

LINCOLNTON BOARD OF ADJUSTMENT
AGENDA
March 19, 2019
At 4:00 P.M. in City Council Chambers

1. Roll Call
2. Call to Order
3. Approval of Minutes from the February 19, 2019 meeting
4. BOA-2-2019 – A Variance Application submitted by Dan Houser requesting to exceed one-half the heated ground floor area of the principal building that is allowed as the maximum size for an accessory structure on a residential lot. The property is at 530 North Flint Street (PID 53501).
5. BOA-3-2019 – A Variance Application submitted by Alexandra P. Eldridge requesting a reduction in the front yard setback in the R-8 zoning district. The property is at 327 East Dixon Street (PID 20309).
6. Adjournment



**CITY OF LINCOLNTON
BOARD OF ADJUSTMENT**

PO DRAWER 617, LINCOLNTON, NC 28092

www.ci.lincolnton.nc.us

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

Tuesday, February 19, 2019 Meeting

Present: Gene Poinsette, And Lynn, Becky Burke, Jamel Farley and Jerry Hoffman

Absent: n/a

Call to Order

Chairman Gene Poinsette called the meeting to order and recognized that all members were present for a quorum.

Approval of Minutes

Chairman Gene Poinsette asked the Board if there were any additions or corrections to the minutes of the January 15, 2019 meeting.

Motion: Jerry Hoffman made a motion to approve the minutes. And Lynn 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: Jamel Farley made a motion to adjourn. And Lynn seconded. Motion carried unanimously.

Jean Derby

MEMO TO: Lincolnnton Board of Adjustment

FROM: City of Lincolnnton Planning Department

DATE: March 19, 2019

SUBJECT: BOA-2-2019 – Dan E. Houser

Property Information

- Property Location – 530 North Flint Street (PID 53501)
- Current Zoning – Single Family Medium Density Residential District (R-10)
- Property Size - 0.329 acres
- Current Use of Property – Single Family Residential
- Adjacent Properties – Single Family Residential



Relevant UDO Requirement

- The City of Lincolnton Unified Development Ordinance requires the aggregate area of all detached accessory structures on a lot containing a principal residential use to not exceed one-half the heated ground floor area of the principal building.

