



Town of Mint Hill

John M. McEwen Assembly Room
4430 Mint Hill Village Lane
Mint Hill, North Carolina 28227

Mint Hill Board of Adjustment Agenda May 22nd, 2017 at 6:30 p.m.

1. Call To Order
2. Roll Call and Declaration of Quorum
3. Approve Minutes of February 27th, 2017 Regular Meeting
4. Reports of Committees, Members, and Staff
5. Old Business
6. New Business
 - A. Variance Request #V17-1, Filed by Suzanna Wolf, Property Located at 7200 Apple Creek Drive, Tax Parcel #135-366-06
 - B. Variance Request #V17-2 Filed by Teresa and John Alderman, Property Located at 4038 David Drive, Tax Parcel #195-012-10
7. Other Business
8. Adjournment

Candice Everhart
Program Support Assistant
May 15th, 2017

MINUTES OF THE MINT HILL BOARD OF ADJUSTMENT
February 27th, 2017

The Mint Hill Board of Adjustment met in regular session on Monday, February 27th, 2017 at 6:30 p.m. in the John M. McEwen Assembly Room, Mint Hill Town Hall.

ATTENDANCE

Chairman: Gary Isenhour
Vice Chairman: June Hood
Members: Michael Weslake, Ronald Rentschler and Bobby Reynolds
ETJ Members: Debi Powell and David Tirey
Alternate: Todd Fisher
Town Planner: Chris Breedlove
Clerk to the Board: Candice Everhart

CALL TO ORDER

Chairman Isenhour called the meeting to order at 6:30 p.m., declared a quorum present and the meeting duly constituted to carry on business.

ORDER OF BUSINESS

Approval of Minutes of October 24th, 2016 Regular Meeting: Upon the motion of Mr. Reynolds, seconded by Mr. Rentschler, the Board unanimously approved the minutes of the October 24th, 2016 Board of Adjustment regular meeting.

Reports of Committees, Members and Staff: None.

Old Business: None.

New Business:

- A. Training on Variance Standards with a Webinar from UNC School of Government:** Mr. Breedlove said, we are going to watch a webinar from the UNC School of Government and there will be some questions throughout that we will go through together. If Margie, our Code Enforcement Officer, has a violation that person can appeal and come to you guys. We haven't had one of those in a while, if ever, but just letting you know that is something that could happen. Going over some of the basic concepts, the Board members are not allowed to speak with the applicant before any meetings because these meetings are legislative. What you all are doing is more of a legal aspect and we don't want to overstep the boundaries. I've attached some references in your training binders such as the Rules of Procedure, UDO, miscellaneous topics such as sheds, home occupation, procedures from the State statute, roles of this quasi-judicial board and non-conformance situations. Before we begin the webinar I just want to go over a couple of things. If an applicant comes in and it is a conflict of interest for you because this variance could personally impact you, you need to remove yourself from voting, but that doesn't

mean to not attend the meeting. You will still need to be in attendance, just not vote. You're a facts based only board. If a neighbor says something is going to devalue their home, we are not appraisers so we disregard that and make our decision based on facts.

[https://firstnetcampus.com/cgi-win/auth/\\$SCORMLaunch.dll?CourseCode=NL08&LessonNumber=1](https://firstnetcampus.com/cgi-win/auth/$SCORMLaunch.dll?CourseCode=NL08&LessonNumber=1)

Mrs. Powell asked, of the four issues we go through to determine a variance, can we think some are qualifying but one is not? Mr. Breedlove said, you can set conditions within granting a variance.

Mrs. Powell asked, to we have to agree on all of the four to say yes? Mr. Breedlove said, he would ask the town attorney about that and look into it.

Other Business: None

Adjournment: Upon the motion of Mr. Reynolds, seconded by Mr. Isenhour, and unanimously agreed upon, Chairman Isenhour adjourned the meeting at 7:37 p.m.

Candice Everhart
Program Support Assistant

Memo

To: Board of Adjustment
From: Staff
Date: 5/15/2017
Re: Variance Request #V17-1, Filed by Suzanne Wolf for property at 7200 Apple Creek Dr

Variance Request

The applicant is requesting a variance from part A.7 of Section 6.9.7 of the Mint Hill Unified Development Ordinance for property located at 7200 Apple Creek Dr, Tax Parcel 135-366-06. The applicant is seeking relief from the 10' minimum separation requirement. They desire to place a garden shed 3.5' away from the house, and thus need a 6.5' variance.

6.9.7 Accessory Uses and Structures.

- A. *Minor uses or structures which are necessary to the operation or the enjoyment of a permitted principal use and are appropriate, incidental and subordinate to any such uses, shall be permitted in all districts as an accessory use, subject to the following:*
 - 7. *A detached accessory building in an R (Residential) District shall not be located closer than ten (10) feet to a principal structure.*

Note: As proposed, the shed would meet the 15' left side setback, with one foot to spare.

Please see enclosed application for more information.

VARIANCE
APPLICATION

Town of Mint Hill
Board of Adjustment
4430 Mint Hill Village Lane
Mint Hill, N.C. 28227
(704) 545-9726

Office Use Only	
Petition #:	V17-1
Date Filed:	4/21/2017
Received By:	CB

Variance requested on property located at: 7200 Apple Creek DRIVE

Tax Parcel Number: 135-366-06 Zoning District: R

Describe variance being requested:

WAS NOT AWARE OF CODE AS I WAS TOLD BY DEALER THAT
AS LONG AS THE SHED I PURCHASED WAS NOT LARGER THAN
12 X 12 I WOULD BE IN COMPLIANCE. THE SHED WAS
CREATED 6' FROM THE DWELLING BUT TRULY, THERE IS
NO OTHER ALTERNATIVE AS I HAVE ONLY INFRINGED
ON MY OWN PROPERTY AND NOT MY NEIGHBORS.

(Complete if Applicant is other than Property Owner)

SUZANNE & TERENCE WOLF
Name of Property Owner

Name of Applicant

7200 Apple Creek Dr
Address of Owner

Address of Applicant

Charlotte NC 28227
City, State, Zip

City, State, Zip

704 877 5063
Telephone Number

Telephone Number

SUESALWAYSRIGHT@YAHOO.COM
E-Mail Address

E-Mail Address

Suzanne Wolf
Signature of Property Owner

Signature of Applicant

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:

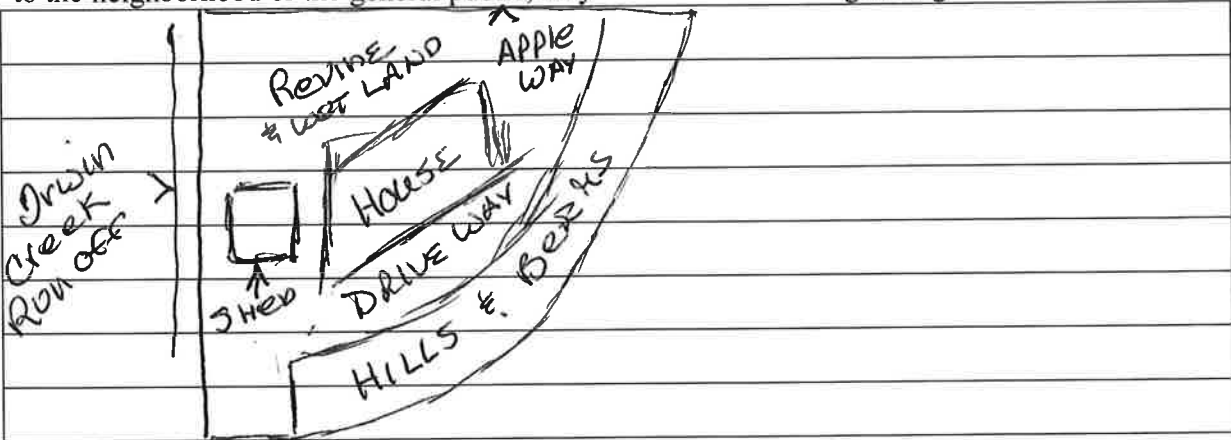
The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the State Enabling Act, the Board is required to reach four conclusions as a prerequisite to the issuance of a variance: (1) that unnecessary hardships would result from the strict application of the Ordinance; (2) the hardship results from conditions that are peculiar to the property, such as location, size, or topography; (3) that the hardship did not result from actions taken by the applicant or the property owner and, (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 the spaces provided, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these four required conclusions.

