



# Variance Application

Date of Application: 06/07/2021

Property/Building Address: 11309 Alenandriana Road, Huntersville, NC 28078 Parcel Size (ac): 90.9 ac +/-

Tax Parcel ID (PIN) Number(s): 01704216, 01704225, 01704220, 01704226, 01704228

Text of Ordinance to be varied 01704209, 01704207, 01704210, 01704215, 01704227

Ordinance: Zoning Article: 8 Section: 25.11

Description of Request:

The applicant requests a variance to impact an intermittent stream buffer as part of grading operations as permitted through the Army Corps of Engineers.

### Submittal Requirements and Procedure

The following shall be submitted with the completed application (signed and dated by the property owner and/or applicant):

- One (1) electronic copy by email or (1) hard copy of applicable map(s), site plans, exhibits, and applications showing exact location of property with respect to existing streets, adjoining lots and other important features on or contiguous to the property. Also, include any maps and/or illustrations (to scale), which are necessary to show the location, number and size of buildings, signs, etc., on the property.
- Applications shall be emailed to [planning@huntersville.org](mailto:planning@huntersville.org) or mailed as directed below.
- A list of names, addresses and tax parcel identification numbers of properties that abut the site, are across the street from the site or are otherwise within one hundred feet (100') of the site.
- Review Fee - Please check most recent version of Fee Schedule for applicable Variance Review Fee. Reviews shall be submitted by mail as directed below or through the Town website: [www.huntersville.org/planning](http://www.huntersville.org/planning) (Select Permits & Process > Submit Planning and Zoning Fee)
- See the current Board of Adjustment Submittal Deadlines and Meeting Schedule for filing deadlines and meeting dates
- Please submit your complete application and fee by **noon the day filing deadline**

Physical Address: 105 Gilead Road | Third Floor (Fed Ex, UPS, and Couriers)

Mailing Address: P.O. Box 664 | Huntersville, North Carolina 28070 (USPS)

Attention: Planning Department

Please make checks payable to: Town of Huntersville  
Include property address and/or Tax Parcel ID in memo

## **Notification Requirements**

Planning Staff will be required to notify in writing each adjoining property owner.

Planning Staff will also be required, if you are seeking a variance from the requirements of the Mountain Island Lake or Lake Norman Watershed Overlay Districts, to notify in writing each local government having jurisdiction in the watershed and the entity using the water supply for consumption as follows:

- \* Mountain Island Lake Watershed Overlay. Local governments having jurisdiction in the watershed: Charlotte Mecklenburg, Cornelius and Huntersville. Entities using the water supply for consumption: Mecklenburg County, Gastonia and Mount Holly.
- \* Lake Norman Watershed Overlay. Local governments having jurisdiction in the watershed: Davidson, Cornelius and Huntersville. Entities using the water supply for consumption: Mooresville, Mecklenburg County and Lincoln County.

## **Variance Requirements**

STANDARDS FOR GRANTING A VARIANCE (Article 11.3.2.e.):

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

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Appropriate conditions, which must be reasonably related to the condition or circumstance that gives rise to the need for a variance, may be imposed by the Board (Article 11.3.1.e.).

In the following spaces, indicate **FACTS** that demonstrate to the Board of Adjustment you meet all the standards for granting a variance:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. The difficulty or hardship would result only from these regulations and from no other cause, including the actions of the owner or previous owners of the property.  
Strict application of the ordinance would not allow impacts to otherwise permitted streams. Eliminating buffer impacts on this site would prevent proper use of Lot A and would render the stream crossing financially infeasible due to the cost of the bridge due to the span length.  

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2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. The difficulty or hardship is peculiar to the property and is not generally shared by other properties classified in the same zoning district and/or use for the same purpose.  
The applicant is avoiding most of the streams onsite and is minimizing impacts to the extent possible in keeping with US Army Corps requirements. The small segments of intermittent streams that are proposed to be impacted are unavoidable due to their location in the center of the parent tract.  

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3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.  
The intermittent stream buffers exist in the center of the parent tract and were not created by the applicant. Avoidance would prevent proper development of the site as otherwise acceptable through the US Army Corps.  

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4. The public safety and general welfare have been protected and substantial justice done.  
As this request pertains only to a buffer impact, public safety and general welfare are not impacted. Substantial justice will be done by the negotiated buffer mitigation.  

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**Applicant**

Strategic Capital Partners - Rich Horn  
Printed Name \_\_\_\_\_ Phone 317-819-1888

Corporation  Limited Liability Company  Trust  Partnership  Other: \_\_\_\_\_

By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable if box is checked)

Signature \_\_\_\_\_ Date 06/07/2021

Title CEO Applicant Phone 317-819-1888

Applicant Email rhorn@strategiccapitalpartners.com

Address of Applicant 280 E. 96th Street, Suite 250, Indianapolis, IN 46240

**Property Owner (if different than applicant)**

\* Printed Name See attached joinders Phone \_\_\_\_\_

Corporation  Limited Liability Company  Trust  Partnership  Other: \_\_\_\_\_

By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable if box is checked)

Signature \_\_\_\_\_ Date \_\_\_\_\_

Title \_\_\_\_\_ Applicant Phone \_\_\_\_\_

Applicant Email \_\_\_\_\_

Address of Property Owner \_\_\_\_\_

\* Property owner hereby grants permission to the Town of Huntersville personnel to enter the subject property for any purpose required in processing this application.

Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION. **If additional space is needed for signatures, attach the Town of Huntersville Signature Addendum Form.**

**Contact Information**

Town of Huntersville Phone: 704-875-7000  
Planning Department Fax: 704-875-6546  
PO Box 664 Physical Address: 105 Gilead Road, Third Floor, Huntersville, NC 28078  
Huntersville, NC 28070 Website: <https://www.huntersville.org/228/Planning-Department>

Received By Planning Department Staff: \_\_\_\_\_

Staff Initials: \_\_\_\_\_