

1. Agenda

Documents:

[BOA AGENDA MARCH 2026.PDF](#)

1.i. Staff Report

Documents:

[260319-1 STAFF REPORT.PDF](#)

1.i.i. Staff Report

Documents:

[260319-2 STAFF REPORT.PDF](#)

1.i.i.1. 3 19 2026 BoA Minutes

Documents:

[3 19 2026 BOA MINUTES.PDF](#)



## IREDELL COUNTY BOARD OF ADJUSTMENT

Tim Johnson  
Bill Brater  
Richard Coleman (Alt.)

Trey Robertson  
Jon Madison  
John Gallina (Alt.)

John Allen  
Mac McCombs

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**March 19, 2026**

**NC Cooperative Extension**  
**444 Bristol Drive**  
**Statesville, North Carolina**  
**6:00 p.m.**

### **A G E N D A**

Call to Order

Roll Call

Invocation

Pledge of Allegiance

Recognition of Bob Dellinger

Approval of **November 20, 2025**, Meeting Minutes

Swearing In Witnesses

Quasi-Judicial Process

Hearing of Case(s)

**Case No. 260319-1: requesting relief of 4.5 feet from the 35' front setback and 4.5' from the 15' side setback per Section 2.6 of the Iredell County Land Development Code to build a new home 30.5 feet from the road right of way and 10.5 feet from the left side line at 161 Bluewing Lane. Mooresville.**

**Case No. 260319-2: requesting relief of 7' from the 15' side setback per Section 2.7 of the Iredell County Land Development Code to build a new home 8' from both side lines at 120 Stover Road. Mooresville.**

Other Business

Adjourn

# IREDELL COUNTY PLANNING & DEVELOPMENT

VARIANCE STAFF REPORT

**BOA CASE# 260319-1**

STAFF PROJECT CONTACT: Rebecca Harper



## EXPLANATION OF THE REQUEST

The applicant is requesting relief of 4.5 feet from the 35' front setback and 4.5' from the 15' side setback per Section 2.6 of the Iredell County Land Development Code to build a new home 30.5 feet from the road right of way and 10.5 feet from the left side line.

## OWNER/APPLICANT

**Owners/ Applicants:** David Glass  
LJG Investments LLC  
1484 Dale Earnhardt Blvd  
Kannapolis, NC 28083

## PROPERTY INFORMATION

**LOCATION:** 161 Bluewing Lane in Mooresville, NC; more specifically identified as PIN# 4636417024.

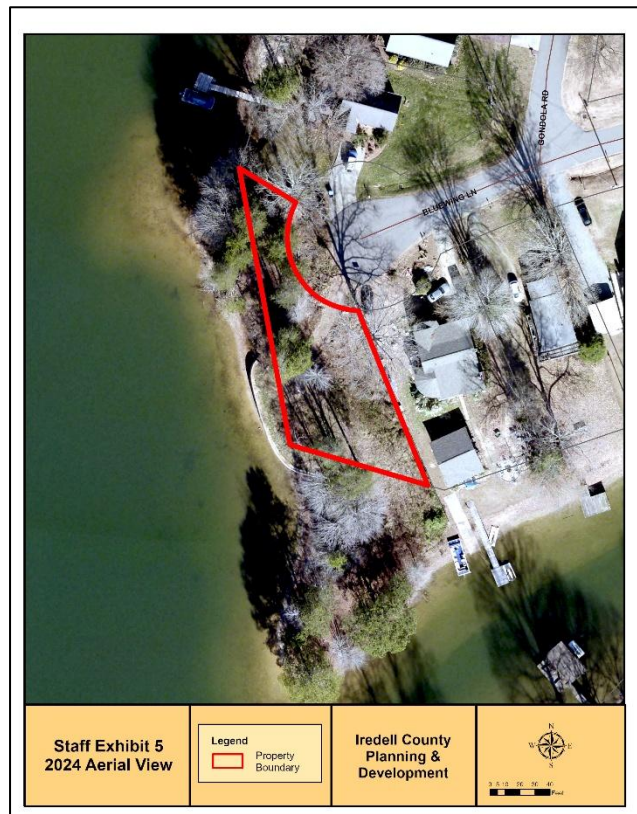
**DIRECTIONS:** Brawley School Road, left on Stutts Road, right on Bluewing Lane, at the end.

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

**SIZE:** The property is .24 acres.

**EXISTING LAND USE:** The property is currently vacant, but has an access easement to the beach for swimming and recreation.

**ZONING:** The property is currently zoned RR (Resort Residential).



## FINDINGS OF FACT

1. The request is for relief of 4.5 feet from the 35' front setback and 4.5' from the 15' side setback per Section 2.6 of the Iredell County Land Development Code to build a new home 30.5 feet from the road right of way and 10.5 feet from the left side line.
2. The property is .24 acres located at 161 Bluewing Lane in Mooresville, NC; more specifically identified as PIN# 4636417024.
3. The property is currently zoned RR (Resort Residential).
4. The application was filed on 2/3/26.
5. The adjoining property owners were notified on 2/23/26.
6. The property was posted on 2/23/26.

## STAFF COMMENTS

The property was platted in 1963. It has been used as an access easement to the beach for swimming and recreation for lots in the subdivision that do not have frontage on the lake. The lot is vacant.

The owner would like to build a home within the buildable area shown on the survey provided with a variance on the front and left side.

## EXHIBITS

Staff Exhibit 1.	Variance Application
Staff Exhibit 2.	Survey
Staff Exhibit 3.	Sections 2.6
Staff Exhibit 4.	Zoning Map
Staff Exhibit 5.	2024 Aerial Map

**Staff Exhibit 1**



**IREDELL COUNTY  
APPLICATION FOR A VARIANCE**

Variance requested on property located at: 161 Bluewing Lane Mooresville NC 28117  
Property Zoned: RR PIN #: 4636417024.000 Lot Size: .24  
Property Owner: LJG Investments LLC  
Applicant: David Glass  
Date Existing Structure Erected: NA

**TO THE IREDELL COUNTY ZONING BOARD OF ADJUSTMENT:**

I David Glass hereby petition the Board of Adjustment for a VARIANCE from the literal provisions of the Iredell County Zoning Ordinance because, under the interpretation given to me by the Zoning Administrator, I am prohibited from using the parcel of land described above in a manner shown by the Plot Plan attached to this form. I requested a variance from the following provisions of the Land Development Code (cite Section numbers and Code requirements):

Section 2.6 table 2.9- 35' front setback and 15' side set back

Describe the VARIANCE being requested on the above referenced property:

Decrease front set back by 5' for a total setback of 30' and decrease side set back by 5' for a setback of 10'. These new measurements will match the deed restirctions for this property.

**FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:**

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. The Board must make the findings required below, taking into account the nature of the proposed request, the existing use of land in the vicinity and the probable effect of the proposed request upon traffic conditions in the vicinity, if applicable.

- A. Would unnecessary hardship result from the strict application of the regulation. *(It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.)*

Strict application of the current setback requirements would result in an unnecessary hardship for the applicant due to unique conditions specific to the property. The lot's size, shape, topography, and/or existing improvements significantly limit the buildable area, such that compliance with the prescribed setbacks would either prevent any reasonable development or require a design that is impractical and inconsistent with the surrounding properties and intended use of the property.

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- B. Does the hardship result from conditions that are peculiar to the property, such as location, size, or topography? *(Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or general public may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.)*

The hardship arises from physical constraints that are unique to the parcel and not shared by neighboring properties. Please see the attached survey map showing the setbacks, building area and the lake contours and buffer areas. Due to the lake contours and buffer areas along with the current setbacks, the buildable area would require a design that is impractical and inconsistent with the surrounding properties.

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- C. Did the hardship result from actions taken by the applicant or the property owner? *(The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-creating hardship.)*

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The hardship is not self-created.

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- D. Is the requested variance consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved?

Granting the requested variance represents the minimum relief necessary to alleviate this hardship. The proposed structure will not alter the essential character of the neighborhood, impair adjacent properties, or be detrimental to public health, safety, or welfare. Actually, denial of the variance would effectively deprive the property owner of the ability to make reasonable use of the land in a manner consistent with surrounding properties and zoning intent.

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I do hereby certify that all information, which I have provided for this application, is, to the best of my knowledge, correct.

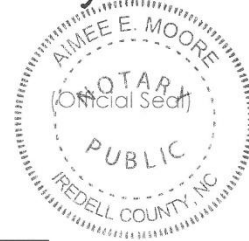
Property Owner David Glass  
Company Name LJG Investments LLC  
Position MGR  
Address 1484 Dale Earnhardt Blvd Kannapolis NC 28083  
Phone 610-805-4448  
Email davidglass@hotmail.com  
Signature   
(Must be notarized)

North Carolina, Cabarrus County

I, Aimee E Moore, a Notary Public for Iredell County, North Carolina, do hereby certify that David Glass personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 3 day of February, 2026

Aimee E. Moore  
My Commission expires: June 5, 2028



Applicant/Agent same as above  
Company Name \_\_\_\_\_  
Position \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_  
Email \_\_\_\_\_  
Signature \_\_\_\_\_

