



**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 ; Jamel Farley, afarley2351@gmail.com; Becky Burke, beckyburke940@gmail.com ; Jerry Hoffman, jlskhoffman@charter.net.

Tuesday, November 20, 2018 Meeting

Present: Gene Poinsette, Änd Lynn, Jerry Hoffman, Rebecca Abernethy and Tommy Huskey

Absent: Becky Burke, Jamel Farley

Call to Order

Chairman Gene Poinsette called the meeting to order, recognized Becky Burke and Jamel Farley were absent, and Rebecca Abernethy and Tommy Huskey were present as alternates for a quorum.

Approval of Minutes

Chairman Gene Poinsette asked the Board if there were any additions or corrections to the minutes of the September 18, 2018 meeting.

Motion: Änd Lynn made a motion to approve the minutes. Jerry Hoffman seconded. Motion carried unanimously.

BOA-15-2018 – A Variance Application submitted by Douglas Guenther requesting a reduction of a side yard setback for a parcel in the R-25 (Residential 25) Zoning District.

Laura Elam swore in Jean Derby.

Jean Derby addressed the Board noting the following:

The property is a single family residence located at 619 Southside Church Road (PID 19940) and is currently zoned R-25.

Relevant UDO Requirement

- The City of Lincoln Unified Development Ordinance requires a ten (10) foot side yard setback in the R-25 district.

Background and Variance Request

- The applicant recently enclosed the former carport in order to create additional living space. In addition, a new carport has been added on the east side of the house. (See below pictures).
- The new carport is located approximately five to seven feet from the eastern property line and encroaches into the required 10 foot side yard setback.
- The applicant is requesting a variance to allow the newly constructed carport to encroach into the required 10 foot side yard setback.

Additional Applicant Statements (See Attached Application)

- There are no other storage structures on the property.
- The original carport is being enclosed for additional living space (has zoning and building permits).
- No other covered parking or turning area for vehicles, no additional storage for lawn care equipment.
- West side of dwelling abuts a wooded area with large trees and the dwelling's septic tank and drain field, making the east side of dwelling only practical parking spot.
- Dwelling was originally constructed very close to the east property line.
- Applicant now has space for turning around on property to limit risk of potential accident, resulting from backing into road.

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

- The applicant will need 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.

After a brief discussion, Chairman Gene Poinsette asked if there was a motion.

Motion: And Lynn made a motion to approve the application. Jerry Hoffman seconded. Motion carried unanimously.

Chairman Gene Poinsette asked the Board if there was any other business to be addressed, to which there was none.

Adjournment

Motion: And Lynn made a motion to adjourn. Tommy Huskey seconded. Motion carried unanimously.

Jean Derby

Boa112018 minutes