

Town of Dallas Planning Board Meeting

Agenda

Thursday October 15, 2020

To be held at the Fire Station Community Room at 6:30 pm

The Following Agenda is proposed:

1. Call to Order
2. Roll Call of Member Present; Declaring quorum as present
3. Invocation or moment of Silence
4. Pledge of Allegiance to the Flag
5. Announcements/Introductions
6. Approval of Agenda with Additions or Deletions
7. Approval of Minutes - September 17, 2020
8. New Business
 - a. Annexation Recommendation Request: Routszong Parcel #303651
 - b. Annexation Recommendation Request: Rhyne Parcel #169184
 - c. Rezoning Recommendation Request: Summey Parcel #170286
 - d. Rezoning Recommendation Request: Wilson Parcel #301017
9. Other Business
 - a. Meeting Schedule
10. Adjournment

Minutes

Town of Dallas

Planning Board

Meeting of September 17, 2020

The meeting was called to order at 6:30 PM by Co-Chairman Glenn Bratton

The following member were present: Glenn Bratton – Co-Chair, John O'Daly, Tim Farris, Gene Brown, Reid Simms, Thomas Smith – Alternate

Also Present: Nolan Groce – Development Services Director, Johnny Denton – Town Engineer, Shaun Gasparini – TrueHomes, Rob Reddick, McAdams

There was an invocation led by Co-Chairman Bratton followed by the Pledge of Allegiance

Approval of Agenda: A motion was made by Reid Simms and seconded by John O'Daly to approve the agenda for this meeting. The motion was adopted unanimously,

Approval of Minutes: A motion was made by Tim Farris and seconded by Thomas Smith to approve the minutes for the February 2020 meeting. The motion was adopted unanimously.

Old Business:

- 1) Petition for Conditional Zoning: TrueHomes, Parcel ID # 301158, 216368, 131854, from R-6 to CZ R-6 (Cluster Development Overlay)

Staff reintroduced the Conditional Zoning request from TrueHomes. After giving a general overview of the project and updating the Board on items they requested from July, Shaun Gasparini gave a presentation on the updated 87-home rezoning plan. The Board discussed the proposed conditions and staff gave feedback on questions. The developer requested amendments to three of the proposed conditions, which were agreed to during the meeting. All other conditions were agreed to as presented. Given staff recommendation and Board consensus, a motion was made by Tim Farris to recommend approval of the Conditional Zoning request, with the three amended conditions, along with the following consistency statement:

The proposed Conditional Zoning of Parcel ID# 216368, 131854, 301157 to CZ R-6, Cluster Development Overlay, is consistent with the 2003 Land Use Plan's map designation as new residential, therefore this Conditional Zoning is deemed reasonable and in the public's best interest as it supports an increased demand for housing in light of Dallas' current and anticipated growth and aligns with the 2003 Land Use Plan's recommendation for new residential to be clustered so as to preserve open space and heighten pedestrian accessibility.

The motion was seconded Thomas Smith and unanimously approved by the Board.

Other Business and Adjournment: Having no other business, a motion to adjourn was made by Reid Simms, seconded by John O'Daly, and unanimously approved by the Board.

Respectfully Submitted,



Nolan Groce, Development Services Director

 11/19/20

Curtis Wilson, Chairman

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Annexation Request: Routsong Parcel ID #303651

AGENDA ITEM NO. 8A

MEETING DATE: 10/15/2020

BACKGROUND INFORMATION:

Rosemary Routsong, on behalf of owner Marilyn S. Finger Irrevocable Trust, is petitioning for annexation of PID #303651 (no address assigned) into the Town of Dallas for inclusion as part of a single-family residential subdivision. This Parcel is considered contiguous.

This parcel consists of 19.06 acres and is currently located outside of Town of Dallas zoning, but is adjacent to both R-5 and R-10 single family residential zones. The 2003 Land Use Plan highlights this parcel for new residential development.

The applicant is seeking to be annexed into Town limits as R-5 Single Family Residential and is asking the Planning Board for their recommendation.

A sample consistency statement has been provided for your consideration.

Staff Recommendation: To recommend annexation of the parcel into Town Limits as R-5, single family residential with the provided consistency statement.

BOARD ACTION TAKEN:

TOWN OF DALLAS, NORTH CAROLINA

PETITION FOR ANNEXATION

PETITION NUMBER: _____

Contiguous

Non-Contiguous

DATE: 10-8-2020

FEE: ~~\$1000~~ ^{\$500} *

* Petitioner understands there will be additional costs associated with this petition such as advertising, postage, etc. and agrees to pay these fees upon receipt of invoice(s).

Current Property Use: Vacant Land

Planned Property Use: Residential Single Family

Requested Zoning: R-5

To the Board of Aldermen of the Town of Dallas:

We, the undersigned owners of real property, respectfully request that the area described as

Formerly 1150 Meadow Way Dallas, NC 28034, DALLAS, NC 28034, further identified as

parcel ID # 303651, be annexed to the Town of Dallas.

Name of petitioner/property owner: Rosemary J Routszong, Trustee for

Mailing Address of property owner: 1150 Meadow Way Dr Dallas, NC 28034
Marjorie S. Finger
after Nov. 1, 2020 - 2901 Jackson Square Anderson, SC

Email Address: rroutszong@att.net

Phone Number: 704-674-2170 29625

Attachments included with Petition:

1. Legal description (as noted in property deed)
2. Letter outlining reasons for annexation request
3. \$100 Fee

Applicant Signature: Rosemary J Routszong Date: 10/8/2020

Received By: Adam Dean Date: 10/8/2020

October 8, 2020

Town of Dallas
Attention: Nolan Groce
210 N. Holland Street
Dallas, NC 28034

Re: Annexation of PID 303651

We are hoping to annex this property in to the Town of Dallas as part of a future residential development. At the time of annexation, we would like to rezone to R-5.

Sincerely,
Rosemary Finger Routszoney
Trustee Marilyn S. Finger Irrevocable Trust

Property Description

The property being requested for annexation, Parcel ID# 303651, is described in the following pages/deeds

4777-1938: Tract 4

Less

part of 4218-2058

all of 4882-2145

all of 5157-1988

deeds/metes and bounds to follow



Doc ID: 018504140004 Type: CRP
Recorded: 04/10/2015 at 04:19:30 PM
Fee Amt: \$26.00 Page 1 of 4
Revenue Tax: \$0.00
Instr# 20150034072
Gaston, NC
Susan S. Lockridge Register of Deeds
BK 4777 Pg 1938-1941

4
RECORDING FEE 26.00
EXCISE TAX PAID

NORTH CAROLINA GENERAL WARRANTY DEED
(TITLE NOT EXAMINED BY PREPARING ATTORNEY)

Revenue Stamps: -0- Parcel Identifier Nos. 169114, 169122, 170287, 202016, and 220124

Verified by Gaston County on the _____ day of _____, 20____ by _____

Mail after recording to Jesse V. Bone, Jr., Mullen Holland & Cooper P.A., P.O. Box 488, Gastonia, NC 28053
This instrument was prepared by Jesse V. Bone, Jr., Mullen Holland & Cooper P.A., Attorneys at Law

Brief Description for the index: _____

THIS DEED made this 30th day of March, 2015, by and between

GRANTOR:

GRANTEE

Marilyn S. Finger, widow
1150 Meadow Way Dr.
Dallas, North Carolina 28034

Rosemary F. Routsong, Trustee of the Marilyn S. Finger
Irrevocable Trust dated March 30, 2015
1150 Meadow Way Dr.
Dallas, North Carolina 28034

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor has gifted and by these presents does hereby give, grant, and convey unto the Grantee in fee simple, any interest that I may have in and to that certain lot and/or parcel located in Gaston County, North Carolina and more particularly described as follows:

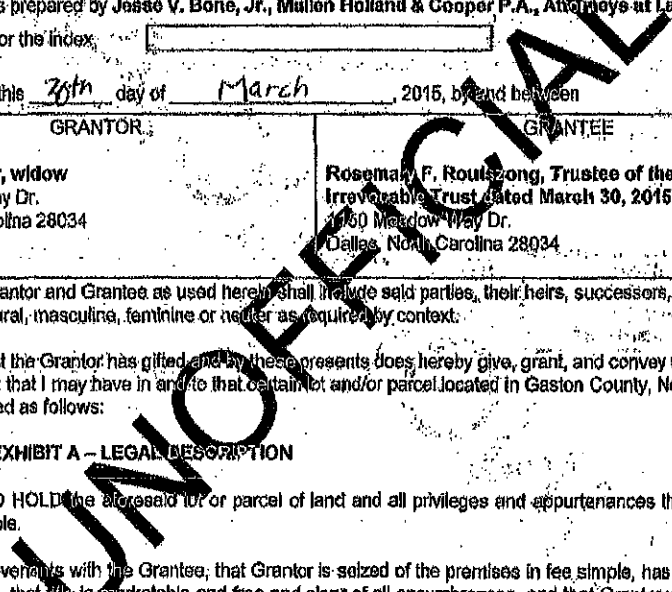
SEE ATTACHED EXHIBIT A - LEGAL DESCRIPTION

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

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

Title to the property hereinabove described is subject to the following exceptions:

- a. Such rights of way, easements and restrictions as may appear on the public records of Gaston County.
- b. Ad valorem taxes for the current year.



TRACT FOUR:

BEGINNING at an iron stake situate in the southerly line of G. C. Summey, now or formerly, and runs thence South 5 degrees East 462 feet to an iron stake; thence due West 311.1 feet to a poplar; thence North 63-1/4 degrees West 532.1 feet to an iron; thence South 73-3/4 degrees West 804.37 feet to an iron; thence North 35-1/2 degrees West 99 feet to an iron; thence North 49 degrees West 165 feet to an iron; thence North 43-1/2 degrees West 316.8 feet to an iron; thence North 14 degrees East 530 feet to an iron stake, a new corner; thence a new line South 88 degrees East 1350 feet to an iron; thence South 9 degrees 30 minutes East 915 feet to an iron; thence crossing a branch and running North 73-3/4 degrees East 349 feet to the Beginning, containing 30 acres, more or less, and being the southerly portion of a 66 acre tract formerly owned by G. C. Summey as will appear on a map of said 66 acre tract made by J. C. Burrell, County Surveyor, dated July 16, 1949.

Being the identical property as conveyed to Marilyn S. Finger by deeds recorded in Book 1388 at Page 98; Book 1388 at Page 184; Book 1420 at Page 555; and Book 1462 at Page 764, all in the Gaston County Registry.

The above described parcel is the Grantor's principal residence.

TRACT FIVE:

BEGINNING at an iron pin in the center of the new Lower Dallas Road, said iron pin being in the common boundary of the western margin of the Carrie Puett Lewis Property and the eastern margin of Lot No. 6 of the John C. Puett Estate Property as shown and described on Map No. 2 thereof, on a plat made by Hoke S. Heavner, Reg. Sur., dated Nov. 1951, and recorded in the Gaston County Registry in Plat Book 10 at Page 97; and runs thence South 88 degrees 18 minutes East 1795.85 feet to an iron pin, former northeast corner of Carrie Puett Lewis; thence South 10 degrees 45 minutes East 330 feet; thence South 74 degrees 45 minutes West 876.45 feet to an iron pin in the center of the new Lower Dallas Road; thence with the center of the new Lower Dallas Road to the point of Beginning.

This conveyance is made subject to all rights of way of record and to the Highway right of way.

Being the identical property as conveyed to Robert J. Finger and wife, Marilyn S. Finger by deed dated June 22, 1962 and recorded in Book 810 at Page 689 in the Gaston County Registry.

The above described parcel is not the Grantor's principal residence.

