

Members

Michelle Bennett
Kimberle Burton
Jonathan Bradshaw
Peter Jacobson
Jason Loucks
John Carbonell
Chris Price
Mike Russell
Shannan Younger
Jack Zovistoski



Town Staff

Jack Simoneau
Director
Planning Department

Tracy Barron
Executive Assistant
Planning Department

Emily Sloop
Town Attorney

AGENDA

Board of Adjustment Meeting September 12, 2023 - 6:30 PM TOWN HALL (101 Huntersville-Concord Road)

Live Stream available via YouTube
@townofhuntersvillenc28078

1. Roll Call, Determination of Quorum

1.A. Elect Chair and Vice-Chair ()

1.B. Acknowledge out-going members and welcome new members of the board.

2. Approval of Minutes

2.A. Consider approval of the March 14, 2023 meeting minutes.

3. Hearing of Cases

3.A. V23-01 7760 MCILWAINE RD HUNTERSVILLE NC 28078
The applicant is requesting a variance from Article 4.9.3 of the Zoning Ordinance to allow a detached garage to be located in the front yard. (*Nathan Farber*)

4. Other Business

5. Adjourn

GENERAL MEETING INFORMATION

Board of Adjustment:

This Board handles issues that arise from the enforcement of the Huntersville Zoning Ordinance on individual properties; such as variance requests for relief from the requirements of the Zoning Ordinance, and appeals from determinations or decisions made by Planning Staff. The Board of Adjustment also acts as the Water Review Board for Density Averaging Certificates. Requests are heard in a quasi-judicial (court style) manner in which sworn testimony is given and decisions are based on facts and evidence presented. For more information visit www.huntersville.org.

Meeting Time, Place and Agenda:

All meetings of the Board are open to the public and the public is invited and encouraged to attend. The Board meets in the Town Hall at 6:30 p.m. on the second Tuesday of each month (unless otherwise posted). Agendas are published Thursdays before the meeting on our website. The Board reserves the right to deviate from the agenda.

Special Accommodations:

Anyone needing special accommodations when attending this meeting and/or if this information is needed in an alternative format please contact Tracy Barron. She can be reached by phone or fax: 704-766-2215, email: tbarron@huntersville.org or at 105 Gilead Rd, 3rd Floor, Huntersville, NC 28078. We request at least 72-hours' notice prior to the meeting to make the appropriate arrangements.

Minutes of the Town of Huntersville Board of Adjustments

The Town of Huntersville Board of Adjustments met at 6:30 p.m. on Tuesday, March 14, 2023.

Call to Order/Roll Call

Clerk T. Barron called the meeting to order at 6:30 pm.

Present: S. Genenbacher, J. Bradshaw, K. Burton, M. Bennett

Absent: E. Cecil, P. Jacobson & J. Loucks

Alternate Members Present & Voting: J. Passarelli, J. Carbonell & C. Price

Temporary Chair

Clerk T. Barron requested nominations for temporary chair.

Nomination: K. Burton nominated J. Bradshaw. There were no other nominations.

Motion: K. Burton made a Motion to Appoint J. Bradshaw temporary chair. S. Genenbacher seconded the motion.

Vote: The motion passed unanimously (7-0).

Public Comments

No comments

Conflict of Interest

J. Bradshaw asked the Board if there was any conflict of interest. There was no conflict.

Attestation

J. Bradshaw completed the attestation. The applicant Ray Kavelish and staff N. Farber, Planner II were sworn in.

Agenda Change

Motion: M. Bennett made a Motion to Change the agenda to remove Items 3B through 3H due to applicant written withdrawal. S. Genenbacher seconded the motion.

Vote: The motion passed (6-0-1) with J. Passarelli abstaining.

Approval of Minutes

Item 2A. Consider approval of the revised January 10, 2023, Regular Meeting Minutes

Motion: M. Bennett made a Motion to Approve the January 10, 2023, minutes. J. Carbonell seconded the motion.

Vote: The motion passed (5-0-2) with C. Price & J. Passarelli abstaining.

Motion: J. Passarelli made a Motion to Adopt the rules of procedure as prepared by the Board of Adjustments and drafted by himself prior to the Town Board adopted Board of Adjustment rules of procedure dated November 15, 2021. There was not a second.

Motion: C. Price made a Motion to Table the rules of procedure discussion to the April 11, 2023, Board of Adjustments meeting and requested that a copy of the BOA drafted and currently adopted rules of procedure be provided to all members of the BOA. S. Genenbacher seconded the motion.

Vote: The motion passed (6-1) with J. Passarelli opposed.

Recusal: J. Passarelli shared his point of order as attached as exhibit A and then recused himself from the hearing.

Quasi-judicial

J. Glass, Town Attorney completed the reading of the quasi-judicial statement.

J. Glass then informed the applicants that per the rules of procedure and this being a quasijudicial hearing the Board must reach a 4/5 majority which would mean six votes. With there being only six Board members present the applicant has the option to request deferral. The applicant acknowledged they understood and stated they would move forward with the proceeding with the six Board members present.

Hearing of Cases

Item 3A: V22-03 12006 HILLCREST LN HUNTERSVILLE 28078

The applicant is requesting a variance from Article 3.2.2 (d) of the Zoning Ordinance.

This request is to allow the placement of a Mobile Home within both side setbacks.

N. Farber, Planner II entered his staff report into the record, a copy of which is attached hereto as Exhibit B and incorporated herein by reference. Staff reviewed the applicant's variance request and staff report as included in the agenda packet. Staff finds that the application meets four of the four requirements and therefore recommends approval of the variance request.

J. Bradshaw asked staff if the adjacent properties were informed of the variance request and potential encroachment. Staff confirmed that legal notices were published, and notifications were sent my US Mail. The neighbor adjacent to the left (when looking at the subject property from the street) subsequently called in and spoke with staff. They did not voice an opinion they simply wanted to know what the variance was for.

Applicant R. Kavelish, 12006 Hillcrest Lane stated that he finds the staff report to be accurate and complete. He stated that the trailer was purchased after Environmental Services stated that the septic was suitable for 3 bedrooms. After the trailer was placed the error on the septic was identified and the applicant had to add approximately 100 feet of septic line and move the trailer creating the encroachment.

