



Cabarrus County Government

Cabarrus County Planning and Zoning Commission
Tuesday, March 10th @ 6:30 p.m.
Board of Commissioners Meeting Room
Cabarrus County Governmental Center

1. Roll Call
2. Approval of Meeting Minutes for December 9, 2025
3. Approval of Granting Order and Findings for VARN2025-00006- Variance request for relief from the Arterial Street Buffer standards, the restriction of the cul-de-sac length and the requirement to connect to adjacent properties. Sherwood Morris Investments LLC is the applicant and the Harry T. Morris Trust is the owner. The address associated with the subject property is 6950 Stirewalt Road (PIN's: 4693-44-8805 & 4693-55-3301).
4. Approval of Granting Order and Findings for VARN2025-00008-Variance request for relief from the landscape perimeter buffer yard requirement of Chapter 9. Remington Jackson is the applicant acting as agent for the owner, Duke Energy Carolinas LLC. The address associated with the subject property is 9001 Mooresville Road (PIN: 4683-44-0538).
5. Approval of Meeting Minutes for February 10, 2026
6. Approval of Granting Order and Findings for VARN2025-00005-Variance request for relief from the setback requirements from County Line and the dimensional requirements of the AO district. Gary and Kathy Almond are the applicants/owners. The address associated with the subject property is 3077 Pickens Road (PIN: 5589-95-0742).
7. Approval of Meeting Minutes for January 13, 2026
8. Old Business Board of Adjustment:
 - A. **Petition VARN2025-00007**- Variance request for relief from the restriction of the cul-de-sac length, the requirement to connect to adjacent properties and the road design standards. Pavel A Shchetinin is the applicant and King Carolina Homes LLC is the owner. The addresses associated with the subject property are 2575 Shiloh Church Road, 11295, 11280, 11250, 11220, and 11145 Aubrey Elena Court (PIN's: 4672-43-0198, 4672-33-0198, 4009, 0565, 3332 & 4672-334395, 8027, 8206, 8554). **REQUEST TO TABLE**
3. New Business Board of Adjustment:
 - A. **Petition VARN2026-00001**- Variance request for relief from the restriction of the cul-de-sac length. Joseph G Untz is the applicant, and Michael Foster is the owner. The address associated with the subject property is 4471 Trinity Church Road (PIN: 4693-62-1831).
4. Legal Update
5. Director's Report
6. Adjourn

Cabarrus County Government – Planning and Development



**Planning and Zoning Commission Minutes
March 10, 2026**

Mr. Brent Rockett, Chair, called the meeting to order at 6:35 p.m. Members present, in addition to the Chair, were Mr. Adam Dagenhart, Mr. Charles Paxton, Mr. Stephen Wise, Ms. Holly Edwards, Ms. Ingrid Nurse, Mr. Chris Pinto and Mr. Keith Conrade. Attending from the Planning Department were, Mr. Phil Collins, Planning Supervisor, Ms. Susie Morris, Planning & Development Director, and Ms. Lisa Johnson, Clerk to the Commission. Also, in attendance was Mr. Douglas Hall, County Attorney. Absent from the meeting were Mr. Michael Bywaletz, Mr. Mohammed Idlibi and Ms. Heather James.

Call to Order

Mr. Brent Rockett, Chair, called the meeting to order at 6:35 p.m.

Roll Call

The Chair called on Ms. Lisa Johnson to call the roll.

Approval of December 9, 2025 Meeting Minutes

Ms. Holly Edwards **MOTIONED, SECOND** by Mr. Adam Dagenhart to **APPROVE** the minutes. The vote was unanimous to **APPROVE**.

Approval of Granting Order and Findings for VARN2025-00006

Variance request for relief from the Arterial Street Buffer standards, the restriction of the cul-de-sac length and the requirement to connect to adjacent properties. Sherwood Morris Investments LLC is the applicant and the Harry T. Morris Trust is the owner. The address associated with the subject property is 6950 Stirewalt Road (PIN's: 4693-44-8805 & 4693-55-3301).

Ms. Ingrid Nurse **MOTIONED, SECOND** by Mr. Stephen Wise to **APPROVE** the Granting Order. The vote was unanimous to **APPROVE**.

Approval of Granting Order and Findings for VARN2025-00008

Variance request for relief from the landscape perimeter buffer yard requirement of Chapter 9. Remington Jackson is the applicant acting as agent for the owner, Duke Energy Carolinas LLC. The address associated with the subject property is 9001 Mooresville Road (PIN: 4683-44-0538).

Ms. Ingrid Nurse **MOTIONED, SECOND** by Adam Dagenhart to **APPROVE** the Granting Order. The vote was unanimous to **APPROVE**.

Approval of February 10, 2026 Meeting Minutes

Ms. Holly Edwards **MOTIONED, SECOND** by Mr. Charles Paxton to **APPROVE** the minutes. The vote was unanimous to **APPROVE**.

Approval of Granting Order and Findings for VARN2025-00005

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

Ms. Holly Edwards **MOTIONED, SECOND** by Mr. Stephen Wise to **APPROVE** the Granting Order. The vote was unanimous to **APPROVE**.

Approval of January 13, 2026 Meeting Minutes

Ms. Holly Edwards **MOTIONED, SECOND** by Mr. Charles Paxton to **APPROVE** the minutes. The vote was unanimous to **APPROVE**.

Old Business Board of Adjustment:

Petition VARN2025-00007- Variance request for relief from the restriction of the cul-de-sac length, the requirement to connect to adjacent properties and the road design standards. Pavel A Shchetinin is the applicant and King Carolina Homes LLC is the owner. The addresses associated with the subject property are 2575 Shiloh Church Road, 11295, 11280, 11250, 11220, and 11145 Aubrey Elena Court (PIN's: 4672-43-0198, 4672-33-0198, 4009, 0565, 3332 & 4672-334395, 8027, 8206, 8554). **REQUEST TO TABLE**

Mr. Adam Dagenhart **MOTIONED, SECOND** by Mr. Stephen Wise to **TABLE** the request. The vote was unanimous to **TABLE**.

The Chair reminded the audience that anyone wishing to speak would need to fill out a blue card.

Mr. Brent Rockett, Chair, asked the board if there was a motion to adopt the Rules of Procedure:

Rules of Procedure

1. The Cabarrus County planning staff person(s) shall first present the Staff Report and answer questions from the Commission. There will be no time limit on this presentation.
2. The Applicant or Appellant may make a presentation to the Board (optional) and will then answer questions from the Commission. There will be a 15-minute time limit on the presentation if the Applicant or Appellant chooses to make a formal presentation. There will be no time limit on questions from the Board following the presentation.
3. When the Board is ready to proceed, the proponents (those speaking generally in favor of the case) will have a total of 15 minutes to speak or present evidence in support of their position. The 15-minute time limit does not include questions directed to the proponents by the Commission.
4. After the proponents finish, the opponents (those speaking generally against the case) will have a total of 15 minutes to speak or present evidence in support of their position. The 15-minute time limit does not include questions directed to the opponents by the Commission.
5. Each side will then have 3 minutes for rebuttal, with the proponents going first. Again, questions directed to the speaker will not count against the time limit. This will conclude the public hearing portion of the meeting, and the Commission will proceed to deliberation.
6. Each side is strongly encouraged to use a spokesperson to present the positions commonly held by each. Each side is also strongly encouraged to organize their speakers and presentations to ensure that all persons wanting to speak will have time to do so.
7. If a speaker has questions of a person on the other side, such questions shall be addressed to the Commission members to be redirected to the person to be asked. There will be no direct questioning of one speaker by another except through the Commission.

8. Public demonstrations of support for a speaker's comments should be limited to clapping. Any other type of audible support shall be out of order and subject the offender to being removed from the building. Anyone speaking out of order shall likewise be subject to removal.

9. These rules are designed to have a full and fair hearing that is orderly and expeditious and avoid unnecessarily repetitious presentations.

Ms. Holly Edwards **MOTIONED, SECOND** by Mr. Stephen Wise to **APPROVE** the Rules of Procedure. The vote was unanimous to **APPROVE**.

Mr. Brent Rockett, Chair, proceeded to swear in members of the audience wishing to speak.

The Chair asked Mr. Douglas Hall, County Attorney, if the meeting needed to be paused while waiting on a board member to arrive.

Mr. Douglas Hall, County Attorney, said, the issue is that on one or more prior occasions you heard the Staff Report, heard from the applicant, had the public hearing and stopped. You had additional board members review the recordings and documents, so that you could deliberate at the next meeting. We understand that the 8th board member is on the way. If you started without him, there would not be an opportunity for him to pick up on what he missed. I will leave it up to the board and staff; I would suggest waiting 30 minutes to see if he arrives.

Mr. Brent Rockett, Chair, said, I have a question for the applicant. Would he like to proceed with 8 members or would he prefer to wait until we have a full complement?

Ms. Susie Morris, Planning & Development Director, said, we would typically make sure that the applicant is okay with that and have it on record.

Mr. Brent Rockett said, is it okay to go ahead and ask the applicant if it is okay to proceed with 8 board members, with the understanding that it has to be an 8-0 vote? Is it okay to ask that prior to Mr. Conrade's (8th board member) arrival?

Mr. Douglas Hall, County Attorney, said, yes. Then you would be ready to proceed when Mr. Conrade walks in. I had already mentioned to Mr. Untz that we were waiting for the 8th board member to arrive. He understands that it would have to be an 8-0 vote.

Ms. Susie Morris said, he can re-confirm during the process, but the applicant is fine with proceeding with the 8 members. If for some reason, we do not have the 8 board

members, he is fine with going through the public hearing portion and stopping there. Then we would proceed at the next meeting once all board members have read the minutes and are caught up.

Mr. Brent Rockett said, at this point we are just going to wait until the 8th board member arrives. Is that correct?

Ms. Susie Morris said, yes, that is the applicant's preference, so that there can be a vote this evening.

The 8th board member arrived at approximately 7:10 and the Chair asked the board members if there was anyone that had a conflict with the case. There being none, the Chair proceeded with the meeting.

New Business Board of Adjustment:

Petition VARN2026-00001 - Variance request for relief from the restriction of the cul-de-sac length. Joseph G Untz is the applicant, and Michael Foster is the owner. The address associated with the subject property is 4471 Trinity Church Road (PIN: 4693-62-1831).

Staff Report

The Chair called on Mr. Phil Collins, Planning Supervisor, to present the Staff Report:

The Applicant is proposing a minor subdivision in the Agriculture/Open Space zoning district with a proposed road that exceeds the allowable 1,000 feet in length. The applicant is seeking relief from Section 15-9 and Appendix A of the Cabarrus County Development Ordinance.

The subject property is mostly wooded and vacant. An intermittent stream, flowing northeast to southwest, traverses the northwestern corner of the subject property. The property generally appears to slope downwards from south to north towards the intermittent stream. A 30-foot utility easement bisects the property from south to north. The entire property is in the protected area of the Coddle Creek Watershed.

The subject property is currently vacant and surrounded by residential and vacant properties. The property is currently zoned AO and is surrounded by properties to the north and south that are zoned AO. The properties to the east and west are in the town limits of Kannapolis and are zoned Agricultural (AG) and Residential (R4-CZ).

The applicant is proposing a minor subdivision. As depicted in the plat provided, the subdivision will create 6 lots, one of which will be combined with an adjacent parcel, resulting in 5 new, total lots. Per Chapter 15, minor subdivisions may use an alternate construction standard for private roads and are not required to meet the street typicals outlined in Appendix A of the Cabarrus County Development Ordinance. An excerpt of the Ordinance describing minor subdivision road standards is included as Exhibit H.

Although minor subdivisions do not have to meet the street typicals outlined in Appendix A, minor subdivisions remain subject to the following:

- Chapter 15, Section 15-9: Cul-de-sac Length
- *NCDOT standards for cul-de-sac length must be met. No residential street cul-de-sac serving lots of 1 acre or greater in size shall exceed 1,000 feet.*
- Appendix A, Requirements for Dead-End and Stub Streets Table (Mr. Phil Collins showed the table in the Staff Report).

The project includes a private road that will extend from Trinity Church Road into the property providing access to the proposed lots. The proposed private road is 1,944 linear feet. This exceeds the allowable 1,000 linear feet. The application states that due to the shape of the property, the road distance to access the western portion of the subject property needs to exceed the allowable 1,000 linear feet.

The Fire Marshal's Office has reviewed the proposal and provided comments related to the fire code requirements.

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

1. The Granting Order, stating restrictions and applicable conditions of approval, shall be recorded with the deed of the property.
2. Applicant shall comply with all applicable terms of the approved NCDOT Driveway Permit.
3. Applicant shall comply with requirements set forth by the Cabarrus County Fire Marshal's Office including the following in the project design:
 - Fire department access roads will need to be a minimum of 26 feet wide with an all-weather driving surface.

- At the end of the road, there will need to be a 120-foot hammerhead or a 96-foot diameter cul-de-sac.
- A turnaround will also need to be provided midway on the road due to the extended length of the road.

With that, I will try to answer any questions you may have.

Mr. Adam Dagenhart said, I noticed on the plat, there is a stream. You had mentioned an intermittent stream buffer, is that correct?

