

Neighboring towns rally around Summerfield

Elected officials in Stokesdale and Oak Ridge united in opposition to a potential bill that would allow up to 974 acres to be de-annexed from Summerfield

by **PATTI STOKES**

NW GUILFORD – “If it could happen here, it could happen in any small town,” Derek Foy, Stokesdale’s mayor pro tem, stated during his town’s March 9 council meeting. The “it” he referred to is the potential de-annexation of up to 974 acres in Summerfield owned by Summerfield resident and developer David Couch.

The topic of de-annexation was added to the council’s meeting agenda for discussion, and several of the council members shared their opinions.

For Foy, who grew up in Summerfield, the idea of de-annexing any – and certainly such a significant amount – of acreage against the will of the town’s citizens and elected council members is beyond frustrating.

“This is such a big deal,” he said. “I get pretty emotional about it, too. I grew up in Summerfield and it’s still very near and dear to my heart. And this could happen here and it could happen in any small town. All it takes is enough money to get to a state legislator.”

While a bill to de-annex Couch’s property has not yet been introduced in the state legislature, council member Jimmy Landreth said if such a bill were to be passed, it would affect every town in the state.

Foy noted Couch’s property in Summerfield, at almost 1,000 acres, is over 5% of that town’s total acreage. That’s far more than any acreage approved for de-annexation in other towns and cities across the state. Plus, he noted that in those instances,

there was no widespread opposition from citizens.

“It’s 100% fact that one of the largest donors for Mr. Berger (N.C. Sen. Phil Berger, who also serves as the Senate’s president pro tempore) is the developer in Summerfield,” Foy added. “There’s nothing illegal about that. But just because you have a tremendous amount of money shouldn’t afford you the opportunity to completely change the rules of a local municipality – and by extension, change the town forever.”

“It feels like ‘crony capitalism,’” Stokesdale council member Tim Jones added. “A man who
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NEIGHBORING TOWNS RALLY

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has enough money to take all the necessary steps to make this happen over a local governing board that was elected by the citizens of that town... I certainly think it takes away from the individuality of each town. I would like to think that if Stokesdale wants to be different and allow certain things, or not allow certain things, that would be fine... This just doesn't feel right."

Foy gave kudos to Summerfield's citizens and town council, who he said had "done it right" by organizing and flooding their state representatives with phone calls and emails to voice their opposition to what they fear may be coming down the pike.

As for Couch having ample opportunity for his development plan to be considered, Foy said, "They (Summerfield's town council) gave it due process. The town held two large public hearings and allowed almost 100 speakers to speak for up to three minutes a piece. They gave the citizens an opportunity to speak, and they *listened* to citizens. What they also did was to update their UDO to create more affordable housing options to avoid a situation like we're seeing now. The developer has options – they are *good* options, including multi-family units."

"What's happening is a shame. It's also almost insulting that whenever the subject of affordable housing comes up, you always hear about nurses and teachers and firefighters," Foy continued. "I think the need for affordable housing is much more widespread than that. Half of the Summerfield Town Council is made up of teachers and firefighters, and they live in Summerfield.

"The whole thing stinks," he concluded.

Oak Ridge Mayor Ann Schneider shared her thoughts on Northwest Observer's Facebook page last week.

"Here in Oak Ridge, we have battled this kind of interference as it relates to tree preservation policies and our historic district zoning overlay against state representatives' intent on eliminating them," she wrote. "To allow such interference would destroy our town's ability to preserve its historic fabric and natural resources.

"Similarly, allowing a developer's dissatisfaction with a rezoning decision to lead to the de-annexation of nearly 1,000 acres would represent a significant blow to local zoning policies and enforcement, as well as the basic continuity of the community. Pursuing this strategy will only further polarize the situation," she continued.

"Rather than supporting such an effort, I urge state legislators to encourage the developer to work with the residents he hopes to serve and the elected officials in the community of which he is a part, to seek a reasonable resolution," she added. "I also urge state legislators to actually visit towns like Summerfield and Oak Ridge. In order to represent us, they need to see our towns and understand who we are."

Oak Ridge council member George McClellan also shared his thoughts on the Northwest Observer's Facebook page and concurred with Schneider.