UNOFFICIAL

Doc ID: 011095370004 Type: CRP
 Recorded: 05/03/2006 at 04:20:14 PM
 Fee Amt: \$692.00 Page 1 of 4
 Excise Tax: \$669.00
 Instr# 200600080787
 Gaston, NC
 Susan S. Lockridge Register of Deeds
 BK 4218 PG 2058-2061

RECORDING FEE 230
 EXCISE TAX PAID 669

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: 669.00

Parcel Identifier No. _____ Verified by _____ County on the _____ day of _____, 20____
 By: _____

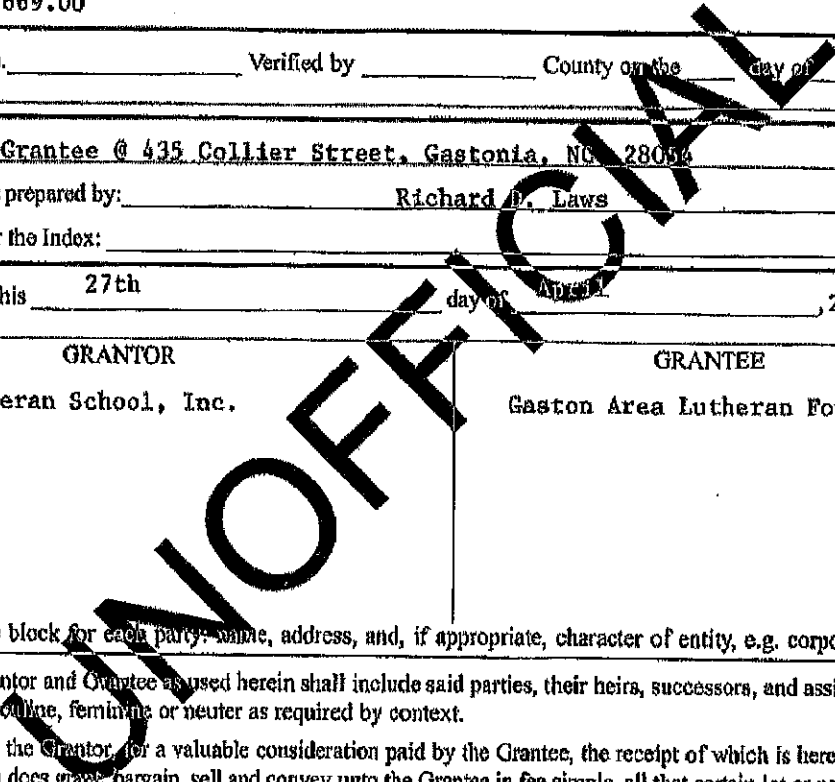
Mall/Box to: Grantee @ 435 Collier Street, Gastonia, NC 28056

This instrument was prepared by: Richard B. Laws

Brief description for the Index: _____

THIS DEED made this 27th day of April, 2006, by and between

GRANTOR	GRANTEE
Hope Lutheran School, Inc.	Gaston Area Lutheran Foundation, Inc.



Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Dallas, Dallas Township, Gaston County, North Carolina and more particularly described as follows:

see attached Exhibit A

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3396 page 323
 A map showing the above described property is recorded in Plat Book _____ page _____.

EXHIBIT A

BEGINNING at an iron at the western terminus of the northern margin of Gaston Way, and running thence South 36-00-00 East 31.57 feet to a point in the center line of a 60-foot easement described in Book 4128 at Page 1995; and running thence with the northern line of the property conveyed to Hospice of Gaston County, Inc., by deed recorded in Book 4128 at Page 1979, Gaston County Registry, South 76-31-32 West 1,350.09 feet to a point in the eastern line of W. Summey as described in Book 1946 at Page 708; thence North 01-53-07 West 516.00 feet to an iron; thence South 88-38-45 West 311.10 feet to a poplar tree, corner with the property of P. Summey (Book 1388 at Page 98); thence with P. Summey's line North 09-50-21 West 366.80 feet to an iron in the line of G. F. Summey (Book 11 at Page 287); thence with the line of G. F. Summey, North 73-10-21 East 1,113.68 feet to an iron, corner with the property of B. Kinley as described in Book 388 at Page 249; thence South 36-00-00 East 1,953.18 feet to the point and place of Beginning, and containing 26.76 acres, more or less. The foregoing description is taken from plat of survey made by David W. Dickson, Registered Surveyor, dated February 21, 1996, and is the northern portion of that property conveyed to Hope Lutheran School, Inc., by deed recorded in Book 3396 at Page 323, Gaston County Registry.

This conveyance is subject to an easement for ingress, egress and regress to Gaston Way as described in instrument recorded in Book 4128 at Page 1995, Gaston County Registry.

By the execution of this deed, the Grantor certifies that it has complied with all provisions of that certain Agreement recorded in Book 4128 at Page 1983, Gaston County Registry, and is authorized to make this conveyance.

EXHIBIT B

This property is conveyed subject to the following conditions:

- (1) In the event that Gaston Area Lutheran Foundation, Inc., determines that it is willing to sell, exchange, assign, transfer or otherwise alienate all or any portion of the property to a buyer who intends to use the Property for any purpose other than religious, church or worship activities or by a church affiliated agency in accordance with the terms of a bona fide written offer made to or by Gaston Area Lutheran Foundation, Inc., or Hope Lutheran School, Inc., then Gaston Area Lutheran Foundation, Inc., shall provide Hospice of Gaston County, Inc., with a complete and legible copy of such offer within ten (10) business days of Gaston Area Lutheran Foundation, Inc.'s making or receipt of same. Upon delivering written notice by Gaston Area Lutheran Foundation, Inc., to Hospice of Gaston County, Inc., within a period of thirty (30) days thereafter, Hospice of Gaston County, Inc., shall have the right to acquire from Gaston Area Lutheran Foundation, Inc., the Property (or applicable portion thereof) on the exact material, terms and conditions (including the price and/or other consideration and including the property description) set forth in such bona fide offer. Failure of Hospice of Gaston County, Inc., to exercise its Right of First Refusal within thirty (30) days after receiving such bona fide written offer from Gaston Area Lutheran Foundation, Inc., shall waive such Right of First Refusal, and Gaston Area Lutheran Foundation, Inc., shall be free to convey the Property to said bona fide offeror on the exact material terms and conditions of said offer.
- (2) Gaston Area Lutheran Foundation, Inc., by the acceptance of this deed, grants to Hope Lutheran School, Inc., the right, at any time within three (3) years following the date of this deed, to repurchase up to six (6) acres of the above described property at the same price per acre as was conveyed herein by this deed; PROVIDED THAT, Gaston Area Lutheran Foundation, Inc., shall determine, in its sole discretion, the location of such tract (up to six acres) within the above described property, and the said tract to be reconveyed to Hope Lutheran School, Inc., shall be one contiguous parcel.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple. And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Rights set out in Exhibit B attached hereto.
Easements, restrictions and rights of way of record.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

HOPE LUTHERAN SCHOOL, INC. (SEAL)

(Entity Name)

By: George H. Rogers, Sr. (SEAL)

Title: Chairman

George H. Rogers, Sr., Chairman of the Board (SEAL)
By: _____
Title: _____

By: _____ (SEAL)
Title: _____

SEAL-STAMP

USE BLACK INK ONLY State of North Carolina - County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this _____ day of _____, 20____.

My Commission Expires: _____

Notary Public

SEAL-STAMP

USE BLACK INK ONLY State of North Carolina - County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that George H. Rogers, Sr. personally came before me this day and acknowledged that he is the Chairman of Board of Hope Lutheran School, Inc. a North Carolina or _____ corporation/limited liability company, general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of each entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal this 2nd day of April, 2006.

My Commission Expires: 2-2-08

Notary Public



SEAL-STAMP

USE BLACK INK ONLY State of North Carolina - County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____

Witness my hand and Notarial stamp or seal this _____ day of _____, 20____.

My Commission Expires: _____

Notary Public

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

By: _____ Register of Deeds for _____ County
Deputy/Assistant - Register of Deeds

Doc ID: 017716220008 Type: CRP
 Recorded: 12/01/2016 at 02:09:50 PM
 Fee Amt: \$335.00 Page 1 of 3
 Revenue Tax: \$307.00
 Gaston, NC
 Susan S. Lockridge Register of Deeds
 BK 4882 PG 2145-2147

3 RECORDING FEE None
 EXCISE TAX PAID 307

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$307.00
 Parcel Identifier No. 198469 Verified by _____ County on the _____ day of _____, 20____
 By: _____
 Mail/Box to: Grantee: 1141 Meadow Way Drive, Dallas, NC 28034
 This instrument was prepared by: Stott, Hollowell, Palmer & Windham, LLP (K. Laws)
 Brief description for the Index: _____

THIS DEED made this _____ day of November, 2016, by and between

GRANTOR	GRANTEE
<p>SHARON ANN BREWSTER ROSE and husband, CHRISTOPHER MARCUS ROSE</p> <p>18513 Governor GC Peery Highway Pounding Mill, VA 24637</p>	<p>RYON DEARING and wife, CHRISTINA M. DEARING</p> <p>1141 Meadow Way Drive Dallas, NC 28034</p>

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Dallas, Dallas Township, Gaston County, North Carolina and more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 4577, Page 1396.
 All or a portion of the property herein conveyed X includes or _____ does not include the primary residence of a Grantor.
 A map showing the above described property is recorded in Plat Book _____, Page _____.

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

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

By: _____ (Entity Name) Sharon Ann Brewster Rose (SEAL)
 Name: Sharon Ann Brewster Rose

By: _____ Christopher Marcus Rose (SEAL)
 Name: Christopher Marcus Rose

By: _____ (SEAL)
 Name: _____

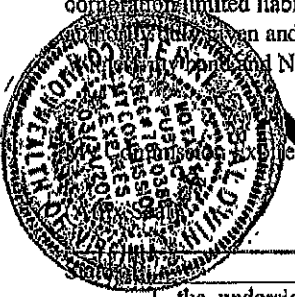
By: _____ (SEAL)
 Name: _____

State of Virginia - County or City of Tazewell
 I, the undersigned Notary Public of the County or City of Tazewell and State aforesaid, certify that Sharon Ann Brewster Rose and Christopher Marcus Rose personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 29 day of November



Terri L. Baldwin
Terri L. Baldwin, Notary Public
 Notary's Printed or Typed Name

State of Virginia - County or City of Tazewell
 I, the undersigned Notary Public of the County or City of Tazewell and State aforesaid, certify that Sharon Ann Brewster Rose personally came before me this day and acknowledged that he is the Owner of Real Estate, a North Carolina or corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by his act and deed, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 29 day of November, 2016



Terri L. Baldwin
Terri L. Baldwin, Notary Public
 Notary's Printed or Typed Name

_____- County or City of _____
 I, the undersigned Notary Public of the County or City of _____ and State aforesaid, certify that _____
 Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.

My Commission Expires: _____ (Affix Seal) _____ Notary Public
 Notary's Printed or Typed Name

EXHIBIT "A"

Situate, lying and being in Dallas Township, Gaston County, North Carolina, and being more particularly described as follows:

BEGINNING at an established iron pin on the northernmost line of the property of William J. Summey as described in that deed recorded in Book 1946 at Page 708, said established iron pin is North 78 degrees 54 minutes 54 seconds East 302.30 feet from an established iron pin which is the southwesternmost corner of Robert J. Finger, Sr. and wife as described in those deeds recorded in Book 1388 at Page 98 and in Book 1462 at Page 764; thence a line through the property of Robert J. Finger, Sr. and wife, North 22 degrees 27 minutes 26 seconds West 467.51 feet to an iron pin on the margin of that certain Right of way and Easement described in Book 2848 at Page 771; thence with the margin of the foregoing right of way and easement (1) North 70 degrees 09 minutes 56 seconds East 41.38 feet; (2) South 85 degrees 29 minutes 35 East 92.90 feet and (3) South 73 degrees 17 minutes 15 seconds East 281.81 feet to an iron pin; thence leaving the foregoing right of way and easement, South 15 degrees 05 minutes 06 seconds West 343.44 feet to an iron pin on the northernmost line of the property of William J. Summey as described 1946 at Page 708; thence with the common line of Summey, South 78 degrees 54 minutes 54 seconds 136.0 feet to the point of beginning 2.481 acres.

