



**DATE:** May 22<sup>nd</sup>, 2018

**CASE #:** V-01-18

**DESCRIPTION:** Variance Request from setback requirements (Article 7)

**APPLICANT/OWNERS:** AMH NC Properties L.P.

**LOCATION:** 480 Riverglen Drive NW

**PIN#s:** 4599664894000

**ZONING:** RC – Residential Compact

**PREPARED BY:** Julian Burton, AICP – Development Review Administrator

***Application Summary:***

The subject property (480 Riverglen Drive) is developed as single family detached and is part of the Riverwalk subdivision, located near Pitts School Road and accessed off Clover Road NW. The final plat for the subdivision was recorded in 2001 as part of Riverwalk Phase 1, and the house was originally purchased in 2004 as new construction. The final plat was recorded under the R3 zoning district which is no longer a listed zoning district in the Concord Development Ordinance. R3 was similar to both the Residential Compact (RC) and Residential Village (RV) zoning districts that are now included in the CDO, and it required a 25 foot front setback, a 6 foot side setback, a 25 foot side street setback, and a 20 foot rear setback. The house is currently on its fourth owner and the Chain of Title shows all previous transactions.

Unfortunately, the original home builder constructed the house over the interior side setback line, and there was no action taken by any of the previous property owners to correct the situation. The current owner is requesting a variance from the side setback requirement in order to freely transfer and encumber the property. The application states that the applicant is requesting a variance from the original 6 foot side setback for the R3 zoning district. However, staff has confirmed with the applicant that the request should be modified to bring the property into conformity with the current zoning district, RC. Therefore, the request is actually to reduce the side setback by 3 feet, from 7 feet to 4 feet.

***Background information regarding Case V-01-18 is as follows*** (based on application review):

- The subject property is currently developed as single family detached residential
- The subject property is located at 480 Riverglen Drive NW
- The applicant is requesting variance from the side setback requirement
- The property was zoned R3 at time of platting, and is now zoned RC
- The original side setback was 6 feet
- The house was constructed 2 feet over the original side setback.
- The property is now located in the RC zoning district, which requires a 7 foot side setback

***Potential Board's Conclusions of Fact*** (based on staff's findings of fact):

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.
  - A strict application of the ordinance would require the owners to remodel the side of the house or move the entire house, either of which would be a significant financial hardship.
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 hardship does result from conditions that are peculiar to the property. The house was built in the early 2000s, and the builder constructed the house over the setback line, creating a hardship peculiar to this property for all subsequent owners.
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 did not result from actions taken by the applicant. Instead it was the result of the builder incorrectly constructing the house over the side setback line.
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.
  - The requested variance is consistent with the spirit, purpose, and intent of the ordinance so that public safety is secured, and substantial justice is achieved. The house has existed in its current location since its construction, and the variance will have no impact on the surrounding properties.

Do you:

**AGREE WITH STAFF RECOMMENDATION - Use Staff findings for motion. Clarify any conditions that you wish to include which are not included in staff findings.**

**DISAGREE WITH STAFF RECOMMENDATION – Provide alternate findings for motion. Clarify any conditions that you wish to impose, including any that may have been indicated in the staff report.**

*Staff Use Only*

**COMMISSION MOTION:**

**(Record**

**Motion)**

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**COMMISSION VOTE:**

**Member Name    Vote**

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**Application is:**  **Approved**  
 **Denied**

**Recorded by:** \_\_\_\_\_

Required Attachments/ Submittals for:

- 1. Typed metes and bounds description of the property (or portion of property). A recorded deed is sufficient, if the deed describes only the subject property.
- 2. Cabarrus County Land Records print out of names and addresses of all immediately adjacent landowners, including any directly across the street.
- 3. If applicable: 6 copies of a plan drawn to scale (conditional district plan) for the initial submittal to be reviewed by internal City Staff. 16 folded copies, with all plan review comments address, are required to be submitted for Planning and Zoning Commission meetings. (Check with staff for final submittal dates)
- 4. Money Received by \_\_\_\_\_ Date: \_\_\_\_\_  
Check # \_\_\_\_\_ Amount: \$ 500.00 Cash: \_\_\_\_\_

*The application fee is nonrefundable.*

**\*\*\* If any of the above requirements are not presented at the time of submittal of application, the application will not be accepted due to incompleteness. \*\*\***



(Please type or print)

*Note: A variance is not a right. It may be granted to an applicant, only if the applicant establishes compliance with the hardship criteria established in NCGS § 160A-388(d).*

Applicant Name, Address, Telephone number: \_\_\_\_\_  
AMH NC Properties L.P., a Delaware Limited Partnership

Owner Name, Address, Telephone number: \_\_\_\_\_  
30601 Agoura Road, Suite 200, Agoura Hills, CA 28027  
310-494-2290

Project Location/Address: \_\_\_\_\_  
480 Riverglen Drive NW, Concord, NC 28027

P.I.N.: \_\_\_\_\_ 45996648940000

Area of Subject Property (acres or square feet): \_\_\_\_\_  
2.0 SF

Lot Width: \_\_\_\_\_ Lot Depth: \_\_\_\_\_

Current Zoning Classification: \_\_\_\_\_ R-3

Existing Land Use: \_\_\_\_\_ Residential

Description of Use Requested: \_\_\_\_\_

*Variance Request*

I, AMH NC Properties, L.P., hereby petition the Board of Adjustment for a variance from the literal provisions of the City of Concord Development Ordinance because under the interpretation given to me by the Zoning Administrator, I am prohibited from using the parcel of land described in this application, in the manner that I have proposed. I request a variance from the following provisions of this Ordinance:

There is a 6' Side Yard Setback. The builder built the home 2 feet over the 6' Side  
Yard Setback.