C. Price asked the applicant if the subject property currently has any skirting or underpinning in place. The applicant responded there is a full CMU, or cement block, skirting in place.

J. Bradshaw closed the hearing and asked the Board if there was any deliberation. There were no deliberations.

Motion: K. Burton made a Motion to Approve the case V22-03 in considering the application, a request by Batt Work Construction Services for a variance from Article 3.2.3 (d) of the Zoning Ordinance, the Board of Adjustment approves the variance request based on a finding that the request meets four of the four criteria, outlined in the Zoning Ordinance, for granting a variance. The Board of Adjustment finds the request meets four of the four criteria for granting a variance based on the staff's finding of facts as presented. S. Genenbacher seconded the motion.

Vote: The motion passed unanimously (6-0).

Other Business

J. Glass shared with the Board that the Town Attorneys were directed by the Town Board in early 2021 to review the rules of procedure for all the Boards. Following the appointments to the Board of Adjustment in July 2021 the Board of Adjustments reviewed their rules of procedure and made additional recommendations. Those were reviewed by the legal department and some of those recommendations were accepted, some were not, and the Town Board then adopted the updated Board of Adjustment rules of procedure.

The Town Attorneys have confirmed with the UNC School of Government that the Town Board does have the authority to take over the rules and make the changes under NCGS 160d-308. Since the Town Board has this authority, it would be the position of the legal department that the Board of Adjustments may make recommendations for the Town Board to consider.

J. Glass encouraged all board members to bring any questions they have regarding this to the attention of legal staff prior to the April meeting and they will be happy to answer them.

S. Genenbacher and K. Burton commented that they would like to receive a copy of the currently adopted rules of procedure. Staff confirmed we would send that to the Board.

K. Burton asked why the Town Board has the authority to set the rules of procedure for the Board of Adjustment if this board is separate. J. Glass responded that the Board exists at the direction of the Town Board to hear the variances and appeals however the Town Board does not have the right to interfere with the decisions on the hearings before the Board of Adjustment or to tell them how to vote.

Adjourn

Motion: C. Price made a Motion to Adjourn. S. Genenbacher seconded the motion.

Vote: The motion passed unanimously (6-0).

Approved this ____ day of _____ 2023.

Chairman or Vice Chairman

Board Secretary

**Town of Huntersville
Board of Adjustment
September 12, 2023**

To: Town Board

From: Nathan Farber, Planner I

Date: September 12, 2023

Subject: V23-01

EXPLAIN REQUEST:

V23-01 7760 MCILWAINE RD HUNTERSVILLE NC 28078

The applicant is requesting a variance from Article 4.9.3 of the Zoning Ordinance to allow a detached garage to be located in the front yard.

ACTION RECOMMENDED:

Make Decision

FINANCIAL IMPLICATIONS:

NA

ATTACHMENTS:

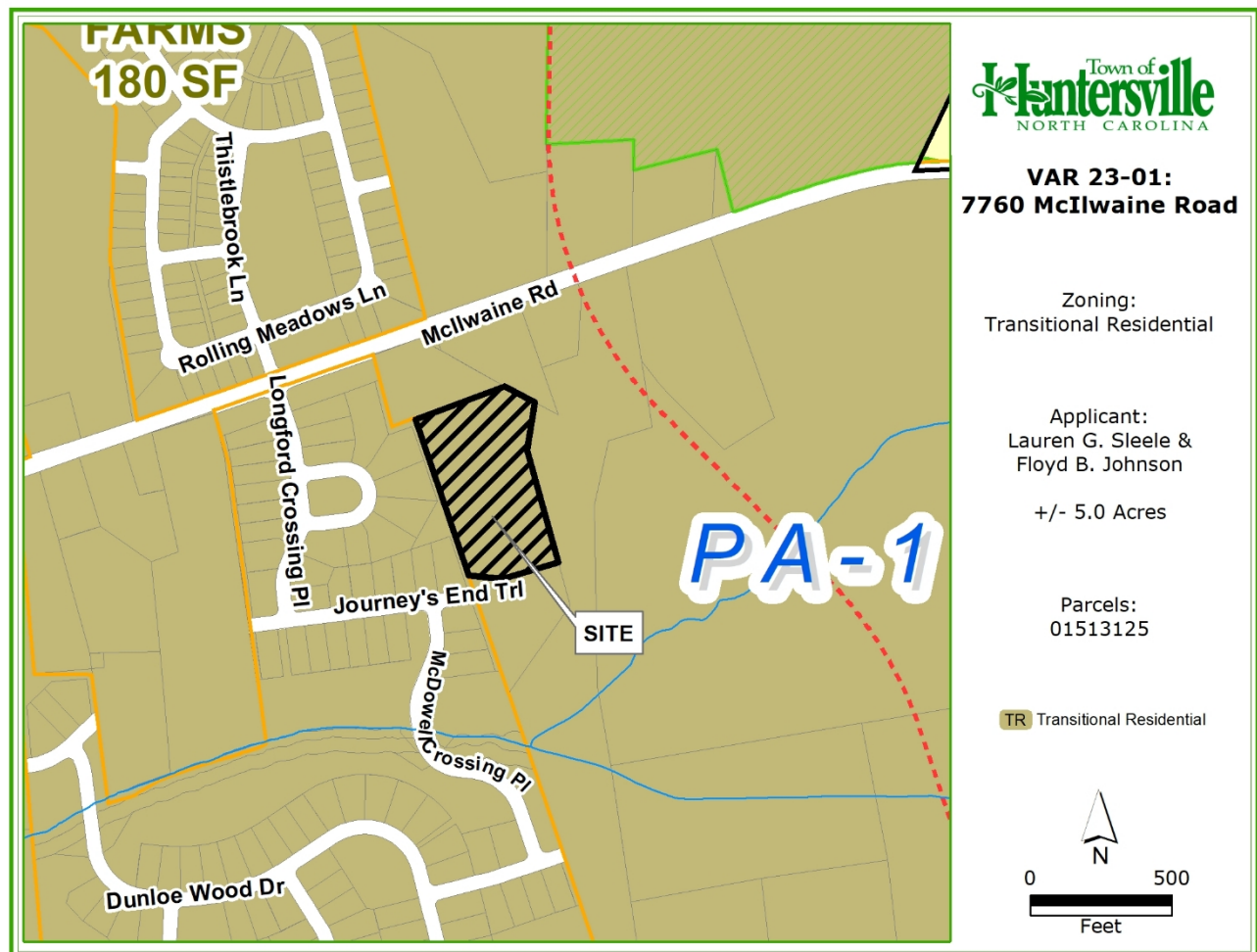
1. V23-01 Staff Report FINAL
2. Attachement 1 - Application
3. Attachment 2 - Email Correspondance
4. Attachment 3 - Site Plan
5. Attachment 4 - Topographic Map
6. Attachment 5 - Aerial View of Property
7. Attachment 6 - Property Survey
8. Attachement 7 - Property Photographs

