

APPLICATION FOR
ZONING DISTRICTS
CONDITIONAL USE DISTRICTS
OR
CONDITIONAL USE PERMITS

Chatham County Planning Department
P.O. Box 54
Pittsboro, NC 27312

Tel: 919/542-8204
Fax: 919/542-2698
Email: angela.birchett@chathamnc.org

(1) Applicant Information:

Name: Doug & Cindy Carroll
Address: 2312 Pea Ridge Road
New Hill, NC 27562
Phone No: (h) 919-542-7172
(w) _____
(m) _____
Email: ccarroll@embarqmail.com

(2) Landowner Information (as shown on deed)

Name: Gene D & Cynthia Carroll
Address: 2312 Pea Ridge Road
New Hill, NC 27562
Phone No: (h) 919-542-7172
(w) _____
(m) _____
Email: ccarroll@embarqmail.com

(3) Property Identification:

911 Address: 2312 Pea Ridge Road
New Hill, NC 27562
S.R. Name: Pea Ridge Road
S.R. Number: 1972
Township: Cape Fear
Acreage: 22.14
Flood map #: 3710968900J (7-13-2005)
Flood Zone: X

PARCEL#: 5241
P.I.N #: 9689-60-1848
Deed Book: 1203 Page: 0412 Yr: 2005
Plat Book: 2003 Page: 0315
Current Zoning District: RA-40
Watershed District: WS-IV PA

(4) Requested Zoning District, Conditional Use District OR Conditional Use Permit: PLEASE CIRCLE ONE AND WRITE DESCRIPTION BELOW ALSO:

Conditional Use Office and Institutional District

(5) Directions to property:

US 15-501 Sanford Road; left on Moncure-Pittsboro Road; left to
merge onto US 1 North; left at Pea Ridge Road, property one mile
right.

(6) Attach the following, if requesting a zoning map amendment:

- List of names and addresses or current adjoining property owners (see Adjacent Landowners form)
 - Written legal description
 - Map of the property at a scale of not less than 1 inch equals 200 feet
 - Explanation of request addressing applicable portions of Section 17.3B of the Chatham County Zoning Ordinance
-

(7) Attach Submission Materials Checklist Information (see Submission Materials Checklist form)

I hereby certify that I am the owner or authorized agent of said property and that the information provided is complete and the statements given are true to the best of my knowledge.

Cynthia B. Carroll
Gene Douglas Carroll _____ *6-17-2008*
Signature Date

The owner must sign the following if someone other than the owner is making the application.

I hereby certify that _____ is an authorized agent for said property and is permitted by me to file this application.

