

LINCOLNTON BOARD OF ADJUSTMENT
AGENDA
July 16, 2019
At 4:00 P.M. in City Council Chambers

1. Roll Call
2. Call to Order
3. Approval of Minutes from the June 18, 2019 meeting
4. BOA-6-2019 Application from William J. Boyd requesting a reduction in the side yard setback for a parcel in the R-25 Zoning District. The property is located at 294 Victory Grove Church Road (PID 18860).
5. 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, June 18, 2019 Meeting

Present: Rebecca Abernethy, Becky Burke, Jamel Farley, Jerry Hoffman and Worth Roberts

Absent: Gene Poinsette, And Lynn

Call to Order

Worth Roberts called the meeting to order and recognized that Gene Poinsette and And Lynn were absent and that he and Rebecca Abernethy were attending as first alternate and second alternates for a quorum.

Approval of Minutes

Worth Roberts asked the Board if there were any additions or corrections to the minutes of the May 21, 2019 meeting.

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

Worth Roberts asked the Board if there was any other business to be addressed, to which there was none.

Adjournment

Motion: Rebecca Abernethy made a motion to adjourn. Jamel Farley seconded. Motion carried unanimously.

Jean Derby

MEMO TO: Lincolnton Board of Adjustment

FROM: City of Lincolnton Planning Department

DATE: July 16, 2019

SUBJECT: BOA-6-2019 – William J. Boyd

Property Information

- Property Location – 294 Victory Grove Church Road (PID 18860)
- Current Zoning – Rural Residential District (R-25)
- Property Size - 0.541 acres
- Current Use of Property – Single Family Residential
- Adjacent Properties – Single Family Residential



Relevant UDO Requirement

- The City of Lincolnton Unified Development Ordinance requires accessory structures located in any side yard to observe a setback of ten feet from the side yard lot line.

Background and Variance Request

- The applicant is requesting a variance to construct a carport on the east side of the home along Tin Lane.
- The carport will cover a portion of the existing driveway and will encroach into the required ten foot side yard setback.
- The encroachment into the required ten foot side yard setback will range from approximately 8 ½ feet to 9 ½ feet.
- The proposed carport will be approximately 24 feet by 24 feet and 13 to 14 feet in height.

Current view



Plan Submitted by Applicant



Example Carport Submitted by Applicant



Additional Applicant Statements (See Attached Application)

- The applicant plans to construct a carport that will come close to the property line but not encroach into the road right-of-way.
- The applicant has two vehicles and would like to provide coverage for each. If his request is not granted he will only be able to construct a carport for one of the vehicles.
- The home on the property is over 60 years old and at the time of construction there were no zoning laws in place.
- The home is not connected to public sewer and the septic tank and drain field are behind the home prohibiting the location of the accessory structure behind the home.

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 three suggested conditions:
 1. The accessory structure is to be placed on the lot in accordance with the attached site plan submitted by the Applicant and is to meet or exceed the setbacks noted on the site plan. The carport will not extend any further towards the Tin Lane right-of-way than shown on the plan and no portion of the structure will be located within the right-of-way.
 2. The accessory structure shall generally conform/harmonize with the architectural style of the example carport submitted by the applicant.
 3. The height of the accessory structure shall not exceed the height of the house.
- 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: TO ENCRACH IN TO SIDE
YARD VARIANCE FOR POLE ERPOCT

Applicant information:

Name: William J. Boyd
Address: 294 Victory Grove Church Rd
City: Lincolnton State: NC Zip: 28092
Telephone: 704 735 0349 Email: _____

Property owner information (if different from applicant)

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Email: _____

Property location and description

Address: 294 Victory Grove Church Rd.
Tax parcel no. (five-digit): 15860 Current zoning classification: R-25

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: _____

I want to build a carport for my cars, the carport will be close to the set back lines but not over them

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):

I HAVE 2 vehicles IF I do not get
this I will only have room FOR 1
CAR

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):

The house is over 60 years old
And there was no zone laws then

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):

NO

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):

NO

Signatures

William F. Boyd 5-31-2019
Applicant Date

Property Owner, If Different From Applicant Date

Rachel Huch 5-31-19
Zoning Administrator Date