So that the above-mentioned property can be used in a manner described herein:  
Residential

*Factors Relevant to the Issuance of a Variance*

The Board of Adjustment has limited discretion in deciding whether to grant a variance. In order to determine whether a variance is warranted in a particular case, the applicant must present the facts addressing four (4) criteria. Providing evidence supporting these conclusions is the responsibility of the applicant. Below, indicate facts to convince the Board of Adjustment that these criteria are met:

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:

The title is not marketable due to the setback violation, which can affect the Owner's ability to sell the property or obtain future financing on the property.

2. The hardship results from conditions that are peculiar to the property, such as the 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 hardship is peculiar to the property because the particular builder built the house over the setback line only on this property.

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.

AMN NC Properties L.P. did not take any action that caused this hardship. They merely purchased the property. The property was actually sold several times since the house was built (See attached Chain of Title).

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. The setback violation on this property is very minor. Granting the variance will allow the owners to freely transfer and encumber this property, which is every landowner's right. Granting the variance will result in substantial justice as they did not cause this issue, but merely inherited it by purchasing the property. The cost to move the entire house behind the setback line would cause unnecessary hardship.



The Board of Adjustment is not empowered to grant a variance without an affirmative finding of fact on all four (4) criteria above. Each finding of fact shall be supported by substantial evidence in the record of proceedings before the Board.

Under the State Enabling Act, the Board is required to take the evidence presented by the applicant and reach three (3) conclusions before it issues a variance. Below, indicate facts supporting these conclusions:

1. That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance:

The cost of moving the entire house behind the setback line is unnecessary hardship.

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2. That the variance is in harmony with the general purposes and intent of the Ordinance and preserves its spirit:

Setbacks are building restrictions imposed by property owners for reasons of safety, privacy,

and environmental protection. In this case, the fact that that the violation is only 2 feet over in a very limited area on the side of the property does not impact safety, privacy or the environment.

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3. That in granting the variance, the public safety and welfare have been assured and substantial justice has been done:

To the best of my knowledge, this is the only lot that has this issue. Substantial justice would be done by granting a variance.

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**Planning & Neighborhood Development**

35 Cabarrus Ave W ● P. O. Box 308 ● Concord, NC 28025  
Phone (704) 920-5152 ● Fax (704) 920-6962 ● [www.concordnc.gov](http://www.concordnc.gov)


The Board may also impose reasonable conditions upon the granting of any variance to insure that the public health, safety, and general welfare shall be protected and substantial justice has been done.

\*\*Calls or conversations with Board members prior to the meeting cannot be considered in the final decision and may result in the Board Member’s recusal due to a conflict of interest. If adjacent property owners are to testify on behalf of the applicant, they must be present. Petitions and written consent may be accepted by the Board, but they cannot be used as a basis for the decision.

***Certification***

*I hereby acknowledge and say that the information contained herein and herewith is true and that this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the City of Concord Planning & Neighborhood Development Department.*

Date: 3-27-18

Applicant Signature: 

**Staff Use Only:**

1. Scheduled for Planning and Zoning Commission consideration:  
 Date: \_\_\_\_\_, 20\_\_\_\_ Time: \_\_\_\_\_ Location:  
 \_\_\_\_\_
  
2. Date advertised, written notice(s) sent, and property posted: \_\_\_\_\_,  
 20\_\_\_\_\_
  
3. Record of Decision: Motion to: \_\_\_ Approve \_\_\_ Deny
  
4. Members vote:
 

	Yea	Nay
_____	___	___
_____	___	___
_____	___	___
_____	___	___
_____	___	___
_____	___	___
  
5. Planning and Zoning Commission recommendation: \_\_\_ Approve \_\_\_ Deny  
 If denied, was an appeal filed? \_\_\_\_\_
  
6. Applicant notified of Commission action:  
 \_\_\_\_\_
  
7. Comments: (see Minutes for details):  
 \_\_\_\_\_

FILED Oct 20, 2017  
AT 02:23:00 PM  
BOOK 12730  
START PAGE 0021  
END PAGE 0022  
INSTRUMENT # 27457  
EXCISE TAX \$430.00

**NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax: \$430.00  
Parcel Identifier No. 45996648940000  
Verified by \_\_\_\_\_ County on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_  
By: \_\_\_\_\_

Mail/Box to: Grantee  
This instrument was prepared by: Hankin Law, PLLC, 2820 Selwyn Avenue, Suite 425, Charlotte, NC 28209  
Brief description for the Index: LOT 27, RIVERWALK  
Title Co: Chicago

THIS DEED made this 18 day of October, 2017, by and between

GRANTOR	GRANTEE
<p><b>Cynthia Ann Bruns, married</b></p> <p><b>*Free Trader Recorded in Book 12392, Page 294</b></p> <p><i>Forwarding Address:</i> 3212 Rockhill Church Road Concord, NC 28027</p>	<p><b>AMH NC Properties, L.P., a Delaware Limited Partnership</b></p> <p><i>Mailing Address:</i> 30601 Agoura Road, Suite 200 Agoura Hills, CA 91301</p> <p><i>Property Address:</i> 480 Riverglen Drive NW Concord, NC 28027</p>

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 Concord, Cabarrus County, North Carolina and more particularly described as follows:

**BEING all of Lot 27 of RIVERWALK, Phase I, Map 4, as same is shown on map thereof recorded in Map Book 37, Page 49, Cabarrus County Public Registry.**

The property hereinabove described was acquired by Grantor by instrument recorded in Book 12392 Page 296.

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 Map Book 37, Page 49.

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.

