



Town of INDIAN TRAIL
north carolina

Town of Indian Trail, NC

P.O. Box 2430

Indian Trail, North Carolina 28079

Telephone (704) 821-5401

PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

Variance Staff Report

Case: VAR 2011-002 Taylor Glenn Lighting Variance			
Reference Name	9010 Magna Lane		
	Proposed Request	Variance from UDO Section 1330.060(B)(2) to allow a 25' tall light pole in the Taylor Glenn HOA Amenity Center	
Existing Site Characteristics	Existing Zoning	SF-4; O-PED-1 (Pre-Existing Development Overlay District)	
	Existing Use	Taylor Glenn HOA Amenity Center	
	Site Acreage	0.569 acres	
Applicant	Allen Miller – Taylor Glenn HOA President		
BOA Hearing Date	May 26, 2011		
Location	9010 Magna Lane		
Tax Map Number(s)	07-096-279		
Plan Consistency	Town of Indian Trail Land Use Map	Designation	Sun Valley Suburban Mix Village
		Consistent with Request	Generally Complies

Project Summary

Request: The applicant is requesting a variance from **Section 1330.060(B)(2)** – Lighting Standards – of the Unified Development Ordinance (UDO), to allow for a 25' tall light pole at the Taylor Glenn HOA amenity center, whereas this Section currently limits the height of residential light poles to a maximum of 20' tall. (See **Attachment 1**).

Areas of Analysis:

- 1. Subject Property:** The property is in Taylor Glenn subdivision, and was approved under a Planned Unit Development (PUD) by the Town in 1998 with an underlying zoning of SF-4.
- 2. Adjacent Properties & Businesses:** See **Analysis** Section for this information.
- 3. The Comprehensive Plan:** The subject property is located within the Sun Valley Suburban Mix Village of the Plan, which allows for primarily medium density residential development, which includes Taylor Glenn. Staff is of the opinion that this request is generally complies with the Plan.

Background

This request first arose when the Town's Engineering Department notified Code Enforcement staff in February 2011 of a complaint from two residents in the Taylor Glenn subdivision regarding the installation of a light pole in the HOA amenity center area without proper plan approval. This light pole was installed, according to the applicant, in February of this year.

Following this research into the light's placement, staff then sent out a Notice of Violation (NOV) on March 18, 2011 regarding its installation. The height of the light pole is 25', but the maximum allowed in a residential district per **UDO Section 1330.060(B)(2)** is 20'. The NOV also required the Taylor Glenn HOA submit a minor site plan revision application to the Town for review and approval of this light fixture. The applicant subsequently met with Town staff to discuss the situation. With the light fixture exceeding the maximum height for allowed light poles in residential districts as defined by the UDO, the applicant was informed of the following options to remedy the situation: 1) Modify the height of the light pole to 20' and file a minor site plan review, or 2) File a variance to seek approval from the Board of Adjustment to keep the existing 25' tall light pole. The applicant therefore elected to pursue this variance from UDO Lighting Standards **Section 1330.060(B) (2)**, and now brings this request before the Board.

Site Pictures of 9010 Magna Lane

Light Pole Location (adjacent to Taylor Glenn HOA Playground)



**View from rear of HOA Amenity Center Area
(Shows light pole and adjacent properties)**



Analysis

Taylor Glenn Subdivision

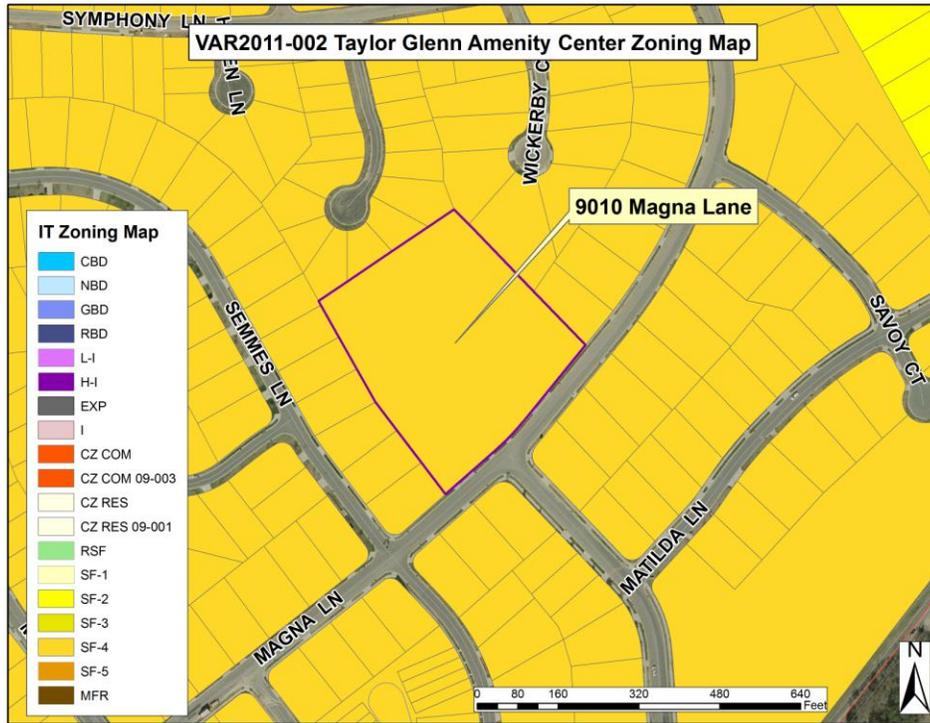
Taylor Glenn was originally approved under a Special Use Permit (SUP) on September 8, 1998 as a Planned Unit Development (PUD). The subdivision consists of three phases approved for 453 lots. Subsequent modifications have reduced the overall number of lots from 453 to 433, of which only 6 remain undeveloped..

