

**TOWN OF WEDDINGTON
SPECIAL MEETING
BOARD OF ADJUSTMENT
WEDDINGTON TOWN HALL
1924 WEDDINGTON ROAD
WEDDINGTON, NC 28104
MONDAY JUNE 15, 2020 7:00 P.M.
AGENDA**

1. Open the Meeting
2. Determination of a Quorum
3. Approval of the February 24, 2020 Board of Adjustment Minutes
4. Consideration of Request for Variance from Section 58-16(1) *Accessory Uses and Structures* for 100 Vintage Creek Drive, Matthews, NC 28104.
5. Consideration of Request for Variance from section 58-8(a)(4)(a) *Screening and Landscaping* for 306 Reid Dairy Road, Weddington, NC 28104
6. Adjournment

**TOWN OF WEDDINGTON
BOARD OF ADJUSTMENT MEETING
WEDDINGTON TOWN HALL
FEBRUARY 24, 2020
AFTER THE HISTORIC PRESERVATION COMMISSION MEETING
MINUTES
Page 1 of 1**

1. Open the Meeting

Board member Prillaman called the February 24, 2020 Board of Adjustment meeting to order at 8:02 p.m. opened the January 28, 2019 Board of Adjustment meeting at 8:43 p.m.

2. Determination of a Quorum

Quorum was determined with all Board members in attendance: Brad Prillaman, Ed Goscicki, Walt Hogan, Tami Hechtel, Jim Vivian, Steve Godfrey, Jen Conway.

3. Election of Chairman and Vice-Chairman

Board member Vivian nominated Walt Hogan as Chairman of the Board of Adjustment. Board member Prillaman seconded the nomination. The Board agreed unanimously.

Board member Hogan nominated Tami Hechtel as Vice Chairman of the Board of Adjustment. Board member Godfrey seconded the nomination. The Board agreed unanimously.

4. Appointment of Alternate A and Alternate B

Chairman Hechtel appointed Board member Goscicki as Alternate A and Board member Conway as Alternate B.

5. Approval of the January 28, 2019 Board of Adjustment Minutes

Motion: Board member Vivian made a motion to approve the January 28, 2019 Board of Adjustment minutes as presented.

Second: Board member Hechtel

Vote: The motion passed with a unanimous vote.

6. Adjournment

Motion: Board member Goscicki made a motion to adjourn the February 24, 2020 Board of Adjustment meeting at 8:04 p.m.

Second: Board member Godfrey

Vote: The motion passed with a unanimous vote.

Approved: _____

Walt Hogan, Chairman

Karen Dewey, Town Clerk

TOWN OF W E D D I N G T O N

MEMORANDUM

TO: Board of Adjustment

FROM: Lisa Thompson, Town Administrator/Planner

DATE: June 15, 2020

SUBJECT: Variance Application- 58-16 (1) Accessory Uses and Structures

Application Information

Date of Application: May 21, 2020
Applicant & Owner Name: Alan Clarke and wife, Kathleen A. Neel
Parcel ID#: 06090035
Property Location: 100 Vintage Creek Drive
Subdivision: Vintage Creek
Zoning: RCD
Existing Use: Single Family Home
Parcel Size: 0.372 Acres

Request

Alan Clarke and wife, Kathleen A Neel seek a variance from the Weddington Code of Ordinances Section 58-16(1) titled Accessory Uses and Structures to provide relief from the minimum 15' rear yard setback requirement to accommodate a pool installation.

Background and Site Information

The current zoning for the subject lot is R-CD. The minimum principal setbacks are as follows: 20' front, 5' side (30' separation between homes) and 30' rear. The subject property is .372 Acres. (Attachment 1)

The single-family home located on the subject property was constructed in 2015 by Standard Specific Homes. A certificate of compliance was issued by the town on 8/12/2015. The house is built 42' from the front and 37.2' from the rear. (Attachment 2)

Accessory uses and structures are permitted on the existing lot subject to a 15' rear yard setback or the setback of the principal structure, whichever is less (Attachment 3).

According to 2019 aerial maps, there are 11 homes within the same subdivision that have pools in the rear yard. (Attachment 4).

Justification Statement

That applicant seeks a variance to build a swimming pool which is an accessory use according to the town's zoning ordinance.

The applicant sites (1) the shape of the lot (2) the lot size and (3) topography as the justification for a variance. (Attachment 5)

Variance Requirements

The required rear yard setback for an accessory use per *Section 58-16 (1) of the Town of Weddington Zoning Ordinance* is 15 feet.

The applicant's request is for 7.5' of relief from the 15' rear setback.

The proper notices were sent by staff to all adjacent property owners and a sign was placed on the subject site at least 10 days prior to the date of the meeting.

Per the Weddington Code of Ordinances Section 58-233, the Board of Adjustment, when considering whether to approve an application for a variance request, shall review the following findings and make the decision based on substantial, competent and material evidences in the record:

(1) Unnecessary hardship would result from the strict application of the ordinance. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. This shall be construed to mean:

- a. The hardship results from the application of this chapter;
- b. The hardship results from the 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.); and
- c. The hardship is not the result of 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.)

(2) That the variance is in harmony with the general purpose and intent of this chapter and preserves its spirit.

(3) That in the granting of the variance, the public safety and welfare have been assured and substantial justice has been done.

(4) That the reasons set forth in the application and the hearing justify the granting of a variance, and that the variance is a minimum one that will make possible the reasonable use of land or structures.

If the Board is of the opinion that the above required findings can be made to approve the variance, staff recommends the site be subject to the following conditions:

All necessary zoning permits are obtained from the Town and other applicable outside agencies.

Exhibits included in Variance Packet:

Attachment 1- Certificate of Zoning Compliance

Attachment 2- Zoning Map

Attachment 3 – Zoning Ordinance Excerpt

Attachment 4 – Aerial Photography

Attachment 5- Applicants Submittal Package:

5a. Application

5b. Physical Survey

5c. Pool -Site plan

5d. Vintage Creek Plat Map

5e. Applicants Findings

5f. Deed

5g. Property Listing



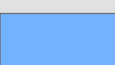

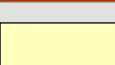
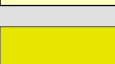
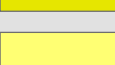



5h. Pool conceptual plan

Zoning Map WEDDINGTON NORTH CAROLINA



MATTHEWS WEDDINGTON

Legend

	B1 (CD)
	B2 (CD)
	ED
	MX
	R-40
	R-40D
	R-60
	R-80
	R-CD
	RE

Subject Property

VINTAGE CREEK

STILLWELL

CAMELLIA HILLS

GEORGE

PECAN

200 100 0 200 Feet





TOWN OF WEDDINGTON

Residential Zoning Compliance

1924 WEDDINGTON ROAD WEDDINGTON, NC 28104

Phone: 704-846-2709 FAX: 704-844-6372

DATE ISSUED: 08/12/2015

PERMIT #: 2015- 3067

LOCATION

Vintage Creek

DISTRICT

TAX MAP PARCEL#

06090035

100 Vintage Creek Drive

ZONING DISTRICT

R-CD

OWNER:

Standard Pacific Homes
100 Vintage Creek Drive
Weddington, NC 28104

LOT

1

STRUCTURAL

	<u>REQUIRED</u>	<u>PROPOSED</u>	<u>NOTE</u>
L-RCD Left Sideyard R-CD	5.00 Feet	16.20 Feet	
R-RCD Right sideyard R-CD	5.00 Feet	22.60 Feet	
F-RCD Front setback R-CD	20.00 Feet	42.00 Feet	
Rr-RCD Rear setback R-CD	30.00 Feet	37.30 Feet	
Height Building Height	35.00 Feet	34.00 Feet	

TYPE CONSTRUCTION: NEW STRUCTURE


OCCUPANCY GROUP: RESIDENTIAL

REMARKS:

ATTACH THE FOLLOWING: Two copies of a scaled dimensional survey drawn by and certified as true and correct by a surveyor or engineer registered with the State of North Carolina which affirmatively shows that the building or structure was erected in compliance with the Wedding Zoning Ordinance and the Zoning Permit previously issued.

I HEREBY CERTIFY that all of the information provided for this application and all attachments is true and correct to the best of my knowledge further certify that I am familiar with all the requirements of the Weddington Zoning Ordinance concerning this proposed use. I acknowledge that any violation of this ordinance will be grounds for revoking this permit and any subsequent permit issued by the Town of Weddington.


(APPLICANT SIGNATURE)

THIS PERMIT IS:  APPROVED ☒
(ZONING ADMINISTRATOR)

DISAPPROVED

8/12/15
(DATE)

8/12/15
(DATE)

TOWN OF WEDDINGTON
CERTIFICATE OF ZONING COMPLIANCE



TOWN OF WEDDINGTON
CERTIFICATE OF ZONING COMPLIANCE



Date Issued: 08/12/2015

Compliance No.: 3067

Owner: Standard Pacific Homes

Property Location: 100 Vintage Creek Drive

Lot #: 1 Tax Map #: 06090035

Construction Type: NEW STRUCTURE

Classification: ZONING

Occupancy Group: RESIDENTIAL

Maximum Occupancy: 0

Fire District:

By:

Zoning Administrator

POST IN A CONSPICUOUS PLACE



Town of Weddington



Application for Permits

Applicant Information

Homebuilder Name: Standard Pacific Homes Phone No 704 759 6027
Mailing Address: Lot 01 Carmel Rd #425
City Charlotte State & Zip: NC 28226 Applicant Name: Lisa Channan

Property Location

Property Street Address: 100 Vintage Creek Lot NO: 1
Subdivision: Vintage Creek Phase: _____ Parcel NO: _____
Lot Area: _____ Street Frontage: _____ Is Lot in a Floodplain: ☐ Y ☒ N
Is This a Corner Lot: ☐ Y ☒ N Current Zoning on Property: _____

Type of Permit

- ☐ Zoning Permit - Apply for prior to starting construction of a structure
☐ New Structure
☐ Addition - Adding on square feet to an existing structure
☐ Up-fit - Proposed construction will not change the building footprint of an existing structure
☐ Foundation Permit - Apply for after the foundation is completed
☒ Zoning Compliance - Apply for after construction of a structure is completed
☐ Accessory Permit - Pool house, pool, storage building, or detached garage

Distance to Property Line:

Side Yard, Right 5
Side Yard, Left 5
Rear Yard 30
Front Yard 20
Building Height 34

For Accessory Structures only:

Height of Principal Structure: _____ Height of Accessory Structure: _____
Square Footage of Principal Structure: _____ Square Footage of Accessory Structure: _____
Type of Structure Proposed: _____

Applicant must present a sealed survey of the property for any of the following permits:

- Zoning Permit (new structure and addition only)
- Foundation Permit
- Zoning Compliance
- Accessory Permit

NOTES:
1) SETBACKS SHOWN ARE
PER TOWN OF WEDDINGTON.
ORDINANCE SECTION 58-58,
POINT #4

THIS SURVEY IS OF AN EXISTING PARCEL OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE TO AN EXISTING STREET GS47-30(F)(11)(C1).

CONSERVATION LAND
10.62' ACRES



☐ NEW IRON PIN
☐ EXISTING IRON PIN
 R/W __ RIGHT OF WAY
 SDE __ STORM DRAINAGE
 EASEMENT
 COS __ COMMON OPEN
 R.Y. __ REAR YARD
 S.Y. __ SIDE YARD
 TYP. __ TYPICAL

CONSERVATION LAND
10.62' ACRES

CONCRETE
CONTROL
MONUMENT

NOTES:

- 1) NO NCSS MONUMENT WITHIN 2000'
- 2) IRON PINS FOUND OR SET AT ALL CORNERS UNLESS OTHERWISE NOTED.
- 3) NO NEW LOT LINES HAVING BEEN CREATED OR ESTABLISHED.
- 4) NO TITLE SEARCH HAS BEEN CONDUCTED FOR THE SUPPLY TO THE ISLANDS BROWN, ON THIS PROPERTY. HOWEVER, THIS SURVEY ARE SUBJECT TO ANY AND ALL EASEMENTS, COVENANTS AND ENCUMBRANCES OF RECORD OR IMPLIED. A TRUE TITLE SEARCH MAY DISCLOSE.

VINTAGE CREEK DRIVE
50' PUBLIC R/W

GRAPHIC SCALE F



1 INCH = 30 FEET

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	BEARING
C72	53.49	475.00	63.44	SD:34°12'W

THE
ISACS
GROUP

CML ENGINEERING DESIGN AND CONSULTING
8720 RED OAK BLVD., SUITE 420
CHARLOTTE, N.C. 28217
PH. (704) 527-3440 FAX (704) 527-8335
S.C. LICENSE C-1089 ~ S.C. LICENSE COA #1037

THIS IS TO CERTIFY THAT THE PROPERTY SHOWN ON THIS MAP IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION COMMUNITY PLAN, NUMBER 1704720065, DATED: FEBRUARY 4, 2014, ZONE: V.

PHYSICAL SURVEY OF

100 VNTAGE CREEK DRIVE

LOT 1, VINTAGE CREEK PHASE 1

CHARLOTTE, MECKLENBURG COUNTY

NORTH CAROLINA

OWNER: STANDARD PACIFIC

REVISION 1	ENVELOPE A	M	PG	583
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Date 7/29/15

File # VCI

Protect Plus

Drawn By:

Surveyed By:

Sec. 58-16. - Accessory uses and structures.

Minor uses or structures which are necessary to the operation or enjoyment of a permitted principal use, and are appropriate, incidental and subordinate to any such uses, shall be permitted in all districts with certain exceptions as described herein as an accessory use, subject to the following:

- (1) Accessory uses or structures, well houses and swimming pools shall be located no closer than the setback for the principal building or 15 feet to any side or rear lot line whichever is less. Well houses shall be allowed in any yard.

