1. Agenda
   Documents:
   AGENDA.PDF

2. 180920-1
   Documents:
   180820-1 STAFF REPORT.PDF
September 20, 2018

Commissioners Meeting Room
Iredell County Government Center
Statesville, North Carolina
6:00 p.m.

AGENDA

Call to Order – Opening Prayer

Approval of June 21, 2018, July 12, 2018, and July 19, 2018 meeting minutes

Declaring Public Hearing Open (Swearing In)

Hearing of Cases (Rule 5(F) & 6(C) of the Zoning Board of Adjustment Rules of Procedure):

CASE NO. 180920-1: Bob and Fern Perry (owner), Variance

Declaring Public Hearing Closed

Board in Executive Session (Consideration & Determination of Previous Cases Heard)

Instruction of Appeal Process (Board’s Decision may be Appealed to Superior Court within Thirty Days)

Other Business

Adjourn
EXPLANATION OF THE REQUEST

The applicant is requesting relief of 26 feet from the 50 foot lake setback per Section 4.5.3 of the Iredell County Land Development Code to allow a newly constructed set of stairs to remain 24 feet from the 760 contour line. The Board will make a recommendation on this request, which will also be forwarded to the NC Environmental Management Commission since the steps are located in the 30 foot State buffer as well.

OWNER/APPLICANT

Owner: Fern & Bob Perry
    PO Box 4390
    Mooresville, NC 28117

PROPERTY INFORMATION

LOCATION: 656 Isle of Pines Road in Mooresville, NC; more specifically identified as PIN# 4635451151.

DIRECTIONS: Brawley School Road, left on Isle of Pines Road, on right past Breezeview Place.

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

SIZE: The property is .74 acres.

EXISTING LAND USE: The property currently has a home on it with an attached garage/apartment.

ZONING: The property is currently zoned R-20 (Single-Family Residential).
FINDINGS OF FACT

1. The request is relief of 26 feet from the 50 foot lake setback per Section 4.5.3 of the Iredell County Land Development Code to allow a newly constructed set of stairs to remain 24 feet from the 760 contour line.

2. The property is .74 acres located at 656 Isle of Pines Road in Mooresville, NC; more specifically identified as PIN# 4635451151.

3. The property is currently zoned R-20 (Single Family Residential).

4. The application was filed on 7/30/18.

5. The adjoining property owners were notified on 8/28/18.

6. The property was posted on 8/28/18.

STAFF COMMENTS

The house was built in 1978 with an addition in 1991 and a garage addition in 1997. The 30 foot watershed buffer went into effect in January 1994 and was increased to 50 foot in March 1998. The house is considered legal non-conforming with regards to the setbacks. Zoning and building permits for the addition of the steps to the garage apartment were issued on April 23, 2018. The zoning permit showed the correct setbacks from the 760 contour line as 50 feet since new construction must meet the current setback requirements. The setback violation was discovered on May 22, 2018 when the Building Inspector did the first inspection for the project.

EXHIBITS

Staff Exhibit 1. Variance Application
Staff Exhibit 2. Survey
Staff Exhibit 3. Section 4.5.3
Staff Exhibit 4. Adjoining Owners and Zoning Map
Staff Exhibit 5. 2017 Aerial Map
IREDELL COUNTY
APPLICATION FOR A VARIANCE

Varience requested on property located at: 654 Isle of Pines, Mooresville, NC
Property Zoned: R-20  PIN #: 4635-45-1151  Lot Size: 28117
Property Owner: Bob and Fern Perry
Applicant: Bob and Fern Perry
Date Existing Structure Erected: MAY 2018

TO THE IREDELL COUNTY ZONING BOARD OF ADJUSTMENT:

I 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 number and Code requirements):

Describe the VARIANCE being requested on the above referenced 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. Are there special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would cause an unnecessary hardship?

When structure was build, no stairs were added to deck as an escape, steps were added to provide escape for tenants, apartment above garage in case of fire or emergency, garage stored law equipment including gas cars.
B. Are the circumstances giving rise to the need for the variance peculiar to the parcel and not generally characteristic of other parcels in the jurisdiction of this Ordinance?

Previously, addition had been grandfathered and meet limits. We have additional b, need stairs to overdeck. In a fire concern.

C. Is the hardship suffered a result of the applicant’s or property owner’s own actions?

Yes, we applied for a building permit through our contractor and it was approved. However, when the final inspection was done it failed. Through error, setback had been misstated with the permit application.

D. Will the granting of the variance be consistent with the spirit, purpose, and intent of the Ordinance, such that the public safety is secured and substantial justice is achieved?

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

Property Owner: B.W. and Fern M Perry

Company Name ____________________________
Position ________________________________
Address: 456 Isle of Pines Rd
Phone: 615-506-2315, 615-445-5843
Email: ________________
Signature ________________________________
(Must be notarized)

North Carolina, Iredell County

I, Brittany McIntosh, a Notary Public for Iredell County, North Carolina, do hereby certify that B.W. and Fern M Perry personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 20 day of July, 2018.

Brittany McIntosh
My Commission expires: April 16, 2019

Applicant/Agent ____________________________
Company Name ____________________________
Position ________________________________
Address ________________________________
Phone ________________________________
Email ________________________________
Signature ________________________________
Section 4.5.3 Buffer Areas Required

A. A minimum 100 foot vegetative buffer measured perpendicularly from the stream bank is required for all new development activities that exceed the low density option; otherwise, a minimum fifty (50) foot vegetative buffer for development activities is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies (See Figure 4.1). Desirable artificial stream bank or shoreline stabilization is permitted.
## Variance Worksheet

<table>
<thead>
<tr>
<th>Finding</th>
<th>Reasons/Evidence</th>
</tr>
</thead>
</table>
| There are special circumstances or conditions affecting the property such that the strict application of the provisions of the Ordinance would cause unnecessary hardship. | True: [If true, state the facts that make it true.]
|                                                                        | False: [If false, state the facts that make it false.]
| 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. | True: [If true, state the facts that make it true.]
|                                                                        | False: [If false, state the facts that make it false.]
| The hardship suffered is NOT a result of the applicant’s or property owner’s own actions. | True: [If true, state the facts that make it true.]
|                                                                        | False: [If false, state the facts that make it false.]
| 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. | True: [If true, state the facts that make it true.]
|                                                                        | False: [If false, state the facts that make it false.] |