

11716 MOUNTAIN ISLAND BROOK LN

02330107

1/4/2008

duponbj

Groundwater and Wastewater Services File Imaging Project

May 2007

Barcode Font = IDAutomationHC39M

GWS – RES. APP 07/05

SEPTIC FEE
DATE
CRT#

PERMIT APPLICATION FOR A RESIDENTIAL SITE IMPROVEMENT PERMIT / CONSTRUCTION AUTHORIZATION FOR ON-SITE WASTEWATER SYSTEM NEW WELL INSTALLATION OR REPAIR OF EXISTING WELL MECKLENBURG COUNTY GROUNDWATER & WASTEWATER SERVICES

WELL FEE
DATE
CRT#

FILE # 4037A

SEPTIC / TYPE APPLICATION: ☐ NONE ☐ NEW SYSTEM ☒ ALTERATION ☐ REPAIR ☐ MODIFY PLOT PLAN

WELL / TYPE APPLICATION: ☐ NONE ☐ NEW WELL ☐ MAJOR REPAIR ☐ ABANDONMENT

JOB LOCATION INFORMATION:

TAX/PARCEL #: 00731107

STREET ADDRESS: 13201 WHITE BIRCH TERRACE

CITY: DAVIDSON

STATE: NC **ZIP:** 28036

SUBDIVISION OR MOBILE HOME PARK NAME:

LOT #:

TOWNSHIP:

☐ 0-MECKLENBURG ☐ 4-PINEVILLE
☐ 1-CHARLOTTE ☐ 5-MATTHEWS
☒ 2-DAVIDSON ☐ 6-HUNTERSVILLE
☐ 3-CORNELIUS ☐ 7-MINT HILL

BUILDING INFORMATION:

TYPE OF BUILDING:

☐ SINGLE MOBILE HOME (S) ☐ MODULAR HOME (M)
☐ DOUBLE WIDE (D) ☐ MULTIPLE FAMILY (U)
☒ HOUSE (H) ☐ OTHER

HEATED SQUARE FOOTAGE:

NUMBER OF BEDROOMS: 4

NUMBER OF OCCUPANTS: 4

FOUNDATION FOR RESIDENCE:

☐ CONCRETE SLAB ☐ BASEMENT WITH PLUMBING
☒ CRAWLSPACE ☐ BASEMENT WITH NO PLUMBING

IF PLANNING TO EXPAND/ALTER THE EXISTING SYSTEM INDICATE THE FOLLOWING CHANGES:

NUMBER OF BEDROOMS TO BE ADDED: 0 NUMBER OF ADDITIONAL OCCUPANTS IN THE RESIDENCE: 0

WILL THERE BE A HOME BUSINESS IN THE RESIDENCE? ☐ YES ☒ NO TYPE:

WATER SUPPLY:

☐ MUNICIPAL (M) ☐ PUBLIC (C) ☒ PRIVATE WELL (P) ☐ SHARED WELL (S) ☐ OTHER 'SPRINGS' (O)

PROPOSED USE OF WELL: ☒ N/A ☐ IRRIGATION ☐ POTABLE ☐ GEOTHERMAL ☐ OTHER

ARE ANY OF THE FOLLOWING LOCATED ON THE PROPERTY? IF SO, PLEASE SHOW LOCATION ON SITE PLAN/PLAT.

BURIED CABLES, LANDFILLS, STUMPHOLES	☒ YES ☐ NO	WELLS, SPRINGS, OR WATER LINES	☒ YES ☐ NO
EXISTING WASTEWATER SYSTEMS	☒ YES ☐ NO	DESIGNATED WETLANDS	☐ YES ☒ NO
EASEMENTS OR RIGHT-OF-WAYS	☐ YES ☐ NO	GRADING/SOIL REMOVAL PERFORMED	☐ YES ☒ NO

PROPERTY OWNER:

NAME: MIKE & MELINDA DURKEE
ADDRESS: 13201 WHITE BIRCH TERRACE
CITY: DAVIDSON
STATE: NC ZIP: 28036
HOME PHONE: 704-892-1798 WORK PHONE:
MOBILE PHONE: 704-968-0629 FAX:

LEGAL AGENT FOR PROPERTY OWNER, IF APPLICABLE:

NAME: BILL RAYBURN
ADDRESS: 268 SHEPHERD RD
CITY: MOORESVILLE
STATE: NC ZIP: 28115
HOME PHONE: WORK PHONE:
MOBILE PHONE: 704-746-536C FAX: X39089

WHAT DATE WAS THE PROPERTY ORIGINALLY DEEDED AND RECORDED? 1978?

