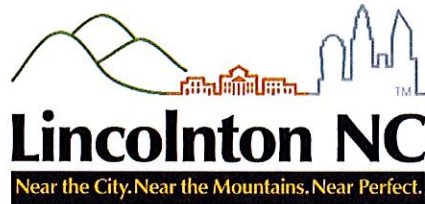


LINCOLNTON BOARD OF ADJUSTMENT
AGENDA
February 20, 2018
At 4:00 P.M. in City Council Chambers

1. Roll Call
2. Call to Order
3. Approval of Minutes from the January 16, 2018 meeting
4. **BOA-2-2018** – A Variance application from Jeff R. Hurt is for the subdivision of a single parcel of land. Once divided, one of the parcels will meet the minimum lot size of 10,000 SF and the second lot will not being 6,500 SF. The subject property is located on 527 North Flint Street (Parcel 15459).
5. **BOA-3-2018** – A Variance application from Glenda Garrison Richards is for an accessory structure on a residential parcel of land. The accessory structure will not meet the required side yard setback of 10 feet. The subject property is located at 6 Circle Drive (Parcel 22499).
6. Adjournment

BOA22018



**CITY OF LINCOLNTON
BOARD OF ADJUSTMENT**

PO DRAWER 617, LINCOLNTON, NC 28092

www.ci.lincolnton.nc.us

BOARD MEMBERS: Gene Poinette, Chair, poinetteg@charter.net; Änd Lynn, Vice-Chair, andmlynn@gmail.com; Becky Burke, beckyburke940@gmail.com; Jerry Hoffman, jlskhoffman@charter.net; Kathryn Yarbrow, kyarbro206@gmail.com

Tuesday, January 16, 2018 Meeting

Present: Änd Lynn, Jerry Hoffman, Jamel Farley, Worth Roberts, Becky Burke

Absent: Kathryn Yarbrow, Gene Poinette

Call to Order

Vice-Chairman Änd Lynn called the meeting to order and recognized that two members, Kathryn Yarbrow and Gene Poinette, were absent.

Approval of Minutes

Vice-Chairman Änd Lynn asked the Board if there were any additions or corrections to the minutes of the December 19, 2017 meeting.

Motion: Jamel Farley made a motion to approve the minutes. Becky Burke seconded. Motion carried unanimously.

BOA-1-2018

A Variance application from Billy E. Land is for the subdivision of a single parcel of land. Once divided the parcels will not meet the Minimum lot width (as measured at the required front yard setback) of 100 feet. The subject property is located on 596 Victory Grove Church Road (Parcel 19983).

Brett Hicks, Billy E. Land and Steve Fog were sworn in by Jean Derby.

Brett Hicks addressed the Board, noting the following:

The property (596 Victory Grove Church Road - Parcel ID 19983) is located south of Victory Grove Church Road, approximately 180 feet east of the intersection of Jessica Ann Road and Victory Grove Church Road. There is currently a single story bungalow (1,144 SF) and a carport

(308 SF) located on the property. Current use of the property is a single family and is currently zoned Residential-25 (R-25).

The variance request is to subdivide a single tract of land that does not meet the zoning requirement of Minimum lot width (as measured at the required front yard setback) of 100 feet and to add a single family dwelling on the property.

UDO Requirements

153.105 R-25 RURAL RESIDENTIAL DISTRICT.

(6) Minimum lot width (as measured at the required front yard setback).

(a) Churches, community centers, meeting facilities, schools, country clubs, bed and breakfast inns and essential services, Class III: 150 feet.

(b) Manufactured home parks: 150 feet. (Except that a portion of the site containing no manufacturing home spaces and used to provide access to the park from a public street may be as narrow as 50 feet.)

(c) All other uses: 100 feet.

Findings of Fact

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 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.)

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 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.

Staff Comments

There were no staff comments.

A neighbor, Steve Fog, was present and asked for more details and wanted to know how this would affect his property value. Board members and Brett Hicks answered his questions.

After a brief discussion, Vice-Chairman And Lynn asked if there was a motion.

Motion: Worth Roberts made a motion to approve the application. Becky Burke seconded. Motion carried unanimously.

Vice-Chairman And Lynn asked the Board if there was any other business to be addressed, to which there was none.

Adjournment

Motion: Jamel Farley made a motion to adjourn. Worth Roberts seconded. Motion carried unanimously.

