



Town of Elon

Board of Adjustment Agenda

February 23, 2021

5:30 PM

Electronic and Call-in Options

Agenda topics

A. Call to Order

B. Approval of Minutes of the July 21, 2020 Meeting

C. New Business

- i. Request for Variance from the Provisions of the Elon Land Development Ordinance Regarding Front Setback Requirements, Submitted by Irwin Properties, LLC.

D. Motion to Adjourn

**Minutes
Meeting of the
Elon Board of Adjustment**

**July 21, 2020
5:30 p.m.**

**Elon Municipal Building
Elon, North Carolina**

Attendees: Jim Beasley, Clark Bennett, Diane Gill, John Harmon, Ralph Harwood, Mark Podolle, and Jay Matey (Project Engineer).

Staff Present: Pamela DeSoto

Item A - Chairman Beasley called meeting to order at 5:31 pm.

Item B – Approval of Minutes of the October 8, 2018 Meeting. A motion to approve the minutes from the October 8, 2018 meeting was offered by Mr. Bennett and seconded by Mr. Harwood. The motion was approved by unanimous vote.

Item C-i – Request for Variance from the Provisions of the Elon Land Development Ordinance Regarding Sidewalk Requirements, Submitted by the Point at Elon, LLC.

Chairman Beasley introduced the item and opened the public hearing. He then proceeded to swear in Ms. DeSoto and Mr. Matey. Ms. DeSoto stated that she wished to present a summary of the request, and that Mr. Matey was present and also wished to address the Board and present his evidence. Following that, the Board may turn it over to public comment.

Ms. DeSoto then gave a summary of the project, as follows.

The Variance application was submitted by Mr. Matey, on behalf of The Point at Elon, LLC, with the specific request being relief from sidewalk requirements along new streets developed in Elon. The project, approved as a Major Development Plan in April 2019, proposes to develop 45 single-family residential lots on a +/- 29 acre parcel located just northeast of the Elon-Ossipee/Shallowford Church Road split, north of University Drive. The project also received final approval from Elon's TRC in 2019 and was issued a Notice to Proceed with infrastructure improvements and associated site work. In April 2020, a revised plan set was submitted for TRC review that indicated a new approach to a stream crossing near the center of the site, utilizing a bridge structure as opposed to the box culvert that was approved with the original plan, as well as some minor revisions to stormwater and erosion control measures. All of the revisions are within the TRC's authority to review and approve, except for the proposed removal of +/- 265 linear feet of sidewalk along one side of the primary spine road in the development. This change constitutes a deviation from the requirements of the LDO, and must receive approval from the Board of Adjustment via the Variance process.

The applicant is requesting relief from two specific provisions of the LDO, as listed on the next two slides, and stated that the reason for the requested variance as:

“Environmental constraints imposed by a jurisdictional stream and stream tributary that limit the width of a bridge supporting a proposed local street such that the street width can accommodate one (1) sidewalk rather than two (2) as prescribed by the ordinance.”

The ordinance provisions require the following:

- LDO 5.7.3.F – New streets and thoroughfares will be bordered by sidewalks on both sides. The Planning Board may grant exceptions upon recommendation by the TRC if it is shown that local pedestrian traffic on local streets or other non-pedestrian-oriented streets warrant their location on one side only.
- LDO 5.7.4.1 – Sidewalks will be constructed along both sides of all new streets except alleys, lanes, and rural roads.

Ms. DeSoto also stated that it should be noted that the applicant has not requested a recommendation from the TRC that an exception be granted based on pedestrian traffic. The request is being made based on environmental issues that are specific to the subject property.

Ms. DeSoto then displayed a series of slides including the 2019 Approved Site Plan, an environmental detail of the Approved Site Plan, the 2020 Revised Plan, and an exhibit showing the approximate length of sidewalk loss, which was reported to be 265.71 feet on one side of the street only.

The next slides summarized the Variance procedures, as follows:

The Board of Adjustment has the power to vary or modify any of the provisions of the ordinance when special conditions or unnecessary hardships would result from carrying out the strict letter of the ordinance. The Board may prescribe appropriate conditions and safeguards in conformity of the ordinance, provided that the conditions are reasonably related to the variance. The Board of Adjustment may only grant a variance after having made the findings of fact listed on the following pages. The applicant's justification for each of the findings was also provided in italics, and are included below.

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.

Strict application of Section 5.7.4.1 of the LDO would necessitate sidewalks on both sides of a proposed bridge crossing that is subject to a plan amendment under review. The originally approved development plan included over 150 LF of stream impacts associated with a public street that crosses a large stream running through the subject property. Following approval, the applicant has reconsidered this design and now is proposing to execute the stream crossing utilizing a prefabricated bridge which will eliminate +/- 160 LF of permanent stream impacts. Implementing this revision necessitates a minor realignment of the street. As illustrated below, the revised plan results in no permanent impacts to the existing stream. The hardship presented to the applicant is the specific alignment of the main stream channel and a tributary located to the north. Following Town of Elon plan approval, but still prior to obtaining ACOE/NCDEQ 401/404 approval for impacts, the stream channel delineation was updated, which narrowed the available width for the culvert crossing as originally proposed. This made the culvert crossing less practical and, combined with the additional impacts and associated mitigation, rendered the construction as cost prohibitive and insensitive to environmental concerns.

