



Cabarrus County Government

Cabarrus County Planning and Zoning Commission

Tuesday, January 13th @ 6:30 p.m.

Board of Commissioners Meeting Room

Cabarrus County Governmental Center

Agenda

1. Roll Call

2. Old Business Board of Adjustment:

A. **Petition VARN2025-00005**-Variance request for relief from the setback requirements from County Line and the dimensional requirements of the AO district. Gary and Kathy Almond are the applicants/owners. The address associated with the subject property is 3077 Pickens Road (PIN: 5589-95-0742).

B. **Petition VARN2025-00007**- Variance request for relief from the restriction of the cul-de-sac length, the requirement to connect to adjacent properties and the road design standards. Pavel A Shchetinin is the applicant and King Carolina Homes LLC is the owner. The addresses associated with the subject property are 2575 Shiloh Church Road, 11295, 11280, 11250, 11220, and 11145 Aubrey Elena Court (PIN's: 4672-43-0198, 4672-33-0198).

3. Legal Update

4. Director's Report

5. Adjourn

Cabarrus County Government – Planning and Development



**Planning and Zoning Commission Minutes
January 13, 2026**

Mr. Michael Bywaletz, Chair, called the meeting to order at 6:30 p.m. Members present, in addition to the Chair, were Mr. Adam Dagenhart, Mr. Chris Pinto, Mr. Charles Paxton, Mr. Stephen Wise, Ms. Holly Edwards, Ms. Ingrid Nurse and Mr. Keith Conrade. Attending from the Planning Department were, Mr. Phil Collins, Planning Supervisor, Ms. Susie Morris, Planning & Development Director, and Ms. Lisa Johnson, Clerk to the Commission. Also, in attendance was Mr. Douglas Hall, County Attorney. Absent from the meeting was Mr. Mohammed Idlibi, Ms. Heather James and Mr. Gary Eldridge.

Call to Order

Mr. Michael Bywaletz, Chair, called the meeting to order at 6:30 p.m.

Roll Call

Ms. Lisa Johnson, Clerk to the Commission, called the roll.

The Chair proceeded to read the Rules of Procedure:

Rules of Procedure

1. The Cabarrus County planning staff person(s) shall first present the staff report and answer questions from the Commission. There will be no time limit on this presentation.
2. The Applicant or Appellant may make a presentation to the Board (optional) and will then answer questions from the Commission. There will be a 15-minute time limit on the presentation if the Applicant or Appellant chooses to make a formal presentation. There will be no time limit on questions from the Board following the presentation.

3. When the Board is ready to proceed, the proponents (those speaking generally in favor of the case) will have a total of 15 minutes to speak or present evidence in support of their position. The 15-minute time limit does not include questions directed to the proponents by the Commission.
4. After the proponents finish, the opponents (those speaking generally against the case) will have a total of 15 minutes to speak or present evidence in support of their position. The 15-minute time limit does not include questions directed to the opponents by the Commission.
5. Each side will then have 3 minutes for rebuttal, with the proponents going first. Again, questions directed to the speaker will not count against the time limit. This will conclude the public hearing portion of the meeting, and the Commission will proceed to deliberation.
6. Each side is strongly encouraged to use a spokesperson to present the positions commonly held by each. Each side is also strongly encouraged to organize their speakers and presentations to ensure that all persons wanting to speak will have time to do so.
7. If a speaker has questions of a person on the other side, such questions shall be addressed to the Commission members to be redirected to the person to be asked. There will be no direct questioning of one speaker by another except through the Commission.
8. Public demonstrations of support for a speaker's comments should be limited to clapping. Any other type of audible support shall be out of order and subject the offender to being removed from the building. Anyone speaking out of order shall likewise be subject to removal.
9. These rules are designed to have a full and fair hearing that is orderly and expeditious and avoid unnecessarily repetitious presentations.

Mr. Brent Rockett **MOTIONED, SECOND** by Mr. Michael Bywaletz to **APPROVE** the Rules of Procedure. The vote was unanimous to **APPROVE**.

Mr. Michael Bywaletz, Chair, proceeded to swear in members of the audience wishing to speak.

The Chair asked if there were any board members that had any conflicts with the upcoming case. There being none, the Chair proceeded.

Old Business Board of Adjustment

Petition VARN2025-00005-Variance request for relief from the setback requirements from County Line and the dimensional requirements of the AO district. Gary and Kathy Almond are the applicants/owners. The address associated with the subject property is 3077 Pickens Road (PIN: 5589-95-0742).

The Chair called on Mr. Phil Collins, Senior Planner, to speak.

Mr. Phil Collins said, just as a reminder this case was originally presented at the October 14, 2025 meeting. The case was tabled so that the applicant could gather more information from the Cabarrus Health Alliance. They were originally scheduled to come back in December but needed more time.

Mr. Brian Hayes, attorney for the applicant, said, per the request, we did update a couple things. There is an updated site plan that lays out the septic system, as prepared by Soil & Forestry. Mr. Dagenhart was concerned about the placement of the well in relation to the septic system. From the septic layout, I've confirmed with Mr. Wendell Overby (Soil & Forestry Services of the Carolinas, PA) that it is consistent with code. It is approximately 150 feet from the septic system. (Showing on map) The one to the immediate right of the structure is the primary system. This area is going to be the repair field. In speaking with Mr. Overby, they did multiple borings on the site to get into an area that the Almonds were generally interested in. The proposed plan is essentially the only area that they are certain would work. While it might be possible to eventually find other spaces, this is the most logical space.

In almost any situation, with enough money you could eventually build a system that would involve pumping that may work. As the land is situated, these seem to be the most likely site. Mr. Overby did point out that Mount Pleasant is an area of the County that is generally known for being challenging from a septic standpoint. It was also requested that we present an application to Cabarrus Health Alliance. That has been presented and granted subject to approval of the board.

I remember there were also questions as to the lines and the green sections. We surmised that the numbers one through nine indicate areas that they did "test digs". The other lines are just part of where the trenches would be for the system. The important part on the numbers are the colors relating to the colored flags that were laid out onsite as part of the planned construction.

They reference contour lines. There's another set of numbers here, for example, 32, 36, 48 and 52 feet is the length of the trench, as it would be constructed. As stated, this is within 28 feet of the setback. We had previously discussed that the Almonds own approximately 38 acres in Stanly County, which adjoins this property. This is their tract in Cabarrus County, which is a little over 39 acres. The Stanly County tract runs parallel to that and total acreage for the tract is approximately 77 acres.

One of the primary reasons of trying to construct within Cabarrus County is that the construction of the septic system is placed at an area that would place the house in a two-foot setback. The reason for construction in Cabarrus versus Stanly County is that there is no access to the property from the Stanly County side. Accessing the property from Stanly County public services would require that emergency services drive around the property to come in from the Cabarrus County side. Based upon

health concerns for Mr. Almond and accessibility for general emergency services, the Cabarrus County side is the most efficient place for them to look at constructing. Let me know what questions you have this evening.

Mr. Michael Bywaletz, Chair, said, I recall that in one of the initial exhibits the house was sitting on the property lines and then sliding onto the property, which actually shifted the reserve field with it. We asked what the actual limits for the septic fields. Mr. Dagenhart had asked if there was any other consideration for placement of the house.

Mr. Brian Hayes said, yes, it appears that this area has good soil and coming back toward Stanly County, it continues to be good soil. Beyond where they are now, it becomes unusable based upon soil conditions. Mr. Overby has indicated that there may be a place where it becomes usable, but where they are now seems to be the limits.

Mr. Bywaletz said, one of the rectangles in another exhibit that indicates where the borings were taken between number eight and four to the north, doesn't have a number on it. Was it determined that the soil was bad or why is there not a label?

Mr. Brian Hayes said, I don't know. I don't know if he simply omitted it.

Mr. Michael Bywaletz said, it was just unique that when the house shifted, the reserve field shifted with it. I didn't know if the extensive system that would be put in for the primary could shift also. If you're shifting the secondary, why isn't the primary also shifting?

Mr. Brian Hayes said, one of the factors in placing further into Stanly County is the fact that there is a pond that is toward that area. At some point, you become too close to that water.

Mr. Adam Dagenhart said, who made the determination that it's too close?

Mr. Brian Hayes said, Mr. Overby. Based upon the constraint, this is where a soil scientist placed the field.

Mr. Adam Dagenhart said, when I asked about flipping the house, you didn't do any additional soil evaluation?

Mr. Brian Hayes said, Mr. Overby did a number of variations. If we flip the house, it falls entirely out of Cabarrus County. Per the request, the plan has been approved by Cabarrus Health Alliance. Also, while this falls within the setbacks, the Almonds own all the property on the other side. This is not a situation in which there is another owner that could create a problem with building in Stanly County.

While the County has an interest in providing guidance and restrictions when pertinent to county services, this is privately-owned property. This doesn't impair county services in any way. This is a personal decision and the County's interest in this is limited to the purposes of the Zoning Ordinance.

Mr. Adam Dagenhart said, you're asking the board to approve a variance based upon a personal preference, not based upon a soil survey?

Mr. Brian Hayes said, that's not what I said. It's based upon a soil survey, but I wanted to remind the board that this is privately-owned property. This isn't a case where we should be asking Cabarrus County where they would like the house to be built. We're asking the County to permit a variance that varies from the established Zoning Ordinance. They have employed surveyors and soil scientists. Based on the layout of the land in the 39 acres in Cabarrus County, this is the most desired and logical spot. There was a previous residence straddling the County line. If they had rebuilt it instead of destroying it, we wouldn't be having this discussion. It would have been grandfathered in.

Mr. Adam Dagenhart said, they didn't do any more bore pit evaluations to the west of #8 and #7?

Mr. Brian Hayes said, there were multiple borings.

Mr. Adam Dagenhart said, you're telling us but you're not giving us any additional information. We're just going by your word.

Mr. Michael Bywaletz said, we're seeing septic lines laid out but the extent of the septic area itself. This is the area and the lines are laid in that area. We don't know where those limits actually are. You're saying this is where we want our septic field and these are the limits we're providing to the commission. We're not actually seeing what the limit is.

Mr. Brian Hayes said, per Mr. Overby, these are the practical plans.

Mr. Adam Dagenhart said, is Mr. Overby here?

Mr. Brian Hayes said, he is not here. We asked him but he wasn't available and indicated that he wouldn't be available.

Mr. Michael Bywaletz said, that's what I'm having a hard time with. I don't know what the limits are. They're just septic lines right now. There are no limits that say this is where it has to be; it's just here's what we're presenting to you.

Mr. Adam Dagenhart said, if there was soil evaluation where the proposed house was shown and the soil was good, I don't understand why you didn't just move the house up to the edge of where #7 and

#8 are, which is probably going to move it 70 feet from the County line. Then put the repair area parallel to the County line, then you don't need a variance.

Mr. Brian Hayes said, part of that relates to the elevation of the property.

Mr. Michael Bywaletz said, that is not something that's been presented. My hiccup is more with the limits that we can't even make an educated guess on.

Mr. Adam Dagenhart said, you really haven't shown us any new information other than putting some numbers on there. We asked for some additional information from your soil scientist and all we got were numbers and labeling.

Mr. Brian Hayes said, you asked to see it in relation to the site plan. You particularly expressed interest in knowing if the Cabarrus Health Alliance has the plan. Otherwise, it became a moot issue as far as the board was concerned.

Mr. Charles Paxton said, what have you done differently from the last time to this time?

Mr. Brian Hayes said, we presented the plan to Cabarrus Health Alliance and obtained their approval. As far as testing, there were various borings throughout the property. As indicated from Mr. Overby, this is the functional limit. There were "digs" going to west and this is based upon what they found.

Mr. Charles Paxton said, you took our comments to him and he said this is the most perfect plan I can come up with that solves your problem?

Mr. Brian Hayes said, yes. I spoke with him yesterday to confirm that understanding. His words exactly were "if you go much further out, it might become usable soil again."

Mr. Adam Dagenhart said, explain the comment that it might be usable in the future.

Mr. Brian Hayes said, eventually going to the road, but then we run into the pond issue.

Mr. Adam Dagenhart said, how far is the pond? Is it not on the survey?

Mr. Brian Hayes said, no, as shown on the site plan the house is here and the pond is here. (Showing on map).

Mr. Adam Dagenhart said, what are the concerns with it being closer to the pond?

Mr. Brian Hayes said, putting the drainage field closer to the pond?

Mr. Adam Dagenhart said, yes, just shifting the house 28 feet.

Mr. Brian Hayes said, it would affect water quality and fish and wildlife.

Mr. Adam Dagenhart said, that looks like a dry pond to me.

Mr. Brian Hayes said, it is there; that's not a satellite image from real time.

Mr. Brian Hayes said, this is the Almonds' son.

Mr. Jonathan Almond, of 3055 Pickens Road, Mount Pleasant, NC 28124 proceeded to speak.

Mr. Jonathan Almond said, the pond is dry at this time. As to the question of moving the home 28 feet, it is the proposed repair area that prevents just shifting the home. The only place it could move with the proposed septic lines where they lay on the permit, is into Stanly County. As to the location they have selected for the home to be placed, it's not only due to the lay of land. In addition, there are several buildings there. There's a barn to the southwest of the proposed home site and there's a shop to the northeast that is fully constructed. Moving the home 50 to 75 feet to get it to the other side of the septic lines would put it quite far from the other outbuildings. It would be very much in their advantage to be within reasonable proximity to their outbuildings. That's the reason for choosing to try to stay near the end of the existing driveway, in addition to not having to construct a new driveway.

(Showing on map). As per additional boring sites, I have a report that was just put up. The site in question is at the bottom of the page. Her fingertip is where the existing outbuildings are. The four furthest blue points to the left of the page indicate areas that were tested and had unsuitable soils. Those would be westerly of points 7 and 8.

Mr. Michael Bywaletz said, what do the blue dots indicate?

Mr. Jonathan Almond said, the blue dots represent soil potentially unsuitable for subsurface septic systems. I actually dug them myself with an excavator and the County found them unsuitable. The new, improved septic plan does have a number associated with each green box. I wasn't able to see the one that was referenced earlier that didn't have a number. Hopefully, I helped clarify the decision to choose the location on the property.

Mr. Michael Bywaletz said, are the red dots unsuitable and the blue dots are potentially unsuitable?

Mr. Jonathan Almond said, the red and white dots are potentially suitable. The blue dots are unsuitable.

Ms. Holly Edwards said, is this your only site plan and is this what was presented to environmental services for a septic permit? What is the orientation of the driveway? Normally, they want the well located there. I would have a hard time being okay with something that doesn't show that it meets building code.

Mr. Brian Hayes said, the well is there.

Mr. Adam Dagenhart said, the well is in Stanly County.

Ms. Holly Edwards said, are you crossing over two counties for infrastructure? The well is on the Stanly County side and everything else is on the Cabarrus side?

Mr. Jonathan Almond said, the only thing that would be in Stanly County would be the well.

Ms. Holly Edwards said, when you're pulling a permit, 2 feet is a little tough. I'm a builder and you're digging out footers and that kind of thing. I would even think that would get into some insurance issues. This could get so convoluted by not having all of your building staging on one area of one county. You would have to have some type of access from Stanly County.

Mr. Dagenhart said, how is Stanly County building standards going to inspect your plumbing inspections when it's in another county?

Mr. Jonathan Almond said, the only plumbing connection was the well, which was installed and inspected by Stanly County. The septic plumbing would be 100 percent in Cabarrus County. I'm currently building quite close to the County line, around 35 feet. My driveway loops around Stanly County and we're constantly in both counties with construction equipment. My shop is in Stanly County, which we are using for various tasks for the building. The lender, contractor, County personnel, etc. haven't had anything to say about that.

Ms. Holly Edwards said, did you say you were 35 feet from the County line? That's a huge difference from 2 feet.

Mr. Jonathan Almond said, you mentioned potential insurance issues and inspection issues.

Ms. Holly Edwards said, I don't mean on a permanent basis. During construction you have to provide a certificate showing where you're staging materials and equipment.

Mr. Jonathan Almond said, we are in both counties for the construction process.

Ms. Holly Edwards said, you don't have a permit from Stanly County to allow you to be on that piece of property. You're being permitted on the Cabarrus County side. You're going to pull a well certification permit from Stanly County.

Mr. Jonathan Almond, all of mine is 100 percent in Cabarrus County. I have my own separate well and homesite.

Ms. Holly Edwards said, where is the well that's going to service the house?

Mr. Jonathan Almond said, their house or my house?

Ms. Holly Edwards said, their house.

Mr. Adam Dagenhart said, it's on page 90 on the soil survey. You stated at the last meeting that you couldn't have the septic in Stanly County and the building in Cabarrus County. How are you able to put the well in Stanly County and the house in Cabarrus?

Mr. Jonathan Almond said, I can't answer that because I'm not in the Construction Standards Department.

Mr. Adam Dagenhart said, does Stanly County know the well is for a house in Cabarrus County? Does Cabarrus County know the well is in Stanly County?

Mr. Jonathan Almond said, yes, Cabarrus County approved the well that shows the house is in Cabarrus County. They are the entity that permits the well to be drilled.

Mr. Adam Dagenhart said, I'm trying to understand because your presentation last time was that you couldn't have the building in Cabarrus County and the septic in Stanly County. You said you had an approved septic permit in Stanly County but you wanted to build the house in Cabarrus County. If you do the well, why can't you do the septic?

Mr. Jonathan Almond said, that's a very good question. We would love to be able to, but that is Stanly County and Cabarrus County's position.

Mr. Adam Dagenhart said, Stanly County told you that you can't have septic in their county to serve Cabarrus County?

Mr. Jonathan Almond said, correct. We've been told by both counties that a home and the septic system have to be within the same county.

Mr. Adam Dagenhart said, let me clarify the statement about flipping the house. Nobody is saying to put the house on the other side of the repair area. Take the repair area and the house and flip them. That was the direction you were given to explore, not move it a hundred feet on the other side. Put the house where the repair area is and put the septic where the proposed house is. You may have to do some orientation with the septic field but it should fit. You can always make a septic line longer.

Mr. Jonathan Almond said, there is a graded pad with an existing structure within the footprint of the proposed home.

Mr. Adam Dagenhart said, can we go back to the aerial?

Mr. Jonathan Almond said, that is within where the proposed homesite would be.

Mr. Adam Dagenhart said, is that an existing slab for the previous home?

Mr. Jonathan Almond said, no, it's not a slab, it's compacted gravel. From my understanding, soil for septic systems has to be undisturbed soil. If it has been graded and compacted recently, I surmise that it wouldn't be suitable.

Mr. Michael Bywaletz said, I believe we had this problem last time too, where we could not correlate the drawing with the aerial. Particularly the driveway doesn't look like that driveway on the aerial.

Mr. Jonathan Almond said, it does go from the metal barn to the far left of the photo.

Mr. Adam Dagenhart said, you all made the decision to start compacting without a building permit and a septic permit?

Mr. Jonathan Almond said, no. This was not for a home; this was for a shelter that was built to store an RV.

Mr. Adam Dagenhart said, it's going to move, correct?

Mr. Jonathan Almond said, it can move.

Mr. Adam Dagenhart said, can you point to where the house is going to go on the aerial?

Mr. Brian Hayes said, the house will be in this same area where the existing shed structure is (showing on map).

Mr. Jonathan Almond said, if you see the blue icon, northeast to the end of the shadow is what is shown as the proposed home site on the line drawings.

Ms. Susie Morris, Planning and Development Director, said, I think where the difficulty is coming from is the larger building that is reflected on the survey. The smaller shed that crosses the County line, you can see on the aerial. Ultimately, the carport isn't shown on the survey. That area would then come down because that is where the house would go. They're using part of the driveway and part of the pad underneath the RV. The problem is that the surveyor didn't reflect on that and didn't say that it was going to be coming down. The septic field would be to the north and the east of where that building currently sits.

Ms. Adam Dagenhart said, is it just short of that grove of trees?

Mr. Jonathan Almond said, the primary area is directly north of the photo as shown. The repair area is directly in front. That is presently agricultural. There's a barn, driveway and a large ditch; there is really no space for moving south.

Mr. Brian Hayes said, the carport was built before recognition that there was going to be a problem.

Mr. Adam Dagenhart said, that has to meet the setbacks going forward, wherever it ends up. Do you have an actual permit from the Cabarrus Health Alliance?

Mr. Jonathan Almond said, yes.

Mr. Adam Dagenhart said, is it conventional septic or chambers?

Mr. Jonathan Almond said, chambers.

Ms. Susie Morris said, it is our understanding that there is a statute that states if a soil scientist says that this type of septic system will work here, the Cabarrus Health Alliance is obligated to approve it. If this study was submitted and that is the location of where it is going to be, the Health Alliance is obligated to approve it. As far as a well, I don't know how that particular side of it operates. So, if that is what was presented and they had the study, then they are obligated to approve it.

Mr. Brent Rockett said, but that doesn't mean there aren't other areas on the site that could have been suitable and could have been approved.

Mr. Adam Dagenhart said, as long as it meets the standards, they're going to approve it. They are not going to look for a better solution.

Ms. Susie Morris said, whatever that soil scientist puts forth, is how that statute reads.

Ms. Holly Edwards said, they're not really concerned with the zoning or where the house sits; does that go to the other entity?

Ms. Susie Morris said, they are not, because a lot of times when it gets to the next step with us, it doesn't meet.

Mr. Jonathan Almond said, their original reason for going to the soil scientist was not being approved for a septic system by the County.

Mr. Adam Dagenhart said, you applied for a septic permit prior? Where was that location?

Mr. Jonathan Almond said, same area. I had them test other areas for my personal homesite as well. It was very disappointing that there were very few areas that were suitable. At best, we found one spot that was suitable for a low-pressure drip which was for a very expensive and heavy maintenance system. As far as a gravity-fed chamber or convention system, there aren't many options here. They did pursue it further by hiring a soil scientist. To my understanding, it's a liability concern with the County. They don't want to approve systems that are marginal, per the County inspector. If a soil scientist puts their name on it, the liability is then on that entity. It was an added expense, in order to get a suitable home site.

Ms. Holly Edwards said, the new well is in place? Is there a reason why you put it on that side and not the Cabarrus County side?

Mr. Adam Dagenhart said, just to clarify, NCDEQ requires 100 feet to be between a septic and a well.

Ms. Holly Edwards said, I'm pretty sure it's 75 feet. I'm just curious as to why it looks like it's a good distance into the Stanly County side. I don't know why this is a site plan that has everything in it. This actually looks like the proposed site straddles the line.

Mr. Jonathan Almond said, I believe the well was put in a place that doesn't have to be maintained. It was just out of convenience of property maintenance. No one at the Cabarrus Health Alliance proposed any issues with the location of the well. It never occurred to anyone that it might be an issue to have a well in Stanly County for a home that is in Cabarrus County. The septic plan was originally submitted with a new well request at the same time for a home in Cabarrus County. The County was aware that their plan was to build a home in Cabarrus County and it was never a question.

Ms. Holly Edwards said, you would need to have a permit to cross over or have something in place for them to connect to that well. You can't cross over into another county and do work there without having a permit in place.

Mr. Brian Hayes, the well is currently in use for various things at the property now.

Ms. Holly Edwards said, there is a supply line on the Cabarrus County side? Okay, I thought you had not made any connections whatsoever. The supply lines, electrical and everything have been trenched and it can be tapped into without crossing into Stanly County. That's a different story; that's what I needed to hear.

Mr. Jonathan Almond said, there's an old existing barn and a new shop that doesn't have power connected. I'm waiting to see how this works out before routing power. That was another reason for placing the house where it is, to be in close proximity to the other buildings in use.

Mr. Brian Hayes said, this is the area where the homestead was located.

Ms. Holly Edwards said, it's a very odd situation because Cabarrus County is going to need certification on the well. There's a lot of things that happen with new construction.

Mr. Adam Dagenhart said, can we go back to the soil survey? What is the Y5.1? Do the numbers after the letter mean nothing?

Mr. Brian Hayes said, I think that is related to contour lines. The 72, 52 and 48 are the length of the lines. The numbers in between were contour lines.

Mr. Adam Dagenhart said, why would it be odd numbers like that?

Mr. Micheal Bywaletz said, on the main system it goes from 8.0 to 8.1, 8.2 and then back to 8.2.

Mr. Adam Dagenhart said, if that's a topography line, that is really exact. Did he do those numbers or did the surveyor?

Mr. Brian Hayes said, this was done by the soil scientist entirely.

Mr. Adam Dagenhart said, is it a correct assumption from bore pits #1, 4 and 8 are higher in elevation than #7? On that end, does the topography go southwest?

Mr. Jonathan Almond said, I believe this is the highest and coming down is the lowest. This is a ridge so it starts to drop in this direction.

Mr. Adam Dagenhart said, are you pumping?

Mr. Jonathan Almond said, from what I understand he originally had a pump tank.

Mr. Adam Dagenhart said, if those are grade lines, you're going to have to pump. What I'm getting at is that this Board does not like people coming in here asking for a 90 percent reduction. We like to try to negotiate something. What if you took the repair field and rotated it? By rotating it parallel to the house, you can move it over and the house can move over some. It doesn't seem like anyone tried to mitigate anything on your end. If you can put your repair lines parallel to lines #8 and #7, I don't know why you can't gain additional length.

Mr. Jonathan Almond said, my suspicion would be that you wouldn't have the fall required.

Mr. Adam Dagenhart said, you do have the fall because it falls this way and that's the way it's set up now. I'm assuming he's going to dump into P5.7 if it's ever needed. If you take that repair field and rotate it 90 degrees and shift it against #7 and #8, we can come to a better distance to the County line as opposed to 2 feet. We might get 20 or 25 feet.

Ms. Holly Edwards said, do you have a set of plans? Is it not just a concept? Is it a basement house or crawlspace?

Mr. Gary Almond, applicant, said, crawlspace.

Mr. Adam Dagenhart said, do you have a copy of the permit? We will have to have a copy of the permit before you leave.

Ms. Holly Edwards said, does that permit show a plot plan layout? There should be a first page that's a summary of the permit.

Ms. Susie Morris said, the permit says, "proposed wastewater system type: accepted gravity: no". The second one says proposed wastewater system type: accepted pump, pump required: yes."

Mr. Adam Dagenhart said, it's on the bottom of the sheet. It says "Dist" for distribution.

Ms. Holly Edwards said, there's usually a summary for us to read. My point is that if the soil scientist did not give you the option to turn, that creates another problem. If he has allocated that the house

has to be in that position for that permit, that is where it has to go. If you change it, you have to get the soil scientist's permission.

Mr. Jonathan Almond said, I did find more information. The permit says, "trench spacing, 9 feet on center, 1,000-gallon tank size, 36-inch-wide trench.

Ms. Holly Edwards said, if he set the specifications for that area, you have to get his permission to move the house. If you say, I'm going to move it, he's going to have to do other stuff. What Mr. Dagenhart is offering would be a great opportunity, but your soil scientist is going to have to be the one to approve that.

Mr. Charles Paxton, who has more authority; someone on the board or a soil scientist? The soil scientist seems to have a higher knowledge on these issues.

Mr. Brian Hayes, as I said before, he said for the general location of the house, this is where the system needed to be placed.

Mr. Adam Dagenhart said, he may not have considered the potential suggestion. It doesn't appear that you have to do additional tests based on where pits #8, 7 and 4 are. Would you be receptive in talking to him to see if rotating it would make a difference?

Mr. Jonathan Almond said, I was looking at the numbers on his report. There is a page that shows all the colors of the flags. If you look at elevation, it's near the middle of the page. #1 is the highest and if you look at the plat map with those numbers, it circles around the property. I suspect that played into the orientation laid out by the soil scientist.

Mr. Adam Dagenhart said, the fact that you're pumping, elevation really shouldn't matter. As long as it drains once it reaches the field. Based on the information we have, it will drain once it gets to the point. The way he has designed the system is that you don't have to do anything with your interior plumbing. It comes out of the tank and goes down B6.7 and it goes past bore pit #4 and it manifolds off into the repair area.

Mr. Jonathan Almond said, that would be southwestern to #5 and southeastern to #6. I'm no expert on the lay of the lines. Being that Mr. Overby is not here, I can't answer for him.

Mr. Brian Hayes, this is the system he designed when presented with the situation. To Mr. Paxton's point, I would expect that was considered.

Mr. Jonathan Almond said, it is in his best interest to find something that is suitable for his customers so, I expect that's what he did.

Ms. Holly Edwards said, I don't think that's the question. At the end of the day, if he had rotated that house and placed the stuff to the left and the backside, you really don't have any impact to that problem. We can't tell you what to do; you're here to ask us something that you proposed. If he was not given any options to get it off the line and turn it, I don't know if you all asked him that. Usually, these guys ask what you want and you show them. They don't deviate and tell you that you can move it here it there. It would make things a lot easier for zoning. Septic is one thing but when you get to zoning, then you have another set of rules to abide by. I think he (Mr. Overby) should have been presented with whether this house could be flipped or not.

Mr. Jonathan Almond said, I didn't have the conversation with him but I know they are bound by gravity to layout lines in certain directions.

Mr. Adam Dagenhart said, that doesn't apply to the repair area because you were pumping, so gravity goes out the window.

Mr. Jonathan Almond said, it does apply because you pump it to the highest point on the field and it still has to use gravity to distribute through those lines.

Mr. Adam Dagenhart said, my question to the applicant would be, would you entertain that or would you like to take a vote now?

Ms. Kathy Almond, applicant, of PO Box 847, Mount Pleasant, NC 28124 proceeded to speak.

Ms. Kathy Almond said, our taxes were dropped because the land will not perc. It went from \$648,940 down to \$284,430. It was based on the land and the gravel/rocks. We had 45 acres that adjoined to this property and we sold it for \$34,900 because it wouldn't perc. All of this land is like this; we can't keep going. Gary (husband) has Parkinson's and he's had a heart attack. We moved to Mount Pleasant from Kannapolis to be near my son and my daughter-in-law, who is a nurse, to help with Gary. My other daughter is also a nurse and lives in Mount Pleasant. If we put the house here, we are still in Cabarrus County. Cabarrus County is going to get their taxes. It's not going to have anything to do with Stanly County. I do not see the issue. Gary and I talked to Wendell Overby and he said this is where it needs to go. I don't see why we have to keep coming back. My husband has gotten worse over this. I'm ashamed of having to go through this with this county. It is not fair to put people through this. I'm just appalled at everything we've gone through. I can't understand this so maybe someone can explain it.

Mr. Brent Rockett said, we didn't write the Standards. It's our job as a board to enforce them. I understand the difficulty and it sounds like it's been in the family's hands for a long period of time. Back at that time, that County line didn't matter what you did. Unfortunately, you're proposing to

construct a new home and the standards are different than they were then. I think we could argue all night whether that's right or wrong. Your argument could be that I can do whatever I want with my land and I would totally understand that. Again, that's not our rule, but it is our responsibility to find the most suitable solution. That's why we have suggested if it can be considered to reduce that encroachment. If there's an opportunity to do that, it makes us feel better about allowing that encroachment, if we know every consideration has been taken into account. If Mr. Overby were here and said there is nowhere else to put the house, we would be in a different situation right now. We don't have that information and that puts us in an awkward spot to make a decision based upon things we don't know. Our hope from last time was that we would have that response. Either here is the option or it can't move at all.

Ms. Kathy Almond said, he told me this is where it has to be.

Mr. Brent Rockett said, I'm not a part of those conversations so I can only assume, but his job is to find a septic system that works based on your preference of the placement of that house. If you had gone to him with the preference of that house being different and asked him to find a septic system that is 20 feet off the line, at that point, he could either say, yes, that is feasible or no, it's not. Our difficulty is that we don't have that answer and don't have him testifying to that. There are other factors that make sense. Logically, the location of the barn and access to electrical make perfect sense. We are trying to work from the Ordinance and these rules in trying to find the best solution. It's not uncommon to allow encroachment in special cases when all of these factors tell us there's no other option. With the information we have before us now, we don't have anything that definitively says this is the only option for the placement of this house.

Mr. Gary Almond said, if we turn it, which way is the house going to be facing?

Mr. Adam Dagenhart said, I can draw you a sketch.

Mr. Brent Rockett said, if you ran those lines the opposite way, the orientation of the house wouldn't necessarily have to move.

Mr. Jonathan Almond said, you said that if Mr. Overby were here and definitively made a statement, it would change things?

Mr. Brent Rockett said, I can only speak for me. Yes, if he was standing before us and definitively said there were no other options to build a residence on this property other than the one that was proposed, that would definitely make a difference. It doesn't guarantee anything.

Mr. Jonathan Almond said, if he were unable to attend in person, would a signed statement from him be beneficial?

Mr. Michael Bywaletz said, he can state all day long that this is the best location for the septic field based on where the house is. It's if we present him with the option to move the house 20 feet and he says no, the house has to be here.

Ms. Brent Rockett said, my question would be, can we move it 30 feet and he says no, but we can go in 10 feet instead of 28 feet.

Mr. Brian Hayes said, from my discussion with him, no. As I understood his statements, this is the extent. That is my understanding, but I don't have the degree.

Mr. Charles Paxton, I think he did in fact say that or else he would've made some changes when you told him that there was an issue.

Ms. Kathy Almond said, we went to speak with him the last time and he drew this out. I asked him if he would come with us and he said that we didn't need him to.

Mr. Adam Dagenhart said, to be clear with what I was talking about, running the lines this way and pushing over bore pits #7 and #8, because essentially, the line is already there. You can always make lines longer so that's not an issue.

Mr. Gary Almond said, it is an issue because of the soil.

Mr. Adam Dagenhart said, the four of you are not soil experts. That's why we need a soil scientist here. We're not saying we don't trust you, but this is something we need a soil scientist to confirm. Is this going to give us 20 feet? We don't know; that's what we're asking. Are you willing to explore that option or do you want us to make a motion and take a vote?

Ms. Kathy Almond said, if he says it can't be moved, will you approve it? I'm asking you, Mr. Dagenhart.

Mr. Adam Dagenhart said, I prefer him to be here. That would be the easiest solution.

Mr. Charles Paxton said, is he in the County?

Mr. Brian Hayes said, he's in the County. His office is near the Medicine Shoppe.

Mr. Adam Dagenhart said, I understand his statement that you don't need him here. However, you're not here for a septic permit; you're here for a zoning permit. He's dictating to us what we should or shouldn't approve. That's the problem. You proposed a plan and we don't know how much will work

or if he manipulated his plan. I don't know if you're going to get enough votes to get it to pass tonight. If it doesn't pass, you can't do anything unless you come back with something different.

Mr. Gary Almond said, when is the next meeting?

Mr. Adam Dagenhart said, next month, but that would mean you would have to turn this around by the end of the week, back to us for staff to review.

Mr. Jonathan Almond said, what if we can get the promise for Mr. Overby to attend before the end of the week?

Mr. Michael Bywaletz said, being here would help significantly. If we ask him if that is the limit for the septic and says he didn't go any further, that means it could shift some more.

Mr. Brent Rockett, I think I would get those answers from him before committing to the next meeting. If he just tells you that it could move but I'll have to do two more borings to figure out if this is suitable. You want to make sure that he has enough time to get that work done to justify what he needs to get to staff.

Mr. Charles Paxton said, what I don't want to see is that we ask them to go through this and Mr. Overby says this is it. We need to let them know that if he says this is it, I'm prepared to say let's vote.

Mr. Adam Dagenhart said, he either needs to be here or he needs to do a report. I'm not trying to be difficult, but no more hearsay; it needs to be official. Either he is present or he does a report that he can provide.

Mr. Charles Paxton said, do you think he would do that?

Ms. Kathy Almond said, he didn't need to be here. So, I don't know.

Mr. Adam Dagenhart said, he's only looking at it for a septic permit. He's not taking into consideration that they need to meet a zoning requirement. I'm not a soil scientist but I have an engineering background. If it was gravity, it would be one thing but you're pumping to that point and it falls that way.

Mr. Brent Rockett said, if he were to write something and attest to the fact that there was no other option. In my personal opinion, that would say what I needed. I think having him in person would make that a lot easier.

Mr. Brian Hayes said, any objection if we provisionally plan to appear on February 10th and request a continuance?

Mr. Adam Dagenhart said, we can continue it to the next meeting and if it's not ready we can table it like we did before.

Ms. Susie Morris said, I would like to ask one thing if you all agree to this, we need responsiveness as far as the process and how it's moving along. I would ask that be clearly communicated.

Mr. Adam Dagenhart said, so we don't have enough information from the applicant to make a determination on this case?

Ms. Susie Morris said, we have been pushing and staff has to contact to find out the status. If the board agrees to this, it needs to be understood that this needs to be a collaborative effort. It needs to be on the applicants and their representative to inform us of what is happening throughout this process.

Mr. Adam Dagenhart said, they need to let staff know that they're working towards the goal and they'll make the next meeting or they need to table it?

Ms. Susie Morris said, yes, they need to have the documents provided to us before that 2-week period.

Mr. Adam Dagenhart said, the question falls back to the applicant. Is that something you would like to pursue to continue to next month or do you want us to take a vote now? Based upon the discussion, I don't know if you're going to get an approval today.

Mr. Gary Almond said, how many members have to approve this?

Mr. Adam Dagenhart said, 8 out of 9.

Mr. Brian Hayes said, if it pleases the board, let's table this tentatively until February 10th. The problem with communication before was due to things being produced amongst the holidays, between Thanksgiving and Christmas.

Mr. Adam Dagenhart said, is January 30th sufficient for staff?

Mr. Susie Morris said, typically they have to have it in a month ahead of time. If this is the direction of the board, we can work up to 15 days before. We have to have everything finalized a week before we send it to you.

Mr. Adam Dagenhart said, that would be January 27th, 2 weeks before the meeting. The 23rd would be the previous Friday. We can continue it and then push it back if needed.

Mr. Brian Hayes said, I hope that by communicating with Mr. Overby tomorrow, he could give us an indication as to his availability.

Mr. Adam Dagenhart said, my understanding is that once the soil scientist presents a plan to the Cabarrus Health Alliance, they're going to approve it. I don't know if this board needs that, we just need him to say yes, that will plan will work and it has been massaged as much as we can .

Mr. Jonathan Almond said, if he revises his plan to suit the board, I'm sure when submitting to Cabarrus Health Alliance, it would be approved.

Mr. Adam Dagenhart said, just to be clear, you're going to take the drawing and approach Mr. Overby about if the repair field can be rotated in an attempt to pull the house further from the County line. If he says yes, we would need the information concerning how far the house would be off the County line.

Mr. Brian Hayes said, alternatively, if he says it cannot, just put that in a report?

Mr. Adam Dagenhart said, it would be beneficial if he could be here, but a report would be acceptable.

Mr. Brent Rockett said, either of those solutions would be advantageous versus where we sit today.

Mr. Brent Rockett **MOTIONED, SECOND** by Mr. Adam Dagenhart to **CONTINUE** until the February 10, 2026 meeting. The vote was unanimous to **CONTINUE**.

Petition VARN2025-00007- Variance request for relief from the restriction of the cul-de-sac length, the requirement to connect to adjacent properties and the road design standards. Pavel A Shchetinin is the applicant and King Carolina Homes LLC is the owner. The addresses associated with the subject property are 2575 Shiloh Church Road, 11295, 11280, 11250, 11220, and 11145 Aubrey Elena Court (PIN's: 4672-43-0198, 4672-33-0198).

Mr. Michael Bywaletz, Chair, asked the board if there were any conflicts of interest with the case. There being none, the Chair proceeded.

The Chair said, as you may recall the case was continued from the December 9, 2025 meeting. The applicant is seeking relief from the Cabarrus County Development Ordinance for multiple items related to creating a new major subdivision.

The Chair then reminded the board of the Application of the Variance Power:

A variance may only be allowed by the Commission in cases involving practical difficulties or unnecessary hardships when substantial evidence in the official record of the application supports all of the following findings:

1. Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be created as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

All of these findings of fact shall be made in the indicated order by the Commission, which is not empowered to grant a variance without an affirmative finding of fact on all four categories above, each finding of fact shall be supported by substantial, material, and competent evidence in the record of the proceeding before the Commission.

