



**TOWN OF WEDDINGTON
SPECIAL MEETING
BOARD OF ADJUSTMENT
WEDDINGTON TOWN HALL
1924 WEDDINGTON ROAD
WEDDINGTON, NC 28104
MONDAY DECEMBER 18, 2023 5:00 P.M.
AGENDA**

1. Open the Meeting
2. Determination of a Quorum
3. Approval of the September 25, 2023 Board of Adjustment Minutes
4. Consideration of Request for Variance from Unified Development Ordinance Section D-917D(M), Supplemental Requirements-Accessory Uses and Structures for property owned by John and Christine Bauersfeld located at 2006 Seth Drive (property id # 06072355)
5. Adjournment



**TOWN OF WEDDINGTON
SPECIAL MEETING
BOARD OF ADJUSTMENT
WEDDINGTON TOWN HALL
MONDAY SEPTEMBER 25, 2023 6:00 P.M.
MINUTES
PAGE 1 OF 8**

1. Open the Meeting

Chairman Howard called the meeting to order at 6:07 p.m.

2. Determination of a Quorum

Quorum was determined with Chairman Gordon Howard, Vice Chair Ed Goscicki, Board members Travis Manning, Mannish Mittal, and Alternate Jen Conway present. Alternate Amanda Jarrell was also present.

Staff Present: Town Planner Robert Tefft (via phone), Town Administrator/Clerk Karen Dewey, Board of Adjustment Attorney Frank Corigliano

Applicant: Applicant was not present

3. Approval of the March 27, 2023 Board of Adjustment Minutes

Motion: Board member Manning made a motion to approve the March 27, 2023 Board of Adjustment Minutes as presented/amended
Second: Board member Conway
Vote: The motion passed with a unanimous vote.

4. Consideration of Application from Shantanu Das and Sabita Talukdar for a variance from Section D-703 E Lot and Building Standards Table of the Town of Weddington Unified Development Ordinance for the property owned located at 2017 Boswell Way, Weddington NC (parcel #07150676).

Chairman Howard opened the evidentiary hearing for the request for variance by Shantanu Das and Sabita Talukdar from Section D-703 (E) Lot and Building Standards Table, of the Town of Weddington Unified Development Ordinance.

Chairman Howard: This is an evidentiary quasi-judicial hearing. A vote of 4/5 majority of the Board is required to grant a variance.

Mr. Corigliano administered the oath to Robert Tefft.

Ms. Dewey stated that there is a letter from the applicant indicating they are amenable to Mr. Tefft participating remotely.

Chairman Howard polled each board member to disclose any potential partiality or conflict of interest to the case. No board member had a conflict of interest.

Mr. Tefft presented the application and staff report:

The subject parcel is approximately 0.96 acres (41,817.6 SF) and is located on the southeast side of Boswell Way, approximately 340 feet southwest of the intersection at Antioch Church Road within the Weddington Acres subdivision (Lot 4). The parcel is zoned R-CD and is currently vacant. On August 16, 2023, the applicant applied for a Zoning Variance to reduce the minimum required front yard setback from 50 feet to 25 feet for the construction of a single-family detached dwelling. This reduction in setback, the maximum allowable, is due to the existence of a Duke Energy right-of-way encroachment at the rear of the subject parcel. The right of way is 25,000 square feet, which is 64.7% of the parcel. Only about 0.15 acres of the parcel is left to build on. That is 16.11% as buildable land. It is possible to build on this parcel, but questions remain if a home can be built in a manner consistent with other homes in the neighborhood. There is a great disparity between this lot and the others in the neighborhood and it is questionable if this should have been a parcel. This variance request for half of the front sent back when the other homes have 50 ft. setbacks will be noticeable.

Vice Chair Goscicki asked when and where the hand-written note “No Structures Allowed within Duke Energy Easement” appeared on the plat. It looks odd.

Mr. Tefft responded: Can’t say exactly when it would have occurred. Presumably, it occurred before the Mayor Callis signed off in 2019.

Vice Chair Goscicki: It’s definitely on the copy the town has?

Mr. Tefft: It’s on the recorded version. Even if it wasn’t written in there, there is still no building in that area

Vice Chair Goscicki: That includes no swimming pool – nothing

Mr. Tefft: Yes. Everything. They can barely plant anything other than grass.

Board member Conway: Do you know any history in the town where someone has asked for such a significant variance.

Mr. Tefft: Not to my knowledge. Not sure anybody has come to that maximum allowable yet. Some have come close, but not the full 50%.

Board member Conway: Based on the current lot, would a house fit with no additional accessory structures like pool and cabana? Or is it cutting it close keeping the 50 foot set back.

Mr. Tefft: One could definitely fit a home on there, probably not a home that is comparable to others in the neighborhood.

Board member Jarrell: Do you know if there is a minimum house size?

Mr. Tefft: That I do not know off hand.

Chairman Howard: Is this an HOA community?

Mr. Tefft: Yes

Board member Manning: This developer has done several neighborhoods in Weddington and they always have a minimum size.

Board member Jarrell: I was wondering if that minimum size would even fit on the lot.

Board member Manning: I think it would.

Board member Mittal: How much of the lot is left after setbacks and the easement.

Mr. Tefft: 0.15 acre, 16% of the entire lot.

Chairman Howard: Looking at the property standing in street, on left is a piece of land?

Mr. Tefft: That is unbuildable common open space.

Chairman Howard: On the other side of that on the corner with Antioch Church, is that another lot?

Mr. Tefft: It is not listed as common open space, it's not identified but my guess it's a landscape buffer, it also has waterline easement.

Chairman Howard: When this was platted and recorded, that easement existed, because power lines were there, correct?

Mr. Tefft: Yes.

Chairman Howard: In your experience, have you ever seen where only 16% of the lot was usable?

Mr. Tefft: If this was a proposed subdivision today, I would recommend that lot would be combined with the other lots on that side of the street.

Vice Chair Goscicki: This is just a comment: looking at the plat, you have dotted line on lot 4 with a 15-foot side set back and 40-foot rear yard setback, it is meaningless since there are 156 feet for the easement. Meanwhile if someone is looking at this map and isn't looking at the comment in marker. I am concerned with plat showing a 40-foot rear yard setback, that has no meaning to it because that property isn't not buildable. How does that get exposed to potential buyers? Not sure what requirements we can impose right now, or what we can do with future development. I feel for the property owner, but let the buyer beware. You didn't build on this yet, go sell lot back to the developer.

Chairman Howard: It's not really a lot. Our quandary is what do we do. Do we know the CCR requirement for the minimum house size?

Mr. Tefft: To my recollection I didn't see in the materials submitted.

Chairman Howard: I drove the neighborhood and saw the different sized houses.

