

## IREDELL COUNTY ZONING BOARD OF ADJUSTMENT

The Iredell County Zoning Board of Adjustment met at a regularly scheduled meeting on Thursday, June 17, 2021 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  
David Aman  
Mac McCombs  
John Allen  
Don West

### STAFF PRESENT

Rebecca Harper  
Rich Hoffman  
Cindy Nicholson  
Jake Lowman

*Chairman West called the meeting to order.*

**Minutes:** Mr. Don West made a motion to approve the minutes from the May 20, 2021 meeting. Mr. Brater 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 cases.

Chairman West informed the public the Agenda would be switched around due to the majority of those signed in to speak were for the second case (case #210617-2). Therefore, that case will be moved to last on the Agenda to be heard.

Ms. Harper presented the following case:

### **BOA CASE NO. 210617-1 Michael & Cherie Dobish (Owner/Applicant)**

#### **EXPLANATION OF THE REQUEST**

The applicant is requesting relief of 15 feet from the 25-foot corner side setback per Section 2.8 of the Iredell County Land Development Code to allow a proposed garage to be built 10 feet from the corner side property line.

#### **OWNER/APPLICANT**

**Owner/Applicant:** Michael & Cherie Dobish  
162 Southwood Park Rd  
 Mooresville, NC 28117

## PROPERTY INFORMATION

**LOCATION:** 316 Commodore Loop in Mooresville, NC; more specifically identified as PIN# 4635691938.

**DIRECTIONS:** Brawley School Road, left on Stutts Road, left at second Commodore Loop entrance, on the left at Marlin Drive.

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

**SIZE:** The property is .25 acres.

**EXISTING LAND USE:** The property currently has a single-family house on it.

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



## FINDINGS OF FACT

1. The request is for relief of 15 feet from the 25-foot corner side setback per Section 2.8 of the Iredell County Land Development Code to allow a proposed garage to be built 10 feet from the corner side property line.
2. The property is .25 acres located at 316 Commodore Loop in Mooresville, NC; more specifically identified as PIN# 4635691938.
3. The property is currently zoned R20 (Single-Family Residential).
4. The application was filed on 5/6/21.
5. The adjoining property owners were notified on 5/24/21.
6. The property was posted on 5/26/21.

## STAFF COMMENTS

The plat for this subdivision was recorded in 1962 prior to the establishment of zoning regulations. The lot is well under the current minimum lot size for this area.

## EXHIBITS

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

### QUESTIONS FROM BOARD TO STAFF

Mr. Aman asked if the house across the street meets setback requirements.

Ms. Harper said it does not appear to, but she does not have a survey. She states many of the houses out there were built prior to zoning or prior to 1984 when Commissioners exempted everything that existed prior. Therefore, they would all be grandfathered in.

Mr. Aman said in the application, the applicant seems to be putting the burden of this issue on the county with their written statement. Mr. Aman asked Ms. Harper to offer any comments regarding the applicant's written statement.

Ms. Harper feels the owner could speak to that more, but she feels the misunderstanding came in regards to what is the right-of-way line and edge of the road.

Mr. Aman asked Ms. Harper if she didn't open any inquiries internally once this request came in?

Ms. Harper said no. The case was looked at by a couple of different staff members prior to her receiving it. Ms. Harper said this is the only route staff felt was a good solution.

Chairman West asked whom did they talk to other than her?

Ms. Harper said they first started out talking to Matthew.

Mr. Brater asked who was second?

Ms. Harper said she is unsure who they had spoken with initially when they came in and got the setbacks or anything. She is not sure if it was Central Permitting or Planning Department. Ms. Harper said she is not saying this happened in this particular case, but people come in inquiring about garages, and they are told 10' without looking at the property to know if it is a corner lot. If it is a corner lot, you have to add that additional 15', which is the situation here.

Chairman West asked Ms. Harper if Matthew has any recollection of the conversation.

Ms. Harper said he didn't talk to them initially. He talked to them after they found out they couldn't build the garage where they wanted to. Ms. Harper said that is when she received the information regarding a variance request.

Mr. Allen asked if the issue with a corner lot being wider, if it is only at the edge where there are roads, or does it also apply to sides that touch other houses?

Ms. Harper said it only applies where there is a road.

Mr. Aman asked if there was any discussion with the applicant on locating the garage behind the house.

Ms. Harper said there are some issues with septic back there and to the right side.

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

There were no further questions for staff.

At this time, Chairman West asked for those wanting to speak in favor of the request to come forward.

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

Mr. Michael Dobish, 162 Southwood Park Road, Mooresville along with his wife Cherie, said they were originally only trying to get a feel if they could put a garage in. Mr. Dobish said it was completely a misunderstanding on their part regarding the right-of-way versus the road line, thinking the 25' was from the road. It was actually 25' from the right-of-way. He said even further back, the right-of-way is 60' opposed to 50', which is a lot for a gravel road. He said it really took them by surprise they couldn't be that close. Mr. Dobish said even with the 15' variance they are requesting, they are still 35' back from the gravel road.

Mr. Dobish said this property is ½ mile from their current home. They are very excited about the prospect of this property. They have looked into several options; moving it to the back of the house but couldn't due to the septic field. Then possibly the side of the house or even in the front, but not allowed by zoning and also is the relief field for septic. Mr. Dobish said he even thought about asking Mr. Brooks to sell them a piece of property, but after calling the zoning department, realized that would not be an option either because the lot is already at minimal size.

Mr. Dobish said they are really left with no other option than apply for a variance.

Mr. Aman asked Mr. Dobish could he speak to the Board regarding the encounter he had with two different people at the Planning Department.

Mr. Dobish said when they looked at the property, they included a proposed garage on the site plan like they were thinking, and decided before they made an offer on the property, go to the zoning office to see if it was allowed. Mr. Dobish said they went to the third floor and spoke with a lady that told them they thought it would doable. Then they went and spoke with a gentlemen and he told them the same thing. Mr. Dobish reiterated he is not putting any blame on the zoning department.

Mr. Aman stated the way Mr. Dobish has presented this, they purchased the house based on the fact of the approval of them being able to build a garage.

Mr. Dobish said maybe he has worded it incorrectly, but they made an offer under the impression they could build a garage, not that the zoning office said they could.

Mr. Aman asked what other options have they explored about relocating this garage.

Mr. Dobish said they have gotten a septic survey to know where the septic field was. They have also gotten a site survey, and based on that, due to the zoning, there is no other place to put this garage.

Mr. Dobish stated as the Board can see, it is a very small home on a very small lot with absolutely no room for storage.

