

Cabarrus County Government

Cabarrus County Planning and Zoning Commission Tuesday, March 8, 2022 @ 6:30 p.m. Board of Commissioners Meeting Room Cabarrus County Governmental Center

Agenda

- 1. Oath to Newly Appointed Member
- 2. Roll Call
- 3. Approval of February 8, 2022, PZ Meeting Minutes
- 4. Old Business Planning Board Function:
 - A. RZON2021-00005 Request to apply Mobile Home Overlay (MH-2) to LDR zoned property. Owner/Applicant is Larry Hamrick, 5952 Yale Avenue, PIN:5603-49-9885.
- 5. Old Business Board of Adjustment Function:
 - A. Petition VARN2022-00001 Request for relief from the following: Chapter 5, impervious area maximum for non-residential districts, Chapter 7, setbacks for swim clubs, Chapter 9, landscape buffers and parking lot buffers. Evolution Recreation & Aquatics is the applicant. Ethan & Austin Properties is the owner. Address is 11202 Harris Road (PIN: 4670-45-1661). REQUEST TO TABLE
- 6. New Business Board of Adjustment Function:
 - A. <u>APPL2021-00001</u> Appeal of a Notice of Violation for construction of structure without permits, disturbances of the required water body buffers and wetland disturbance. The address associated with the subject property is 3233 Hahn Scott Road (PIN: 5589-24-3362).
 - B. <u>APPL2021-00002</u> Appeal of a Notice of Violation of the illegal operation of a sawmill without proper permits. The address associated with the subject property is 8667 Flowes Store Road (PIN: 5536-56-0806).
- 7. Legal Update
- 8. Director's Report
- 9. Adjourn

Planning and Zoning Commission Minutes February 8, 2022

Planning and Zoning Commission Minutes

February 8, 2022

Mr. Adam Dagenhart, Chair, called the meeting to order at 6:33 p.m. Members present, in addition to the Chair, were 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, Ms. Arlena Roberts, Clerk to the Board, Mr. Richard Koch, County Attorney and Mr. David Goldberg, Deputy County Attorney.

Roll Call

Approval of January 11, 2022, Planning and Zoning Commission Meeting Minutes

There being no corrections or additions to the minutes, Mr. Brent Rockett **MOTIONED**, **SECONDED** by Mr. Stephen Wise to **APPROVE** the January 11, 2022, meeting minutes. The vote was unanimous.

Approval of Granting Order with Findings of Facts for SUSE2021-00045 – Amendment to approved Master Plan for Rocky River Regional Wastewater Treatment Plant. Applicant is Thomas Hahn, and the Owner is Water & Sewer Authority of Cabarrus County (WSACC), 6400 Breezy Lane.

There being no corrections or additions to the Granting Order or Findings of Fact, Ms. Ingrid Nurse **MOTIONED**, **SECONDED** by Mr. Brent Rockett to **APPROVE** the Granting Order with Findings of Fact for SUSE2021-00045. The vote was unanimous.

The Chair introduced Petition VARN2022-00001 – Request for relief from the following: Chapter 5, impervious area maximum for non-residential districts, Chapter 7, setbacks for swim clubs, Chapter 9, landscape buffers and parking lot buffers. Applicant is Evolution Recreation and Aquatics is the Applicant. Ethan and Austin Properties is the owner. Address is 11202 Harris Road (PIN: 4670-45-1661) **Request to Table**.

Ms. Susie Morris, Planning and Zoning Manager, addressed the Board stating that the Applicant has requested to table the Variance until the March 8, 2022, meeting. She said with this project, NCDOT had some comments that the applicant will need to address and there were some other comments that came back.

Planning and Zoning Commission Minutes February 8, 2022

Hopefully, they will be back in March. They need to get the NCDOT comments figured out before proceeding with the variance request because it all depends on driveway location. If not, we may be looking at tabling it again.

The Chair asked for a motion to table this request until the March 8, 2022, Planning and Zoning Commission meeting.

Mr. Brent Rockett **MOTIONED**, **SECONDED**, by Mr. Andrew Nance to **TABLE**, **VARN2022-00001** – Request for relief from the following: Chapter 5, impervious area maximum for non-residential districts, Chapter 7, setbacks for swim clubs, Chapter 9, landscape buffers and parking lot buffers. Applicant is Evolution Recreation and Aquatics is the Applicant. Ethan and Austin Properties is the owner until the March 8, 2022, Planning and Zoning Commission meeting. The vote was unanimous.

No Legal Update

Directors Report

Ms. Susie Morris said we need a fourth person to be on the Text Amendment Committee. If any one is interested, please let her know.

She said there will be a training session tonight after we are done with regular business.

There being no further discussion, Mr. Andrew Nance **MOTIONED**, **SECONDED** by Mr. Stephen Wise, to adjourn the meeting at 6:36 p.m. The vote was unanimous.

APPROVED BY:

Mr. Adam Dagenhart

SUBMITTED BY:

Arlena B. Roberts

ATTEST BY:

Susie Morris, Planning and Zoning Manager

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

	Petition: RZON2021-00005 Rezoning
Applicant Information:	Larry Hamrick 305 Rolling Green Avenue New Castle, DE 19720
Owner Information:	Larry Hamrick 305 Rolling Green Avenue New Castle, DE 19720
Existing Zoning:	LDR (Low Density Residential)
Proposed Zoning:	LDR (Low Density Residential) with MH-2 Overlay
Current Permitted Uses:	All uses permitted in the LDR zoning district are currently permitted on the subject property.
Proposed Uses:	All uses permitted in the underlying LDR zoning district in addition to all uses permitted in the MH-2 Overlay.
Parcel ID Numbers:	5603-49-9885
Property Addresses:	5952 Yale Avenue
Area in Acres:	± .25 acres (Lot is approximately 75' x 150')
Site Description:	The property is currently vacant. Based on historic aerials, it appears the subject parcel was originally developed with a single-wide manufactured home in the early 1970's. It was replaced by a double-wide manufactured home that occupied the property until a time between February of 2017 and February of 2019.
Adjacent Land Use:	North: Residential East: Residential South: Residential West: Residential
Surrounding Zoning:	North: LDR (Low Density Residential) East: LDR (Low Density Residential) South: LDR (Low Density Residential) West: LDR (Low Density Residential)

Utility Service Provider:

The subject property is served by Kannapolis water and a septic system.

Exhibits

- A. Staff Report
- B. Application
- C. Historical Information and Maps
- D. Staff Maps
- E. Adjacent Property Owner & Property Owner Letters
- F. Neighborhood Meeting Information and minutes

Intent of Zoning Districts

PROPOSED OVERLAY DISTRICT: Mobile Home Overlay 2 District (MH-2)

The purpose of the MH-2 district is to provide for the principal use of land developed in harmony with the Underlying Zoning District regulations; however, permitting the substitution of a Manufactured Home as a Principal Building, provided the specific design and/or installation regulations appearing in section 4-28 are met.

EXISTING DISTRICT: LOW DENSITY RESIDENTIAL (LDR)

This district is designed to provide permanent protection for those who want to live in a low-density residential environment. The district, while focused on single-family residential development, is designed to allow a wide variety of residential types.

RATIONALE

This land use district was created as a direct result of the County's systematic area planning process. As a reaction to the growth of the past decade (as much as 80% in some townships) many residents are anxious to see their areas retain the appeal that inspired the resident to make his or her original investment. This district helps implement a growth management philosophy before the fact, rather than after. In summary, the principal purpose of this district is to provide some land area in the County for a permanent country, rural residential lifestyle.

Agency Review Comments

Planning Review: Staff Report, Sandy Howell, Planner Cabarrus County

NCDOT Review: No Comments. *Marc Morgan, NCDOT*

Fire Marshal Review:

No comments, Matthew Hopkins, County Fire Marshal

EMS Review:

No comments. Justin Brines, Cabarrus County EMS Director

Sheriff's Office Review:

No comments. Ray Gilleland, Cabarrus County Sheriff's Lieutenant

Soil and Water Review:

No comments. Tammi Remsburg, Cabarrus County Resource Conservation Manager

Cabarrus Health Alliance Review:

The existing system was originally permitted for 3 bedrooms in 1972. The exact location could not be determined by the plot plan. With any proposed new use, a re-evaluation of the system will be required.

Land Use Plan Analysis

The subject property is located within the boundary of the Northwest Area Future Land Use Plan (Plan). The Plan recommends the area development with residential use of two to four units per acre.

While the Plan recommends a certain density, this request is intended to allow the applicant to place a double-wide manufactured home on an existing lot of record where manufactured home are currently not permitted as a building type. Therefore, this request would not have any effect on the application of the Plan. The area is already developed within the range that is recommended by the Plan.

Conclusions

- The subject property is an existing lot of record with LDR zoning.
- GIS show that the existing lot is approximately 11,108 SF. A conventional lot in the LDR district requires a two-acre lot or a one-acre lot if the minor subdivision option is used.
- The location of the existing septic system is unknown and may restrict the buildable area.
- The proposed request does not allow for any further increases to density. The request is for the MH-2 overlay district to voluntarily be added to the subject property, which allows a double wide manufactured home to be substituted on the property as the principal building versus a modular home or stick built home.

- A double wide manufactured home was present on the property until 2017, when it was removed. Surrounding structures in the area are single-family dwellings.
 - Pursuant to Chapter 14, Section 14-8 Manufactured homes on individual lots of record that do not have the Manufactured Home Overlay may be removed and replaced provided that the replacement manufactured home is equal to, or greater than, the size of the manufactured home being replaced and meets the design and installation standards for individual manufactured homes in Chapter 4.
 - Pursuant to Chapter 14, Section 14-6, B, if the existing non-conforming use ceases for more than 6 months, subsequent use or development of the land must conform to district regulations.

This is a conventional rezoning request; therefore, all uses permitted within the underlying LDR zoning district and the proposed MH-2 Overlay would be allowed on the subject property if approved. The Planning and Zoning Commission should consider all the information provided and determine if the proposed rezoning is consistent with the Commission's vision for this area of Cabarrus County.



CABARRUS COUNTY REZONING APPLICATION

STAFF USE ONLY: Application/Accela#: Reviewed by: Date: 12/22/2021 Amount Paid: 5400-00

INSTRUCTIONS/PROCEDURES:

- 1. Schedule a pre-application meeting with Staff to discuss the procedures and requirements for a zoning map amendment request.
- 2. Submit a complete application for an amendment to the official zoning map 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 or area of the property to be considered for rezoning.
 - Any additional documents essential for the application to be considered complete. (Determined as part of the pre-application meeting)
- 3. Submit cash, check, or money order made payable to Cabarrus County.
 - Fees: Residential rezoning request 1 acre or less = \$400.00 Residential rezoning request greater than 1 acre = \$400.00 plus \$15 per acre Non-residential rezoning request = \$650.00 plus \$15 acre (Plus, cost of advertising and engineering fees if applicable)
 - (if a 3rd submittal is required, an additional review fee will be assessed)

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 PM that day for consideration on the next available agenda.

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 rezoning request and the map amendment process.
- 2. Submit a complete application with the appropriate fees to the Cabarrus County Planning Division.

Staff will review your complete application, 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 rezoning.

Meeting Information: Meetings are held the second Tuesday of each month at 6:30 PM in the Cabarrus County Governmental Center located in downtown Concord at 65 Church Street, SE.

Expedited Vote: A vote of ³⁄₄ or more of the members of the Planning and Zoning Commission is considered an Expedited Vote and will constitute a final decision. If approval or denial of a rezoning request is by a vote of less than ³⁄₄ of the members, or if an appeal of the decision is filed within 15 days of the date of the decision, the application will automatically be forwarded to the Board of Commissioners for final consideration at a *de novo* hearing.

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

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SUBJECT PROPERTY INFORMATION:

Street Address			
PIN(s) (10 digit #)	5603-49-9885;		
Deed Reference	Book <u>1075</u>	Page	
Township #	04		

DESCRIPTION OF SUBJECT PROPERTY:

Size (square feet or acres)	75×150
Street Frontage (feet)	75:
Current Land Use of Property	Residental
Surrounding Land Use	North Residental
	South <u>Residental</u>
	East Residental
	West Residental
DEOLIEST.	
<u>REQUEST:</u> Change Zoning	From LAR TO
Purpose for Request:	
TEAN CADARIO	us County. I would like to have
the Abover.	Amed property Rezoned to Accommodation
for A Mobi	15 home. This property has been in
My FAM. 14 +	for over Soyettes I would like to put
A brand M	ew Mibile Homer with a foundation.
TANOMISE 1	+ will be dones in good tasto. And
Installed in	n Quality. This will be protessionally and
Describe how the proposed rez	roning meets the land use plan(s) for the subject parcel(s):
The property	As had A Mobile on the property since 14 ild like to Replace the old home. Propen
Page 2 of 4 And Wel	Geotic. Thank You, Updated: 01/01/2020
Alread has	Geptic :

have land reconcel to accommedate It mobles homes. That will be New Mobile Thats rm UTILITY SERVICE: Water Supply _____ Well or Public _____ Service Provider______ Wastewater Treatment _____Septic Tank(s) or ____Service Provider______

. . 5 .

PROPERTY OWNER/AGENT/APPLICANT INFORMATION:

It is understood by all parties hereto including owner, petitioner, and/or agents that while this application will be carefully considered and reviewed, the burden of proving its need rests with the below named petitioner(s).

I do hereby certify that the information that I have provided for this application is, to the best of my knowledge, true and correct.

PROPERTY OWNER

Amaick

4-43

AGENT/APPLICANT

Americk

<u>ンル</u> ADDRESS

CITY, STATE, ZIP CODE

484-432

PHONE NUMBER

PHONE NUMBER

FAX NUMBER

FAX NUMBER

MRick @MSACOM ARRY-E-MAIL ADDRESS

long A-

E-MAIL ADDRESS

Signature of Property Owner:

Signature of Property Agent/Applicant:

Hannick Date: 11-2-21

FILED CABARRUS COUNTY NC LINDA F. McABEE <u>REGISTER OF DEEDS</u> FILED Mar 01, 2010 AT 03:51 pm BOOK 09075 START PAGE 0098 END PAGE 0099 INSTRUMENT # 04279 EXCISE TAX \$0.00
--

Excise Tax \$ 0.00

Recording Time, Book and Page

Exhibit C

NORTH CAROLINA GENERAL WARRANTY DEED

			Parcel Identifier No.		
	Verified by			County on the	day of
	by				
Z	Mail after recor This instrument	ding to Ferguson , S was prepared by R	Scarbrough, Hayes, H YAN C. HAWKINS	awkins & DeMay,	P.A., PO BOX 444, Concord, NC 28026
		<u>NO TITLE (</u>	<u> PPINION RENDE</u>	RED, EXPRES	SED or IMPLIED
Brief Description for the index Lots 3-5 PRI		CETON PARE	<u>K</u>		
THIS D	EED made this 1	st day of March	2010, by and between		
THIS D	EED made this 1	GRANTOR	2010, by and between		GRANTEE
			2010, by and between		GRANTEE I Hamrick, Unmarried
Thon		GRANTOR	2010, by and between		l Hamrick, Unmarried

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of **Kannapolis**, **Number Four (4)** Township, **CABARRUS** County, North Carolina and more particularly described as follows:

Lying in Number Four (4) Township, and being Lots Nos. 3, 4 and 5 in Block "D", as shown on the map of PRINCETON PARK, a map of said property being on file in the office of the Register of Deeds in Map Book 10 at Page 69, and described as follows:

BEGINNING at a stake in the eastern edge of Yale Avenue at the front corner of Lots Nos. 5 and 6 in Block "D", this beginning point being S. 7-56 W. 225 feet from the southeastern corner of the intersection of Yale Avenue and Harvard Street, and runs thence S. 66-23 E. 150 feet with the line of Lot No. 6 to a stake, back corner of Lots Nos. 5 and 6; thence S. 7-56 W. 75 feet to a stake, corner of Lot No. 3 and Ralph Cannon; thence N. 66-23 W. 150 feet to a stake, corner of Lots Nos. 1 and 3 in the eastern edge of Yale Avenue; thence N. 7-56 E. 75 feet with the eastern edge of Yale Avenue to the point of BEGINNING, and is that property described in a deed dated January 31, 1973, from Kannapolis Real Estate Agency, Inc. to Ola Mae Ware, Single, recorded in Record of Deeds Book No. 429, Page 231, Caharrus County Registry.

Being the same property conveyed by deed recorded in Deed Book 2541, Page 123, Cabarrus County Registry.

9075 0099

The property hereinabove described was acquired by Grantor by instrument recorded in Book 2541, Page 123.

All or a portion of the property herein conveyed D does or D does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book 10, Page 69.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

SUBJECT TO easements and restrictions of record. SUBJECT TO easements and setback lines as shown on the recorded plat.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

(Corporate Name)

(SEAL)

(SEAL)

By:

President

STATE OF NORTH CAROLINA

COUNTY OF CABARRUS

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

Thomas Jeff Ware

Date: 3-1-2010

(Official Seal)

KIMBERLY A. HAYNES NOTARY PUBLIC CABARRUS COUNTY, N.C.

Kimbely A- Hayes Notary Public

Printed or Typed Name: Kimberly A. HAures My commission expires: may 23, 2014

TheforegoingCertificate(s)ofis/are certified to be correct. This instrument and this certificate are duly registered at the date and in the Book and Page shown on the firstpage hereof.

____ REGISTER OF DEEDS FOR ____

_ COUNTY

By_

_____ Deputy/Assistant-Register of Deeds.

- 10 Enockrille Som in Mai N5°20'E 24 " | " | 25" /20 /195/ 546. N4°00'W2+ 25 25 N9.05W 270 "Welker Ro-125 25. Plat of: "Princeton Park" 119.00.11 1,81 [19 /20 /21 14 15 161 No 4 Township 9 8 Cobarros County p-line ! 6 5130'E Northe Corolina Bette page Par-3 25 23 exerence. SHE "Annette M. Wolker Pro" Book ____ Page ____ 270/28 /0 /N /N ~6 Charles K. Walker 52. 125 512 Owner: 55.4 31 Le 134/25, -25 PC-Note: stake placed at each Lot corner shown. 36 23. 8 10 N/2 605W <u>ج</u> 50 34 542 1 50 / 44/ 155 12 nincelon Area 33 === 300 551 14 560/ 151 N 23° 34 E 549 16, 50 510-15'W ITAK 1-> 5% 18 A-S' Persimmer Pode ! رجحك . Jes S 53 13 Sx/ -21 551 1 55 / 10 / 10 55 / 10 / 10 55 / 10 55 / 10 -2_2 150 10 2,3 OFFICE REGISTER OF DEEDS NP2125 "Alfred Elliott" 100 100 0 ie s 2-day of Dec 1911 1:50 o'cock P-M. Ì. Register of Deeds 151 386 NII: 39E 27 1-> \prec 18 19 /-20 24 333.3' 511.36'W 313.3' A-Zur iron 12 State -25 د بند ز 11 97 125 SS Mar 180 -516. Jock Parks From 24 8 33 Mysap: stabs 33 Pock t 5/0 Ļ Ŷ Ň -39 testas 5 1 Car ./**9** 1 200 29 5 100 1/2 0 6 1-28 27 26 San 12 \sim North 35 13 0 <u>Scole: 1"= 60</u> Ì - 2-10 - Yole Are. 60 --Cat. G.N.C. Lot. 6. N.C. 1) It. G. Jon Lowe Reg. C. E. hereby certify and declare that the map as shown herean was made from an actual field survey and with acknowledgement to existing date and that some is correctly shown so for as I Know, by me this 12th day of Stat. 1955 11 N.7.56E2+ 1 251 G. Sam Rowe a Re 150 12 personally oppeared me and states that 125' 2 73 57°56W 546 3 SHE. this map from on and he subscrit 7 8 9 6 1.0/11 14 12/13 Sold-14 Set. 1955. before me, this Kolph 10CK \mathbb{Z} 15 Jand: G. Sam Lase C. E. Newton N.C. 5.05 1955. Signe 523.34 Cannor." 1250 iron 25 17 150' 135.2 ZS 34 57°56 W 642.3 HIRDR-Stk ----Hubert Bost





WARE, DIA MAY No. 6527 **CABARRUS COUNTY HEALTH DEPARTMENT** SEPTIC TANK LAYOUT AND PERMIT Was Owner_(ALC Date 1 an 11 1 Mail Address 1-0 1 Directions. 1. Le G 1.12 No. of Bedrooms wohn Garbage Disposal 100 (3) 6 0 MPI By. Perc Test (1) (2) << 10 Size of Tank_ Gal. 10 5 54 1 Nitrification Line______ 750 Sq. Ft. 2.8 Inches Material Under Line_ Washing Machine Line Sq. Ft. Inches Material Under Line. Layout By_ Plot 2 bea ICM 5 ARL 15 Approved By Installed By Date

Northwest Planning Area Aerial Map



Applicant: Larry Hamrick Owner: Larry Hamrick Case: RZON2021-00005 Address: 5952 Yale ave Purpose: LDR to LDR with MH-2 PINs: 5603-49-9885



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 - January 2022







Applicant: Larry Hamrick Owner: Larry Hamrick Case: RZON2021-00005 Address: 5952 Yale Ave. Purpose: LDR to LDR with MH-2 PINs: 5603-49-9885



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Map Prepared by Cabarrus County Planning & Development - January 2022



Subject Property Larry Hamrick 305 Rolling Green Av New Castle, DE 19720

5603-59-1855	5603-49-9982	5603-49-9732
Pablo Valadez & Consuelo Hernandez	Gregory & Maurice Washington	NC Godwin Properties LLC
5923 Charleston Av	5930 Charleston Av	3077 Winners Cir SW
Kannapolis, NC 28081	Kannapolis, NC 28081	Concord, NC 28025
5603-49-8739	5603-59-0793	5603-59-0619
Melissa Morrison	Dennis Brawley	David Miller Realty & Investments Inc
2931 Townsend Dr	6825 Plyler Rd	c/o David & Amy Miller
Frisco, TX 75033	Kannapolis, NC 28081	1640 Dale Earnhardt Blvd
		Kannapolis, NC 28083
5603-49-8923		
FERRAM 1 LLC		
13300 SW 72 nd Av		
Pinecrest, Fl 33156		



December 20, 2021

Dear Property Owner:

A Zoning Map Amendment Petition has been filed in our office for property **adjacent** to yours. The properties and specifics of the rezoning are listed below. The Cabarrus County Planning and Zoning Board will consider this petition on Tuesday, January 11, 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 28025. A Public Hearing will be conducted, and public input will be allowed during that time. If you have any comments about the rezoning, I encourage you to attend this meeting.

Petitioner	Larry Hamrick
Petition Number	RZON2021-00005
Property Location	5952 Yale Ave.
Parcel ID Number	5603-49-9885
Existing Zoning	Low Density Residential (LDR)
Proposed Zoning Map Change	LDR with MH-2 Overlay

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, iscle

Sandy Howell Planner Cabarrus County Planning and Development 704.920.2149



December 20, 2021

Dear Property Owner:

A Zoning Map Amendment Petition has been filed in our office for your property. The specifics of the request are listed below. The Cabarrus County Planning and Zoning Board will consider this petition on Tuesday, January 11, 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 28025. A Public Hearing will be conducted, and public input will be allowed during that time. If you have any comments about the rezoning request, I encourage you to attend this meeting.

Petitioner	Larry Hamrick
Petition Number	RZON2021-00005
Property Location	5952 Yale Ave.
Parcel ID Number	5603-49-9885
Existing Zoning	Low Density Residential (LDR)
Proposed Zoning Map Change	LDR with MH-2 Overlay

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, forell

Sandy Howell Planner Cabarrus County Planning and Development 704.920.2149

Dec 20, 2021 at 8:57:07 AM 5952 Yale Ave Cabarrus County

CABARRUS COUNTY ZONING

NOTICE RZON2021-00005

4

FOR DETAILS CALL 704-920-2141



November 25, 2021

Hello Neighbors,

I am Larry Hamrick the owner of the open lot at 5952 Yale Ave Kannapolis NC. I wanted to take time out to inform you as my neighbors of my plans at 5952 Yale Ave. I am asking the county to rezone my land to allow a new structure to be added or built on the land. This property has been in my family for over 50 years. I plan on possibly adding a single or double wide manufactured home or building a small home or a modular home on the site . I can promise you it will be done in good taste and always maintained to complement the area. If you have any concerns, you can reach me with at 484 432 3331. Please contact me before Dec 30th or anytime. Thank You Larry D Hamrick.

Email 1/3/2022

I have not heard anything yet from any neighbors, I mailed out 10 letters the last week of November. I also made 7 phone calls with no responses.

Staff received one phone call from Mr. Valadez of 5923 Charleston Ave on 12/30/2021. He did not have an issue with the rezoning. He was calling to make sure his attendance was not required.

Planning and Development

Memo

To:Cabarrus County Planning and Zoning CommissionFrom:Phillip Collins, Senior Planner, AICPCC:FileDate:March 1, 2022Re:VARN2022-00001

Evolution Recreation & Aquatics submitted an application for variances from Section 7-3.59.c and Table 9-4 and Part II of Chapter 9 of the Development Ordinance to allow relief from the setback requirements for swimming clubs and the landscaping and buffering requirements for commercial facilities in the OI zoning district.

The applicant is requesting that the case be tabled until the April Board of Adjustment meeting to in order to address site plan and design issues for the proposed changes to the facility.

The case has been advertised, the sign has been posted and adjacent property owners notified.

The Board of Adjustment will need to vote to table the meeting until the April meeting, or the next available agenda due to COVID-19 regulations and guidelines.

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

Petition: APPL2021-00001 Appeal of Interpretation of Cabarrus County Zoning and Subdivision Ordinances

Appellant Information:	Connie Arstark		
Zoning:	Agriculture Open		
Property Location:	3233 Hahn Scott Road Mount Pleasant NC 28124		
PIN#:	5589-24-3362		
Request:	construction of a stru	ng a Notice of Violation issued for ucture without permits, disturbance of the buffers and wetland disturbance.	
Noticing	Letters sent: Newspaper Ad: Sign Posted:	February 21, 2022 February 23, 2022 March 2, 2022 February 21, 2022	
History			

7/7/2020 Senior Enforcement Officer James Lowe (Officer Lowe) visited the site to discuss the setbacks for the house with the property owner. An accessory structure was located on the property at that time. Permits were not issued for the structure. At that time, Officer Lowe advised the Appellant that permits would be needed for the structure.

9/25/2020 A complaint was filed with Planning and Development regarding a building being constructed without permits. When Officer Lowe visited the site that same day, it was determined that an accessory structure had been constructed without the proper permits. He also observed grading and tree removal in the required Waterbody Buffer. It also appeared that the newly constructed structure was encroaching into the required Waterbody Buffer Zone area. (See Site Photo dated September 25, 2020)

- Per the Cabarrus County Development Ordinance (CCDO), accessory structures are not permitted unless there is a primary structure on site.
- Per the CCDO, undisturbed buffers are required on all perennial streams as well as any ponds located along those streams. Wetlands also must be buffered.

Officer Lowe talked with the property owner and suggested that work be stopped pending a survey of the site and required buffer areas to determine the level of encroachment and where

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additional structures could be located on the site in the future. The property owner stated that a survey of the property was available and that it would be provided to Officer Lowe.

A survey dated 11/1/2020 was provided by the Appellant to Staff. The survey did not show the required buffers on the stream, or the wetlands located on the property. Only the standard setbacks were noted on the property. (See Survey #1)

Officer Lowe advised Appellant the minimum requirement for the stream buffer was 50 feet. The survey determined that a violation of the ordinance existed and that the accessory structure was in the required buffer area. Additionally, based on the survey provided, clearing and grading had occurred in the buffer area as well. A Notice of Violation was issued on 1/14/2021. (See ZNC2021-00023 Notice of Violation)

1/26/2021 Officer Lowe visited the site for a follow up. At that time, it was determined that the property owner had placed two additional structures on the property without permits. The new structures also appeared to be in the waterbody buffer zone. Additionally, there is an RV on the site that has been placed in the buffer and it appears that it is being used as a dwelling. (See Photos dated January 25, 2021) The Appellant appealed the Notice of Violation on 2/12/2021. Filing an Appeal stays further enforcement action for that specific violation issued on the site.

