



**Board of Adjustment  
Regular Meeting Agenda  
Tuesday  
March 14, 2017 - 6:30 PM  
Town Hall**

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- A. Roll Call, Determination of Quorum**
- B. Approval of Minutes of Previous Meeting**
  - 1. Consider Approval of Minutes
- C. Hearing of Cases**
  - 1. **V17-01:** The applicant, Elaine Adams, is requesting a variance from Article 3.3.2 B (e), *Built-Upon Area Development Standards*, to allow an additional 196.89 square feet of impervious area over the maximum allowance shown on the approved plat for the subject property.
- D. Other Business**
- E. Adjourn**

**Town of Huntersville  
BOARD OF ADJUSTMENT  
3/14/2017**

**To:** Board of Adjustment Members  
**From:** Michelle V. Haines  
**Subject:** Consider Approval of Minutes

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Consider Approval of Minutes

**ACTION RECOMMENDED:**

**FINANCIAL IMPLICATIONS:**

**ATTACHMENTS:**

	Description	Type
□	Draft Minutes	Backup Material



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

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**A. Roll Call, Determination of Quorum**

DRAFT MINUTES SUBJECT TO CHANGE UPON APPROVAL

The Chairman determined quorum, and called the meeting to order.

All Regular members were present with the exception of Dennis Brewer.

All Alternate members were present with the exception of Greg Evans. Ed Lowry was seated as a Regular member in the absence of Brewer.

**B. Approval of Minutes of Previous Meeting**

A Motion was made by Edward Lowry and seconded by Jeff Pugliese, Motion to approve the Minutes of the September 13, 2016 Regular Meeting. The Motion Carried by a vote of 7 Ayes and 0 Nays. Board Members voting Ayes: Kluttz, Welch, Primiano, Pugliese, Rowell, Smith, Lowry

Absent: Brewer, Evans

**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.

A Motion was made by Jeff Pugliese and seconded by Edward Cecil, Motion to Approve. The Motion Carried by a vote of 7 Ayes and 0 Nays. Board Members voting Ayes: Kluttz, Welch, Primiano, Pugliese, Rowell, Smith, Lowry

Absent: Brewer, Evans

**Staff Presentation:**

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 GR and also located in the Mountain Island Lake Protected Area 1 (MIL PA-1) Watershed.

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, which is not compliant as it exceeds the permitted impervious amount by 1,086 sq. ft.

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.

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 214 sq. ft. for future development).

**Staff Findings:**

The application has been processed as one development request. 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 GR and is also located in the Mountain Island Lake Protected Area 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. 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. There are no perennial streams, which would require buffers on either parcel. 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. The owners of both paired-parcels submitted an application for a Density Averaging Certificate.

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. 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. 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. Both properties are in a low-density development area. There have been no watershed variances granted for either parcel. 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, has been satisfied.

The applicant was called by the Chairman, and indicated they were present for questions, but had nothing to add. There were no individuals present in opposition of the request. Eric Rowell asked the applicant about they made contact with the giving party to which the applicant responded they were friends. There were no further questions. The Chairman called for a Motion (see above).

**D. Other Business**

1. Discussion of Board of Adjustment Procedures

Meredith Nesbitt, Planner I, presented a brief training refresher to the members and described the three (3) basic duties of the Board (Administrative Review, Variances, and Density Averaging). Training included the decision making process, and elements of a quasi-judicial hearing, which included taking of evidence, and ethics. A handout was given to each member present, a copy of which is attached hereto as Exhibit B, and incorporated herein by reference. There was a brief question and answers sections at the end of the presentation. David Peete, Principal Planner, participated. The Town Attorney clarified the definition of an expert witness. The members had no further questions.

2. Election of Chairman and Vice Chairman

Chairman Elected: Joseph Kluttz  
Vice Chairman Elected: Bethany Welch

**E. Adjourn**

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Chairman or Vice Chairman

\_\_\_\_\_  
Michelle V. Haines, Board Secretary

**Town of Huntersville**  
**BOARD OF ADJUSTMENT**  
**3/14/2017**

**To:** Board of Adjustment Members  
**From:** Meredith Nesbitt, Planner I  
**Subject:** V17-01, 6855 Colonial Garden Drive

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**V17-01:** The applicant, Elaine Adams, is requesting a variance from Article 3.3.2 B (e), *Built-Upon Area Development Standards*, to allow an additional 196.89 square feet of impervious area over the maximum allowance shown on the approved plat for the subject property.

**ACTION RECOMMENDED:**

Hold a public hearing and take action on the variance request.

**FINANCIAL IMPLICATIONS:**

**ATTACHMENTS:**

Description	Type
☐ Staff Report	Staff Report
☐ Exhibit 1 - Variance Application	Exhibit
☐ Exhibit 2 - Carrington Ridge Sketch Plan	Exhibit
☐ Exhibit 3 – Mecklenburg County Storm Water Services comment letter	Exhibit
☐ Exhibit 4 - Article 11.3.3	Exhibit

**V 17-01**  
**6855 Colonial Garden Drive**

**Case #:** V17-01  
**Address:** 6855 Colonial Garden Drive, Huntersville NC, 28078  
**Parcel #:** 015-423-24  
**Acreage:** 0.264 ac  
**Property Owner/Applicant:** Elaine L. Adams  
**Staff:** Meredith Nesbitt – Planner I

The applicant, Elaine Adams, is requesting a variance from **Article 3.3.2.B (e) Build Upon Area Development Standards**, see below, to allow an additional 196.89 square feet of impervious area (over the maximum allowance of 3,200 sq. ft. shown on the recorded plat for the subject property). If approved this request would allow the 3,396.89 sq. ft. of impervious area that currently exists on the property to remain. See Exhibit 1 for the variance application.

**e) Built-Up Area Development Standards**

For individual buildings or for development projects within Protected Areas 1 and 2, the following impervious area limitations are established on a building or project basis.

PA1 and PA2, low density option

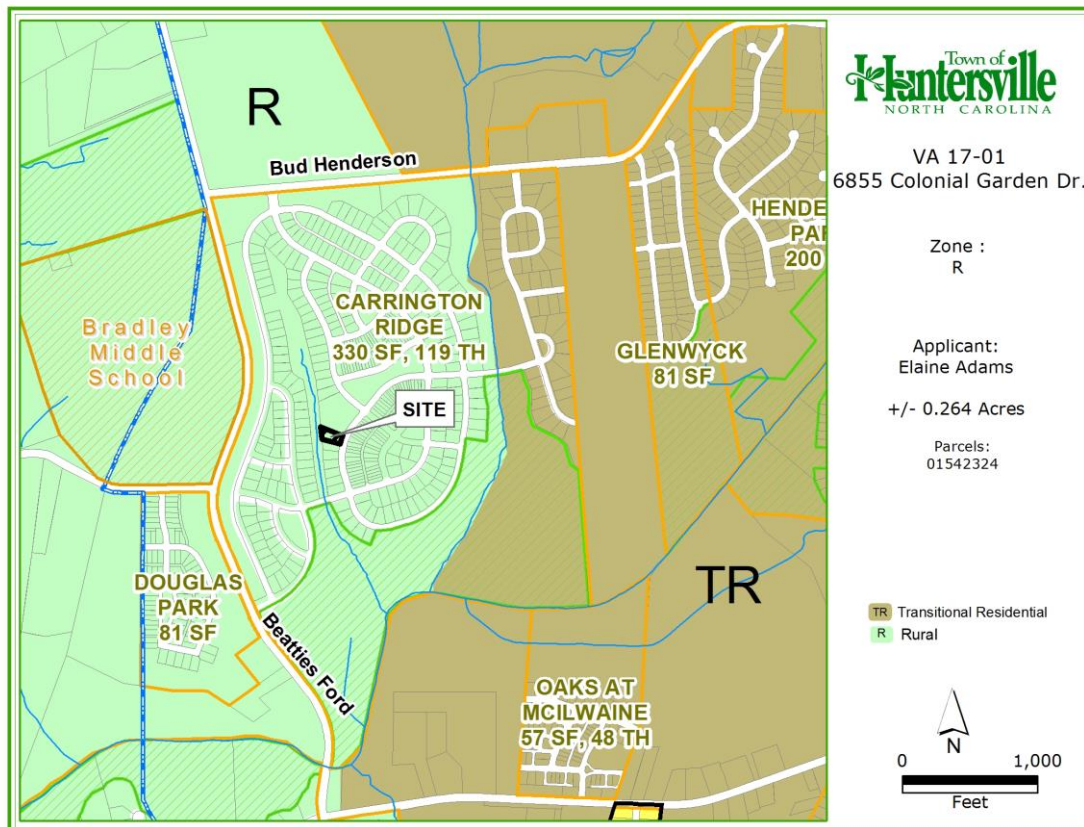
24% B.U. with curb and gutter streets<sup>1</sup>

