



**TOWN OF HARRISBURG, NORTH CAROLINA
HARRISBURG TOWN HALL
BOARD OF ADJUSTMENT MEETING**

**May 5, 2026
6:00 PM**

AGENDA

1. CALL TO ORDER

- A. SPECIAL PRESENTATIONS
- B. PUBLIC ACCESS TO LIVE MEETING VIA YOUTUBE

Harrisburg Town Hall's Council Chambers will be open for the public to attend the meeting in person. The public has the option to watch the meeting virtually via the YouTube platform using the link below or attend in person.

<https://www.youtube.com/@HarrisburgNC/streams>

All persons wishing to present testimony to the Board must be present in person. All speakers must be sworn in to testify. Testimony must be competent, relevant, and based on facts rather than opinion.

2. CONSENT AGENDA

- A. Consider Approval of minutes from July 1, 2025, meeting.

3. PUBLIC HEARINGS

- A. H-2024-01-A 5465 Morehead Road Appeal of Administrative Decision

4. OLD BUSINESS

5. NEW BUSINESS

6. ADJOURNMENT

Vision Statement

Harrisburg will be a distinctive, family-focused community where memories are made.

Mission Statement

Together, we enhance our quality of life by collaborating, planning, and investing to create our community of choice.



TOWN OF HARRISBURG

Agenda Item Details

Title:

Consider Approval of minutes from July 1, 2025, meeting.

Presenting Personnel:

Carly Bedgood, Planning Support Specialist

Suggested Motion or Action:

Motion to approve minutes of July 1, 2025, as presented.

Description/Background:

Attached are the minutes from the July 1, 2025, Board of Adjustment meeting.

Recommendation:

Approve as presented.

Fiscal Impact:

None.

Attachments:

1. 7-1-25

**TOWN OF HARRISBURG, NORTH CAROLINA
BOARD OF ADJUSTMENT MEETING
JULY 1, 2025
6:00 PM**

MINUTES

PRESENT: Ian Patrick (Chair), Michael Branham (Vice Chair), Monica Long, Kayla Stafford (ALT 1), Eeswar Chamarthi (arrived at 6:18pm)

ABSENT: Brandon Ross, Sonya Rorie (ALT 2)

STAFF: Zac Gordon, Planning Director, Shelley DeHart, Assistant Planning Director, Carly Bedgood, Planning Technician

1. CALL TO ORDER

Chairperson Ian Patrick called the meeting to order.

Due to the board not having a quorum, agenda item A. Swear in New and Reappointed Board Members under New Business, will be moved up to the beginning of the meeting. Newly appointed board members and reappointed board members Long and Stafford were sworn in by the Board secretary.

B. SPECIAL PRESENTATIONS – None.

2. CONSENT AGENDA

Board member Michael Branham made a motion to approve the June 3, 2025, meeting minutes. Monica Long seconded the motion.

The motion passed 4-0.

3. PUBLIC HEARINGS- None.

4. OLD BUSINESS – None.

5. NEW BUSINESS

A. Swear in New and Reappointed Board Members

The item was moved up due to no quorum. The following members were sworn in:

Re-appointments:

Monica Long (3-year term, term expires 6/30/2028)

New appointments:

Kayla Stafford (3-year term, term expires 6/30/2028)

B. Elect Chairperson and Vice Chairperson

Monicia Long made a motion to re-elect the current Chairperson (Patrick) and Vice Chairperson (Branham). The motion received a second by Kayla Stafford. **The motion passed 4-0.** Ian Patrick will remain the Chairperson and Michael Branham the Vice Chairperson for the 1-year term.

*Newly appointed board member Eeswar Chamarthi arrived at the meeting at 6:18pm.

C. Staff reviewing Board of Adjustment procedures and Board member duties.

Planning Director, Zac Gordon, delivered a PowerPoint presentation (see attached) providing an overview of the BOA role, Rules of Procedures, annual calendars, and what types of hearings the BOA usually reviews. The BOA hears all variances, appeals of administrator decisions, and special use permit requests. These types of decisions are considered quasi-judicial; thus, the decisions are based on sworn testimony and evidence presented at the public hearing. The main goal of this board is to think and act like judge and jury.

*Newly appointed Board member Eeswar Chamarthi was sworn in by the Board Secretary, Carly Bedgood.

6. ADJOURNMENT

There being no further business, Michael Branham made a motion to adjourn with a second from Monica Long. **The motion was unanimously approved (5-0).**

Adopted on the 3rd of March 2026

Ian Patrick, Chairperson

Carly Bedgood, Secretary



TOWN OF HARRISBURG

Agenda Item Details

Title:

H-2024-01-A 5465 Morehead Road Appeal of Administrative Decision

Presenting Personnel:

Shelley DeHart, Assistant Planning Director

Suggested Motion or Action:

Hold the public hearing on H-2024-01-A: 5465 Morehead Road - Appeal of Administrative Decision and motion to: Uphold the administrative decision related to the code violation at the subject property in whole, or in-part, or reverse the decision to take code enforcement action on the property.

Description/Background:

The property owners have filed an application to appeal an administrative decision made by the Town associated with a code enforcement case for at 5465 Morehead Road. See attached application and Record Documents for further information.

Recommendation:

Following the public hearing, the Board of Adjustment should consider all facts and testimony and render a decision accordingly, through the finding of facts, to affirm or reverse the decision on the matter being appealed.

Fiscal Impact:

None

Attachments:

1. H-2024.01-A 5465 Morehead Appeal_April
2. Attachment A Appeal of Adm Decision_App
3. Attachment B_Email_5465 Morehead Rd
4. Attachment C_Email 10_15_24 Meeting Summary
5. Attachment D Notice of Violation_10-23-24
6. Attachment E_Property Owner Deed
7. Attachment F_Permits for Residential Addition
8. Attachment G- Section 140.04.07 B (4)
9. Attachment H Section 147.01.04
10. Attachment I Stop Work Order for 5465 Morehead_
11. Attachment J Section 145.01.11D
12. Attachment K Section 145.01.07



Appeal of Administrative Decision: H-2024-01-A

Date: April 22, 2026

To: Harrisburg Board of Adjustment

Property Owner & Applicant: Mario Valdes Fonseca and Ana Guevara Fernandez

Project Manager: Joseph L. Ledford, Attorney at Law

Property Location: 5465 Morehead Road
PIN # 55080330750000

Current Zoning: Employment Center (EC)

Property Size: 3.11 acres

Staff Report By: Shelley DeHart, AICP
Interim Planning Director

Request: **An appeal of an administrative decision by the Town regarding violations of Chapter 140: Zoning Districts and Land Uses; and Chapter 147: Intensifying the use without Permits the Harrisburg Unified Development Ordinance (UDO), and . These violations pertain to the operation of a non-permitted use and failure to obtain the required permits for site development.**

The appellant filed this appeal of an administrative decision by the Town on November 15, 2024, associated with a Notice of Violation (NOV) issued on October 23, 2024, for violations of the Unified Development Ordinance (UDO) on the subject property (Attachment A). The specific Sections of the UDO are:

- 140.04.07: Home Occupation Violation
- 147.01.04: Violation - Grading with no permits- Intensifying Use/Property

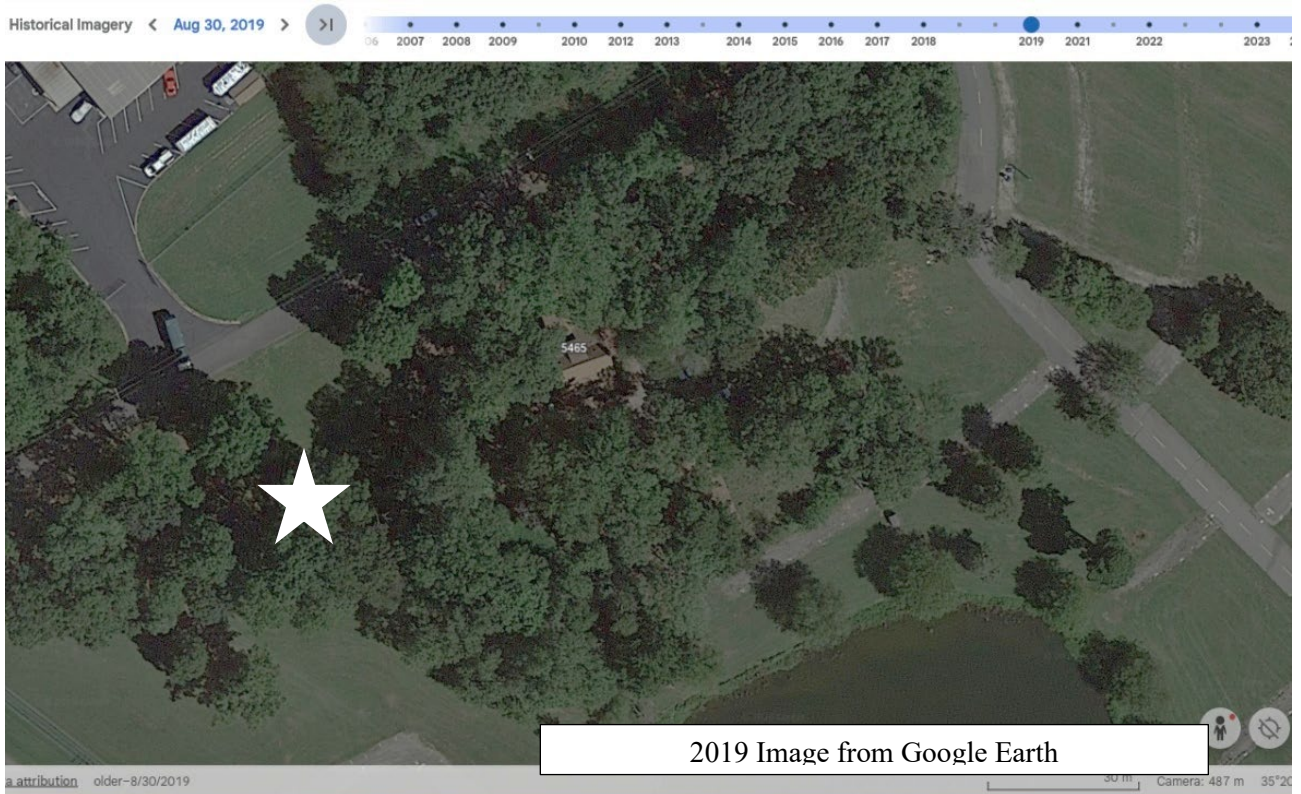
STAFF ANALYSIS

Background

The Town received an email from Mr. Joseph L. Ledford, Attorney at Law, on September 6, 2024, indicating he was following up to a request for information for his client associated with 5465 Morehead Road. Email correspondence regarding the nature of the requested information ensued back and forth resulting in a request for a call to discuss the project by the Town (Attachment B). A meeting was held on October 15, 2024, to discuss the potential project and provide guidance. A summary of the discussion was provided to Mr. Ledford via email outlining the discussion and path forward (Attachment C). Based on Town research prior to the meeting, and discussion at the meeting, it was determined that development and a change in use occurred on the property without proper permits resulting in a zoning violation of the UDO. A notice of violation was issued on October 23, 2024 (Attachment D).

