



Town Hall: POB 970, 4117 Oak Ridge Road, Summerfield, NC 27358
ph: 336-643-8655 / fax: 336-643-8654 / www.summerfieldgov.com

BOARD OF ADJUSTMENT AGENDA

JUNE 27, 2013, 6:30PM, SFD COMMUNITY CENTER

1. Call to order
2. Introductions
3. Consent agenda:
 - A. Approval of agenda
 - B. Approval of 10/25/12 minutes
4. New business:
 - A. **CASE 01-13-V:** Charles R. and Patricia B. Gossage are requesting a variance of Article 4-4.1A 4-4.1 of the Summerfield Development Ordinance that addresses Agricultural and Single-Family District Dimensional Requirements for Agricultural, Rural Residential, Single Family, and Open Space Residential Districts, side yard setback (Reference Table 4-4-2). The required side yard setback for the subject property is 10 feet. The property is located at 3300 Squirrel Chase Rd, in Bruce Township: Guilford County Parcel Number 0147807.
 - B. **CASE 02-13-V:** Siddharth Mohan Patel is requesting a variance of Article 5-13.2(G)(b) of the Summerfield Development Ordinance that addresses flag lots. Specifically, the maximum "flagpole" length of shall be three hundred (300) feet. The existing land-locked property is located at 7926 Highfill Road, in Bruce Township: Guilford County Parcel Number 0146594 as the principal lot submitting the request.
5. Other business
6. Adjourn



Town of Summerfield – Board of Adjustment Minutes

Summerfield Community Center

October 25, 2012 | 6:30PM | 5404 Centerfield Road

Chair James Brady

Lewis Nash

William North

Michael Stewart

Ron Willis

Rob Lovell (Alternate)

Don Wendelken (Alternate)

The meeting was called to order at 6:30 pm by Chair James Brady, with the following present:

Board Members: James Brady, William North, Michael Stewart, Ron Willis, Robert Lovell (alternate)

Staff: Town Manager Scott Whitaker, Town Attorney William Hill, Interim Town Planner Bill Dustin, Town Clerk Valarie Halvorsen

CONSENT AGENDA

Mr. North made a motion to approve the May 24, June 28, July 25, and September 27, 2012 minutes, seconded by Mr. Willis and carried unanimously.

Regarding the agenda, Mr. Brady requested the addition of an update on the Lipinski litigation. Mr. Hill stated the case was scheduled to be heard in Superior Court during the week of November 5, 2012.

The agenda was approved by consensus.

NEW BUSINESS

Case # 01-12 SUP: Summerfield Holdings LLC is requesting a Special Use Permit for an Agricultural Tourism Facility at 3203 Pleasant Ridge Road, in Bruce Township: Guilford County Tax Map # 0146128.

Mr. Brady asked that all those wishing to present testimony please come forward to be sworn. The oath was administered by Mr. Hill, with the opening of the Public Hearing ensuing.

Duston presented the case, noting the request was for a major AgriTourism facility which includes the following: on-site sales of farm goods, special events that will be held in an existing barn and an outdoor tent to be placed on the site, a restaurant to be located on the site of an existing house located on the property, and tourist homes to be located in up to four existing structures located on the property. Mr. Duston discussed the conditions for approval, how the proposal conforms to policy areas of the Comprehensive Plan, and noted the burden is on the applicant to prove the proposal meets each of the four findings of fact.

Mr. North stated the ordinance requires that tourist homes be at least 400 feet apart; Duston stated while there are four structures, they are considered one entity. As to the seeming inconsistency about if there is a requirement that the owner of property where tourist homes must live there, Mr. Hill stated the language regarding AgriTourism supersedes requirements in other ordinance sections, therefore, the requirement does not apply. Mr. Willis questioned the proposed restaurant, asking if approval would be contrary to permitted uses under AG zoning. Mr. Duston noted the restaurant was designated as an allowable use under AgriTourism. Mr. Hill quoted from page 2-15, section 2-1.7 of the Development Ordinance for clarity: "A major facility includes the uses listed above plus restaurants, tourist homes, outdoor event or activity/centers, or similar uses that will enhance the over-all property in relation to tourism and is subject to issuance of a special use permit." Regarding potential uses, Hill advised the board that they should consider if the use promotes tourism or AgriTourism.



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David Couch, 6791 Meadow View Drive, stated the entire property is over 500 acres and has a long history of use as a farm. He wishes to preserve the farm usage while generating revenue to offset costs, and feels the property is an ideal location for AgriTourism.

Regarding the proposed restaurant, while the building meets the 50 foot setback requirement, the porch does not. Mr. Duston noted the Development Ordinance allows for a 5 foot egress into the setback area, and the additional 4 feet could be permitted with a variance. Mr. Hill feels it is appropriate and allowable to address the porch during this hearing.

Mr. Brady inquired about yearly renewals; Mr. Duston that is not yearly permit renewals are not mandated under the AgriTourism designation, but the property can be inspected as needed for compliance.

Mr. North is concerned with traffic and related safety issues. Mr. Couch stated if it was determined by NCDOT that there were problems attributed to his facility he was willing to install an acceleration/deceleration lane if needed. He further noted he planned to connect the two existing driveways to form a loop.

Greg Johns, 7450 Strader Road stated there have been 23 million acres of farmland lost in the U.S. with North Carolina losing more than any other state. He feels the only viable way to reduce sprawl and keep aesthetics is through AgriTourism, which allows property owners to generate income without development. He supports Mr. Couch's proposal.

Annie Beekman, 2804 Saint Regis Road, Greensboro has visited the farm and learned a lot about animals there. She is supportive of the proposal.

Troy Stanliff, 3200 Pleasant Ridge Road owns abutting property. He is a lifelong Summerfield resident who grew up on a farm located in a residential area. He states the property has always been a farm and feels the AgriTourism designation is way to keep the open space and farm use. Mr. Stanliff feels Mr. Couch is a man of his word and has addressed any and all concerns from neighbors.

John Van Kemp, 7275 Wyatt Drive is concerned with traffic, but supportive overall of the proposal, noting the plan meets the requirements and fits with the Comprehensive Plan.

Paula Nelson, 3241 Pleasant Ridge Road is concerned with the potential for other uses such as paintball and a shooting range, and with traffic and noise. She stated Mr. Couch has already begun advertising and feels the type of restaurant proposed needs to be defined.

Guy Morrison, 7600 Frogs Leap Way is a long time Summerfield resident who is fully supportive of a "noble cause". He feels Mr. Couch is a visionary and a person of integrity and that preservation is at that heart of what Summerfield is about. He looks forward to a market to purchase local food and a good restaurant.

Sue Phillips, 3203 Pleasant Ridge Road is the farm manager. Responding to an earlier query by Mr. North, she stated the farm animals are ruminant animals, meaning they do not produce e-coli bacteria. She states the farm offers a wonderful opportunity to learn where food comes from and exemplifies Summerfield's philosophy "Respectful of the Past, Focused on the Future".

Elizabeth Kutz, 3092 Pleasant Ridge Road in addition to living on Pleasant Ridge also has business



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property at 3102 and 3104 Pleasant Ridge Road. She feels that the proposed use will increase traffic to her business, but is greatly concerned about the increased traffic and potential related problems.

David Couch noted paintball and shooting ranges were already allowed under the current zoning, but he did not intend on such uses for the property. Mr. Duston noted that use was not requested on the SUP application. Regarding the advertisement Mrs. Nelson spoke of, Mr. Couch stated he did not approve the ad, that his caterer “jumped the gun” on issuing it. Regarding bar service, that issue is not in the purview of the board and would be addressed by the NC ABC Board.

Mr. Couch clarified that the AgriTourism request was for two parcels of land comprising 246 acres, not “approximately five (5) acres of the total 98.4 acres contained on the tract owned by David Couch” as stated in the staff report.

There was discussion about annual renewals. Mr. Whitaker noted a Special Event Permit required annual renewals, whereas the requested Special Use Permit does not. Mr. Hill concurred, noting a permit could be revoked due to violations.

Mr. Willis expressed concern about the driveways being appropriate as is, and asked about requiring NCDOT approval of the driveways as a condition. Mr. Couch reiterated his willingness to install an acceleration/deceleration lane if there is a proven need by NCDOT, however he does not want expend money for something that may not be warranted.

With no other speakers to offer testimony, Mr. Brady closed the Public Hearing at 8:52 pm.

Based on the Development Ordinance guidelines and regulations, as well as input from Mr. Hill, Mr. Stewart feels it is permissible to retain the porch as part of the restaurant structure, and stated his feeling that the proposal is an excellent example of preserving rural character. Mr. Lovell feels retaining the porch is appropriate and that the proposed plan will be beneficial to Summerfield. Mr. Willis agrees that the plan presents an asset to the Town but feels the board would be remiss to not address the driveway. Mr. Hill noted NCDOT could not dictate how a driveway is constructed. Mr. Couch offered the condition that he would get approval from a traffic engineer. Mr. North mentioned inconsistencies in the Development Ordinance, to which Mr. Hill stated that is a problem for the Town, not the applicant. Mr. Brady noted the allowance of “or similar uses” made him a bit uneasy, however, Mr. Couch had stated there would be no paintball or shooting range on the property.

Mr. Stewart made a motion to approve Case #01-12 Special Use Permit for an Agricultural Tourism Facility at 3203 Pleasant Ridge Road and allow the porch to be retained as part of the restaurant area, based on compliance with each of the following findings of fact:

- a. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted,
- b. That the use meets all required conditions and specifications,
- c. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity, and
- d. That the location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the Jurisdiction and its environs.