Chairman West asked Mr. Dobish if he can remember any names of those individuals he spoke with.

Mr. Dobish said no sir.

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

There were no further questions for Mr. Dobish.

At this time, Chairman West called Ms. Randy Brooks to speak, which signed in as neutral.

Ms. Randy Brooks, 110 Marlin Drive, Mooresville came forward and said she would like to start out by saying the Dobish family is new. Ms. Brooks said she has had issues with this property for many years. She states they have been at this property for 39 years and there have been issues all along.

Ms. Brooks said the back of this property in question, borders the side of their lot. The driveway runs parallel with this property line, which leads to their external garage. They have had issues many times with those living on this property blocking access to their property in the driveway. On numerous occasions had to move old parts, fenders, garden tools, etc. that have been stored behind a shed, in order to use the driveway.

Ms. Brooks said they have had issues with residents, tenants, & visitors of tenants, blocking their driveway access and had to ask them to move their cars. She said sometimes as many as five cars at one time, causing conflict between neighbors.

Ms. Brooks said it is her understanding this will be rental property for Mr. & Mrs. Dobish. Ms. Brooks said they are pleased they are cleaning up the property. Although, their particular experience with rental property has been few owners are concerned with the appearance or problems they create for residents that live there. She said they would be receptive to a suitable, attractive privacy fence behind the structure so items stored would not spill into the driveway. Ms. Brooks said they are not unreasonable people, and feels this would be a win-win solution for all concerned.

Ms. Brooks also said they have decided from now on, they will let law enforcement handle the parking situations that may arise.

Mr. Aman clarified that Ms. Brooks isn't opposed to the request, she is requesting the Board impose a condition that states there must be a privacy fence.

Ms. Brooks said something so there is no longer an issue where others belongings are kept out of their driveway.

Mr. Allen asked staff if it would be possible to add a condition.

Ms. Harper said if the condition is directly related to the variance that is being requested. In this case, they are not asking to go closer to Ms. Brooks' property, they are asking to go closer to the road.

Chairman West asked if there were any further questions for Ms. Brooks.

There were no further questions for Ms. Brooks.

Mr. Dobish came back to the podium and said they are already planning on putting a fence up.

Mr. Aman clarified that Mr. Dobish would be receptive if the Board made a condition that a privacy fence be installed in order to have a variance.

Mr. Dobish said absolutely.

Chairman West at this time called Kim McDaniel to speak in favor that had signed up.

Ms. Kim McDaniel, 312 Commodore Loop, said she and her husband are in favor of this request, and are directly adjoining property owners. This property in question only has room to park two cars in the driveway due to being very short. There really is no other place to park cars. Ms. McDaniel said they are very pleased the Dobish's have bought the home and are completely renovating it due to it being empty for six years and rotting. She feels they will make the home beautiful again. Ms. McDaniel said she fully supports this variance request.

Chairman West verified that Ms. McDaniel doesn't have any problems with this property being rental property abutting against their property.

Ms. McDaniel said there are quite a few rentals in the neighborhood currently. It is a quiet neighborhood now, with lots of families and kids walking and riding bikes. She doesn't foresee any problems since the Dobish's have guaranteed them to thoroughly check out who they rent to.

Chairman West asked if there were any questions for Ms. McDaniel.

There were no questions from Ms. McDaniel.

Chairman West asked if there were any further comments from staff.

Ms. Harper entered the staff report and PowerPoint presentation into the record.

Chairman West at this time closed the public hearing.

**The Board went over the Variance check sheet**

1. There are special circumstances or conditions affecting the property such that the strict application of the provisions of the Ordinance would cause unnecessary hardship.

McCombs:	TRUE	Zoning department told him he could build garage
Aman:	TRUE	Applicants testimony
Dellinger:	TRUE	Prior to county zoning; misunderstanding from county staff
D. West:	TRUE	Applicants testimony
R. West:	TRUE	Lots platted prior to zoning
Brater:	TRUE	Testimony from neighbors; misunderstanding prior to buying
Allen:	TRUE	Size of lot and drawn long ago

**TRUE BY A VOTE OF 7-0**

2. The circumstance giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the County's jurisdiction.

McCombs:	TRUE	Plat recorded in 1962; corner lot 35' from road
Aman:	TRUE	Lot would not be buildable by today's standards
Dellinger:	TRUE	Lot size and no other place to build
D. West:	TRUE	Size of lot; peculiar to neighborhood
R. West:	TRUE	Size of lot is restrictive; prior to zoning ordinances
Brater:	TRUE	Size of parcel; marked back in 1962
Allen:	TRUE	Lot drawn before setbacks

**TRUE BY A VOTE OF 7-0**

3. The hardship suffered is NOT a result of the applicant's or property owner's own actions.

McCombs:	TRUE	Had a survey completed and zoning approval
Aman:	TRUE	Lot size constriction
Dellinger:	TRUE	Lot existed prior to zoning requirements
D. West:	TRUE	Planning verbal go ahead
R. West:	TRUE	Attempted to get approval; corner lot; gravel drive
Brater:	TRUE	Not the applicants fault
Allen:	TRUE	Applicants did not cause the smallness of lot; gravel R-O-W

**TRUE BY A VOTE OF 7-0**

4. The granting of the variance will be consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured and substantial justice is achieved.

McCombs:	TRUE	Testimony by neighbors; update will add value; safety secure
Aman:	TRUE	Would be consistent with spirit/purpose/intent of ordinance
Dellinger	TRUE	No testimony indicating adverse problem w/public safety
D. West:	TRUE	No problem with spirit/intent/purpose of ordinance
R. West:	TRUE	Applicant to be respectful of neighbors w/who they rent to
Brater:	TRUE	Would be consistent with spirit/purpose/intent of ordinance
Allen:	TRUE	Public safety will not be affected

**TRUE BY A VOTE OF 7-0**

**DECISION:** Mr. Aman made a motion to **APPROVE** the Variance based on the Findings of Fact and the evidence submitted, submission of facts, and be contingent on adding a privacy fence on the back property line. Mr. Don West seconded said motion. Motion passed. All were in favor.

**VOTE: 7-0**

Ms. Harper presented the following case:

**BOA CASE NO. 210617-3 Reiffergnugen (Owner/Applicant)**

**EXPLANATION OF THE REQUEST**

The applicant is requesting to amend a Special Use Permit per Chapter 3, R66 of the Iredell County Land Development Code in order to operate an event center along with the equestrian center.

