



**TOWN OF WEDDINGTON
SPECIAL MEETING
BOARD OF ADJUSTMENT
WEDDINGTON TOWN HALL
1924 WEDDINGTON ROAD
WEDDINGTON, NC 28104
MONDAY AUGUST 22, 2022 5:30 P.M.
AGENDA**

1. Open the Meeting
2. Determination of a Quorum
3. Approval of the April 25, 2022 Board of Adjustment Minutes
4. Consideration of Request for Variance from Unified Development Ordinance Section D-703.G. Dimensional Requirements (Minimum Front Yard Setback)
5. Adjournment

**TOWN OF WEDDINGTON
BOARD OF ADJUSTMENT MEETING
WEDDINGTON TOWN HALL
April 25, 2022*
AFTER THE HISTORIC PRESERVATION COMMISSION MEETING
Minutes**

1. Open the Meeting

Ed Goscicki called the meeting to order at 7:17 p.m.

2. Determination of a Quorum

Quorum was determined with Ed Goscicki, Jen Conway, Jim Vivian, Travis Manning, Gordon Howard, and Chris Faulk present. Manish Mittal was absent.

3. Election of Chairman and Vice-Chairman and Appointment of Alternates A and B

The Board discussed alternates and the chair positions.

Board member Vivian made a motion to nominate Travis Manning as Chair. Board member Manning declined the nomination. Board member Conway made a motion to nominate Gordon Howard as Chair. Board member Manning seconded the motion. The motion passed for Gordon Howard to serve as Board of Adjustment Chairman with a unanimous vote.

Board member Manning made a motion to nominate Chris Faulk as Vice Chair. Board member Faulk declined the nomination. Board member Conway made a motion to nominate Ed Goscicki as Vice Chair. Board member Howard seconded the motion. The motion passed for Ed Goscicki to serve as Board of Adjustment Vice Chair with a unanimous vote.

Board member Conway and Board member Vivian volunteered to serve as Alternates A and B, respectively. Vice Chair Goscicki made a motion to name Board members Conway and Vivian as Board of Adjustment Alternates A and B. Board member Manning seconded the motion. The motion passed with a unanimous vote.

4. Approval of Board of Adjustment Meeting Calendar

<i>Motion:</i>	Board member Manning made a motion to approve the Board of Adjustment meeting calendar
<i>Second:</i>	Board member Conway
<i>Vote:</i>	The motion passed with a unanimous vote.

5. Approval of Minutes

A. April 26, 2021 Special Board of Adjustment Meeting Minutes

Motion: Vice Chair Goscicki made a motion to approve the April 26, 2021
Special Board of Adjustment Meeting minutes
Second: Board member Vivian
Vote: The motion passed with a unanimous vote.

6. Adjournment

Motion: Vice Chair Goscicki made a motion to adjourn the April 25, 2022
Board of Adjustment Special Meeting at 7:25 p.m.
Second: Board member Manning
Vote: The motion passed with a unanimous vote.

Approved: _____

Gordon Howard, Chairman

Karen Dewey, Town Administrator/Clerk

****Rescheduled from January 23, 2022***



MEMORANDUM

TO: Board of Adjustment
FROM: Robert G. Tefft, Town Planner
DATE: August 22, 2022
SUBJECT: Application by Gustavo Ferrari, requesting a variance from Unified Development Ordinance Section D-703.G

APPLICATION INFORMATION:

SUBMITTAL DATE: August 10, 2022
APPLICANT: Gustavo A. Ferrari
PROPERTY LOCATION: 4001 Ambassador Court
PARCEL ID#: 06066138
LAND USE: Traditional Residential
ZONING: R-40 Single-Family District

BACKGROUND:

The subject parcel is approximately 0.872 acres (37,995 SF) and is located at the southwest corner of Ambassador Court and Foxbridge Drive within the Providence Place subdivision. The parcel (and subdivision) is zoned R-40 District and consists of a 3,200 square foot single-family dwelling that is currently under construction.

