



PO Box 1111 Statesville, NC 28687

DATE: July 29, 2025

TO: Board of Adjustment

FROM: Matthew Kirkendall, Senior Planner

CC: Sherry Ashley, Planning Director
Christopher Hooper, Planner II

SUBJECT: Regular Meeting

The Statesville Board of Adjustment will meet on **Tuesday, August 5, 2025 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 May 6, 2025 meeting.
3. V25-03; A request filed by Marshall Casselman on behalf of Throwback Properties for two variances from the Statesville Unified Development Code, *Section 3.04 Zoning District Regulations, Subsection I – R-8MF*, which requires each lot to be 70 feet wide. The petitioner's request is to subdivide parcel 4744-91-9703 into two 50 feet wide lots to build two single-family homes.
4. Other Business
5. Adjournment

**STATESVILLE BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
May 6, 2025**

The Statesville Board of Adjustment met Tuesday, May 6, 2025 at 12:30 p.m. in the City Hall Council Chambers located at 227 South Center Street, Statesville, NC.

Board Members Present: David Steele, Bill Winters, George Simon, Jed Pidcock, Scott Zanotti

Board Members Absent: Gurney Wike

Council Present: None

Staff Present: Sherry Ashley, Lori Deal, Christopher Hooper, Marci Sigmon

Others: Leah Messick – City Attorney

Media: 0

Chairman Steele called the meeting to order.

Approval of minutes

Winters made a motion to approve the January 7, 2025 Board of Adjustment meeting minutes as presented, seconded by Simon. The motion carried unanimously.

Chairman Steele explained the quasi-judicial meeting process and stated a 4/5 majority is required for variance approval. Steele swore in all those present who planned to speak during the hearing.

Steele declared the public hearing open.

V25-02; A request filed by Betsy Swan on behalf of Southern Distilling for a variance from the Statesville Unified Development Code, *Section 6.07 Sign Regulations, Subsection L – On Premises Interstate Vicinity signs*, which allow only the trade name logo of the product or business advertised. The petitioner's request is for an electronic message board (EMC) to be permitted on an Interstate Vicinity Sign.

Christopher Hooper gave the following Staff Report:

Background Information

- The subject property is located at 211 Jennings Road, PIN: 4747-82-7356 is approximately 19.88 acres in size (*Exhibit 1 – Location Map, Exhibit 2 – Site Photos*);
- The property is owned by Barger Properties, LLC (*Exhibit 3- Property Deed from 2016, Exhibit 4- Deed of Trust from 2021*);

- The subject property is partially located within the City of Statesville's B-5 (General Business) District, and the County of Iredell's GB CUD and RA Districts (*Exhibit 5- Zoning Map*);
- The variance application was submitted by Betsy Swan on March 11, 2025 (*Exhibit 6 – Application*).

Variance Request

The petitioner, Betsy Swan, is requesting one variance for parcel 4747-82-7356. The requested variance is as follows: To permit an electronic message board (EMC) on an Interstate Vicinity Sign (IVS) in the B-5 Zoning District.

Review

This property is split zoned, with part located within the City of Statesville's jurisdiction, the other part located in Iredell County's jurisdiction. This property is currently occupied by Southern Distilling Co. (*Exhibit 1 – Location Map, Exhibit 2 – Site Photos*). The petitioner bought this property on February 9, 2016 (*Exhibit 3- Property Deed from 2016*).

Per the Statesville Unified Development Code, the use of an ECM is not allowed on an IVS in any part of the City. The sign shall display only the trade name logo of the product of the business advertised along an interstate. (*Exhibit 7 – UDC Section 6.07, Subsection L*)

IVS are only allowed in B-1, B-2, B-3, B-4, & B-5 Zoning Districts. Properties must be within 1,000 feet of the Interstate Right-of-Way. The trade name and logo of the product of the business advertised is the only information allowed on an IVS. This property is zoned B-5 therefore the max height of an IVS allowed is 80 feet, and the maximum size allowed is 200 square feet.

The petitioner seeks to allow the use of EMC sign on an IVS on the commercial property located at 211 Jennings Road (PIN: 4747-82-7356). The petitioner states the proposed sign will not create a nuisance to any nearby properties and will be an attractive enhancement to the neighborhood. The petitioner further states granting the variance request will support and enhance the Jane Sowers North Gateway area by becoming an iconic sign for this area. Additionally, the petitioner states the sign will provide for an effective sign in the B-5 District and will not dominate the appearance of the area. Finally, the petitioner has represented allowing the EMC would be following the company's right of free speech. (*Exhibit 6 –Application*). Currently, this parcel has two signs advertising their business, and both signs currently meet Code. Granting the variance request will directly conflict with the Code which states EMC signs are a prohibited use on an IVS.

The petitioner contends that without the variance the company would not be able to exercise their right of free speech. Per the petitioner, the sign will become iconic for the area and will not dominate the appearance of the area. The petitioner states not allowing this sign would be an injustice. Staff's recommendation is to not allow EMCs on an IVS, thereby maintaining the intent of the ordinance. (*Exhibit 8 –Purpose Statements*).

Alternatives

Based on the presented evidence staff recommends denying the variance request for the following reasons:

Options:

- 1- The petitioner can replace the IVS with a Monument Sign that includes an EMC if it does not exceed 32 square feet in size and is no greater than 12 feet in height. The property could have two monument signs: one along Jennings Road, and one along I-77.
- 2- The petitioner can increase the size and height of the current IVS to increase visibility and legibility.
- 3- The petitioner may be able to place additional signage on the property under Iredell County's jurisdiction. Due to the unusual circumstances of this property being split zoned, this may allow for additional signage, pending Iredell County's regulations.

Staff Findings of Fact:

- Unnecessary hardship would result from the strict application of the regulation.
 - False: The property can have an EMC on a monument sign provided the current IVS sign is removed and the monument sign meets the size and height of the sign code.
- The hardship results from conditions that are peculiar to the property.
 - False: The right-of-way for I-77 is over 300+ feet. All properties along the interstate observe this distance. This property is not unique.
- The hardship did not result from actions taken by the applicant or the property owner.
 - False: The applicant has the option for a monument sign with an EMC.
- The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved.
 - False: Code is clear on what information is allowed on an IVS. Larger signs along the interstate are Billboard Signs.

Steele asked if an electronic sign would be allowed if it is lowered and what square footage would be allowed and Hooper stated 32 sq. ft. is allowed for a smaller electronic, monument sign and up to 12 feet in height. Steele asked if an electronic sign is allowed on the interstate vicinity sign and Hooper stated no. Simon asked if a billboard can be erected and Hooper stated new billboards are no longer permitted and existing billboards are grandfathered. Steele asked if that applies to billboards on the Iredell County portion of the property and Hooper stated he does not know the county rules. Simon asked if a sign can be placed on the county portion and Hooper stated yes based on the county regulations. Sherry Ashley, Planning Director stated for clarification we do not know the county's regulations and cannot confirm if the county will or will not allow a billboard.