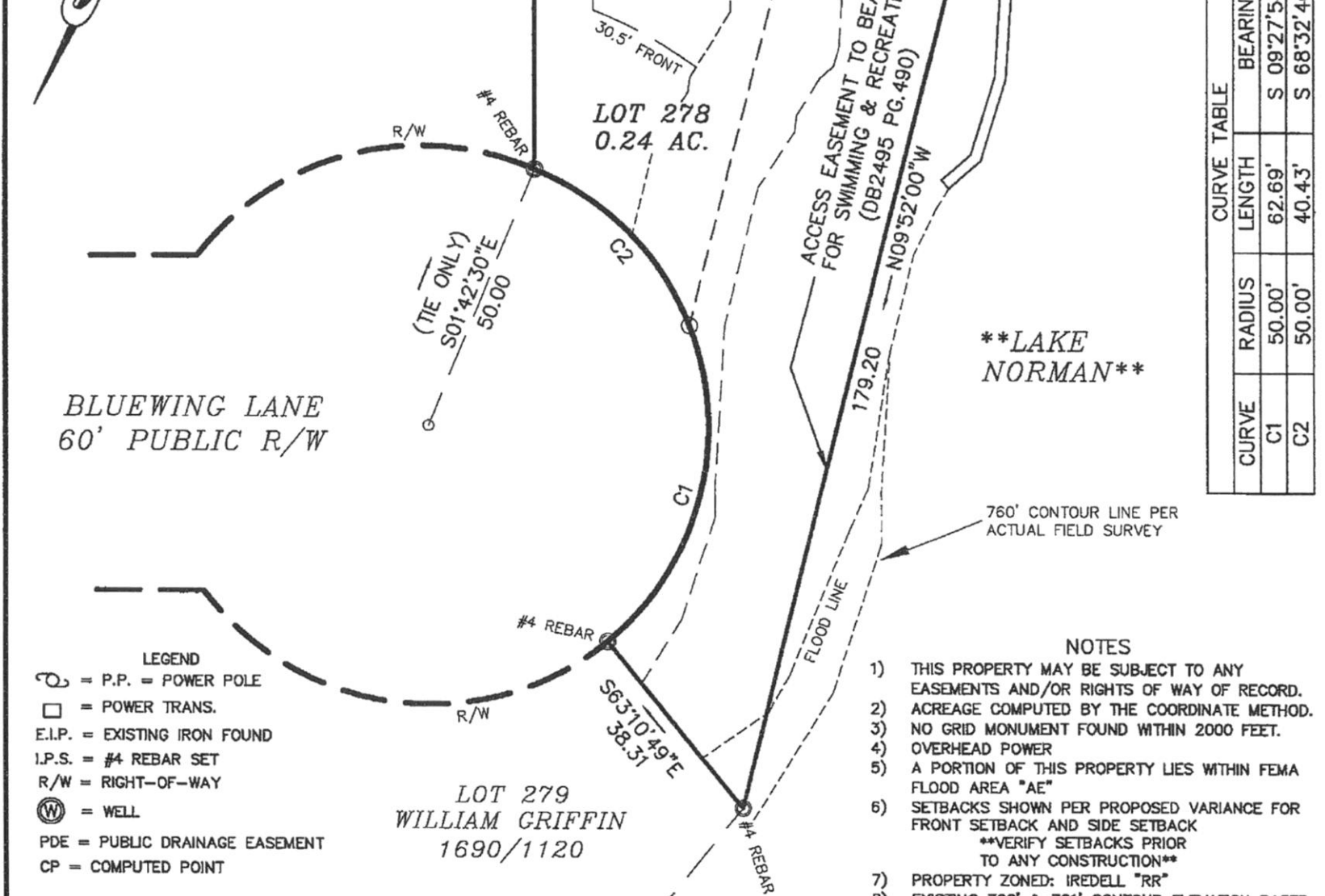
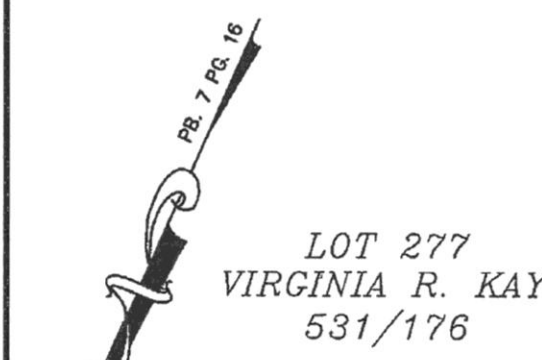
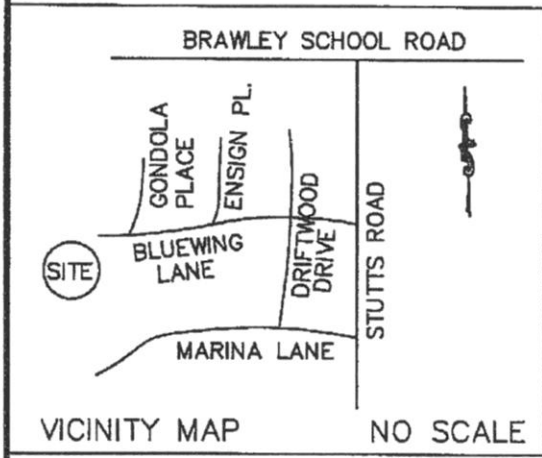
# DAS DON ALLEN & ASSOCIATES, P. A.

"Since 1971"

Commercial \* Residential \* Mortgage Surveys \* Multi-Family  
 Construction Staking \* Subdivision Design \* Topographical  
 127 Promenade Drive - Suite E \* Mooresville \* NC \* 28117  
 DASSurveying.com \* (704) 664-7029 \* info@donallensurvey.com

I, certify that this map was drawn under my supervision from an actual survey made under my supervision recorded in deed book 3188, page 185, and/or plat book 7, page 16, that the ratio of precision is 1':10,000, that this map was prepared in accordance with the General Statutes of North Carolina Chapter 89C. my hand and seal on the 12, day of FEBRUARY, A.D. 2026.

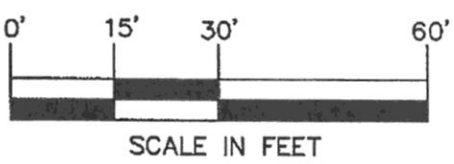
WILLIAM M. ALLEN  
 PROFESSIONAL SEAL  
 L-3499  
 LAND SURVEYOR  
 WILLIAM M. ALLEN



CURVE TABLE				
CURVE	RADIUS	LENGTH	BEARING	CHORD
C1	50.00'	62.69'	S 09°27'54" E	58.66'
C2	50.00'	40.43'	S 68°32'46" E	39.33'

- LEGEND
- ⊙ = P.P. = POWER POLE
  - = POWER TRANS.
  - E.I.P. = EXISTING IRON FOUND
  - I.P.S. = #4 REBAR SET
  - R/W = RIGHT-OF-WAY
  - ⊙ = WELL
  - PDE = PUBLIC DRAINAGE EASEMENT
  - CP = COMPUTED POINT

- NOTES
- 1) THIS PROPERTY MAY BE SUBJECT TO ANY EASEMENTS AND/OR RIGHTS OF WAY OF RECORD.
  - 2) ACREAGE COMPUTED BY THE COORDINATE METHOD.
  - 3) NO GRID MONUMENT FOUND WITHIN 2000 FEET.
  - 4) OVERHEAD POWER
  - 5) A PORTION OF THIS PROPERTY LIES WITHIN FEMA FLOOD AREA "AE"
  - 6) SETBACKS SHOWN PER PROPOSED VARIANCE FOR FRONT SETBACK AND SIDE SETBACK  
 \*\*VERIFY SETBACKS PRIOR TO ANY CONSTRUCTION\*\*
  - 7) PROPERTY ZONED: IREDELL "RR"
  - 8) EXISTING 760' & 761' CONTOUR ELEVATION BASED ON LAKE NORMAN LAKE LEVEL AT COWAN'S FORD DAM (READING ON 02/07/2020) ELEVATION: 758.7'



## BOUNDARY/VARIANCE SURVEY

OF  
 161 BLUEWING LN  
 LOT 278 COMMODORE PENINSULA SECTION II  
 DAVIDSON TWSP., IREDELL CO., NC  
 OWNER: LJM INVESTMENTS LLC

FIELD BOOK: N/A  
 FILE: COMMODORE PENINSULA 278  
 DRAWN BY: RAP  
 TAX MAP NO: 4636417024

## Staff Exhibit 3

### Section 2.6 R-R Resort Residential District

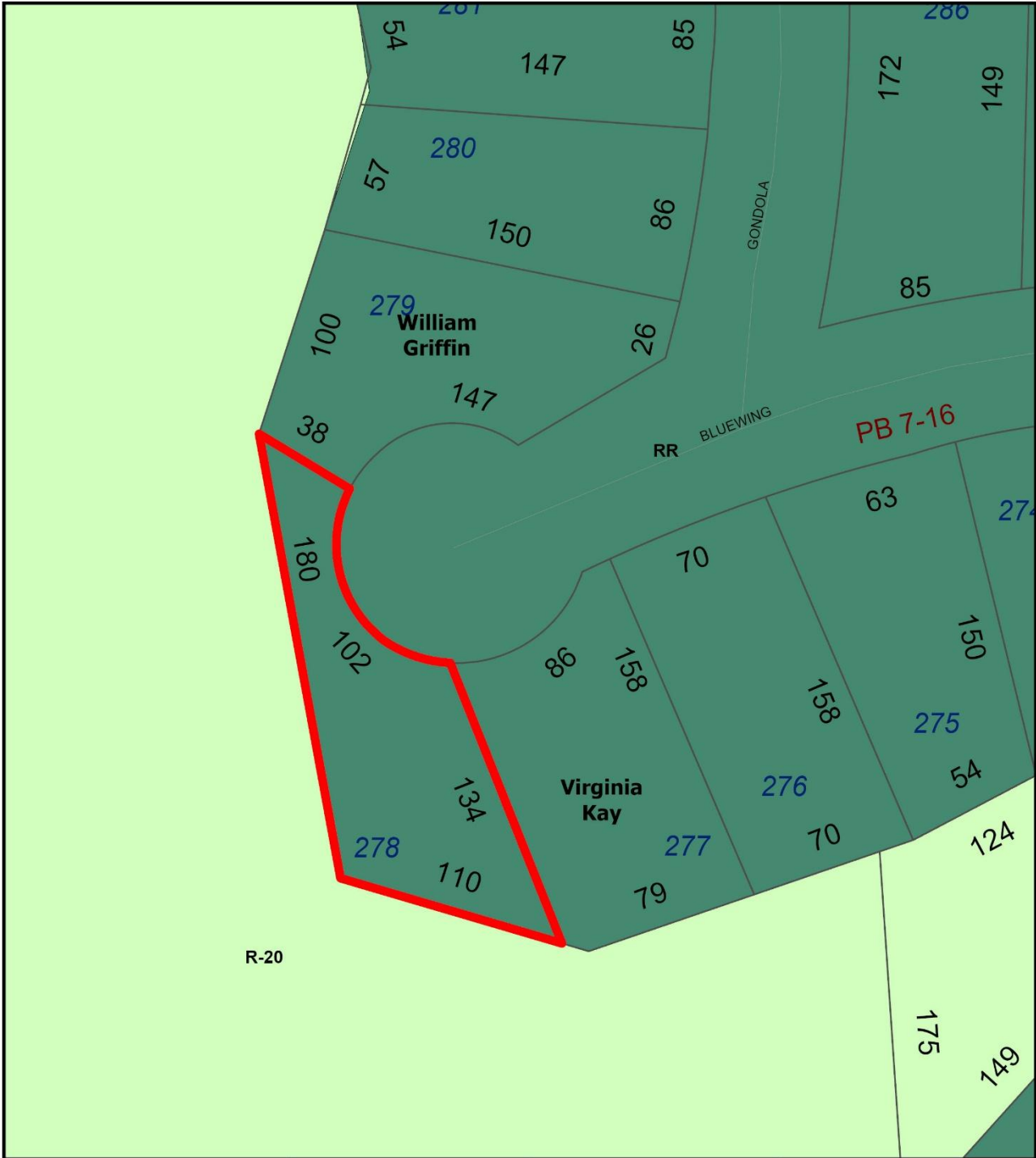
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#### Section 2.6.1 Intent

The regulations of this district are intended to insure that the principal use of the land is for a combination of low- density recreational and outdoor recreation uses and activities appropriate for sites adjacent to Lake Norman and other streams and bodies of water which lend themselves to the development of outdoor recreational areas and communities.


**Table 2.9 Dimensional Requirements in the R-R District**

	Minimum Lot Size*		Minimum Yard Requirements				Maximum Height
			See Appendix A				
Principal Structures/Use	Sq. ft./dwelling unit	Lot width	Front	Side	Rear	Corner	
Single-Family	20,000	100	35	15	35	25	35
Two-Family	15,000	100	35	15	35	25	35
Other	20,000	100	30	10	20	20	35
Major Residential Subdivision**	See Chapter 3, R5						



**Staff Exhibit 4  
Adjoining Owners  
& Zoning**

**Legend**

 Property Boundary

**Iredell County  
Planning &  
Development**



**Staff Exhibit 5  
2024 Aerial View**

**Legend**  
 Property Boundary

**Iredell County  
Planning &  
Development**

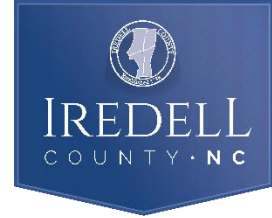


0 5 10 20 30 40  
Feet

## Variance Worksheet

Finding	Reasons/Evidence
<p>An <b>unnecessary hardship</b> would result from the strict application of the regulation. <i>(It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.)</i></p>	True: [If true, state the facts that make it true.]
	False: [If false, state the facts that make it false.]
<p>The hardship results from <b>conditions that are peculiar to the property</b>, such as location, size, or topography. (Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or general public may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.)</p>	True: [If true, state the facts that make it true.]
	False: [If false, state the facts that make it false.]
<p>The hardship <b>does not result from actions taken by the applicant or the property owner</b>. <i>(The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-creating hardship.)</i></p>	True: [If true, state the facts that make it true.]
	False: [If false, state the facts that make it false.]
<p>The requested variance is <b>consistent with the spirit, purpose, and intent of the regulation</b>, such that public safety is secured, and substantial justice is achieved.</p>	True: [If true, state the facts that make it true.]
	False: [If false, state the facts that make it false.]