3/1/2021 Officer Lowe visited the site and observed continued, and possibly new, violations of the ordinance. (See Photos Dated March 1, 2021)

5/7/2021 Office Lower and Deputy County Attorney, David Goldberg, visited the subject site to observe conditions. Officer Lowe and Attorney Goldberg observed, and determined, that additional land disturbing and clearing was conducted on the site. (See Photos Dated March 1, 2021)

5/10/2021 Deputy County Attorney David Goldberg and Susie Morris, Planning and Zoning Manager, met with property owner to discuss options for compliance.

A survey dated May 10, 2021, was provided by the Appellant which shows the calculations and delineates the required Waterbody Buffer Zone for the property. It also includes the proposed placement of the house and pool on the subject property. The survey confirms the accessory structure is in the buffer zone, along with the two additional structures and the RV. The area has also been graded, riprap and gravel placed in the buffer area, and vegetation removed. (See Survey #2)

5/11/2021 An second Notice of Violation was issued for the subject property for new clearing related to identified wetlands on the site. A Stop Work Order was also issued for the entire site to prevent additional clearing or development in the required buffers. (See ZNC2021-00215

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Notice of Violation, May 7 Photos, Informal and Preliminary Notice of Buffer Violation, Stop Work Order)

Prior to the site visits by Officer Lowe in July and then in September, the Appellant was in contact with multiple staff members in Planning and Development about the requirements for the road right-of-way, soil suitability testing application submittal requirements, permitting requirements for a new home, pool, and an accessory structure (barn) to be located on the property after the new home was built. (See Timeline for Staff Contacts and Emails)

- February 25, 2020 Appellant submitted for soil suitability analysis testing for property located at 3233 Hahn Scott Road.
- April 14, 2020 The Appellant initiated contact with the Zoning Office in April of 2020 regarding applying for a permit to build a new single-family home and how to apply for soil suitability testing, also commonly known as a perc test, and a well permit.
- *6/12/2020-6/25/2020* During the month of June, the Appellant continued conversations ٠ with Staff about permitting for the house, an accessory use (swimming pool) and the right-of-way width requirements for the road.
- The Appellant asked questions of Staff related to a barn. Appellant was informed that a permit would be required for the accessory structure (barn). A letter would also be needed from CHA to say that the accessory structure could be placed in the proposed location without impacting the well and septic systems.

Findings

- 1. An accessory structure was constructed on the subject property some time prior to July 7, 2021.
- 2. The accessory structure was constructed without proper permits in place.

Per Chapter 12, section 12-3, Zoning Compliance Permit

A Zoning Compliance Permit must be obtained from the Zoning Administrator prior to the use or occupancy of any building or premises, or both, hereinafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure.

Additionally, no nonconforming structure or use can similarly be changed or extended without a Zoning Compliance Permit or Certificate of Non-Conformity Adjustment being issued.

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3. The accessory structure was constructed without a primary structure or use located on the site.

Chapter2 of the Cabarrus County Development Ordinance (CCDO) defines accessory use as a subordinate use of a building or use of land which is:

- Conducted on the same parcel as the principal use to which it is related, and
- Clearly incidental to and customarily found in connection with the principal use of the building, structure, or land.
- 4. The stream on the subject property is identified and classified as a perennial stream per USGS maps. There are also identified wetlands on the site. (See USGS Map)
- 5. An accessory structure has been built in the required buffer. (See Survey #2).
- 6. Grading has occurred in the required buffer. (See Site Photos)
- 7. The wetland area on the subject property has been disturbed.

Per Chapter 4 of the Cabarrus County Development Ordinance, Section 4-10 The requirements of the Waterbody Buffer Zone:

- A minimum 50-foot buffer shall be established from the stream bank on all sides of perennial streams in addition to any lakes, ponds or impoundments located along, or on, those streams. Perennial streams include all rivers, streams, lakes, ponds, or waterbodies shown on the USGS Quadrangle Maps as a solid blue line or identified in the Cabarrus County Geographic Information System.
- A minimum 25-foot-buffer shall be established along the edge of any identified wetlands.
- 8. Survey provided by Appellant for structure in question clearly shows that it is in the required buffer area.

Per Chapter 4 of the Cabarrus County Development Ordinance, Section 4-10 The requirements of the Waterbody Buffer Zone:

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- The applicant must provide a detailed survey that field verifies the location of all perennial streams, lakes, ponds, impoundments, and wetlands on the subject property and within 100 feet of the boundary of the subject property for all proposed plats and site plans.
- 9. Grading has occurred in the required buffer areas. Gravel and riprap have been placed in the required buffer area.

Per Chapter 4 of the Cabarrus County Development Ordinance, Section 4-10 The requirements of the Waterbody Buffer Zone:

- The Waterbody Buffer Zone shall be determined and clearly delineated on site prior to any development or pre-development activity occurring in order to protect the required buffer from encroachment or damage. No development, including soil disturbing activities or grading, shall occur within the established buffer area.
- 10. A structure is in the required buffer area.
- 11. Grading has occurred in the required buffer area.
- 12. Gravel and riprap have been placed in the required buffer area.

Per Chapter 4 of the Cabarrus County Development Ordinance, Section 4-10 The requirements of the Waterbody Buffer Zone:

All buffer areas shall remain in a natural, vegetated state. If the buffer area is wooded, it shall remain undisturbed.

13. The property is subject to Cabarrus County Zoning and Construction Standards permitting.

BONA FIDE FARM - The production and activities relating to or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture as defined in G.S.106-581.1.

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Denied:

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For purposes of determining whether a property is being used for bona fide farm purposes, any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

a. A farm sales tax exemption certificate issued by the Department of Revenue.

b. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S.105-277.3.

c. A copy of the farm owner's or operator's Schedule F from the owner or operator's most recent federal income tax return.

d. A forest management plan.

Information Provided

- 1. Application Materials Provided by Appellant
- 2. Staff Report and Exhibits
- 3. Adjacent Parcel Owner List
- 4. Letter Sent to Adjacent Parcel Owners
- 5. Letter Sent to Applicant
- 6. Picture of Posted Sign

KEY FOR STAFF CONTACTS:

Martha Hernandez (Senior Permit Associate/Primary for Zoning Permitting), Boyd Stanley (Senior Planner), Jay Lowe (Senior Enforcement Officer/Conducts site visits, inspections, and issues NOVs) Susie Morris (Planning and Zoning Manager)

NOTE: There is a period where there were questions about how the ROW should be looked at to establish setbacks for the property. As early as June 29, the surveyor was working on staking the house on the lot and asking questions about the ROW and setbacks. Legal provided determination for how setbacks would be determined for property.

4/14/2020	Emailed Connie Arstark information about permitting zoning, answered questions	
6/12/2020	Emailed Connie Arstark information about permitting zoning, answered questions	
6/12/2020	Received completed zoning application for house at 3233 Hahn Scott	
6/12/2020	Emailed approval for zoning permit related to house related to 3233 Hahn Scott	
6/15/2020	Received email with questions on the well fee and building related to 3233 Hanh Scott	
6/15/2020	Responded to email on well & building questions, also emailed back and forth (5 different emails), trying to get signature on house zoning permit related to 3233 Hahn Scott	
6/22/2020	Received email with questions on building pool related to 3233 Hanh Scott	
6/22/2020	Responded with application and swimming pool requirements related to 3233 Hahn Scott	
6/22/2020	Processed zoning application and permit for pool related to 3233 Hahn Scott	
6/23/2020	Received email with the question if a zoning permit is required for a barn, related to 3233 Hahn Scott	
6/23/2020	Answered questions via email on the zoning requirements for a barn related to 3233 Hahn Scott	
6/23/2020	Informed Connie via email the septic permit did not reflect her proposed barn therefore CHA needed to provide letter of approval, I also emailed her the contact information for CHA	
6/23/2020	Connie continued to question via email if a zoning permit was really required for barn to which I gave a simple answer of "Yes.", related to 3233 Hahn Scott	
6/24/2020	Connie asked for help with getting approval from CHA, I emailed her with contact information for Tyler at CHA	
6/25/2020	Connie emailed questions on setbacks and the possible change in address related to 3233 Hahn Scott	

6/25/2020 Answered questions via email on the setback requirements for a barn related to 3233 Hahn Scott

7/7/2020

- Met on site with owner to discuss setbacks for house.
- At that time barn was built. I questioned owner about distance from creek, owner indicated that a survey was done (by Chad Byrd). I recommended that she provide it to our office.
- 7/15/2020 Emailed Connie reminder that I had not received signed pool permit related to 3233 Hahn Scott
- 9/15/2020 Received complaint via PC on barn being built without permit on 3233 Hahn Scott
- 9/15/2020 Emailed Connie information on obtaining a zoning permit
- 9/15/2020 Emailed Jay Lowe information on the complaint related to 3233 Hahn Scott
- 9/17/2020 Received zoning application from Connie for barn related to 3233 Hahn Scott
- 9/17/2020 Emailed informing her that I had to wait for the approval of CHA
- 9/17/2020 Emailed Jay the information received from Connie, and questioned if the property reflected the plot plan submitted for 3233 Hahn Scott
- 9/23/2020 Received letter of approval from CHA for property related to 3233 Hahn Scott
- 9/23/2020 Processed zoning application and permit for barn related to 3233 Hahn Scott
- 9/23/2020- Took \$150.00 payment over the phone from Connie Arstark for the permit
- 9/23/2020- Responded to Martha/Connie's email with receipt for payment

9/25/2020

- Site Inspection was made
- Barn had already been built prior to being issued a zoning permit
- Barn looks as though it may be encroaching into the Water Body Buffer
- Further research will need to be done
- Owner indicated that a survey had been done by Chad Byrd (Surveyor) and that he had indicated that the buffer from the creek should only be approximately 30 feet
- Requested that applicant provide copy of the survey
- 10/2/2020 Emailed reminder that I still had not received signed permit for barn related to 3233 Hahn Scott
- 11/6/2020 Received email on if I had received survey to complete barn permit something that I didn't know about since she had already submitted her plot plan to me on property related to 3233 Hahn Scott

- 11/6/2020 Connie emailed Martha and me and asked if we had received a survey from Chad Byrd/Sam King. We had not.
- 11/10/2020 Chad Byrd sent an email/survey locating the barn and property lines
- 11/23/20 Spoke with Sam King around 11/23 about my concerns with the placement of the barn. At that time, he indicated that he did not realize that the stream was a perennial and he felt certain that the barn is within the Water Body Buffer. He later sent me his survey map. Staff then followed up with our own mapping of the WBB and discovered that the barn was within the WBB.
- 12/2/2020 I received a voicemail from Connie asking about the stream and I sent an email showing her a snapshot of the USGS maps, which classify the stream as a perennial.
- 12/10-2020 Sent detailed email to Susie with all the exhibits, maps, applications, etc. for the case
- 1/4/2021 Further research shows that an encroachment into the WBB exists and that the location of the building will need to be shifted
- 1/5/2021 I called Connie to let her know the barn is in violation and would need to be moved
- 1/6/2021 Received a voicemail from Connie about a letter/NOV and responded to her via email
- 1/14/21 Warning letter was sent via regular mail and certified
- 1/26/21
 - Site inspection was made
 - It seems that property owner has now placed two more buildings on the property without permits. They also look to be in the waterbody buffer
 - There also seems to be an RV placed in the waterbody buffer
- 2/9/2021 Applicant requested an appeal form
- 3/1/2021 Site inspection was made, more pictures taken

Susie Morris

From:	Martha Hernandez
Sent:	Tuesday, June 23, 2020 4:52 PM
То:	Connie Arstark
Subject:	RE: do I need a permit for Barn?

Yes.

Many thanks,

Martha Hernandez Zoning and Septic Suitability Permit Associate

Planning and Development Department Cabarrus County 65 Church St. SE, Concord, NC 28025 P.O. Box 707, Concord, NC 28026

O: 704-920-2147 F: 704-920-2227 www.cabarruscounty.us



From: Connie Arstark <connie@arstark.com>
Sent: Tuesday, June 23, 2020 4:51 PM
To: Martha Hernandez <mhernandez@cabarruscounty.us>
Subject: RE: do I need a permit for Barn?

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Do we need it if I intend to be a farm once the home is built? Ca

Sent via the Samsung Galaxy Note9, an AT&T 5G Evolution capable smartphone

------ Original message ------From: Martha Hernandez <mhernandez@cabarruscounty.us> Date: 6/23/20 4:42 PM (GMT-05:00) To: Connie Arstark <connie@arstark.com> Subject: RE: do I need a permit for Barn?
The septic permit doesn't reflect the barn on the lay-out. We would need approval from the Health Alliance.

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704-920-2227

www.cabarruscounty.us

From: Connie Arstark <connie@arstark.com>
Sent: Tuesday, June 23, 2020 4:35 PM
To: Martha Hernandez <mhernandez@cabarruscounty.us>
Subject: RE: do I need a permit for Barn?

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Ok can you email me what I need for that permit? Lol

You guys are taking all my money! Lol

Connie

Sent via the Samsung Galaxy Note9, an AT&T 5G Evolution capable smartphone

----- Original message ------

From: Martha Hernandez < mhernandez@cabarruscounty.us>

Date: 6/23/20 4:33 PM (GMT-05:00)

To: Connie Arstark <connie@arstark.com>

Subject: RE: do I need a permit for Barn?

yes

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

F: 704-920-2227

www.cabarruscounty.us

From: Connie Arstark <connie@arstark.com>
Sent: Tuesday, June 23, 2020 4:32 PM
To: Martha Hernandez <mhernandez@cabarruscounty.us>
Subject: RE: do I need a permit for Barn?

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

I have a 43x30 metal barn installed on the property. Do I need permit for that as well?

Connie

Sent via the Samsung Galaxy Note9, an AT&T 5G Evolution capable smartphone

----- Original message ------

From: Martha Hernandez <mhernandez@cabarruscounty.us>

Date: 6/23/20 4:03 PM (GMT-05:00)

To: Connie Arstark <connie@arstark.com>

Cc: Boyd Stanley <bvstanley@cabarruscounty.us>

Your zoning permit **(ZN2020-00653)** request has been approved. It is ready for payment **(\$75.00)**. Someone from our department will be calling you to take your payment over the phone.

<u>Please sign</u> on the <u>2 places</u> marked and return attached permit. The permit will not be valid until payment is made <u>AND</u> signed permit is returned.

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704-920-2227

www.cabarruscounty.us

From: Connie Arstark <connie@arstark.com>
Sent: Monday, June 22, 2020 2:53 PM
To: Martha Hernandez <mhernandez@cabarruscounty.us>
Subject: RE: Zoning Permit Requirements-POOL Permit?

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Here you go.

thanks so much

Connie

From: Martha Hernandez <<u>mhernandez@cabarruscounty.us</u>>
Sent: Monday, June 22, 2020 2:37 PM
To: Connie Arstark <<u>connie@arstark.com</u>>
Subject: RE: Zoning Permit Requirements-POOL Permit?

Complete the application attached and submit a plot plan that shows measurements on pool and concrete surrounding it.

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704-920-2227

From: Connie Arstark <<u>connie@arstark.com</u>>
Sent: Monday, June 22, 2020 2:22 PM
To: Martha Hernandez <<u>mhernandez@cabarruscounty.us</u>>
Subject: RE: Zoning Permit Requirements-POOL Permit?

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Pool Permit? What info is needed to get this processed.

connie

From: Martha Hernandez <<u>mhernandez@cabarruscounty.us</u>>
Sent: Monday, June 15, 2020 9:31 AM
To: Connie Arstark <<u>connie@arstark.com</u>>
Subject: RE: Zoning Permit Requirements

Yes. The \$725.00 fee includes the well permit.

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704-920-2227

www.cabarruscounty.us

From: Connie Arstark <<u>connie@arstark.com</u>>
Sent: Friday, June 12, 2020 4:46 PM
To: Martha Hernandez <<u>mhernandez@cabarruscounty.us</u>>
Subject: RE: Zoning Permit Requirements

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Does this include my well permit as well?

I need it too.

Thanks

Са

Sent via the Samsung Galaxy Note9, an AT&T 5G Evolution capable smartphone

----- Original message ------

From: Martha Hernandez <<u>mhernandez@cabarruscounty.us</u>>

Date: 6/12/20 4:30 PM (GMT-05:00)

To: <u>connie@arstark.com</u>

Cc: Boyd Stanley <<u>bvstanley@cabarruscounty.us</u>>

Subject: RE: Zoning Permit Requirements

Your zoning permit (**ZN2020-00614**) request has been approved. It is ready for payment (**\$100.00**). In addition to the zoning permit, you also need to pay **\$725.00** for the septic permit (**SE2020-00062**) Someone from our department will be calling you to take your payment over the phone.

<u>Please sign</u> on the <u>2 places</u> marked and return attached permit. The permit will not be valid until payment is made <u>AND</u> signed permit is returned.

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704-920-2227

From: connie@arstark.com <connie@arstark.com>
Sent: Friday, June 12, 2020 1:39 PM
To: Martha Hernandez <<u>mhernandez@cabarruscounty.us</u>>
Cc: Connie Arstark <<u>connie@arstark.com</u>>
Subject: RE: Zoning Permit Requirements

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

From: Martha Hernandez <<u>mhernandez@cabarruscounty.us</u>>
Sent: Friday, June 12, 2020 12:45 PM
To: <u>connie@ARSTARK.com</u>
Subject: Zoning Permit Requirements

You can email me application, plot plan and supporting documentation. We will then process and notify when its ready for payment over phone with credit card. Please feel free to call at 704-920-2147 should you have any questions.

I have attached zoning permit application and plot/site plan example. Dimensions of all structures and the applicable setbacks must be included in the plot/site plan submitted. You may use GIS to print out the subject parcel and create a plot plan if a survey of the property is not available. The link for accessing the County's GIS system is below.

GENERAL REQUIREMENTS:

CABARRUS HEALTH ALLIANCE:

- □ If the property has an **existing** septic system, call the Cabarrus Health Alliance at 704-920-1207 or visit them at 300 Mooresville Road, Kannapolis, for an inspection. CHA will provide a letter for you to turn in with your application.
- □ If the property requires a **new** septic system, a site evaluation application will need to be completed at the Cabarrus County Governmental Center at 65 Church Street, SE, Concord.

SITE/PLOT PLAN (to scale) that shows:

 \Box size and configuration of the property, including lot dimensions and acreage

□ location and dimensions of all existing structures

□ location and dimensions of all existing parking and driveway areas

□ location and dimensions of any bodies of water or water channels (ponds, streams, swales, etc.)

□ location of identified flood hazard areas, including floodway, 100-year and 500-year

□ location and dimensions of proposed work (new structure, pool, addition to existing building, deck, etc.)

setbacks for the applicable zoning district (proposed work must meet established setbacks for district)

- All requests for zoning permits must comply with the standards of the Cabarrus County Development Ordinance.
- Additional information may be needed, or may be required on the plot plan, if the property lies within an Overlay District as defined in Chapter 4 of the Cabarrus County Development Ordinance.

https://location.cabarruscounty.us/mapcabarrus/

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

65 Church St. SE, Concord, NC 28025

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F: 704-920-2227

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Susie Morris

From:	Boyd Stanley
Sent:	Monday, June 29, 2020 2:23 PM
То:	Chad Byrd; Sam King Jr.; Connie Arstark; Martha Hernandez; Phillip Collins
Cc:	Kelly Sifford
Subject:	RE: 3233 Hahn Scott Road Mt. Pleasant
Follow Up Flag:	Follow up
Flag Status:	Completed

Chad,

We spoke with the County Attorney and we're waiting to hear back from Jeff Burleson w/ NCDOT. In short, we just need verification from NCDOT it is not a 60' right-of-way and they only have maintenance from ditch to ditch. Assuming it not a 60' r-o-w, then we can start the 75' setback at the back of the ditch. If not, we'll need to go with the setback from the 60' (approximately 30' from centerline).

I think you have already done this research, but I will let you know when I hear back from Jeff. Thanks.

Boyd V. Stanley, AICP

Senior Planner

Planning and Development Cabarrus County 65 Church St S Concord NC 28025 O: 704-920-2149 F: 704-920-2144



From: Chad Byrd <chad@kingengineernc.com>
Sent: Monday, June 29, 2020 9:53 AM
To: Boyd Stanley <bvstanley@cabarruscounty.us>; Sam King Jr. <samkingjr@gmail.com>; Connie Arstark
<connie@arstark.com>; Martha Hernandez <mhernandez@cabarruscounty.us>; Phillip Collins
<PECollins@cabarruscounty.us>
Cc: Kelly Sifford <KFSifford@cabarruscounty.us>
Subject: Re: 3233 Hahn Scott Road Mt. Pleasant

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Boyd thanks for your quick response, Connie and Jim have decided on facing the house towards Hahn Scott.

Chad A. Byrd Senior Project Manager King Engineering of Concord, Inc.

Susie Morris

From:	Brandy Webster
Sent:	Thursday, June 25, 2020 4:24 PM
То:	Boyd Stanley; Martha Hernandez
Cc:	connie@arstark.com
Subject:	RE: 3233 Hahn Scott Road
Follow Up Flag:	Follow up
Flag Status:	Completed

10555 Bowman Barrier Rd.

Thank you, Brandy Webster E911 Addressing Coordinator

From: Boyd Stanley <bvstanley@cabarruscounty.us>
Sent: Thursday, June 25, 2020 4:15 PM
To: Brandy Webster <bewebster@cabarruscounty.us>
Subject: RE: 3233 Hahn Scott Road

Bowman-Barrier Road

Boyd V. Stanley, AICP Senior Planner

Planning and Development Cabarrus County 65 Church St S Concord NC 28025 O: 704-920-2149 F: 704-920-2144



From: Brandy Webster <<u>bewebster@cabarruscounty.us</u>> Sent: Thursday, June 25, 2020 4:13 PM To: Boyd Stanley <<u>bvstanley@cabarruscounty.us</u>> Subject: RE: 3233 Hahn Scott Road

Where will the driveway take access from?

Thank you, Brandy Webster E911 Addressing Coordinator

From: Boyd Stanley <<u>bvstanley@cabarruscounty.us</u>> Sent: Thursday, June 25, 2020 3:01 PM To: Brandy Webster <<u>bewebster@cabarruscounty.us</u>> Subject: 3233 Hahn Scott Road

Hey Brandy,

Hope all is well with you. We have issued permits for a new house at the subject address. She would like change her permit/site plan and rotate the house to face Bowman-Barrier. Can you issue an address for Bowman-Barrier so I can revise the permits? Thanks.



Boyd V. Stanley, AICP Senior Planner

Planning and Development Cabarrus County 65 Church St S

35 Church Street S Suite 107 Concord, NC 28025 704.791.5606

From: Boyd Stanley <<u>bvstanley@cabarruscounty.us</u>>
Sent: Monday, June 29, 2020 9:48:37 AM
To: Chad Byrd <<u>chad@kingengineernc.com</u>>; Sam King Jr. <<u>samkingjr@gmail.com</u>>; Connie Arstark
<<u>connie@arstark.com</u>>; Martha Hernandez <<u>mhernandez@cabarruscounty.us</u>>; Phillip Collins
<<u>PECollins@cabarruscounty.us</u>>
Cc: Kelly Sifford <<u>KFSifford@cabarruscounty.us</u>>
Subject: RE: 3233 Hahn Scott Road Mt. Pleasant

Chad,

I chatted with Connie last week and explained the setback would start from the street right-of-way. In my expertise, we have not made our determination on whether the right-of-way is dedicated or assumed only what is shown as ROW of GIS.

Based on my conversations with Connie last week, she obtained an new address and was going to revise permit to front the house on Bowman-Barrier.

Let me know if we need to chat further about this. Thanks.

Boyd V. Stanley, AICP

Senior Planner

Planning and Development Cabarrus County 65 Church St S Concord NC 28025 O: 704-920-2149 F: 704-920-2144



From: Chad Byrd <<u>chad@kingengineernc.com</u>>
Sent: Monday, June 29, 2020 9:34 AM
To: Kelly Sifford <<u>KFSifford@cabarruscounty.us</u>>; Connie Arstark <<u>connie@arstark.com</u>>; Sam King
<<u>sam@kingengineernc.com</u>>
Subject: 3233 Hahn Scott Road Mt. Pleasant

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

I am working with Connie Arstark, included in this email on staking a new dwelling, as well as other structures on the 10+ acres located at 3233 Hahn Scott Road Mt. Pleasant. This property is zoned AO, and has a 75' front setback,. NCDOT does not have a dedicated Right of Way on Hahn Scott, and our front property line generally runs with the center of the road. The position of the front setback is critical to what the Arstark's plans are. I spoke with the lady that answers the phone in your office, and she says GIS indicates a 60' RW on Hahn Scott which I have verified both through NCDOT as well as searching for any out conveyance on the property to NCDOT. I have also check several houses along Hahn Scott and found that their positioning does not adhere to a 75' setback from an assumed RW of 60', or a total of 105' from the front property line. Can you please let us know if we use the property line to establish the front setback? Or direct me to the correct place in the ordinance where it addresses roads that do not have a RW? Please call me anytime to discuss. 704.791.5606

Thanks

Chad A. Byrd Senior Project Manager *King Engineering of Concord, Inc.* 35 Church Street South Suite 107 Concord, NC 28025 704.791.5606 E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

🗵 Improvement Permit	Cabarrus He	alth Alliance		□ Survey plat to scale* submitted
Authorization to Construct	it	□ Scaled* site plan submitted		
Sent to:		zation to Construc		Implies \mathbb{X} Unscaled site plan submitted
THE IMENOVEMENTS LERMIT	APPLICATION FOR AN IMPROVEME AND AUTHORIZATION TO CONSTRU <u>station submitted.</u> (complete site plan= 60	CI SHALL DECOME	in value, inc perma	is valid for either 60 months or without
APPLICANT INFORMATION	Septic Application SE2020-0006	2 2/25	5/2020	
CONNIE ARSTARK	5625 WEDDINGTO Concord, NC 280			(704) 788-2615
Applicant name		Applicant address		Applicant Phone
MCMATH PAUL STEPHEN	3215 WOODCHUC KANNAPOLIS, NC			
Owner		Address		Home and Work Phone
PROPERTY INFORMATION	PIN: 55892433620000		Date originally deed	
3233 HAHN SCOTT RD			10.01	EAST SIDE HAHN-SCOTT RD
Street Address	Subdivision		ot Size (acres)	Desc
☑ Property Ready for Evaluation Directions to site:	Property not Ready for Evaluatio	n 		
DEVELOPMENT INFORMATION	Residential	Specifications		
I New Single Family Residence	e Max numb	er of bedrooms / occu	pants:	4 / 8
Expansion of Existing System	n If expansio	n: Current number of	bedrooms:	
□ Non-Residential Type of Stru	cture Will there	be a basement?		Yes
□ Multi-Family	• •	there be plumbing in	the basement?	Yes
Repair to Malfunctioning Sev	vage Disposal System			
Non-Residential Specifications				
Type of business:		Total square	e footage of building:	
Max number of employees:		Max number	r of seats:	
Water Supply: Are the	rc any existing wells, springs or existin	g waterlines on this pr	roperty? \Box ves	 □ no
	xisting Well		Public Water	□ Spring
If applying for authorization to a	construct, please indicate desired syst	em type(s): (systems	can be ranked in orde	er of your preference)
	iventional Innovative			
Accepted Any	Modified Conv	entional Of	ther (specify):	
The applicant shall notify the local h any question is "yes" applicant mus	nealth department upon submittal of this t attach supporting documentation.	application if any of the	e following apply to the	property in question. If the answer to
🗆 yes 🖾 r	Does the site contain a	ny jurisdictional w	etlands?	
🗆 yes 🖾 r	Does the site contain a	ny existing wastev	water systems?	
□yes ⊠r	no Is any wastewater goir	ig to be generated	I on the site other t	han domestic sewage?
🗆 yes 🖂 r	ls the site subject to a	proval by any oth	er public agency?	
🗆 yes 🖾 r	Are there any easeme	nts or right-of-way	s on this property?	
right of shtry to conduct necessary	ify that the information provided herein i inspections to determine compliance wit party liges and corners and making the s	n applicable laws and r	rules. I understand that	I am solely responsibile for the proper

Property owner's or owner's legal representative** signature (required) **Must provide documentation to support claim as owner's legal representative.

