



Cabarrus County Government

Cabarrus County Planning and Zoning Commission Meeting

November 18, 2010

Board of Commissioners Chamber
Cabarrus County Governmental Center

Agenda

1. Roll Call
2. Approval/Correction of October 14, 2010 Minutes
Approval of Findings of Fact for Wallace Hill Tack Shop CASE NZ 2010-00106
3. **Old Business – Board of Adjustment Function:**
 1. **Petition VARN2010-00002** - Applicant, Benjamin Small – Variance
Request: The applicant is requesting a variance for the required setbacks for an accessory structure on his property at 2239 St. John's Church Road, Concord, NC 28025.
4. **New Business – Planning Board Function:**
 1. **Petition RZON2010-00007** - Request to rezone +/- 2.61 acres, from Office Institutional to Limited Commercial. Applicant-Steve Fisher, PIN# 5524-47-5954, located at 12475 Pioneer Mill Road.
5. **New Business Board of Adjustment Function:**
 1. **Petition CUSE2010-00004** - Request to extend height of existing cell tower from 195' to 217' tall. Applicant-Crown Castle International on behalf of Albert and Linda Sides, PIN# 5642-06-3721, located at 3250 Old Salisbury-Concord Road.
 2. **Petition VARN2010-00003** - Request for variance from side setback for LDR zoning district. Applicant-Lakeland Asset Management, LLC on behalf of Great Western Bank. PIN# 4680-34-7515, located at 9291 Benjamin Walker Lane.

Directors Report

Adjournment



Cabarrus County Government – Commerce Department - Planning Division

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Mr. Todd Berg, Chair, called the meeting to order at 7:00 p.m. Members present, in addition to the Chair were: Ms. Mary Blakeney, Ms. Brenda Cook, Mr. Larry Ensley, Mr. Danny Fesperman, Ms. Shannon Frye, Mr. Ted Kluttz, Ms. Emily Knudson, and Mr. Tommy Porter. Attending from the Planning and Zoning Division were, Ms. Susie Morris, Planning and Zoning Manager, Ms. Kassie Watts, Senior Planner, Ms. Colleen Nelson, Senior Planner, Ms. Arlena Roberts, Clerk to the Board and Mr. Richard Koch, County Attorney.

Roll Call

Approval of Minutes

Mr. Danny Fesperman, **MOTIONED, SECONDED** by Mr. Larry Ensley to **APPROVE** the October 16, 2010 meeting minutes. The vote was unanimous.

Mr. Larry Ensley, **MOTIONED, SECONDED** by Ms. Mary Blakeney to **APPROVE** the Findings of Fact for the Wallace Hill Tack Shop, Case ZN 2010-00106.

Old Business – Board of Adjustment Function:

Petition VARN2010-00002 - Benjamin Small Variance Request

Upon written request from the Applicants' Attorney, Mr. Fred Parker, Mr. Tommy Porter **MOTIONED, SECONDED** by Mr. Larry Ensley to **CONTINUE** Petition VARN2010-00002, until the next Planning and Zoning Commission meeting on December 16, 2010.

New Business - Planning Board Function:

The Chair introduced Petition RZON2010-00007 - Petitioners: Steve Fisher, PIN#5524-47-5954.

Ms. Kassie Watts, Senior Planner, addressed the Board presenting the staff report for Petition RZON2010-00007 – Zoning Atlas Amendment. This petition is a conventional rezoning application; the applicant is Mr. Steve Fisher.

The property is currently zoned Office Institutional (OI), the proposed zoning is for Office /Limited Commercial (O/LC). She said the Board should consider that all uses permitted in the Office Limited Commercial Zoning district are potentially allowed.

The property is 2.61 acres in size and is currently wooded and vacant. It is located near the intersection of Pioneer Mill Road and Highway 24/27. It is not in the Town of Midland, but it is close to the Midland Town limits and is located within their utility service area. The applicant is not requesting utilities for the property at this time.

She said all of the service providers were notified. The standard comments were that any activity on this site that will disturb 1 acre or more will require an erosion control permit from NCDENR prior to commencing work. Depending on what type of use they develop, they will have to apply for the appropriate utilities to that. A perk test was done on the site and it was determined that currently it is unsuitable for any new waste water disposal system. There is an existing structure on this tract of land but it is unknown if there is an existing septic system that is usable.

Ms. Watts said, the County has a land use plan that was done with Midland several years ago and that land use plan is what the staff report is based on. The Town of Midland has recently adopted their own Land Use Plan which they have not approached the county about formally adopting. She said based on the land use plan Midland recently adopted, they provided the comments that are included under the Town of Midland comments. They basically say that they have not finalized their plan, and they have no objection at this time, but they may feel differently based on further study of the area.

She said based on the Land Use Plan Analysis adopted in September 2004, between the County and Midland, designates this property, as well as adjacent properties, as Future Employment. The plan states that Future Employment areas are reserved for future employment growth, for the development of industrial, research, large office and warehouse/distribution uses. This designation allows for some flexibility to account for market demand. On a limited basis, the Future Employment district may be used for the development of mixed use residential and employment developments.

The rezoning as proposed is consistent with the Midland Area Land Use Plan. The rezoning is a conventional rezoning request. Therefore, no conditions may be attached to the rezoning request. All uses permitted in the Office /Limited Commercial (O/LC) district would be permitted on the subject property.

The Chair asked if there were any questions regarding the staff report.

Ms. Frye said Ms. Watts indicated that Midland is in the process of doing an updated area plan. She asked what effect it would have if the area plan were to re-identify the zoning for this property. She said if it goes through a rezoning of the property, does the applicant understand their land use could change on that plan.

Ms. Watts said the Town has done their own land use plan; they have not approached the county about adopting it. She said that land use plan would not actually change the zoning; it is just a tool to basically guide future development. She said it is a different document than the one that we have in place right now.

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Ms. Frye said she is trying to understand; based on their comment they are saying what he is requesting is consistent with the land use plan that they have currently.

Ms. Watt said no; it is consistent with the adopted land use plan that the County and Midland have in place right now, not with the document that they recently adopted. They have not asked the county to adopt it. She said there are two separate documents, the one that has been adopted (by the County) and the one that Midland just recently adopted that they have not asked the County to adopt yet.

Ms. Watts said the County recognizes the one that the County and Midland have both adopted. She said the official land use plan for the Midland area is the document that has been adopted by both.

The Chair opened the Public Hearing.

Ms. Nicole Storey, 1605 Pecan Avenue, Charlotte, NC addressed the Board. She is representing Mr. Steve Fisher. She said Mr. Fisher is the owner of Turf Care Inc., a landscape contracting business that has been in business in Mecklenburg County for 24 years. Recognizing the opportunity that he had to improve his business and to grow, he located property within Cabarrus County and chose to relocate his business onto this site to improve the current business and for future expansion plans. He currently employs 16 people and is looking to expand that number in the near future. The proposed use would be a landscape contracting company that falls under the use of trade and contractor shops. She knows that in the Cabarrus County Ordinance there are some standards associated with that inherent in the ordinance; they require that he screen all outdoor storage and a couple of other things related to the low intensity commercial nature of that use.

In addition, Ms. Storey wanted the Board to know that there is no construction vehicle traffic to be accessing this site. All of the people that work for Mr. Fisher use their personal trucks and are on site approximately between 6:30 a.m. and 7:00 a.m. and are gone between 4:30 p.m. and 5:00 p.m. She said any materials related to the contracting business are directly delivered to the site; nothing would be stored there and no truck traffic coming in and out.

She said this parcel is located within the County and is not in the Town of Midland and not being proposed to be annexed into the Town of Midland. We are certainly aware of their area plan and appreciate their "no objection" comment to our rezoning request. In addition staff has indicated that we are in compliance with the current land use plan.

Ms. Storey said this property was zoned Office/Limited Commercial until June of 2005. In June 2005, the County undertook a massive rezoning. She said it was basically a land banking opportunity to try to slow down residential development within the County and preserve some of that acreage for economic development uses. She said this parcel was one of those along with many others; this is just a request to rezone it back to what it was zoned in 2005.

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Mr. Porter asked Mr. Fisher if the septic permit would be necessary for the warehouse that he is building.

Mr. Steve Fisher, 7211 timber Ridge Drive, Charlotte, NC, addressed the Board. He said not for what he is planning now; we can get an incinerator toilet to get us by for now. He said there is hardly any one at his shop throughout the day. Once in a while we will have some one stay for maintenance purposes, but usually the crews come in early in the morning and get back late in the afternoon.

Mr. Roger MalMan, 6650 Brynwood Drive, Charlotte, NC, addressed the Board. He is in support of the plan and thinks Ms. Storey has presented everything. He is a long time friend of Mr. Steve Fisher and believes that Mr. Fisher would comply with all the zoning and that his business would be an asset to the County.

Mr. Michael Burgner, Attorney, Hartsell and Williams, Concord, NC, addressed the Board. He is representing Mr. Robert Pittenger who owns property which surrounds the subject property. He said Mr. Pittenger is in opposition of this rezoning. Mr. Pittenger has 802 acres which surround this parcel and was originally planned to be a large residential development. He said with times changing recently that is not something Mr. Pittenger is undertaking currently, but he continues to foresee the existing use of that property as being residential in nature; high end residential in nature.

Mr. Burgner said if we were to move the property in question to a true conventional rezoning, the items that the applicant has discussed that he is going to put on there, that there will just be people coming in the morning, that there will not be any storage. He said all of those items do not apply to what uses he can do on it. So long as he complies with the list of permitted uses that are a part of Office/Limited Commercial (O/LC) he can do them.

He said in particular, the number of different uses that would be added to the property are; automobile supplies, barber and beauty shops, car wash, convenient stores both with and without petroleum sales, drug stores, family care homes, dry cleaners, taxi stand, laundry mat, restaurants without a drive thru, all of those would be permitted without standards. He said what would happen is, in the event that someone desired to put those up, as long as there had not been any development surrounding that property, they could be constructed without there being any buffer requirements. The property right next to it could have a McDonald's there without a drive thru or what ever type of restaurant that would be put in there; parking lots directly abutting residential property and that is very troublesome to Mr. Pittenger.

Mr. Burgner said it has been noted today that the Town of Midland does not object to this rezoning. He called the Town of Midland today to ask them to clarify what they meant by no objection. He said what they meant is that they have no way to legally object to this rezoning. They do not have an existing Land Use Plan that has been adopted by the County that they can point to and say that this is inconsistent with that Land Use Plan. The Land Use Plan, which they are in the process of adopting, has this area outside of the

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future employment area; by that he means that this is no longer considered an area where future employment is to be concentrated.

Mr. Burgner said the Land Use Plan which Midland is looking into adopting has this area in an Agricultural Open Space/Low Density Residential type environment. He said what we are doing is putting a commercial use directly in the middle of that grouping. He said all of those parcels surrounding this particular land, each one of those, would be part of that Agriculture Open Space/Residential use and would have a commercial use directly in the middle, potentially, with no landscaping or any type of buffering surrounding the property. He said that is the biggest problem they have with rezoning.

We do not want to create an environment where a gentleman can not come in and expand his business. In this particular case, we feel that a Conditional Use/Special Use would be more appropriate; they would have a specific use of buffering or specific list of buffering requirements to protect the value of those surrounding properties.

Ms. Kassie Watts said to clarify for the record, whatever the use is on the property that is what determines the buffer. She said if it is a very intense use then it would require a big buffer, if it is not very intense, based on what is adjacent next door, then, it will not require a very large or very dense or thick buffer. She said it depends on the use, not necessarily the zoning.

Ms. Frye asked for clarification of the buffer requirements.

Ms. Morris said the buffer is based on the property size, as well as the use or the zoning. In this particular case, it is considered a commercial type use to OI (Office Institutional), which is what currently surrounds it. When that property is developed, based on the staff report, it says it is approximately 2.6 acres; the buffer yard #2 actually would be a 38 foot buffer that would be required from the property line, as well as some required plantings that would have to be installed when they submit for their site plan review.

The Chair said that is based on the surrounding property being OI (Office Institutional).

Ms. Morris said the buffer would change based on the commercial uses to the OI (Office Institutional), the commercial to CR (Countryside Residential), LDR (Low Density Residential), MDR (Medium Density Residential), its all going to be that type 2 buffer.

Ms. Blakeney said once residential buildings are put up, would he have to change his buffer?

Ms. Morris said no, if the zoning changed, the next person is also required to do a buffer depending on what the zoning designation is; so just because you are residential next to commercial does not always let you off the hook for doing any type of a buffer around your property with the County Ordinance.

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Ms. Nicole Story said the entire site is currently wooded and they are required to install buffers as is under the current use. She is aware of the surrounding property and in the development plans there was an annexation partition filed for that property back in February 2009 to the Town of Midland. She said that has since been withdrawn, however she would remind the Board that before that property can be developed they would also have to go through their own rezoning process and may be required to add additional buffers and react at that point.

They are respectful of the property and for that reason they contacted the adjacent property owners well in advance and made an attempt to understand if there were any concerns. Unfortunately, they did not hear back indicating that there were those concerns.

Ms. Storey said in the current economy large scale residential development is likely not feasible and probably will not be for some time. She respectfully request that the Board consider the fact that this gentlemen is looking to relocate his business and employ additional people now in the current economy and we certainly have time to react to the adjacent rezoning request if and when it occurs.

The Chair asked if they considered a conditional use rather than a straight rezoning.

Ms. Storey said yes, they did. She said the fear with a conditional use rezoning on this property is that it is a very small site, 2.6 acres. We all know what we are facing out there economically, Mr. Fisher has been in business for 24 years, but there is certainly the opportunity for businesses to fail, and our intention was to try not to encumber the property with a lot of conditions, so that if there were any issues in the future, the property would still be marketable. They are willing to consider a conditional request; they have every intention of this business being successful. Their hope was to have as few conditions as possible to protect the viability of the parcel.

Mr. Michael Bergner said they have absolutely no interest in trying to prevent this gentleman from moving his business here; that is not what they are trying to do. He said to tap on to what Ms. Storey said about businesses having the potential of failing, is their biggest concern. He said if this gentleman comes in here and we have a Conventional Rezoning to this Office/Limited Commercial, we have the potential of having a very undesirable neighbor next to us before we go through with this and our land could have the potential of value sufferings substantially, if he were not to make it. They have no problem with a Conventional Use; he said the buffering would be the major issue that they would be interested in.

The Chair closed the Public Hearing.

The Chair would rather have seen this as a conditional use. He is troubled by some of the permitted uses in a straight rezoning. If you look at the list and compare it to the current OI (Office Institutional) zoning it is pretty extensive as to what could be allowed in the new zoning.

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Ms. Frye said noting that the site is fully wooded and getting a clarification that the use that the applicant would develop would be responsible for the buffer and what the adjoinder would potentially develop in the future, also has a buffer requirement. She said the fact that it looks like its densely wooded, she thinks with the existing canopy on his parcel, buffered by the canopy that would remain for the residential, does provide some protection from what that use may be or what it may convert to in the future. She said the existing vegetation on a fully wooded site she thinks provides some protection.

The Chair's concern is that it is fully wooded now, but there is no guarantee that would be the case in the future. He said obviously, there would be some buffers required regardless of the use, but he thinks the buffer against the proposed business is one thing, but the buffer against some of these other permitted uses, a land fill for example, in his opinion would be completely different.

Mr. Tommy Porter said it is a fully wooded site and with the size of it (2.6 acres), that would limit it to where a lot of these other things in the proposed zoning would not be feasible to put in there anyway.

Ms. Watts said if this does not pass by a super majority vote, it will automatically be forwarded to the Board of Commissioners for a final decision.

Mr. Koch said it requires 7 out of 9 votes.

There being no further discussion, Ms. Mary Blakeney, **MOTIONED, SECONDED** by Mr. Ted Kluttz to **APPROVE** Petition RZON2010-00007. The vote was 7 to 2 with Mr. Todd Berg and Ms. Brenda Cook opposed.

Mr. Koch said it passes and is final at this level unless it is appealed.

Consistency Statement:

The rezoning as proposed is consistent with the Midland Area Land Use Plan and is reasonable and in the public interest because the rezoning to the proposed zoning district is similar in many respects to the existing zoning, in that it is considered a buffer type Office Commercial zoning, relative to some proposed surrounding residential zoning and uses .

There being no further discussion, it was the consensus of the Board to **Approve** the Consistency Statement.

New Business - Board of Adjustment Function:

The Chair introduced Petition CUSE2010-00004 - Petitioners: Lewis Bingham - Crown Castle International, PIN#5642-06-3721.

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The Chair swore in Ms. Susie Morris, Ms. Colleen Nelson, Mr. Andrew Haldane, Mr. Charles McDonnell and Mr. Lewis Bingham.

Ms. Colleen Nelson, Senior Planner, addressed the Board presenting the staff report for Petition CUSE2010-00004 – Conditional Use Permit. She said the applicant is Crown Castle; the site location is 3240 Old Salisbury Road. The applicant is requesting a Conditional Use Permit to extend an existing cell tower from 195' to 217'. The existing tower was approved as CUP# C-35 (CUSE2002-00035) on September 19, 2002. The site is approximately 26 acres total. The cell tower site is residential and includes a 100 x 100 square foot lease lot that is occupied by the cell tower and the required equipment for that cell tower. The surrounding land uses are residential or vacant and most of the property surrounding it is heavily wooded.

She said the applicant provided documentation compliant with the petitioning for a Conditional Use Permit. It included all of the new wireless telecommunications requirements including coverage requirements, fall zone, letter, site map, tower elevation drawings, and structural analysis reports.

The applicant submitted a complete application which included the “Findings of Fact” sheet along with a site plan showing the location of the tower on the property. This is an existing site and meets the standards of the ordinance at the time of its original placement and approval in 2002. It is a monopole tower; items such as fencing and landscaping were required in the 2002 approval and may have changed since then, but it is compliant with what it was originally approved under.

Should the Board of Adjustment grant approval of the Conditional Use Permit, Staff requests the following conditions become part of the approval and case record:

1. Site plan review and approval required subsequent to Board of Adjustment approval to ensure compliance with all applicable development requirements and conditions.
2. Granting Order, stating restrictions and applicable conditions of approval shall be recorded with the deed to the property.
3. Applicant shall procure any and all applicable federal, state and local permits prior to commencement of project, including FAA and FCC requirements.
4. Expansion of the project, as well as modifications or changes to the approved site plan must receive Board of Adjustment approval in the form of an amendment to the Conditional Use Permit.
5. Applicant must submit a bond, as required by Chapter 8 Section XI of the Cabarrus County Zoning Ordinance, prior to zoning permit issuance.

Mr. Charles McDonnell, RF Design Engineer, AT&T, Charlotte, NC, addressed the Board. His comments are in regard to the service that the tower will provide for AT&T. Mr. McDonnell showed a plot of the current coverage of AT&T with the different levels of

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coverage that AT&T utilizes as far as their technology is concerned. The service needed to provide their customers are demanding in that area and does not meet AT&T's standards in the area. He said co-locating on the existing tower structure as it is, will only allow them to obtain a RAD center of about 181 feet; which, at 181 feet it will improve the coverage in area. It will provide extended coverage in that area for their customers.

Mr. McDonnell said going forward they would like to extend the RAD center, which will provide additional coverage for them. Mr. McDonnell showed plots of the areas that give them the best signal. He said the plot that shows the outdoor coverage shows the best coverage levels and at that level, it gives them the highest data rates. He said the speed of the networks determine what the data rates are, the higher the speed, the greater the service you will have; such as streaming videos, video web conferencing, streaming music and these type of services that the public is demanding. He said this is why AT&T needs to obtain these data rates for their customers.

Mr. McDonnell showed a plot for indoor coverage, which he said is different than outdoor coverage. He said outdoor coverage is considered as on street or as you are driving in a car. Most of the data applications that are run are generally run in a building, from a stationary location. He said there are increasing amounts of in car data rates that are being used, as far as web browsing and video applications on the higher end phones; which are also increasing. He said the majority of the data business is done indoors; commercial and residential.

He showed plots that he said showed a truer representation of what in building or indoor penetration is in those areas with the available RAD Center on the existing cell tower of 180 feet and what it would be if the tower is extended to 210 feet. He said if they are allowed to extend the tower, they would be able to achieve a higher RAD Center that would give better service to be provided to the customers in the area. He said the increased robust area of the green foot print indicates to them higher data rates and higher data speeds.

Mr. Fesperman asked why they chose this height and what is the highest you can go on a monopole. He asked if AT&T is the sole carrier and if they can sublease out to other carriers.

Mr. McDonnell said AT&T is the sole entity. He defers any structural questions to the Engineer. He said there are other carriers that are currently on the tower and any service needs or requirements that they have they will have the option to present that to the Zoning Board. He said as far as AT&T is concerned, they are a sole entity and operates strictly as one company.

Mr. Lewis Bingham, Crown Castle, 3530 Torringdon Way, Suite 300, Charlotte, NC addressed the Board. He said Crown Castle own and operates the cellular tower in question. Their primary purpose is to lease out space on the towers to carriers such as AT&T, Verizon and T-Mobile. He said it depends on the area need whether or not they would place other carriers on the pole on the increased height. He said as well as AT&T's need, they have discovered that their coverage requires a certain height to reach the customers that they have. He said T-Mobile or any other customer that may come along, the RAD Center that they need may vary depending on what their coverage in the existing area is already.

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Mr. Andrew Haldane, PE, Structural Engineer, 3703 Junction Blvd, Raleigh, NC 27603, addressed the Board. He said mono poles can be designed basically to any height. He said they are typically designed up to about 250 feet, anything more than that tends to not be economical. He said 250 feet is about as tall as you would like to see that kind of structure go. He said from 250 feet to 500 feet is a self supporter and is typically a lattice style structure; then from 300 feet to 2300 is the highest tower out there. He said that is when you would go with a guyed structure.

He said this particular structure was designed originally at 195 feet and it was analyzed with the 20 foot extension. It was determined that the stress ratios were at a maximum of 75 %, which are the allowable stresses versus the actual stresses. He said anything at or less than 100% is fine.

Mr. Fesperman asked if lightning was a problem for monopoles or any towers of this height in strong charging areas. He asked if it disrupts these poles.

Mr. Haldane said the poles are fine, they take it quite well. He said if it is not grounded you can see spalling of concrete at the base or the charge will come down the tower and jump into the anchor bolts and bust out the concrete. He said more times than not it comes down the pole and travels on the coaxial cables right into the carrier shelters and wreaks havoc on their electronics. He said if lightning enters the shelter or the cabinet, it would cost a company like AT&T \$60,000 to \$80,000 dollars. He said they are extremely grounded, the poles are grounded and it is all tied in into the fence. He said they spend a lot of money on a lot of research to try to make sure that the lightning gets into the ground and dissipates as soon as possible.

The Chair asked Mr. Bingham if he agreed with the conditions of approval read by staff if this is approved.

Mr. Bingham said yes.

There being no further discussion, Mr. Danny Fesperman, **MOTIONED, SECONDED** by Mr. Tommy Porter to **Approve** Petition CUSE2010-00004 with the five conditions recommend by staff. The vote was unanimous.

It was the consensus of the Board to allow Mr. Koch to prepare the findings to be approved at the next meeting. (See Attached Findings)

Conditional Use Permit Application
Crown Castle and Albert Edward Sides
3200 Old Salisbury Road
CUSE 2010-00004

FINDINGS OF FACT

1. The use as proposed is not detrimental to the public health, safety or general welfare.

This use was approved for this site in a conditional use permit granting order dated September 23, 2002 on Application Number 35Co.-C. The only change in the use is to raise the height of the monopole tower from 195 feet to 217 feet and add required lighting for that height.

This requirement of the Zoning Ordinance was satisfied by sufficient findings in the hearing on the previous application, which are incorporated by reference. There is no evidence of any violation of the Ordinance and no evidence of any adverse effects from this proposed change.

2. The use as proposed is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, etc.

This use was approved for this site in a conditional use permit granting order dated September 23, 2002 on Application Number 35Co.-C. The only change in the use is to raise the height of the monopole tower from 195 feet to 217 feet and add required lighting for that height.

This requirement of the Zoning Ordinance was satisfied by sufficient findings in the hearing on the previous application which, are incorporated by reference. There is no evidence of any violation of the Ordinance and no evidence of any adverse effects from this proposed change.

3. The use as proposed will not violate neighborhood character nor adversely affect surrounding land uses.

This use was approved for this site in a conditional use permit granting order dated September 23, 2002 on Application Number 35Co.-C. The only change in the use is to raise the height of the monopole tower from 195 feet to 217 feet and add required lighting for that height.

This requirement of the Zoning Ordinance was satisfied by sufficient findings in the hearing on the previous application, which are incorporated by reference. There is no evidence of any violation of the Ordinance and no evidence of any adverse effects from this proposed change.

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4. The use as proposed will comply with the general plans for the physical development of the County as embodied in the Zoning Ordinance or in the area development plans that have been adopted.

This use was approved for this site in a conditional use permit granting order dated September 23, 2002 on Application Number 35Co.-C. The only change in the use is to raise the height of the monopole tower from 195 feet to 217 feet and add required lighting for that height.

This requirement of the Zoning Ordinance was satisfied by sufficient findings in the hearing on the previous application, which are incorporated by reference. There is no evidence of any violation of the Ordinance and no evidence of any adverse effects from this proposed change.

New Business – Board of Adjustment Function:

The Chair introduced Petition VARN2010-00003, Applicant Lakeland Asset Management, LLC on behalf of Great Western Bank.

The Chair swore in Ms. Susie Morris, Ms. Colleen Nelson, Ms. Rebecca Ramirez and Mr. Mark Greene.

Ms. Colleen Nelson, Senior Planner, addressed the Board presenting the staff report for Petition VARN2010-00003; the Applicant is Lakeland Asset Management, LLC and is owned by Great Western Bank. The property location is 9291 Benjamin Walker Lane, it is a residential property located across the street from a vacant property currently owned by the Highland Creek Subdivision. It is currently surrounded by residential and is currently zoned Low Density Residential (LDR).

Ms. Nelson said the applicant is seeking a Variance from the side setback requirement for Low Density Residential (LDR); the structure is 70% complete and is currently located with an encroachment into the side setback on the west side of the property. The side wall of the addition is approximately 2.7 feet from the property line at the front corner, 3.4 feet at the rear corner of the addition and the required set back is a minimum of 20 feet.

She said the current owner is not the owner who built the home. The home was already in existence and it was moved on to the property in 2006. They were permitted to construct a 110 square foot addition to the structure. The home is currently owned by Great Western Bank. There is a potential buyer for the property; however, it has been inspected by the Building Inspectors Department and there are some structural issues with the home on property. She said the photos included in the staff report show the encroachment on of the property.

The applicant contends that the property was purchased prior to the realization that the structure did not meet setbacks for the Low Density Residential (LDR) zoning district. The applicant contends that the construction is far too long to relocate the structure.

Ms. Shannon Frye asked if the garage and the room above actually permitted.

Ms. Nelson said no, at the time it was not.

Ms. Frye said what you are talking about that is encroaching, was not part of what was submitted for that building permit.

Ms. Nelson said that is correct.

Ms. Susie Morris, Zoning Manager addressed the Board. She said the original house that was moved on to the property was a one story house. When they came in for the building permit there was no square footage put onto the permit; it said to move a house on to the property and to add this 1100 square foot sunroom. At this point nobody is really sure

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what their original intent was. Looking at the pictures you can see the original one story house that was moved on, you can see where the two stories were added to make the structure that is actually under roof and then the part in the back where it is walls and a subfloor. She said that is one of the issues that would have to be taken up with building inspections, as well as the balcony. The balcony did not have proper drainage; the building inspectors have been out there and some of the construction will need to be fixed. A lot of the work that was done was not inspected.

She said the carport area is where the encroachment is located.

Ms. Nelson showed where the original structure was placed on the property in 2006. She said there is an 1100 square foot addition that extends into the back. She said the encroachment part was not included and neither was the uncovered section in the back which has been exposed the elements as well as the balcony.

Ms. Nelson said the home, if placed in the proper position, would have to be by Low Density Residential (LDR) standards 20 feet from the line.

Ms. Frye asked if there is a minimum 20 foot side yard requirement from the property line.

Ms. Nelson said yes, at this time it is at the farthest 3.7 feet.

Mr. Fesperman asked if they were encroaching before they added the garage.

The Chair said it appears from the survey they were encroaching then.

Ms. Nelson said yes, according to Low Density Residential (LDR) setbacks.

Ms. Frye said it was encroaching at the time the house was placed.

Ms. Morris said yes.

The Chair asked if it was zoned Low Density Residential (LDR) at the time the house was moved.

Ms. Nelson said yes, at the time it was moved in 2006, it was zoned Low Density Residential (LDR). She said a site plan was included in the Board packet that was signed by Planning in 2004, and at that time it was zoned MDR, however, that boundary survey was never recorded. The placement of those houses was not where they placed the homes when they actually put the homes on the property. She said in the deed it states that the deed is recorded by the unreported boundary survey. She said at the time the house was actually put on the property it was Low Density Residential (LDR) zoning standards not Medium Density Residential (MDR).

Ms. Cook asked why the work was not inspected.

Planning and Zoning Commission Minutes

November 18, 2010

Ms. Morris said there were some limited inspections; it appears that Terry Wallace was the applicant was also serving as general contractor for the project. The inspections that we have on record in the current permitting system are:

- 1 Electrical permit for an electrical rough in; it failed twice, then passed in May 2008
- 2 Plumbing inspection failed in February 2008 (last record on file)
- 3 Mechanical inspection passed in April 2008

Ms. Morris said they were getting some inspections done and that is the last time we looked at the project or had any inspectors out there, until we were contacted by the applicant about what they needed to do when they realized that this property was not in compliance and they were trying to potentially transfer the property to a new owner.

Mr. Mark Greene, Lakeland Asset Management, Asset Manager for Great Western Bank in North and South Carolina. He said their job is to take care of these sorts of problems for the bank and try to work through the real estate marketing or construction efforts to fix these kinds of situations.

He said they had a boundary survey was done upon taking this project back in May 2009, and updated again in January 18, 2010, which actually shows that the original portion of this home was encroaching when it was placed on the property.

Mr. Greene said they have talked with the neighbors to the west of the property concerning purchasing additional property from them to come into compliance. He said at this point there are only 28 feet between our property line and the front corner of their home. He said even if the neighbors were willing to sell them anything, they could not come into compliance; even with that additional property.

Mr. Greene said as far as a hardship goes, to date they have lost \$223,000 on this property, and carrying cost, and foreclosure cost and the amount of money that was initially lent on it. He said to relocate the home would require demolition of the majority of it and the cost to do so would be an additional \$12,200.

He said there is an interested party in buying the property, finishing it and living in it. This house has been sitting since the last inspection in 2008, when construction ceased on it. It is in bad need of being finished and he thinks a family living there and finishing it would certainly be an asset to the neighborhood. He said if the property were to be torn down, with land values and the current economy, their loss would be an additional \$50,000 to \$60,000 on top of what they have already gone in the hole with.

Mr. Greene said after speaking with staff, they approached the City of Concord several of months ago about potentially annexing the property, hoping that the setbacks would not be as great. He said with their setbacks, the minimum they could get would be 15 feet which does not help. The additional cost to a potential homeowner is another \$709.00 per year in taxes.

Planning and Zoning Commission Minutes
November 18, 2010

He said what they are asking for tonight is either a side yard setback of two feet or a zero lot line on the West side of this property in order to maintain the integrity of the structure that is there.

Mr. Fesperman said it is not this Board's responsibility to bail out your bank or whoever made the bad loan. The situation is a train wreck out there.

The Chair asked Mr. Greene to explain when the bank acquired the property.

Mr. Greene said the bank foreclosed in May 2009, approximately 6 or 7 months after the last inspection was done on the property.

The Chair asked if the bank was aware of the problem then.

Mr. Greene said no.

The Chair asked when the bank first became aware of the problem.

Mr. Greene said they became involved as the asset manager in November or December of 2009. He said this bank is headquartered in Sioux Falls, SD, and does not have representation here on the ground.

Mr. Klutzz asked if there were any comments from the neighbors.

Mr. Greene said they did not give him any indication that they had any problem with the house other than they would like to see it finished. There has been no opposition from either side; the property owner behind the property is vacant.

Ms. Nelson said there was a neighboring property owner who asked what was going on with the property because of the sign. He did not appear to have any issues with it and his property is currently for sale. He did not seem concerned that it was going to have any issues with his property values or anything either.

Rebecca Ramirez, 445 China Grove Road, Kannapolis, NC, potential homeowner, addressed the Board. She said they are willing to buy the house. The reason they would like to buy this house is they would like to raise a family in this house. They really like the house and want to rebuild it.

Ms. Morris said the day that the inspector was writing the letter, Mr. Ramirez was at the office and we had a long discussion and she believes he understands the issues with the house and the construction work that would have to be done and the fact that some of it will have to be taken down in order to be rebuilt. She believes that the potential owners are aware of the situation that they would be getting into if they choose to move forward with the transaction.

The Chair said the taking down that Ms. Morris is talking about has to do with structural inspection and not to do with the setback.

Planning and Zoning Commission Minutes
November 18, 2010

Ms. Morris said that is correct. We also talked about the fact that it is up to the Board whether or not the addition would be able to stay or not and hopefully a decision would be made here this evening so that he would be aware of whether or not he wanted to proceed or not with potentially buying the house as well.

Mr. Larry Ensley asked what the distance between the original house and the property line is if you eliminate the car port. He knows it is not in compliance.

The Chair said it looks like the carport is about 15 or 16 feet.

Mr. Porter's understanding is the choices are to either approve the existing setbacks or total demolition.

The Chair said when the house was moved it was not in compliance, is it nonconforming use then prior to this addition?

Ms. Morris said when they moved the house onto the site it was Low Density Residential (LDR), it should have complied with those setbacks. She said you cannot create a nonconforming use, you have to exist then something happens to you to be considered nonconforming.

Ms. Frye questions the survey in the packet on page 167; it shows tract 1 and a track 2.

Ms. Nelson said that is the hand drawn survey and the one approved by our Planning and Zoning Office based on the requirements in 2004. She said in 2004, at the time the survey was done, the home was not on the property and it was prior to the mass rezoning. The side setbacks at that time were a minimum of 5 feet and a total setback of 15 feet. They could have gotten as close as 5 feet to the line at that time when this survey was done. She said when they placed the house on the property it was Low Density Residential (LDR), and at that time the setback was 20 feet. She said this survey was not recorded.

Ms. Morris said if they had pulled a permit in 2004, they could have built based on the other setbacks. Because they did not record this plat and did not pull the building permit in 2004, the regulations changed and they are subject to what it is currently zoned, which is Low Density Residential (LDR). She said construction did not start until after the ordinance and the zoning had already changed.

There being no further discussion, Mr. Danny Fesperman, **MOTIONED, SECONDED** by Mr. Ted Kluttz to **DENY Variance 2010-0003**, it does not meet the setback standards established for the Low Density Residential (LDR) zoning designation. The vote was 8 to 1 to **Deny** with Ms. Mary Blakeney voting to Approve. **Variance Denied**.

It was the consensus of the Board to allow Mr. Koch to prepare the findings to be approved at the next meeting. (See Attached Findings)

FINDINGS OF FACT
VARIANCE APPLICATION OF
GREAT WESTERN BANK AND LAKELAND ASSET MANAGEMENT, LLC
9291 Benjamin Walker Road
VARN 2010-00003

1. The alleged hardships or practical difficulties are not unique and singular to the property of the person requesting the variance and are not those suffered in common with other property similarly located.

a) *The main portion of the house was moved to this location, then the house size was expanded in all directions, including a carport with a second story extension that extends variously to within 2.7 feet of the property line.*

b) *This extension was constructed on level ground on a 0.629 acre lot with sufficient buildable room behind and on the opposite side of the house.*

2. The alleged hardships and practical difficulties, which will result from failure to grant the variance, do not extend to the inability to use the land in question for any use in conformity with the provisions of the ordinance and do not include substantially more than mere inconvenience and inability to attain a higher financial return.

a) *Without the house extension, the property can still be used for residential purposes. The main structure that was moved and several other habitable additions still would remain on the property.*

b) *The one applicant is the bank that acquired the property through foreclosure and has already incurred a loss through its involvement with the property, but a reasonable use of the property can be made even though a financial loss has been or may be further incurred.*

3. The variance, if allowed will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.

a) *There has been no objection to the variance application by any adjacent homeowner or by anyone else.*

b) *No one attended the public hearing to voice opposition to the variance application.*

4. The variance is in harmony with and serves the general intent and purpose of the ordinance.

Planning and Zoning Commission Minutes
November 18, 2010

a) *This property is on a short private road with few lots which are relatively large and are not part of a subdivision with recorded restrictions.*

b) *The occupancy of this home on this property could be beneficial for the neighborhood, as contrasted with vacant property subject to deterioration and vandalism. There is no evidence that the Ordinance would be compromised by a variance based on this Finding, if all of the other requirements of the Ordinance could be met.*

5. The variance will result in substantial justice being done, considering both the public benefits intended to be secured by this ordinance and the individual hardships that will be suffered by a failure of the Board to grant a variance.

a) *The owner of the property has suffered a substantial financial loss through its acquisition of the property through the foreclosure process.*

b) *No pecuniary loss is unlikely to be suffered by any other person in Cabarrus County, including owners of neighboring properties, as a consequence of this variance application.*

Directors Report

Ms. Susie Morris, Planning and Zoning Manager, addressed the Board stating the Harrisburg Planning and Zoning Commission made a recommendation to pass the Land Use Plan and the Town Council has approved the Inter-local Agreement. She hopes to have the Land Use Plan and the Inter-local Agreement to the Board of Commissioners next month.

Ms. Morris informed the Board about some ethics training that is available to appointed and elected officials.

Ms. Morris informed the Board that on November 5th a set of decisions from the Supreme Court were released. She said there was nothing included in there about the County's Request for Discretionary Review with the Supreme Court. We are still waiting on that and they are scheduled to send out another decision list on December 17, 2010. She said we are getting a lot of calls from people who think that we are automatically giving money back.

Ms. Morris said there has been a drop in permits. In July, there were 35 permits, in the last two months we have been running at about 15 to 17 permits. This past week we had some residential permitting activity in the Town of Harrisburg.

She said when we realigned the areas to coincide with annexation areas and utility areas, some board members are no longer in the area they were in originally. She said with Mr. Baucom resigning, there were two board members who could fill in for the Kannapolis position. She will ask the Board of Commissioners to do some shifting so that Mr. Barry Shoemaker will move to the Kannapolis spot, Mr. Larry Ensley will move to the Northwest spot, Ms. Brenda Cook will move to the At-Large spot, and she will ask for someone to be appointed for the Midland area. She said Ms. Cook was in the Midland Area but is now in the Central Area. She said this will just change the areas that they represent not the term.

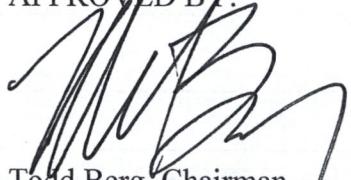
Ms. Morris said the Ben Small case is a Board of Adjustment case and will be on the agenda for December. She asked the Board to notify her if they will not be attending the meeting in December so an alternate can be notified in advance.

She asked the Board to notify her or Ms. Roberts if they look through any case material and find that they have a potential conflict of interest. She can talk with Mr. Koch and try to handle it ahead of time, and can also notify the alternates. She said most people when they are pursuing Board of Adjustment matters want all nine members present because they think their odds are better. If one Board member is not here, the applicant will still need to get the 8 out of 8 votes because of the way the statutes were changed and the way we have to count members. She said if a member is absent but not excused, you still count.

Planning and Zoning Commission Minutes
November 18, 2010

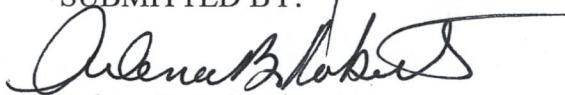
There being no further discussion, Mr. Danny Fesperman **MOTIONED, SECONDED** by Mary Blakeney to **ADJOURN** the meeting. The vote was unanimous. The meeting ended at 8:29 p.m.

APPROVED BY:



Todd Berg, Chairman

SUBMITTED BY:



Arlena B. Roberts

ATTEST BY:

Susie Morris
Planning and Zoning Manager

Arlena Roberts

From: Susie Morris
Sent: Friday, November 12, 2010 5:41 PM
To: Arlena Roberts
Subject: Fw: Ben Small - Continuance of Variance Hearing

From: Rich Koch [<mailto:kochlaw@ctc.net>]
Sent: Friday, November 12, 2010 03:21 PM
To: Susie Morris
Subject: FW: Ben Small - Continuance of Variance Hearing

FYI

From: Parker, Fred [<mailto:FParker@jmdlaw.com>]
Sent: Friday, November 12, 2010 11:10 AM
To: kochlaw@ctc.net
Subject: Ben Small - Continuance of Variance Hearing

Rich:

Good morning.

Thank you for taking the time to speak with me earlier today about Mr. Small's variance hearing scheduled for next Thursday, November 18th. Based upon our conversation, you are consenting to my request to continue the hearing until December 16, 2010 due to my unavoidable scheduling conflict. In light of the continuance, you explained that Mr. Small will not need to attend the November 18th hearing.

I appreciate your consideration and accommodation of my scheduling request.

Have a great day.

Fred Parker

Fred P. Parker IV
James, McElroy & Diehl, P.A.
600 S. College Street
Charlotte, North Carolina 28202
Phone: 704.372.9870
Facsimile: 704.333.5508
Email: FParker@JMDLaw.com

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FINDINGS OF FACT

Final Decision

Application: VARN2010-00002

Motion	To Grant	To Deny
--------	----------	---------

Applicant: Benjamin Small
2239 St. John's Church Rd.
Concord, N.C. 28025

Vote	For	Against
------	-----	---------

Zoning: Agricultural/Open (A/O)

Granted	Denied
---------	--------

Location: 2239 St. John's Church Road
Concord, N.C. 28025

Size: 1.2 acres

PIN: 5652-21-5630

Request: The applicant is seeking relief from the required front building setback.

Application Summary:

The applicant contends that after acquiring the subject property, he discovered the well was too close to the septic system on the adjoining property. As a result, he installed a chlorine treatment system which, he states, required an enclosure to protect the equipment and to provide access for monitoring, adjustment, and maintenance.

The applicant indicated that the size of the building was based on the need for chlorine treatment system parts.

Application History:

On November 18, 2008, Mr. Small was sent a Warning Citation regarding an accessory building that he had constructed on his property.

On February 19, 2009, the Planning and Zoning Commission, acting as Board of Adjustment, considered Mr. Small's appeal of a Notice of Violation and the Zoning Administrator's interpretation that the structure was an accessory structure. After conducting a quasi-judicial hearing in which it considered the case, facts and testimony submitted, the BOA voted to uphold the interpretation that the structure was an accessory structure and that the NOV was applicable.

Following the denial of the appeal, Mr. Small filed a Petition for Writ of Certiorari in Cabarrus County Superior Court 09-CVS-001765, Ben Small vs Planning and Zoning Commission of Cabarrus County. On September 7, 2010, the case was dismissed by Judge Royster due to failure of

Mr. Small to timely obtain a writ of certiorari to have the BOA record forwarded to the Superior Court.

Advertisement Information:

- A. Sign – A zoning public hearing sign has been placed on the property advertising the time and place of the public hearing.
- B. Newspaper-The notice of public hearing was published on September 3rd and September 8, 2010 in the Independent Tribune.
- C. The adjacent property owners have been notified by mail. The letter and a list of property owners noticed are included in the packets.

Additional Facts:

- 1 The applicant has submitted a complete application as required by the Cabarrus County Zoning Ordinance for a variance application.
- 2 On November 18, 2008, Mr. Small was sent a Warning Citation regarding a building that he had constructed on his property. The citation was for the following violations:
 - *Section 12-3. Certificates of Zoning Compliance Permit required.*
A Zoning Compliance permit must be obtained from the Cabarrus County Zoning Administrator prior to the use or occupancy of any building or premises, or both, hereinafter created, erected, changes, converted, or wholly or partly altered or enlarged in its use or structure. Additionally, no nonconforming structure or use can similarly be changed or extended without a Zoning Compliance Permit or Certificate of Adjustment. A Zoning compliance permit must be obtained before a building permit can be issued. The building permit application may be made at the same time as the application for the Zoning Compliance permit or after its issuance. No permits or certificates shall be issued except in compliance with the provisions of this Ordinance.
 - The Cabarrus County Zoning Division office has no record of a Zoning Permit being secured for the structure.
 - *Section 5-5-* states that the setbacks for the A/O (Agricultural/Open) zone regarding accessory buildings are:
Front – 75
Side – 20/40
Rear – 5
 - The building does not meet the setback standards established for the A/O zoning designation for accessory buildings. It is too close to an adjacent property line (side) and the public street right of way (front).
 - Pursuant to Chapter 2 of the Cabarrus County Zoning Ordinance, an Accessory building or use is defined as follows:
A building or use which is incidental and:

- 1) is subordinate to and serves a principal building or principal use,
- 2) is subordinate in extent or purpose to the principal building or principal use served,
- 3) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use, and,
- 4) is located on the same zoning lot as the principal building or principal use.

- *Section 7-4 Accessory buildings on lots less than 2 acres*
Placement of the unit: Accessory buildings shall not be located closer to an adjacent road than the principal structure. Exception – Double frontage lots may place an accessory building to the rear of the principal structure so long as they meet the principal building setback along the property lines adjacent to the street.
- The building, as currently sited, is located in front of the primary residence and construction is complete.

RECEIVED
AUG 17 2010



AUG 18 2010

CABARRUS COUNTY

PO BOX 707

CONCORD, NC 28025

704-920-2159

www.cabarruscounty.us

Application Number
VARN2010-0002

Date
8/18/10

VARIANCE APPLICATION FORM

Pd.
CK.#
18246
463.50

The Variance Process:

A variance is considered a relaxation of the terms of the Ordinance where such variance will not be contrary to the public interest. Generally, a variance should be considered when the literal enforcement of the Ordinance would result in unnecessary and undue hardship to the property owner.

In order to apply for a variance a completed application along with the application fee is required to be turned in to the Zoning Office, 30 days prior to the scheduled public hearing. In order for the Board of Adjustment to grant approval of the variance, the applicant must provide proof of five specific standards spelled out in the Ordinance and in the following application.