Jean Derby

Boa01162018 minutes

Property Information

-

- ### Variance Request

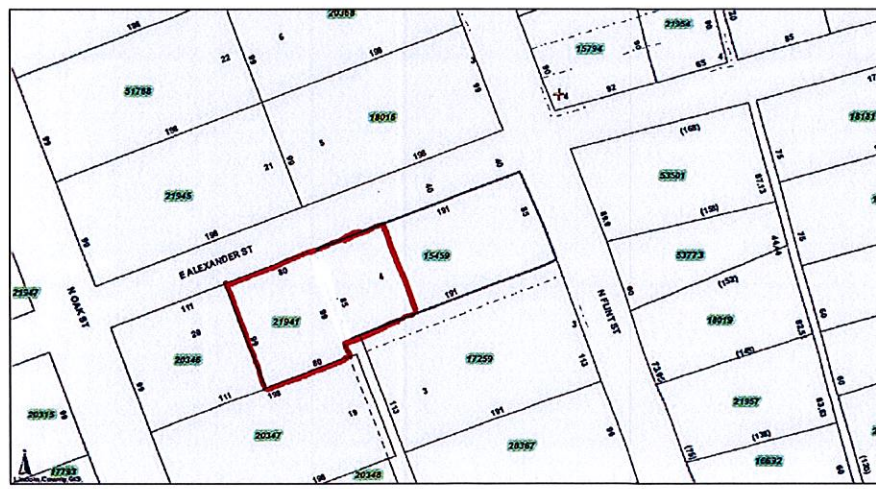
- This variance is being requested in order to allow a combination of a portion of the parcel at 527 North Flint Street (on which sits a garage) with 612 Alexander Street. Once subdivided, the owner at 612 Alexander Street will purchase the subdivided portion of 527 North Flint Street and combine that to create one parcel.

- The subdivision will create two individual parcels, one of approximately 10,000 square feet and one of approximately 6,500 square feet. The R-10 district requires a minimum lot size of 10,000 square feet so a variance is required in order to allow the subdivision as proposed.
- The owners of 527 Flint Street and 612 Alexander Street have entered into an agreement to purchase if the requested variance is approved.
- An abandoned alleyway between 612 Alexander Street and 527 North Flint Street is currently preventing ease of combining the 527 Flint Street portion with 612 Alexander Street. The owner of 612 Alexander Street has legal representation working to abandon the alleyway. Once this is completed, the former alleyway property can be combined with his current property and with the subdivided section of 527 North Flint Street.

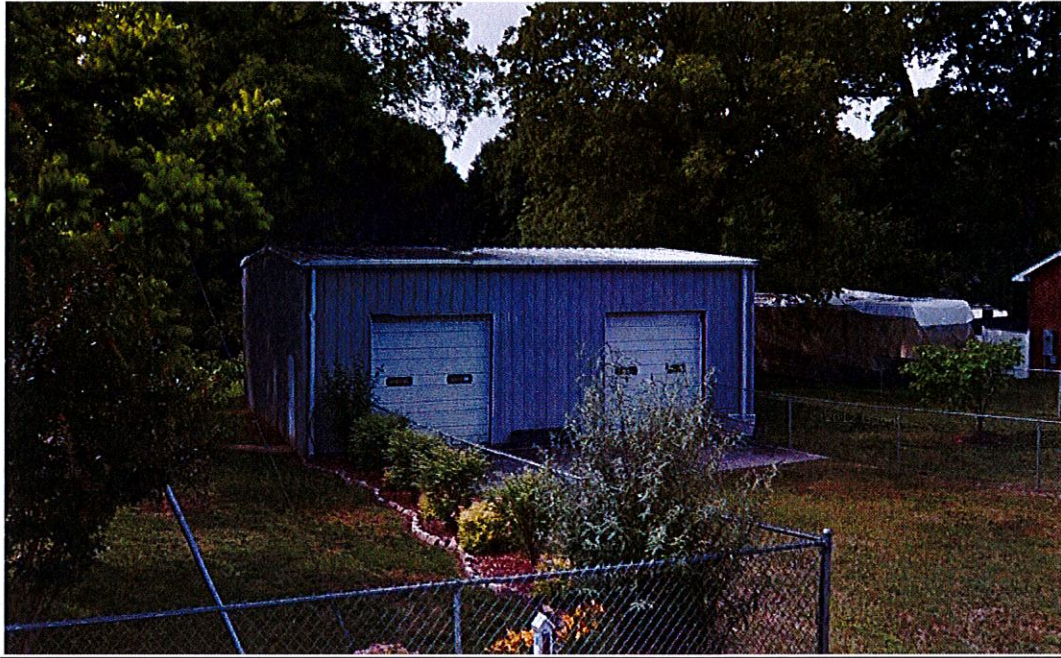
Current View



Future View







UDO Requirements

- 10,000 square foot lot size is required.