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Ouni

2/25/2020 Date





24 2145 Fer 330 Front 1289 FL (4)

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3180³²Hahn Scott Road Mount Pleasant NG 28124 Tax ID: 5589-14-9533-0000 * 3589-24-3342-0000

SOIL AND SITE EVALUATION

Hahn-Scott Road Mount Pleasant, NC 28124

Prepared For:

Paul Stephen McMath 3215 Woodchuck Drive Kannapolis, NC 28081

Prepared By:



Thompson Environmental Consulting, Inc. PO Box 541 Midland, NC 28107

November 23, 2019



INTRODUCTION & SITE DESCRIPTION

This Soil and Site Evaluation was performed on a portion of a 24.23-acre tract located in the northeast quadrant of the intersection of Bowman-Barrier Road and Hahn-Scott Road in Mount Pleasant, North Carolina (Cabarrus County Tax Parcel 55891495330000). Thompson Environmental Consulting, Inc. (TEC) was retained to determine areas that are suitable for placement of an onsite subsurface wastewater septic system for a single-family residence. The property was evaluated in accordance with North Carolina statutes for waste disposal ("Laws and Rules for Sewage Treatment and Disposal Systems", amended April 1, 2017).

The property is currently undeveloped and is being used for agricultural production. There is a stream that runs along the eastern property line.

INVESTIGATION METHODOLOGY & SITE PHYSICAL CHARACTERISTICS

Pits were dug with a compact excavator and evaluated. Soil color was determined with a Munsell Soil Color Chart and observations of the landscape (slope, drainage patterns, etc.) as well as soil properties (depth, texture, structure, seasonal wetness, restrictive horizons, etc.) were recorded.

FINDINGS

The field survey was conducted on November 22, 2019 by Larry Thompson, LSS. Ten pits excavated, logged, and their locations noted on the attached Figure 1.

Pits 1, 2, 3, 4, 6, 7, 8, and 9 were rated as "Provisionally Suitable" for Accepted or Low-Profile Chamber Systems. Surfaces typically exhibited a friable silt clay loam texture with weak, medium, subangular blocky structure 2 to 8 inches in depth. Upper subsurface horizons exhibited firm silty clay textures with moderate, medium, subangular blocky structure ranging in depth from 22 to 36 inches. A long-term acceptance rate (LTAR) of 0.275 to 0.3 gal./day/sq. ft. would typically be recommended for these soils.

Pits 5 and 10 were rated as "Provisionally Suitable" for Non-Treated Subsurface Drip Dispersal. Surfaces typically exhibited a friable silt clay loam texture with weak, medium, subangular blocky structure 5 to 8 inches in depth. Upper subsurface horizons exhibited firm silty clay textures with moderate, medium, subangular blocky structure ranging in depth from 18 to 20 inches. A long-term acceptance rate (LTAR) of 0.12 to 0.15 gal./day/sq. ft. would typically be recommended for these soils.

CONCLUSION

The soils evaluated appear to be adequate to support the installation of an Accepted or Low-Profile Chamber System with a Non-Treated Drip Dispersal repair area for a 4-bedroom single family residence. The initial system could be designed with a LTAR of 0.3 gal./day/sq. ft. and would require approximately 4,100 square feet of suitable soil to be allocated and completely available for a system installation. The proposed repair system would require approximately 3,900 square feet of are to be set aside for this purpose.

The findings presented herein represent TEC's professional opinion based on this Soil and Site Evaluation and knowledge of the current laws and rules governing on-site wastewater systems in North Carolina. Soils naturally change across a landscape and contain many inclusions. As such, attempts to quantify them are not always precise and exact. Due to this inherent variability of soils and the subjectivity when determining limiting factors, there is no guarantee that a regulating authority will agree with the findings of this report. This report does not guarantee or represent approval or issuance of an Improvement Permit, which can only be authorized by the Cabarrus Health Alliance.

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PO Mid OWI ADE PRO LOC WAT	Box 541 lland, NC 281 NER: 281 PORESS: 34 5 POSED FACILITI ATION OF SITE FER SUPPLY: 5	07 <u>S-CUEN</u> <u>DODELC</u> TY: <u>LEE</u> Private	Macha Dide Divo	SOIL/SITE EV for ON-SITE WASTI	Image: Water Sys Image: Wa	81	DAT PRC PRC	COUNTY: TE EVALUATE OPERTY SIZE: (OPERTY RECO	Sheet of D: // 22.3 D: // 22.3 RDED: Process [] Mixed		
P R O F I L E	.1940 LANDSCAPE	HORIZON		RPHOLOGY 1941)	I	OTI PROFILE	HER FACTOR	ß			
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DESCRIPTION	INITIAL SYSTEM	REPAIR SYSTEM	OTHER FACTORS (.1946):
Available Space (.1945)	·P5	PS	SITE CLASSIFICATION (.1948): FOUSIGNALL Suiteble
System Type(s)	Accepted	Lowfrot &	OTHER(S) PRESENT:
Site LTAR	0.3	0:3/012	

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NA

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Updated February 2014

SOIL/SITE EVALUATION

Cide:

Sheet 2 of 3

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(Continuation Sheet-Complete all field in full)

PROPERTY ID #: 55891495 DATE OF EVALUATION: 11-22-17 COUNTY: 22-17

P R O F I			SOIL MORPHO (.1941)	LOGY	OTHER PROFILE	OTHER PROFILE FACTORS			
L E #	.1940 LANDSCAPE POSITION/ SLOPE %	HORIZ ON DEPTH (IN.)	.1941 STRUCTURE/ TEXTURE	.1941 CONSISTENCE/ MINERALOGY	.1942 SOIL WETNESS/ COLOR	.1943 SOIL DEPTH	.1956 SAPRO CLASS	.1944 RESTR HORIZ	PROFILE CLASS & LTAR
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6	cs 5'7.	0.2	68 414 -4-14100 -4:1510	FR N 11. 1 FR	27	1.	n L	1-3 (18).). 4
7	LS 5',	<u>0.6</u> 633	<u>SSE/SECC</u> SBC/SEC	F. 165 . ((F (33''	14	BR (W	Дî Jirê
E	04 87/0		12 / 47 2. 2.:15 c	Re- Call	1. in	e de la	11 2	er l pr	o.3
9	15 10%	87 733	-4. K.15:00 73/530	The print Relation	w/p	57	nl-	- 12 13/2	1- 2-5
COM	MENTER		And the second sec					and the second second	

Sheet 3 of 3

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SOIL/SITE EVALUATION (Continuation Sheet-Complete all field in full)

PROPERTY ID #: 558914953.0

DATE OF EVALUATION:

COUNTY: Calendary

P R O F I			SOIL MORPHO (.1941)	LOGY	OTHER PROFILE I	FACTORS			
L E #	.1940 LANDSCAPE POSITION/ SLOPE %	HORIZ ON DEPTH (IN.)	.1941 STRUCTURE/ TEXTURE	.1941 CONSISTENCE/ MINERALOGY	.1942 SOIL WETNESS/ COLOR	.1943 SOIL DEPTH	.1956 SAPRO CLASS	.1944 RESTR HORIZ	PROFILE CLASS & LTAR
		0.7	58:152CL	The statesp					
~	15	9:20	5/2/ STC	PEISSIST SCOP					12
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0	5V,				15 1	1-6-	1.15	60	0.2
COM	MENTS:		and the state of the second						

LEGEND use the following standard abbreviations									
LANDSCAPE POSITION	GROUP	SOIL <u>TEXTURE</u>	CONVENTIONAL 1955 LTAR*	LPP .1957 LTAR*	MINERALOGY/ CONSISTENCE	STRUCTURE			
CC (Concave Slope) CV (Convex Slope) D (Drainage Way)	I	S (Sand) LS (Loamy Sand)	1.2 - 0.8	0.6 - 0.4	SEXP (Slightly Expansive) EXP (Expansive)	G (Single Grain) M (Massive) CR (Crumb)			
DS (Debris Slump) PP (Flood Plain) FS (Foot Slope)	П	SL (Sandy Loam) L (Loam)	0.8 - 0.6	0.4 - 0.3		GR (Granular) SBK (Subangular Blocky) ABK (Angular Blocky)			
H (Head Slope) (Linear Slope) V (Nose Slope)	ш	Si (Silt) SiCL (Silty Clay Loam) CL (Clay Loam)	0.6 - 0.3	0.3 - 0.15		PL (Platy) PR (Prismatic)			
(Ridge) (Shoulder Slope)		SCL (Sandy Clay Loam) SiL (Silt Loam)			MOIST	WET			
(Terrace)	IV	SC (Sandy Clay) SiC (Silty Clay)	0.4 - 0.1	0.2 - 0.05	VFR (Very Friable) FR (Friable) FI (Firm)	NS (Non-sticky) SS (Slightly Sticky) S (Sticky)			
		C (Clay) O (Organic)	None	None	VFI (Very Firm v. Very Sticky) EFI (Extremely Firm)	VS (Very Sticky) NP (Non-plastic) SP (Slightly Plastic)			
* Adjust	t LTAR due to depth	consistence, structure, soil wetnes	ss, landscape, position, v	vastewater flow an	d quality.	P (Plastic)			

<u>NOTES</u> HORIZON DEPTH In inches below natural soil surface DEPTH OF FILL In inches from land surface RESTRICTIVE HORIZON SAPROLITE SOIL WETNESS CLASSIFICATION

Thickness and depth from land surface S(suitable) or U(unsuitable) Inches from land surface to free water or inches from land surface to soil colors with chroma 2 or less - record Munsell color chip designation

S (Suitable), PS (Provisionally Suitable), or U (Unsuitable)

Evaluation of saprolite shall be by pits. Long-term Acceptance Rate (LTAR): gal/day/ft²

Show profile locations and other site features (dimensions, reference or benchmark, and North).

VP (Very Plastic)





The applicant is responsible for preparing property for a site evaluation by an Environmental Health Specialist. The applicant must address each of the items listed below prior to the evaluation

- 1. **Property Lines must be marked:** All property lines and corners must be clearly marked and readily identifiable. If you are proposing to subdivide property, the proposed property lines must be clearly marked.
- 2. The area to be evaluated must be accessible: In order to conduct a site evaluation, the lot must be easily accessible. If fallen trees, underbrush, or other obstacles prevent free movement across the property, then clearing will be required. Clearing "sight lines" (clearing paths to see the ground) in the area to be evaluated (example: cleared undergrowth to allow easy accessibility and at least 50 feet visibility in any direction; All sites may not require clearing. NOTE: Soil disturbance must be minimized during the clearing process in order to avoid removing natural soil and adversely affecting site/soil characteristics.
- 3. House/structures must be marked: The proposed location of a house or any other structure must be clearly marked on the property.

PLEASE CHECK ONE OF THE FOLLOWING:

My property presently meets the conditions mentioned above and is ready to be evaluated by Cabarrus Health Alliance Environmental Health

□ *My* property presently does not meet the conditions mentioned above. When these conditions are met I will contact the Environmental Health office at **704-920-1207** to have my property scheduled for a soils evaluation.

I understand if the aforementioned conditions are not met the property will not be evaluated and that BEING ON SITE AT THE TIME OF THE EVALUATION IS NOT A SUBSTITUTE FOR MARKING THE PROPERTY. All applications are scheduled on a first come first serve basis.

tack Signature

PLEASE NOTE:

- Test sites are done in one acre increments
- A plat or tax map that shows property dimensions <u>MUST</u> be included with the application.
- If a proper evaluation cannot be accomplished with an auger (example: rock at shallow depths or too close to the surface), the NC Administrative Code states that you may be required to dig backhoe pits which will permit us to do a more complex evaluation.

OFFER TO PURCHASE AND CONTRACT - VACANT LOT/LAND

[Consult "Guidelines" (form 12G) for guidance in completing this form]

NOTE: This contract is intended for unimproved real property that Buyer will purchase only for personal use and does not have immediate plans to subdivide. It should not be used to sell property that is being subdivided unless the property has been platted, properly approved and recorded with the register of deeds as of the date of the contract. If Seller is Buyer's builder and the sale involves the construction of a new single family dwelling prior to closing, use the standard Offer to Purchase and Contract–New Construction (Form 800-T) or, if the construction is completed, use the Offer to Purchase and Contract (Form 2-T) with the New Construction Addendum (Form 2A3-T).

For valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, Buyer offers to purchase and Seller upon acceptance agrees to sell and convey the Property on the terms and conditions of this Offer To Purchase and Contract and any addendum or modification made in accordance with its terms (together the "Contract").

1. TERMS AND DEFINITIONS: The terms listed below shall have the respective meaning given them as set forth adjacent to

(a) "Seller": Paul Stephen McMath, spouse Brenda Fowler McMath (b) "Buyer": Jim and CONNIE ARSTARK

(c) "Property": The Property shall include all that real estate described below together with all appurtenances thereto including the improvements located thereon.

NOTE: If the Property will include a manufactured (mobile) home(s), Buyer and Seller should consider including the Manufactured (Mobile) Home provision in the Additional Provisions Addendum (Standard Form 2A11-T) with this offer.

Street Address: 3233 Hahn Scott Rd	
City: Mount Pleasant	Zip: 28124
County: Cabarrus	, North Carolina

NOTE: Governmental authority over taxes, zoning, school districts, utilities and mail delivery may differ from address shown.

Legal Description: (Complete ALL applicable)

Plat Reference :Lot/Unit 10.05 ac, Block/Section , Subdivision/Condominium None Hahn Scott Rd - 17004 , as shown on Plat Book/Slide at Page(s) The PIN/PID or other identification number of the Property is: 5589 24 33 (2000) Other description: 10 acres at the Corner of Hahn Scott Rd and Bowmen Barrier Some or all of the Property may be described in Deed Book 13870 at Page 145

(d) "Purchase Price":









This form jointly approved by:

North Carolina Bar Association

paid in U.S. Dollars upon the following terms:

BY DUE DILIGENCE FEE made payable and delivered to Seller by the Effective Date. BY INITIAL EARNEST MONEY DEPOSIT made payable and delivered to Escrow Agent named in Paragraph 1(f) by cash personal check official bank check wire transfer, electronic transfer, EITHER with this offer OR within five (5) days of the Effective Date of this Contract.

BY (ADDITIONAL) EARNEST MONEY DEPOSIT made payable and delivered to Escrow Agent named in Paragraph 1(f) by cash, official bank check, wire transfer or electronic transfer no later than 5 p.m. on ______,

TIME BEING OF THE ESSENCE.

BY ASSUMPTION of the unpaid principal balance and all obligations of Seller on the existing loan(s) secured by a deed of trust on the Property in accordance with the attached Loan Assumption Addendum (Standard Form 2A6-T).

BY SELLER FINANCING in accordance with the attached Seller Financing Addendum (Standard Form 2A5-T).

BALANCE of the Purchase Price in cash at Settlement (some or all of which may be paid with the proceeds of a new loan).

Phone: 7044006366

Page 1 of 12



Fax: 7047882615

STANDARD FORM 12-T Revised 7/2019 © 7/2019

Buyer initials Seller initials

REALTOR. North Capolina Association of REALTORS®, Inc.

Arstark & Company, Jac., 5625 Windom ton Rd. Concord, NC 28027 Connie Arstark Produced with zipFo

Produced with zipForm® by zipLogix 18070 Fifteen Mile Road, Fraser, Michigan 48026 www.zipLogix.com

Should Buyer fail to deliver either the Due Diligence Fee or any Initial Earnest Money Deposit by their due dates, or should any check or other funds paid by Buyer be dishonored, for any reason, by the institution upon which the payment is drawn, Buyer shall have one (1) banking day after written notice to deliver cash, official bank check, wire transfer or electronic transfer to the payee. In the event Buyer does not timely deliver the required funds, Seller shall have the right to terminate this Contract upon written notice to Buyer.

(e) "Earnest Money Deposit": The Initial Earnest Money Deposit, the Additional Earnest Money Deposit and any other earnest monies paid or required to be paid in connection with this transaction, collectively the "Earnest Money Deposit", shall be deposited and held in escrow by Escrow Agent until Closing, at which time it will be credited to Buyer, or until this Contract is otherwise terminated. In the event: (1) this offer is not accepted; or (2) a condition of any resulting contract is not satisfied, then the Earnest Money Deposit shall be refunded to Buyer. In the event of breach of this Contract by Seller, the Earnest Money Deposit shall be refunded to Buyer upon Buyer's request, but such return shall not affect any other remedies available to Buyer for such breach. In the event of breach of this Contract by Buyer, the Earnest Money Deposit shall be paid to Seller. The payment of the Earnest Money Deposit to Seller and the retention of any Due Diligence Fee by Seller (without regard to their respective amounts, including zero) together shall serve as liquidated damages ("Liquidated Damages") and as Seller's sole and exclusive remedy for such breach, but without limiting Seller's rights under Paragraphs 4(d) and 4(e) for damage to the Property. It is acknowledged by the parties that the amount of the Liquidated Damages is compensatory and not punitive, such amount being a reasonable estimation of the actual loss that Seller would incur as a result of a breach of this Contract by Buyer. The payment to Seller and/or retention by Seller of the Liquidated Damages shall not constitute a penalty or forfeiture but actual compensation for Seller's anticipated loss, both parties acknowledging the difficulty determining Seller's actual damages for such breach. If legal proceedings are brought by Buyer or Seller against the other to recover the Earnest Money Deposit, the prevailing party in the proceeding shall be entitled to recover from the non-prevailing party reasonable attorney fees and court costs incurred in connection with the proceeding.

(f) "Escrow Agent" (insert name): _______

NOTE: In the event of a dispute between Seller and Buyer over the disposition of the Earnest Money Deposit held in escrow, a licensed real estate broker ("Broker") is required by state law (and Escrow Agent, if not a Broker, hereby agrees) to retain the Earnest Money Deposit in the Escrow Agent's trust or escrow account until Escrow Agent has obtained a written release from the parties consenting to its disposition or until disbursement is ordered by a court of competent jurisdiction. Alternatively, if a Broker or an attorney licensed to practice law in North Carolina ("Attorney") is holding the Earnest Money Deposit, the Broker or Attorney may deposit the disputed monies with the appropriate clerk of court in accordance with the provisions of N.C.G.S. §93A-12.

THE PARTIES AGREE THAT A REAL ESTATE BROKERAGE FIRM ACTING AS ESCROW AGENT MAY PLACE THE EARNEST MONEY DEPOSIT IN AN INTEREST BEARING TRUST ACCOUNT AND THAT ANY INTEREST EARNED THEREON SHALL BE DISBURSED TO THE ESCROW AGENT MONTHLY IN CONSIDERATION OF THE EXPENSES INCURRED BY MAINTAINING SUCH ACCOUNT AND RECORDS ASSOCIATED THEREWITH.

(g) "Effective Date": The date that: (1) the last one of Buyer and Seller has signed or initialed this offer or the final counteroffer, if any, and (2) such signing or initialing is communicated to the party making the offer or counteroffer, as the case may be. The parties acknowledge and agree that the initials lines at the bottom of each page of this Contract are merely evidence of their having reviewed the terms of each page, and that the complete execution of such initials lines shall not be a condition of the effectiveness of this Agreement.

(h) **"Due Diligence":** Buyer's opportunity to investigate the Property and the transaction contemplated by this Contract, including but not necessarily limited to the matters described in Paragraph 2 below, to decide whether Buyer, in Buyer's sole discretion, will proceed with or terminate the transaction.

(i) "Due Diligence Fee": A negotiated amount, if any, paid by Buyer to Seller with this Contract for Buyer's right to terminate the Contract for any reason or no reason during the Due Diligence Period. It shall be the property of Seller upon the Effective Date and shall be a credit to Buyer at Closing. The Due Diligence Fee shall be non-refundable except in the event of a material breach of this Contract by Seller, or if this Contract is terminated under Paragraph 6(n) or as otherwise provided in any addendum hereto. Buyer and Seller each expressly waive any right that they may have to deny the right to conduct Due Diligence Fee, it being the intent of the parties to create a legally binding contract for the purchase and sale of the Property without regard to the existence or amount of any Due Diligence Fee.

(j)	"Due	Diligence	Period":	The	period	beginning	on	the	Effective	Date	and	extending	through	5:00	p.m.	on
an	or	Before	May	01	, 20:	20					<i>T</i> /	IME BEING	G OF TH	E ESS	ENCE	2

Page 2 of 12

Buyer initials Seller initials ith zipForm® by zipLogix 18070 Fifteen Mile Road, Fraser, Michigan 48026 www.zipLogix.com

STANDARD FORM 12-T Revised 7/2019 © 7/2019 Untitled (k) "Settlement": The proper execution and delivery to the closing attorney of all documents necessary to complete the transaction contemplated by this Contract, including the deed, settlement statement, deed of trust and other loan or conveyance documents, and the closing attorney's receipt of all funds necessary to complete such transaction.

(1) "Settlement Date": The parties agree that Settlement will take place on <u>May 31, 2020</u> (the "Settlement Date"), unless otherwise agreed in writing, at a time and place designated by Buyer.

(m) "Closing": The completion of the legal process which results in the transfer of title to the Property from Seller to Buyer, which includes the following steps: (1) the Settlement (defined above); (2) the completion of a satisfactory title update to the Property following the Settlement; (3) the closing attorney's receipt of authorization to disburse all necessary funds; and (4) recordation in the appropriate county registry of the deed(s) and deed(s) of trust, if any, which shall take place as soon as reasonably possible for the closing attorney after Settlement. Upon Closing, the proceeds of sale shall be disbursed by the closing attorney in accordance with the settlement statement and the provisions of Chapter 45A of the North Carolina General Statutes. If the title update should reveal unexpected liens, encumbrances or other title defects, or if the closing attorney is not authorized to disburse all necessary funds, then the Closing shall be suspended and the Settlement deemed delayed under Paragraph 9 (Delay in Settlement/Closing).

WARNING: The North Carolina State Bar has determined that the performance of most acts and services required for a closing constitutes the practice of law and must be performed only by an attorney licensed to practice law in North Carolina. State law prohibits unlicensed individuals or firms from rendering legal services or advice. Although non-attorney settlement agents may perform limited services in connection with a closing, they may not perform all the acts and services required to complete a closing. A closing involves significant legal issues that should be handled by an attorney. Accordingly it is the position of the North Carolina Bar Association and the North Carolina Association of REALTORS® that all buyers should hire an attorney licensed in North Carolina to perform a closing.

(n) "Special Assessments": A charge against the Property by a governmental authority in addition to ad valorem taxes and recurring governmental service fees levied with such taxes, or by an owners' association in addition to any regular assessment (dues), either of which may be a lien against the Property. A Special Assessment may be either proposed or confirmed.

"Proposed Special Assessment": A Special Assessment that is under formal consideration but which has not been approved prior to Settlement.

"Confirmed Special Assessment": A Special Assessment that has been approved prior to Settlement whether payable in a lump sum or future installments.

NOTE: Any Proposed and Confirmed Special Assessments must be identified by Seller in paragraph 5(b), and Buyer's and Seller's respective responsibilities for Proposed and Confirmed Special Assessments are addressed in paragraphs 4(a) and 6(k).

2. BUYER'S DUE DILIGENCE PROCESS:

WARNING: BUYER IS STRONGLY ENCOURAGED TO CONDUCT DUE DILIGENCE DURING THE DUE DILIGENCE PERIOD. If Buyer is not satisfied with the results or progress of Buyer's Due Diligence, Buyer should terminate this Contract, *prior to the expiration of the Due Diligence Period*, unless Buyer can obtain a written extension from Seller. SELLER IS NOT OBLIGATED TO GRANT AN EXTENSION. Although Buyer may continue to investigate the Property following the expiration of the Due Diligence Period, Buyer's failure to deliver a Termination Notice to Seller prior to the expiration of the Due Diligence Period will constitute a waiver by Buyer of any right to terminate this Contract based on any matter relating to Buyer's Due Diligence. Provided however, following the Due Diligence Period, Buyer may still exercise a right to terminate if Seller fails to materially comply with any of Seller's obligations under paragraph 6 of this Contract or for any other reason permitted under the terms of this Contract or North Carolina law.

(a) Loan: Buyer, at Buyer's expense, shall be entitled to pursue qualification for and approval of the Loan if any.

NOTE: Buyer's obligation to purchase the Property is not contingent on obtaining a Loan. Therefore, Buyer is advised to consult with Buyer's lender prior to signing this offer to assure that the Due Diligence Period allows sufficient time for the appraisal to be completed and for Buyer's lender to provide Buyer sufficient information to decide whether to proceed with or terminate the transaction.

(b) **Property Investigation:** Buyer or Buyer's agents or representatives, at Buyer's expense, shall be entitled to conduct all desired tests, surveys, appraisals, investigations, examinations and inspections of the Property as Buyer deems appropriate, including but NOT limited to the following:

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Untitled

- (i) Soil And Environmental: Reports to determine whether the soil is suitable for Buyer's intended use and whether there is any environmental contamination, law, rule or regulation that may prohibit, restrict or limit Buyer's intended use.
- (ii) Septic/Sewer System: Any applicable investigation(s) to determine: (1) the condition of an existing sewage system, (2) the costs and expenses to install a sewage system approved by an existing Improvement Permit, (3) the availability and expense to connect to a public or community sewer system, and/or (4) whether an Improvement Permit or written evaluation may be obtained from the County Health Department for a suitable ground absorption sewage system.
- (iii) Water: Any applicable investigation(s) to determine: (1) the condition of an existing private drinking water well, (2) the costs and expenses to install a private drinking water well approved by an existing Construction Permit, (3) the availability, costs and expenses to connect to a public or community water system, or a shared private well, and/or (4) whether a Construction Permit may be obtained from the County Health Department for a private drinking water well.
- (iv) Review of Documents: Review of the Declaration of Restrictive Covenants, Bylaws, Articles of Incorporation, Rules and Regulations, and other governing documents of any applicable owners' association and/or subdivision. If the Property is subject to regulation by an owners' association, it is recommended that Buyer review the completed Owners' Association And Addendum (Standard Form 2A12-T) provided by Seller prior to signing this offer. It is also recommended that the Buyer determine if the owners' association or its management company charges fees for providing information required by Buyer's lender or confirming restrictive covenant compliance.
- (v) Appraisals: An appraisal of the Property.
- (vi) **Survey:** A survey to determine whether the property is suitable for Buyer's intended use and the location of easements, setbacks, property boundaries and other issues which may or may not constitute title defects.
- (vii)**Zoning and Governmental Regulation:** Investigation of current or proposed zoning or other governmental regulation that may affect Buyer's intended use of the Property, adjacent land uses, planned or proposed road construction, and school attendance zones.
- (viii) Flood Hazard: Investigation of potential flood hazards on the Property, and/or any requirement to purchase flood insurance in order to obtain the Loan.
- (ix) Utilities and Access: Availability, quality, and obligations for maintenance of utilities including electric, gas, communication services, storm water management, and means of access to the Property and amenities.
- (x) Streets/Roads: Investigation of the status of the street/road upon which the Property fronts as well as any other street/road used to access the Property, including: (1) whether any street(s)/road(s) are public or private, (2) whether any street(s)/road(s) designated as public are accepted for maintenance by the State of NC or any municipality, or (3) if private or not accepted for public maintenance, the consequences and responsibility for maintenance and the existence, terms and funding of any maintenance agreements.

NOTE: NC General Statutes Section 136-102.6(f) (the "Statute") requires that under circumstances described in the Statute, a buyer must be provided a subdivision streets disclosure statement prior to entering into an agreement to buy subdivided property described in the Statute. If Buyer or Seller are uncertain whether the sale of the Property described in this Contract is subject to the Statute, consult a NC real estate attorney.

(xi) Sale/Lease of Existing Property: As noted in paragraph 3(b), this Contract is not conditioned upon the sale/lease or closing of other property owned by Buyer. Therefore, if Buyer must sell or lease other real property in order to qualify for a new loan or to otherwise complete the purchase of the Property, Buyer should seek to close on Buyer's other property prior to the end of the Due Diligence Period or be reasonably satisfied that closing on Buyer's other property will take place prior to the Settlement Date of this Contract.

(c) **Buyer's Obligation to Repair Damage:** Buyer shall, at Buyer's expense, promptly repair any damage to the Property resulting from any activities of Buyer and Buyer's agents and contractors, but Buyer shall not be responsible for any damage caused by accepted practices applicable to any N.C. licensed professional performing reasonable appraisals, tests, surveys, examinations and inspections of the Property. This repair obligation shall survive any termination of this Contract.