Site and Adjacent Properties

The subject property is the amenity center for Taylor Glenn subdivision, and the following is a summary of the site:

- The subject property totals 0.569 acres in size;
- The property includes a swimming pool, playground area, tennis courts, and a small community center for neighborhood events;
- The light pole is located in the rear area of the amenity center, immediately next to the playground area; and
- The subject property is surrounded by 19 adjacent residential properties, of which all are two-story structures and 11 of which are within sight distance of the light pole in question.

Map #1: Zoning Map of 9010 Magna Lane



**Map #2: Map of 9010 Magna Lane
(Taylor Glenn Amenity Center Light Pole Location)**



Variance Request

This variance request pertains to the following UDO Section:

Chapter 1330 – Lighting Standards

Section 1330.060 General Standards for Lighting Fixtures

B. The maximum fixture height above adjacent grade for all fixtures except those used for sports facility (field, arena or track) lighting shall be as follows:

1. Commercial – 30 feet
2. Residential – 20 feet
3. Pedestrian Pathways – 12 feet

- **UDO:**

- **Lighting Standards (Section 1330.060(B)(2)):** Allowing this light pole to be 5 feet higher than the maximum would create a non-conforming situation on the applicant's property. The purpose of the above UDO Section is to minimize the potential impacts of any freestanding light fixtures onto neighboring properties.

- **Outside Agencies' Comments:** Staff received the following professional opinions regarding this request (please see Attachment 2):

- **Union County Sheriff's Office:** The Sheriff's Office did consult with and recommend to the applicant that a light pole be installed near the playground area, due to concerns about public safety in this area. However, it should be noted that the Sheriff's Office did not recommend a specific height or type of light pole to be used for this purpose.
- **Duke Energy:** Duke Energy did consult with and recommend the particular type and height of the light that was placed on the applicant's property. Duke Energy stated if the light were to be lowered, then the allowable wattage of the light would also have to decrease, thereby necessitating an additional light be placed on the property to allow for adequate lighting coverage.

Plan Consistency

The subject property is located within the Sun Valley Suburban Mix Village of the Comprehensive Plan. This Village promotes a neighborhood setting with single family detached houses as its primary development, as well as providing convenient access to parks and recreational amenities in the area. This project generally complies with the intent of the Comprehensive Plan.

Required Findings

Under **UDO Chapter 380**, the Board of Adjustment, when considering whether to approve an application for a variance request, shall review and evaluate the following:

1. **Whether the application is complete.**
 - a. Staff is of the opinion that the application for VAR2011-002 is complete.
2. **The Board will consider whether the application complies with all of the applicable requirements of this ordinance.**
 - a. The facts show that VAR 2011-002 would not be in compliance with the requirements set forth by the Unified Development Ordinance.
3. **If the Board of Adjustment concludes that all such requirements are met, it will issue the permit unless it adopts a motion to deny the application for one or more of the reasons set forth in UDO Chapter 380.020. Such a motion will propose specific findings, based upon the evidence submitted, justifying such a conclusion, regardless of approval or disapproval.**

Under **UDO Section 380.020**, the Board of Adjustment must make these required considerations of public health, safety, and welfare. The Board of Adjustment's authority in the review of this variance application is broad and the Board may approve with conditions if it concludes, based upon the information submitted at the hearing, that the proposed request finds that:

1. **Strict compliance with the UDO will cause the applicant not to be able to make any reasonable use of their property;**
2. **The hardship suffered by the applicant is solely the applicant's, and is not suffered by any other neighbors and/or the general public;**
3. **The hardship suffered by the applicant relates solely to the applicant's land, rather than any personal circumstances on the applicant's part;**
4. **The hardship suffered by the applicant is unique (or nearly so), rather than being shared by many surrounding properties;**
5. **The hardship suffered by the applicant is not the result of the applicant's own actions;**
6. **The variance will neither result in the extension of a nonconforming situation in violation of UDO DIVISION 1400, Nonconformities, nor authorize the initiation of a nonconforming use of land.**

If one of these findings cannot be made, the Board must move to deny the variance request, stating for the record the reason the finding cannot be made.

However, if the Board were to grant this variance, then staff would recommend the following conditions for such an approval:

1. The installation of any new light pole would require a minor site plan review approval from the Town. However, this variance shall only apply to this specific light pole at the Taylor Glenn amenity center and shall not be construed beyond this variance to allow for any similar heights for residential light poles throughout the Town.

2. Given its present location, the light pole would require shielding in order to direct any potential light or glare away from surrounding properties and towards the interior of the HOA amenity center property (See Exhibit 1 below).

Exhibit 1: Light Shield



Summary

The Town has provided its analysis of this variance request in the above staff report, and now offers this into the record for the Board’s consideration.

Staff Contact

Jonathon Edwards
Junior Planner, Town of Indian Trail, NC
(704) 821-5401 ext. 242
je@planning.indiantrail.org

Attachments:

Attachment 1- Variance Application/Letter of Intent

Attachment 2- Professional Opinions: Duke Energy, Union County Sheriff’s Office

ATTACHMENT 1
Variance Application

**VARIANCE
APPLICATION**

Contract #: 005071.
Permit #: R-000257.
Invoice #: 9937.



