



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

**Agenda  
October 14, 2019  
6:30 PM  
Assembly Room**

- 1. Call To Order**
- 2. Determination of Quorum**
- 3. Approval of Minutes**
  - A. September 9, 2019
- 4. Public Hearing and Consideration of Approval**
  - A. VAR 04-19 18334 Nantz Road
  - B. VAR 05-19: 16430 Belle Isle
- 5. Consideration of Approval**
  - A. REZ 05-19 Leafspring School
- 6. Old Business**
- 7. New Business**
- 8. Next Meeting**
  - A. November Meeting Date
- 9. Adjournment**

## REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: October 14, 2019

**To:** Chair and Planning Board Members

**From:** Summer Smigelski, Planning Admin.


**Action Requested:**

Review and Approval

**Manager's Recommendation:**

Approval

**ATTACHMENTS:**

Name:	Description:	Type:
 <a href="#">Minutes_09092019_Draft - Copy.docx</a>	September 9, 2019 Minutes	Backup Material

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Minutes

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**TOWN OF CORNELIUS PLANNING BOARD**

Assembly Room  
September 09, 2019  
6:30 p.m.

**Members Present**

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

**Members Absent**

Hardy McConnell

**Staff Present**

Summer Smigelski, Admin. Assistant  
Aaron Tucker, Assistant Planning  
Director  
Gary Fournier, Planner

**VISITORS**

See Sign-In Sheet

**DETERMINATION OF QUORUM**

Chair Eicher called the Planning Board meeting to order at 6:30 pm and noted there was a quorum present.

**APPROVAL OF MINUTES**

Mr. Osborne made a motion of approval for the August 12, 2019 Minutes. Mr. Dean seconded. All in favor, motion approved.

**In Favor:** Dr. Bearder, Mr. Dean, Mr. Eicher  
Ms. Johnson, Mr. Peterson, Ms. Miller  
Mr. Osborne

**Opposed:** None

**VAR 03-19 19425 Statesville Rd.**

Chair Eicher asked for a motion to open the public hearing.

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

**In Favor:** Dr. Bearder, Mr. Dean, Mr. Eicher  
Ms. Johnson, Mr. Peterson, Ms. Miller  
Mr. Osborne

**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 applicant's and Town staff.

Mr. Fournier: "Chairman and members of the Board. My name is Gary Fournier and I will be presenting VAR 03-19 19425 Statesville Road. The applicant is Laurence Development Inc., PO Box 202, Davidson, NC. The tax ID for this parcel is 00518305. The location is 19425 Statesville Road. Current zoning is highway commercial (HC). The Applicant is seeking a variance from the 50-foot Interstate buffer requirements found in section 5.5.4 of the Land Development Code. The applicant is asking for the buffer to be decreased to 10 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 Highway Commercial (HC). The property is shown on the, Zoning Map as Exhibit A, Aerial Vicinity Map as Exhibit B, and Aerial Property Map as Exhibit C. Section 5.5.4 of the Land Development Code shows a 50' Interstate Buffer for the High Commercial zoning district. Section 5.5.4 of the Land Development Code is shown as Exhibit D. The Applicant has submitted a Town of Cornelius Variance Application and a proposed site plan. The Variance Application is shown as Exhibit E and the site plan Exhibit F. I visited the property and took two pictures which are shown as Exhibits G and H. I have also provided a Birdseye view photo of the property which is shown as Exhibit I. I will note that along the vegetation shown is possibly in the DOT I77 right of way and is under no control of the Town and could go away anytime if DOT wishes.

Chair Eicher: "Is all of that area in the middle clear?"

Mr. Fournier: "It is not. This photo is a probably a couple years old."

Mr. Dean: "Where the blue arrow is pointing, is that a fence?"

Mr. Fournier: "That is a silt fence, that was installed by DOT for the widening of I77 toll Lane project. That concludes my slide show but I will note some of the history on this parcel. In 2008, the Cornelius Board of Adjustment, approved this exact same variance. The code at the time was a 50' interstate buffer, the applicant requested a 10' buffer reduction to a 10' buffer. This board granted a variance in 2008, the code at the time; however, put a one-year expiration on variance approvals if no development occurred and of course no development occurred so that variance expired, its no longer valid. That concludes staff presentation.

Chair Eicher thanked staff and asked the board if they had questions for staff.

Mr. Dean: "Obviously the Hampton Inn, they have a 10' buffer. When would that change from 10' to 50'?"

Mr. Fournier: "I do not know exactly, but it was in place in 2007. The variance that was approved in 08, they applied in 07. The 50' buffer was placed in 07, I do not know at point it changed. All of the development to the north has been there for years."

Mr. Dean: "And the development to the south also?"

Mr. Fournier: "Yes. The development to the south. We were looking at a satellite photo earlier and I don't think there is a buffer on the exit 28 auto property. What vegetation there is, is most likely in the I77 right of way. (Inaudible) similar. The parking lot is within 10 or 15' of the interstate right of way, these are estimates based on the Mecklenburg County Polaris 3G satellite photo."

Chair Eicher: "Lucky Dog and the mattress store?"

Mr. Fournier: "Both have been there for years."

Chair Eicher: "So they do not have a 50' buffer?"

Mr. Fournier: "No, not a 50' buffer. I don't know if they were developed during the time when there was a buffer. Napa and ABC store resemble the 50' buffer."

Dr. Bearder: "You had mentioned DOT right of way is that arrow pointing is that where they could take that?"

Mr. Fournier: "Potentially, yes. Its hard to tell with some of these satellite photo's the exact location of the property line. It appears that most of that vegetation is in the DOT right of way. I do not know that for a fact it just appears from satellite photos."

Chair Eicher: "Back one. That one."

Mr. Fournier: "This is an older photo, there is substantially more woods as you can see the I77 toll lane project was not underway at this point, there is no construction activity and there was a lot more woods."

Ms. Johnson: "Can you go back to the site plan. So, the squiggly line is that supposed to be the electrical lines?"

Mr. Fournier: "Yes. According to the (Inaudible) he can testify to that, he informed me that there was no right of way there."

Ms. Johnson: "Based on this photo, there is vegetation on the left, where is that silt line?"

Mr. Fournier: "I can only guess but looking at the two photo's I would say the silt fence is somewhere in this general area."

Mr. Peterson: "So with that. We got the 10 feet plus we got what DOT owns is a barrier towards the interstate, is that correct?"

Mr. Fournier: "That is correct."

Chair Eicher: "No guarantee beyond the 10 feet could be anything there?"

Mr. Fournier: "Correct. DOT could come in tomorrow and take those woods down to the property line."

Ms. Johnson: "So the silt fence is something they put as a barrier, that's not necessarily the line that they own up to that point?"

Mr. Fournier: "Correct. I believe the latest; this is probably March of this year, that is usually when the satellite photos are updated."

Chair Eicher: "Any further questions for Mr. Fournier? Thank you, Gary. We will now hear from the Applicant. Please state your name and address."

Applicant: "I am Laurence Bearden. I live in Davidson, NC. I have been a retail developer for 30 years. We develop these stores across the southeast and we have a good track record building for the last 10 or 15 years. What we have here, I'm going to try and answer the questions, I'm not accustomed to this venue. Rarely, do we have to do a rezoning or variance simply because of the time spent as well as the development process. We develop about five to ten of these stores a year. We develop in Virginia, Georgia, South Carolina, North Carolina, (Inaudible), and West Virginia. We (inaudible) which is shown right here. We are requesting this variance I guess because of number A, we had to answer each one of these questions. So, I will try and do that, so you want to interrupt me, you can certainly do that. Well a combination of the 50-foot setback on the front area and the rear and 29-foot on the front, which we intended to keep. Plus, we are going to put the parking lot down 10-feet back from the building line (Inaudible). We have enough room to put in our store, but we do not have enough room to put in our parking. Take the combination of the 50-feet and the 25-feet, if you want to do the 35-feet for the parking lot, you will only end up with about half acre of land. You really can't develop much on this property, unless you have the 50-foot variance buffer, which we are really taking 10-feet. We are planning on and we will agree to this, put shrubs and trees along where the powerline is. There is no easement for the powerline. We will put (inaudible) vegetation (inaudible) to make sure that if in case DOT does expand that, which I doubt they will, will have some trees along there and make sure its landscaped properly. Hope that answers A, I'm not certain. I have asked for my engineer to be with here, in case you had ethical questions. B, the size and shape of the property is not conducive to us shifting the building around because if you been out and seen the site, north part of the site is higher than this other part. You have this slope coming down and, so it makes sense for us to put our environmental (Inaudible) which is shown here on the lower part of the parking lot; and for us to be able get movers in and out on the driveway that is existing already on the site. We only have 120-feet on frontage to keep the buffer and 60-feet on the back, so I mean your going to have to have a less than 3000 square foot building possibly and I'm not sure if (inaudible) my opinion. As far as C, we would use that 50-foot buffer for our parking but also landscaping to make sure there is some type of barrier along the interstate. There are currently a lot of pine trees along the interstate. They add to the buffering from the interstate. I noted that up above the Hampton Inn it was (inaudible), they have their parking in that area as well. As far as D is concerned; my understanding is that (inaudible) visual along the powerline if you will, along the buffer area there, so screening can be done, and

we will keep the 25-feet in the front because we think that's an essential for street view for traffic that moves up and down Statesville Road. We are going to landscape that area and I believe there is an ordinance which we are not up for review now unless this buffer is granted that you need a stone wall or brick wall all along the front where the parking is to shield the parking. We are planning on doing a comparable development. We have a commitment from our tenant (Inaudible) their going to be there for at least 15 or 20 years. We have an architecturally designed building that's appropriate. We hope that you grant the variance. If you have any questions I would be delighted to answer."

Mr. Peterson: "In your experience, you have done this 30 years, as far as the developable lot is concerned, this one you feel as restrictive compared to the ones you normally would be working on?"

Mr. Bearden: "Sure. You need about an acre and a half or an acre and a quarter. This is not an acre lot. We have looked all the way from Home Depot all the way up to the intersection of Catawba where the traffic circles went for a site, we cannot find one. This is the only site that we have been able to find that we can work with and make it happen. Most of the other sites have issues with size or they are not available for sale or they are out the price range that we can afford. O'Reily believes that they can provide a really productive store here. Although there is a Napa store up the street (Inaudible)."

Mr. Peterson: "You answered the second part to my question as well."

Ms. Johnson: "The way that the building is constructed, its essentially a square. Is there a reason for that, as far as O'Reily's concerned? Could it not be more rectangular to where you could have more parking this way and have building more rectangular and then have the driveway there?"

Mr. Bearden: "No. We cannot do that. Its because of the (inaudible) trucks in and turning around. Typically, this is the (inaudible) type and it's the only way we can get it on the site. We looked at trying to do it several different ways and the only way we can get our building on this site with 7200 square feet is to face it south. We are also going to have to do architectural renderings of 60%, I think on architecture or glass and showing the store front along Statesville Road. This is our prototypical construction and we just can't get our parking in. I know you got four to one, usually we use five to one, so we really had to squeeze parking in."

Mr. Dean: "My questions just hearing what Ms. Johnson's question was. So, the gray outlined area, that is the building."

Mr. Bearden: "That is correct except for sidewalks."

Dr. Bearder: "Is this the average size of an O'Reily's? The 7500 square feet, does it have to be that big or can it be less square feet."

Mr. Bearden: "It has to be this size. That is typically 7200 square feet."

Dr. Bearder: "The one in Huntersville, do you happen to know what those dimensions on that one?"

Mr. Bearden: "No I do not, because I think that was a take over of an existing building that was there, and they decided to go in to Huntersville to this site. (Inaudible)."

Ms. Johnson: "With your professional opinion, having done this for so long, if a different business was to actually go onto this site then they could technically do something with a smaller building and still have the ability to have the parking necessary and not necessarily have to go into that 50-foot buffer, would you say?"

Mr. Bearden: "I know that would be a real small building and I don't think you could add a parking required. I wanted to look at that, but I know someone ask me the question and I would be very doubtful. If you went two stories, let's say you went two story you still wouldn't get the parking. I think, I'm not trying to be difficult and I'm not trying to over step my bounds, but this buffer has been used by other people up and down the strip and we would like to put a store here. Its your decision. If you have any questions my engineer can answer that."

Chair Eicher: "Is all of your parking noted on this drawing?"

Mr. Bearden: "Yes."

Chair Eicher: "So, there would be no parking in this area?"

Mr. Bearden: "No."

Chair Eicher: "What if you took out this green stuff and put parking in there. Would that?"

Mr. Dearden: "That wouldn't make a difference you would only have about four spaces."

Chair Eicher: "You are only losing five there."

Ms. Johnson: "Well you are losing six putting this one down here."

Mr. Bearden: "(Inaudible) parking lot on the other side of the turn and bring trucks and cars in to make movement for this site. I still have to have the drive areas over here to get the trucks in and out to deliver. I have to have 30-foot driveways."

Ms. Johnson: "So what you are saying is all that space is actually going to be concrete, regardless if its parking or not. Just for turn ratios for the trucks?"

Chair Eicher: "This is the loading dock here?"

Mr. Bearden: "Yes. I have to have a 70-foot trailer come in and out, so I got to have that. More importantly, I got to be able to have customers that can get in and get around in here and turn. That's why I left this landscape area."

Dr. Bearder: "Is that a full-size regulation loading dock?"

Mr. Bearden: "You just back into it. It doesn't have a dock per say. It side loads. That' why the trash area is back there."

Dr. Bearder: "That's a tight fit."

Mr. Bearden: "But it will work."

Dr. Bearder: "I hope you have good drivers."

Mr. Dearden: "Believe me, I have built stores in West Virginia."

Chair Eicher: "Anymore questions for the applicant? Any questions for his engineer?"

Ms. Johnson: "Is there anything else that the engineer could provide to us that maybe we haven't yet heard?"

Engineer: "(Introduction is hard to hear) I can answer any questions."

Chair Eicher: "Anything you can add that, that he has not already stated?"

Engineer: "If you do not have the variance for the 50-foot buffer you are basically looking at a developable area, something like this. Pushes roughly about half an acre in size. With O'Reilly's it would not work with the amount of parking they require. We also need access for the trucks, the way the trucks will come they will come into the site this way then back up then come back out this way. You are right it is a tight site, but it will work if we can reduce the 50-foot buffer to 10-foot. We are not asking if it could be deleted all the way, we are asking to go to 10-foot. You can see the Hampton Inn there, their basically within probably 5-foot of the right of way line. So, we are not asking to much different from the other properties up and down the highway. We will also landscape the powerline."

Dr. Bearder: "Just to clarify, so this is not about the size of the building or parking but in terms of the trucks being able to... basically truck access."

Engineer: "Both truck access and parking requirements."

Mr. Bearder: "Even if the retail building size were to be scaled down by 500 to 1000 square feet?"

Engineer: "There will still be issues with this site. Unless you go to a really small office building which would basically be highway commercial, so you wouldn't (inaudible) best use for the property."

Chair Eicher: "Thank you sir. Anyone from the public wish to comment? I will now hear a motion to close the public hearing."

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

**In Favor:** Dr. Bearder, Mr. Dean, Mr. Eicher  
Ms. Johnson, Mr. Peterson, Ms. Miller  
Mr. Osborne

**Opposed:** None

Board Deliberation

### **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. Dean: "Based on the evidence submitted. A hardship does exist."

Mr. Dean made a motion to approve Finding of Fact #1. Mr. Peterson seconded. Four in favor, Three opposed."

**In Favor:** Dr. Bearder, Mr. Dean, Mr. Peterson  
Mr. Peterson, Ms. Miller

**Opposed:** Ms. Johnson, Mr. Osborne,  
Chair Eicher

### **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. Peterson made a motion that Finding of Fact #2 has been met. Mr. Dean seconded. Six in favor motion, One opposed.”

**In Favor:** Dr. Bearder, Mr. Dean, Mr. Eicher  
Ms. Johnson, Mr. Peterson, Ms. Miller

**Opposed:** Mr. Osborne

### **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.

Dr. Bearder: “The hardship was not created by the applicant.”

Dr. Bearder made a motion Finding of Fact #3 has been met. Mr. Peterson seconded. Four in favor, Three opposed.”

**In Favor:** Dr. Bearder, Mr. Dean, Mr. Peterson  
Mr. Peterson, Ms. Miller

**Opposed:** Ms. Johnson, Mr. Osborne,  
Chair Eicher

### **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: “The requested variance is not consistent with the spirit, purposes, and intent of the ordinance.”

Ms. Miller made a motion to deny Finding of Fact #4. Ms. Johnson seconded. All in favor motion approved.”

**In Favor:** Dr. Bearder, Mr. Eicher  
Ms. Johnson, Ms. Miller  
Mr. Osborne

**Opposed:** Mr. Peterson, Mr. Dean

Mr. Osborn made a motion to deny VAR 03-19. Ms. Miller seconded. All in favor motion approved.

**In Favor:** Dr. Bearder, Mr. Dean, Mr. Eicher  
Ms. Johnson, Mr. Peterson, Ms. Miller  
Mr. Osborne

**Opposed:** None

### **NEXT MEETING**

Monday, October 14<sup>th</sup>, 2019



**ADJOURNMENT**

Ms. Johnson made a motion to adjourn the meeting at 7:29 p.m. Mr. Osborne second. All in favor and motion approved.

**In Favor:** Dr. Bearder, Mr. Dean, Mr. Eicher  
Ms. Johnson, Mr. Peterson, Ms. Miller  
Mr. Osborne

**Opposed:** None

Respectfully Submitted:

\_\_\_\_\_  
Keith Eicher  
Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Summer Smigelski  
Secretary

\_\_\_\_\_  
Date

DRAFT

## REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: October 14, 2019

To: Board of Adjustment Members

From: Monterai Adams, MPA-Planner














### Action Requested:

The applicants, Gregory and Linda Scott, residing at 18334 Nantz road are seeking a variance from Section 5.5.4 of the Land Development Code to reduce left building setback from 10' to 4'. The applicant is proposing to construct an addition on the north side of their home for an extension of the bathroom and storage room.

### Manager's Recommendation:

Hear evidence and render a decision

### ATTACHMENTS:

Name:	Description:	Type:
 <a href="#">VAR_04-19_Staff_Report.pdf</a>	VAR 04-19 Staff Report	Exhibit
 <a href="#">18334_Nantz_Rd_Variance_Zoning.pdf</a>	Exhibit A Zoning Map	Exhibit
 <a href="#">18334_Nantz_Rd_Variance_Vicinity.pdf</a>	Exhibit B Vicinity Map	Exhibit
 <a href="#">18334_Nantz_Rd_Variance_Property.pdf</a>	Exhibit C Property Map	Exhibit
 <a href="#">Exhibit_D_LDC_5.5.4.JPG</a>	Exhibit D LDC 5.5.4	Exhibit
 <a href="#">Application.pdf</a>	Exhibit E Application Pg 1-4	Exhibit
 <a href="#">Variance_Request.pdf</a>	Exhibit E Application Answers Pg 5-6	Exhibit
 <a href="#">Exhibit_F_Submitted_Photo.pdf</a>	Exhibit F Submitted Photo	Exhibit
 <a href="#">Floor_plan.pdf</a>	Exhibit G Floor Plan	Exhibit
 <a href="#">Exhibit_H_Survey.jpg</a>	Exhibit H Survey	Exhibit
 <a href="#">Exhibit_I_Property_Photo.jpg</a>	Exhibit I	Exhibit
 <a href="#">Exhibit_J_Property_Photo.JPG</a>	Exhibit J	Exhibit
 <a href="#">VAR_04-19_FoF.docx</a>	Finding of Facts	Exhibit



**VAR 04-19**  
**18334 Nantz Road**  
**Staff Analysis**

**October 2, 2019**

**Applicant:** Gregory and Linda Scott  
18334 Nantz Rd.  
Cornelius, NC 28031

**Owner:** Gregory and Linda Scott  
18334 Nantz Rd.  
Cornelius, NC 28031

**Tax Parcel Reference:** 001-86-127

**Location:** 18334 Nantz Road

**Variance Request:** The Applicant is seeking a variance from Section 5.5.4 of the Land Development Code to reduce left building setback from 10' to 4'.