There is conveyed in addition to the foregoing a perpetual nonexclusive right of way and easement for ingress, egress and regress to Wilson Boulevard as set forth in that Right of way and Easement Agreement recorded in Book 2848 at Page 771. In accepting this nonexclusive right of way and easement, the Grantee agrees for himself, his heirs, successors and assigns to pay a prorata share of the maintenance cost with the Grantor to maintain the same in an "all weather" condition.

The foregoing description was taken from an unrecorded survey prepared by John W. Lineberger dated April 20, 2001 captioned "Survey made at the request of Robert Finger".

BEING the identical property conveyed to Sharon Ann Brewster Rose and husband, Christopher Marcus Rose by that Deed dated September 14, 2011 and duly recorded in Book 4577 at Page 1396 of the Gaston County Registry.

Type: CONSOLIDATED REAL PROPERTY
Recorded: 9/22/2020 2:07:05 PM
Fee Amt: \$744.00 Page 1 of 3
Revenue Tax: \$718.00
Gaston, NC
Susan S. Lockridge Register of Deeds

BK 5157 PG 1988 - 1990

Sold

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$718.00

Parcel Identifier No. 303650 Verified by _____ County on the _____ day of _____, 20____
By: _____

Mail/Box to: Grantee

This instrument was prepared by: Hance & Hance, PA, 317 S. South Street, Gaston, NC 28052 (20-342)

Brief description for the Index: _____

THIS DEED made this 22nd day of September, 2020, by and between

GRANTOR	GRANTEE
Rosemary F. Routsong, Trustee of the Marilyn S. Finger Irrevocable Trust Agreement dated March 30, 2015 2701 Jackson Square Anderson, SC 29625	Jodie Depascale 1150 Meadow Way Drive Dallas, NC 28034

Enter in appropriate block for each Grantor and Grantee name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, parcel of land or condominium unit situated in the City of _____, Dallas Township, _____ Gaston County, North Carolina and more particularly described as follows:

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

The property hereinabove described was acquired by Grantor by instrument recorded in Book 5141 page 480. All or a portion of the property herein conveyed includes or X does not include the primary residence of a Grantor.

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

5157 1988

EXHIBIT "A"

BEGINNING at an existing iron pin situated on the northernmost line of the property of the Gaston Area Lutheran Foundation, Inc. as described in that deed recorded in the Gaston County Registry in Book 4633 at Page 377, said existing iron pin is situated at the southwesternmost corner of the property of Ryon Dearing and wife, Christina M. Dearing, as evidenced by that deed recorded in Book 4882 at Page 2145; thence with the common line of the property of Gaston Area Lutheran Foundation, Inc. as described in the foregoing deed, S 78-46-47 W 302.58 feet to an existing iron pin on the common line of the property of William J. Summey and wife, Carole Rogers Summey, as described in that deed recorded in Book 1946 at Page 708; thence with the common line of the property of William J. Summey and wife, Carole Rogers Summey, as described in the foregoing deed the following courses and distances; (1) N 35-29-18 W 99.02 feet to an existing iron pin, (2) N 48-58-59 W 165.08 feet to an existing iron pin, (3) N 43-30-00 W 317.50 feet to an existing iron pin and (4) N 14-00-00 E 318.09 feet to a point; thence a line through the property of Rosemary F. Routszong as Trustee of the Marilyn S. Finger Irrevocable Trust dated March 30, 2015 as evidenced by that deed recorded in Book 4777 at Page 1938, S 76-00-00 E 392.15 feet to a point; thence continuing with the common line of the property of Finger as described in the foregoing deed and with the common line of the property of Dearing, S 22-40-43 East and passing over and existing iron pin situated within the 20' access easement known as Meadow Way Dr. at 154.52 feet, a total distance of 622.28 to the point of beginning, containing 6.6978 acres together with a right of ingress, egress and regress along that 20' Non-Exclusive Right of Way and Easement now known as Meadow Way Drive as set forth in that instrument recorded in Book 2848 at Page 771.

The foregoing real property described above as designated as Tract # 1 as shown on that unrecorded survey prepared by Tanner and McConaughy, P.A., Registered Surveyors dated May 12, 2020 and revised June 5, 2020 captioned "Recombination Survey", made at the request of Rosemary F. Routszong.

Being the identical property conveyed to grantor herein by deed recorded in Book 5141 at Page 480 in the Gaston County Public Registry.

UNRECORDED

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

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Easements, restrictions and rights of way of record. Ad valorem taxes for the current year.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Marilyn S. Finger Irrevocable Trust Agreement dated March 30, 2016 (SEAL)

By: Rosemary F. Routszong (Entity Name) Print/Type Name: (SEAL)

Print/Type Name & Title: Rosemary F. Routszong Trustee Print/Type Name: (SEAL)

By: Print/Type Name & Title: Print/Type Name: (SEAL)

By: Print/Type Name & Title: Print/Type Name: (SEAL)

State of North Carolina - County or City of Gaston

I, the undersigned Notary Public of the County or City of Gaston and State aforesaid, certify that personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this day of 20

My Commission Expires: Notary Public (Affix Seal) Notary's Printed or Typed Name

State of - County or City of

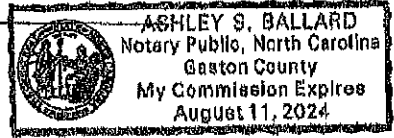
I, the undersigned Notary Public of the County or City of and State aforesaid, certify that personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this day of 20

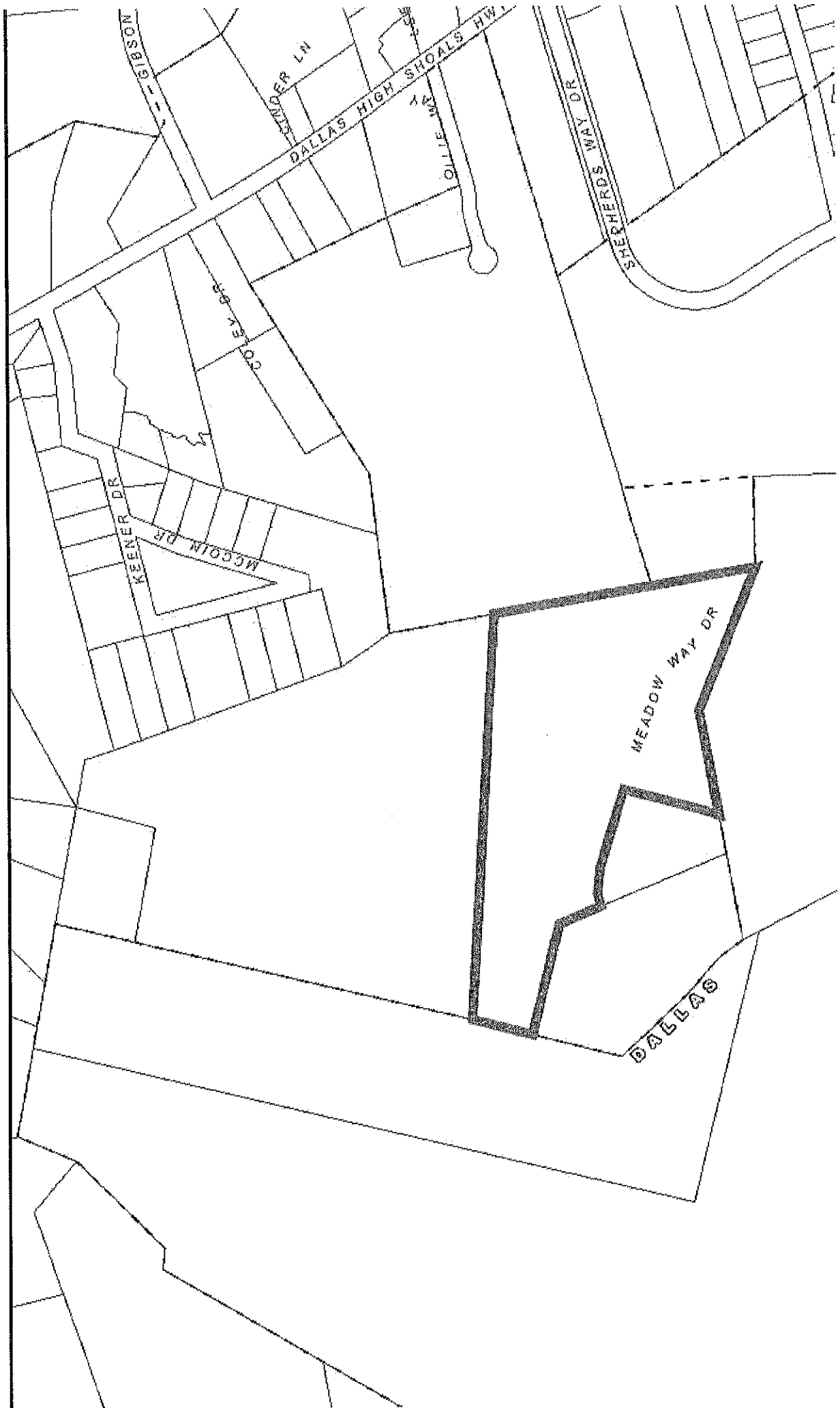
My Commission Expires: Notary Public (Affix Seal) Notary's Printed or Typed Name

State of North Carolina - County or City of Gaston

I, the undersigned Notary Public of the County or City of Gaston and State aforesaid, certify that Rosemary F. Routszong personally came before me this day and acknowledged that she is the Trustee of Marilyn S. Finger Irrevocable Trust Agreement a North Carolina or corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, she signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 21st day of September, 2020

My Commission Expires: (Affix Seal) Ashley S. Ballard Notary Public Notary's Printed or Typed Name





GIBSON

POWDER LN

DALLAS HIGH SHOALS HWY

OLLIE WAY

SHERHARDS WAY DR

COLLETT DR

KEENER DR

MCCOIN DR

MEADOW WAY DR

DALLAS

Consistency Statement

The proposed annexation of Parcel ID# 303651 into Town limits as R-5 Single Family Residential is consistent with the 2003 Future Land Use Plan's map designation as new residential and is therefore deemed reasonable and in the public's best interest as this lot abuts land designated for new residential development, supports and increased demand for housing in light of Dallas' current and anticipated growth, and aligns with the 20003 Land Use Plan's recommendation for new residential to be clustered so as to preserve open space and heighten pedestrian accessibility.

Curtis Wilson

11/19/20

Curtis Wilson, Planning Board Chairman

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Annexation Request: Rhyne Parcel ID #169184

AGENDA ITEM NO. 8B

MEETING DATE: 10/15/2020

BACKGROUND INFORMATION:

Helen P. Rhyne, owner of Parcel ID #169184 (no address assigned), is petitioning for annexation into the Town of Dallas for inclusion as part of a single-family residential development. The Parcel is considered non-contiguous.

This Parcel consists of 12.29 acres and is currently outside of Town of Dallas zoning. The 2003 Land Use Plan highlights this parcel for new residential development.

The applicant is seeking to be annexed into Town limits as R-5 Single Family Residential and is asking the Planning Board for their recommendation.

A sample consistency statement has been provided for your consideration.

Staff Recommendation: To recommend annexation of the parcel into Town Limits as R-5, single family residential with the provided consistency statement.

BOARD ACTION TAKEN:

TOWN OF DALLAS, NORTH CAROLINA
PETITION FOR ANNEXATION

PETITION NUMBER: _____ Contiguous Non-Contiguous DATE:

_____ FEE: \$100.00 * * *Petitioner understands there will be additional costs associated with this petition such as advertising, postage, etc. and agrees to pay these fees upon receipt of invoice(s).*

Current Property Use: Vacant Lot (zoned Commercial)

Planned Property Use: Residential development

Requested Zoning: R5

To the Board of Aldermen of the Town of Dallas:

We, the undersigned owners of real property, respectfully request that the area described as Helen P. Rhyne property on Dallas High Shoals Hwy., DALLAS, NC 28034, further identified as parcel ID # **169184** be annexed to the Town of Dallas.