On July 22, 2020, Mr. Ferrari was issued a Zoning Permit (2020-5544) in compliance with all applicable provisions of the Town's Code of Ordinances to construct the single-family dwelling on the parcel. Subsequently, on December 4, 2020, the associated Building Permit was issued by Union County.

On July 15, 2022, Mr. Ferrari applied for a Certificate of Zoning Compliance for this new construction; however, the submittal was determined to be insufficient and a survey meeting the requirements of Appendix 2 of the UDO was requested. Mr. Ferrari obtained the necessary survey (dated August 3, 2022) and it was identified that the new single-family dwelling had been constructed within the required front yard setback.

On August 10, 2022, Mr. Ferrari applied for a Zoning Variance to reduce the minimum required front yard setback from 50' to 39.1', a reduction of 10.9'.

RELATION TO THE UNIFIED DEVELOPMENT ORDINANCE:

UDO Section D-703.G., Dimensional Requirements (Lot Size, Minimum Lot Size, Maximum Height, Maximum Density, Minimum Lot Width, Minimum Front Yard Setback, Minimum Side Yard Setback, Minimum Rear Yard Setback) (by zoning district).

	R-40
Minimum Lot Size	40,000 sq. ft.
Maximum Height	35'
Maximum Density	
Minimum Lot Width	120'
Minimum Front Yard Setback	
residential uses	50'
all other uses	75'
Minimum Side Yard Setback	15/ 25' corner
Minimum Rear Yard Setback	40'

UDO Section D-705.D., Variances.

- When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the Board of Adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:
 - The hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 - 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. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
 - 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 requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved.
- No change in permitted uses may be authorized by variance.
- Additionally, no variances shall be granted by the Board of Adjustment for the following:
 - Setbacks for signs and areas and/or height of signs.
 - Setbacks for essential services, class III.

4. No variance for setbacks shall be granted which allows the applicant to reduce the applicable setback by more than 50 percent.
 5. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.
 6. Any order of the Board of Adjustment in granting a variance shall expire if a zoning permit, or certificate of occupancy for such use if a zoning permit is not required, has not been obtained within one year from the date of the decision.
 7. The Board of Adjustment shall hold a hearing on all complete applications no later than 40 days after the application has been filed with the zoning administrator unless consented to by the applicant.
-

Attachments:

- Zoning Map of Subject Parcel
- Zoning Variance Application



TOWN OF WEDDINGTON ZONING VARIANCE APPLICATION

APPLICANT INFORMATION:

Name: Gustavo A. FERRARI
Mailing Address: 4001 AMBASSADOR Ct. Weddington 28104
Phone Number: 704 968 1871 Email: Gustavo04@msn.com

PROPERTY OWNER INFORMATION (if different from applicant):

Name: Gustavo A. FERRARI
Mailing Address: 4001 AMBASSADOR Ct. Weddington NC 28104
Phone Number: 704 968 1871 Email: Gustavo04@msn.com

SUBJECT PROPERTY INFORMATION:

Location: 4001 AMBASSADOR Ct. / Lot 19
Parcel Number: 06066138
Existing Zoning: R-40
Use of Property: Residencial Single Family home

The following information shall be completed or provided by all applicants seeking a variance (use additional space on a separate piece of paper, if necessary).

❖ Variance sought: Front Setback

❖ Reason for seeking variance: See letter attached.

- ❖ A scaled 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.
- ❖ 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.
- ❖ The applicant's interest (ownership, buyer, etc.) is as follows: _____
- ❖ If the variance is granted, it is proposed that the property will used as follows: _____

- ❖ The following type of improvements have been (will be) constructed thereon: NONE
Other THAN house already Built , Landscaping
for CURVE APPEAL

- ❖ When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the Board of Adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:

- a. The hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

- b. 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. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

- c. 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.