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 geometry of the streams, with associated topography are peculiar to the property. This, combined with the substantial wetland areas and utility easements as well as the boundary geometry, limit the subdivision layout options for the site as currently zoned. The street crossing of the stream is necessary for emergency vehicle access and to ensure a cohesive neighborhood experience. The site constraints dictate that the crossing be located where it is given the utility easement on the south, the street connection geometry requirements, and the need to minimize wetland impacts. These constraints constitute a clear hardship.

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 granting a variance shall not be regarded as a self-created hardship.

The hardship is due to property constraints that were only apparent following approval of the initial preliminary plan. The applicant took no action to create the hardship.

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

The environmental benefit of the significant preservation of the primary and tributary streams outweighs the impact of omitting a sidewalk on one side of the street in this situation. The section of the street with one sidewalk does not occur in areas where lots are fronting the road. Thus, there will be no direct impacts to lots.

In addition, raised crosswalks with appropriate signage will be incorporated into both pedestrian crossings to facilitate safe passage across the street. It should also be noted that a pleasant effect of the alignment of the street includes breaking up what was previously a long stretch of completely straight road to an alignment with multiple horizontal curves. This not only will further calm traffic and control vehicle speeds in this area, but, combined with the raised crossings, will discourage "cut-through" traffic in this area, which was a concern of residents in the Cable Road neighborhood expressed at the hearings involving the approval of this project.

Ms. DeSoto then displayed a slide that outlined the Board's options as follows:

1. The Board of Adjustment may:
 - a. Approve the variance request in whole, with or without conditions;
 - b. Approve the variance request in part, with or without conditions;
 - c. Deny the variance request.
2. If any of the findings (shown as recommended motions on the slide that followed) are decided in a manner that does not support the variance request, the request may not be approved.
3. A four-fifths majority is required to approve a variance request.
4. The Board may consider applying conditions to any approval decision limiting the variances to the specific requests, or any other additional conditions they deem to be appropriate.

Mr. Matey then addressed the Board and offered to respond to questions. Chairman Beasley pointed out the provision in the LDO, Section 5.7.3.F. that allows for exceptions to the sidewalk requirements to be granted by the Planning Board upon a recommendation by the TRC if it is shown that local pedestrian traffic on local streets or other non-pedestrian-oriented streets warrant their location on one side only. Ms. DeSoto responded that no request specific related to this provision had been made by the applicant, so it has not been considered by the TRC.

Chairman Beasley then closed the hearing and asked for motions.

Motion #1 – A motion was offered by Ms. Gill that unnecessary hardship would result from the strict application of the ordinance. The motion was seconded by Mr. Bennett and received a vote in favor by a margin of 6 to 0.

Motion #2 – A motion was offered by Mr. Podolle that the hardship related to the requested variance does result from conditions that are peculiar to the property, such as location, size, or topography. The motion was seconded by Ms. Leath and received a vote in favor by a margin of 6 to 0.

Motion #3 – A motion was offered by Mr. Harmon that the hardship related to the requested variance does not result from actions taken by the applicant or property owner. The motion was seconded by Mr. Bennett and received a vote in favor of 6 to 0.

Motion #4 – A motion was offered by Mr. Bennett that the requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is received. The motion was seconded by Mr. Harwood and received a vote in favor of 6 to 0.

Motion #5 – Mr. Harwood offered a motion that, based on the findings of fact and the evidence presented, the Elon Board of Adjustment issue approval of the requested variance, in whole, without conditions. The motion was seconded by Mr. Podolle and received a unanimous vote in favor.

Item C – Items from Board Members

There were no items from Board members.

Item E – Motion to Adjourn

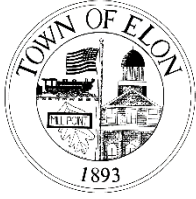
A motion to adjourn was offered by Mr. Podolle and seconded by Mr. Bennett. The motion was approved by unanimous vote.

Meeting was adjourned at 6:29 p.m.

DRAFT

Pamela DeSoto, Planning Director
Minutes were completed in
Draft form on September 18, 2020

Jim Beasley, Board of Adjustment Chair
Minutes were approved on
February 23, 2021



Agenda Item # C-i.
Town of Elon Board of Adjustment
Meeting Held via Electronic and Call-in Options

MEMORANDUM TO THE BOARD OF ADJUSTMENT – February 23, 2021

Applicant:

Britt Irwin, on behalf
of Irwin Properties,
LLC

Request:

Variance from the
Provisions of the Elon
LDO Section 3.11.4

Location:

931 and 933 E.
Haggard Avenue

Parcel ID:

116312, 116314

Prepared by:

Pamela DeSoto

Background and Description of Request

A Variance request has been made by Britt Irwin, on behalf of Irwin Properties, LLC for consideration of relief from Land Development Ordinance (LDO) Section 3.11.4 with regard to front setback requirements in the Industrial Planning District. Mr. Chad Huffine has submitted the request on behalf of the applicant.

