



DESCRIPTION: ZA2020.01 Conservancy Amendment: To amend a condition of approval for the minimum garage front yard setback for nine (9) developed properties. Relief from the minimum 22-foot setback ranges from a just over an inch to just over three (3) feet in length. Eight of the nine lots are under private ownership other than the builder – Essex Homes. All nine properties are located within the Conservancy neighborhood under the umbrella of the McLean master planned community conditional zoning district.

MEETING: 2020_06_18 Planning & Zoning Board

DEPARTMENT: Planning and Zoning

STAFF CONTACT: Shelley DeHart

SUMMARY OF ACTION:

Consider this request to amend a conditional of approval for the required front yard garage setback for nine properties located within The Conservancy.

EXHIBITS:

[Packet Report](#)

STAFF RECOMMENDATION:

Receive report and public comment



CITY OF BELMONT

PLANNING & ZONING

Zoning Map Amendment Request: ZA-2020.01

Property Owners/Applicants: Essex Homes; Richard Morono; James Chaney; Harry Chambers; Kevin Eckard; Neil Kiker; Lisa Barnette; Pamela Hannon; and Billy Simmons.

Current zoning: General Residential Conditional Zoning District (G-R/CD)

Proposed zoning: No proposed change to existing zoning classification. This is a request to amend a condition of approval for the minimum garage front yard setback for nine (9) developed properties. Relief from the minimum 22-foot setback ranges from a just over an inch to over three (3) feet in depth. Eight of the nine lots are under private ownership other than the builder, Essex Homes. All nine properties are located within the Conservancy neighborhood under the umbrella of the McLean master planned community conditional zoning district.

Property location: Selected lots within Conservancy at McLean.

Gaston County tax parcel identification numbers: # 225588, 226366, 224790, 226385, 224805, 226383, 224802, 224794, and 226362.

Map 1. Location of subject properties



Background: The request is to amend a condition of approval related to the front-yard garage setback (22 feet) within the adopted conditional zoning district for the McLean master planned community. The existing 22-foot garage setback is a reduction from the 30 foot-minimum, which, received city council approval in 2016. This request is specific to nine developed properties located within phase 1 of the Conservancy, and the associated encroachments vary as seen in the table below.

CONSERVANCY AT MCLEAN SETBACK ENCROACHMENT SUMMARY

LOT	ADDRESS	OWNER	ENCROACHMENT		NEW SETBACK REQUESTED
8	423 Trillium Way	Richard Morono	1 1/2"	one and 1/2 inches	21' 10.5"
12	439 Trillium Way	James Chaney	36"	3 feet	19'
86	515 Trillium Way	Essex Homes	36 1/2"	3 feet and 1/2 inch	18' 11.5"
90	527 Trillium Way	Harry Chambers	6 1/2"	six and 1/2 inches	21' 5.5"
107	520 Trillium Way	Kevin Eckard	27"	2 feet and 3 inches	19' 9"
109	512 Trillium Way	Neil Kiker	37 1/2"	3 feet and one & 1/2 inches	18' 10.5"
112	500 Trillium Way	Lisa Barnette	37 1/2"	3 feet and one & 1/2 inches	18' 10.5"
120	420 Trillium Way	Pamela Hannon	2"	two inches	21' 10"
123	408 Trillium Way	Billy Simmons	4"	four inches	21' 8"

Per surveying as performed by Control Point, Inc. on
2/19/2020

Essex Homes, the builder of the subject homes, self-reported two initial properties in violation of the minimum 22-foot setback in 2018. It was reported that although the site plan approved by the city for the associated zoning permit showed compliance, the lots were incorrectly staked, and the surveyor found the error at the final (post-construction) survey. These cases were presented to the Board of Adjustment for consideration of a variance; however, the required findings could not be made, and thus the variances were denied.

Essex continued to pursue a remedy for the subject lots with the city, while conducting a verification exercise to ensure there were no other affected properties. This resulted in the identification of seven (7) additional lots with encroachments into the required setback. These additional lots were self-reported by Essex to the city. Exploration of possible remedies has involved legal review by the city and Essex Homes over the past years. Proposed options included an administrative decision by the planning director, alteration of each home to reach compliance, and an amendment of the conditional zoning district. It was confirmed by the city's legal representation that authority for an administrative variance is not an option. Essex Homes has consulted with the eight private property owners regarding options and all owners agree to pursue the conditional zoning amendment to maintain the integrity of their homes. Each property owner is a co-applicant in this request.

Staff Analysis: This is a very unusual case that affects eight lots owned by private residents that chose to purchase their homes in Belmont. The ninth affected property is still owned by Essex. It is staff's understanding that only one couple, the Kikers, were aware at closing that a setback problem existed, and an agreement was provided that would indemnify them of any cost of correction. Public records show the eight privately-owned and occupied subject property sale transfers occurred during June 2017 – September 2018. The encroachments vary from one-and-a-half inch (1 1/2") to three feet and 1-½ inches (3' 1-1/2"). Associated surveys have been provided within the applications (Attachment A). The city has modified its permitting process to require a foundation survey be submitted to the city by all builders for review and approval prior to the final framing step during construction. The intent of the process change is to catch any discrepancy at the beginning of the process and not at completion.

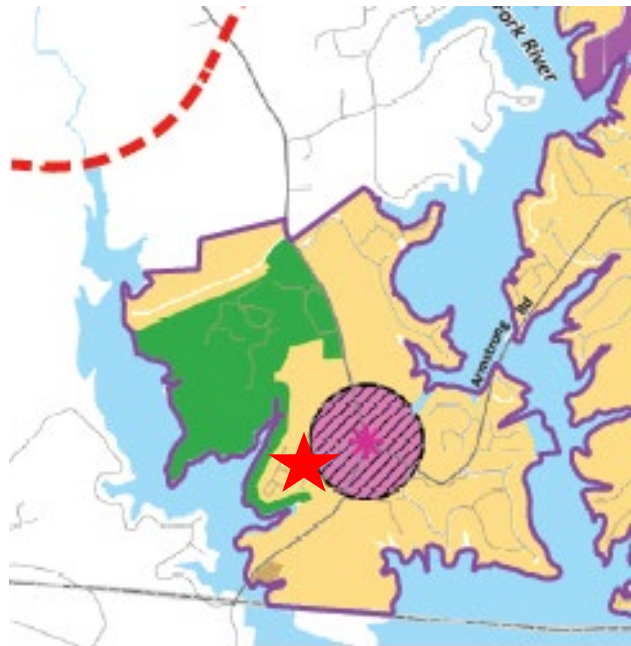
Essex has stated its position that it believes the violations are not substantial, given the totality of the circumstances and are willing to pay a fine or provide some sort of amenity to the community (see Attachment B dated June 5, 2020.) This builder presented a supporting offer to the City Council in a workshop last March to construct a 6-foot wide sidewalk on adjacent properties that would provide a needed connection linking the Seven Oaks Trailhead to the Daniel Stowe Botanical Garden. The council indicated that additional compensation should be provided to support the community, and the home under ownership by Essex should be modified for compliance. A letter from the Daniel Stowe Botanical Garden is enclosed within attachment B.

Comprehensive land use plan: This site is located within the Semi-Rural Neighborhood of the adopted Comprehensive Land Use Plan. A portion of a "Village Center" also encroaches into this area. The vision for this land use category is to allow for low density single-family residential outside of a village center with higher density and/or mixed use within the village center.

Although the McLean Master Plan Community was approved prior to the recent update, it is still consistent with Goal 1 – Land Use of the comprehensive plan because it supports a healthy tax base and promotes a choice in housing.

Neighborhood meeting: The applicant's team held the required community meeting on March 4, 2020, at the community clubhouse located on Conservancy Drive. There were approximately 19 members of the community present in addition to the applicant's team. Comments included potential inconvenience to neighboring properties if extensive reconstruction is required and the public hearing process. The minutes from the meeting are provided in attachment C of this report.

Staff Recommendation: Ultimately, any compensation and/or fines to benefit the community will be decided by the City Council. Staff is of the opinion there is no easy answer and the impact to our residents could be substantial if reconstruction is required. Further, staff is unaware of any reports that these existing homes are creating impacts to the adjacent properties or community.



We also support Essex compensating the neighborhood by enhancing amenities such as the proposed sidewalk connections between the botanical garden and the Seven Oaks Trailhead at a minimum. Conditions should be tied to the approval that would include bonding for any proposed construction compensation offered.

In closing, staff supports this request as a remedy to this unique situation providing closure to our affected Belmont residents and the consistency findings with the adopted comprehensive plan can be made.

Attachment A – Application

Attachment B – Letter Dated June 5, 2020 from Moretz Law Group and DSBG Letter.

Attachment C – Neighborhood Meeting Minutes

Attachment D – Conservancy Map with all affected properties.

CITY OF BELMONT
Application for Zoning Map Amendment (Conditional Rezoning)

Date Filed 2 / 21 / 2020	To be completed by City of Belmont Application Number ZA-2020-01605
To be completed by City of Belmont: Hearing Date(s) P&Z 3 / 19 / 2020	To be completed by City of Belmont City Council / / / /

To the Planning and Zoning Board and City Council of Belmont, NC:

I (we) the undersigned do hereby respectfully make application and request the Planning and Zoning Board and City Council to amend the zoning map of the City of Belmont:

In support of this application, the following facts are shown:

Current Zoning (circle one)	R-R	S-R	G-R/CD	NC-R	INF-R	MH-R
	NC-C	H-C	R-C	BC-D	IC-D	TN-D

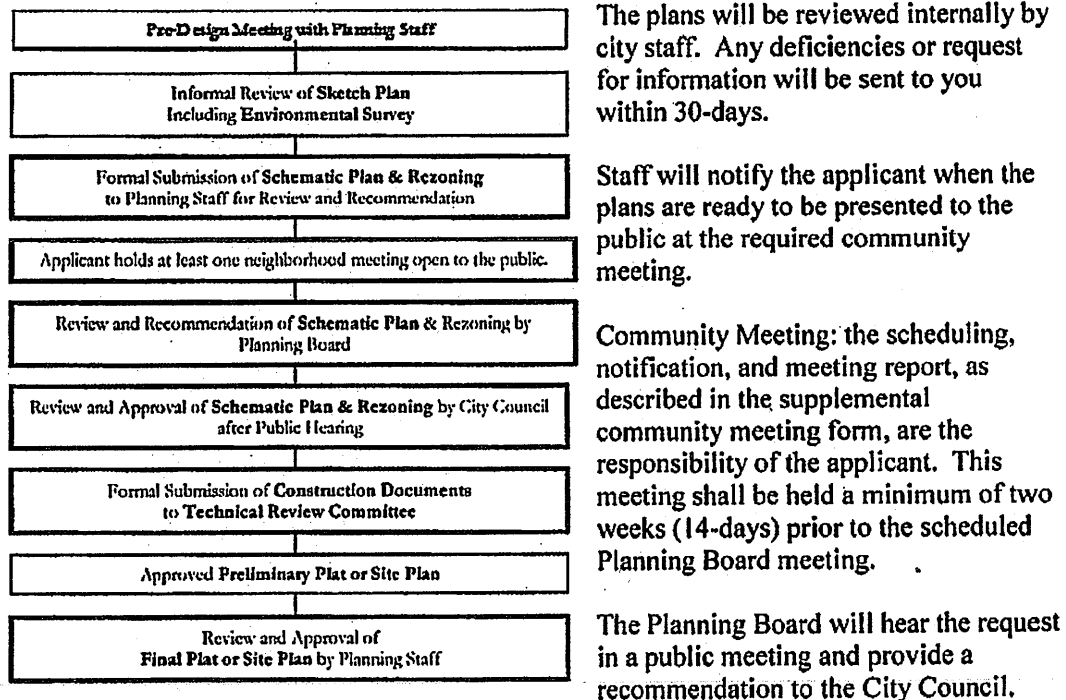
Proposed Zoning (circle one)	R-R	S-R	G-R/CD	NC-R	INF-R	MH-R
Conditional District? (CD) <input type="checkbox"/>	NC-C	H-C	R-C	BC-D	IC-D	TN-D

Physical Property Address:	408 Trillium Way, Belmont, NC 28012	
Physical Description of Location:	Lot 123 Conservancy at McLean	
Tax Parcel Number: (PID Number)	224805	
Property Owner:	Billy Thomas Simmons, Jr., Karen Miller Simmons	
Owner's Address:	408 Trillium Way, Belmont, NC 28012	
Phone Number: () -	Email Address:	
Applicant's address:		

SUBMITTAL REQUIREMENTS

- Completed Application
- Letter of Intent – Description of proposed project
- 5 copies of Concept Plan (must be drawn to scale by architect, landscape architect, professional surveyor, or engineer licensed in North Carolina). Additional plans will be requested for the public meetings.
- Boundary Survey (acreage, current zoning, location of existing buildings, setbacks)
- Community Meeting Form
- Adjacent Property Owner List – provide a copy of address labels for all adjacent property owners. The City will use this list for public notices for the Planning Board Meeting and the Public Hearing meeting.
- Traffic Impact Analysis, if necessary
- Fees associated with review

PROCESS & SCHEDULE – See Section 15.6 of the Land Development Code



The City Council will hold the public hearing and render a decision on the project. Please refer to Section 20.2 of the LDC for further details.

Karen M. Simmons

Signature of Property Owner

[Signature]

Signature of Applicant, if different than the property owner

[Blank box]

Application Fee (Dept Use Only)

-Please note...The applicant is responsible for the costs of all public notices required by state law. The City will be responsible for the dissemination of the advertisements and will arrange to have the bills sent directly to the applicant. Any changes to this policy must be made prior to the submission of the application.

-This application must be signed by the property owner or their authorized agent.

Letter of Intent to Accompany Application for Modification to Conditional Zoning Plan

Original Rezoning Petition Number 2013-06

**Request by Essex Homes Southeast, LLC and Affected Homeowners to Modify Garage Setbacks for
Lots 8, 12, 86, 90, 107, 109, 112, 120 and 123 in The Conservancy at McLean**

Due to inadvertent errors by a third-party surveying company employed by Essex Homes to stake the corners of homes to be constructed prior to the pouring of foundations, the garages of nine homes were constructed with small encroachments into the required 22-foot garage setbacks. These encroachments range from 3 inches to slightly over 3 feet. These encroachments are not noticeable from the street and do not materially affect the use or occupancy of these homes. No other homes are affected. Reconstructing these homes is not feasible and even if it were, doing so would significantly disrupt the lives of the homeowners living in the homes.

All eight affected homeowners unanimously join with Essex Homes, which still owns the ninth home, to respectfully request that the Planning and Zoning Board and the City Council of the City of Belmont amend the Conditional Zoning Plan for McLean to provide that the garage setbacks for these nine homes only are hereby adjusted to conform to the garages as built and as shown on the surveys attached to each application and as described on the attached Setback Encroachment Summary.

Attachment: Setback Encroachment Summary
 Survey



Control Point, Inc.
PO Box 481936
6130 Harris Technology Blvd.
Charlotte, N.C. 28269
Phone: (704)599-1010
Fax: (704)599-1120

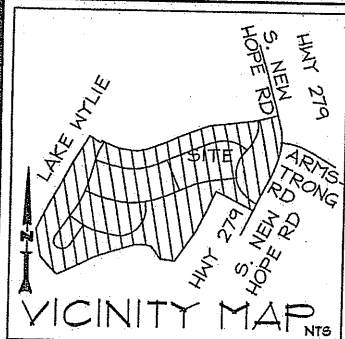
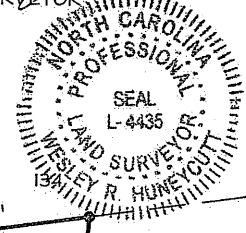
NC: C-2725
SC: COA 3459

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (MAP RECORDED IN BOOK 86, PAGE 9); THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1:10,000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).

THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND OR EXISTING BUILDING OR OTHER STRUCTURE AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

THIS 19 DAY OF FEBRUARY, 2020

Wesley R. Huneycutt
WESLEY R. HUNEYCUTT L-4435
PROFESSIONAL LAND SURVEYOR



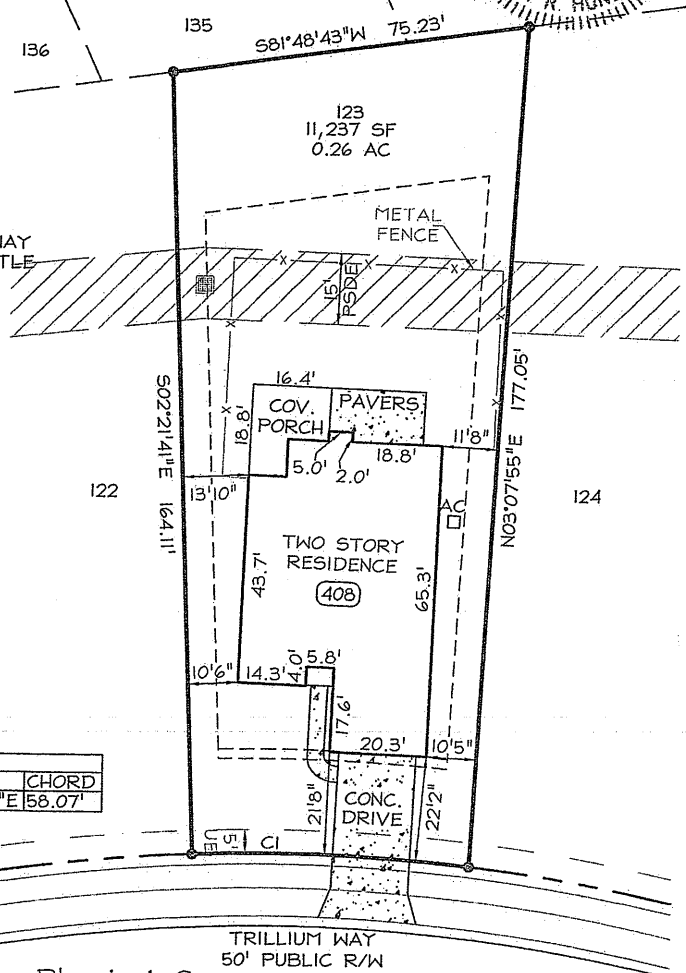
PROPERTY LINE	_____
R/W	_____
ADJOINER	_____
SETBACK	_____
ADDRESS	(XX)
UE	_____
UTILITY EASEMENT	_____
PSDE	_____
PRIVATE STORM DRAIN EASEMENT	_____

1. IRON PINS SET AT ALL CORNERS.
2. PROPERTY SUBJECT TO EASEMENTS OR RIGHTS OF WAY OF RECORD THAT A FULL TITLE SEARCH MAY REVEAL.
3. NO NEW LOT LINES WERE CREATED.
4. FIELD WORK PERFORMED: 2/14/2020.

PARCEL INFORMATION
BILLY THOMAS SIMMONS JR
KAREN MILLER SIMMONS
PARCEL: 224805
DB 4917 PG 541
MB 86 PG 9
LOT 123

CURVE TABLE			
CURVE	ARC	RADIUS	BEARING
CI	58.12'	375.00'	S87°55'16"E
			158.07'

SETBACK DATA:
FRONT: 20'
SIDE: 6'
SIDE AT CORNER: 12'
REAR: 30'



Physical Survey
of Lot #123

The Conservancy at McLean, Phase I, Map 1 & 2
City of Belmont, Southpoint Township
Gaston County, North Carolina
Map Recorded in Map Book 86 at Page 9.

Scale: 1"=30'

CONSERVANCY AT MCLEAN SETBACK ENCROACHMENT SUMMARY

LOT	ADDRESS	OWNER	ENCROACHMENT		NEW SETBACK REQUESTED
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Per surveying as performed by Control Point, Inc. on
2/19/2020

CITY OF BELMONT
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Date Filed <u>2 / 21 / 2020</u>	To be completed by City of Belmont Application Number <u>ZA-2020-01-03</u>
To be completed by City of Belmont: Hearing Date(s) P&Z <u>3 / 19 / 2020</u> <u> / / </u>	To be completed by City of Belmont City Council <u> / / </u> <u> / / </u>

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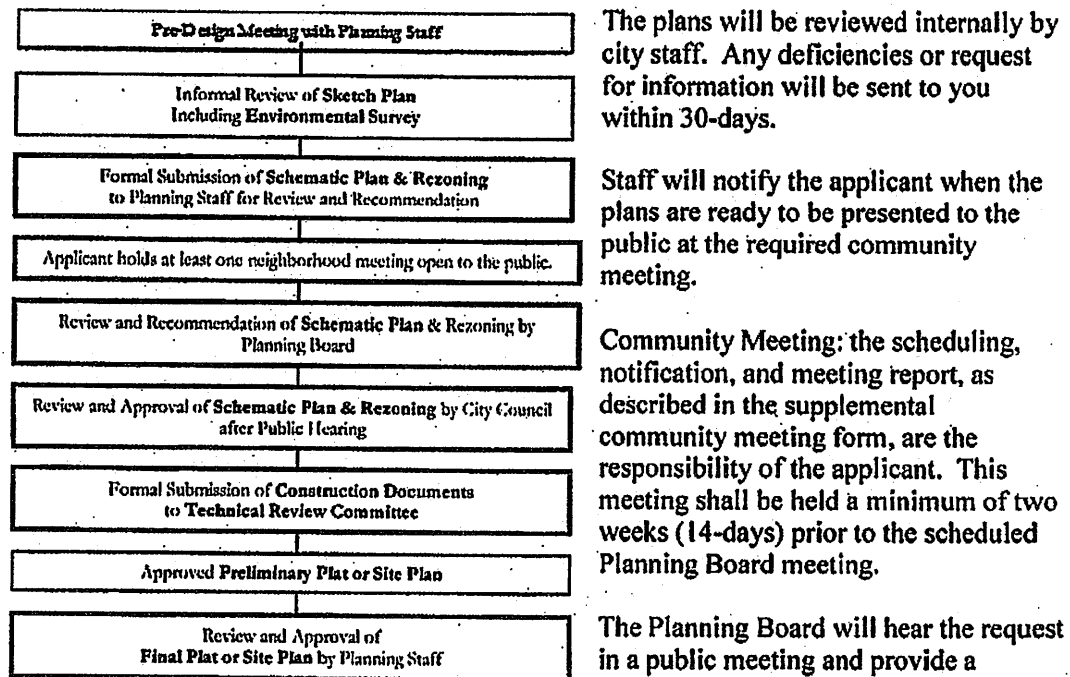
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Conditional District? (CD) <input type="checkbox"/>	NC-C	H-C	R-C	BC-D	IC-D	TN-D

Physical Property Address:	423 Trillium Way, Belmont, NC 28012	
Physical Description of Location:	Lot 8 Conservancy at McLean	
Tax Parcel Number: (PID Number)	224790	
Property Owner:	Diane Marie Morono, Richard Patrick Morono	
Owner's Address:	423 Trillium Way, Belmont, NC 28012	
Phone Number: () -	Email Address:	
Applicant Name if different than owner:	Applicant Phone Number if different than owner:	
Applicant Email Address if different than owner:		
Applicant's address:		

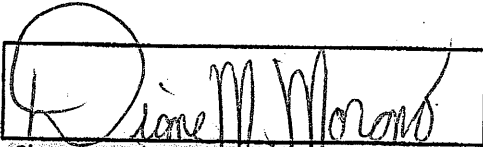
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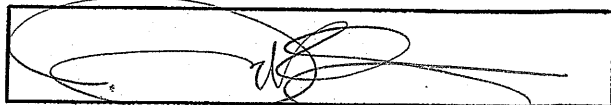
PROCESS & SCHEDULE – See Section 15.6 of the Land Development Code



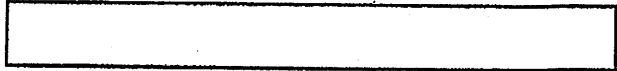
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Signature of Property Owner



Signature of Applicant, if different than the property owner



Application Fee (Dept Use Only)

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-This application must be signed by the property owner or their authorized agent.

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Original Rezoning Petition Number 2013-06

**Request by Essex Homes Southeast, LLC and Affected Homeowners to Modify Garage Setbacks for
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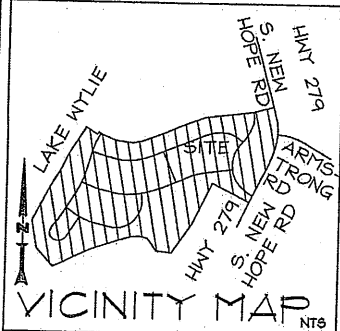
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Phone: (704)599-1010
Fax: (704)599-1120

NC: C-2725
SC: COA 3459



PROPERTY LINE	_____
R/W	_____
ADJOINER	_____
SETBACK	_____
ADDRESS	(XX)
UE	_____
UTILITY EASEMENT	_____

1. IRON PINS SET AT ALL CORNERS.
2. PROPERTY SUBJECT TO EASEMENTS OR RIGHTS OF WAY OF RECORD THAT A FULL TITLE SEARCH MAY REVEAL.
3. NO NEW LOT LINES WERE CREATED.
4. FIELD WORK PERFORMED: 2/14/2020.

PARCEL INFORMATION
DIANE MARIE MORONO
RICHARD PATRICK MORONO
PARCEL: 224790
DB 4922 PG 1705
MB 86 PG 9
LOT 8

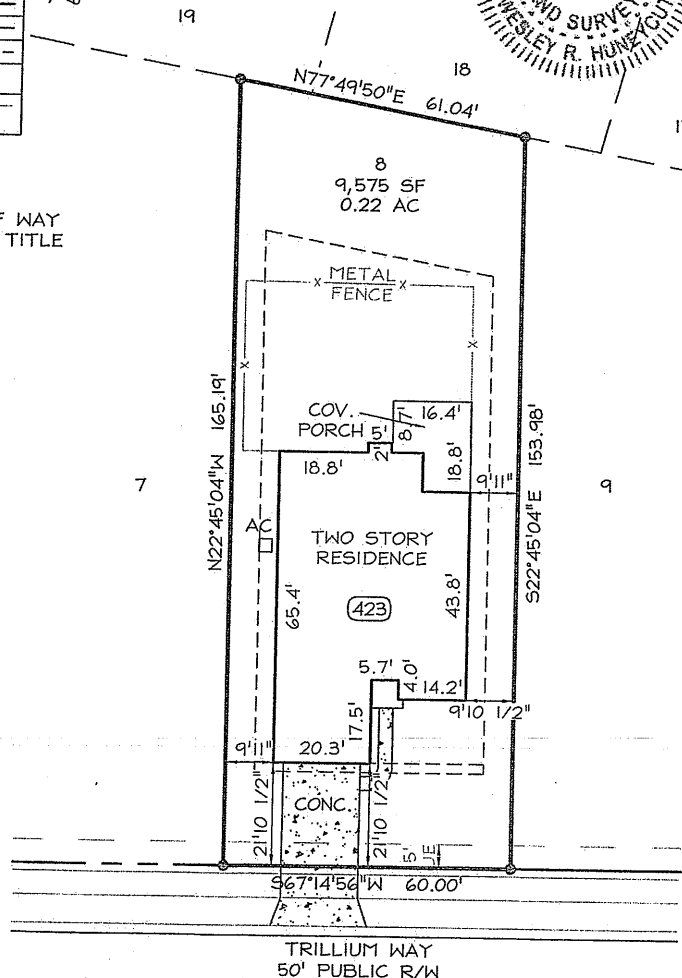
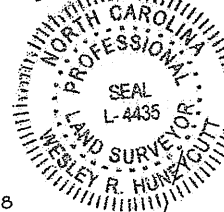
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Wesley R. Huneycutt
WESLEY R. HUNEYCUTT
PROFESSIONAL LAND SURVEYOR L-4435

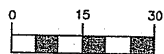


Physical Survey
of Lot #8

The Conservancy at McLean, Phase I, Map 1 & 2

City of Belmont, Southpoint Township
Gaston County, North Carolina

Map Recorded in Map Book 86 at Page 9.



Scale: 1"=30'

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Per surveying as performed by Control Point, Inc. on
2/19/2020

CITY OF BELMONT
Application for Zoning Map Amendment (Conditional Rezoning)

Date Filed <u>2/21/2020</u>	To be completed by City of Belmont Application Number <u>ZA-2020-01-01</u>
To be completed by City of Belmont: Hearing Date(s) P&Z <u>3/19/2020</u> <u> / / </u>	To be completed by City of Belmont City Council <u> / / </u> <u> / / </u>

To the Planning and Zoning Board and City Council of Belmont, NC:

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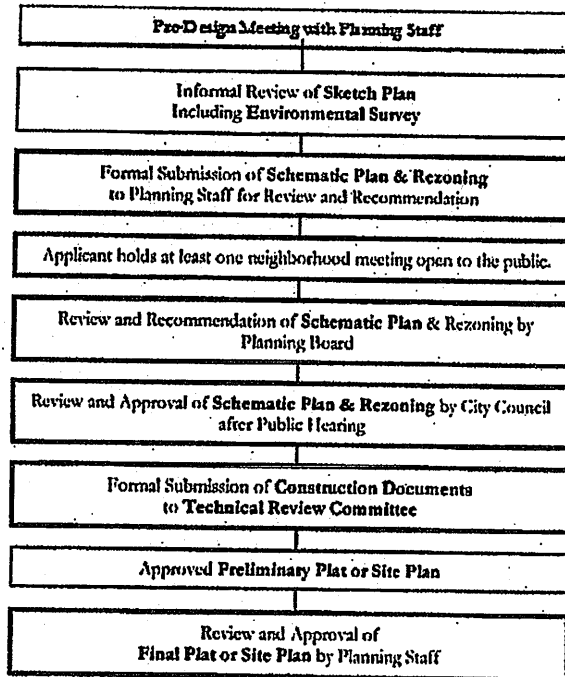
Proposed Zoning (circle one)	R-R	S-R	G-R / <u>CD</u>	NC-R	INF-R	MH-R
Conditional District? (CD) <input checked="" type="checkbox"/>	NC-C	H-C	R-C	BC-D	IC-D	TN-D

Physical Property Address:	500 Trillium Way, Belmont, NC 28012	
Physical Description of Location:	Lot 112 Conservancy at McLean	
Tax Parcel Number: (PID Number)	225588	
Property Owner:	Joseph A. Barnette, Lisa Rhone Barnette	
Owner's Address:	500 Trillium Way, Belmont, NC 28012	
Phone Number: () -	Email Address:	
Applicant Name if different than owner:	Applicant Phone Number if different than owner:	
Applicant Email Address if different than owner:		
Applicant's address:		

SUBMITTAL REQUIREMENTS

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PROCESS & SCHEDULE – See Section 15.6 of the Land Development Code



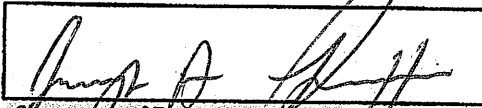
The plans will be reviewed internally by city staff. Any deficiencies or request for information will be sent to you within 30-days.

Staff will notify the applicant when the plans are ready to be presented to the public at the required community meeting.

Community Meeting: the scheduling, notification, and meeting report, as described in the supplemental community meeting form, are the responsibility of the applicant. This meeting shall be held a minimum of two weeks (14-days) prior to the scheduled Planning Board meeting.

The Planning Board will hear the request in a public meeting and provide a recommendation to the City Council.

The City Council will hold the public hearing and render a decision on the project. Please refer to Section 20.2 of the LDC for further details.



Signature of Property Owner



Signature of Applicant, if different than the property owner



Application Fee (Dept Use Only)

-Please note...The applicant is responsible for the costs of all public notices required by state law. The City will be responsible for the dissemination of the advertisements and will arrange to have the bills sent directly to the applicant. Any changes to this policy must be made prior to the submission of the application.

-This application must be signed by the property owner or their authorized agent.

Letter of Intent to Accompany Application for Modification to Conditional Zoning Plan

Original Rezoning Petition Number 2013-06

**Request by Essex Homes Southeast, LLC and Affected Homeowners to Modify Garage Setbacks for
Lots 8, 12, 86, 90, 107, 109, 112, 120 and 123 in The Conservancy at McLean**

Due to inadvertent errors by a third-party surveying company employed by Essex Homes to stake the corners of homes to be constructed prior to the pouring of foundations, the garages of nine homes were constructed with small encroachments into the required 22-foot garage setbacks. These encroachments range from 3 inches to slightly over 3 feet. These encroachments are not noticeable from the street and do not materially affect the use or occupancy of these homes. No other homes are affected. Reconstructing these homes is not feasible and even if it were, doing so would significantly disrupt the lives of the homeowners living in the homes.

All eight affected homeowners unanimously join with Essex Homes, which still owns the ninth home, to respectfully request that the Planning and Zoning Board and the City Council of the City of Belmont amend the Conditional Zoning Plan for McLean to provide that the garage setbacks for these nine homes only are hereby adjusted to conform to the garages as built and as shown on the surveys attached to each application and as described on the attached Setback Encroachment Summary.

Attachment: Setback Encroachment Summary
Survey



Control Point, Inc.
PO Box 481936
6130 Harris Technology Blvd.
Charlotte, N.C. 28269
Phone: (704)599-1010
Fax: (704)599-1120

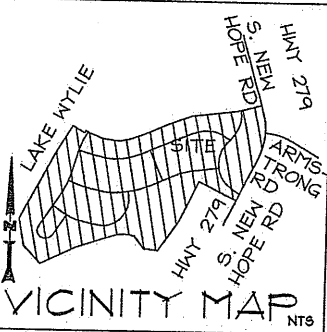
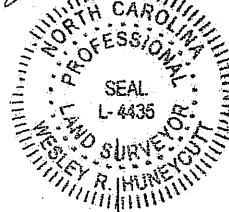
NC: C-2725
SC: COA 3459

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (MAP RECORDED IN BOOK 86, PAGE 9); THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1:10,000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).

THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND OR EXISTING BUILDING OR OTHER STRUCTURE AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

THIS 19 DAY OF FEBRUARY, 2020

Wesley R. Huneycutt
WESLEY R. HUNEYCUTT
L-4435
PROFESSIONAL LAND SURVEYOR

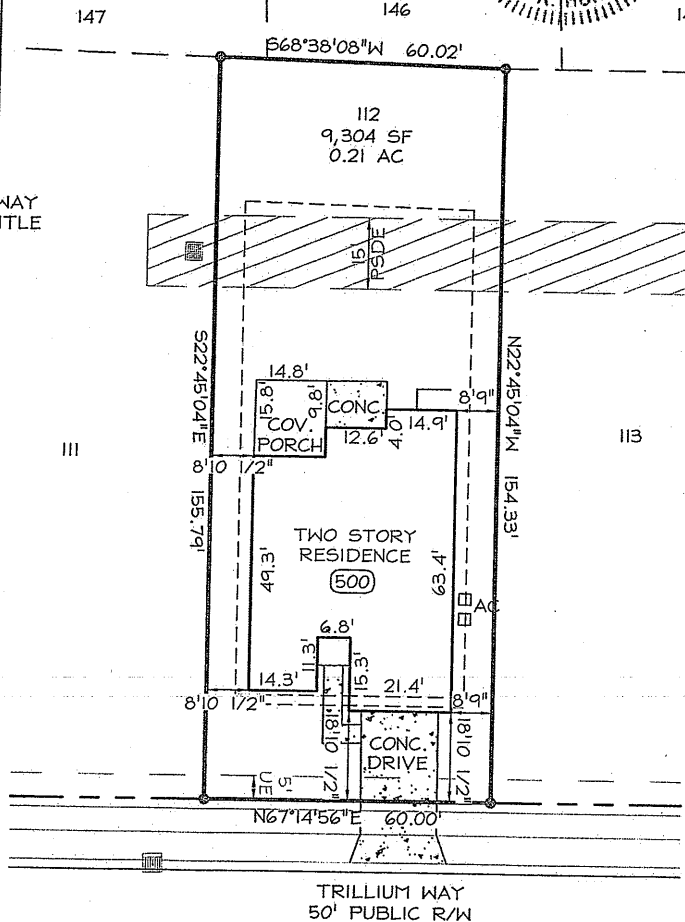


PROPERTY LINE	---
R/W	---
ADJOINER	---
SETBACK	---
ADDRESS	(XX)
UE	---
UTILITY EASEMENT	---
PSDE	---
PRIVATE STORM DRAIN EASEMENT	---

1. IRON PINS SET AT ALL CORNERS.
2. PROPERTY SUBJECT TO EASEMENTS OR RIGHTS OF WAY OF RECORD THAT A FULL TITLE SEARCH MAY REVEAL.
3. NO NEW LOT LINES WERE CREATED.
4. FIELD WORK PERFORMED: 2/14/2020.

PARCEL INFORMATION
JOSEPH A BARNETTE
LISA RHONE BARNETTE
PARCEL: 225588
DB 4956 PG 1491
MB 86 PG 9
LOT 112

SETBACK DATA:
FRONT: 20'
SIDE: 6'
SIDE AT CORNER: 12'
REAR: 30'



Physical Survey
of Lot #112

The Conservancy at McLean, Phase I, Map 1 & 2
City of Belmont, Southpoint Township
Gaston County, North Carolina
Map Recorded in Map Book 86 at Page 9.



Scale: 1"=30'

CONSERVANCY AT MCLEAN SETBACK ENCROACHMENT SUMMARY

LOT	ADDRESS	OWNER	ENCROACHMENT		NEW SETBACK REQUESTED
8	423 Trillium Way	Richard Morono	1 1/2"	one and 1/2 inches	21' 10.5"
12	439 Trillium Way	James Chaney	36"	3 feet	19'
86	515 Trillium Way	Essex Homes	36 1/2"	3 feet and 1/2 inch	18' 11.5"
90	527 Trillium Way	Harry Chambers	6 1/2"	six and 1/2 inches	21' 5.5"
107	520 Trillium Way	Kevin Eckard	27"	2 feet and 3 inches	19' 9"
109	512 Trillium Way	Neil Kiker	37 1/2"	3 feet and one & 1/2 inches	18' 10.5"
112	500 Trillium Way	Lisa Barnette	37 1/2"	3 feet and one & 1/2 inches	18' 10.5"
120	420 Trillium Way	Pamela Hannon	2"	two inches	21' 10"
123	408 Trillium Way	Billy Simmons	4"	four inches	21' 8"

Per surveying as performed by Control Point, Inc. on
2/19/2020

CITY OF BELMONT
Application for Zoning Map Amendment (Conditional Rezoning)

Date Filed 2 / 21 / 2020	To be completed by City of Belmont Application Number ZA- 2020 .01-(04)
To be completed by City of Belmont: Hearing Date(s) P&Z 3 / 19 / 2020 / /	To be completed by City of Belmont City Council / / / /

To the Planning and Zoning Board and City Council of Belmont, NC:

I (we) the undersigned do hereby respectfully make application and request the Planning and Zoning Board and City Council to amend the zoning map of the City of Belmont:

In support of this application, the following facts are shown:

Current Zoning (circle one)	R-R	S-R	G-R/CD	NC-R	INF-R	MH-R
	NC-C	H-C	R-C	BC-D	IC-D	TN-D

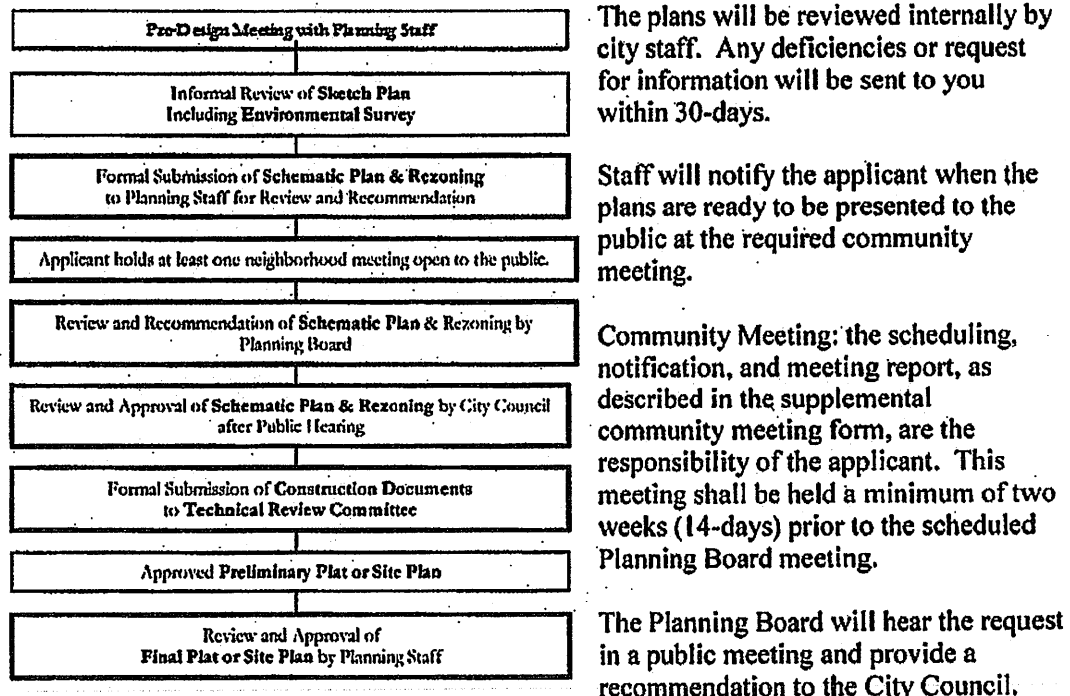
Proposed Zoning (circle one)	R-R	S-R	G-R/CD	NC-R	INF-R	MH-R
Conditional District? (CD) <input checked="" type="checkbox"/>	NC-C	H-C	R-C	BC-D	IC-D	TN-D

Physical Property Address:	512 Trillium Way, Belmont, NC 28012	
Physical Description of Location:	Lot 109 Conservancy at McLean	
Tax Parcel Number: (PID Number)	226385	
Property Owner:	Joan B. Kiker, Joseph N. Kiker	
Owner's Address:	512 Trillium Way, Belmont, NC 28012	
Phone Number: () -	Email Address:	
Applicant Name if different than owner:	Applicant Phone Number if different than owner:	
Applicant Email Address if different than owner:		
Applicant's address:		

SUBMITTAL REQUIREMENTS

- Completed Application
- Letter of Intent – Description of proposed project
- 5 copies of Concept Plan (must be drawn to scale by architect, landscape architect, professional surveyor, or engineer licensed in North Carolina). Additional plans will be requested for the public meetings.
- Boundary Survey (acreage, current zoning, location of existing buildings, setbacks)
- Community Meeting Form
- Adjacent Property Owner List – provide a copy of address labels for all adjacent property owners. The City will use this list for public notices for the Planning Board Meeting and the Public Hearing meeting.
- Traffic Impact Analysis, if necessary
- Fees associated with review

PROCESS & SCHEDULE – See Section 15.6 of the Land Development Code



The City Council will hold the public hearing and render a decision on the project. Please refer to Section 20.2 of the LDC for further details.

Joan B. Kilker

Signature of Property Owner

[Signature]

Signature of Applicant, if different than the property owner

Application Fee (Dept Use Only)

-Please note...The applicant is responsible for the costs of all public notices required by state law. The City will be responsible for the dissemination of the advertisements and will arrange to have the bills sent directly to the applicant. Any changes to this policy must be made prior to the submission of the application.

-This application must be signed by the property owner or their authorized agent.

Letter of Intent to Accompany Application for Modification to Conditional Zoning Plan

Original Rezoning Petition Number 2013-06

**Request by Essex Homes Southeast, LLC and Affected Homeowners to Modify Garage Setbacks for
Lots 8, 12, 86, 90, 107, 109, 112, 120 and 123 in The Conservancy at McLean**

Due to inadvertent errors by a third-party surveying company employed by Essex Homes to stake the corners of homes to be constructed prior to the pouring of foundations, the garages of nine homes were constructed with small encroachments into the required 22-foot garage setbacks. These encroachments range from 3 inches to slightly over 3 feet. These encroachments are not noticeable from the street and do not materially affect the use or occupancy of these homes. No other homes are affected. Reconstructing these homes is not feasible and even if it were, doing so would significantly disrupt the lives of the homeowners living in the homes.

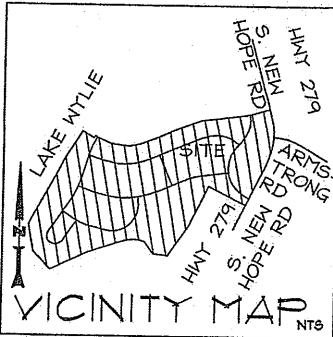
All eight affected homeowners unanimously join with Essex Homes, which still owns the ninth home, to respectfully request that the Planning and Zoning Board and the City Council of the City of Belmont amend the Conditional Zoning Plan for McLean to provide that the garage setbacks for these nine homes only are hereby adjusted to conform to the garages as built and as shown on the surveys attached to each application and as described on the attached Setback Encroachment Summary.

Attachment: Setback Encroachment Summary
Survey



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NC: C-2725
SC: COA 3459



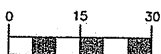
PROPERTY LINE
R/W
ADJOINER
SETBACK
ADDRESS
UE
UTILITY EASEMENT

1. IRON PINS SET AT ALL CORNERS.
2. PROPERTY SUBJECT TO EASEMENTS OR RIGHTS OF WAY OF RECORD THAT A FULL TITLE SEARCH MAY REVEAL.
3. NO NEW LOT LINES WERE CREATED.
4. FIELD WORK PERFORMED: 2/14/2020.

PARCEL INFORMATION
JOAN BALLENGER KIKER
JOSEPH NEIL KIKER
PARCEL: 226385
DB 4973 PG 1242
MB 86 PG 60
LOT 109

CURVE TABLE				
CURVE	ARC	RADIUS	BEARING	CHORD
CI	75.80'	625.67'	N74°17'34"E	75.76'

SETBACK DATA:
FRONT: 20'
FRONT(GARAGE: 22')
SIDE: 6'
SIDE AT CORNER: 12'
SIDE AT CORNER(GARAGE): 22'
REAR: 30'



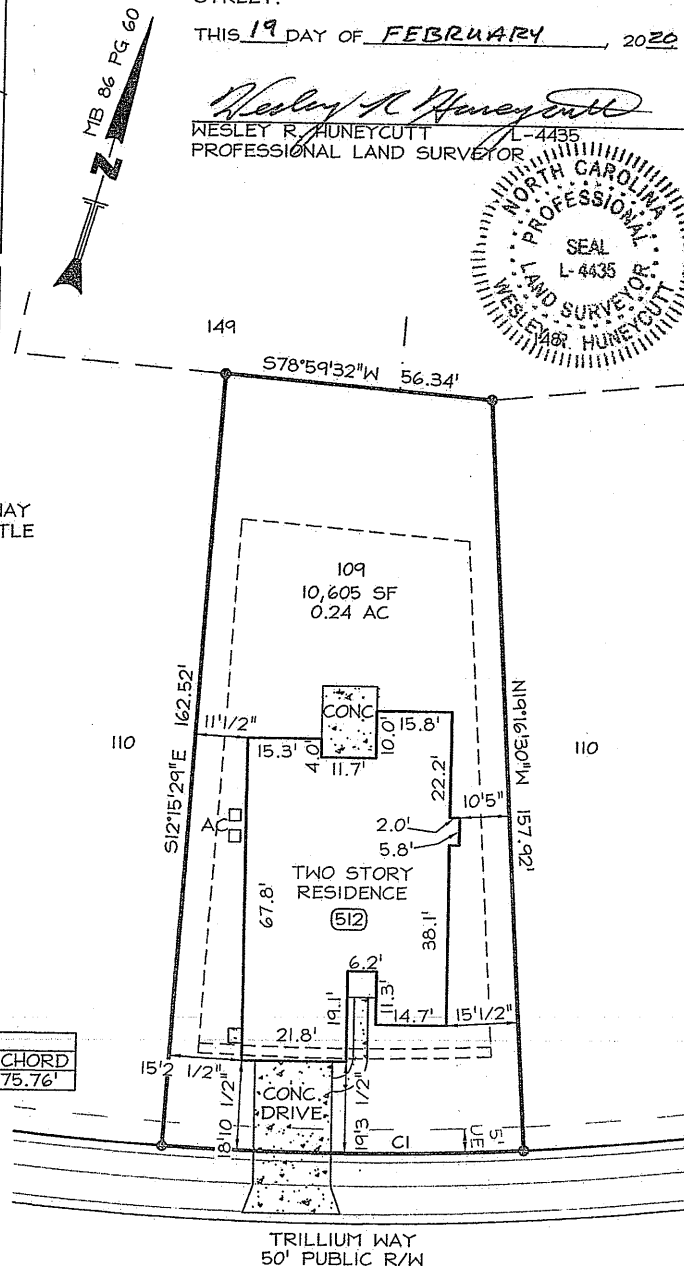
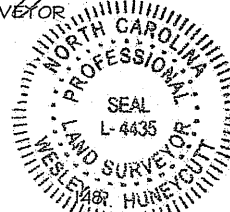
Scale: 1"=30'

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THIS 19 DAY OF FEBRUARY, 2020

Wesley R. Huneycutt
WESLEY R. HUNEYCUTT L-4435
PROFESSIONAL LAND SURVEYOR



Physical Survey
of Lot #109

The Conservancy at McLean, Phase 1, Map 3
City of Belmont, Southpoint Township
Gaston County, North Carolina
Map Recorded in Map Book 86 at Page 60.

