

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

1. Roll Call
2. Call to Order
3. Approval of minutes from the October 15, 2019 meeting
4. BOA-10-2019 – A request for a variance from Timothy Smith to allow an increase in the size of an accessory building at 407 North Grove Street (PID 20982)
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, October 15, 2019 Meeting

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

Absent: n/a

Call to Order

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

Approval of Minutes

Chair Gene Poinsette asked the Board if there were any additions or corrections to the minutes of the September 17, 2019 meeting.

Motion: Änd Lynn made a motion to approve the minutes. Becky Burke seconded. Motion carried unanimously.

Chair 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. Änd Lynn seconded. Motion carried unanimously.

Jean Derby

MEMO TO: Lincolnton Board of Adjustment

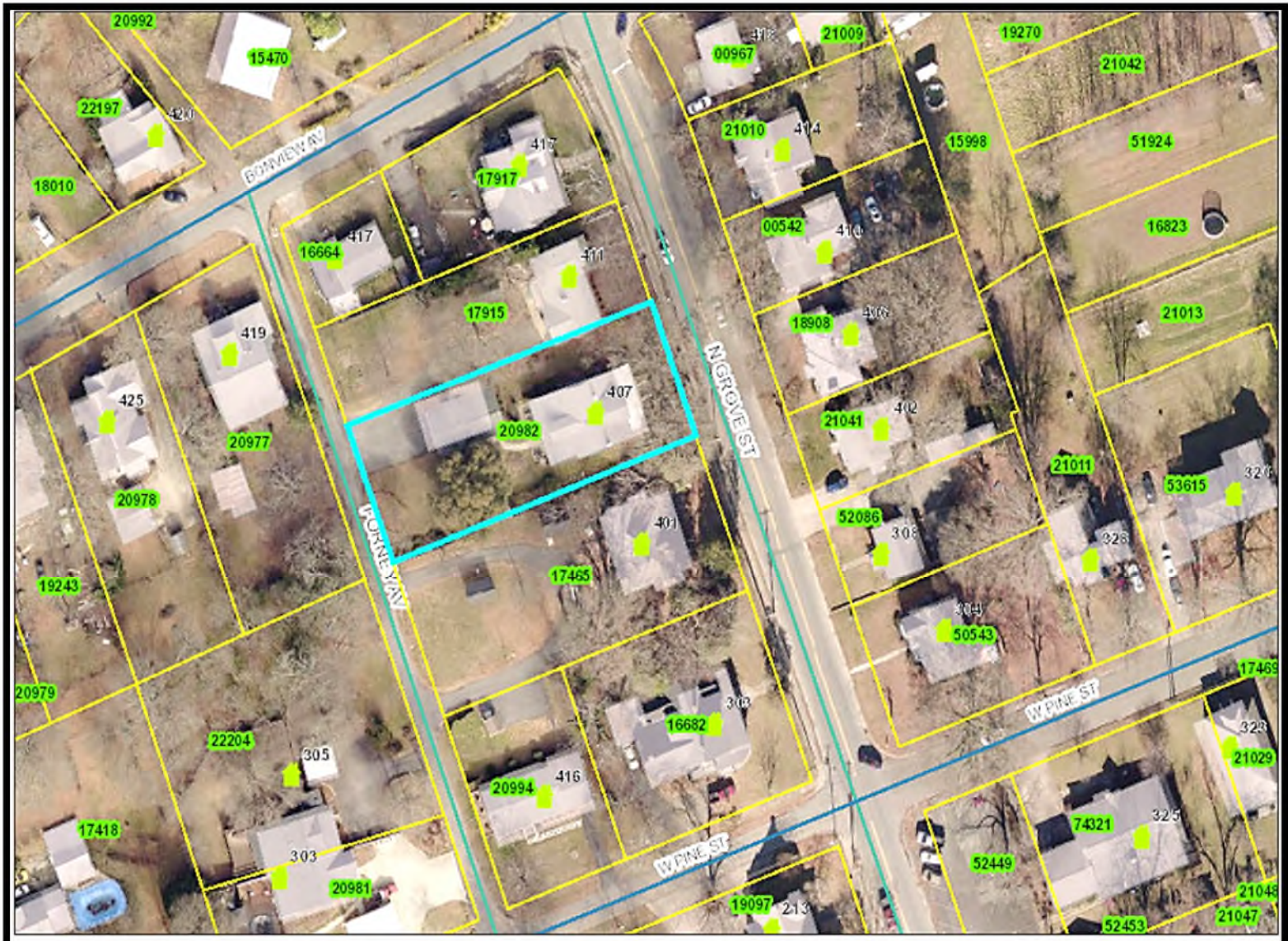
FROM: City of Lincolnton Planning Department

DATE: November 19, 2019

SUBJECT: BOA-10-2019 – Timothy Smith

Property Information

- Property Location – 407 North Grove Street (PID 20982)
- Current Zoning – Single Family Medium Density Residential District (R-10)
- Property Size - 0.41 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 cover more than 30% of the required rear yard.