H-2024-01-A Staff Report
April 24, 2026

Historical Records and Images- The following historical images are provided to reflect the evolution of the site as it relates to use and development.



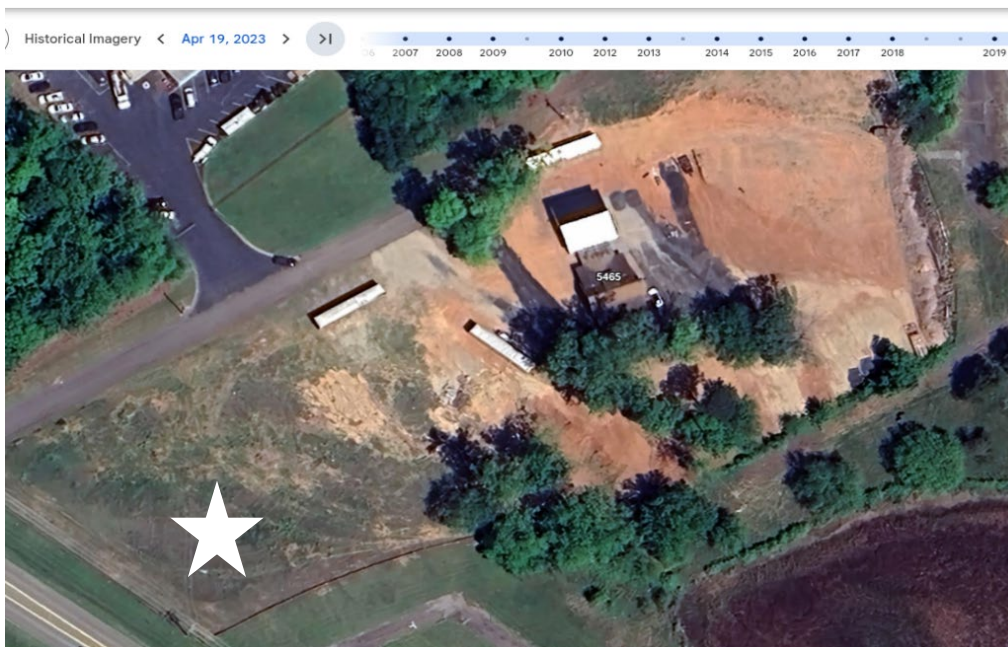
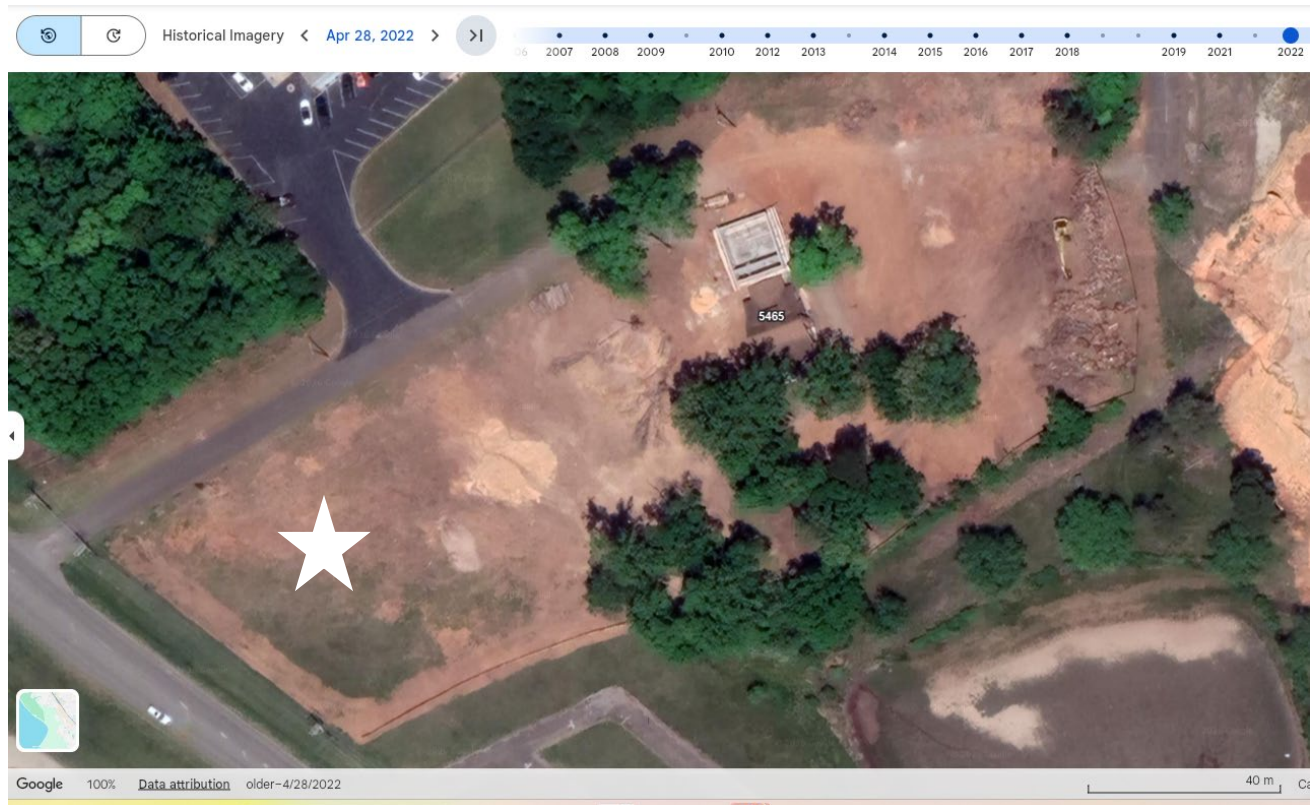
The historical image above of the subject property is from Google Earth dated August 30, 2019. Records indicate this property was developed with a single-family home. The image below is from January 2021.



H-2024-01-A Staff Report

April 24, 2026

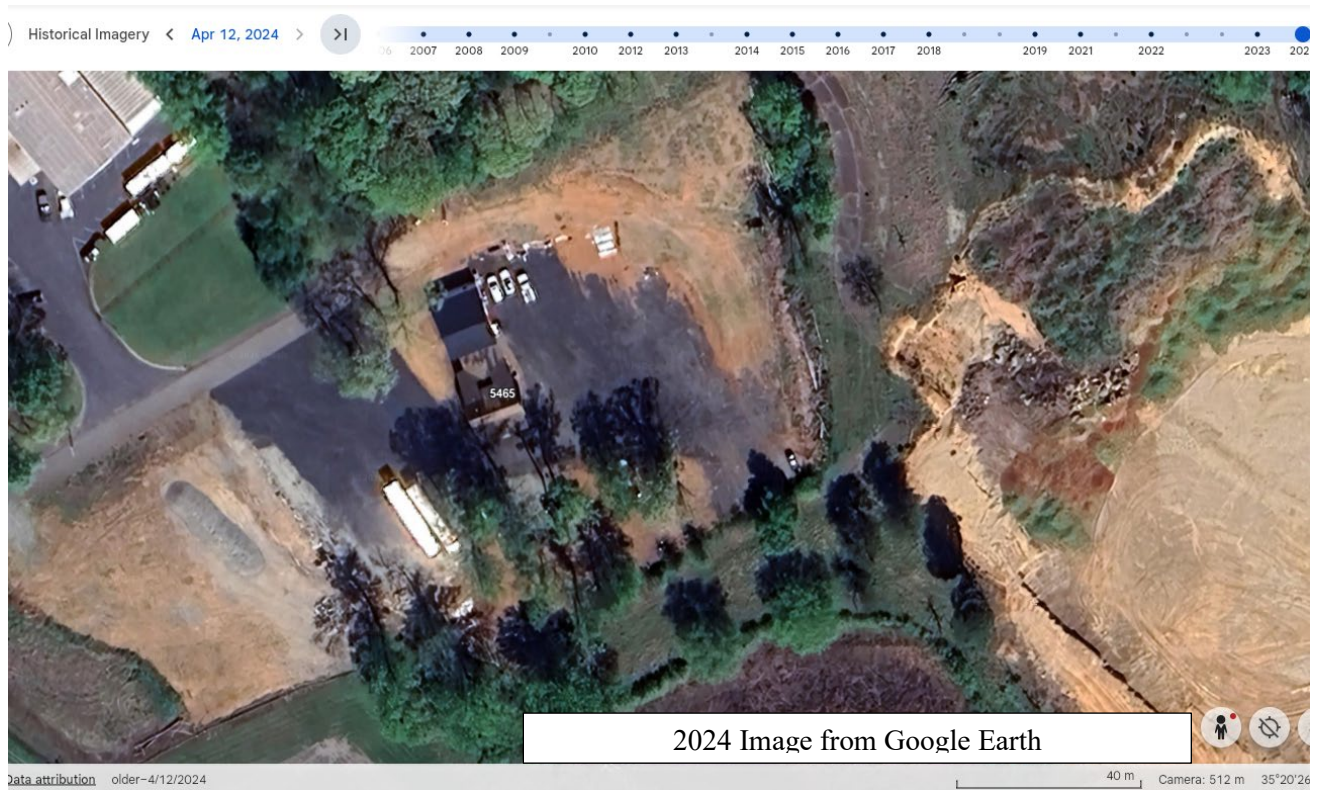
According to Cabarrus County records, a deed was recorded on October 15, 2021, granting the property to the current property owners Mario Fonseca Valdes and spouse, Ana Mary Guevara Fernandez (Attachment E). Town records reflect a permit was issued by the Town and Cabarrus County for a residential addition and grading only associated with the addition in December of 2021 for a residential addition that was initiated from a Cabarrus County violation (Attachment F). The image below reflects additional unauthorized clearing/grading occurred on the site between 2021 and April of 2022 beyond that issued by the permit.



