



DATE: September 1, 2026

TO: Board of Adjustment Members

FROM: Christopher Hooper, Planner II

SUBJECT: Regular Meeting

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The Statesville Board of Adjustment will meet on **Tuesday, September 1, 2026** at **12:30 PM** in the Council Chambers on the 2nd floor of City Hall, 227 South Center Street, Statesville, NC.

AGENDA

1. Welcome
2. Review and Approval of Minutes from the September 2, 2025 meeting.
3. V26-03- 1101 4th St; A request filed by Matthew Benton on behalf of THRH LLC., for a variance from the Statesville Unified Development Code, regarding setbacks for a lot in the R-5MFM zoning district. The petitioner's request is to reduce the setbacks to build a home on the lot.
4. Other Business
5. Adjournment



Board of Adjustment Member Memo

To: Board of Adjustment Members

From: Erika Martin, AICP, Planning Director

Re: Evidentiary Hearing Procedures for Variances

As a reminder, variance requests are evidentiary proceedings. When considering a variance, the Board of Adjustment acts much like a court: it applies the standards established by the Unified Development Code and North Carolina law to the facts and evidence presented in the case. The Board is not deciding whether it likes or dislikes the request or whether granting the variance would be good policy. The question is whether the Applicant has presented sufficient evidence to satisfy the legal requirements for a variance.

The Applicant has the burden of presenting evidence and testimony sufficient to demonstrate that the variance standards have been met. The Applicant will be given an opportunity to present their request, explain the circumstances supporting the variance, introduce relevant evidence, and call witnesses as appropriate. Planning Staff's role is to provide background information, explain the applicable ordinance requirements, and assist the Board with the hearing process; it is not Staff's responsibility to make the Applicant's case or provide the evidence necessary to satisfy the required findings. The Board should look to the Applicant and the evidence presented during the hearing when determining whether each of the four required findings has been established.

1. Remain Impartial

Board members must approach each case fairly and with an open mind. Members should not discuss a pending variance case outside of the hearing with the Applicant, neighbors, interested parties, or others. These conversations may constitute *ex parte communications*. If a Board member has had communication about the case, has a financial interest, has a close relationship with someone involved, or has another circumstance that could affect their impartiality, it should be disclosed before the hearing proceeds.

2. This Is an Evidentiary Hearing — Not Public Comment

A variance hearing is different from a legislative public hearing. Witnesses presenting evidence must be sworn or affirmed, and the Board's decision must be based upon competent, material, and substantial evidence in the record. The number of people who support or oppose the variance does not determine the outcome. Neighborhood opposition—or the absence of

opposition—is not, by itself, a basis for approving or denying a variance.

3. Participation and Standing

The Applicant, the City, and persons who establish legal standing have the right to participate as parties in the proceeding. A nearby property owner does not automatically have standing simply because they live near the property. A person claiming standing generally must demonstrate a special damage or impact distinct from that experienced by the public at large. The Board may also allow other witnesses to provide competent, material, substantial, and non-repetitive evidence relevant to the variance request.

4. Focus on the Four Required Findings

A variance may be granted only when all four required findings are satisfied. The Applicant does not have to demonstrate that the property can make no reasonable use without the variance. However, a variance cannot be granted merely because compliance with the ordinance would be inconvenient or more expensive.

5. The Board Must Base Its Decision on Evidence

The Board should consider the testimony, documents, photographs, plans, Staff materials, and other competent evidence admitted into the record. Generalized opinions, speculation, or statements of personal preference should not form the basis of the decision. Certain technical matters may require testimony from a qualified expert. Board members are encouraged to ask questions when additional information is necessary to determine whether a required finding has been satisfied.

6. Conditions May Be Appropriate

If the Board approves a variance, it may impose reasonable and appropriate conditions when those conditions are related to the variance and the applicable ordinance requirements. Conditions should address the impacts or circumstances associated with the request and should be clear enough to administer and enforce.

7. Voting on a Variance

A variance requires a four-fifths vote of the Board. For a five-member Board, this generally means four affirmative votes are required. Vacant positions and members who are disqualified from voting are not counted when determining the four-fifths requirement if no qualified alternate is available to serve in their place.

8. The Decision Must Be Supported by the Record

The Board's decision should clearly identify the evidence supporting its determination on each of the four required findings. The Board should not simply conclude that a finding is "met" or "not met." The record should show why the Board reached that conclusion based upon the evidence presented. If the required findings are supported by the evidence, the Board may grant the variance. If the evidence does not support all four required findings, the variance should not be granted. The Board's responsibility is to provide a fair and impartial hearing and reach a decision based upon the evidence, the ordinance, and North Carolina law—not the popularity of the request.



Board of Adjustment Applicant Memo

To: Applicant

From: Erika Martin, AICP, Planning Director

Re: Evidentiary Hearing Procedures for Variances

Your variance request will be considered by the Statesville Board of Adjustment (BOA) through an evidentiary hearing. This type of hearing is more formal than a typical public meeting because the Board is making a decision that affects specific property rights. The Board must base its decision on the evidence and sworn testimony presented during the hearing and apply that evidence to the required legal standards for granting a variance.

Your Role as the Applicant

As the Applicant, you have the burden of presenting evidence and testimony sufficient to support your variance request. Planning Staff will introduce the case and provide relevant background information, but Staff does not present the Applicant's case or provide the evidence necessary to prove that the variance standards have been met.

You should be prepared to make a presentation to the Board explaining:

- What variance you are requesting and why it is needed;
- The particular characteristics or conditions of the property that create the hardship;
- Why the hardship is unique or peculiar to the property;
- Why the hardship was not created by the Applicant or property owner; and
- Why granting the variance would be consistent with the intent of the ordinance, protect public safety, and achieve substantial justice.

You may use photographs, surveys, site plans, maps, documents, or other relevant materials to help explain your request. You may also have other witnesses testify on your behalf when appropriate.

Applicants That Are LLCs, Corporations, or Other Legal Entities

If the Applicant or property owner participating in the proceeding is a limited liability company (LLC), corporation, partnership, or other legal entity that cannot represent itself through a non-attorney representative, the entity must arrange for representation by its

own licensed legal counsel at the evidentiary hearing. An owner, member, manager, employee, agent, engineer, architect, surveyor, or other representative who is not a licensed attorney generally may not act as legal counsel for the entity by presenting and advocating the entity's case before the Board. Such individuals may still provide sworn factual or expert testimony within the scope of their personal knowledge or professional expertise, as appropriate. However, providing testimony is different from representing the legal entity in the proceeding.

Planning Staff and the City Attorney represent the City and do not represent the Applicant. Applicants are responsible for arranging any legal representation required for their participation in the hearing. Individual Applicants representing their own personal interests are not required by this guidance to retain an attorney, although they may choose to do so. Applicants who are uncertain whether this requirement applies to them should consult with their own legal counsel before the scheduled hearing date.