**Zoning:** General Residential (GR)

**Hearing Date:** October 14, 2019

**Staff Commentary:**

The Applicant is seeking a variance from Section 5.5.4 of the Land Development Code to reduce the left building setback from 10' to 4'.

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 zoned General Residential (GR). The property is shown on the Zoning Map as Exhibit A, on the Aerial Vicinity Map as Exhibit B, and on the Aerial Property Map as Exhibit C.
2. 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.
3. In the Land Development Code, Section 5.5.4 Table of Dimensional Requirements, the side setbacks in the General Residential (GR) zoning district is The Land Development Code Section 5.5.4 is shown as Exhibit D.
4. The Applicant submitted a Town of Cornelius Variance Application and the responses on a separate sheet, which is shown as Exhibit E.

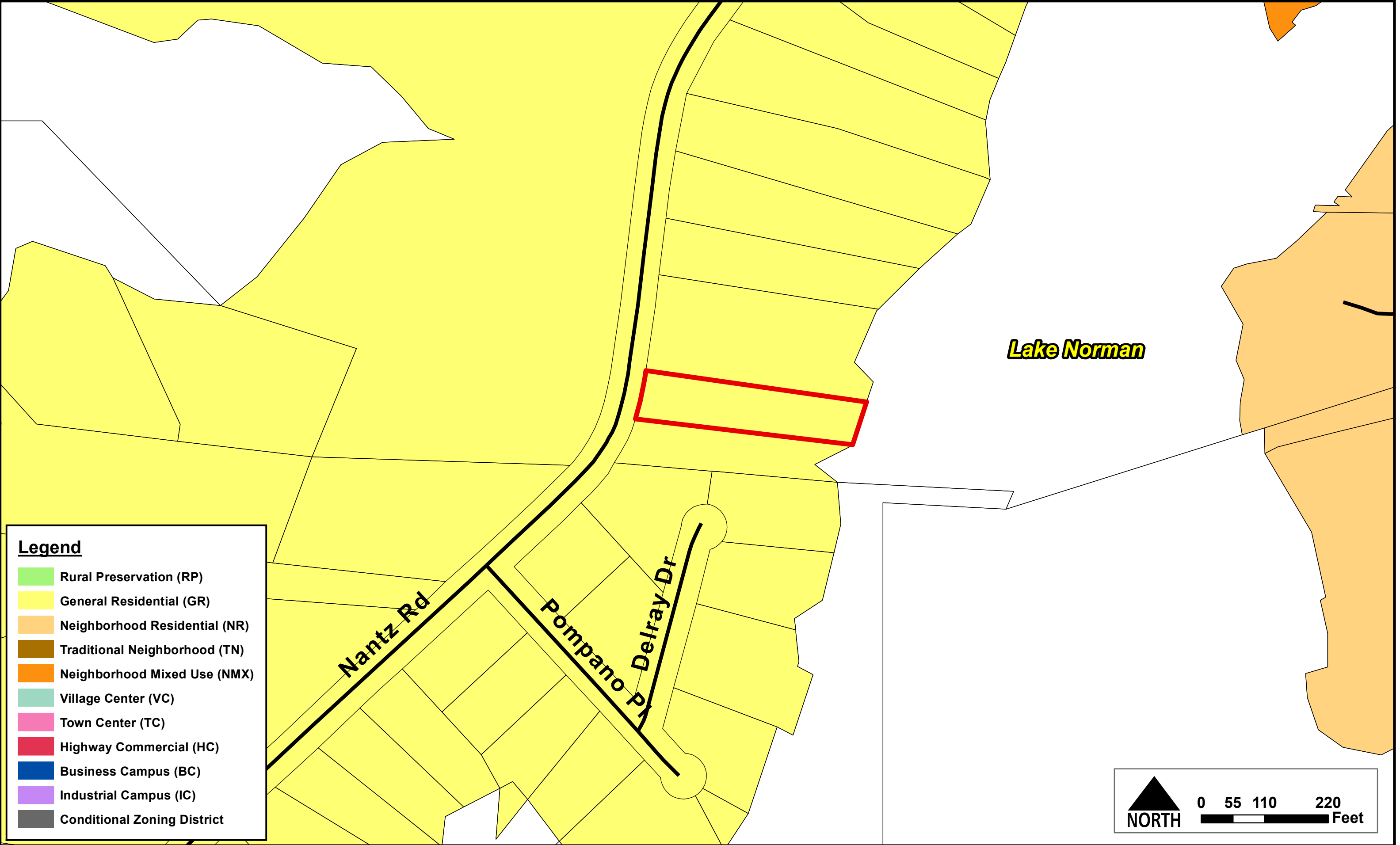
5. The Applicant submitted a photo showing the block window on the side where they want to put the addition. The photo is shown as Exhibit F.
6. The Applicant submitted the proposed floor plan, which is shown as Exhibit G.
7. The Applicant submitted a survey of the property, which is shown as Exhibit H.
8. I visited the property and took two pictures, which are shown as Exhibits I and J.

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>	LDC Section 5.5.4 Table of Dimensional Requirements
<i>Exhibit E:</i>	Variance Application
<i>Exhibit F:</i>	Submitted Photo
<i>Exhibit G:</i>	Floor Plan
<i>Exhibit H:</i>	Survey
<i>Exhibit I:</i>	Property Photo
<i>Exhibit J:</i>	Property Photo

Exhibit A Zoning Map



**Legend**

- Rural Preservation (RP)
- General Residential (GR)
- Neighborhood Residential (NR)
- Traditional Neighborhood (TN)
- Neighborhood Mixed Use (NMX)
- Village Center (VC)
- Town Center (TC)
- Highway Commercial (HC)
- Business Campus (BC)
- Industrial Campus (IC)
- Conditional Zoning District

**NORTH**

0 55 110 220 Feet



Exhibit B Aerial Vicinity Map

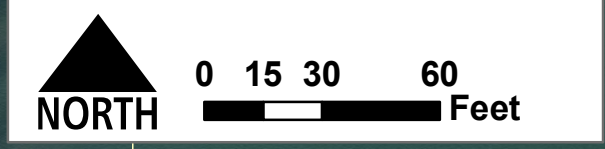




Exhibit C Aerial Property Map



Nantz Rd





<u>Measure</u>	<u>Unit</u>	<u>RP</u>	<u>GR</u>
<u>DENSITY/LOT SIZE</u>			
<u>SETBACKS</u>			
Setback - Front Min	Feet	50 <sup>4</sup>	25 <sup>4</sup>
Setback - Front Max	Feet	N/A	N/A
Setback – State Roads	Feet	N/A	25
Setback - Westmoreland Rd. (West of 77)	Feet		
2nd & 3rd Story ROW Encroachment	Feet	-	-
Setback – Sides	Feet	15	10
Setback – Rear	Feet	50	25





## TOWN OF CORNELIUS VARIANCE APPLICATION

Date Filed: 8/13/2019	Case #: VAR 04-19
Fee Paid: \$ 350	Public Hearing: 10/14/2019
Applicant: Gregory + Linda Scott	Tax Parcel: 00186127
Location of Variance: 18334 Nantz Rd.	Zoning: GR

I, Linda Scott, 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):

5.5.4

Set Back Sides 10'

Describe the variance being requested on the above referenced property: \_\_\_\_\_

Please See Attached

### 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

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- 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.

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- 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.

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- 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.

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

Linda Scott  
Name of Appellant

18334 Nantz Rd  
Appellant's Mailing Address

Cornelius NC 28031  
City, State, Zip Code

8/13/19  
Date

317-691-7611  
Telephone Number

LScott@indy.rr.com  
Email Address

Linda Scott  
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.**



Date filed 08/13/19

Fee paid \$

Applicant: Linda Scott

Tax Parcel 00186127

Location of Variance: 18334 Nantz Road, Cornelius, NC 28031

Cite section and numbers: 5.5.4 Set back lines 10'

Variance request is to move the set back line on the north side of the house to 4'. This would allow for added ground needed to construct additional space on the north side of the home. We would move the proposed structure to the north. This would allow for not having to reconstruct an entire corner, support system, glass block window and section of the existing structure as it is now, as marked in red. The 4' setback still allows for proper access to the back of the home with no obstruction.

- a. Due to the current setbacks, it makes it difficult to form an aesthetic appearance to the front of the home. The added land with the approval of the variance would give us what we need for these structures.
- b. The requested set back would allow for proper size of structures that would be economical and more functional with proper sizing. This extension or expansion would not change the districts boundary, or zoning classification of any or all the property.
- c. We purchased the home 5 years ago and since that time we want to make changes to the outside of the home with needed additional structural space. To keep the outside of the home in balance (in appearance) with the added structures the additional land would allow for that.

- d. The request for this variance is within the guidelines for public safety and is secured, and substantial justice is achieved.

If I am not able to attend, either Gregg Scott, homeowner, or Jason Whitener from Southern Tradition Homes and Renovations, Inc. will attend on my behalf.

Thank you,

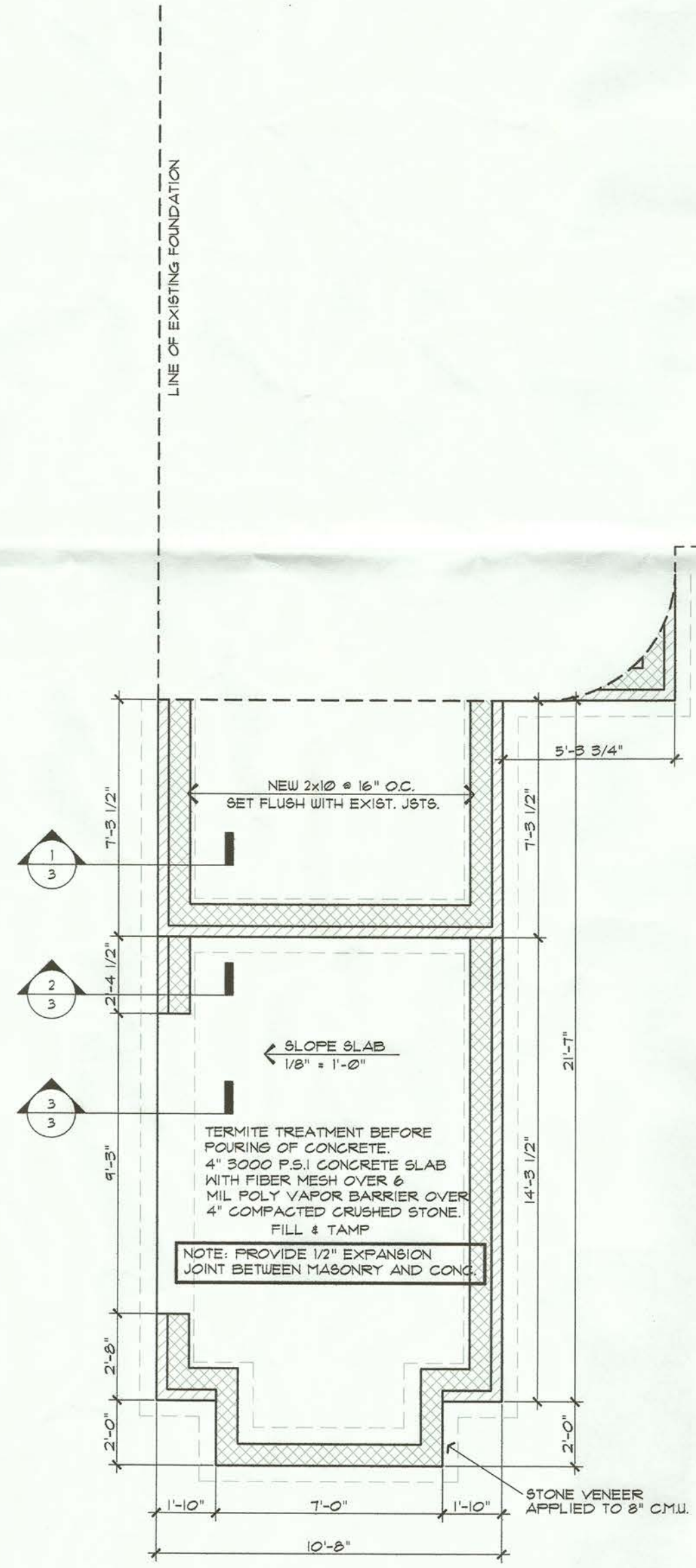
A handwritten signature in black ink, appearing to read "Linda Scott". The signature is written in a cursive, flowing style with a large initial "L".

Linda Scott



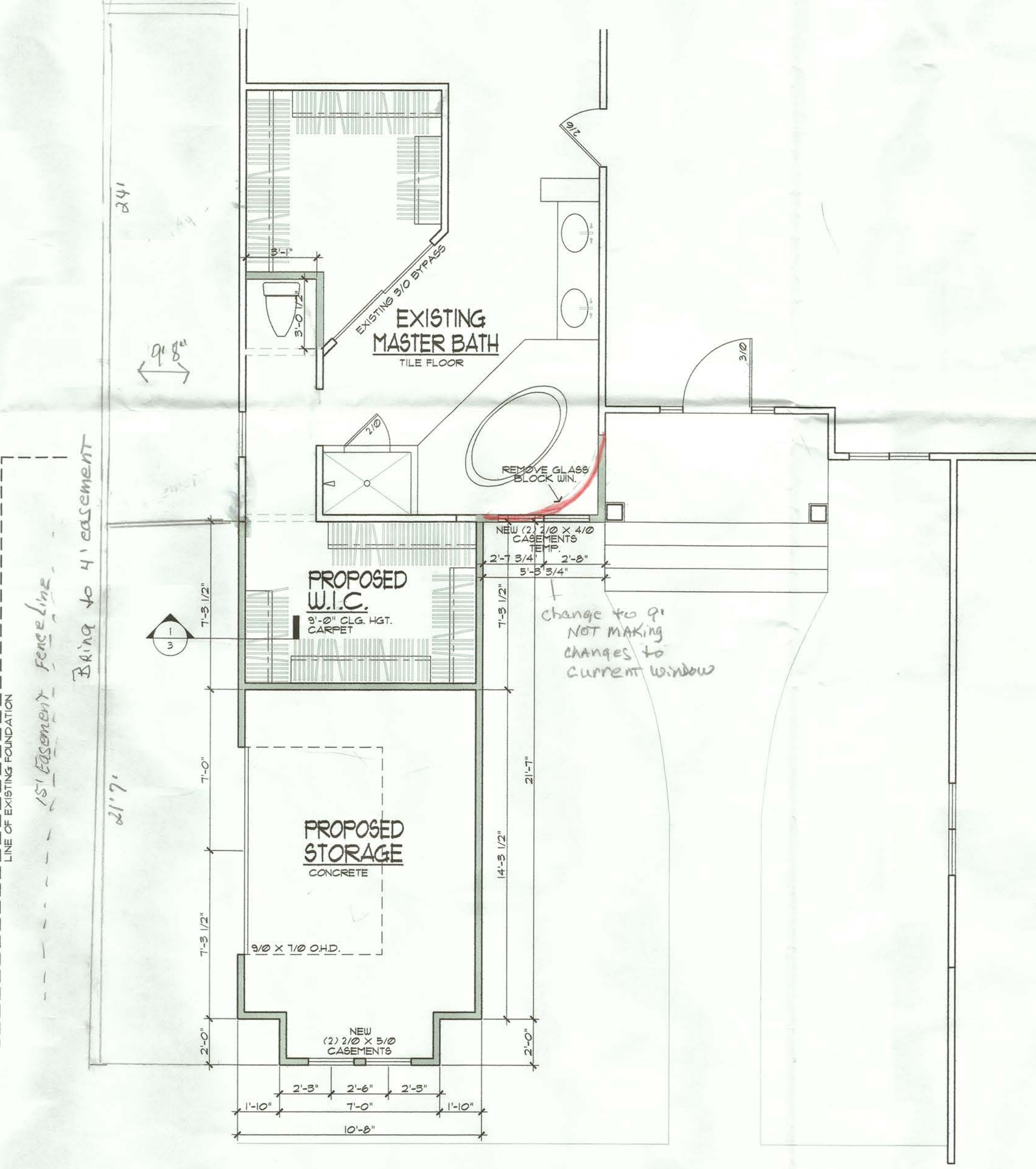






**PROPOSED MASTER CLOSET  
FOUNDATION PLAN**

SCALE: 1/4" = 1'-0"



**PROPOSED MASTER CLOSET FLOOR PLAN**

SCALE: 1/4" = 1'-0"

- REMOVED WALL
- == EXISTING WALL
- == NEW 3/4" WALL

PROPOSED FRAMED &Q. FOOTAGE	
W.I.C. HEATED	78
STORAGE	161
TOTAL PROPOSED HEATED	78
TOTAL PROPOSED UNDER ROOF	245

**ADDITIONAL NOTES**

- ALL PARTS OF THESE PLANS ARE COPYRIGHTED WITH THE REGISTER OF COPYRIGHTS, LIBRARY OF CONGRESS WASHINGTON D.C. AND MAY NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT CONSENT OF CROWE DESIGN & ASSOC.
- CROWE DESIGN & ASSOC. IS A PROFESSIONAL RESIDENTIAL DESIGN FIRM LOCATED IN CORNELIUS, NORTH CAROLINA. BECAUSE SITE CONDITIONS MAY VARY, CROWE DESIGN CAN NOT WARRANT THE SUITABILITY OF THESE PLANS FOR USE ON YOUR SPECIFIC SITE. CONSTRUCTION FROM THESE PLANS SHOULD NOT BE UNDERTAKEN WITHOUT THE ASSISTANCE OF A PROFESSIONAL CONTRACTOR.
- ALL FEDERAL, STATE AND LOCAL CODES, ORDINANCES AND REGULATION SHALL BE CONSIDERED AS PART OF THESE DRAWINGS AND DETAILS FOR THIS BUILDING AND SHALL TAKE PREFERENCE OVER ANYTHING SHOWN, DESCRIBED OR IMPLIED WHERE VARIANCES OCCUR.
- CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS BEFORE BEGINNING CONSTRUCTION AND COORDINATE ANY CORRECTIONS OR REVISIONS WITH THE OWNER AND DESIGNER. CROWE DESIGN & ASSOC. WILL ASSUME NO LIABILITY FOR DIMENSIONAL ERRORS ONCE CONSTRUCTION BEGINS.




 Professional Property Surveyors, Inc. 18335 Old Statesville Road Ste. A, Cornelius, N.C. 28031 704-765-5134 Phone/Fax Firm Liscense: C-3666		Property of GREGG SCOTT LINDA SCOTT		As Recorded in DB.6457 PG.232		Site Address: 18334 NANTZ ROAD CORNELIUS, NC 28031 MECKLENBURG COUNTY	
<u>072114-02</u> Job No.	<u>JEC</u> Prepared By	<u>≥ 1:10,000</u> Error of Closure	<u>1"=60'</u> Drawing Scale	<u>001-861-27</u> Tax Parcel Number	<u>Scott 18334 Nantz</u> Drawing File Name	<u>1 of 1</u> Sheet Number	<u>07/31/2014</u> Date



Exhibit I



09/26/2019





09/26/2019





## TOWN OF CORNELIUS

### Variance FINDINGS OF FACT

<b>Owner/Project:</b> <b>Gregory and Linda Scott</b>	<b>Case #: VAR 04-19</b>
<b>Acreage: 0.704</b>	<b>Tax Parcel(s): 001-86-127</b>

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: \_\_\_\_\_

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- 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: \_\_\_\_\_

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- 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: \_\_\_\_\_

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- 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: \_\_\_\_\_

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# REQUEST FOR BOARD ACTION

 **Print**

**Date of Meeting:** October 14, 2019

**To:** Board of Adjustment  
**From:** Catherine McElearney, Planner







**Action Requested:**

The Applicants, Ashley and Wesley Crook - residing at 16430 Belle Isle Drive, are seeking a variance from Sections 5.5.1 (D), 5.5.2 (C) (F), and 5.5.4 of the Land Development Code to reduce a 25' rear setback along Cottonpatch Lane to a 10' to allow for a pool. The subject property is a corner lot with Belle Isle to the south and south-west and Cottonpatch Lane to the north.