The Commission may impose reasonable conditions upon the granting of any variance to ensure that the public health, safety and general welfare shall be protected and substantial justice done. Violation of such conditions shall be a violation of this Ordinance.

The Chair called on Mr. Phil Collins, Planning Supervisor, to provide any additional information about the case.

Mr. Phil Collins said, I just wanted to remind you of the sections of the Ordinance where the variance is being asked: Chapter 15, Section 15-9: Cul-de-sac Length, Appendix A: Requirements for Dead End and Stub Streets, and Chapter 15, Section 15-9: Connections to Adjacent Properties.

The board did vote and approve those variances for those sections of the Ordinance, which left three that have not yet been voted upon: Chapter 15, Section 15-8: Private Roads serving more than five lots, Appendix A: Rural Street Cross Section, and Appendix A: Pavement Schedule.

The Chair asked if there were any questions for staff. There being none, the Chair asked if there were any questions for the applicant.

Mr. Adam Dagenhart said, if I remember correctly, we gave some direction on trying to get with your engineer to see if you could manipulate or make some revisions, but it doesn't appear that you did.

Mr. Pavel Shchetinin, applicant, of 17332 River Race Drive, Huntersville, NC 28078, proceeded to speak.

Mr. Pavel Shchetinin said, one of the things that we didn't go over last time is that we were operating under the presumption that we weren't meeting any standards at all. I have a letter from Mr. Darden stating that we are in compliance with everything from NCDOT standards. The width, pavement schedule and shoulder size are actually more than the minimum standard. Meeting somewhere in the middle is what I wanted to present. I have Mr. Darden here as well to help us.

Mr. Charles Paxton said, what is your expertise?

Mr. John Darden of 307 Cayuga Drive, Suite A, Mooresville, NC 28117, proceeded to speak.

Mr. John Darden said, civil and structural engineering; I helped Pavel with a couple of his permits. I did some research on the Ordinance and I compared that versus NCDOT standards for a residential road. I outlined a summary regarding road width, part of the Appendix A section:

- *The road width is 20 feet, which is non-compliant with the 24' width required in Appendix A.*

However, looking at the standard cross section the subdivision manual, the minimum is 18 feet. He does meet the minimum for pavement width.

- *The shoulder widths/planting strips are less than 6 feet which is non-compliant with Appendix A, however, a drainage plan has been designed and approved by NCDEQ which incorporates the shoulder and ditch design.*

NCDOT gives more flexibility between 4 and 6 feet. He has 2 feet of a wider road to offset the shoulder width.

- *The asphalt pavement depth is non-compliant with Appendix A which requires a minimum of 8-inch stone base.*

However, this will meet or exceed 2.5 inches and meet the minimum 6-inch ABC stone.

- *The right-of-way width is 50 feet which is non-compliant with Appendix A, which requires a 60-foot right-of-way.*

However, this does comply with NCDOT which requires a minimum of 45 feet for a residential local road.

Mr. Michael Bywaletz said, you've presented a lot of information in reference to NCDOT. One of the things we asked last time is what would it take to bring it into compliance with the Cabarrus County Ordinance and what that hardship is.

Mr. Pavel Shchetinin said, as far as the totem pole, I'm assuming Cabarrus County standards are prevalent to NCDOT. If we were to turn the road over to NCDOT, how does that play out?

Mr. Brent Rockett said, because you're building in the County, NCDOT doesn't control the standards of the County. NCDOT has minimums and requirements and the County has their standards and requirements. As discussed earlier, there are some areas that are not meeting the standards for Cabarrus County. In that case, Cabarrus County supersedes NCDOT. Cabarrus County is not going to set minimums that are less than the NCDOT. The standards are greater than what NCDOT's are.

Mr. John Darden said, it's already there and meeting all the standards would require ripping up the road entirely.

Mr. Adam Dagenhart said, usually, you get approval before you start working.

Mr. Brent Rockett said, we understand you went from a minor to a major subdivision. If you had left it as a minor subdivision, we wouldn't be here tonight. The desire of the owner is to take it from a minor to a major subdivision. I'm sure there's financial reasons involved in why that is beneficial. The difficulty is that all of that infrastructure was put in place without understanding there were greater needs once you went to the major subdivision. I understand that is probably an honest mistake. It happens, but the reality is that it's still there and that's the difficulty we have.

Mr. Pavel Shchetinin said, why does the County have a different road standard as far as pavement and width to what the state's legislation is. On top of that, the County doesn't do any maintenance and it has nothing to do with zoning. Why are there such strict restrictions versus what the state has?

Mr. Adam Dagenhart said, regardless of whether it's in a municipality or if it's a private road, there are standards established and those are typically in the zoning standards. All jurisdictions have standards for the road regardless of its state, municipality or private. There are standards.

Mr. Pavel Shchetinin said, one of the things we talked about last time was offering something up to get closer to the standards. If we take what the NCDOT standards are and what the County standards are, we are in the middle.

Mr. Michael Bywaletz said, again, the idea was that you would come back with "this is what it would take to bring it up to standard and this is the hardship it has created." We have those four things that I read out in the beginning that we as a board have to state why we're justifying this to you. Number three says that the hardship did not result from actions taken by the applicant. These are actions that you took. We're not getting anything back from you except if we can meet halfway. We discussed last time that you go back to your engineer and see what it is going to take for him to re-design this to the standard and tell us this is what it is and the hardship it's going to create.

Mr. Brent Rockett said, if you determine that is not feasible for whatever reason, come back to us with the modifications that you can offer that are feasible. We talked through some options; we asked that you come back with something.

Mr. Pavel Shchetinin said, I didn't want this to come across as wasting your time. The fact that we were meeting some NCDOT standards was not brought up last time.

Mr. Charles Paxton said, in simple terms, you didn't do what we asked?

Mr. Pavel Shchetinin said, more or less. We do have room because I put in the base to accommodate a 22-foot-wide road. Our base allows us to expand it to 22 feet.

Mr. Adam Dagenhart said, it's not just that, it's also your pavement structure, right?

Mr. Pavel Shchetinin said, we would meet the pavement structure because we're doing another 2.5-inch lift.

Mr. John Darden said, if you have to meet that, you would have to rip up all the pavement.

Mr. Michael Bywaletz said, we're going to be here going back and forth and that is not going to happen tonight. As we asked the first time, come back with a plan that says this is what it would take. Because of this or that, this is the best we can do, it is what we need to see so that we can find a happy medium.

Mr. Adam Dagenhart said, do you have existing utilities that have been installed?

Mr. Pavel Shchetinin said, yes.

Mr. Adam Dagenhart said, we don't know their location or if pavement can go over them. We don't know their depth. You probably need to do an "as-built" of what's out there and overlay what the minimums are and what you can achieve in between.

Mr. Stephen Wise said, get some alternatives and options for us to look at.

Mr. Adam Dagenhart said, we got ahead of ourselves last time. We probably should have gone over each one of these and we would have concluded that he needs to come up with some options for us to consider. We need something to look at and it can't just be words. You need to show us the minimum and how close you can get to meeting it.

Mr. Charles Paxton said, why did the engineer come; just to discuss the NCDOT standards?

Mr. John Darden said, I was told this wasn't discussed yet and to show the compromise that we are meeting the NCDOT minimums.

Mr. Adam Dagenhart said, we're taking you at your word that is what is out there. Did NCDOT inspect it?

Mr. Pavel Shchetinin said, it's a private road, but they did inspect the entrance.

Mr. Adam Dagenhart said, if you want to do substandard based on the requirements, then you need to provide information based on what is actually there.

Mr. Pavel Shchetinin said, I think we have clear directions as to what to bring to the next meeting.

Mr. Michael Bywaletz said, we can continue this. Do you think you'll be ready for next month's meeting?

Mr. Adam Dagenhart said, do we need to move it to March? Another option to consider is to go back to a minor subdivision.

Mr. Pavel Shchetinin said, I can't; that's just not feasible.

Mr. Brent Rockett said, what changed from going to minor subdivision to a major division? If you initially designed this to be a minor subdivision, did you know then that the project wasn't feasible to remain a minor subdivision? Why didn't you plan to make it a major subdivision from the beginning? What changed that it had to be a major?

Mr. Pavel Shchetinin said, when we started this process, I expressed to the County that I did want to make it a major subdivision. I was made aware that in order to do a major subdivision it's a much longer process. We put together a minor subdivision to push it through and get it recorded so that we could start development. I tried to be clear and honest with the County to make sure the minor subdivision was going to translate well into the major subdivision. That way when we go to the go to the major subdivision, I'm meeting the requirements. It wasn't that we tried to sneak something through; it was clearly communicated. I was relying on staff to say this is okay for the minor but it is going to be a problem when you go to the major subdivision. Some of these things I didn't know and if I would've known, we would've worked to meet those standards.

Mr. Adam Dagenhart said, you and your professionals didn't look at the Ordinance and notice there was a section for minor and major? You just assumed they were the same standards?

Mr. Pavel Shchetinin said, no. This is my first development. At the very beginning, I only had a surveyor involved to survey and plat everything out. When I presented it to the County, we had prolonged and multiple conversations that this was going to go from a minor to a major subdivision. The reason we started a minor is that we could start construction and building a lot sooner than doing it as a major. This was clearly communicated to the County. I wanted to make sure when the County reviewed it would translate well into a major subdivision.

Mr. Adam Dagenhart said, you wouldn't look at a minor subdivision and apply major standards to it. You would only apply minor standards because that's what you submitted.

Mr. Pavel Shchetinin said, it was communicated to the County that this was going to translate into a major subdivision to look at it under the scrutiny of a major subdivision.

Mr. Adam Dagenhart said, you assumed because they didn't say anything that minor subdivision standards are the same as a major?

Mr. Pavel Shchetinin said, I explicitly asked whether everything was going to work for the major subdivision.

Mr. Adam Dagenhart said, that tells me that you did not look at the major subdivision requirements. You would have noticed the difference between pavement widths, pavement structure, right-of-way, shoulder, etc.

Mr. Mr. Pavel Shchetinin said, isn't that what staff are there for, to help with that?

Mr. Adam Dagenhart said, it's also your responsibility and your professional services responsibility. I'm sure you signed a document that says that you understand what the Zoning Ordinance says.

Mr. Pavel Shchetinin said, possibly. I can't attest to that. We just talked about this letter from the engineer and we completely skipped over that last time.

Mr. Adam Dagenhart said, we gave you a direction to go and you chose not to do it. There's no reason for us to keep going over this, we've given you a direction.

Mr. Pavel Shchetinin said, I'm not trying to go back and forth. I'm more than willing to sit down with John Darden and see what we can come up with. I was addressing Mr. Rockett's questions and that followed with more follow-up questions.

Mr. Michael Bywaletz said, in regard to continuing this, I understand you're having surgery on January 30th. I just read what you're having done; my daughter just had it done. That's three months on crutches. That's up to you in regard to attending. We'll make accommodations for you to be comfortable. When do you think you can be prepared to present back to staff?

Mr. Adam Dagenhart said, I don't think your engineer can do the February meeting. You would have two weeks to turn this around and get it back to staff.

Mr. John Darden said, do we want a complete "as-built" of the pavement structure to show that what I'm saying is truthful?

Mr. Michael Bywaletz said, it's looking at everything you're asking for a variance for. It's from the curves; it's from everything.

Mr. Adam Dagenhart said, basically, taking what is shown in the packet and adding the standard. Nothing we have shows the standard, correct?

Mr. Pavel Shchetinin said, I wasn't aware we needed that.

Mr. Adam Dagenhart said, you're before us asking for a major subdivision.

Mr. John Darden said, it's currently still platted as a minor for part of that road. I noticed there is a section in the Ordinance that allows an exemption on the roadway. You just have to be at a minimum of 20 feet and fire truck capacity.

Mr. Adam Dagenhart said, usually you ask for that up front and not after the fact.

Mr. John Darden said, would that exemption apply up to that road?

Ms. Susie Morris said, we already went through this because the engineer brought this up. This is a major subdivision. That exemption is in there for things that were in there before the Ordinance. He did a minor subdivision and installed the road. It has to meet the standards. Since Mr. Darden didn't have the benefit of being at the last meeting, they asked him to go back and figure out what he could and could not meet. If he is now saying that the road can be moved to 22 feet, it's not 20 feet but it is closer to 24 feet. That is what they asked him to have the engineer do; to go back and look at what you can and can't meet under the County's Ordinance. We had that conversation a long time ago when we had the pre-application meeting; we are back to that.

Mr. Adam Dagenhart said, we're looking at a March meeting? The date of the meeting is March 7th. That would mean you have a February 27th deadline.

Mr. Pavel Shchetinin said, just to be clear, we need to draw what we already have, overlay the County standards and give an option as to what we can bring up to standard or as close as possible?

Mr. Adam Dagenhart said, however you feel is best to present that to make it clear.

Mr. John Darden said, when you say the best you can do, potentially you could destroy the whole thing and build it to specifications. So where is that line?

Mr. Michael Bywaletz said, that is a financial line.

Mr. Adam Dagenhart said, again, I will go back to #3, "hardship did not result from actions taken by the applicant". You creating an additional burden does not absolve you of meeting #3. You've been here for several cases; you need to try to mitigate something in between.

Mr. Pavel Shchetinin said, we've already got the road there and it's already paved and has a base. What you're looking to see next time is some sort of compromise from where it is now to the standard. You want us to say this is the topography and this is what I can do from a financial standpoint?

Mr. Michael Bywaletz said, you may have a utility in the way that can't be moved.

Mr. Stephen Wise said, do you have fire lines in this neighborhood?

Mr. Adam Dagenhart said, he has wells. One way to mitigate when you can't meet standards for shoulders is curb and gutter.

Mr. Pavel Shchetinin said, we can't do that. That would be tearing out the whole road.

Mr. Michael Bywaletz said, you would just slap it on the road unless it's flat; then you have another problem.

Mr. Pavel Shchetinin said, it would be helpful to know if we bring something that it's not immediately shut down.

Mr. Adam Dagenhart said, we can't guarantee that because we don't know what we're going to see.

Mr. Brent Rockett said, the only thing we can tell you that we're going to approve is meeting the Ordinance. We're asking you what is the absolute best you can do. What you bring before us may or may not receive 8 out of 9 votes. You have to ask how willing you are to get as close to the Ordinance as possible. If you're giving a reason as to why you can't meet the Ordinance, we need to hear the best case you have. Once you present that, we would have to take a vote based on whatever proposal you can come up with.

Mr. Pavel Shchetinin said, this is when I had hoped we would have the back and forth, based on what we have now and what the standard is. The County standard is eight-inch base, two-and-a-half-inch lift. I can't tear out the entire road; how about I do a four-inch lift?

Ms. Susie Morris said, whatever this board approves becomes part of your granting order. The site plan will be an exhibit and there will be findings of fact. They can't come up with findings of fact based on a conceptual conversation. They have to have something to look at to say yes, it meets or no, it does not meet. If you are not meeting the Ordinance, they have to know why it is not meeting. They have to look at those four things in terms of being able to grant it based on what the state laws say. If you're talking about a medium, you have to have a plan so they can see what is there and what you're proposing. You can also just have them vote on what is already out there. Those are the two choices.

Mr. Pavel Shchetinin said, coming to a concession is out the window. We have to bring something to show to you and based off of that we may have a back and forth? If that is the case, do we have to bring that again in front of the board?

Mr. Brent Rockett said, if you bring the documentation and justification for why that is the best you can do, then the board will vote on that.

Mr. Pavel Shchetinin said, if you guys are okay with whatever we submit next time, then we would update the plan, submit it and not have to come in front of the board again?

Ms. Susie Morris said, you do have to come before the board again because you have to do a major subdivision. They are trying to help you do the in-between step to help you get to the major. You need your engineer to get a plan.

Mr. Michael Bywaletz said, Susie, you're on the right track and he's on the right track. He's going to present a plan next time and we will discuss it. If we need to put conditions on it, the plan will have to get re-drawn one more time to come to you.

Mr. Pavel Shchetinin said, then we don't have to come before the board because we've met all of the conditions.

Mr. Adam Dagenhart said, unless you're telling us he has to come back for a major subdivision. Why are we even here for a variance?

Ms. Susie Morris said, he does. He brought a major plat to this board and we are in the "in-between" phase of going from a minor to a major. He doesn't meet the standards for a major subdivision. He is asking for variances but the plan you have is a major subdivision. That's what's not showing, what is not being met. There has to be an in-between step and an engineer has to be involved to get to that step.

Mr. Pavel Shchetinin said, is there a way to combine everything?

Ms. Susie Morris said, it's a completely separate process.

Mr. Adam Dagenhart said, it would be the same people, but we are a Board of Adjustment when you come before us for a variance. We are a Planning/Zoning Board when you submit the major subdivision.

Mr. Brent Rockett said, a Board of Adjustment is a quasi-judicial scenario. In Cabarrus County, we serve two functions. Before us now is a Board of Adjustment function. When you come back for the other approval, it will be a Planning/Zoning function.

Mr. Douglas Hall, County Attorney, said, when you're before the Board of Adjustment, it's a quasi-judicial hearing. They're not wearing robes and there's more back and forth conversation. You're

basically in court, but you don't typically go into court and negotiate with a judge. When you go to a criminal or civil court, you put your best foot forward and either the judge agrees or does not. That's basically the situation you're in now.

Mr. Pavel Shchetinin said, once the variance has passed or we have come to an agreement, is there other criteria we have to meet to go from the minor to major subdivision?

Ms. Susie Morris said, you have to be in compliance at that point. It's not negotiable.

Mr. Pavel Shchetinin said, once we are in compliance, I'm assuming there are other restrictions?

Ms. Susie Morris said, we need to take one step at a time. Right now, you need to deal with what direction they are giving you. They gave you that direction at the last meeting and are giving you that same direction now. Either you're going to take their direction and do something with it, or they can vote.

Mr. Brent Rockett said, is March 10th feasible?

Mr. Michael Bywaletz said, if you're not ready by then, you can coordinate with staff ahead of time.

Mr. Pavel Shchetinin said, does the road needs to go to the County engineer also?

Ms. Susie Morris said, we can have that conversation after this meeting.

Mr. Brent Rockett said, essentially, you would need to have all information to Staff by February 10th.

Mr. Brent Rocket **MOTIONED, SECOND** by Mr. Stephen Wise to **CONTINUE** until the March 10, 2026 meeting. The vote was unanimous to **CONTINUE**.

LEGAL UPDATE

Mr. Douglas Hall, County Attorney, did not have a legal update at this time.

DIRECTOR'S REPORT

Ms. Susie Morris, Planning and Development Director, did not have a report at this time.

ADJOURN

Mr. Adam Dagenhart **MOTIONED, SECOND** by Ms. Holly Edwards to **ADJOURN**. The vote was unanimous to **ADJOURN** at 8:56 pm.

APPROVED BY: Michael Bywaletz, Chair



SUBMITTED BY: Lisa Johnson, Clerk to the Planning & Zoning Commission



ATTEST BY: Susie Morris, Planning & Development Director

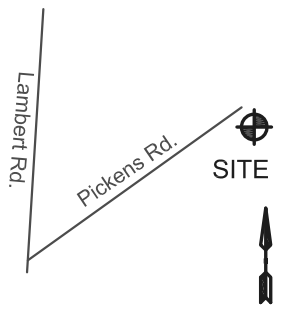


Memo

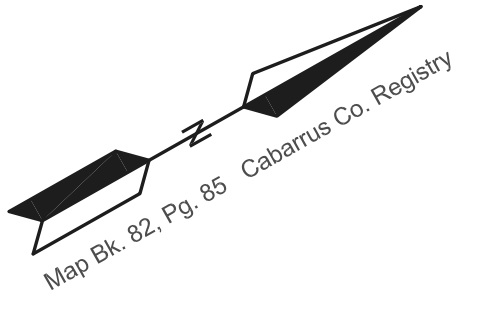
To: Cabarrus County Planning and Zoning Commission
From: Phillip Collins, Planning Supervisor
CC: File
Date: January 6, 2026
Re: Almond Property Variance Request

As you will recall, a variance request was brought before the Board at its October meeting. The purpose of the request was to permit relief from the requirement of treating the County line as a property line for setback configuration and to allow relief from the rear setback requirements so the proposed residence can be placed within the setbacks from the County line. The applicant requested to table the request in order to gather more information about the soil suitability of the property for a septic system. The request was to table the matter until the December meeting. However, the applicant subsequently requested to table until the January meeting as they were still gathering information.

The applicant has included an updated survey to show where the site will support a septic system and is now requesting to continue the consideration of this matter. The case has been advertised, the sign has been posted and adjacent property owners notified.



VICINITY MAP
(Not to Scale)



Map Bk. 82, Pg. 85 Cabarrus Co. Registry

NOW OR FORMERLY
Glenn R. Altman & Wf. Satele J.
Deed Bk. 577, Pg. 85
PIN #5589740548
Cabarrus Co. Registry

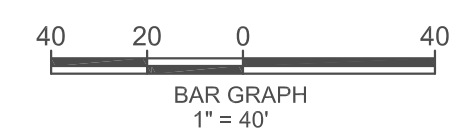
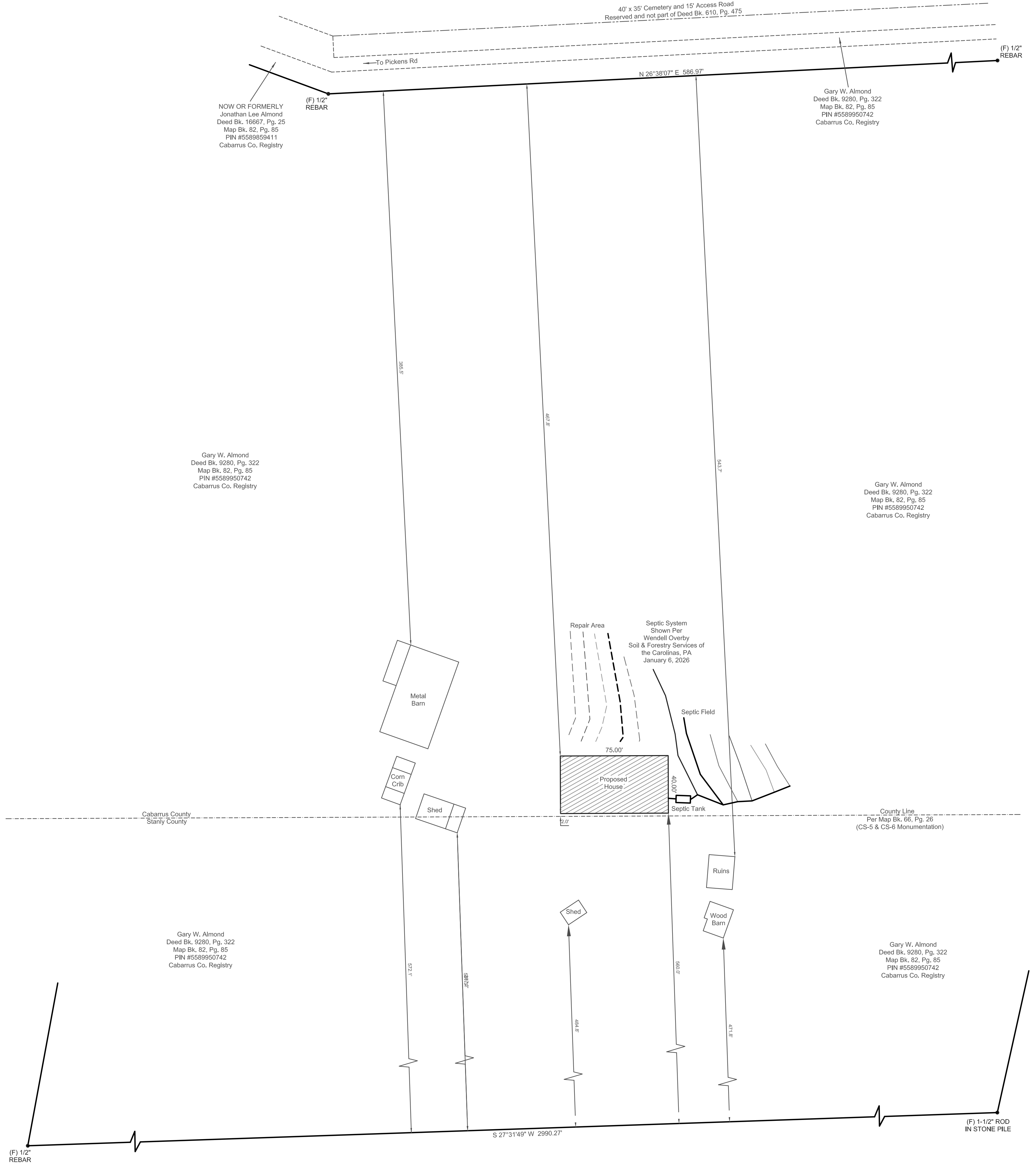
I, R. Scott Dyer, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 9820 page 322, etc.); that the boundaries not surveyed are clearly indicated as drawn from information found in Book a/s, page a/s; that the ratio of precision as calculated is 1:65,000; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCA 56, 1600). Witness my original signature, registration number and seal this 19th day of March, A.D., 2025.

R. Scott Dyer, PLS #4444



- LEGEND**
- RW - RIGHT OF WAY
 - (F) - FOUND
 - (B) - BENT
 - a/s - AS SHOWN
 - [Hatched Box] PROPOSED APPROX. 3000 sf House

PRELIMINARY
Not for Conveyances,
Sales or Recordation



- NOTES:**
- * Deed Reference - Deed Bk. 9280, Pg. 322 Gary W. Almond
Dated September 7, 2010 Recorded in Cabarrus Co. Registry
 - * Map Reference - 2.671 AC - Pickens Road Dated June 12, 2019
Map Bk. 82, Pg. 85 Recorded in Cabarrus Co. Registry
Performed by R. Scott Dyer, PLS
 - * Property subject to recorded and unrecorded right of ways, easements and agreements as may appear. A complete and full title search was not performed for this survey.

NORSTAR LAND SURVEYING, INC.
552-B Newell Street NW
Concord, NC 28025
Ph 704 721 6651
Fax 704 721 6653
Firm Lic. # C-2294

Prepared for: Gary W. Almond
3077 Pickens Road
Cabarrus & Stanly County, NC
Township No. 8
EXHIBIT MAP

DATE	February 21, 2025
SCALE	1" = 40'
NLS NO.	09095
DRAWN BY	S. Kimrey
CHECKED BY	S. Dyer
BY	
REVISION	
DATE	

SHEET
1 OF 1

PLANNING STAFF REPORT
 CABARRUS COUNTY PLANNING AND ZONING COMMISSION
 10/14/2025

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

Variance: VARN2025-00005

Applicant Information: Brian P. Hayes (Agent)
 Ferguson, Hayes, Hawkins, PLLC
 45 Church St S
 Concord, NC 28025

Gary and Kathy Almond
 PO Box 847
 Mt. Pleasant, NC 28124

Owner Information: Gary and Kathy Almond
 PO Box 847
 Mt. Pleasant, NC 28124

PIN: 5589-95-0742

Area in Acres: +/- 39.394

Purpose of Request:

The applicant is proposing construction of a new residence near the County line.

The applicant is seeking relief from Chapter 6, Sections 6.18 and Chapter 5, Section 5-5. B of the Cabarrus Development Ordinance.

- Section 6.18 designates that the County line be treated as a property line.
- Section 5-5. B requires a rear setback of 30 feet for parcels in the Agricultural Open (AO) zoning district.

Site Description:

The subject property is divided by a flag lot traversing the west side of the property and divides it near the center of the property. An intermittent stream traverses the subject property from west to east near the proposed site of construction. A barn and a carport currently occupy the subject property. The subject property is accessed by Pickens Road.

Current Land Uses: The subject property is currently occupied by a barn and a carport.

Adjacent Land Uses: Agricultural, Residential and Vacant

Permitted Uses: Any use permitted within the AO zoning district would be allowed on the subject property.

Existing Zoning: Agricultural/ Open Space (AO)

Surrounding Zoning: North: Agricultural/Open Space (AO)

East: Stanly County Residential Agriculture (RA)
South: Stanly County Residential Agriculture (RA)
West: Agricultural/Open Space (AO)

Signs Posted: September 16, 2025
Newspaper Notification 1: September 30, 2025
Newspaper Notification 2: October 7, 2025
Notification Letters: September 15, 2005

Exhibits

- Exhibit A – Staff Report
- Exhibit B – Application
 1. GIS Aerial
 2. Survey
 3. Deed
 4. CDO Chapter 5 & 6
 5. CDO Chapter 4
 6. Land Records Information
 7. Site Plan
 8. Septic Plan
 9. Neighborhood Meeting Information
- Exhibit C – Staff Maps
- Exhibit D – Appraisal Card
- Exhibit E – Adjacent Property Owner Information

Agency Review Comments

Emergency Services Review:

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

Fire Review:

No Comments. *(per Ashleigh Ennis, Assistant Fire Marshal).*

NCDOT Review:

No Comments. *(per Jason Faulkner, Assistant District Engineer, NCDOT)*

Sherriff's Department Review:

Comments for the Almond property, being close to the county line. Routing of 911 calls is handled through GIS, so the physical location that is reported as part of that process would determine where 911 calls get routed to. Just need to make sure that the 911 call location gets reported to the correct county. *(per Travis McGhee, Lieutenant Sherriff).*

Soil & Water Conservation Review:

No comments. *(per Abby Weinshenker, Resource Education Coordinator, Cabarrus County Soil and Water Conservation District)*

Cabarrus Health Alliance:

No comment. *(Jacob Snyder, Cabarrus Health Alliance)*

Stormwater:

Depending on the extents of the project, it may need a post construction permit from us. The Cabarrus County portion would be considered a Phase II area, so if BUA is being added and the project is over 1 acre in disturbed area, we would need to permit. *(Brianna Holland, NCDEQ)*

Zoning Review:

See staff report *(per Phillip Collins, Planning Supervisor)*

History / Other Information

- The subject property is approximately 39.39 acres in size.
 - Pursuant to the legal description in the deed, the entire tract is approximately 77.591 acres with the remaining acreage located in Stanly County.
- Pursuant to Chapter 6, Section 6.18, Effect of County Line and Municipal ETJ Boundary, the Cabarrus County line must be treated as a property line.

Section 6-18 Effect of county line and municipal ETJ boundary

- *When an existing lot of record is located near the county line or a municipal ETJ boundary or extends across the county line or into the municipal ETJ boundary, the county line or ETJ boundary shall be recognized as the property line. The same shall apply for existing lots of record being subdivided.*
- *Proposed structures must be located on either side of the county line or the municipal ETJ boundary. Structures that straddle the county line or the municipal ETJ boundary are not permitted.*
 - The applicant wishes to construct a new home near the county line, in the required rear setback for AO zoning district which is 30 feet. This setback established from the county line.
 - The requested encroachment into the required setback is 28 feet.
- The application states that:
 - The reason for seeking the variance is that the desired construction location is within 30 feet of the County line due to the location of existing structures.

- The home would be placed within the required setback due to the locations of the existing structures and suitable soils (well and septic) areas.

Conditions of Approval

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

- The Granting Order, stating restrictions and applicable conditions of approval, shall be recorded with the deed of the property.
- The applicant shall build the residence entirely on the Cabarrus County side of the subject property.
- County line must be delineated in the field and clearly marked before and during construction of the new home.



**CABARRUS COUNTY
VARIANCE APPLICATION**

STAFF USE ONLY:

Application/Accela#: _____

Reviewed by: _____

Date: _____

Amount Paid: _____

INSTRUCTIONS/PROCEDURES:

1. Schedule a pre-application meeting with Staff. During this meeting, Staff will assess the proposed variance request to evaluate options that may be available to you through the zoning ordinance. If it is necessary to proceed with the request, Staff will explain the procedures and requirements, including the thresholds of consideration for variance requests.
2. Submit a complete application to the Planning Division. All applications must include the following:
 - Cabarrus County Land Records printout of all adjacent property owners. This includes properties located across the right-of-way and all on-site easement holders. The list must include owner name, address, and Parcel Identification Number.
 - A recent survey or legal description of the property.
 - Required number of copies of the proposed site plan (determined at pre-app meeting).
At a minimum, the site plan must show the following:
 - The subject property and any adjacent properties.
 - All existing buildings, including setbacks from property lines.
 - All proposed buildings, parking facilities and accessory uses, including setbacks from property lines (if applicable).
 - The location and type of screening and buffering proposed (if applicable).
 - Impervious surface ratio (if applicable).
 - Waterbody buffers (if applicable).
 - Delineation of the proposed variance on the site plan so that the type and nature of the variance the applicant is seeking is clear. (This may be accomplished by submitting two site plans. One to show the requirements of the ordinance and a second to show what the variance request will achieve.)
 - Any additional item(s) that must be illustrated on the plan as determined during the pre-application meeting.
 - Neighborhood meeting documentation (minutes and list of attendees)
 - Any additional documents essential for the application to be considered complete. (Determined at pre-application meeting)
3. Submit cash, check, or money order made payable to Cabarrus County.
 Fees: Residential Variance request = \$500.00 first acre + \$15.00 each additional acre
 Non-residential Variance request = \$600.00 first acre + \$15.00 each additional acre
 (Plus cost of advertising and engineering fees if applicable)

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

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

PROCESS SUMMARY:

1. Hold a pre-application meeting with Staff to discuss your request and the variance process.
2. Submit a complete application with the appropriate fees to the Cabarrus County Planning Division.
3. When the complete application is received, Staff and appropriate agents will review the application and site plan and will make comments on the proposed request.
 - Depending on the comments received, the applicant may be required to address the comments and/or revise the site plan prior to proceeding with the variance process.
4. Staff will begin to prepare a staff report, schedule a public meeting date and notify adjacent property owners of the public meeting/public hearing date. A sign advertising the public hearing will also be placed on the property being considered for the variance request.

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

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

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

APPLICANT

PROPERTY OWNER

Gary W. Almond and Kathy Almond
NAME

Gary W. Almond
NAME

PO Box 847
ADDRESS

PO Box 847
ADDRESS

Mt. Pleasant, NC 28124
CITY, STATE, ZIP CODE

Mt. Pleasant, NC 28124
CITY, STATE, ZIP CODE

980-622-0256
PHONE NUMBER

980-622-0256
PHONE NUMBER

FAX NUMBER

FAX NUMBER

E-MAIL ADDRESS

E-MAIL ADDRESS

Is Applicant the designated Point Of Contact for comments and for billing? Yes _____ No X _____

If no, provide POC name, email, phone and address:

Brian P. Hayes, Ferguson Hayes Hawkins, PLLC 704-788-3211

45 Church St. S., PO Box 444 Concord, NC 28025

hayes@concordlawyers.com

Legal Relationship of Applicant to Property Owner

Same - POC is Attorney for Applicants/Owner

Existing Use of Property

Residential/Farm Use - barn/old house/field

Existing Zoning

AO

Property Location

3077 Pickens Rd., Mt. Pleasant, NC

Tax Map and Parcel Identification Number (PIN)

Cabarrus: 08-030-0004310 5589-95-0742-0000

TO THE BOARD OF ADJUSTMENT

I, Gary W. Almond, HEREBY PETITION THE BOARD OF ADJUSTMENT FOR A **VARIANCE** FROM THE LITERAL PROVISIONS OF THE **ZONING ORDINANCE**. UNDER THE INTERPRETATION GIVEN TO ME BY THE ZONING ADMINISTRATOR, I AM PROHIBITED FROM USING THE AFOREMENTIONED PARCEL OF LAND. I REQUEST A **VARIANCE** FROM THE FOLLOWING PROVISION(S) OF THE ORDINANCE.

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

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

Section: Primary - Section 6-18 Effect of County Line and Municipal ETJ Boundary

Second - Section 5-5, B. AO Front Yard 75 ft./50 ft.; Side Yard 20 Ft.; Rear Yard 30 Ft.

2. Reason(s) for Seeking a Variance

Existing structures and desired construction site for new residence would involve placement of

residence within 30 feet of the county line, in violation of current terms of Section 6-18 and 5-5, B.

Entire tract consists of 75 acres +/- with approximately 39.39 acres being located in Cabarrus County

and 35.35 acres in Stanly County. Zoning set back impedes best homesite location and use.

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:

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

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

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

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

FINDING OF FACT CHECKLIST

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

1. ***Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.***

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

Access tot the subject property is solely through Cabarrus County roads. Existing structures on the property and the preferential buld site for geographical, septic, and water/well purposes would place the residence within the stipulated set back area from the county line (which is treated as a property boundary per the ordinance). Construction in Stanly would likely limit to Stanly services, with limited means for acces to emergency (and other) services.

- 2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.**

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

The present hardship exists based upon the nature and characto of the land including the situation of the property in relation to the county line. The character of the soil and topography limit reasonable septic locations. Further, the limited road acces to the property from the Stanly Co. side impacts safety.

- 3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.**

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

Applicant inherited the subject property. Applicant has no control over access roads or the situation of the county line. Applicant seeks only to enjoy the best use of the property given its location and condition. Applicant played no role in circumstance of the hardship.

- 4. The requested variance is consistent with the spirit, purpose, and intent of the, ordinance, such that public safety is secured, and substantial justice is achieved.**

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

The allowance of the vaiance will not change the nature of the zoning district character, affect other residents, impact zoning, increase density in a material manner, no otherwise impair either the County nor other persons. Variance from the set back from the property line. given that applicant owns and controls 35.35 acres across the Cabarrus Co. line will have not negative impact.

POSSIBLE CONDITIONS, SUGGESTED BY THE APPLICANT:

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

Disallowance of the requested variance only perpetuates the hardship on the applicant by reducing the applicants enjoyment and use of the property. The grant of the variance will have no material impact on other persons, and does not set a precedence that will result in a general disregard of the existing zoning provisions. On the balance of the equities, the variance should be allowed.

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

SIGNATURE OF OWNER: Gary W. Almond DATE: 8-19-2025
Gary W. Almond

SIGNATURE OF APPLICANT: Gary W. Almond DATE: 8-19-2025
Gary W. Almond

SIGNATURE OF APPLICANT: Kathy J. Almond DATE: 8-19-2025
Kathy T. Almond

SIGNATURE OF APPLICANT: Brian P. Hayes DATE: 8/19/2025
Brian P. Hayes (NC Bar No. 27017)
Ferguson Hayes Hawkins, PLLC
45 Church St. S.
PO Box 444
Concord, NC 28025
hayes@concordlawyers.com

Exhibit B.1 GIS Aerial

ArcGIS Web Map



7/8/2025, 10:41:23 AM

- Annotations
- Roads
- Parcels
- Address Points

1:4,514

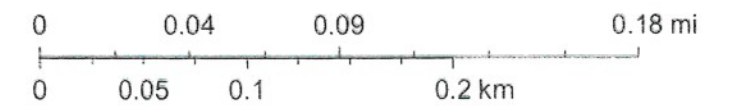




Exhibit B.2 Survey

Exhibit B.3 Deed

9280
0322

NOTARY SEALS ON ORIGINAL DOCUMENT
ARE READABLE BUT NOT REPRODUCIBLE
SEALS STATE: SHARON O CARTER
NOTARY PUBLIC
CABARRUS COUNTY, NC

STARLA A WELLS
NOTARY PUBLIC
ROWAN COUNTY, NC

REGISTER OF DEEDS/jw

FILED
CABARRUS COUNTY NC
LINDA F. McABEE
REGISTER OF DEEDS
FILED Sep 07, 2010
AT 04:17 pm
BOOK 09280
START PAGE 0322
END PAGE 0324
INSTRUMENT # 18979
EXCISE TAX *mkl* \$0.00

Excise Tax \$ 0.00

Recording Time, Book and Page

NORTH CAROLINA SPECIAL WARRANTY DEED

Tax Lot No. Parcel Identifier No. P/O 55899506830000

Verified by _____ County on the _____ day of _____

FILE # 08-1050

by *[Signature]*

Mail after recording to Ferguson, Scarborough, Hayes, Hawkins & DeMay, P.A., PO BOX 444, Concord, NC 28026
This instrument was prepared by Brian P. Hayes

NO TITLE OPINION REQUESTED, EXPRESSED OR IMPLIED

Brief Description for the index 77.591 Acres +/-

THIS DEED made this _____ day of **July 2010**, by and between

GRANTOR

GRANTEE

Gary W. Almond, as Co-Executor of the Estate
of Ellen Marie Almond and wife, Kathy T.
Almond

Gary W. Almond, a married man

6727 Bealgray Road
Kannapolis, NC 28081

6727 Bealgray Road
Kannapolis, NC 28081

and

Judy D. Almond, as Co-Executrix of the Estate
of Ellen Marie Almond

4770 Mooresville Road
Kannapolis, NC 28081

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, of CABARRUS County and Almond Township, of STANLY County, North Carolina and more particularly described as follows:

SEE EXHIBIT "A"

3pfd
25

9280
0323

The property hereinabove described was acquired by Grantors as part of the Estate of Ellen Marie Almond 08-E-534 and is the same property as acquired by recorded in Book 8128, Page 294; and Deed Book 610, Page 475.