**OWNER/APPLICANT**

**Owner/ Applicant:** Reittergnugen  
128 Fast Lane  
 Mooresville, NC 28117

**PROPERTY INFORMATION**

**LOCATION:** The property is located at 117 Chuckwood Road in Mooresville, NC; more specifically identified as PIN# 4626712137.

**DIRECTIONS:** Brawley School Road, right on Chuckwood, on left.

**SURROUNDING LAND USE:** This property is surrounded by residential uses and common open space for subdivisions.

**SIZE:** The property is 9.75 acres.

**EXISTING LAND USE:** The property is currently being used for an approved equestrian center.

**ZONING:** The property is currently zoned RA (Residential Agricultural).



## FINDINGS OF FACT

1. The request is to amend a Special Use Permit per Chapter 3, R66 of the Iredell County Land Development Code in order to operate an event center along with the equestrian center.
2. The property is 9.75 acres located at 117 Chuckwood Road in Mooresville, NC; more specifically identified as PIN# 4626712137.
3. The property is currently zoned RA (Residential Agricultural).
4. The application was filed on 5/3/21.
5. The adjoining property owners were notified on 5/24/21.
6. The property was posted on 5/26/21.

## STAFF COMMENTS

The information provided has been reviewed and meets the requirements in Chapter 3, R66 and the site plan requirements. The required setbacks from property lines have been shown and it meets the minimum acreage requirement.

## EXHIBITS

Staff Exhibit 1.	Special Use & Variance Applications
Staff Exhibit 2.	Site Plan
Staff Exhibit 3.	Chapter 3, R66
Staff Exhibit 4.	Zoning Map
Staff Exhibit 5.	2021 Aerial Map

## QUESTIONS FROM BOARD TO STAFF

Chairman West asked if there were any questions for staff.

There were no questions for staff.

Chairman West asked if the proposed owner would like to come forward and speak on behalf of the request.

## THOSE SPEAKING FOR THE REQUEST

Ms. Bianca Wittgraefe, 277 Milford Circle, Mooresville, states she and her husband opened up the stables two years ago. They do summer camps, horseback riding lessons, and would like to expand the use of the facilities for events like graduation parties, weddings, or corporate events.

Chairman West asked if there were any questions for Ms. Wittgraefe.

Mr. Aman asked Ms. Wittgraefe since she already has an existing enterprise going on, why would she bring in an appraisal service for this request.

Ms. Wittgraefe said because it was required as part of her request.

Ms. Harper said the appraisal comes as part of them being able to prove that adding the additional use to this property or the new use would not have a negative impact on adjoining property values. Even though they are currently using this as an equestrian center in a non-residential capacity, they still have to meet the findings of fact.

Mr. Aman clarified if the Findings of Fact would be reinforced by the appraisal report.

Ms. Harper said that is the purpose of having the appraisal report, is to show it does not have a negative impact on adjoining property values.

Chairman West asked if there were any further questions for Ms. Wittgraefe.

There were no further questions for Ms. Wittgraefe.

Chairman West then called Mr. Riley Burgess to come forward, which signed in favor of the request.

Mr. Burgess, 2712 Grey Road, Davidson, said he is a Civil Engineer & Land Planner with an office on Cornelius. He said he has been working with the family on this property since they purchased it, which used to be an old illegal demolition landfill. This property prior to their purchase was a total wreck and an eyesore. Mr. Burgess feels it is a testament to what they have accomplished there, where now, people want to come there and hold events. He said he is here to support them and to answer any technical questions.

Chairman West asked if there were any questions for Mr. Burgess.

There were no questions for Mr. Burgess.

Chairman West then called those signed in as neutral.

Mr. Nick Kirkland, Kirkland Appraisals, said he is a State Certified General Appraiser. He said he has been appraising for over six years, and has been accepted as an expert in property value impacts over sixty times, including before this Board numerous times.

Mr. Kirkland said they appraise wedding facilities like this, which normally fall under Agri-Tourism, with the primary draw being the stable and horses. They are most commonly located on agricultural land, closer into town with residential adjoining uses. This one is actually anomalous in that most of the land is HOA land, which works out great for them. It would not hurt the property values for neighbors if there were houses very close to it. The proposed building would be further set back from even their existing buildings.

Mr. Kirkland said it is his professional opinion that the proposed use will be a harmonious use in its location, and his professional opinion that the proposed use will not impact adjoining property values.

Chairman West asked if there were any questions for Mr. Kirkland.

There were no questions for Mr. Kirkland.

Chairman West asked if there were any further comments from staff.

Ms. Harper entered the staff report and PowerPoint presentation into the record.

**The Board went over the Special Use Permit check sheet**

1. The Special Use will not materially endanger the public health or safety if located where proposed and developed according to the plan as proposed.

McCombs:	TRUE	Expert testimony by Mr. Kirkland
Aman:	TRUE	Per staff testimony, request meets requirements
Allen:	TRUE	Based on plan listed & testimony
Dellinger:	TRUE	Expert testimony; no opposition
D. West:	TRUE	No public health or safety issues
West:	TRUE	Addition to an already used site
Brater:	TRUE	Expert testimony & presentation

**TRUE BY A VOTE OF 7-0**

2. The Special Use meets all required criteria and specifications of the Iredell County Land Development Code.

McCombs:	TRUE	According to Riley Burgess/Woodbine Design
Aman:	TRUE	Meets all code requirements
Allen:	TRUE	Shows to meet all requirements
Dellinger:	TRUE	Based on staff report
D. West:	TRUE	Zoned Residential Agricultural
West:	TRUE	Meets specifications of Iredell County LDC
Brater:	TRUE	Meets criteria and goes beyond

**TRUE BY A VOTE OF 7-0**

3. The Special Use will not substantially injure the value of the adjoining or abutting property or it is a public necessity.

McCombs:	TRUE	Mr. Kirkland's match pair analysis
Aman:	TRUE	Expert testimony that property values not affected
Allen:	TRUE	Expert testimony
Dellinger:	TRUE	Expert testimony no adjoining property value affected
D. West:	TRUE	Expert testimony
West:	TRUE	Expert testimony; none in close proximity
Brater:	TRUE	Expert testimony won't injure value

**TRUE BY A VOTE OF 7-0**

4. The Special Use will be in harmony with the area in which it is located and will be in general conformity with the plan of development of the county.