- d. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved.

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- ❖ No change in permitted uses may be authorized by variance.
 - ❖ Additionally, no variances shall be granted by the Board of Adjustment for the following:
 - a. Setbacks for signs and areas and/or height of signs.
 - b. Setbacks for Essential Services, Class III.
 - ❖ No variance for setbacks shall be granted which allows the applicant to reduce the applicable setback by more than 50 percent.
 - ❖ Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.
 - ❖ Any order of the Board of Adjustment in granting a variance shall expire if a zoning permit, or certificate of occupancy for such use if a zoning permit is not required, has not been obtained within one year from the date of the decision.
 - ❖ The Board of Adjustment shall hold a hearing on all complete applications no later than 40 days after the application has been filed with the zoning administrator unless consented to by the applicant.
 - ❖ No application shall be considered complete unless accompanied by the application fee in the amount of \$715.00. An additional fee to cover necessary public notification costs shall also be required prior to the application being heard before the Board of Adjustment.

CERTIFICATIONS

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

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



Applicant

Zoning Administrator

08/10/22

Date

Date

(This information is to be filled out by the Zoning Administrator)

Site Plan Attached:	YES _____	NO _____
List of Adjoining Property Owners Attached:	YES _____	NO _____
Vicinity Map Attached:	YES _____	NO _____
Hearing Date: _____		
Date Property Posted: _____		
Notice to Applicant and Adjoining Property Owners Mailed (Certification Attached): _____		
Action Taken by Board of Adjustment: _____		
Date Decision of Board of Adjustment Filed: _____		

08/06/2022

To whom may it concern

This document has the purpose to explain and justify my request for a hardship Zoning Variant.

According to survey we invading the setback propose and approved by the town, We did totally involuntary, was a human error, when the guys came to lay out the foundation them and myself we make sure we were respecting the setbacks approved , the flag from the survey done when I bought the land on the left side is on the edge where the pavement meets the land, but on the right side and this is where we made the mistake it was set on clear spot beside Union Power electrical transformer, the land in front was covered with big bushes so we thought and assume following that position the land remaining to meet the pavement was part of the property as well, we still maintaining the 50 feet required a minimum for front setback but it's been taken from the wrong point, which is where the land in front of the house meets the pavement, part that we will have to maintain as ours because is part of the curb appeal, also to clarify in none of the points where the house is into the setback we exceed over 37%. Which is the front porch. The house it's been built and approved in all the trades by the Union County code enforcement, with that been said is ready to start bringing revenue to Union County and the Town of Weddington, has all the utilities hooked up, only remaining to be done will be the landscaping which is going to be work out early fall.

Needless to say, at this point because our family put all our economic resources and some into building this house after 23 years of hard work in this Great Country that opened their arms to us; I, as only source of income and responsible for my two children and Wife am in no position to demolish or having to rebuild this home, leaving as homeless and the house left to engross the list of abandon houses in this neighborhood.

I'm pleading for your mercy on this matter to grant us the Variant so our family can enjoy our new house and continue with our lives.

IN GOD WE TRUST

Gustavo Ferrari and Fam.

A handwritten signature in black ink, appearing to read 'Gustavo Ferrari', with a stylized flourish extending from the end.

STATE OF NORTH CAROLINA, UNION COUNTY
 I, SAMUEL P. MALONE JR., CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, DEED DESCRIPTION RECORDED IN BOOK 878 AT PAGE 108 & 171, THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1 : 200000, THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOK 878 PAGE 470, THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30, AS AMENDED.
 WITNESS MY HAND AND SEAL THIS 11TH DAY OF JUNE AD 2006

S.P. Malone Jr.
 PROFESSIONAL LAND SURVEYOR
 SAMUEL P. MALONE JR. L-2610



I, Son M. Moore, A REVIEW OFFICER OF UNION COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL THE STATUTORY REQUIREMENTS FOR RECORDING.