The project, which received approval of a special use permit in June of 2020, proposes to develop a self-storage facility adjacent to the applicant's existing facility, Alamance Storage, on E. Haggard Avenue. Mini-warehouse and self-storage facilities are only allowed in Elon's Industrial District, and only with an approved special use permit. The project has received feedback from Elon's Technical Review Committee (TRC), during which, the review revealed complications regarding the front and rear setbacks for the site, and resulted in this request for a variance from the front setback requirements in the LDO.

Facts and Issues

A copy of the applicant's Variance request is enclosed, and includes the following relevant data. The application is designed to address specific findings that must be considered in the review of a Variance request. The applicant's response to the specifics addressed by each of the findings are included in italicized text.

Reason for Variance:

Reduction in setback from 50' to 25' in order to match existing structure at the site.

Ordinance Provisions Require:

That the building be setback not less than 50' based on Section 3.11.4 LDO as adopted December 2004: Amended March 13, 2018.

Findings of Fact

The following sections of the Variance application represent the findings of fact that are required to be decided in favor of the Variance in order for an approval of the request by the Board of Adjustment. The applicant's response to the specifics addressed by each of the findings are included in italicized text.

Finding #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 property has been and is again proposed for warehousing and storage. The original and adjacent building was constructed prior to the Elon Town LDO adoption and adhered to the required 25' front setback in force at the time of construction. Since the time of that building's construction and occupancy, the Town has adopted the LDO which in turn created section 3.11 The Industrial Planning District IND with new standards and dimensional requirements. These standards and dimensional requirements are more restrictive than those in place at the time of the initial construction. The adoption of the LDO is silent on provisions to allow proposed facilities to match existing as intended at the time of conception save the Variance Request Process with the Board of Adjustment.

This change in the LDO dimensional constraints for the subject property, now located within the Industrial Planning District, combined with the presence of the NC Rail Road right of way along the rear of the property has significantly reduced the resultant usable land area of the subject property.

A site plan is provided for illustration of existing and proposed conditions.

Finding #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 adoption of the LDO which includes the creation of the IND Industrial Planning District after construction and occupancy of the initial storage buildings as well as abiding by the 200' right of way required for the NC Rail Road are particular to this property resulting in a significant reduction in useable land area.

Finding #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 granting a variance shall not be regarded as a self-created hardship.

The adoption of the LDO which includes the creation of the IND Industrial Planning District after construction and occupancy of the initial storage building(s) as well as abiding by the 200' right of way required for the NC Rail Road were beyond the control of the applicant. The actions are those of the Town's creation of the LDO and subsequent section 3.11 IND Industrial Planning District as well as the enforcement of the 200' wide NC Rail Road right of way on the subject property, of which 100' of that right of way encroaches onto the rear of the subject site.

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

If granted, the requested variance does promote harmony with existing adjacent and other near-by buildings constructed on properties closer to the street right of way. If granted the variance is consistent with existing adjacent structures that are built to the previously-used 25' setback. The variance, if granted, is consistent with provisions in the LDO for consideration of adjacent setback distances when considering new construction, maintains consistency with existing sites and structures of similar scale, massing and use in the area. The variance, if granted, will provide the same or better security for patrons and for public use when compared to existing facilities adjacent to the subject property.

The use, appearance and location will be in concert with other uses and buildings in the area.

Recommendations and Suggested Motions

Staff recommends that the Board of Adjustment consider the Variance request as submitted by Irwin Properties, LLC, and render a decision based on the findings of facts, and testimony and evidence provided during the public hearing. The Board may consider attaching conditions that they may deem appropriate to any approval decision of the request. Please note that all of the motions must result in a vote favorable to the Variance request in order for the Board to issue approval of the request.

The following motion format is recommended:

- Motion 1:** Unnecessary hardship (*would/would not*) result from the strict application of the ordinance as it relates to the requested Variance.
- Motion 2:** The hardship(s) related to the requested Variance (*does/does not*) result from conditions that are peculiar to the property, such as location, size, or topography.
- Motion 3:** The hardship(s) related to the requested Variance (*does/does not*) result from actions taken by the applicant or property owner.
- Motion 4:** The requested Variance (*is/is not*) consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is received.
- Motion 5:** The Town of Elon Board of Adjustment (select one option from the following):
- a. Approves the Variance request in whole, with or without conditions as stated for the record.
 - b. Approves the Variance request in part, with or without conditions as stated for the record.
 - c. Denies the Variance request.

