



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

A. Roll Call, Determination of Quorum

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 to approve the Minutes of the September 13, 2016 Regular Meeting was made by Edward Lowry and seconded by Jeff Pugliese. 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 to Approve was made by Jeff Pugliese and seconded by Edward Cecil. 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 how 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