	BUA #2 18304 John Connor Rd_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: _____
Rec Rec'd: _____

BUILT-UPON AREA (BUA) AVERAGING CERTIFICATE APPLICATION

1. Project Description

TRANSFER BUA FROM: LRS PROPERTY 20230 SPORTSMAN
TO: LE IVINS 17150 FRESHWATER LN.

2. Receiving Parcel Information

Property Owner's Name(s): LAWRENCE E IVINS

Property Owner's Mailing Address: 17150 FRESHWATER LN. CORNELIUS NC

Phone Number: 704-896-5976 Email Address: Larryivins@msn.com

Tax Parcel Number(s): 001-322-01 Property Size (acres): 0.48 AC.

Zoning District: GR Watershed Overlay District: LAKE NORMAN CA

Existing Impervious Coverage: 5485.5 (sq.ft.) Amount Receiving from Donor Parcel: 800 (sq.ft.)

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

Property Owner's Signature(s): [Signature]

3. Donor Parcel Information

Property Owner's Name(s): LRS PROPERTY INC.

Property Owner's Mailing Address: P.O. BOX 856 CORNELIUS NC 28031

Phone Number: 704-564-8103 Email Address: ALLAMERICANFITNESS@GMAIL.COM

Tax Parcel Number(s): 001-703-01 Property Size (acres): 0.5 AC.

Zoning District: GR Watershed Overlay District: LAKE NORMAN CA

Existing Impervious Coverage: 3060 (sq.ft.)

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

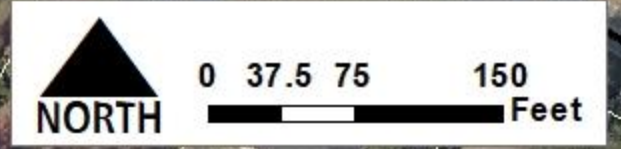
Property Owner's Signature(s): [Signature]

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

Recipient: 17150 Freshwater Ln.



Donor: 20230 Sportsman Dr.





TOWN OF CORNELIUS

Planning Department

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

Staff Onl

Date Rec'

Fee Rec'd

BUILT-UPON AREA (BUA) AVERAGING CERTIFICATE APPLICATION

1. Project Description

Impervious re-allocation

2. Receiving Parcel Information

Property Owner's Name(s): PIERRE and Susan Roursse

Property Owner's Mailing Address: 18007 Harbor Light Blvd

Phone Number: 704 202 6500 Email Address: pboursse@rmc-766.com

Tax Parcel Number(s): 00132238 Property Size (acres): 4.33

Zoning District: GR Watershed Overlay District: LKNCWA

Existing Impervious Coverage: 5,500 (sq.ft.) Amount Receiving from Donor Parcel: 2,500 (sq.ft.)

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

Property Owner's Signature(s): [Signature] Susan Roursse

3. Donor Parcel Information

Property Owner's Name(s): _____

Property Owner's Mailing Address: _____

Phone Number: _____ Email Address: _____

Tax Parcel Number(s): _____ Property Size (acres): _____

Zoning District: _____ Watershed Overlay District: _____

Existing Impervious Coverage: _____ (sq.ft.)