# IREDELL COUNTY PLANNING & DEVELOPMENT



VARIANCE STAFF REPORT

**BOA CASE# 260319-2**

STAFF PROJECT CONTACT: Rebecca Harper

## EXPLANATION OF THE REQUEST

The applicant is requesting relief of 7' from the 15' side setback per Section 2.7 of the Iredell County Land Development Code to build a new home 8' from both side lines.

## OWNER/APPLICANT

**Owner:** Jocelyn Perlmutter  
3539 Shiloh Church Road  
Davidson, NC 28036

**Applicant:** James Drescher  
112 Buxton Street  
Mooresville, NC 28115

## PROPERTY INFORMATION

**LOCATION:** 120 Stover Road in Mooresville, NC; more specifically identified as PIN# 4636711665.

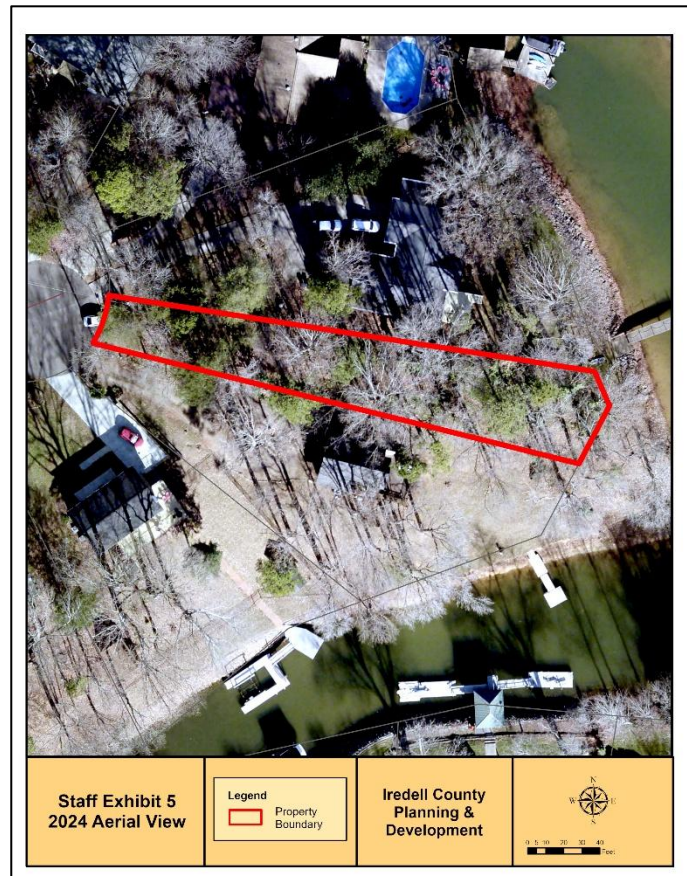
**DIRECTIONS:** Brawley School Road, left on Stutts Road, left on Peninsula Drive, left on Hiram Road, right on Stover Road, at the end.

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

**SIZE:** The property is .23 acres.

**EXISTING LAND USE:** The property is currently vacant.

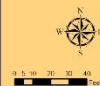
**ZONING:** The property is currently zoned R20 (Single-Family Residential).



Staff Exhibit 5  
2024 Aerial View

Legend  
Property Boundary

Iredell County  
Planning &  
Development



## FINDINGS OF FACT

1. The request is for relief of 7' from the 15' side setback per Section 2.7 of the Iredell County Land Development Code to build a new home 8' from both side lines.
2. The property is .23 acres located at 120 Stover Road in Mooresville, NC; more specifically identified as PIN# 4636711665.
3. The property is currently zoned R20 (Single-Family Residential).
4. The application was filed on 1/30/26.
5. The adjoining property owners were notified on 2/23/26.
6. The property was posted on 2/23/26.

## STAFF COMMENTS

The property was platted in 1975. The lot is vacant. The owner would like to build a home 8' from both sides lines as shown on the survey provided.

The lot is very narrow with only 25' of width at the road right of way and 51' on the lake side.

## EXHIBITS

Staff Exhibit 1.	Variance Application
Staff Exhibit 2.	Survey
Staff Exhibit 3.	Sections 2.7
Staff Exhibit 4.	Zoning Map
Staff Exhibit 5.	2024 Aerial Map

## Staff Exhibit 1



### IREDELL COUNTY APPLICATION FOR A VARIANCE

Variance requested on property located at: 120 Stover Road, Mooresville, NC 28117  
Property Zoned: R-20 PIN #: 4636711665.000 Lot Size: 0.23 Acres  
Property Owner: Joselyn D. Perlmutter  
Applicant: James Drescher  
Date Existing Structure Erected: N/A

#### TO THE IREDELL COUNTY ZONING BOARD OF ADJUSTMENT:

I, James Drescher hereby petition the Board of Adjustment for a VARIANCE from the literal provisions of the Iredell County Zoning Ordinance because, under the interpretation given to me by the Zoning Administrator, I am prohibited from using the parcel of land described above in a manner shown by the Plot Plan attached to this form. I requested a variance from the following provisions of the Land Development Code (cite Section numbers and Code requirements):

Section 2.7.1 (Table 2.11 – Dimensional Requirements in the R-20 District): No single-family dwelling shall be built closer than 15 feet from the side property lines. We are therefore requesting a variance to allow the dwelling to be built no closer than 8 feet from the property lines (a 7 foot relief from current standards).

Describe the VARIANCE being requested on the above referenced property:

The applicant is requesting relief of 7 feet from the 15-foot side yard setback requirement to allow construction of a single-family residence on the property. Due to the narrow width and irregular configuration of the lot, strict application of the side setback requirements significantly limits the buildable area. The proposed residence would be located no closer than 8 feet from the side property line.

#### FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. The Board must make the findings required below, taking into account the nature of the proposed request, the existing use of land in the vicinity and the probable effect of the proposed request upon traffic conditions in the vicinity, if applicable.

- A. Would unnecessary hardship result from the strict application of the regulation. *(It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.)*

Yes. Strict application of the 15-foot side setback requirement results in an unnecessary hardship to the property. The property is a legally platted buildable lot (Lot 23, platted in 1975) and due to the limited width of the lot, application of the full current 15-foot side setbacks leaves an extremely narrow building envelope that makes construction of a single-family residence nearly impossible. Other than the side setbacks, all other setbacks are met.

- B. Does the hardship result from conditions that are peculiar to the property, such as location, size, or topography? *(Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or general public may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.)*

Yes. The hardship results from conditions that are peculiar to the property, specifically its size, configuration, and lot geometry, as shown on the recorded plat. This property is has an extremely limited lot width of approximately 40 feet, with angled, non-parallel side lot lines as shown on the recorded plat. These characteristics are unique to this lot and are not conditions common to the surrounding properties or the general neighborhood.

- C. Did the hardship result from actions taken by the applicant or the property owner? *(The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-creating hardship.)*

No. The hardship did not result from actions taken by the applicant or the current property owner. The lot was platted and recorded as Lot 23 in 1975, with its current size, shape, and boundaries established at that time. The applicant did not alter the lot lines, create the irregular geometry, or otherwise contribute to the conditions that give rise to the hardship. The hardship is inherent to the property itself and results from the lot's original configuration.

- D. Is the requested variance consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved?

Yes. The requested variance is consistent with the spirit, purpose, and intent of the regulation, and granting it would secure public safety and achieve substantial justice. Granting a 7-foot side setback variance on this lot will not compromise these objectives. The proposed residence maintains appropriate separation from adjacent properties. It also meets all health, safety, and environmental requirements. Granting the variance will still be consistent with the overall goals of the Land Development Code.

I do hereby certify that all information, which I have provided for this application, is, to the best of my knowledge, correct.

Property Owner Joselyn D. Perlmutter  
Company Name N/A  
Position N/A  
Address 3539 Shiloh Church Rd Davidson NC 28036  
Phone 301-979-0121  
Email Joselyn.perlmutter@gmail.com  
Signature [Handwritten Signature]  
(Must be notarized)

North Carolina, Mecklenburg County

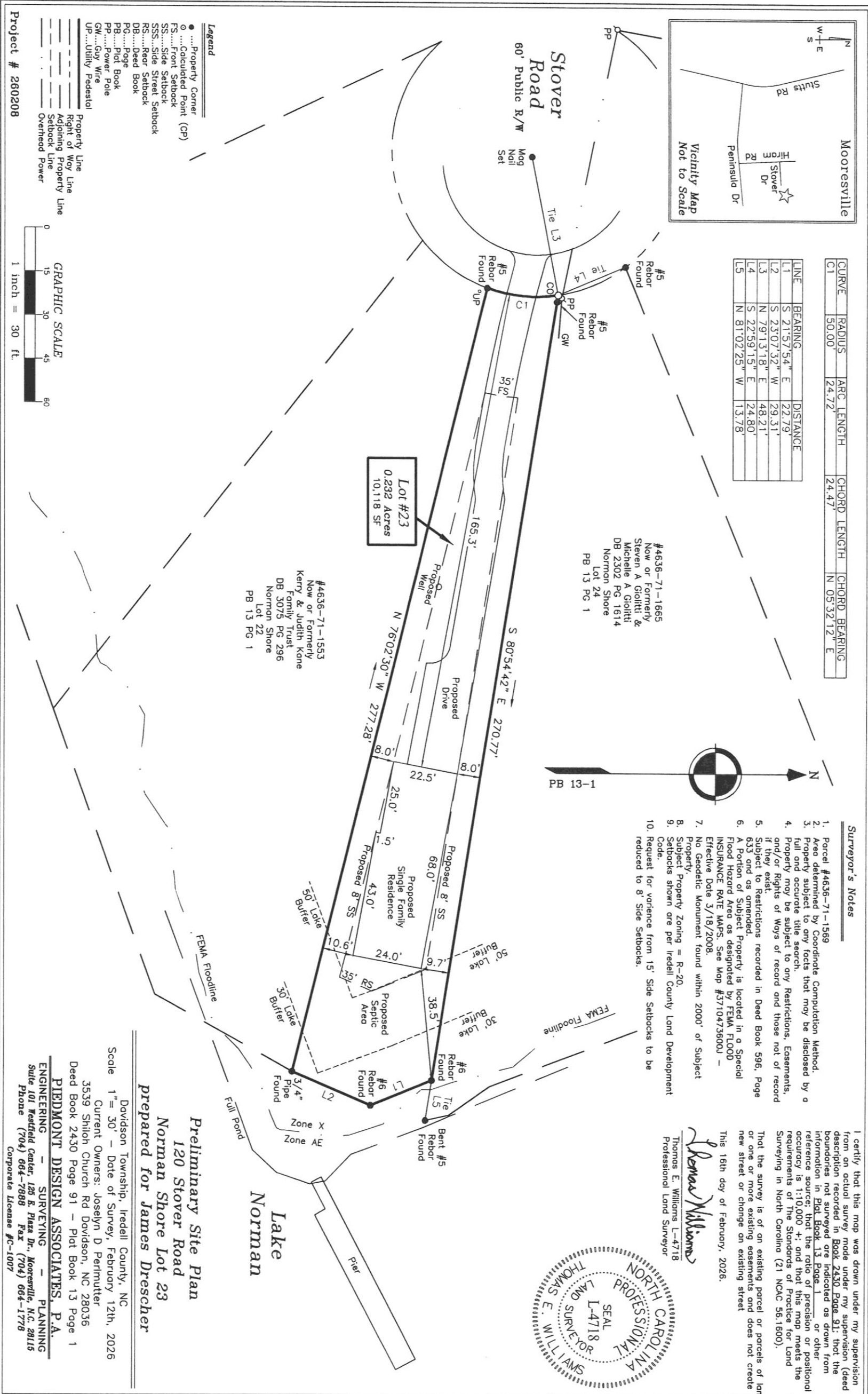
I, Michael C. Miller, a Notary Public for Iredell County, North Carolina, do hereby certify that Joselyn Perlmutter personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 29 day of Jan, 2026.