\_\_\_\_\_  
(Entity Name) Cynthia Bruns (SEAL)  
Print/Type Name: Cynthia Ann Bruns

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

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

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

State of North Carolina  
County of Mecklenburg

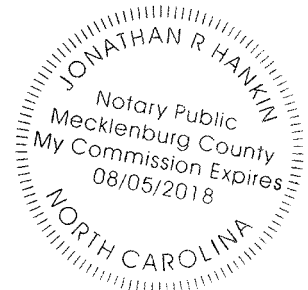
I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

Cynthia Ann Bruns  
\_\_\_\_\_  
(Insert name(s) of principal(s)).

Date: 10-19-17  
[Signature]  
Jonathan R Hankin Notary Public  
Notary's Printed or Typed Name

My Commission Expires:  
08-05-2018

(Official/Notarial Seal)



12392 0296

FILED ELECTRONICALLY  
CABARRUS COUNTY NC  
M. WAYNE NIXON

FILED Mar 10, 2017  
AT 03:13:00 PM  
BOOK 12392  
START PAGE 0296  
END PAGE 0297  
INSTRUMENT # 06012  
EXCISE TAX \$408.00

**NORTH CAROLINA  
GENERAL WARRANTY DEED**

Excise Tax: \$408.00

Recording Time, Book and Page:

Tax Map No. 2-45I-27.00

Parcel Identifier No: 4599 66 4894 0000

Mail after recording to: Kevin C. Link , 1 Buffalo Ave. NW, #3305, Concord, NC 28025

This instrument was prepared by: Kevin C. Link

THIS DEED made this 10th day of March, 2017 by and between

**GRANTOR**

Adam Roof and wife, Heather Roof

Mailing Address: PO Box 5002 Concord NC 28027

**GRANTEE**

Cynthia Ann Bruns, A Free Trader

Property Address: 480 Riverglen Dr NW , Concord, NC 28027

Mailing Address: 480 Riverglen Drive NW Concord NC 28027

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 and more particularly described as follows:

Lying and being in Number two (2) Township, Cabarrus County, North Carolina, and being Lot Number Twenty Seven (27) of Riverwalk, Phase I, Map 4, a map of said property being on file in Map Book 37, Page 49, Cabarrus County Registry to which reference is hereby made for a complete description thereof as to metes and bounds.

All or a portion of the property hereinabove described was acquired by Grantor by instrument recorded in Book 8269, Page 188, Cabarrus County Registry.

A map showing the above described property is recorded in Plat Book 37, Page 49, and referenced within this instrument.

Does the above described property include the primary residence (yes/no)? **Yes**

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.

submitted electronically by "Law Office of Kevin C. Link"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Cabarrus County Register of Deeds.

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:

Any and all valid and subsisting restrictions, reservations, covenants, conditions, rights of ways and easements properly of record, if any and current year ad valorem taxes, which shall be prorated at closing; and any matters which would be disclosed by a personal inspection of the property.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officer(s), the day and year first above written.

\_\_\_\_\_  
(Entity Name) Adam Roof (SEAL)

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Heather Roof (SEAL)

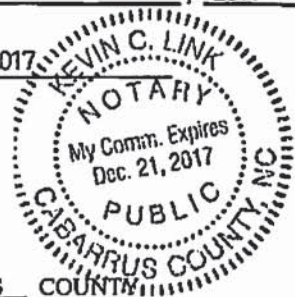
By: \_\_\_\_\_  
Title: \_\_\_\_\_ (SEAL)

\_\_\_\_\_ (SEAL)

NORTH CAROLINA CABARRUS COUNTY

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Adam Roof and wife, Heather Roof. Witness my hand and official stamp or seal, this the 10th day of March, 2017

My Commission Expires: 12-21-2017  
\_\_\_\_\_  
Notary Public  
Print Notary Name: Kevin C. Link



NORTH CAROLINA CABARRUS COUNTY

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: \_\_\_\_\_ . Witness my hand and official stamp or seal, this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

My Commission Expires: \_\_\_\_\_  
\_\_\_\_\_  
Notary Public  
Print Notary Name: \_\_\_\_\_

8269  
0188

FILED  
CABARRUS COUNTY NC  
LINDA F. McABEE  
REGISTER OF DEEDS  
FILED May 30, 2008  
AT 10:36 am  
BOOK 08269  
START PAGE 0188  
END PAGE 0189  
INSTRUMENT # 18143  
EXCISE TAX *Pa* \$341.00

**NORTH CAROLINA  
GENERAL WARRANTY DEED**

Excise Tax: **\$341.00**

Recording Time, Book and Page:

Tax Map No.

Parcel Identifier No: **02045I0027.000000**

Mail after recording to: **Anne W. Morrison, PO Box 145, Concord, NC 280260145**

This instrument was prepared by: **Anne W. Morrison**

THIS DEED made this 29th day of May, 2008 by and between

**GRANTOR**

**David L. Smith, II and wife, Kristen M. Smith**

**GRANTEE**

**Adam Roof and wife, Heather Roof**

**Property Address: 480 Northwest Riverglen Drive, Concord, NC 28027**

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 and more particularly described as follows:

**Lying and being in Number Two (2) Township, Cabarrus County, North Carolina, and being Lot Number Twenty Seven (27) of Riverwalk, Phase I, Map 4, a map of said property being on file in Map Book 37, Page 49, Cabarrus County Registry to which reference is hereby made for a complete description thereof as to metes and bounds.**

**For Back Title See Book 5153, Page 91.**

All or a portion of the property hereinabove described was acquired by Grantor by instrument recorded in Book     , Page     , County Registry.