36% B.U. without curb and gutter streets<sup>1</sup>

PA1 and PA2, high density option, where permitted

70% B.U. with BMP<sup>1</sup>

<sup>1</sup> Residential subdivisions approved after 2/17/03 shall reserve, at minimum, 1% of the lot area but not less than 150 sq. ft. impervious area per lot to allow for addition of future impervious areas by homeowner/occupant



**BACKGROUND:**

1. The 0.264-acre subject property is located at 6855 Colonial Garden Drive in the Carrington Ridge subdivision; is zoned Rural (R) and is in the Mountain Island Lake Watershed Overlay Protected Area 1 (MIL PA-1) District. The subject property is also identified as lot 97.
2. The Carrington Ridge major subdivision was approved April 4, 2001, see Exhibit 2. In 2001, residential subdivisions were not required to “*reserve, at minimum, 1% of the lot area but not less than 150 square feet impervious area per lot to allow for addition of future impervious areas by homeowner/occupant*”. Carrington Ridge was approved with a proposed site impervious coverage of 21.5%, which is less than the required 24%.
3. On September 24, 2004, phase 2 map 2 of Carrington Ridge was originally platted showing a maximum impervious allowance of 3,000 sq. ft. for the subject property. The subject property has been shown on three plat revisions (see details in the table below). On October 18, 2005, the property’s maximum impervious allowance was increased to 3,200 sq. ft., see Exhibit 1 Page 4 for current recorded plat.

<b>Plat Revision</b>	<b>Purpose of Plat Revision</b>	<b>Maximum Impervious Allowance for Lot 97</b>
February 24, 2005	Add Flood line information, correct zoning information	3,000 sq. ft.
August 10, 2005	Change Impervious Area of Lot 103	3,000 sq. ft.
October 18, 2005	Change Impervious Area for Lots 97-103	3,200 sq. ft.

4. A permit for construction of the home was issued on October 7, 2004, see Exhibit 1 Page 5. The plot plan shown on the permit shows a 120 sq. ft. deck (considered pervious material). However, the project data section of the permit describes the 120 sq. ft. surface labeled as a patio (considered impervious material).
5. The applicant is the only owner of the property since construction of the single family home. The applicant provided a floor plan from the builder showing the 120 sq. ft. was to be a patio, see Exhibit 1 Page 6.
6. The applicant provided a survey dated February 14, 2005, see Exhibit 1 Page 7. The 2005 survey labels the 120 sq. ft. as a deck and notes the total impervious area on the lot is approximately 3,169 sq. ft.
7. In July 2016, the property owner applied for a building permit to be able to screen-in the existing patio. The permit application was rejected because Mecklenburg County environmental data shows the subject property exceeds the recorded maximum impervious allowance.
8. In October 2016, the applicant had a new survey completed to determine exact impervious calculations, see Exhibit 1 Page 8. The 2016 survey shows a concrete patio and notes the impervious area is 3,396.89 sq. ft.
9. Article 11.3.3 of the Zoning Ordinance authorizes the Zoning Administrator to grant administrative waivers for minor deviations from measurable and quantifiable standards of the ordinance, see Exhibit 3. Staff could administrative waive a 96 sq. ft. (3% deviation) impervious exceedance for the subject property.
10. All governing bodies have jurisdiction within the Mountain Island Lake Watershed and those entities that use Mountain Island Lake as a drinking water source were notified of this variance request. To date, Mecklenburg County Storm Water Services is the only agency who has issued comments. In a letter dated February 27, 2017, see Exhibit 4, Rusty Rozzelle stated that some relief by way of a variance seems appropriate in this case.



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

Please see Exhibit 1 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* (Article 11.3.2.e) must be addressed with findings of fact:

*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. According to the applicant, the patio was permitted by Mecklenburg County and installed by the builder when the home was originally constructed.
- B. The property currently exceeds the allowed maximum impervious area shown on the approved plat by 196.89 sq. ft.
- C. Staff has not found any evidence, though permit searches and historical aerial photography, that additional impervious surface has been added to the property since the original build, completed in 2005.
- D. The strict application of the ordinance causes this property to be in violation of the MIL Overlay District regulations.
- E. Article 3.3.2 B (e), *Built-Up Area Development Standards* have not been changed since the subject property was originally platted in 2004.

- 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. All properties located in the MIL Overlay District are subject to built-upon area limits.
- B. Staff is unaware of any other properties in Carrington Ridge that were permitted showing incorrectly labeled impervious (patio) and pervious (deck) building elements.

- 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. According to the application, the patio was installed by the builder prior to closing.
- B. Staff has not found any evidence, through permit searches and historical, aerial photography, that additional impervious surface was added to the property after the original build completed in 2005.

- 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 intent of Article 3.3.2-B is to allow development with fewer restrictions in the protected areas 1 and 2 than in the critical areas because the risk of water quality degradation from pollution is less in the protected areas than in the critical areas. Huntersville is required by the State of North Carolina to protect drinking water supply. As such, Mountain Island Lake Watershed Overlay Distinct requirements are designed to protect water quality.
- B. According to the applicant, granting the variance would bring the property into compliance and remove any harm non-compliance may cause (for example: affecting the future sale of the home).
- C. Staff finds the subject property exceeded the maximum impervious allowed at the time the Certificate of Occupancy was issued by Mecklenburg County.

## **STAFF CONCLUSIONS:**

The applicant is seeking a variance from Article 3.3.2-B (e), *Built-Upon Area Development Standards*, of the Zoning Ordinance, which states, “*For individual buildings or for development projects within Protected Areas 1 and 2, the following impervious area limitations are established on a building or project basis. PA1 and PA2, low density option: 24% B.U. with curb and gutter streets.*” Based on the summary of findings, listed below, staff concludes this request does meet the four Ordinance requirements for granting a variance. Therefore, supports granting a variance for this case.

- 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 Conclusion of Findings:**

The property exceeds the maximum impervious recorded on the plat. However, there is no evidence of additional impervious surface added to the subject property since the original build was completed. The strict application of the ordinance would cause the subject property to be in violation of the Zoning Ordinance, thus creating a cloud of the property title.

The MIL PA-1 built-upon area development standards have not changed since the subject property was platted in 2004. It is unnecessary to find the subject property in violation of the MIL built-upon area development standards since the violation was present at the time the Certificate of Occupancy (CO) for the single-family home was issued.

- 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 Conclusion of Findings:**

The ordinance violation (hardship) is a result of incorrect labeling of impervious surface; staff is unaware of this incorrect labeling on other building permits issued for property in Carrington Ridge.

- 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 Conclusion of Findings:**

Staff finds the hardship did not result from action taken by the applicant. The patio was incorrectly labeled during permitting. There is reason to believe the 2005 survey incorrectly labeled the patio thus causing the impervious calculations to be incorrect. Staff concludes the Certificate of Occupancy was issued in error, because of the as built survey mistake.

- 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 Conclusion of Findings:**

The spirit, purpose, and intent of the ordinance is to protect quality of drinking water. Staff concludes the amount of exceedance is minimal and was allowed because of mistakes on the building permit and 2005 survey. Because the exceedance is minimal and an existing condition staff concludes public safety is not adversely affected by granting this variance.