[Handwritten Signature]  
My Commission expires: 5/31/28



Applicant/Agent James Drescher  
Company Name N/A  
Position N/A  
Address 112 Buxton Street, Mooresville NC 28115  
Phone 862-881-9606  
Email Drescherjj@gmail.com  
Signature [Handwritten Signature]



**Surveyor's Notes**

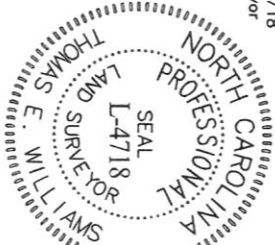
- Parcel #4636-71-1569
- Area determined by Coordinate Computation Method.
- Property subject to any facts that may be disclosed by a full and accurate title search.
- Property may be subject to any Restrictions, Easements, and/or Rights of Ways of record and those not of record if they exist.
- Subject to Restrictions recorded in Deed Book 596, Page 633 and as amended.
- A Portion of Subject Property is located in a Special INSURANCE RATE MAPS. See Map #3710473600U - Effective Date 3/18/2008.
- No Geodetic Monument found within 2000' of Subject Property.
- Subject Property Zoning = R-20.
- Setbacks shown are per Iredell County Land Development Code.
- Request for variance from 15' Side Setbacks to be reduced to 8' Side Setbacks.

I certify that this map was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 2430, Page 51); that the boundaries not surveyed are indicated as drawn from information in Plat Book 13, Page 1, or other reference source; that the ratio of precision or positional accuracy is 1:10,000 +; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600).

That the survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new street or change an existing street.

This 16th day of February, 2026.

*Thomas E. Williams*  
 Thomas E. Williams L-4718  
 Professional Land Surveyor



**Preliminary Site Plan**  
 120 Stover Road  
 Norman Shore Lot 23  
 prepared for James Drescher

Davidson Township, Iredell County, NC  
 Scale 1" = 30' - Date of Survey, February 12th, 2026  
 Current Owners: Joselyn D Perlmutter  
 3539 Shiloh Church Rd Davidson, NC 28036  
 Deed Book 2430 Page 91 - Plat Book 13 Page 1

**PIEDMONT DESIGN ASSOCIATES, P.A.**  
 ENGINEERING - SURVEYING - PLANNING  
 Suite 101 Westfield Center, 128 E. Plaza Dr., Mooresville, N.C. 28115  
 Phone (704) 664-7888 Fax (704) 664-1778  
 Corporate License #C-1007

### Staff Exhibit 3

#### Section 2.7 R-20 Single-Family Residential District

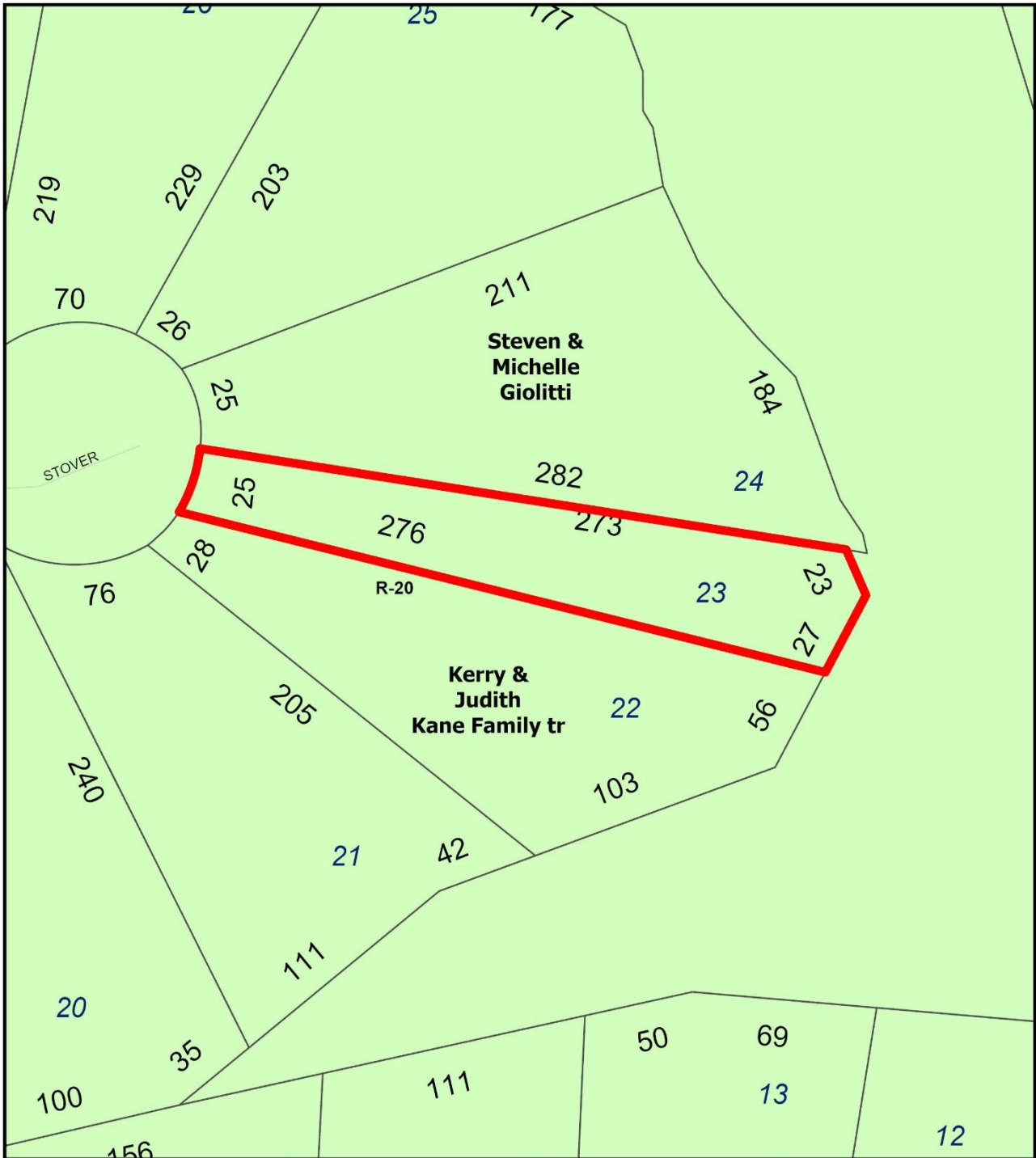
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##### Section 2.7.1 Intent

The regulations of this district are intended to insure that residential development NOT having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at sufficiently low densities to provide a healthful environment.

**Table 2.11 Dimensional Requirements in the R-20 District**

Principal Structures/Use	Minimum Lot Size*			Minimum Yard Requirements See Appendix A				Maximum Height
	Sq. ft./dwelling unit	Sq. ft./dwelling w/ water	Lot width	Front	Side	Rear	Corner	
Single-Family	20,000	15,000	90	35	15	35	25	35
Two-Family	15,000	15,000	90	35	15	35	25	35
Other	20,000	15,000	90	35	15	35	25	35
Major Residential Subdivision**	See Chapter 3, R5							



**Staff Exhibit 4  
Adjoining Owners  
& Zoning**

Legend

 Property Boundary

**Iredell County  
Planning &  
Development**



**Staff Exhibit 5  
2024 Aerial View**

**Legend**

 Property Boundary

**Iredell County  
Planning &  
Development**



0 5 10 20 30 40  
Feet

## Variance Worksheet

Finding	Reasons/Evidence
<p>An <b>unnecessary hardship</b> would result from the strict application of the regulation. <i>(It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.)</i></p>	True: [If true, state the facts that make it true.]
	False: [If false, state the facts that make it false.]
<p>The hardship results from <b>conditions that are peculiar to the property</b>, such as location, size, or topography. (Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or general public may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.)</p>	True: [If true, state the facts that make it true.]
	False: [If false, state the facts that make it false.]
<p>The hardship <b>does not result from actions taken by the applicant or the property owner</b>. <i>(The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-creating hardship.)</i></p>	True: [If true, state the facts that make it true.]
	False: [If false, state the facts that make it false.]
<p>The requested variance is <b>consistent with the spirit, purpose, and intent of the regulation</b>, such that public safety is secured, and substantial justice is achieved.</p>	True: [If true, state the facts that make it true.]
	False: [If false, state the facts that make it false.]



**IREDELL COUNTY ZONING BOARD OF ADJUSTMENT**

The Iredell County Zoning Board of Adjustment met at a regularly scheduled meeting on Thursday, March 19, 2026, at 6:00 p.m. at NC Cooperative Extension, 444 Bristol Drive in Statesville, NC.

MEMBERS' PRESENT

Trey Robertson, Vice-Chair  
Mac McCombs  
Jon Madison  
Bill Brater  
John Allen  
John Gallina

STAFF PRESENT

Rebecca Harper  
Cindy Reavis  
Rich Hoffman  
Jake Lowman

MEMBERS ABSENT

Tim Johnson, Chair

*Vice-Chair Robertson called the meeting to order*

Roll call of the Board

Invocation by Mr. Madison

Vice-Chair Robertson presented Mr. Bob Dellinger with a plaque for 34 years of dedicated service to the Iredell County Zoning Board of Adjustment.

**Minutes:** Mr. Brater made a motion to approve the minutes of the November 20, 2025, meeting. Mr. McCombs seconded the motion; all were in favor.

Vice-Chair Robertson explained the process of this quasi-judicial hearing.

**Vice-Chair Robertson declared the public hearing open.**

Vice-Chair Robertson then swore/affirmed those wishing to speak concerning the case.

Ms. Harper presented case #260319-1 and noted that a Variance requires a 4/5 vote to approve the request. There are seven members on the board, and six members are present. Therefore, six members must vote in favor in order to approve the Variance.

**BOA CASE NO. 260319-1 DAVID GLASS, LJG INVESTMENTS LLC  
(OWNER/APPLICANT)**

**EXPLANATION OF THE REQUEST**

The applicant is requesting relief of 4.5 feet from the 35' front setback and 4.5' from the 15' side setback per Section 2.6 of the Iredell County Land Development Code to build a new home 30.5 feet from the road right of way and 10.5 feet from the left side line.