**Manager's Recommendation:**

Hear evidence, and render a decision.

**ATTACHMENTS:**

Name:	Description:	Type:
 <a href="#">VAR_05-19_Staff_Report.pdf</a>	VAR 05-19 Staff Report	Exhibit
 <a href="#">16430_Belle_Isle_Dr_Variance_Zoning.pdf</a>	Exhibit A: VAR 05-19 Zoning Map	Exhibit
 <a href="#">16430_Belle_Isle_Dr_Variance_Vicinity.pdf</a>	Exhibit B: VAR 05-19 Vicinity Map	Exhibit
 <a href="#">16430_Belle_Isle_Dr_Variance_Property.pdf</a>	Exhibit C: VAR 05-19 Property Map	Exhibit
 <a href="#">VAR_05-19_16430_Belle_Isle_application.pdf</a>	Exhibit D: VAR 05-19 Application	Exhibit
 <a href="#">VAR_05-19_16430_Belle_Isle_parcel.pdf</a>	Exhibit E: VAR 05-19 Proposed Pool Location	Exhibit
 <a href="#">Exhibit_F_LDC_5.5.1.D.pdf</a>	Exhibit F: VAR 05-19 LDC 5.5.1.D	Exhibit
 <a href="#">Exhibit_G_LDC_5.5.2.C.pdf</a>	Exhibit G: VAR 05-19 LDC 5.5.2.C	Exhibit
 <a href="#">Exhibit_H_LDC_5.5.2.F.pdf</a>	Exhibit H: VAR 05-19 LDC 5.5.2.F	Exhibit
 <a href="#">Exhibit_I_LDC_5.5.4.pdf</a>	Exhibit I: VAR 05-19 LDC 5.5.4	Exhibit
 <a href="#">Exhibit_J.pdf</a>	Exhibit J: VAR 05-19 photo	Exhibit
 <a href="#">Exhibit_K.pdf</a>	Exhibit K: VAR 05-19 photo	Exhibit
 <a href="#">Exhibit_L.pdf</a>	Exhibit L: VAR 05-19 photo	Exhibit
 <a href="#">VAR_05-19_Findings_of_Fact.pdf</a>	VAR 05-19 Findings of Fact	Exhibit



**VAR 05-19  
10100 Bailey Road  
Staff Analysis**

**October 14, 2019**

**Applicant:** Ashley and Wesley Crook  
16430 Belle Isle Drive  
Cornelius, NC 28031

**Owner:** Ashley and Wesley Crook  
16430 Belle Isle Drive  
Cornelius, NC 28031

**Tax Parcel Reference:** 001-312-87

**Location:** 16430 Belle Isle Drive

**Variance Request:** The Applicant is seeking a variance from Sections 5.5.1 (D), 5.5.2 (C) (F), and 5.5.4 of the Land Development Code to reduce a 25' rear setback along Cottonpatch Lane to 10' to allow for a pool.

**Zoning:** General Residential

**Hearing Date:** October 14, 2019

**Staff Commentary:**

The Applicant is seeking a variance from Sections 5.5.1 (D), 5.5.2 (C) (F), and 5.5.4 of the Land Development Code to reduce a 25' rear setback along Cottonpatch Lane to 10' to allow for a pool. The subject property is located at 16430 Belle Isle Drive and is a corner lot with Belle Isle to the south and south-west and Cottonpatch Lane to the north.

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 zoned General Residential (GR). The property is shown on the Zoning Map as Exhibit A, on the Aerial Vicinity Map as Exhibit B, and on the Aerial Property Map as Exhibit C.
2. The Variance Application as submitted by the Applicant to the Town of Cornelius is shown as Exhibit D.
3. The proposed pool location is shown as Exhibit E.
4. The Land Development Code referenced in the Variance Application is shown as LDC 5.5.1 (D) in Exhibit F, LDC 5.5.2 (C) in Exhibit G, LDC 5.5.2 (F) in Exhibit H, and LDC 5.5.4 in Exhibit I.
5. The Planning Department took three pictures, which are shown as Exhibits J, K, and L, of the property.

The Board of Adjustment shall receive and consider all relevant evidence in the hearing and shall 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>	Variance Application
<i>Exhibit E:</i>	Proposed Pool Location
<i>Exhibit F:</i>	LDC Section 5.5.1 (D)
<i>Exhibit G:</i>	LDC Section 5.5.2 (C)
<i>Exhibit H:</i>	LDC Section 5.5.2 (F)
<i>Exhibit I:</i>	LDC Section 5.5.4
<i>Exhibit J:</i>	Property Photo
<i>Exhibit K:</i>	Property Photo
<i>Exhibit L:</i>	Property Photo



Exhibit A Zoning Map

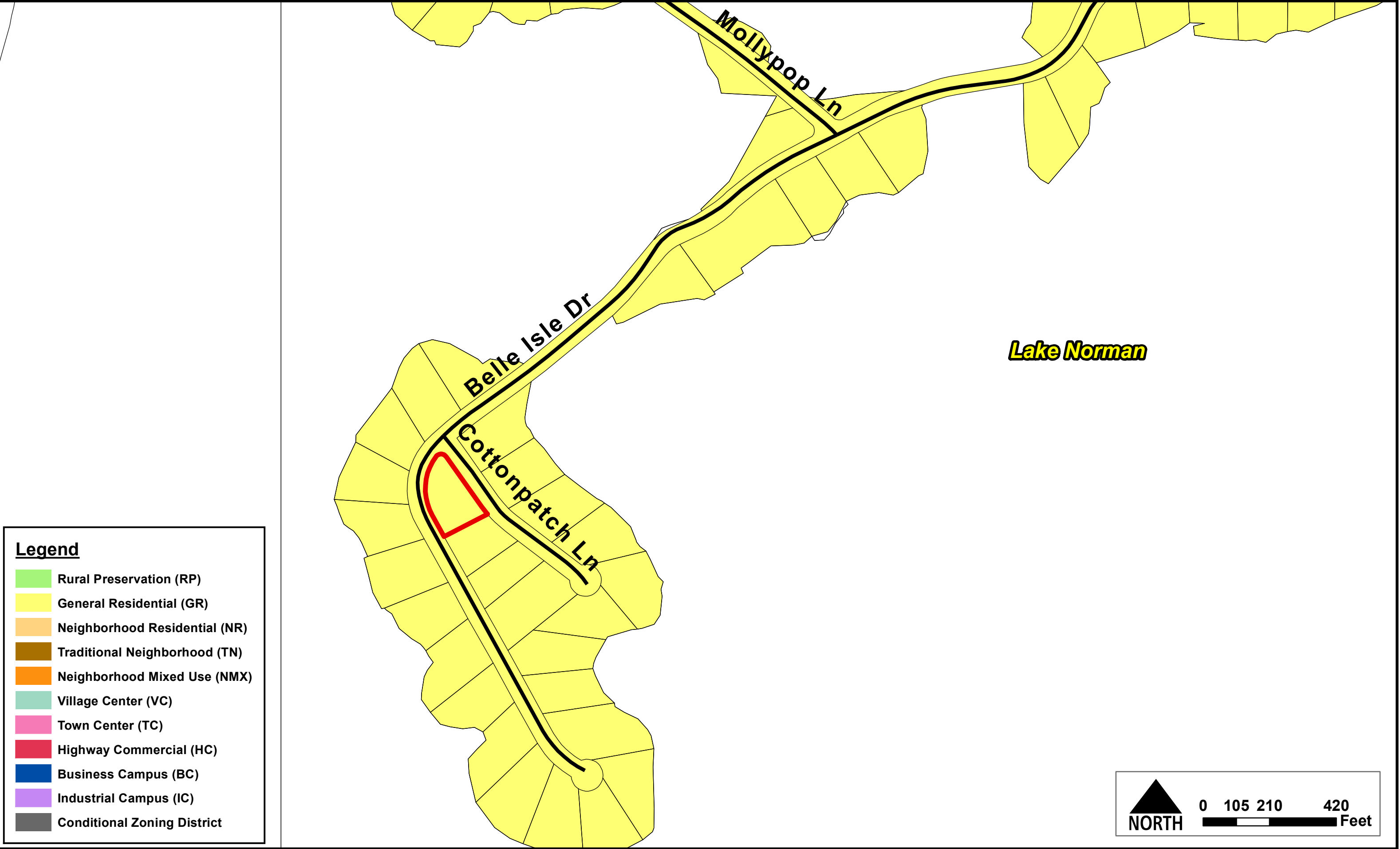




Exhibit B Aerial Vicinity Map





Exhibit C Aerial Property Map







## TOWN OF CORNELIUS VARIANCE APPLICATION

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

Applicant: <u>Ashley Crook</u> <sup>+ Wesley</sup>	Tax Parcel: <u>001-312-87 (Lot 1A)</u>
Location of Variance: <u>16130 Belle Isle Drive</u>	Zoning: <u>General Residential</u>

I, Ashley Crook <sup>+ Wesley</sup> Cornelius, NC 28031, 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):

5.5.1 (D)  
5.5.2 (C)(F)  
5.5.4 - Setback Table for Side and Rear  
accessory

Describe the variance being requested on the above referenced property: \_\_\_\_\_

We are requesting a variance for a  
10' setback along the rear of our home to  
allow for a pool.

### 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

(see attached)

- 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.

see attached) The hardship results from the peculiar location of the property and topography. We have a small road that goes behind our house that is only accessed by a few homes and it deadends - causing an unusual circumstance -

- 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.

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



- 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.

The request for the 10' rear setback variance is consistent with the spirit, purpose, and intent of the ordinance.

(See attached for further explanation)

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

Ashley H. Crook

Name of Appellant

Wesley Crook

16430 Belle Isle Drive

Appellant's Mailing Address

Cornelius, NC 28031

City, State, Zip Code

Date

704-340-4458

Telephone Number

Holladay7@yahoo.com

Email Address

Wesley Crook

Appellant Signature

Wesley Crook

**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.**

*See attached drawings*



Reason for Variance - The current 25 foot rear set precludes the use of the backyard for the purpose of putting in a swimming pool.

The variance that is being requested is to set the rear setback to 10 FT to accommodate placement of a swimming pool behind our home.

**A. Unnecessary hardship would be created if relief is not provided for the setback.**

We have a very unique circumstance where our home has road frontage on three sides of the property. We would like to put a pool in so our family can enjoy use of our back yard. The current 25' setback in the rear of our home is restricting the use of our yard. The placement of a pool or any accessory structure to the left side of the home would have an environmental impact by the removal of more than 15 trees and it would be visible from both Belle Isle and Cottonpatch Lane. Placement on the right side is impeded by verified sewer lines running to the connection on Cottonpatch Lane. It would also require the removal of many trees. Strict application of the current ordinance is resulting in the unnecessary hardship of not being able to enjoy the full use of our back yard.

We are requesting a variance in the rear setback in order to place a pool directly behind the home in an area that is clear of trees, and with the least amount of slope to the lot. We also have concrete footings under the rear columns of our home to consider, and would need to allow a few feet so we would not impede the structural integrity of our home when digging for a pool. With a 10 FT rear setback, we would be able to make this work. Per the Town of Cornelius, Land Development Plan states: "Accessory structures must be in the rear yard (behind the rear plane of the primary structure) and must be a minimum of 10 feet from the side and rear property lines." Since our home is the only one in our neighborhood that is peculiar like this, we would like to request a variance so we can have a 10' setback which is more consistent with the Town's ordinary requirements.

- B. The hardship results mostly from the peculiar location of our property.** The lot is situated on Belle Isle Drive and Cottonpatch Lane (a private drive with what I understand to be public access) runs behind the house. Where they meet causes the house to appear to have road "frontage" on three sides of the home- even though it is hard to see well on the side due to trees. This came to a surprise to us that it is considered this way because of the way the roads come together. It is a very unusual circumstance in a residential area because of the way the roads come together and the lot is positioned. **Also, the topography does also come into play** with the construction of a pool. The side of the lot not affronted by Belle Isle Drive and Cottonpatch Lane has a significant slope from the rear of the home towards Cottonpatch Lane. It also has the home's sewer line running from the back of the home to the connection on Cottonpatch Lane (see map provided by the Charlotte Water Department). The drop in elevation is over 7 FT. Any modification to accommodate would incur significant costs and impact drainage of the property.
- C. The hardship DID NOT result from actions taken by us.** We did all of our due diligence and were unaware at the time of purchase of the property that the narrow drive behind us would ever be considered an issue since it is not a major thoroughfare and dead ends at the end of it. It has no cul de sac and ends at the beginning of someone's driveway. We were told that this is a private drive used only by the people



that live down it. We asked about installing a pool before we purchased our home. It was explained to us that setbacks were meant for structures such as a garage or construction/adding on to the house== not a pool. The only thing that was ever mentioned was our impervious allowance. We were told that we could pay to update the survey and plat map due to some confusion/inconsistencies/changes from previous zoning/maps in order to have more impervious allowance, and therefore construct the pool we have planned for. We did this in July 2018.

- D. **The request for the 10FT rear setback variance is consistent with the spirit, purpose, and intent of the ordinance.** Most homes have a rear setback of 10' for pools. We have checked with the utility companies and have had them mark the lines. The utilities have already been put in adjacent to Cottonpatch Lane so allowing a variance will not impede access to these lines in the future or cause any safety concern(s) to anyone. There is also a fire hydrant in place on Belle Isle Drive at the beginning of Cottonpatch Lane. We are looking to make use of our property for which it is intended- to be able to enjoy living at our home and using our back yard with our children- with no impact to the surrounding property owners. We even have a fence and hedge that would offer privacy in the rear. The street which runs behind our house is not a major thoroughfare and is only for a small handful of houses that go down it. It has a dead end with no cul de sac, and ends at a neighbor's driveway. Denial of this variance would place an undo burden on the use and future value of our property if we are unable to use it the way most people are allowed to under normal circumstances.







**COTTONPATCH** L.A.  
60' PUBLIC R/W (MB. 39, PG. 605)  
ASPHALT AND GRAVEL ROAD

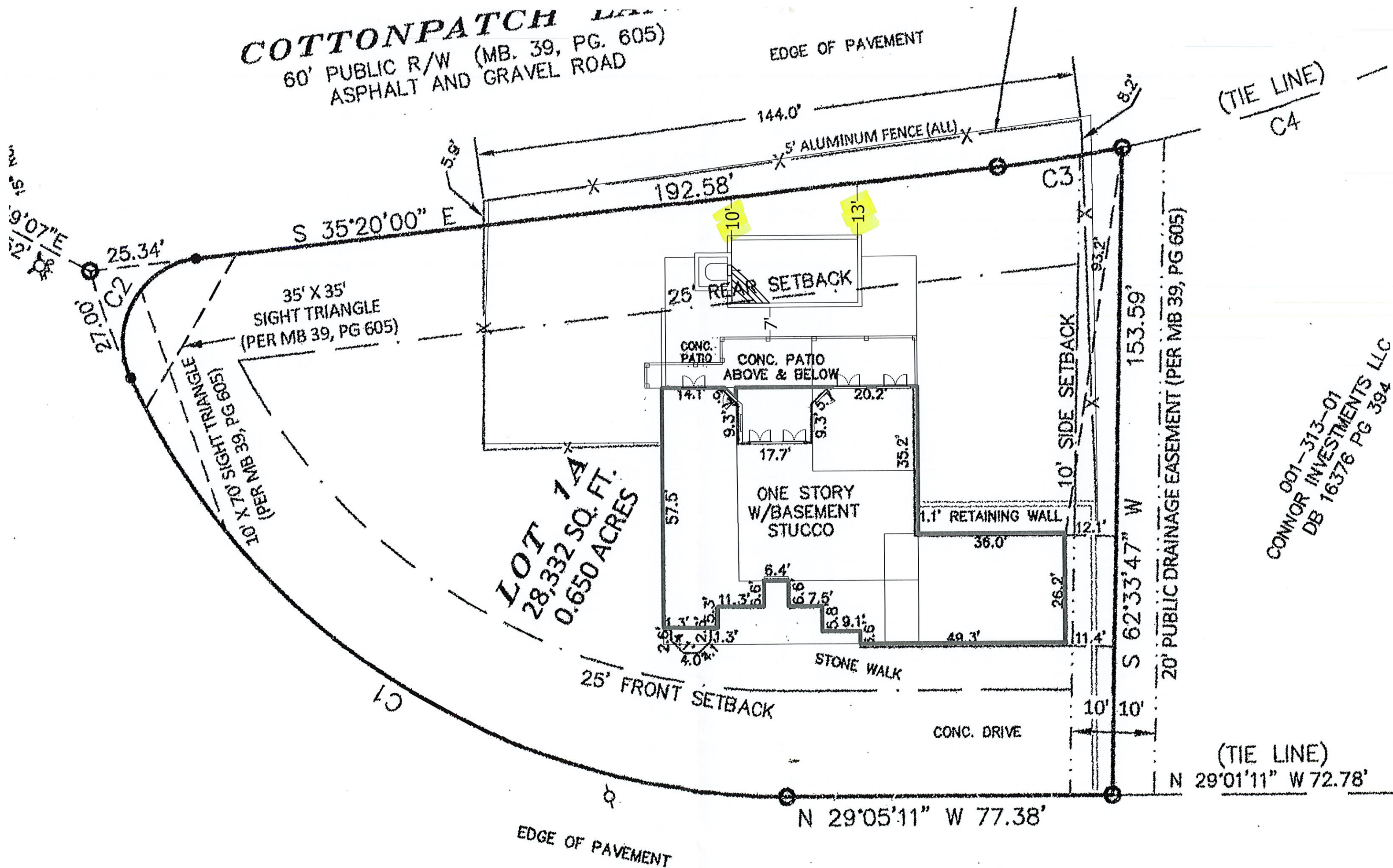
60' PUBLIC R/W (MB. 39, PG. 605)  
ASPHALT AND GRAVEL ROAD

EDGE OF PAVEMENT

(TIE LINE)  
C4

001-313-01  
CONNOR INVESTMENTS LLC  
DB 16376 PG 394

(TIE LINE)  
N 29°01'11" W 72.78'





# Exhibit F:

## Land Development Code Section 5.5.1 (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.

- A. Nothing in this Ordinance shall require any change in the plans, construction, or designed use of any building or structure for which a building permit was secured prior to the adoption of this Ordinance, providing the building permit remains valid.
- 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.
- C. All commercial, office, industrial, mixed-use, school, civic, and multi-family residential buildings shall comply with the provisions of Chapter 4.
- D. Corner lots shall have two front yards and utilize the minimum front setbacks for each unless otherwise determined by the Planning Director.

## Exhibit G:

### Land Development Code Section 5.5.2 (C)

#### **5.5.2: Single Family Districts**

- A. No yard or lot existing upon adoption of this Code shall be reduced in size or area below the minimum requirements of the regulating district. Yards or lots created after the effective date of this code shall meet the minimum requirements established by this code.
- B. Front yard setbacks for infill lot development shall be equal to the average for similar principal structures on the same side of the street and within the same zoning district within 300 feet of either side of the lot in question.
- C. Accessory buildings, pools and other similar structures in all residential zoning districts shall be constructed in the rear yard only and shall be set back a minimum of ten feet (10') from the side and rear property lines, except in accordance with Lake Norman buffer requirements specified in the "Table of Dimensional Requirements" in this Chapter or the recorded plat, if so noted. The Planning Director may permit the placement of an accessory building in a side yard, if no practical alternative exists.



