



Cabarrus County Government

Cabarrus County Planning and Zoning Commission
Tuesday, September 14, 2021 @ 6:30 p.m.
Board of Commissioners Meeting Room
Cabarrus County Governmental Center

Agenda

1. Oath of Office to Re-Appointed Members
2. Selection of Chair and Vice-Chair, also appoint a member to be Chair of the Board in the absence of the Chair and Vice-Chair
3. Roll Call
4. Approval of June 8, 2021, PZ Meeting Minutes, and Approval of the Granting Order for RZON2021-00001, Vulcan Lands, Inc.
5. New Business Board of Adjustment Function:
 - A. **Petition VARN2021-00001** – Request for relief from front setback for proposed residence in LDR district. Property owners are Jerry & Cheryl Baxter. 2422 Miami Church Road (PIN 5549-10-7589).
6. Legal Update
7. Director's Report
8. Adjourn

Planning and Zoning Commission Minutes

June 15, 2021

Mr. Jeff Corley, Chair, called the meeting to order at 6:37 p.m. Members present, in addition to the Chair, were Mr. Adam Dagenhart, Ms. Holly Grimsley, Mr. David Hudspeth, Mr. Andrew Nance, Ms. Ingrid Nurse, Mr. Charles Paxton, Mr. Chris Pinto, Mr. Brent Rockett, and Mr. Stephen Wise. Attending from the Planning and Zoning Division were, Ms. Susie Morris, Planning and Zoning Manager, Mr. Phillip Collins, Sr. Planner, Ms. Arlena Roberts, Clerk to the Board, Richard Koch, County Attorney and Mr. David Goldberg, Deputy County Attorney.

Roll Call

Approval of April 13, 2021 Planning and Zoning Commission Meeting Minutes

There being no corrections or additions to the minutes, Mr. Charles Paxton **MOTIONED, SECONDED** by Mr. Adam Dagenhart to **APPROVE** the April 13, 2021, meeting minutes. The vote was unanimous.

Old Business – Planning and Zoning Commission Function:

The Chair said anyone wishing to speak tonight must complete a blue card should the Board decide to reopen the Public Hearing and present it to the Clerk.

The Chair read the suggested rules of procedure for the meeting.

1. The Cabarrus County planning staff person(s) shall first present the revised staff report and answer questions related to the revisions from the Commission. There will be no time limit on this presentation.
2. The Applicant may make a presentation to the Board (optional) related to the revisions to the plan and will then answer questions from the Commission. There will be a 15-minute time limit on the presentation if the Applicant chooses to make a formal presentation. There will be no time limit on questions from the Board following the presentation.
3. The public hearing portion of the meeting for the case was closed at the last meeting. In the event the Board decides to reopen the public hearing, the following rules of procedure shall apply:
 - a. Proponents (those speaking generally in favor of the case) will have 3 minutes per person, subject to reasonable extensions by the Chair, to speak and/or present documents in support of their position as it relates to the revised plans. Each person signed up to speak will have one opportunity to speak before the Commission.

- b. Opponents (those speaking generally against the case) will have 3 minutes per person, subject to reasonable extensions by the Chair, to speak and/or present documents in support of their position as it relates to the revised plans. Each person signed up to speak will have one opportunity to speak before the Commission.
- c. If a speaker has questions of a person on the other side, such questions shall be addressed to the Commission Chair to be redirected to the person to be asked. There will be no direct questioning of one speaker by another except through the Commission.
- d. Public demonstrations of support for a speaker's comments should be limited to clapping. Any other type of audible support shall be out of order and subject the offender to being removed from the building. Anyone speaking out of order shall likewise be subject to removal.

The Chair asked if there was a motion to approve the rules of procedures.

Ms. Holly Grimsley, **MOTIONED, SECONDED** by Mr. Adam Dagenhart to **APPROVE** the Rules of Procedures. The vote was unanimous.

The Chair said if you have filled out a blue card and you plan on speaking tonight you will need to be sworn in. The Chair asked those planning to speak to stand, and he administered the Oath to the speakers.

The Chair introduced Petition RZON2021-00001 – Request to rezone from Office/Institutional (OI) to General Industrial - Conditional Use (GI-CU). Applicant/Owner is Vulcan Lands, Inc. Address is 5300 Gold Hill Rd E (PIN: 6603-26-2969).

The Chair asked if there was anyone who had a conflict of interest or any information that needs to be shared at this time. The Chair disclosed that after the meeting, there were a series of emails that he was copied on, generally related to what the Board's intent in Tabling was. He sent a clarifying email which stated that it was his understanding that this Board Tabled so the applicant could have a chance to meet with the neighbors, not so that the Board could have a chance to meet with the neighbors. He wants to disclose that that conversation did occur. There being no further comments, the Chair called on Mr. Phillip Collins to present the staff report.

Mr. Phillip Collins, Sr. Planner, addressed the Board presenting the Staff report for RZON2021-00001 – Request to rezone from Office/Institutional (OI) to General Industrial - Conditional Use (GI-CU).

Mr. Collins said at the April Planning and Zoning Commission meeting, the Board considered a request to rezone property located at 5300 Gold Hill Road East from OI to GI-CU. Due to neighborhood concerns, Vulcan Lands requested to Table the matter to meet with the

surrounding property owners to further discuss the request and seek resolutions for the issues presented during the public hearing.

A neighborhood meeting was held on May 17, 2021, for the surrounding property owners. Thirty-eight property owners were invited to the neighborhood meeting, fifteen invitees attended. As a result of the discussions and feedback from the neighbors, Vulcan has revised their submittal materials.

Among the changes are:

1. White noise back up alarms for the trucks. (Discussed a little bit last time; page 2 of the revised site plan, See note 5.J)
2. Timbering of the site will be phased based on the current phase plan (Sheet 10 Phase Plans)
3. 40' slope (berm) constructed along the non-quarry perimeter of each phase prior to placing overburden material. Once they start clearing that out, they will plant a 40-foot berm and start placing overburden material on each phase.
4. In Phase 3 they plan to plant a row of Leyland Cypresses to be planted at the toe of the new slope (berm) along the Phase 3 perimeter
5. Existing quarry access to be utilized for timbering operations for the subject parcel instead of the Gold Hill Road entrance. (Discussed last time, updated on page 2, note 3d)

Staff originally requested that the following conditions be placed on the request:

1. Granting order, stating restrictions and applicable conditions of approval shall be recorded with the deed for the property.
2. Any changes to the approved site plan must receive Board of Adjustment approval in the form of an amendment to the Conditional Use Permit.
3. Copies of any state, local, and/or federal permits related to the use of the subject property shall be submitted to the Planning Department as part of the permanent project file.
4. Applicant must comply with the terms of NCDEQ/NPDES Industrial Stormwater Permit NCGO 20000 and NCDEQ Mining Permit 13-04.
5. Applicant is proposing to use existing landscape to meet required landscape buffers. Where there are gaps in planting areas or planting areas do not conform to ordinance requirements, applicant shall provide supplemental plantings as needed to obtain ordinance conformance.
6. Applicant shall provide a copy of the Reclamation Bond where the obligee is NCDENR to accompany Surety Rider that was submitted.
7. Applicant shall provide a copy of the survey at a scale of 1:100 at the time of zoning site plan review.

In addition to the original proposed conditions of approval in the staff report, the following conditions are proposed by the applicant:

1. White noise back up alarms
2. Timbering of the site will be phased based on the current phase plan
3. 40' slope (berm) constructed along the non-quarry perimeter of each phase prior to placing over-burden material
4. A row of Leyland Cypresses to be planted at the toe of the new slope (berm) along the Phase 3 perimeter
5. Existing quarry access to be utilized for timbering operations for the subject parcel instead of the Gold Hill Road entrance

Mr. Collins is happy to answer any questions the Board may have.

The Chair asked if there were any questions for Staff, there being none, he called on the applicant.

Ms. Susanne Todd, Attorney, Johnston Allison Hord, PA, 1065 East Morehead Street, Charlotte, NC, is assisting the applicant, Vulcan, with this request for a conditional rezoning. It is approximately 138 acres to be restricted to use for overburden storage. The overburden storage is coming from the adjacent, existing Vulcan Gold Hill quarry. Allowing the property to be rezoned for this use would enable Vulcan to put its overburden storage on this site instead of hauling it offsite at such time as the capacity of the existing quarry is depleted. No blasting or other mining type operations is being proposed for this site.

During the last public hearing on April 13, 2021, we were surprised at the comments and issues that were raised by the attendees. No applicant likes to be in a position of negotiating in front of a Board and she is sure no Board wants to be acting as a referee for that. We truly appreciate the opportunity to have taken the matter offline and see what we could do.

We were surprised because we had not heard any feedback whatsoever during the duration of the rezoning process. Nor did we have any attendees at our community meeting that we held last October. She thanked for Board for the opportunity.

We are here tonight to report back to the Board. During the April 13th meeting, the Board asked that we meet with the neighbors and we have come back with a site plan that was acceptable to all. We are here tonight to report back on that and the meeting with all the neighbors, specifically feedback and our interaction with the three main representatives, Mr. Jon Gomez, Mr. John Jackson, and Ms. Jennifer Jordan.

She asked Ms. Denise Hallett, Manager, Community and Government Relations with Vulcan, to address the Board to tell you a little about Vulcan's outreach efforts with regard to this project and she will be back to summarize the revisions of the site plan.

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Ms. Denise Hallett, 516 Fairway Ridge Road, Salisbury, NC, addressed the Board representing Vulcan Materials Company. She said to add to Ms. Todd's comments, we also want to thank the Board for allowing us the opportunity to meet with our neighbors and our neighboring property owners, one on one, in more of a relaxed setting where we had the chance to build some relationships and meet some neighbors that we had not met before. We had the opportunity to hear and respond to our neighbor's concerns. We sent out almost 40 invites to approximately 70 neighbors, some of the invites had more than one name on the property owner sheet.

The meeting was held on May 17th at the Rusty Shelter in historic Gold Hill. The meeting was drop in style, basically from 4:00 p.m. to 8:00 p.m. We had neighbors coming in and out during that whole period, we were really pleased. We had about 13 neighbors to show and attend and provide some comments and allowed us to share information with them about this zoning and about our company in general.

She said well in advance of this neighborhood meeting, we worked with our engineers on ways we could respond to the comments and questions that were raised during the public hearing. For example, in response to our neighbors concerns about our plans to timber the entire site prior to commencing any overburden storage work, our team put in considerable time in evaluating the feasibility of a phased timbering plan that you will hear about later.

Also, in response to our neighbor's concerns about construction noise and seeing the overburden, our team came up with a grading and construction plan that requires the construction of a 40 foot high vegetated slope around the perimeter of each phase prior to beginning any overburden storage work. In addition, to combat any concerns about the noise, we committed, as you heard at the April meeting, about the white noise back-up safety alarms that could take care some of the noise that the neighbors raised concerns about.

In particular response to Mr. Jackson's concerns about visibility from his property, we also designed a row of Leyland Cypress to be planted in advance of the slope construction right at the toe, to provide some additional screening into the site.

We worked with our Engineers to create some 2D models to show neighbors what they would see and how the work would progress throughout the site. We also had our Engineer run some calculations to provide a more accurate estimate at the time it would take to complete each phase of the timbering and storage process, based on current demand.

We used the neighborhood meeting to share our new timbering plan and perimeter berm construction model with the attendees. We provided a more realistic estimate of about a ten to fifteen year build out for the entire project.

The neighborhood meeting also gave us a chance to discuss concerns neighbors raised about mining that were unrelated to our rezoning, but still great opportunities for us to discuss how we operate and how we have been operating at Gold Hill quarry for a number of years. Those included items like nighttime operations, wells, and dust of which we addressed with them.

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We did share that Vulcan does not operate at night, so the noise that they might be hearing at night is not coming from our operation. We did note that there are other industrial users that do operate 24/7 around the community.

We were able to connect a neighbor with one of our blasting engineers to discuss issues related to his well. We also offered to meet the many neighbors who had concerns about dust, to take samples.

Again, we are not the only manufacturer in the area, nor are we the only property owner that disturbs land. We did share our dust control measures that we are required to maintain as part of our mining permit, and we noted that those controls are not required by most of the other property users in the area.