Notwithstanding any other provision in this section, any accessory structure with a building footprint exceeding 200 square feet may be located in any nonrequired side or rear yard and must comply with all setback requirements of principal structures for that zoning district.

- (2) In any residential district or on any lot containing a principal residential use, no accessory use or structure shall be permitted that involves or requires any construction features which are not residential in nature or character. Accessory uses shall be located on the same lot as the principal use.
- (3) An accessory building other than barns or farm-related structures may not exceed the height of the principal building.
- (4) Other than barns or farm-related structures, the total combined square footage of all accessory structures (including above ground swimming pools) on any parcel less than six acres shall not exceed two-thirds of the footprint of the principal building. On lots 6 acres or greater, the total combined footprints of all principal and accessory structures (including above ground swimming pools) shall not exceed 15 percent of the gross lot area.
- (5) Roofed accessory uses physically attached or connected to the principal building shall be considered a part of the principal building and shall be subject to the setback requirements for the principal building.
- (6) A swimming pool shall be considered an accessory use. A swimming pool can be located in the rear yard on all residential properties, or in the side yard provided the principal structure has a minimum 200-foot front setback and the pool will have a minimum 150-foot side setback. In all other situations, it will be subject to a conditional use approval as provided in article III of this chapter.
- (7) Occupancy of a travel trailer, recreational vehicle (RV), or licensed motor vehicle as an accessory family dwelling shall be permitted for no more than 30 total days per calendar year.
- (8) Accessory family dwellings: An incidental structure or an incidental area within a primary structure that is capable of being used as a separate dwelling and that is generally occupied and used by a different person(s) than the person(s) that generally occupies and uses the property's primary dwelling. Such a separate structure or area shall be considered an accessory family dwelling whether it is detached from the primary dwelling, attached to the primary dwelling, or partially or completely contained within the primary dwelling.

When allowed, accessory family dwellings shall be subject to the following additional requirements:

- a. Accessory family dwellings shall comply with all applicable provisions of the Weddington Code of Ordinances.
- b. At least one additional off-street parking space shall be provided for the use of those occupying the accessory family dwelling unless the zoning administrator determines that sufficient off-street parking already exists to accommodate both the property's primary dwelling and the accessory family dwelling.
- c. An accessory family dwelling shall be allowed only on lots that meet the minimum lot area requirement of the applicable zoning district.

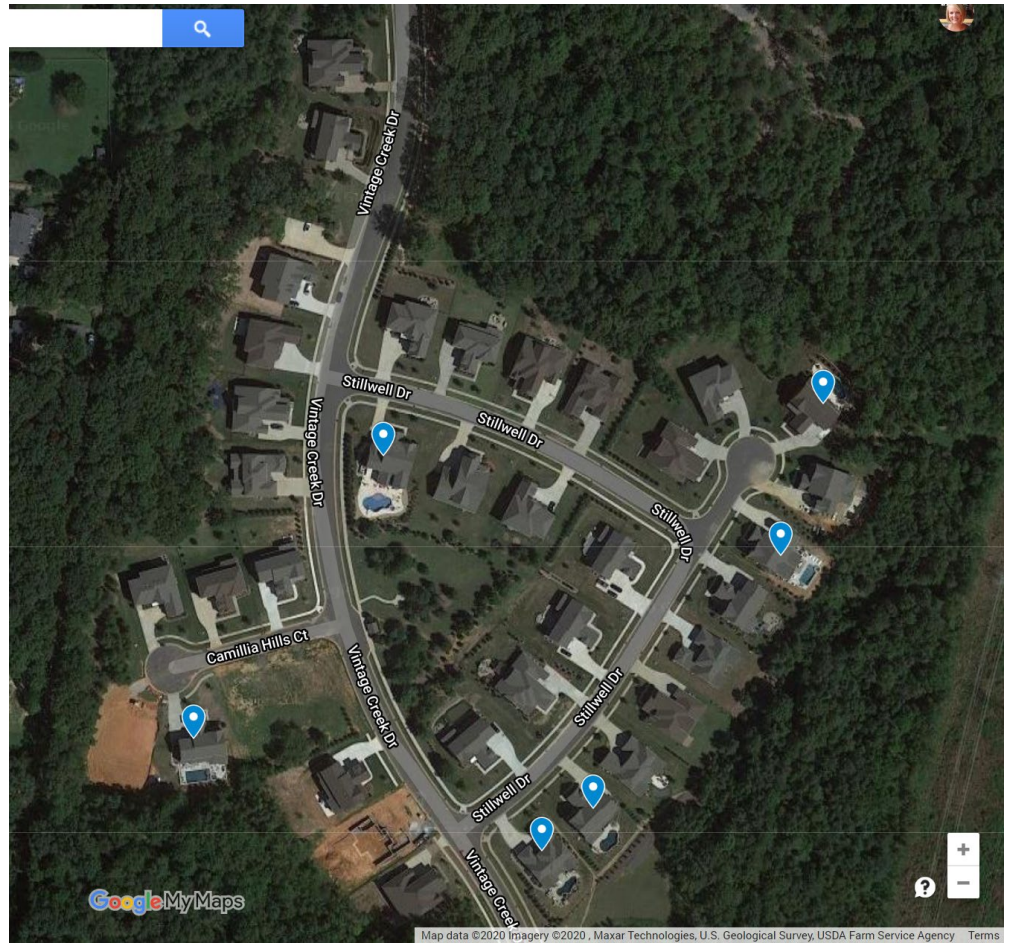
- d. Only one accessory family dwelling shall be allowed per lot.
- e. The accessory family dwelling shall meet all setback requirements applicable to principle structures in the zoning district.
- f. The heated floor area of the accessory family dwelling shall not exceed 30 percent of the gross floor area of the primary dwelling.

Commentary: Examples of accessory dwelling square footage are:

A 1,333 square foot primary dwelling is needed for a 400 square foot accessory family dwelling. (30 percent of 1,333 = 400)

- g. The property including the accessory family dwelling shall retain a single-family appearance from the street. By example only and not for purposes of limitation, the accessory family dwelling shall not have its own separate mailbox, and it must share driveway access with the primary dwelling.

(Ord. No. 87-04-08, § 4.9, 4-8-1987; Ord. No. O-2005-09, 12-12-2005; Ord. No. O-2007-09, 9-10-2007; Ord. No. O-2010-05, 4-12-2010; Ord. No. O-2017-06, 2-13-2017)



**TOWN OF WEDDINGTON
ZONING VARIANCE APPLICATION**

APPLICATION NUMBER _____ DATE 05/21/20
APPLICANT'S NAME Allen R. Clarke and wife, Kathleen A. Neel
APPLICANT'S MAILING ADDRESS 100 Vintage Creek Drive, Weddington, NC 28104

APPLICANT'S PHONE NUMBER 973-525-3223
PROPERTY OWNER'S NAME (same) (if Different from Applicant)
PROPERTY OWNER'S MAILING ADDRESS (same)

PROPERTY OWNER'S PHONE NUMBER (same)
RELATIONSHIP OF PROPERTY OWNER TO APPLICANT (same)
EXISTING USE OF PROPERTY residential EXISTING ZONING R-CD
PROPERTY LOCATION Lot 1, Vintage Creek, Phase 1
TAX MAP AND PARCEL NUMBER Plat Cabinet M, Files 582-589; Parcel No. 06-090-035

The Following Information Shall Be Completed or Provided By Applicants Seeking A Variance.
(Use additional space on a separate piece of paper, if necessary.)

1. VARIANCE SOUGHT 7 1/2 foot reduction in setback requirement on rear of property to accommodate pool installation

2. REASON FOR SEEKING VARIANCE Due to the current lot size and topography, I would only be able to install a pool with a width of 8 feet. My wife and I purchased the house on April 22, 2020.

3. A scaled dimensional survey drawn by, and certified as correct, a surveyor or engineer registered in the State of North Carolina, which shows property dimensions, boundaries, and existing and proposed building/additions; and illustrates the variance requested.

4. A map clearly showing the subject property and all contiguous property on either side and all property across the street or public right-of-way from the subject property.

5. The applicant's interest (ownership, buyer, etc.) is as follows: Owner

6. If the variance is granted, it is proposed that the property will be put to the following use:
Same use - residential

7. The following type of improvements have been (will be) constructed thereon: Enhanced landscaping, improved drainage, in-ground concrete pool with spa and decking

Town of Weddington
Zoning Variance Application
Page 2 of 3

8. The board of adjustment shall follow quasi-judicial procedures when deciding requests for variances. The board of adjustment, before granting a variance, shall make the following findings based on substantial, competent and material evidence in the record before them. **The applicant should respond to the following findings of fact as a separate attachment:**

(1) Unnecessary hardship would result from the strict application of the ordinance. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. This shall be construed to mean:

- a. The hardship results from the application of this chapter;
- b. The hardship results from the 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); and
- c. The hardship is not the result of 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.)

(2) That the variance is in harmony with the general purpose and intent of this chapter and preserves its spirit.

(3) That in granting of the variance, the public safety and welfare have been assured and substantial justice has been done.

(4) That the reasons set forth in the application and the hearing justify the granting of a variance, and that the variance is a minimum one that will make possible the reasonable use of land or structures.

NOTES

1. A public hearing on the completed application shall be conducted by the Board of Adjustment within forty (40) days after the complete application has been filed.

2. Once a public hearing has been held, if one is dissatisfied with the decision of the Board of Adjustment, an appeal may be taken to the Superior Court of Union County. See Section 58-236(e) of the Weddington Zoning Ordinance.

3. Per Section 58-233(a) of the Weddington Zoning Ordinance, under no circumstances shall the Board of Adjustment grant a variance to allow a use of land or structure not permitted under the terms of this ordinance in the district involved or for a use expressly, or by inference, prohibited in said district. No variance shall be granted by the Board of Adjustment for the following:

(a) Setbacks and areas of signs.

(b) Setbacks for Essential Services – Class III

(c) No variance for setbacks shall be granted which allows the applicant to reduce the applicable setback more than 50%.

Town of Weddington
Zoning Variance Application
Page 3 of 3

4. No application shall be considered complete unless accompanied by cash or a check made payable to the Town of Weddington in the amount of \$715.00

CERTIFICATIONS

A. I HEREBY CERTIFY THAT ALL OF THE INFORMATION PROVIDED FOR IN THIS APPLICATION IS, TO THE BEST OF MY KNOWLEDGE, ACCURATE AND COMPLETE.

Allen Clarke
9EEBC47576D443A

5/21/2020

APPLICANT

DATE

B. TO THE BEST OF MY KNOWLEDGE, THIS APPLICATION IS ACCEPTED AND DEEMED COMPLETE.

ZONING ADMINISTRATOR

DATE

(This Information Is To Be Filled Out by the Zoning Administrator)

1. SITE PLAN ATTACHED: YES _____ NO _____
2. LIST OF ADJOINING PROPERTY OWNERS ATTACHED: YES _____ NO _____
3. VICINITY MAP ATTACHED: YES _____ NO _____
4. PUBLIC HEARING DATE: _____
5. SIGN POSTED ON PROPERTY ON: _____
6. NOTICES TO APPLICANT AND ADJOINING PROPERTY OWNERS MAILED ON: (Certification Attached) _____
7. ACTION TAKEN BY BOARD OF ADJUSTMENT: _____
8. DATE DECISION OF BOARD OF ADJUSTMENT FILED: _____



THE IMPERVIOUS AREA FOUND TO BE WITHIN THE BOUNDARIES OF THIS LOT IS AS FOLLOWS:
HOUSE: 3,579.00 SQ. FT.
DRIVEWAY & SIDEWALK: 1,882.00 SQ. FT.
PATIO/COVERED PORCH: 646.00 SQ. FT.
TOTAL IMPERVIOUS AREA: 6,107.00 SQ. FT.



THE MAX ALLOWABLE IMPERVIOUS AREA ESTABLISHED BY THE DEVELOPER OF RECORD FOR THIS LOT IS 6,637.00 SQUARE FEET. THIS PHYSICAL SURVEY SHALL BE ATTACHED TO IMPERVIOUS AREA DEED RESTRICTION TO BE RECORDED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

THIS SURVEY IS OF AN EXISTING PARCEL OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE TO AN EXISTING STREET GS47-30(F)(11)(C1).



CONSERVATION LAND
10.62' ACRES
MB-M, PG-583

S19°44'27"W
94.59' (TIE)

LOT 2
MB-M, PG-583

CONSERVATION LAND
10.62' ACRES
MB-M, PG-583

LEGEND:

- EXISTING IRON PIN
- R/W RIGHT OF WAY
- CONC. CONCRETE

CONCRETE CONTROL MONUMENT

N25°11'45"W
129.16' (TIE)

NOTES:

- 1) NO NCGS MONUMENT WITHIN 2000'.
- 2) IRON PINS FOUND OR SET AT ALL CORNERS UNLESS OTHERWISE NOTED.
- 3) NO NEW LOT LINES HAVING BEEN CREATED OR ESTABLISHED.
- 4) NO TITLE SEARCH HAS BEEN PERFORMED BY OR SUPPLIED TO THE ISAACS GROUP; ANY PROPERTIES SHOWN ON THIS SURVEY ARE SUBJECT TO ANY AND ALL EASEMENTS, COVENANTS, RIGHTS OF WAY AND ENCUMBRANCES OF RECORD OR IMPLIED A TRUE TITLE SEARCH MAY DISCLOSE.