Chairman Steele asked for anyone to speak in favor of the variance.

Pete Barger, Founder of Southern Distilling, stated he and his wife founded the company 12 years ago and are requesting a variance because they are trying to solve a business problem. More than 75,000 cars per day go by their facility and many do not know what their business is, the present sign is static, and it does not provide information about them. Their intention is to promote and build a local, family business and promote the city.

Simon asked if he has contacted Iredell county about a billboard or a sign and Barger stated yes and it is unsettled if a billboard would be granted, but they want a sign similar to Randy Marion's electronic signs. Simon asked if the County Code is the same as the City Code and Barger stated he does not know. Simon asked if the county allows a larger sign, would he remove the current

sign and Barger stated he does not need a larger sign he needs an educational sign to let people know who and what they are. Simon asked if the proposed sign is allowed on the county portion of the property would he remove the current sign and Barger stated no because it is not in front of the building and the trees on the north side block the view of the sign and he does not own the property to the south.

Betsy Swan, Executive Director of Client Development with Allen Industries, stated they are a 94 year old national sign company that build and ship signs around the world. What Mr. Barger has requested is not unusual and he is trying to bring in more business and an electronic message center (EMC) gives an idea of what is sold in this business. A billboard to the north will require cutting down trees to make it visible, the current location is visible from the interstate, so they would like to make it taller and add the EMC.

There were no questions for Ms. Swan.

James Carpentier, with International Sign Association stated the proposal is a 25' sign, the round logo is about 78.5 sq. ft. and the message center is 104.63 sq. ft. for a total of 183.13 sq. ft. The proposed sign meets the height and allowable sign area in the B-5 district and an interstate vicinity sign (IVS) is 65' tall and 200 sq. ft., so the variance request is to allow an electronic message board on an IVS sign in the B-5 zoning district that exceeds 32 sq. ft. Carpentier presented photos of the existing monument sign on Jennings Road and the existing IVS sign alongside the proposed sign with the electronic message center from I-77. The proposed electronic message board (EMB) is to follow recommended illumination best practices and existing code has outdated standards. The brightness is proposed to operate at standards recommended by the International Sign Association and adopted by Brunswick County, Clayton, and Wake County. Automatic dimming is proposed for brightness to adjust automatically from day to night so it will not be too bright and the brightness is similar to a standard, static sign. It will operate with a 15 second hold time with instant message changes and static so it will not be considered a flashing sign as defined in the code. The EMB will only display onsite product and service messages so it will not be considered a billboard. Carpentier quoted page 80 of the Land Development Plan (LDP) the City's role in supporting economic development "Supporting expansion of the local economy is the leading component of this Plan's vision framework and the City should leverage available tools to ensure future economic success". This proposal will support and enhance Southern Distilling and the Jane Sowers north gateway. He also quoted from page 80 of the LDP "Improving the quality of life amenities and the visual appearance of the city, particularly community gateway corridors, is an important part of improving the city's economic competitiveness" and this proposal will enhance the Jane Sowers north gateway area.

Carpentier addressed each finding of fact

1. Unnecessary hardship would result from the strict application of the regulation – the hardship is due to the 110' setback of the sign from the closest travel lane on I-77 and the tree line north and south of the site limit visibility and legibility. The right of way north of Highway 21 is about 300' and south of Hwy 21 is 200' which is particular to the parcel located north of Hwy 21 that has an additional 50' right of way setback of on each side of the freeway and is a physical constraint. The code allows EMB conversions for billboards in the B-5 district. The city does not allow on-premise EMB's in the B-5 district, which favors speech that is off-premise and disfavors speech that is on-premise and supports local business.

2. The hardship results from conditions that are peculiar to the property – the hardship is due to the increased setback and the north and south tree lines.
3. The hardship did not result from actions taken by the applicant or the property owner.
4. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved – The proposed sign is designed, constructed, installed, and maintained so public and traffic safety are not compromised. It will enhance public safety by increasing visibility and legibility. Promote positive sign communication and avoid nuisances to nearby properties. It will support and enhance the Jane Sowers gateway and provide an effective sign in the B-5 district that does not dominate the area. The City of Statesville will ensure that the guaranteed constitutional right of free speech is protected.

Carpentier stated the alternatives proposed by staff are not feasible since the sign area and height of a monument sign is ineffective and illegible from the freeway. The additional area will not make a difference and increasing the sign height will not enhance visibility. Signage on the Iredell County portion is not feasible or practical because the allowable sign area in the GB CUD and RA is 72 sq. ft. and a sign height of 18' is less than what is allowed in the city code and the sign will be closer to the north and south tree lines.

Carpentier stated they disagree with the staff findings of fact listed above. Therefore, this proposal meets and exceeds the four criteria needed for a variance and complies with the Land Development Plan and sign regulations' purpose and we request your approval.

There were no questions for Mr. Carpentier.

Simon asked how freedom of speech applies to this request and Messick stated freedom of speech is guaranteed by the first amendment of the constitution of the United States and the court system has analyzed when local government regulations for sign ordinances can infringe upon the freedom of speech. Municipalities are generally allowed to regulate the location and the size of signs but are not allowed to regulate content of the sign. The court system allow us to say what signs are suitable for what locations. We can regulate the manner of the speech, where the sign is located and the size of the sign, but we cannot regulate any content.

Being no one to speak against granting the variance, Chairman Steele declared the public hearing closed.

Chairman Steele reviewed the following variance checklist questions to review the findings of fact.

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

	True	False		True	False	TOTAL	
Winters	X		Zanotti	X		True	5
Simon	X		Pidcock	X		False	0

Steele	X *					
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* Note - Vote was changed by Steele from false to true.

Explanation:

Winters – A 32 sq. ft. sign at a height of 12 ft. serves no purpose and the proposed sign would be a benefit to the business.

Simon – The sign does not fit into the congested area on I-77 South, but there is not much of a change in width and height.

Steele – ~~The hardship is strictly for this business, it is not in compliance with the code, every other business has the same rules to follow, therefore it is not a hardship particular to this business.~~

Vote was changed by Steele.

Zanotti – Agrees with Winters and Simon and it is a hardship particular to this business and the size of the sign does not add much more and falls within the square footage of the regulation.

Pidcock – The visibility of the sign creates a unique situation due to the tree line.