Signature


Date

ADJACENT LANDOWNERS

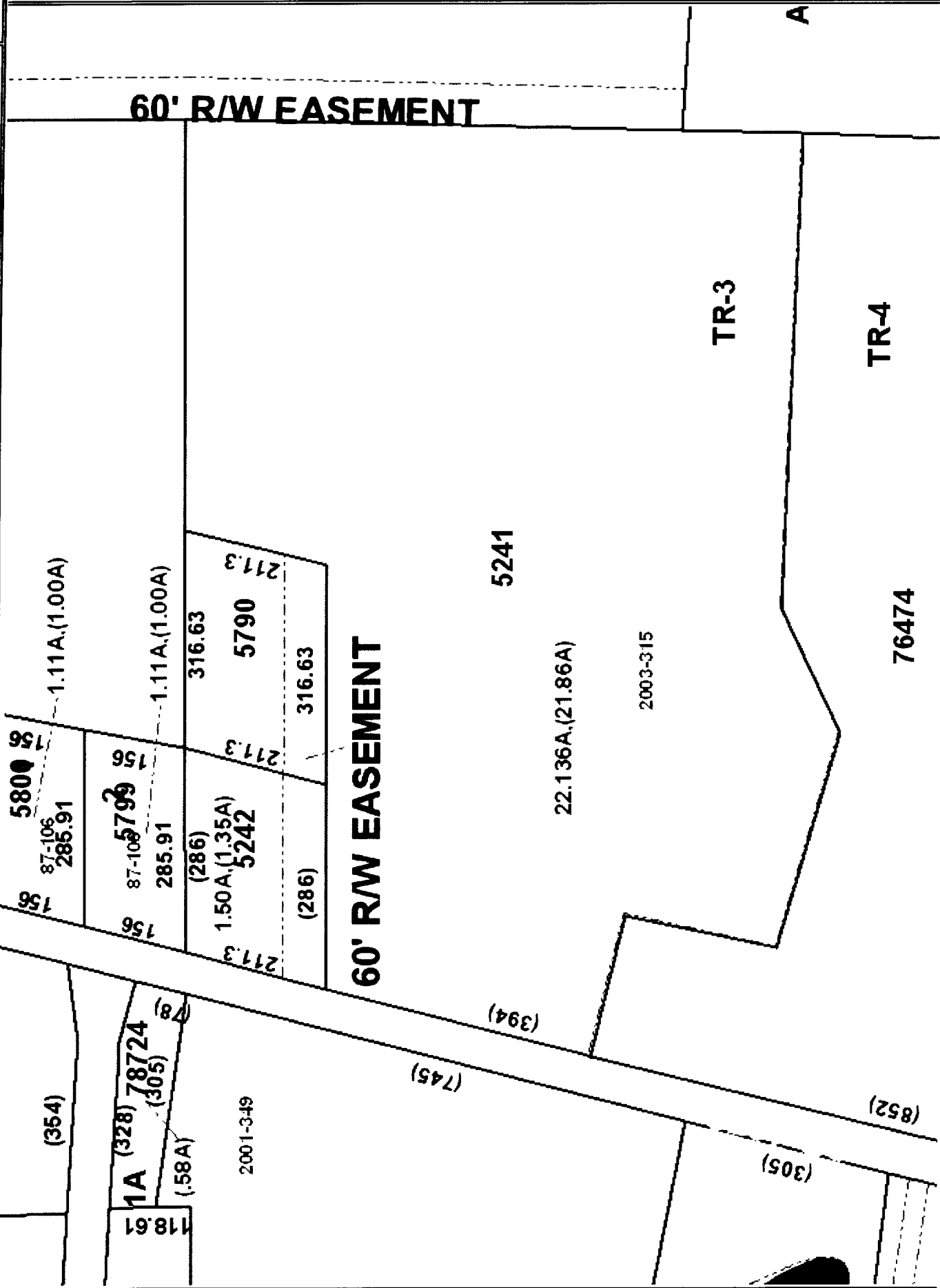
1. Archie L & Peggy R Hackney
2386 Pea Ridge Road
New Hill, NC 27562
Parcel No. 5129 and 5790
2. Caley & Hilda Gardner
1234 Pea Ridge Road
New Hill, NC 27562
Parcel No. 5264
3. Kit Raines Heirs
C/O Charles S Raines
PO Box 80
Moncure, NC 27559
Parcel No. 5225 and 85372
4. Merle Jeanette Carr
2272 Pea Ridge Road
New Hill, NC 27562
Parcel No. 76472
5. Janie C Roberson
2355 Pea Ridge Road
New Hill, NC 27562
Parcel No. 5253

MAP A

Map Scale
 1 inch = 174 feet
 Grid based on the North Carolina State Plane Coordinate System, 1983 North American Datum.