Findings of Fact

1. **Unnecessary hardship would result from the strict application of the zoning regulations.**
 - a. (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.**
 - a. (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.)
3. **The hardship did not result from actions taken by the applicant or the property owner.**
 - a. (The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-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.**

Staff Comments

- The current owner of 612 Alexander Street has tried to acquire the portion of 527 North Flint Street through the normal purchase process. However, the abandoned alleyway has presented an obstacle. Once the alleyway has been abandoned, the owner will be able to combine that with his parcel. Once the alleyway is incorporated into the newly created lot, the 10,000 square foot minimum lot size will be met.

- The temporary variation from the required minimum lot size does not appear to create a threat to public safety.
- The applicant will be able to provide additional information, at the meeting, regarding how the four findings of fact are met in order for the Board of Adjustments to grant the variance.

Additional Exhibits

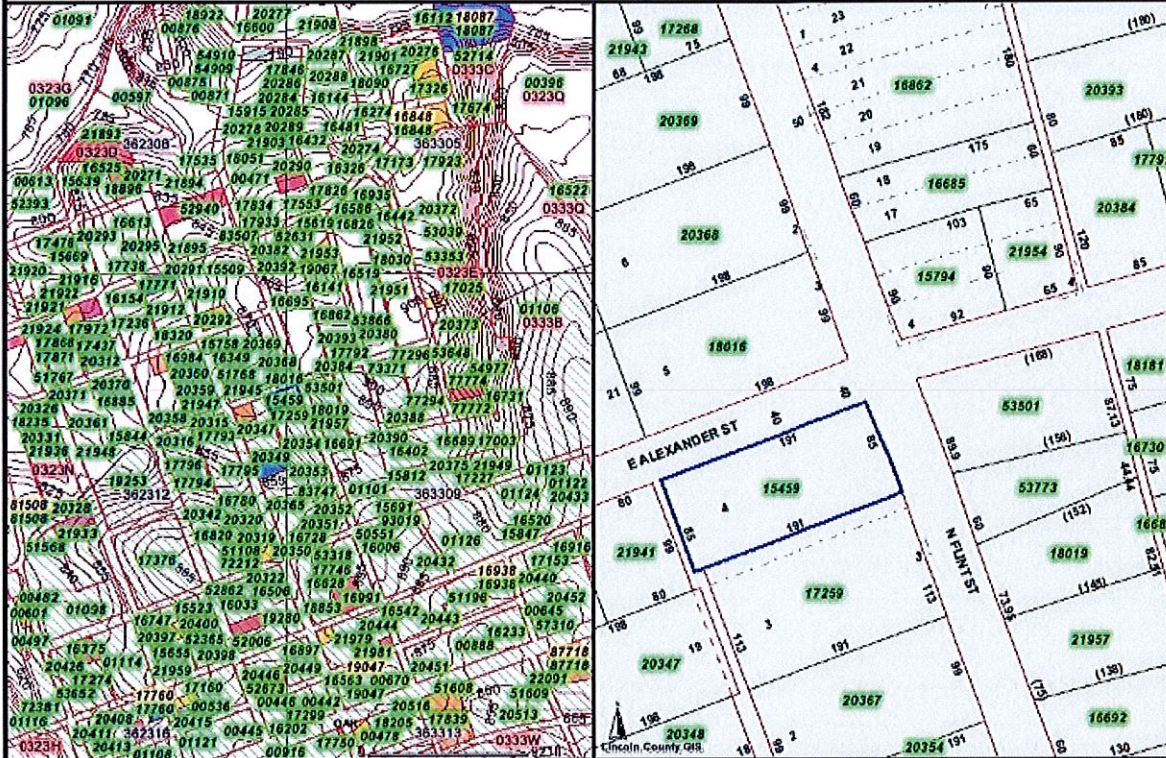
Exhibit 1



Lincoln County, NC
Office of the Tax Administrator, GIS Mapping Division
Lincoln County and its mapping contractors assume no legal responsibility for the information contained on this map. This map is not to be used for land conveyance. The map is based on NC State Plane Coordinate System 1983 NAD.
Date: 1/25/2018 Scale: 1 Inch = 140 Feet



PARCEL INFORMATION FOR 3623-96-9788



15459



15459

Parcel ID	15459	Owner	ANDERSON IRIS JANICE
Map	3623-12	Mailing	527 N FLINT ST
Account	0254530	Address	LINCOLNTON NC 28092
Deed	16E-83	Last Transaction Date	1/2/2015
Land Value	\$21,000	Total Value	\$135,309
----- All values are for tax year 2017. -----			
Subdivision	Lot PT OF 4 MCBEE LAND DIV	Plat	101-26
Description	N FLINT ST & ALEXAND	Deed Acres	0
Address	527 N FLINT ST	Tax Acres	0.38
Township	LINCOLNTON	Tax/Fire District	CITY OF LINCOLNTON
Main Improvement	CONVENTIONAL (PRE WWII)	Value	\$102,780
Main Sq Feet	1632	Stories	1 Year Built 1900
Zoning	Calculated	Voting Precinct	Calculated Acres
District	R-10	LINCOLNTON NORTH (LN11)	0.38
Watershed Class	WS-IVP	Sewer District	0.38
2000 Census County	0.38	Not in the sewer district	
37109		Tract	Block
37109		070100	2013
Flood	Zone Description	Panel	
X	NO FLOOD HAZARD	3710362300	0.23
X	NO FLOOD HAZARD	3710363300	0.15