Staff's Role

Planning Staff serves as a resource to the Board and helps administer the hearing. Staff may explain the application, property information, applicable Unified Development Code requirements, and other relevant background information. Staff does not represent the Applicant and cannot make the Applicant's case for them. A Staff report, application, or other information included in the Board's packet should not be viewed as a substitute for the Applicant's presentation of evidence and testimony at the hearing.

What Happens at the Hearing?

The Chair will open the case and witnesses will be sworn or affirmed before providing testimony. Staff will generally introduce the case and provide background information. The Applicant will then have an opportunity to present the variance request and supporting evidence. Other parties and witnesses may be permitted to present relevant evidence. Board members may ask questions of Staff, the Applicant, and witnesses throughout the hearing. Once the evidence has been presented and the evidentiary hearing is closed, the Board will deliberate and determine whether the required findings have been satisfied.

The Four Required Findings

Under North Carolina law, the Board may grant a variance only when it concludes that all four required findings are satisfied:

1. Unnecessary hardship would result from strict application of the ordinance.
2. The hardship results from conditions that are peculiar to the property, such as its location, size, or topography.
3. The hardship did not result from actions taken by the Applicant or property owner.
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance; public safety is secured; and substantial justice is achieved.

The fact that complying with the ordinance may be more expensive or inconvenient does not, by itself, establish unnecessary hardship.

Evidence Is Important

The Board cannot approve a variance simply because the request appears reasonable or because no one objects. Its decision must be supported by competent, material, and substantial evidence in the record. Applicants should therefore come prepared to explain the facts supporting each of the four required findings rather than relying solely on the information contained in the written application. Certain subjects may require evidence from a qualified expert. For example, testimony involving specialized matters such as property values or other technical issues may require appropriate expertise to be considered competent evidence.

Questions from the Board

Board members may ask detailed questions about your property, the requested variance, alternatives you considered, site conditions, or statements made in your application or presentation. These questions are a normal part of an evidentiary hearing. Applicants should answer based on their knowledge of the property and the facts supporting the request. If you do not know an answer, it is appropriate to say so rather than speculate.

The Board's Decision

A variance requires a four-fifths vote of the Board. The Board must evaluate each required finding based on the evidence presented and included in the hearing record.

Approval is not guaranteed by submission or acceptance of a variance application, payment of an application fee, City review, or the absence of opposition.

Come Prepared to Present Your Case

The most important thing to remember is that this is your opportunity to present the evidence supporting your variance request. Before the hearing, review the four required findings and be prepared to explain, through testimony and supporting evidence, how your particular property and request satisfy each one. City Staff are available in advance of the hearing to answer questions about the hearing process and applicable ordinance requirements; however, Staff cannot provide legal advice or determine in advance how the Board will decide your case.

**STATESVILLE BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
September 2, 2025**

The Statesville Board of Adjustment met Tuesday, September 2, 2025, at 12:30 p.m. in the City Hall Council Chambers located at 227 South Center Street, Statesville, NC.

Board Members Present: George Simon, Jed Pidcock, Scott Zanotti, Gurney Wike, Jeremy Kauffman, James Dobson, James Smith.

Board Members Absent: None

Council Present: None

Staff Present: Sherry Ashley, Christopher Hooper, Matthew Kirkendall

Others: Leah Messick – City Attorney

Media: 0

Vice-Chairman Simon called the meeting to order.

Approval of minutes

Wike made a motion to approve August 5, 2025, Board of Adjustment meeting minutes as presented with changes to Findings of Fact numbers 3 and 4. The tally of the True/False statements needed to be reversed. The motion was seconded by Pidcock. The motion carried unanimously.

There was an election to elect a new Chairman and Vice-chairman.

Wike nominated Simon for Chairman. Pidcock seconded the motion. The motion passed unanimously with all in favor.

Pidcock nominated Wike for Vice-Chairman. Simon nominated Pidcock for Vice-Chairman. 2 voted for Pidcock and 5 voted for Wike. With a 2-5 vote Wike became the new Vice-Chairman.

Sherry Ashley provided training for quasi-judicial boards. Kirkendall presented a test case, and the board discussed.

Chairman Simon made a motion to adjourn the meeting.



Staff Report

To: Board of Adjustment Members

From: Christopher Hooper, Planner II

Date: September 1, 2026

Re: V26-03 (1101 4th St)

Action Requested

Consider granting a Variance (V26-03) for 1101 4th St based upon the evidence presented and the required findings.

Background

THRH, LLC is requesting a variance for 1101 4th St to reduce multiple front yard setbacks to 5' for the purpose of constructing a single-family home. Per the City of Statesville Unified Development Code (UDC) setbacks for the R-5MFM zoning district are 25' for the front (including corner/multiple frontage lots), 25' rear, and 5' for side yards. The UDC further allows a reduction of the front setback to 12.5'.

City Planning Staff acknowledge this property as a lot of record below the minimum requirements of the UDC today. Furthermore, City Planning Staff acknowledge that this is an irregularly shaped lot with four (4) frontages.

- **Minimum Lot Size:** 5,000 sqft or 0.11 ac (actual 3,049 sqft or 0.07 ac)
- **Minimum Lot Width at Front Setback:** 50' (lot varies in size from 16.72' to 49.48')

Attachments

Exhibit 1- Application with written responses to Findings of Fact

Exhibit 2- Property Deed (provided by Applicant)

Exhibit 3- Property Survey (provided by Applicant)

Exhibit 4- Site Photos (provided by Planning Staff)

Exhibit 5- Location/Arial Map (provided by Planning Staff)

Exhibit 6- Zoning Map (provided by Planning Staff)

Exhibit 7- 2045 Future Land Use Map (provided by Planning Staff)

Exhibit 8- UDC Section 3.04.L R5-MF High Density Multi-Family District

Finding of Facts (list evidence and testimony for each finding)

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

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

3. That the hardship did not result from actions taken by the applicant or property owner. The act of purchasing property with the knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

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

VARIANCE/APPEAL # _____

**Board of Adjustment
Application for Variance/
Appeal of Administrative Decision**

1. Street Address/Location of Request: 1101 4th St. Statesville NC 28677

2. Owner: THRH, LLC Phone #: [REDACTED]

Address: [REDACTED]
Street City State Zip

3. Applicant: Matthew Benton, Attorney Phone #: [REDACTED]

Address: [REDACTED]
Street City State Zip

4. Tax Parcel Number: 4734-90-8422

5. Zoning District: R-5MFM

6. Present Use: Vacant parcel

7. Please indicate the section(s) of the Ordinance that is relevant to your variance request/appeal: _____

UDO Article 3, Section 3.04(1)(L)

8. Description of request:

a. Describe the administrative decision that is being appealed (**DO NOT ANSWER FOR VARIANCE REQUEST**):

- b. Describe the reasons for the variance request and the intended use(s) for the subject property **(DO NOT ANSWER FOR APPEALS)**:

The lot is on an approved plat (PB 3 PG 91), 1945. I am applying for a variance to the front and side yard setbacks to be 5'. This is consistent with other lots in the neighborhood.

The following provisions of the State Statutes (GS 160D-705d) and Unified Development Code (Section 2.11) must be met before a variance can be granted. Respond to each of the four criteria as it pertains to the request.