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The motion was seconded by Mr. Lovell and passed 4 to 1, with Mr. North opposed.

OTHER BUSINESS

Mr. Stewart noted the need for training of new Board of Adjustment alternates.

With no further business before the Board Mr. North made a motion to adjourn at 9:17 pm. The motion was seconded by Mr. Willis and carried unanimously.

James Brady, Chair

Valarie Halvorsen, Town Clerk



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NOTICE OF PUBLIC HEARINGS

The following Public Hearings will be held during the regular monthly meeting of the Summerfield Board of Adjustment on **June 27, 2013 at 6:30 PM*** at:

Summerfield Community Center
5404 Centerfield Rd
Summerfield, NC

CASE 01-13-V: Charles R. and Patricia B. Gossage are requesting a variance of Article 4-4.1A 4-4.1 of the Summerfield Development Ordinance that addresses Agricultural and Single-Family District Dimensional Requirements for Agricultural, Rural Residential, Single Family, and Open Space Residential Districts, side yard setback (Reference Table 4-4-2). The required side yard setback for the subject property is 10 feet. The property is located at 3300 Squirrel Chase Rd, in Bruce Township: Guilford County Parcel Number 0147807.

CASE 02-13-V: Siddharth Mohan Patel is requesting a variance of Article 5-13.2(G)(b) of the Summerfield Development Ordinance that addresses flag lots. Specifically, the maximum "flagpole" length of shall be three hundred (300) feet. The existing land-locked property is located at 7926 Highfill Road, in Bruce Township: Guilford County Parcel Number 0146594 as the principal lot submitting the request.

CASE 03-13-V: Siddharth Mohan Patel is requesting a variance of Article 5-13.2(G)(e) of the Summerfield Development Ordinance that addresses flag lots. Specifically, the maximum lot size of a Flag Lot shall be three (3) acres. The existing land-locked property is located at 7926 Highfill Road, in Bruce Township: Guilford County Parcel Number 0146594 as the principal lot submitting the request.

This notice is sent to all owners of property adjacent to the property requested for variance. Please discuss it with other residents who may have an interest in this request. Anyone wishing to be heard on this matter should appear at the public hearing, or arrange to be represented.

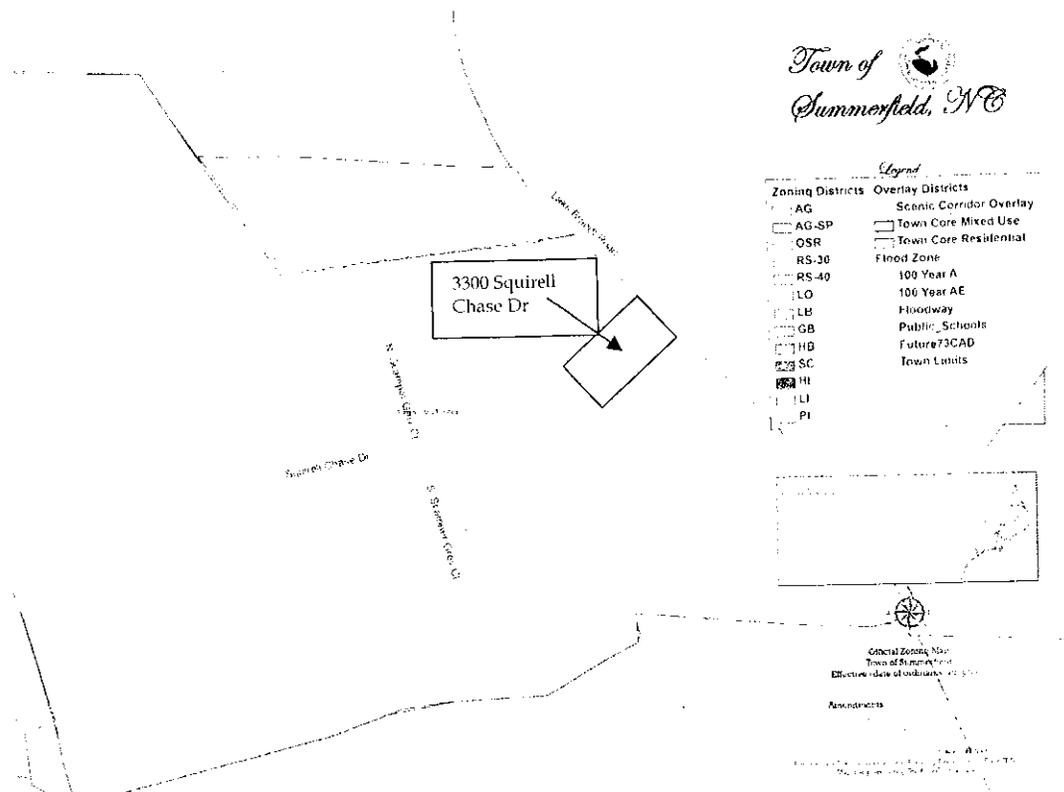
If you have any questions, please call the Planning Office at 643-8655.

Carol A. Carter, AICP
Town Planner
www.summerfieldgov.com

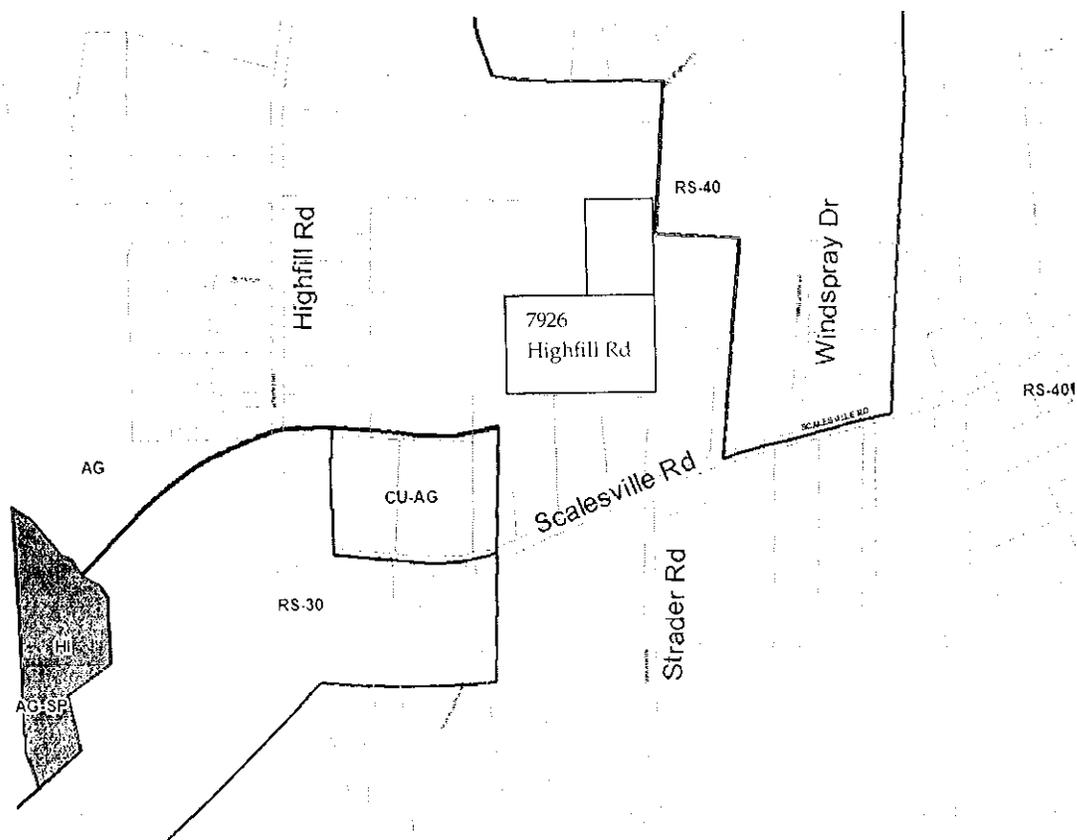
Council: Mayor Mark Brown, Dena Barnes, Alicia Flowers, Dianne Loughlin, Elizabeth McClellan, John Wray, Jr.