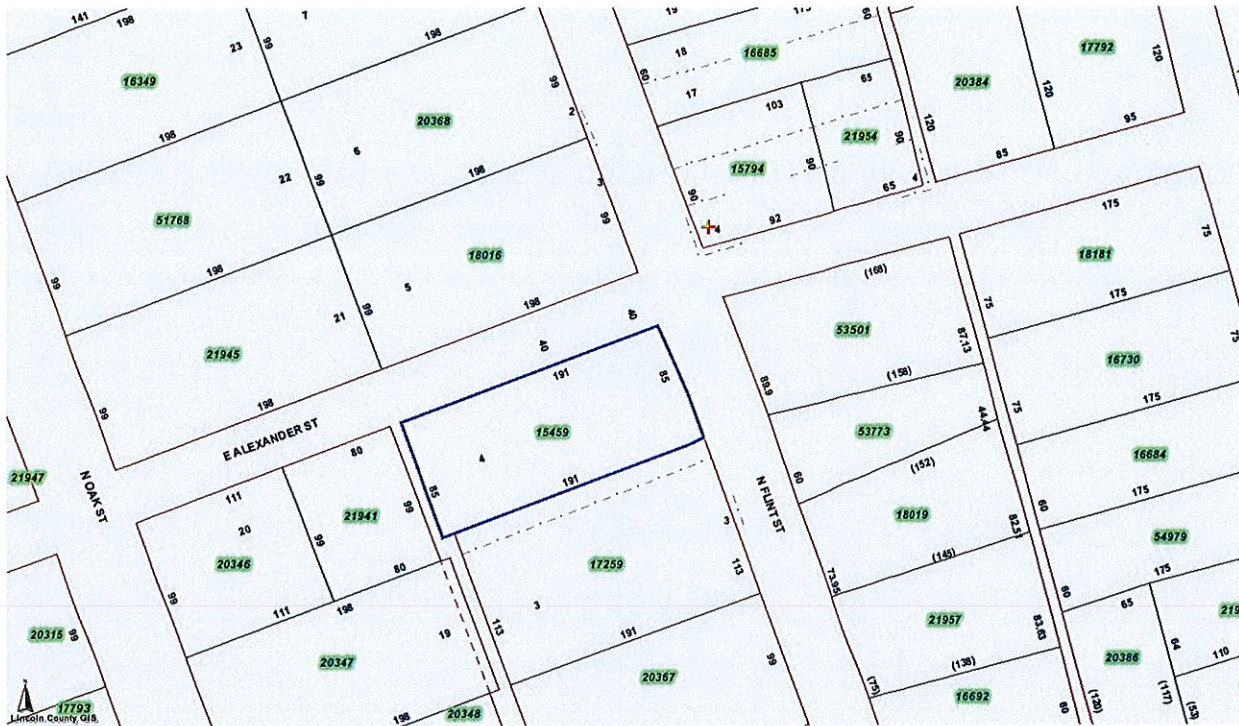


Exhibit 3



Exhibit 4

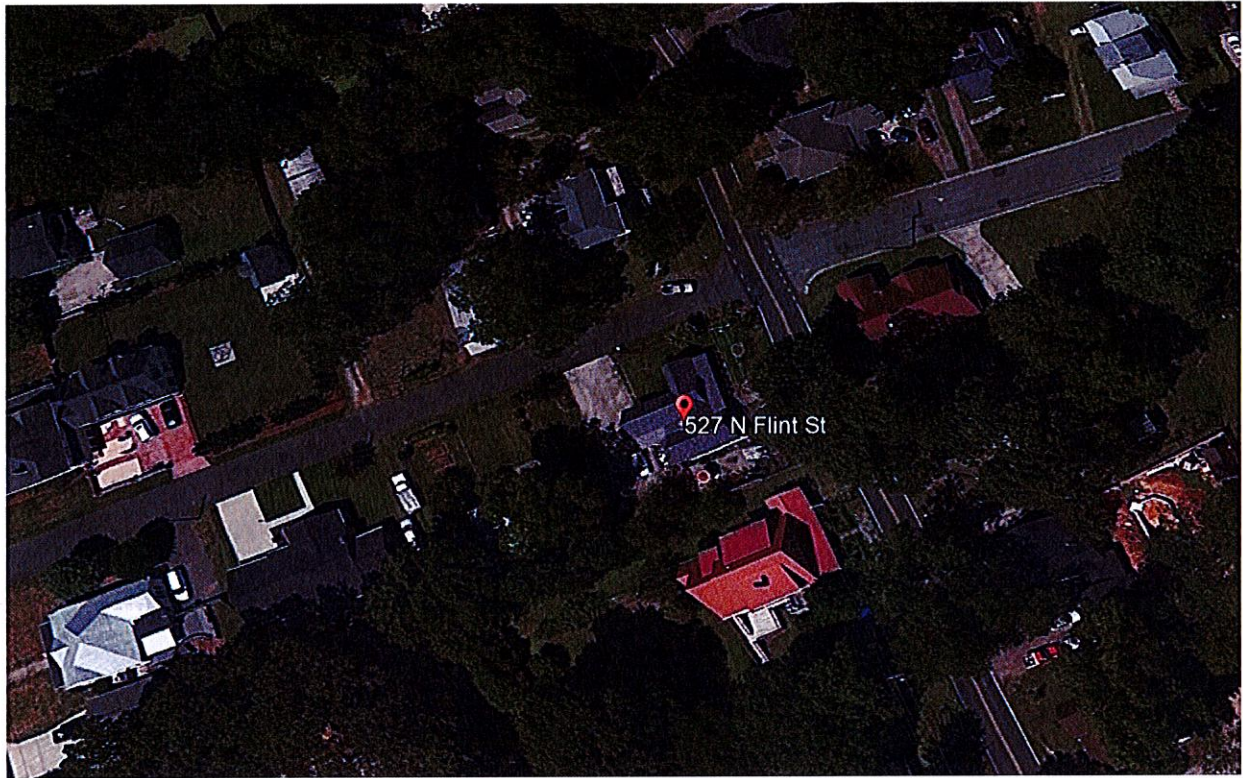


Exhibit 5



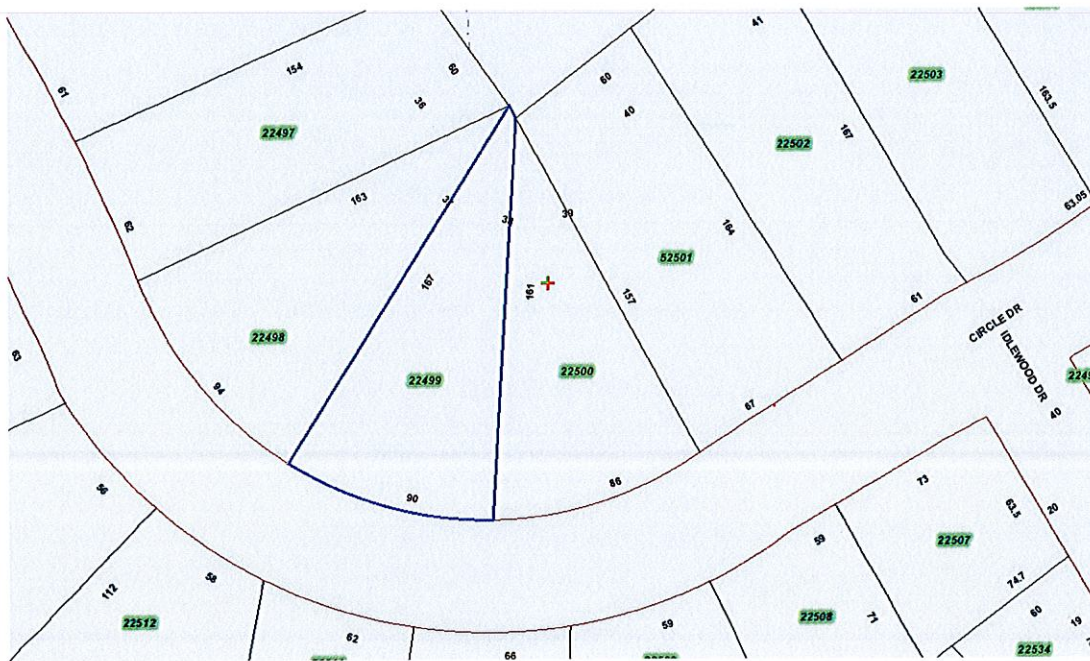
Exhibit 6



Lincolnton Board of Adjustment
City of Lincolnton Planning Department
February 20, 2018
BOA-3-2018 – Glenda Richards Variance Request

Property Information

- Property (6 Circle Drive - Parcel ID 22499) is located on the north side of Circle Drive, west of the intersection of Circle Drive and Idlewood Drive. There is currently a single story residence of 1,077 square feet, a 936 square foot carport/garage and an accessory building of approximately 120 square feet located on the property.