Board member Conway: I agree with Ed. I have sympathy with the buyer and going through the submission materials and their answers to hardships, one comment made was they were moved quickly through sale of the lot and they named the person who sold the lot. Is our role and with applicant not here, do we still determine the outcome without the applicant here and do they have recourse as buyers legally against the developer. I am having a hard time leaning toward the requested variance. Anybody driving by should see the power lines. Personally, I am shocked that only 16% is left buildable. I'm just curious what is our role.

Mr. Corigliano: We can grant the variance without the applicant testifying and we cannot speculate if there is a lawsuit against the developer.

Board member Manning: Did Robert know the applicant wasn't going to be here?

Chairman Howard: Were you aware the applicant wasn't going to be present tonight?

Mr. Tefft: I was not. He was provided the meeting information with when and where and I didn't know he wasn't going to be here. I'm surprised he's not.

Board member Jarrell: has the developer/seller is that not an omission of facts on their part?

Chairman Howard it could be, but that's not in our purview this evening. What's in our purview is the four criteria that Robert mentioned. If there is no further discussion with Robert and there are no other comments while the hearing is open, I will close the hearing to go into discussion.

Chairman Howard closed the hearing at 6:28 p.m.

Discussion

Board member Conway: Based on the 4 criteria, I've made notes on item C: that the hardship did not result from actions of property owner, which is true. However, the big point is the act of purchasing the property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. In my opinion, prior to purchase, the owner should have completed their due diligence and known the dimensions of the lot, their plans for what was going to be constructed. A rush into purchase doesn't warrant a variance. I also think it's concerning that it is a significant amount. It does say 50% variance is allowable, they're right there at the bubble. I do believe it would affect the overall aesthetics of the neighborhood. It would be seriously noticed a 25 foot versus 50 foot.

Board member Manning: I agree. And it would set a precedence

Vice Chair Goscicki: As on other variances, a situation where someone came in and bought an existing home, discovered setbacks that impacted them or didn't realize the degree of impact and they came looking for variance of a few feet. Here is a situation remarkably different. The property hasn't been developed. The hardship is now to sell the property. The owners haven't made an investment in the land other than purchase. I'm seeing this as a very different situation from variances in the past.

Chairman Howard: I concur but I am struggling that the town allowed this to be a lot.

Board member Manning: This was a by-right subdivision at the time. Planner at the time was unable to make the comments on the project. When it's a by-right project, we don't get "bites of the apple".

Chairman Howard: Does that sound right, do you know?

Mr. Corigliano: I don't but it does sound right. It seems they have a buildable lot, by definition. We don't know if it will violate the CCRs only based on application. We don't know what they are, they weren't provided, and we can only go on what was presented with the application. And the applicant isn't here so we can't ask questions.

Chairman Howard: What we normally do is if discussion is over, we will go through each one of those points and make a motion indicating the condition exists or not and what evidence shows the condition exists.

Findings of fact

(1) When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the Board of Adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:

a. The hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

Board member Conway: Reasonable use can be made of the property, just limits what the owner planned for.

Board member Mittal: There is enough area to build a house, but pool, cabana, everything else, it is not possible.

Vice Chair Goscicki: Just as a point of confirmation, for us to grant a variance, all four of these tests have to be met. I would look at it and I would look at it there is a hardship from strict application of the reg

Board member Mittal, I disagree on that. there is space for a house.

Motion: Board member Mittal made a motion that there is no hardship as a result from the strict application of the regulation because a home can be built on this property.
Second: Board member Conway
Vote: The motion passed with a 4-1 vote. Chairman Howard, Board members Conway, Mittal, and Manning in favor; Vice Chair Goscicki against.

Finding of Fact Not Met

b. The hardship results from the 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.). A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

Vice Chair Goscicki: I think the hardship that the applicant brought forward is as a result of a small piece of lot that's left to develop, and I do think that is a direct result of conditions that are particular to that property. I would make a motion that the hardship does result from conditions that are peculiar to the property specifically the 100 ft plus right of way that cuts across the rear of the property.

Board member Mittal: I agree.

Board member Conway: I just wanted to make a comment on the definition of a pan handle lot- they are irregularly shaped lots. In the UDO panhandle lots must have minimum 35-foot road frontage. Take into consideration the odd shape of this lot as well as the easement of the

powerlines, the applicant is asking for a 25-foot variance and the UDO states 35 feet. It's like they're asking too much. I do not believe there is a hardship.

- Motion:** Vice Chair Goscicki made a motion that a hardship exists due to conditions that are particular to the property, specifically, the 100-foot power easement on the rear of the property.
- Second:** Manish Mittal
- Vote:** The motion failed with a 3-2 vote. Vice Chair Goscicki and Board member Mittal voted in favor; Chairman Howard, Board members Conway and Manning against.

Finding of Fact Not Met.

c. 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.

Board member Conway: I'd like to make a motion that there is not a hardship a result of the applicant or property owner because purchasing property with knowledge that circumstances exist does not justify a variance.

Board member Manning: I second that.

Vice Chair Goscicki: Are we saying that a hardship doesn't exist because the applicant had the ability to take actions to prevent it by not buying the property.

Board member Conway: Well, if they completed due diligence to learn what the dimensions of their construction plans would be prior to purchase.

Chairman Howard: I would say we can't say that as there was no evidence of that.

Vice Chair Goscicki: On findings A and B, the board didn't agree that there was a hardship, so C becomes a moot point.

- Motion:** Board member Conway made a motion that no hardship exists as the property owner should have done due diligence prior to purchase of the land.
- Second:** Board member Manning
- Vote:** The motion passed with a unanimous vote.

Finding of Fact Not Met.

d. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved.

Chairman Howard: We won't be granting the variance as all 4 findings had to be affirmative.

Vice Chair Goscicki: The verbiage would be a variance as requested would be inconsistent with the spirit of the regulation.

Board member Mittal: The question is that is the variance consistent with the spirit. I believe it is.

- Motion:** Vice Chair Goscicki made a motion that a variance would be inconsistent with the spirit and purpose of the regulation.
- Second:** Board member Conway
- Vote:** The motion passed with a 4-1 vote. Chairman Howard, Vice Chair Goscicki, Board members Manning and Conway in favor. Board member Mittal against.

Finding of Fact Not Met.

- Motion:** Vice Chair Goscicki made a motion that based on the foregoing findings and conclusions, to deny the Application for the variance request of the Applicant.
- Second:** Board member Manning
- Vote:** The motion passed with a unanimous vote.

Chairman Howard: I'm a little bit shocked, what can we do to prevent something like this from happening again.

