

LINCOLNTON BOARD OF ADJUSTMENT
AGENDA
August 20, 2019
At 4:00 P.M. in City Council Chambers

1. Roll Call
2. Call to Order
3. Approval of Minutes from the July 16, 2018 meeting
4. BOA-8-2019 A Variance Application from James Rayfield requesting to allow a single wide class B manufactured home in the R-25 district located on Dorset Lane (PID 50569).
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 ; 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

MEMO TO: Lincolnnton Board of Adjustment

FROM: City of Lincolnnton Planning Department

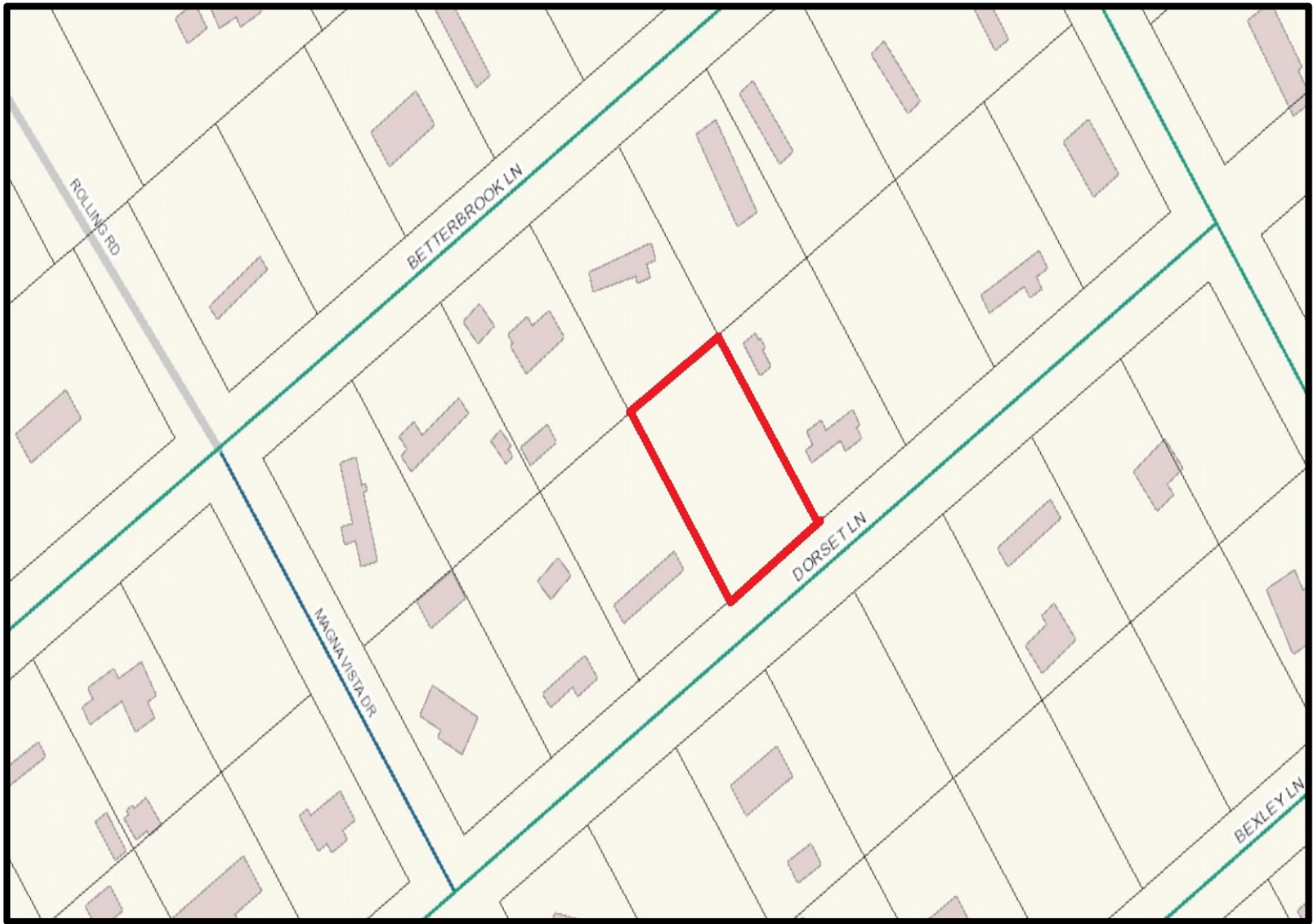
DATE: August 20, 2019

SUBJECT: BOA-8-2019 – James G. Rayfield Variance Request

Property Information

- Property Location - approximately 300 feet northeast of the intersection of Dorset Lane and Magna Vista Drive
- Current Zoning - Rural Residential (R-25)
- Property Size - approximately 0.376 acres
- Current Use of Property - Vacant
- Adjacent Properties - Single wide and double wide manufactured homes and modular homes





Relevant UDO Requirement

The R-25 district allows single family dwellings and “Class A” manufactured homes.