A map showing the above described property is recorded in Plat Book 37, Page 49, and referenced within this instrument.

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

*17/g*



the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

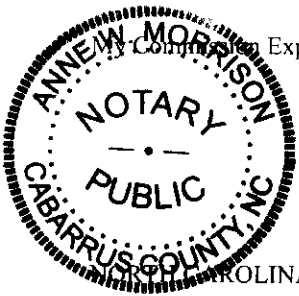
Title to the property hereinabove described is subject to the following exceptions:

**IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officer(s), the day and year first above written.**

_____	<u>David L. Smith, II</u> (SEAL)
(Entity Name)	David L. Smith, II
By: _____	<u>Kristen M. Smith</u> (SEAL)
Title: _____	Kristen M. Smith
By: _____	_____ (SEAL)
Title: _____	_____
_____	_____ (SEAL)

NORTH CAROLINA CABARRUS COUNTY

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that h e or she signed the foregoing document: David L. Smith, II and wife, Kristen M. Smith. Witness my hand and official stamp or seal, this the 29 day of MAY, 2008



My Commission Expires: 6/8/08

Anne W. Morrison  
Notary Public  
Print Notary Name: ANNE W. MORRISON

NORTH CAROLINA CABARRUS COUNTY

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that h e or she signed the foregoing document: \_\_\_\_\_, \_\_\_\_\_ . Witness my hand and official stamp or seal, this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public  
Print Notary Name: \_\_\_\_\_

CABARRUS COUNTY  
FILED  
02/23/2004 11:20 AM  
LINDA F. MCABEE  
Register Of Deeds  
By: *[Signature]* Deputy/Asst.  
EXCISE TAX \$303.00

**NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax: \$303.00

Parcel Identifier No. 2/45I/27.00 Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
By: \_\_\_\_\_

Mail/Box to: Grantee: 480 Riverglen Drive, Concord, NC 28027

This instrument was prepared by: Black, Rogers, Ruth, Grossman & Hastings, PLLC (04-0170TR)

Brief description for the Index: Lot 27, RIVERWALK

THIS DEED made this 17th day of February, 2004, by and between

GRANTOR

GRANTEE

ABBEY BUILDERS, INC.

DAVID L. SMITH II and wife,  
KRISTEN M. SMITH

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 Concord, No. 2 Township, Cabarrus County, North Carolina and more particularly described as follows:

LYING and being in Number Two (2) Township, Cabarrus County, North Carolina, and being Lot Number Twenty-Seven (27) of RIVERWALK, Phase I, Map 4, a map of said property being on file in Map Book 37, Page 49, Cabarrus County Registry, to which reference is hereby made for a complete description thereof as to metes and bounds.

The property hereinabove described was acquired by Grantor by instrument recorded in Book \_\_\_\_\_ page \_\_\_\_\_.

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

17

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:

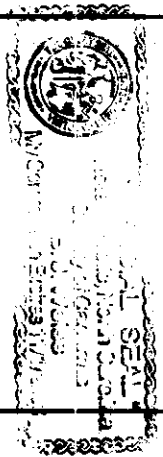
IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

ABBEY BUILDERS, INC. (SEAL)  
 (Entity Name)  
 By: *Paul Broadbent* (SEAL)  
 Title: *Vice Pres.* PAUL BROADBENT  
 By: \_\_\_\_\_ (SEAL)  
 Title: \_\_\_\_\_  
 By: \_\_\_\_\_ (SEAL)  
 Title: \_\_\_\_\_

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

USE BLACK INK ONLY



State of North Carolina - County of Cabarrus  
 I, the undersigned Notary Public of the County and State aforesaid, certify that Paul Broadbent personally came before me this day and acknowledged that he is the VP of Abbey Builders, 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 forgoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal this 17 day of February, 2004.  
 My Commission Expires: 11/1/2008  
B. J. Weiss  
 Notary Public

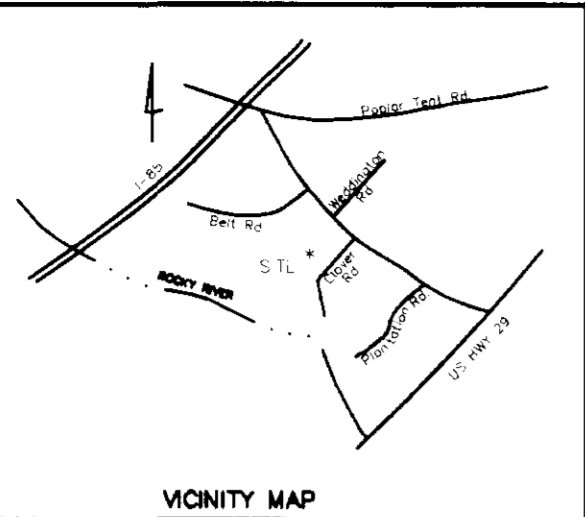
USE BLACK INK ONLY

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

USE BLACK INK ONLY

The foregoing Certificate(s) of B. J. Weiss a Notary Public 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.  
 Register of Deeds for Cabarrus County  
 By: *Debbie J. Deason* Deputy/Assistant - Register of Deeds

Book 37 Page 49



**Certificate of Ownership and Dedication**  
 I HEREBY CERTIFY THAT I AM OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE CITY OF CONCORD, AND THAT I HEREBY SUBMIT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM SETBACK LINES, AND DEDICATE TO PUBLIC USE ALL AREAS SHOWN ON THIS PLAN AS STREETS, WALKS, PARKS, OPEN SPACE AND EASEMENTS, EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE, AND THAT I WILL MAINTAIN ALL SUCH AREAS UNTIL ACCEPTED BY THE CITY OF CONCORD, AND FURTHER THAT I HEREBY GUARANTEE THAT I WILL CORRECT DEFECTS OF FAILURES OF IMPROVEMENTS IN SUCH AREAS FOR A PERIOD OF ONE (1) YEAR COMMENCING AFTER A CERTIFICATE OF APPROVAL HAS BEEN EXECUTED BY THE CITY, OR AFTER FINAL ACCEPTANCE OF REQUIRED IMPROVEMENTS, WHICHEVER OCCURS LATER.