## Exhibit H:

### Land Development Code Section 5.5.2 (F)

#### **5.5.2: Single Family Districts**

- A. No yard or lot existing upon adoption of this Code shall be reduced in size or area below the minimum requirements of the regulating district. Yards or lots created after the effective date of this code shall meet the minimum requirements established by this code.
- B. Front yard setbacks for infill lot development shall be equal to the average for similar principal structures on the same side of the street and within the same zoning district within 300 feet of either side of the lot in question.
- C. Accessory buildings, pools and other similar structures in all residential zoning districts shall be constructed in the rear yard only and shall be set back a minimum of ten feet (10') from the side and rear property lines, except in accordance with Lake Norman buffer requirements specified in the "Table of Dimensional Requirements" in this Chapter or the recorded plat, if so noted. The Planning Director may permit the placement of an accessory building in a side yard, if no practical alternative exists.
- D. The aggregate floor area of all accessory structures shall not exceed one-half ( $\frac{1}{2}$ ) the total floor area of the principal structure.
- E. Up to four (4) residential lots, platted prior to October 7, 1996 may be accessed from a public street via a privately maintained easement with a minimum width of thirty-five feet (35') for use by service or emergency vehicles.
- F. In the Rural Preservation (RP) Zoning District, accessory buildings, pools, and other similar structures shall be constructed as follows:
  - 1. Zoning Administrator has discretion to allow accessory structures to the rear of the principle structure on double frontage lots if they meet the principle building setback along the property lines adjacent to the street.
  - 2. Aggregate area (defined by foundation size) not to exceed seven percent (7%) of lot area.
  - 3. At the minimal Rural Preservation lot size (or less if non-conforming), no more than three (3) accessory buildings may be allowed. If the lot size exceeds the minimum standards, additional accessory structures may be allowed subject to Zoning Administrator approval.
  - 4. Accessory buildings shall be constructed in the rear yard only. (Exception: Detached garages six hundred (600) square feet or less and may be placed in side yard with Planning Director approval).
  - 5. The width of the road frontage plane of an accessory building shall not exceed fifty percent (50%) of the average lot width.
  - 6. Accessory buildings greater than six hundred (600) square feet shall have a minimum building separation from the principal structure of one hundred feet (100'). (In the event building separation or side yard setbacks cannot be met due to lot configuration, an alternative site plan may be reviewed and approved by the Planning Director)

## Land Development Code Section 5.5.4

#### 5.5.4: Table of Dimensional Requirements

[illegible]



		<b>ZONING DISTRICTS</b>										
<b>Measure</b>	<b>Unit</b>	<b>RP</b>	<b>GR</b>	<b>NR</b>	<b>NMX</b>	<b>WMX</b>	<b>TC</b>	<b>VC</b>	<b>HC</b>	<b>BC</b>	<b>CO</b>	<b>IC</b>
Lake Norman - from 760' contour (all structures)	Feet	50	50	50	50	50	50	50	50	50	50	50
Setback – Side and Rear Accessory (less than 600 sq. ft)	Feet	10	10	10	10	-	-	10	10	-	-	-
Setback – Side and Rear Accessory (600+ sq. ft)	Feet	15	15	15	15	-	-	15	15	-	-	-
Min. District Size	Acres	-	-	-	-	-	-	-	-	10	5	10
District Buffer	Feet	-	-	-	-	-	-	-	-	-	-	80
Interstate Buffer	Feet	50	50	50	50	50	50	50	50	50	50	50

<sup>1</sup> Exception – Family & Farmhouse Cluster Subdivisions

<sup>2</sup> Exception – Farm Structures

<sup>3</sup> Max 6 stories allowed with CZ request only

<sup>4</sup> See Section 5.5.2 B, Infill Setbacks

<sup>5</sup> Bailey Road Industrial Corridor, front setback is 70 feet, parking setback is 30 feet

<sup>6</sup> Garages on alleys shall be setback 20 feet from edge of pavement

Exhibit J:  
16430 Belle Isle





Exhibit K:  
16430 Belle Isle





Exhibit L:  
16430 Belle Isle







## TOWN OF CORNELIUS

### Variance FINDINGS OF FACT

<b>Owner/Project: Ashley and Wesley Crook</b>	<b>Case #: VAR 05-19</b>
<b>Acreage: 0.650 AC</b>	<b>Tax Parcel(s): 00131287</b>

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:

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.

☐ YES

☐ NO

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

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.

☐ YES

☐ NO

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

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.

☐ YES

☐ NO

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

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.

☐ YES

☐ NO

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



## REQUEST FOR BOARD ACTION

 Print

Date of Meeting: October 14, 2019

To: Planning Board Members  
From: Monterai Adams, MPA- Planner

### Action Requested:

Jeff Bazow of Bazow Holdings Cornelius, LLC is seeking to develop a daycare facility on the property located at 18100 Statesville Road. The preschool building will be approximately 15,000 sf. and an adjacent building of 10,000 sf for use as an afterschool. The school is suited to accommodate approximately 160 children for preschool and an additional 200 for after school care. These facilities are a mix of all day childcare, part-time care, and afterschool-only care.

### Manager's Recommendation:

Staff recommends approval with conditions.

### ATTACHMENTS:

Name:	Description:	Type:
 <a href="#">LeafSpring_School_Signed_Application.pdf</a>	Application	Backup Material
 <a href="#">18100_Statesville_Rd_Zoning.pdf</a>	Zoning Map	Backup Material
 <a href="#">18100_Statesville_Rd_LU.pdf</a>	Land Use Map	Backup Material
 <a href="#">18100_Statesville_Rd_Vicinity.pdf</a>	Aerial Vicinity Map	Backup Material
 <a href="#">18100_Statesville_Rd_Property.pdf</a>	Aerial Property Map	Backup Material
 <a href="#">REZ_05-19(PB)_Leafspring_School_Staff_Report.pdf</a>	Staff Report	Backup Material
 <a href="#">00681_C-SP.pdf</a>	Site Plan	Backup Material
 <a href="#">00681_C-SP - RENDER.pdf</a>	Color Site Plan	Backup Material
 <a href="#">Cornelius_ARB_2019-09-05_-_Reduced.pdf</a>	Elevations 1	Backup Material
 <a href="#">Cornelius_ARB_2019-09-05_-_Reduced_Part2.pdf</a>	Elevations 2	Backup Material
 <a href="#">Cornelius_ARB_2019-09-05_-_Reduced_Part3.pdf</a>	Elevations 3	Backup Material
 <a href="#">Cornelius_ARB_2019-09-05_-_Reduced_Part4.pdf</a>	Elevations 4	Backup Material





# TOWN OF CORNELIUS

## Planning Department

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

### LAND DEVELOPMENT APPLICATION FORM

**Staff Only:**

Date Rec'd: \_\_\_\_\_

Rec'd by: \_\_\_\_\_

Case #: \_\_\_\_\_

1. Application Type	✓	Fee	✓	Fee
• Sketch Plan/Plat (Major Sub):	<input type="checkbox"/>	_____	• Conditional Zoning (CZ)	<input checked="" type="checkbox"/> \$1,250.00
• Preliminary Plat (Major Sub):	<input type="checkbox"/>	_____	• Special Use Permit (SUP)	<input type="checkbox"/> _____
• Final Plat (Major Sub):	<input type="checkbox"/>	_____	• Major Architectural Variation	<input type="checkbox"/> _____
• Construction Documents:	<input type="checkbox"/>	_____	• Minor Architectural Variation	<input type="checkbox"/> _____
• General Rezoning	<input type="checkbox"/>	_____	• Other: _____	<input type="checkbox"/> _____
Fee Total:				\$1,250.00

**2. Project Information**

Date of Application: July 22, 2019 Name of Project: Leafspring Schools

Location: 18100 Statesville Rd Property Size (acres): 4.1 AC # of Units/Lots: 1 Lot

Current Zoning: (NR) Neighborhood Residential Proposed Zoning: Conditional Zoning (CZ)

Current Land Use: Residential Proposed Land Use: Daycare/ After School Programming

Tax Parcel Number(s): 00508119

**3. Contact Information**Jeff Bazow/ Bazow Holdings Cornelius, LLC

Owner, Applicant, or Developer

8314 Society St

Address

Charlotte, NC 28277

City, State Zip

919-930-0466

Telephone

Fax

Jeff Bazow7/22/19

Signature

Print Name

Date

Email - jbazow@gmail.comCollin Brock, RLA/ Bloc Design, PLLC

Agent(s) (Engineer, Architect, Etc.)

2923 S. Tryon St Ste. 320

Address

Charlotte, NC 28203

City, State Zip

704-231-1911

Telephone

Fax

Collin Brock7/22/19

Signature

Print Name

Date

Email - cbrock@bloc-nc.com**4. The following items may also be required to be considered part of a complete application, please check all that apply on this list:**☒ **Signed "Original" application**☒ **Project Fee(s)** – See Fee Schedule☒ **Written Summary/Description of Request** can be on company letterhead. Shall include requested use or uses, sq. feet of non-residential space, or density and number of units/lots for residential, or any other applicable information. For CZ's, must also describe any variations proposed from the Land Development Code☐ **Property Survey** (at least one copy), including existing buildings, topography, wetlands, streams, vegetation (trees over 18" in diameter), and other natural features.☐ **Site/sketch plan** (at least one copy), may contain multiple pages and must be drawn to scale by an engineer or landscape architect. Shall include locations of buildings and/or lots, streets, parking, proposed grading, landscaping/screening, open space, watershed/storm water information, associated storm water measures, and proposed utilities and lighting. Shall also include general information from adjoining lots☒ **Illustrative (color) site/sketch plan** for presentation purposes with same layers as described above☒ **Architectural elevations, Perspective Renderings, and Architectural Review Board Checklist** may include multiple pages and must be drawn to scale by an architect. Include all primary and accessory buildings (all building sides), an illustrative color package, and black and white w/dimensions. Other architectural elements/features of the site such as gazebos, trellis's, garden walls, retaining walls, or other items over 4-feet in height must also be included (NOT REQUIRED, BUT OPTIONAL FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENTS).☐ **Charlotte Water Capacity Assurance Review Application** Provide copy with application, and send original to CW.☐ **Illustrative (color) elevations** for presentation purposes for all items described above, as well as perspective (3D) renderings and photograph examples☒ **Digital Files** of all items listed above



Mr. Wayne Herron  
Planning Director  
Town of Cornelius  
21445 Catawba Ave  
Cornelius, NC 28031

Re: LeafSpring School Cornelius Rezoning Application – Written Summary

Dear Wayne,

Please find our enclosed application form and rezoning fee payment of \$1,250.00 for the aforementioned project. This letter serves as the Owner's written summary for the request for approval for the Conditional Zoning of the current property from Neighborhood Residential zoning for the use of a daycare facility.

The property is located at 18100 Statesville Road in Cornelius. The current site contains a single family home which is no longer occupied. The parcel is a single parcel (PIN# 00508119) of 4.1 acres. It is bound on both sides by Statesville Road and Washam Potts Road.

The petitioner is seeking to develop a high-quality daycare facility on the property which consists of a pre-school building of approximately 15,000 sf and an adjacent building of 10,000 sf for use as a Pre-K and afterschool programming. The school is suited to accommodate approximately 160 children for preschool and an additional 200 children for after school care for an approximate maximum capacity of 350 to 400 students and faculty. This is comprised of a mix of all-day childcare, part time care, and afterschool-only care. As indicated on the plans, the rear of the property will contain an ample playground area that will be programmed for all age groups and separated appropriately by ages internally. The playground area will be contained utilizing an aesthetic opaque fence comprising likely of aluminum framing with composite deck slats at a height of approximately 6'. Fire lane access will be provided as required to access the rear of the building. Buffers have been shown according to the code requirements.

The site is specifically oriented to preserve the cluster of large trees (mostly oaks) to enhance the aesthetic and natural shade opportunities, as well as preserve the trees which appear to be in strong health. The site contains the volume of parking that is at or above the adequate levels needed per the other similar locations in Matthews/Stallings and Ballantyne. Per the comments by Wayne, the applicant is indicating the cross-connecting driveway to the parcel to the south for future coordination of installation.

The Site Plan, Plan Rendering, and Architectural Elevations have been submitted via email on Monday July 22, 2019. Please let us know if you have any questions or require any additional information to initiate the process. We all look forward to working with you and your staff, as well as all involved parties of the process.

Regards,

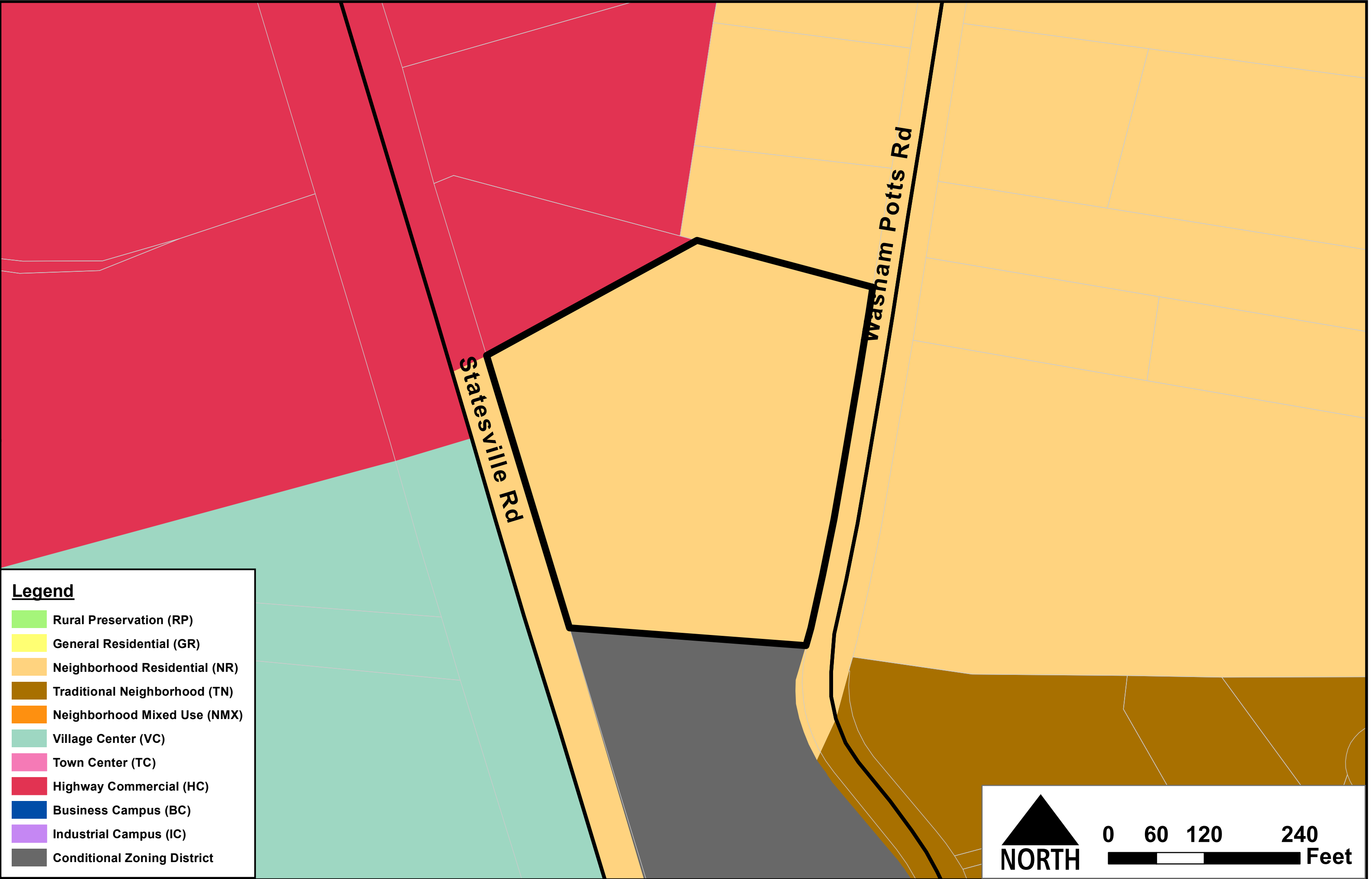
Bloc Design, PLLC

A handwritten signature in black ink, appearing to read 'C Brock'.






Collin Brock, RLA  
Managing Partner


cc: Larry Lockhart, Jr., PE – Bloc Design  
David S. Klausman, PE, CMCSI – Bloc Design






**Legend**

-  Rural Preservation (RP)
-  General Residential (GR)
-  Neighborhood Residential (NR)
-  Traditional Neighborhood (TN)
-  Neighborhood Mixed Use (NMX)
-  Village Center (VC)
-  Town Center (TC)
-  Highway Commercial (HC)
-  Business Campus (BC)
-  Industrial Campus (IC)
-  Conditional Zoning District



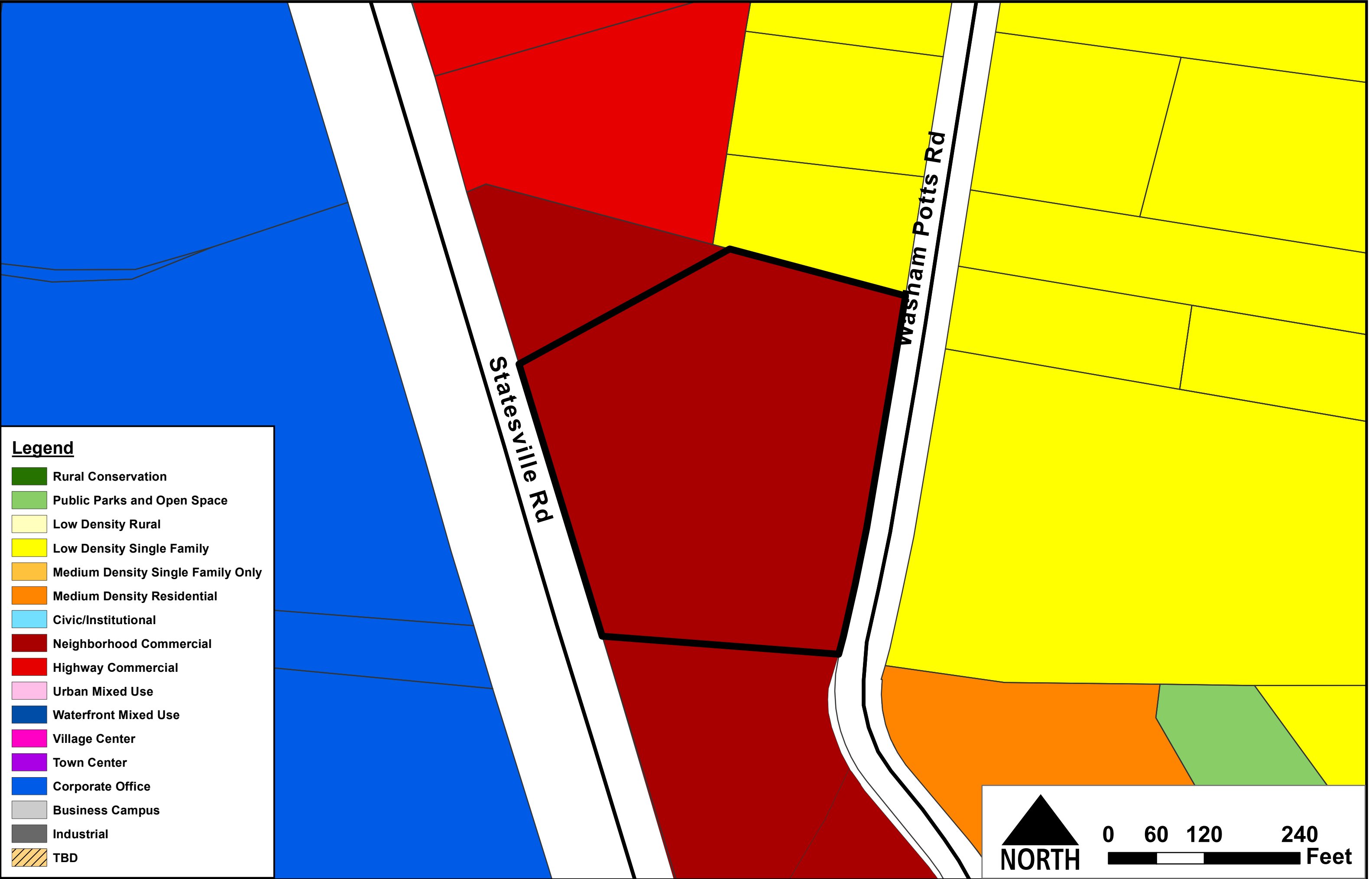
**NORTH**

0 60 120 240


















**Feet**






**Legend**

-  Rural Conservation
-  Public Parks and Open Space
-  Low Density Rural
-  Low Density Single Family
-  Medium Density Single Family Only
-  Medium Density Residential
-  Civic/Institutional
-  Neighborhood Commercial
-  Highway Commercial
-  Urban Mixed Use
-  Waterfront Mixed Use
-  Village Center
-  Town Center
-  Corporate Office
-  Business Campus
-  Industrial
-  TBD