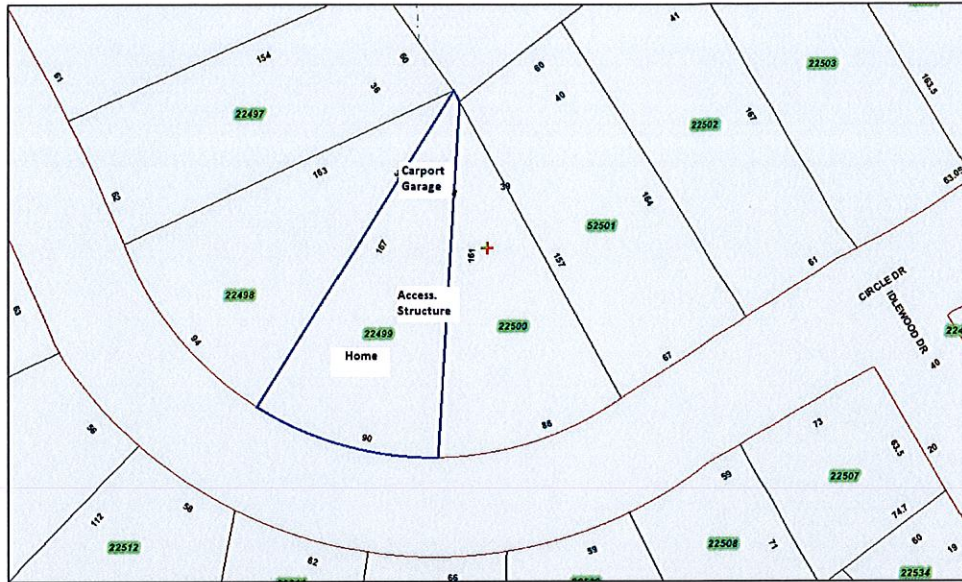


- Current use of the property - residential.
- Current Zoning- Residential-8 (R-8)
- Total property size .17 acres

Variance Request

- Applicant placed a 10 foot x 12 foot accessory building on the property without obtaining zoning or building permits. City received a complaint about the building several years after construction.
- Accessory building was found to be located within the right side setback. The ordinance requires that the accessory building be ten (10) feet from the side property line.

- Applicant is seeking a variance to allow the building to stay in the same location which is approximately one (1) to two (2) feet from the property line on the side.





UDO Requirements

- Side Yard Setback Requirement – ten (10) feet

Findings of Fact

- 1. Unnecessary hardship would result from the strict application of the zoning regulations.**
 - a. (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.**
 - a. (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.)
- 3. The hardship did not result from actions taken by the applicant or the property owner.**
 - a. (The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-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.**

Staff Comments

- Notwithstanding the fact that the building was placed on the property without the proper permits, the property size is small (0.17) acres. The existing house sits approximately five (5) feet from the street right of way of Circle Drive, thirteen (13) feet from each of the side property lines and approximately ninety (90) feet from the rear property line. Based on the pie shape of this lot this could potentially be a hardship as there is very little room to place any accessory building on the property.
- The accessory building does not appear to create a threat to public safety.

- The applicant will be able to provide additional information at the meeting, regarding how the four findings of fact are met in order for the Board of Adjustment to grant the variance.