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

Property Owner's Signature(s): _____

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



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

Imperious re-allocation

2. Receiving Parcel Information

Property Owner's Name(s): _____

Property Owner's Mailing Address: _____

Phone Number: _____ Email Address: _____

Tax Parcel Number(s): _____ Property Size (acres): _____

Zoning District: _____ Watershed Overlay District: _____

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

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

Property Owner's Signature(s): _____

3. Donor Parcel Information

Property Owner's Name(s): Boyd and Elaine Russell

Property Owner's Mailing Address: 18304 John Connor Road, Cornelius

Phone Number: 704-840-6816 Email Address: bobo.russell1941@gmail.com

Tax Parcel Number(s): 001-731-63 Property Size (acres): 0.590 acre

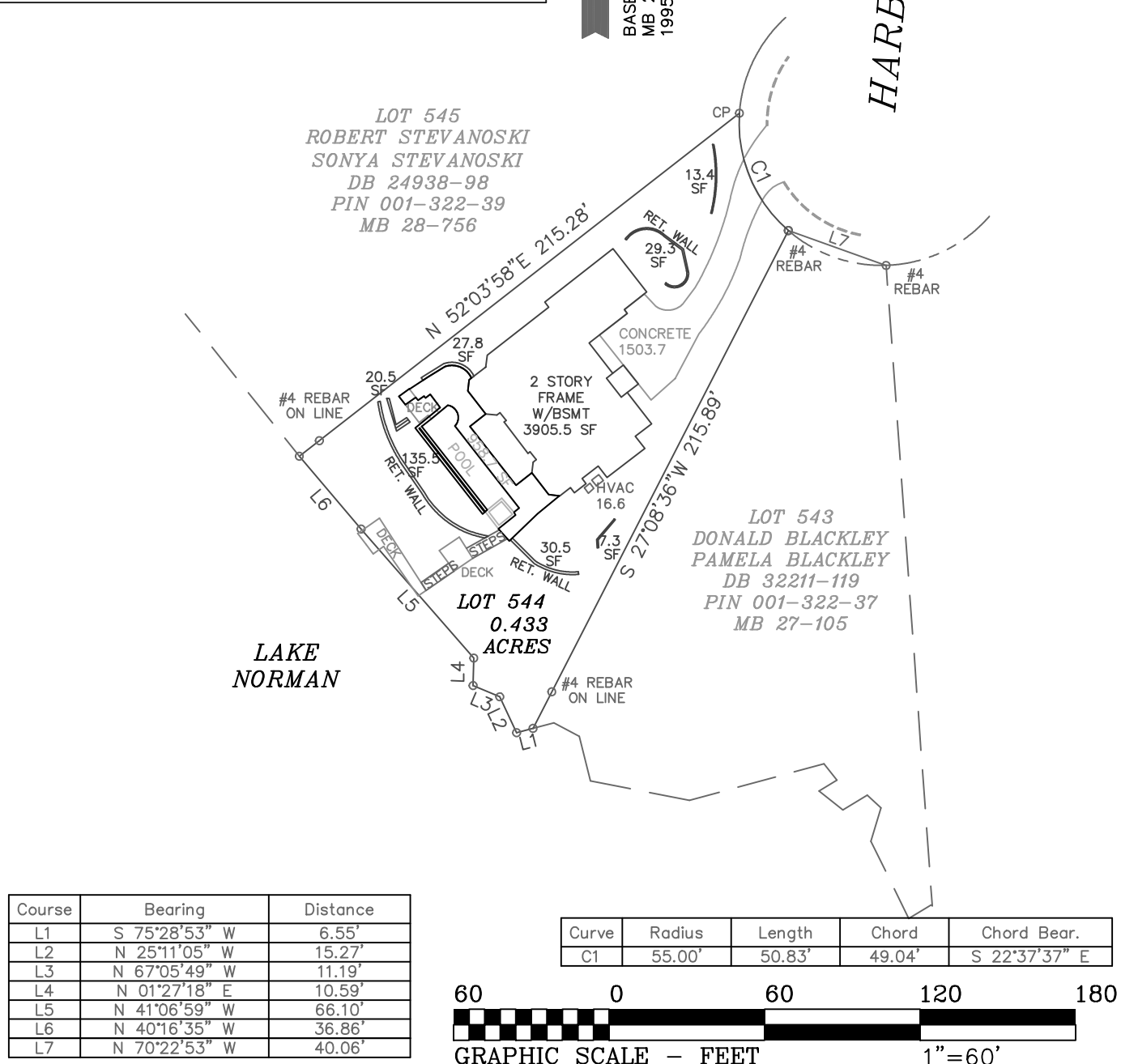
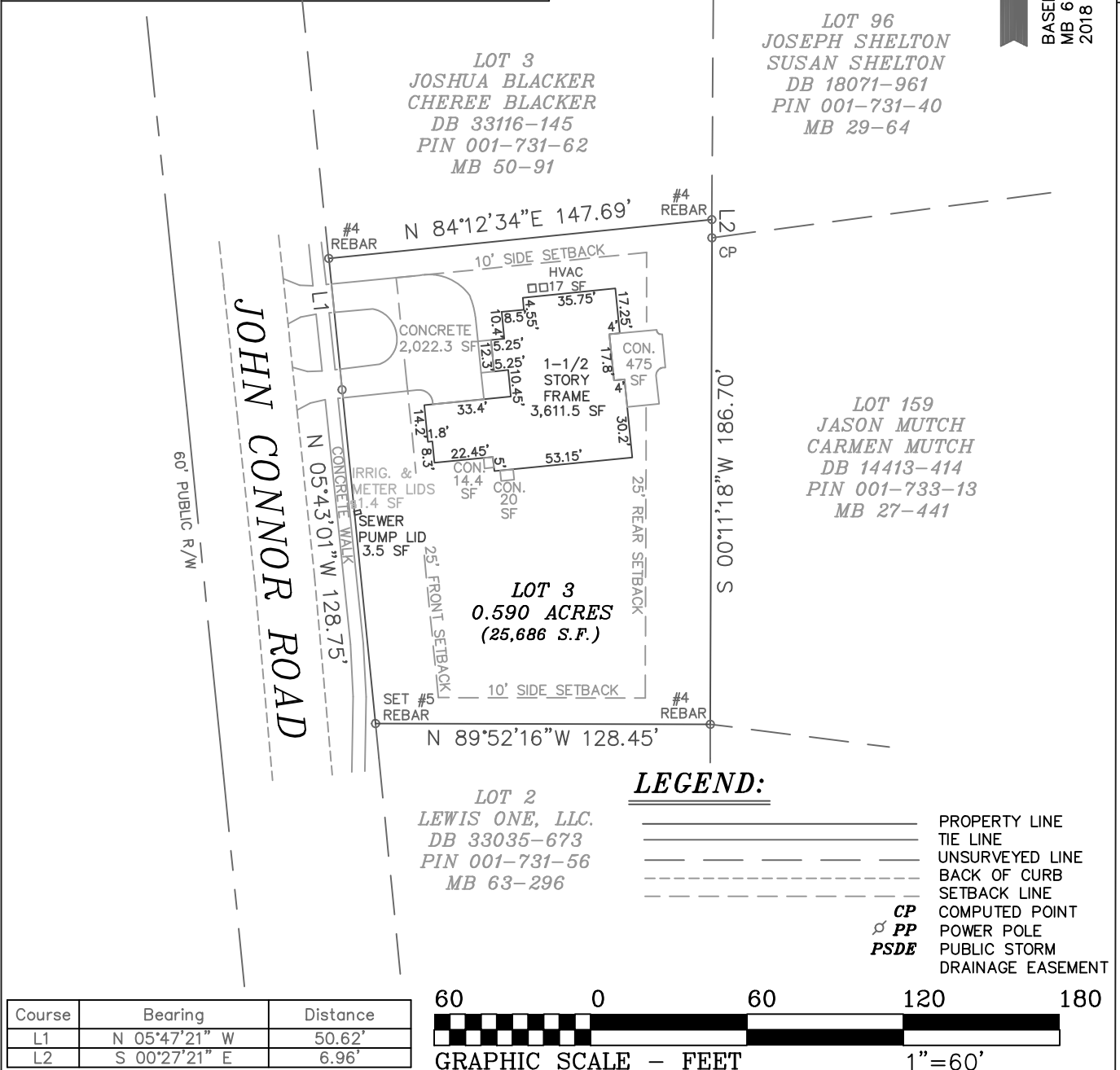
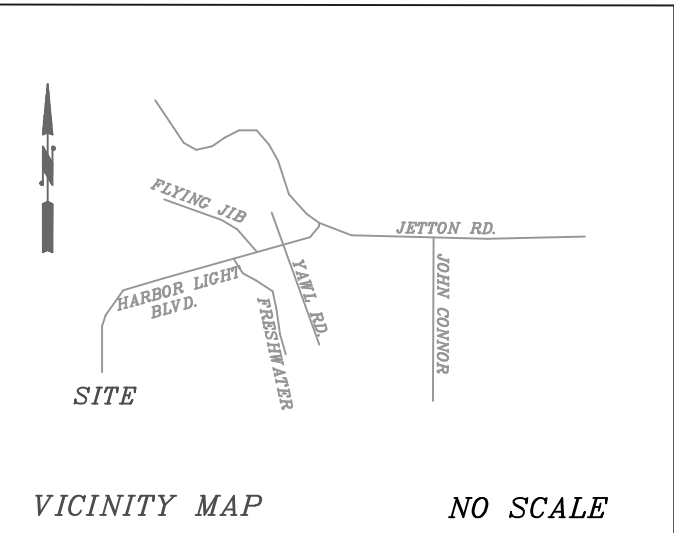
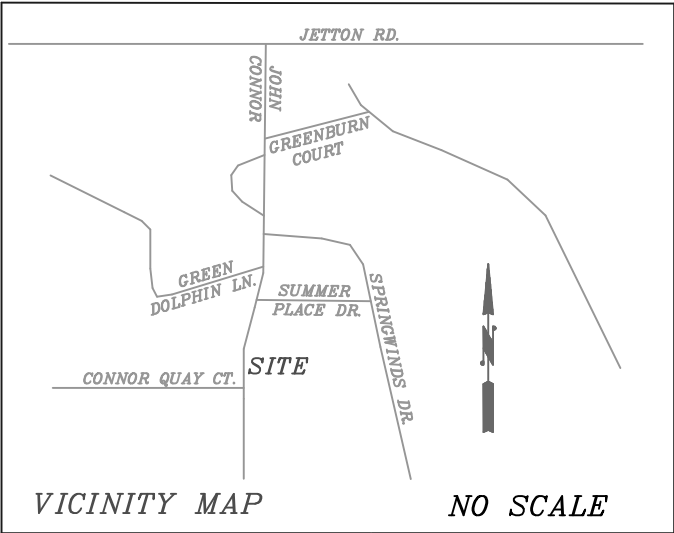
Zoning District: _____ Watershed Overlay District: LNCWA

