



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

**Agenda
August 8, 2022
6:30 PM
Assembly Room**

Pre-Meeting 5:00pm Dinner, Introductions, Orientation and Agenda Overview

- 1. Call To Order**
- 2. Determination of Quorum and Notice of Voting and Non-voting Members for the Meeting**
- 3. Approval of Minutes**
 - A. July 11, 2022 Minutes
- 4. Public Hearing and Consideration of Approval**
 - A. VAR 03-22 17714 Mesa Range Dr
- 5. Consideration of Approval**
 - A. REZ 12-21 Cornelius Mixed-Use Building
 - B. REZ 04-22 Flagship
- 6. Election of Vice Chair**
- 7. Confirm Existing Meeting Time or Establish New Meeting Time**
- 8. Next Meeting - September 12, 2022**
- 9. Adjournment**

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: August 8, 2022

To: Planning Board Chair and Members

From: Katie Queen

Action Requested:

Review Minutes

Manager's Recommendation:

Approve Minutes

ATTACHMENTS:

Name:	Description:	Type:
 PB_Minutes_07112022_Draft_-_Copy.pdf	Planning Board minutes	Backup Material

Minutes

**TOWN OF CORNELIUS PLANNING BOARD
MEETING**

Assembly Room
July 11, 2022
6:30 p.m.

Members Present

Susan Johnson
Lee Peterson, Vice Chair
Hardy McConnell
Danielle Miller
Joseph Dean
Phil Bechtold

Members Absent

Keith Eicher, Chair
Sean Herndon, Alternate
George Searle, Alternate
Jaime Rauscher, Alternate

Staff Present

Katie Queen, *Admin. Assistant*
Gary Fournier, Planner

VISITORS

See Sign-In Sheets

DETERMINATION OF QUORUM

Vice Chair Peterson called the Planning Board meeting to order at 6:31pm and noted there was a quorum present.

APPROVAL OF MINUTES

Mr. Dean made motion of approval for the May 9, 2022 Minutes. Ms. Johnson seconded. All in favor, motion approved.

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

Opposed: None

APPROVAL OF MINUTES

Ms. Johnson made motion of approval for the May 16, 2022 Minutes. Mr. McConnell seconded. All in favor, motion approved.

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

Opposed: None

Built Upon Area Averaging Certificate Application

Ms. Johnson made a motion to close the planning board and open as the watershed review board. Mr. McConnell seconded. All in favor, motion approved.

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

Opposed: None

Mr. Fournier presented BUA 20221 Sloop Ct in addition the donor lot will have 27,335 sq. ft. of impervious area remaining for future allocations. After discussion board members unanimously approved.

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

Opposed: None

ADJOURNMENT

Mr. Peterson made a motion to adjourn the meeting at 06:36p.m. Ms. Johnson second. All in favor and motion approved.

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

Opposed: None

Respectfully Submitted:

Lee Peterson
Chairman

Date

Katie Queen
Secretary

Date

REQUEST FOR BOARD ACTION

 **Print**

Date of Meeting: August 8, 2022

To: Board of Adjustment Members

From: Gary Fournier, CZO - Planner














Action Requested:

The Applicant is seeking a variance from the 20 foot left side setback shown on the recorded plat, Map Book 27 Page 2. The applicant is asking for the left side setback to be decreased to 10 feet to expand an accessory dwelling unit.

Manager's Recommendation:

Hear evidence and render a decision

ATTACHMENTS:

Name:	Description:	Type:
 VAR_03-22_Staff_Report.pdf	Staff Report	Backup Material
 Exhibit_A_Zoning_Map.pdf	Exhibit A Zoning Map	Exhibit
 Exhibit_B_Vicinity_Map.pdf	Exhibit B Vicinity Map	Exhibit
 Exhibit_C_Property_Map.pdf	Exhibit C Property Map	Exhibit
 Exhibit_D_Map_Book_27_Page_2.pdf	Exhibit D Map Book 27 Page 2	Exhibit
 Exhibit_D_Map_Book_27_Page_2_(enlarged).pdf	Exhibit D Map Book 27 Page 2 (enlarged)	Exhibit
 Exhibit_E_LDC_Section_5.5.4.pdf	Exhibit E LDC Section 5.5.4	Exhibit
 Exhibit_F_Variance_Application.pdf	Exhibit F Variance Application	Exhibit
 Exhibit_G_Property_Survey.pdf	Exhibit G Property Survey	Exhibit
 Exhibit_H_Site_Plan_with_Proposed_Setback.pdf	Exhibit H Site Plan with Proposed Setback	Exhibit
 Exhibit_I_Property_Photo.pdf	Exhibit I Property Photo	Exhibit
 Exhibit_J_Property_Photo.pdf	Exhibit J Property Photo	Exhibit
 VAR_03-22_FoF.pdf	Findings of Fact	Backup Material



VAR 03-22
17714 Mesa Range Drive
Staff Analysis

June 13, 2022

Applicant: Justin A. Ckezepis
17714 Mesa Range Drive
Cornelius, NC 28031

Tax Parcel Reference: 00104238

Location: 17714 Mesa Range Drive

Variance Request: The Applicant is seeking a setback variance

Zoning: Neighborhood Residential (NR)

Hearing Date: June 13, 2022

Staff Commentary:

The Applicant is seeking a variance from the 20 foot left side setback shown on the recorded plat, Map Book 27 Page 2. The applicant is asking for the left side setback to be decreased to 10 feet to expand an accessory dwelling unit.

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 Neighborhood Residential (NR). The property is shown on the Zoning Map as Exhibit A, on an Aerial Vicinity Map as Exhibit B, and on an Aerial Property Map as Exhibit C.
2. The 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. Map Book 27 Page 2 recorded with the Mecklenburg County Register of Deeds shows a 20 foot left side setback and a 0 foot right side setback for 17714 Mesa Range Drive. Map Book 27 Page 2 is shown as Exhibit D.
4. Section 5.5.4 of the Town of Cornelius Land Development Code (LDC) shows 10 foot side setbacks for properties in the Neighborhood Residential zoning district. LDC Section 5.5.4 is shown as Exhibit E.
5. The Applicant has submitted a Town of Cornelius Variance Application, a Property Survey, and a Site Plan with the proposed left setback line. The Variance Application is shown as Exhibit F, the Property Survey as Exhibit G, and the Site Plan as Exhibit H.

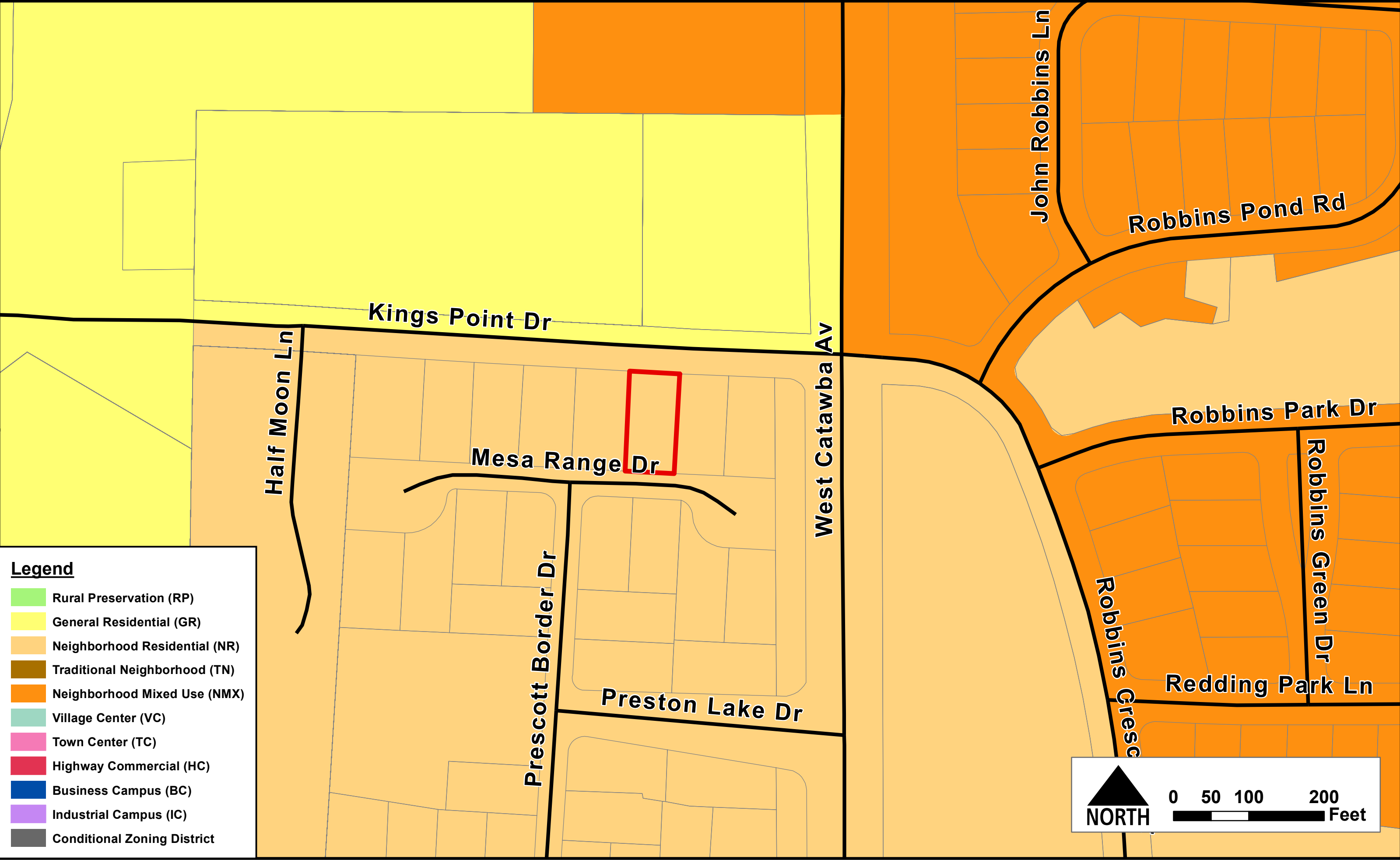
6. Staff visited the property and took two pictures, which are shown as Exhibits I and J.