If the Board finds that all approval criteria have been met, they may impose reasonable conditions upon the granting of any variance to insure public health, safety, and general welfare. If the application is approved the applicant then may proceed with securing all required local and state permits necessary for the endeavor. Failure to follow conditions set in the approval process would result in a violation of the Zoning Ordinance.

If there are additional questions concerning this process, please contact the Zoning Office at (704) 920-2159, Monday through Friday 8 am to 5 pm.

Application Information

Applicant's Name

Benjamin S. Small

Property Owner's Name

Benjamin S. Small

Applicant's Address

2239 St. Johns Church Road

Concord, NC 28025

Property Owner's Address

2239 St. Johns Church Road

Concord, NC 28025

Applicant's Telephone Number

704-784-9557

Property Owner's Telephone Number

704-784-9557

Legal Relationship of Applicant to Property Owner

Same person

Existing Use of Property

Residential (single family home)

Existing Zoning

A/O

Property Location

2239 St. Johns Church Road

Tax Map and Parcel Number (PIN)

5652-21-5630

TO THE BOARD OF ADJUSTMENT

I, Benjamin S. Small, 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 Sought Including Related Zoning Ordinance Section(s)

Section: 5-5; 7-4; and 12-3

A variance from the application of the referenced Sections to the well enclosure on the property, which would allow the well enclosure to stay in place.

2. Reason(s) for Seeking a Variance

The well was permitted and placed on the property prior to my purchase of the property. After acquiring the property, I discovered that the well had been placed too close to a septic system on adjoining property. As a result, I had to install a chlorine treatment system which required an enclosure. In order to allow protection for equipment and access for monitoring, adjustment, and maintenance, the enclosure was constructed in its current fashion.

Requests for variance shall be accompanied by a list of adjoining property owners and their addresses and a sketch plan. Said plan shall show, the location and size of:

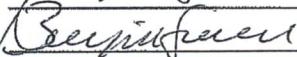
- 1- The boundaries of the lot(s) in question.
- 2- The size, shape and location of all existing buildings.
- 3- The size, shape and location of all proposed buildings, parking facilities and accessory uses.
- 4- The location and type of screening and buffering proposed.
- 5- Other information deemed by the Zoning Officer to be necessary to consider this application.

Signature of Owner



Date August 5, 2010

Signature of Applicant



Date August 5, 2010

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Direction is received by both state legislation and local ordinance. Under the state enabling act, the Board is required to reach three (3) conclusions as a prerequisite to the issuance of a variance:

- 1- That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance.
- 2- That the variance is in harmony with the general purposes and intent of the ordinance and preserves its spirit.
- 3- That in the granting of the variance the public safety and welfare have been assured and substantial justice has been done.

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. It is the responsibility of the applicant to present evidence to support a variance not the Planning, Zoning and Building Inspection departments nor the Board of Adjustment. The departmental staff will review and the Board will render a decision.

FINDING OF FACT CHECKLIST

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

1. The alleged hardships or practical difficulties are unique and singular to the property of the person requesting the variance and are not those suffered in common with other property similarly located.

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

The problem is unique to the property because it arises solely from drainage conditions on the property and the location of a septic system on adjoining property.

2. The alleged hardships and practical difficulties, which will result from failure to grant the variance, extend to the inability to use the land in question for any use in conformity with the provisions of the ordinance and include substantially more than mere inconvenience and inability to attain a higher financial return.

(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 to a public water system is not available at the property. Clean and safe drinking water is not available at the property without the installed well system and enclosure.

3. The variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.

(This is a second way to address reasonableness. This is also where the issue of "where did the hardship originate from?" should be addressed. Self-inflicted hardships should be carefully reviewed for reasonableness.)

The well enclosure arises from conditions outside of my control. It is professionally constructed from the same building materials used on the exterior of the home, is well-maintained and landscaped, and does not detract from
surrounding properties.

4. The variance is in harmony with and serves the general intent and purpose of the ordinance.

(If a variance is granted, is the overall "spirit" of the zoning ordinance still intact? While difficult to explain, some types of variance are usually 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 (clearly not allowed), and modifying a dimensional standard so as to the detriment of a neighborhood or area.)

The second part relates to the question, if granted will the spirit of the adopted plan for proper development of the neighborhood or area be compromised?)

The size of the well enclosure is based on need for chlorine treatment system parts, is professionally constructed from the same building materials used on the exterior of the home, is well-maintained and landscaped, and does not detract from

5. The variance will result in substantial justice being done, considering both the public benefits intended to be secured by this ordinance and the individual hardships that will be suffered by a failure of the Board to grant a variance.

(This is the final way to address reasonableness via common sense. Simply put, 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 variance will not adversely affect neighboring property owners, is in harmony with the spirit of the ordinance, and will provide for clean and safe drinking water at the property.

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 five points will continue to be met and not violated. In your review of the five points, are there any conditions that you believe would clarify the justification of a variance? If so, suggest these conditions in the space below.

None.

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

SIGNATURE: Beegie Fuer

DATE: August 5, 2010

STAFF USE ONLY
Cabarrus County

Application Fee Collected

Yes _____ No _____

No

Posted Database

Yes _____ No _____

No

Public Hearing Date

Notice of Public Hearing Published On

Notices to Applicant(s) and Adjoining Property Owners Mailed On

Signs Posted On

Process Record

Record of Decision:

Motion to:

Approve _____ Deny _____

Board of Adjustment Recommendation:

Approve Deny

Action Taken by Board of Adjustment:

Date Notification of Action Mailed to Applicant(s):

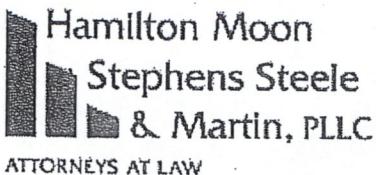
Signature of Zoning Official

Chairman-Board of Adjustment

Date

Secretary-Board of Adjustment

Date



201 South College Street, Suite 2020
Charlotte, North Carolina 28244-2020
Telephone: 704.344.1117
Facsimile: 704.344.1483

George W. Sistrunk III
Email: gsistrunk@lawhms.com
704-227-1065

September 9, 2010

VIA EMAIL (Samorris@cabarruscounty.us)
AND FIRST CLASS MAIL

Susie Morris
Cabarrus County Commerce Department
65 Church Street
2nd Floor
Concord, NC 28025

*Re: Benjamin S. Small Variance Application
2239 St. Johns Church Road
Concord, NC 28025*

Dear Ms. Morris:

Due to scheduling conflicts, Mr. Small is unavailable for the September 16, 2010 hearing that has been scheduled. We request that the hearing be placed on the October 21, 2010 agenda.

If you have any questions or need any additional information, please let me know.

Sincerely,

A handwritten signature in cursive ink that reads "George W. Sistrunk III".

George W. Sistrunk III

GWS/djm



August 31, 2010

Dear Adjacent Property Owner:

This letter is to inform you that Benjamin S. Small has petitioned the Cabarrus County Board of Adjustment for a Variance. If granted, Mr. Small would be allowed to keep a storage building on his property that does not meet the required setbacks of the Cabarrus County Zoning Ordinance. The subject property is located at 2239 St. John's Church Road, Concord, N.C. 28025 (PIN#5652-21-5630).

The Cabarrus County Board of Adjustment will hold a public meeting to discuss this matter. The meeting will be held on September 16, 2010 at 7 p.m. at the Governmental Center located at 65 Church Street, Concord, N.C. 28026 (2nd floor).

If you have any questions, please feel free to contact the Cabarrus County Zoning office (Jay Lowe) at 704/920-2140. Also, there is a complete application on file in the Zoning office for your review.

Sincerely,

A handwritten signature in cursive script that reads "Jay Lowe".

Jay Lowe
Senior Zoning Inspector

JL/mpf



ESKELSEN NEILS T ESKELSEN JOANNE (WF)

Mailing Address

City, State Zipcode

FURR DENNIS E & WIFE FURR GINA S

Mailing Address

City, State Zipcode

RICHARDS BARRY G RICHARDS CATHERINE

Mailing Address

City, State Zipcode

RITCHIE W H JR

Mailing Address

City, State Zipcode

SMALL BENJAMIN S

Mailing Address

City, State Zipcode

WALKER MARTHA EDITH

Mailing Address

City, State Zipcode

4499 GOLD HILL RD

CONCORD NC 280250000

4502 GOLD HILL RD

CONCORD NC 280250000

PO BOX 849

CONCORD NC 280260849

1936 BALTIMORE ANNAPOLIS BLVD

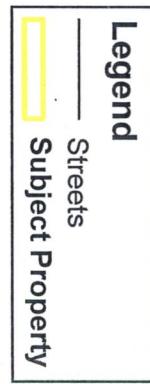
ANNAPOLIS MD 214016248

PO BOX 1082

CONCORD NC 280261082

4501 GOLD HILL ROAD

CONCORD NC 280250000



0 37.5 75 150
Feet

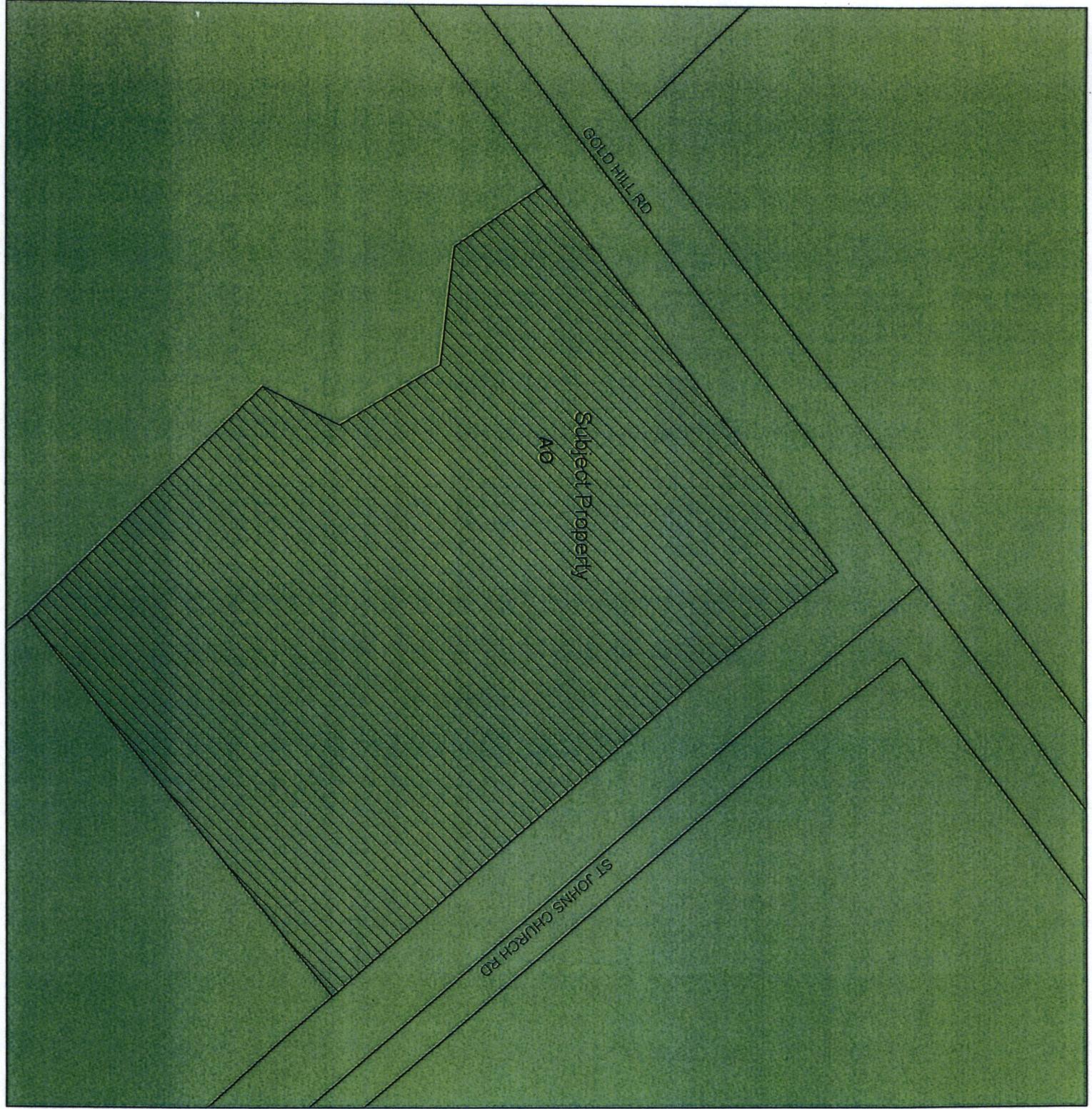


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Map Prepared by Cabarrus County Planning Services,
September 2010.

Applicant: Benjamin S. Small
Petition: VARN2010-00002
Request: Variance from Section 7-4
Zoning: A/O-Agricultural Open
Parcel ID#: 5652-21-5630





Legend	
	Subject Property
	Streets

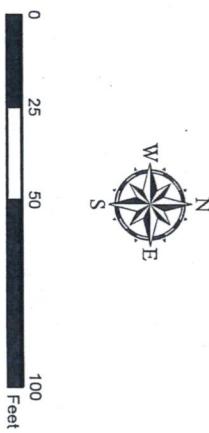
Applicant: Benjamin S. Small
Petition: VARN2010-0002
Request: Variance from section 7-4
Zoning: A/O-Agricultural Open
Parcel ID#: 5652-21-5630



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Map Prepared by Cabarrus County Planning Services, September



09.09.2010 10:12



09.09.2010 10:13



09.09.2010 10:14



PLANNING STAFF REPORT
CABARRUS COUNTY PLANNING AND ZONING COMMISSION
11/18/2010

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

Petition: RZON2010-00007 Rezoning

Applicant Information: Steve Fisher
7211 Timber Ridge Road
Mint Hill, NC 28227

Owner Information: Augustus R. Barr
413 Winecoff School Road
Concord, NC 28027

Existing Zoning: O/I (Office/Institutional)

Proposed Zoning: O/LC (Office/Limited Commercial)

Permitted Uses: All uses permitted in the O/LC zoning district. (See Attached)

PIN#: 5524-47-5954

Area in Acres: 2.61

Site Description: The subject property was rezoned during the 2005 county-wide rezoning from GC-General Commercial to O/I-Office/Institutional.

Adjacent Land Use: The subject property is located adjacent to wooded and vacant properties on all sides.

Surrounding Zoning: North: O/I (Office/Institutional)
East: O/I (Office/Institutional)
South: O/I (Office/Institutional)
West: CR (Countryside Residential)

Utility Service Provider: The subject property is located within the Town of Midland (provided by City of Concord) Utility Service Area. The applicant however, is not requesting utilities for the subject property at this time.

Exhibits

1. Zoning Map – Submitted by Staff
2. Land Use Map – Submitted by Staff
3. Aerial Map – Submitted by Staff
4. Soil and Water Conservation District Table – Submitted by Dennis Testerman
5. Cabarrus Health Alliance Letter – Submitted by Mark D. Thompson
6. List of Permitted Uses in the Office/Institutional – Submitted by Staff

PLANNING STAFF REPORT
CABARRUS COUNTY PLANNING AND ZONING COMMISSION
11/18/2010

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

7. List of Permitted Uses in the Office/Limited Commercial – Submitted by Staff
8. List of Adjacent Property Owners – Submitted by Staff

Submitted by Kassie G. Watts, Senior Planner, AICP

Intent of Zoning Districts

Existing-

Office/Institutional: This district is intended to accommodate relatively low intensity office and institutional uses at intensities complementary to residential land use. Where appropriate, this district can serve as a transition between residential land use and higher intensity nonresidential land use. Single family detached residential is not a permitted use in the Office/Institutional district.

Proposed-

Office/Limited Commercial: This district is intended to accommodate relatively small scale commercial and office development at intensity complementary to residential land use. This district is used to provide both convenience oriented goods and services and for the permanent protection of adjacent or intermixed residential areas by permitting only a limited range of commercial activities. The district should be located near municipal boundary lines or areas of commercial growth and may border general commercial zones, light industrial, or high density residential mixed use zones. When bordering residential zones, care should be taken to assure natural or manmade buffering so that the nonresidential activities are not a nuisance to residential use.

Agency Review Comments

EMS Review : No Comments

Fire Review : No Comments

NCDOT Review : No Comments

Schools Review : No Comments

Sheriff Review : No Comments

Planning Review : Comments

Erosion Review : No Comments

NCDENR Land Quality Section has no comments on the proposed rezoning. Any activity on this site that will disturb 1 acre or more will require an erosion control permit from our office prior to commencing work.

Soil-Water Conservation Review : Comments

(See Attached Memo)

WSACC Review : Comments

There are no existing water or sewer utilities along Pioneer Road in this location; therefore, WSACC does not have any specific comments and/or information to give you at this time. It should be noted that the City of Concord owns the entire existing retail water and sewer infrastructure in this area, even though the existing site is within the Town of Midland Utility Service Area. For water service availability to this site if applicable, the developer will have to

PLANNING STAFF REPORT
CABARRUS COUNTY PLANNING AND ZONING COMMISSION
11/18/2010

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

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PLANNING STAFF REPORT

CABARRUS COUNTY PLANNING AND ZONING COMMISSION

11/18/2010

Staff Use Only:

Approved:

Denied:

Tabled

contact the City of Concord's Development Services Department to determine where existing water lines are located along Pioneer Mill Road. The developer will also be required to complete an application in accordance with the City of Concord's Code of Ordinance (Chapter 62) in order to obtain water service to the site.

The following additional comments are provided for your information and consideration: Even though this site is located in the existing Utility Service Area of the Town of Midland, the City of Concord is the retail provider of water and sewer services in this area (as previously noted above). Consideration should be given to insuring that the proposed water and sewer lines serving this particular development will be designed to City of Concord requirements. Please note that the WSACC Capital Recovery Fee (CRF) is required for each service to the site if sewer service is requested in the future. The fee is collected at the time the building permit is issued, and is separate and not a part of any connection or tap fees required by the Jurisdictional retail sewer provider.

Utility Review : Comments

The suitability of the site for any improvements permit is determined by a site specific evaluation. This site was evaluated by the Cabarrus County Health Alliance and is currently considered to be unsuitable for any NEW ground absorption waste water disposal system. There is an existing structure on this tract of land but it is unknown if there is an existing septic system that is usable. (See Attached Letter)

Town of Midland: Comments

The subject area is shown in our generalized Land Use Plan (LUP) adopted in April 2010 as outside of a future "activity node" that was identified nearby. Our generalized land use plan indicates the area as remaining low density residential. Our first annual update is refining the generalized LUP into a much more detailed plan; however, this area is not part of the local area planning this year. It is the official position that the Town of Midland has no objection to the zoning change for this use on this small parcel. Following completion of our process by the end of 2011 +/-, we may feel differently based upon further study of that area. Therefore, our "no objection" is submitted with the caveat that our plans will become much more refined and over time may conflict with the massive O&I/Commercial reflected by county zoning in that area of the county.

Land Use Plan Analysis

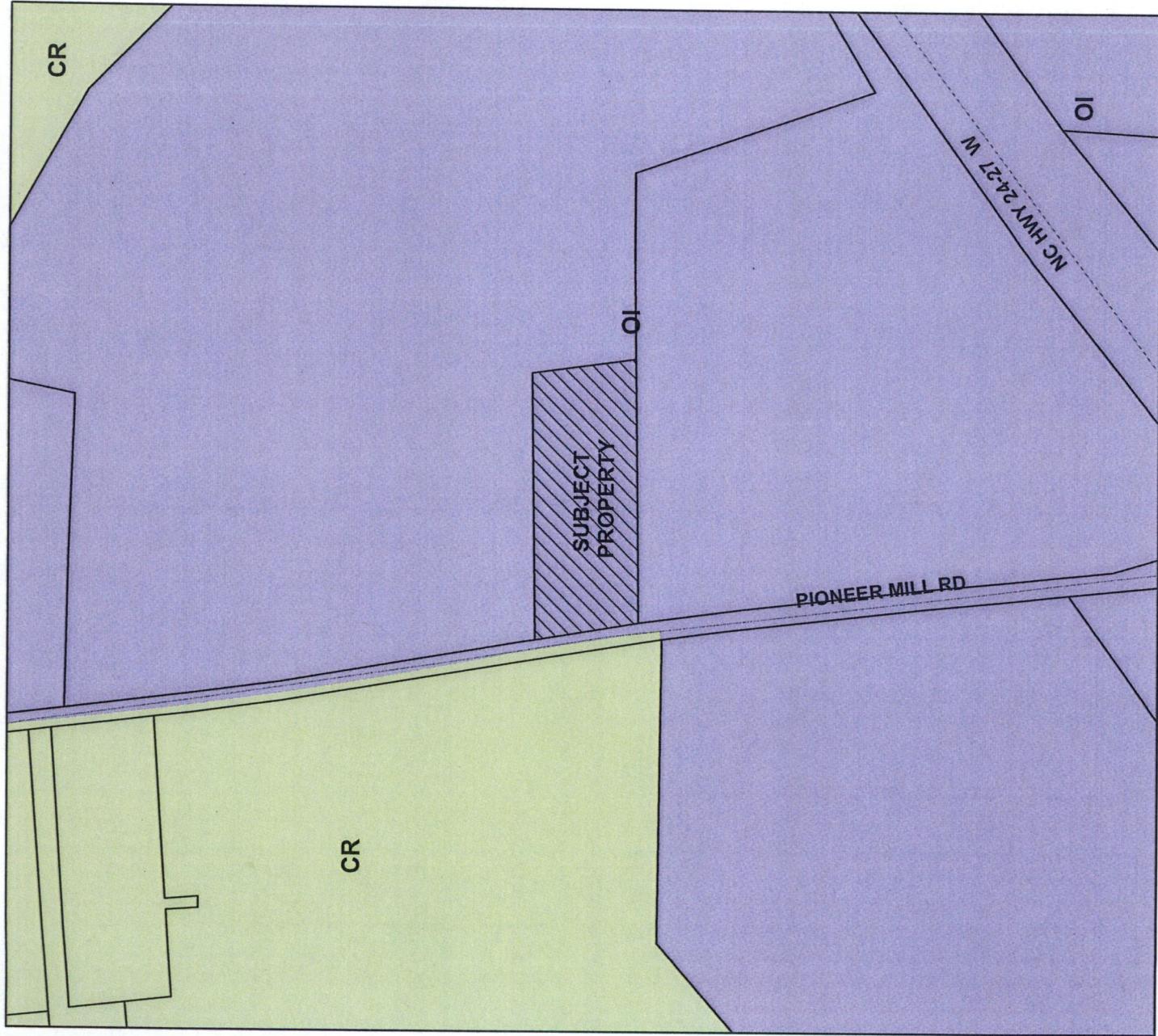
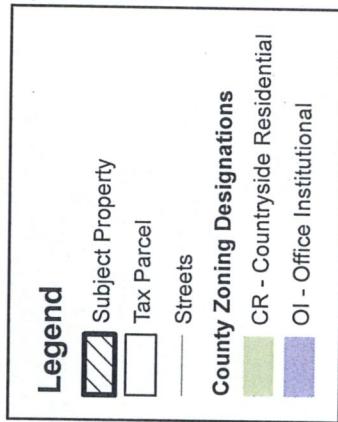
The Midland Area Land Use Plan, adopted in September 2004, designates this property, as well as adjacent properties, as Future Employment. The plan states that Future Employment areas are reserved for future employment growth, for the development of industrial, research, large office and warehouse/distribution uses. This designation allows for some flexibility to account for market demand. On a limited basis, the Future Employment district may be used for the development of mixed use residential and employment developments.

Conclusions

The rezoning as proposed is consistent with the Midland Area Land Use Plan. The rezoning is a conventional rezoning request. Therefore, no conditions may be attached to the rezoning request. All uses permitted in the O/LC district would be permitted on the subject property.



Zoning Map
Applicant: Steve Fisher
Case: RZON2010-00007
Existing Zoning: OI - Office / Institutional
Proposed Zoning: LC - Limited Commercial
Parcel ID#: 5524-47-5954

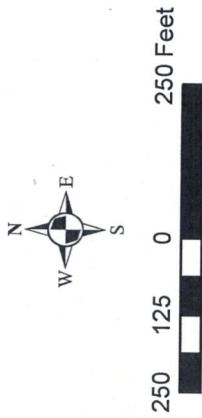
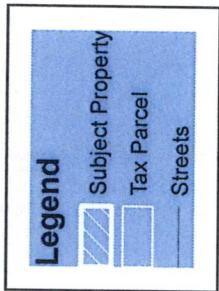


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Map Prepared by Cabarrus County Planning Services,
November 2010.



Aerial Map
Applicant: Steve Fisher
Case: RZON2010-00007
Existing Zoning: O1 - Office / Institutional
Proposed Zoning: LC - Limited Commercial
Parcel ID#: 5524-47-5954

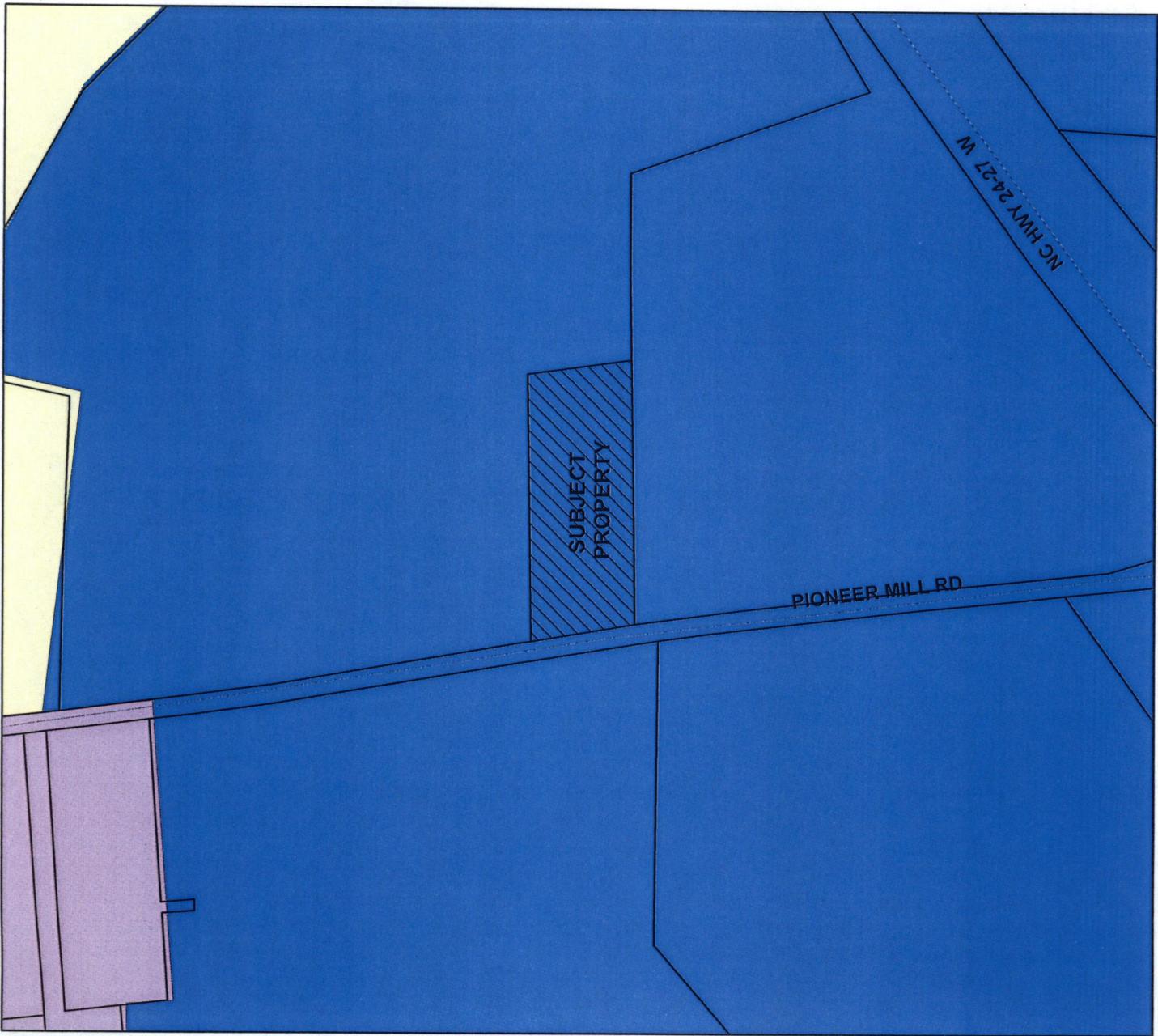
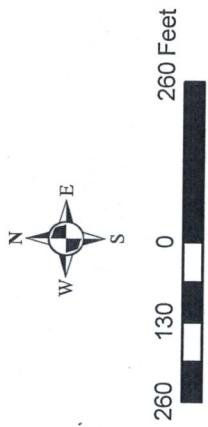
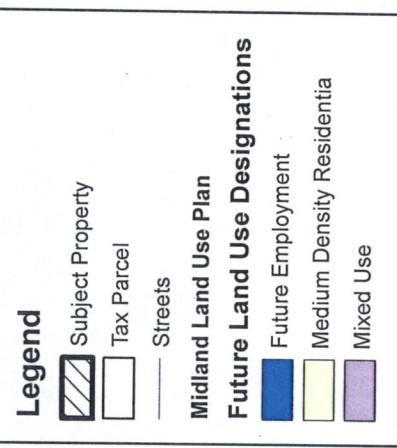


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Map Prepared by Cabarrus County Planning Services,
November 2010.



Land Use Map
Applicant: Steve Fisher
Case: RZON2010-00007
Existing Zoning: OI - Office / Institutional
Proposed Zoning: LC - Limited Commercial
Parcel ID#: 5524-47-5954



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Map Prepared by Cabarrus County Planning Services,
November 2010.

**Cabarrus Soil and Water Conservation District
715 Cabarrus Avenue, West
Concord, N. C. 28027-6214
(704) 920-3300**

MEMORANDUM

TO: Kassie Goodson Watts, Cabarrus County Commerce Department

THROUGH: Bob Ritchie, Chairman
Board of Supervisors Darrell Furr, Chairman
Watershed Improvement Commission

FROM: Daniel McClellan, Resource Conservation Specialist
Dennis Testerman, Resource Conservation Specialist

COPIES: Susie Morris, Cabarrus County Commerce Department—Planning
Robbie Foxx, Cabarrus County Commerce Department—Zoning
Jay Lowe, Cabarrus County Commerce Department—Zoning

NAME OF PLAN: Rezoning Petition RZON2010-00007 – Steve Fisher **PLAN TYPE:** Rezoning

LOCATION: Pioneer Mill Road **JURISDICTION:** County **ZONING:** O/I to proposed LC

OWNER: Augustus Barr, c/o Patricia Barr, 413 Winecoff School Road, Concord NC 28027

DATE SUBMITTED: 10/26/2010 **DATE REVIEWED:** 11/3/2010

PARCEL #: 5524-47-5954 TRACT#: N/A ACRES: 2.61

USGS TOPO QUAD MAP: Midland

RECEIVING WATERS: UT to Caldwell Creek **WATERSHED: HU03040105010050 (SB-1)**

PERENNIAL OR INTERMITTENT STREAMS PRESENT: No.

SOIL TYPE(S): KkB Kirksey silt loam

HYDRIC SOILS: No.

THE FOLLOWING CHECKED ITEMS ARE MISSING FROM OUR COPY OF THE PLAN—PLEASE
SUBMIT:

Only GIS map with zoning by parcel provided

ONSITE INSPECTION· No.

PLAN COMMENTS:

- The following prime farmland soils will be removed from production: [KkB Kirksey silt loam]. Farmland Conversion Impact Rating form (AD-1006) must be filed if federal funds are involved. Redesign of plan to provide for more open space protection of this soil is encouraged.
- The information in this table indicates the dominant soil condition, but does not eliminate the need for onsite investigation. The numbers in the value column range from 0.01 to 1.00. The larger the value, the greater the potential limitation. Limiting features in this report are limited to the top 5 limitations. Additional limitations may exist.

Map symbol	Dwellings without basements	Dwellings with basements	Small commercial buildings	Local Streets and Roads	Shallow Excavations	Lawns and landscaping	Septic tank absorption fields	Paths and trails
	Rating Class and Limiting Features - Value	Rating Class and Limiting Features - Value	Rating Class and Limiting Features - Value	Rating Class and Limiting Features - Value	Rating Class and Limiting Features - Value	Rating Class and Limiting Features - Value	Rating Class and Limiting Features - Value	Rating Class and Limiting Features - Value
KkB: Kirksey	<p>Somewhat limited</p> <p>Depth to saturated zone 0.07</p>	<p>Very limited</p> <p>Depth to saturated zone 1.00</p> <p>Depth to hard bedrock 0.54</p>	<p>Somewhat limited</p> <p>Depth to saturated zone 0.07</p>	<p>Very limited</p> <p>Low strength 1.00</p> <p>Depth to saturated zone 0.03</p>	<p>Very limited</p> <p>Depth to saturated zone 1.00</p> <p>Depth to hard bedrock 0.54</p> <p>Cutbanks cave 0.10</p>	<p>Somewhat limited</p> <p>Depth to saturated zone 0.03</p>	<p>Very limited</p> <p>Depth to saturated zone 1.00</p> <p>Slow water movement 1.00</p> <p>Depth to bedrock 0.83</p>	<p>Not Limited</p>

Disclaimer: Small areas of contrasting soils with different interpretations may not be shown on the soil maps due to the scale of the mapping. Soil surveys seldom contain detailed site specific information. This data set is not designed for use as primary regulatory tools in permitting or siting decisions, but may be used as a reference source. These data and their interpretations are intended for planning purposes only. This is public information and may be interpreted by organizations, agencies, units of government and others based on needs; however, these entities are responsible for the appropriate use and application of these data. Digital data files are periodically updated. Reports are dated and users are responsible for obtaining the latest version of the data.

- Additional field visits by Cabarrus SWCD and/or its conservation partners may be required, including but not limited to sedimentation and erosion control plan review.

Please provide copies of approval notice and any revisions to this plan to the Cabarrus Soil and Water Conservation District.

CONTACT(S):

Cabarrus County, Commerce Department, Susie Morris, 704-920-2858
Cabarrus County, Commerce Department, Kassie Watts, 704-920-2191
Cabarrus County Commerce Department—Zoning, Robbie Foxx, 704-920-2138
Cabarrus County Commerce Department—Zoning, Jay Lowe, 704-920-2140
Cabarrus SWCD & Watershed Improvement Commission, Dennis Testerman, 704-920-3303
Cabarrus SWCD & Watershed Improvement Commission, Daniel McClellan, 704-920-3301

REFERENCES:

“Avoiding Tree Damage During Construction.” Consumer Information Program Fact Sheet. International Society of Arboriculture. [<http://www.isa-arbor.com/consumer/avoiding.html>]

“Conservation-Based Subdivision Design: Protecting Water Quality and Scenic Resources in NC Mountains.” Conservation Trust for North Carolina. 1997

“Erosion and Sedimentation on Construction Sites.” Soil Quality—Urban Technical Note No. 1. USDA, NRCS. [<http://www.statlab.iastate.edu/survey/SQI/pdf/u01d.pdf>]

“401 Water Quality Certification Program – The Basics.” N.C. DENR. Div. of Water Quality, Wetlands Section. [<http://h2o.enr.state.nc.us/ncwetlands/basic401.html>]

“Protecting Urban Soil Quality: Examples for Landscape Codes and Specifications.” [<http://soils.usda.gov/sqi/files/UrbanSQ.pdf>]

“Recognizing Wetlands.” Informational Pamphlet. US Army Corps of Engineers [<http://www.usace.army.mil/inet/functions/cw/cecwo/reg/rw-bro.htm>]

“Seeding Specifications.” Sect. 6.10 & 6.11 in Erosion and Sediment Control Planning and Design Manual. N. C. NRCD.

“Soil Sampling for Home Lawns & Gardens.” N.C. Dept. of Agriculture & Consumer Services. [<http://www.ncagr.com/agronomi/samhome.htm>]

“This Land is Our Land. . . A Guide to Preserving Your Land for Generations to Come.” [<http://www.cabarruscounty.us/Easements/>]

“Topsoiling Specifications.” Sect. 6.04 in Erosion and Sediment Control Planning and Design Manual. N. C. NRCD.

“Urban Soil Compaction.” Soil Quality—Urban Technical Note No. 2. USDA, Natural Resources Conservation Service. [<http://www.statlab.iastate.edu/survey/SQI/pdf/u02d.pdf>]

“Well Abandonment.” Brochure. N.C. DENR. Div. of Water Quality, Groundwater Section. [<http://h2o.enr.state.nc.us/documents/Bro-WellAbandon.pdf>]

“Well Decommissioning.” Field Office Tech. Guide, USDA, Natural Resources Conservation Service. [http://h2o.enr.state.nc.us/aps/gpu/documents/Well_decom.pdf]

“Yadkin-Pee Dee River Basinwide Water Quality Plan.” N.C. DENR. Div. of Water Quality—Planning Sect., Basinwide Planning Prog. 2003. [http://h2o.enr.state.nc.us/basinwide/yadkin/YadkinPD_wq_dt_management_plan0103.htm]

“Watershed Management Plans & Recommendations: Lower Yadkin / Upper Rocky River Basin Local Watershed Planning (Phase Two). NC DENR, Ecosystem Enhancement Program. 2004. [http://www.ces.ncsu.edu/depts/agecon/WECO/rocky_river/URR2_WMP.pdf]

“Urban Soil Primer.” USDA, Natural Resources Conservation Service. [[http://soils.usda.gov/use/urban/downloads/primer\(screen\).pdf](http://soils.usda.gov/use/urban/downloads/primer(screen).pdf)]

Steve Fisher Rezoning



0 165 330 660 990 1,320
Feet

Legend

YadkinHydro

STREETS CENTERLINE

FloodPlain

ZONE

Wetlands

A

AE

X

X500



CABARRUS
*Soil & Water
Conservation*
DISTRICT



Kassie Goodson Watts

From: David M Troutman [DMTroutman@CabarrusHealth.org]
Sent: Friday, October 29, 2010 7:46 AM
To: Kassie Goodson Watts
Subject: Steve Fisher Rezoning Request OI to LC
Attachments: 20101029063118202.pdf

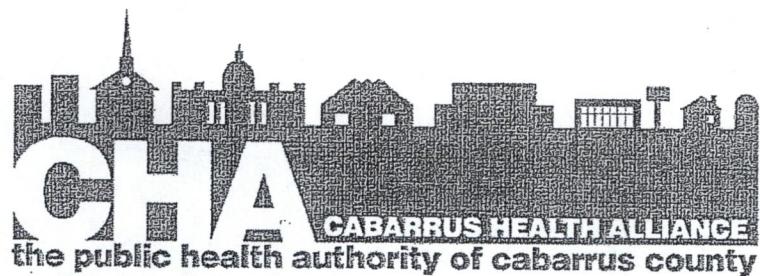
The only comments I have pertain to the property not having sanitary sewer (I do not know about water but do not think that is available also).

The suitability of the site for any improvements permit is determined by a site specific evaluation. This site was evaluated by this department and is currently considered to be unsuitable for any NEW ground absorption waste water disposal system (see attached letter).

There is an existing structure on this tract of land but I do not know if there is an existing septic system that is usable.

David Troutman, REHS
Director of Environmental Health
Cabarrus Health Alliance

DISCLAIMER: Email correspondence to and from this address may be subject to North Carolina public records law and/or may be confidential under HIPAA regulations.



Date 8/10/2010

Re: Application for Improvement Permit for a 2.61 acre tract of land located at 12475 Pioneer Mill Road.

Cabarrus Health Alliance Environmental Health Department file No.10-102.

Dear Mr. Augustus R. Barr:

The Cabarrus Health Alliance Environmental Health Division on 8/10/2010 evaluated the above-referenced property at the site designated on the plat/site plan that accompanied your improvement permit application. According to your application the site is to serve a warehouse/shop with a design wastewater flow of 300 gallons per day. The evaluation was done in accordance with the laws and rules governing wastewater systems in North Carolina General Statute 130A-333 including related statutes and Title 15A, Subchapter 18A, of the North Carolina Administrative Code, Rule. 1900 and related rules.

Based on the criteria set out in Title 15A, Subchapter 18A, of the North Carolina Administrative Code, Rules .1940 through .1948, the evaluation indicated that the site is **UNSUITABLE** for a ground absorption sewage system. Therefore, your request for an improvement permit is **DENIED**. A copy of the site evaluation is enclosed. The site is unsuitable based on the following:

- Unsuitable soil topography and/or landscape position (Rule .1940)
- Unsuitable soil characteristics (structure or clay mineralogy) (Rule .1941)
- Unsuitable soil wetness condition (Rule .1942)
- Unsuitable soil depth (Rule .1943)
- Presence of restrictive horizon (Rule .1944)
- Insufficient space for septic system and repair area (Rule .1945)
- Unsuitable for meeting required setbacks (Rule .1950)
- Other (Rule .1946)

The site evaluation included consideration of possible site modifications, and modified, innovative or alternative systems. However, the Health Department has determined that none of the above options will overcome the severe conditions on this site. A possible option might be a system designed to dispose of sewage to another area of suitable soil or off-site to additional property.

For the reasons set out above, the property is currently classified **UNSUITABLE**, and no improvement permit shall be issued for this site in accordance with Rule .1948(c). However, the site classified as **UNSUITABLE** may be classified as **PROVISIONALLY SUITABLE** if written documentation is provided that meets the requirements of Rule .1948(d). A copy of this rule is enclosed. You may hire a consultant to assist you if you wish to try to develop a plan under which your site could be reclassified as **PROVISIONALLY SUITABLE**. You have a right to an informal review of this decision. You may request an informal review by the soil scientist or environmental health supervisor at the local health department. You may also request an informal review by the N.C. Department of Environment and Natural Resources regional soil specialist. A request for informal review must be made in writing to the local health department.

You also have a right to a formal appeal of this decision. To pursue a formal appeal, you must file a petition for a contested case hearing with the Office of Administrative Hearings, 6714 Mail Center, Raleigh, N.C. 27699-6714. To get a copy of a petition form, you may write the Office of Administrative Hearings or call the office at (919) 733-0926 or from the OAH web site at <http://www.ncoah.com/forms.shtml>. The petition for a contested case hearing must be filed in accordance with the provision of North Carolina General Statutes 130A-24 and 150B-23 and all other applicable provisions of Chapter 150B. N.C. General Statute 130A-335 (g) provides that your hearing would be held in the county where your property is located.

Please note: If you wish to pursue a formal appeal, you must file the petition form with the Office of Administrative Hearings **WITHIN 30 DAYS OF THE DATE OF THIS LETTER**. Meeting the 30 day deadline is critical to your right to a formal appeal. Beginning a formal appeal within 30 days will not interfere with any informal review that you might request. Do not wait for the outcome of any informal review if you wish to file a formal appeal.

If you file a petition for a contested case hearing with the Office of Administrative Hearings, you are required by law (N.C. General Statute 150B-23) to send a copy of your petition to the North Carolina Department of Environment and Natural Resources. Send the copy to: Office of General Counsel, N.C. Department of Environment and Natural Resources, 1601 Mail Service Center, Raleigh, N.C. 27699-1601. Do **NOT** send the copy of the petition to your local health department. Sending a copy of your petition to the local health department will **NOT** satisfy the legal requirement in N.C. General Statute 150B-23 that you send a copy to the Office of General Counsel, NCDENR. You may call or write the local health department if you need any additional information or assistance.

Sincerely,



Mark D. Thompson, R.E.H.S.

Registered Environmental Health Specialist

Signature of Authorized Agent - DENR

Encl.: (Enclose copy of site evaluation)

(Copy of Rule .1948)

Note: Recommend to obtain permission to evaluate adjacent property and/or consider using an incinerator toilet.

Permitted Uses: O/I – Office/Institutional (Existing Zoning)

Permitted Uses

Bank/financial institution/ATM
Civic organization facility
Colleges & universities
Funeral home
Group care facility
Hospitals/medical facilities
Office, professional less than 30,000 square feet
Office, professional greater than 30,000 square feet or more
Parking lot, commercial or private
Printing & reprographic facility
Public cultural facility
Public use facility

Permitted based on Standards (PBS)

Catering service
Home occupation
Mobile office, temporary
Nursery/daycare center
Recreational facility, indoor
Recyclable materials drop-off
Religious institution (with a total seating capacity of 350 or less)
Rest/convalescent home (10 beds or less)

Conditional Uses

Communications tower
Elementary and secondary schools
Public service facility
Recreational facility, outdoor
Religious institution (with a total seating capacity of 351 or more)
Religious institution with school
Rest/convalescent home (more than 10 beds)
Trade & vocational schools
Wireless telecommunication services (WTS)

Permitted Uses: Office/Limited Commercial – O/LC (Proposed Zoning)

Permitted

Automobile supplies
Bank/financial institution/ATM
Barber & beauty shops
Car wash
Civic organization facility
Colleges & universities
Convenience store with petroleum sales
Convenience store without petroleum sales
Drug store
Dry cleaning/pick up station
Family care home
Funeral home
Group care facility
Hospitals/medical facilities
Hotels, motels, inns
Laundromat
Locksmith/gunsmith

Mobile home retail sales
Movie Theater
Nursery/Greenhouse
Office, professional
Parking lot, commercial or private
Pet shop/grooming (enclosed)
Photographic studio
Public cultural facility
Public use facility
Religious institution (350 or less)
Religious institution (351 or more)
Restaurant, excluding drive-thru
Retail sales (10,000 sq. ft. or less)
Retail sales (10,000 – 50,000 sq. ft.)
Single family residential detached
Taxi stand

Permitted Based on Standards (PBS)

Accessory apartment
Automobile rental
Automobile sales, new and used
Bed & breakfast
Catering service
Contractor and trade shops
Home occupation
Landfill, demolition (one acre or less)
Mobile office, temporary
Multi-family residential

Nursery/daycare center
Printing & reprographic facility
Recreational facility, indoor
Recyclable materials drop-off
Repair garage, auto
Repair garage, small engine
Restaurant, including drive-thru
Self-service storage facilities
Townhouses

Conditional

Public service facility
Recreational facility, outdoor
Trade & vocational schools
Veterinarian/animal hospital/commercial kennel

Adjacent Property Owners

PIN# 5524-28-9123

Pioneer Mill Road LLC A NC LLC
Inglefield Enterprises LTD
c/o Robert Pittenger Company
4521 Sharon Road, Suite 120
Charlotte, NC 28211

PIN# 5524-48-6520

Sarah Morrison, Patricia Morrison, James S. & James P. Morrison
683 Williamsburg Court
Concord, NC 28025

PIN# 5524-47-7223

Charlotte Barr
c/o Charlotte B. Wallace
2419 Millbrook Drive
Haw River, NC 27258

PIN# 5524-36-4515

Patrick Family LLC & CFI Prop II
WEIR Associates Ltd. Partnership
The Bailey W. Patrick LLC
255 Cherokee Road
Charlotte, NC 28207

PLANNING STAFF REPORT
CABARRUS COUNTY PLANNING AND ZONING COMMISSION
11/18/2010

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

Conditional Use Permit: CUSE2010-00004

Applicant Information: Lewis Bingham, Crown Castle
3530 TORRINGDON WAY SUITE 300
CHARLOTTE, NC 28277

Owner Information: Sides Albert E & Wife
3240 OLD SALISBURY ROAD
Concord, NC 280250000

PIN#: 56420637210000

Area in Acres: 25.68

Purpose of Request: The applicant is requesting a Conditional Use Permit to extend an existing cell tower from 195' to 217'. The existing tower was approved as CUP# C-35 (CUSE2002-00035) on September 19, 2002.

