



**CITY OF LINCOLNTON  
BOARD OF ADJUSTMENT**

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

**Tuesday, July 17, 2018 Meeting**

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

**Absent:** Änd Lynn

**Call to Order**

Chairman Gene Poinsette called the meeting to order and recognized that Änd Lynn was absent and that Worth Roberts was present as first alternate.

**Approval of Minutes**

Chairman Gene Poinsette asked the Board if there were any additions or corrections to the minutes of the June 19, 2018 meeting.

*Motion:* Worth Roberts made a motion to approve the minutes. Jamel 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).

Brett Hicks and Candice DuVernois were sworn in by Jean Derby.

Brett Hicks addressed the Board, noting the following:

The property, 217 East Rhodes Street, 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.

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.

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Jean Derby

Boa072018 minutes