



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 15, 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



Cabarrus County Government – Planning and Zoning Commission

Planning and Zoning Commission Minutes

September 14, 2021

Mr. Jeff Corley, Chair, called the meeting to order at 6:33 p.m. Members present, in addition to the Chair, were Mr. Adam Dagenhart, Ms. Holly Grimsley, 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, Mr. Richard Koch, County Attorney and Mr. David Goldberg, Deputy County Attorney.

The Chair stated that we are moving the selection of the Chair, Vice-Chair and second Vice-Chair to the end of the meeting.

The Oath of Office was administered to reappointed members, Ms. Holly Grimsley, Mr. Stephen Wise and Mr. Adam Dagenhart.

Roll Call

Approval of June 15, 2021 Planning and Zoning Commission Meeting Minutes

There being no corrections or additions to the minutes, Ms. Holly Grimsley **MOTIONED, SECONDED** by Mr. Andrew Nance to **APPROVE** the June 15, 2021, meeting minutes. The vote was unanimous.

Approval of Granting Order with Findings of Facts for RZON2021-00001, Vulcan Lands, Inc.

There being no corrections or additions to the Granting Order or the Findings of Fact, Mr. Brent Rockett **MOTIONED, SECONDED** by Ms. Ingrid Nurse to **APPROVE** the Granting Order with Findings of Fact for RZON2021-00001. The vote was unanimous.

The Chair stated that anyone wishing to speak tonight will need to complete a blue card. The Chair asked those planning to speak to stand, and he administered the Oath to the speakers.

New Business – Board of Adjustment Function:

The Chair introduced Petition VARN2021-00001 – Request for relief from front setback for proposed residence in LDR district. Property owners are Jerry and Cheryl Baxter, 2422 Miami Church Road (PIN: 5549107589000).

The Chair asked if there was anyone who had a conflict of interest or any information that needs to be shared at this time. There being none, the Chair called on Mr. Phillip Collins to present the staff report.

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Mr. Phillip Collins, Sr. Planner, addressed the Board presenting the Staff report for VARN2021-00001 – Request for relief from front setback for proposed residence in LDR district. Property owners are Jerry and Cheryl Baxter, 2422 Miami Church Road (PIN: 5549107589000).

The applicants and owners of the subject property are Jerry & Cheryl Baxter. The subject property is 2422 Miami Church Rd (PIN5549-10-7589) and is approximately 1.71 acres in size.

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.

- 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 approximately 55 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.

Along with the older home that previously occupied the subject property there were two accessory structures and a barn. These structures remain on the subject property. 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.

Adjacent land uses consist of Residential and Vacant properties

The subject property is currently surrounded by LDR zoned properties.

- 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
- 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.

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- 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
- 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 applicant states that if the residence is shifted backwards to meet the 75-foot setback, it would be over the existing septic lines.
- The applicant also states that if the house were moved back behind the septic lines that there is a 20 foot drop off at the rear of the lot.

Mr. Collins said there is a contour map included in the packet that shows that. He wants to point out that in the comments section of the staff report, the Cabarrus Health Alliance commented on the request and stated that it is their preference a variance be granted due to the existing septic system. They mentioned that if the house were moved back it would encroach on the existing system rendering it unusable. They also confirmed that the soil of the subject property is of poor quality and if the house were moved, it is unlikely that there would be any suitable areas for the system to be replaced.

- 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.

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.

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. Baxter thinks Mr. Collins did a good job and she has nothing to add.

The Chair asked if there were any questions for the applicant at this time. There being none, the Chair opened the Public Hearing. There being no one speaking for or against the case the Chair closed the Public hearing.

The Chair said the Board will discuss the case and as a reminder we will walk through these four specific items to make sure that we are accommodating all of those and ultimately that will bring us to a motion to approve or deny the request.

We will start with number one. He will state each and then we can have discussion.

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.

Mr. Brent Rockett believes the septic situation clearly falls into number one.

The Chair said poor soils for a new septic field on the property would probably not be successful on the site.

There were no more comments on number one.

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 Chair thinks we heard there are some topography issues if the home was pushed behind the septic field. There is a good bit of elevation change that could create quite a problem.

Mr. Paxton said and the inability to build over the septic line.

There were no more comments on number two.

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.

Mr. Rockett said it is clear to him that with the previous structure being there for 100 years, this is far predating the current owner of the property.

There were no more comments on number three.

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.

Mr. Rockett believes all of that to be the case, in this particular scenario.

The Chair said the fact that they are rebuilding in the exact same location, should not have any detrimental effect on the community.

There being no further comments on the standards, the Chair said what we are doing is setting a relief from the 75-foot front setback requirement with one condition that it be recorded.

The Chair said we have some reasonable items on those four things. There is the poor soil conditions that really need to utilize the existing septic field. Moving the building to the rear of the septic field runs into all sort of topography issues and obviously they cannot build on top of the existing septic field. They are rebuilding in the same location as the previous structure that was removed, so there is no detriment to the neighbors or the community.

There being no further comments Mr. Brent Rockett, **MOTIONED, SECONDED** by Ms. Holly Grimsley to **APPROVE** VARN2021-00001 - Request for relief from front setback for proposed residence in LDR district, with one condition, that the Granting Order, stating restrictions and applicable conditions of approval, shall be recorded with the deed of the property. The vote was unanimous.

The Chair said we will move back to item number two, the selection of the Chair, Vice-Chair and second Vice-Chair. He turned the meeting over to Ms. Susie Morris, Planning and Zoning Manager.

Ms. Morris will take nominations for the Chair for the 2021- 2022 year. She said typically it is September through September the next year

Mr. Corley encourages everybody, and he knows sometime this is weird because sometimes he gets caught up in the process as to where we are, and you are trying to participate in the cases. He encourages everyone to try to get themselves to where they are interested in these positions. He thinks it is a sign of a healthy board, when we have a lot of folks talking and a lot of folks cycling through the leadership positions.

He just wanted to say that for next time. He hopes we have a lot of folks interested and he knows traditionally we do not. But he would love to work the Board toward where we have a lot of people who are comfortable in those rolls.

Ms. Morris asked if there were any nominations for the Chair.

Mr. Brent Rockett, **nominated** Mr. Adam Dagenhart, as Chair of the Planning and Zoning

Commission. There being no other nominations, Ms. Holly Grimsley **SECONDED** the nomination. The vote was unanimous.

Ms. Morris turned the meeting over to the Chair, Mr. Adam Dagenhart.

The Chair asked if there were any nominations for Vice Chair.

Mr. Jeff Corley, **nominated** Mr. Charles Paxton, as Vice-Chair of the Planning and Zoning Commission. There being no other nominations, Ms. Holly Grimsley, **SECONDED** the nomination. The vote was unanimous.

Mr. Jeff Corley, **nominated** Mr. Andrew Nance, as second Vice Chair of the Planning and Zoning Commission. There being no other nominations, Ms. Holly Grimsley **SECONDED** the nomination. The vote was unanimous.

Legal Update

Mr. David Goldberg, Deputy County Attorney, addressed the Board stating that last week the Governor signed Senate Bill 300, Criminal Justice Reform. If you look down at Title 13, there is an interesting oddity in there that attempts to partially decriminalize municipal and county ordinances.

There is a list of certain ordinances that can no longer be attached to a criminal penalty; one of them being land use, any kind of zoning, stormwater protections and tree ordinances. All of those are now going to be decriminalized. He thinks it is effective December 1, 2021. There will need to be some clean up down the road for our Development Ordinance to get that online.

There are some bigger headaches for other ordinances in the County that we kind of have to sort out; there are some other triggers that we have to go through. That is what is happening in the General Assembly. He has not seen any other big legislative moves this term, still trying to work through the changes with 160D.

Mr. Goldberg said we have had an ongoing case involving Connie Arstark who owns a ten-acre lot. This person has an ongoing dispute and has taken the dispute to the property tax side of things and has tried to get it to be a part of the Present Use Value Deferral program by virtue of being a farm and that has been an ongoing basis. The Board of Equalization and Review heard the appeal on it a week or so ago and tabled it for further discussions. He said it has some interesting intrigues, as far as how it will apply to any further zoning issues that may come down the road.

Mr. Goldberg said the McClain RV case on Joyner Road, outside the solar farm. Mr. McClain was not responsive to any of our violation notices and various outreaches. We filed suit against him seeking injunction to enforce the violations, collect the sums amount and get a court order to

remove the RV. He has not responded in any way; except we did get service on him.