Name of petitioner/property owner: Helen P. Rhyne

Mailing Address of property owner: 3633 Dallas Cherryville Hwy., Dallas NC 28034
Email Address: gailrsummey@gmail.com (daughter Gail R Summey's email)
Phone Number: 704-922-3625 (daughter Gail R Summey's phone 704-964-1162)

Attachments included with Petition:

1. Legal description (as noted in property deed)
2. Letter outlining reasons for annexation request
3. \$100 Fee

Applicant Signature: Helen P. Blyne

Date: 10-2-20 Received

By: _____ Date: _____

Mail To: Davis A. Rhyne, Route 1, Box 286, Dallas, N.C. 28034

This instrument was prepared by: William G. Holland, Attorney at Law

BOOK 1831 PAGE 531

WARRANTY DEED-Form WD-602

Printed and for sale by James Williams & Co., Inc., Yadkinville, N. C. 27053

STATE OF NORTH CAROLINA, Gaston County.

THIS DEED, made this 20th day of January, 1987, by and between EUGENE F. RHYNE and wife, EVELYN SUE RHYNE; and BOBBY H. RHYNE and wife, FRANCES S. RHYNE; and DAVIS A. RHYNE

of Gaston County and State of North Carolina, hereinafter called GRANTOR, and DAVIS A. RHYNE and wife, HELEN P. RHYNE, as tenants by

the entirety of Gaston County and State of North Carolina, hereinafter called GRANTEE.

WITNESSETH: That the Grantor, for and in consideration of the sum of One (\$1.00) Dollar and other good and valuable considerations to him in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has given, granted, bargained, sold and conveyed, and by these presents does give, grant, bargain, sell, convey and confirm unto the Grantee, his heirs and assigns forever in Dallas Township Gaston County, North Carolina, described as follows:

BEGINNING at a railroad spike in the paved portion of old U.S. Highway No. 321, said railroad spike being located South 28 degrees 17 minutes 28 seconds East 291.13 feet from the northernmost corner of that certain tract of land which was conveyed to Henry F. Rhyne and wife, Gertrude F. Rhyne, by E. Fritz Blankenship and wife, Evelyn Blankenship, by deed dated November, 1942 and recorded in the office of the Register of Deeds for Gaston County, North Carolina in Deed Book 434, at Page 360 and runs thence South 28 degrees 17 minutes 28 seconds East 291.14 feet to a railroad spike located in the right-of-way of old U.S. Highway No. 321; thence with the northwesterly boundary line of the property of Rauben Jerrell Stroup and wife, Blois Evans Stroup, as described in deed recorded in the abovementioned registry in Deed Book 1496, at Page 600, South 15 degrees 53 minutes 57 seconds West 305.50 feet to an existing iron pin; thence with Stroups' westerly boundary line, South 29 degrees 54 minutes 18 seconds East 68.14 feet to an existing iron pin; thence with the westerly boundary lines of the property of Thomas Ewell Poston and wife, Charlotte Lee Poston, and Phyllis R. Long Mullis as described in deeds recorded in the abovementioned registry in Deed Book 1254, at Page 82 and Deed Book 1334, at Page 524, respectively, South 29 degrees 45 minutes 20 seconds East 224.00 feet to an existing iron pin; thence with the westerly boundary line of the property of Lewis B. Clemmer and wife, Nollie Morrison Clemmer, as described in deed recorded in the abovementioned registry in Deed Book 1042, at Page 143, South 29 degrees 44 minutes 08 seconds East 75.03 feet to an existing iron pin; thence with the westerly boundary line of the property of E.M. Sartin and wife, Edna M. Sartin, as described in deed recorded in the abovementioned registry in Deed Book 1092, at Page 322, South 29 degrees 49 minutes 00 seconds East 143.84 feet to an existing iron pin; thence with the northerly boundary lines of the property of Jimmy D. Norman, Joseph P. Moffitt and wife, Billie L. Moffitt, Harold M. White and wife, Iris C. White, Larry K. Foster and wife, Mildred B. Foster, Mitchell B. McClure and wife, Nancy Frye McClure, and Douglas B. McClure and wife, Kimberly W. McClure, as described in deeds recorded in the abovementioned registry in Deed Book 1176, at Page 73, Deed Book 1110, at Page 388, Deed Book 1098, at Page 540, Deed Book 1030, at Page 167, Deed Book 1060, at Page 21, Deed Book 974, at Page 132, Deed Book 870, at Page 545 and Deed Book 1350, at Page 140, respectively, South 75 degrees 08 minutes 01 seconds West 1,265.39 feet to an existing iron pin located in the easterly boundary line of the property of Pearl J. Summey as described in deed recorded in the abovementioned registry in Deed Book 546, at Page 59; thence with Pearl J. Summey's easterly boundary line, North 18 degrees 08 minutes 14 seconds West 106.82 feet to an existing iron pin; thence with Pearl J. Summey's northerly boundary line, North 80 degrees 04 minutes 28 seconds West 165 feet to an iron pin set; thence with a new line, North 60 degrees 37 minutes 23 seconds East 1,101.88 feet to an iron pin set; thence with another new line, North 13 degrees 01 minutes 33 seconds East 666.72 feet to the point of beginning and containing 12.429 acres.

The above description by courses and distances is taken from a plat entitled "Survey Made at the Request of Gertrude F. Rhyne Est." made by John W. Lineberger, Registered Surveyor, dated July 30, 1946, on which subject property is identified as Tract No. 2, a copy of which said

Helen P. Rhyne - Petition for Annexation
Parcel # 169184

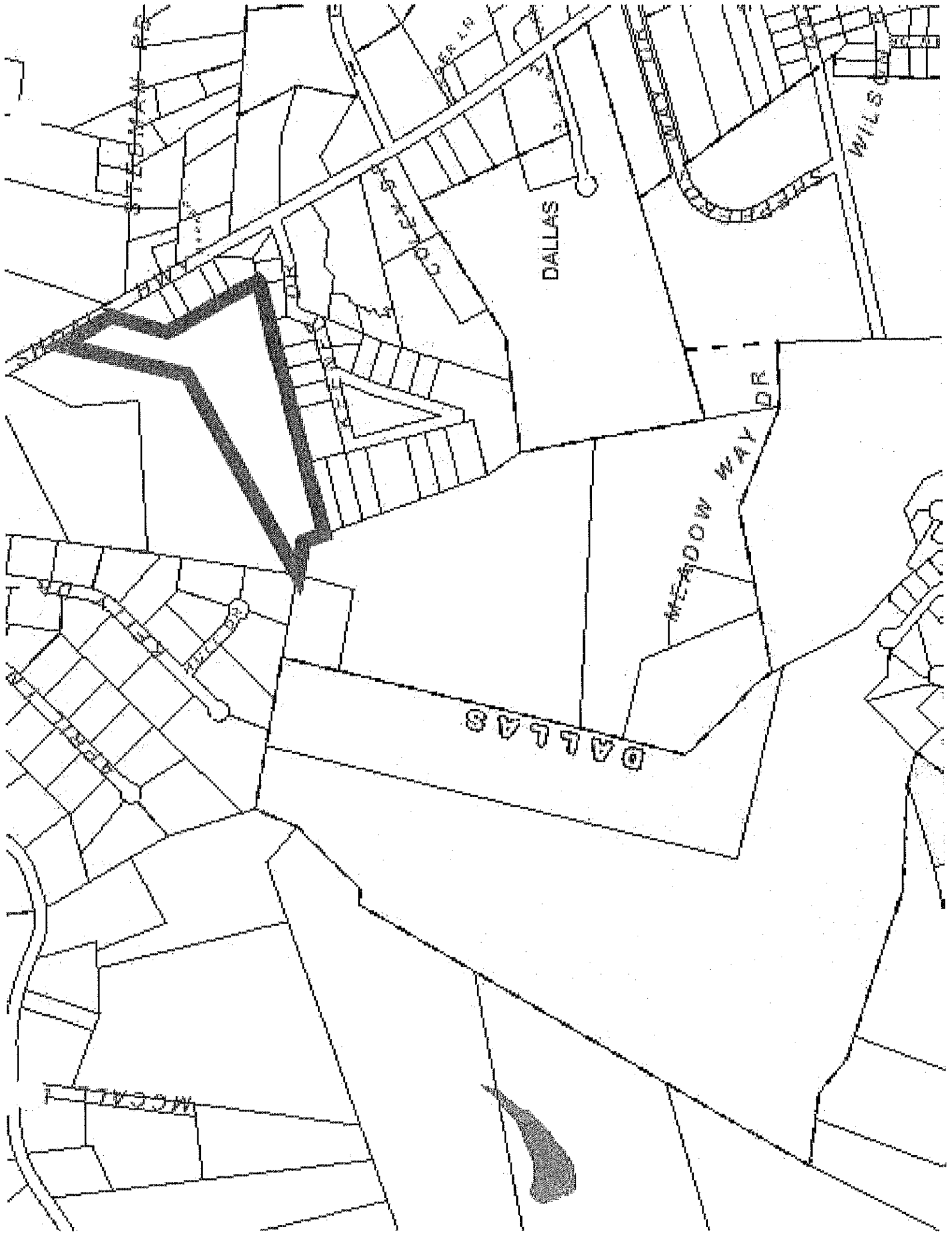
Letter outlining reason for annexation request:

We want this piece of property (Parcel # 169184) on Dallas High Shoals Hwy. annexed into the town of Dallas for possible residential development.

Applicant Signature:



Helen P. Rhyne



DALLAS

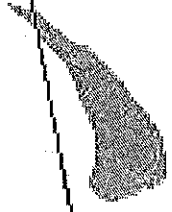
DR

MEADOW WAY

DALLAS

WILSON

MCCALL



Consistency Statement

The proposed annexation of Parcel ID# 169184 into Town limits as R-5 Single Family Residential is consistent with the 2003 Future Land Use Plan's map designation as new residential, and is therefore deemed reasonable and in the public's best interest as this lot abuts land designated for new residential development, supports an increased demand for housing in light of Dallas' current and anticipated growth, and aligns with the 2003 Land Use Plan's recommendation for new residential to be clustered so as to preserve open space and heighten pedestrian accessibility.

Curtis Wilson

11/19/20

Curtis Wilson, Planning Board Chairman

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Rezoning Recommendation: Summey Parcel ID #170286

AGENDA ITEM NO. 8C

MEETING DATE: 10/15/2020

BACKGROUND INFORMATION:

William J Summey and Carole R. Summey submitted a rezoning request to change from R-10 to R-5 Single Family Residential.

The 2003 Land Use Plan notes that this parcel is intended for new residential development.

Parcel 170057 is currently zoned R-5 and several petitions have been submitted to annex and rezone parcels in the area for a residential development.

All changes made to our current land use map require the approval of a consistency statement. This statement, if recommended, will accompany the applicant's rezoning application.

A sample consistency statement has been provided for your consideration.

Staff Recommendation: To recommend rezoning of the parcel from R-10 to R-5, single family residential with the provided consistency statement.

BOARD ACTION TAKEN:

TOWN OF DALLAS
REZONING APPLICATION

Location of Property: Dallas Township
Lot Size: 25.94 acres Current Zone/ Use: Residential Parcel ID# 170286

Name of Owner: <u>William J. Summey ; Carole R Summey</u>	
Address of Owner: <u>1506 Dallas-Cherryville Hwy Dallas NC 28034</u>	
Owner Phone #: <u>704-922-7318</u>	Email: <u>helenr.summey@icloud.com</u>

The undersigned hereby respectfully requests that the Dallas Planning Board, pursuant to the provisions of the Dallas Zoning Code, Article VII, and in compliance with NCGS 160A-387, recommend to the Dallas Board of Aldermen, a Zoning Classification change from

R10 to R5 On the following described property:

Deed Book 1944 page 0708 - see attached

William J + Carole R Summey, FURTHER IDENTIFIED AS PARCEL ID # 170286.