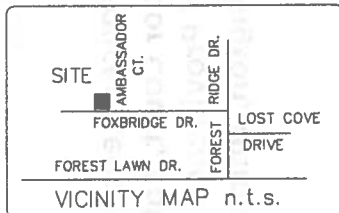
S. Moore REVIEW OFFICER DATE 6-14-06

I HEREBY CERTIFY THAT THIS SUBDIVISION OF LAND IS EXEMPT FROM THE TOWN OF WEDDINGTON SUBDIVISION ORDINANCE, AND MAY BE RECORDED WITH THE UNION COUNTY REGISTER OF DEEDS OFFICE.

Sam M. Moore SUBDIVISION ADMINISTRATOR DATE 6/14/06

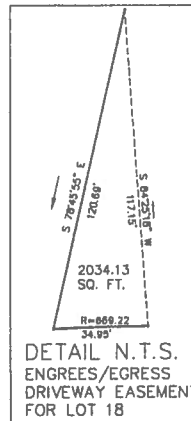
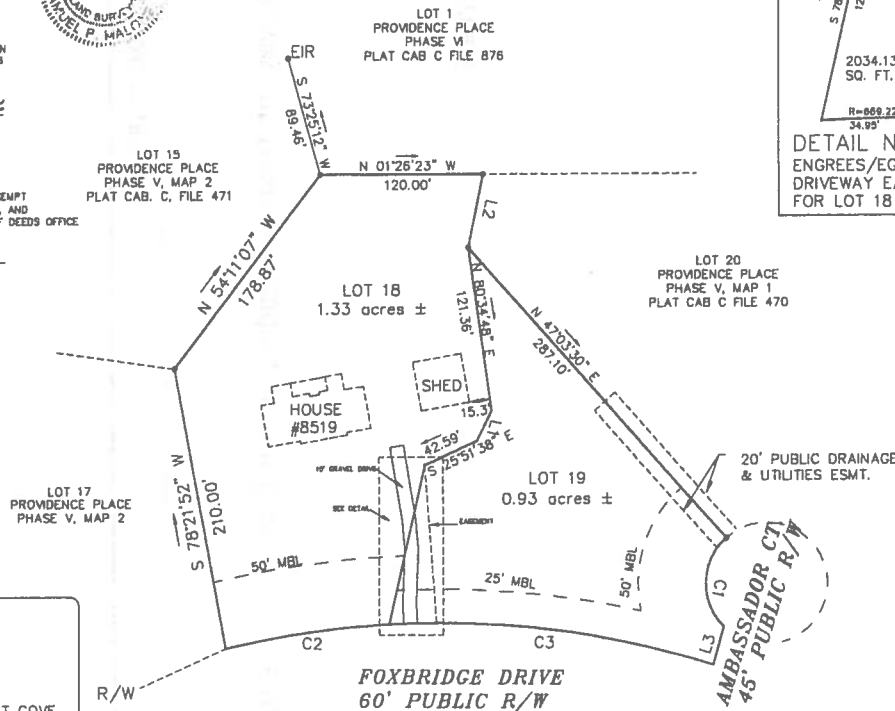
CERTIFICATE OF SUBDIVISION TYPE BY SURVEYOR

THIS SURVEY IS OF ANOTHER CATEGORY OF SUBDIVISION SUCH AS RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION FOUND IN THE TOWN OF WEDDINGTON SUBDIVISION ORDINANCE.



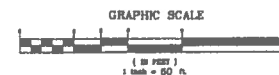
CERTIFICATE OF OWNERSHIP AND DEDICATION
 I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE TOWN OF WEDDINGTON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM BUILDING SETBACK LINES, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER SITES AND EASEMENTS TO PUBLIC OR PRIVATE USE AS NOTED.