Staff: Scott Whitaker (Manager), Carol Carter (Planner), Jeff Goard (P&R Manager), Valerie Halvorsen (Clerk), Katrina Whitt (Finance Officer)

Case 01-13-V



Cases 02-13-V
03-13-V



GOSSAGE, CHARLES RAY JR ; GOSSAGE, PATRICIA B	3300 SQUIRREL CHASE DR	SUMMERFIELD	NC	27358
HUFFMAN, RODNEY L ; HUFFMAN, PAMELA J	3301 SQUIRREL CHASE DR	SUMMERFIELD	NC	27358
PARKER, CHERYL	6586 LAKE BRANDT RD	SUMMERFIELD	NC	27358
PROJA, JOHN N	3306 SQUIRREL CHASE RD	SUMMERFIELD	NC	27358
DOGGETT, W CLARK ; DOGGETT, JANIE G	7986 HIGHFILL RD	SUMMERFIELD	NC	27358
FRIDDLE, MARK D ; FRIDDLE, TRACIE P	7932 HIGHFILL RD	SUMMERFIELD	NC	27358
HALL, AMANDA FATE	2010 SCALESVILLE RD	SUMMERFIELD	NC	27358
LAWRENCE, Tommy	7924 Highfill Rd	SUMMERFIELD	NC	27358
LAWRENCE, EVERETT THOMAS	7922 HIGHFILL RD	SUMMERFIELD	NC	27265
MADDEN, ROYCE L ; MADDEN, SHARON L	1242 BLACKBERRY RIDGE DR	HIGH POINT	NC	27358
Page, Mark & Darlene	7923 Windspray Dr	SUMMERFIELD	NC	27358
PATEL, SIDDARTH MOHAN ; PATEL, VAIBHAVIS	7926 HIGHFILL RD	SUMMERFIELD	NC	27358
Peeden, Jody	7928 Highfill Rd	Summerfield	NC	27358
RIERSON, BETTY F	1926 SCALESVILLE RD	SUMMERFIELD	NC	27358
RIERSON, COLAN COLUMBUS	2000 SCALESVILLE RD	SUMMERFIELD	NC	27358
RIERSON, LEKALA A ; RIERSON, COLAN RIERSON ; RIERSON, W BARRY ; GAULDIN, SUSAN R	2029 SCALESVILLE RD	SUMMERFIELD	NC	27358
SH VERSTEIN, GARY ; SH VERSTEIN, ELIZABETH ELLEN D	7917 WINDSPRAY DR	SUMMERFIELD	NC	27358
Burnham, Brian & Lesley H Chase Partnership	3305 Squirrel Chase Dr 303 Orville Wright Dr	SUMMERFIELD Greensboro	NC NC	27358 27409



Variance Case 01-13-V

Charles and Pat Gossage are requesting a variance of Article 4-4.1 Dimensional Requirements of the Summerfield Development Ordinance which defines side setbacks for principal structures. The property is located at 3300 Squirrel Chase Road, in Bruce Township: Guilford County Tax Map #0147807.

The Gossage's purchased the existing house in at 3300 Squirrel Chase Road from the property developer in 1989. The structure was built and used as a Model Home for the new Squirrel Chase Subdivision approved by the Guilford County Planning Department. At that time, the property was located within the Guilford County jurisdiction. The property survey was provided at the date of sale and is attached (Attachment 1). Note that the existing structure constructed by the development company is within the current Development Ordinance's setback requirements (10'), making it a legal non-conforming structure at this time.

The applicants would like to extend the existing attached garage, part of the original structure for purposes of fitting both cars and for storage of fabric used by Mrs. Gossage, as well as additional storage. After discussing their proposal, it was determined that due to the construction angles of the existing attached garage, any new addition requires angle that would encroach an additional two (2) feet of the property to the north. The applicant has chosen to request a Side Setback Variance in order to move forward with the garage extension.

The property consists of 1.16 acres and is zoned Residential Single Family – 40 (RS-40). It is a part of the Squirrel Chase Subdivision. The uses adjacent to the lot are as follows:

North: Empty lot of Squirrel Chase Subdivision – it is deemed unbuildable due to lack of soil conditions allowing septic improvements (this is the property adjacent to the setback variance request)

East: Lake Brandt Road

South: Squirrel Chase Road and a single family residence within subdivision

West: Single family residence within subdivision

Pictures of the area of setback are attached (2) and the fence in the background can be seen. That is the actual property line of the subject property. The Gossage's have actually landscaped and maintained a portion of the property for some years.

The Variance Application is for encroachment into the side setback of the subject property. It includes in order of attachment:

1. Completed variance forms.
2. Site plan showing proposed garage extension dimensions, etc.
3. Notice to abutting property owners.
4. Pictures of the property showing the subject area

The Town of Summerfield Development Ordinance Article 4-4 Dimensional Requirements states that “Within the zoning districts as shown on the Official Zoning Map, all the following dimensional requirements shall be complied with.” Section 4-4.1 states “Dimensional Requirements for Agricultural, Rural Residential, Single Family and Open Space Residential Districts are found on Table 4-4.2 (attached). The dimensional side setback requirement for RS-40 as indicated on the table is 15 feet.

The decision of the Board of Adjustment should be based on the factors included in section 9-4.8 of the development ordinance. The factors that should be decided are that a hardship exists, that the variance would be in harmony with the general purpose of the ordinances, and that granting the request assures the public safety and welfare. The Board may determine the hardship if 1) no reasonable use of the property may be made if the applicant complies with the regulations, 2) the hardship results from unique circumstances, 3) the hardship relates to the applicant’s property, and 4) that the hardship is not the result of the applicant’s actions.

It appears that the structure, as purchased in 1989 was either within allowable setback limits (Guilford County cannot find any limits as constructed in past ordinances or any variances issued by the County). A hardship appears to exist in that the property was constructed as such by the original developer. The attached garage construction angles require an extension to be at the proposed angle. The construction of the existing house, as well as an addition on the opposite end of the house was permitted by the governing body which was Guilford County at the time of permitting. The proposed variance request does not impact the harmony of the neighborhood as it is designed to be the same façade, etc. as the existing home.

The Board of Adjustment first considers the findings of fact. If those findings lead to the approval of a variance, they should consider that minimum variance that would make a reasonable use of the land, without jeopardizing the general purpose and intents of the Development Ordinance.



Town Of Summerfield
Development Bulletin

BOA Application
Cover Sheet

Case Number 01-13-V

Date Filed 6-3-2013

Street Address of Appeal 3300 Squirrel Chase

Zoning of Property RS-40

Township Bruce

Tax Map Number 0147807

Type of Appeal: Variance Interpretation () (Appropriate Forms Attached)

Name and Address of Property Owner: Charles & Pat Gossage Jr
3300 Squirrel Chase Dr
Summerfield, NC 27358

Name & Address of Applicant (if different): _____

Applicant/Owner Telephone Number: 336-643-1300

If title to above mentioned property is not in the name of the applicant and appeal is on behalf of such property, attach a notarized letter from the owner signifying his or her approval.

April 11, 2013
Date

Charles R. Gossage Jr
Signature of Applicant

Board of Adjustment Checklist:

Following is a list of materials and information which you must supply this office by 12:00 Noon 6-3-2013 in order to have your case presented at the Board of Adjustment meeting to be held at 6:30 p.m. in the Summerfield Community Center on June 27, 2013. Failure to comply with all of the following may result in the case being delayed.

1. Completed appeal forms/ variance application
2. Site/Plot Plan (drawn to scale) showing the property as it exists and with any proposed additions, structures, buildings, driveways, well, septic system, and abutting streets, and any other additional information pertinent to the request.
3. Copies of County Tax and Zoning Maps showing the property and adjoining parcels (available from the Summerfield Planning Department).
4. Written statement outlining the request and any information you wish to present to the Board for their consideration (optional).
5. Provide a minimum of 4 photographs showing the area affected by your appeal. Graphics or architectural sketches may be used to fill this requirement.
6. If applicable, approval from the Guilford County Health Department (373-7613) 644-7613

Fee Paid: \$100

Receipt No. 903



Town Of Summerfield
Development Bulletin

Variance
Application

Case Number 01-13-V

To the Summerfield Board of Adjustment:

I, Charlie Gossage Jr, hereby petition the Board of Adjustment for a VARIANCE from the literal provisions of the Development Ordinance because, under the interpretation given to me by the Enforcement Officer, I am prohibited from using the parcel of land described in the attached form (Application Cover Sheet) in a manner shown by the plot plan attached to that form. I request a variance from the following provisions of the ordinance (cite section numbers):

Article 4-4, 1 Dimensional Requirements - RS-4 side yard setback
so that the property can be used in a manner indicated by the plot plan attached to the Application Cover Sheet or, if the plot plan does not adequately reveal the nature of the variance, as more fully described herein:

Existing structure built w/non-conforming side yard setback
Purpose for variance to build addition (garage) & reduce addition

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE distance on side yard setback

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach three conclusions before it may issue a variance: (1) that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance; (2) that the variance is in harmony with the general purposes and intent of the ordinance and preserves its spirit; and (3) that in granting the variance, the public safety and welfare have been assured and substantial justice has been done. In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these three required conclusions.

1. THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS THAT WOULD RESULT FROM CARRYING OUT THE STRICT LETTER OF THE ORDINANCE. The courts have developed four rules to determine whether in a particular situation "practical difficulties or unnecessary hardships" exist. State facts and arguments in support of each of the following:

a. If the applicant complies with the provisions of the ordinance, he/she can make no reasonable use of his/her property. (It is not sufficient that failure to grant the variance simply makes the property less valuable.)

addition to existing garage X 20 feet to same design as existing. Will increase property value.

b. The hardship of which the applicant complains results from unique circumstances related to the applicant's property. (Note: Hardships suffered by the applicant in common with his/her neighbors do not justify a variance. Also, unique personal or family hardships are irrelevant, since a variance, if granted, runs with the property. The hardship results from the nature of the property, i.e. lot conditions.)

Property was sold to us in 1989 with existing setbacks. House was already constructed as a mobile home.

c. The hardship results from the application of the ordinance to the property.

Property was sold with set backs and permitted by county. I have tried ~~to~~ to purchase adjacent property, but owner unwilling to negotiate.

d. The hardship is not the result of the applicant's own actions.

