



**CITY OF LINCOLNTON
BOARD OF ADJUSTMENT**

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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, November 19, 2019 Meeting

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

Absent: N/A

Call to Order

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

Approval of Minutes

Chairman Gene Poinsette asked the Board if there were any additions or corrections to the minutes of the October 15, 2019 meeting.

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

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).

Daphne Ingram swore in Mark Carpenter and Tim Smith.

Mark Carpenter addressed the board noting the following:

The property is a single-family residence located at 407 Grove 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 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. The ordinance allows 1,392 square feet of accessory buildings on the property.
- The applicant is requesting a variance to allow a new 480 square feet 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.

Additional Applicant Statements

- 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 with Forney Street to the 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 cannot 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. Becky Burke 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: Jamel Farley made a motion to adjourn. And Lynn seconded.
Motion carried unanimously.*

Jean Derby

Boa112019minutes