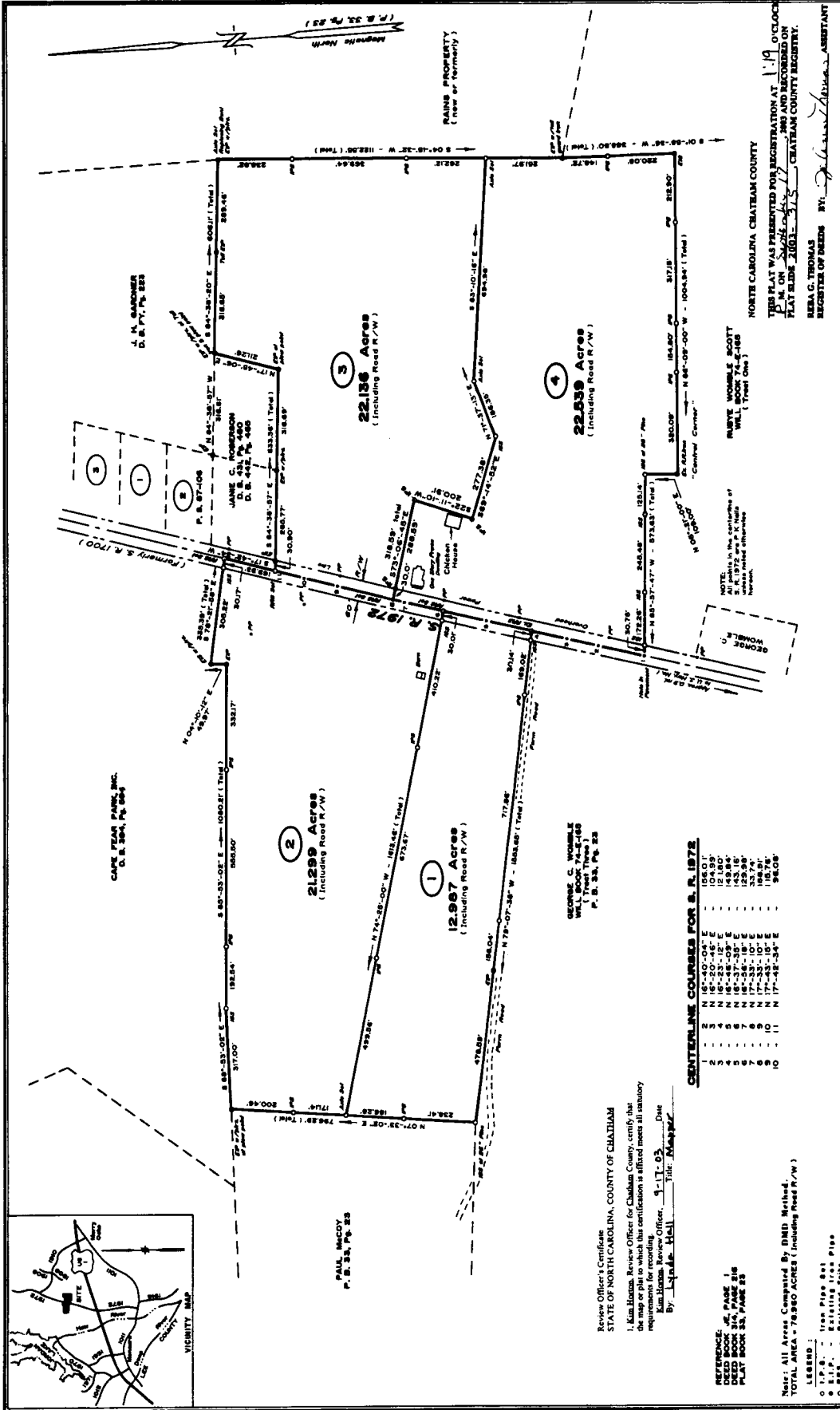
Disclaimer: This map is prepared for the inventory of real property found within this jurisdiction and is compiled from recorded deeds, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The County and the mapping companies assume no legal responsibilities for the information contained on this map.



LEGAL DESCRIPTION OF PROPERTY

1. The property is all of Lot 3 containing approximately 22.136 acres as shown on Plat Slide 2003-315, Chatham County Registry. (See attached Deed.)
2. See attached Map of Property on next page.

MAP B



State of North Carolina, Chatham County
 I, John M. Thibault, Notary Public
 do hereby certify that the above and foregoing plat was duly and lawfully recorded in my office on this day and in accordance with the provisions of the foregoing instrument.
 Witness my hand and official seal this 19 day of March, 1933.

My Commission Expires February 23, 1934

John M. Thibault
 Notary Public

Notary Seal: JOHN M. THIBAUT, Notary Public, Chatham County, N.C., Commission Expires Feb. 23, 1934.

Notary Seal: GEORGE C. WOMBLE, Notary Public, Chatham County, N.C., Commission Expires Feb. 23, 1933.

Van R. Finch
 I, Van R. Finch, certify that this plat was prepared by me in accordance with the provisions of the foregoing instrument, and that the same is a true and correct copy of the original as the same was presented to me for recording. I am a Notary Public in and for the County of Chatham, North Carolina, and my commission expires on the 19 day of March, 1933.

Van R. Finch
 Notary Public

STATE OF NORTH CAROLINA, COUNTY OF CHATHAM
 I, Van R. Finch, Review Officer for Chatham County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.
 By: Van R. Finch Date: March 19, 1933
 Title: Map

EDWARD W. CARR and wife, JEANETTE B. CARR
 VAN R. FINCH - LAND SURVEYS
 p.o. box 973 Pittsboro, N.C. 27312

SCALE: 1" = 800'

DATE: MARCH 5, 1933
 REVISED FEB. 15, 1933

REVERSE OFFICER'S CERTIFICATE
 STATE OF NORTH CAROLINA, COUNTY OF CHATHAM
 I, Van R. Finch, Review Officer for Chatham County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.
 By: Van R. Finch Date: March 19, 1933
 Title: Map