### **Exhibit 1 - Variance Application**

**Exhibit 1 Page 4** – Final Plat, Dated October 8, 2005

**Exhibit 1 Page 5** – Building Permit

**Exhibit 1 Page 6** – Blueprint from MI Homes

**Exhibit 1 Page 7** – Original Survey, Dated February 14, 2005

**Exhibit 1 Page 8** – Current Survey, Dated October 21, 2016

**Exhibit 2** – Carrington Ridge Sketch Plan, Approved April 4, 2001

**Exhibit 3** – Mecklenburg County Storm Water Services comment letter

**Exhibit 4** – Article 11.3.3, *Standards for Granting an Administrative Waiver*

**STATEMENT OF CONSISTENCY: V17-01, 6855 COLONIAL GARDEN DRIVE**

Planning Department	Board of Adjustment
<p><b>APPROVAL:</b> In considering the findings of fact for V17-01, a request by Elaine Adams for a variance from Article 3.3.2 B (e) <i>Built-Upon Area Development Standards</i>, the Planning Staff recommends approval based on the requested variance meeting all four criteria for granting a variance, more specifically, we find:</p> <p>It is reasonable to grant this variance based on the following findings of fact:</p> <ol style="list-style-type: none"> <li>1. The building permit, including the patio, was approved by Mecklenburg County in 2004.</li> <li>2. No impervious surface has been added to the property since the Certificate of Occupancy was issued in 2005.</li> <li>3. Strict application of the ordinance causes the subject property, 6855 Colonial Garden Drive to be in violation of the Mountain Island Lake Watershed regulations.</li> <li>4. There are no other known building permits approved with inconsistent labeling of impervious surface.</li> <li>5. The impervious surface is existing and does not negatively affect public safety.</li> </ol>	<p><b>APPROVAL:</b> In considering the findings of fact for V17-01, a request by Elaine Adams for a variance from Article 3.3.2 B (e) <i>Built-Upon Area Development Standards</i>, the Board of Adjustment recommends approval of the variance based on the requested variance meeting the criteria for granting a variance.</p> <p>It is reasonable to grant this variance based on the findings of fact... <i>(Explain)</i></p>
	<p><b>DENIAL:</b> In considering the findings of fact for V17-01, a request by Elaine Adams for a variance from Article 3.3.2 B (e) <i>Built-Upon Area Development Standards</i>, the Board of Adjustment recommends denial of the variance based on the requested variance not meeting the criteria for granting a variance.</p> <p>It is not reasonable to grant this variance based on the findings of fact... <i>(Explain)</i></p>

Exhibit 1,  
Page 1Date: January 25, 2017

### **Applicant Information (if different)**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Email: \_\_\_\_\_  
Phone No. \_\_\_\_\_

Address: 6855 Colonial Garden Dr Parcel Size: \_\_\_\_\_  
Tax Parcel ID (PIN) Number(s): 01542324

Ordinance: Zoning Article: 3.3.2B Section: E

Mountain Island Lake Watershed Protected Areas / Built Upon Area Development Standards:  
I respectfully request a variance to increase the impervious allotment on my property from 3200 sf to 3396.89 sf to cover the original improvements to this parcel as originally submitted by the builder and permitted by the County.

- One (1) hard copy and one (1) electronic copy of any 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. Also, 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. (Electronic format is preferred)

Name	Parcel #	Address
Allan & Debra I'Jaden	01542323	6847 Colonial Garden Dr
Carrington Ridge Community Assoc	01542325	PO Box 11906 Huntersville
Samuel B. Hales	01542228	6858 Colonial Garden Dr.
Christine Cantrell	01542229	6854 Colonial Garden Dr.
Dorothy Hendrick	01542230	6850 Colonial Garden Dr.
Jennifer Panczyk	01542228	6846 Colonial Garden Dr.



## Variance Application

Exhibit 1, Page 2
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### Notifications Requirements

Planning Staff will be required to notify in writing each adjoining property owner.

Planning Staff will also be required, if you are seeking a variance from the requirements of the Mountain Island Lake or Lake Norman Watershed Overlay Districts, to notify in writing each local government having jurisdiction in the watershed and the entity using the water supply for consumption as follows:

- \* Mountain Island Lake Watershed Overlay. Local governments having jurisdiction in the watershed: Charlotte Mecklenburg, Cornelius and Huntersville. Entities using the water supply for consumption: Mecklenburg County, Gastonia and Mount Holly.
- \* Lake Norman Watershed Overlay. Local governments having jurisdiction in the watershed: Davidson, Cornelius and Huntersville. Entities using the water supply for consumption: Mooresville, Mecklenburg County and Lincoln County.

### Variance Requirements

STANDARDS FOR GRANTING A VARIANCE (Article 11.3.2.e.):

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 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.
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.
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.
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.

Appropriate conditions, which must be reasonably related to the condition or circumstance that gives rise to the need for a variance, may be imposed by the Board (Article 11.3.1.e.).

In the following spaces, indicate the **FACTS** that demonstrates to the Board of Adjustment that 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.  
In 2016 it was discovered that, when I made a request for a screened porch over my existing patio, the original survey incorrectly indicated a deck rather than a 10' x 12' patio (120 sf). The patio was permitted by the county and installed by the builder when the home was originally constructed. I had an independent survey done Oct 2016 which subsequently showed the impervious overage of 196.89 sf causing a cloud on the title that could impact the future sale of my home. I feel I have been harmed by detrimentally relying and believing, in good faith, that all participants involved in the building process (especially a licensed NC surveyor) did their part correctly, which obviously was not the case.



## Variance Application

Exhibit 1,  
Page 3

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. The difficulty or hardship is peculiar to the property and is not generally shared by other properties classified in the same zoning district and/or use for the same purpose.

To my knowledge, the cloud on the title due to recently discovered impervious non-compliance is particular to this property and not common to the neighborhood.

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 the home was purchased from MI Homes in 2005, the building permit was issued approving a 120 sf patio which was installed by the builder prior to closing. No modifications have been made by me or previous co-owner to add impervious space.

4. The public safety and general welfare have been protected and substantial justice done.

The Board's granting of my request for a variance of the existing impervious would not negatively affect the public safety (this condition has existed for over 12 years without impacting the public safety) and it would bring the property into compliance, removing any harm from me personally through no fault of my own. Thank you.

**Property Owner / Applicant Certification**

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

A handwritten signature in black ink that reads "Elaine Adams".

\_\_\_\_\_  
Property Owner / Applicant

1/25/17

\_\_\_\_\_  
Date



2005207107 MAP BOOK 44 PAGE 555

SITE DEVELOPMENT DATA  
SETBACKS

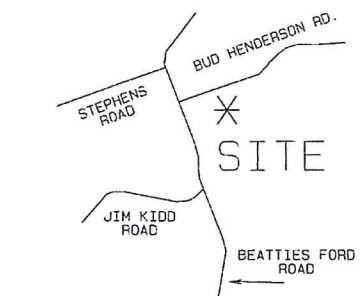
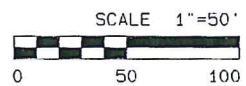
LOT SIZE	MIN. FRONT	MAX. FRONT	MIN. SIDE/SIDE CORNER	MIN. REAR
50' LOTS	10'	15'	5'10"	25'
62' LOTS	15'	20'	5'10"	25'
75' LOTS	20'	25'	5'10"	25'
TOWNHOMES	10'	15'	5'10"	25'