Town of
**INDIAN
TRAIL**
north carolina

PLANNING AND DEVELOPMENT DEPARTMENT
PO Box 2430
Indian Trail, NC 28079
Telephone (704) 821-5401
Fax (704) 821-9045



ONLY COMPLETE APPLICATIONS ACCEPTED

Processing Fee \$300.00

Notification Fee \$2.50 per adjoining property owner

Received 03/31/11 

VARIANCE APPLICATION



Date Received 03/31/11 *BB*

Submittal Requirements

- Completed Application
- Notarized signatures of applicant and property owner
- Letter of Intent
- 8 copies of Concept Plan
- Statement of Justification (used to determine if Findings of Fact can be made at public hearing)
- Statement of Appraisal, if necessary
- Fees associated with review



Timeline/Procedures

- The Board of Adjustment, which hears all Variances, meets on the fourth Thursday every month.
- All of the submittal requirements must be met by the first day of the month before the Variance is heard. For example, if you wanted to present your case to the Board of Adjustment on the 4th Thursday of March, you must complete the submittal requirements by February 1st.
- The hearing is Quasi-Judicial in nature, which means there is no deliberation or communication before the hearing, as in a court case. See Section 310.080 of the UDO for more details.
- You must show that suffer from each of the hardships listed Hardship Description section below with facts alone for the Board of Adjustment grant a Variance.

General Information

Project Address See attached

City _____ State _____ Zip _____

Tax Parcel ID _____ Zoning Designation _____

Total Acres _____ Impervious Area _____

Project Description _____

Contact Information – Applicant

Name See attached

Address _____

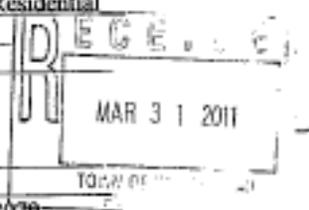
City _____ State _____ Zip _____

Phone _____ Fax _____

Email _____

General Information

Project Address 9010 Magna Lane
 City Indian Trail State NC Zip 28079
 Tax Parcel ID 07096279 Zoning Designation Residential
 Total Acres 3.6 Impervious Area unknown
 Project Description Security Lighting

**Contact Information – Applicant**

Name Allen Miller, President, Taylor Glenn HOA
 Address 3015 Semmes Lane
 City Indian Trail State NC Zip 28079
 Phone 704-698-2664 Fax Same
 Email acmiller66@yahoo.com

1. If the applicant complies strictly with the provisions of the ordinance, he can make no reasonable use of his property;

The parking lot and playground area in question are completely hidden from view from the street and previously had no lighting. This has resulted in constant and persistent trespassing and loitering after dark accompanied by the consumption of alcohol, illegal drug use, and sexual activity. Items such as empty cans, glass bottles, cigarette and marijuana butts, other drug paraphernalia, and even used condoms were routinely found on the playground and in the parking lot. These activities directly impact both the reasonable enjoyment and potential property values of the homeowners bordering the area. Aside from these concerns, these activities pose a real health and safety threat to the children using the area during the day.

In conversations with the Union County Sheriff's Office, the Association was told that lighting and signage needed to be installed. The current lighting was installed on the recommendation of Duke Power, and the same recommendation has been further supported by the Union County Sheriff's Department. If the pole height is reduced to 20 feet then the highest wattage bulb that can be used is 150 watts. This will result in a 40% reduction in the light output and a 20% reduction in the amount of area illuminated. This will seriously decrease the effectiveness of the lighting as a deterrent.

If the area cannot be properly illuminated and the problems significantly reduced then the Association will have to close the playground in order to safeguard the health and safety of the children. This will make the property unusable for its original intent.

2. The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public;

In this case, the applicant is the Taylor Glenn Homeowners Association which includes all homeowners within the community. Therefore, the hardship to the neighbors and the general

public (insofar as this includes the population of the entire development) are synonymous with the applicant.

3. The hardship relates to the applicant's land, rather than personal circumstances;

The situation involves the property itself and its intended use as a recreational facility for children and parking lot of a common asset of the community.

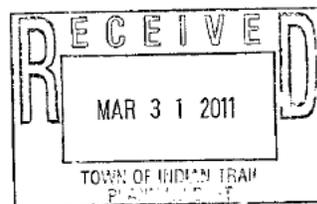
4. The hardship is unique, or nearly so, rather than one shared by many surrounding properties;

This playground and parking area are the only ones in the community situated behind the clubhouse and thus obscured from view from the street. The Board of Directors has no knowledge of any other similarly situated facilities in the area and has no intentions of erecting any similar lighting elsewhere.

5. The hardship is not the result of the applicant's own actions;

The clubhouse, parking lot, and playground facility was constructed by the developer prior to the Association being turned over to the homeowners. Therefore, the current Association of homeowners had no part in the design of the facility which caused the problem.

6. The variance will neither result in the extension of a nonconforming situation in violation of Division 1400 of the UDO nor authorize the initiation of a nonconforming use of land. To the Board of Director's knowledge, no nonconforming use in violation of any ordinance exists on the property other than the illegal trespassing, loitering, and drug and alcohol use which the lighting in question seeks to remedy.