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 has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than 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)

Gary W. Almond (SEAL)
GARY W. ALMOND, Co-Executor of the Estate
Of Ellen Marie Almond

By: _____

Kathy T. Almond (SEAL)
KATHY T. ALMOND

President

Judy D. Almond (SEAL)
JUDY D. ALMOND Co-Executrix of the Estate of
Ellen Marie Almond

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:

Gary W. Almond and wife Kathy T. Almond



Sharon O Carter Notary Public

Printed or Typed Name: Sharon O. Carter

My commission expires: 7/9/2012

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:

Judy D. Almond

Date: 8/24/2012



Stella A Wells Notary Public

Printed or Typed Name: Stella A. Wells

My commission expires: 8/24/2012

The _____ foregoing _____ Certificate(s) _____ of
is/are certified to be true and correct. This instrument and this certificate are duly registered at the date and in the Book and Page shown on the first
page hereof.

REGISTER OF DEEDS FOR _____ COUNTY

By _____ Deputy/Assistant-Register of Deeds..

EXHIBIT A

BEGINNING at the NCGS Mon. "Reggie" (being located N: 597811.445; E: 1589901.033; NAD 83; and with said point being located N. 60-15-34 E. 1447.50 feet from NCGS Mon. "Sheffield" N: 597093.474; E: 1588644.365; NAD 83) and Thence S. 35-22-36 W. 809.24 feet to a 1" rod (located N: 597151.705; E: 1589432.584; NAD 83), and being at the southwestern corner of Reggie A. Hatley and wife, Vickie B. Hatley, (now or formerly, Deed Book 8128, Page 294; PIN 5599071358, Cabarrus County), and the northeastern corner of Ellen Marie Almond (Deed Book 610, Page 475; PIN 5589950683, Cabarrus County), with said 1" rod marking THE POINT AND PLACE OF BEGINNING: Thence, S. 60-23-50 E. 701.50 feet to a 2" pipe crossing the Cabarrus County Stanly County line; Thence, S. 47-59-34 E. 461.74 feet to a 1½" rod in a stone pile; Thence, S. 27-31-49 W. 2990.28 feet to a ½" rebar, said rebar marking a new corner in the property of Ellen Marie Almond (infra); Thence a new line in the property of Ellen Marie Almond, N. 50-04-53 W. 757.96 feet to a ½" rebar, another new corner in the property of Ellen Marie Almond; Thence, another new line N. 71-18-11 W. 437.86 feet to a ½" rebar crossing the Cabarrus County Stanly County line, a new corner in Ellen Marie Almond; Thence, a new line N. 40-17-03 W. 68.19 feet to a ½" rebar, marking a new corner on the existing line for Ellen Marie Almond; Thence, N. 49-42-57 E. 339.79 feet to a ½" pipe; Thence, S. 63-22-33 E. 15 feet to a ½" rebar; Thence, N. 26-38-07 E. 606.71 feet to a ½" rebar; Thence, S. 63-43-35 E. 25.00 feet to a ½" rebar; Thence, N. 26-41-05 E. 35.00 feet to a ½" pipe; Thence, N. 63-43-35 W. 40.00 feet to a ½" pipe; Thence, N. 26-41-05 E. 2054.00 feet BACK TO THE POINT AND PLACE OF BEGINNING.

The foregoing constituting 77.591 acres, more or less, of the property of Ellen Marie Almond, Deed Book 610, Page 475; presently PIN 5589950683 of the Cabarrus County Public Registry, and being identified as Tract Number 2 on the Boundary Survey for the Ellen M. Almond Estate dated October 26, 2009 as prepared by Surveyor David R. Garrott, PLS L-3668, North Carolina, for Gary W. Almond and J. Dianne Almond and located in Township Number 8, Cabarrus County, North Carolina; Stanly County, North Carolina.

Exhibit B.4
CDO Articles 5 & 6

Section 5-1 Intent

The district development standards of this Ordinance establish lot sizes and certain restrictions for residential and nonresidential development. These standards allow for variety in housing types while maintaining the overall character of neighborhoods and commercial areas of the County. Development standards are based on the County's suburban and rural planning tiers. Separate standards are established to regulate development in each residential district. This approach to district development standards and planning tiers has several public benefits:

1. It allows for development that is more sensitive to the environment and allows for the preservation of open and natural areas.
2. It promotes quality site layout and energy-efficient development.
3. It promotes affordable and life-cycle housing.
4. It promotes development intensities that match existing and proposed infrastructure investments.

Section 5-2 How to use this Chapter

This Chapter is divided into the following parts:

PART I. RESIDENTIAL DISTRICTS.	This Part sets forth the standards for all types of residential subdivisions in all residential districts.
PART II. NON-RESIDENTIAL DISTRICTS.	This Part sets forth the standards for development in non-residential districts.

PART I. RESIDENTIAL DISTRICTS

Section 5-3 Subdivision types

Development within the residential districts allows three types of subdivision.

A. Conventional Subdivision

Conventional subdivision is a pattern of residential development that provides a majority of property owners with substantial yards on their own property.

B. Open Space Subdivision

Open space subdivisions trade smaller lot sizes (with smaller yards) for additional common open space. An open space subdivision shall be a minimum size to ensure sufficient common open space can be incorporated into the subdivision design.

C. Subdivision Design Type by Planning Tier

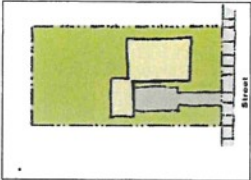

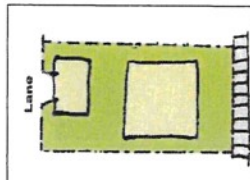
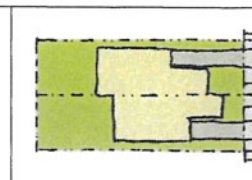
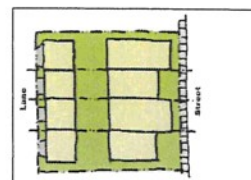
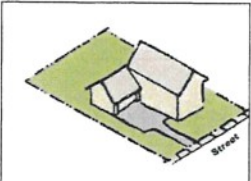
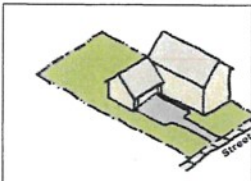
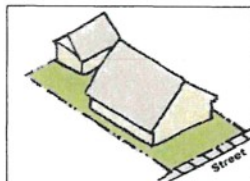
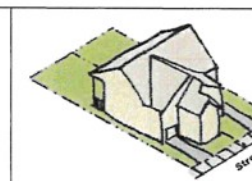
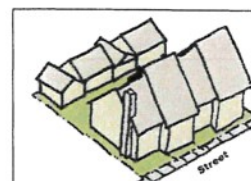
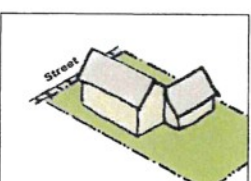
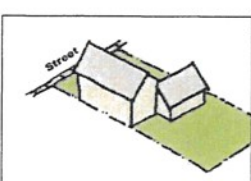
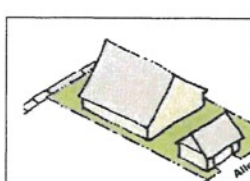
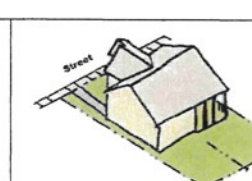
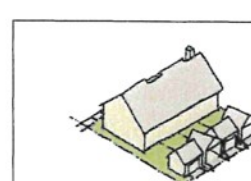
The district standards set forth in this Chapter provide for alternative subdivision types in each planning tier, as follows.

	R U R A L		S U B U R B A N		
	AO	CR	LDR	MDR	HDR
Conventional Subdivision	✓	✓	✓		
Open Space Subdivision	✓	✓	✓	✓	✓

Section 5-4 Housing types

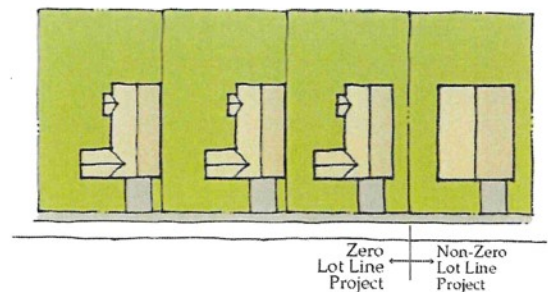
A. Definitions

The following housing types are established to provide a common terminology for housing in the County. All drawings are for illustrative purposes only.

<i>Single Family Detached</i>	<i>Zero Lot Line House</i>	<i>Alley-Loaded House</i>	<i>Semi-Attached House</i>	<i>Townhouse</i>
<i>A dwelling unit located on a single lot with private yards on all four sides</i>	<i>A dwelling unit located on a single lot with private yards on three sides. The house has only a single side yard comprising the equivalent of the two side yards of a single-family detached house.</i>	<i>A dwelling unit located on a single lot with private yards on all four sides. The house is set much closer to the street than a single-family detached house, and alley access is required.</i>	<i>Two attached single-family units located on two lots that share a common wall along the lot line, providing for fee-simple ownership.</i>	<i>Three or more attached units where the units are lined up in a row and share side walls. Access to garages is from the rear.</i>
				
				
				

B. Special standards for a zero lot line house

1. A single side yard shall be provided. This reduction shall not be allowed for the front yard on a corner lot or for the side yard adjacent to lots developed with other housing types.
2. An easement between the two property owners to allow for maintenance or repair of the house shall be required when the roof overhang or side wall of the house are within four feet of the adjacent property line (no roof overhang shall be permitted to extend across the



property line). The easement on the adjacent property must provide at least five feet of unobstructed space. The easement shall be recorded on the subdivision plat.

C. Special standards for an alley-loaded house

1. An alley shall be provided to the rear of all alley-loaded houses. All vehicular access shall take place from the alley. No parking shall be permitted in the required front yard.

D. Special standards for a townhouse

1. Side yards are not required for interior townhouses, but street and rear yards shall be provided for all townhouses, and building separation requirements shall be maintained for all townhouse structures.
2. The maximum number of units allowed in a single building is eight.




Section 5-5 Conventional subdivision standards

A. Applicability

A conventional subdivision is permitted in the AO, CR, and LDR districts. Applicants shall comply with all other provisions of this ordinance and all other applicable laws, except those that are incompatible with the provisions contained herein.

B. Dimensional standards

Applicants using the conventional subdivision option shall meet the following standards.

	AO <i>Single-Family Detached</i>	CR <i>Single-Family Detached</i>	LDR <i>Single-Family Detached</i>
CONVENTIONAL SUBDIVISION			
Tract			
Density (maximum units/acre)	0.33	0.50	0.50
Public water and sewer	not permitted*	not permitted*	optional
Lot Dimensions (minimum)			
Lot area (acres)	3	2	2
Average lot width (feet)	150	150	150
Principal (minimum feet)			
Front yard (minor collector)	75	75	75
Front yard (local road)	50	50	50
Side yard	20	20	20
Rear yard	30	30	30
Height (maximum feet)	40	40	40
Lot Coverage (maximum)			
Impermeable surface	15%	20%	20%

* Governmental water may be provided to individual lots in these areas for public health reasons.

C. Minor Subdivisions

In the AO, CR, LDR, MDR and HDR Districts, applications meeting the standards for a minor subdivision as defined by the subdivision ordinance may create no more than one conventional minor subdivision out of each parent tract existing as of June 20, 2005 with lots at least one acre in size, provided that each lot meets any minimum area requirements for public health purposes. The property may be further divided. However, any additional divisions shall be deemed major subdivisions and shall be processed as such and subject to all ordinances and policies related to major subdivisions.

Minor subdivision dimensional standards

Subdivisions that are classified as minor subdivisions in the AO, CR, and LDR zoning districts shall be subject to the tract requirements listed for public water and sewer, the minimum average lot width listed in lot dimensions, the setbacks, height and lot coverage standards in Section 5-5, Conventional Subdivision Standards, Section B, Dimensional Standards. NOTE: Density standards in table shall not apply. Minimum lot size shall be one acre (43,560 SF) as stated above.

Subdivisions in the MDR and HDR zoning districts shall be subject to the tract requirements as listed for governmental water and sewer, the lot dimension minimum average lot width listed in the lot dimensions, the setbacks, height and lot coverage standards established in Section 5-6, Open Space Subdivision Standards, Section D, Dimensional Standards. NOTE: Density standards in table shall not apply. Minimum lot size shall be one acre (43,560 SF) as stated above.

D. Front yard tree planting required for major subdivision lots

1. One canopy tree shall be provided for each 1,000 square feet of area in the required front yard for each lot. For the purpose of calculating required trees, any fraction shall require an additional tree (always round up). Portions of the required front yard covered by allowed encroachments such as front porches (see section 6-15) shall be deleted from the calculation. The tree shall have a minimum size of 2½-inch caliper. Two ornamental trees may be substituted for one canopy tree in a front yard.
2. One additional front yard tree shall be required for corner lots.
3. Existing healthy trees in the required front yard area over 6 caliper inches shall be retained and credited toward meeting the front yard tree requirement.

Section 5-6 Open space subdivision standards

A. Intent

The intent of an open space subdivision is to provide a development alternative to a conventional subdivision. An open space subdivision involves placing a cluster of home-sites within a portion of the development site, allowing housing units on smaller lots than those permitted in a conventional subdivision to promote environmentally sensitive, more efficient use of the land and provide additional common open space. Other purposes of an open space subdivision include the following:

- To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.
- To preserve important historic and archaeological sites.
- To permit clustering of houses and structures in a manner that will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
- To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
- To promote interconnected greenways and corridors throughout the community.
- To create contiguous greenspace within and adjacent to the development site.
- To protect scenic views.
- To protect prime agricultural land and retain farming as an economic activity.

1. Applicability

An open space subdivision is permitted in the AO, CR, LDR, MDR and HDR districts. Applicants shall comply with all other provisions of this ordinance and all other

applicable laws, except those that are incompatible with the provisions contained herein.

2. Ownership of development site

The development site to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.

3. Dimensional standards

Applicants utilizing the open space subdivision option shall meet the following standards.

CABARRUS COUNTY DEVELOPMENT ORDINANCE
CHAPTER 5- DISTRICT DEVELOPMENT STANDARDS

OPEN SPACE SUBDIVISION

AO

Tract

Density (maximum units/acre) 0.50
Area (minimum acres) 10
Open space (minimum) 40%
Public water and sewer not permitted*

Lot Dimensions (minimum)

Lot area (square feet) **
Average lot width (feet) 150

Principal (minimum feet)

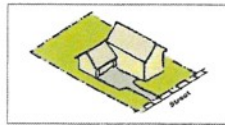
Front yard (minor collector) 75
Front yard (local road) 50
Side yard 20
Rear yard 30

Height (maximum feet)

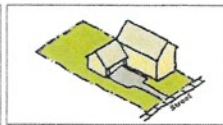
Lot Coverage (maximum)

Impervious surface 15%

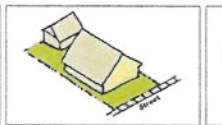
Single-Family Detached



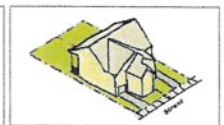
Zero Lot Line House



Alley-Loaded House



Semi-Attached House



Density (maximum units/acre)	0.50	--	--
Area (minimum acres)	10	--	--
Open space (minimum)	40%	--	--
Public water and sewer	not permitted*	--	--
Lot Dimensions (minimum)			
Lot area (square feet)	**	--	--
Average lot width (feet)	150	--	--
Principal (minimum feet)			
Front yard (minor collector)	75	--	--
Front yard (local road)	50	--	--
Side yard	20	--	--
Rear yard	30	--	--
Height (maximum feet)	40	--	--
Lot Coverage (maximum)			
Impervious surface	15%	--	--

CR

Tract

Density (maximum units/acre) 1.00
Area (minimum acres) 5
Open Space (minimum) 40%
Public water and sewer not permitted*

Lot Dimensions (minimum)

Lot area (square feet) **
Average lot width (feet) 125

Principal (minimum feet)

Front yard (minor collector) 75
Front yard (local road) 50
Side yard 20
Rear yard 30

Height (maximum feet)

Lot Coverage (maximum)

Impervious surface 20%

Density (maximum units/acre)	1.00	--	--
Area (minimum acres)	5	--	--
Open Space (minimum)	40%	--	--
Public water and sewer	not permitted*	--	--
Lot Dimensions (minimum)			
Lot area (square feet)	**	--	--
Average lot width (feet)	125	--	--
Principal (minimum feet)			
Front yard (minor collector)	75	--	--
Front yard (local road)	50	--	--
Side yard	20	--	--
Rear yard	30	--	--
Height (maximum feet)	40	--	--
Lot Coverage (maximum)			
Impervious surface	20%	--	--

** Minimum lot size shall be no less than one acre. All lots shall be required to meet Cabarrus Health Alliance requirements for septic system installation prior to approval of any zoning or building permits.

* Governmental water may be provided to individual lots in these areas for public health reasons.

CABARRUS COUNTY DEVELOPMENT ORDINANCE
CHAPTER 5- DISTRICT DEVELOPMENT STANDARDS

OPEN SPACE SUBDIVISION

LDR

Tract

Density (maximum units/acre)
Area (minimum acres)
Open space (minimum)
Governmental water and sewer

Lot Dimensions (minimum)

Lot area (square feet)
Average lot width (feet)

Site Dimensions (minimum feet)


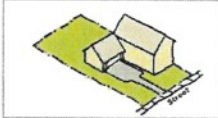
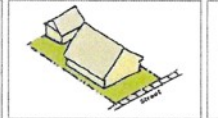

Per building
Per unit
Width

Principal (minimum feet)

Front yard (minor collector)
Front yard (local)
Front yard (corner)
Side yard
Rear yard

Height (maximum feet)

Lot Coverage (maximum)
Impervious surface

	<i>Single-Family Detached</i>	<i>Zero Lot Line House</i>	<i>Alley-Loaded House</i>	<i>Semi-Attached House</i>
				
Density (maximum units/acre)	1.5	1.5	1.5	1.5
Area (minimum acres)	5	5	5	5
Open space (minimum)	35% required	35% Required	35% Required	35% Required
Governmental water and sewer				
Lot Dimensions (minimum)				
Lot area (square feet)	15,000	15,000	12,000	--
Average lot width (feet)	75	75	65	--
Site Dimensions (minimum feet)				
Per building	--	--	--	15,000
Per unit	--	--	--	7,500
Width	--	--	--	75
Principal (minimum feet)				
Front yard (minor collector)	75	75		75
Front yard (local)	30	30	10	30
Front yard (corner)	20	20	10	20
Side yard	10	0	10	10
Rear yard	30	30	30	30
Height (maximum feet)	40	40	40	40
Lot Coverage (maximum)	35%	35%	35%	35%
Impervious surface				

CABARRUS COUNTY DEVELOPMENT ORDINANCE
 CHAPTER 5- DISTRICT DEVELOPMENT STANDARDS

OPEN SPACE SUBDIVISION

MDR

Tract

Density (maximum units/acre)
 Area (minimum acres)
 Open space (minimum)
 Governmental water and sewer

Lot Dimensions (minimum)

Lot area (square feet)
 Average lot width (feet)

Site Dimensions (minimum feet)

Per building
 Per unit
 Width

Principal (minimum feet)

Front yard
 Front yard (corner)
 Side yard
 Rear yard

Height (maximum feet)

Lot Coverage (maximum)
 Impervious surface

				
Density (maximum units/acre)	2.50	2.50	2.50	2.50
Area (minimum acres)	5	5	5	5
Open space (minimum)	35%	35%	35%	35%
Governmental water and sewer	Required	Required	Required	Required
Lot Dimensions (minimum)				
Lot area (square feet)	8,000	8,000	7,000	--
Average lot width (feet)	60	60	55	--
Site Dimensions (minimum feet)				
Per building	--	--	--	8,000
Per unit	--	--	--	4,000
Width	--	--	--	60
Principal (minimum feet)				
Front yard	25	25	10	25
Front yard (corner)	15	15	10	15
Side yard	5	0	5	5
Rear yard	20	20	20	20
Height (maximum feet)	40	40	40	40
Lot Coverage (maximum) Impervious surface	40%	40%	40%	40%

CABARRUS COUNTY DEVELOPMENT ORDINANCE
CHAPTER 5- DISTRICT DEVELOPMENT STANDARDS

OPEN SPACE SUBDIVISION

HDR

Tract

Density (maximum units/acre)
Area (minimum acres)
Open space (minimum)
Governmental water and sewer

Lot Dimensions (minimum)

Lot area (square feet)
Average lot width (feet)

Site Dimensions (minimum feet)

Per building
Per unit
Width

Principal (minimum feet)


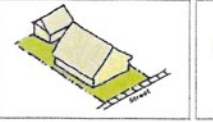
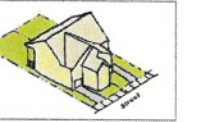
Front yard
Front yard (corner)
Side yard
Rear yard

Height (maximum feet)

Principal
Accessory

Lot Coverage (maximum)

Impervious surface

	<i>Single-Family Detached</i>	<i>Zero Lot Line House</i>	<i>Alley-Loaded House</i>	<i>Semi-Attached House</i>
				
Density (maximum units/acre)	4.50	4.50	4.50	4.50
Area (minimum acres)	5	5	5	5
Open space (minimum)	35%	35%	35%	35%
Governmental water and sewer	Required	Required	Required	Required
Lot Dimensions (minimum)				
Lot area (square feet)	4,000	4,000	3,500	--
Average lot width (feet)	40	40	35	--
Site Dimensions (minimum feet)				
Per building	--	--	--	4,000
Per unit	--	--	--	2,000
Width	--	--	--	40
Principal (minimum feet)				
Front yard	15	15	10	15
Front yard (corner)	10	10	10	10
Side yard	5	0	5	5
Rear yard	15	15	15	15
Height (maximum feet)				
Principal	40	40	40	40
Accessory	40	40	40	40
Lot Coverage (maximum)				
Impervious surface	45%	45%	45%	45%

NOTE: Fire or building code may require fire-resistant construction for elements located less than 10 feet apart.

Section 5-7. Residential development standards (all subdivisions)

A. Open space

1. Applicability

The minimum protected open space for each subdivision type by district is set forth in this *Section*. Once this minimum open space requirement has been met, no additional open space shall be required on the site, except where otherwise required by state or federal law.

2. Primary open space

The following are considered primary open space areas and shall be included within the open space, unless the Applicant demonstrates that this provision would constitute an unusual hardship and is counter to the purposes of this chapter:

- a. The 100-year floodplain;
- b. Stream buffer areas required by the County along each side of all perennial and intermittent streams;
- c. Slopes above 25 percent of at least 10,000 square feet contiguous area;
- d. Jurisdictional wetlands under federal law (Section 404) that meet the definition applied by the Army Corps of Engineers;
- e. Habitat for federally-listed endangered or threatened species;
- f. Archaeological sites, cemeteries and burial grounds;
- g. State-designated Natural Heritage Sites;

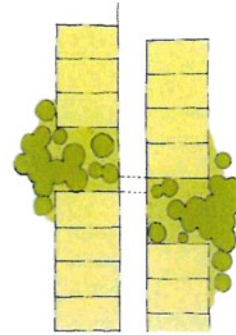
3. Secondary open space

The following are considered secondary open space areas and shall be included or retained within the required open space to the maximum extent feasible.

- a. Important historic sites;
- b. Individual existing healthy trees greater than 12 inches DBH in open space areas or required buffer areas;
- c. Other significant natural features and scenic viewsheds such as ridge lines, hedge rows, field borders, meadows, fields, peaks and rock outcroppings, particularly those that can be seen from public roadways;
- d. Areas that connect the tract to neighboring open space, trails or greenways;
- e. Soils with "Severe" limitations for development due to drainage problems, including but not limited to, Armenia loam (Ar) Altavista sandy loam (AaB), Chewacia sandy loam (Ch), Iredell loam (IdA), Sedgefield sandy loam (SfB) and Wedhadkee (We); and
- f. Landscaped site elements such as arterial street buffers, district boundary buffers, civic greens and landscaped medians.

4. **Configuration of open space**

- a. The minimum width for any required open space shall be 50 feet. Exceptions may be granted for items such as trail easements, mid-block crossings, linear parks/medians, when their purpose meets the intent of the open space section.
- b. At least 60 percent of the required open space shall be in a contiguous tract. For the purposes of this section, contiguous shall include any open space bisected by a residential street (including a residential collector), provided that:
 1. A pedestrian crosswalk is constructed to provide access to the open space on both sides of the street; and
 2. The right-of-way area is not included in the calculation of minimum open space required.
- c. The open space shall adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.
- d. At least 25 percent of the open space shall be activated using trails, active recreation areas or similar improvements that are available and accessible to all residents of the neighborhood. Trails shall be developed in accordance with Appendix C, Trail and Trailhead Design Standards.
- e. The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the open space (i.e. mid-block connections in logical locations). No lot within the subdivision shall be further than a ¼ -mile radius from the required open space. This radius shall be measured in a straight line, without regard for street, sidewalk or trail connections to the open space.



5. **Permitted uses of open space**

Uses of open space may include the following:

- a. Conservation areas for natural, archeological or historical resources;
- b. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- c. Pedestrian or multipurpose trails;
- d. Passive recreation areas, including pocket parks;
- e. Active recreation areas, such as ballfields and playgrounds, provided that impervious area is limited to no more than 10 percent of the total open space (active recreation areas in excess of this impervious area limit shall be located outside of the protected open space);
- f. Golf courses (excluding clubhouse areas and maintenance facilities), provided the area does not exceed 50 percent of the overall required open

space for the development and further provided that impervious area is limited to no more than 10 percent of the proposed course area.

- g. Above-ground utility rights-of-way, provided the area does not exceed 50 percent of the required open space;
- h. Water bodies, such as lakes and ponds, and floodways provided the total surface area does not exceed 50 percent of the required open space;
- i. Landscaped stormwater management facilities;
- j. Easements for drainage, access, and underground utility lines; and
- k. Other conservation-oriented uses compatible with the purposes of these regulations.

6. Prohibited uses of open space

Open space shall not include the following:

- a. Wastewater disposal systems
- b. Streets (except for street crossings as expressly provided above) and parking areas;
- c. Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.

7. Ownership and management of open space

a. Ownership of open space

No residential lots shall be allowed to extend into the required open space. Open space shall be accepted and owned by one of the following entities:

- 1. Land conservancy or land trust. The responsibility for maintaining the open space and any facilities shall be borne by a land conservancy or land trust.
- 2. Homeowners association. A homeowners association representing residents of the subdivision shall own the open space. Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The Homeowners' Association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the open space and any facilities shall be borne by the Homeowner's Association.
- 3. Private landowner. A private landowner may retain ownership of open space, provided that a conservation easement approved by the Cabarrus County Soil and Water Conservation District is recorded. The responsibility for maintaining the open space and any facilities shall be borne by the private landowner.

b. Management plan required

Applicants shall submit an Open Space Management Plan for open space and other common facilities that:

1. Allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
2. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and outlines the means by which such funding will be obtained or provided;
3. Provides that any changes to the Plan be approved by the County; and
4. Provides for enforcement of the Plan.

c. Maintenance of open space

1. Passive open space maintenance is limited to removal of litter, dead tree and plant materials (that is obstructing pedestrian movement), removal of brush; and weeding and mowing. Natural water courses are to be maintained as free flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.
2. Active open space areas shall be accessible to all residents of the development. Maintenance is limited to ensuring that there exist no hazards, nuisances or unhealthy conditions.
3. For any parts of the stream that are included in the open space for the development. Streambeds shall be maintained and kept free of debris, logs, timber, junk and other accumulations that would clog or dam the passage of waters in their downstream course or that would create a flooding condition.

d. Failure to maintain open space

In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the County may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The County may file an enforcement action for failure to maintain open space. The costs of such maintenance and the enforcement action may be charged to the Homeowner's Association, or to the individual property owners that make up the Homeowner's Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

8. Legal instrument for permanent protection

- a. The open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed and enforceable by Cabarrus County. The instrument shall be one of the following:
 1. A permanent conservation easement in favor of either:
 - a) A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The

organization shall be *bona fide* and in perpetual existence and the conveyance instruments shall contain an appropriate provision for re-transfer in the event the organization becomes unable to carry out its functions; or

- b) A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance.
2. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.
3. An equivalent legal tool that provides permanent protection, if approved by the County.
- b. The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions contained in this chapter, as well as any further restrictions the Applicant chooses to place on the use of the open space. Where appropriate, the instrument shall allow for stream or habitat restoration within the easement area.

B. Stream buffer and floodplain limitations

1. Land within a stream buffer shall not be used to meet the minimum area requirements for lots that are one acre or less.
2. If a lot is greater than one acre in area, the buffer area may be used to meet the minimum lot size requirements, however, at least 50 percent of the lot shall remain outside the stream buffer area. For additional stream buffer requirements see Chapter 4, Waterbody Buffer Zone.
3. When a lot is proposed that is subject to flooding and has regulated floodplain as part of the lot, usable area located outside of the regulated floodplain must be a minimum of 2500 square feet.
4. No new lots located entirely within the floodplain shall be approved.
5. All development on parcels with regulated floodplain are subject to the Cabarrus County Flood Damage Prevention Ordinance. See Chapter 16.

C. Utilities and Stormwater

1. To the maximum extent determined feasible, utilities in open space subdivisions and non-residential development shall be placed underground.
2. Proposed developments in unincorporated Cabarrus County are subject to Phase 2 Post-Construction and Soil and Erosion Control permitting with the North Carolina Department of Energy, Mineral and Land Resources.
3. When existing vegetation is proposed to be used to meet the landscape buffering requirements, stormwater and erosion control measures may not extend into, or

be located in, the landscape buffer area. The buffer area is to remain undisturbed but for the installation of supplemental planting (if needed).

D. Perimeter compatibility

1. Applicability

Perimeter compatibility is required along project boundaries for open space subdivisions to provide a suitable transition between the proposed subdivision and adjacent development.

2. Buffer Required

A landscaped buffer shall be required along all boundaries of an open space subdivision. This buffer shall be a natural, undisturbed wooded area where possible, and shall count towards the provision of open space for the development where the buffer is not platted and made part of an individual, privately owned lot. Where an existing natural, undisturbed wooded area does not exist, a planted buffer shall be required as follows:

a. Project Boundary Buffer

A project boundary buffer shall be provided along all project boundaries other than arterial streets, and shall be measured perpendicular to the property lines that define the project area.

b. Minimum Project Boundary Buffer Width

1. The minimum width of the project boundary buffer shall be 25 feet where the width of the project's perimeter lots or the acreage of the perimeter lots adjacent to the buffer is equal to or greater than the minimum lot width or the acreage of the adjoining development or the minimum lot width required by the zoning district applied to any adjoining undeveloped parcel.
2. When narrower lot widths or smaller acreage lots are proposed in the new project, the minimum buffer width shall be 50 feet.

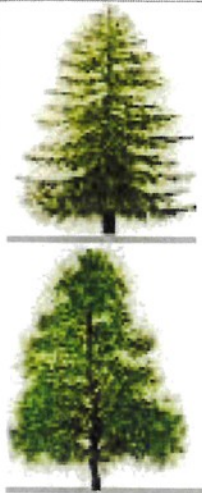


c. Arterial Street Buffer Required

An arterial street buffer shall be provided along any project boundary that abuts an arterial street. The buffer shall be measured perpendicular to the right-of-way line that defines the project area.

1. The minimum width of the buffer shall be 50 feet.

d. Required Buffer Planting

Required project boundary and arterial street buffers shall incorporate existing natural vegetation to the maximum extent feasible. Where existing vegetation is inadequate to meet the planting standards below, additional plant material shall be required. The planting standard below is intentionally over-planted at maturity, in order to provide an immediate beneficial impact.

 <p><i>Large Trees</i></p>	 <p><i>Small Trees</i></p>	 <p><i>Shrubs</i></p>
<p>3 per 100 linear feet 2" caliper minimum 50% evergreen</p>	<p>6 per 100 linear feet 1" caliper minimum</p>	<p>22 per 100 linear feet 24" height minimum 50% evergreen</p>

e. **Credit for Existing Vegetation**

Credit shall be given for existing vegetation within the required buffer area that meets the planting requirements above. Applicant must provide documentation showing that existing vegetation is consistent with the requirements outlined above when credit for existing vegetation is requested.

f. **Trails within Required Buffers**

Trails may be incorporated into required buffer areas provided a minimum of 15 feet is added to the required buffer width to accommodate both the trail and the required buffer plantings. Buffers with trails may also count toward the provision of open space for the development.

PART II. NONRESIDENTIAL DISTRICTS.

Section 5-8. Nonresidential development standards.

Dimensional standards.

Nonresidential development shall meet the following standards.

	OI	LC	GC	LI	GI
Lot Dimensions (minimum)					
Lot area (square feet)	10,000	10,000	1 acre	1 acre	1 acre
Lot width (feet)	50	50	120	120	200
Principal (minimum feet)					
Front yard	30	30	30	50	50
Side yard	10	10	10	10	15
Rear yard	20	20	20	20	20
Accessory (minimum feet)					
Front yard	30	30	same as principal	same as principal	same as principal
Side yard	5	5			
Rear yard	10	10			
Height (maximum feet)					
Principal	40	40	60	60	60
Accessory	20	20	30	30	30
Lot Coverage (maximum)					
Impervious surface	75%	75%	75%	75%	75%

Commercial design standards (Appendix B)

Applicability

The Commercial Design Standards are intended to be used for all commercial developments located within the jurisdiction of Cabarrus County.

Purpose

The purpose of these design standards is to establish a general set of principles and specific recommendations to serve as a guide for new development of commercial properties.

Permitted Uses

Permitted uses shall be governed by Chapter 3, Establishment of Zoning Districts.

Section 1-Appendix B Design Standards (See Appendix B)

The Commercial Design Standards listed in Appendix B shall apply to all new commercial and office developments in the O-I, LC, and GC zoning districts (See Chapter 3, Table of Permitted Uses-Commercial Uses).

The design standards of Appendix B shall apply to the following commercial uses listed in Chapter 3, Table of Permitted Uses-Commercial Uses when permitted in the AO, CR, LDR, MDR or HDR zoning districts:

Bank/financial institution/ATM
Convenience stores with or without petroleum sales
Gas stations
Nursery/Daycare
Restaurants with or without drive thrus
Retail sales/shoppers' goods
Retail sales, shopping centers/10,000 SF and less

Design Review Committee

All applications for commercial development approval subject to the standards established in Appendix B shall be approved by the Cabarrus County Planning and Zoning Board, sitting as the Design Review Committee, based upon the design guidelines in effect at the time of review.

When reviewing applications for commercial development permitted in residential zoning districts, the Design Review Committee shall review the project in relation not only to Appendix B but also the following criteria:

- Architectural design of neighboring residential buildings
- Setbacks in relation to existing buildings and residential development
- Compatibility with neighborhood character, context and scale

As part of the formal architectural review process, the Design Review Committee may approve deviations from the standards listed in Appendix B when the Design Review Committee determines one or more of the following are applicable to the proposed project:

- To provide for architectural design compatibility in relation to the existing neighborhood or structures where appropriate
- To provide for adjusted setbacks in relation to existing buildings or residential development where appropriate
- To provide changes in architectural character or site design when the design standards would not be compatible with the context of the surrounding neighborhood
- To provide for changes in scale where appropriate

Appeal of Design Review

An aggrieved party may appeal a decision of the Planning Administrator in writing within 30 days of a decision. The Cabarrus County Board of Adjustment shall hear all appeals.

An aggrieved party may appeal a decision of the Planning and Zoning Board, sitting as the Design Review Committee, in writing within 30 days of a decision. The Cabarrus County Board of Commissioners shall hear all appeals of Design Review Committee (Planning and Zoning Board) decisions.

Enforcement

Any violation of a permit issued under this section shall be enforced through the provisions of the Cabarrus County Zoning Ordinance.

Section 6-1 Introduction

While land use situations vary widely, there are a number of general regulations that typically apply across the board. These general regulations appear in this Chapter as well as regulations for situations when exceptions may be made to them.

Section 6-2 Zoning affects every structure and use.

Zoning affects every structure and land use throughout Cabarrus County. Accordingly, no structure shall be erected, reconstructed, moved or structurally altered, nor shall any structure or land be used except in compliance with both the general and any other applicable regulations of this Ordinance. Unless specific provisions state otherwise, no structure or use shall:

1. Exceed its height or bulk limitation,
2. Accommodate or house a greater number of families,
3. Occupy a greater percentage of lot area, or
4. Have narrower or smaller rear, side or front yard or other open space.

Section 6-3 Buffer area shall not be encroached upon or mutually claimed

Buffer areas required for one structure shall not be encroached upon by another nor shall it be claimed by a second structure as fulfilling its buffer requirement.

Section 6-4 One principal structure per lot

Residential: Only one principal residential dwelling unit may be constructed per-parcel unless specific Ordinance sections provide otherwise.

Commercial/Industrial: Not applicable.

Bona fide farms: Exempt if all structures are agriculturally related.

Section 6-5 Impact of differing uses within the same building on yard requirements

When two or more uses occur simultaneously within the same structure, the required yard dimensions are the maximum required by the district within which the structure is located.

Section 6-6 Resolution of measurements which result in fractions

When a requirement of this Ordinance results in a fraction, the following rules apply:

1. Fractions of one-half and more are counted as a whole.
2. Fractions less than one-half are disregarded.
3. The above two rules are also applied in the computation of numbers of dwelling units per lot.

Section 6-7 Street access required

All structures must be constructed or placed on land that abuts a street that:

1. Is a dedicated and publicly maintained roadway,
2. Has been approved through the Cabarrus County Subdivision Regulations and is subject to a road maintenance agreement.

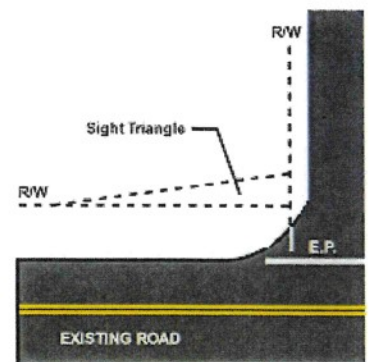
Agricultural uses on a bona fide farm are not subject to this requirement

Additionally, the following configurations may be exempt pending determination by the Zoning Administrator:

- Multifamily units when at least one of the group abuts a street and access is made available to each unit via either a public right-of-way or a private vehicular or pedestrian way.

Sections 6-8 Visibility at intersections

1. Nothing may be erected, placed, planted or allowed to grow in such a manner as to materially impede vision at intersections. The area that must be kept free is known as the sight preservation triangle.
2. The above described area must be kept-clear between a height of two and one half feet (2 1/2) feet and ten (10) feet above the centerline grades of the intersecting streets.
3. Required sight preservation triangles shall be noted on all site plans and plats. The required site preservation triangle is a 10' x 70' and shall be established at the existing right-of-way or the proposed right-of-way if the street or road is listed in the CTP Index.