**OWNER/APPLICANT**

**Owners/ Applicants:** David Glass  
LJG Investments LLC  
1484 Dale Earnhardt Blvd  
Kannapolis, NC 28083

**PROPERTY INFORMATION**

**LOCATION:** 161 Bluewing Lane in Mooresville, NC; more specifically identified as PIN# 4636417024.

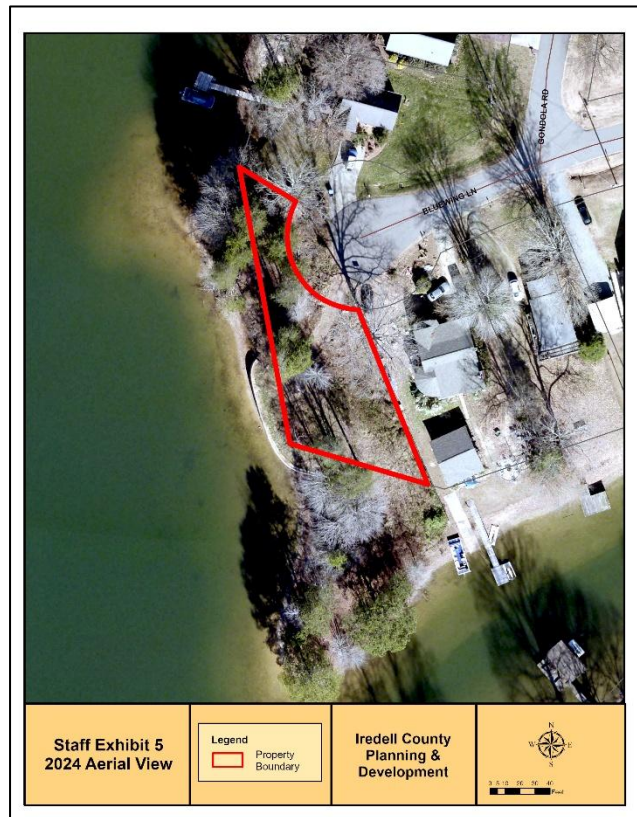
**DIRECTIONS:** Brawley School Road, left on Stutts Road, right on Bluewing Lane, at the end.

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

**SIZE:** The property is .24 acres.

**EXISTING LAND USE:** The property is currently vacant but has an access easement to the beach for swimming and recreation.

**ZONING:** The property is currently zoned RR (Resort Residential).



**FINDINGS OF FACT**

1. The request is for relief of 4.5 feet from the 35' front setback and 4.5' from the 15' side setback per Section 2.6 of the Iredell County Land Development Code to build a new home 30.5 feet from the road right of way and 10.5 feet from the left side line.
2. The property is .24 acres located at 161 Bluewing Lane in Mooresville, NC; more specifically identified as PIN# 4636417024.
3. The property is currently zoned RR (Resort Residential).
4. The application was filed on 2/3/26.
5. The adjoining property owners were notified on 2/23/26.
6. The property was posted on 2/23/26.

**STAFF COMMENTS**

The property was platted in 1963. It has been used as an access easement to the beach for swimming and recreation for lots in the subdivision that do not have frontage on the lake. The lot is vacant.

The owner would like to build a home within the buildable area shown on the survey provided with a variance on the front and left side.

**EXHIBITS**

- |                  |                      |
|------------------|----------------------|
| Staff Exhibit 1. | Variance Application |
| Staff Exhibit 2. | Survey               |
| Staff Exhibit 3. | Sections 2.6         |
| Staff Exhibit 4. | Zoning Map           |
| Staff Exhibit 5. | 2024 Aerial Map      |

**QUESTIONS FROM BOARD TO STAFF**

Mr. Allen asked if access to the beach for recreation was the whole length of the easement. Ms. Harper said yes, for anyone in the neighborhood with rights for neighbors that did not have lake frontage.

Mr. Madison asked Ms. Harper if the county approved of setbacks that the lot could not be built upon. Ms. Harper said this lot was platted in 1963, and the setbacks to her knowledge have been 35' and 15' since the zoning ordinance was created in 1990. Mr. Allen said this lot predates that zoning ordinance. She said the 50' buffer from the water went into effect in March 1998, and before that it was 30' that went into effect January 1, 1994, which is also after these lots were recorded.

Mr. Allen asked Ms. Harper what is allowed to be done in the easement itself by the public. Ms. Harper said that it is outlined in their deed restrictions or neighborhood covenants, and they can share that information during testimony.

Vice-Chair Robertson asked if there were any further questions for staff. There were none.

Ms. Harper entered the Staff Report & PowerPoint presentation into the record.

Vice-Chair Robertson asked if any board member needed to disclose any ex parte communication, or anything other pertaining to this case. There was none.

Vice-Chair Robertson asked the applicant, Mr. Glass, to come forward.

### **THOSE SPEAKING FOR THE REQUEST**

Mr. David Glass, 142 Bluewing Lane, said he purchased this lot and wasn't aware of the restrictions that were there. He's wanting to build a single-family residence, and when he started putting his plan in place, he found a very restrictive, 400 square foot triangular shaped lot. He states he is working with an architect and surveyor attempting to work with that space given. Unfortunately, they could not come up with a design that allowed stairs in the house due to the unusual shape and very small size. Mr. Glass said he's spent all this money on this land and is trying to figure out the least intrusive way to make the lot usable. The architect stated if they can get a variance on the front and side setbacks, that would allow them to get stairs inside of the house.

Mr. McCombs asked Mr. Glass if he plans on living there. Mr. Glass said yes, a second home.

Vice-Chair Robertson asked if there were any further questions for Mr. Glass. There were none.

Vice-Chair Robertson asked those who wanted to speak in opposition to come forward.

### **THOSE SPEAKING AGAINST THE REQUEST**

Ms. Karen Schmal, 142 Bluewing Lane, Mooresville said when this property was purchased back in 1984, it came with deed access as they've mentioned, to the lake for swimming, fishing, going to the beach, as well as boating. She feels approving a variance for two different sides of the property to build a house is not acceptable when the information was available before Mr. Glass bought the property. She said the fact that the deeds were offered to every neighbor, so everybody has access to the canal and the water, and the dead end right next to this parcel for boating. Ms. Schmal said someone had put up a fence and blocked everyone out. She said she feels all the neighbors are adamant this should not be approved because it will block their view and affect their property values and affect their access to the water.

Mr. Allen asked Ms. Schmal about the other lot she referenced because he doesn't see it on the map, but it does have a house on it as well. Ms. Schmal said yes, and it's in the deeds for access to put boats in the water.

Mr. Brater asked if there is an HOA there. Ms. Schmal said no.

Mr. Madison asked if any of the neighbors have explored any legal direction. Ms. Schmal said many of the neighbors are here tonight and feel they had short notice, which wasn't enough time for their due diligence. Mr. Madison said he is more talking about the other lot that they have been blocked access to, and if they have pursued any legal action. Ms. Schmal said not to her knowledge but was waiting to see the outcome of this meeting.

Mr. Allen said the only other issue he has with this scenario is if this whole lot was deeded to everybody, we wouldn't be talking about this. But only part of this has the deeded access for everybody, not the whole lot.

Mr. Gallina feels the issue this Board is faced with is whether they can grant a Variance to build across a particular setback. The issue that Ms. Schmal has described is one of access to a public right-of-way, or public access point. Therefore, that's not necessarily what this Board does. He feels that's why the previous question was brought about whether the neighbors have pursued any legal action. If a realtor sold property or if a developer sold property and said you're going to have access to this and now somebody's put up a fence or somebody's building a house that's going to prohibit or impose on your access, that's a different issue for what this board has the purview over.

Mr. Schmal said they all built their homes with setbacks that they had to comply with and did. She said what's being asked here is not only just one line setback, but there's also at least two setbacks that they're asking for. She said typically, you have a deed that says you have access and whether you can see the property, it's going to affect the view. That information was known when the property was sold to Mr. Glass and it wasn't new information.

Mr. Gallina said the Board wants to hear everyone's testimony, and it's important to move through the process by understanding how the board must look at this. Understandably, this lot was created in 1963 under certain setbacks. Today's setbacks that were imposed in 1998 may not allow a home to be built on that lot, but somebody has purchased that lot. Do we want to allow a home to be built on it? That's the question that we're having to address, not whether other people have built across setbacks or not.

Ms. Schmal said she owns a one-story home on Blue Wing Lane. If the issue really is stairs, it's not that he can't put a house on that lot, it's that he wants to put a size house that doesn't fit within the existing parameters. That is a choice.

Mr. Gallina said it is, and that is the purpose of the board. They want to hear everyone's testimony so we can then review it all and appreciate people coming forward.

Mr. John Schmal, 142 Bluewing Lane, Mooresville, said his father built the house in 1985 with the understanding that he had rights to the water on lot 278 and boating access on lot 253, which has now been gated off with no one knowing what was going on and they are afraid that is what is happening again. That is why the neighbors are here tonight.

Mr. McCombs asked Mr. Schmal how this lot can be gated off. Ms. Harper said they are talking about a different lot that is not in question. This meeting is regarding lot 278.

Mr. Brater clarified that Mr. Glass purchased this property that other people had deeds giving them access through this property and he didn't have knowledge of that. Ms. Harper said to hold that question until Mr. Glass comes back to the podium.

Mr. Allen asked Mr. Schmal on the map that he is showing, with all the homes with every lot listed on this paper, if they have legally allowed access. Mr. Schmal said for the subdivision Lakeside Park and Surfwood Park combine those two. Mr. Allen asked who has access to Lot 278. Mr. Schmal said all has access that is on the map except for those directly on the water who already have water rights. Although it doesn't have anything to do with today, Lot 253 was the same way, and ended up getting fenced up. Therefore, we must worry about that happening again.

Mr. Mark Fishman, 145 Gondola Road, Mooresville, said he is against the building of a tiny house on this property. He said they've got most of the evidence that he's given to his neighbors in the way of the deed and plot lines. Mr. Allen asked if both neighborhoods have access to Lot 278. Mr. Fishman said he isn't sure about Surfwood, and they might have access to Lot 253, which is not part of this discussion. But as neighbors, this is the last piece of property for access, and they would let them come in and use the property. It's the last place for the whole area to get neighborhood lake access. Mr. Fishman said looking at the map, he isn't sure where Mr. Glass is going to build a tiny house or even live in a small place. Mr. Fishman said he isn't sure where the actual access would be with the easement. He said he bought his house three years ago, and the deed he passed out is the one he received from his realtor. He said many of his neighbors did not get that when they moved in. Mr. Fishman said this property was the piece of the puzzle when he bought the house. They use this property all the time and he maintains it by mowing it and his neighbors have appreciated it. He feels if a tiny house is built on this lot, it would reduce house values.

Mr. Allen said if Mr. Glass builds in the red area on the map, in effect, it almost looks like two separate lots. One that's accessible to everybody and one that's accessible to him because it's his private property. Ms. Harper said the dash line is the easement. Mr. Glass is not building in the access easement. He's asking to build toward the cul-de-sac away from the water. Ms. Harper said he can build there anyway. Mr. Fishman wants to know how big a house Mr. Glass wants to build. Ms. Harper said Mr. Glass can come back to the podium to speak at the end.

Mr. Allen noted that everyone has the right to build a house on their private property. The access is only on half of Mr. Glass' property.

Mr. Madison said, based on the evidence here, it must be a minimum of 600 square feet and can't be over two and a half stories based on the current CCRs.

Ms. Virginia Kay, 159 Bluewing Lane, Mooresville, said she's been living there for 50 years. I moved there when the lots were still being sold and have watched people buy and sell this lot for 50 years. She said the previous owner broke all kinds of laws and added property on for more ground because he couldn't get a house and a septic tank on the same lot. Will Mr. Glass be able to count that as part of his property? The previous owner was found guilty of breaking the laws with Duke Power and with the county. He cut down trees he was not supposed to cut down. He did a whole lot of things trying to get a tiny house there and he couldn't get a septic tank. Ms. Kay said she is opposed to this being approved. She said the previous owner on that property line put up an eight-foot fence, and she can't see the lake. She feels if this is approved, people in the neighborhood will not have access to the lot and not be able to swim. They won't be able to bring their families down there. She said there is a ditch on this other side of this property dividing that access lot and another man's lot. There was a sandy beach there

when it was built. She said there are rules and restrictions regarding a certain size house that you can build.