All in all, we believe the meeting was very productive. All the neighbor representatives that came to the April meeting that were identified to represent all the neighbors did come and we had a chance to talk with each one of them individually.

After that hearing and the main neighborhood meeting, we submitted the revised site plans that the Board heard about earlier.

She went over the additional conditions that they have agreed to place onto this conditional zoning application.

We will use the white noise backup alarms on all of equipment used on any equipment used on the site.

We will phase timber each phase of the project.

Prior to construction on each phase, Vulcan will build and seed a 40-foot-high slope behind the 100-foot vegetated buffer. She said there are other erosion control measures that are right behind the buffer for a good distance, approximately 20 feet before the slope would even start.

In Phase 3, which is around John Jackson's property, we would plant a row of Leyland Cypress between the 100-foot buffer and erosion control components at the bottom of the vegetated slope, and we would do that before we would start building that slope.

We would also place a condition that would require Vulcan to use internal haul roads for the timbering operations versus using the access that is existing on the site now.

After the neighborhood meeting, she reached out by phone to each of the three homeowner representatives offering to discuss any other issues that they might have and she shared a copy of the summary that we supplied to the County staff as well as a copy of the phased timbering map that the Board has. She emailed them a copy of this and again we submitted to the County staff

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and she followed up with an email with the homeowner representative again on June 9th and again attached a copy of our summary thinking that might be of help to them and asked that they just get back with us with any questions that they might have. She did not hear back from any of the neighbor representatives after she sent the email.

She wants to thank the Board again for the additional time to meet with our neighbors and to hear and address their concerns. As much as Vulcan wants to be a good neighbor, this was an opportunity for us to demonstrate that we are willing to work with our neighbors, to provide solutions that are good for everybody. We are happy that we could present these conditions that we feel adequately addresses the issues that were raised.

Ms. Susanne Todd said we submitted a copy of the neighborhood meeting invite, the invitation list, and the sign in sheet to staff at the same time that we submitted our revised site plan which was on May 18, 2021, and all of this was included in the Board packet for tonight.

As Ms. Hallett detailed, Vulcan has gone to great lengths revising its plan to address as many of the concerns raised during the public meeting, during the hearing, as well as the community meeting as feasible. Even after this neighborhood meeting, Vulcan continued communications with the neighborhood representatives providing them with a revised site plan and again requesting and inviting feedback. As Ms. Hallett mentioned, we have not heard anything further from the neighborhood representatives.

Ms. Todd said buffers are intended to provide separation and screening from other uses. There is nothing in this Ordinance that requires the use to be made invisible. Even though this is not an industrial type use, once built out, the buffers and the separation that Vulcan is providing does make this a really good use for this property, not only for Vulcan, but for the surrounding neighbors and community as well.

Unfortunately, we cannot say that we reached an agreement with the adjacent property owners or neighbors because we never got a response. But frankly, she would be very disappointed, and she thinks their team would be very disappointed if after all our efforts additional issues were to arise tonight. Again, we appreciate the opportunity.

There is one house keeping matter, she reached out to their appraiser, and showed her the revised site plan and asked her if anything in that site plan as revised would change her opinion. She has provided a notarized statement stating that it has not. Ms. Todd submitted the statement as evidence.

Ms. Todd asked if there were any questions for the applicant. If not, we appreciate your time and would also appreciate approval of this rezoning petition. If there is a speaker in opposition, we reserve the right for rebuttal.

The Chair said thank you to all of you for the process you have gone through since the last meeting. He asked if there were any questions from the Board, there being none he said this is

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the part of the meeting where we normally open the public hearing which we have already opened and have already closed. The Board has the option to reopen the public hearing and it is his suggestion, if there is no objection, that we reopen the public hearing again, abiding strictly by our three-minute rules that we adopted earlier and hear from anyone that is here tonight and give them their three minutes and we will reclose the public hearing and carry on with our busy if there is no objection. There being no objections, the Chair reopened the public hearing.

The Chair called on Mr. Gomez to address the Board.

Mr. John Gomez, 5030 Gold Hill Road, E. Gold Hill, NC addressed the Board stating that he wanted to tell the Board that initially they had not heard anything about this until there was a sign posted at the property. So, if you had a meeting in October, we did not know about it until the sign was posted at the property. He thinks that is why all the neighbors were concerned. We saw the sign posted one day and then the Zoning Commission was going to vote on it the following month and we had not received any notice on it. So, the neighborhood was concerned because it just seemed like it was being pushed forward and because of that, Vulcan did spend time with all the community members that were involved directly and associated with the property.

We appreciate Vulcan, we really had a good meeting and he thinks all the neighbors that attended were pleased with some of the results that were taking place (he talked with them). Timbering is going to be done in phases, not all at once, the 100-foot buffer zone is going to be there, additional trees planted for the buffer for sound for the neighbors that are going to be facing that on the road and also the timbering access will be used on Vulcan property and will not come back onto Gold Hill Road, because everyone lives on Gold Hill Road.

He said it was a very good meeting and we thank Vulcan for that. He said if the Board is going to change the zoning, he encourages them to let the neighbors know before you vote on it.

The Chair said this is always a great process when people are communicating, and we certainly appreciate the conversations that the neighbors and Vulcan have had throughout this process. He said thank you to everyone.

There being no further comments the Chair closed the Public Hearing. The Chair asked if there were any more questions for staff or the applicant before the Board deliberates. There were none.

The Chair said at this point we will need to discuss the request. A reminder that this is going to take three votes to do this. As you also know we will probably have to repeat ourselves several times as we vote on different things as we build the record and ultimately a consistency statement.

He said first let's have some general conversation about the case and some of items that we need to discuss and build the record.

The Chair said the Land Use Plan calls for employment. He thinks this is a continuation of a use that is already next door that is industrial use which he would consider employment, an employment center, so he feels like it is consistent with the intent of the Land Use Plan. He said it is compatible with adjacent uses, but it does complement the use of the existing quarry very well.

Mr. Paxton said with the revised site plan it helps to define the uses of the site.

The Chair said with the revisions, the impact to the neighboring properties have been significantly minimized, to the extent that the project can continue yet impact those neighbors very little.

We would like to talk about infrastructure, obviously not very much infrastructure in this area, so again this is a great use of this property, because it does not require a lot of construction to support it.

The Chair said we need to proceed to vote number one. This is the change of the zoning district with the list of proposed uses. He asked if there is a motion to approve or deny the request to change the zoning to GI-CU with the uses proposed by the applicant. Again, we listed some of the items to support those.

Infrastructure is appropriate for this use. It is an expansion of an existing use, limits the effects on the neighbors and property owners. The revised plan defines the uses of the site and it is consistent with the intent of the Land Use Plan as an employment center.

The Chair said we will entertain a motion to approve or deny this request.

Mr. Adam Dagenhart, **MOTIONED, SECONDED** by Mr. Brent Rockett to **APPROVE** RZON2021-00001 request to change the zoning to GI-CU, with the list of proposed uses. The vote was unanimous.

The Chair said the second part of that vote is the Consistency Statement. Again, we have some good information that we will need to restate.

Consistency Statement

This rezoning is reasonable and in the public interest because it is consistent with the intent of Land Use Plan. The revised plan defines the uses of the site, the infrastructure is sufficient. It is an extension of the existing use of an adjacent site, and it limits the effects on the neighboring properties.

The Chair said we will entertain a motion to approve or deny the Consistency Statement along with the reasons just mentioned.

There being no further comments, Mr. Brent Rockett, **MOTIONED, SECONDED** by Mr. Dagenhart to **APPROVE** the Consistency Statement. The vote was unanimous.

The Chair said now, we have to issue the actual conditional use permit for the site plan. We have the original conditions provided by Staff. Staff and the applicant went through some additional conditions that the Applicant has offered themselves. He asked if there was any discussion on those conditions or does anyone have any changes or additions to those conditions.

The Chair feels like a lot of what the applicant has provided on their own directly addresses some of the concerns we heard at the last meeting. He feels like some of the things they offered really puts the property in a much better position to not negatively impact the surrounding property owners. They have addressed the backup alarm noise and added some additional plantings. The phasing is a great condition that will make sure that the whole site is not under construction at one time, as well as the timbering access to internal was a great addition as well.

The Chair said there being no further comments, we will entertain a motion to approve or deny the site plans along with the conditions recommended by staff as well as the self-imposed conditions by the applicant.

There being no further comments, Mr. Brent Rockett, **MOTIONED, SECONDED** by Ms. Nurse to **APPROVE** the Conditional Use Permit for the Site Plan with the 12 conditions. The vote was unanimous.

Old Business – Planning and Zoning Commission Function:

The Chair introduced Petition CUSE2018-00004 - Close out documents for the amendment to CUSE2017-00001, Conditional Use Permit for Public Service Facility (Solar Farm). Canadian Solar Solutions, Inc. **Request to Table**

Ms. Susie Morris, Planning and Zoning Manager, addressed the Board stating that Mr. Al Jansen has been in communication with Staff. As we have explained previously, there are some contractual obligations that Canadian Solar does control. There are some items that they have been able to work on and some that they have not.

They did submit an engineering study for those basins where there was question about the closeout of those basins, that involved the mulch. They did an impact study and unfortunately that study did not come in in enough time for us to have it reviewed and to have everything in order before this meeting.

Since that time, we received comments back from the County Engineer that were fairly detailed, and she thinks there were probably about 10 or 12 things that were listed. That was also sent over to DEQ and she has not heard back from them yet, but she did not request to receive comments from them until the 22nd.

She said part of what has been installed is the pine seedlings, those are some of the pictures that you have. Staff has not been out there because we wanted to do one site visit and try to take care of everything.

If you read your memo, you will see that the committee made some recommendations and Canadian Solar is coming back with some of their own recommendations. For example, in that supplemental buffer, that gap on Joyner road, instead of the Loblolly Pine, they are proposing to put American Hollies in that gap. One of the things that we have seen on site is once the hollies take off, they are growing well. Hopefully, the Board is agreeable to that substitution because that is what was supposed to be there originally anyway, not the Leyland Cypress. If the Board is okay with that, she can communicate to them and they can proceed with that.

Along the area where the horses were, they are proposing to plant 32 additional Leyland Cypress, and those would be interior to the fence as requested by the committee.

As far as the stream and wetlands in the floodplain restoration areas, those are the photos they provided. As you can see, some of those areas are still not very well established. Hopefully, by the time we get back out there, those flags will still be there and the pine trees will still be there because as you know, we have been there multiple times and have not been able to find the pine seedlings.

She did have some discussion with them about the wetlands and the landscape area looking like it had been run over. It looked like maybe kids had four wheelers or something back in there. They have not figured that out. We will have to see what they did once we make our visit.

They did submit a study and you can see their proposed design on the last page. Ms. Morris said she is not an engineer and she does not pretend to be an engineer. Hopefully, between the engineers they can come up with something that would be agreeable to DEQ and to the County because there was a significant amount of floodplain that was disturbed. The last time we were out there everything was kind of jammed up against the fence. Ultimately, it is impacting that stream one way or another.

She said they are requesting to table and based on her last conversation, they feel like they may be ready for August. The border is still not open, so Canadian Solar, right now, is not willing to make the trip because the quarantine is still in affect in Canada. Once we are at that point, and they still cannot make the trip, we can always look at potentially trying to have one of them on Zoom or something so that you can ask questions or whatever you want to do at that time; we can talk about that.

Hopefully, by the August meeting, we will have had that back and forth on the engineering study and there will be some type of agreement, and the rest of the landscape will be installed.

She said the Board will need to make a motion to table the request until August or if something happens with Covid, until we have our next meeting.

The Chair said we will entertain a motion to table until August or until our next meeting.

There being no questions or comments, Mr. Adam Dagenhart **MOTIONED, SECONDED** by Mr. Andrew Nance to **TABLE** CUSE2018-00004 - Close out documents for the amendment to CUSE2017-00001, Conditional Use Permit for Public Service Facility (Solar Farm). Canadian Solar Solutions, Inc. The vote was unanimous.

New Business Planning Board Function:

The Chair introduced TEXT2021-00002 Proposed Text Amendments to Chapter 4, Chapter 7 and Chapter 16.

