



**Board of Adjustment  
Regular Meeting Agenda  
Tuesday  
January 10, 2017 - 6:30 PM  
Town Hall**

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- A. Roll Call, Determination of Quorum**
- B. Approval of Minutes of Previous Meeting**
- C. Hearing of Cases**
  - 1. **DA17-01:** The applicant, Jim and Heather Dyke, are requesting a Density Averaging Certificate to allow 1,300 square feet of impervious rights to be transferred from 8904 Hunter's Pointe Drive to 9430 Shepparton Drive.
- D. Other Business**
  - 1. Discussion of Board of Adjustment Procedures
  - 2. Election of Chairman and Vice Chairman
- E. Adjourn**

**Town of Huntersville**  
**BOARD OF ADJUSTMENT**  
**1/10/2017**

**To:** Board of Adjustment Members  
**From:** Meredith Nesbitt  
**Subject:** DA17-01: 9430 Shepparton Drive

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**DA17-01:** The applicant, Jim and Heather Dyke, are requesting a Density Averaging Certificate to allow 1,300 square feet of impervious rights to be transferred from 8904 Hunter's Pointe Drive to 9430 Shepparton Drive.

**ACTION RECOMMENDED:**

Hold a hearing and take action.

**FINANCIAL IMPLICATIONS:**

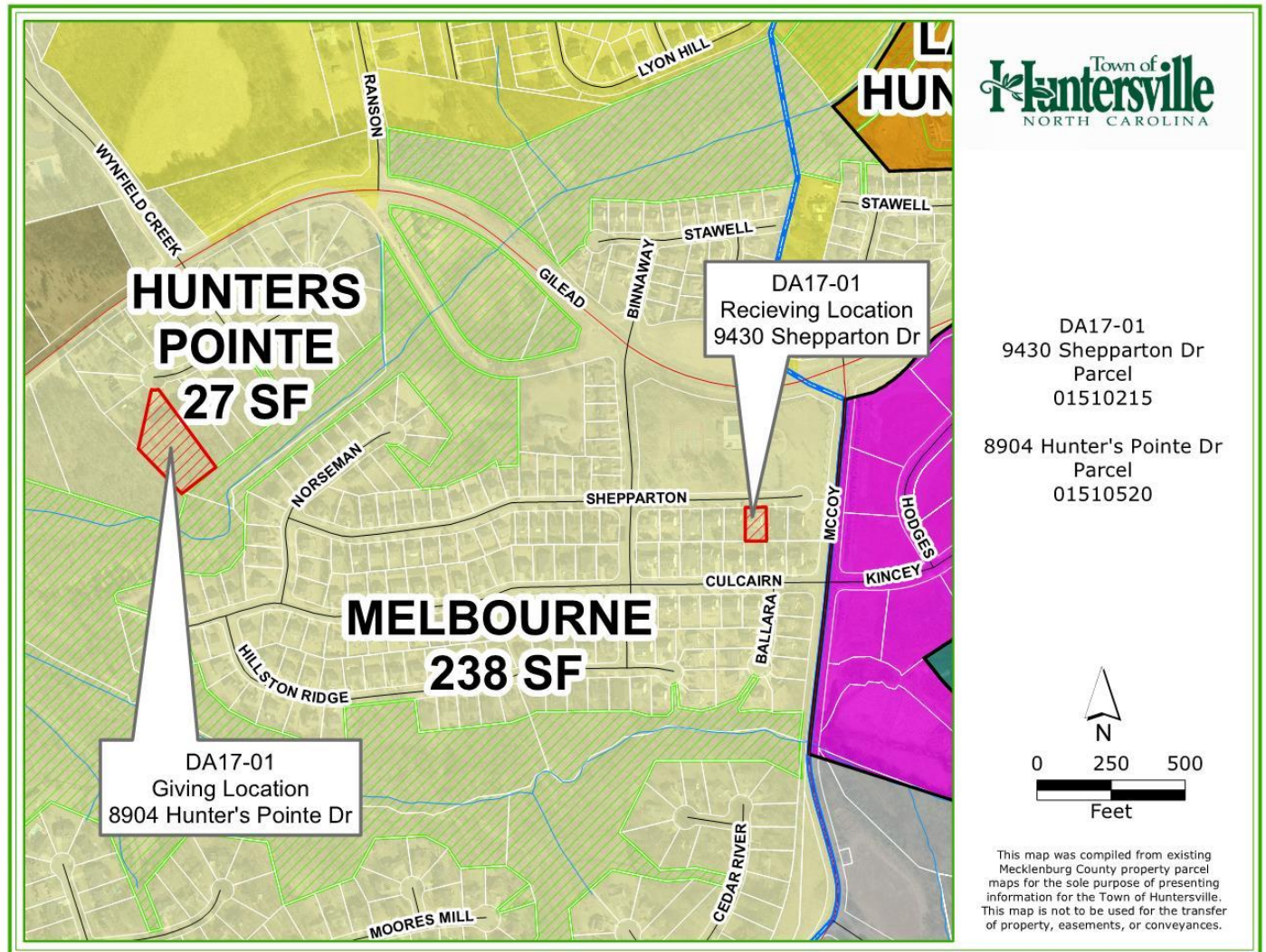
**ATTACHMENTS:**

Description	Type
DA17-01: Staff Report with Attachments	Staff Report

**DA 17-01 – 9430 Shepparton Drive**  
**9430 Shepparton Drive (Receiving) & 8904 Hunter's Pointe Drive (Giving)**

The applicants, James and Heather Dyke, are requesting a Density Averaging Certificate to allow 1,300 sq. ft. of impervious rights to be transferred from 8904 Hunter's Pointe Drive to 9430 Shepparton Drive (see location map below and **Exhibit 1**, Density Averaging Certificate Application). This action is possible via Article 3.3.2-B, i, (*Paired-Parcel Averaged-Density Development*) of the Huntersville Zoning Ordinance, which states:

*The transfer of impervious development rights between two (2) parcels not within the boundaries of the same subdivision by way of designated undisturbed natural areas. A metes and bounds description of the space to be undisturbed and limits on use shall be recorded on the subdivision plat, in homeowner covenants, and on individual deed and shall be irrevocable. The resultant impervious area/amount for the two lots combined shall not exceed the original allowable impervious amount for each individual lot if they were developed separately.*