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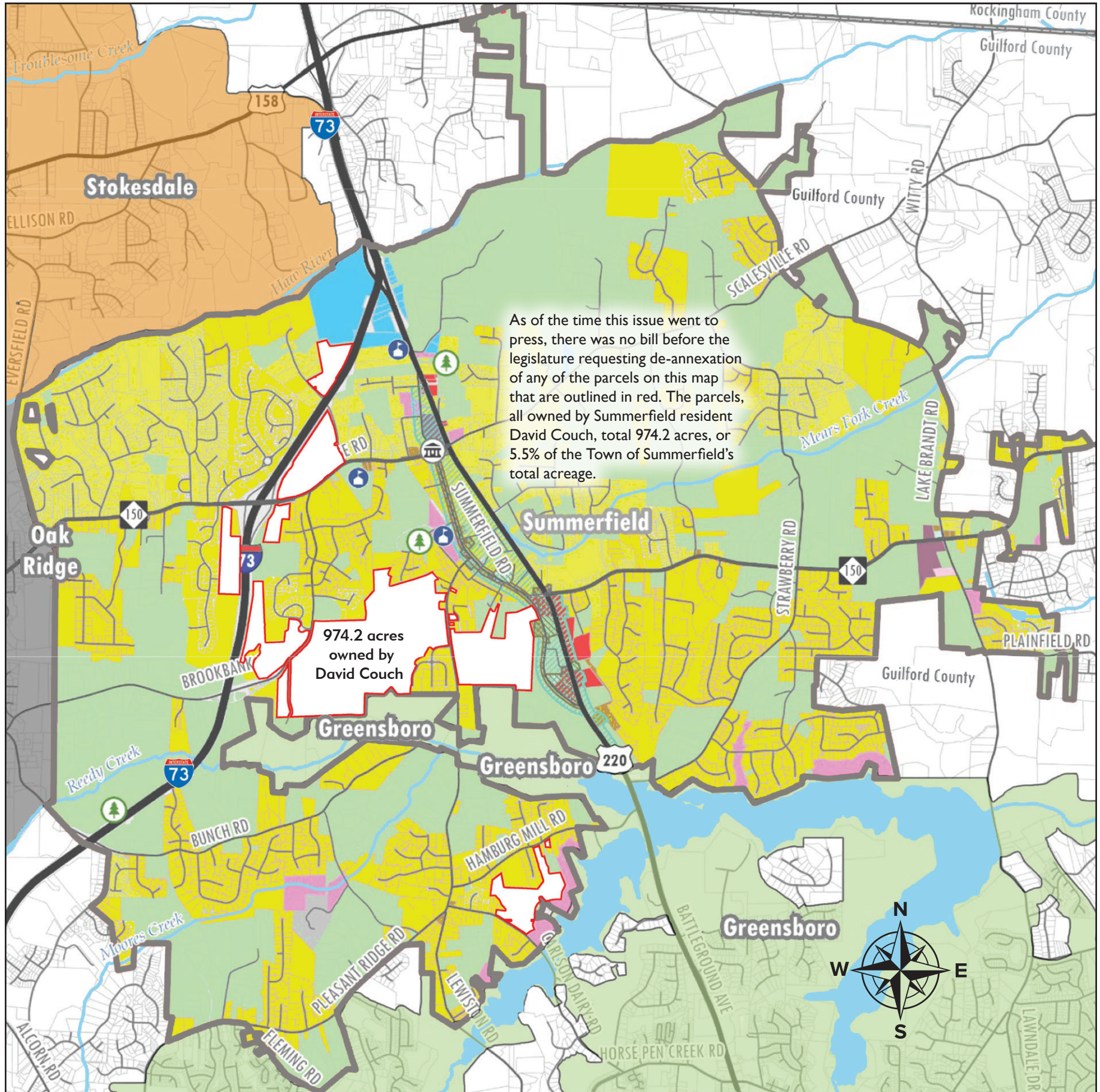
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Potential de-annexation properties



A fight over the 'heart of Summerfield'



Artist's rendering courtesy of Dover Kohl Partners

The inclusion of 600 apartments in the Villages of Summerfield Farms's development plan has been one of the main points of contention for opponents of the plan. Landowner/developer David Couch and his team argue that a small number of garden-style apartments such as those depicted in this artist's rendering will offer more affordable housing options and help make Summerfield a more inclusive community.