Background and Variance Request

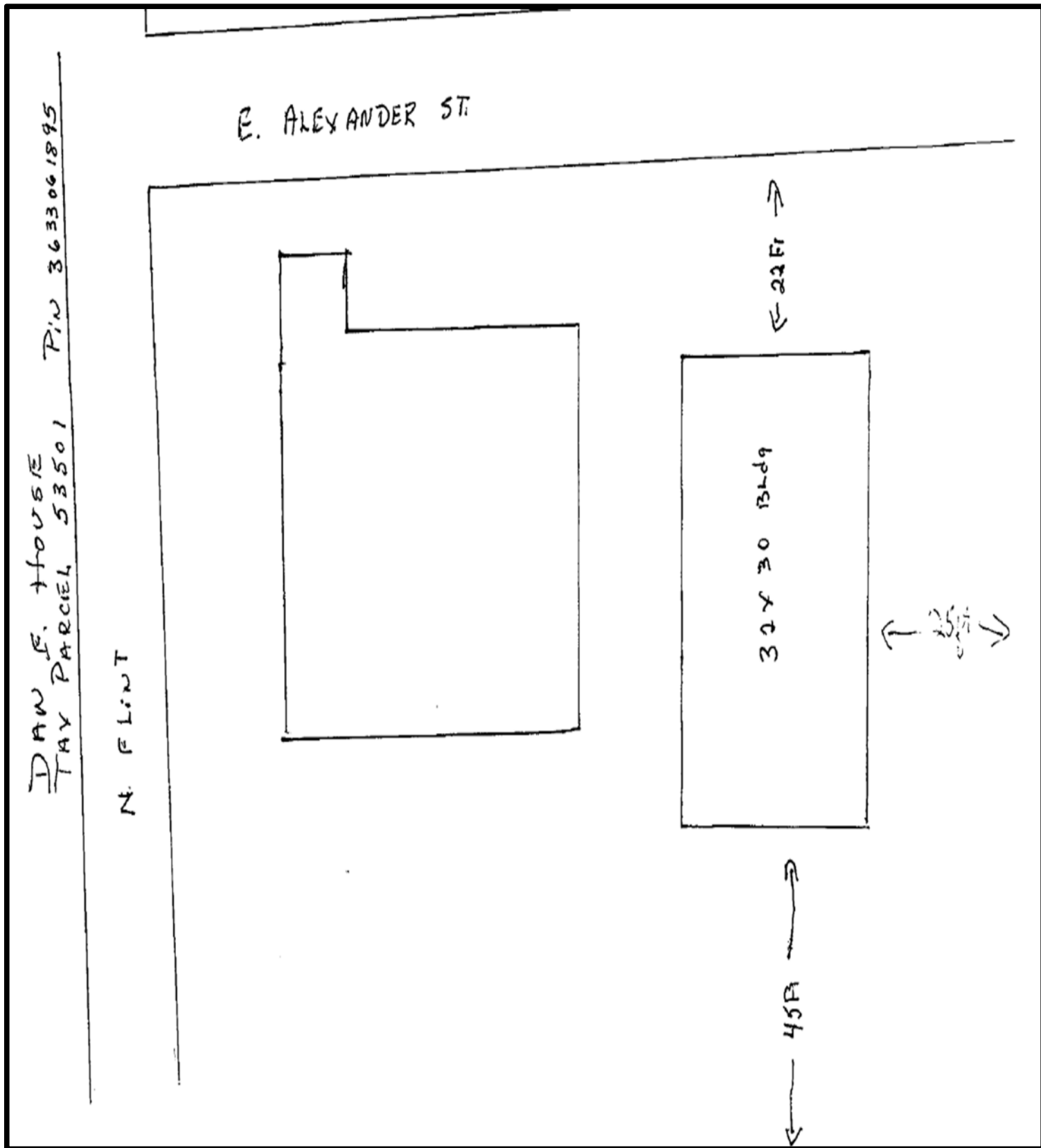
- The property is developed with a 1,608 square foot house. The ordinance allows detached accessory structure(s) on the property totaling up to 804 square feet.
- The applicant is requesting a variance to allow a 960 square foot accessory building measuring 32 feet by 30 feet.

Current views





Site Plan Submitted by Applicant



Additional Applicant Statements (See Attached Application)

- Applicant is not able to store all of his vehicles in an 800 square foot space.
- The house was constructed in 1926 and has the possibility to be listed as a historical structure so the applicant does not wish to attach the accessory structure to the house.

Findings of Fact

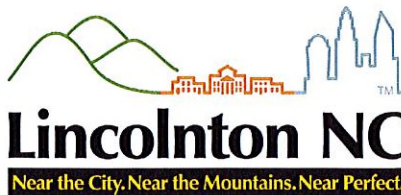
1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, 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

- Should the Board of Adjustment decide to grant this variance, the following are four suggested conditions:
 1. The accessory structure must be placed on the lot in accordance with the attached site plan submitted by the applicant, must not be placed closer to E. Alexander Street than the home and is to observe the setbacks noted on the site plan.
 2. The accessory structure must conform/harmonize with the architectural style of the house.
 3. The height of the accessory structure can't exceed the height of the house.
 4. Due to the accessory structure being allowed to exceed the allotted size for the property, this would be the only accessory structure allowed on the lot, provided the existing principal structure remains the same size.
- 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.

PLANNING DEPARTMENT

Laura Elam – Planning Director
Brett Hicks – Zoning Administrator



TELEPHONE 704-736-8930
FAX 704-736-8939

planning@ci.lincolnton.nc.us
www.ci.lincolnton.nc.us/planning.html

Application for Variance

Description of request: _____

Asking for variance from City code to
build larger Building

Applicant information:

Name: DAN E. HOUSER

Address: 530 NORTH FLINT STREET

City: LINCOLNTON State: N.C. Zip: 28092

Telephone: 704 735 0013 Email: _____

Property owner information (if different from applicant)

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

Property location and description

Address: 530 NORTH FLINT STREET

Tax parcel no. (five-digit): 53501 Current zoning classification: R-10

A sketch of the property including the following information shall accompany this application: lot dimensions, setback dimensions for existing structures, location of all existing structures, other topographical features (bodies of water, significant stands of trees, etc.). Based on the nature of the application, the Zoning Administrator shall have the authority to request additional necessary information and/or waive one or more of these items.

