Town of Matthews
Planning and Development

232 Matthews Station Street
Matthews, NC 28105
704.847.4411

Town of Matthews
Board of Adjustment

Thursday, March 5, 2020
7:00 PM
Hood Room, Matthews Town Hall
232 Matthews Station Street

AGENDA

I. CALL TO ORDER

II. APPROVAL OF MINUTES – September 5, 2019

III. ELECTIONS

IV. VARIANCE REQUEST: BA 2020-1 341 Alexander St., Front Yard Setback

V. VARIANCE REQUEST: BA 2020-2 425 Trafalgar Pl. Minimum Lot Width

VI. ADJOURNMENT

MINUTES
BOARD OF ADJUSTMENT
THURSDAY, SEPTEMBER 5, 2019
HOOD ROOM, MATTHEWS TOWN HALL

PRESENT: Chairman Jerry Meek; Vice Chairman Steve Lee; Members Lee Jenson, Jeanne Moore, Gary Smith; Alternate Members Aaron Baggarly and Allen Crosby; Planning and Development Director Jay Camp; Senior Administrative Specialist/Deputy Town Clerk Shana Robertson

CALL TO ORDER/INVOCATION:

Jerry Meek called the meeting to order at 7:04 pm.

APPROVAL OF THE MINUTES:

Jeanne Moore made a motion to approve the minutes of the May 2, 2019 meeting. Lee Jenson seconded and the motion passed unanimously.

ELECTIONS:

Ms. Moore nominated Jerry Meek for Chairman and Steve Lee seconded. No other nomination were made. The nomination to elect Mr. Meek as Chairman for the 2019 calendar year was unanimously approved.

Ms. Moore nominated Steve Lee for Vice Chairman for the 2019 calendar year and Lee Jenson seconded the nomination. No other nominations were made. The nomination was unanimously approved to elect Mr. Lee as Vice Chairman.

VARIANCE REQUEST: BA 2019-2, 201 South Ames Street

SWEARING IN:

Planning and Development Director Jay Camp, Mac Crisco, Luke Marbry, and Lynette Outen were sworn in by Mr. Meek.

STAFF REPORT:

Mr. Camp said that the two variance requests were both for the property located at 145 S Ames Street. Mr. Camp said that the Freeman Home at 201 S Ames was being determined for historic designation by the Charlotte Historic Landmark Commission in early October 2019 and then would be scheduled for final approval by the Board of Commissioners later that month. Mr. Camp explained that the structure that resides at 201 S Ames Street was proposed to be moved to 145 S Ames Street and would require two variances. Matthews Presbyterian Church had purchased 201 S Ames Street for future expansion. The applicant was wishing to protect the home by moving it latterly to the property next door at 145 S Ames Street. Mr. Camp said that by sliding the home over, a seven foot variance would be needed to reduce the required 35 foot front setback. Mr. Camp said that the applicant planned to construct a connection between the two home structures. Mr. Camp said that the Matthews Unified Development Ordinance (UDO) did not allow for two single family structures to reside on one parcel. Mr. Camp said that the applicant was requesting a temporary variance to allow the two structures until they could be attached. Mr. Camp

reviewed the setback requirements in Section 155.604 of the UDO and Section 155.601.14 that restricted the two single family structures on the one parcel. Mr. Camp added that if the Board approved the request, they may wish to consider placing a reasonable sunset as a condition and may also wish to stipulate that the home be located on a permanent foundation with only one set of utilities.

Ms. Moore asked why the home was being moved. Mr. Camp informed the Board that 201 S Ames had been purchased by the Matthews Presbyterian Church for future expansion. The Church did not have use of the home and wished it to be moved from the property or be demolished. Mr. Camp said that it was the Town of Matthews wish for the 1,100 square foot home to be preserved. The land will be owned by the Church for their master plan and the home was not part of that plan.

Mr. Lee asked how far the existing home at 145 S Ames was from the setback. Mr. Camp said that it was about 100 feet from the front setback and about 65 feet from the rear setback.

Ms. Moore asked if it was planned where the home would be placed on the property. Mr. Camp reviewed the applicant's proposed lot footprint (Exabit A attached and made part of this record) and where the two homes would sit temporarily on the property before being permanently connected.

Mr. Meek asked how much time did the applicant intend for the two structures to remain on the property before being adjoined. Mr. Camp said that the applicant would need to supply information to that question.

Mr. Meek asked if the setback requirement intent was more for aesthetic than it was for public safety. Mr. Camp said that there were no public safety issues. The house currently sat about 28 feet from the current right-of-way and it would be a mirror setback but there were no unusual circumstances with the property or with the right-of-way.

APPLICANT TESTIMONY:

Mac Crisco, 155 Springfield Drive, Advance, NC said that he used to walk to Matthews Elementary School and grew up in the house at 145 S Ames Street. His grandparents lived next door at 201 S Ames Street. Mr. Crisco said that he has attachments not only to the house but to Matthews and it was where he and his wife were planning to retire in a few years. Mr. Crisco reviewed the two variance requests and said that it was his wish to preserve the character of the house and the neighborhood. Mr. Crisco presented the Board members with a presentation of his request and the Charlotte Historic Landmark Commission's report of the house (Exhibit B and C attached and made part of this record).

Mr. Crisco reviewed the Polaris 3G Map provided by Mecklenburg County and he marked the proposed lateral move of the house located at 201 S Ames to 145 S Ames. Mr. Crisco said that his grandfather and his great-grandfather built the home in 1927. The home was built in a craftsman style. They were wanting to move the home sideways to be 28 feet from S Ames. Mr. Crisco said that with the sideways move, the home could be kept intact. Mr. Crisco said that he and his wife would like to move to the area but wanted more square footage than either home provided. Mr. Crisco said that they had spoken to a few architects and designers. There were two options that included attaching the two homes on one lot or tearing one of the homes down and building an addition onto the other. With both options, after the requested sunset period expired there would only be one home at 145 S Ames. Mr. Crisco said that both homes were very old and there have not been inspections preformed to evaluate the conditions of the home at 145 S Ames. He added that it was not fully known if the two homes could be connected or if his childhood home would need to be torn down, but by the end of the requested sunset, there would only be one structure on the parcel.

Mr. Lee asked how deep the front porch was. Mr. Crisco said that the porch was six feet in depth and that setback was measured from the edge of the front porch. Mr. Lee asked is the distance to the principal enclosed structure would be 34 feet. Mr. Crisco said that was correct.

Allen Crosby asked if the relocation of the home would block the current driveway from S Ames Street. Mr. Crisco said that the driveway would not be impacted.

Lee Jenson asked about the hash marks on the provided illustration. Mr. Crisco said that was the existing back porch that was about five feet wide. Mr. Crisco added that the porch was added and there were questions if the porch would successfully relocate. Mr. Jenson asked if the rear porch area would be covered. Mr. Crisco said that it would be an enclosed living space.

Mr. Lee asked what the timeframe would be to join the two properties. Mr. Crisco said that it was his goal to retire to Matthews in three years. Plans would need to be finalized with the architect, and they hoped to have the home moved onto a permanent foundation by the end of the year. Mr. Crisco said that they wanted to have full construction completed in 18 months. Mr. Crisco said they were requesting a two year sunset variance.

Gary Smith said that one item that the Board would need to determine would be what unnecessary hardship would result from the strict application of the title. Mr. Smith asked if the connector construction could be shortened from 20 feet to13 feet so the front of the home could be pushed back and compliant. Mr. Crisco said that they were trying to design living area that would be a good use in space. Mr. Crisco said that the original designed connector space was much larger but was scaled down because of the setback. Mr. Crisco said that they could let the historic home be demolished but they were trying to preserve the home and make a livable space.

Ms. Moore asked if the rear home had to be demolished, how would that effect the designs of the connection structure. Mr. Crisco said that there would still be additions to the home.

Mr. Crosby asked when Mr. Crisco applied with the Charlotte Historic Landmark Commission and what decision he was foreseeing. Mr. Crisco said that he had not applied for historic designation or the study. That was done by the Town of Matthews. Mr. Crisco said that the Commission was meeting in October to make a recommendation to the Town Board of Commissioners. Mr. Crisco said that if the Commission recommend historical statis and the Town approved the recommendation, there would be additional permits and reports to move forward with the construction. Ms. Moore asked if Mr. Crisco had to wait until the decision was made to begin any of the work. Mr. Crisco said that he did not and the intent was to preserve mainly the exterior of the home. Mr. Crisco added that the second home was also built by his grandfather for his mother.

Mr. Lee asked if the property was designated as historical, could it be torn down. Mr. Camp said that it would stay demolition proof for one year and would require a Certificate of Appropriateness issued by the Landmark Commission before work could be done on the property.

Mr. Meek asked if the property was later demolished, would the variance still be in effect. Mr. Camp said that the variance was conditioned on the plan presented to the Board of Adjustment. If the entire site was demolished in 30 years the variance would be void and the setbacks would have to meet current code.

TESTIMONY IN FAVOR:

Lynette Outen, 145 S Ames Street said that she is a neighbor and loves the neighborhood. Ms. Outen said that they moved to Matthews in 2011 but her husband was born and raised in Matthews. Ms. Outen is in favor of preserving the beauty of Matthews and the uniqueness of the neighborhood and feels that Mr. Crisco's request is fair and she is in approval of the design.

Luke Maybry, 556 Medearis Drive, Charlotte, NC 28211 said that he had been the pastor at Matthews Presbyterian Church since December 2017. The Church had acquired 201 S Ames a year before he was the pastor. Mr. Maybry said that he was the Parish Associate from 2005 to 2008 and the Freeman family was active in the Church and had been part of the Church since the early years of the Town. He added that the Church had seen growth and has always been located in downtown Matthews and wanted to stay in downtown Matthews. Mr. Maybry said that the Church had acquired a few lots for future growth and did not know that the Freeman house was historic at the time of purchase. Mr. Maybry said that he was in favor of the variance and felt that plans to move the home and continue to keep the appearance of the home was in line with the uniqueness of Matthews.

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Mr. Crosby asked about the barn that was located in the middle of the two properties and what the future was for that structure. Mr. Maybry said that the Church had no need for the barn. Mr. Crisco said that he would love to do something with the barn and was part of the reason the Freeman house was a historic property. The barn is contemporaneously built to the house. Mr. Crisco said that he has spoken to companies about moving the structure but it was not in very good shape to pick up and move. Other conversations had been had about taking the barn apart and moving it. No decision had been made. Mr. Crisco said that he wanted to keep the barn and keep it the same distance from the house that it currently sat.

TESTIMONY IN OPPOSITION:

None

DELIBERATION:

Ms. Moore said that she felt it was a reasonable request but there needed to be a timeline for the temporary variance request. Mr. Lee said that he felt that two years was reasonable. Ms. Moore agreed that was reasonable.

Mr. Smith said that it may be easier to discuss each variance separately. And suggested that the Board first talk about the request to move the setback from 35 feet to 28 feet.

Mr. Lee said that there was a similar setback variance request at the last meeting that was denied. Mr. Lee said that this was a different situation and the Board needed to keep the facts in mind and include the hardship factor.

Mr. Jenson said that there was already an encroachment into the setback on the lot where the home was existing. The property owner was not increasing the setback issue but just transferring the issue to the adjacent lot. Mr. Jenson said that from the street it would look different because the house was on a different lot but it was keeping the same depth that was current.

Mr. Lee said that the principal wall of the home was 34 feet from the setback and the porch was an open-air attachment. Mr. Lee added that the hardship was the historical designation. Mr. Lee said that if the Board did not take action and the Church allowed the house to stay, the historical designation would be a burden to the property.

Mr. Smith asked if discussions where had about moving the property at an angle so to meet the setback requirements verses moving the home in a straight line. Mr. Crisco said that the fewer moving parts proved safer and easier for the preservation of the house. Mr. Crisco said that there were fears that the roof could collapse and it was appealing to make the straight move.

Mr. Meek clarified that there was a potential to damage the structure by trying to move it within the setback area and it was the applicants wish to transition the house without disturbing the structure. Mr. Crisco said that damages to the house would be a hardship.

Mr. Smith said that at first, he did not see a loss in square footage of the connection component as a hardship but he did see the damage of the historic home due to a diagonal movement alignment a definite hardship.

Mr. Jenson asked if staff had conversations with the Landmark Commission regarding the movement of the house and that effect on the historic designation. Mr. Camp said that typically there were two options for designation, the structure and the property or just the structure. Mr. Camp said that the Landmark Commission preferred for properties to stay in their original location but when a property faces possible demolition, they are ok with the relocation of historic properties. Mr. Camp said that the Commission did know about the plans for the home's relocation.

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Mr. Meek asked if there was any discussion on the second requested variance to allow two principal structures to temporarily occupy the same parcel.

Mr. Crosby clarified that this would be for a two year time period and that the completion would include one set of utilities and a permanent foundation. Mr. Camp said that it should be addressed as one property and should have one utility service. Mr. Camp said that in theory the connection of two houses could be a duplex so it would need to be one property for tax record with one set of utilities.