Ms. Morris said we have a couple of text amendments, two of them are very routine. The first text amendment is related to Chapter 4 and the amendment will clean up language from a previous amendment that was made. Essentially, there is duplicate language, the same sentence is repeated twice, so we just need to clean that up. She said Legal felt like it would be better to present it to the Board since those stream buffers are always a form of contention with people.

On Chapter 16, Flood Damage Prevention, the State pushed some language down to us. If the Board remembers, the last time that we had to do official maps we had to have several public meetings and have everything on display. This would allow us to adopt those maps by reference and if they update ERIS, those maps could be adopted without having to go through that whole process. When it comes time for new maps for the overall County, she feels like the State would probably want to have some of those meetings where people can comment.

This language will allow us to automatically adopt those and then it also clarifies the enabling statutes for us to have a Flood Damage Prevention Ordinance, so it references 160D. We have not addressed that as part of our overall 160D updates because we were waiting for that language from the State to see how they wanted to handle that.

Chapter 7 was proposed for Accessory Dwelling Units (ADUs), to allow some additional flexibility. What we are seeing is that historically people wanted a little garage apartment for Mom or Dad or who ever it was, to be able to take care of them and have them right by the house.

Over the last year, we have had an increase in request for ADUs that are not located right beside the primary dwelling. These requests are more related to larger parcels where Mom and Dad can have some of their own space. Almost like their own house, a smaller house of course, but on the same parcel and have a little bit of their own yard without having to have that interference of the two-family units.

If the Board remembers, Ms. Morris thinks it was in 2018, as far as the accessory structures, we changed those in general to allow placement anywhere on the site. That way if someone only had

space in front of the house or at the edge of the drive to put a garage they could put it there instead of it having to be located to the side or to the rear of the primary dwelling unit.

Essentially, this just follows suit with that, but it would be if somebody was trying to permit an accessory dwelling unit. Most people do not know the difference between an actual garage and a garage apartment. This would allow some additional flexibility and allow people to continue to age in place, if they have that ability, to move on to that property with a family member that can help to take care of them.

The Chair asked if there were any questions for staff. There being no questions the Chair said we need to have some discussion for the record to support these.

He said Chapter 4 is some clarification language. Chapter 7 is providing some flexibility for accessory dwelling while keeping the size and scale of the existing structure relationship intact. It also allows all those to occur without negatively impacting the overall feel of the neighborhood. Chapter 16 is some language to avoid having to readopt changes to the floodplain maps, it would be automatically adopted, which he thinks is really good because some of those changes nowadays are sometimes very critical and if you are in the development stage of properties, that could really make a big difference whether they are automatically adopted or not.

The Chair asked if there were any comments on those changes. There being none, we will entertain a motion to recommend approval of the text amendments to the Board of Commissioners.

There being no further discussion, Mr. Charles Paxton **MOTIONED, SECONDED** by Mr. Andrew Nance to recommend **Approval** of TEXT2021-00001 Proposed Amendments to Chapter 4, Chapter 7, and Chapter 16 to Board of Commissioners. The vote was unanimous.

Directors Report

Ms. Morris had a chance to talk to some of the Board. We are able to meet at the Government Center (GC) now, so most likely in August we will be at the GC maintaining our same time of 6:30 p.m. We did not have any new cases submitted but there are some appeals and different type cases that are kind of hanging out there so we may or may not be meeting in July. But if we meet in July, that meeting would also be at the GC.

She knows that for some of the Board members the meetings are closer at the GC and for some it is closer here. Moving forward, plan on being at our usual meeting spot in the Commissioners Meeting Room.

She said if you watched any of the Commissioner meetings, they are using the multipurpose room, and they are still using sort of a hybrid format. But with us having to have 19 to 21 people, depending on who needed to be here, it would be difficult to do a “u” shape setup where you all could talk to the applicant. The best thing would be to have it here or back to the Governmental

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Center in the Board of Commissioners Meeting Room. We will be making that transition in the next couple of months.

No Legal Update

There being no further discussion, Mr. Holly Grimsley **MOTIONED, SECONDED** by Mr. Stephen Wise to **ADJOURN**. The vote was unanimous. The meeting ended at 7:34 p.m.

Ms. Morris forgot one thing. We had one request to move someone over to a new spot this month. Ms. Grimsley, Mr. Wise and Mr. Paxton, appointments are up for reappointment in July, and will run through 2024.

APPROVED BY:

Mr. Jeff Corley, Chair

SUBMITTED BY:

Arlena B. Roberts

ATTEST BY:

Susie Morris, Planning and Zoning Manager

Prepared by and Return to:
David B. Goldberg
Deputy Cabarrus County Attorney

Application Number RZON2021-00001
PIN 66032629690000

COUNTY OF CABARRUS
STATE OF NORTH CAROLINA

ORDER GRANTING A CONDITIONAL USE PERMIT

The Planning and Zoning Commission and the Board of Adjustment for the County of Cabarrus, having held a public hearing on April 13, 2021 and June 15, 2021, to consider application number RZON2021-00001, submitted by R. Susanne Todd of Johnston, Allison & Hord, P.A, attorney for Vulcan Lands, Inc, the landowner, to rezone the property at 5300 GOLD HILL RD E GOLD HILL, NC 28071 (PIN 66032629690000) from Office/Institutional (OI) to General Industrial - Conditional Use (GI-CU) and having heard all of the evidence and arguments presented at the hearing, makes the following findings:

1. The subject property is currently vacant.
2. Residentially zoned and used properties border the subject property to the west, south and southeast. The property is bordered by an industrial use to the east and north.

3. The subject property is currently located in the Office/Institutional district, which is used to provide for low intensity office and institutional uses that can be complementary to adjacent residential land use.
4. The subject property is located adjacent to the US-52/Glenmore Road area, which was included in a list of 17 sites for potential economic development opportunities in the 2006 Strategic Plan for Economic Development. The subject property is also located within the Eastern Planning Area. The Eastern Area Plan (EAP) recommends that the northeastern portion of Cabarrus County develop as an area of Future Employment.
5. The applicant intends to use the subject property for the storage of processed materials and by-products ("Overburden") from the adjacent quarry operations, forestry operations and pond maintenance.
6. The applicant requests that the subject property be rezoned to General Industrial - Conditional Use (GI-CU). The General Industrial district is intended to provide a location for both light and heavy industrial uses in a zoning district in which the potential for nuisance complaints from nearby properties is minimized.
7. The proposed use of extraction of earth products/mining is not permitted in the OI district. The proposed rezoning to GI-CU would allow the adjacent mining operation to use the subject property for storage of processed materials and by-products ("Overburden") from its quarry operations. Portions of the subject property are also proposed for forestry operations and pond maintenance.
8. The property owner has also submitted a site plan, which must be developed as submitted, without any deviations. Any future deviations from the adopted list of uses or proposed site plan would be considered an amendment to the conditional use zoning district and would require Board review and approval.
9. The proposed use of the subject property is in conformance with the proposed zoning district and the plans in place for that portion of the County. The proposed uses are permitted in the GI zoning district. Extraction of Earth Products is permitted as a conditional use.
10. The proposed general industrial zoning is in keeping with the 2006 Strategic Plan for Economic Development and the Eastern Area Plan.
11. The proposed quarry use for the newly acquired property is consistent with the mining operations on adjoining properties, which have existed in this area of the County for decades. Quarry-related uses on the site are reasonable given the uses on the adjoining properties.

12. The applicant will maintain a 100' buffer along all of the property lines not adjacent to the existing quarry. The applicant will comply with this requirement using existing vegetation that will be protected from future disturbance. The applicant is not proposing a landscape buffer along the property lines adjacent to the existing quarry. This buffer complies with Chapter 9 of the Cabarrus County Development Ordinance.

After considering the above information the Planning and Zoning Commission has determined that the proposed rezoning is consistent with the Cabarrus County's vision for this area. The Commission also adopted a consistency statement in accordance with the above information, determining that this rezoning is reasonable and in the public interest. The Planning and Zoning Commission and Board of Adjustment believes that a CONDITIONAL USE PERMIT should be granted in connection with this rezoning.

IT IS THEREFORE ORDERED that the application for the issuance of a CONDITIONAL USE PERMIT be GRANTED, subject to the conditions contained in the staff report and attached at Exhibit 1. The applicant shall fully comply with all the applicable, specific requirements in the Cabarrus County Development Ordinance and must develop the property in accordance with the site plan submitted and approved. If any of the conditions shall be held invalid, this permit shall become void and of no effect.

Ordered this ____ day of _____, 2021 *nunc pro tunc* to June 15, 2021.

Chair of the Cabarrus County
Planning and Zoning Commission

I Arlena B. Roberts, Notary for Cabarrus County, North Carolina certify that Jeff Corley, Chair, of the Cabarrus Planning and Zoning Commission appeared before me on this day and signed the foregoing document.

Arlena B. Roberts, Notary Public
My Commission expires _____

NOTE: If you are dissatisfied with the decision of this Board, an appeal may be taken to the Superior Court of Cabarrus County within thirty (30) days after the date of this order. See Section 12-25 of the Ordinance.

EXHIBIT 1
CONDITIONS
APPLICATION RZON2021-00001

1. The granting order, stating the restrictions and applicable conditions of the approval, shall be recorded with the deed of the property.
2. Any changes to the approved site plan must receive Board of Adjustment approval in the form of an amendment to the Conditional Use Permit.
3. Copies of any state, local and and/or federal permits related to the use of the subject properties shall be submitted to the Planning Department as part of the permanent project file.
4. The property owner must comply with the terms of NCDEQ/NPDES Industrial Stormwater Permit NCGO 20000 and NCDEQ Mining Permit 13-04.
5. The applicant is proposing to use existing landscape to meet required landscape buffers. Where there are gaps in planting areas or planting areas do not conform to ordinance requirements, the applicant shall provide supplemental plantings as needed to obtain ordinance conformance.
6. Applicant shall provide a copy of the Reclamation Bond where the Obligee is NCDENR to accompany Surety Rider that was submitted.
7. Applicant shall provide a copy of the survey at a scale of 1:100 at the time of zoning site plan review.
8. Applicant will outfit mobile equipment operating on the subject property with white noise back-up alarms to help control sound to the extent that their use is permitted by the Mine Safety and Health Administration.
9. Timbering of the subject property will be phased to coincide with the use of a particular phase for quarry use.
10. Vulcan will commence development in each of the four phases by first constructing and seeding a 40-foot-high slope along the non-quarry perimeter of each phase. Overburden materials will then be placed behind the slope.
11. Applicant will provide a row of Leyland Cypress on the toe of the new slope (berm) along the Phase 3 Perimeter of the Project.

12. The applicant will use its existing quarry access for timbering operations on each phase of the Project in lieu of the access off Gold Hill Rd. E.

PLANNING STAFF REPORT
CABARRUS COUNTY PLANNING AND ZONING COMMISSION
09/14/2021

Staff Use Only:
Approved: _____
Denied: _____
Tabled: _____

Variance: VARN2021-00001

Applicant Information:	Jerry & Cheryl Baxter 141 Division St SW Concord, NC 28027
Owner Information:	Jerry & Cheryl Baxter 141 Division St SW Concord, NC 28027
PIN:	5549-10-7589 (2422 Miami Church Road)
Area in Acres:	+/- 1.71
Purpose of Request:	<p>The purpose of this request is to seek relief from the 75-foot front setback requirement for the LDR Zoning District outlined in Chapter 5, District Development Standards, Section 5-5.B, Dimensional Standards.</p> <ul style="list-style-type: none"> • The applicants are proposing to place a new residence on the site where a residential structure was previously located. The old structure was removed earlier this year. • The applicants are requesting to place the new residence 60 feet from the centerline of Miami Church Road. • The right-of-way for Miami Church Road, per NCDOT, is 50 feet wide (25 feet from centerline). Therefore, the applicants are requesting 45 feet of relief from the front setback requirement to locate the new home approximately 30 feet from the edge of the right-of-way.
Site Description:	An older home previously occupied the subject property along with two accessory structures and a barn. The older home has since been removed but the barn and accessory structures remain. The barn is located to the rear of the subject property. The two accessory structures are located closer to the front of the property. One is in the middle of the subject property and the other is close to the western property line.
Current Land Uses:	The subject property is currently occupied by two outbuildings and a barn (previous residence was removed).
Adjacent Land Uses:	Residential and Vacant

Permitted Uses:	Any use permitted within the LDR zoning district would be allowed on the subject property
Existing Zoning:	LDR (Low Density Residential)
Surrounding Zoning:	North: LDR East: LDR South: LDR West: LDR
Signs Posted:	08/23/2021
Newspaper Notification 1:	09/01/2021
Newspaper Notification 2:	09/08/2021
Notification Letters:	08/23/2021

Exhibits

- Exhibit A – Staff Report
- Exhibit B – Application
- Exhibit C – Survey
- Exhibit D – Staff Maps
- Exhibit E – Health Alliance Information
- Exhibit F – Proposed House Plans
- Exhibit G – Adjacent Owner List & Letters

Agency Review Comments

Emergency Services Review:

No comments. (per Justin Brines, Deputy Chief EMS).