**V23-01, 7760 McIlwaine Rd
Parcel ID 01513125**

Case #: V23-01
Address: 7760 McIlwaine Road, NC 28078
Parcel #: 015-131-25
Acreage: 5.00ac
Property Owner/Applicant: Lauren Steele and Floyd Johnson
Owner/Applicant Address: 7760 McIlwaine Road, Huntersville, NC 28078
Staff: Nathan Farber - Planner II

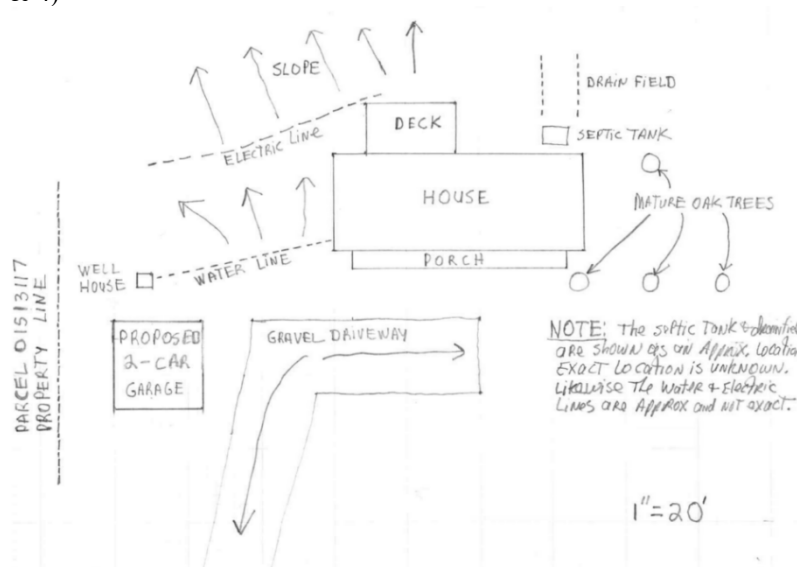
The applicants Lauren Steele and Floyd Johnson are requesting a variance from **Article 4.9.3**, stated below, to allow a detached garage to be located in the front yard.

Article 4.9.3 A detached garage may be located only in the rear yard.



BACKGROUND:

1. The subject property, Parcel ID 015-131-25, is zoned Transitional Residential (TR).
2. The subject property is located within the boundaries of the Town of Huntersville.
3. The subject property is 5 acres.
4. The subject property is owned by Lauren Steele and Floyd Johnson.
5. The applicants are also Lauren Steele and Floyd Johnson.
6. Article 4.9.3 states, "A detached garage may be located only in the rear yard".
7. Article 8.16.7 Rear Yard Requirements also addresses detached garages placement stating, "Detached garages may only be placed in the established rear yard. Garages for more than two cars must be detached and located in the established rear yard or be attached side or rear loading".
8. "Rear Yard" or "Yard, rear, established" is defined in Article 12 as "The distance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot, projected to the side lines of the lot on which the building or structure is located".
9. The property located at 7760 McIlwaine Road has a required front setback of 20', side setback of 6', and a rear setback of 25'.
10. The applicant emailed Staff on April 24, 2023 to inquire about building a detached garage. After being informed on the applicable ordinances the applicant requested information on a variance. (EXHIBIT 2)
11. The applicant filed a variance application on July 14, 2023.
12. Based on a document from the applicants, a septic field is located approximately on the right side of the rear yard. (EXHIBIT 3)
13. Based on a document from the applicant and a topographic map from Polaris 3G The rear yard slopes downwards. (EXHIBITS 3 & 4)



STAFF FINDINGS (ordinance standards are in italics):

Please see Exhibit 6 for the applicant's responses to the required criteria for granting a variance.

In considering any variance request, the following Standards for Granting a Variance of the Huntersville Zoning Ordinance (Article 11.3.2.e) must be addressed:

Article 11.3.2.e Standards for Granting a Variance of the Huntersville Zoning Ordinance:

Before granting a variance, the Board of Adjustment shall have made the following findings:

Standards for Granting a Variance. When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

- 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.*

Staff Findings:

- A. The applicant states existing underground water and electric lines prohibit the structure from being placed in the rear yard. (EXHIBIT 3)
- B. The applicant states existing trees and a septic system on the right (west) side of the property would prevent the structure from being placed in the rear yard. (EXHIBIT 3)
- C. Staff finds the septic system only prevents locating the proposed detached garage on one side of the property.
- D. Staff find the existing underground electrical and water lines would not create any unnecessary hardships as the structure could be placed to the rear of these utilities.
- E. The applicant states the strict application of the ordinance would require a driveway addition. The Zoning Ordinance does not require a separate or additional driveway for a detached garage.
- F. Staff finds that this requirement has not been met.

- 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.*

Staff Findings:

- A. The applicant states the rear yard slopes downwards in the rear yard making the construction of the structure more difficult. (EXHIBIT 4, 7)
- B. Staff finds that while a slope may require more work to construct the structure, it would not prevent the structure from being placed in the rear yard. (Exhibit 3)
- C. The subject property adjoins a major subdivision to the west with lots that are less than ½ acre and adjoins lots that are an acre or more to the east. The property does not have road frontage and the primary structure (single-family home) is almost completely surrounded by vegetation. While the location and features of the subject property are unique, the unique characteristics of the property do not create a hardship from compliance with the Zoning Ordinance.
- D. Staff finds this requirement has not been met.