Ms. Moore motioned to approve the variance request to reduce the front setback by seven feet so to preserve and reduce any potential damage that moving the home could cause. This would reduce the setback from 35 feet to 28 feet in the front of the home. Mr. Jenson seconded the motion and it was unanimously approved.

FINDINGS OF FACT

1. Unnecessary hardship would result from the strict application of this Title. It shall not be necessary to demonstrate that, in the absence of the variance, reasonable use can be made of the property.

   The house cannot be moved diagonally but more latterly to preserve integrity of structure. The home cannot be moved in a way to preserve the 35 foot setback and there is a danger that the structure may be damaged or lost in its entirety. The Board finds that this would result in an unnecessary hardship.

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.)

   There is already a home on the property. Because of that existence of that home there is insufficient room for a 35 ft setback. There hardship is related to the existence of a home on the lot where the structure is to be moved.

3. The hardship does result from actions taken by the applicant or the property owner.

   The applicant is attempting to preserve a historic home. Moving the structure to the adjoining lot is the only option available for preservation.

4. The requested variance is consistent with the spirit, purpose, and intent of the Title, because public safety is secured and justice is achieved.

   The variance to the setback would place the home at about the same distance from the right-of-way as it is today. The variance allowing a 28 foot setback does not affect the spirit, purpose, and intent of the code.

Mr. Lee motioned to adopt the Findings of Fact as presented and Mr. Smith seconded the motion. The motion passed unanimously.

Mr. Smith motioned to approve a two year variance that would suspend the application of Section 155.601.14 of the Matthews Unified Development Ordinance. The temporary variance would limit the ability to have more than two principal structure on the property located at 145 S Ames, Matthews, NC for a period of two years effective on the date of the current Board of Adjustment meeting. Mr. Lee seconded the motion and it was unanimously approved.

1. Unnecessary hardship would result from the strict application of this Title. It shall not be necessary to demonstrate that, in the absence of the variance, reasonable use can be made of the property.

This is a temporary measure designed to preserve the structure which is historic in nature and would result in an unnecessary hardship to prohibit two temporary structures on the single 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.)

   The hardship is related to the existence of a home on the lot where the structure is to be moved to. For the historic structure to be preserved, it will be relocated on the property and time be given for the two properties to be joined.

3. The hardship does not result from actions taken by the applicant or the property owner.

   The applicant is attempting to preserve a historic home. Moving the structure to the adjoining lot is the only option available for preservation.

4. The requested variance is consistent with the spirit, purpose, and intent of the Title, because public safety is secured and justice is achieved.

   The variance for two principal structures is temporary in nature and does not affect the spirit, purpose, and intent of the code.

Mr. Smith motioned to adopt the Findings of Fact as presented and Ms. Moore seconded the motion. The motion passed unanimously.

ADJOURNMENT

Mr. Lee made a motion to adjourn the meeting at 8:10 pm. Mr. Jenson seconded and the motion passed unanimously.

Respectfully submitted,

Shana Robertson
Senior Administrative Specialist/Deputy Town Clerk

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Town of Matthews
Planning and Development

232 Matthews Station Street
Matthews, NC 28105
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Matthews Board of Adjustment
Variance Request for 341 Alexander St.
BA2020-1
March 5, 2020

Summary of Request

The applicant requests a variance to the 35' front yard setback requirement in the R-12 Zoning District (see UDO section 155.604.1 Table of Dimensional Standards).

Background

The subject property is located at 341 Alexander St. in Matthews North Carolina and is further identified as tax parcel 227-022-18. The home was constructed in 1941 and subsequently expanded over time. The existing covered screened-in deck located on the south side of the house currently encroaches into the front yard setback 8.5 feet (it is located 26.5 feet from the property line). Because of this encroachment the structure is considered non-conforming as to current setback requirements (see definition in UDO section 155.302.1.C).

The applicant is proposing to increase the size of the screened-in deck and construct an uncovered landing and stairs which will increase the existing non-conformity which is why they are seeking a variance from the Board (see UDO section 155.304 Nonconforming Structures). The applicant is requesting a variance from the 35-foot front yard setback to enlarge the south-facing screened deck (which will result in an encroachment of 10.8 feet) and the construction of an uncovered landing and stairs (which will result in an encroachment of 17 feet).

The portion of Alexander St. where the subject property is located is a platted, public right-of-way but not been accepted for maintenance and is unimproved. It does not serve as access to any of the other residential properties in the area.

Illustration 1.1. 341 Alexander St. showing property lines and right-of-way

232 Matthews Station Street
Matthews, NC 28105
704.847.4411

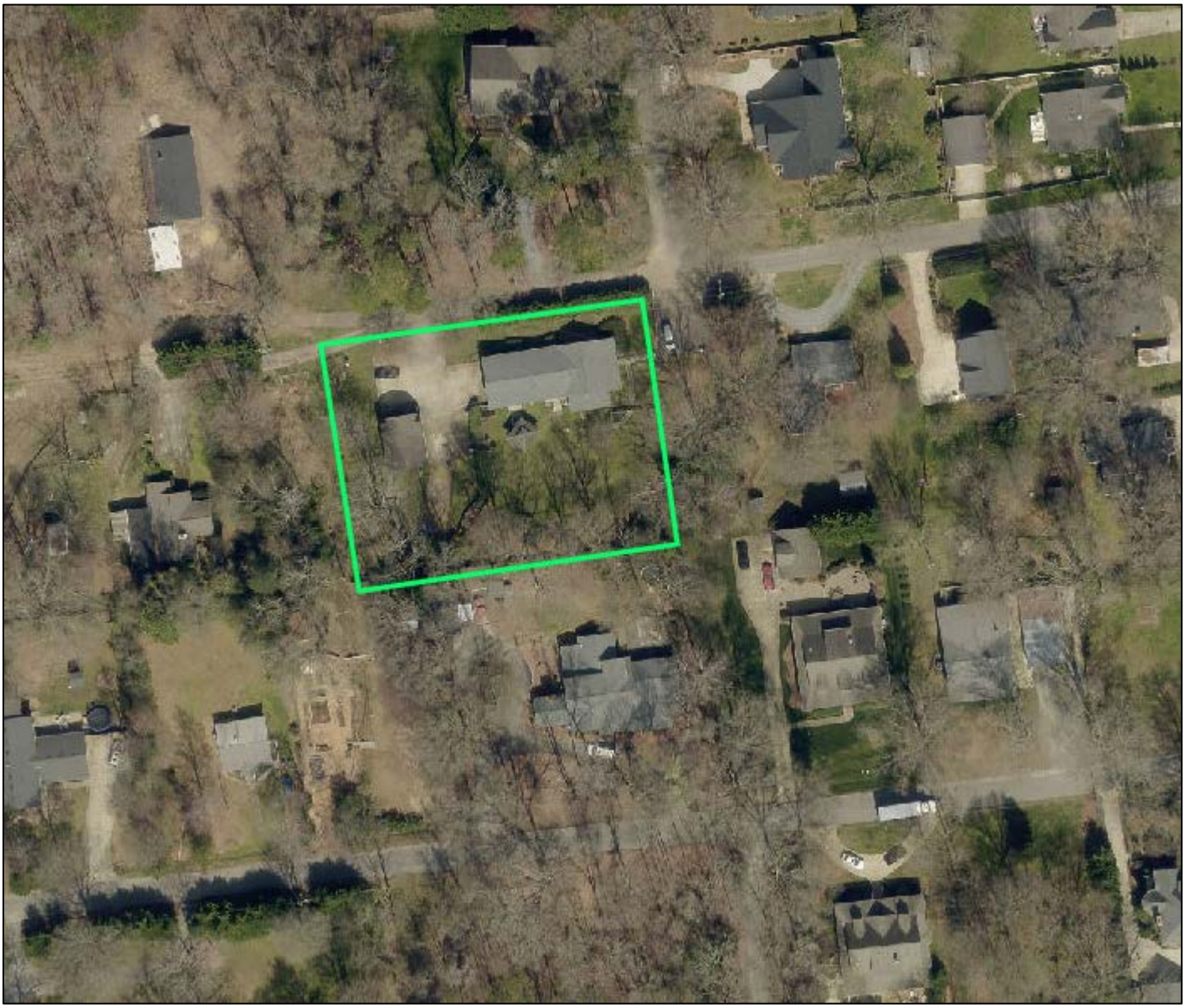

Illustration 1.2. 341 Alexander St. aerial photo

Illustration 1.3. Front elevation of 341 Alexander St.

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Illustration 1.4. Screened in porch to be expanded.

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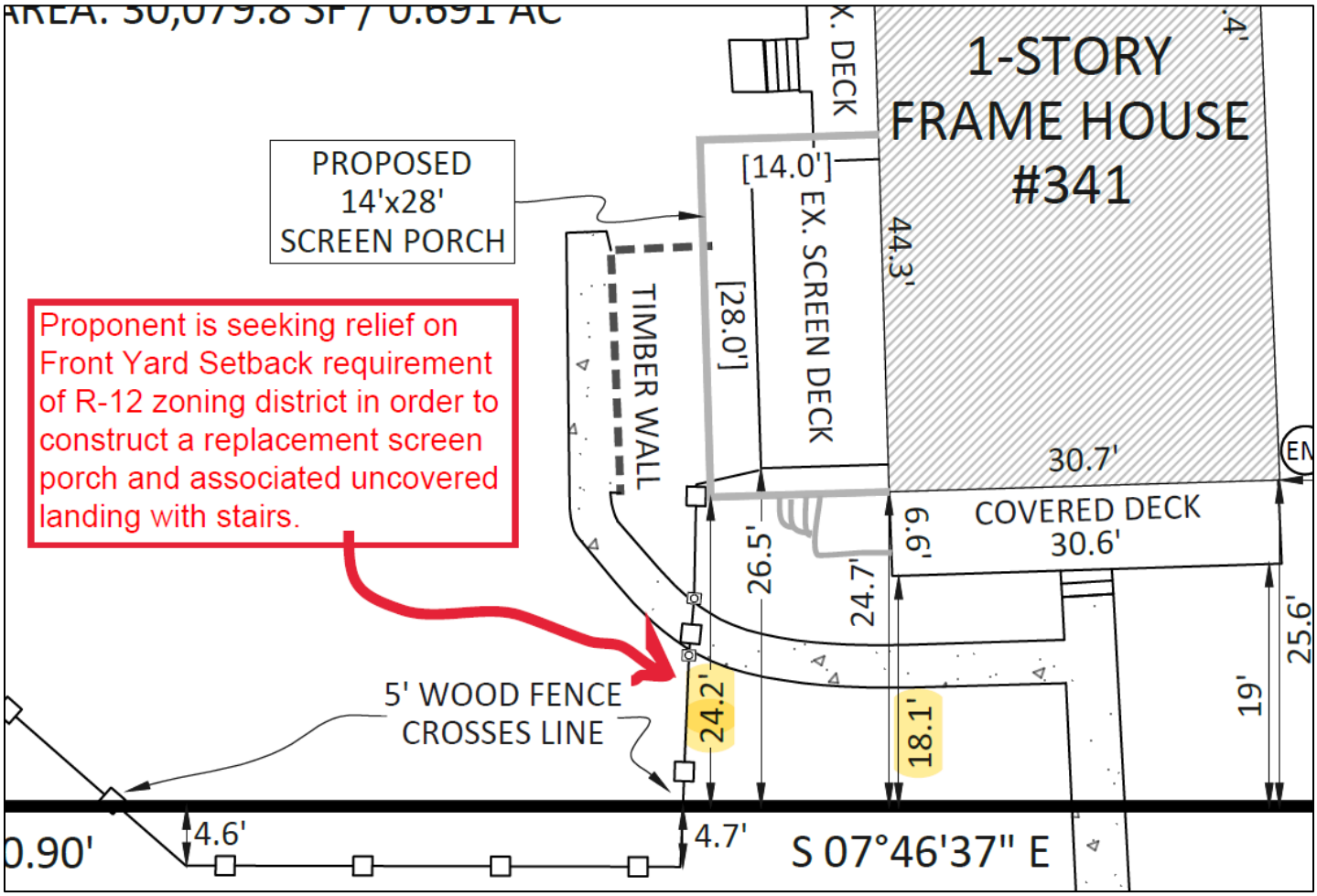

Illustration 1.5. 341 Alexander St. Illustration of requested variance.

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Example Findings of Fact

In reaching a decision on a variance request, the Board shall make findings upholding all of the following criteria:

1. Unnecessary hardship would result from the strict application of this Title. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
Strict application of the setback requirements to an existing nonconforming structure creates unnecessary hardship because no improvement may be done to the structure, however similar structures in the neighborhood may enjoy the ability to be improved.

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 property is peculiar in that it faces a platted but unimproved right-of-way which does not serve any other properties in the surrounding neighborhood. The hardship results from the location of the property, not personal circumstances.

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.
The house was constructed before zoning regulations were in place, the adoption of the 35' setback regulation created the nonconforming situation.

4. The requested variance is consistent with the spirit, purpose, and intent of this Title, public safety is secured, and substantial justice is achieved.
The requested variance is consistent with the spirit, purpose and intent of the title and would allow a minimal amount of expansion that would not impact surrounding properties.