- i. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property **(DO NOT ANSWER FOR APPEALS)** ;
Adhering to today's setbacks would prevent an adequate size house to be constructed.
-
-

- ii. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from conditions that are common to the neighborhood or the 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 **(DO NOT ANSWER FOR APPEALS)**;
The lot was of a normal size when it was platted in 1945. Old Charlotte Rd was extended which cut off a portion of this lot making it narrow at the front. The current configuration does not allow much of a house foot print.
-

- iii. That the hardship did not result from actions taken by the applicant or property owner. The act of purchasing property with the knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship **(DO NOT ANSWER FOR APPEALS)**;

The lot was purchased in it's current configuration.

- iv. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured, and substantial justice is achieved **(DO NOT ANSWER FOR APPEALS)**.

Having the variance would allow for a home to be built that is in harmony with the surrounding homes.

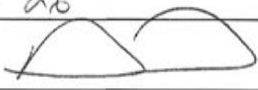
No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

****Calls or conversations with Board members prior to the meeting cannot be considered in the final decision and may result in the Board Member's recusal due to a conflict of interest. If adjacent property owners are to testify on behalf of the applicant, they must be present. Petitions and written consent may be accepted by the Board, but they cannot be used as a basis for the decision.**

Certification

I hereby acknowledge that the information contained herein is true to the best of my knowledge and that this application shall not be scheduled for official consideration until it is complete.

Date: 8-12-26

Applicant Signature: 

Type or print name here: Matthew Benton on behalf of
THRH, LLC

1. Minimum Required Information (to be shown on the site plan):

The site plan shall be legibly and accurately drawn to scale on paper suitable for reproduction. Architect's drawings will also be acceptable. The plan shall contain the following information:

- a. The name and address of the person filing the application
- b. The date, scale, and north arrow
- c. Property lines, building lines, and easements
- d. Streets, sidewalks, and alleys
- e. Existing and/or proposed structures and improvements
- f. Existing structures within 20 feet of the property
- g. Accurate dimensions of the property and all structures involved

FOR OFFICE USE

2. Elevations: Elevations shall be submitted for all sign applications, new additions, and alterations to existing structures, new accessory structures, and fences. They shall contain the following information:

- a. Dimensions including height, width, length, and area.
- b. In the case of signs, the elevation should also indicate the exact appearance of the sign, whether or not it is illuminated, and the type of illumination.

3. Other: Any other information deemed necessary by the code official should be stipulated below:

Checked By: _____ Date: _____

BK 3160 PG 1763 - 1765

Prepared by & Return To:
Sperry & Hatley, P.C.
15801 Brixham Hill Avenue
Suite 225
Charlotte, NC 28277

NORTH CAROLINA
SPECIAL WARRANTY DEED

Excise Tax: 140.00

Brief ID: METES AND BOUNDS

Parcel ID #: 4734-90-8553.000
4734-90-8422.000

Mail after recording to: the grantee

This instrument was prepared by: Ryan David Hatley, NC Attorney, Sperry & Hatley, P. C.

Any delinquent taxes to be paid by closing attorney/settlement agent upon disbursement of closing proceeds to the county tax collector.

THIS DEED made this 4 day of September, 2025 by and between

GRANTOR

Investcar, LLC, a Texas Limited Liability Company

5000 Riverside Drive, Building 5, Ste 100W, Irving, TX 75039

GRANTEE

Thomas Hocker, an unmarried man, and Richard Hoffman, a married man, as tenants in common

Property Address : 1033 4th Street, Statesville, NC 28677 and 1101 4th Street, Statesville, NC 28677

Mailing Address : 115 Ironwood Ct, Mooresville, NC 28117

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land located in Iredell County, North Carolina and more particularly described as follows:

Special Warranty Deed
1033 4th Street, Statesville, NC 28677 and 1101 4th Street, Statesville, NC 28677
Page 1 of 3

Submitted electronically by "Sperry & Hatley, PC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Iredell County Register of Deeds.

Property 1:

All of Lot No. Nine (9) in Block No. 20 of Statesville Development Company as shown on the plat thereof in Deed Book 33, Page 441, and Plat Book 3, Page 92, Iredell County Registry, known and designated as 1033 Fourth Street.

Property 2:

TRACT #1: BEGINNING at a stake, corner of Fourth Street and Durham Avenue; ruoning with Fourth Street, South 50 feet to an iron stake; thence East about 50 feet to the Old Charlotte dirt road; thence in a Northerly direction 50 feet to a stake on Durham Avenve; thence with Durham Avenue, West about 60 feet to the BEGINNING , containing 3,800 square feet, mare or less, and being the identical property conveyed to Lauran Allen Campbell by deed from Ernest Glenn Beaver and wife dated December 15, 1980, and racorded in Teed Book 658, page 349, Iredell County Registry, For back title, see Deed Book 645, page 53, Iredell County Registry.

This property is on the East side of Fourth Street and a part of Lot No. One in Block 37 of the property of the Statesville Development Company as plotted and planned on the map of the lands of said Comnpany (see Deed Book 15, page 441, and Deed Book 69, page 452, Iredell County Registry.

TRACT #2: BEGINNING at a stake on Fourth Street, T, J. Troutman's Southwest corner, and running South with Fourth Street, 50 feet to a stake; thence East about 45 feet to a stake on the Old Charlotte dirt read; thence with said road in a Northerly direction about 50 feet to T. J. Troutman's corner; thence Westward with T. J, Troutmen's line, about 55 feet to the BEGINNING, containing 2,500 square feet, more or less, and being the identical property comveyed to Lauen Allen Campbell by deed from Ernest Glenn Beaver and wife dated February 23, 1981, and recorded in Deed Book 660, page 729, Iredell Comty Registry. For back title, see Deed Book 660, page 67; and Deed Book 71, page 525, Iredell County Registry.

**Parcel ID # No. 4734-90-8553.000
4734-90-8422.000**

Being all or a portion of that property described in that deed recorded contemporaneously herewith in the Iredell County Public Registry.

The above described property does X does not include the primary residence of the Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions: Subject to easements, restrictions and rights of way of record.

This conveyance made subject to all easements and other matters shown on the recorded plat hereinabove referred to and restrictive covenants and easements appearing of record in the Iredell County Registry, and all amendments thereto which may appear of record.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officer(s), the day and year first above written.

Investcar, LLC, a Texas Limited Liability Company

By:  (SEAL)
Brandon Chesley, Authorized Signatory/General Manager

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I, Julia Lesko, a Notary Public, certify that Brandon Chesley, Authorized Signatory/General Manager of Investcar, LLC personally came before me this day and acknowledged that he/she is Authorized Signatory/General Manager of Investcar, LLC, a Limited Liability Company, and that he/she, as Authorized Signatory/General Manager, being authorized to do so, executed the foregoing on behalf of the Limited Liability Company.

Witness my hand and official seal this 4 day of September, 2025


Official Signature of Notary
Printed or typed name of Notary

My Commission Expires: 10/27/2029



BK 3175 PG 2180 - 2182

Excise Tax: \$0.00

This instrument was prepared by: Matthew G. Moore, Attorney at Law

No title examination requested of or performed by the Preparer of this instrument and no closing performed by the preparer of this instrument.