*Warren*  
 OWNER

**Certificate of Final Plat Approval**  
 IT IS HEREBY CERTIFIED THAT THIS PLAT IS IN COMPLIANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF CONCORD AND THEREFORE THIS PLAT HAS BEEN APPROVED BY THE CONCORD BOARD OF ALDERMEN SUBJECT TO ITS BEING RECORDED WITH THE CABARRUS COUNTY REGISTER OF DEEDS WITHIN FIFTEEN (15) DAYS OF THE DATE BELOW.

2/15/01 *Jeff Young*  
 DATE DIRECTOR OF PLANNING  
 2/14/01 *John*  
 DATE CITY ATTORNEY

**Certificate of Streets, Water and Sewer System Approval and Other Improvements**  
 I HEREBY CERTIFY THAT ALL STREETS, STORM DRAINAGE SYSTEMS, WATER AND SEWER SYSTEMS AND OTHER IMPROVEMENTS HAVE BEEN DESIGNED AND INSTALLED, OR THEIR INSTALLATION GUARANTEED, IN AN ACCEPTABLE MANNER AND ACCORDING TO SPECIFICATIONS AND STANDARDS OF CONCORD AND THE STATE OF NORTH CAROLINA IN PHASE I, MAP 4 OF THE RIVERWALK SUBDIVISION.

2/16/01 *John*  
 DATE DIRECTOR OF ENGINEERING

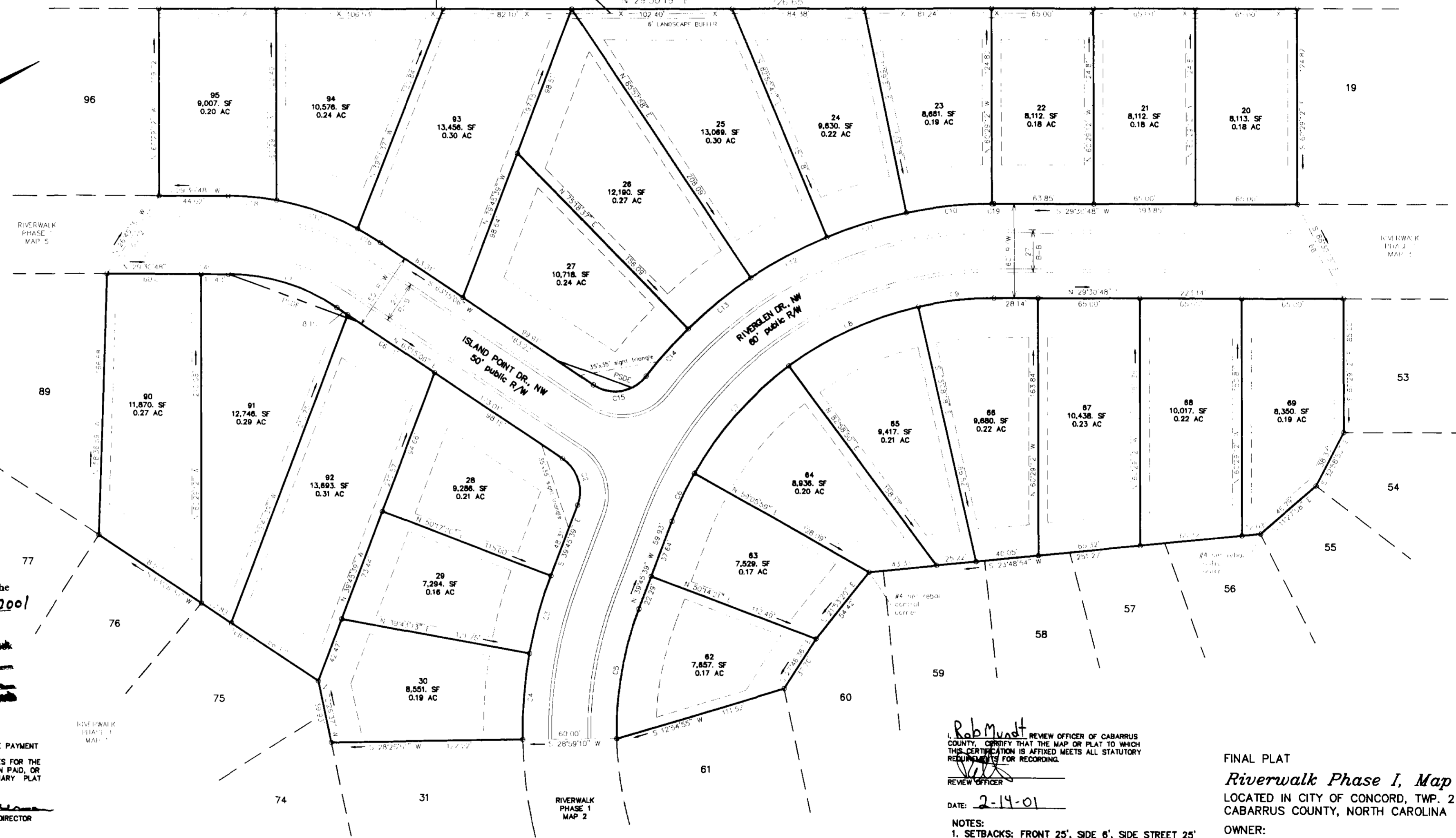
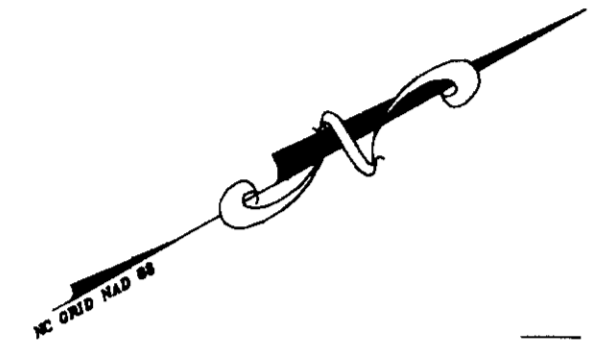
**Certificate of Electric Distribution System Approval**  
 I HEREBY CERTIFY THAT THE ELECTRIC DISTRIBUTION SYSTEM HAS BEEN DESIGNED AND INSTALLED IN AN ACCEPTABLE MANNER AND IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF CONCORD IN PHASE I, MAP 4 OF THE RIVERWALK SUBDIVISION.