6/14/06 DATE
Michelle E. Stewart OWNER(S)
6/14/06 DATE
Sam Malone OWNER(S)



NOTES:

1. EIR = EXISTING IRON ROD
2. DIP = EXISTING IRON PIPE
3. N/R = NEW IRON REBAR
4. R/W = RIGHT-OF-WAY
5. MBL = MIN. BUILDING LINE
6. ALL IMPROVEMENTS AND ETC. ARE NOT SHOWN.
7. USES MONUMENTATION NOT FOUND WITHIN 2000' OF SITE.
8. ALL AREAS WERE COMPUTED BY LAND DEVELOPMENT DESKTOP SOFTWARE.
9. THIS PLAN CREATES A SUBDIVISION OF LAND WITHIN A MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATE PARCELS OF LAND.
10. IRON REBARS @ ALL CORNERS UNLESS OTHERWISE NOTED
11. CURRENT USE: RESIDENTIAL
12. ZONED R-40, SINGLE FAMILY DISTRICT
13. ALL ADJOINING PARCELS ARE ZONED R-40.
14. MINIMUM 40,000 SF LOT
15. MINIMUM 50 FT. FRONT SETBACK
16. MINIMUM 40 FT. REAR YARD SETBACK
17. MINIMUM 15 FT. SIDE YARD SETBACK
18. MIN. 120 FT. LOT WIDTH AT FRONT BUILDING LINE
19. MAXIMUM 35 FT. BUILDING HEIGHT
20. ALL LOTS ARE SUBJECT TO THE FOLLOWING DRAINAGE AND UTILITIES EASEMENTS IN ADDITION TO ONES SHOWN 10' EACH SIDE OF ALL INTERIOR LOT LINES AND 15' EACH SIDE OF BRANCH CENTERLINE
21. PROPERTY IS SHOWN ON FLOOD INSURANCE RATE MAP #37179C0080 C. COMMUNITY # 370234, PANEL 0080, SUFFIX C. OUT OF FLOOD
22. THE PURPOSE FOR THIS PLAT IS TO CHANGE COMMON PROPERTY LINE BETWEEN LOTS 18 & 19
23. THIS PLAT SUPERSEDES PLAT CAB:C FILE 470
24. SEE LOT 18 FOR OUTLINES OF HOUSE AND STRUCTURE USED AS SHED PER OWNER, OTHER PHYSICAL FEATURES NOT SHOWN
25. REF. TO CAB:C PG-470 (06-578 PG:169 & 171)
26. TAX# 06-066-137 & 06-066-138



FILED Jun 14, 2006 02:25 pm
 PLAT SLIDE J0000 - 0391
 INSTRUMENT 28258
Michelle E. Stewart, Deputy
 FILED UNION COUNTY NC CRYSTAL CRUMP REGISTER OF DEEDS

REVISED PLAT OF
 PROVIDENCE PLACE PHASE V MAP 1
 LOTS 18 & 19
 TOWN OF WEDDINGTON,
 SANDY RIDGE TWS., UNION CO., N.C.

OWNER:
 DOUGLAS STEWART AND WIFE MICHELLE E. STEWART

SAM MALONE & ASSOCIATES
 LAND SURVEYING - DESIGN - PLANNING
 RESIDENTIAL & COMMERCIAL
 1160 WEST JOHN STREET
 P.O. BOX 1138
 MATTHEWS, NORTH CAROLINA 28106
 OFFICE (704) 847-0606
 TOLL FREE (800) 587-8878
 FAX (704) 847-5180
 SAM MALONE



DRAWN P.J.D.
 APPROVED SPM
 SCALE 1" = 60'
 DATE 6-6-2006
 ACAD FILE C:\DATA\LPR2\8519\FBD.DWG
 MAP FILE (20-11)
 SHEET 1 OF 1

CURVE	RADIUS	LENGTH	CHORD	BEARING
C1	45.00'	73.46'	65.57'	S 89°42'21" E
C2	669.22'	125.00'	124.82'	S 09°32'50" E
C3	669.22'	240.58'	239.29'	S 06°06'10" W