Mr. Tefft: This subdivision is from 2019, pre-UDO. The UDO is a bit different in terms of process. The town gets to have some input.

Chairman Howard: With that, the variance is denied. Staff will draft a final written decision to reflect the vote and reasoning for this decision. That written decision will be provided to the applicant and other parties with a right to such notice. Parties have thirty days to appeal this decision

5. Adjournment

- Motion:** Board member Manning made a motion to adjourn the September 25, 2023 Special Board of Adjustment Meeting at 6:50 p.m.
- Second:** Board member Conway
- Vote:** The motion passed with a unanimous vote.

Approved: _____

Gordon Howard, Chairman

Karen Dewey, Town Administrator/Clerk



TO: Board of Adjustment

FROM: Robert G. Tefft, CNU-A, Town Planner

DATE: December 18, 2023

SUBJECT: Application by John and Christine Bauersfeld, requesting a variance from Section D-917D(M), Accessory Uses and Structures, of the Town of Weddington Unified Development Ordinance for parcel located at 2006 Seth Drive (TM #06072355).

APPLICATION INFORMATION:

SUBMITTAL DATE: November 13, 2023

APPLICANT: John and Christine Bauersfeld

PROPERTY LOCATION: 2006 Seth Drive

PARCEL ID#: 06072355

LAND USE: Conservation Residential

ZONING: Residential-Conservation District (R-CD)

BACKGROUND:

The subject parcel is 0.347 acres (15,137 SF) and is located on the west side of cul-de-sac for Seth Drive within the Canisteo subdivision (Lot 11). The parcel consists of a newly constructed single-family residence which was completed earlier this year. On November 13, 2023, the applicant applied for a Zoning Variance to reduce the minimum required side yard setback from 15 feet to 7 feet for the construction of a new swimming pool. The request also includes a request to reduce the minimum required setback for a pool deck from 5 feet to 2.5 feet. The requested reduction for the pool deck is the maximum allowable; however, the requested reduction for the pool exceeds the maximum reduction allowed (7.5 feet).

It should be noted that between the approval of the Canisteo Subdivision and the proposal to construct the pool/ deck associated with the subject application, the Town’s Unified Development Ordinance (UDO) was amended to modify the setbacks requirements applicable to pools/ decks. Prior to the adoption of Ordinance No. 2023-02 on March 13, 2023, the requirement was written as follows:

Accessory uses or structures, well houses, and swimming pools shall be located no closer than the setback for the principal building or 15 feet to any side or rear lot line whichever is less. Well houses shall be allowed in any yard.

It should also be noted that while the minimum side setback for a principal structure in the R-CD at the time of approval for Canisteo was 5 feet, the subdivision was approved with a side setback of 15 feet. This larger setback is recorded on the Final Plat for the subdivision (see attached). As such, in this instance, there is no difference between the current and prior versions of the UDO with regard to the minimum required side setback for the pool.

RELATION TO THE UNIFIED DEVELOPMENT ORDINANCE:

UDO Section D-917D(M), Accessory Uses and Structures.

M. Accessory Uses and Structures. The purpose of this subsection is to establish standards for accessory uses and structures so that they contribute to the comfort and convenience of the principal use/structure, while not detracting from the character of the neighborhood. Accessory use and structures shall be customarily found in conjunction with the subject principal use; shall constitute only an incidental or insubstantial part of the total activity that takes place on the subject lot; and are integrally related to the principal use.

1. *General Standards.*

b. *Location and Setbacks.*

2. Accessory uses and structures, including swimming pools, shall be located at least 15 feet from any side or rear lot line. Pool decks, driveways, and similar “at grade” structures may be located within this setback area but shall be located at least 5 feet from any side or rear lot line.

UDO Section D-705(D), Variances.

1. When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the Board of Adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:

- a. The hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- b. 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. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

- c. 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.
 - d. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved.
 2. No change in permitted uses may be authorized by variance.
 3. Additionally, no variances shall be granted by the Board of Adjustment for the following:
 - a. Setbacks for signs and areas and/or height of signs.
 - b. Setbacks for Essential Services, Class III.
 4. No variance for setbacks shall be granted which allows the applicant to reduce the applicable setback by more than 50 percent.
 5. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.
 6. Any order of the Board of Adjustment in granting a variance shall expire if a zoning permit, or certificate of occupancy for such use if a zoning permit is not required, has not been obtained within one year from the date of the decision.
 7. The Board of Adjustment shall hold a hearing on all complete applications no later than 40 days after the application has been filed with the zoning administrator unless consented to by the applicant.
-

ATTACHMENTS:

- Application
- Zoning Map
- Canisteo Subdivision Plat

TOWN OF WEDDINGTON
Zoning Variance Application

This application is required for all variance applications. Completed applications along with all associated submittal requirements, must be submitted via the Town's Self-Service Permitting Portal.

No application shall be considered complete unless accompanied by the application fee in the amount of \$715.00. An additional fee to cover necessary public notification costs shall also be required prior to the application being heard before the Board of Adjustment. In addition to these fees and application, the following items shall also be required:

- A scaled survey drawn by, and certified as correct, a surveyor or engineer registered in the State of North Carolina, which shows property dimensions, boundaries, and existing and proposed building/additions; and illustrates the variance requested.
- A map clearly showing the subject property and all contiguous property on either side and all property across the street or public right-of-way from the subject property.

It is the responsibility of the applicant to submit complete and correct information. Incomplete or incorrect information may invalidate your application. The applicant, by filing this application, agrees to comply with all applicable requirements of the Unified Development Ordinance.

APPLICANT INFORMATION

Name: John & Christine Bauersfeld

Mailing Address: 2006 Seth Drive, Weddington NC 28104

Phone Number: 704-930-1130 Email: johnbauersfeld@gmail.com

PROPERTY OWNER INFORMATION *(if different from applicant)*

Name: _____

Mailing Address: _____

Phone Number: _____ Email: _____

SUBJECT PROPERTY INFORMATION

Location: **2006 Seth Drive**

Parcel Number: **06072355**

Existing Zoning: **R-40**

Use of Property: **Residence**

VARIANCE INFORMATION

1. What Section(s) of the UDO would that variance be from?

D-917D-(M)

2. What is the reason for the variance?

We are unable to build a pool due to the fact that the setback requirements reduce our lot to the degree

that a pool and decking will not fit in the remaining space.

3. If the variance is granted, how is it proposed that the property will be used?

It will be used to build a pool

4. What improvements have been (will be) constructed on the property?

Improvements will include a pool, decking and fire pit

5. Per UDO Section D-705D(1), when unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the Board of Adjustment shall vary any of the provisions of the zoning regulation upon a showing of all the following:

a. The hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

the hardship does result from the strict application of the regulation as with the setback rules we are unable to install a pool at all because the lot shape will not accomodate one with the setbacks

- b. 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. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

The hardship results from the shape of the property in which the pie shaped back yard with

a 15 foot setback on both the rear and the side borders of the property reduce the

usable space such as to not allow for the installation of a pool of standard size

- c. 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.