Site Description: The site is approximately 26 acres total. The site is residential and includes a 100x100 SF lease lot that is occupied by a cell tower.

Current Land Uses: Residential and Wireless Telecommunications Tower

Adjacent Land Uses: Residential, Vacant and Heavily Wooded

Permitted Uses: All uses in the LDR zoning district are permitted on the subject property.

Existing Zoning: AO (Agriculture Open)

Surrounding Zoning: North: AO (Agriculture Open)
East: AO (Agriculture Open)
South: AO (Agriculture Open)
West: AO (Agriculture Open)

Signs Posted: 11/04/2010

Newspaper Notification: 11/03/2010

Newspaper Notification 2: 11/10/2010

Notification Letters: 11/02/2010

PLANNING STAFF REPORT
CABARRUS COUNTY PLANNING AND ZONING COMMISSION
11/18/2010

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

Exhibits

1. *Conditional Use Application Form*
2. *Aerial Map*
3. *Zoning Map*
4. *List of Adjacent Property Owners*
5. *Adjacent Property Owner Letter*
6. *Letter of Need and Justification from Applicant*
7. *Map illustrating distance of tower from existing towers*
8. *Site Map*
9. *Map illustrating distance of tower from other structures*
10. *Tower Elevation Drawing*
11. *Drawing of current equipment on the ground*
12. *Fall Zone Letter*
13. *Structural Analysis Report*
14. *Cell Coverage maps*
15. *Letter of Compliance from FAA*
16. *Bond Worksheet*
17. *FCC/NEPA Environmental Compliance Report*
18. *Approval Letter for Original CUP#C-35 (CUSE2002-00035)*

Agency Review Comments

Fire Review : Approved

No comments were provided for the requested petition

Zoning Review : Approved with Conditions

Site plan review and approval required subsequent to Board of Adjustment approval to ensure compliance with all applicable development requirements.

NCDOT Review : Approved

No comments were provided for the requested petition

History / Other Information

1. The applicant provided documentation compliant with Section 8-3, Petitioning for a Conditional Use.
2. The applicant submitted a complete application which includes the "Findings of Fact" sheet along with a site plan showing the location of the tower on the property.
3. This is an existing site and meets the standards of the ordinance at the time it was approved in 2002. Current standards, such as fencing and landscaping, may have changed since the time that the original Conditional Use Permit was issued.

PLANNING STAFF REPORT
CABARRUS COUNTY PLANNING AND ZONING COMMISSION
11/18/2010

Staff Use Only:
Approved:
Denied:
Tabled

Conditions of Approval

Should the Board of Adjustment grant approval of the Conditional Use Permit, Staff requests the following conditions become part of the approval and case record:

1. Site plan review and approval required subsequent to Board of Adjustment approval to ensure compliance with all applicable development requirements and conditions. (Zoning)
2. Granting Order, stating restrictions and applicable conditions of approval shall be recorded with the deed to the property. (Zoning)
3. Applicant shall procure any and all applicable federal, state and local permits prior to commencement of project. (Zoning)
4. Expansion of project, as well as modifications or changes to approved site plan must receive Board of Adjustment approval in the form of an amendment to the Conditional Use Permit. (Zoning)
5. Applicant shall submit bond, as required by Chapter 8 Section XI of the Cabarrus County Zoning Ordinance, prior to zoning permit issuance (Zoning)



CABARRUS COUNTY
PO BOX 707
CONCORD, NC 28025
704-920-2159
www.cabarruscounty.us

Application Number

CUSE 2010-00004

Date

10-13-10

CONDITIONAL USE APPLICATION FORM

Cabarrus County

The Conditional Use Process:

A conditional use is necessary when a proposed land use may have some consequences that may warrant review by the Board of Adjustment. This review is to insure there will be no detrimental effects to surrounding properties nor will it be contrary to the public interest.

In order to apply for a conditional use a completed application along with the application fee is required to be turned in to the Zoning Office, 30 days prior to the scheduled public hearing. In order for the Board of Adjustment to grant approval of the conditional use, the applicant must provide the requested information in the following application.

If the Board finds that all approval criteria have been met, they may impose reasonable conditions upon the granting of any conditional use to insure public health, safety, and general welfare. If the application is approved the applicant then may proceed with securing all required local and state permits necessary for the endeavor. Failure to follow conditions set in the approval process would result in a violation of the Zoning Ordinance.

If there are additional questions concerning this process, please call the Zoning Office at (704) 920-2159.

TO THE BOARD OF ADJUSTMENT:

I, HEREBY PETITION THE BOARD OF ADJUSTMENT TO GRANT THE ZONING ADMINISTRATOR THE AUTHORITY TO ISSUE A CONDITIONAL USE PERMIT FOR THE USE OF THE PROPERTY AS DESCRIBED BELOW.

Applicant's Name

Crown Castle

Applicant's Address

3530 Toringdon Way Ste 300
Charlotte, NC 28277

Applicant's Telephone Number

704-405-6539

Property Owner's Name

Albert Edward Sels

Property Owner's Address

3340 old Salisbury Rd
Concord, N.C.
28025

Parcel Information

Existing Use of Property	<u>Telecommunication Tower</u>
Proposed Use of Property	<u>Telecommunication Tower</u>
Existing Zoning	<u>AO</u>
Property Location	<u>3240 Old Salisbury Rd</u>
Property Acreage	<u>26.11 acres</u>
Tax Map and Parcel Number (PIN)	<u>56420687210000</u>

Land Use of Adjacent Properties

(Provide Plat-Map if Available)

NORTH	<u>Residential</u>
SOUTH	<u>Vacant</u>
EAST	<u>Residential</u>
WEST	<u>Residential</u>

General Requirements

1. The Zoning Ordinance imposes the following general requirements on the use requested by the applicant. Under each requirement, the applicant should explain, with reference to the attached plans, where applicable, how the proposed use satisfies these requirements.

The Board must find that the use(s) as proposed "are not detrimental to the public health, safety or general welfare."

FCC states in 47 CFR 24.232 (a) that max radiated power for an antenna with a height above average terrain of less than 484 ft is 1640 watts Effective Isotropic Radiated Power. The proposed PCS antennas will be transmitting with less than 820 EIRP or approx 50% of max allowable power

The Board must find that the use(s) as proposed "are appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, etc."

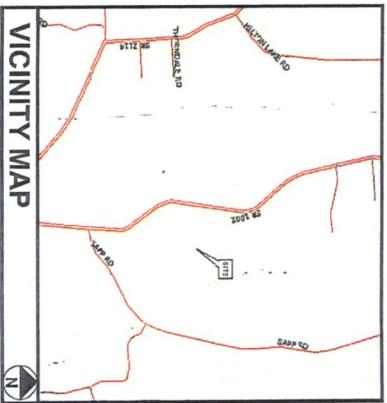
The proposed tower extension is an existing unmanned tower w/o need for transportation facilities or water supply. The tower site has an e911 address of 3250 Old Salisbury Concord Rd.

The Board must find that the use(s) as proposed "will not violate neighborhood character nor adversely affect surrounding land uses."

The proposed use is to extend the height of an existing structure which currently has posed no adverse affects on the surrounding land uses.

NOTE:
THIS MAP OF SURVEY IS A SITE SURVEY SHOWING LOCATIONS
OF EASEMENT AND IMPROVEMENTS AS THEY EXIST AT THE
DATE OF SURVEY, AND NOT ALL IMPROVEMENTS MAY BE SHOWN.
THIS MAP DOES NOT REPRESENT AN ACTUAL BOUNDARY
SURVEY; HOWEVER PROPERTY CORNERS THAT WERE BOUNDARY
LOCATED ARE SHOWN AND USED TO DETERMINE PROPERTY
LINES AND TOWER OFFSETS.

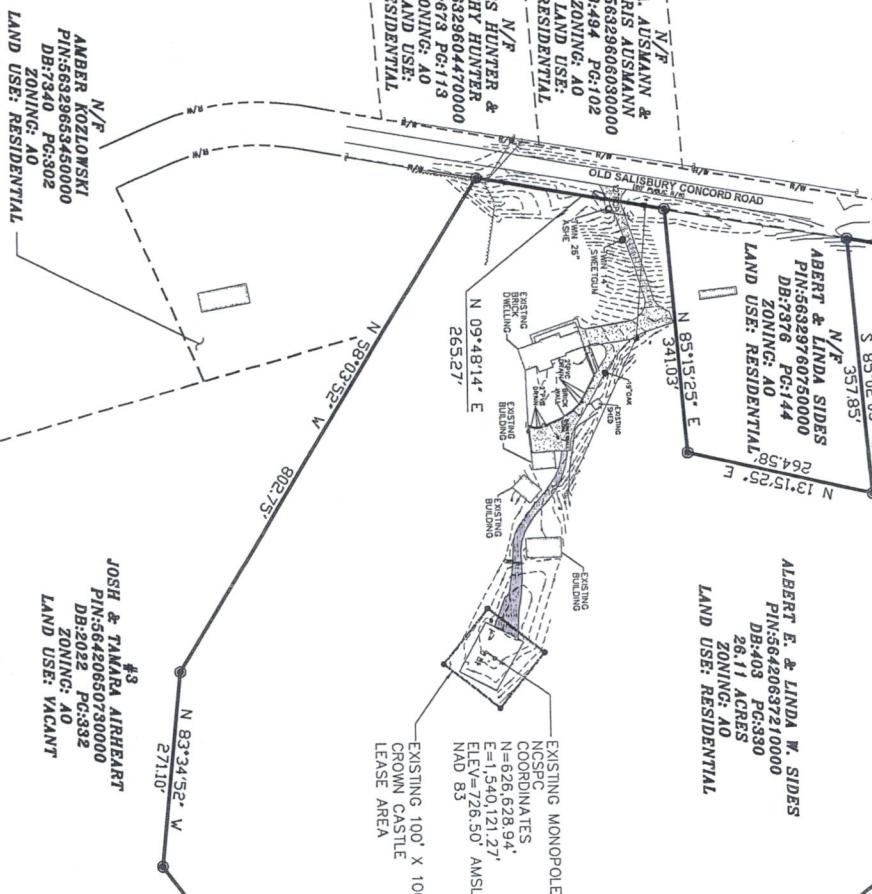
**MICHAEL N/F & MARIA
VANDERBERG**
PIN:5642005220000
DB:12220 GC:0255
ZONING: A0
LAND USE: RESIDENTIAL



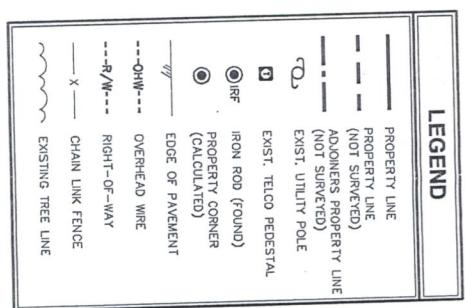
NOTES:

1. This plan was prepared without the benefit of a report of title.
2. This plan does not represent a title survey.
3. The basis of the bearings and coordinates for this plan is the North Carolina State Plane Coordinate System, North American Datum (NCS/PCS/NAD 83) based on differential GPS observations performed on July 16, 2010 and tied to the National CORS system via the OPUS utility and expressed in US Survey Feet.
4. Vertical information shown is the North American Vertical Datum of 1988 (NAVD '88) in US Survey Feet.
5. Property lines are drawn from information found in Deed Book 403, Page 330, of the Cabarrus County Register of Deeds records.
6. All distances are ground unless otherwise noted.
7. This property is located in flood zone "X", areas determined to be outside (FEMA Community Panel # 37105633004, effective November 05, 2008).
8. This map of survey is a site survey showing locations of Lease Area and improvements as they exist at the time of survey. Not all improvements may be shown. This map does not represent an actual boundary survey; however property corners that were field located are shown and used to determine property lines and tower offsets.
9. Lessee information:

GROWN CASTLE
501 WEST BUTLER RD. SUITE D
GREENVILLE, SC 28208
Property information:
ALBERT & LINDA SIDES
3240 OLD SALISBURY CONCORD ROAD
KANNAPOLIS, NC 28083

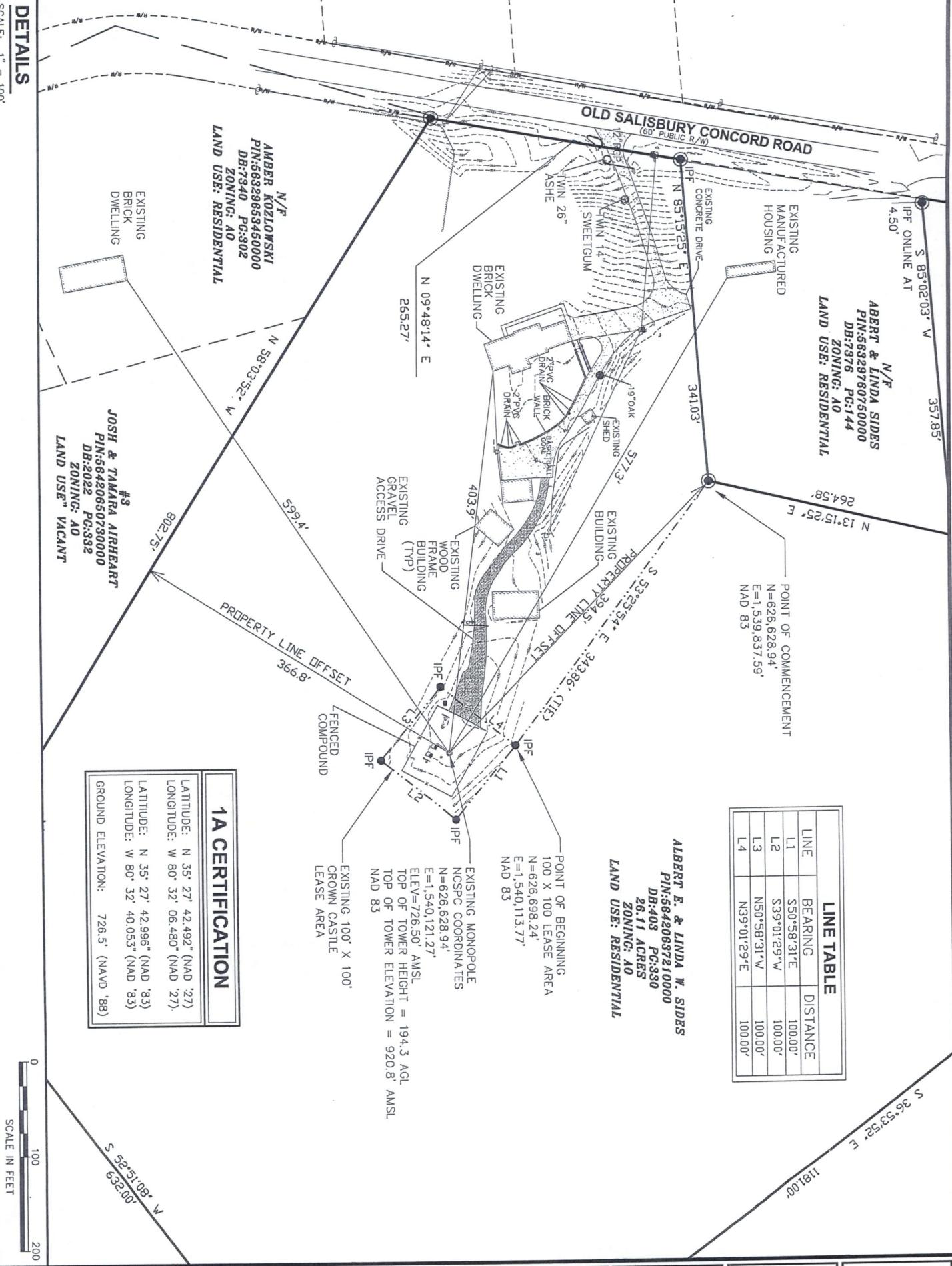


1A CERTIFICATION	
JOSH & TAMARA #3 AIRHEART	
PIN:56420050730000	
DB:7340 PG:302	
ZONING: A0	
LAND USE: VACANT	
LATITUDE: N 35° 27' 42.492" (NAD '27)	
LONGITUDE: W 80° 32' 06.480" (NAD '27)	
LATITUDE: N 35° 27' 42.996" (NAD '83)	
LONGITUDE: W 80° 32' 40.053" (NAD '83)	
GROUND ELEVATION: 726.5' (NAVD '88)	



SITE SURVEY

SCALE: 1" = 200'



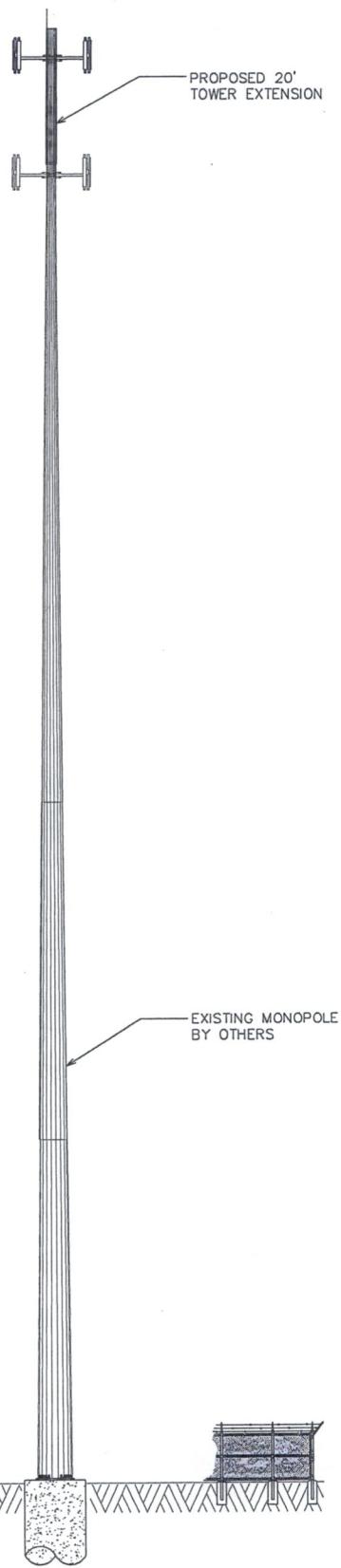
217'-4"±
T/ LIGHTNING ROD

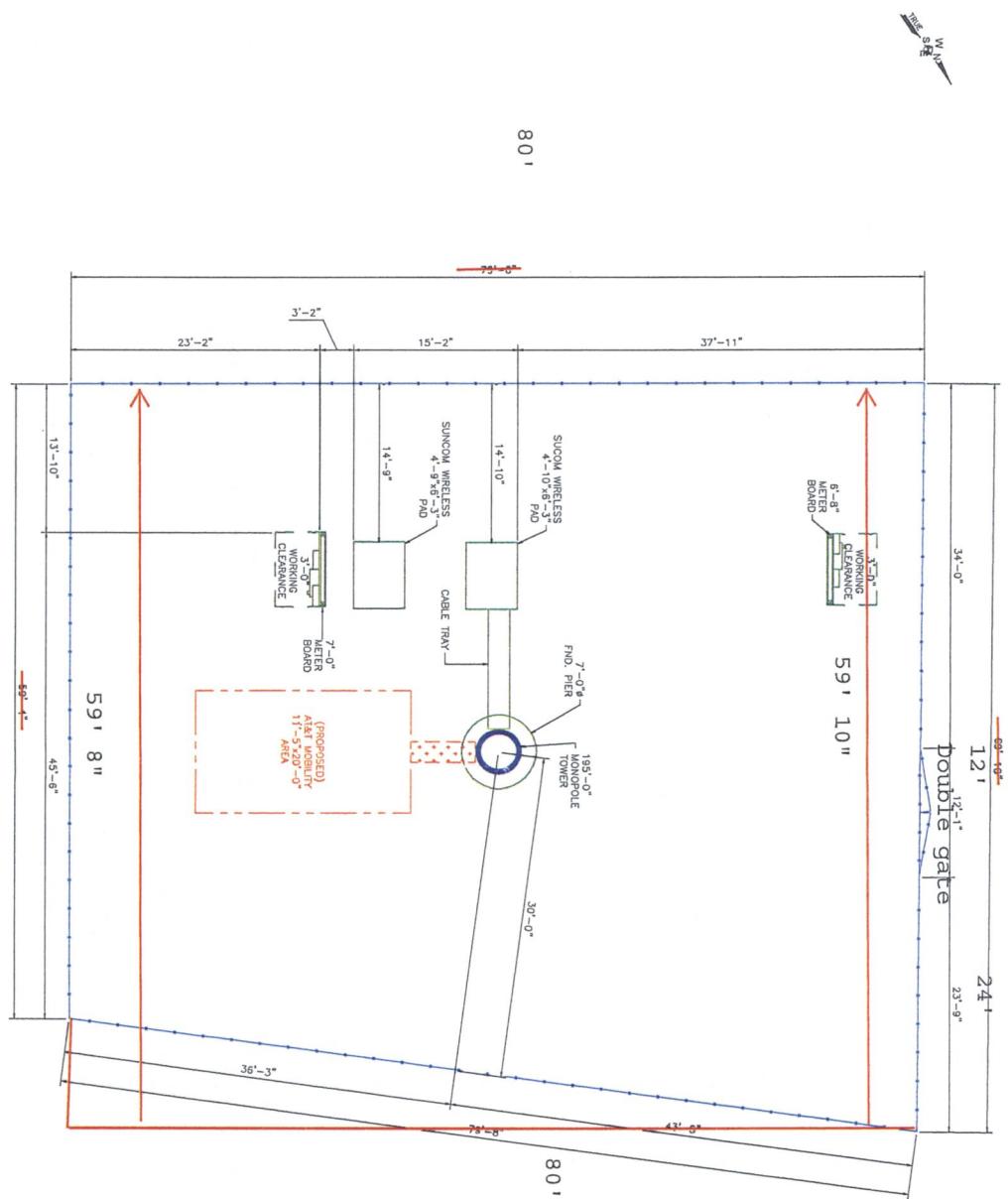
214'-4"±
T/ 20' EXTENSION

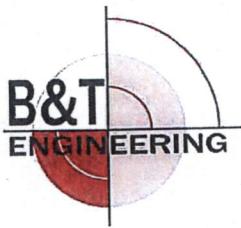
210'-0"±
T/ PROPOSED ANTENNA
MOUNT

194'-4"±
T/ TOWER

192'-9"±
T/ ANTENNA MOUNT







B&T Engineering, Inc.
1717 S. Boulder, Suite 300
Tulsa, OK 74119
(918) 587-4630 Phone
(918) 295-0265 Fax

New Gilead (BU 881345)
B&T Job 81777.003

October 15, 2010

Ms. Danielle Gardner
Crown Castle USA Inc.
3530 Toringdon Way, Suite 300
Charlotte, NC 28277

RE: Fall Zone Letter
Crown Castle BU 881345 (New Gilead)
3240 Old Salisbury Road - Concord, NC
215' Monopole

Dear Ms. Gardner:

It is our understanding that there are questions regarding the "Fall Radius" of the aforementioned 215' tall tower. We were hired by Crown Castle to modify this tower to support the proposed appurtenances and meet the requirements of the applicable codes.

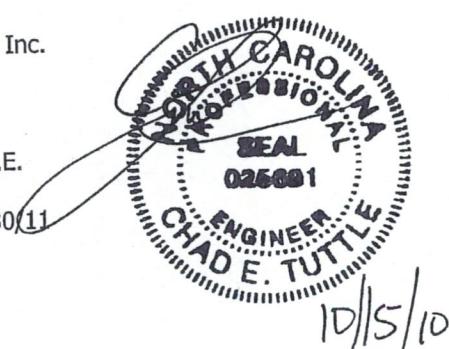
Failure in cantilevered tubular structures such as a monopole would typically occur as local buckling. Local buckling occurs in a very small area of the tubular structure and forms a plastic hinge about which the section of pole above the failure point will rotate. As the force generated by the wind causes the pole to heel, the cross sectional area of the pole is reduced, until the pole reaches a point of equilibrium and will not bend further. This failure will occur within the bounds of the lease area.

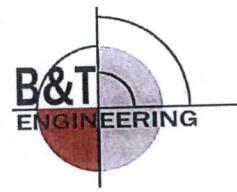
It is our opinion that the tower will meet the requirements of the applicable codes after the modifications are complete and therefore will not fail when subjected to the wind forces required in Cabarrus County, NC. In addition, if the tower did fail under some unforeseen circumstance, the fall radius would be within the lease area.

We appreciate the opportunity to provide professional services on this project. Please contact us if you have questions or need further assistance on this or any other project.

Sincerely,
B&T Engineering, Inc.

Chad E. Tuttle, P.E.
President
C-3048 Exp. 06/30/11





July 7, 2010

Ms. Danielle Gardner
Crown Castle USA Inc.
3530 Toringdon Way, Suite 300
Charlotte, NC 28277
(704) 405-6615

B&T Engineering, Inc.
1717 S. Boulder, Suite 300
Tulsa, OK 74119
(918) 587-4630
ctuttle@btengineering.com

Subject:

Structural Analysis Report – Modification Design

Carrier Designation:

AT&T Mobility Co-Locate 074-964
Carrier Site Number: 074-964
Carrier Site Name:

Crown Castle Designation:

Crown Castle BU Number: 881345
Crown Castle Site Name: New Gilead
Crown Castle JDE Job Number: 137863

Engineering Firm Designation:

B&T Engineering, Inc. Project Number: 81777

Site Data:

3240 Old Salisbury Rd., Concord, NC, Cabarrus County
Latitude 35° 27' 43.003", Longitude -80° 32' 40.059"
194 Foot - Monopole w/ 20' Proposed Extension

Dear Ms. Gardner,

B&T Engineering, Inc. is pleased to submit this “**Structural Modification Report**” to determine the structural integrity of the above mentioned tower. This analysis has been performed in accordance with the Crown Castle Structural ‘Statement of Work’ and the terms of Crown Castle Purchase Order Number 377367, in accordance with application 103402, revision 1.

The purpose of the analysis is to determine acceptability of the tower stress level. Based on our analysis we have determined the tower stress level for the structure and foundation, under the following load case, to be:

LC4: Modified Tower w/ Existing + Reserved + Proposed
Note: See Table 1 and Table 2 for the proposed and existing/reserved loading, respectively.

Sufficient Capacity

The analysis has been performed in accordance with the TIA/EIA-222-F standard and the 2009 North Carolina State Building Code based upon a wind speed of 70 mph fastest mile.

All modifications and equipment proposed in this report shall be installed in accordance with the attached drawings for the determined available structural capacity to be effective.

We at *B&T Engineering, Inc.* appreciate the opportunity of providing our continuing professional services to you and Crown Castle USA Inc. If you have any questions or need further assistance on this or any other projects please give us a call.

Respectfully submitted by:

A handwritten signature in black ink, appearing to read "Sachin S. Chougule".

Sachin S. Chougule
Project Engineer

Chad E. Tuttle, P.E.
President
C-3048 Exp: 06/30/11



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- Table 4 - Documents Provided
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- Tower Modification Drawings

1) INTRODUCTION

This tower is a 214 ft Monopole tower designed by Sabre in October of 2002. The tower was originally designed for a wind speed of 80 mph per TIA/EIA-222-F. A 20' Extension is proposed for this tower to accommodate the loading given below.

2) ANALYSIS CRITERIA

The structural analysis was performed for this tower in accordance with the requirements of TIA/EIA-222-F Structural Standards for Steel Antenna Towers and Antenna Supporting Structures using a fastest mile wind speed of 70 mph with no ice, 60.6 mph with 0.5 inch ice thickness and 50 mph under service loads.

Table 1 - Proposed Antenna and Cable Information

Mounting Level (ft)	Center Line Elevation (ft)	Number of Antennas	Antenna Manufacturer	Antenna Model	Number of Feed Lines	Feed Line Size (in)	Note
210	210	3	--	T-Arm Mount [TA 602-1]	12	3/8 1 5/8	--
		6	Andrew	ETM190G-12UB			
		6	KathreinScala	800 10765 w/ Mount Pipe			

Table 2 - Existing and Reserved Antenna and Cable Information

Mounting Level (ft)	Center Line Elevation (ft)	Number of Antennas	Antenna Manufacturer	Antenna Model	Number of Feed Lines	Feed Line Size (in)	Note
191	192	3	Arc Wireless	PCS-DS-16-09007-2D w/ Mount Pipe	6	1 5/8	1
	191	3	--	T-Arm Mount [TA 602-1]			

Notes:

1) Existing Equipment

Table 3 - Design Antenna and Cable Information

Mounting Level (ft)	Center Line Elevation (ft)	Number of Antennas	Antenna Manufacturer	Antenna Model	Number of Feed Lines	Feed Line Size (in)
190	190	3	--	T-Arm w/Standoff	--	--
		6	Andrew	PCS-DS-16-09007		
		1	--	LP Platform		
180	180	9	EMS Wireless	RR90-18-XXDP	--	--
		1	--	LP Platform		
170	170	9	EMS Wireless	RR90-18-XXDP	--	--

3) ANALYSIS PROCEDURE

Table 4 - Documents Provided

Document	Remarks	Reference	Source
Online Application	AT&T Mobility Co-Locate Revision #1	103402	Crown OTG
Tower Manufacturer Drawings	Sabre Job No. 03-10141	1426374	Crown OTG
Foundation Drawings	Sabre Job No. 03-10141	1426404	Crown OTG
Geotech Report	URS Project No. 00475-284	1426357	Crown OTG
Antenna Configuration	Crown CAD Package	Date: 06/17/10	Crown OTG

3.1) Analysis Method

RISATower (version 5.4.1.8), a commercially available analysis software package, was used to create a three-dimensional model of the tower and calculate member stresses for various loading cases. Selected output from the analysis is included in Appendix A.

3.2) Assumptions

- 1) Tower and structures were built in accordance with the manufacturer's specifications.
- 2) The tower and structures have been maintained in accordance with the manufacturer's specification.
- 3) The configuration of antennas, transmission cables, mounts and other appurtenances are as specified in Tables 1 and 2 and the referenced drawings.
- 4) When applicable, transmission cables are considered as structural components for calculating wind loads as allowed by TIA/EIA-222-F.

This analysis may be affected if any assumptions are not valid or have been made in error. B&T Engineering, Inc. should be notified to determine the effect on the structural integrity of the tower.

4) ANALYSIS RESULTS

Table 5 - Section Capacity (Summary) – LC4

Section No.	Elevation (ft)	Component Type	Size	Critical Element	P (K)	SF*P_allow (K)	% Capacity	Pass / Fail
L1	214 - 194.5	Pole	TP12.75x12.75x0.375	1	-2.304	408.109	41.1	Pass
L2	194.5 - 194	Pole	TP15.5x12.75x0.188	2	-2.305	353.930	50.7	Pass
L3	194 - 147.75	Pole	TP24.24x15.5x0.188	3	-5.633	726.614	75.4	Pass
L4	147.75 - 97.25	Pole	TP33.4x23.298x0.25	4	-10.504	1334.386	69.2	Pass
L5	97.25 - 48	Pole	TP42.2x32.098x0.313	5	-17.879	2108.793	60.8	Pass
L6	48 - 0	Pole	TP50.65x40.584x0.313	6	-27.965	2513.625	66.1	Pass
						Summary		
						Pole (L3)	75.4	Pass
						RATING =	75.4	Pass

Table 6 - Tower Component Stresses vs. Capacity – LC4

Notes	Component	Elevation (ft)	% Capacity	Pass / Fail
1	Flange Bolts	194	50.4	Pass
1	Flange plate	194	64.8	Pass
1	Anchor Rods	Base	59.8	Pass
1	Base Plate	Base	55.4	Pass
1	Base Foundation	Base	47.8	Pass
Structure Rating (max from all components) =				75.4%

Notes:

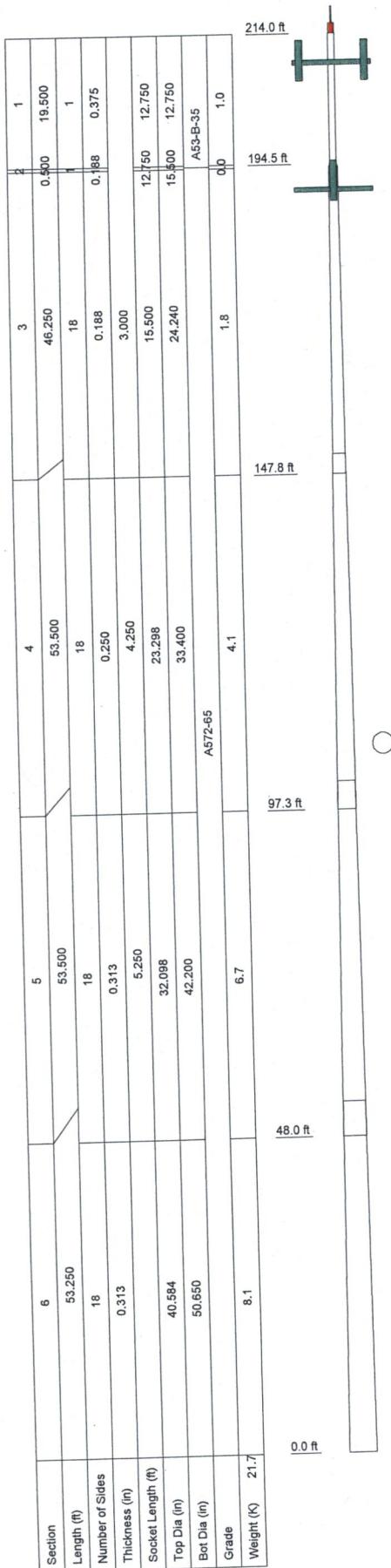
- 1) See additional documentation in "Appendix C – Additional Calculations" for calculations supporting the % capacity consumed.
- 2) Capacities up to 105% are considered acceptable based on analysis methods used.
- 3) The percent capacities shown above (excluding foundations) include the 1/3 increase in allowable stresses as allowed by TIA/EIA-222-F.

4.1) Recommendations

- 1) All modifications proposed in this report shall be installed in accordance with the attached drawings (Appendix D) for the determined available structural capacity to be effective.

APPENDIX A

RISA TOWER OUTPUT



DESIGNED APPURTE NANCE LOADING

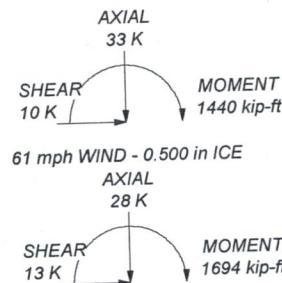
TYPE	ELEVATION	TYPE	ELEVATION
Lightning Rod (P)	216	PCS-DS-16-09007-2D w/Mount Pipe (E)	192
Beacon (P)	214	PCS-DS-16-09007-2D w/Mount Pipe (E)	192
(2) 800 10765 w/Mount Pipe (P)	210	PCS-DS-16-09007-2D w/Mount Pipe (E)	192
(2) 800 10765 w/Mount Pipe (P)	210	T-Arm Mount [TA 602-3] (E)	191
(2) 800 10765 w/Mount Pipe (P)	210	6' x 2" Mount Pipe (E)	191
(2) ETM190G-12UB (P)	210	6' x 2" Mount Pipe (E)	191
(2) ETM190G-12UB (P)	210	6' x 2" Mount Pipe (E)	191
(2) ETM190G-12UB (P)	210	6' x 2" Mount Pipe (E)	191
T-Arm Mount [TA 602-3] (P)	210		
PCS-DS-16-09007-2D w/Mount Pipe (E)	192		

MATERIAL STRENGTH

GRADE	Fy	Fu	GRADE	Fy	Fu
A53-B-35	35 ksi	63 ksi	A572-65	65 ksi	80 ksi

TOWER DESIGN NOTES

1. Tower is located in Cabarrus County, North Carolina.
2. Tower designed for a 70 mph basic wind in accordance with the TIA/EIA-222-F Standard.
3. Tower is also designed for a 61 mph basic wind with 0.50 in ice.
4. Deflections are based upon a 50 mph wind.
5. TOWER RATING: 75.4%



REACTIONS - 70 mph WIND

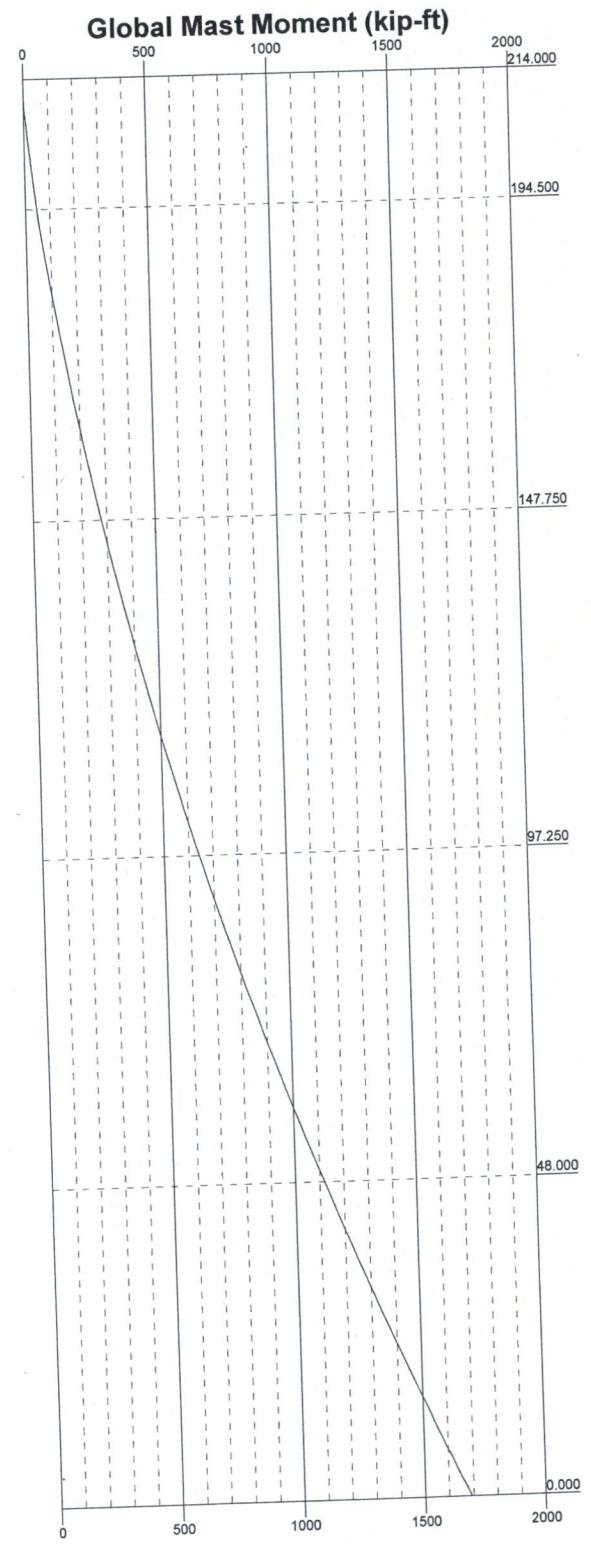
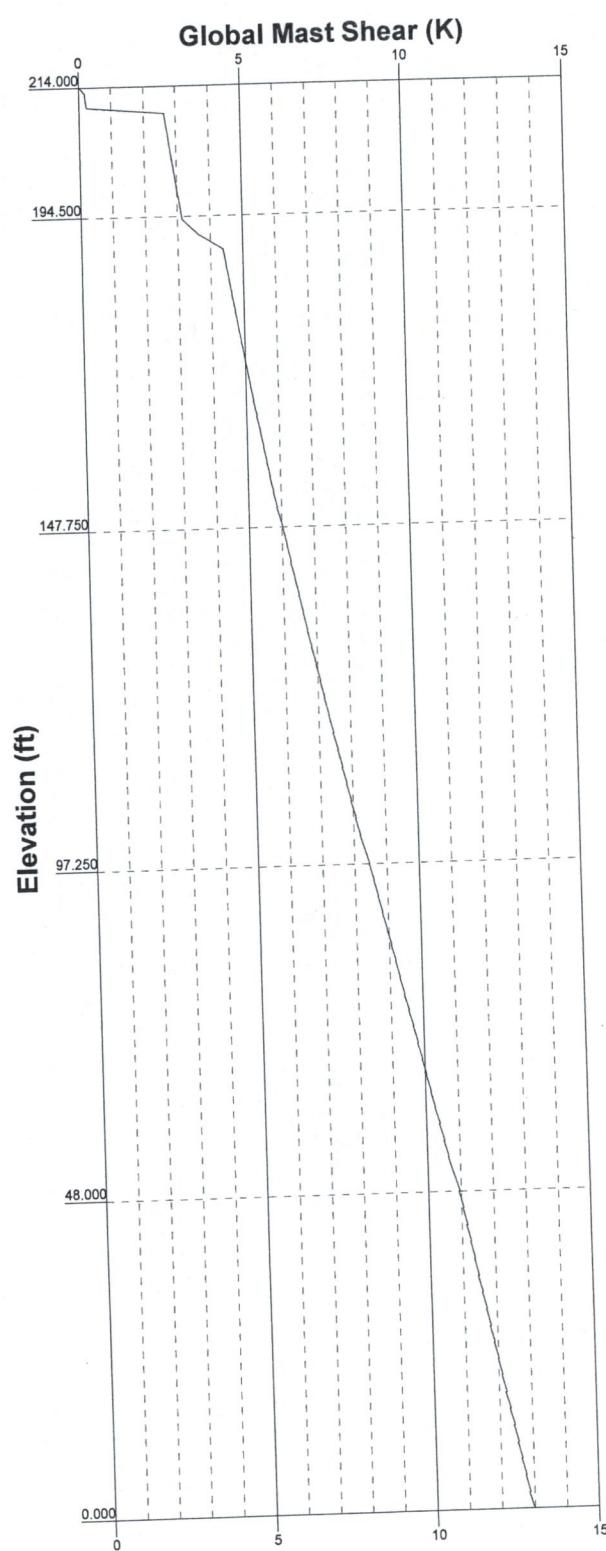


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FAX: (918) 295-0265

Job: 81777 - New Gilead, NC (BU# 881345)

Project: 214' Sabre Monopole / App ID: 103402; Rev: 1	
Client: Crown Castle USA, Inc.	Drawn by: SChougle
Code: TIA/EIA-222-F	Date: 06/29/10
Path: C:\214' Sabre Monopole\214' Sabre Monopole.dwg	

— Vx - - - Vz



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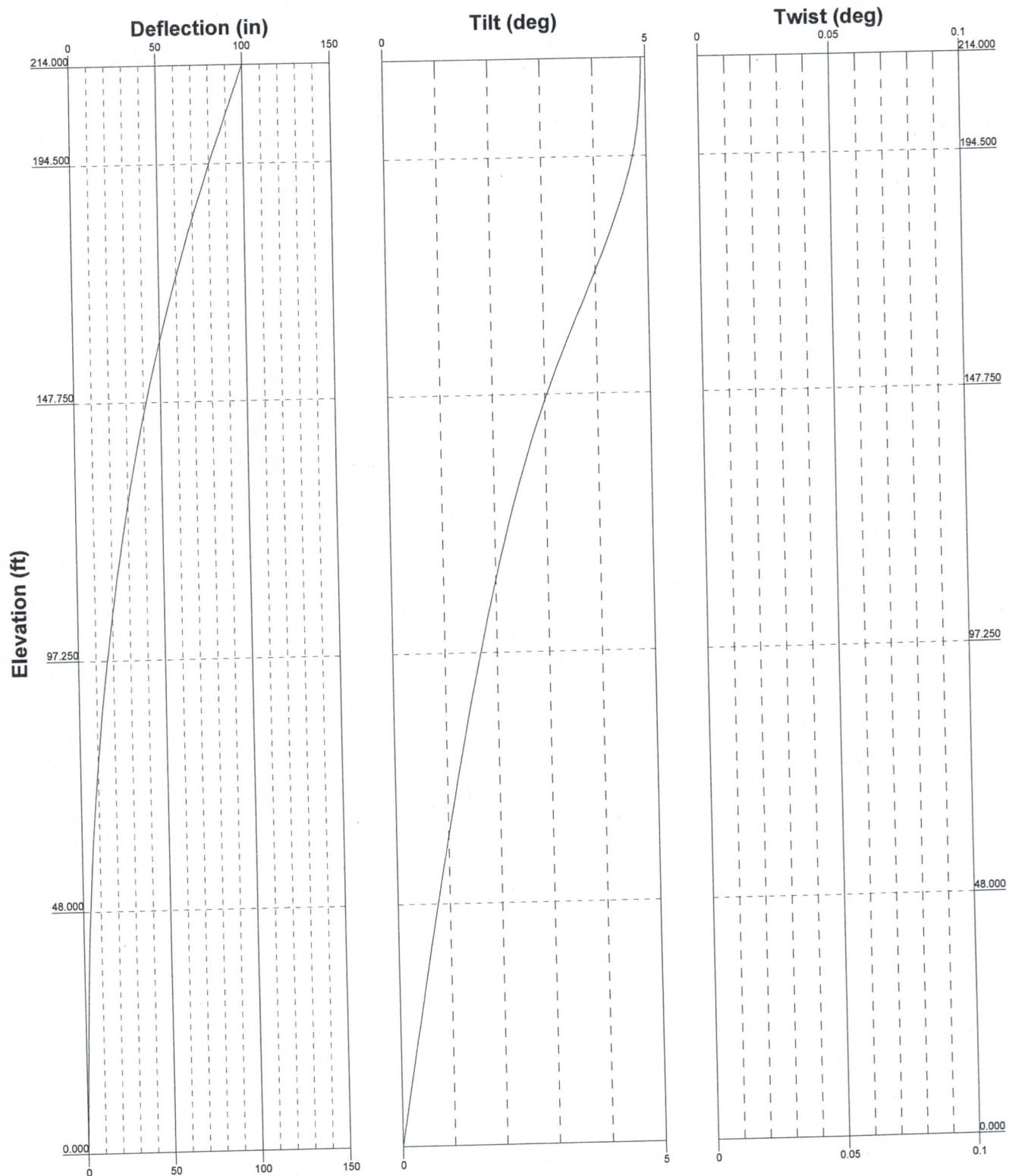
Job: 81777 - New Gilead, NC (BU# 881345)

Project: 214' Sabre Monopole / App ID: 103402; Rev: 1

Client: Crown Castle USA, Inc. Drawn by: SChougule App'd:

Code: TIA/EIA-222-F Date: 06/29/10 Scale: N

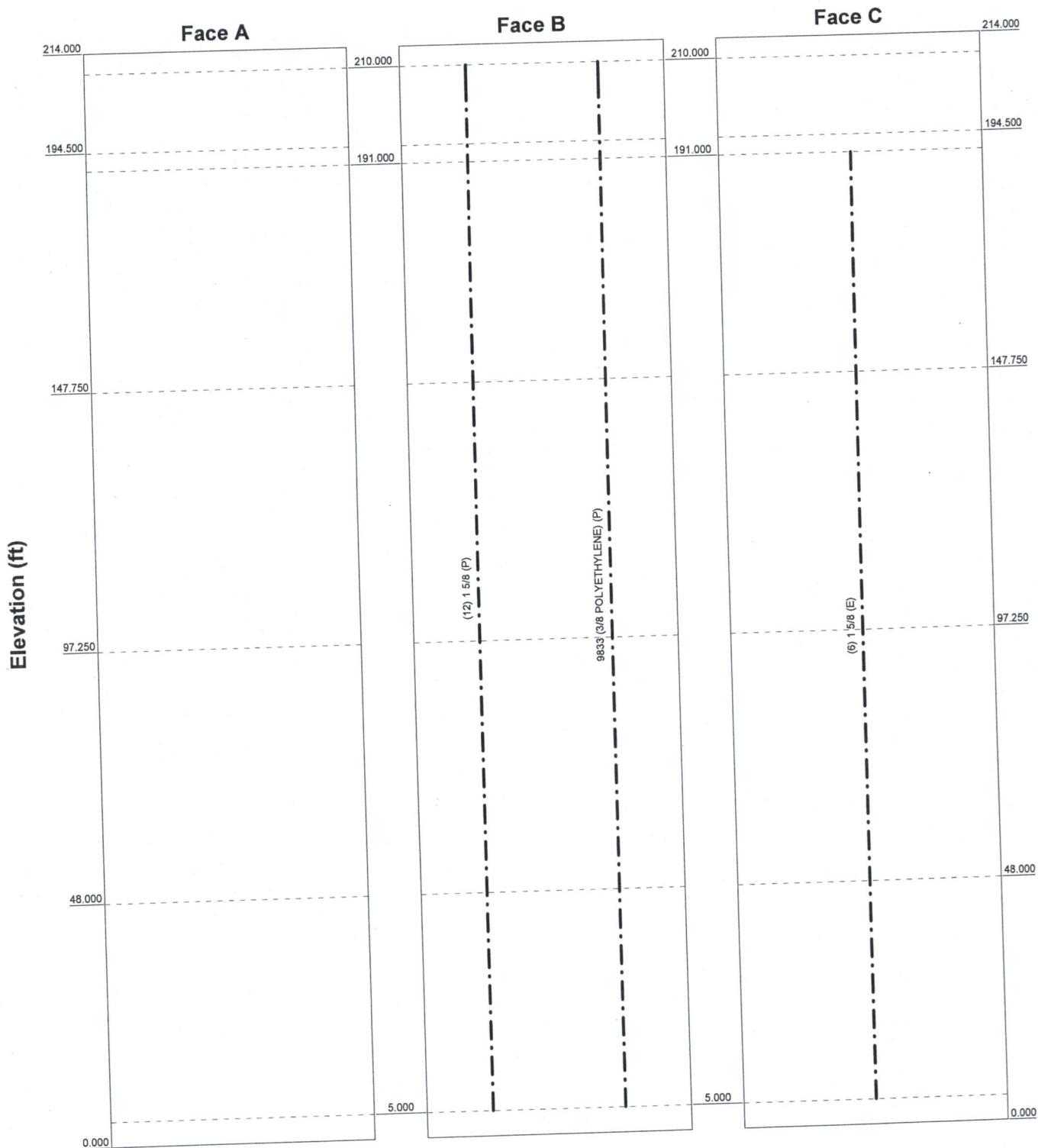
Path: 518AT Engineering/Projects/Crown Castle/81777_881345_New Gilead, NC Modified Dwg No: E



Feedline Distribution Chart

0' - 214'

Round Flat App In Face App Out Face Truss Leg



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Job: 81777 - New Gilead, NC (BU# 881345)		Project: 214' Sabre Monopole / App ID: 103402; Rev: 1	
Client: Crown Castle USA, Inc.	Drawn by: SChougle	App'd:	
Code: TIA/EIA-222-F	Date: 06/29/10	Scale: N1	
Path: S81777 Engineering\Project\Drawings\81777_881345_New Gilead\81777_881345_New Gilead.dwg			Dwg No: E

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Job	81777 - New Gilead, NC (BU# 881345)	Page	1 of 8
Project	214' Sabre Monopole / App ID: 103402; Rev: 1	Date	13:57:35 07/06/10
Client	Crown Castle USA, Inc.	Designed by	SChougule

Tower Input Data

There is a pole section.