UNNECESSARY HARDSHIPS 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.

As there is no other alternate location, it would result in the loss of my ~~livelihood~~ livelihood. I have closed the Retail location of Abbey Rose Florist and I am permitted by the town of Mint Hill to operate from this location. It would result in the loss of \$10,000 that I have invested in this endeavor.

THE HARDSHIP RESULTS FROM CONDITIONS THAT ARE PECULIAR TO THE PROPERTY, SUCH AS LOCATION, SIZE OR TOPOGRAPHY. Hardship 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.

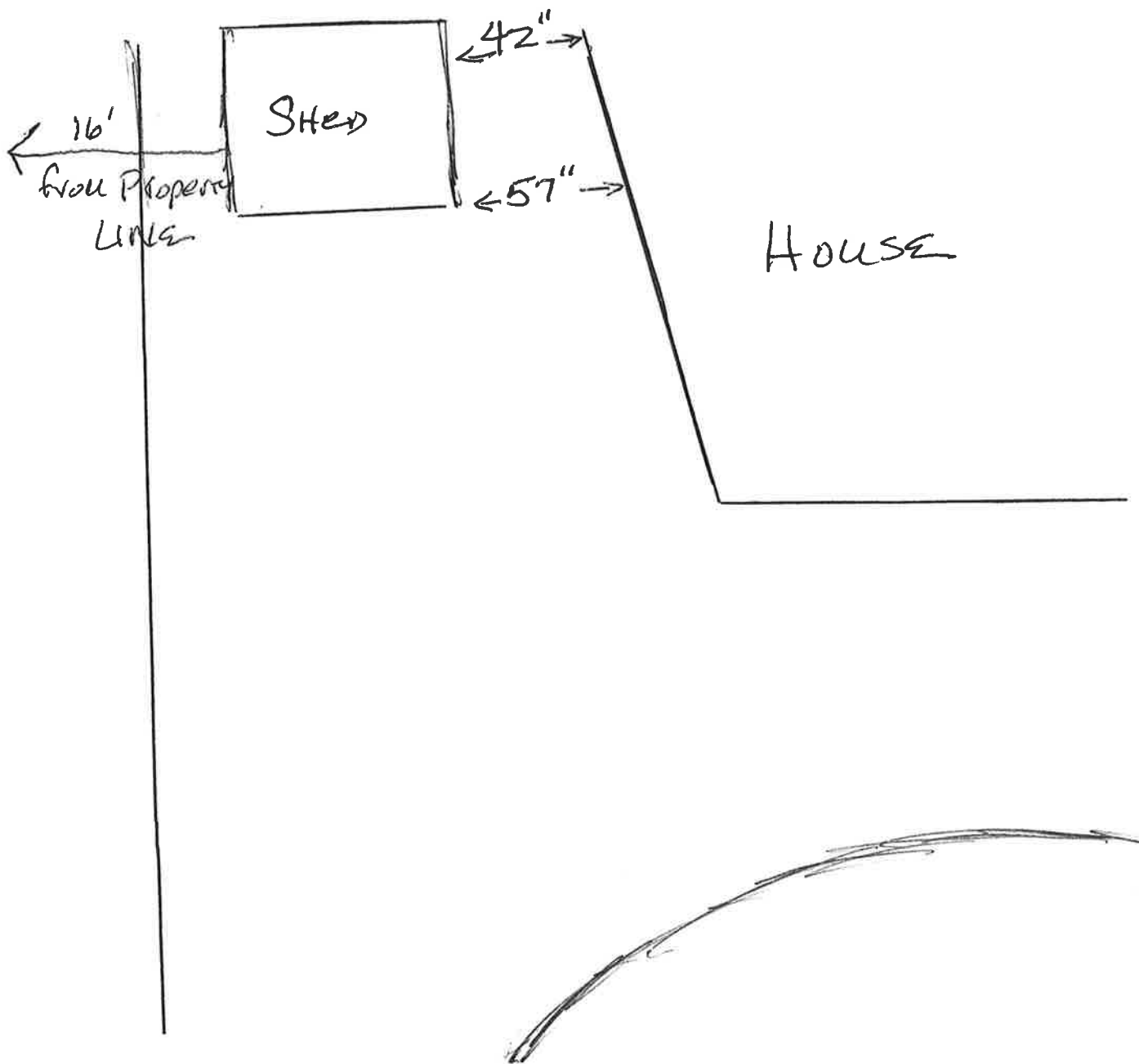


THE HARDSHIP DID NOT RESULT FROM ACTIONS TAKEN BY THE APPLICANT OR THE PROPERTY OWNER. The act of purchasing property with knowledge that circumstances exist that may justify granting a variance shall not be regarded as a self-created hardship.

I HAD NO IDEA THAT I WOULD BE VIOLATING CODE. THIS SHED REPLACES A SHED THAT HAD BEEN IN THIS LOCATION FOR 18 YEARS

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.

I BELIEVE THAT TO BE TRUE. THE SHED IS NOT AN EYESORE. IT ENHANCES THE LOOK OF THE PROPERTY. IT INFRINGES ON NO ONE ELSE'S PROPERTY BUT THE PROPERTY OWNER.



any construction or use within the areas indicated as FLOODWAY DISTRICT BOUNDARY LINE AND FLOODWAY DISTRICT ENCROACHMENT LINE IS SUBJECT TO THE REGULATIONS IMPOSED BY THE FLOODWAY REGULATIONS OF Mecklenburg County.

A PLAT SHOWING FARMWOOD SECTION 16

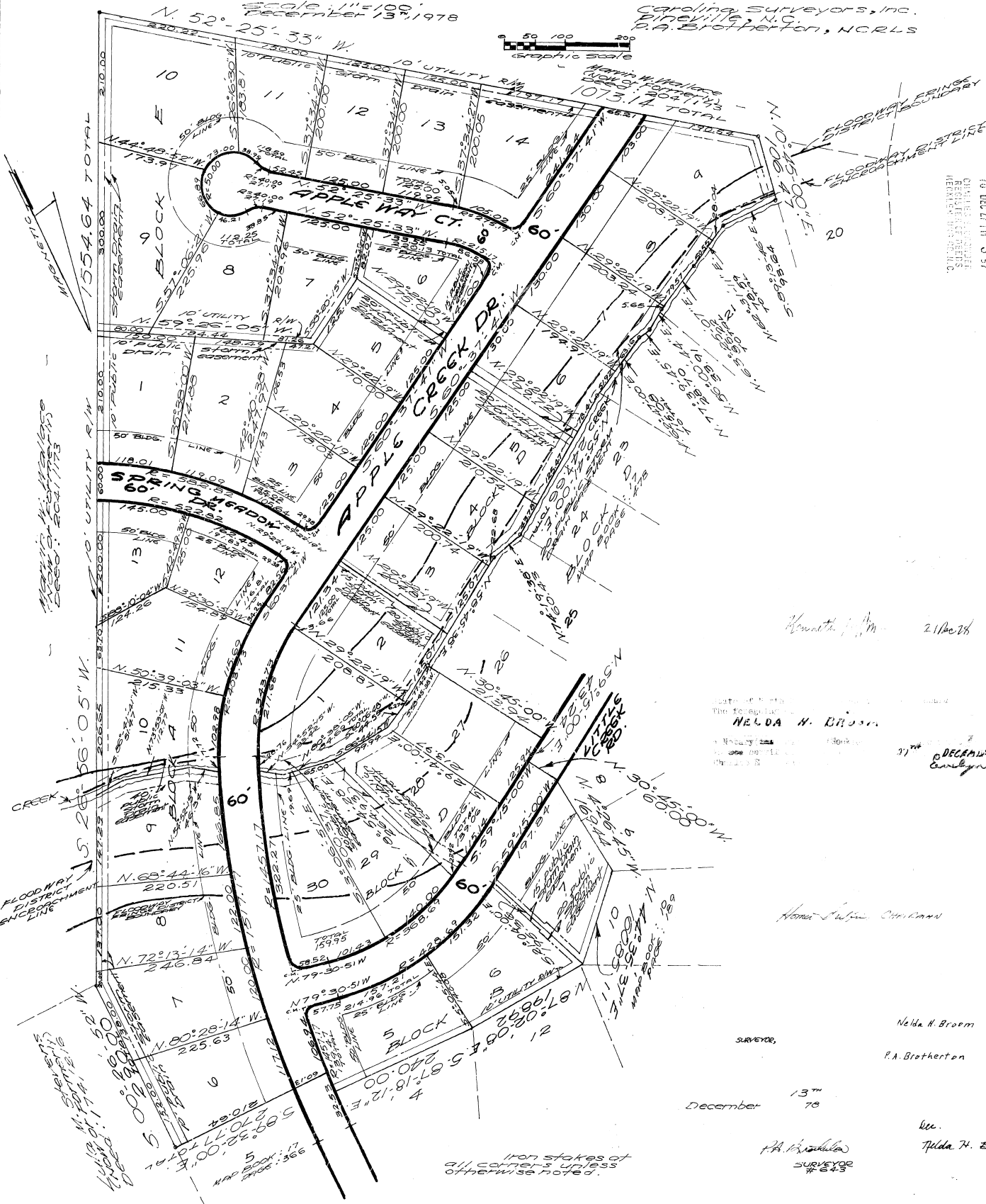
MINT HILL, N.C.