Return to: Ralston, Benton, Byerley & Moore, PLLC, 335 N. Center Street, Statesville, NC 28677

Parcel ID: 4734-90-8553.000 & 4734-90-8422.000

Brief Description for the Index:

NORTH CAROLINA NON-WARRANTY DEED

This DEED made this 7th day of NOVEMBER, 2025, by and between

GRANTOR

**Thomas Hocker, unmarried and
Richard Hoffman and spouse,
Gail Hoffman**

MAILING ADDRESS:

**115 Ironwood Court
Mooresville, NC 28117**

GRANTEE

THRH, LLC, a NC Limited Liability Co.

MAILING ADDRESS:

**115 Ironwood Court
Mooresville, NC 28117**

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH: That said Grantor has remained and released and by these presents do remise, release, convey and forever convey unto Grantee, their heirs, and/or successors and assigns, all right, title, claim and interest of the Grantor in and to a certain lot(s) or parcel of land situated in Iredell County, State of North Carolina, and more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO.

For back title reference, see Deed Book 3160, at Page 1763, Iredell County Registry.
Submitted electronically by "Ralston Benton Byerley & Moore, PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Iredell County Register of Deeds.

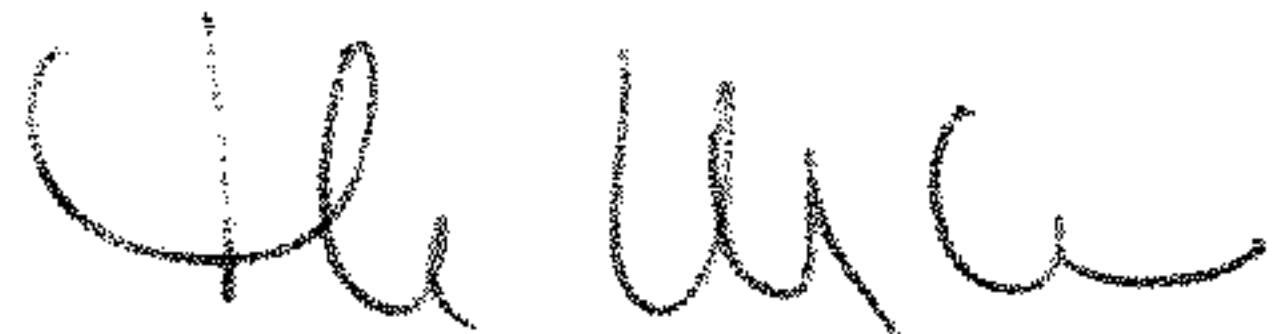
The property herein conveyed does not include the primary residence of Grantor.

TO HAVE AND TO HOLD the said property and all privileges and appurtenances (rights) belonging to Grantee, in fee simple.

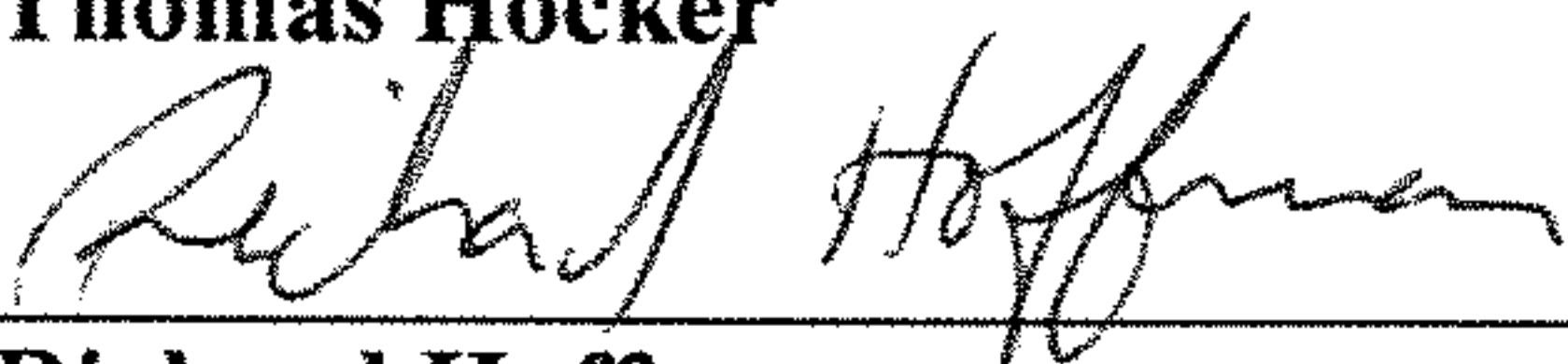
Grantor makes no warranty, express or implied, as to the title to the Property.

All references to Grantor and Grantee as used herein shall include the parties as well as their heirs, successors and assigns, and shall include the singular, plural, masculine, feminine or neuter as required by context.

Grantor has duly executed the foregoing instrument, as of the day and year first written above.