Mr. Phil Collins said, we don't have the stream buffer in our ordinance. There is an NCDEQ requirement so we ask for that to be shown there.

Mr. Adam Dagenhart said, I wasn't sure if it was required because it's in the watershed.

Mr. Phil Collins said, the NCDEQ requires them even if it's in the watershed.

The Chair asked if there were any other questions for staff. There being none, the Chair called on the applicant to speak.

The applicant, Mr. Joe Untz, 4200 Maid Marion Lane, Kannapolis, NC 28081, began to speak.

Thank you for your time this evening. One of the things that I would like to point out in the layout of the 5 lots, is that the 1,000 linear feet stated in the Development Ordinance would stop at about 500 feet before you get to lots #2 and #5. To do this per the Ordinance, you're looking at 900 linear feet of 4 flag lot driveways.

When I talked to Fire, they unanimously agreed that it would be better to have one continuous road that is maintained for emergency vehicles versus 3 lengths of football fields of private driveways that have to be privately maintained. As far as a fire and safety issue, this is definitely a much better plan.

In terms of hardship, if you look at the road frontage and shape of the property, there's no way to do a mixture of roads where you can access two-thirds of the rear of the property without exceeding a road of 1,000 feet. That's one of the main issues that I wanted to point out in requesting this variance.

Mr. Brent Rockett asked if there were any questions for the applicant.

Mr. Charles Paxton said, if this is going to be a private road, are the property owners going to maintain the road?

Mr. Joe Untz, that is really the only option we have. I don't see that NCDOT would ever agree to take this over.

Mr. Charles Paxton said, since it is a private road, are you still going to build it to state standards?

Mr. Joe Untz, it's not a state road.

Mr. Charles Paxton said, so it will be below state standards?

Mr. Joe Untz said, it's a private road so it doesn't have to build to state standards. It will be built to the Ordinance guidelines.

Mr. Phil Collins, Planning Supervisor, said, we have the requirement for it be 20-foot-wide gravel all-weather surface and support the weight of a 75,000-pound fire apparatus.

Mr. Joe Untz said, it's actually a 50-foot right-of-way for this private road, which will be built to the 26-foot standards.

The Chair asked if there were any other questions.

Mr. Adam Dagenhart said, I noticed Lot #1 is being bisected?

Mr. Joe Untz said, yes, that is going to be sold to the gentleman that has a house off of Drakestone Road. It will become a part of his overall deed and property, not consisting of another lot. That is why that has been labeled as having no access to that lot from that street.

Mr. Adam Dagenhart said, would that be Mr. Lois?

Mr. Joe Untz said, the name is Nicholas Cottone. That property will be deeded in with his existing deed and classified as "no access" to the private road.

Mr. Adam Dagenhart said, no access to the private road, but he could have access to Trinity Church Road?

Mr. Joe Untz said, he would have a small strip of property on Trinity Church Road.

Mr. Adam Dagenhart said, I know that is a private transaction but why is that being done?

Mr. Joe Untz said, it was debated whether they would actually create a lot #6 and we need to stay at 5 lots or less. He was wanting to add this to his existing property for pastureland. That was worked out between Mr. Foster and that gentleman. We were creating a way for him to put in a horse pasture behind his existing house with access on Drakestone Road and stay within our 5 lots.

Mr. Adam Dagenhart said, why was that location chosen instead of lot #5?

Mr. Joe Untz said, that's the least desirable lot.

Mr. Adam Dagenhart said, the lot he's getting or lot #5?

Mr. Joe Untz said, the lot he's getting is much less desirable and he has more property that backs up to that. Only a small portion of this property actually backs up to lot #5.

Mr. Adam Dagenhart said, I'm just trying to understand why you put the road in dead center of that. It seems that you could have offset the road to one side or the other and had more lots than what's allowed.

Mr. Joe Untz said, I think we could change lot #1 but I don't know that it does anything in being able to meet our 1,000-foot requirement for lots #2 and #5. (Showing on map) if you see the writing under lot #1 (4.7 acres), you're looking at just below 1,000 feet. Without the variance, that's where the road would stop.

Mr. Adam Dagenhart, basically below the curve?

Mr. Joe Untz said, it is a difficult piece to make work. I guess the thought process is that we're looking at 5 lots that range between 3 and 5 acres. It seems like the most valid way to go forward.

Mr. Adam Dagenhart said, do we allow flag lots?

Ms. Susie Morris, Planning and Development Director, said, we do allow flag lots. In this particular instance, they needed to be separate flag lots, which is what Mr. Untz was trying to explain. When they came in, they were all still trailing together. In essence, it was still a road. There was a lot of discussion with the Fire Marshal's office about how to

accomplish that. Think about it like the Blue Angels, they go up and shoot off into the sky. They would've had to do something like that and that is the only way they would have met the Ordinance at 1,000 feet, was my understanding.

Mr. Joe Untz said, that is correct. In speaking with Fire, they were unanimous across the board in thinking this was a safer way for emergency vehicles to access the back lots. If we did a flag lot, someone could put in a 10-foot-wide driveway for an emergency vehicle. They may have the width that's required for the flag lot, but then you've got a 10-foot gravel strip. I don't think the Fire Marshal would like that idea.

Mr. Adam Dagenhart said, why didn't you do a 1,000-foot public road with a cul-de-sac and then a private drive?

Mr. Joe Untz said, what's the difference?

Mr. Adam Dagenhart said, because you're asking for almost twice what we allow. You are here based upon the density you're wanting to do, is that correct?

Mr. Joe Untz said, no sir. I don't see how you take a 20-acre lot and restrict it to one lot due to the 1,000 feet required by the Ordinance. I really don't understand where that number comes from. NCDOT's requirement is 2,500 feet. We are 400 feet under NCDOT's requirement. This is something that needs to be addressed in the Ordinance.

Mr. Charles Paxton said, say that again; I didn't hear you.

Mr. Joe Untz said, this needs to be addressed in the Ordinance.

Mr. Adam Dagenhart said, part of your statement is correct, but what makes it a challenge is the 28 acres, which the County does not control. It's just an odd piece of property.

Mr. Joe Untz said, that is a justification for hardship based on the statute. The configuration of the property is considered a hardship.

Mr. Brent Rockett said, it's not technically the configuration of the lot that is the hardship. If you were putting one home on that spot and developing it as such, you wouldn't have this hardship.

Mr. Joe Untz said, do you think it's fair to put one lot on 28 acres of land? Sometimes you have to use common sense on these things. You've got property in that area that have lots that are selling for \$250,000 for one to two acres. You're going to limit

someone to one residence on 28 acres because they can't build a road over 1,000 linear feet because of the Ordinance standards?

Mr. Adam Dagenhart said, I don't think anyone is trying to constrain it to one lot. In theory, you could still do three lots.

Mr. Joe Untz said, the decision is on the board. I don't see anything different on this variance regarding the cul-de sac length, than the last two that were approved.

Mr. Adam Dagenhart said, I don't know that we've approved a cul-de-sac length.

Mr. Joe Untz said, yes, it was approved at the end of 2025 and another one since then.

Mr. Adam Dagenhart said, that was going to be a public road, though. That is a different situation; this is a private road.

Mr. Joe Untz said, a private road that meets NCDOT standards.

Mr. Adam Dagenhart said, if our standards are more strict, that supercedes NCDOT's standards. It's the same in any jurisdiction you're in.

Mr. Joe Untz said, you want to handicap a man on 28 acres of land to one house because a variance on a road that's going to be put in to make public Fire more satisfied.

Mr. Brent Rockett said, as I recall, there was a request for a turnaround of 1,000 feet?

Mr. Adam Dagenhart said, yes, there's either a hammerhead or bulb at 1,000 feet and one at the end. It was in one of the conditions.

Mr. Joe Untz said, that would be put in the subdivision application and review process.

Mr. Brent Rockett said, I assume this was drawn before the feedback from Fire. Are there any other questions for the applicant at this time?

There being none, the public hearing was opened with those speaking generally in favor of the request.

Stan Morris of 4639 & 4477 Trinity Church Road, Kannapolis, NC 28081, began to speak.

I am new to this and I'm trying to understand of what the resolve is. What would be the best instead of just hearing the negative? Is it the 1,000-foot road? You can make this happen or not happen. I don't see what the problem is. Across the street, in the City of Kannapolis, they built 200 homes on 50 acres. What they're doing here is marvelous. If you were a neighbor here, one house on a 4- or 5-acre lot is wonderful. I don't know what the restriction is on 1,000 feet. I'm not sure if it has to be gravel or paved, but it's a great idea. That's all I have to say; thank you for your time.

There were none speaking generally in opposition of the request. The Chair asked if the board had additional questions for the applicant.

Ms. Holly Edwards said, I have a question for Susie. What is the thought process for the 1,000 feet? What is that derived from and who enacted that threshold?

Ms. Susie Morris said, that has been in the Ordinance for a long time intended to create that alternate street network. The 1,000 feet is there to try to create the network of streets. Some of what is in the Ordinance is hard coded, as the fire code was incorporated into the Zoning Ordinance. Some of that has changed over the years, so now that is 750 feet. That allows the Fire Marshal some flexibility, but that is only related to the private streets, not to anything that is NCDOT related. The NCDOT is always going to have authority there. Eventually, it will most likely be changed because at this point, they keep making more changes to the fire code. It is inherently causing conflicts for us as Planning Staff. We are trying to put the fire code out there and let people know what they have to do. There has to be a happy medium. Unfortunately, with this whole down-zoning situation people's ordinances are kind of stuck as it relates to certain things. It is intended to create those alternate street networks and get those connections.

We have places in the County that completely flood and the people are stuck in the back. This is a gravel road that is much lengthier, and there are many properties accessed from it. Really, it's about trying to get that connectivity. The other one you were talking about, we worked with them and they did go in and create some of that alternate street network. There was no inner connectivity between the neighborhoods. The last segment of that is what was over 1,000 feet. Ordinances are constantly changing when the Legislature is in session. There are things we have to react to, but when the fire code or NCDOT codes change, it is very difficult to try to marry everything up. With the developer interest nowadays, it is just constantly changing.

Mr. Brent Rockett, Chair, asked if anyone had any other questions.

Mr. Adam Dagenhart said, is the applicant saying that Fire would not approve it?

Mr. Phil Collins, Planning Supervisor, said, that's a suggestion from Fire, not a requirement.

Ms. Susie Morris said, think about it this way. If you have four flag lots that are running next to each other. One flag lot has to be 15 feet and two have to be 25 feet. It ends up being the same thing. You get 50 feet across and they want to put 20 feet down the middle of it. In this case, 20 feet is now becoming 26 feet. It is better to have the consistent 26 feet, which is the length of the road, versus having 20 feet that veers off into the smaller driveways. Mr. Untz was talking about where that road curves; after that you would see flag lots. It essentially becomes the same thing.

Mr. Stephen Wise said, it's a straight shot all the way to the cul-de-sac. A ladder truck or EMS can make a turn and come back out.

Ms. Susie Morris said, if they would have gone to those lots, in order for the fire code not to apply, it would have to come up and then shoot off. That's where you get down to the smaller driveways, but they would've been extremely long.

Mr. Brent Rockett asked if anyone had any other questions. There being none, the public hearing was closed.

The Chair read the application of the variance power:

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

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

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

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

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

Request A: Chapter 15: Relief from the restriction of the cul-de-sac length

Mr. Charles Paxton said, I understand that it is double the size that seems appropriate or has been allocated. However, in looking at all of the factors, I think this is the best he could come up with to solve the issues before us.

Mr. Brent Rockett reminded the board of the request: *NCDOT standards for cul-de-sac length must be met. No residential street cul-de-sac serving lots of 1 acre or greater in size shall exceed 1,000 feet. Applicant is proposing a road that is approximately 1,944 linear feet per the plan submitted.*

Mr. Adam Dagenhart said, I understand what he's trying to do and I understand what Fire's recommendation is. I struggle with you saying it's a hardship and if you can't get the variance, you can't use or develop the property. You can use the property and you can develop the property, you just can't get the density you want. In my mind, that should not apply to a hardship unless I'm not understanding these four items.

Mr. Charles Paxton, why would it not be fair to allow the density? You're trying to hold him back.

Mr. Adam Dagenhart said, I'm not trying to hold him back. He can still develop the property. What complicates this is property was sold to an adjacent property owner, which takes away potential property that could be developed.

Mr. Brent Rockett said, it can't exceed the 5 lots.

Mr. Adam Dagenhart said, I understand that but a private property deal between two property owners is throwing a wrench into what we can do.

Mr. Untz (speaking from audience) (inaudible).

Mr. Adam Dagenhart said, I disagree. That lot could be built and you could push it to the back. Please come to the microphone if you're going to speak.

Mr. Douglas Hall, County Attorney, said this is not closed session. This is being recorded because if you appeal their decision, Superior Court has to have the recording.

Mr. Joe Untz (now at the microphone) said, Adam, I have to strongly disagree. Let's cut out the fact that he's going to sell that and it's going to remain a part of lot #1. That doesn't change a thing.

Mr. Adam Dagenhart said, other than the fact you've got a lot that is bisected by a road. I don't know that we allow that.

Mr. Joe Untz said, you don't know that you don't. My issue is that you are trying to nitpick. Whether he sells the property to an adjacent property owner has nothing to do with the variance that's being requested.