## **BACKGROUND:**

1. The receiving property, 9430 Shepparton Drive is zoned General Residential (GR) and is located in the Mountain Island Lake Protected Area 1 (MIL PA-1) Watershed. The giving property, 8904 Hunter's Pointe Drive, is zoned General Residential (GR) and is also located in the Mountain Island Lake Protected Area 1 (MIL PA-1) Watershed
2. The lot at 9430 Shepparton Drive (owned by James and Heather Dyke) has a total maximum allowable Built-Upon Area (B.U. Area) of 24% or 1,987 sq. ft. This is based upon the recorded final plat for the property. Currently, the lot has 3,073 sq. ft. of impervious coverage (Exhibit 2), which is not compliant, as it exceeds the permitted impervious amount by 1,086 sq. ft.
3. The lot located at 8904 Hunter's Pointe Drive (owned by Paul and Jennifer Hunt) has a maximum allowable B.U. Area of 10,881 sq. ft. This is based upon the Watershed overlay district because the plat does not have a recorded maximum B.U. Area. Based on Article 3.3.2-B.e of the Zoning Ordinance lots located within the low-density area of the Mountain Island Lake Protected Area 1 (MIL PA-1) are allowed to have 24% B.U. Area. Furthermore, because the recorded plat does not established the lot's B.U. Area the calculated maximum B.U. Area was reviewed by Mecklenburg County Storm Water Services. Currently, the lot has 3,203 sq. ft. of impervious coverage, which is compliant and has an additional 7,678 sq. ft. B.U. Area for future development (Exhibit 3).
4. The applicant proposes to transfer 1,300 sq. ft. of impervious rights from 8904 Hunter's Pointe Drive to 9430 Shepparton Drive. This will give the property at 9430 Shepparton Drive a total of 3,287 sq. ft. of B.U. Area (an excess of 217 sq. ft. for future development).
5. If granted, the Density Averaging Certificate would bring this property, 9430 Shepparton Drive, into compliance with the Town of Huntersville Zoning Ordinance.

## **STAFF FINDINGS (ordinance standards are in italics)**

In considering this Density Averaging request, the following *Paired-Parcel Averaged-Density Development* (Article 3.3.2-B,i) must be addressed with findings of fact:

- 1) *A density averaging certificate shall be considered one development request.*

### **Staff Finding:**

The application has been processed as one development request.

