



**CITY OF LINCOLNTON
BOARD OF ADJUSTMENT**

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BOARD MEMBERS: Gene Poinsette, Chair, poinsetteg@charter.net ; Änd Lynn, Vice-Chair, andmlynn@gmail.com ;
Becky Burke, beckyburke940@gmail.com ; Jerry Hoffman, jlskhoffman@charter.net; Jamel Farley, afarley2351@gmail.com

Tuesday, January July 1617, 2018 Meeting

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

Absent: Kathryn Yarbro, Gene Poinsette Änd Lynn

Call to Order

Vice-CCChairman Änd LynnGene Poinsette called the meeting to order and recognized that Änd Lynn two members, Kathryn Yarbro and Gene Poinsette, were was absent and that Worth Roberts was present as first alternate..

Approval of Minutes

Chairman Gene Poinsette Vice-Chairman Änd Lynn asked the Board if there were any additions or corrections to the minutes of the December 19June 19, 20187 meeting.

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

BOA-13-2018

A variance application submitted by David and Candice DuVernois requesting approval to place an accessory use and a sunroom addition to their home inside the required setbacks. The property is at 217 East Rhodes Street (PID 20491).

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 Candice DuVernois Steve Fog were sworn in by Jean Derby.

Brett Hicks addressed the Board, noting the following:

The property, 217 East Rhodes Street, (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. is currently used as a single family home and is zoned R-10.

Relevant UDO Requirement

- 153.107 Accessory Structures
 - (A) Within any Residential (R) District, accessory structures shall be located as follows.
 - (4) Accessory structures are allowed in any side yard, provided they observe a setback of ten foot side yard from any side yard lot line.
 - (5) Accessory structures are allowed in any rear yard provided that all accessory structures observe a ten foot setback from any rear lot line.
- 153.107 R-10 Single Family Medium Density Residential District
 - (C) Yard regulations.
 - (3) Minimum side yards setback (an additional ten feet shall be provided on all side yards which abut a public street).
 - a) Single-family dwellings: ten feet.

Variance Request

- The applicant seeks a variance to place an accessory structure inside the required side and rear yard setbacks.
- The applicant seeks a variance to place a sunroom addition attached to the primary structure inside the required side yard setback.

Additional Applicant Statements (See Attached Application)

- Placing a 10' X 16' accessory structure 10' off the side and rear property boundaries would consume a large portion of the rear yard.
- There is an existing shed that is almost on the property line, but it is unattractive and required costly repairs. This accessory structure will be removed.
- Placing a sunroom 10' off the side property line would make the house lopsided.
- Request is made to keep the sunroom in line with the existing house which is approximately 7.5' to 8' off the side property line.

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.

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, Chairman Gene Poinsette asked if there was a motion.

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

Adjournment

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

Jean Derby