An effort by landowner David Couch to de-annex his property in Summerfield has mobilized the Town Council and opponents of apartments in town

by **CHRIS BURRITT**

SUMMERFIELD – Summerfield Town Council is girding for a de-annexation fight with landowner David Couch after twice denying his request for a change to the town's development rules that would allow construction of apartments.

Even though no legislation has yet to surface in the state General Assembly, the council decided this past Tuesday, March 14, to hire a lobbyist to bolster its opposition to Couch's de-annexation efforts. By unanimous vote, the council also approved a resolution urging state lawmakers to oppose potential legislation sought by Couch, the owner of 974 acres within the town's limits, including Summerfield Farms.

Some of the property is "in the heart of Summerfield close to its Town Core," stated the resolution, reinforcing the council's previous statements in the week and a half since Mayor Tim Sessoms said he had learned about Couch's plans. "A de-annexation of this magnitude would result in isolated tracts and create complex town boundaries that would complicate functions of Summerfield's limited-services government."

By rejecting his requests for an amendment to the town's unified development ordinance (UDO) last month and before that, last April, Couch said in an interview that "Summerfield has left me no option other than to dictate my property rights. I believe this ordinance tramples all over those property rights. I'm appealing to state law."

Sessoms called an emergency meeting of the council on Saturday, March 4, after saying he had learned that Couch had talked to state Senate President Pro Tem Phil Berger about the potential for de-annexing his property.

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In an interview earlier this week, Berger said he talked to Couch several weeks ago and was still making up his mind whether to support legislation de-annexing the developer's property. The Republican represents Summerfield in the Senate's District 26.

"I'm not going to take any action until I've got a better understanding of the facts," Berger said. "Given what appears to be the temperature, I think sooner rather than later would be preferable. I feel a responsibility to sift through the rhetoric and the emotions to get to where the facts are."

Berger said his office has gotten about 250 telephone calls and emails from Summerfield residents opposed to de-annexation of property in the town.

State House Majority Whip Jon Hardister (R-District 59), House deputy Democratic leader Ashton Wheeler Clemmons (D-District 57) and Rep. John Faircloth (R-District 62) didn't reply to requests for comment.

Berger said he's trying to determine how much of Couch's property "is in the middle of Summerfield. That seems to be one of the things that opponents of Mr. Couch state as a fact (but) turns out not to be totally accurate if you look at a map."

Berger said he also wants to determine whether the council's denial of Couch's text amendment request represents "an infringement of property rights."

While elected officials are entitled to use zoning and other methods to determine property uses, he said, "there are some limits as to what the majority through the zoning police power can do to infringe on those property rights. Is there an absolute prohibition in Summerfield on apartments? Is that something that is an infringement on property rights?"

If Couch's property is de-annexed, it would fall under the jurisdiction of Guilford County, giving Couch the opportunity to build apartments currently not allowed in Summerfield.

"Guilford County has all of the tools needed," said Couch, explaining that he would pursue extending water and sewer services to his proposed development, the Villages of Summerfield Farms.

Even though his plan to build about 600 apartments – down from the almost 1,200 apartments he proposed in his plan a year ago – has drawn the sharpest criticism in Summerfield, Couch said he's unwilling to develop his property without them.

"There would be a wide array of housing options here," he said in an interview earlier this week. "It is important for me to become inclusive, for everyone to be able to come to this land, not just the limited few. The 'public' means everyone, despite the color of your skin, despite your income and despite your political views.

"To make this inclusive versus exclusive, you need a small number of garden apartments," Couch said.

Providing more affordable housing would also help solve the area's housing shortage, said Couch, adding that demand is going to grow with the arrival of major employers such as Boom Supersonic at Piedmont Triad International Airport.

As news of Couch's de-annexation plans has spread, criticism by opponents has sharpened. On social media, he's been called greedy. Some have called for a boycott of Summerfield Farms.