**NORTH**

0 60 120 240



**Feet**





Statesville Rd

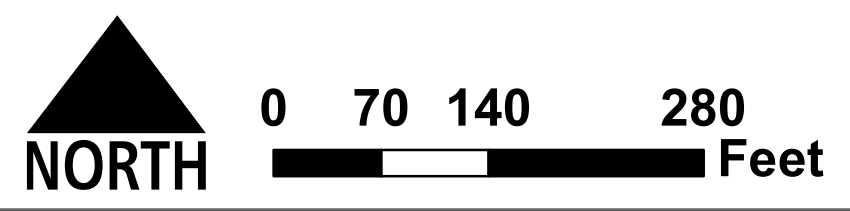
Washam Potts Rd

Cowboy

Oakhurst

Bailey Rd

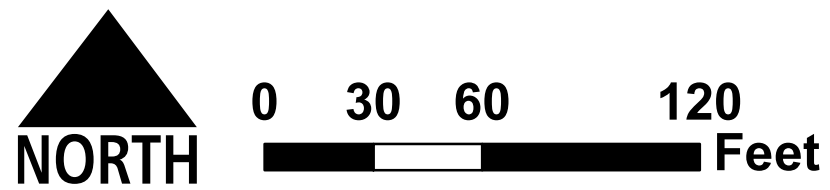
Cadman Ct





Statesville Rd

Washam Potts Rd







**REZ 05-19**  
**Leafspring School**

***Conditional Zoning Request***

**Planning Board Meeting**  
**October 14, 2019**

**OWNER/APPLICANT:** Jeff Bazow  
Bazow Holdings Cornelius, LLC  
8314 Society St.  
Charlotte, NC 28277

**AGENT:** Collin Brock, RLA  
Bloc Design, PLLC  
2923 S. Tryon St  
Suite 320  
Charlotte, NC 2803

**PROPERTY LOCATION:** 18100 Statesville Rd.  
(PID#: 00508119)

**PROPERTY SIZE:** 4.1 acres total

**CURRENT LAND USE:** Single Family Home

**PROPOSED LAND USE:** Daycare and After School Programming

**EXISTING ZONING:** NR (Neighborhood Residential)

**PROPOSED ZONING:** CZ (Conditional Zoning)

**EXISTING CONDITIONS:**

1. Description of Adjoining Zoning and Land Uses – This property has road frontage along Statesville Road and Washam Potts Road. To the north are residences and vacant land zoned HC (Highway Commercial). To the south this parcel directly touches the restaurant Cowboy that is zoned CZ (Conditional Zoning). Directly east those properties are zoned NR (Neighborhood Residential) and are single family homes. Meanwhile, to the west are vacant parcels zoned HC-CD (Highway Commercial Conditional District) or VC-CD (Village Center Conditional District). These have an approved site plan known as the Villages at Lake Norman.
2. Topography – The property has a slight slope towards the Washam Potts Road side of the property.
3. Vegetation – The majority of this property is covered with tree canopy. There are a few significantly large trees located near the current house. The applicant has surveyed all significant trees and has made plans to save them.



4. Infrastructure – The applicant has been asked to provide a Charlotte Water Capacity Assurance form to ensure water and sewer capacity is available for the site. Currently, water access is available. However, the site is missing several hundreds of feet of sewer that the applicant plans to install in order to connect to existing sewer lines.

#### **STAFF COMMENTS:**

1. Project Overview – Jeff Bazow of Bazow Holdings Cornelius, LLC is seeking to develop a daycare facility on the property located at 18100 Statesville Road. The preschool building will be approximately 15,000 sf. and an adjacent building of 10,000 sf for use as an afterschool. The school is suited to accommodate approximately 160 children for preschool and an additional 200 for after school care. These facilities are a mix of all day childcare, part-time care, and afterschool- only care.
2. History - This site has one single family home that was built in 1955.
3. Land Use Plan Consistency – The Land Use Plan adopted by the Town Board on January 6<sup>th</sup>, 2014 designates this property as “Neighborhood Commercial,” which allows multi-tenant commercial, professional office, and banks to list a few uses.
4. Pre-Development Review Committee – The sketch plan was presented to the PDRC on July 15, 2019. The plan proposed demolishing the single family structure and constructing two 10,000-14,000 sf buildings. One building would house preschool and the other building would be an after school facility. The PDRC was generally supportive of the proposed development.
5. Community Meeting – The applicant held the required community meeting on Wednesday, August 14, 2019. One citizen attended the meeting. His concern was about the added traffic on Washam Potts Road.
6. Town Board Public Hearing #1 – The meeting was held the following Monday August 19, 2019. The same citizen was attendance and voiced similar concerns. Neighbors had buffer concerns along residential property.
7. Architectural Review- The meeting is scheduled for October 4, 2019 at noon.



**STAFF RECOMMENDATIONS:**

Staff recommends approval with conditions. The following conditions are listed below:

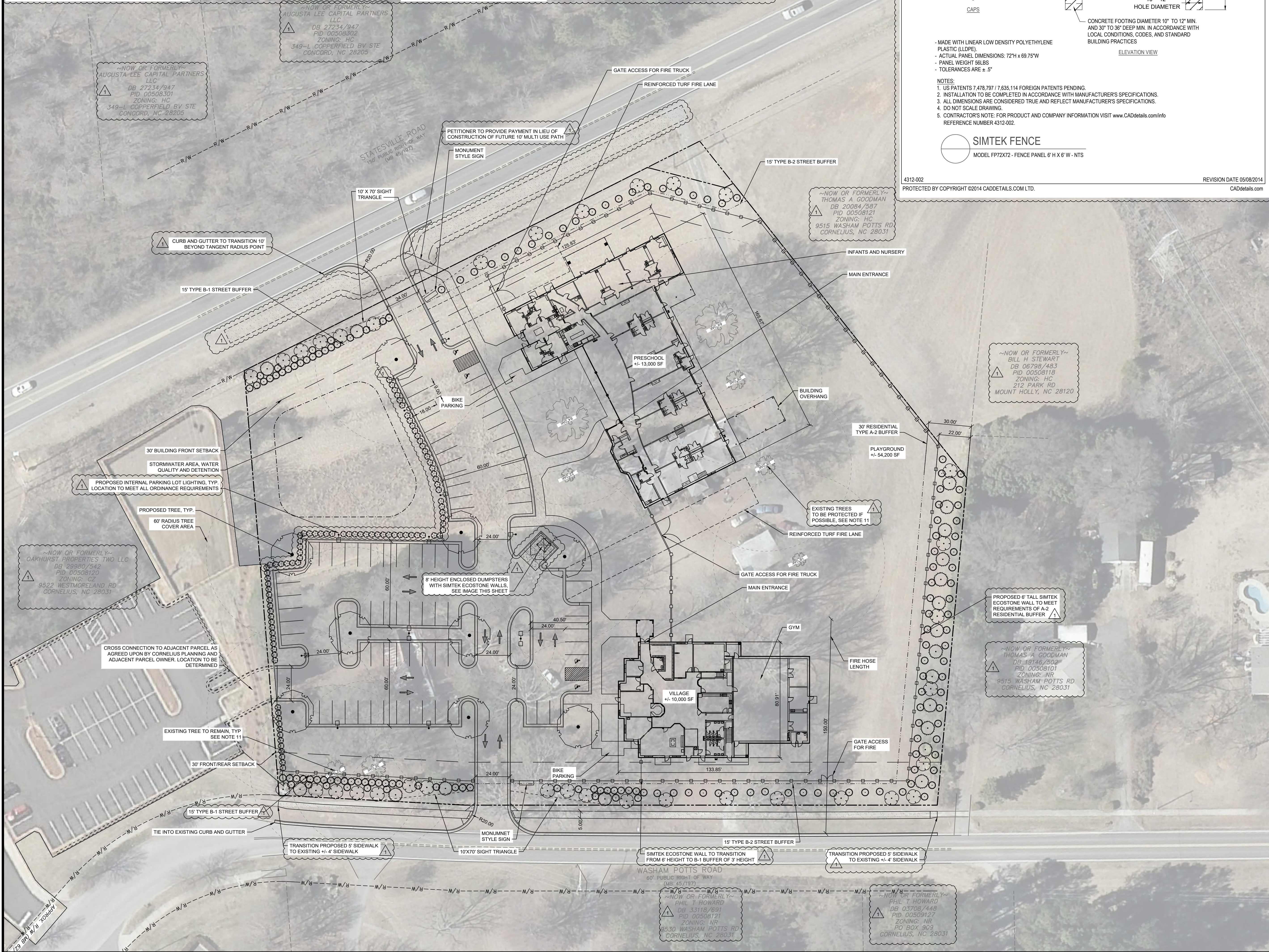
1. Town approval is contingent on review and approval by other applicable local, state and federal agencies.
2. The development shall comply with all other applicable requirements of the Town of Cornelius Land Development Code.
3. Town approval incorporates and shall comply with any and all submittals 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. A payment in lieu may be made instead of constructing the 10' multi-use path along Highway 21.



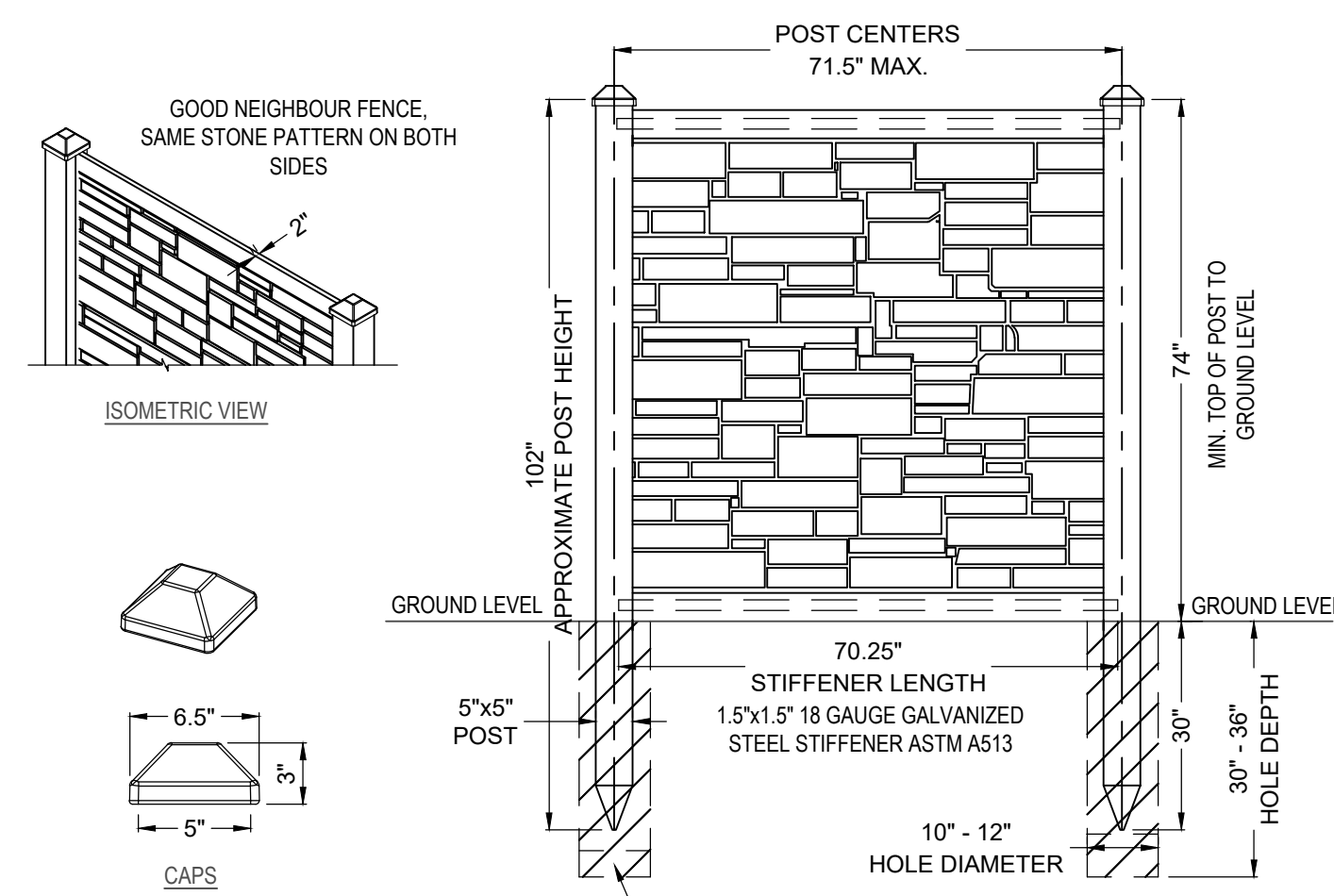


IMAGE EXAMPLE OF SIMTEK WALL SYSTEM. COLOR TO BE NEUTRAL TONES

USE OF SIMTEK WALL SYSTEM FOR DUMPSTER SCREENING



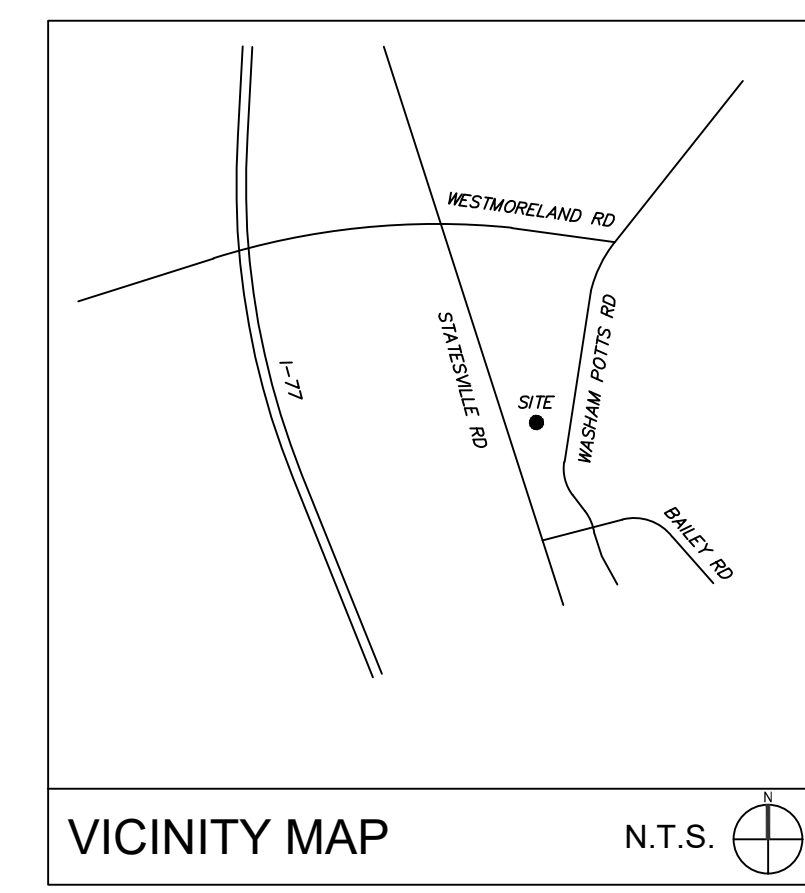
SIM TEK FENCE  
1330 WEST 400 NORTH  
OREM, UT 84057  
TOLL FREE: 1-866-648-9336  
PHONE: (801) 655-5236  
FAX: (801) 655-5240  
www.simtekfence.com



- MADE WITH LINEAR LOW DENSITY POLYETHYLENE PLASTIC (LLDPE).
  - ACTUAL PANEL DIMENSIONS: 72"H x 69.75"W
  - PANEL WEIGHT 56LBS
  - TOLERANCES ARE ± 5"
- NOTES:  
1. US PATENTS 7,478,791 / 7,635,114 FOREIGN PATENTS PENDING.  
2. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.  
3. ALL DIMENSIONS ARE CONSIDERED TRUE AND REFLECT MANUFACTURER'S SPECIFICATIONS.  
4. DO NOT SCALE DRAWING.  
5. CONTRACTOR'S NOTE FOR PRODUCT AND COMPANY INFORMATION VISIT [www.CADdetails.com/info](http://www.CADdetails.com/info) REFERENCE NUMBER 4312-002.

SIMTEK FENCE  
MODEL FP72X72 - FENCE PANEL 6' H X 6' W - NTS

4312-002  
PROTECTED BY COPYRIGHT ©2014 CADDETAILS.COM LTD.  
REVISION DATE 05/08/2014  
CADdetails.com



SYMBOL	PROPOSED TREE	DETAIL
	PROPOSED TREE	+
	PROPOSED SHRUBS	+
	EXISTING TREE	+
	PROPOSED SIDEWALK	+
	PROPOSED 1'-6\"/>	+
	PROPOSED 1'-4\"/>	+
	PROPOSED ACCESSIBLE SPACE	+

### ZONING SUMMARY:

OWNER: JEFF BAZOW  
CIVIL ENGINEER/LANDSCAPE ARCHITECT: BLOC DESIGN, PLLC  
BLOC DESIGN PHONE #: 704-940-2883  
ZONING DESIGNATION: CZ PARCEL SIZE: 4.137 ACRES  
JURISDICTION: TOWN OF CORNELIUS PROJECT AREA: 4.137 ACRES  
PARCEL NUMBER: 00508119  
SETBACK AND YARD REQUIREMENTS  
FRONT: 30' FRONT SETBACK  
SIDE: NONE  
REAR: 30' REAR SETBACK  
SCREENING REQUIRED  
FRONT: 15' WIDE PARKING SCREEN  
SIDE: 10' WIDE PARKING SCREEN  
REAR: 15' WIDE PARKING SCREEN  
BUFFERS REQUIRED  
FRONT: 15' WIDE LANDSCAPE BUFFER  
SIDE: 30' RESIDENTIAL BUFFER  
REAR: 15' WIDE LANDSCAPE BUFFER  
IMPERVIOUS COVERAGE - TOTAL: 85,200  
BUILDING COVERAGE: 75,191 SF  
PAVING COVERAGE: 38,990 SF  
APPROXIMATE PLAYGROUND COVERAGE: 22,000 (BASED ON LEAFSPRING MATTHEWS)  
(SYNTHETIC RUBBER PLAYGROUND MATERIAL)  
PARKING SUMMARY MAXIMUM 4 SPACES/1,000 SF - MINIMUM 2 SPACES/1,000 SF  
REQUIRED: MAX. 92 SPACES, MIN. 48 SPACES (TOTAL BUILDING AREA OF 23,000 SF)  
PROVIDED BY (REGULAR: 77, ACCESSIBLE: 4 INC. VAN SPACE, COMPACT: 0)  
LOADING SPACES: NA  
BICYCLE PARKING SUMMARY (TOWN OF CORNELIUS)  
SHORT TERM: 4  
LONG TERM: NA