Mr. Adam Dagenhart said, you're correct in that statement, but it limits what you can do with the property. The property owner created an issue that limits what he can do with the property.

Mr. Joe Untz said, if you think safety doesn't come before hardship, then that's how you feel.

Mr. Adam Dagenhart said, you know for a fact that is not the case with me.

Mr. Joe Untz said, this is the best plan. This is the safest plan for emergency, fire and police. It is the safest plan we can come up with.

Mr. Adam Dagenhart said, I don't disagree with that. I just have a hard time with you asking for double and the reasons are financially driven.

Mr. Joe Untz said, no, it's not. Three of these lots will remain in the ownership of the Fosters for family. It has nothing to do with finances. Three of these lots will belong to Mike Foster and his two kids. I don't see anything financially driven in that; that was an assumption.

Mr. Adam Dagenhart said, I understand that. Property ownership can change down the road as well.

Mr. Brent Rockett said, is there any other discussion about the request?

Ms. Ingrid Nurse said, my understanding is that everyone that owns these lots are in agreement with this proposed plan.

Mr. Joe Untz said, yes. Just to be clear, it is all owned by one individual, Mr. Foster. His plan was to buy this and subdivide into five lots; one for himself and two kids and potentially sell two lots. A road maintenance agreement would have to be in place. Basically, they would end up having to be an HOA most likely. The property owners would be liable to maintain that road.

Mr. Adam Dagenhart said, the road is gravel, not paved?

Mr. Joe Untz said, it's gravel now, but that could potentially change. That would be up to Mr. Foster and what they want to do. I don't know if regulation wise, it matters.

Mr. Adam Dagenhart said, I just want to make sure that if it has to be paved, there are adequate shoulders.

Mr. Joe Untz said, it does not have to be paved. I will ask staff if I'm correct. Knowing the level of development in building standards that Mike Foster uses, I would be surprised if it wasn't paved. (Comment from the audience) He just answered that; it will be paved.

Mr. Adam Dagenhart said, it makes a difference; gravel versus pavement requires different maintenance. Asphalt typically will last longer than gravel.

Mr. Joe Untz said, I agree. In terms of shoulder width and following road construction guidelines, everything will be met.

Adam Dagenhart said, I just to make sure if we allow this and it's 26 feet, that there's plenty of shoulder.

Mr. Joe Untz said, there's a 50-foot designated right-of-way for that so there's plenty of room to build that.

Mr. Brent Rockett said, you have a 26-foot road, a 50-foot right-of-way, and the extra 24 feet. Then you have a bulb in the middle?

Ms. Susie Morris said, these are the Fire Marshal's standards. They're showing a 50-foot right-of-way. The Fire Marshal said it is acceptable for a 26-foot gravel road or all-weather access. As long as it meets their terms of all-weather access they can do that. They will need to work that out with the Fire Marshal, this was just their exhibit for the variance. They have not gone through the final platting process. This is a minor subdivision so it goes through a different process. The preliminary plat is the final plat. Either it could be a mini loop that comes through someone else's property or it could be a half moon that comes out where they can pull over and get out. This is all about shuttling water. They have to connect the truck and the hoses and shuttle the water back and forth. A lot of people think it's about cars, but it's about getting fire trucks and ambulances out if needed.

Mr. Douglas Hall, County Attorney, said, I want to add something. I've been working with the Fire Marshal on an existing road that is similar. The road is as long, or longer, and has many houses. They are trying to address things like passing lanes where two tankers can pass. The Fire Marshal's office is being very flexible on how to make that work. They're talking about having a little more gravel off the travel portion or a place where there was a turnaround in someone's driveway. The Fire Marshal said, we think their driveway could count and we could make it work. I think they have a fair amount of flexibility.

Mr. Joe Untz said, these are things that Mr. Foster and I have not had the opportunity to discuss with the Fire Marshal. I can assure you when we get to that point, we will kindly agree to any recommendations they have.

Mr. Brent Rockett said, I think the Board's concern is that we've had a case recently they got ahead of themselves and didn't have room to meet the standards.

Mr. Joe Untz said, I understand.

Ms. Holly Edwards said, I have a question. As far as your infrastructure lines, has that all been taken into consideration in that 50-foot right-of-way?

Mr. Joe Untz said, in terms of if there is room for it or have we already addressed Duke Energy?

Ms. Holly Edwards said, yes.

Mr. Joe Untz said, we have not addressed Duke Energy. I've done quite a bit of this in the past. In the 50-foot right-of-way shoulder to shoulder, there's no other utilities.

There's no water, sewer or storm drain and no issue with Duke Energy running underground.

Mr. Adam Dagenhart said, is there a lot of topography on this site?

Mr. Joe Untz said, there is, but not in the road and how it is to be graded. As you can see, the lots are large. We have some falling off topography with 1 to 2 acres to build on. As far as the road itself, there aren't any issues with the topography in terms of utilities.

Request B: Appendix A-Requirements for Dead-End and Stub Streets

Mr. Brent Rockett said, we need to discuss Request B, the project includes a private road that will extend from Trinity Church Road into the property providing access to the proposed lots. The proposed private road is 1,944 linear feet and exceeds the allowable 1,000 linear feet. Are there any questions or discussion about the requirement for dead end and stub streets? What do you the board members think about this in totality and dividing it up by the requests?

Ms. Holly Edwards said, I think it looks good and they have valid concerns about the presentation and how they've done their lots. I don't think they could do anything different knowing that Fire and Safety is primary and they've done their due diligence. I would move for approval.

Vote #1

Ms. Holly Edwards **MOTIONED, SECOND** by Mr. Charles Paxton to **APPROVE** the request for **Relief from the Restriction of the Cul-de-Sac Length AND Relief from Appendix A, Requirements for Dead-End and Stub Streets to Allow a Road that is 1,944 Linear Feet**. The vote was unanimous to **APPROVE**.

Vote #2

Ms. Holly Edwards **MOTIONED, SECOND** by Mr. Stephen Wise to **APPROVE** the Conditions of Approval. The vote was unanimous to **APPROVE**.

The Chair told the applicants they were free to leave.

LEGAL UPDATE

Mr. Douglas Hall, County Attorney, said, I don't have any specific legal updates. I appreciate you approving the Granting Orders. Susie was very patient with me in drafting those three, somewhat lengthy, Orders.

Director's Report

We have a vacancy in our division for a Zoning Compliance Officer. If any of you know anyone looking to make a change or has that type of background that may be interested, the position is on the Cabarrus County website.

Adjourn

Ms. Holly Edwards **MOTIONED, SECOND** by Mr. Stephen Wise to **ADJOURN** the meeting a 7:02. The vote was unanimous to **ADJOURN**.

APPROVED BY: Brent Rockett, Chair



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



ATTEST BY: Susie Morris, Planning & Development Director



FILED
CABARRUS COUNTY NC
WAYNE NIXON
REGISTER OF DEEDS

FILED Apr 15, 2026
AT 12:51 pm
BOOK 17941
START PAGE 0244
END PAGE 0252
INSTRUMENT # 08615
EXCISE TAX \$0.00
EBV

SCANNED AND RETURNED

This space is reserved for recording purposes
Prepared by and Return: Douglas L. Hall, County Attorney & General Counsel, Cabarrus County

STATE OF NORTH CAROLINA

CABARRUS COUNTY PLANNING
AND ZONING COMMISSION
BOARD OF ADJUSTMENT
VARN 2026-00001
PIN 4693-62-1831-0000

COUNTY OF CABARRUS

In Re:

JOSEPH G. UNTZ,)
Applicant;)
MICHAEL A. FOSTER and Wife,) ORDER GRANTING VARIANCE
MICHELLE H. FOSTER,)
Owners)
_____)

THIS MATTER came before the Cabarrus County Planning and Zoning Commission, sitting as the Board of Adjustment, on March 10, 2026, upon this Application for two variances on the above identified property granting relief from Chapter 15, Section 15-9, Cul-de-sac Length; and Chapter 15, Section 15-9, Connections to Adjacent Properties of the Cabarrus County Development Ordinance.

Notice was given to the Applicant and to adjacent Property owners as required by law as follows: the property was posted on February 19, 2026; Newspaper Notification 1 on February 24, 2026; Newspaper Notification 2 on March 3, 2026; and notification letters were mailed to all surrounding property owners entitled to same on February 18, 2026.

Eight Board members were present to hear this variance application on March 10, 2026, to wit: Vice-Chair Brent Rockett, Chris Pinto, Charles Paxton, Adam Dagenhart, Ingrid Nurse, Holly Edwards, Keith Conrade and Stephen Wise. This constituted a quorum of the nine-seat Board. The

9
26-

Applicant consented to proceeding with eight of nine members present, after being advised an 8-0 decision would be needed to grant the variances as opposed to an 8-1 decision if all nine Members were present. Vice-Chair Rockett acted as Chair in the absence of the Chair, Michael Bywaletz.

Attending from the Planning Department were Phil Collins, Planning Supervisor; Susie Morris, Planning & Development Director; and Lisa Johnson, Clerk to the Commission. Also, present were Joe Untz, Applicant; Michael A. Foster, Owner; and Douglas Hall, County Attorney. The Applicant and Owner appeared pro se in the preparation of the application and in the hearing.

All the witnesses were duly sworn, and documents were received in evidence. Staff presented a report, then the Applicant testified in support of the variance request. One neighboring property owner appeared at the public hearing on this matter, expressing support of the relief sought. No parties appeared at the public hearing in opposition of the application.

After hearing and receiving the evidence, the Board makes the following

FINDINGS OF FACT:

1. The subject property is located at 4471 Trinity Church Road, Kannapolis, N.C. 28081 consisting of a vacant 30.62-acre tract. The property is zoned AO.
2. The Applicant is proposing a minor subdivision project for the subject property with a proposed road that exceeds the allowable 1,000 feet in length and is currently in the preliminary development review process. The proposed design of the development, as is currently drawn, does not meet the identified standards of the Ordinance. Variances will be needed for the project to proceed.
3. As depicted on the plat provided with the application, the Applicant proposes a subdivision that will create six lots, one of which is to be sold to a neighbor and combined with a neighboring property. Thus, five new lots will be created which will be served by the new access road. The Owner intends to utilize three lots for himself and his children and retain two lots for later use or sale.
4. The applicant is seeking relief from the following standards of the Cabarrus County Development Ordinance:

Chapter 15, Section 15-9, Cul-de-sac Length and
Appendix A, Requirements for Dead-End and Stub Streets Table and Chapter 15, Section 15-9, Connections to Adjacent Properties (a “stub street”).
5. The subject property is located within the protected area of the Coddle Creek watershed. A residence is located on the property which is not habitable, and will be demolished.

6. There are numerous conditions on the subject property which limit available development layouts and options. The subject property is mostly wooded and vacant. The parcel is oblong, being approximately 563 feet wide from North to South, and approximately 2,445 feet wide from East to West, proceeding from Trinity Church Road to the northwest corner of the parcel. An intermittent stream, flowing northeast to southwest, traverses the northwestern corner of the subject property. The property generally appears to slope downwards from south to north towards the intermittent stream. A 50-foot natural gas utility easement bisects the middle of the property from south to north. The entire property is in the Protected area of the Coddle Creek Watershed.
7. The subject property is surrounded by residential and vacant properties. Surrounding zoning districts consist of Agricultural Open Space (AO), Kannapolis Agricultural (AG), Kannapolis Residential (R1), and Kannapolis Residential (R4-CZ). All surrounding properties are in either the Coddle Creek Watershed Critical Area or Coddle Creek Watershed Protected Area.
8. NCDOT reviewed the Application and submitted the following comment: "If this is going to be a private road with no intention to be maintained by NCDOT we do not have requirements on the road, just the tie-in to the NCDOT road. If they are going to petition to add the road to the NCDOT system, it will need to meet the requirements in our subdivision manual. They already have a driveway permit from us. So long as nothing changes at the access point, we have no comments." (*per Jason Faulkner, Assistant District Engineer NCDOT*).
9. The Cabarrus County Fire Marshal reviewed the Application and submitted the following comment: "Fire department access roads will need to be a minimum of 26 feet wide with an all-weather driving surface. At the end of the road, there will need to be a 120-foot hammerhead or a 96-foot diameter cul-de-sac. A turnaround will also need to be provided midway on the road due to the extended length of the road." (*per Ashleigh Ennis, Assistant Fire Marshal*).
10. The applicant has not submitted a preliminary plat for review or approval for Planning and Zoning Commission consideration. The exhibit provided as part of the application is for illustrative purposes only and is conceptual in nature.
11. Per Chapter 15, minor subdivisions may use an alternate construction standard for private roads and are not required to meet the street typical outlined in Appendix A of the Cabarrus County Development Ordinance.
12. Although minor subdivisions do not have to meet the street typical outlined in Appendix A, minor subdivisions remain subject to the following: Chapter 15, Section 15-9: Cul-de-sac Length which provides in relevant part that *NCDOT standards for cul-de-sac length must be met. No residential street cul-de-sac*

servicing lots of 1 acre or greater in size shall exceed 1,000 feet; and Appendix A, Requirements for Dead-End and Stub Streets Table.