VARIANCE APPLICATION

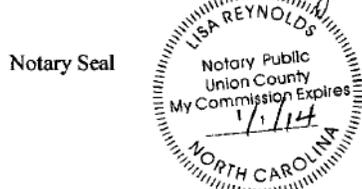
Contact Information – Property Owner

Name TAYLOR GLENN HOA, INC
Address PO Box 271
City MATTHEWS State NC Zip 28106
Phone 704-847-3507 Fax 704-847-0965
Email TAYLOR.GLENN@BRAESAE.COM

Applicant's Certification

Signature [Signature] Date 3/31/11
Printed Name/Title Allen Miller / President Taylor Glenn HOA

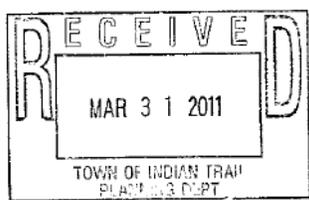
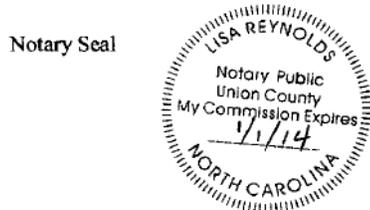
Signature of Notary Public [Signature] Date 3/31/11



Property Owner's Certification

Signature [Signature] Date 3/21/11
Printed Name/Title Allen Miller / President Taylor Glenn HOA

Signature of Notary Public [Signature] Date 3/31/11



VARIANCE APPLICATION



TOWN OF INDIAN TRAIL OFFICE USE ONLY

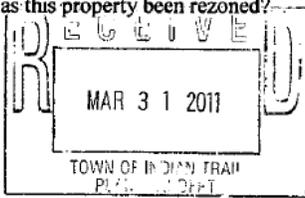
CASE NUMBER: R-000257 (VAR 2011-002)

DATE RECEIVED: 03/31/2011 AMOUNT OF FEE: \$300.00

RECEIVED BY: [Signature] RECEIPT #: 9937

Project Information

Has work started on the project? Yes No
 If yes, did you obtain a building permit? Yes No If yes, please attach a copy
 Have you received a Notice of Violation for this project? Yes No If yes, please attach a copy
 Has this property been rezoned? Yes No If yes, Petition Number _____



Hardship Descriptions

SUMMARIZE THE EVIDENCE YOU PLAN TO PRESENT FOR THE FOLLOWING ITEMS:

- If the applicant complies strictly with the provisions of the ordinance, he can make no reasonable use of his property; *Summarize Evidence:*
See attached

- The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public; *Summarize Evidence:*
See attached

VARIANCE APPLICATION



3. The hardship relates to the applicant's land, rather than personal circumstances; *Summarize Evidence:*

See attached

4. The hardship is unique, or nearly so, rather than one shared by many surrounding properties; *Summarize Evidence:*

See attached

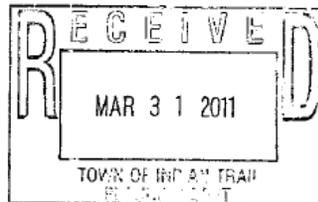
5. The hardship is not the result of the applicant's own actions; *Summarize Evidence:*

See attached

6. The variance will neither result in the extension of a nonconforming situation in violation of Division 1400 of the UDO nor authorize the initiation of a nonconforming use of land. *Summarize Evidence:*

See attached

(Attach additional sheets if necessary)



Allen Miller
President, Taylor Glenn HOA
3015 Semmes Lane
Indian Trail, NC 28079
March 30, 2011

RECEIVED
Date: 05-19-11

Board of Adjustment
Town of Indian Trail
Indian Trail, NC 28079

Dear Board of Adjustment Members:

Attached is our application for a variance from Section 1330.060-B of the Unified Development Ordinance.

Under the original design of the Taylor Glenn community, the main clubhouse/pool common area located at 9010 Magna Lane included a paved parking area and playground facility behind the main clubhouse building. The location of these two facilities shields them from view from the road. No lighting was planned or installed in these areas.

This design has created persistent problems for the community for years. Because the area was secluded and dark, trespassing and loitering were constant issues. Groups of young people would park cars in the parking lot at night or walk back to the playground area. Among other things, there has been vandalism, property damage, and littering as a result. These activities were a serious nuisance to the homeowners who live adjacent to this area and prompted numerous calls to the Union County Sheriff's office. In addition, these activities resulted in trash, empty beer cans, and glass bottles being left in the parking lot and on the playground. These constituted a direct threat to the safety and health of the small children who came to the playground area. As a consequence, this playground area was rarely visited by the members of the community and had effectively ceased to be usable for its designed function.

After numerous conversations with the Union County Sheriff's office, two main remedies were recommended. First was to place a sign indicating that the area is closed at dusk. Such a sign was installed by the HOA in 2010. More importantly, the Sheriff's office consistently stressed the importance of lighting. They maintained that the trespassing and loitering were a direct result of the secluded location and lack of lighting.

The Board of Directors for the HOA tried for several years to erect a light in this area. The Association could not afford to erect and maintain its own light, so Duke Power was consulted. At first, the problem was getting access to a power source. That was finally made possible at the end of 2010 when a homeowner adjacent to the area agreed to allow a power line to be run over his property. After consultation with Duke Power regarding the reasons why lighting was needed in the area, it was recommended that a 25 foot pole with a double, fully-shielded light containing two 250-watt bulbs be installed. This

Board of Adjustment
May 18, 2011
Page 2

would allow the entire playground area and most of the parking lot to be illuminated sufficiently to deter the nuisance activity.