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>	Map Book 27 Page 2
<i>Exhibit E:</i>	LDC Section 5.5.4
<i>Exhibit F:</i>	Variance Application
<i>Exhibit G:</i>	Property Survey
<i>Exhibit H:</i>	Site Plan with Proposed Setback
<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

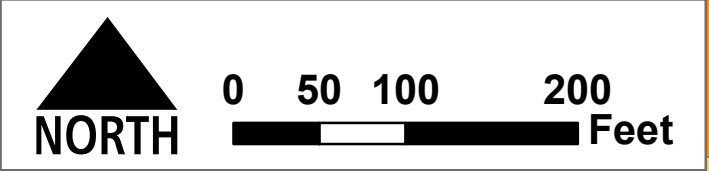


Exhibit B Vicinity Map

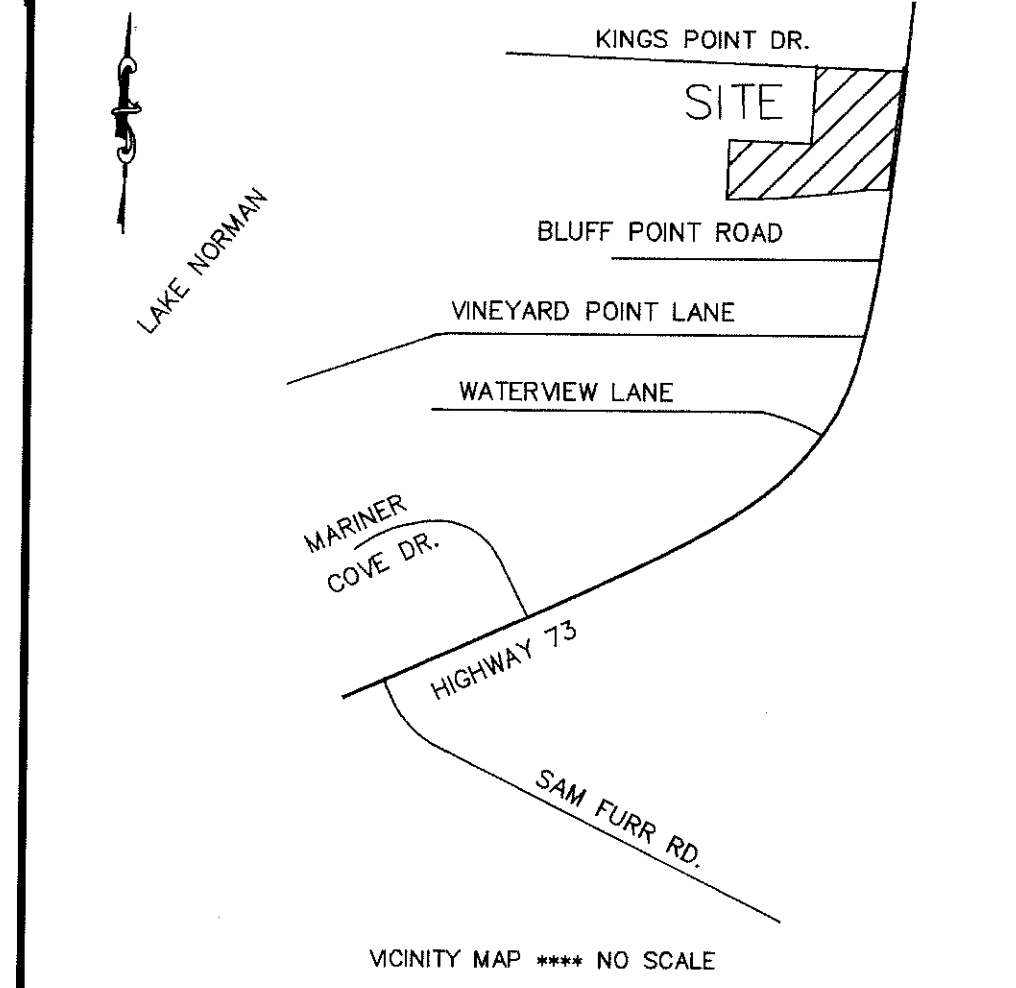


Exhibit C Property Map



95099766

map book 21 Page 2



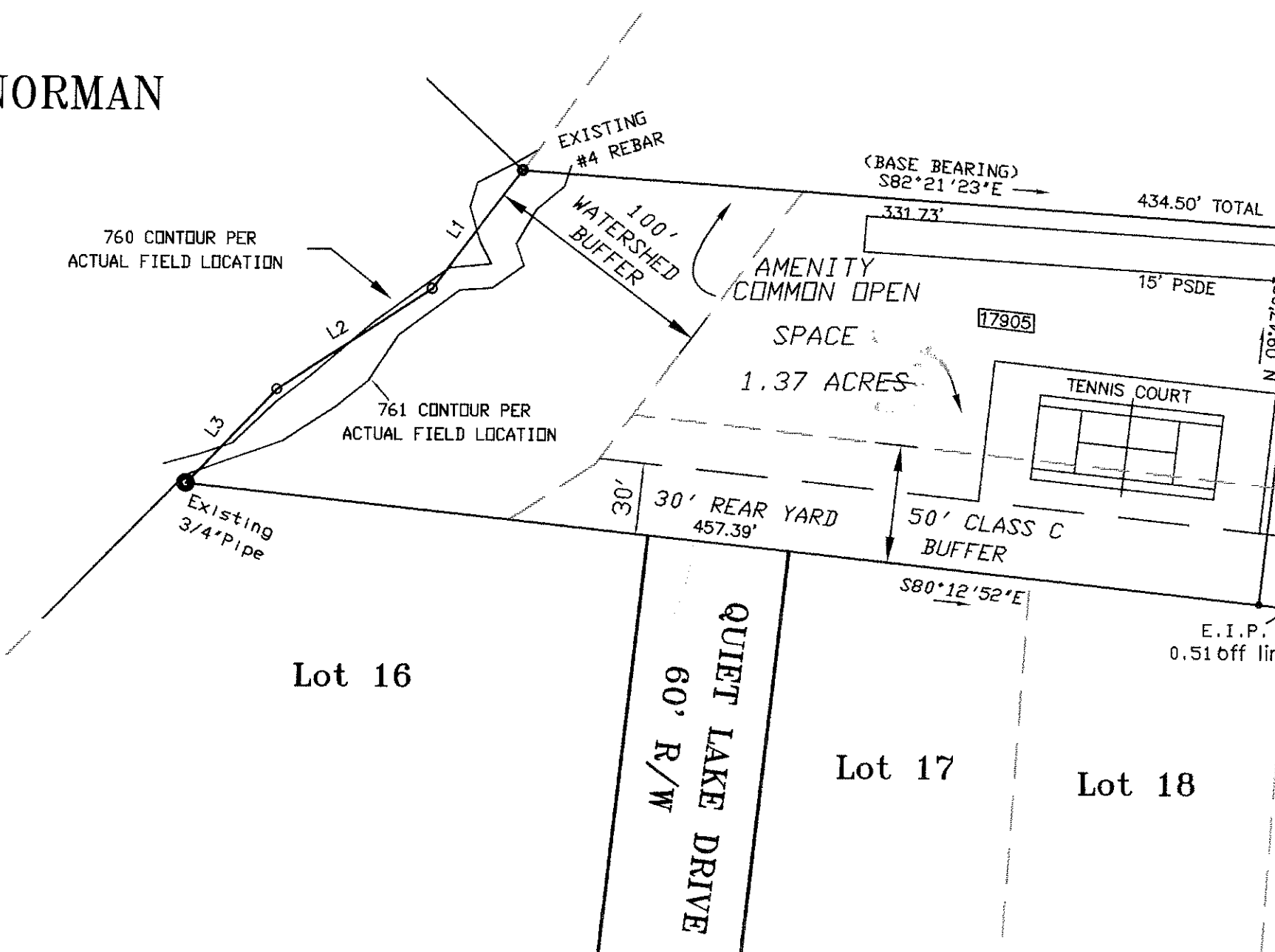
APPROVED IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION ORDINANCE OF MECKLENBURG COUNTY, NORTH CAROLINA
MECKLENBURG PLANNING COMMISSION
DATE 9/20/95
PLANNING COMMISSION STAFF

APPROVED IN ACCORDANCE WITH THE ENGINEERING REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF MECKLENBURG COUNTY, NORTH CAROLINA
MECKLENBURG COUNTY ENGINEERING DEPARTMENT
DATE 9/15/95
(COUNTY ENGINEERING)

LINE	DIRECTION	DISTANCE
L1	S40°26'24"W	62.95'
L2	N60°19'52"E	78.00'
L3	N47°09'52"E	55.30'
L4	N 80°12'50"W	30.19'
L5	N 80°13'59"W	2.59'
L6	N 80°12'51"W	27.60'
L7	N 03°20'35"E	3.60'
L8	N 86°19'49"W	102.54'

CURVE	RADIUS	LENGTH	CHORD	BEARING
C1	30.00'	94.25'	60.00'	N09°47'08"E
C2	30.00'	47.12'	42.43'	S54°47'08"W
C3	30.00'	93.75'	60.00'	S03°33'54"W
C4	30.00'	47.12'	42.43'	N41°39'22"E
C5	30.00'	94.25'	60.00'	S03°20'25"W
C6	30.00'	47.12'	42.43'	N48°20'26"E
C7	47.50'	73.08'	66.08'	N 49°15'38"E
C8	14.50'	22.31'	20.11'	N 49°15'40"E
C9	20.00'	31.53'	28.36'	S 41°29'45"E
C10	25.00'	39.95'	35.83'	N 42°06'51"W
C11	20.00'	31.30'	28.20'	N 48°30'15"E
C12	20.00'	51.14'	6.12'	S 79°18'08"E
C13	20.00'	24.05'	22.63'	S 37°29'33"E
C14	47.50'	69.33'	63.34'	S 44°51'11"E
C15	25.00'	41.92'	37.19'	N 51°42'19"E
C16	30.00'	41.99'	38.64'	S 40°09'46"E
C17	47.50'	69.33'	63.58'	S 54°11'14"W
C18	14.50'	22.22'	20.11'	S 56°05'47"W
C19	20.00'	28.37'	26.80'	N 38°24'30"W
C20	20.00'	33.55'	29.75'	S 51°43'35"W
C21	30.00'	48.26'	43.22'	S 46°01'03"W
C22	47.50'	2.99'	2.99'	S 82°38'18"E
C23	20.00'	30.23'	27.43'	S 43°21'50"E
C24	20.00'	30.23'	27.43'	S 43°21'50"E

LAKE NORMAN



Kennerly Development Co., LLC
7856/191

GRAPHIC SCALE

(IN FEET)
1 inch = 60 ft.

KINGS POINT DRIVE (60' PUBLIC R/W)

MESA RANGE DR.

PRESTON LAKE DR.

SEDONA WAY

Ellen B. Gibby
By Will

FILED FOR
REGISTRATION
95 SEP 21 PM 1:22

REGISTERED LAND SURVEYORS
MECKLENBURG CO., NC

DEED BK 7856 PG. 191
DATED 7/18/94

N.C. HWY 73 (60' PUBLIC R/W)

SURVEYORS CERTIFICATION #338

I, Douglas L. Duvall, do hereby certify that this map was drawn under my supervision from an actual survey made under my supervision and that the ratio of precision as calculated by latitudes and departures is 1:10,000. (That the boundaries not surveyed are shown as broken lines plotted from information found in book _____ page _____.)

WITNESS MY HAND AND SEAL THIS 12 DAY OF SEP 1995.

REGISTERED LAND SURVEYORS
Douglas L. Duvall
L-3508
REGISTRATION NUMBER

NORTH CAROLINA
FEDERAL COUNTY
NOTARY PUBLIC OF THE COUNTY AND STATE A-FORESAID, CERTIFY THAT DOUGLAS L. DUVALL, JR., A REGISTERED LAND SURVEYOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL PUBLISHED SEAL, THIS 12 DAY OF SEP 1995.