13. The project includes a private road that will extend from Trinity Church Road into the property providing access to the proposed lots. The proposed private road is 1,944 linear feet. This exceeds the allowable 1,000 linear feet.
14. The application states that due to the shape of the property, the road distance to access the western portion of the subject property needs to exceed the allowable 1,000 linear feet, or much of the parcel will be inaccessible and unusable.

VARIANCE 1:

Chapter 15, Section 15-9, Cul-de-sac Length and Appendix A, Requirements for Dead-End Stub Street Table

15. Pursuant to Chapter 15 Chapter 15, Section 15-9, Road Design Standards, Cul-de-sac Length: NCDOT standards for cul-de-sac length must be met. No residential street cul-de-sac serving lots of 1 acre or greater in size shall exceed 1,000 feet. No residential street cul-de-sac serving lots less than one acre in size shall exceed 600 feet. The District Engineer for NCDOT has the right to vary this standard upon coordination with the Subdivision Administrator and County Engineer.
16. The Applicant contends that as outlined in the proposed site plan: (1) the distance required to extend a road to access the western portion of the property is required to exceed 1,000 linear feet due to the shape of the property. The requirement imposes an undue hardship on the western third of the site; (2) The shape of the property and limited road frontage limit the ability to provide a subdivision with 1-acre minimum lots and not produce a cul-de-sac dead-end length exceeding 1,000 linear feet; (3) The hardship is due to existing road frontage and shape of the property, and not a result of any property owner or applicant action; and (4) Per the Ordinance, NCDOT standards for cul-de-sac length must be met. The NCDOT subdivision manual mentioned outlines the requirements for dead-end to have a maximum length of 2,500 linear feet. This would appear to be the intent of the ordinance to meet the standards of the jurisdictional authority having future responsibility over the roads, being NCDOT for this development.
17. The longest segment of cul-de-sac length in the proposed subdivision is 1,944 feet. While the Development Ordinance caps these lengths at 1,000 feet, the NCDOT recognizes and is willing to assume maintenance on segment lengths of up to 2,500 feet though the Applicant and Owner do not intend to request NCDOT to assume maintenance over the access road.
18. The Applicant contends that without this variance, they would not be able to utilize

much of the property to the rear or westernmost portion of the parcel, which is four of the five lots to be created.

19. Discussion ensued about the Applicant's proposal, the conflict between NCDOT standards and the Ordinance as to road lengths, and the alternative for these four rear lots being "flag lots". However, the flag lot driveways would have to be very long themselves, up to 1,000 linear feet for the two rearmost lots. Because there are no restrictions on the size or condition of private driveways, this alternative would be inferior for Fire and Emergency Services access to the four rear lots.
20. The Applicant contends, therefore, that since the NCDOT would be willing to accept the subdivision road as proposed into the State Road system for maintenance (even if not being requested by the Applicant), and due to the aforesaid limitations on the ground, the Applicant should be allowed a variance for the 1,944-foot length.
21. The Applicant is willing to install a road with a travelled surface 26 feet in width, a turnaround at the midpoint, and a cul-de-sac or hammerhead at the terminus as a safety accommodation to offset the increased length as the Fire Marshal requires.
22. Unnecessary hardship would result from the strict application of the Ordinance. It is not physically possible to access a large portion of the property without a variance on the road or cul-de-sac length requirements of the Ordinance. It is not necessary to demonstrate that in the absence of a variance, no reasonable use can be made of the property.
23. The hardship results from conditions that are peculiar to the property, namely the topography, shape of the parcel, relatively small frontage on a public road, streams and other natural water features, and easements for utility lines.
24. The hardship did not result from actions taken by the applicant or the property owner. These conditions existed when the Applicant purchased the property.
25. The requested variance is consistent with the spirit, purpose and intent of the Ordinance such that public safety is secured, and substantial justice is achieved. The Applicant is willing to abide by all Fire Marshal requirements for the access road design to ensure safe emergency access, which is primary goal of the requirement sought to be varied. The Applicant has exhausted all options with regards to designing a reasonable means of accessing the developable portions of the property in complete compliance with the Planning and Development Ordinance.
26. The Board voted 8-0 to allow a variance of this requirement and allow a cul-de-sac road length of up to 1,944 feet in the project subdivision if site plan and preliminary plat approval is later granted.

VARIANCE 2:

Chapter 15, Section 15-9, Connections to Adjacent Properties

27. Pursuant to Chapter 15 Chapter 15, Section 15-9, Road Design Standards, Connections to Adjacent Properties: Where necessary to provide access or to permit the reasonable future subdivision or development of adjacent land, rights-of-way and improvements shall be extended to the boundary of a development.
28. Connections shall be placed at locations where future connections can be made at a reasonable cost and shall not be directed into wetlands, creeks, steep slopes, or other locations that would make the future extension of the road impractical.
29. A temporary turnaround may be required where the dead end exceeds 250 feet in length. Where such a connection has been established on adjacent property, each new subdivision shall be required to extend the connection as a link in the proposed subdivision street network.
30. The applicant contends that the site plan, survey and other exhibits showing the adjacent properties demonstrate there is no need for any connecting streets, as there are no undeveloped tracts to the South, East or West of the subject parcel.
31. The Applicant contends they are not required to make an adjacent connection if there is an undue hardship of crossing a creek, stream, wetland, utility easement, or anything that would cause substantial cost. These issues would interfere with extending a connecting road to the North of the subject parcel.
32. Unnecessary hardship would result from the strict application of the Ordinance. It is not physically possible to install connecting streets to the North due to all the foregoing factors, or, if it can be done, it would be at excessive expense. Connections to the East, South or West are not necessary as single family residences abut these three sides of the subject parcel. It is not necessary to demonstrate that in the absence of a variance, no reasonable use can be made of the property.
33. The hardship results from all the aforesaid conditions that are peculiar to the property.
34. The hardship from these external factors and conditions did not result from actions taken by the applicant or the property owner.
35. The requested variance is consistent with the spirit, purpose and intent of the Ordinance such that public safety is secured, and substantial justice is achieved. The Applicant has exhausted all options with regards to designing a connecting street plan in compliance with the Cabarrus County Development Ordinance.
36. The Board voted 8-0 to allow a variance of this requirement and waive the

requirement for any connecting streets in the planned development.

Based on the foregoing Findings of Fact, the Board enters the following

CONCLUSIONS OF LAW:

This matter is properly before the Board, and the Board adopts and incorporates by reference the above Findings of Fact. The Applicant has provided substantial, material and competent evidence to support the variance request.

Based on the foregoing Findings of Fact and Conclusions of Law, the Cabarrus County Planning and Zoning Commission sitting as the Board of Adjustment hereby enters the following

ORDER:

Chapter 15, Section 15-9, Cul-de-sac Length and Appendix A, Requirements for Dead-End Stub Street Table is hereby varied to allow cul-de-sac road lengths of up to 1,944 feet in the project subdivision subject to the Special Conditions of Approval stated herein if final plat approval is later granted; and

Chapter 15, Section 15-9, Connections to Adjacent Properties (a “stub street”) is hereby varied and waived in its entirety for this project.

The votes by the Board on these variances were 8-0 in favor. The Special Conditions for approval of the variance are attached as Exhibit A and incorporated by reference.

This variance Order shall be appurtenant to and run with the land with reference to the Property, and shall be recorded in the Cabarrus County Public Registry.

This 14th day of April, 2026, *nunc pro tunc* to March 10, 2026.



Brent Rockett
Vice-Chair, Cabarrus County Planning and
Zoning Commission
Sitting as the Board of Adjustment

ATTEST:

Lisa Johnson
Lisa Johnson,
Clerk to the Planning Board

STATE OF NORTH CAROLINA
COUNTY OF CABARRUS

I, Lisa Johnson, a Notary Public in and for the said State and County do hereby certify that Brent Rockett as Vice-Chair of the Cabarrus County Board of Adjustment personally appeared before me this day and acknowledged the due execution of the foregoing Order.

Witness my hand and notarial seal, this 14th day of April, 2026.

Lisa Johnson
Notary Public
My Commission Expires: 4-15-27



EXHIBIT A
SPECIAL CONDITIONS

1. The Applicant or Board must record this granting order, stating any conditions of approval;
2. The preliminary plat must accurately reflect any variances approved by the Board of Adjustment as reflected and presented on the illustrative plan to be used as the exhibit for the Granting Order. Any material deviations from the illustrative plan in the sole judgment of County staff will need additional review and approval by the Board of Adjustment.
3. Applicant shall comply with all applicable terms of the approved NCDOT Driveway Permit.
4. Applicant shall comply with requirements set forth by the Cabarrus County Fire Marshal's Office including the following in the project design:
 - a. Fire department access roads will need to be a minimum of 26 feet wide with an all-weather driving surface.
 - b. At the end of the road, there will need to be a 120-foot hammerhead or a 96-foot diameter cul-de-sac.
 - c. A turnaround will also need to be provided midway on the road due to the extended length of the road (972 feet from Trinity Church Road).

PLANNING STAFF REPORT
CABARRUS COUNTY PLANNING AND ZONING COMMISSION
3/10/2025

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

Variance: VARN2026-00001

Applicant Information: Joseph G Untz
4200 Maid Marion Lane
Kannapolis, NC 28081

Owner Information: Michael Foster
P.O. Box 6235
Concord, NC 28027

PIN's: 4693-62-1831

Area in Acres: +/- 30.7 ac

Purpose of Request: The applicant is proposing a minor subdivision in the Agriculture / Open Space zoning district with a proposed road that exceeds the allowable 1,000 feet in length.

The applicant is seeking relief from the Section 15-9 and Appendix A of the Cabarrus County Development Ordinance.

Site Description: The subject property is mostly wooded and vacant. An intermittent stream, flowing northeast to southwest, traverses the northwestern corner of the subject property. The property generally appears to slope downwards from south to north towards the intermittent stream. A 30-foot utility easement bisects the property from south to north. The entire property is in the Protected area of the Coddle Creek Watershed.

Current Land Uses: The subject property is currently vacant.

Adjacent Land Uses: Residential and Vacant

Permitted Uses: Any use permitted within the Agriculture / Open Space (AO) district.

Existing Zoning: Agriculture / Open Space (AO)

Surrounding Zoning: North: Agriculture / Open Space (AO)
East: Agriculture / Open Space (AO), Kannapolis Agricultural (AG) District & Kannapolis Residential (R4-CZ) District

South: Agriculture / Open Space (AO)
West: Agriculture / Open Space (AO) & Kannapolis Residential (R1)
District

Signs Posted: February 19, 2026

Newspaper Notification 1: February 25, 2026

Newspaper Notification 2: March 3, 2026

Notification Letters: February 18, 2006

Exhibits

- Exhibit A – Staff Report
- Exhibit B – Application
- Exhibit C – Neighborhood Meeting Information
- Exhibit D – Proposed Minor Subdivision
- Exhibit E – Staff Maps
- Exhibit F – Adjacent Property Owner Information
- Exhibit G – Soil Survey and Plan Review form (Soil & Water Conservation District)
- Exhibit H - Ordinance

Agency Review Comments

Emergency Services Review:

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

Fire Review:

- Fire department access roads will need to be a minimum of 26 feet wide with an all-weather driving surface.
- At the end of the road, there will need to be a 120-foot hammerhead or a 96-foot diameter cul-de-sac.
- A turnaround will also need to be provided midway on the road due to the extended length of the road.

(per Ashleigh Ennis, Assistant Fire Marshal).

NCDOT Review:

If this is going to be a private road with no intention to be maintained by NCDOT we do not have requirements on the road, just the tie-in to the NCDOT road. If they are going to petition to add the road to the NCDOT system, it will need to meet the requirements in our subdivision manual. They already have a driveway permit from us. So long as nothing changes at the access point, we have no comments. *(per Jason Faulkner, Assistant District Engineer NCDOT)*

Sherriff's Department Review:

No comments. *(per Travis McGhee, Lieutenant Sherriff).*

Soil & Water Conservation Review:

The plot of land is within the Water Supply Watershed. We ask that the builder be mindful of that, and one soil type has a steep slope. See Exhibit G. *(per Abby Weinshenker, Resource Education Coordinator Cabarrus Soil & Water Conservation District)*

NCDEQ:

No comment *(per Kenny Llywelyn, Assistant Regional Engineer NCDEQ)*

Zoning Review:

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

History / Other Information

- The subject property is approximately 30.7 acres in size.
- The applicant is proposing a minor subdivision. As depicted in the plat provided, the subdivision will create 6 lots, one of which will be combined with an adjacent parcel, thus resulting in 5 “new” total lots (minor subdivision).
- Per Chapter 15, minor subdivisions may use an alternate construction standard for private roads and are not required to meet the street typicals outlined in Appendix A of the Cabarrus County Development Ordinance. An excerpt of the Ordinance describing minor subdivision road standards is included as Exhibit H
- Although minor subdivisions do not have to meet the street typicals outlined in Appendix A, minor subdivisions remain subject to the following:
 - Chapter 15, Section 15-9: Cul-de-sac Length
 - *NCDOT standards for cul-de-sac length must be met. No residential street cul-de-sac serving lots of 1 acre or greater in size shall exceed 1,000 feet.*
 - Appendix A, Requirements for Dead-End and Stub Streets Table

Requirements for Dead-End and Stub Streets		
Length (feet)	Width (feet)	Turnaround Required
0 to 150	Varies (28' minimum)	Stub Street: None required Cul-de-Sac: 80' diameter Hammerhead: 60' stub-see detail (rural and suburban tiers)
151 to 400	Varies (28' minimum)	Stub Street: 80' temporary cul-de-sac or 60' hammerhead (all weather surfaced) Cul-de-Sac: 95' diameter (rural and suburban tiers) Hammerhead: Not allowed
401 to 600	Varies (28' minimum)	Stub Street: Not allowed Cul-de-Sac (suburban tier): 95' diameter with center island Hammerhead: Not allowed
601-1,000 (rural tier only)	Varies (22' minimum)	Stub Street: Not allowed Cul-de-Sac (rural tier): 95' diameter with center island Hammerhead: Not allowed
> 1,000	Not allowed	Not allowed

- The project includes a private road that will extend from Trinity Church Road into the property providing access to the proposed lots. The proposed private road is 1,944 linear feet. This exceeds the allowable 1,000 linear feet.
- The application states that due to the shape of the property, the road distance to access the western portion of the subject property needs to exceed the allowable 1,000 linear feet.
- The Fire Marshal’s Office has reviewed the proposal and provided comments related to the fire code requirements.