Variance Request Description

Section(s) of the Unified Development Code requesting relief from: _____

Applicant's description of why a variance from the terms of these provisions is needed: _____

HOUSE is dated 1926 AND is possible to
BE listed AS Historic. Therefore I can not
ATTACH ACCESSORY BUILDING TO HOUSE

The Board of Adjustment, after having held a public hearing to consider the variance request, will address each of the following findings of fact and draw the following conclusions in order to render their decision:

1. Unnecessary hardship would result from the strict application of the ordinance. (NOTE: 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 the conditions that are peculiar to the property, such as location, size or topography. (NOTE: 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. (NOTE: 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); and,
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 applicant is asked to address each of these findings as they pertain to their variance request. Please use additional sheets if necessary. In order to grant a variance, each of the findings must be found in the affirmative by the Board of Adjustment by a 4/5 majority of the Board's membership.

Request for Variance

1) Unnecessary hardship would result from the strict application of the ordinance. (NOTE: It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. This statement is based upon the following reason(s):

NO UNNECESSARY hardship would incur
but would have hard time putting all my
vehicles in a 800 sq. ft Building

2) The hardship results from the conditions that are peculiar to the property, such as location, size or topography. (NOTE: 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.); This statement is based upon the following reason(s):

Should be no hardship for location

3) The hardship did not result from actions taken by the applicant or the property owner. (NOTE: 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. This statement is based upon the following reason(s):

property was purchased with the size of lot
able to build accessory building

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. This statement is based upon the following reason(s):

I swear that this building in no way
would have any public safety concerns.

Signatures

Don E. Hansen 2-1-2019
Applicant Date

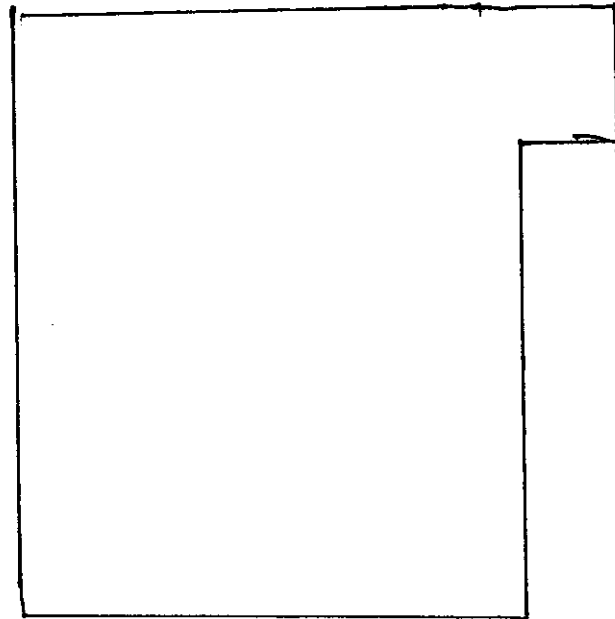
SAME
Property Owner, If Different From Applicant Date

Bret Huls 2-1-2019
Zoning Administrator Date

DAW E. HOUSE
TAX PARCEL 53501 PIN 3633061895

N. FLINT

E. ALEXANDER ST



32' x 30' Bldg

← 45' →

← 22' →

↑ 25' ↓

MEMO TO: Lincolnnton Board of Adjustment

FROM: City of Lincolnnton Planning Department

DATE: March 19, 2019

SUBJECT: BOA-3-2019 – Alexandra P. Eldridge

Property Information

- Property Location – 327 East Dixon Street (PID 20309)
- Current Zoning – Single Family and Two-Family Medium Density Residential District (R-8)
- Property Size - 0.07 acres
- Current Use of Property – Single Family Residential
- Adjacent Properties – Single Family Residential



Relevant UDO Requirement

- The City of Lincolnton Unified Development Ordinance requires a 30 foot front yard setback as measured from the edge of the street right-of-way line in the R-8 zoning district.