Mr. Allen said based on what Ms. Kay is saying, and a satellite version, there's a lot of the land that's seems to be the beach that's not on this man's property. Ms. Kay said yes because the high-water line comes way up on that lot. Mr. Allen said there are trees growing on part of it that is not on his lot that can be seen. Ms. Kay said Duke Power owns that. Mr. Allen said yes, that is correct, so what he's saying is most of the actual beach itself is not even this lot. Ms. Kay said not now because of the way the lake has changed and the high-water mark is coming and going now. Mr. Allen said the seawall is not even on this lot. Mr. Kay said the previous owner illegally put up the seawall. Mr. Allen said the seawall isn't even on this lot.

Mr. Will Cooper, 124 Driftwood Drive, Mooresville asked if the easement will be moving at all. Vice-Chair Robertson said no, this has no bearing on the easement. Mr. Cooper asked if it is 50' from the seawall or what. Vice-Chair Robertson said 50' from full pond on the lake which is 760' above sea level. He said regardless of what somebody accurately or inaccurately surveyed at some point in history, that's based off the 760-line. Therefore, 50' is based off that reality.

Mr. Cooper said some of their concerns are because of that seawall that was put there. Again, none of them put that there. It affects their access to the beach depending on the time of year, especially where the water is. He said their concern is they have access to the beach, but realistically with that wall, it's a big drop and they really don't have access to the beach. During the summer yes, but not in the winter. Mr. Cooper said there is a big ditch and that raises the question whether they would have access if Mr. Glass built the home because neighbors don't want to trespass and be disrespectful to someone that puts a home there, but neighbors do have access. Ms. Harper said Mr. Glass is not blocking their access by building a house. Mr. Allen said most of the beach itself and the seawall is not even on this man's plot. Mr. Cooper said with a house there and depending on the time of year, because the seawall was added and the height, they couldn't get to the beach if there was a house right here.

Vice-Chair Robertson asked if there were any others to speak. There were none.

Vice-Chair Robertson asked Mr. Glass to come back to the podium.

Vice-Chair confirmed with Mr. Glass the size of the house is greater than 600 square feet in accordance with the covenants. Mr. Glass said yes, they must go to at least to a two-story home because the covenants require a minimum of 600 square feet. Vice-Chair Robertson asked what the square footage per floor would be. Mr. Glass said 412 square feet or something similar.

Mr. Glass said he was aware of the easement, and it was made clear by the seller, and it doesn't play into anything that I'm doing or requesting. He said he is not opposed to it. He bought the lot knowing that this was here and people would have access to it. Mr. Glass said the other thing to point out is where his property line is and where the land is, goes much further than even what's shown and is owned by Duke. It's not owned by anybody, and people have access to it as well and it does exist. Mr. Glass said he is not planning on blocking it, fencing it, or anything like that. Mr. Glass said he was given the deed restrictions and that was part of where he made his mistake. In the deed

restrictions, the setbacks comply with what he's proposing. Therefore, when he was looking at this, he was looking at it in the deed restrictions. It's a 30' setback and a 10' side setback. Therefore, he was basing his decision on that. Mr. Glass said he is asking for the absolute minimum that he needs to be able to put stairs inside the house, which complies with the original deed and the original way that it was plotted and meet the deed restrictions. He said as far as property values, an appraiser could be the one to justify what real cost. Unfortunately, he said he doesn't have it with him, but if he is allowed to build what he's trying to, it appraised at \$950,000. Therefore, he feels it's an addition to the neighborhood. He said he isn't trying to be greedy in any way, shape, or form; only the bare minimum to make the lot buildable.

Mr. Brater verified the access for the neighbors is not an issue. Mr. Glass said no because he was aware when he purchased it with no problem. Mr. Brater asked if the neighbors wanted to partner with him to make the access a little more user friendly, would that be an option. Mr. Glass said he feels there is a misunderstanding because there is quite a big stretch of land that is not the ditch, although there is a good-sized ditch between that and the easement.

Mr. Brater asked who owns the seawall. Mr. Glass said he honestly doesn't know, possibly Duke Power.

Mr. Glass said he was fully aware of the easement and has no problem with the easement. He knew it was there, it's part of the land and he accepts that with no intention of blocking people or not making it available for the neighborhood. It's their legal right to use it.

Mr. Cooper came back and said regardless of the stairs, does the land perk for a septic tank. Also, there are issues with the seawall and how it was compacted. It wasn't done properly and everybody knows as you move earth, the earth around it is affected. As Mr. Glass is building and all the equipment is on his lot, it's right up on that easement. It would be very hard not to affect or touch the easement at all. Therefore, if there is any damage while Mr. Glass is building, how is that taken care of, especially when it comes to digging and building. Those things will affect the lot next to the easement being that close.

Mr. Glass said the proposed house is off the easement, on a slab foundation, not a crawl space. He said they will box it up and pour a concrete slab. This will not affect the easement right-of-way. They can't come over anyway into the water buffer already in place.

Vice-Chair Robertson asked if he already has a septic permit. Mr. Glass said yes.

Mr. Cooper asked if all the work would be done without crossing the easement. Vice-Chair Robertson said Mr. Glass will have to comply with all NCDEQ regulations regarding the setbacks and buffer spaces. Mr. Allen said technically if it's an easement and it's on his property, he still has access to the easement to park equipment, right? Mr. Glass said technically he owns the land that everyone has access to use.

Ms. Harper said she wants to make sure that we're clear on the fact that any issues regarding that easement are a civil matter. They're not a purview of the board's decision in this request. Easements are legal civil matters. Any issues they would have with that;

they would have to take that through a civil process rather than here.

Vice-Chair Robertson went through the Findings of Facts with Board discussion as follows:

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

Mr. Allen said these lots that we deal with at the lake often are crazy shaped and crazy topography, and if you throw an easement on it, it's crazy too. But at the same time, it's private property. He understands other cases don't affect this, but they've given variances before on the lake because of the shape of the lot. These lots were drawn way before there were these increased setbacks. Mr. McCombs said he's getting close to the original setbacks. Vice-Chair Robertson asked Ms. Harper if she knew if these homes were built when the original setbacks that were deeded were in effect. Most of these homes predate the county zoning setbacks. Ms. Harper said she has no record of knowing when the homes in that subdivision were built. Mr. Gallina asked Ms. Harper what is the total square footage of the encroachment into the existing setback? Ms. Harper said she doesn't have that. The surveyor would have had to put that on the survey to know accurately. Basically, there are no dimensions going either way for her to be able to calculate that. Vice-Chair Robertson asked Mr. Glass if he had that information. Mr. Glass said no. Mr. Brater said all the deed references on both sides speak to the accessibility. He feels when they deliberate, they need to take that into consideration.

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

Vice-Chair Robertson said he doesn't think they have ever seen one like this before. This is the definition of peculiar for sure. The big concern from the neighbors seems to be access, which is not affected by this structure. The applicant is sort of forced by the 600 square foot requirement for the house and it must be two-story and does stay within the setback which was originally deeded. Mr. Allen said, based on the maps they've seen and the pictures they've seen, the other issue is most of the beach is not even on Mr. Glass' land. There is a right-of-way to get to the beaches.

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

Mr. Allen said the shape of these lots, the way they were drawn out, and the right-of-way had nothing to do with Mr. Glass. That predated him all the way back to the 1960's. Mr. Madison said he feels like Mr. Glass is doing his best to try to conform and fit within the footprint he has there, being so restrictive even if the easement wasn't there. There is still a restricted footprint. Vice-Chair Robertson said even if the easement wasn't there, that would change absolutely nothing with this case, which is something that that should be considered as well. The setbacks, lines, and the buffers are all based off the lot, topography, and the lake. None of that has changed one way or the other by the existence of the easement and the changes from the county later, which all postdate when this was developed.

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.

Mr. McCombs said you can't tell somebody they can't build a house because it might hinder your view. If the house is worth what he states, it won't reduce the value of properties in the area. Mr. Madison said the struggle is substantial justice, you know, and you're looking at that for the property owner, but you're also looking at that for the surrounding property owners. When saying the spirit, purpose, and intent of the regulation, there's also the fact that this country is built on private property rights. Mr. Glass is asking for a variance to do with the land what it's meant to do, which is right on the original deed. Mr. Gallina said he would also have full rights to build a 20-foot-tall fence inside of the current setbacks and there's nothing anybody can do to stop him. That would add no value, block views, and limit access the same way. Therefore, the spirit is very clear.

Vice-Chair Robertson asked if there was any more board discussion on these four points?

Mr. Allen said, going back to the spirit, if somebody did not intend for this to be built upon, they should have made it accessible to everybody for the whole lot. I think that's a flaw with the developer, not with the owner himself. They should've not tied that together or they should have made the lot bigger, but they were trying to sell more lots, they knew that. Vice-Chair Robertson said he certainly has never seen anything like that before on the lake.

Vice-Chair Robertson closed the public hearing and noted the motion must address the findings on the four points.

Mr. Allen made a motion to accept this site plan as presented based on an unnecessary hardship if we don't allow it and that this is peculiar to the property because of the topography and the shape and the access to the lake being an issue. The applicant did not cause these problems himself. He's trying to fit in the footprint that's available. There is no public safety issue because people still have access and are not blocked or impeded in this scenario. Mr. Gallina seconded motion. All were in favor.

**VOTE: 6-0**

**BOA CASE NO. 260319-2 JOCELYN PERLMUTTER (OWNER) & JAMES DRESCHER (APPLICANT)**

**EXPLANATION OF THE REQUEST**

The applicant is requesting relief of 7' from the 15' side setback per Section 2.7 of the Iredell County Land Development Code to build a new home 8' from both side lines.

**OWNER/APPLICANT**

**Owner:** Jocelyn Perlmutter  
3539 Shiloh Church Road  
Davidson, NC 28036

**Applicant:** James Drescher  
112 Buxton Street  
 Mooresville, NC 28115

**PROPERTY INFORMATION**

**LOCATION:** 120 Stover Road in Mooresville, NC; more specifically identified as PIN# 4636711665.

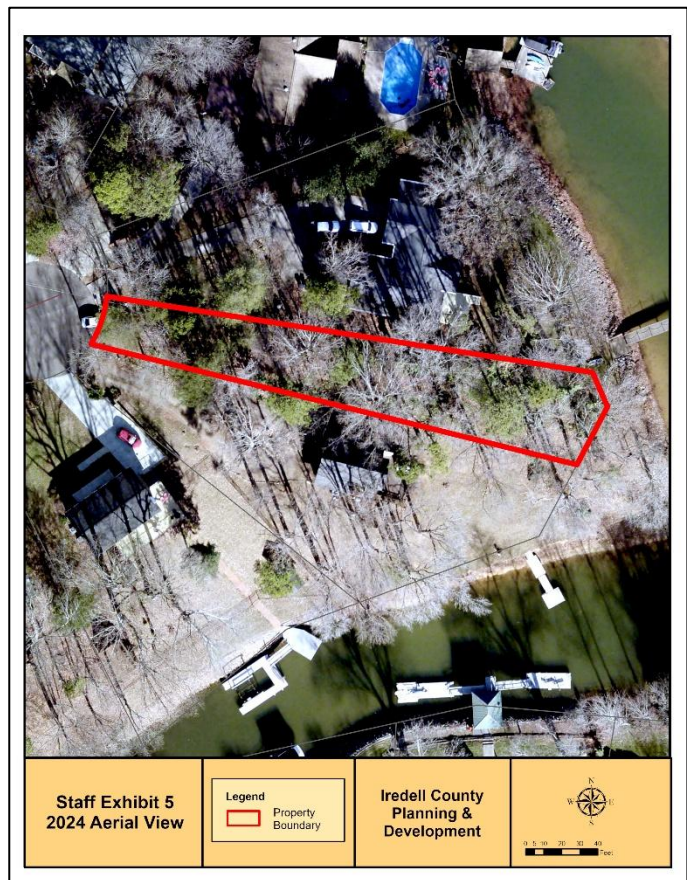
**DIRECTIONS:** Brawley School Road, left on Stutts Road, left on Peninsula Drive, left on Hiram Road, right on Stover Road, at the end.