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. *Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.*

	True	False		True	False	TOTAL	
Winters	X *		Zanotti	X		True	4
Simon		X	Pidcock	X		False	1
Steele	X						

* Note - Vote was changed by Winters from false to true.

Explanation:

Winters – ~~There is nothing peculiar about the land that prevents the sign requested. The problem is the code.~~ **Vote was changed by Winters.**

Simon – Same as explanation as Winters.

Steele – The topography and the distance from the interstate makes the smaller size unworkable.

Zanotti – In addition to the distance from the interstate, the wooded lot to the south that cannot be controlled impacts the sign's sight line.

Pidcock – Due to the split county and city zoning of the property, the tree line, and the sign would be located farther back from the interstate.

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

	True	False		True	False	TOTAL	
Winters	X		Zanotti	X		True	5
Simon	X		Pidcock	X		False	0
Steele	X						

Explanation:

Winters – No explanation given.

Simon - No explanation given.

Steele – The code is the hardship and not any action taken by the applicant.

Zanotti – No explanation given.
Pidcock - No explanation given.

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

	True	False		True	False	TOTAL	
Winters	X		Zanotti	X		True	5
Simon	X		Pidcock	X		False	0
Steele	X						

Explanation:

Winters – It is consistent with the spirit.

Simon - No explanation given.

Steele – It is consistent with the spirit, though not the letter of the area, but is consistent with the spirit and the goals of the code as outlined in the presentation.

Zanotti – No explanation given.

Pidcock - No explanation given.

Simon asked if a false vote of three to two can still approve the request and Messick stated all four elements have to be true for an individual to vote yes. If there was a false vote to any of the standards the vote is no. Steele stated there were some false votes and unless members want to change their votes the request cannot be approved. Messick clarified that each member must find all four elements true to vote yes to approve and if one element is false the vote to approve is no. The law requires all four elements to be true for a vote to be yes. Winters asked if votes can be changed and Messick stated if an individual has changed their mind about a specific element the elements can be discussed again.

Steele asked for discussion of element 1. Unnecessary hardship would result from the strict application of the regulation. Steele stated he looked at all the potential people that live or work near the interstate that it would not be an unnecessary hardship for them because the same rules are applied for everyone. Because of the size of the business, the distance from the interstate, and the need to make people aware of what they do, I have reconsidered and am changing my vote to true.

Steele asked for discussion of element 2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Steele stated he voted true because it is a large property with a variety of business interests and a low sign is too much of a hardship. Winters stated topography is changes in elevation and Messick stated under the law it is beyond topography. The applicant presented a tree line problem and that makes their property unique. Winters stated the issue is the code not necessarily the property, but he is in favor of approving the request and will change his vote to true. Steele stated his vote can be changed based on the size rather than topography and Messick stated it could be based on the size or the trees. Pidcock stated he looked at it from the location because of Iredell County and City of Statesville zoning on the same property.

Winters made a motion based on the findings of fact to approve the variance request to allow an electronic message board on an interstate vicinity sign, seconded by Pidcock. The motion carried 4-1 with Simon not in favor.

Chairman Steele stated the meeting is adjourned and will move to closed session.

Staff Report

To: Board of Adjustment Members
From: Matthew Kirkendall, Senior Planner
CC: Sherry Ashley, Planning Director
Date: July 22, 2025
Re: V25-03; E. Greenbriar Rd. between Pecan St. and Industrial Dr.; Tax Map
4744-91-9703

Background Information

- The variance application was submitted by Marshall Casselman on June 30, 2025 (*Exhibit 1 – Variance Application*).
- The subject property is located along E. Greenbriar Rd. between Pecan St. and Industrial Dr. (*Exhibit 2 – Location Map and Exhibit 3 – Site Photo*);
- The subject property is located within the R-8MF (Medium Density Multi-Family Residential) District (*Exhibit 4 – Current Zoning Map*);
- The property is owned by Throwback Properties (*Exhibit 5 – Property Deed*);
- The subject property is approximately 0.38 acres in size (*Exhibit 6 – Minor Subdivision Survey*);

Variance Request

The petitioner, Marshall Casselman, is requesting to subdivide his parcel (PIN: 4744-91-9703) into two individual lots. In order to do so, the petitioner needs two variances from the minimum lot width of 70 feet for the R-8MF zoning district (Section 3.04.I., of the Statesville Unified Development Code). The requested variances are to reduce the minimum lot width from 70 feet to 50 feet to create 2 new lots (*Exhibit 6 – Minor Subdivision Survey*). Mr. Casselman states in his application that the lots surrounding the subject lot on both sides are 50 feet wide. He states that allowing the variance would keep the subject lot in line with surrounding properties. This restriction (70ft. lot widths) would prevent them from maximizing the property's potential, while also limiting much needed affordable housing. Hardship is due to size; parcel was originally two lots and created as part of original subdivision (*Exhibit 1 Application*).

Review

This parcel is currently undeveloped (*Exhibit 3 – Site Photo*) and is located within the City of Statesville's city limits. City records indicate that this parcel was originally platted as two lots in 1933 (*Exhibit 7 – Plat Book 1, Page 39*). Since that time, the lots were combined into 1 parcel. The Unified

Development Code is clear that substandard lots must be recombined so that it becomes compliant with the city's current standards. This is probably the reason it is currently one parcel.

Section 1.05 Exemptions, B. 2. f. of the Unified Development Code allows some exemptions as follows:

f. A residential lot approved by (a) the Planning Board of the City of Statesville on a final plat or on a preliminary plat and where in reliance upon such preliminary approval substantial improvements have been made upon the ground prior to the effective date of this ordinance, or (b) a lot approved by the Iredell County Planning Board on a final plat or on a preliminary plat and where in reliance on such preliminary approval substantial improvements have been made prior to being annexed into the City, or (c) a lot recorded in the office of the register of deeds of Iredell County, prior to May 1, 1972, and which lot did not receive approval as described in (a) or (b) above and which does not comply with the dimensional requirements for the applicable district in which such lot is located, as provided for in [Article 3](#) and [Article 6](#) of this ordinance, may be used for any use provided for in the applicable districts, subject to the following:

(1) For the purpose of placement of a principal residential structure on lots described in (a) or (b) above, the minimum setbacks which were applicable to such lots at the time such lots received approval from the planning authority which granted approval shall be observed. All other structures proposed on such lots shall meet all requirements of this ordinance. Lots described in (a), (b) or (c) above shall meet all requirements of this ordinance for the district in which such lot is located for the placement of any structure proposed on such lot.