Class A manufactured homes are defined as those that were constructed after July 1, 1976 and that meet or exceed the construction standards of the U.S. Department of Housing and Urban Development along with the following additional criteria:

- (1) The minimum width (the width being the narrower of the two overall dimensions) of the main body of the manufactured home as assembled on the site shall be at least 22 feet for a distance extending along the length (the length being the longer of the two overall dimensions) of at least 20 feet;
- (2) The pitch of the roof of the manufactured home has a minimum vertical rise of two and two-tenths feet for each 12 feet of horizontal run, the roof is finished with a type of shingle that is commonly used in standard residential construction and which does not exceed the reflectivity of gloss white paint, and the roof has an overhang (eave) extending at least ten inches from each vertical exterior wall. A site-installed gutter may be counted in the width of the eave;

(3) The exterior siding consists of wood, hardboard, vinyl, brick or aluminum and shall be comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction, and which does not exceed the reflectivity of gloss white paint;

(4) A continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, shall be installed upon a poured concrete footer after placement on the lot, and before occupancy;

(5) The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy;

(6) The manufactured home is set up on the site in accordance with the standards set by the North Carolina Department of Insurance;

(7) Stairs, porches, entrance platforms and other means of entrance and exit to the manufactured home shall be installed and constructed in accordance with the standards set by the North Carolina Department of Insurance; and

(8) The manufactured home is oriented on the site in a manner that the side having the main entrance, and by design intended to be the front of the manufactured home is generally parallel to a public street abutting the site.

NOTE: A “Class B” manufactured home meets all of the criteria of a Class A manufactured home, except criteria (1), (2), (3), (4) and (8).

Background and Variance Request

- The applicant wishes to place a 14 foot x 60 foot (single wide) manufactured home on the lot.
- This lot was previously occupied by a single-wide manufactured home which was removed at some point between 2005 and 2009.