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

**SIZE:** The property is .23 acres.

**EXISTING LAND USE:** The property is currently vacant.

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



**FINDINGS OF FACT**

1. The request is for relief of 7' from the 15' side setback per Section 2.7 of the Iredell County Land Development Code to build a new home 8' from both side lines.
2. The property is .23 acres located at 120 Stover Road in Mooresville, NC; more specifically identified as PIN# 4636711665.
3. The property is currently zoned R20 (Single-Family Residential).
4. The application was filed on 1/30/26.
5. The adjoining property owners were notified on 2/23/26.
6. The property was posted on 2/23/26.

**STAFF COMMENTS**

The property was platted in 1975. The lot is vacant. The owner would like to build a home 8' from both sides lines as shown on the survey provided.

The lot is very narrow with only 25' of width at the road right of way and 51' on the lakeside.

**EXHIBITS**

- |                  |                      |
|------------------|----------------------|
| Staff Exhibit 1. | Variance Application |
| Staff Exhibit 2. | Survey               |
| Staff Exhibit 3. | Sections 2.7         |
| Staff Exhibit 4. | Zoning Map           |
| Staff Exhibit 5. | 2024 Aerial Map      |

**QUESTIONS FROM BOARD TO STAFF**

Mr. McCombs asked who owns the pier. Ms. Harper said based on the drawing, it looks like it belongs to this lot. She said the county doesn't regulate piers anymore; those are regulated through Duke Power.

Vice-Chair Robertson asked if a septic permit had been issued. Ms. Harper said the applicant has some information on septic that he will present.

Ms. Harper said she did contact the state, and talked with county staff with Environmental Health, and they sent her information (Exhibit 1) that the applicant does have some leeway to build within the 50' buffer on this lot due to the age of the lot. If it were to be within 30', they would have to apply through the state. The building will be outside of the 50' buffer. The septic is outside of the 30' buffer. There is confirmation from the state that it is possible.

Mr. Gallina clarified the variance is for the side setback because of the 7' encroachment on either side. Ms. Harper said yes, it should be a 15' side setback and they are asking for 8'.

Vice-Chair Robertson asked if there were any further questions for staff. There were none.

Ms. Harper entered the Staff Report & PowerPoint presentation into the record.

Vice-Chair Robertson asked the applicant to come forward.

### **THOSE SPEAKING FOR THE REQUEST**

Mr. James Drescher, 112 Buxton Street, Mooresville, said this property located at 120 Stover Road was platted and recorded in 1975 as lot 23 in the Norman Shore subdivision. The property is currently zoned R20, and today he's requesting 7' relief from the 15' side setback to allow him to build a home no closer than 8' from the side property lines. He said this request only involves the side setbacks. It does not involve the front setbacks, rear setbacks, or anything to do with the 50' Duke Power buffer. Mr. Drescher said the reason he's dependent on this variance is that it's their last and only option. He feels the hardship results from the physical shape of the property itself, specifically the narrow width of the lot, and at the roadside of the lot, the property is 25' wide. Where they are proposing the house to start is only 40' wide, and the rear side is only 50' wide closer to the water. He said due to the narrow width and angled side property lines, strict application of the current 15' side setback makes it impossible to build anything on this lot and prevents the property from being used for what it was intended for. Mr. Drescher said this hardship was not created by himself, and results from the way the lot was originally created when the subdivision was recorded in 1975 and is peculiar to the property due to its size and configuration. He feels the amount of relief he's requesting from the side setback is the absolute minimum necessary to allow a reasonable building envelope while still maintaining appropriate separation between adjacent properties and complying with all other zoning and safety requirements. Mr. Drescher said in the documents he provided (Exhibit 2); you can see that the property can also safely accommodate a home while meeting all environmental and health requirements. In the diagram I provided, he said you can see that his well would be located more than 100' from the neighboring septic systems and his septic would be over 100' from the adjacent wells. These distances exceed county requirements and show that the property can safely accommodate these systems without impacting neighboring properties. He said this variance is the minimum relief necessary to allow the property to be used for the same residential purpose for which it was originally created in 1975. He feels without this variance, the physical shape of the property makes it impossible to build a home while meeting the current 15' side setbacks. He said some of the board had questions regarding the septic system. They did get a septic feasibility done by a professional septic soil scientist that confirmed that septic is possible on this property and would fit inside of that buffer. He said in the proposed area, they're allowed to go up to the 30' buffer with septic if they have a pre-treated system for the septic.

Mr. McCombs asked Mr. Drescher if that was his pier on the survey. Mr. Drescher said yes, it's on this property, but Duke Energy technically owns it and there is a lease agreement.

Vice-Chair Robertson asked if there were any further questions for Mr. Drescher. There were none.

Vice-Chair Robertson called those in opposition to come forward.

## **THOSE SPEAKING AGAINST THE REQUEST**

Mr. Steve Giolitti, 124 Stover Road, Mooresville said this lot has been there for 50 years and it was a little concerning when they first heard about this. He said the sellers had explored a lot of options with the county to see if a house can be built. They were all told that it cannot be built on. This is a very narrow lot between him and his neighbor. Mr. Giolitti said he respectfully opposes the request for rezoning. He feels this request raises significant concerns regarding both environmental impact and integrity of the adjoining properties. Mr. Giolitti feels reducing the setbacks would negatively affect the water drainage pattern and storm runoff. He said his house is deeper into the topography and when they get storm drainage it comes right down that street. In the applicant's proposal, he's going to have a driveway there and it will be dangerous if they have big storms. He said he's been there for 12 years, and all the neighbors are 15' set back from the property lines. He feels it's critical that they don't go into that 50' buffer for septic. He thinks the proposed home would take up all the property width for the septic and need 20' or so from the house. Mr. Giolitti feels the zoning regulations are designed to protect individual property rights and broaden interest of the community, and granting this variance would undermine those protections for their houses. He understands the applicant thinks this will increase the value, but he isn't sure. He said his deck is back there and states there isn't enough room. If something should happen to that septic, the applicant would have to access one of their properties to get a truck back there.

Mr. Brater asked who prepared this document that he gave the Board. Mr. Giolitti said that it is on MLS. Mr. Brater asked if MLS has been declared an expert witness in our proceedings. Vice-Chair Robertson said he doesn't think they're considering it expert testimony. Mr. Gallina said it's a realtor opinion statement. Mr. Madison said at best, hearsay. Vice-Chair Robertson said he can submit it, but it isn't expert testimony.

Ms. Michelle Giolitti, 124 Stove Road, Mooresville said they've been there 14 years, and she strongly opposes the variance request. Reducing the side set back from 15' to 8' is not a small adjustment. She feels it undermines the purpose of Iredell County's zoning protections. These setbacks exist to manage storm water, protect neighboring properties, and preserve the character of our community. This property has long been considered unbuildable under current regulations for over 40 years. And that is not a hardship created by the ordinance, but that is the ordinance working as intended. She feels granting a variance would override those protections and shift the burden onto the surrounding properties like theirs. If approved, this will increase runoff and likely push water onto adjacent properties, creating real risks of erosion and drainage issues. In addition, septic concerns on the waterfront property near Lake Norman make this even more serious. Ms. Giolitti said she had spoken with Ben in Environmental Health, and he told her that the applicant hadn't met three out of the four statements that he needed. In addition, septic concerns on the waterfront property near Lake Norman make this even more serious, proper setbacks are critical for safe septic function and protecting water quality. And reducing the buffer puts neighboring properties and the lake at risk. She feels approving this would set dangerous precedent and negatively impact property values and neighborhood integrity. She respectfully urged the Board to deny this variance and uphold the 15' setback because once these protections are reduced, she feels the impact is permanent and it won't be the applicant who lives with the consequences. It will be the neighbors in their community.

Mr. Kerry Kane, 122 Stover Road, Mooresville, said he and his wife bought their property two years ago and have been doing extensive renovation of their property. When they bought their property, they were told this lot was unbuildable next to them and heavily wooded. He said he can't see Steve or Michelle's house during the summer. Under the Iredell County Land Development Code, variances may be allowed where it is duly found that a literal application or enforcement of the regulation would result in practical difficulty or undue hardship, and the relief granted would not be contrary to public interest but will be substantial justice and be in accordance with the intent of this ordinance. He feels granting this variance to remediate one hardship that was a known hardship is not needed. The setbacks were known, because Mr. Drescher is a realtor. He knew all these variables and still went forward with the purchase. Mr. Kane feels granting this variance is going to result in unknown hardships for Michelle and Steve and for his property as well due to the watershed. He said when you stand on that street, you can see the downward slope that is significant. He said he's been fighting water issues already with a heavily wooded and vegetated lot. When the rain comes down, that's getting absorbed slightly. The proposed plan has a driveway going down the middle of it, which is almost the entire width of that lot. That's going to drive more water somewhere. Probably going to go onto either side of this property. If you raise a structure and a roof and reduce setbacks, it means problems for them. Therefore, he feels this will create hardship for them with no recourse. Mr. Kane said even though the property is a legally platted lot, it does not mean it's buildable. He feels reducing the side setback of the house from 15' to 8' is nearly a 50% reduction as previously stated. This is a substantial deviation and even greater than the stated county 10' setback for just a storage shed. He said practical access to the rear of the property or proposed septic area encroaching on neighboring lands will create ongoing conflict. He said this request appears to conflict with established health and environmental setbacks. According to the plan, the proposed well on his plan would be placed just 8' from his property line. The neighborhood consists of modest single-family homes that pretty much adhere to the setback requirements. There's no high-density housing in the neighborhood, nor any mobile homes. The proposed structure for this very narrow lot is 22' to 24' wide by 68' long, which is the size of your typical single-wide mobile home, and he believes it sets a dangerous precedence, but also has the impact to harm other neighbors. Mr. Kane feels that this does harm to the neighborhood overall. He said in summary, the approval of this variance request would eliminate one clearly known and documented property restriction/hardship and create two new hardships to the adjoining properties where no hardships currently exist. It risks endangering Lake Norman's water quality and around the shores and the coves on either side of his property. Mr. Kane respectfully asked the board to deny this variance request.

Mr. Allen asked Ms. Harper to clarify that staff originally thought this was an access lot. Ms. Harper said initially, when they looked at the lot, that's what the staff thought. They investigated the plats and deeds and found no record of it being identified as an access lot. Typically, they see a lot of access lots that look like this, but this has a lot number, and there is no reference to any access for it in any documentation that we could find and the creation of this lot was at the time all the other lots were platted with the subdivision in 1975.

Vice-Chair Robertson asked the applicant, Mr. Drescher, to come back to the podium.

Mr. Drescher said the point that was brought up on the MLS description showing that it wasn't a buildable lot. He wanted to make sure that's clarified as hearsay, because that was from an older listing from the early 2000's. This lot is a legal buildable lot, lot 23 in

the Norman Shore Subdivision. The only thing that's stopping this from being a buildable lot is the strict application side setback. This is a legally platted lot as you can see. Second, he understands storm water is a big concern for them, which would be managed by the building process. He said in his opinion, although not an expert, the builders would work to fix that problem rather than add to it. Third, they're saying that we're not allowed to put a septic within that buffer. That's factually untrue. You are allowed to go up to the 30' buffer as Ms. Harper stated here. She spoke to Environmental Health, and as long as it's a pre-treated system. You can't put a regular system in there with regular leech lines, it must be through a pre-treated septic tank, aerated and its cleaner water that comes out of it. That's why you're allowed to put it into that 50' buffer.