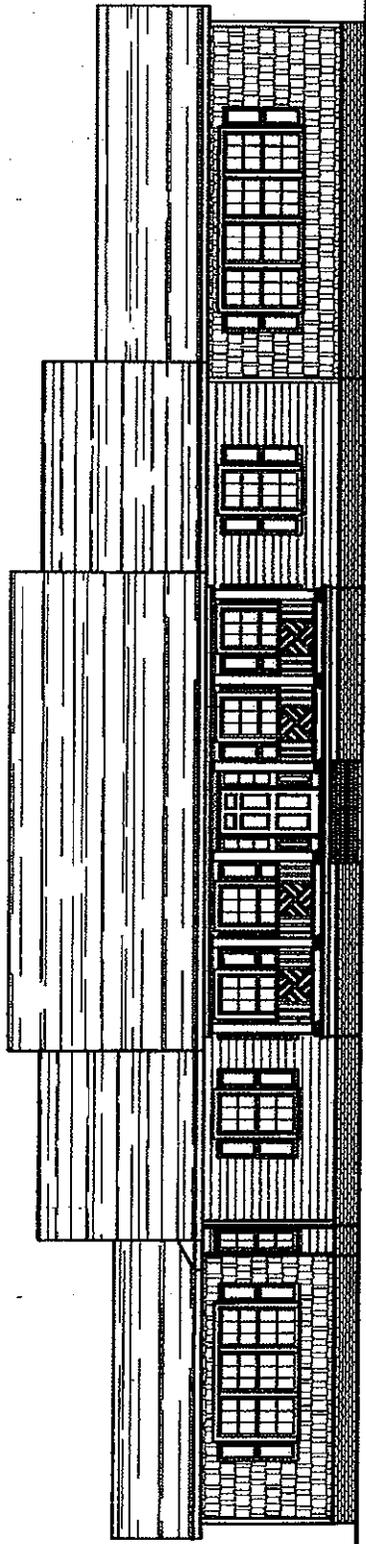
No.

2. THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE AND PRESERVES ITS SPIRIT. (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.)

In harmony with existing AA box hood.

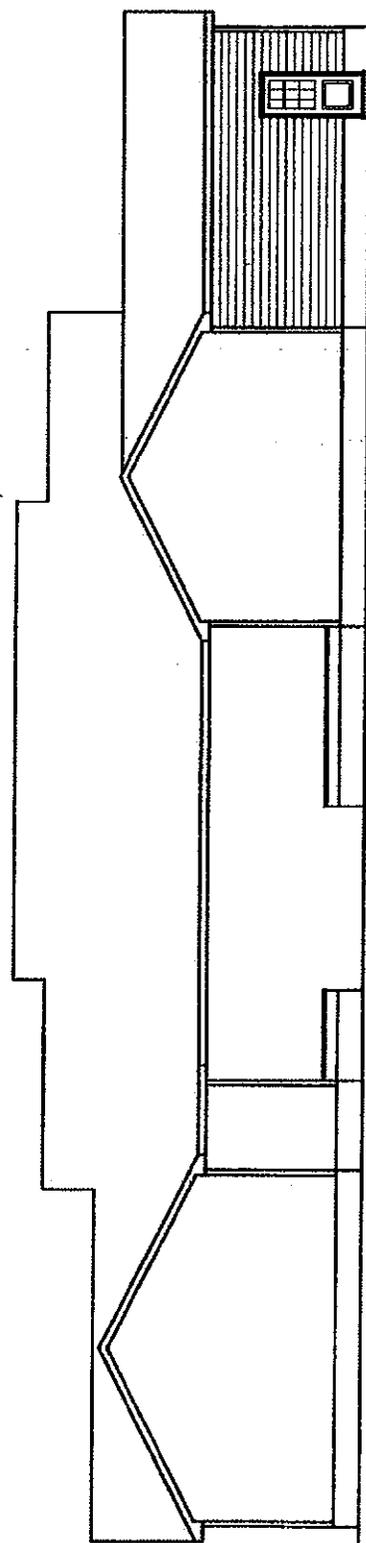
3. THE GRANTING OF THE VARIANCE ASSURES THE PUBLIC SAFETY AND WELFARE AND DOES SUBSTANTIAL JUSTICE. (State facts and arguments to show that, on balance if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.)

~~Set~~ Set in my property.



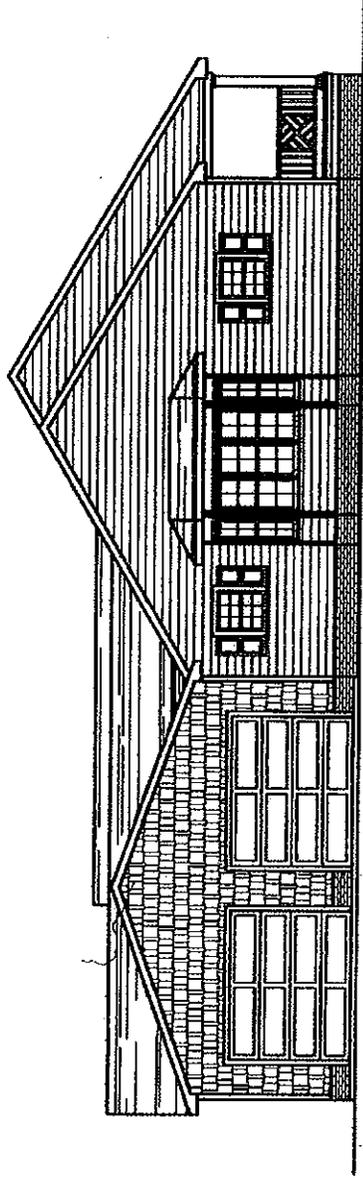
FRONT VIEW

SQUIREL CHASE
SECTION 1
LOT 3
PLAT BOOK 89
PAGE 118
SCALE: 1/4" = 3/32'



REAR VIEW

CHARLIE AND PAT GOSSAGE
3300 SQUIREL CHASE DR
SUMMERTIELD, NC 27358

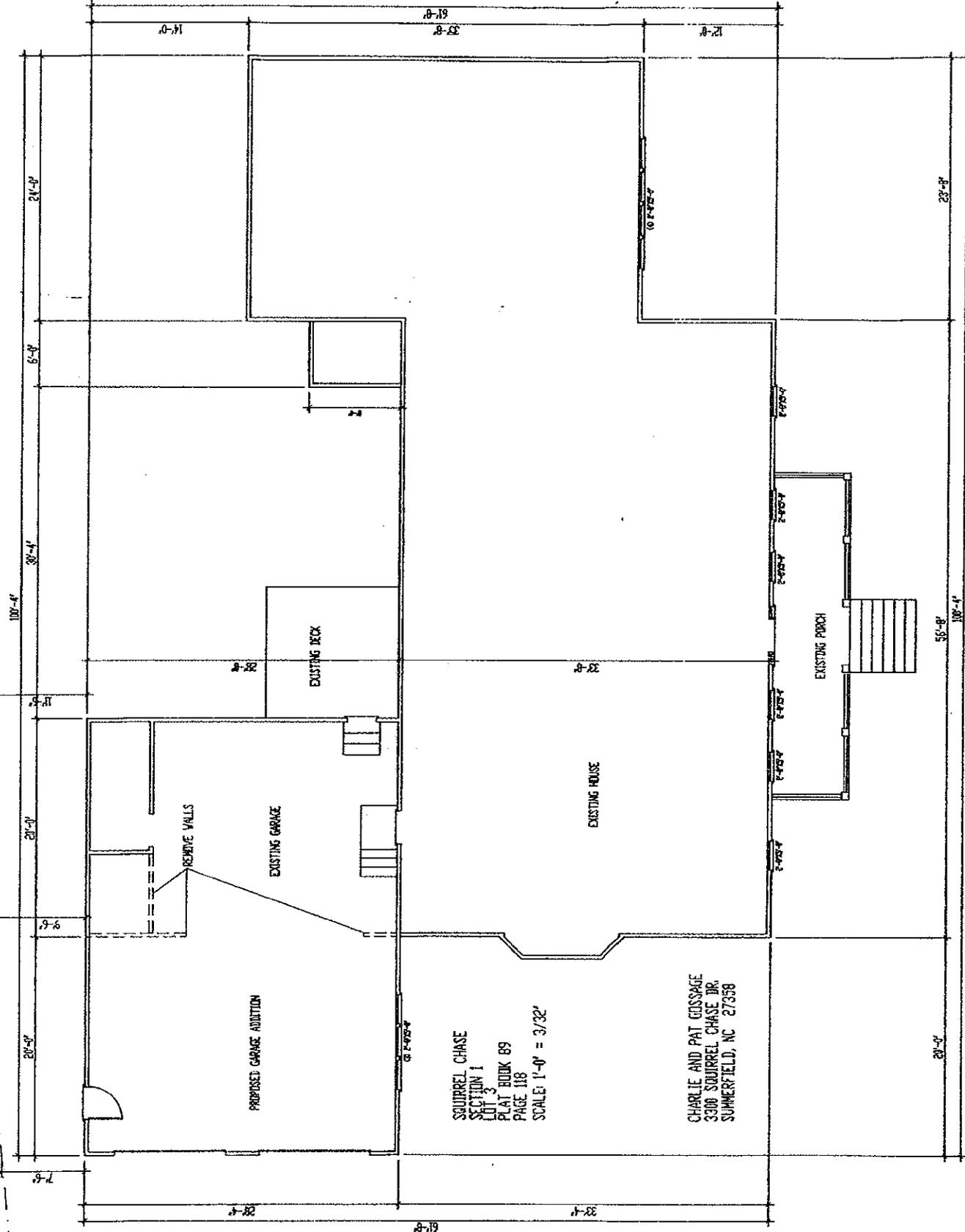


LEFT SIDE

SQUIRREL CHASE
SECTION 1
LOT 3
PLAT BOOK 89
PAGE 118
SCALE: 1/4" = 3/32'