CONSERVANCY AT MCLEAN SETBACK ENCROACHMENT SUMMARY

LOT	ADDRESS	OWNER	ENCROACHMENT		NEW SETBACK REQUESTED
8	423 Trillium Way	Richard Morono	1 1/2"	one and 1/2 inches	21' 10.5"
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123	408 Trillium Way	Billy Simmons	4"	four inches	21' 8"

Per surveying as performed by Control Point, Inc. on
2/19/2020

CITY OF BELMONT
Application for Zoning Map Amendment (Conditional Rezoning)

Date Filed	2/21/2020	To be completed by City of Belmont
		Application Number ZA-2020-01-02
To be completed by City of Belmont:		To be completed by City of Belmont
Hearing Date(s) P&Z	3/19/2020	City Council
	/ /	/ /

To the Planning and Zoning Board and City Council of Belmont, NC:

I (we) the undersigned do hereby respectfully make application and request the Planning and Zoning Board and City Council to amend the zoning map of the City of Belmont:

In support of this application, the following facts are shown:

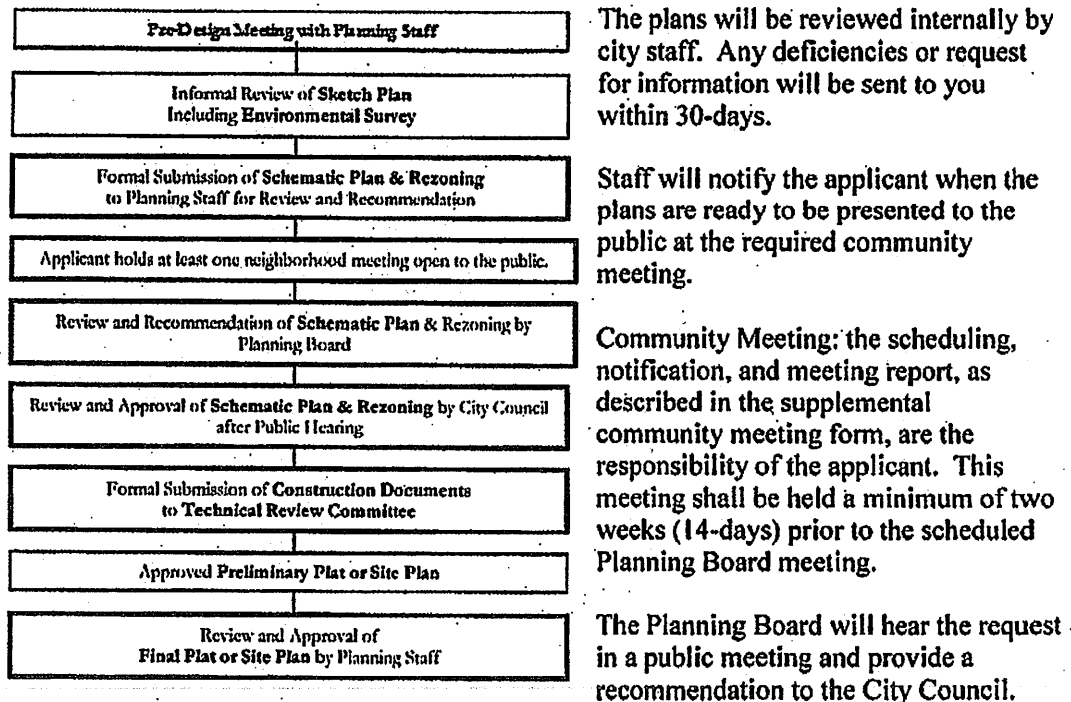
Current Zoning (circle one)	R-R	S-R	<u>G-R/CS</u>	NC-R	INF-R	MH-R
	NC-C	H-C	R-C	BC-D	IC-D	TN-D
Proposed Zoning (circle one)	R-R	S-R	<u>G-R/CS</u>	NC-R	INF-R	MH-R
Conditional District? (CD) <input type="checkbox"/>	NC-C	H-C	R-C	BC-D	IC-D	TN-D

Physical Property Address:	527 Trillium Way, Belmont, NC 28012	
Physical Description of Location:	Lot 90 Conservancy at McLean	
Tax Parcel Number: (PID Number)	226366	
Property Owner:	Anna Young Chambers, Harry Randall Chambers	
Owner's Address:	527 Trillium Way, Belmont, NC 28012	
Phone Number: () -	Email Address:	
Applicant Name if different than owner:	Applicant Phone Number if different than owner:	
Applicant Email Address if different than owner:		
Applicant's address:		

SUBMITTAL REQUIREMENTS

- Completed Application
- Letter of Intent – Description of proposed project
- 5 copies of Concept Plan (must be drawn to scale by architect, landscape architect, professional surveyor, or engineer licensed in North Carolina). Additional plans will be requested for the public meetings.
- Boundary Survey (acreage, current zoning, location of existing buildings, setbacks)
- Community Meeting Form
- Adjacent Property Owner List – provide a copy of address labels for all adjacent property owners. The City will use this list for public notices for the Planning Board Meeting and the Public Hearing meeting.
- Traffic Impact Analysis, if necessary
- Fees associated with review

PROCESS & SCHEDULE – See Section 15.6 of the Land Development Code



The City Council will hold the public hearing and render a decision on the project. Please refer to Section 20.2 of the LDC for further details.

Anna Young Bramble

Signature of Property Owner

[Signature]

Signature of Applicant, if different than the property owner

Application Fee (Dept Use Only)

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Letter of Intent to Accompany Application for Modification to Conditional Zoning Plan

Original Rezoning Petition Number 2013-06

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Attachment: Setback Encroachment Summary
 Survey



Control Point, Inc.
PO Box 481936
6130 Harris Technology Blvd.
Charlotte, N.C. 28269
Phone: (704)599-1010
Fax: (704)599-1120

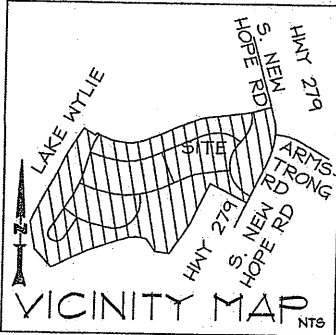
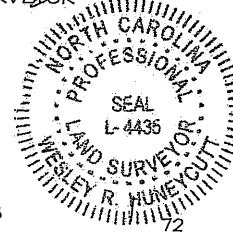
NC: C-2725
SC: COA 3459

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THIS 19 DAY OF FEBRUARY, 2020

Wesley R. Huneycutt
WESLEY R. HUNEYCUTT L-4435
PROFESSIONAL LAND SURVEYOR



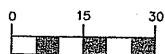
PROPERTY LINE	
R/W	
ADJOINER	
SETBACK	
ADDRESS	(XX)
UE	
UTILITY EASEMENT	

1. IRON PINS SET AT ALL CORNERS.
2. PROPERTY SUBJECT TO EASEMENTS OR RIGHTS OF WAY OF RECORD THAT A FULL TITLE SEARCH MAY REVEAL.
3. NO NEW LOT LINES WERE CREATED.
4. FIELD WORK PERFORMED: 2/14/2020.

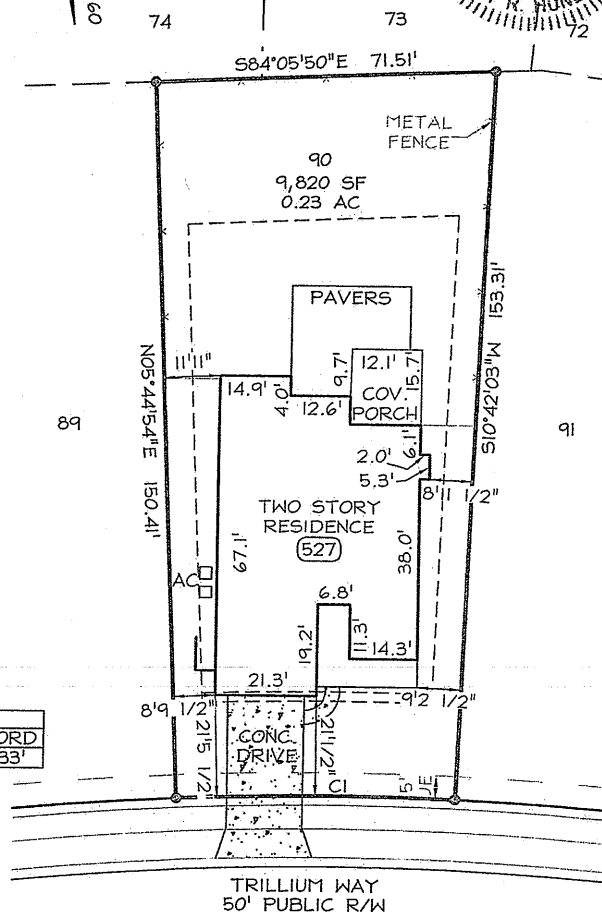
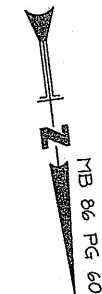
PARCEL INFORMATION
ANNA YOUNG CHAMBERS
HARRY RANDALL CHAMBERS
PARCEL: 226366
DB 4974 PG 601
MB 86 PG 60
LOT 90

CURVE TABLE				
CURVE	ARC	RADIUS	BEARING	CHORD
CI	58.35'	675.64'	N81°46'32"W	58.33'

SETBACK DATA:
FRONT: 20'
FRONT(GARAGE: 22')
SIDE: 6'
SIDE AT CORNER: 12'
SIDE AT CORNER(GARAGE): 22'
REAR: 30'



Scale: 1"=30'



Physical Survey
of Lot #90
The Conservancy at McLean, Phase 1, Map 3
City of Belmont, Southpoint Township
Gaston County, North Carolina
Map Recorded in Map Book 86 at Page 60.

CONSERVANCY AT MCLEAN SETBACK ENCROACHMENT SUMMARY

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123	408 Trillium Way	Billy Simmons	4"	four inches	21' 8"

Per surveying as performed by Control Point, Inc. on
2/19/2020

CITY OF BELMONT
Application for Zoning Map Amendment (Conditional Rezoning)

Date Filed <u>2/21/2020</u>	To be completed by City of Belmont Application Number <u>ZA-2020-01(06)</u>
To be completed by City of Belmont: Hearing Date(s) P&Z <u>3/19/2020</u> <u> / / </u>	To be completed by City of Belmont City Council <u> / / </u> <u> / / </u>

To the Planning and Zoning Board and City Council of Belmont, NC:

I (we) the undersigned do hereby respectfully make application and request the Planning and Zoning Board and City Council to amend the zoning map of the City of Belmont:

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Current Zoning (circle one)	R-R	S-R	<u>G-R/CD</u>	NC-R	INF-R	MH-R
	NC-C	H-C	R-C	BC-D	IC-D	TN-D

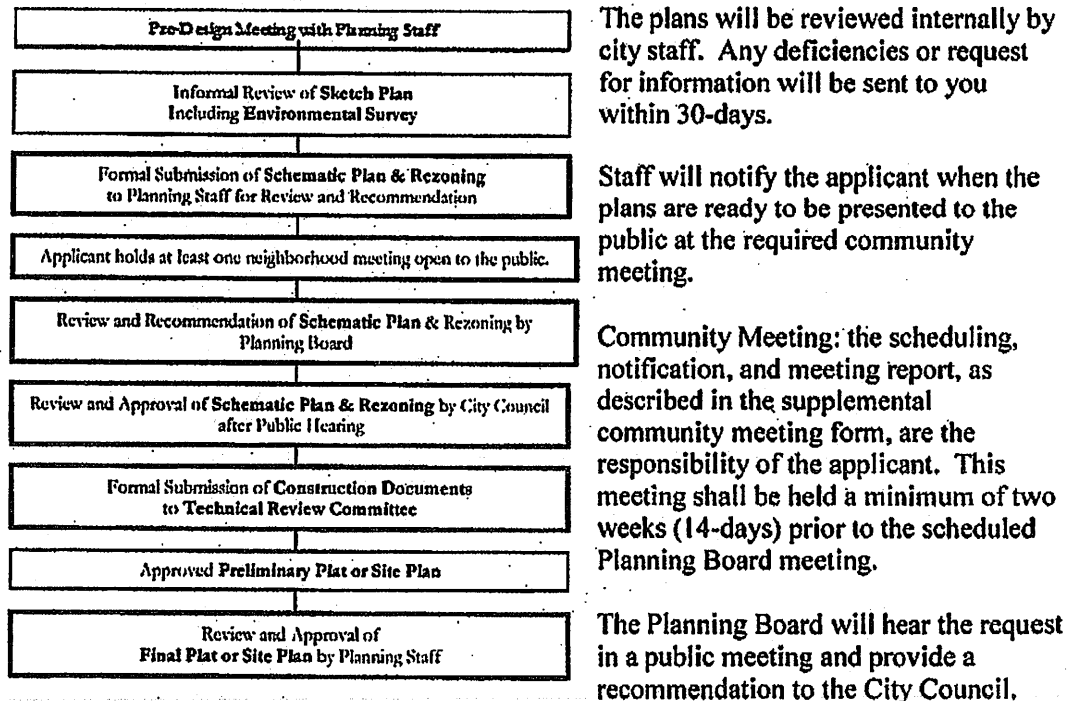
Proposed Zoning (circle one)	R-R	S-R	<u>G-R/CD</u>	NC-R	INF-R	MH-R
Conditional District? (CD) <input checked="" type="checkbox"/>	NC-C	H-C	R-C	BC-D	IC-D	TN-D

Physical Property Address:	520 Trillium Way, Belmont, NC 28012	
Physical Description of Location:	Lot 107 Conservancy at McLean	
Tax Parcel Number: (PID Number)	226383	
Property Owner:	Jennifer Eckard and Kevin Eckard	
Owner's Address:	520 Trillium Way, Belmont, NC 28012	
Phone Number: () -	Email Address:	
Applicant Name if different than owner:	Applicant Phone Number if different than owner:	
Applicant Email Address if different than owner:		
Applicant's address:		

SUBMITTAL REQUIREMENTS

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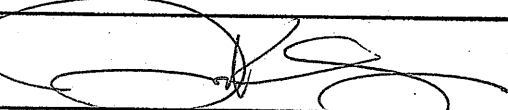
PROCESS & SCHEDULE – See Section 15.6 of the Land Development Code



The City Council will hold the public hearing and render a decision on the project. Please refer to Section 20.2 of the LDC for further details.



Signature of Property Owner



Signature of Applicant, if different than the property owner



Application Fee (Dept Use Only)

-Please note...The applicant is responsible for the costs of all public notices required by state law. The City will be responsible for the dissemination of the advertisements and will arrange to have the bills sent directly to the applicant. Any changes to this policy must be made prior to the submission of the application.

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Original Rezoning Petition Number 2013-06

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Lots 8, 12, 86, 90, 107, 109, 112, 120 and 123 in The Conservancy at McLean**

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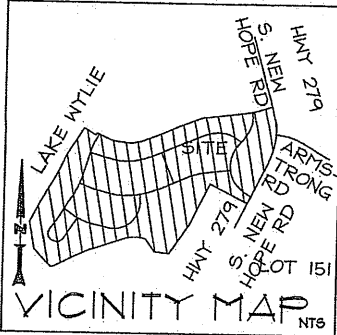
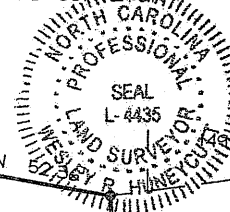
NC: C-2725
SC: COA 3459

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (MAP RECORDED IN BOOK 86, PAGE 60.); THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1:10,000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).

THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND OR EXISTING BUILDING OR OTHER STRUCTURE AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

THIS 19 DAY OF FEBRUARY, 2020

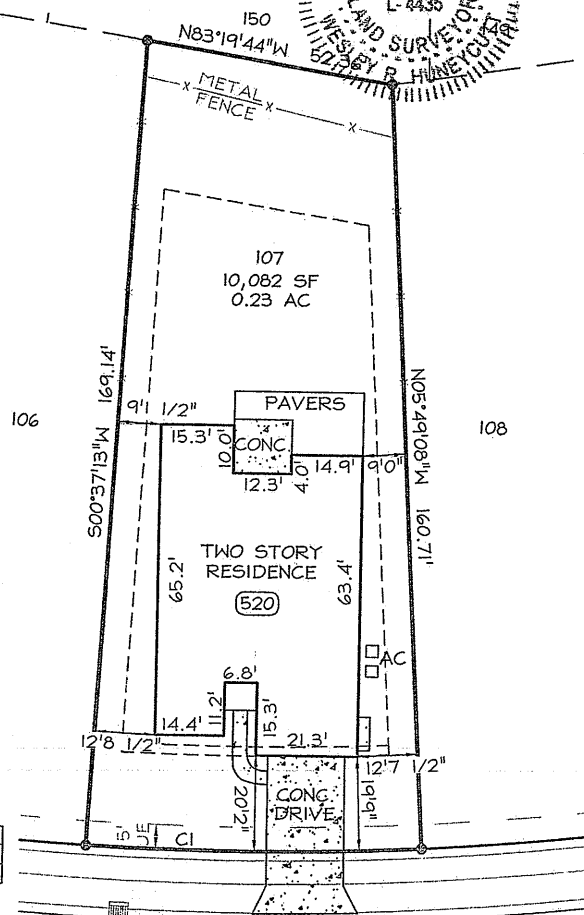
Wesley R. Huneycutt
WESLEY R. HUNEYCUTT L-4435
PROFESSIONAL LAND SURVEYOR



PROPERTY LINE
R/W
ADJOINER
SETBACK
ADDRESS
UE
UTILITY EASEMENT

1. IRON PINS SET AT ALL CORNERS.
2. PROPERTY SUBJECT TO EASEMENTS OR RIGHTS OF WAY OF RECORD THAT A FULL TITLE SEARCH MAY REVEAL.
3. NO NEW LOT LINES WERE CREATED.
4. FIELD WORK PERFORMED: 2/14/2020.