Mr. Goldberg said it has been more than two weeks now since he appeared before the Superior Court Judge for a default judgment. Essentially, saying that Mr. McClain has not defended the case and he has not appeared. The Judge entered the judgment of default; so, we won. He is still waiting on the Judge, who was from Chatham County and was here for that week to sign the order, he has been on vacation. Once that gets signed, at that point, essentially, we will have the immediate right to collect the couple thousand dollars that he owes in civil penalties.

The other aspect of it is, Mr. McClain has 14 days from the day that order is signed, to bring the RV into compliance, which means to stop using it as a residence and bring it into a storage capacity as our Ordinance allows. If he does not do that, then we have an automatic order of abatement that says that the County can fix the situation for him and the cost will be attached as a lien on the property.

Mr. Goldberg said that is not ideal; we would like for him to come into voluntary compliance. He knows we are out there. He has had his employer's attorney approach him asking what is going on. Mr. McClain talked to the deputies a little bit when they tried to serve the lawsuit. He knows this is out there and he just thinks that if he ignores it that it will go away.

Mr. Goldberg is going to try to communicate with him. Mr. McClain has a court date in Lee County for failure to register as a sex offender at the location of the RV. He is going to see if they can drop a message, so he knows that order is coming. Mr. McClain also has some outstanding taxes. He has not paid taxes since 2018. We may be able to sort this all out through a combination of all that.

Mr. Goldberg said for his first litigation case for the County, this has been a good starter case, you have to go through all the intrigues.

Mr. Koch said the Board might get the Arstark case later and that is why we did not want to say a whole lot about it. We just wanted you to be aware of it and know it is out there.

Directors Report

Ms. Susie Morris said the reason that case is important is because this is somewhat of a different approach to what we normally take, because we typically do not go the abatement route. Since the items are not necessarily fixed to the property; you all saw it when you went to the solar farm. That is something that we may look at in the future. We are going through this test case to see how things work out and see what our options are, because that is an option that is available to us.

She said the training was last night, and Ms. Nurse did try to attend that training but was not successful. She now has the video, and she can let us know if there is anything in that that we need to know about.

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It is her understanding that Robert Joyce did the training. He is the new person at the School of Government. He came pre-pandemic or during the pandemic. He has a different approach to things from what we normally see from the School of Government folks.

That training might be in there when we re-up our subscription to the standard ones that we do, if there is benefit in it then we may bring it to you for a training session.

She said a quick reminder that we are currently down our Midland position and the north or western area position; she thinks it is western area. If you know anybody in those areas that might be a good fit for the Board let her know. She is happy to talk with them about the Board, what you all do and what the obligations are, so if you know of anyone let us know.

We also currently have a Senior Planner position open and a County Engineer position open, that is new. If you know of anyone wanting to make change in either of those areas. We also have a Paralegal open.

Mr. Goldberg said the Paralegal position is closed.

Ms. Morris said if you know of anybody in the other fields that are looking to make a change tell them to submit their application.

Ms. Morris is sure by now the Board has heard some rumblings about what is happening with WSACC. The short of that is that there is a capacity issue at the Rocky River Treatment Plant. There is some capacity potentially available. They need to figure out how that capacity is going to be divvied out. Right now, everything is kind of on a first come first serve basis. That is a decision that their Board of Directors will make.

Our phones were absolutely crazy today, because there is a rumor out there that there is a moratorium on development in the Cabarrus County, as a whole. She said that is not true, so if you hear that, just let people know that there is a capacity issue depending on where the property is located, but they are trying to work through that.

She said the Board can recall from your School of Government trainings, if we were going to enact a moratorium, there are steps that have to be taken legally. Currently, there is no moratorium in place. There are challenges with capacity, and they are working on it. It may require that people end up being asked to phase development or maybe delay development until that capacity is available.

She said it is very similar to our school situation and how we used to use the APF Ordinance, to where either the developer paid to advance those things or phased or delayed development, very similar to those situations; working on it and working through it, but we do not have a moratorium on development in Cabarrus County.

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If the municipalities, choose to do something, that is up to them. But the general rumor seems to be that it is all of Cabarrus County and that is not the case.

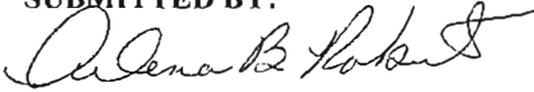
There being no further discussion, Ms. Holly Grimsley **MOTIONED, SECONDED** by Mr. Brent Rockett, to adjourn the meeting. The vote was unanimous.

APPROVED BY:



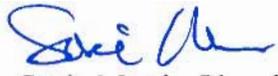
Mr. Jeff Corley, Chair

SUBMITTED BY:



Arlena B. Roberts

ATTEST BY:



Susie Morris, Planning and Zoning Manager

FILED
 CABARRUS COUNTY NC
 WAYNE NIXON
REGISTER OF DEEDS
 FILED Nov 10, 2021
 AT 01:03 pm
 BOOK 15644
 START PAGE 0091
 END PAGE 0095
 INSTRUMENT # 47850
 EXCISE TAX \$0.00
 SSF

STATE OF NORTH CAROLINA
 COUNTY OF CABARRUS

CABARRUS COUNTY PLANNING
 AND ZONING COMMISSION
 BOARD OF ADJUSTMENT
 VARN 2021-00001
 PIN 5549107589

In re

JERRY and CHERYL BAXTER)
 VARIANCE APPLICATION) ORDER GRANTING
) VARIANCE
 _____)

THIS MATTER came before the Cabarrus County Planning and Zoning Commission, sitting as the Board of Adjustment, on September 14, 2021 on the application of Jerry and Cheryl Baxter (collectively "Baxter") for one variance on the "Property" of Baxter located at 2422 Miami Church Rd., Concord, NC 28025 (PIN 5549107589).

Notice was given to Baxter and to adjacent property owners as required by law.

A full complement of nine board members was present to hear this variance application. All of the witnesses were duly sworn and documents were received in evidence. There were no witnesses in opposition to the variance application.

FINDINGS OF FACT

After hearing and receiving the evidence, the Board makes the following Findings of Fact:

1. The Property is in the Low Density Residential (LDR) zoning district and is 1.71 acres in size. The Property has been used for residential purposes previously, possible for close to 100 years prior.
2. An older home previously occupied the Property along with two accessory structures and a barn. The older home has since been removed but the barn and accessory structures remain.

SCANNED AND RETURNED

The barn is located to the rear of the Property. The two accessory structures are located closer to the front of the Property. One is in the middle of the Property and the other is close to the western property line.

3. All neighboring lots are zoned LDR and are used for residential purposes or left vacant.
4. Pursuant to section 5-5.B of the Cabarrus County Development Ordinance, single-family detached building in LDR must be setback in the front at least 75 feet from a minor collector right-of-way.
5. On August 9, 2021, Baxter submitted a Variance Application to the Cabarrus County Planning Division. The application requests relief from section 5-5.B of the Cabarrus County Development Ordinance.
6. The application requested 45 feet of relief from the front setback requirement for LDR to locate a new home approximately 30 feet from the existing edge of the right-of-way.
7. Representatives of the Cabarrus Health Alliance (CHA) examined the Property and found that shifting the location of the building would result in encroachment of the existing septic system, prohibiting its use. A CHA inspection indicated the property's soil cannot support a higher capacity septic system than the three-bedroom system currently in place, nor can a system be placed elsewhere on the property. As a result, the CHA recommended granting the variance.
8. The steep slope over a portion of the lot, the existing septic system, and existing structures prevent the applicant from building a home in any location other than the site of the previous building, which does not comply with setback requirements. As such, Baxter will not be able to build a home on the property without a variance.
9. The proposed site plan indicates that the proposed building will have a similar size, appearance, and location relative to the road to the prior home.
10. Owners of the adjoining properties received written notice of variance application and a sign was posted on the property on August 24, 2021. None of the neighbors have expressed any opposition to this variance.
11. Representatives of Cabarrus County EMS, the North Carolina Department of Transportation, the Cabarrus Soil and Water Conservation District, and the Cabarrus County Sheriff's Office reviewed the variance application. None of said agencies objected to the application.

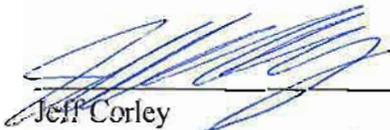
CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board makes the following Conclusions of Law:

1. Baxter provided substantial, material, and competent evidence to the official record to support the variance application.
2. Unnecessary hardship would result from the strict application of the Ordinance because it would prevent Baxter from constructing a single-family residential building on the Property, as well as any other reasonable use.
3. The hardship results from conditions that are peculiar to the property because property has a steep slope over a substantial portion of its area that prevents construction. Further, the existing septic system precludes building a house on other parts of the Property and the septic system cannot be located to other areas of the Property due to poor soil conditions.
4. The hardship did not result from actions taken by the applicant or the property owner because the inherent attributes of the property have created the hardship.
5. 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 because the proposed house will have a similar appearance, size, and location to a house located on the property for decades prior to submission of the variance request. There were also no objections from neighbors and the proposed house aligns with the general character of the area.