LINE	DIRECTION	DISTANCE
L1	S 65°38'35" E	24.60'
L2	S 79°55'23" E	55.00'
L3	S 76°28'11" E	29.41'

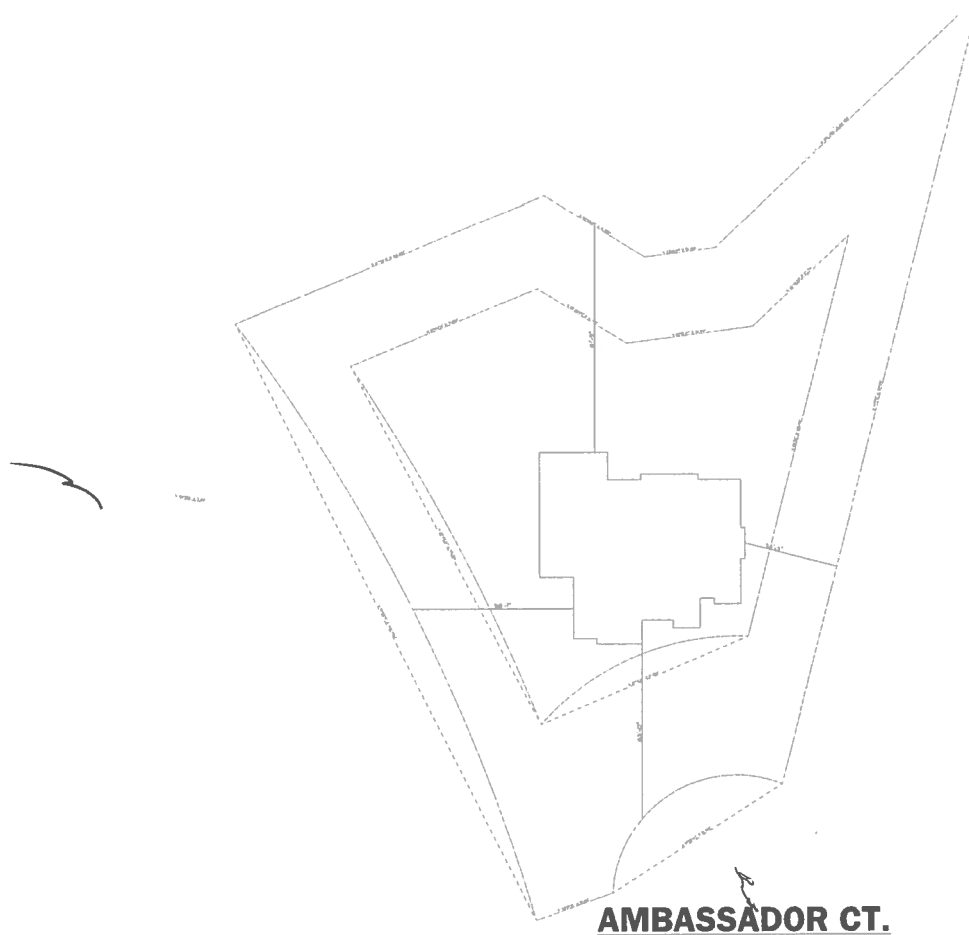
FOLDER DATE: 11TH AUGUST 1992

NO.	DATE	BY	REVISION

CAB J File 391

GENERAL NOTES

1. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH ALL APPLICABLE NATIONAL, STATE AND LOCAL CODES, REGULATIONS, AND STANDARDS.
2. CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT SITE BEFORE BEGINNING CONSTRUCTION. ANY DISCREPANCIES SHALL BE REPORTED FOR JUSTIFICATION AND/OR CORRECTION BEFORE PROCEEDING WITH WORK. CONTRACTORS SHALL ASSUME RESPONSIBILITY FOR ERRORS THAT ARE NOT REPORTED.
3. ALL DIMENSIONS SHOULD BE READ OR CALCULATED AND NEVER SCALED.
4. ALL FOOTINGS TO BE BELOW FIRM LAYER PER LOCAL CODES AND MUST BE SET ON UNCOMPRESSED SOIL CAPABLE OF HANDLING NEW BUILDING. CONSULT LOCAL BUSINESS FOR PROPER FOOTING AND REINFORCING SIZES.
5. CONTRACTOR SHALL MAINTAIN COMPATIBILITY OF THE BUILDING WITH ALL SITE REQUIREMENTS.