NOTARY PUBLIC
FEDERAL COUNTY, NC
MY COMMISSION EXPIRES: 6/17/97

- SURVEYORS NOTES**
- 1) THIS PROPERTY MAY BE SUBJECT TO ANY EASEMENT AND/OR RIGHTS-OF-WAYS OF RECORD.
 - 2) AREA COMPUTED BY THE COORDINATE METHOD.
 - 3) Zoning: Mx-1 (Petition No. 94-5C)
 - 4) Total Site Area: 15.97 acres
 - 5) Tax Parcel No: 001-042-01
 - 6) Total No. of Lots = 43
 - 7) Minimum Lot Area = 4000 SF
Minimum Lot Width = 40 FT
Minimum Flaglot Width = 25 FT
Minimum Building Setback (From public St.) = 20 FT
Minimum Building Setback (From private St.) = 20 FT
Minimum Sideyard Width (Chute) = 8 FT and 10 FT
Minimum Sideyard Width (Zero lot line) = 0 FT and 20 FT
Minimum Rearyard (interior lots) = 20 FT
Minimum Rearyard (exterior lots) = 30 FT
 - 8) 35' by 35' triangles apply to all intersections.
 - 9) No Geodetic monument located within 2,000' of property
 - 10) This survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.
 - 11) All lots within the Preston at the Lake subdivision to the best of my knowledge lie within the WS-IV, critical area of the Lake Norman/Catawba watershed basin as designated by the North Carolina Division of Environmental Management and as appears on the watershed protection map of Town of Cornelius.
 - 12) See lot 24 for typical setbacks
 - 13) Iron set at all corners unless otherwise notes as Concrete Monument
 - 14) Each lot is allowed 5924 sq. ft. of impervious area.
 - 15) J. Gilley in recording this plat as a portion of Preston at the Lake has designated certain parts as 'common open space' for the use by the homeowners or tenants of Preston at the Lake not for use by the general public, but for parking, recreational and other related activities as more fully provided for the declaration of covenants, conditions, and restrictions applicable to Preston at the Lake which declarations will be recorded in the Mecklenburg County Registrar of Deeds before any lots are sold and which said declaration is hereby made a part of this plat and incorporated herein.
 - 16) Private streets & medians will be maintained by owner or assigns.

LEGEND

A = 10'X70' SIGHT TRIANGLE
B = 35'X35' SIGHT TRIANGLE
R/W = RIGHT-OF-WAY
PSDE = PUBLIC STORM DRAINAGE EASEMENT
O - I.P.S. = #4 SOLID IRON SET
Δ = CONCRETE MONUMENT
② = LOT NUMBER
00000 = ADDRESS

State of North Carolina, County of Mecklenburg
The foregoing certificate(s) of
Douglas L. Duvall, Jr.
a Notary Public (is) (are) certified
to be correct
This 12th day of September 1995
Judith A. Gibson, Register of Deeds
By: Suzanne W. Cicca Deputy

RECORDED PLAT
OF
SURVEY
PRESTON AT THE LAKE
LEWIS WSP, MECK CO., NC.

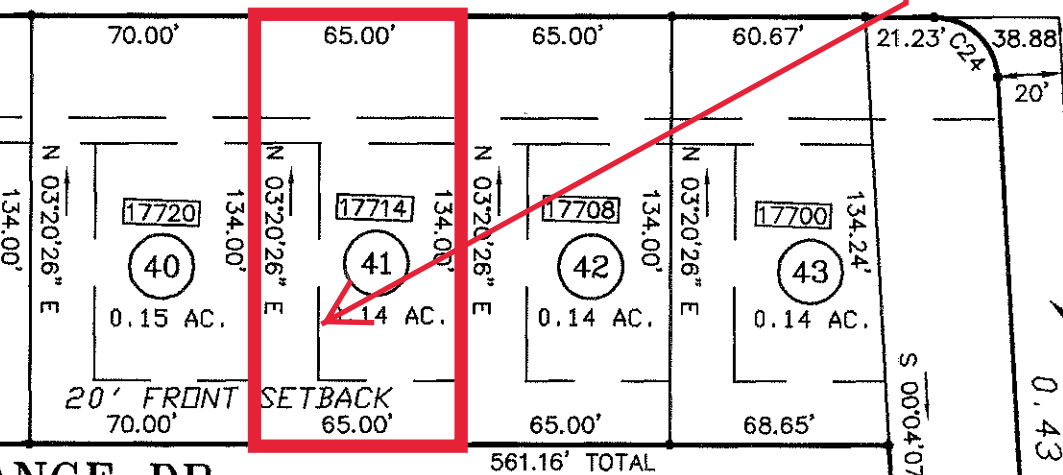
OWNER:
J. GILLEY CO.
P.O. BOX 1085
DAVIDSON, NC 28036
(704) 892-1484

DON ALLEN ASSOCIATES P.A.
Engineering & Surveying • Planning
933 Bradley School Rd • Mooresville • NC 28115
(704) 664-7029 (704) 664-8041 Fax

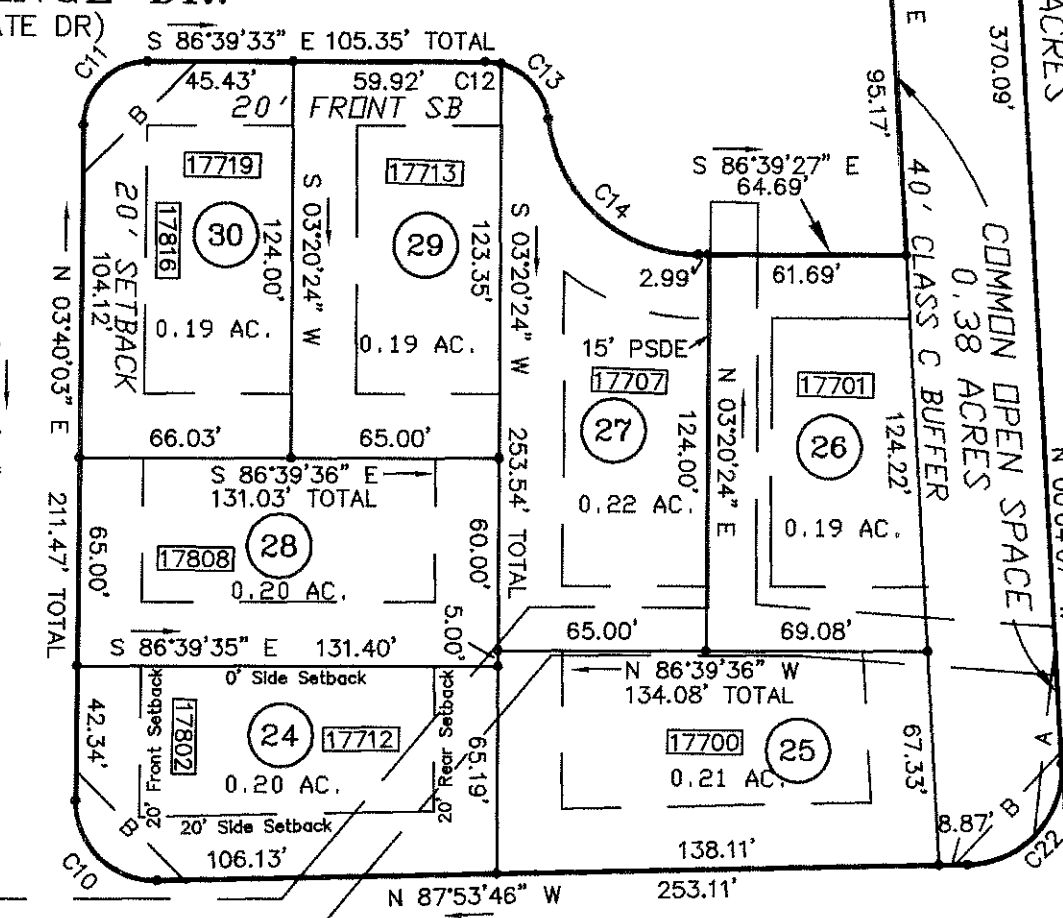
(60' PUBLIC R/W)

20 ft. left
setback line

573.64' Total



ANGE DR.



PRESTON LAKE DR.

20' ADDITIONAL PUBLIC R/W
DEDICATED TO N.C.D.D.T.

95 SEP 21 PM 1:22
REGISTERED OF DEEDS
MECKLENBURG CO., NC

DEED BK. 7856 PG. 191
DATED 7/18/94

N.C. HWY 73

SEPARATES IS 1:10000, (THAT THE BOUNDARIES NOT
SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM
INFORMATION FOUND IN BOOK _____, PAGE _____);
THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH
G.S. 47-30, AS AMENDED.

WITNESS MY HAND AND SEAL THIS 12 DAY OF
Sept, A.D. 1995.

Douglas L. Dowell, Jr.
REGISTERED LAND SURVEYORS

L-3508
REGISTRATION NUMBER

NORTH CAROLINA
IREDELL COUNTY

A NOTARY PUBLIC OF THE COUNTY AND STATE A-
FORESAID, CERTIFY THAT Douglas L. Dowell, Jr., A REGISTERED
LAND SURVEYOR, PERSONALLY APPEARED BEFORE ME THIS
DAY AND ACKNOWLEDGE THE EXECUTION OF THE FORE-
GOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL
STAMP OF SEAL, THIS 12 DAY OF Sept, 1994.

Patricia B. Allen
NOTARY PUBLIC

MY COMMISSION EXPIRES: 6/17/97

SURVEYOR'S NOTES

- 1) THIS PROPERTY MAY BE SUBJECT TO ANY EASEMENT AND/OR RIGHTS-OF WAYS OF RECORD.
- 2) AREA COMPUTED BY THE COORDINATE METHOD.
- 3) Zoning: Mx-1 (Petition No. 94-5C)
- 4) Total Site Area: 15.97 acres
- 5) Tax Parcel No: 001-042-01
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Minimum Building Setback (From public St.) = 20 FT
Minimum Building Setback (From private St.) = 20 FT
Minimum Sideyard Width (Cluster) = 8 FT and 10 FT
Minimum Sideyard Width (Zero lot line) = 0 FT and 20 FT
~~Corner Lot Minimum sideyard width = 20 FT~~
Minimum Rearyard (interior lots) = 20 FT
Minimum Rearyard (exterior lots) = 30 FT
- 8) 35' by 35' sight triangles apply to all intersections.
- 9) No Geodetic monument located within 2,000' of property
- 10) This survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.

Douglas L. Dowell, Jr.