This hardship did not result from any action taken by Christine or me.

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

It is consistent with the spirit, purpose, and intent in that almost all of the homes in our small

development have a pool and our HOA as provided approval of the plans indicating

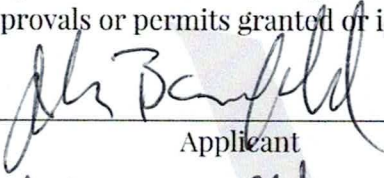

that the community in our development approves of the plan

6. Per UDO Section D-705D(2), no change in permitted uses may be authorized by variance.
7. Per UDO Section D-705D(3), no variances shall be granted by the Board of Adjustment for the following:
- a. Setbacks for signs and areas and/or height of signs.
 - b. Setbacks for Essential Services, Class III.
8. Per UDO Section D-705D(4), no variance for setbacks shall be granted which allows the applicant to reduce the applicable setback by more than 50 percent.
9. Per UDO Section D-705D(5), appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.
10. Per UDO Section D-705D(6), any order of the Board of Adjustment in granting a variance shall expire if a zoning permit, or certificate of occupancy for such use if a zoning permit is not required, has not been obtained within one year from the date of the decision.

11. Per UDO Section D-705D(7), the Board of Adjustment shall hold a hearing on all complete applications no later than 40 days after the application has been filed with the zoning administrator unless consented to by the applicant.

CERTIFICATION

I HEREBY CERTIFY that all the information provided for this application and all attachments is true and correct to the best of my knowledge. I further certify that I am familiar with all applicable requirements of the Weddington Unified Development Ordinance concerning this proposal, and I acknowledge that any violation of such will be grounds for revoking any approvals or permits granted or issued by the Town of Weddington.

 _____ Applicant	11/20/23 _____ Date
 _____ Property Owner(s)	11/20/23 _____ Date

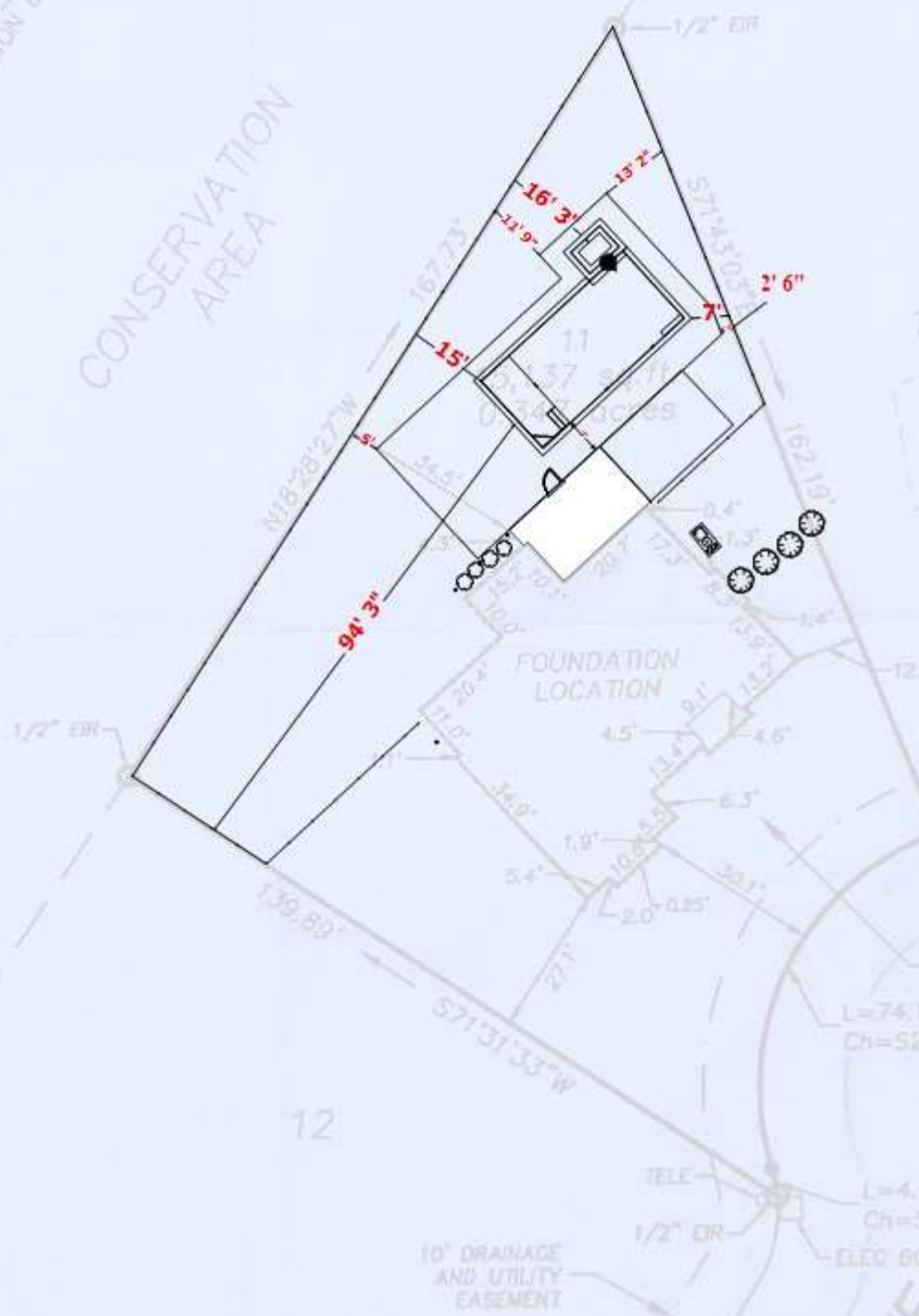


BOARD RULE 1000 (1) NOT TO SCALE
 PARCEL DOES NOT EXCEED ONE (1) FOOT PER 10,000 SQUARE FEET
 PERIMETER SURVEYED NOR 20 SECONDS TIMES THE SQUARE ROOT OF
 NUMBER OF ANGLES TURNED.