- 2) *Overall impervious area/amount of the paired parcel averaged-density development, calculated by built-upon area, shall not exceed the impervious that would be allowed if the parcels were developed separately. The parcel pair shall be located in the same water supply watershed and preferably in the same drainage area of the watershed. Parcel pairs may be located in the Critical Area and in the Protected Area. However, if one of the parcels is located in the Critical Area and one is located in the Protected Area, the Critical Area parcel shall not be developed beyond those impervious amounts allowed in the critical area provisions of the Huntersville Zoning Ordinance. A property in a more restricted watershed area shall not acquire impervious rights from a property in a less restricted area of the watershed. The purpose of this provision is to preserve open space in the more sensitive areas of the watershed.*

### **Staff Findings:**

The lot at 9430 Shepparton Drive is zoned General Residential (GR) and is located in the Mountain Island Lake Protected Area 1 (MIL PA-1) Watershed. The giving property, 8904 Hunter's Pointe Drive, is zoned General Residential (GR) and is also located in the Mountain Island Lake Protected Area 1 (MIL PA-1). The 1,300 sq. ft. proposed for 9430 Shepparton Drive combined with the proposed permitted square footage for 8904 Hunter's Pointe Drive, will not exceed the total impervious allowed for both parcels – which is 12,868 sq. ft. combined.

- 3) *The paired parcels may include or be developed for residential or non-residential purposes.*

**Staff Findings:**

The paired-parcel lot at 9430 Shepparton Drive is residential and may be further developed for residential purposes. The lot at 8904 Hunter's Pointe Drive is residential and may be further developed for residential purposes.

- 4) *Buffers shall at least meet the appropriate minimum Huntersville Zoning Ordinance water supply watershed protection requirements on both parcels in the parcel pair.*

**Staff Findings:**

There are no perennial streams, which would require buffers, on either parcel.

- 5) *The portion of the parcel(s) which is not developed as part of the paired parcel, but that is being averaged in the land area being evaluated to meet the built-upon surface area, shall remain in an undisturbed vegetated or natural state. A metes and bounds description of the space to be undisturbed and limits on use shall be recorded on the subdivision plat, in homeowner covenants, and on individual deed and shall be irrevocable. The resultant impervious area/amount for the two lots combined shall not exceed the original allowable impervious amount for each individual lot if they were developed separately. It shall be noted on the plat that the Zoning Administrator shall reserve the right to make periodic inspections to ensure compliance.*

**Staff Findings:**

In order to comply with this requirement, a 1300 sq. ft. metes and bounds description of an undisturbed vegetated buffer area will be reserved in perpetuity for the parcel at 8904 Hunter's Pointe Drive, by recording it on a subdivision plat and property deeds at the Mecklenburg County Register of Deeds.

- 6) *A Density Averaging Certificate shall be obtained from the Watershed Review Board (Board of Adjustment) to ensure that both parcels considered together meet the standards of the ordinance and that potential owners have record of how the watershed regulations were applied to the parcel pair. Only the owner(s) of both of the paired parcels may submit the application for the Density Averaging Certificate. A site plan for both of the parcels must be submitted and approved as part of the Density Averaging Certificate. If such a certificate is granted, no change in the development proposal authorized for either parcel shall be made unless the certificate is amended. Upon issuance of such certificate, one copy will be forwarded to the North Carolina Division of Water Quality (DWQ). Included with the Density Averaging Certificate will be a site plan, registered plats for both properties, a description of both properties, and documentation reflecting the development restrictions to the parcel pair that will remain undeveloped.*

**Staff Findings:**

The owners of both paired-parcels submitted an application for a Density Averaging Certificate (**Exhibit 1**). The Board of Adjustment Hearing (acting as the Watershed Review Board) will be held on January 10, 2017 to determine whether a Density Averaging Certificate will be granted. If granted, the plats will be recorded with a copy of the Density Averaging Certificate, and revised deeds. The necessary parties will be notified, and given a copy of the recorded information.

- 7) *The Watershed Review Board shall make written findings supported by appropriate calculations and documentation that the paired parcel averaged-density development plan as a whole conforms to the intent and requirements of this Article and Section, and that the proposed agreement assures protection of the public interest.*

**Staff Findings:**

The surveys provided demonstrate conformity to the intent and requirements of this Article and Section, and that the proposed agreement assures protection of the public interest.

- 8) *The undisturbed land area shall be recorded in the deed for the parcel to which it applies. The Density Averaging Certificate shall be recorded in the deed for each of the parcels in the parcel-pair. Both the designated undisturbed land area and the certificate shall be noted on the subdivision plat that applies to each of the parcels.*

**Staff Findings:**

If the Density Averaging Certificate is granted, the applicant will prepare a revised deed and plat for both properties. Then be responsible for recording the Density Averaging Certificate for both properties with the appropriate deeds and plats.