PROPERTY OF BOB McLEMORE & CO., INC.

Carolina Surveyors, Inc.
Pineville, N.C.
P.A. Brotherton, N.C.R.L.S.

Scale: 1" = 100'
December 13, 1978

Graphic Scale
50 100 200



170 DEC 27 PM 3 57
CHIEF OF RECORDS
RECORDS SECTION
MECKLENBURG COUNTY

Handwritten signature: Nelda H. Broom
21 Dec 78

Date of Birth: _____
The foregoing is the true and correct copy of the original as the same appears in the records of the Surveyor General's Office.

Surveyor: Nelda H. Broom
Reg. Surveyor: P.A. Brotherton

27 DEC 27 PM 3 57
CHIEF OF RECORDS
RECORDS SECTION
MECKLENBURG COUNTY

Handwritten signature: Nelda H. Broom

SURVEYOR

Nelda H. Broom

P.A. Brotherton

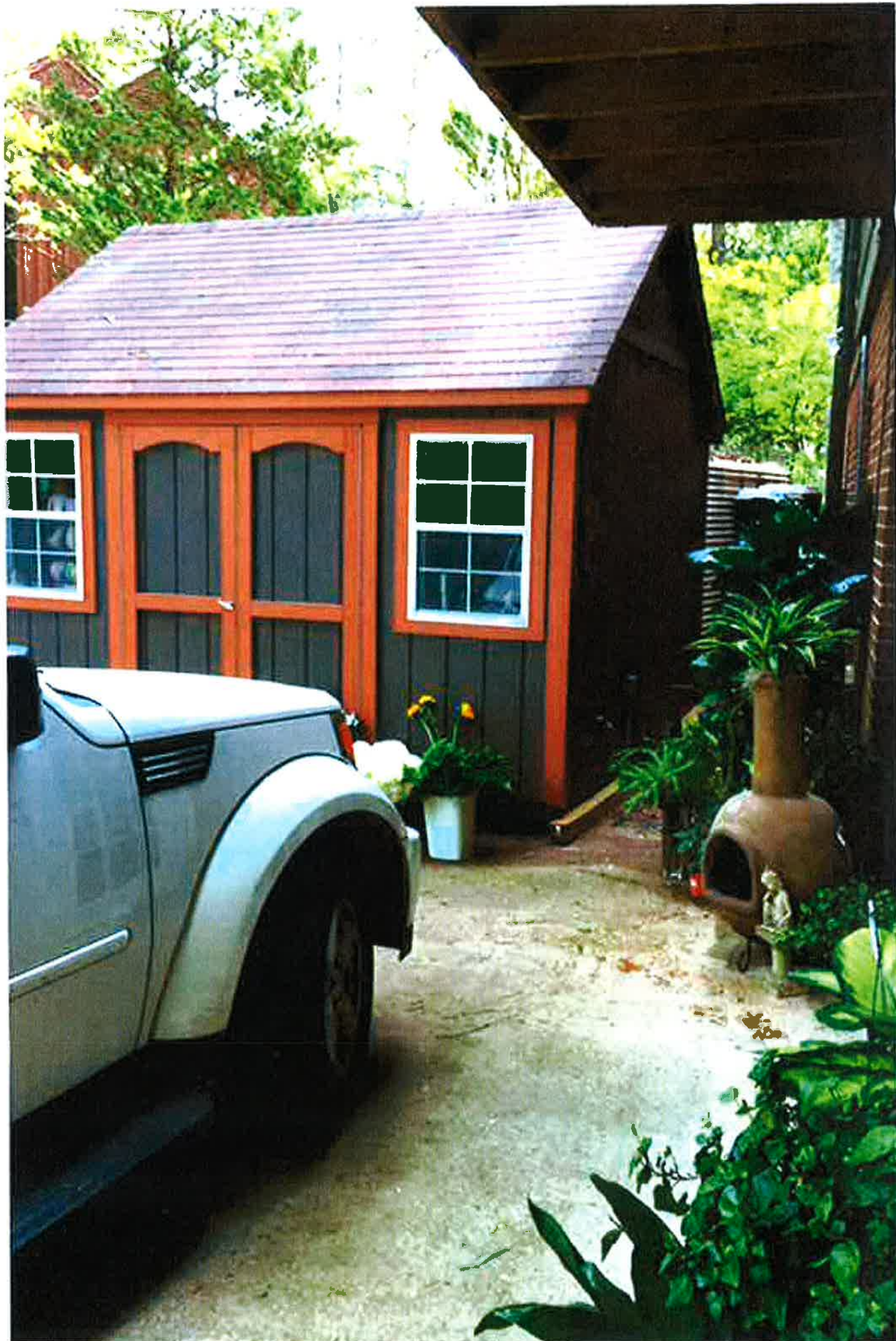
REG. SURVEYOR

December 13TH 78

P.A. Brotherton
SURVEYOR
#643

Handwritten signature: Nelda H. Broom

IRON STAKES OF ALL CORNERS UNLESS OTHERWISE NOTED.