SUBDIVISION BOUNDARY

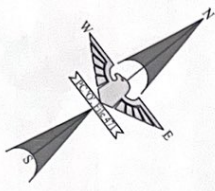
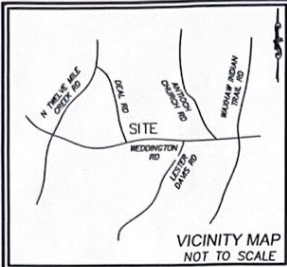
CONSERVATION AREA



NOTES:
 NO USGS HORIZONTAL MONUMENTATION FOUND WITHIN 2000 FEET OF SITE.
 OTHER UTILITIES MAY EXIST, BUT THEIR LOCATIONS ARE NOT KNOWN.
 PROPERTY SUBJECT TO FULL TITLE SEARCH.
 THIS PROPERTY MAY BE SUBJECT TO RIGHT OF WAYS, EASEMENTS OR RESTRICTIONS EITHER RECORDED OR IMPLIED.
 AREA COMPUTED BY COORDINATE GEOMETRY.
 R/W = RIGHT OF WAY
 EIR = EXISTING IRON REBAR 1/2"
 EIP = EXISTING IRON PIPE
 NIR = NEW IRON REBAR 1/2"

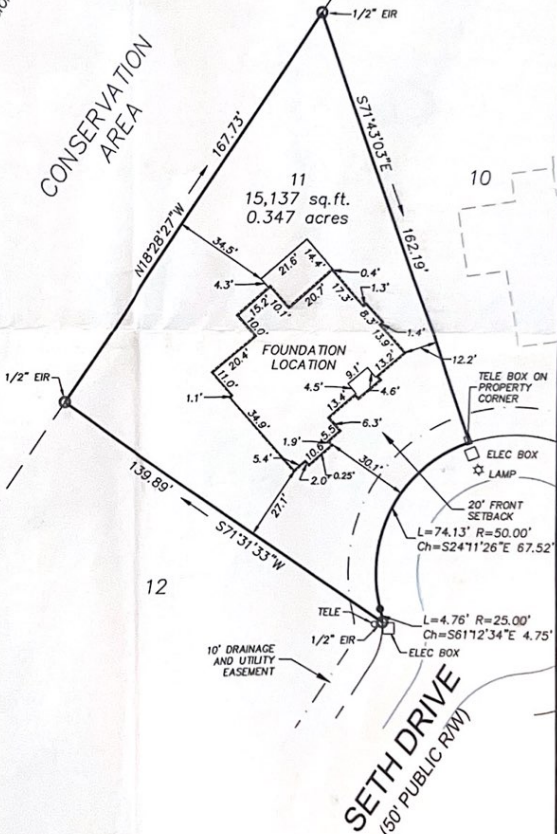
PARCEL ID 06072355

THIS IS TO CERTIFY THAT ON THE 20th DAY OF JANUARY, 2021 AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND IMPROVEMENTS, IF ANY, ARE SHOWN HEREON, EXCEPT AS NOTED, THIS PLAT MEETS THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA BOARD RULE .1600 (21 NCAC 56) AND THE ERROR OF CLOSURE FOR THIS PARCEL DOES NOT EXCEED ONE (1) FOOT PER 10,000 LINEAR FEET OF PERIMETER SURVEYED NOR 20 SECONDS TIMES THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED.



SUBDIVISION BOUNDARY

CONSERVATION AREA



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AREA COMPUTED BY COORDINATE GEOMETRY.

R/W = RIGHT OF WAY
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 EIP = EXISTING IRON PIPE
 NIR = NEW IRON REBAR 1/2"

PARCEL ID 06072355
 ZONING = R-40

FLOOD NOTE:
 THE SUBJECT PROPERTY SHOWN HEREON DOES NOT LIE IN A SPECIAL FLOOD HAZARD AREA PER F.E.M.A. MAP NUMBER 3710449600J DATED 10/16/2008.



2013-A Van Buren Ave.
 Indian Trail, NC 28079
 (704) 882-4222
 www.eagleonline.net

FOUNDATION LOCATION

LOT 11, CANISTEO

Town of Weddington, Union County, NC

SCALE 1" = 40'

FOR THE BENEFIT OF LINNANE HOMES

MAP REFERENCE IN BOOK 0 PAGE 470-471

DEED REFERENCE IN BOOK _____ PAGE _____






EEL PROJECT NUMBER: 6749

2006 Seth Drive - Zoning Map

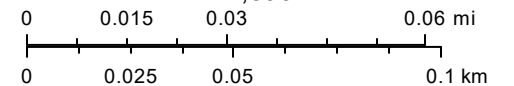


December 13, 2023

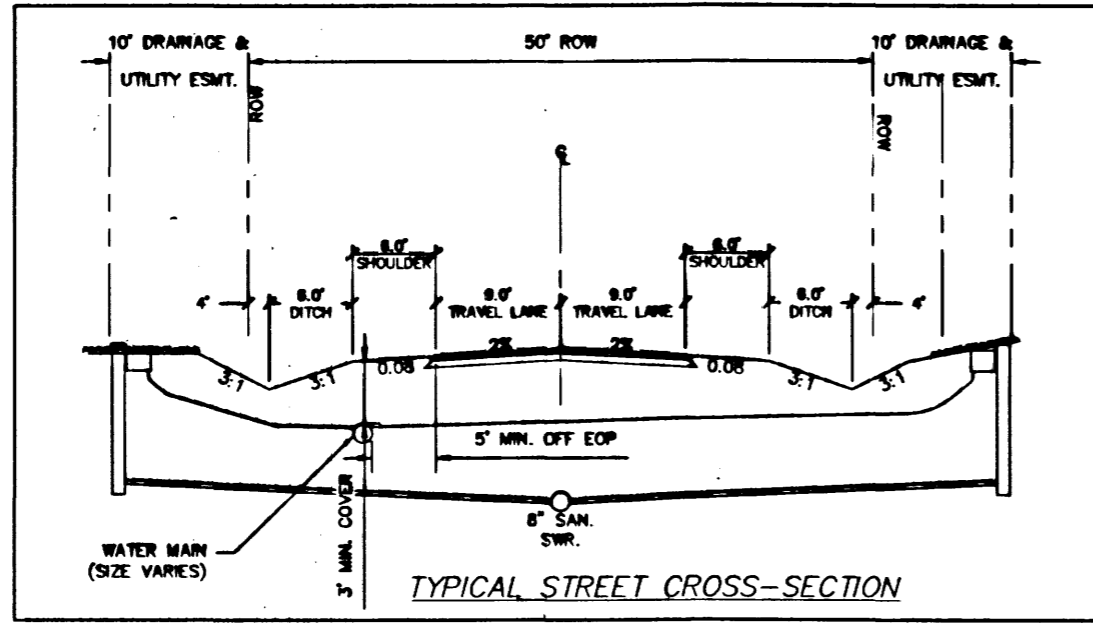
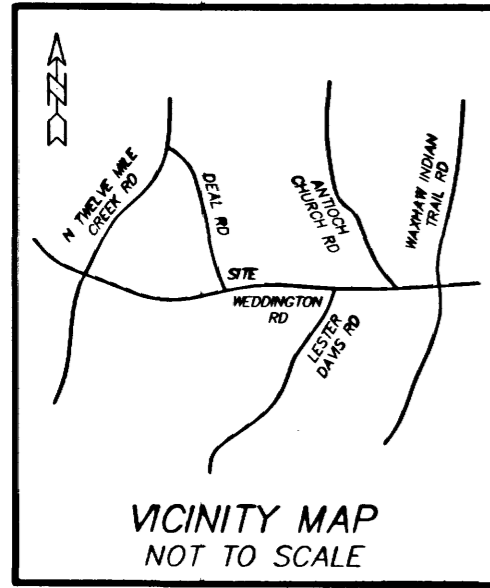
Weddington Zoning