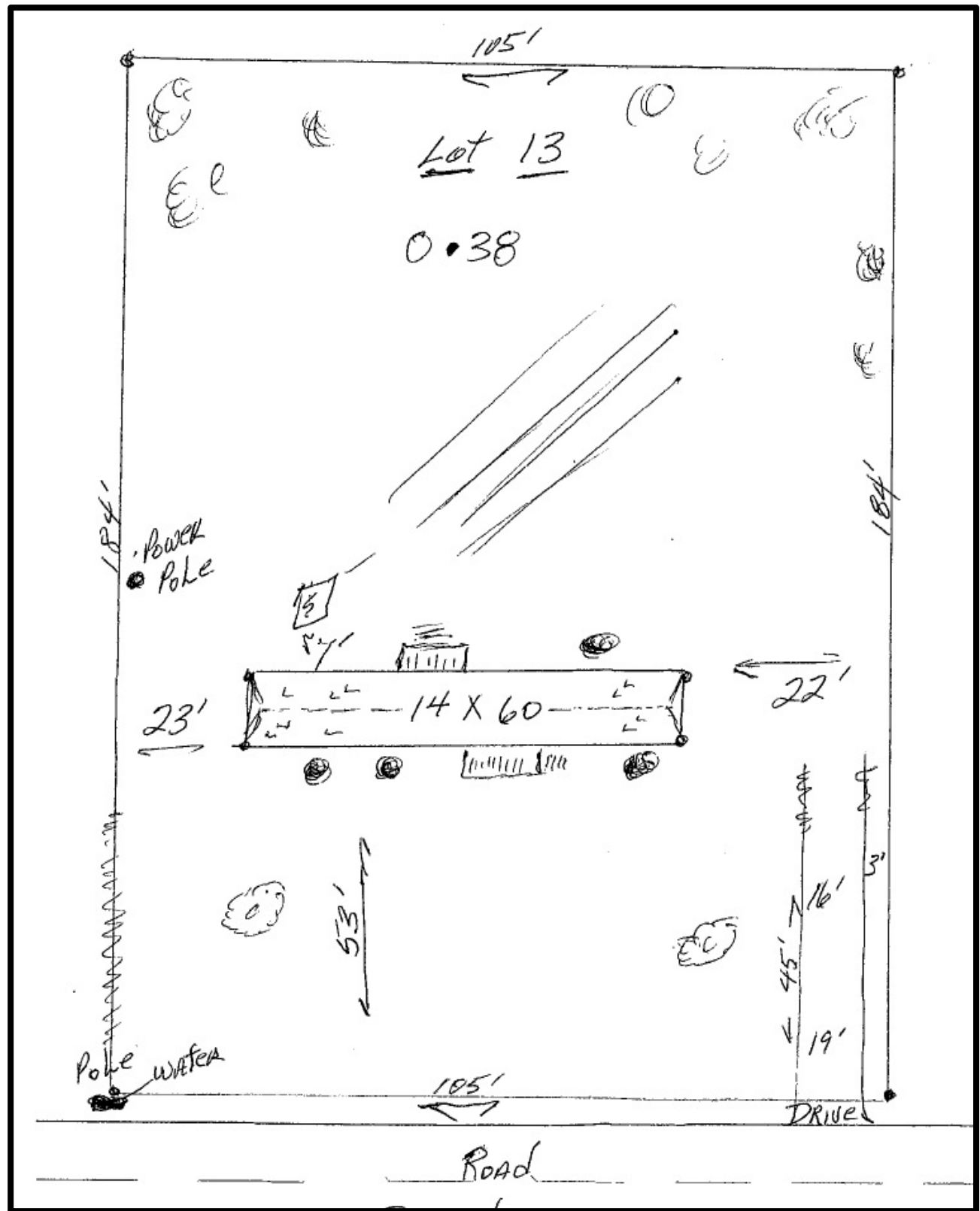
Current view



Proposed Replacement Single-Wide Manufactured Home



Site Plan Submitted by Applicant



Additional Applicant Statements (See Attached Application)

- If not allowed we would have to buy another lot. We have already cleared the lot and planted grass seed.
- There is not enough space to place a doublewide home because of the location of the septic tank and drain field.
- The neighborhood is mostly single wided.
- The applicant notes that the hardship did not result from actions taken by him and he believes the variance is consistent with the spirit and intent of the ordinance.

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

- In the event that the Board elects to grant the variance, a suggested condition of the variance is that the home meet the standards of a Class B manufactured home as follows:
 - Constructed after July 1, 1976
 - Tongue, axles, transporting lights, and removable towing apparatus to be removed before occupancy
 - Manufactured home to be set up on the site in accordance with state standards
 - Entrance to be installed and constructed in accordance with state standards
- 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: _____

Single wide mobile home

Applicant information:

Name: James G. Rayfield

Address: 4327 South Olivers Cross Rd.

City: Maiden State: NC Zip: 28650

Telephone: 704-473-0437 Email: jrrayfield@gmail.com

Property owner information (if different from applicant)

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

Property location and description

Address: Dorset St. Lincolnton, NC

Tax parcel no. (five-digit): 50564 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: Section 193-105

Permitted Uses - manufactured home, Class A

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

Not enough space to put Doublewide because of location
of septic & drain fill line. Neighborhood is mostly singlewides,

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):

If not allowed we will have to ~~not~~ buy another lot. We have already cleared the lot & planted grass.

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):

Dont believe so

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):

I believe so

Signatures

James W. Rayfield 7-12-19
Applicant Date

Property Owner, If Different From Applicant Date

Bill Huls 7-16-19
Zoning Administrator Date

5/28/2019

Map with Parcel Information



Lincoln County, NC
Office of the Tax Administrator, GIS Mapping Division
 Lincoln County and its mapping contractors assume no legal responsibility for the information contained on this map. This map is not to be used for land conveyance. The map is based on NC State Plane Coordinate System 1983 NAD.