CHARLIE AND PAT GOSSAGE
3300 SQUIRREL CHASE DR.
SUMMERSFIELD, NC 27588

PROPERTY LINE

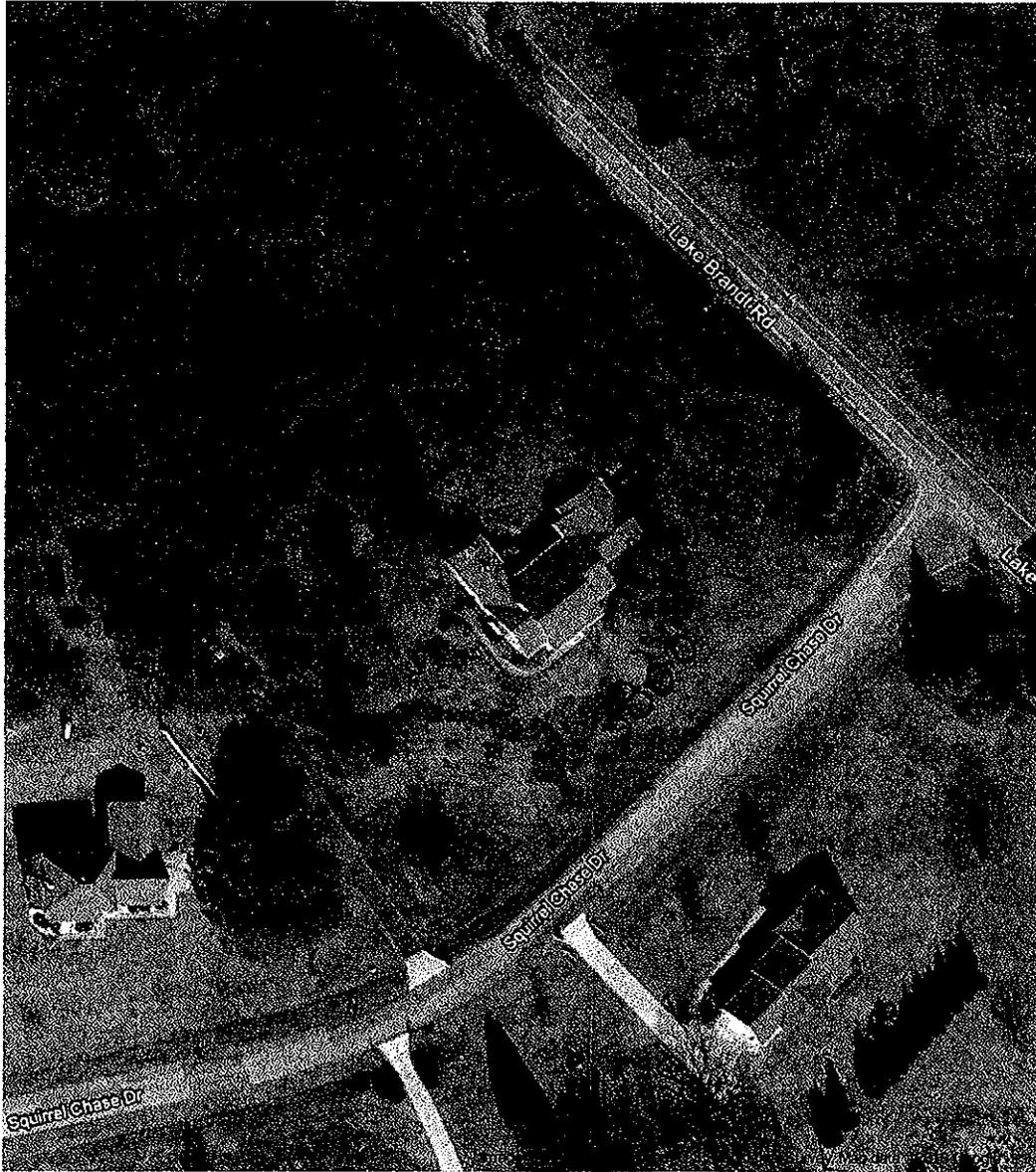


SQUIRREL CHASE
SECTION 1
LOT 3
PLAT BOOK 89
PAGE 118
SCALE: 1" = 3/32'

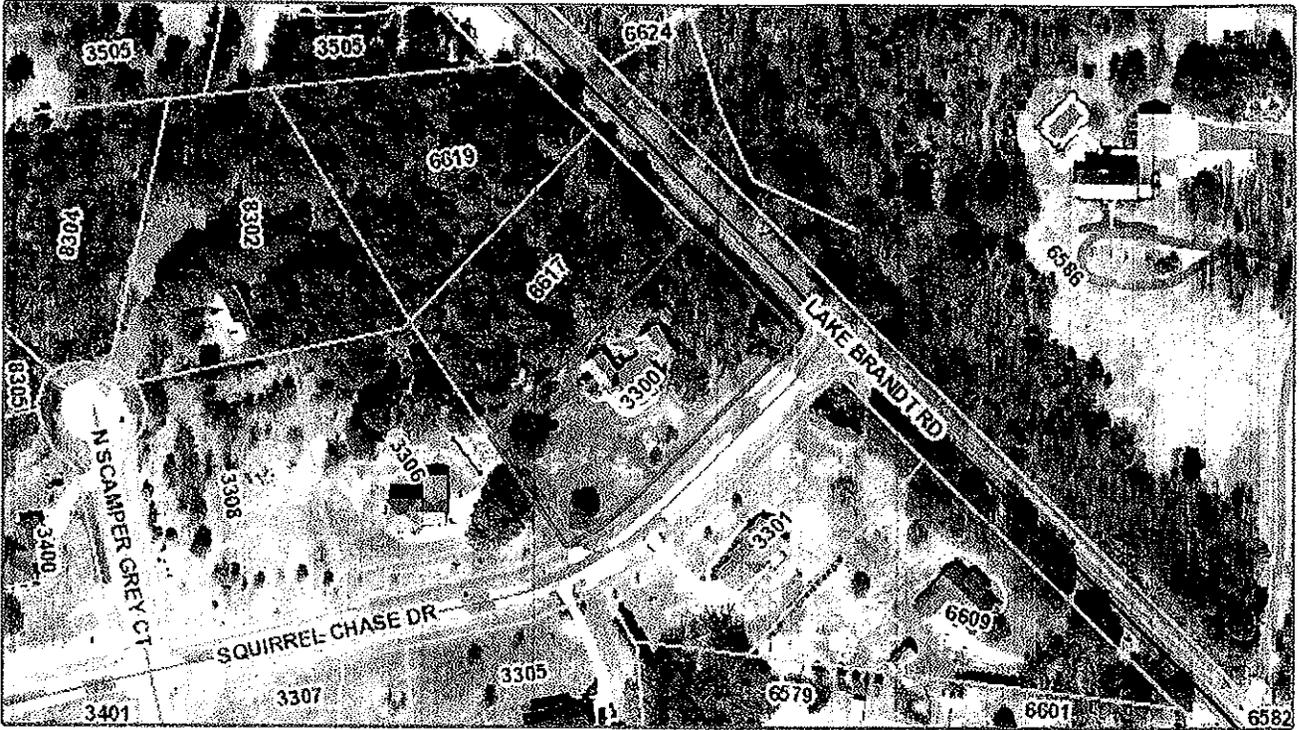
CHARLIE AND PAT GESSAGE
3308 SQUIRREL CHASE DR.
SUMMERFIELD, NC 27358

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



3300 Squirrel Chase Road



Parcel Number	0147807	Total Out Building Value	\$1,500
PIN	7940364114	Total Land Value	\$45,000
Ownership History	Card Image	Total Deferred Value	\$0
Owner	GOSSAGE, CHARLES RAY JR ; GOSSAGE, PATRICIA B	Bldg Card	1
Mail Address	3300 SQUIRREL CHASE DR	Appraisal Model Code	SFR
Mail City	SUMMERFIELD	Deed Date	2/28/1991
Mail State	NC	Neighborhood	7940B01
Mail Zip	27358	Property Type	RESIDENTIAL
Property Address	3300 SQUIRREL CHASE DR	Structure Size	2684
Legal Description	1.16AC 3 S1 PB89-118 SQUIRREL CHSE	Lot Size	1.16
Deed	003861-01563	Year Built	1989
Plat	89-118	Bedrooms	4
Condo	0	Bathrooms	2
Total Assessed Value	\$254,500	Grade	B 128%
Total Building Value	\$208,000	Short Parcel ID	147807

Disclaimer: While every effort is made to keep information provided over the internet accurate and up-to-date, Guilford County does not certify the authenticity or accuracy of such information. No warranties, express or implied, are provided for the records and/or mapping data herein, or for their use or

Map Scale
1 inch = 200 feet
 6/4/2013

60' R/W

60' R/W

S 43° 23' 47" E → 125.00'

S 01° 36' 13" W

POWER LINE ENCROACHMENT

5' SIGN

35.36'

(2)

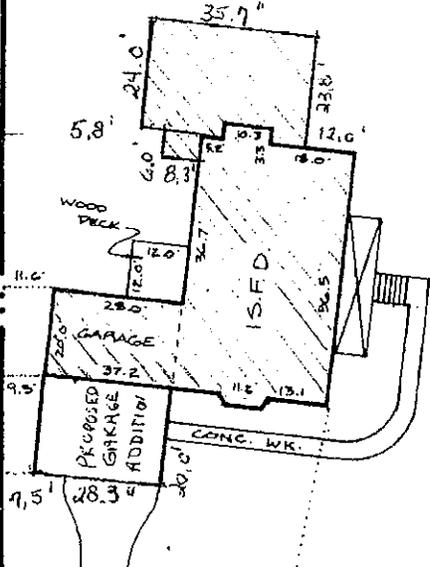
(3)

N 46° 36' 13" E → 325.46'

215.00' → S 46° 36' 13" W

SQUIRREL CHASE DRIVE

60' R/W



WELL

ASPHALT DRIVE

SEPTIC FIELD

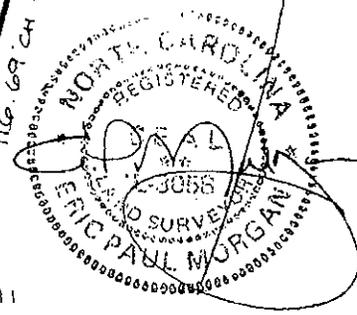
20' ACCESS EASEMENT

GRAVEL RD.