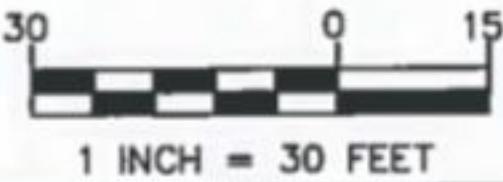
CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	BEARING
C72	63.49	475.00	63.44	S01°34'12"W

VINTAGE CREEK DRIVE
50' PUBLIC R/W

NOTES:

- 1) SETBACKS SHOWN ARE PER TOWN OF WEDDINGTON. ORDINANCE SECTION 58-58, POINT #4

GRAPHIC SCALE



THE ISAACS GROUP
CIVIL ENGINEERING DESIGN AND CONSULTING
8720 RED OAK BLVD., SUITE 420
CHARLOTTE, N.C. 28217
PH. (704) 527-3440 FAX (704) 527-8335
N.C. LICENSE C-1089 ~ S.C. LICENSE COA #1037

THIS IS TO CERTIFY THAT THE PROPERTY SHOWN ON THIS PLAT IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION COMMUNITY PANEL, NUMBER 370478065 E DATED: FEBRUARY 4, 2004 ZONE X.

PHYSICAL SURVEY
OF

100 VINTAGE CREEK DRIVE
LOT 1, VINTAGE CREEK PHASE 1
WEDDINGTON, UNION COUNTY

NORTH CAROLINA
OWNER: STANDARD PACIFIC

REVISION 1 CB. M PG. 583

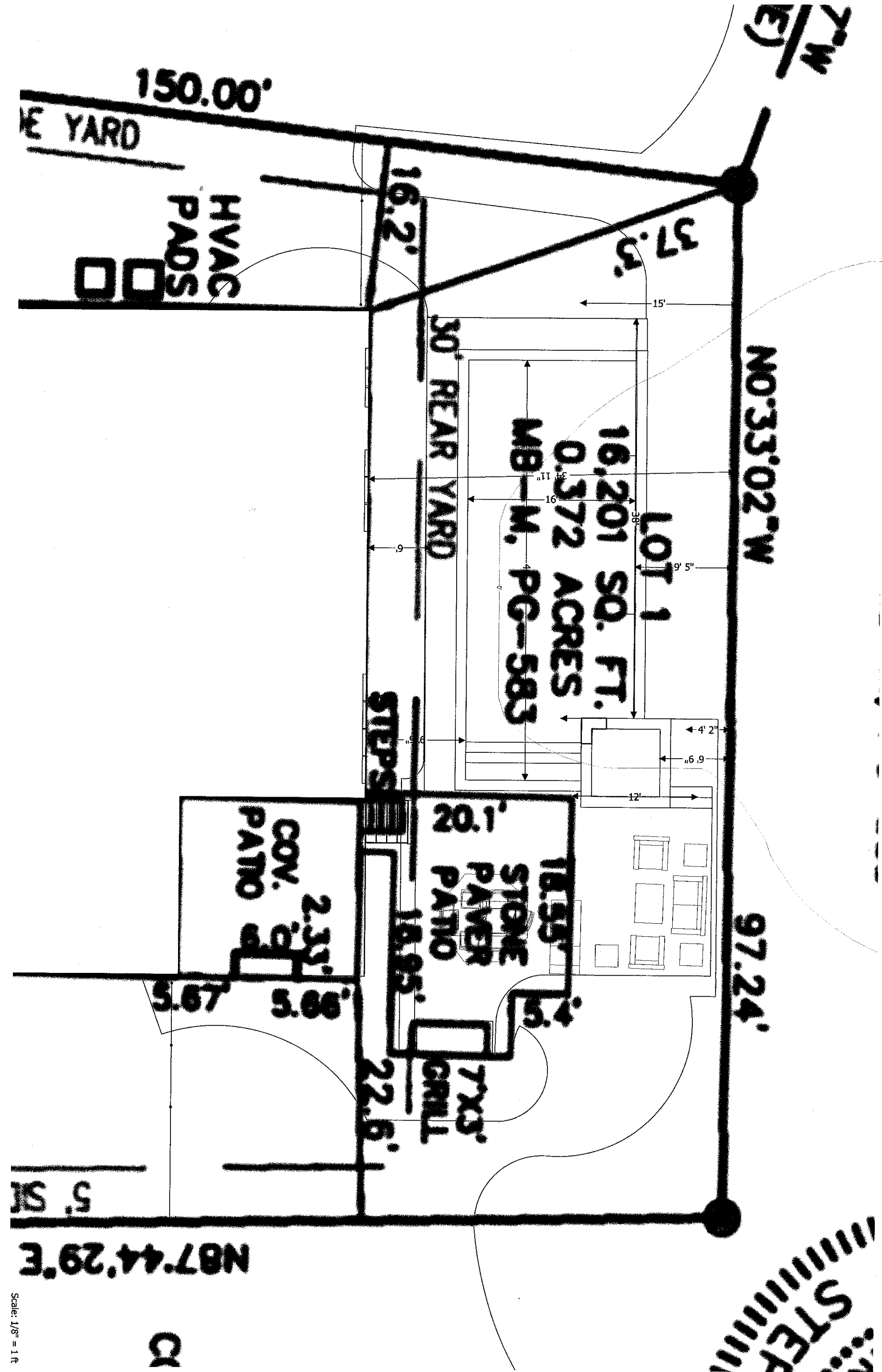
Date: 5/2/19

File #: VC1

Project Pls: SSD

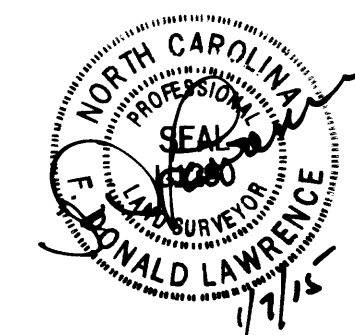
Drawn By: DFC

Surveyed By: JBT





FILED Jan 13, 2015 03:09 pm
PLAT SLIDE 0000M — 0582
INSTRUMENT 00961
FILED
UNION
COUNTY, NC
CRYSTAL CRUMP
REGISTER
OF DEEDS



Ownership of all Common Open Space (COS) and Conservation Land shall be retained by Standard Pacific of The Carolinas, LLC until such time as a Homeowners Association (HOA) entity has been created. Ownership will be conveyed to that HOA entity upon it's creation.

Site Data:
Parcel ID: 06-090-004

Zoning: R-CD (Town of Weddington)
Total Lots: 52
Smallest Lot: Lots 27, 28, 41 & 42 (13,500 sf.)

Street Data: 4,963 LF

Total Area This Map:	63.69 Ac.
Area in Right of way:	5.789 Ac.
Area in Lots:	18.583 Ac.
Area in COS:	6.83 Ac.
Area in Conservation Land:	32.17 Ac.

Minimum Lot Size: 12,000 sf.
Minimum Lot Width: 80' (Measured at Setback)

Yard Requirements:
Front Yard Setback: 30' (Measured from Street R\W)
Side Yard Setback: 5' (30' Separation for Principal Buildings)
Side Corner Setback: 15' (With Street Frontage)
Rear Yard Setback: 20'

Owner Information:
Standard Pacific Of The Carolinas, LLC
6701 Carmel Road
Suite 425
Charlotte, NC 28226
Ph. 704-759-6000
Contact: John Loberg

Engineer:
ESP Associates, P.A.
3475 Lakemont Blvd.
Fort Mill, SC 29708
Ph. 803-802-2440
Contact: Danis Simmons, PE



**LAWRENCE
ASSOCIATES**

106 W. Jefferson St.
Monroe, North Carolina 28112
P 704-289-1013 866-557-8051
F 704-283-9035
www.lawrencesurveying.com
Firm License Number: C-2856

***Final Record Plat of
Vintage Creek - Phase 1***

Owner: Standard Pacific Of The Carolinas, LLC
Town of Weddington
Sandy Ridge Township, Union County, NC

Orig. scale: 1" = 60' Date: April 7, 2014 Drawn By: JH

Sheet 1 of 8

REVISIONS

10-10-14 JH
11/12/14 FDL
11/19/14 JH
11/24/14 JH
01/06/15 JH

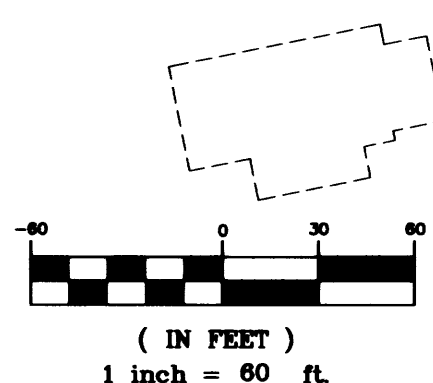
Drawn By: JH

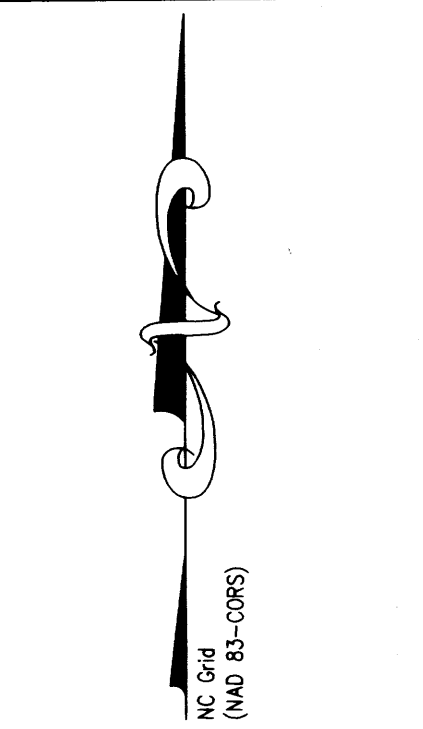
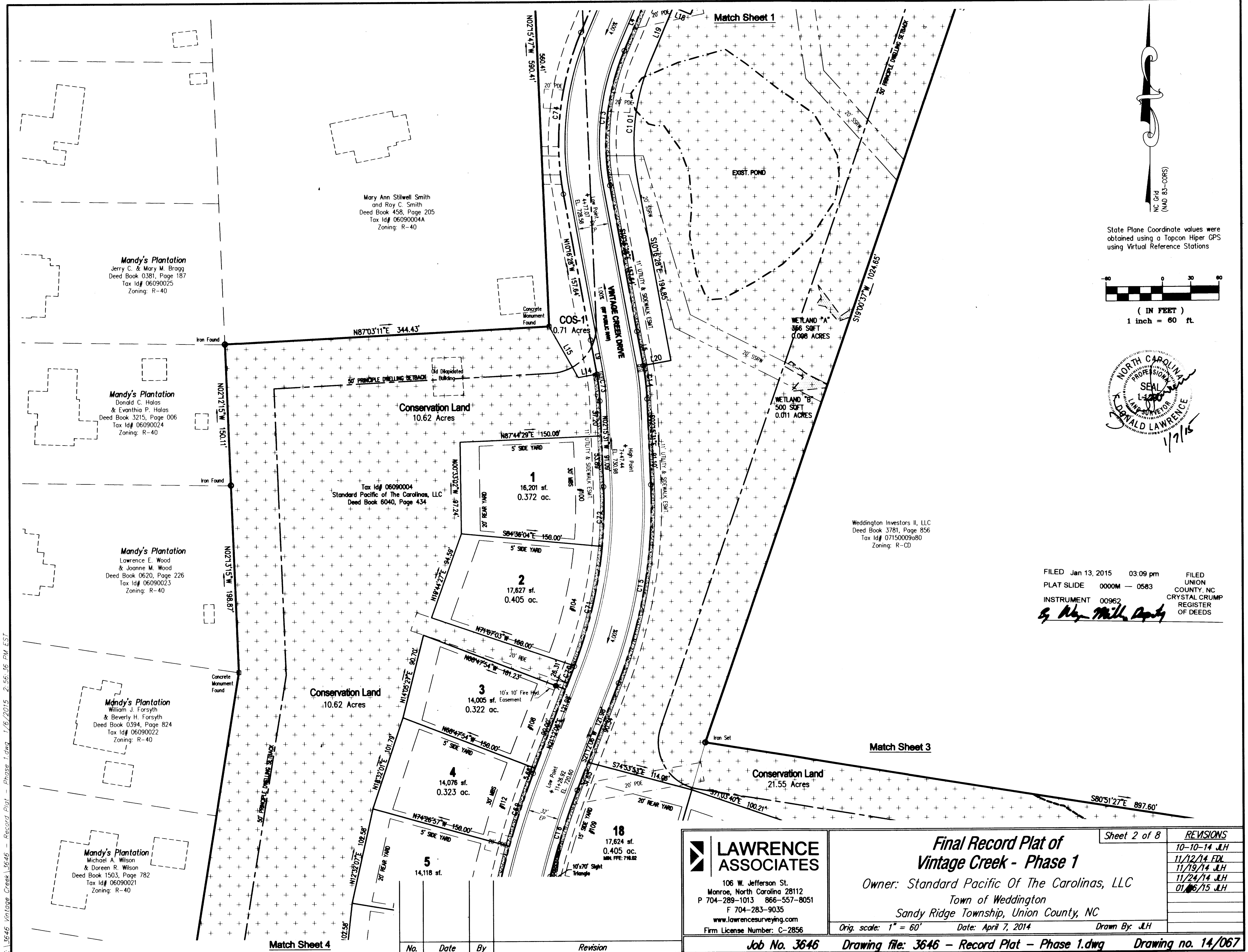
Drawing file: 3646 - Record Plat - Phase 1.dwg Drawing no. 14/067