PARCEL INFORMATION
JENNIFER ECKARD
KEVIN ECKARD
PARCEL: 226383
DB 4971 PG 1950
MB 86 PG 60
LOT 107



CURVE TABLE				
CURVE	ARC	RADIUS	BEARING	CHORD
C1	70.24'	625.67'	N87°24'45"E	70.20'

SETBACK DATA:

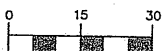
FRONT: 20'
FRONT(GARAGE: 22')
SIDE: 6'
SIDE AT CORNER: 12'
SIDE AT CORNER(GARAGE): 22'
REAR: 30'

Physical Survey
of Lot #107

The Conservancy at McLean, Phase I, Map 3

City of Belmont, Southpoint Township
Gaston County, North Carolina

Map Recorded in Map Book 86 at Page 60.



Scale: 1"=30'

CONSERVANCY AT MCLEAN SETBACK ENCROACHMENT SUMMARY

LOT	ADDRESS	OWNER	ENCROACHMENT		NEW SETBACK REQUESTED
8	423 Trillium Way	Richard Morono	1 1/2"	one and 1/2 inches	21' 10.5"
12	439 Trillium Way	James Chaney	36"	3 feet	19'
86	515 Trillium Way	Essex Homes	36 1/2"	3 feet and 1/2 inch	18' 11.5"
90	527 Trillium Way	Harry Chambers	6 1/2"	six and 1/2 inches	21' 5.5"
107	520 Trillium Way	Kevin Eckard	27"	2 feet and 3 inches	19' 9"
109	512 Trillium Way	Neil Kiker	37 1/2"	3 feet and one & 1/2 inches	18' 10.5"
112	500 Trillium Way	Lisa Barnette	37 1/2"	3 feet and one & 1/2 inches	18' 10.5"
120	420 Trillium Way	Pamela Hannon	2"	two inches	21' 10"
123	408 Trillium Way	Billy Simmons	4"	four inches	21' 8"

Per surveying as performed by Control Point, Inc. on
2/19/2020

CITY OF BELMONT
Application for Zoning Map Amendment (Conditional Rezoning)

Date Filed 2 / 20 / 2020	To be completed by City of Belmont Application Number ZA-2020 . 01197
To be completed by City of Belmont: Hearing Date(s) P&Z 3 / 17 / 2020	To be completed by City of Belmont City Council / / / /

To the Planning and Zoning Board and City Council of Belmont, NC:

I (we) the undersigned do hereby respectfully make application and request the Planning and Zoning Board and City Council to amend the zoning map of the City of Belmont:

In support of this application, the following facts are shown:

Current Zoning (circle one)	R-R	S-R	G-R/cp	NC-R	INF-R	MH-R
	NC-C	H-C	R-C	BC-D	IC-D	TN-D

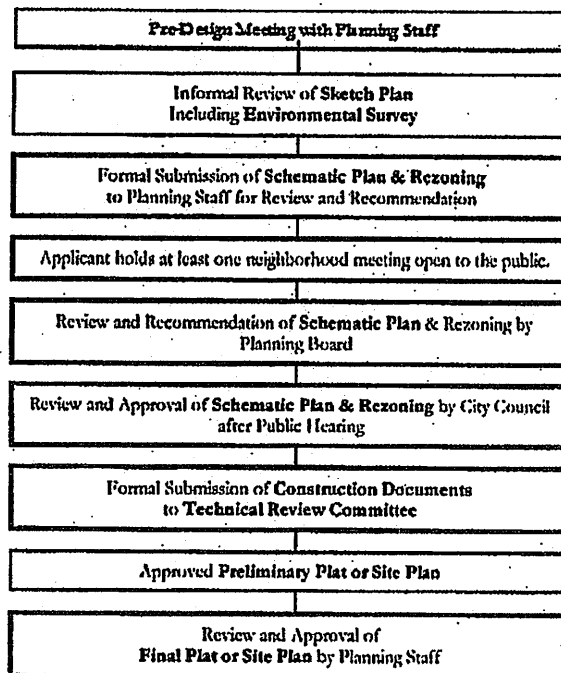
Proposed Zoning (circle one)	R-R	S-R	G-R/cp	NC-R	INF-R	MH-R
Conditional District? (CD) <input type="checkbox"/>	NC-C	H-C	R-C	BC-D	IC-D	TN-D

Physical Property Address:	420 Trillium Way, Belmont, NC 28012
Physical Description of Location:	Lot 120, The Conservancy at McLean
Tax Parcel Number: (PID Number)	224802
Property Owner:	Pamela J. Hannon
Owner's Address:	420 Trillium Way, Belmont, NC 28012-6538
Phone Number: () -	Email Address:
Applicant Name if different than owner:	Applicant Phone Number if different than owner:
Applicant Email Address if different than owner:	
Applicant's address:	

SUBMITTAL REQUIREMENTS

- Completed Application
- Letter of Intent – Description of proposed project
- 5 copies of Concept Plan (must be drawn to scale by architect, landscape architect, professional surveyor, or engineer licensed in North Carolina). Additional plans will be requested for the public meetings.
- Boundary Survey (acreage, current zoning, location of existing buildings, setbacks)
- Community Meeting Form
- Adjacent Property Owner List – provide a copy of address labels for all adjacent property owners. The City will use this list for public notices for the Planning Board Meeting and the Public Hearing meeting.
- Traffic Impact Analysis, if necessary
- Fees associated with review

PROCESS & SCHEDULE – See Section 15.6 of the Land Development Code



The plans will be reviewed internally by city staff. Any deficiencies or request for information will be sent to you within 30-days.

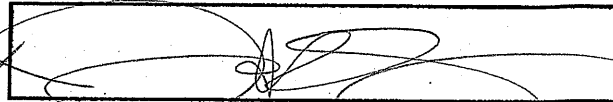
Staff will notify the applicant when the plans are ready to be presented to the public at the required community meeting.


Community Meeting: the scheduling, notification, and meeting report, as described in the supplemental community meeting form, are the responsibility of the applicant. This meeting shall be held a minimum of two weeks (14-days) prior to the scheduled Planning Board meeting.

The Planning Board will hear the request in a public meeting and provide a recommendation to the City Council.

The City Council will hold the public hearing and render a decision on the project. Please refer to Section 20.2 of the LDC for further details.


Signature of Property Owner


Signature of Applicant, if different than the property owner


Application Fee (Dept Use Only)

-Please note...The applicant is responsible for the costs of all public notices required by state law. The City will be responsible for the dissemination of the advertisements and will arrange to have the bills sent directly to the applicant. Any changes to this policy must be made prior to the submission of the application.

-This application must be signed by the property owner or their authorized agent.

Letter of Intent to Accompany Application for Modification to Conditional Zoning Plan

Original Rezoning Petition Number 2013-06

**Request by Essex Homes Southeast, LLC and Affected Homeowners to Modify Garage Setbacks for
Lots 8, 12, 86, 90, 107, 109, 112, 120 and 123 in The Conservancy at McLean**

Due to inadvertent errors by a third-party surveying company employed by Essex Homes to stake the corners of homes to be constructed prior to the pouring of foundations, the garages of nine homes were constructed with small encroachments into the required 22-foot garage setbacks. These encroachments range from 3 inches to slightly over 3 feet. These encroachments are not noticeable from the street and do not materially affect the use or occupancy of these homes. No other homes are affected. Reconstructing these homes is not feasible and even if it were, doing so would significantly disrupt the lives of the homeowners living in the homes.

All eight affected homeowners unanimously join with Essex Homes, which still owns the ninth home, to respectfully request that the Planning and Zoning Board and the City Council of the City of Belmont amend the Conditional Zoning Plan for McLean to provide that the garage setbacks for these nine homes only are hereby adjusted to conform to the garages as built and as shown on the surveys attached to each application and as described on the attached Setback Encroachment Summary.

Attachment: Setback Encroachment Summary
Survey



Control Point, Inc.
PO Box 481936
6130 Harris Technology Blvd.
Charlotte, N.C. 28269
Phone: (704)599-1010
Fax: (704)599-1120

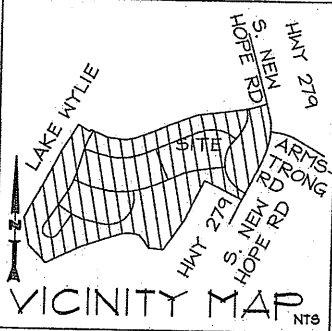
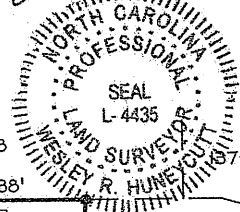
NC: C-2725
SC: COA 3459

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (MAP RECORDED IN BOOK 86, PAGE 9); THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1:10,000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).

THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND OR EXISTING BUILDING OR OTHER STRUCTURE AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

THIS 19 DAY OF FEBRUARY, 2020

Wesley R. Huneycutt
WESLEY R. HUNEYCUTT L-4435
PROFESSIONAL LAND SURVEYOR



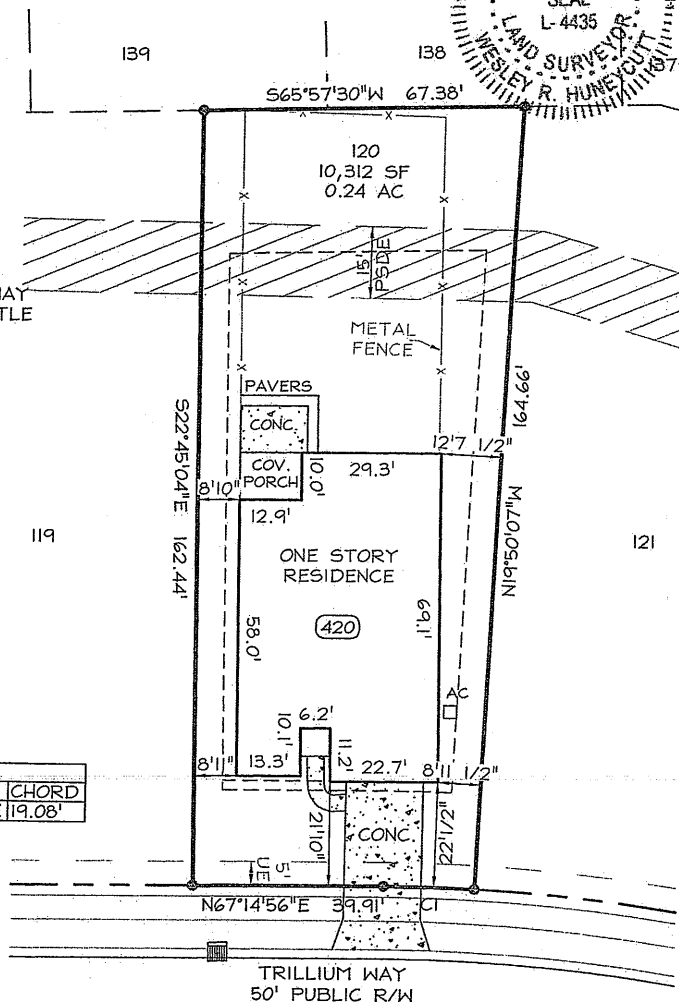
PROPERTY LINE
R/W
ADJOINER
SETBACK
ADDRESS (XX)
UE
UTILITY EASEMENT
PSDE
PRIVATE STORM DRAIN EASEMENT

1. IRON PINS SET AT ALL CORNERS.
2. PROPERTY SUBJECT TO EASEMENTS OR RIGHTS OF WAY OF RECORD THAT A FULL TITLE SEARCH MAY REVEAL.
3. NO NEW LOT LINES WERE CREATED.
4. FIELD WORK PERFORMED: 2/14/2020.

PARCEL INFORMATION
PAMELA J HANNON
PARCEL: 224802
DB 4936 PG 2196
MB 86 PG 9
LOT 120

CURVE TABLE			
CURVE	ARC	RADIUS	BEARING
CI	19.08'	375.00'	N68°42'24"E
			119.08'

SETBACK DATA:
FRONT: 20'
SIDE: 6'
SIDE AT CORNER: 12'
REAR: 30'

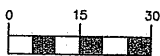


Physical Survey
of Lot #120

The Conservancy at McLean, Phase I, Map 1 & 2

City of Belmont, Southpoint Township
Gaston County, North Carolina

Map Recorded in Map Book 86 at Page 9.



Scale: 1"=30'

CONSERVANCY AT MCLEAN SETBACK ENCROACHMENT SUMMARY

LOT	ADDRESS	OWNER	ENCROACHMENT		NEW SETBACK REQUESTED
8	423 Trillium Way	Richard Morono	1 1/2"	one and 1/2 inches	21' 10.5"
12	439 Trillium Way	James Chaney	36"	3 feet	19'
86	515 Trillium Way	Essex Homes	36 1/2"	3 feet and 1/2 inch	18' 11.5"
90	527 Trillium Way	Harry Chambers	6 1/2"	six and 1/2 inches	21' 5.5"
107	520 Trillium Way	Kevin Eckard	27"	2 feet and 3 inches	19' 9"
109	512 Trillium Way	Neil Kiker	37 1/2"	3 feet and one & 1/2 inches	18' 10.5"
112	500 Trillium Way	Lisa Barnette	37 1/2"	3 feet and one & 1/2 inches	18' 10.5"
120	420 Trillium Way	Pamela Hannon	2"	two inches	21' 10"
123	408 Trillium Way	Billy Simmons	4"	four inches	21' 8"

Per surveying as performed by Control Point, Inc. on
2/19/2020

CITY OF BELMONT
Application for Zoning Map Amendment (Conditional Rezoning)

Date Filed <u>2/20/2020</u>	To be completed by City of Belmont Application Number <u>ZA-2020-01 (01)</u>
To be completed by City of Belmont: Hearing Date(s) P&Z <u>3/19/2020</u>	To be completed by City of Belmont City Council <u>/ /</u> <u>/ /</u>

To the Planning and Zoning Board and City Council of Belmont, NC:

I (we) the undersigned do hereby respectfully make application and request the Planning and Zoning Board and City Council to amend the zoning map of the City of Belmont:

In support of this application, the following facts are shown:

Current Zoning (circle one)	R-R	S-R	G-R/CD	NC-R	INF-R	MH-R
	NC-C	H-C	R-C	BC-D	IC-D	TN-D

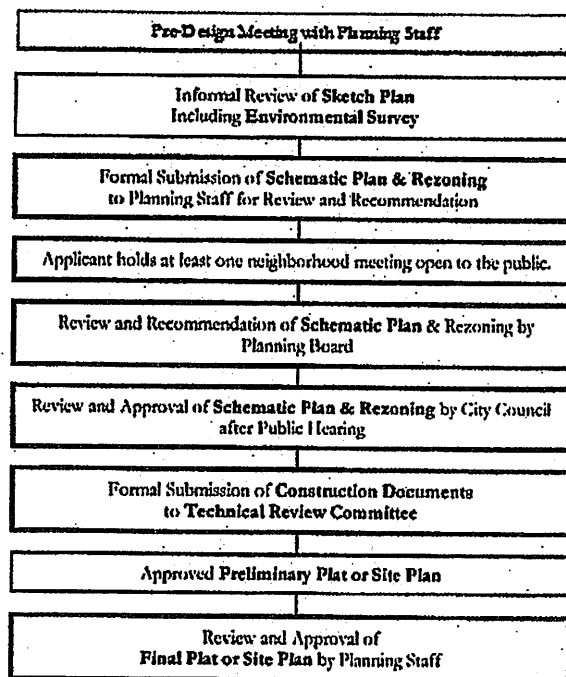
Proposed Zoning (circle one)	R-R	S-R	G-R/CD	NC-R	INF-R	MH-R
Conditional District? (CD) <input checked="" type="checkbox"/>	NC-C	H-C	R-C	BC-D	IC-D	TN-D

Physical Property Address:	439 Trillium Way, Belmont, NC 28012	
Physical Description of Location:	Lot 12; Conservancy at McLean; Ph 1	
Tax Parcel Number: (PID Number)	224794	
Property Owner:	James Wylie Chaney, Theresa Knight Chaney	
Owner's Address:	439 Trillium Way, Belmont, NC 28012	
Phone Number: () -	Email Address:	
Applicant Name if different than owner:	Applicant Phone Number if different than owner:	
Applicant Email Address if different than owner:		
Applicant's address:		

SUBMITTAL REQUIREMENTS

- Completed Application
- Letter of Intent – Description of proposed project
- 5 copies of Concept Plan (must be drawn to scale by architect, landscape architect, professional surveyor, or engineer licensed in North Carolina). Additional plans will be requested for the public meetings.
- Boundary Survey (acreage, current zoning, location of existing buildings, setbacks)
- Community Meeting Form
- Adjacent Property Owner List – provide a copy of address labels for all adjacent property owners. The City will use this list for public notices for the Planning Board Meeting and the Public Hearing meeting.
- Traffic Impact Analysis, if necessary
- Fees associated with review

PROCESS & SCHEDULE – See Section 15.6 of the Land Development Code



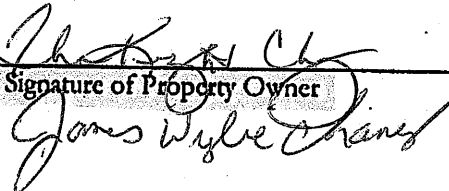
The plans will be reviewed internally by city staff. Any deficiencies or request for information will be sent to you within 30-days.