This tower is designed using the TIA/EIA-222-F standard.

The following design criteria apply:

Tower is located in Cabarrus County, North Carolina.

Basic wind speed of 70 mph.

Nominal ice thickness of 0.500 in.

Ice density of 56.000pcf.

A wind speed of 61 mph is used in combination with ice.

Deflections calculated using a wind speed of 50 mph.

A non-linear (P-delta) analysis was used.

Pressures are calculated at each section.

Stress ratio used in pole design is 1.333.

Local bending stresses due to climbing loads, feedline supports, and appurtenance mounts are not considered.

Tapered Pole Section Geometry

Section	Elevation ft	Section Length ft	Splice Length ft	Number of Sides	Top Diameter in	Bottom Diameter in	Wall Thickness in	Bend Radius in	Pole Grade
L1	214.000-194.50 0	19.500	0.000	Round	12.750	12.750	0.375		A53-B-35 (35 ksi)
L2	194.500-194.00 0	0.500	0.000	Round	12.750	15.500	0.188		A572-65 (65 ksi)
L3	194.000-147.75 0	46.250	3.000	18	15.500	24.240	0.188	0.750	A572-65 (65 ksi)
L4	147.750-97.250	53.500	4.250	18	23.298	33.400	0.250	1.000	A572-65 (65 ksi)
L5	97.250-48.000	53.500	5.250	18	32.098	42.200	0.313	1.250	A572-65 (65 ksi)
L6	48.000-0.000	53.250		18	40.584	50.650	0.313	1.250	A572-65 (65 ksi)

Tapered Pole Properties

Section	Tip Dia. in	Area in ²	I in ⁴	r in	C in	I/C in ³	J in ⁴	I _t /Q in ²	w in	w/t
L1	12.750	14.579	279.293	4.381	6.375	43.811	557.824	7.285	0.000	0
	12.750	14.579	279.293	4.381	6.375	43.811	557.824	7.285	0.000	0
L2	12.750	7.400	146.091	4.447	6.375	22.916	291.783	3.698	0.000	0
	15.500	9.020	264.565	5.421	7.750	34.137	528.409	4.507	0.000	12.789
L3	15.739	9.113	269.950	5.436	7.874	34.284	540.256	4.557	2.398	20.993
	24.614	14.314	1046.228	8.539	12.314	84.963	2093.833	7.158	3.936	14.642
L4	24.233	18.289	1227.407	8.182	11.835	103.706	2456.430	9.146	3.660	21.754
	33.915	26.305	3652.035	11.768	16.967	215.241	7308.876	13.155	5.438	22.007
L5	33.408	31.527	4024.033	11.284	16.306	246.789	8053.360	15.766	5.099	21.097
	42.851	41.547	9209.747	14.870	21.438	429.607	18431.613	19.976	6.593	
L6	42.217	39.944	8184.195	14.296	20.616	396.973	16379.159	24.969	8.364	26.766
	51.431	49.929	15983.406	17.870	25.730	621.192	31987.843			

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Job	81777 - New Gilead, NC (BU# 881345)	Page
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Tower Elevation	Gusset Area (per face)	Gusset Thickness	Gusset Grade	Adjust. Factor A_f	Adjust. Factor A_r	Weight Mult.	Double Angle Stitch Bolt Spacing Diagonals in	Double Angle Stitch Bolt Spacing Horizontals in
ft	ft ²	in						
L1				1	1	1		
214.000-194.500								
L2				1	1	1		
194.500-194.000								
L3				1	1	1		
194.000-147.750								
L4				1	1	1		
147.750-97.250								
L5				1	1	1		
97.250-48.000								
L6				1	1	1		
48.000-0.000								

Feed Line/Linear Appurtenances - Entered As Round Or Flat

Description	Face or Leg	Allow Shield	Component Type	Placement ft	Total Number	Number Per Row	Clear Spacing in	Width or Diameter in	Perimeter in	Weight klf
**										

Feed Line/Linear Appurtenances - Entered As Area

Description	Face or Leg	Allow Shield	Component Type	Placement ft	Total Number	$C_A A_A$	Weight
						ft ² /ft	klf
1 5/8 (P)	B	No	Inside Pole	210.000 - 5.000	12	No Ice 0.000	0.001
9833 (3/8 POLYETHYLENE)	B	No	Inside Pole	210.000 - 5.000	1	1/2" Ice 0.000	0.001
(P) **						No Ice 0.000	0.000
1 5/8 (E) **	C	No	Inside Pole	191.000 - 5.000	6	1/2" Ice 0.000	0.000

Feed Line/Linear Appurtenances Section Areas

Tower Section	Tower Elevation ft	Face	A_R ft ²	A_F ft ²	$C_A A_A$ In Face ft ²	$C_A A_A$ Out Face ft ²	Weight K
L1	214.000-194.500	A	0.000	0.000	0.000	0.000	0.000
		B	0.000	0.000	0.000	0.000	0.195
		C	0.000	0.000	0.000	0.000	0.000
L2	194.500-194.000	A	0.000	0.000	0.000	0.000	0.000
		B	0.000	0.000	0.000	0.000	0.006

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Tower Section	Tower Elevation ft	Face	A_R ft ²	A_F ft ²	$C_A A_A$ In Face ft ²	$C_A A_A$ Out Face ft ²	Weight
L3	194.000-147.750	C	0.000	0.000	0.000	0.000	0.000
		A	0.000	0.000	0.000	0.000	0.000
		B	0.000	0.000	0.000	0.000	0.580
L4	147.750-97.250	C	0.000	0.000	0.000	0.000	0.270
		A	0.000	0.000	0.000	0.000	0.000
		B	0.000	0.000	0.000	0.000	0.634
L5	97.250-48.000	C	0.000	0.000	0.000	0.000	0.315
		A	0.000	0.000	0.000	0.000	0.000
		B	0.000	0.000	0.000	0.000	0.618
L6	48.000-0.000	C	0.000	0.000	0.000	0.000	0.307
		A	0.000	0.000	0.000	0.000	0.000
		B	0.000	0.000	0.000	0.000	0.540
		C	0.000	0.000	0.000	0.000	0.268

Feed Line/Linear Appurtenances Section Areas - With Ice

Tower Section	Tower Elevation ft	Face or Leg	Ice Thickness in	A_R ft ²	A_F ft ²	$C_A A_A$ In Face ft ²	$C_A A_A$ Out Face ft ²	Weight
L1	214.000-194.500	A	0.500	0.000	0.000	0.000	0.000	0.000
		B	0.000	0.000	0.000	0.000	0.000	0.195
		C	0.000	0.000	0.000	0.000	0.000	0.000
L2	194.500-194.000	A	0.500	0.000	0.000	0.000	0.000	0.006
		B	0.000	0.000	0.000	0.000	0.000	0.000
		C	0.000	0.000	0.000	0.000	0.000	0.000
L3	194.000-147.750	A	0.500	0.000	0.000	0.000	0.000	0.580
		B	0.000	0.000	0.000	0.000	0.000	0.270
		C	0.000	0.000	0.000	0.000	0.000	0.000
L4	147.750-97.250	A	0.500	0.000	0.000	0.000	0.000	0.634
		B	0.000	0.000	0.000	0.000	0.000	0.315
		C	0.000	0.000	0.000	0.000	0.000	0.000
L5	97.250-48.000	A	0.500	0.000	0.000	0.000	0.000	0.618
		B	0.000	0.000	0.000	0.000	0.000	0.307
		C	0.000	0.000	0.000	0.000	0.000	0.000
L6	48.000-0.000	A	0.500	0.000	0.000	0.000	0.000	0.540
		B	0.000	0.000	0.000	0.000	0.000	0.268
		C	0.000	0.000	0.000	0.000	0.000	

Feed Line Center of Pressure

Section	Elevation ft	CP_x in	CP_z in	CP_x Ice in	CP_z Ice in
L1	214.000-194.500	0.000	0.000	0.000	0.000
L2	194.500-194.000	0.000	0.000	0.000	0.000
L3	194.000-147.750	0.000	0.000	0.000	0.000
L4	147.750-97.250	0.000	0.000	0.000	0.000
L5	97.250-48.000	0.000	0.000	0.000	0.000
L6	48.000-0.000	0.000	0.000	0.000	0.000

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Job	81777 - New Gilead, NC (BU# 881345)	Page 4 of 8
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Client	Crown Castle USA, Inc.	Designed by SChougule

Discrete Tower Loads

Description	Face or Leg	Offset Type	Offsets: Horz Lateral Vert ft ft ft	Azimuth Adjustment °	Placement ft	CAAA Front ft ²	CAAA Side ft ²	Weight K
Lightning Rod (P)	C	None		0.000	216.000	No Ice 0.500	0.500	0.100
Beacon (P) **	C	None		0.000	214.000	No Ice 0.750 1/2" Ice 1.500	0.750 1.500	0.200 0.200
(2) 800 10765 w/Mount Pipe (P)	C	From Face	0.000 0.000 0.000	0.000	210.000	No Ice 8.662 1/2" Ice 9.232	6.415 7.382	0.074 0.136
(2) 800 10765 w/Mount Pipe (P)	B	From Face	0.000 0.000 0.000	0.000	210.000	No Ice 8.662 1/2" Ice 9.232	6.415 7.382	0.074 0.136
(2) 800 10765 w/Mount Pipe (P)	A	From Face	0.000 0.000 0.000	0.000	210.000	No Ice 8.662 1/2" Ice 9.232	6.415 7.382	0.074 0.136
(2) ETM190G-12UB (P)	C	From Face	0.000 0.000 0.000	0.000	210.000	No Ice 1.060 1/2" Ice 1.211	0.445 0.571	0.016 0.023
(2) ETM190G-12UB (P)	B	From Face	0.000 0.000 0.000	0.000	210.000	No Ice 1.060 1/2" Ice 1.211	0.445 0.571	0.016 0.023
(2) ETM190G-12UB (P)	A	From Face	0.000 0.000 0.000	0.000	210.000	No Ice 1.060 1/2" Ice 1.211	0.445 0.571	0.016 0.023
T-Arm Mount [TA 602-3] (P) **	C	None		0.000	210.000	No Ice 11.590 1/2" Ice 15.440	11.590 15.440	0.774 0.990
PCS-DS-16-09007-2D w/Mount Pipe (E)	C	From Face	0.000 0.000 0.000	0.000	192.000	No Ice 4.586 1/2" Ice 5.267	3.013 4.030	0.036 0.070
PCS-DS-16-09007-2D w/Mount Pipe (E)	B	From Face	0.000 0.000 0.000	0.000	192.000	No Ice 4.586 1/2" Ice 5.267	3.013 4.030	0.036 0.070
PCS-DS-16-09007-2D w/Mount Pipe (E)	A	From Face	0.000 0.000 0.000	0.000	192.000	No Ice 4.586 1/2" Ice 5.267	3.013 4.030	0.036 0.070
T-Arm Mount [TA 602-3] (E)	C	None		0.000	191.000	No Ice 11.590 1/2" Ice 15.440	11.590 15.440	0.774 0.990
6' x 2" Mount Pipe (E)	C	From Face	0.000 0.000 0.000	0.000	191.000	No Ice 1.425 1/2" Ice 1.925	1.425 1.925	0.022 0.033
6' x 2" Mount Pipe (E)	B	From Face	0.000 0.000 0.000	0.000	191.000	No Ice 1.425 1/2" Ice 1.925	1.425 1.925	0.022 0.033
6' x 2" Mount Pipe (E)	A	From Face	0.000 0.000 0.000	0.000	191.000	No Ice 1.425 1/2" Ice 1.925	1.425 1.925	0.022 0.033

**

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Job	81777 - New Gilead, NC (BU# 881345)	Page	5 of 8
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Client	Crown Castle USA, Inc.	Designed by	SChougule

Load Combinations

Comb. No.	Description
1	Dead Only
2	Dead+Wind 0 deg - No Ice
3	Dead+Wind 30 deg - No Ice
4	Dead+Wind 60 deg - No Ice
5	Dead+Wind 90 deg - No Ice
6	Dead+Wind 120 deg - No Ice
7	Dead+Wind 150 deg - No Ice
8	Dead+Wind 180 deg - No Ice
9	Dead+Wind 210 deg - No Ice
10	Dead+Wind 240 deg - No Ice
11	Dead+Wind 270 deg - No Ice
12	Dead+Wind 300 deg - No Ice
13	Dead+Wind 330 deg - No Ice
14	Dead+Ice
15	Dead+Wind 0 deg+Ice
16	Dead+Wind 30 deg+Ice
17	Dead+Wind 60 deg+Ice
18	Dead+Wind 90 deg+Ice
19	Dead+Wind 120 deg+Ice
20	Dead+Wind 150 deg+Ice
21	Dead+Wind 180 deg+Ice
22	Dead+Wind 210 deg+Ice
23	Dead+Wind 240 deg+Ice
24	Dead+Wind 270 deg+Ice
25	Dead+Wind 300 deg+Ice
26	Dead+Wind 330 deg+Ice
27	Dead+Wind 0 deg - Service
28	Dead+Wind 30 deg - Service
29	Dead+Wind 60 deg - Service
30	Dead+Wind 90 deg - Service
31	Dead+Wind 120 deg - Service
32	Dead+Wind 150 deg - Service
33	Dead+Wind 180 deg - Service
34	Dead+Wind 210 deg - Service
35	Dead+Wind 240 deg - Service
36	Dead+Wind 270 deg - Service
37	Dead+Wind 300 deg - Service
38	Dead+Wind 330 deg - Service

Maximum Tower Deflections - Service Wind

Section No.	Elevation ft	Horz. Deflection in	Gov. Load Comb.	Tilt °	Twist °
L1	214 - 194.5	100.061	30	4.924	0.000
L2	194.5 - 194	80.184	30	4.740	0.000
L3	194 - 147.75	79.689	30	4.727	0.000
L4	150.75 - 97.25	43.636	34	3.154	0.000
L5	101.5 - 48	18.230	34	1.778	0.000
L6	53.25 - 0	4.870	34	0.859	0.000

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Critical Deflections and Radius of Curvature - Service Wind

Elevation ft	Appurtenance	Gov. Load Comb.	Deflection in	Tilt °	Twist °	Radius of Curvature ft
216.000	Lightning Rod	30	100.061	4.924	0.000	10930
214.000	Beacon	30	100.061	4.924	0.000	10930
210.000	(2) 800 10765 w/Mount Pipe	30	95.929	4.916	0.000	10930
192.000	PCS-DS-16-09007-2D w/Mount Pipe	30	77.726	4.673	0.000	1845
191.000	T-Arm Mount [TA 602-3]	30	76.755	4.645	0.000	1773

Maximum Tower Deflections - Design Wind

Section No.	Elevation ft	Horz. Deflection in	Gov. Load Comb.	Tilt °	Twist °
L1	214 - 194.5	194.877	2	9.594	0.000
L2	194.5 - 194	156.279	2	9.237	0.000
L3	194 - 147.75	155.318	2	9.212	0.000
L4	150.75 - 97.25	85.172	2	6.155	0.000
L5	101.5 - 48	35.622	3	3.475	0.000
L6	53.25 - 0	9.523	3	1.679	0.000

Critical Deflections and Radius of Curvature - Design Wind

Elevation ft	Appurtenance	Gov. Load Comb.	Deflection in	Tilt °	Twist °	Radius of Curvature ft
216.000	Lightning Rod	2	194.877	9.594	0.000	5862
214.000	Beacon	2	194.877	9.594	0.000	5862
210.000	(2) 800 10765 w/Mount Pipe	2	186.856	9.579	0.000	5862
192.000	PCS-DS-16-09007-2D w/Mount Pipe	2	151.505	9.107	0.000	986
191.000	T-Arm Mount [TA 602-3]	2	149.618	9.052	0.000	947

Compression Checks

Pole Design Data

Section No.	Elevation ft	Size	L ft	L _u ft	Kl/r	F _a ksi	A in ²	Actual P K	Allow. P _a K	Ratio P P _a
L1	214 - 194.5 (1)	TP12.75x12.75x0.375	19.500	0.000	0.0	21.0000	14.579	-2.304	306.158	0.008
L2	194.5 - 194 (2)	TP15.5x12.75x0.188	0.500	0.000	0.0	35.8806	7.400	-2.305	265.514	0.009
L3	194 - 147.75 (3)	TP24.24x15.5x0.188	46.250	0.000	0.0	39.0000	13.977	-5.633	545.097	0.010
L4	147.75 - 97.25 (4)	TP33.4x23.298x0.25	53.500	0.000	0.0	39.0000	25.668	-10.504	1001.040	0.010
L5	97.25 - 48 (5)	TP42.2x32.098x0.313	53.500	0.000	0.0	39.0000	40.564	-17.879	1581.990	0.011
L6	48 - 0 (6)	TP50.65x40.584x0.313	53.250	0.000	0.0	37.7677	49.929	-27.965	1885.690	0.015

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	Crown Castle USA, Inc.	Designed by SChougule

Pole Bending Design Data

Section No.	Elevation ft	Size	Actual M_x kip-ft	Actual f_{bx} ksi	Allow. F_{bx} ksi	Ratio $\frac{f_{bx}}{F_{bx}}$	Actual M_y kip-ft	Actual f_{by} ksi	Allow. F_{by} ksi	Ratio $\frac{f_{by}}{F_{by}}$
L1	214 - 194.5 (1)	TP12.75x12.75x0.375	45.538	12.4730	23.1000	0.540	0.000	0.0000	23.1000	0.000
L2	194.5 - 194 (2)	TP15.5x12.75x0.188	45.523	23.8380	35.7353	0.667	0.000	0.0000	35.7353	0.000
L3	194 - 147.75 (3)	TP24.24x15.5x0.188	261.675	38.7714	39.0000	0.994	0.000	0.0000	39.0000	0.000
L4	147.75 - 97.25 (4)	TP33.4x23.298x0.25	607.622	35.5841	39.0000	0.912	0.000	0.0000	39.0000	0.000
L5	97.25 - 48 (5)	TP42.2x32.098x0.313	1063.38 ³	31.1660	39.0000	0.799	0.000	0.0000	39.0000	0.000
L6	48 - 0 (6)	TP50.65x40.584x0.313	1694.13 ³	32.7268	37.7677	0.867	0.000	0.0000	37.7677	0.000

Pole Shear Design Data

Section No.	Elevation ft	Size	Actual V K	Actual f_v ksi	Allow. F_v ksi	Ratio $\frac{f_v}{F_v}$	Actual T kip-ft	Actual f_{vt} ksi	Allow. F_{vt} ksi	Ratio $\frac{f_{vt}}{F_{vt}}$
L1	214 - 194.5 (1)	TP12.75x12.75x0.375	3.136	0.2151	14.0000	0.031	0.000	0.0000	14.0000	0.000
L2	194.5 - 194 (2)	TP15.5x12.75x0.188	3.179	0.4296	26.0000	0.027	0.000	0.0000	20.4114	0.000
L3	194 - 147.75 (3)	TP24.24x15.5x0.188	5.885	0.4211	26.0000	0.032	0.000	0.0000	26.0000	0.000
L4	147.75 - 97.25 (4)	TP33.4x23.298x0.25	8.210	0.3198	26.0000	0.025	0.000	0.0000	26.0000	0.000
L5	97.25 - 48 (5)	TP42.2x32.098x0.313	10.659	0.2628	26.0000	0.020	0.000	0.0000	26.0000	0.000
L6	48 - 0 (6)	TP50.65x40.584x0.313	13.000	0.2604	26.0000	0.020	0.000	0.0000	26.0000	0.000

Pole Interaction Design Data

Section No.	Elevation ft	Ratio P	Ratio f_{bx}	Ratio f_{by}	Ratio f_v	Ratio f_{vt}	Comb. Stress Ratio	Allow. Stress Ratio	Criteria
L1	214 - 194.5 (1)	0.008	0.540	0.000	0.031	0.000	0.548	1.333	H1-3+VT ✓
L2	194.5 - 194 (2)	0.009	0.667	0.000	0.027	0.000	0.676	1.333	H1-3+VT ✓
L3	194 - 147.75 (3)	0.010	0.994	0.000	0.032	0.000	1.005	1.333	H1-3+VT ✓
L4	147.75 - 97.25 (4)	0.010	0.912	0.000	0.025	0.000	0.923	1.333	H1-3+VT ✓
L5	97.25 - 48 (5)	0.011	0.799	0.000	0.020	0.000	0.811	1.333	H1-3+VT ✓
L6	48 - 0 (6)	0.015	0.867	0.000	0.020	0.000	0.881	1.333	H1-3+VT ✓

RISATower

B & T Engineering, Inc.
1717 S. Boulder, Suite 300
Tulsa, OK 74119
Phone: (918) 587-4630
FAX: (918) 295-0265

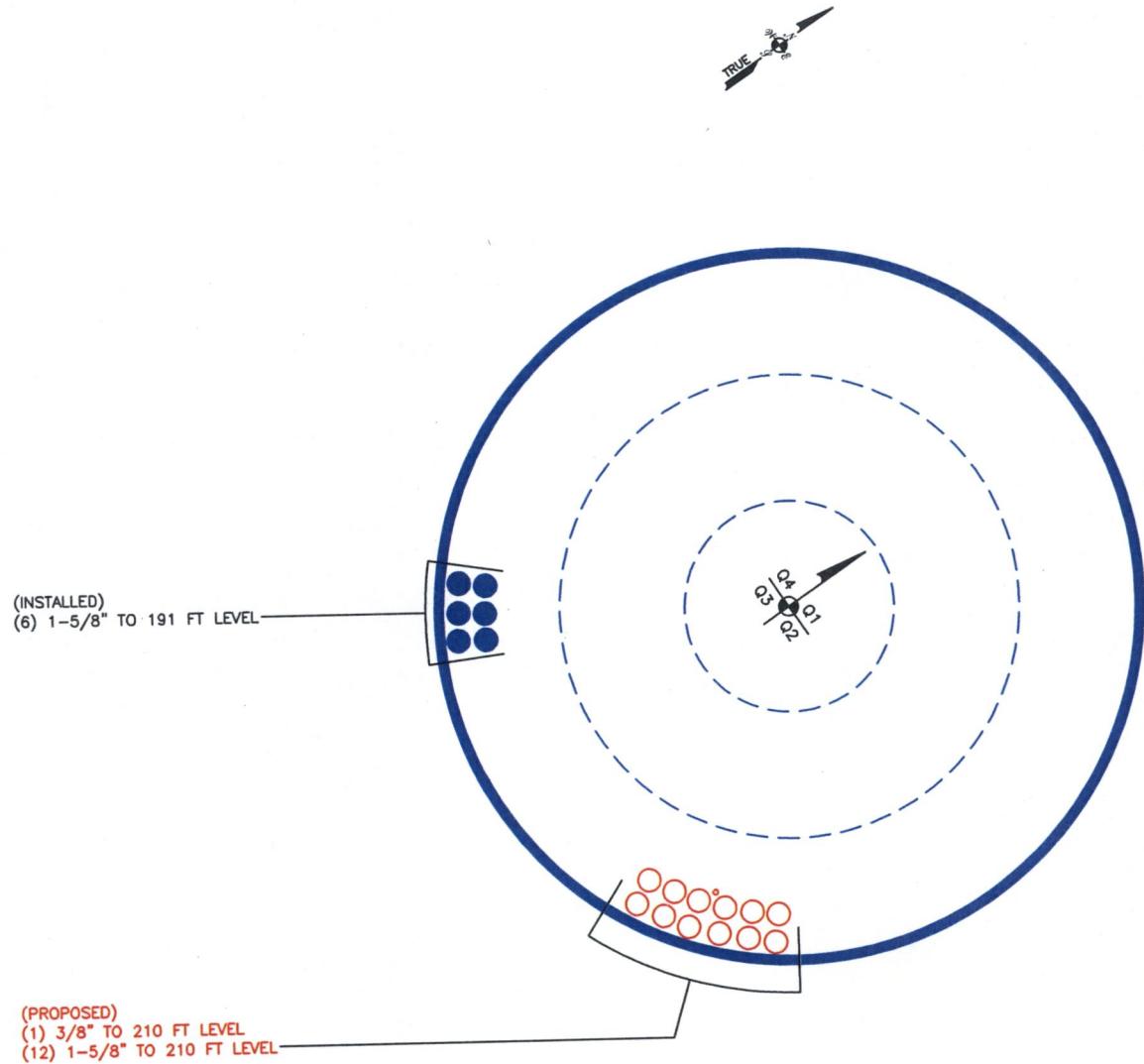
Job	81777 - New Gilead, NC (BU# 881345)	Page	8 of 8
Project	214' Sabre Monopole / App ID: 103402; Rev: 1	Date	13:57:35 07/06/10
Client	Crown Castle USA, Inc.	Designed by	SChougule

Section Capacity Table

Section No.	Elevation ft	Component Type	Size	Critical Element	P K	SF*P _{allow} K	% Capacity	Pass Fail
L1	214 - 194.5	Pole	TP12.75x12.75x0.375	1	-2.304	408.109	41.1	Pass
L2	194.5 - 194	Pole	TP15.5x12.75x0.188	2	-2.305	353.930	50.7	Pass
L3	194 - 147.75	Pole	TP24.24x15.5x0.188	3	-5.633	726.614	75.4	Pass
L4	147.75 - 97.25	Pole	TP33.4x23.298x0.25	4	-10.504	1334.386	69.2	Pass
L5	97.25 - 48	Pole	TP42.2x32.098x0.313	5	-17.879	2108.793	60.8	Pass
L6	48 - 0	Pole	TP50.65x40.584x0.313	6	-27.965	2513.625	66.1	Pass
Summary								
Pole (L3)								75.4
RATING =								75.4
Pass								Pass
Pass								

Program Version 5.4.1.8 - 4/8/2010 File: 81777_Rev0_New GileadNC_Modified.eri

APPENDIX B
BASE LEVEL DRAWING



BUSINESS UNIT: 881345 TOWER ID: C_BASELEVEL

APPENDIX C
ADDITIONAL CALCULATIONS

Stiffened or Unstiffened, Exterior Flange Plate - Any Bolt Material TIA Rev F

Top Flange

Site Data

BU#: 881345

Site Name: New Gilead, NC

App #: 103402, Rev: 1

Connection Type: **Butt**

Pole Manufacturer: **Other**

Bolt Data

Qty:	9
Diameter (in.):	0.75
Bolt Material:	A325
N/A:	75
N/A:	55
Circle (in.):	18.25

Bolt Fu:	120
Bolt Fy:	92
Bolt Fty:	44.00

Plate Data

Diam:	21	in
Thick, t:	1	in
Grade (Fy):	36	ksi
Strength, Fu:	58	ksi
Single-Rod B-eff:	4.45	in

Stiffener Data (Welding at Both Sides)

Config:	1	*
Weld Type:	Fillet	
Groove Depth:	0.25	<-- Disregard
Groove Angle:	45	<-- Disregard
Fillet H. Weld:	0.25	in
Fillet V. Weld:	0.25	in
Width:	3.5	in
Height:	7	in
Thick:	0.5	in
Notch:	0.75	in
Grade:	36	ksi
Weld str.:	70	ksi

Pole Data

Diam:	12.75	in
Thick:	0.375	in
Grade:	35	ksi
# of Sides:	0	"0" IF Round
Fu:	80	ksi
Reinf. Fillet Weld	0	"0" if None

Stress Increase Factor

ASIF: 1.333

Reactions		
Moment:	45.538	ft-kips
Axial:	2.305	kips
Shear:	3.2	kips
Elevation:	194	feet

If No stiffeners, Criteria: **AISC ASD**

<- Only Applicable to Unstiffened Cases

Stiffened
Service, ASD
Fly*ASIF

Flange Bolt Results

Bolt Tension Capacity, B:

25.91 kips

13.05 Kips

Stiffened in

Stiffened in

Stiffened in

Min PL "t1" for actual T w/o Pry:

25.91 kips

Min PL "treq" for actual T w/o Pry:

0.00 kips

Min PL "t1" for actual T w/o Pry:

13.05 kips

T allowable

Prying Force, Q:

Total Bolt Tension=T+Q:

50.4% **Pass**

Non-Prying Bolt Stress Ratio, T/B:

N/A

Exterior Flange Plate Results

Compression Side Plate Stress:

13.3 ksi

Allowable Plate Stress:

36.0 ksi

Compression Plate Stress Ratio:

37.0% **Pass**

Stiffened

Flexural Check

13.3 ksi

Stiffened in

0.75*Fy*ASIF

Comp. Y.L. Length:

Stiffened
Service, ASD
0.75*Fy*ASIF
N/A, Roark

Tension Side Stress Ratio, (treq/t)^2:

N/A

Stiffener Results

Horizontal Weld :

35.7% **Pass**

Vertical Weld:

18.5% **Pass**

Plate Flex+Shear, $fb/Fb + (fv/Fv)^2$:

10.2% **Pass**

Plate Tension+Shear, $ft/Ft + (fv/Fv)^2$:

24.7% **Pass**

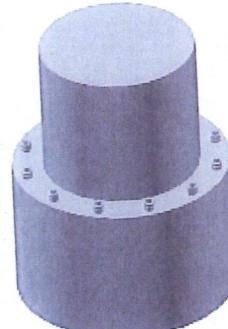
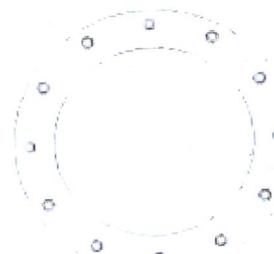
Plate Comp. (AISC Bracket):

30.5% **Pass**

Pole Results

Pole Punching Shear Check:

8.2% **Pass**



* 0 = none, 1 = every bolt, 2 = every 2 bolts, 3 = 2 per bolt
 ** Note: for complete joint penetration groove welds the groove depth must be exactly 1/2 the stiffener thickness for calculation purposes

Stiffened or Unstiffened, Exterior Flange Plate - Any Bolt Material TIA Rev F

Bottom Flange

Site Data

BU#: 881345

Site Name: New Gilead, NC

App #: 103402, Rev: 1

Connection Type:	Butt
Pole Manufacturer:	Other

Bolt Data

Qty:	9	Bolt Fu:	120
Diameter (in.):	0.75	Bolt Fy:	92
Bolt Material:	A325	Bolt Fty:	44.00
N/A:	75		
N/A:	55		
Circle (in.):	18.25		

Plate Data

Diam:	21	in
Thick, t:	0.75	in***
Grade (Fy):	36	ksi
Strength, Fu:	58	ksi
Single-Rod B-eff:	5.41	in

Stiffener Data (Welding at Both Sides)

Config:	0	*
Weld Type:	Fillet	
Groove Depth:	0.25	<- Disregard
Groove Angle:	45	<- Disregard
Fillet H. Weld:	0.25	in
Fillet V. Weld:	0.25	in
Width:	8	in
Height:	12	in
Thick:	0.375	in
Notch:	0.75	in
Grade:	36	ksi
Weld str.:	70	ksi

Pole Data

Diam:	15.5	in
Thick:	0.1875	in
Grade:	65	ksi
# of Sides:	0	"0" IF Round
Fu:	80	ksi
Reinf. Fillet Weld	0	"0" if None

Stress Increase Factor

ASIF: 1.333

Reactions		
Moment:	45.538	ft-kips
Axial:	2.305	kips
Shear:	3.2	kips
Elevation:	194	feet

If No stiffeners, Criteria:	AISC ASD	<- Only Applicable to Unstiffened Cases
		Rigid
		Service, ASD
		Fty*ASIF
		0≤a'≤1 case

Flange Bolt Results

Bolt Tension Capacity, B:	25.91 kips
Max Bolt directly applied T:	13.05 Kips
Min. PL "tc" for B cap. w/o Pry:	0.894 in
Min PL "treq" for actual T w/ Pry:	0.466 in
Min PL "t1" for actual T w/o Pry:	0.634 in
T allowable with Prying:	23.13 kips
Prying Force, Q:	0.00 kips
Total Bolt Tension=T+Q:	13.05 kips
Prying Bolt Stress Ratio=(T+Q)/(B):	50.4% Pass

Exterior Flange Plate Results

Compression Side Plate Stress:

Allowable Plate Stress:

Compression Plate Stress Ratio:

No Prying

Flexural Check

23.3 ksi

36.0 ksi

64.8% Pass

Rigid
Service ASD
0.75*Fy*ASIF
Comp. Y.L. Length: 9.63

Tension Side Stress Ratio, (treq/t)^2:

38.6% Pass

n/a

Stiffener Results

Horizontal Weld :

n/a

Vertical Weld:

n/a

Plate Flex+Shear, $f_b/F_b + (f_v/F_v)^2$:

n/a

Plate Tension+Shear, $f_t/F_t + (f_v/F_v)^2$:

n/a

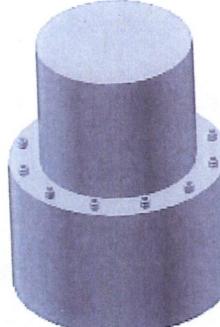
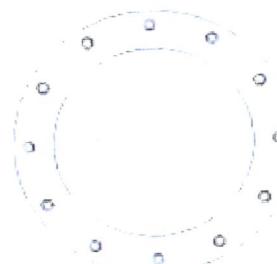
Plate Comp. (AISC Bracket):

n/a

Pole Results

Pole Punching Shear Check:

n/a



* 0 = none, 1 = every bolt, 2 = every 2 bolts, 3 = 2 per bolt

** Note: for complete joint penetration groove welds the groove depth must be exactly 1/2 the stiffener thickness for calculation purposes

*** Note: Existing Flange Plate thickness assumed.

Square, Unstiffened Base Plate, Any Rod Material - Rev. F

Assumptions: Rod groups at corners. Total # rods divisible by 4. Maximum total # of rods = 48.
Rod Spacing = Straight Center-to-Center distance between any (2) adjacent rods (same corner)

Site Data

BU#:	881345
Site Name:	New Gilead, NC
App #:	103402; Rev: 1

Reactions		
Moment:	1694	ft-kips
Axial:	28	kips
Shear:	13	kips

Connection Type: **Butt**

Anchor Rod Data	
Qty:	12
Diam:	2.25
Rod Material:	A615-J
Grade(Fy):	75
Bolt Circle:	57
Anchor Spacing:	6

Plate Data	
W=Side:	56
Thick:	2.5
Grade:	60
B effective	28.55

Pole Data	
Diam:	50.65
Thick:	0.3125
Grade:	65

Stress Increase Factor	
ASIF:	1.333

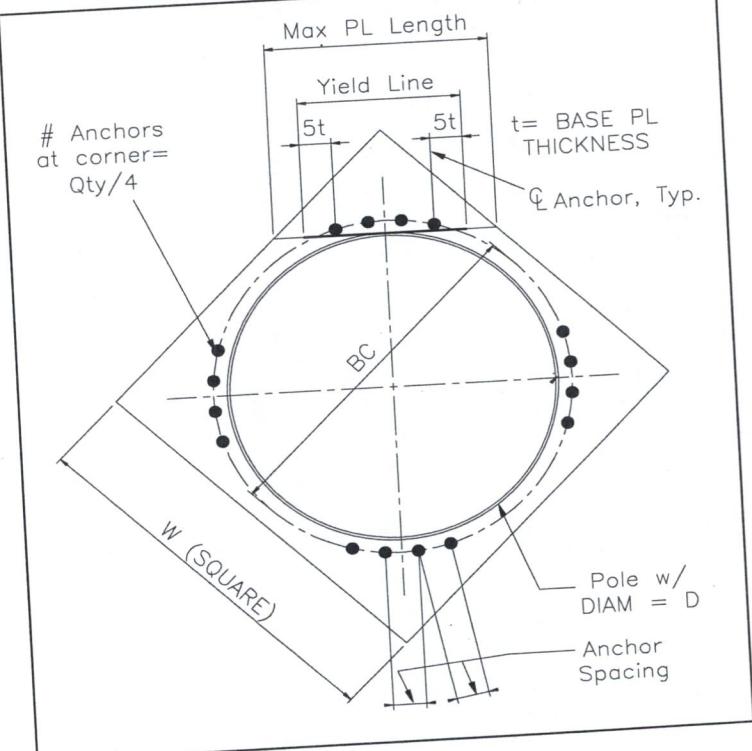
Anchor Rod Results

Maximum Rod Tension: 116.5 Kips
Allowable Tension: 195.0 Kips
Anchor Rod Stress Ratio: 59.8% Pass

Base Plate Results

Base Plate Stress: 33.2 ksi
Allowable Plate Stress: 60.0 ksi
Base Plate Stress Ratio: 55.4% Pass

PL Ref. Data
Yield Line (in):
28.55
Max PL Length:
28.55



CAISSON Version 10.35 4:20:05 PM Tuesday, June 29, 2010

B&T Engineering

***** CAISSON - Pier Foundations Analysis and Design - Copyright Power Line Systems, Inc. 1993-2010 *

Project Title: 81777 - New Gilead, NC (BU# 881345)
Project Notes: 214' Sabre Monopole- 7.0' Dia, 22' Depth (21' Bearing)

Calculation Method: Full 8CD

***** INPUT DATA

Pier Properties

Diameter	Distance of Top of Pier above Ground (ft)	Concrete Strength (ksi)	Steel Yield Strength (ksi)
7.00	1.00		

Soil Properties

Layer	Type	Thickness (ft)	Depth at Top of Layer (ft)	Density (lbs/ft ³)	CU	KP	PHI (deg)
1	Sand	21.00	0.00	120.0	3.690	35.00	

Design (Factored) Loads at Top of Pier

Moment (ft-k)	Axial Load (kips)	Shear Load (kips)	Additional Safety Factor Against Soil Failure
1694.0	28.0	13.00	2.00

***** RESULTS

Calculated Pier Properties

Length (ft)	Weight (kips)	End Bearing Pressure (psf)
17.000	98.136	727.6

17 ft < 22 ft Provided => O.K

Ultimate Resisting Forces Along Pier

Type	Distance of Top of Layer to Top of Pier (ft)	Thickness (ft)	Density (lbs/ft ³)	CU (psf)	KP (kips)	Force (ft)
Sand	1.00	11.44	120.0	3.690	608.29	8.63
Sand	12.44	4.56	120.0	3.690	-582.01	14.85

Shear and Moments Along Pier

Distance below Top of Pier (ft)	Shear (with Safety Factor) (kips)	Moment (with Safety Factor) (ft-k)	Shear (without Safety Factor) (kips)	Moment (without Safety Factor) (ft-k)	Moment (ft-k)
0.00	26.3	3393.6	13.1	1696.8	1696.8
1.70	24.0	3437.7	12.0	1718.9	1718.9
3.40	-0.5	3461.5	-0.3	1730.7	1730.7
5.10	-51.9	3420.7	-25.9	1710.4	1710.4
6.80	-130.1	3269.8	-65.1	1634.9	1634.9
8.50	-235.3	2963.0	-117.6	1481.5	1481.5
10.20	-367.3	2454.7	-183.6	1227.3	1227.3
11.90	-526.1	1699.1	-263.1	849.6	849.6
13.60	-452.1	799.1	-226.1	399.5	399.5
15.30	-239.5	207.4	-119.8	103.7	103.7
17.00	-0.0	0.0	-0.0	0.0	0.0

$$M_{max} = 3975 \text{ k-ft} \quad \text{Unity \%} = (1694/3975) * 100 = 42.6\%$$

Moment Capacity of Drilled Concrete Shaft (Caisson) for TIA Rev F or G

Note: Shaft assumed to have ties, not spiral, transverse reinforcing

Site Data

BU#:
881345
Site Name:
New Gilead, NC
App #:
103402; Rev: 1

Enter Load Factors Below:

For M (WL)	1.3	<--- Enter Factor
For P (DL)	1.3	<--- Enter Factor

Pier Properties

Concrete:

Pier Diameter = 7.0 ft
Concrete Area = 5541.8 in²

Reinforcement:

Clear Cover to Tie = 3.00 in
Horiz. Tie Bar Size = 4
Vert. Cage Diameter = 6.33 ft
Vert. Cage Diameter = 76.00 in
Vertical Bar Size = 8
Bar Diameter = 1.00 in
Bar Area = 0.79 in²
Number of Bars = 36
As Total = 28.44 in²
A s/ Aconc, Rho: 0.0051 0.51%

ACI 10.5, ACI 21.10.4, and IBC 1810.
Min As for Flexural, Tension Controlled, Shafts:

(3)*(Sqrt(f_c)/F_y): 0.0032
200 / F_y: 0.0033
IBC 1810.1.2: 0.0025 SDC C
Governing: 0.0033 0.33%

ACI 10.8 and 10.9
Min As for Columns, Comp. Controlled, Shafts:
Min As: 0.0050 0.50%

Minimum Rho Check:

Actual Req'd Min. Rho: 0.33% Flexural
Provided Rho: 0.51% **OK**

Maximum Shaft Superimposed Forces		
TIA Revision:	F	
Max. Service Shaft M:	1730.7	ft-kips (* Note)
Max. Service Shaft P:	28	kips
Max Axial Force Type:	Comp.	