McCombs:	TRUE	Mr. Kirkland's conclusion and distance away
Aman:	TRUE	Will be in harmony & conformity to LDC
Allen:	TRUE	In harmony based on expert testimony
Dellinger	TRUE	Size of property greatly exceeds minimum required
D. West:	TRUE	Based on being in harmony with area
West:	TRUE	Distance from anyone is large
Brater:	TRUE	In harmony with the area and beyond

**TRUE BY A VOTE OF 7-0**

**DECISION:** Mr. Dellinger made a motion to **APPROVE** the Special Use Permit based on the Findings of Fact and the evidence submitted. Mr. Allen seconded said motion. Motion passed. All were in favor.

**VOTE: 7-0**

Ms. Harper presented the following case:

**BOA CASE NO. 210617-2 Christopher Schermerhorn (Owner/Applicant)**

**EXPLANATION OF THE REQUEST**

The applicant is requesting a Special Use Permit per Chapter 3, R49 of the Iredell County Land Development Code in order to operate a recreational vehicle park campground. They are also requesting a variance from Chapter 3 R49 (A9) to allow a 164-foot section of the 30' screening buffer on the east side of the property to be only 10' wide.

**OWNER/APPLICANT**

**Owner/ Applicant:** Christopher Schermerhorn  
163 Rushing Water Lane  
Troutman, NC 28166

**PROPERTY INFORMATION**

**LOCATION:** The property is located on Dishman Lane in Statesville, NC; more specifically identified as PIN# 4718258741.

**DIRECTIONS:** Hwy 115 north, left Pisgah Church Rd, left Dishman Lane, on the left.

**SURROUNDING LAND USE:** This property is surrounded by residential and vacant land.

**SIZE:** The property is 2.8 acres.

**EXISTING LAND USE:** The property currently has mobile homes and 4 RVs on it.

**ZONING:** The property is currently zoned RA (Residential Agricultural).



## FINDINGS OF FACT

1. The request is for a Special Use Permit per Chapter 3, R49 of the Iredell County Land Development Code in order to operate a recreational vehicle park campground. They are also requesting a variance from Chapter 3 R49 (A9) to allow a 164-foot section of the 30' screening buffer on the east side of the property to be only 10' wide.
2. The property is 2.8 acres located on Dishman Lane in Statesville, NC; more specifically identified as PIN# 4718258741.
3. The property is currently zoned RA (Residential Agricultural).
4. The application was filed on 4/27/21.
5. The adjoining property owners were notified on 5/24/21.
6. The property was posted on 5/26/21.

## STAFF COMMENTS

This case came about because of a violation complaint in February of 2018. The owner has been sent a Notice of Violation and a Citation for people staying in RVs on the site. The approval of the Special Use Permit and the Variance would bring the violation into compliance. The information provided has been reviewed and meets the requirements in Chapter 3, R49, and the site plan requirements, with the exception of the buffer segment that is included in the variance request.

## EXHIBITS

Staff Exhibit 1.	Special Use & Variance Applications
Staff Exhibit 2.	Site Plan
Staff Exhibit 3.	Chapter 3, R49
Staff Exhibit 4.	Zoning Map
Staff Exhibit 5.	2021 Aerial Map

## QUESTIONS FROM BOARD TO STAFF

Chairman West asked if the four RV's are already existing on the property.

Ms. Harper said yes. That is what started this whole process.

Chairman West verified they are currently in violation to start with.

Ms. Harper said yes.

Chairman West clarified those RV's that are currently on the property are mobile.

Ms. Harper said they are RV's, but they haven't moved.

Mr. Allen asked if they were to move, potentially the electrical and septic connections would not be usable.

Ms. Harper said no, they could still be used. If this Board does not approve the variance, that will stop the whole process. Both are being looked at simultaneously, but when the Findings of Fact are gone through, the variance will be done first. Ms. Harper said due to the four RV's already sitting there, he wants to keep those spaces intact, even though they don't meet the 30' buffer.

Mr. Aman clarified that this is an all or nothing request.

Ms. Harper said if the Board doesn't approve the variance, then he can't proceed with the Special Use Permit request, due to no longer meeting the requirements.

Mr. Aman asked what the status has been for all of this for the last three years. Has it been out of compliance all this time and still being used.

Ms. Harper said yes.

Mr. Brater asked why.

Ms. Harper said Mr. Rich Hoffman, Iredell County Planning & Zoning staff member would be the better person to answer that question.

At this time, Chairman West swore in Mr. Rich Hoffman.

Mr. Hoffman said this violation goes back a few years. He said this property had multiple mobile home sites that had been there prior to zoning. Mr. Hoffman said originally he had received a phone call from a neighbor stating how close these RV's were from their property, and being occupied, which is also another issue.

Mr. Hoffman said he had originally spoken with the previous owner, not Mr. Schermerhorn. There have been Citations given. It started out with a warning letter, then a Notice of Violation, then end up giving a Citation, which actually went to the new property owner. The Citations were paid. It was Mr. Hoffman's understanding the property went into compliance after being told no one was living in the RV's anymore, which still goes back a couple of years. That does not excuse the fact that the RV's were still on the property being unoccupied.

Mr. Hoffman said then come forward, a site plan to request a Special Use Permit for an RV park. He said if the RV's weren't being occupied, he would not force the units off the property due to the owner working on a site plan.

Mr. Hoffman said in time, it is his understanding that when he went and performed a site visit recently, the RV's seemed to be occupied. The question is now, as staff, the property has gone in and out of compliance and Citations were issued and paid. Now being out of compliance again, he would call this a repeat violation.

Mr. Aman said would that not be called willful misconduct.

Mr. Hoffman said it is a property that has gone in and out of compliance.

Mr. Aman asked Mr. Hoffman could he address the septic issue.

Mr. Hoffman said that was one of his concerns at first. He said Environmental Health was contacted, and the RV's are hooked up to septic. Although, he does not feel there would be a permit issued for that. The property owner needs to address how or why they are hooked up. He is not sure about the power pole previously approved. That would be a building inspection issue. He does not foresee them coming to the department and getting an approval to be hooked up.

Chairman West asked if the RV's are currently occupied.

Mr. Hoffman said when he went to do a site visit with Ms. Harper three weeks ago, it appeared they were being occupied.

Chairman West asked if these are rental units or owner occupied.

Mr. Hoffman said the word he received from the previous owner was that they were used for people that were working in the area, and not living there fulltime.

Mr. McCombs asked should the Board be voting on something that does not have a septic permit.

Ms. Harper said the Board has to. It goes before the Board of Adjustment prior to going to Environmental Health. They have to have zoning approval from this Board before going to Environmental Health.

Mr. Aman asked how long this current owner has owned this property.

Mr. Hoffman said that would be a question for the property owner. It is his understanding the new owner has always been involved due to managing the site for the previous owner.