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Ordinance Interpretation and Determination

January 23, 2020

RE: Expansion of nonconforming structure in front yard setback.
Parcel #227-022-18
341 Alexander Street

The property located at 341 Alexander St is currently zoned R-12 (Residential 12,000 sq ft minimum lot size). The home was built prior to any zoning in Matthews. Timeline on when additions were made to the original home is unclear. They may or may not have been permitted.

The home was built in 1941 with several additions after the fact. Currently, the home has an open front porch that is 18.1' from the right-of-way and an existing screened porch (unheated) on the side that is approximately 26.5' from the right-of-way.

Matthews Unified Development Ordinance (UDO) § 155.604 Dimensional Standards show a required 35' front yard setback for the R-12 district.

Matthews UDO § 155.302.1.C defines a nonconforming structure as follows:

> ***NONCONFORMING IMPROVEMENT OR STRUCTURE****. Except in the HUC District, a nonconforming improvement or structure shall be any legally established improvement, building or structure that fails to meet current standards for setback, height, or similar factors.*

Matthews UDO § 155.304 further discusses nonconforming structures stating:

> *A nonconforming structure is any structure that existed prior to the adoption of this Title, or the effective date of any subsequent amendment, which does not comply with the minimum requirements of this Title in the district in which it is located. A nonconforming structure devoted to a use permitted in the zoning district in which it is located may continue only in accordance with the following limitations.*
>
> *A. Normal repair and maintenance may be performed to allow the nonconforming structures to maintain a safe and sound condition.*
>
> *B. Except as provided in §155.304.C. and D. immediately below, a nonconforming structure shall not undergo a change of use, renovation or expansion.*
>
> *C. A nonconforming structure may undergo a change of use or renovation without having to bring the structure into conformity with the requirements of these regulations provided that:*
>
> > *1. The change in use or renovation does not increase the floor area of the structure; and*
> >
> > *2. The number of parking spaces provided for the use and the standards for landscaping and buffering are in conformity with the requirements of these regulations.*

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D. A nonconforming structure may be expanded, without bringing the nonconforming structure into conformity with these regulations, only if the part of the structure to be expanded and the area of the lot into which the expansion is taking place are brought into conformity with the requirements of these regulations.

The single-family residential house at 341 Alexander St. is a permitted use in the R-12 zoning district. The additions to the principle structure, front porch and side screened porch, are nonconforming with the required setback for the R-12 zoning district. Therefore, the existing structure is considered legal nonconforming.

It is the determination of the Matthews Zoning Administrator that the nonconforming porches attached to 341 Alexander St. are considered part of the principal home. § 155.304.D above notes that a nonconforming structure may not be expanded. Therefore, any further expansion to the structure must be within the buildable envelope of the property, outside of the 35' front setback requirement.

The existing porches can be removed or reduced in size from the front yard encroachment, to meet minimum front yard setback. Otherwise the property owner will need to request, and receive a variance for additional nonconforming expansion from Matthews Board of Adjustment in order to come into compliance with Matthews Unified Development Ordinance.

Please let us know if you have any questions or concerns.

Sincerely,

Mary Jo Gollnitz, CZO
Senior Planner/Zoning Administrator

Town of Matthews
Planning and Development

232 Matthews Station Street
Matthews, NC 28105
704.847.4411

APPLICATION FOR A ZONING VARIANCE

Date Filed: January 14, 2020

Hearing Date: February 6, 2020 Hearing Time: 7 pm

HEARING LOCATION: Hood Room, Matthews Town Hall, 232 Matthews Station Street, Matthews, NC 28105

Property Owner Name(s): Andrew and Kathryn Albers

Subject Property Street Address: 341 Alexander Street

Subject Property Tax Parcel ID: 22702218

Current Zoning District of Subject Property: R-12

Subject Property is Concurrently Seeking a Change in Zoning Classification To: n/a

Property Owner is Applicant Appearing Before Board of Adjustment: True (Andrew Albers)

Applicant Appearing Before Board of Adjustment is Purchasor*/ Lessee*/Other* _____

*Written explanation is required n/a

To the Town of Matthews Zoning Board of Adjustment:

This Application for a Zoning Variance is being submitted because the property identified above cannot be used in the following manner: Subject property was originally constructed in 1941 and has a street address/ primary frontage on Alexander Street. Front edge of main house is located approximately 24 feet off of Alexander Street right of way (Front porch is located approximately 18 feet off of Alexander Street right of way.) The R-12 zoning district requires a 35 foot Front Yard setback. Proponent wishes to demolish existing screen porch (located approximately 26 feet off of Alexander Street right of way) and construct new screen porch in the same location (approximately 24 feet off Alexander Street right of way), along with uncovered landing and stairs (approximately 18 feet off of Alexander Street right of way). Current zoning does not allow this.

Without relief from one or more specific provisions of the Unified Development Ordinance (UDO). UDO section(s) which affect this ruling is/are: 155.304 Nonconforming Structure ("Nonconforming structure may be expanded... only if the part of the structure to be expanded and the area of the lot into which the expansion is taking place are brought into conformity with the requirements of these regulations."
155.604.1 Table of Dimensional Standards ("R-12 Front Yard setback: 35 feet")

APPLICATION FOR A ZONING VARIANCE, CONTINUED

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. By law, the Board is required to reach four (4) conclusions as a prerequisite to issuing a variance: (i) that unnecessary hardship would result from the strict application of the ordinance; (ii) that the hardship results from conditions that are peculiar to the property; (iii) that the hardship does not result from actions taken by the applicant or the property owner; and, (iv) that the variance is consistent with the spirit, purpose, and intent of the zoning code, public safety is secured, and substantial justice is achieved. In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these four required conclusions. IT WILL BE YOUR RESPONSIBILITY TO PRESENT THESE FACTS BY SWORN TESTIMONY AND COMPETENT EVIDENCE.

(i) 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. (State facts and arguments to show that the variance will not result in advantages or special privileges to the applicant or property owner that the ordinance denies to other land, structures, or uses in the same district, and it is the minimum variance necessary to provide relief.):

Proponent wishes to demolish an existing screen porch (240SF) and replace with a new screen porch structure (approx. 400 SF) in the same location. Reconstructing the screen porch in approximately the same location will require it to be located within the required 35-foot Front Yard setback of the R-12 zoning district. Locating the screen porch outside of the 35-foot setback would reduce the available footprint of the desired screen porch by over 1/3 and would require reconfiguration of the existing kitchen in order to access the new screen porch under cover.

The existing front porch of the structure is located approximately 18 feet from the Alexander Street right of way. 18 feet is the existing minimum distance between the Alexander Street right of way and the Subject Property structure. The proposed screen porch will be located approximately 24 feet off the Alexander Street right of way, and the uncovered landing and stairs will be located approximately 18 feet off the Alexander Street right of way. The Proponent is not petitioning to encroach upon the Front Yard setback any more than what the existing Nonconforming Structure already does.

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(ii) 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. (State facts and arguments to show that special and unique circumstances or conditions exist which apply to the land, buildings or uses involved which are not generally applicable to other land, buildings, structures, or uses in the same zoning district.):

The hardship results from the fact that this is an existing Nonconforming Structure per the definitions of 155.304 in the UDO.

The original structure at 341 Alexander Street property was built in 1941 and subsequently expanded in the 1970's, 1980's, and 1990's.

The portion of Alexander Street between Jefferson Street and South Freemont Street does not exist as a paved right-of-way and is not illustrated as a maintained road on the Town of Matthews 2019 Streets Map. There are 4 properties that abut the Alexander Street right of way between Jefferson Street and South Freemont Street. Two properties have primary addresses/frontage on Freemont Street (400 South Freemont and 320 South Freemont) and one property has a primary address/frontage on Jefferson Street (409 Jefferson Street). The Subject Property at 341 Alexander Street is the only property that is considered to have "Front Yard" frontage facing this unbuilt segment of Alexander Street. The side yard setbacks for the other three comparable properties along the Alexander Street right of way is 10 feet. The front yard setback requirement for 341 Alexander Street is 35 feet. This peculiar hardship is unique to this specific property for this block of Alexander Street.

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APPLICATION FOR A ZONING VARIANCE, CONTINUED

(iii) THE HARDSHIP DOES 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. (State facts and arguments to show that the hardship did not result from personal circumstances which would no longer be applicable to the location if the applicant or household was no longer present at the property.):

The hardship exists based on the fact that the Subject Property is addressed on Alexander Street and is dimensionally oriented as having a Front Yard frontage (not side yard frontage) along the Alexander Street right of way (lot is 150'x200'). With the Front Yard setback at 35 feet and the side yard setback at 10 feet in the R-12 zoning district, the original structure at 341 Alexander Street (current location of kitchen/dining/living area and portion of overall dwelling located closest to Alexander Street) falls into the category of a "Nonconforming Structure" per UDO Section 155.304. The Nonconforming Structure designation would exist regardless of the Owner, and a variance would be required for any owner of the property looking to rebuild the existing screen porch structure that is in disrepair.

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(iv) THE REQUESTED VARIANCE IS CONSISTENT WITH THE SPIRIT, PUPOSE, AND INTENT OF THE ZONING CODE, PUBLIC SAFETY IS SECURED, AND SUBSTANTIAL JUSTICE IS ACHIEVED. (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.):

The subject property has, and will maintain, a Front Yard setback distance of approximately 18 feet from the unbuilt Alexander Street right of way. Other properties with frontage along the unbuilt portion of Alexander Street located between Jefferson and South Freemont Streets are addressed on those streets, and, according to the R-12 zoning district requirements, have side yard setback requirements of 10 feet along the unbuilt Alexander Street right of way.

For reference, the abutting property located at 400 South Freemont street was granted a variance in 2015 to encroach upon its eastern side yard (unbuilt Alexander Street frontage) by 3 feet, reducing the side yard setback requirement to 7 feet. (Ref.: BA2015-2) The Subject property and the property located at 400 S. Freemont Street are the only two properties located on the West side of this unbuilt portion of Alexander Street.

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APPLICATION FOR A ZONING VARIANCE, CONTINUED

The Board of Adjustment may apply the following standards to verify whether sworn testimony and/or submitted documents/exhibits have been provided to satisfactorily justify the required four findings of fact. Please provide any additional documents and statements that will assist the Board in their deliberations:

A. That special or unique circumstances or conditions exist which apply to the land, buildings or uses involved which are not generally applicable to other land, buildings, structures, or uses in the same zoning districts.

N Are there any other parcels in the vicinity of the subject site which have similar size, topographical, dimensional, configuration, or related characteristics. None with same setback issues.

✓ What is the closest nearby parcel that exhibits similar characteristics, and what is that/are those characteristic(s)? 400 S. Freemont is of similar size + character, but with different setback requirements.

B. That the special conditions or circumstances do not result from the actions of the property owner or applicant, their agent, employee, or contractor. Errors made by such persons in the development, construction, siting or marketing process shall not be grounds for a variance except in cases where a foundation survey submitted to the Planning Director, or designee, before a contractor proceeds beyond the foundation stage has not revealed an error which is discovered later.

N/A Was any foundation or other survey done after construction commenced? If so, attach.

N/A If the request for variance is due to inaccurate measurements, calculations, or actions by anyone contrary to code requirements, please identify who, what the inaccuracy was, when it occurred, when it was discovered, what work was done after discovery. If development activity continued after discovery of the inaccurate action, why was it necessary to continue prior to review of this variance request?

C. That the unique hardship situations cited by the applicant are not hardships resulting from personal or household members' circumstances which would no longer be applicable to the location if the applicant or household was no longer present at the property.

see (iii) If another person/entity had control of this site, how would that change the need for the specific variance being requested?

D. That the strict enforcement of these zoning requirements would deprive the owner or applicant of reasonable use of the property that is substantially consistent with the intent of the code.

___ How can the property be used if the requested variance is not granted? Existing screen porch to remain. Must be repaired.

Y Could the property be reasonably used if a variance with less deviation from the adopted requirements be issued? Yes, but size of screen porch would be reduced. Existing screen porch is in disrepair and foundation is settling. Repairs/replacement need to occur to maintain property.

E. That the granting of a variance will not result in advantages or special privileges to the applicant or property owner that are denied to other land, structures, or uses in the same district, and it is the minimum variance necessary to provide relief.

___ Why do nearby parcels not need a similar variance to what is being requested? Addresses are on Jefferson/S. Freemont

___ If granted, how will this site be able to support the same/similar development characteristics as surrounding parcels? Existing setbacks will be maintained. No further encroachment into setback area compared to existing minimums of Nonconforming Structure.

F. That the proposed use and the appearance of any proposed addition or alteration will be compatible with, and not negatively impact, nearby properties.

___ If the requested variance is granted, what appearance changes will take place on this site? New screen porch of ~400 SF.

Y Will any visual/appearance changes be visible from any public street? Side of new screen porch visible from Jefferson St.

G. That the variance shall not be materially detrimental to the health, safety or welfare of persons residing or working in the neighborhood. Consideration of the effects of the variance shall include but not be limited to, increases in activity, noise, or traffic resulting from any expansion of uses allowed by the variance.

N/A List any and all impacts that may be felt by/on adjacent parcels if this requested variance is approved.