6. ALL FOUNDATION AND STRUCTURAL MEMBERS SHOULD BE VERIFIED AND SUPPLIED BY LOCAL, WELLS CERTIFIED STRUCTURAL ENGINEER. NO CONTRACTOR IS RESPONSIBLE FOR ADJUSTING AND VERIFYING ALL STRUCTURAL DETAILS AND CONDITIONS TO MEET ALL LOCAL CODES AND TO INSURE A QUALITY AND SAFE CONSTRUCTION.
7. ALL DIMENSIONS SHALL BE IN THIRDS OF A FOOT.
8. ALL DIMENSIONS ARE CENTERED IN WALL OR AT FIRST CORNER UNLESS NOTED OTHERWISE.
9. PLUMB SHALL BE DRAWN AT 3/16" = 1'-0".



SITE PLAN
SCALE: 1" = 20'-0"

FERRARI RESIDENCE
AMASSADOR CT
MONROE
NORTH CAROLINA

I HEREBY GIVE MY DESIGN AND
THESE DOCUMENTS AS A CONTRACTOR. THE
COPYRIGHT ON THESE DOCUMENTS IS RESERVED BY
STEWART CONSTRUCTION, INC. THESE DOCUMENTS ARE TO BE USED FOR
THE CONSTRUCTION OF ONE (1) HOME AND MAY NOT BE COPIED OR REPRODUCED
IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF STEWART CONSTRUCTION, INC.



PHONE: 704-401-8159
harsel@stewartconstruction.com

PAGE:

1

PAGE SIZE 24"x36"