Enclosures: Application for Variance
 Site Plan Setback Exhibit
 Aerial Imagery
 Alamance County Tax Record for Parcel #116590 indicating build date of 1984
 Deed indicating sale of property to Mr. Irwin on 8/28/2012

Property Zoning: Elon Zoning - Industrial

Alamance County Tax Parcel Identification Number: 116590, 314, 312

Alamance County GPIN: 8855891517, 799445, 798379

Variance procedures are outlined in Section 8.5.3 of the Elon Land Development Ordinance. The Board of Adjustment may only grant a variance following a public hearing on the matter and having made the following findings of fact.

1. There are practical difficulties or unnecessary hardships that would result from carrying out the strict letter of this ordinance. The Board of Adjustment may reach this conclusion if it finds that:
 - a) if the applicant complies with the provisions of this ordinance, no reasonable use could be made of the property;
 - b) the hardship of which the applicant complains results from unique circumstances related to the applicant's property;
 - c) the hardship results from the application of this ordinance to the property; and
 - d) the hardship is not the result of the applicant's own actions.
2. The variance is in harmony with the general purpose and intent of this ordinance and preserves its spirit.
3. The granting of the variance assures the public safety

*****An affirmative 4/5 majority of members present vote is required for a variance***

The applicant is required to answer the following questions as part

1) Variance requested from Ordinance Section: LDO Section 3.11.4

SETBACKS - FRONT 50'

2) Reason(s) for variance: REDUCTION IN SETBACK FROM

50' TO 25' IN ORDER TO MATCH EXISTING
STRUCTURE AT THE SITE.

3) Ordinance provisions require: THAT THE BUILDING BE
SETBACK NOT LESS THAN 50' BASED ON SECTION
3.11.4 LDO AS ADOPTED DECEMBER 2004: AMEND.
MARCH 13, 2018.

X I, Brett Irwin, hereby petition the Town of Elon
Board of Adjustment for a Variance from the literal provisions
cited above to allow use of the property as described on this
form and in material submitted with this request.

Section 8.5.3 of the Elon Land Development Ordinance (LDO) calls out the following "Findings" which the Board of Adjustment must make in granting any variance:

- 4) 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.**

Applicant's Response:

The property has been and is again proposed for warehousing and storage. The original and adjacent building was constructed prior to the Elon Town LDO adoption and adhered to the required 25' front setback in force at the time of construction. Since the time of that building's construction and occupancy, the Town has adopted the LDO which in turn created in section 3.11 The Industrial Planning District IND with new standards and dimensional requirements. These standards and dimensional requirements are more restrictive than those in place at the time of the initial construction. The adoption of the LDO is silent on provisions to allow proposed facilities to match existing as intended at the time of conception save the Variance Request Process with the Board of Adjustment.

This change in the LDO dimensional constraints for the subject property, now located within the Industrial Planning District, combined with the presence of the NC Rail Road right of way along the rear of the property has significantly reduced the resultant usable land area of the subject property.

A site plan is provided for illustration of existing and proposed conditions.

- 5) 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.**

Applicant's Response:

The adoption of the LDO which includes the creation of the IND Industrial Planning District after construction and occupancy of the initial storage buildings as well as abiding by the 200' right of way required for the NC Rail Road are particular to this property resulting in a significant reduction in useable land area.

- 6) 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 granting a variance shall not be regarded as a self-create hardship.**

Applicant's Response

The adoption of the LDO which includes the creation of the IND Industrial Planning District after construction and occupancy of the initial storage building(s) as well as abiding by the 200' right of way required for the NC Rail Road were beyond the control of the applicant. The actions are those of the Town's creation of the LDO and subsequent section 3.11 IND Industrial Planning District as well as the enforcement of the 200' wide NC Rail Road right of way on the subject property, of which 100' of that right of way encroaches onto the rear of the subject site.

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

Applicant's Response

If granted, the requested variance does promote harmony with existing adjacent and other near-by buildings constructed on properties closer to the street right of way. If granted the variance is consistent with existing adjacent structures that are built to the previously-used 25' setback. The variance, if granted, is consistent with provisions in the LDO for consideration of adjacent setback distances when considering new construction, maintains consistency with existing sites and structures of similar scale, massing and use in the area. The variance, if granted, will provide the same or better security for patrons and for public use when compared to existing facilities adjacent to the subject.

The use appearance and location will be in concert with other uses and buildings in the area.