	ED		R-40D		R-CD		Downtown Overlay
	B1 (CD)		MX		R-60		RE
	B2 (CD)		R-40		R-80		Conditional Zoning

1:1,833



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE TOWN OF WEDDINGTON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT. ESTABLISH MINIMUM BUILDING SETBACK LINES, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER SITES AND EASEMENTS TO PUBLIC OR PRIVATE USE AS NOTED.

Cameron B. Helms 1/23/19
OWNER/OWNER REPRESENTATIVE DATE

I HEREBY CERTIFY THAT THE STREETS ON THIS PLAT DESIGNATED AS PUBLIC ARE OR WILL BE IN ACCORDANCE WITH THE MINIMUM RIGHT-OF-WAY AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOARD OF TRANSPORTATION FOR ACCEPTANCE ON THE STATE HIGHWAY SYSTEM.

[Signature] 1/28/19
DISTRICT ENGINEER DATE

I HEREBY CERTIFY THAT THE RIGHT OF WAY DEDICATION ALONG THE EXISTING STATE MAINTAINED ROADWAY SHOWN ON THIS PLAT IS APPROVED AND ACCEPTED AS PUBLIC RIGHT OF WAY BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS.

[Signature] 1/28/19
DISTRICT ENGINEER DATE

ONLY NORTH CAROLINA DEPARTMENT OF TRANSPORTATION APPROVED STRUCTURES ARE TO BE CONSTRUCTED ON PUBLIC RIGHT OF WAY.

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE TOWN OF WEDDINGTON, NORTH CAROLINA AND THAT THE PLAT HAS BEEN APPROVED BY THE SUBDIVISION ADMINISTRATOR FOR RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS OF UNION COUNTY.

[Signature] 1/30/19
CHAIRMAN OF THE PLANNING BOARD DATE
TOWN OF WEDDINGTON, NORTH CAROLINA ZONING A-200

I HEREBY CERTIFY THAT ALL STREETS AND OTHER REQUIRED IMPROVEMENTS HAVE BEEN INSTALLED IN AN ACCEPTABLE MANNER AND ACCORDING TO N.C. DEPARTMENT OF TRANSPORTATION AND/OR TOWN OF WEDDINGTON SPECIFICATIONS AND STANDARDS IN THE CANISTEO SUBDIVISION OR THAT GUARANTEES OF THE INSTALLATION OF THE REQUIRED IMPROVEMENTS IN AN AMOUNT AND MANNER SATISFACTORY TO THE TOWN OF WEDDINGTON HAVE BEEN GIVEN AND RECEIVED.

Elizabeth Calles 1/23/19
MAYOR OF THE TOWN OF WEDDINGTON, NORTH CAROLINA DATE

[Signature] 1/30/19
REVIEW OFFICER OF UNION COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS STATUTORY REQUIREMENTS FOR RECORDING. DATE

I, THOMAS E. WHITE CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 6205 PAGE 870, ETC.); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 6205 PAGE 870, THAT THE RATIO OF PRECISION AS CALCULATED IS 1:100,000, THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED, WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS 23 DAY OF JANUARY, 2019.

THIS IS TO CERTIFY THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

[Signature]
NOPLS #L-4689

State of North Carolina
County of Union
County certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

[Signature] 1/30/19
Date Review Officer

SURVEYOR:
CAROLINA SURVEYORS, INC.
P.O. BOX 267
PINEVILLE, NC 28134
704-889-7601
CONTACT: THOMAS E. WHITE

ENGINEER:
DESIGN RESOURCE GROUP
2459 WILKINSON BLVD, STE 200
CHARLOTTE, NC 28208
704-343-0608
CONTACT: MARC R. VAN DINE

OWNER:
DEAL ROAD VENTURES LLC
5615 POTTER RD
MATTHEWS, NC 28104
704-400-9837
CONTACT: CAMERON HELMS

FILED Jan 30, 2019 03:05 pm
PLAT SLIDE 00000 - 0470
INSTRUMENT 02428
By: [Signature] Deputy
CRISTINA GILLIARD
REGISTER OF DEEDS



CAROLINA SURVEYORS, INC.
P.O. BOX 267 PINEVILLE, N.C. 28134 - 0267
THOMAS E. WHITE, NOPLS & SCPLS 704-889-7601
CERTIFICATE OF AUTHORIZATION NO. 0-1548 06-000

CURVE	RADIUS	LENGTH	BEARING	CHORD
C1	14.00	21.99	N26°31'33"E	19.80
C2	25.00	16.27	N37°06'53"W	15.98
C3	25.00	4.76	N61°12'34"W	4.75
C4	50.00	74.13	S24°11'26"E	67.52
C5	50.00	92.98	S71°33'31"W	80.15
C6	50.00	74.07	N12°43'29"W	67.48
C7	25.00	21.03	S05°37'15"W	20.41
C8	475.00	38.98	S20°49'29"E	38.97
C9	475.00	66.08	S27°09'39"E	66.02
C10	14.00	20.10	S72°16'05"E	18.41
C11	275.00	23.60	S69°04'04"W	23.59
C12	25.00	21.03	N47°25'52"E	20.41
C13	50.00	59.77	S57°34'52"W	56.27
C14	50.00	60.82	N53°19'26"W	57.14
C15	50.00	60.82	N16°22'33"E	57.14
C16	50.00	59.77	N85°28'15"E	56.27
C17	25.00	21.03	N84°22'45"W	20.41
C18	225.00	83.44	S60°54'09"W	82.96
C19	25.00	19.72	S27°40'37"W	19.22
C20	50.00	37.49	N26°33'28"E	36.62
C21	50.00	93.05	S78°38'44"E	80.19
C22	50.00	110.53	S37°59'41"W	89.36
C23	25.00	22.27	N75°48'00"E	21.54
C24	14.00	19.90	N09°34'00"E	18.26
C25	525.00	41.40	S28°53'14"E	41.39
C26	525.00	81.08	S22°12'14"E	81.00
C27	14.00	22.16	N63°07'37"W	19.92
C28	20.00	31.42	S63°28'27"W	28.28
C29	20.00	31.42	S26°31'33"W	28.28