Section 6-9 Height limitation on fences in residential districts

Fences and walls are subject to the following limitations:

1. Rear and side yard fences are not to exceed seven (7) feet.
2. Front yard fences are not to exceed five (5) feet.
3. Recreational fences are exempt.

A zoning permit is not required to install a residential fence. However, property lines should be identified prior to installation to prevent encroachments onto adjacent properties and/or into public right-of-ways. Fences installed in the regulated floodway must not impede the flow of water or the natural function of the floodway.

Section 6-10 Fencing Around Swimming Pools

Appendix G of the North Carolina Building Code requires that all outdoor swimming pools be protected by a barrier or fence, a minimum of four (4) feet in height and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking. See Appendix G, North Carolina Building Code, Swimming Pools, Spas and Hot Tubs for requirements.

Section 6-11 Abandoned and Junk Vehicles

- A. Abandoned and junked motor vehicles constitute a hazard to the health, safety, and general welfare of the citizens of Cabarrus County. Such vehicles can harbor noxious disease, provide shelter and breeding places for vermin, and present physical dangers to the safety of our children as well as the general public. These vehicles also detract from the physical appearance of the community. Therefore, the purpose of this section is to eliminate existing junk and abandoned vehicles and to prevent future storage of these vehicles.
- B. In general. No person may store a junk or abandoned vehicles on any parcel.
- C. Exceptions. Subsection (B) does not apply to any motor vehicle that is:
 - (1) stored in an enclosed building;
 - (2) stored on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the business, such as in a salvage yard; or
 - (3) presently being restored to an operable stage if the vehicle:
 - A. cannot be seen from a public right-of-way;
 - B. cannot be seen from adjacent properties;
 - C. is covered with a car cover when not being actively worked on; and
 - D. is the only junk or abandoned vehicle on the parcel.

Section 6-12 Antennae and Accessory Use of Solar Panels to be treated as accessory building use for setbacks

Antennae and accessory use of solar panels (collections up to 20 panels) are subject to the same placement requirements as accessory buildings set forth in Chapter 7, Section 7-3 #1, Accessory Building, Accessory Dwelling Unit and Swimming Pools Accessory to Single Family Residential.

Section 6-13 Exceptions and modifications

Front setback requirements for dwellings

Setback requirements for dwellings may be modified when the setbacks of contiguous existing buildings are less than required. These decreased setbacks are determined by computing the average setback on adjacent lots 500 feet on either side of the lot of the proposed dwelling.

The modified setback may be equivalent to the average of the existing structures or 25 feet from the street right-of-way line, whichever is greater. For lots on any roadway planned for widening as shown on the approved North Carolina Department of Transportation Comprehensive Transportation Plan, the setback shall be established from the proposed right-of-way line.

Height limitations for certain types of structures

The following are exempt from height limitations unless they are located in the vicinity of an airport. See Airport Overlay District, Chapter Four, for clarification.

Church spires, belfries, cupolas, domes, and other architectural embellishments not intended for human habitation

1. Monuments
2. Towers: water, observation, transmission, radio, television and cellular telephone
3. Chimneys
4. Flag poles and masts
5. Silos, grain elevators and conveyors

Height limitation, general

Any principal or accessory structure (not including signage) may exceed the zoning district's height limitation provided there is a proportional increase in the minimum front, side and rear setback requirements. Each foot of height over the maximum allowed height must be matched

by an increase of one linear ground foot in each direction for the required front, rear, and side setbacks.

Section 6-14 Setback encroachments

The following features may encroach into a required building setback:

1. Chimneys, overhanging roof, eave, gutter, cornice, or other architectural feature, not to exceed 2 feet
2. Bay windows, not to exceed 3 feet
3. Heating and cooling units, not to exceed 3 feet but in no case shall any such units be closer than five feet to any property line
4. Uncovered, unenclosed decks, terraces or patios, but in no case shall any such decks, terraces or patio be closer than 5 feet to any property line
5. Unenclosed fire escapes, not to exceed 6 feet
6. Covered, unenclosed porches in a required front yard, not to exceed 8 feet

Building Code Requirements:

The applicable Building Code may require fire-resistant construction for elements located less than 10 feet apart.

Section 6-15 Setbacks for Lots with Multiple Street Frontages

For undeveloped lots with multiple frontages, the developer has the option to determine which side shall be considered the “front” so long as the structure to be constructed has its front facing the same street.

For the purposes of applying setbacks to an existing developed lot, the front setback shall be defined as the yard with the shortest amount of street frontage. All other frontages shall be considered side yards.

Section 6-16 Accessory structures on individual lots

Unless specifically allowed by this ordinance, accessory structures shall not be permitted as primary structures. Additionally, no new lot shall be created having an accessory structure as the primary structure unless said structure is specifically allowed by this ordinance and properly permitted.

Section 6-17 Easement encroachment not permitted

In no case shall an encroachment be permitted into an easement of record area unless the applicant provides sufficient evidence from the easement holder that the encroachment is permitted.

Section 6-18 Effect of county line and municipal ETJ boundary

When an existing lot of record is located near the county line or a municipal ETJ boundary or extends across the county line or into the municipal ETJ boundary, the county line or ETJ boundary shall be recognized as the property line. The same shall apply for existing lots of record being subdivided.

Proposed structures must be located on either side of the county line or the municipal ETJ boundary. Structures that straddle the county line or the municipal ETJ boundary are not permitted.

Section 6-19 More stringent requirement applies

When applicable requirements of this ordinance differ or when applicable state and local requirements differ, the more stringent requirement shall apply.

Section 6-20 Recreational Vehicles

- A. Storage on a Residential Parcel. A person may not store a Recreational Vehicle (RV) on a residential parcel unless the recreation vehicle meets the following requirements:
 - 1. The RV is not used as a temporary or permanent dwelling or accessory to a dwelling.
 - 2. The RV is not used to store any personal property unrelated to the Recreational Vehicle, including animals, building materials, business inventory, and agricultural products
 - 3. The RV is not connected to any permanent utility service, such as electric, water, or sewer.
 - 4. The RV is attached to wheels and axels.
 - 5. The RV is properly insured, registered, and licensed for use on public roads and highways.
 - 6. The RV does not support any accessory structures, such as decks, porches, and awnings.

- B. Permanent Habitation Prohibited. A person may not use or occupy a Recreational Vehicle as a dwelling or accessory to a dwelling unless:
 - 1. the Recreational Vehicle is temporarily installed in a Manufactured Home Park in compliance with section 4-26; or
 - 2. the Recreational Vehicle is
 - a. used as a temporary dwelling for no more than 180 days within any one-year period; and

- b. located on a parcel on which the occupant of the Recreational Vehicle is rebuilding or repairing a single-family dwelling or manufactured home due to damage to the dwelling by fire, flood, hurricane, tornado, or other peril.

Exhibit B.5
CDO Article 4

Section 4-1 Introduction

Overlay zones and districts are much like what they sound - they are a zoning district of sorts laid on top of the base-zoning district. For example, an area may be zoned General Industrial, one of the basic zoning districts. Generally speaking, all of the rules and regulations of this zone, the General Industrial Zone, apply to any land use within the zone. Because the area also has a major road running through it, it may also be partially within the Thoroughfare Overlay zone (TOZ). This additional zone is "overlaid" upon the top of the underlying General Industrial zone and its rules and regulations must also be observed. Using overlay zones on top of basic zoning districts helps to customize the actual land use. Overlay zones are designated on the official zoning maps of Cabarrus County.

Section 4-2 How to use this Chapter

Overlay zones in Cabarrus County are organized as follows:

PART I. <u>Watershed Overlay Zone (WOZ)</u> - Regulations on property developed in close proximity to water supplies. Required by the State of N.C.	Sections 4-3 to 4-7
PART II. <u>Waterbody Buffer Zone (WBZ)</u> - This overlay protects all land on each side of all perennial streams, intermittent streams, waterbodies and wetlands in the County.	Sections 4-8 to 4-10
PART III. <u>Thoroughfare Overlay Zone (TOZ)</u> -Assures the protection of major roads in the County by reserving potential right-of-ways along these major roads.	Sections 4-11 to 4-18
PART IV. <u>Airport Overlay District (AOD)</u> - Covers regulations for land in close proximity to airports.	Sections 4-19
PART V. <u>Manufactured Home Overlay Districts (MHOD)</u>	Sections 4-20 to 4-28

PART I WATERSHED OVERLAY ZONE

Section 4-3 Application of Zone

The provisions of this district shall apply within the areas designated as a "Public Water Supply Watershed" by the North Carolina Environmental Management Commission. The designated areas are established on the map entitled "Watershed Protection Map of Cabarrus County, North Carolina" which is adopted simultaneously with this section. Any and all amendments to this overlay district shall take effect and be in force at the date of enactment by the Cabarrus County Board of Commissioners.

Section 4-4 Requirements for all lots in the Coddle Creek and Dutch Buffalo Watersheds

WS-II Watershed Areas: Coddle Creek and Dutch Buffalo

All land in the Coddle Creek and Dutch Buffalo Creek watersheds have been classified by the North Carolina Environmental Management Commission as "Watersheds II" drinking waters.

Coddle Creek: WS-II Critical Area

1. All lots within the drainage basin's critical area, that is land within 1/2 mile of the high water mark or the ridge line of the watershed (whichever comes first) for the reservoirs, shall have a minimum of two (2) acres. If an open space development is approved, the density for the site shall remain one dwelling per two (2) acres for development.

Coddle Creek: WS-II Protected Area

2. All lots in the watershed protected area shall have a minimum square footage of one acre, or one dwelling unit per acre, or meet requirements of the *Cabarrus County Development Ordinance*, whichever is more stringent.

Dutch Buffalo Creek: WS-II Critical Area

1. All lots within the drainage basin's critical area, that is land within 1/2 mile of the high water mark or the ridge line of the watershed (whichever comes first) for the reservoirs, shall have a minimum of two (2) acres. If an open space development is approved, the density for the site shall remain one dwelling per two (2) acres for development.

Dutch Buffalo Creek: Watershed II Protected Area

2. All lots in the protected area shall have a minimum square footage of one acre, or one dwelling unit per acre, or meet requirements of the *Cabarrus County Development Ordinance*, whichever is more stringent.

Section 4-5 Additional requirements for property located in a WS-II Critical Area (within 1/2 mile of the high water mark for reservoirs)

1. No commercial or industrial development shall be permitted in the WS-II Critical Area.
2. A 150-foot vegetative buffer shall be maintained from the normal pool level on all property adjoining the reservoir. No permanent structures shall be allowed within this buffer area.
3. Waterbody buffers shall be established as detailed in the Waterbody Buffer Zone section of this Ordinance.
4. All non-single family residential and nonresidential development of lots within the critical area shall have an impermeable area of less than six percent (6%).
5. No industrial or commercial hazardous material shall be used or stored in this 1/2-mile area.
6. Landfills and sites for land application of residuals or petroleum contaminated soils are specifically prohibited.
7. Maximum impervious coverage for individual single family residential lots in a critical area shall be based on the zoning district used for permitting.

For property located in a WS-II watershed protected area, the following requirements shall be met:

1. Maximum impervious coverage for individual single family residential lots in the protected area shall be based on the zoning district used for permitting.
2. Waterbody buffers shall be established as required by the Waterbody Buffer Zone section of this Ordinance.
3. All other residential and non-residential development shall not exceed twelve (12%) percent built-upon area for the site in addition to meeting the applicable minimum lot size, density, and zoning district requirements.

Section 4-6 Requirements for the Coldwater Creek -Lake Concord, Coldwater Creek-Lake Fisher and Tuckertown Reservoir WS-IV Watersheds

All land in the Coldwater Creek-Lake Concord, Coldwater Creek-Lake Fisher, and Tuckertown Reservoir watersheds have been classified by the North Carolina Environmental Management Commission as "Watersheds IV" drinking waters.

Coldwater Creek -Lake Concord: WS-IV Critical Area and WS-IV Watershed Protected Area

Coldwater Creek-Lake Fisher: WS-IV Critical Area and WS-IV Watershed Protected Area

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Tuckertown Reservoir: WS-IV Critical Area and WS-IV Watershed Protected Area

The following requirements apply to both the WS-IV Critical Area and the WS-IV Watershed Protected Area of these watersheds:

1. Unless prohibited by the underlying zoning district, densities for single family residential developments are permitted up to two (2) dwelling units per acre.
2. Maximum impervious coverage for individual single family residential lots shall be based on the zoning district used for permitting.
3. All other residential and non-residential development shall not exceed twenty-four (24%) percent built-upon area for the site in addition to meeting the applicable minimum lot size, density, and zoning district requirements.
4. Landfills and sites for land application of residuals or petroleum contaminated soils are specifically prohibited.

Any existing development within the watershed area may be continued, as governed by other sections of the Zoning Ordinance, and is subject to the following provisions:

1. Existing lot, lot of record: Platted but non-developed (vacant) existing lots of record may be used even if undersized, provided that the standards of the Ordinance for the applicable zoning district can be met.
2. Developed lots: Lots that were developed prior to the adoption of the watershed regulations on December 20, 1993 are considered grandfathered lots. Built-upon area, for purposes of complying with the Watershed Overlay Zone standards, shall be determined by using additions to the site occurring after the adoption date of this section of the ordinance. Historical survey data, Cabarrus County Geographic Information Systems data and land records data shall be used to determine the base built-upon area for Watershed Overlay Zone compliance and for permitting purposes. In no case, however, shall the overall built-upon area for a property exceed the impervious or structural coverage allowed for the underlying zoning district.

Section 4-7 Appeals and Variances

Appeal of Zoning Administrator Decision

As with all enforcement and administration, decisions of the Zoning Administrator may be appealed to the Cabarrus County Planning and Zoning Commission acting as a Board of Adjustment. Any appeal shall be reviewed by the Board under the standards used in granting a variance (see Chapter 12).

Variance Requests

The Planning and Zoning Commission, acting as Board of Adjustment, shall have the power to authorize, in specific cases, minor variances from the terms of this Ordinance as will not be contrary to the public interests where, owing to special conditions, a literal enforcement of this Ordinance will result in practical difficulties or unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. In addition, Cabarrus County shall notify and allow a reasonable comment period for all other local governments having jurisdiction in the designated watershed where the variance is being considered.

Applications for a variance shall be made on the proper form obtainable from the Zoning Administrator and shall include the following information:

1. A site plan, drawn to a scale of at least one (1) inch to forty (40) feet, indicating the property lines of the parcel upon which the use is proposed; any existing or proposed structures; parking areas and other built-upon areas; surface water drainage. The site plan shall be neatly drawn and indicate north point, name and address of person who prepared the plan, date of the original drawing, and an accurate record of any later revisions.
2. A complete and detailed description of the proposed variance, together with any other pertinent information which the applicant feels would be helpful to the Planning and Zoning Commission, acting as Board of Adjustment, in considering the application.
3. The Zoning Administrator shall notify in writing each local government having jurisdiction in the watershed and the entity using the water supply for consumption. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Zoning Administrator prior to a decision by the Planning and Zoning Commission, acting as Board of Adjustment. Such comments shall become a part of the record of proceedings of the Planning and Zoning Commission, acting as Board of Adjustment.

Before the Planning and Zoning Commission, acting as Board of Adjustment, may grant a variance, it shall make the following three findings, which shall be recorded in the permanent record of the case, and shall include the factual reasons on which they are based:

- a. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance. In order to determine that there are practical difficulties or unnecessary hardships, the Board must find that the five following conditions exist:
 - i. If he complies with the provisions of the Ordinance, the applicant can secure no reasonable return from, nor make reasonable use of, his property. Merely proving that the variance would permit a greater profit to

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- be made from the property will not be considered adequate to justify the Board in granting a variance. Moreover, the Board shall consider whether the variance is the minimum possible deviation from the terms of the Ordinance that will make possible the reasonable use of his property.
- ii. The hardship results from the application of the Ordinance to the property rather than from other factors such as deed restrictions or other hardship.
 - iii. The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.
 - iv. The hardship is not the result of the actions of an applicant who knowingly or unknowingly violates the Ordinance, or who purchases the property after the effective date of the Ordinance, and then comes to the Board for relief.
 - v. The hardship is peculiar to the applicant's property, rather than the result of conditions that are widespread. If other properties are equally subject to the hardship created in the restriction, then granting a variance would be a special privilege denied to others, and would not promote equal justice.
- b. The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.
 - c. In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done. The Board shall not grant a variance if it finds that doing so would in any respect impair the public health, safety, or general welfare.

In granting the variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purpose of this ordinance. If a variance for the construction, alteration or use of property is granted, such construction, alteration or use shall be in accordance with the approved site plan.

The Planning and Zoning Commission, acting as Board of Adjustment shall refuse to hear an appeal or an application for a variance previously denied if it finds that there have been no substantial changes in conditions or circumstances bearing on the appeal or application.

A variance issued in accordance with this Section shall be considered a Watershed Protection Permit and shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained by the applicant within six (6) months from the date of the decision.

If the application calls for the granting of a major variance, and if the Planning and Zoning Commission, acting as Board of Adjustment, decides in favor of granting the variance, the Board shall prepare a preliminary record of the hearing with all deliberate speed. The preliminary record of the hearing shall include:

- a. The variance application;

- b. The hearing notices;
- c. The evidence presented;
- d. Motions, offers of proof, objections to evidence, and rulings on them;
- e. Proposed findings and exceptions;
- f. The proposed decision, including all conditions proposed to be added to the permit.

The preliminary record shall be sent to the Environmental Management Commission for its review as follows:

If the Environmental Management Commission concludes from the preliminary record that the variance qualifies as a major variance and that

- a. the property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted, and
- b. the variance, if granted, will not result in a serious threat to the water supply,

then the Environmental Management Commission (EMC) shall approve the variance as proposed or approve the proposed variance with conditions and stipulations.

The Environmental Management Commission shall prepare a Commission decision and send it to the Planning and Zoning Commission, acting as Board of Adjustment. If the EMC approves the variance as proposed, the Planning and Zoning Commission, acting as Board of Adjustment, shall prepare a final decision granting the proposed variance. If the EMC approves the variance with conditions and stipulations, the Planning and Zoning Commission, acting as Board of Adjustment shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.

If the EMC concludes from the preliminary record that the variance qualifies as a major variance and that

- a. the property owner can secure a reasonable return from or make a practical use of the property without the variance or
- b. the variance, if granted, will result in a serious threat to the water supply,

then the Commission shall deny approval of the variance as proposed.

The Commission shall prepare a Commission decision and send it to the Planning and Zoning Commission, acting as Board of Adjustment. The Board shall prepare a final decision denying the variance as proposed.

Appeal of Decision of the Planning and Zoning Commission, acting as Board of Adjustment

Appeals from the Planning and Zoning Commission, acting as Board of Adjustment, must be filed with the Superior Court within 30 days from the date of the decision. Decisions by the Superior Court will be in the manner of certiorari.

4-7.1 Rules Governing the Interpretation of Watershed Area Boundaries.

Where uncertainty exists as to the boundaries of the watershed areas, as shown on the Watershed Map, the following rules shall apply:

1. Where area boundaries are indicated as approximately following either street, alley, railroad or highway lines or centerlines thereof, such lines shall be construed to be said boundaries.
2. Where area boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries. However, a surveyed plat prepared by a registered land surveyor may be submitted to Cabarrus County as evidence that one or more properties along these boundaries do not lie within the watershed area.
3. Where the watershed area boundaries lie at a scaled distance more than twenty-five (25) feet from any parallel lot line, the location of watershed area boundaries shall be determined by use of the scale appearing on the watershed map.
4. Where the watershed area boundaries lie at a scaled distance of twenty-five (25) feet or less from any parallel lot line, the location of watershed area boundaries shall be construed to be the lot line.
5. Where other uncertainty exists, the Zoning Administrator shall interpret the Watershed Map as to location of such boundaries. This decision may be appealed to the Planning and Zoning Commission, acting as Board of Adjustment.

4-7.2 Definitions related to administration of Watershed Overlay Zone

Agricultural Use- The use of waters for stock watering, irrigation, and other farm purposes.

Best Management Practices (BMP)- A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

Buffer- An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Critical Area- The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is

defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

Development-Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

Existing Development-Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this ordinance (December 20, 1993) based on at least one of the following criteria:

- a. substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or
- b. having an outstanding valid building permit as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1), or
- c. having an approved site specific or phased development plan as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1).

Existing Lot (Lot of Record)-A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this ordinance on December 20, 1993, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

Major Variance- A variance from the minimum statewide watershed protection rules that results in any one or more of the following:

- a. the relaxation, by a factor greater than ten (10) percent, of any management requirement under the low density option;
- b. the relaxation, by a factor greater than five (5) percent, of any buffer, density or built-upon area requirement under the high density option;
- c. any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system.

Minor Variance- A variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to five (5) percent of any buffer, density or built-upon area requirement under the high density option; or that results in a relaxation, by a factor of up to ten (10) percent, of any management requirement under the low density option.

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Protected Area-The area adjoining and upstream of the critical area of WS-IV watersheds. The boundaries of the protected area are defined as within five miles of and draining to the normal pool elevation of the reservoir or to the ridgeline of the watershed; or within 10 miles upstream and draining to the intake located directly in the stream or river or to the ridgeline of the watershed.

Variance-A permission to develop or use property granted by the Cabarrus County Planning and Zoning Commission, acting as Board of Adjustment, relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this ordinance.

Watershed-The entire land area contributing surface drainage to a specific point (e.g. the water supply intake.)

4-7.4 Word Interpretation

For the purpose of this Watershed Overlay Zone, certain words shall be interpreted as follows:

- Words in the present tense include the future tense.
- Words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.
- The word "person" includes a firm, association, corporation, trust, and company as well as an individual.
- The word "structure" shall include the word "building."
- The word "lot" shall include the words, "plot," "parcel," or "tract."
- The word "shall" is always mandatory and not merely directory.
- The word "will" is always mandatory and not merely directory.

PART II WATERBODY BUFFER ZONE

Section 4-8 Intention of Waterbody Buffer Zone

The purpose of the Waterbody Buffer Zone is to provide protected, vegetated strips of land adjacent to streams, rivers, lakes, ponds, impoundments, and wetlands. These buffers are retained in a natural, undisturbed, state, in an effort to avoid erosion problems and to reduce the velocity of overland flow, thus trapping sediment and soil eroded from cropland or land being developed to limit pollutants from entering the waterway.

Section 4-9 Effect upon bona fide farms

While North Carolina law exempts bona fide farms from local zoning regulations, the County strongly encourages the use of best management practices in farming. A waterbody buffer is one of these practices and is therefore consistent with North Carolina Sediment Control Law and thus is a 75% reimbursable North Carolina Agricultural Cost - Share Program. This program is

administered through the Cabarrus Soil and Water District. The following text shall apply to all development or changing of conditions (e.g., timbering, land clearing, etc.) adjacent to waterbodies as defined below.

4.9-1-Impoundments for agricultural purposes

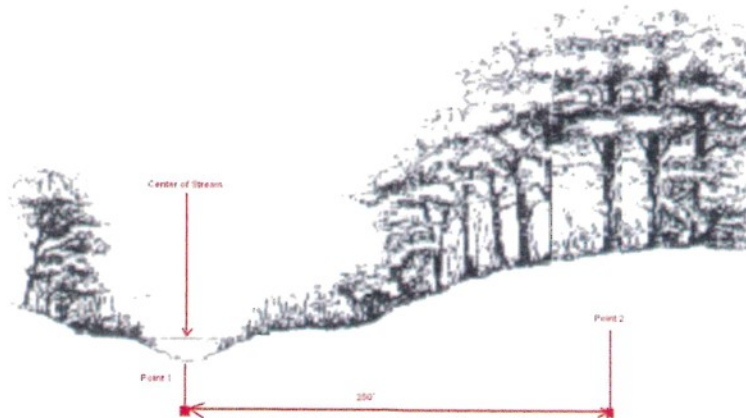
Impoundments used primarily for bona fide agricultural purposes, including animal watering, irrigation, or other agricultural uses shall not be subject to buffering requirements unless the waterbody is part of a natural drainage way (i.e., unless the waterbody is located on a perennial stream);

Section 4-10 Requirements of the Waterbody Buffer Zone

1. 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.
2. A minimum 25-foot-buffer shall be established along the edge of any identified wetlands.
3. 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.
4. Streams may exist even if they are not mapped on the USGS Quadrangle Maps or NRCS Soil Survey Maps. A qualified professional must identify streams that exist on the site but are not mapped. For purposes of this section, a qualified professional shall mean an individual that has attended wetlands delineation training using application of the 1987 Wetland Delineation Manual by the US Army Corps of Engineers and Identification of Perennial and Intermittent Streams training supported by the North Carolina Division of Water Quality.
5. The determination that a waterbody or stream indicated on a USGS Map or NRCS soil survey map does not exist must be concurred by the NCDENR Division of Water Quality and/or the US Army Corps of Engineers.
6. 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.

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7. The waterbody buffer shall be maintained as follows and shall be shown on all site plans or subdivision plats related to the project submitted for review, including soil and erosion control plans:
 - a. The size of a perennial stream waterbody buffer shall be measured from the annual average stream bank, perpendicularly for a distance of 50 feet plus 4 times the average percent of slope of area adjacent to the stream. This slope shall be calculated by measuring a distance of 250 feet from the center of the stream. The percent of slope for this distance shall serve as the determining factor. However, the maximum distance shall not exceed 120 feet from the edge of the stream. For Lakes, ponds or impoundments, the buffer shall be computed using the high water elevation in place of the stream bank in the calculation.

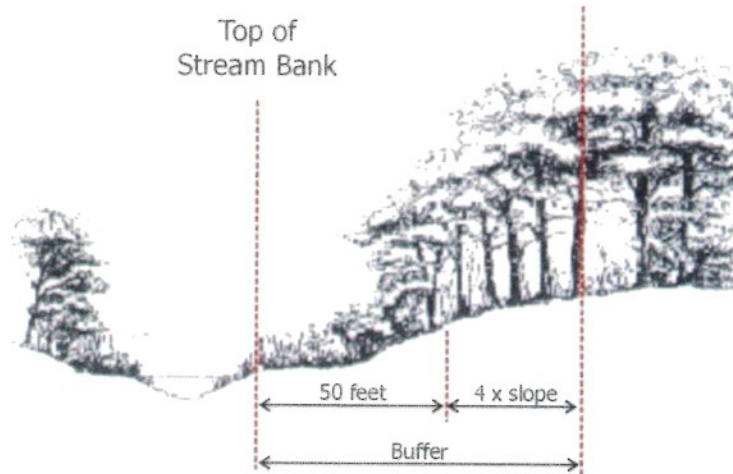


Pre-development elevation of Point 1 in feet = E1

Pre-development elevation of Point 2 in feet = E2

$$S = \frac{E2 - E1 \text{ (feet)}}{250 \text{ feet}} \times 100$$

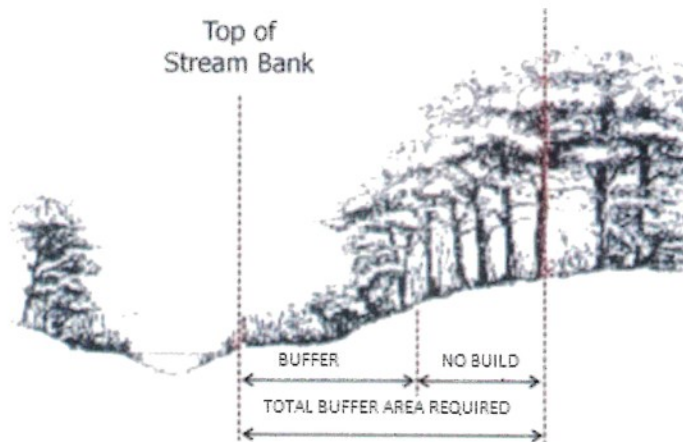
250 feet



$$\text{Width} = [50 + (4 \times S)]$$

Minimum width: 50 feet (areas with flat slopes)

Maximum width: 120 feet (areas with steep slopes)



8. All buffer areas shall remain in a natural, vegetated state. If the buffer area is wooded, it shall remain undisturbed.
9. When agricultural soil disturbing activities such as plowing, grading, ditching, excavating, placement of fill material, or similar activities must occur near the buffer zones, they shall conform to all State and Federal regulations. Other unnamed agricultural activities that would result in significant disturbance of the existing soil, increase soil erosion, or

destroy plant and wildlife habitats can only occur with an approved replacement program and shall also be consistent with North Carolina Sediment Control Law and in coordination with the North Carolina Wildlife Resources Commission's District 6 Biologist, and in consultation with the Cabarrus Soil and Water District Representative. Existing agricultural operations, forested or vegetated areas within stream buffer areas shall follow the State's forest practice guidelines which include best management practices (BMPs) as defined by the North Carolina Soil and Water Conservation Commission.

10. Buffer Encroachments:

- a. Sewer Easements: Permitted encroachments in the buffer area include sewer easements, providing the activities strictly adhere to applicable state and local soil and erosion control regulations/guidelines. Perennial vegetation must be established as a necessary step in completing construction of any sewer facilities. Sewer easements should be as close to perpendicular or parallel to the stream channel to minimize the impact on the stream buffer.
- b. Utilities: Overhead and/or underground utilities, roads, streets, bridges, or similar structures should be placed within existing public or private rights-of-way and must cross the buffer area as close to perpendicular as possible.
- c. Driveways and Roads that Pre-date Waterbody Buffer Zone Adoption: Where residential driveways, right-of-ways, private streets or roads used for agricultural purposes on bona fide farms were installed prior to the adoption of this section of the zoning ordinance (July 23, 1990) and encroach into the required buffers, these roads may remain and continue to be used to access the property. These driveways, right-of-ways, private streets or farm roads, however, may only be improved if it is required for emergency vehicle access.
- d. Structures that Pre-date Waterbody Buffer Zone Adoption: Where structures that pre-date the adoption of this section of the zoning ordinance (July 23, 1990) are located in the required buffer areas, these structures may be expanded by up to 50% percent (50%) of the square footage of the structure upon the issuance of a Certificate of Non-conformity Adjustment. To the greatest extent possible, expansions should be directed away from the buffer area. See Chapter 14 for additional information related to the Certificate of Non-conformity Adjustment process.
- e. Fences are permitted within the buffer area, provided that the design does not interfere with the flow of water through the buffer area to the waterbody.

11. Any proposed recreation facilities or greenways must be located a minimum of 60' from the top of the stream bank. This includes any proposed pedestrian, hiking or biking trails. Recreational structures are not permitted in the waterbody buffer.
12. In the event that a buffer is disturbed, all disturbed areas within the buffer zone shall be revegetated with appropriate vegetation immediately.
13. A progress report shall be submitted by the individual, corporation, or company disturbing land in the Waterbody Buffer Zone to the Cabarrus County Planning and Zoning Department within 60 days of approval of the replacement program by the Soil and Water Conservation District staff. Two other reports may be required at 120 and 180 days if the program is not completed. The first two reports shall explain what work has been completed and any results as well as a time schedule for completion of the rest of the program. The final report shall document that the replacement program has been completed. The site shall be regularly inspected by the enforcement branch of the Cabarrus County Planning and Zoning Department and the Cabarrus Soil and Water Conservation District to assure activity and compliance. Any noncompliance shall be treated as a zoning violation and be subject to enforcement as described in Chapter Twelve of this Ordinance.
14. The minimum building setback, also known as the no build buffer area shall be at least 20 feet from the established waterbody buffer. If there is a difference in the zoning ordinance setback and the no build buffer, the greater of the two shall apply. No buildings or structures shall be permitted in the no build buffer area. Minimal land disturbance, including the clearing of underbrush, is allowed in the no build buffer.
15. Where the Waterbody Buffer Zone or no build buffer impacts or is part of a lot, a note shall be placed on the plat or site plan and a restriction shall become part of the deed for the property stating that said property is subject to the Waterbody Buffer Zone.
 - a. Land within a stream buffer shall not be used to meet the minimum area requirements for lots that are one acre or less.
 - b. If a lot is greater than one acre in area, the buffer area may be used to meet the minimum lot size requirements, however, at least 50 percent of the lot shall remain outside the stream buffer area.
16. Applicants and property owners are strongly encouraged to consider the dedication of property or easements subject to the Waterbody Buffer Zone to one of the following when appropriate:
 - o Property/Home Owners Association

- Cabarrus Soil and Water Conservation District
- A conservation organization

PART III THOROUGHFARE OVERLAY (TOZ) ZONE

Section 4-11 Intention

The orderly development of land is dependent upon the protection of existing and proposed major roads in the County. It is extremely important because thoroughfares commonly establish a positive image of the quality of life in the County for visitors and residents alike. Preservation of this natural beauty is required to enhance trade, capital investment, tourism and general welfare.

The purpose of the Thoroughfare Overlay Zone (TOZ) is to help assure protection will be included in all land uses developed along several key roadways. Accordingly, these regulations are made with consideration to both the County's land development plan and area plans. They are designed to promote the health and general welfare of the residents of Cabarrus County as well as preserve property values and encourage appropriate land usage. And, finally, these regulations will facilitate the provision of transportation by promoting the safe and efficient movement of traffic and by encouraging development which reduces or eliminates visual clutter, excessive driveway cuts, and poor site layout.

Section 4-12 Setback requirements

All roads classified as minor thoroughfares, major thoroughfares, boulevards, expressways or freeways, in the Cabarrus Rowan Metropolitan Planning Organization (CRMPO) Comprehensive Transportation Plan or listed in the Comprehensive Transportation Plan Index, are subject to the Right-of-Way standards as adopted in the referenced documents.

The setback is measured from the edge of the proposed right-of-way. These setbacks will be in addition to the setbacks required in the applicable zone by the Cabarrus County Zoning Ordinance.

Section 4-13 Additional requirements

Arterial roadways US 29, NC 49, NC 73, NC 24-27, and US 601 are subject to the following. In addition, roadways referenced within the following shall also be subject to the additional requirements beginning in Section 4-16.

1. An official roadway corridor map approved by the Cabarrus County Board of Commissioners.
2. A comprehensive street system plan, collector street plan, or thoroughfare plan adopted by the Cabarrus County Board of Commissioners.

3. A North Carolina Department of Transportation (NCDOT) annual construction program or a multi-year transportation improvement plan.
4. The Cabarrus Rowan Metropolitan Planning Organization (CRMPO) Comprehensive Transportation Plan and the Comprehensive Transportation Plan Index.

Section 4-14 Establishment of zone

The Thoroughfare Overlay Zone (TOZ) shall be superimposed along both sides of the above mentioned and proposed roads, which extend into the County's planning and zoning jurisdiction. As an overlay zone, it does not control the permitted or conditional uses therein, but provides additional development requirements and standards, which are applied within the coverage area.

Section 4-15 Site plan requirements

Any of the permitted or conditional land uses allowed in the underlying district(s) shall submit a site plan with the following information:

1. Location and arrangement of automobile parking, access, and circulation patterns.
2. Location and use of existing buildings and accessory structures.
3. Location of existing and proposed signs.
4. Location of all streets, existing or proposed, storm sewer, and drainage structures.
5. Existing and proposed rights-of-way including streets, sidewalks, and utilities.
6. Boundary of the proposed project, adjacent property owners, land use, and zoning.
7. Notation of distance to all major and minor thoroughfares designated in the Cabarrus Rowan Metropolitan Planning Organization (CRMPO) Comprehensive Transportation Plan and all collector streets within five hundred (500) feet of the property.
8. Existing and proposed topography at five (5) foot intervals.
9. Any additional items required in other sections of this or other ordinances.

After approval of a site plan by the Zoning Administrator, a copy of the approved plan shall be filed within the Office of the Department of Planning, Zoning, and Building Inspection. All land use permits shall be issued only for structures or dwellings that comply with this approved plan.

Section 4-16 Thoroughfare Required Landscape Yard

A fifteen (15) foot landscape yard is required from the right-of-way as identified in Section 4-13.

This fifteen (15) foot landscape yard shall contain a mixture of the following: one tree which will reach a level of six (6) feet within three (3) years every thirty (30) linear feet of frontage, shrubs at a rate of one per every 50 Square Feet of planting area, decorative trees (miniature trees if located under power lines), and grass.

No permanent structures shall be built in the required setback area.

Section 4-17 Additions to existing properties

If additions are planned for the properties located along the above mentioned roadways, then these additions shall meet the designated right-of-way and setback as listed in the Cabarrus Rowan Metropolitan Planning Organization (CRMPO) Comprehensive Transportation Plan, the Comprehensive Transportation Plan Index, and the County's Zoning Ordinance. Any additions, five (5%) percent or less of the original square footage at the time of adoption of the TOZ, shall be exempt from the TOZ requirements.

Section 4-18 Access points

The term access point(s) shall mean a point of ingress and/or egress, which may be either public or private.

1. New Lots. All new lots, parcels or divisions of land shall be provided access to the thoroughfare by means of a subdivision street or an entrance either maintained or approved by the State of North Carolina or approved by the Cabarrus County Zoning Ordinance or Subdivision Regulations. Subdivision streets accessing the thoroughfare shall be located at least four (400) hundred feet apart. Where no more than two lots are created within the internal lot in a single block lying within the TOZ, a single vehicular access provision shall be made from the thoroughfare.
2. Lots of Record. Any lots of record at the time of the adoption of this Ordinance shall be allowed one access point. However, if lots of records are corner lots then the access point shall be located on the road of minor classification no closer than one hundred twenty-five (125) feet or the greatest possible distance from the intersection with the thoroughfare.
3. Corner Lots. Corner lots fronting on two (2) thoroughfares may have one access point from each thoroughfare. However, the access shall meet the one hundred twenty-five (125) foot distance requirement, or the greatest possible distance.
4. Additional Access Points. An additional access point may be approved, at the discretion of the North Carolina Department of Transportation, for access to Commercial or Industrial property. The approval of this additional access point shall require the construction of both a left turn and deceleration lane to serve that entrance. The area of these lanes used for vehicular storage shall be of standard lane width (12 feet) and adequate in length to store a standard tractor-trailer and two automobiles. In no event shall adjacent access points be closer

than 100 feet to each other, as measured from the nearest curbs or edges of pavement, excluding any area of the access flared to improve vehicle ingress or egress. This requirement may be waived if no other access to the property would be possible.

The additional access point shall be no more than 32 feet in width, and shall be defined by a curb on both ends of the access point. A standard sight triangle (10' by 70') shall be maintained on the portion of curb adjoining the access point. No structure, sign, planting, etc. shall be placed in the sight triangle that would interfere with the tractor-trailer being able to enter or exit the property in one continuous movement.

The area required for these improvements to provide an additional access may not be included in the area required for the Thoroughfare yard (see Section 4-17.)

Part IV Airport Overlay (AOD) District

Section 4-19 Purpose

This district is established to prevent the creation or establishment of obstructions or land uses that are hazards to air navigation, thereby protecting the lives and property of the users of the Concord Regional Airport, the property and occupants of land in the vicinity, and the public investment in the airport. This district is further intended to provide for the safe landing, take-off, and maneuvering of aircraft in accordance with Federal Aviation Administration (FAA) standards.

a. Location

The AOD Overlay District shall overlap and overlay the base zoning districts. Said overlay district may be expanded by adding additional land area from time to time.

b. Principal, Conditional, and Accessory Uses

Permitted principal uses, conditional uses and accessory uses shall be those within the underlying zoning district as set forth in Section 3-8, Table of Permitted Uses.

c. Use Restrictions

No use may be made of land or water within any zone established by these regulations in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, attract birds or other concentrations of wildlife, or otherwise in any way create a hazard or endanger the landing, take-off or maneuvering of aircraft intending to use the airport.

d. Area Regulations

Dimensional requirements such as lot size, height and setbacks shall be governed by the underlying zoning districts. In no event shall the height of any structure exceed the maximum height permitted by the underlying zoning district.

e. General Development Standards

1. In order to carry out the provisions of these regulations, there are hereby created and established within the Concord Regional Airport certain zones which include all

CABARRUS COUNTY DEVELOPMENT ORDINANCE
 CHAPTER 4-OVERLAY DISTRICTS AND ZONES

of the land lying within the approach zones, transitional zones, horizontal zones and conical zones, as they apply to the more restrictive height limitation. Such zones are shown on the Official Concord Regional Airport Hazard Zoning Map. An area located in more than one of the following zones shall be subject to the Airport Overlay District.