APPLICATION FOR A ZONING VARIANCE, CONTINUED

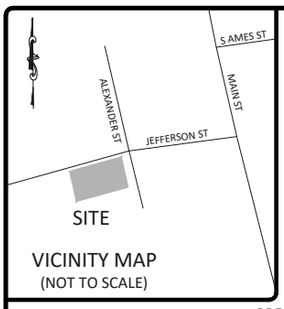
I certify that all of the information presented by me in this application, including attachments, is accurate to the best of my knowledge, information and belief.

ANDREW M. ALBERS	
Print applicant name	Print representative name
Andrew M. Albers	
Signature of applicant	Signature of representative
341 ALEXANDER ST., MATTHEWS, NC 28105	
Mailing address of applicant	Mailing address of representative
MATTHEWS, NC 28105	
City, State Zip	City, State Zip
andrew.m.albers@gmail.com	
Email address of applicant	Email address of representative
January 13, 2020	
Date	Date

NO REQUEST FOR A ZONING VARIANCE WILL BE CONSIDERED COMPLETE AND PROCESSED PER § 155.403.2.B. UNTIL ALL SECTIONS HAVE RESPONSES, ALL DOCUMENTS AND EXHIBITS ARE ATTACHED, AND THE PROPERTY OWNER HAS SIGNED THE APPLICATION FORM.

IN THE SITUATION THAT THE PROPERTY OWNER IS NOT AN INDIVIDUAL, PLEASE INCLUDE DOCUMENTATION THAT APPLICANT IS AN AUTHORIZED REPRESENTATIVE.

IF THE PROPERTY OWNER IS NOT THE APPLICANT APPEARING TO SPEAK BEFORE THE BOARD OF ADJUSTMENT, SUCH AS LESSEE, PLEASE PROVIDE EXPLANATION OF RELATIONSHIP TO APPLICANT/REPRESENTATIVE. PRESENTING REPRESENTATIVE'S AUTHORITY TO APPEAR SHALL BE VERIFIED BEFORE THE APPLICATION IS CONSIDERED COMPLETE.



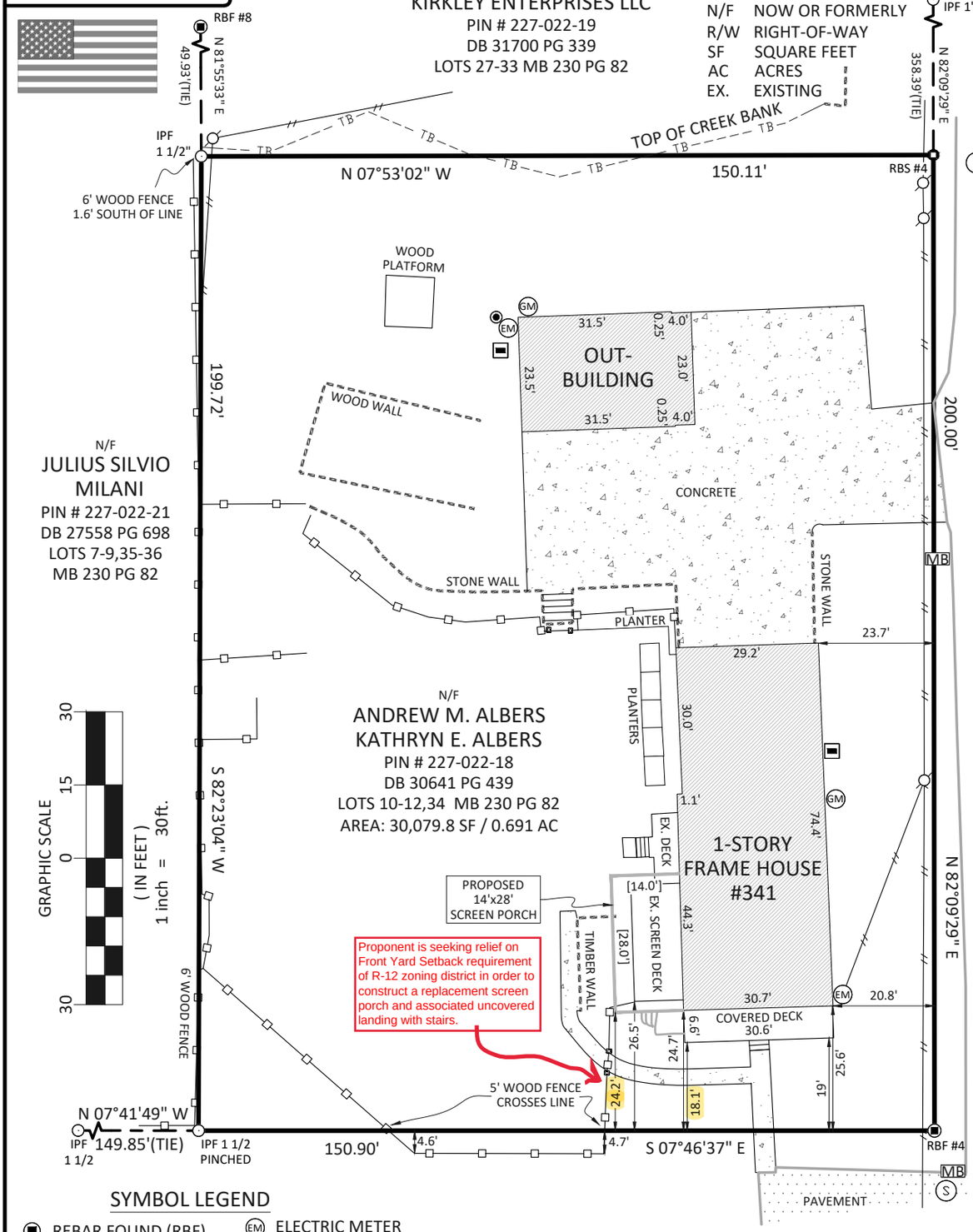
SURVEY NOTES:

1. THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A TITLE REPORT.
2. PROPERTY DOES NOT LIE IN A SPECIAL FLOOD HAZARD ZONE. (FIRM NO. 3710458000K).
3. PROPERTY SUBJECT TO ANY & ALL EASEMENTS AND RESTRICTIONS OF RECORD.
4. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES. UNITS: US SURVEY FOOT.
5. CURRENT PROPERTY ZONING: R-12
   BUILDING SETBACKS (PER: 155.604.1 TABLE OF DIMENSIONAL STANDARDS):
   FRONT: 35' SIDE YARD: 10' CORNER SIDE YARD: 10' REAR: 50'
   SUBJECT TO VERIFICATION AND INTERPRETATION BY GOVERNING AUTHORITIES.
6. THERE ARE NO ENCROACHMENTS OR PROJECTIONS EXCEPT AS SHOWN.
7. AREA COMPUTED BY THE COORDINATE METHOD.
8. REFERENCE(S): MAP BOOK 230 PAGE 82.

PB 230
PG 82

ABBREVIATIONS

DB	DEED BOOK
MB	MAP BOOK
PG	PAGE
N/F	NOW OR FORMERLY
R/W	RIGHT-OF-WAY
SF	SQUARE FEET
AC	ACRES
EX.	EXISTING



Proponent is seeking relief on Front Yard Setback requirement of R-12 zoning district in order to construct a replacement screen porch and associated uncovered landing with stairs.

SYMBOL LEGEND

- REBAR FOUND (RBF)
- IRON PIPE FOUND (IPF)
- REBAR SET(RBS)
- AIR CONDITIONER
- MB POSTAL MAILBOX
- EM ELECTRIC METER
- GM GAS METER
- S SANITARY MANHOLE
- GATE POST
- UTILITY POLE

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 30641, PAGE 439); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION REFERENCED HEREON; THAT THE RATIO OF PRECISION AS CALCULATED EXCEEDS 1:10,000; THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600). WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL. THIS:
10TH DAY OF JANUARY, A.D., 2020.

TIMOTHY S. GUISEWHITE, PLS
NORTH CAROLINA REGISTRATION NUMBER L-4912

NORTH CAROLINA PROFESSIONAL SEAL L-4912 LAND SURVEYOR TIMOTHY S. GUISEWHITE 1/10/20

SURVEY OF PROPERTY for:
ANDREW M. ALBERS
341 ALEXANDER STREET
SECTION C, LOTS 10-12,34 ~ MAP OF SOUTHSIDE
TOWN OF MATTHEWS
MECKLENBURG COUNTY, NC

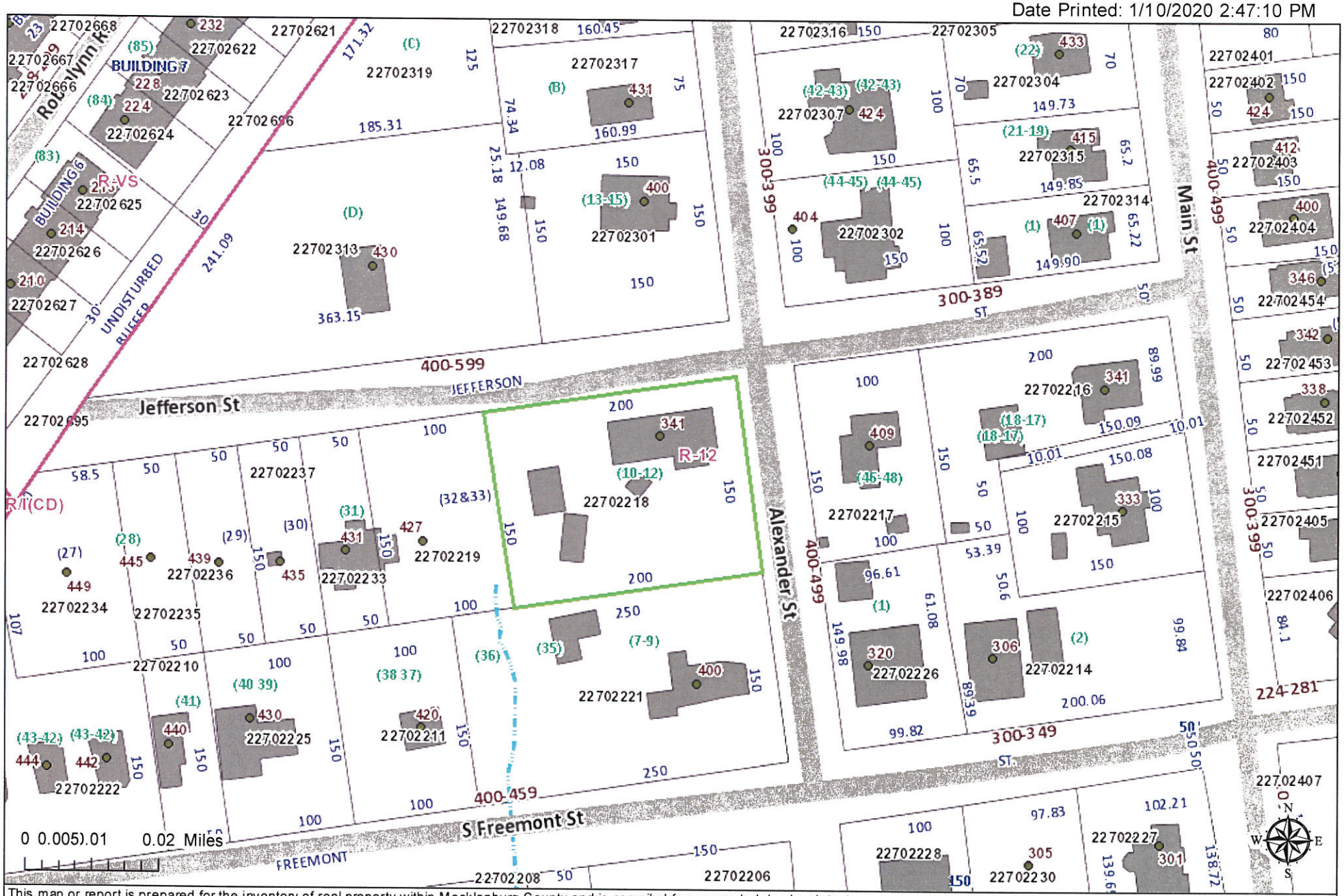
GUISEWHITE PROFESSIONAL
LAND SURVEYING, PC
GPLS
P.O. BOX 680388
CHARLOTTE, NC 28216
(704) 530-1700 NC FIRM #C-4411

FILE NAME: 19-205 341 ALEXANDER ST.DWG PROJECT NUMBER: 19-205 SURVEY DATE: 01/06/2020 DRAWN BY: BTW
REVISION: 1/06/2020 ADD PROPOSED SCREEN PORCH

Polaris 3G Map – Mecklenburg County, North Carolina

341 Alexander Street

Date Printed: 1/10/2020 2:47:10 PM



This map or report is prepared for the inventory of real property within Mecklenburg County and is compiled from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data. Users of this map or report are hereby notified that the aforementioned public primary information sources should be consulted for verification. Mecklenburg County and its mapping contractors assume no legal responsibility for the information contained herein.