Thomas Hocker



Richard Hoffman



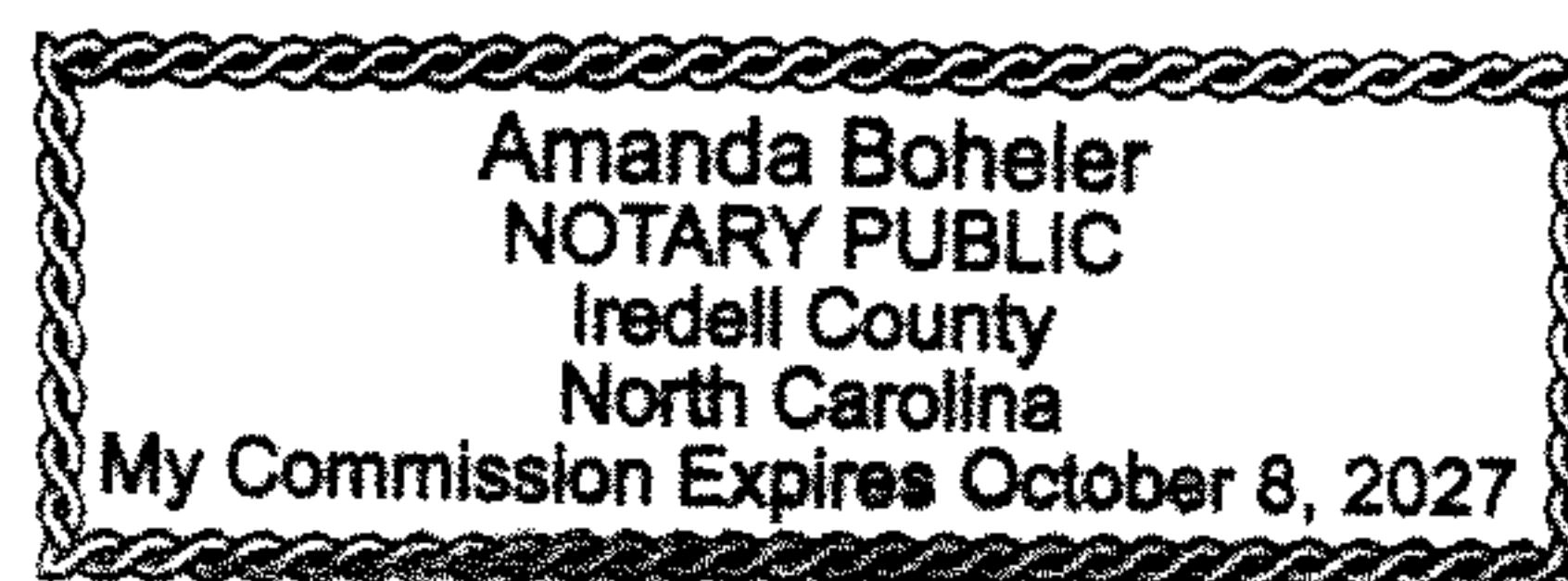
Gail Hoffman

STATE OF NORTH CAROLINA
COUNTY OF IREDELL

I, Amanda Boheler, a Notary Public of the State of North Carolina, County of Iredell certify that Thomas Hocker, being known to me or proved on the basis of satisfactory evidence to be the person described, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed and capacity indicated. Witness my hand and Notarial stamp or seal this 7th day of November, 2025.



Notary Name: Amanda Boheler
Commission Expires: 10/08/27



STATE OF NORTH CAROLINA
COUNTY OF IREDELL

I, Amanda Boheler, a Notary Public of the State of North Carolina, County of Iredell certify that Richard Hoffman and Gail Hoffman, being known to me or proved on the basis of satisfactory evidence to be the person described, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed and capacity indicated. Witness my hand and Notarial stamp or seal this 15th day of November, 2025.



Notary Name: Amanda Boheler
Commission Expires: 10/08/27

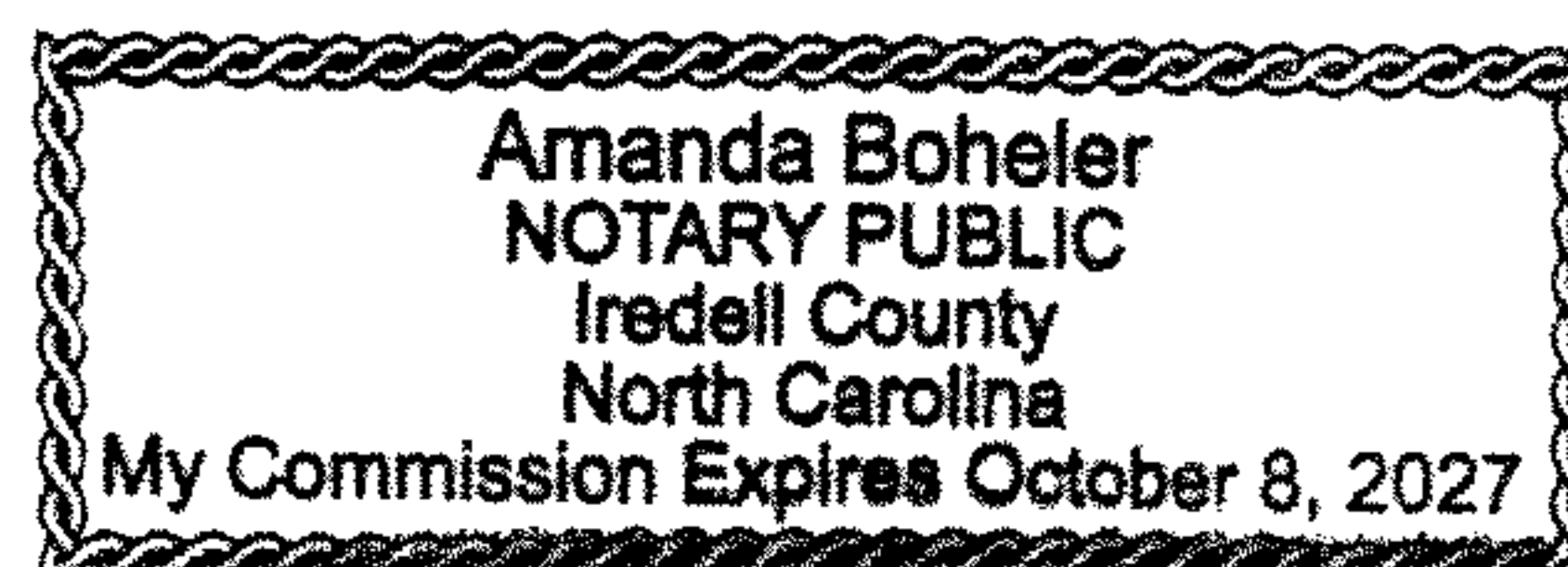


EXHIBIT "A"

PROPERTY I

BEING all of Lot No. Nine (9) in Block No. 20 of Statesville Development Company as shown on the plat thereof in Deed Book 33, Page 441, and Plat Book 3, Page 92, Iredell County Registry.

Parcel ID No.: 4734-90-8553

PROPERTY II

TRACT #1: BEGINNING at a stake, corner of Fourth Street and Durham Avenue; running with Fourth Street, South 50 feet to an iron stake; thence East about 50 feet to the Old Charlotte dirt road; thence in a Northerly direction 50 feet to a stake on Durham Avenue; thence with Durham Avenue, West about 60 feet to the BEGINNING, containing 3,800 square feet, more or less, and being the identical property conveyed to Lauren Allen Campbell by deed from Ernest Glenn Beaver and wife dated December 15, 1980, and recorded in Deed Book 658, page 349, Iredell County Registry. For back title, see Deed Book 645, page 53, Iredell County Registry.

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TRACT #2: BEGINNING at a stake on Fourth Street, T. J. Troutman's Southwest corner, and running South with Fourth Street, 50 feet to a stake; thence East about 45 feet to a stake on the Old Charlotte dirt road; thence with said road in a Northerly direction about 50 feet to T. J. Troutman's corner; thence Westward with T. J. Troutman's line, about 55 feet to the BEGINNING, containing 2,500 square feet, more or less, and being the identical property conveyed to Lauren Allen Campbell by deed from Ernest Glenn Beaver and wife dated February 23, 1981, and recorded in Deed Book 660, page 729, Iredell County Registry. For back title, see Deed Book 660, page 67; and Deed Book 71, page 525, Iredell County Registry.

Parcel ID No.: 4734-90-8422

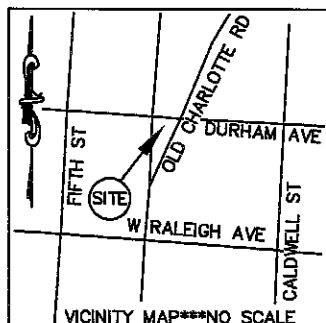
NO TITLE EXAMINATION REQUESTED OF OR PERFORMED BY THE PREPARER OF THIS INSTRUMENT AND NO CLOSING PERFORMED BY THE PREPARER OF THIS INSTRUMENT

DAS DON ALLEN & ASSOCIATES, P. A.