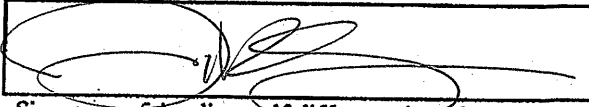
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Community Meeting: the scheduling, notification, and meeting report, as described in the supplemental community meeting form, are the responsibility of the applicant. This meeting shall be held a minimum of two weeks (14-days) prior to the scheduled Planning Board meeting.

The Planning Board will hear the request in a public meeting and provide a recommendation to the City Council.

The City Council will hold the public hearing and render a decision on the project. Please refer to Section 20.2 of the LDC for further details.


Signature of Property Owner


Signature of Applicant, if different than the property owner


Application Fee (Dept Use Only)

-Please note...The applicant is responsible for the costs of all public notices required by state law. The City will be responsible for the dissemination of the advertisements and will arrange to have the bills sent directly to the applicant. Any changes to this policy must be made prior to the submission of the application.

-This application must be signed by the property owner or their authorized agent.

Letter of Intent to Accompany Application for Modification to Conditional Zoning Plan

Original Rezoning Petition Number 2013-06

**Request by Essex Homes Southeast, LLC and Affected Homeowners to Modify Garage Setbacks for
Lots 8, 12, 86, 90, 107, 109, 112, 120 and 123 in The Conservancy at McLean**

Due to inadvertent errors by a third-party surveying company employed by Essex Homes to stake the corners of homes to be constructed prior to the pouring of foundations, the garages of nine homes were constructed with small encroachments into the required 22-foot garage setbacks. These encroachments range from 3 inches to slightly over 3 feet. These encroachments are not noticeable from the street and do not materially affect the use or occupancy of these homes. No other homes are affected. Reconstructing these homes is not feasible and even if it were, doing so would significantly disrupt the lives of the homeowners living in the homes.

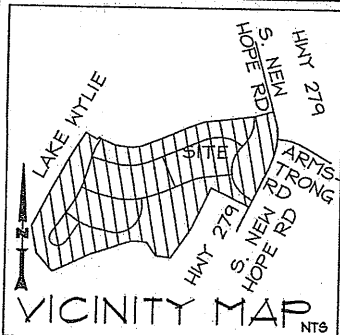
All eight affected homeowners unanimously join with Essex Homes, which still owns the ninth home, to respectfully request that the Planning and Zoning Board and the City Council of the City of Belmont amend the Conditional Zoning Plan for McLean to provide that the garage setbacks for these nine homes only are hereby adjusted to conform to the garages as built and as shown on the surveys attached to each application and as described on the attached Setback Encroachment Summary.

Attachment: Setback Encroachment Summary
Survey



Control Point, Inc.
PO Box 481936
6130 Harris Technology Blvd.
Charlotte, N.C. 28269
Phone: (704)599-1010
Fax: (704)599-1120

NC: C-2725
SC: COA 3459

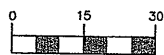


PROPERTY LINE	_____
R/W	_____
ADJOINER	_____
SETBACK	_____
ADDRESS	(XX)
UE	_____
UTILITY EASEMENT	_____

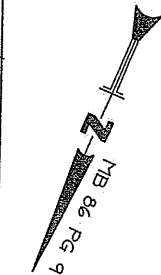
1. IRON PINS SET AT ALL CORNERS.
2. PROPERTY SUBJECT TO EASEMENTS OR RIGHTS OF WAY OF RECORD THAT A FULL TITLE SEARCH MAY REVEAL.
3. NO NEW LOT LINES WERE CREATED.
4. FIELD WORK PERFORMED: 2/14/2020.

PARCEL INFORMATION
JAMES W CHANEY
THERESA KNIGHT CHANEY
PARCEL: 224794
DB 4953 PG 1081
MB 86 PG 9
LOT 12

SETBACK DATA:
FRONT: 20'
SIDE: 6'
SIDE AT CORNER: 12'
REAR: 30'



Scale: 1"=30'

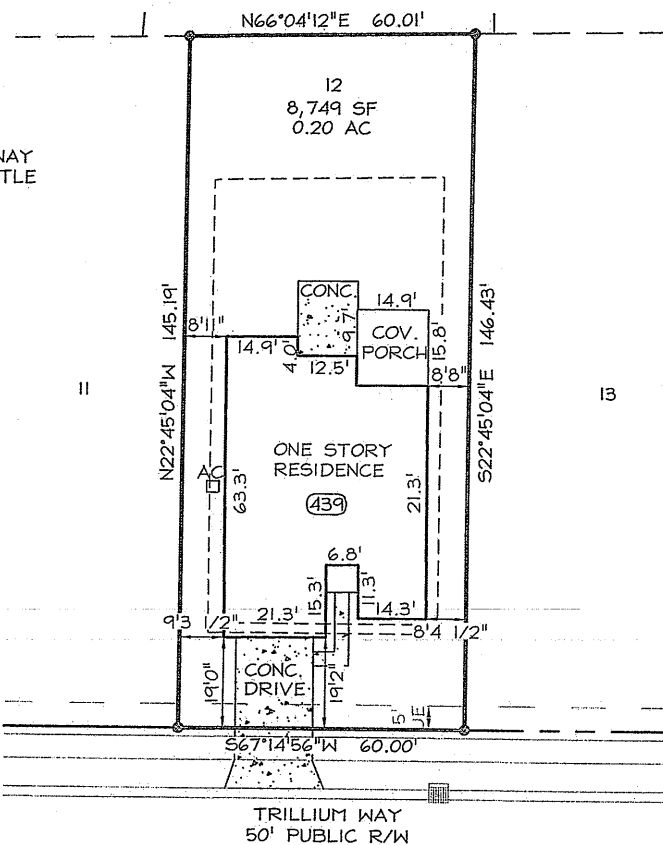


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THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND OR EXISTING BUILDING OR OTHER STRUCTURE AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

THIS 19 DAY OF FEBRUARY, 2020

Wesley R. Huneycutt
WESLEY R. HUNEYCUTT L-4435
PROFESSIONAL LAND SURVEYOR



Physical Survey
of Lot #12

The Conservancy at McLean, Phase I, Map 1 & 2
City of Belmont, Southpoint Township
Gaston County, North Carolina
Map Recorded in Map Book 86 at Page 9.

CONSERVANCY AT MCLEAN SETBACK ENCROACHMENT SUMMARY

LOT	ADDRESS	OWNER	ENCROACHMENT		NEW SETBACK REQUESTED
8	423 Trillium Way	Richard Morono	1 1/2"	one and 1/2 inches	21' 10.5"
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Per surveying as performed by Control Point, Inc. on
2/19/2020

CITY OF BELMONT
Application for Zoning Map Amendment (Conditional Rezoning)

Date Filed	2 / 21 / 2020	To be completed by City of Belmont
		Application Number ZA- 2020 . 01 (08)
To be completed by City of Belmont:		To be completed by City of Belmont
Hearing Date(s) P&Z	3 / 19 / 2020	City Council
	/ /	/ /

To the Planning and Zoning Board and City Council of Belmont, NC:

I (we) the undersigned do hereby respectfully make application and request the Planning and Zoning Board and City Council to amend the zoning map of the City of Belmont:

In support of this application, the following facts are shown:

Current Zoning (circle one)	R-R	S-R	G-R/CO	NC-R	INF-R	MH-R
	NC-C	H-C	R-C	BC-D	IC-D	TN-D

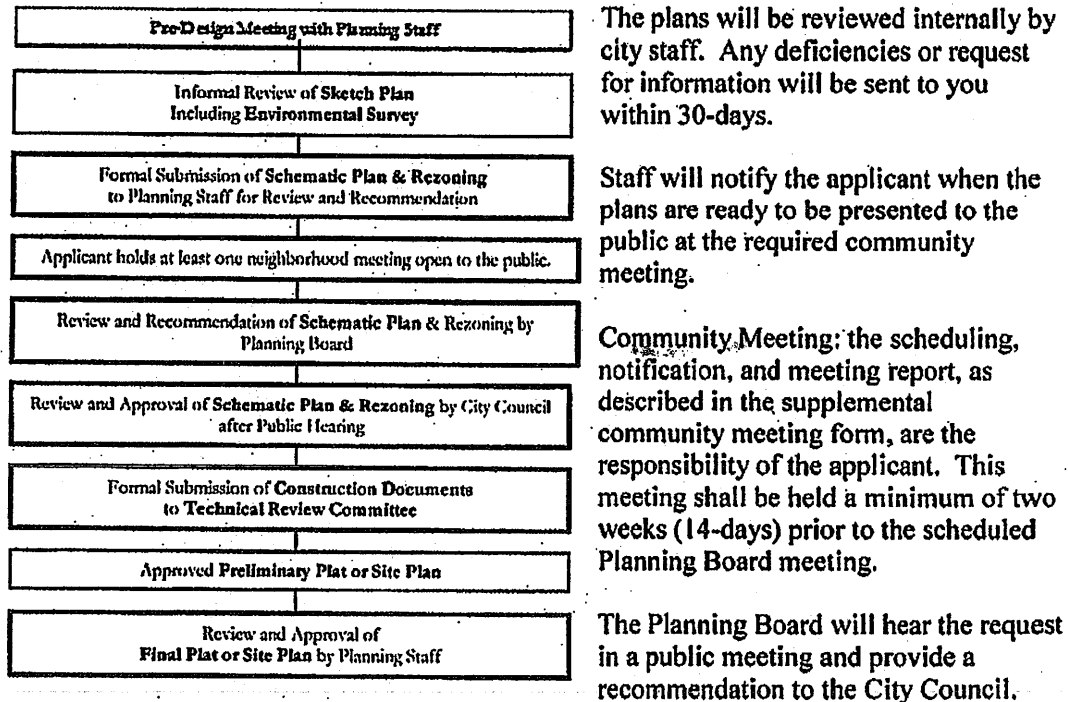
Proposed Zoning (circle one)	R-R	S-R	<u>G-R/CD</u>	NC-R	INF-R	MH-R
Conditional District? (CD) <input checked="" type="checkbox"/>	NC-C	H-C	R-C	BC-D	IC-D	TN-D

Physical Property Address:	515 Trillium Way, Belmont, NC 28012		
Physical Description of Location:	Lots 86, 87 and 109 , Conservancy at McLean; (Phase 1-Map 3)		
Tax Parcel Number: (PID Number)	226362		
Property Owner:	Essex Homes Southeast, Inc.		
Owner's Address:	13000 S. Tryon Street, Ste F205, Charlotte, NC 28278		
Phone Number: () -	Email Address:		
	<u>GStallard@ESSEXHOMES.NET</u>		
Applicant's address:	13000 S. Tryon Street, Ste F205, Charlotte, NC 28278		

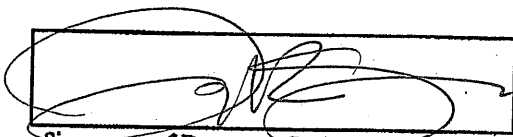
SUBMITTAL REQUIREMENTS

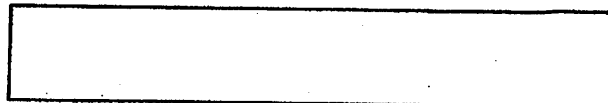
- Completed Application
- Letter of Intent – Description of proposed project
- 5 copies of Concept Plan (must be drawn to scale by architect, landscape architect, professional surveyor, or engineer licensed in North Carolina). Additional plans will be requested for the public meetings.
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- Adjacent Property Owner List – provide a copy of address labels for all adjacent property owners. The City will use this list for public notices for the Planning Board Meeting and the Public Hearing meeting.
- Traffic Impact Analysis, if necessary
- Fees associated with review


PROCESS & SCHEDULE – See Section 15.6 of the Land Development Code



The City Council will hold the public hearing and render a decision on the project. Please refer to Section 20.2 of the LDC for further details.


Signature of Property Owner


Signature of Applicant, if different than the property owner


Application Fee (Dept Use Only)

-Please note...The applicant is responsible for the costs of all public notices required by state law. The City will be responsible for the dissemination of the advertisements and will arrange to have the bills sent directly to the applicant. Any changes to this policy must be made prior to the submission of the application.

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Original Rezoning Petition Number 2013-06

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Attachment: Setback Encroachment Summary
Survey



Control Point, Inc.
PO Box 481936
6130 Harris Technology Blvd.
Charlotte, N.C. 28269
Phone: (704)599-1010
Fax: (704)599-1120

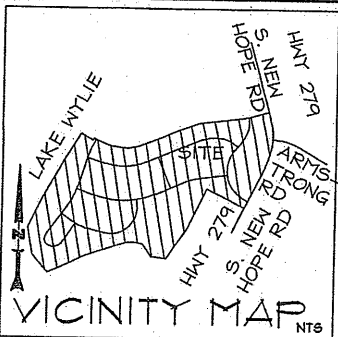
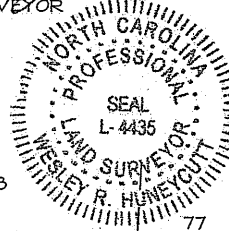
NC: C-2725
SC: COA 3459

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (MAP RECORDED IN BOOK 86, PAGE 60); THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1:10,000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).

THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND OR EXISTING BUILDING OR OTHER STRUCTURE AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

THIS 19 DAY OF FEBRUARY, 2020

Wesley R. Huneycutt
WESLEY R. HUNEYCUTT
PROFESSIONAL LAND SURVEYOR
L-4435



PROPERTY LINE	_____
R/W	_____
ADJOINER	_____
SETBACK	_____
ADDRESS	XXX
UE	_____
UTILITY EASEMENT	_____

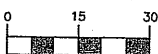
1. IRON PINS SET AT ALL CORNERS.
2. PROPERTY SUBJECT TO EASEMENTS OR RIGHTS OF WAY OF RECORD THAT A FULL TITLE SEARCH MAY REVEAL.
3. NO NEW LOT LINES WERE CREATED.
4. FIELD WORK PERFORMED: 2/14/2020.

PARCEL INFORMATION
ESSEX HOMES SOUTHEAST INC
PARCEL: 226362
DB 4922 PG 2409
MB 86 PG 60
LOT 86

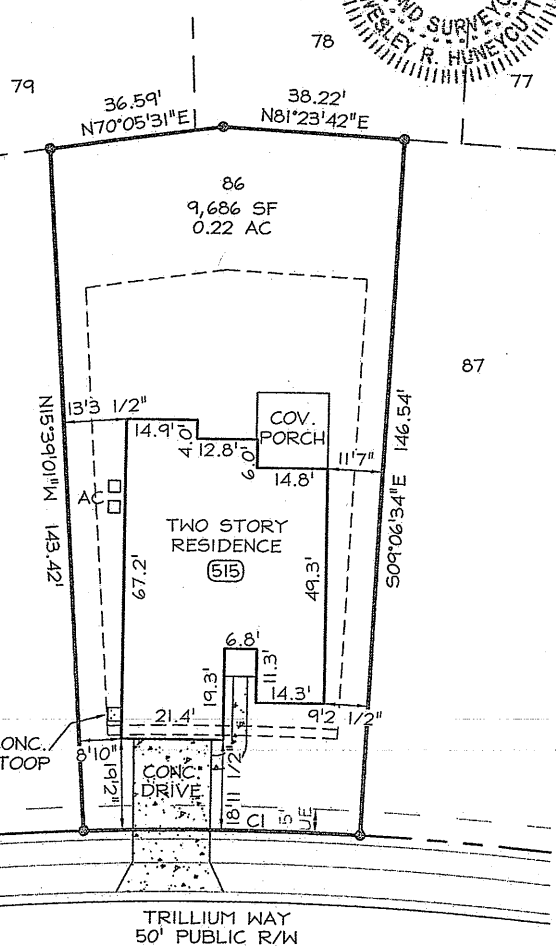
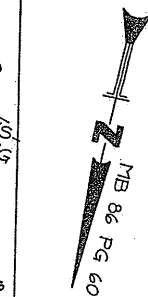
CURVE TABLE			
CURVE	ARC	RADIUS	BEARING
CI	57.89'	675.64'	S78°27'08"W
			57.87'

SETBACK DATA:

FRONT: 20'
FRONT(GARAGE: 22')
SIDE: 6'
SIDE AT CORNER: 12'
SIDE AT CORNER(GARAGE): 22'
REAR: 30'



Scale: 1"=30'



Physical Survey
of Lot #86
The Conservancy at McLean, Phase I, Map 3
City of Belmont, Southpoint Township
Gaston County, North Carolina
Map Recorded in Map Book 86 at Page 60.

