



**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; Änd Lynn, Vice-Chair, andmlynn@gmail.com; Jamel Farley, afarley2351@gmail.com; Becky Burke, beckyburke940@gmail.com; Jerry Hoffman, jlskhoffman@charter.net.

Tuesday, March 19, 2019 Meeting

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

Absent: Jerry Hoffman

Call to Order

Chairman Gene Poinsette called the meeting to order and recognized that Jerry Hoffman was absent and Worth Roberts was serving as first alternate for a quorum.

Approval of Minutes

Chairman Gene Poinsette asked the Board if there were any additions or corrections to the minutes of the February 19, 2019 meeting.

Motion: Änd Lynn made a motion to approve the minutes. Jamel Farley seconded. Motion carried unanimously.

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).

Jean Derby swore in Brett Hicks, Dan Houser and Ann DeShazo.

Brett Hicks addressed the board noting the following:

The property is a single-family residential home at 530 North Flint Street currently zoned R-10.

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.

Additional Applicant Statements

- Applicant is not able to store all of his vehicles in an 800 square foot space.
- The house, constructed in 1926, 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 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.

Ann DeShazo, the owner of the adjacent property directly behind Mr. Houser, spoke against the variance. She was concerned about the appearance of the garage as well as the possibility of it encroaching on her property.

Brett Hicks clarified for Ms. DeShazo that the garage would not encroach on her property and the structure would conform/harmonize with the architectural style of the house.

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

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

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).

Jean Derby swore in Brett Hicks and Alexandra Eldridge.

Brett Hicks addressed the board noting the following:

The property is a single-family residence at 327 East Dixon Street currently zoned R-8.

Relevant UDO Requirement

- The City of Lincoln 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.

Additional Applicant Statements

- 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. 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.

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

Motion: Änd Lynn made a motion to approve. Jamel Farley 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: Änd Lynn made a motion to adjourn. Jamel Farley seconded.
Motion carried unanimously.

Jean Derby

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