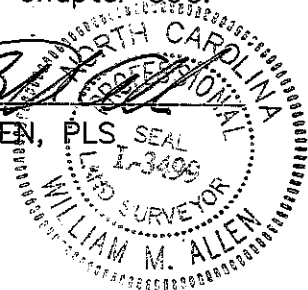
"Since 1971"

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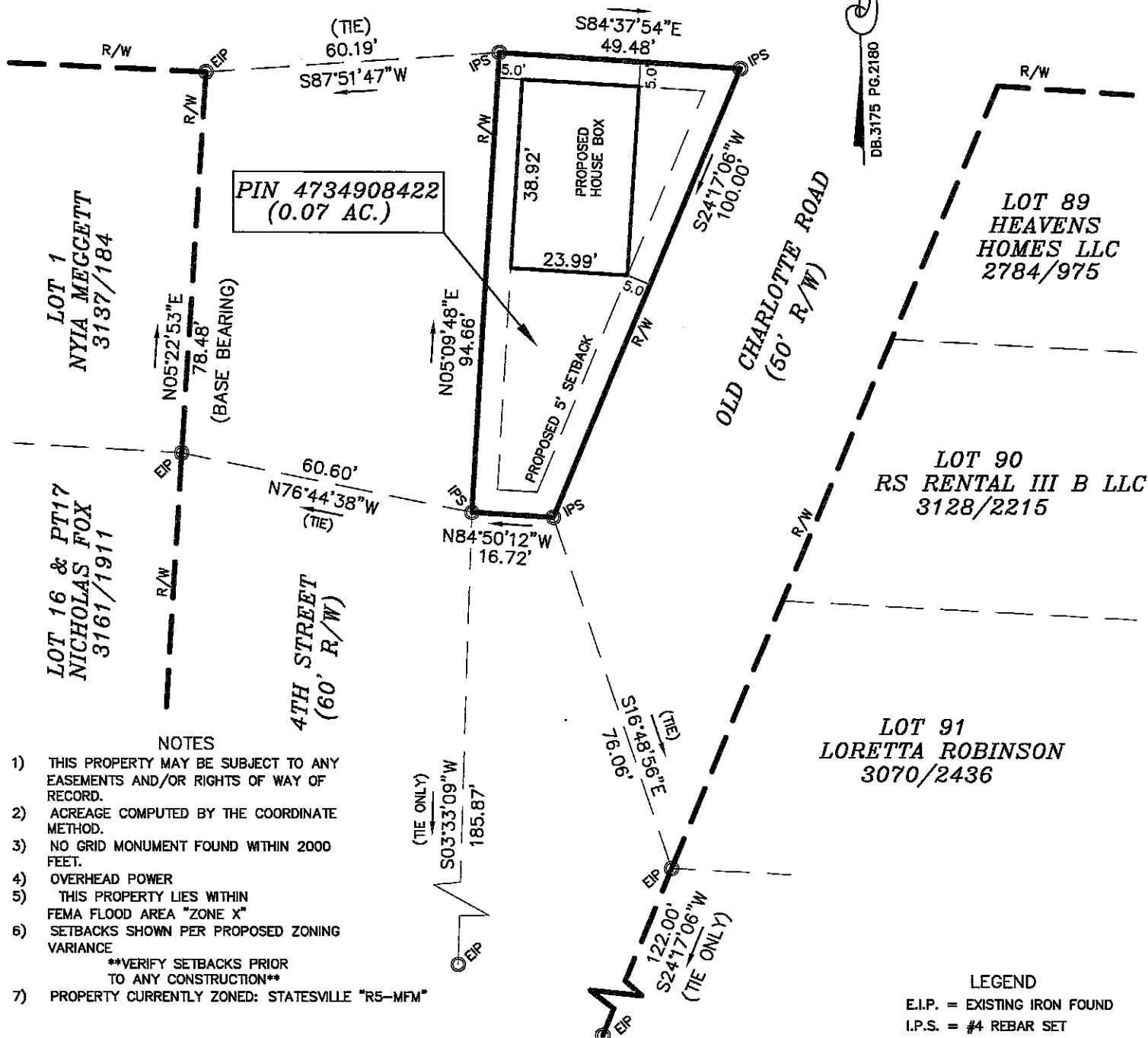
I, certify that this map was drawn under my supervision from an actual survey made under my supervision recorded in deed book 3175, page 2180, and/or plat book N/A, page N/A, that the ratio of precision is 1':10,000, that this map was prepared in accordance with the General Statutes of North Carolina Chapter 89C, my hand and seal on the 13, day of FEBRUARY, A.D. 20 26.



WILLIAM M. ALLEN, PLS. SEAL



DURHAM STREET
(50' PUBLIC R/W)



1101 4TH STREET

CITY OF STATESVILLE, IREDELL CO., N.C.

THRH LLC

FIELD BOOK: N/A
FILE: 1101 4TH ST
DRAWN BY: BP
TAX MAP NO: 4734908422

EXHIBIT 4 – Site Photos



Case No. V26-03
Site Photos – PIN # 4734-90-8422
1101 4th Street, Statesville, NC 28677