CONSERVANCY AT MCLEAN SETBACK ENCROACHMENT SUMMARY

LOT	ADDRESS	OWNER	ENCROACHMENT		NEW SETBACK REQUESTED
8	423 Trillium Way	Richard Morono	1 1/2"	one and 1/2 inches	21' 10.5"
12	439 Trillium Way	James Chaney	36"	3 feet	19'
86	515 Trillium Way	Essex Homes	36 1/2"	3 feet and 1/2 inch	18' 11.5"
90	527 Trillium Way	Harry Chambers	6 1/2"	six and 1/2 inches	21' 5.5"
107	520 Trillium Way	Kevin Eckard	27"	2 feet and 3 inches	19' 9"
109	512 Trillium Way	Neil Kiker	37 1/2"	3 feet and one & 1/2 inches	18' 10.5"
112	500 Trillium Way	Lisa Barnette	37 1/2"	3 feet and one & 1/2 inches	18' 10.5"
120	420 Trillium Way	Pamela Hannon	2"	two inches	21' 10"
123	408 Trillium Way	Billy Simmons	4"	four inches	21' 8"

Per surveying as performed by Control Point, Inc. on
2/19/2020

MORETZ LAW GROUP

BUSINESS LAW | COMMERCIAL REAL ESTATE
COMMUNITY ASSOCIATION LAW

Sender's email address: zac@moretzlaw.com

Zachary M. Moretz *
Marjorie T. Benbow, MBA **

June 5, 2020

Shelley DeHart, AICP VIA EMAIL ONLY TO SDEHART@CITYOFBELMONT.ORG
Planning Director, City of Belmont
P.O. Box 431
Belmont, North Carolina 28021

Re: Applications for Modification to Conditional Zoning District, The Conservancy at McLean

Dear Shelley:

As you know, I represent Essex Homes with regard to the above-referenced matter and am also authorized to assist the eight other affected homeowners with regard to the applications for modifications to the conditional zoning district we have filed. We understand that the applications are complete, and as you know we have held the required neighborhood meeting and provided to you the minutes thereof. We have also continued to communicate with those who attended the neighborhood meeting to keep them apprised of the various changes to the hearing dates as we promised to do at the meeting. This letter is for you to include in the agenda packet to the Planning and Zoning Board members and to include in the official record in this matter.

Essex has repeatedly stated its willingness to pay a fine or provide some sort of amenity to the community in recognition of the inconvenience and hardship caused by the inadvertent setback violations. While Essex continues to believe the violations are not substantial given the totality of the circumstances, Essex is willing to construct new 6-foot-wide concrete sidewalks on either side of The Conservancy along New Hope Road, extending southward to the trailhead for the Carolina Thread Trail, and northward to the main entrance of the Daniel Stowe Botanical Garden. I have enclosed a letter from Patrick Larkin, Executive Director of the Botanical Garden, indicating the Botanical Garden's support of this proposal. This work will cost in the range of \$100,000.00. These wide sidewalks would be a valuable amenity not only to the McLean community but also to the general public using the Carolina Thread Trail. This proposal is provided as an accommodation and is contingent upon the City's final approval of the requested zoning modifications to the setbacks.

The requested revisions to the conditional zoning district should be approved without a doubt. Eight of the homes are occupied by Belmont citizens and have been for up to three years in some cases. If the City were to deny these requests, it would in effect be ordering these homeowners – not Essex Homes, which only owns one of the homes – to suffer the immense hardships and costs of reconstructing their garages to correct a deficiency that is not even noticeable to the eye. (We provided drone video of the street and streetscape upon your request previously, which can be found via the following YouTube link: <https://youtu.be/x72gM0uj8v0>, and request that it be made available to the Planning and Zoning Board members prior to the hearing and included in the official record in this matter.) The homeowners themselves and the neighborhood association are all in favor of these requests, and there is no one who would be harmed by granting the requests.

* Board Certified Specialist in
Commercial Real Estate Law



** Of Counsel, M.S.P.H. & Registered Patent Attorney

300 McGill Ave. NW, Suite 100
Concord, NC 28027
704.721.3500
704.721.3555 fax

WWW.MORETZLAW.COM

Ordering the reconstruction of these garages would create significant hardships for these homeowners, and would leave some of them without functional garages, greatly diminishing the values of their homes. In addition to demolition and reconstruction costs in the range of \$30,000.00 to \$50,000.00 per home, many unintended consequences or issues would be caused by the denial of the rezoning proposals, including the following:

- Cutting, removal and replacement of a portion of the driveway would be required for each home. New concrete in driveways will always be a different color than original.
- Any stone/brick replacement could have variation due to coming from a different source or in some cases, could be from a different manufacturer.
- Siding will likely vary in color compared to existing weathered siding.
- Where would homeowners park? Overnight street parking is prohibited in the subdivision.
- Where would homeowners store garage items during remodel? Must they rent storage units?
- What if homeowners are not physically able or comfortable moving everything out of their garages? Must they hire movers?
- What about the stress of having a large assortment of construction workers on their property during the COVID-19 pandemic? Many of the homeowners are in the high risk age group.
- What about the hardship to neighbors from the presence of construction vehicles, noise and trash?
- Where would construction dumpsters be placed without causing additional damage to driveways and landscaping, or obstructing the street?
- Some homes would lose significant value due to the elimination of a functional garage. That could cause financial hardship, and reduced property values throughout the neighborhood. Those homeowners would also likely be in violation of neighborhood restrictions requiring all vehicles to be parked within the garage.

Essex Homes has self-reported these issues, which would still be unknown had it not done so, and has been fully transparent and accommodating throughout this process. These completely unintentional violations are truly a victimless crime, if they are a crime at all, and the neighborhood and all the affected homeowners support these requests. We look forward to presenting more information at the upcoming hearings. Of course, do not hesitate to contact me if you need anything at all further prior to the Planning and Zoning Board meeting. Thank you.

Yours,

MORETZ LAW GROUP, P.A.



Zachary M. Moretz

ZMM/yd

cc: Essex Homes

Enclosure: Letter from Daniel Stowe Botanical Garden



Daniel Stowe Botanical Garden

A Garden for all Seasons!

Greg Stallard
Division President
Stanley Martin Homes
13310 South Ridge Drive, Suite A
Charlotte, North Carolina 28273

June 5, 2020

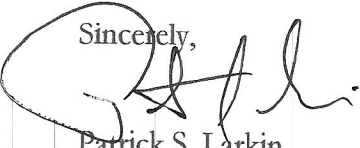
Dear Mr. Stallard:

I am writing at the request of Zachary Moretz to let you know that Daniel Jonathan Stowe Conservancy (dba Daniel Stowe Botanical Garden) supports in principal the construction of a sidewalk by your company and at your cost from the Carolina Thread Trail trailhead to the street entrance of Daniel Stowe Botanical Garden along South New Hope Road.

As I have noted to you and Mr. Moretz, some of the land that the sidewalk would need to go through belongs to the Seven Oaks Farm Foundation, not Daniel Stowe Botanical Garden. IN PRINCIPAL the Seven Oaks Foundation and Daniel Stowe Botanical Garden agree that a sidewalk is a good idea and we believe that helping to make a more walkable community is something that we would support. However, as you and I have previously discussed, to fully endorse or support a project we would need to see a proposal to respond to, as the construction of the sidewalk would most certainly require the existing fence along South New Hope Road to be removed, which would create security concerns for us. Additionally we would have concerns about any limitations this walk would have on the eventual development of the Seven Oaks property. Finally, we would expect that such a walk be designed and installed to truly be an amenity to the community, providing ample width for comfortable cross-traffic by pedestrians and exceeding any minimum design or construction requirements.

At the end of April I provided you with draft site plans for the redesign of the entrance experience to the Garden at South New Hope Road to aid your team in the integration of the sidewalk and fence with our plans. I have also received the draft sidewalk proposal. I look forward continued conversations about this project and to working with you on solutions which will mutually benefit the community as well as our two organizations.

Sincerely,



Patrick S. Larkin
Executive Director

Cc: Shelley DeHart

THE CONSERVANCY AT MCLEAN

Minutes of Neighborhood Meeting held on March 4, 2020

Meeting held at the community clubhouse at 300 Conservancy Drive, Belmont

1. The meeting was called to order at 6:04 p.m. by Zachary M. Moretz, Moretz Law Group, P.A., attorneys for Essex Homes, and Jeremy Tesimale, Director of Field Operations, Essex Homes.
2. Mr. Moretz announced the purpose of the meeting and gave an overview of the zoning modifications being requested; most attendees were already aware of the situation. Copies of the community map showing the affected homes and the setback summary were provided.
3. Mr. Moretz reminded all attendees to please sign the attendance register. Mr. Moretz noted that notice of the meeting was mailed by his office to all homeowners within 200 feet of any of the affected homes via U.S. Mail on February 20, 2020. A listing of those mailed notice is attached hereto as Exhibit B.

4. Community members attending were:

Timothy Gruber	Kim McManis
Joseph Parette	Billy Simmons
Tom & Karen Fuhr	Pam Hannon
James & Theresa Chancy	Michael K. Byers
Anna Chambers	David Nix
Tammy Wilson	Gary Wilson
Valerie Beckonell	Ally Dewji
Marc Hammond	Caretha Walke
Zack Morris	Jeff Guenette
Louis & Maureen McLaughlin	

A copy of the attendance register is attached hereto as Exhibit A.

5. Mr. Moretz explained the timeline for the zoning modification process and provided the dates for the City Council work session, Planning and Zoning Board meeting, and City Council meeting. Some attendees asked that they receive a letter specifically giving them all the upcoming dates and Mr. Moretz stated that he would get that out to all attendees.
6. Mr. Tesimale explained in response to a question that after the first two homes came to Essex's attention, Essex voluntarily had measurements made of all Essex-built homes in

The Conservancy to determine if any more were or might be in violation, and of those which were or appeared to be close to the setback, actual physical surveys were commissioned by an independent third-party surveyor, Control Point, Inc. The seven additional violations revealed by those surveys were self-reported by Essex to the City. No other homes have violations.

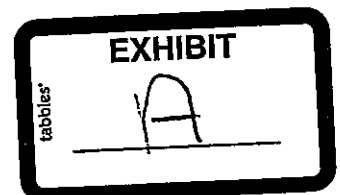
7. Various questions were posed to Mr. Moretz and Mr. Tesimale regarding the effect of this matter on other homeowners, whether extensive reconstruction was going to be required and the inconvenience that would cause to surrounding homeowners, and the like.
8. Community members asked if they are able to speak at the hearings and if so should they do so. They were told that they were welcome to attend and speak and that it would be helpful to both Essex and their affected neighbors to speak in favor.
9. Mr. Tim Gruber, Finance Director and Mr. Tom Fuhr, President, both of The Conservancy Homeowners Association Advisory Board, advised that the Advisory Board would like to see the modification approved and that they plan to send someone to speak in favor at the public hearings.
10. The general tenor of the meeting was that while some were upset that this has occurred, all felt it was important to support the proposed modification due to the hardship which would be placed on their affected neighbors as well as additional construction traffic, etc. if reconstruction of their homes were required by the City.
11. The meeting was adjourned at approximately 6:45 p.m., after which Mr. Moretz and Mr. Tesimale answered questions individually for approximately another 30 minutes.
12. No changes to the modification proposal were requested by the attendees nor are proposed by Essex Homes or any of the other petitioners based on the neighborhood meeting.

SIGN-IN LIST

Community Meeting Regarding Application for Modification to Conditional Zoning Plan

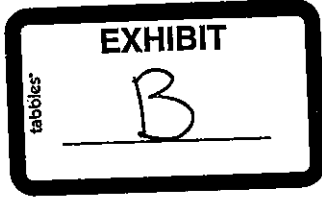
Date: March 4, 2020

Print Name	Signature	Address/Lot #	Email
Timothy Brubaker	[Signature]	416 Trillium	
Kim McManis	[Signature]	428 Trillium	
Joseph Pavetto	[Signature]	500 Trillium	
Billy Simmons	[Signature]	408 Trillium	Billy.T.Simmons@gmail.com
Tom Fuhr	[Signature]	409 Trillium	
Pat Hannon	[Signature]	420 Trillium	
James & Theresa Chirney	[Signature]	439 Trillium way	
Michael K. Byers	[Signature]	440 Trillium way	
Anna Chamberlain	[Signature]	527 Trillium way	rustieretreats@bellsouth.net
DAVID NIX	[Signature]	523 TRILLIUM WAY	
Tammy Wilson	[Signature]	436 Trillium Way	tammy.wilson@verizon.net
GARY WILSON	[Signature]	436 TRILLIUM WAY	GWILSONS@CXCOLORADO.PR.COM
Valerie Becknell	[Signature]	205 Conservancy	jbecknell@aplinc.com
Ally Dewji	[Signature]	535 Trillium way	
M C Hammond	[Signature]	109 Barbary Dr.	
CARETTA W Walker	[Signature]	338 Barbary Dr.	



[illegible]

AKPAR	CURR_NAME1	CURR_NAME2	WHOLE_ADDRESS	CURR_ADDR1	CURR_ADDR2	CURR_CITY	CURR_ZIPCOD
300101	DOCKERY LISA RUNNING	DOCKERY JAMES D	105 BARBERRY DR	105 BARBERRY DR		BELMONT	28012
300102	HAMMOND MARY CASH		109 BARBERRY DR	109 BARBERRY DR		BELMONT	28012
300103	DELLINGER BRITTANY MARIE KATHERINE ELAINE JONES REVOC LIVING	DELLINGER STEPHEN TYLER	113 BARBERRY DR	113 BARBERRY DR		BELMONT	28012
300104	TRUST		117 BARBERRY DR	117 BARBERRY DR		BELMONT	28012
300105	KPODO ANITA EMEFA		121 BARBERRY DR	121 BARBERRY DR		BELMONT	28012
300106	RICHARD L PEMBERTON REVOCABLE TRUST		125 BARBERRY DR	125 BARBERRY DR		BELMONT	28012
300107	YU WU LILIA TSUI	TADOKORO FABIO TADASHI SR	129 BARBERRY DR	129 BARBERRY DR		BELMONT	28012
300108	PRESLEY ALAN ALEXANDER		133 BARBERRY DR	133 BARBERRY DR		BELMONT	28012
300109	CLAIBORNE ELEANOR M	CLAIBORNE ROBERT A SR	201 BARBERRY DR	201 BARBERRY DR		BELMONT	28012
225596	MATTHEWS CHERYL STODDARD	MATTHEWS CARTER	201 CONSERVANCY DR	201 CONSERVANCY DR		BELMONT	28012



300110 COLEY SHERRY H	205 BARBERRY DR 205 BARBERRY DR	BELMONT	28012
CARSON-BECKNELL			
225597 VALERIE JO	205 CONSERVANCY 205 CONSERVANCY DR DR	BELMONT	28012
CRAWFORD LIEN			
300111 NGUYEN	209 BARBERRY DR 209 BARBERRY DR	BELMONT	28012
226319 MATTHEWS TARA R	MATTHEWS 209 CONSERVANCY 209 CONSERVANCY MICHAEL D DR DR	BELMONT	28012
300112 BOLEY RAVEN NICOLE	BOLEY THOMAS 213 BARBERRY DR 213 BARBERRY DR JAMES JR	BELMONT	28012
226320 WANNER TRACY J	213 CONSERVANCY 213 CONSERVANCY WANNER ERNEST R DR DR	BELMONT	28012
M/I HOMES OF	5350 77 CENTER		
300113 CHARLOTTE LLC	217 BARBERRY DR DR STE 100	CHARLOTTE	282172782
224787 REVOCABLE TRUST	KAREN R SWANSON 217 CONSERVANCY 217 CONSERVANCY REVOCABLE TRUST DR DR	BELMONT	28012
M/I HOMES OF	5350 77 CENTER		
300114 CHARLOTTE LLC	221 BARBERRY DR DR STE 100	CHARLOTTE	282172782