Such a light was installed in February of 2011. Duke Power's representative never indicated to the Board that any permits were needed or that there were any ordinances governing the installation of this lighting. Therefore, no permit was obtained. The Taylor Glenn Board of Directors apologizes to the Town of Indian Trail for not seeking a permit. It was never our intention to try to circumvent the ordinances or the Town's authority. The Board is charged with enforcing covenant rules and regulations within Taylor Glenn, so we are fully aware of how important it is to follow proper procedures.

Subsequently, the Association was informed by the Town that the light is in violation as it exceeds the 20 foot maximum height required by the Town's Unified Development Ordinance. We spoke with Duke Power, and they said that they could replace the pole with a 20 foot pole. However, a 20 foot pole could only have 150-watt bulbs. This would mean a 40% reduction in the light output as well as a 20% reduction in the illuminated area. This would severely diminish the deterrent effect of the light. Representatives from both Duke Power and the Union County Sheriff's office have agreed with this assessment. Thus, the Association respectfully presents this application for a variance to allow the current pole to remain.

It is our belief that the activities which have occurred in this area pose a nuisance to the adjacent homeowners and a real danger to the children for whose use the area is intended. The current lighting in place does not violate any other areas of the UDO other than the height restriction. It effectively illuminates the parking lot and playground, making the area much less inviting to trespassers and loiterers. Further, it is our belief that reducing the height (and therefore the bulb wattage) will significantly reduce the lighting's effectiveness and not allow the area to be usable for its intended purpose as a playground for small children.

Thank you for your time and consideration in this matter.

Sincerely,

Allen Miller
President, Taylor Glenn HOA



INDIAN TRAIL CODE ENFORCEMENT DIVISION
NOTICE OF VIOLATION

Personal Delivery

Certified Mail (Return Receipt)

Owner: Taylor Glen of Indian Trail

Mailing Address: P.O. Box 2171 Matthews, NC 28106

Violation Address: 9010 Magna Ln. Indian trail, NC 28079

Parcel Number: 07096279

You are hereby notified that a violation of Chapter 410. General Permit Requirements of the Town's Unified Development Ordinance has been confirmed on 2/10/2011 at the violation address identified above.

Violation: Failure to obtain proper permits for light pole. Light pole is in violation of Unified Development Ordinance Section 1330.060 (B)(2)-Lighting Standards; General Standards for lighting fixture (Residential Pole Height)

Ordinance Reference within Chapter 410. General Permit Requirements (See Back Page):

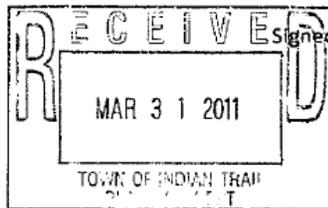
§410.010 Permits Required Before Development

§410.020 Staff Consultation Before Formal Application

You are hereby ordered to bring this property into compliance by completing the following: Please continue to work with Planning Department to resolve this issue. If a variance will be applied for, please submit application within 30 days of this notice.

If you need assistance or would like to discuss the issue, contact this office at 704 821-5401.

Notice Issued: 3/10/2011



Signed *Jh Dean*

Code Enforcement Officer

If the property is not brought into compliance within 30 days from receipt of this notice further enforcement action will be necessary according to The Unified Development Ordinance Chapter 1520 Remedies and enforcement power. §1510.040- Enforcement Procedure D. the time allowed for correction of the violation shall be within 30 days of the notice of violation or within a longer time period as established by the Zoning Administrator based on an assessment of the nature/scale of the zoning violation and, §1520.050- Penalties A. Any violation of this development ordinance is punishable as a misdemeanor with an associated fine of not less than \$100.00 for each and every day that the violation continues. B. If the violation appears deliberate, intentional, and with knowledge of the law or if violation is repeated on multiple occasions, then punishment: upon conviction will be a fine of not less than \$100.00 or more than \$500.00 for each and every day that the violation continues

If you do not agree with the findings of this letter, the Town of Indian Trail Municipal Code Section 91.09(A) states "Within the 15 day period following receipt of notice of abatement, the owner of the property where the nuisance exists may appeal the findings of the inspector to the Town Council, by giving written notice of appeal to the Town Clerk; the appeal will stay the abatement of the nuisance by the town until a final determination is made by the council"

Chapter 410. General Permit Requirements

410.010 Permits Required Before Development

A. The use made of property may not be substantially changed (i.e. change from one use classification to another) and no substantial clearing, grading or excavation may be commenced if such activity is undertaken for purposes of preparing a lot for development other than a single-family detached residence. No buildings or other substantial structures may be constructed, erected, moved, or substantially altered except in accordance with and pursuant to one of the following permits:

1. a zoning permit issued by the administrator;
2. a permit issued by the staff;
3. a special use permit issued by the Board of Adjustment as required by this UDO.

B. Zoning permits, development permits, special use permits and sign permits are issued under this ordinance only when a review of the application submitted, including the plans contained therein, indicates that the development will comply with the provisions of this ordinance if completed as proposed. Such plans and applications as are finally approved are incorporated into any permit issued, and except as otherwise provided in Section 410.110, all development must occur strictly in accordance with such approved plans and applications.

1. Physical improvements to land to be subdivided may not be commenced except in accordance with a development permit after preliminary plat approval by the Town Council for a major subdivision and by final plat approval or minor subdivision approval by the Director of Planning and Development.