EXHIBIT 4 – Site Photos



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EXHIBIT 4 – Site Photos



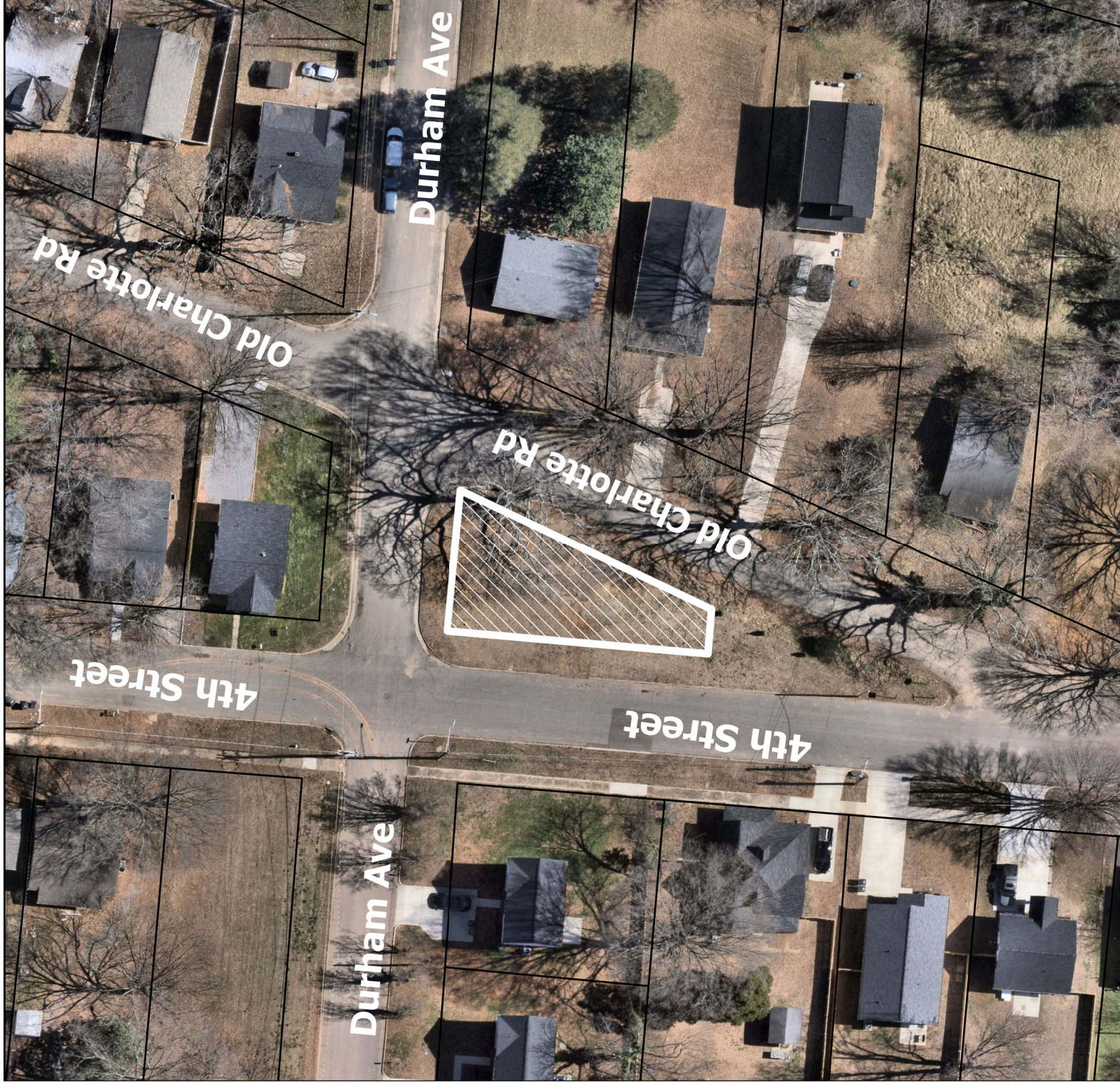
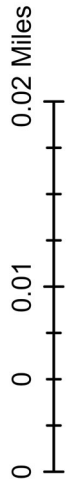
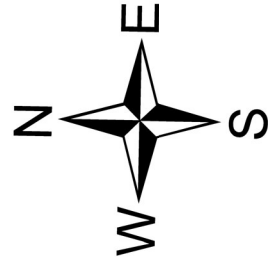
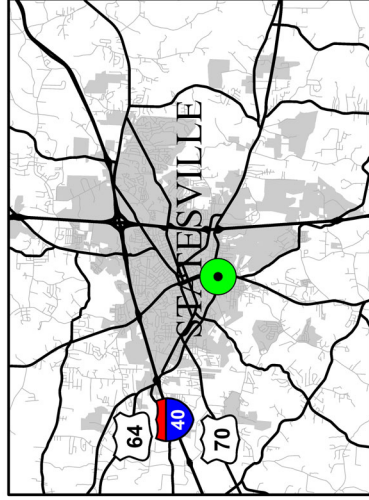
Case No. V26-03
Site Photos – PIN # 4734-90-8422
1101 4th Street, Statesville, NC 28677

1101 4th Street

Variance

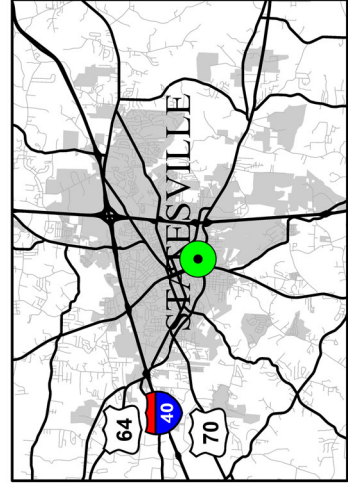
V26-03

Exhibit 5

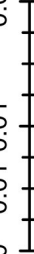


1101 4th Street
 Variance
 V26-03
 Exhibit 6

Legend	
Zoning	CBP
Districts	H-115
ZONING	HI
3RD	LI
4CRK	MIXED
AIRPT	O+I-2
B-1	O-1
B-2	PUD
B-2CZ	R-10
B-3	R-10CZ
B-4	R-10M
B-5	R-15
CB	R-15M
	Subject Property
	Property
	R-20
	R-5
	R-5M
	R-5MF
	R-8
	R-8CZ
	R-8M
	R-8MF
	R-A
	R5CZ
	R5MFCZ



0 0.01 0.01 0.02 Miles




1101 4th Street
Variance
V26-03
Exhibit 7

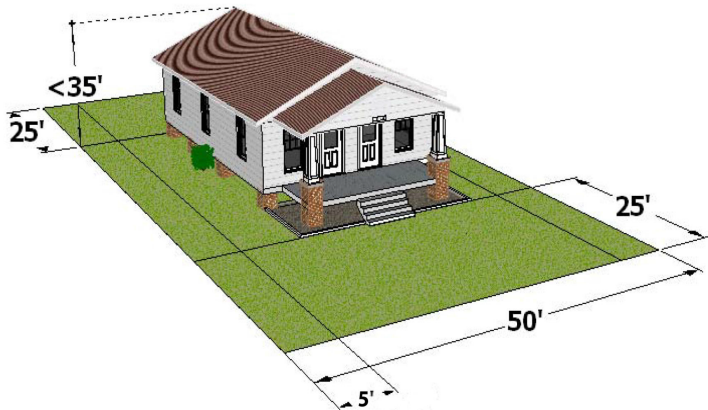
Legend

- | | |
|---|--|
|  Parcels |  Rural Areas |
|  2045 LDP |  Rural |
|  Activity Areas |  Employment Areas |
|  Activity Center |  Employment |
|  Activity Corridor |  Center / Industrial |
|  Downtown and Core Neighborhoods |  Flex |
|  Downtown Center |  Redevelopment |
|  Downtown |  Corridor |
|  Neighborhood 1 |  Special Areas and Institutions |
|  Downtown Neighborhood 2 |  Medical Core |
|  City Neighborhoods |  Medical Support |
|  Complete Neighborhood 1 |  Institutional |
|  Complete Neighborhood 2 |  Recreational Open Space |
| |  Subject Property |



Purpose: The purpose of this district is to accommodate higher density multi-family residences in urban areas. This district allows for a mixture of dwelling types at compatible densities. Authorized Uses: Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which includes attached and detached residential uses.	DIMENSIONAL AND RATIO STANDARDS:	
	Minimum Lot Size:	5,000 sq. ft. (see note 6)
	Minimum Lot Width (at front setback line):	50 ft. (see note 6)
	Front Setback:	25 ft.
	Corner Lot Setback (lot with frontage on 2 streets):	See note 3
	Side Setback:	5 ft.
	Rear Setback:	25 ft.
	Maximum Height Limit:	35 ft.

Figure 3-12: Minimum R-5MF Typical Building Envelope (Single-Family Residence) – figure not to scale.