Existing Impervious Coverage: 6,165 (sq.ft.)

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

Property Owner's Signature(s): Boyd Russell Elaine Russell

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



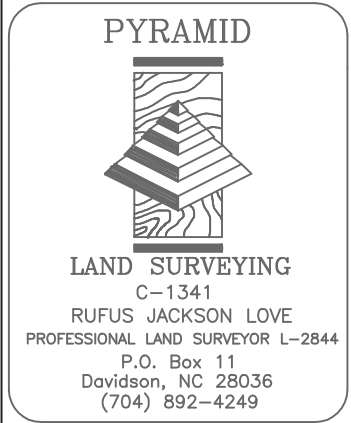
DONOR LOT
PID: 001-731-63
18304 JOHN CONNOR ROAD, CORNELIUS, N.C. 28031
TOTAL SITE AREA OF PID 001-731-63: 25,686 S.F. (0.59 ACRES)
EXISTING IMPERVIOUS AREA ON SITE: 6,165.1 S.F.
IMPERVIOUS RESTRICTION OF 80% = 25,686 S.F. X 80% = 20,548.8 S.F
CURRENT ALLOWABLE IMPERVIOUS = 20,548.8

IMPERVIOUS AREA DONATED TO PIN 001-322-38 = 2,500 S.F.
NEW MAXIMUM ALLOWABLE IMPERVIOUS 18,048.8 S.F.

RECIPIENT LOT
PID: 001-322-38
18007 HARBOR LIGHT BLVD., CORNELIUS, N.C. 28031
TOTAL SITE AREA OF PID 001-322-38: 18,871 S.F. (0.433 ACRES)
FORMER MAXIMUM ALLOWED IMPERVIOUS AREA 5,500 S.F. PER MB 32-657.
IMPERVIOUS SURFACE ON SITE AT DATE OF SURVEY: 6,648.8 S.F.
IMPERVIOUS ALLOWANCE RECEIVED FROM PID 001-731-63: 2,500 S.F.
NEW MAXIMUM ALLOWED IMPERVIOUS = 8,000 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 001-731-63 TO THE PARCEL OF LAND (PIN 001-322-38) LOCATED WITHIN THE SAME WATERSHED.
2. THE DONOR PROPERTY SHOWN ON THIS PLAT DOES NOT LIE WITHIN A DESIGNATED FLOOD ZONE PER FEMA MAP #3710462200K, DATED 03/02/2009.
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 001-731-63 IS CURRENTLY ZONED GR.
9. SETBACKS FOR GR ZONING ARE: FRONT - 25'
SIDES - 10'
REAR - 25'
10. THIS PROPERTY LIES IN THE LAKE NORMAN WATERSHED CRITICAL AREA.