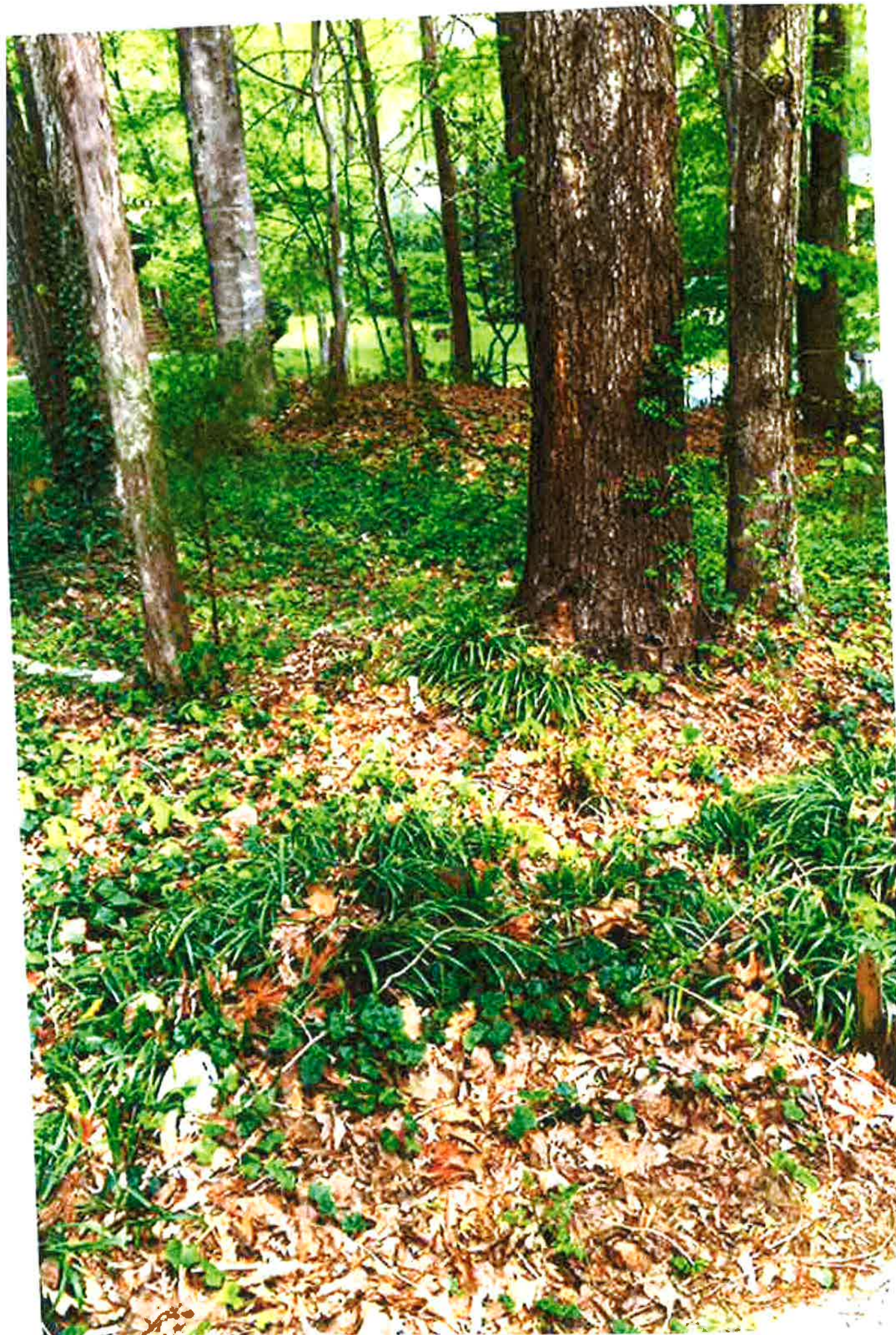


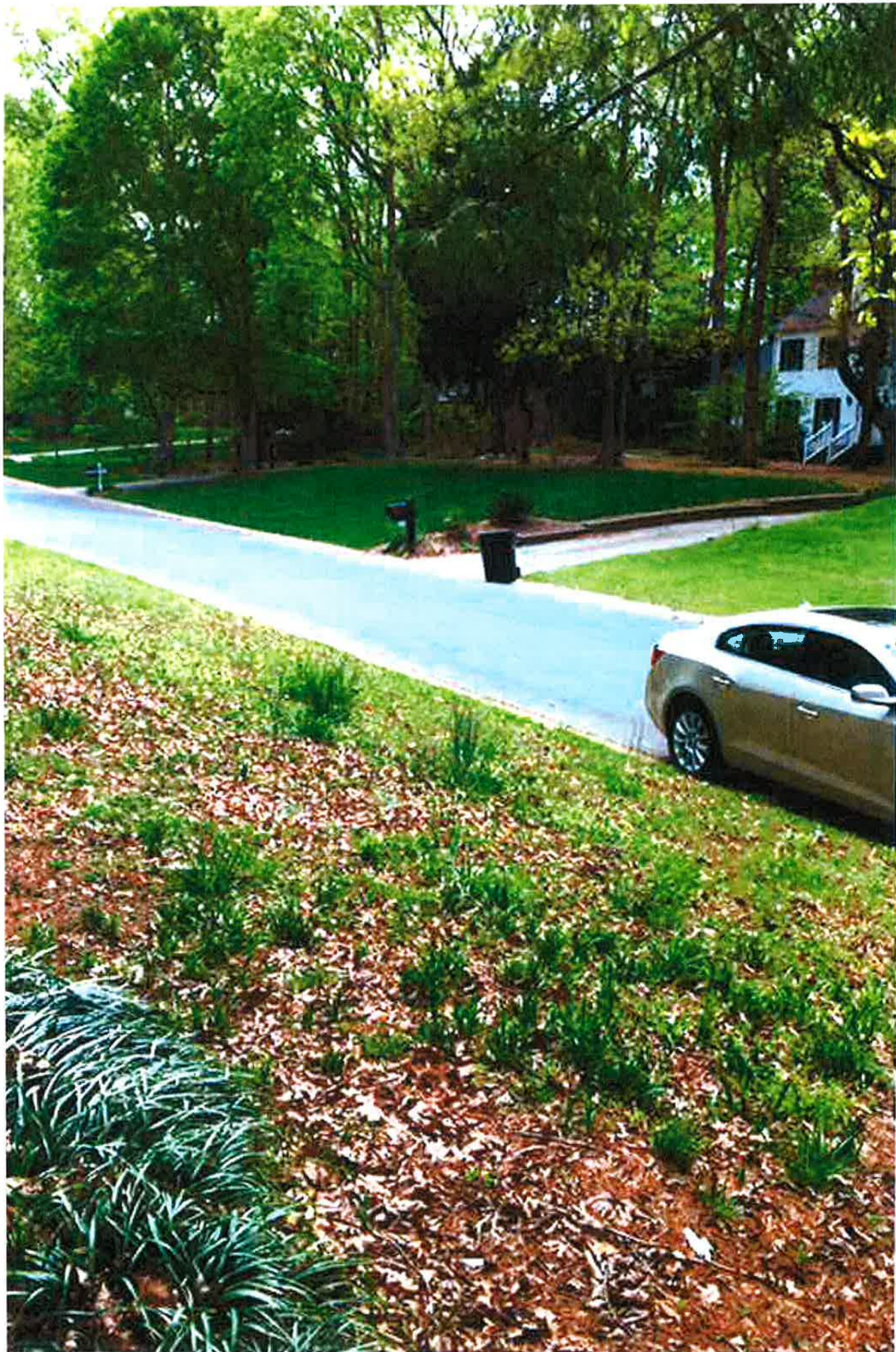


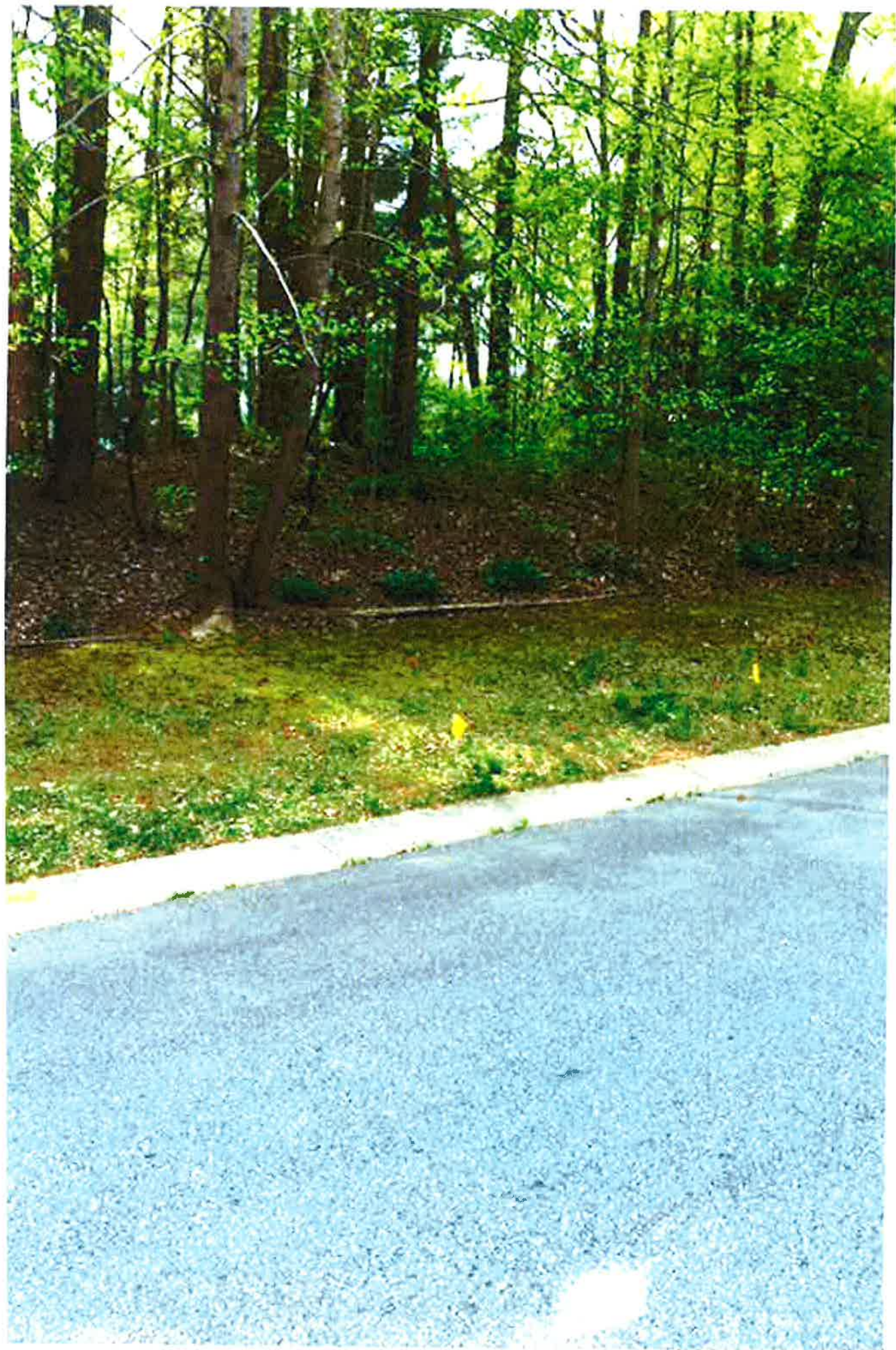
















Town of Mint Hill Home Occupation Permit Application

6.9.1 *Customary Home Occupations.*

- A. Customary home occupations may be established in any principal dwelling unit or accessory structure (such as a garage) as allowed by North Carolina State Building Code. Customary home occupations shall be incidental to a residential unit and shall not be considered a substitute to traditional retail establishments that rely on a substantial amount of walk-in traffic. Customary home occupation requirements shown herein shall apply in addition to all other applicable requirements of this Ordinance for the district in which such principal dwelling unit is located.
- B. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling and shall not change the exterior residential character of the dwelling.
- C. Use of the dwelling for the home occupation shall be limited to twenty-five (25) percent of the gross heated floor area of the principal structure.
- D. The operator of the customary home occupation must reside on the same lot as where the customary home occupation takes place. Residents of the dwelling plus a maximum of one nonresident may be engaged in the customary home occupation or otherwise report to work at the dwelling.
- E. No products, goods, materials, or equipment associated with the customary home occupation shall be visible from any adjoining street or properties. All such products, goods, materials or equipment shall be stored within the residential dwelling unit or garage or other accessory structure. On-premise sales of products are limited to those made or reconditioned on the premises and those that are necessary to the service being provided.
- F. No external alterations inconsistent with the residential use of the dwelling shall be permitted and outside display of goods for sale or rent is prohibited.
- G. Only vehicles used primarily as passenger vehicles (i.e., passenger automobiles, passenger vans and passenger pickup trucks) shall be permitted in connection with the conduct of the customary home occupation. No more than two (2) vehicles shall be used in conjunction with the customary home occupation. Parking in association with the customary home occupation shall only take place in the driveway or garage. The home occupation shall not generate traffic in a greater volume or consisting of larger vehicles than would normally be expected in a residential neighborhood.

H. Chemical, mechanical or electrical equipment or any other activity associated with the customary home occupation that creates odors, light emission, noises or interference in radio or television reception detectable outside the dwelling shall be prohibited.

I. Hours of operation shall be between the hours of 8:00 a.m. to 8:00 p.m. only.

J. Private instruction in the school of the arts of music, dance and similar subjects shall be limited to a maximum of two (2) students at a time (including the number of persons waiting on the property to receive such instruction).