- 9) *Storm water run-off from paired parcel averaged-density development which meets the low-density option development requirements shall be controlled by vegetative conveyances to the maximum extent practicable and shall be approved by Mecklenburg County Storm Water Services', Water Quality Program.*

**Staff Findings:**

On December 21, 2016, Mecklenburg County Storm Water staff visited and inspected the lot at 9430 Shepparton Drive. County staff determined the applicant is taking proper precautions, and controlling storm water runoff to the maximum extent practicable through vegetative conveyance (**Exhibit 4**).

- 10) *Storm water runoff from paired-parcel averaged density development which meets the high-density option development requirements shall be controlled on the parcel(s) where the high-density development is occurring in accordance with the criteria specified in the Huntersville Water Quality Design Manual and the Huntersville Zoning Ordinance for high-density development.*

**Staff Findings:**

Both properties are in a low-density development area.

- 11) *No parcel for which a watershed variance has been granted, or would be required, may be included as part of a parcel pair.*

**Staff Findings:**

There have been no watershed variances granted for either parcel.

- 12) *Compliance with criteria 1-12 shall be evidence that the parcel pair is consistent with the orderly and planned distribution of development throughout the watershed.*

**Staff Findings:**

The applicant has complied with all applicable criteria for a Density Averaging Certificate.

**STAFF CONCLUSIONS**

Based on all of the above findings, staff recommends approval to grant the applicant a Density Averaging Certificate, based upon finding of facts that all criteria as outlined in Zoning Ordinance Article 3.3.2.B,i, (*Paired-Parcel Averaged-Density Development*) has been satisfied.

**Exhibit 1** – Density Averaging Certificate Application

**Exhibit 2** - Impervious Survey of 9830 Shepparton Drive (October 27, 2016)

**Exhibit 3** – Impervious Survey of 8904 Hunter's Pointe Drive (December 2, 2016)

**Exhibit 4** – Email from Mecklenburg County Storm Water Management





# Density Averaging Certificate Application

**Incomplete submissions will not be accepted. Please check all items carefully.**

Date of Application 12-13-16  
The terms "lot" and "parcel" are used interchangeably.

## 1. Description of Request

Briefly explain the nature of this request. If a separate sheet is necessary, please attach to this application.

Put in A Swimming Pool, Remove the 565 SF Patio  
and 30<sup>th</sup> landscaping Build a Smaller Patio. For Pool.

## 2. Receiving Parcels Information (Receiving parcel shall not be located in the Critical Area, or CA)

Property Owners Name (please print) James & Heather Dyke  
Email Address Jdyke@global-gse.com Phone Number 704-232-9307  
Property Owner's Address 9430 Sheppanton Dr Huntersville NC 28078  
Parcel Identification Number of Receiving Lot (PIN) 137  
Zoning District GR Watershed Overlay PA - 1  
Property Size (acres) 0.190  
Amount of Existing Impervious Lot Coverage 3073 (sf) Amount Receiving from Giving Lot 1300 (sf)  
Has a watershed variance ever been granted for this parcel? Yes    No     
Applicant/Receiving Lot Owner's Signature James C Dyke

## 3. Giving Parcels Information

Property Owners Name (if same as above leave blank) Paul & Jennifer Hunt  
Email Address Paul@easternsafe.com Phone Number 704-578-5635  
Property Owner's Address 8904 Hunters Pointe DR. Huntersville NC 28078  
Parcel Identification Number of Giving Lot (PIN) 9  
Zoning District GR Watershed Overlay PA - 1  
Property Size (acres) 1.041 Amount of Existing Impervious Lot Coverage 3203 (sf)  
Has a watershed variance ever been granted for this parcel? Yes    No     
Giving Lot Owner's Signature (if same as above leave blank) Paul Hunt

NOTES:

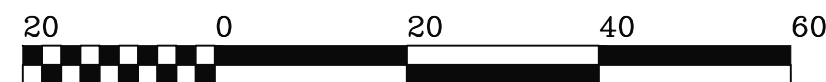
- \* PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED RIGHTS OF WAYS OR EASEMENTS NOT OBSERVED
- \* OWNER TO VERIFY ALL SETBACKS AND ZONING REGULATIONS PRIOR TO ANY PLANNING OR CONSTRUCTION.
- \* DIMENSIONS OF ALL IMPROVEMENTS SHOWN ON THIS PLAT SHOULD NOT BE SCALED OR RELIED UPON FOR DESIGN OR CONSTRUCTION WITHOUT A FIELD VERIFICATION OF ALL DIMENSIONS.
- \* DIGITAL COPIES OF THIS FILE ARE FOR REFERENCE ONLY AND MAY NOT BE USED FOR DESIGN WORK.
- \* THIS PROPERTY IS NOT LOCATED IN A 100 YEAR FLOOD PLAIN.