(2) When two (2) or more adjoining lots as described in (a), (b) or (c) above are in one (1) ownership after the adoption of this ordinance, and each lot is deficient in width and area for the district in which the lots are located, such lots shall be combined to create one (1) or more lots that will meet the requirements for lot width and lot area for the applicable district.

Again, the applicant would like to subdivide the subject parcel (PIN: 4744-91-9703) back into two lots. The required minimum lot size in the R-8MF zoning district is 8,000 square feet and each lot must be at least 70 feet wide. The existing lot is only 100 feet wide, and therefore, unable to meet the required lot width. Two variances are being requested to reduce the lot width from 70 ft. to 50 ft. for each lot.

Alternative

Based on Section 1.05, B. 2. f., the properties must be combined to meet the city's standards. Currently the property can be used for one single-family home. This section was put into place so that there would be fewer non-conforming lots throughout the city.

Article 4 Non-conforming Situations states:

Section 4.01 - Purpose

The purpose of this Article is to permit the use of structures and land that were lawful prior to the adoption of this Code or subsequent amendment, but which are prohibited, or restricted under the provisions of this Code or subsequent amendment. **These non-conforming uses shall**

be allowed to continue in conformance with the regulations stated herein. Such uses are declared incompatible with the uses allowed in the underlying zoning district, and are therefore not encouraged to continue.

Section 4.02 - Non-Conforming Vacant Lots

A parcel of land with area or lot dimensions that are smaller than required for the applicable zoning district may be used for any purpose permitted in the zoning district if:

A. Conformance: The parcel was lawful at the time it was created, with any lot created after May 1, 1972 complying with City subdivision regulations, except as provided in [Section 1.05](#), B.2.e; and

B. Alternatives: No reasonable alternative exists to make the lot conforming, such as the addition of adjoining land under the property owner's control; and

C. Compliance with Other Regulations: The use meets all minimum requirements of the district for setbacks, height and all other regulations prescribed for the zoning district; and

D. Safety: The land can be developed in a safe manner and has access to necessary utilities.

Therefore, the variances should be denied.

Staff Exhibits

Exhibit 1 – Variance Application

Exhibit 2 – Location Map

Exhibit 3 – Site Photo

Exhibit 4 – Current Zoning Map

Exhibit 5 – Deed

Exhibit 6 – Minor Subdivision Survey

Exhibit 7 – 1933 Plat Book 1, Page 39

Exhibit 8 – Variance Request Analysis



PO Box 1111 Statesville, NC 28687

To: Applicant

From: Planning Department

Subject: Board of Adjustment - Variance/Appeal Application

Applications for a variance/appeal must be completed in full and returned to the Planning Department, along with a \$600.00 non-refundable application fee, 30 days prior to the first Tuesday of the month, which is the regular meeting date for the Board of Adjustment.

Additional items needed:

- ☒ Metes and bounds description of the property (or portion of property). A recorded deed is sufficient, if the deed describes only the subject property.
- ☒ The ownership, taken from the Iredell County GIS system, of all adjacent properties, including all parcels across rights-of-way and/or other separations from the subject parcel(s).
- ☒ Site Plan/Elevations/Photographs: 12 folded copies of any plans that are larger than 11" x 17" or contain color.

***** If any of the above requirements are not presented at the time of submittal of application, the application will not be accepted due to incompleteness. *****

VARIANCE/APPEAL # _____

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

1. Street Address/Location of Request: 00 E. Greenbriar Rd, Statesville, NC 28677

2. Owner: _____ Phone #: _____

Address: 00 E. Greenbriar Rd, Statesville, NC 28677
Street City State Zip

3. Applicant: Throwback Properties, LLC Phone #: 704-774-0308

Address: 5007 Monroe Road, STE 200, Charlotte, NC 28205
Street City State Zip

4. Tax Parcel Number: 4744919703

5. Zoning District: R-8MF

6. Present Use: detached, single family residences and related accessory uses.

7. Please indicate the section(s) of the Ordinance that is relevant to your variance request/appeal: Section I: R-8MF Medium Density Multi-Family Residential District

8. Description of request:

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

N/A

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

The reason for the variance request is to subdivide the subject lot into two smaller lots measuring 50 feet wide at the street

The lots surrounding the subject lot on both sides are all 50 feet wide at the street

Allowing this variance would keep the subject lot in line with the surrounding properties

The intended use would be to put one single family home on each of the lots after subdividing

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)** ; Any hardship arising from the current zoning restrictions would leave us unable to utilize

. the property in a manner consistent with the neighborhood, where all other lots are already 50 feet wide

This restriction would prevent us from maximizing the property's potential, while also limiting much-needed affordable housing options in our community.

- 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)**;

This hardship does directly result from a condition that is peculiar to the property, and that is its size as .

compared to the surrounding lots. Granting this variance would allow continued uniformity on this street. .

- 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)**;

This hardship did not result from any action taken by the applicant, as the lot width was previously

created by prior subdivisions of the land along Greenbriar Road

- 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)**.

The requested variance is consistent with the spirit, purpose and intent of the ordinance
in that its intent is to continue to accomodate low density single family residential
development by providing two single fmaily homes that will be consistent with the lots and homes
on Greenbriar Road.

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: _____

Applicant Signature: Marshall Casselman

Type or print name here: Marshall Casselman, Member/Manager for Throwback Properties, LLC

Neighboring Parcels

Owner	Parcel Number	Street Address
Joaquin Saldana and Eva Cayetano	4744919781	1820 E GREENBRIAR RD
Doris Crosby	4754010731	1822 E GREENBRIAR RD
Helen G. Morrison	4744918734	E GREENBRIAR RD
John Irving EST	4744917784	1818 E GREENBRIAR RD
CITY OF STATESVILLE	4754020195	1833 E GREENBRIAR RD
Toron M. Thomas, Et. Al.	4744916983	1809 E GREENBRIAR RD
CITY OF STATESVILLE	4744915908	E GREENBRIAR RD

E Greenbriar Rd

E Greenbriar Rd

PB 1-39

E Greenbriar Rd

2320

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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:

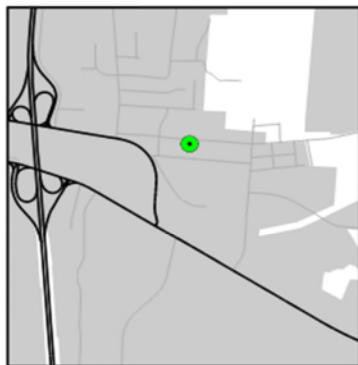
- a. Dimensions including height, width, length, and area.
- b. In the case of signs, the elevation should also indicate the exact appearance of the sign, whether or not it is illuminated, and the type of illumination.