2. The various zones are hereby established and defined in Column (B) of the following table. No structure or tree shall be erected, altered, allowed to grow or be maintained in any of the zones created by these regulations to a height in excess of the applicable height limit herein established for such zone. Unless otherwise specified, the height shall be measured from mean sea level.

(A) ZONE	(B) DESCRIPTION	(C) HEIGHT RESTRICTION
PRECISION INSTRUMENT RUNWAY APPROACH ZONE	The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface, its center line being the continuation of the center line of the runway.	Slopes upward 50 feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway center line, then at a slope of 40:1 for an additional 40,000 feet.
LOCAL BUFFER APPROACH ZONE	The extent of this zone coincides with the PRECISION INSTRUMENT RUNWAY APPROACH ZONE as described above.	Uses shall not exceed the maximum height specified for the PRECISION INSTRUMENT RUNWAY APPROACH ZONE less ten (10) feet on southern approach only. Uses encroaching into this zone shall be allowed only as special uses, and shall not be constructed, erected, or otherwise established unless and until a special use permit has been issued.

CABARRUS COUNTY DEVELOPMENT ORDINANCE
CHAPTER 4-OVERLAY DISTRICTS AND ZONES

(A) ZONE	(B) DESCRIPTION	(C) HEIGHT RESTRICTION
TRANSITIONAL ZONES	<p>These zones are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward at 90-degree angles to the runway center line and the runway center line extended a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional zones for those portions of the precision approach zones, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach zones and at 90-degree angles to the extended runway center line.</p>	<p>Slopes upward and outward seven feet horizontally for each foot vertically beginning at all the sides of and at the same elevation as the primary surface and the approach zones and extending to a height of 150 feet above the airport elevation, or 840 feet above mean sea level. In addition to the foregoing, there are established height limits sloping upward and outward seven feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones and extending to where they intersect the conical surface. Where the precision instrument run approach zone projects beyond the conical zone, height limits sloping upward and outward seven feet horizontally for each foot vertically shall be maintained beginning at the sides of and at the same elevation as precision instrument runway approach surface and extending to a horizontal distance of 5,000 feet from the edge of the approach surface measured at 90-degree angles to the extended runway center line.</p>
HORIZONTAL ZONE	<p>The horizontal zone is hereby established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connection the adjacent arcs by drawing lines tangent to those arcs</p>	<p>One hundred fifty feet about the airport elevation or a height of 840 feet above mean sea level.</p>

CABARRUS COUNTY DEVELOPMENT ORDINANCE
 CHAPTER 4-OVERLAY DISTRICTS AND ZONES

(A) ZONE	(B) DESCRIPTION	(C) HEIGHT RESTRICTION
CONICAL ZONE	The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.	Slopes upward and outward 20 feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation, or 1,040 feet above mean sea level.

f. Nonconforming Uses

- The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of these regulations, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration which was begun prior to the effective date of these regulations, and is diligently prosecuted.
- No zoning permit shall be granted that would allow the expansion of a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of these regulations when the application for a permit is made.
- Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Administrator after consultation with the Concord Regional Airport Aviation Director to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the City of Concord.

g. Additional Review Required

For all expanding uses or proposed projects within the Airport Overlay District, City of Concord Development Services and the City of Concord Aviation Director shall be included in the review process to determine compliance with the Airport Overlay District.

PART V MANUFACTURED HOME OVERLAY (MHOD) DISTRICTS

Section 4-20 Purpose

The purpose of this Section is to provide sufficient land area for the provision of manufactured housing in order to implement NCGS § 160A-383.1 and to provide affordable housing opportunities for low and moderate income persons.

A manufactured home is defined as a dwelling unit that:

- Is not constructed in accordance with the standards of the North Carolina Residential Building Code for One- and Two-Family Dwellings;
- Is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis;
- Exceeds forty feet in length and eight feet in width; and
- Is constructed to the Federal Manufactures Construction Standards and is so labeled. For purposes of this Part, a "manufactured home" does not include a structure which otherwise complies with this subsection, but which was built prior to June 15, 1976, which units shall be classified as "mobile homes."

Section 4-21 Modular Homes Exempted

Manufactured Housing Constructed to meet the N.C. State Building Code (Modular Homes) shall be treated the same as stick-built housing.

Section 4-22 Establishment

This Section establishes three Manufactured Home Overlay Districts in order to provide flexibility with regard to various manufactured home products: MH-1, MH-2 and MHP.

Section 4-23 Classification of Manufactured Homes

The following classification system is hereby adopted for purposes of this Section:

MANUFACTURED HOME TYPE I- A single-section manufactured home.

MANUFACTURED HOME TYPE II- A multi-section manufactured home.

Section 4-24 MH-1, Manufactured Home Overlay 1

1. Purpose -The purpose of the MH-1, Manufactured Home Overlay 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.

2. Uses Permitted

Use permitted as of right within the MH-1 Overlay District include:

- All uses permitted in the Underlying Zoning District (See Table of Permitted Uses, Chapter 3, Section 3-8 of this Ordinance).
- Manufactured Homes - Type I (permanent installations only)

- Manufactured Homes - Type II (permanent installations only)
3. **Design Standards** - See Section 4-28, Design and Installation Standards for Individual Manufactured Homes.

Section 4-25 MH-2, Manufactured Home Overlay 2

1. **Purpose** -The purpose of the MH-2, Manufactured Home Overlay 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.
2. **Uses Permitted**

Use permitted as of right within the MH-2 Overlay District include:

- All uses permitted in the Underlying Zoning District. (See Table of Permitted Uses, Chapter 3, Section 3-8 of this Ordinance).
 - Manufactured Homes - Type II (permanent installations only)
3. **Design Standards**
- See Section 4-28, Design and Installation Standards for Individual Manufactured Homes.

Section 4-26 MHP Manufactured Home Park Overlay

1. **Purpose.** The purpose of the MHP, Manufactured Home Overlay 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 4-28 of this Ordinance are met.
2. **Uses Permitted**

Use permitted as of right within the MHP Overlay District include:

- All uses permitted in the Underlying Zoning District (see Table of Permitted Uses, Chapter 3, Section 3-8 of this Ordinance).
- Manufactured Home Park (permanent and/or temporary installation of Type I and/or Type II Manufactured Homes)
- Manufactured Homes - Type I (permanent installations only when not located within a Manufactured Home Park)

- Manufactured Homes - Type II (permanent installations only when not located within a Manufactured Home Park)
- Recreational Vehicles (temporary installations only within a Manufactured Home Park not to exceed one hundred eighty (180) days for any one unit), provided that:
 - a) Recreational Vehicles shall not be used or occupied as a permanent Dwelling Unit.
 - b) Recreational Vehicles shall be located on separate spaces and shall be completely screened from view from any access streets by landscaping, berms or natural obstructions.
 - c) Not more than ten percent (10%) of the total number of spaces within the park may be occupied by a recreational vehicle. Spaces shall be designated on the approved Mobile Home Park site plan.

Section 4-27 Design and Installation Standards for Manufactured Home Parks

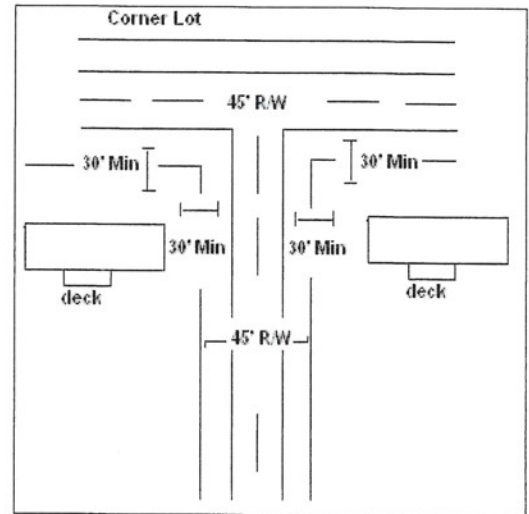
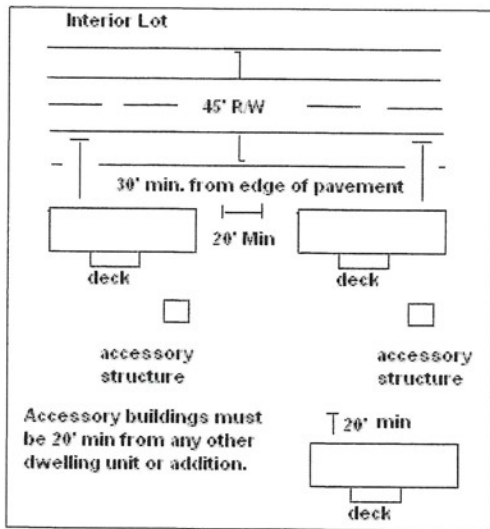
1. The location of two or more Class I or Class II manufactured homes on a parcel of land shall constitute a Manufactured Home Park and shall be subject to the provisions of this Section.
2. Each application for a manufactured home park shall be accompanied by a master plan. The master plan shall show the circulation pattern, manufactured home spaces, permanent structures and other site design requirements that may be considered essential. The master plan shall show how all proposed improvements will meet the design and installation standards of Chapter 4, Part VII.
3. The minimum land area for the entire site shall be 5 acres.
4. Dimensional and density requirements for manufactured homes shall comply with the criteria set forth in Table 1 in Chapter 4, Part VI.
5. All manufactured home spaces shall abut upon a paved internal street not less than 24 feet in paved width exclusive of parking.
6. All manufactured home spaces shall be served by at least a three-foot all-weather surface sidewalk.
7. All common spaces must be served by four-foot wide all-weather surface sidewalks.
8. Each space shall be graded as to prevent erosion and provide adequate storm drainage away from the dwelling unit.
9. Two paved off-street parking spaces shall be provided for each manufactured home space. Each parking space shall be at least 210 square feet in area and have a minimum width of 10 feet. No parking shall be permitted on the street.

CABARRUS COUNTY DEVELOPMENT ORDINANCE
CHAPTER 4-OVERLAY DISTRICTS AND ZONES

10. Each manufactured home park shall have a minimum of eight percent of the total area set aside and developed for recreational purposes. If a swimming pool is provided, it shall be separated from other uses by a fence having a gate which is capable of remaining closed.
11. Operators of manufactured home parks must provide adequate solid waste refuse and recycling containers. Individual roll-out containers and/or large dumpsters may be used. Dumpsters shall be located at least 40 feet from any manufactured home unit and at least 10 feet away from internal residential streets. Recycling containers shall be emptied on a regular basis and shall be the responsibility of the park operator.
12. A manufactured home park must be served by an approved public water service or support an individual well on each lot. Approved public sewer or individual septic systems for each lot shall be required.
13. Adequate illumination shall be provided to ensure the safe movement of pedestrians and vehicles at night. Permanent buildings designed for and used by park residents shall remain illuminated to at least the level of 40-foot candles at all times.
14. A level 2 buffer yard shall be installed around the perimeter of the Manufactured Home Park (see Chapter 9 for planting requirements).
15. The park owner shall be responsible for the placement of the dwelling unit on the designated space within the park. This responsibility assures the placement of the dwelling unit adheres to the development standards listed below, including setbacks from lot lines and street as stated in this ordinance.

A violation of any section of this section and correction thereof shall be the responsibility of the park owner(s).

- a. Interior lots shall have the building setback for principle structures measured thirty feet from the edge of the pavement
- b. Corner lots shall have the building setback for principle structures measured thirty feet for the edge of the pavement of each right-of-way.
- c. Accessory structures shall not be located closer to any right-of-way than the principle structure.
- d. Accessory structures shall be placed twenty feet minimum from any other dwelling unit, additions to any dwelling unit and other accessory structures.



Section 4-28 Design and Installation Standards for Individual Manufactured Homes

All manufactured homes shall comply with the following design and installation standards:

1. Any manufactured home on an individual lot shall conform to the same building setback standards, side and rear yard requirements, standards for enclosures, access, vehicle parking, and square footage standards and requirements to which a conventional single-family residential dwelling on the same lot would be subject. This provision shall not apply to a Manufactured Home Park where the lots are not subdivided into separate tracts of land. (Refer to #15 above for placement standards.)
2. A minimum 3:12 roof pitch is required for all Type I units. Type II units are not required a minimum roof pitch.
3. A continuous curtain wall made from brick or foundation made from brick or split-faced block, unpierced except for ventilation and access, shall be installed under the outer perimeter of the dwelling from its base to the ground so as to be compatible with surrounding residential-uses. A brick curtain wall shall not be required for installations in a Manufactured Home Park or in the AO zoning district, in those cases other compatible skirting materials may be used.
4. The Dwelling shall be attached to a permanent foundation system in compliance with the N.C. State Building Code as may be amended, and the following requirements:

CABARRUS COUNTY DEVELOPMENT ORDINANCE
 CHAPTER 4-OVERLAY DISTRICTS AND ZONES

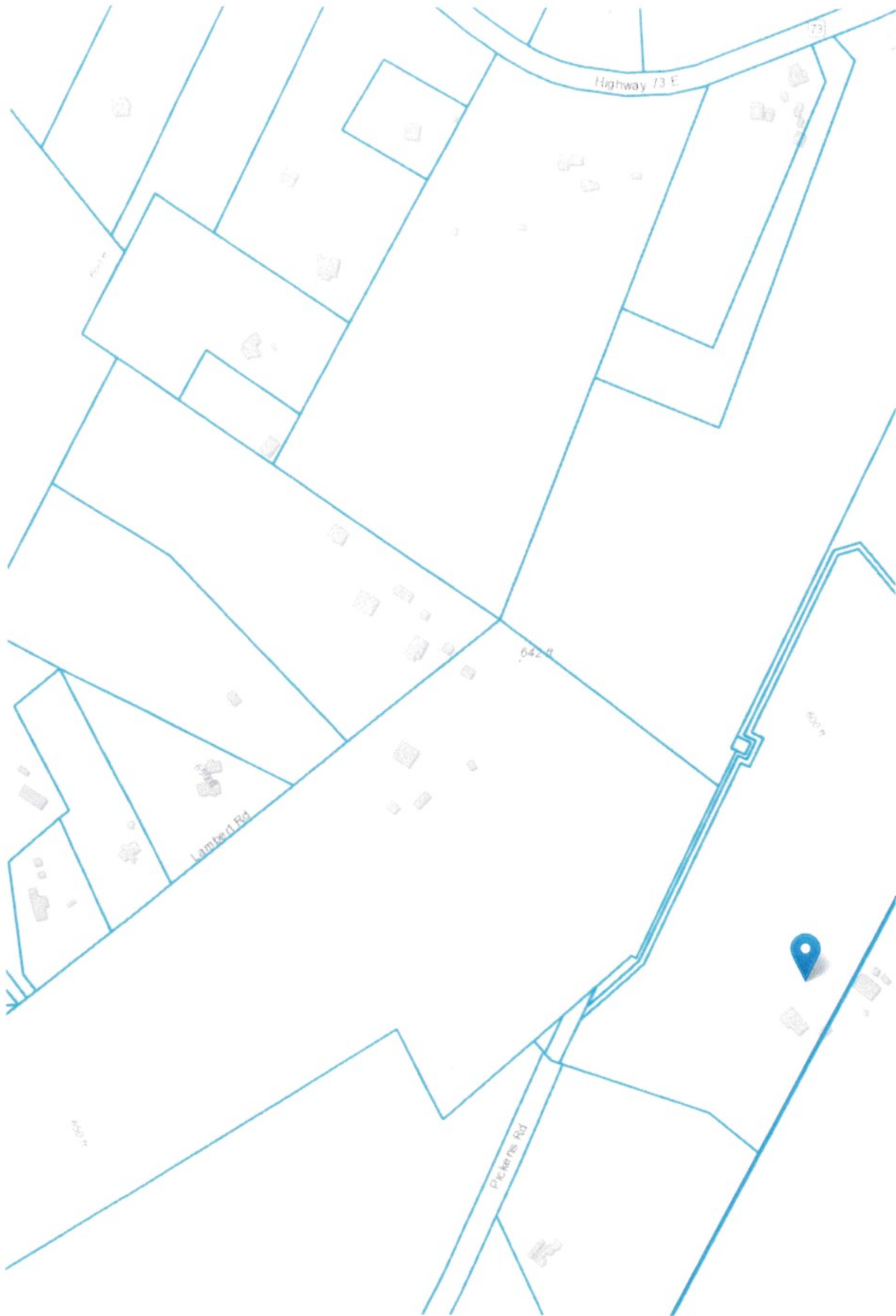
5. All wheels, axles, transporting lights and removable towing apparatus shall be permanently removed prior to installation of the dwelling unit. Hitches may remain, but shall be screened from view unless located within a manufactured home park.

6. For homes which are narrower than 17 feet in width, the unit shall be oriented on the lot so that its long axis is parallel to the street.

TABLE 1 (Dimensional Requirements for Manufactured Home Parks)

STANDARD	MANUFACTURED HOME TYPE I (SINGLE-SECTION)	MANUFACTURED HOME, TYPE II (MULTIPLE-SECTION)
Area of Space (square feet)	4,000	5,000
Width of Space (feet)	40	50
Depth of Space (feet)	100	100
Front Yard (in feet, measured from pavement edge of internal street to manufactured home)	20	20
Side Yard (in feet, between manufactured homes or permanent accessory structures)	20	20
Rear Yard (in feet between manufactured homes or permanent accessory structures)	20	20

Exhibit B.6 Land Records Information

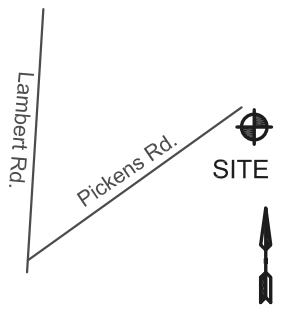


Cabarrus County shall not be held liable for any errors in the data represented on this record. This includes errors of omission, commission, concerning the content of the data, and relative positional accuracy of the data. The data cannot be construed to be a legal document. Primary sources from which this data was compiled must be consulted for verification of information represented on this map document.

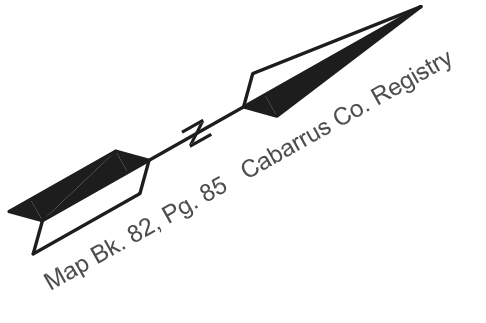
Physical Address:	3077 PICKENS RD MT PLEASANT NC 28124	PIN14:	55899507420000
Account Name 1:	ALMOND GARY W	Account Name 2:	
Mailing Address:	PO BOX 847	Mailing City:	MT PLEASANT
Mailing State:	NC	Mailing Zip Code:	28124
Property Real ID:	08-030 -0004.10	Plat Book:	00082
Plat Page:	00085	Land Units:	39.394
Units Type:	AC	Land Value:	AC
Building Value:	0	OBXF Value:	undefined
Assessed Value:	9320	Market Value:	284430
Sale Year:	2010	Sale Month:	9
Sale Price:	0	Deed Book:	9280
Deed Page:	0322	Fire District:	MtPleasant
Zoning:	AO	Elementary School:	Mt. Pleasant ES
Middle School:	Mt. Pleasant MS	High School:	Mt. Pleasant HS
Precinct Name:	undefined	Legal Description:	undefined
Floodway:	No	100 Yr Flood:	No
500 Yr Flood:	No	Watershed	undefined
FIRM Panel Number	undefined		

PIN14	AcctNumber	AcctName1	AcctName2	MailAddr1	MailAddr2	MailAddr3	MailCity	MailState	MailZipCode
5589-97-9363-0000	59654	VARELA FRANCISCO	VARELA JUANA WF	16111 NC HWY 73 E LOT A			MT PLEASANT	NC	28124
5589-86-7117-0000	772300	BONNY BILLY RAY		11800 HWY 73 E			MT PLEASANT	NC	28124
5589-97-3118-0000	113325	DAVIS JOEL N		11850 HIGHWAY 73 E			MT PLEASANT	NC	28124
5589-85-9411-0000	176886	ALMOND JONATHAN LEE	ALMOND ALISHA M WF	3077 PICKENS RD			MT PLEASANT	NC	28124
5589-95-0742-0000	78102	ALMOND GARY W		PO BOX 847			MT PLEASANT	NC	28124
5589-63-7598-0000	78208	ALMOND JUDY D		4770 MOORESVILLE RD			KANNAPOLIS	NC	28081
5589-74-0548-0000	116100	ALLMAN GLENN R	ALLMAN SABLE J WF	3737 HAHN SCOTT RD	P O BOX 524		MT PLEASANT	NC	28124
5589-84-0555-0000	78102	ALMOND GARY W		PO BOX 847			MT PLEASANT	NC	28124

Exhibit B.7 Site Plan



VICINITY MAP
(Not to Scale)



Map Bk. 82, Pg. 85 Cabarrus Co. Registry

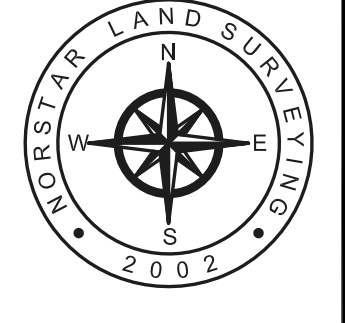
NOW OR FORMERLY
Glenn R. Allman & Wf. Satele J.
Deed Bk. 577, Pg. 85
PIN #5589740548
Cabarrus Co. Registry

40' x 35' Cemetery and 15' Access Road
Reserved and not part of Deed Bk. 610, Pg. 475.

I, R. Scott Dyer, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 9820 page 322, etc.); that the boundaries not surveyed are clearly indicated as drawn from information found in Book a/s, page a/s; that the ratio of precision as calculated is 1:65,669; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCA 56, 1600). Witness my original signature, registration number and seal this 19th day of March, A.D., 2025.

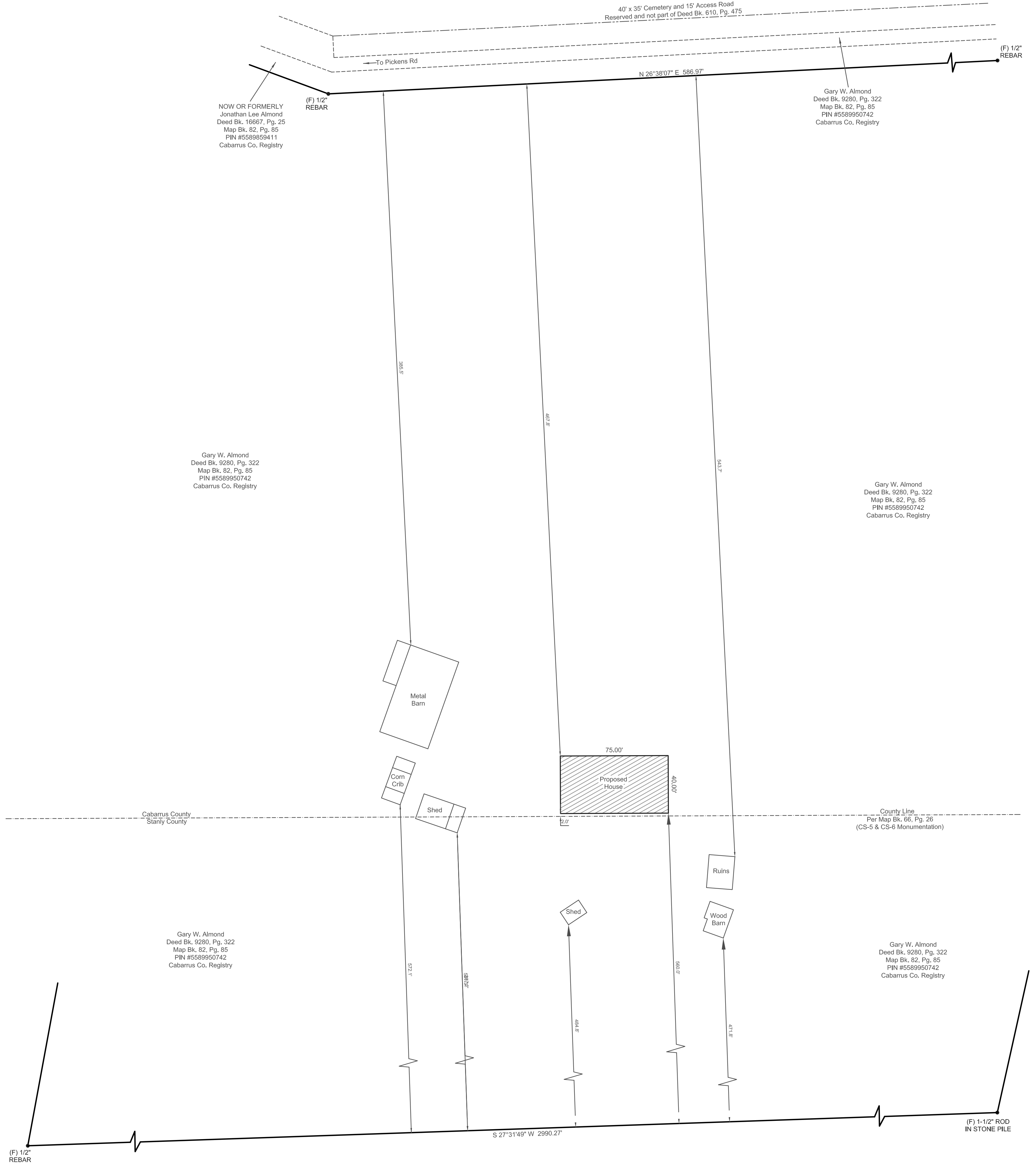
R. Scott Dyer, PLS #4444

PRELIMINARY
Not for Conveyances,
Sales or Recordation



NORSTAR LAND SURVEYING, INC.
552-B Newell Street NW
Concord, NC 28025
Ph 704 721 6651
Fax 704 721 6653
Firm Lic. # C-2294

LEGEND
RW - RIGHT OF WAY
(F) - FOUND
(B) - BENT
a/s - AS SHOWN
[Hatched Box] PROPOSED APPROX. 3000 sf House



NOW OR FORMERLY
Jonathan Lee Almond
Deed Bk. 16687, Pg. 25
Map Bk. 82, Pg. 85
PIN #5589859411
Cabarrus Co. Registry

Gary W. Almond
Deed Bk. 9280, Pg. 322
Map Bk. 82, Pg. 85
PIN #5589950742
Cabarrus Co. Registry

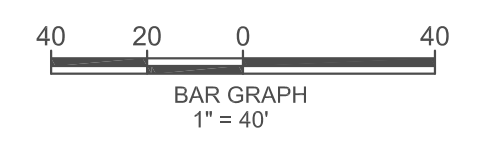
Gary W. Almond
Deed Bk. 9280, Pg. 322
Map Bk. 82, Pg. 85
PIN #5589950742
Cabarrus Co. Registry

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Cabarrus Co. Registry

Gary W. Almond
Deed Bk. 9280, Pg. 322
Map Bk. 82, Pg. 85
PIN #5589950742
Cabarrus Co. Registry

NOW OR FORMERLY
George F. Eury & Wf. Larvene H.
Deed Bk. 252, Pg. 546
PIN #558994947239
Stanly Co. Registry



NOTES:
* Deed Reference - Deed Bk. 9280, Pg. 322 Gary W. Almond Dated September 7, 2010 Recorded in Cabarrus Co. Registry
* Map Reference - 2.671 AC - Pickens Road Dated June 12, 2019 Map Bk. 82, Pg. 85 Recorded in Cabarrus Co. Registry
Performed by R. Scott Dyer, PLS
* Property subject to recorded and unrecorded right of ways, easements and agreements as may appear. A complete and full title search was not performed for this survey.

Prepared for: Gary W. Almond
3077 Pickens Road
Cabarrus & Stanly County, NC
Township No. 8
EXHIBIT MAP

DATE	February 21, 2025
SCALE	1" = 40'
NLS NO.	09095
DRAWN BY	S. Kimrey
CHECKED BY	S. Dyer
BY	
REVISION	
DATE	

SHEET
1 OF 1

Exhibit B.8 Septic Plan

SHEET 1 OF 1	SHEET TITLE: SEPTIC SYSTEM LAYOUT SKETCH MAP	PROJECT NAME: ALMOND PICKENS RD CABARRUS COUNTY APRIL 2025		Soil & Forestry Services of the Carolinas, PA 813 Davidson Dr NW Concord NC 28025	PROJECT NO. 22-1064	PROJECT MGR. WO	DRAWN BY WO	FIELD WORK WO	SCALE 1" = 40'
				usablesoil@gmail.com 980-439-5007 soilandforestry.com					



County Line
 Per Map Bk. 66, Pg. 26
 (CS-5 & CS-6 Monuments)

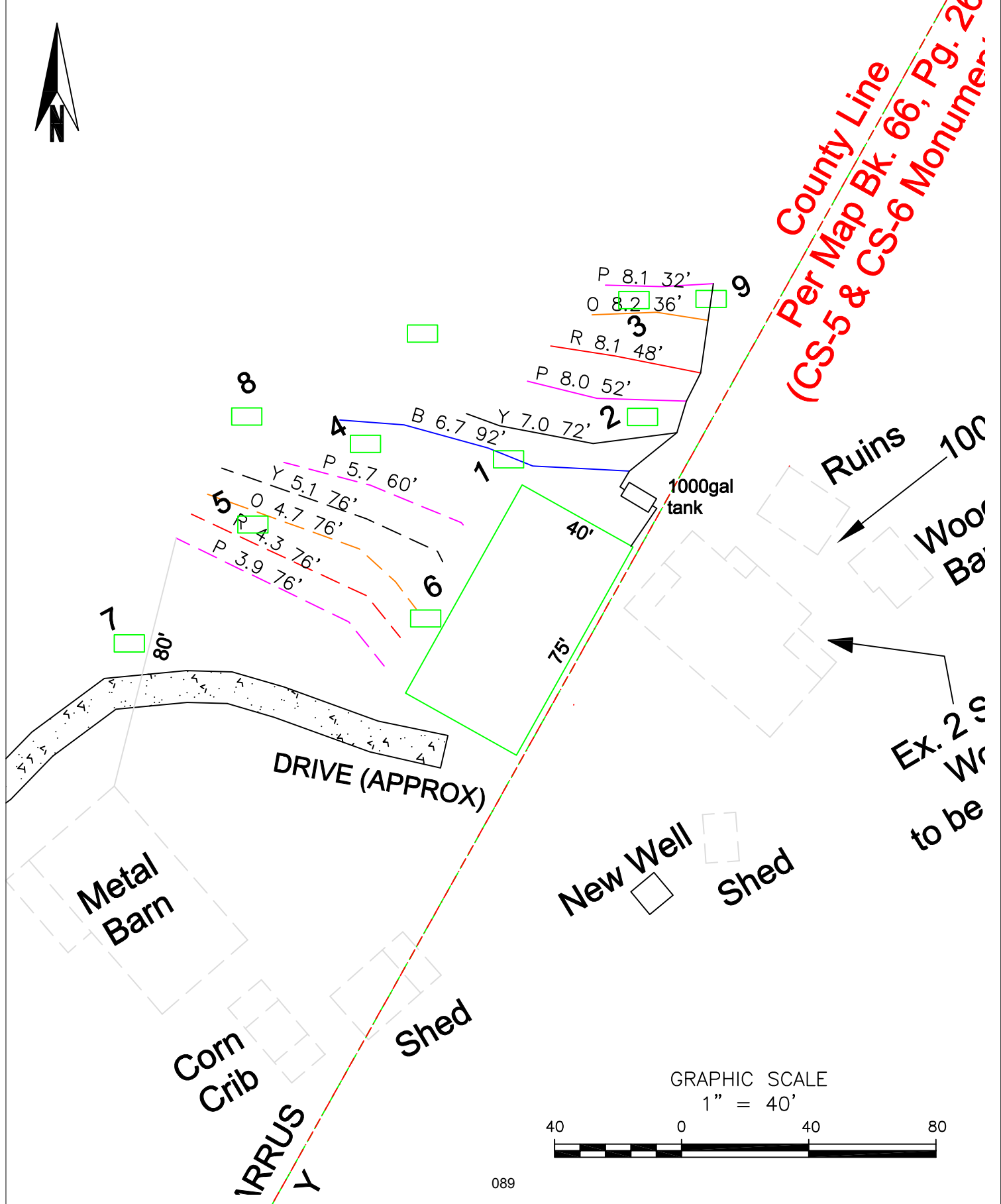


Exhibit B.9

Neighborhood Meeting Information


The undersigned, being adjoining owners of the real property of Gary W. Almond and Kathy T. Almond located at 3077 Pickens Rd., Mt. Pleasant, North Carolina, and identified by Cabarrus County PIN 5589-95-0742-0000, state as follows:

I am aware of the community meeting scheduled to take place at the office of Ferguson Hayes Hawkins, PLLC located at 45 Church St. N., Concord, NC at 4:00 p.m. on July 14, 2025.


I have reviewed the proposed variance application prepared by the Almonds requesting to build within the setback established by Sections 5-5(B) and 6-18 of the Cabarrus County Development Ordinance, including the prepared Site Plans.

I have no objection to the proposed and requested variance, and support the allowance of the variance under such terms as may be allowed by Cabarrus County.

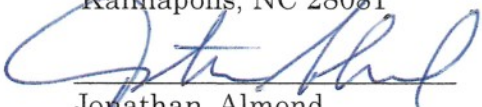
Glenn R Allman
Pin: 55897405480000
3737 Hahn Scott Rd.
Mt Pleasant, Nc 28124



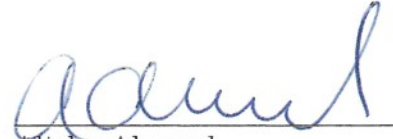
Sable J Allman
Pin: 55897405480000
3737 Hahn Scott Rd.
Mt Pleasant, NC 28124




Judy D Almond
Pin: 55896375980000
4770 Mooresville Rd.
Kannapolis, NC 28081




Jonathan Almond
Pin: 55898594110000
~~PO Box 873~~ 3055 Pickens Rd
Mt Pleasant, NC 28124



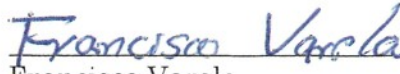
Alisha Almond
Pin: 55898594110000
~~PO Box 873~~ 3055 Pickens Rd
Mt Pleasant, NC 28124



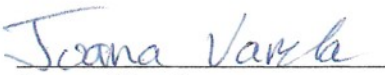
Billy Ray Bonny
Pin: 55898671170000
11800 Hwy 73 E
Mt Pleasant, NC 28124



Joel N Davis
Pin: 55899731180000
11850 Highway 73 E
Mt Pleasant, NC 28124



Francisco Varela
Pin: 55899793630000
16111 NC Hwy 73 E Lot A
Mt Pleasant, NC 28124

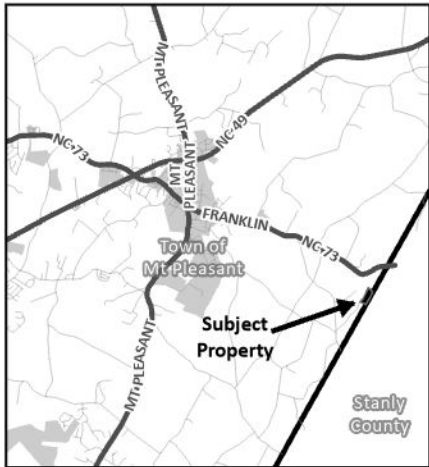


Juana Varela
Pin: 55899793630000
16111 NC Hwy 73 E Lot A
Mt Pleasant, NC 28124

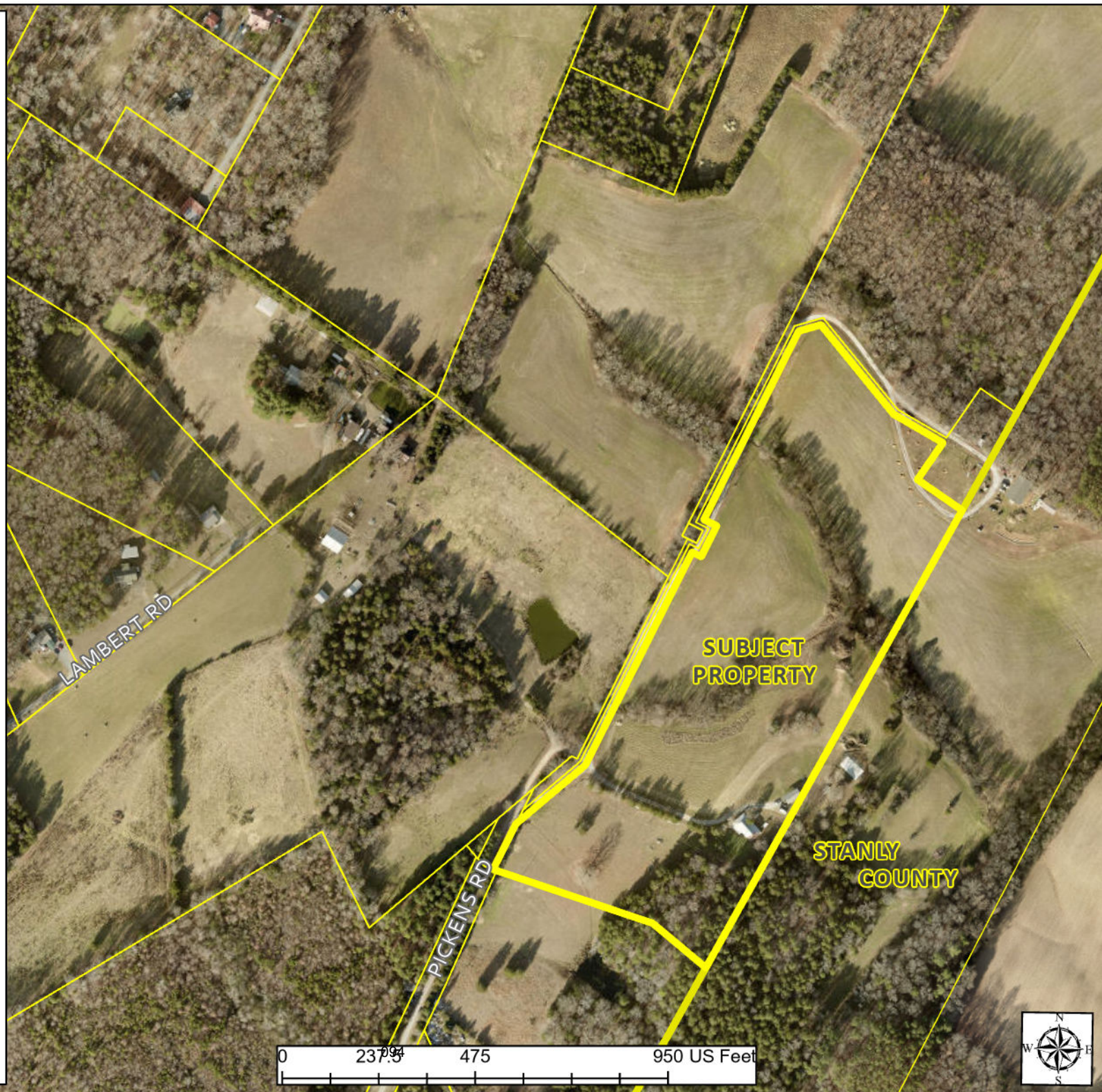
Eastern Planning Area
Aerial Map



Applicant: Brian P. Hayes
Owner: Gary & Kathy Almond
Case: RZON2025-00005
Address: 3077 Pickens Rd
Purpose: Relief from Setback
Requirements
PIN: 5589-95-0742