11) All lots within the Preston at the Lake subdivision to the best of my

5.5.4: Table of Dimensional Requirements

		ZONING DISTRICTS										
Measure	Unit	RP	GR	NR	NMX	WMX	TC	VC	HC	BC	CO	IC
SETBACKS												
Setback - Front Min	Feet	50 ⁴	25 ⁴	10 ⁴	-	10	-	-	25	-	-	70 ⁵
Setback - Front Max	Feet	N/A	N/A	20	15	25	10	-	-	-	-	-
Setback – State Roads	Feet	N/A	25	25	25	25	-	25	25	25	25	25
Setback - Westmoreland Rd. (West of 77)	Feet			170	170							
2nd & 3rd Story ROW Encroachment	Feet	-	-	-	-	5	5	5	-	-	-	-
Setback – Sides	Feet	15	10	10	-	-	-	-	-	-	-	-
Setback – Rear	Feet	50	25	25	25	-	-	25	30	-	-	-



TOWN OF CORNELIUS VARIANCE APPLICATION

Date Filed: / /	Case #: VAR
Fee Paid: \$	Public Hearing: / /
Applicant: Justin A. Ckezepis	Tax Parcel: 00104238
Location of Variance: Side Yard Setback	Zoning: NR

I, Justin A. Ckezepis, 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):

Plat Map 27 - 2 (UDC Section 4.2.1(D) and Table 5.5.4)

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

Sideyard setback to be altered from 20' (per Plat Map 27 - 2) to 10' (matching Table 5.5.4)

We are looking to expand the footprint of the Accessory Dwelling Unit that is currently on
our property.

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

We are a multi-generational household. With the current market (both pricing and
inventory) an unnecessary hardship would be created if our family was required to
locate to different propert(ies) that fit the needs of our family.

- 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.

Setback lines listed within the plat map do not match current setback standards within
the UDC. While it may have been the standard at one point, they are not the current
standard. Neighborhood contains varying buffers and setback requirements.

- 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.

- 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.

Given current market conditions and all wanting to find ways to improve housing
conditions for all, altering current platted sideyard setback allows us to maximize
the use of our property while simultaneously minimizing negative impact to our family.

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

Justin A. Ckezepis

Name of Appellant

17714 Mesa Range Drive

Appellant's Mailing Address

Cornelius, NC 28031

City, State, Zip Code

5/9/2022

Date

980-553-1159

Telephone Number

JC@SkadooshProperties.com

Email Address

Justin A. Ckezepis

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.

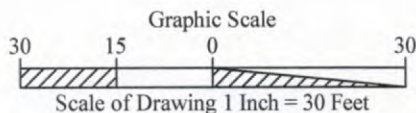


60' PUBLIC R/W
(MB.27, PG. 2)



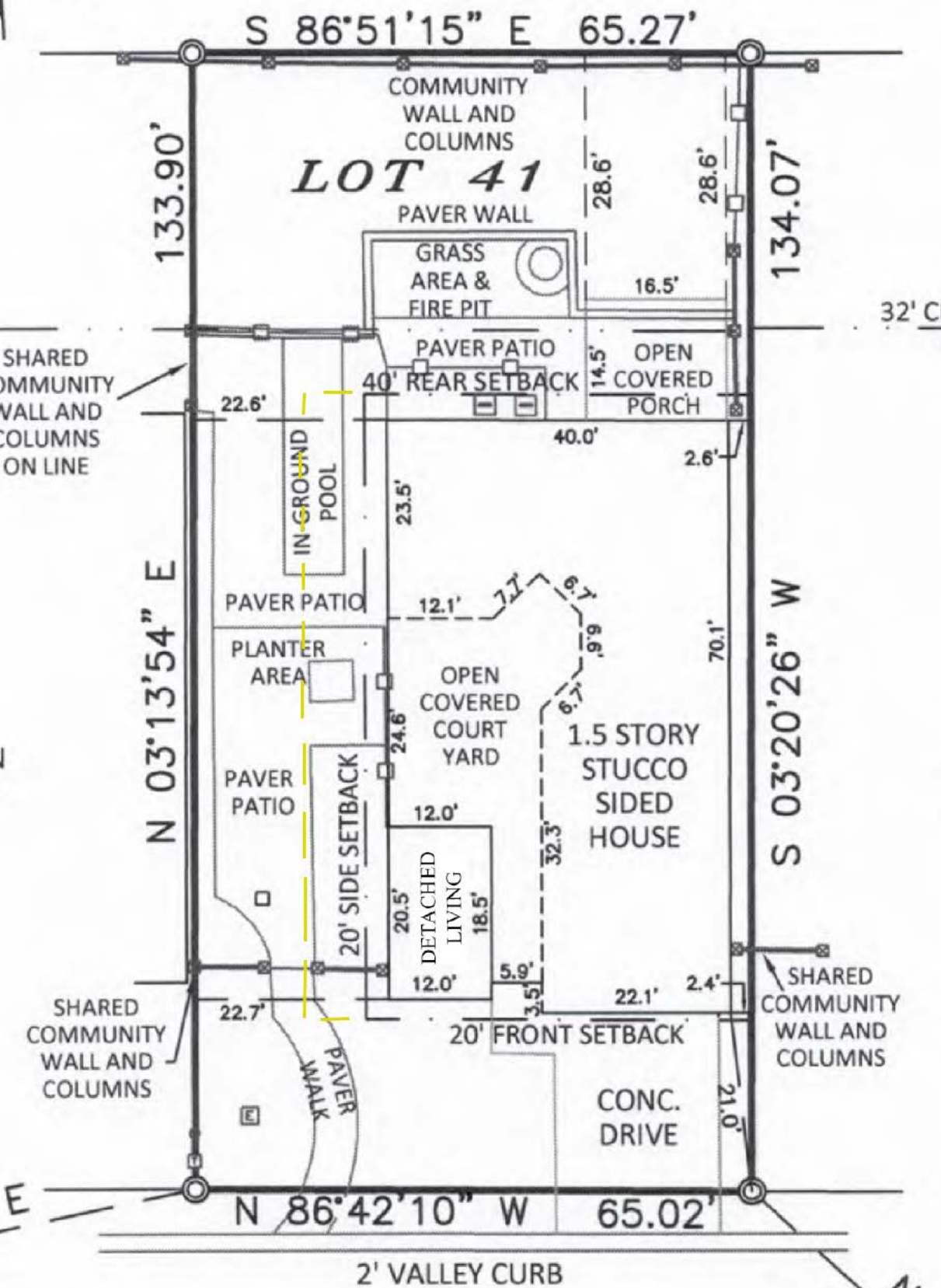
- LEGEND:

#4 REBAR FOUND
MAG NAIL FOUND
LIGHT POLE
TELEPHONE PEDESTAL
UTILITY PEDESTAL
TRANSFORMER BOX
HVAC UNIT & PAD
DROP INLET (STORM)
SUBJECT PROPERTY LINE
ADJOINER PROPERTY LINE
BUILDING SETBACK
32' CLASS C BUFFER LINE
4' ALUMINUM FENCE LINE



Site Address:
17714 MESA RANGE DRIVE
CORNELIUS, NC 28031
MECKLENBURG COUNTY

07/02/2019
Date



MESA RANGE DRIVE

Private R/W







TOWN OF CORNELIUS

Variance
FINDINGS OF FACT

Owner/Project: Justin A. Ckezepis	Case #: VAR 03-22
Acreage: 0.14	Tax Parcel(s): 00104238

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

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

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

- A. There are unnecessary hardships resulting from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

☐ YES

☐ NO

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

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

☐ YES

☐ NO

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

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

☐ YES

☐ NO

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

- D. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

☐ YES

☐ NO

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

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: August 8, 2022

To: Planning Board Members
From: Aaron Tucker, Senior Planner

Action Requested:

Skadoosh Properties, LLC has requested to rezone approximately 0.46 acres located at 19615 Bethel Church to construct a four-story mixed-use building. The first two stories are proposed as commercial with the top two stories being residential. This building will also include a rooftop amenity area.

Manager's Recommendation:

Staff recommends approval with conditions.

ATTACHMENTS:

Name:	Description:	Type:
REZ_12-21(PB)_Staff_Report.pdf	Staff Report	Backup Material
Application.pdf	Application	Backup Material
19615_Bethel_Church_Zoning.pdf	Zoning Map	Backup Material
19615_Bethel_Church_LU.pdf	Land Use Map	Backup Material
19615_Bethel_Church_Vicinity.pdf	Vicinity Map	Backup Material
19615_Bethel_Church_Property.pdf	Property Map	Backup Material
C03_SITE_PLAN_TC_Site.pdf	Site Plan	Backup Material
19615_Bethel_Church_Road_-_Mixed_Use_Buildng_(Elevations)_[Updated_May_2022].pdf	Elevations	Backup Material
PB_Consistency_Statement_REZ_12-21.pdf	Consistency Statement	Backup Material



REZ 12-21
Cornelius Mixed-Use Building

Conditional Zoning Request

Planning Board Meeting
August 8, 2022

OWNER/APPLICANT: Skadoosh Properties, LLC
17714 Mesa Range Drive
Cornelius, NC 28031

AGENT: HensonFoley Design
8712 Lindholm Drive Suite 202A
Huntersville, NC 28078

PROPERTY LOCATION: 19615 Bethel Church Road
(PID#: 00512303)

PROPERTY SIZE: 0.46 acres total

CURRENT LAND USE: Vacant

PROPOSED LAND USE: Mixed Use Building

EXISTING ZONING: VC (Village Center), Mountain Island Lake Overlay (MIL-O)

PROPOSED ZONING: CZ (Conditional Zoning)

EXISTING CONDITIONS:

1. Description of Adjoining Zoning and Land Uses – This property has approximately 164 feet of road frontage along Bethel Church Road. All surrounding properties are zoned VC (Village Center). Land uses include a mix of commercial, retail, and service uses as well as other vacant properties.
2. Topography – The subject property slopes downward roughly 12' in elevation from north to south along Bethel Church Road.
3. Vegetation – The majority of this property is an open field of grass with some evergreen trees located near the center of the site.
4. Infrastructure – The applicant has provided a Charlotte Water Capacity Assurance form to ensure water and sewer capacity is available for the site. Currently, water and sewer access is available. Due to the relatively low intensity of the development, a Traffic Impact Analysis for this project is not required.

STAFF COMMENTS:

1. Project Overview – Skadoosh Properties, LLC, applicant, is requesting to rezone approximately 0.46 acres located at 19615 Bethel Church Road to develop a mixed-use building comprised of up to 8 residential apartment units and 12,000 square feet of ground floor and 2nd floor retail, restaurant, commercial, and office space. The proposed building height is 4 stories. A rooftop amenity area is also proposed. Parking for up to 16 vehicles will be provided by an underground parking lot below the 1st floor. Additional parking will be provided in behind the building, utilizing the existing parking lot.

The uses proposed are permitted by right in the Village Center zoning district. Any proposed building exceeding 3 stories in height requires Conditional Zoning review. The applicant has requested Conditional Zoning to allow a 4-story building at this location.