(d) **Indemnity:** Buyer will indemnify and hold Seller harmless from all loss, damage, claims, suits or costs, which shall arise out of any contract, agreement, or injury to any person or property as a result of any activities of Buyer and Buyer's agents and contractors relating to the Property except for any loss, damage, claim, suit or cost arising out of pre-existing conditions of the Property and/or out of Seller's negligence or willful acts or omissions. This indemnity shall survive this Contract and any termination hereof.

(e) **Buyer's Right to Terminate:** Buyer shall have the right to terminate this Contract for any reason or no reason, by delivering to Seller written notice of termination (the "Termination Notice") during the Due Diligence Period (or any agreed-upon written extension of the Due Diligence Period), *TIME BEING OF THE ESSENCE*. If Buyer timely delivers the Termination Notice, this Contract shall be terminated and the Earnest Money Deposit shall be refunded to Buyer.

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(f) CLOSING SHALL CONSTITUTE ACCEPTANCE OF THE PROPERTY IN ITS THEN EXISTING CONDITION UNLESS PROVISION IS OTHERWISE MADE IN WRITING.

3. BUYER REPRESENTATIONS:

(a) Loan: Buyer does V does not intend to	obtain a new loan in order to purcha	ase the Property. If Buyer is	s obtaining a new
loan, Buyer intends to obtain a loan as follows:	Conventional Other:		loan at a
Fixed Rate Adjustable Rate in the principal	amount of	for a term of	year(s), at
an initial interest rate not to exceed	% per annum (the "Loan").		

NOTE: Buyer's obligation under this Contract are not conditioned upon obtaining or closing any loan.

NOTE: If Buyer does not intend to obtain a new loan, Seller is advised, prior to signing this offer, to obtain documentation from Buyer which demonstrates that Buyer will be able to close on the Property without the necessity of obtaining a new loan.

(b) Other Property: Buyer DOES DOES NOT have to sell or lease other real property in order to qualify for a new loan or to complete the purchase. (Complete the following only if Buyer DOES have to sell or lease other real property:) Other Property Address: 5625 WEDBINGTON ROAD, CONCORD NG 29027

(*Check if applicable*) Buyer's other property IS under contract as of the date of this offer, and a copy of the contract has either been previously provided to Seller or accompanies this offer. (*Buyer may mark out any confidential information, such as the purchase price and the buyer's identity, prior to providing a copy of the contract to Seller.*) Failure to provide a copy of the contract shall not prevent this offer from becoming a binding contract; however, SELLER IS STRONGLY ENCOURAGED TO OBTAIN AND REVIEW THE CONTRACT ON BUYER'S PROPERTY PRIOR TO ACCEPTING THIS OFFER.

(Check if applicable) Buyer's other property IS NOT under contract as of the date of this offer. Buyer's property (*check only* **ONE** of the following options):

is listed with and actively marketed by a licensed real estate broker.

will be listed with and actively marketed by a licensed real estate broker.

Buyer is attempting to sell/lease the Buyer's Property without the assistance of a licensed real estate broker.

NOTE: This Contract is NOT conditioned upon the sale/lease or closing of Buyer's other property. If the parties agree to make this Contract conditioned on a sale/lease or closing of Buyer's other property, an appropriate contingency addendum should be drafted by a North Carolina real estate attorney and added to this Contract.

(c) **Performance of Buyer's Financial Obligations:** To the best of Buyer's knowledge, there are no other circumstances or conditions existing as of the date of this offer that would prohibit Buyer from performing Buyer's financial obligations in accordance with this Contract, except as maybe specifically set forth herein.

4. **BUYER OBLIGATIONS:**

- (a) Responsibility for Proposed Special Assessments: Buyer shall take title subject to all Proposed Special Assessments.
- (b) Responsibility for Certain Costs: Buyer shall be responsible for all costs with respect to:

(i) any loan obtained by Buyer, including charges by an owners association and/or management company as agent of an owners' association for providing information required by Buyer's lender;

(ii) charges required by an owners' association declaration to be paid by Buyer for Buyer's future use and enjoyment of the Property, including, without limitation, working capital contributions, membership fees, or charges for Buyer's use of the common elements and/or services provided to Buyer, such as "move-in fees";

(iii) determining restrictive covenant compliance;

(iv) appraisal;

(v) title search;

(vi) title insurance;

(vii) any fees charged by the closing attorney for the preparation of the Closing Disclosure, Seller Disclosure and any other settlement statement;

(viii) recording the deed; and

(ix) preparation and recording of all instruments required to secure the balance of the Purchase Price unpaid at Settlement.

(c) Authorization to Disclose Information: Buyer authorizes the Buyer's lender(s), the parties' real estate agent(s) and closing attorney:(1) to provide this Contract to any appraiser employed by Buyer or by Buyer's lender(s); and (2) to release and disclose any buyer's closing disclosure, settlement statement and/or disbursement summary, or any information therein, to the parties to this transaction, their real estate agent(s) and Buyer's lender(s).

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5. SELLER REPRESENTATIONS:

- (a) **Ownership:** Seller represents that Seller:
 - $\sqrt{}$ has owned the Property for at least one year.
 - has owned the Property for less than one year.
 - does not yet own the Property.

(b) Assessments: To the best of Seller's knowledge there are are are not any Proposed Special Assessments. If any Proposed Special Assessments, identify:

Seller warrants that there 🗌 are 🕅 are not any Confirmed Special Assessments. If any Confirmed Special Assessments, identify:

NOTE: Buyer's and Seller's respective responsibilities for Proposed and Confirmed Special Assessments are addressed in paragraphs 4(a) and 6(k).

(c) **Owners' Association(s) and Dues:** To best of Seller's knowledge, ownership of the Property subjects does not subject Buyer to regulation by one or more owners' association(s) and governing documents, which impose various mandatory covenants, conditions and restrictions upon the Property and Buyer's enjoyment thereof, including but not limited to obligations to pay regular assessments (dues) and Special Assessments. If there is an owners' association, then an Owners' Association Disclosure and Addendum For Properties Exempt from Residential Property Disclosure Statement (Standard Form 2A12-T) shall be completed by Seller, at Seller's expense, and must be attached as an addendum to this Contract.

(d) Sewage System Permit: (\square Applicable \bigotimes Not Applicable) Seller warrants that the sewage system described in the Improvement Permit attached hereto has been installed, which representation survives Closing, but makes no further representations as to the system.

(e) **Private Drinking Water Well Permit:** (Applicable Not Applicable) Seller warrants that a private drinking water well has been installed, which representation survives Closing, but makes no further representations as to the well. (If well installed after July1,2008, attach Improvement Permit hereto.)

6. SELLER OBLIGATIONS:

Buyer initials

(a) Evidence of Title, Payoff Statement(s) and Non Foreign Status:

(i) Seller agrees to use best efforts to provide to the closing attorney as soon as reasonably possible after the Effective Date, copies of all title information in possession of or available to Seller, including but not limited to: title insurance policies, attorney's opinions on title, surveys, covenants, deeds, notes and deeds of trust, leases, and easements relating to the Property.
(ii) Seller shall provide to the closing attorney all information needed to obtain a written payoff statement from any lender(s) regarding any security interest in the Property as soon as reasonably possible after the Effective Date, and Seller designates the closing attorney as Seller's agent with express authority to request and obtain on Seller's behalf payoff statements and/or short-pay statements from any such lender(s).

(iii) If Seller is not a foreign person as defined by the Foreign Investment in Real Property Tax Act, Seller shall also provide to the closing attorney a non-foreign status affidavit (pursuant to the Foreign Investment in Real Property Tax Act). In the event Seller shall not provide a non-foreign status affidavit, Seller acknowledges that there maybe withholding as provided by the Internal Revenue Code.

(b) Authorization to Disclose Information: Seller authorizes: (1) any attorney presently or previously representing Seller to release and disclose any title insurance policy in such attorney's file to Buyer and both Buyer's and Seller's agents and attorneys; (2) the Property's title insurer or its agent to release and disclose all materials in the Property's title insurer's (or title insurer's agent's) file to Buyer and both Buyer's and Seller's agents and attorneys, and (3) the closing attorney to release and disclose any seller's closing disclosure, settlement statement and/or disbursement summary, or any information therein, to the parties to this transaction, their real estate agent(s) and Buyer's lender(s).

(c) Access to Property: Seller shall provide reasonable access to the Property through the earlier of Closing or possession by Buyer, including, but not limited to, allowing the Buyer and/or Buyer's agents or representatives an opportunity to (i) conduct Due Diligence, (ii) verify the satisfactory completion of negotiated repairs/improvements, and (iii) conduct a final walk-through inspection of the Property. Seller's obligation includes providing existing utilities operating at Seller's cost including any connections and dewinterizing. To the extent applicable, Seller shall also be responsible for timely clearing that portion of the Property required by the County to perform tests, inspections and/or evaluations to determine the suitability of the Property for a sewage system and/or private drinking water well.

NOTE: See WARNING in paragraph 2 above for limitation on Buyer's right to terminate this Contract as a result of Buyer's continued investigation of the Property following the expiration of the Due Diligence Period.

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Seller initials
(d) **Removal of Seller's Property:** Seller shall remove from the Property, by the date possession is delivered, (i) all personal property which is not a part of the purchase and (ii) unless otherwise agreed, all garbage and debris.

(e) Affidavit and Indemnification Agreement: Seller shall furnish at Settlement an affidavit(s) and indemnification agreement(s) in form satisfactory to Buyer and Buyer's title insurer, if any, executed by Seller and any person or entity who has performed or furnished labor, services, materials or rental equipment to the Property within 120 days prior to the date of Settlement and who may be entitled to claim a lien against the Property as described in N.C.G.S. §44A-8 verifying that each such person or entity has been paid in full and agreeing to indemnify Buyer, Buyer's lender(s) and Buyer's title insurer against all loss from any cause or claim arising there from.

(f) **Designation of Lien Agent, Payment and Satisfaction of Liens:** If required by N.C.G.S. §44A-11.1, Seller shall have designated a Lien Agent, and Seller shall deliver to Buyer as soon as reasonably possible a copy of the appointment of Lien Agent. All deeds of trust, deferred ad valorem taxes, liens and other charges against the Property, not assumed by Buyer, must be paid and satisfied by Seller prior to or at Settlement such that cancellation may be promptly obtained following Closing. Seller shall remain obligated to obtain any such cancellations following Closing.

(g) Good Title, Legal Access: Seller shall execute and deliver a GENERAL WARRANTY DEED for the Property in recordable form no later than Settlement, which shall convey fee simple marketable and insurable title, without exception for mechanics' liens, and free of any other liens, encumbrances or defects, including those which would be revealed by a current and accurate survey of the Property, except: ad valorem taxes for the current year (prorated through the date of Settlement); utility easements and unviolated covenants, conditions or restrictions that do not materially affect the value of the Property; and such other liens, encumbrances or defects as may be assumed or specifically approved by Buyer in writing. The Property must have legal access to a public right of way.

NOTE: Buyer's failure to conduct a survey or examine title of the Property prior to the expiration of the Due Diligence Period does not relieve the Seller of their obligation to deliver good title under this paragraph.

NOTE: If any sale of the Property may be a "short sale," consideration should be given to attaching a Short Sale Addendum (Standard Form 2A14-T) as an addendum to this Contract.

(h) **Deed, Taxes, and Fees:** Seller shall pay for preparation of a deed and all other documents necessary to perform Seller's obligations under this Contract, and for state and county excise taxes, and any deferred, discounted or rollback taxes, and local conveyance fees required by law. The deed is to be made to:

(j) **Owners' Association Fees/Charges: Seller shall pay:** (i) any fees required for confirming Seller's account payment information on owners' association dues or assessments for payment or proration; (ii) any fees imposed by an owners' association and/or a management company as agent of the owners' association in connection with the transaction contemplated by this Contract other than those fees required to be paid by Buyer under paragraph 4(b) above; and (iii) fees incurred by Seller in completing the Residential Property and Owners' Association Disclosure Statement, and resale or other certificates related to a proposed sale of the Property.

(k) **Payment of Confirmed Special Assessments:** Seller shall pay, in full at Settlement, all Confirmed Special Assessments, whether payable in a lump sum or future installments, provided that the amount thereof can be reasonably determined or estimated. The payment of such estimated amount shall be the final payment between the Parties.

(I) Late Listing Penalties: All property tax late listing penalties, if any, shall be paid by Seller.

(m) **Owners' Association Disclosure and Condominium Resale Statement Addendum** (Standard Form 2A12-T): If applicable, Seller shall provide the completed Owners' Association Disclosure and Condominium Resale Statement Addendum to Buyer on or before the Effective Date.

(n) Seller's Failure to Comply or Breach: If Seller fails to materially comply with any of Seller's obligations under this Paragraph 6 or Seller materially breaches this Contract, and Buyer elects to terminate this Contract as a result of such failure or breach, then the Earnest Money Deposit and the Due Diligence Fee shall be refunded to Buyer and Seller shall reimburse to Buyer the reasonable costs actually incurred by Buyer in connection with Buyer's Due Diligence without affecting any other remedies.



legal proceedings are brought by Buyer against the Seller to recover the Earnest Money Deposit, the Due Diligence Fee and/or the reasonable costs actually incurred by Buyer in connection with Buyer's Due Diligence, the prevailing party in the proceeding shall be entitled to recover from the non-prevailing party reasonable attorney fees and court costs incurred in connection with the proceeding.

7. **PRORATIONS AND ADJUSTMENTS:** Unless otherwise provided, the following items shall be prorated, with Seller responsible for the prorated amounts through the date of Settlement, and either adjusted between the parties or paid at Settlement:

(a) **Taxes on Real Property:** Ad valorem taxes and recurring governmental service fees levied with such taxes on real property shall be prorated on a calendar year basis;

- (b) **Rents:** Rents, if any, for the Property;
- (c) Dues: Owners' association regular assessments (dues) and other like charges.

8. **RISK OF LOSS/CONDITION OF PROPERTY AT CLOSING:** The risk of loss or damage by fire or other casualty prior to Closing shall be upon Seller. Seller is advised not to cancel existing insurance on the Property until after confirming recordation of the deed.

Buyer's obligation to complete the transaction contemplated by this Contract shall be contingent upon the Property being in substantially the same or better condition at Closing as on the date of this offer, reasonable wear and tear excepted. If the Property is not in substantially the same or better condition at Closing as on the date of this offer, reasonable wear and tear excepted, Buyer may terminate this Contract by written notice delivered to Seller and the Earnest Money Deposit shall be refunded to Buyer. If the Property is not in such condition and Buyer does NOT elect to terminate this Contract, Buyer shall be entitled to receive, in addition to the Property, the proceeds of any insurance claim filed by Seller on account of any damage or destruction to the Property.

9. DELAY IN SETTLEMENT/CLOSING: Absent agreement to the contrary in this Contract or any subsequent modification thereto, if a party is unable to complete Settlement by the Settlement Date but intends to complete the transaction and is acting in good faith and with reasonable diligence to proceed to Settlement ("Delaying Party"), and if the other party is ready, willing and able to complete Settlement on the Settlement Date ("Non-Delaying Party") then the Delaying Party shall give as much notice as possible to the Non-Delaying Party and closing attorney and shall be entitled to a delay in Settlement. If the parties fail to complete Settlement and Closing within fourteen (14) days of the Settlement Date (including any amended Settlement Date agreed to in writing by the parties) or to otherwise extend the Settlement Date by written agreement, then the Delaying Party shall be in breach and the Non-Delaying Party may terminate this Contract and shall be entitled to enforce any remedies available to such party under this Contract for the breach.

10. **POSSESSION:** Unless otherwise provided herein, possession, including all means of access to the Property (keys, codes, including security codes, gate openers, electronic devices, etc.) shall be delivered at Closing as defined in Paragraph 1(m). No alterations, excavations, tree or vegetation removal or other such activities may be done before possession is delivered.

11. **ADDENDA:** CHECK ALL STANDARD ADDENDA THAT MAY BE A PART OF THIS CONTRACT, IF ANY, AND ATTACH HERETO. ITEMIZE ALL OTHER ADDENDA TO THIS CONTRACT, IF ANY, AND ATTACH HERETO.

Additional Provisions Addendum (Form 2A11-T)

Additional Signatures Addendum (Form 3-T)

Back-Up Contract Addendum (Form 2A1-T)

Loan Assumption Addendum (Form 2A6-T)

- Owners' Association Disclosure And Addendum For Properties Exempt from Residential Property Disclosure Statement (Form 2A12-T)
- Seller Financing Addendum (Form 2A5-T)
- Short Sale Addendum (Form 2A14-T)

Identify other attorney or party drafted addenda:

Mineral Rights Conveyed W Land

NOTE: UNDER NORTH CAROLINA LAW, REAL ESTATE BROKERS ARE NOT PERMITTED TO DRAFT ADDENDA TO THIS CONTRACT.

12. ASSIGNMENTS: This Contract may not be assigned without the written consent of all parties except in connection with a tax-deferred exchange, but if assigned by agreement, then this Contract shall be binding on the assignee and assignee's heirs and successors.

13. TAX-DEFERRED EXCHANGE: In the event Buyer or Seller desires to effect a tax-deferred exchange in connection with the conveyance of the Property, Buyer and Seller agree to cooperate in effecting such exchange; provided, however, that the exchanging party shall be responsible for all additional costs associated with such exchange, and provided further, that a non-exchanging party shall not assume any additional liability with respect to such tax-deferred exchange. Buyer and Seller shall execute such additional

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STANDARD FORM 12-T Revised 7/2019 © 7/2019 documents, including assignment of this Contract in connection therewith, at no cost to the non-exchanging party, as shall be required to give effect to this provision.

14. **PARTIES:** This Contract shall be binding upon and shall inure to the benefit of Buyer and Seller and their respective heirs, successors and assigns. As used herein, words in the singular include the plural and the masculine includes the feminine and neuter genders, as appropriate.

15. **SURVIVAL:** If any provision herein contained which by its nature and effect is required to be observed, kept or performed after the Closing, it shall survive the Closing and remain binding upon and for the benefit of the parties hereto until fully observed, kept or performed.

16. ENTIRE AGREEMENT: This Contract contains the entire agreement of the parties and there are no representations, inducements or other provisions other than those expressed herein. All changes, additions or deletions hereto must be in writing and signed by all parties. Nothing contained herein shall alter any agreement between a REALTOR® or broker and Seller or Buyer as contained in any listing agreement, buyer agency agreement, or any other agency agreement between them.

17. CONDUCT OF TRANSACTION: The parties agree that any action between them relating to the transaction contemplated by this Contract may be conducted by electronic means, including the signing of this Contract by one or more of them and any notice or communication given in connection with this Contract. Any written notice or communication may be transmitted to any mailing address, e-mail address or fax number set forth in the "Notice Information" section below. Any notice or communication to be given to a party herein, any any fee, deposit of other payment to be delivered to a party herein, may be given to the party or to such party's agent. Seller and Buyer agree that the "Notice Information" and "Acknowledgment of Receipt of Monies" sections below shall not constitute a material part of this Contract, and that the addition or modification of any information therein shall not constitute a rejection of an offer or the creation of a counter offer.

18. EXECUTION: This Contract may be signed in multiple originals or counterparts, all of which together constitute one and the same instrument.

19. COMPUTATION OF DAYS/TIME OF DAY: Unless otherwise provided, for purposes of this Contract, the term "days" shall mean consecutive calendar days, including Saturdays, Sundays, and holidays, whether federal, state, local or religious. For the purposes of calculating days, the count of "days" shall begin on the day following the day upon which any act or notice as provided in this Contract was required to be performed or made. Any reference to a date or time of day shall refer to the date and/or time of day in the State of North Carolina.

THE NORTH CAROLINA ASSOCIATION OF REALTORS®, INC. AND THE NORTH CAROLINA BAR ASSOCIATION MAKE NO REPRESENTATION AS TO THE LEGAL VALIDITY OR ADEQUACY OF ANY PROVISION OF THIS FORM IN ANY SPECIFIC TRANSACTION. IF YOU DO NOT UNDERSTAND THIS FORM OR FEEL THAT IT DOES NOT PROVIDE FOR YOUR LEGAL NEEDS, YOU SHOULD CONSULT A NORTH CAROLINA REAL ESTATE ATTORNEY BEFORE YOU SIGN IT.

This offer shall become a binding contract on the Effective Date. Unless specifically provided otherwise, Buyer's failure to timely deliver any fee, deposit or other payment provided for herein shall not prevent this offer from becoming a binding contract, provided that any such failure shall give Seller certain rights to terminate the contract as described herein or as otherwise permitted by law.

Date: 7-22-2020	Date: 2/22/2020
Buyer	Seller Planter Mi Math
Date: 2-22-2020	Date: 2)22/2620
Buyer Courie Aduck	Seller Bunda Josler METTET
Entity Buyer:	Entity Seller:
(Name of LLC/Corporation/Partnership/Trust/etc.)	(Name of LLC/Corporation/Partnership/Trust/etc.)
By:	By:
Name:	Name:
Title:	Title:
Date:	Date:
Pag	ge 9 of 12
	STANDARD FORM 12-T

TO BUYERS: BEFORE SENDING ANY WIRE, YOU SHOULD CALL THE CLOSING ATTORNEY'S OFFICE TO VERIFY THE INSTRUCTIONS. IF YOU RECEIVE WIRING INSTRUCTIONS FOR A DIFFERENT BANK, BRANCH LOCATION, ACCOUNT NAME OR ACCOUNT NUMBER, THEY SHOULD BE PRESUMED FRAUDULENT. DO NOT SEND ANY FUNDS AND CONTACT THE CLOSING ATTORNEY'S OFFICE IMMEDIATELY.

TO SELLERS: IF YOUR PROCEEDS WILL BE WIRED, IT IS RECOMMENDED THAT YOU PROVIDE WIRING INSTRUCTIONS AT CLOSING IN WRITING IN THE PRESENCE OF THE ATTORNEY. IF YOU ARE UNABLE TO ATTEND CLOSING, YOU MAY BE REQUIRED TO SEND AN ORIGINAL NOTARIZED DIRECTIVE TO THE CLOSING ATTORNEY'S OFFICE CONTAINING THE WIRING INSTRUCTIONS. THIS MAY BE SENT WITH THE DEED, LIEN WAIVER AND TAX FORMS IF THOSE DOCUMENTS ARE BEING PREPARED FOR YOU BY THE CLOSING ATTORNEY. AT A MINIMUM, YOU SHOULD CALL THE CLOSING ATTORNEY'S OFFICE TO PROVIDE THE WIRE INSTRUCTIONS. THE WIRE INSTRUCTIONS SHOULD BE VERIFIED OVER THE TELEPHONE VIA A CALL TO YOU INITIATED BY THE CLOSING ATTORNEY'S OFFICE TO ENSURE THAT THEY ARE NOT FROM A FRAUDULENT SOURCE.

WHETHER YOU ARE A BUYER OR A SELLER, YOU SHOULD CALL THE CLOSING ATTORNEY'S OFFICE AT A NUMBER THAT IS INDEPENDENTLY OBTAINED. TO ENSURE THAT YOUR CONTACT IS LEGITIMATE, YOU SHOULD NOT RELY ON A PHONE NUMBER IN AN EMAIL FROM THE CLOSING ATTORNEY'S OFFICE, YOUR REAL ESTATE AGENT OR ANYONE ELSE.

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STANDARD FORM 12-T Revised 7/2019 © 7/2019

Page 10 of 12

NOTICE INFORMATION

NOTE: INSERT AT LEAST ONE ADDRESS AND/OR ELEC' APPROVES FOR THE RECEIPT OF ANY NOTICE CONTEN WHICH ARE NOT APPROVED.	TRONIC DELIVERY ADDRESS EACH PARTY AND AGENT MPLATED BY THIS CONTRACT. INSERT "N/A" FOR ANY
BUYER NOTICE ADDRESS:	SELLER NOTICE ADDRESS:
Mailing Address: 5625 WEDDINGTON 2D CONCORD NC 28027	Mailing Address: 3215 Woodchuck On Kanapelia, NC 24081
Buyer Fax#: <u>104 - 188 - 2615</u>	Seller Fax#:
Buyer E-mail: connic@arstark.com	Seller E-mail: smcMathernet.net
CONFIRMATION OF AGE	NCY/NOTICE ADDRESSES
Selling Firm Name:Acting as Duyer's Agent Seller's(sub)Agent Dual Agent Firm License#:Mailing Address:	Listing Firm Name: Acting as Seller's Agent Dual Agent Firm License#: Mailing Address:
Individual Selling Agent:Acting as a Designated Dual Agent (check only if applicable)	Individual Listing Agent:
Selling Agent License#:	Listing Agent License#:
Selling Agent Phone#:	Listing Agent Phone#:
Selling Agent Fax#:	Listing Agent Fax#:
Selling Agent E-mail:	Listing Agent E-mail:

[THIS SPACE INTENTIONALLY LEFT BLANK]

ACKNOWLEDGMENT OF RECEIPT OF MONIES

Seller:			("Seller")
Buyer:			
Property Address:			
LISTING AGENT ACKNOWLEDGM			
			r the sale of the Property provides for the payment ceipt of which Listing Agent hereby acknowledges.
Date:			
			(Signature)
			(Print name)
Seller Acknowledgment of			
to Seller of a Due Diligence Fee in the amou		recei	r the sale of the Property provides for the payment pt of which Seller hereby acknowledges.
Date: 2-22-2020		Seller: Cr	(Signature)
			(Signature)
Date: 2- 22-2020		Seller P	1 d. J. MEM H
Date.		Seller: 10	Erende Twele MEMETL (Signature)
to Escrow Agent of an Initial Earnest Mo	ney Deposit in the a Contract hereby ackr ith the terms of the Of	mount of \$ nowledges receipt fer to Purchase an	r the sale of the Property provides for the payment . Escrow Agent as identified in of the Initial Earnest Money Deposit and agrees to d Contract.
		Ву:	
			(Signature)
			(Print name)
SCROW AGENT ACKNOWLEDGM	MENT OF RECEIPT	OF (ADDITION	IAL) EARNEST MONEY DEPOSIT
to Escrow Agent of an (Additional) Earnest	Money Deposit in the ind Contract hereby a	e amount of \$ cknowledges rece	the sale of the Property provides for the payment . Escrow Agent as identified pt of the (Additional) Earnest Money Deposit and rchase and Contract.
Date:			
Time:		By:	
L			(Signature)
		·	(Print name)
	Page	12 of 12	
			STANDARD FORM 12-T Revised 7/2019 © 7/2019

Untitled



STATE OF NORTH CAROLINA MINERAL AND OIL AND GAS RIGHTS MANDATORY DISCLOSURE STATEMENT

Instructions to Property Owners

- The Residential Property Disclosure Act (G.S. 47E) ("Disclosure Act") requires owners of certain residential real estate such as single-1. family homes, individual condominiums, townhouses, and the like, and buildings with up to four dwelling units, to furnish purchasers a Mineral and Oil and Gas Rights Disclosure Statement ("Disclosure Statement"). This form is the only one approved for this purpose.
- A disclosure statement is not required for some transactions. For a complete list of exemptions, see G.S. 47E-2(a), A DISCLOSURE 2. STATEMENT IS REQUIRED FOR THE TRANSFERS IDENTIFIED IN G.S. 47E-2(b), including transfers involving the first sale of a dwelling never inhabited, lease with option to purchase contracts where the lessee occupies or intends to occupy the dwelling, and transfers between parties when both parties agree not to provide the Residential Property and Owner's Association Disclosure Statement.
- You must respond to each of the following by placing a check $\sqrt{}$ in the appropriate box. 3.