<u>IMPERVIOUS CALCULATIONS:</u>	
HOME & PORCH	1848 SF
PATIO & SIDEWALK & PADS	1117 SF
LANDSCAPE BORDERS & ROCKS	108 SF
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TOTAL IMPERVIOUS COVERAGE	3073 SF

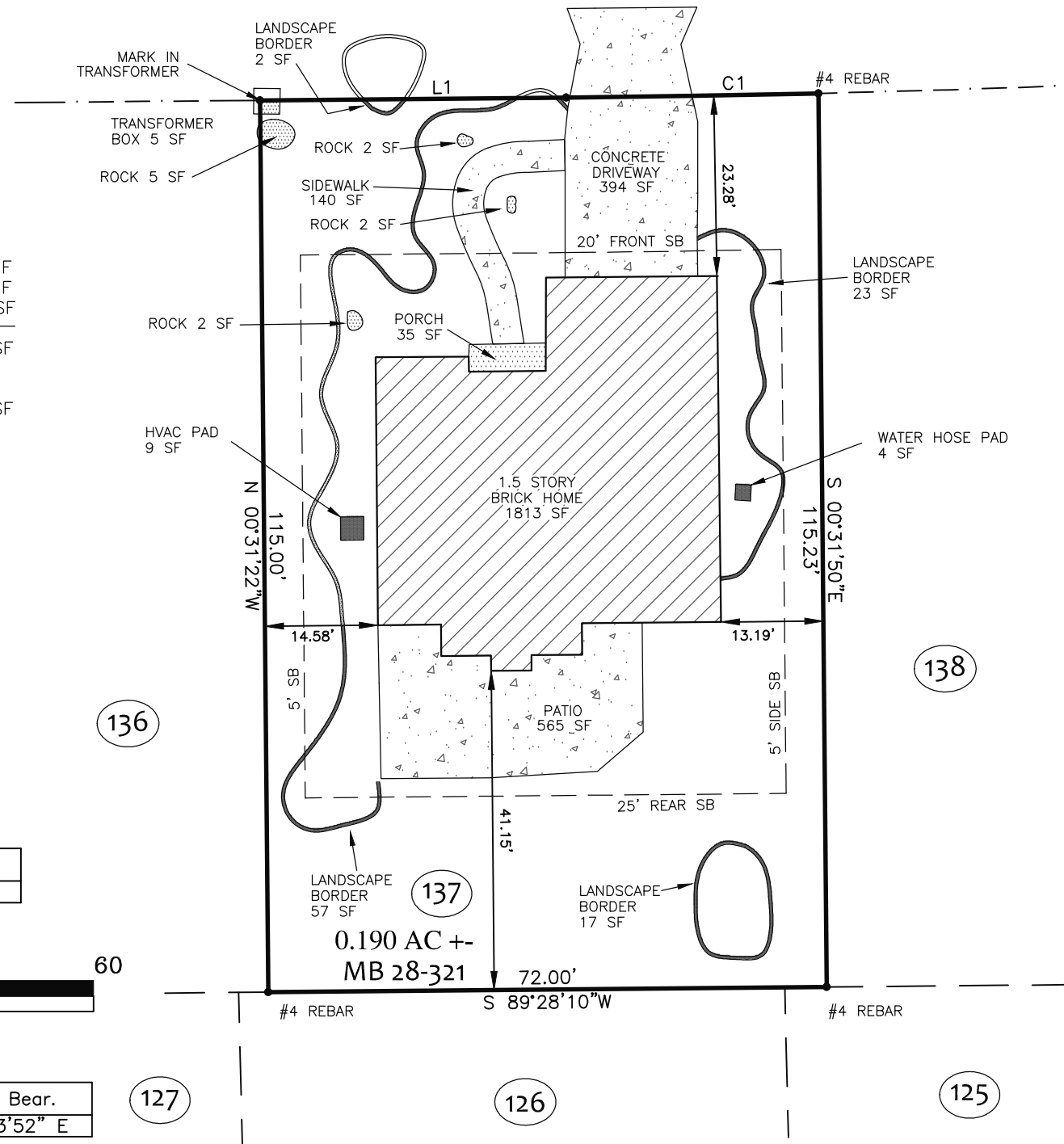
TOTAL LOT SIZE IS	8282 SF
TOTAL IMPERVIOUS PERCENTAGE	37.11%



Course	Bearing	Distance
L1	N 89°28'10" E	39.44'