- 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.*

Staff Findings:

- A. The applicant states that when purchasing the property, they had no prior knowledge that a garage could not be placed in the front yard.
- B. Staff find that the hardship was not self-created as the applicants did not alter the lot in any way that is known to staff that would limit the placement of a detached garage in the rear yard.
- C. Staff finds this requirement has been met.

- 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.*

Staff Findings:

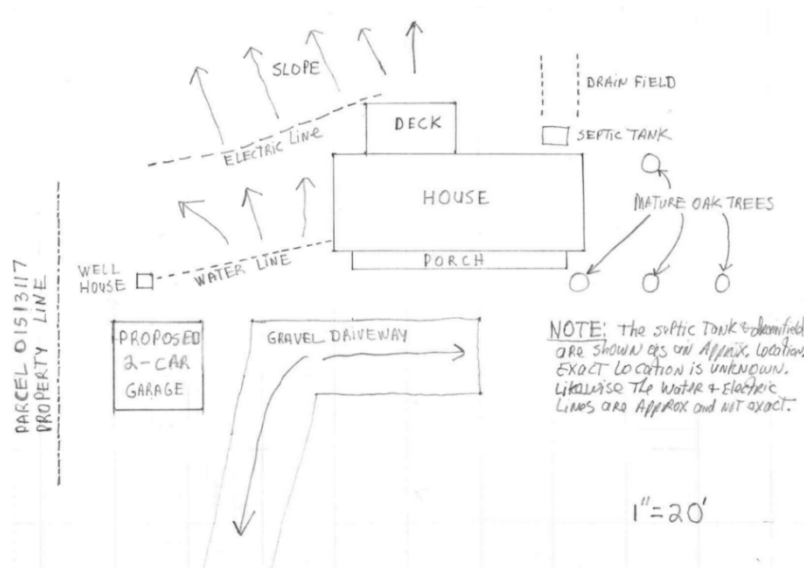
- A. The purpose of placing the detached garage in the rear yard is to ensure that, as an accessory structure, the detached garage remains secondary to the primary structure.
- B. There is existing precedent for the denial of requests for detached garages to be located outside of the rear yard of a residential property. (V22-02)
- C. Staff finds that the variance would not be consistent with the intent of the ordinance and substantial justice would not be achieved with regard to the separation of structures and uses for neighboring properties..

STAFF POSITION:

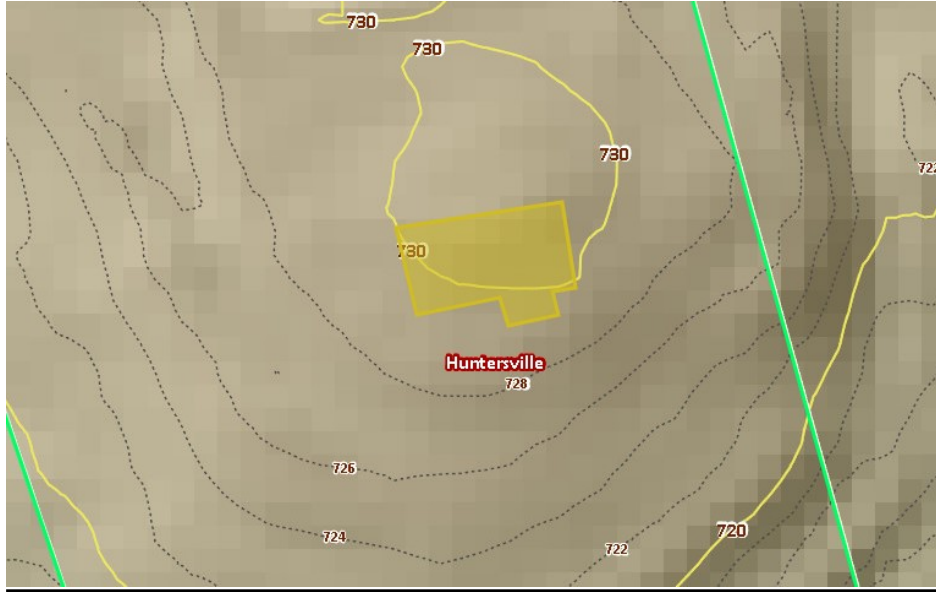
The applicant is seeking a variance from Article 4.9.3 of the Huntersville Zoning Ordinance, which requires all detached garages to be placed in the rear yard. Staff finds that while the approximate location of a septic field, utility lines, and a

downward slope in the rear yard do create obstacles, it does not completely prevent the placement of a detached structure in the rear yard. Staff finds that the application meets one of the four requirements for granting a variance and therefore recommend disapproval of the request based on the below findings:

1. The subject property, Parcel ID 015-131-25, is zoned Transitional Residential (TR).
2. The subject property is located within the boundaries of the Town of Huntersville.
3. The subject property is 5 acres.
4. The subject property is owned by Lauren Steele and Floyd Johnson.
5. The applicants are also Lauren Steele and Floyd Johnson.
6. Article 4.9.3 states, "A detached garage may be located only in the rear yard".
7. Article 8.16.7 Rear Yard Requirements also addresses detached garages placement stating, "Detached garages may only be placed in the established rear yard. Garages for more than two cars must be detached and located in the established rear yard or be attached side or rear loading".
8. "Rear Yard" or "Yard, rear, established" is defined in Article 12 as "The distance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot, projected to the side lines of the lot on which the building or structure is located".
9. The property located at 7760 McIlwaine Road has a required front setback of 20', side setback of 6', and a rear setback of 25'.
10. The applicant emailed Staff on April 24, 2023 to inquire about building a detached garage. After being informed on the applicable ordinances the applicant requested information on a variance. (EXHIBIT 2)
11. The applicant filed a variance application on July 14, 2023.
12. Based on a document from the applicants, a septic field is located approximately on the right side of the rear yard. (EXHIBIT 3)
13. Based on a document from the applicant and a topographic map from Polaris 3G The rear yard slopes downwards.