### DEVELOPMENT STANDARDS

- THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING APPLICATION FILED BY BAZOW HOLDINGS CORNELIUS, LLC FOR AN APPROXIMATELY 4.1 ACRE SITE LOCATED AT 18100 STATESVILLE RD CORNELIUS, NC 28031. TAX PARCEL ID: 00508119.
- THE DEVELOPMENT AND USE OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE TOWN OF CORNELIUS UNIFIED DEVELOPMENT ORDINANCE.
- FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE OWNERS OF THE SITE IN ACCORDANCE WITH THE PROVISIONS OF THE ORDINANCE. MINOR ALTERATIONS OR CHANGES TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS ARE SUBJECT TO PROVISIONS WITHIN THE ORDINANCE.
- SCREENING, LANDSCAPING AND BUFFERS: SCREENING AND LANDSCAPING SHALL CONFORM TO THE STANDARDS OF THE ORDINANCE.
- TRANSPORTATION AND PARKING: VEHICULAR ACCESS SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE ACCESS PORTS ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED BY NC DOT AND THE TOWN OF CORNELIUS.
- VEHICULAR PARKING SHALL BE PROVIDED ON THE SITE IN ACCORDANCE WITH THE REQUIREMENTS OF THE ORDINANCE AND AS DEPICTED ON THE PLANS.
- THE ALIGNMENTS OF THE INTERNAL DRIVES AND PARKING AREAS TO BE LOCATED ON THE SITE ARE SUBJECT TO ANY MINOR MODIFICATIONS OR ALTERATIONS REQUIRED DURING THE DESIGN DEVELOPMENT AND CONSTRUCTION PERMITTING PROCESSES.
- SIGNS: ALL SIGNS INSTALLED ON THE SITE SHALL COMPLY WITH THE REQUIREMENTS OF THE ORDINANCE. SIGNS WILL BE INSTALLED AT BOTH ENTRANCE DRIVES.
- STORM WATER: THE DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE REQUIREMENTS OF THE MECKLENBURG COUNTY STORMWATER ORDINANCE.
- BINDING EFFECT OF THE REZONING APPLICATION: IF THIS REZONING APPLICATION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE DEVELOPMENT AND/OR USE OF THE SITE IMPOSED UNDER THIS REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND ENJOINED TO THE BENEFIT OF APPLICANT AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS. THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERMS, "APPLICANT" AND "OWNER" OR "OWNERS" SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF APPLICANT OR THE OWNER OR OWNERS OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.
- PETITIONER WILL MAKE REASONABLE EFFORT TO PRESERVE THE LARGE EXISTING TREES DIRECTLY ADJACENT TO PROPOSED PRESCHOOL, HOWEVER, BASED ON INITIAL STUDY OF PROPOSED SITEWIDE EXTENSION, THE SITE MAY REQUIRE SIGNIFICANT GRADING TO ACCOMMODATE CONNECTION TO SEWER. ALL INTERNAL TREE REQUIREMENTS (60' TREE COVER VOLUMES) SHALL BE ADHERED VIA STANDARD SIZE (1.5\"/>
- PETITIONER RESERVES THE RIGHT TO UTILIZE PERMEABLE PAVERS FOR ALL OR PORTIONS OF THE ASPHALT DRIVE AISLES AND PARKING SPACES IN ORDER TO MEET MECKLENBURG COUNTY STORMWATER REQUIREMENTS FOR WATER QUALITY AND DETENTION. IF UTILIZED, THE STORMWATER BMP AREA INDICATED WILL REMAIN AS OPEN GRASSED AREA.
- B-1 LANDSCAPE BUFFER ALONG STATESVILLE ROAD WILL NOT REQUIRE MASONRY WALL DUE TO PRESCHOOL, F.F. WHICH SHALL BE GREATER THAN 2' ABOVE ROAD GRADE. VILLAGES IS CURRENTLY REQUIRED TO PROVIDE 3' HEIGHT MASONRY WALL. SCREEN WALL WILL BE 3' HEIGHT OPTION OF SIMTEK ECOSTONE WALL TO MATCH PERIMETER WALL SYSTEM, UNLESS FUTURE GRADING PLACES F.F.E ABOVE 2' THRESHOLD.



- CONTRACTOR IS RESPONSIBLE FOR PLACEMENT OF ALL BARRICADES, SIGNAGE, FLAGGERS, SHORING, ETC., TO ENSURE THE SAFETY OF WORKERS AND THE PUBLIC.
- ALL PAVEMENT CUTS SHALL BE REPLACED ACCORDING TO NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND CHARLOTTE WATER.

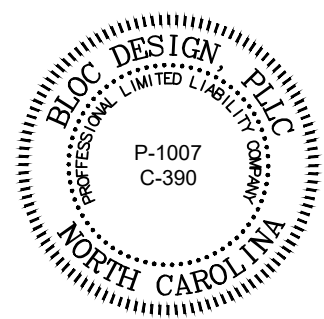


landscape architecture | planning | civil engineering

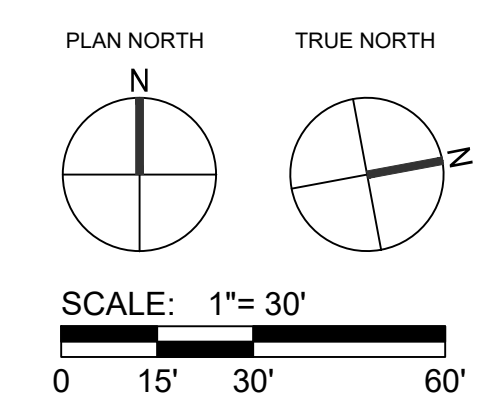
REVISIONS		
NO.	DATE	DESCRIPTION
1	09.09.19	PER STAFF COMMENTS

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Information contained in this document is the property of Bloc Design, PLLC, and the project client listed on this document.  
The reproduction, copying, and other use without written consent is prohibited and may be subject to legal action to the fullest extent possible.

stamp / seal:



Leafspring Cornelius  
After school & Pre-school  
Child Care Facility  
18100 Statesville Road  
Cornelius, NC 28031



DATE: 09/09/19	MPIC: CCB
DRAWN BY: LVH	CHECKED BY: CCB
PROJECT NUMBER: 00681.00	
SCALE: 1"=30'	
TITLE: CONCEPTUAL SITE PLAN	

SHEET NO:  
**RZ-1**





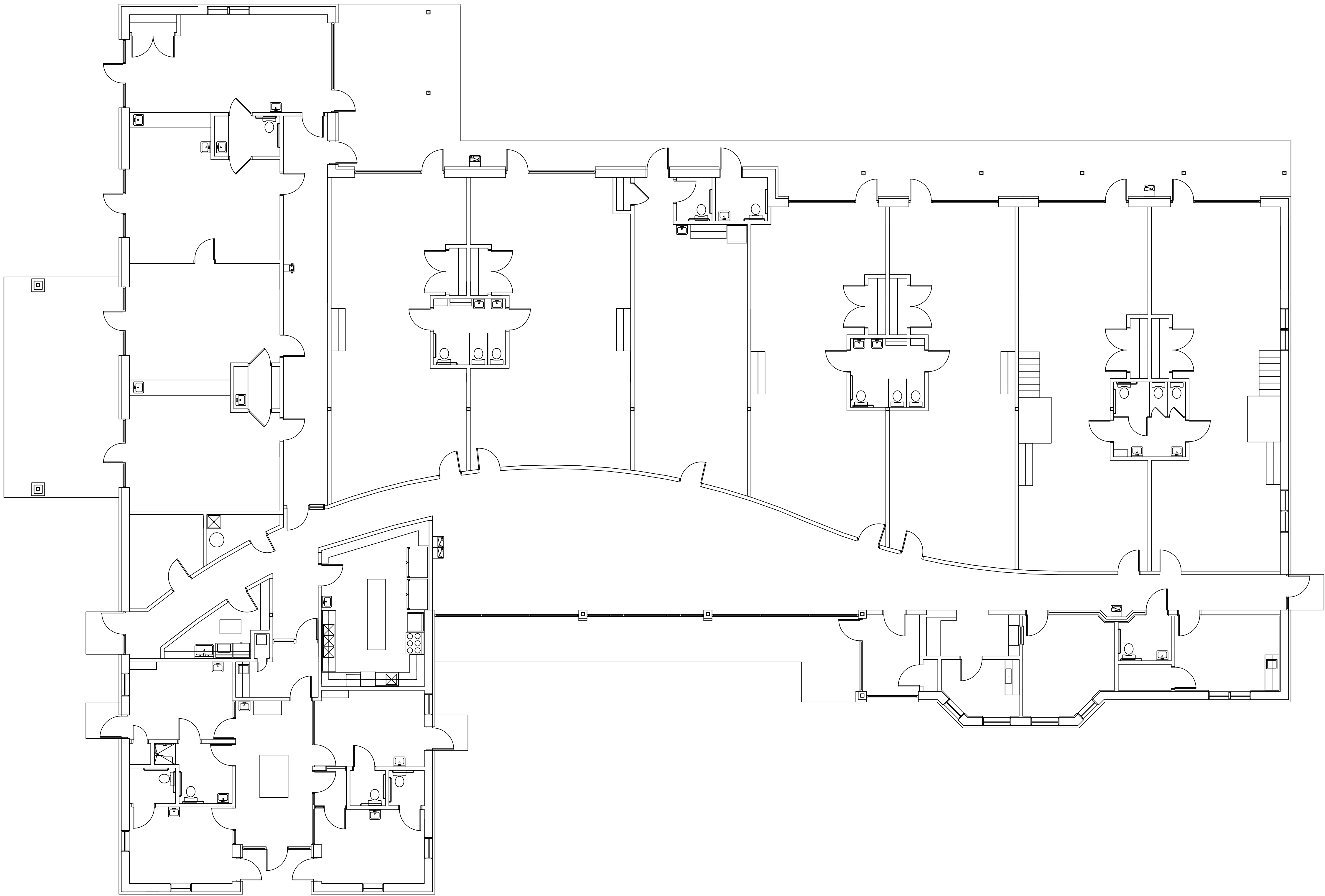




BRICK (SIMILAR BASED ON AVAILABILITY)



SPLIT FACE CMU (SIMILAR BASED ON AVAILABILITY)



1 Preschool Building Floor Plan  
1/8"=1'-0"



PRESCHOOL PHOTO 1



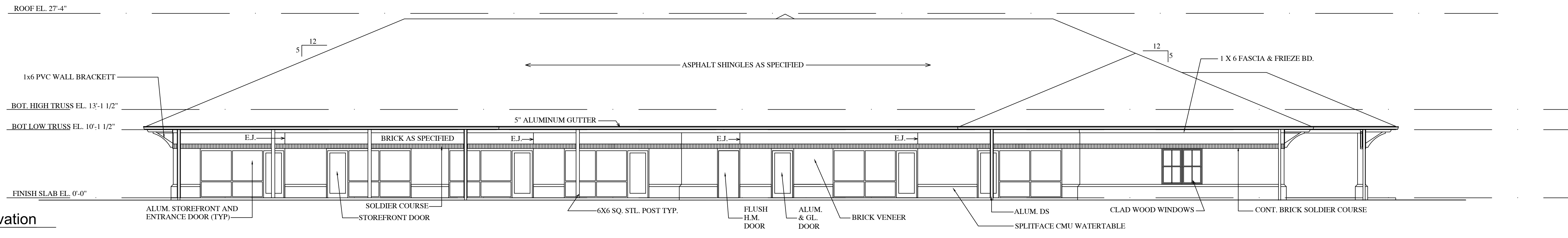
PRESCHOOL PHOTO 2



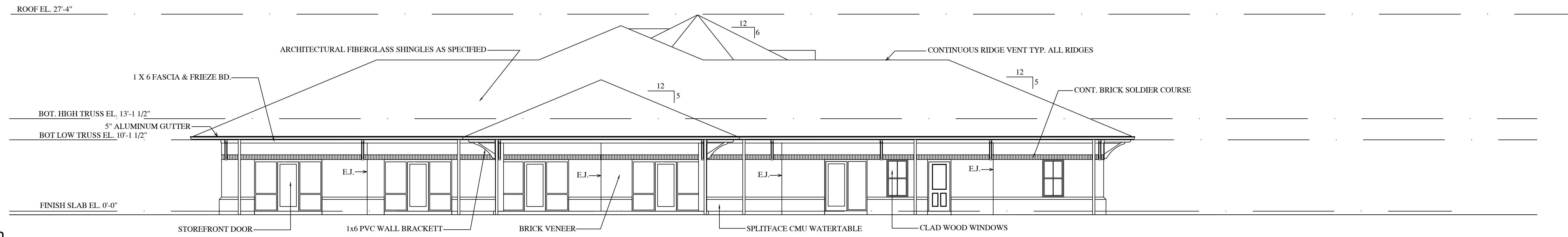
PRESCHOOL PHOTO 3

REVISIONS	
NO.	DATE

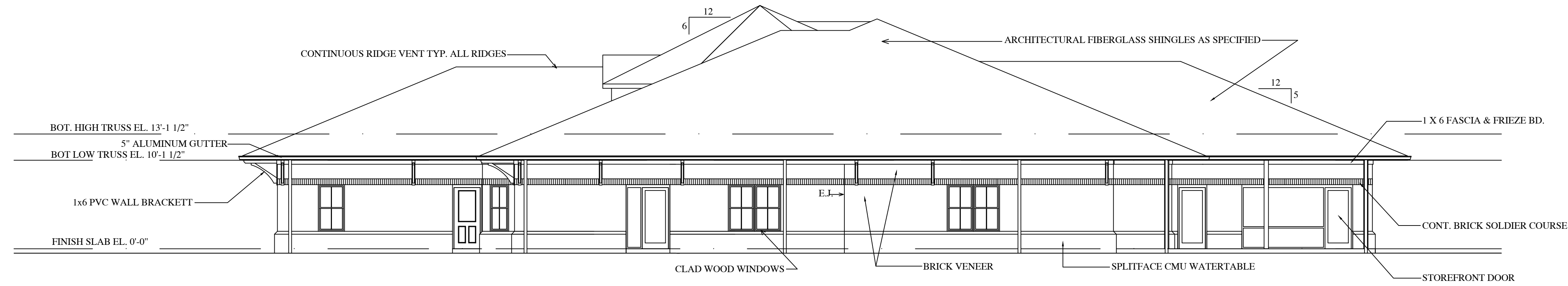




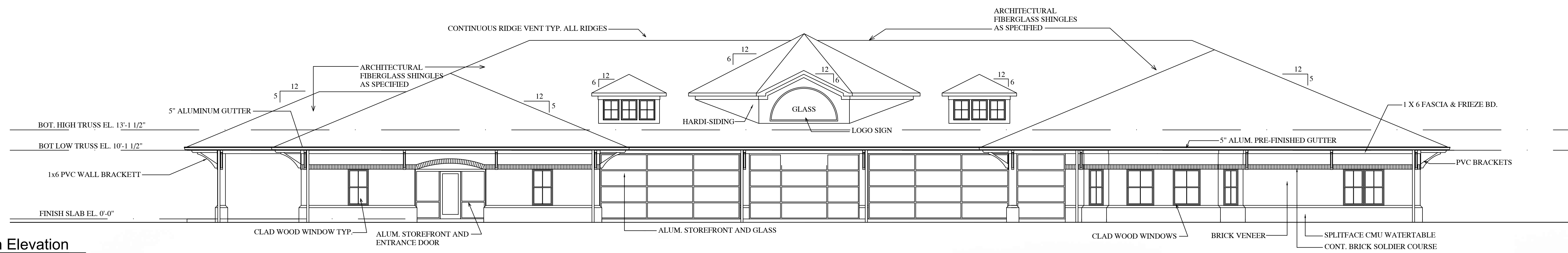
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1/8"=1'-0"



2 West Elevation  
1/8"=1'-0"



3 East Elevation  
1/8"=1'-0"



4 South Elevation  
1/8"=1'-0"



ENHANCED FRONT  
SCALE 1/8" = 1'-0"

PROTOTYPICAL ELEVATION  
(MIRRORED FOR CORNELIUS SITE)