K. The Administrator shall have the authority to allow a customary home occupation that is not listed above, provided the Administrator determines that the use will be harmonious with all existing and potential nearby residential uses and meets all of the performance criteria associated with customary home occupations listed herein.

L. The application process for a Customary Home Occupation Permit is located in Section 8.7.2.

M. The Applicant shall, at all times, be and remain responsible to obtain whatever additional permits or licenses may be required by Mecklenburg County or the State of North Carolina (for example, the Mecklenburg County Department of Health inspects kitchen facilities and requires a separate permit for food preparation). Any permit issued hereunder by the Town satisfies only the zoning requirement and shall not be deemed an approval, permit or license fulfilling any other legal requirements that any customary home occupation may require under law.

Occupant SUZANNE WOLF Phone 704-545-4900

Name of Business Abbey Rose Florist

Street Address 7200 Applecreek DR

Mailing Address as above

Email Address AbbeyRoseFlorist @ ATT. ~~NET~~

Describe the nature of the business (intended use or purpose): NON-RETAIL
Florist- Accepts orders by Phone or Internet
for Delivery only. No WALK IN TRADE

I hereby acknowledge receipt of the Customary Home Occupation regulations and agree to abide by them. ****The Town of Mint Hill reserves the right to revoke the permit at any time if any of the Customary Home Occupation regulations are violated.****

Suzanne Wolf Date 3-13-17
Owner or Authorized Agent

Memo

To: Board of Adjustment
 From: Staff
 Date: 5/15/2017
 Re: Variance Request #V17-2, Filed by Teresa & John Alderman for property at 4038 David Dr

Variance Request

The applicant is requesting a variance from Section 6.1 Table 2 Dimensional Requirements of the Mint Hill Unified Development Ordinance for property located at 4038 David Dr, Tax Parcel 195-012-10. The applicant is seeking to subdivide the existing parcel into two (2) lots to be served with public water and septic systems. Based on that water and sewer combination, the 30,000 SF minimum lot size and associated other dimensional requirements apply. The applicant is requesting reductions in lot area, lot width, and the side yard setback adjoining a street resulting in lots at least 20,000 SF in area, 100 feet wide, and with a side yard setback adjoining a street of 25 feet. All other standards applicable to lots with public water and septic systems will be met.

Type of Residential Dwelling	MINIMUM LOT DIMENSIONS				MINIMUM SETBACK IN FEET				MAX LOT COVERAGE	MAXIMUM HEIGHT	
	Lot Area in Square Feet	Lot Width at Minimum Setback	Lot Frontage Exception Cul-de-Sac	Lot Frontage on Cul-de-Sac	Front Yard Setback ⁽³⁾	Side Yard Setback Adjoining a Street	Side Yard Setback	Rear Yard Setback	Lot Coverage in Percent	Height in Stories	Height in Feet ⁽⁴⁾
Single-Family Detached ⁽¹⁾⁽²⁾	20,000	125	60	60	50	25	15	40	29	2	35
Single-Family Detached ⁽¹⁾⁽²⁾	30,000	130	70	70	60	30	20	40	20	2	35
Single-Family Detached ⁽¹⁾⁽²⁾	40,000	140	70	70	60	40	20	50	20	2	35

Please see enclosed application for more information.