ZONING- RURAL  
7 PROPOSED LOTS (SINGLE FAMILY DWELLINGS)  
1.891 ACRES TOTAL  
0.513 ACRES IN ROW

- NOTES:
1. THIS PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM NO. 37114C0005 E (PRELIMINARY) EFFECTIVE DATE 5/23/2003.
  2. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCE.
  3. AREAS DETERMINED BY COORDINATE COMPUTATIONS.
  4. NO GEODETIC MONUMENTS FOUND WITHIN 2000' OF PROPERTY.
  5. ALL STREETS WILL BE DEDICATED PUBLIC AND ALLEYS WILL BE PRIVATELY MAINTAINED.
  6. ALL CREEK ELEVATIONS ON CREEK TRANSECTIONS ARE ULTIMATE 100-YEAR FLOOD ELEVATIONS.
  7. A 10' PERMANENT UTILITY EASEMENT WILL BE CREATED BEHIND ALL ROW LINES WITHIN THE SUBDIVISION.
  8. ON LOTS GREATER THAN 60' IN WIDTH, FRONT LOADING GARAGES SHALL BE RECESSED 10' BEHIND THE PRIMARY PLANE OF THE FRONT FACADE OF THE STRUCTURE INCLUDING ANY PORCHES, EXCEPTIONS FOR SINGLE FAMILY DETACHED DWELLINGS WITH 1400 SQUARE FOOT OR LESS OF HEATED SPACE, SINGLE BAY FRONT LOADED GARAGES MAY BE BUILT FLUSH WITH, BUT MAY NOT PROJECT IN FRONT OF THE PRIMARY PLANE OF THE FRONT FACADE OF THE STRUCTURE INCLUDING ANY PORCHES.
  9. LARGE MATURING TREES TO BE PLANTED IN PLANTING STRIP 40' O.C. ON BOTH SIDES OF STREETS WITH THE EXCEPTION OF THE UNDEVELOPED EDGE OF NEIGHBORHOOD PARKWAYS.
  10. IRON PINS AT ALL CORNERS UNLESS OTHERWISE NOTED.
  11. PIPE SYSTEMS AND/OR CHANNELS LOCATED WITHIN THE PUBLIC STORM DRAINAGE EASEMENTS ARE THE MAINTENANCE RESPONSIBILITY OF THE INDIVIDUAL PROPERTY OWNER.
  12. ALL OPEN SPACE AREAS WILL BE MAINTAINED BY THE OWNER UNTIL 75% OCCUPANCY IS ACHIEVED AT WHICH TIME IT WILL BE THE RESPONSIBILITY OF THE HOME OWNERS ASSOCIATION.
  13. BUILD TO LINE-A LINE EXTENDING THRU A LOT WHICH IS GENERALLY PARALLEL TO THE FRONT PROPERTY LINE AND MARKS THE LOCATION FROM WHICH THE PRINCIPLE VERTICAL PLANE OF THE FRONT BUILDING ELEVATION MUST BE ERRECTED.
  14. MINIMUM FINISHED FLOOR ELEVATIONS SHOWN ARE GREATER THAN 100+ BUILDING RESTRICTION FLOODLINE TO MATCH AS-BUILT BUILDING PADS.



REFERENCE BEARING  
DEED BOOK 3678, PAGE 605



STATE OF NORTH CAROLINA  
COUNTY OF

I, PAMELA A. HOLLOD REVIEW OFFICER OF MECKLENBURG COUNTY,  
CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION  
IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

10-18-05  
DATE

Pamela A. Hollo  
REVIEW OFFICER

FILED FOR  
REGISTRATION  
OCT 18 2005  
AT 11:29am  
JUDITH A. GIBSON  
MECKLENBURG COUNTY, N.C.  
REGISTERED CLERK

LINE	DISTANCE	BEARING
L1	65.77'	N08°07'32"W
L2	60.72'	N08°07'32"W
L3	72.08'	N08°07'32"W
L4	33.07'	N08°07'32"W
L5	39.64'	N03°40'31"W
L6	73.68'	N03°40'31"W
L7	77.39'	N03°40'31"W
L8	84.61'	N03°40'31"W
L9	5.70'	N03°40'30"W
L10	172.32'	S68°45'59"E
L11	138.14'	N75°42'08"W
L12	119.29'	N83°31'34"W
L13	111.27'	S88°39'01"W
L14	110.71'	S80°49'35"W
L15	116.85'	S73°42'14"W
L16	125.48'	S73°42'14"W
L17	119.82'	S73°42'14"W
L18	5.36'	S16°17'48"E
L19	60.10'	S16°17'46"E
L20	50.10'	S16°17'46"E

LINE	DISTANCE	BEARING
LRD1	21.50'	S66°49'34"E
LRD2	28.50'	S66°49'34"E
LRD3	115.56'	S16°17'46"E
LRD4	25.00'	S16°17'46"E
LRD5	5.50'	S73°42'14"W
LRD6	25.00'	S16°17'46"E
LRD7	23.00'	S73°42'14"W
LRD8	23.00'	S73°42'14"W
LRD9	25.00'	N16°17'46"W
LRD10	1.50'	N73°42'14"E
LRD11	25.00'	N16°17'46"W

LINE	ARC	CHORD BEARING	RADIUS	CHORD	TANGENT
C1	65.36'	S18°44'24"W	421.50'	65.29'	32.75'
C2	57.56'	S10°23'09"W	421.50'	57.51'	28.82'
C3	57.56'	S02°33'43"W	421.50'	57.51'	28.82'
C4	57.56'	S05°15'42"E	421.50'	57.51'	28.82'
C5	52.40'	S12°44'05"E	421.50'	52.36'	26.23'
C6	23.56'	S28°42'14"W	15.00'	21.21'	15.00'

LINE	ARC	CHORD BEARING	RADIUS	CHORD	TANGENT
CRD1	255.98'	S03°26'37"W	371.50'	250.95'	133.31'
CRD2	23.56'	S61°17'46"E	15.00'	21.21'	15.00'
CRD3	23.56'	S28°42'15"W	15.00'	21.21'	15.00'
CRD4	23.56'	N61°17'46"W	15.00'	21.21'	15.00'

SCALE 1"=50'

A.N. JAMES SURVEYING AND MAPPING, INC.

3300 BETHLEHEM CHURCH RD.  
GOLD HILL, NC 28071  
(704) 784-2322

DATE: JUNE 11, 2004  
JOB: CARR-REC2AMREV2M1  
PB:

THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA  
OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT  
REGULATES PARCELS OF LAND.

I, AUGUSTUS N. JAMES, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY  
SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION  
(DEED DESCRIPTION RECORDED AS SHOWN) THAT THE BOUNDARIES NOT  
SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND  
AS SHOWN; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+;  
THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 41-30  
AS AMENDED, WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER  
AND SEAL THIS 17th DAY OF JUNE, 2004.

AUGUSTUS N. JAMES  
PROFESSIONAL SURVEYOR  
NORTH CAROLINA  
REG. NO. 1-3309

- REV. (3) 9-12-05 -CHANGE IMPERVIOUS AREAS LOTS 97-103  
REV. (2) 4-12-05 -CHANGE SIGHT TRIANGLES  
-ADD STOP BARS  
-CHANGE IMPERVIOUS AREA OF LOT 103  
REV. (1) 4-23-04 -ADD 100+ LINE  
-CHANGE SWIM BUFFER.

1. 100+ BUILDING RESTRICTION FLOODLINE NOTES:  
THE LOTS SHOWN WITHIN THE BUILDING RESTRICTION FLOODLINE  
ARE SUBJECT TO FLOODING DURING HEAVY RAINFALL AND THE  
CONSTRUCTION OF BUILDING OR STRUCTURES BELOW THE FLOOD  
PROTECTION ELEVATION IS PROHIBITED, AS FURTHER DESCRIBED  
BY SECTION 7.200 OF THE MECKLENBURG COUNTY SUBDIVISION  
ORDINANCE.
2. THE BUILDING RESTRICTION FLOODLINE HAS BEEN LOCATED FROM  
A FIELD SURVEY.

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF  
THE PROPERTY SHOWN AND DESCRIBED HEREON AND I  
HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH  
FREE CONSENT ESTABLISH MINIMUM SETBACK LINES  
AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS,  
AND OTHER SITES AND EASEMENTS TO PUBLIC OR  
PRIVATE USE AS NOTED. FURTHERMORE I DEDICATE ALL  
SEWER LINES AND ALL WATER LINES TO THE CHARLOTTE  
MECKLENBURG UTILITY DEPARTMENT IF APPLICABLE.

OWNERS (M/I Homes) & Charlotte, LLC (Carrington Ridge, LLC)  
DATE 10/17/05 10/18/05

Gay Nyberg  
BOND ADMINISTRATOR  
DATE 10/7/05

APPROVED IN ACCORDANCE WITH THE SUBDIVISION  
ORDINANCE OF THE TOWN OF HUNTERSVILLE.