PARCEL_ID	OWNER_NAME	MAILING_ADDRESS	CITY	STATE	ZIP_CODE	PROPERTY_ADDRESS	LEGAL DESCRIPTION	DEED BOOK	DEED PAGE	LAND AREA
22702211	YANDELL, SHANNON EUGENE	420 SOUTH FREMONT ST MATTHEWS NC 28105	MATTHEWS	NC	28105	420 S FREEMONT ST MATTHEWS	L37 &38 BC M230-82	18239	818	0.344 AC
22702217	BRENDLE, ANNA ESTELLE	409 JEFFERSON ST MATTHEWS NC 28105	MATTHEWS	NC	28105	409 JEFFERSON ST MATTHEWS	P46-48 M230-82	24222	226	0.358 GIS Calc. Acres
22702219	KIRKLEY ENTERPRISES LLC,	6007 FOUR WOOD DR MATTHEWS NC 28105	MATTHEWS	NC	28105	427 JEFFERSON ST MATTHEWS	L32&33 BC M230-82 &83	31700	339	0.344 AC
22702221	MILANI, JULIUS SILVIO	416 S FREEMONT ST MATTHEWS NC 28105	MATTHEWS	NC	28105	400 S FREEMONT ST MATTHEWS	L7-9 &L35&36 BC M230-82	27558	698	0.9 AC
22702226	JOYCE, VIRGINIA C|JOYCE, PAUL M	320 FREEMONT ST MATTHEWS NC 28105	MATTHEWS	NC	28105	320 S FREEMONT ST MATTHEWS	L1 M36-888	15443	584	0.34 AC
22702233	KIRKLEY ENTERPRISES LLC,	6007 FOUR WOOD DR MATTHEWS NC 28105	MATTHEWS	NC	28105	427 JEFFERSON ST MATTHEWS	L31 BC M230-82 &83	31700	339	0.172 AC
22702301	THAXTON, MOLLY C	400 ALEXANDER ST MATTHEWS NC 28105	MATTHEWS	NC	28105	400 ALEXANDER ST MATTHEWS	L13-15 BC M230-82	25060	706	0.516 GIS Calc. Acres
22702302	STOWERS, THOMAS P JR|STOWERS, BARBARA M	404 ALEXANDER ST MATTHEWS NC 28105	MATTHEWS	NC	28105	404 ALEXANDER ST MATTHEWS	L44 &45 BB M230-82	3714	74	0.343 GIS Calc. Acres
22702313	TOWN OF MATTHEWS,	232 MATTHEWS STATION ST MATTHEWS NC 28105	MATTHEWS	NC	28105	430 JEFFERSON ST MATTHEWS	LD M39-248	31135	691	1.119 AC

Town of Matthews
Planning and Development

232 Matthews Station Street
Matthews, NC 28105
704.847.4411

Matthews Board of Adjustment
Variance Request for 425 Trafalgar Place.
BA2020-2
March 5, 2020

Summary of Request

The applicant requests a variance to the 90' minimum lot width requirement in the R-20 Zoning District (see UDO section 155.604.1 Table of Dimensional Standards).

Background

The subject property is located at 425 Trafalgar Place in Matthews North Carolina and is further identified as tax parcel 213-024-07. The applicant is the owner of two lots and wishes to recombine said lots into the original configuration in which they were platted in 1969. However, this recombination would result in a lot that does not meet the minimum lot width for the zoning district (90 feet in R-20). The proposed recombination would result in a lot width of 66.2 feet as was originally platted. The second existing lot is currently 'landlocked' and has no road frontage, making it non-conforming as to the standard in the Town's UDO that requires every lot to abut a street (see UDO section 155.601.5).

At some point in time the front portion of original lot 158 was combined with the neighboring lot 159 to create what is today 425 Trafalgar Place. According to the Mecklenburg County tax records the home on the subject property was built in 1979. The existing non-conforming parcel that does not abut a street was subdivided by deed in 1976 (an illegal subdivision).

The applicant is proposing a driveway easement on the existing lot for access to the new lot to be created (original lot 158) because of stream topography along the front of the property.

232 Matthews Station Street
Matthews, NC 28105
704.847.4411

Illustration 1.1. 425 Trafalgar Place showing existing property lines and right-of-way

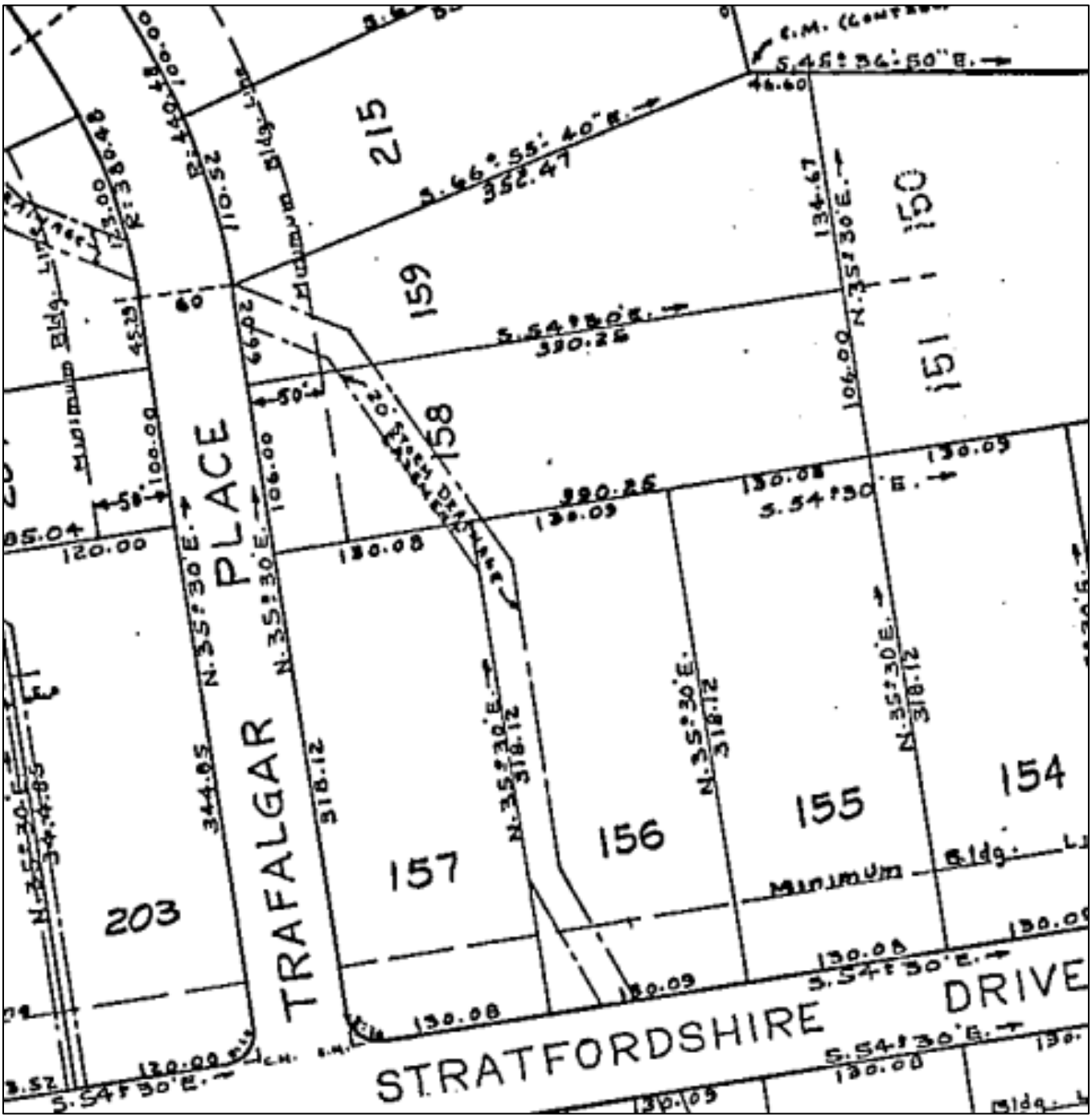


Illustration 1.2. Recorded plat from 1969 showing the original layout of lots 158 and 159

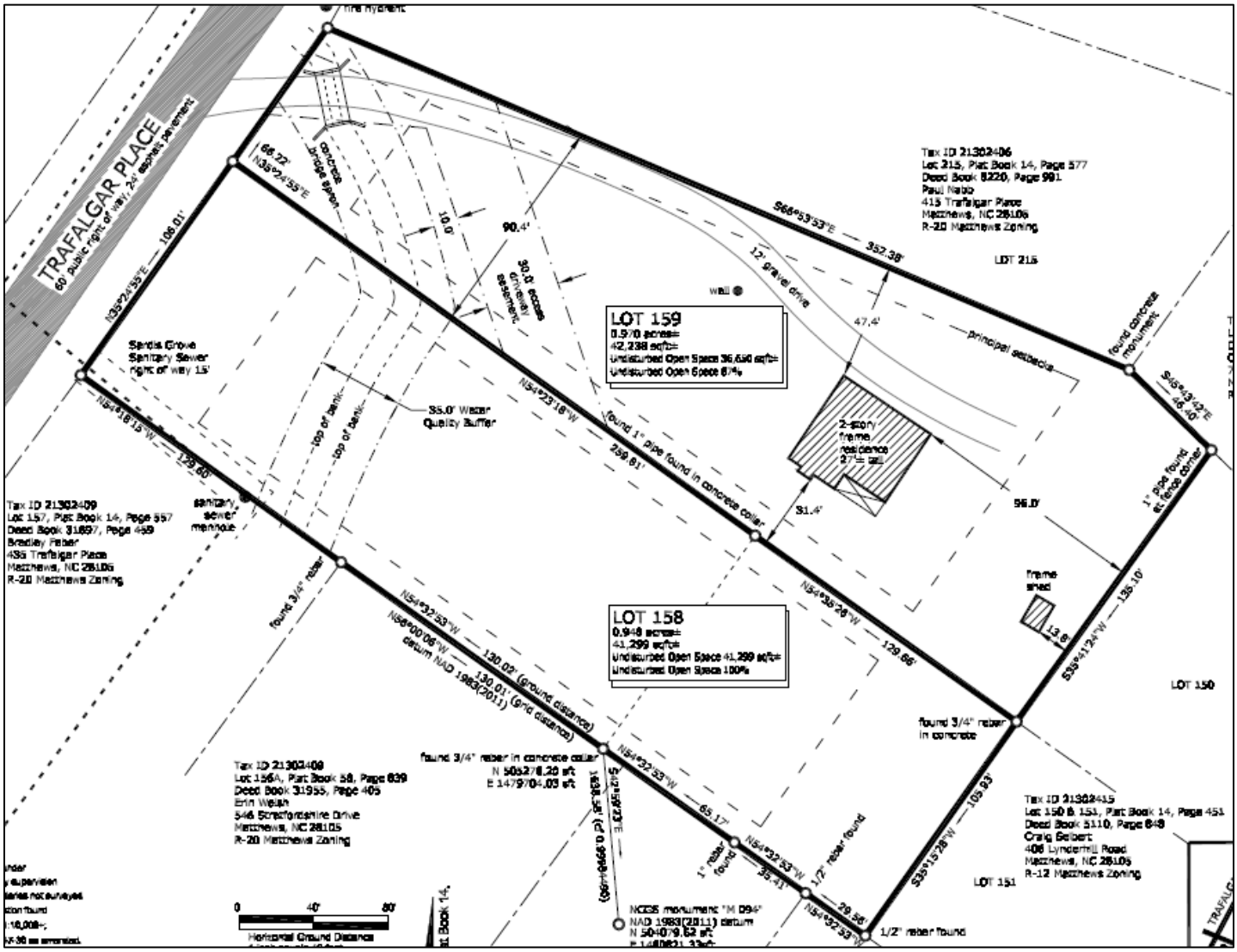


Illustration 1.3. Proposed recombination of lots 158 and 159 to original dimensions and creating a lot with non-conforming width.

Town of Matthews
Planning and Development

232 Matthews Station Street
Matthews, NC 28105
704.847.4411

Example Findings of Fact

In reaching a decision on a variance request, the Board shall make findings upholding all of the following criteria:

1. Unnecessary hardship would result from the strict application of this Title. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
Strict application of the lot width requirements would not allow the recombination of two existing lots resulting in one being unbuildable because it does not abut a street.

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 property is peculiar in that it was recombined with a neighboring parcel at some point and a landlocked parcel was created. The hardship results from the location of the property, not personal circumstances.

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.
No record of the combination of Lot 158 and 159 exists and the landlocked parcel was created prior to the construction of the existing home by previous owners.

4. The requested variance is consistent with the spirit, purpose, and intent of this Title, public safety is secured, and substantial justice is achieved.
The requested variance is consistent with the spirit, purpose and intent of the title and would allow a recombination of parcels as they were originally platted in 1969.