(EXHIBITS 3 & 4)



EXAMPLE MOTION: V23-01, 7760 McIlwaine Rd Huntersville, NC 28078

Planning Department	Board of Adjustment
APPROVAL:	APPROVAL: In considering the application for V23-01, a request by Lauren Steele and Floyd Johnson for a variance from Article 4.9.3 of the Zoning Ordinance, the Board of Adjustment approves the variance request based on a finding that the request meets ____ of the four criteria, outlined in the ZONING ORDINANCE, for granting a variance.) The Board of Adjustment finds the request meets ____ of the four criteria for granting a variance based on the following findings of fact: <i>(explain findings of fact)</i>
DENIAL: In considering the application for V23-01, a request by Lauren Steele and Floyd Johnson for a variance from Article 4.9.3 of the Zoning Ordinance, the Planning Department recommends denial based on the above findings that the request meets one of the four criteria as outlined in the Zoning Ordinance, for granting a variance.	DENIAL: In considering the application for V23-01, a request by Lauren Steele and Floyd Johnson for a variance from Article 4.9.3 of the Zoning Ordinance, the Board of Adjustment denies the variance request based on a finding that the request meets ____ of the four criteria, outlined in the ZONING ORDINANCE, for granting a variance. The Board of Adjustment finds the request does not meet the criteria for granting a variance based on the following findings of fact: <i>(explain findings of fact)</i>

Exhibit 1 –Application

Exhibit 2 – Email

Exhibit 3 – Property Site Plan

Exhibit 4 – Topographic Map

Exhibit 5 – Aerial View of Property
Exhibit 6 – Property Survey
Exhibit 7 – Property Photographs



Variance Application

files 7/14
Payment rec'd
Intake accepted

Date of Application: July 14, 2023

Property/Building Address: 7760 McILWANE ROAD Parcel Size (ac): 5

Tax Parcel ID (PIN) Number: 01513125

Ordinance to be Varied

Ordinance (Zoning, Floodplain, etc.): ZONING Article: 4 Section: 9.3

Description of Request (In this section describe what you are seeking to be allowed at this property. For example – According to Article 4: Detached House of the Huntersville Zoning Ordinance, mechanical equipment shall not encroach into any required setback. I am requesting a variance to allow mechanical equipment in the side yard at 000 Gilead Road, Huntersville, NC.):

ZONING ORDINANCE REQUIRES GARAGE to be either ATTACHED to the house OR to the REAR of the house. I AM REQUESTING a VARIANCE to allow a detached garage to the front and side of the house ON A 5-acre LOT in a RURAL setting.

Submittal Procedure and Requirements

See the current Board of Adjustment Submittal deadlines and Meeting Schedule for filing deadlines and meeting dates. The variance process is quasi-judicial. Contact with the Board of Adjustment shall only occur under sworn testimony.

The property owner(s) or legal representative of the property owner must sign this application. If the applicant is different from the property owner, the applicant shall also sign.

The following shall be submitted with a completed application:

- One (1) electronic copy by email and (1) hard copy of applicable map(s), site plans, exhibits, and applications showing exact location of property with respect to existing streets, adjoining lots and other important features on or contiguous to the property. Include any maps and/or illustrations (to scale), which are necessary to show the location, number and size of buildings, signs, etc., on the property.
- A list of names, addresses and tax parcel identification numbers of properties that abut the site, are across the street from the site or are otherwise within one hundred feet (100') of the site.
- Review Fee - Please check most recent version of Fee Schedule for applicable Variance Review Fee. Reviews shall be submitted by mail as directed below or through the Town website: www.huntersville.org/ (Select How Do I > Pay Planning and Zoning Fees)
- Email completed application to planning@huntersville.org. The hard copy may be mailed or delivered in person.
- Submit the complete application, all supplemental documents, and the fee by noon on the filing deadline

Physical Address: 105 Gilead Road | Third Floor (Fed Ex, UPS, and Couriers)

Mailing Address: P.O. Box 664 | Huntersville, North Carolina 28070 (USPS)

Attention: Planning Department

Make checks payable to: Town of Huntersville

Include property address and/or Tax Parcel ID in memo

In the following spaces, indicate **FACTS** that demonstrate to the Board of Adjustment you meet all the standards for granting a variance:

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. The difficulty or hardship would result only from these regulations and from no other cause, including the actions of the owner or previous owners of the property.

- UNABLE to build to side of house because of underground water & electric lines
- Rear garage would have to be behind electric line and require over 50' of new driveway
- Driving over water line risks breaking it since it likely is not buried deeply.
- NOT Practical to build on other side of house because of trees and septic system.

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. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

- Land slopes away from house in the rear which will require excavation and runoff from impervious surface will be rapid.
- Property NOT visible from McILWINE RD. and is accessed by a long driveway.
- ONLY one neighbor can see the garage location and that view is blocked by trees.

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.

- When we purchased the property, we had no idea a variance would be needed for the proposed garage location.

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.

- Proposed garage location is directly adjacent to the existing gravel driveway and is beside the well house.
- Proposed location will have less slope and disturb less land.
- Run off the proposed location should be minimal.
- SPECIAL CONDITION 3 of ARTICLE 4.9 states "For detached homes on large lots accessed by a private drive in rural neighborhoods, building placement and site planning will be dictated by landscape features and landscape preservation." use of this condition seems applicable.

ApplicantPrinted Name of Applicant LAUREN G. STEELE & FLOYD B. JOHNSON☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: JOINT OWNERSHIPPhone of Applicant 267 542-8623Applicant Email FLOYD B. JOHNSON @ gmail.comAddress of Applicant 7760 M'ILWAINE RD. HUNTERSVILLE, NC 28078

Printed Name of Applicant's Legal Representative, if applicable: _____

Phone of Legal Representative: _____

Legal Representative Email: _____

☒ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable if box is checked)

Signature of Applicant 5: Lauren G. Steele Date 7-14-2023~~Signature of Legal Representative Floyd B. Johnson Date 7/14/2023~~**Property Owner (if different than applicant)**

Printed Name of Property Owner _____

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Phone of Property Owner _____

Email of Property Owner _____

Address of Property Owner _____

* Property owner hereby grants permission to the Town of Huntersville personnel to enter the subject property for any purpose required in processing this application.