Based on the foregoing Findings of Fact and Conclusions of Law, the Cabarrus County Planning and Zoning Commission, sitting as the Board of Adjustment, hereby grants the variance consistent with the site plan presented at the hearing, pursuant to section 12-20 of the Cabarrus County Development Ordinance. The special conditions for approval of the variance is attached as Exhibit A and incorporated by reference. This variance Order shall run with the land with reference to the Property and shall be recorded in the Cabarrus County Public Registry.

This 9 day of ~~November~~, 2021, *nunc pro tunc* to September 14, 2021.



Jeff Corley
 Chair, Cabarrus County Planning and Zoning Commission
 Sitting as the Board of Adjustment

ATTEST:



Arlena Roberts,
 Clerk to the Cabarrus County Planning and Zoning Commission

STATE OF NORTH CAROLINA
 COUNTY OF CABARRUS

I, Arlena B. Roberts, a Notary Public in and for the said State and County do hereby

certify that Jeff Corley, as Chair of the Cabarrus County Planning and Zoning Commission, sitting as the Board of Adjustment, personally appeared before me this day and acknowledged the due execution of the foregoing Order.

Witness my hand and notarial seal, this 9 day of November 2021.

Arlena B. Roberts
Arlena B. Roberts
Notary Public

My Commission Expires: March 21, 2022



**EXHIBIT A
CONDITIONS**

The granting order, stating restrictions and applicable conditions of approval, shall be recorded with the deed of the property.



**Cabarrus County
Register of Deeds**

P.O. Box 707
Concord, NC 28026
(704)920-2112

Wayne Nixon, Register of Deeds

Received By:
Stephanie Flowe

Receipt For : CAB CTY PLANNING

Instrument Type : ORDER
Instrument # : 47850
Book/Page : 15644 / 0091-00095 Pages : 5
1st Grantor : JERRY BAXTER
1st Grantee : CABARRUS COUNTY PLANNING AND ZONING COMMISSION
Description: ORDER GRANTING VARIANCE

Receipt # : 2021-542700
Date : 11/10/2021 01:03pm
Document : 1 of 1

Description	Qty	Unit Cost	Extended
Miscellaneous document - first 15 pages	1	26.00	26.00
		Document 1	26.00
		Grand Total	26.00
		Voucher	-26.00
		Balance	0.00

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: 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.

- 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)

Sherriff'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
Jerry C. Baxter
Cheryl M. Baxter

 NAME

PROPERTY OWNER
Jerry C. Baxter
Cheryl M. Baxter

 NAME

141 Division St SW

 ADDRESS

141 Division St. SW

 ADDRESS

Concord NC 28027

 CITY, STATE, ZIP CODE

Concord NC 28027

 CITY, STATE, ZIP CODE

704-796-8843

 PHONE NUMBER

704-796-8843

 PHONE NUMBER

 FAX NUMBER

 FAX NUMBER

cmbaxter2@gmail.com

 E-MAIL ADDRESS

cmbaxter2@gmail.com

 E-MAIL ADDRESS

Legal Relationship of Applicant to Property Owner

Owner is applicant

Existing Use of Property

Has always been a residence.

Existing Zoning

LDR

Property Location

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, HEREBY PETITION THE BOARD OF ADJUSTMENT FOR A **VARIANCE** FROM
T Cheryl M. Baxter F: **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

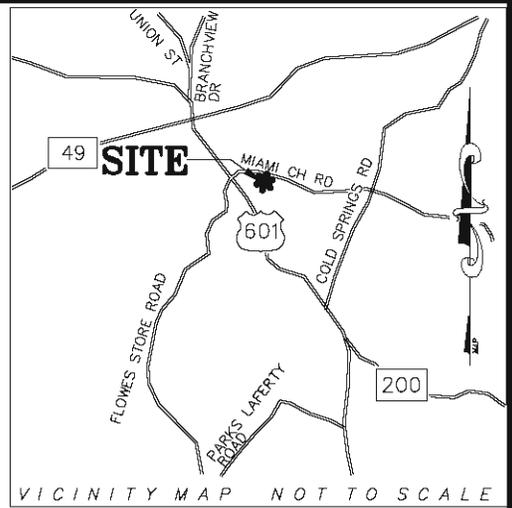
SIGNATURE OF APPLICANT: Jerry D. Banta Cheryl M. Banta DATE: 08/09/2021

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



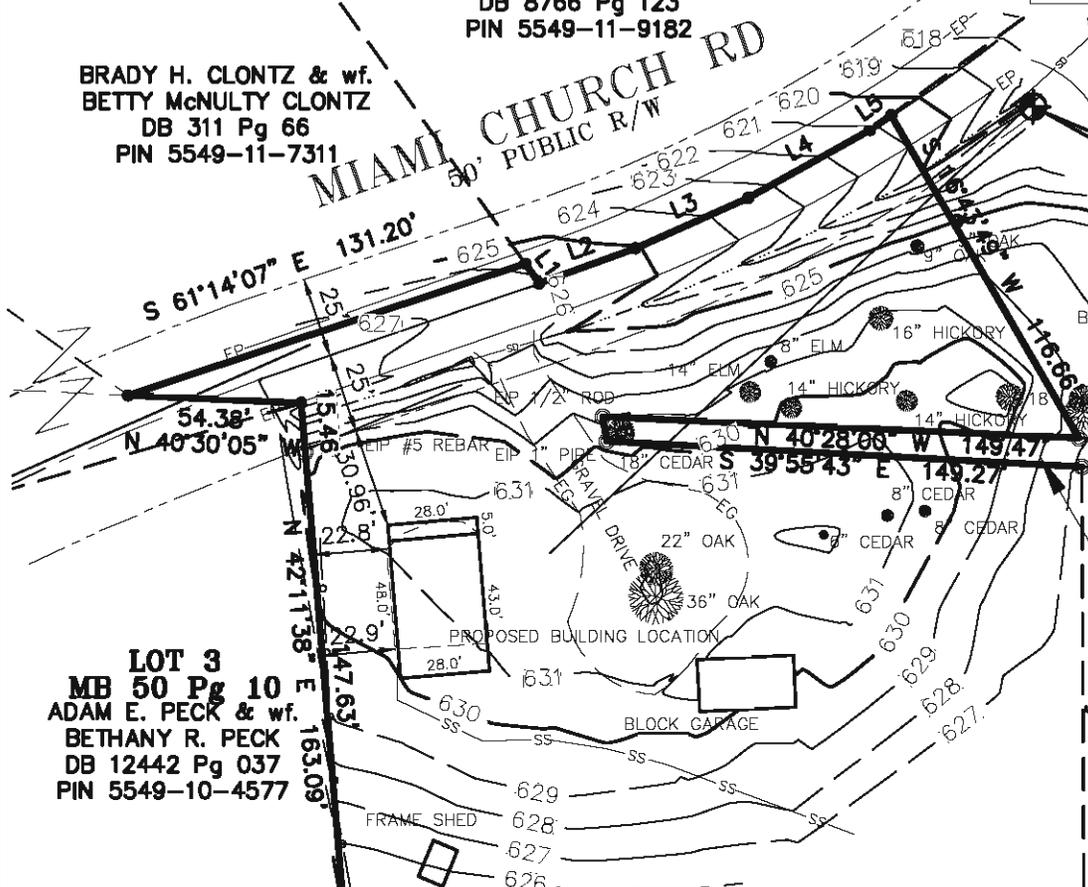
MB 40 Pg 83
HENRY E. ROBINSON
CYNTHIA KAY HODGES McLEAN
DB 8766 Pg 123
PIN 5549-11-9182

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
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

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

LOTS 13-15
MB 5 Pg 71
JERRY O. BAXTER, JR. & wf.
CHERYL M. BAXTER
DB 14827 Pg 041 T1
PIN 5549-10-8330

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, Cobarrus 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
- · · Centerlines 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

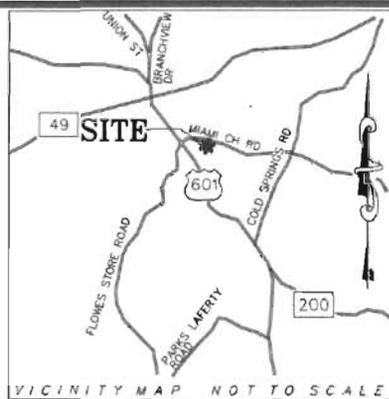
DATE: AUGUST 30, 2021
 SCALE: 1" = 60'
 CADD FILE: MIAMI2.DWG

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 .1500 of board rules).

