



**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, July 16, 2019 Meeting

Present: Gene Poinsette, Änd Lynn, Rebecca Abernethy, Jerry Hoffman and Worth Roberts

Absent: Becky Burke, Jamel Farley

Call to Order

Chairman Gene Poinsette called the meeting to order and recognized that Becky Burke and Jamel Farley were absent and that Worth Roberts and Rebecca Abernethy were attending as first alternate and second 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 June 18, 2019 meeting.

Motion: Worth Roberts made a motion to approve the minutes. Änd Lynn seconded. Motion carried unanimously.

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).

Daphne Ingram swore in Brett Hicks and William Boyd.

Brett Hicks addressed the board noting the following:

The property is a single-family residence located at 294 Victory Grove Church Road currently zoned R-25.

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.

Additional Applicant Statements

- 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.

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

Motion: And Lynn made a motion to approve. Rebecca Abernethy 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: Worth Roberts made a motion to adjourn. And Lynn seconded. Motion carried unanimously.

Jean Derby