WHAT IS THE ANTICIPATED CLOSING DATE FOR THIS PROPERTY? 0

*An Improvement Permit is subject to suspension or revocation if site plans or the intended use change or if information submitted in this application is falsified or changed. The undersigned, owner, or legal agent for the owner, of the property described above as the "Job Location" has read the foregoing application, acknowledges that the contents of same are true, and authorizes the Mecklenburg County Health Department to enter onto the property for the purpose of processing this request.

Bill Rayburn 12/12/06
Owner's/Agent's Signature Date

NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT & NATURAL RESOURCES DIVISION
OF ENVIRONMENTAL HEALTH ON-SITE
WASTEWATER SECTION

*A Well Permit is subject to suspension or revocation if site plans or the intended use change or if information submitted in this application is falsified or changed. The undersigned, owner, or legal agent for the owner, of the property described above as the "Job Location" has read the foregoing application, acknowledges that the contents of same are true, and authorizes the Mecklenburg County Health Department to enter onto the property for the purpose of processing this request.

Owner's/Agent's Signature Date

MECKLENBURG COUNTY HEALTH DEPARTMENT
GROUNDWATER & WASTEWATER SERVICES
700 N. TRYON ST., SUITE 211
CHARLOTTE, NC 28202 704-336-5103 / FAX: 704-336-6894

MECKLENBURG COUNTY
LAND USE AND ENVIRONMENTAL SERVICES
Payment Receipt

Receipt Information

Date:	12/12/06	**Amount:**	200.00
Receipt #:	47190	**Tendered:**	200.00
Check / Auth #:	CHARGE	**Returned:**	0.00
Received By:	DAUGHVB		

Account Information

Account #: X39089
Contractor: LAMBERT ALAN R
Attn:
Address: 4010 DEAL ROAD
Address:
City/State/Zip: MOORESVILLE, NC 28115

Item	Description	Permit#	Quantity	Unit Price	Total Price
0706	MH Exc/Add/Repl w/System Mod 13201 WHITE BIRCH TER		1	200.00	200.00

Outstanding Balances

Month-To-Date	Prior Month	30 Days	60 Days	90 Days	Balance
269.50					

Pd. 100 Brad Wishon

PC # 5396

H20 7-30-99

INDIVIDUAL WATER AND WASTEWATER SYSTEMS PROGRAM
APPLICATION FOR SERVICES

[ ] CRT

Mecklenburg County Health Dept.
Environmental Health Division
c/o Hal Marshall Ctr., Suite 211
700 N. Tryon St.
Charlotte, NC 28202

(704)336-5102 4037B

Date: 22 JULY 99

PERSON FILING APPLICATION:
NAME: CHIEN (last) LOUIS (first) P. (mi)
ADDRESS: 101 N. McDONELL PHONE: (704) 376-1200
CITY: CHARLOTTE STATE: NC ZIPCODE: 28204

PROPERTY INFORMATION (FROM ENGINEERING FORM):
TAX/PARCEL NUMBER: 08-301-07
STREET ADDRESS: 11716 MOUNTAIN ISLAND BROOK LANE
ZONING: CD

PROPERTY OWNER:
NAME: BVB PROPERTIES (last) (first) (mi)
ADDRESS: 4508 E. Independence PHONE: 704 532-0028
CITY: Suite 207 Charlotte STATE: NC ZIPCODE: 28205

SUBDIVISION OR MOBILE HOME PARK NAME:

Township (check one):
[ ] 0 Mecklenburg County [ ] 2 Davidson [ ] 4 Pineville [ ] 6 Huntersville
[X] 1 Charlotte [ ] 3 Cornelius [ ] 5 Matthews [ ] 7 Mint Hill

LOT NUMBER: LOT SIZE (in acres):