Mr. Brater asked who inspects that. Mr. Drescher said it will be done as it's being installed during the building process. Everything would have to be done by code, alongside Iredell County Environmental Health. Mr. Madison asked if the system must be monitored. Mr. Drescher said yes, like every other septic system, it needs to be monitored, cleaned out, and inspected. It would follow all the ordinary requirements. Mr. Madison asked if it would follow a quarterly maintenance contract, which some do on these smaller lots. Mr. Drescher said he's not sure to be honest, but it would follow all the procedures for a normal septic system. And if there was additional, they plan on following that as well.

Mr. Drescher spoke regarding concerns of value. They say the value of their homes may be impacted, which he disagrees with because they're not professional appraisers. They need experts to comment on the value of properties and how they're affected. Also, he feels this would potentially add to the value of the neighborhood because it is a new build, like the previous case on Bluewing Lane. He said this would appraise for over \$1.2 million the way it would be built. Therefore, he feels it would add value to the neighboring properties. He said those in opposition feel he isn't requesting the minimum relief, which is also factually untrue. As seen, the lot has angled property lines, so it expands over time. If he were to move the house any farther forward, it would require him to have a larger variance; instead of 8', he would have to request 10'. He wants to make sure that what he's requesting is the absolute minimum that he can get by with for building this house here.

Mr. Brater said if he pushed it any closer to the water, it would mess up the sewer and cross the 50' line at that point. Mr. Drescher said he wants to make sure the house is not affecting that 50' buffer and is building outside that buffer. The only thing that they're proposing today is to change the side setbacks. The buffer distance would stay the same. The septic would all be done to code by Environmental Health. The front setback would stay the same and the rear setback would stay the same. The only thing he's proposing is the variance for side setbacks.

Mr. Allen asked Ms. Harper if the house were to go into the 50' buffer, that would be a state issue, not ours. Ms. Harper said yes, for the septic at a 30' buffer. If the house went into the 50' buffer, there are allowances for a variance through the watershed process and depending on how much of that buffer they would take up. If it's more than 10%, it's considered a major variance, and then they would have to not only go to this Board but then go to the state as well for a variance. Mr. Drescher said the house will be placed outside the 50' buffer. He said back in 1975 when these lots were recorded, the minimum setback was 10' from the side property lines, which means houses could be 20' apart. As you can see, this house would be more than 25' away from adjacent properties. Therefore, it would be 5' more than what was originally deeded when these lots were

recorded. Mr. Madison asked if those setbacks were defined in the restrictive covenants. Mr. Drescher said in the deed restrictions. He thinks that was changed around 2002, from the 10' to the 15' side setbacks.

Ms. Giolitti said when she talked with Environmental Health, they said nothing had been done with the septic or anything. Mr. Drescher said a soil scientist went out there to do a feasibility study on the property to make sure septic is possible. He said even though it's not physically permitted, it is a possible thing to put septic in there and it will work based off the plot map that was shown. Vice-Chair Robertson said for the sake of the record, this septic plan is signed and stamped by a licensed soil scientist. I would enter this as expert testimony unless there are any objections from the Board. Ms. Harper said it could be evidence but not testimony.

Mr. Gallina said there are other houses including adjacent houses that their septic is within that 30' to 50' foot buffer and would not be unusual for that community. Mr. Drescher said it is a pre-treated system. Back when the lots were subdivided and recorded, the lots didn't need a pre-treated system. They were allowed to go into the buffer with regular septic. Mr. Drescher said this would be much cleaner and a safer alternative. It would be a pre-treated system that goes into the buffer. It would almost be like drinking water coming out of it. They aerate it and they clean it. Ms. Giolitti asked to look at the soil scientist paper and asked how many bedrooms are allowed. Mr. Drescher said for one bedroom because he doesn't want to cut down any trees. He could do a two-bedroom but chose not to cut trees and go through extra permitting required.

Mr. Kane came back to the podium and said he took offense against Mr. Drescher saying they felt it would devalue their property and then he said it would be valued at \$1.2 million for a one-bedroom home. Vice-Chair Robertson said he would cut that line of questioning because unfortunately, nobody here is an expert at that. Mr. Kane said he is only stating that due to Mr. Drescher dismissing their thoughts and then he himself gave a value. Vice-Chair Robertson said the Board does acknowledge that.

Mr. Kane said there are setbacks that are designed by the county, developed by the county. The well is 25' from a property line as stated on the county's website. The variance is moving that to 8', which would be another variance requested in addition to the side setback. He's asking for the house side setbacks to be adjusted. He's also now saying the well is not going to be 25' from Mr. Kanes' property line, it'll be 8' from his property line, and the septic issue. He feels there is a lot of trying to shoehorn something into a piece of land on a lot that clearly wasn't designed to build a home.

Vice-Chair Robertson asked Ms. Harper about the well not being part of the packet. Ms. Harper said the county does not issue variances for wells. That must go through Environmental Health. That is not part of this board's purview. Mr. Gallina said the spirit of that setback is for contiguous unbuilt lots, for you to have maximum placement availability for your septic system. But as demonstrated, the wells are all on one end of the properties, the septic are all on the other end of the properties. A well and a septic can't be within 50' of each other. So that's the issue of why wells have setbacks to property lines. In this situation, that's not an issue unless you're going to demolish your house, your well, and septic and start all over. The well setback would not be so much of an issue in the spirit of that setback consideration. Mr. Kane asked why then the county says the setback on well is 25' from the property line. Ms. Harper said this doesn't have anything to do with the request. That is all for Environmental Health. Those questions

would have to be referred to them. Those are not zoning rules, those are Environmental Health rules, and not pertinent.

Mr. Giolitti came back to the podium and asked how far the septic need to be from a house or an adjoining house. Ms. Harper said that's something you would have to take up with Environmental Health. There are different regulations for different things, different standards. You would have to talk to them to find out in this situation what the well setback would be for this lot. Mr. Giolitti showed where his septic was and was wondering. Ms. Harper said typically, the zoning approval comes before Environmental Health. Therefore, zoning doesn't really get involved with any Environmental Health issues. She said if there are any issues on their end, he'll have to work through their process. Mr. Drescher said no that it matters to this variance, but septic lines must be 10' usually. He said he is not an expert, but to the best of his knowledge, it's 10' from property lines for septic leach lines, which you can see on the soil scientist study.

Vice-Chair Robertson asked if there were any further questions for Mr. Drescher. There were none.

Vice-Chair asked if there were any conflicts of interest or ex parte communication that the board needs to disclose. There were none.

Vice-Chair Robertson said lake lots are a constant source of frustration for property owners, neighbors, and specifically for Planning on this Board.

Vice-Chair Robertson went through the Findings of Facts with Board discussion as follows:

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

Mr. McCombs feels it is an unnecessary hardship due to the unique shape of the lot and would result from a strict application of the regulation. The shape of that lot is hard without a doubt.

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

Vice-Chair Robertson said it is somewhat self-explanatory based off the nature of this. As was mentioned before by staff, if you look at it and assume that it's an access lot, but it is very much by all standards a building lot. The initial argument is the setbacks, and the purpose of these hearings is so that everybody gets their opportunity for justice if there's going to be a variance. And so that's something that has been demonstrated. This is such a unique situation. This lot would not be allowed under current rules, but these rules were not in effect in the 1970's and we must function within that. Mr. Allen said if you follow the peculiarity of this, you know there is really no reasonable use that can be made of the property unless the variance is allowed.

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

Vice-Chair Robertson said both property owners this evening and specifically this property owner has done his work as best as they can to function as closely within the

rules as they can. They've been dealt a hand of cards that nobody would willingly draw, but they've functioned as best they can within good faith.

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.

Mr. Madison said this is I mean this is one where he feels like there's got to be some deliberation because they are talking about 50% of both side setbacks. He said he understands and goes back to who drew this. Saying you need to have 10' side setbacks, but there's no buildable area even in 1974. Mr. Madison said he is struggling with this question. Mr. Allen said technically in 1974, if you didn't have the 50' lake buffer and you move this closer to the lake, you would be in the 10' according to this map. Vice-Chair Robertson said safety isn't a concern because of NCDEQ regulations, and compelling testimony from a soil scientist. But the justice argument he can completely concede that there's a discussion to be had there. He said really the essence of the setback is the distance between the two buildings, and that it is maintained. Although, a compelling argument, that if maintenance had to happen at the rear of the property, it would probably cross into the other person's line, which is a concern. Vice-Chair Robertson said if there isn't a variance to some extent, they really don't have the ability to do anything with a lot.

Mr. Brater asked Ms. Harper if a variance were granted, could the Board tie certain requirements to it that would abate water issues. Ms. Harper said you would have to tie it to zoning regulations and zoning restrictions, not restrictions that other departments handle. Mr. Madison asked about things like permeable areas. Ms. Harper said we don't regulate that for residential single-family uses. It's for anything other than single-family residential uses. She said currently, the minimum lot size is how we regulate watershed restrictions on single-family dwellings. This supersedes the watershed ordinance.

Mr. Allen said looking at the map, with this house being further back towards the lake from the other houses, any water runoff is not going to affect the houses. It's going to go towards the lake. Mr. Madison said there is the buildable part where they've got to make the lot buildable. That is where he's thinking of the permeable area for a proposed drive. But again, if it's not under this Board's purview, that's not something we can say.

Mr. Gallina said this is a tough position, and he fully respects that. He said he always goes back to landowner rights. Landowners have the right to sell, they have the right to build, otherwise this is an unusable lot. There are only two options. Someone owns it, pays taxes on the land, they can't use it, or else the neighbors need to acquire the property. There are limited options, and as a Board, considering all the conditions and all the different factors, and the nearly 75-year gap of time now from when this lot was originally cut to zoning laws and everything. He believes this is a lake issue that they've tried to create as much density as possible. Mr. Gallina said from a building code perspective, 5' setbacks or below require fire retardant materials. In urban areas, it's quite often that houses within 10' of each other; this is 25' and is still an acceptable and reasonable separation to allow for the conditions to build a home on this particular property.

Vice-Chair Robertson closed the public hearing and noted the motion must address the findings on the four points.

Mr. Gallina made a motion to approve this variance based on considerations of lot conditions as designed and platted in the 1970's with updated setbacks; considering the watershed setback that creates undue hardship for the current landowner; that the variance would be approved for side setbacks. Mr. Allen seconded motion. All were in favor.

**VOTE: 6-0**

**OTHER BUSINESS:** Ms. Harper said there will be two cases in April. She reminded the Board that things that other departments enforce are not relevant. Keep in mind that the Board can't testify. You can't provide evidence to support or oppose anything. The Board will hear what everybody else is saying and take that into consideration. You are allowed to listen and ask questions. She said the Board might know something that wasn't brought up, but you can't enter that into the evidence as part of the decision-making process because you're not testifying and can't be entered into the record.

Vice-Chair Robertson noted the Board of Commissioners appointed Alex Walker to the Board of Adjustment at their last meeting.

**ADJOURNMENT:** At this time, Vice-Chair Robertson declared the meeting adjourned at 8:14 p.m.

\_\_\_\_\_  
*Cindy Reavis*  
*Clerk to the Board*  
*Administrative Assistant III*

\_\_\_\_\_  
*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.