"Being insulted is irrelevant," he said. "I don't pay any attention to that."

In a recent letter, Sessoms said Villages of Summerfield Farms "does not focus on affordability."

“The proposed Villages of Summerfield Farms project begs this question: How do you define affordable housing?” Sessoms wrote. **“Are \$1,600-and-up apartments affordable? Houses ranging from \$350K to \$2M? Would the apartments proposed really serve an unmet need given that three large apartment complexes are within two or three miles of our town limits?”**

Sessoms, Mayor Pro Tem Lynne Williams DeVaney and council members Jeff Davis and Reece Walker face reelection in November. According to Couch, that helps explain why they’ve sided with critics of his plans.

“This handful of very vocal citizens – and they’re motivated by exclusivity – have convinced our leadership that they will lose their positions if they allow for any form of housing beyond” what’s in the UDO. “There’s a silent majority that

knows we’re in the middle of a housing crisis and that we need housing options to bring back our youth and retain those who want to downsize in Summerfield.”

The fight in Summerfield has drawn a national audience. Earlier this week, a Forbes magazine article titled “State Lawmakers Take On Local Regulations That Inflate Housing Costs” said the town’s leaders “have repeatedly rejected proposed development.”

“Legislators consider the matter of statewide interest because Summerfield sits in a part of North Carolina where the housing supply needs to be increased in order to accommodate multiple massive economic development projects that are scheduled to bring many newcomers to the area,” the article said.

Closer to home, Mayor Ann Schneider of Oak Ridge and Stokesdale Mayor Pro Tem Derek Foy have expressed support for Summerfield council’s opposition to de-annexation by the legislature.

“The greatest threat to our small towns is government overreach at the state level,” Schneider wrote on the Northwest Observer’s Facebook page.

“Threats to our communities arise when, on the one hand, developers try to convince legislators to homogenize local zoning by stripping its requirements to meet their needs.”

Schneider continued that “allowing a developer’s dissatisfaction with a rezoning decision to lead to the de-annexation of nearly 1,000 acres would represent a significant blow to local zoning policies and enforcement, as well as the basic continuity of the community. Pursuing this strategy will only further polarize the situation.”

During this week’s council meeting, Sessoms explained that Summerfield leaders are waiting to hear if – and when – a de-annexation bill has been filed in the General Assembly. It may be attached as a rider to separate, unrelated legislation, Town Attorney Bob Hornik said.

“All we can do is get up every day and work and wonder,” the mayor said. “It will probably happen before we know about it.”

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your QUESTIONS about de-annexation

Efforts by landowner David Couch to de-annex his property in Summerfield have generated questions about how the legislative process works and how it would impact the town. Below are some of the most frequently asked questions we've heard and received over the past week and a half since Summerfield Mayor Tim Sessoms called an emergency meeting of Town Council on March 4 to address Couch's de-annexation proposal.

Q Can you briefly explain how de-annexation works?

A A property owner can ask the state General Assembly to de-annex property from a town or city. The ultimate authority rests with the state legislature, not with the municipality where the property is located.

The property owner typically contacts state representatives for his/

her district to request the introduction of a de-annexation bill. In some instances, lawmakers attach the de-annexation legislation as a "rider bill" to a separate, unrelated piece of legislation.

The de-annexation process is "essentially a political one" since there are no statutory procedures or requirements for the process or any minimum standards related to the characteristics or location, according to a 2013 blog post by Frayda Bluestein, professor of public law and government at the UNC School of Government in Chapel Hill.

"Legislators often request proof of support for the requested bill, but there is no legal requirement for a petition or any other approval by the property owners or anyone else," according to the post, which is still viewed as the authoritative source on de-annexation in North Carolina. "A city governing board may adopt a resolution in favor of or against a de-annexation as a way of providing information to the legislative delegation about the city's position, but there is no legal requirement to do so, and such a resolution has no legal effect."

If it chooses, the legislature can require that de-annexation receive the support of the town's voters in the form of a referendum or the approval of the town's governing board, the post said. But this also is not a requirement.

In short, when it comes to de-annexation, the General Assembly calls all of the shots because it has "independent constitutional authority

to establish the boundaries of cities," the post said.