Job No. 3646

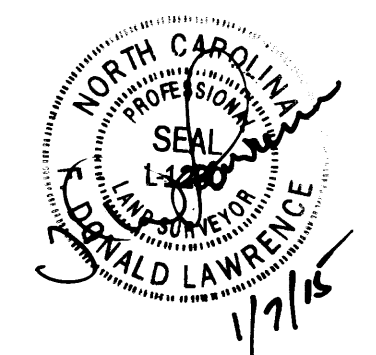
CABM File 582

3646 Vintage Creek | 3646 - Record Plat - Phase 1.dwg 1/6/2015 2:56:36 PM EST





State Plane Coordinate values were obtained using a Topcon Hiper GPS using Virtual Reference Stations



FILED Jan 13, 2015 03:09 pm
PLAT SLIDE 0000M 0583
INSTRUMENT 00962
FILED UNION COUNTY, NC
CRYSTAL CRUMP REGISTER OF DEEDS
S. R. Miller, Deputy

LAWRENCE ASSOCIATES 106 W. Jefferson St. Monroe, North Carolina 28112 P 704-289-1013 866-557-8051 F 704-283-9035 www.lawrencesurveying.com Firm License Number: C-2856	Final Record Plat of Vintage Creek - Phase 1 Owner: Standard Pacific Of The Carolinas, LLC Town of Weddington Sandy Ridge Township, Union County, NC Orig. scale: 1" = 60' Date: April 7, 2014 Drawn By: J.L.H.		Sheet 2 of 8	REVISIONS 10-10-14 J.L.H. 11/12/14 FDL 11/19/14 J.L.H. 11/24/14 J.L.H. 01/06/15 J.L.H.
	Job No. 3646 Drawing file: 3646 - Record Plat - Phase 1.dwg Drawing no. 14/067			

CAB M File 583

APPLICANT'S SUGGESTED FINDINGS OF FACT

8. The board of adjustment shall follow quasi-judicial procedures when deciding requests for variances. The board of adjustment, before granting a variance, shall make the following findings based on substantial, competent and material evidence in the record before them. **The applicant should respond to the following findings of fact as a separate attachment:**

(1) Unnecessary hardship would result from the strict application of the ordinance. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. This shall be construed to mean:

- a. The hardship results from the application of this chapter;
- b. The hardship results from the 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); and
- c. The hardship is not the result of 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 applicant would suffer unnecessary hardship from strict application of the ordinance. We believe the setbacks are in place to ensure privacy and space between neighbors when installing a pool in the backyard. This lot is very wide, but not long. This condition is not common to the neighborhood, as 5 pool permits were approved by the Town of Weddington in Vintage Creek in 2019 and there are many other neighbors in this community who were able to install pools in their backyards without requesting a rear setback variance. This home served as the model home in the subdivision and is the first lot when you drive into the subdivision. Vintage Creek is a conservation subdivision. Due to the location of this lot, no home can be built immediately behind or next to, or in front of this home. (There is a home on Lot 2). The conservation area behind the home consists of a heavily wooded area. Additionally, the fence is located well within the property line.

When the applicant purchased the property, he was only interested in homes wherein a pool was installed or where he could build a pool as his wife has had two foot surgeries due to two separate breaks in the last year. As part of her physical therapy she needs to perform non-weight bearing exercises not only for rehab but for fitness to avoid additional breaks, and a pool will greatly assist in this.

(2) That the variance is in harmony with the general purpose and intent of this chapter and preserves its spirit.

The applicant contends the variance in a reduction of the rear setbacks is in harmony with the general purpose and intent of the chapter and preserves its spirit. Privacy is maintained between all adjoining property owners. Installation of a regular shaped pool in the center of the backyard will not only preserve but improve the value of the property and maintain an attractive appearance of the neighborhood.

(3) That in granting of the variance, the public safety and welfare have been assured and substantial justice has been done.

The applicant will be able to use his property as intended and reducing the setbacks will not impact any adjoining property owners or impact public safety and welfare.

(4) That the reasons set forth in the application and the hearing justify the granting of a variance, and that the variance is a minimum use that will make possible the reasonable use of land or structures.

The pool will not be visible from the street or diminish the small -town setting of the community. Granting of the variance still complies with the Town's land use goals in that open space and scenic views will still be conserved

FILED	Apr 22, 2020
AT	03:28:00 PM
BOOK	07644
START PAGE	0518
END PAGE	0519
INSTRUMENT #	13511
EXCISE TAX	\$1,514.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$1,514.00

Parcel Identifier No. 06-090-035

Mail/Box to: Grantee, 100 Vintage Creek Drive, Weddington, NC 28104

Prepared by: Ashley Law Firm P.C., 10800 Sikes Place, Suite 100, Charlotte, NC 28277

Brief description for the Index: Lot 1, Vintage Creek, Phase 1

THIS DEED made this 17th day of February, 2020, by and between

GRANTOR	GRANTEE
Joseph Lee Malheiro and wife, Melissa Marie Malheiro c/o Morreale Real Estate Services, Inc. 455 Taft Avenue Glen Ellyn, IL 60137	Allen R. Clarke and wife, Kathleen A. Neel 100 Vintage Creek Drive Weddington, NC 28104
All or a portion of the property herein conveyed includes the primary residence of a Grantor.	

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, parcel of land or condominium unit situated in Union County, North Carolina and more particularly described as follows:

Being all of Lot 1 of Vintage Creek Subdivision, Phase 1, as same is shown on Plat Cabinet M, Files 582-589 thereof recorded in the Union County Public Registry.

Property Address: 100 Vintage Creek Drive, Weddington, NC 28104

The property hereinabove described was acquired by Grantor by instrument recorded in Book 7361 at page 796.

A map showing the above described property is recorded in Plat Cabinet M at Files 582-589.

Submitted electronically by "Ashley Law Firm P.C."
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Union County Register of Deeds.


TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

There is excepted from these warranties all such valid and enforceable easements, conditions and restrictions as may appear of record, and the lien of ad valorem taxes for the current year which the Grantee(s) hereby assume and agree to pay.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.



Melissa Marie Malheiro


Joseph Lee Malheiro

State of NORTH CAROLINA, MECKLENBURG County.

I, a notary public, certify that Joseph Lee Malheiro personally appeared before me this day and whom I personally identified by a current government issued picture identification in the form of DRIVER LICENSE, and being duly sworn acknowledged the voluntary execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and official stamp or seal, this 17 day of FEBRUARY, 2020.

My commission expires: DEC 9th 2020  (notary signature)
(NOTARY SEAL BELOW)

SARAH PATO, Notary Public
(print notary name)

State of NORTH CAROLINA, MECKLENBURG County.

I, a notary public, certify that Melissa Marie Malheiro personally appeared before me this day and whom I personally identified by a current government issued picture identification in the form of DRIVER LICENSE, and being duly sworn acknowledged the voluntary execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and official stamp or seal, this 17 day of FEBRUARY, 2020.

My commission expires: DEC 9th 2020  (notary signature)
(NOTARY SEAL BELOW)

SARAH PATO, Notary Public
(print notary name)

Residential Property Agent Full

100 Vintage Creek Drive, Weddington NC 28104-6122

CMLS#: **3602171**
 Status: **Active**
 Subdivision: **Vintage Creek**

Category: **Single Family**
 Tax Location: **Weddington**
 Tax Value: **\$547,200**
 Deed Ref: **7361-796**
 Approx Lot Dim: **117X150X97X150**

Parcel ID: **06-090-035**
 County: **Union**
 Zoning: **RES**
 Plat Book/Slide:
 Block/Section:
 Elevation:

List Price: **\$769,000**

Legal Desc: **#1 VINTAGE CREEK PH1 OPCM582-589**
 Approx Acres: **0.37**
 Lot Desc: **Private**



General Information

Type: **2 Story**
 Style: **Transitional**
 Construction Type: **Site Built**

School Information

Elem: **Antioch**
 Middle: **Weddington**
 High: **Weddington**

HLA

Main: **2,620**
 Upper: **1,668**
 Third: **0**
 Lower: **0**
 Bsmnt: **0**

Unheated Sqft

Main: **524**
 Upper: **91**
 Third: **0**
 Lower: **0**
 Bsmnt: **0**

Bldg Information

Beds: **6**
 Baths: **5/1**
 Year Built: **2015**
 New Const: **No**
 Prop Compl Date:
 Construct Status:
 Builder:
 Model:

Above Grade: **4,288**
 Total: **4,288**

Total: **615**

Additional Sqft: **0** Garage Sqft: **729**

Additional Information

Prop Fin: **Cash, Conventional, VA**
 Assumable: **No** Occupant Type: **Owner**
 Ownership: **Seller owned for less than one year**
 Special Conditions: **Relocation**
 Road Responsibility: **Publicly Maintained Road**

Recent: **03/12/2020 : NEWS : ->ACT**

Room Information

Room Level	Beds	Baths	Room Type
Main	2	2/1	Bar/Entertainment, Bathroom(s), Bed/Bonus, Breakfast, Dining Room, Entry Hall, Foyer, Great Room, Kitchen, Laundry, Master Bedroom, Mud, Pantry
Upper	4	3/0	Bar/Entertainment, Bathroom(s), Bedroom(s), Bed/Bonus, Loft

Features

Parking: **Attached Garage, Garage - 3 Car, Garage Door Opener, Side Load Garage, Other** Main Level Garage: **Yes**
 Other Parking: **Extra custom paver parking space to left side of garage.**
 Driveway: **Brick** Doors/Windows:
 Laundry: **Main** Fixtures Exceptions: **No**
 Foundation: **Crawl Space**
 Fireplaces: **Yes, Great Room, Porch**
 Floors: **Carpet, Tile, Wood**
 Equip: **Ceiling Fan(s), CO Detector, Cable Prewire, Cooktop Gas, Double Oven, Disposal, Electric Dryer Hookup, Exhaust Fan, Gas Range, Ice Maker Connection, Microwave, Network Ready, Other - See Media/Remarks, Exhaust Hood, Self Cleaning Oven, Security System, Surround Sound, Wall Oven, g-Energy Star® Dishwasher, Gas Oven**
 Comm Features: **Picnic Area, Pond, Sidewalk, Street Lights**
 Interior Feat: **Attic Walk-in, Breakfast Bar, Built-Ins, Kitchen Island, Open Floorplan, Pantry, Walk-In Closet(s), Walk-In Pantry, Wet Bar, Window Treatments, Other - See Media/Remarks**
 Accessibility Features: **2 or More Access Exits**
 Exterior Feat: **Fenced Yard, In-Ground Gas Grill, In-Ground Irrigation, Other - See Media/Remarks**
 Exterior Covering: **Fiber Cement, Stone Veneer**
 Porch: **Back, Covered, Front, Patio, Screened, Side** Roof: **Architectural Shingle**
 Utilities


Sewer: **City Sewer** Water: **City Water**
 Wtr Htr: **Electric**
 HVAC: **Central Air, Gas Hot Air Furnace, Multizone A/C, MultiZone Heat**
 Association Information

Subject To HOA: **Required** Subj to CCRs: **Yes** HOA Subj Dues: **Mandatory**
 HOA Management: **Braesael Management Company** HOA Phone: Assoc Fee: **\$186/Quarterly**
 Remarks

Public Remarks: **Previous MODEL HOME with upgrades & luxury design features not available to others! Master Down + 2nd bedroom & 2nd full bath down too. Stunning 6 Bedroom, 5.5 Bath home opens to Grand Foyer w/ Curved Staircase! 3- Car Garage with custom storage. Gorgeous paver driveway & sidewalks, mature Model Home landscaping & private, fenced backyard with paver patio, built-in gas grill + large screened porch with fireplace & television. Open floor plan with huge kitchen/breakfast area adjoining great room & porch - perfect for entertaining! Beautiful hardwoods on both floors. Large loft entertainment space + very large Bonus/6th Bedroom with full bath includes 3 giant TVs. Home surrounded by community tree conservation land buffer... No home will be built behind, in front or on the other side of home for extra privacy. Model Home was purchased from the builder 10 months ago and improved with new fence, plantation shutters, new carpets, new garage storage, etc. This home is stunning!!!**
 Agent Remarks: **See ATTACHMENTS for E-MAILABLE FULL COLOR BROCHURE! All window treatments, wall-mount TV on screened porch + 3 wall-mount TVs in upstairs bonus room to remain! Wine fridge in bonus room + butler's pantry do not convey. See all attachments from RELOCATION, RIDERS, preferred lenders. Seller is Graebel Relocation Services Worldwide. Your buyers are getting an amazing opportunity for a dream home due to seller's relocation. Relo just did many inspections and report items are being addressed.**
 Instructions: **Showing Service**

Listing/Agent/Office Information

DOM: **12** CDOM: **12** TOM Dt: Expiry Dt:
 Mkt Dt: **03/12/20** UC Dt: DDP-End Date: With Dt:

Agent/Own:	No	List Type:	Exclusive Right
For Appointment Call:	800-746-9464	Agent Phone:	704-400-3760
Listing Agent:	<u>Jesse Samples (59118)</u> 	Office Phone:	704-849-8300
Listing Office:	<u>Allen Tate Providence @485 (810012)</u>	Transaction Broker:	Bonus:
Buyer Agency:	3%	Seller Name:	W/H
Named Prosp:	No	Full Service:	Yes
Web Url:	Sub Agency: 0% Dual/Var: No		

Prepared By: Lynn Beaulieu



Vintage Creek
100 Vintage Creek Drive



JesseSamples.com

Broker/Realtor
Licensed in NC & SC

(704)400-3760

Jesse.Samples@AllenTate.com

www.CharlotteHomeExpert.com

10851 Providence Road
Charlotte, NC 28277



We'll Get You Moving!