(* Note): Max Shaft Superimposed Moment does not necessarily equal to the shaft top reaction moment

Load Factor	Shaft Factored Loads	
1.30	M _u :	2249.91 ft-kips
1.30	P _u :	36.4 kips

Material Properties

Concrete Comp. strength, f_c = 4000 psi
Reinforcement yield strength, F_y = 60 ksi

Reinforcing Modulus of Elasticity, E = 29000 ksi

Reinforcement yield strain = 0.00207

Limiting compressive strain = 0.003

ACI 318 Code

Select Analysis ACI Code = 2002

Seismic Properties

Seismic Design Category = C

Seismic Risk = Moderate

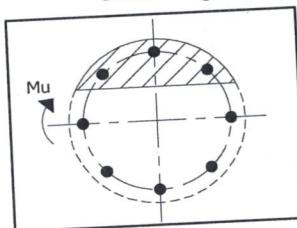
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(Run)

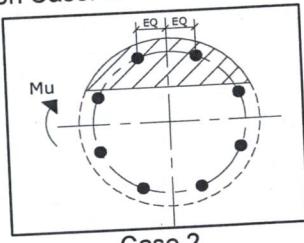
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Results:

Governing Orientation Case: 2



Case 1



Case 2

Dist. From Edge to Neutral Axis: 10.96 in
Extreme Steel Strain, et: 0.0189
et > 0.0050, Tension Controlled

Reduction Factor, ϕ : 0.900

<-- Comment Box

Ref. Shaft Max Axial Capacities, ϕ Max(P _n or T _n):		
Max P _u = (ϕ =0.65) P _n		
P _n per ACI 318 (10-2)	10634.89	kips
at Mu=(ϕ =0.65)M _n =	6513.97	ft-kips
Max T _u , (ϕ =0.9) T _n =	1535.76	kips
at Mu= ϕ =(0.90)M _n =	0.00	ft-kips

Output Note: Negative P_u=Tension

For Axial Compression, ϕ P_n = P_u: 36.40 kips
Drilled Shaft Moment Capacity, ϕ M_n: 4708.16 ft-kips
Drilled Shaft Superimposed Mu: 2249.91 ft-kips

(Mu/ ϕ M_n, Drilled Shaft Flexure CSR: 47.79%)

APPENDIX D
TOWER MODIFICATION DRAWINGS



1717 S Boulevard Suite 300
Tulsa, OK 74119
Ph: (918) 587-4630



RECOMMENDATIONS
THE GC SUGGESTED THAT THE GC PROVIDE A MINIMUM OF 5 BUSINESS DAYS NOTICE, PREFERABLY 10, TO THE PMI INSPECTOR AS TO WHEN THE SITE WILL BE READY FOR THE PMI TO BE CONDUCTED.

THE FOLLOWING RECOMMENDATIONS AND SUGGESTIONS ARE OFFERED TO ENHANCE THE EFFICIENCY AND EFFECTIVENESS OF DELIVERING A PMI REPORT:

- THE GC AND PMI INSPECTOR COORDINATE CLOSELY AND THAT THE GC PROVIDE A MINIMUM 5, PREFERABLY 10, BUSINESS DAY LEAD TIME, TO HAVE THE PMI CONDUCTED.
- THE GC BE ON SITE WHILE THE PMI IS CONDUCTED AFTER ALL MODIFICATIONS HAVE BEEN INSTALLED WHILE THE GC STILL HAS CAPABILITIES ON SITE TO CORRECT MINOR DEFICIENCIES THAT MAY BE FOUND DURING THE PMI.
- THE GC AND PMI INSPECTOR BE ON-SITE SIMULTANEOUSLY FOR ANY GUY WIRE TENSIONING OR RE-TENSIONING OPERATIONS.
- IT MAY BE BENEFICIAL TO INSTALL ALL TOWER MODIFICATIONS PRIOR TO CONDUCTING THE FOUNDATION INSPECTIONS TO ALLOW FOUNDATION AND PMI INSPECTIONS TO COMMENCE WITH ONE SITE VISIT.
- PMI INSPECTOR IS ADVISED TO HAVE ALL DEFICIENCIES CORRECTED WHILE THE PMI INSPECTOR IS ON SITE DURING THE INITIAL PMI.
- THEREFORE, THE GC MAY CHOOSE TO COORDINATE THE PMI CAREFULLY TO ENSURE ALL CONSTRUCTION FACILITIES ARE AT THEIR DISPOSAL WHEN THE PMI INSPECTOR IS ON SITE.

CANCELLATION OR DELAYS IN SCHEDULED PMI

IF THE GC AND PMI INSPECTOR AGREE TO A DATE ON WHICH THE PMI WILL BE CONDUCTED, AND EITHER PARTY CANCELS DELAYS, CROWN SHALL NOT BE RESPONSIBLE FOR ANY COSTS, FEES, LOSS OF DEPOSITS AND/OR OTHER PENALTIES RELATED TO THE CANCELLATION OR DELAY INCURRED BY EITHER PARTY FOR ANY TIME (E.G. TRAVEL AND LODGING, COSTS OF KEEPING EQUIPMENT ON-SITE, ETC.). EXCEPTIONS MAY BE MADE IN THE EVENT THAT THE DELAY/CANCELLATION IS CAUSED BY WEATHER OR OTHER CONDITIONS THAT MAY COMPROMISE THE SAFETY OF THE PARTIES INVOLVED.

CORRECTION OF FAILING PMI'S

IF THE MODIFICATION INSTALLATION FAILS THE PMI ("REJECTED"), THE GC SHALL WORK WITH CROWN TO COORDINATE A REMEDIAL PLAN IN ONE OF TWO WAYS:

- CORRECT FAILING ISSUES TO COMPLY WITH THE SPECIFICATIONS CONTAINED IN THE ORIGINAL CONTRACT DOCUMENTS AND COORDINATE A SUPPLEMENT PMI.
- OR, WITH CROWN'S APPROVAL, THE GC MAY WORK WITH THE EOR TO RE-ANALYZE THE MODIFICATION/REINFORCEMENT USING THE AS-BUILT CONDITION ALL ASSOCIATED COST FOR CORRECTING "REJECTED" PMI SHALL BE BORNE BY THE GC.

PAYMENT OF PMI INSPECTOR

WHEN CROWN ISSUES A PO DIRECTLY TO AN EOR FOR PMI SERVICES, FULL PAYMENT FOR THE PMI SERVICES SHALL BE RELEASED WHEN A PMI REPORT ADDRESSES THE REQUIREMENTS OF THE PMI CHECKLIST AND ENGSW-10007 PMI REPORT. PAYMENT FOR THE PMI SERVICES SHALL BE RELEASED WHEN THE PMI INSPECTOR PERFORMS THE PMI INSPECTION AND TESTING DOCUMENTATION FROM THE GC, BUT WAS UNABLE TO OBTAIN.

PAYMENT OF GENERAL CONTRACTOR

WHEN CROWN ISSUES A PO DIRECTLY TO AN EOR FOR PMI SERVICES, FULL PAYMENT FOR THE PMI SERVICES SHALL BE RELEASED UPON RECEIPT OF A "PASS AS NOTED" PMI REPORT AND ALL CLOSE OUT MATERIALS.

PMI VERIFICATION INSPECTIONS

CROWN RESERVES THE RIGHT TO CONDUCT A PMI VERIFIED PMI INSPECTION(S) ON TOWER ACCURACY AND COMPLETENESS OF PREVIOUSLY COMPLETED PMI INSPECTION(S) ON TOWER MODIFICATION PROJECTS.

PAYMENT OF GENERAL CONTRACTOR

ALL VERIFICATION INSPECTIONS SHALL BE HELD TO THE SAME SPECIFICATIONS AND REQUIREMENTS AS CONTAINED HEREIN AND THE CONTRACT DOCUMENTS.

VERIFICATION INSPECTION MAY BE CONDUCTED BY AN INDEPENDENT A/E FIRM AFTER A MODIFICATION PROJECT IS COMPLETED, AS MARKED BY THE DATE OF AN ACCEPTED "PASSING" OR "PASSING AS NOTED" PMI REPORT FOR THE ORIGINAL PROJECT.

REJECTABLE INDICATIONS WILL BE RELATED TO THE ORIGINAL PMI INSPECTOR AND THE GC. APPROPRIATE DISCIPLINARY ACTION MAY RESULT DEPENDENT UPON THE FREQUENCY AND THE LEVEL OF SEVERITY OF THE REJECTIONS.

POST MODIFICATION INSPECTION NOTES:

GENERAL

THE POST MODIFICATION INSPECTION (PMI) IS A VISUAL INSPECTION OF TOWER MODIFICATIONS AND A REVIEW OF CONSTRUCTION INSPECTIONS AND OTHER REPORTS TO ENSURE THE INSTALLATION WAS CONSTRUCTED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS, NAMELY THE MODIFICATION DRAWINGS, AS DESIGNED BY THE ENGINEER OF RECORD (EOR).

THE PMI IS TO CONFIRM INSTALLATION CONFIGURATION AND WORKMANSHIP ONLY AND IS NOT A REVIEW OF THE MODIFICATION DESIGN ITSELF, NOR DOES THE PMI INSPECTOR TAKE OWNERSHIP OF THE MODIFICATION DESIGN. OWNERSHIP OF THE STRUCTURAL MODIFICATION DESIGN EFFECTIVENESS AND INTEGRITY RESIDES WITH THE EOR AT ALL TIMES.

REFER TO ENG-SOW-10007: POST MODIFICATION INSPECTION SOW FOR FURTHER DETAILS AND REQUIREMENTS.

ALL PMI'S SHALL BE CONDUCTED BY AN A/EV APPROVED TO PERFORM ELEVATED WORK FOR CROWN.

TO ENSURE THAT THE REQUIREMENTS OF THE PMI ARE MET, IT IS VITAL THAT THE GENERAL CONTRACTOR (GC) AND THE PMI INSPECTOR BEGIN COMMUNICATING AND COORDINATING AS SOON AS POSSIBLE. IT IS EXPECTED THAT EACH PARTY WILL BE PROACTIVE IN REACHING OUT TO THE OTHER PARTY, IF CONTACT INFORMATION IS NOT KNOWN, CONTACT YOUR CROWN POINT OF CONTACT (POC).

ENGINEER OF RECORD

THE EOR SHALL SUBMIT THIS PMI CHECKLIST IDENTIFYING ALL REQUIRED DOCUMENTS AND INSPECTIONS REQUIRED FOR THE MODIFICATION INSTALLATION.

• FOR DESIGN-BID-BUILD (DBB) THE CHECKLIST SHALL BE SUBMITTED WITH THE MODIFICATION DRAWINGS. THIS CHECKLIST SHALL BE SUBMITTED AS PART OF THE BID RESPONSE PACKAGE.

FOR FURTHER REQUIREMENTS AND SCOPE OF WORK OF THE EOR, PLEASE SEE ENG-SOW-10007: PMI SOW

PMI INSPECTOR

THE PMI INSPECTOR IS REQUIRED TO CONTACT THE GC AS SOON AS RECEIVING A PO FOR THE PMI TO, AT A MINIMUM:

• REVIEW THE REQUIREMENTS OF THE PMI CHECKLIST

• BEGIN DEVELOPING A SCHEDULE TO CONDUCT ON-SITE PMI INSPECTIONS, INCLUDING FOUNDATION INSPECTIONS

THE PMI INSPECTOR IS RESPONSIBLE FOR COLLECTING ALL INSPECTION AND TEST REPORTS FROM THE GC, REVIEWING THE DOCUMENTS FOR ADHERENCE TO THE CONTRACT DOCUMENTS, AND FOR SUBMITTING THE PMI REPORT TO CROWN.

FOR FURTHER REQUIREMENTS AND SCOPE OF WORK OF THE PMI INSPECTOR, INCLUDING INSPECTOR QUALIFICATIONS, PLEASE SEE ENG-SOW-10007: PMI SOW

GENERAL CONTRACTOR

THE GC IS REQUIRED TO CONTACT THE PMI INSPECTOR AS SOON AS RECEIVING A PO FOR THE MODIFICATION INSTALLATION OR TURNKEY PROJECT TO, AT A MINIMUM:

• REVIEW THE REQUIREMENTS OF THE PMI CHECKLIST

• BEGIN DEVELOPING A SCHEDULE TO CONDUCT ON-SITE PMI INSPECTIONS, INCLUDING FOUNDATION INSPECTIONS

• BETTER UNDERSTAND ALL INSPECTION AND TESTING REQUIREMENTS

THE GC SHALL COORDINATE AND CONDUCT ALL CONSTRUCTION INSPECTIONS AND REPORTS AS IDENTIFIED IN THE PMI CHECKLIST AND SUBMIT SAID INSPECTIONS AND REPORTS TO THE PMI INSPECTOR.

POST-CONSTRUCTION

THE GC IS REQUIRED TO CONTACT THE PMI INSPECTOR AS SOON AS RECEIVING A PO FOR THE PMI INSPECTOR AS CONTAINED HEREIN AND THE CONTRACT DOCUMENTS.

VERIFICATION INSPECTION MAY BE CONDUCTED BY AN INDEPENDENT A/E FIRM AFTER A MODIFICATION PROJECT IS COMPLETED, AS MARKED BY THE DATE OF AN ACCEPTED "PASSING" OR "PASSING AS NOTED" PMI REPORT FOR THE ORIGINAL PROJECT.

REJECTABLE INDICATIONS WILL BE RELATED TO THE ORIGINAL PMI INSPECTOR AND THE GC. APPROPRIATE DISCIPLINARY ACTION MAY RESULT DEPENDENT UPON THE FREQUENCY AND THE LEVEL OF SEVERITY OF THE REJECTIONS.

POST MODIFICATION CHECKLIST

CONSTRUCTION/INSTALLATION INSPECTIONS AND TESTING REQUIRED (COMPLETED BY EOR)

REPORT ITEM

PRE-CONSTRUCTION

PMI CHECKLIST

EXHIBIT B: CROWN APPROVED A/E VENDOR AGREEMENT (REQUIRED FOR TURNKEY PROJECTS)

BUILDING PERMIT (AS REQUIRED)

EOR APPROVED SHOP DRAWINGS

FABRICATION INSPECTION

FABRICATION WELD INSPECTION

MATERIAL TEST REPORT (MTR)

FABRICATOR NDE INSPECTION

CONTRACTOR NDE REPORT OF MONOPOLE BASE PLATE

PACKING SLIPS

ADDITIONAL TESTING AND INSPECTIONS REQUIRED BY THE EOR:

CONSTRUCTION INSPECTIONS

N/A FOUNDATION INSPECTIONS

N/A CONCRETE COMP. STRENGTH AND SLUMP TESTS

N/A POST INSTALLED ANCHOR ROD EPOXY/GROUT

N/A BASE PLATE GROUT VERIFICATION

N/A CONTRACTOR'S CERTIFIED WELD INSPECTION

N/A EARTHWORK, LIFT, AND DENSITY

N/A GALVANIZING VERIFICATION

N/A GUY WIRE TENSION REPORT

N/A REDLINE CONSTRUCTION DOCUMENTS

ADDITIONAL TESTING AND INSPECTIONS REQUIRED BY THE EOR:

POST-CONSTRUCTION

N/A AS-BUILT/RECORD DRAWINGS (STAMPED)

N/A BASE LEVEL DRAWING (COAX PLACEMENT)

N/A POST INSTALLED ANCHOR ROD PULL-OUT TESTING

N/A CERTIFICATE OF OCCUPANCY

N/A PHOTOGRAPHS

N/A EXHIBIT C: CERTIFICATE OF COMPLIANCE (REQUIRED WHEN PMI PO IS NOT ISSUED BY CROWN)

N/A POST-MODIFICATION REPORT

N/A ADDITIONAL TESTING AND INSPECTIONS REQUIRED BY THE EOR:

NOTE: X DENOTES A DOCUMENT NEEDED FOR THE PMI REPORT

ISSUED FOR:

REV. DATE

0 07/07/10 ISSUED FOR CONSTRUCTION

DRAWN BY:

SS/SSV

CHECKED BY:

SS/SSV

EXPIRES:

C-30/08 06/30/11

IT IS A VIOLATION OF LAW FOR ANY PERSON TO ACT IN THE DIRECTION OF THE PREPARATION, USE, OR DISTRIBUTION OF THIS DOCUMENT, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, ARCHITECT, OR LANDSCAPE ARCHITECT.

NEW GILEAD

881345

3240 OLD SALBURY RD

CONCORD, NC

EXISTING 1984 MONDORE E WITH 201 PROPOSED EXTENSION

SHEET TITLE

POST MODIFICATION INSPECTION NOTES AND CHECKLIST

SHEET NUMBER:

REVISOR:

S2 0



1717 S Boulder Suite 300
Tulsa, OK 74119
Ph: (918) 597-4630



ISSUED FOR:	
REV.	DATE
0	07/07/10
	ISSUED FOR CONSTRUCTION

PROJECT NO:	81777
DRAWN BY:	GIL
CHECKED BY:	ASSAY



0-3048
Expires 06/30/11

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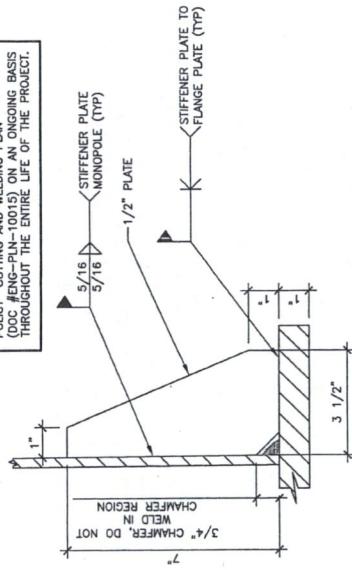
NEW GILEAD
887345
3240 OLD SALBURY RD
CONCORD, NC
EXISTING 195' MONPOLE WITH
20' PROPOSED EXTENSION

SHEET TITLE
TOWER EXTENSION
AND DETAILS
SHEET NUMBER:
S3
REVISION:
0

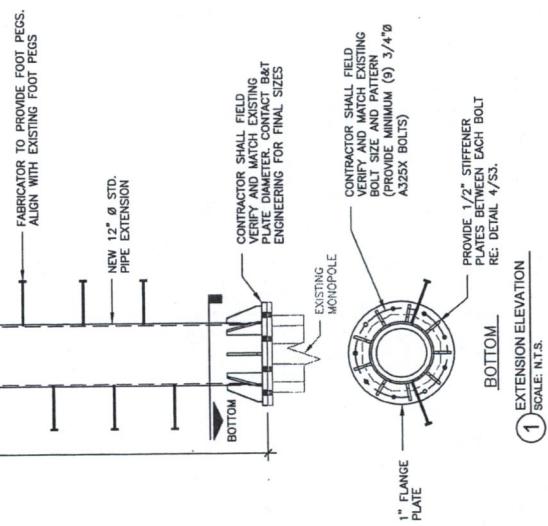


(3) STIFFENER PLATE
SCALE: N.T.S.

ALL CUTTING AND WELDING ACTIVITIES SHALL BE CONDUCTED IN ACCORDANCE WITH CCUSA POLICY "CUTTING AND WELDING PLAN" (DOC #ENG-PUN-10015) ON AN ONGOING BASIS THROUGHOUT THE ENTIRE LIFE OF THE PROJECT.



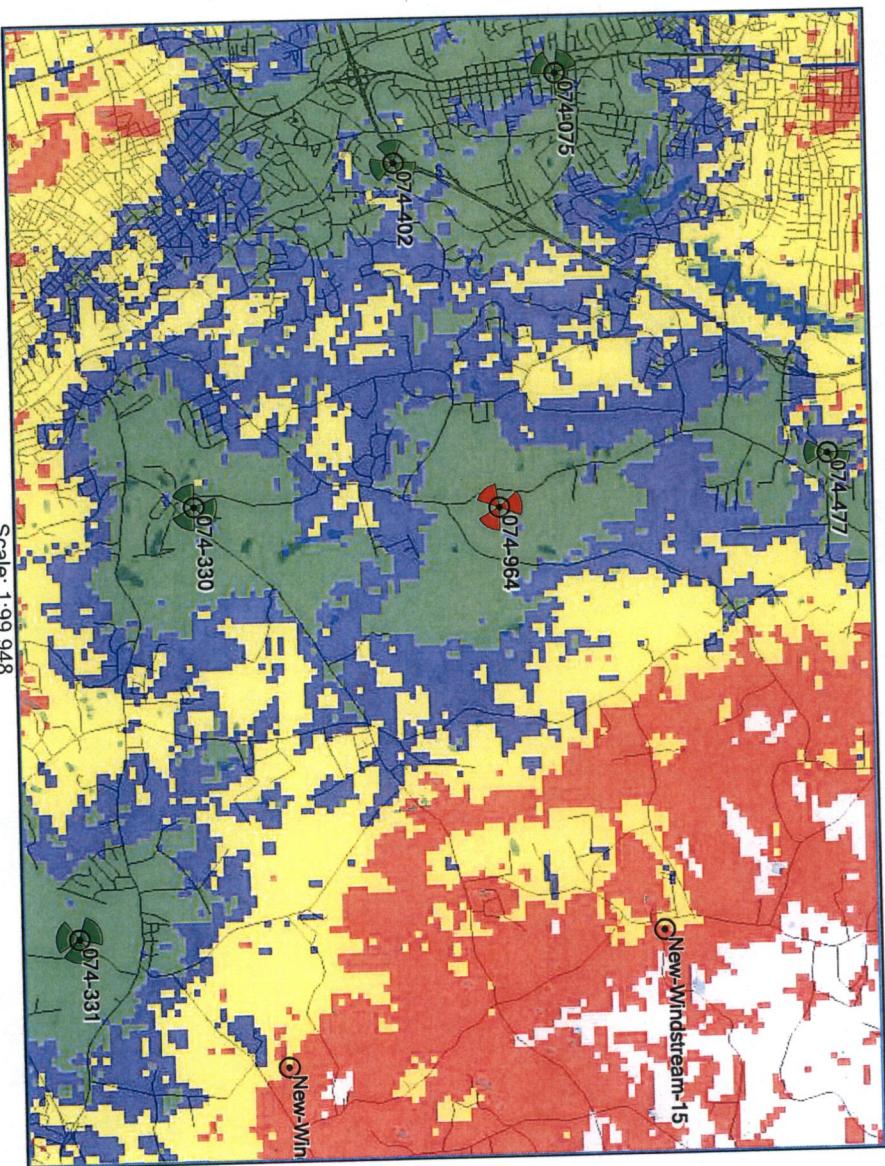
(4) STIFFENER PLATE DETAIL
SCALE: N.T.S.



(1) EXTENSION ELEVATION
SCALE: N.T.S.



074-964 Avail RAD (181')



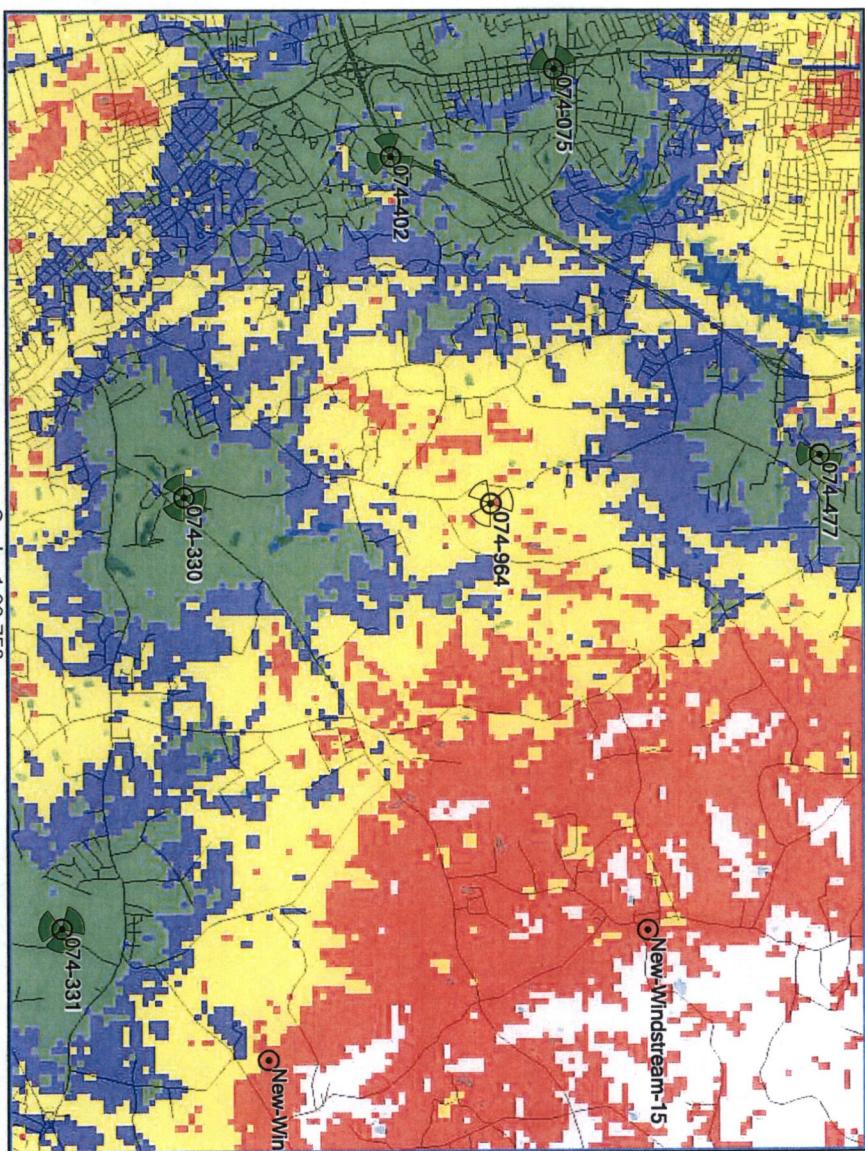
Master copy of Coverage by Signal Level

Scale: 1:99,948

2 miles

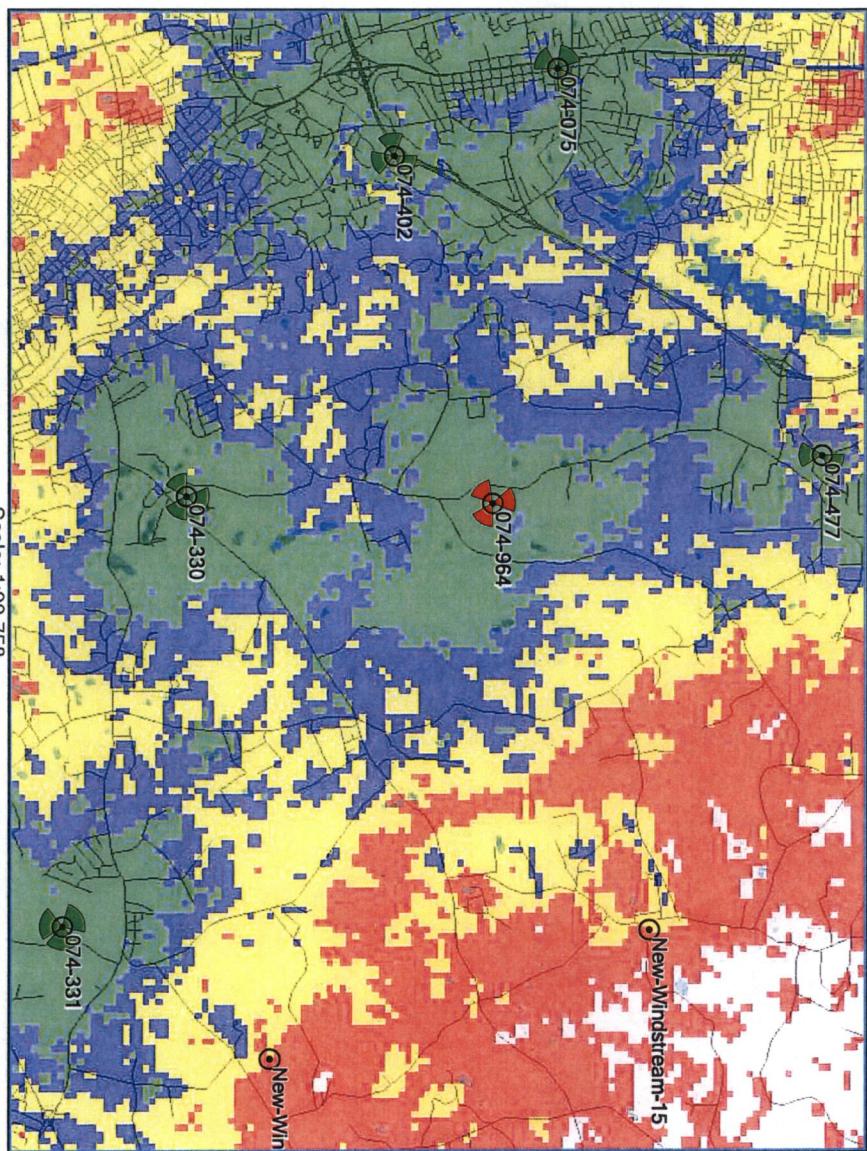
- Best Signal Level (dBm) >= 74
- Best Signal Level (dBm) >= 82
- Best Signal Level (dBm) >= 92
- Best Signal Level (dBm) >= 104
- Best Signal Level (dBm) >= 200

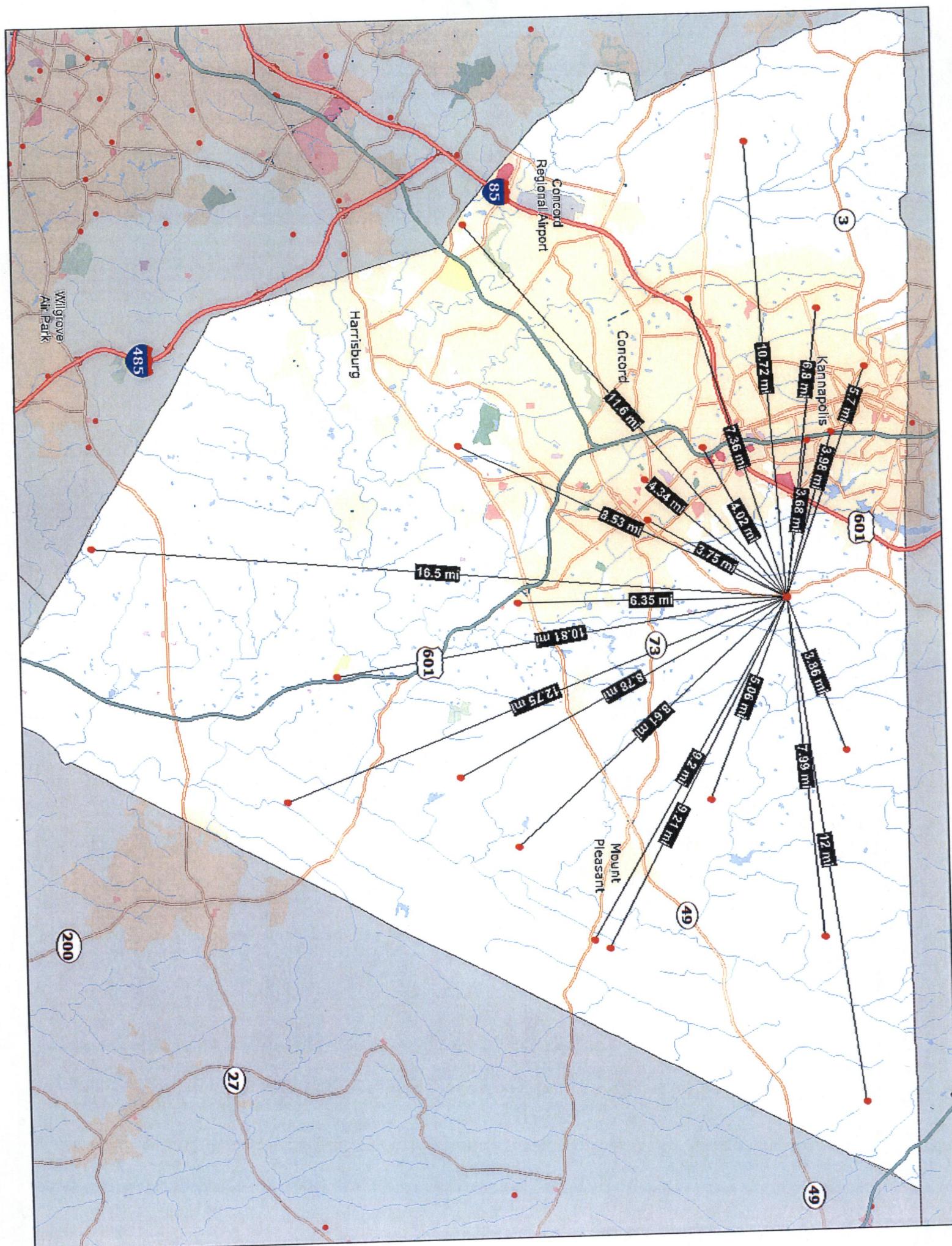
074-964 Existing Cov



- Best Signal Level (dBm) >= -74
- Best Signal Level (dBm) >= -82
- Best Signal Level (dBm) >= -92
- Best Signal Level (dBm) >= -104
- Best Signal Level (dBm) >= -200

074-964 Extend RAD (210')







Federal Aviation Administration
Air Traffic Airspace Branch, ASW-520
2601 Meacham Blvd.
Fort Worth, TX 76137-0520

Aeronautical Study No.
2010-ASO-3183-OE

Issued Date: 08/05/2010

Lori Russell
Crown Castle East Area
3530 Toringdon Way
Suite 300
Charlotte, NC 28277

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Antenna - Top Mount 881345/NEW GILEAD
Location:	Concord, NC
Latitude:	35-27-43.00N NAD 83
Longitude:	80-32-40.05W
Heights:	219 feet above ground level (AGL) 945 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

As a condition to this Determination, the structure is marked and/or lighted in accordance with FAA Advisory circular 70/7460-1 K Change 2, Obstruction Marking and Lighting, a med-dual system - Chapters 4,8(M-Dual),&12.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

At least 10 days prior to start of construction (7460-2, Part I)
 Within 5 days after the construction reaches its greatest height (7460-2, Part II)

This determination expires on 02/05/2012 unless:

(a) extended, revised or terminated by the issuing office.
(b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (847) 294 8084. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2010-ASO-3183-OE.

Signature Control No: 714432-129042837

(DNE)

Carole Bernacchi
Technician

Attachment(s)
Frequency Data

cc: FCC

Frequency Data for ASN 2010-ASO-3183-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W



Proposal
New Gilead
Monopole Tower
TEP #: 103420
BU#: 881345
October 29, 2010
NC LIC # C-1794
REV 1

October 29, 2010

Lewis Bingham
Crown Castle
3530 Toringdon Way, Suite 300
Charlotte, NC 28277
704-405-6539
Lewis.Bingham@crowncastle.com

Subject: **New Gilead**
Monopole Tower
BU#: 881345
3240 Old Salisbury Road
Concord, NC 28025

Mr. Bingham:

TEP can restore existing site to original condition for the following fees:

Task Title	Price	Notes
Dismantle a 215-ft tower	\$17,500.00	Remove all Antenna/Coax and Mount and dispose, including lighting rod which extends to 217-ft
Demolish foundation to 1-ft below grade	\$5,000.00	Demolish and remove concrete below grade, fill and grade as required
Remove up to 3 concrete equipment pads	\$4,500.00	Remove all equipment and shelter pads, fill and grade as required (this includes AT&T proposed foundation)
Relocate Existing shelters/equipment up to 50 miles away	\$5,500.00	Haul all equipment to any location within 50 miles of site (including AT&T proposed equipment)
Remove Fencing, H Frame, conduit, wire, gravel	\$4,500.00	Remove all fencing, grounding, Power and telco
Disposal/Out of Town Expenses	\$3,500.00	Disposal cost and travel time expenses
	\$40,500.00	Lump Sum

Total required bond is 1.25% of lump sum (1.25 x \$40,500=\$50,625)

Please feel free to call or email with any questions or concerns. Thank you for the opportunity.

Best Regards,



F. Geoffrey Bost, PE
Telecom Construction Division Manager
Tower Engineering Professionals, Inc. (TEP)
919.661.6351 - Office
919.332.4618 - Mobile
gbost@tepgroup.net

CROWN CASTLE USA
FCC / NEPA ENVIRONMENTAL COMPLIANCE CHECKLIST

Site Name: New Gilead
BU#: 881345

Contact Person: Lori Russell
Contact Number: 724-416-2000

YES

NO

- 1. A site inspection has been performed specifically for the information required in items 2-8 and 11.
- 2. Will the facility be located in an officially designated wilderness area?
- 3. Will the facility be located in an officially designated wildlife preserve?
- 4. Will the facility affect Federally listed, threatened or endangered species or designated critical habitats or is the facility likely to jeopardize the continued existence of any Federally proposed endangered or threatened species or likely to result in the destruction or adverse modification of Federally proposed critical habitats?
- 5. Will the facility affect districts, sites, buildings, structures, objects or other cultural resources listed, or eligible for listing, in the National Register of Historic Places?
- 6. Will the facility affect Indian religious sites?
- 7. Will the facility be located in a 100-year flood plain?
- 8. Will the construction of the facility involve a significant change in the surface features (e.g., wetland fill, deforestation, or water diversion)?
- 9. Will the antenna tower and/or supporting structure be equipped with high intensity white lights and be located in a residential neighborhood, as defined by local zoning laws?
- 10. Will the proposed facility fall outside the categorical exclusions contained in Table 1 of 47 CFR Section 1.1307(b)(1)?
- 11. Will the proposed facility be constructed within one (1) mile of the centerline of a National Scenic Trail and has the Trail Management Office indicated that the proposed construction will have a significant adverse effect?

A COPY OF A COMPLETED CROWN CASTLE INTERNATIONAL CORPORATION FCC ENVIRONMENTAL COMPLIANCE SURVEY DOCUMENTING THE PROCESS USED IN ARRIVING AT THE ABOVE ANSWERS MUST BE ATTACHED TO THIS FORM. IF ALL OF THE QUESTIONS ABOVE WERE ANSWERED "NO", NO FURTHER ACTION IS REQUIRED FOR FCC ENVIRONMENTAL PURPOSES. IF ANY OF THE QUESTIONS WERE ANSWERED "YES" WITH THE EXCEPTION OF #1, AN ENVIRONMENTAL ASSESSMENT MUST BE PREPARED AND FILED WITH THE FCC IN ACCORDANCE WITH APPLICABLE CROWN PROCEDURES. NO CONSTRUCTION MAY BEGIN UNTIL THE FCC HAS REVIEWED THE ASSESSMENT AND APPROVED THE PROPOSAL.



Name

7-2-10

Date

PES LLC
Company Name

Crown Castle USA
FCC Environmental Compliance Survey

Site Name: New Gilead

Location: 3240 Old Salisbury Road in Concord, NC

Business Unit Number: 881345

This Survey will identify whether a proposed facility will require the preparation and filing of an FCC Environmental Assessment. In completing the survey, the consultant may analyze accurate, up-to-date information obtained from a commercial service in conjunction with consultation with the appropriate agencies and sources listed below. Unless otherwise specified, the consultant is not required to consult each of the listed agencies. A site inspection must be performed in all cases. This Survey supports the completion of the FCC/NEPA Environmental Compliance Checklist and shall be attached as an addendum to the Checklist.

Answer "yes/no" questions only after completing the enumerated steps.

Yes No

 1. A site inspection has been performed specifically for the information required in items 2-8 and 11. **completed 6-30-10**

 2. Based upon information provided by a commercial service or consultation with the National Park Service (Department of Interior), U.S. Fish and Wildlife Service (Department of Interior), Bureau of Land Management (Department of Interior) and the U.S. Forest Service (Department of Agriculture), as appropriate, will the facility be located in an officially designated wilderness area? **None listed in database**

2(a) Contact National Park Service.
National Park Service Contact Name: _____
Phone: _____
Date(s): _____
Comments: _____

2(b) Contact U.S. Fish and Wildlife Service.
U.S. Fish and Wildlife Service Contact Name: _____
Phone: _____
Date(s): _____
Comments: _____

2(c) Contact U.S. Forest Service.
U.S. Forest Service Contact Name: _____
Phone: _____
Date(s): _____

2(d) Contact Bureau of Land Management.
Bureau of Land Management Contact Name: _____
Phone: _____
Date(s): _____
Comments: _____

2(e) If contact with National Park Service reveals a wilderness area in a National Park,
contact specific National Park Superintendent.
National Park Superintendent Name: _____
Phone: _____
Date(s): _____
Comments: _____

2(f) If contact with the U.S. Fish and Wildlife Service reveals a wilderness area in a
National Wildlife Refuge, contact specific Wildlife Refuge Manager.
Wildlife Refuge Manager Name: _____
Phone: _____
Date(s): _____
Comments: _____

2(g) If contact with the U.S. Forest Service reveals a wilderness in a National Forest,
contact National Forest Director.
National Forest Director Name: _____
Phone: _____
Date(s): _____
Comments: _____

If the yes/no answer was based in whole or in part upon information provided by a commercial service,
specify the name of the service, the contact person, the dates of contact, and provide all correspondence
to/from the service.

Commercial Service: InfoMap Technologies
Contact Name: Kevin
Date(s): 6-28-10
Comments: _____

3. Based upon information provided by a commercial service, or consultation with
the U.S. Fish and Wildlife Service (Department of Interior) and state and local
wildlife preservation agencies, will the facility be located in an officially
designated wildlife preserve? **None listed in database**

3(a) Contact U.S. Fish and Wildlife Service and consult the Division of Realty's
National Refuge System list.
U.S. Fish and Wildlife Service Contact Name: _____
Phone: _____
Date(s): _____
Comments: _____

3(b) If contact with U.S. Fish and Wildlife Service reveals a National Wildlife Refuge, contact specific Wildlife Refuge Manager.
Date(s): _____
Comments: _____

3(c) Contact state and local government wildlife preservation offices.
Contact Name: _____
Phone: _____
Date(s): _____
Comments: _____

If the yes/no answer was based in whole or in part upon information provided by a commercial service, specify the name of the service, the contact person, the dates of contact, and provide all correspondence to/from the service.

Commercial Service: InfoMap Technologies
Contact Name: Kevin
Date(s): 6-28-10
Comments: _____

4. Based upon consultation with the U.S. Fish and Wildlife Service (Department of Interior), will the facility affect listed or proposed threatened or endangered species or designated critical habitats?

4(a) Contact U.S. Fish and Wildlife Service and consult the list of threatened or endangered species to determine whether a listed or proposed species or habitat may be present in the area affected by the project.
Comments: PES noted no listed species at site area. Given that this is a height increase on an existing tower site, no species are likely to be affected. The F&W offices no longer responds to Cellular tower consultation requests.

4(b) If contact with U.S. Fish and Wildlife Service indicates a listed or proposed species or habitat may be present, attach written response from or approved by the U.S. Fish and Wildlife Service detailing whether the species or habitat may be affected.

4(c) If U.S. Fish and Wildlife Service does not provide a written response detailing whether a proposed or listed endangered or threatened species or critical habitat may be affected, a wildlife biologist must inspect the site and provide an opinion regarding the potential impact to such species or critical habitats.

4(d) If contact with the U.S. Fish and Wildlife Service indicates a threatened or endangered species located in a National Wildlife Refuge, contact specific Wildlife Refuge Manager.
Wildlife Refuge Manager Name: _____
Phone: _____
Date(s): _____
Comments: _____

5. Based upon written response provided by the State Historic Preservation Office ("SHPO"), and taking into consideration the views of interested persons, will the facility affect districts, sites, buildings, structures or objects significant in American history, architecture, archeology, engineering or culture, that are listed, or eligible for listing, in the National Register of Historic Places?

5(a) Consult the National Register of Historic Places
(<http://www.cr.nps.gov/nr/mpslist.html>).

5(b) Contact the SHPO in writing to determine whether the proposed facility will affect property that is proposed or is eligible to be listed on the Register. **SHPO concurrence attached.**

If the SHPO issues a "no effect" or "no adverse effect" letter, this question can be answered "no." If the SHPO issues an "adverse effect" finding, this question must be answered "yes."

5(c) Contact local government preservation offices.

Local government contact: _____

Phone: _____

Date(s): _____

Comments: _____

Provide copies of all correspondence from all parties contacted.

6. Based upon consultation with the Tribal Historical Preservation Officer ("THPO"), representatives of federally recognized tribes, will the facility affect an Indian religious site?

6(a) If the proposed facility is NOT located on tribal land or reservation:

1. Review the Native American Consultation Database (NACD) and determine whether there are any federally-listed Indian tribes noted for the county in question. The website for the NACD is <http://web.cast.ark.edu/other/nps/nacd/>.

2. Send the standard CCUSA initial invitation letter to every tribe identified by NACD or other resources. **The FCC TCNS #65195 was filed on 6-25-10 and the FCC issued letters on 7-2-10 to the following tribes:**

Tuscarora Nation - PES spoke with Leo Henry on 7-2-10 tribe has no interest in location.

Seminole of FL - PES spoke with Jennifer Pietarila on 7-2-10 tribe has no interest in location.