Town of Matthews
Planning and Development

232 Matthews Station Street
Matthews, NC 28105
704.847.4411

APPLICATION FOR A ZONING VARIANCE

Date Filed: 2-14-2020

Hearing Date: 3-5-2020 Hearing Time: _____

HEARING LOCATION: Hood Room, Matthews Town Hall, 232 Matthews Station Street, Matthews, NC 28105

Property Owner Name(s): T. HAUGHTON PARDEE

Subject Property Street Address: 425 TRAFALGAR PLACE

Subject Property Tax Parcel ID: 213 02 406 & 213 02 417

Current Zoning District of Subject Property: R-20

Subject Property is Concurrently Seeking a Change in Zoning Classification To: R-20

Property Owner is Applicant Appearing Before Board of Adjustment: NO

Applicant Appearing Before Board of Adjustment is Purchasor*/ Lessee*/Other* OTHER

*Written explanation is required JOHN MCHENRY, PLS HAS BEEN CONFIRMED AS REPRESENTATIVE OF OWNER.

To the Town of Matthews Zoning Board of Adjustment:

This Application for a Zoning Variance is being submitted because the property identified above cannot be used in the following manner: RESIDENCE

Without relief from one or more specific provisions of the Unified Development Ordinance (UDO). UDO section(s) which affect this ruling is/are: 155.604.1 MINIMUM LOT WIDTH 90(ft)

APPLICATION FOR A ZONING VARIANCE, CONTINUED

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. By law, the Board is required to reach four (4) conclusions as a prerequisite to issuing a variance: (i) that unnecessary hardship would result from the strict application of the ordinance; (ii) that the hardship results from conditions that are peculiar to the property; (iii) that the hardship does not result from actions taken by the applicant or the property owner; and, (iv) that the variance is consistent with the spirit, purpose, and intent of the zoning code, public safety is secured, and substantial justice is achieved. In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these four required conclusions. IT WILL BE YOUR RESPONSIBILITY TO PRESENT THESE FACTS BY SWORN TESTIMONY AND COMPETENT EVIDENCE.

(i) 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. (State facts and arguments to show that the variance will not result in advantages or special privileges to the applicant or property owner that the ordinance denies to other land, structures, or uses in the same district, and it is the minimum variance necessary to provide relief.):

155.303.A NONCONFORMING LOTS OF RECORD

- LOT 159 (HOMEPLACE) MEETS YARD SETBACKS, UNOBSTRUCTED OPEN SPACE, & BUILDING HEIGHT REQUIREMENTS.
- LOT 159 (HOMEPLACE) MEETS 90' WIDTH REQUIREMENT AT SWM BUFFER.
- OWNER WISHES TO RECOMBINE LOT 158 TO RECTIFY PORTION OF LOT 158 LAND-LOCKED BY DEVELOPER & ADJOINER IN 1976.

___ check if continued on a separate page

(ii) 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. (State facts and arguments to show that special and unique circumstances or conditions exist which apply to the land, buildings or uses involved which are not generally applicable to other land, buildings, structures, or uses in the same zoning district.):

- LOTS 158 & ~~LOT~~ 159 WERE DEVELOPED UNDER PROVISIONS OF MECKLENBURG COUNTY SUBDIVISION ORDINANCE IN 1969.
- LOTS WERE ANNEXED BY MATTHEWS IN 1980.
- HOMEPLACE WAS COMPLETED ON LOT 159 IN 1979.
- UNIFIED DEVELOPMENT ORDINANCE ADOPTED BY MATTHEWS ON DECEMBER 9, 2013.
- HOMEPLACE WAS COMPLETED ON LOT 159 PRIOR TO WIDTH REQUIREMENT.
- NO RECORD OF COMBINATION EXISTS FOR LOTS 158 & 159. OTHERWISE, LANDLOCKED PORTION WOULD NOT EXIST.

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(iii) THE HARDSHIP DOES 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. (State facts and arguments to show that the hardship did not result from personal circumstances which would no longer be applicable to the location if the applicant or household was no longer present at the property.):

- LOT 158 WAS SPLIT ILLEGALLY BY DEVELOPER & ADJOINER (PARHAM & THOMAS) IN 1976.
- UDO APPLIED STRICTER WIDTH REQUIREMENTS ON LOT 159 IN 2013.
- OWNERS ACTIONS & INTENT WERE TO BUILD GRANDCHILD'S HOMEPLACE ON LOT 158.
- NO RECORD OF LOT COMBINATION EXISTS.
- OWNER UNDERSTOOD 2 TAXBILLS WERE FOR LOT 158 & LOT 159 AS PLATTED.

____ check if continued on a separate page

(iv) THE REQUESTED VARIANCE IS CONSISTENT WITH THE SPIRIT, PUPOSE, AND INTENT OF THE ZONING CODE, PUBLIC SAFETY IS SECURED, AND SUBSTANTIAL JUSTICE IS ACHIEVED. (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.):

- LOT 158 IS UNDEVELOPED & UNMAINTAINED.
- DEVELOPMENT OF LOT 158 WILL ENHANCE & RECTIFY NATURAL DRAINAGE CONDITIONS BETWEEN LOT 158 & THE NORTHERN PORTIONS OF LOTS 154-157.

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APPLICATION FOR A ZONING VARIANCE, CONTINUED

The Board of Adjustment may apply the following standards to verify whether sworn testimony and/or submitted documents/exhibits have been provided to satisfactorily justify the required four findings of fact. Please provide any additional documents and statements that will assist the Board in their deliberations:

A. That special or unique circumstances or conditions exist which apply to the land, buildings or uses involved which are not generally applicable to other land, buildings, structures, or uses in the same zoning districts.

___ Are there any other parcels in the vicinity of the subject site which have similar size, topographical, dimensional, configuration, or related characteristics.

___ What is the closest nearby parcel that exhibits similar characteristics, and what is that/are those characteristic(s)?

B. That the special conditions or circumstances do not result from the actions of the property owner or applicant, their agent, employee, or contractor. Errors made by such persons in the development, construction, siting or marketing process shall not be grounds for a variance except in cases where a foundation survey submitted to the Planning Director, or designee, before a contractor proceeds beyond the foundation stage has not revealed an error which is discovered later.

___ Was any foundation or other survey done after construction commenced? If so, attach.

___ If the request for variance is due to inaccurate measurements, calculations, or actions by anyone contrary to code requirements, please identify who, what the inaccuracy was, when it occurred, when it was discovered, what work was done after discovery. If development activity continued after discovery of the inaccurate action, why was it necessary to continue prior to review of this variance request?

C. That the unique hardship situations cited by the applicant are not hardships resulting from personal or household members' circumstances which would no longer be applicable to the location if the applicant or household was no longer present at the property.

___ If another person/entity had control of this site, how would that change the need for the specific variance being requested?

D. That the strict enforcement of these zoning requirements would deprive the owner or applicant of reasonable use of the property that is substantially consistent with the intent of the code.

___ How can the property be used if the requested variance is not granted?

___ Could the property be reasonably used if a variance with less deviation from the adopted requirements be issued?

E. That the granting of a variance will not result in advantages or special privileges to the applicant or property owner that are denied to other land, structures, or uses in the same district, and it is the minimum variance necessary to provide relief.

___ Why do nearby parcels not need a similar variance to what is being requested?

___ If granted, how will this site be able to support the same/similar development characteristics as surrounding parcels?

F. That the proposed use and the appearance of any proposed addition or alteration will be compatible with, and not negatively impact, nearby properties.

___ If the requested variance is granted, what appearance changes will take place on this site?

___ Will any visual/appearance changes be visible from any public street?

G. That the variance shall not be materially detrimental to the health, safety or welfare of persons residing or working in the neighborhood. Consideration of the effects of the variance shall include but not be limited to, increases in activity, noise, or traffic resulting from any expansion of uses allowed by the variance.

___ List any and all impacts that may be felt by/on adjacent parcels if this requested variance is approved.

Additional Statements that will assist the Board in their deliberations:

a. **Unique Circumstances** – There are no other land-locked tax parcels in the vicinity. The owner wishes to treat both Lots as originally purchased and treated by the owner.
b. **Circumstances not related to the Actions of the Property Owner**
    - The rear portion of Lot 158 was illegally subdivided by the developer (Parham) and the adjoinier at the time (Thomas) for unknown reasons.
    - The Pardee Homeplace was completed on Lot 159 in 1979.
    - Mathews annexed Lot 158 and Lot 159 as platted and as shown on Plat Book 20, Page 156 in 1980.
    - Mecklenburg Land Records identifies that the front of Lot 158 and Lot 159 were combined in 1978. There is no legal record combining the tracts.
c. **Were Household no longer present**
    - The land-locked portion of Lot 158 would remain land-locked. The width non-conformity for Lot 159 would remain.
d. **Strict enforcement would deprive the owner of reasonable use**
    - Lot 158 is not usable due to the land-locked nature of the rear portion, the buildable area portion of Lot 158. The topography in the western 250' of Lot 158 is very steep and contains the 35' SWM buffer. The lot width requirement for Lots 158 & 159 could be split equally (172.30'/2 = 86.11') therefore minimizing the width requirement impact.
e. **Not result in special privileges**
    - Nearby parcels either conform to redivision standards or the originally platted lot dimensions. The act of illegally cutting off the rear portion of Lot 158 is unique in this vicinity. If the variance is granted, the homeplace on Lot 159 can continue as a non-conforming legal lot and Lot 158 can be developed as a single-family residence as originally intended. The surrounding parcels are all developed as single-family residences.
f. **The proposed use will be compatible with the nearby parcels**
    - Lot 159 will remain a single-family residence. Lot 158 will change from a vacant lot to a single-family residence. The surrounding parcels are all developed as single-family residences.
g. **Impacts that may be felt by/on adjacent parcels**
    - The neighborhood was originally platted and is currently zoned for single-family residences. The only impact of the variance will be the maintenance and improvement of the currently undeveloped Lot 158 as a single family residence and the additional traffic generated by residents of one such residence.

APPLICATION FOR A ZONING VARIANCE, CONTINUED

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

T. HAUGHTON PARDEE (Trust)	JOHN A. McHENRY, PLS
Print applicant name	Print representative name
Angela C. Pardee, Trustee	John A McHenry
Signature of applicant	Signature of representative
425 TRAFALGAR PL.	175 RAWEY ROAD
Mailing address of applicant	Mailing address of representative
MATTHEWS, NC 28105	SALISBURY, NC 28146
City, State Zip	City, State Zip
angela.pardee@gmail.com	SURVEYORNC@CAROLINA.RR.COM
Email address of applicant	Email address of representative
2/23/2020	2-14-2020
Date	Date

NO REQUEST FOR A ZONING VARIANCE WILL BE CONSIDERED COMPLETE AND PROCESSED PER § 155.403.2.B. UNTIL ALL SECTIONS HAVE RESPONSES, ALL DOCUMENTS AND EXHIBITS ARE ATTACHED, AND THE PROPERTY OWNER HAS SIGNED THE APPLICATION FORM.

IN THE SITUATION THAT THE PROPERTY OWNER IS NOT AN INDIVIDUAL, PLEASE INCLUDE DOCUMENTATION THAT APPLICANT IS AN AUTHORIZED REPRESENTATIVE.

IF THE PROPERTY OWNER IS NOT THE APPLICANT APPEARING TO SPEAK BEFORE THE BOARD OF ADJUSTMENT, SUCH AS LESSEE, PLEASE PROVIDE EXPLANATION OF RELATIONSHIP TO APPLICANT/REPRESENTATIVE. PRESENTING REPRESENTATIVE'S AUTHORITY TO APPEAR SHALL BE VERIFIED BEFORE THE APPLICATION IS CONSIDERED COMPLETE.

Subject: Authorization Letter for Representative

To whom it may concern,

I, Angela C. Pardee, the undersigned and owner of property located at **425 Trafalgar Place, Matthews, NC**, do hereby authorize John McHenry, PLS-3676, to act on my behalf on all matters relating to dealings with the Town of Matthews, NC, for the sole purpose of obtaining and presenting and receiving documents necessary in the application for a zoning variance for said listed property.

Hoping for your consideration. Please contact me at: 704-641-5850 angela.pardee@gmail.com for any questions or necessary verification.

Signature: Angela C. Pardee

Date: 2/21/20

2020-02

Town of Matthews
Planning and Development

232 Matthews Station Street
Matthews, NC 28105
704.847.4411

ZONING VARIANCE
INSTRUCTIONS TO APPLICANT

If the title to the mentioned property is not in the name of the petitioner, attach a letter from the owner signifying approval to proceed with this variance request.

VARIANCE REQUEST MUST BE ACCOMPANIED BY:

- A small scale vicinity map (preferably by County Tax Map) showing exact location of property with respect to existing streets, number and size lots, and other important features within and contiguous to the property
- A survey or drawing and PDF showing the location of structures and the violation for which the variance is sought
- List on a separate sheet names and addresses of owners of adjoining properties and property directly across the street from the property involved, and the tax parcel codes of those properties
- A copy of the variance request as well as an unsealed, addressed envelope for each adjoining property owner (including those across the street). Any requested change to the notification process must be approved by Planning and Development Staff.