Printed Name of Property Owner's Legal Representative, if applicable: _____

Phone of Legal Representative: _____

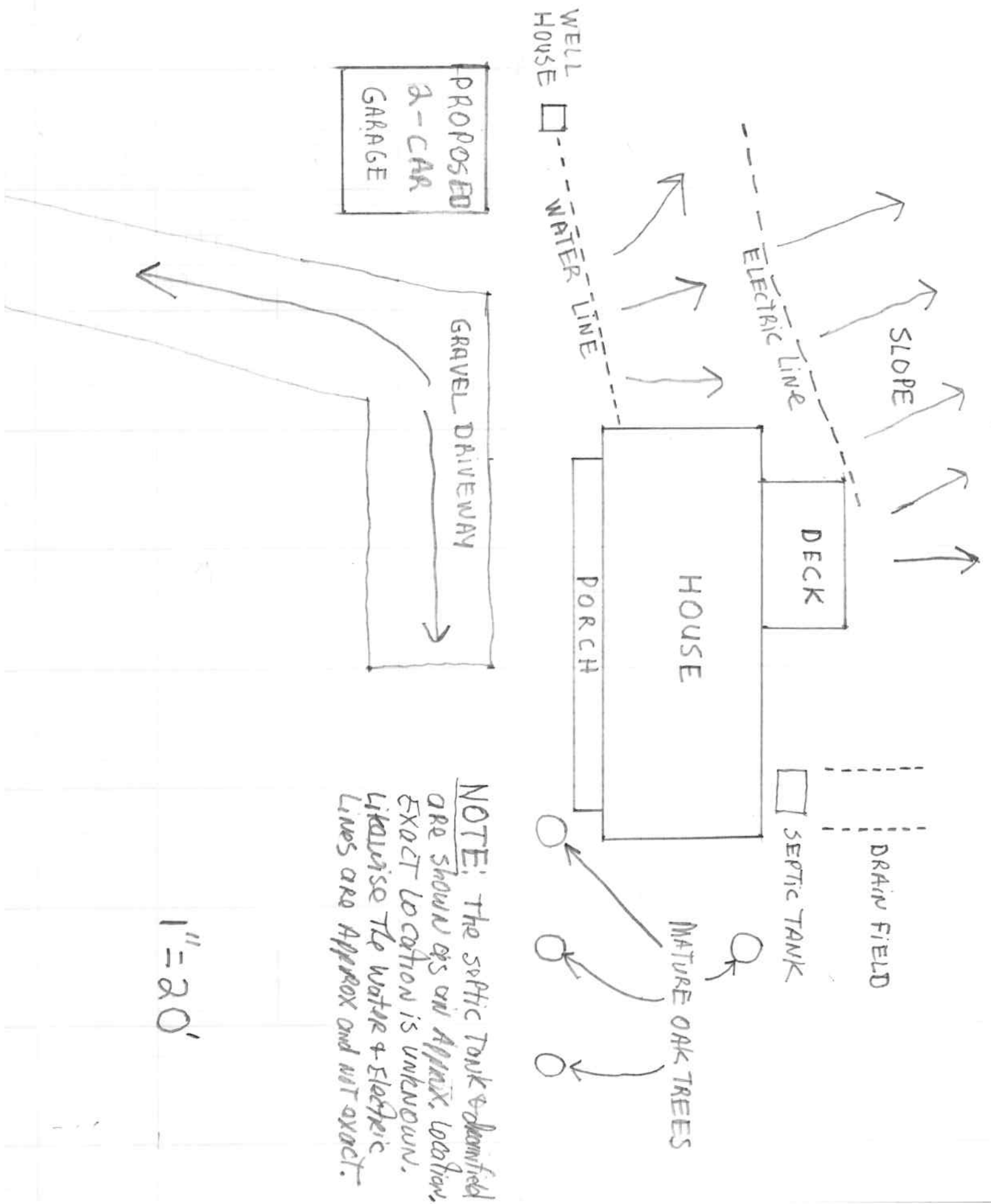
Legal Representative Email: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable if box is checked)

Signature _____ Date _____

Title _____

PARCEL 01513117
PROPERTY LINE



NOTE: The septic tank & drain field are shown as an approx. location, exact location is unknown. Likewise the water & electric lines are approx and not exact.

REVISED	REVISION	SCALE	DATE	FILE NO.
C1	ER	1" = 100'	JULY 20th, 1998	LIN - 2004

SURVEY
 PREPARED FOR
TRACT 1 OF THE
WILLIAM BEARD PROPERTY
 MAP REFERENCE: 29-418
 DEEDS: 5472-223 & 2711-168
R.B. PHARR & ASSOCIATES, P.A.
 SURVEYING & MAPPING
 1000 S. MAIN STREET
 P.O. BOX 1204
 CONROE, TX 77385 TEL: 281-386-1790

ABUTTING Properties

Subdivision side

- 7517 SLieveroe CT. Parcel # 01513205
Colon Cristobal Rivera
- 7521 SLieveroe CT. Parcel # 01513206
Laura & John Bauer
- 7525 SLieveroe CT. Parcel # 01513207
Benedetto & Wendy Marie Cortina
- 12605 JOURNEY'S END Trail Parcel # 01513218
STEVEN D & AMY JANE GREEN

Rear

- Parcel # 01513106, Carolinas Federal Credit Union
P.O. Box 668467, Charlotte, NC 28266-8467

Side

- 7934 McILwaine Rd. Parcel # 01513117
Michael James Ivester Jr.
8665 US Highway 601, Salisbury, NC 28147

FRONT

- 7820 McILwaine Rd. Parcel # 01513116
James David & Amber D. Heintz
- 7744 McILwaine Rd. Parcel # 01513105
Joshua L & Dawn R. Brock

EXCEPT AS NOTED all are Huntersville addresses.