10' UTILITY ESMT

130.51' → N 32° 17' 04" W

116.69' CH → S 57° 26' 13" W



SCALE: 1" = 40' DATE: 2-26-91

Owner - CHARLES RAY JR. & PATRICIA BULLOCK GOSSAGE

Address 3300 SQUIRREL CHASE DRIVE

Lot 3 Block Map Section 1

MORGAN
SURVEYING & DESIGN

4-4 DIMENSIONAL REQUIREMENTS

Within the zoning districts as shown on the Official Zoning Map, all the following dimensional requirements shall be compiled with.

*4-4.1

Agricultural and Single-Family districts

• Dimensional Requirements for Agricultural, Rural Residential, Single Family, and Open Space Residential Districts: Dimensional Requirements for Agricultural, Rural Residential, Single Family, and Open Space Residential Districts are found in Table 4-4-2.

Table District Dimensional Requirements

	AG	RR	RS-40	RS-30	OSRD	120,000	60,000	40,000	30,000	15,000
Min. Lot Size (ft. ²)										
Min. Lot Width (ft.)									100	
Interior Lot						150	150	150	100	60
Corner Lot						150	150	150		75
Min. Street Frontage (ft.)						50	50	50	50	40
Min. Street Setback (ft.) ^a						40/65	50/65	40/65	40/65	20/45
Local, Subcollector, Collector-Front										
Local, Subcollector, Collector-Side						40/65	40/65	40/65	20/45	20/45
Minor Thoroughfare						45/80	50/80	45/80	45/80	40/75
Major Thoroughfare						50/95	60/95	50/95	50/95	50/95
Min. Interior Setbacks (ft.)										
Side Yard						15	15	15	10	10
Rear Yard						30	30	30	30	20
Max. Building Height (ft.) ^{b,c}						50	50	50	50	50
Max. Building Coverage (% of lot)						30	30	30	30	30

^a Setback from right-of-way line or property line/setback from street centerline, whichever is greater

^b No more than three (3) full or partial stories entirely above grade.

^c Properties located within the Town Core District (Mixed and residential) are limited to a maximum building height of 35 feet.

Notes:

- 1) A corner lot has two street setbacks. The setback of lower setback category shall be considered the side street. If both streets are of the same setback category, the property owner shall designate the side street for his lot.
- 2) A through lot has two street setbacks but no rear setback.
- 3) On a corner lot of record, the side street setback may be reduced, if necessary, to yield a buildable width equal to sixty (60%) percent of the lot width.
- 4) For any lot of record, the street setback and the rear setback may be reduced, if necessary, to yield a buildable depth equal to forty (40%) percent of the lot depth. The rear setback shall be reduced first, but not below fifteen (15) feet and the street setback shall not be reduced by greater than ten (10) feet.
- 5) In the OSRD, two Family Home dimensional requirements are established in Article 4-10.4(C).





Variance Case 02-13-V

Siddharth Mohan Patel is requesting a variance of Article 5-13.2 Lot Dimensions & Standards Subsection G-1e Access Requirements of the Summerfield Development Ordinance which defines access requirements for flag lots. The property is located at 7926 Highfill Road, in Bruce Township: Guilford County Tax Map #0146594.

The subject property is currently landlocked. The owners access their property via a 15 foot access easement granted by owners of 7924 Highfill Road. The existing easement is 1132.1 feet from Highfill Road to the front of Mr. Patel's property. It is a gravel drive and due to drainage issues is not maintained on a regular basis.

Mr. Patel would like to establish a legal flag lot frontage on Scalesville Road through land swap and purchase of property owners of 2006 Scalesville Road and 2000 Scalesville Road. Notarized letters from both property owners negotiating with Mr. Patel are included in the application. Also included is an email from Duke Energy confirming the proposal, as drawn will have no conflict with any utility easements or lines.

In order to move forward with the proposal, Mr. Patel is requesting a variance for the length of the flag that accesses the property. Article 5-13.2(G) 1-e states that the maximum flag pole length of flag lots be no more than 300'. Mr. Patel is asking for a flag of 532 (+/- after final survey) feet measured from Scalesville Road to his property line.

The application provides information regarding the landlocked status of the property upon purchase, the length and the conditions of the existing easement. The variance would create a legal road frontage for the property. Investigation to an exclusive access easement yielded the need for a variance as well. Mr. Patel has chosen to instead create a platted lot that allows access to his property.

Attached: 1. Completed variance forms.
 2. Site plan showing existing easement measurements
 3. Site plan showing proposed dimensions and property boundaries with the proposed flag access.
 4. Notice to abutting property owners.

The Town of Summerfield Development Ordinance Article 5-13.2(G) 1-e states that the maximum flag pole length of flag lots be no more than 300'. The decision of the Board of Adjustment should be based on the factors included in section 9-4.8 of the development ordinance. The factors that should be decided are that a hardship exists, that the variance would be in harmony with the general purpose of the

ordinances, and that granting the request assures the public safety and welfare. The Board may determine the hardship if 1) no reasonable use of the property may be made if the applicant complies with the regulations, 2) the hardship results from unique circumstances, 3) the hardship relates to the applicant's property, and 4) that the hardship is not the result of the applicant's actions.

A hardship appears to exist as a result of earlier platting of the original lot. Legal access is not present either through property frontage or exclusive deeded easement. The proposed flag access length is actually closer to conformance with the Ordinance than the existing 15 foot easement. The applicant does not have authority to maintain the existing easement. The proposal provides a landlocked property a legal access. Notarized letters from neighbors impacted are included in the application that supports the proposal.

The Board of Adjustment first considers the findings of fact. If those findings lead to the approval of a variance, they should consider that minimum variance that would make a reasonable use of the land, without jeopardizing the general purpose and intents of the Development Ordinance.



Town Of Summerfield
Development Bulletin

BOA Application
Cover Sheet

Case Number 02-13-V Date Filed 6/2/2013
Street Address of Appeal 7926 HIGHFELL ROAD Zoning of Property AG
Township BRUCE Tax Map Number PARCELS 0146581, 0146580, 0146594

Type of Appeal: Variance Interpretation () (Appropriate Forms Attached)

Name and Address of Property Owner: SIDDHARTH MOHAN PATEL
7926 HIGHFELL ROAD
SUMMERFIELD, NC 27358

Name & Address of Applicant (if different): _____

Applicant/Owner Telephone Number: SIDDHARTH M. PATEL 508-527-9177

If title to above mentioned property is not in the name of the applicant and appeal is on behalf of such property, attach a notarized letter from the owner signifying his or her approval.

5-30-13
Date

Siddharth M. Patel
Signature of Applicant

Board of Adjustment Checklist:
Following is a list of materials and information which you must supply this office by 12:00 Noon 6-3-2013
in order to have your case presented at the Board of Adjustment meeting to be held at 6:30 p.m. in the Summerfield Community Center on _____. Failure to comply with all of the following may result in the case being delayed.

- ✓ 1. Completed appeal forms/ variance application
- ✓ 2. Site/Plot Plan (drawn to scale) showing the property as it exists and with any proposed additions, structures, buildings, driveways, well, septic system, and abutting streets, and any other additional information pertinent to the request.
- ✓ 3. Copies of County Tax and Zoning Maps showing the property and adjoining parcels (available from the Summerfield Planning Department).
- ✓ 4. Written statement outlining the request and any information you wish to present to the Board for their consideration (optional).
- ✓ 5. Provide a minimum of 4 photographs showing the area affected by your appeal. Graphics or architectural sketches may be used to fill this requirement.
- 6. If applicable, approval from the Guilford County Health Department (373-7613)

Fee Paid: 100.00

Receipt No. 910



Town Of Summerfield
Development Bulletin

Variance
Application

Case Number 02-13-V
03-13-V

To the Summerfield Board of Adjustment:

I, SEDDHARTH MOHAN PATEL, hereby petition the Board of Adjustment for a VARIANCE from the literal provisions of the Development Ordinance because, under the interpretation given to me by the Enforcement Officer, I am prohibited from using the parcel of land described in the attached form (Application Cover Sheet) in a manner shown by the plot plan attached to that form. I request a variance from the following provisions of the ordinance (cite section numbers):

5-13.2 LOT DIMENSIONS & STANDARDS / SUBSECTION 6-1e ACCESS REQUIREMENTS
so that the property can be used in a manner indicated by the plot plan attached to the Application Cover Sheet or, if the plot plan does not adequately reveal the nature of the variance, as more fully described herein:
G-1e - NEED VARIANCE OF MAXIMUM LOT SIZE TO BE 73 ACRES - LOT IS 11.84 ACRES
allow Flag portion of Flag Lot to exceed the maximum

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE 300'

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach three conclusions before it may issue a variance: (1) that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance; (2) that the variance is in harmony with the general purposes and intent of the ordinance and preserves its spirit; and (3) that in granting the variance, the public safety and welfare have been assured and substantial justice has been done. In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these three required conclusions.

1. THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS THAT WOULD RESULT FROM CARRYING OUT THE STRICT LETTER OF THE ORDINANCE. The courts have developed four rules to determine whether in a particular situation "practical difficulties or unnecessary hardships" exist. State facts and arguments in support of each of the following:

- a. If the applicant complies with the provisions of the ordinance, he/she can make no reasonable use of his/her property. (It is not sufficient that failure to grant the variance simply makes the property less valuable.)
 - LANDLOCKED WITH ONLY EASEMENT IN DISREPAIR + DIFFICULT TO MAINTAIN
 - PREFER LEGAL LOT ACCESS BUT REQUIRES VARIANCE(S) (LANDLOCKED)
 - EXISTING SIZE IS "AS PURCHASED" - CREATED PRIOR TO SALE OF PROPERTY
 - CURRENT CONDITIONS NOT SUITABLE FOR ADEQUATE INGRESS, EGRESS, REGRESS

- b. The hardship of which the applicant complains results from unique circumstances related to the applicant's property. (Note: Hardships suffered by the applicant in common with his/her neighbors do not justify a variance. Also, unique personal or family hardships are irrelevant, since a variance, if granted, runs with the property. The hardship results from the nature of the property, i.e. lot conditions.)
 - LANDLOCKED PROPERTY
 - OWNER SOLD LAND AS CURRENTLY PLATTED
 - ACREAGE IS FIXED AT 11.84 ACRES
 - COULDN'T SUBDIVIDE NOW DUE TO ACCESS AND ECONOMIC ISSUES

c. The hardship results from the application of the ordinance to the property.

- ACCESS TO PROPERTY

- ONLY ALTERNATIVE (NON-EASEMENT) ACCESS WOULD BE THROUGH AREA NOTATED ON NEW SURVEY BUT WOULD STILL REQUIRE VARIANCE(S)

d. The hardship is not the result of the applicant's own actions.

- PROPERTY WAS SOLD WITH EASEMENT IN PLACE AS-IS.

- POND (EASEMENT) HAD BEEN GRADED AND DID NOT SHOW INHERENT MAINTENANCE ISSUES AND DRAINAGE PROBLEMS

2. THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE AND PRESERVES ITS SPIRIT. (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.)

- THE VARIANCE(S) PROVIDE ROAD FRONTAGE FOR A LANDLOCKED PROPERTY

- THE PROPOSED ACCESS IS THE ONLY VIABLE ALTERNATIVE FOR THE PROPERTY

- THE ^{ONLY} SURROUNDING LANDOWNER WHO WILL BE AFFECTED IS CONSENSUAL

WITH THE VARIANCE

- SEE LETTER FROM GIL VAUGHAN

3. THE GRANTING OF THE VARIANCE ASSURES THE PUBLIC SAFETY AND WELFARE AND DOES SUBSTANTIAL JUSTICE. (State facts and arguments to show that, on balance if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.)

- THE VARIANCE(S) WILL ALLOW THE LANDOWNER TO PROVIDE DELIVERY, SERVICE, AND SAFETY VEHICLES ADEQUATE ACCESS TO HIS PROPERTY AND RESIDENCE

- THE VARIANCE(S) WILL ALLOW SAFE ACCESS FOR HIS FAMILY, HIS GUESTS,

DELIVERY/SERVICE/SAFETY VEHICLES, AND HIM DURING ALL TYPES OF WEATHER - ALTHOUGH THE COST OF BUYING THE LAND AND PUTTING IN A NEW ROAD IS SUBSTANTIAL, THE BENEFIT TO EVERYONE (PUBLIC) WHO ENTERS THE PROPERTY WILL BE GREATER.

Signature

Siddharth J. Patel

Applicant

7926 HIGGINS ROAD, SUMMERFIELD, NC 27358

Address (street number, city, state, Zip code)

508-527-9177

Phone Number

PATELSM@GMAIL.COM

E-mail

Tax Map Parcel Number 0146594, 0146580, 0146581

Town of Summerfield Development Ordinance

5-13.2 Lot Dimensions and Standards

The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated and shall conform to the following:

- (A) Conformance to Other Regulations: Every lot shall have sufficient area, dimensions, and street access to permit a principal building to be erected thereon in compliance with all zoning and other requirements of this Ordinance;
- (B) Minimum Building Area: Every lot shall have at least forty (40%) percent of its total area, or three thousand (3,000) square feet, whichever is less, of contiguous buildable area of a shape sufficient to hold a principal building. Said area shall lie at or be filled to an elevation at least one (1) foot above the one-hundred-year flood elevation. [Caution: Article VII (Environmental Regulations) or Federal wetlands regulations will prohibit or restrict fill placement in certain locations.]
- (C) Lot Depth to Width Ratio: No lot shall have a depth greater than four (4) times the width at the minimum building line.
- (D) Side Lot Line Configuration: Side lines of lots should be at or near right angles or radial to street lines.
- (E) Lot Lines and Drainage: Lot boundaries shall coincide with natural and pre-existing man-made drainageways to the extent practicable to avoid lots that can be built upon only by altering such drainageways.
- (F) Lots on Thoroughfares: Major subdivisions shall not be approved that permit individual residential lots to access thoroughfares, as shown on the adopted thoroughfare plan.

→ (G) Access Requirements: All lots must have public street access and frontage meeting the requirements set forth in Article IV (Zoning). The following exceptions may be approved:

- 1) Flag Lots (See Figure 5-A) approved by the Planning Director meeting the following requirements:

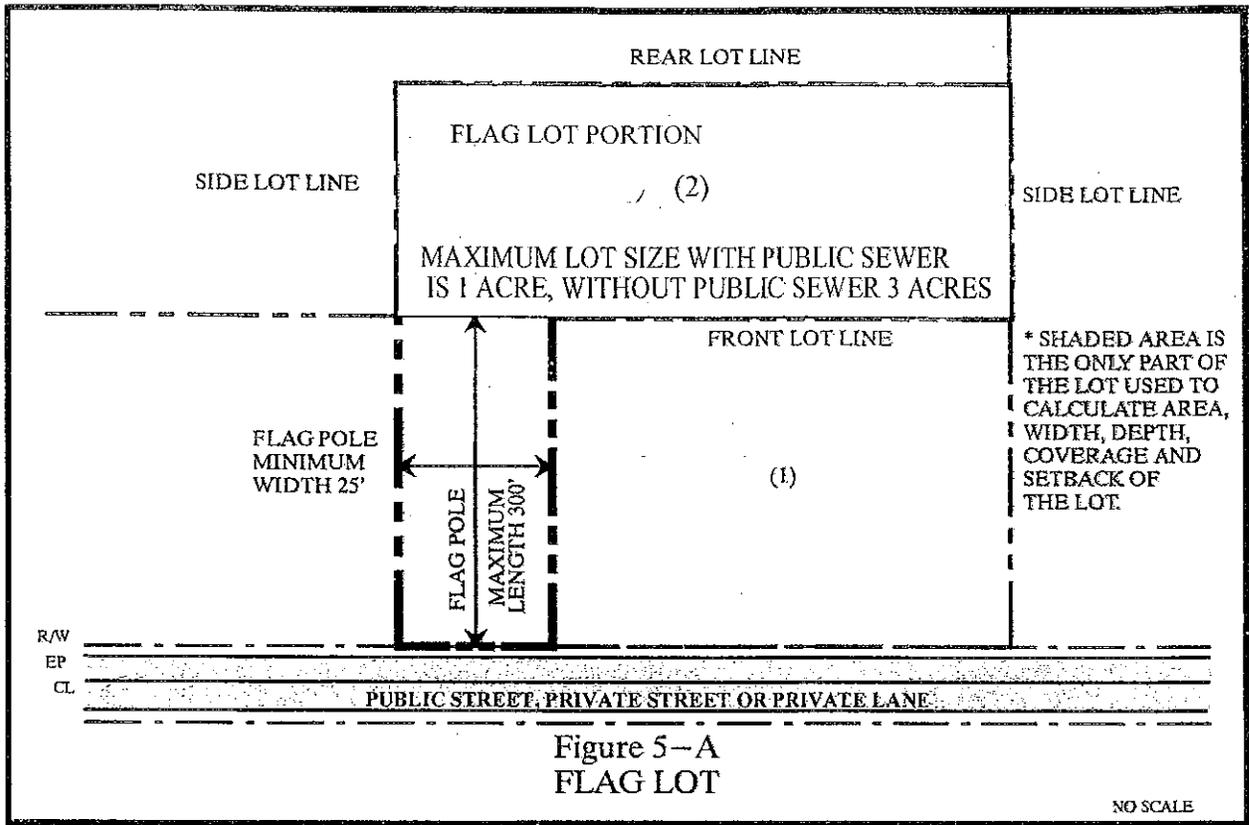


Figure 5-A FLAG LOT

- a) A Flag Lot shall serve only one single-family dwelling and its unhabitated accessory structures;
- b) The maximum flagpole length shall be three hundred (300) feet;
- c) The minimum flagpole width shall be twenty-five (25) feet;
- d) The maximum lot size in areas with public sewer shall be one (1) acre;
- e) The maximum lot size without public sewer shall be three (3) acres. For lots located in the Watershed Critical Area Tier 2 without public sewer, the minimum lot size shall be five (5) acres and the maximum shall be ten (10) acres. Note: Flagpole portion of lot is not used to calculate area, width, depth, coverage and setbacks of the lot or to provide off-street parking;
 - (ii) Where public water is available, any building on the flag lot must be within five hundred (500) feet of a hydrant. This distance shall be measured along the street, then along the flagpole, then in a straight line to the building location;
 - (iii) Where public sewer is available, occupied buildings on the flag lot shall have a gravity service line, or the sewer pump requirement shall be noted on the plat; and
 - (iv) Use of a single driveway to serve a flag lot and an adjoining lot is permitted and encouraged; the preferred location for the driveway is on

To Whom It May Concern:

I, Siddharth Mohan Patel, do hereby authorize Gil Vaughan with Prudential Yost & Little Realty to speak on my behalf before the Summerfield Board of Adjustments in the matter of the request for variances as petitioned by me regarding my property at 7926 Highfill Road and those of Colan Columbus Riererson's which are affected by this matter.