Property Owner Information (please print):

Property Owner Name(s): IRWIN PROPERTIES, LLC

Address: 937 E. HOWARD AV. ELON NC 27244

Telephone: 919 291 4240 **Email:** brittainirwin@icloud.com

Property Owner Signature: Britt Irwin

Office address - 1055 BURNING TREE DRIVE CHAPEL HILL NC 27517

Agent Information (please print):

Contact Person(s): _____

Address: _____

Telephone: _____ **Email:** _____

Agent Signature: _____

Applicant Information (please print):

Applicant Name(s): _____

Address: _____

Telephone: _____ **Email:** _____

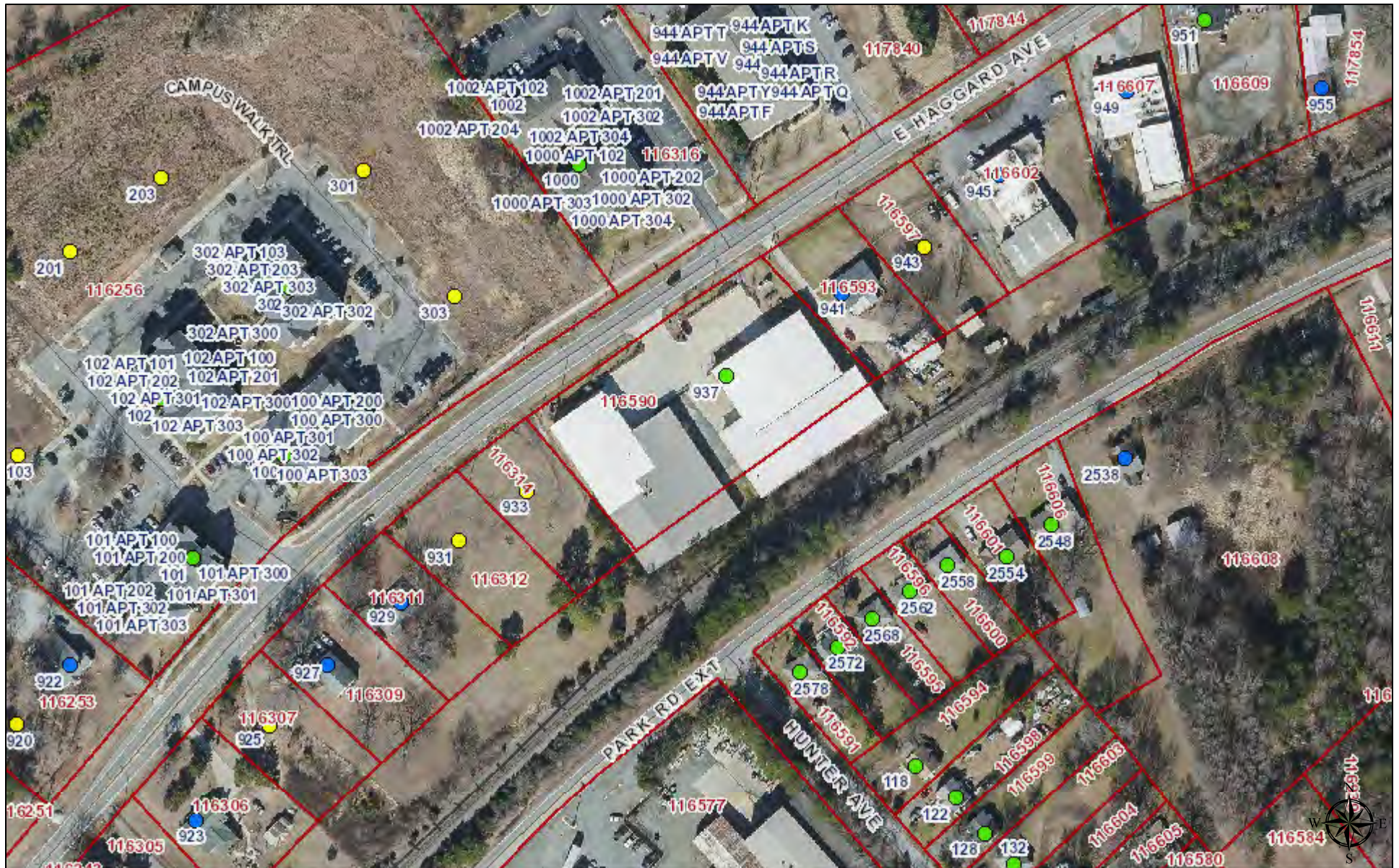
Applicant Signature: _____

To be completed by staff only:

Date application received: 1/26/21 **Time received:** 7:20 p

Received By: P DeSoto

Alamance County



January 26, 2021

Address Points



Preliminary Address

Heavy Industrial Development Applicants



Address



Tax Address



APPLIED FOR PERMIT



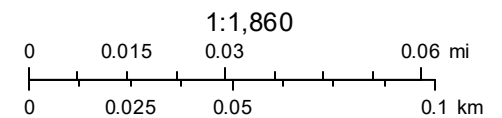
PERMIT APPROVED



UNDER CONSTRUCTION



PERMIT RENEWED



Alamance County GIS



Alamance County Government

TAX ADMINISTRATION RECORD SEARCH

Property Owner IRWIN PROPERTIES LLC	Owner's Mailing Address 1055 BURNING TREE DRIVE CHAPEL HILL, NC 27517	Property Location Address 937 E HAGGARD AVE
Administrative Data Parcel ID No. 116590 OLD Tax ID 3-6-43 GPIN 8855891517 Owner ID 0625987 Tax District 13 - TOWN OF ELON Land Use Code 350 Land Use Desc WAREHOUSE Neighborhood ELC05	Administrative Data Legal Desc 2BL E HAGGARD AVE Plat Bk/Pg 023 / 0028	Valuation Information Tax Value \$ 698,294 Tax Value - Land and all permanent improvements, if any, effective January 1, 2017, date of County's most recent General Reappraisal Assessed Value \$ 698,294 If Assessed Value does not equal Market Value, then the parcel may be in a tax deferment program, be split by the county line, or be overridden to match an alternative valuation approach.