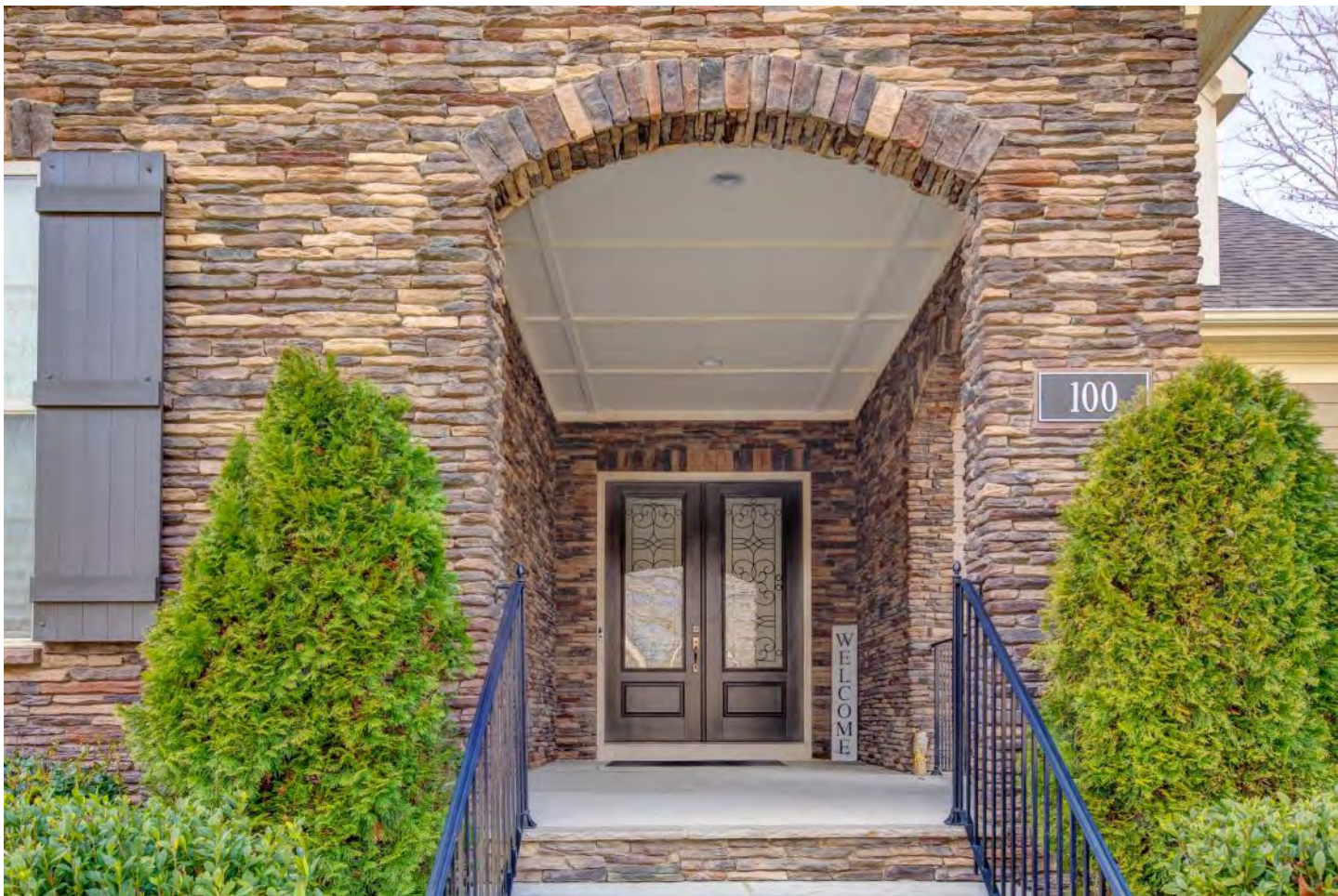
Sarah.Samples@AllenTate.com



SarahSamples.com

Broker/Realtor, *GRI, SFR, ASP*
Licensed in NC & SC

(704)507-7008



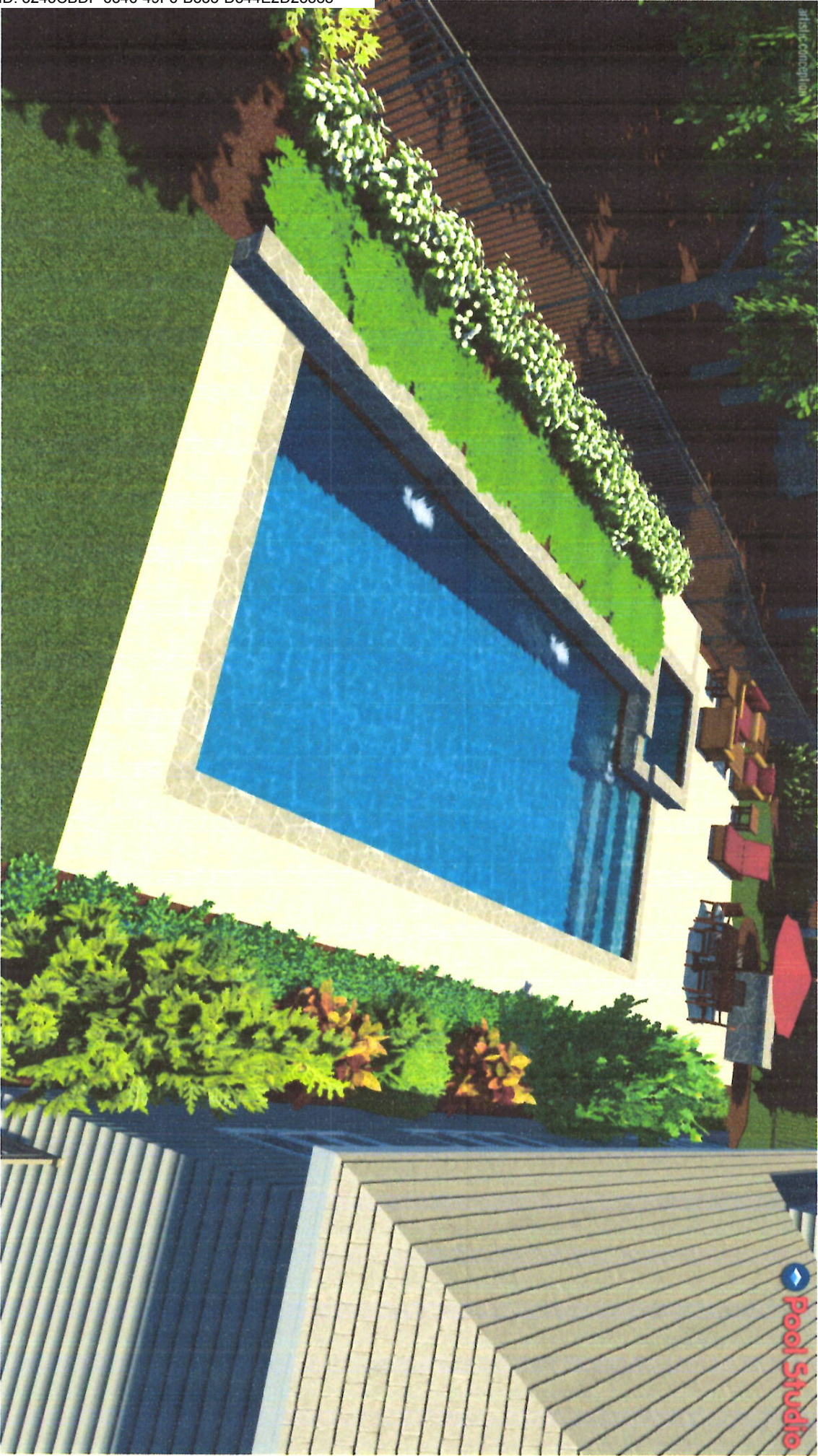


Welcome Home









TOWN OF W E D D I N G T O N

MEMORANDUM

TO: Board of Adjustment

FROM: Lisa Thompson, Town Administrator/Planner

DATE: June 15, 2020

SUBJECT: Variance Application - 58-8(a)(4)a and 58-8(a)(4)f Screening and Landscaping

Application Information

Date of Application: May 18, 2020
Applicant & Owner Name: Wesley Chapel Volunteer Fire Department
Parcel ID#: 06177015B
Property Location: 306 Reid Dairy Road
Zoning: R-40
Existing Use: Vacant
Parcel Size: 1.718 Acres

Request

The Wesley Chapel Volunteer Fire Department seek a variance from the Weddington Code of Ordinances Section 58-8(a)(4)a and 58-8(a)(4)f titled Screening and Landscaping to provide relief from the rear yard buffer requirements due to an overhead powerline.

Background and Site Information

The subject property is located at the northeast corner of Rea and Reid Dairy Rd. (attachment 1).

The property was rezoned from R-60 to R-40 on April 9, 2018 (attachment 2).

The property was then rezoned as a conditional district for a fire department use on June 11, 2018 (attachment 3).

Construction plans were submitted, including a landscape plan which showed a powerline easement over the rear yard buffer. The entire buffer is within 18' of the powerline. (attachment 4)

The chart under Section 58-8(a)(14)a only allows small maturing trees within 0-18' of the powerline. (attachment 5)

The zoning ordinance section 58-8(a)(4)a requires 40% of the trees to be large mature trees and 58-8(a)(4)f requires 25% of the trees to be evergreen. (attachment 5).

A Zuni Crape Myrtle, which is a small maturing tree, was chosen and approved by the Union Power arborist as an appropriate tree under the powerlines. (attachment 6)

Justification Statement

That applicant seeks a variance to allow for small maturing deciduous trees due to the size and shape of the lot and the presence of overhead powerlines. (attachment 7)

Variance Requirements

The required buffer includes 40% of the trees to be large mature trees and 25% to be evergreen.

The applicant requests relief to plant small maturing deciduous trees due to the overhead powerlines.

The proper notices were sent by staff to all adjacent property owners and a sign was placed on the subject site at least 10 days prior to the date of the meeting.

Per the Weddington Code of Ordinances Section 58-233, the Board of Adjustment, when considering whether to approve an application for a variance request, shall review the following findings and make the decision based on substantial, competent and material evidences in the record:

(1) Unnecessary hardship would result from the strict application of the ordinance. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. This shall be construed to mean:

- a. The hardship results from the application of this chapter;
- b. The hardship results from the 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.); and
- c. The hardship is not the result of 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.)

(2) That the variance is in harmony with the general purpose and intent of this chapter and preserves its spirit.

(3) That in the granting of the variance, the public safety and welfare have been assured and substantial justice has been done.

(4) That the reasons set forth in the application and the hearing justify the granting of a variance, and that the variance is a minimum one that will make possible the reasonable use of land or structures.

If the Board is of the opinion that the above required findings can be made to approve the variance, staff recommends the site be subject to the following conditions:

All necessary zoning permits are obtained from the Town and other applicable outside agencies.

Exhibits included in Variance Packet:

Attachment 1- Map
Attachment 2- Zoning Approval Letter
Attachment 3 – Conditional Zoning Approval Letter
Attachment 4 – Landscape Plan
Attachment 5- Excerpt from Zoning Ordinance
Attachment 6 – Tree Appendix
Attachment 7 - Application

Zoning Map

WEDDINGTON

NORTH CAROLINA



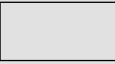


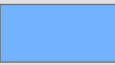



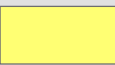
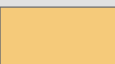

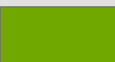
Subject Property

REID DAIRY

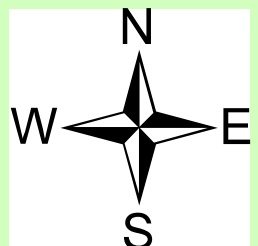
REA

CRANE

Legend

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	B1 (CD)
	B2 (CD)
	ED
	MX
	R-40
	R-40D
	R-60
	R-80
	R-CD
	RE

40 70 0 140 Feet





TOWN OF WEDDINGTON

www.townofweddington.com

1924 Weddington Road Weddington NC 28104 Tel: (704) 846-2709 Fax: (704) 844-6372

April 24, 2018

Wesley Chapel Volunteer Fire Department
315 Waxhaw Indian Trail Road
Waxhaw, NC 28173

To Whom It May Concern,

This letter serves to provide approval for the rezoning of a portion of parcel 06177015 from R-60 to R-40 at the northeast corner of Rea Road and Reid Dairy Road. The Town Council approved the rezoning on April 9, 2018.

Please contact our office if you have any questions.

Sincerely,

Lisa Thompson
Administrator/Planner

CC: Paul Bielicki



TOWN OF WEDDINGTON

www.townofweddington.com

1924 Weddington Road Weddington NC 28104 Tel: (704) 846-2709 Fax: (704) 844-6372

June 12, 2018

Wesley Chapel Volunteer Fire Department
315 Waxhaw Indian Trail Road
Waxhaw NC 28173

To Whom It May Concern

This letter serves to provide zoning approval for the conditional rezoning for the Wesley Chapel Volunteer Fire Department – Fire Station, located at the northeast corner of Rea and Reid Dairy Road (p/o parcel 06177015). The Town Council approved the rezoning plan set dated 4/5/2018 with conditions on June 11, 2018.