Q Are de-annexations common in North Carolina?

A If legislation to de-annex Couch's property is introduced in the General Assembly, it would be the fourth de-annexation bill considered by state lawmakers so far this year, according to Jim Joyce, assistant professor of public law and government at the UNC School of Government.

The three de-annexation bills already introduced are for property in Wake County – Raleigh, Fuquay-Varina and Holly Springs.

That number represents "the handful" of de-annexation bills typically introduced during the legislation session, Joyce said. Most are sought by property owners seeking to develop their land or reduce property tax payments, he noted.

Joyce added that the de-annexation of Couch's 974 acres in Summerfield would far exceed the acreage of the typical de-annexation. As an example, the de-annexation bill in Holly Springs involves two acres, according to Wake County tax records for the property.

Q How would Summerfield be affected by the de-annexation of Couch's property?

A Should Summerfield lose its de-annexation fight against Couch, the two major consequences to the town would be

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Thanks to Pat O'Neal, owner of The Carolina Signsmith, and his wife, Kim, for hosting our March 7 meeting in their home.



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For Walraven Signature Homes, custom-built homes are still in high demand.

Question: is the pandemic over?

Answer: Yes... no... maybe – actually, one could argue all of these answers are correct.

Throughout COVID-related lockdowns, school closings and vaccine mandates, demand for custom homes surged. Consequently, Walraven Signature Homes (WSH) was one of several custom home builders in the Triad area that faced the joys – and challenges – of record numbers of homeowners wanting a custom-built home.

Supply chain issues, labor shortages and extended wait times for building permits and inspections, however, were just some of the things that created a bit of angst for builders and homeowners alike over the past few years. Yet, while our area has been recovering from the pandemic hangover, a semblance of normalcy is slowly returning.

By the end of 2022, demand for new builds was finally beginning to slow down a bit, with many would-be buyers being nudged out of the market due to increasing interest rates. With the slowdown, pressure on builders to respond to the wants and needs of the marketplace began to lessen.

What does all this mean for homebuilders



Walraven Signature Homes is known for building custom homes.

in the year ahead?

Danielle Walraven, co-owner of WSH with husband Matt, remarked, “The business booked in 2022 will sustain us and other builders well into 2023.

“Orders for new homes are substantial, especially in the Oak Ridge area,” she concluded.

Matt noted that a handful of new developments underway in Oak Ridge are offering large, scenic lots in excellent locations. The area continues to attract people relocating because of their jobs,

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A sure sign that people want to put the pandemic in the rearview mirror is their demand for more lavish outdoor living spaces.

Even more popular among homeowners these days are swimming pools and outdoor kitchen packages to accommodate social gatherings and neighborhood parties.

Golf course living is also hot, with homeowners having specific visions about what they want to see looking out their rear bay window.

Koi ponds also add serenity and interest to daily "down" time.

"Generators are a big thing, too," Matt noted. "People want a greater sense of security against electrical grid failures and natural disasters."

"We're relieved that 2021 and 2022 are behind us," Danielle said. "The pandemic put everyone under a lot of pressure, but we all worked our way through it."

Throughout the building process, WSH remains committed to providing excellent service to its homeowners, which includes communicating with them every step of the way. Matt and Danielle say they're grateful for the patience their clients have shown in the last few years, and they take satisfaction in knowing that despite having to work through so many challenges, their homeowners are now settled into beautiful homes that they'll enjoy for years to come.

The WSH team is optimistic about interest rates coming down later this year, making it feasible for even more people to build their dream home.