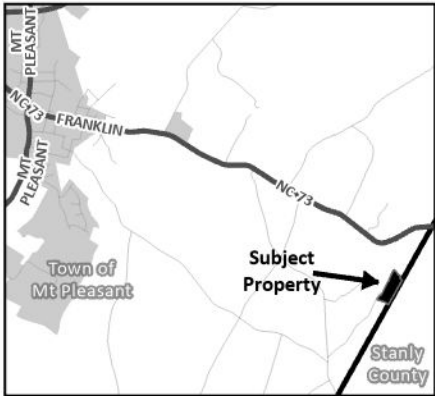
Cabarrus County shall not be held liable for any errors in this data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. These data cannot be construed to be a legal document. Primary sources from which these data were compiled must be consulted for verification of information contained within the data. Map prepared by Cabarrus County Planning and Development October, 2025



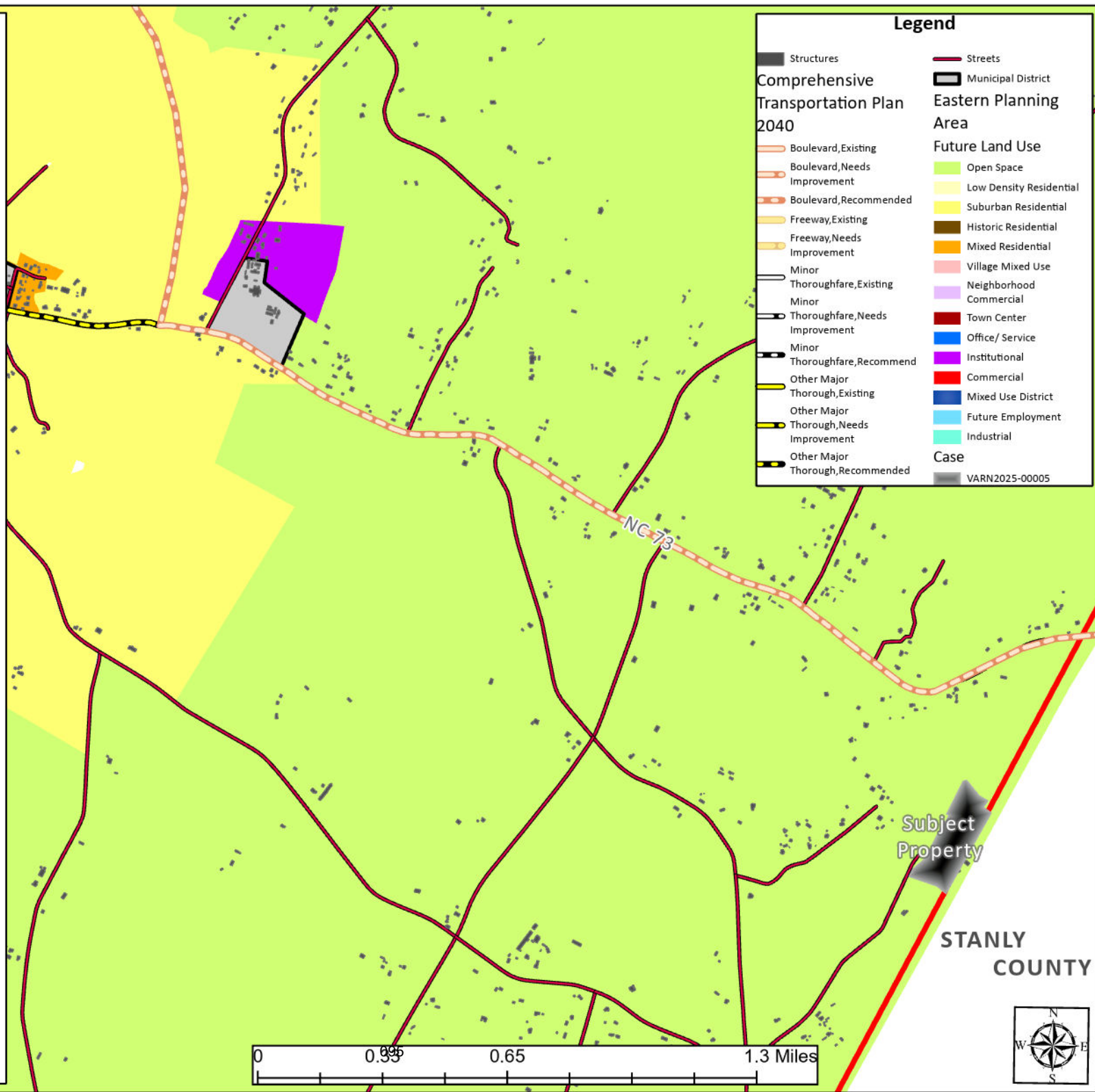
Eastern Planning Area
Future Land Use Map



Applicant: Brian P. Hayes
 Owner: Gary & Kathy Almond
 Case: RZON2025-00005
 Address: 3077 Pickens Rd
 Purpose: Relief from Setback
 Requirements
 PIN: 5589-95-0742

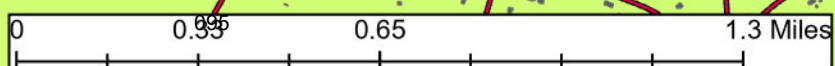


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Legend

Structures	Streets
Comprehensive Transportation Plan 2040	Municipal District
Boulevard, Existing	Eastern Planning Area
Boulevard, Needs Improvement	Future Land Use
Boulevard, Recommended	Open Space
Freeway, Existing	Low Density Residential
Freeway, Needs Improvement	Suburban Residential
Minor Thoroughfare, Existing	Historic Residential
Minor Thoroughfare, Needs Improvement	Mixed Residential
Minor Thoroughfare, Recommended	Village Mixed Use
Other Major Thoroughfare, Existing	Neighborhood Commercial
Other Major Thoroughfare, Needs Improvement	Town Center
Other Major Thoroughfare, Recommended	Office/ Service
	Commercial
	Mixed Use District
	Future Employment
	Industrial
	Case VARN2025-00005



CABARRUS COUNTY, NC

9/23/2025 11:44:06 AM

ALMOND GARY W Return/Appeal Notes: **Parcel: 5589 95 0742 0000**
 3077 PICKENS RD MT PLEASANT NC 28124 PLAT: 00082/00085 UNIQ ID 15660 SPLIT FROM ID 5558
 78102 ID NO: 08 030 0004.10 0000
 COUNTY TAX (100), MT PLEASANT FIRE TAX (100) CARD NO. 1 of 1
 Reval Year: 2024 Tax Year: 2025 NORTH SIDE PICKENS RD 39.3940 AC 39.3940 AC SRC= Estimated
 Appraised by RA on 07/11/2024 17004 HAHN SCOTT RD TW-08 CI-00FR-16 EX- AT- LAST ACTION 20240712

CONSTRUCTION DETAIL		MARKET VALUE						DEPRECIATION			CORRELATION OF VALUE				
TOTAL POINT VALUE	USE	MOD	Eff. Area	QUAL	BASE RATE	RCN	EYB	AYB	CREDENCE TO						
	01R	00							% GOOD						
TOTAL ADJUSTMENT FACTOR	TYPE: SINGLE FAMILY RURAL								DEPR. BUILDING VALUE - CARD						
TOTAL QUALITY INDEX	STYLE:								DEPR. OB/XF VALUE - CARD						
									MARKET LAND VALUE - CARD 284,430						
									TOTAL MARKET VALUE - CARD 284,430						
									TOTAL APPRAISED VALUE - CARD 284,430						
									TOTAL APPRAISED VALUE - PARCEL 284,430						
									TOTAL PRESENT USE VALUE - PARCEL 9,320						
									TOTAL VALUE DEFERRED - PARCEL 275,110						
									TOTAL TAXABLE VALUE - PARCEL \$ 9,320						
PRIOR															
BUILDING VALUE 0															
OBXF VALUE 0															
LAND VALUE 259,580															
PRESENT USE VALUE 9,010															
DEFERRED VALUE 250,570															
TOTAL VALUE 259,580															
PERMIT															
CODE			DATE		NOTE			NUMBER		AMOUNT					
ROUT: WTRSHD:															
SALES DATA															
OFF. RECORD		DATE		DEED TYPE		Q/U		V/I		INDICATE SALES PRICE					
BOOK	PAGE	MO	YR	SW	SW	E	E	V	V						
17589	0137	8	2025	SW	SW	E	E	V	V	0					
9280	0322	9	2010	SW	SW	E	E	V	V	0					
HEATED AREA															
NOTES															
STANLY COUNTY ASSESSING 36.59 ACS															

SUBAREA				CODE	QUALITY	DESCRIPTION	COUNT	LT	WT	UNITS	UNIT PRICE	ORIG % COND	BLDG#	SIZE FACT	AYB	EYB	ANN DEP RATE	% OVR	COND	OB/XF DEPR. VALUE		
FIREPLACE																					0	
SUBAREA TOTALS																						0

BUILDING DIMENSIONS

LAND INFORMATION																	
HIGHEST AND BEST USE	USE CODE	LOCAL ZONING	FRONTAGE	DEPTH	DEPTH / SIZE	LND MOD	COND FACT	OTHER ADJUSTMENTS AND NOTES	ROAD TYPE	LAND UNIT PRICE	TOTAL LAND UNITS	UNT TYP	TOTAL ADJUST	ADJUSTED UNIT PRICE	LAND VALUE	_OVERRIDE VALUE	LAND NOTES
RURAL AC	0120	AO	340		0.9740	4	0.3900	-06 -05 +00 +00 -50 NO PERK LETTER	RD	19,000.00	39.394	AC	0.380	7,220.00	284425		

TOTAL MARKET LAND DATA

TOTAL MARKET LAND DATA																	
												39.394			284,430		
Agricultural III	5310	AO			1.0000	5	1.0000		RD	420.00	11.140	AC	1.000	420.00	4679		
Agricultural IV	5410	AO			1.0000	5	1.0000		RD	40.00	12.964	AC	1.000	40.00	519		
Forestry II	6210	AO			1.0000	5	1.0000		RD	280.00	14.160	AC	1.000	280.00	3965		
Forestry V	6510	AO			1.0000	5	1.0000		RD	135.00	1.130	AC	1.000	135.00	153		

TOTAL PRESENT USE DATA

												39.394			9,320		
--	--	--	--	--	--	--	--	--	--	--	--	--------	--	--	-------	--	--

Property Owner
5589-95-0742
Gary & Kathy Almond
PO Box 847
Mt Pleasant, NC 28124

Adjacent Property Owners
5589-85-9411
Jonathan & Alisha Almond
3077 Pickens Rd
Mt Pleasant, NC 28124

5589-84-0555
Gary Almond
PO Box 847
Mt Pleasant, NC 28124

5589-74-0548
Glenn & Sable Allman
3737 Hahn Scott Rd
PO Box 524
Mt Pleasant, NC 28124

5589-63-7598
Judy Almond
4770 Mooresville Rd
Kannapolis, NC 28081

5589-97-9363
Francisco & Juana Varela
16111 NC Hwy 73 E Lot A
Mt Pleasant, NC 28124

5599-07-4612
Carl & Nancy Eudy
640 Fox Hollow Ln
Salisbury, NC 28146

5589-04-94-7239
Randy & Lisa Almond
32342 Bridge Rd
Mt Pleasant, NC 28124

5599-03-04-9825
Jeffrey & Lana Bunting
32390 Bridge Rd
Mt Pleasant, NC 28214

5599-01-06-0960
Francisco & Juana Varela

3124 Barr Rd
Concord, NC 28027

5599-01-06-5930
Carl & Nancy Eudy
640 Fox Hollow Ln
Salisbury, NC 28146



Cabarrus County Government – Planning and Development Department

September 15, 2025

Dear Property Owner:

A Variance Application has been filed in our office for property **adjacent** to yours. The property and specifics of the request are listed below. The Cabarrus County Board of Adjustment will consider this petition on Tuesday, October 14, 2025, at 6:30 PM in the 2nd floor Commissioner’s Chambers of the Cabarrus County Governmental Center, located at 65 Church Street S, Concord, NC 28026. A Public Hearing will be conducted, and public input will be allowed during that time. If you have any comments about this variance request, I encourage you to attend this meeting.

- **Petitioner** Gary & Kathy Almond
- **Petition Number** VARN2025-00005
- **Property Location** 3077 Pickens Rd
- **Parcel ID Number** 5589-95-0742
- **Existing Zoning** Agricultural / Open Space (AO)
- **Variance Request** Relief from the setback requirements from County Line (Section 6-18) and the dimensional requirements of the AO district (Section 5-5.B)

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

Sincerely,

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

Phillip Collins, AICP
Planning Supervisor
Cabarrus County Planning and Development
704.920.2181

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



Cabarrus County Government – Planning and Development Department

September 15, 2025

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- | | |
|----------------------------|---|
| • Petitioner | Gary & Kathy Almond |
| • Petition Number | VARN2025-00005 |
| • Property Location | 3077 Pickens Rd |
| • Parcel ID Number | 5589-95-0742 |
| • Existing Zoning | Agricultural / Open Space (AO) |
| • Variance Request | Relief from the setback requirements from County Line (Section 6-18) and the dimensional requirements of the AO district (Section 5-5.B) |

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Phillip Collins, AICP
Planning Supervisor
Cabarrus County Planning and Development
704.920.2181

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

September 16, 2025 at 11:34:30 AM
Pickens Rd

CABARRUS COUNTY
ZONING



NOTICE
VARN2025-00005
FOR DETAILS CALL
704-920-2141

Memo

To: Cabarrus County Planning and Zoning Commission
From: Phillip Collins, Planning Supervisor
CC: File
Date: January 6, 2026
Re: Mercer Estates Variance Request

As you will recall, a variance request was brought before the Board at its December meeting. The purpose of the request was to permit relief from the road design standards, the road length and the adjacent property connection requirements. As you may recall, the Board agreed to grant relief from the length and connection requirements. However, after a lengthy discussion, the Board recommended that the matter be tabled until February so the applicant and his engineer could explore every option and come back with a more agreeable plan.

The applicant requested to come back before the Board this month as the engineer will be available to properly answer the Board's questions. The applicant and engineer feel as though no changes to the plan will be needed and that the letter provided by the engineer in the packet should address all of the Board's concerns. Also, the applicant is due to undergo a medical procedure and may not be available for the February meeting.

Therefore, the applicant is currently requesting to continue this request. The case has been advertised, the sign has been posted and adjacent property owners notified.

Phil,

Per your guidance, below is the narrative for inclusion in the Board packet.

Narrative Update – Roadway Design and Request Status

At the December meeting, the Board discussed concerns related to the roadway serving the project. Since that meeting, I would like to clarify and supplement the record.

At the time of the December meeting, a letter from our project engineer, John Darden, was submitted confirming that the roadway was designed and constructed in compliance with applicable DOT standards. Unfortunately, this letter was not discussed during the meeting, and I did not adequately reference it during the Board's deliberation. As a result, the discussion reflected an understanding that the road had been constructed without adherence to any recognized standard, which is not accurate.

For the January meeting, Mr. Darden will be present to address questions, explain the engineering basis for the roadway design, and clarify how it meets DOT requirements. We believe his participation will help ensure the Board has complete and accurate technical information moving forward.

In addition, we are prepared to engage constructively with the Board at the January meeting regarding potential plan adjustments. We are open to discussing reasonable changes and compromises that would address the Board's concerns while remaining consistent with sound engineering practices.

Lastly, for scheduling awareness, I am scheduled to undergo ACL and meniscus surgery on January 30th. Depending on my recovery, participation in a February meeting may be difficult. Accordingly, we believe the January meeting presents a meaningful opportunity to advance the discussion with full technical representation present.

Please let me know if you need any revisions or additional information.

Best regards,

Paul A. Shchetinin

King Carolina

PLANNING STAFF REPORT
 CABARRUS COUNTY PLANNING AND ZONING COMMISSION
 11/12/2025

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

Variance: VARN2025-00007

Applicant Information: Pavel A Shchetinin
 King Carolina Homes LLC
 4323 Hubbard Lane
 Charlotte, NC 282691

Owner Information: King Carolina Homes LLC
 4323 Hubbard Rd
 Charlotte, NC 28269

King Carolina Homes LLC
 Perri Teitelbaum
 17332 Rivier Race Dr
 Huntersville, NC 28078

Pavel & Marina Shchetinin
 4323 Hubbard Rd
 Charlotte, NC 28269

Linda & Michael Cantrell
 11250 Aubrey Elena Ct
 Davidson, NC 28036

PIN's: 4672-43-0198, 4672-33-4395, 4672-33-8027, 4672-33-8206, 4672-43-4009, 4672-43-0565, 4672-33-8554, 4672-33-5575 & 4672-43-3332

Area in Acres: +/- 17.153 ac

Purpose of Request: The applicant is proposing a Countryside Residential (CR) conventional design major subdivision project for the subject property and is currently in the preliminary development review process.

The applicant is seeking relief from the following standards of the Cabarrus County Development Ordinance:

- Chapter 15, Section 15-8: Private Roads serving more than five lots
- Chapter 15, Section 15-9: Cul-de-sac Length
- Chapter 15, Section 15-9: Connections to Adjacent Properties
- Appendix A, Requirements for Dead-End and Stub Streets Table
- Appendix A, Rural Residential Street Cross Section

○ Appendix A, Pavement Schedule

Site Description: The subject property is comprised of 8 parcels and a private road. An intermittent stream traverses the property from south to north that feeds into the Rocky River to the north. The subject property is located on the west side of Shiloh Church Road and is approximately 200 feet from the Mecklenburg-Cabarrus County line to the west.

The Comprehensive Transportation Plan recommends a future right of way width of 110 feet for Shiloh Church Road. The applicant is aware of the future right of way and has accounted for it in the project design.

Two residences (one under construction and one completed) currently occupy the subject property. A private road, Aubrey Elena Court, provides access to Shiloh Church Road for the subject property. An existing private access easement borders the subject property on its south side. A 70-foot-wide utility easement (Piedmont Natural Gas) is located on the western side of the subject property

Current Land Uses: Two residences (one under construction and one completed) currently occupy the subject property.

Adjacent Land Uses: Commercial, Residential and Vacant

Permitted Uses: Any use permitted within the CR zoning district would be allowed on the subject property.

Existing Zoning: Countryside Residential (CR)

Surrounding Zoning:
North: Countryside Residential (CR)
East: Countryside Residential (CR)
South: Countryside Residential (CR)
West: Countryside Residential (CR)

Signs Posted: October 24, 2025

Newspaper Notification 1: October 30, 2025

Newspaper Notification 2: November 4, 2025

Notification Letters: October 23, 2005

Exhibits

- Exhibit A – Staff Report
- Exhibit B – Application
- Exhibit C – Neighborhood Meeting Information
- Exhibit D – Proposed Major Subdivision
- Exhibit E – Recorded Minor Subdivision
- Exhibit F – Staff Maps
- Exhibit G – Adjacent Property Owner Information
- Exhibit H – Property History
- Exhibit I – County Engineer Review
- Exhibit J – Statement from Applicant’s Engineer

Agency Review Comments

Emergency Services Review:

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

Fire Review:

We are fine with the requested variance as they are sprinkling the homes as a tradeoff, but the plat is missing the required comments we originally had them add during the subdivision reviews. *(per Jacob Thompson, Fire Marshal).*

NCDOT Review:

They already have a driveway permit from us. So long as nothing changes at the access point, we have no comments. *(per Jason Faulkner, Assistant District Engineer NCDOT)*

Sherriff’s Department Review:

No comments. *(per Travis McGhee, Lieutenant Sherriff).*

Soil & Water Conservation Review:

No comments. *(per Abby Weinshenker, Resource Education Coordinator Cabarrus Soil & Water Conservation District)*

NCDEQ Storm Water:

Mercer Estates has a permit for post construction stormwater. If there are any changes to the design of the road/swales, they will also need to modify our permit. A minor modification is required if there is no built upon area (BUA) change. If there is a change in the BUA a major modification is required. *(per Brianna Holland, Environmental Engineer NCDEQ)*

Cabarrus Engineer:

See Exhibit I

Zoning Review:

See staff report (*per Phillip Collins, Planning Supervisor*)

History / Other Information

- The subject property is approximately 17.153 acres in size.
- The applicant is now proposing a major conventional subdivision using the lots created in the minor subdivision, along with other lots near the original development.
 - The applicant is proposing to rearrange the lots to the west and the rear of the original right of way that was recorded, and to extend the road right of way and cul-de-sac bulb to the area where the road and cul-de-sac was already installed.

NOTE: The applicant has submitted a major subdivision (Exhibit D) for review. The plat is included as part of this request; however, it is only for illustrative purposes at this point and is conceptual in nature.

- In November of 2024 the applicant recorded a minor subdivision that created five lots and a private road.
 - The developer installed the road prior to review and approval of the minor plat, resulting in a road being installed that exceeds the allowable 1,000 linear feet standard.
 - During the plat review process, the minor plat and the lot design that was used placed the property lines in a fashion where the road right of way itself (the right of way and the cul-de-sac bulb) was only 1,000 linear feet and met the standard.
 - The rear lots were to be accessed by flag lots to accommodate the additional distance beyond the allowable 1,000 feet shown on the plat where the cul-de-sac was located.
 - The resultant recorded minor plat incorrectly permitted frontage/access for two existing lots near the new right of way that was created, which was an oversight on the part of Staff.
 - The minor subdivision road was constructed using the alternate construction standard for private roads serving 5 lots or less.

- The road was required to have a minimum of a 25 foot right of way and an all-weather access road a minimum of 20 feet wide to meet fire code.

The applicant submitted a letter from their engineer to address the variances being requested from Chapter 15, Section 15-8: Private Roads serving more than five lots, the road type and classification, and the road typical (Exhibit J):

Variance Requests:

1. Chapter 15, Section 15-8: Private Roads serving more than five lots

The proposed subdivision will have eight (potentially 9) lots total. Each of these lots will have access to the road. Because it is a major subdivision and the road serves more than 5 lots, the road and the right of way are required to meet the standards for a NCDOT road.

Private roads serving more than five lots

New roads serving five or more lots may be permanently designated as a private road. These roads shall be built to the North Carolina Department of Transportation public standard for the appropriate type of road or street. Additionally, a road maintenance agreement shall be recorded in the office of the register of deeds to ensure that proper maintenance of the private road is provided by property owners gaining access from the road or street and for emergency service response. See Appendix A for the road design standards.

Road types and classification

Roads shall be classified and designed in accordance with the typical details outlined in Appendix A of this Ordinance.

Roads on a proposed subdivision plat shall be classified and labeled as either public or private. The proposed road right-of-way and typical shall also be provided on the plat.

Rural Residential Street Typical

The typical for a rural residential street and the pavement schedule in Appendix A must be met for major subdivisions. This includes a minimum 60 foot right of way, a 24-foot-wide two-way travel lane (paved street), a 6-foot planting strip and a ditch as shown in the illustration in Appendix B.

Curve Radius:

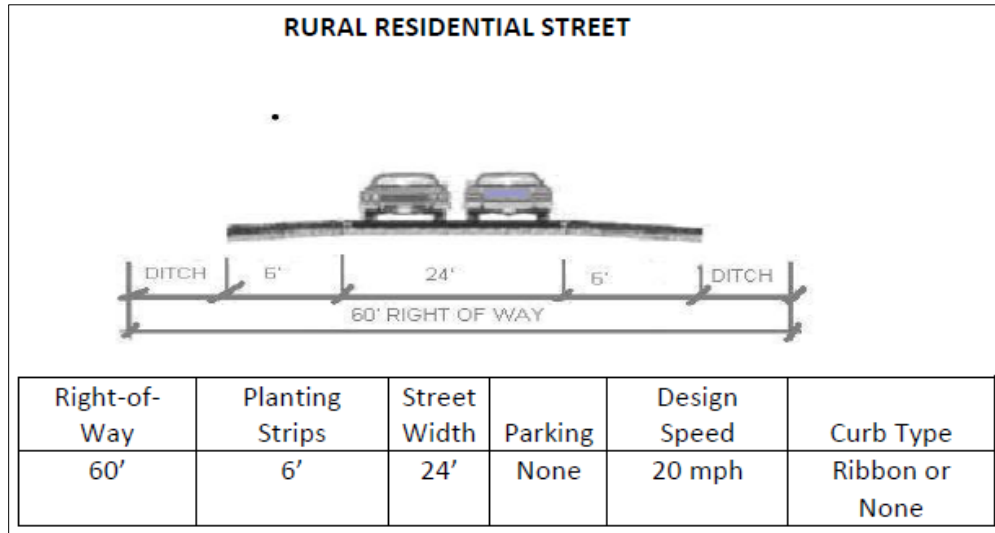
Pursuant to Chapter 15, Section 15-9 Road Design Standards, Curve Radius, property lines at the intersection of residential streets shall be rounded with a 25-foot minimum radius and a 35-foot maximum radius.

- There are 2 horizontal curves in the existing road that are non-compliant with the CCDO.

- These curves also are non-compliant with NCDOT requirement for a local residential road.

Rural Residential Cross Section & Pavement Schedule

Pursuant to Appendix A, a rural residential street should be designed using the typical cross section and paving schedule outlined below:



- The road typical requires a pavement width of 24-feet.
 - The road is currently approximately 20 feet wide.
- Shoulder widths and planting strips are required to be 6 feet.
 - The proposed shoulder width and planting strip is less than 6 feet.
- The typical requires a 60 foot right of way.
 - The proposed right of way width is 50 feet.

PAVEMENT SCHEDULE

Classification		Base Course	Intermediate Course	Surface Course
Major Thoroughfare	All	*	*	*
Minor Thoroughfare	All	*	*	*
Major Collector	Non-Residential	*	*	*
	Residential	10" CABC or 5" B-25.0X	2.25" I-19.0X	2.0" SF 9.5X
Minor Collector	Non-Residential	*	*	*
	Residential	10" CABC or 5" B-25.0X	2.25" I-19.0X	2.0" SF 9.5X
Local Street	Non-Residential	*	*	*
	Residential	8" CABC or 4" B-25.0X	2.25" I-19.0X	2.0" SF 9.5X
Alley	All	8" CABC		2.0" SF 9.5X

The pavement schedule for a local residential street requires a minimum of 8 inches of ABC base stone or 4 inches of asphalt, 2.25 inches of intermediate course asphalt, a surface course of 2.0 inches of asphalt and a final lift of 1.0 inches.

- The engineers letter states the current road has 6 inches of ABC stone and that the pavement meets the 2.0 surface course asphalt requirement.

Per Cabarrus County Development Ordinance: Appropriate Road cross-sections shall be approved by the Cabarrus County Planning and Zoning Commission and NCDOT. Appendix A contains currently approved cross-sections for Cabarrus County. Other cross-sections may be proposed and considered for approval by the Planning and Zoning Commission in conjunction with NCDOT.

Pavement structure is based on classification and is defined in Appendix A. An additional one-inch surface course shall be applied to all roads when a majority of the construction is completed.

The applicant is requesting that the project being allowed to proceed using the NCDOT standards for a local residential road as outlined in the letter from the engineer (EXHIBIT J).

- *NOTE: The proposal is various standards from different NCDOT typicals. There is a not a specific NCDOT typical being proposed for the construction or installation of the road.*

2. Chapter 15, Section 15-9: Cul-de-sac Length & Appendix A, Requirements for Dead-End and Stub Streets

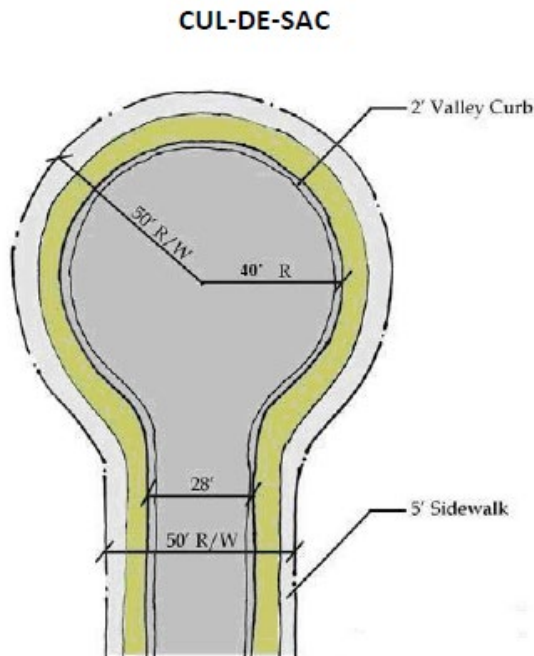
As proposed, the road design currently does not meet the prescribed standards for length, right of way width or cul-de-sac design.

Requirements for Dead-End and Stub Streets		
Length (feet)	Width (feet)	Turnaround Required
> 1,000	Not allowed	Not allowed

Cul-de-sac Length

NCDOT standards for cul-de-sac length must be met. No residential street cul-de-sac serving lots of 1 acre or greater in size shall exceed 1,000 feet. No residential street cul-de-sac serving lots less than one acre in size shall exceed 600 feet. The District Engineer for NCDOT has the right to vary this standard upon coordination with the Subdivision Administrator and County Engineer.

Cul-de-sac Design



3. Chapter 15, Section 9, Road design standards- Connections to adjacent properties

The proposed design does not provide any connections to adjacent properties.

Connections to adjacent properties

Where necessary to provide access or to permit the reasonable future subdivision or development of adjacent land, rights-of-way and improvements shall be extended to the boundary of a development.

Connections shall be placed at locations where future connection can be made at a reasonable cost and shall not be directed into wetlands, creeks, steep slopes, or other locations that would make the future extension of the road impractical.

A temporary turnaround may be required where the dead end exceeds 250 feet in length. Where such a connection has been established on adjacent property, each new subdivision shall be required to extend the connection as a link in the proposed subdivision street network.

Based on the applicant's letter, the following variances are requested:

1. Section 15-8 – Private Roads Serving more than 5 Lots
 - The road currently does not meet the minimum standards for a public road.
2. Section 15-9 – Cul-de-sac Length
 - The existing road is greater than 1,000 feet in length.
3. Section 15-9 – Connections to adjacent properties
 - No connections are provided or proposed to adjacent properties.
4. Appendix A – Requirements for Dead-End and Stub Streets Table
 - The existing road is greater than 1,000 feet in length.
5. Appendix A – Rural Residential Cross Section
 - The current road design does not meet the minimum standards of a Rural Residential Street.
6. Appendix A – Pavements Schedule
 - The existing pavement structure does not meet the minimum paving requirements of a local residential street.

As part of the application, the applicant has proposed the following conditions of approval:

1. The total private road length shall not exceed 1,385 feet, as shown on the submitted site plan. No additional extensions shall be requested or approved beyond this distance.
2. The road shall remain private and serve only the nine residential lots within this subdivision.
3. The road must be inspected and certified by a licensed professional engineer to ensure it meets structural integrity and drainage requirements suitable for long-term residential use.

4. A Private Road Maintenance Agreement shall be recorded prior to final plat approval, establishing clear responsibility for long-term maintenance, repair, and shared access among all property owners served by the road.

Conditions of Approval

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

1. The Granting Order, stating restrictions and applicable conditions of approval, shall be recorded with the deed of the property.
2. Applicant shall comply with all applicable terms of the approved NCDOT Driveway Permit. (NCDOT)
3. Proposed major subdivision design must comply with all applicable terms of any variances granted.



**CABARRUS COUNTY
VARIANCE APPLICATION**

STAFF USE ONLY:

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

INSTRUCTIONS/PROCEDURES:

1. Schedule a pre-application meeting with Staff. During this meeting, Staff will assess the proposed variance request to evaluate options that may be available to you through the zoning ordinance. If it is necessary to proceed with the request, Staff will explain the procedures and requirements, including the thresholds of consideration for variance requests.
2. Submit a complete application to the Planning Division. All applications must include the following:
 - Cabarrus County Land Records printout of all adjacent property owners. This includes properties located across the right-of-way and all on-site easement holders. The list must include owner name, address, and Parcel Identification Number.
 - A recent survey or legal description of the property.
 - Required number of copies of the proposed site plan (determined at pre-app meeting).
 At a minimum, the site plan must show the following:
 - The subject property and any adjacent properties.
 - All existing buildings, including setbacks from property lines.
 - All proposed buildings, parking facilities and accessory uses, including setbacks from property lines (if applicable).
 - The location and type of screening and buffering proposed (if applicable).
 - Impervious surface ratio (if applicable).
 - Waterbody buffers (if applicable).
 - Delineation of the proposed variance on the site plan so that the type and nature of the variance the applicant is seeking is clear. (This may be accomplished by submitting two site plans. One to show the requirements of the ordinance and a second to show what the variance request will achieve.)
 - Any additional item(s) that must be illustrated on the plan as determined during the pre-application meeting.
 - Neighborhood meeting documentation (minutes and list of attendees)
 - Any additional documents essential for the application to be considered complete. (Determined at pre-application meeting)
3. Submit cash, check, or money order made payable to Cabarrus County.
 Fees: Residential Variance request = \$500.00 first acre + \$15.00 each additional acre
 Non-residential Variance request = \$600.00 first acre + \$15.00 each additional acre
 (Plus cost of advertising and engineering fees if applicable)

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

PROCESS SUMMARY:

1. Hold a pre-application meeting with Staff to discuss your request and the variance process.
2. Submit a complete application with the appropriate fees to the Cabarrus County Planning Division.
Staff and appropriate agents will review your complete application and site plan and comments will be forwarded to you. You will need to address the comments in writing, revise the site plan accordingly and resubmit a site plan showing that comments are addressed, and errors corrected.
3. Once advised that the site plan and supporting documentation are complete and ready to be presented to the Board of Adjustment, you will need to submit the final material to staff (number determined by Staff).
4. When the information is received, Staff will begin to prepare a staff report, schedule a public meeting date and notify adjacent property owners of the public meeting/public hearing date. A sign advertising the public hearing will also be placed on the property being considered for the variance request.

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

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

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

APPLICANT	PROPERTY OWNER
Pavel A Shchetinin	King Carolina Homes LLC
NAME	NAME
4323 Hubbard Rd	4323 Hubbard Rd
ADDRESS	ADDRESS
Charlotte NC 28269	Charlotte NC 28269
CITY, STATE, ZIP CODE	CITY, STATE, ZIP CODE
980-309-2013	980-776-6598
PHONE NUMBER	PHONE NUMBER
N/A	
FAX NUMBER	FAX NUMBER
kingcarolinahomes@outlook.com	kingcarolinahomes@outlook.com
E-MAIL ADDRESS	E-MAIL ADDRESS

Is Applicant the designated Point Of Contact for comments and for billing? Yes ✓ No _____

If no, provide POC name, email, phone and address:

Legal Relationship of Applicant to Property Owner Owner of Property
Existing Use of Property Residential
Existing Zoning CR
Property Location 2621 Shiloh Church Rd
Tax Map and Parcel Identification Number (PIN) 46724333320000

TO THE BOARD OF ADJUSTMENT

I, Pavel A Shchetin, HEREBY PETITION THE BOARD OF ADJUSTMENT FOR A **VARIANCE** FROM THE LITERAL PROVISIONS OF THE **ZONING ORDINANCE**. UNDER THE INTERPRETATION GIVEN TO ME BY THE ZONING ADMINISTRATOR, I AM PROHIBITED FROM USING THE AFOREMENTIONED PARCEL OF LAND. I REQUEST A **VARIANCE** FROM THE FOLLOWING PROVISION(S) OF THE ORDINANCE.

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

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

Section: Section 15-8, Section 15-9 & Appendix A – Requirements for Dead-End and Stub Streets Table, Section 15-9, Appendix A – Rural Residential Cross Section, Appendix A – Pavement Schedule

2. Reason(s) for Seeking a Variance

The proposed internal private road must be extended by approximately 385 feet, bringing the total length to 1,385 feet, to provide access to three residential lots at the rear of the property. Because the road will remain private and more than 5 lots, a variance from Section 15-8 (Private Roads Serving More than Five Lots) and the related design standards in Appendix A is required. While the road design meets NCDOT residential standards for safety and drainage, it varies slightly in pavement and base depth, shoulder width, and horizontal curve radius from the County’s Rural Residential Street section and Pavement Schedule. The variance will allow the road to remain private while maintaining safe, functional, and compliant access consistent with the intent of the ordinance. No connections to adjacent properties are proposed.

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:

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

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

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

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

FINDING OF FACT CHECKLIST

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

1. ***Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.***

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

Strict enforcement of the ordinance would create an unnecessary hardship by preventing reasonable access to portions of the property that are otherwise suitable for residential development. The property's depth and layout require an internal private road that slightly exceeds the cul-de-sac length limit and serves more than five lots.

Additionally, while the road meets NCDOT residential safety standards, it does not fully comply with right of way width, pavement width, shoulder width, and pavement specifications listed in Appendix A (Rural Residential Cross Section and Pavement Schedule).

Without these variances, several rear lots would remain inaccessible and undevelopable, effectively restricting reasonable use of the property. The relief requested is the minimum necessary to allow safe, functional access consistent with the intent of the ordinance.

- 2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.**

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

The hardship arises from the unique configuration and depth of the parcel, which require an internal road longer than the maximum length allowed by ordinance to reach all buildable areas. The topography and layout of the property also make it impractical to create additional road connections or alternate access points. These site-specific factors are not typical of other nearby parcels and are unique to this property, making strict adherence to Sections 15-8 and 15-9 unreasonable in this case.

- 3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.**

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

The need for the variance is due entirely to existing site conditions and the physical characteristics of the land. The applicant has not taken any action to create or worsen the hardship. The parcel's shape and existing access limitations predate the variance request, and the proposed design simply provides necessary access in the most logical and least impactful manner possible.

- 4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.**

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

The requested variances maintain the intent of the ordinance by ensuring safe, reliable, and well-constructed access for all lots served by the private road. The design meets or exceeds NCDOT safety, drainage, and emergency-access standards, while preserving the property's intended residential character. Granting the variances will not harm surrounding properties, burden public infrastructure, or compromise public safety. It allows equitable development of the land while upholding the overall goals and spirit of the Cabarrus County Development Ordinance.

POSSIBLE CONDITIONS, SUGGESTED BY THE APPLICANT:

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

The total private road length shall not exceed 1,385 feet, as shown on the submitted site plan. No additional extensions shall be requested or approved beyond this distance.

The road shall remain private and serve only the nine residential lots within this subdivision. It shall not be extended or connected to any adjacent properties or external road networks.

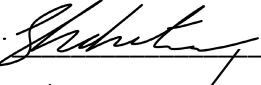
The road shall be designed and constructed to provide safe and adequate access for residents and emergency vehicles, meeting or exceeding NCDOT minimum standards for residential streets where applicable.

The base, pavement, and shoulder design may vary slightly from Appendix A – Rural Residential Cross Section and Pavement Schedule, as reflected in the variance request. However, the road must be inspected and certified by a licensed professional engineer to ensure it meets structural integrity and drainage requirements suitable for long-term residential use.

A Private Road Maintenance Agreement shall be recorded prior to final plat approval, establishing clear responsibility for long-term maintenance, repair, and shared access among all property owners served by the road.

All other aspects of the road design and subdivision shall comply with the Cabarrus County Development Ordinance and any other applicable local, state, or fire-safety requirements.