TYPE APPLICATION (check one):
[ ] NEW SYSTEM - NEW HOME
[ ] EXCHANGE MOBILE HOME - SAME # BEDROOMS (T)
[ ] ADDITION - INCREASE ROOMS/OCCUPANCY/MOBILE HOME SIZE (A or M)
[ ] COMMERCIAL OR INDUSTRIAL (N)
[ ] ADDITION - GARAGE OR RENOVATION/NO MAJOR CHANGES (X)
Concrete pad + stairs Remodeling

RESIDENTIAL PROPERTY (Type Building, check one):
[ ] SINGLE MOBILE HOME (S) [ ] HOUSE (H) [ ] MULTIPLE FAMILY (U)
[ ] DOUBLE WIDE (D) [ ] MODULAR HOME (M) [ ] OTHER _____ (O)

NUMBER BEDROOMS: NUMBER OCCUPANTS:
SYSTEM CLASSIFICATION:

COMMERCIAL/INDUSTRIAL PROPERTY:
Type Business BAR/RESTAURANT # Employees ___ Per Shift ___ ___ ___
Industrial Wastes (Y/N) ___
Underground Storage Tanks On Property (Y/N) ___ Type _____

WATER SUPPLY (check one):
[ ] Community (C) [ ] Shared Well (S)
[ ] Municipal (M) [ ] Other 'spring' (O)
[X] Private Well (P)

FUTURE ADDITIONS - ALL PLANNED ADDITIONS MUST BE ENTERED (check all that apply):
[ ] Swimming Pool [ ] Jacuzzi [ ] Stable/Barn [ ] Workshop [ ] None
[ ] Garage [ ] Storage Building [ ] Deck/Patio [ ] Bedrooms [ ] Other

The undersigned, owner, or legal agent for the owner, of the property described above as the "JOB LOCATION" has read the foregoing application, acknowledges that the contents of same are true, and authorizes agents of the MECKLENBURG COUNTY HEALTH DEPARTMENT to enter onto the property for the purpose of processing this request.

Signed: [signature] Date: 22 JULY 99

NOTICE:

The undersigned, an authorized agent of the MECKLENBURG COUNTY HEALTH DEPARTMENT, certifies that the Department has approved the the Request for the Job Location contained in this document. This approval is granted in accordance with the provisions of Laws And Rules For Sanitary Sewage Collection, Treatment And Disposal in effect at the time of issuance of the permit and is subject to the following provisions:

...No work shall be conducted on the septic tank system until an installation, Construction, Alteration and/or Repair approval is granted by this Department.

...This permit is not transferable.

...

[ ] IMPROVEMENT PERMIT - VALID 60 MONTHS FROM ISSUANCE
[ ] MOBILE HOME EXCHANGE APPROVAL - VALID 6 MONTHS FROM ISSUANCE
[ ] ADDITION/RENOVATION APPROVAL - VALID 1 YEAR FROM ISSUANCE

Environmentalist Date

WATER : 122791

Pd. IDW

PCE # 5396

4-30-99

INDIVIDUAL WATER AND WASTEWATER SYSTEMS PROGRAM
APPLICATION FOR SERVICES

COPY

() CRT

Mecklenburg County Health Dept.
Environmental Health Division
c/o Hal Marshall Ctr., Suite 211
700 N. Tryon St.
Charlotte, NC 28202

(704)336-5102 4037B

Date: 22 JULY 99

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ZONING: CD

PROPERTY OWNER:
NAME: BVB PROPERTIES (last) (first) (mi)
ADDRESS: 4508 E. Independence PHONE: 704 532-0028
CITY: Suite 207 Charlotte STATE: NC ZIPCODE: 28205

SUBDIVISION OR MOBILE HOME PARK NAME:

Township (check one):
[] 0 Mecklenburg County [] 2 Davidson [] 4 Pineville [] 6 Huntersville
[X] 1 Charlotte [] 3 Cornelius [] 5 Matthews [] 7 Mint Hill

LOT NUMBER: LOT SIZE (in acres):

TYPE APPLICATION (check one):

[redacted] X X5-New Construction ADDITION - GARAGE OR RENOVATION/NO MAJOR CHANGES (X)
[] EXCHANGE MOBILE HOME - SAME # BEDROOMS (Y)
[] ADDITION - INCREASE ROOMS/OCCUPANCY/MOBILE HOME SIZE (A or M) pad + Renovations [redacted]
[] COMMERCIAL OR INDUSTRIAL (N)