Fire Review:

Approved. (per Matthew Hopkins, Fire Marshal's Office).

NCDOT Review:

We are fine with what they are asking. We don't have any recorded r/w on Miami church road, so we will claim 50' (25' from center) via maintenance. (per Marc Morgan, NCDOT)

Sheriff's Department Review:

No comments. (per Ray Gilleland, Lieutenant Sherriff).

Soil & Water Conservation Review:

I have no issues with this request. (per Tammi Remsburg, Resource Conservation Coordinator)

Cabarrus Health Alliance:

The Health Alliance prefers that a variance be granted due to the existing septic system. If the house is moved back it will encroach on the system and the systems will no longer be usable. A recent visit was made on 4/6/2021, at the request of the owner to see if the system could be expanded into a three bedroom, but it was determined that the soil is of poor quality and so that expansion was denied. Knowing that, if the house were to be moved then it is unlikely that there would be any suitable areas for the system to be replaced. (Chrystal Swinger, Cabarrus Health Alliance)

Zoning Review:

See staff report (per Phillip Collins, Sr. Planner)

History / Other Information

- The subject property is currently zoned LDR and has been used for residential purposes in the past.
- The subject property is approximately 1.71 acres in size.
- Miami Church Road is not listed on the Cabarrus-Rowan Metropolitan Planning Organization's (CRMPO) Comprehensive Transportation Plan (CTP). Therefore, the facility is not anticipated to be widened within the foreseeable future.
- The applicants are requesting 45 feet of relief from the front setback requirement for LDR to locate the new home approximately 30 feet from the existing edge of the right-of-way.
- It is the applicant's contention that the size of the lot, the existing topography and the location of the existing septic system are all related to why the request for the variance is needed.
 - The application states that if the residence is shifted backwards to meet the 75-foot setback, it would be over the existing septic lines.
 - The application states that if the house were moved back behind the septic lines that there is a twenty-foot drop off at the rear of the lot.
 - The application further states that the house cannot be turned sideways because of the detached garage on the property and an existing right of way prevents the house from being built anywhere other than the previous site.
- The applicants wish to build a small residential dwelling in the same location as the previous residence, which the application states was there for almost 100 years.

- The proposed home will be very similar on the outside, comparable in size and will not be any closer to the road than the previous home.

Conditions of Approval

Should the Board of Adjustment grant approval of the variances, the following conditions should be considered as part of the approval and case record:

- The Granting Order, stating restrictions and applicable conditions of approval, shall be recorded with the deed of the property.



CABARRUS COUNTY VARIANCE APPLICATION

STAFF USE ONLY:

Application/Accela#: _____

Reviewed by: _____

Date: _____

Amount Paid: _____

INSTRUCTIONS/PROCEDURES:

1. Schedule a pre-application meeting with Staff. During this meeting, Staff will assess the proposed variance request to evaluate options that may be available to you through the zoning ordinance. If it is necessary to proceed with the request, Staff will explain the procedures and requirements, including the thresholds of consideration for variance requests.
2. Submit a complete application to the Planning Division. All applications must include the following:
 - Cabarrus County Land Records printout of all adjacent property owners. This includes properties located across the right-of-way and all on-site easement holders. The list must include owner name, address, and Parcel Identification Number.
 - A recent survey or legal description of the property.
 - Required number of copies of the proposed site plan (determined at pre-app meeting). At a minimum, the site plan must show the following:
 - The subject property and any adjacent properties.
 - All existing buildings, including setbacks from property lines.
 - All proposed buildings, parking facilities and accessory uses, including setbacks from property lines (if applicable).
 - The location and type of screening and buffering proposed (if applicable).
 - Impervious surface ratio (if applicable).
 - Waterbody buffers (if applicable).
 - Delineation of the proposed variance on the site plan so that the type and nature of the variance the applicant is seeking is clear. (This may be accomplished by submitting two site plans. One to show the requirements of the ordinance and a second to show what the variance request will achieve.)
 - Any additional item(s) that must be illustrated on the plan as determined during the pre-application meeting.
 - Any additional documents essential for the application to be considered complete. (Determined at pre-application meeting)
3. Submit cash, check, or money order made payable to Cabarrus County.

Fees: Residential Variance request = \$500.00 first acre + \$15.00 each additional acre
 Non-residential Variance request = \$600.00 first acre + \$15.00 each additional acre
 (Plus cost of advertising and engineering fees if applicable)

The deadline for submittal is always the same day as the Planning and Zoning Commission Meeting which is the second Tuesday of the month. Applications must be submitted before 2:00 p.m. that day.

Incomplete applications will be returned to the applicant and will not be processed.

PROCESS SUMMARY:

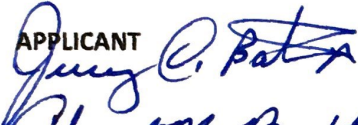
1. Hold a pre-application meeting with Staff to discuss your request and the variance process.
2. Submit a complete application with the appropriate fees to the Cabarrus County Planning Division.
3. When the complete application is received, Staff and appropriate agents will review the application and site plan and will make comments on the proposed request.

- Depending on the comments received, the applicant may be required to address the comments and/or revise the site plan prior to proceeding with the variance process.
4. Staff will begin to prepare a staff report, schedule a public meeting date and notify adjacent property owners of the public meeting/public hearing date. A sign advertising the public hearing will also be placed on the property being considered for the variance request.

Meeting Information: Meetings are held the second Tuesday of each month at 6:30 p.m. in the Cabarrus County Governmental Center located in downtown Concord at 65 Church Street, SE or an alternative location as announced.

Variance: Variance requests are considered by the Board of Adjustment during a quasi-judicial hearing. This means that anyone wishing to speak regarding the application must be sworn in. The vote requirement for the variance request to pass is 80% or greater. Additional conditions may be added as part of the variance approval process.

Questions: Any questions related to the variance process may be directed to the Planning Division at 704-920-2141, between 8 AM and 5 PM, Monday through Friday.

APPLICANT

 NAME

141 Division St SW
 ADDRESS

Concord NC 28027
 CITY, STATE, ZIP CODE

704-796-8843
 PHONE NUMBER

FAX NUMBER

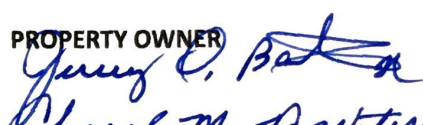
cmbaxter2@gmail.com
 E-MAIL ADDRESS

Legal Relationship of Applicant to Property Owner

Existing Use of Property

Existing Zoning

Property Location

PROPERTY OWNER

 NAME

141 Division St. SW
 ADDRESS

Concord NC 28027
 CITY, STATE, ZIP CODE

704-796-8843
 PHONE NUMBER

FAX NUMBER

cmbaxter2@gmail.com
 E-MAIL ADDRESS

Owner is applicant

Has always been a residence.

LDR

2422 Miami Ch. Rd.
 Concord NC 28025

Tax Map and Parcel Identification Number (PIN)

5549-10-7589

TO THE BOARD OF ADJUSTMENT

I, Jerry Baxter Jr. and wife, Cheryl M. Baxter, HEREBY PETITION THE BOARD OF ADJUSTMENT FOR A **VARIANCE** FROM THE **ZONING ORDINANCE**. UNDER THE INTERPRETATION GIVEN TO ME BY THE ZONING ADMINISTRATOR, I AM PROHIBITED FROM USING THE AFOREMENTIONED PARCEL OF LAND. I REQUEST A **VARIANCE** FROM THE FOLLOWING PROVISION(S) OF THE ORDINANCE.

The following information shall be completed by applicant(s) seeking a variance:

1. Variance Request Including Related Zoning Ordinance Section(s)

Section: 5-5B Front Setback Requirements

2. Reason(s) for Seeking a Variance

If a house were to be built at 105 ft from the center of the road, the house would be over the existing septic lines. If the house were moved back the required 20 ft from the septic lines, the house would run into the twenty feet drop off at the rear of the lot. The house cannot be turned sideways because of the detached garage on the property. Other existing structures there, a two bay shed and a large barn, also, there is a right of way that prevents the house being built anywhere other than the previous site. So the size of the lot, 1.71 acres, and the topography are the issues.

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. State law and local ordinance provide strict requirements on standards for granting a variance. Pursuant to G.S. 160D-705(d) and Cabarrus County Development Ordinance § 12-20, the Board must make the following four conclusions before issuing 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.
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.

In order to make its determination, the Board will review the evidence submitted in this application as well as receive public comment during the scheduled public hearing. This application will be entered into the official record of the public hearing.

THE RESPONSIBILITY FOR PRESENTING EVIDENCE TO SUPPORT THE VARIANCE REQUEST, AS DESCRIBED DURING THE MEETING AND TO THE BOARD OF ADJUSTMENT, LIES COMPLETELY WITH THE APPLICANT.

FINDING OF FACT CHECKLIST

Please provide an explanation to each point in the space provided.

- 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.**

(This often will be the most difficult area in which to make a determination. The issue, as established by court decisions, deals with the nebulous term of "reasonableness." Generally, if the variance is sought to make a greater profit on this property at the expense of others in the area, this point cannot be met. This item is best reviewed with the concept of, "is the property barred from a reasonable use if the strict terms of the ordinance are adhered to"?)

If we can't put the house there where the previous house was, I'm afraid we can't build our house. We want to build next door to my brothers, one is handicapped and the other is his full time caregiver. With us living next door, it will give Tim a place to go during the day to visit and a much needed break to Anthony.

- 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 problem must be unique to the property and not a public hardship and must apply to the property, not the property owner).

Given the size of the lot, 1.71 acre, and the other structures already there, a detached garage, a two bay shed, and a barn, along with the topography, and a right of way, the house can only go in that particular spot.

- 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 hardship must not be caused by the action or inaction of the applicant, such as failure to exercise reasonable due diligence before buying a property or building without a permit.)

I called the zoning office and was told 50 feet was the setback in Cabarrus county.

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.

(If a variance is granted, is the overall "spirit" of the zoning ordinance still intact? While difficult to explain, some types of variance requests are not in accord with the general intent and purpose of the ordinance and therefore must be cautiously reviewed. These often include extending a non-conforming use in scope, a use variance (not allowed), and modifying a dimensional standard to the detriment of a neighborhood or area. Also, does the variance make sense? Will its approval or denial endanger any one? Will the essential character of the area be altered if approved or denied?)

We seek to build a small residential dwelling where there was one for almost 100 years. This home will be very similar on the outside and comparable in size and will not be any closer to the road than the previous home. We are asking for 55.96 feet from the center of Miami Church Road.

POSSIBLE CONDITIONS, SUGGESTED BY THE APPLICANT:

If the Board of Adjustment finds that a variance may be in order but the Board still has concerns in granting the variance, reasonable conditions can be imposed to assure that any of the four points will continue to be met and not violated. In your review of the four points, are there any conditions that you believe would clarify the justification of a variance? If so, suggest these conditions in the space below.

We just want to put a house where a house has been for almost one hundred years. There is already a driveway there, septic and water are already in place, nothing else will be added and nothing will be closer to the road than what was already there.

I CERTIFY THAT ALL OF THE INFORMATION PRESENTED BY ME IN THIS APPLICATION IS, TO THE BEST OF MY KNOWLEDGE, TRUE AND CORRECT.