CENTERLINE COURSES FOR S. R. 1972

1	N 15° 40' 04" E	186.01
2	N 15° 23' 12" E	21.80
3	N 15° 48' 09" E	143.94
4	N 15° 28' 18" E	129.99
5	N 15° 28' 18" E	182.91
6	N 17° 33' 10" E	182.91
7	N 17° 43' 10" E	118.76
8	N 17° 42' 34" E	98.08

NOTE: All Areas Computed By D.M.D. Method.
 TOTAL AREA = 78,880 ACRES (including Road R/W)

LEGEND:
 O I.P.S. - Iron Pipe Set
 ● S.P. - Existing Iron Pipe
 ○ H.S. - Railroad Spike

REFERENCE:
 DEED BOOK 316, PAGE 218
 DEED BOOK 316, PAGE 218
 DEED BOOK 316, PAGE 218

PAUL MCCOY
 P. B. 33, P. 23

GEORGE C. WOMBLE
 WILL BOOK 74-2-188
 P. B. 33, P. 23

NOTE: All areas in this plat are computed by the D.M.D. Method.

RUETE WOMBLE SCOTT
 WILL BOOK 74-2-188
 P. B. 33, P. 23

STATE OF NORTH CAROLINA, CHATHAM COUNTY
 THIS PLAT WAS PRESENTED FOR REGISTRATION AT 1:19 O'CLOCK
 P. M. ON March 19, 1933 AND RECORDED ON
 PLAT BLIND 2003-3757 CHATHAM COUNTY REGISTRY.
 BESSIE G. THOMAS
 REGISTER OF DEEDS BY John M. Thibault, ASSISTANT

PLAT NUMBER P 98-399 A

2003-3757

FILED
CHATHAM COUNTY
REBA G. THOMAS
REGISTER OF DEEDS

FILED Aug 30, 2005
AT 11:28:07 am
BOOK 01203
START PAGE 0412
END PAGE 0414
INSTRUMENT # 11598

BOOK 1203 PAGE 412

AREA ABOVE LINE RESERVED FOR REGISTER OF DEEDS

Prepared by: Thomas D. Higgins, III, Attorney-at-Law, Higgins, Frankstone, Graves & Morris, P.A.,
1414 Raleigh Road, Suite 320, Chapel Hill, NC 27517 (without title examination)

Return to: **GRANTEE**
Chatham County 08-30-2005
NORTH CAROLINA
Real Estate
Excise Tax \$1,042.00

N.C. Excise Tax - \$1,042.00

GENERAL WARRANTY DEED

THIS DEED, made this 4th day of August, 2005, by and between CENTER 138, LLC, a North Carolina Limited Liability Company, hereinafter referred to as "Grantor"; and GENE D. CARROLL and Spouse, CYNTHIA B. CARROLL, hereinafter referred to as "Grantee"; whose address is 604 Richard Drive, Cary, North Carolina 27513.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, does grant, bargain, sell and convey unto the Grantee in fee simple all that certain tract or parcel of land situate, lying and being in Chatham County, North Carolina, and more particularly described as follows:

Being all of Lot 3 containing approximately 22.136 acres, more or less, as shown on plat entitled "SURVEY FOR EDWARD W. CARR AND WIFE, JEANETTE B. CARR", prepared by Van R. Finch - Land Surveys and recorded in Plat Slide 2003-315, Chatham County Registry, to which plat reference is hereby made for a more particular description.

GENERAL WARRANTY DEED

This property is transferred specifically subject to a 30 foot wide exclusive access easement on Lot 3 for ingress, egress, regress and underground utilities from State Road 1972 along and running with the northern boundary of said Lot 3, starting at the northwestern corner of Lot 3 as marked and shown on Plat Slide 2003-315, and running from State Road 1972 along and with the northern boundary of Lot 3 as it lies adjacent to Properties now or formerly belonging to Janie C. Roberson and now or formerly belonging to J.H. Gardner as shown on Plat Slide 2003-315, and continuing to the northeastern corner of Lot 3 for the benefit and use of the property designated as "Rains Property" on said Plat Slide 2003-315.; this easement is for the specific purpose of providing access for the construction of one (1) residential home on said "Rains Property"; any roadway that may be constructed on said easement shall be constructed and maintained by the Rains family at their sole expense; further, any utilities that may be installed pursuant to this easement shall be placed underground at the sole expense of the Rains family.

The property described above was acquired by Grantor by instrument recorded in Book 1163, Page 899, Chatham County Registry.