The approved conditions are as follows:

1. One-way traffic is noted on the site plan.
2. Site plan approval is conditioned on approval of the right-of-way abandonment.
3. County septic and water plans to be approved by Union County Public Works.
4. All signage must comply with *Chapter 58, Article 5* of the *Weddington Code of Ordinances* which includes Planning Board review and approval.
5. Any future proposed Lighting Plan must be approved by the Town Council and shall comply with Town Lighting Ordinance.
6. Prior to commencement of construction, Construction Documents shall be approved by the Weddington Town Council in accordance with *Section 58-271* of the *Weddington Code of Ordinances*. Any significant changes to the site plan shall cause the applicant to resubmit through the conditional rezoning process.
7. Prior to commencement of construction, the applicant must obtain approved driveway permits from DOT.
8. Applicant must align the landscape buffer requirements with the proposed stormwater management design at construction document submittal to ensure that grading within the buffers does not infringe on the buffer requirements.

Please contact our office if you have any questions.

Sincerely,

Lisa Thompson
Town Administrator/Planner

PLANTING NOTES

1. MINIMUM TREE SIZE AT PLANTING IS 2" CALIPER AND 8' TALL FOR SINGLE-STEM TREES. ALL MULTI-STEM PLANTS MUST BE TREE FORM. MAXIMUM 3 TO 5 TRUNKS, AND MINIMUM 10' TALL. WHERE 3" SINGLE-STEM CALIPER TREES ARE SPECIFIED/REQUIRED THE MINIMUM HEIGHT SHALL BE 10' TALL, IF MULTI-STEM TREES ARE SPECIFIED THEN THEY SHALL BE A MINIMUM OF 12' TALL.
2. ALL NEW TREES MUST HAVE STRAIGHT TRUNKS WITH STRONG CENTRAL LEADERS INTACT TO THE TOP OF THE CROWN UNLESS MULTI-STEM TREES ARE SPECIFIED. ALL REQUIRED TREES SHALL BE TYPICAL OF THEIR SPECIES AND VARIETY. HAVE NORMAL GROWTH HABITS, HAVE WELL-DEVELOPED BRANCHES, BE VIGOROUS AND HAVE FIBROUS ROOT SYSTEMS. TREES WITH MAJOR GIRDLING ROOTS WILL NOT BE ACCEPTED. TREES WITH CO-DOMINANT BRANCHING WILL NOT BE ACCEPTED. TREES THAT HAVE BEEN SHEARED, TOPPED OR CUT BACK TO MULTIPLY THE BRANCHING STRUCTURE WILL NOT BE ACCEPTED. TREES SHALL BE FREE OF ABRASIONS, DAMAGE, DISEASE, PESTS AND CRACKS. ALL PRUNING CUTS GREATER THAN 1/2 INCH DIAMETER SHALL HAVE CALLUS TISSUE FORMED PRIOR TO PLANTING. NO PRUNING CUT ON THE TRUNK SHALL BE MORE THAN ONE-HALF THE DIAMETER OF THE CENTRAL LEADER AT THE HEIGHT WHERE THE CUT WAS MADE. ROOT FLARES SHALL BE LOCATED AT GRADE. TREES WITH MORE THAN 2" OF SOIL COVERING THE ROOT BALL/FLARE FROM WILL NOT BE ACCEPTED (PLDS #40.09).
3. SIZE OF REQUIRED PLANTS, SPREAD OF ROOTS AND SIZE OF BALLS SHALL BE IN ACCORDANCE WITH ANSI Z60.1 (LATEST EDITION) AS PUBLISHED BY THE AMERICAN NURSERY & LANDSCAPE ASSOCIATION, EXCEPT WHERE SPECIFIED/AUTHORIZED BY URBAN FORESTRY.
4. ALL REQUIRED TREES OF A PARTICULAR SPECIES AND VARIETY SHALL BE UNIFORM IN SIZE AND CONFIGURATION.
5. ALL STRAPPING, AND TOP 1/3 OF WIRE BASKET AND BURLAP MUST BE CUT AWAY AND REMOVED FROM ROOT BALL WHEN PLANTING.

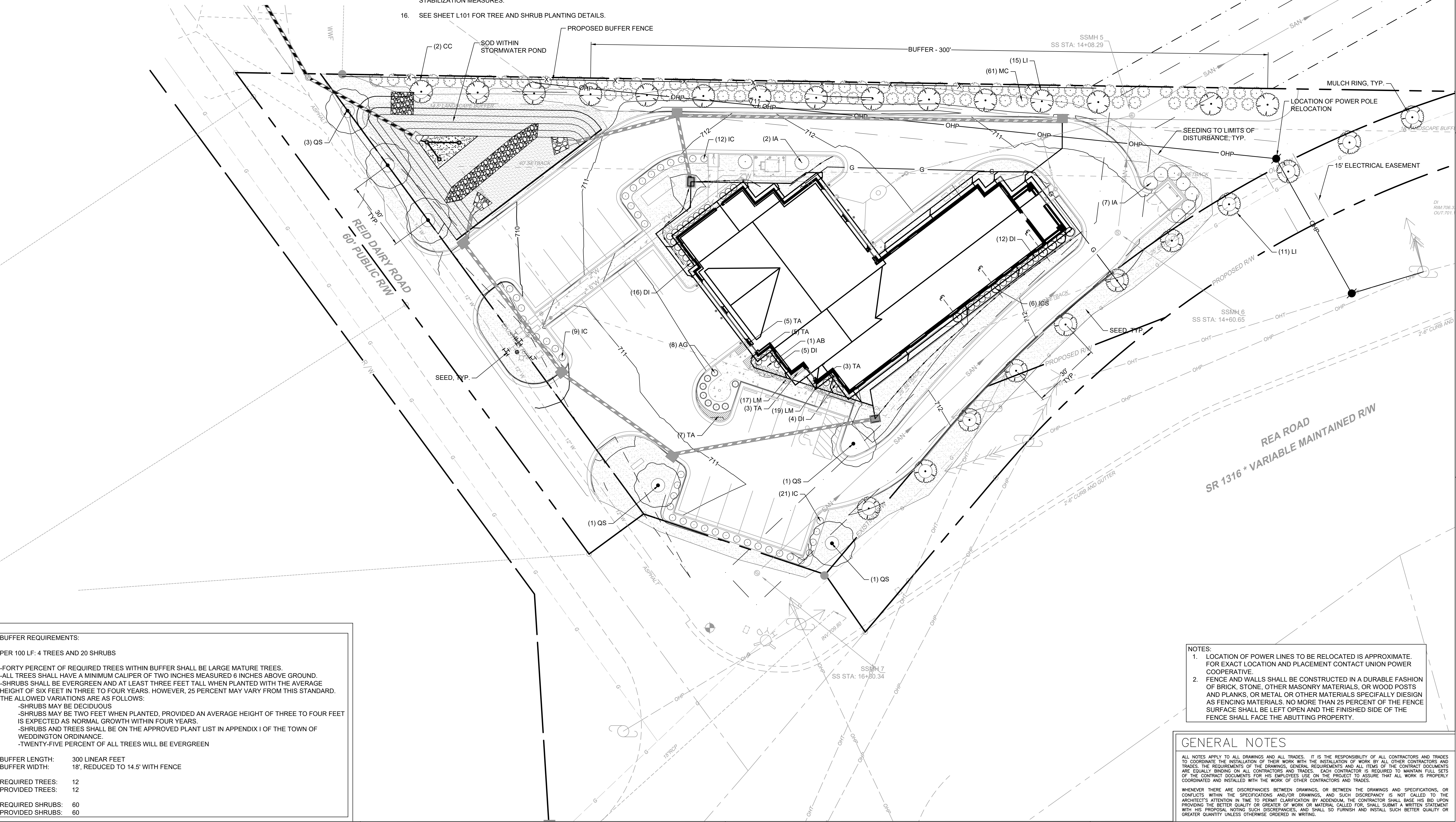
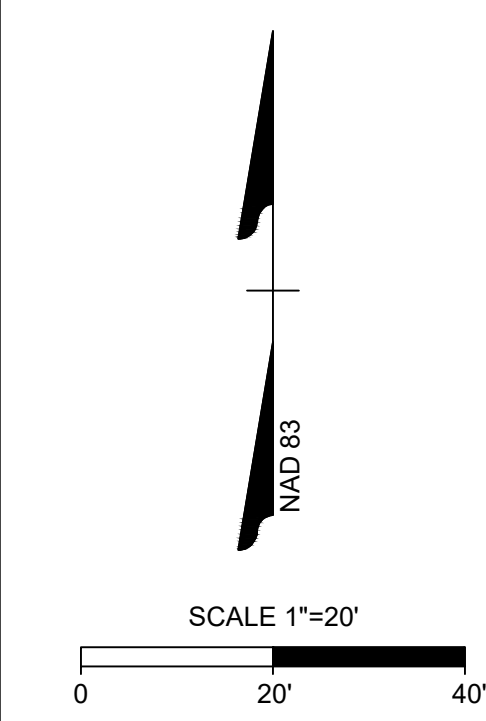
6. FOR NEW PLANTING AREAS, REMOVE ALL PAVEMENT, GRAVEL SUB-BASE AND CONSTRUCTION DEBRIS; REMOVE COMPACTED SOIL AND ADD 18" NEW TOPSOIL, OR TILL AND AMEND THE TOP 18" OF EXISTING SOIL TO MEET TOPSOIL/PLANTING MIX STANDARDS FOR TREES (WITHIN ENTIRE MINIMUM AREA OF 274 SQUARE FEET).
7. TREES PLANTED ON PUBLIC PROPERTY WILL NEED APPROVAL FROM THE TOWN ARBORIST/INSPECTOR..
8. IF ANY UTILITY IS BEING INSTALLED IN OR NEAR ANY REQUIRED TREE(S), CALL TOWN ARBORIST TO RESOLVE PRIOR TO UTILITY INSTALLATION.
9. LARGE MATURING TREES MAY NOT BE PLANTED WITHIN 25' OF OVERHEAD POWER DISTRIBUTION OR TRANSMISSION LINES.
10. IF TREES CONFLICT WITH ANY UTILITIES OR SIGNS; CALL TIMMONS GROUP TO RESOLVE BEFORE PLANTING.
11. ADJUST TREE PLANTING LOCATIONS TO AVOID EXISTING UNDERGROUND UTILITIES. PLANT 10' FROM ALL UNDERGROUND UTILITIES.
12. COMMERCIAL SCALE LIGHTING (> 15' IN HEIGHT) MUST BE A MINIMUM DISTANCE OF 30' FROM A TREE. PEDESTRIAN SCALE LIGHTING (≤ 15' IN HEIGHT) MUST BE A MINIMUM DISTANCE OF 15' FROM A TREE.
13. TREE PROTECTION MUST BE INSTALLED AND VERIFIED BY TOWN ARBORIST/INSPECTOR PRIOR TO STARTING ANY CONSTRUCTION ACTIVITY.
14. ALL TREES ON PUBLIC PROPERTY ARE PROTECTED AND REMOVAL MUST BE PERMITTED BY THE TOWN ARBORIST.
15. FOR GRADED AREAS NOT SHOWN TO RECEIVE SEEDING/SODDING, SEE EROSION CONTROL PLANS FOR STABILIZATION MEASURES.
16. SEE SHEET L101 FOR TREE AND SHRUB PLANTING DETAILS.

PLANT SCHEDULE

TREES	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CAL	HT	SPAC	REMARKS
AB	1	ACER BURGERIANUM	TRIDENT MAPLE	B&B	2.5"	10' MIN.	A.I.	SINGLE STEM, CENTRAL LEADER
LI	26	LAGERSTROEMIA INDICA X FAURIEI 'ZUNI'	ZUNI CRAPE MYRTLE	B&B	2"	8' MIN.	A.I.	SINGLE STEM
IA	9	ILEX X ATTENUATA 'SAVANNAH'	SAVANNAH HOLLY	B&B	2"	6' MIN.	A.I.	FULL TO GROUND
QS	6	QUERCUS SHUMARDI	SHUMARD OAK	B&B	3.5"	12' MIN.	A.I.	SINGLE STEM, CENTRAL LEADER, MIN. 5' CLEAR TRUNK, MAX 7'

SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HT	SPR	SPAC	REMARKS
AS	8	ABELIA X GRANDIFLORA 'KALEIDOSCOPE'	KALEIDOSCOPE ABELIA	5 GAL	15"	12"	A.I.	
DI	37	DISTYLUM 'PIDIST-II PLANT PATENT 24,409'	BLUE CASCADE EVERGREEN DISTYLUM	5 GAL	18"	24"	A.I.	
IC	42	ILEX CORNUTA 'BURFORDII NANA'	DWARF BURFORD HOLLY	5 GAL	30"	20"	A.I.	FULL TO GROUND
ICS	6	ILEX CRENATA 'STEEDS'	STEEDS UPRIGHT JAPANESE HOLLY	7 GAL	30"	24"	A.I.	FULL TO GROUND
LM	36	LIRIOPE MUSCARI 'BIG BLUE'	BIG BLUE LILYTURF	1 GAL	8"	6"	A.I.	
MC	61	MYRICIA CERIFERA	SOUTHERN WAX MYRTLE	7 GAL	30"	24"	A.I.	FULL TO GROUND
TA	23	TRACHELOSPERMUM ASIATICUM 'HOSNS'	SNOW-N-SUMMER ASIATIC JASMINE	3 GAL	8"	15"	A.I.	