SIGNATURE OF OWNER:

Jerry D. Banta
Cheryl M. Banta

DATE: 08/09/2021

SIGNATURE OF APPLICANT:

Jerry D. Banta
Cheryl M. Banta

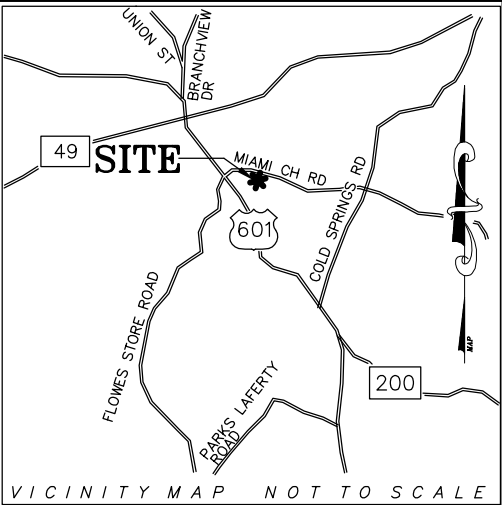
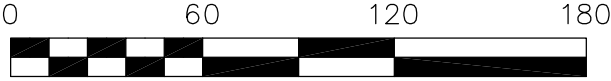
DATE: 08/09/2021

North Carolina

I, SCOTT ALAN TIERNEY, certify that this plat was drawn under my supervision from an actual survey made under my supervision and this map and the survey upon which it is based conform to the standards of practice for land surveying in North Carolina (section .1600 of board rules).

Scott Alan Tierney

SCOTT ALAN TIERNEY REGISTRATION No. L-3166



MB 40 Pg 83
HENRY E. ROBINSON
CYNTHIA KAY HODGES McLEAN
DB 8766 Pg 123
PIN 5549-11-9182

BRADY H. CLONTZ & wf.
BETTY McNULTY CLONTZ
DB 311 Pg 66
PIN 5549-11-7311

MIAMI CHURCH RD
30' PUBLIC R/W

SITE BENCHMARK
TOP OF FIRE HYDRANT
ELEVATION: 621.32'
(NAVD 1988)

TIMOTHY ALAN McEACHERN
BLOCK BUILDING DB 15078 Pg 184
PIN 5549-20-1534

LOTS 17-19 & 10'R/W
MB 5 Pg 71
BARNHARDT PROPERTIES, LLC
DB 11542 Pg 125
PIN 5548-29-1854

LOTS 13-15
MB 5 Pg 71

JERRY O. BAXTER, JR. & wf.
CHERYL M. BAXTER
DB 14827 Pg 041 T1
PIN 5549-10-8330

LOT 3
MB 50 Pg 10
ADAM E. PECK & wf.
BETHANY R. PECK
DB 12442 Pg 037
PIN 5549-10-4577

JERRY O. BAXTER, JR. & wf.
CHERYL M. BAXTER
DB 14827 Pg 041 T2
PIN 5549-10-7589

LINE	BEARING	DISTANCE
L1	S 11°23'01" W	7.54'
L2	S 62°51'57" E	32.17'
L3	S 67°00'08" E	38.64'
L4	S 71°59'43" E	43.64'
L5	S 77°44'54" E	8.14'
L6	S 37°23'16" W	7.67'

NOTES:

- This map was prepared from a field survey performed on July 30, 2021, the basis of bearings is per tie to CORS NC VRS.
- All distances shown are surface horizontal distances unless otherwise noted.
- This map was prepared without benefit of title report or opinion and does not purport to show all matters of record of which the surveyor has no knowledge.
- Subject tract is part of Cabarrus County tax parcel 5549-10-7589.

REFERENCES:

- Deed Book 14827, Page 041, Cabarrus County Register of Deeds. (apparent source of title)

Legend

- EIP Existing Iron Pin (found)
- NIP New Iron Pin (set)
- Computed Point
- Property Line Surveyed
- - - Right of Way Line
- · - · - Centerline of Ditch
- - - Line Not Surveyed
- R/W Right of Way
- EG Edge of Gravel
- BC Back of Curb
- EP Edge of Pavement
- SS Septic Line
- SD Storm Drainage Line
- o — 4' Pasture Fence

TOPOGRAPHIC SURVEY
FOR
JERRY O. BAXTER, JR. & wf.
CHERYL M. BAXTER

PART OF TRACT TWO
DEED BOOK 14827 PAGE 041
2422 MIAMI CHURCH RD
NUMBER ELEVEN TOWNSHIP
CABARRUS COUNTY, NORTH CAROLINA

PART OF TRACT TWO
AS RECORDED IN DEED BOOK 14827 PAGE 041
CABARRUS COUNTY REGISTRY

SURVEY BY:
SCOTT A. TIERNEY, PLS
2740 FOWLER ROAD
CONCORD, NC 28025
(704) 796-3415
P/O PIN 5549-10-7589
TRACT TWO
DEED BOOK 14827 PAGE 041

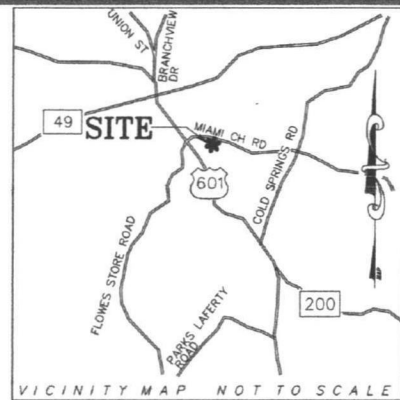
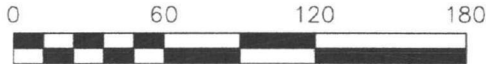
DATE: AUGUST 30, 2021
SCALE: 1" = 60'
CADD FILE: MIAMI2.DWG

North Carolina

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Scott Alan Tierney

SCOTT ALAN TIERNEY REGISTRATION No. L-3166



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CYNTHIA KAY HODGES McLEAN
DB 8766 Pg 123
PIN 5549-11-9182

BRADY H. CLONTZ & wf.
BETTY McNULTY CLONTZ
DB 311 Pg 66
PIN 5549-11-7311

MIAMI CHURCH RD
(NO RECORD WIDTH FOUND)
PUBLIC R/W

SITE BENCHMARK
TOP OF FIRE HYDRANT
ELEVATION: 621.32'
(NAVD 1988)

TIMOTHY ALAN McEACHERN
BLOCK BUILDING DB 15078 Pg 184
PIN 5549-20-1534

LOT 3
MB 50 Pg 10
ADAM E. PECK & wf.
BETHANY R. PECK
DB 12442 Pg 037
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LOTS 17-19 & 10'R/W
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- Subject tract is part of Cabarrus County tax parcel 5549-10-7589.

REFERENCES:

- Deed Book 14827, Page 041, Cabarrus County Register of Deeds. (apparent source of title)

Legend

- EIP Existing Iron Pin (found)
- NIP New Iron Pin (set)
- Computed Point
- Property Line Surveyed
- - - Right of Way Line
- - - Centerline of Ditch
- - - Line Not Surveyed
- - - R/W Right of Way
- - - EG Edge of Gravel
- - - BC Back of Curb
- - - EP Edge of Pavement
- - - SS Septic Line
- - - SD Storm Drainage Line
- - - 4" Pasture Fence

TOPOGRAPHIC SURVEY
FOR
JERRY O. BAXTER, JR. & wf.
CHERYL M. BAXTER
PART OF TRACT TWO
DEED BOOK 14827 PAGE 041
2422 MIAMI CHURCH RD
NUMBER ELEVEN TOWNSHIP
CABARRUS COUNTY, NORTH CAROLINA

PART OF TRACT TWO
AS RECORDED IN DEED BOOK 14827 PAGE 041
CABARRUS COUNTY REGISTRY

SURVEY BY:
SCOTT A. TIERNEY, PLS
2740 FOWLER ROAD
CONCORD, NC 28025
(704) 796-3415
P/O PIN 5549-10-7589
TRACT TWO
DEED BOOK 14827 PAGE 041
DATE: AUGUST 2, 2021
SCALE: 1" = 60'
CADD FILE: MIAMI.DWG

ETTY McNULTY CLONTZ
DB 311 Pg 66
PIN 5549-11-7311

MIAMI CHURCH
(NO RECORD PUBLIC R/W FOUND)

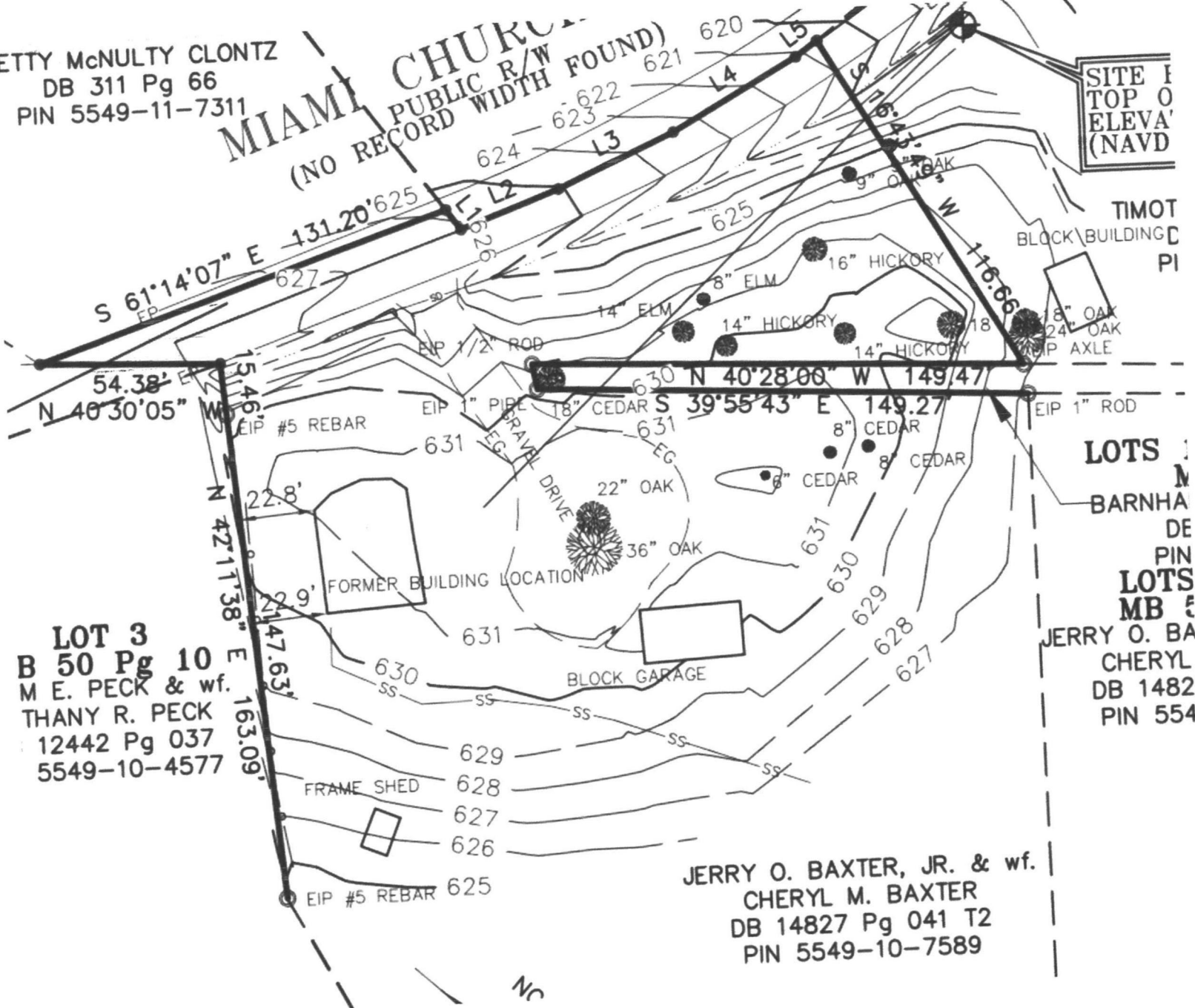
SITE 1
TOP O
ELEVATION
(NAVD)

TIMOT
BLOCK BUILDING
PI

LOTS 1
M
BARNHA
DE
PIN
LOTS
MB
JERRY O. BA
CHERYL
DB 1482
PIN 554

LOT 3
B 50 Pg 10
M E. PECK & wf.
THANY R. PECK
12442 Pg 037
5549-10-4577

JERRY O. BAXTER, JR. & wf.
CHERYL M. BAXTER
DB 14827 Pg 041 T2
PIN 5549-10-7589





2019 with old home and our plan, Variance we're asking for - 60 Ft.