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

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 described above is subject to ad valorem taxes for the current year and easements and restrictive covenants of record, if any.

The designation Grantor and Grantee as used herein shall include the parties hereto, their heirs, successors, assigns and legal and/or personal representatives.

GENERAL WARRANTY DEED

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 by authority of its Board of Directors, the day and year first above written.

CENTER 138, LLC, Grantor

By: *Thomas D. Higgins, III*
Thomas D. Higgins, III, Manager

STATE OF NORTH CAROLINA

COUNTY OF ORANGE

I, the undersigned, a Notary Public of the County and State aforesaid, certify that Thomas D. Higgins, III, personally came before me this day and acknowledged that she/he is the Manager of CENTER 138, LLC, a North Carolina corporation, Grantor, and that he/she as Manager being authorized to do so, executed the foregoing instrument on behalf of the corporation.

WITNESS my hand and official stamp or seal, this the 4th day of August, 2005.



(NOTARY PUBLIC)

My commission expires: 9-3-2008

S:\Users\Carolyn\WORK\TDH\Carroll Deed.wpd

Carolyn H. Clayton
Notary Public

Chatham County, North Carolina
REBA G. THOMAS Register of Deeds
The foregoing certificate(s) of
CAROLYN H. CLAYTON

notary/notaries public
is/are certified to be correct.

Beverly H. Kaye
Assistant - Register of Deeds

REQUEST FOR ZONING ORDINANCE MAP AMENDMENT AND CONDITIONAL USE DISTRICT FOR SHADY WAGON FARM

This request is for property owned by Doug and Cindy Carroll, known as Shady Wagon Farm, identified as Parcel No. 5241, currently zoned RA-40 to amend the Chatham County zoning ordinance and map to Conditional Use Office and Institutional District, and filed concurrently an application for a Conditional Use Permit. This application incorporates by reference all contents of the Conditional Use Permit application.

In accordance with Section 17 of the Chatham County Zoning Ordinance, the following information is necessary for an application for a Conditional Use District:

1. If the proposed amendment would require a change in the zoning map, a map at a scale of not less than 400 feet to the inch nor more than 20 feet to the inch showing the land which would be covered by the proposed amendment. See attached Map A and Map B.
2. A legal description of such land. See attached Legal Description of Property.
3. The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed explanation of such error in the Ordinance and detailed, reasons how the proposed amendment will correct the same. The current RA-40 zoning does not allow for the current use of the property by the Carrolls at Shady Wagon Farm. The Conditional Use Office and Institutional District zoning and Conditional Use Permit will allow for the current uses of the property to continue, thereby bringing the property into compliance with County zoning.
4. The use is at an appropriate location, designed appropriately for its setting. The changed or changing conditions, if any, in the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare. This CUD/CUP application is to correct a zoning violation to allow receptions, in particular for weddings, and baking of wedding cakes, bakery use and other eating and drinking associated with weddings, reunions, meetings and conferences held on site. Shady Wagon Farm provides a needed service to the community at large; it is welcomed by those living in the surrounding community; and, the use itself has very little impact on the surrounding area.
5. The manner in which the proposed amendment will carry out the intent and purpose of the adopted Land Development Plan or part thereof. Shady Wagon Farm provides a needed service to the community at large. The use is at an appropriate location, designed appropriately for its setting.
6. All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment. This Conditional Use District amendment is necessary in order to allow for approval of the requested Conditional Use Permit. This application incorporates by reference all contents of the Conditional Use Permit application.
7. Information required on the application form received from the Planning Department. See attached Application (pages 1 and 2).

Chatham County Land Conservation and Development Plan Consistency Statement

Shady Wagon Farm is consistent with the Chatham County Land Conservation and Development Plan. It is the type of mixed use development that speaks to the cooperative, pro-active vision of the Plan.

Page 10 of the Plan lists two Policy Objectives: “Land conservation and development will reflect balanced growth” and “Land development and conservation will be open, proactive, and cooperative.” The Carrolls aspirations are to live at and operate their business, Shady Wagon Farm, from this site.

- Shady Wagon Farm provides a needed service to the community at large;
- The use itself has very little impact on the surrounding area;
- Shady Wagon Farm is welcomed by those living in the surrounding community; and,
- The use is at an appropriate location, designed appropriately for its setting.

Shady Wagon Farm is an appropriate fit for the agricultural and rural area in which it is located. It is the type of low-intensity commercial activity that will be a long-term asset to the community.