MINERAL AND OIL AND GAS RIGHTS DISCLOSURE

Mineral rights and/or oil and gas rights can be severed from the title to real property by conveyance (deed) of the mineral rights and/or oil and gas rights from the owner or by reservation of the mineral rights and/or oil and gas rights by the owner. If mineral rights and/or oil and gas rights are or will be severed from the property, the owner of those rights may have the perpetual right to drill, mine, explore, and remove any of the subsurface mineral and/or oil or gas resources on or from the property either directly from the surface of the property or from a nearby location. With regard to the severance of mineral rights and/or oil and gas rights, Seller makes the following disclosures:

Charles Initials	1. Mineral rights were severed from the property by a previous owner.	Yes	No No	No Representation
Buyer Initials	2. Seller has severed the mineral rights from the property.			
Buyer Initials	3. Seller intends to sever the mineral rights from the property prior to transfer of title to the Buyer.			
Buyer Initials	4. Oil and gas rights were severed from the property by a previous owner.		7	
Buyer Inifiels	5. Seller has severed the oil and gas rights from the property.		V	
Buyer Initials	6. Seller intends to sever the oil and gas rights from the property prior to transfer of title to Buyer.			
purchase the under certain personally de days followin occurs first. H (in the case of	does not give you a Mineral and Oil and Gas Rights Disclosure Statement by the property, or exercise an option to purchase the property pursuant to a lease with a conditions cancel any resulting contract without penalty to you as the purchaser. The liver or mail written notice of your decision to cancel to the owner or the owner g your receipt of this Disclosure Statement, or three calendar days following the lowever, in no event does the Disclosure Act permit you to cancel a contract after a sale or exchange) after you have occupied the property, whichever occurs first.	an option o cancel ter's agent date of the settlemen	to purchas the contract within the contract t of the tr	se, you may ct, you must ree calendar t, whichever
Owner's Name(s): P	aul and Brenda Nic Math			
date signed. Owner Signature:	e having examined this Disclosure Statement before signing and that all in Physical Minute Brende Howler MªMath	_ Date _	2/201	2020
	edge receipt of a copy of this Disclosure Statement; that they have examined			
or subagent(s).	anty by owner or owner's agent; and that the representations are made by t	ne owne	er and no	of the owner's agent(s)
Purchaser Signature:		Date		
Purchaser Signature:	Courie Hitaul	Date	2/2	2/2020
		_	/	REC 4.25 1/1/15
Arstark & Company, Inc., 5625 W Connie Arstark	Veddiagton Rd. Concord, NC 28027 Produced with zioForm® by zioLogix 18070 Fifteen Mile Road, Fraser Michigan 48026, www.zio		Fax: 7047882	615 Untitled

	ompliance Certi ounty, NC (704) 9 20	15			cation #: ZN2020-01166 el Number: 558924336200	00
Fees: F	esidential Addition / Acc	essory structures zoning pe	rmit (accessory)	\$150.00	9/23/2020	
			TOTAL	\$150.00		
Project Name	CONNIE ARST	TARK				
Applicant:	ARSTARK		Work L	ocation:	3233 HAHN SCOTT RD MT PLEASANT, NC 28124	
	5625 WEDDIN CONCORD, N	IC 28027	Phone	:	7044006366	
Property Ow	ner: MCMATH PAL	JL STEPHEN ALSTI	c Ark- Owner	Phone:		
Contractor	1		Propos	sed use:	ACCESSORY BUILDING 1 WITH 43 'X 30 ' DIMENSIO	
	onisie V	April	Previo	us use:	RESIDENCE UNDER CON	
V		Setba	ick Informatio	n		
Front Corner	Lot: –	Front Local Road:	Ę	50' Fro	nt Minor Collector:	75'
Side Yard:	20-40'	Side Yard Accesso	'y: 2	20-40' Ma x	Impermeable Surface:	15'
Rear Yard:	30'	Rear Yard Accesso 15ft or less:	ry Setback	5' Ma x	Structural Coverage:	10'
Subdivision	and Lot Number:					
Total Lot Are	a: 10	Max Acc Bldg S	i ze: 8712	Numb	per Of Dwelling Units:	
		10/40' Projec	t Description:		SORY BUILDING 1290 SQ DIMENSIONS	.FT, WITH
	Conventional	ill electronychios		Sector and the sector of		
Approve S	of this property w		Building / Struc	ture Signe	Matarahad Original	District
	creen / Buffer Yard		ge Prevention (•	Watershed Over	ay DISTRC
	NO FLOODPLAIN	N OR WATERSHED W	VITHIN PROPE	RTY		
Comments:			LOCATED O	N THE SAN	ME LOT AND CUSTOMAR	ΙLΥ
Comments:	ACCESSORY BU	DILDING - A BUILDING D SUBORDINATE TO	THE PRINCIP	PAL DWELL		
Comments:	INCIDENTAL ANI ACCESSORY BU SETBACKS REQ NO LESS THAN PRIMARY STRU	D SUBORDINATE TO JILDINGS UP TO 15 F UIREMENTS OF THE 5 FEET. IF STRUCTU	EET IN HEIGH PRIMARY ST JRE IS GREAT IUST BE MET	IT MUST M RUCTURE ER THAN	EET THE FRONT AND SI THE REAR SETBACK S 5 FEET IN HEIGHT THEN DANCE WITH CABARRUS	HALL BE I ALL

× ~~

I, the undersigned, certify that all work designated on this application and on approved attached plans (if any) will be performed as indicated, and arrangement of land and / or structures will conform to all information presented herein and to all regulations of the zoning ordinance. No structures will be used or occupied other than in compliance with a valid certificate of zoning compliance / occupancy issued.

Signature of Owner or Applicant as Owners' Authorized Agent:

Important Setback Information

CABARRUS COUNTY

65 CHURCH STREET S - PO Box 707

CONCORD, NC 28025

Office - 704-920-2137 Fax - 704-920-2144

This notice is to inform you that all proposed principle and/or accessory structures shall be built or placed on the subject property in compliance with the setback standards listed on your Zoning Compliance Permit.

Example structures shall include but not be limited to:

Residential Structures: Site Built, Modular, Mobile Homes

Residential Accessory Structures: Pools, Storage Buildings, Garages

• Non Residential Structures: Offices, Warehouses, Fire Stations, Banks

• Non Residential Accessory Structures: Display Areas, Gas Pumps, ATM's

A structure built or placed on a property which encroaches a setback boundary shall be considered a violation of the Zoning Ordinance. Such violations are subject to all civil penalties and remedies set forth in the Zoning Ordinance.

Prior to construction, verify setbacks to ensure the structure will be properly built or placed on the property.

All setbacks shall be measured from the existing or proposed right of way of record.

If you question the possibility of an encroachment consult with a land surveyor of your choice to plot out the structure placement.

HAVE READ AND UNDERSTAND THESE REQUIREMENTS:	
Applicant: Onnie atank	Date:
Staff: Martha Hernandex	Date:
Statt. Marina Olernandex	

Owner Copy

Staff Copy

STAFF USE ONLY:

Application/Accela#: Reviewed by:

Date:

Amount Paid:

	New Construction	Addition/Expansion
X	Accessory Building	Accessory Dwelling
	Swimming Pool	Manufactured Home
	Deck/Porch	Other:

GENERAL INFORMATION:

Mt. PROPERTY OWNER NAME Pleasant 6305 Lynn Wood Dr. Concord NC 28027 28124 PROPERTY OWNER MAILING ADDRESS Barn Buildin PROJECT DESCRIPTION 3233 Hahn Scott Rd PROJECT ADDRESS NO 55892433620000 PROJECT PARCEL NUMBER (PIN) 204-400-6366 PHONE NUMBER connie@arstark.com Cabarrus County COUNTY ZONING DESIGNATION FOR PROPERTY

EMAIL ADDRESS

APPLICANT INFORMATION:

This person will receive the official correspondence to and from Cabarrus County regarding the zoning permit application and plot plan review.

CONNIE APSTARIC	owner
NAME	CONTRACTOR LICENSE NUMBER
PHONE NUMBER	ADDRESS Lynnwood Dr. 002802)
(onnie Oarstark.com	Concord NL 25027
EMAIL ADDRESS	CITY, STATE, ZIP CODE

I hereby affirm that the above information is accurate and correct to the best of my knowledge. By signing below, I agree to conform to all applicable County ordinances and regulations and understand that deviations from the plan submitted may be cause for a zoning violation or a stop work order to be issued.

Date: Signed by

Page 2 of 2

Updated: 02/12/2019





CABARRUS HEALTH ALLIANCE

Date: 9/23/20

File # 20-77

3

Connie Arstark

3233 Hahn Scott rd.

Mt Pleasant, NC 28124

Dear Ms. Arstark

On September 22, 2020 an existing septic inspection was performed at 3233 Hahn Scott rd. The proposed barn with a bathroom (no bedroom) appears to meet 15A NCAC 18A .1950. And permission is granted to construct.

The structure must be located a minimum of five feet away from any part of the existing septic tank system and twenty five feet away from the well.

You may call or write the local health department if you need any additional information or assistance. 7049201261

Sincerely,

Tyler W. Robertson, R.E.H.S.

Important Setback Information

CABARRUS COUNTY

65 CHURCH STREET S - PO Box 707

CONCORD, NC 28025

Office - 704-920-2137 Fax - 704-920-2144

This notice is to inform you that all proposed principle and/or accessory structures shall be built or placed on the subject property in compliance with the setback standards listed on your Zoning Compliance Permit.

Example structures shall include but not be limited to:

• Residential Structures: Site Built, Modular, Mobile Homes

• Residential Accessory Structures: Pools, Storage Buildings, Garages

• Non Residential Structures: Offices, Warehouses, Fire Stations, Banks

• Non Residential Accessory Structures: Display Areas, Gas Pumps, ATM's

A structure built or placed on a property which encroaches a setback boundary shall be considered a violation of the Zoning Ordinance. Such violations are subject to all civil penalties and remedies set forth in the Zoning Ordinance.

Prior to construction, verify setbacks to ensure the structure will be properly built or placed on the property.

All setbacks shall be measured from the existing or proposed right of way of record.

If you question the possibility of an encroachment consult with a land surveyor of your choice to plot out the structure placement.

I HAVE READ AND UNDERSTAND THESE REQUIREMENTS:

Applicant:		Date:	
Staff:		Date:	
	Owner Copy	Staff Copy	

STAFF USE ONLY:



ZONING PERMIT APPLICATION CABARRUS COUNTY-ZONING DIVISION

 cation/Accela#:
 Reviewed by:
 Date:
 Amount Paid:

Appli

WHEN IS A ZONING PERMIT APPLICABLE?

Zoning permits are required for all new construction. Whether it is a new residential or commercial structure, an addition to an existing structure, an outside storage building, or an attached deck, a zoning permit is required. Permits are also required for the installation of swimming pools (above or in ground), car ports, and to change the use of an existing structure.

GENERAL REQUIREMENTS:

CABARRUS HEALTH ALLIANCE:

If the property has an existing septic system, call the Cabarrus Health Alliance at 704-920-1207 or visit them at 300 Mooresville Road, Kannapolis, for an inspection. CHA will provide a letter for you to turn in with your application.

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If the property requires a **new** septic system, a site evaluation application will need to be completed at the Cabarrus County Governmental Center at 65 Church Street, SE, Concord.

SITE/PLOT PLAN (to scale) that shows:

- size and configuration of the property, including lot dimensions and acreage
- Iocation and dimensions of all existing structures
- location and dimensions of all existing parking and driveway areas
- D location and dimensions of any bodies of water or water channels (ponds, streams, swales, etc.)
- Iocation of identified flood hazard areas, including floodway, 100-year and 500-year
- □ location and dimensions of proposed work (new structure, pool, addition to existing building, deck, etc.)
- setbacks for the applicable zoning district (proposed work must meet established setbacks for district)
- > All requests for zoning permits must comply with the standards of the Cabarrus County Development Ordinance.
- Additional information may be needed, or may be required on the plot plan, if the property lies within an Overlay District as defined in Chapter 4 of the Cabarrus County Development Ordinance.

ZONING PERMIT APPLICATION SUBMISSION:

Zoning is located on the second floor of the Cabarrus County Governmental Center at 65 Church Street SE, Concord. The application package should include a complete application form along with the appropriate zoning permit fee, plot/site plan, and supporting documentation.

Incomplete plan submittals and applications will not be processed and will be returned to the applicant

BUILDING PLAN SUBMISSION:

The zoning review process does not include NC Building Code review. When you submit the zoning permit application, you should also submit to Cabarrus County Building Standards. For additional information, call 704-920-2128.

STAFF USE ONLY:

Application/Accela#: ____ Reviewed by: Date: Amount Paid: _____

ZONING PERMIT TYPE REQUESTED:

1	New Construction
	Accessory Building
	Swimming Pool
	Deck/Porch

Addition/Expansion
 Accessory Dwelling
Manufactured Home
Other:

UTILITIES:

Septic Tank
Private Well

GENERAL INFORMATION:

Arstark Cystom

3233 Hahns Scott Rd

5589243362000 PROJECT PARCEL NUMBER (PIN)

Cabarrus

COUNTY ZONING DESIGNATION FOR PROPERTY

CONNIE ARSTARK PROPERTY OWNER NAME

Public Sewer Public Water

6035 LYNWOOD Drive PROPERTY OWNER MAILING ADDRESS CONDA NC29027 7044006366

PHONE NUMBER connie@arstork,com

EMAIL ADDRESS

APPLICANT INFORMATION:

This person will receive the official correspondence to and from Cabarrus County regarding the zoning permit application and plot plan review.

ONNIE.

NAME

104 400 PHONE NUMBER

arstark, Com Connic

EMAIL ADDRESS

Na CONTRACTOR LICENSE NUMBER

ADDRESS

CITY, STATE, ZIP CODE

I hereby affirm that the above information is accurate and correct to the best of my knowledge. By signing below, I agree to conform to all applicable County ordinances and regulations and understand that deviations from the plan submitted may be cause for a zoning violation or a stop work order to be issued.

Signed by;

Date:

Updated: 02/12/2019

CONTEL	Arstaric Company Na	
Applicant's Name: <u>CONNE</u>	rK.com Phone: 704	7511-1028
Job Site Address: 3233 Hah	n Scott Road Mt. Pl	ERSURT COILY LOT#
Occupancy: Custom/Model/Single	e Family 🔲 Single Fam Repeat 🔲 Single	Family Townhome 🔲 Single Family Duplex
🔲 Modular 🔲 Multi Family Units (Comm) 🔲 Single Family Manufactured Hor	ne 🔲 Single Family Remodel/Upfit
Assembly: Religious/Theater	ssembly: Spectator Seating 🔲 Assembly: Re	est and Banquet Hall 🔲 Small Rest
🗌 Office, Med, Prof, etc. 🔲 Educ Blo	d K-12 🔲 Med/24 Hr Care 🗔 Day Care Fac	Retail Sales 🔲 Repair Gar/Serv St
Storage (Mod Haz) Dark Gar o	r Low Haz Storage 🔲 Hotel/Motel	
Type of Work: New Addition	n 🗌 Renovation 💭 Shell 💭 Upfit 🦳	Complete Demolition Accessory
Residential		Commercial
	Jurisdiction: circle one	
Total Sq. Ft: 3/00	Concord Cabarrus Kannapolis Locust Midland Harrisburg (Mt. Pleasant)	Total Cost \$
Total Cost: \$		Square Footage
# Stories 2	Subdivision: NA	Domestic Water Line Size
# Habitable Rooms:		Vanilla Box
# Bedrooms: 5	*** If there isn't a choice marked or a Repeat PRB number listed, you will be	Shell Complete
	charged for a Master Plan. ***	
# Bathroom(s): <u>3</u>	Master Plan (never reviewed)	Multi-Family Units # Units:
# Fireplace(s): _2	OR OR Repeat PRB (previously reviewed)	Other
Basement) Finished Sq. Ft 1000		
Unfinished Sq. Ft	PRB#: <u>№</u> О	Signs Total sq. ft
Septic Septic #		Total Project Cost: S
_		Wall Signs # of signs
City Water and Sewer		Monuments Sign # of signs
Mobile Home	Mobile Homes	Pole Sign # of signs
Sq. Footage	~ Completed Application	
Est. Cost of Set Up \$	~Approved and paid Zoning	Pools Total sq. ft
	~Tax Assessors form if the mobile nome has never been in Cabarrus County before (signed and	
Is this mobile home replacing an existing mobile home at this address?	stamped on 1 st floor)	Total Project Cost: \$
If YES, Dease provide documentation frim	~Well/Septic or WSACC Info-new lots on City water /Sewer will be charged WSACC fee	
ZONING showing fees paid for this address. If NO, you must choose one of the options	(\$2,040.00) unless a letter is provided from zoning or WSACC proving sewer was on lot before.	
below.	*Permit Fee is based on square footage and	Decks/Piers Total sq. ft
New WSACC fees	includes all trade permits.	
Domestic Water Line Size	"Wobile Homes from 1976- present can be moved and set up.	Total Project Cost: \$
New Well/ Septic	Brid aet dµ.	
Septic #		







USGS MAP OF SUBJECT PROPERTY



David Goldberg	
connie@arstark.com	
Susie Morris; Jay Lowe; lawoffice@RichardKochLaw.com	
Informal and Preliminary Notice of Buffer Violations	
Friday, May 7, 2021 10:07:00 PM	
<u>RE</u> Arstark.pdf	
High	

Dear Ms. Arstark,

Thank you very much for showing Jay and I around your property (PIN 55892433620000) earlier today. Our visit gave us more context on the property's current state and your plans for it. Ultimately, we hope to be on a path towards a fair and lawful resolution of the status of the steel building.

Unfortunately, Jay and I also observed other conditions on the property that gave us great concern. After discussing it with county staff, we believe your ongoing and imminent actions likely constitute further violations of the <u>Cabarrus County Development Ordinance (CCDO)</u>. Cabarrus County has a duty to faithfully implement the ordinance and to take enforcement action as needed. I am writing to give you informal and preliminary notice of our concerns in hopes that you do not do cause further irreparable harm before we are able to issue formal administrative actions next week. Further violations will only make it more difficult to resolve this matter to your satisfaction.

Destruction of Natural Vegetation in Waterbody Buffer Zone

During our visit, Jay and I saw that you were in the process of clearing trees, plants, and other vegetation near the Lick Branch stream. We saw a backhoe, piles of vegetation, and ground recently cleared of vegetation very close to the stream. You stated that your neighbor was clearing the area to increase farmable land and that he planned to continue the clearing activities soon.

We believe the clearing activities we saw encroached in the Waterbody Buffer Zone established pursuant to Cabarrus County Development Ordinance Sec. 4-10. As we have explained previously in relation to the steel building on the property, the Lick Branch stream is a perennial stream identified on both the USGS Quadrangle Maps as a solid blue line and in the Cabarrus County Geographic Information System. As such, this stream is protected by the Waterbody Buffer Zone, which ranges from 50 ft to 120 ft from the top of the stream bank depending on slope. There is also a 25 ft buffer from identified wetlands. Areas within the Waterbody Buffer Zone must "remain in a natural, vegetated state" and wooded areas in the buffer must remain "undisturbed". CCDO § 4-10(8). The ordinance further provides that "all disturbed areas within the buffer zone shall be revegetated with appropriate vegetation immediately." CCDO § 4-10(12). In addition to the legal requirements, violations of the buffer may have caused irreparable harm to the surrounding environment. Violations may also imperil Cabarrus County's compliance with a federal Clean Water Act § 404 permit issued by the Army Corp of Engineers in 1990 that requires the adoption and strict enforcement of the buffer requirements.

Based on our observations, Cabarrus County intends to issue a Notice of Violation and Stop Work Order next week. These administrative actions will further notify you of our concerns, demand that you cease the unlawful activities described, and the process for appealing those actions. <u>I urge you</u> to immediately stop all activities disturbing or encroaching on the Waterbody Buffer Zone on your property until this matter is resolved. You should also ensure that your activities comply with applicable state and federal laws surrounding the protection of waterbodies and wetlands.

House Construction May Encroach on Waterbody Buffer Zone

We were also concerned when you told us that you plan to begin construction on a house on the property in the coming days. On June 12, 2020, you submitted a Zoning Permit Application for the "Arstark Custom Home" project. The application asked you to submit a "Site/Plot Plan" that, in part, indicated the "location and dimensions of any bodies of water or water channels (ponds, streams, swales, etc.)." Your application did not indicate the Lick Branch stream or any other waterbody. The County approved this permit application based on your representations.

Subsequent site visits and surveys you submitted suggested that the planned house would encroach in the "Minimum Building Setback", also known as the "No Building Buffer Area". This area extends at least 20 feet from the waterbody buffer zone described above. *See* CCDO § 4-10(14). Property owners may not construct any buildings or other structures within this area. Further, only "minimal land disturbance" is permitted within this area. *Id.* "No development, including soil disturbing activities or grading, shall occur within the established buffer area." § 4-10(6).

Since the King Engineering survey you sent did not indicate the Waterbody Buffer Zone, county staff performed a GIS-based estimate of the zone and overlayed it over the survey. The analysis showed that most of the steel structure and parts of the planned house construction encroached on the buffer. County Attorney Rich Koch notified your attorney at the time, Jim Scarbrough, of our findings on March 19, 2021. In the email, Mr. Koch stated "the County strongly urges your client to hold off on further construction on that property that could violate the buffer and no build zone." I have attached the email string for your reference.

You explained to Jay and I today that you intend to start construction of the house in the coming days despite the county's concerns regarding compliance with the Waterbody Buffer Zone. As we explained, the county has cause to believe that this construction will violate the buffer and beginning construction could be a costly mistake. The best way to ensure compliance with the buffer is by obtaining a stamped survey defining the Waterbody Buffer Zone and No Building Buffer Area and showing that the planned construction is outside of these areas. Such survey is required under CCDO § 4-10(3), which states:

The applicant must provide a detailed survey that field verifies the location of all perennial streams, lakes, ponds, impoundments and wetlands on the subject property and within 100 feet of the boundary of the subject property for all proposed plats and site plans.

This survey will then allow you to mark the limits of the buffer on the site in compliance with CCDO § 4-10(6). It will also allow you to comply with CCDO § 4-10(7), which requires that the buffer "be shown on all site plans or subdivision plats related to the project submitted for review."

To prevent construction in the buffer prior to obtaining this survey, Cabarrus County plans to formally revoke the zoning permit for the house next week and issue a Stop Work Order if also

appropriate. These administrative actions will further notify you of our concerns, tell you how to reinstate the permit, and how to appeal the decision. <u>I urge you to not begin construction on the house until we can ensure that it will not violate the Waterbody Buffer Zone and the permit is restored.</u> You mentioned that you have had two surveys performed on the property so far and have consulted with surveyors on the extent of the buffer, so I am hoping that this can be resolved quickly.

While I imagine this is disappointing news, we thought it was important to give you as much warning possible before we take the more formal actions described above. I hope that this information will help you avoid further violations and put this project on the path towards compliance.

Best, David Goldberg

David B. Goldberg Deputy County Attorney

County Manager's Office Cabarrus County O: (704) 920-2408 M: (919) 675-1042





Cabarrus County Government – Planning and Development Department

STOP WORK ORDER

Mr. James Arstark and Mrs. Connie Arstark:

You are ordered to immediately stop all activity or work within the Waterbody Buffer Zone established pursuant to Cabarrus County Development Ordinance (CCDO) § 4-10. The Waterbody Buffer Zone extends from 50 feet to 120 feet from the top of a stream bank, depending on slope, with an additional 20 foot no build buffer. The Waterbody Buffer Zone also extends 25 feet from identified wetlands.

Subject Location

This order applies to 3233 Hanh Scott Road, Mt. Pleasant, North Carolina 28124 (PIN 5589-24-3362).

Reason for Order

On Friday, March 7, 2021, Senior Zoning Enforcement Officer Jay Lowe observed active and ongoing destruction of trees, plants, and other vegetation within and adjacent to Lick Branch stream and associated wetlands on the subject location, which are identified on the USGS topographic maps and the U.S. Fish and Wildlife Service National Wetlands Inventory.

The observed activity is in substantial non-compliance with Cabarrus County Development Ordinance § 4-10. Areas within the Waterbody Buffer Zone must "remain in a natural, vegetated state" and wooded areas in the buffer must remain "undisturbed". CCDO § 4-10(8)

Conditions Under Which Work or Activity May Be Resumed

- 1. Cease all work or activity within the Waterbody Buffer Zone.
- 2. Provide a detailed survey that field verifies the location of all covered waterbodies and wetlands and mark the buffer on the site.
- 3. Revegetate all disturbed areas within the buffer zone with appropriate vegetation in compliance with CDDO § 4-10(13).
- 4. Follow all other requirements in the CDDO.

Authority

This order is authorized by NC. Gen. Stat. § 160D-4-4(b) and CCDO § 12-30.2.

Penaltv

Violation of this order constitutes a Class 1 misdemeanor.

Effective Date

This order is effective upon signing and continues until rescinded by the Cabarrus County Zoning Administrator.

Zoning Administrator

Zoning Complaint: ZNC2021-00023

Tuesday, January 12, 2021

Inspector:	James Lowe		
Jurisdiction:	Cabarrus County		
Complaint:	Disturbance of WBB Building in WBB Construction of a structure with no permits		
Violator	ARSTARK CONNIE GAIL		
Zoning:	AO		
Parcel:	55892433620000		
Location:	Northeast corner of Bowman Barrier Road and Hahn Scott Road		
Address:	3233 HAHN SCOTT RD		
	Complaint History		
01/12/2021	Type: Initial		
	Site inspection was made 9/25/20. Barn had already been built prior to being issued a zoning permit. Barn looks as though it may be encroaching into the Water Body Buffer. Further research will need to be done. Owner indicated that a survey had been done by Chad Byrd (Surveyor) and that he had indicated that the buffer from the creek should only be approximately 30 feet. I did ask the applicant to provide us with a copy of the survey. 1/4/21 Further research shows that an encroachment into the WBB exists and that the location of the building will need to be shifted.		
01/14/2021	Type: History		
	Warning letter was sent via regular mail and certified.		
01/26/2021	Type: Follow Up		
	Site inspection was made. It seems that property owner has now placed two more buildings on the property without permits. They also look to be in the waterbody buffer. There also seems to be an RV placed in the waterbody buffer.		
02/09/2021	Type: History		
	Applicant requested an appeal form		
05/07/2021	Type: Follow Up		
	Site inspection was made. County Attorney, David Goldberg and I met the property owners on the site. Additional violations of the Waterbody Buffer were discovered. Pictures were taken.		



Arstark Connie Gail

James Lowe Senior Zoning Inspector

File # : ZNC2021-00023

Inspection Date: 01/14/2021

3233 Hahn Scott Rd Mt Pleasant, NC 28124

NOTICE OF VIOLATION				
RE:	3233 HAHN SCOTT RD		Zoning:	AO
Parcel(s):	5589-24	5589-24-3362		
Nature of Vic	olation:	Disturbance of Required Wat Building in Required Waterbo Construction of a structure w	ody Buffer.	
The following provision(s)of the CABARRUS COUNTY Zoning Ordinance has been violated:				
04-10 WATER BODY BUFFER ZONE				
06-02 ZONING AFFECTS EVERY STRUCTURE AND USE				

12-03 ZONING COMPLIANCE PERMIT REQUIRED

Dear Arstark Connie Gail,

An on-site inspection of your property has found you to be in violation of the Cabarrus County Zoning Ordinance Sections 4-10, 6-2 and 12-03. You have constructed an accessory structure within the required water body buffer prior to acquiring a zoning permit.

This notice is to serve as a warning

In order to correct this violation, you must: move the structure outside of the waterbody buffer zone and restore the site to its previous condition.

You have 10 days from the receipt of this letter to comply with this ordinance.

You may appeal this decision to the Board of Adjustment within thirty (30) days. This department reserves the right to exercise the following remedies per NC G.S.153A-123:

- Issue a civil starting at \$450.00 and if unpaid a judgment could become a lien on the property.
- File lawsuit against a property owner in North Carolina Superior Court for violation of the Zoning Ordinance.

In order to avoid any monetary citations please correct this matter within the aforementioned time frame.

If you have any questions concerning this matter or if you are in the process of clearing this matter, please call our office at (704) 920-2140 so we can make appropriate arrangements.

Thank you in advance for your cooperation.

Sincerely,

Yay Lowe

James Lowe, Senior Zoning Inspector



Cabarrus County Planning & Development Post Office Box 707 Concord. NC 28026-0707 Www.cabarruscounty.us ALTN: JAY Lowe









ARSTARK CONNIE GAIL ARSTARK JAMES N 3233 Hahn Scott Rd. Mt. Pleasant , NC 28124

U 28026≻0;



-t

Zoning Complaint: ZNC2021-00215

Monday, May 10, 2021

Inspector:	James Lowe	
Jurisdiction:	Cabarrus County	
Complaint:	Disturbance of the Required Water Body Buffer	
Violator	ARSTARK CONNIE & JAMES	
Zoning:	AO	
Parcel:	55892433620000	
Location:	Corner of Hahn Scott and Bowman Barrier	
Address:	3233 HAHN SCOTT RD	
	Complaint History	
05/10/2021	Type: Initial	
	Site inspection was made on 5/7/2021. The owner had encroached into the required Waterbody Buffer and cleared additional natural vegetation.	
05/10/2021	Type: History	
	Warning Citation	

		Senior Zoning Inspector
5/11/2021 Arstark Conni 233 Hahn Sc At Pleasant, N	ott Rd	File # : ZNC2021-00215 Inspection Date: 05/07/2021
	NOT	ICE OF VIOLATION
RE:	3233 HAHN SCOTT RD	Zoning: AO
Parcel(s): Nature of Vie		dy Buffer Zone OUNTY Development Ordinance has been violated:
	Waterbody Buffer Zone)	oowrr Development orumance has been violated.