Background and Variance Request

- The house on this property is approximately 10 feet from the edge of the right-of-way line.
- The applicant is requesting the variance to allow the addition of a covered porch to the front of the house.
- The proposed covered porch will be 24 feet wide, 8 feet deep and 8 feet high.
- The front of the covered porch will begin approximately 13.5 feet from the edge of the curb and outside of the street right-of-way.

Current views

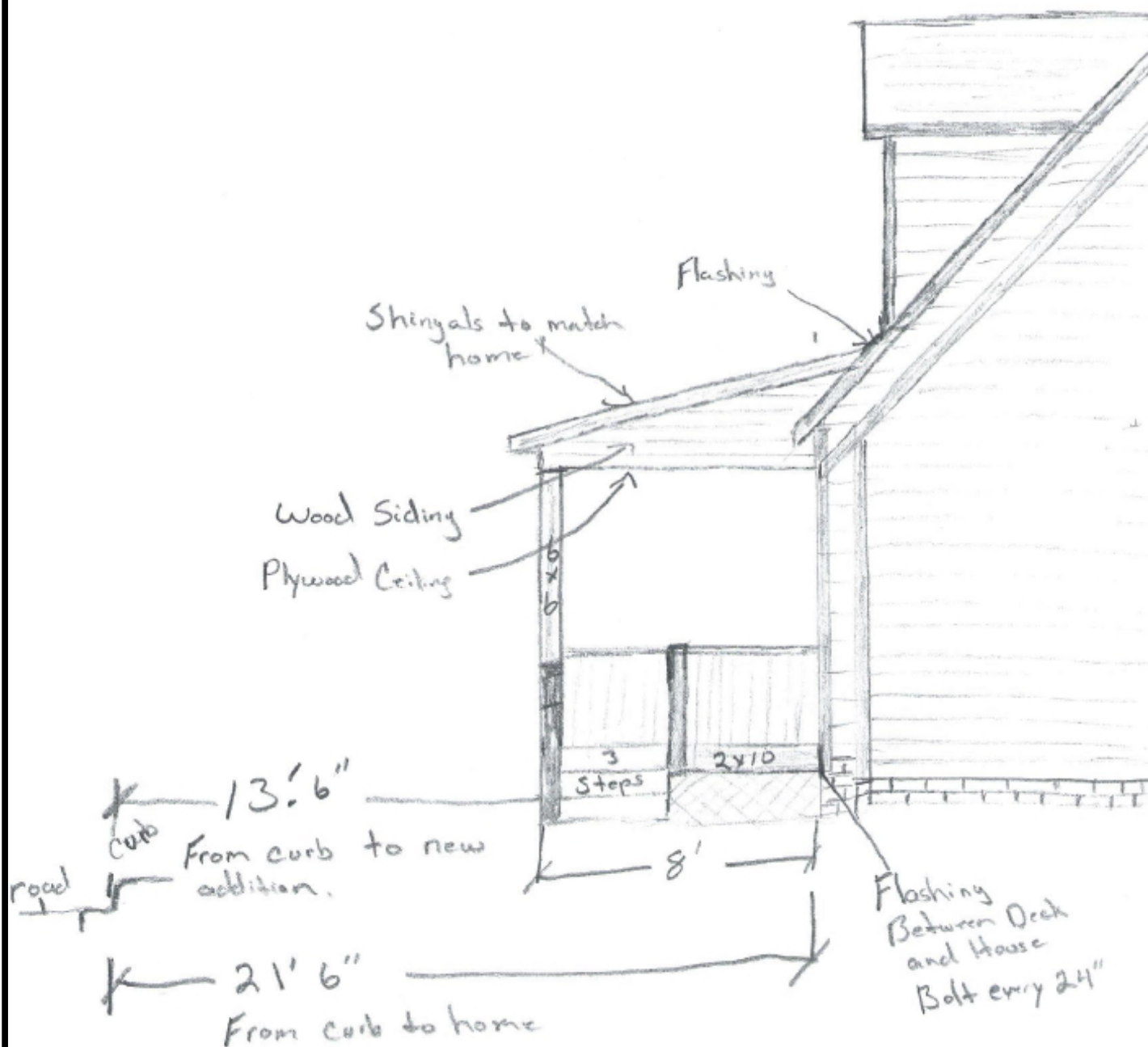




Plan Submitted by Applicant



Right Side View



Additional Applicant Statements (See Attached Application)