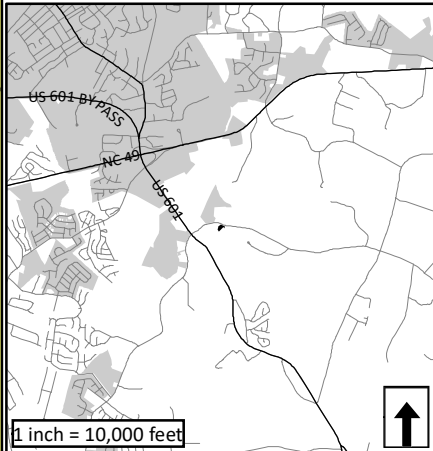


Physical Address:	2436 MIAMI CHURCH RD CONCORD NC 28025	PIN14:	55491083300000
Account Name 1:	MCEACHERN BOBBY JOE	Account Name 2:	
Mailing Address:	2422 MIAMI CHURCH RD	Mailing City:	CONCORD
Mailing State:	NC	Mailing Zip Code:	28025
Property Real ID:	11-046 -0025.10	Plat Book:	00000
Plat Page:	00000	Land Units:	4.56
Units Type:	AC	Land Value:	AC
Building Value:	0	OBXF Value:	0
Assessed Value:	53200	Market Value:	53200
Sale Year:	1983	Sale Month:	10
Sale Price:	5000	Deed Book:	00565
Deed Page:	0232	Fire District:	Allen
Zoning:	LDR	Elementary School:	A T Allen ES

Central Planning Area Existing Zoning



Applicant: Jerry & Cheryl Baxter
 Owner: Jerry & Cheryl Baxter
 Case: VARN2021-00001
 Address: 2422 Miami Church Road
 Purpose: Setback Encroachment
 PINs: 5549-10-7589



Cabarrus County shall not be held liable for any errors in this data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. These data cannot be construed to be a legal document. Primary sources from which these data were compiled must be consulted for verification of information contained within the data.

Map Prepared by Cabarrus County Planning & Development - September 2021

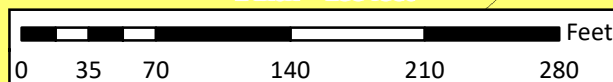
Proposed Residence

Subject Property

Legend

- Tax Parcels
- Cabarrus County
- Municipal District
- Structures
- AO
- AO-CU
- AO-SU
- CR
- LDR
- LDR-SU
- MDR
- MDR-SU
- HDR
- HDR-SU
- LC
- LC-SU
- GC
- GC-SU
- LI
- LI-SU
- GI
- GI-SU
- OI
- OI-SU
- PUD




1 inch = 100 feet

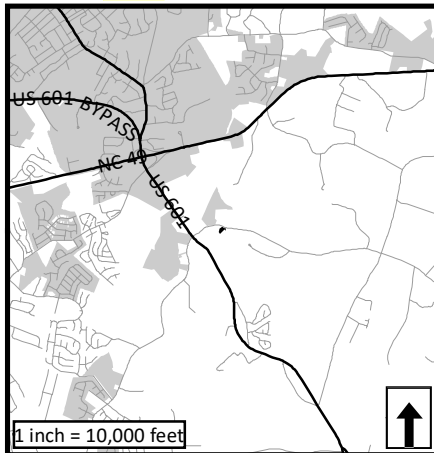


Central Planning Area Aerial Map (2019)



Applicant: Jerry & Cheryl Baxter
Owner: Jerry & Cheryl Baxter
Case: VARN2021-00001
Address: 2422 Miami Church Road
Purpose: Setback Encroachment
PINs: 5549-10-7589

-  Cabarrus County
-  Municipal District
-  Tax Parcels



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Map Prepared by Cabarrus County Planning & Development - September 2021

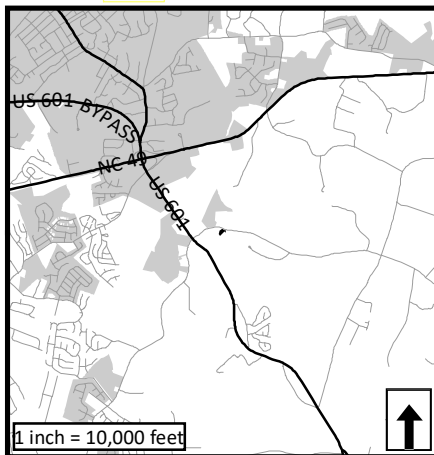


Central Planning Area
Aerial Map (2021)



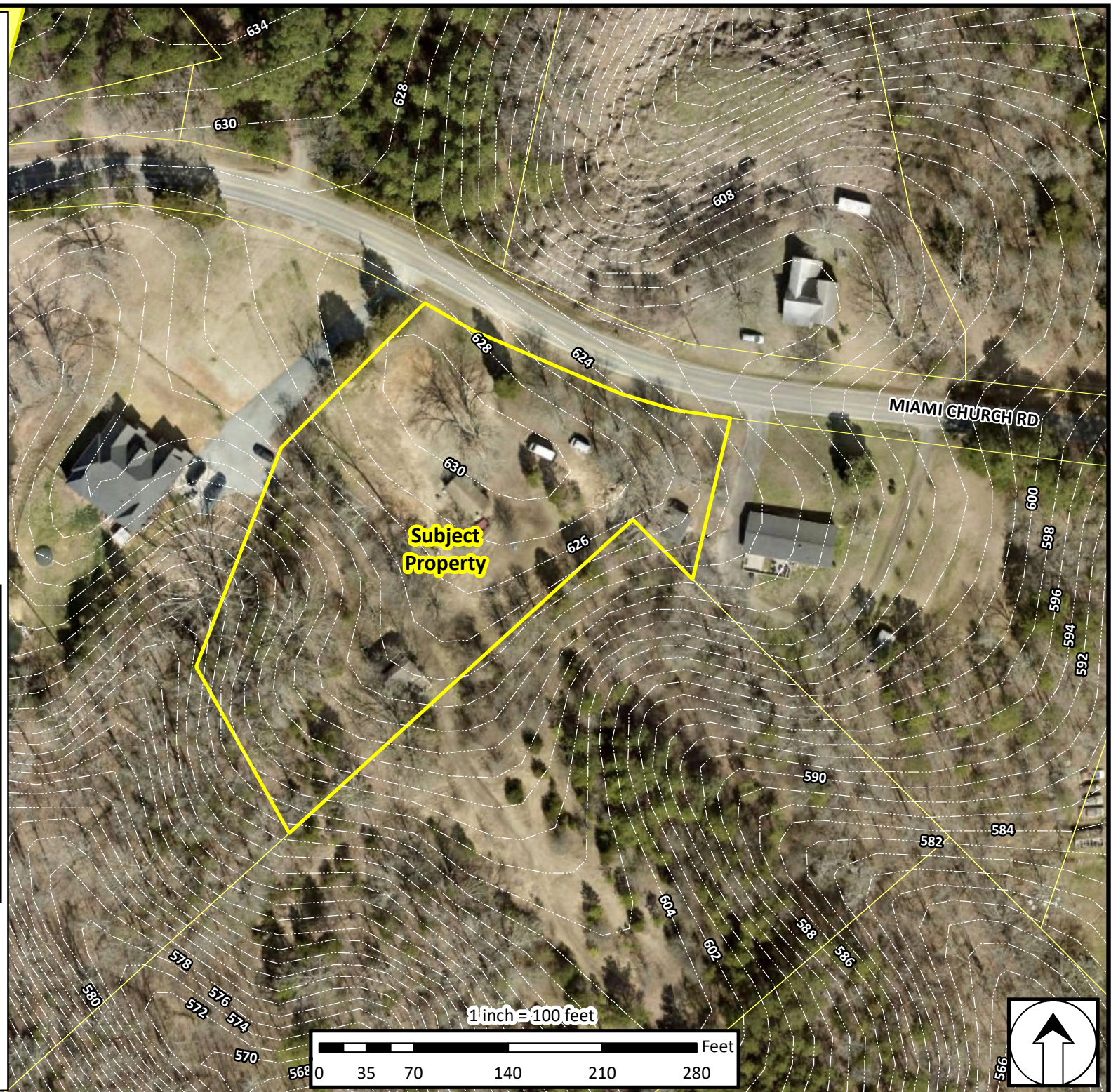
Applicant: Jerry & Cheryl Baxter
Owner: Jerry & Cheryl Baxter
Case: VARN2021-00001
Address: 2422 Miami Church Road
Purpose: Setback Encroachment
PINs: 5549-10-7589

-  Cabarrus County
-  Municipal District
-  Tax Parcels



Cabarrus County shall not be held liable for any errors in this data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. These data cannot be construed to be a legal document. Primary sources from which these data were compiled must be consulted for verification of information contained within the data.

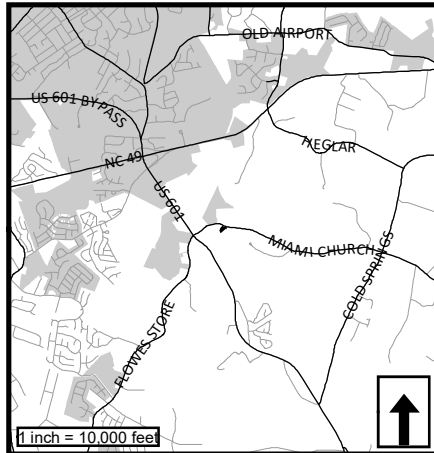
Map Prepared by Cabarrus County Planning & Development - September 2021



Central Planning Area Future Land Use

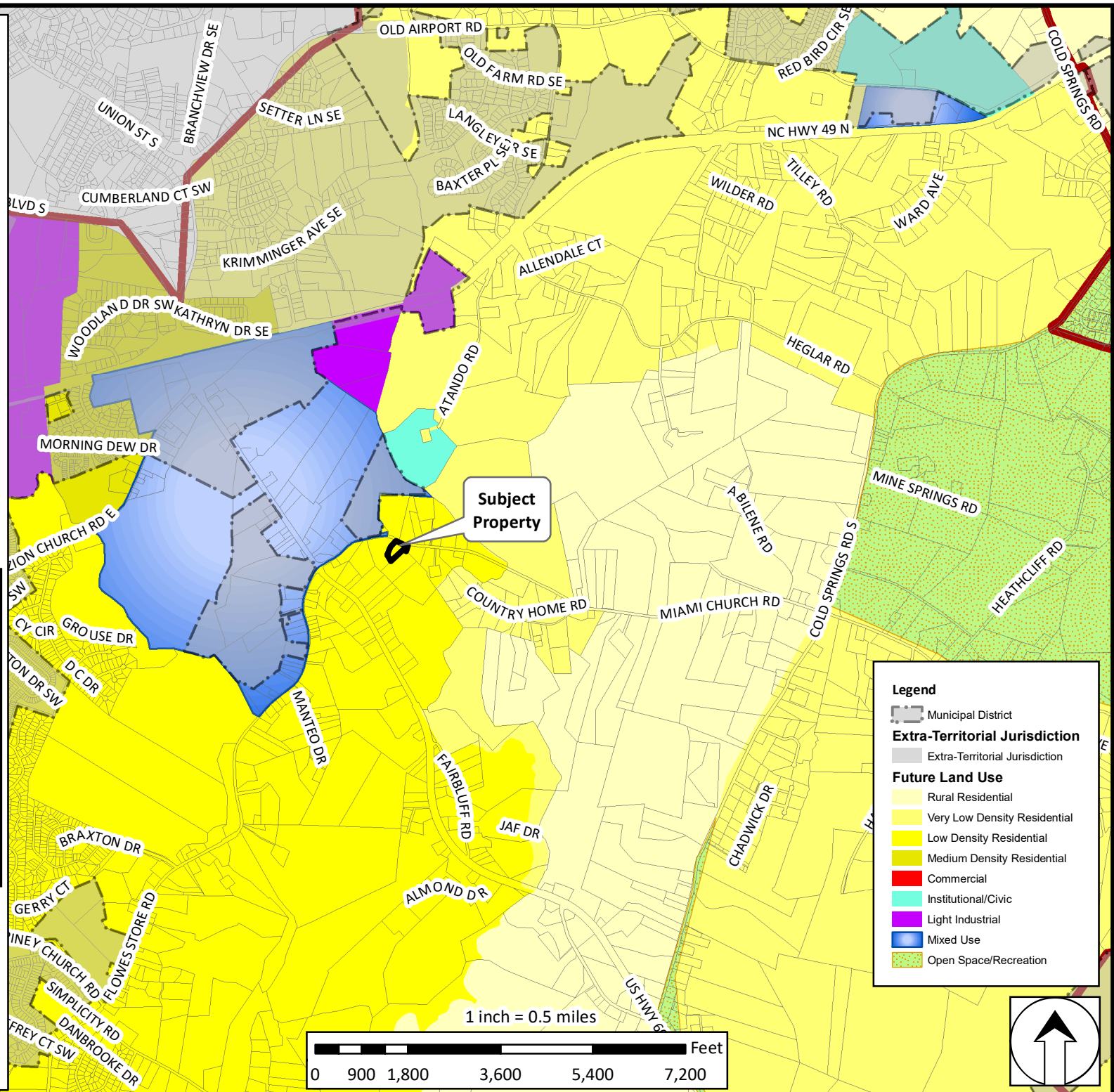


Applicant: Jerry & Cheryl Baxter
 Owner: Jerry & Cheryl Baxter
 Case: VARN2021-00001
 Address: 2422 Miami Church Road
 Purpose: Setback Encroachment
 PINs: 5549-10-7589



Cabarrus County shall not be held liable for any errors in this data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. These data cannot be construed to be a legal document. Primary sources from which these data were compiled must be consulted for verification of information contained within the data.