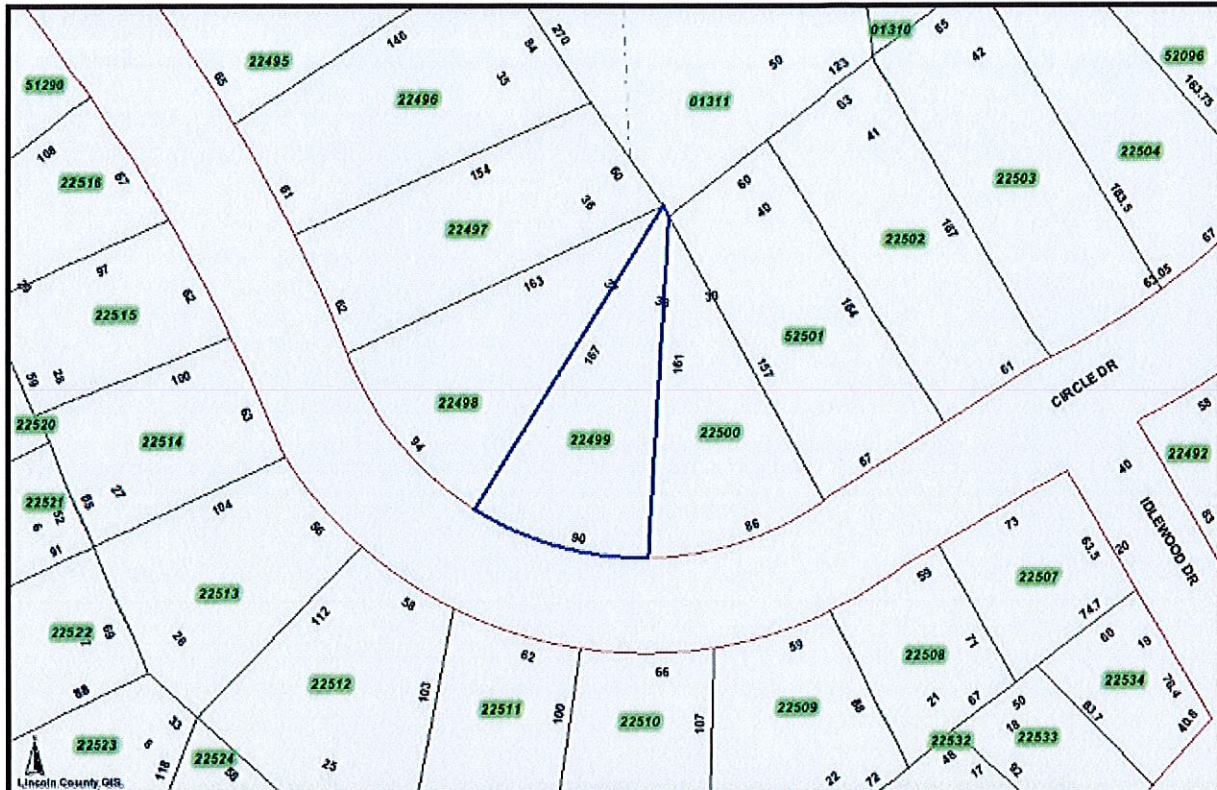
Additional Exhibits

Exhibit 1



Lincoln County, NC

Office of the Tax Administrator, GIS Mapping Division
 Lincoln County and its mapping contractors assume no legal responsibility for the information contained on this map. This map is not to be used for land conveyance. The map is based on NC State Plane Coordinate System 1983 NAD.
 Date: 2/13/2018 Scale: 1 Inch = 80 Feet



PHOTOS



PARCEL INFORMATION FOR 3633-96-8362

Parcel ID	22499	Owner	RICHARDS GLENDA GARRISON	
Map	3633-12	Mailing	6 CIRCLE DR	
Account	0078826	Address	LINCOLNTON NC 28092-4203	
Deed	DC93-18	Last Transaction Date	1/15/2007	Sale Price 0
Land Value	\$12,500	Total Value	\$60,457	Previous Parcel
----- All values are for tax year 2017. -----				
Subdivision	Lot 38 BOGER & CRAWFORD			Plat C-90
Description	#38 BOGER & CRAWFORD			Deed Acres 0
Address	6 CIRCLE DR			Tax Acres 0.17
Township	LINCOLNTON			Tax/Fire District CITY OF LINCOLNTON
Main Improvement	BUNGALOW			Value \$43,635
Main Sq Feet	1077	Stories	1	Year Built 1920
Zoning	Calculated	Voting Precinct	Calculated Acres	
District	R-8	BOGER CITY (BC13)	0.18	
Watershed Class	WS-IVP	Sewer District	Not in the sewer district 0.18	
2000 Census County	37109	Tract	Block	
	37109	070200	1024	0.18
		070200	1026	0
Flood	Zone Description	Panel		
X	NO FLOOD HAZARD	3710363300	0.18	