Date: 5/28/2019



Photo Not
Available

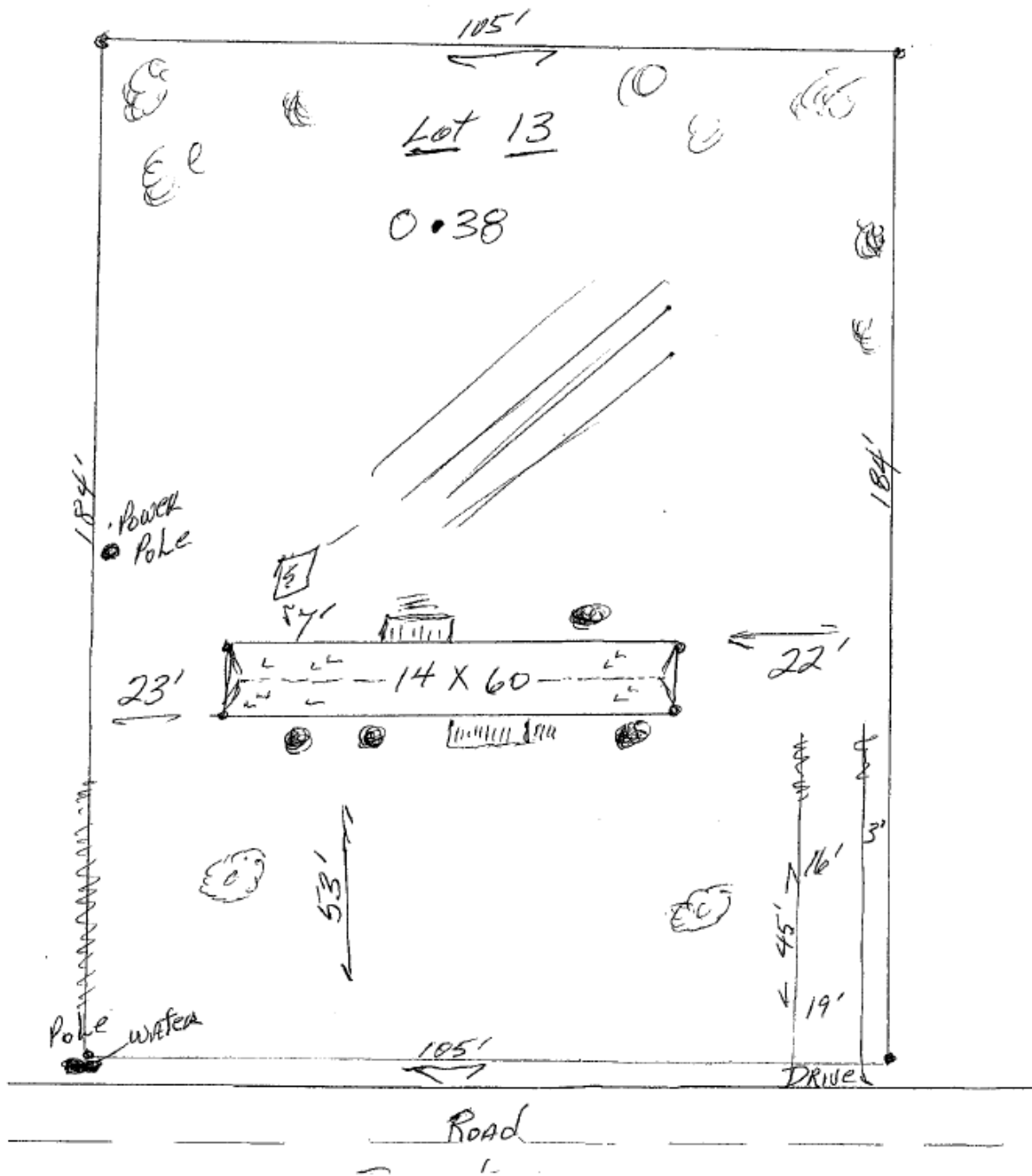
Parcel ID	50569	Owner	RAYFIELD JAMES
Map	3623	Mailing	4327 S OLIVER CROSSROAD
Account	0100711	Address	MAIDEN, NC 28650
Deed	2812 695	Last Transaction Date	04/30/2019
Plat	D 81	Subdivision	LINCOLN VIEW Lot 13
Land Value	\$16,000	Improvement Value	\$0
Previous Parcel		Total Value	\$16,000

—All values for Tax Year 2019—

Description	#13-G LINCOLN VIEW	Deed Acres	0
Address	DORSET LN	Tax Acres	0.376
Township	LINCOLNTON	Tax/Fire District	HOWARDS CREEK
Main Improvement		Value	
Main Sq Feet		Year Built	
Zoning District	R-25	Voting Precinct	LB34
Calc Acres	0.38	Calc Acres	0.38
Watershed	0.38	Sewer District	0.38

Census County	109	Tract	070700	Block	2027	0.38
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Flood	Zone Description	Panel	3710362300	0.38
✓	NO FLOOD HAZARD			





Lot



Neighbor to Right



Neighbor to left



Nearby Neighbors



Nearby Neighbors

Built 87'
manufactured home
requesting to be placed
on lot.







Lincoln County, NC
Office of the Tax Administrator, GIS Mapping Division
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 conveyance. The map is based on NC State Plane Coordinate System 1983 NAD.
 Date: 7/17/2019



Parcel ID	50569	Owner	RAYFIELD JAMES	
Map	3623	Mailing	4327 S OLIVER CROSSROAD	
Account	0100711	Address	MAIDEN, NC 28650	
Deed	2812 695	Last Transaction Date	04/30/2019	Sale Price \$7,000
Plat	D 81	Subdivision	LINCOLN VIEW	Lot 13
Land Value	\$16,000	Improvement Value	\$0	Total Value \$16,000
Previous Parcel				
-----All values for Tax Year 2019 -----				
Description	#13-G LINCOLN VIEW		Deed Acres	0
Address	DORSET LN		Tax Acres	0.376
Township	LINCOLNTON		Tax/Fire District	HOWARDS CREEK
Main Improvement			Value	
Main Sq Feet			Year Built	
Zoning District	Calc Acres	Voting Precinct	Calc Acres	
R-25	0.38	LB34	0.38	
Watershed	0.38	Sewer District	0.38	
Census County	109	Tract	070700	Block 2027
				0.38
Flood	X	Zone Description	NO FLOOD HAZARD	Panel 3710362300
				0.38