2. History – This property is part of the Cornelius Village Center major subdivision plan approved in 1999. The 1999 plan included one 6,000 square foot (footprint) building with a max height of 3 stories.
3. Overlay District – The site is located within the Mountain Island Lake Overlay (MIL-O). This overlay district restricts the amount of built-upon area permitted. This site drains to an existing regional stormwater pond that was designed to meet the maximum built-upon area requirements of the MIL-O.
4. Land Use Plan Consistency – The Land Use Plan adopted by the Town Board on January 6th, 2014, and amended April 5th, 2021, designates this property as “Village Center”. A mix of ground floor commercial and upper floor residential are recommended uses in the Village Center area. The applicant is proposing a 4-story building, just shy of the recommended 6-story (84’) maximum in Village Center. Residential densities and the intensity of commercial is reviewed using form-based planning principles. Staff finds the proposed development to be consistent with the current adopted Land Use Plan.
5. Pre-Development Review Committee – The sketch plan was presented to the PDRC on January 20th, 2022. The PDRC was generally supportive of the proposed development, but expressed concerns about the overall height of the building. The Committee requested the applicant to consider lowering the height of the proposed building from 5 stories to 4 stories and evaluate ways to enhance the look of the rooftop amenity area.
6. Architectural Review Board – This project was presented to the Architectural Review Board on October 22nd, 2021. While the Board was overall supportive of the proposed design, they provided the applicant with suggestions on how to enhance the look of the building.
7. Community Meeting – The applicant held the required community meeting on Friday, October 29th, 2021 at 12pm. Four (4) citizens attended the meeting. Concerns raised at the meeting included building height and how the project would handle stormwater. Some attendees spoke in favor of the proposed design and commended the use of underground parking.
8. Town Board Public Hearing #1 – This meeting was held November 15th, 2021. The discussion was continued to December 6th, 2021. The Town Board was generally concerned about the overall height of the proposed building.

STAFF RECOMMENDATION:

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. Locations and details of proposed community mailbox delivery systems must be included in the construction documents and must be reviewed and approved by the Post Master for this area. The applicant(s) must provide the Town with written confirmation that the local Post Master is in agreement with the proposed box locations.
5. The uses on this site shall include commercial, office, retail, and service uses on the first two floors. Up to 8 residential units may be permitted on the 3rd and 4th floors.

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
• 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

2. Project Information
 Date of Application: 03/25/2021 Name of Project: Cornelius Mixed-Use Building
 Location: 19615 Bethel Church Road Property Size (acres): 0.46 AC # of Units/Lots: _____
 Current Zoning: VC Proposed Zoning: CZ
 Current Land Use: Commercial Proposed Land Use: Mixed Use
 Tax Parcel Number(s): 00512303

3. Contact Information <u>Skadoosh Properties, LLC</u> Owner, Applicant, or Developer <u>17714 Mesa Range Drive</u> Address <u>Cornelius NC 28031</u> City, State Zip <u>704-659-0273</u> Telephone <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> <u>Justin A. Ckezepis</u> Signature </div> <div style="text-align: center;"> <u>Justin A. Ckezepis</u> Print Name </div> <div style="text-align: center;"> <u>3/25/2021</u> Date </div> </div> Email - <u>jc@ckezeplaw.com</u>	<u>HensonFoley Design</u> Agent(s) (Engineer, Architect, Etc.) <u>8712 Lindholm Drive Suite 202A</u> Address <u>Huntersville NC 28078</u> City, State Zip <u>704-875-1615</u> Telephone <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> <u>Jay P. Henson</u> Signature </div> <div style="text-align: center;"> <u>Jay Henson</u> Print Name </div> <div style="text-align: center;"> <u>03-25-2021</u> Date </div> </div> Email - <u>jay@hensonfoley.com</u>
--	---

4. The following items may also be required to be considered part of a complete application, please check all that apply on this list:

<input checked="" type="checkbox"/> <u>Signed "Original" application</u> <input checked="" type="checkbox"/> <u>Project Fee(s)</u> – See Fee Schedule <input checked="" type="checkbox"/> <u>Written Summary/Description of Request</u> 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 <input checked="" type="checkbox"/> <u>Property Survey</u> (at least one copy), including existing buildings, topography, wetlands, streams, vegetation (trees over 18" in diameter), and other natural features. <input checked="" type="checkbox"/> <u>Site/sketch plan</u> (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	<input checked="" type="checkbox"/> <u>Illustrative (color) site/sketch plan</u> for presentation purposes with same layers as described above <input checked="" type="checkbox"/> <u>Architectural elevations, Perspective Renderings, and Architectural Review Board Checklist</u> 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). <input checked="" type="checkbox"/> <u>Charlotte Water Capacity Assurance Review Application</u> Provide copy with application, and send original to CW. <input checked="" type="checkbox"/> <u>Illustrative (color) elevations</u> for presentation purposes for all items described above, as well as perspective (3D) renderings and photograph examples <input checked="" type="checkbox"/> <u>Digital Files</u> of all items listed above
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Written Summary
March 25th , 2021

The parcel is an existing parking lot within an existing parking lot easement. The purpose of this rezoning is to development a 6 story building outside of the parking lot easement on this parcel. The first 4 floors will be office/commercial and the top 2 floors will be residences. There will be approximately 16 underground parking spaces beneath the building and all existing parking will remain.

