



**Town of Cornelius
Land Development Code Advisory Board**

**Agenda
May 23, 2022
5:30 PM
Room 204**

Call To Order

Determination of Quorum

Presentations

1. Temporary Structures in the Front Yard

Approval of Minutes

1. Approval of Minutes

Review And Recommendation On Agenda Items

Old Business

New Business

1. Detached Garages
2. Accessory Dwelling Units

Next Meeting

Adjournment

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: May 23, 2022

To: LDCAB Members

From: Becky Partin

Senior Planner

Action Requested:

Mr. Sal Ciresi of Norman Colony Road would like to address the board concerning temporary accessory uses in the front yard.

Manager's Recommendation:

Hear remarks and provide direction to staff.

ATTACHMENTS:

Name:	Description:	Type:
No Attachments Available		

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: May 23, 2022

To: Chair and LDCAB Members

From: Summer Smigelski, Planning Admin.

Action Requested:

Review and Approve

Manager's Recommendation:

Approval

ATTACHMENTS:

Name:	Description:	Type:
 01242022MinutesLDCAB-DRAFT.docx	January 24, 2022 Minutes	Backup Material

Minutes

TOWN OF CORNELIUS LDCAB

Room 204

January 24th, 2022

5:30 PM

Members Present

Cheryl Crawford, Chair
Bob Bruton
Norris Woody, Vice Chair
Keith Eicher
Joe Dean
Colin Furcht, Commissioner
John Hettwer
Karen Tovar

Members Absent

David Dunn
Dave Gilroy, Commissioner
Laura Pegram

Staff Present

Wayne Herron, Deputy Town Manager/
Planning Director
Becky Partin, Senior Planner
Summer Smigelski, Planning Admin.

VISITORS

None

DETERMINATION OF QUORUM

Chair Crawford called the meeting to order at 4:58 PM and determined a quorum was present.

Temporary Structures in the Front Yard

Mr. Herron discussed the legal challenge for zoning code to regulate portable structures. Huntersville, Davidson, and Mooresville also do not regulate portable structures.

Mr. Herron informed the board that staff has invited the attorney to come and speak.

APPROVAL OF MINUTES

The Board unanimously approved the June 28th, 2021 Minutes.

Motion made by Norris Woody. Seconded by John Hettwer. All in favor, motion approved.

In Favor: Mr. Woody, Mr. Furcht, Mr. Hettwer
Mr. Bruton, Mr. Dean, Mr. Eicher, Ms. Tovar,
Ms. Crawford

Opposed: None

Lake Views

The "Lake View" discussion was requested to bring back to the board by Bob Bruton.

Mr. Herron reminded the board of the previous discussion in 2018 and asked Mr. Bruton if he would like to speak to the board.

Mr. Bruton informed the board of a structure that has been built on a lake front property. The structure blocks the lake view from the adjacent property owner. Mr. Bruton's opinion is that he doesn't think that a neighbor should block the adjacent properties view.

The board discussed setbacks and possibly regulating opaque fences.

Mr. Herron asked the board if this is something they are interested in bringing back for discussion.

TOWN OF CORNELIUS LDCAB

January 24th, 2021

After discussion the board agreed to take to the board for further discussion.

Motion made by Norris Woody. Seconded by Bob Bruton. All in favor, motion approved.

In Favor: Mr. Woody, Mr. Furcht, Ms. Crawford
Mr. Bruton, Mr. Eicher, Ms. Tovar

Opposed: Mr. Hettwer, Mr. Dean

I-77 Buffers & Setbacks

Mr. Herron presented the current code to the board. Unchanged since original zoning code adopted in 1996. Type A (formerly referenced as an opaque screen/buffer) required at the edge of all yards abutting I-77 right-of-way. Minimum width of 50'. Meant to function as an opaque screen to at least 8' in height. Following denial of a variance request, O'Reilly Auto Parts received conditional zoning approval to allow parking lot to extend into the 50' buffer. Properties west of I-77 abut Chartown Drive, not I-77. The only buffer we have along 77 is the noise wall. The question is, do we want to keep the 50' I-77 buffer requirement?

After discussion, the board agreed that there isn't a need to keep the 50' buffer requirement along I-77 and asked to take off the books.

Motion made by Norris Woody. Seconded by John Hettwer. All in favor, motion approved.

In Favor: Mr. Woody, Mr. Furcht, Mr. Hettwer
Mr. Bruton, Mr. Dean, Mr. Eicher, Ms. Tovar,
Ms. Crawford

Opposed: None

Landscaping Height Requirement

Mr. Herron presented the current code requirement for three-foot-tall shrubbery. Businesses are having trouble finding three-foot-tall shrubbery and most nurseries do not sell them. Municipalities are now starting to change their code requirements to two feet. Our recommendation is to change it to two feet.

Mr. Hettwer mentioned that if the intent is for the shrubbery to grow to four feet he was okay changing the code requirements to two feet.

After discussion, the board agreed to modify the landscaping height requirement to two feet with the intent to grow to four feet.

Motion made by John Hettwer. Seconded by Joe Dean. All in favor, motion approved.

In Favor: Mr. Woody, Mr. Furcht, Mr. Hettwer
Mr. Bruton, Mr. Dean, Mr. Eicher, Ms. Tovar,
Ms. Crawford

Opposed: None

Adjournment

Johns Hettwer made a motion to adjourn the meeting at 6:26 pm. Seconded by Bob Bruton. All in favor and motion approved.

In Favor: Mr. Woody, Mr. Furcht, Mr. Hettwer
Mr. Bruton, Mr. Dean, Mr. Eicher, Ms. Tovar,
Ms. Crawford

Opposed: None

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: May 23, 2022

To: LDCAB Members
From: Wayne Herron, AICP
Deputy Town Manager

Action Requested:

The Flagship neighborhood on Bethel Church is looking for options 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 private drive entrance/exit on Bethel Church Road.

Staff offers the following for consideration to place detached garages in the front yard:

1. Each property owner must request a variance
2. The neighborhood applies for Conditional Zoning
3. Make a text amendment to potentially allow detached structures in the front yard of deep length lots

Attached for your consideration is a draft of LDC changes should you choose to proceed with the third option above.

Manager's Recommendation:

Discuss and provide direction

ATTACHMENTS:

Name:	Description:	Type:
 Proposed_Detached_Garage_Text_Amendment.pdf	DRAFT Text Amendment - Detached Garages in Front Yard	Backup Material

Proposed Detached Garages in the Front Yard Text Amendment

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.
 - a. The Planning Director may permit the placement of an accessory building in a side yard, if no practical alternative exists.
 - b. *On lots where the principal structure is at least 200 feet (200') from the road right-of-way, the Planning Director may permit the placement of detached garages in the front yard under the following conditions:*
 - i. *Only detached garages are permitted in the front yard. No other accessory use is permitted in the front yard.*
 - ii. *The detached garage must meet accessory structure minimum side yard setback requirement.*
 - iii. *The detached garage must be located no closer than 150 feet from the road right of way.*
- D. The aggregate floor area of all accessory structures shall not exceed one-half (½) 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 35 feet 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 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 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 50% of the average lot width.
 - 6. Accessory buildings greater than 600 square feet shall have a minimum building separation from the principal structure of 100 feet. (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)