

IREDELL COUNTY ZONING BOARD OF ADJUSTMENT

The Iredell County Zoning Board of Adjustment met at a regularly scheduled meeting on Thursday, May 19, 2022 at 6:00 p.m. in the Commissioners Meeting Room of the Iredell County Government Center (Old Courthouse) at 200 S. Center Street in Statesville, NC.

MEMBERS PRESENT

Roy West, Chairman
Bob Dellinger, Vice-Chair
Bill Brater
John Allen
Tim Johnson
Jon Madison
Don West

STAFF PRESENT

Rebecca Harper
Cindy Nicholson
Jake Lowman

MEMBERS ABSENT

David Aman
Mac McCombs

Chairman West called the meeting to order.

Minutes: Mr. Don West made a motion to approve the minutes from the April 21, 2022 meeting. Mr. Johnson seconded motion and all were in favor.

Chairman West declared the public hearing open. He then swore/affirmed those wishing to speak concerning the following case.

Ms. Harper presented the following case:

BOA CASE NO. 220519-1 David & Donna Miles (Owners/Applicants)

EXPLANATION OF THE REQUEST

The applicant is requesting relief of 3 feet from the 15-foot side setback per Section 2.8 of the Iredell County Land Development Code to allow an existing detached garage that is 12 feet from the side property line to the combined with the house.

OWNER/APPLICANT

Owners/Applicants: David & Donna Miles
307 Riverwood Road
 Mooresville, NC 28117

PROPERTY INFORMATION

LOCATION: 307 Riverwood Road in Mooresville, NC; more specifically identified as PIN# 4627949966.

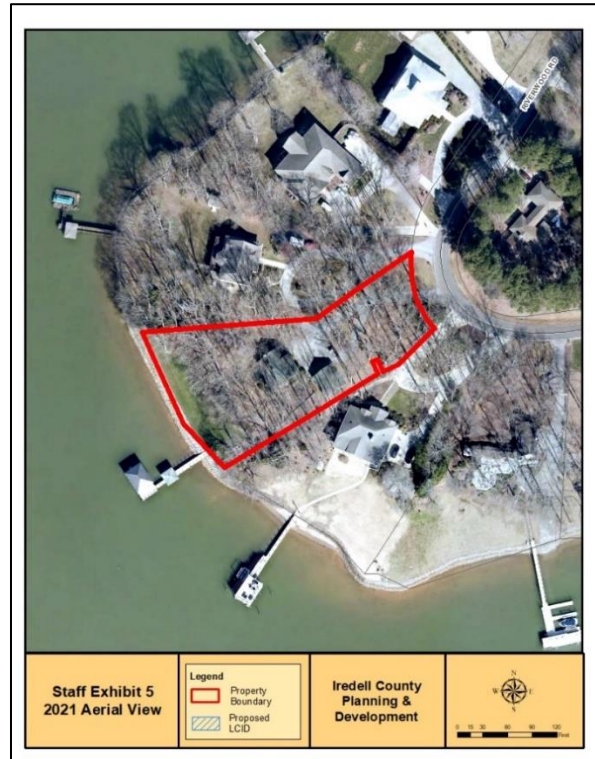
DIRECTIONS: Hwy 150 west, left on McCrary Road, right on Riverwood Road, on the left.

SURROUNDING LAND USE: This property is surrounded by residential uses and Lake Norman.

SIZE: The property is .973 acres.

EXISTING LAND USE: The property currently has a house and detached garage on it.

ZONING: The property is currently zoned R20 (Single Family Residential).



FINDINGS OF FACT

1. The request is for relief of 3 feet from the 15-foot side setback per Section 2.8 of the Iredell County Land Development Code to allow an existing detached garage that is 12 feet from the side property line to the combined with the house.
2. The property is .973 acres located at 307 Riverwood Road in Mooresville, NC; more specifically identified as PIN# 4627949966.
3. The property is currently zoned R20 (Single Family Residential).
4. The application was filed on 4/4/22.
5. The adjoining property owners were notified on 4/25/22.
The property was posted on 4/25/22

STAFF COMMENTS

The applicant wants to add onto the existing home and attach it to the existing garage. Attached garages are considered part of the home and have to meet the same setback as the home. In this case, the garage would need to be 15 feet from the side property line. However, the existing garage is only 12 feet from the side property line. Therefore, a variance is required to allow the applicant to attach the detached garage to the home.

EXHIBITS

Staff Exhibit 1.	Variance Application
Staff Exhibit 2.	Survey
Staff Exhibit 3.	Section 2.8
Staff Exhibit 4.	Zoning Map
Staff Exhibit 5.	2021 Aerial Map

QUESTIONS FROM BOARD TO STAFF

Mr. Allen asked what would the rule be for a detached garage regarding setbacks. Ms. Harper said it would be 10' in this instance. It would require a larger setback if it were a larger building. Both structures meet the required setbacks as individual structures. The applicant is wanting to attach them, therefore, that is where the issue is. Ms. Harper said detached structures have a 10' setback. Attached structures have to meet the same setback as the house, which would be a 15' side setback.