The Google Earth Image on the left reflects additional work and the introduction of tractor trailer parking and/or storage on the lot.

H-2024-01-A Staff Report
April 24, 2026

The images below reflect the parcel in 2024.



H-2024-01-A Staff Report
April 24, 2026
Photos of the Site dated October 2024



Based on information provided at the October 15th, 2024, meeting, the property owners live within the existing home and store/operate a commercial trucking business. It was determined that:

- Although the property is zoned Employment Center (EC), the property and structure (house) had been used as a residential home.
 - The truck storage business does not meet the definition of a Home Occupation and is not in compliance pursuant to Section 140.04.07 B (4) of the Unified Development Ordinance (Attachment G).
- The site had been cleared and graded (developed) for commercial use without obtaining required permits pursuant to Section 147.01.04 (5) – Intensity- To increase the intensity of use of any land or structure, except in accordance with procedural requirements and substantive standards of the UDO. (Attachment H).

Corrective action to be taken as stated in the NOV: Use the property only as a single-family residential home; or Use the property as a commercial site only. Will also need to bring the property into compliance with zoning codes in either case.

H-2024-01-A Staff Report
April 24, 2026
Violation and Action Timeline

Per Section 147.01.04 D of the UDO, the applicant had seven (7) days to bring the property into compliance or be subject to fines of \$100/day for each day the violation continued beyond that time. The Town began to impose fines of \$100/day on 11-1-24 and continued until 11-15-24, when the landowners submitted a formal appeal, “staying” the fines until resolution of the matter. As a result of code enforcement action, a total of \$900 in fines were imposed on this property.

Town staff met with the appellant and their attorney again on 2-25-25 to discuss the case. At this meeting, the landowners indicated that they would restrict their use of the property for commercial purposes only. The Town gave the landowners until 3-18-25 to hire an engineer to assist with the process of converting the site and bringing it into compliance with the UDO. Town staff had received multiple phone inquiries from engineering firms considering taking the project between March and May 2025. On May 21st of 2025, staff was informed by Moodye Clary that he would be entering into a contract with the property owners for architectural services.

On June 11, 2025, the Town, issued a “Stop Work Order” (Attachment J) for **additional dumping and grading** work at 5465 Morehead Rd. This work was in violation of Section 145.02.05 of the UDO – specifically development activity without a Zoning Clearance Permit or Grading Permit.

The Town has been in continual contact with Mr. Moodye Clary, Mr. Joseph Ledford (Property Owner Attorney), and Kevin Calwell PE, and Scott Gregory of Geoscience Group, to discuss status of the corrective plans with the promise of submittal from the appellants team. **Construction Documents were submitted to the Town for review on April 10, 2026. The plans propose corrective action of converting the site from residential use to a commercial use. The code enforcement action will remain on the property until plans are approved and the site is developed in compliance with the code. The Board is required to hear the active appeal petition and render a decision.**

The photos below were taken on February 18, 2026, reflecting the current state of the property.





SUMMARY AND CONCLUSION

The Planning and Zoning Department staff has made the determination that the use and development on the site is in violation of the Unified Development Ordinance and permits are required to bring the site into compliance with the change in use (commercial) and development activity.

APPEAL PROCEDURE AND PROCESS

Section 145.01.11.D. Appeal of Administrative Decision, outlines the appeal process to be followed by the Board of Adjustment. (see **Attachment J**)

Section 145.04.04 Appeal of Administrative Decision provides guidance for review of an appeal of a decision of an administrative officer of the Town, as follows:

145.04.04 Appeal of Administrative Decision

- A. Applicability.** Appeals from the decisions of an administrative officer in which it is alleged there is an error in an order, requirement, decision, or determination in the enforcement of this UDO shall be made to the Board of Adjustment (BOA).
- B. Scope of Review.** The BOA's scope of review shall be limited to determining whether the decision or interpretation by the Director was in accordance with the intent and requirements of this UDO, and accordingly, the BOA shall affirm or reverse the decision, in part or in whole.
- C. Notice of Appeal.** A notice of Appeal of an Administrative Decision shall be submitted to the Director within 30 days from receipt of the written decision. Any other person with standing to appeal has 30 days

H-2024-01-A Staff Report

April 24, 2026

from receipt from any source of actual or constructive notice of the determination within which to file an appeal.

D. Specific Review Criteria. In determining whether to reverse or affirm, in part or in whole, an Appeal of Administrative Decision, the applicable review bodies shall consider the provisions of **Section 145.01.07, Common Decision Criteria (see Attachment K)**, together with the following:

1. *Record and Evidence.* The administrative decision was appropriate considering the written record of the case and the evidence presented; and
2. *UDO Requirements.* The decision reflects the requirements contained in this UDO.

E. Burden of Proof in Appeals. The BOA shall presume the appealed final decision to be valid. The appellant shall present sufficient evidence and have the burden to justify a reversal of the decision being appealed.

F. Effect. In exercising its authority under this Section, the BOA shall have the final decision-making powers of the administrative official from whom the appeal is taken.

DECISION:

Following the public hearing, the Board of Adjustment should consider all facts and testimony and render a decision accordingly through the finding of facts to reverse or affirm, on the matter being appealed.

Attachment A – Appeal of Administrative Decision Application

Attachment B – Email between Mr. Ledford and the Town dated September 2024.

Attachment C – Email to Mr. Ledford from Town summarizing the October 15, 2024, Meeting

Attachment D – Notice of Violation issued on October 23, 2024

Attachment E - Recorded Deed for Current Property Owners

Attachment F – Permit Documents for Residential Addition 2021

Attachment G – Section 140.04.07 of the UDO

Attachment H – Section 147.01.04 of the UDO

Attachment I – Stop Work Order of June 11, 2025

Attachment J – Section 145.01.11D of the UDO

Attachment K- Section 145.01.07 of the UDO

Quasi-Judicial Approval Application

1. Application Type (select all that apply)

- Variance
 Floodplain Variance
 Special Use Permit
 Appeal of Administrative Decision

2. Project Information

- a. Project Name: Residents of Mario Valdes Fonseca and Ana Guevara
- b. Project Location/Address: 5465 Morehead Rd. Concord, NC 28075
- c. Tax Map and Parcel Number (PIN): _____
- d. Zoning: Existing: Zoned Employment center Proposed: Remain the same
- e. Land Use: Existing: Residents Proposed: Residents / Trucking business
- f. Description of Request (attach separate sheet if needed):

The petitioners Mario Valdes Fonseca and Ana Guevara want to be allowed to continue residing in the residence at this location and to operate their trucking business from this property. They believe that the residence is a grandfather use and that the current EC zoning allows their trucking business. They also may seek the creation of a conditional district to provide for their intended use and may file a request for a variance.


3. Contact Information

- a. Project Manager/Contact Person: Joseph L. Ledford on behalf of Mr. Valdes and Ms. Guevara
 Company: Joseph L. Ledford Attorney at Law
 Address: 301 South McDowal street City, State, Zip: Charlotte, NC 28204
 Phone Number: 704.517.0480 suite 1011 Email Address: JosephLedford@yahoo.com
- b. Applicant Name (if different than above): Mario Valdes Fonseca and Ana Guevara
 Company: Individuals, A3M Transportation Inc
 Address: 5465 Morehead Rd. City, State, Zip: Concord, NC 28075
 Phone Number: 786.261.3041 Email Address: Fonseca4586@gmail.com
- c. Owner Name: Mario Valdes Fonseca and Ana Guevara
 Company: Individuals, A3M Transportation Inc
 Address: 5465 Morehead Rd. City, State, Zip: Concord, NC 28075
 Phone Number: 786.261.3041 Email Address: Fonseca4586@gmail.com

4. Owner's Consent

Mario Valdes Fonseca and Ana Guevara ("Owner") certifies that it is the owner of the property located at 5465 Morehead Rd Concord NC 28075 ("Subject Property") and expressly consents to the use of the Subject Property as described in this application and to all conditions that may be agreed to as a part of the approval of this application, which may be imposed by the decision making board.

Owner hereby authorizes, Joseph L. Ledford Attorney at Law as agent, to file this application and represent Owner at any and all meetings and hearings required for the approval of this application.

Owner's Signature:  Date: 11-15-24

5. Affidavit of Completeness and Accuracy (to be completed by the individual submitting the application)

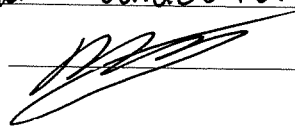
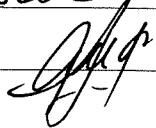
Project Name: Residents located at 5465 Morehead Rd Submittal Date: 11-15-24

STATEMENT OF COMPLETENESS AND ACCURACY:

I hereby certify all property owners have full knowledge the property they own is the subject of this application. I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related application material and all attachments become official records of the Planning and Zoning Department of Harrisburg, North Carolina, and will not be returned.