Cherokee Nation - PES spoke with Richard Allen on 7-2-10 tribe has no interest in location

Eastern Shawnee - PES spoke with JoAnn Beckham on 7-2-10 tribe has no interest in location.

Shawnee - no interest attached

Catawba - PES spoke with Caitlin Haire on 7-2-10 tribe has no interest in location.

3. Upon receipt of any request for information from the tribe, send the CCUSA "here is your information letter" and the requested information. In some cases, the initial invitation letter step may be skipped if prior experience with the tribes provides a basis for providing information initially.

4. The tribe must be provided at least 30 days to respond to an initial invitation or if additional information is provided.
5. If the tribe does not respond within 30 days, CCUSA will presume that historically significant tribal resources will not be affected.
6. Nonetheless, it is CCUSA procedure to provide 10-day notice to the tribe that site preparation activity will begin.

6(b) If the proposed facility **IS** located on tribal land or reservation:

1. Consult the Advisory Council on Historic Preservation, the Bureau of Indian Affairs, or the National Park Service to determine the name of the THPO or tribal representative.

Contact: _____

Phone: _____

Date(s): _____

Comments: _____

2. Begin consultation with the THPO or tribal representative in writing in accordance with 6(a)(1)-(6) above.

Provide copies of all correspondence from all parties contacted.

7. Based upon FEMA's Flood Insurance Rate Map ("FIRM") will the facility be located in a 100-year flood plain? If FIRMs are not available for the community where the site is located, consult other sources in accordance with FEMA guidelines. **Zone X on FIRM#3710564200J (outside 100-year zone)**

7(a) Review FEMA's FIRM.

Attach relevant portion of map.

7(b) If a review of the map indicates that the site is on a border of a 100- year floodplain and the site's precise location cannot be reasonably determined using the map, consult with FEMA or its local delegate to determine whether the facility will be located within the 100-year floodplain.

In the event that a written statement is obtained from FEMA or the local agency delegated authority to implement the National Flood Insurance Program, stating that the area is no longer within the 100-year floodplain, the facility will not be considered to be within the 100-year floodplain for the purpose of the Checklist (attach correspondence, if applicable).

8. Based upon consultation with the appropriate agency, will construction of the facility involve a significant change in surface features (e.g. wetland fill, deforestation, or water diversion)? **No**

8(a) Review the National Wetlands Inventory or obtain information from a commercial service to determine if a wetland is identified on the property. **Yes – none present**

8(b) Perform a site inspection to identify evidence of wetland conditions on the property. **Yes – none present**

8(c) Review the Soil Conservation Service County maps to determine soil type, vegetation type and hydrology of the property. **Yes, no hydric soils**

8(d) If a wetland is identified or water diversion will occur on the property, consult the Army Corps of Engineers (“ACOE”) regarding the effect of wetland fill or water diversion.
Date(s): _____
Comments: _____

8(e) If forests will be cleared, consult with U.S. Forest Service regarding effect of deforestation.
Date(s): _____
Comments: _____

9. Will the antenna tower and/or supporting structure be equipped with high intensity white lights and be located in a residential neighborhood, as defined by applicable zoning laws? **As per Crown**

9(a) Contact the CCUSA representative to determine whether the site must have high intensity white lights. (Towers under 500 feet will not require high intensity lighting.)

9(b) If the tower is greater than 500 feet, contact the local zoning authority to determine the zoning of the proposed site.

10. Based upon the power, frequency and description of antenna provided by the carrier to the CCUSA representative, will the proposed facility fall outside the categorical exclusions contained in Table 1 of 47 CFR Section 1.1307(b)(1)?
As per Crown

11. Based upon review of the National Park Service database at <http://www.nps.gov/carto/TRAILMAP.html>, and information provided by a commercial service, will the tower be constructed within one (1) mile of the centerline of a National Scenic Trail? **No Trails listed as near site**

11(a) If the proposed tower is located within one (1) mile of the centerline of a National Scenic Trail, the applicable trail management organization must be notified using the CCUSA template letter no later than five (5) days after the first zoning or permit application is filed. If zoning approval is not required, the notification must be made at least 45 days before any planned construction.

11(b) Once notified, the trail management organization has fifteen (15) days to provide its determination as to whether there will be a significant adverse effect.

11(c) If the trail management organization indicates that the proposed construction will

have a significant adverse effect, CCUSA must consult with the trail management organization to evaluate possible mitigation. The minimum consultation period is fifteen (15) days.

11(d) If agreement is reached, the trail management organization will provide a certification letter to CCUSA. If no agreement is reached, the trail management organization cannot block the construction of the tower. However, the trail management organization could request that the FCC require CCUSA to submit an Environmental Assessment.

If you have answered yes to any of the yes/no questions, an FCC Environmental Assessment (EA) must be filed with the FCC and a Finding of No Significant Impact granted per the applicable CCUSA Regulatory Procedures prior to proceeding with any construction.



Signature

7-2-10

Date

President

Title

PES LLC

Company



RF VERIFICATION

For purposes of tower construction and compliance with the requirements and standards set forth by the Federal Communications Commission (FCC) in 47 CFR Section 1.1301 et seq., Crown Castle International Corp., based on information provided by the carrier, evaluates whether the proposed tower will fall outside the categorical exclusions as set forth by Table 1 of 47 CFR Section 1.1307 (b)(1)(a).

Table I provides as follows:

Table 1--Transmitters, Facilities and Operations Subject to Routine Environmental Evaluation (Not Categorically Excluded)

Service (title 47 CFR rule part)	Evaluation required if
Experimental Radio Services (part 5).	Power > 100 W ERP (164 W EIRP)
Multipoint Distribution Service(subpart K of part 21)	<i>Non-building-mounted antennas:</i> height above ground level to lowest point of antenna <10 m and power > 1640 W EIRP <i>Building-mounted antennas:</i> power > 1640 W EIRP MDS licensees are required to attach a label to subscriber transceiver or transverter antennas that: (1) provides adequate notice regarding potential radiofrequency safety hazards, e.g., information regarding the safe minimum separation distance required between users and transceiver antennas; and references the applicable FCC- adopted limits for radiofrequency exposure specified in Sec. 1.1310.
Paging and Radiotelephone Service (subpart E of part 22)	<i>Non-building-mounted antennas:</i> height above ground level to lowest point of antenna 10 m and power > 1000 W ERP (1640 W EIRP) <i>Building-mounted antennas:</i> power > 1000 W ERP (1640 W EIRP)
Cellular Radiotelephone Service (subpart H of part 22)	<i>Non-building-mounted antennas:</i> height above ground level to lowest point of antenna < 10 m and total power of all channels > 1000 W ERP (1640 W EIRP) <i>Building-mounted antennas:</i> total power of all channels > 1000 W (1640 W EIRP)
Personal Communications Services (part 24).	(1) Narrowband PCS (subpart D): <i>non-building-mounted antennas:</i> height above ground level to lowest point of antenna < 10 m and total power of all channels > 1000 W ERP (1640 W EIRP) <i>Building-mounted antennas:</i> total power of all channels > 1000 W ERP (1640 W EIRP)

	<p>(2) Broadband PCS (subpart E): <i>non-building-mounted antennas</i>: height above ground level to lowest point of antenna < 10 m and total power of all channels > 2000 W ERP (3280 W EIRP)</p> <p><i>Building-mounted antennas</i>: total power of all channels > 2000 W ERP (3280 W EIRP)</p>
Satellite Communications (part 25)	All included In addition, for NGSO subscriber equipment, licensees are required to attach a label to subscriber transceiver antennas that: (1) provides adequate notice regarding potential radiofrequency safety hazards, e.g., information regarding the safe minimum separation distance required between users and transceiver antennas; and (2) references the applicable FCC- adopted limits for radiofrequency exposure specified in Sec. 1.1310 of this chapter.
General Wireless Communications Service (part 26)	Total power of all channels > 1640 W EIRP
Wireless Communications Service (part 27)	Total power of all channels > 1640 W EIRP
Radio Broadcast Services (part 73)	All included
Experimental, auxiliary, and special broadcast and other program, distributional services (part 74)	<p>Subparts A, G, L: power > 100 W ERP</p> <p>Subpart I: <i>non-building-mounted antennas</i>: height above ground level to lowest point of antenna < 10 m and power > 1640 W EIRP</p> <p><i>Building-mounted antennas</i>: power > 1640 W EIRP ITFS licensees are required to attach a label to subscriber transceiver or transverter antennas that: (1) provides adequate notice regarding potential radiofrequency safety hazards, e.g., information regarding the safe minimum separation distance required between users and transceiver antennas; and (2) references the applicable FCC-adopted limits for radiofrequency exposure specified in Sec. 1.1310.</p>
Stations in the Maritime Services (part 80).	Ship earth stations only
Private Land Mobile Radio Services Paging Operations). (part 90)	<p><i>Non-building-mounted antennas</i>: height above ground level to lowest point of antenna < 10 m and power > 1000 W ERP (1640 W EIRP)</p> <p><i>Building-mounted antennas</i>: power > 1000 W ERP (1640 W EIRP)</p>
Private Land Mobile Radio Services Specialized Mobile Radio (part 90)	<i>Non-building-mounted antennas</i> : height above ground level to lowest point of antenna < 10 m and total power of all channels > 1000 W ERP (1640 W EIRP)

	<i>Building-mounted antennas:</i> Total power of all channels > 1000 W ERP (1640 W EIRP)
Amateur Radio Service (part 97).....	Transmitter output power > levels specified in Sec. 97.13(c)(1) of this chapter
Local Multipoint Distribution Service (subpart L of part 101) and 24 GHz (subpart G of part 101).	<i>Non-building-mounted antennas:</i> height above ground level to lowest point of antenna < 10 m and power > 1640 W EIRP <i>Building-mounted antennas:</i> power > 1640 W EIRP LMDS and 24 GHz licensees are required to attach a label to subscriber transceiver antennas that: (1) provides adequate notice regarding potential radiofrequency safety hazards, e.g., information regarding the safe minimum separation distance required between users and transceiver antennas; and (2) references the applicable FCC-adopted limits for radiofrequency exposure specified in Sec. 1.1310

Based on the above criteria, the proposed service at this tower is categorically excluded from further environmental evaluation under 47 C.F.R. Section 1.1307.

CROWN CASTLE - _____ REGION

By: _____

Title: _____

Date: _____

Tower Identification: _____
(BU#, Site Name)

Ad Content Proof Actual Size

CROWN Castle is proposing to install a cellular tower at the following site: New Gilead #881345 - 3240 Old Salisbury Road in Concord. Crown invites comments from any interested party on the impact of the proposed project on any districts, sites, buildings, structures or objects significant in American history, archaeology, engineering or culture that are listed or determined eligible for listing in the National Register of Historic Places. Specific information regarding the project is available by calling Lori Russell at 724-416-2000 during normal business hours. Comments must be received by July 22, 2010.

Publish: June 30; **July 2, 2010.**

Client	PES LLC, 610-857-1414	Payor Customer	PES LLC, 610-857-1414	Acct. Exec	aboard
Client Phone		Payor Phone		Ordered By	
Account#	3228582	Payor Account	3228582	Mark	
Address	PO Box 261 PARKESBURG PA 19365 USA	Payor Address	PO BOX 261 PARKESBURG PA 19365		

Fax
EMail

Materials

Total Amount	\$93.96	Status	
Payment Amt	\$0.00	Tear Sheets	
Amount Due	\$93.96	Proofs	

Payment Method

Confirmation Notes:
Text:

Order Notes:

Ad Number	0001944571-01	Ad Type	Color <NONE>	Production Color	
Pick Up Number		Ad Size	2.0 X 16 Li	Production Method	AdBooker (liner)
		Placement/Class		# Inserts	
		Position			

Product
Run Schedule
Invoice Text
Run Dates
Tag Line

CON Independent Trib.:	Legal Ads - Classified	Legal Notices	2
Crown Castle is proposing to install a cellular tower at the fol			
6/30/2010, 7/1/2010, 7/2/2010			
CROWNCASTLEISPROPOSINGTOINSTALLACELLULARTOWERATTHEFOLLOWINGSITESNEWGILEAD8813453240OLDSALISBURYROA			
NCNotices-Con - NCNotices-Cc NCNotice-Creditors-NCNotice-1			
NCC Notices.:			

Crown Castle is proposing to install a cellular tower at the fol
6/30/2010, 7/1/2010, 7/2/2010
CROWNCASTLEISPROPOSINGTOINSTALLACELLULARTOWERATTHEFOLLOWINGSITESNEWGILEAD8813453240OLDSALISBURYROA
NCNotices-Con - NCNotices-Cc NCNotice-Creditors-NCNotice-1

NCC ONLINE:On Any:
Crown Castle is proposing to install a cellular tower at the fol

6/30/2010, 7/1/2010, 7/2/2010
6/28/2010 8:47:54AM
Crown Castle is proposing to install a cellular tower at the fol
6/30/2010, 7/1/2010, 7/2/2010

Legal Notices

3

1

North Carolina Community Newspapers Order Confirmation for Ad #0001944571-01

Client	PES LLC,
Client Phone	610-857-1414
Account#	3228582
Address	PO Box 261 PARKESBURG PA 19365 USA

Fax

EMail

Total Amount

\$93.96

Materials

Status

Payment Amt

\$0.00

Affidavits

Tear Sheets

Proofs

PO Number

Blind Box

Cell Tower

Amount Due

\$93.96

0

1

Cell Tower

Payment Method

Confirmation Notes:

Text:

Order Notes:

Ad Number	0001944571-01
Pick Up Number	CLS Liner

Ad Type	<NONE>
Ad Size	2.0 X 16 Li

Product	Placement/Class
Run Schedule	Invoice Text
Run Dates	TOINSTALLACELLULAR TOWERATTHEFOLLOWINGSITES
Tag Line	PROPOSINGTO CROWNCASTLEIS

Ad Content Proof Actual Size

CROWN Castle is proposing to install a cellular tower at the following site: New Gilead #881345 - 3240 Old Salisbury Road in Concord. Crown invites comments from any interested party on the impact of the proposed project on any districts, sites, buildings, structures or objects significant in American history, archaeology, engineering or culture that are listed or determined eligible for listing in the National Register of Historic Places. Specific information regarding the project is available by calling Lori Russell at 724-416-2000 during normal business hours. Comments must be received by July 22, 2010.

Publish: June 30; July 2, 2010.

Ordered By
Mark

PES LLC

From: <towernotifyinfo@fcc.gov>
To: <pesllc@comcast.net>
Cc: <kim.pristello@fcc.gov>; <diane.dupert@fcc.gov>
Sent: Friday, July 02, 2010 3:00 AM
Subject: NOTICE OF ORGANIZATION(S) WHICH WERE SENT PROPOSED TOWER CONSTRUCTION
NOTIFICATION INFORMATION - Email ID #2524482

Dear Sir or Madam:

Thank you for using the Federal Communications Commission's (FCC) Tower Construction Notification System (TCNS). The purpose of this electronic mail message is to inform you that the following authorized persons were sent the information you provided through TCNS, which relates to your proposed antenna structure. The information was forwarded by the FCC to authorized TCNS users by electronic mail and/or regular mail (letter).

Persons who have received the information that you provided include leaders or their designees of federally-recognized American Indian Tribes, including Alaska Native Villages (collectively "Tribes"), Native Hawaiian Organizations (NHOs), and State Historic Preservation Officers (SHPOs). For your convenience in identifying the referenced Tribes and in making further contacts, the City and State of the Seat of Government for each Tribe and NHO, as well as the designated contact person, is included in the listing below. We note that Tribes may have Section 106 cultural interests in ancestral homelands or other locations that are far removed from their current Seat of Government. Pursuant to the Commission's rules as set forth in the Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission (NPA), all Tribes and NHOs listed below must be afforded a reasonable opportunity to respond to this notification, consistent with the procedures set forth below, unless the proposed construction falls within an exclusion designated by the Tribe or NHO. (NPA, Section IV.F.4).

The information you provided was forwarded to the following Tribes and NHOs who have set their geographic preferences on TCNS. If the information you provided relates to a proposed antenna structure in the State of Alaska, the following list also includes Tribes located in the State of Alaska that have not specified their geographic preferences. For these Tribes and NHOs, if the Tribe or NHO does not respond within a reasonable time, you should make a reasonable effort at follow-up contact, unless the Tribe or NHO has agreed to different procedures (NPA, Section IV.F.5). In the event such a Tribe or NHO does not respond to a follow-up inquiry, or if a substantive or procedural disagreement arises between you and a Tribe or NHO, you must seek guidance from the Commission (NPA, Section IV.G). These procedures are further set forth in the FCC's Declaratory Ruling released on October 6, 2005 (FCC 05-176).

1. Chief Leo R Henry - Tuscarora Nation - Via: Lewiston, NY - regular mail
Details: If the Applicant/tower builder receives no response from the Tuscarora Nation within 30 days after notification through TCNS, the Tuscarora Nation has no interest in participating in pre-construction review for the site. The Applicant/tower builder, however, must IMMEDIATELY notify the Tuscarora Nation in the event archaeological properties or human remains are discovered during construction.

2. Archaeological Data Analyst Jennifer L Pietarila - Seminole Tribe of Florida - Clewiston, FL - electronic mail

Details: The Seminole Tribe of Florida Tribal Historic Preservation Office requests that all correspondence be conducted via email and email attachments. We also would like to request a Form 620 or 621 be provided for every cell tower submitted to us for review. Should you have any questions, please feel free to contact me at jenniferpietarila@semtribe.com or 863-983-6549 Ext. 12217. Thank you.

3. Policy Analyst Richard L Allen - Cherokee Nation - Tahlequah, OK - electronic mail

Details: The TCNS Details do not provide me enough information to conduct a proper assessment of the projects on behalf of the Cherokee Nation. Therefore, I request that I be sent a brief summary of the Phase I findings [please try to limit the summary to between 1--10 pages], a topo of the area, and relevant photos. Please send these by email to rallen@cherokee.org. Please treat this request for additional material as a routine supplement to the TCNS Details Notification for each of your projects that fall within our Tribe's areas of geographic interest. Consequently, if you do not receive a response from me within 30 days from the date on which you e-mailed the supplemental items to me, you may move forward with the 20-Day Letter procedures pursuant to the FCC's guidelines. Thank you. -- Dr. Richard L. Allen

4. Administrative Assistant Jo Ann Beckham - Eastern Shawnee Tribe of Oklahoma - Seneca, MO - electronic mail

Details: If you, the Applicant and/or tower constructor, do not receive a response from us, the Eastern Shawnee Tribe of Oklahoma, within 30 days from the date of the TCNS notification, then you may conclude that we do not have an interest in the site. However, if archeological resources or remains are found during construction, you must immediately stop construction and notify us of your findings in accordance with the FCC's rules. (See 47 C.F.R. § 1.1312(d))

5. THPO Kim Jumper - Shawnee Tribe - Miami, OK - regular mail

Details: THIS IS YOUR OFFICIAL NOTICE THAT THE SHAWNEE TRIBE IS INTERESTED IN CONSULTING ON ALL PROJECTS BUILT IN OUR AREAS OF GEOGRAPHIC INTEREST.

ATTENTION, NEW INFORMATION: Our procedures were updated on 14 January 2008. Please call Kim Jumper, THPO, at 918-542-2441, so that she can send you a copy.

If your tower is a co-location, please fax us this information to let us know. We cannot always tell from the TCNS web site that a tower is a co-location. We require a written response from you to let us know that it is a co-location. If a co-location project includes some new ground disturbance (such as from an expanded compound or access road, or construction of an ancillary structure), the Shawnee Tribe treats such a project the same as any other non co-location project.

Our correct mailing/physical address is: 29 South Highway 69A. Our correct phone number is (918-542-2441) and our historic preservation fax line is (918-542-9915). THPO Kim Jumper manages all cell tower consultation.

As of 26 June 2006, all of the faxed responses of our final comments on a tower site will contain an

original Shawnee Tribe signature. Each final comment fax is signed individually. Copies may be compared, for authentication, against the original in our files. If a final comment fax does not contain a signature, it is not valid. **ALL FINAL COMMENTS FROM THE SHAWNEE TRIBE ARE WRITTEN; FINAL COMMENTS ARE NEVER PROVIDED VERBALLY. IF THE SHAWNEE TRIBE IS CREDITED WITH HAVING GIVEN A VERBAL RESPONSE, THAT RESPONSE IS NOT VALID.**

If you receive notification through the TCNS listing the Shawnee Tribe, that is an indication that the Shawnee Tribe is interested in consulting on the tower for which that notification was received. Please consider that our official indication of interest to you. The Shawnee Tribe considers the Tower Construction Notification System's weekly e-mail to be the first notification that we receive that a tower will be constructed in an area of our concern. We do not view the TCNS notifications as completion of 106 consultation obligations.

The Shawnee Tribe has developed streamlined consultation procedures for cell tower developers and their subcontractors. If you do not have a copy of the procedures - most recently updated on 14 January 2008 - please contact us, as you must follow these procedures to consult with us on cell tower projects. Call us at 918-542-2441 or fax us at 918-542-9915. It is the tower builder's responsibility to make sure that you have our most recent consultation procedures.

PLEASE DO NOT SEND US INFORMATION, QUERIES, OR COMMENTS ELECTRONICALLY. SINCE 1 DECEMBER 2005, WE HAVE NOT HANDLED ANY CELL TOWER CONSULTATION, INQUIRIES, OR CORRESPONDENCE VIA E-MAIL.

6. THPO and Director Dr. Wenonah G Haire - Catawba Indian Nation Cultural Preservation Project - Rock Hill, SC - electronic mail and regular mail

Details: The Catawba Indian Nation Tribal Historic Preservation Office requests that you send us by regular mail the following information needed to complete our research for the your proposed project:

Project Name _____

Project Number _____

____ 1. The name, complete address, phone number, fax number and e-mail address of the project manager.

____ 2. The project location plotted on a topo map.

____ 3. The project name, address and location; street or highway, city, county, state.

____ 4. A brief description of the proposed project. Please include the size of the proposed project site and the size of the area where ground-disturbing activities will be taking place and the type of disturbance anticipated.

____ 5. A brief description of current and former land use. We are primarily interested in ground disturbance and do not need detailed information or photographs of historic structures in the project area.

____ 6. A list of all recorded archaeological sites within one half (1/2) mile of the project area.

7. A list of all eligible and potentially eligible National Register of Historic Places sites within one half (1/2) mile of the proposed project area.

8. If there has been an archaeological survey done in the area, a copy of that report.

9. It is not necessary to send original color photos if you can provide high-resolution color copies.

10. A letter of concurrence from the appropriate State Historic Preservation Office.

If you use the FCC Form 620, please do not send Attachments 1 through 6. They are not necessary for our determination. We do not have an interest in projects that require no ground disturbance.

Please send these requested materials in hard copy format. Send to:

CIN-THPO
1536 Tom Steven Road
Rock Hill, S.C. 29730

The information you provided was also forwarded to the additional Tribes and NHOs listed below. These Tribes and NHOs have NOT set their geographic preferences on TCNS, and therefore they are currently receiving tower notifications for the entire United States. For these Tribes and NHOs, you are required to use reasonable and good faith efforts to determine if the Tribe or NHO may attach religious and cultural significance to historic properties that may be affected by its proposed undertaking. Such efforts may include, but are not limited to, seeking information from the relevant SHPO or THPO, Indian Tribes, state agencies, the U.S. Bureau of Indian Affairs, or, where applicable, any federal agency with land holdings within the state (NPA, Section IV.B). If after such reasonable and good faith efforts, you determine that a Tribe or NHO may attach religious and cultural significance to historic properties in the area and the Tribe or NHO does not respond to TCNS notification within a reasonable time, you should make a reasonable effort to follow up, and must seek guidance from the Commission in the event of continued non-response or in the event of a procedural or substantive disagreement. If you determine that the Tribe or NHO is unlikely to attach religious and cultural significance to historic properties within the area, you do not need to take further action unless the Tribe or NHO indicates an interest in the proposed construction or other evidence of potential interest comes to your attention.

None

The information you provided was also forwarded to the following SHPOs in the State in which you propose to construct and neighboring States. The information was provided to these SHPOs as a courtesy for their information and planning. You need make no effort at this time to follow up with any SHPO that does not respond to this notification. Prior to construction, you must provide the SHPO of the State in which you propose to construct (or the Tribal Historic Preservation Officer, if the project will be located on certain Tribal lands), with a Submission Packet pursuant to Section VII.A of the NPA.

7. Environmental Review Coordinator Renee Gledhill Earley - NC State Historic Preservation Office -
Raleigh, NC - electronic mail

8. Deputy SHPO David Brook - Historic Preservation Office - Raleigh, NC - electronic mail

If you are proposing to construct a facility in the State of Alaska, you should contact Commission staff for guidance regarding your obligations in the event that Tribes do not respond to this notification within a reasonable time.

Please be advised that the FCC cannot guarantee that the contact(s) listed above opened and reviewed an electronic or regular mail notification. The following information relating to the proposed tower was forwarded to the person(s) listed above:

Notification Received: 06/25/2010

Notification ID: 65195

Tower Owner Individual or Entity Name: Crown Castle

Consultant Name: Mark Larocque

P.O. Box: 642

City: Quarryville

State: PENNSYLVANIA

Zip Code: 17566

Phone: 610-857-1414

Email: pesllc@comcast.net

Structure Type: POLE - Any type of Pole

Latitude: 35 deg 27 min 43.0 sec N

Longitude: 80 deg 32 min 40.0 sec W

Location Description: New Gilead #881345 - 3240 Old Salisbury Rd

City: Concord

State: NORTH CAROLINA

County: CABARRUS

Ground Elevation: 221.3 meters

Support Structure: 59.4 meters above ground level

Overall Structure: 59.4 meters above ground level

Overall Height AMSL: 280.7 meters above mean sea level

If you have any questions or comments regarding this notice, please contact the FCC using the electronic mail form located on the FCC's website at:

<http://wireless.fcc.gov/outreach/notification/contact-fcc.html>.

You may also call the FCC Support Center at (877) 480-3201 (TTY 717-338-2824). Hours are from 8 a.m. to 7:00 p.m. Eastern Time, Monday through Friday (except Federal holidays). To provide quality service and ensure security, all telephone calls are recorded.

Thank you,
Federal Communications Commission



**SHAWNEE TRIBE
HISTORIC PRESERVATION DEPARTMENT
29 SOUTH HIGHWAY 69A
MIAMI, OKLAHOMA 74354
918^542^2441 PHONE 918^542^9915 FAX**

FACSIMILE COVER PAGE

To: Mark Larocque From: Kim Jumper
FIRM/AGENCY: PES DATE/TIME: 7/1/10
FAX NUMBER: 801-751-3594 NO. OF PAGES, INCLUDING COVER: _____
PHONE NUMBER: _____ MEMO: 65195

Message: The Shawnee Tribe's Tribal Historic Preservation Officer concurs that no known historic properties will be negatively impacted by construction of this tower site (see memo line above for TCNS number/s). The Shawnee Tribe's archives do not reveal any issues of concern at this tower location. In the event that archaeological materials are encountered later during construction, use, or maintenance of this tower location, please re-notify us at that time as we would like to reschedule consultation under such a circumstance.

The Shawnee Tribe's Environmental and Natural Resources Department takes this opportunity to express its concerns that telecommunication towers can have a potentially destructive impact on bats and migratory birds, particularly those that migrate at night, including species listed as threatened and endangered by both states and the federal government, as well as other species. The Shawnee Tribe suggests that this tower be constructed in accordance with the guidelines available from the US Fish and Wildlife Service to reduce the adverse effects of telecommunications towers on migratory birds; these guidelines may be found at: www.fws.gov/migratorybirds/issues/towers/cornetow.html.

The Shawnee Tribe's Environmental and Natural Resources Department is further concerned that the proliferation of cell towers may play a role in honey bee Colony Collapse Disorder. We acknowledge that cell phone technology may not be to blame, especially by itself, as other potential causative factors for the decline have been noted, such as insecticides, tracheal and varroa mites [an immunosuppressant], other parasites, pesticides used on hives to eliminate parasites, genetically modified plants, *Nosema* fungus, Israeli Acute Paralysis Virus (IAPV) perhaps introduced from Australia in 2004, Kashmir Bee Virus (KBV), climate change, and drought.

Finally, the Shawnee Tribe's Environmental and Natural Resources Department requests that cell tower sites, whenever remotely feasible, be restored to native vegetation. In all cases, habitat restoration can protect a variety of species, even in small project areas. The large number of cell tower sites provides an as yet unrealized opportunity for region-wide habitat restoration. The Tribe urges the cell phone industry to provide a model for native habitat restoration for other industries.

Please do not hesitate to call us for additional comment.

Communications Tower Review Form



I. Applicant Information:

Preparer/Company: Practical Environmental Solutions LLC
Address: PO Box 642 - Quarryville, PA 17566
Phone/Fax/E-mail: 610-857-1414 (p) 610-857-9118 (fax)

For North Carolina HPO
Use Only

CT 10 - 1196

II. Tower Information:

 (Attach copy of USGS map or photocopy of quad on reverse; include 1 and 2 mile radius around site)

Raw Land (New) Co-Location Applicant's Identification # 881345 New Gilead
Address: 3240 Old Salisbury Rd, Concord
County: Cabarrus FCC Registration No. None
Tower type and height: 195 ft Monopole - 20 ft increase planned Quad Name: Concord

III. Identification of Historic Properties

List sites by site number and status: NR = National Register listed; SL = Study List; DOE = Determination of Eligibility;
LD = Local Designation; UA = Unassessed

Archaeology

of recorded sites in immediate area of tower: _____

Architecture

of recorded sites within 250' mile radius: 0

IV. Additional Information/Investigation Needed:

Survey
 Testing of sites _____

Photo Reconnaissance
 Balloon Test

Recommended by/on: _____
(Office of State Archaeology)

Recommended by/on: _____
(Survey & Planning Branch)

V. Recommendations/Final Determination:

Recommendations for additional work are shown above.

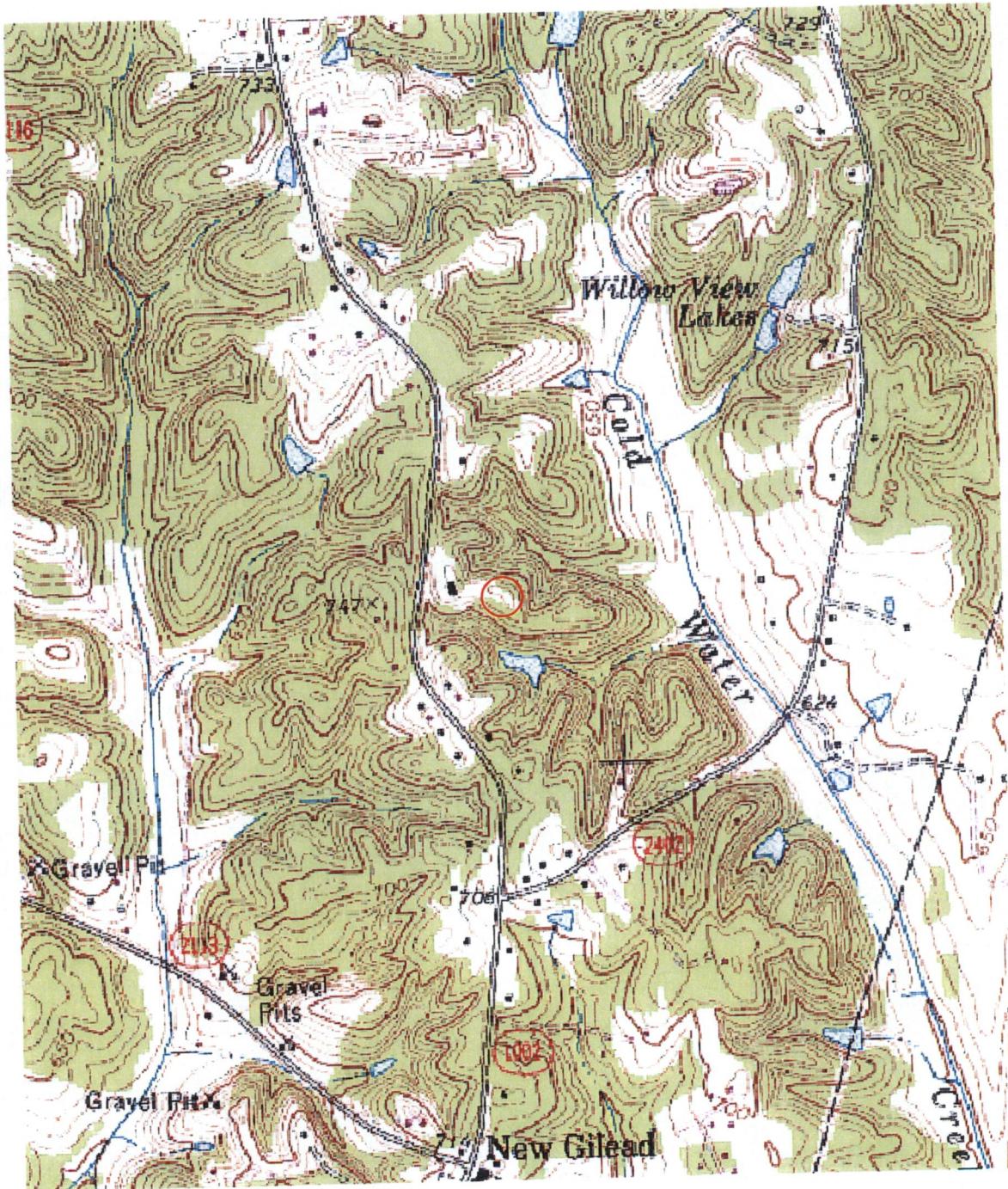
The proposed communication tower will NOT affect historic properties in the area of potential effect.

Renee Gledhill-Earley
Renee Gledhill-Earley, Environmental Review Coordinator

7.1.10
Date

cc: FCC

February, 2001



Center: 35.4619°N 80.5445°W

Elevation at center: 732 feet (223 meters)

Quad: USGS Concord

Drg Name: o35080d5

Drg Source Scale: 1:24,000

InfoMap
Technologies Incorporated

Environmental FirstSearch™ Report

Target Property:

**3240 OLD SALISBURY ROAD
CONCORD NC 28025**

Job Number: 881345

PREPARED FOR:

PES, LLC
205 Groff Road
Quarryvile, PA 17566
New Gilead

06-28-10



Tel: (610) 430-7530

Fax: (610) 430-7535

Environmental FirstSearch is a registered trademark of FirstSearch Technology Corporation. All rights reserved.

***Environmental FirstSearch
Search Summary Report***

Target Site: 3240 OLD SALISBURY ROAD
CONCORD NC 28025

FirstSearch Summary

Database	Sel	Updated	Radius	Site	1/8	1/4	1/2	1/2>	ZIP	TOTALS
State ACEC	Y	06-06-08	0.50	0	0	0	0	-	1	1
Wetlands	Y	11-20-00	0.15	0	1	0	-	-	0	1
Floodplains	Y	02-07-00	0.15	0	0	0	-	-	0	0
Historic Landmarks	Y	03-09-10	1.00	0	0	0	0	0	6	6
Federal Land Use	Y	08-01-06	1.00	0	0	0	0	0	2	2
- TOTALS -										
				0	1	0	0	0	9	10

Notice of Disclaimer

Due to the limitations, constraints, inaccuracies and incompleteness of government information and computer mapping data currently available to InfoMap Technologies, certain conventions have been utilized in preparing the locations of all federal, state and local agency sites residing in InfoMap Technologies's databases. All EPA sites are depicted by a rectangle approximating their location and size. The boundaries of the rectangles represent NPL and state landfill the eastern and western most longitudes; the northern and southern most latitudes. As such, the mapped areas may exceed the actual areas and do not represent the actual boundaries of these properties. All other sites are depicted by a point representing their approximate address location and make no attempt to represent the actual areas of the associated property. Actual boundaries and locations of individual properties can be found in the files residing at the agency responsible for such information.

Waiver of Liability

Although InfoMap Technologies uses its best efforts to research the actual location of each site, InfoMap Technologies does not and can not warrant the accuracy of these sites with regard to exact location and size. All authorized users of InfoMap Technologies's services proceeding are signifying an understanding of InfoMap Technologies's searching and mapping conventions, and agree to waive any and all liability claims associated with search and map results showing incomplete and or inaccurate site locations.

***Environmental FirstSearch
Site Information Report***

Request Date: 06-28-10
Requestor Name: PES
Standard: PES - NEPA

Search Type: COORD
Job Number: 881345
Filtered Report

Target Site: 3240 OLD SALISBURY ROAD
CONCORD NC 28025

Demographics

Sites: 10

Non-Geocoded: 9

Population: NA

Radon: -0.3 - 4.2 PCI/L

Site Location

	<u>Degrees (Decimal)</u>	<u>Degrees (Min/Sec)</u>	<u>UTMs</u>
Longitude:	-80.544458	-80:32:40	Easting: 541335.105
Latitude:	35.461944	35:27:43	Northing: 3924169.255
Elevation:	734		Zone: 17

Comment

Comment:

Additional Requests/Services

Adjacent ZIP Codes: 0 Mile(s)

Services:

ZIP Code	City Name	ST	Dist/Dir	Sel

	Requested?	Date
Fire Insurance Maps	No	
Aerial Photographs	No	
Historical Topos	No	
City Directories	No	
Title Search/Env Liens	No	
Municipal Reports	No	
Online Topos	No	

New Gilead 881345
3240 OLD SALISBURY ROAD
CONCORD NC 28025
FEMA#3710564200J

Environmental FirstSearch
Sites Summary Report

Target Property: 3240 OLD SALISBURY ROAD
 CONCORD NC 28025

JOB: 881345

TOTAL: 10 **GEOCODED:** 1 **NON GEOCODED:** 9 **SELECTED:** 10

Map ID	DB Type	Site Name/ID/Status	Address	Dist/Dir	Page No.	ElevDiff
	ACEC	US FISH and WILDLIFE ENDANGERE USFWS-28025/NEPA CONTACT	UNKNOWN NC 28025	NON GC	2	N/A
	HISTSITE	STONEWALL JACKSON TRAINING SCH 84001966/DISTRICT	SR 1157 CONCORD NC	NON GC	3	N/A
	HISTSITE	STATE HISTORIC SITES CONTACT I SHPO-28025	UNKNOWN NC 28025	NON GC	4	N/A
	HISTSITE	ROCKY RIVER PRESBYTERIAN CHURC 86000419/BUILDING	OF NC 1139 AND JCT ROCKY RIVER NC 28025	NON GC	5	N/A
	HISTSITE	REED GOLD MINE 66000587/DISTRICT	11 MI. SE OF CONCORD CONCORD NC	NON GC	6	N/A
	HISTSITE	MCCURDY LOG HOUSE 74001329/BUILDING	S OF CONCORD OFF U.S. CONCORD NC 28025	NON GC	7	N/A
	HISTSITE	BOGER-HARTSELL FARM 98000890/BUILDING	OF US-801 AND NC1148 JCT CONCORD NC 28025	NON GC	8	N/A
	LANDUSE	ENDANGERED SPECIES 37025-28025/NEPA	UNKNOWN CONCORD NC 28025	NON GC	9	N/A
	LANDUSE	BUREAU OF INDIAN AFFAIRS CONTA BIA-28025	UNKNOWN NC 28025	NON GC	10	N/A
1	WETLAND	NATIONAL WETLANDS INVENTORY NWI-NC-131780/PUBHH	NC	0.08 SW	1	N/A

Environmental FirstSearch Site Detail Report

Target Property: 3240 OLD SALISBURY ROAD
CONCORD NC 28025

JOB: 881345

WETLAND

SEARCH ID: 1 **DIST/DIR:** 0.08 SW **ELEVATION:** 1,000 ft **MAP ID:** 1

NAME: NATIONAL WETLANDS INVENTORY
ADDRESS: NC
CONTACT:
SOURCE:
REV: 2/27/02
ID1: NWI-NC-131780
ID2:
STATUS: PUBHH
PHONE:

SITE INFORMATION

AREA:	4640.63
PERIMETER:	320.52
WETC:	107
WETC_ID:	218
ATTRIBUTE:	PUBHh

Environmental FirstSearch
Site Detail Report

Target Property: 3240 OLD SALISBURY ROAD
CONCORD NC 28025

JOB: 881345

ACEC

SEARCH ID:	2	DIST/DIR:	NON GC	ELEVATION:	MAP ID:
NAME:	US FISH and WILDLIFE ENDANGERED SPECIES CONTACT INFO			REV:	01/15/08
ADDRESS:	UNKNOWN NC 28025 CABARRUS			ID1:	USFWS-28025
CONTACT:				ID2:	
SOURCE:	USFWS			STATUS:	NEPA CONTACT
				PHONE:	

US FISH and WILDLIFE ENDANGERED SPECIES CONTACT INFORMATION

OFFICE:	RALEIGH ECOLOGICAL SERVICES FIELD OFFICE
ADDRESS:	551-F Pylon Drive RALEIGH NC 27606-1487
PHONE:	919 856-4520
FAX:	919 856-4556
OFFICE:	ASHEVILLE ECOLOGICAL SERVICES FIELD OFFICE
ADDRESS:	160 ZILLICOA STREET ASHEVILLE NC 28801-1082
PHONE:	828 258-3939
FAX:	828 258-5330

Environmental FirstSearch
Site Detail Report

Target Property: 3240 OLD SALISBURY ROAD
CONCORD NC 28025

JOB: 881345

HISTSITE

SEARCH ID:	8	DIST/DIR:	NON GC	ELEVATION:	MAP ID:
NAME:	STONEWALL JACKSON TRAINING SCHOOL HISTORIC DISTRIC			REV:	3/9/09
ADDRESS:	SR 1157 CONCORD NC CABARRUS			ID1:	84001966
CONTACT:				ID2:	
SOURCE:	NATIONAL PARK SERVICE			STATUS:	DISTRICT
				PHONE:	

SITE INFORMATION:

CERTIFICATION: LISTED IN THE NATIONAL REGISTER

DATE OF PRIMARY CERTIFICATION: 1984-03-15

SIZE OF PROPERTY IN ACRES: 763

NUMBER OF CONTRIBUTING BUILDINGS: 000050

NUMBER OF CONTRIBUTING SITES: 000000

NUMBER OF CONTRIBUTING STRUCTURES: 000000

NUMBER OF CONTRIBUTING OBJECTS: 000000

NUMBER OF NON-CONTRIBUTING BUILDINGS: 000000

NUMBER OF NON-CONTRIBUTING SITES: 000000

NUMBER OF NON-CONTRIBUTING STRUCTURES: 000000

NUMBER OF NON-CONTRIBUTING OBJECTS: 000000

OWNER TYPE: STATE

CURRENT FUNCTION: EDUCATION

HISTORIC FUNCTION: EDUCATIONAL RELATED HOUSING

LEVEL OF SIGNIFICANCE: STATE

Environmental FirstSearch
Site Detail Report

Target Property: 3240 OLD SALISBURY ROAD
CONCORD NC 28025

JOB: 881345

HISTSITE

SEARCH ID: 7	DIST/DIR: NON GC	ELEVATION:	MAP ID:
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NAME: STATE HISTORIC SITES CONTACT INFORMATION	REV: 01/10/08
ADDRESS: UNKNOWN	ID1: SHPO-28025
NC 28025	ID2:
CABARRUS	STATUS:
CONTACT:	PHONE:
SOURCE: NATIONAL PARK SERVICE	

STATE HISTORIC SITES CONTACT INFORMATION

OFFICE:	STATE HISTORIC PRESERVATION OFFICE
ADDRESS:	4617 MAIL SERVICE CENTER
	RALEIGH NC 27699-4610
PHONE:	919-807-6570
FAX:	919-807-6599

Environmental FirstSearch
Site Detail Report

Target Property: 3240 OLD SALISBURY ROAD
CONCORD NC 28025

JOB: 881345

HISTSITE

SEARCH ID:	6	DIST/DIR:	NON GC	ELEVATION:	MAP ID:
NAME:	ROCKY RIVER PRESBYTERIAN CHURCH			REV:	3/9/09
ADDRESS:	OF NC 1139 AND JCT ROCKY RIVER NC			ID1:	86000419
CONTACT:				ID2:	
SOURCE:	NATIONAL PARK SERVICE			STATUS:	BUILDING
				PHONE:	

SITE INFORMATION:

CERTIFICATION: LISTED IN THE NATIONAL REGISTER

DATE OF PRIMARY CERTIFICATION: 1986-03-06

SIZE OF PROPERTY IN ACRES: 430

NUMBER OF CONTRIBUTING BUILDINGS: 000003

NUMBER OF CONTRIBUTING SITES: 000001

NUMBER OF CONTRIBUTING STRUCTURES: 000000

NUMBER OF CONTRIBUTING OBJECTS: 000000

NUMBER OF NON-CONTRIBUTING BUILDINGS: 000001

NUMBER OF NON-CONTRIBUTING SITES: 000000

NUMBER OF NON-CONTRIBUTING STRUCTURES: 000000

NUMBER OF NON-CONTRIBUTING OBJECTS: 000000

OWNER TYPE: PRIVATE

CURRENT FUNCTION: FUNERARY

HISTORIC FUNCTION: CHURCH RELATED RESIDENCE

LEVEL OF SIGNIFICANCE: LOCAL

Environmental FirstSearch
Site Detail Report

Target Property: 3240 OLD SALISBURY ROAD
CONCORD NC 28025

JOB: 881345

HISTSITE

SEARCH ID:	5	DIST/DIR:	NON GC	ELEVATION:	MAP ID:
NAME:	REED GOLD MINE			REV:	3/9/09
ADDRESS:	11 MI. SE OF CONCORD CONCORD NC CABARRUS			ID1:	66000587
CONTACT:				ID2:	
SOURCE:	NATIONAL PARK SERVICE			STATUS:	DISTRICT
				PHONE:	

SITE INFORMATION:

CERTIFICATION: LISTED IN THE NATIONAL REGISTER

DATE OF PRIMARY CERTIFICATION: 1966-10-15

SIZE OF PROPERTY IN ACRES: 8100

NUMBER OF CONTRIBUTING BUILDINGS: 000002

NUMBER OF CONTRIBUTING SITES: 000001

NUMBER OF CONTRIBUTING STRUCTURES: 000001

NUMBER OF CONTRIBUTING OBJECTS: 000000

NUMBER OF NON-CONTRIBUTING BUILDINGS: 000000

NUMBER OF NON-CONTRIBUTING SITES: 000000

NUMBER OF NON-CONTRIBUTING STRUCTURES: 000000

NUMBER OF NON-CONTRIBUTING OBJECTS: 000000

OWNER TYPE: STATE

CURRENT FUNCTION: LANDSCAPE

HISTORIC FUNCTION: EXTRACTIVE FACILITY

LEVEL OF SIGNIFICANCE: NATIONAL

Environmental FirstSearch
Site Detail Report

Target Property: 3240 OLD SALISBURY ROAD
CONCORD NC 28025

JOB: 881345

HISTSITE

SEARCH ID:	4	DIST/DIR:	NON GC	ELEVATION:	MAP ID:
NAME:	MCCURDY LOG HOUSE			REV:	3/9/09
ADDRESS:	S OF CONCORD OFF U.S.			ID1:	74001329
	CONCORD NC			ID2:	
	CABARRUS			STATUS:	BUILDING
CONTACT:				PHONE:	
SOURCE:	NATIONAL PARK SERVICE				

SITE INFORMATION:

CERTIFICATION: LISTED IN THE NATIONAL REGISTER

DATE OF PRIMARY CERTIFICATION: 1974-01-21

SIZE OF PROPERTY IN ACRES: 95

NUMBER OF CONTRIBUTING BUILDINGS: 000004

NUMBER OF CONTRIBUTING SITES: 000000

NUMBER OF CONTRIBUTING STRUCTURES: 000000

NUMBER OF CONTRIBUTING OBJECTS: 000000

NUMBER OF NON-CONTRIBUTING BUILDINGS: 000000

NUMBER OF NON-CONTRIBUTING SITES: 000000

NUMBER OF NON-CONTRIBUTING STRUCTURES: 000000

NUMBER OF NON-CONTRIBUTING OBJECTS: 000000

OWNER TYPE: PRIVATE

CURRENT FUNCTION: VACANT/NOT IN USE

HISTORIC FUNCTION: SINGLE DWELLING

LEVEL OF SIGNIFICANCE: STATE

Environmental FirstSearch
Site Detail Report

Target Property: 3240 OLD SALISBURY ROAD
CONCORD NC 28025

JOB: 881345

HISTSITE

SEARCH ID:	3	DIST/DIR:	NON GC	ELEVATION:	MAP ID:
NAME:	BOGER--HARTSELL FARM	REV:	3/9/09		
ADDRESS:	OF US-801 AND NC1148 JCT	ID1:	98000890		
	CONCORD NC	ID2:			
	CABARRUS	STATUS:	BUILDING		
CONTACT:		PHONE:			
SOURCE:	NATIONAL PARK SERVICE				

SITE INFORMATION:

CERTIFICATION: LISTED IN THE NATIONAL REGISTER
DATE OF PRIMARY CERTIFICATION: 1998-07-23
SIZE OF PROPERTY IN ACRES: 85

NUMBER OF CONTRIBUTING BUILDINGS: 000007
NUMBER OF CONTRIBUTING SITES: 000000
NUMBER OF CONTRIBUTING STRUCTURES: 000001
NUMBER OF CONTRIBUTING OBJECTS: 000000
NUMBER OF NON-CONTRIBUTING BUILDINGS: 000000
NUMBER OF NON-CONTRIBUTING SITES: 000000
NUMBER OF NON-CONTRIBUTING STRUCTURES: 000001
NUMBER OF NON-CONTRIBUTING OBJECTS: 000000

OWNER TYPE: PRIVATE
CURRENT FUNCTION: VACANT/NOT IN USE
HISTORIC FUNCTION: SECONDARY STRUCTURE
LEVEL OF SIGNIFICANCE: LOCAL

Environmental FirstSearch
Site Detail Report

Target Property: 3240 OLD SALISBURY ROAD
CONCORD NC 28025

JOB: 881345

LANDUSE

SEARCH ID:	10	DIST/DIR:	NON GC	ELEVATION:	MAP ID:
NAME:	ENDANGERED SPECIES	REV:	12/31/99		
ADDRESS:	UNKNOWN	ID1:	37025-28025		
	CONCORD NC 28025	ID2:	37025		
	CABARRUS	STATUS:	NEPA		
CONTACT:		PHONE:			
SOURCE:	EPA				

EPA ENDANGERED SPECIES

COMMON NAME:	SUNFLOWER, SCHWEINITZ S		
SCIENTIFIC NAME:	HELIANTHUS SCHWEINITZII		
EXISTENCE OF SPECIES:	KNOWN	SPECIES STATUS:	ENDANGERED
TAXONOMIC GROUP :	PLANT	ACTION:	LISTING
DATE FILE RELEASED:	1/31/2000	FAMILY:	ASTERACEAE
FINAL FWS LISTING:	90-05-07		
COMMON NAME:	HEELSPLITTER, CAROLINA		
SCIENTIFIC NAME:	LASMIGONA DECORATA		
EXISTENCE OF SPECIES:	POSSIBLE	SPECIES STATUS:	ENDANGERED
TAXONOMIC GROUP :	CLAM	ACTION:	LISTING
DATE FILE RELEASED:	1/31/2000	FAMILY:	
FINAL FWS LISTING:	93-06-30		

ENDANGERED SPECIES INFORMATION IS OBTAINED AT THE COUNTY LEVEL AND MAY OR MAY NOT BE APPLICABLE TO THIS
TARGET SITE.