Conditions of Approval

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

1. The Granting Order, stating restrictions and applicable conditions of approval, shall be recorded with the deed of the property.
2. Applicant shall comply with all applicable terms of the approved NCDOT Driveway Permit. (NCDOT)
3. Applicant shall comply with requirements set forth by the Cabarrus County Fire Marshal’s Office including the following in the project design:

- Fire department access roads will need to be a minimum of 26 feet wide with an all-weather driving surface.
- At the end of the road, there will need to be a 120-foot hammerhead or a 96-foot diameter cul-de-sac.
- A turnaround will also need to be provided midway on the road due to the extended length of the road.



CABARRUS COUNTY VARIANCE APPLICATION

STAFF USE ONLY:

Application/Accela#: _____

Reviewed by: _____

Date: _____

Amount Paid: _____

INSTRUCTIONS/PROCEDURES:

1. Schedule a pre-application meeting with Staff. During this meeting, Staff will assess the proposed variance request to evaluate options that may be available to you through the zoning ordinance. If it is necessary to proceed with the request, Staff will explain the procedures and requirements, including the thresholds of consideration for variance requests.

2. Submit a complete application to the Planning Division. All applications must include the following:

- Cabarrus County Land Records printout of all adjacent property owners. This includes properties located across the right-of-way and all on-site easement holders. The list must include owner name, address, and Parcel Identification Number.
- A recent survey or legal description of the property.
- Required number of copies of the proposed site plan (determined at pre-app meeting).

At a minimum, the site plan must show the following:

- The subject property and any adjacent properties.
- All existing buildings, including setbacks from property lines.
- All proposed buildings, parking facilities and accessory uses, including setbacks from property lines (if applicable).
- The location and type of screening and buffering proposed (if applicable).
- Impervious surface ratio (if applicable).
- Waterbody buffers (if applicable).
- Delineation of the proposed variance on the site plan so that the type and nature of the variance the applicant is seeking is clear. (This may be accomplished by submitting two site plans. One to show the requirements of the ordinance and a second to show what the variance request will achieve.)
- Any additional item(s) that must be illustrated on the plan as determined during the pre-application meeting.

- Neighborhood meeting documentation (minutes and list of attendees)
- Any additional documents essential for the application to be considered complete. (Determined at pre-application meeting)

3. Submit cash, check, or money order made payable to Cabarrus County.

Fees: Residential Variance request = \$1000.00 + \$50.00 each additional item

Non-residential Variance request = \$2150.00 + \$50.00 each additional item

(Plus cost of advertising and engineering fees if applicable)

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

PROCESS SUMMARY:

1. Hold a pre-application meeting with Staff to discuss your request and the variance process.
2. Submit a complete application with the appropriate fees to the Cabarrus County Planning Division.
Staff and appropriate agents will review your complete application and site plan and comments will be forwarded to you. You will need to address the comments in writing, revise the site plan accordingly and resubmit a site plan showing that comments are addressed, and errors corrected.
3. Once advised that the site plan and supporting documentation are complete and ready to be presented to the Board of Adjustment, you will need to submit the final material to staff (number determined by Staff).
4. When the information is received, Staff will begin to prepare a staff report, schedule a public meeting date and notify adjacent property owners of the public meeting/public hearing date. A sign advertising the public hearing will also be placed on the property being considered for the variance request.

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

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

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

APPLICANT

Joseph G Untz
NAME

4200 Maid Marion Lane
ADDRESS

Kannapolis NC 28081
CITY, STATE, ZIP CODE

704-309-1982
PHONE NUMBER

FAX NUMBER

Joeuntz25@gmail.com
E-MAIL ADDRESS

PROPERTY OWNER

Michael Foster
NAME

P.O. Box 6235
ADDRESS

Concord NC 28027
CITY, STATE, ZIP CODE

704-361-7487
PHONE NUMBER

FAX NUMBER

M Foster 7487@yahoo.com
E-MAIL ADDRESS

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

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

Legal Relationship of Applicant to Property Owner Consultant
Existing Use of Property vacant
Existing Zoning AO
Property Location Trinity Church Rd
Tax Map and Parcel Identification Number (PIN) 46936218310000

TO THE BOARD OF ADJUSTMENT

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

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

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

Section: UDO Chapter 15, Section 9 - Cul-de-sac Length

- 2. Reason(s) for Seeking a Variance

see attached

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:

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

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

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

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

FINDING OF FACT CHECKLIST

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

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

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

see attached

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

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

see attached

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

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

see attached

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

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

see attached

POSSIBLE CONDITIONS, SUGGESTED BY THE APPLICANT:

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

see attached

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

SIGNATURE OF OWNER: Michael Foster DATE: 1-29-26

SIGNATURE OF APPLICANT: Joseph D. Datz DATE: 1-29-26

1. As outlined in the proposed site plan, the distance required to extend a road to access the western portion of the property is required to exceed 1,000 LF. Due to the shape of the property. The requirement imposes an undue hardship on the western third of the site.
2. The shape of the property and limited road frontage limit the ability to provide a subdivision with 1-acre minimum lots and not produce a cul-de-sac dead-end length exceed 1,000 LF.
3. The hardship is due to existing road frontage and shape of the property, not a result of any property owner or applicant action.
4. Per UDO, NCDOT standards for cul-de-sac length must be met. The attached excerpt from the NCDOT subdivision manual mentioned above outlines the requirements for dead-end to have a maximum length of 2,500 LF. This would appear to be the intent of the ordinance to meet the standards of the jurisdictional authority having future responsibility over the roads, being NCDOT for this development.

SUBDIVISION ROADS

A subdivision road is one that serves a parcel or tract of land that is subdivided into two or more lots, building sites or other divisions for sale or building development for residential purposes where such subdivisions include a new road or change in an existing road.

Subdivision roads shall be designated public or private. Public designations shall be designed and constructed to minimum construction standards of the North Carolina Department of Transportation as required under North Carolina General Statute 136-102.6. and are eligible to be added to the State system of roads. (See Page 29 of this document). Private roads are not eligible to be added to the state system of roads and need not meet minimum construction requirements.

Definitions

The following definitions shall apply in this manual:

1. Residential Local Subdivision Road - Either cul-de-sacs, loop roads, roads that do not connect thoroughfares or serve major traffic generators.
 - A. Dead End Roads - These are roads less than 2,500 feet in length, open at one end only without special provisions for turning around and have no collector characteristics.
 - B. Short Connecting Roads - These roads are normally one block long or extend on a block-by-block basis and have no collector characteristics.
 - C. Loop Roads - A road that has its beginning and ending points on the same route. It is less than one mile in length and has no collector characteristics.
 - D. Other Roads - These roads do not connect thoroughfares or serve major traffic generators and do not have "collector" characteristics.
 - E. Cul-De-Sacs - These are very short roads, open at one end only, with a special provision for turning around. They have a "bulb" end design with a specific turning radii and a limited number of lots.

2. Residential Collector Subdivision Road - A road which serves as the connecting street between local residential roads and the thoroughfare system.
 - A. Dead End Roads - These roads are more than 2,500 feet in length, open at one end only without special provisions for turning around, and have collector characteristics.
 - B. Connecting Roads - The roads which serve as the connecting road system between other roads within the subdivision and the thoroughfare system.
 - C. Loop Roads - A road that has its beginning and ending points on the same route. It is more than one mile in length and has collector characteristics.

February 2, 2026

Dear Neighbor,

My Name is Joe Untz; I have been in the local development business since 1996 and involved with various Construction Projects throughout Cabarrus County.

I am currently working with Property Owner Mike Foster regarding a five-lot minor subdivision located on Trinity Church Road Parcel Identification Number 4693621831. These five lots range from three to five acres in size.

The purpose of this letter is that in the upcoming month I will be petitioning the Cabarrus County Board of Adjustment from the Literal Provisions of the Zoning Ordinance to allow for a Variance from UDO Chapter 15, Section 9-Cul-de-sac Length. This will allow one road length to serve the five lots directly from Trinity Church Road.

I have included a Plat Map showing the five proposed lots for your viewing.

I welcome you to reach out to me with any questions or concerns you may have regarding this Project.

Sincerely,

Joe Untz
704-309-1982
Joeuntz25@gmail.com

Letter sent to the adjacent properties.

Spencer Falls
1018 Wentworth Dr.
Kannapolis NC 28081
PIN: 4693723676

David St Louis
4449 Trinity Church Rd.
Kannapolis NC 28081
PIN: 4693720689

James Nash
6713 Bealgray Rd.
Kannapolis NC 28081
PIN: 4693721426

Nicholas Cottone
6768 Drakestone Rd.
Kannapolis NC 28081
PIN: 4693624471

Elizabeth Ward
6870 Drakestone Rd.
Kannapolis NC 28081
PIN: 4693519984

Doyle Smith
6828 Drakestone Rd.
Kannapolis NC 28081
PIN: 4693517849

Larry Smith
6858 Drakestone Rd.
Kannapolis NC 28081
PIN: 4693514825
PIN: 4693512812
PIN: 4693418788

Peterson Giallanza
4600 Owl Creek Ln.
Concord NC 28027
PIN: 4693429159

Ajay Patil
4608 Owl Creek Ln.
Concord NC 28027
PIN: 4693428464

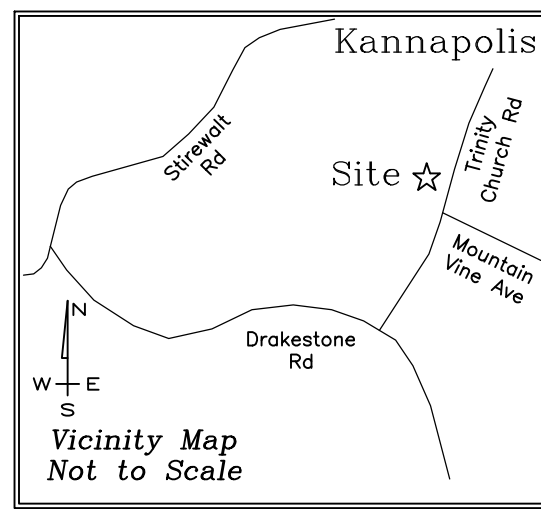
Eric Ruddy
4626 Owl Creek Ln.
Concord NC 28027
PIN: 4693520635

Michael Jones
6414 Skyline Dr.
Charlotte NC 28269
PIN: 4693520912

Jimmy Wilkinson
9403 Mooresville Rd.
Concord NC 28027
PIN: 4693633975

Stanton Morris
4639 Trinity Church Rd.
Kannapolis NC 28081
PIN: 4693733039

John England
6260 Mountain Vine Ave.
Kannapolis NC 28081
PIN: 4693727572



- Legend**
-Property Corner
 -Calculated Point (CP)
 - FS.....Front Setback
 - SS.....Side Setback
 - SSS.....Side Street Setback
 - RS.....Rear Setback
 - DB.....Deed Book
 - WB.....Will Book
 - PG.....Page
 - PB.....Plat Book
 - CB.....Catch Basin
 - LP.....Light Pole
 - RCP...Reinforced Concrete Pipe
 - CPP...Corrugated Plastic Pipe
 - R/W...Right-of-Way
- Property Line
Right of Way Line
Adjoining Property Line
Setback Line

Surveyor's Notes

1. Parcel #4693-62-1831
2. Area determined by Coordinate Computation Method.
3. Property subject to any facts that may be disclosed by a full and accurate title search.
4. Property may be subject to any Restrictions, Easements, and/or Rights of Ways of record and those not of record if they exist.
5. #4 Rebars set at all new property corners
6. Subject Property is not located in a Special Flood Hazard Area as designated by FEMA FLOOD INSURANCE RATE MAPS. See Map #3710469300J - Effective Date 11/5/2008.
7. No Geodetic Monument found within 2000' of Subject Property.
8. Subject Property Zoning = AO
9. Setbacks per current AO Zoning:
Front = 50'
Side = 20'
Rear = 30'
10. This property lies within the WS-II Protected Area Watershed of Coddle Creek. Development restrictions may apply.
11. These lots will be served by private well and septic systems.
12. Total acreage being subdivided = 28.45 Acres
13. No Common Open Space is created on this plat.
14. The new Private Road shown will be maintained by the owners/property owners.