I certify that all the information provided in this application is accurate to the best of my knowledge, information and belief.

Carole R Summey
William J Summey
Signature of applicant

Oct. 2, 20
Date

Development Services Director

Date

Rezoning Application Fee can be found on the Town of Dallas' fee schedule.

Checks to be made payable to the Town of Dallas.

ADJACENT PROPERTY OWNERS TO NOTIFY
 (This Section is for Staff Use)

Parcel ID#	Owner Name	Mailing Address
301017	Ralph E Summey Land Holdings LLC	2608 Lakefront Drive Belmont NC 28012
169112	Timothy E Pressley	120 Kelly Drive Dallas NC 28034
169113	Nancy C Ratchford	125 Kelly Drive Dallas NC 28034
169114	Marilyn S Finger Irevoc Trust	1150 Meadow Way Dr Dallas, NC 28034
169122	Marilyn S Finger Irevoc Trust	1150 Meadow Way Dr Dallas, NC 28034
170287	Marilyn S Finger Irevoc Trust	1150 Meadow Way Dr Dallas NC 28034
303651	Marilyn S Finger Irevoc Trust	1150 Meadow Way Dr Dallas NC 28034
303650	Jodie Depascale	1150 Meadow Way Dr Dallas NC 28034
212567	Gastonia Area Lutheran Foundation	916 S Marietta St Gastonia, NC 28054

OFFICE USE ONLY

Date of Planning Board Hearing: _____ Approved? _____

Date of Board of Aldermen Meeting: _____ Approved? _____

BOOK 1946 PAGE 708

TIME 2:51
BOOK 1946
PAGE 708
11-8-88

DEED 12-00
TOTAL 12-00
CHECK 12-00
CHANGE 0-00
11/08/88 03 14431 0001 0097

Scale 1/4"

Recording Time, Book and Page

This Lot No. Parcel Identifier No.
Verified by County on the day of 19

Made after recording to Mr. and Mrs. William J. Summey (L.S. 5486)
1506 CHERRYVILLE HIGHWAY, DALLAS, N.C. 28039
This instrument was prepared by LARRY ROBINSON, JR. (DEED Book Only - No Closing)
Brief description for the index

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 22nd day of September 1988, by and between
GRANTOR GRANTEE

WILLIAM J. SUMMEY and wife,
CAROL R. ROGERS SUMMEY

WILLIAM J. SUMMEY and wife,
CAROL R. ROGERS SUMMEY

As Tenants by the Entireties

Enter in appropriate block in each party name, address, and, if appropriate, character of title, e.g. occupation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantee, for a valuable consideration paid by the Grantor, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple all of certain lot or parcel of land situated in the City of Dallas, County, North Carolina and more particularly described as follows:

SEE EXHIBIT "A" WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS IF FULLY SET OUT HEREIN.

RECORDING FEE 12.00
REVENUE 0.00

N. C. DEED FORM No. 1 3-1976, Revised 6-1977 - Approved by the State Bar of N. C., Raleigh, N. C., 1977

BOOK 1946 PAGE 710

Exhibit "A" - continued

TRACT THREE: BEGINNING at a stake situated within the right of way of NC Highway 279 (formerly NC Highway 277), said point of Beginning being Ralph E. Summey, Jr.'s southwesternmost corner as described in Deed Book 566 at Page 62, Gaston County Registry; thence leaving said road and running with the common line of the property of Ralph E. Summey, Jr. and with other property owned by Pearl Jenkins Summey, North 16 degrees 10 minutes East 1650.0 feet to a stake; thence North 73 degrees 30 minutes West 1060.0 feet to a stake on the old line; thence with the old line the following two courses and distances: (1) South 17 degrees 00 minutes East 510.0 feet to a stone, and (2) South 12-2/3 degrees West 1204.5 feet to a point, previously an old stone, situated in or near the right of way of NC Highway 279 (formerly NC Highway 277); thence South 72-3/4 degrees East 733.0 feet to the Beginning, containing 30 acres, more or less.

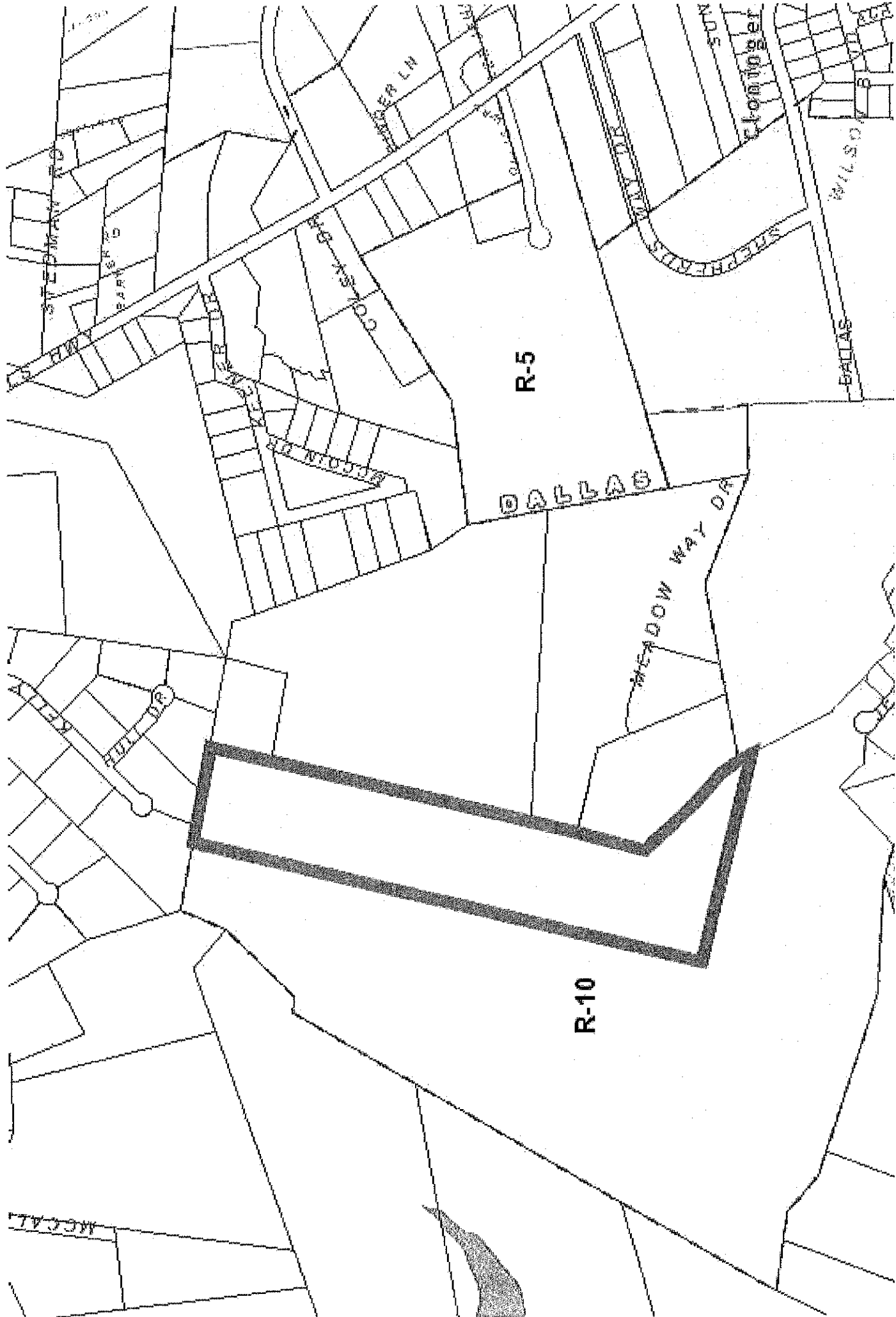
Reference is made to that deed recorded in Deed Book 1462 at Page 760. Further reference is also made to those certain deeds recorded in the Gaston County Registry in the following deed books and pages:

TRACT FOUR: BEGINNING at a large poplar, A. A. Rhynes corner, runs thence South 54 degrees West 16-1/2 poles to the center of Little Long Creek, Rhynes and Summey's corner; thence North 46 degrees West 23-1/2 poles to a point in the center of creek; thence North 54 degrees West 18 poles to a point in the center of creek; thence North 57 degrees West 27 poles to a point in the center of creek; thence North 81-3/4 degrees West 14 poles to a point in the center of creek; thence North 64-3/4 degrees West 15 poles to a point in the center of the creek; thence South 85-1/4 degrees West 14-1/2 poles to a point in the center of creek; thence South 47-1/2 degrees West 36 poles to a stake in said creek; thence leaving the creek North 86-1/2 degrees West passing Ralph Summey's corner 32 poles to an iron stake; thence North 70 degrees West 45 poles to an iron stake; thence North 49 degrees West 14-1/2 poles to a stone in a hedge; thence North 77 degrees West 20-3/4 poles to an iron stake, Thornburg's corner known as the Holland corner; thence with Thornburg's line North 29-3/4 degrees East 153 poles to a stone; thence North 56-1/2 degrees East 27-1/2 poles to an iron stake; thence North 19 degrees East 12-1/2 poles to an iron stake; thence South 79-1/4 degrees East 49 poles to a white oak tree, Thornburg's line; thence South 14 degrees West 121-3/5 poles to an iron stake; thence South 43-1/2 degrees East 19-1/5 poles to an iron stake; thence South 49 degrees East 10 poles to a stake; thence South 25-3/2 degrees East 6 poles to a stake; thence North 73-3/4 degrees East 48-3/4 poles to a stake; thence South 63-1/4 degrees East 32-1/4 poles to a small poplar; thence East 18-1/4 poles to an iron stake; thence South 5 degrees East 48-1/2 poles to a poplar, the Beginning corner, containing 126.93 acres, more or less.

BEING the identical property conveyed to Ralph E. Summey, Jr. and William J. Summey by that deed recorded in Deed Book 1050 at Page 748, Gaston County Registry.

SAVE AND EXCEPT that tract containing 123.318 acres conveyed to Ralph Eugene Summey and wife, Rachel Hamrick Summey by William J. Summey and wife, Carola Rogers Summey in that certain Deed dated July 22, 1988.

The purpose of this Deed is to create a tenancy by the entirety.



R-5

DALLAS

R-10

MEADOW WAY DR

CROMINGER

WILSON

SUN

STEPHENS

HENDER LN

COOK

HILL DR

KILBY

MCCALL

MCCALL

MCCALL

Consistency Statement

The proposed rezoning of Parcel ID# 170286 from R-10 to R-5 Single Family Residential is consistent with the 2003 Future Land Use Plan's map designation as new residential and is therefore deemed reasonable and in the public's best interest as this supports an increased demand for housing in light of Dallas' current and anticipated growth, and aligns with the 2003 Land Use Plan's recommendation for new residential to be clustered so as to preserve open space and heighten pedestrian accessibility.

Curtis Wilson

11/19/20

Curtis Wilson, Planning Board Chairman

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Annexation Request: Rhyne Parcel ID #301017

AGENDA ITEM NO. 8D

MEETING DATE: 10/15/2020

BACKGROUND INFORMATION:

Elizabeth A. Wilson, on behalf of Ralph E. Summey Land Holdings LLC, submitted a rezoning request to change from R-10 to R-5 Single Family Residential.

The 2003 Land Use Plan notes that this parcel is intended for new residential development.

Parcel 170057 is currently zoned R-5 and several petitions have been submitted to annex and rezone parcels in the area for a residential development.

All changes made to our current land use map require the approval of a consistency statement. This statement, if recommended, will accompany the applicant's rezoning application.