Sincerely,












Jay Henson, ASLA
HensonFoley


Current Zoning

Bethel Church Rd

Jetton Rd


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 25 50 100



Feet

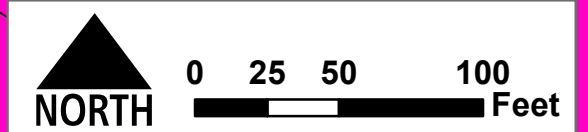
Land Use Map

Bethel Church Rd

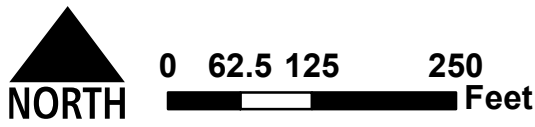
Jetton Rd

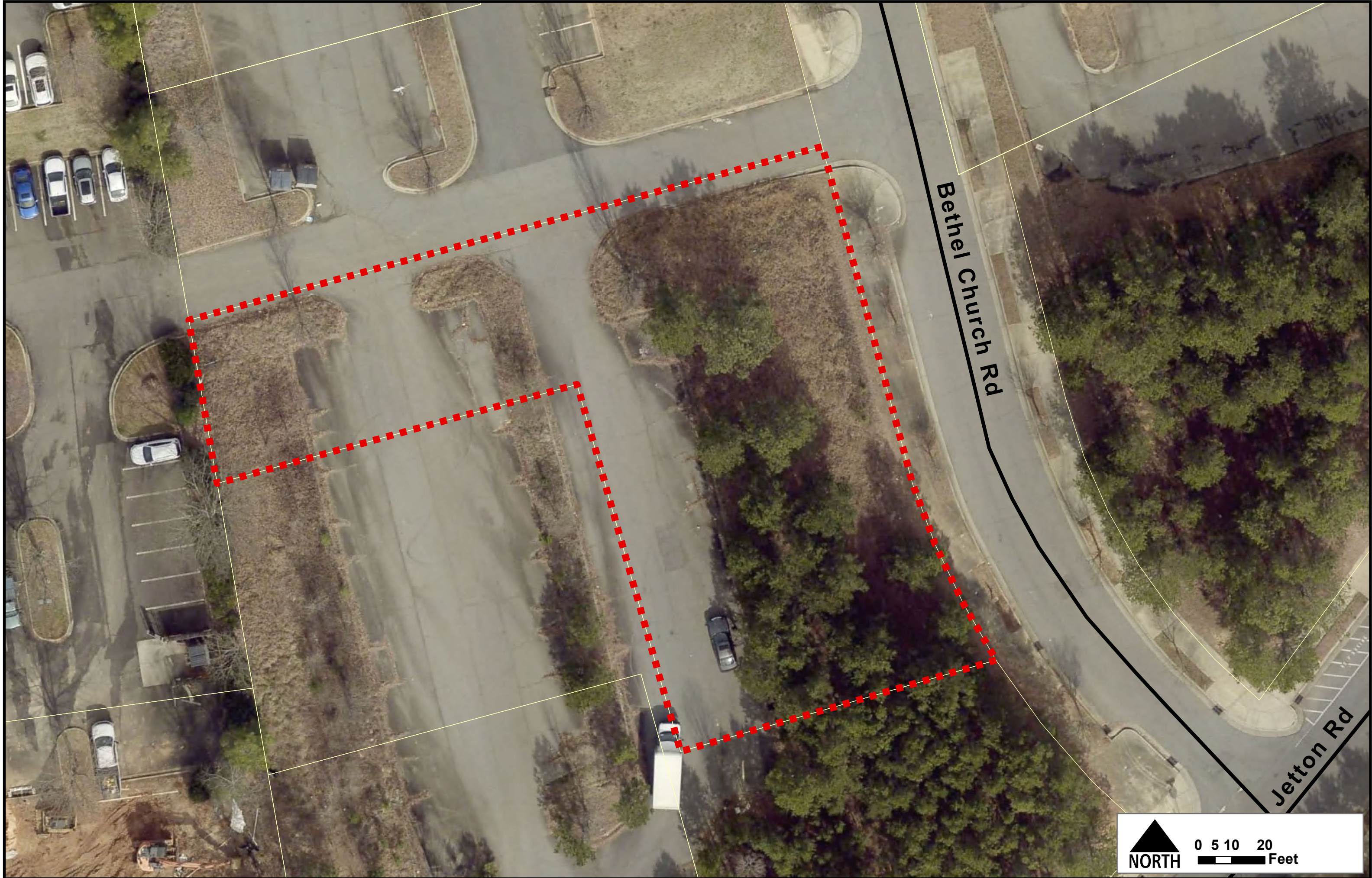
Legend

- 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




Vicinity Map






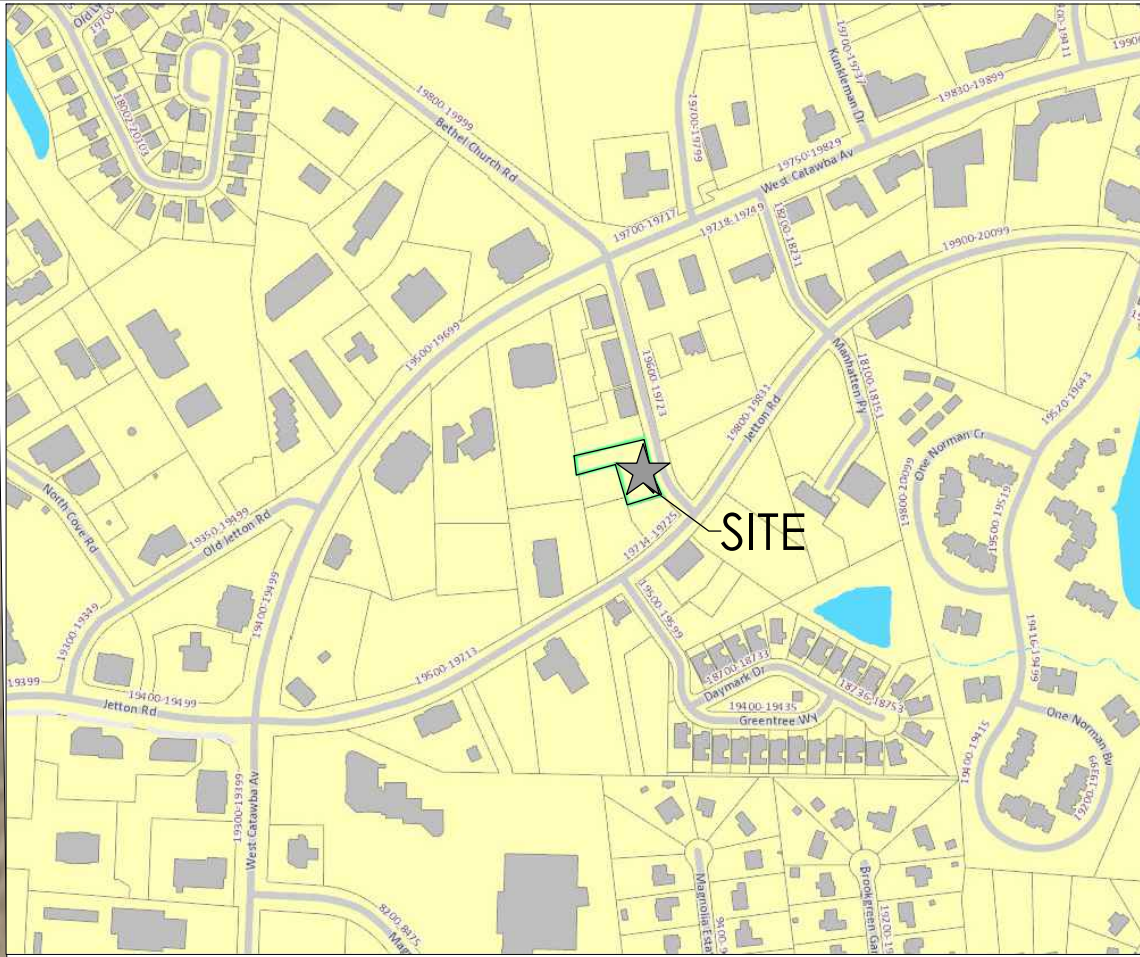
Bethel Church Rd

Jetton Rd

 NORTH

0 5 10 20 Feet





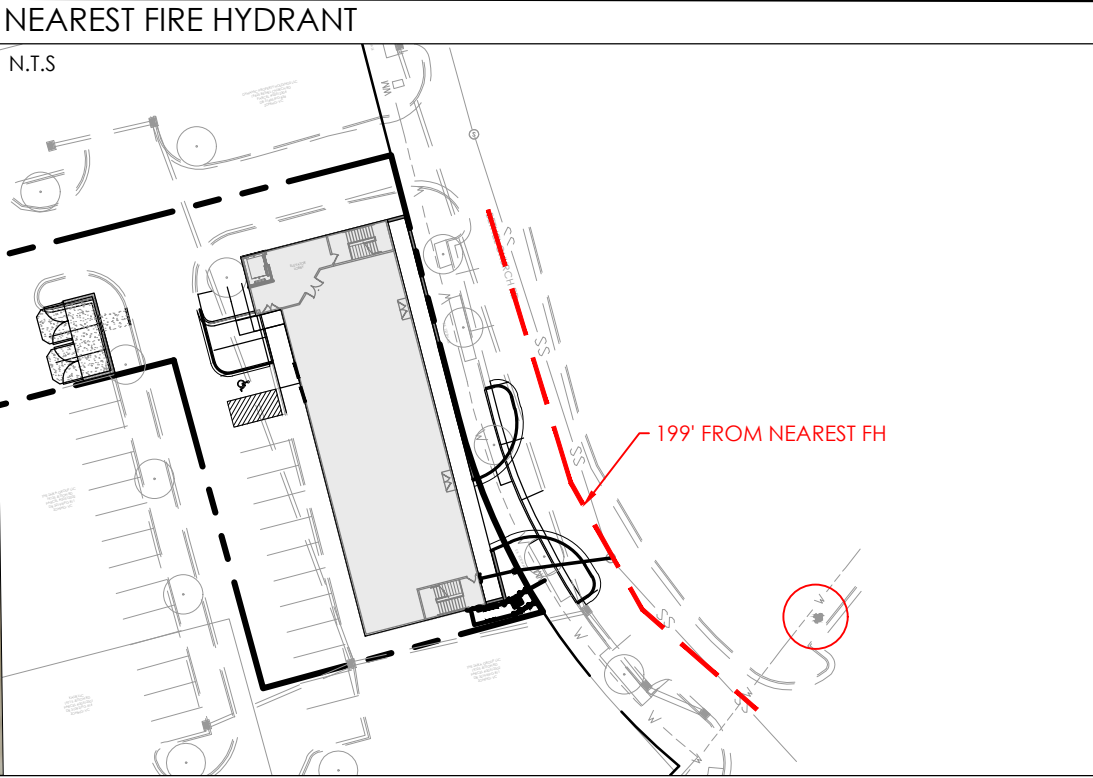
VICINITY MAP
SCALE: N.T.S.

SITE DATA	
LOCATION:	19615 BETHEL CHURCH RD 00512303 CORNELIUS, MECKLENBURG COUNTY 28031
ZONE:	EXISTING: VC PROPOSED: CZ
USE:	MIXED USE
CONTACT:	HENSONFOLEY (JAY HENSON) 704-875-1615
ITEM	PROVIDED
LOT AREA	0.46 AC
FEMA MAP NUMBER	3710463300J
FEMA EFFECTIVE DATE	03/02/2009
WATERSHED	MCDOWELL
SOIL TYPE	CeB2, CeD2

ZONING CODE SUMMARY	
ITEM	PROVIDED
BUILDING SIZE	6,000 SF BUILDING FOOTPRINT (4 STORIES)
PARKING SPACES REQUIRED	RESIDENTIAL(2 STORIES) @ 1 PER HOME 6 UNITS PER STORY X 2 = 12 PARKING SPACES REQUIRED COMMERCIAL(2 STORIES) @ 4 SPACES/1000 SF 6,000 SF PER STORY X 2 = 12,000 SF 12,000/1000= 12 X 4 = 48 PARKING SPACES REQUIRED 60 TOTAL PARKING SPACES REQUIRED
PARKING SPACES REMOVED	5 PARKING SPACES
PARKING SPACES PROVIDED	16 PROPOSED UNDERGROUND PARKING SPACES ALL PARKING SPACES WITHIN EASEMENT
BUILDING HEIGHTS	* MAX 4 STORIES ALLOWED WITH CZ REQUEST ONLY

IMPERVIOUS SUMMARY			
ITEM	SQUARE FOOT	ACRES	PERCENTAGE OF TOTAL SITE
TOTAL SITE AREA	20,037 SF	0.46 AC	N/A
EXISTING IMPERVIOUS	9,755 SF	0.22 AC	0.49%
EXISTING IMPERVIOUS REMOVED	387 SF	0.01 AC	0.02%
PROPOSED BUILDING (BUA)	6,000 SF	0.14 AC	29.94%
PROPOSED CONCRETE (BUA)	3,032 SF	0.07 AC	15.13%
TOTAL BUA	18,400 SF	0.42 AC	91.83%
TOTAL PERVIOUS	1,637 SF	0.04 AC	8.17%

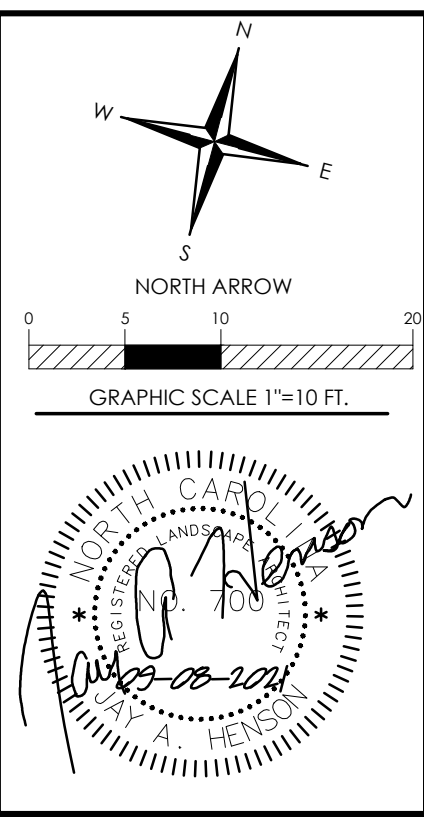
- SITE PLAN NOTES
- NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNTIL THE PROPOSED DEVELOPMENT IS IN COMPLIANCE WITH THE APPROVED PLAN IN ACCORDANCE WITH SECTION 9.9.3 OF THE TOWN OF CORNELIUS
 - SITE LIGHTING WILL BE SUBMITTED AND APPROVED AT TIME OF SITE PLAN REVIEW
 - SIGN PERMITS WILL BE PER SEPARATE SUBMITTAL
 - ARCHITECTURAL FOOTPRINT IS FOR INFORMATIONAL PURPOSES ONLY. REFER TO ARCHITECTS PLANS FOR FINAL LAYOUT AND DIMENSIONS



- CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO BEGINNING CONSTRUCTION.
- CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAGMEN, ETC., AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
- ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO STANDARDS OF THE DEPARTMENT OF TRANSPORTATION.
- SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART F, OR AS AMENDED.



HensonFoley
Landscape Architecture
Civil Engineering
8712 Lincham Dr Suite 202A, Huntersville NC 28078
p: 704.875.1615 | www.hensonfoley.com
NC ENGINEERING BOARD LICENSE #: C-3781
NC LANDSCAPE ARCHITECTURE BOARD LICENSE #: C-399



CORNELIUS MIXED USE BUILDING
PARCEL ID: 00512303
19615 BETHEL CHURCH RD, CORNELIUS NC 28031
SITE PLAN

REVISIONS:

C03 SITE PLAN.DWG	
PROJECT NUMBER:	221025
DATE: 03/09/2021	DRAWN BY: TSF
C03	4
SHEET	OF





REASONABLENESS AND CONSISTENCY OF PROPOSED ZONING MAP AMENDMENTS

REZ 12-21 Cornelius Mixed-Use Building

Skadoosh Properties, LLC, applicant, initiated the process to rezone and amend the property located at 19615 Bethel Church Road (PID 00512303), which consists of 0.46 acres, to *Conditional Zoning District* as shown on *Exhibit A*, and to use the property in accordance with the conditions set forth in *Exhibit B*.

The Land Use Plan adopted by the Town Board on January 6, 2014, and amended on April 5th, 2021, designates this property as Village Center. The Planning Board considers the proposed plan and use to be consistent with the 2014 Land Use Plan and reasonable and in the public's interest because 5-story mixed use buildings are primary land uses in the Village Center land use category.

Susan Johnson, Planning Board Chair

August 8, 2022

Exhibit A



Exhibit B

Conditions of REZ 12-21

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. Locations and details of proposed community mailbox delivery systems must be included in the construction documents and must be reviewed and approved by the Post Master for this area. The applicant(s) must provide the Town with written confirmation that the local Post Master is in agreement with the proposed box locations.
5. The uses on this site shall include commercial, office, retail, and service uses on the first two floors. Up to 8 residential units may be permitted on the 3rd and 4th floors.