I understand that any knowingly false, inaccurate or incomplete information provided by me will result in the denial, revocation or administrative withdrawal of this application, request, approval or permit. I further acknowledge that additional information may be required to process this application. I further consent to the Town of Harrisburg to publish, copy or reproduce any copyrighted documents submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

Applicant Name: Mario Valdes Fonseca Ana Guevara

Applicant Signature:  

6. Staff Use Only:

Record of Process

Date Received: 11/15/2024

Application Number: H-2024-01-A 5465 Morehead

Is Application Complete?

Yes

No

Public Hearing Date(s): March 3, 2026

Published Notice Date: February 19, 2026

Mailed Notice Date: February 19, 2026

Posted Notice Date: February 19, 2026

Final Action Applicant Notification Mailed Date: _____

Town Staff Signature: _____

Record of Decision

Reviewed By: _____

Recommendation:

Approve

Deny

Final Action:

Approve

Deny

7. Required Attachments

All development application submittals must be accompanied by:

- Applicable fee(s) (see Master Fee Schedule in Appendix B of the Development Guidebook);
- Attachments listed in under the pertinent application;
- Case numbers of other related development applications; and
- Any additional information or attachments required by the Town Attorney, Director or other Town staff, Historic Preservation Commission, Planning and Zoning Board, Board of Adjustment, or Town Council.

Consult staff during pre-application meeting for any required paper copies consult staff during pre-application meeting for any required paper copies.

<p>Variance</p> <ol style="list-style-type: none"> 1. List of all abutting property owners' name, mailing address, and PINs 2. Sketch plan showing: <ol style="list-style-type: none"> a. Boundaries of property b. Size and location of all existing building(s) c. Size and location of all proposed buildings, parking facilities, and accessory structures d. Number, location, and type of any proposed screening or buffering 3. List of the UDO section(s) seeking relief from 4. Provide reasons for seeking variance 5. Explanation of how request meets the specific review criteria in UDO Section 145.04.01, <i>Variance</i> 	<p>Floodplain Variance</p> <ol style="list-style-type: none"> 1. List of all abutting property owners' name, mailing address, and PINs 2. Sketch plan showing: <ol style="list-style-type: none"> a. Boundaries of property b. Size and location of all existing building(s) c. Size and location of all proposed buildings, parking facilities, and accessory structures d. Number, location, and type of any proposed screening or buffering 3. List of the specific section(s) in UDO Chapter 143 seeking relief from 4. Provide reasons for seeking variance 5. Explanation of how request meets the specific review criteria in UDO Section 145.04.02, <i>Variance, Floodplain</i>
<p>Special Use Permit</p> <ol style="list-style-type: none"> 1. List of all abutting property owners' name, mailing address, and PINs 2. Land use of all abutting properties 3. Explanation of how request meets the specific review criteria in UDO Section 145.04.03, <i>Special Use Permit</i> 4. Sketch Plan, Traffic Impact Study, etc. if determined necessary 	<p>Appeal of Administrative Decision</p> <ol style="list-style-type: none"> 1. A written letter describing the request including applicant's interpretation of the provision(s) in question and reasons for that interpretation. Applicant may be required to prove any facts included in letter to the BOA

From: [Shelley DeHart](#)
To: josephlledford@yahoo.com
Cc: [Carly Bedgood](#)
Subject: FW: 5465 Morehead Rd
Date: Tuesday, September 17, 2024 3:21:00 PM
Attachments: [image001.png](#)
[image001.png](#)

Good afternoon,

We will need to coordinate a call with you and your client to discuss project.

- The new storage structure will be regulated by Section 104.04.07A of the UDO - <https://www.harrisburgnc.org/DocumentCenter/View/6813/FY2025-Schedule-of-Fees?bidld=> For residential storage only
- Filling (grading activity) may require a grading permit.
- I show this is property having a single-family home of the property although it is zone EC- a commercial designation. Please clarify if there is a proposed change in use.

We would be happy to coordinate a virtual meeting.

Shelley



Shelley DeHart,
AICP
Assistant Planning
Director
704.455.0728 (Office)
704.453.4822 (Cell)
4100 Main St.
Harrisburg, NC 28075
www.harrisburgnc.org

Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to request and review by anyone at any time.

From: Joseph Ledford <josephlledford@yahoo.com>
Sent: Monday, September 16, 2024 1:25 PM
To: Zachary Gordon <zgordon@harrisburgnc.org>
Subject: Re: 5465 Morehead Rd

Good afternoon, My Client is looking to work on:

- 1 Driveway, entrance and all the filling that is needed.
 - 2 repair the porch to then be able to replace the whole roof of the house.
 - 3 add a new storage 26 x 24
 - 4 fill in/level the front of the property
- thank you for your attention to this matter.

regards,

Joseph L. Ledford
Attorney at Law
301 South McDowell Street
Suite 1011
Charlotte, NC 28204
Phone: 704-376-2622
Fax: 704-749-9963
josephlledford@yahoo.com

On Friday, September 6, 2024 at 08:53:59 AM EDT, Zachary Gordon <zgordon@harrisburgnc.org> wrote:

Following up on your request for information on the above property. Is it possible for you to provide me with a list of what information you are looking for? We may be able to answer your question relatively quickly if we have something to respond to and if we need to meet, we can be prepared with information you require. A Teams call would be preferable for a direct discussion. I'm copying Carly Bedgood, Planning Technician, who probably provide you with most of the information you are looking for.

Thanks,

Zac Gordon



**Zachary D. Gordon,
AICP**

Planning Director

Planning and Zoning
Department

(704) 794-2756 (c)

(704) 455-0709 (o)

4100 Main St.

Harrisburg, NC 28075

www.harrisburgnc.org

Pursuant to North Carolina General Statutes Chapter 132, Public Records this electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to request and review by anyone at any time.

Tom Lesser

From: Shelley DeHart
Sent: Tuesday, October 22, 2024 3:36 PM
To: Joseph Ledford
Cc: Tom Lesser; Zachary Gordon
Subject: RE: 5465 Morehead Rd

Good afternoon,

We are providing this information as a summary to the discussion on October 15, 2024.

- The subject property is zoned Employment Center (EC). This zone is intended for light industrial types of uses.
- Per town and county records, the site is identified as **a single-family residential use** with an existing SFR home on the property. Aerial photographs available on “Map Cabarrus” show the property was a slightly wooded with a single-family home in 2021. Clearing of the wooded area is visible in 2023 aerial photographs with what appears to be storage of two cargo trailers. 2024 aerial photograph shows some type of paving was applied to the cleared area supporting a possible conversion to a commercial use of the site. Our records do not show that permits were pulled for the conversion of the site from a residential use to a non-residential use or combination thereof. **This is a violation of the Unified Development Ordinance (UDO) in the area of use and work without permit approval.**
- Based on the discussion on October 15th, the property owner would like to utilize the property living in the home and storing the commercial trucks/trucking business on the same property. The EC zone **does not allow** a combination of uses. Additionally, Harrisburg **does not** have any other zoning district that would allow this combination of uses.
- To bring the property into compliance, the property owner will need to decide to:
 - Use the property only as a single-family residential home; or
 - Use the property as a commercial site only.

The property will need to be brought into compliance with zoning codes in either case. We will be happy to meet with your client with an interpreter to discuss a path forward to address the many existing code violations. Please let us know what dates and times would work best for your team so we can schedule accordingly.

Regards,

Shelley DeHart



Shelley DeHart,
AICP
Assistant Planning
Director

704.455.0728 (Office)
704.453.4822 (Cell)

4100 Main St.



Notice of Violation

October 23, 2024

VALDES MARIO
FONSECA
5465 MOREHEAD RD
HARRISBURG, NC 28075

Address of Violation: 5465 MOREHEAD RD, CONCORD, NC 28075

Zoning: EC - Employment Center

Inspection Date: 10/23/2024

Nature of Violation: The following provisions of the *Harrisburg Unified Development Ordinances* have been violated:

- 140.04.07: Home Occupation Violation
- 147.01.04: Grading with no permits

Corrective action to be taken: Use the property only as a single-family residential home; or
Use the property as a commercial site only. Will also need to bring the property into compliance with zoning codes in either case.

THIS NOTICE IS TO SERVE AS A WARNING CITATION

You have seven (7) Days from the receipt of this letter to comply with the ordinance. Upon expiration of the seven-day warning period, the violator shall be subject to a civil penalty of \$100.00 for each day that the violation remains on the property.

To avoid any monetary citations, please clear this matter within the period given. If you have any questions, please contact the Zoning Dept. at 704-455-0708

Thank you for your cooperation.

Sincerely,

Tom Lesser
Code Enforcement Officer
Town Of Harrisburg
tlesser@harrisburgnc.org



CIVIL CITATION

Date Citation Issued:	11/1/2024	Business:	
Date of Re-Inspection:	DAILY	Owner/Contact:	VALDES MARIO FONSECA

Location					
Address of Violation:	5465 MOREHEAD RD CONCORD, NC 28075				
Owner(s) Address:	5465 MOREHEAD RD HARRISBURG, NC 28075				
Citation Received by:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">USPS</td> <td style="width: 50%; text-align: center;">11/1/24</td> </tr> <tr> <td style="text-align: center;">Name</td> <td style="text-align: center;">Date</td> </tr> </table>	USPS	11/1/24	Name	Date
USPS	11/1/24				
Name	Date				

Violation

Violation of Section: Harrisburg UDO Harrisburg Code of Ordinances

Specific Article: 140.04.07/147.01.04

Appropriate Ordinance Attached

Reason for Violation: Home Occupation Violation/Grading with no permits

Citation

Harrisburg Unified Development Ordinance

\$100.00 per day penalty
 \$300.00 per day penalty

NOTE: Appeals may be filed at the Harrisburg Planning & Zoning Department within 30 days from receipt of original decision.