James Lowe

Dear Connie & James Arstark,

N

An on-site inspection of your property on Friday, May 7, 2021 indicated the clearing of trees, plants. and other vegetation on the property adjacent to Lick Branch stream and adjacent wetlands. This clearing activity encroached on the Waterbody Buffer Zone established pursuant to Cabarrus County Development Ordinance (CCDO) § 4-10. The Lick Branch stream is a perennial stream identified on both the USGS Quadrangle Maps as a solid blue line and in the Cabarrus County Geographic Information System. The USGS topographic maps also identify wetlands on your property. As such, the stream and wetlands are protected by the Waterbody Buffer Zone, which ranges from 50 ft to 120 ft from the top of the stream bank depending on slope with an additional 20 ft no build buffer. There is also a 25 ft buffer from identified wetlands. Areas within the Waterbody Buffer Zone must "remain in a natural, vegetated state" and wooded areas in the buffer must remain "undisturbed". CCDO § 4-10(8).

This notice is to serve as a Warning Citation

In order to correct this violation, you must:

Restore the impacted areas to their previous condition in compliance with CDDO § 4-10(12) and (13).

You have 30 days from the receipt of this letter to comply with this ordinance.

You may appeal this decision to the Board of Adjustment within thirty (30) days. This department reserves the right to exercise the following remedies per G.S. 160D-404:

- Issue a civil starting at \$450.00 and if unpaid a judgment could become a lien on the property.

- File lawsuit against a property owner in North Carolina Superior Court for violation of the Development Ordinance.

In order to avoid any monetary citations please correct this matter within the aforementioned time frame.

If you have any questions concerning this matter or if you are in the process of clearing this matter, please call our office at (704) 920-2140 so we can make appropriate arrangements.

Thank you in advance for your cooperation.

Sincerely.

gay Lowe

James Lowe, Senior Zoning Inspector
















































Cabarrus County Government - Planning and Development Department

February 21, 2022

Dear Property Owner:

An appeal of a Notice of Violation has been filed in our office for your property. The specifics of the request are listed below. The Cabarrus County Board of Adjustment will consider this petition on Tuesday March 8, 2022 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 28025. A Public Hearing will be conducted and public input will be allowed during that time. If you have any comments about this request, I encourage you to attend this meeting.

Petitioner	Connie Arstark
Petition Number	APPL2021-00001
Property Location	3233 Hahn Scott Road
Parcel ID Number	5589-24-3362
Existing Zoning	Agriculture / Open Space (AO)
Appeal of Nation of Violation	Section 4-10 Cabarrus County Development
Appeal of Notice of Violation	Ordinance

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,

Philly Collins

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



Cabarrus County Government - Planning and Development Department

February 21, 2021

Dear Property Owner:

An appeal of a Notice of Violation has been filed in our office for property **adjacent** to yours. The specifics of the request are listed below. The Cabarrus County Board of Adjustment will consider this petition on Tuesday March 8, 2022 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 28025. A Public Hearing will be conducted and public input will be allowed during that time. If you have any comments about this request, I encourage you to attend this meeting.

Petitioner	Connie Arstark
Petition Number	APPL2021-00001
Property Location	3233 Hahn Scott Road
Parcei ID Number	5589-24-3362
Existing Zoning	Agriculture / Open Space (AO)
	Section 4-10 Cabarrus County Development
Appeal of Notice of Violation	Ordinance

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,

hilf Collins

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

	Sur	rounding Property Owners				
PIN Name N		Mailing Address	City	State	Zip Code	
	AUSTIN C & HAYDEN L					
5589-13-0771	RADFORD	7980 MOUNT OLIVE RD	CONCORD	NC	28025	
	CURTIS L & COLLEEN A	10690 BOWMAN BARRIER				
5589-23-1019	PYLE	RD	MT PLEASANT	NC	28124	
5589-15-7229	JOANNE K HAHN	PO BOX 1415	MT PLEASANT	NC	28124	
5589-13-8331	KELLY & TRACY CRUSE	3411 HAHN SCOTT RD	MT PLEASANT	NC	28124	
	LESLIE A & WILLIAM K					
5589-14-6635	соисн	7206 TIMOTHY DR	CONCORD	NC	28025	
5589-26-2017	PATSY HAHN MOSER	307 LARRY DR	KANNAPOLIS	NC	28083	
	ROBERT A & SHERRY L					
5589-14-6057	KRUSINSKI	3250 HAHN SCOTT RD	MT PLEASANT	NC	28124	
5589-35-8852	SAMUEL L PEARCE	33 POWDER VIEW CT	BALTIMORE	MD	21236	
5589-34-5293	THOMAS L FITZGIBBONS	249 LEEWARD ISLAND DR	ST AUGUSTINE	FL	32080	
		Owner Information				
	CONNIE G & JAMES N					
5589-24-3362	ARSTARK	3233 HAHN SCOTT RD	MT PLEASANT	NC	28124	





Appellant: Connie Arstark Owner: Connie Arstark Case: APPL2021-00001 Address: 3233 Hahn Scott Road Purpose: Appeal of Notice of Violation PIN: 5589-24-3362



Cabarrus County shall not be held liable for any errors in this data. This includes errors of omisssion, 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 - March 2021



Eastern Planning Area Aerial Map



Appellant: Connie Arstark Owner: Connie Arstark Case: APPL2021-00001 Address: 3233 Hahn Scott Road Purpose: Appeal of Notice of Violation PIN: 5589-24-3362

CabarrusCounty
MunicipalDistrict
Tax Parcels



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Map Prepared by Cabarrus County Planning & Development - March 2021





Appellant: Connie Arstark Owner: Connie Arstark Case: APPL2021-00001 Address: 3233 Hahn Scott Road Purpose: Appeal of Notice of Violation PIN: 5589-24-3362



Cabarrus County shall not be held liable for any errors in this data. This includes errors of omisssion, 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 - March 2021



SCARBROUGH SCARBROUGH & TRILLING PLLC

ATTORNEYS AT LAW-

JAMES E. SCARBROUGH JES@SandsLegal.net

February 12, 2021

HAND DELIVERED

To: Cabarrus County Board of Adjustments

I represent the appellant Connie Gail Arstark. Enclosed is the application, fee of \$450.00 and copies of some documentation to be submitted for appeal in your file 2 NC2021-00023 for 3233 Hahn Scott Rd., Mt. Pleasant, NC 28124.

There will be additional documentation submitted as evidence at the hearing. At this point, please provide immediately 1) a copy of the county's file in this matter, 2) the name of any complainant and any complaint communicated to the county in this matter, and 3) the rules of procedure adopted by the Board pursuant to G. S. 160D-308..

Pursuant to G. S. 160D-406, I will submit a request for the subpoena of documents and possibly witnesses which I will identify. If a subpoena is needed for the information requested in the preceding paragraph, please let me know.

ery truly yours, James E. Scarbrough

cc: Rich Koch



APPEAL OF ADMINISTRATIVE DECISION, INTERPRETATION OR NOTICE OF VIOLATION

In order to request an appeal from an interpretation or administrative decision made by the Zoning Administrator, the applicant must submit the following:

- 1. Complete application
- 2. Fee of \$450.00 plus cost of advertising and noticing
- 3. Copies of any documentation to be submitted to the Board of Adjustment as evidence. (If large format copies are included in the documentation, applicant must submit 18 copies.)

If there are additional questions concerning this process, please call the Planning and Development Department at (704) 920-2141, Monday through Friday, 8:00 am to 5:00 pm.

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

To the Cabarrus County Board of Adjustment:

I CONNIE GAIL ARSTARK, hereby appeal the following decision of the Zoning Administrator to the

Board of Adjustment: DECISION OF JAY LOWE IN ZONING DIVISION, FILE ZNC 2021-00023; COPY

ATTACHED; SEC. 4-10 AND 6-2 AND 12-03 CONSTRUCTED STRUCTURE WITHIN WATER BUFFER PRIOR

TO ZONING PERMIT.

You may attach additional sheet(s) if needed.

I request an interpretation of:

X The Zoning Atlas (Zoning classification of subject property)

X The following section(s) of the Zoning Ordinance:

<u>4-10; 6-2; 12-03.</u>

You may attach additional sheet(s) if needed.

As it relates to the use of the property located at:

ADDRESS: 3233 HAHN SCOTT ROAD, MT. PLEASANT, NC 28124

PARCEL IDENTIFICATION NUMBER (PIN): 5589-24-3362

PROPERTY OWNER: JAMES N. ARSTARK and CONNIE G. ARSTARK

In the space provided below, present your interpretation of the Zoning Atlas or Zoning Ordinance provision(s) in question and state what reasons you have for believing that your interpretation is the correct one. In addition, state the facts you are prepared to present to the Board of Adjustment to show that the decision was erroneous.

SEE ATTACHED.

You may attach additional sheet(s) if needed.

Required Vote: The vote requirement for an appeal of the Administrator's decision or interpretation to be upheld or overturned is a simple majority.

APPLICATION CERTIFICATION:

I certify that all of the information presented by me in this application is, to the best of my knowledge, true and correct.

M

SIGNATURE OF APPLICANT

ADDRESS

CITY, STATE, ZIP CODE

PHONE NUMBER

FAX NUMBER

E-MAIL ADDRESS

CITY, STATE, ZIP CODE CONCORD, NC 28025

137 UNION STREET SOUTH

REPRÉSÉNTED BY: JAMES E. SCARBROUGH, ESQ.

SCARBROUGH, SCARBROUGH & TRILLING, PLLC

PHONE NUMBER 704-782-3112

ADDRESS

FAX NUMBER **704-782-3116** JES@SANDSLEGAL.NET

E-MAIL ADDRESS

<u>Appeal in File ZNC 2021-00023 (additional sheet)</u>

- 1. James N. Arstark, a landowner, has not received a notice of violation as required by county ordinance and G. S. 160D-404. Therefore, the notice of violation is defective.
- 2. The necessary permits have been issued for the structure(s) in question.
- 3. A zoning compliance permit has been issued. It was issued after the issue of the water buffer issue was raised. Therefore, the setback issue has been resolved by the county in favor of appellant.
- 4. Prior to construction and on several occasions, appellant requested of the county all setback requirements. Appellant was given the setbacks for the AO district. The water buffer zone, if applicable, and the setback for the buffer zone, if applicable, were not given to applicant by the county. Applicant was only given the AO zone setbacks and they were followed.
- 5. The county cannot overrule or set aside the permits issued regarding this structure by issuing a notice of violation.
- 6. The "water body" in question is not identified as a perennial stream on any county maps. It only contains water after a heavy rainfall.
- 7. The county application for zoning and building permits does not require the applicant to identify stream or water buffers.
- 8. The survey map submitted by appellant to the county prior to construction showed a "creek" on it and the county gave the AO setbacks to appellant to follow.
- 9. All claims of violations in the notice of violation are denied.



Amount Paid:

APPEAL OF ADMINISTRATIVE DECISION, INTERPRETATION OR NOTICE OF VIOLATION

Application/Accela#:	_	_	_		_	_		_

STAFF USE ONLY:

Reviewed by:_____. Date:

TABLE OF CONTENTS

- **1.** NORTH CAROLINA GENERAL WARRANTY DEED -BOOK 14293, PAGE 108- CABARRUS COUNTY REGISTRY
- **2.** JUNE 30, 2020 LETTER FROM CABARRUS HEALTH ALLIANCE -SEPTIC TANK APPROVAL
- **3.** APRIL 14, 2020 CABARRUS HEALTH ALLIANCE PRIVATE DRINKING WATER WELL CONSTRUCTION PERMIT -WELL PERMIT
- 4. EMAILS -BARN BUILDING PERMIT
- 5. ZONING COMPLIANCE PERMIT -BARN
- 6. JULY 11, 2020 & NOVEMBER 1, 2020- BOUNDARY SURVEY MAPS
- 7. EMAILS -JUNE 12, 2020 THROUGH JUNE 29, 2020

14293 0108

FILED ELECTRONICALLY CABARRUS COUNTY NC M. WAYNE NIXON

FILED	Jun	30,	2020
AT	01	:27:0	00 PM
BOOK		1	L4293
START PAGE			0108
END PAGE			0111
INSTRUMENT	: #	2	20415
EXCISE TAX	2	\$17	70.00

Excise Tax \$ 170.00

Recording Time, Book and Page

NORTH CAROLINA GENERAL WARRANTY DEED 20-2188te Tax Lot No. Parcel Identifier No. 55892433620000 Mail after recording to Ferguson, Hayes, Hawkins & DeMay, PLLC, PO BOX 444, Concord, NC 28026 # This instrument was prepared by RYAN C. HAWKINS, Ferguson, Hayes, Hawkins & DeMay, PLLC FULE Brief Description for the index THIS DEED made this **30th** day of **June**, **2020**, by and between GRANTOR GRANTEE P. STEPHEN MCMATH and wife, JAMES N. ARSTARK and wife, **BRENDA F. MCMATH CONNIE G. ARSTARK** Mailing Address: Mailing Address: 3215 Woodchuck Drive 3233 Hahn Scott Road Kannapolis, North Carolina 28081 Mt. Pleasant, North Carolina 28124

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Number EIGHT (8) Township, CABARRUS County, North Carolina and more particularly described as follows:

SEE ATTACHED EXHIBIT "A"

Submitted electronically by "Ferguson, Hayes, Hawkins & DeMay, PLLC" in compliance with North Carolina statutes governing recordable documents and the terms of the Memorandum of Understanding with the Office of the Register of Deeds of Cabarrus County. NCGS 47-14(a1)(5).

14293 0109

The property hereinabove described was acquired by Grantor by instrument recorded in Book 11589, Page 141.

All or a portion of the property herein conveyed 🗖 does or 🗵 does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book __, Page __.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

SUBJECT TO easements and restrictions of record. SUBJECT TO easements and setback lines as shown on the recorded plat.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

P Atoto might	(SEAL)
P. STEPHEN MCMATH	
Buch 7. M. Mate	(SEAL)
BRENDA F. MCMATH	

STATE OF NORTH CAROLINA COUNTY OF CABARRUS

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

P. STEPHEN MCMATH

Date: June 30, 2020

(Official Seal)

_____Notary Public

Printed or Typed Name: **Teena E. Ewing** My commission expires: 1/13/2022

TEENA E. EWING NOTARY PUBLIC CABARRUS COUNTY, N. C.

STATE OF NORTH CAROLINA COUNTY OF CABARRUS

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

BRENDA F. MCMATH

Date: June 30, 2020

(Official Seal)



Felf Notary Public

Printed or Typed Name: RYAN C Hawkins

My commission expires: <u>12/14/2021</u>

14293 0111

EXHIBIT "A"

(legal description for 3233 Hahn Scott Road Mt. Pleasant, NC)

Lying and Being in Number Eight (8) Township of Cabarrus County, North Carolina, adjoining the property of W. E. Hahn, J. F. Hahn, and George L. Barrier, and being more fully described as follows: Old Description

BEGINNING at a point in the center of Lick Branch, a corner of J. F. Hahn, and runs thence North, with his line, 59 West (passing an iron pin on the West bank of the Branch at 12.0 feet) 1343.1 feet to a stone, corner of J. F. Hahn; thence South 59 West 190.0 feet to a stone, corner of J. F. Hahn; thence South 35-07 West 1175.9 feet to a point, corner of J. F. Hahn and George L. Barrier property; thence with the line of Barrier, South 34-57 West 1235.2 feet to an iron pin in a stump hole; thence South 37-57 West 44.5 feet to an iron pin, thence South 65-56 East 1656.7 feet (passing an iron pin on the West side of Lick Branch at 1651.7 feet) to a point in the center of Lick Branch; thence in a Northeastern direction with Lick Branch as it meanders to a point in the center of the bridge in the road leading from Mt. Pleasant to Mission; thence down said Lick Branch as it meanders to the BEGINNING, containing 84.02 acres, more or less, according to a survey made by Brown Engineering Company, dated August 6, 1957, of the property of Bart M. Hahn.

Less and Excepted from the above described property are the 3 tracts shown as Tract A, B, and C in Deed dated March 18, 1996 and recorded in Book 1623, Page 46, Cabarrus Registry, to which Deed reference is hereby made for a complete description of the property excepted herein; and additionally, any other portions of the above described property which have been conveyed prior hereto, including but not limited to the property conveyed in Book 13870 Page 165, Book 11323, Page 285, Cabarrus Registry and in Book 8154, Page 192, Cabarrus Registry.

For back title reference see the property designated as Tract 1 in the deed recorded in Deed Book 11589, Page 141, Cabarrus County Registry.



CABARRUS HEALTH ALLIANCE

Date: 6/30/20

File # 20-77

Connie Arstark

3233 Hahn Scott Rd.

Mt Pleasant, NC 28124

Dear Ms. Arstark

On June 29, 2020 an existing septic inspection was performed at 3233 Hahn Scott rd. The proposed Barn with no plumbing appears to meet 15A NCAC 18A .1950. And permission is granted to construct.

The structure must be located a minimum of five feet away from any part of the existing septic tank system and twenty five feet away from the well.

You may call or write the local health department if you need any additional information or assistance. 7049201261

Sincerely,

Tyler W. Robertson, R.E.H.S.

Approved.

WATER WEI (Permit		RUCTION I from Date Issued)	PERMIT	
Permit Number20-77	· Date Is	sued 4/14/20	алар (1997) Алар (1997)	
		, Mt. Pleasant	, NC 28124	`
THIS WELL IS REOUTRED TO BE G	ROUTED TO A DI	EPTH OF 35 FEET	⊔YES ØNO	
Well Owner Information	:		<i>'</i> .	•
Connie Arstark		700	-400-6366	
Name ;			lephone Number	
5625 Ineddington Rd.				
Cuncord	NC State	28027	_	
City <u>MUST MAINTAIN</u> 100 foot minimum separat Any subsurface ground absorption wa Animal barns, Animal feedlots, or man Fertillzer, pesticide, herbicide or other of Non-hazardous waste storage, treatme Land Clearing and Inert Debris (LCID) I Chemical or petroleum fuel underground under 15A NCAC 02N: (without seconda All other petroleum or chemical storage <u>MUST MAINTAIN</u> 50 foot minimum separation Surface water bodies which act as source ponds, lakes and reservoirs Chemical or petroleum fuel underground under 16A NCAC 02N: (with secondary of Gravesites Above ground or underground storage far, furnaces, with the exception of tanks used All other potential sources of groundwater <u>UST MAINTAIN</u> 25 foot minimum separation to Building perimeters, including any attache All other surface water bodies, such as brow r a water supply well on a lot serving a single ter fixed conditions preclude the separation all be the maximum possible but shall in no ca 50 feet from a septic tank and drainfiled, or 25 feet from sewage or liquid-waste collect accordance with 15A NCAC 02T.0305(g)(2	tion from: ste disposal system ure piles chemical storage are nt or disposal lagoon andfills d storage tank system ary containment) tank systems a from: ses of groundwater re storage tank system containment) <i>nks which contain pe</i> d solely for storage of contamination from d structures 25 feet books, creeks, stream e-family dwelling an distances specified case be less than :	as is ms regulated echarge, such as is regulated stroleum fuels used for f f propane, natural gas, - s, rivers ind intended for domes l, fhe required horizon reas, except saprolife y constructed to water n	or llquefied petroleum gas tic use, where lot size or tal separation distances systems	
50 feet from an animal barns L REQUESTS FOR GROUT INSPE	Mabuh uthorized REHS)	LL BE CALLED I	4 by 8:45 Am on	



Area of Interest (AOI) Information

Area : 3,134,508.8 ft2

Apr 13 2020 16:31:35 Eastern Daylight Time




All North Carolina Department of Environmental Quality (NCDEQ) GIS data is expressly provided "AS IS" and "WITH ALL FAULTS". The NCDEQ makes no warranty of any kind, express or implied, concerning this information, including but not limited to any warranties of merchantability or witness for any particular purpose. The NCDEQ assumes no responsibility or legal liability concerning the Data's accuracy, reliability, completeness, timeliness, or usefulness. The data is not intended to constitute advice nor is it to be used as a substitute for specific advice from a professional. Users should not act (or refrain from acting) based upon information in the Data without independently verifying the information and obtaining any necessary professional advice. Users are solely responsible for ensuring the accuracy, currency and other qualities of any products derived from or in connection with the NCDEQ's Data. The Data is collected from various sources and may be modified over time without notice to improve spatial andattribute accuracy. The NCDEQ disclaims responsibility for the spatial accuracy and attribution of GIS features and makes no warranty concerning same.

Connie

From: nt: To: Subject: **Attachments:** Theresa Wilkinson <tmwilkinson@cabarruscounty.us> Monday, September 28, 2020 9:14 AM Connie Arstark RE: BARN BU2020-03328 see attached BU2020-03328.pdf; PLACARD 03328.pdf

Connie, Please sign and return the building permit. Thank you!

Theresa M. Wilkinson Permit Associate Construction Standards



Office Email: CitizenAccess@CabarrusCounty.us Accela Website: www.citizenaccess.cabarruscounty.us

Direct: 704-920-2159 fice: 704-920-2128

rax: 704.920.2144

Physical Address: 65 Church Street S., Concord, NC 28025 Mailing Address: PO Box 707, Concord, NC 28026



From: Connie Arstark <connie@arstark.com> ABARRUS COUNTY Sent: Friday, September 25, 2020 4:29 PM To: Theresa Wilkinson <tmwilkinson@cabarruscounty.us> Subject: RE: BARN BU2020-03328 see attached

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

From: Theresa Wilkinson < tmwilkinson@cabarruscounty.us> Sent: Friday, September 25, 2020 3:56 PM To: Connie Arstark <connie@arstark.com> Subject: RE: BARN BU2020-03328 see attached

Connie.

Please fill in the "Intended use after completion" line on the form and return to me.

Thank you!

Theresa M. Wilkinson Permit Associate Construction Standards

Office Email: CitizenAccess@CabarrusCounty.us Accela Website: www.citizenaccess.cabarruscounty.us

Direct: 704-920-2159 Office: 704-920-2128 Fax: 704.920.2144

Physical Address: 65 Church Street S., Concord, NC 28025 Mailing Address: PO Box 707, Concord, NC 28026



From: Connie Arstark <connie@arstark.com> CABARRUS COUNTY Sent: Friday, September 25, 2020 11:51 AM To: Theresa Wilkinson <tmwilkinson@cabarruscounty.us> Subject: RE: BARN BU2020-03328 see attached

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

From: Theresa Wilkinson <tmwilkinson@cabarruscounty.us> Sent: Friday, September 25, 2020 7:34 AM To: Connie Arstark <connie@arstark.com> Subject: BARN BU2020-03328

Good Morning Connie,

The building permit for the barn is created and ready for payment, \$328.64. Please call my direct line, (704) 920-2159, to make the payment. I will need the licensed electrician to sign the application before I can create the no charge electric permit for the barn. I will need this form filled out as well. The other one you submitted is for the house.

'ave a great day! Theresa M. Wilkinson Permit Associate

Construction Standards

CABARRUS COUNTY America Thrives Here

Jffice Email: <u>CitizenAccess@CabarrusCounty.us</u> **Accela Website:** <u>www.citizenaccess.cabarruscounty.us</u>

Direct: 704-920-2159 Office: 704-920-2128 Fax: 704.920.2144

Physical Address: 65 Church Street S., Concord, NC 28025 Mailing Address: PO Box 707, Concord, NC 28026

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

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CABARRUS COUNTY, N.C. BUILDING PERMIT

NUMBER<u>BU2020-03328</u> date<u>09.28.20</u>20

ISSUED TO CONNIE ARSTARK

LOCATED AT 3233 HAHN SCOTT RD



CONSTRUCTION OF ACCESSORY BUILDING 1290 SQ.FT, WITH 43 'X 30 ' DIMENSIONS (BARN)

TRADE PERMITS ASSOCIATED WITH THIS BUILDING PERMIT:

<u>NOTICE</u>: The building for which this permit is issued shall not be occupied until a <u>Certificate</u> of Occupancy has been issued as required by the terms of the <u>City/County Zoning/Fire</u> <u>Ordinances</u> and the <u>North Carolina State Building Code</u>.

Do not proceed with work until the appropriate inspection has been recorded. INSPECTIONS: fo schedule or check results, call 704-920-2128 or contractors can log on to <u>www.cabarruscounty.us/departments/construction-standards</u>.

	Buildi	ng Residential B Cabarrus Coun (704) 920 - 212 9/28/2020	ty, NC	328	
Parcel Pin:	558924336	620000		0	
Work Location:		N SCOTT RD SANT, NC 28124		12	am
Subdivision/Lot:	1			\cup	000
Contractor: License:				1	
Applicant:		RSTARK N SCOTT RD SANT, NC 28124			
Owner:	3215 WOC	PAUL STEPHEN DDCHUCK DR DLIS, NC 28081			
Description:		DRY BUILDING 1290 DNS (BARN)	SQ.FT, WITH	1 43 'X 30 '	
		PERMIT DE	TAILS		
Heated Sq Ft:	D	Unheated Sq Ft:	1290	Total Sq Ft:	1290
Type Construction:		Type Heat:		Habitable Rooms:	
Bathrooms:		Stories:		Estimated Cost:	60000
		FEES			
ItemFeeAccessory Structure / Garage -\$250.00Detached Residential (No MEP) -First 500 sf					
Accessory Structu Detached Resider Each additional 50	ntial (No MEP) -			\$37.50	
Miscellaneous Ele	Miscellaneous Electrical Work \$41.14				

\$328.64

Total:

I, THE UNDERSIGNED, CERTIFY THAT THE WORK DESIGNATED IN THIS APPLICATION WILL BE DONE ACCORDING TO THE BUILDING LAWS OF THE STATE OF NORTH CAROLINA AND CABARRUS COUNTY, AND WILL COMPLY WITH THE ZONING ORDINANCE OF CABARRUS COUNTY AND COMPLY WITH THE SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE OF CABARRUS COUNTY. IF SAID BUILDING IS TO BE ERECTED IN THE FIRE LIMITS AS ESTABLISHED BY THE CITY ORDINANCE AND CABARRUS COUNTY IN THE ONE MILE AREA, THEN SUCH BUILDING PERMIT IS ISSUED SUBJECT TO THE APPROVAL OF THE INSURANCE COMMISSIONER OF THE STATE OF NORTH CAROLINA.

 Foil
 ding and Trade Permits only: Informal review of inspectors' decisions is available on the Cabarrus County website: https://www.cabarruscounty.us/departments/construction-standards.

 For questions concerning this process, please contact Chief Codes Enforcement Officer, Todd Culp, at 704-920-2128 or construction2222@cabarruscounty.us.

Notice for Building Permits: The Building for which this Permit is issued shall not be occupied until a Certificate of Occupancy has been issued as required by the terms of the City/County Zoning Ordinances and the North Carolina State Building Code. Do not proceed with work until appropriate inspection has been completed. To verify an inspection has passed, or to schedule an inspection, access <u>https://citizenaccess.cabarruscounty.us</u>. For questions, contact 704-920-2128

This permit will expire if:

-Work has not started and been inspected within six (6) months of issue date, or -Work has been discontinued for a period of twelve (12) months.

No Refunds will be issued.