A sample consistency statement has been provided for your consideration.

Staff Recommendation: To recommend rezoning of the parcel from R-10 to R-5, single family residential with the provided consistency statement.

BOARD ACTION TAKEN:

TOWN OF DALLAS
REZONING APPLICATION

Location of Property: Dallas Township
Lot Size: 80.41 ACRES Current Zone/Use: Residential Parcel ID# 301017

Name of Owner: Ralph E Summey Land Holdings LLC
Address of Owner: 2608 Lakefront Dr. Belmont NC 28012
Owner Phone #: 704-913-1454 Email: elizabeth.wilson56@gmail.com
Elizabeth A Wilson

The undersigned hereby respectfully requests that the Dallas Planning Board, pursuant to the provisions of the Dallas Zoning Code, Article VII, and in compliance with NCGS 160A-387, recommend to the Dallas Board of Aldermen, a Zoning Classification change from

R10 to R5 On the following described property:

Plot Book 5091 Page 2099 - see attached
Ralph E Summey Land Holdings LLC, FURTHER IDENTIFIED AS PARCEL ID # 301017.

I certify that all the information provided in this application is accurate to the best of my knowledge, information and belief.

Elizabeth A Wilson
Signature of applicant

10/02/2020
Date

Development Services Director

Date

Rezoning Application Fee can be found on the Town of Dallas' fee schedule.

Checks to be made payable to the Town of Dallas.

ADJACENT PROPERTY OWNERS TO NOTIFY
(This Section is for Staff Use)

Parcel ID#	Owner Name	Mailing Address
212567	Gaston AREA Lutheran FND INC	916 S. Marietta St. Gastonia, NC 28054.
217885	Brian K & Nancy B Revels	212 Jersey Blvd Dallas, NC 28034
170311	Joe W Anderson + Mary W Andersons	246 Summey-Barker Dr Dallas, NC 28034
224094	Daniel C Barker	3819 Burton Lane Denver NC 28037
224093	Jason F + Tiffany L Faro	237 Summey Barker Dr Dallas, NC 28034
170825	Gaston County	PO Box 1578 Gastonia, NC 28053
170284	Ruby F Wallace	118 Meadowbrook Cir Dallas NC 28034-9957
227366	Independent Baptist Tabernacle	2128 Dallas-Cherryville Hwy Dallas NC 28034
216024	Pamela S Carter	124 Venice Dr Dallas, NC 28034
219351	HCF Dallas LLC 113 Hillcrest Farm Way Dallas	PO Box 100 Dallas, NC 28034

Page #1

OFFICE USE ONLY

Date of Planning Board Hearing: _____ Approved? _____

Date of Board of Aldermen Meeting: _____ Approved? _____

ADJACENT PROPERTY OWNERS TO NOTIFY
 (This Section is for Staff Use)

Parcel ID#	Owner Name	Mailing Address
227713	Larry B + Wayne Ann Penley	119 Polie Lane Dallas, NC 28034
170245	Larry B + Wayne Ann Penley	119 Polie Lane Dallas NC 28034
169054	Mary D Thornburg	416 Thornburg Rd Dallas NC 28034
169112	Timothy E Presley	120 Kelly Dr Dallas NC 28034
170 286	William J + Carter Summy	1506 Dallas Cherylene Hwy Dallas, NC 28034

OFFICE USE ONLY

Page #2

Date of Planning Board Hearing: _____ Approved? _____

Date of Board of Aldermen Meeting: _____ Approved? _____

Type: CONSOLIDATED REAL PROPERTY
Recorded: 12/31/2019 12:17:08 PM
Fee Amt: \$26.00 Page 1 of 2
Revenue Tax: \$0.00
Gaston, NC
Susan S. Lockridge Register of Deeds

BK 5091 PG 2099 - 2100

Prepared by Robinson & Lauterbach, Attys., PLLC, PO Box 1115, Gastonia, NC 28053-1115 (LS 11526)
Return to Grantee at 402 Reese Wilson Road, Belmont, NC 28012
Tax Identification # 301017 Revenue Stamps \$ - 0 -

Not Principal Residence - Acreage

Deed drawn only, no title

North Carolina Special Warranty Deed

THIS DEED made this 23rd day of December 2019, by and between

Elizabeth Ann Wilson as Trustee of Ralph E. Summey, Jr. Revocable Trust
under Agreement dated June 11, 1996
whose address is 402 Reese Wilson Road, Belmont, NC 28012

Grantor

and

Ralph E. Summey Land Holdings, LLC
whose address is 402 Reese Wilson Road, Belmont, NC 28012

Grantee

WITNESSETH, the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple in that certain tract or parcel of land situated in Dallas Township, Gaston County, North Carolina, and more particularly described as follows:

BEING the full contents of that 80.49 acre tract as shown on that plat prepared by Ledford & West, Land Surveying & Mapping, PLLC captioned "Survey for Elizabeth Wilson", a copy of which is recorded in the Gaston County Registry in Plat Book 89 at Page 17 to which reference is hereby made for a more full and complete description of said tract by metes and bounds.

Reference is made to that deed to the Grantor as set forth in that deed recorded in Book 5027 at Page 972.

- 1 -

submitted electronically by "Robinson and Lauterbach, Attorneys At Law, PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Gaston County Register of Deeds.

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

The Grantor covenants with the Grantee that the Grantor has done nothing to impair such title as Grantor received and that the Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor other than the following exceptions:

1. Ad Valorem taxes for 2019.
2. All Rights of ways, easements and restrictions of record, including building set back lines as shown on that plat recorded in Plat Book 84 at Page 29.
3. Sewer line right of way shown on survey, rights of others to use waters of creek and 100 year flood zone across southeasternmost portion of said tract.

IN WITNESS WHEREOF, Elizabeth Ann Wilson as Trustee of Ralph E. Summey, Jr. Revocable Trust under Agreement dated June 11, 1996 has hereunto set her hand and seal the day and year first above written.

Elizabeth Ann Wilson as Trustee of Ralph E. Summey, Jr. Revocable Trust under Agreement dated June 11, 1996
Elizabeth Ann Wilson, Trustee (Seal)
 Elizabeth Ann Wilson, Trustee

State of North Carolina
County of Gaston

I, Teresa P. Fisher, a Notary Public of Gaston County, North Carolina, certify that, Elizabeth Ann Wilson as Trustee of Ralph E. Summey, Jr. Revocable Trust under Agreement dated June 11, 1996, Grantor, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and official stamp or seal this 23rd day of December 2019.

SEAL

TERESA P. FISHER
Notary Public
Gaston County, NC
My Commission Expires: 10/09/2022

Teresa P. Fisher
 Teresa P. Fisher, Notary Public

seconds West 41.09 feet to an iron and (2) South 40 degrees 02 minutes 43 seconds West 116.70 feet to an iron on the margin of the right of way for Jersey Boulevard; thence along the margin of Jersey Boulevard the following courses and distances: (1) North 49 degrees 59 minutes 51 seconds West 63.30 feet and (2) along the margin of the cul-de-sac for Jersey Boulevard along the arc of a curve having a radius of 35' with the chord being North 16 degrees 46 minutes 30 seconds West 38.29 feet; (3) continuing along the margin of the cul-de-sac along the arc of a curve having a radius of 50' with the chord being North 62 degrees 53 minutes 40 seconds West 98.25 feet and (4) with the arc of a curve having a radius of 30' feet with the chord being South 08 degrees 25 minutes 09 seconds West 49.12 feet to a point on the common line of the property of Joe William Anderson and wife, Mary W. Anderson as described in that deed recorded in Book 3013 at Page 176; thence with the common line of the property of Anderson as described in the foregoing deed, North 48 degrees 18 minutes 33 seconds West 24.13 feet to an iron, said iron is a corner of the property of Anderson and Daniel C. Barker as described in that deed recorded in Book 3200 at Page 401; thence continuing with the common line of the property of Barker the following courses and distances: (1) North 86 degrees 11 minutes 57 seconds West 121.12 feet and (2) North 43 degrees 27 minutes 47 seconds West 151.72 feet to an iron; thence continuing with the common line of the property of Barker and with the common line of Lot # 1 of the "Minor Subdivision for Daniel C. Barker" as shown on that plat recorded in Plat Book 84 at Page 29, the property of Jason Issac Faro and wife, Tiffany L. Faro as described in that deed recorded in Book 4894 at Page 293, South 46 degrees 30 minutes 19 seconds West and passing over an iron pin at 20.06 feet a total distance of 360.04 feet to the point of beginning, containing 80.49 acres as shown on that plat recorded in the Gaston County Registry in Plat Book 89 at Page 17 to which reference is hereby made.

The foregoing description was taken from an unrecorded survey prepared by Ledford & West, Registered Surveyors dated November 2, 2018 caption "Survey for Elizabeth Wilson".

Reference is made to those deeds to Ralph E. Summey, Jr. recorded in Book 4727 at Page 2043 and Book 5910 at Page 401. The foregoing description includes that 1.423 acre Residual Tract shown on that plat recorded in Plat Book 84 at Page 29 which was conveyed to the Grantee as set forth in that deed from Daniel C. Barker and wife, Lauren Payseur Barker recorded in Book 5023 at Page 1729.

Ralph E. Summey Jr. died testate on February 06, 2018. In Item IV of his Last Will and Testament, Ralph E. Summey Jr. devised residuary estate unto the acting trustee under that certain Revocable Trust Agreement dated June 11, 1996. Reference is made to file 18 E 409 in the Office of the Clerk of Superior Court for Gaston County for Ralph E. Summey Jr.'s Probate Proceedings.

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

NORTH CAROLINA, GASTON COUNTY
REVIEW OFFICE OF GASTON COUNTY CERTIFIES THAT THIS MAP OR PLAN TO WHICH THIS CERTIFICATION IS APPLIED MEETS ALL THE STATUTORY REQUIREMENTS FOR RECORDATION.
REVIEW OFFICER: [Signature] DATE: 2-14-19

This plat does not make a subdivision of land as such, but is subject to the provisions of the Gaston County Unified Development Ordinance and may be recorded in the Gaston County Register of Deeds.



NOTES:
- SURVEY BASED ON PHYSICAL EVIDENCE
- NO FEATURES LOCATED OTHER THAN AS SHOWN
- PROPERTY MAY BE SUBJECT TO RECORDS OR UNRECORDED EASEMENTS NOT DISCLOSED
- NO TITLE SEARCH PERFORMED BY THIS FIRM
- PROPERTY MAY OR MAY NOT BE IN A FLOOD ZONE, UNLESS SPECIFIED ON SURVEY, UPON REQUEST
- ANY UNDERGROUND UTILITIES SHOWN CANNOT BE FULLY VERIFIED BY THIS FIRM UNLESS UNCOVERED FOR VISUAL INSPECTION
- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF TITLE ABSTRACT. THE PROPERTY IS SUBJECT TO ANY EXISTING EASEMENTS, RIGHTS OF WAY, RESTRICTIONS, STOPPING LINES, PARTIAL UTILITIES, FENCES, TANKS, MINERAL RIGHTS AND LANDS, WHETHER OR NOT SHOWN ON THIS PLAN OR WHETHER OR NOT RECORDED IN PUBLIC RECORDS.
- NOT SHOWN SUBJECT TO NC DOT VERIFICATION ZONING R-10

LEGEND:
● BENCH MARK
○ POINT
- UNMARKED POINT

CERTIFICATE OF FLOODPLAIN ADMINISTRATOR APPROVAL
This map was reviewed and approved for recording on 2/14/19.
SIGNED: [Signature] DATE: Feb. 14, 2019
[Signature]
FLOODPLAIN ADMINISTRATOR

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Ordinance of Gaston, North Carolina and that this plat has been approved by the County Clerk on 2/14/2019 for recording in the County Clerk's Office.