REVIEW OFFICER CERTIFICATE

I, _____, Review Officer of Cabarrus County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Date _____ Review Officer _____

CERTIFICATE OF APPROVAL BY THE SUBDIVISION ADMINISTRATOR

I, _____, Subdivision Administrator for Cabarrus County hereby approve the final plat for Michael & Michelle Foster, this _____ day of _____, 2026.

Subdivision Administrator _____

DIVISION OF HIGHWAYS DISTRICT ENGINEER CERTIFICATE

I hereby certify that the right of way dedication along the existing state maintained roadway shown on this plat is approved and accepted as public right of way by the North Carolina Department of Transportation, Division of Highway only North Carolina Department of Transportation approved structures are to be constructed on public right of way.

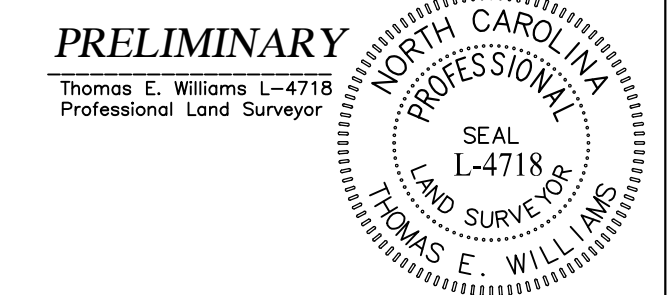
District Engineer _____ Date _____

I certify that this map was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 17486, Page 42; that the boundaries not surveyed are indicated as drawn from information in Plat Book 85, Page 56 or other reference source; that the ratio of precision or positional accuracy is 1:10,000 +/-; and that the Global Navigation Satellite System (GNSS) and the following information was used to perform a portion of this survey:

Class of Survey: A
Positional Accuracy: 0.05'
Type of GPS Field Procedure: RTK
Date of Survey: July 7th, 2025
Datum/Epoch: NAD83(2011) Epoch 2010.00
Published/Fixed-Control Used: VRS
Geoid Model: Geoid18
Combined Grid Factor: 0.99985374
Units: US Survey Feet

I further certify this survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.

This 14th day of January, 2026.



LINE	BEARING	DISTANCE
L1	N 63°04'55" W	28.19
L2	N 63°04'55" W	1.35
L3	S 69°39'44" W	81.63
L4	N 02°29'18" W	67.19
L5	N 02°39'52" W	98.44
L6	S 57°53'41" E	1.78
L7	S 57°53'41" E	30.73
L8	S 24°53'20" W	144.46
L9	N 24°30'49" E	43.44
L10	N 24°30'49" E	50.05
L11	N 24°30'49" E	53.79
L12	N 68°08'45" W	126.27
L13	N 49°03'48" W	157.68
L14	S 54°02'54" W	154.54
L15	N 54°02'54" E	154.54
L16	S 49°03'48" E	157.68
L17	S 68°08'45" E	128.59
L18	S 25°42'08" E	253.12
L19	S 02°38'50" E	77.19

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	225.00'	74.94'	74.59'	N 58°36'16" W
C2	175.00'	78.70'	78.04'	N 61°56'50" W
C3	125.00'	111.53'	107.87'	S 79°36'31" W
C4	275.00'	93.60'	93.15'	S 63°47'56" W
C5	25.00'	21.03'	20.41'	S 49°27'17" W
C6	50.00'	60.32'	56.73'	S 59°55'17" W
C7	50.00'	61.00'	57.29'	N 50°33'57" W
C8	50.00'	69.74'	64.22'	N 24°20'30" E
C9	50.00'	50.13'	48.05'	S 86°58'53" E
C10	25.00'	21.03'	20.41'	S 82°21'20" E
C11	225.00'	76.58'	76.21'	N 63°47'56" E
C12	175.00'	156.14'	151.01'	N 79°36'31" E
C13	225.00'	101.19'	100.34'	S 61°56'50" E
C14	175.00'	58.28'	58.02'	S 58°36'16" E

ROADS TO REMAIN PRIVATE

Road maintenance shall hereby be the responsibility of the Homeowners. Roads shall be maintained to the minimum standards of the North Carolina Department of Transportation. The road maintenance agreement is recorded in Deed Book _____ Page _____ of the Cabarrus County Register of Deeds.

Date _____ Property Owner / Developer _____

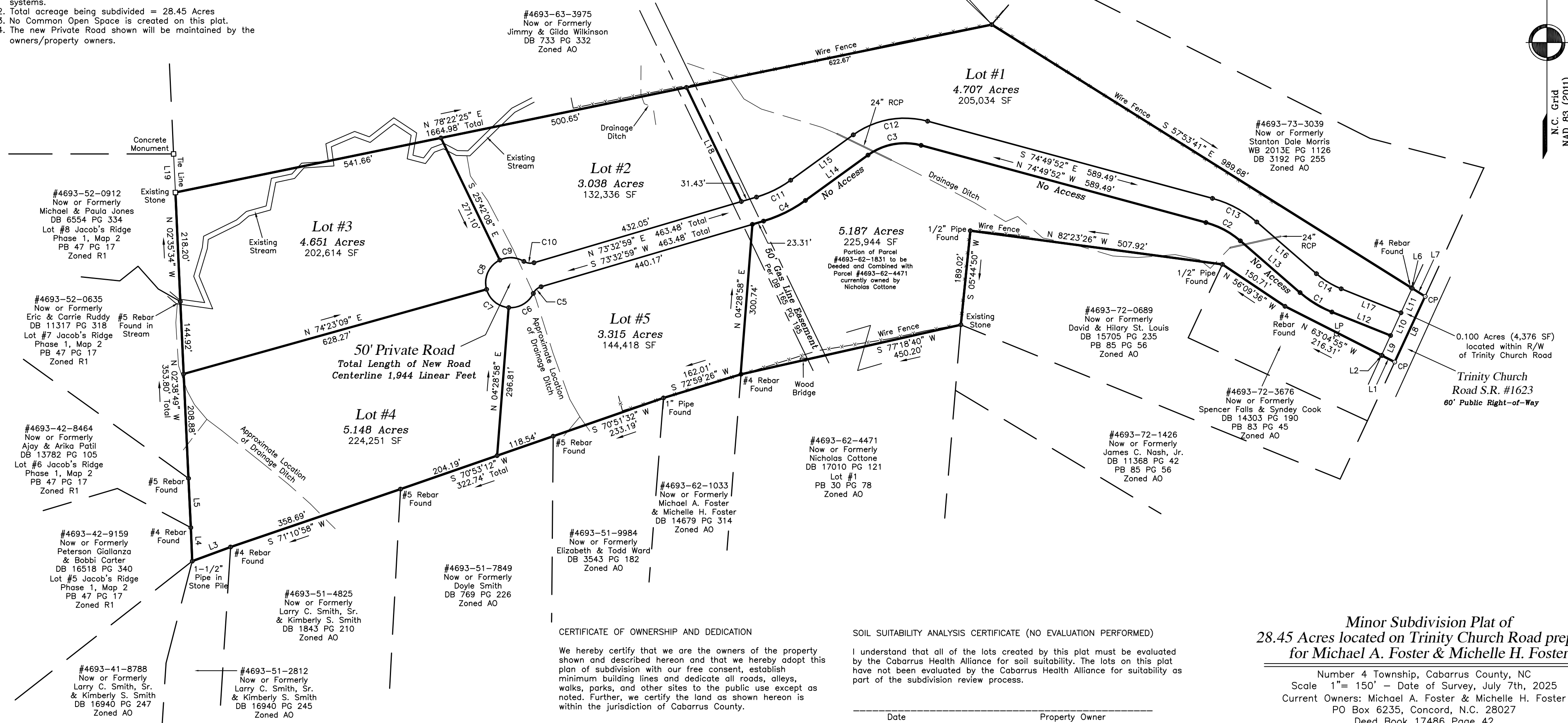
Date _____ Property Owner / Developer _____

LOTS OVER/UNDER 10 ACRES CERTIFICATES

There are 5 lots on this plat less than 10 acres in size.

MINOR SUBDIVISION QUALIFICATION CERTIFICATE

This tract of land has not been divided since June 20, 2005. The proposed division of land on this minor plat creates 5 lots from PIN #4693-62-1831.



CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the property shown and described hereon and that we hereby adopt this plan of subdivision with our free consent, establish minimum building lines and dedicate all roads, alleys, walks, parks, and other sites to the public use except as noted. Further, we certify the land as shown hereon is within the jurisdiction of Cabarrus County.

Date _____ Property Owner _____

Date _____ Property Owner _____

SOIL SUITABILITY ANALYSIS CERTIFICATE (NO EVALUATION PERFORMED)

I understand that all of the lots created by this plat must be evaluated by the Cabarrus Health Alliance for soil suitability. The lots on this plat have not been evaluated by the Cabarrus Health Alliance for suitability as part of the subdivision review process.

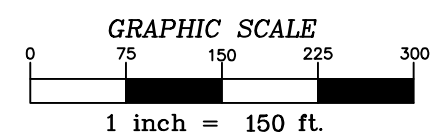
Date _____ Property Owner _____

Date _____ Property Owner _____

**Minor Subdivision Plat of
28.45 Acres located on Trinity Church Road prepared
for Michael A. Foster & Michelle H. Foster**

Number 4 Township, Cabarrus County, NC
Scale 1" = 150' - Date of Survey, July 7th, 2025
Current Owners: Michael A. Foster & Michelle H. Foster
PO Box 6235, Concord, N.C. 28027
Deed Book 17486 Page 42

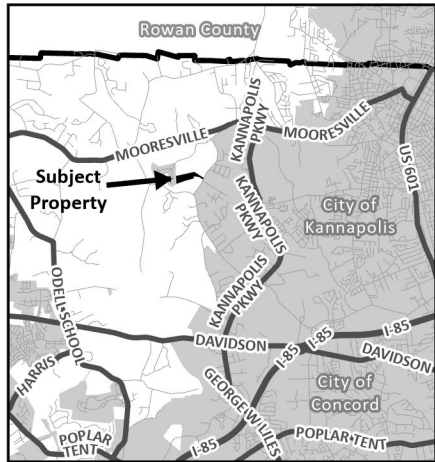
PIEDMONT DESIGN ASSOCIATES, P.A.
ENGINEERING - SURVEYING - PLANNING
Suite 101 Westfield Center, 125 E. Plaza Dr., Mooresville, N.C. 28115
Phone (704) 684-7888 Fax (704) 684-1778
Corporate License #C-1007



Western Planning Area Zoning Map



Applicant: Joseph G Untz (as agent)
Owner: Michael Foster
Case: VARN2026-00001
Address: 4471 Trinity Church Rd
Purpose: Relief from road length requirements
PIN: 4693-62-1831



Cabarrus County shall not be held liable for any errors in this data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. These data cannot be construed to be a legal document. Primary sources from which these data were compiled must be consulted for verification of information contained within the data. Map prepared by Cabarrus County Planning and Development March, 2026