300115	M/I HOMES OF CHARLOTTE LLC	225 BARBERRY DR	5350 77 CENTER DR STE 100	CHARLOTTE	282172782
300133	WALKER CARETHA	228 BARBERRY DR	228 BARBERRY DR	BELMONT	28012
300116	M/I HOMES OF CHARLOTTE LLC	229 BARBERRY DR	5350 77 CENTER DR STE 100	CHARLOTTE	282172782
300132	MARTINEZ-ORTIZ RUBEN	232 BARBERRY DR	232 BARBERRY DR	BELMONT	28012
300117	M/I HOMES OF CHARLOTTE LLC	233 BARBERRY DR	5350 77 CENTER DR STE 100	CHARLOTTE	282172782
300131	M/I HOMES OF CHARLOTTE LLC	236 BARBERRY DR	5350 77 CENTER DR STE 100	CHARLOTTE	282172782
300118	JURCHAK EDITH	237 BARBERRY DR	JURCHAK JOHN M 237 BARBERRY DR	BELMONT	28012
300130	M/I HOMES OF CHARLOTTE LLC	240 BARBERRY DR	5350 77 CENTER DR STE 100	CHARLOTTE	282172782
300119	HENDERSON JULIE	241 BARBERRY DR	241 BARBERRY DR	BELMONT	28012

M/I HOMES OF 300120 CHARLOTTE LLC	245 BARBERRY DR	5350 77 CENTER DR STE 100	CHARLOTTE	282172782
M/I HOMES OF 300121 CHARLOTTE LLC	249 BARBERRY DR	5350 77 CENTER DR STE 100	CHARLOTTE	282172782
M/I HOMES OF 300122 CHARLOTTE LLC	253 BARBERRY DR	5350 77 CENTER DR STE 100	CHARLOTTE	282172782
M/I HOMES OF 300123 CHARLOTTE LLC	257 BARBERRY DR	5350 77 CENTER DR STE 100	CHARLOTTE	282172782
ABERDEEN INVESTMENT 224807 PROP INC	301 CONSERVANCY DR	6411 AMOS SMITH RD	CHARLOTTE	282148956
224808 NW LAKE WYLIE LLC	305 CONSERVANCY DR	C/O STEVEN HINSHAW	423 S SHARON AMITY RD	CHARLOTTE 282112864
224809 NW LAKE WYLIE LLC	307 CONSERVANCY DR	C/O STEVEN HINSHAW	423 S SHARON AMITY RD	CHARLOTTE 282112864
ESSEX HOMES 224810 SOUTHEAST INC	311 CONSERVANCY DR	120 CROMER RD	LEXINGTON	290739444

ESSEX HOMES 300099 SOUTHEAST INC	315 CONSERVANCY 13000 S TRYON ST DR STE F205	CHARLOTTE	28278
ESSEX HOMES 300100 SOUTHEAST INC	319 CONSERVANCY 13000 S TRYON ST DR STE F205	CHARLOTTE	28278
224806 NW LAKE WYLIE LLC	C/O STEVEN 423 S SHARON 404 TRILLIUM WAY HINSHAW AMITY RD	CHARLOTTE	282112864
SIMMONS BILLY THOMAS 224805 JR MILLER	408 TRILLIUM WAY 408 TRILLUM WAY	BELMONT	280120000
224788 FUHR KAREN M	409 TRILLIUM WAY 409 TRILLUM WAY	BELMONT	280120000
224804 RIKARD BRENDA DAVIS RIKARD JAMES BENNETT	412 TRILLIUM WAY 412 TRILLIUM	BELMONT	280120000
224803 GRUBER TIMOTHY J	416 TRILLIUM WAY 416 TRILLIUM WAY	BELMONT	280120000
224789 YOUNG ALESIA YOUNG EDWARD MICHAEL	417 TRILLIUM WAY 417 TRILLIUM WAY	BELMONT	280120000
224802 HANNON PAMELA J	420 TRILLIUM WAY 420 TRILLIUM WAY	BELMONT	280126538
224790 MORONO DIANE MARIE MORONO RICHARD PATRICK	423 TRILLIUM WAY 423 TRILLIUM WAY	BELMONT	280120000

224801	GOWENS REESE LAMO THE	424 TRILLIUM WAY 424 TRILLIUM	BELMONT	280120000
224791	DEVINE AUDREY A	DEVINE JOHN D 427 TRILLIUM WAY 427 TRILLIUM WAY	BELMOLNT	280120000
224800	MCMANIS KIMBERLY	428 TRILLIUM WAY 428 TRILLUM	BELMONT	28012
224792	KOON BELINDA A	KOON JAMES L 431 TRILLIUM WAY 431 TRILLIUM WAY	BELMOLNT	280120000
224799	MORRIS DIANNE WEBER	MORRIS JACK H 432 TRILLIUM WAY 432 TRILLIUM WAY	BELMONT	28012
224793	CUENCA ANGEL F	CUENCA MAGGIE M 435 TRILLIUM WAY 435 TRILLIUM WAY	BELMONT	280120000
224798	WILSON FAMILY TRUST	436 TRILLIUM WAY 436 TRILLUM WAY	BELMONT	28012
224794	CHANNEY JAMES W	CHANNEY THERESA KNIGHT 439 TRILLIUM WAY 439 TRILLUM WAY	BELMONT	280120000
224797	BYERS RENA JENKINS	BYERS MICHAEL KEITH 440 TRILLIUM WAY 440 TRILLIUM WAY	BELMONT	28012
224795	CAMPOLIETO DENISE P	CAMPOLIETO JOHN A 443 TRILLIUM WAY 443 TRILLIUM WAY	BELMONT	280120000
224796	THOMAS CHRISTOPHER	THOMAS MICHELLE 444 TRILLIUM WAY 444 TRILLUM WAY	BELMONT	280120000

225589	JOHNSON SHERRI G	JOHNSON CHARLES E	448 TRILLIUM WAY	448 TRILLIUM WAY	BELMONT	28012
225588	BARNETTE JOSEPH A	BARNETTE LISA RHONE	500 TRILLIUM WAY	500 TRILLIUM WAY	BELMONT	28012
	M/I HOMES OF		504			
225595	CHARLOTTE LLC		GARDENBROOK	5350 77 CENTER		
			TRL	DR STE 100	CHARLOTTE	282172782
225587	MONTESANO JOHN P JR	MONTESANO MAUREEN A	504 TRILLIUM WAY	504 TRILLIUM WAY	BELMONT	280126539
	M/I HOMES OF		508			
225594	CHARLOTTE LLC		GARDENBROOK	5350 77 CENTER		
			TRL	DR STE 100	CHARLOTTE	282172782
225586	ECCLES SCOTT		508 TRILLIUM WAY	508 TRILLIUM WAY	BELMONT	280120000
226361	GUENETTE MELANIE L	GUENETTE JEFFREY ROBERT	511 TRILLIUM WAY	511 TRILLIUM WAY	BELMONT	280120000
	M/I HOMES OF		512			
225593	CHARLOTTE LLC		GARDENBROOK	5350 77 CENTER		
			TRL	DR STE 100	CHARLOTTE	282172782
226385	KIKER JOAN BALLENGER	KIKER JOSEPH NEIL	512 TRILLIUM WAY	512 TRILLIUM WAY	BELMONT	280120000
226362	SOUTHEAST INC	ESSEX HOMES	13000 S TRYON ST			
			515 TRILLIUM WAY	STE F205	CHARLOTTE	282034483

225592	CAROLYN A BERRY REAL ESTATE TR	516 GARDENBROOK TRL	980 IKENA CIR	HONOLULU	968212554
226384	MCLAUGHLIN LOUIS	MCLAUGHLIN MAUREEN	516 TRILLIUM WAY	BELMONT	28012
226363	WARSAW MELISSA J	WARSAW MICHAEL J	517 TRILLIUM WAY	BELMONT	280120000
225591	CURD PETER Y	520 GARDENBROOK TRL	520 GARDENBROOK	BELMONT	280120000
226383	ECKARD JENNIFER	ECKARD KEVIN	520 TRILLIUM WAY	CHARLOTTE	280120000
226364	SHIPPY BRETT	SHIPPY AMY	521 TRILLIUM WAY	BELMONT	28012
226365	NIX DAVID T	NIX DEBORAH RENEE BURRELL	523 TRILLIUM WAY	BELMONT	280120000
225590	CARY THOMAS WILLIAM	524 GARDENBROOK TRL	524 GARDENBROOK TRL	BELMONT	280120000
226382	JOLLEY TRAVIS EDWARD	524 TRILLIUM WAY	154 TRILLIUM WAY	BELMONT	280120000
226366	CHAMBERS ANNA YOUNG	CHAMBERS HARRY RANDALL	527 TRILLIUM WAY	BELMONT	280120000

225598	NW LAKE WYLIE LLC	528 GARDENBROOK TRL	C/O STEVEN HINSHAW	423 S SHARON AMITY RD	CHARLOTTE	282112864
226381	PRICE ANGELA L		528 TRILLIUM WAY		BELMONT	280120000
226367	BECKERT JAMES T		531 TRILLIUM WAY		BELMONT	280120000
226380	BRUCE WANDA ELAINE		532 TRILLIUM WAY		BELMONT	280120000
226368	DEWJI ALLY S		535 TRILLIUM WAY		BELMONT	280120000
226379	MAURER ELIZABETH A JENSEN	MAURER JOHN MICHAEL	536 TRILLIUM WAY		BELMONT	28012
226369	HATCHER JUSTIN		539 TRILLIUM WAY		BELMONT	280120000
226378	BRINKER KELLY J		540 TRILLIUM WAY		BELMONT	280120000
226370	CASE DARLENE A		541 TRILLIUM WAY		BELMONT	280120000
225581	BAMBACH EDITH K H	614 BAMBACH WILLIAM J	614 GARDENBROOK TR		BELMONT	28012

225580	EVANS JON RYAN	EVANS MARIE P	618 GARDENBROOK TRL	618 GARDENBROOK TRL	BELMONT	280126541
225579	WHITNER JARED ROBERT		622 GARDENBROOK TRL	622 GARDENBROOK	BELMONT	280120000
225578	CUTHBERTSON DOVONA		626 GARDENBROOK TRL	626 GARDENBROOK TRL	BELMONT	280126541
225577	SYMBORSKI EUGENE JOHN	SYMBORSKI CYNTHIA FAITH	630 GARDENBROOK TRL	630 GARDENBROOK	BELMONT	280120000
226360	SMITH JUDY MAY		634 GARDENBROOK TRL	634 GARDENBROOK TRL	BELMONT	280120000
226359	RITCHOTTE AIME MAXIME	RITCHOTTE DEBORAH	638 GARDENBROOK TRL	638 GARDENBROOK TRL	BELMONT	280120000
226358	RINE GERARD THOMAS	RINE ROSEMARY	642 GARDENBROOK TRL	642 GARDENBROOK TRL	BELMONT	280120000
226357	MAGILL ALLISSA C	MAGILL RYAN J	646 GARDENBROOK TRL	646 GARDENBROOK TRL	BELMONT	280120000

226356	CIEPICAL MICHAEL ANTHONY	CIEPICAL PAMELA LYNN	650 GARDENBROOK TRL	650 GARDENBROOK TRL	BELMONT	280120000
226355	ROXAS MICHAEL JUDE TENGSON	SANTIAGO MA CARMELA MUNOZ	654 GARDENBROOK TRL	654 GARDENBROOK TRL	BELMONT	280120000
226354	BURKE THOMAS PATRICK	BURKE TONIA MONTEIRO	658 GARDENBROOK TRL	658 GARDENBROOK TRL	BELMONT	280120000
225582	MARRO REBECCA ANN	MARRO NICHOLAS JAMES	701 BLUE VIOLET LN	701 BLUE VIOLET LN	BELMONT	MIN
225583	HALL JAMES &	MCMAHON BARBARA ANN	705 BLUE VIOLET LN	705 BLUE VIOLET	BELMONT	280120000
225584	CUNNINGHAM JOSEPH SAMUEL		709 BLUE VIOLET LN	5157 WOODLAND BAY DR	BELMONT	280128881
225585	AUSTIN KAY	AUSTIN ALBERT HENRY III	713 BLUE VIOLET LN	713 BLUE VIOLET	BELMONT	280120000
225599	NW LAKE WYLIE LLC		NO ASSIGNED ADDRESS	C/O STEVEN HINSHAW	423 S SHARON AMITY RD	CHARLOTTE 282112864

The Conservancy at McLean Phase 1

Belmont, North Carolina

Prepared For:
NW Lake Wylie, LLC

Development Contacts

Owner:

NW Lake Wylie LLC
423 S. Sharon Road
Charlotte, NC 28211
704-382-0011

Developer:

NW Lake Wylie LLC
423 S. Sharon Road
Charlotte, NC 28211
704-382-0011

Engineer:

Merrick & Company
Joel L. Maddox, PE
1001 Morehead Square Dr
Suite 630
Charlotte, NC 28203
(704) 528-6900
joel.maddox@merrick.com

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C200 Survey

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C202-Landscape Plan

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C602-Plan and Profile Gardenbrook Trail

C603-Plan and Profile Trillium Way

C604-Plan and Profile Wood Lily Drive

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C615-Plan and Profile

The Conservancy at McLean Phase 1
Belmont, North Carolina
Cover Sheet

McLean
NW Lake Wylie LLC
423 S. Sharon Road
Charlotte, NC 28211

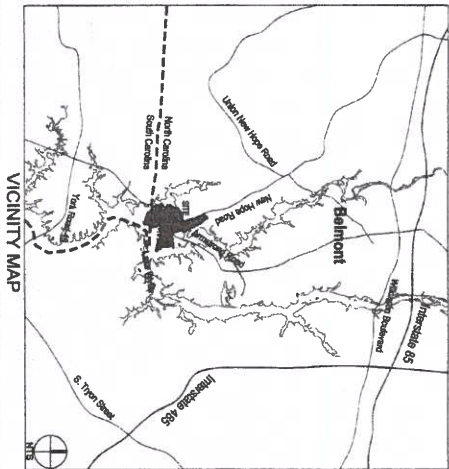
MERRICK & COMPANY
1001 MOREHEAD SQUARE DRIVE, SUITE 630
CHARLOTTE, NC 28203
PHONE: 704.528.6500
FAX: 704.528.6501
NO ENGINEERING FIRM F-0008
THIS FIRM HAS BEEN DESIGNATED AS AN ENGINEERING FIRM BY THE STATE OF NORTH CAROLINA. IT IS NOT PERMITTED FOR THIS FIRM TO BE USED FOR ANY OTHER PROJECTS WITHOUT THE WRITTEN CONSENT OF MERRICK & COMPANY. NO PART OF THIS DOCUMENT SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM MERRICK & COMPANY.

REV	REVISION	DATE	BY	CHKD	APPD
1	Addressed City Comments	12/9/14	CLP		

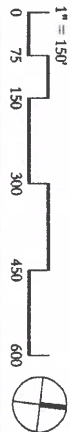
DESIGN BY:	DATE:
JAM	11/10/14
DRAWN BY:	
JAM	11/10/14
CHECKED BY:	
JAM	11/10/14
APPROVED BY:	
JAM	11/10/14



JOB NO: 7825-03
DATE: 11/10/2014
SHEET C100



1. Contractor is fully responsible for contacting appropriate parties and assuring that existing utilities are located prior to beginning construction.
2. Contractor is responsible for placing barricades, using flag men, etc. as necessary to ensure the safety of the public.
3. All opening cuts, repairs or concrete, are to be placed according to standards of the North Carolina Department of Transportation and City of Belmont specifications.
4. Shoring will be according to OSHA Trenching Standards Part 1826, Subpart F, or as amended.



EC
APPROVED
12-29-2014

SW
APPROVED
12-15-2015

This Plan Set includes revised EC Sheets Dated 5-7-2015: C301-C305 & C806. Revisions per field conditions. Revised Sheets were submitted and approved by GCNIRD. This plan set includes revised Utility Sheets C950-C962 as approved by NCDENR.

Site Data

Open Space: (10% min. per zoning)

CCS A	4.8 Ac.
CCS B	7.5 Ac.
CCS C	1.7 Ac.
CCS D	1.8 Ac.
CCS E	1.8 Ac.
CCS F	0.5 Ac.
TOTAL	16.8 Ac. or 38.0%

Public Streets:

Street	R/W Width	Road Length
Conservancy Drive	60'	1,070 LF
Gardenbrook Trail	50'	1,827 LF
Trillium Way	50'	1,865 LF
Wood Lily Drive	50'	1,088 LF
Conservancy Drive	50'	1,984 LF
Blue Violet Lane	50'	347 LF
TOTAL		7,759 LF

Total Average in ROW: 8.8 Ac.

Development Data

Parcel ID:	220013
Site Area:	55.9 Ac. (Phase 1)
Zoning:	GR (C2)
City of Belmont:	
Number of Lots Proposed:	128
Lot Requirements:	
Minimum Lot Area:	20,000 SF (with individual Septic)
Front Setback:	20'
Rear Yard (and Corner):	30'
Side Yard (Corner):	6'
Side Yard (Corner):	12'

Trees Calculation:
Total Site Area: 55.9 Ac.
Existing Tree Canopy Area: 16.8 Ac. (30.2%)
Required Tree Preservation: 4.23 Ac. (25% Per Section 11.3.3 of Ordinance 2009-01)
Assume shown: 4.31 Ac. (25% refer to Site Plans: C201-C204)

Waterway:

Catchment:

FSMA FEMA Map Number:

371035010X