[Signature] DATE

I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the Town of Dallas and that I hereby adopt this plan of subdivision with my best interests, establish necessary boundaries, roads, easements, and other utility, water, parks, and other sites and easements to be used as noted. Furthermore, I hereby declare an existing easement to [Signature] an storm sewer system to [Signature] and all other easements [Signature].

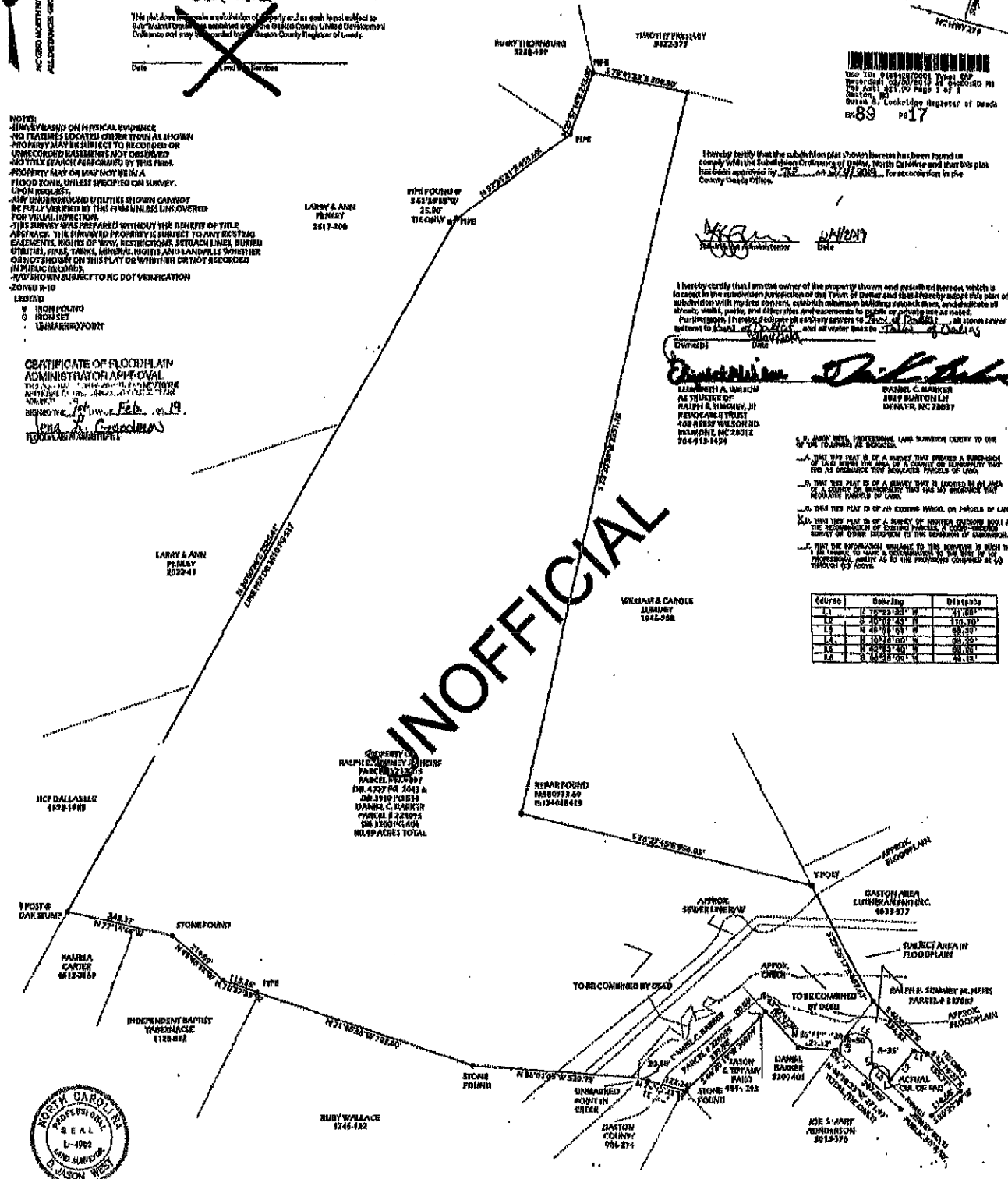
[Signature] DATE

ELIZABETH A. WILSON AS TRUSTEE OF RALPH B. SIMMONY, JR. REVOCABLE TRUST 402 BERRY WILSON RD. WILSON, NC 28012 704-912-1491

- I, JASON WEST, PROFESSIONAL LAND SURVEYOR CERTIFY TO THE FOLLOWING:
A. THE MAP OR PLAN TO WHICH THIS CERTIFICATION IS APPLIED MEETS ALL THE STATUTORY REQUIREMENTS FOR RECORDATION.
B. THIS MAP OR PLAN IS IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION ACT.
C. THIS MAP OR PLAN IS IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION ACT.
D. THIS MAP OR PLAN IS IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION ACT.
E. THIS MAP OR PLAN IS IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION ACT.

Course	Bearing	Distance
1	S 75° 23' 15" W	41.00'
2	S 40° 02' 45" W	110.70'
3	S 75° 23' 15" W	41.00'
4	N 10° 10' 00" W	58.25'
5	S 82° 13' 40" W	50.00'
6	S 10° 10' 00" W	48.15'

UNOFFICIAL



I, JASON WEST, CERTIFY THAT UNDER MY DIRECTION AND SUPERVISION THIS MAP WAS DRAWN FROM AN ACTUAL FIELD SURVEY THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BEING LINES THAT THE RATIO OF PROVISION AS CALCULATED IS A MINIMUM OF 1/100,000. THAT THIS MAP WAS PREPARED FOR RECORDATION, WITHIN MY ORIGINAL SIGNATURE, INDENTATION NUMBER AND DATE.
DATE OF SURVEY: NOVEMBER 2018
[Signature] NC 14-992

OWNER: RALPH B. SIMMONY, JR. TRUST ELIZABETH A. WILSON
EXECUTORS: 402 BERRY WILSON RD. WILSON, NC 28012 704-912-1491
DANIEL C. MARKER 3811 BURTON LN. DENVER, NC 28037

PROPERTY: ELIZABETH WILSON
TOWNSHIP: DALLAS TOWNSHIP, GASTON COUNTY, NC
PARCEL: 212548, 212549 & 212577
DOW: NOVEMBER 2, 2018
SCALE: 1" = 200' (APPROX.)
FILE: SUNNEY@GMAIL.COM

Type: CONSOLIDATED REAL PROPERTY
Recorded: 2/28/2019 11:05:57 AM
Fee Amt: \$26.00 Page 1 of 4
Revenue Tax: \$0.00
Gaston, NC
Susan S. Lockridge Register of Deeds

BK 5027 PG 972 - 975

Prepared by Robinson & Lauterbach, Attys., PLLC, PO Box 1115, Gastonia, NC 28053-1115 (LS 11526)
Return to Grantee at 402 Reese Wilson Road, Belmont, NC 28012
Tax Identification #s 212565, 224095 and 217887

Revenue Stamps \$ - 0 -

Not Principal Residence - Acreage

Deed drawn only, no title

North Carolina Special Warranty Deed

THIS DEED made this 28th day of February 2019, by and between

Elizabeth S. Barker aka Elizabeth Ann Wilson as Executrix
of Ralph E. Summey, Jr.'s Estate
whose address is 402 Reese Wilson Road, Belmont, NC 28012

Grantor

and

Elizabeth Ann Wilson as Trustee of Ralph E. Summey, Jr. Revocable Trust under
Agreement dated June 11, 1996

whose address is 402 Reese Wilson Road, Belmont, NC 28012

Grantee

WITNESSETH, the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple in that certain tract or parcel of land situated in Dallas Township, Gaston County, North Carolina, and more particularly described as follows:

BEGINNING at an existing stone, said existing stone is the northeasternmost corner of the property of Gaston County as described in that deed recorded in Book 986 at Page 274 and the same is also the southeasternmost corner of that 1.423 Acre Tract designated as "Residual" as shown on that plat captioned "Minor Subdivision for Daniel C. Barker", recorded in the Gaston County Registry in Plat Book 84 at Page 29 and further described in that deed of even date to the Grantee herein; thence with the common line of the property of Gaston County as described in the foregoing deed, North 74 degrees 15

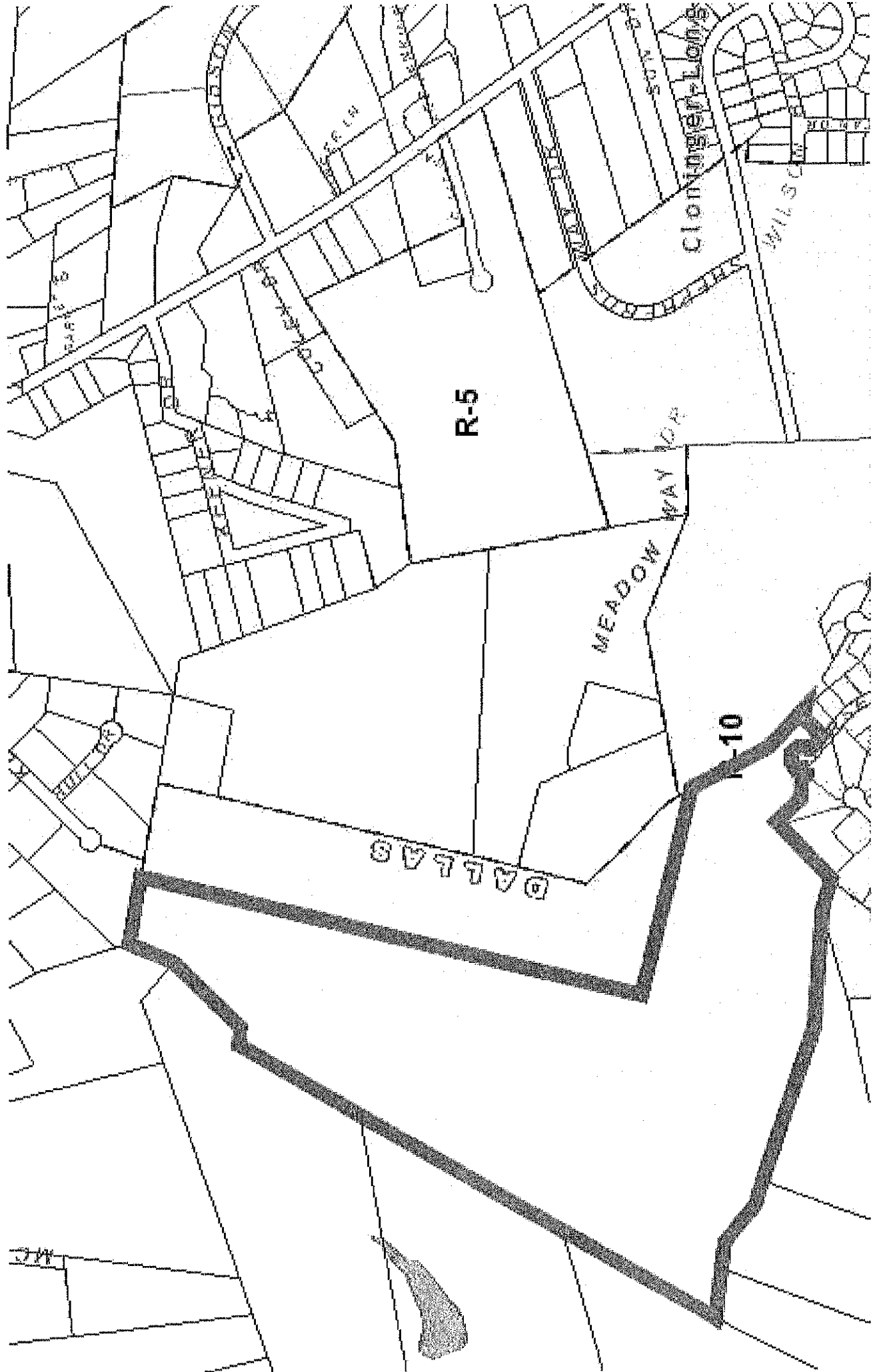
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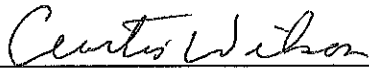
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TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.