Curve	Radius	Length	Chord	Chord Bear.
C1	2272.50'	32.55'	32.55'	N 89°03'52" E



PHYSICAL SURVEY  
FOR  
JAMES C. DYKE

9430 SHEPPARTON DR - HUNTERSVILLE, NC  
LOT #137, BLOCK 2, MELBOURNE

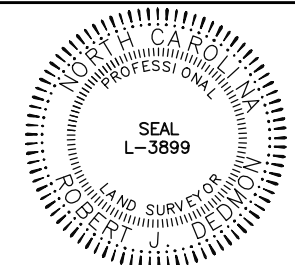
TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY, NC

SCALE: 1" = 20'

## DEDMON SURVEYS

CHUCK POOVEY, PLS #3762  
ROBERT DEDMON, PLS #3899  
3704 NC HIGHWAY #16 NORTH  
P.O. BOX 494 - DENVER, NC 28037  
PHONE: 704/483/4908  
FAX: 704/483/2170

WWW.DEDMONSURVEYS.COM

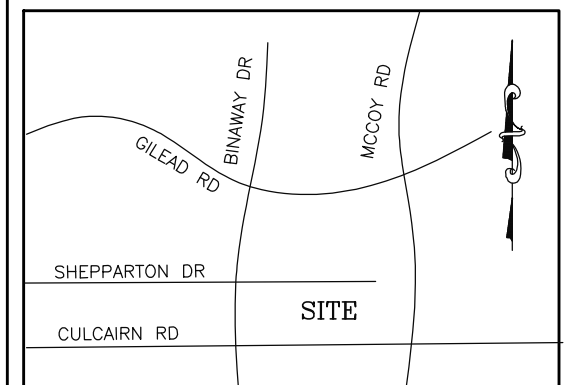


I, ROBERT J. DEDMON, CERTIFY THAT THIS PLAT WAS  
DRAWN FROM AN ACTUAL SURVEY MADE UNDER MY  
SUPERVISION (DB 11370, PG 563)(PB 28, PG 321);  
THAT THE RATIO OF PRECISION AS CALCULATED  
EXCEEDS 1:10,000'; THAT THIS PLAT WAS PREPARED  
IN ACCORDANCE WITH GS 47-30 AS AMENDED.  
WITNESS MY ORIGINAL SIGNATURE, OCTOBER 27,  
2016.

Robert J. Dedmon 3899  
PROFESSIONAL LAND SURVEYOR LICENSE NO.

SURV. BY: WT	DRAWN: RD	JOB# DMB137
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## VICINITY MAP





- NOTES:
- \* PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED RIGHTS OF WAYS OR EASEMENTS NOT OBSERVED
  - \* OWNER TO VERIFY ALL SETBACKS AND ZONING REGULATIONS PRIOR TO ANY PLANNING OR CONSTRUCTION.
  - \* DIMENSIONS OF ALL IMPROVEMENTS SHOWN ON THIS PLAT SHOULD NOT BE SCALED OR RELIED UPON FOR DESIGN OR CONSTRUCTION WITHOUT A FIELD VERIFICATION OF ALL DIMENSIONS.
  - \* DIGITAL COPIES OF THIS FILE ARE FOR REFERENCE ONLY AND MAY NOT BE USED FOR DESIGN WORK.
  - \* NO PORTION OF THE RESIDENTIAL STRUCTURE IS LOCATED IN THE 100 YEAR FLOOD PLAIN.
  - \* A PORTION OF THIS PROPERTY IS LOCATED IN A 100 YEAR FLOOD PLAIN.