- The current entry into the home is not adequate to safely open the front door because the brick pad is not large enough and there are no railings. The porch is so small that it is impossible to open the storm door and occupy the steps at the same time. The Applicant is afraid she will fall without an expansion and railings.
- The Applicant was not aware of how hazardous the situation was until after living there.
- The front of the house is completely unprotected from the elements which have caused structural damage (now repaired).
- The construction of the home predates zoning and the required setbacks extend into the structure.
- The proposed construction will be very similar to other homes in the area and will add significant value to the property.
- The home across the intersection is very similar in design. (See attached Exhibit E). However, the Applicant's proposed improvement will not be as grand.
- A contractor has been secured and can begin construction upon approval of the variance.

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 majority of the homes along East Dixon Street predate zoning and are closer to the street than the required setback.
- The location and character of the proposed addition appear to be consistent with nearby properties.
- Should the Board of Adjustment decide to grant this variance, the following are two suggested conditions:
 1. The covered porch must be constructed in accordance with the attached plans and conform to the architectural style of the house.
 2. The covered porch will not extend any further towards the East Dixon Street right-of-way than shown on Exhibit F and no part of the addition may be located within any right-of-way.
- 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.

Variance Application

City of Lincolnton Planning and Zoning Department
114 W. Sycamore Street, 2nd Floor, Lincolnton, NC 28092
Phone: (704)736-8930 Fax: (704)736-8939



Part I

Application Name Alexandra P. Eldridge
Application Address 327 E. DIXON ST., LINCOLNTON, NC 28092
Application Phone Number 704-408-1418
Property Owner's Name Alexandra P. Eldridge
Property Owner's Address 327 E. Dixon St., Lincolnton NC 28092
Property Owner's Phone Number 704-408-1418

Part II

Property Location 327 E. Dixon St., Lincolnton NC 28092
Property ID# (10 digits) _____ Property Size .070 acres
Parcel # (5 digits) 20309 Deed Book(s) 1840 Page(s) 321

Part III

Briefly describe how the parcel is zoned, used, and list any existing structures.

R-8 owner's primary residence. NO OTHER STRUCTURES

Briefly explain your reason for seeking a variance.

please see attached

Describe the type of variance you need.

Relief from the current front yard set back to allow the addition of a covered front porch.

\$200 APPLICATION FEE MUST BE RECEIVED
BEFORE PROCESSING A VARIANCE REQUEST

I hereby certify that all of the information provided for this application and attachments is true and correct to the best of my knowledge.

Alexandra P. Eldridge
Applicant

Date

Alexandra P. Eldridge
Owner

Date

The following items to be completed by the City

Application #: _____

Date of Application: _____

ZONING BOARD OF ADJUSTMENT'S 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.

Yes ✓ No _____

Factual reasons cited by the Board:

the front stoop is so small that I
am afraid that I will fall without expansion
and railings

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.

Yes ✓ No _____

Factual reasons cited by the Board:

porch is so small that it is impossible
to open the storm door and occupy the
steps at the same time.

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.

Yes ✓ No

Factual reasons cited by the Board:

I was not aware of how hazardous
this situation was until I lived there.

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.

Yes ✓ No

Factual reasons cited by the Board:

***Based on the Findings of Fact, the following action was taken on _____
by the City of Lincolnton Board of Adjustment after a public hearing was held and duly
advertised:***

***In approving said variance, the following conditions have been imposed by the City of
Lincolnton Board of Adjustment:***

Variance Request for 327 E Dixon St, Lincolnton by Alexandra P. Eldridge

2/15/19

The current entry into my home is not adequate to open the front door safely since the brick pad is not large enough, nor are there railings of any sort. It is completely unprotected from the elements, which has caused structural damage to the house (now repaired). See exhibits A and B.

The home predates current set backs from the street. They actually extend into the front wall of the home. So a variance to add any external improvement is required.

I am proposing the construction of a front porch as shown. See exhibits C and D. This change is very similar to other homes in the area and will add significant value to the property (taxable and resale). The home across the intersection is very similar in design, although my improvement will not be so grand. See Exhibit E.