VARIANCE **APPLICATION**

Town of Mint Hill
Board of Adjustment
4430 Mint Hill Village Lane
Mint Hill, N.C. 28227
(704) 545-9726

Office Use Only	
Petition #:	<u>V17-2</u>
Date Filed:	<u>5/4/2017</u>
Received By:	<u>CB</u>

Variance requested on property located at: Lot 10 David Drive & Lot 30 Terry Terrace.

Tax Parcel Number: 195-012-10 Zoning District: R

Describe variance being requested:

We are requesting to give permission to subdivide our lot size 400x100' into two equal
lots 200x100 each with reduction in Area to 20,000 square feet, reduction in Width to
100 feet, and reduction in Side Yard Setback Adjoining a Street 25 feet with private
septic tanks.
The property was approved by Mecklenburg County Ground Water &
Waste Water Services for 2 four bedrooms houses with private septic tanks.

(Complete if Applicant is other than Property Owner)

Teresa L. Alderman
Name of Property Owner

1221 Paddock Cir.
Address of Owner

Charlotte, NC 28209
City, State, Zip

704 523-0660
Telephone Number

stannterry@yahoo.com
E-Mail Address


Signature of Property Owner

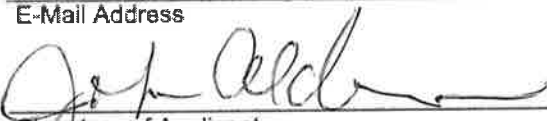
Teresa and John Alderman
Name of Applicant

1221 Paddock Cir.
Address of Applicant

Charlotte, NC 28209
City, State, Zip

704-293-1527
Telephone Number

combid57@yahoo.com
E-Mail Address


Signature of Applicant

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the State Enabling Act, the Board is required to reach four conclusions as a prerequisite to the issuance of a variance: (1) that unnecessary hardships would result from the strict application of the Ordinance; (2) the hardship results from conditions that are peculiar to the property, such as location, size, or topography; (3) that the hardship did not result from actions taken by the applicant or the property owner and, (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 the spaces provided, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these four required conclusions.

UNNECESSARY HARDSHIPS 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.

If no variances would be granted our property will not be utilized to its highest and best use.
We have Buyers, Sergey and Mariya Shvets, who are willing to pay \$69,500.00 with a condition that they can build two homes on that property. If variances not granted the market value of the property will be twice lower \$35,000. At the same time if two homes are built the Town of Mint Hill will collect twice more taxes each year, and local construction companies will receive more business in the next 6-12 month.

THE HARDSHIP RESULTS FROM CONDITIONS THAT ARE PECULIAR TO THE PROPERTY, SUCH AS LOCATION, SIZE OR TOPOGRAPHY. Hardship 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 public sewer is unavailable on David Dr. or Terry Terrace due to the topography of those streets:
both are slopping down away from Highway 51 where the public sewer stops & Mecklenburg Co.
does not plan to extend the sewer due to cost effectiveness.
At the same time this is a long and relatively narrow lot 400x100' and to build only one
home on that long property will result in not rational use of land since the back of the
property will never be used.
This lot is adjoining Hooks Pl., which is a 60' wide hidden gravel road never used by anyone today.
It makes it the ONLY corner lot in the neighborhood. If Hooks Place would not be there
it would give the property extra 60' in width.

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 granting a variance shall not be regarded as a self-created hardship.

The owners inherited the property on October 25, 2002, described as “ being in all respects the
full contents of Lot 10 and 30 of the Mrs. D.R.Hooks property as shown on the map made by
Spratt and Seavers, C.E., on November 28, 1956 and May, 1960”.
Unfortunately the aforementioned map had never been recorded in 1956 or 1960, despite that the
property has been deeded first time as 2 lots in February of 1965. If the map could have been
recorded those two lots would be legal today. The only map, which is recorded, is a tax map book
195 page 1. That map clearly shows that the property was originally divided in 2 residential lots
#10 and #30.

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.

There are several other property on those two streets, David Dr. and Terry Terrace, which are
20,000 square feet or slightly less in Area and 100' Width and on private septic tank:
Next door 4100 Terry Terrace, and 4117 David Dr; as well as:

4124 David Dr., 4216 David Dr., 4220 David Dr., 4228 David Dr., 4144 David Dr., 4149 David Dr.,

4205 David Dr., 4213 David Dr.

All those lots were divided at the same time as the subject property in 1956-1960.

The Buyers are purchasing the property for their son and daughter and their families with 6 children and seventh on a way. The Buyers own a property next door which they purchased in January of 2017

and there they are building their personal residence now.

The family is a long time Mint Hill residents: they lived @ 9814 Arlington Oaks Dr. from 2004 -2012, and at 6630 Lake Rd., Mint Hill from 2013 until October 2016.

1

Mecklenburg County Groundwater & Wastewater Services
700 N. Tryon St, Suite 211 Charlotte, NC 28202
Phone: (980) 314-1680 Fax: (704) 336-8894



NC DHHS
Division of Environmental Health
On-Site Wastewater Section

IMPROVEMENT PERMIT for a RESIDENTIAL ON-SITE WASTEWATER TREATMENT & DISPOSAL SYSTEM

Permit #: **30008810**GWS File #: **9688B**Tax Parcel #: **195-012-10**

- This IMPROVEMENT PERMIT is subject to revocation if site plans or the intended use change. There is to be **NO** grading, filling, or disturbance of the soil in the area of the septic tank system or repair area.
- CONSTRUCTION AUTHORIZATION must be obtained prior to receiving a Building Permit. The Construction Authorization is **NOT** transferable. Do not clear, grade, fill or disturb soil prior to obtaining a Construction Authorization.
- Domestic-type wastewater only. No industrial process wastewater may be discharged into the system.

I. This Improvement Permit Shall: Expire in Five (5) YearsExpiration Date (If Applicable): **4/19/2022**

Type of Installation: Residential - New System

Lot Number: **30**

Structure Type: HOUSE

Size (ft²): 3500

Bedrooms: 4

Occupants: 6

Building Foundation: Crawl Space

Water Supply: Municipal

II. Initial System Type: PPBPS (gravity)System Classification: **IIIe**

Initial System Specifications:

Design Flow (gpd): 480 LTAR (gpd/ft²): .275 Septic Tank Size (gal): 1000 Pump Tank Size (gal): N/ATrench Width (ft): 3 Trench Spacing (ft): 9 Absorption Area (ft²): 873 Total Trench Length (ft): 291

Maximum Trench Depth (in): 36 Depth of Media (in): 22 Distribution Device: Distribution Box

III. Repair System Type: N/A

System Classification:

Repair System Specifications:

Design Flow (gpd): 0 LTAR (gpd/ft²): 0 Septic Tank Size (gal): 0 Pump Tank Size (gal): 0Trench Width (ft): 0 Trench Spacing (ft): 0 Absorption Area (ft²): 0 Total Trench Length (ft): 0

Maximum Trench Depth (in): 0 Depth of Media (in): 0 Distribution Device: N/A

IV. Permit Conditions/Comments:*(Please See the Following Page for Permit Conditions.)*

The undersigned, an authorized agent of the STATE OF NORTH CAROLINA, certifies that the Department is issuing an IMPROVEMENT PERMIT for the above referenced property. This permit is being issued in accordance with the *Laws and Rules For Sewage Treatment, and Disposal Systems* and is subject to the following provisions:

- No work shall be conducted on the septic system until a Pre-Construction meeting has been completed by the Department.
- The septic system installer shall be a licensed septic contractor with the North Carolina Wastewater Contractor Inspector Certification Board.
- The permitted system shall be installed in accordance with the included PLOT PLAN.
- This IMPROVEMENT PERMIT is transferable.

Nadejda Boldt

Authorized Agent: Bryan Davenport

Owner/Legal Agent: _____

Signature: Bryan Davenport
Date Issued: 4/19/2017Signature: Nadejda Boldt

DocuSigned by: Print Name

AA7D24D1308B47D...