Scott Alan Tierney

SCOTT ALAN TIERNEY REGISTRATION No. L-3166



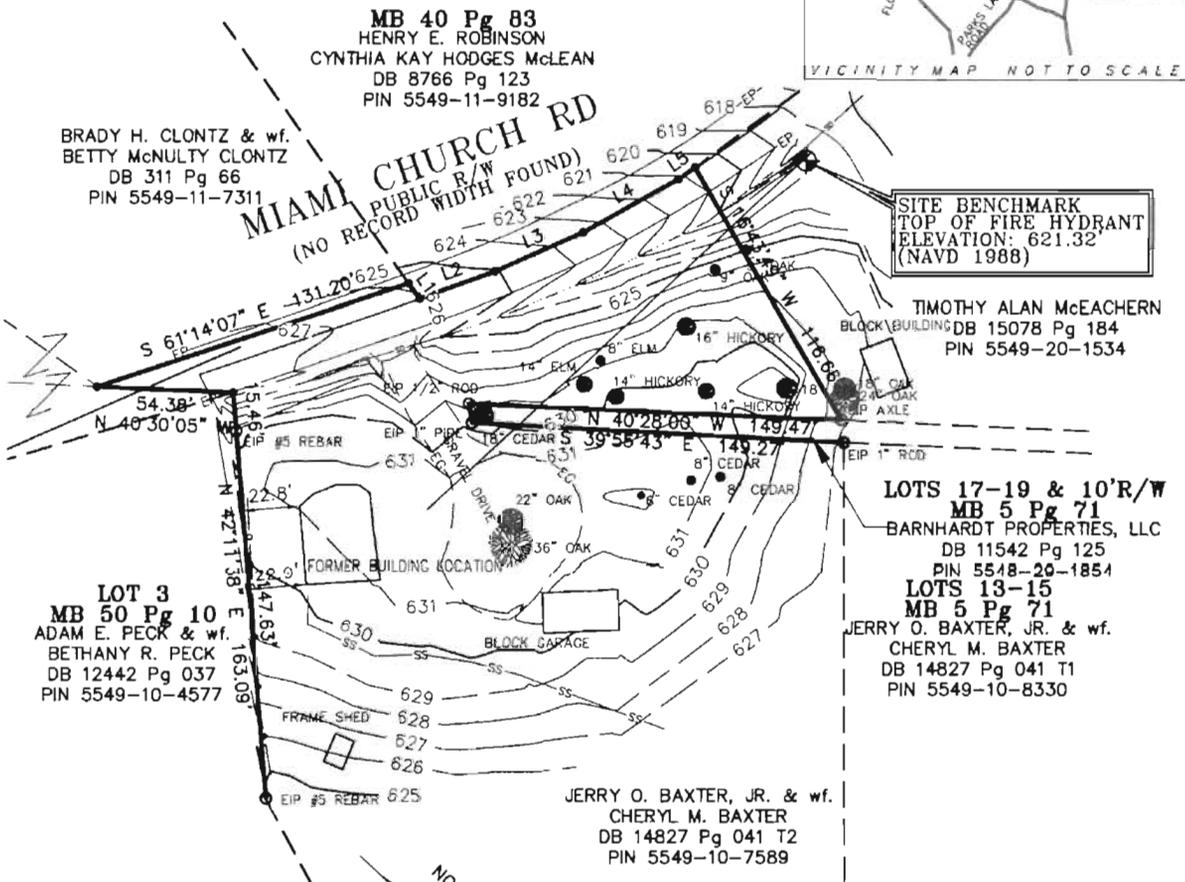
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BETTY McNULTY CLONTZ
DB 311 Pg 66
PIN 5549-11-7311

MIAMI CHURCH RD
(NO RECORD WIDTH FOUND)

SITE BENCHMARK
TOP OF FIRE HYDRANT
ELEVATION: 621.32'
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TIMOTHY ALAN McEACHERN
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- - - Line Not Surveyed
- R/W Right of Way
- EG Edge of Gravel
- BC Back of Curb
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- SS Septic Line
- SD Storm Drainage Line
- - - 4' Pasture Fence

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

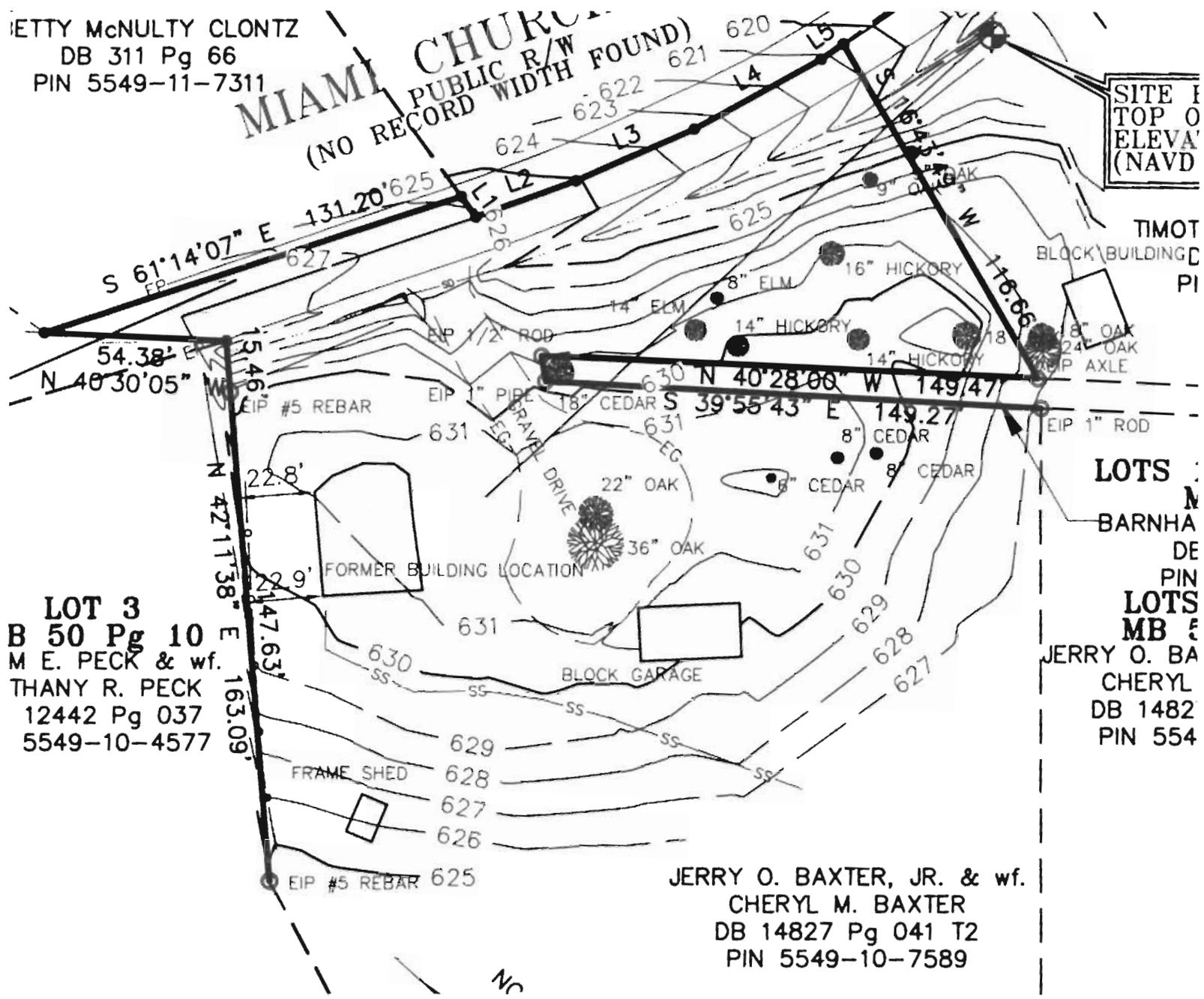
SURVEY BY:
SCOTT A. TIERNEY, PLS
2740 FOWLER ROAD
CONCORD, NC 28025
(704) 796-3415
P/O PIN 5549-10-7589
TRACT TWO
DEED BOOK 14827 PAGE 041