REVISIONS

NO.	DATE





VILLAGE PHOTO 1



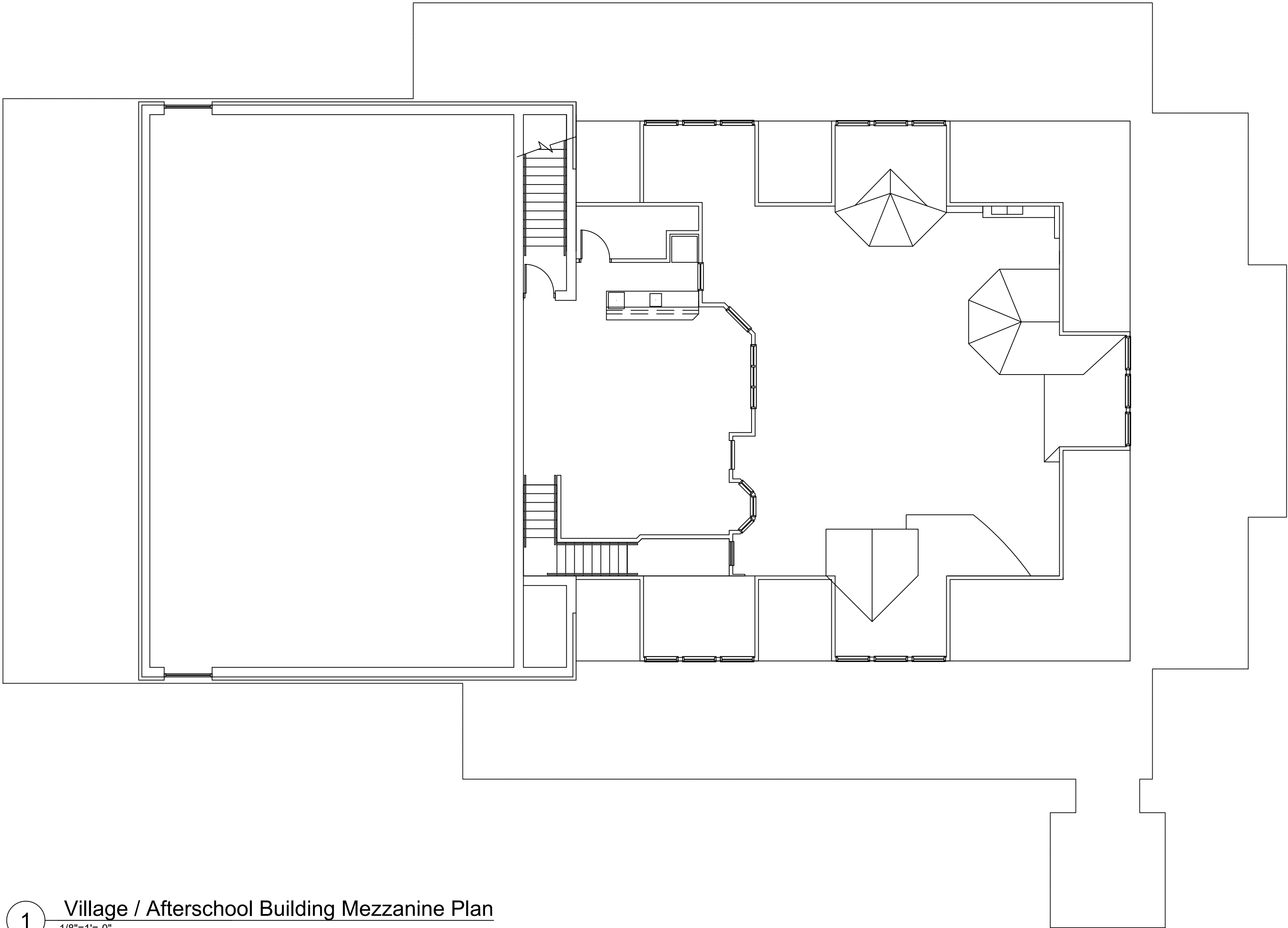
VILLAGE PHOTO 2



VILLAGE PHOTO 3

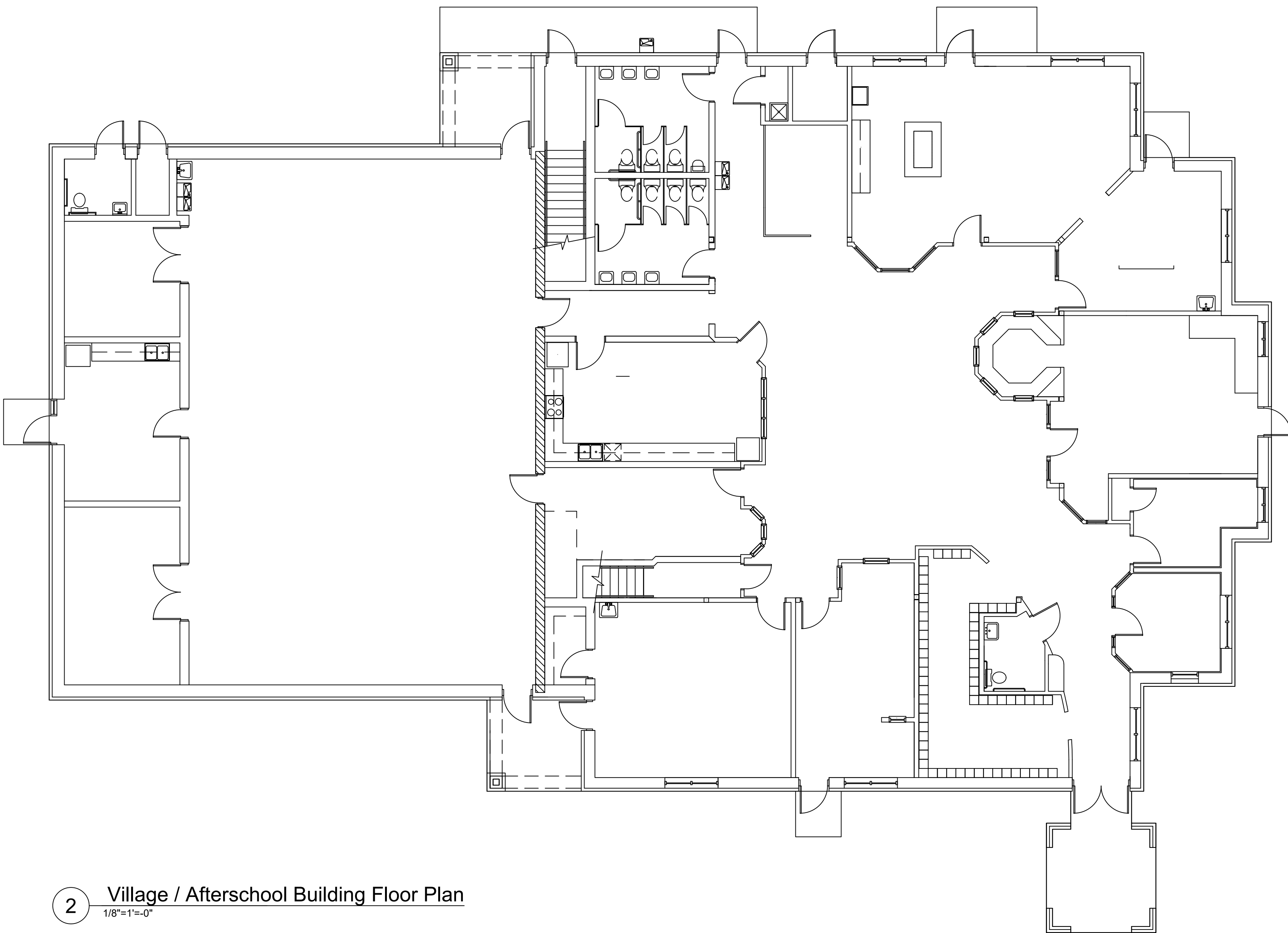


VILLAGE PHOTO 4



1 Village / Afterschool Building Mezzanine Plan

1/8"=1'-0"



2 Village / Afterschool Building Floor Plan

1/8"=1'-0"

REVISIONS

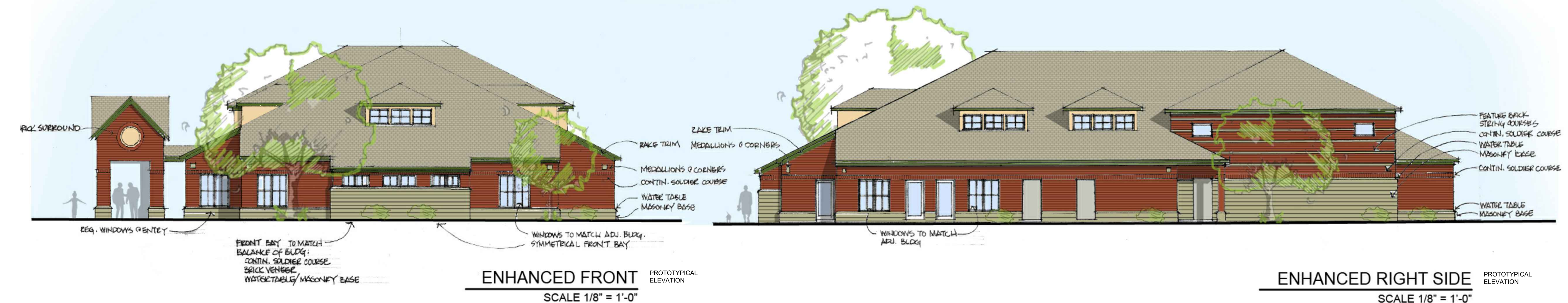
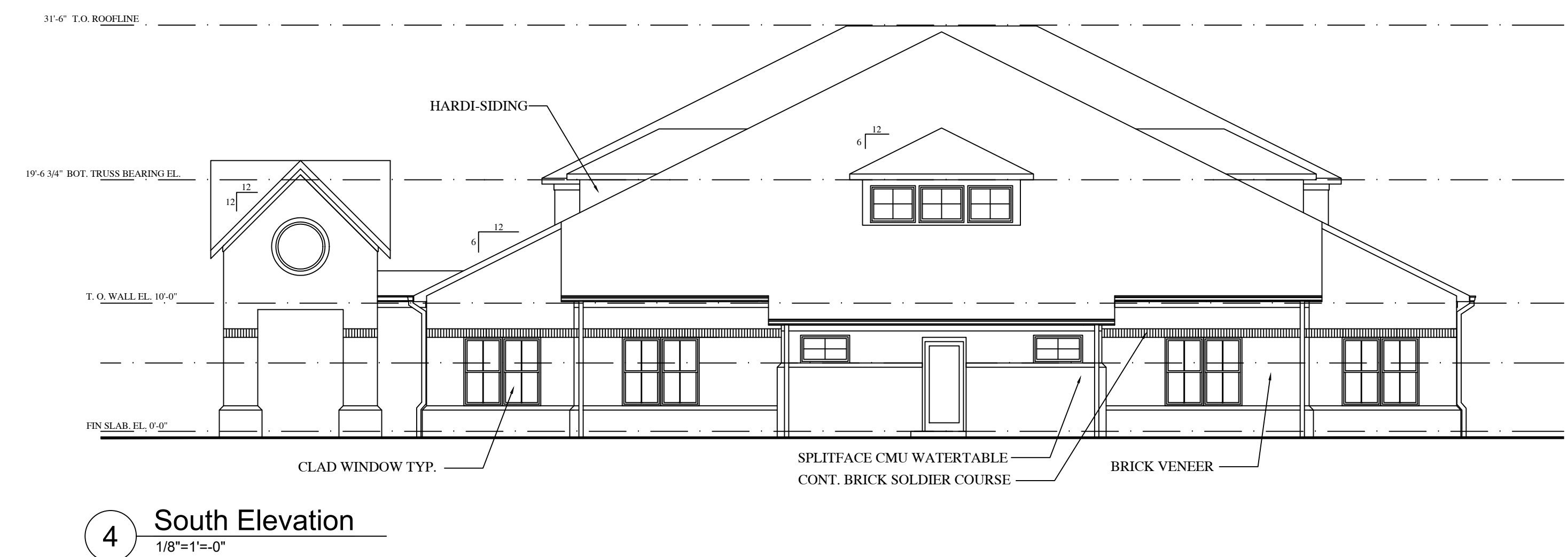
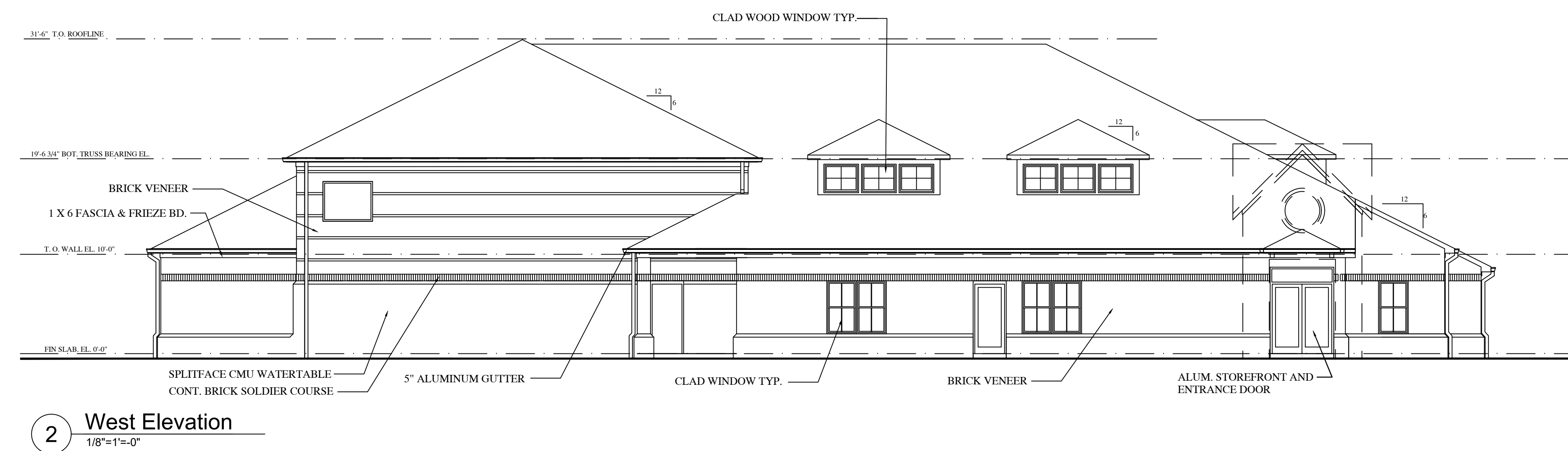
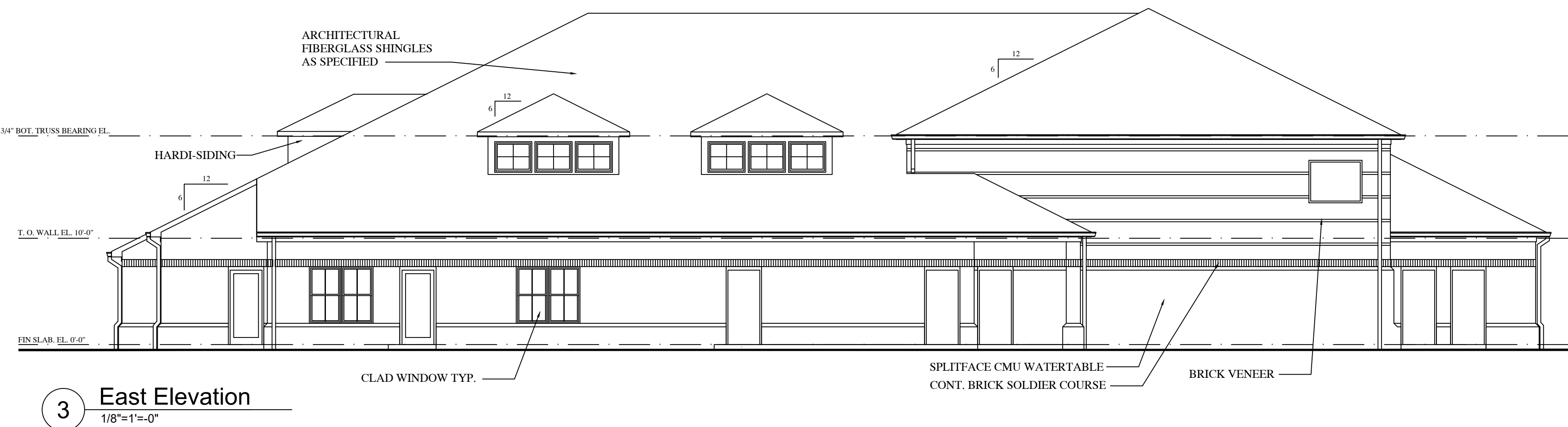
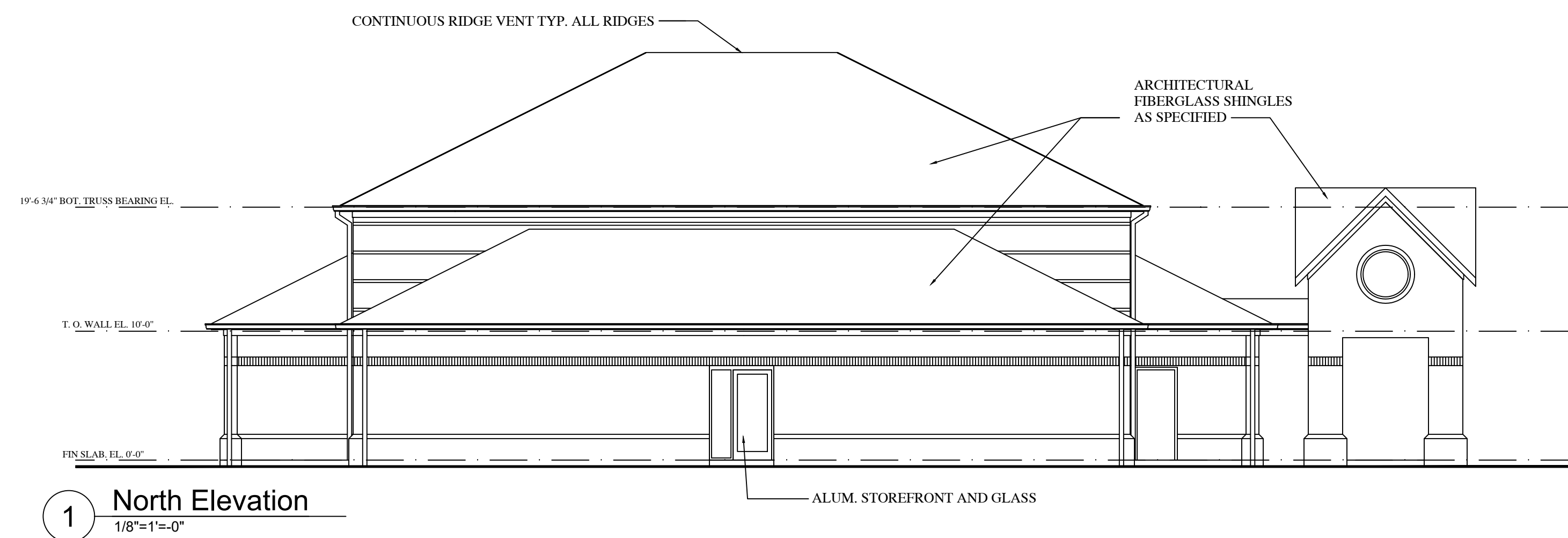
NO.	DATE

LeafSpring School at Cornelius

18100 Statesville Road  
Cornelius, NC 28031

Project No: \_\_\_\_\_  
Scale: \_\_\_\_\_  
Date Drawn: 9/5/19  
Sheet Title





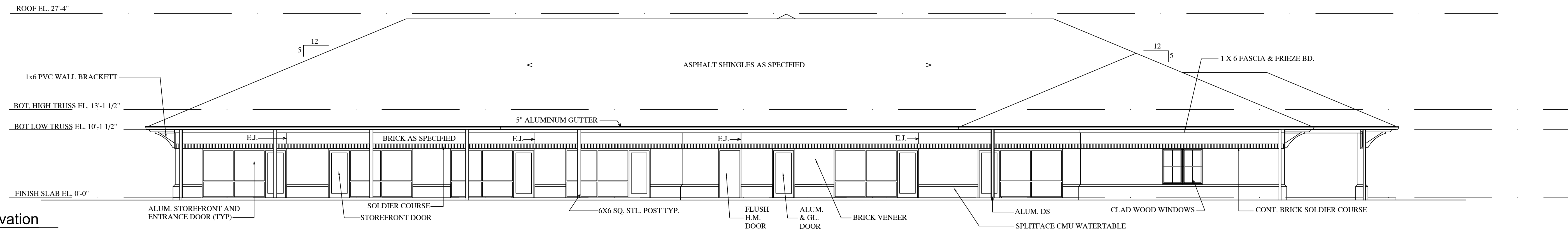
REVISIONS	
NO.	DATE

## LeafSpring School at Cornelius

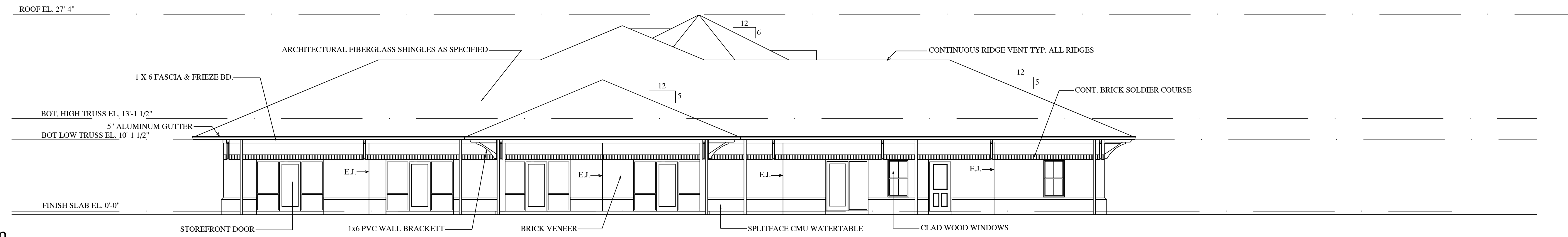
18100 Statesville Road  
Cornelius, NC 28031

Project No: \_\_\_\_\_  
Scale: \_\_\_\_\_  
Date Drawn: 9/5/19  
Sheet Title

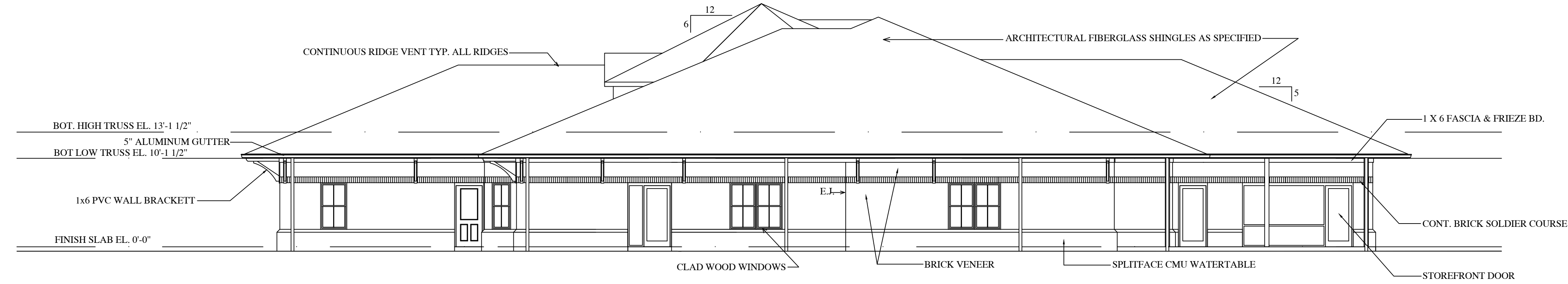




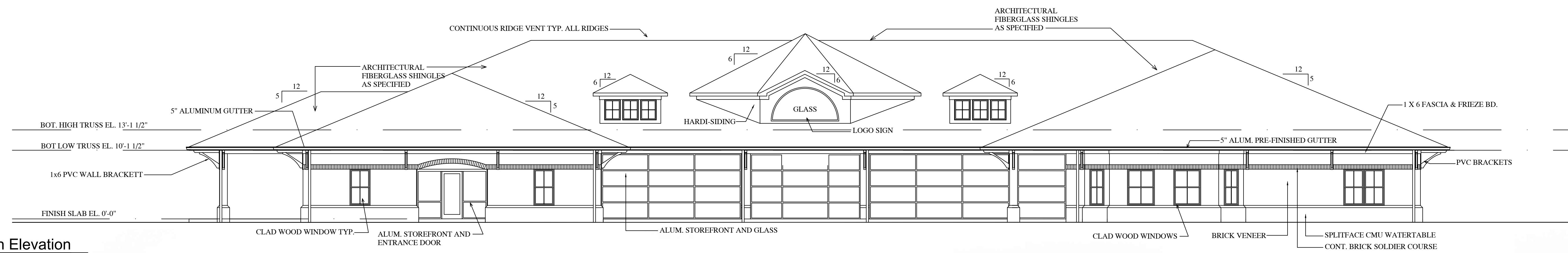
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1/8"=1'-0"