2-14-01 *William A. Stearns*  
 DATE DIRECTOR OF ELECTRIC SYSTEMS

4599 - 56 - 5528  
 MARTIN MARIETTA MATERIALS, INC.  
 1777 - 181

4599 - 67 - 2450  
 DENNIS B. WATSON  
 2295 - 239

6' HIGH PRIVACY FENCE  
 TO BE INSTALLED



OFFICE REGISTER OF DEEDS  
 CABARRUS COUNTY, N. C.  
 Filed for Registration on the  
 15 day of Feb 19 2001  
 at 3:53 o'clock P M  
 and registered in Record Book  
 No. 37 Page 49  
*Cathy T. Jamison*  
 Deputy

**CERTIFICATE OF WATER AND SEWER CONNECTION FEE PAYMENT**  
 I HEREBY CERTIFY THAT ALL WATER AND SEWER FEES FOR THE RIVERWALK PHASE I, MAP 4, SUBDIVISION HAVE BEEN PAID, OR THAT FEES ARE NOT APPLICABLE SINCE PRELIMINARY PLAT APPROVAL OCCURRED PRIOR TO JUNE 18, 1998.

*John*  
 DATE FINANCE DIRECTOR

I, SAMUEL L. KING JR., CERTIFY THAT THIS MAP WAS DRAWN BY ME FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK 2873 - PAGE 0001); THAT THE ERROR OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES WAS 1:28,000+; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN DEED REFERENCES AS SHOWN; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY HAND AND OFFICIAL SEAL THIS 1st DAY OF DECEMBER, 2000.  
*Samuel L. King Jr.*  
 Samuel L. King Jr. LICENSE NO. L-3089

THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE CITY OF CONCORD WHICH HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.  
*Samuel L. King Jr.*  
 PROFESSIONAL LAND SURVEYOR LICENSE NO. L-3089



CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING
C1	125.00'	73.61'	37.90'	72.55'	N 46°22'57" E
C2	25.00'	33.59'	19.88'	31.12'	S 78°15'16" E
C3	280.00'	51.41'	25.77'	51.33'	S 45°01'13" E
C4	280.00'	55.17'	27.68'	55.08'	S 55°55'28" E
C5	220.00'	84.32'	42.68'	83.80'	N 50°44'27" W
C6	220.00'	34.02'	17.04'	33.99'	N 35°19'50" W
C7	220.00'	91.70'	46.52'	91.03'	N 18°57'35" W
C8	220.00'	91.70'	46.52'	91.03'	N 04°55'16" E
C9	220.00'	48.58'	24.39'	48.48'	N 23°11'15" E
C10	280.00'	55.08'	27.63'	54.99'	S 23°38'38" W
C11	280.00'	53.21'	26.68'	53.13'	S 12°33'51" W
C12	280.00'	55.17'	27.68'	55.08'	S 01°28'32" W
C13	280.00'	51.41'	25.78'	51.34'	S 09°25'48" E
C14	280.00'	40.55'	20.31'	40.52'	S 18°50'21" E
C15	25.00'	37.63'	20.31'	34.18'	S 20°07'54" W
C16	175.00'	16.87'	8.44'	16.86'	S 60°29'25" W
C17	175.00'	55.04'	27.75'	54.81'	S 48°43'08" W
C18	175.00'	31.14'	15.61'	31.10'	S 34°36'41" W
C19	280.00'	1.15'	0.57'	1.15'	S 29°42'34.5" W

- LEGEND  
 - - - - - PROPERTY LINE  
 - - - - - RIGHT OF WAY LINE  
 - - - - - LINE FROM DEED OR PLAT  
 O SET IRON PIN (#4 or 6)  
 - - - - - BUILDING SETBACK LINE  
 - - - - - EXISTING MONUMENTATION AS DESCRIBED  
 PSDE PUBLIC STORM DRAINAGE EASEMENT  
 SSE SANITARY SEWER EASEMENT  
 NMF/S NO MONUMENT FOUND OR SET  
 F FOUND  
 S SET

*Rob Must*  
 REVIEW OFFICER OF CABARRUS COUNTY. CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE: 2-14-01