Map Prepared by Cabarrus County Planning & Development - September 2021



TYLER ROBERTSON
704-920-1261

Exhibit E

PIN _____ Permit Number 17-240R SE# _____ FEE N/C

**CABARRUS HEALTH ALLIANCE
IMPROVEMENT PERMIT/CONSTRUCTION AUTHORIZATION**

The construction and installation requirements of Rules .1950, .1952, .1954, .1955, .1956, .1957, .1958, and .1959 are incorporated by reference into this permit and shall be met. Systems shall be installed in accordance with the attached system layout.

ISSUED TO: Joe McEachern PROPERTY LOCATION: 2422 Miami Church Rd., Concord, NC, 28025

Facility Type: Residence ☐ New ☐ Expansion ☒ Repair

Basement? ☐ Yes ☒ No Basement Fixtures? ☐ Yes ☒ No

Type of Wastewater System** Accepted (Initial)
(See note below, if applicable ☐) _____ (Repair)

Wastewater Flow: 240 GPD

Maximum number of bedrooms: 2
Maximum number of occupants: 1

Installation Requirements/Conditions

Septic Tank Size: _____ gallons

Total Trench Length: _____ feet

Trench Spacing: _____ Feet on Center

Pump Tank Size: _____ gallons

Trenches shall be installed on contour at a
Maximum Trench Depth of: _____ inches
(Trench bottoms shall be level to $\pm 1/4"$
in all directions)

Soil Cover: _____ inches
(Maximum soil cover shall not exceed
36" above the trench bottom)

Pump Requirements: _____ ft. TDH vs. _____ GPM

S.T. Lines _____

Stone depth (if applicable) _____

W.M. Lines _____

Stone depth (if applicable) _____

Conditions:

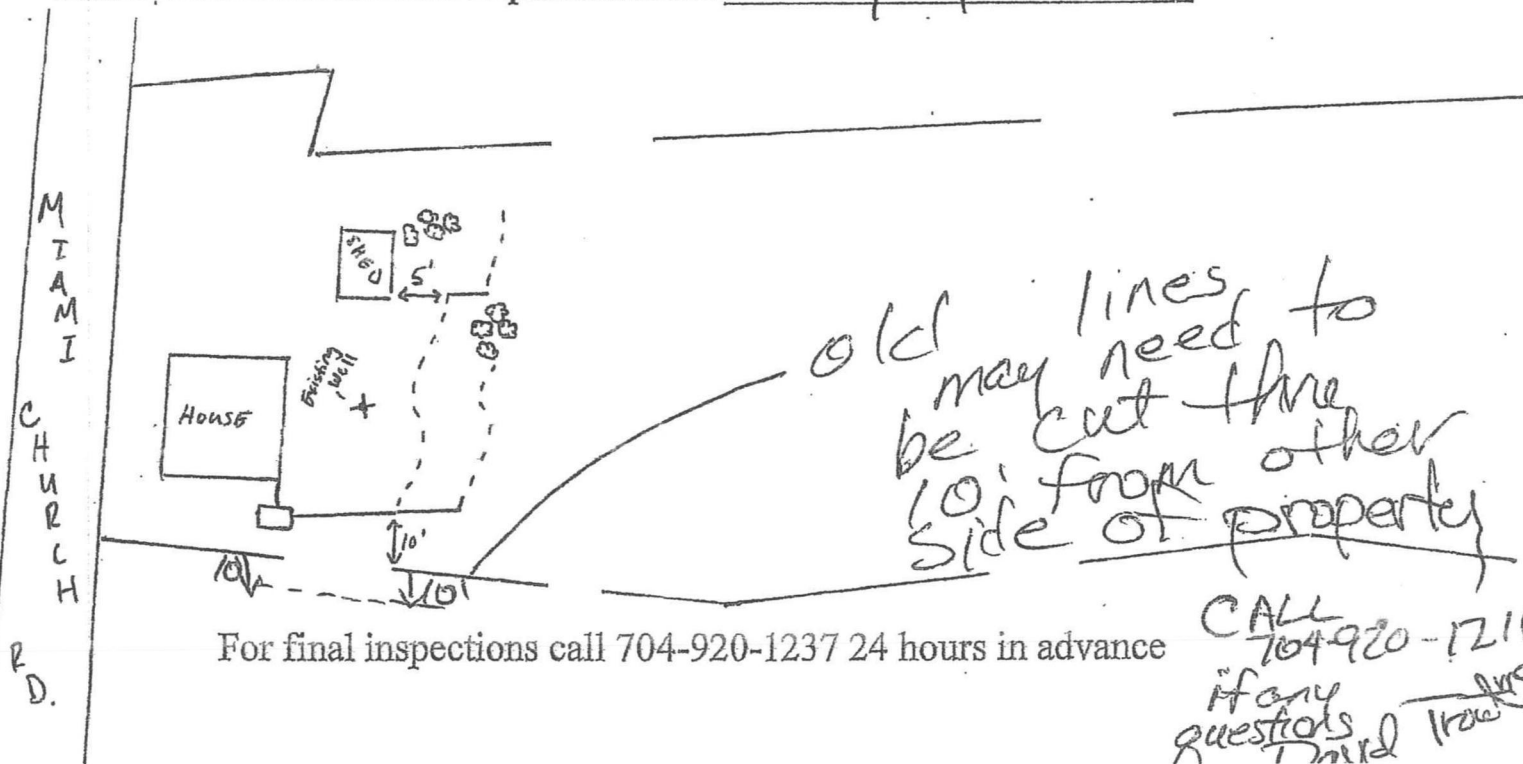
Must meet on-site prior to septic installation. Must properly abandon existing well.

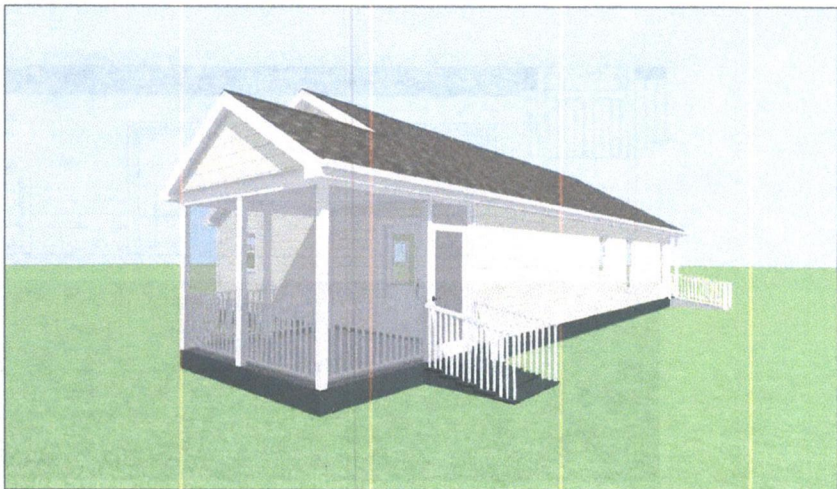
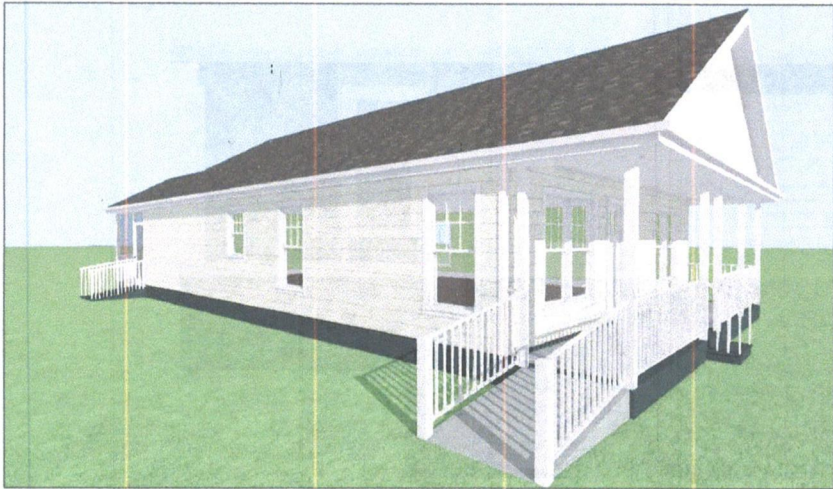
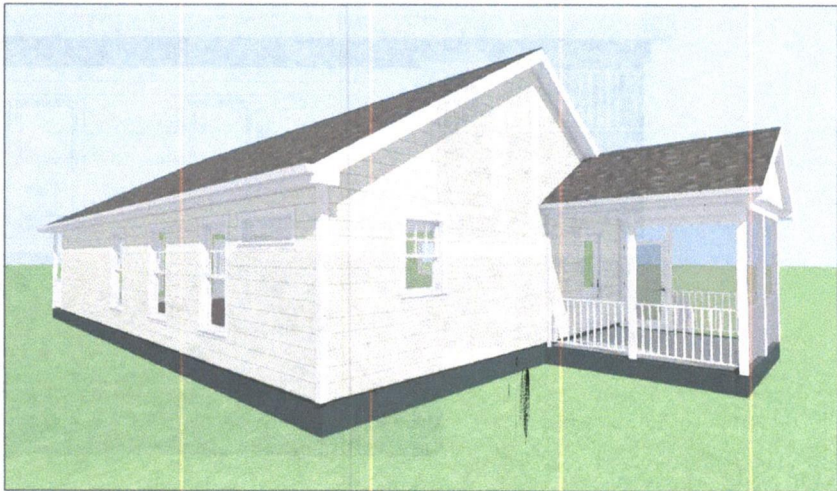
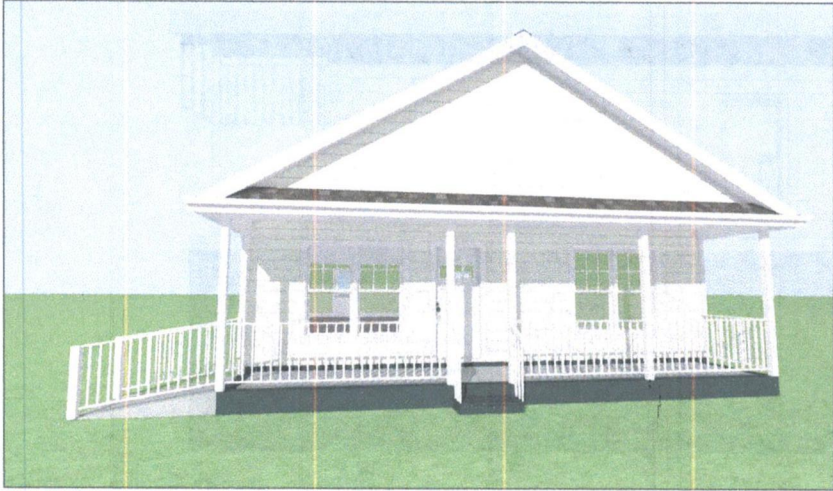
Existing well must be properly abandoned
*GS 30 Form required

This Construction Authorization is subject to revocation if the site plan, plat, or the intended use changes. This Construction Authorization is subject to compliance with the provisions of the Laws and Rules for Sewage Treatment and Disposal and to the conditions of this permit.