Improvement Detail

(1st Major Improvement on Subject Parcel)

Year Built	1984
Built Use/Style	WAREHOUSE
Current Use	C / AVERAGE QUALITY (C)
Grade	C / AVERAGE QUALITY (C)
* Percent Complete	100
Heated Area (S/F)	20,650
Fireplace (Y/N)	N
Basement (Y/N)	N
** Bedroom(s)	0
** Bathroom(s)	0 Full Bath(s) 0 Half Bath(s)
*** Multiple Improvements	002

* Note - As of January 1

* * Note - Bathroom(s), Bedroom(s), shown for description only

* * * Note - If multiple improvements equal "MLT" then parcel includes additional major improvements

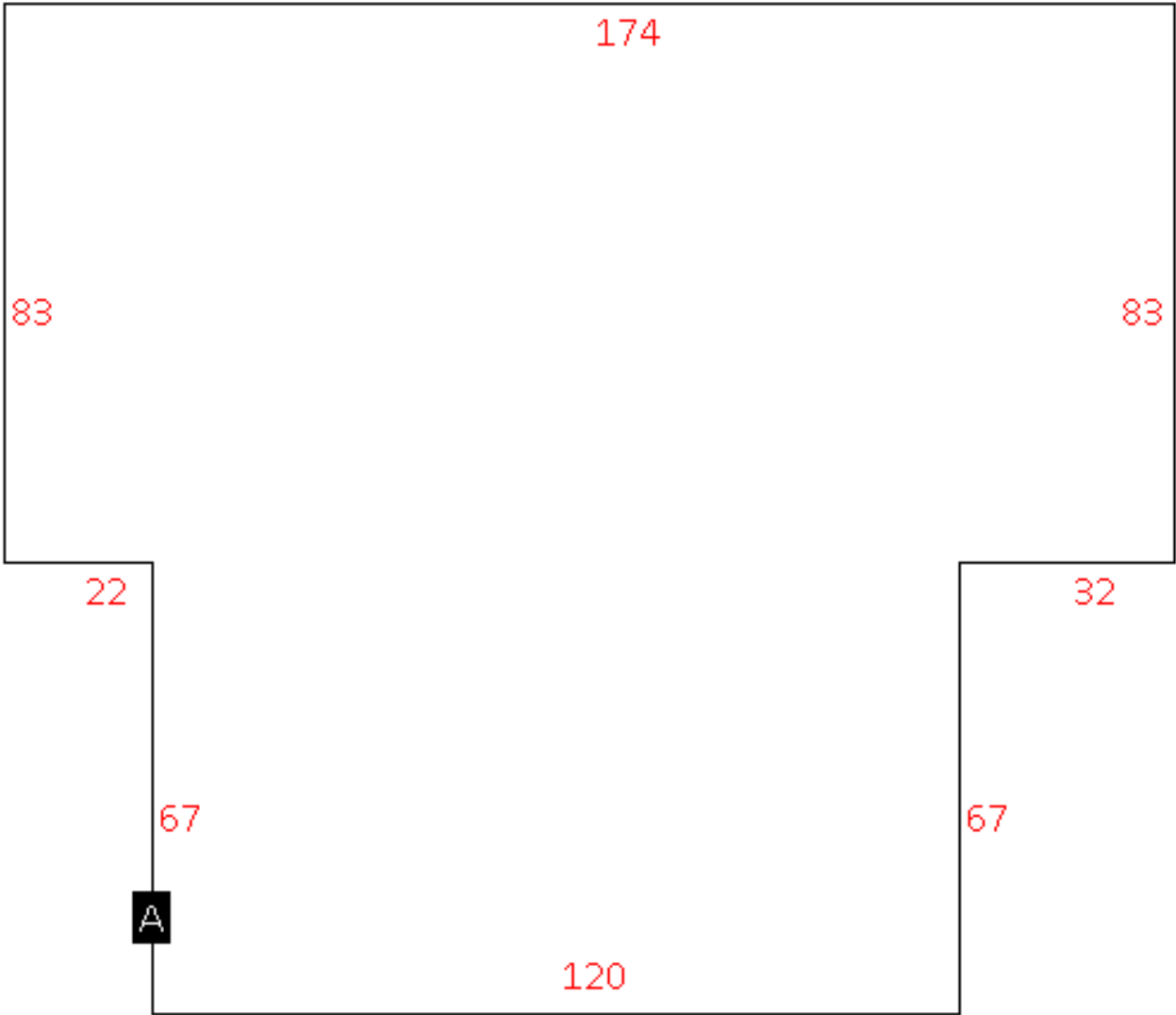
Sales History

2 Previous Sales Found for Parcel number 116590

Record Num	Date	Name	Book/Page	Sale Price
1	2013	IRWIN PROPERTIES LLC	3135 / 0535	\$490,000.00
2	1997	PERRY SHIRLEY M	1020 / 656	\$0.00