Environmental FirstSearch
Site Detail Report

Target Property: 3240 OLD SALISBURY ROAD
CONCORD NC 28025

JOB: 881345

LANDUSE

SEARCH ID:	9	DIST/DIR:	NON GC	ELEVATION:	MAP ID:
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NAME:	BUREAU OF INDIAN AFFAIRS CONTACT INFORMATION	REV:	01/15/08
ADDRESS:	UNKNOWN	ID1:	BIA-28025
	NC 28025	ID2:	
	CABARRUS	STATUS:	
CONTACT:		PHONE:	

CONTACT:	
SOURCE:	

BUREAU OF INDIAN AFFAIRS CONTACT INFORMATION

OFFICE:	Eastern Regional Office
CONTACT:	FRANKLIN KEEL,REGIONAL DIRECTOR
ADDRESS:	545 MARRIOTT DR, SUITE 700
	Nashville TN 37214
PHONE:	Phone: 615-564-6700
FAX:	Fax: 615-564-6701

The Native American Consultation Database (NACD) is a tool for identifying consultation contacts for Indian tribes, Alaska Native villages and corporations, and Native Hawaiian organizations. The database is not a comprehensive source of information, but it does provide a starting point for the consultation process by identifying tribal leaders and NAGPRA contacts. This database can be accessed online at the following web address
<http://home.nps.gov/nacd/>

Environmental FirstSearch Descriptions

State ACEC: USFWS US FISH AND WILDLIFE CONTACT INFORMATION - database of contact information for the US Fish and Wildlife Service loaded by zipcode.

State ACEC: NC CGIA/NC DENR LANDS MANAGED FOR CONSERVATION AND OPEN SPACE - this database includes lands managed for conservation and open space in accordance with North Carolina General Statute 160A-407 and based on multiple source layers. This is a composite inventory that integrates digital depictions of lands from multiple sources and resolves boundary discrepancies among sources. Partners involved in the creation of this data layer included the Department of Environment and Natural Resources (the Division of Parks and Recreation, the Wildlife Resources Commission, the Division of Coastal Management, and the Conservation Tax Credit program), the State Property Office, the Land Trust for North Carolina and its associated land trusts, the Department of Agriculture and Consumer Services, the Clean Water Management Trust Fund, the Conservation Fund, the Nature Conservancy, the US Forest Service, the US Fish and Wildlife Service, the NC GAP Analysis program, and the Triangle J Council of Governments and its associated local governments. The database is obtained from and maintained by the North Carolina Center for Geographic Information and Analysis and includes parcel name, size, owner, and management contact information.

NATURAL HERITAGE ELEMENT OCCURRENCES - database including locations of rare and endangered species populations and occurrences of exemplary or unique natural ecosystems and special wildlife habitats. For our own use, we have altered the data to only include areas which are known to have at least 20% estimated accuracy.

SIGNIFICANT NATURAL HERITAGE AREAS - database of areas containing ecologically significant natural communities or rare species. The database includes information regarding site name, significance, and site type.

Wetlands: US FWS NATIONAL WETLANDS INVENTORY (NWI) - database of information on the characteristics, extent, and status of the Nation's wetlands and deepwater habitats. This data is available for select areas of the United States.

Floodplains: FEMA FLOODPLAINS - database of 100 year and 500 year flood zone boundaries for select counties in the United States

Historic Landmarks: NCDCR NORTH CAROLINA HISTORIC SITES - database of statewide historic properties, including houses, forts, schools, churches, etc., maintained by the North Carolina Historic Sites division of the Department of Cultural Resources.

Historic Landmarks: NPS NATIONAL REGISTRY OF HISTORIC PLACES DATABASE - The nation's official list of cultural resources worthy of preservation. Properties listed include districts, sites, buildings, structures, and objects that are significant in American history, architecture, archeology, engineering, and culture.

Federal Land Use: USGS/EPA/FWS/BIA FEDERAL LANDS OF THE UNITED STATES - Database of lands owned or administered by the Federal Government, including the Bureau of Land Management, the Bureau of Reclamation, the U.S. Department of Agriculture Forest Service, the Department of Defense, the U.S. Fish and Wildlife Service, the National Park Service, the Tennessee Valley Authority, and other agencies. Only areas of 640 acres or more are included. Descriptive information includes the name and type of the Federal land and the administering agency.

ENDANGERED SPECIES PROTECTION PROGRAM DATABASE - List of the Endangered Species by county and the species status./n NATIONAL WILDLIFE REFUGE DATA - database of boundaries for National Wildlife Refuges, National Fish Hatcheries, and USFWS administrative sites. Contains information regarding refuge name and contact information.

BUREAU OF INDIAN AFFAIRS CONTACT - Regional contact information for the Bureau of Indian Affairs offices.

RADON: NTIS NATIONAL RADON DATABASE - EPA radon data from 1990-1991 national radon project collected for a variety of zip codes across the United States.

Environmental FirstSearch
Street Name Report for Streets within .25 Mile(s) of Target Property

Target Property: 3240 OLD SALISBURY ROAD
CONCORD NC 28025

JOB: 881345

Street Name	Dist/Dir	Street Name	Dist/Dir
Old Salisbury-Concor State Road 1002	0.11 SW 0.11 SW		

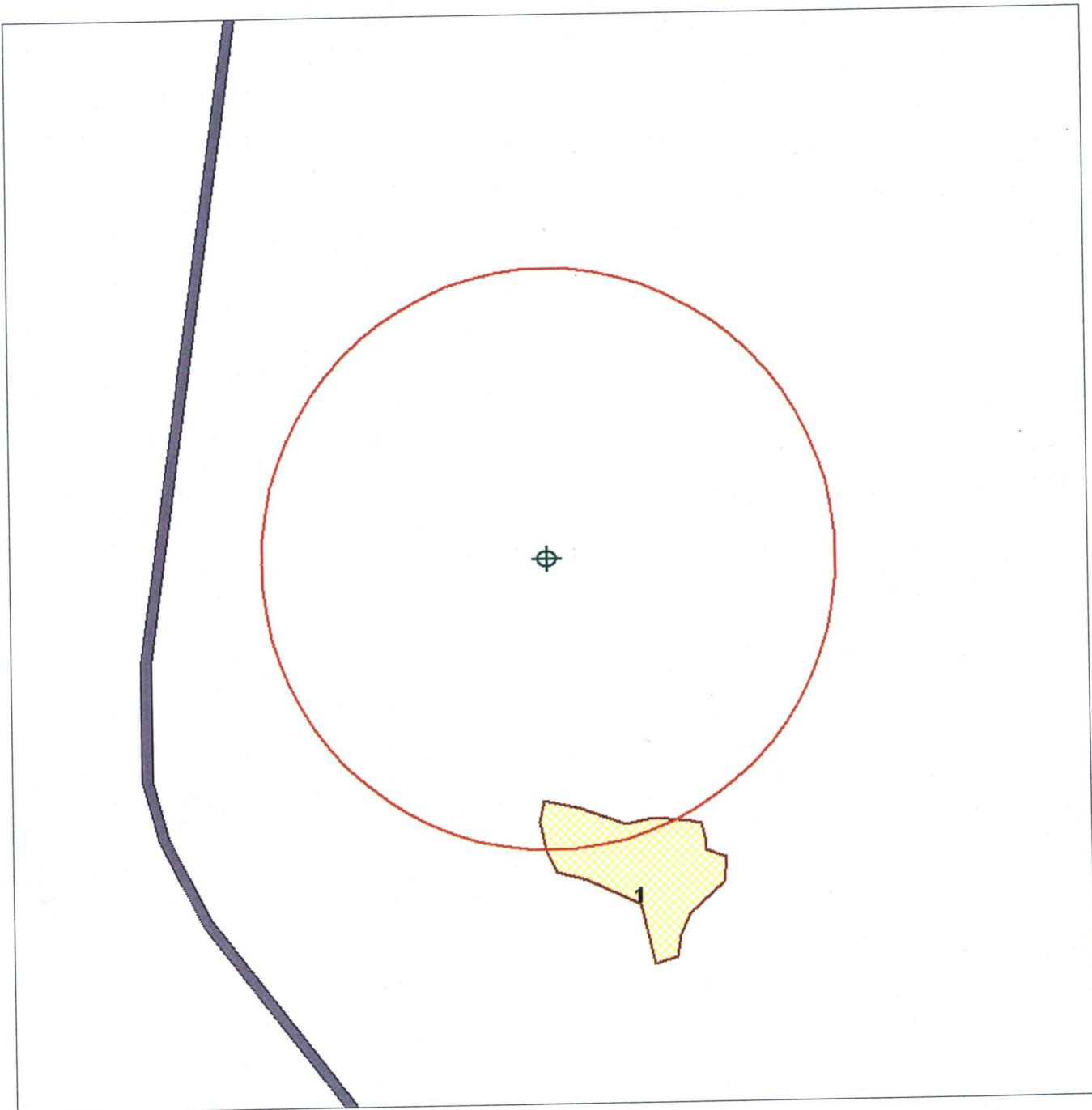


Environmental FirstSearch

.15 Mile Radius
NEPA Map: WETLANDS



3240 OLD SALISBURY ROAD, CONCORD NC 28025



Source: 2005 U.S. Census TIGER Files

Target Site (Latitude: 35.461944 Longitude: -80.544458) ..

Identified Site, Multiple Sites, Receptor

Wetlands

Railroads



Black Rings Represent 1/4 Mile Radii; Red Ring Represents 500 ft. Radius

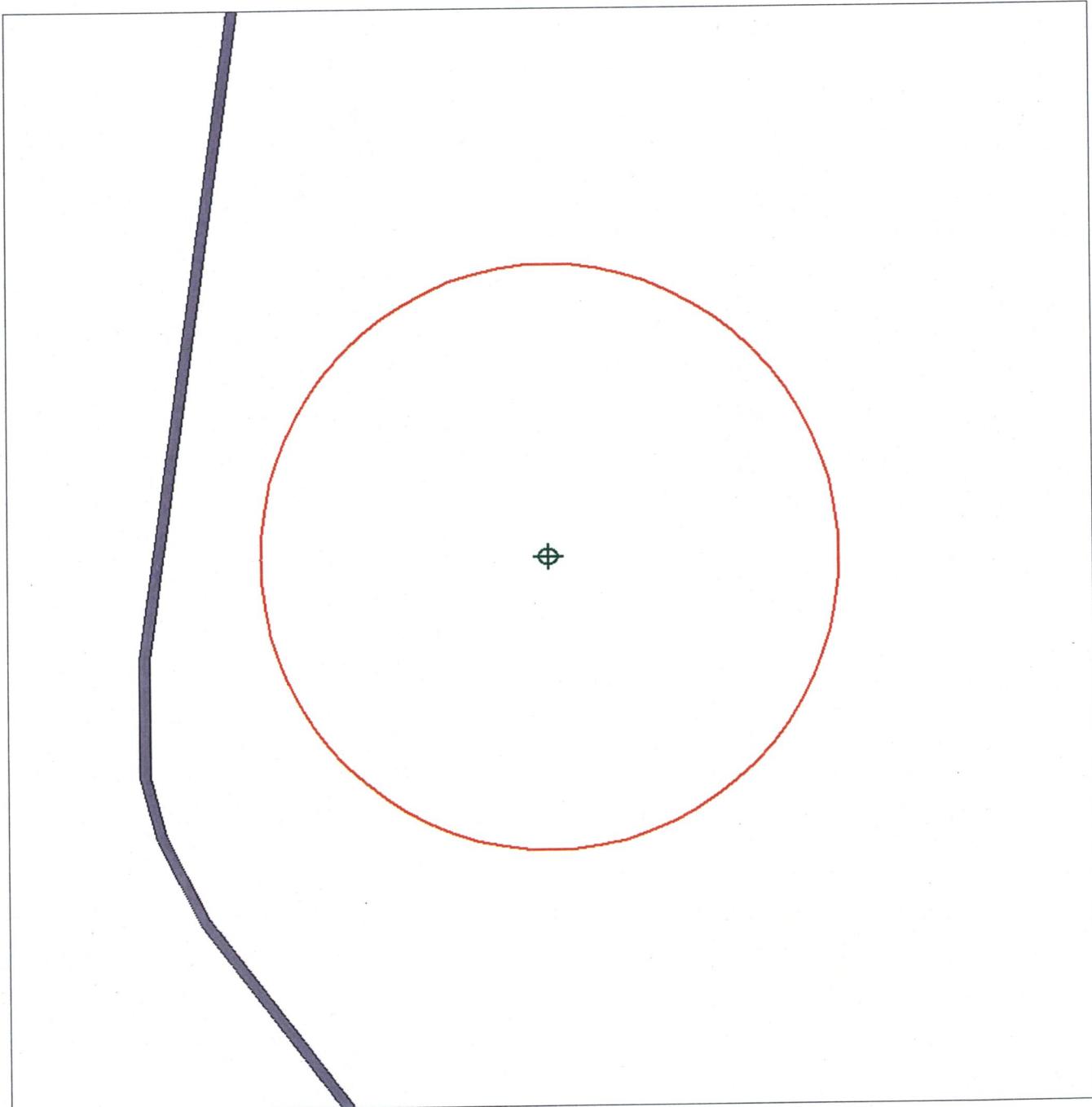


Environmental FirstSearch

.15 Mile Radius
NEPA Map: FLOODPLAINS



3240 OLD SALISBURY ROAD, CONCORD NC 28025



Source: 2005 U.S. Census TIGER Files

Target Site (Latitude: 35.461944 Longitude: -80.544458)



Identified Site, Multiple Sites, Receptor



Floodplains: 100 Year, 500 Year



Railroads



Black Rings Represent 1/4 Mile Radii; Red Ring Represents 500 ft. Radius

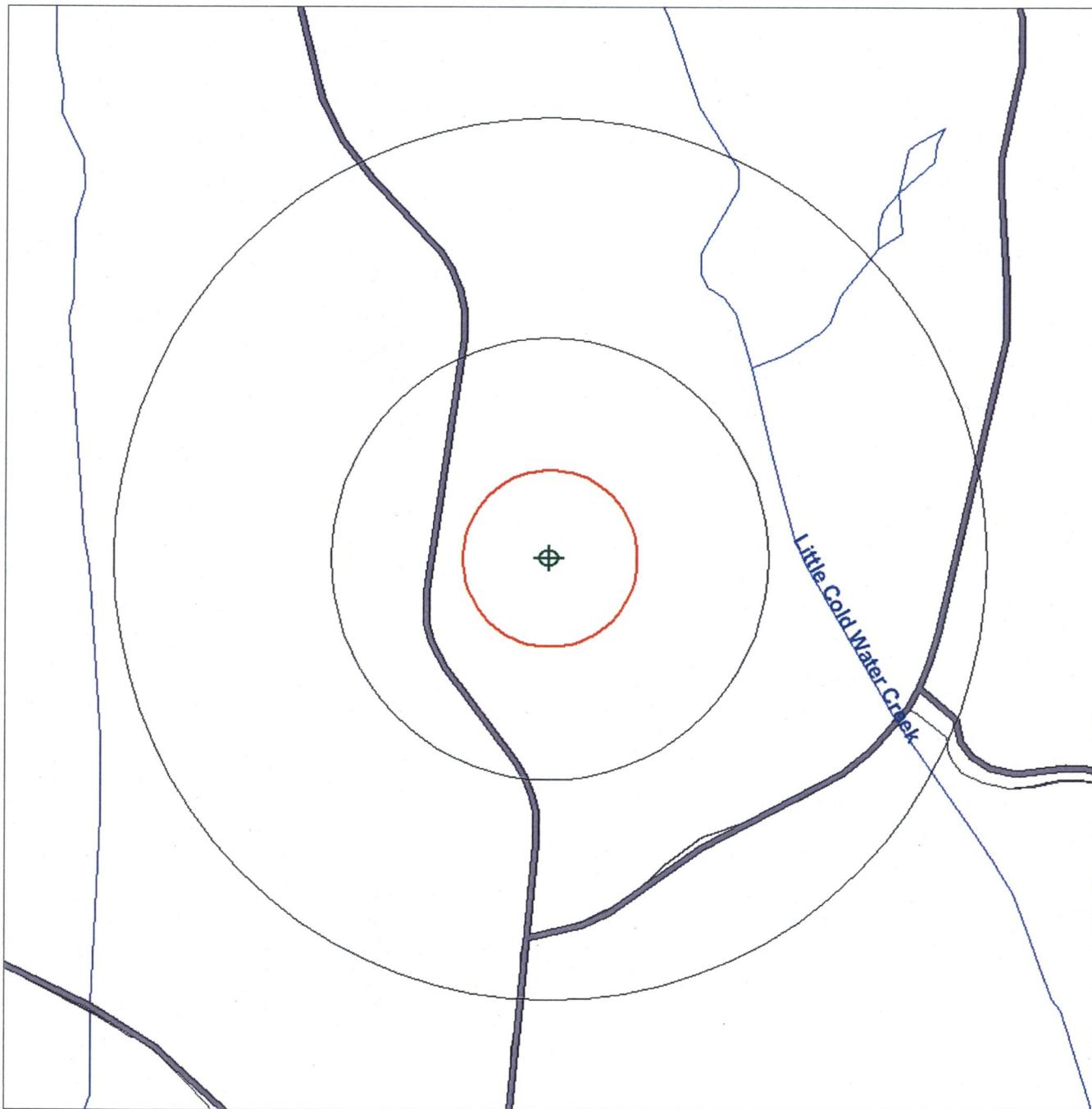


Environmental FirstSearch

.5 Mile Radius
NEPA Map: ACEC SITES



3240 OLD SALISBURY ROAD, CONCORD NC 28025



Source: 2005 U.S. Census TIGER Files

Target Site (Latitude: 35.461944 Longitude: -80.544458)



Receptor



Area of Critical Environmental Concern (ACEC), Protected Open Spaces



Railroads



Black Rings Represent 1/4 Mile Radii; Red Ring Represents 500 ft. Radius

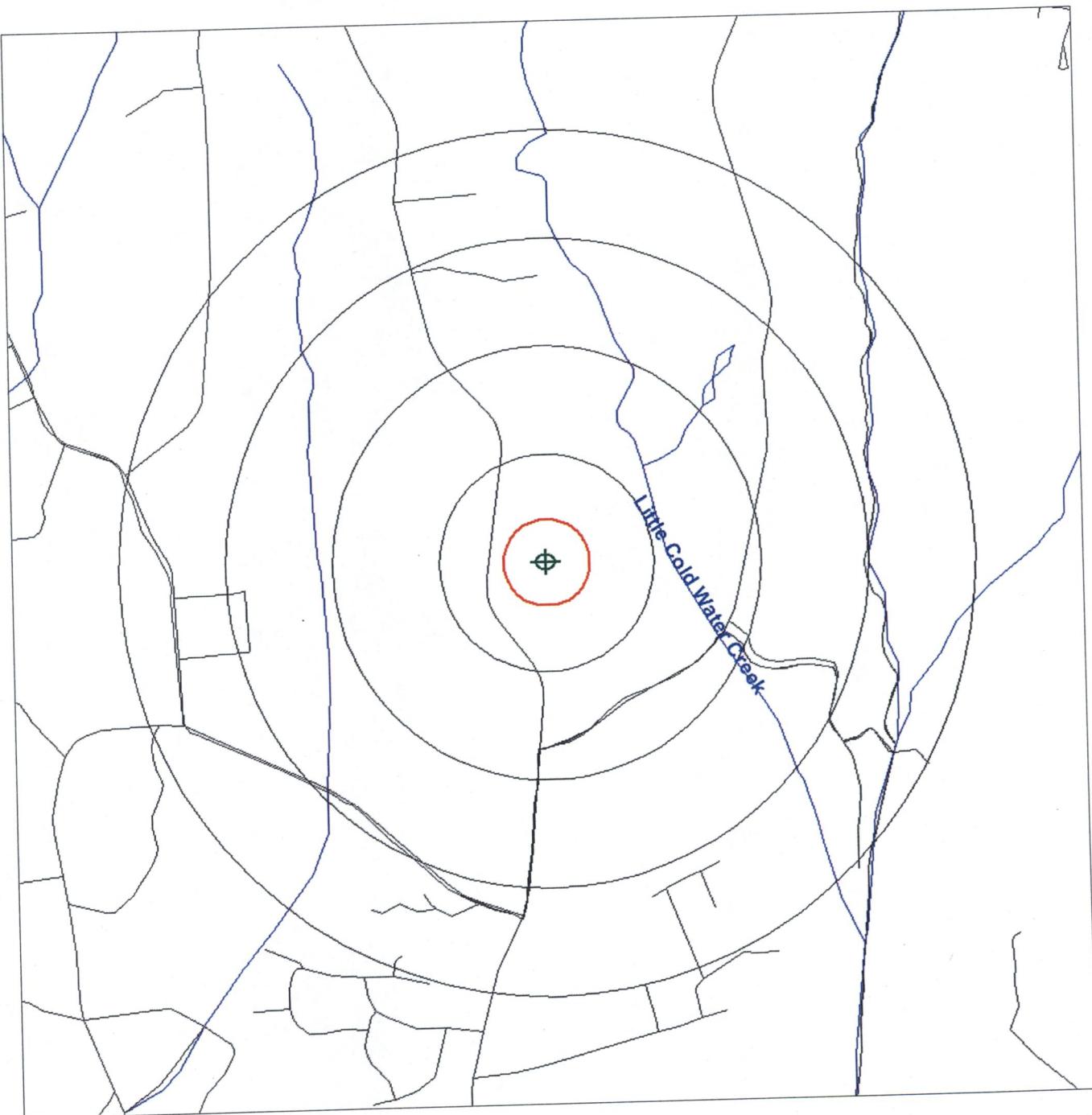
Environmental FirstSearch

1 Mile Radius

NEPA Map: HISTORIC SITES



3240 OLD SALISBURY ROAD, CONCORD NC 28025



Source: 2005 U.S. Census TIGER Files

Target Site (Latitude: 35.461944 Longitude: -80.544458)

Receptor

National Historic Sites and Landmark Sites

Railroads



Black Rings Represent 1/4 Mile Radii; Red Ring Represents 500 ft. Radius

CABARRUS COUNTY
Post Office Box 707
Concord, North Carolina 28026

Application Number 35 Co. - C

COUNTY OF CABARRUS
STATE OF NORTH CAROLINA

ORDER GRANTING A CONDITIONAL USE PERMIT

The Board of Adjustment for the County of Cabarrus, having held a public hearing on September 19, 2002, to consider application number 35 Co. - C, submitted by SBA/AT & T, a request for a conditional use permit to use the property located at 3200 Old Concord-Salisbury Road, Concord, N.C. 28025, for the purpose of constructing a wireless telecommunications system, and having heard all of the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACT and draws the following CONCLUSIONS:

1. The Board FINDS as a FACT that all of the specific requirements set forth in section 9 of the Ordinance for the proposed use (will) be satisfied if the property is developed in accordance with the plans submitted to the Board. (Specify which requirements, if any, are not satisfied by the proposed development).

SEE ATTACHED SHEET

2. It is the Board's CONCLUSION that the proposed use (does) satisfy the first general standard listed in the ordinance, namely, General Standard (A): The use will promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted.

SEE ATTACHED SHEET

3. It is the Board's CONCLUSION that the proposed use (does) satisfy the second general standard listed in the ordinance, namely, General Standard (B); The use will maintain or enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not maintain or enhance the value of the contiguous property).

SEE ATTACHED SHEET

4. It is the Board's CONCLUSION that the proposed use (does) satisfy the third general standard listed in the ordinance, namely, General Standard (C): The use is in compliance with the general plans for the physical developments of the County as embodied in these regulations or in the Comprehensive Plan, or portion thereof, adopted by the Board of County Commissioners.

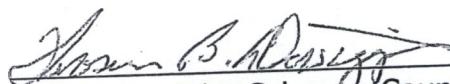
5. The Board makes the following additional FINDINGS OF FACT:

SEE ATTACHED SHEET

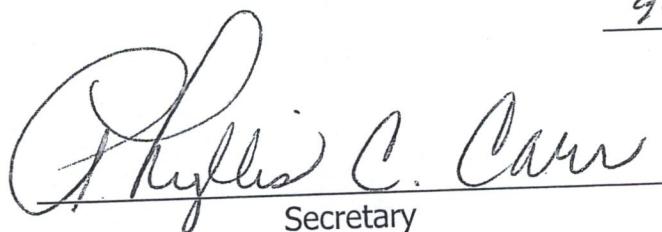
Therefore, because the Board concludes that all of the general and specific conditions precedent to the issuance of a CONDITIONAL USE PERMIT (have) been satisfied, it is ORDERED that the application for the issuance of a CONDITIONAL USE PERMIT be (GRANTED), subject to the following conditions:

- (1) The applicant shall fully comply with all of the specific requirements stated in the Ordinance for the proposed use, as well as any additional conditions stated below:
 - a. If any of the conditions stated above shall be held invalid, then this permit shall become void and of no effect.
 - b. The land and/or structures must be developed in accordance with the site plan submitted and approved.

Ordered this 19th day of September 2002.


Karen B. Duggar
Chairman of the Cabarrus County
Planning and Zoning Commission

9-23-02
Date


Phyllis C. Carr
Secretary

NOTE: If you are dissatisfied with the decision of this Board, an appeal may be taken to the Superior Court of Cabarrus County within thirty (30) days after the date of this order. See Section 8.1 of the Ordinance.

SBA/AT & T
CONDITIONAL USE APPLICATION 35 Co. - C

FINDINGS OF FACT:

1. The applicant has submitted a complete application form and the additional information required by the Cabarrus County Zoning Ordinance for a Conditional Uses.
2. The applicant is requesting permission to construct a wireless telecommunications facility that would consist of 275-foot lattice tower located on an 100 x 100 leased parcel. A portion of this parcel will be a fenced compound area that will accommodate an equipment shelter and/or cabinet for multiple users. Also, the fenced area will include an 8-foot high chain link fence with 3-strand barbed wire at the top.
3. The adjacent property owners have been notified by mail.
4. The public hearing notice was published in the Cabarrus Neighbors.
5. A zoning public hearing sign has been placed on the property advertising the time and place of the public hearing.

Additional finding.....

1. A bond be set at 125% of the estimated value of the cost of removal by a certified removal company.

PLANNING STAFF REPORT
CABARRUS COUNTY PLANNING AND ZONING COMMISSION
11/18/2010

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

Variance: VARN2010-00003

Applicant Information: Lakeland Asset Management LLC
5708 Williamson Rd.
Mooresville, NC 28117

Owner Information: Great Western Bank
1235 N Street
Lincoln, NE 68508

PIN#: 4680347515

Area in Acres: .629

Purpose of Request: Applicant is seeking a variance from the side setback requirement for LDR. The structure, as currently located, encroaches into the side setback on the west side of the property. The side wall of the addition is approximately 2.7' from the property line at the front corner and 3.4' at the rear corner of the addition. The required setback is a minimum of 20'.

Site Description: The site is currently zoned Low Density Residential (LDR). There is a partially constructed single family residence located on the site. Current structure is approximately 70% complete.

Current Land Uses: The property is currently used as residential and has a partially constructed single family residence on it.

Adjacent Land Uses: Adjacent properties are vacant or residential.

Permitted Uses: All uses permitted in the LDR zoning district are permitted on the subject property.

Existing Zoning: LDR (Low Density Residential)

Surrounding Zoning: North: PRD (City of Concord Planned Residential Development)
East: LDR (Low Density Residential)
South: LDR (Low Density Residential)
West: LDR (Low Density Residential)

Signs Posted: 11/04/2010

Newspaper Notification: 11/03/2010

PLANNING STAFF REPORT
CABARRUS COUNTY PLANNING AND ZONING COMMISSION
11/18/2010
Newspaper Notification 2: 11/10/2010

Staff Use Only:
Approved:
Denied:
Tabled

Notification Letters: 11/02/2010

Exhibits

1. Application as submitted by Applicant
2. Boundary Survey of Subject Property
3. Zoning Permits
4. Building Permits/Boundary Survey submitted for permitting
5. Letter to Adjacent Property owners
6. List of Adjacent Property owners
7. Zoning Map of Subject Property
8. Aerial Map of Subject Property
9. Photo exhibits of Subject Property
10. Inspection information and photos

Agency Review Comments

Fire Review : Approved

Fire Marshall offered no comments for the proposed variance

Zoning Review : Approved

1. The applicant submitted a complete application form as required by the Cabarrus County Zoning Ordinance for a variance application.

2. Section 5-5 in the Cabarrus County Zoning Ordinance states that the setbacks for the LDR (Low Density Residential) zone are:

Front- 50

Side- 20/40

Rear- 30

3. The building does not meet the setback standards established for the LDR zoning designation. It is too close to an adjacent property line (side).

NCDOT Review : Approved

NCDOT has offered no comments for the proposed variance

History / Other Information

Permits were secured for zoning and building in 2006 to move a house onto the subject property and to construct an 1100 SF addition to the structure. (see attached)

Applicant contends that the property was purchased prior to realization that the structure did not meet the setbacks for LDR zoning district.

Applicant contends that construction is too far along to relocate the structure.

RECEIVED
OCT 21 2010

Karen G. Ditt



CABARRUS COUNTY
PO BOX 707
CONCORD, NC 28025
704-920-2159
www.cabarruscounty.us

Application Number
VARN 2010-0003

Date

VARIANCE APPLICATION FORM

The Variance Process:

A variance is considered a relaxation of the terms of the Ordinance where such variance will not be contrary to the public interest. Generally, a variance should be considered when the literal enforcement of the Ordinance would result in unnecessary and undue hardship to the property owner.

In order to apply for a variance a completed application along with the application fee is required to be turned in to the Zoning Office, 30 days prior to the scheduled public hearing. In order for the Board of Adjustment to grant approval of the variance, the applicant must provide proof of five specific standards spelled out in the Ordinance and in the following application.

If the Board finds that all approval criteria have been met, they may impose reasonable conditions upon the granting of any variance to insure public health, safety, and general welfare. If the application is approved the applicant then may proceed with securing all required local and state permits necessary for the endeavor. Failure to follow conditions set in the approval process would result in a violation of the Zoning Ordinance.

If there are additional questions concerning this process, please contact the Zoning Office at (704) 920-2159, Monday through Friday 8 am to 5 pm.

Application Information

Applicant's Name

LAKELAND ASSET MANAGEMENT, LLC

Applicant's Address

510 B WILLIAMSON ROAD
MOORESVILLE, NC 28117

Applicant's Telephone Number

(704) 696-2802

Property Owner's Name

Great Western Bank

Property Owner's Address

1235 North Street
LINCOLN, NE 68508-2008

Property Owner's Telephone Number

402) 473-2559

Legal Relationship of Applicant to Property Owner

ASSET MANAGER / PROPERTY MANAGER
RESIDENTIAL

Existing Use of Property

9291 BENJAMIN WALKER
46803475150000

Existing Zoning

Property Location

Tax Map and Parcel Number (PIN)

TO THE BOARD OF ADJUSTMENT

1. Great Western Bulk 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 Sought Including Related Zoning Ordinance Section(s)

Section: Chapter 5 Sec 5-5
Conventional Subdivision (LDR) Side Yard Setback

2. Reason(s) for Seeking a Variance

2. Reason(s) for Seeking a Variance
SURVEY INDICATES THAT HOME WAS PLACED IN THE
SETBACK ON THE WEST SIDE OF THE PROPERTY BY
THE ORIGINAL BUILDER. PROPERTY/CONSTRUCTION IS
TOD FAR ALONG NOW TO RELOCATE.

Requests for variance shall be accompanied by a list of adjoining property owners and their addresses and a sketch plan. Said plan shall show, the location and size of:

- 1- The boundaries of the lot(s) in question.
- 2- The size, shape and location of all existing buildings.
- 3- The size, shape and location of all proposed buildings, parking facilities and accessory uses.
- 4- The location and type of screening and buffering proposed.
- 5- Other information deemed by the Zoning Officer to be necessary to consider this application.

Signature of Owner

4
Signature of Applicant

Date 10/18/10

Date _____

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Direction is received by both state legislation and local ordinance. Under the state enabling act, the Board is required to reach three (3) conclusions as a prerequisite to the issuance of a variance:

- 1- That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance.
- 2- That the variance is in harmony with the general purposes and intent of the ordinance and preserves its spirit.
- 3- That in the granting of the variance the public safety and welfare have been assured and substantial justice has been done.

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. It is the responsibility of the applicant to present evidence to support a variance not the Planning, Zoning and Building Inspection departments nor the Board of Adjustment. The departmental staff will review and the Board will render a decision.

FINDING OF FACT CHECKLIST

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

1. The alleged hardships or practical difficulties are unique and singular to the property of the person requesting the variance and are not those suffered in common with other property similarly located.
(The problem must be unique to the property and not a public hardship and must apply to the property, not the property owner.)
2. The alleged hardships and practical difficulties, which will result from failure to grant the variance, extend to the inability to use the land in question for any use in conformity with the provisions of the ordinance and include substantially more than mere inconvenience and inability to attain a higher financial return.

(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?")

HOME IS 75-80% COMPLETE, THE AFFECTED
AREA ENCROACHING IS APPROX 387 sq ft.
(SEE ATTACHED SURVEY).

3. The variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.

(This is a second way to address reasonableness. This is also where the issue of "where did the hardship originate from?" should be addressed. Self-inflicted hardships should be carefully reviewed for reasonableness.)

NOT TO OUR KNOWLEDGE, HOME DOES NOT ENCROACH INTO ADJACENT PROPERTY. HAVING HOME COMPLETED AND OCCUPIED SHOULD HELP APPEARANCE OF NEIGHBORHOOD.

4. The variance is in harmony with and serves the general intent and purpose of the ordinance.

(If a variance is granted, is the overall "spirit" of the zoning ordinance still intact? While difficult to explain, some types of variance are usually 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 (clearly not allowed), and modifying a dimensional standard so as to the detriment of a neighborhood or area.

The second part relates to the question, if granted will the spirit of the adopted plan for proper development of the neighborhood or area be compromised?)

AGAIN PROPERTY DOES NOT ENCROACH INTO ADJACENT PROPERTY. SEEKING VARIANCE OF SETBACK

5. The variance will result in substantial justice being done, considering both the public benefits intended to be secured by this ordinance and the individual hardships that will be suffered by a failure of the Board to grant a variance.

(This is the final way to address reasonableness via common sense. Simply put, 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?)

CURRENT OWNER DID NOT CONSTRUCT THIS HOUSE AND HAS SUFFERED CONSIDERABLE FINANCIAL LOSS DUE TO ISSUES SURROUNDING ITS COMPLETION (\$100,000.00)

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 five points will continue to be met and not violated. In your review of the five points, are there any conditions that you believe would clarify the justification of a variance? If so, suggest these conditions in the space below.

NO ADDITIONAL EXPANSION OF THE FOOTPRINT OF THIS PROPERTY.

CABARRUS COUNTY
NORTH CAROLINA
DATE 5/3/2006
PROJECT NAME

(704) 920-2137

APPLICATION NUMBER
PIN NUMBER
ZONING COMPLIANCE FEE

ZN024617
4680-34-7515.0000
\$50.00

APPLICATION FOR ZONING/COMPLIANCE CERTIFICATE

APPLICANT ADDRESS	WALLACE TERRY 2046 CARTIER WAY	CHARLOTTE	(704) 606-4058 NC 28208
PROPERTY OWNER ADDRESS	GLENROY AUSTRIE 915 LAYE ST/BELMONT/NC/28012		
CONTRACTOR ADDRESS	NO CONTRACTOR NO ADDRESS	NO CITY	CONTR NO: 400 NC 28025-
LOCATION OF LAND AND/OR STRUCTURE LAND OR STRUCTURE TO BE USED FOR LAST USE OF LAND AND/OR STRUCTURE	9291 BENJAMIN WALKER LN CONCORD. RESIDENTIAL OPEN		
<input type="checkbox"/> MOBILE HOME <input type="checkbox"/> MOBILE HOME PARK AND LOT NO. <input type="checkbox"/> SUBDIVISION AND LOT NUMBER <input checked="" type="checkbox"/> PRIVATE LAND	YEAR/MAKE	LENGTH/WIDT	
			LOT #:
TOTAL LOT AREA PLOT REMARKS	.63	NUMBER OF DWELLING UNITS	1
<input type="checkbox"/> COMPLIANCE WITH ALL CONDITIONS AND SPECIFICATIONS OF CONDITIONAL/SPECIAL USE PERMIT NUMBER I			
DEVELOPMENT OF THIS PROPERTY WILL ALSO INVOLVE:			
<input type="checkbox"/> COMPLIANCE WITH APPROVED SITE PLAN <input type="checkbox"/> COMPLIANCE WITH WATERSHED OVERLAY DISTRICT <input type="checkbox"/> SUBJECT TO FLOOD DAMAGE PREVENTION ORDINANCE <input checked="" type="checkbox"/> NOT IN FLOODPLAIN <input type="checkbox"/> COMPLIANCE OF ACCESSORY/BUILDING/STRUCTURE SIGNS <input type="checkbox"/> COMPLIANCE OF A FENCE/SCREEN/BUFFER YARD			

I, THE UNDERSIGNED, CERTIFY THAT ALL WORK DESIGNATED ON THIS APPLICATION AND ON APPROVED ATTACHED PLANS (IF ANY) WILL BE DONE AS INDICATED, AND ARRANGEMENT OF LAND AND/OR STRUCTURES WILL CONFORM TO ALL INFORMATION PRESENTED HEREIN AND TO ALL REGULATIONS OF THE ZONING ORDINANCE OF CABARRUS COUNTY. NO STRUCTURES OR LAND WILL BE USED OR OCCUPIED OTHER THAN IN COMPLIANCE WITH A VALID CERTIFICATE OF ZONING COMPLIANCE/OCCUPANCY ISSUED IN

SIGNATURE OF OWNER OR APPLICANT AS OWNERS AUTHORIZED AGENT

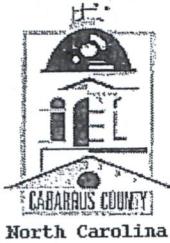
Wallace T. Wallace

ZONE LDR	X CONFORMING USE	NON-CONFORMING USE
MAXIMUM HEIGHT	40' MAX (PRINCIPAL)	20' MAX (ACCESSORY)
SETBACKS	Principal MAX FRONT MAX FRONT	5/15 MIN SIDE 30' MIN REAR
	Accessories 5 MIN INTERIOR SIDE	5' MIN REAR

COMMENTS FLD/NA/MOVING IN A SITE BUILD HOUSE/THIS PROPERTY WAS MDR ORIGINALLY

ZONING SIGNATURE: *J. Miller*

CERTIFICATE OF ZONING COMPLIANCE/OCCUPANCY DATE *5-3-06*



Important Setback Information

Cabarrus County Development Services
65 Church Street
PO Box 707
Concord, NC 28026-0707
Office - 704-920-2138 Fax - 704-920-2144

This notice is to inform you that all structures including:

Residential Structures (Site Built, Modular, Mobile Homes)

Accessory Structures (Pools, Storage Buildings, Garages)

Commercial / Industrial Structures (All Types of Business)

- Must meet the minimum setback requirements for the zone that the property is located in. The setback requirements are listed on your Zoning Compliance Permit at the bottom of the page.
- Any structure that is built or placed on a property that encroaches on a setback boundary is a violation of the Zoning Ordinance. Such violations shall be subject to all civil penalties and remedies set forth in the Zoning Ordinance.
- The front setback should be measured from the existing or proposed edge of right-of-way. Contact the NC Department of Transportation if you need to verify the right-of-way distance. (704) 982-0104
- It is strongly suggested that you take time to make sure that the structure is properly placed on the property. If you question there might be a possibility of an encroachment, you may want to consult a land surveyor to plot out the structure.

If you have any questions regarding this matter, please contact a Zoning Officer at 704-920-2137.