Harrisburg Code of Ordinances

- Ch. 90,93 Warning 1st Citation \$25.00 2nd Citation \$100.00 3rd Citation \$200.00
- Ch. 92 Warning 1st Citation \$100.00 2nd Citation \$250.00 3rd Citation \$500.00

Corrective Action to be taken:

- To bring the property into compliance, the property owner will need to decide to:
 - Use the property only as a single-family residential home; or
 - Use the property as a commercial site only.

Warning: 15 days to correct violation

Monetary Penalty begins after 15-day warning period has expired

NOTE: Appeals may be filed at the Harrisburg Zoning Office within 15 days from receipt of original decision.

If you have any questions regarding this citation, please contact the Zoning Dept. at 704.455.5614

Tom Lesser	11/1/24
Zoning Inspector	Date

FILED	Oct 15, 2021
AT	01:00:00 PM
BOOK	15578
START PAGE	0145
END PAGE	0148
INSTRUMENT #	44118
EXCISE TAX	\$825.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: **\$825.00**Parcel Identifier No.: **5508-03-3075-0000**

Mail after recording to: Grantee

This instrument was prepared by: Shepard Law, PLLC, 5160 Poplar Tent Road, Concord, NC 28027

Brief Description from the Index:

THIS DEED made this 9th day of October, 2021, by and between**GRANTOR**

Ralph E. Zerweck and Susan A. Zerweck, Trustees of Ralph E. and Susan A Zerweck Revocable Living Trust No. 1, dated in June 22, 2005

**Forwarding address:
15724 Adams Ridge
Los Gatos, CA 95033**

GRANTEE

**Mario Fonseca Valdes and spouse,
Ana Mary Guevara Fernandez**

**Property Address/Mail to:
5465 Morehead Road
Concord, NC 28027**

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

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

See Exhibit "A"

Submitted electronically by "Shepard Law, PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the Memorandum of Understanding with
the Office of the Register of Deeds of Cabarrus County. NCGS 47-14(a1)(5).

In executing and delivering this instrument, it is the intent of the GRANTOR to vest title in the above described realty in the GRANTEE as Tenants in the Entirety pursuant to North Carolina General Statutes §39-13.3(b) and (d).

If initialed, the property includes the primary residence of at least one of the Grantors. _____.(NC GS § 105-317.2)

The property hereinabove described was acquired by Grantor by instrument recorded in **Book 12952, Page 160** .

A map showing the above described property is recorded in **Map Book _____, Page _____**.

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

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

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

- Enforceable easements, restrictions and rights of way of record.
- Current Year Ad Valorem Taxes

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

Ralph E. Zerweck and Susan A. Zerweck, Trustees of Ralph E. and Susan A Zerweck Revocable Living Trust No. 1, dated in June 22, 2005

Ralph E. Zerweck
By: Ralph E. Zerweck, Trustee

Susan A Zerweck
By: Susan A Zerweck, Trustee

STATE OF California
COUNTY OF Santa Cruz

I, _____, Notary Public, do hereby certify that Ralph E. Zerweck and Susan A. Zerweck, Trustees of Ralph E. and Susan A Zerweck Revocable Living Trust No. 1, dated in June 22, 2005 By: Ralph E. Zerweck personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this _____ day of _____, 2021.

[Signature]
Official Signature of Notary

My Commission Expires: July 8, 2025

- see attached -

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

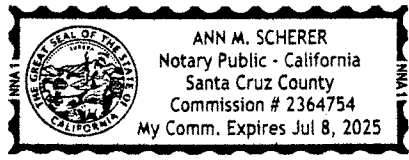
State of California

County of Santa Cruz

On October 9, 2021 before me, Ann M. Scherer, Notary Public

personally appeared Ralph E. Zerweck and Susan A. Zerweck

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature]

Place Notary Seal and/or Stamp Above

Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: North Carolina General Warranty Deed

Document Date: June 22, 2005 Trust Date Number of Pages: 3

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name: Ralph E. Zerweck

- Corporate Officer, Partner, Individual, Trustee, Other

Signer is Representing: Self

Signer's Name: Susan A. Zerweck

- Corporate Officer, Partner, Individual, Trustee, Other

Signer is Representing: Self

Exhibit "A"

Lying and being in Number Two (2) Township of Cabarrus County, North Carolina on the East side of Morehead Road (SR 1300), and being more fully described as follows:

BEGINNING at an iron stake on the West side of Morehead Road (2.0 feet from the edge of the pavement for said road, the old Southwestern corner of Charlotte Motor Speedway, Inc., now or formerly) and runs thence with the line of the Speedway North 61-27 East 707.6 feet (crossing Morehead Road and passing an iron stake in line at 43.25 feet) to an iron stake in line (said stake being South 61-27 West 89.96 feet from an existing iron stake in a stone pile in line); thence two (2) line of Petty, now or formerly, as follows: First, South 25-30-28 East 242.42 feet to an iron stake; thence Second, South 67-30-42 West 625.62 feet (passing an iron stake by a power pole in line at 562.11 feet, and also crossing Morehead Road) to a p.k. nail in Morehead Road, 2.0 feet from the edge of the pavement; thence North 50-58 West 190.40 feet to the point of BEGINNING, containing 3.168 acres, more or less, as surveyed and platted by Gaylon L. Kelly, R.L.S., August 25, 1983; Subject to the right-of-way for Morehead Road.

Less and excepting that property described in a Deed from Petty Enterprises Inc to the Department of Transportation dated October 22, 1997 and recorded December 4, 1997 in Deed Book 2036, at Page 45, Cabarrus County Registry.

Also known as 5465 Morehead Road, Harrisburg, NC 28075 PARCEL: 5508033075000



Building Residential BU2022-00978

Cabarrus County, NC

(704) 920 - 2128

3/21/2022

Parcel Pin: 55080330750000
Work Location: 5465 MOREHEAD RD HARRISBURG, NC 28075
Subdivision/Lot: /
Contractor:
License:
Applicant: VALDES 5465 MOREHEAD RD HARRISBURG, NC 28075
Owner: VALDES MARIO FONSECA 5465 MOREHEAD RD HARRISBURG, NC 28075
Description: 1254 SQ FT ADDITION, BATHROOM/ LAUNDRY/ AND GARAGE

PERMIT DETAILS

Heated Sq Ft: Unheated Sq Ft: Total Sq Ft: 1254
Type Construction: Type Heat: Habitable Rooms:
Bathrooms: Stories: Estimated Cost: 50000

FEES

Table with 2 columns: Item, Fee. Includes rows for Bathroom additions and a Total of \$548.85.

THE UNDERSIGNED, CERTIFY THAT THE WORK DESIGNATED IN THIS APPLICATION WILL BE DONE ACCORDING TO THE BUILDING LAWS OF THE STATE OF NORTH CAROLINA AND CABARRUS COUNTY, AND WILL COMPLY WITH THE ZONING ORDINANCE OF CABARRUS COUNTY AND COMPLY WITH THE SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE OF CABARRUS COUNTY.

For Building and Trade Permits only: Informal review of inspectors' decisions is available on the Cabarrus County website: https://www.cabarruscounty.us/departments/construction-standards.

Notice for Building Permits: The Building for which this Permit is issued shall not be occupied until a Certificate of Occupancy has been issued as required by the terms of the City/County Zoning Ordinances and the North Carolina State Building Code.

This permit will expire if:
-Work has not started and been inspected within six (6) months of issue date, or
-Work has been discontinued for a period of twelve (12) months.
No Refunds will be issued.

Applicant Signature: [Handwritten Signature] Date: 3/21/22

Cabarrus County Construction Standards Code Enforcement

Building and Trade Permit Application

I hereby certify that all information in this application is correct, and all work will comply with the State Building Code and all other applicable State and local laws, ordinances, and regulations. The Cabarrus County Construction Standards Code Enforcement office must be notified of any changes to approved plans and specifications for the project permitted herein. The Cabarrus County Construction Standards Code Enforcement Office may request contract validation at any time. I understand that I must provide the information and/or documents requested to avoid revocation of the permits. By signing the application, I am agreeing to comply. Per § 87-14. Regulations as to issue of building permits.

UPFIT ADDITION ACCESSORY STRUCTURE DEMO IS THIS PROJECT RESIDENTIAL COMMERCIAL?

The applicant is the person responsible for the work being complete and all inspections.

APPLICANT (PRINT CLEARLY): Mario Fonseca
 EMAIL: Fonseca4586@gmail.com CELL #: 786-261-3041
 PROJECT ADDRESS: 5465 Morehead Rd Harrisburg NC 28075 UNIT/SUITE/BLDG/LOT _____
 Is this project associated with an issued building permit? Permit number: N/A

BUILDING PERMIT

Signature of Building Applicant: _____

DETAILED SCOPE OF WORK: Addition to existing home, bathroom, Laundry space
 SQUARE FT OF PROJECT AREA ONLY: HEATED 299.6 UNHEATED 996 TOTAL SQ FT: 1295.6 and garage.

LINERAR FT OF RETAINING WALL(S) _____ Retaining walls 48 inches or taller, within City of Concord zoning, MUST go through plan review.

Applicant is Homeowner NC GC License. # _____ Non-Licensed GC
 Form: Owner Affidavit owner MUST live in the home after work is complete
 Form: Lien (www.liensnc.com) required for projects \$30,000 or more
 Form: Non-Lic GC Form notarized by both homeowner and contractor
 Signed contract between Non-Lic GC and Homeowner

This property is on SEPTIC. Provide Cabarrus Health Alliance approval letter. Required for extending the existing footprint.

Approved Zoning Permit Required for any addition to existing structure footprint, an accessory building, pool, roof over porch, etc)

BLDG ESTIMATED COST: \$ 50,000.00

ELECTRIC PERMIT

Signature of Electrical Applicant: _____

Applicant (PRINT CLEARLY): _____ Applicant is Homeowner

Email: _____ Cell #: _____ NC EL License. # _____

DETAILED SCOPE OF WORK: _____

ELECTRIC COMPANY (required) _____ NEW SERVICE CHANGE OF SERVICE amps _____

RECONNECT POWER Power has been off for a year or more. Power is off due to damage.