2. A zoning permit, development permit, special use permit, or sign permit must be issued in the name of the applicant (except that applications submitted by an agent will be issued in the name of the principal), will identify the property involved and the proposed use, will incorporate by reference the plans submitted, and will contain any special conditions or requirements lawfully imposed by the permit-issuing authority. All special use permits (except permits for single-family and two-family residential uses) must be recorded by the permit recipient in the Union County Registry after execution by the property owner of record.

410.020 Staff Consultation Before Formal Application

A. To minimize development planning costs, avoid misunderstandings or misinterpretations, and ensure compliance with the requirements of this ordinance, pre-application consultation between the developer and the staff is encouraged or required as provided in this section.

B. Before submitting an application for a development permit authorizing a development that consists of or contains a major subdivision, the developer must submit to the planning and development director a sketch plan of such subdivision, drawn to scale. The developer will submit the number of sketch plan copies (not to exceed ten) that the Director of Planning and Development determines is reasonably necessary to facilitate the sketch plan review process. The sketch plan will contain:

1. Vicinity Map

A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads and waterways.

2. **Boundaries** The boundaries of the tract and the portion of the tract to be subdivided.

3. **Acreage** The total acreage to be subdivided.

4. **Use of Land** The existing and proposed uses of the land within the subdivision and area adjoining it.

5. **Street and Lot Layout** The proposed street and lot layout with lot sizes and widths.

6. **Owner Information** The name, address and telephone number of owner(s).

7. **Zoning** The zoning classification(s) of the tract and of adjacent properties.

8. **Other Information** Any other information the developer believes necessary to obtain the informal opinion of the planning staff as to the proposed subdivision's compliance with the requirements of this ordinance.

C. Following a review of the sketch plan and other materials by the planning staff, the Union County Health Department, the Union County Schools System, the Union County Public Works Department, and the NC Department of Transportation, the planning staff will advise the developer of the results of this review. The application for a development permit for a project requiring sketch plan review may not be submitted until after the staff has provided the developer with its comments and recommendations based upon this review.

D. Before submitting an application for any other type of permit, developers are strongly encouraged to consult with the staff concerning the application of this ordinance to the proposed development.

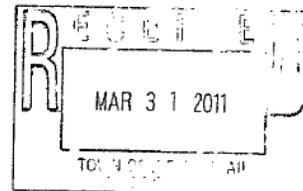
Indian Trail Planning Department

Enforcement Division

130 Blythe Drive

Indian Trail, N.C. 28079

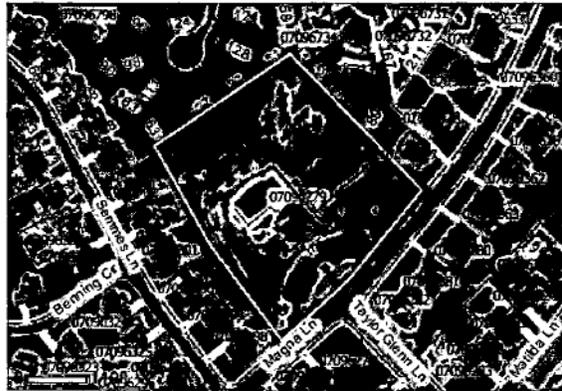
(704) 821-5401



Parcel ID
07096279

Owner Name
TAYLOR
GLENN OF
INDIAN
TRAIL

Owner Mailing Address
P. O. BOX 2171
MATTHEWS
NC, 28106



Tax Information

Deeds 2003 815
Sale Amount 0
Sale Date 12/12/2002
Land Value 100
Total Value 100
Acreage 3.6000
M Value 100
Improved Value 0

Sale 2 Amount
Sale 2 Date
Deeds 2
Farm Deferral 0
Legal Desc 1 AMMENTIES AREA/TAYLOR GLENN PH1/MP1
Legal Desc 2
Legal Desc 3
Parcel Address 9010 MAGNA LN

Location Information

Census Tract Acres
Census Tract Number
Census Tract Population
Zoning Admin Indian Trail