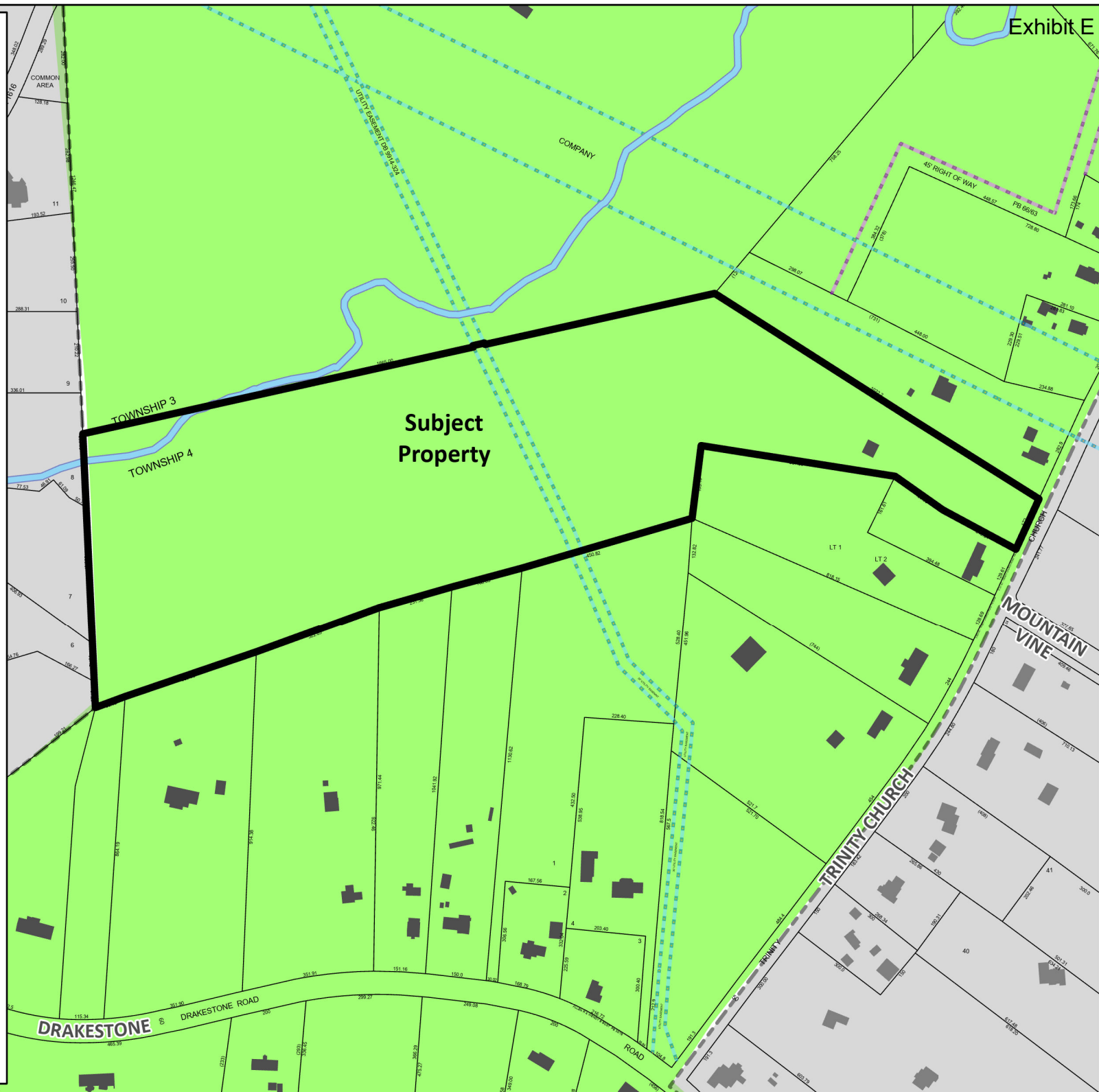
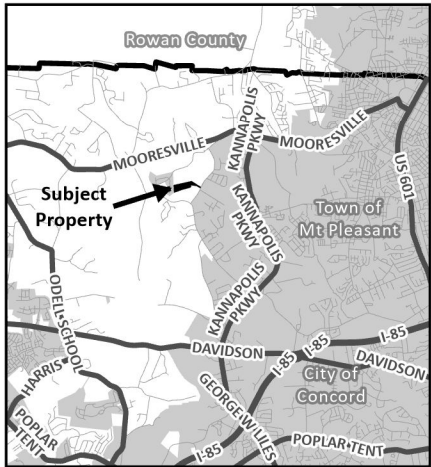


Exhibit E

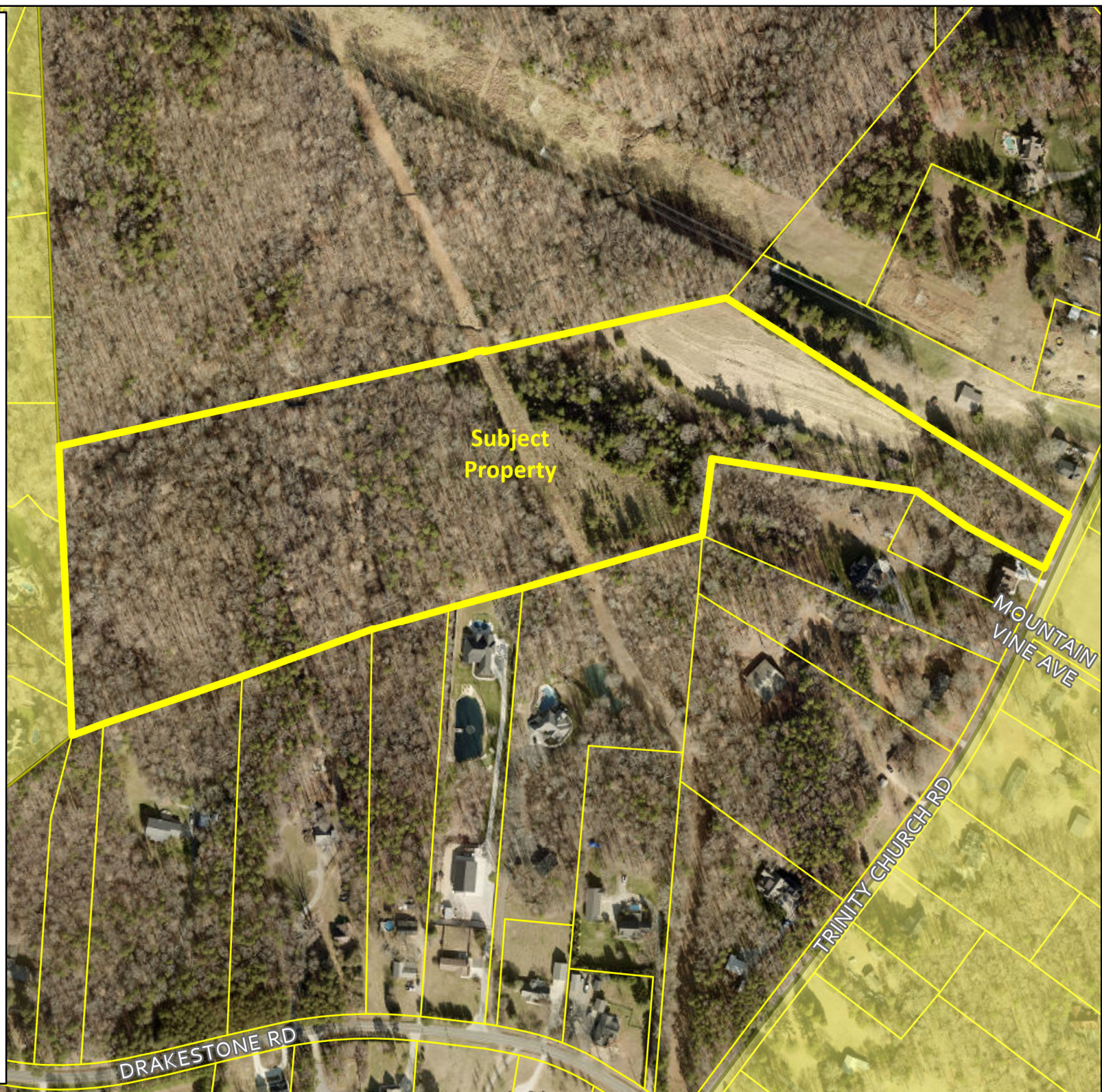
Western Planning Area
Aerial Map



Applicant: Joseph G Untz (as agent)
Owner: Michael Foster
Case: VARN2026-00001
Address: 4471 Trinity Church Rd
Purpose: Relief from road length requirements
PIN: 4693-62-1831



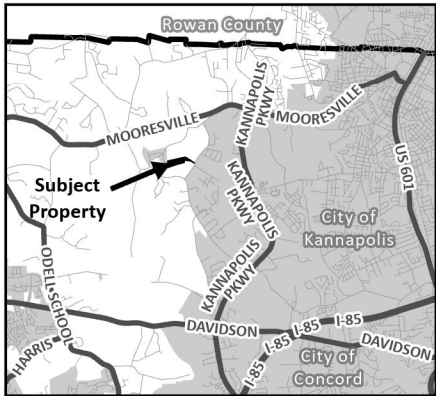
Cabarrus County shall not be held liable for any errors in this data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. These data cannot be construed to be a legal document. Primary sources from which these data were compiled must be consulted for verification of information contained within the data. Map prepared by Cabarrus County Planning and Development March, 2026



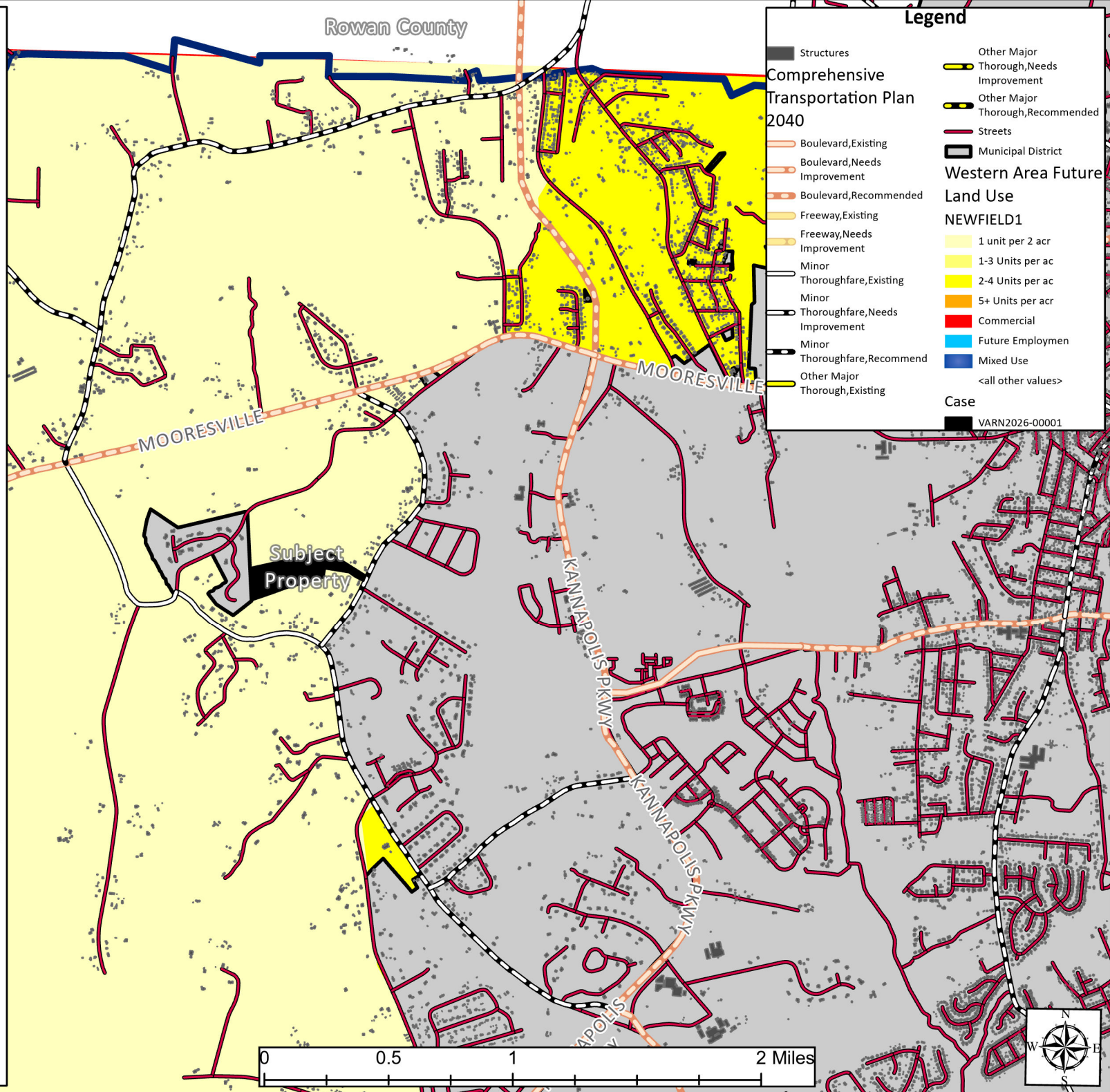
Western Planning Area
Future Land Use Map



Applicant: Joseph G Untz (as agent)
 Owner: Michael Foster
 Case: VARN2026-00001
 Address: 4471 Trinity Church Rd
 Purpose: Relief from road length requirements
 PIN: 4693-62-1831



Cabarrus County shall not be held liable for any errors in this data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. These data cannot be construed to be a legal document. Primary sources from which these data were compiled must be consulted for verification of information contained within the data. Map prepared by Cabarrus County Planning and Development March, 2026



Legend

Structures	Other Major Thorough, Needs Improvement
Comprehensive Transportation Plan 2040	Other Major Thorough, Recommended
Boulevard, Existing	Streets
Boulevard, Needs Improvement	Municipal District
Boulevard, Recommended	Western Area Future Land Use
Freeway, Existing	NEWFIELD1
Freeway, Needs Improvement	1 unit per 2 acr
Minor Thoroughfare, Existing	1-3 Units per ac
Minor Thoroughfare, Needs Improvement	2-4 Units per ac
Minor Thoroughfare, Recommend	5+ Units per ac
Other Major Thorough, Existing	Commercial
	Future Employmen
	Mixed Use
	<all other values>
	Case
	VARN2026-00001



Cabarrus County Government – Planning and Development Department

February 18, 2026

Dear Property Owner:

A Variance Application has been filed in our office for your property. The specifics of the request are listed below. The Cabarrus County Board of Adjustment will consider this petition on Tuesday, March 10, 2026, at 6:30 PM in the 2nd floor Commissioner's Chambers of the Cabarrus County Governmental Center, located at 65 Church Street S, Concord, NC 28026. A Public Hearing will be conducted, and public input will be allowed during that time. If you have any comments about this variance request, I encourage you to attend this meeting.