William  
PLANNING STAFF  
DATE 10-18-05

Gay Nyberg  
ENGINEERING STAFF  
DATE 10/7/05

WATERSHED DISTRICT-MIL PA-1  
IMPERVIOUS AREA CALCULATIONS

LOT#	PREVIOUSLY RECORDED IMPER. (SF)	REVISED MAXIMUM IMPERVIOUS AREA (SF)
97	3200	3200
98	3275	3275
99	3200	3200
100	2300	2400
101	3265	3265
102	2950	2850
103	3325	3325
	21,515 SF	21,515 SF

- LEGEND
- GROSS SECTIONS/ 100 YEAR FLOOD STUDY
  - TBM-SET PC NAIL IN CURB (ELEV 641.87)  
REFERENCE NSVD 1424
  - (SET) CONCRETE MONUMENT
  - (FOUND) IRON PIN AS DESCRIBED
  - NO POINT FOUND OR SET
  - (SET) #5 REBAR
  - XXXI • LOT NUMBER
  - XXX • LOT ADDRESS
  - - - - - BOUNDARY LINE
  - - - - - LINES NOT SURVEYED
  - - - - - BUILDING SETBACKS

THE SOLE PURPOSE OF THIS PLAT  
IS TO CHANGE THE IMPERVIOUS  
AREA OF LOTS 97-103  
THIS PLAT SUPERCEDES ALL  
PREVIOUSLY RECORDED PLATS

3rd REVISION of FINAL PLAT  
CARRINGTON RIDGE

PHASE 2 MAP 2  
LOCATED IN  
TOWN OF HUNTERSVILLE,  
MECKLENBURG COUNTY, N.C.  
REFERENCE DEED 3678-605  
REFERENCE TAX ID NO. 015-051-08  
PREPARED FOR  
CARRINGTON RIDGE LLC  
1043 E. MOREHEAD ST. SUITE 204  
CHARLOTTE, NORTH CAROLINA 28204

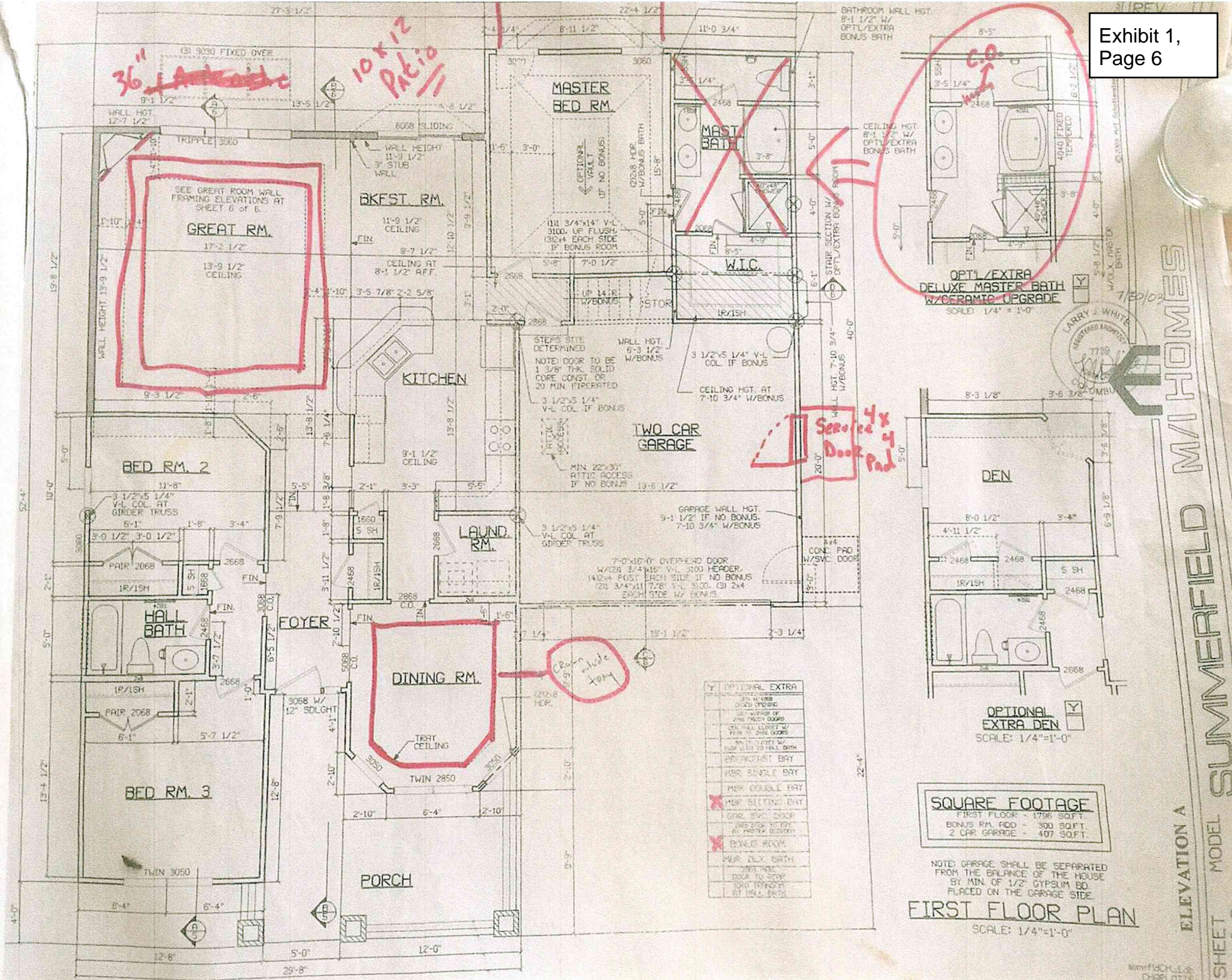


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OCT-06-2004 16:46







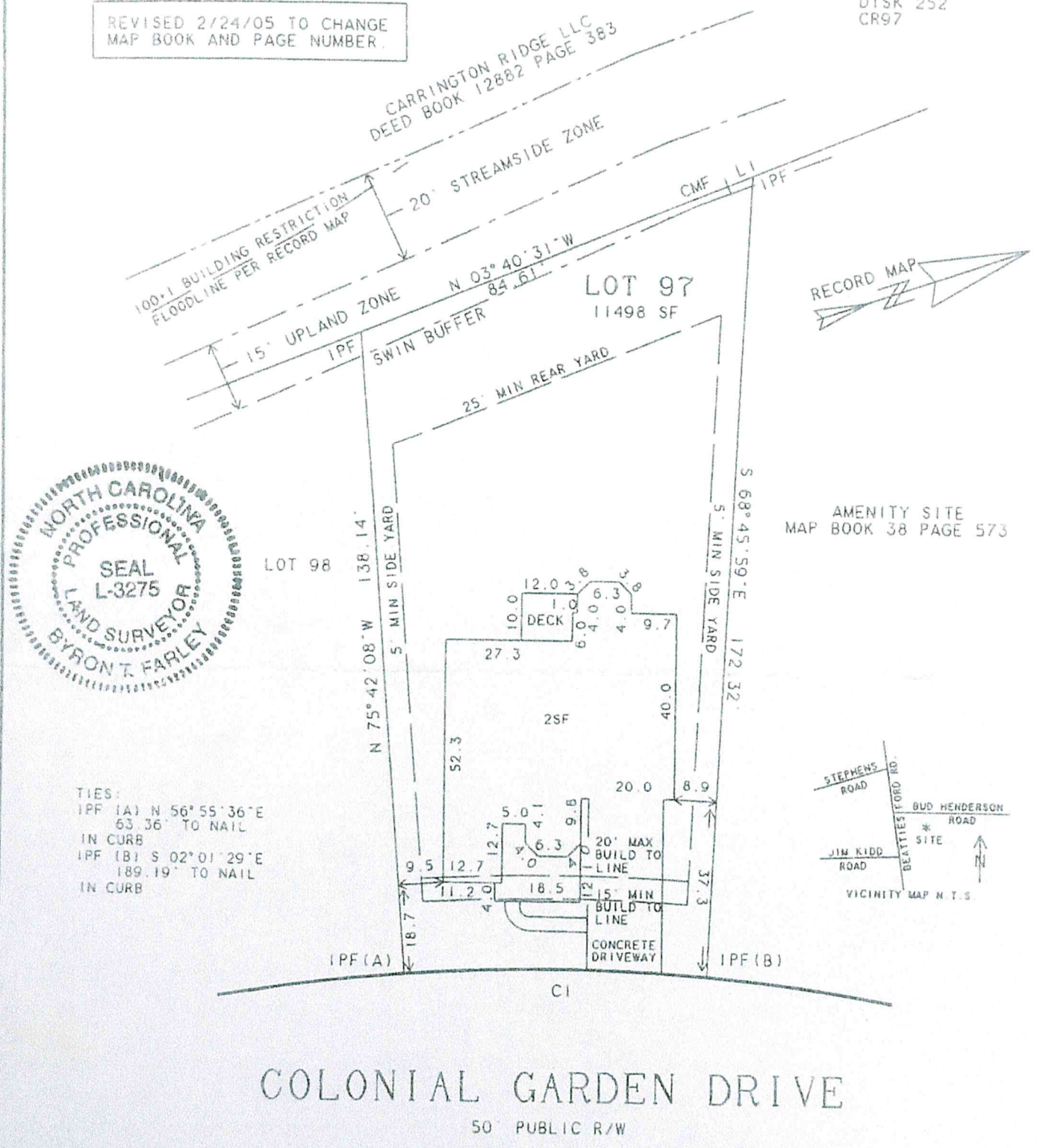
THIS IS TO STATE THAT ON THE 14TH DAY OF FEBRUARY, 2005, I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS IF ANY ARE SHOWN HEREON. I FURTHER STATE THAT THE FLOOD DATA RECORDED ON RECORD MAP 43 PAGE 157 SHOWS THAT THIS PROPERTY IS NOT LOCATED WITHIN THE LIMIT OF A FEMA SPECIAL FLOOD HAZARD AREA.