DATE: AUGUST 2, 2021
SCALE: 1" = 60'
CADD FILE: MIAMI.DWG

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

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

SITE I
TOP O
ELEVA
(NAVD)



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

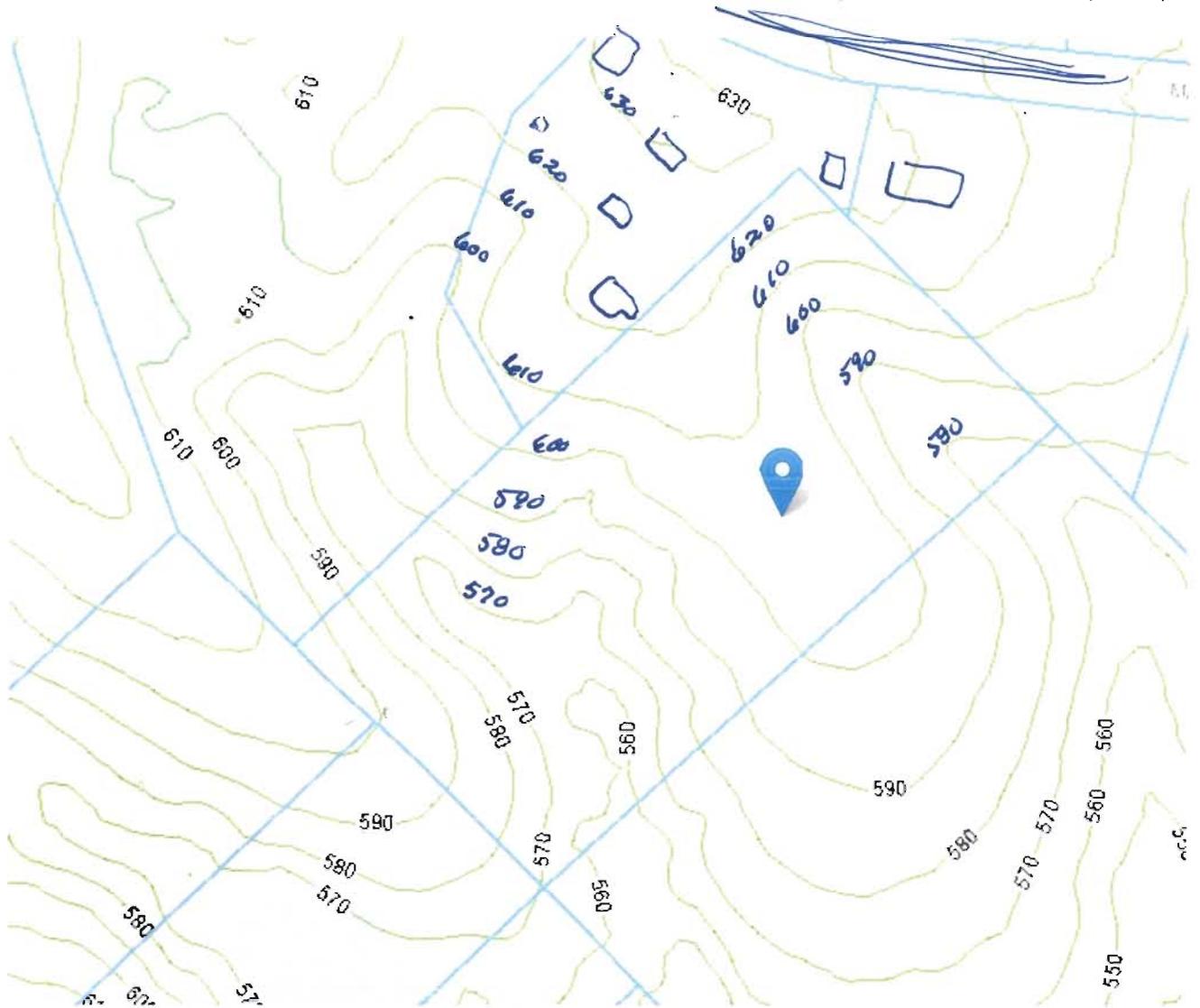
LOTS
N
BARNHA
DE
PIN
LOTS
MB E
JERRY O. BA
CHERYL
DB 1482
PIN 554

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

Nc



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

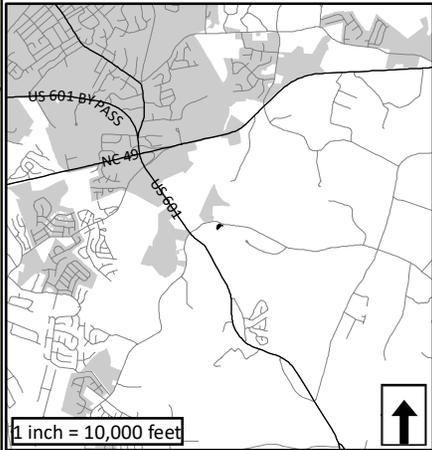


Physical Address:	2436 MIAMI CHURCH RD CONCORD NC 28025	PIN14:	55491083300000
Account Name 1:	MCEACHERN BOBBY JOE	Account Name 2:	
Mailing Address:	2422 MIAMI CHURCH RD	Mailing City:	CONCORD
Mailing State:	NC	Mailing Zip Code:	28025
Property Real ID:	11-046 -0025.10	Plat Book:	00000
Plat Page:	00000	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

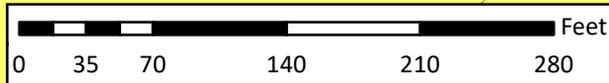
Subject Property

MIAMI

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

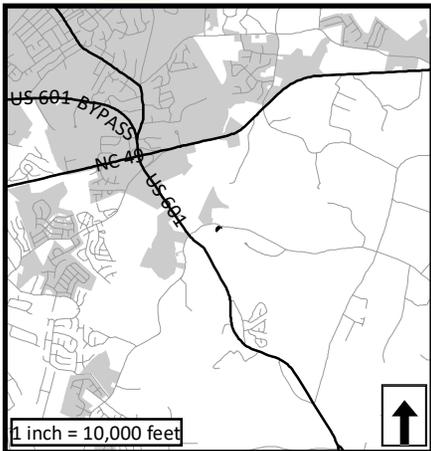


Central Planning Area
Aerial Map (2019)

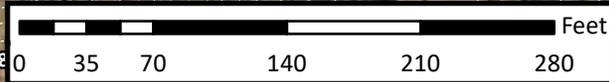


Applicant: Jerry & Cheryl Baxter
 Owner: Jerry & Cheryl Baxter
 Case: VARN2021-00001
 Address: 2422 Miami Church Road
 Purpose: Setback Encroachment
 PINs: 5549-10-7589