- | | |
|----------------------------|---|
| • Petitioner | Joseph G Untz |
| • Petition Number | VARN2026-00001 |
| • Property Location | 4471 Trinity Church Rd |
| • Parcel ID Number | 4693-62-1831 |
| • Existing Zoning | Agricultural / Open Space (AO) |
| • Variance Request | Request for relief from the restriction of the cul-de-sac length |

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

Sincerely,

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

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



Cabarrus County Government – Planning and Development Department

February 18, 2026

Dear Property Owner:

A Variance Application has been filed in our office for property **adjacent** to yours. The property and specifics of the request are listed below. The Cabarrus County Board of Adjustment will consider this petition on Tuesday, March 10, 2026, at 6:30 PM in the 2nd floor Commissioner’s Chambers of the Cabarrus County Governmental Center, located at 65 Church Street S, Concord, NC 28026. A Public Hearing will be conducted, and public input will be allowed during that time. If you have any comments about this variance request, I encourage you to attend this meeting.

- | | |
|----------------------------|---|
| • Petitioner | Joseph G Untz |
| • Petition Number | VARN2026-00001 |
| • Property Location | 4471 Trinity Church Rd |
| • Parcel ID Number | 4693-62-1831 |
| • Existing Zoning | Agricultural / Open Space (AO) |
| • Variance Request | Request for relief from the restriction of the cul-de-sac length |

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

Sincerely,

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

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

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

Property Owner					
PIN	Name	Address	City	State	Zip
4693621831	Michael A & Michelle H Foster	PO Box 6235	Concord	NC	28027
Surrounding Property Owners					
PIN	Name	Address	City	State	Zip
4693723676	Spencer Falls & Sydney Cook	1018 Wentworth Dr	Kannapolis	NC	28081
4693720689	David C & Hilary A St Louis	4449 Trinity Church Rd	Kannapolis	NC	28081
4693429159	Giallanza Peterson & Bobbi Carter	4600 Owl Creek Ln	Concord	NC	28027
4693428464	Ajay Arun & Arika Patil	4608 Owl Creek Ln	Concord	NC	28027
4693520635	Eric A & Carrie A Ruddy	4626 Owl Creek Ln	Concord	NC	28027
4693733039	Stanton Dale Morris	4639 Trinity Church Rd	Kannapolis	NC	28081
4693727572	John W & Michelle S England	6260 Mountain Vine Ave	Kannapolis	NC	28081
4693520912	Michael S & Paula G Jones	6414 Skyline Dr	Charlotte	NC	28269
4693721426	James C Nash Jr	6713 Beal Gray Rd	Kannapolis	NC	28081
4693624471	Nicholas Cottone	6768 Drakestone Rd	Kannapolis	NC	28081
4693517849	Doyle Alexander Smith	6828 Drakestone Rd	Kannapolis	NC	28081
4693418788, 4693512812 & 4693514825	Larry C Jr & Kimberly S Smith	6858 Drakestone Rd	Kannapolis	NC	28081
4693519984	Elizabeth Diane & Todd Allen Ward	6870 Drakestone Rd	Kannapolis	NC	28081
4693633975	Jimmy Ray & Gilda S Wilkinson	9403 Mooresville Rd	Concord	NC	28027
4693923367	Trinity Crossing Homeowner Association Inc.	PO Box 11906	Charlotte	NC	28220
4693621033	Michael A & Michelle H Foster	PO Box 6235	Concord	NC	28027

Public Hearing Notice

**Cabarrus County Planning and Zoning Commission
Tuesday, March 10 2026 @ 6:30 P.M.
Commissioners Meeting Room, 2nd Floor
65 Church St. S. Concord, NC 28026**

Petition VARN2026-00001 – Variance request for relief from the restriction of the cul-de-sac length. Joseph G Untz is the applicant, and Michael Foster is the owner. The address associated with the subject property is 4471 Trinity Church Road (PIN: 4693-62-1831).

For information, contact Planning and Development at 704.920.2141. If reasonable accommodations are needed, please contact the ADA Coordinator at 704.920.2100 at least 48 hours prior to the public hearing.

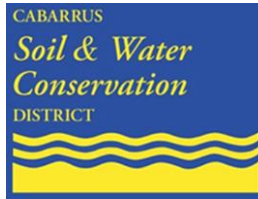
PUBLISH: Tuesday, February 25th and Tuesday, March 3rd, 2024

February 19, 2026 at 9:44:38 AM
Trinity Church Rd

CABARRUS COUNTY
ZONING



NOTICE
VARN2026-00001
FOR DETAILS CALL
704-920-2141



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

TO: Kayleigh Mielenz

FROM: Abby Weinshenker

NAME/NUMBER OF PLAN: 41-2026 PLAN TYPE: Commercial JURISDICTION: Concord

LOCATION: 4471 Trinity Church Rd

ZONING: AO

OWNER: Michael and Michhelle Foster

DATE SUBMITTED to CSWCD: 2/18/2026 DATE REVIEWED: 2/19/2026

PARCEL #: 4693-62-1831 ACRES: 30.62

RECEIVING WATERS: Lake Creek Reservoir

PERENNIAL OR INTERMITTENT STREAMS PRESENT: [X] Yes [] No

SOIL TYPE(S): CcB2, CcD2, PaF

PERCENTAGE OF SOIL LIMITED:

NOT LIMITED: 18.6
SOMEWHAT LIMITED: 46.7
VERY LIMITED: 34.7

HYDRIC SOILS: [] Yes [X] No

PLAN COMMENTS:

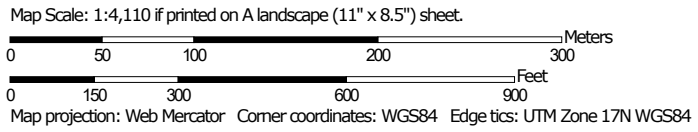
The plot of land is within the Water Supply Watershed. We ask that the builder be mindful of that, and one soil type has a steep slope.

“Soil surveys can be used for general farm, local, and wider area planning. Onsite investigation is needed in some cases, such as soil quality assessments and certain conservation and engineering applications.”-Web Soil Survey operated by the USDA Natural Resource Conservation Service.

Dwellings Without Basements—Cabarrus County, North Carolina
(41-2026)

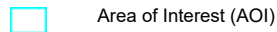


Soil Map may not be valid at this scale.



MAP LEGEND

Area of Interest (AOI)



Area of Interest (AOI)

Background



Aerial Photography

Soils

Soil Rating Polygons



Very limited



Somewhat limited



Not limited



Not rated or not available

Soil Rating Lines



Very limited



Somewhat limited



Not limited



Not rated or not available

Soil Rating Points



Very limited



Somewhat limited



Not limited



Not rated or not available

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cabarrus County, North Carolina

Survey Area Data: Version 25, Sep 2, 2025

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Mar 1, 2024—Jul 1, 2024

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Dwellings Without Basements

Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
CcB2	Cecil sandy clay loam, 2 to 8 percent slopes, moderately eroded	Not limited	Cecil, moderately eroded (88%)		5.1	18.6%
			Madison, moderately eroded (8%)			
CcD2	Cecil sandy clay loam, 8 to 15 percent slopes, moderately eroded	Somewhat limited	Cecil, moderately eroded (92%)	Slope (0.63)	12.9	46.7%
			Madison, moderately eroded (5%)	Slope (0.63)		
			Wedowee (3%)	Slope (0.63)		
PaF	Pacolet sandy loam, 15 to 35 percent slopes	Very limited	Pacolet (85%)	Slope (1.00)	9.6	34.7%
			Madison (6%)	Slope (1.00)		
			Bethlehem (5%)	Slope (1.00)		
			Wateree (4%)	Slope (1.00)		
Totals for Area of Interest					27.7	100.0%

Rating	Acres in AOI	Percent of AOI
Somewhat limited	12.9	46.7%
Very limited	9.6	34.7%
Not limited	5.1	18.6%
Totals for Area of Interest	27.7	100.0%

Description

ENG - Engineering

Dwellings are single-family houses of three stories or less. For dwellings without basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper.

The ratings for dwellings are based on the soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility. Compressibility is inferred from the Unified classification of the soil. The properties that affect the ease and amount of excavation include depth to a water table, ponding, flooding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

The ratings are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect the specified use. "Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. "Somewhat limited" indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

The map unit components listed for each map unit in the accompanying Summary by Map Unit table in Web Soil Survey or the Aggregation Report in Soil Data Viewer are determined by the aggregation method chosen. An aggregated rating class is shown for each map unit. The components listed for each map unit are only those that have the same rating class as listed for the map unit. The percent composition of each component in a particular map unit is presented to help the user better understand the percentage of each map unit that has the rating presented.

Other components with different ratings may be present in each map unit. The ratings for all components, regardless of the map unit aggregated rating, can be viewed by generating the equivalent report from the Soil Reports tab in Web Soil Survey or from the Soil Data Mart site. Onsite investigation may be needed to

validate these interpretations and to confirm the identity of the soil on a given site.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

Public Roads

Roads that are classified and designated on a plat as public shall be subject to the following conditions.

- Designation of a road as public shall be conclusively presumed to be an offer of dedication to the public and permit public use.
- These roads shall be maintained by the developer/owner or the lot purchasers through a recorded road maintenance agreement until the respective governmental agency assumes responsibility for the maintenance of the roads.

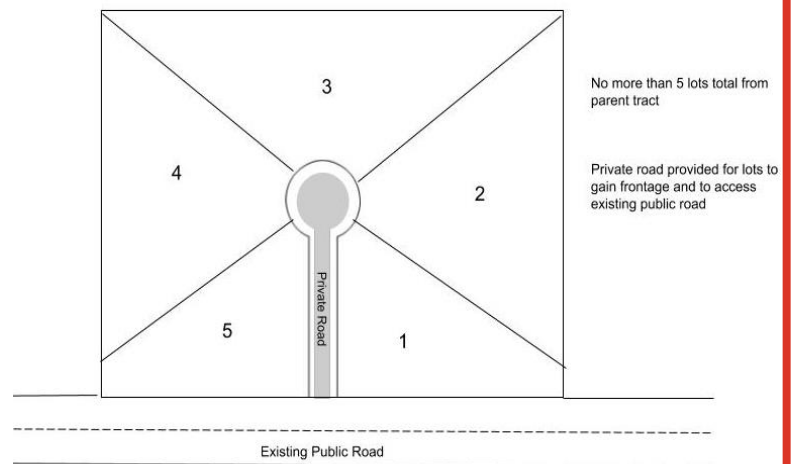
Private roads serving more than five lots

New roads serving five or more lots may be permanently designated as a private road. These roads shall be built to the North Carolina Department of Transportation public standard for the appropriate type of road or street. Additionally, a road maintenance agreement shall be recorded in the office of the register of deeds to ensure that proper maintenance of the private road is provided by property owners gaining access from the road or street and for emergency service response. See Appendix A for road design standards.

Alternate construction standard for private roads serving five lots or less

An alternate road construction standard is available for projects classified as minor subdivisions. No more than five lots total may take access from a private road using this construction standard.

- The private road right-of-way width must be at least 25 feet wide.
- The travel way must be at least 20 feet wide with all-weather access that supports the weight of fire apparatus at a minimum of 75,000 pounds.
- The road must be clear of any limbs or brush for a width of 20 feet and a height of 13 feet.
- When the proposed private road adjoins a paved road, the first 25 feet of the road must be paved when the private road adjoins a paved road.
- Vehicle turnarounds must be provided at the end of all dead end roads.
- Applicant must secure a permit from NCDOT to connect to state maintained roads.
- A private road maintenance agreement must be recorded in the office of the Register of Deeds of Cabarrus County to ensure proper maintenance of the road



Private roads developed using this alternate construction standard must be maintained by the adjoining property owners and/or the developer and will not be accepted for public maintenance.

New private roads must be installed and inspected prior to zoning permits being issued for lots served by the new road.

Transportation Impact Analysis (TIA) Required

Depending on the size of the proposed development and the traffic being generated, a Transportation Impact Analysis, also known as a TIA, may be required. See Appendix A for additional information.

SECTION 9 Road design standards

Road Cross-Sections and Pavement Structure

Appropriate road cross-sections shall be approved by the Cabarrus County Planning and Zoning Commission and NCDOT. Appendix A contains currently approved cross-sections for Cabarrus County. Other cross-sections may be proposed and considered for approval by the Planning and Zoning Commission in conjunction with NCDOT.

Pavement structure is based on classification and is defined in Appendix A. An additional one inch surface course shall be applied to all roads when a majority of the construction is completed.

Curve Radius

Property lines at the intersection of residential streets shall be rounded with a 25-foot minimum radius and a 35-foot maximum radius. Modifications may be approved by Cabarrus County and NCDOT in conjunction with the current NCDOT Subdivision Road Construction Standards Manual.

Medians and Islands

Residential subdivision entrances may include a median or island. Structures, permanent materials or plantings within the island shall not obscure the visibility of cars entering a cross street for a distance of 25 feet back from the curb face of the cross street, unless a larger setback is needed due to inadequate sight distance.

Cul-de-sac Length

NCDOT standards for cul-de-sac length must be met. No residential street cul-de-sac serving lots of 1 acre or greater in size shall exceed 1,000 feet. No residential street cul-de-sac serving lots less than one acre in size shall exceed 600 feet. The District Engineer for NCDOT has the right to vary this standard upon coordination with the Subdivision Administrator and County Engineer.