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: August 8, 2022

To: Planning Board Members
From: Becky Partin
Senior Planner

Action Requested:








The Flagship neighborhood on Bethel Church Road is applying for a Conditional Zoning to place detached garages in the front yard. Each of the eight single-family lots is a minimum of 1,100' in length and all are accessed from a gated private drive entrance/exit on Bethel Church Road.

The Land Development Code does not permit detached garages in the front yard.

Manager's Recommendation:

Staff recommends approval with conditions.

ATTACHMENTS:

Name:	Description:	Type:
 REZ_04-22(PB)_Flagship_Staff_Report.docx	Staff Report	Backup Material
 Flagship_Property.pdf	Property Map	Backup Material
 Flagship_Vicinity.pdf	Vicinity Map	Backup Material
 Flagship_LU.pdf	Land Use Map	Backup Material
 Flagship_Zoning.pdf	Zoning Map	Backup Material
 application_04-22.pdf	Application	Backup Material
 PB_Consistency_Statement_REZ_04-22.docx	PB Consistency Statement REZ 04-22	Backup Material



REZ 04-22 Flagship Subdivision

Conditional Zoning Request

Planning Board Meeting
August 8, 2022

OWNER/APPLICANT: Scott Reynolds, President
Flagship Property Owners Association
20619 Bethel Church Road
Cornelius, NC 28031

PROPERTY LOCATION: 8 SF lots, Bethel Church Road
(PIDs: 00110804, 00110805, 00110806, 00110807, 00110808, 00110809, 00110810, 00110811)

PROPERTY SIZE: 24.5 acres total

CURRENT LAND USE: Single-Family Residential

PROPOSED LAND USE: Single-Family Residential

EXISTING ZONING: GR (General Residential)

PROPOSED ZONING: CZ (Conditional Zoning)

OVERVIEW:

Approved in the late 1990s, the Flagship subdivision has eight single-family lots accessed via a gated private drive on Bethel Church Road. One party owns two separate lots, one of which is undeveloped. Single-family detached homes have been constructed on all the other seven lots. Each of these lakefront lots is approximately 100' wide at the road right-of-way, a minimum of 1,000' deep, and at least three acres in size (minimum 2.5 acres/lot above water). The property owners would like to have the option to construct detached garages in the front yard, which is not allowed by the Land Development Code.

On May 23, 2022, staff presented the request to the Land Development Code Advisory Board (LDCAB) to consider a text amendment to allow detached structures in the front yard of deep length.

Following discussion, LDCAB unanimously recommended the Flagship neighborhood apply for a Conditional Zoning rezoning, rather than amending the Land Development Code to allow detached garages in the front yard.



EXISTING CONDITIONS:

1. Description of Adjoining Zoning and Land Uses – Each of the adjoining subdivisions - Biscayne Park, Bethelwood, Sawyers Landing, and Emerald Cove - are also zoned GR. The Patrick's Purchase subdivision, directly across the cove, is zoned GR.
2. Topography – Each of the Flagship lots have gently sloping terrain.
3. Vegetation – The private drive is screened from Bethel Church Road by a natural, heavily vegetated area that has a minimum depth of 75'.
4. Infrastructure – The site is currently served by Charlotte Water utilities.

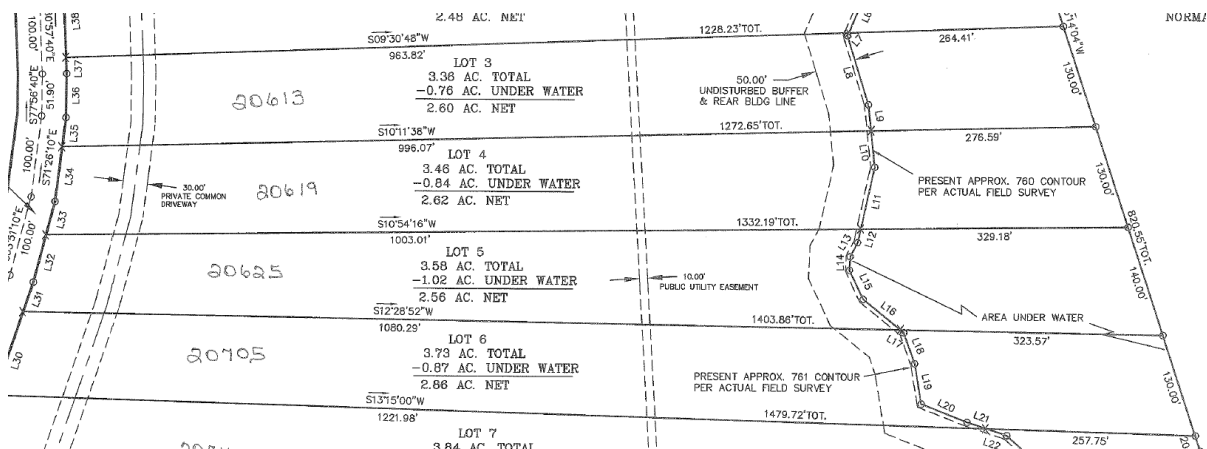
STAFF COMMENTS:

1. **Land Development Code Consistency** – The existing Flagship subdivision was developed in accordance with the approved plan. The minimum principal structure setbacks on the recorded plat are:
 - Front = 25'
 - Sides = 8'
 - Rear = 50' undisturbed buffer from the 760 contour line

Accessory Structures include detached garages. In accordance with Section 5.5.2:

- a. 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.
- b. The aggregate floor area of all accessory structures shall not exceed one-half (½) the total floor area of the principal structure.

Flagship Recorded Plat (MB 28, P 692):



2. Land Use Plan Consistency – The Land Use Plan adopted by the Town Board on January 6, 2014, and amended September 20, 2021, designates these properties as “Low Density Single Family”. The conditional zoning application proposes no change in use and Staff finds the proposal to be consistent with the goals and objectives of the adopted Land Use Plan.

STAFF RECOMMENDATION:

Staff recommends approval with the following conditions:

1. On Flagship lots where the front plane of the principal structure is at least 500' from the public right-of-way, detached garages in the front yard are allowed under the following conditions:
 - a. Only detached garages are permitted in the front yard. No other accessory use, such as pools, sheds, studios, etc., is permitted in the front yard.
 - b. The detached garage must meet accessory structure minimum side yard setback and maximum height requirements.
 - c. The detached garage must be located no closer than 300' from the public right of way.
2. Town approval is contingent on review and approval by other applicable local, state, and federal agencies.
3. Each lot shall comply with all other applicable requirements of the Town of Cornelius Land Development Code.
4. In addition to the above conditions, the applicant is still subject to all conditions from the previous subdivision approval (SUB 03-97), except as modified herein.