I HAVE READ AND UNDERSTAND THESE REQUIREMENTS:

Applicant: Alexander L. Wallace

Staff: J. Smalls

Cabarrus Health Alliance Authorization for Wastewater Disposal System Construction

Permit void 60 months from date of issue or if changed in any form

This permit is non-refundable

1307 S. Cannon Blvd Kannapolis NC 28083

(704) 939-1207 *Mark*
930-1266

Quad D-6

S/D

Lot

PinNo 46803465430000

Applicant # 400 Applicant Name PHOENIX WENDY

Owner ~~IDA W. GUNN~~ *Glen Austin* HPhone

Address 3724 PATRIOT'S PLACE HPhone

City/State/Zip CONCORD, NC 28025 OPhone

Directions TAKE 85S/POPLAR TENT RD/LEFT ON COX MILL/PROPERTY ON
RT/WANTS TO BE THERE *Tract #2*

Type of Facility

 SingleFamily MultipleFamily

BusinessType: N/A #Employees 1st 0 2nd 0 3rd 0

Other: FRONT OF STRUCTURE MIN. 125 FEET FROM FRONT

Bedrooms ~~4~~ *4* Baths 2 R.O.W. MUST PUMP TO 25% REDUCTION SYSTEM. 1000 *gal* Basement B'T Plmb *pump tank* Garbage Disposal Water: MAY DRILL

Tank size 1000

 Pump

Special Conditions/Instructions

S.T. Lines 450x3=1350 Sq. Ft

well location 100 feet min

Stone Depth n/a Inches

50 feet from any part of

W.M. Lines N/A Sq. Ft

System

Stone Depth Inches

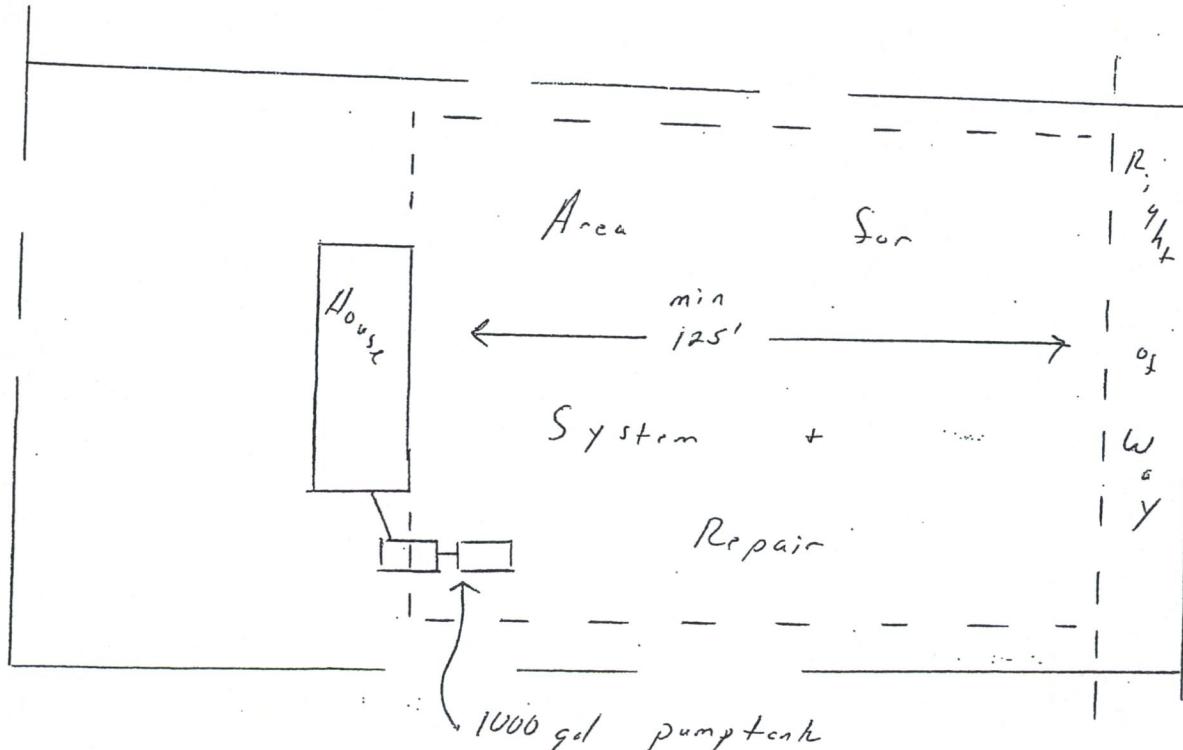
Location of tank are not specific

Lot Size 1.26 ACRES

mt

Initials MDT

BOTTOM HALF RESERVED FOR SKETCH



CABARRUS COUNTY
APPLICATION FOR A WASTEWATER DISPOSAL SYSTEM
(704) 920-1207 Septic Tank Permit # SE009215
12/02/2004

PinNo 46803465430000 Acreage 1
Application Fe \$40.00 Inspection Fee \$120.00
Contractor NO CONTRACTOR Contractor # 400
Address NO ADDRESS
Address
City/State/Zip NO CITY, NC 28025 Phone
Prop Owner IDA W. GUNN
Address 3724 PATRIOT'S PLACE
City/State/Zip CONCORD, NC 28025 Phone
Applicant PHOENIX WENDY
Address P.O. BOX 481627
City/State/Zip CHARLOTTE, NC 28269 Phone (704) 277-0083

irections TAKE 85S/POPLAR TENT RD/LEFT ON COX MILL/PROPERTY ON RT/WANTS TO BE THERE

escription of Proposed Residence

SingleFamily MultipleFamily Bedrooms 3 Baths 2
 Basement Garbage Disposal
 Plumbing in Basemen Mobile Hom

BusinessType: N/A #Employees 1st 0 2nd 0 3rd 0

Other:

Future Additions to Property Describe addition

Subdivision Lot Area: 1.26

Water Supply MAY DRILL Well

understand that this is a formal application for an improvement permit or authorization to construct a ground sorption sewage disposal system to serve the above described facility on this property and authorize the Cabarrus County Health Authority employees to go on this property for evaluation purposes. I certify the result of this formation is transferrable but may be revoked. If this information, site plans or intended use changes for the oposed facility an authorization to construct is valid for (5) years from the date issued and is not transferrable.

Owner/Applicant

Comments: FRONT OF STRUCTURE MIN. 125 FEET FROM FRONT R.O.W. MUST PUMP TO 25% REDUCTION SYSTEM. 1000 GAL.
PUMP TANK, ALARM ETC.

-----ZONING USE BELOW LINE-----

rop Zoning MDR

Complies w/Zoning Complies w/Cab Sub Ordin

epic Tank To Be Routed To Zoning

(704) 920-2128

CABARRUS COUNTY
BUILDING PERMIT

Building Permit No BU061356

10/03/2006

P.I.N: 46803475150000

Electrical Contr

Lic

TO BUILDING INSPECTOR:

I, TERRY WALLACE, HEREBY MAKE APPLICATION TO BUILD ON
PROPERTY LOCATED AT: 9291 BENJAMIN WALKER LN CONCORD
LOT: SUBDIVISION:

OWNED BY: TERRY WALLACE PHONE (704) 606-4058
2046 CARTER WAY CHARLOTTE NC 28208

CONTRACTOR NO CONTRACTOR LICENSE NO.
NO ADDRESS PHONE () - 0

RESIDENCE

USE OR PURPOSE OF BUILDING: RES MOVED IN

FLOOR AREA: HEATED 0 SQ/FT NUMBER OF UNITS 1
UNHEATED 0 SQ/FT EST. COST \$225,000.00

DESCRIPTION: RES MOVED AND ADD BEDROOM AND SUNROOM 1100 *1 Rm over Sunroom*

FOR CONSTRUCTION OTHER THAN REPAIRS:

CONNECTED TO CITY SYSTEM: Water Sewer Other:

TYPE OF CONSTRUCTION:

TYPE OF HEAT: NO. HABITABLE ROOMS: 7

BASEMENT: NO. BATHROOMS: 1

NO. ELEVATORS NO. STORIES: 2

FEE: \$720.00	CITY ZONE: County	PERMIT WAS APPROVED
COST: \$225,000.00	USE: RES MOVED IN	BLDG. INSP: SCOTT MCANULTY

COMMENTS:

*** EROSION CONTROL CHARGES INCLUDED IN TOTAL.

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

THIS PERMIT WILL EXPIRE:

- IF WORK HAS NOT STARTED AND BEEN INSPECTED WITHIN 6 MONTHS, OR
- IF WORK HAS BEEN DISCONTINUED FOR A PERIOD OF 12 MONTHS.

NO REFUNDS WILL BE GIVEN.

APPLICANT

Terry J. Wallace

CABARRUS COUNTY
NORTH CAROLINA
DATE 5/3/2006
PROJECT NAME

(704) 920-2137

APPLICATION NUMBER
PIN NUMBER
ZONING COMPLIANCE FEE

ZN024617
4680-34-7515.0000
\$50.00

APPLICATION FOR ZONING/COMPLIANCE CERTIFICATE

APPLICANT ADDRESS	WALLACE TERRY 2046 CARTIER WAY	CHARLOTTE	(704) 606-4058 NC 28208
PROPERTY OWNER ADDRESS	GLENROY AUSTRIE 915 LAYE ST/BELMONT/NC/28012		
CONTRACTOR ADDRESS	NO CONTRACTOR NO ADDRESS	NO CITY	CONTR NO: 400 NC 28025-
LOCATION OF LAND AND/OR STRUCTURE LAND OR STRUCTURE TO BE USED FOR LAST USE OF LAND AND/OR STRUCTURE	9291 BENJAMIN WALKER LN CONCORD RESIDENTIAL OPEN		
<input type="checkbox"/> MOBILE HOME	YEAR/MAKE	LENGTH/WIDT	
<input type="checkbox"/> MOBILE HOME PARK AND LOT NO.			
<input type="checkbox"/> SUBDIVISION AND LOT NUMBER		LOT #:	
<input checked="" type="checkbox"/> PRIVATE LAND			
TOTAL LOT AREA	.63	NUMBER OF DWELLING UNITS	1
PLOT REMARKS			
<input type="checkbox"/> COMPLIANCE WITH ALL CONDITIONS AND SPECIFICATIONS OF CONDITIONAL/SPECIAL USE PERMIT NUMBER I			
DEVELOPMENT OF THIS PROPERTY WILL ALSO INVOLVE:			
<input type="checkbox"/> COMPLIANCE WITH APPROVED SITE PLAN			
<input type="checkbox"/> COMPLIANCE WITH WATERSHED OVERLAY DISTRICT			
<input type="checkbox"/> SUBJECT TO FLOOD DAMAGE PREVENTION ORDINANCE			
<input checked="" type="checkbox"/> NOT IN FLOODPLAIN			
<input type="checkbox"/> COMPLIANCE OF ACCESSORY/BUILDING/STRUCTURE SIGNS			
<input type="checkbox"/> COMPLIANCE OF A FENCE/SCREEN/BUFFER YARD			

I, THE UNDERSIGNED, CERTIFY THAT ALL WORK DESIGNATED ON THIS APPLICATION AND ON APPROVED ATTACHED PLANS (IF ANY) WILL BE DONE AS INDICATED, AND ARRANGEMENT OF LAND AND/OR STRUCTURES WILL CONFORM TO ALL INFORMATION PRESENTED HEREIN AND TO ALL REGULATIONS OF THE ZONING ORDINANCE OF CABARRUS COUNTY. NO STRUCTURES OR LAND WILL BE USED OR OCCUPIED OTHER THAN IN COMPLIANCE WITH A VALID CERTIFICATE OF ZONING COMPLIANCE/OCCUPANCY ISSUED IN

SIGNATURE OF OWNER OR APPLICANT AS OWNERS AUTHORIZED AGENT

Wallace T. Terry

ZONE LDR	X CONFORMING USE		NON-CONFORMING USE	
MAXIMUM HEIGHT	40'	MAX (PRINCIPAL)	20'	MAX (ACCESSORY)
SETBACKS	Principal	30' MIN FRONT MAX FRONT	5/15' MIN SIDE 30' MIN REAR	
	Accessories	5' MIN INTERIOR SIDE	5' MIN REAR	

COMMENTS FLD/NA/MOVING IN A SITE BUILD HOUSE/THIS PROPERTY WAS MDR ORIGINALLY

ZONING SIGNATURE *J. Terry*

CERTIFICATE OF ZONING COMPLIANCE/OCCUPANCY DATE 5-3-06

Cabarrus Health Alliance Authorization for Wastewater Disposal System Construction

Permit void 60 months from date of issue or if changed in any form
This permit is non-refundable

1307 S. Cannon Blvd Kannapolis NC 28083

(704) 939-1207

4-13-05

pd
P&E cd

Quad

S/D

Lot 1

PinNo 46803455940000

Appl. No. SE009615

Date 3/28/2005

Permit Fee \$240.00

Applicant # 400 Applicant Name PHOENIX WENDY

Owner GLENROY AUSTRIE

HPhone

Address 915 LAYE STREET

OPhone

City/State/Zip BELMONT, NC 28012

Directions TAKE 85S/RT ON POP. TENT/LEFT ON COX MILL/PROP. ON RT

Type of Facility

 SingleFamily MultipleFamily

BusinessType: N/A

#Employees 1st 0

2nd 0

3rd 0

Other:

DUE TO LIMITED AMOUNT OF SPACE MUST USE PPBPS.

Bedrooms 3 Baths 3

LPP DISTRIBUTION WITH MAINTENANCE CONTRACT.

 Basement B'T Plmb Garbage Disposal Water: CITY WATER Pump

Special Conditions/Instructions

Must meet septic tank
Contractor on-site prior to
installation. 225 linear feet
of PPBPS w/ LPP dist.

Tank size 1000

S.T. Lines 225 LINEAR FE Sq. Ft

Stone Depth N/A Inches

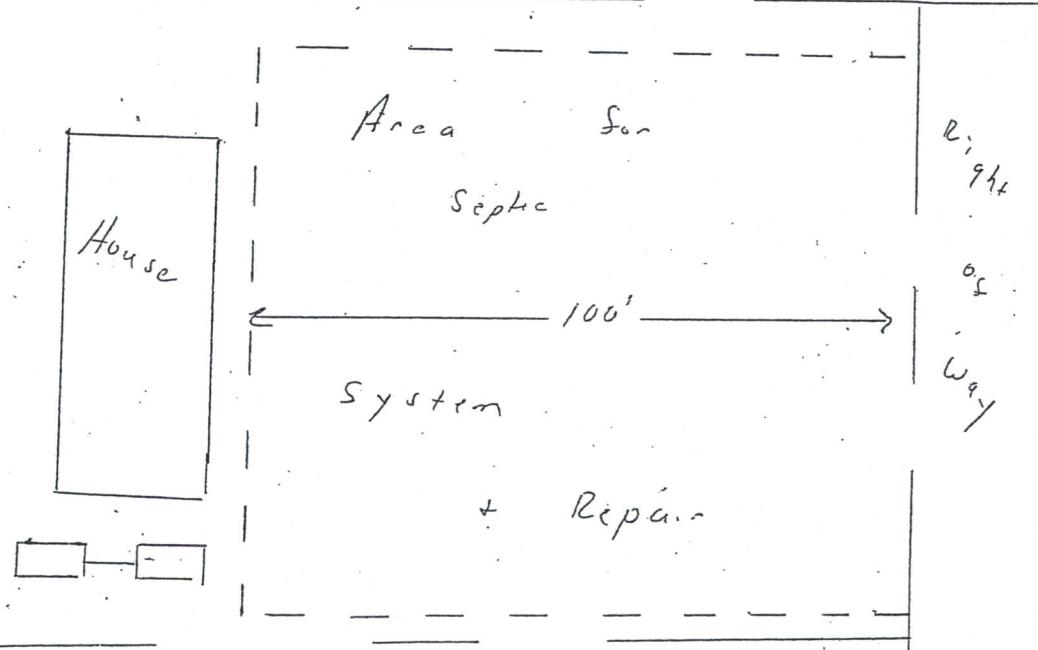
W.M. Lines N/A Sq. Ft

Stone Depth Inches

Lot Size 0.63 ACRES

Initials MDT

BOTTOM HALF RESERVED FOR SKETCH



BU061356

RON HIATT, P.E.
STRUCTURAL ENGINEER

7330 Lancer Drive, Charlotte, North Carolina, 28226 Tel. (704) 756-1700

DATE: February 18, 2008

TO: Mr. T J Wallace

RE: Structural Review
9291 Benjamin Walker Lane
Concord, N C

I have reviewed the structural framing of the referenced house and find that the structure has been constructed in accordance with the provisions of the North Carolina Residential Building Code and good building practice.

If you have any questions, please call.



Ron Hiatt, PE



February 18, 2008



UNLICENSED BUILDING PERMIT APPLICANT QUESTIONNAIRE

Please answer the following questions with a yes or no.

1. Do you own the land on which this building will be constructed? Yes
2. Have you hired, or do you intend to hire an individual to superintend and manage construction of the project? No
3. Do you intend to directly control and supervise construction activities? Yes
4. Do you intend to schedule, contract with, and directly pay for all phases of construction work to be done? Yes
5. Do you intend to personally order building supplies and materials for the project for which the building permit is sought? Yes
6. Do you intend to schedule and be present for scheduled inspections? Yes
7. Do you understand that you are responsible for compliance with all applicable federal, state and local laws and requirements, including but not limited to: the State Building Code, Sedimentation Control Act requirements, and solid and hazardous waste disposal requirements? Yes
8. Do you intend to personally occupy the building for at least 12 consecutive months following completion of construction and do you understand that if you do not do so, it creates the presumption under law that you fraudulently secured the building permit? Yes

Signed Terry J. Wallace Date 10-3-06

Address 3046 Castaways Charlotte NC 28208

I, Christopher C. Hodgin a Notary Public, do hereby certify that
Terry J. Wallace Personally appeared before me
and acknowledged the execution of the foregoing instrument. Witness my hand
and notarial seal this 3rd day of October, 2006.

Christopher C. Hodgin
Notary Public

My commission expires: August 1, 2009

Seal





TYPICAL SEDIMENTATION AND EROSION CONTROL PLAN FOR LAND-DISTURBING ACTIVITIES LESS THAN ONE ACRE.

CABARRUS COUNTY SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE AND SEDIMENTATION POLLUTION CONTROL ACT OF 1973

REQUIRES The Financial Responsible Party of the land disturbing activity to install adequate sediment control measures on there property. Failure to take all reasonable measures (Section 6 (e), 15A N.C.A.C.4B.0005) can result in fines up to five thousand dollars (\$5000.00) per day for this violation.

The enclosed plan is to aid the Financial Responsible Party in complying with the Ordinance.

The plan shows a worse case scenario, with rain fall run-off, flowing in all directions; Therefore measures will only need to be installed in the low points and/or low sides on the site.

Please note, land-disturbances greater than one acre not classified by the state as a water supply watershed or more than 10,000 ft² in a class II or 20,000 ft² in Class IV Water Supply Watershed as classified by the State of N.C. must be approved by the Commerce Department prior to starting activity.

Also note, a Certificate of Occupancy will not be issued if the tract of land is in violation of the Ordinance. (However, a temporary Certificate of Occupancy may be issued if the person conducting the land-disturbing activity is making substantial progress toward complying.)

Sediment control measures must remain in place until the ground cover is established to restrain the soil from accelerated erosion.

Building Permit#s _____

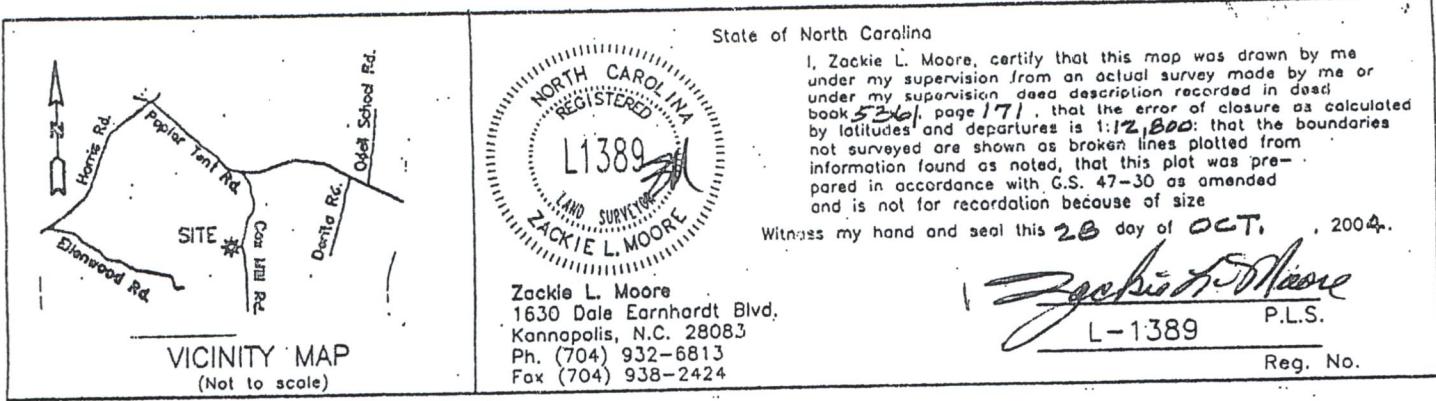
I, the Financial Responsible Party or undersigned, have read and understand the requirements within this plan and will comply with The Cabarrus County Soil Erosion and Sedimentation Control Ordinance and Sedimentation Pollution Control Act of 1973.

I also agree to inspect or cause the site to be inspected on a daily basis to assure all erosion control measures are in place and are maintained. Should the land disturbing activity cause or allow sediment or other undesirable materials to be deposited upon public streets, I hereby agree to remove those materials within 24 hours. I understand a written notice of violation will be delivered to or posted upon the site, and do hereby acknowledge that such posting is my notification of said violation and hereby waive further notice and agree that I am fully informed and have had complete due process under the law. If representatives of Cabarrus County or another governmental entity holding jurisdiction over the public street should find undesirable materials from my property on the public streets, and must remove those materials because of my inaction, I do hereby agree to pay any fees or costs associated with the removal of these materials to that governmental entity and waive further notice and agree that I am fully informed and have had complete due process under the law. These fees must be paid before a certificate of occupancy will be issued.

Sign here:

A handwritten signature in cursive ink that reads "Terry J. Wallace".





REVIEW OFFICERS CERTIFICATE

**State of North Carolina
County of Cabarrus**

3 - 19 - No. 1 D.P.

I, Jonathan Marshall, Review Officer of Cabarrus County, certify that the man or plot to which this certification is affixed, meets all statutory requirements for recording.

Date 10/29/04 Review Officer Jonathan Marshall
by: KSchulz

I, Zackie L. Moore, Professional Land Surveyor, L-1389,
certify to one or more of the following as indicated:

A. That this plot is a survey that creates a subdivision of land within the area of a county or municipality

B. That this plot is of a survey of an existing parcel

Zackie L. Moore
Zackie L. Moore

114

Hand-drawn property survey diagram for Cox Mill Rd. showing two tracts of land. Tract 1 (0.63 ac.) contains a house and a drive. Tract 2 (0.63 ac.) contains a house. Survey data includes angles, distances, and coordinates. A north arrow is present.

TRACT - 1
0.63 AC.

TRACT - 2
0.63 AC.

P.N. 4680-34-8230
SCOTT - 595-247

P.N. 4680-34-8230
MCKENZIE
4084-297

P.N. 4680-44-0585
MCKENZIE
4084-297

D.R.K. 16805-347

COX MILL RD.

S.R. 1448

4778

BOOK 5802 PAGE 114

CABARRUS COUNTY
FILED
02/15/2005 1:34 PM
LINDA F. MCABEE
Register Of Deeds
By. TB Deputy/Asst.
EXCISE TAX : \$60.00

Excise Tax \$60.00

Recording Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. 46803465430000, 02001 0016.150000
Verified by _____ County on the _____ day of _____, 20
by _____

Mail after recording to: Grantee

This instrument was prepared by: Jack D. Drum, Stott, Hollowell, Palmer & Windham, L.L.P. -

Brief Description for the index

Cabarrus County-0.63 acres-Cox Mill Road,
Tract 2.

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 14th day of February, 2005 by and between

GRANTOR

GRANTEE

Wendy Phoenix, unmarried

Glenroy Austrie, unmarried

P.O. Box 481627
Charlotte, NC 28269

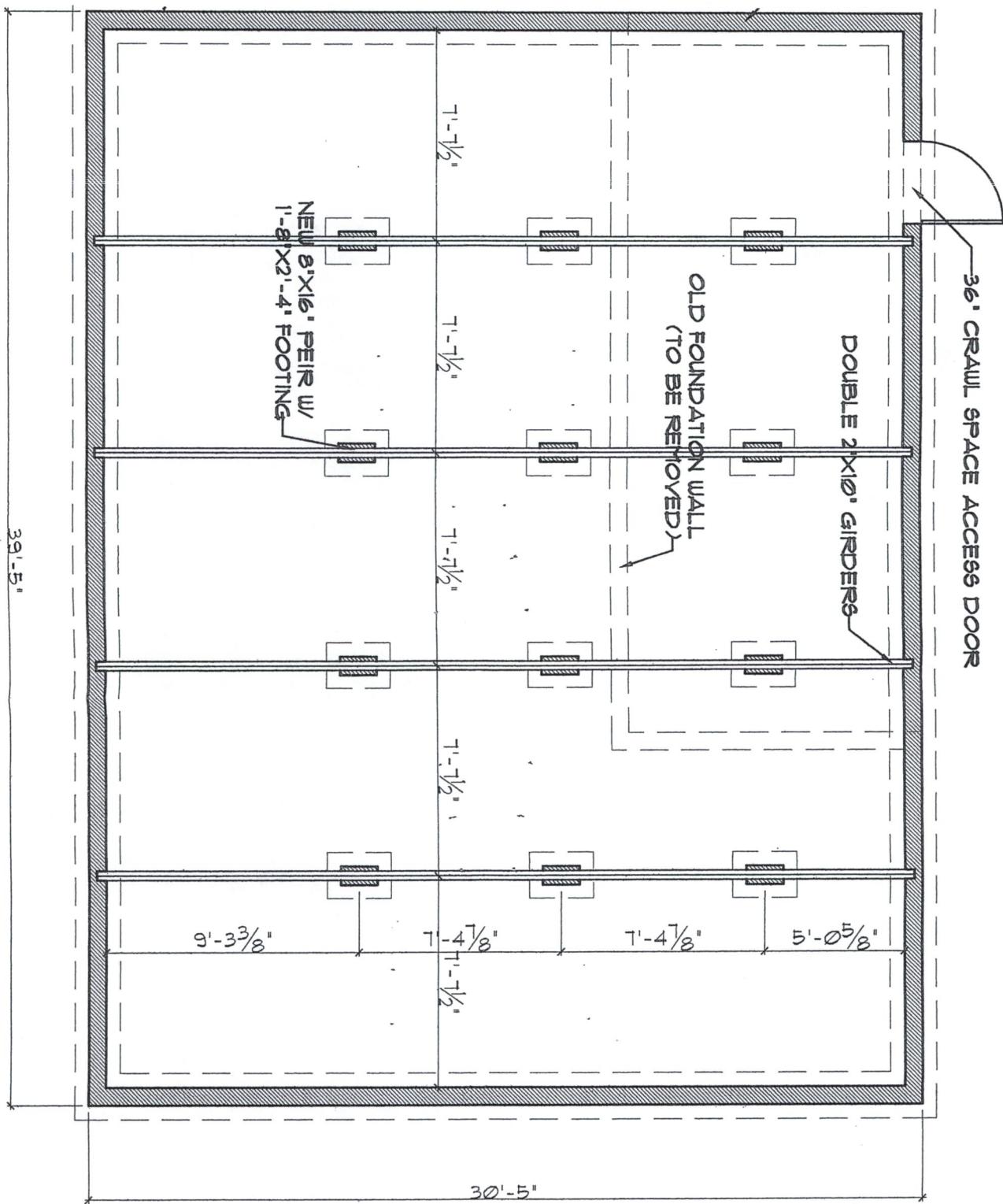
915 Laye Street
Belmont, NC 28012

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

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

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the No. 2 Township, Cabarrus County, North Carolina and more particularly described as follows:

BEGINNING at a new iron rod located at the northeast corner of the property conveyed to Glenroy Austrie in Deed Book 5716 at Page 85 (said iron rod also being located North 84-59-03 East 97.80 feet from an existing $\frac{3}{4}$ inch iron pipe at the northeast corner of the property conveyed to Newcomer in Deed Book 1685 at Page 347), and running thence from said point and place of Beginning with the southerly boundary line of property conveyed to Clark's Creek Assoc., LLC in Deed Book 5385 at Page 25 and the northerly margin of a 30-foot right of way North 84-59-03 East 97.80 feet to a new iron pin, a common corner with McKenzie (See Book 817 at Page 222); thence with McKenzie's westerly line South 04-59-15 East (passing an existing iron pin in line after 169.64 feet) a total distance of 244.66 feet to a new iron rod; thence South 88-47-56 West 130.15 feet to a new iron rod, southeast corner of the lot previously conveyed to Glenroy Austrie (see Deed Book 5716 at Page 85); and thence with the easterly line of Austrie North 02-45-00 East 238.18 feet to the BEGINNING; and containing 0.63 acres, more or less, and being Tract 2 as shown on that certain unrecorded boundary survey for Wendy Phoenix dated October 28, 2004, prepared by Zackie L. Moore, Registered Land Surveyor.





November 2, 2010

Dear Adjacent Property Owner:

This letter is to inform you that Lakeland Asset Management, LLC has petitioned the Cabarrus County Board of Adjustment for a Variance. If granted, this variance would allow an existing structure to encroach into the required side setback for LDR zoning district. The property is located at 9291 Benjamin Walker Lane (PIN# 4680347515).

A public hearing will take place on November 18th at 7:00 p.m. at the Cabarrus County Governmental Center located at 65 Church Street SE, Concord, North Carolina. The Conditional Use application is on file in the Cabarrus County Zoning Department. If you have any questions, or would like to view the application, please contact our office at 704-920-2149.

Sincerely,

A handwritten signature in black ink that reads "Colleen Nelson".

Colleen Nelson, Senior Planner
Cabarrus County Planning Services
Canelson@cabarruscounty.us
704-920-2149

Adjacent Property Owners
VARN2010- 00003

Alice McKenzie
1046 Cox Mill Rd.
Concord, NC 28025

Tierone Bank
1235 N Street
Lincoln, NE 68508

Glenroy Austrie
9331 Benjamin Walker Lane
Concord, NC 28027

Alice McKenzie
1050 Cox Mill Rd.
Concord, NC 28025

Clarks Creek Associates, LLC
2026 Providence Road
Charlotte, NC 28217



Lakeland Asset Management
Petition : VARN2010-00003
Purpose: Variance from side
setback for LDR Zoning
Parcel ID# 4680-34-7515

Legend

- Streets
- Subject Property
- Tax Parcels
- Municipal Boundary



0 50 100 200 Feet

Cahaba County shall not be held liable for any errors in this data. This includes errors of omission, commission, errors concerning the content or the data, and relative and positional accuracy of the data. The data is derived from various sources and may not be current. Primary sources from which these data were compiled are listed in the notes section of this document. Primary sources from which these data were compiled must be consulted for verification of information contained within the data.

Map Prepared by Cahaba County Planning Services, November 2010.

CITY OF CONCORD

BENJAMIN WALKER LN

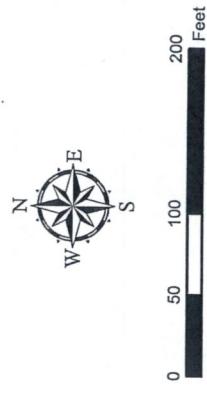
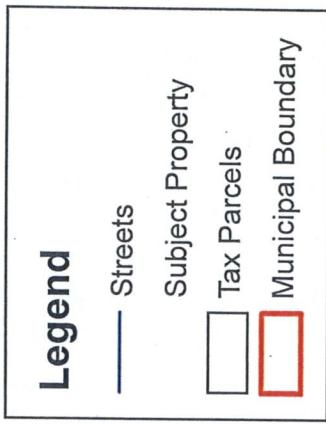
Subject Property

LDR

COX MILL RD



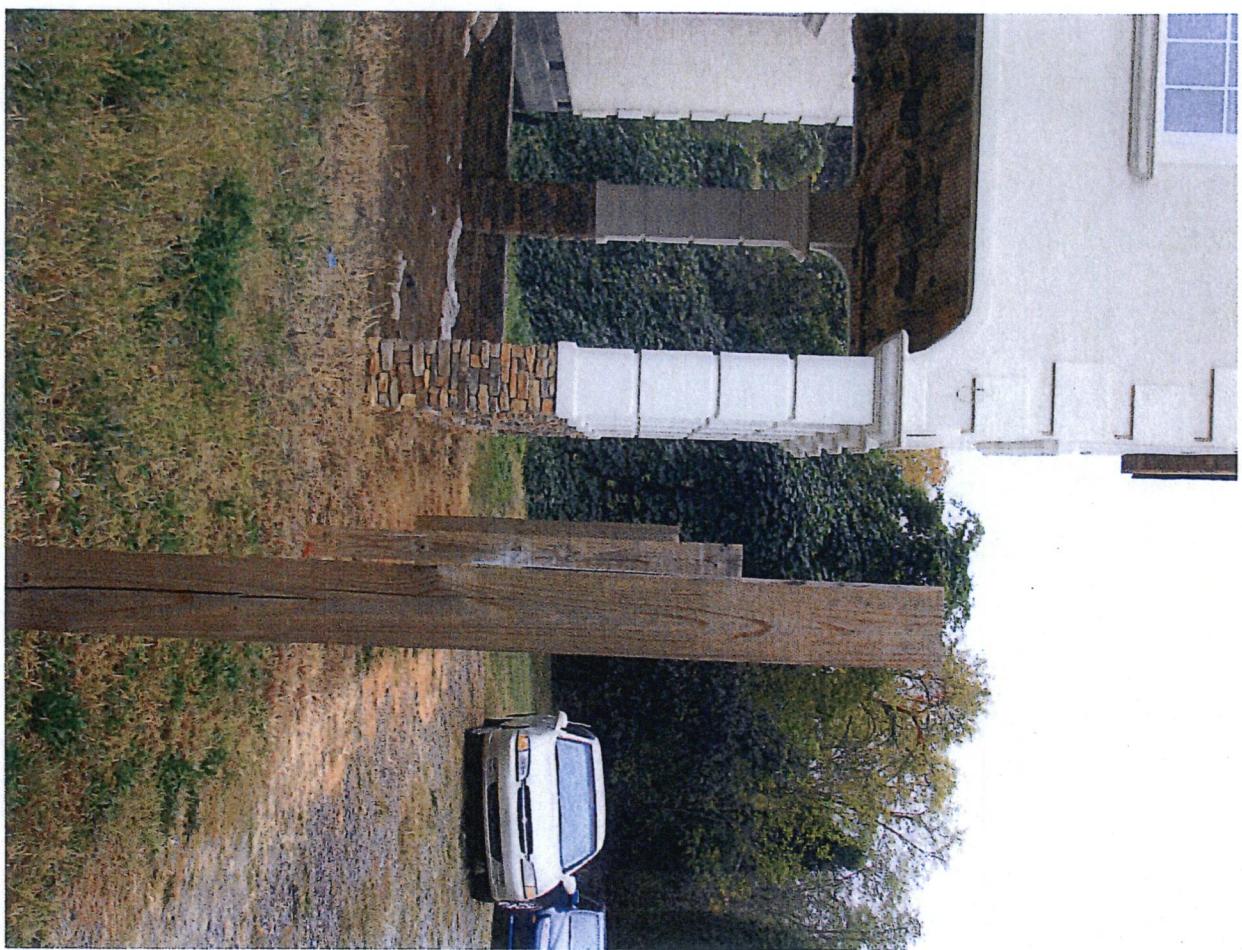
Lakeland Asset Management
Petition : VARN2010-00003
Purpose: Variance from side
setback for LDR Zoning
Parcel ID# 4680-34-7515



Columbia County shall not be held liable for any errors in this data. This includes errors of omission, data and information concerning the content of the data and information contained in this document. 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 Columbia County Planning Services, November 2010.









Colleen Nelson

From: Susie Morris
Sent: Monday, November 01, 2010 11:11 AM
To: Colleen Nelson
Subject: FW: ben walker house
Attachments: back left.JPG; back por.JPG; gar.jpg; line.JPG

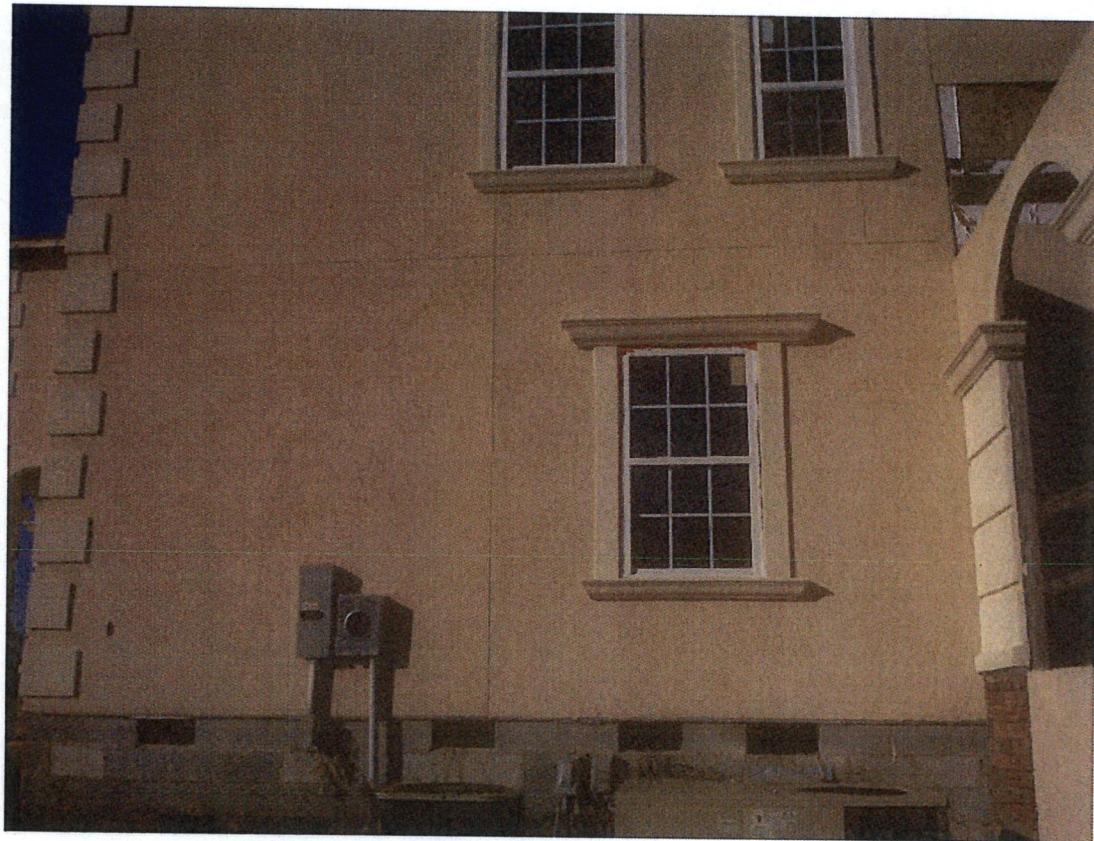
From: Matthew Sechler
Sent: Monday, November 01, 2010 10:28 AM
To: Susie Morris
Cc: Scott Devaux; Matt Love; Todd Culp
Subject: ben walker house

Susie,

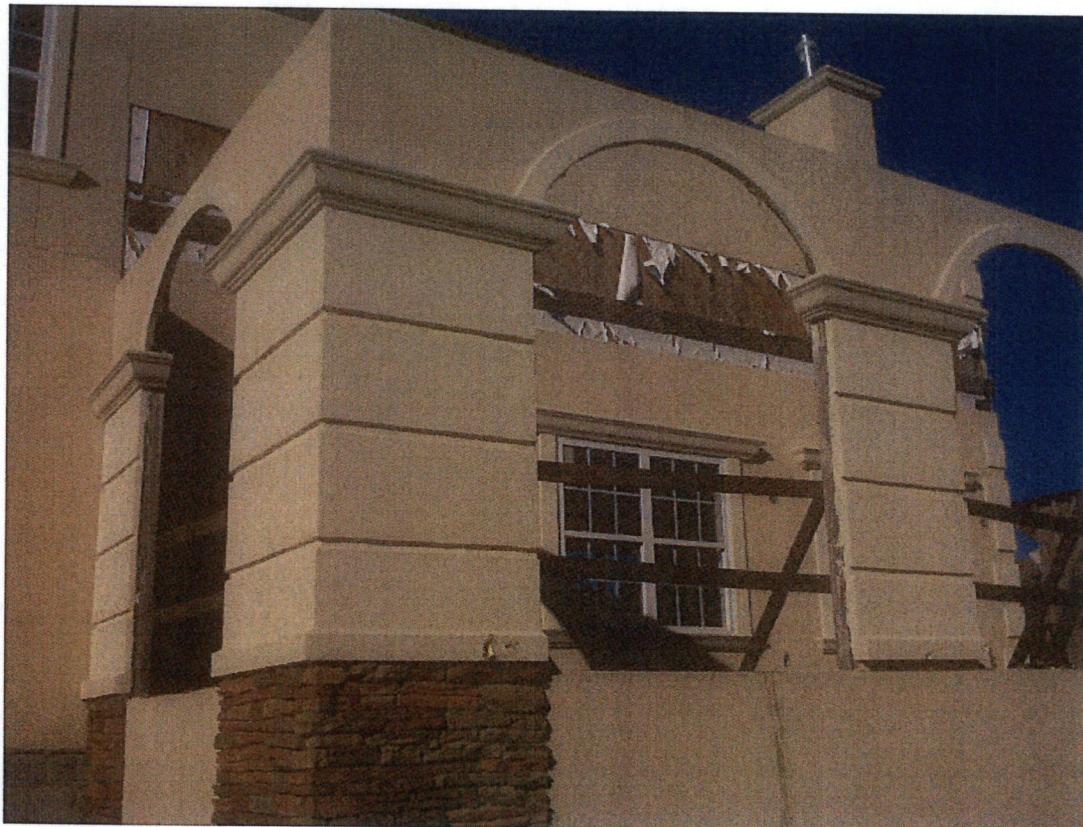
Below is the picture of the Ben walker house, highlighted in green is the portion of the house that is old construction. Everything else including all of the second floor appears to have been added after the home was moved. The home may have had a second story prior to the move but it has new floor joists for the second floor and all of the roof framing and construction is new. Everything outside the green line is also new. Attached are some more pictures of the house itself. I hope this helps.

Matt Sechler

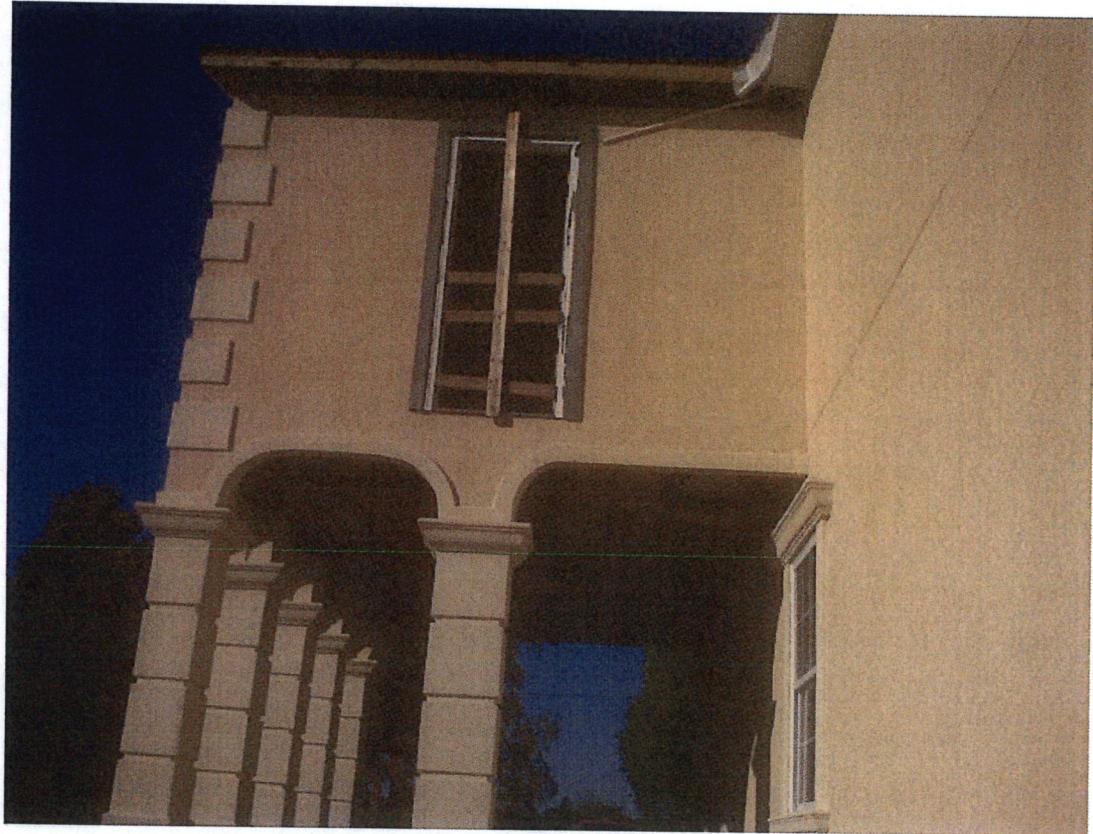




Back Left



Back Porch



Back of Carport



Property Line



Cabarrus County Government

November 10, 2010

RE: Property at 9291 Benjamin Walker Lane Inspection Report

After making an onsite inspection, it is my determination that there appears to be several areas with structural damage due to being exposed to the weathering elements. The garage and the covered walk way was not part of the original permit has not had inspections. In order to correct this issue, we need to see the bottom of the footing to determine it has proper depth and width and that the soil is suitable for supporting this load. The structure needs to be clear all the way to the framing itself, to determine that the framing is correct to the North Carolina Building Code. We will also need to make sure that there is a weather resistive barrier installed too and that none of the wood is failing.

During the onsite inspection, I noticed that the front porch is not flashed properly and it does not drain properly. Over time, the porch has held water and it is starting to deteriorate severely. The porch will also need to be demolished to framing to make sure the flashing and framing is done correctly.

On the left and rear of the house there are walls built without a roof and the subfloor has been exposed to outdoor elements too long that its structural integrity has been compromised.

This exterior envelope has been covered with Stucco (EIFS). There are several places around the house that it has failed. Cabarrus County requires the contractor fill out a Stucco Compliance letter before a Certificate of Occupancy has been issued. This letter verifies the installer of EIFS, the brand and when it was installed. We do not have this letter on file, so either the exterior covering will have to be redone or a structural engineer will have to determine that it has been installed properly.

These are some of them major issues that I found that need to be corrected. I have not made a complete list of the code violations on this house at this time. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Love".

Matt Love
Senior Codes Enforcement Officer