Municode Indian Trail
Fire District
County Zoning CITY
School County

Site/Land Information

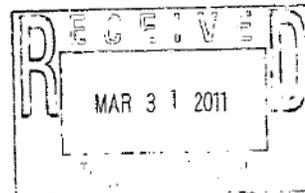
FEMA Panel
FEMA Map
Soils

FEMA Zone

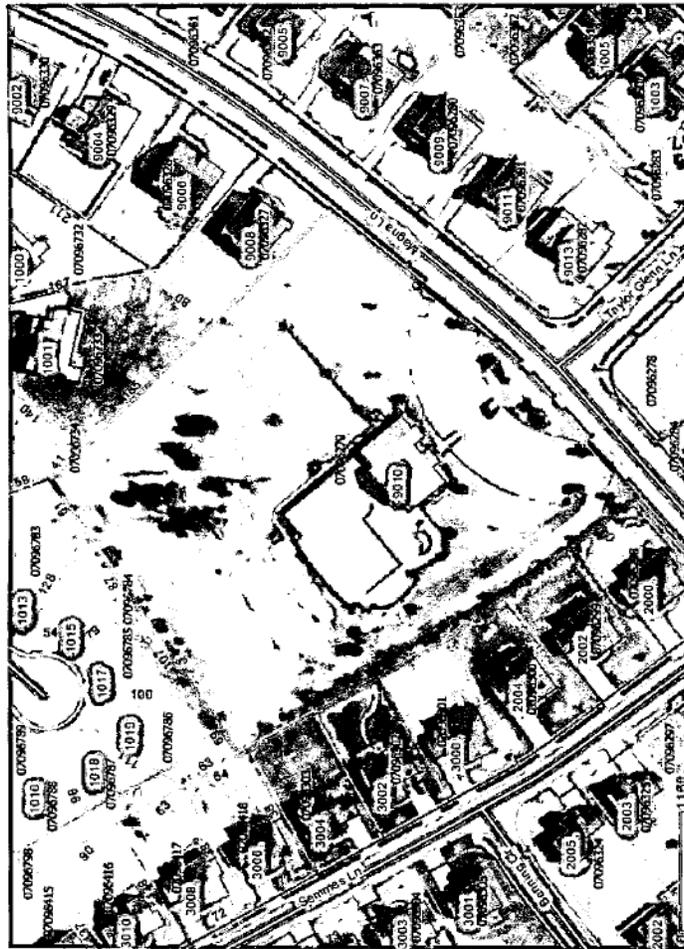
Appraisal Information

Square Feet
Half Baths
Full Baths
Year Built 2001
Heating

Type COMMERCIAL
AC
Story 1
Use Clubhouse



GoMAPS - Union County NC Public Access



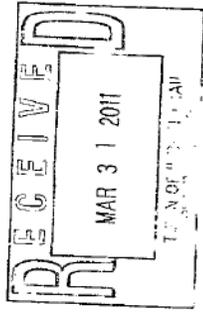
- LEGEND**
- Lot Dimensions
 - Address_Point
 - Highways
 - Streets
 - Structures
 - Parcels
 - Municipal Areas
 - Fairview
 - Hemby Bridge
 - Indian Trail
 - Lake Park
 - Marshville
 - Marvin
 - Mineral Springs
 - Mint Hill
 - Morroe
 - Stallings
 - Unionville
 - Waxhaw
 - Weddington
 - Wesley Chapel
 - Wingate
 - Aerials_2007



This map is prepared for the inventory of real property found within Union County, NC and is compiled from recorded deeds, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. Union County and the mapping companies assume no legal responsibilities for the information contained on this map.

Tuesday,
March 29
2011

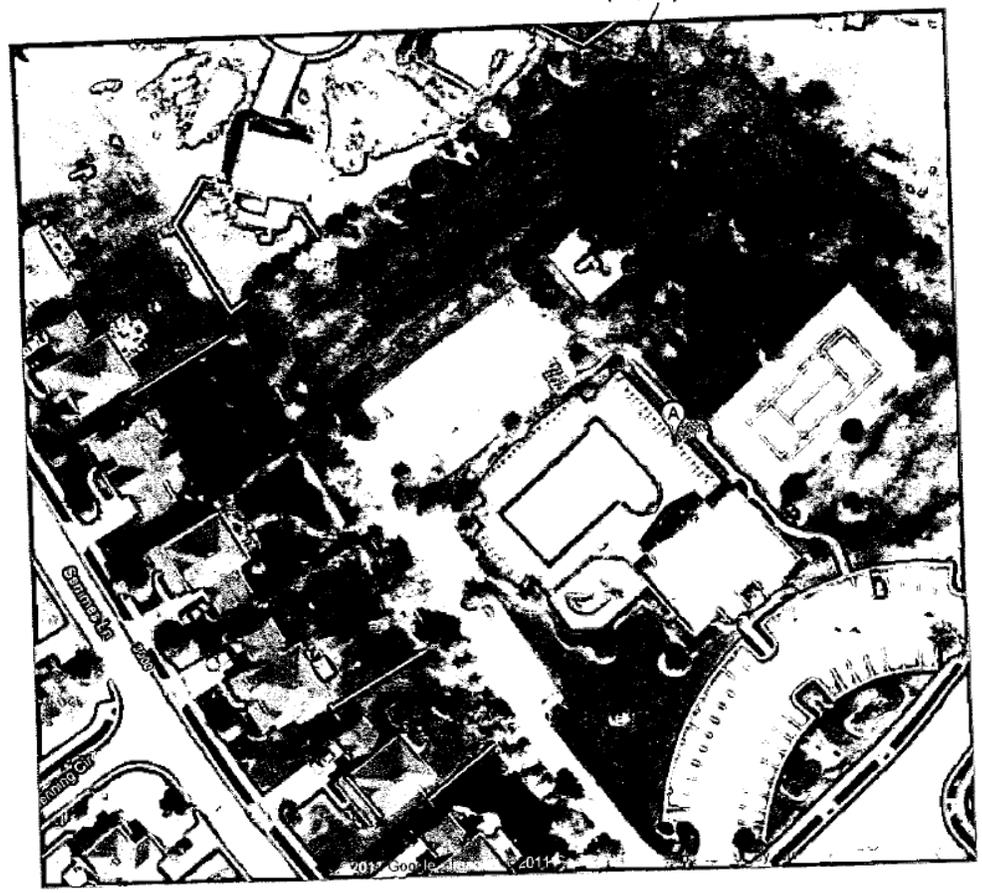
Grid based on the North Carolina State Plane Coordinate System
All dimensions in feet



Google maps

To see all the details that are visible on the screen, use the "Print" link next to the map.