SIGNED Byron T. Farley  
BYRON T. FARLEY N.C.P.L.S. L-3275

NOTE: TO THE BEST OF MY KNOWLEDGE  
THE IMPERVIOUS AREA IS APPROXIMATELY  
3169 S.F. OF TOTAL AREA.

REVISED 2/24/05 TO CHANGE  
MAP BOOK AND PAGE NUMBER.

DISK 252  
CR97



TIES:  
IPF (A) N 56°55'36"E  
63.36' TO NAIL  
IN CURB  
IPF (B) S 02°01'29"E  
189.19' TO NAIL  
IN CURB

LINE	BEARING	DISTANCE				
L 1	N 03°40'30"W	5.70				
CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	08°53'02"	421.50	65.36	32.74	65.29	S 18°44'09"W

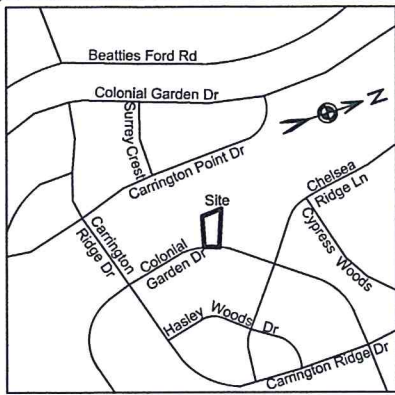
NOTE: U.G. UTILITIES IN AREA  
SERVING OTHER PROPERTIES  
IPF - IRON PIN FOUND  
IPS - IRON PIN SET  
BC - BACK OF CURB  
CM - CONCRETE MONUMENT  
PSC - PUBLIC STORM CHAIN  
BASEMENT  
S.T. - SIGHT TRIANGLE  
SCALE - 1" = 30'

PHYSICAL SURVEY  
OF  
6855 COLONIAL GARDEN DRIVE  
LOT 97 OF CARRINGTON RIDGE PHASE 2 MAP 2  
TOWN OF HUNTERVILLE, MECKLENBURG COUNTY, N.C.  
PROPERTY OF DAVID L. ADAMS AND ELAINE ADAMS

AREA BY COORDINATE COMPUTATION  
MAP RECORDED IN BOOK 43  
AT PAGE 157

PRINCIPLE SURVEYING INC.  
580-C UNION WEST BLVD  
MATTHEWS, N.C. 28105  
PHONE (704) 573-0440





VICINITY SKETCH  
NOT TO SCALE

1. All distances are horizontal unless otherwise noted.
2. All acreage is by coordinate method.
3. The Client acknowledges (1) that boundary surveying services do not determine land ownership and that the professional land survey provides only an opinion of previously described boundary lines which may or may not be upheld by a court of law and, (2) the general survey does not include the location of all easements and, (3) in services relating to boundary surveys, the consultant limits the liability to the professional fee charged to the client.
4. Broken lines indicate lines not surveyed.
5. This survey does not constitute a title search by Surveyor. Surveyor has made no investigation or independent search for easements or record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
6. Copyright © AccuTech Surveying & Mapping, LLP. All rights reserved. No part of this drawing may be reproduced by photocopying, recording or by any other means, or stored, processed or transmitted electronically without the prior written permission of the surveyor. This survey is valid only for the parties indicated the title block and is non transferable to subsequent parties.
7. This property is not located in a 100 year flood zone as shown on F.E.M.A. Firm Map # 3710462000J Effective Date: March 2, 2009.
8. Maximum impervious area for lot 97, per Map Book 44 Page 55 is 3,200.00 SF. This lot exceeds the maximum allowed area.

I, Rodrick A. Sutton, certify that this map was drawn from an actual survey made under my supervision (deed description recorded in D.B. 25461, Pg. 823; that the ratio of precision as calculated by latitudes and departures was 1:79,069+; the boundaries not surveyed are shown as broken lines plotted from information found in M.B. 44 Pg. 555; and that the angular error of closure was 02" per turn.

Witness my hand and official seal this 21st day of October, 2016.

*Rodrick A. Sutton*  
Registered Land Surveyor License No. L-3228

PROJECT MANAGER  
CAB  
DRAWN BY  
CAB  
APPROVED BY  
RAS  
PROJECT NUMBER  
16281

AccuTech Surveying & Mapping, LLP  
546 Newell Street NW  
Concord, NC 28025  
(704) 784-3286  
Firm License No. : F-0759

SURVEYED BY  
ACS  
INSTRUMENT  
TOPCON  
COGO FILE  
16281

SCALE IN FEET  
1"=30'  
0 15 30 45 60

Boundary & Location Survey For:  
Elane L. Adams  
6855 Colonial Garden Drive  
Huntersville, NC 28202  
Huntersville Township, Mecklenburg County, NC

Carrington Ridge  
Community Assoc., Inc.  
D.B. 24717 Pg. 918  
Parcel ID 01542107

Tie Line  
S 03°40'01" E  
77.38'

Lot No. 98  
M.B. 44 Pg. 555  
Alan Jadan  
D.B. 26673 Pg. 337  
Parcel ID 01542323

Lot No. 97  
M.B. 44 Pg. 555  
11498.226 Sq. Feet±  
0.264 Acres±

Concrete  
Patjo  
Single Story  
Frame Dwelling  
Covered  
Porch  
Concrete  
Drive

Existing  
5/8" Rebar  
C2  
Existing  
5/8" Rebar  
C1  
Concrete Walk

Colonial Garden Drive  
50' Public Right of Way

N 03°40'30" W  
5.70'

N 03°40'31" W  
84.61'

Existing  
5/8" Rebar  
CCM

N 75°42'08" W 138.14'

5' Side Setback

25' Rear Setback

S 68°45'59" E 172.32'

Carrington Ridge  
Community Assoc., Inc.  
M.B. 38 Pg. 573  
D.B. 24717 Pg. 918  
Parcel ID 01542325



Impervious area within the boundaries of  
Lot No. 97 M.B. 44 Pg. 555 = 3,396.89 SF

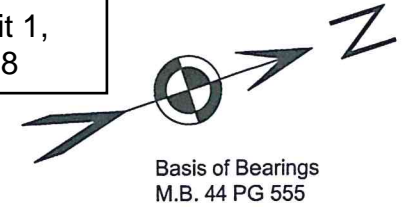
Impervious area within the sidewalk in front  
of but not within the boundaries of Lot 97 M.B.  
44 Pg. 555 = 487.40 SF

CURVE	CHORD BEARING	CHORD LENGTH	RADIUS	ARC LENGTH
C1	S 18°44'09" W	65.29'	421.50'	65.36'
C2	S 10°23'22" W	57.51'	421.50'	57.55'

#### LEGEND

- Property Line
- Tie Line
- Adjoining Property Line
- Road Right of Way Line
- Property Corner
- TM
- DB PG
- Setback Line
- Fence

Exhibit 1,  
Page 8





http://polaris3g.mecklenburgcountync.gov/#mat=3634301 Maps Polaris 3G

File Edit View Favorites Tools Help

Office Training Center - O... GE Cap - Wiki Home People Resource Utilization... Fox News - Breaking New... Web Slice Gallery Google Team Member Handbook...