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

Checked By: _____ Date: _____

**City of Statesville
Planning Department**

V25-01 E Greenbriar Road
4744-91-9703



0 1,250 2,500 Feet
1:18,750



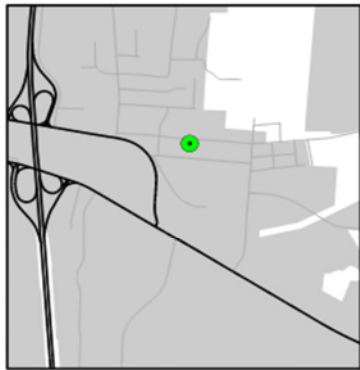
Location Map – V25-03 E Greenbriar Road



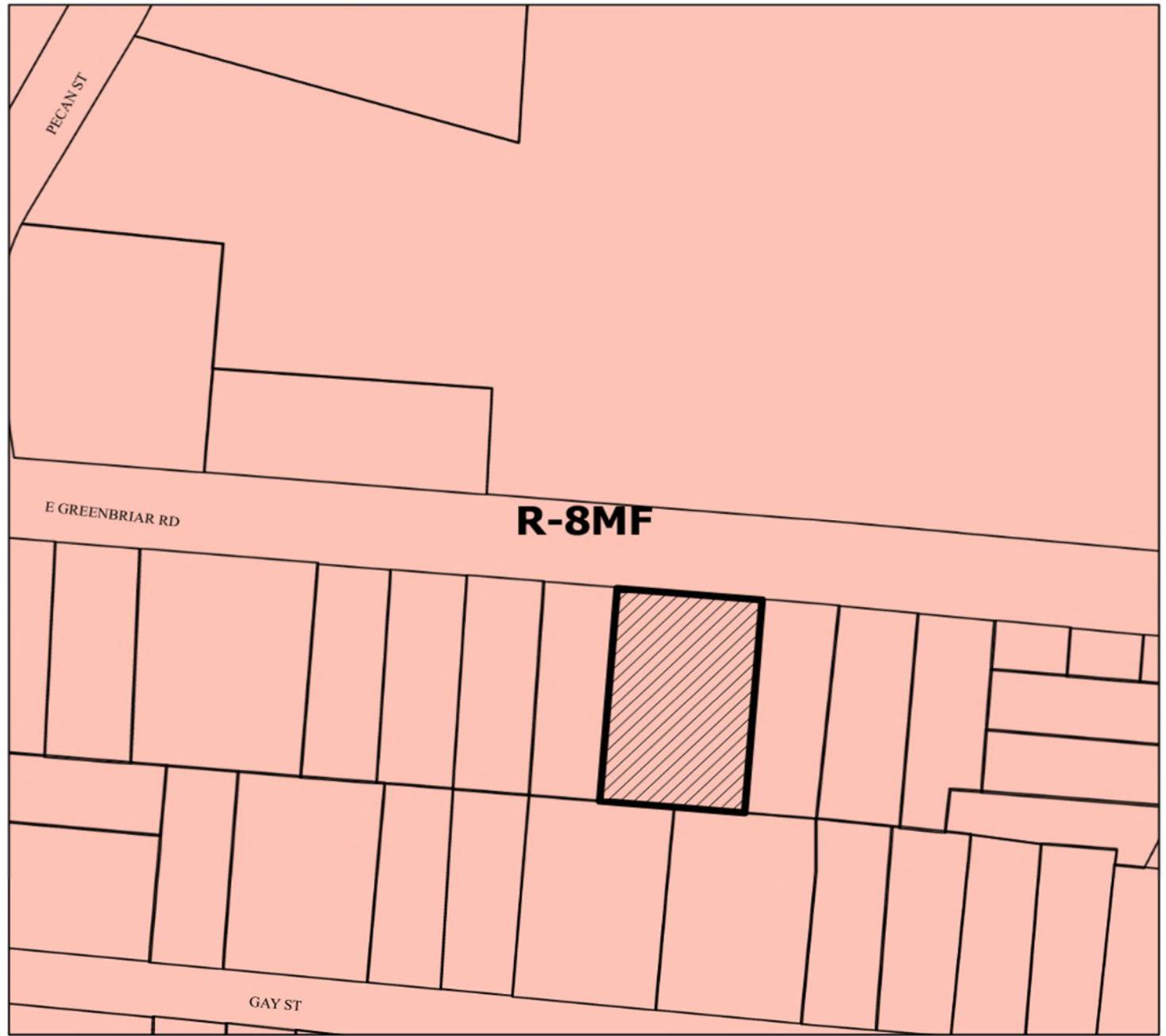
Site Photo – V25-03 E Greenbriar Road.

**City of Statesville
Planning Department**

V25-01 E Greenbriar Road
4744-91-9703



0 1,250 2,500 Feet
1:18,750



BK 3144 PG 699 - 707

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$72.00Parcel Identification No. 4744-91-9703-000Title Insurance Company: Integrated Title ServicesMail/Box to: Throwback Properties LLC, PO Box 78591, Charlotte, NC 28271This instrument was prepared by: Hankin & Pack PLLC - NC, 5955 Carnegie Boulevard, Suite 350, Charlotte, NC 28209Brief description for the Index: LOTS ONE (1) & TWO (2) W. A. BRISTOL BELMONT PROPERTYTHIS DEED made this 14 day of May, 2025 by and between

GRANTOR

Michael Gordon Peele, a single man, Robin Stephenson, a widower, Felica Cedeno, a single woman, and Claude Enoch and Teaka Enoch, a married couple, being the Intestate Heirs of Fred L. Peele

Mailing Address:
 9021 Cheval Lane
 Upper Marlboro, MD 20772

GRANTEE

Throwback Properties LLC, a North Carolina Limited Liability Company, as tenants in common

Mailing Address:
 PO Box 78591
 Charlotte, NC 28271

Property Address:
 00 E Greenbriar Road
 Statesville, NC 28677

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 or condominium unit situated in the City of Statesville, Iredell County, North Carolina and more particularly described as follows:

submitted electronically by "Hankin & Pack, PLLC"
 in compliance with North Carolina statutes governing recordable documents
 and the terms of the submitter agreement with the Iredell County Register of Deeds.

A parcel of land located in the Village of Belmont, East Statesville, N.C., and being a part of the W. A. Bristol Property as recorded in Plat Book 1, Page 39, Iredell County Register of Deeds, and being Lots (Numbers) One (1), Two (2), and Three (3) as shown on said Plat, and more particularly described as follows:

BEGINNING at a stake on the South margin of the Murdock Road, John Ervin's corner, and runs with his line South 4 deg. West 168 feet to said Ervin's corner; thence South 88 deg. East 150 feet to an iron stake, a new corner; thence North 4 deg. East 168 feet to a stake on the South margin of Murdock Road; thence with the South margin of said road North 88 deg. West 150 feet to the BEGINNING.