Building Sketch

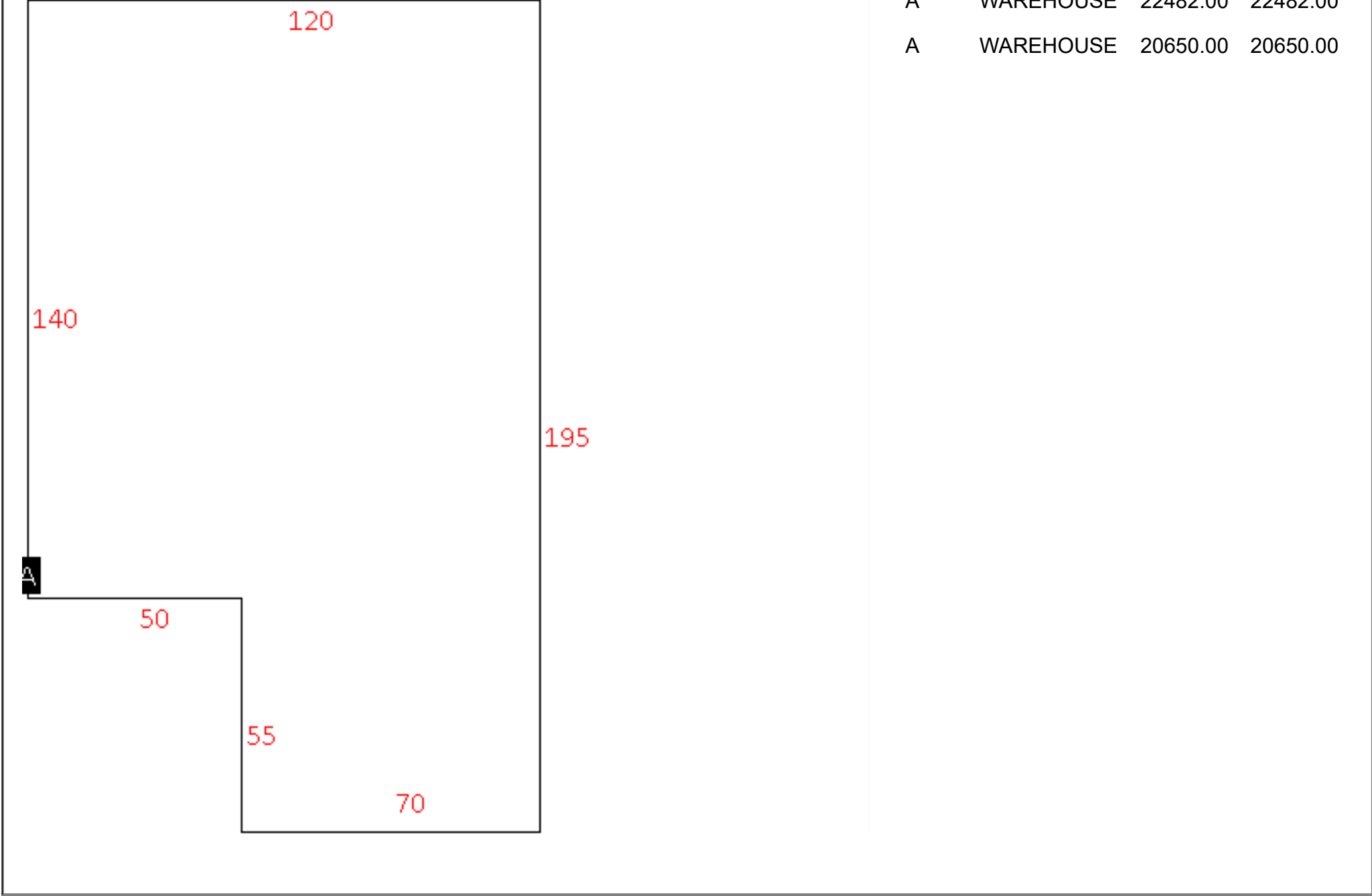
(Building 1) - Sketch for Parcel ID: 116590



Label	Description	Base SF	Total SF
A	WAREHOUSE	22482.00	22482.00
A	WAREHOUSE	20650.00	20650.00

(Building 2) - Sketch for Parcel ID: 116590

Label	Description	Base SF	Total SF
-------	-------------	---------	----------



Land Supplemental

Deeded Acres2.177

Tax District Note13 - TOWN OF ELON

Present-Use InfoWAREHOUSE

Improvement Valuation (1st Major Improvement on Subject Parcel)