- Cabarrus County
- Municipal District
- Tax Parcels



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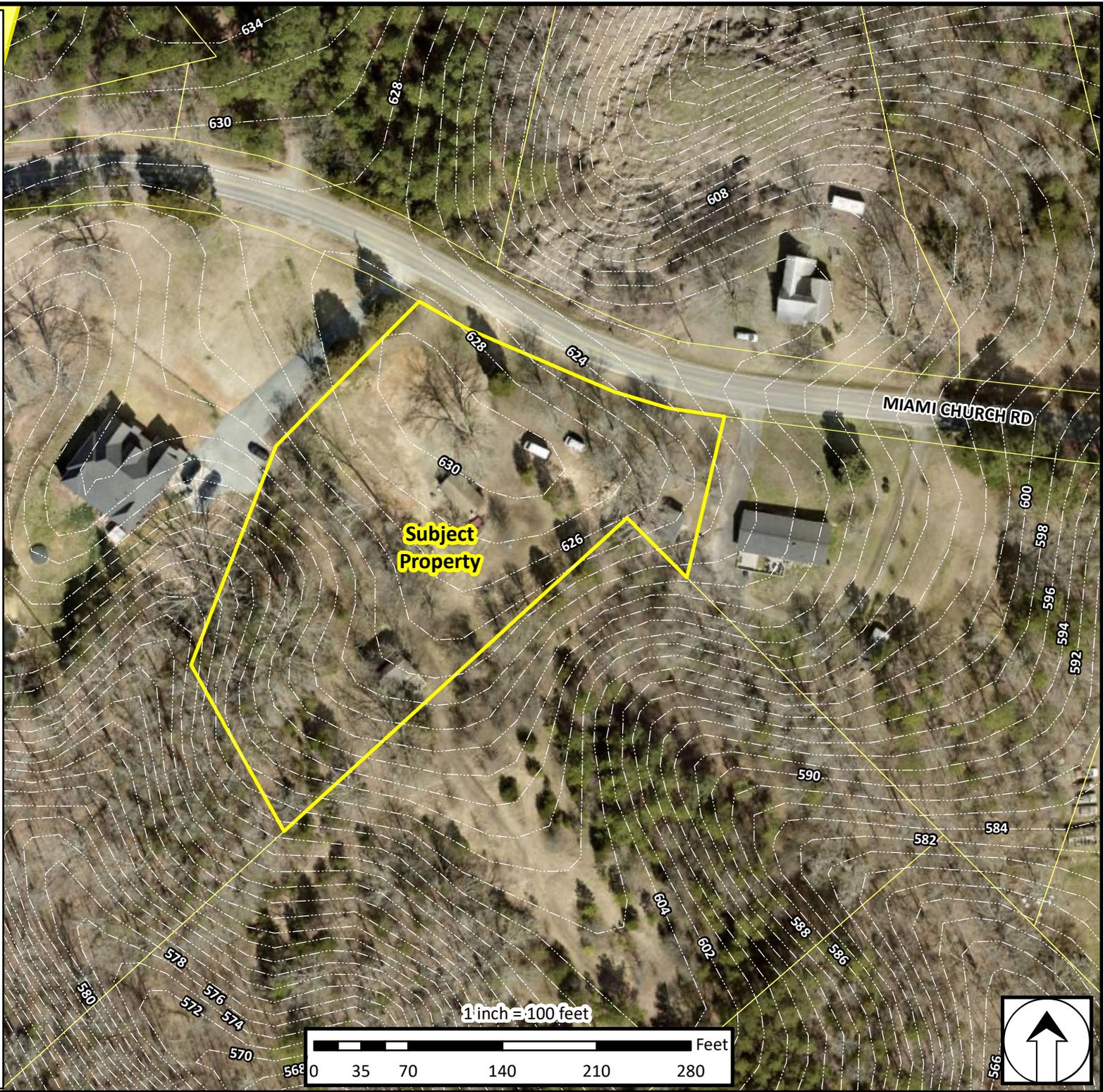
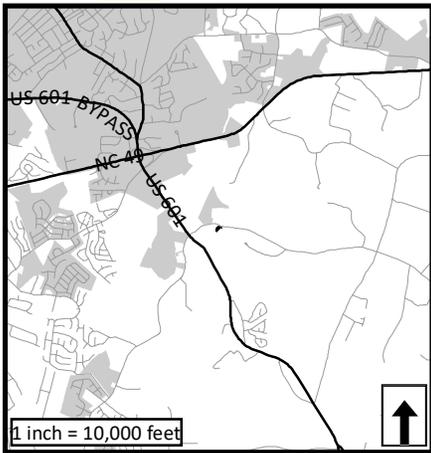


Central Planning Area Aerial Map (2021)



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

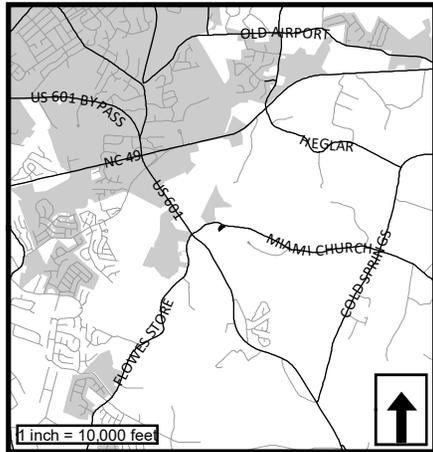


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**Central Planning Area
Future Land Use**



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

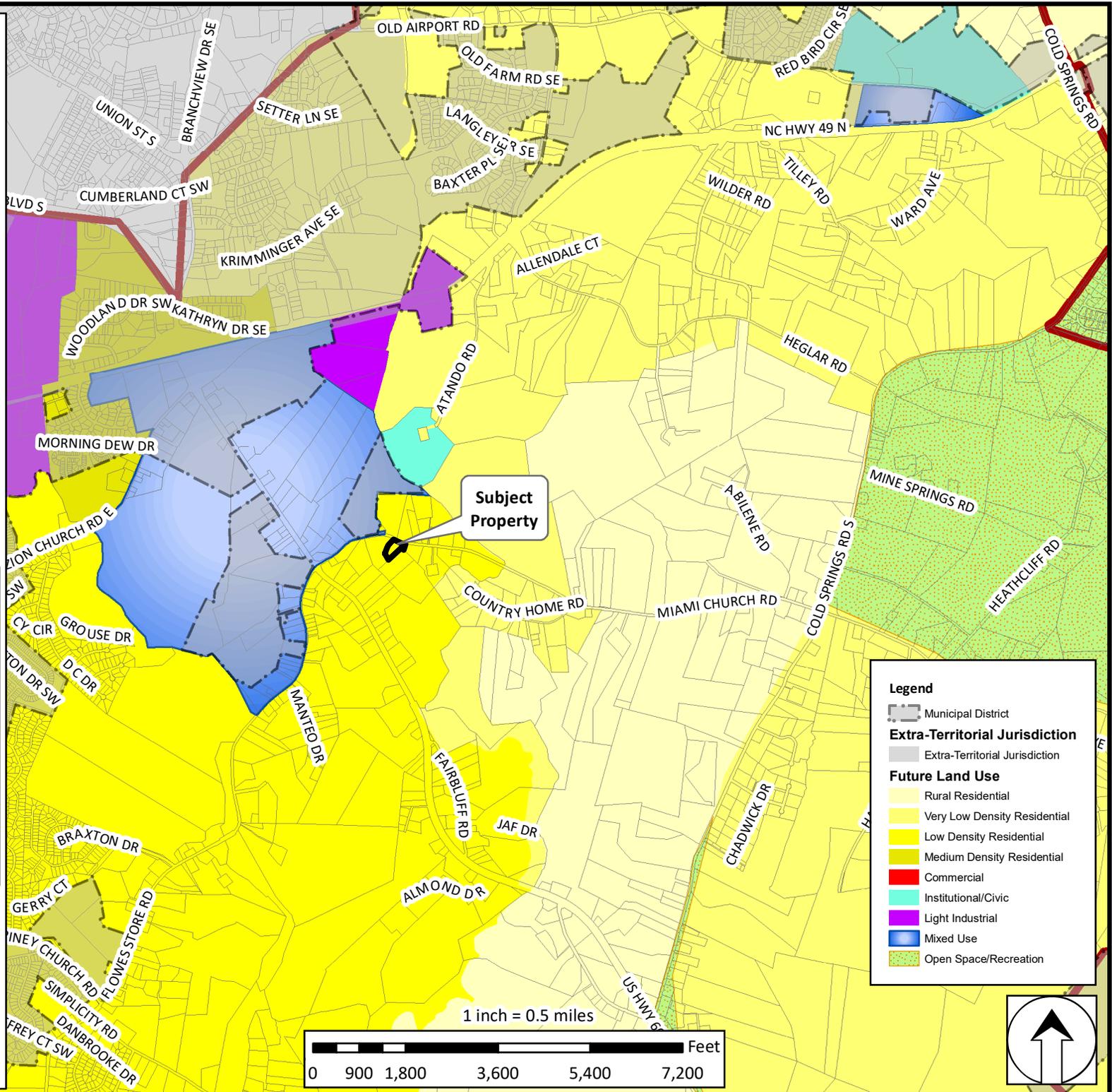


1 inch = 10,000 feet



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Map Prepared by Cabarrus County Planning & Development - September 2021

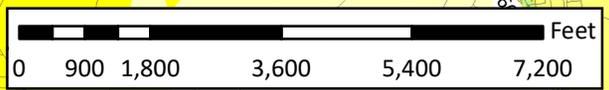


**Subject
Property**

Legend

- Municipal District
- Extra-Territorial Jurisdiction**
- Extra-Territorial Jurisdiction
- Future Land Use**
- Rural Residential
- Very Low Density Residential
- Low Density Residential
- Medium Density Residential
- Commercial
- Institutional/Civic
- Light Industrial
- Mixed Use
- Open Space/Recreation

1 inch = 0.5 miles



TYLOR ROBERTSON
704-920-1261

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) Wastewater Flow: 240 GPD
(See note below, if applicable) (Repair) 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 Soil Cover: _____ inches
(Trench bottoms shall be level to +/- 1/4" in all directions) (Maximum soil cover shall not exceed 36" above the trench bottom)

Pump Requirements: _____ ft. TDH vs. _____ GPM S.T. Lines _____ Stone depth (if applicable) _____