GRND CVR	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HT	SPR	SPAC	REMARKS
TURF	SF	NAME						REMARKS
TURF	A.I.	TALL FESCUE (SEED OR SOD)						



BUFFER REQUIREMENTS:

PER 100 LF: 4 TREES AND 20 SHRUBS

-FORTY PERCENT OF REQUIRED TREES WITHIN BUFFER SHALL BE LARGE MATURE TREES.
-ALL TREES SHALL HAVE A MINIMUM CALIPER OF TWO INCHES MEASURED 6 INCHES ABOVE GROUND.
-SHRUBS SHALL BE EVERGREEN AND AT LEAST THREE FEET TALL WHEN PLANTED WITH THE AVERAGE HEIGHT OF SIX FEET IN THREE TO FOUR YEARS. HOWEVER, 25 PERCENT MAY VARY FROM THIS STANDARD. THE ALLOWED VARIATIONS ARE AS FOLLOWS:
-SHRUBS MAY BE DECIDUOUS
-SHRUBS MAY BE TWO FEET WHEN PLANTED, PROVIDED AN AVERAGE HEIGHT OF THREE TO FOUR FEET IS EXPECTED AS NORMAL GROWTH WITHIN FOUR YEARS.
-SHRUBS AND TREES SHALL BE ON THE APPROVED PLANT LIST IN APPENDIX I OF THE TOWN OF WEDDINGTON ORDINANCE.
-TWENTY-FIVE PERCENT OF ALL TREES WILL BE EVERGREEN

BUFFER LENGTH: 300 LINEAR FEET
BUFFER WIDTH: 18", REDUCED TO 14.5' WITH FENCE

REQUIRED TREES: 12
PROVIDED TREES: 12

REQUIRED SHRUBS: 60
PROVIDED SHRUBS: 60

- NOTES:
1. LOCATION OF POWER LINES TO BE RELOCATED IS APPROXIMATE. FOR EXACT LOCATION AND PLACEMENT CONTACT UNION POWER COOPERATIVE.
 2. FENCE AND WALLS SHALL BE CONSTRUCTED IN A DURABLE FASHION OF BRICK, STONE, OTHER MASONRY MATERIALS, OR WOOD POSTS AND PLANKS, OR METAL OR OTHER MATERIALS SPECIFICALLY DESIGN AS FENCING MATERIALS. NO MORE THAN 25 PERCENT OF THE FENCE SURFACE SHALL BE LEFT OPEN AND THE FINISHED SIDE OF THE FENCE SHALL FACE THE ABUTTING PROPERTY.

GENERAL NOTES

ALL NOTES APPLY TO ALL DRAWINGS AND ALL TRADES. IT IS THE RESPONSIBILITY OF ALL CONTRACTORS AND TRADES TO COORDINATE THE INSTALLATION OF THEIR WORK WITH THE INSTALLATION OF WORK BY ALL OTHER CONTRACTORS AND TRADES. THE REQUIREMENTS OF THE DRAWINGS, GENERAL REQUIREMENTS AND ALL ITEMS OF THE CONTRACT DOCUMENTS ARE EQUALLY BINDING ON ALL CONTRACTORS AND TRADES. EACH CONTRACTOR IS REQUIRED TO MAINTAIN FULL SETS OF THE CONTRACT DOCUMENTS FOR HIS EMPLOYEES USE ON THE PROJECT TO ASSURE THAT ALL WORK IS PROPERLY COORDINATED AND INSTALLED WITH THE WORK OF OTHER CONTRACTORS AND TRADES.

WHENEVER THERE ARE DISCREPANCIES BETWEEN DRAWINGS, OR BETWEEN THE DRAWINGS AND SPECIFICATIONS, OR CONFLICTS WITHIN THE SPECIFICATIONS AND/OR DRAWINGS, AND SUCH DISCREPANCY IS NOT CALLED TO THE ARCHITECT'S ATTENTION IN TIME TO PERMIT CLARIFICATION BY ADDENDUM, THE CONTRACTOR SHALL BASE HIS BID UPON PROVIDING THE BETTER QUALITY OR GREATER OF WORK OR MATERIAL CALLED FOR, SHALL SUBMIT A WRITTEN STATEMENT WITH HIS PROPOSAL, NOTING SUCH DISCREPANCIES, AND SHALL SO FURNISH AND INSTALL SUCH BETTER QUALITY OR GREATER QUANTITY UNLESS OTHERWISE ORDERED IN WRITING.

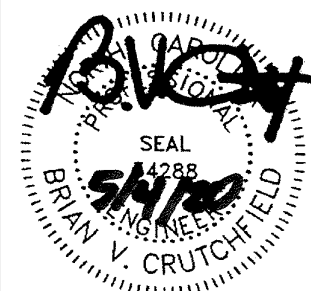
Project No.
1619

Date: 05.04.2020
Drawn by: JH
Checked by: BVC
Revisions: 0



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WESLEY CHAPEL
VOLUNTEER FIRE STATION NO. 44
WEDDINGTON, NC

LANDSPACING PLAN

Sheet Number

L100

Sec. 58-8. - Screening and landscaping.

- (a) Screening required by any of the following or by any other section of this chapter shall be provided in accordance with the following standards:
- (1) Such screening shall be located on the property with the use with which it is associated or required, and shall materially screen the subject use from the view of the adjoining properties. Screening shall be in the form of all natural material, including brick with no exposed cement block. When screening is in the form of natural vegetation, a buffer strip at least ten feet wide shall be planted. This strip shall be free of all encroachments by building, parking areas or impervious coverage.
 - (2) Buffer requirements include a given minimum distance separation from the property line and required planting trees and shrubs within the buffer. The minimum buffer requirements, which are based on the size of the lot, shall be as listed in the following table:

TABLE 58-8

ACRES	less than 0.5	0.5	1.0	1.5	2.0	2.5	3.0	3.5	4.0	4.5	5.0	5.5	6.0	6.5	7.0	7.5	8.0	8.5	9.0	9.5	10 or more
WIDTH *	10	12	14	16	18	20	22	24	26	28	30	32	34	36	38	40	42	44	46	48	50
TREES (per 100 ft)	3;arrowrt;		4;arrowrt;			5;arrowrt;			6;arrowrt;			7;arrowrt;			8;arrowrt;			9			
SHRUBS (per 100 ft)	20;arrowrt;																				20

*The minimum width of a buffer may be reduced by an additional 20 percent if a fence or wall is constructed in accordance with these regulations.

ft = feet

- (3) The width of the buffer may be reduced by 20 percent if a wall or fence is provided that meets the following standards:
 - a. Any fence or wall shall be constructed in a durable fashion of brick, stone, other masonry materials, or wood posts and planks, or metal or other materials specifically designed as fencing materials, or any combination thereof as may be approved by the zoning

administrator. No more than 25 percent of the fence surface shall be left open, and the finished side of the fence shall face the abutting property. A chainlink fence with plastic, metal or wooden slats may not be used to satisfy the requirements of this section when abutting residential uses and districts;

- b. Walls and fences shall be a minimum height of six feet;
- (4) Required trees and shrubs within the buffer shall meet the following standards:
- a. Forty percent of the required trees within the buffer shall be large mature trees;
 - b. All trees shall have a minimum caliper of two inches measured six inches above ground at the time of planting;
 - c. Shrubs shall be evergreen and at least three feet tall when planted with the average height of six feet in three to four years. However, 25 percent of the shrubs may vary from this standard. The allowed variations are as follows:
 - 1. Shrubs may be deciduous;
 - 2. Shrubs may be two feet tall when planted, provided an average height of three to four feet is expected as normal growth within four years; or
 - 3. Shrubs planted on a berm may be of lesser height, provided the combined height of the berm and plantings is at least eight feet after four years.
 - d. Shrubs and trees shall be on the approved plant list in appendix I to chapter 58;
 - e. All specifications for the measurement, quality, and installation of trees and shrubs shall be in accordance with the American Standards for Nursery Stock published by the American Association of Nurserymen, and shall be free of disease; and
 - f. Twenty-five percent of all trees will be evergreen.
- (5) Landscaping buffers will have an arrangement of trees and shrubs in the buffer area, which shall be done in a manner that provides a visual separation between abutting land uses. Shrubs shall be massed in rows or groups to achieve the maximum screening effect. Guidelines for the arrangement of plant material are illustrated in table 58-8.
- (6) In the event that it can be demonstrated that existing vegetation meets the intent of this section, but the plant materials are not on the approved list, the zoning administrator may waive the requirements for plant materials. If a plant material is not on the approved list, the zoning administrator may determine whether it is acceptable.
- (7) Berms may be used as screening, provided such berms are at least six feet in height with a maximum slope of 4:1, as measured from the exterior property line.
- a. Berms shall be stabilized to prevent erosion and landscaped; and
 - b. If a berm is constructed, shrubs are required but the number may be reduced by 25 percent. However, constructing a berm does not modify the number of trees required.
- (8) Required buffers shall not be disturbed for any reason except for required driveways, sidewalks, or other pedestrian or bicycle paths, walls, fences, or required landscaping, landscaping maintenance or replacement, or maintenance and construction of berms, or utility lines. However, utility line construction must meet the following requirements:
- a. The removal of any tree larger than six inches in caliper or any dogwood or redbud larger than two inches in caliper shall require the approval of the zoning administrator;
 - b. No utility easements shall run longitudinally within a buffer yard.
- (9) To the extent possible, the path cleared for the utility lines shall be replaced with plant materials which are consistent with those that existed prior in the buffer yard.

- (10) In no case shall the plant species of *Pueraria lobata* (Kudzu) be used for planting with the buffer.
- (11) The developer shall be required to replace any plant material which has not remained viable or has failed to stabilize the soil through two consecutive growing seasons.
- (12) All buffers shall be constructed in a manner that shall allow for adequate sight distance where subdivision streets intersect with the thoroughfare.
- (13) If utilities are located within the buffer yard, then the right-of-way width must be added to the total buffer width, in addition to the required width in table 58-8. This additional buffer width can be added into the calculated lot area.
- (14) If aboveground utilities are to remain in the buffer yard, then all landscaping, including the location of a berm, must be located as follows:
 - a. *Overhead.* Trees next to power lines shall be planted using the table below. The measurement shall be made from the nearest edge of the tree trunk.

Distance from power line	Tree specification
40 feet or greater	Any tree listed in appendix I
18 feet or greater	Small maturing trees listed in appendix I. However, except trees as marked with an asterisk (*) shall not be located within the utility right-of-way.
0—18 feet	Shrubs with a mature height of less than 20 feet.

- b. *Underground.* Roots planted near underground utility or power lines may be damaged in the event that repairs are required. Utmost care shall be taken when planting new trees and when carrying out any excavation work near trees.
- (b) Business and commercial uses adjacent to residential zoning shall provide screening to materially screen the subject use from the view of the adjoining residential zoning district.
- (c) Off-street parking and loading facilities and dumpsters adjacent to residential zoning or located in a residential district shall provide screening.
- (d) For open-air storage, or an unenclosed structure within 100 feet of a road, consisting of a roof, but no walls, used for storage of materials, products, wastes or equipment associated with business or certain conditional uses, screening shall be provided. Such screening may be located anywhere on the subject property, provided the storage is effectively screened.
- (e) The screening provisions of this section shall be minimum screening standards required for the issuance of a conditional use permit as provided in article III of this chapter; provided, however, that the town council may impose additional reasonable screening requirements as a condition for awarding a conditional use permit as the town council considers necessary to protect the public health, safety and welfare in accordance with the purpose and intent of this chapter.
- (f) In cases where screening is required by this chapter and devices such as existing vegetation or topographical features or extreme size of the tract involved would render the installation of screening unnecessary, the zoning administrator is hereby empowered to accept the existing features as meeting the general requirements. Such decision shall be based on the spirit and intent of this

section. If, at any time after existing topographical features or size of the lot are thereafter altered so as to render them inadequate as screening, the owner of the land shall be required to provide screening as described in this section to achieve the required screen. The vacancy or nonuse of adjacent property shall not negate the necessity for installation of screening.

- (g) Subsections (a)—(f) of this section shall be construed to require screening alongside property lines and/or rear property lines adjacent to residential zoning, but in no case shall screening be required along a public street, except as provided in subsections (c) and (d) of this section.
- (h) Uses permitted within the business districts shall provide street trees as landscaping along the front property line, along the side street property line on a corner lot, and at the rear property line when the rear property line lies directly across the street from a residential district. Such trees shall be installed in accordance with the following standards:
 - (1) Such trees may be evergreen or deciduous.
 - (2) Such trees shall be a minimum of four feet high at planting.
 - (3) The maximum spacing between trees shall be 30 feet.
- (i) Such trees shall when possible be located behind the right-of-way of the street. When it is necessary to locate landscaping required by this section on the right-of-way of a state-maintained road, an encroachment agreement shall be obtained from the state department of transportation. Consideration should be given to the alignment of trees or shrubs installed on an adjoining lot and when possible the alignment should be continued along the street. Encroachment into the sight distance area as defined in section 58-12 shall be allowed subject to the requirement that landscaping installed within a sight distance shall be set back as far as is practicable from the intersection of the two streets forming the intersection and shall not be of a height to interfere with sight distance.
- (j) In cases where existing trees on a lot or lots are located within the required setback, and where existing trees would inhibit or restrict the growth of street trees required by this section, the zoning administrator may authorize that low growing shrubbery be installed in lieu of trees. Such shrubs shall adhere to the locational requirements stated in subsections (g) and (h) of this section.
- (k) Essential services, classes I, II, III, IV, shall be naturally screened on all sides in compliance with the screening and landscaping provisions of this section.

(Ord. No. 87-04-08, § 4.2, 4-8-1987; Ord. No. O-2017-12, 10-9-2017)

Editor's note— Appendix I is set out at the end of this chapter.

APPENDIX I. - LIST OF ACCEPTABLE PLANT SPECIES

Alternate plant varieties, hybrids, cultivars, subspecies, etc. of those species (or varieties, hybrids, cultivars, etc.) listed may also be submitted for plan review and approved at the discretion of the zoning administrator.