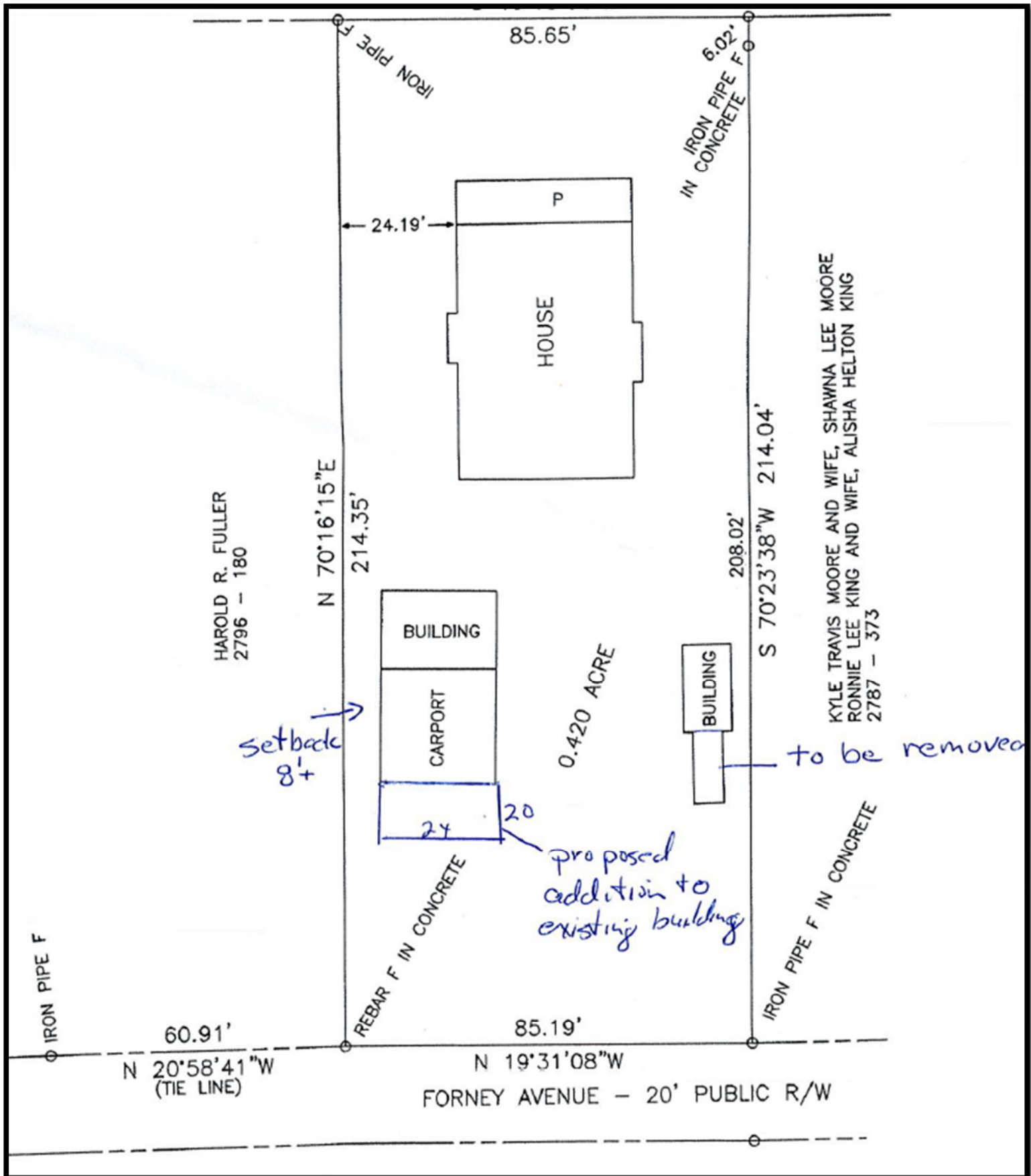
Background and Variance Request

- The property currently has 1,304 square feet of accessory buildings on the property. 1,392 square feet is allowed by the Unified Development Ordinance
- The applicant is requesting a variance to allow a new 480 square foot building to be constructed on the property. If 480 square feet of building is permitted, the applicant would be over the maximum allowable square footage by 392 square feet.

Current views



Site Plan Submitted by Applicant



Additional Applicant Statements (See Attached Application)

- Applicant needs extra room for storage and shop to store classic cars
- Building style will be consistent with 1920's style house on property.
- Building is not seen from Grove Street. (Property has two frontages, Forney street is to rear).

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 must be placed on the lot in accordance with the attached site plan submitted by the applicant and meet all required setbacks.
 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.
- 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



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Application for Variance

Description of request: increase size of existing
building, carport/shop, enclose for
garage area

Applicant information:

Name: Timothy M. Smith

Address: 407 N. Grove St.

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

Telephone: 704-488-7626 Email: tmsmith55@bellsouth.net

Property owner information (if different from applicant)

Name: - Same -

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

Property location and description

Address: 407 N. Grove St. Lincolnton

Tax parcel no. (five-digit): 20982 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: _____

- ① existing building is app. 8' from property line,
- ② exceeds maximum size of outbuildings,
note: One existing building can be torn down if needed.

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):

Financial - I purchased the property thinking that adding on to the garage would not be a problem. I can't afford to rent or buy another garage.

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):

none

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):

none

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 own classic cars and need the extra room for storage + shop (personal use only)
Building style will be consistent with 1920's style house on property.
Garage is not seen from Grove St.