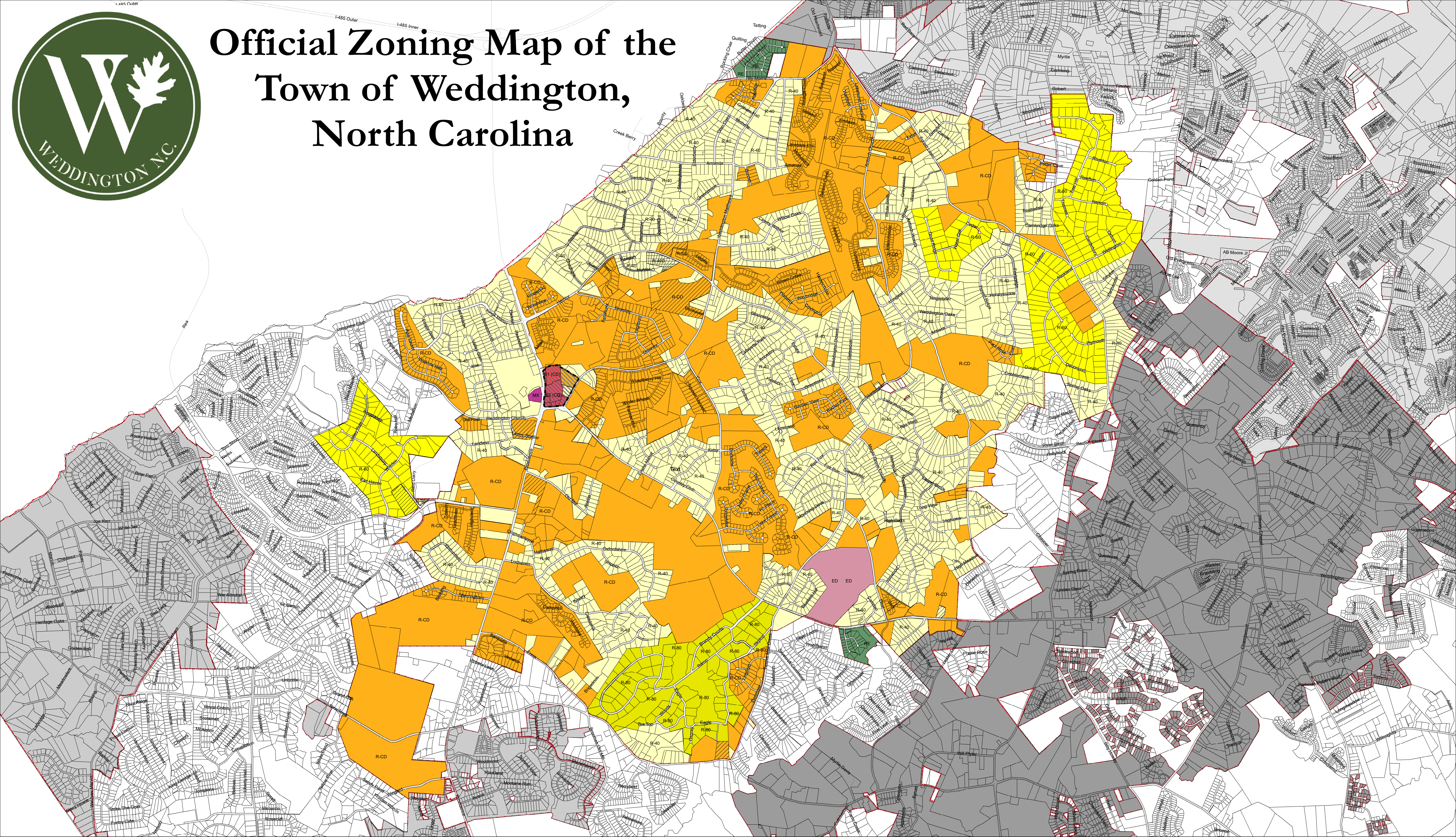
DATE: Monday, March 16, 2020
SCALE: 1" = 20'-0"

SITE PLAN



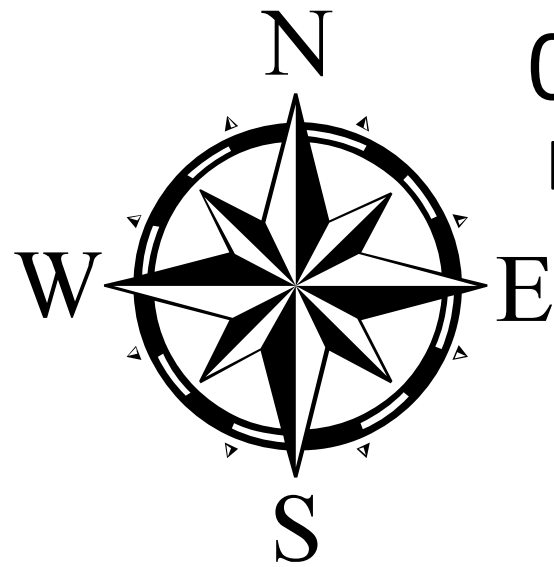


Official Zoning Map of the Town of Weddington, North Carolina



Legend

- | | | | | | | |
|--------------------|---------|-------|------|--------------|--------------|---------------|
| Conditional Zoning | B2 (CD) | R-40 | R-80 | Indian Trail | Stallings | Weddington |
| Downtown Overlay | ED | R-40D | R-CD | Marvin | Union County | Wesley Chapel |
| B1 (CD) | MX | R-60 | RE | | | |



This Map was produced by the Town of Weddington Planning Department. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.