**POLARIS 3G**

Tutorials Quick Tips Report Issues GIS Data Store

Search Results Property Details Lyr Dictionary Legend

Switching on too many overlays slows down the map

**Overlay Toggle**

- ☒ Labels
  - ☐ Lot Dimensions
  - ☒ Address No
  - ☐ Parcel IDs
  - ☐ Businesses
  - ☐ Points of Interest
- ☐ Boundaries
  - ☐ County Commissioner Districts
  - ☐ Charlotte City Council Districts
  - ☐ Municipal Service Districts
  - ☐ Spheres of Influence (City ETJs)
  - ☐ Voter Precincts
  - ☐ Zoning
  - ☐ Zip Code Boundaries
- ☐ Environmental
  - ☐ Community & FEMA Floodplains, Floodways
  - ☐ Post Construction Districts
  - ☐ Post Construction Buffers
  - ☐ Stream Watersheds
  - ☐ Regulated Drinking Watersheds
  - ☐ Soils
  - ☐ Water Quality Buffers(SWIM)
- ☐ Land Development
  - ☐ Engineering Map Grid
  - ☐ Engineering Preliminary Plans

6855 Colonial Garden Dr., Huntersville

Advanced Search Market Analysis Search Help

Streets Aerials Hybrid Topo

Map showing residential area with street names: Colonial Garden Dr, Cypress Woods Dr, Chelsea Ridge Ln, Carrington Ridge Dr, Waley Woods Dr, Surrey Crest Ln, and Colonial Garden Dr. Numerous house numbers are visible on the map.

100%







BUD HENDERSON ROAD (S.R. #2131)  
(VARIABLE PUBLIC R/W)

FULL MOVEMENT ENTRANCE  
MONUMENT SIGNAGE  
3' STONE WALL

- DEVELOPMENT NOTES**
- Funds necessary for the design and construction of required right-of-way improvements along Beatties Ford Road and Bud Henderson Road, as required by the Town of Huntersville and NCDOT to accommodate residential and non-residential traffic to the property, will be provided prior to construction of final plan. However, pending the adoption of the Open Space Plan by the Town of Huntersville, developer agrees to contribute the cash equivalent of required right-of-way improvements for improvements associated with the objectives of the Open Space Plan.
  - The southern most entrance on Beatties Ford Road will be restricted to right-of-way-out and left out only. Developer may install supplemental planting of trees, as noted, in the undisturbed Beatties Ford Road buffer similar to existing trees in the 100' undisturbed buffer along Beatties Ford Road provided that neither vegetation nor earth will be disturbed.
  - Developer will preserve existing, large canopy (over 5" DBH) and native tree trees in the buffer and park areas and will follow tree preservation measures as described in ARTICLE 7 of the Huntersville Ordinance. Tree Protection Fencing shall be used around the perimeter of each tree. Tree lines shown on plan are for illustrative purposes only. Actual clearing limits are to be based on final engineering plan.
  - Existing trees in the Open Space Park will be preserved and have "Tree Protection Fencing" placed around their trunks to prevent disturbance to root zones.
  - Access (ingress/egress) locations and design shown on this sketch plan are subject to achieving vertical and horizontal sight distances, turn lane improvements (including right-of-way) and intersections with adjacent and opposing access points. Modifications to plan may result.
  - Developer will coordinate with Town of Huntersville and Mecklenburg County Greenway Master Plans for the dedication of a Greenway easement through the property along McDowell Creek consistent with the Mecklenburg County Greenway System.
  - Mailboxes, mail kiosks, and storage can will be grouped where on street parking is provided and will be strategically located to be accessible for postal deliveries, garbage collection and residences.
  - The site plan represents an election to use the low-density option. Maximum impervious area is 24%.
  - Alley right-of-way are to be publicly accessible, however maintenance will be the responsibility of the developer/HOA.
  - Developer will provide a landscape buffer utilizing indigenous plant material in the open areas in the 100' Buffer along Beatties Ford Road and in the existing field across from the 62' lots that are visible from Beatties Ford Road. The landscape buffer will be planted in a random fashion, utilizing similar plant types that exist in the 100' buffer. This semi-rural landscape buffer will not completely screen the view between the Carrington Ridge Development and Beatties Ford Road, but instead will act as a visual filter between the two, thereby preserving the rural character of Beatties Ford Road. A schematic representation of this planting has been added to the plan per recommendation of the Huntersville Board of Commissioners. A specific planting plan will be developed in conjunction with the Huntersville planning staff.

**DEVELOPMENT TABULATIONS**

TOTAL LAND AREA: 196.0 AC ±  
1) OVERALL SITE DENSITY: 444 U./196 AC = 2.3 DU/AC  
2) BASE DENSITY ALLOWED UNDER OPS ZONING: 2.50 DU/AC  
3) TOTAL UNITS ALLOWED: 2.50 DU/AC X 196.0 AC = 490 UNITS  
TOTAL ALLOWABLE IMPERVIOUS COVERAGE UNDER PA1: 24%  
PROPOSED SITE IMPERVIOUS COVERAGE: 21.5%  
(LOW DENSITY OPTION)  
LANDUSE AREA SUMMARY:  
SINGLE FAMILY LOT AREA: 106.65 +/- AC  
TOWNHOME AREA: 8.21 +/- AC  
OPEN SPACE AREAS: 81.34 +/- AC  
TOTAL AREA: 196.0 AC ±

**DEVELOPMENT SUMMARY:**  
SINGLE FAMILY DETACHED: 325 LOTS  
TOWNHOMES: 119  
TOTAL HOMES PROPOSED: 444

**YARD SETBACK CHART**

LOT SIZE (WIDTH)	MIN. FRONT	MAX. FRONT	MIN. SIDE	MIN. REAR
50'	10'	15'	5'	25'
62'	15'	20'	5'	25'
75'	20'	25'	6'	25'
TOWN HOUSES	10'	15'	5'	25'

**NOTES:**  
1) ALL STREETS WILL HAVE NO GREATER THAN A 5' RANGE FOR THE BUILD TO LINE. ALL BUILD TO LINES WILL BE GOVERNED BY REFERENCED CHART.  
2) ALL CORNER LOTS SHALL HAVE A MINIMUM 10' SIDEYARD.