Consistency Statement

The proposed rezoning of Parcel ID# 301017 from R-10 to R-5 Single Family Residential is consistent with the 2003 Future Land Use Plan's map designation as new residential and is therefore deemed reasonable and in the public's best interest as this supports an increased demand for housing in light of Dallas' current and anticipated growth, and aligns with the 2003 Land Use Plan's recommendation for new residential to be clustered so as to preserve open space and heighten pedestrian accessibility.



Curtis Wilson, Planning Board Chairman

§ 153.027 R-5 SINGLE FAMILY RESIDENTIAL.

(A) *Permitted uses.* Refer to the Permitted Uses Chart (Appendix C).

(B) *Lot area and width, yards and building height requirements.*

(1) Designation of this zoning classification shall be limited for the R-5: 250 acres contiguous max; 10 acres min.

(2) The requirements set forth in the Appendix A: Yard and Height Requirements for Residential Districts and Appendix B: Yard and Height Requirements for Business Districts shall govern.

(C) *Parking.*

(1) A minimum of four parking spaces of off-street parking per dwelling unit is required, to include enclosed and exposed spaces. In no case shall off-street parking space(s), whether enclosed or not, extend into the public right of way, or into an easement or a public sidewalk on private property.

(2) Attached and detached single family homes may be permitted to have front or side entry parking access if the following conditions are met:

(a) For attached single family homes, the minimum required off street parking space(s) whether enclosed or not, may not abut one another unless connected to an alley, privately maintained public access, and utility easement.

(b) Single or double bay side-loading off street parking spaces, whether enclosed or not, shall be permitted for the end unit of an attached house provided the minimum required off street parking spaces(s), whether enclosed or not, is recessed at least 1.5 feet behind the primary plane of the conditioned space of a residential structure.

(3) On-street parking where required and/or desired shall not be located within five feet of a driveway apron, within 15 linear feet of a fire hydrant, or any area specifically signed for no parking- including but not limited to designated bike lanes, fire access areas, and access easements. These areas shall be clearly marked with signage and/or striping.

(D) *Signs.* The requirements set forth in the sign regulations, §§ 153.080 through 153.087, shall apply.

(E) *Site plan.*

(1) (a) New construction within this zone shall only be permitted per an approved subdivision site plan.

(b) Developer shall hold at least one public information meeting prior to subdivision plan consideration for approval.

(2) Fifteen percent of the overall area to be developed shall be placed as open space, and each lot shall have direct access by right-of-way or easement to such open space. Such open spaces shall be held in nonprofit, corporate ownership by the owners of the lots within the development. The title to such open space shall be preserved to

the perpetual benefit of the private properties in the development and shall be restricted against private ownership for any other purposes. Twenty percent of the open space must have improvements. As an option, where the Board of Aldermen agrees, such open space may be dedicated to the town for public benefit.

(a) Where the property lies along an adopted corridor on the town's bike and pedestrian plan, the developer shall be required to construct that portion of the corridor as part of the overall site development. This area shall contribute to the open space requirements outlined above. The trailway may be dedicated for private use by properties within a development only until such time as the trail is extended - either by the town or as a result of adjacent development.

(b) Cul-de-sacs shall have a minimum ten foot wide paved pedestrian access path connecting to the nearest public space, street right-of-way, or common open space, and have paved pedestrian connections, where practicable to provide pedestrian access connectivity. This path shall be considered part of the required common open space within the development.

(3) Traffic control plans showing signage and pavement markings shall be prepared in accordance with the guidance of the Manual on Uniform Traffic Control Devices. The developer is responsible for the initial installation of the devices or markings and the maintenance thereof until a public agency (Town or NCDOT) accepts the street for maintenance.

(4) If the project contains multiple phases, the town may request a development agreement to be in place prior to approval of any subdivisions within this zone.

(F) *Design standards.* Development within this zone must comply with the requirements below, in addition to all other design and development standards outlined within the Zoning and Subdivision Codes as applicable.

(1) Balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into the front setback area up to eight feet.

(2) Mechanical equipment exceeding 16 square feet shall not encroach into any required setback.

(3) Elevated decks shall be constructed only in an established rear yard and are not permitted to encroach into the rear setback.

(4) Rear awnings, pergolas, etc. that are not enclosed may encroach the rear setback area up to eight feet. Enclosed additions are not permitted to encroach the rear setback.

(Ord. passed - -)

Permitted uses:

Single Family (Attached)

Single Family (Detached)

§ 153.018 MANUFACTURED/MOBILE HOMES.

Any mobile/manufactured home installed from and after the effective date of this section shall meet the following standards.

(A) Mobile home parks/subdivisions shall be located within a R-6 zone, and all new proposed locations shall be treated as a planned subdivision per G.S. § 160A-376 and comply with the town's subdivision development standards.

(1) A zoning permit and building permit shall be required for every structure located within a mobile home park, including replacement mobile homes.

(2) Accessory structures shall be limited to one per home, and must comply with the accessory structure requirements outlined in § 153.009.

(B) New mobile/ manufactured homes shall not be located on any parcel within town limits, unless the parcel has been approved as a mobile home park or subdivision.

(1) If an existing mobile home, regardless of location or zone, becomes damaged by fire, flood, explosion, earthquake, wind, storm, hurricane or any other act of God, war or riot, becomes damaged by any third-party by no fault of the owner, or becomes damaged by the owner by accidental means, it may be replaced at the same location with a home of the same size within a 12-month period.

(2) Any parcel containing a mobile home that has been removed for a period of greater than 12 months must comply with all current zoning regulations.

(3) All new or replacement mobile homes placed within the town shall include a masonry skirt, unless the mobile home is being replaced due to an act of God as defined in division (B)(1).

(Ord. passed 10-9-2018)

MANUFACTURED HOME, CLASS A. A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria.

(1) Consists of two or more sections;

(2) Has a minimum of 960 square feet of heated floor space;

(3) Is placed on a continuous permanent masonry unpierced except for required ventilation and crawl space door;

(4) The moving hitch, wheels and axles shall be removed after placement and before occupancy;

(5) The exterior materials shall be of a color, material and scale comparable to those existing in the immediate vicinity and in no case shall the degree of reflectivity of exterior finishes exceed that of gloss white paint;

(6) Roof pitch of the main structure shall have a minimum vertical rise of one foot for each five feet of horizontal run;

(7) The main portion of the structure when viewed from the front lot line., shall have a building length not exceeding four times the building width;











(8) The roof shall be finished with a type of shingle that is commonly used in standard residential construction; and

(9) The roof shall have an overhang extending at least ten inches from each vertical exterior wall.

§ 153.051 SUPPLEMENTAL USE REGULATIONS.

(C) *Mobile/ manufactured homes.* Must be Class A, and located in the R-6 zone only within approved mobile home parks or subdivisions.

- Q WEB
- SHOPPING HOME
- DEPARTMENTS
- STORES
- DEALS
- TRENDING PRODUCTS
- PRICE DROPS
- MY COLLECTIONS
- HALLOWEEN
- IMAGES
- VIDEOS

- | | | | | | | | | | | | | | | | | | | | |
|---|--|---|---|---|--|---|---|--|--|---|--|---|---|---|--|---|---|---|---|
|  | Novik Stacked Stone SK 50-Sq Ft Smoke Gray Faux Stone V...
\$155.12
Lowe's |  | Natural Stone Veneer Stacked Stone-Sample- Stacked St...
\$34.69
Lowe's |  | Natural Stone Veneer 0.2-Sq Ft Desert Sand Stone Venee...
\$34.69
Lowe's |  | Antico Elements Faux Stone Panels 5.9-Sq Ft Cappuccino Fau...
\$111.44
Lowe's |  | Natural Stone Veneer Split Face-Sample-Split Face-Oyster G...
\$34.69
Lowe's |  | Natural Stone Veneer 0.2-Sq Ft Oyster Gray Stone Veneer 1 Ft...
\$34.69
Lowe's |  | M-Rock Universal Trim Gray 33.3-Lin Ft Gray Manufactured ...
\$15.31
Lowe's |  | M-Rock Hearth Cap Stone 2.22-Sq Ft Brown Manufacture...
\$38.46
Lowe's |  | M-Rock Hearth Cap Stone 4-Sq Ft Brown Manufactured Ston...
\$53.85
Lowe's |  | Genstone G2 Exterior 0.44-Sq Ft Gray/Brown Faux S...
\$34.99
Lowe's |
|---|--|---|---|---|--|---|---|--|--|---|--|---|---|---|--|---|---|---|---|

Clear all filters

Ads


SHOW ONLY

Available nearby

BRAND

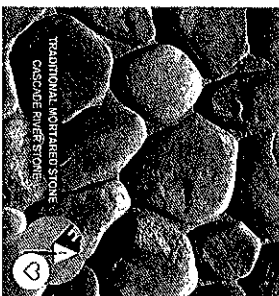
- Genstone
- M-Rock
- Antico
- Eterna Millwork
- Novik

+10 more



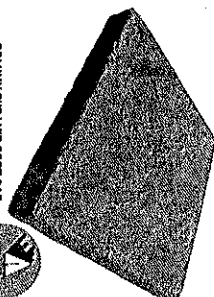
MSI P-SERIES 2-PIECE CORNER CHARLESTON EDGE STONE

\$57.69
Lowe's




TRADITIONAL MORTARED STONE CASCADE RIVER STONE

\$73.85
Lowe's



COLUMNS PYRAMID POST CAP GREY

\$41.08
Lowe's



M-Rock Universal Trim Gray 33.3-Lin Ft Gray Manufactured ...

\$111.44
Lowe's

Many ordinances also include various appearance standards to integrate the units aesthetically into surrounding neighborhoods with site-built homes. These standards typically include requiring a pitched roof, skirting around the underside of the unit or location on a permanent foundation, and orienting the unit to the front of the lot. Such appearance standards were upheld in *CMH Manufacturing, Inc. v. Catawba County*.^[18] The county required lap siding, minimum roof pitch, and shingled roofs for single-wide manufactured homes. Other county requirements that were not challenged included installation of a deck or porch, removal or screening of travel hitches, orientation on the lot, and brick underpinning or skirting for double-wide units. The court held that these were permissible "appearance" standards rather than "construction and safety" standards that are preempted by federal law.

Regulations on manufactured housing may not be based on the ownership of the unit, for example, allowing owner-occupied but not rental manufactured housing.^[19] Nor may zoning restrictions be based on the "type of people" presumed to be residing therein.^[20] Only legitimate land use-related factors may be considered in framing such regulations.

Modular Units

Most zoning ordinances do not apply the requirements for manufactured housing to factory-built housing that is built to State Building Code standards.^[21] The latter units generally are referred to as "modular" rather than "manufactured" homes. Modular units^[22] are often, but not always, treated as the equivalent of site-built homes for zoning purposes. State law does, however, set minimum design standards for modular units.^[23] requires modular units to meet these standards:

1. The pitch of the roof shall be no less than 5 feet rise for every 12 feet of run, for homes with a single predominant roofline.
2. The eave projections of the roof shall not be less than 10 inches (excluding roof gutters) unless the roof pitch is 8/12 or greater.
3. The minimum height of the first-story exterior wall must be at least 7 feet 6 inches.
4. The materials and texture of exterior materials must be compatible in composition, appearance, and durability to the exterior materials commonly used in standard residential construction.
5. The modular home must be designed to require foundation supports around the perimeter.

Private Covenants

There has also been considerable litigation in the state regarding the interpretation of private restrictive covenant provisions related to manufactured housing.^[24] However, these covenants are private agreements between the property owners involved. The interpretation, administration, and enforcement of these covenants do not affect government regulations.