4/26/2017

2

Mecklenburg County Groundwater & Wastewater Services
700 N. Tryon St, Suite 211 Charlotte, NC 28202
Phone: (980) 314-1680 Fax: (704) 338-6894



NC DHHS
Division of Environmental Health
On-Site Wastewater Section

IMPROVEMENT PERMIT for a RESIDENTIAL ON-SITE WASTEWATER TREATMENT & DISPOSAL SYSTEM

Permit #: **30008809**GWS File #: **9689B**Tax Parcel #: **195-012-10**

- This IMPROVEMENT PERMIT is subject to revocation if site plans or the intended use change. There is to be NO grading, filling, or disturbance of the soil in the area of the septic tank system or repair area.
- CONSTRUCTION AUTHORIZATION must be obtained prior to receiving a Building Permit. The Construction Authorization is NOT transferable. Do not clear, grade, fill or disturb soil prior to obtaining a Construction Authorization.
- Domestic-type wastewater only. No industrial process wastewater may be discharged into the system.

I. This Improvement Permit Shall: Expire in Five (5) YearsExpiration Date (If Applicable): **4/17/2022**

Type of Installation: Residential - New System

Lot Number: **10**

Structure Type: HOUSE

Size (ft²): 3500

Bedrooms: 4

Occupants: 5

Building Foundation: Crawl Space

Water Supply: Municipal

II. Initial System Type: PPBPS (gravity)System Classification: **IIIe**

Initial System Specifications:

Design Flow (gpd): 480

LTAR (gpd/ft²): .3

Septic Tank Size (gal): 1000

Pump Tank Size (gal): N/A

Trench Width (ft): 3

Trench Spacing (ft): 8

Absorption Area (ft²): 800

Total Trench Length (ft): 267

Maximum Trench Depth (in): 36

Depth of Media (in): 22

Distribution Device: Distribution Box

III. Repair System Type: N/A

System Classification:

Repair System Specifications:

Design Flow (gpd): 0

LTAR (gpd/ft²): 0

Septic Tank Size (gal): 0

Pump Tank Size (gal): 0

Trench Width (ft): 0

Trench Spacing (ft): 0

Absorption Area (ft²): 0

Total Trench Length (ft): 0

Maximum Trench Depth (in): 0

Depth of Media (in): 0

Distribution Device: N/A

IV. Permit Conditions/Comments:*(Please See the Following Page for Permit Conditions.)*

The undersigned, an authorized agent of the STATE OF NORTH CAROLINA, certifies that the Department is issuing an IMPROVEMENT PERMIT for the above referenced property. This permit is being issued in accordance with the *Laws and Rules For Sewage Treatment, and Disposal Systems* and is subject to the following provisions:

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- The septic system installer shall be a licensed septic contractor with the North Carolina Wastewater Contractor Inspector Certification Board.
- The permitted system shall be installed in accordance with the included PLOT PLAN.
- This IMPROVEMENT PERMIT is transferable.

Nadejda Boldt

Authorized Agent: Bryan Davenport

Owner/Legal Agent: _____

Signature: Bryan DavenportDate Issued: 4/17/2017Signature: Nadejda Boldt

DocuSigned by: Print Name

4/24/2017

AA7D24D1308B47D...

Polaris 300 Map - Mecklenburg County, North Carolina
4038 DAVID DR. WEST HILL

Map Printed: 12/10/2017 4:17:11 PM



This map is for informational purposes only and does not constitute a warranty of any kind. The information on this map is subject to change without notice. The information on this map is not to be used for any purpose other than for general reference. The information on this map is not to be used for any purpose other than for general reference. The information on this map is not to be used for any purpose other than for general reference.



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NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax -0- Recording Time, Book and Page
Tax Lot No. 195-012-09 & 195-012-10 Parcel Identifier No.
Verified by _____ County on the _____ day of _____
by _____

Mail after recording to Culp, Elliott & Carpenter, P.L.L.C., 227 West Trade Street, Suite 1500, Charlotte, NC 28202
Box 104 (A248-2/MLR/rww)

This instrument was prepared by Culp, Elliott & Carpenter, P.L.L.C.,

Brief description for the index

2 Tracts:
4100 Terry Terrace, Matthews &
4038 David Drive, Miot Hill

THIS DEED made this 25th day of October, 2002, by and between

GRANTOR

GRANTEE

Arthur and Margaret Brickner Revocable Trust
w/a/d May 28, 1991

Teresa L. Alderman

1221 Paddock Circle
Charlotte, NC 28209

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 those certain lots or parcels of land situated in Mecklenburg County, North Carolina and more particularly described as follows:

See Exhibit "A" attached hereto and incorporated herein by reference.

This conveyance is a transfer from the Trust (Grantor) to the Grantee. Other than as stated, no independent consideration is being paid by the Grantee. Thus, no revenue stamps are due. No title search was conducted by the deed preparer and no title opinion is being rendered by the deed preparer.



The property hereinabove described was acquired by Grantor by instrument recorded in Book 6904, Page 487, and Book 6904, Page 490 in Mecklenburg County Public Registry

A map showing the above described property is recorded in Plat Book _____ page _____.

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

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

All valid and enforceable easements, restrictions, rights of way and liens of recorded, including the lien for the 2002 ad valorem taxes not yet due and payable, the obligation for the payment of which is hereby assumed by Grantee.

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.

SEE ATTACHED SIGNATURE PAGES

The foregoing Certificate(s) of _____

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on first page hereof.

By _____ REGISTER OF DEEDS FOR _____ COUNTY
Deputy/Assistant - Register of Deeds

SIGNATURE PAGE TO NORTH CAROLINA GENERAL WARRANTY DEED

GRANTOR:

Teresa L. Alderman (SEAL)
Teresa L. Alderman, Co-Trustee of the Arthur and
Margaret Brickner Revocable Trust u/a/d May 28, 1991

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, RAY P. TREADWAY, a Notary Public for said County and State, do hereby
certify that, Teresa L. Alderman, Co-Trustee for Arthur and Margaret Brickner Revocable Trust
u/a/d May 28, 1991, personally appeared before me this day and acknowledged the due execution
of the foregoing instrument.



Witness my hand and official seal, this the 31 day of October, 2002.

(Notary Seal)

Ray P. Treadway
Notary Public

My commission expires MY COMMISSION EXPIRES 8/7/04

8/7/04

SIGNATURE PAGE TO NORTH CAROLINA GENERAL WARRANTY DEED

GRANTOR:

David A. Brickner 10/25/02 (SEAL)
David A. Brickner, Co-Trustee of the Arthur and
Margaret Brickner Revocable Trust u/a/d May 28, 1991

STATE OF LOUISIANA

Parish
COUNTY OF Orleans

I, Leon Rittenberg III, a Notary Public for said County and State, do hereby
certify that, David A. Brickner, Co-Trustee for Arthur and Margaret Brickner Revocable Trust
u/a/d May 28, 1991, personally appeared before me this day and acknowledged the due execution
of the foregoing instrument.

Witness my hand and official seal, this the 25 day of October, 2002.



Leon Rittenberg III
Notary Public

My commission expires 10/25/05

EXHIBIT "A"

LEGAL DESCRIPTION

TRACT I (4100 Terry Terrace, Matthews, North Carolina - Tax Parcel #195-012-09)

Being that certain tract of real property located in the Town of Matthews, Mecklenburg County, North Carolina, and being more particularly described as follows:

BEGINNING at an iron stake, which iron stake is located at the southwesterly corner of Lot 29 as shown and designated upon the unrecorded Map designated as the Subdivision Survey of the Mrs. D.R. Hooks property made by M.B. Seaver, County Surveyor, in May, 1960, and runs thence with the dividing line between Lots 28 and 29 as shown on the aforesaid Map, N 39-22- W 200 ft. to a point; running thence S 50-38-00 E 100 ft. to a point; running thence with the line of Lot 30, which is now owned by the Grantee herein, S 39-22 W 200 ft. to a point in the northerly edge of Terry Terrace; running thence with the said northerly edge of Terry Terrace, N 50-38-00 W 100 ft. to the point and place of BEGINNING and being the full contents of Lot 29 as shown on the above-mentioned unrecorded Map of the property of Mrs. D.R. Hooks.