**OPEN SPACE TABULATION:**

OPEN SPACE A - SQUARE 1-4:	3.61 AC ±
OPEN SPACE B - PARK 1-2:	4.0 AC ±
OPEN SPACE C - RURAL 1-4:	26.6 AC ±

**QUALIFIED OPENSOURCE:** 34.21 AC ±  
15% REQUIRED OPENSOURCE: 29.40 ACRES  
COMMON OPEN SPACE: 46.7 AC ±  
(FOR INFORMATION ONLY)  
TOTAL GREENSPACE AREA: 80.91 AC ±

**LOT SIZE TABULATION**  
50' LOTS: 64  
62' LOTS: 185  
75' LOTS: 76

RIGHT IN RIGHT OUT ONLY

(60' PUBLIC R/W)  
(VARIABLE PUBLIC R/W)

LOT SIZE TABULATION  
50' LOTS: 64  
62' LOTS: 185  
75' LOTS: 76

PROPOSED 70' ROW

450' X 15' LINE OF SITE

BEATTIES FORD ROAD (S.R. #2128) (65' PUBLIC R/W)

CHARLOTTE-MECKLENBURG BOARD OF EDUCATION 8781-720

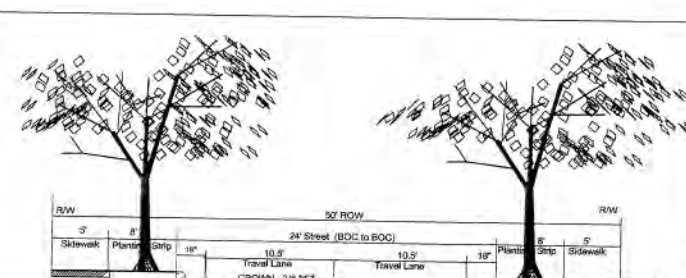
CHARLOTTE-MECKLENBURG BOARD OF EDUCATION 8781-720

CHARLOTTE-MECKLENBURG BOARD OF EDUCATION 8781-720

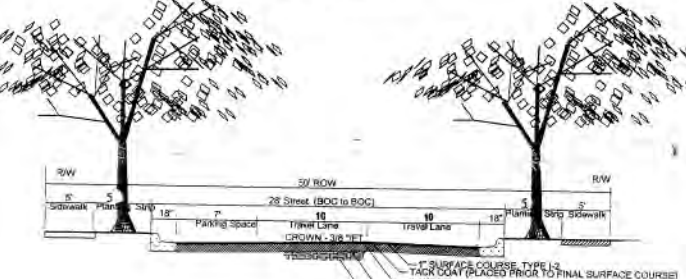
CHARLOTTE-MECKLENBURG BOARD OF EDUCATION 8781-720

CHARLOTTE-MECKLENBURG BOARD OF EDUCATION 8781-720

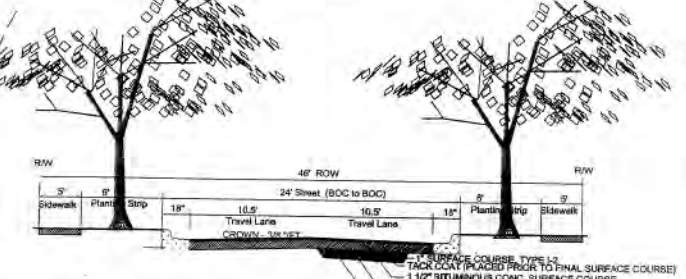
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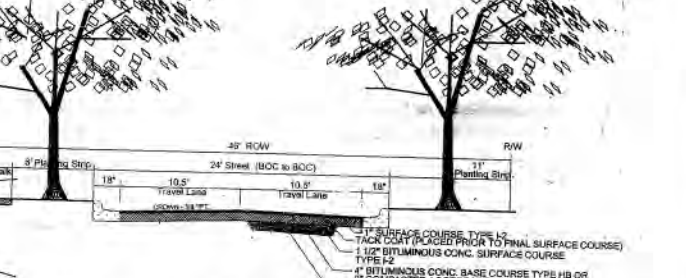
**LOCAL STREET - TYPE ONE** (No parallel parking)  
NOT TO SCALE  
NOTE: SEE CHADS DETAIL # 1 (40' ROAD) (TREES) 10.25' (HANDICAP RAMP) AND 10.75' (10' CURB AND GUTTER)



**LOCAL STREET - TYPE TWO** (Parallel parking - one side of street)  
NOT TO SCALE  
NOTE: SEE CHADS DETAIL # 2 (40' ROAD) (TREES) 10.25' (HANDICAP RAMP) AND 10.75' (10' CURB AND GUTTER)



**LOCAL STREET - TYPE THREE**  
NOT TO SCALE  
NOTE: SEE CHADS DETAIL # 3 (40' ROAD) (TREES) 10.25' (HANDICAP RAMP) AND 10.75' (10' CURB AND GUTTER)

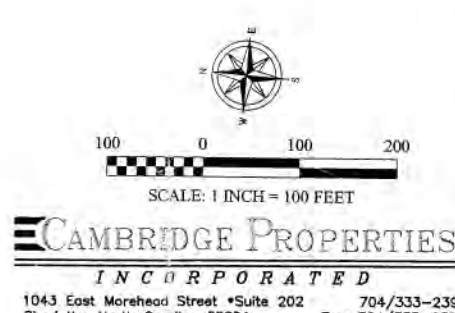
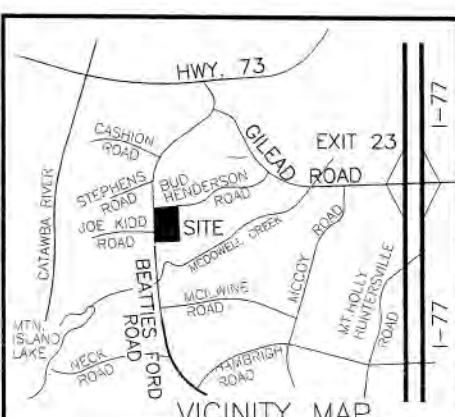


**LOCAL STREET - TYPE FOUR** (Sidewalk one side of street only)  
NOT TO SCALE  
NOTE: SEE CHADS DETAIL # 4 (40' ROAD) (TREES) 10.25' (HANDICAP RAMP) AND 10.75' (10' CURB AND GUTTER)

M.T. GRAHAM, 9403-417

**SKETCH PLAN APPROVED BY THE TOWN OF HUNTERSVILLE**  
Planning Staff  
4/20/00

**NEIGHBORHOOD ALLEY**  
NTS



**CAMBRIDGE PROPERTIES INCORPORATED**  
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Land Design, Inc.  
HUNTERSVILLE, NORTH CAROLINA

**CARRINGTON RIDGE**  
HUNTERSVILLE, NORTH CAROLINA

DATE: 7.17.2000  
DES: DWN  
SCALE: 1"=100'  
PROJECT/FILE NO: 100090  
SHEET NO: 1  
FILE NAME





2145 Suttle Avenue  
Charlotte, NC 28208-5237

**MEMORANDUM**

**TO:** Meredith Nesbitt

**FROM:** Rusty Rozzelle

**SUBJECT:** Variance Request for 6855 Colonial Garden Drive, Huntersville, NC 28078 (case V#1701)

**DATE:** February 27, 2017

Thank you for providing notice to Mecklenburg County regarding the subject variance request. In consideration of the facts presented in the variance application, some relief by way of a variance seems appropriate. Density averaging is also a viable option. Please be aware that if approved this variance will result in less than a 10% relaxation of the impervious requirement making it a minor variance that does not require State approval.

If you have any questions, please give me a call at 980-314-3217.

### 3. Standards for Granting an Administrative Waiver

#### a) Purpose and Intent

The Zoning Administrator (which term shall include an administrative officer designated by the Town Manager to perform these functions) is authorized to grant an administrative waiver of minor deviations from measurable and quantifiable standards of this ordinance subject to the following limitations:

- 1) The standard for which the waiver can be granted must be a quantifiable and/or measurable standard set forth in the ordinance. Such standards may include, but are not necessarily limited to, height requirements and limitation, yard requirements, parking requirements, screening or buffer requirements, planting requirements, ratio requirements, density requirements, spacing requirements, signage requirements and other similar measurable and quantifiable standards.

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## ARTICLE 11

## ADMINISTRATION

- 2) The Zoning Administrator shall grant such waiver only after the requesting party has demonstrated that such minor deviation was a result of an unintended error or unique conditions of the property, does not and will not violated the spirit and harmony of the ordinance, and does not and will not adversely affect the rights of other property owners in any material manner.
- 3) The minor administrative waiver may not deviate by more than three percent (3%) any of the standards for which the waiver is given.
- b) Construction. The authority given to the Zoning Administrator to grant such waivers shall be construed to be permissive and not mandatory and the Zoning Administrator may decline to make such waiver, and instead, require that the applicant seek a variance from the Board of Adjustment. The Zoning Administrator may not grant any waiver affecting the use or zoning classification; however, this shall not be construed as limiting the zoning Administrator's duties and rights under the ordinance, and whose decisions are appealable to the Board of Adjustment.