* Improvement Tax Value \$

** Improvement Assessed Value \$

641,574

* Note - Tax Value effective Date equal January 1, 2017, date of County's most recent General Reappraisal

** Note - If Assessed Value not equal Tax Value then variance resulting from formal appeal procedure

Land Value Detail (Effective Date January 1, 2017, date of County's most recent General Reappraisal)

Land Full Value (LFV) \$

Land Present-Use Value (PUV) \$ **

Land Total Assessed Value \$

56,720

56,720

56,720

** Note: If PUV equal LMV then parcel **has not** qualified for present use program



Doc ID: 011065160003 Type: CRP
Recorded: 08/31/2012 at 10:00:23 AM
Fee Amt: \$1,006.00 Page 1 of 3
Revenue Tax: \$980.00
Alamance, NC
HUGH WEBSTER REGISTER OF DEEDS
BK **3135** PG **535-537**

As of the Date of this Deed, there are No Delinquent Taxes Owed which are (1) ad valorem County Taxes, (2) ad valorem Municipal Taxes collected by Alamance County or (3) any other taxes collected by Alamance County.

Date:

8/31/2012

Deputy/Tax Collector

Aimee Perkins

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$980.00

Parcel Identifier No. 116590 Verified by _____ County on the _____ day of _____, 20____.
By: _____

Mail/Box to: Grantee

This instrument was prepared by: Ronald G. Coulter, Attorney at Law

Brief Description for the Index: 2.183 ac. T. Chandler Prop.; PB 23/28

THIS DEED made this 28th day of August, 2012, by and between

GRANTOR SHIRLEY M. PERRY (Unmarried) 710 Shadowbrook Drive Burlington, NC 27215	GRANTEE IRWIN PROPERTIES, LLC, A North Carolina Limited Liability Company 1055 Burning Tree Drive Chapel Hill, NC 27517
--	--

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

This 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 Elon, Boone Station Township, Alamance County, North Carolina and more particularly described as follows:

See the attached Exhibit A.

No portion of the property herein conveyed includes the primary residence of the Grantor.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1020 at Page 656.
A map showing the above described property is recorded in Plat Book 23, Page 28.

3

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)

Shirley M. Perry (SEAL)
Shirley M. Perry

By: _____
Title: _____

(SEAL)

By: _____
Title: _____

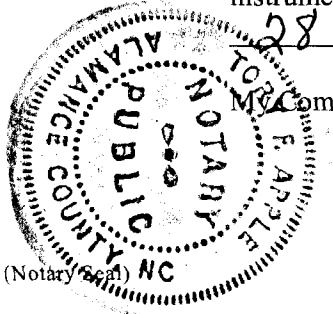
(SEAL)

By: _____
Title: _____

(SEAL)

STATE OF NORTH CAROLINA - COUNTY OF Alamance

I, the undersigned Notary Public of the County and State aforesaid, certify that Shirley M. Perry 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 28 day of August, 2012.



My Commission Expires: 4/14/14

F. Apple
Notary Public

The foregoing Certificate(s) of _____ is/are certified to be correct.

This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

County Register of Deeds for

By: _____ Deputy/Assistant - Register of Deeds

EXHIBIT A

REAL PROPERTY OF IRWIN PROPERTIES, LLC

A certain tract or parcel of land lying and being in Boone Station Township, Alamance County, North Carolina, adjoining the lands of N.C. Highway 100, John L. Causey, N.C. Railroad right of way, Jeff Mitchell Properties, and others, and being more particularly described as follows:

BEGINNING at a stake, corner with John L. Causey and in the southern margin of N.C. Highway 100; thence with the said Causey line, S. 45° 11' 44" E. 274.44 feet to a point in the center of N.C. Railroad right of way and corner with John L. Causey (iron pin set back on said line, N. 45° 11' 44" W. 51.16 feet); thence with the center of the N.C. Railroad right of way, along a curve to the left having a radius of 3635.29 feet, chord bearing of S. 53° 47' 18" W. , and length of 372.76 feet to a point in the center of said N.C. Railroad right of way and corner with Jeff Mitchell Properties (iron pin set back on said line, N. 34° 13' 16" W. 49.66 feet); thence with the line of said Jeff Mitchell Properties N. 34° 13' 16" W. 284.10 feet to a corner of Leroy Coleman in the southern margin of N.C. Highway 100; thence with the southern margin of N.C. Highway 100, N. 55° 59' 25" E. 320.27 feet to the BEGINNING, and containing 2.177 acres, more or less, according to a plat of survey entitled "Second Tract Property of Thomas E. Chandler Property Surveyed for Britt Irwin", by Terry L. Westendorff dated July 6, 2012. Being also that property set out in the plat of survey by J. Mark McAdams, Surveyor, of the Property of Thomas E. Chandler dated May 10, 1977, on file in the office of the Register of Deeds of Alamance County in Plat Book 23, Page 28, to which plat reference is made for a more particular description.