LINE	BEARING	LENGTH
L1	S54°19'51"W	130.37
L2	S17°35'22"W	40.70
L3	S09°15'37"E	48.31
L4	S65°18'16"E	106.07
L5	S50°09'50"E	144.26
L6	S25°58'28"E	20.65
L7	S25°58'28"E	34.19
L8	S00°20'56"W	19.80
L9	N88°02'12"W	100.05
L10	S89°13'03"W	100.05
L11	S86°27'07"W	100.06
L12	S82°57'07"W	100.00
L13	S80°01'26"W	165.48
L14	S80°01'26"W	41.32
L15	S79°21'10"W	413.96
L16	S37°50'48"W	35.50
L17	S37°50'48"W	62.58
L18	S80°01'26"W	208.37
L19	S82°57'07"W	102.81
L20	S86°27'07"W	102.79
L21	S89°13'03"W	102.46
L22	N88°02'12"W	84.67
L23	N71°31'33"E	80.00
L24	N71°31'33"E	131.00
L25	N18°28'27"W	65.86
L26	S18°28'27"E	99.32
L27	S18°28'27"E	51.07
L28	S31°08'45"E	25.35
L29	S31°08'45"E	87.26
L30	N71°31'33"E	49.33
L31	S71°31'33"W	49.03
L32	S71°31'33"W	0.30
L33	S50°16'45"W	8.76
L34	S50°16'45"W	53.89
L35	N50°16'45"E	61.69
L36	N31°08'45"E	62.05
L37	N31°08'45"W	50.53
L38	S71°31'33"W	131.04
L39	S71°31'33"W	80.00
L40	S71°31'33"W	139.89
L41	S71°43'03"E	162.19
L42	N34°50'05"E	18.98
L43	S01°49'34"W	82.70
L44	S01°49'34"W	77.95
L45	S31°36'41"W	72.12
L46	N90°00'00"W	127.51
L47	N80°07'51"W	158.39
L48	N38°46'27"W	20.00
L49	S50°16'45"W	96.56
L50	S50°16'45"W	81.09
L51	S75°47'38"W	14.46
L52	S75°47'38"W	90.25

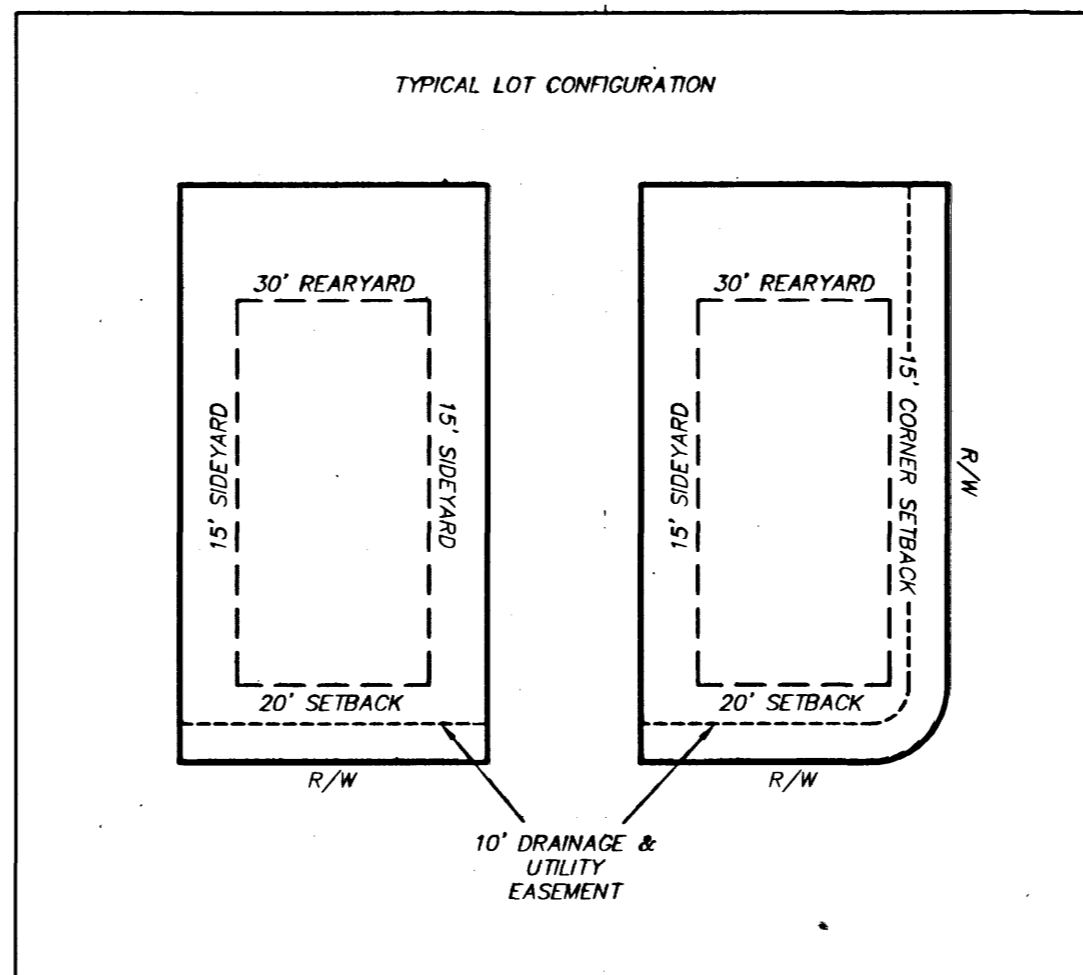
LINE	BEARING	LENGTH
D1	S71°31'33"W	9.66
D2	N54°47'36"W	13.48
D3	N80°07'51"W	17.19
D4	S09°52'09"W	11.75
D5	N80°07'51"W	6.19
D6	N09°52'09"E	45.95
D7	N80°07'51"W	146.08
D8	N67°29'10"E	84.12
D9	S83°37'36"E	18.47
D10	N76°23'46"E	12.57
D11	N76°23'46"E	52.74
D12	N19°01'36"W	83.11
D13	N70°58'24"E	20.00
D14	S19°01'36"E	84.56
D15	N74°38'03"E	2.30
D16	S18°28'27"E	58.61
D17	S54°47'36"E	32.90