Exhibit 2

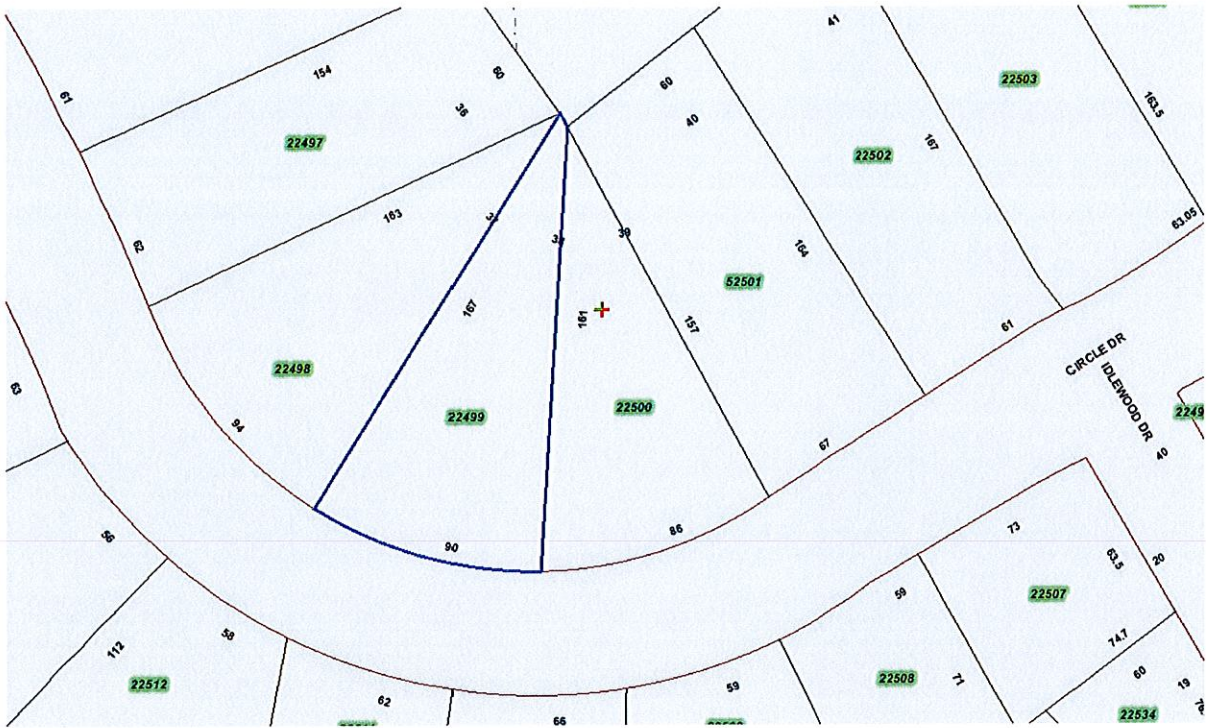


Exhibit 3

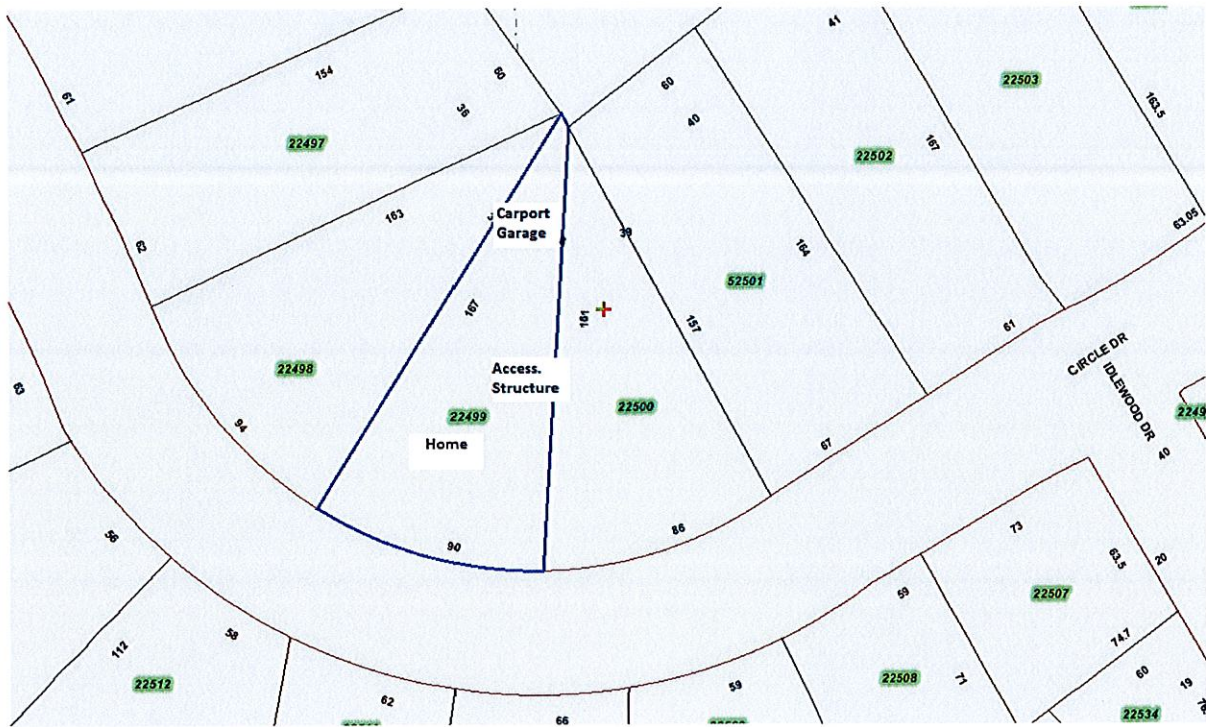


Exhibit 4



Exhibit 5