Mr. Brater asked if it meets density criteria.

Ms. Harper said yes, if you look at the requirements under Exhibit 3 for an RV park, and Exhibit 4 Density, it states it shall not exceed twenty-five trailer spaces per acre. The owner has sixteen sites there, with 2.8 acres. He would potentially be able to have over fifty and still meet the density requirements.

Mr. Allen asked if the applicant were to move the existing RV's that are not in compliance in the back to where they would be in compliance, would it basically make the site plan not workable because there wouldn't be room for the driveway.

Ms. Harper said the engineer would have to go back and reassess the entire site.

Chairman West asked if they are currently in violation.

Ms. Harper said yes, but because they have started the process of going through the Special Use Permit process, the county has placed a stay, which is the standard operating procedure for the department. If someone is in violation, and going through

a Variance or Special Use Permit to try and correct the violation to be in compliance, then there is a hold put on the violation aspect. Although, in this particular situation, no one should be living in the RV's at all.

Chairman West asked if each one of the RV's have their own septic tank.

Ms. Harper said that is a question for the applicant. The Planning & Development Department does not get involved with septic.

Chairman West asked if the power is the same situation.

Ms. Harper said that would be Building Inspections.

Mr. Don West asked if it was county water or well.

Mr. Hoffman said it would have to be wells of some sort, but the property owner can say for sure.

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

There were no further questions for Mr. Hoffman.

Chairman West then called the owner/applicant Mr. Christopher Schermerhorn.

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

Mr. Christopher Schermerhorn, 163 Rushing Water Lane, Troutman, said the original property owner was a friend of his. They had originally went in as partners to re-develop it from its previous use, or still halfway current use as a mobile home park. They want to change it and bring it up to a much newer use, whether that would be rental homes, or new manufactured homes. They also explored RV's in which the initial violation came from. The initial violation fees have been paid and taken care of. He said he purchased the property last year with full intentions of going through the proper procedures to hopefully gain a Special Use Permit to operate this RV park.

Mr. Schermerhorn said when Mr. Hoffman had originally contacted them regarding the RV's, he had said as long as you submit the application to start this process, they could place a stay order for now. He said he is not looking at this as willful misconduct, he feels he has submitted the application and would be granted the stay order for the time being.

Mr. Schermerhorn addressed why it has taken this long to proceed and he said he does not have a big business backing. The problems there are easy to fix, but does not have the money to allocate with working a full-time job and using his paychecks.

Mr. Schermerhorn said he believes in this project and wants to make things right and make it a good attraction for the area. There were six mobile homes on this property originally and they have torn down three of those already. They already have existing 1,000 gallon septic tanks in place. He said he has already contacted Environmental Health, and 120 gallon septic tanks are required for an RV. Therefore, he said he is more than over the capacity needed for septic. Mr. Schermerhorn addressed the water supply and states it is a community well. The water serves the entire property and also the abutting properties owned by Joel Douglas.

Chairman West asked Mr. Schermerhorn if he had pictures of the RV's that he is requesting a variance.

At this time, Mr. Schermerhorn showed aerial drone footage of the location on the overhead screen.

Mr. Schermerhorn said it is his intent to have the whole property screened and buffered. They have chosen a 6' wooden picket fence that will be stained.

Chairman West asked if the RV's are mobile, why hasn't he moved them already to be in compliance.

Mr. Schermerhorn said due to road width.

Mr. Allen asked is it technically only 20' of difference since he is already 10' over.

Mr. Schermerhorn said yes.

Mr. Allen asked why could he not add more gravel on the opposite side of the road.

Mr. Schermerhorn said he could, but wanted to come before the Board with the best possible and most efficient option first, rather than short himself down the road. He said he really wanted the road width to maintain his parking spaces with the campsites. Also, the septic field is in the area, which is a gravity fed 1,000 gallon tank.

Mr. Aman asked how long the current RV's have been there.

Mr. Schermerhorn said the longest currently has been there several months, and he is helping put the fences up and he has not collected any rent from him.

Mr. Dellinger stated that item 12 states "No person shall occupy a space for more than a period in excess of 30 days.

Mr. Schermerhorn said yes sir. They will have a logbook in place to guarantee nobody stays longer than the 30 days. He wants to cater to the people wanting to stay a few nights and check out the area.

Mr. Allen asked Mr. Schermerhorn will he own any of the RV's himself.

Mr. Schermerhorn said no.

Chairman West said one of the problems he has with this request is it is in the purview of this Board to grant variances for hardships, not for convenience. He then asked Mr. Schermerhorn what his hardship is.

Mr. Schermerhorn said the septic and road width, and monetary.

Mr. Aman said monetary has to be significant.

Mr. Schermerhorn said it is for him on limited funds.

At this time, Mr. Schermerhorn showed pics of the property with improvements made so far regarding Dishman Lane and Harbin Lane, along with wooded area and brush being removed.

Mr. McCombs asked how long will the RV's be.

Mr. Schermerhorn said the longest would be 45'.

Mr. McCombs asked could he not get by with shorter RV's in the area he is requesting a variance.

Mr. Schermerhorn said yes, he could get by with having the shorter ones in that location.

Mr. McCombs asked then why don't he do that.

Mr. Schermerhorn said to avoid having to use certain campers in that area. He wanted to see if he could possibly get a variance. Also, given the two-lane road width and getting one parking space between, he feels there is no other way around it.

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

Mr. Aman asked Mr. Schermerhorn did he realize he has presented the Board with an all or nothing request. If there is one of those elements the Board does not agree with, everything is off the table.

Mr. Schermerhorn said yes.

Mr. Aman said he has issues with Mr. Schermerhorn asking for a Variance to support a Special Use Permit and is not consistent with what the code stands for.

Mr. Schermerhorn said he understands it is a permitted use and wants the Board to see that.

Mr. Aman said yes, it is an allowable. When this Board looks at a Special Use Permit and it meets all the requirements, it is a no brainer. In this case, Mr. Schermerhorn is asking for a Variance to support a Special Use Permit. Mr. Aman said there is no logic behind that.

Mr. Schermerhorn feels both options are allowable, and has no rebuttable to Mr. Aman. He would love to come up with a solution to improve the property.

Mr. Allen asked with the four RV's that are currently on the property, can he not take it down to two and turn them parallel to the road, would that be an option.

Mr. Schermerhorn said yes.

Mr. Allen asked Ms. Harper would he need to submit a new plan.