Pole Location



<http://maps.google.com/>

RECEIVED
MAR 31 2011
TOWN OF WINDY HILL
PLANNING DEPT

ATTACHMENT 2

Professional Opinions:

Duke Energy/ Union County Sheriff's Office

Jonathán Edwards

From: Hager, Chad [Chad.Hager@duke-energy.com]
Sent: Tuesday, April 12, 2011 8:11 AM
To: McKinney, Sean; Jonathan Edwards
Subject: RE: VAR2011-002 Taylor Glenn HOA Light Pole

Sean has pretty much answered everything they way I would have. The customer explained to me the issues they were having with folks hanging out in the area in question. The customer nor I was aware of any mounting height restrictions. In my opinion I gave them the best option we have for that particular situation. If we go with a shorter pole we will have to go with less wattage also. We don't offer the wattage they need with a 20' mounting height pole. If we shorten pole we will more than likely have to add at least one more pole to light the area up. Thanks

From: McKinney, Sean
Sent: Monday, April 11, 2011 11:55 AM
To: Jonathan Edwards
Cc: Hager, Chad
Subject: RE: VAR2011-002 Taylor Glenn HOA Light Pole

Jonathon, I am doing well and hope you are. Chad Hager installed that light out there and will be following up with you as well and is copied in this email but to answer your questions after what I have seen on this, I will answer each question a little. Also we did receive a copy of that variance here at Duke.

- 1) Attached is a pdf of a detail/spec sheet on a single 400 W HPS and Metal Halide Shoebox fixture that shows how the lighting pattern works. I will also say that a shoebox is a great set-up for a parking area and play ground areas as well when you think of the existing layout of the terrain with the play ground being on the other side of the pole. A shoe box fixture is a total cut off fixture which means that it is designed to throw light down and not backwards or upwards which makes it a more efficient choice.
- 2) When choosing wattage, it is typically a customer choice but things to consider are if any windows are close by which there are not in our case, how much area do I want to light up which we wanted to light up as much as possible in the parking lot and near these sheds and play areas therefore we need a taller pole to cast the light out even further and a higher wattage bulb.
- 3) I did not design the job-Chad did, but I can tell you that if I would have made the choice, that this choice was a good one because if the mounting height goes down to 20', the people that were hanging around before might come back and then you will need to install even more lighting to get the lumens/foot candles back up to what they use to be because resulting in a higher monthly rate.

Thanks

Sean McKinney
Contractor to Duke Energy
6325 Wilkinson blvd
Charlotte NC 28214
Office 704-382-6904
Fax 704 382 5601
Email Sean.McKinney@duke-energy.com

From: Jonathan Edwards [mailto:je@planning.indiantrail.org]
Sent: Monday, April 11, 2011 9:43 AM
To: McKinney, Sean
Cc: Shelley DeHart; Scott Kaufhold; Adam McLamb; Vicky Watts
Subject: VAR2011-002 Taylor Glenn HOA Light Pole

Sean –

Jonathon Edwards here with the Town of Indian Trail. Hope this e-mail finds you doing well.

I wanted to follow up with you on a conversation we had a while back regarding Taylor Glenn subdivision and a 25' tall light pole that the HOA there recently installed at their HOA amenity center (9010 Magna Lane). The Town requires a 20' maximum height for a residential light pole in our ordinances; the HOA President, Allen Miller, has recently filed a variance request with the Town to allow for this light pole at its present location. This variance request will be heard by the Town's Board of Adjustment on May 26, 2011.

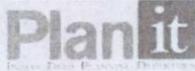
I have some questions for you regarding this light pole as follows:

1. What kind of pole and detail does this light typically involve? If you could please provide me a plan detail of what this pole looks like, then this would be most helpful to analyzing this variance request.
2. What kind of wattage bulbs do lights such as this one typically involve? Please advise as soon as possible.
3. Finally, did Duke Power specifically recommend the detail, wattage, type, and height of this light pole for the Taylor Glenn HOA amenity center (9010 Magna Lane)? We just need to know in preparing the variance request for the May Board of Adjustment hearing.

Attached are the two pictures for the light in question. This light was never permitted by the Town, and currently exceeds the maximum requirement for a residential light pole in the Town, which is why the Mr. Miller is requesting this variance for the May hearing.

Please advise as soon as possible if you have any questions and/or comments on this. Thank you for your time and attention, and I look forward to hearing from you very soon.

Jonathon Edwards
Junior Planner
Town of Indian Trail, NC
704-821-5401 ext. 242
je@planning.indiantrail.org



PRIVACY WARNING: For auditing purposes, a copy of this message has been saved in a permanent database.

Jonathan Edwards

From: ChaseCoble@co.union.nc.us
Sent: Monday, April 04, 2011 4:46 PM
To: Jonathan Edwards
Subject: VAR2011-002

Jonathon,

In reference to the lighting issue in Taylor Glenn, Mr. Miller is correct in that Deputy Schoen and I both recommended lighting to reduce the loitering problem that they have experienced in their park. We support our recommendation.

As a side note, the planning department has been mailing these packets to me at an average cost of \$1.22 each time. Feel free to email me a brief summary of anything that you want input from us on and I will be glad to come by and look over the material if I have questions, or you can forward a packet to me via the town hall. We do not have a mailbox at 109 Navajo Trail, so the mail gets sent to town hall anyway. They end up walking it across the parking lot to me.

Thanks,
Lt. Chase Coble
Union County Sheriff's Office
Indian Trail Bureau
704-684-6389 desk line