Applicant Signature:

2020 Date:

Cabarrus Cou	inty, NC (704)	tificate 920-2137	Pai	rcel Number: 558924336200	00
Date: 9/23/2020			ATH CROUTE		
)			Contraction of the Contraction o		
Fees: Res	idential Addition / Ac	cessory structures zoning per	mit (accessory) \$150.00	9/23/2020	
			TOTAL \$150.00		
Project Name:	CONNIE ARS	TARK			
Applicant:	ARSTARK		Work Location	: 3233 HAHN SCOTT RD MT PLEASANT, NC 28124	Ļ
	5625 WEDDII CONCORD, M		Phone:	7044006366	
Property Owne	r: MCMATH PA	UL STEPHEN	Owner Phone:		
Contractor:			Proposed use:	ACCESSORY BUILDING ' WITH 43 'X 30 ' DIMENSIO	
			Previous use:	RESIDENCE UNDER CON	
		Setbad	ck Information		
Front Corner Lo	ot:	Front Local Road:	50' F	ront Minor Collector:	75'
Side Yard:	20-40'	Side Yard Accessory	/: 20-40' M	lax Impermeable Surface:	15'
Rear Yard:	30'	Rear Yard Accessor 15ft or less:	y Setback 5' M	lax Structural Coverage:	10'
Subdivision and	d Lot Number:				
) Total Lot Area:	10	Max Acc Bldg Si	ze: 8712 Nur	nber Of Dwelling Units:	
Max Height (Pri	ncipal/Acc): 4	40/40' Project	•	ESSORY BUILDING 1290 SC ' DIMENSIONS).FT, ΜΙΤ Η
Zone: AO Co	nventional				
Development of	this property w	vill also involve:			
Approve Site	Plan	Accessory / B	uilding / Structure Sign	Watershed Over	lay District
Fence / Scre	en / Buffer Yard	Flood Damage	e Prevention Ordinance	e	
Comments:	NO FLOODPLAI	N OR WATERSHED W	ITHIN PROPERTY		
		JILDING - A BUILDING D SUBORDINATE TO		AME LOT AND CUSTOMAR	ILY
				MEET THE FRONT AND S	

I, the undersigned, certify that all work designated on this application and on approved attached plans (if any) will be performed as indicated, and arrangement of land and / or structures will conform to all information presented herein and to all regulations of the zoning ordinance. No structures will be used or occupied other than in compliance with a valid certificate of zoning compliance / occupancy issued.

gnature of Owner or Applicant as Owners' Authorized Agent:

Important Setback Information

CABARRUS COUNTY

65 CHURCH STREET S - PO Box 707

CONCORD, NC 28025

Office - 704-920-2137 Fax - 704-920-2144

This notice is to inform you that all proposed principle and/or accessory structures shall be built or placed on the subject property in compliance with the setback standards listed on your Zoning Compliance Permit.

Example structures shall include but not be limited to:

- Residential Structures: Site Built, Modular, Mobile Homes
- Residential Accessory Structures: Pools, Storage Buildings, Garages
- Non Residential Structures: Offices, Warehouses, Fire Stations, Banks
- Non Residential Accessory Structures: Display Areas, Gas Pumps, ATM's

A structure built or placed on a property which encroaches a setback boundary shall be considered a violation of the Zoning Ordinance. Such violations are subject to all civil penalties and remedies set forth in the Zoning Ordinance.

Prior to construction, verify setbacks to ensure the structure will be properly built or placed on the property.

All setbacks shall be measured from the existing or proposed right of way of record.

If you question the possibility of an encroachment consult with a land surveyor of your choice to plot out the structure placement.

I HAVE READ AND UNDERSTAND THESE REQUIREMENTS:

Applicant

10-2-2020 Date:

Martha H Staff:

Date:

Owner Copy

Staff Copy





From: Connie Arstark <connie@arstark.com>
Sent: Monday, June 29, 2020 6:57 AM
To: chad@Kingengineernc.com
Subject: FW: Question on set backs? 3233 hahn scott road

From: Martha Hernandez <<u>mhernandez@cabarruscounty.us</u>> Sent: Thursday, June 25, 2020 1:53 PM To: Connie Arstark <<u>connie@arstark.com</u>> Subject: RE: Question on set backs? 3233 hahn scott road

The property is zoned Agricultural/Open Residential and has the following setbacks:

1

Agricultural/Open Space

(A	0)

Principal (minimum feet)	
Front yard (minor collector)	75
Front yard (local road)	50
Side yard (single)	20
Side yard (total)	40
Rear yard	30
Height (maximum feet)	40
Lot Coverage (maximum)	
Impermeable surface	15%
Structural coverage	10%

Martha Hernandez

Zoning and Septic Suitability Permit Associate

nning and Development Department Jabarrus County 65 Church St. SE, Concord, NC 28025 P.O. Box 707, Concord, NC 28026

O: 704-920-2147 F: 704-920-2227 www.cabarruscounty.us



From: Connie Arstark <connie@arstark.com>
Sent: Thursday, June 25, 2020 12:34 PM
To: Martha Hernandez <<u>mhernandez@cabarruscounty.us</u>>; connie@arstark.com
Subject: Question on set backs? 3233 hahn scott road

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Do you remember what the set back guidelines are for my property off hahn scott road? Thanks Connie Arstark

Sent via the Samsung Galaxy Note9, an AT&T 5G Evolution capable smartphone

------ Original message ------From: Martha Hernandez <<u>mhernandez@cabarruscounty.us</u>> Jate: 6/24/20 8:24 AM (GMT-05:00) To: Connie Arstark <<u>connie@arstark.com</u>> Cc: Tyler W Robertson <<u>Tyler.Robertson@CabarrusHealth.org</u>> Subject: FW: Tyler said to call you for getting the barn added to septic it is not a problem. He told me to flag it on the lot which I did. He said it was \$60.00

I don't complete or take payments for secondary applications.

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

`abarrus County

65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

704-920-2147

F: 704-920-2227

www.cabarruscounty.us

From: Connie Arstark <<u>connie@arstark.com</u>>
Sent: Wednesday, June 24, 2020 8:13 AM
To: Martha Hernandez <<u>mhernandez@cabarruscounty.us</u>>; <u>connie@arstark.com</u>
Subject: RE: Tyler said to call you for getting the barn added to septic it is not a problem. He told me to flag it on the lot which I did. He said it was \$60.00

Is this something you can help me with?

Thanks

Connie

Sent via the Samsung Galaxy Note9, an AT&T 5G Evolution capable smartphone

----- Original message ------

From: Martha Hernandez < mhernandez@cabarruscounty.us >

Date: 6/23/20 4:52 PM (GMT-05:00)

ro: Connie Arstark < connie@arstark.com>

Subject: RE: do I need a permit for Barn?

Yes.

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704-920-2227

www.cabarruscounty.us

From: Connie Arstark <<u>connie@arstark.com</u>>
Sent: Tuesday, June 23, 2020 4:51 PM
To: Martha Hernandez <<u>mhernandez@cabarruscounty.us</u>>
ubject: RE: do I need a permit for Barn?

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Do we need it if I intend to be a farm once the home is built?

Ca

Sent via the Samsung Galaxy Note9, an AT&T 5G Evolution capable smartphone

----- Original message ------

^crom: Martha Hernandez <<u>mhernandez@cabarruscounty.us</u>>

Date: 6/23/20 4:42 PM (GMT-05:00)

To: Connie Arstark < connie@arstark.com>

Subject: RE: do I need a permit for Barn?

The septic permit doesn't reflect the barn on the lay-out. We would need approval from the Health Alliance.

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

anning and Development Department

Cabarrus County

65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704-920-2227

www.cabarruscounty.us

From: Connie Arstark <<u>connie@arstark.com</u>>
Sent: Tuesday, June 23, 2020 4:35 PM
To: Martha Hernandez <<u>mhernandez@cabarruscounty.us</u>>
Subject: RE: do I need a permit for Barn?

AUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Ok can you email me what I need for that permit? Lol

You guys are taking all my money! Lol

Connie

Sent via the Samsung Galaxy Note9, an AT&T 5G Evolution capable smartphone

----- Original message ------

From: Martha Hernandez < mhernandez@cabarruscounty.us >

Date: 6/23/20 4:33 PM (GMT-05:00)

o: Connie Arstark <<u>connie@arstark.com</u>>

Subject: RE: do I need a permit for Barn?

yes

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704-920-2227

www.cabarruscounty.us

From: Connie Arstark <<u>connie@arstark.com</u>>
Sent: Tuesday, June 23, 2020 4:32 PM
To: Martha Hernandez <<u>mhernandez@cabarruscounty.us</u>>
ubject: RE: do I need a permit for Barn?

I have a 43x30 metal barn installed on the property. Do I need permit for that as well?

Connie

Sent via the Samsung Galaxy Note9, an AT&T 5G Evolution capable smartphone

----- Original message ------

^crom: Martha Hernandez <<u>mhernandez@cabarruscounty.us</u>>

Date: 6/23/20 4:03 PM (GMT-05:00)

To: Connie Arstark < connie@arstark.com>

Cc: Boyd Stanley <<u>bvstanley@cabarruscounty.us</u>>

Subject: RE: Zoning Permit Requirements-POOL Permit?

Your zoning permit **(ZN2020-00653)** request has been approved. It is ready for payment **(\$75.00)**. Someone from our department will be calling you to take your payment over the phone.

<u>Please sign</u> on the <u>2 places</u> marked and return attached permit. The permit will not be valid until payment is made <u>AND</u> signed permit is returned.

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704-920-2227

www.cabarruscounty.us

)

From: Connie Arstark <<u>connie@arstark.com</u>>
Sent: Monday, June 22, 2020 2:53 PM
To: Martha Hernandez <<u>mhernandez@cabarruscounty.us</u>>
Subject: RE: Zoning Permit Requirements-POOL Permit?

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Here you go.

thanks so much

Connie

From: Martha Hernandez <<u>mhernandez@cabarruscounty.us</u>> Sent: Monday, June 22, 2020 2:37 PM Complete the application attached and submit a plot plan that shows measurements on pool and concrete surrounding it.

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704-920-2227

www.cabarruscounty.us

From: Connie Arstark <<u>connie@arstark.com</u>>
Sent: Monday, June 22, 2020 2:22 PM
To: Martha Hernandez <<u>mhernandez@cabarruscounty.us</u>>
Subject: RE: Zoning Permit Requirements-POOL Permit?

AUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Pool Permit? What info is needed to get this processed.

connie

From: Martha Hernandez <<u>mhernandez@cabarruscounty.us</u>>
Sent: Monday, June 15, 2020 9:31 AM
To: Connie Arstark <<u>connie@arstark.com</u>>
Subject: RE: Zoning Permit Requirements

Yes. The \$725.00 fee includes the well permit.

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704-920-2227

www.cabarruscounty.us

From: Connie Arstark <<u>connie@arstark.com</u>>
Sent: Friday, June 12, 2020 4:46 PM
To: Martha Hernandez <<u>mhernandez@cabarruscounty.us</u>>
ubject: RE: Zoning Permit Requirements

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Does this include my we	Il permit as well?
-------------------------	--------------------

I need it too.

Thanks

Са

Sent via the Samsung Galaxy Note9, an AT&T 5G Evolution capable smartphone

----- Original message ------

From: Martha Hernandez < <u>mhernandez@cabarruscounty.us</u>>

Date: 6/12/20 4:30 PM (GMT-05:00)

To: connie@arstark.com

Cc: Boyd Stanley < bvstanley@cabarruscounty.us >

Subject: RE: Zoning Permit Requirements

bur zoning permit (ZN2020-00614) request has been approved. It is ready for payment (\$100.00). In addition to the zoning permit, you also need to pay \$725.00 for the septic permit (SE2020-00062) Someone from our department will be calling you to take your payment over the phone.

<u>Please sign</u> on the <u>2 places</u> marked and return attached permit. The permit will not be valid until payment is made <u>AND</u> igned permit is returned.

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

0: 704-920-2147

F: 704-920-2227

www.cabarruscounty.us

From: connie@arstark.com <connie@arstark.com> Sent: Friday, June 12, 2020 1:39 PM To: Martha Hernandez <<u>mhernandez@cabarruscounty.us</u>> Cc: Connie Arstark <<u>connie@arstark.com</u>> Subject: RE: Zoning Permit Requirements

AUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

From: Martha Hernandez <<u>mhernandez@cabarruscounty.us</u>>
Sent: Friday, June 12, 2020 12:45 PM
To: <u>connie@ARSTARK.com</u>
Subject: Zoning Permit Requirements

You can email me application, plot plan and supporting documentation. We will then process and notify when its ready for payment over phone with credit card. Please feel free to call at 704-920-2147 should you have any questions.

I have attached zoning permit application and plot/site plan example. Dimensions of all structures and the applicable setbacks must be included in the plot/site plan submitted. You may use GIS to print out the subject parcel and create a plot plan if a survey of the property is not available. The link for accessing the County's GIS system is below.

GENERAL REQUIREMENTS:

CABARRUS HEALTH ALLIANCE:

- □ If the property has an **existing** septic system, call the Cabarrus Health Alliance at 704-920-1207 or visit them at 300 Mooresville Road, Kannapolis, for an inspection. CHA will provide a letter for you to turn in with your application.
- □ If the property requires a **new** septic system, a site evaluation application will need to be completed at the Cabarrus County Governmental Center at 65 Church Street, SE, Concord.

SITE/PLOT PLAN (to scale) that shows:

- □ size and configuration of the property, including lot dimensions and acreage
- □ location and dimensions of all existing structures
- □ location and dimensions of all existing parking and driveway areas
- □ location and dimensions of any bodies of water or water channels (ponds, streams, swales, etc.)
- □ location of identified flood hazard areas, including floodway, 100-year and 500-year
- □ location and dimensions of proposed work (new structure, pool, addition to existing building, deck, etc.)
- setbacks for the applicable zoning district (proposed work must meet established setbacks for district)

- > All requests for zoning permits must comply with the standards of the Cabarrus County Development Ordinance.
- Additional information may be needed, or may be required on the plot plan, if the property lies within an Overlay District as defined in Chapter 4 of the Cabarrus County Development Ordinance.

https://location.cabarruscounty.us/mapcabarrus/

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

abarrus County

65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704-920-2227

www.cabarruscounty.us

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E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be sclosed to third parties.

PLANNING STAFF REPORT CABARRUS COUNTY PLANNING AND ZONING COMMISSION

Staff Use Only:	
Approved:	
Denied:	
Tabled	

Petition: APPL2021-00002 Appeal of Interpretation of Cabarrus County Zoning and Subdivision Ordinances **Appellant Information:** Dwight Radford 3109 Olde Creek Trail Matthews NC 28105 Zoning: Countryside Residential 8667 Flowes Store Road Property Location: Concord NC 28025 PIN#: 5536-56-0806 Request: Appeal of NOV issued for operation of sawmill without proper permits Noticing Letters sent: February 21, 2022 February 23, 2022 Newspaper Ad: March 2, 2022 Sign Posted: February 21, 2022 History

3/22/2021 Complaint received related to operation of illegal business located at 8667 Flowes Store Road. Complainant stated that site is being used for commercial firewood business.

3/23/2021 Zoning Officer Hicks made site visit, took photos, and confirmed a business was being operated from the site after speaking with employees (2) on site. Officer Hicks left a business card and requested the owner contact him.

Dwight Radford, the property owner, contacted Officer Hicks by phone to discuss the complaint and violation. Mr. Radford confirmed he was running a commercial firewood business. He stated he brought wood to the site to cut and distribute to commercial clients.

3/26/21 Mr. Radford called Officer Hicks to discuss the Countryside Residential (CR) zoning standards and what uses were allowed in this zone. Mr. Radford was informed that Staff had determined that the business met the definition of a sawmill which was not allowed in this zoning district, nor could the parcel meet the standards by which a sawmill could be operated. Mr. Radford informed Officer Hicks he had retained an attorney to represent him in this matter. Mr. Radford also emailed the contact information of his attorney to Officer Hicks.

PLANNING STAFF REPORT	
CABARRUS COUNTY PLANNING AND ZONING COMMISSION	

Staff Use Only:	
Approved:	
Denied:	
Tabled	

4/19/2021 David Goldberg, Deputy County Attorney, and Susie Morris, Planning and Zoning Manager, met with Mr. Radford's attorney to discuss permitted use of the property and options for compliance.

5/7/21 Officer Hicks performed a site visit to document site conditions and confirmed the illegal business was still operating.

5/17/21 Officer Hicks issued a Warning Notice of Violation (NOV) for the subject property regarding the illegal operation of a sawmill on the property. The NOV provided (30) days for the owner to cease operations of the illegal business and bring the property into compliance with Cabarrus County's Development Ordinance (CCDO). (See Warning Violation)

6/18/21 Officer Hicks, the Cabarrus County Zoning Administrator and the Cabarrus County Attorney started working with Mr. Radford's Attorney on a path for compliance and a formal Compliance Plan.

5/17/21 – 7/15/21 During this timeframe, Officer Hicks monitored the site and took photos documenting conditions. He observed no significant changes to the operation of the illegal business or the overall site conditions. (See Field Observation Photos)

7/15/21 A Compliance Plan, submitted by Mr. Radford's Legal Counsel, was executed for the site. (See Executed Compliance Plan document dated 7/15/21).

7/21/21 - **10/8/21** During this timeframe, Officer Hicks made regular site visits to the subject property to check on progress and compliance with the executed Compliance Plan.

10/19/21

- Pursuant to the executed Compliance Plan, operation of the illegal business was to cease over a 90-day period from the date of the execution of the agreement, which was July 15, 2021. The final date for compliance was October 15, 2021.
- Officer Hicks observed no indications that the illegal sawmill operation was scaling back or in the process of vacating the site.
- Due to the ongoing nature of the violation and non-compliance with the executed Compliance Plan, a Notice of Violation was issued that included a \$450.00 civil penalty. The NOV stated that the property owner had (15) days to cease the illegal operations on the property. (See Notice of Violation)

PLANNING STAFF REPORT CABARRUS COUNTY PLANNING AND ZONING COMMISSION

Staff Use Only:	
Approved:	
Denied:	
Tabled	

11/5/21 Mr. Radford left a voice mail with Officer Hicks stating that he would be requesting an Appeal of the Notice of Violation.

11/23/21 Mr. Radford submitted an Appeal application. All enforcement actions related to the enforcement of the Notice of Violation were stayed pending the outcome of the Appeal.

Findings

- 1. The subject property is zoned Countryside Residential (CR).
- 2. The subject property is approximately 1.27 acres per the tax card.
- 3. The use occurring on the site is primarily industrial in nature and includes loud disturbing noises related to the operation of chainsaws and other machinery, as well as unpleasant odors from the open burning of vegetation.
- 4. The current use is not an authorized use in the CR zone.
- 5. The use occurring on the site may be classified as a sawmill for purposes of zoning classification on the permitted use table located in Chapter 3.

Chapter 2 defines a sawmill as eestablishments primarily engaged in sawing dimension lumber, boards, beams, timbers, poles, ties, shingles, shakes, siding, and wood chips from logs or bolts. Sawmills may plane the rough lumber that they make with a planning machine to achieve smoothness and uniformity of size.

6. The use of sawmill is permitted in the Agriculture Open Space and Countryside Residential districts if additional performance standards can be met. The subject property is approximately 1.27 acres and is roughly 270 feet at its widest point. The permitted based on standards development standards for this type of use are:

<u>Sawmill</u>

Agriculture/Open and Countryside Residential districts

a. A minimum of 30 acres is required.

PLANNING STAFF REPORT	
CABARRUS COUNTY PLANNING AND ZONING COMMISSION	

Staff Use Only:	
Approved:	
Denied:	
Tabled	

b. Any and all mechanized sawing equipment must be located a minimum of 500 feet from tract boundary lines.

7. No permits have been obtained for the use that is occurring on the subject property.

Per Chapter 12, section 12-3, Zoning Compliance Permit

A Zoning Compliance Permit must be obtained from the Zoning Administrator prior to the use or occupancy of any building or premises, or both, hereinafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure.

Additionally, no nonconforming structure or use can similarly be changed or extended without a Zoning Compliance Permit or Certificate of Non-Conformity Adjustment being issued.

Exhibits

- 1. Staff Report and Exhibits
- 2. Noticing Information
- 3. Application Materials Provided by Appellant



5/17/2021

File # : ZNC2021-00108

CR

Inspection Date: 05/17/2021

Zoning:

Radford Dwight David 3109 Olde Creek Trl Matthews, NC 28105

NOTICE OF VIOLATION

RE: 8667 FLOWES STORE RD

Parcel(s): 55365608060000

Nature of Violation: OPERATION OF A SAWMILL WITHOUT A ZONING COMPLIANANCE PERMIT OR BEING ABLE TO MEET THE REQUIRED PERFORMANCE BASED STANDARDS AS LISTED IN THE CABARRUS COUNTY DEVELOPMENT ORDINANCE

The following provision(s)of the CABARRUS COUNTY Zoning Ordinance has been violated:

06-02 ZONING AFFECTS EVERY STRUCTURE AND USE

07-03 OPERATION OF A USE BASED ON STANDARDS WITHOUT A ZONING COMPLIANCE PERMIT

12-03 ZONING COMPLIANCE PERMIT REQUIRED

Dear Dwight David Radford,

An on-site inspection of your property has found you to be in violation of the Cabarrus County Zoning Ordinance as follows:

- 1. Failure to obtain a Zoning Compliance Permit, as required by Cabarrus County Development Ordinance (CCD) § 12-3.
- Operation of a sawmill in a Countryside Residential District without complying with Permitted Based on Standards for Sawmill, in violation of CDDO § 7-3.
- 3. Operation of a commercial and/or industrial use in a Countryside Residential District, which does not allow for such uses, in violation of CDDO § 6-2.

This notice is to serve as a Warning Citation

In order to correct this violation you must:

Cease all commercial and industrial activities in the property, including the selling, storing, processing, sawing, packaging, and shipping of logs, lumber, and other wood products.

You have 30 days from the receipt of this letter to comply with this ordinance.

You may appeal this decision to the Board of Adjustment within thirty (30) days. This department reserves the right to exercise the following remedies per NC G.S.153A-123:

- Issue a civil starting at \$450.00 and if unpaid a judgment could become a lien on the property.

- File lawsuit against a property owner in North Carolina Superior Court for violation of the Zoning Ordinance.

In order to avoid any monetary citations please correct this matter within the aforementioned time frame.

If you have any questions concerning this matter or if you are in the process of clearing this matter, please call our office at (704) 920-2148 so we can make appropriate arrangements.

Thank you in advance for your cooperation.

Sincerely,

Korett Hiels

Brett Hicks, Senior Zoning Inspector



Certified Mail Provide A maiing receipt A unique identifier for you A record of delivery kept t Important Reminders: Cortified Mail may ONLY 1 Cortified Mail is not availa NO INSURANCE COVE valuables, please consider If a postmark on the Certificle at the post office for cle at the post office for receipt is not needed, deta IMPORTANT: Save this rec Internet access to delivery addressed to APOs and Fp For an additional fee, a Re delivery. To obtain Return F Receipt (PS Form 3811) to fee. Endorse malipiece "Re a duplicate return receipt, i required. ò For an additional fee, d addressee's authorized ag endorsement "Restricted L

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Cabarrus County Planning & Development Post Office Box 707 Concord, NC 28026-0707 www.cabarruscounty us





La la marca		
SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON	DELIVERY
 Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature X B. Received by (Printed Name)	Agent Addressee C. Date of Delivery
1. Article Addressed to: Dwight David Radford 3109 Olde Creek Trl Matthews, NC 28105	D. Is delivery address different from item 1? If YES, enter delivery address below: No Hicks - 21 - 00:08 . Zowic	
9590 9402 2195 6193 5386 71 2. Article Number (Transfer from service label)	3. Service Type Adult Signature Adult Signature Restricted Delivery Certified Mail® Certified Mail Restricted Delivery Collect on Delivery Collect on Delivery Restricted Delivery Sured Mail Restricted Delivery	Priority Mail Express® Registered Mail TM Registered Mail TM Registered Mail Restricted Delivery Return Receipt for Merchandise Signature Confirmation Restricted Delivery
 7004 1160 0002 6994 9099	sured Mail Restricted Delivery ver \$500)	Restricted Delivery
PS Form 3811, July 2015 PSN 7530-02-000-9053		Domestic Return Receipt

.

COMPLIANCE PLAN

RE: 8667 FLOWES STORE ROAD; PARCEL 55365608060000; DWIGHT RADFORD

- I. General Notes:
 - a. Mr. Radford has met with numerous realtors and lenders as he attempts to secure both a new business location outside of Cabarrus County, as well as financing to purchase said property.
 - b. Mr. Radford has found several suitable locations, but requires a reasonable time to negotiate price and secure financing.
 - c. Mr. Radford will be simultaneously attempting to sell the Flowes Store Road property at issue in this matter (the "Existing Property"). He plans to either sell the Existing Property and use the proceeds to purchase new property out of county, or obtain financing and purchase the new property outright.
 - d. Mr. Radford is scheduled to meet with several people interested in purchasing the Existing Property during the next few weeks.
 - e. Once the new location is purchased, Mr. Radford will need time to clear trees and brush, grade the property, install fencing, and gravel both the lot and entrance road before beginning operations full time.
 - f. During the time required to complete a. e. above, Mr. Radford must keep his existing business in operation at the Existing Property location. Otherwise, he will lose his contracts, be forced out of business, and he and his employees will be out of work. Should this occur, it will be difficult or impossible for Mr. Radford to come into compliance, as he will simply not have the funds to do so.

II. Compliance Plan:

- a. Mr. Radford will effect a gradual shutdown of his business at the Existing Property over the next 90 days.
- b. The gradual shutdown of operations at the Existing Property will take place over the next 90 days as follows:
 - i. Neither my client nor his employees will operate any machinery (splitters, skidsteer, backhoe, chainsaws, etc.) before 10 AM or after 6 PM Monday through Saturday, and use of the machinery other than chainsaws will occur inside buildings when possible. On Saturdays, they will not operate machinery, except splitters, bobcats, and trucks. They will not operate the business on Sundays.
- 1. Please note, however, that ingress and egress of trucks or trailers for deliveries would continue outside of 10 AM to 6 PM time period above, but only from sunrise to sunset.
- ii. As it appears that the noise complaints are primarily related to chainsaws, my client and his employees will further limit their use to the hours between 10 AM and 3 PM Monday through Friday.
- iii. While continuing but reducing over time the operations at the Existing Property, Mr. Radford will limit orders and deliveries to commercial accounts only in an attempt to further limit work time and noise.
- iv. Neither Mr. Radford nor his employees will engage in further burning on the Existing Property.
- v. After the first 30 days from the date of this Agreement, no new wood will be delivered to the Existing Property.
- vi. On or before 60 days after the date of this Agreement, substantial progress will have been made on removing (through cutting and sales) the existing wood from the premises and decreasing operations. Further, Mr. Radford will have purchased an alternative site or otherwise made arrangements to move his business from the Existing Property.
- vii. All conditions listed in II.b. will become effective immediately, except where a different time period is specified in II.b..
- viii. On or before 90 days after the date of this Agreement, Mr. Radford will no longer be operating his business on the Existing Property.
- ix. Mr. Radford will provide the county with an update on his progress towards compliance every two weeks, including a brief narrative description of current operations and supporting pictures of the property.
- c. Mr. Radford understands that Cabarrus County's suspension of enforcement efforts is based on his compliance with this plan.

REMINDER OF PAGE PURPOSEFULLY LEFT BLANK.

This the 15th day of July, 2021.

I CONSENT:

> _ /64

Dwight Radford



ZNC2021-00108

CR

10/19/2021

File # :

Zoning:

Inspection Date:

Radford Dwight David 3109 Olde Creek Trl Matthews, NC 28105

NOTICE OF VIOLATION

RE: 8667 FLOWES STORE RD

Parcel(s): 55365608060000

Nature of Violation:OPERATION OF A SAWMILL WITHOUT A ZONING COMPLIANANCE PERMIT OR BEING
ABLE TO MEET THE REQUIRED PERFORMANCE BASED STANDARDS AS LISTED IN
THE CABARRUS COUNTY DEVELOPMENT ORDINANCE

The following provision(s)of the CABARRUS COUNTY Zoning Ordinance has been violated:

06-02 ZONING AFFECTS EVERY STRUCTURE AND USE

07-03 OPERATION OF A USE BASED ON STANDARDS WITHOUT A ZONING COMPLIANCE PERMIT

12-03 ZONING COMPLIANCE PERMIT REQUIRED

Dear Radford Dwight David,

An on-site inspection of your property has found you to be in violation of the Cabarrus County Zoning Ordinance.