CURVE	RADIUS	LENGTH	BEARING	CHORD
DC1	225.00	14.82	S69°38'22"W	14.81
DC2	45.00	51.38	S66°18'25"W	48.63
DC3	25.00	2.68	N63°21'20"W	2.68
DC4	50.00	36.80	S81°22'13"E	35.98
DC5	50.00	37.77	N31°51'48"E	36.88
DC6	25.00	64.41	N06°19'21"W	48.02
DC7	39.89	20.19	N81°55'47"E	19.98
DC8	16.00	5.58	S86°23'05"W	5.55
DC9	40.05	60.60	S61°55'12"E	54.98
DC10	45.00	20.01	S05°43'59"E	19.85

- NOTES:
- IRON PINS SET AT ALL CORNERS UNLESS OTHERWISE NOTED.
 - PROPERTY ZONED: RCD
MINIMUM SETBACK: 20'
MINIMUM SIDE YARD: 15' (30' HOME SEPARATION)
(15' SIDE CORNER LOTS)
MINIMUM REAR YARD: 30'
MINIMUM LOT WIDTH: 80'
MINIMUM LOT SIZE: 12,000 SQ. FT.
MAXIMUM BUILDING HEIGHT: 35'
(SETBACKS & ZONING MATTERS ARE SUBJECT TO INTERPRETATION BY LOCAL MUNICIPALITIES)
 - TAX PARCEL NUMBER 06099011A, 06072003E, 06072003A
 - DEED REFERENCE: DB 6908 PG 890, DB 6909 PG 6.
 - BOUNDARY SURVEY ONLY THROUGH POINTS AS SHOWN.
 - A PORTION OF THIS PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION AS BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP (FIRM) NO. 3710448600J, WITH AN EFFECTIVE DATE OF 10/16/2008, AND FLOOD INSURANCE RATE MAP (FIRM) NO. 3710448500J, WITH AN EFFECTIVE DATE OF 10/16/2008.
 - THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL RECORDED OR UNRECORDED EASEMENTS, RIGHTS-OF-WAY, OR RESTRICTIVE COVENANTS, OTHER THAN SHOWN. SURVEY MADE WITHOUT THE BENEFIT OF A TITLE EXAMINATION.
 - AREA COMPUTED BY COORDINATED METHOD.
 - ANY CONSTRUCTION OR USE WITHIN ANY DELINEATED FLOOD AREA IS SUBJECT TO THE RESTRICTIONS IMPOSED BY ANY APPLICABLE ORDINANCES OR REGULATIONS.
 - A UNION COUNTY PUBLIC WORKS UTILITY RIGHT OF WAY SHALL EXIST ON ALL SANITARY SEWER LATERAL, WATER METERS, AND FIRE HYDRANTS. THE UTILITY RIGHT OF WAY IS LOCATED 5' ALL SIDES FROM CLEANOUT, WATER METER, OR FIRE HYDRANT TO THE PUBLIC OR PRIVATE ROAD RIGHT OF WAY.
 - MAINTENANCE OF ALL STORM DRAINAGE EASEMENTS AS SHOWN ON PLAT IS THE RESPONSIBILITY OF THE PROPERTY OWNER OR ASSIGNS.
 - THE PURPOSE OF THE STORM DRAINAGE EASEMENT (SDE) IS TO PROVIDE STORM WATER CONVEYANCE. BUILDINGS ARE NOT PERMITTED WITHIN THE EASEMENT AREA. ANY OTHER OBJECTS WHICH IMPEDE STORM WATER FLOW OR SYSTEM MAINTENANCE ARE ALSO PROHIBITED.
 - ROAD GRADES TAKEN FROM DESIGN PLANS.
 - THE PROPERTY OWNER SHALL NOT CONSTRUCT OR PERMIT CONSTRUCTION OR PLACEMENT OF ANY TYPE OF STRUCTURE, PLANT TREES OR MAKE USE OF THE EASEMENT AREA IN ANY MANNER THAT WILL RESULT IN INTERFERENCE, INTERRUPTION OR IMPEDIMENT OF THE COUNTY'S EASEMENT AND INGRESS/EGRESS.
 - MAINTENANCE OF COMMON OPEN SPACE AND SDE'S SHALL BE THE RESPONSIBILITY OF THE DEVELOPER OR THEIR ASSIGNS.

LINE	BEARING	LENGTH
S1	S18°23'19"W	28.54
S2	N18°27'05"W	189.37
S3	N87°47'56"W	282.50
S4	N10°33'42"W	118.36
S5	S80°01'26"W	30.00
S6	N10°33'42"W	104.34
S7	N87°47'56"W	270.10
S8	N18°27'05"W	196.56
S9	S71°41'38"W	40.43
S10	N50°16'45"E	53.70
S11	N50°16'45"E	8.76
S12	S10°28'39"E	50.00
S13	N51°15'21"W	18.32
S14	S59°12'45"W	19.25
S15	N10°38'13"W	50.92
S16	N80°01'26"E	30.00
S17	S10°38'13"E	57.85

CURVE	RADIUS	LENGTH	BEARING	CHORD
SC1	25.65	1.63	S48°49'45"W	1.63
SC2	225.00	18.86	S52°40'48"W	18.85



Elizabeth Calles 1/30/19
MAYOR, TOWN OF WEDDINGTON DATE

[Signature] 1/30/19
ZONING ADMINISTRATOR DATE

SANITARY SEWER EASEMENT (SSE)

35'x35' & 10'x70' SIGHT TRIANGLES

STORM DRAINAGE EASEMENT

AREA DEDICATED AS PUBLIC R/W

BOUNDARY LINE

TIE LINE

RIGHT OF WAY

ADJOINING LINE (NOT SURVEYED)

FEMA FLOODWAY LINE

COMMUNITY ENCROACHMENT LINE

FEMA FLOOD FRINGE LINE

FUTURE CONDITIONS FLOOD FRINGE LINE

A FINAL RECORD PLAT OF

CANISTEO

OWNER: DEAL ROAD VENTURES LLC
AREA: 19.997 ACRES
TOWN OF WEDDINGTON, UNION COUNTY, NORTH CAROLINA

(SHEET 2 of 2)

Frank J. Corigliano, Attorney Partner
Plyler, Long & Corigliano, LLP
316 N. Hayne Street (28112)
PO Box 7
Monroe, North Carolina 28111-0007

Dear Mr. Corigliano,

We realize that the Town Planner, Robert Tefft, is going to be representing the Town with regards to our application remotely from Florida. This arrangement is acceptable to us, and he can submit our application, evidence, oral testimony and other associated documents (such as surveys, building plan, etc.) remotely.

Regards,

A handwritten signature in black ink, appearing to read "John Bauersfeld", written in a cursive style.

John Bauersfeld