SAW POLE SERVICE (temporary to power tools for construction) This service is included on the electric permit.

TEMPORARY POWER (temporary to check equipment, acclimate floors or cabinets, etc.) Additional permit and fee.

Residential: \$61.71 at time of permitting \$131.69 standalone Commercial: \$123.42 time of permitting \$193.40 standalone

What is being powered? List unit or suite if applicable: _____

ELECTRIC ESTIMATED COST: \$ _____

The applicant is the person responsible for the work being complete and all inspections

MECHANICAL PERMIT

Signature of Mechanical Applicant: _____

Applicant (PRINT CLEARLY): Mario Fonseca Applicant is Homeowner

Email: fonseca4586@gmail.com Cell #: 786-261-3041 NC HE License. # _____

DETAILED SCOPE OF WORK: _____

GAS COMPANY (required) _____ TYPE OF HEAT: ELECTRIC GAS GAS CONNECTIONS #: _____

NEW UNIT INSTALL CHANGE OUT--Electrician wiring reconnecting unit EL License #: _____

OF UNITS: _____ SPLIT UNIT(S) _____ PACKAGE UNIT(S) _____ GAS PAC UNIT(S) _____ MINI SPLIT(S) DUCT WORK

GAS *WATERHEATER CHANGE OUT -- Plumbing and Electric permits are included PL Lic # _____ EL Lic # _____

*Water heater install or replacement for gas requires a mechanical permit with plumbing and an electric at no cost and electric requires a plumbing permit with an electric permit at no cost.

MECHANICAL ESTIMATED COST: \$ _____

PLUMBING PERMIT

Signature of Plumbing Applicant: _____

Applicant (PRINT CLEARLY): Mario Fonseca Applicant is Homeowner

Email: fonseca4586@gmail.com Cell #: 786-261-3041 NC PL License. # _____

DETAILED SCOPE OF WORK: _____

NEW CONNECTION FROM STRUCTURE TO ROAD FOR CITY WATER CITY SEWER DOMESTIC WATER METER SIZE _____
RECEIPT OF PAYMENT FOR TAPS FROM THE CITY AND A REQUIRED. WSACC FEE WILL BE ADDED FOR SEWER CONNECTION. FEE IS DETERMINED BY WATER METER SIZE.

WATER DISTRIBUTION (REPLACING PIPES UNDER STRUCTURE) WATER COMPANY(required): _____

"Like for Like" changeout does not require a permit. Like for Like means no changes in size, location, from electric to gas or gas to electric, tank to tankless, etc.

NUMBER OF FIXTURES BEING INSTALLED

___ WATER CLOSET toilets ___ SHOWER (only) ___ DISPOSAL ___ FLOOR DRAIN(S)
___ LAVATORY bath sinks ___ WASH. MACHINE ___ WATER/SEWER CONN ___ URNIAL(S)
___ TUB OR TUB/SHOWER ___ DISHWASHER ___ *WATER HEATER ELECTRIC ___ FOUNTAIN(S)

*Water heater install or replacement for gas requires a mechanical permit with plumbing and an electric at no cost and electric requires a plumbing permit with an electric permit at no cost.

PLUMBING ESTIMATED COST: \$ _____

Is this project associated with an issued building permit? Permit number: _____

TOTAL ESTIMATED COST FOR THIS PROJECT \$ _____
(INCLUDING MATERIALS AND LABOR)

Approved
APPROVED

By Chris McIntyre at 9:17 am, Nov 24, 2021

Signature _____
Date _____

refer to plan for notes
and work area. work
area to only include
construction of addition
and access to it

PERMIT APPLICATION

PLEASE PRINT CLEARLY AND FILL IN ALL APPLICABLE SECTIONS

Encroachment Grading

PERMIT #:	2021-00281G	<input type="checkbox"/> Street Parking Obstruction
PROJECT SITE ADDRESS:	5465 Morehead rd Harrisburg NC 28057	<input type="checkbox"/> Storm Drain
PROJECT NAME/WORK ORDER#:		<input checked="" type="checkbox"/> Driveway
APPLICATION DATE:	11/16/2021	<input type="checkbox"/> Sidewalk _____ sq. ft.
ANTICIPATED START DATE:	ASAP	<input type="checkbox"/> Street Trenching _____ sq. ft.
ANTICIPATED END DATE:	12/31/2021	<input type="checkbox"/> Sewer Abandonment # of Connections: _____
ESTIMATED COST OF WORK:	\$ 10000	<input type="checkbox"/> Haul Route # of Miles: _____
PROJECT DESCRIPTION:	ground leveling for driveway and garage. leveling and filling of the entire property	<input type="checkbox"/> Traffic Control # of Days: _____
		<input checked="" type="checkbox"/> Excavation/Fill Cut: _____ CY Fill: _____ CY
		<input type="checkbox"/> Stockpile /Erosion Control # of Days: _____
		<input type="checkbox"/> Sanitary Sewer # of Connections: _____
		<input type="checkbox"/> Open Trench Method
		<input type="checkbox"/> Trenchless Method
		<input type="checkbox"/> Other _____

Please indicate to whom the security deposit shall be refunded: Applicant Owner/Agent Contractor

APPLICANT	NAME: _____ COMPANY: _____
	ADDRESS: _____ CITY/STATE/ZIP: _____
	PHONE#: _____ FAX#: _____
	EMAIL ADDRESS: _____
OWNER/AGENT	NAME: Mario Fonseca COMPANY: _____
	ADDRESS: 5465 Morehead Rd CITY/STATE/ZIP: Harrisburg NC 28057
	PHONE#: 7862613041 FAX#: 9802024603
	EMAIL ADDRESS: fonseca4586@gmail.com
CONTRACTOR	NAME: _____ COMPANY: _____
	ADDRESS: _____ CITY/STATE/ZIP: _____
	PHONE#: _____ FAX: _____
	EMAIL ADDRESS: _____ NORTH CAROLINA CONTRACTOR'S LICENSE#: _____

CERTIFICATE OF INSURANCE AND LICENSE COMPLIANCE

Each person or entity prior to the granting of an encroachment permit shall furnish to the Town a certificate showing that such person or entity has then in force a policy of commercial general liability insurance naming the Town as an additional insured in the amount of not less than 2 Million Dollars (\$2,000,000) per person or per occurrence combined single limit.

DIRECTIONS: Place an "X" next to the appropriate statement under both the Workers' Compensation section and the Contractor's Licensing section below. Fill in any blanks in the statement where your "X" is. Sign and date this form after you have read everything on it.

- 1. a. I have attached a certificate of insurance which shows that I carry workers' compensation insurance for work to be done under this permit.
 - b. I have on file with the Harrisburg Engineering Department a certificate of insurance as described in (a) above.
 - 2. I have attached a certificate of consent to self-insure issued by the Director
 - 3. I certify that in the performance of the work for which this permit is issued I shall not employ any person in any manner so as to become subject of the workers' compensation laws of North Carolina.
- The Permittee, for himself, his contractors, and employees, agrees to save, indemnify and hold harmless the Town of Harrisburg or its representatives from all liabilities and claims for

damages by reason of injury or death to any person or persons, or damage to property from any cause whatsoever while in, upon or in any way connected with the work covered by this Grading Permit, and does further agree to defend the Town in any claim arising out of or as a result of the work done under this permit. CONTRACTOR'S LICENSING

- 1. As the applicant, I am licensed under the provisions of the Contractor's License Law. My license number _____ in classification _____ is in full force and effect.
- 2. I am exempt from the "License Required" provisions of the Contractor's License Law. State basis of exemption: _____

I understand that this permit is automatically revoked at any time when I am required to have workers' compensation insurance but do not. I agree to indemnify and hold harmless the Town of Harrisburg against liabilities, judgments, costs and expenses which may in any way accrue against said Town in consequence of granting this permit.

Signature _____

Date **11/16/2021**

140.04.07.B Standards

1. **Approval of Accessory Uses and Structures.** The standards in this Section apply to accessory uses and structures that are listed as permitted subject to limitations or that require a Special Use Permit in Subsection 140.04.07.A, General Provisions.
2. **Accessory Dwelling Units (ADUs).**
 - a. Zoning Districts. ADUs are allowed in accordance with the use tables in § 140.02, Zoning Districts and Standards.
 - b. Housing Standards. ADUs shall comply with all applicable local, State, and Federal housing codes.
 - c. Number. Only one ADU shall be permitted per lot.
 - d. Size of Unit. The ADU shall not exceed 50 percent of the square footage of the livable area of the primary structure or 1,100 square foot of gross floor area, whichever is less.
 - e. Location of the ADU on the Lot. A detached ADU shall be sited to the rear of the principal building, as depicted in Figure 140.04.07.B, ADU Location. In the AG or RE zoning districts, the Accessory Dwelling unit may be sited to the side of the principal building only if the lot exceeds 10 acres in size.
 - f. Manufactured Homes. A manufactured home shall not be pulled up to or attached to a primary residence and considered an ADU. A manufactured home, as a principal or accessory dwelling unit, shall be permitted only in the MH Manufactured Home Overlay District.
 - g. Parking. Adequate off-street parking shall be provided for any vehicles owned by occupants of the ADU.
 - h. Utilities. Where there is no public sanitary sewer service to the ADU, County Health Department shall approve sanitary sewer services provided to such ADU prior to its construction.
 - i. Owner-Occupied Restriction. ADUs shall only be allowed on parcels that contain owner-occupied single-family dwelling units that are allowed as a principal permitted use.