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

SIGNATURE OF OWNER:  DATE: 10/31/2025

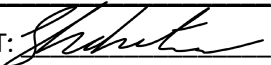
SIGNATURE OF OWNER:  DATE: 10/31/2025

SIGNATURE OF OWNER:  DATE: 10/31/2025

SIGNATURE OF OWNER:  DATE: 11/02/2025

SIGNATURE OF OWNER:  DATE: 11/02/2025

SIGNATURE OF OWNER: _____ DATE: _____

SIGNATURE OF APPLICANT:  DATE: 10/31/2025

Neighborhood Outreach Documentation

Project: Road Variance Request – Shchetinin Residence, Davidson, NC

Applicant: Pavel Shchetinin, King Carolina Homes

Date of Outreach: September–October 2025

Date	Time	Property Owner(s)	Address	Summary of Discussion
9/12/2025	4:30pm	Martin Michael T / Bishop Roman Catholic Diocese	1123 S Church St, Charlotte, NC 28203	Supportive, no objections. Explained purpose of variance.
9/12/2025	5:15pm	OMG Investments LLC	4311 School House Cmns #213, Harrisburg, NC 28075	No concerns, supportive.
9/13/2025	10:00am	Teitelbaum, Perri Ellen	14504 Henry Harrison Stillwell Dr, Huntersville, NC 28078	Supportive, no objections. Clarified variance need.
9/13/2025	11:00am	Mercer, Corey & Shinn, Timothy Jr	6775 Thistle Down Dr, Harrisburg, NC 28075	Supportive, no objections.
9/14/2025	2:00pm	Mercer, Johnathan & Carter, James Calvin III	2530 Shiloh Church Rd, Davidson, NC 28036	No concerns, supportive.
9/14/2025	2:30pm	Mercer, Shirley E	2531 Shiloh Church Rd, Davidson, NC 28036	Supportive, no objections.

9/14/2025	3:00pm	Deese, Mary R	2721 Shiloh Church Rd, Davidson, NC 28036	Supportive, no objections.
9/14/2025	3:30pm	Overby, Mary M	2635 Shiloh Church Rd, Davidson, NC 28036	Supportive, no objections.
9/15/2025	10:30am	Ragan Cummings LTD	1005 Huntsford Ter, Thomasville, NC 27360	Supportive, no objections.
9/15/2025	11:15am	DYRT Road LLC	2856 Shiloh Church Rd, Davidson, NC 28036	Supportive, no objections.
9/15/2025	12:00pm	Gaddy, Sandra Rivens	2755 Shiloh Church Rd, Davidson, NC 28036	Supportive, no objections.
10/22/2025	4:30pm	Cantrell Michael Brandon HSB & Cantrell Nga Linda	11250 Aubrey Elena Ct, Davidson, NC	Supportive, no objections.
10/22/2025	4:30pm	Shchetinin Pavel A & Shchetinin Marina B	4323 Hubbard Rd, Davidson, NC	Supportive, no objections.

Summary

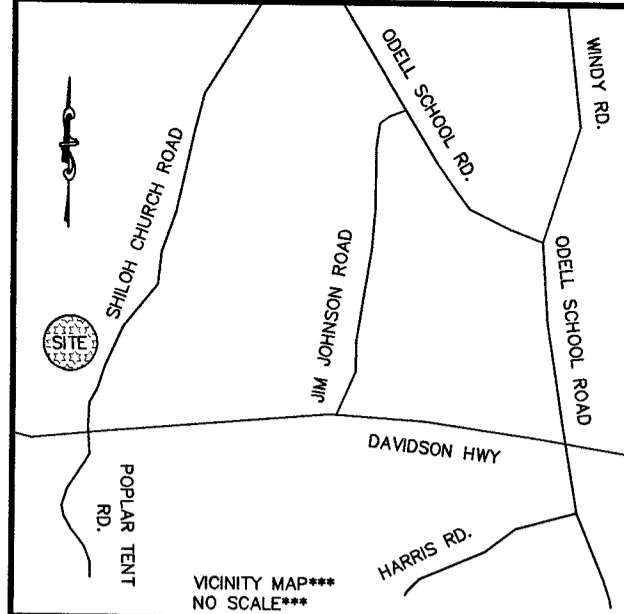
All adjacent property owners listed above were contacted directly between September 12 and October 22, 2025. Each discussion included an explanation of the road variance request and its purpose. No objections were raised. All property owners expressed understanding and support.

Submitted by:

Pavel Shchetinin

King Carolina Homes

Date: October 23, 2025



RAGAN CUMMINGS LTD.
4009/0337
ZONED: CR

LINE	BEARING	LENGTH
L4	N0°13'40"E	15.58'
L5	N4°44'35"E	40.30'
L6	S13°13'33"W	146.31'
L7	S13°13'33"W	33.18'
L8	S88°48'30"W	5.70'
L9	S83°56'33"W	15.58'
L10	S3°06'38"W	20.04'
L11	S88°48'30"W	7.02'
L12	S83°56'33"W	73.20'
L13	N50°04'11"W	18.71'
L14	S4°01'08"W	229.87'
L15	S4°01'08"W	81.17'
L16	S3°57'18"W	44.82'
L17	S88°48'30"W	53.52'
L18	S88°48'30"W	41.18'
L19	S88°48'30"W	45.42'
L20	S85°47'45"W	109.19'
L21	S85°47'45"W	28.46'
L22	S88°48'30"W	86.60'
L23	S88°48'30"W	43.00'

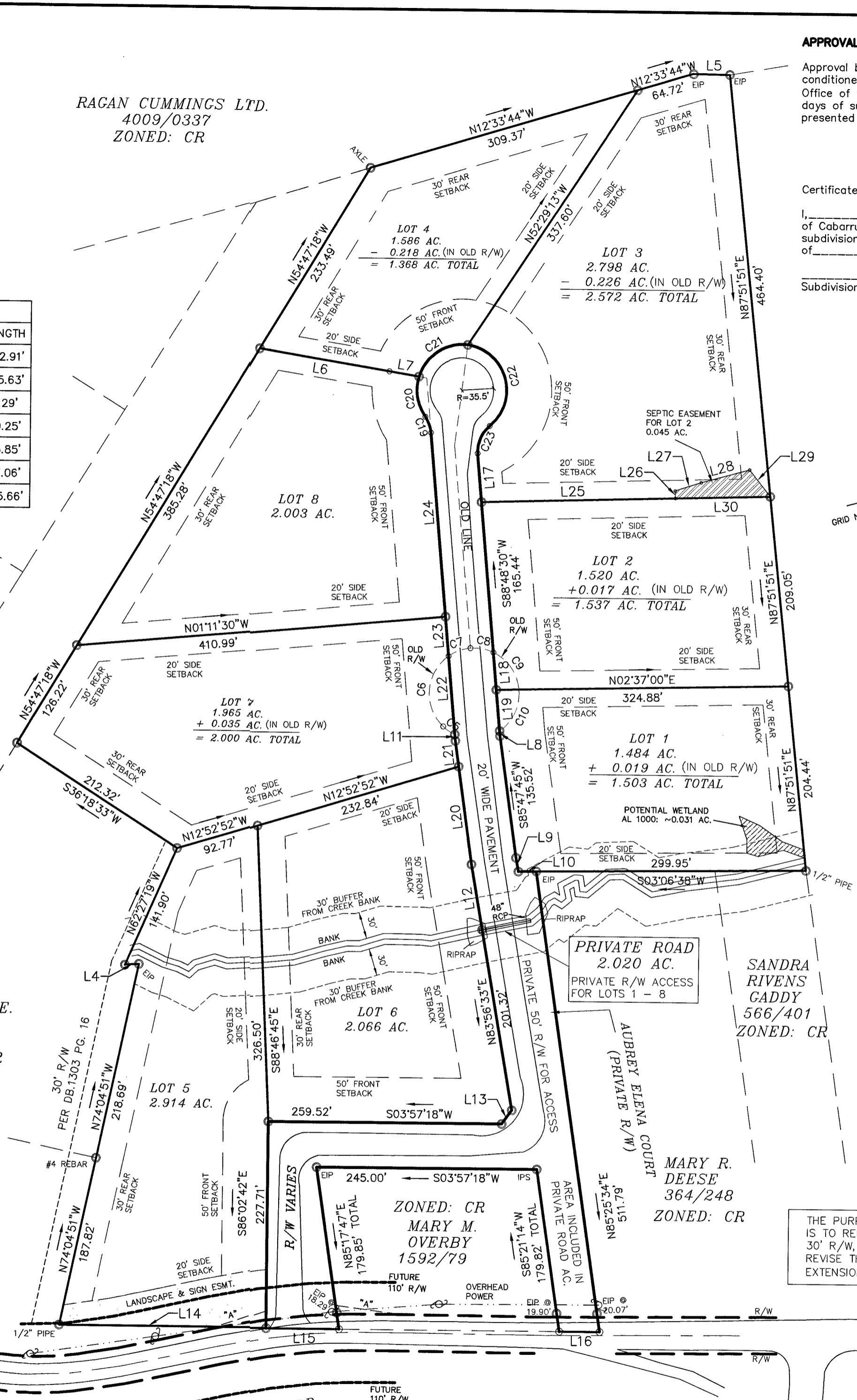
LINE	BEARING	LENGTH
L24	S88°48'30"W	202.91'
L25	N2°13'44"E	215.63'
L26	S87°46'16"E	8.29'
L27	S13°47'42"E	30.25'
L28	S11°13'31"E	55.85'
L29	N55°18'31"E	37.06'
L30	N2°13'44"E	105.66'

COREY MERCER & TIMOTHY SHINN, JR.
16483/225
ZONED: CR

SHIRLEY E. MERCER
1303/16
ZONED: CR

JOHNATHAN MERCER
66/262
17126/76
ZONED: CR

DAS
DON ALLEN & ASSOCIATES P.A.
"Since 1971"
Commercial * Residential * Mortgage Surveys * Multi-Family
Construction Staking * Subdivision Design * Topographical
127 Promenade Drive - Suite E * Mooresville, N.C. 28117
DASSurveying.com * (704) 664-7029 * info@donallensurvey.com



APPROVAL STATEMENT

Approval by the Subdivision Administrator is conditioned upon the plat being registered in the Office of the Register of Deeds within thirty (30) days of such approval and receipt of record presented to the Planning Department

Certificate of Approval by the Subdivision Administrator

I, _____ Subdivision Administrator of Cabarrus County hereby approve the final plat of the subdivision entitled _____ on the _____ day of _____ month, of the _____ year.

Subdivision Administrator

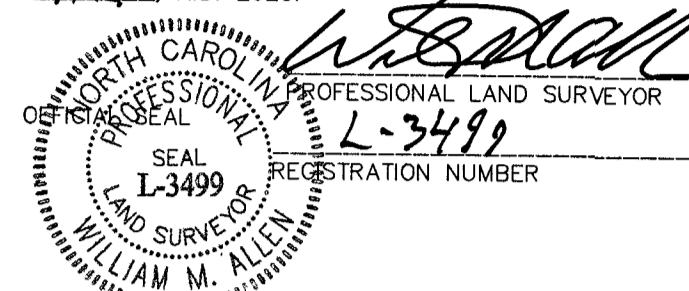
Exhibit D

SURVEYORS CERTIFICATION

I, WILLIAM M. ALLEN CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION DEED DESCRIPTION RECORDED IN BOOK 16810, PAGE 106; THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10000, (THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN MULTIPLE DEEDS; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30, AS AMENDED.

WITNESS MY HAND AND SEAL THIS 17 DAY OF

APRIL A.D. 2025.



THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF THE COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

WILLIAM M. ALLEN
PROFESSIONAL LAND SURVEYOR

SOIL SUITABILITY ANALYSIS CERTIFICATE
(NO EVALUATION PERFORMED)

I understand that all of the lots created by this plat must be evaluated by the Cabarrus Health Alliance for soil suitability. The lots on this plat have not been evaluated by the Cabarrus Health Alliance for suitability as part of the subdivision review process.

Property Owner _____ DATE _____

Property Owner _____ DATE _____

J & L HOLDINGS, LLC
16922/341
ZONED: CR

CURVE	BEARING	CHORD	RADIUS	LENGTH
C5	N37°52'55"E	15.77'	50.00'	15.84'
C6	S82°07'05"E	77.63'	50.00'	88.88'
C7	S16°11'30"E	25.88'	50.00'	26.18'
C8	S13°48'30"W	25.88'	50.00'	26.18'
C9	S58°32'44"W	49.60'	50.00'	51.90'
C10	N61°27'16"W	50.40'	50.00'	52.82'
C12	N60°36'36"W	50.40'	50.00'	52.82'
C19	S73°18'42"W	18.70'	35.00'	18.93'
C20	N84°18'13"E	44.60'	50.00'	46.23'
C21	S29°06'15"E	64.42'	50.00'	69.99'
C22	S78°03'53"W	92.09'	50.00'	117.05'
C23	S63°01'52"E	33.04'	35.00'	34.40'

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (We) hereby adopt this plan of subdivision with my (our) free consent, established minimum building lines, and dedicate all roads, alleys, walks, parks, and other sites to the public use except as noted. Further, I (We) certify the land as shown hereon is within the platting jurisdiction of Cabarrus County.

Property Owner _____ DATE _____

Property Owner _____ DATE _____

PRELIMINARY PLAT
OF
MERCER ESTATES PH. 2
SHEET 1 OF 2
A REVISION OF
PB. 103 PG. 27-28

TOWNSHIP NUMBER 3, CABARRUS CO., N.C.
SCALE: 1" = 100'

DATE SURVEYED: 5/7/2024
DATE PLATTED: 4/04/2025

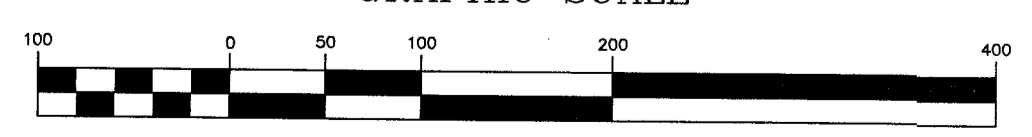
UPDATED: 4/17/2025 (30' BUFFER FROM CREEK BANK)

OWNER: KING CAROLINA HOMES, LLC
4323 HUBBARD ROAD
CHARLOTTE, NC 28269

OWNER: PERRI ELLEN TEITELBAUM
1620 POPLAR SHADOW DRIVE
HUNTERVILLE, NC 28078

THE PURPOSE OF THIS PLAT IS TO REMOVE A PORTION OF THE 30' R/W, TO ADD 4 NEW LOTS AND REVISE THE EXISTING LOTS WITH THE EXTENSION OF THE ROAD R/W

- LEGEND**
- ⊙ = P.P. = POWER POLE
 - E.I.P. = EXISTING IRON FOUND
 - I.P.S. = #4 REBAR SET
 - R/W = RIGHT-OF-WAY
 - CP = COMPUTED POINT
 - "A" = 10' X 70' SIGHT TRIANGLE
 - PW = PROPOSED WELL



GRAPHIC SCALE

(IN FEET)
1 inch = 100 ft.

Exhibit E

RAGAN CUMMINGS LTD.
4009/0337
ZONED: CR

APPROVAL STATEMENT

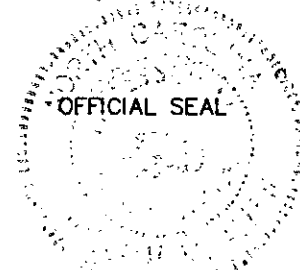
Approval by the Subdivision Administrator is conditioned upon the plat being registered in the Office of the Register of Deeds within thirty (30) days of such approval and receipt of record presented to the Planning Department

SURVEYORS CERTIFICATION

I, WILLIAM M. ALLEN CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION DEED DESCRIPTION RECORDED IN BOOK 16810, PAGE 106; THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10000, (THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN MULTIPLE DEEDS; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30, AS AMENDED.

WITNESS MY HAND AND SEAL THIS 22 DAY OF

NOV. A.D. 2024.



William M. Allen
PROFESSIONAL LAND SURVEYOR
L-3499
REGISTRATION NUMBER

THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF THE COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

William M. Allen
PROFESSIONAL LAND SURVEYOR

Certificate of Approval by the Subdivision Administrator

I, Susie Morris Subdivision Administrator of Cabarrus County hereby approve the final plat of the subdivision entitled Mercer Estates on the 22th day of 11th month, of the 2024 year.

Susie Morris (by: CPC)
Subdivision Administrator

SOIL SUITABILITY ANALYSIS CERTIFICATE (NO EVALUATION PERFORMED)

I understand that all of the lots created by this plat must be evaluated by the Cabarrus Health Alliance for soil suitability. The lots on this plat have not been evaluated by the Cabarrus Health Alliance for suitability as part of the subdivision review process.

[Signature] 11/22/2024
Property Owner DATE
[Signature] 11/22/2024
Property Owner DATE

CERTIFICATE OF OWNERSHIP AND DEDICATION

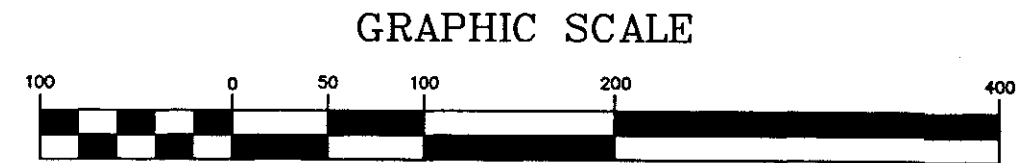
I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (We) hereby adopt this plan of subdivision with my (our) free consent, established minimum building lines, and dedicate all roads, alleys, walks, parks, and other sites to the public use except as noted. Further, I (We) certify the land as shown hereon is within the platting jurisdiction of Cabarrus County.

[Signature] 11/22/2024
Property Owner DATE
[Signature] 11/22/2024
Property Owner DATE

LINE	BEARING	LENGTH
L4	N0°13'40"E	15.58'
L5	N4°44'35"E	40.30'
L6	S13°13'33"W	146.31'
L7	S13°13'33"W	41.96'
L8	S88°48'30"W	5.70'
L9	S83°56'33"W	15.58'
L10	S3°06'38"W	20.04'
L11	S88°48'30"W	7.02'
L12	S83°56'33"W	73.20'
L13	N50°04'11"W	18.71'
L14	S4°01'08"W	229.87'
L15	S4°01'08"W	81.17'
L16	S3°57'18"W	44.82'

J & L HOLDINGS, LLC
16922/341
ZONED: CR

CURVE	BEARING	CHORD	RADIUS	LENGTH
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C6	S82°07'05"E	77.63'	50.00'	88.88'
C7	S16°11'30"E	25.88'	50.00'	26.18'
C8	S13°48'30"W	25.88'	50.00'	26.18'
C9	S58°32'44"W	49.60'	50.00'	51.90'
C10	N61°27'16"W	50.40'	50.00'	52.82'

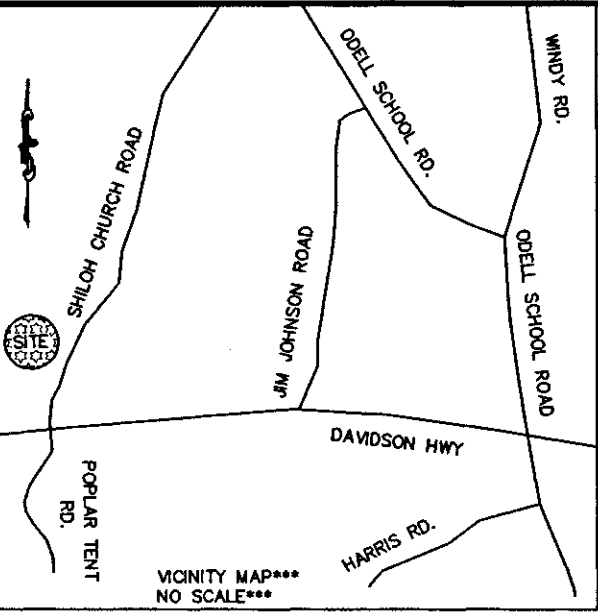


MERCER ESTATES SHEET 1 OF 2

TOWNSHIP NUMBER 3, CABARRUS CO., N.C.
SCALE: 1" = 100' DATE SURVEYED: 5/7/2024
DATE PLATTED: 7/02/2024

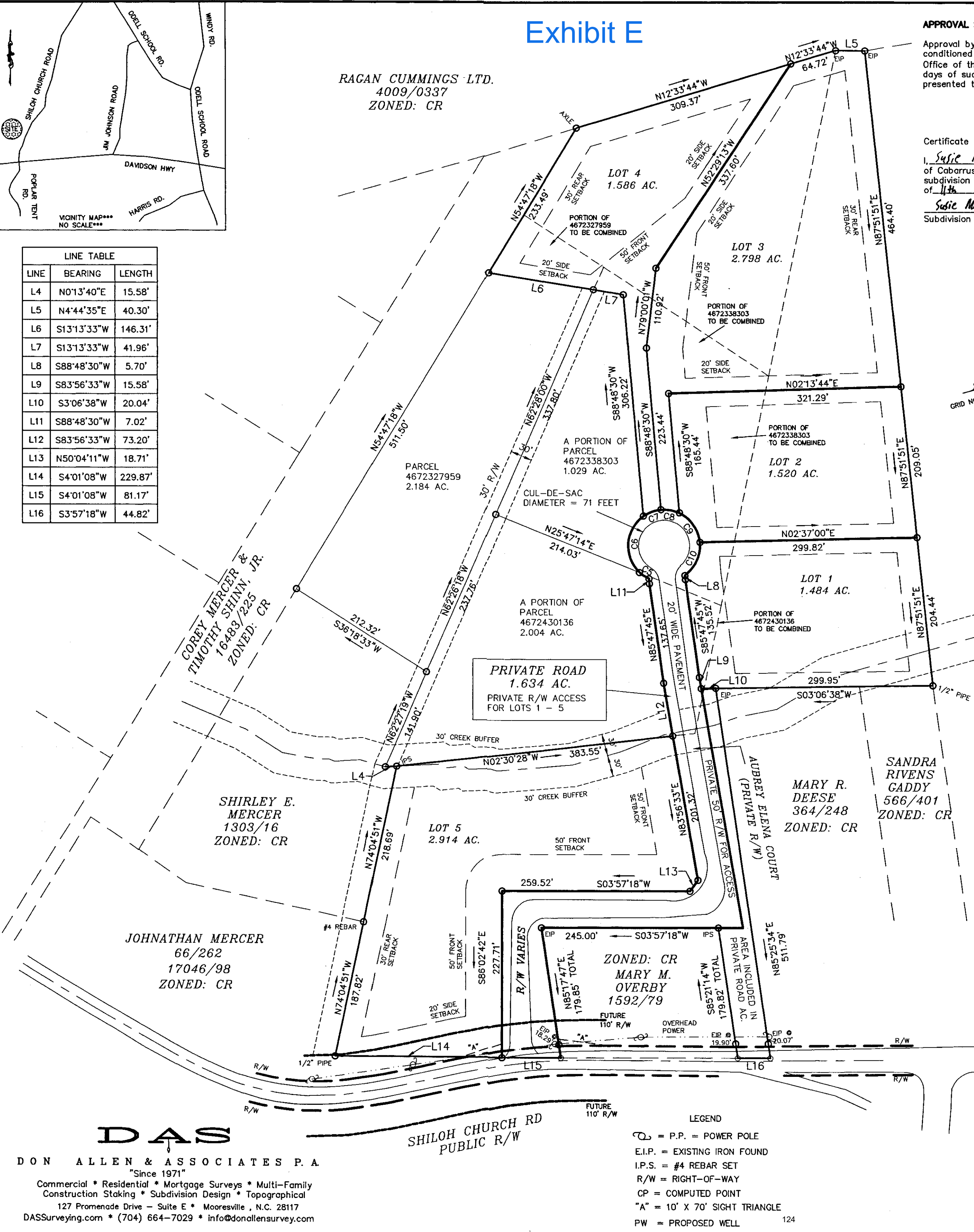
DATE PLATTED: 10/15/2024 (COUNTY COMMENTS)
DATE PLATTED: 10/31/2024 (COUNTY COMMENTS)
DATE PLATTED: 11/21/2024 (COUNTY COMMENTS)
DATE PLATTED: 11/22/2024 (COUNTY COMMENTS)

OWNER: KING CAROLINA HOMES, LLC
4323 HUBBARD ROAD
CHARLOTTE, NC 28269
OWNER: PERRI ELLEN TEITELBAUM
1620 POPLAR SHADOW DRIVE
HUNTERVILLE, NC 28078



LINE TABLE

LINE	BEARING	LENGTH
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L6	S13°13'33"W	146.31'
L7	S13°13'33"W	41.96'
L8	S88°48'30"W	5.70'
L9	S83°56'33"W	15.58'
L10	S3°06'38"W	20.04'
L11	S88°48'30"W	7.02'
L12	S83°56'33"W	73.20'
L13	N50°04'11"W	18.71'
L14	S4°01'08"W	229.87'
L15	S4°01'08"W	81.17'
L16	S3°57'18"W	44.82'



- LEGEND
- ⊙ = P.P. = POWER POLE
 - E.I.P. = EXISTING IRON FOUND
 - I.P.S. = #4 REBAR SET
 - R/W = RIGHT-OF-WAY
 - CP = COMPUTED POINT
 - "A" = 10' X 70' SIGHT TRIANGLE
 - PW = PROPOSED WELL

DAS
DON ALLEN & ASSOCIATES P.A.
"Since 1971"
Commercial * Residential * Mortgage Surveys * Multi-Family
Construction Staking * Subdivision Design * Topographical
127 Promenade Drive - Suite E * Mooresville, N.C. 28117
DASSurveying.com * (704) 664-7029 * info@donallensurvey.com

SURVEYORS CERTIFICATION

I, WILLIAM M. ALLEN CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION DEED DESCRIPTION RECORDED IN BOOK 16810, PAGE 106; THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10000, (THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN MULTIPLE DEEDS; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30, AS AMENDED.

WITNESS MY HAND AND SEAL THIS 22 DAY OF

Nov. A.D. 2024.

W.M. Allen
 PROFESSIONAL LAND SURVEYOR
 L-3479
 REGISTRATION NUMBER

THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF THE COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

W.M. Allen
 PROFESSIONAL LAND SURVEYOR

FIRE CODE REQUIREMENTS

- 1) MAINTENANCE OF SAFEGUARDS: WHERE ANY DEVICE, EQUIPMENT, SYSTEM, CONDITION, ARRANGEMENT, LEVEL OF PROTECTION, OR ANY OTHER FEATURE IS REQUIRED FOR COMPLIANCE WITH THE PROVISIONS OF THIS CODE, OR OTHERWISE INSTALLED, SUCH DEVICE, EQUIPMENT, SYSTEM, CONDITION, ARRANGEMENT, LEVEL OF PROTECTION, OR OTHER FEATURE SHALL THEREAFTER BE CONTINUOUSLY MAINTAINED IN ACCORDANCE WITH THIS CODE AND APPLICABLE REFERENCED STANDARDS. INSPECTIONS FOR THE MAINTENANCE AND UPKEEP OF CODE REQUIREMENTS WILL BE MADE ON THE REFERENCED PROPERTY AS DEFINED IN THE CABARRUS COUNTY FIRE PREVENTION AND PROTECTION ORDINANCE.
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- 3) OVERHEAD POWER
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 TAX PARCEL: 4672338303 - DB. 17141 PG. 111
 TAX PARCEL: 4672430136 - DB. 17002 PG. 101
 TAX PARCEL: 4672327959 - DB. 17002 PG. 90
- 6) ADDRESS: 2621 SHILOH CHURCH RD
- 7) TOTAL ACREAGE = 17.14 AC.
- 8) THE 50' ACCESS IS PART OF THE PRIVATE ROAD. THE PRIVATE ROAD INCLUDES THE AREA TO THE RIGHT SIDE OF PARCEL 4672435237 BELONGING TO MARY M. OVERBY. THERE IS 1.634 AC. IN THE PRIVATE ROAD AREA.
- 9) SUBJECT PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD HAZARD AREA PER COMMUNITY FLOOD PANEL #3710467200L, DATED NOVEMBER 16, 2018.
- 10) PROPERTY ZONED - CR
 FRONT SETBACK = 50' (FOR LOCAL ROADS ONLY)
 SIDE SETBACK = 20'
 REAR SETBACK = 30'
- 11) LOTS 1 - 4 WILL HAVE TO HAVE NFPA 13D FIRE SPRINKLERS INSTALLED.
- 12) THE TRAVEL WAY WILL BE AT LEAST 20 FEET AND ALL WEATHER ACCESS.
- 13) LINEAR FOOTAGE OF PROPOSED ROAD = 1,000 FEET

ROADS TO REMAIN PRIVATE

Road maintenance shall hereby be the responsibility of the Homeowners Association. Roads shall be maintained to the minimum standards of the North Carolina Department of Transportation. The road maintenance agreement is recorded in Deed Book _____ Page _____ of the Cabarrus County Register of Deeds.

[Signature]
 Property Owner and Developer

11/22/2024
 Date

LOTS OVER/UNDER 10 ACRES CERTIFICATE

There are no lots on this plat 10 acres or greater in size.
 There are 5 proposed lots on this plat less than 10 acres in size.

MINOR SUBDIVISION QUALIFICATION CERTIFICATE

This tract of land has not been divided since June 20, 2005.
 The proposed division of land on this minor plat creates 5 new lots from parent PINs 4672-33-7664, 4672-32-7959, 4672-33-7235, 4672-33-4208 & 4672-43-0136.

GRAPHIC SCALE



(IN FEET)
 1 inch = 100 ft.

MINOR SUBDIVISION
 OF

**MERCER ESTATES
 SHEET 2 OF 2**

TOWNSHIP NUMBER 3, CABARRUS CO., N.C.
 SCALE: 1" = 100' DATE SURVEYED: 5/7/2024
 DATE PLATTED: 7/02/2024

DATE PLATTED: 10/15/2024 (COUNTY COMMENTS)
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 HUNTERSVILLE, NC 28078

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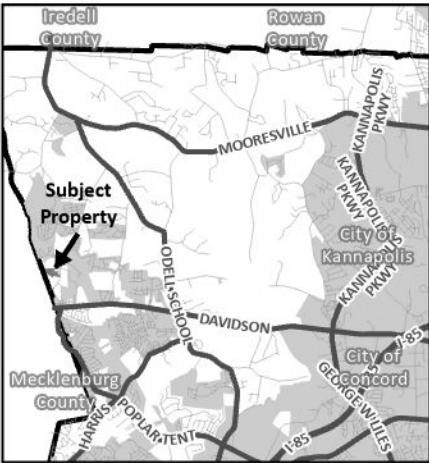
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DASSurveying.com * (704) 664-7029 * info@donallensurvey.com

Western Planning Area
Zoning Map



Applicant: Pavel A Shchetin
Owner: King Carolina Homes
Case: VARN2025-00007
Address: 2621 Shiloh Church Rd
Purpose: Relief from setback, road length and connection requirements
PIN: 4672-43-3332



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 and Development October, 2025

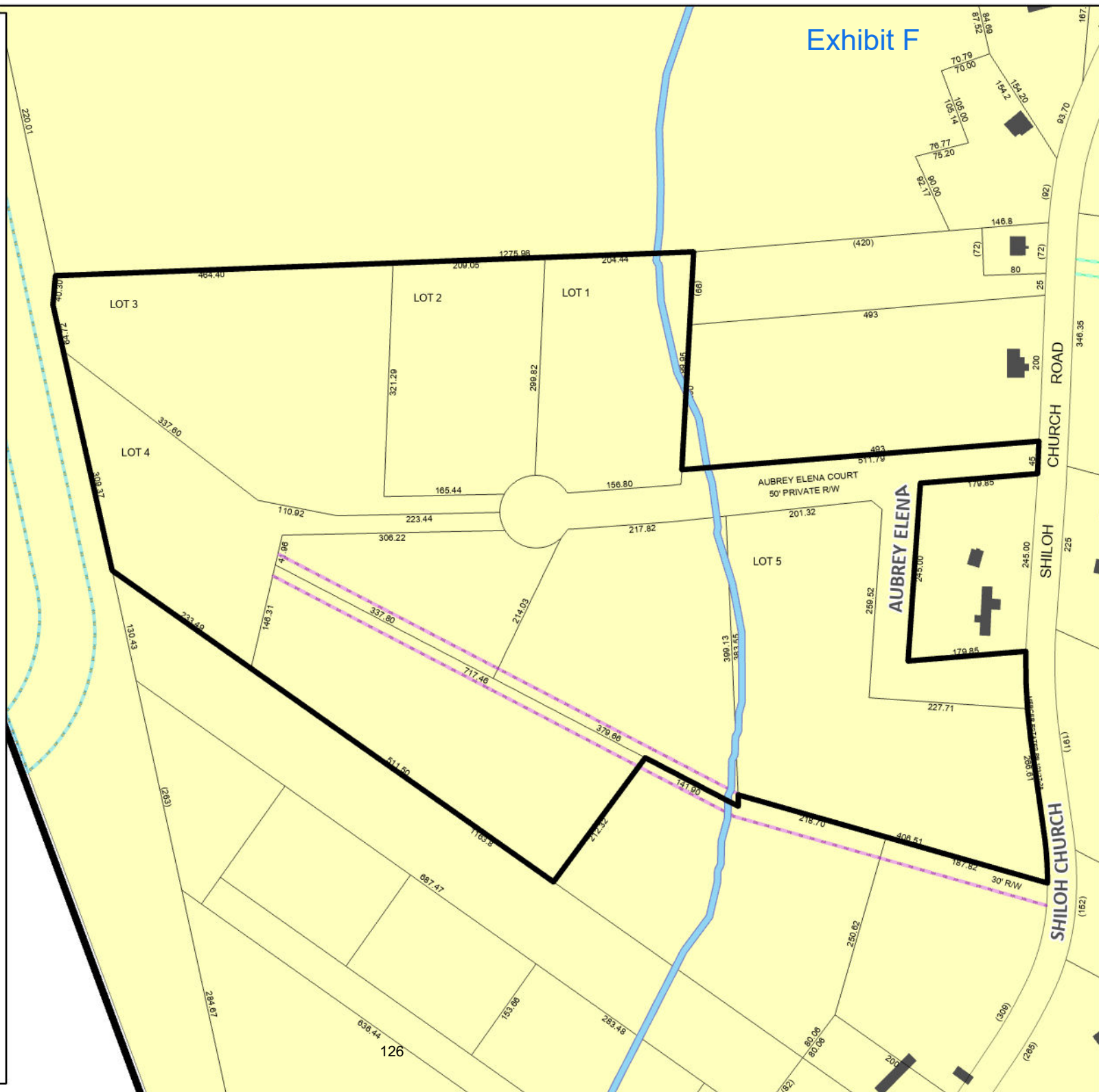
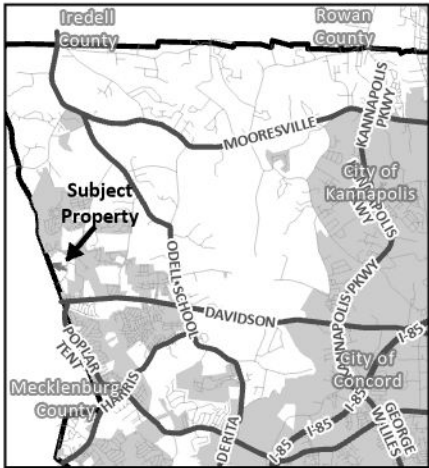


Exhibit F

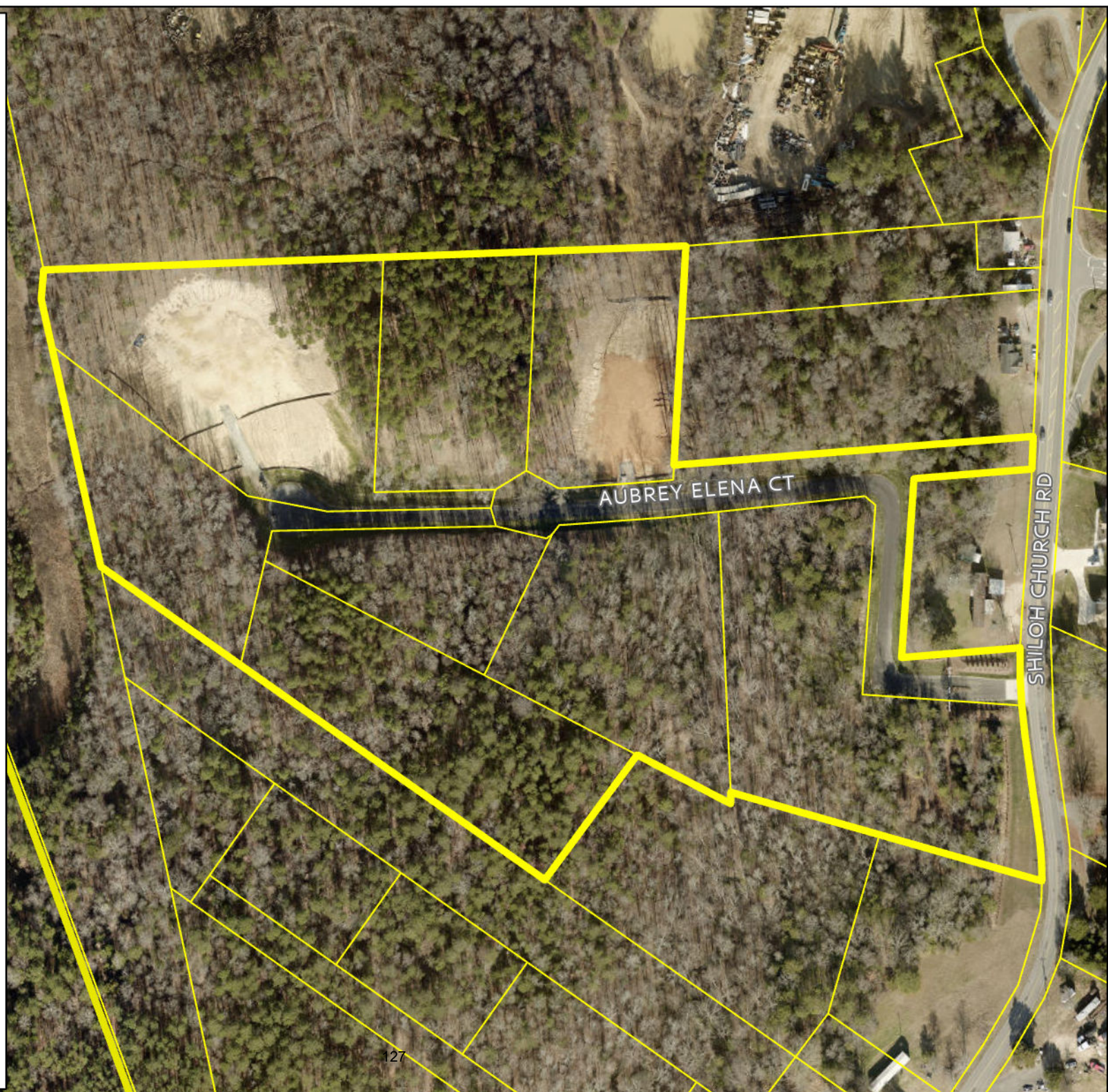
Western Planning Area
Aerial Map



Applicant: Pavel A Shchetinin
Owner: King Carolina Homes
Case: VARN2025-00007
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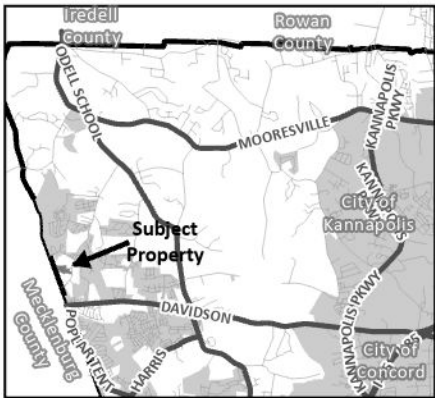
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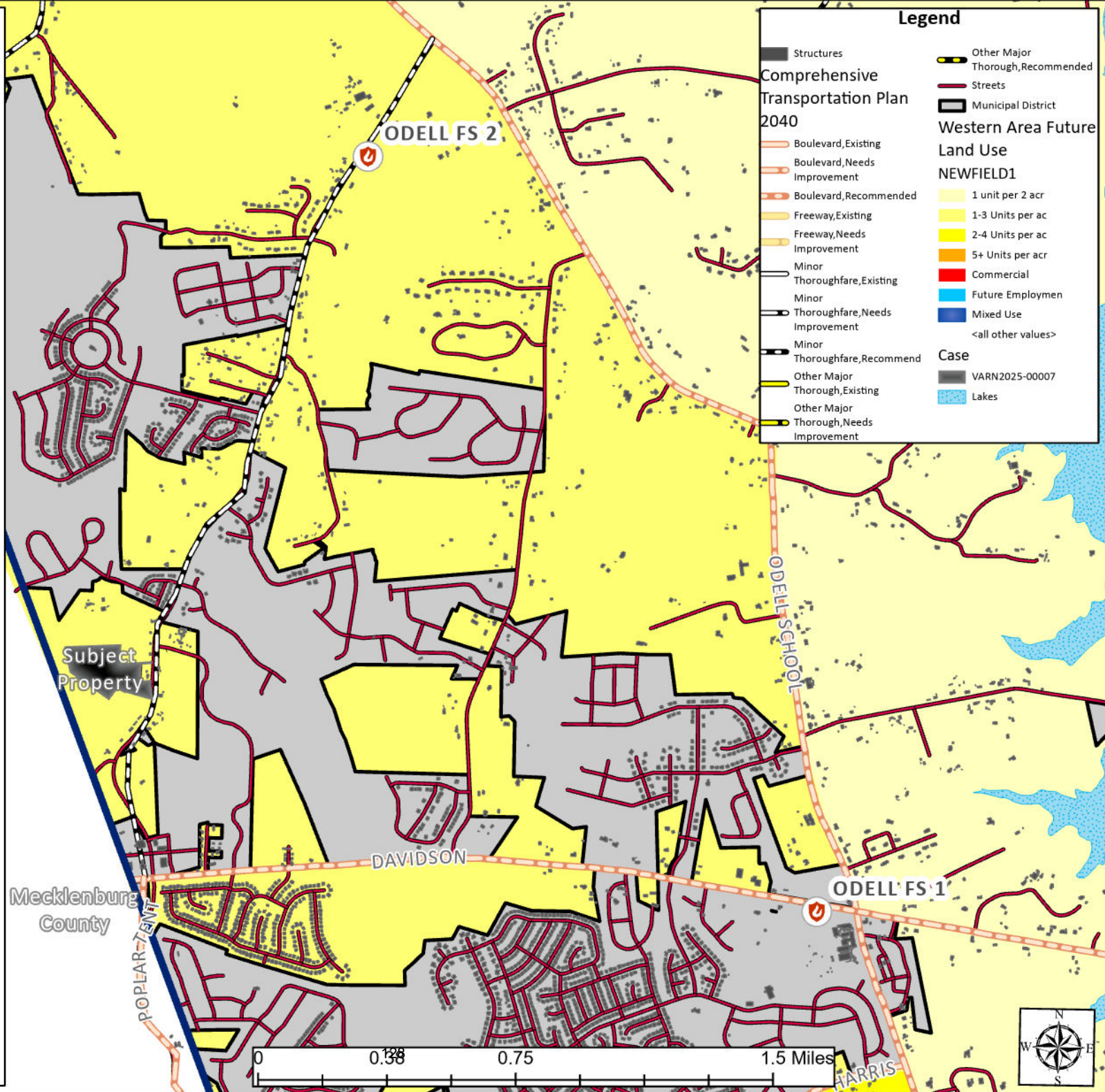
Western Planning Area
Future Land Use Map



Applicant: Pavel A Shchetinin
 Owner: King Carolina Homes
 Case: VARN2025-00007
 Address: 2621 Shiloh Church Rd
 Purpose: Relief from setback, road length and connection requirements
 PIN: 4672-43-3332

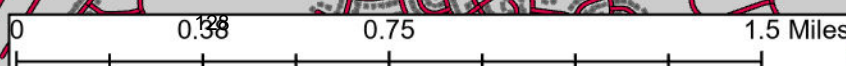


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Legend

Structures	Other Major Thorough, Recommended
Streets	Streets
Municipal District	Municipal District
Western Area Future Land Use NEWFIELD1	
1 unit per 2 acr	1-3 Units per ac
2-4 Units per ac	5+ Units per ac
Commercial	Future Employmen
Mixed Use	<all other values>
Case	
VARN2025-00007	Lakes





Cabarrus County Government – Planning and Development Department

October 23, 2025

Dear Property Owner:

A Variance Application has been filed in our office for property **adjacent** to yours. The property and specifics of the request are listed below. The Cabarrus County Board of Adjustment will consider this petition on Wednesday, November 12, 2025 at 6:30 PM in the 2nd floor Commissioner's Chambers of the Cabarrus County Governmental Center, located at 65 Church Street S, Concord, NC 28026. A Public Hearing will be conducted and public input will be allowed during that time. If you have any comments about this variance request, I encourage you to attend this meeting.