THE APPLICATION MUST BE FILED AT LEAST TWENTY (20) CALENDAR DAYS BEFORE THE MEETING OF THE BOARD at which approval is sought, accompanied by a filing fee of:

Zoning Variance Residential - $150.00 Non-Residential - $350.00

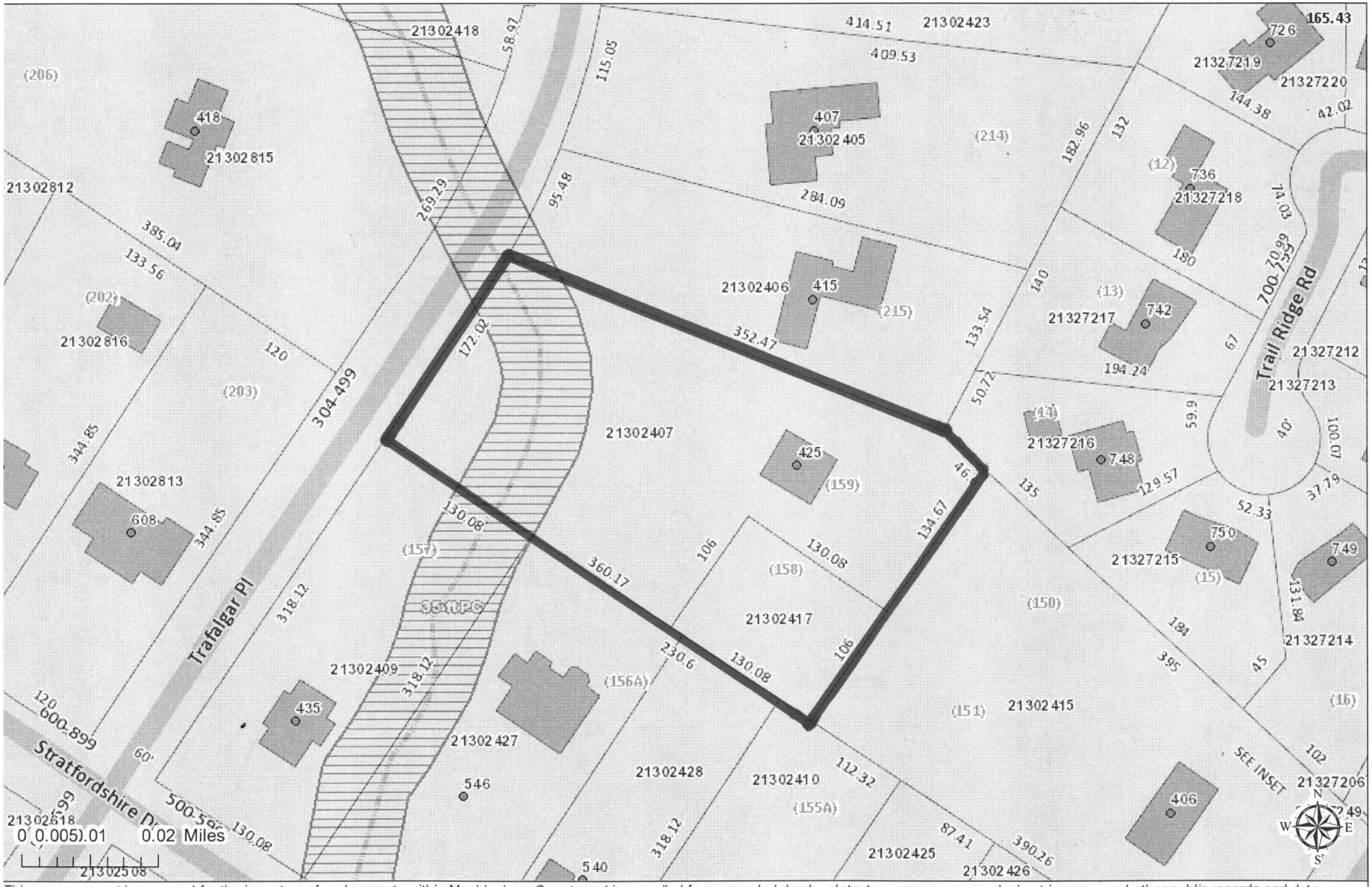
March 5th 2020
Date of Meeting

Feb. 14 2020 4:30 pm
Return this form by (time and date)

Polaris 3G Map – Mecklenburg County, North Carolina

Lots 158 & 159 of Stratfordshire

Date Printed: 2/14/2020 9:18:51 AM



This map or report is prepared for the inventory of real property within Mecklenburg County and is compiled from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data. Users of this map or report are hereby notified that the aforementioned public primary information sources should be consulted for verification. Mecklenburg County and its mapping contractors assume no legal responsibility for the information contained herein.

Across the Street

Parcel ID	*Name*	*Address*	
21302815	JEREMY R & JULIE S HOUGH	418 TRAFLAGAR PL	MATTHEWS NC 28105
21302813	JAMES S SHUPE JR & HEATHER CONOVER	608 STRATFORDSHIRE DR	MATTHEWS NC 28105

Directly adjoining

21302406	PAUL E & JOANN D NABB	415 TRAFALGAR PL	MATTHEWS NC 28105
21327216	CHARLES D & Dora M CLAYTON	748 TRAIL RIDGE RD	MATTHEWS NC 28105
21302415	CRAIG & REBECCA SEIBERT	406 LYNDERHILL LN	MATTHEWS NC 28105
21302410	W GARY & RHONDA H LUMETTA	528 STATFORDSHIRE DR	MATTHEWS NC 28105
21302428	JODY S & LAURIE CNOSSEN	540 STRATFORDSHIRE DR	MATTHEWS NC 28105
21302427	ERIN K WALSH & CHARLES T HOLLINGSWORTH	546 STRATFORDSHIRE DR	MATTHEWS NC 28105
21302409	BRADLEY J & KELSEY M FABER	435 TRAFALGAR PL	MATTHEWS NC 28105

PB 14 Pg 577

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

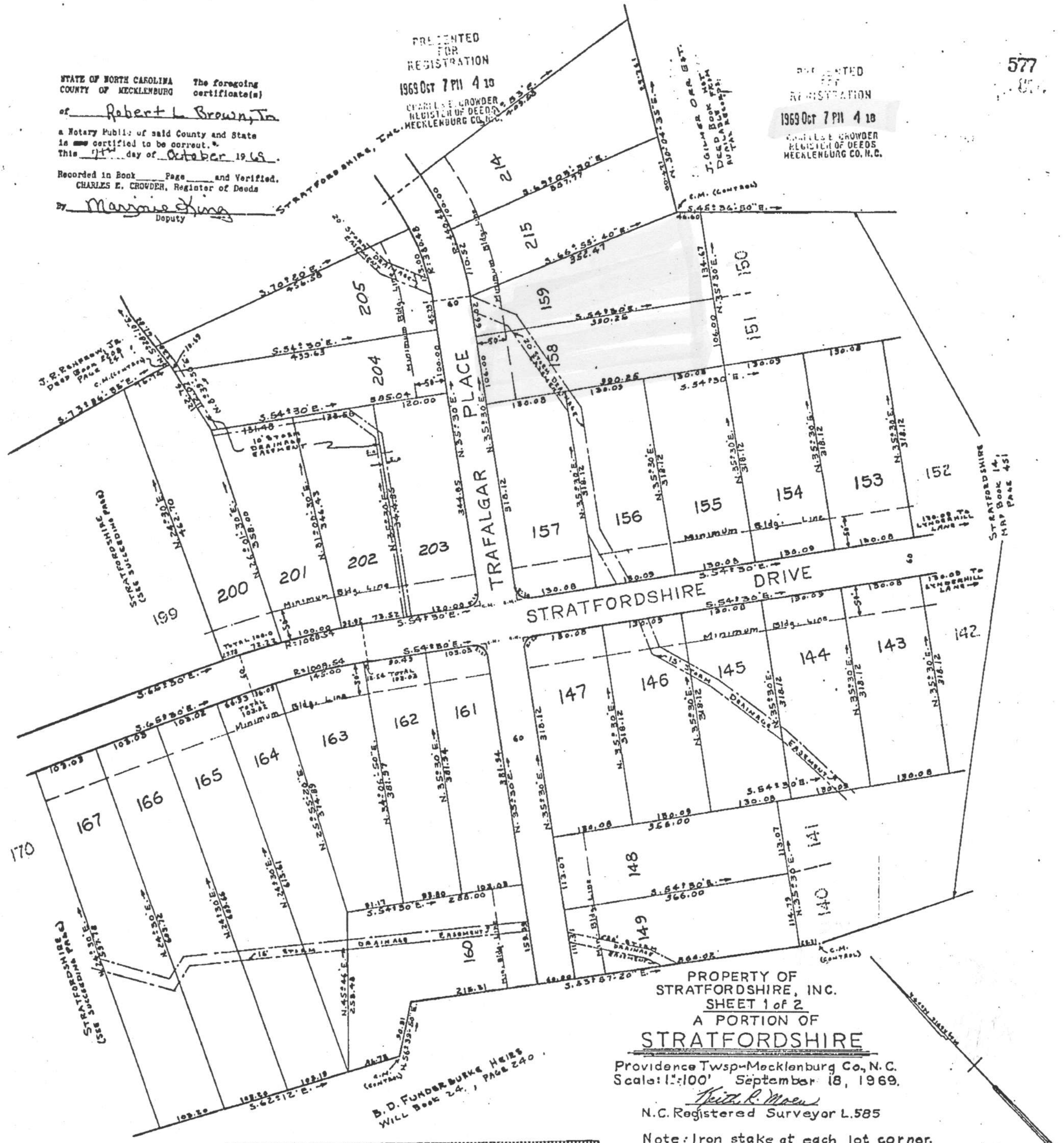
The foregoing certificate(s) of Robert L. Brown, Jr. a Notary Public of said County and State is certified to be correct. This 7th day of October 1969.

Recorded in Book_____ Page_____ and Verified.
CHARLES E. CROWDER, Register of Deeds

By Marjorie King
Deputy

PRESENTED FOR REGISTRATION
1969 OCT 7 PM 4 18
CHARLES E. CROWDER
REGISTER OF DEEDS
MECKLENBURG CO. N.C.

PRESENTED FOR REGISTRATION
1969 OCT 7 PM 4 18
CHARLES E. CROWDER
REGISTER OF DEEDS
MECKLENBURG CO. N.C.



PROPERTY OF
STRATFORDSHIRE, INC.
SHEET 1 of 2
A PORTION OF
STRATFORDSHIRE
Providence Twsp-Mecklenburg Co., N.C.
Scale: 1"=100' September 18, 1969.
Keith R. Moen
N.C. Registered Surveyor L.585

Note: Iron stake at each lot corner. 20' radius at street line intersections; however, all distances are to intersection of street lines.

State of North Carolina
County of Mecklenburg

The undersigned surveyor, being duly sworn, deposes and says that this plat was prepared in accordance with G.S. 47-30 and is in all respects correct according to the best of his knowledge and belief and was prepared from an actual survey made on August 30th 1968 with a maximum linear error of closure of 1:10000 and a maximum field error of angular closure of 7.5 seconds per angle.

Keith R. Moen
N.C. Registered Surveyor L.585

State of North Carolina
County of Mecklenburg

I, Robert L. Brown, Jr., a Notary Public for the State of North Carolina and Mecklenburg County, do hereby certify that Keith R. Moen, Surveyor, personally appeared before me this day and acknowledged the due execution of the foregoing certificate and upon his oath swore to the truth of the statements set forth therein.

Witness my hand and notarial seal this 7 day of Oct. 1969.

[signature]
Notary Public
My commission expires: [illegible]

APPROVED IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION ORDINANCE OF MECKLENBURG COUNTY, NORTH CAROLINA.
CHARLOTTE-MECKLENBURG PLANNING COMMISSION
[signature] Oct 7, 1969
SECRETARY DATE

APPROVED IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION ORDINANCE OF MECKLENBURG COUNTY, NORTH CAROLINA.

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

William E. McIntyre Oct 7, 1969

SECRETARY DATE

MAP BOOK 20 PAGE 156

Signed _____
N. C. Reg. Land Surveyor #1415

NORTH CAROLINA REGISTERED SEAL L.S.#1415 LAND SURVEYOR WILLIAM A. SOISET

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I GAIL S. BASS, a Notary Public, State of North Ca[illegible] hereby certify that WILLIAM A. S[illegible] surveyor p[illegible] me this day and acknowl[illegible] exe[illegible] the [illegible] [illegible]ficate and upon his oath swore the statements set [illegible]

Witness my hand and notarial seal this 30TH day of MA[illegible]

Gail S. Bass
Notary Public

My Commission Expires 2-5-86

GAIL S. BASS NOTARY PUBLIC MECKLENBURG COUNTY, N.C.