- NOTES:  
 1. SETBACKS: FRONT 25', SIDE 6', SIDE STREET 25', REAR 20'  
 2. ZONING: R-3  
 3. THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AREA PER F.I.R.M. MAP NUMBER 37025C0080 D, NOV. 2, 1994.  
 4. FIELD TRAVERSE ADJUSTED BY THE COMPASS RULE ADJUSTMENT METHOD.  
 5. AREA COMPUTED USING COORDINATE METHOD.  
 6. ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES UNLESS NOTED.  
 7. TOTAL ACREAGE = 8.98 AC.  
 TOTAL NUMBER OF LOTS = 25  
 RESIDENTIAL ACRES = 5.54 AC.  
 STREET R/W ACREAGE = 1.44 AC.  
 RIVERSIDE DR., NW = 666 LF  
 ISLAND POINT CT., NW = 368 LF

FINAL PLAT  
 Riverwalk Phase I, Map 4  
 LOCATED IN CITY OF CONCORD, TWP. 2  
 CABARRUS COUNTY, NORTH CAROLINA

OWNER:  
 TWLS, INC.  
 787 WILLIAMSBURG DR., NE  
 CONCORD, NC 28025  
 704 - 788 - 3838

PLAT PREPARED BY:  
 KING ENGINEERING OF CONCORD, INC.  
 P. O. BOX 904  
 CONCORD, NC 28026  
 704 - 786 - 5464

DECEMBER 1, 2000  
 JOB NUMBER: 20059.04

SCALE: 1" = 50'

"I, MARK C. CARTER, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 12392, PAGE 296 OR OTHER REFERENCE SOURCE \_\_\_\_\_); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN PLATBOOK 37, PAGE 49 OR OTHER REFERENCE SOURCE \_\_\_\_\_; THAT THE RATIO OF PRECISION OR POSITION ACCURACY IS 1:10,000, AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA ( 21 NCAC 56. 1600)." THIS 18th DAY OF DECEMBER, 2017.

*Mark C Carter*



PROFESSIONAL LAND SURVEYOR  
NOTES

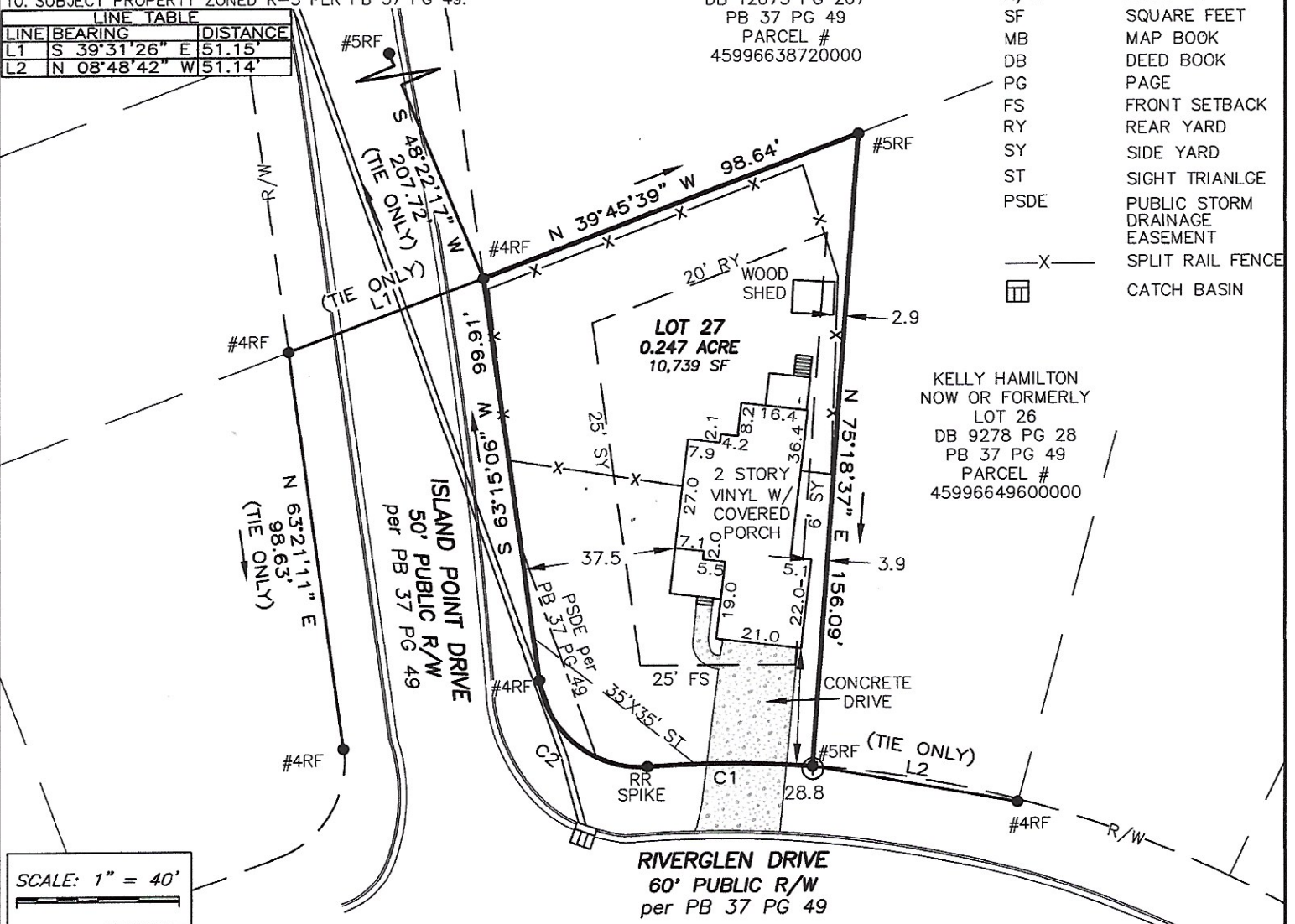
1. AREA CALCULATED BY COORDINATE COMPUTATION.
2. ADJOINING PROPERTY OWNERS NAMES WERE TAKEN FROM CABARRUS COUNTY TAX OFFICE RECORDS, AND ARE CONSIDERED AS NOW OR FORMERLY.
3. IRON RODS AT ALL CORNERS UNLESS NOTED.
4. THIS MAP IS SUBJECT TO ANY AND ALL APPLICABLE DEED RESTRICTIONS, EASEMENTS, RIGHT-OF-WAY, UTILITIES AN RESTRICTIVE COVENANTS AND PRELIMINARY PLAN WHICH MAY BE OF RECORD.
5. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES, MEASURED WITH ELECTRONIC MEASURING DEVICES.
6. LOT SUBJECT TO ALL ZONING ORDINANCES OF CITY OF CONCORD. BUILDER/OWNER MUST VERIFY THAT LOT IS IN COMPLIANCE WITH ALL COUNTY AND HOMEOWNERS ASSOCIATION ZONING ORDINANCES PRIOR TO ANY LAND DISTURBANCE OR CONSTRUCTION.
7. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH.
8. NO NCGS MONUMENT FOUND WITHIN 2000 FEET.
9. SETBACKS SHOWN ARE per CURRENT ZONING ORDINANCES UNLESS OTHERWISE NOTED.
10. SUBJECT PROPERTY ZONED R-3 PER PB 37 PG 49.