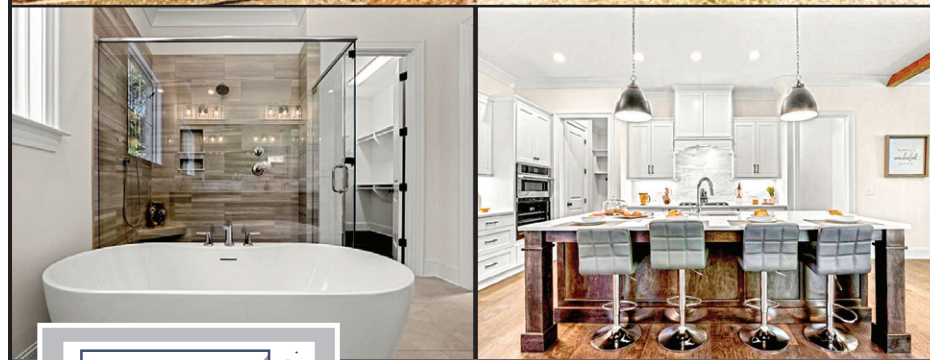


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DE-ANNEXATION Q&A

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1) the loss of property tax revenue and, (2) the loss of zoning control over Couch's property, which for many citizens is the more critical of the two consequences.

"Once the de-annexation of the property becomes official, it goes back under the jurisdiction of the county," Joyce said. County staff has 60 days to add the de-annexed property to its zoning map, putting its development under county regulations.

In the case of Guilford County, Couch could seek rezoning of his property to permit construction of apartments, which aren't allowed by Summerfield's unified development ordinance.

Property owners in Summerfield pay property taxes to the county, the town and the Summerfield Fire District. If Couch's property were de-annexed,

he'd stop paying taxes to the town (its current tax rate is 2.75 cents per \$100 property valuation) and continue paying taxes to the county and the fire district, according to Jim Roland, assistant tax director in the county's Tax Department.

Q What options do developers such as Couch have for building multifamily housing in Summerfield?

A The unified development ordinance (UDO) adopted by Summerfield Town Council in June 2021 allows various types of multifamily housing – but not apartments – in the two open space districts: open space residential (OSR) and open space mixed use (OSM).

Those districts allow duplexes, triplexes, quadplexes and townhouses.

"Duplexes are even permitted in agricultural (AG), both residential districts (RS and RR), as well as neighborhood business (NB)," Brad Rentz, the town's planning manager, said in an email earlier this week.

To encourage a variety of moderately priced housing, the UDO allows for the overall maximum density of one unit per acre to increase to an overall density of 1.15 units per acre in the open space districts. To qualify for the so-called 15% density bonus, a developer must agree to build single-family residential homes, including duplexes and twin homes, defined as "moderately-priced housing," according to the UDO. The town and the developer would agree on price ranges as part of a development agreement.

During public meetings, Couch and his design team have described the UDO as unworkable in their plans for the Villages of Summerfield Farms, a collection of 11 villages consisting of small businesses and a range of housing from apartments to \$2 million estate homes.

Twice in the past year, the council denied Couch's application for a text amendment to the UDO to accommodate his plans for higher-density housing. The amendment would have created a new zoning district called open space mixed use – village.

If the council had approved the text amendment, Couch would have sought the rezoning of his property to the new classification while negotiating a development agreement for his project with town leaders.

The denial of his text amendment request leaves Couch in the same situation as other developers – working within the regulations outlined in the UDO. Couch said they don't work for his project.

"If you want to build townhouses, the rules do not tell you enough about

what you can and can't do," according to a document prepared by Couch's team. "The UDO is convoluted when it comes to building anything other than large lot single-family, and not simple to understand."

Q If Couch were allowed to construct apartments in Summerfield, would they actually qualify as "affordable" housing, as he says he wants to build in town?

A As most of us know, rising inflation and pandemic-related shortages of building materials and labor have increased costs for housing. Opponents of Couch's plan to build apartments cite the monthly rent of apartments in the vicinity of Summerfield and question whether the costs represent "affordable" housing.

Couch, meanwhile, has committed to subsidizing rents for 5% of apartments he'd build in Summerfield. In an interview earlier this week, he said he'd base the subsidy on the median income of county residents, not the higher median income of Summerfield residents.

As a result, he said, Summerfield could "check a box for having affordable housing in its area."

Couch's development company, Blue Ridge Cos., recently completed an apartment complex called 4 Farms at Horse Pen Creek in northwestern Greensboro, just two miles from Summerfield's town limits. Monthly rents start at \$1,385 for a one-bedroom, one-bathroom unit (781 square feet) with a patio, according to the complex's website. At the high end, the monthly rent is \$1,934 for three bedrooms, two bathrooms (1,319 square feet) with a patio.



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