THERE IS EXCEPTED FROM THE ABOVE PROPERTY ALL OF LOT NUMBER THREE (3) of the W. A. Bristol Property which was conveyed by L. L. Brown and wife, Helen Brown, to L. O. White in Deed dated August 12, 1950, and recorded in book 215, Page 96, Deed Records of Iredell County.

Property conveyed to Fred L. Peele by deed recorded in Book 886 at Page 1878. Fred L. Peele died intestate 9/15/2003 leaving as heirs, Michael Peele, Robin Stephenson, Felicia Peel, Teaka Enoch.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 886 Page 1878.

All or a portion of the property herein conveyed _____ includes or XX does not include the primary residence of a 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 is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Easements, Restrictions and Right of Way of Record.
Ad Valorem Taxes for Current Year

IN WITNESS WHEREOF, the Grantor has duly executed as of the day and year first above written.


Michael Gordon Peele

Robin Stephenson

Felicia Cedeno

Claude Enoch

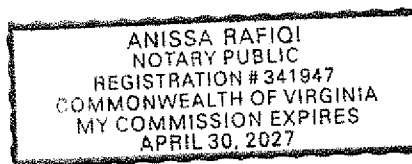
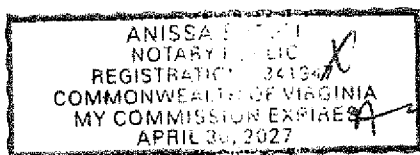
Teaka Enoch

STATE OF Virginia
COUNTY OF Fairfax

I, ANISSA RAFIQI, Notary Public, do hereby certify that Michael Gordon Peele personally appeared before me this day and acknowledged the due execution of the foregoing instrument.
Witness my hand and official seal this 15 day of May, 2025.

Anissa Rafiqi
Official Signature of Notary
Printed or typed name of Notary ANISSA RAFIQI

My Commission Expires: 4-30-2027



A parcel of land located in the Village of Belmont, East Statesville, N.C., and being a part of the W. A. Bristol Property as recorded in Plat Book 1, Page 39, Iredell County Register of Deeds, and being Lots (Numbers) One (1), Two (2), and Three (3) as shown on said Plat, and more particularly described as follows:

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The property hereinabove described was acquired by Grantor by instrument recorded in Book 886 Page 1878.

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And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Easements, Restrictions and Right of Way of Record.
Ad Valorem Taxes for Current Year

IN WITNESS WHEREOF, the Grantor has duly executed as of the day and year first above written.

Michael Gordon Peele



Robin Stephenson

Felicia Cedeno

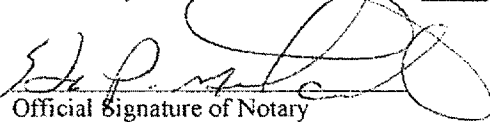
Claude Enoch

Teaka Enoch

STATE OF North Carolina
COUNTY OF Hertford

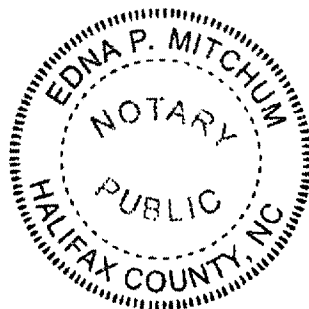
I, Edna P. Mitchum Notary Public, do hereby certify that Robin Stephenson personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 15 day of May, 2025.



Official Signature of Notary
Printed or typed name of Notary

My Commission Expires: 10/26/26



A parcel of land located in the Village of Belmont, East Statesville, N.C., and being a part of the W. A. Bristol Property as recorded in Plat Book 1, Page 39, Iredell County Register of Deeds, and being Lots (Numbers) One (1), Two (2), and Three (3) as shown on said Plat, and more particularly described as follows:

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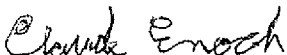
Easements, Restrictions and Right of Way of Record.
Ad Valorem Taxes for Current Year

IN WITNESS WHEREOF, the Grantor has duly executed as of the day and year first above written.

Michael Gordon Peele

Robin Stephenson

Felicia Cedeno




Claude Enoch



Teaka Enoch

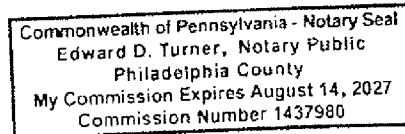
STATE OF Pennsylvania
COUNTY OF Philadelphia

I, Edward D Turner, Notary Public, do hereby certify that Claude Enoch and Teaka Enoch personally appeared before me this day and acknowledged the due execution of the foregoing instrument.
Witness my hand and official seal this 14th day of May, 2025.



Official Signature of Notary
Printed or typed name of Notary

My Commission Expires: 08-14-27



A parcel of land located in the Village of Belmont, East Statesville, N.C., and being a part of the W. A. Bristol Property as recorded in Plat Book 1, Page 39, Iredell County Register of Deeds, and being Lots (Numbers) One (1), Two (2), and Three (3) as shown on said Plat, and more particularly described as follows:

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Easements, Restrictions and Right of Way of Record.
Ad Valorem Taxes for Current Year

IN WITNESS WHEREOF, the Grantor has duly executed as of the day and year first above written.

Michael Gordon Peele

Robin Stephenson



Felicia Cedeno

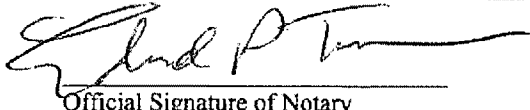
Claude Enoch

Teaka Enoch

STATE OF Pennsylvania
COUNTY OF Philadelphia

I, Edward D Turner, Notary Public, do hereby certify that Felicia Cedenó personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

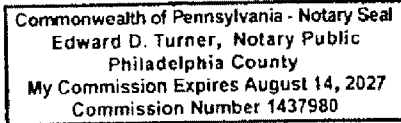
Witness my hand and official seal this 17th day of May, 2025.



Official Signature of Notary

Printed or typed name of Notary

My Commission Expires: 08-14-27



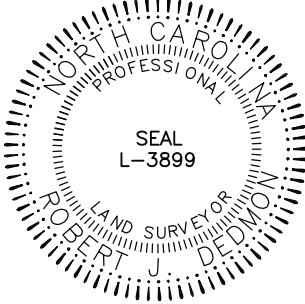
Certificate of Survey and Accuracy

I, Robert J. Dedmon, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 886-1878) ; that the boundaries not surveyed are clearly indicated as drawn from information found in Book , page ; that the ratio of precision as calculated is 1: 10,000; that this plat was prepared in accordance with G.S. § 47-30 as amended. Witness my original signature, registration number and seal this 25th day of November, 2024.