2 West Elevation  
1/8"=1'-0"



3 East Elevation  
1/8"=1'-0"



4 South Elevation  
1/8"=1'-0"



ENHANCED FRONT  
SCALE 1/8" = 1'-0"

PROTOTYPICAL ELEVATION  
(MIRRORED FOR CORNELIUS SITE)

REVISIONS

NO.	DATE

LeafSpring School at Cornelius

18100 Statesville Road  
Cornelius, NC 28031

Project No:

Scale:

Date Drawn: 9/5/19

Sheet Title





VILLAGE PHOTO 1



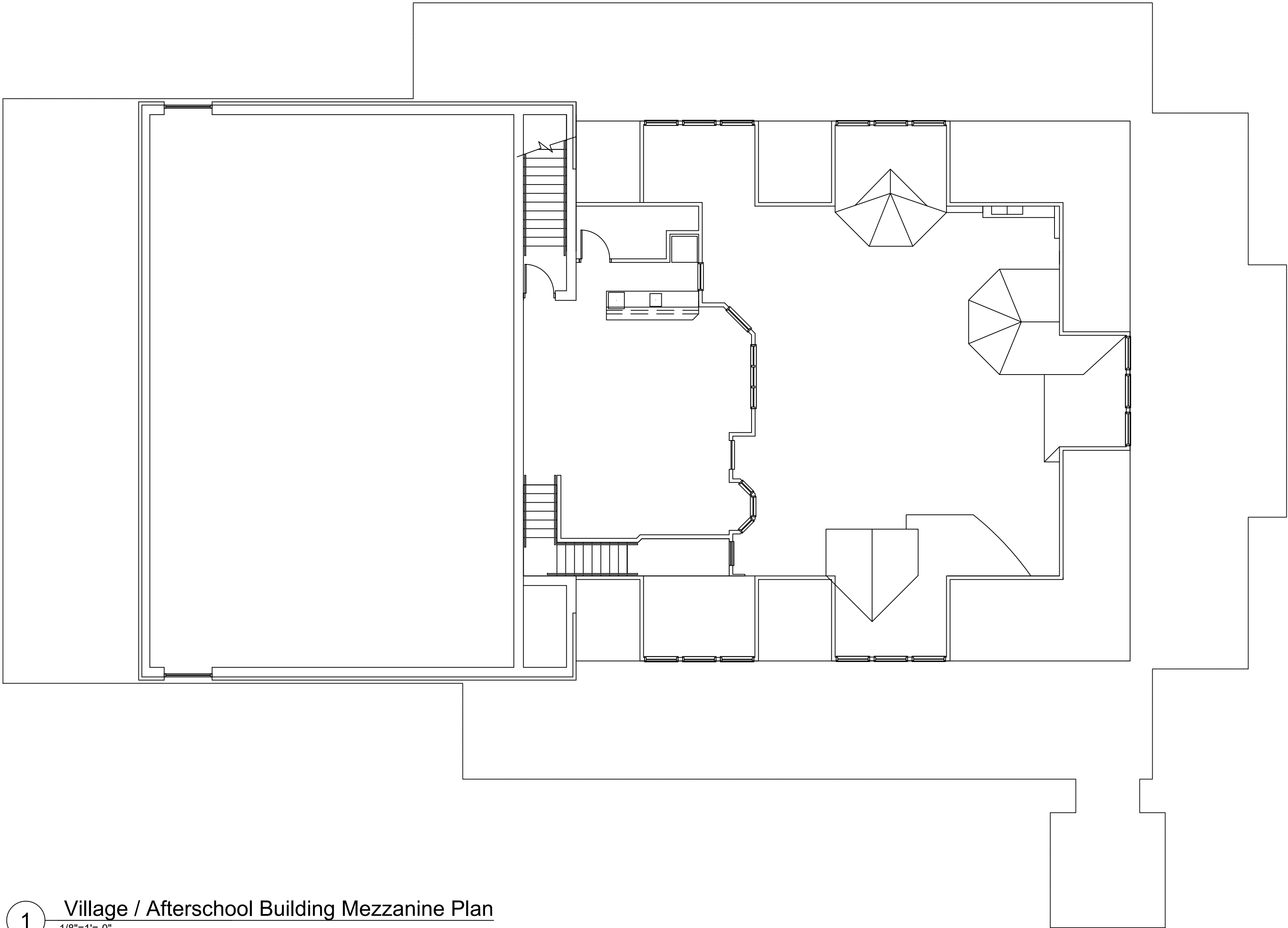
VILLAGE PHOTO 2



VILLAGE PHOTO 3

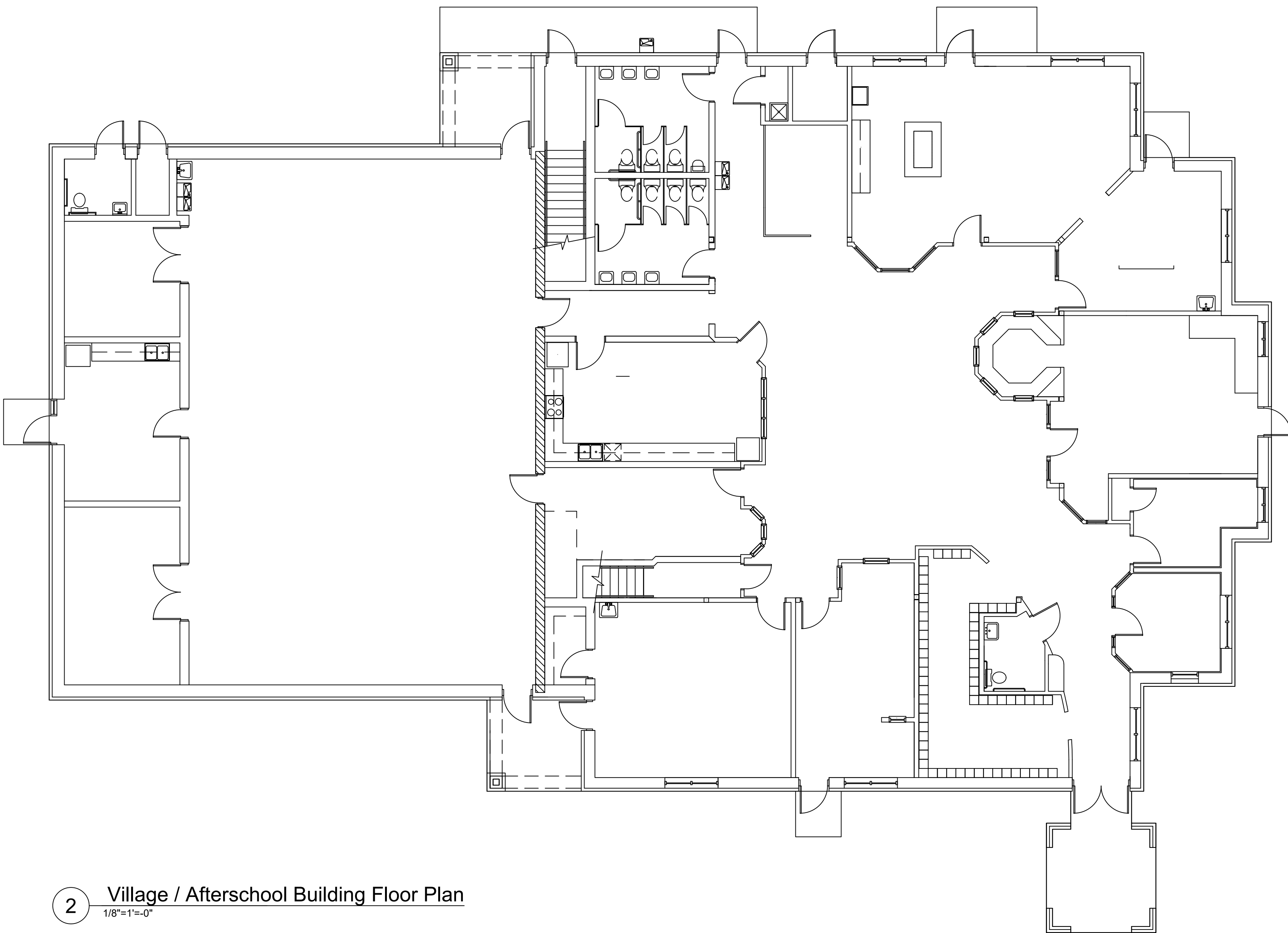


VILLAGE PHOTO 4



1 Village / Afterschool Building Mezzanine Plan

1/8"=1'-0"



2 Village / Afterschool Building Floor Plan

1/8"=1'-0"

REVISIONS

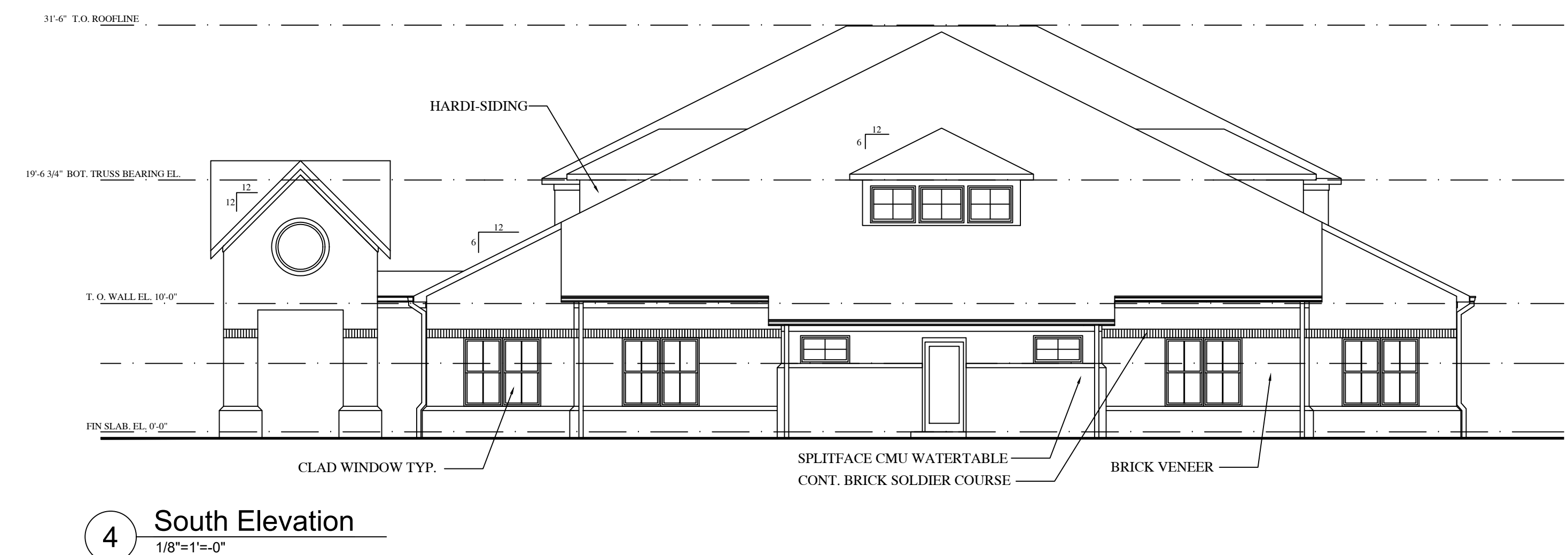
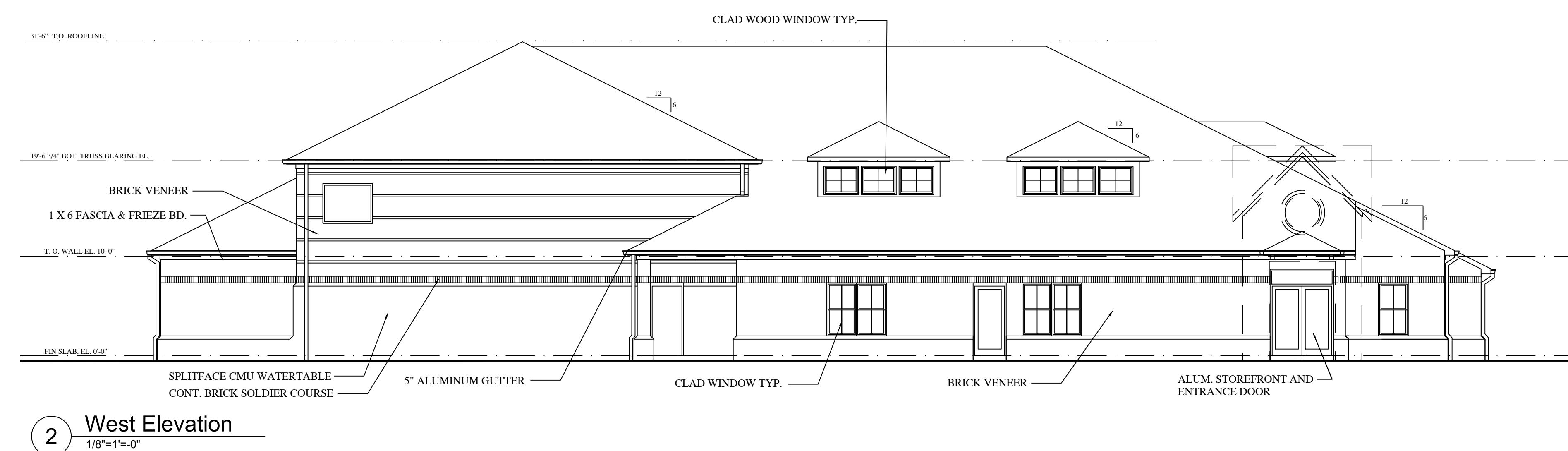
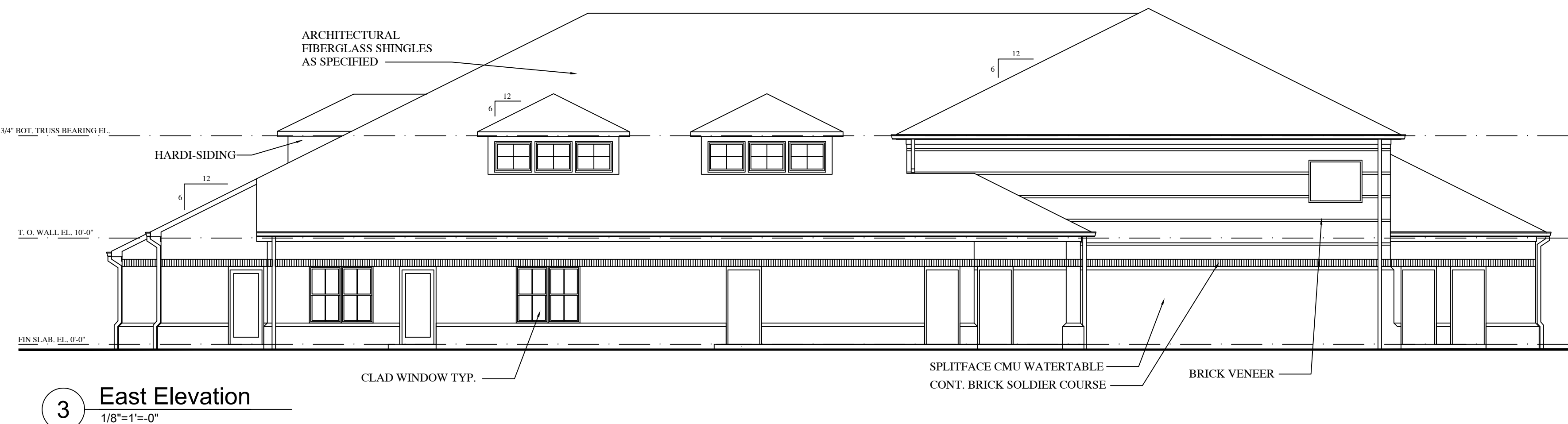
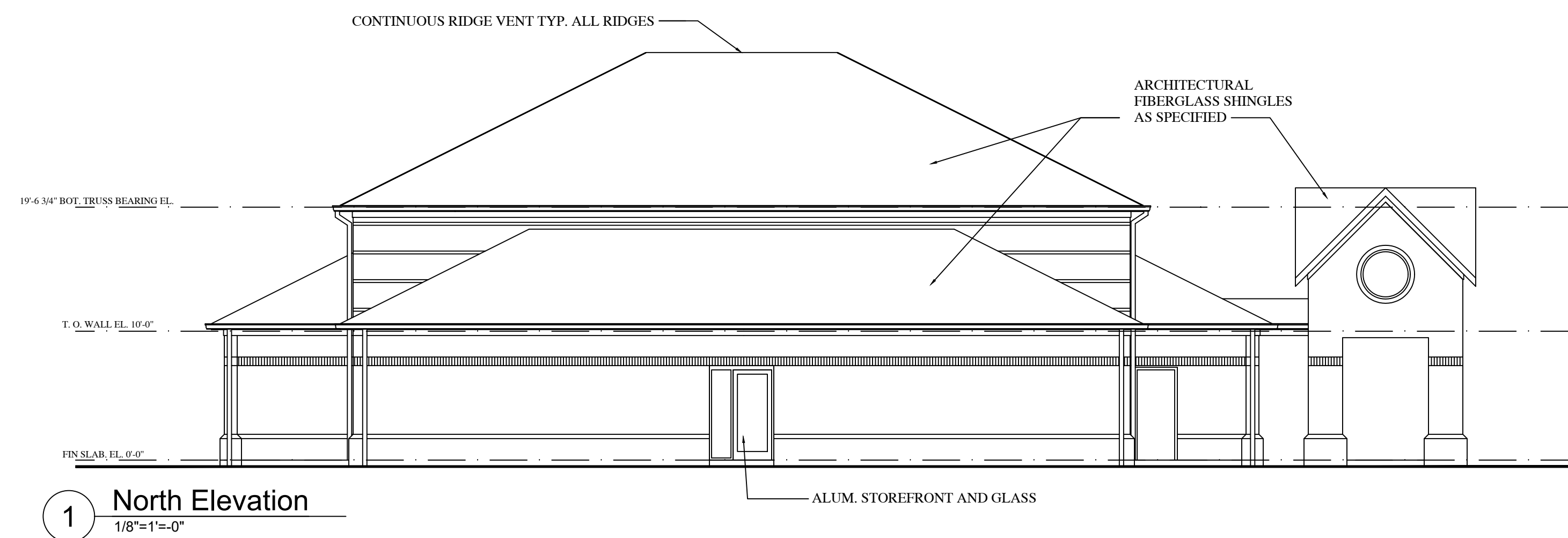
NO.	DATE

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18100 Statesville Road  
Cornelius, NC 28031

Project No: \_\_\_\_\_  
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REVISIONS	
NO.	DATE

## LeafSpring School at Cornelius

18100 Statesville Road  
Cornelius, NC 28031

Project No: \_\_\_\_\_  
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Date Drawn: 9/5/19  
Sheet Title



## REQUEST FOR BOARD ACTION

 [Print](#)

**Date of Meeting:** October 14, 2019

**To:** Chairman Eicher and Planning Board Members

**From:** Wayne Herron, Deputy Manager/Director of Planning

**Action Requested:**

Monday, November 11th is the next regularly scheduled Planning Board Meeting. This date is also Veterans Day and is a Town Holiday. Town Hall will be closed. Please consider rescheduling the November Planning Board to Tuesday, November 12th.

**Manager's Recommendation:**

Reschedule the November Planning Board Meeting to Tuesday, November 12th.

**ATTACHMENTS:**

Name:	Description:	Type:
No Attachments Available		

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