NOTES FOR RECIPIENT LOT:

1. THE PURPOSE OF THIS PLAT IS TO ALLOCATE IMPERVIOUS AREA FROM PIN 001-731-63 TO THE PARCEL OF LAND (PIN 001-322-38) LOCATED WITHIN THE SAME WATERSHED.
2. THE RECIPIENT PROPERTY SHOWN ON THIS PLAT DOES LIE WITHIN A DESIGNATED FLOOD ZONE PER FEMA MAP #3710462200K, DATED 03/02/2009.
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. RECEIVING PARCEL; PIN 001-322-38 IS CURRENTLY ZONED GENERAL RESIDENTIAL.
9. SETBACKS PER MB 32-657 ARE: FRONT - 20'
SIDES - 5'
REAR - 50'
10. THIS PROPERTY LIES IN THE LAKE NORMAN WATERSHED CRITICAL AREA.
11. ANY CONSTRUCTION OR USE WITHIN THE AREAS DELINEATED AS FLOODWAY ARE SUBJECT TO THE RESTRICTIONS IMPOSED BY THE CORNELIUS FLOOD DAMAGE PREVENTION ORDINANCE.

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 32211, page 119 & Book 29731, Page 941); that the boundaries not surveyed are clearly indicated as drawn from information found in Book (as shown), page (as shown); that the ratio of precision as calculated is 1:10,000+; that this plat was prepared in accordance with GS 47-30 as amended. This survey is of another category, such as the recombination of existing parcels, a court ordered survey, or other exception to the definition of subdivision.

Witness my original signature and seal this _____ day of _____

NCPLS L-2844
LICENSE NO. PROFESSIONAL LAND SURVEYOR

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 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
OWNER	DATE
OWNER	DATE

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.

Date Planning Director, Cornelius, North Carolina

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 Registrar of Deeds.

Date Watershed Administrator, Town of Cornelius, NC

BUILT-UPON-AREA TRANSFER PLAT

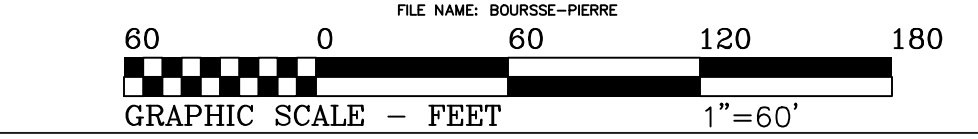
This plat represents a transfer of built-upon-area through preservation of a dedicated, undisturbed natural area for properties within the jurisdiction of the Town of Cornelius. The resulting action may or may not create tracts of land that are compliant with the Cornelius Land Development Code (LDC). This parcel is subject to the LDC built-upon area averaging standards. Any change to the development proposal affecting the approved built-upon-area allowance requires amendments to the existing Built-Upon Averaging Certificate and approved by the Cornelius Watershed Review Board. The Planning Director reserves the right to make periodic site inspections to ensure compliance with these conditions.

Date Planning Director, Town of Cornelius

IMPERVIOUS ALLOCATION SURVEY
FOR LOT 544 OF THE PENINSULA, PHASE XVII,
MAP BOOK 32-657
RECIPIENT INFO:
PROPERTY OF
PIERRE & SUSAN BOURSSE
DEED BOOK 33183-448, PID 001-322-38
LOT 544, THE PENINSULA, PH. XVII, MB 32-657
18007 HARBOR LIGHT BLVD.
LEMLEY TOWNSHIP, MECKLENBURG COUNTY
CORNELIUS, N.C.

DONOR INFO:
PROPERTY OF
BOYD & ELAINE RUSSELL
DEED BOOK 29731-941, PID 001-731-63
MB 63-296
18304 JOHN CONNOR ROAD, CORNELIUS, N.C.
LEMLEY TOWNSHIP, MECKLENBURG COUNTY
CORNELIUS, N.C.

SURVEY DATE: 1/23/2019 PLAT DATE: 1/24/2019



Recipient: 18007 Harbor Light Blvd.



Donor: 18304 John Connor Rd.