Figure 140.04.07.B ADU Location



FIGURE NOTES:

Yellow shaded in structures indicate ADU locations

3. **Agricultural Structure.** All buildings or structures (excluding fences) used to house livestock shall be located so that they are no closer than 150 feet from a dwelling unit. This requirement shall not apply if a dwelling unit is constructed so as to encroach upon an existing livestock use, except that such a livestock use may no longer expand towards a newly established residential use.
4. **Home Occupation.**
 - a. Accessory to Dwelling. A home occupation is permitted as an accessory use to any dwelling unit in accordance with the following standards.
 - b. Accessory Structures. A home occupation business is allowed in a permitted accessory structure.
 - c. Floor Area. A home occupation shall occupy no more than 25 percent of the total floor area of the residential structure.

- d. *Residential Character.* The business shall not change the essential residential character of the dwelling and/or lot.
- e. *Employment.* The use shall employ no more than one person who is not a resident of the dwelling. The owner may apply for a Special Use Permit in accordance with Section 145.04.03, *Special Use Permit*, in order to have one additional employee who is not a resident of the dwelling.
- f. *Hours of Operation.* The business shall not operate outside of the hours of 7:00 AM to 7:00 PM. This time limitation shall apply to the actual operation of the business on site, and shall not apply to preparation time for business, including leaving or returning to the home.
- g. *Equipment.* The home occupation shall not utilize mechanical, electrical, or other equipment which produces excessive noise, electrical or magnetic interference, vibration, heat, glare, or other nuisances outside of the dwelling or accessory structure.
- h. *Outdoor Storage.* Outdoor storage of equipment, except for equipment of a type that could be reasonably associated with the principal use, is prohibited.
- i. *Commercial Vehicles.* Only one commercial vehicle will be allowed in connection with the conduct of the home occupation.
- j. *Signs.* One wall sign that is a maximum of one square foot in area is permitted.
- k. *Prohibited Uses.* The following uses are prohibited from home occupation:
 - i. Uses in the following use categories: Heavy Industrial, Indoor Entertainment, Light Industrial, Outdoor Entertainment, and Vehicle Sales and Service;
 - ii. Furniture refurbishing;
 - iii. Gymnastics facilities;
 - iv. Medical offices;
 - v. Animal services;
 - vi. Athletic studios or outdoor recreation;
 - vii. Sales-Oriented Uses where the customer needs to come to the home occupation to make a purchase;
 - viii. Mortuaries;
 - ix. Body piercing and/or tattoos;
 - x. Therapy with more than one client at a time;
- l. Any use that draws more than one client or customer to the dwelling at the same time on a regular basis; and
- m. The Director has the authority to allow or disallow a use based on the impact the use will have on the surrounding residential area.

5. Portable On-Site Storage.

Portable storage containers may be permitted as an accessory use to a residential use in all zoning districts, subject to the following conditions:

- a. *Permit Required.* A Temporary Use Permit shall be required for portable on-site storage use operating beyond a 14-day period and shall be issued in accordance with Section 145.02.10 of this document.
- b. *Maximum Number, Size and Types.* A maximum of two portable storage containers shall be located on a single lot limited in size to no larger than eight feet in height, eight feet in width, and 20 feet in length, and shall take on of the following three forms:
 - i. A container used for the purposes of storage of personal property such as household items being temporarily stored or relocated.
 - ii. A roll-off box, bin, or construction dumpster used for the collection and hauling of waste or debris; or
 - iii. A fully enclosed, non-motorized, trailer (commonly known as a semi-trailer) with wheels intended to be towed to a site for the purpose of storage or transport of goods, material, or equipment.
- c. *Location.*
 - i. A portable storage container may be located in a driveway, a designated parking area, or behind a dwelling. If site conditions do not allow the placement of the portable storage container within these areas, then the container may be located immediately adjacent to the driveway or designated parking area.
 - ii. A portable storage container shall be located a minimum of five feet from any principal or accessory structure.

- iii. In no instance shall a portable storage container be located within a Town street, public street right-of-way, or location that poses a threat to public health or safety.
 - d. *Duration.* A portable storage container may be located on a site for a maximum of up to 90 days per calendar year. A temporary use permit time extension request may be considered for approval by the Planning Director for special circumstances.
 - e. *Exemptions.* The standards in this section shall not apply to portable storage containers used as temporary construction trailers, dumpsters, or recycling facilities, provided a valid building permit has been issued for this activity.
 - f. *Homeowners Association Restrictions:* These regulations do not supersede any private codes, covenants, or restrictions that a property is legally subject to.
- 6. Recycling Facilities and Drop Off Sites.**
- a. *Unattended Clothing Donation Containers.* Unattended clothing donation containers are prohibited unless located at the operational site of a company or organization that collects used clothing for resale or donation as a primary business function.
 - b. *Removal of Prohibited Clothing Donation Containers.* Prohibited clothing donation containers that exist at the time this section is adopted shall be removed within 30 days of adoption.
- 7. Short-Term Rental (Host-Occupied).**
- 1. *Host Occupation.* A short-term rental property shall be considered host-occupied if the property is the host's primary residence for a minimum of 183 days per calendar year.
 - 2. *Housing Type.* A short-term rental shall only take place in a single-family detached dwelling.
 - 3. *Tenure.* A short-term rental tenant shall not stay more than 29 consecutive days in duration.
 - 4. *Number of Tenant Rooms.* A short-term rental shall have no more than two tenant rooms.
 - 5. *Number of Occupants.* Each short-term rental tenant room shall be limited to a maximum of two adults, over 18 years old.
 - 6. *Signs.* One wall sign that is a maximum of one square foot in area is permitted.
 - 7. *Insurance.* Each short-term rental host shall obtain and maintain, at the host's sole expense, liability insurance to cover the injury or death of a tenant while the tenant is in, on, or about the short-term rental property.
 - 8. *Parking.* Each short-term rental shall provide one off-street parking space for each tenant room.
- 8. Solid Waste Storage Areas.**
- a. *Lids.* Solid waste dumpsters or other large containers for solid waste storage shall have a lid to minimize the potential contamination of stormwater runoff. These provisions shall apply to all nonresidential and mixed use development, multifamily residential developments and/or single-family attached residential developments, which do not use roll-out containers for curbside solid waste pickup.
 - b. *Materials.* Enclosures shall be constructed of durable, weather-proof, permanent materials such as concrete or stone block, metal, wood or similar material. The applicant shall ensure that the choice of materials and color are consistent and compatible with those of the principal building(s) on the site.
 - c. *Screening.* Solid waste dumpsters or other large containers for solid waste or recycling storage shall be confined in an enclosed area that is screened on all sides. A solid waste enclosure, large enough to confine solid waste items and dumpster(s), shall be of solid opaque construction, six-foot high with latching gates providing access, and shall be composed of materials that are consistent and compatible with those of the principal building(s) on the site. No solid waste storage area shall be located in any front building yard setback or any street yard or buffer yard.
- 9. Retail Operations in the EC District.** Retail sale of items or products manufactured or stored by the primary use are permitted subject to the limitation that interior retail operations may not exceed 20 percent of the individual business's gross floor area of the site. Outdoor display areas shall not exceed 10 percent of the individual business's gross square footage.
- 10. Reserved.**
- 11. Swimming Pools.** A private swimming pool along with incidental installations, such as pumps and filters, is permitted in any residential zoning district subject to the following standards.
- a. *Location.*
 - i. The swimming pool and incidental installations shall be located in other than the front yard.
 - ii. The swimming pool shall be set back from all lot lines a distance of not less than five feet

- b. Screening. If any pool contains at least 450 square feet of water surface area or has a depth of 36 inches or greater at its shallowest point, the pool shall be enclosed from adjoining lots by the Principal Building, an Accessory Building, a solid wall, or a protective fence of not less than four feet in height. In the alternative, a pool cover shall be provided and shall be installed whenever the pool is not in use.
- c. Impervious Surface. In-ground pools shall count toward the lot coverage limitations for the zoning district.

12. Cluster Box Units (CBUs): All CBUs shall meet the standards set forth by the U.S. Postal Service and the Town.

- a. *Location*: All CBUs shall be placed in a safe and accessible location within a development's common open space or amenity center (outside of a public right-of-way). When dispersed throughout a community, CBUs shall be positioned within a one block walking distance of users to be served by the units. If large clusters of units are proposed, they shall be located at the common amenity center, or other common open space area, and be served by designated off-street parking.
- b. *Site Design*: All units shall be in compliance with the U.S. Postal Service criteria and shall include the following:
 - i. Each CBU shall be installed under a covered structure, or within a building that is architecturally compatible with the development. Electrical service shall be provided to all structures to allow for current or future installation of lighting or security devices.
 - ii. Adequate lighting shall be provided for safety.
 - iii. Designated parking spaces are required and shall be ADA accessible.
 - iv. Additional requirements may apply pursuant to the Town's development standards and specifications.
- c. *Permitting*: All CBU sites shall be reviewed and approved by the Town for compliance with Town standards.