I further certify that this survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.

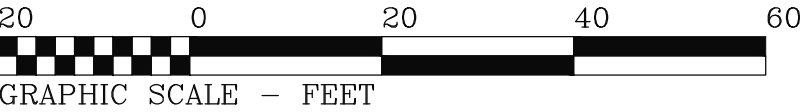
Robert J. Dedmon
Surveyor & License No. LIC #3899

PRELIMINARY
FOR REVIEW

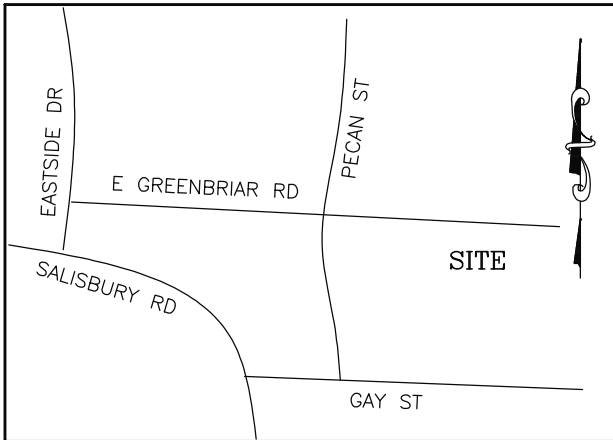


LEGEND

- R\W RIGHT-OF-WAY
- E\P EDGE OF PAVEMENT
- C\L CENTERLINE
- PDE PUBLIC DRAINAGE EASEMENT
- SSE SANITARY SEWER EASEMENT
- UTILITY POLE
- LIGHT POLE
- OVERHEAD UTILITY LINE
- FENCE
- R\W LINE
- BOUNDARY LINE



VICINITY MAP



NOTES:

- * PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED RIGHTS OF WAYS OR EASEMENTS NOT OBSERVED
- * OWNER TO VERIFY ALL SETBACKS AND ZONING REGULATIONS PRIOR TO ANY PLANNING OR CONSTRUCTION.
- * DIMENSIONS OF ALL IMPROVEMENTS SHOWN ON THIS PLAT SHOULD NOT BE SCALED OR RELIED UPON FOR DESIGN OR CONSTRUCTION WITHOUT A FIELD VERIFICATION OF ALL DIMENSIONS.
- * DIGITAL COPIES OF THIS FILE ARE FOR REFERENCE ONLY AND MAY NOT BE USED FOR DESIGN WORK.
- * PROPERTY CORNER MARKERS ARE FOUND CORNERS UNLESS OTHERWISE NOTED AS "SET".
- * THIS PROPERTY IS NOT LOCATED IN A 100 YEAR FLOOD PLAIN, ACCORDING TO THE CURRENT FIRM MAP.

DEDMON SURVEYS

CHUCK POOVEY, PLS #3762
ROBERT DEDMON, PLS #3899
3704 NC HIGHWAY #16 NORTH
P.O. BOX 494 - DENVER, NC 28037
PHONE: 704/483/4908
LICENSE NO. C-0453
WWW.DEDMONSURVEYS.COM

NOVEMBER 26, 2024
SCALE: 1" = 20'

DB: 886 PG: 1878
DB: PG:
PB: 1 PG: 39

STATESVILLE INSIDE TOWNSHIP
IRECELL COUNTY, NC

SURV. BY: RD DRAWN: RD JOB# X24GR2

MINOR SUBDIVISION
FOR

THROWBACK
PROPERTIES, LLC

LOT #1 & LOT #2, PLAT BOOK 1-39
W.A. BRISTOL BELMONT PROPERTY
PIN 4744-91-9703

GRID NORTH



PRELIMINARY
FOR REVIEW

HELEN G. MORRISON
WB 19E-637

JOAQUIN SALDANA
& EVA CAYETANO
DB 3090-1081

MAMIE WHITESIDES
DB 735-895

SAUNDRA JOHNSON
DB 1515-933

LOT #1
0.191 AC +-
8321SF
ZONING: R-8 MFM

LOT #2
0.191 AC +-
8329SF
ZONING: R-8 MFM

SR 2320 - E GREENBRIAR RD
PUBLIC R\W

EDGE OF PAVEMENT

CENTERLINE OF ROAD

EDGE OF PAVEMENT

S 85°19'03"E
50.01'

S 85°19'03"E
50.01'

R\W MARGIN

PROPOSED DRIVEWAYS

PROPOSED NEW HOME

PROPOSED NEW HOME

TIE TO NGS MONUMENT "MAID"
N: 740,657.77 E: 1,448,808.52
SPC NC

3/4" PIPE

216.55'
N 84°42'04"W

1576.87' (GRID)
S 42°22'17"W

N 03°18'29"E

166.37'

N 03°18'53"E

166.53'

S 03°19'16"W

166.70'

#2 REBAR

50.00'

N 85°07'37"W

50.00'

N 85°07'37"W

#4 REBAR SET

32.22'