LOT #8  
MB 22-925

LOT #10  
MB 22-925

1.041 AC +/-  
45338SF  
LOT #9  
MB 22-925

ANNA THERRELL  
DB 20463-81

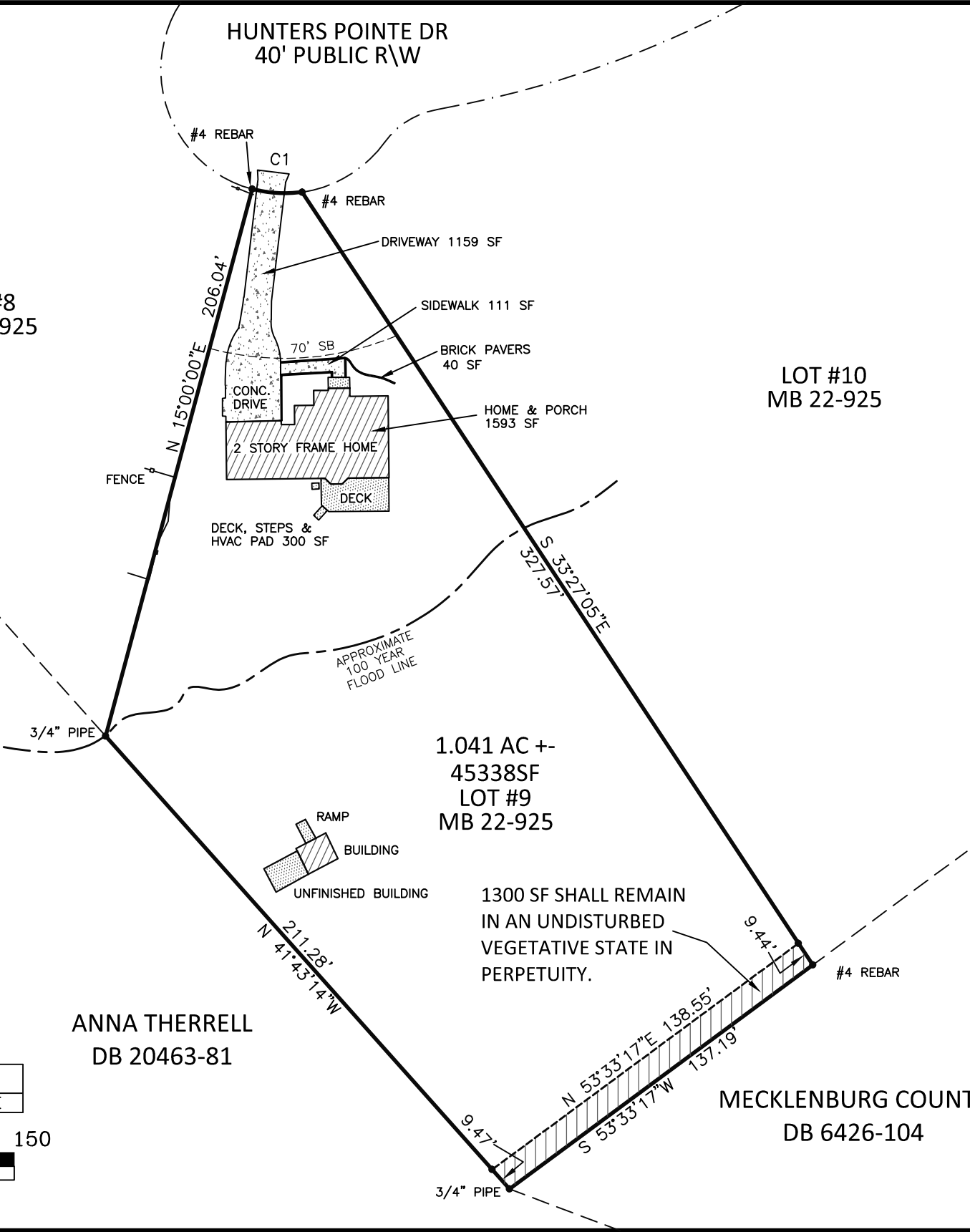
MECKLENBURG COUNTY  
DB 6426-104

TOTAL IMPERVIOUS COVERAGE IS 3203 SF  
TOTAL LOT SIZE IS 45,338 SF  
% COVERAGE IS 7.06%

Curve	Radius	Length	Chord	Chord Bear.
C1	45.00'	18.32'	18.20'	S 86°31'19" E



GRAPHIC SCALE - FEET



IMPERVIOUS SURVEY  
FOR

PAUL M. HUNT, IV &  
JENNIFER E. HUNT

8904 HUNTERS POINTE DR - HUNTERSVILLE, NC  
LOT #9, HUNTER'S POINTE, PHASE 1

HUNTERSVILLE TOWNSHIP, MECKLENBURG COUNTY, NC  
SCALE: 1" = 50'

DEDMON SURVEYS

CHUCK POOVEY, PLS #3762  
ROBERT DEDMON, PLS #3899  
3704 NC HIGHWAY #16 NORTH  
P.O. BOX 494 - DENVER, NC 28037  
PHONE: 704/483/4908  
FAX: 704/483/2170