PHOTOS

- Side of house showing slope. Water + Electric Line are located here.
- Back of house showing deck and slope.
- Proposed location near well house. Fence is Property line with parcel 01513117. Note tree screen.







Re: Question on permit to build a garage

Lauren Steele <laurenfloyd@verizon.net>

Fri 4/28/2023 12:18 PM

To:Nathan Farber <nfarber@huntersville.org>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Nathan,

I forgot to mention why we would not attach the garage to the house. On one side it would mean building it over the underground water line, On the other side would mean cutting down at least one mature oak tree and extending the driveway. Attaching to the front would mean cutting down at least one mature oak tree and taking a portion of our nice front porch. Thus attaching the garage to the house makes little or no sense.

As I said, the best place to put the garage is adjacent to the existing driveway next to the existing well head structure.

Please advise us of the next step.

Lauren and Floyd

On Monday, April 24, 2023 at 03:52:28 PM EDT, Nathan Farber <nfarber@huntersville.org> wrote:

Lauren,

A detached garage must be at least 5' from the rear and side property lines and located in the rear yard.

A variance is based on meeting four specific requirements. I will provide information on the variance process in the below links. I would suggest reading through the requirements to determine if your variance request would be compliant with all four requirements. If you have any further questions please let me know!

<https://www.huntersville.org/2651/Variances-Appeals>

<https://www.huntersville.org/DocumentCenter/View/996/Variance-Brochure-PDF>

From: Lauren Steele <laurenfloyd@verizon.net>**Sent:** Monday, April 24, 2023 1:49 PM**To:** Nathan Farber <nfarber@huntersville.org>**Subject:** Re: Question on permit to build a garage

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Mr, Faber,

How close to a property line can a garage be built?

Also, please advise if you need anything more about our variance request.

Lauren Steele and Floyd Johnson

On Monday, April 17, 2023 at 01:28:23 PM EDT, Lauren Steele <laurenfloyd@verizon.net> wrote:

Mr. Faber,

Thank you for the information.

The only structure on the property besides the house is a small block enclosure for the well head and associated pressure tank.

Building a garage behind the house is problematic. Since the back yard slopes away from the house, much grading will be needed and the driveway will need to be extended. Also, the septic tank and drain field is in the back yard so that is another obstacle. Just getting the driveway to the back yard is an issue. On one side of the house it would have to go through trees and over the underground electric feed to the house. On the other side of the house the driveway would have to go over the water line from the well and an electric line to an outside light pole.

For the same reasons given above for routing the driveway around the house, attaching the garage to either side of the house is a problem.

What we would like to do is build the garage off to the front side of house beside the well head structure. This will disturb much less land, be of a similar design as the house, and not mar the house's nice setting.

We therefore ask for a variance. Our place is not visible from the road, not part of a development, and only one neighbor with a large parcel can see the house.

Lauren Steele and Floyd Johnson

On Thursday, April 13, 2023 at 03:57:51 PM EDT, Nathan Farber <nfarber@huntersville.org> wrote:

Garages may be detached (entered from front or rear), or attached to the main dwelling, with or without habitable rooms above. Front loaded garages, if provided, shall meet the standards of Section 8.16.

A detached garage may be located only in the rear yard (behind the rear plane of the home).

It appears the property includes an existing accessory structure. Please note, the total square footage of all accessory structure(s) shall not exceed the total square footage of heated area located on the first floor of the principal structure (home). (Article 12.2.2)

Detached garages require a building permit and building permits must be submitted through the [Mecklenburg County Permitting System](#). The building permit is issued by Mecklenburg County and a separate Zoning Use Permit is not required. The Town is one of the review agencies that participates in the County building permit review process.

When you submit the building permit to Mecklenburg County, you will need to include a Zoning Plot Plan (see attached). Be sure to follow the directions at the top of the form for how to complete the drawing. If you have any questions about how to follow the drawing steps, please email permits@huntersville.org.

Nathan Farber

Planner I | Town of Huntersville

105 Gilead Road | Third Floor

P.O. Box 664 | Huntersville, North Carolina 28070

(704) 766-2237

www.huntersville.org

From: Lauren Steele <laurenfloyd@verizon.net>

Sent: Thursday, April 13, 2023 3:38 PM

To: permits <permits@huntersville.org>

Subject: Question on permit to build a garage

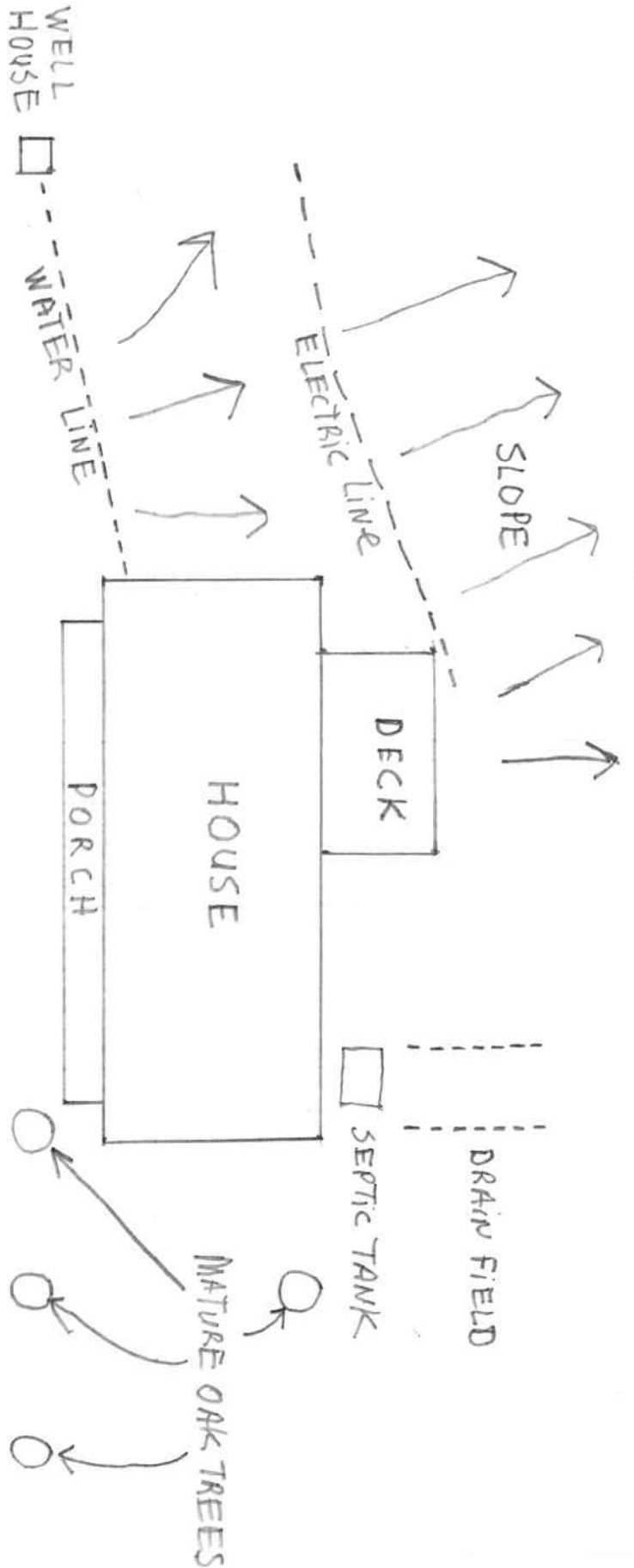
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To Whom It May Concern:

We bought a house in Huntersville in January 2023. We'd like to build a detached 2-car garage on our 5-acre property. Do we need a permit? On the list of things on town's website that need a permit, I didn't see one for a garage. Also, a contractor that we contacted said that first we need to contact zoning to see if it is okay to build a garage on the property. Then if it is okay, then we need to get architectural or engineer drawings. Then we need to get a permit for the building and a permit for the electrical work. Is this all correct? My husband thought that the contractor gets the permits not us.

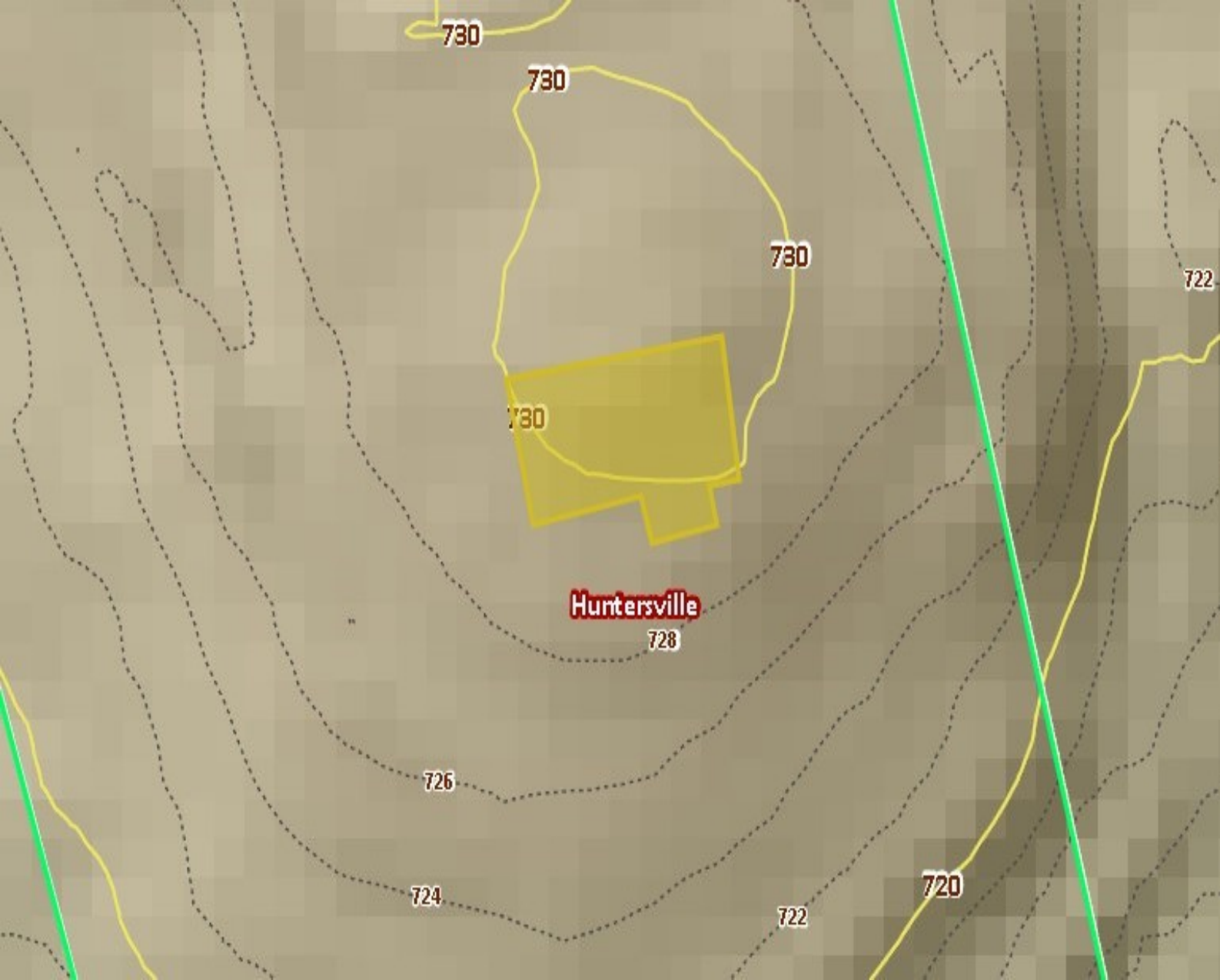
Lauren Steele
7760 McIlwaine Rd
Huntersville

PARCEL 01513117
PROPERTY LINE



NOTE: The septic tank & drain field are shown as an approx. location, exact location is unknown. Likewise the water & electric lines are approx and not exact.

1"=20'



730

730

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722

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