Ms. Harper said if the Board made it a condition to remove two of the sites, staff would work with the applicant on that, due to the applicant asking for a lesser amount of space for the variance. She said she isn't sure how people would get RV's in and out if they were parallel.

Mr. Aman asked would he need to withdraw completely and submit new plans.

Ms. Harper said if Mr. Schermerhorn redesigns the site plan, he would need to withdraw the application and resubmit with a new site plan.

Mr. Schermerhorn said at the end of the day, he doesn't want to because of the monetary loss.

Mr. Allen asked Mr. Schermerhorn if he were to rework the plan and return to continue the meeting in thirty days, does he think it would be possible to meet the criteria.

Mr. Schermerhorn said yes, he would be willing to try.

Ms. Harper said he could also withdraw the application for the variance with a condition on the Special Use Permit that the sites be removed completely in regard to a variance, and a buffer put in place.

Mr. Schermerhorn said he had his engineer design two plans. One plan asking for a variance and the other without a variance with everything meeting code at 100%.

Mr. Aman told Mr. Schermerhorn that requesting a variance to support a Special Use Permit is not consistent with the logic in the code.

Mr. Schermerhorn said he feels the statutes read one thing, but case law is different, and is an opinion he respects and is willing to work with.

Chairman West explained the Board is trying to be considerate of all involved and meet the criteria.

Mr. Brater said with all due respect to the applicant, he is compelled to make known his position about the request. The way Mr. Schermerhorn is presenting the request with a reckless history, an underfunded situation, a disregard for compliance communications by paying fines instead of being compliant, and engaging expert witnesses is not a rubber stamp for approval. Mr. Brater said the way it is being presented is like herding cats, and there is no way he will support this request as is.

Mr. Schermerhorn said he understands Mr. Brater's opinion and asked Ms. Harper if he can request to remove those four campsites in regard to the variance.

Ms. Harper said if he agrees to withdraw the variance request, and add a condition to the site plan for the Special Use Permit, that the four sites be removed and a buffer put in place.

Mr. Brater said he wouldn't agree to that.

Ms. Harper said if the Board would rather Mr. Schermerhorn come back with a revised site plan, then he could.

Mr. Schermerhorn said he could produce it immediately.

Chairman West asked Mr. Brater if Mr. Schermerhorn continued this request, and came back with a revised site plan, what was his thought.

Mr. Brater said he would consider it.

Ms. Harper asked Mr. Schermerhorn does he want to withdraw the variance request and continue the Special Use Permit request until next month, with a revised site plan.

Mr. Schermerhorn said yes.

Chairman West asked Ms. Harper about letting those in attendance go ahead and speak whether in favor or against.

Ms. Harper said yes, those in attendance can go ahead and speak, but can't repeat the same testimony next month due to already being entered into the record. They would be allowed to speak again related to the changes in the site plan if they choose. If everyone testifies tonight, there could be additional changes to the site plan that may appease some people with testimony heard when the site plan is resubmitted.

Mr. Aman made a motion to hear all testimony of those in attendance that has signed up to speak and becomes part of the record.

All were in favor.

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

There were no further questions for Mr. Schermerhorn.

Chairman West then called those signed in as neutral.

Mr. Nick Kirkland, Kirkland Appraisals, certified General Appraiser in NC. He states he has been appraising for over six years, and has been accepted as an expert in property value impacts in more than sixty hearings, including a number of times before this Board.

Mr. Kirkland said regarding concerns with a changed site plan, if the site plan changes, and the proposed campsites are further away from any houses, it would only change for the lesser of impacts. He states from an appraisal perspective, this is a lateral shift. He understands there are sometimes stigmas associated with mobile home parks or RV parks. However, this being a three acre tract, this is very similar to what they would look at regarding these parks, albeit, a small one. With a lateral shift, they are looking at significant changes. An example would be if the campsites are going to be significantly closer than previous mobile homes were. Other than the one section along the back where the variance is in question, there is currently not a fence or vegetative buffer around the area. In this proposal, they are planning on installing a fence and a vegetative buffer that would negate any impacts. Also, when the park is complete, it is his understanding that none of the RV's will be closer to any adjoining properties.

Mr. Kirkland said he has looked at three other campgrounds in the area including the KOA, The Real McCoy Family Campground, and one just outside of Iredell County on Lake Norman. All of these commonly adjoin both residential and agricultural uses. Some primarily adjoin agricultural uses, and some that primarily adjoin residential uses, but are commonly found next to homes, as would a mobile home park be.

Mr. Kirkland said for these reasons, it is his professional opinion that the proposed use will not impact the adjoining property value, and will be a harmonious use in its location.

Chairman West asked if there were any questions for Mr. Kirkland.

Mr. Aman asked Mr. Kirkland how many of the comparables required a variance in order to operate.

Mr. Kirkland said he does not know of any in particular, but is not aware of anything on the GIS overlay that would show that information. He said if there was one, he will make sure to look for that on any future work for the county.

Mr. Dellinger asked Mr. Kirkland about his statement in his certification that he has not made a personal inspection of the property.

Mr. Kirkland said that is correct. If you look at the date on this, it is actually from 2020. This was completed over a year ago, but did visit the site today, which does confirm the physical characteristics that are in the report. The applicant did not want him to drive out until the work was complete. Therefore, they used GIS, as well as Google Earth virtually prior to completion.

Mr. Allen asked Mr. Kirkland if typically, would a variance have any impact at all on the valuation.

Mr. Kirkland said if it was not going to be closer to a neighbor, and the current use would not hurt the neighbor, he doesn't see how it could. However, this particular one is moving toward a neighbor, but based on testimony, this neighbor is fine with the agreement provided between both parties. They have chosen a fence together and vegetative buffer, which may be above and beyond what the county requires. If there were to be any impacts, it would be solely on the one neighbor that is closest.

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

There were no further questions for Mr. Kirkland.

Chairman West then called Mr. Marty Miller to speak that has signed up in favor of request.

Mr. Marty Miller, 642 Scotts Creek Road, Statesville, said he owns the property directly to the East of the property in question, along with several others close by. He said he purchased the property about a year ago, and there were several campers on-site already. He said he had no idea the campers were not within the county's tolerance. He said he personally does not have a problem with the campers.

Mr. Miller said he met Mr. Schermerhorn two weeks ago. He said everything that Mr. Schermerhorn has done so far has been an improvement to the area. There were several mobile homes in the area that were in bad shape, and he has torn those down, and in the process of tearing down several more. He said he is not pro-RV or against RV's, he is just letting the Board know how it affects him personally. Mr. Miller said they have agreed on a fence-line height of 8' continuous down the property line. Along with a Leyland Cypress tree line or something similar continuously down fence-line. Both of these ideas will actually improve privacy on his side of the site.