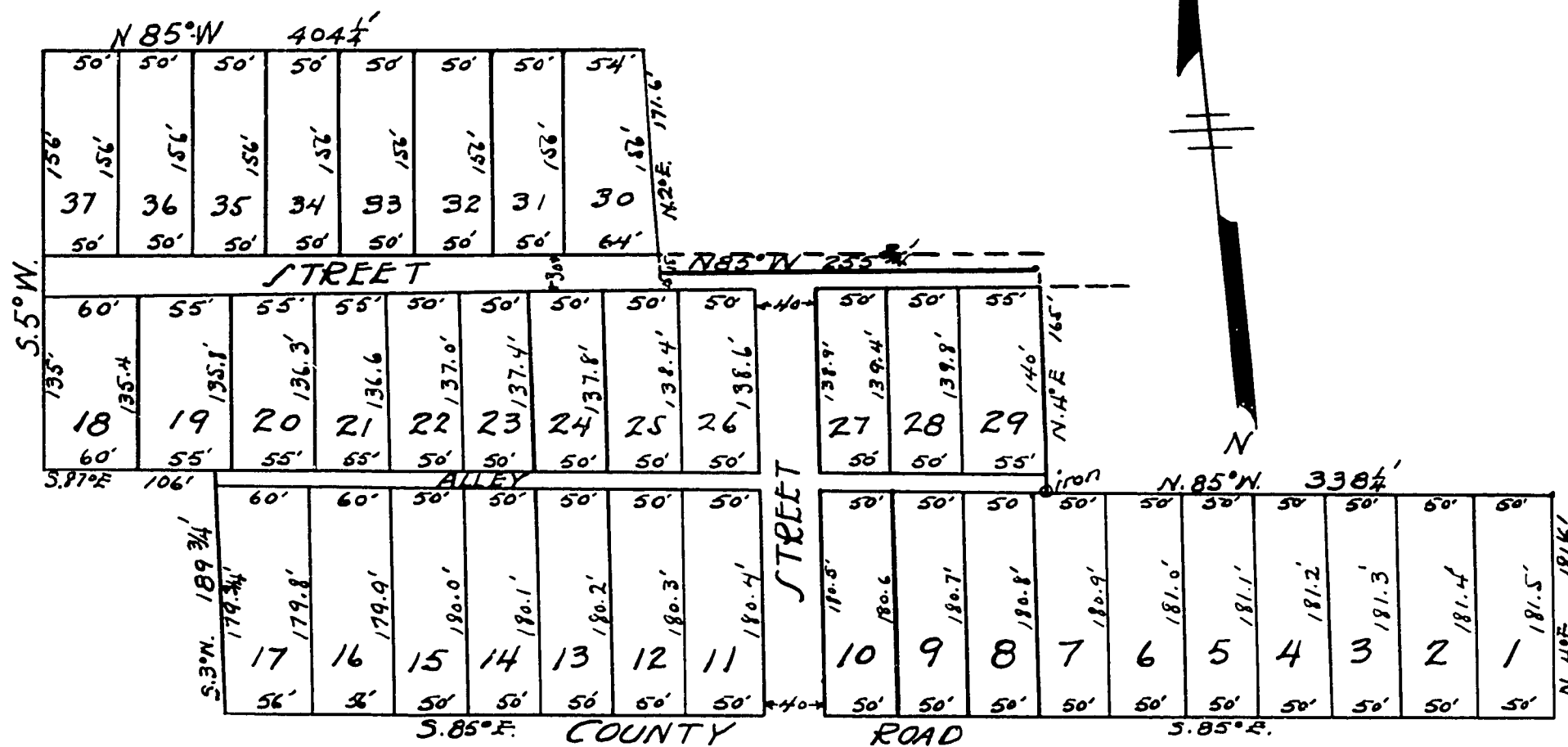
N 85°07'37"W

#4 REBAR AT FENCE CORNER

S 85°12'55"E

518.93'

TIE TO 1" PIPE



W.A. BRISTOL
BELMONT-PROPERTY
EAST STATESVILLE, N.C.
SURVEYED BY R.L. CRAWLEY C.E.
SCALE 1-IN. = 100 FT. MAR. 1st 1924

TRACED BY
GILBERT ENGINEERING CO.
1933.

North Carolina
Iredell County

R.L. Crawley being duly sworn, deposes and says, that he is a surveyor and that the map or plat hereto attached is in all respects a correct and accurate map and survey of W.A. Bristol's Belmont property known as a part of the Hoosier lands, made on the 23, day of April, 1924 and that the variation of the magnetic needle on the date of said survey was (Blank).

(Signed) R.L. Crawley, Surveyor.

Sworn and subscribed before me, this the 22, day of May 1924.

(Signed) J.W. Sharpe, Deputy Clerk of Superior Court.

North Carolina
Iredell County

The foregoing proof of the map or plat of W.A. Bristol's Belmont Property, known as a part of the Hoosier lands is adjudged to be in due form and according to law, therefore let said map together with the foregoing proof and acknowledgement of R.L. Crawley, surveyor, with this certificate be registered.

Witness my hand and seal, this the 22nd day of May, 1924.

(Signed) J.W. Sharpe, Deputy Clerk of Superior Court.

North Carolina
Iredell County

Page 39.

Filed for registration on May, 23, 1924, at 3:00 o'clock P.M. and registred in Book 1

(Signed) W.H. Morrow Reg. of Deeds.

Variance Request Analysis

UDC Section 2.11 / NCGS 160D-705(d)

When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the Board of Adjustment shall vary any of the provisions of the regulation upon showing each of the Conclusions of Law and Findings of Fact:

1. CONCLUSION: Whether unnecessary hardship would result from the strict application of the regulation. *(It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.)*

FINDINGS OF FACT:

Unnecessary hardship (maximizing property's potential) does not result from the application of the regulation. The property can be developed in compliance with the city code for 1 home on the existing property.

2. CONCLUSION: Whether the hardship results from conditions that are peculiar to the property, such as location, size, or topography. *(Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.)*

FINDINGS OF FACT:

There are no peculiar hardships such as location, size, or topography to the property. Other lots in this subdivision have been combined for this same reason per Section 1.05 Exemptions, B. 2. F. In addition Section 4.01 and 4.02 reemphasize this requirement.

3. CONCLUSION: Whether the hardship did not result from actions taken by the applicant or the property owner. *(The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.)*

FINDINGS OF FACT:

The property was bought as one lot on May 14, 2025. One home can be built on the property in compliance with the city's standards.

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

FINDINGS OF FACT:

The two variance requests are not consistent with the spirit , purpose and intent of Section 1.05, 4.01 and 4.02 of the Unified Development Code. The property can be developed with one home in compliance with the city's code. Substantial justice would not be achieved if the variance is granted because there are numerous substandard lots in the city and this would undermine the city's regulation.

The two variance requests are not consistent with the spirit , purpose and intent of Section 1.05, 4.01 and 4.02 of the Unified Development Code. The property can be developed with one home in compliance with the city's code. Substantial justice would not be achieved if the variance is granted because there are numerous substandard lots in the city and this would undermine the city's regulation.

Motion to Approve / Deny Request, made by, _____, Seconded by

Additional Findings of Fact Considered by the Board:

Conditions of Approval:

Vote on Motion

Motion: Approved/Denied
(Motion must receive 4/5 majority of the BOA Members)

Variance Checklist

UDC Section 2.11 / NCGS 160D-705(d)

When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the Board of Adjustment shall vary any of the provisions of the regulation upon showing all of the following:

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

		True	False		True	False	TOTAL	
							True	
							False	

Explanation:

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. *Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.*

	True	False		True	False	TOTAL	
						True	
						False	

Explanation:

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

	True	False		True	False	TOTAL	
						True	
						False	

Explanation:

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

	True	False		True	False	TOTAL	
						True	
						False	

Explanation:

Motion to Approve / Deny Request, made by _____, Seconded by _____

Additional Findings of Fact:

Conditions of Approval:

Vote on Motion

	True	False		True	False	TOTAL	
						True	
						False	

Motion: Approved / Denied
(Motion must receive 4/5 majority of the BOA members)