ANNEXATION SURVEY FOR
THE TOWN OF MATTHEWS

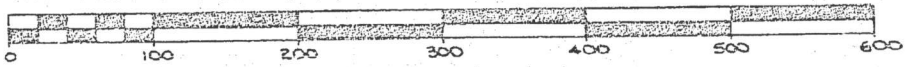
TOTAL AREA = 186.76 ACRES

MECKLENBURG COUNTY — NORTH CAROLINA

SCALE: 1" = 300'

MARCH, 1982

AREA ANNEXED ON FEBRUARY 25TH, 1980



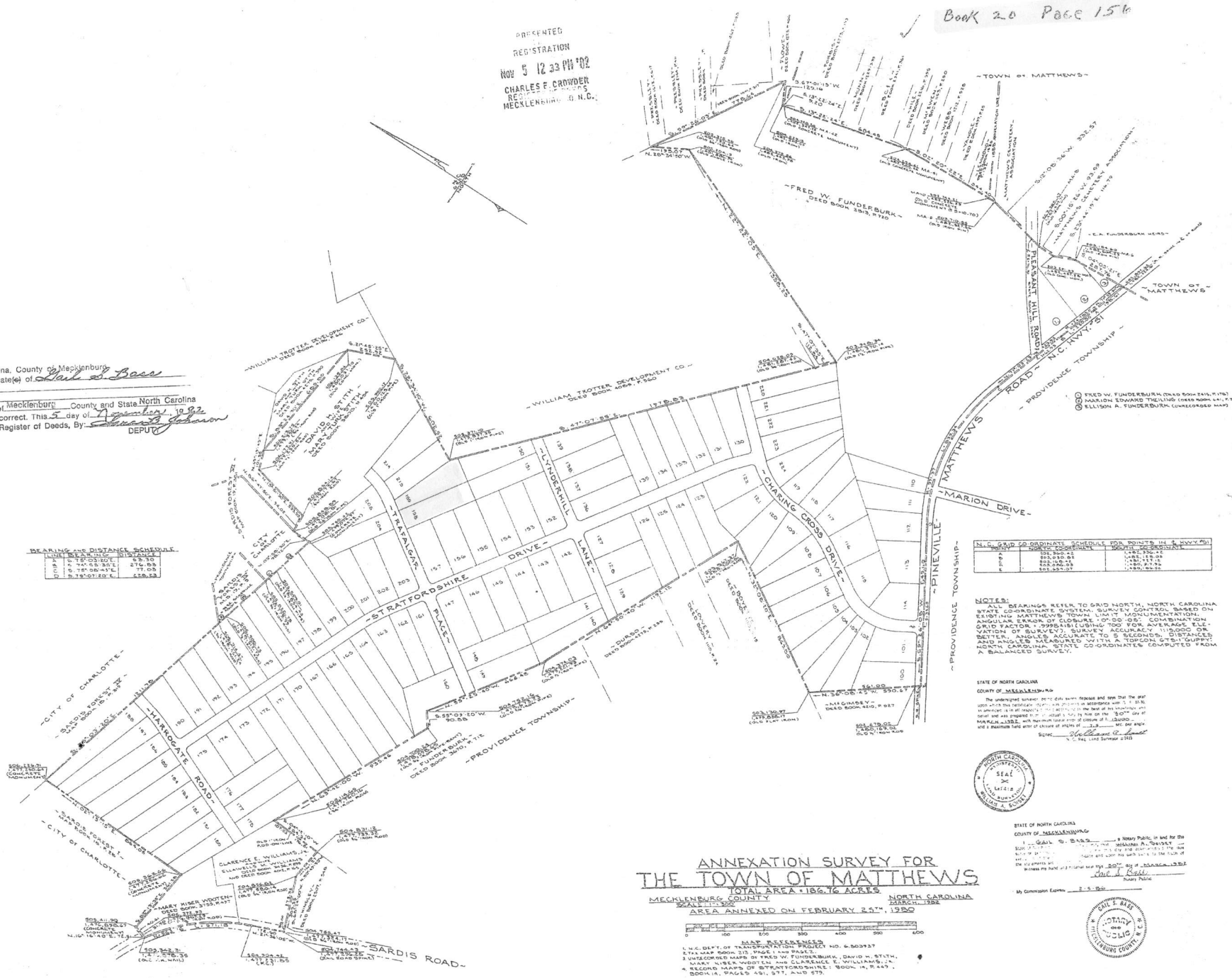
MAP REFERENCES

1. N.C. DEP'T. OF TRANSPORTATION PROJECT NO. 6.803937
2. TAX MAP BOOK 213, PAGE 1 AND PAGE 2.
3. UNRECORDED MAPS OF FRED W. FUNDERBURK, DAVID H. STITH, MARY KISER WOOTEN AND CLARENCE E. WILLIAMS, JR.
4. RECORD MAPS OF STRATFORDSHIRE: BOOK 14, P. 449, BOOK 14, PAGES 451, 577, AND 579.

Book 20 Page 156

PRESENTED FOR REGISTRATION
Nov 5 12 33 PM '02
CHARLES E. CROWDER
REGISTER OF DEEDS
MECKLENBURG CO., N.C.

State of North Carolina, County of Mecklenburg
The foregoing certificate(s) of Gail S. Bass
a Notary(ies) Public of Mecklenburg County and State North Carolina
is/are certified to be correct. This 5 day of November, 1982
Charles E. Crowder, Register of Deeds, By: Emma B. Johnson
DEPUTY



BEARING AND DISTANCE SCHEDULE

LINE	BEARING	DISTANCE
A	N. 78°-03-30°E.	69.30
B	N. 74°-03-30°E.	276.03
C	S. 78°-08-41°E.	77.03
D	S. 78°-07-20°E.	226.53

N.C. GRID CO-ORDINATE SCHEDULE FOR POINTS IN & NWY. 51

POINT	NORTH COORDINATE	SOUTH CO-ORDINATE
A	503,360.42	1,482,330.42
B	503,353.81	1,482,113.05
C	503,148.43	1,482,115.34
D	503,154.75	1,482,391.92
E	503,154.07	1,482,466.26

NOTES:
ALL BEARINGS REFER TO GRID NORTH, NORTH CAROLINA STATE CO-ORDINATE SYSTEM. SURVEY CONTROL BASED ON EXISTING MATTHEWS TOWN LIMIT MONUMENTATION. ANGULAR ERROR OF CLOSURE - 0° 00' 05". COMBINATION GRID FACTOR = .9998481 (USING 700' FOR AVERAGE ELEVATION OF SURVEY). SURVEY ACCURACY 1:15000 OR BETTER. ANGLES ACCURATE TO 5 SECONDS. DISTANCES AND ANGLES MEASURED WITH A TOPCON GTS-1 SUPPORT NORTH CAROLINA STATE CO-ORDINATES COMPUTED FROM A BALANCED SURVEY.

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG
The undersigned surveyor certifies that this survey represents and says that the plat upon which this certificate is made is in accordance with G.S. 47-30. to the best of his knowledge and belief and was prepared in the actual view of him on the 30th day of MARCH, 1982, with the minimum linear error of closure of 1:15000, and a maximum field error of closure of angles of 13 sec. per angle.
Signature: William A. Sonet
N.C. Reg. Land Surveyor L-1433

NORTH CAROLINA REGISTERED SEAL L-1433 WILLIAM A. SONET

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG
I, Gail S. Bass, a Notary Public in and for the County and State aforesaid, hereby certify that William A. Sonet appeared before me this day and gave to me satisfactory evidence of his identity by his signature to the foregoing instrument.
The witness my hand and official seal this 30th day of March 1982.
Gail S. Bass
Notary Public
My Commission Expires 2-3-86

NOTARY PUBLIC GAIL S. BASS MECKLENBURG COUNTY, N.C.

ANNEXATION SURVEY FOR THE TOWN OF MATTHEWS

TOTAL AREA = 186.76 ACRES

MECKLENBURG COUNTY — NORTH CAROLINA
SCALE 1:1500 — MARCH, 1982

AREA ANNEXED ON FEBRUARY 25TH, 1980

0 100 200 300 400 500 600

MAP REFERENCES
1. N.C. DEPT. OF TRANSPORTATION PROJECT NO. 6.503237
2. TAX MAP BOOK 213, PAGE 1 AND PAGE 2.
3. UNRECORDED MAPS OF FRED W. FUNDERBURK, DAVID H. SMITH, MARY KIMER WOOTEN AND CLARENCE E. WILLIAMS, JR.
4. RECORDED MAPS OF STRATFORDSHIRE: BOOK 14, P. 449, BOOK 16, PAGES 451, 577, AND 579.

F-22

surveyornc@carolina.rr.com

From: Barley, Becky <Becky.Barley@mecklenburgcountync.gov>
Sent: Wednesday, February 12, 2020 9:25 AM
To: surveyornc@carolina.rr.com
Subject: parcel 213-024-07

Hi John,

I was able to get some answers about parcel 213-024-07. The annexation occurred in 1980 per recorded map book 20 page 156. I also found out that the lots were combined in 1978 but can't find any notes referencing a recorded document. It was most likely combined informally per owner request, which mean that we can re-split the lot along the old lot line if that's what the current owner would like to do.

Just me know what they decide to do.

Becky Barley

GIS Technician/Land Records
Mecklenburg County
Geospatial Information Services - GIS
becky.barley@mecklenburgcountync.gov
980-314-4606

Oh how my manager would love it if you would take a few moments and complete this survey!
GIS-Addressing and Land Records

Exception Plat of 425 & 429 Trafalgar Place

Tax IDs 21302417 & 21302407

Deed Book 8297, Page 962 & Deed Book 8297, Page 960

Lots 158 & 159, Plat Book 14, Page 577

Town of Matthews, Mecklenburg County, N.C.

Subject tracts are within: Matthews R20 zoning
Principal Zoning Setbacks: front-30';
side-15'; rear-30

TRAFALGAR PLACE
60' public right of way, 24' asphalt pavement

N29°19'09"E
95.30'

fire hydrant

66.22'
N35°24'55"E

concrete bridge apron

10.0'

90.4'

30.0' access driveway easement

S66°53'53"E — 352.38'

12' gravel drive

47.4'

principal setbacks

well

LOT 159
0.970 acres±
42,238 sqft±
Undisturbed Open Space 36,650 sqft±
Undisturbed Open Space 87%

2-story frame residence 27'± tall

31.4'

96.0'

found concrete monument

S45°43'42"E
46.40'

1" pipe found at fence corner

135.10'

S35°41'24"W

frame shed

13'±

LOT 14

Tax ID 21327216
Lot 14, Plat Book 20, Page 867
Deed Book 5110, Page 848
Charles Clayton
748 Trail Ridge Road
Matthews, NC 28105
R-12 Matthews Zoning

Tax ID 21302406
Lot 215, Plat Book 14, Page 577
Deed Book 8220, Page 991
Paul Nabb
415 Trafalgar Place
Matthews, NC 28105
R-20 Matthews Zoning

LOT 215

sanitary sewer manhole

N35°24'55"E — 106.01'

Sardis Grove Sanitary Sewer right of way 15'

N54°23'18"W

found 1" pipe found in concrete collar

259.81'

N54°35'26"W — 129.66'

35.0' Water Quality Buffer

top of bank

top of bank

N54°18'15"W — 129.60'

sanitary sewer manhole

right of way

right of way

Tax ID 21302409
Lot 157, Plat Book 14, Page 557
Deed Book 31897, Page 459
Bradley Faber
435 Trafalgar Place
Matthews, NC 28105
R-20 Matthews Zoning

found 3/4" rebar

N54°32'53"W — 130.02' (ground distance)
N56°00'06"W — 130.01' (grid distance)
datum NAD 1983(2011)

LOT 158
0.948 acres±
41,299 sqft±
Undisturbed Open Space 41,299 sqft±
Undisturbed Open Space 100%

found 3/4" rebar in concrete

LOT 150

found 3/4" rebar in concrete collar
N 505278.20 sft
E 1479704.03 sft

N54°32'53"W — 65.17'

S42°59'23"E
1638.58' (cf 0.99968490)

1" rebar found

N54°32'53"W — 35.41'

1/2" rebar found

N54°32'53"W — 29.56'

1/2" rebar found

S35°15'28"W — 105.93'

LOT 151

Tax ID 21302415
Lot 150 & 151, Plat Book 14, Page 451
Deed Book 5110, Page 848
Craig Seibert
406 Lynderhill Road
Matthews, NC 28105
R-12 Matthews Zoning

Tax ID 21302409
Lot 156A, Plat Book 58, Page 839
Deed Book 31955, Page 405
Erin Walsh
546 Stratfordshire Drive
Matthews, NC 28105
R-20 Matthews Zoning

NCGS monument "M 094"
NAD 1983(2011) datum
N 504079.62 sft
E 1480821.33sft

Tax ID 21302428
Lot 156B, Plat Book 58, Page 839
Deed Book 33312, Page 590
Jody Cnossen
540 Stratfordshire Drive
Matthews, NC 28105
R-20 Matthews Zoning

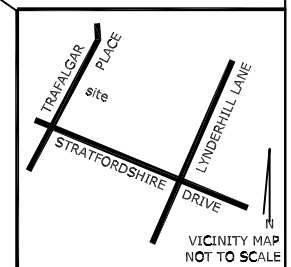
Tax ID 21302410
Lot 155A, Plat Book 59, Page 142
Deed Book 33312, Page 590
Gary Lummetta
528 Stratfordshire Drive
Matthews, NC 28105
R-20 Matthews Zoning

0 40' 80'
Horizontal Ground Distance
1 inch equals 40 feet

North from Plat Book 14, Page 577

I, John A. McHenry, 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 dashed & 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. 47-30 as amended.

I, John A. McHenry, Professional Land Surveyor, L 3676 N.C., certify that this survey is an exception to the definition of subdivision.

Witness my original signature, registration number and seal this _____ day of _____, A.D., 2020.

John A. McHenry, PLS-3676