Authorized State Agent: David M. French Date of Issuance: 9/11/2017

Construction Authorization Expiration Date: 9/11/2022





N.O.	DESCRIPTION	BY	DATE

SHEET TITLE
EXTERIOR
PERSPECTIVES

Barber Residence
Plan 1.5

DATE:
5/25/2021

SCALE:

SHEET:
A-6



LEFT SIDE ELEVATION



RIGHT SIDE ELEVATION



NO.	DESCRIPTION	BY	DATE

SHEET TITLE
LEFT & RIGHT
SIDE ELEVATIONS

Bedder Residence
Plan 1.5

DATE:

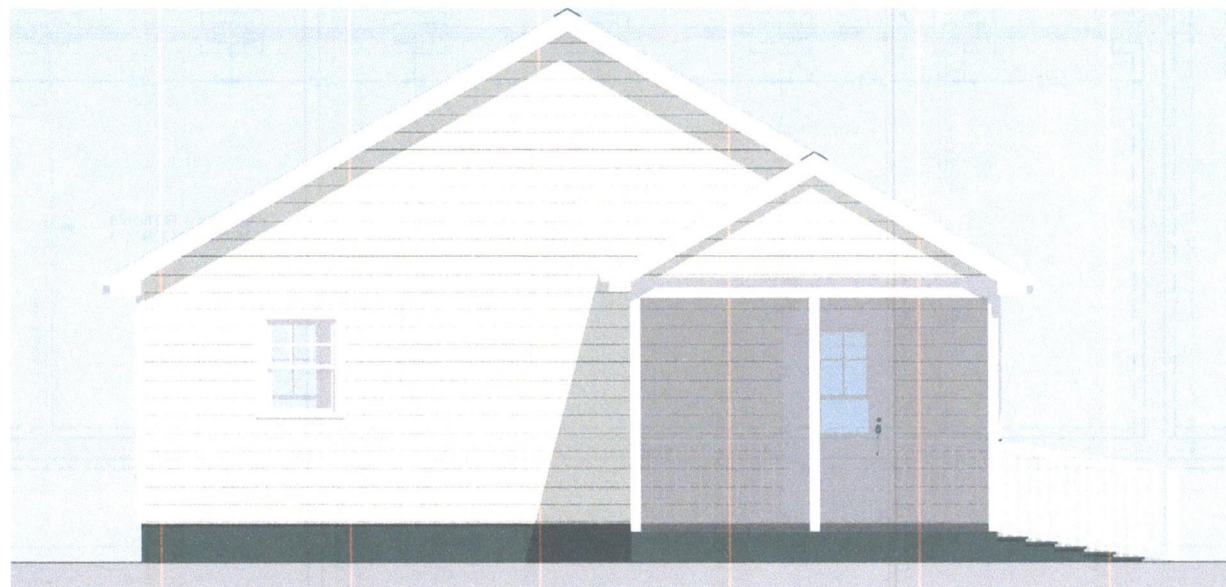
5/25/2021

SCALE:

3/16" = 1'-0"

SHEET:

A-5



NO.	DESCRIPTION	BY	DATE

SHEET TITLE
FRONT & REAR
ELEVATIONS

Baxter Residence
Plan 1.5

DATE:

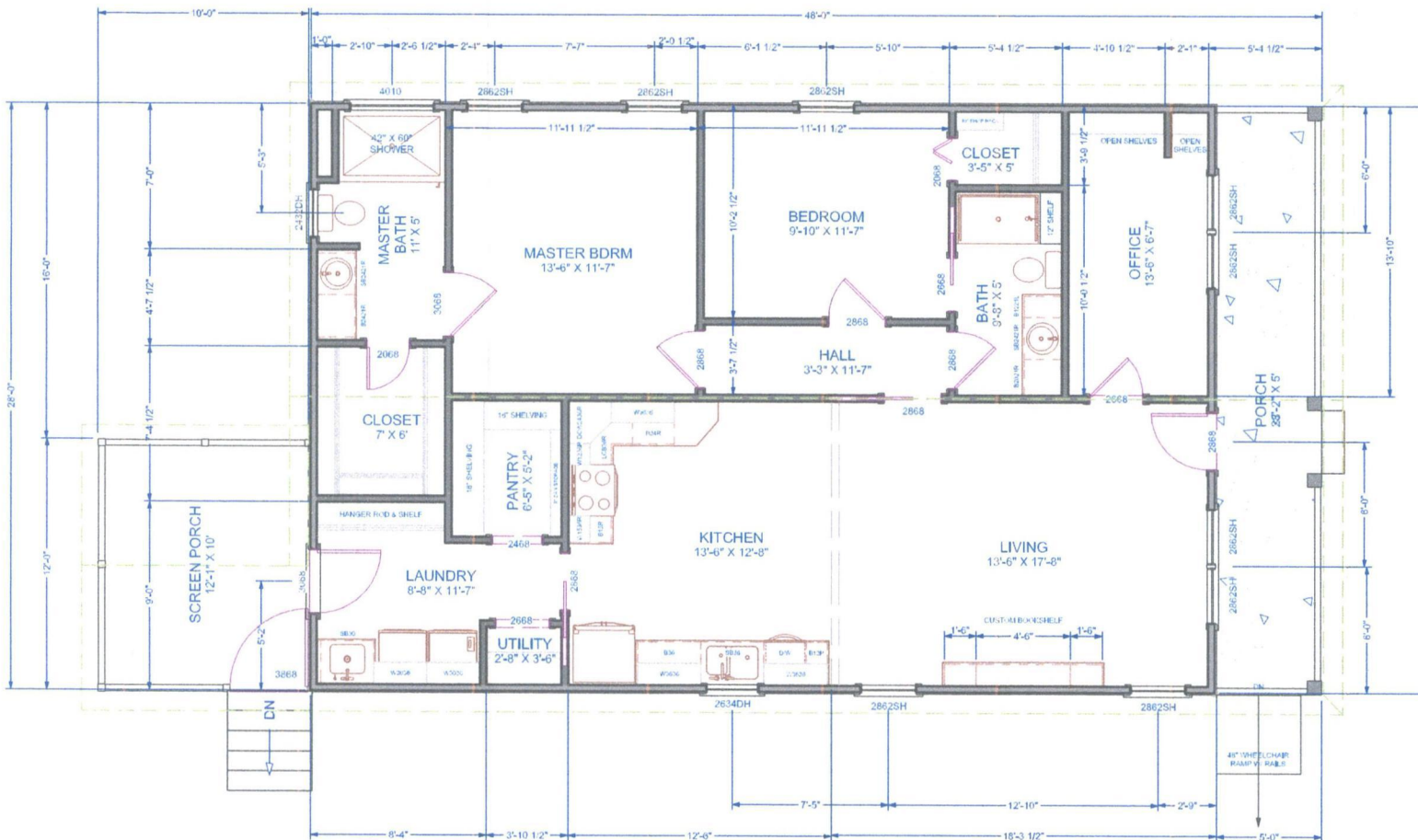
5/25/2021

SCALE:

1/4" = 1'-0"

SHEET:

A-4



AREA CALCULATIONS
 CONDITIONED TOTAL - 1,204 S/F
 FRONT PORCH - 140 S/F



NO.	DESCRIPTION	BY	DATE

SHEET TITLE
FLOOR PLAN

Baxter Residence
 Plan 1.5

DATE:
 5/25/2021
 SCALE:
 3/16" = 1'-0"
 SHEET:

A-1

- SLOPE CRAWL SPACE TO DRAIN, MAXIMUM SLOPE IS 2 HORIZ., 1 VERT. BETWEEN FOOTINGS AT DIFFERENT ELEVATIONS.
- ALL FOOTINGS TO REST ON CLEAN, FIRM UNDISTURBED SOIL. STEP FOOTINGS ARE REQUIRED TO MAINTAIN REQUIRED DEPTH BELOW FINISH GRADES.
- CONCRETE STRENGTH:
- 3,000 PSI AT 28 DAYS FOR ALL SLABS. (FOUNDATION DESIGN BASED ON 2,500 PSI).
- 3,000 PSI AT 28 DAYS FOR ALL OTHER CONDITION.
- MAXIMUM SLUMP: 4"
- USE ASTM A-615 GRADE 60 DEFORMED REINFORCING BARS UNLESS NOTED OTHERWISE
- CONCRETE EXPANSION ANCHORS SHALL BE "SIMPSON WEDGE-ALL STUD ANCHORS" OR ENGINEER APPROVED EQUAL. EPOXY TO BE SIMPSON "SET" ADHESIVE OR APPROVED EQUAL.
- PROVIDE CRAWL-SPACE VENTILATION PER NC BLDG CODE REQUIREMENTS.

[illegible]

FOUNDATION PLAN

Baxter Residence
Plan 1.5

DATE: _____

5/25/2021

SCALE:

$$3/16" = 1'-0"$$

SHEET:

A-2

PIN14	AcctName1	MailAddr1	MailCity	MailState	MailZipCod
55492015340000	MCEACHERN TIMOTHY ALAN	2464 MIAMI CHURCH RD	CONCORD	NC	28025
55491083300000	JERRY & CHERYL BAXTER	141 DIVISION ST SW	CONCORD	NC	28027
55491045770000	ADAM & BETHANY PECK	2296 MIAMI CHURCH RD	CONCORD	NC	28025
55491173110000	BRADY & BETTY CLONTZ	5501 FLOWES STORE RD	CONCORD	NC	28025
55491191820000	CYNTHIA MCLEAN	275 VIRGINIA ST SE	CONCORD	NC	28025
Subject Property					
55491075890000	JERRY & CHERYL BAXTER	141 DIVISION ST SW	CONCORD	NC	28027



Cabarrus County Government – Planning and Development Department

August 23, 2021

Dear Property Owner:

A Variance Application has been filed in our office for property **adjacent** to yours. The property and specifics of the request are listed below. The Cabarrus County Board of Adjustment will consider this petition on Tuesday, September 14, 2021 at 6:30 PM in the 2nd floor Commissioner's Chambers of the Cabarrus County Governmental Center, located at 65 Church Street S, Concord, NC 28026. A Public Hearing will be conducted and public input will be allowed during that time. If you have any comments about this variance request, I encourage you to attend this meeting.

- | | |
|----------------------------|--|
| • Petitioner | Jerry & Cheryl Baxter |
| • Petition Number | VARN2021-00001 |
| • Property Location | 2422 Miami Church Road |
| • Parcel ID Number | 5549-10-7589 |
| • Existing Zoning | Low Density Residential (LDR) |
| • Variance Request | Relief from the requirements of Chapter 5 to allow a proposed residence to encroach into the front setback. |

If you have any questions regarding this petition, or the hearing process, please contact me at Cabarrus County Planning and Development at 704.920.2181.

Sincerely,

A handwritten signature in cursive script that reads "Phillip Collins".

Phillip Collins, AICP
Senior Planner
Cabarrus County Planning and Development
704.920.2181

If reasonable accommodations are needed please contact the ADA Coordinator at (704) 920-2100 at least 48 hours prior to the public hearing.



Cabarrus County Government – Planning and Development Department

August 23, 2021

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- | | |
|----------------------------|--|
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Phillip Collins, AICP
Senior Planner
Cabarrus County Planning and Development
704.920.2181

If reasonable accommodations are needed please contact the ADA Coordinator at (704) 920-2100 at least 48 hours prior to the public hearing.

Aug 24, 2021 at 9:50:03 AM
2422 Miami Church Rd
Cabarrus County