This conveyance is subject to those certain deed restrictions referenced in that certain deed recorded in Book 6904, Page 487, in Mecklenburg County Public Registry.

Being the same property conveyed to Arthur and Margaret Brickner Revocable Trust u/a/d/ May 28, 1991 by deed dated January 21, 1992 and recorded June 9, 1992 in Deed Book 6904, Page 487, in the Mecklenburg County Public Registry.


+TRACT II (4038 David Drive, Mint Hill, North Carolina - Tax Parcel #195-012-10)

Being that certain tract of real property located in the Town of Mint Hill, Mecklenburg County, North Carolina, and being more particularly described as follows:

BEGINNING at an iron on the southwesterly edge of David Drive, which iron is located S. 50-38-00 E. 1191.06 feet measured along the southwesterly edge of David Drive from the point of intersection of the said southwesterly edge of David Drive (if extended) and the center line of the Matthews - Mint Hill Road as shown on those certain maps of the Mrs. D.R. Hooks property made by Spratt and Seaver, C.E., on November 28, 1956 and May, 1960, and running thence S. 39-22 W. 400 feet with the northwesterly edge of a 60 foot unnamed street as shown on said plats (now known as Hooks Place); running thence with the northeasterly edge of the unnamed street as shown on said plats (now known as Terry Terrace) N. 50-38 W. 100 feet to an iron; running thence N. 39-22 E. 400 feet to an iron in the southwesterly edge of David Drive; thence along the southwesterly edge of David Drive, S. 50-38 E. 100 feet to the point and place of BEGINNING, being in all respects the full contents of **Lots 10 and 30 of the Mrs. D.R. Hooks Property as shown in the aforementioned maps.**

This conveyance is subject to those certain deed restrictions referenced in the deed recorded in Book 6904, Page 490, in the Mecklenburg County Public Register.

Being the same property conveyed to Arthur and Margaret Brickner Revocable Trust u/a/d/ May 28, 1991 by deed dated January 21, 1992 and recorded June 9, 1992 in Deed Book 6904, Page 490 in the Mecklenburg County Public Registry.



STATE OF NORTH CAROLINA
MECKLENBURG COUNTY

INDIVIDUAL DEED
Dated and for Sale by
Mecklenburg Co., Charlotte, N. C.

This Deed

Made this 23rd day of

February, A. D. 1955 by and between

LILLY O. HOOKS (Widow)

of the County of Mecklenburg and State of North Carolina
part Y of the first part, and

MARGARET HOOKS BRICKNER and husband, ARTHUR J. BRICKNER

of the County of Mecklenburg and State of North Carolina
part I of the second part:

WITNESSETH, that the said part Y of the first part, in consideration of
ONE DOLLAR AND LOVE AND AFFECTION Dollars
to her paid by the part I of the second part, the receipt of which is hereby acknowledged
has bargained and sold, and by these presents do grant, bargain, sell and convey
unto the said part I of the second part
her heirs, all those certain lots or parcels

of land, situate, lying and being in
Morning Star Township, Mecklenburg County, State of
North Carolina, and more particularly described as follows:

BEGINNING at an iron on the southwesterly edge of David Drive, which iron is located S. 50-38-00 E. 1191.06 feet measured along the southwesterly edge of David Drive from the point of intersection of the said southwesterly edge of David Drive (if extended) and the center line of the Matthews - Mint Hill Road as shown on those certain maps of the Mrs. D. R. Hooks property made by Spratt and Seaver, C. E., on November 28, 1956 and May, 1960, and running thence S. 39-22 W. 400 feet with the northwesterly edge of a 60 foot unnamed street as shown on said plat (now known as Hooks Place); running thence with the northeasterly edge of the unnamed street as shown on said plat (now known as Terry Terrace) N. 50-38 W. 100 feet to an iron; running thence W. 39-22 E. 400 feet to an iron in the southwesterly edge of David Drive; thence along the southwesterly edge of David Drive, S. 50-38 E. 100 feet to the point or place of BEGINNING, being in all respects the full contents of Lots 10 and 30 of the Mrs. D. R. Hooks Property as shown on the aforementioned maps.

The property hereby conveyed was a part of the property deeded to the said party of the first part and her husband, D. R. Hooks, now deceased, by S. A. Ferguson, et al, by deed registered in Book 969, page 259 in the office of the Register of Deeds for Mecklenburg County, North Carolina, and also being a part of the property willed to the party of the first part by her husband, D. R. Hooks, which Will is duly probated and recorded in the office of the Clerk of Superior Court of Mecklenburg County, North Carolina, to which plat, deed and Will, reference is hereby made.

2618265

The described property herein is made subject to the following restrictions:

1. The above described property is restricted to residential use only; provided, however, that the parties of the second part, their heirs and assigns, may use said property for the purpose of gardening.

2. Any building constructed upon said property shall not be located nearer than 60 feet to the street line upon which it faces, and shall be constructed of brick veneer and contain a minimum of 1200 square feet of heated area, and any building erected on said property shall not be located nearer than 10 feet to the side lot line:

3. The property hereby conveyed shall be considered as two residential building lots.

TO HAVE AND TO HOLD the aforesaid lot of DUNN

of land and all privileges and appurtenances thereto belonging to the said

parties of the second part, their

heirs and assigns, to them and their only use and behoof forever.

And the said party of the first part for herself

her heirs, executors and administrators, covenants with the said part of

the second part to hold heirs and assigns, that she is seized of said premises in fee, and has right to convey the same in fee simple; that the same are free and clear from all incumbrances, and that she will warrant and defend the said title to the same against the lawful claims of all persons whomsoever.

IN TESTIMONY WHEREOF, the said party of the first part to these presents has
hereto set her hand and seal the day and year above written

Signed, sealed and delivered
in the presence of

Lilly O. Hooks (Seal)
Lilly O. Hooks (Widow) (Seal)

(Seal)

STATE OF NORTH CAROLINA
County of MECKLENBURG

I, John H. Hunnicutt, a Notary Public
for said County and State, do hereby certify that
LILLY G. HOBBS (WIDOW)
personally appeared before me this day
and acknowledged the due execution of the foregoing (or annexed) instrument.

Let the instrument and the certificate be registered.
WITNESS my hand and seal, this 23rd day of FEBRUARY, A. D. 1965.
Notary Public
My commission expires 1-1-70

STATE OF
County of

I, do hereby certify that
personally appeared before me this day
and acknowledged the due execution of the foregoing (or annexed) instrument.
Let the instrument and the certificate be registered.
WITNESS my hand and seal, this day of A. D. 19

FILED

1965 FEB 23 11 14 AM

INDIVIDUAL

RECEIVED

LILLY G. HOBBS (WIDOW)

TO

MARGARET HOBBS BRUNGER and

husband, ARTHUR J. BRUNGER

Mailing Address

1221 Paddock Circle

Charlotte, North Carolina

Consideration \$1.00 L.S.A.

Due 21st day of February 1965

Filed for registration on the 23rd day of Feb. 1965 at 3:30

at the office of

Register of Deeds MECKLENBURG County, N. C.

on the 23rd day of Feb. 1965 at 3:30

o'clock P.M. in Book of Deeds at

Page 4

By EDGAR SMITH

Register of Deeds

1965 FEB 23 11 14 AM

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STATE OF North Carolina
County of MECKLENBURG

The foregoing (or annexed) certificate of John H. Hunnicutt, a Notary Public
for Union County, State of North Carolina
is adjudged to be correct. Let the instrument and the certificate be registered.
This 23rd day of FEBRUARY, A. D. 1965

A. EDWARD STOKES, CLERK, SUPERIOR COURT
DEPUTY

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