I have already had the utilities located and marked through the NC811 service and the proposed addition does not appear to conflict in any way. See Exhibit F

I have secured a contractor to complete this work and can begin construction immediately upon the Board's approval.

Thank you for your consideration,

A handwritten signature in cursive script that reads "Alexandra P. Eldridge". The ink is black and the signature is fluid and legible.

Alexandra P. Eldridge, home owner

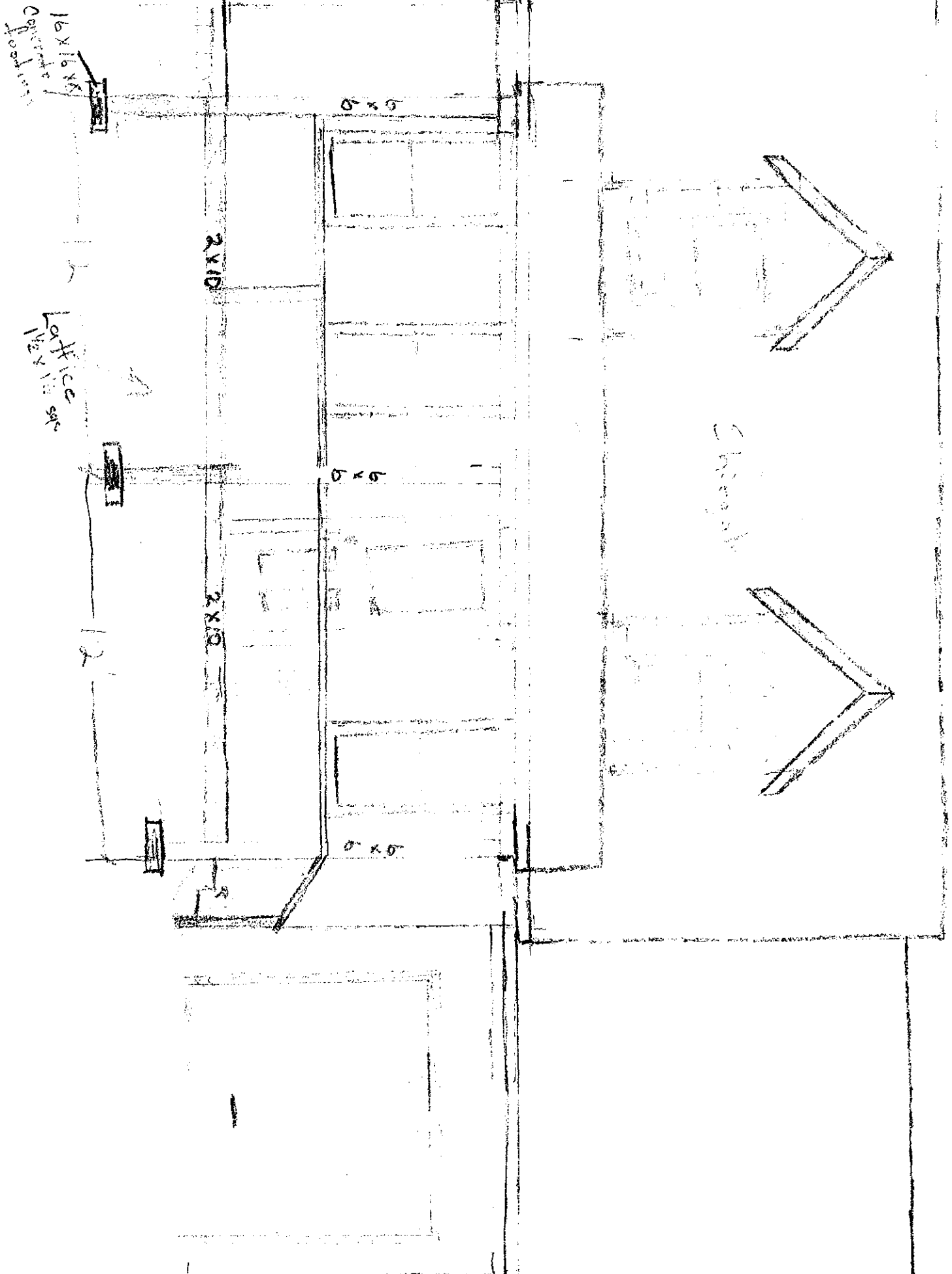
Exhibit A



Exhibit B



175



Right Side View Exhibit D

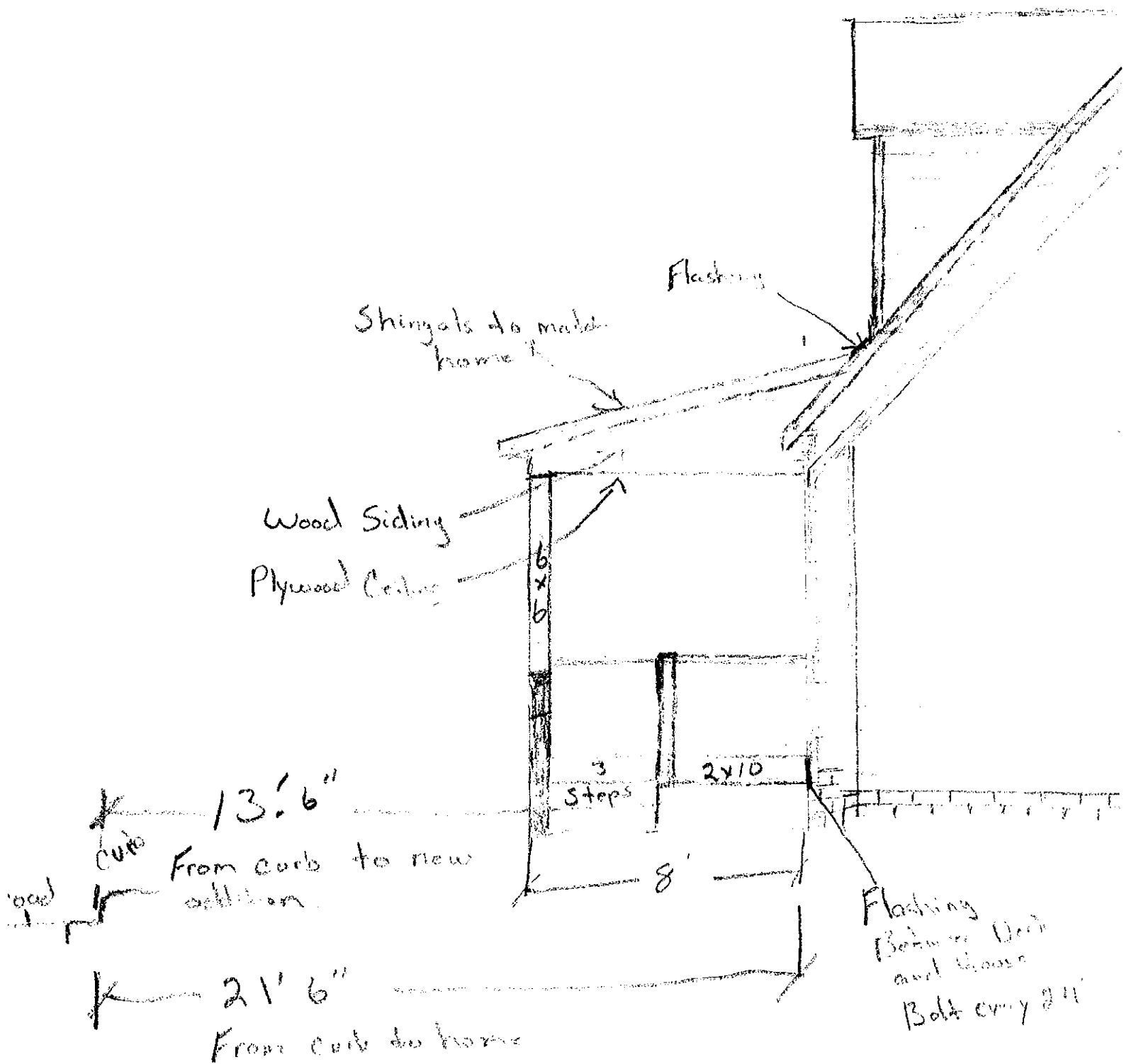


EXHIBIT E



EXHIBIT F