Chairman West asked if there were any questions for Mr. Miller.

There were no questions for Mr. Miller.

Chairman West at this time called those wanting to speak in opposition of the request.

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

Mr. Justin Johnson, 131 Shinnville Ridge Lane, Mooresville said he is speaking on behalf of himself, wife, and mother-in-law and father-in-law. He states he will soon be building at 555 Pisgah Church Road, which is the vacant property next to the property in question, along with his in-laws at 547 Pisgah Church Road, and 533 Pisgah Church Road, his sister-in law that will also be building homes next to this site.

Mr. Johnson said some of his original concerns center around Dishman Lane, and the impacts he feels will take place. He feels since Dishman Lane is not a state maintained road, and having the large types of vehicles coming and going, it will be at risk for fire/rescue/police to enter, mail to be delivered, or trash pickup. The road is a very narrow road, and having larger vehicles coming and going has the potential to block the road, or even existing residents from entering their home.

Mr. Johnson is concerned with this being a self-funded project, will the applicant be able to upkeep the property like needs done.

Mr. Johnson referenced the 2030 Horizon Plan, and personally feels this request does not conform to the plan for the county. He feels this request would bring a significant amount of wastewater and sewage, along with severe environmental concerns to the area, due to the slope in the property headed toward the South Yadkin River.

Mr. Johnson feels the setbacks were put in place by the county for a reason, and this request is wanting to make that smaller. He feels that should not be allowed to be changed, and to protect the existing homeowners in the neighborhood.

Mr. Johnson said the applicant has stated he is improving the property and the abutting fence. He said that is correct, he tore the fence down without permission, busted a water line, and damaged a portion of a soybean crop on the Annas' property. The applicant has also been working late at night on the 2.8 acres that causes undo stress and financial burden to local residents.

Mr. Johnson also questions the light pollution the RV park will cause, with disrupting animals on the farm and residents in the area. He feels there are no significant attractions that would draw campers to this area.

Mr. Johnson said he understands that Mr. Kirkland is considered an expert witness by the Board. Mr. Johnson questions the validity of his findings due to something that the applicant purchased to have presented with the intention of proving harmony in the surrounding area. The comparables that Mr. Kirkland presented, two of them do not have a significant number of homes bordering it like this property, and the Lake Norman Motorcoach Resort does, but it is in Sherrills Ford, in Catawba County and sits on Lake Norman with tiny homes, not a campground per say. That location does contain attractions unlike this request. He will argue that no fair comparison has been made between those locations and this one.

Mr. Johnson said if the Board says yes to the RV park, they are also saying yes to evicting the residents in the mobile homes currently left on the property that the applicant plans on tearing down. He questions if the current residents know of their impending evictions. He questions if the Board in good conscious can do that.

Chairman West said that is not part of the Board's decision.

Mr. Johnson said in closing, he is filled with doubt that this is the right thing for the area, nor bring harmony to the area, or if it would be an environmentally wise decision.

Chairman West told Mr. Johnson if the applicant comes back with a revised plan that meets the requirements and is an accepted use in the county, without asking for a variance, then the Board would approve a Special Use Permit.

Mr. Allen asked Mr. Johnson about the light pollution he was referring to. There is also a fire department right there. Is there light from that fire department at night.

Mr. Johnson said he has not noticed a significant amount of light from the fire department due to the slope of the land.

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

There were no further questions for Mr. Johnson.

Chairman West then called Mr. Nelson Dellinger to come forward.

Mr. Nelson Dellinger, 170 Pisgah Church Road, Statesville, said he is a small business owner in the community, also President of the Board for Trinity Fire & Rescue. He said he has lived in this community all of his life and his mom and dad live across the road from this proposed RV park. He said he is here to speak on behalf of many people that can't be here to talk.

Mr. Dellinger said everyone that has spoken in favor of this request does not live in the community. He said he has been in Mr. Hoffman's office many times over the past three years against this and has taken pictures of meters running power that has never been permitted. Everything that has been going on at this property has been done illegally. This site should not have any RV's on it at this time and has never been in compliance. He does not understand why the county has allowed it to continue all this time.

Mr. Dellinger said the question that Mr. Bob Dellinger asked earlier directed at the applicant, as to how long these would be staying at a time, the applicant once again danced around the question and never answered. Most professional RV parks give thirty days then you have to pull them out. The applicant has never talked about pulling an RV out, he feels the applicant is planning on leaving them as an AirBnB type situation and the person/persons pulling out instead. Therefore, Mr. Dellinger feels this is setup like a rental and AirBnB. There shouldn't be anything at this location now to start with, and he has been allowed to continue out of compliance.

Mr. Dellinger questions who will manage this location since the owner lives in Troutman. Professional RV parks have managers on-site that make sure people are following the rules. Those in opposition have concerns about trespassing because if that many people are there, where will they go in such a small space. There is a local church that has a 100

year old graveyard about 350' from this RV site and is worried about vandalism.

Mr. Dellinger said the community is close-knit and has always welcomed people, but they do not welcome this request, and ask the Board to vote against this request. He feels it will not be in harmony with the community.

Mr. Bob Dellinger made a statement that he and Mr. Nelson Dellinger are not related in any way, and there would be no conflict.

Mr. Allen asked staff if there were already mobile homes on the property, by right, could they not put mobile homes back in the same places.

Ms. Harper said they could, provided they do it within the timeframe of the code. They could put the same number that was already there back in place.

Mr. Nelson Dellinger said the RV's that are there now, no one has wanted to move them, because they have permanent decks attached to them. They have never planned on moving the RV's out, only the people changing/renting them out.

Mr. Brater asked Mr. Dellinger if he is testifying these four RV's have permanent decks attached.

Mr. Dellinger said not all four, but yes, some are setup permanent.

Mr. Brater said he appreciates that testimony since they have not heard that.

Mr. Dellinger said he feels the Board has not been told the truth by the applicant. He said he lives in the community and knows what is going on, and the people that have spoke in favor of this request do not live there.

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

There were no further questions for Mr. Dellinger.

Chairman West called Burgess Bailey to speak.

Mr. Burgess Bailey, 810 Bailey Farm Road, Statesville, is where he resides but said he is associated with Mt. Vernon Church and graveyard, 636 Pisgah Church Road that is in close proximity to the proposed site. He said he met Mr. Schermerhorn tonight when he arrived and Mr. Schermerhorn explained what he is wanting to do and follow as his grandfather had done previously. He respects him for wanting to do like his grandfather and making a business, but he is not in agreement of where he is wanting to place the RV park. He feels this location is way too small to have an RV park along with all the issues that have already been made aware of, and feels he should look for another location to better support what his vision is.