An on-site inspection of your property has found you to be in violation of the Cabarrus County Zoning Ordinance as follows:

1. Failure to obtain a Zoning Compliance Permit, as required by Cabarrus County Development Ordinance CCDO Section 12-3.

2. Operation of a sawmill in a Countryside Residential District without complying with Permitted Based on Standards for Sawmill, in violation of CCDO Section 7-3.

3. Operation of a commercial and/or industrial use in a Countryside Residential District, which does not allow for such uses, in violation of CCDO Section 6.2.

This notice is to serve as a \$450 Citation

In order to correct this violation you must:

Cease all commercial and industrial activities on the property, including the selling, storing, processing, sawing, packaging, and shipping of logs, lumber, and other wood products.

You have 15 days from the receipt of this letter to comply with this ordinance.

You may appeal this decision to the Board of Adjustment within thirty (30) days. This department reserves the right to exercise the following remedies per NC G.S.153A-123:

- Issue a civil starting at \$450.00 and if unpaid a judgment could become a lien on the property.

- File lawsuit against a property owner in North Carolina Superior Court for violation of the Zoning Ordinance.

In order to avoid any monetary citations please correct this matter within the aforementioned time frame.

If you have any questions concerning this matter or if you are in the process of clearing this matter, please call our office at (704) 920-2148 so we can make appropriate arrangements. Thank you in advance for your cooperation.

Sincerely,

Butt Hicks

Brett Hicks, Senior Zoning Inspector

SEND	ER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
Prin	nplete items 1, 2, and 3. t your name and address on the reverse hat we can return the card to you.	A. Signature	Agent Addressee
	ch this card to the back of the mailpiece, n the front if space permits.	B. Received by (Printed Name)	C. Date of Delivery
1. Artic	le Addressed to:	D. Is delivery address different from item 1? Yes If YES, enter delivery address below: No	
1	Radford Dwight David		
1	3109 Olde Creek Trl		
	Matthews, NC 28105		
1		D1-00108 - HICKS -	Zonnic
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2. Artic	le Number (Transfer from service label)	Collect on Delivery Restricted Delivery	□ Signature Confirmation™ □ Signature Confirmation
	004 1160 0002 6994 9259	Isured Mail Restricted Delivery	Restricted Delivery

Certified Mail Provides A mailing receipt A unique identifier for your A record of delivery kept by *Important Remindens:* Certified Mail is *not* availab NO INSURANCE COVER valuables, please consider Providentified Mail is *not* availab NO INSURANCE COVER waluables, please consider For an additional fee, a Fei delivery. To obtain Return Redelivery. To obtain Return Rereceipt (PS Form analpices "Ret additional fee, a de delivery. To obtain Return Redelivery. To obtain Return Readditional fee, a de delivery. To obtain Return Readditional fee, de addressee's duthorized agg endoresenent "Restricted D of a postimatk on the Certifit of a postimatk on the Certifit of a duthorized to appose office for preceipt is not needed, dor preceipt is not

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Cabarrus County Planning & Development Post Office Box 707 Concord. NC 28026-0707 www.cabarruscounty.us



- - - - - - ME LAND COMPLETE THIS SECTION ON DELIVERY SENDER: COMPLETE THIS SECTION A Signature Complete items 1, 2, and 3. C Agent Print your name and address on the reverse X C Addressee so that we can return the card to you. B. Received by (Printed Name) C. Date of Delivery Attach this card to the back of the mailpiece, DurchT RADFORD or on the front if space permits. D. Is Gelivery address different from item 1? Yes 1. Article Addressed to: If YES, enter delivery address below: DI No Radford Dwight David 3109 Olde Creek Trl Matthews, NC 28105 DI-00108 - Hicks - Zunni 3. Service Type CI Priority Mail Express® Adult Signature
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 Signature Confirmation⁷⁷⁴ 9590 9402 2195 6193 5385 10 Certified Mail Restricted Delivery Collect on Delivery
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 Collect on Delivery Restricted Delivery 2. Article Number (Transfer from service label) C Signature Confirmation isured Mail 7004 1160 0002 6994 9259 Restricted Delivery sured Mail Restricted Delivery PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt



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ZNC2021-00108 8667 FLOWES STORE RD

FIELD OBSERVATION PHOTOS

MARCH 23, 2021 TO NOVEMBER 4, 2021

MARCH 23, 2021





MAY 7, 2021



JULY 9, 2021







JULY 29, 2021



AUGUST 11, 2021



AUGUST 30, 2021



Aug 30, 2021 at 8:09:33 AM



SEPTEMBER 8, 2021





SEPTEMBER 29, 2021





OCTOBER 8, 2021





OCTOBER 25, 2021





NOVEMBER 4, 2021

Nov 4, 2021 at 5:10:43 AM





Nov. 4, 2021 at 8:09:40 AM





Applicant: Dwight Radford Owner: Dwight Radford Case: APPL2021-00002 Address: 8667 Flowes Store Road Purpose: Appeal of a Noice of Violation PINs: 5536-56-0806



Cabarrus County shall not be held liable for any errors in this data. This includes errors of omisssion, 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 - March 2022



Midland Planning Area Aerial Map



Applicant: Dwight Radford Owner: Dwight Radford Case: APPL2021-00002 Address: 8667 Flowes Store Road Purpose: Appeal of a Noice of Violation PINs: 5536-56-0806

CabarrusCounty
MunicipalDistrict
Tax Parcels



Cabarrus County shall not be held liable for any errors in this data. This includes errors of omisssion, 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 - March 2022









Cabarrus County Government – Planning and Development Department

February 21, 2021

Dear Property Owner:

An appeal of a Notice of Violation has been filed in our office for property **adjacent** to yours. The specifics of the request are listed below. The Cabarrus County Board of Adjustment will consider this petition on Tuesday March 8, 2022 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 28025. A Public Hearing will be conducted and public input will be allowed during that time. If you have any comments about this request, I encourage you to attend this meeting.

Petitioner	Dwight Radford	
Petition Number	APPL2021-00002	
Property Location	8667 Flowes Store Road	
Parcel ID Number	5536-56-0806	
Existing Zoning	Countryside Residential (CR)	
	NOV Issued for illegal operation of sawmill	
Appeal of Notice of Violation	without proper permits	

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,

Philly Collins

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



February 21, 2022

Dear Property Owner:

An appeal of a Notice of Violation has been filed in our office for your property. The specifics of the request are listed below. The Cabarrus County Board of Adjustment will consider this petition on Tuesday March 8, 2022 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 28025. A Public Hearing will be conducted and public input will be allowed during that time. If you have any comments about this request, I encourage you to attend this meeting.

Petitioner	Dwight Radford	
Petition Number	APPL2021-00002	
Property Location	8667 Flowes Store Road	
Parcel ID Number	5536-56-0806	
Existing Zoning	Countryside Residential (CR)	
	NOV Issued for illegal operation of sawmill	
Appeal of Notice of Violation	without proper permits	

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,

hills Collins

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

Property Owner 5536-56-0806 DWIGHT DAVID & ANNA RADFORD 3109 OLDE CREEK TRL MATTHEWS, NC 28105

Surrounding Property Owners 5536-56-0617 ARCHIE BOYCE HELMS 8062 NC 742 HWY OAKBORO, NC 28129

5536-56-2931 FLOWES STORE VOL FIRE DEPT 8623 FLOWES STORE ROAD CONCORD, NC 28025

5536-47-9365 & 5536-47-4513 GAILLARD A & ELAINE S MERVIN 8598 FLOWES STORE ROAD CONCORD, NC 28025

5536-47-0010 JAMIE & KRYSTAL COFFEY TRUSTEE 8750 FLOWES STORE RD CONCORD, NC 28025

CONCORD INDEPENDENT TRIBUNE Legal Notices Legal Notices Legal Notices Legal Notices Legal Notices

NORTH CAROLINA. CABARRUS COUNTY NOTICE TO CREDITORS File No: 22 E 115

Legal Notices

Having qualified as Co-Administrators for the Estate of Ben-nett Frank Overcash, AKA, Ben Overcash, deceased, this is to noti-fy all persons, firms and corporations having claims against the said decedent to exhibit them, duly verified, to the undersigned on or before the 4th day of May, 2022, or this no-tice will be pleaded in bar of their recovery. All persons, firms and corpo rations indebted to said estate are notified to make immediate pay-

This the 2nd day of February, 2022. Bennett Keith Overcash. Co-Administrator 10200 Clairbourne Place Raleigh, NC 27615 Marshall Dale Overcash, Co-Administrator 1732 Chestnut Hill Road Wake Forest, NC 27587 Publish: February 2, 9, 16, 23, 2022.

> NORTH CAROLINA. CABARRUS COUNTY NOTICE TO CREDITORS File No: 22 E 133

Having qualified as Executor for the Estate of James Frank Furr, de-ceased, this is to notify all persons. firms and corporations having claims against the said decedent to exhibit them, duly verified, to the under-signed on or before the 25th day of May, 2022, or this notice will be pleaded in bar of their recovery. All persons, firms and corporations in-debted to said estate are notified to make immediate payment. This the 23rd day of February. 2022. Barbara Slough, Executor 565 Harrison Drive NW Concord, NC 28027 Publish: February 23, March 2, 9, 16.

2022

NORTH CAROLINA, CABARRUS COUNTY NOTICE TO CREDITORS File No: 22 E 141

Having qualified as (Executor, Ad-ministrator, etc) the Estate of PEG-GY KENNEDY MARSHALL, deceased, this is to notify all persons, firms and corporations having claims against the said decedent to exhibit them, duly verified, to the undersigned on or before the 18th day of May, 2022, or this notice will be pleaded in bar of their recovery. All persons, firms and corporations indebted to said estate are notified to make immediate payment.

This the 16th day of February, 2022.

Shelia M. Stancil, Administrator 6313 Cress RD Concord, NC 28025 Publish: Feb 16, 23, March 2 & 9, 2022

> NORTH CAROLINA. Mt. Pleasant, NC 28124

Publish: February 9, 16, 23, March 2, 2022.

NORTH CAROLINA

CABARRES COUNTY NOTICE TO CREDITORS

File No: 22 E 169 Having qualified as (Executor, Ad-ministrator, etc) the Estate of FAYE WILSON YOW A/K/A FRANCES YOW, deceased, this is to notify an persons, firms and corporations hav-ing claims against the said decedent to exhibit them, duly versiled, to the undersigned on a before the 18th day of May, 2022, or this notice will be pleaded in bar of their recovery. All persons, firms and corporations indebted to said estate are notified to make immediate payment

This the 16th day of February, 2022.

iee Altman Phillips, Executor 1 395 Lentz Road China Grove, NC 28023 Publish: Feb 16, 23 March 2 & 9, 2037

NORTH CAROLINA CABARRUS COUNTY NOTICE TO CREDITORS File No: 22 E 26

Having qualified as Administrator for Having qualified as A dministrator non-the Estate of Judy A. Deese a/K/s ha-dy Dixon Deese, deceased, this is to notify all persons, firms and corpora-tions having claims against the said decedent to exhibit them, only verified, to the undersigned on or before the 11th day of May, 2022, or this

NORTH CAROLINA. CABARRUS COUNTY NOTICE TO CREDITORS File No: 22 E 57 Having qualified as (Executor, Administrator, etc) the Estate of HAL EUGENE BLACKWELDER, deceased, this is to notify all persons, firms and corporations having claims against the said decedent to exhibit them duly verified, to the undersigned on or before the 2nd day of May, 2022, or this notice will be pleaded in bar

estate are notified to make immedi-This the 2nd day of February, 2022.

of their recovery. All persons, firms

and corporations indebted to said

Tammy Blackwelder Morgan. 5337 Parksie Ct SW Concord, NC 28027 Publish: Feb 2, 9, 15 & 23, 2022

ate payme

NORTH CAROLINA. CABARRUS COUNTY NOTICE TO CREDITORS

File No: 22 E 79 Having qualified as Executor for the Estate of alice Bost McRorie, deceased, this is to notify all persons, firms and corporations having claims against the said decedent to exhibit them, duly verified, to the under-signed on or before the 4th day of May, 2022, ar this notice will be pleaded in bar of their recovery. All persons, firms and corporations in-debted to said estate are notified to make immediate example. ceased this is to notify all perso make immediate payment. This the 2nd day of February, 2022. Eric Cook, Executor

2340 Woodsdale Street Kannapolis, NC 28081 Publish: February 2, 9, 16, 23, 2022

> NORTH CAROLINA, CABARRUS COUNTY NOTICE TO CREDITORS

File No: 22 £ 87 Having qualified as (Executor, Ad-ministrator, etc) the Estate of IDA MARIE GRAY DEAL A/K/A MARIE GRAY DEAL, deceased, this is to no tify all persons, firms and corpora-tions having claims against the said decedent to exhibit them, duly veri-fied, to the undersigned on or before the 3rd day of May, 2022, or this no-tice will be pleaded in bar of their re covery. All persons, firms and corpo-rations indebted to said estate are notified to make immediate pay

This the 2nd day of February, 2022.

timothy Gray Administrator 405 Geneva Drive Rockwell, NC 28138 Publish: Feb 2, 9, 16 8 23, 2022

> NORTH CAROLINA. CABARRUS COUNTY NOTICE TO CREDITORS File Nat 32 E 89

Having qualified as Administrator to

NORTH CAROLINA. CABARRUS COUNTY NOTICE TO CREDITORS

File No: _12 E 92 Having qualified as (Executor, Ad-ministrator, etc) the Estate of ME-DRED MOORE GRIFFIN, deceased, this is to notify all persons, firms and corporations having claims against the said decedent to exhibit them, duly verified, to the undersigned on or before the 3rd day of May, 2012. or this notice will be pleaded in bar of their recovery. All persons, firms and corporations indebted to said estate are notified to make immediate casyment

This the 2nd day of February, 2022.

Roger Lee Griffin, Administrator

1720 Valwood Ter Kansapolis, NC 28083 Poblish: Feb 7, 9, 16& 23, 2022

NOTICE OF ASMINISTRATION NOTICE OF ADDRESS INFORMATION Having qualified as Executor of the Estate of PEGGY CAR-OLYN BLANTON (AKA PEGGY CLARK), de-ceased, late of Mount Pleasand, Worth Carolina, the undersigned hereby notifies all persons, firms and commerciant familing claims, shaling corporations baving claims against said Estate to present them, doly verified, to the undersigned at, an or before May 25, 2022, or this Notice of Adamistrations will be pleaded in of Administration will be pleaded in bar of their recovery. All persons in-debted to said Estate will please make immediate settlement with the undersigned. This 23rd day of Febru-



oncord

AVISO DE PERÍODO DE COMENTARIOS PARA EL PLAN DE ACCIÓN ANNUAL

La Ciudad de Concord llevará a cabo una audiencia pública virtual para revisar las actividades y prayectos de desarrollo comunitario. Lu audiencia nos brinda la oportunidad de recibir comentarios y preguntas de los ciudadanos sobre el Plan de acción anual para el año fiscal 2022 y el año fiscal 2023 con respecto al uso de Community Development Blocd Grant (CDBQ) y Home Investment Partnerships Program (HOME) los fon dos de subvención. La Ciudad espera que las asignaciones de fondos seas similares a las cantidades ou use se recibierno durante el año fiscal anterior similares a las cantidades que se recibieron durante el año fiscal anterio El año pasado, la Cluidad recibió \$675.769 de fondos CDBG y \$209.335 de fondos HOME para el año fiscal 2012-2022. El Plan describirá las metas y actividades propuestas durante el próximo año fiscal (del 1 de Julio de 2022 al 30 de Junio de 2023).

Para desarrollar nuestro Plan, estamos solicitando la opinión pública de nuestros ciudadanos a través de una encuesta. Para acceder a la scuesta, visite el siguiente enlace a continuación

https://4x5rglk4kvz.typeform.com/to/zWW6OIYO

Inigrazi est questas abierta hasta el 28 de marzo de 2022. Los resultados de la encuesta ayudarán a determinar el mejor uso de estos fondos para abordar las inayores necesidades dentro de nuestra ciudad. Se invita a todas las personas interesadas a proporcionar comentarios y aportes para el Plan de acción anual.

Para obtener más información o proporcionar comentarios por escrito, comuniquese con Pepper Bego, Coordinadora de Programas Federales en (204) 920-513. Se pueden obtener copias físicas de la encuesta visitando el Departamento de Planificación y Desarrollo de Vecindarios de la Ciudad en 35 Cabarrus Avenue West, Concord, NC 28025.

Publish Feb 20, 2022/Feb 23, 2022/Feb 27, 2022



Cabarrus County Planning and Zoning Commission Tuesday, March 8, 2022 @ 6:30 P.M. Commissioner's Meeting Room, 2nd Floor 65 Church St. S Concord, NC 28026

APPE2021-00001 - Appeal of a Notice of Violation for construction of strue ture without germins, distorbances of the required water body buffers an wetland disturbance. The address associated with the subject property in 3233 Haim Scott Road (PIN: 5569-24-3362).

ASPL2021-00002 - Appeal of a Notice of Violation of the illegal operatio of a sawnill without proper permits. The address associated with the sub ject property is 8667 Flowes Store Road (PIN: 5536-56-0806).

For information, contact Planning and Development at 704.920.214). reasonable accomproducions are needed, please contact the ADA C nator at 704.920.2100 at least 48 hours prior to the public hearing.

PUBLISH: Wednesday, February 23rd and Wednesday, March 2nd, 2022

NOTICE TO CREDITORS

Having qualified as Executor of the Estate of Mary Louise Linker a/k/a Louise P. Linker, deceased, who pre-Volumity resided in cabarras Contry, North Carolina at 408 Myndham Place NE, Concord, North Carolina 18625, the below-samed Executor does hereby ability all persons hav-ing claims against the said estate to nit an itemized statement there of to the Executor at the address set, forth below on or before the D0th day of May, 2022 or this notice will the pleaded in bar of any recovery thereon. All persons indebted to that said estate are requested to make prompt settlement. This 9th day of prompt settlement. This sho day of Sebraary, 2022. Emily P. Ballard, Executor of the Estate of Mary Louise Linker, a/k/a Louise P. Linker Cabarras County File No. 22-E-111 Mailing Address 133 Audubor Aven ville, NC 28117

ATTORNEY. Kevin C. Donaldson JONES, CHILDERS, DONALDSON & WEBB, PLLC PO Box 3010 Mooresville, NC. 28117 (704) 664-1120

Publish: 2/9; 2/16; 2/23; 3/2, 2022.



low: https://4x5rqlk4kvz.typeform.com/to/zWW6QiYO 25086 36 2. Claims should be mailed to: G&R REAL ESTATE HOLDINGS, LLC 446 West 23rd Street, Apt. 5 ew York, NY 10011 tin: Glenn Jacobson, Manager of this notice This the 19th day of January, 2022. 388 Real Estate Holdings, LLC

Alf Heirs Known and Unknown of Barbara McZlain Beck Alf Heirs Known and Unknown of Donna Beck Gaslin County of Cabarrus, North Carelina Pete Richard Ganas Jerry Kinler Billie Marie Jones Robert Warren Hunswcker Sharon Hunsucker Overcash Jerry Hunsucker Tamesa Whitley Foy Jean Hargraves Ekzabeth Mauldin Hovland Michael Mauldin Linda Wheelan Mauldin Amy Lou Mauldin Ryan Sue Kingatrick Beck Cook Harlan Brace Maulder Relinda Reck Thomas Deborah Beck Carpenter Charles Kenseih Beck, Jr. Kathy Beck Biggers Greg Beck s are notice that:). Pursuant to Code Enforcement inspection of the premises located at 35 Liske Ave NW, PIN # 5620-05-9946-0000, π appears that the dwelling an

Liske Ave NW, PIN # 5620-05-9946-0000, in appears that the dwelling an tips location is sonth for human habitation. To violations of the City of Concord's stiminum Housing Standards insided har may not be limited to violations of Sec. 1.4-37 Existing Buildings, Sec. 1-38 Maintenance of Buildings, Sec. 34-47 Procedure of Repair, Sec. 34-57 Structural Standards, Sec. 1.4-58 Basic Equipment and Facilities, Sec. 1-59 Weithigtion, Sec. 14-50 Basic Equipment and Facilities, Sec. 1-59 Weithigtion, Sec. 14-50 Basic Equipment and Facilities, Sec. 1-59 Weithigtion, Sec. 14-50 Basic Equipment and Facilities, Sec. 1-59 Weithigtion, Sec. 14-50 Basic Equipment and Facilities, Sec. 1-59 Weithigtion, Sec. 14-50 Basic Equipment and Facilities, Sec. 1-59 Weithigtion, Sec. 14-50 Basic Equipment and Facilities, Sec. 1-59 Weithigtion, Sec. 14-50 Basic Equipment and Facilities, Sec. 1-59 Weithigtion, Sec. 14-50 Basic Equipment and Facilities, Sec. 1-59 Weithigtion, Sec. 14-50 Basic Equipment and Facilities, Sec. 1-59 Weithigtion, Sec. 14-50 Basic Equipment and Facilities, Sec. 1-59 Weithigtion, Sec. 14-50 Basic Equipment and Facilities, Sec. 1-59 Weithigtion, Sec. 14-50 Basic Equipment and Facilities, Sec. 1-59 Weithigtion, Sec. 14-50 Basic Equipment and Facilities, Sec. 1-59 Weithigtion, Sec. 14-50 Basic Equipment and Facilities, Sec. 1-59 Weithigtion, Sec. 14-50 Basic Equipment and Facilities, Sec. 1-59 Weithigtion, Sec. 14-50 Basic Equipment and Facilities, Sec. 1-59 Weithigtion, Sec. 14-50 Basic Equipment and Facilities, Sec. 1-59 Weithigtion, Sec. 14-50 Basic Equipment and Facilities, Sec. 1-50 Weithigtion, Sec. 14-50 Basic Equipment and Facilities, Sec. 1-50 Weithigtion, Sec. 14-50 Basic Equipment and Facilities, Sec. 1-50 Weithigtion, Sec. 14-50 Weithigtion, Sec. 1-50 Weithigtion, Sec. 14-50 Weithigtion, Sec. 1-50 Weithigtion, Sec.

will be available at the learing: 3. 4 bearing will be theid before a Code Enforcement. Officer at the City of Concord Pelicies Headquarters, Code Enforcement. Section at 41 Cabarras Average W., Concord, NC at 2 clocks p.m. on the 17th day of MARCH. 2022. The consideration of the health and safety of all parties involved, a bearing by telephone conversation may be conducted prior to 2 clock p.m. on the 17th day of MARCH. 2022, in lieu of an in-person hearing at Pe-lice Neadquarters by calling 704-920-505. 3. Any and all parties having interest in this property may file an answer to this complaint at any time prior to or at the time of the hearing and may give estimation of other evidence at the time of the hearing to show

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NOTICE OF COMMENT PERIOD FOR THE ANNUAL ACTION PLAN

The City of Concord will hold a virtual public hearing to review communi-ty development activities and projects. The hearing provides us with an opportunity to receive citizen comments and questions about the Y 2023 FY 2023 Annual Action Plan regarding the use of Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) grant funds. The City expects the funding allocations to be similar to the announts that were received during the previous fiscal year. Last year, the City received \$675,760 of CDBG funds and \$209,315 of HOME funds for FY 2021. PLAN with the Plan will outline proposed quals and activities for FY 2021- FY 2022. The Plan will outline pro sed goals and activities ng the upcoming fiscal year (July 1, 2022-June 30, 2023).

To develop our Plan, we are requesting public input from our citizens through a survey. To access the survey, please visit the following link be-

The survey will be open through March 28, 2022. The survey results will help to determine the best use of these funds to address the greatest needs within our City. All interested persons are invited to provide com-ments and input for the Annual Action Plan.

For more information or to provide written comments, please contact Pep-per Bego. Federal Programs Coordinator at (704) 920-5131. Physical cop-ies of the survey can be obtained by visiting the City's Planning & Neigh-borhood Development Department at 35 Cabarus Avenue West, Concord,

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NOTICE OF DISSOLUTION 0F **G&R REAL ESTATE HOLDINGS, LLC**

NOTICE IS HEREBY GIVEN that G&R REAL ESTATE HOLDINGS, LLC, a North Carolina limited liability company ("Company"), was dissolved ef-fective January 19, 2022. All creditors of and clamants against the Compa-ny are required to present their respective claims and demands immedi-ately to the Company so that it can proceed to collect its assets, canvey and dispose of its properties, pay, satiry, and discharge its liabilities and obligations, and do all other acts required to lignidate its business and af-tice. With recents to all district, please takes and an obligations. fairs. With respect to all claims, please take notice of the following

. Claims must be in writing and include the name of the claimant, the mount of the claim, and a short summary of the basis for the claim.

). A claim against the Company will be barred unless a proceeding to enforce the claim is commenced within five years after the publication date

Public Hearing Notice Cabarrus County Board of Commissioners Meeting Monday March 21, 2022, 6:30 P.M. **BOC Chambers/Multipurpose**

> 65 Church St. South Concord, NC 28025 PLST2022-00001 Proposed Street Name Change: Request to

(MPR) Room 2nd Floor

consider changing the name of Merrives Brive to Miller Park Grina The Board of Commissioner

neeting will be broadcast live e Channel 22, https://www.youtub .com/cabarruscounty and https: /www.cabarruscounty.us/cabco or if you wish to listen to the usee ing, you may call in at 194-920 2021. Your pin with be 191-17. 2 31 #

The following options will be avail able for input during the publi hearing



PICTOMETRY IMAGES February 2021

2-25-21







2-25-21



2-8-21





APPEAL OF ADMINISTRATIVE DECISION, INTERPRETATION OR NOTICE OF VIOLATION

Application/Accela#:	
Reviewed by:	-
Date:	
Amount Paid:	

In order to request an appeal from an interpretation or administrative decision made by the Zoning Administrator, the applicant must submit the following:

- 1. Complete application
- 2. Fee of \$450.00 plus cost of advertising and noticing
- 3. Copies of any documentation to be submitted to the Board of Adjustment as evidence. (If large format copies are included in the documentation, applicant must submit 18 copies.)

If there are additional questions concerning this process, please call the Planning and Development Department at (704) 920-2141, Monday through Friday, 8:00 am to 5:00 pm.

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

To the Cabarrus County Board of Adjustment:

Zoning Administrator to the Board of Adjustment: ____

Notice of Violation dated 10/19/2021 for the property located at 8667 Flowes Store Rd.

You may attach additional sheet(s) if needed.

I request an interpretation of:

____ The Zoning Atlas (Zoning classification of subject property)

✓ The following section(s) of the Zoning Ordinance:

Section 2-2. "Sawmill"

You may attach additional sheet(s) if needed.

As it relates to the use of the property located at:

ADDRESS: <u>8667 Flowes Store Rd</u>

PARCEL IDENTIFICATION NUMBER (PIN): <u>553656080</u>60000

PROPERTY OWNER: Dwight David Radford

In the space provided below, present your interpretation of the Zoning Atlas or Zoning Ordinance provision(s) in question and state what reasons you have for believing that your interpretation is the correct one. In addition, state the facts you are prepared to present to the Board of Adjustment to show that the decision was erroneous.

Appellant property owner does not operate a sawmill as defined in the County's Development Ordinance. Where terms are not defined by the Ordinance, terms should be interpreted using their common meanings. The Board should apply the common meanings of the terms contained in the Ordinance's definition of "sawmill" and conclude that Appellant's use of the property does not meet this definition. Appellant provides firewood for residential and commercial customers. His products are not used in construction or manufacturing. Furthermore, the express inclusion of the products listed in the "sawmill" definition implies the exclusion of others. "Sawmill" as defined by the Ordinance does not encompass Appellant's use and cannot be broadened to do so.

You may attach additional sheet(s) if needed.

Required Vote: The vote requirement for an appeal of the Administrator's decision or interpretation to be upheld or overturned is a simple majority.

APPLICATION CERTIFICATION:

I certify that all of the information presented by me in this application is, to the best of my knowledge, true and correct.

PLICANT SIGNATURE OF AF

3109 Olde Creek Trail ADDRESS

Matthews, NC 28105

CITY, STATE, ZIP CODE

(704) 562-8141

PHONE NUMBER

FAX NUMBER

drad542@gmail.com E-MAIL ADDRESS Richard D. Yeoman REPRESENTED BY PO Box 4232 ADDRESS Mooresville, NC 28117 CITY, STATE, ZIP CODE (704) 321-4878 PHONE NUMBER (980) 206-9128 FAX NUMBER

rick@grimesyeoman.com

E-MAIL ADDRESS