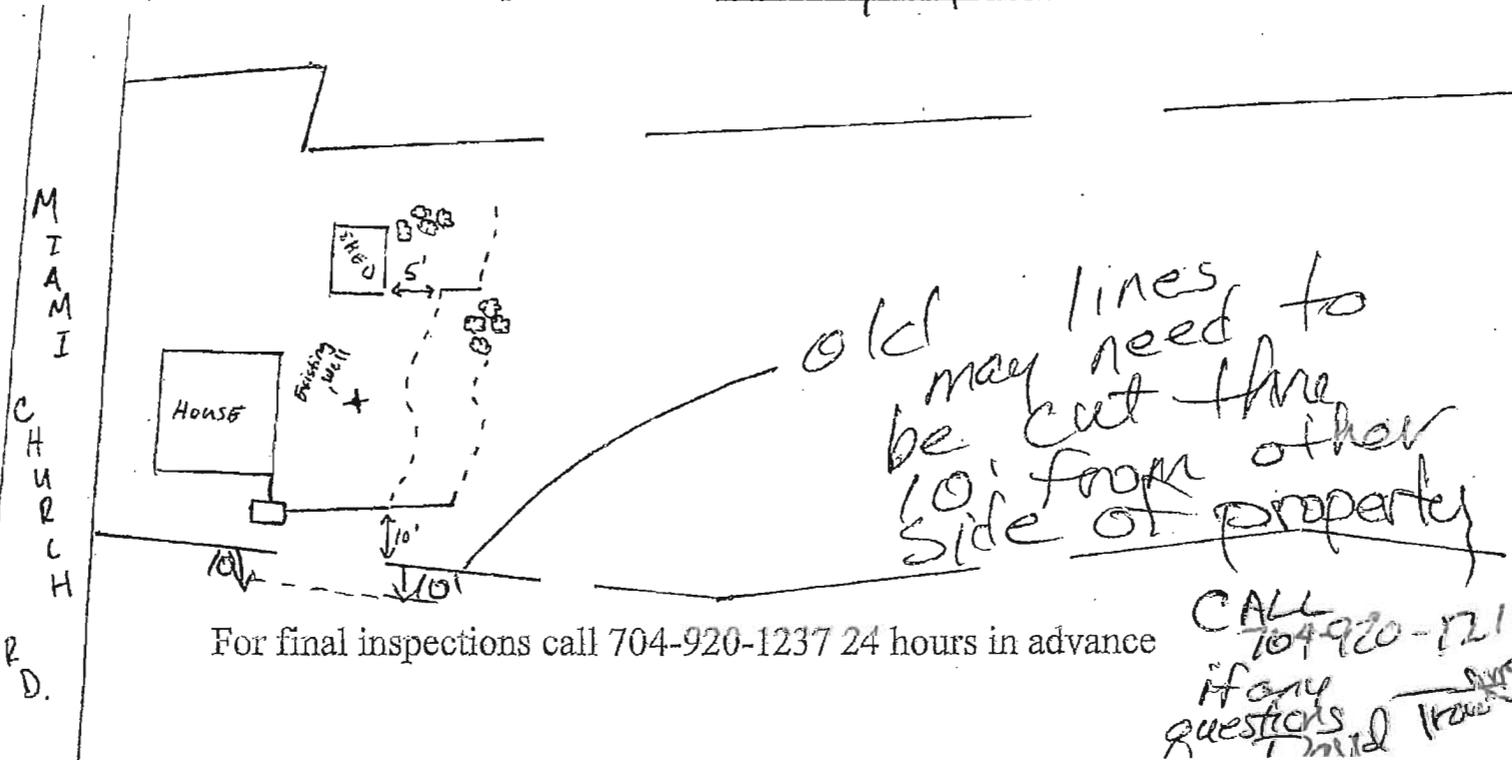
W.M. Lines _____ Stone depth (if applicable) _____

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.

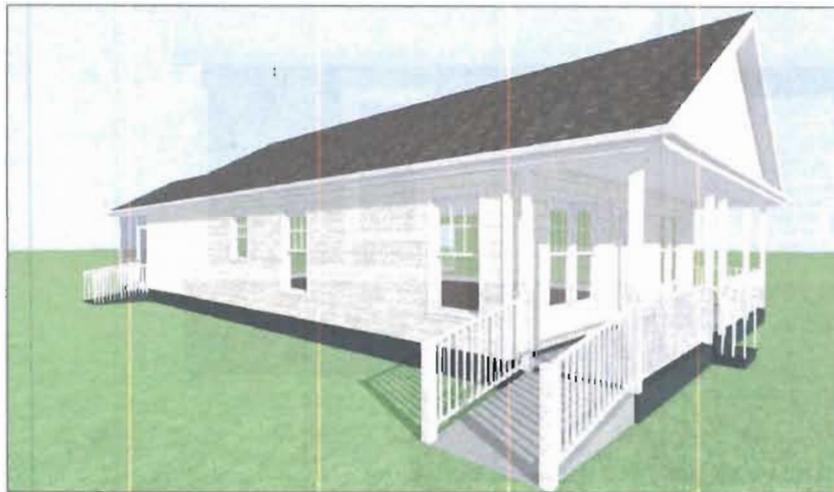
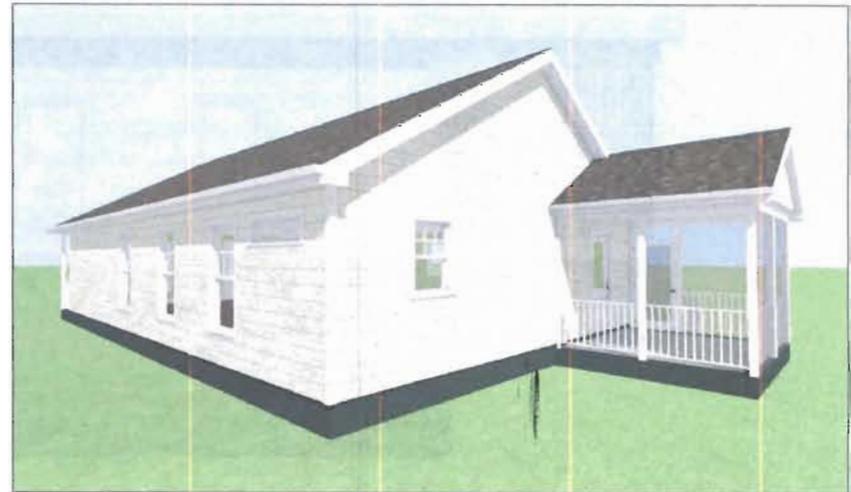
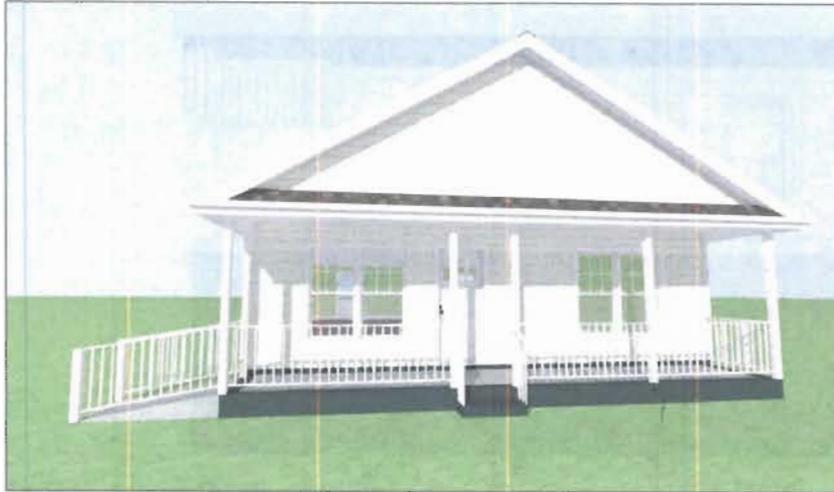
Authorized State Agent: David McEachern Date of Issuance: 9/11/2017

Construction Authorization Expiration Date: 9/11/2022



For final inspections call 704-920-1237 24 hours in advance

CALL 704-920-1211
if any questions mid-travel



DATE:	
PROJECT:	
CLIENT:	
SCALE:	
SHEET:	

PROJECT TITLE
EXTERIOR
PERSPECTIVES

Project Residence
Plan 15

DATE:

5/25/2021

SCALE:

SHEET:

A-6



LEFT SIDE ELEVATION



RIGHT SIDE ELEVATION



NO.	DESCRIPTION	BY	DATE

SHEET TITLE
LEFT & RIGHT
SIDE ELEVATIONS

Boxter 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

Banker Residence
 Plan 15

DATE:
 5/25/2021

SCALE:
 1/4" = 1'-0"

SHEET
A-4



NO.	DESCRIPTION	REV.	DATE

SHEET TITLE
FLOOR PLAN

Banker Residence
Plan 15

DATE:

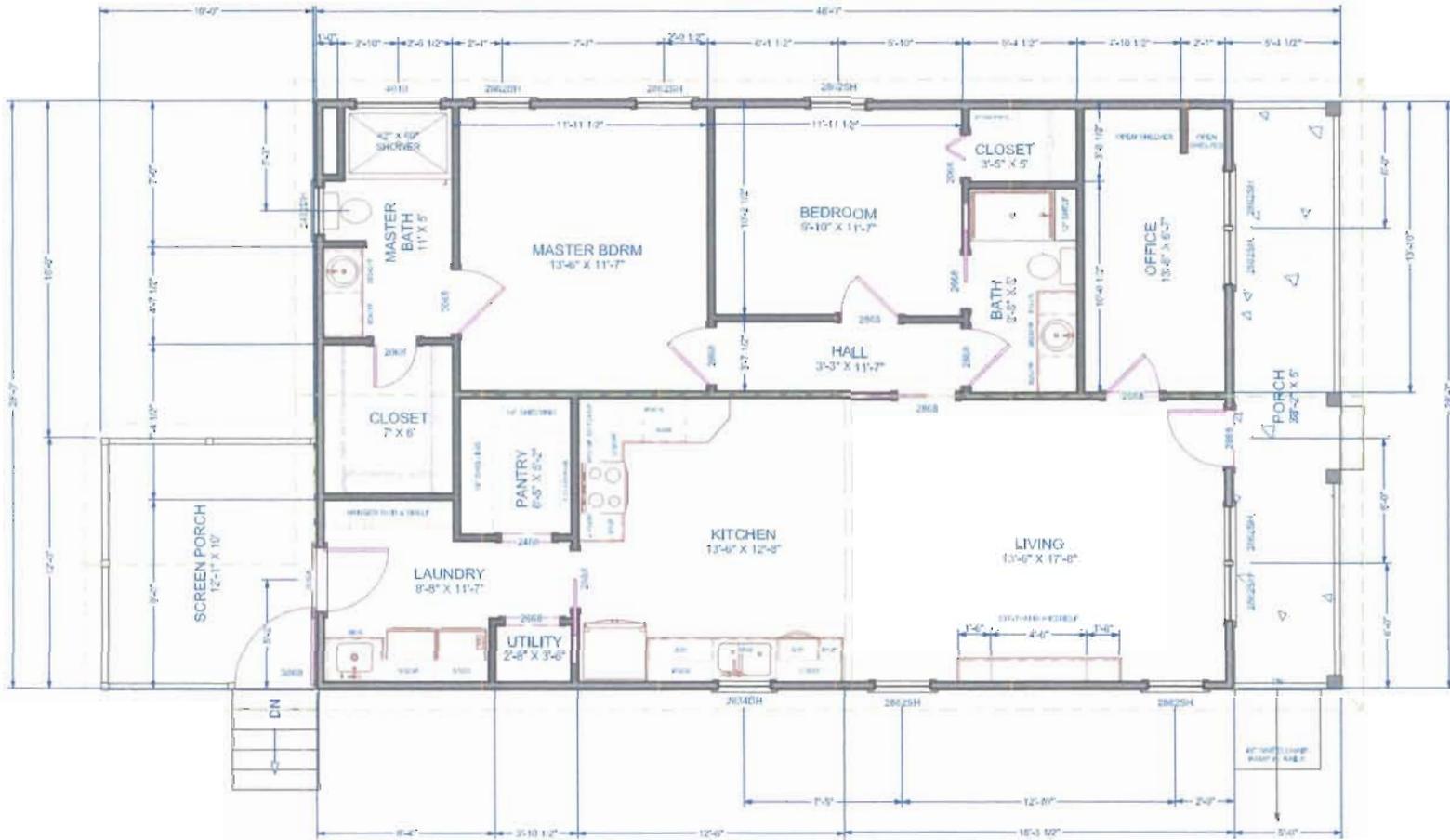
5/25/2021

SCALE:

1/8" = 1'-0"

SHEET:

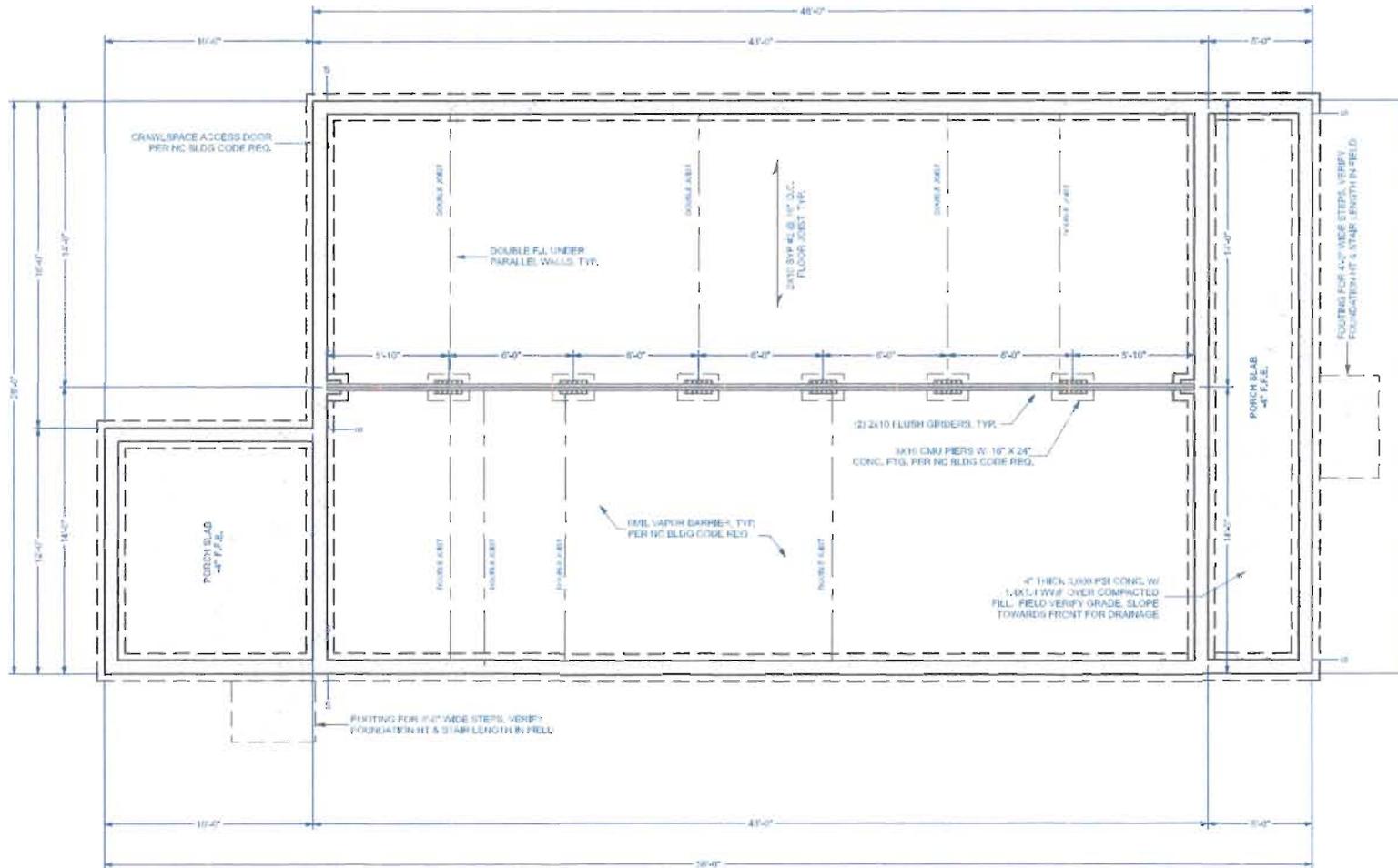
A-1



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

FOUNDATION NOTES:

- 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 CONDITIONS.
- 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.



DATE:	
BY:	
DESCRIPTION:	

FOUNDATION PLAN

SHEET TITLE
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

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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



CABARRUS COUNTY
ZONING
NOTICE
VARN2021-00001
FOR DETAILS CALL
704-920-2141