Chairman West asked if there were any questions for Mr. Bailey.

There were no questions for Mr. Bailey.

Chairman West called Mr. Dustin Williams to speak.

Mr. Dustin Williams, 126 Harbin Lane, Statesville, said he lives across from where the two entrances will come out on Dishman Lane. He said he moved to this location four years ago because he wanted out in the country where it was quiet, and not a lot of people. That is what they have had with a small knit community with no real problems. He said he firmly believes having an RV park at the proposed site will disrupt that and not bring anything good to the community.

Mr. Williams said to add further issues, the applicant has already shown great disrespect for the neighbors and their property. The applicant runs heavy machinery late into the night regularly. Mr. Williams said the applicant has actually reached an excavator over his fence line and ripped big limbs off of his oak trees in his front yard. The applicant messed up his fence and broke several fence post that to this day, he has not said a word to him about it. Mr. Williams said he can't be expected to believe that the applicant will run an RV park with any more respect for his neighbors than what he has already shown.

Chairman West asked if there were any questions for Mr. Williams.

There were no questions for Mr. Williams.

Mr. Allen said full disclosure that Mr. Williams has done contract work for him on websites and does excellent work.

Chairman West called Ms. Maria Friscia, 120 Zorse Lane, said she and her husband bought the property across the street four years ago to move to the country. They have a farm with animals and feels their property values will go down and does not feel it is good for their community. She states she is home a lot and her husband works, and would be afraid at night because she won't know the kind of people that would be in and out of an RV park. With a mobile home park, you would have people that were staying there steady, living there. Having an RV park would be people coming in and out. Although, some of the RV's that are currently there, have permanent stable decking attached to them now. Ms. Friscia asked the Board to think about the request and pray about it before making a decision. To also please use due diligence and make a good judgement and vote no.

Chairman West asked if there were any questions for Ms. Friscia.

There were no questions for Ms. Friscia.

Chairman West called Calvin Hartness to speak.

Mr. Calvin Hartness, 141 Dishman Lane, Statesville, said he has lived there since 1982, and rented a mobile home from the Douglas family and bought the mobile home in 1988. He said he has recently completed updates to his mobile home like a roof, and other updates. He said he owns the mobile home, but not the lot. Mr. Hartness said he is 70 years old and lives on a very limited income and if he has to move out of his home, he has no place to go. He said he has a lot of medical problems, a heart attack, cancer, open lesions, COPD, and spots on his lungs. He has no other place to go if he were to have to relocate.

Chairman West asked Mr. Hartness if he was in one of the mobile homes on the property.

Mr. Hartness said yes sir, the lot where the driveway is supposed to be built. He is in attendance tonight because he needs to stay where he is. He said he started out renting from the grandfather of the Douglas family, and then the grandson, Joel Douglas and has done business with him for years. He said he can't move his mobile home because it is too old. He said he would like to work out something with Mr. Schermerhorn so he could stay on the property. Mr. Hartness said he is not opposed to the RV park, he just wants to be able to stay in his home.

Chairman West asked if there were any questions for Mr. Hartness.

There were no questions for Mr. Hartness.

Chairman West called Mr. Daniel Reels to speak.

Mr. Daniel Reels, 112 Harbin Lane, Statesville, said he and his wife Amber has been living on their property for 12 years. He said where his property is located, they can see everyone coming in and going out. Mr. Reels said he feels this RV park is not a good idea at all. Everyone in the neighborhood knows everyone and knows who should be there and who shouldn't. They have been having some cars come in and out that they have no idea who they are, or why they are there. He said they can't trust who is in their neighborhood now, and feel it is too much of a risk. Mr. Reels said he is speaking on behalf of his wife that has been here all her life and her grandmother.

Mr. Reels said in the past in the mobile home park, there was a situation where they always saw Iredell County Sherriff's officers there quite frequently. Eventually, the ones that were causing problems were gotten rid of, and they have been at peace now. They feel with an RV park, they will once again have to deal with problems. Mr. Reels said they are totally against this request.

Mr. Reels agreed with what Mr. Williams said earlier about Mr. Schermerhorn doing things on other's property. Mr. Reels said he takes care of Harbin Lane himself the best he can with what he has. He was inside his home recently and saw a tractor go down Harbin Lane, so he went out and found that Mr. Schermerhorn was grading the road without permission. The road is private property and he did not come and ask permission. Mr. Reels said he went out and ask him what he was doing, and Mr. Schermerhorn told him he was doing work on Dishman Lane and thought he would come down and also work on Harbin Lane. That would be fine except it is private property and he didn't ask permission. Mr. Reels said he told Mr. Schermerhorn to go back on his own property.

Mr. Reels said he has listened tonight and heard where the applicant is already non-compliant, and there shouldn't be any RV's in there already. He said they are against this request completely.

Chairman West asked if there were any questions for Mr. Reels.

There were no questions for Mr. Reels.

Chairman West asked Ms. Harper what the next step would be.

Ms. Harper said Mr. Schermerhorn would have to officially ask for the variance to be withdrawn, and the Special Use Permit request to be continued until the next meeting, in order for a revision to the site plan to take place if he so chooses.

Chairman West asked Mr. Schermerhorn is that a request that he wants to make.

Mr. Schermerhorn said yes, he would like to withdraw the variance request, and continue until the next meeting with the Special Use Permit.

Chairman West thanked those in attendance for their patience, and will continue the request for the Special Use Permit until the next meeting with the revisions that will be made.

Ms. Harper said that new adjoining owner letters won't necessarily be mailed out, but the next potential meeting date will be July 15, 2021 at 6:00 p.m. in this same room.

At this time, a member of the audience asked Ms. Harper if the work had to be stopped on the site until the next meeting date.

Ms. Harper said the applicant can continue to improve his property, nothing says he can't.

Chairman West said as long as the applicant stays on his property, this Board has no control over that.

Ms. Harper said the issue with the campers is sustained until there is approval or denial on the Special Use Permit. At that point, is when action will continue on the campers.

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

Ms. Harper said there was no further business.

Chairman West asked for a motion to adjourn.

Mr. Brater made a motion to adjourn, seconded by Mr. McCombs.

**ADJOURNMENT:** At this time, Chairman West declared the meeting adjourned at 9:02 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.*