Mr. Allen asked how the structures will be connected. Ms. Harper said the applicant has a drawing in the application packet explaining the details.

Mr. Brater asked has any of the neighbors called in with concerns. Ms. Harper said no calls on this case at all. Ms. Harper said the applicant will explain in more detail how he has worked with the next door neighbor to try to do a land swap in order for it to work, but their home was already too close to the property line.

Chairman West asked if there were any further questions for staff.

There were no further questions for staff.

Chairman West asked Mr. Miles to come forward to speak on behalf of the request.

THOSE SPEAKING FOR THE REQUEST

Mr. David Miles, 307 Riverwood Road, Mooresville said they are renovating their log cabin and plan to connect the front 1/3 of the log structure to a non-dwelling two-car garage, which they plan for it to stay that way.

Mr. Miles said the back corner of the garage is 12' from the side property line from their neighbors. At this time, Mr. Miles presented the supporting exhibits in which he had included with his application, explaining in more detail each one (surveyor's report, neighbors signed approval of the request, drawing, two sheets showing the lay of the land, and pictures showing structures).

Mr. Miles explained to the Board he had discussed with his neighbors, the Rugers, about having a property line exchange/move to alleviate the garage setback hardship. That was not feasible either, once it was realized it would have made the neighbor's house non-conforming. Mr. Miles said he has shown the plans to the Rugers, and they signed

the affidavit supporting the request.

Chairman West asked Mr. Miles if the connection will be enclosed. Mr. Miles said yes, it will actually be a laundry room and a crafting room.

Vice-Chair Dellinger asked Mr. Miles how long he has owned the property. Mr. Miles said he purchased the property in 2019. The home was built in 1979, and the garage was built in 2006.

Chairman West asked if there were any further questions for Mr. Miles.

There were no further questions for Mr. Miles.

Chairman West asked if there was any further discussion.

There was no further discussion.

At this time, Ms. Harper entered the Staff Report and the PowerPoint presentation into the record.

Chairman West closed the public hearing.

The Board went over the Variance check sheet

1. An unnecessary hardship would result from the strict application of the regulation.

Madison:	TRUE	Topography/layout of lot
D. West:	TRUE	Based on map & findings
Dellinger:	TRUE	No further encroachment than currently
Johnson:	TRUE	Evidence provided & topography of land
R. West:	TRUE	Nothing will be in violation by attaching structures
Brater:	TRUE	Testimony of applicant
Allen:	TRUE	Shape of lot/preexisting structures

TRUE BY A VOTE OF 7-0

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography.

Madison:	TRUE	Layout of land & property lines
D. West:	TRUE	Topography of map supplied
Dellinger:	TRUE	Preexisting conditions
Johnson:	TRUE	Topography and property lines
R. West:	TRUE	Peculiarity of property
Brater:	TRUE	Peculiarity of property
Allen:	TRUE	Peculiar shape of lake lot

TRUE BY A VOTE OF 7-0

3. The hardship does not result from actions taken by the applicant or property owner.

Madison:	TRUE	Conforming structures at time of purchase
D. West:	TRUE	Testimony by applicant
Dellinger:	TRUE	Evidence presented
Johnson:	TRUE	Testimony by applicant
R. West:	TRUE	Nothing applicant has done
Brater:	TRUE	Sworn testimony of applicant
Allen:	TRUE	Structures preexisted/conforming now

TRUE BY A VOTE OF 7-0

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

Madison:	TRUE	Consistent with spirit & justice achieved
D. West:	TRUE	Property owners have done nothing to cause harm
Dellinger:	TRUE	No evidence substantiating any problem
Johnson:	TRUE	Testimony/evidence provided
R. West:	TRUE	Hired licensed surveyor with no negative impacts
Brater:	TRUE	Justice achieved; letter from neighbors
Allen:	TRUE	It is consistent and justice is achieved

TRUE BY A VOTE OF 7-0

DECISION: Vice-Chair Dellinger made a motion to **APPROVE** the Variance based on the Findings of Fact and the evidence submitted, and testimony received. Mr. Allen seconded said motion. Motion passed.

VOTE: 7-0

Chairman West inquired about local government law changes/guidelines regarding site visits for quasi-judicial hearings. Staff was unaware of any.

Chairman West asked Ms. Harper if there was any further business.

Ms. Harper noted there would be a June meeting.

Chairman West asked for a motion to adjourn.

Mr. Johnson made a motion to adjourn, seconded by Mr. Allen.

ADJOURNMENT: At this time, Vice-Chairman Dellinger declared the meeting adjourned at 6:34 pm.

Cindy Nicholson, Administrative Assistant

Date Read and/or Approved

DATE FILED IN THE MINUTE BOOK BY THE CLERK: _____ . NOTE: THE APPLICANT HAS THIRTY [30] DAYS FROM THIS DATE TO APPEAL THE DECISION BY THE BOARD.