- | | |
|----------------------------|--|
| • Petitioner | Pavel A Shchetinin |
| • Petition Number | VARN2025-00007 |
| • Property Location | 2621 Shiloh Church Road |
| • Parcel ID Number | 4672-43-0198, 4672-33-4395, 4672-33-8027, 4672-33-8206, 4672-33-8206, 4672-33-8206, 4672-33-8206, 4672-43-4009, 4672-43-0565, 4672-33-8554, 4672-33-5575 & 4672-43-3332 |
| • Existing Zoning | Countryside Residential (CR) |
| • Variance Request | Request for relief from the restriction of the cul-de-sac length, the requirement to connect to adjacent properties and the road design standards. |

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,

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

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



Cabarrus County Government – Planning and Development Department

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- **Petitioner** **Pavel A Shchetinin**
- **Petition Number** **VARN2025-00007**
- **Property Location** **2621 Shiloh Church Road**
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4672-43-0198, 4672-33-4395, 4672-33-8027, 4672-33-8206, 4672-43-4009 & 4672-43-3332

King Carolina Homes LLC
Perri Ellen Teitelbaum
17332 River Race Dr
Huntersville, NC 28078

4672-43-0565
King Carolina Homes LLC
4323 Hubbard Rd
Charlotte, NC 28269

4672-33-8554
Nga & Michael Cantrell
11250 Aubrey Elena Ct
Davidson, NC 28036

4672-33-5575
Pavel & Marina Shchetinin
4323 Hubbard Rd
Charlotte, NC 28269

Surrounding Properties
4672-52-7100
Bishop Michael Martin
1123 S Church St
Charlotte, NC 28203

4672-43-7189
OMG Investments LLC
4311 School House Cmns # 213
Harrisburg, NC 28075

4672-53-1197
Perri Teitelbaum
14504 Henry Harrison Stillwell Dr
Huntersville, NC 28078

4672-32-9723
Corey Mercer & Timothy Shinn
6775 Thistle Down Dr
Harrisburg, NC 28075

4672-42-5704
Johnathan Mercer & James Carter
2530 Shiloh Church Rd
Davidson, NC 28036

4672-42-1799
Shirley E Mercer
2531 Shiloh Church Rd
Davidson, NC 28036

4672-43-4516

Mary Deese
2721 Shiloh Church Rd
Davidson, NC 28036

4672-43-5237
Mary Overby
2635 Shiloh Church Rd
Davidson, NC 28036

4672-23-9967
Ragan Cummings LTD
1005 Huntsford Ter
Thomasville, NC 27360

4672-34-9027
Dyrt Road LLC
2856 Shiloh Church Rd
Davidson, NC 28036

4672-43-3743
Sandra Gaddy
2755 Shiloh Church Rd
Davidson, NC 28036

Pvt Aubrey Elena Ct N



CABARRUS COUNTY
ZONING
NOTICE
VAR2025-00007
FOR DETAILS CALL
704 - 920 - 2141

Fall Season
Core Aeration
Seed Fertilizer
Lime
Call us today
980-446-9120

Recorded Minor Subdivision

RAGAN CUMMINGS LTD.
4009/0337
ZONED: CR

APPROVAL STATEMENT

Approval by the Subdivision Administrator is conditioned upon the plat being registered in the Office of the Register of Deeds within thirty (30) days of such approval and receipt of record presented to the Planning Department

SURVEYORS CERTIFICATION

I, WILLIAM M. ALLEN CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION DEED DESCRIPTION RECORDED IN BOOK 18910, PAGE 108; THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10000; (THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN MULTIPLE DEEDS; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30, AS AMENDED.

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NOV A.D. 2024.

W. Allen
PROFESSIONAL LAND SURVEYOR
REGISTRATION NUMBER
1-3499

THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF THE COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

W. Allen
PROFESSIONAL LAND SURVEYOR

SOIL SUITABILITY ANALYSIS CERTIFICATE (NO EVALUATION PERFORMED)

I understand that all of the lots created by this plat must be evaluated by the Cabarrus Health Alliance for soil suitability. The lots on this plat have not been evaluated by the Cabarrus Health Alliance for soil suitability as part of the subdivision review process.

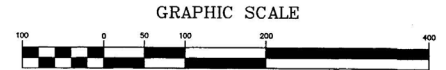
Property Owner: *J & L Holdings, LLC* DATE: 11/22/2024
Property Owner: *J & L Holdings, LLC* DATE: 11/22/2024

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (We) hereby adopt this plan of subdivision with my (our) free consent, established minimum building lines, and dedicate all roads, alleys, walks, parks, and other sites to the public use except as noted. Further, I (We) certify the land as shown hereon is within the platting jurisdiction of Cabarrus County.

Property Owner: *J & L Holdings, LLC* DATE: 11/22/2024
Property Owner: *J & L Holdings, LLC* DATE: 11/22/2024

CURVE TABLE				
CURVE	BEARING	CHORD	RADIUS	LENGTH
C5	N37°52'55"E	15.77'	50.00'	15.84'
C6	S82°07'05"E	77.63'	50.00'	88.88'
C7	S16°11'30"E	25.88'	50.00'	26.18'
C8	S13°48'30"W	25.88'	50.00'	26.18'
C9	S58°32'44"W	49.60'	50.00'	51.90'
C10	N61°27'16"W	50.40'	50.00'	52.82'



(IN FEET)
1 inch = 100 ft.

MINOR SUBDIVISION
OF

MERCER ESTATES SHEET 1 OF 2

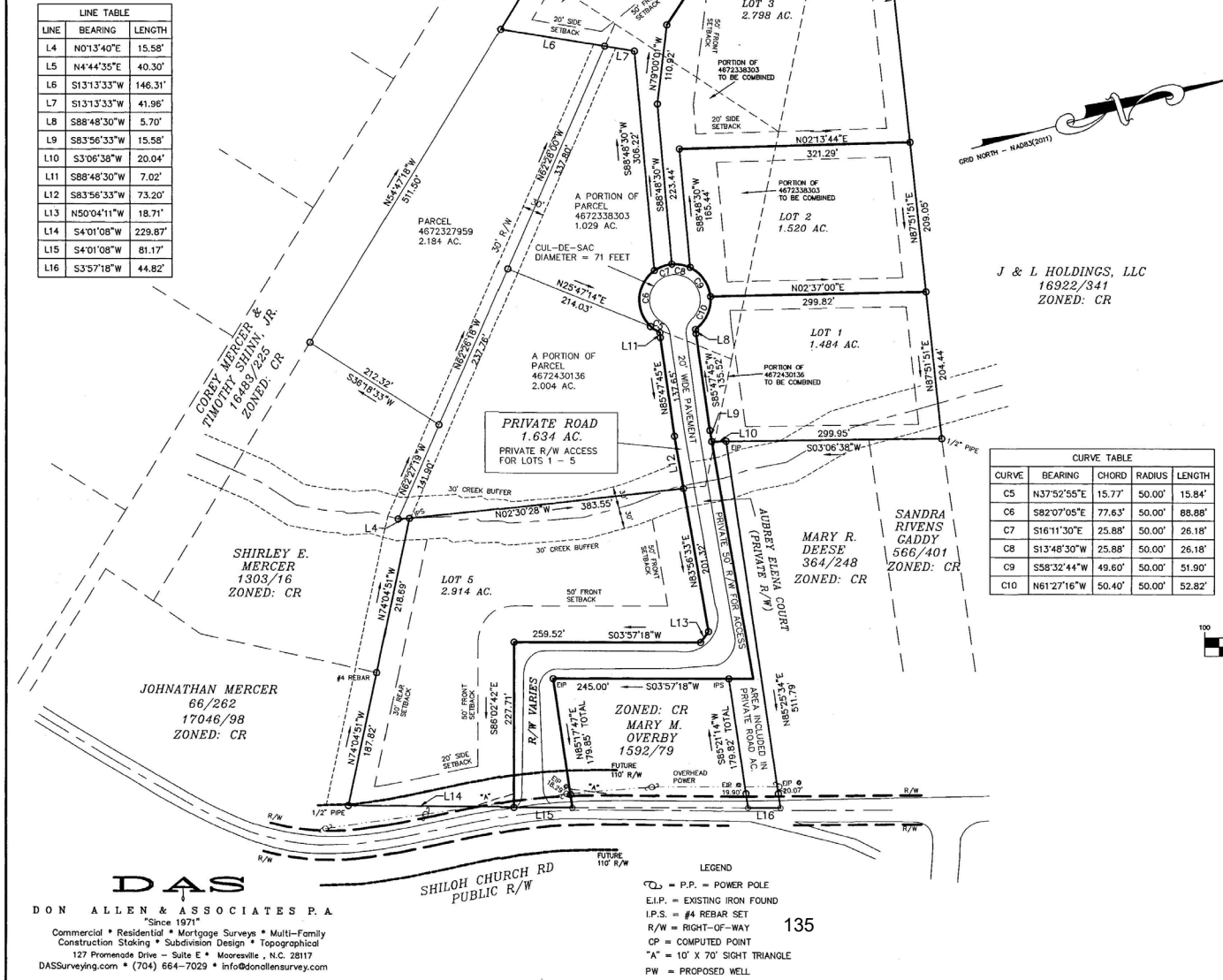
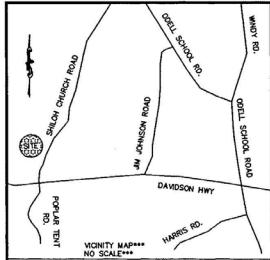
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4323 HUBBARD ROAD
CHARLOTTE, NC 28269

OWNER: PERRI ELLEN TEITELBAUM
1620 POPLAR SHADOW DRIVE
HUNTERVILLE, NC 28078

FILE NAME: SHILOH CHURCH RD 2621-5 LOT PLAT.DWG

LINE	BEARING	LENGTH
L4	N01°3'40"E	15.58'
L5	N44°4'35"E	40.30'
L6	S13°13'33"W	146.31'
L7	S13°13'33"W	41.96'
L8	S88°48'30"W	5.70'
L9	S83°56'33"W	15.58'
L10	S3°06'38"W	20.04'
L11	S88°48'30"W	7.02'
L12	S83°56'33"W	73.20'
L13	N50°04'11"W	18.71'
L14	S4°01'08"W	229.87'
L15	S4°01'08"W	81.17'
L16	S3°57'18"W	44.82'




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 L-3477
 REGISTRATION NUMBER

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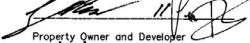
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- 7) TOTAL ACREAGE = 17.14 AC.
- 8) THE 50' ACCESS IS PART OF THE PRIVATE ROAD. THE PRIVATE ROAD INCLUDES THE AREA TO THE RIGHT SIDE OF PARCEL 4672435237 BELONGING TO MARY M. OVERYBY. THERE IS 1.634 AC. IN THE PRIVATE ROAD AREA.
- 9) SUBJECT PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD HAZARD AREA PER COMMUNITY FLOOD PANEL #3710467200L, DATED NOVEMBER 16, 2018.
- 10) PROPERTY ZONED - CR
 FRONT SETBACK = 50' (FOR LOCAL ROADS ONLY)
 SIDE SETBACK = 20'
 REAR SETBACK = 30'
- 11) LOTS 1 - 4 WILL HAVE TO HAVE NFPA 130 FIRE SPRINKLERS INSTALLED.
- 12) THE TRAVEL WAY WILL BE AT LEAST 20 FEET AND ALL WEATHER ASPHALT.
- 13) LINEAR FOOTAGE OF PROPOSED ROAD = 1,000 FEET

ROADS TO REMAIN PRIVATE

Road maintenance shall hereby be the responsibility of the Homeowners Association. Roads shall be maintained to the minimum standards of the North Carolina Department of Transportation. The road maintenance agreement is recorded in Deed Book _____ Page _____ of the Cabarrus County Register of Deeds.

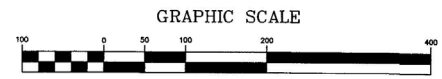

 Property Owner and Developer
 11/22/2024
 Date

LOTS OVER/UNDER 10 ACRES CERTIFICATE

There are no lots on this plot 10 acres or greater in size.
 There are 5 proposed lots on this plot less than 10 acres in size.

MINOR SUBDIVISION QUALIFICATION CERTIFICATE

This tract of land has not been divided since June 20, 2005. The proposed division of land on this minor plot creates 5 new lots from parent PINs 4672-33-7864, 4672-32-7959, 4672-33-7235, 4672-33-4208 & 4672-43-0136.



MINOR SUBDIVISION OF MERCER ESTATES SHEET 2 OF 2

TOWNSHIP NUMBER 3, CABARRUS CO., N.C.
 SCALE: 1" = 100'

DATE SURVEYED: 5/7/2024
 DATE PLATTED: 7/02/2024
 DATE PLATTED: 10/15/2024 (COUNTY COMMENTS)
 DATE PLATTED: 10/31/2024 (COUNTY COMMENTS)
 DATE PLATTED: 11/21/2024 (COUNTY COMMENTS)
 DATE PLATTED: 11/22/2024 (COUNTY COMMENTS)

OWNER: KING CAROLINA HOMES, LLC
 4323 HUBBARD ROAD
 CHARLOTTE, NC 28269

OWNER: PERRI ELLEN TEITELBAUM
 1620 POPLAR SHADOW DRIVE
 HUNTERSVILLE, NC 28078

Proposed Major Subdivision

RAGAN CUMMINGS LTD.
4009/0337
ZONED: CR

LINE	BEARING	LENGTH
L4	N0°13'40"E	15.58'
L5	N4°44'35"E	40.30'
L6	S13°13'33"W	146.31'
L7	S13°13'33"W	33.18'
L8	S88°48'30"W	5.70'
L9	S83°56'33"W	15.58'
L10	S3°06'38"W	20.04'
L11	S88°48'30"W	7.02'
L12	S83°56'33"W	73.20'
L13	N5°00'41"W	18.71'
L14	S4°01'08"W	229.87'
L15	S4°01'08"W	81.17'
L16	S3°57'18"W	44.82'
L17	S88°48'30"W	53.52'
L18	S88°48'30"W	41.18'
L19	S88°48'30"W	45.42'
L20	S85°47'45"W	109.19'
L21	S85°47'45"W	28.46'
L22	S88°48'30"W	86.60'
L23	S88°48'30"W	43.00'

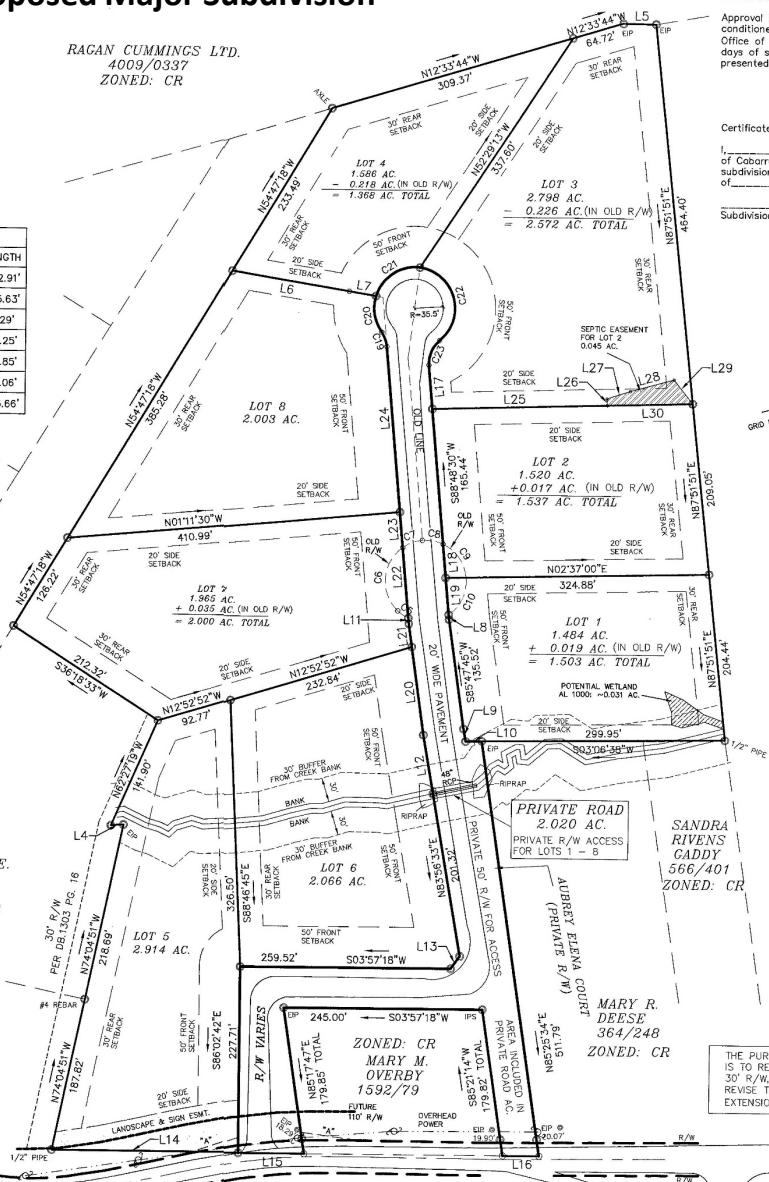
LINE	BEARING	LENGTH
L24	S88°48'30"W	202.91'
L25	N2°13'44"E	215.63'
L26	S87°46'16"E	8.29'
L27	S13°47'42"E	30.25'
L28	S11°13'31"E	55.85'
L29	N55°18'31"E	37.06'
L30	N2°13'44"E	105.66'



CORREY MERCER & TIMOTHY SHILW, JR.
16/83/245
ZONED: CR

SHIRLEY E. MERCER
1303/16
ZONED: CR

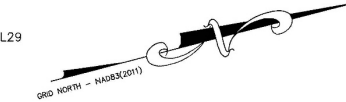
JOHNATHAN MERCER
66/262
17126/76
ZONED: CR



J & L HOLDINGS, LLC
16922/341
ZONED: CR

CURVE	BEARING	CHORD	RADIUS	LENGTH
C5	N37°52'55"E	15.77'	50.00'	15.84'
C6	S82°07'05"E	77.63'	50.00'	88.88'
C7	S16°11'30"E	25.88'	50.00'	26.18'
C8	S13°48'30"W	25.88'	50.00'	26.18'
C9	S58°32'44"W	49.60'	50.00'	51.90'
C10	N61°27'16"W	50.40'	50.00'	52.82'
C12	N60°36'36"W	50.40'	50.00'	52.82'
C19	S73°18'42"W	18.70'	35.00'	18.93'
C20	N84°18'13"E	44.60'	50.00'	46.23'
C21	S29°06'15"E	64.42'	50.00'	69.99'
C22	S78°03'33"W	92.09'	50.00'	117.05'
C23	S63°01'52"E	33.04'	35.00'	34.40'

THE PURPOSE OF THIS PLAT IS TO REMOVE A PORTION OF THE 30' R/W, TO ADD 4 NEW LOTS AND REVISE THE EXISTING LOTS WITH THE EXTENSION OF THE ROAD R/W



APPROVAL STATEMENT

Approval by the Subdivision Administrator is conditioned upon the plat being registered in the Office of the Register of Deeds within thirty (30) days of such approval and receipt of record presented to the Planning Department

Certificate of Approval by the Subdivision Administrator

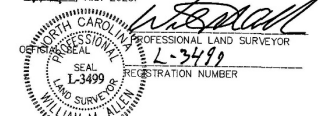
I, _____ Subdivision Administrator of Cabarrus County hereby approve the final plat of the subdivision entitled _____ on the _____ day of _____ month, of the _____ year.

Subdivision Administrator

SURVEYORS CERTIFICATION

I, WILLIAM M. ALLEN CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION BEING DESCRIBED RECORDED IN BOOK 18810, PAGE 108; THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10000. (THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN MULTIPLE DEEDS; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30, AS AMENDED.

WITNESS MY HAND AND SEAL THIS 17 DAY OF APRIL A.D. 2025.



THIS SURVEY REPRESENTS A SUBDIVISION OF LAND WITHIN THE AREA OF THE COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

W. Allen
PROFESSIONAL LAND SURVEYOR

SOIL SUITABILITY ANALYSIS CERTIFICATE (NO EVALUATION PERFORMED)

I understand that all of the lots created by this plat must be evaluated by the Cabarrus Health Alliance for soil suitability. The lots on this plat have not been evaluated by the Cabarrus Health Alliance for suitability as part of the subdivision review process.

Property Owner _____ DATE _____
Property Owner _____ DATE _____

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (We) hereby accept this plan of subdivision with my (our) free consent, established minimum building lines, and dedicate oil roads, alleys, walks, parks, and other sites to the public use except as noted. Further, I (We) certify the land so shown hereon is within the platting jurisdiction of Cabarrus County.

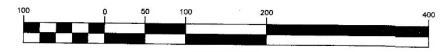
Property Owner _____ DATE _____
Property Owner _____ DATE _____

PRELIMINARY PLAT OF

MERCER ESTATES PH. 2
SHEET 1 OF 2
A REVISION OF
PB. 103 PG. 27-28
TOWNSHIP NUMBER 3, CABARRUS CO., N.C.

SCALE: 1" = 100'
DATE SURVEYED: 5/7/2024
DATE PLATTED: 4/04/2025
UPDATED: 4/17/2025 (30' BUFFER FROM CREEK BANK)
OWNER: KING CAROLINA HOMES, LLC
4323 HUBBARD ROAD
CHARLOTTE, NC 28269
OWNER: PERRI ELLEN TEITELBAUM
1620 POPLAR SHADOW DRIVE
HUNTERSVILLE, NC 28078

GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

FILE NAME: MERCER ESTATES 8 LOT PLAT.DWG

DAS
DON ALLEN & ASSOCIATES P.A.
"Since 1971"
Commercial • Residential • Mortgage Surveys • Multi-Family
Construction Staking • Subdivision Design • Topographical
127 Promenade Drive • Suite E • Mooresville, N.C. 28117
DASSurveying.com • (704) 664-7029 • info@donallensurvey.com

LEGEND
 ○ = P.P. = POWER POLE
 I.P. = EXISTING IRON FOUND
 I.P.S. = #4 REBAR SET
 R/W = RIGHT-OF-WAY
 CP = COMPUTED POINT
 * = 10' x 70' SIGHT TRIANGLE
 PW = PROPOSED WELL

LINE	TYPE	BEARING	LENGTH
L24		S89°45'20"W	202.91
L25		N71°3'44"	218.63
L26		S87°46'16"E	8.29
L27		S13°42'E	30.25
L28		S71°13'1"E	30.85
L29		S57°18'31"E	37.08
L30		N87°13'44"E	103.86

15.58'
40.30'
166.31'
1.3315'
5.70'
15.58'
20.04'
7.02'
73.20'
18.7'
221.67'
61.7'
44.89'
53.25'
4.18'
0.42'
32.19'
8.45'
5.60'
1.00'



S ASSOCIATES P. A.
 1971
 Mortgage Services, Multi-Family
 Subdivisions, Drilling, Topographical
 - Sales & - Services, N.C. 28117
 664-7029 | info@nathansurvey.com

APPROVAL
 Approved by the
 Office of the
 of such
 presented to

Certificate of A
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 subdivision enti
 of

Subdivision Adm

Approval by the
 Office of the
 of such
 presented to

Certificate of A
 of Durham Co
 subdivision enti
 of

Subdivision Adm

RACAN COMMUNITIES LTD.
 4002/0337
 ZONED: CR

LOT 3
 2.798 AC
 0.826 AC (N. OLD R/W)
 2.572 AC. TOTAL

LOT 2
 1.620 AC.
 + 0.017 AC. (N. OLD R/W)
 1.537 AC. TOTAL

LOT 1
 2.008 AC.

LOT 4
 1.526 AC.
 0.278 AC. (N. OLD R/W)
 1.268 AC. TOTAL

LOT 5
 2.066 AC.

LOT 6
 2.914 AC.

LOT 7
 2.066 AC.

LOT 8
 1.596/799

LOT 9
 1.526 AC.
 0.278 AC. (N. OLD R/W)
 1.268 AC. TOTAL

LOT 10
 2.066 AC.

LOT 11
 2.066 AC.

LOT 12
 2.066 AC.

LOT 13
 2.066 AC.

LOT 14
 2.066 AC.

LOT 15
 2.066 AC.

LOT 16
 2.066 AC.

LOT 17
 2.066 AC.

LOT 18
 2.066 AC.

LOT 19
 2.066 AC.

LOT 20
 2.066 AC.

LOT 21
 2.066 AC.

LOT 22
 2.066 AC.

LOT 23
 2.066 AC.

LOT 24
 2.066 AC.

LOT 25
 2.066 AC.

LOT 26
 2.066 AC.

LOT 27
 2.066 AC.

LOT 28
 2.066 AC.

LOT 29
 2.066 AC.

LOT 30
 2.066 AC.



MEMORANDUM

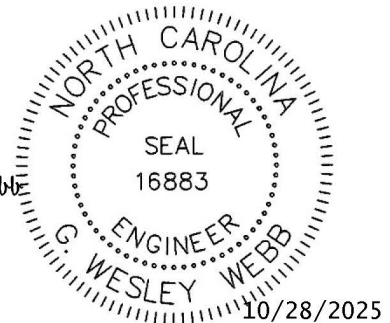
Date: October 28, 2025

To: Susie Morris, Planning Director
Cabarrus County

From: Wesley Webb, PE
Alley, Williams, Carmen, & King Inc.

Project: Mercer Estates – Variance Request for Roadway Length

DocuSigned by:
W. Wesley Webb
3A0D005E6BA648B...



The application is variance request to extend the length of a private road within a subdivision. The existing road was constructed prior to obtaining approvals from the County, NCDOT or NCDEQ. Each structure in the subdivision is currently required to have sprinklers for fire protection.

The following items were noted:

1. The request has technical issues with the application:
 - The parcel address provided is for the private road right of way and does not include all of the impacted lots in the existing subdivision or the additional property to be added to the subdivision on the proposed plat. The landowner information is not shown on the proposed preliminary plat.
 - The application indicates that Pavel Shchetinin is applying for the variance, who owns the lot on the western end of the project at 11280 Aubrey Elena Ct. This parcel referenced in the application is owned by King Carolina Homes LLC and Mr. Pavel is the president of the LLC.
 - The application does not include all of the landowners who currently own property in the areas included on the proposed preliminary plat. The application does not include King Carolina Homes LLC or the owner of an existing landowner whose lot would be revised by the proposed lot subdivision revisions. Based on GIS data, Lot 2 of the existing subdivision is owned by Nga Linda Cantrell and Michael Brandon Cantrell.
2. Based on Google imagery and the preliminary plat provided, the developer did not construct the end of the road or the cul-de-sac based on the locations shown on the original plat. Based on aerial photography, the additional road length and cul-de-sac were constructed prior to the recording of the original subdivision plat. Currently there is not a cul-de-sac at the end of the private right of way. The extension of the road is required to prevent construction of a cul-de-sac in the original location and also provide access to two proposed lots to be added to the subdivision.
3. The variance request indicates that the extension of the road is requested because the three lots on the western end of the subdivision would not be developable. This property has been previously subdivided into 5 lots. Each of these lots appear to be developable. Two of lots (11280 and 11250 Aubrey Elena Ct) on the existing western end of the subdivision currently have building permits for structures, accessory structures and utilities. Aerial photos indicate that the foundations for one structure and the roof for another are completed. The original layout for lots 2, 3, and 4 were created by the current developer using narrow property strips for access to the interior of the lot. The external boundaries for proposed lots 2, 3 and 4 are the same as the original subdivision parcel lines. The proposed extension will not create additional access to these parcels.

4. The preliminary plat includes the additional of Proposed parcels #7 and #8 to the subdivision, which are not part of the original subdivision and have a deeded right of way for access. The preliminary plat does not show this access easement. Proposed Parcel #8 has been cleared and is using the subdivision road as access.

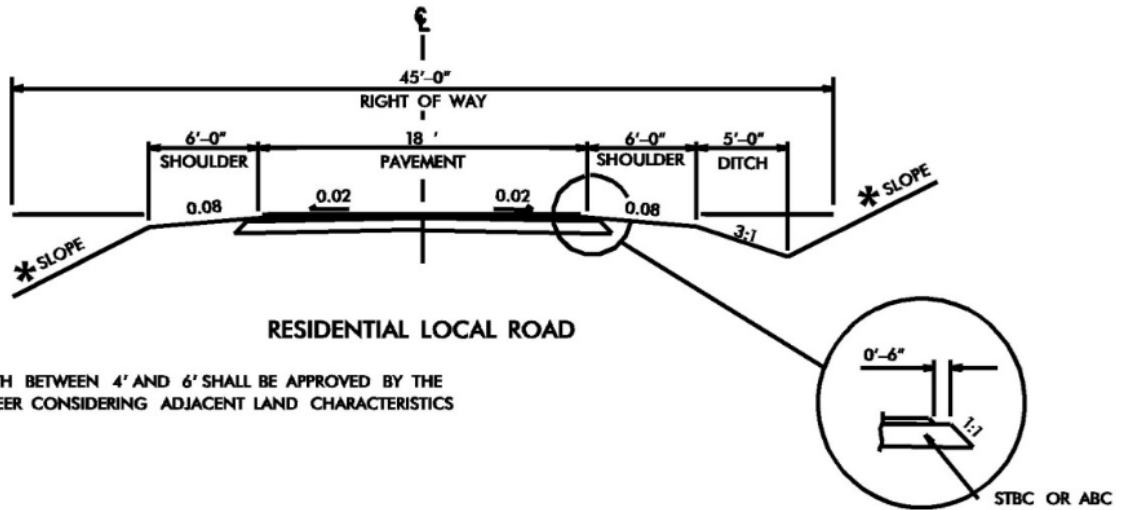
5. The proposed road extension will create additional traffic on a road that does not meet the roadway design standards developed NCDOT, does not provide an access bulb that complies with for a turnaround included in the NC Fire Code, or meet the roadway standards for a residential collector road shown in Appendix A of the Development Ordinance. The subdivision's private right of way was created by the recording of the original subdivision plat. The road was constructed prior to the creation of the subdivision and the private right of way follows the alignment of the constructed road. The following issues were noted:
 - The road design does not appear to have been designed by a registered North Carolian Professional Engineer or a Registered Land Surveyor. .
 - The centerline radius for the road does not meet the minimum NCDOT subdivision standards.
 - There is no documentation on the design of the pavement and base used in the construction of the road. This depth of pavement and the stone used in the base determines the weight of the vehicle that can be supported and the anticipated life of the road.
 - The proposed road extension will not comply with the 2018 Fire Code requirements for fire access roads. Roads that are over 500 feet long are required to have a 96' diameter cul-de-sac for fire access along with 26 feet of pavement width. Special approval from the Fire Marshall for any road over 750'. The Fire Marshall can provide additional clarification.

November 20, 2025

Variance Request for the Following Sections in the Cabarrus County Development Ordinance for MERCER ESTATES:

- Chapter 15, Section 8 – Private Roads Serving more than 5 Lots
 - Requires road compliance with Appendix A/NCDOT Standards.
- Chapter 15, Section 9 – Road Design Standards
 - Road Cross-Sections and Pavement Structure
 - There are 2 horizontal curves in the existing road that are non-compliant with the Ordinance and NCDOT requirement for a local residential road. This section was originally approved under a minor subdivision plat. However, per Section 13, this section is on the recorded plat and meets all requirements under this section. A reconstruction of the road to meet horizontal radius requirements would incur a large cost and make the project infeasible.
 - The road x-section and pavement specs are non-compliant with Appendix A. They do, however, appear to mostly meet or exceed the requirements from the NCDOT Subdivision Manual for a “Local Residential Road.”
 - The road width is 20’ which is non-compliant with the 24’ width required in Appendix A. (However, it exceeds the min 18’ required in the NCDOT Subdivision Manual)
 - The shoulder widths/planting strips are less than 6’ which is non-compliant with Appendix A, however a drainage plan has been designed and approved by NCDEQ which incorporates the shoulder and ditch design.
 - The final asphalt pavement depth is non-compliant with Appendix A which requires a minimum of 8” of stone base, however this will meet or exceed 2.5” and meets the min 6” ABC stone. The pavement will meet the minimum 2” of surface course asphalt.
 - The right-of-way width is 50’ which is non-compliant with Appendix A which requires a 60’ right of way, however, this does comply with NCDOT Subdivision Manual which requires a minimum 45’ for a residential local road.
 - Per Cabarrus County Dev Ordinance: *“Other cross-sections may be proposed and considered for approval by the Planning and Zoning Commission in conjunction with NCDOT.”*
 - Cul-de-sac Length
 - Road length exceeds 1000 ft which is non-compliant with this sub-section. This sub-section requiring a maximum 1000 ft is infeasible based on the property geometry and topography in order to provide access to all properties.

November 20, 2025



NCDOT SUBDIVISION MANUAL - RESIDENTIAL LOCAL ROAD

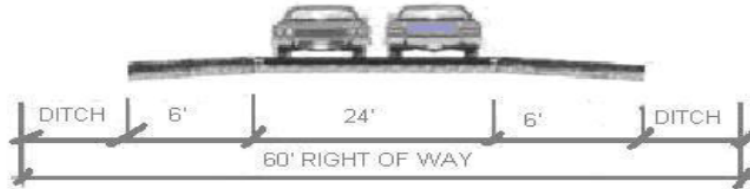
Minimum Structure Depths that are Recommended for NCDOT Designs				
	Interstate & Freeways	Primary and Secondary >20,000ADT	Primary <20,000ADT	Secondary <20,000ADT
Full Depth Asphalt	11.0" Asphalt	9.5" Asphalt	7.0" Asphalt	6.5" Asphalt
ABC	7.0" Asphalt and 8" ABC	5.5" Asphalt and 8.0" ABC	3.0" Asphalt and 8.0" ABC	2.5" Asphalt and 6.0" ABC
CTBC	7.0" Asphalt and 8.0" CTBC	5.5" Asphalt and 8.0" CTBC	3.0" Asphalt and 8.0" CTBC	2.5" Asphalt and 8.0" CTBC
Concrete	9.0" Concrete 3.0" of PADC 1.25" of S9.5B**	8.0" Concrete 3.0" of PADC 1.25" of S9.5B**	7.0" Concrete 3.0" of PADC 1.25" of S9.5B**	5.0-6.0" Concrete* and 4.0" ABC

*5.0" is the minimum on residential subdivision streets only.

NCDOT SUBDIVISION MANUAL - MIN PAVEMENT DEPTH

November 20, 2025

RURAL RESIDENTIAL STREET



Right-of-Way	Planting Strips	Street Width	Parking	Design Speed	Curb Type
60'	6'	24'	None	20 mph	Ribbon or None

CABARRUS COUNTY LAND DEVELOPMENT ORDINANCE
Appendix A - Rural Residential Cross Section

PAVEMENT SCHEDULE				
Classification		Base Course	Intermediate Course	Surface Course
Major Thoroughfare	All	*	*	*
Minor Thoroughfare	All	*	*	*
Major Collector	Non-Residential	*	*	*
	Residential	10" CABC or 5" B-25.0X	2.25" I-19.0X	2.0" SF 9.5X
Minor Collector	Non-Residential	*	*	*
	Residential	10" CABC or 5" B-25.0X	2.25" I-19.0X	2.0" SF 9.5X
Local Street	Non-Residential	*	*	*
	Residential	8" CABC or 4" B-25.0X	2.25" I-19.0X	2.0" SF 9.5X
Alley	All	8" CABC		2.0" SF 9.5X

CABARRUS COUNTY LAND DEVELOPMENT ORDINANCE
Appendix A - Pavement Schedule