With best regards,

Dated 05/30/2013.

Siddharth Mohan Patel

NORTH CAROLINA – GUILFORD COUNTY

I, Melissa Marie Neal, certify that the following person personally appeared before me this day, acknowledging to me that he voluntarily signed the foregoing document for the purposes stated therein and in the capacity indicated:

North Carolina Driver License

Date: May 30th, 2013.

Melissa Marie Neal

Official Signature of Notary

Melissa Marie Neal

Printed Name of Notary:

My Commission Expires:

9-25-2015



Colan Columbus Rierson
2000 Scalesville Road
Summerfield, NC 27358

To Whom It May Concern:

I, Colan Columbus Rierson, plan to enter into an Offer to Purchase Agreement with Siddharth M. Patel on the pending purchase of the property at 2006 Scalesville Road, Summerfield, NC 27358 (with changes). The agreement is based on his ability to get certain variances from the Summerfield Ordinance Statutes covering Flag lot length and maximum Flag lot size, and on the re-division of my property and his as shown on the attached Proposed survey.

Note that this Proposed survey does change the boundary line between the property upon which my current home sits (2000 Scalesville Road) and the property that I am intending to sell to Mr. Patel at 2006 Scalesville Road. This proposed boundary line change is for the mutual benefit of Mr. Patel and myself, and allows the property at 2000 Scalesville Road (which is zoned AG as well as the other properties involved) to remain at 3 acres (120,000 sqft) or more as specified by statute. The boundary line of a portion of Mr. Patel's current 11.90 acre parcel (7926 Highfill Road) has been redrawn to add enough property to the remaining 2000 Scalesville Road property (after the 50' wide section has been removed) to meet the 120,000 sqft minimum.

The 50' wide parcel that is being partially removed from my property and partially removed from the current property at 2000 Scalesville Road will become a deeded portion of property through which Mr. Patel can access his current landlocked property at 7926 Highfill Road.

I, Colan Columbus Rierson, am in full agreement with all of the above.

With best regards,

Colan Columbus Rierson
Colan C. Rierson Dated 5-30-13
Colan Columbus Rierson

NORTH CAROLINA – GUILFORD COUNTY

I, Melissa Marie Neal, certify that the following person personally appeared before me this day, acknowledging to me that he voluntarily signed the foregoing document for the purposes stated therein and in the capacity indicated:

North Carolina Driver License

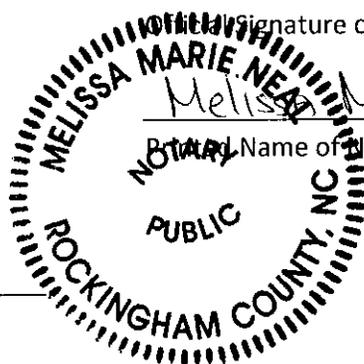
Date: May 30th, 2013.

Melissa Marie Neal

Signature of Notary

Melissa Marie Neal

Name of Notary:



My Commission Expires:

9-25-2015

To Whom It May Concern:

I, Colan Columbus Rierson, do hereby authorize Gil Vaughan with Prudential Yost & Little Realty to speak on my behalf before the Summerfield Board of Adjustments in the matter of the request for variances as petitioned by Siddharth M. Patel regarding Mr. Patel's and my properties which are affected by this matter.

With best regards,

Colan Columbus Rierson
Colan C Rierson Dated 5-30-15

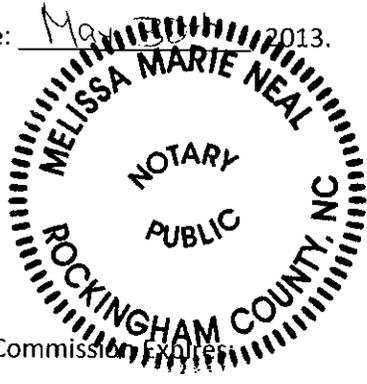
Colan Columbus Rierson

NORTH CAROLINA – GUILFORD COUNTY

I Melissa Marie Neal, certify that the following person personally appeared before me this day, acknowledging to me that he voluntarily signed the foregoing document for the purposes stated therein and in the capacity indicated:

North Carolina Driver License

Date: May 25 2013.



Melissa Marie Neal

Official Signature of Notary

Melissa Marie Neal

Printed Name of Notary:

My Commission Expires

9-25-2015

Vaughan, Gil

From: Davis, Tim <Tim.Davis2@duke-energy.com>
Sent: Friday, May 17, 2013 2:48 PM
To: Vaughan, Gil
Subject: Proposed Driveway Conflict with Duke Poles

Gil,

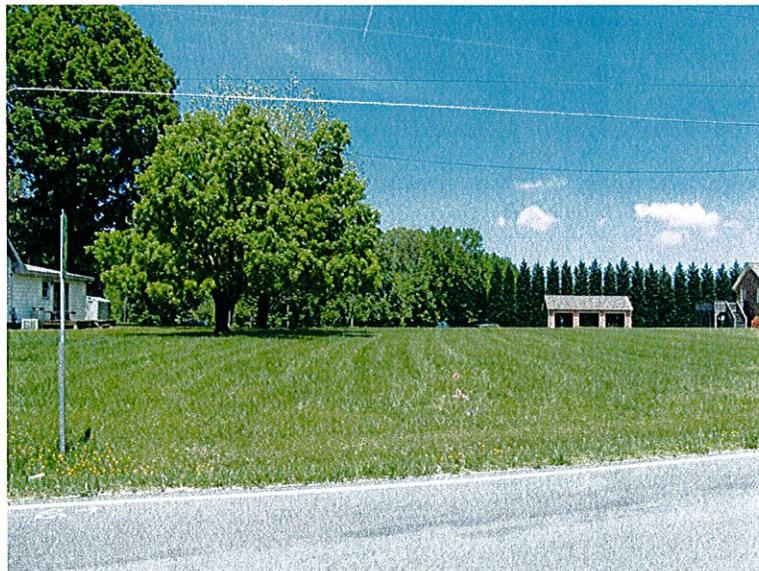
This is just a confirmation email stating that we met on site at 2006 Scalesville Rd on 5-16-13 at 10:30am and talked about possible conflict between the proposed driveway and our 2 primary poles. After looking at the site and where the proposed driveway will be, there will be no conflict between the driveway and our poles. If you have any questions feel free to contact me. Thanks.

Tim Davis

Duke Energy Contractor
Distribution Eng. Spec.
2500 Fairfax Rd
Greensboro, NC 27407

Cell: (336) 380-8845
Office: (336) 854-4718
Fax: (336) 632-3868

PROPOSED ACCESS INTO PROPERTY



CURRENT ACCESS INTO PROPERTY

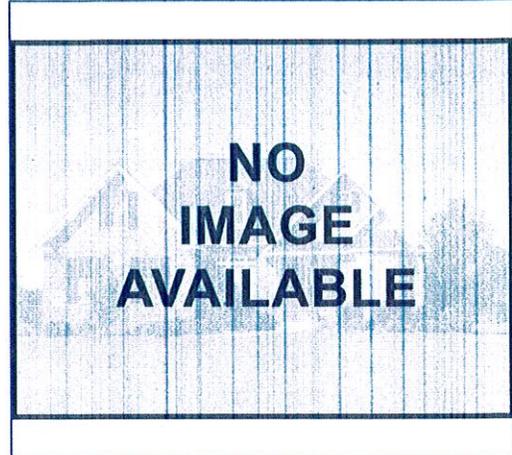


13010037008495027

Property Card

Address 7926 HIGHFILL RD

Parcel ID 0146594



Guilford County, NC

Owner/Parcel Information

Owner Name	PATEL, SIDDARTH MOHAN ; PATEL, VAIBHAVI S	Zoning	AG
Mailing Address	7926 HIGHFILL RD	Use	RESIDENTIAL
City State Zip	SUMMERFIELD, NC 27358	Parcel Size	11.90
PIN	7940001703-000	Tax District	300
Appraisal Neighborhood	7930R01	Plat/Condo Bk & Pg	96-89
Legal Description	11.90AC 10 M2 PB96-89 PECAN TRACE		

Sales History

Book & Page	Sale Date	Sale Price	Doc Type	Qualified?	Improved?
007349-02412	2012-05-11	\$215,000	WARRANTY DEED	Yes	Yes
004446-00681	1996-08-15	\$145,000		Yes	Yes
003923-01959	1991-12-15	\$68,000		Yes	Yes

Appraisal Values

Land	Buildings	Extra Features	Total Value
\$78,500	\$93,100	\$7,700	\$179,300

Extra Feature Summary

Feature Description	Size/Count	Measure	Year	Value
COVERED PORCH	11x36	DIMENSION S		\$400
STABLE/HORSE STABLE BAS AREA ONLY	25x36	DIMENSION S		\$7,300

Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.