AMH NC PROPERTIES LP  
NOW OR FORMERLY  
LOT 93  
DB 12673 PG 267  
PB 37 PG 49  
PARCEL #  
45996638720000

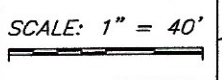
LEGEND

- RF REBAR FOUND
- RS REBAR SET
- R/W RIGHT-OF-WAY
- SF SQUARE FEET
- MB MAP BOOK
- DB DEED BOOK
- PG PAGE
- FS FRONT SETBACK
- RY REAR YARD
- SY SIDE YARD
- ST SIGHT TRIANLGE
- PSDE PUBLIC STORM DRAINAGE EASEMENT
- X- SPLIT RAIL FENCE
- [Symbol] CATCH BASIN

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 39°31'26" E	51.15'
L2	N 08°48'42" W	51.14'



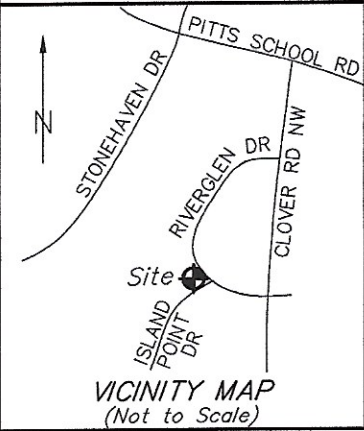
KELLY HAMILTON  
NOW OR FORMERLY  
LOT 26  
DB 9278 PG 28  
PB 37 PG 49  
PARCEL #  
45996649600000



FLOOD NOTE:  
NO PORTION OF THE SUBJECT PROPERTY SHOWN HEREON LIES WITHIN A SPECIAL FLOOD HAZARD AREA PER F.E.M.A. FLOOD INSURANCE RATE MAP. COMMUNITY PANEL 3710459900J, DATED: NOVEMBER 5, 2008.

CURVE TABLE						
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	
C1	40.56'	280.00'	8°17'56"	S 18°50'21" E	40.52'	
C2	37.63'	25.00'	86°15'04"	S 20°07'54" W	34.18'	

PHYSICAL SURVEY  
AT PROPERTY KNOWN AS  
# 480 RIVERGLEN DRIVE  
LOT 27, RIVERWALK, PHASE I, MAP 4  
PARCEL # 45996648940000  
PB 37 PG 49, DB 12392 PG 296  
CITY OF CONCORD, CABARRUS COUNTY, NC  
FOR: AMH NC PROPERTIES, L.P.

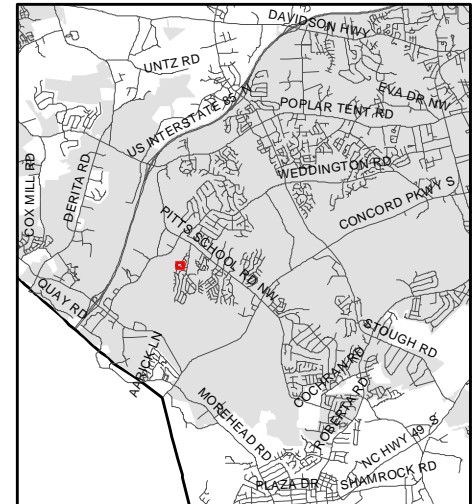


**PHOENIX LAND SURVEYING, INC**  
3316 OLD MONROE ROAD  
STALLINGS, NORTH CAROLINA 28104  
PH: (704)-335-1655  
EMAIL: INFO@PHOENIX-SURVEYING.COM  
FIRM # C-3912

**V-01-18  
ZONING MAP**

**Variance from the setback requirements included in Table 7.6.2.B for the RC zoning district. The requested reduction in setback width would be from the required 6 feet to 4 feet**

480 Riverglen Dr NW  
PIN: 4599-66-4894



Source: City of Concord  
Planning Department

**Disclaimer**

These maps and products are designed for general reference only and data contained herein is subject to change. The City Of Concord, it's employees or agents make no warranty of merchantability or fitness for any purpose, expressed or implied, and assume no legal responsibility for the information contained therein. Data used is from multiple sources with various scales and accuracy. Additional research such as field surveys may be necessary to determine actual conditions.