([Ordinance 02.12.24](#), 02/12/2024)

Effective on: 12/9/2024

147.01.04 Violations

- A. Complaints.** Any person may file a written complaint to the Director on a suspected violation of this UDO. The Director shall record the complaint immediately, investigate, and take action as provided in this Section.
- B. Activities Constituting Violations.** Unless otherwise expressly stated by the NCGS §160A-175, any violation of this UDO, including but not limited to the following, will be subject to the remedies and penalties provided for in this Section:
1. *Placement of Use, Structure, or Sign without Approvals.* To erect, construct, reconstruct, remodel, alter, maintain, move, or use any structure, use, or sign upon land that is subject to this UDO without all of the approvals required by this UDO. This section is not intended to address legal nonconforming uses or structures. Chapter 146 regulates expansions or other alterations to legal nonconforming uses or structures.
 2. *Subdivision.* To subdivide land in violation of this UDO or transfer or sell land by reference to, exhibition of, or any other use of an unapproved plat. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from this penalty. The Town may bring an action for injunction of:
 - a. Any illegal subdivision;
 - b. Transfer of land;
 - c. Conveyance of land; or
 - d. Sale of land.
 3. *Violation of Conditions of Approval.* To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate, or other forms of authorization required in order to engage in such activity.
 4. *Setbacks.* To reduce or diminish any lot area so that the setbacks or open spaces shall be smaller than prescribed by this UDO.
 5. *Intensity.* To increase the intensity of use of any land or structure, except in accordance with the procedural requirements and substantive standards of this UDO;
 6. *Interference with Notice.* To remove, deface, obscure, or otherwise interfere with any notice required by this UDO;
 7. *Failure to Remove Violating Improvements.* To fail to remove any sign or other improvement installed, created, erected, or maintained in violation of this Ordinance, or for which the permit, approval, permission, or other authorization has lapsed. This section is not intended to address legal nonconforming uses or structures. Chapter 146 of this UDO regulates expansions or other alterations to legal nonconforming uses or structures.
 8. *Other.* To otherwise undertake any development or to establish any use in a manner which does not comply with this UDO.
- C. Notice of Violation.**
1. *Mailed Notice.* The Director shall send a violation notice by certified mail, postage pre-paid, return receipt requested, to the property owner on which the violation is taking place.
 2. *Notice Contents.* The notice shall contain the violation description, citation of the Section, Subsection, or Paragraph of this UDO being violated, address or location of property, date of noticed infraction, steps to correct, and the deadline to correct the infraction.
- D. Timeframe for Violation to be Corrected.** Failure to correct the violation within seven business days from the date of mailing the letter shall constitute an offense.
- E. Correction.** Correction of the violation in the manner stipulated by the violation notice at any point during this enforcement process, shall deem the notice null and void, and enforcement activity shall cease.
- F. Existing Violations.**
1. *Generally.* Any violation of the repealed provisions of the Town's Code of Ordinances that this UDO replaced shall continue to be a violation under this UDO and shall be subject to the penalties and enforcement set out in this Article unless the use, development, construction, or other activity complies with the provisions of this UDO.
 2. *Fines and Penalties.* Payment of fines shall be required for any civil penalty assessed under the repealed provisions of the Town's Code of Ordinances, even if the original violation is no longer considered a violation under this UDO.

G. Penalties.

1. *First Offense.* Any violation occurring once within a 36-month period shall be considered a first offense. A notice of violation shall be issued by the Director or his/her designee and shall provide for a seven day warning period. An appeal of the Director's decision shall be allowed as prescribed in this Section. Upon the expiration of the seven-day warning period, the violator shall be subject to a civil penalty of \$100.00 for each day that the violation remains on the property. Should a violation continue to exist by the 21st day of the original notification, the Town shall seek to recover the penalty together with all costs by filing a civil action in the General Court of Justice in the nature of a suit to collect a debt. The collection of a penalty pursuant hereto shall not foreclose further proceedings for penalties coming due subsequent to the date of the filing of a prior proceeding. The provisions of this section may also be enforced through any other appropriate remedies as prescribed in §147.02, *Remedies*.
2. *Repeat Offenses.* Any violation of reoccurring on the same property by the same violator more than once within a 36-month period shall be considered a repeat offense provided the reoccurrence is a violation of the same Article of this Ordinance. A notice of violation shall be issued by the Director or his/her designee and shall have an immediate civil penalty of \$300.00. No warning period shall be granted since this provision applies only to violations that occur more than once in a 36-month period and proper notice was given for the initial violation as prescribed in Paragraph D, *Timeframe for Violation to be Corrected*, above. For each day the repeat violation remains, the violator shall be subject to a civil penalty of \$300.00. Should a violation continue to exist by the 7th day of the original notification, the Town shall seek to recover the penalty together with all costs by filing a civil action in the General Court of Justice in the nature of a suit to collect a debt. The collection of a penalty pursuant hereto shall not foreclose further proceedings for penalties coming due subsequent to the date of the filing of a prior proceeding. The provisions of this section may also be enforced through any other appropriate remedies as prescribed in §147.02, *Remedies*.

Effective on: 8/9/2021



STOP WORK ORDER

June 11, 2025

With or without revoking permits, the Administrator may stop work on any land or structure on any land, which there is an uncorrected violation of the provisions of Section 147.02.01 (B)(3) a provision of the Harrisburg Unified Development Ordinance (UDO) or of a permit or other form of authorization issued hereunder, in accordance with the power to stop work pursuant to NCGS [§160D-404](#).

Property Owner: Mario Valdes Fonseca and Ana Guevara
5465 Morehead Road
Concord, NC 28075

Specific Work: Dumping and Grading Activity on the Property shall cease immediately.

Site Location: 5465 Morehead Road, Concord, NC 28075

Violation: UDO Section 145.02.05 Development Activity without a Zoning Clearance or Grading Permit.

Remedy: Work may resume when the following conditions listed below are met:

- The applicant shall submit construction plans for review and approval consistent with the Town's Unified Development Ordinance for all grading/development activities on the site.
- Obtain a Zoning Clearance and Grading Permit for development activities approved in the construction plans.

Call 704-455-0738 or email zgordon@harrisburgnc.org for more information.

Zachary D. Gordon

Zachary D. Gordon
Planning Director

4100 Main Street, Suite 101, PO Box 100, Harrisburg, North Carolina 28075
T 704-455-5614 harrisburgnc.org facebook.com/harrisburgnc

145.01.11 Appeals of Legislative, Quasi-Judicial, and Subdivision Decisions

- A. **Generally.** Section [145.01.14](#), *Development Review Summary*, denotes the development review applications that are subject to appeal.
- B. **Appeal of Town Council, Board of Adjustment, or Historic Preservation Commission Decision.** Any party aggrieved by or alleging an error in a final decision of the Town Council, Board of Adjustment, or Historic Preservation Commission, or a final decision of the Planning and Zoning Board not related to a Preliminary or Final Plat, may appeal to a court of competent jurisdiction according to procedures set forth in the North Carolina General Statutes.
- C. **Appeal of Subdivision Decisions.** Appeals of Preliminary or Final Plats shall be subject to review by filing an action in a court of competent jurisdiction seeking appropriate declaratory or equitable relief by proceedings in the nature of certiorari in accordance with NCGS §[160D-1402](#). The appellant shall file the appeal within 30 days from receipt of the written notice of the decision.
- D. **Appeal of Administrative Decision.**
1. **Generally.** Any party aggrieved by or alleging error in a final decision of an administrative official on a matter addressed in this UDO may submit an appeal to the Director for a decision by the Board of Adjustment in accordance with Section [145.04.04](#), *Appeal of Administrative Decision*.
 2. **Stays.** An appeal of a notice of violation stays enforcement of the action appealed from and accrual of any fines assessed during the pendency of the appeal to the Board of Adjustment and any subsequent appeal to a court of competent jurisdiction, unless the administrative official who made the decision certifies in an affidavit to the Board of Adjustment that, because of the facts of the decision, a stay would cause imminent peril to life or property or, because the violation is transitory in nature, a stay would seriously interfere with enforcement of the development regulation. In that case, enforcement proceedings are not stayed except by a restraining order, which may be granted by a court of competent jurisdiction. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Board of Adjustment shall meet to hear the appeal within 15 days after the request is filed.

Effective on: 8/9/2021

145.01.07 Common Decision Criteria

A. Generally. In determining whether to approve, approve with conditions or modifications, or deny an application, the applicable development review bodies shall consider the basic review criteria denoted in Table 145.01.07-1, *Common Decision Criteria Applicability*. Additional review criteria may apply and are enumerated in the specific review procedures of this Section.

Table 145.01.07-1, Common Decision Criteria Applicability			
Common Decision Criteria	All Applications ¹	Legislative Applications	Quasi-Judicial Applications ¹
The request complies with the applicable standards of this UDO and the <u>Town Code</u> , and the applicant has provided proof of compliance with any preceding and applicable <u>county, state, or federal requirements</u> .	◆		
The request substantially conforms to any associated prior approval for the development, including, but not limited to: <u>Special Use Permit</u> , <u>Conditional Zoning</u> , <u>Site Development Plan</u> , etc.	◆		
The request promotes the purposes of this UDO as established in <u>144.01.02, Purposes</u> , and in other applicable purpose statements in this UDO.	◆		
The establishment, <u>maintenance</u> , or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare	◆		
The administrative body has considered the recommendation of Staff in the <u>public meeting or hearing</u> .		◆	◆
The request is consistent with applicable policies of the most recently adopted <u>HALUP</u> , any applicable utility plans, and adopted <u>capital improvements plans</u> ; or, if it addresses a topic that is not contained or not fully developed in the HALUP, the request does not impair the implementation of the HALUP.		◆	◆
Adequate facilities, including <u>public or private utilities</u> , <u>solid waste service</u> , <u>roads</u> , <u>drainage</u> , and other <u>improvements</u> are present or are planned to be provided.		◆ ²	◆ ³
The request demonstrates compatibility with surrounding conforming and permitted land uses and <u>structures</u> and with the essential character of the general vicinity of design, <u>façade treatment</u> , <u>setbacks</u> , <u>building materials</u> , and reasonably anticipated negative impacts.		◆ ²	◆
TABLE NOTES: ◆ = Basic review criteria applies ¹ Excluding <u>Appeals of Administrative Decisions</u> ² Excluding <u>UDO Text Amendments</u> ³ Excluding <u>Variances</u>			

B. Procedures With Common Decision Criteria. Section 145.01.14, Development Review Summary, denotes the development review procedures that have common decision criteria.

C. Written Findings. Required findings for a legislative or quasi-judicial decision, based on basic and specific review criteria for an application, shall be in writing and shall be recorded in the minutes and records of the Planning and Zoning Board, the Board of Adjustment, or the Town Council, as applicable.

D. Burden of Proof or Persuasion. In all cases, where there is doubt or question, the burden is on the applicant to show that an application complies with applicable decision criteria.

Effective on: 8/9/2021