Botanical Name	Common Name
LARGE MATURING TREES	
Abies firma	Japanese fir
Acer platanoides	Norway Maple
Acer rubrum	Red Maple
Acer saccharinum	Silver Maple
Saccharum	Sugar Maple
Altis laevigata	Sugar hackberry
Amelanchier Canadensis	Serviceberry
Betula negra	River Birch
Carya illinoensis	Pecan
Carya glabra	Shagbark hickory
Carya cordiformis	Pignut hickory
Cedrus deodara	Deodar cedar
Celtis occidentalis	Hackberry
Cryptoeria japonica	Japanese cryptomeria
Cupressocyparis leylandii	Leyland cypress
Diospyros virginiana	Persimmon

<i>Fagus grandiflora</i>	American beech
<i>Fraxinus americana</i>	White ash
<i>Fraxinus pennsylvanica</i>	Green ash
<i>Ginkgo biloba</i>	Ginkgo
<i>Gleditsia triacanthos inermis</i>	Thornless honeylocust
<i>Gymnocladus dioicus</i>	Kentucky coffee tree
<i>Juniperus virginiana</i>	Eastern red cedar
<i>Liquidambar styraciflua</i>	Sweetgum
<i>Liriodendron tulipifera</i>	Tulip poplar
<i>Magnolia acuminata</i>	Cucumber tree
<i>Magnolia grandiflora</i>	Southern Magnolia
<i>Nyssa sylvatica</i>	Black gum
<i>Picea abies</i>	Norway spruce
<i>Picea orientalis</i>	Oriental spruce
<i>Picea pungens</i>	Colorado spruce
<i>Pinus bungeana</i>	Lacebark pine
<i>Pinus echinata</i>	Short leaf pine
<i>Pinus nigra</i>	Austrian pine
<i>Pinus sylvestris</i>	Scotch pine
<i>Pinus thunbergi</i>	Japanese black pine

Pinus taeda	Loblolly pine
Pinus virginiana	Virginia pine
Platanus acerifolia	London planetree
Platanus occidentalis	Sycamore
Pseudotsuga menziesii	Douglas Fir
Quercus acutissima	Sawtooth oak
Quercus alba	White oak
Quercus bicolor	Swamp white oak
Quercus borealis	Northern red oak
Quercus coccinea	Scarlet oak
Quercus falcata	Southern red oak
Quercus laurifolia	Laurel oak
Quercus macrocarpa	Bur oak
Quercus nigra	Water oak
Quercus phellos	Willow oak
Quercus rubra maxima	Eastern red oak
Quercus shumardi	Shumard oak
Quercus velutina	Black oak
Quercus virginiana	Live oak
Salix babylonica	Weeping willow

Sophora japonica regent	Japanese pagoda tree
Taxodium distichum	Bald cypress
Tilia cordata	Littleleaf linden
Tsuga caroliniana	Carolina hemlock
Tsuga canadensis	Eastern hemlock
Ulmus alata	Winged elm
Ulmus americana	American elm
Ulmus parvifolia	Lacebark elm
Zelkova serrata	Japanese zelkova
SMALL MATURING TREES	
Acer buergerianum	Trident maple
Acer campestre	Hedge maple
Acer ginnala	Amur maple
Acer griseum	Paperbark maple
Amelanchier arborea	Service berry
Betula platyphylla japonica	Japanese white birch
Carpinus betulus	European hornbeam
Carpinus caroliniana	American hornbeam
Catalpa bignonioides	Southern catalpa

Cornus florida	Flowering dogwood
Cornus kousa	Kousa dogwood
Cornus mas	Cornelian-cherry dogwood
Cercis candensis	Eastern redbud
Crataegus phaenopyrum	Washington hawthorne
Cupressus arizonica	Arizona cypress
Elegans angustifolia	Russian olive
Eriobotrya japonica	Loquat
Halesia carolina	Carolina siverbell
Hammamelis mollis	Chinese witch-hazel Ilex
Fagus sylvatica	European beech
Fosteri	Foster holly
Ilex opaca	American holly
Ilex opaca hume	Hume holly
Ilex x attenuata 'Fosteri'	Foster hybrid holly
Ilex x attenuata savannah	Savannah holly
Kowlrwuteria bipinnata	Chinese flame tree
Koelreutraria paniculata	Golden raintree
Lagerstroemia indica	Crepe myrtle
Magnolia soulangeana	Saucer magnolia

Magnolia stellata	Star magnolia
Malus floribunda	Flowering crabapple
Malus hybrida	Flowering crabapple
Morus alba	White mulberry
Morus alba 'Pendula'	Weeping white mulberry
Osmanthus americanus	Devilwood
Ostrya virginiana	Ironwood
Oxydendrum arboreum	Sourwood
Paulownia tomentosa	Empress tree
Prunus carolinana	Carolina cherry laurel
Prunus cerasifera 'Atropurpurea'	Pissard plum
Prunus cerasifera pissardii	Purpleleaf plum
Prunus cerasus	Sour cherry
Prunus serrulata kwanzan	Kwanzan cherry
Prunus subhirtella pendula	Weeping cherry
Prunus yedoensis	Yoshino cherry
Pyrus calleryana	Callery pear
Pyrus calleryana Bradfordi	Bradford pear
Pyrus calleryana 'Redspire'	Redspire pear
Pyrus calleryana 'Capital'	Capital pear

Quercus acuta	Japanese evergreen oak
Quercus glauca	Ring cupped oak
Ulmus parvifolia	Chinese elm
Viburnum rufidulum	Southern blackhaw
SHRUBS	
Abelia grandiflora	Glossy abelia
Abelia x grandiflora	Kaleidoscope abelia
Aucuba japonica	Japanese aucuba
Azalea hybrida	Glendale azalea
Azalea indica	Indian azalea
Azalea obtusum Kaempferi	Kaempferi azalea
Berberis julianae	Wintergreen barberry
Berberis thunbergii	Japanese barberry
Camellia japonica	Camellia
Camellia sasanqua	Sasanqua camellia
Chaenomeles speciosa	Flowering quince
Cleyera japonica	Cleyera
Euonymus alatus	Winged euonymus
Euonymus japonicus	Evergreen euonymus

Eleagnus pungens	Eleagnus
Forsythia intermedia	Forsythia
Hammamelis virginiana	Witch-hazel
Hydrangea quercifolia	Oakleaf hydrangea
Ilex aquifolium	English holly
Ilex cornuta	Chinese holly
Ilex cornuta burfordi	Burford holly
Ilex cornuta burfordi nana	Dwarf burford holly
Ilex crenata 'convexa'	Convex japanese holly
Ilex crenata 'hetzi'	Hetzi japanese holly
Ilex crenata 'roundifolia'	Roundleaf japanese holly
Ilex 'Emily Brunner'	Emily brunner holly
Ilex glabra	Inkberry holly
Ilex latifolia	Lusterleaf holly
Ilex pernyi	Perny holly
Ilex vomitoria	Yaupon holly
Jumperus chinesis pfitzeriana	Pfitzer juniper
Jumperus chinesis hetzi	Hetzi juniper
Laurus nobilis	Laurel
Ligustrum japonicum	Japanese privet

Ligustrum lucidum	Glossy privet
Ligustrum vicaryi	Vicary goldern privet
Loropetalum chinense	Loropetalum
Mahonia lealei	Leatherleaf mahonia
Myrica cerifera	Wax myrtle
Nandina domestica	Nandina
Osmanthus fortunei	Fortune tea olive
Osmanthus fragrans	Fragrant tea olive
Osmanthus heterophyllus	Holly osmanthus
Osmanthus heterophyllus roundifolius	Curly leaf tea olive
Photinia fraseri	Fraser photinia
Photinia serrulata	Chinese photinia
Pieris floribunda	Mountain andromeda
Pieris japonica	Japanese andromeda
Pittosporum tobira	Pittosporum
Prunus laurocerasus	English laurel
Prunus laurocerasus angustifolia	Narrow leaf english laurel
Podocarpus macrophyllus maki	Podocarpus
Pyracantha coccinea	Scarlet firethorn
Raphiolepis umbellata	Yeddo-hawthorn

Spirea cantoniensis	Reves spirea
Spirea thunbergi	Thunberg spirea
Spirea prunifolia plena	Bridalwreath spirea
Spirea vanhouttei	Vanhoutte spirea
Taxus cuspidata	Japanese yew
Viburnum prunifolium	Blackhaw viburnum
Viburnum rhytidophyllum	Leatherleaf viburnum
Viburnum tinus	Laurestinus viburnum

(Ord. No. 87-04-08, app. 1, 4-8-1987; Ord. No. O-2013-03, 2-11-2013; Ord. No. O-2016-11, 12-12-2016; Ord. No. O-2017-12, 10-9-2017)

**TOWN OF WEDDINGTON
ZONING VARIANCE APPLICATION**

APPLICATION NUMBER _____ DATE 5/18/2020
APPLICANT'S NAME Wesley Chapel Volunteer Fire Department, Inc.
APPLICANT'S MAILING ADDRESS 315 S. Waxhaw Indian Trail Road
Waxhaw, NC 28173
APPLICANT'S PHONE NUMBER (704) 843-3367
PROPERTY OWNER'S NAME _____ (if Different from Applicant)
PROPERTY OWNER'S MAILING ADDRESS _____
PROPERTY OWNER'S PHONE NUMBER _____
RELATIONSHIP OF PROPERTY OWNER TO APPLICANT _____
EXISTING USE OF PROPERTY Vacant EXISTING ZONING R-60
PROPERTY LOCATION 306 Reid Dairy Road
TAX MAP AND PARCEL NUMBER 06177015B

The Following Information Shall Be Completed or Provided By Applicants Seeking A Variance.
(Use additional space on a separate piece of paper, if necessary.)

1. VARIANCE SOUGHT Reduction of the Landscape Buffer requirement that 40% of the buffer should be large maturing trees to 0%,

2. REASON FOR SEEKING VARIANCE The shape of the lot as well as the presence of an existing overhead power line does not allow for the planting of large maturing trees within the buffer. Union Power Cooperative will not allow large maturing trees within or near their easement.

3. A scaled dimensional survey drawn by, and certified as correct, a surveyor or engineer registered in the State of North Carolina, which shows property dimensions, boundaries, and existing and proposed building/additions; and illustrates the variance requested.

4. A map clearly showing the subject property and all contiguous property on either side and all property across the street or public right-of-way from the subject property.

5. The applicant's interest (ownership, buyer, etc.) is as follows: Owner

6. If the variance is granted, it is proposed that the property will be put to the following use:
Volunteer Fire Department

7. The following type of improvements have been (will be) constructed thereon: _____
Construction of a new Volunteer Fire Department with related parking and emergency vehicle maneuvering area.

8. The board of adjustment shall follow quasi-judicial procedures when deciding requests for variances. The board of adjustment, before granting a variance, shall make the following findings based on substantial, competent and material evidence in the record before them. **The applicant should respond to the following findings of fact as a separate attachment:**

(1) Unnecessary hardship would result from the strict application of the ordinance. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. This shall be construed to mean:

- a. The hardship results from the application of this chapter;
- b. The hardship results from the 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); and
- c. The hardship is not the result of 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.)

(2) That the variance is in harmony with the general purpose and intent of this chapter and preserves its spirit.

(3) That in granting of the variance, the public safety and welfare have been assured and substantial justice has been done.

(4) That the reasons set forth in the application and the hearing justify the granting of a variance, and that the variance is a minimum one that will make possible the reasonable use of land or structures.

NOTES

1. A public hearing on the completed application shall be conducted by the Board of Adjustment within forty (40) days after the complete application has been filed.

2. Once a public hearing has been held, if one is dissatisfied with the decision of the Board of Adjustment, an appeal may be taken to the Superior Court of Union County. See Section 58-236(e) of the Weddington Zoning Ordinance.

3. Per Section 58-233(a) of the Weddington Zoning Ordinance, under no circumstances shall the Board of Adjustment grant a variance to allow a use of land or structure not permitted under the terms of this ordinance in the district involved or for a use expressly, or by inference, prohibited in said district. No variance shall be granted by the Board of Adjustment for the following:

(a) Setbacks and areas of signs.

(b) Setbacks for Essential Services – Class III

(c) No variance for setbacks shall be granted which allows the applicant to reduce the applicable setback more than 50%.

4. No application shall be considered complete unless accompanied by cash or a check made payable to the Town of Weddington in the amount of \$715.00

CERTIFICATIONS

A. I HEREBY CERTIFY THAT ALL OF THE INFORMATION PROVIDED FOR IN THIS APPLICATION IS, TO THE BEST OF MY KNOWLEDGE, ACCURATE AND COMPLETE.

Steven McLendon

APPLICANT

May 29, 2020

DATE _____

B. TO THE BEST OF MY KNOWLEDGE, THIS APPLICATION IS ACCEPTED AND DEEMED COMPLETE.

ZONING ADMINISTRATOR

DATE _____

(This Information Is To Be Filled Out by the Zoning Administrator)

1. SITE PLAN ATTACHED: YES _____ NO _____

2. LIST OF ADJOINING PROPERTY OWNERS ATTACHED: YES _____ NO _____

3. VICINITY MAP ATTACHED: YES _____ NO _____

4. PUBLIC HEARING DATE: _____

5. SIGN POSTED ON PROPERTY ON: _____

6. NOTICES TO APPLICANT AND ADJOINING PROPERTY OWNERS MAILED ON:

(Certification Attached)

7. ACTION TAKEN BY BOARD OF ADJUSTMENT: _____

8. DATE DECISION OF BOARD OF ADJUSTMENT FILED: _____