Development Notes:

1. Development shall comply with additional development standards as contained in [Article 6](#).

2. Ten percent (10%) active open space shall be provided for in accordance with [Section 6.06](#) of the Ordinance.

3. When a lot abuts more than one (1) street the front yard setback shall apply to the rear or side abutting a street. Where there is no lot fronting on the side or rear street immediately to the rear or side of the lot, the width of the side yard shall be equal to one-half (½) the front yard requirement.

4. Density shall be in accordance with the provisions of [Section 6.02](#) (B) of this Ordinance.

5. On-site wastewater disposal shall be provided by public utilities (i.e. water and sewer).

6. Multi-family development:

a. Dwelling-unit Duplex: Development shall observe a minimum lot size of seven thousand five hundred (7,500) square feet and a minimum lot width of seventy (70) feet.

b. Multi-family Development:

i. Infill Development: For lots in existence, and zoned R-5MF, as of December 31, 2022 the following standards shall apply:

1. Projects meeting applicable criteria, shall be approved by staff in accordance with Section(s) [2.17](#) and [2.24](#). Any proposed subdivision of property shall be processed in accordance with the provisions of Section(s) [2.02](#) and [2.03](#) of this Code.

2. Shall be limited to Dwelling-unit Townhome or Dwelling-unit Multi-family projects with no more than four (4) units permitted per individually zoned parcel.

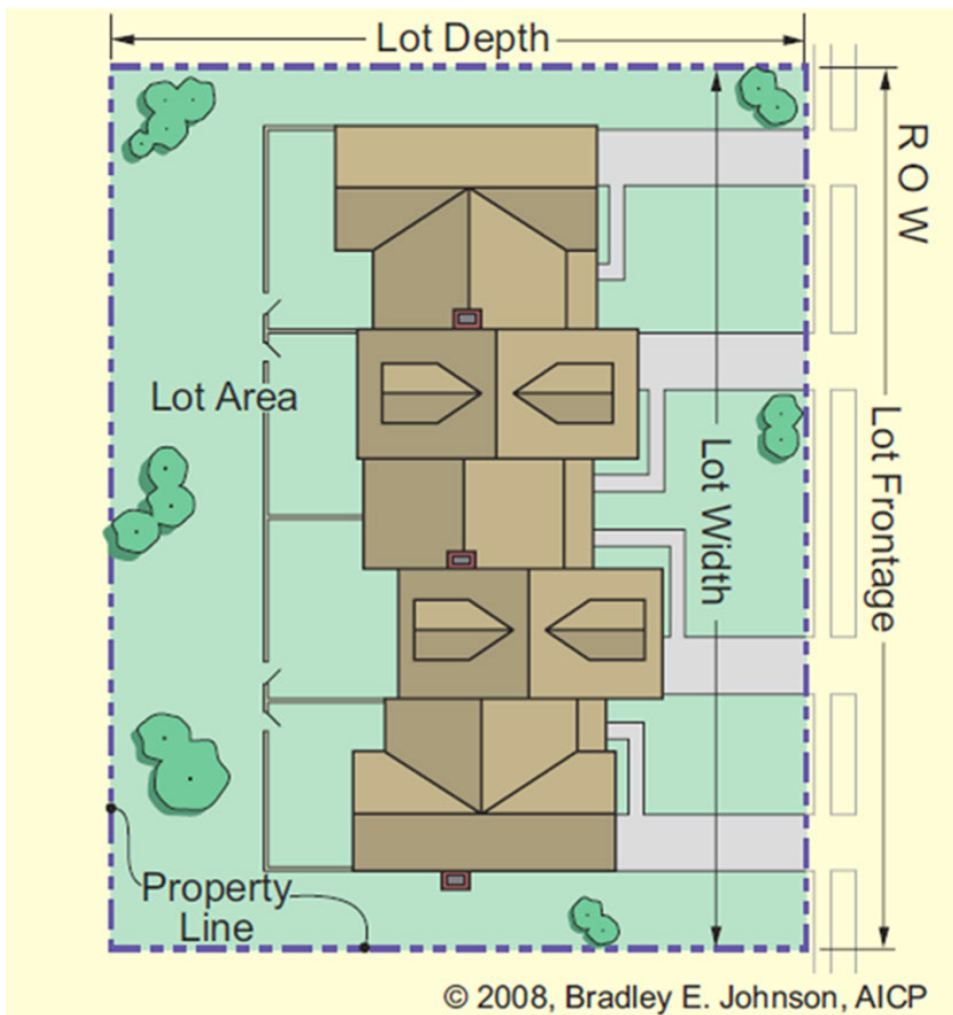
3. Minimum lot size shall be twenty thousand (20,000) square feet.

a. Minimum size for individual Dwelling-unit Townhome Lot shall be five thousand (5,000) square feet for each individual unit.

b. Lot size may be reduced if difference is put into common open space. Under no circumstance may a townhome lot be reduced below two thousand (2,000) square feet in area. Open space area shall be owned in common by all property owners comprising the development through the establishment of a homeowners of property owners association.

4. Minimum Lot width: The parent tract shall have the typical required minimum lot width for the R-5MF district increased by a minimum of ten (10) feet per additional unit for lots less than one hundred twenty-five (125) feet in width. There shall be a minimum of twenty (20) feet of lot width per individual Dwelling-unit Attached (Townhome) Lot;

5. Setbacks from external property lines shall comply with the provisions of this section for end units. Zero-lot line setbacks shall be permitted for interior units.



6. A five-foot vegetative buffer shall be required along the side and rear property lines.

ii. New Development: Parcels created (i.e. subdivided) and/or zoned R-5MF after December 31, 2022 shall be reviewed and approved through the provisions of [Section 2.07](#) of the Ordinance and comply with the provisions of [Section 6.02](#) of this Code and the following dimensional standards:

1. Minimum Lot Area shall be as follows: seven thousand five hundred (7,500) square feet minimum lot size with an additional two thousand five hundred (2,500) square feet of lot area for every proposed residential unit over two (2) units.

2. Minimum size for individual Dwelling unit - Townhome lot shall be five thousand (5,000) square feet for each individual unit. Lot size may be reduced if difference is put into common open space; without limiting the number of lots where the lot size may be reduced, the amount put into common open space shall not be required to exceed twenty percent (20%) (ten percent (10%) of this shall be active open space), of the gross acreage of the project site. Under no circumstance may a townhome lot be reduced below two thousand (2,000) square feet in area. Open space area shall be owned in common by all property owners comprising the development through the establishment of a homeowners of property owners association.

3. Minimum Lot width: The parent tract shall have the typical required minimum lot width for the R-5MF district increased by a minimum of ten (10) feet per additional unit for lots less than one hundred twenty-five (125) feet in width. There shall be a minimum of twenty (20) feet of lot width per individual Dwelling unit Townhome Lot.

4. Setbacks from external property lines shall comply with the provisions of this section for end units. The minimum front yard setback for multi-family developments is ten (10) feet. Zero-lot line setbacks shall be permitted for interior units.

5. A five-foot vegetative buffer shall be required along the side and rear property lines.