RESIDENTIAL PROPERTY (Type Building, check one):
[] SINGLE MOBILE HOME (S) [] HOUSE (H) [] MULTIPLE FAMILY (U)
[] DOUBLE WIDE (D) [] MODULAR HOME (M) [] OTHER _____ (O)

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Underground Storage Tanks On Property (Y/N) ___ Type _____

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[] Municipal (M) [] Other 'spring' (O)
[X] Private Well (P)

FUTURE ADDITIONS - ALL PLANNED ADDITIONS MUST BE ENTERED (check all that apply):
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[] Garage [] Storage Building [] Deck/Patio [] Bedrooms [] Other

The undersigned, owner or legal agent for the owner, of the property described above as the "JOB LOCATION" has read the foregoing application, acknowledges that the contents of same are true, and authorizes agents of the MECKLENBURG COUNTY HEALTH DEPARTMENT to enter onto the property for the purpose of processing this request.

Signed: X [signature] Date: X 22 JULY 99

NOTICE:

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[] MOBILE HOME EXCHANGE APPROVAL - VALID 6 MONTHS FROM ISSUANCE
[] ADDITION/RENOVATION APPROVAL - VALID 1 YEAR FROM ISSUANCE

Environmentalist Date

WATER : 122791

1 22 99 03:51p Watts Leaf Architects, PA 704-376-5111 p.1

025-151-05(7)
N.C. - 16
Conditional Marina
72 - 2(c) RR

RUFF, BOND, COBB, WADE & McNAIR, L.L.P.
ATTORNEYS AT LAW
TWO FIRST UNION CENTER
SUITE 2100
CHARLOTTE, NORTH CAROLINA 28282-8283
TELEPHONE (704) 377-1634

THOMAS C. RUFF
LYN BOND, JR.
JAMES O. COBB
HAMLIN L. WADE
WILLIAM H. McNAIR, P.A.
MARVIN A. BETHUNE
MOSES LUSKI
FRANCIS W. STURGES
ROBERT S. ADDEN, JR.
JAMES H. PICKARD
SUZANNE E. HARLEY*
GEORGE R. JURCH, III*
*ALSO ADMITTED IN SOUTH CAROLINA

PAUL C. WHITLOCK
1878-1959

HENRY C. DOCKERY
1887-1965

TELECOPIER
(704) 342-3308

April 14, 1994

RECEIVED
APR 15 1994
CHARLOTTE-MECKLENBURG
BUILDING STANDARDS DEPT.

Mr. Peter M. Quinn, CCIM
BV Belk Investments, Inc.
4400 Park Road, Suite 300
Charlotte, North Carolina 28209

COPY

Re: Site Development Plan for N.C. #16 Property

Dear Peter:

I am writing as a follow-up to our telephone conversation of April 7, 1994 in which we discussed the development rights of the N.C. #16 (Brookshire Boulevard) property which was rezoned in 1972 for Forrest E. Todd and Cecil W. Todd from RR to conditional marina. It is my understanding that BV Belk Investments, Inc. now owns the property and is interested in either selling it or developing it.

I have reviewed the Site Development Plan which was forwarded to me by the Building Standards and Code Enforcement Department. It shows a waterfront boating facility with launch ramps, a gas island, and 40 boat slips; a short-order grill; an 8,000 square foot - 400 seat restaurant with parking for 150 cars; a 2,000 square foot boat sales and repair shop; and a gravel boat trailer parking lot.

The area in which the property is located is in the Mountain Island Lake Watershed Overlay District. This District was established in 1993 to provide for the protection of public water supplies as required by the N.C. Water Supply Watershed Classification and Protection Act (G.S. 143-214.5) and regulations adopted by the Environmental Management Commission. The regulations adopted by the Environmental Management Commission classify Mountain Island Lake as Class WS-IV Waters. I enclose a copy of the State regulations for your review.

The State regulations classify land within watersheds as either critical area or protected area. The regulations classify development in watersheds as either low density or high density. All land within one-half mile of the normal pool elevation of a protected lake is classified as critical area. Therefore the subject property is in the Mountain Island Lake critical area.

Under the low-density option in a critical area, the built-upon area for new development cannot exceed 24 percent of the property. Built-upon area means that portion of a development project that is covered by impervious or partially impervious cover, including buildings, pavement, and graveled areas. Under the high-density option, new development can have as much as 50 percent built-upon area, but this would require that engineered stormwater controls (most specifically wet detention ponds) must be used to control run-off from the first inch of rainfall.