WWW.DEDMONSURVEYS.COM

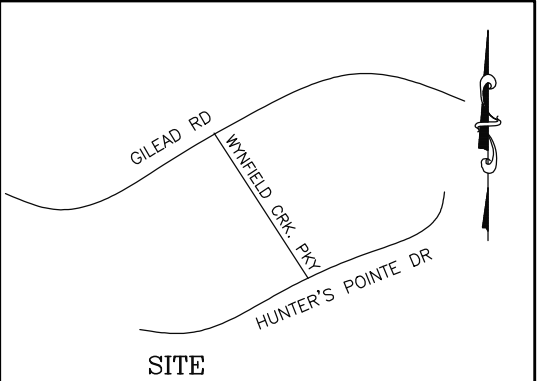


I, ROBERT J. DEDMON, CERTIFY THAT THIS PLAT WAS DRAWN FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DB 19764, PG 609)(PB 22, PG 925); THAT THE RATIO OF PRECISION AS CALCULATED EXCEEDS 1:10,000'; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH GS 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, DECEMBER 2, 2016.

*Robert J. Dedmon* 3899  
PROFESSIONAL LAND SURVEYOR LICENSE NO.

SURV. BY: WT DRAWN: RD JOB# WHPO9

VICINITY MAP



**From:** [Caldwell, David](#)  
**To:** [Meredith Nesbitt](#)  
**Cc:** [Ceccarelli, Don](#); [Hodge, Tom](#)  
**Subject:** RE: Density Averaging Inspection - 9430 Shepparton Drive  
**Date:** Wednesday, December 21, 2016 3:25:28 PM  
**Attachments:** [Application.pdf](#)  
[DMB137-Model.pdf](#)  
[WHP09-Model.pdf](#)

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Meredith,

As requested, on December 21, 2016 I inspected the subject property in regards to a density averaging application which has been received by the town. At the time of my inspection, it was determined that storm water runoff from the property is being controlled by vegetative conveyances to the maximum extent practicable.

In regards to the county review of the plat, please let the applicant know that there is typically a 14 day turn around for plat reviews. If you need additional information from us, please let me know. Thanks.

**David Caldwell**

Environmental Supervisor  
Charlotte-Mecklenburg Storm Water Services  
Water Quality  
2145 Suttle Avenue  
Charlotte, NC 28208-5237  
980-314-3218  
<http://stormwater/charmeck.org>

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**From:** Meredith Nesbitt [mailto:mnesbitt@huntersville.org]  
**Sent:** Monday, December 19, 2016 10:19 AM  
**To:** Caldwell, David <David.Caldwell@mecklenburgcountync.gov>  
**Subject:** Density Averaging Inspection - 9430 Shepparton Drive

Hi David,

I have received a new Density Averaging application (attached, also included site surveys). We seem to only get about one of these a year now – as with cases in the past you have done an inspection of the receiving property to determine that the storm water was controlled with vegetative conveyance as much as possible. Are you still the staff person that would handle this inspection?

Giving Parcel: 8904 Hunter's Pointe Drive  
Receiving Parcel: 9430 Shepparton Drive  
Transferring: 1300 square feet

This case is scheduled to be heard by the Board of Adjustment (Huntersville's Watershed Review Board) on January 10<sup>th</sup>. Is it possible to have the inspection completed by January 3<sup>rd</sup> so the information can be included in the agenda packet for the meeting?

Thank you for all your help!

Best regards,

Meredith M. Nesbitt, MSc. Urban Planning

Planner I | Town of Huntersville

105 Gilead Road | Third Floor

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

PH: 704-766-2298 | FX: 704-992-5528

Email: [mnesbitt@huntersville.org](mailto:mnesbitt@huntersville.org)

Web: [www.huntersville.org](http://www.huntersville.org)



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**Town of Huntersville**  
**BOARD OF ADJUSTMENT**  
**1/10/2017**

**To:** Board of Adjustment Members  
**From:**  
**Subject:** Discussion of Procedures

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Discussion of Board of Adjustment Procedures

**ACTION RECOMMENDED:**

**FINANCIAL IMPLICATIONS:**

**Town of Huntersville**  
**BOARD OF ADJUSTMENT**  
**1/10/2017**

**To:** Board of Adjustment Members  
**From:** Michelle Haines  
**Subject:** Elections

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Election of Chairman and Vice Chairman

**ACTION RECOMMENDED:**

**FINANCIAL IMPLICATIONS:**