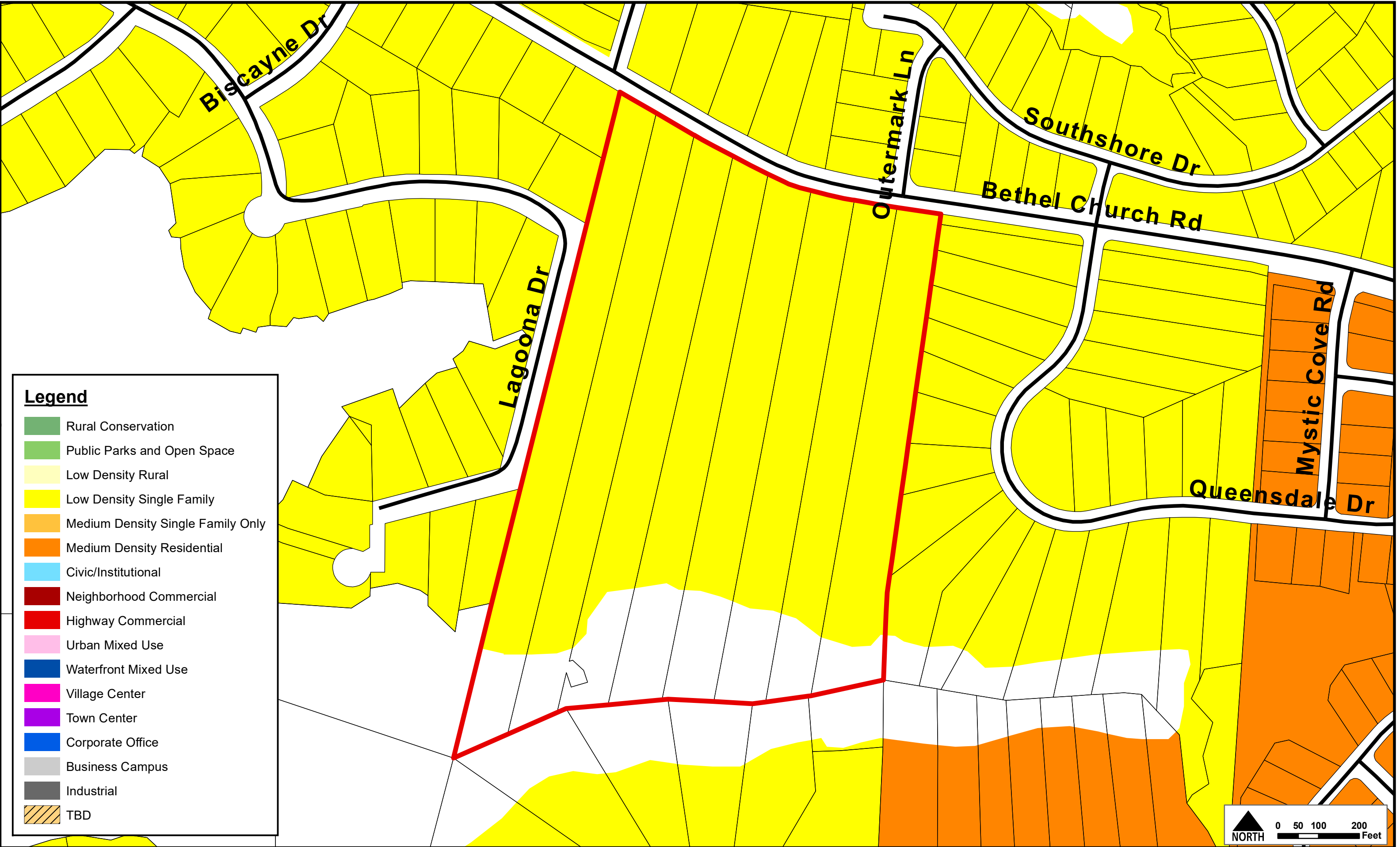
Property Map



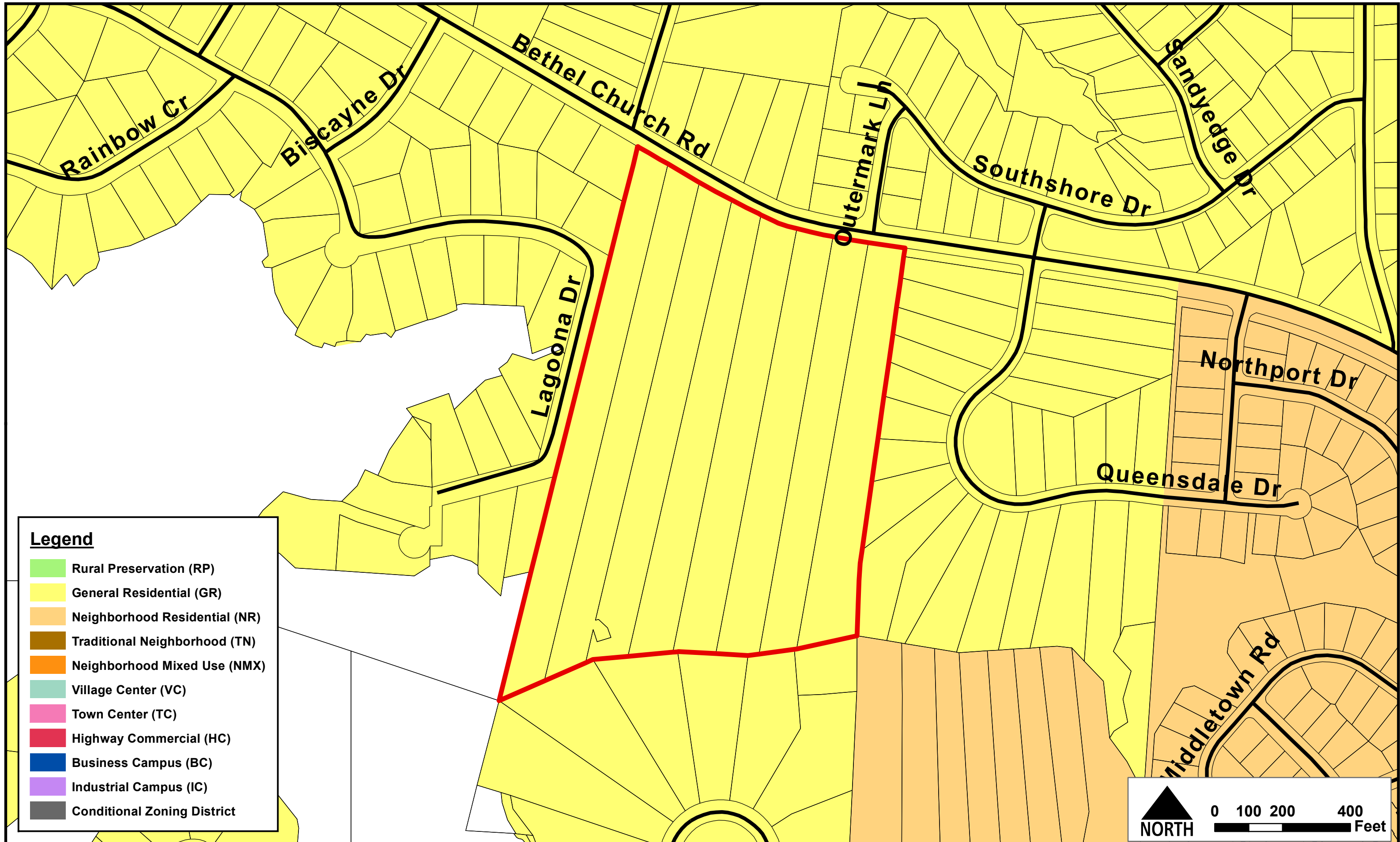
Vicinity Map



Land Use Map



Current Zoning





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 #:

6/28/22
BP
RE204-22

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:				_____

2. Project Information

Date of Application: June 15, 2022 Name of Project: Flagship CZ - Detached Garages in Front Yard
Location: 20721-20601 Bethel Church Rd. (Flagship) Property Size (acres): 24.5 acres # of Units/Lots: 7 Units / 8 Lots
Current Zoning: GR Proposed Zoning: CZ
Current Land Use: Residential Proposed Land Use: Residential
Tax Parcel Number(s): 00110811, 00110810, 00110809, 00110808, 00110807, 00110806, 00110805, 00110804

3. Contact Information

Jeffery Scott Reynolds, President, Flagship Property Owners Assn
Owner, Applicant, or Developer
20619 Bethel Church Rd.
Address
Cornelius, NC 28031
City, State Zip
(704) 607-4669
Telephone
Signature: Jeffery Scott Reynolds Print Name: Jeffery Scott Reynolds Date: 6/27/22
Email - jscottreynolds@gmail.com

Agent(s) (Engineer, Architect, Etc.)
Address
City, State Zip
Telephone Fax
Signature Print Name Date
Email - _____

4. The following items may also be required to be considered part of a complete application, please check all that apply on this list:

- | | |
|---|---|
| <input type="checkbox"/> Signed "Original" application | <input type="checkbox"/> Illustrative (color) site/sketch plan for presentation purposes with same layers as described above |
| <input type="checkbox"/> Project Fee(s) – See Fee Schedule | <input type="checkbox"/> 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). |
| <input type="checkbox"/> 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 | <input type="checkbox"/> Charlotte Water Capacity Assurance Review Application Provide copy with application, and send original to CW. |
| <input type="checkbox"/> Property Survey (at least one copy), including existing buildings, topography, wetlands, streams, vegetation (trees over 18" in diameter), and other natural features. | <input type="checkbox"/> Illustrative (color) elevations for presentation purposes for all items described above, as well as perspective (3D) renderings and photograph examples |
| <input type="checkbox"/> 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 | <input type="checkbox"/> Digital Files of all items listed above |



Flagship Property Owners Association, Inc.
20619 Bethel Church Rd., Cornelius, NC 28031

June 1, 2022

Wayne Herron, Deputy Director
Town of Cornelius Planning Department
PO Box 399
Cornelius, NC 28031

Dear Wayne,

On behalf of the Flagship Property Owners Association (FPOA), I am submitting for approval that the Flagship subdivision (Flagship) be recognized as a Conditional Zoning District to allow detached garages in the front yards.

Flagship is a small neighborhood (7 owners) with large waterfront lots (3.5 acres per lot for six owners and 7 acres for one owner). Each lot in Flagship has a long profile, stretching over 1,000 feet from the Bethel Church Road right of way to the Lake Norman shoreline. Flagship has a private road, Flagship Crescent, upon which each private driveway connects. Flagship Crescent intersects with Bethel Church Road at two points and is gated.

Within the Town of Cornelius Land Development Code, detached garages are only allowed in the backyard. It is not feasible to have detached garages in the backyards at Flagship due to lakefront setback requirements and the inability to get driveways to the back yards.

Below are the criteria we propose for the Conditional Zoning:

1. Detached garages are permitted in the front yard.
2. The detached garage must be located no less than 10 feet from the property line.
3. The detached garage must be no less than 300 feet from the public road right of way.
4. The maximum height of the detached garage is 30 feet.

In addition to the criteria above, the detached garage is subject to the restrictions, requirements, and approval of FPOA.

Wayne Herron, Deputy Director
Town of Cornelius Planning Department
June 2, 2022

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As you know, I attended the LDCAB meeting on May 23, 2022. In that meeting, LDCAB expressed support for what we want to accomplish and felt that Conditional Zoning for Flagship was a preferred method versus re-writing the Land Development Code.

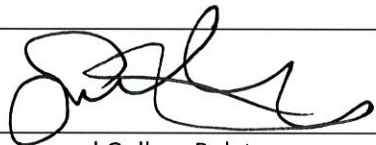
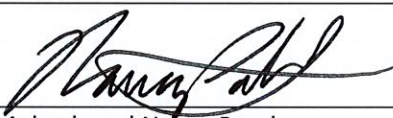
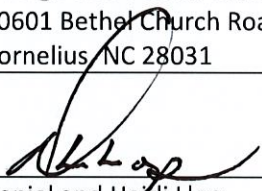
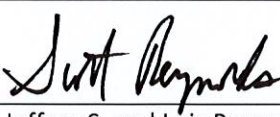
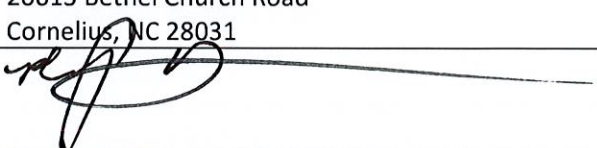
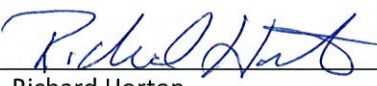
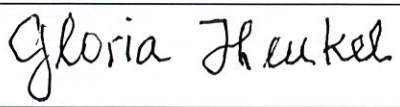
Thanks very much. Below my signature, every Flagship owner has also signed in support of the Conditional Zoning.

Sincerely,



Scott Reynolds, President
Flagship Property Owners Association

Owners Signatures in favor of Flagship subdivision being recognized as a Conditional Zoning District to allow detached garages in the front yards.

	
George and Gulben Bulat 20601 Bethel Church Road Cornelius, NC 28031	Ashesh and Nancy Patel 20607 Bethel Church Road Cornelius, NC 28031
	
Daniel and Heidi Llop 20613 Bethel Church Road Cornelius, NC 28031	Jeffery S. and Lois Reynolds 20619 Bethel Church Road Cornelius, NC 28031
	
Phillip and Elizabeth Bowman 20625 Bethel Church Road Cornelius, NC 28031	Richard Horton 20705 Bethel Church Road Cornelius, NC 28031
	
Gloria Henkel 20711 Bethel Church Road Cornelius, NC 28031	

**REASONABLENESS AND CONSISTENCY
OF PROPOSED ZONING MAP AMENDMENTS**

REZ 04-22 Flagship Subdivision

The Flagship Property Owners Association, applicant, initiated the process to rezone and amend the eight properties located on the south side of Bethel Church Road, near the intersection of Bethelwood Lane (PIDs 00110804, 00110805, 00110806, 00110807, 00110808, 00110809, 00110810, 00110811), which consists of 24.5 acres, to *Conditional Zoning District* as shown on *Exhibit A*, and to use the properties in accordance with the conditions set forth in *Exhibit B*.

The Town's Future Land Use Plan designates these properties as "Low Density Single Family". The Planning Board has considered the proposed request to allow detached garages in the front yard and considers the proposed plan and uses to be reasonable and in the public's interest.

Susan Johnson, Planning Board Chair

August 8, 2022

Exhibit A



Exhibit B

Conditions of REZ 04-22

1. On Flagship lots where the front plane of the principal structure is at least 500' from the public right-of-way, detached garages in the front yard are allowed under the following conditions:
 - a. Only detached garages are permitted in the front yard. No other accessory use, such as pools, sheds, studios, etc., is permitted in the front yard.
 - b. The detached garage must meet accessory structure minimum side yard setback and maximum height requirements.
 - c. The detached garage must be located no closer than 300' from the public right of way.
2. Town approval is contingent on review and approval by other applicable local, state, and federal agencies.
3. Each lot shall comply with all other applicable requirements of the Town of Cornelius Land Development Code.
4. In addition to the above conditions, the applicant is still subject to all conditions from the previous subdivision approval (SUB 03-97), except as modified herein.