If property is developed under the low-density option, the regulations require a minimum 30 foot vegetative buffer along all perennial waters. A minimum 100 foot vegetative buffer is required for all new development activities that exceed the low density option requirements. The only development that is allowed in the buffer is water-dependent structures (such as boat ramps and docks) and paved areas to reach boat ramps. However, these areas should minimize built upon surface area and divert run-off away from surface waters as well as maximize the utilization of engineered stormwater controls.

The Mountain Island Lake Watershed Overlay District established by the Board of County Commissioners imposes rules which are even more stringent, however, than the State rules. The regulations for this area of the Overlay District (CA4) are more stringent than the State regulations in that they restrict the uses of CA4 to residential uses, allow development only under the low density option, and require a 100 foot minimum buffered area adjacent to the normal pool elevation of Mountain Island Lake.

Even though the zoning ordinance does provide for grandfathering of some projects, that grandfathering cannot allow projects to be developed which would violate the watershed regulations adopted by the Environmental Management Commission.

The dilemma that you face currently with respect to this property is that under the present CD zoning classification, you may only develop the property as shown on the Site Development Plan, yet you cannot develop the property as shown on the Site Development Plan because that would be in violation of the watershed regulations adopted by the Environmental Management Commission.

One option that currently exists for you is to seek a variance from the North Carolina Environmental Management Commission from the minimum statewide standards established by the State watershed regulations. This type of variance can only be obtained by going through the local Zoning Board of Adjustment.

Unless you obtained authorization from the State Environmental Commission to construct the project exactly as allowed under the current zoning approval, this would not totally resolve your problem since, under our Zoning Ordinance, there cannot be any

administrative amendment of CD site plans. Any amendment of a CD site plan currently must be done by the Board of County Commissioners.

Because of the age of the CD plan, it apparently was overlooked when staff evaluated how the new watershed overlay districts would impact previously approved projects. When Shelton Shorter brought this Site Development Plan to our attention, however, Linda Beverly of the Planning Commission and I quickly came to the conclusion that it would be appropriate for the Planning Commission staff to propose an amendment to the Zoning Ordinance to provide some assistance to you, and to any others who might be similarly situated.

The Zoning Ordinance amendment which is currently contemplated would provide that previously adopted CD plans would be honored if they were modified to meet the minimum watershed regulations adopted by the Environmental Management Commission. In other words, the proposal would be that previously approved CD plans would not have to meet the more stringent rules imposed by the Watershed Overlay District. In order to make this process as simple as possible, we currently contemplate that we would propose that amendments to the CD plans to bring them into compliance with the minimum watershed regulations adopted by the State could be approved by the Planning Director instead of having to take them to the Board of County Commissioners. At present it is our contemplation that this text amendment would be prepared and filed in time for a July hearing before the Board of County Commissioners.

Linda Beverly of the Planning Commission staff will be responsible for preparing and filing this text amendment. At present, she contemplates that this would be prepared and filed sometime during the week of April 18-22, 1994. By copy of this letter to Linda, I am asking that she send you a copy of that text amendment as soon as it is filed, with a more definite indication as to when it would go to public hearing before the Board of County Commissioners.

This matter is without a doubt somewhat complex. If it would be helpful to you, I would be glad to meet with you and go over this situation in more detail with you to help you understand the interplay between the State regulations, the County ordinance, and the potential development of your property. If you would like to discuss the matter with me, either in person or by phone, please feel free to give me a call.

Very truly yours,

MA Bethune

Marvin A. Bethune
Mecklenburg County Attorney

RBCWM:3536_1/4-14-94

MAB:cs

Enclosure

cc: Ms. Linda Beverly
Charlotte-Mecklenburg Planning Commission

Mr. Shelton Shorter
Building Standards and Code Enforcement Department

Ms. Sandra T. Bisanar
Associate County Attorney



Click on Map to Perform Operation

◯ Refresh Map ◯ Pan ◉ Zoom In ◯ Zoom Out Zoom Factor 1X ◯ Identify Tax Parcel

◯ Surveyor's Report ◯ Adjoining Owner's Report within 100 FEET Label Parcels by:

