

LINCOLNTON BOARD OF ADJUSTMENT
AGENDA
December 17, 2019
At 4:00 P.M. in City Council Chambers

1. Roll Call
2. Call to Order
3. Approval of minutes from the November 19, 2019 meeting
4. BOA-11-19- Application from Michelle Andrews requesting a variance from Section 153.105 (R-25) of the Lincolnton Unified Development Ordinance. The request is to create a new parcel of land, which does not meet the minimum lot size requirement in the R-25 zoning district. The subject parcel is located at 164 Hilltop Road with frontage also on Westward Drive (Parcel ID 22713).
5. BOA-12-19- Application from Roger and Robin Holden requesting a variance from Section 153.107 (R-10) of the Lincolnton Unified Development Ordinance. The request is to construct an accessory building on the property, which does not meet the required 20-foot side yard setback from the East Sycamore Street right of way. The subject parcel is located at 201 North Oak Street (Parcel ID 20454).
6. 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, andmylynn@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, And 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: And 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 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.

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

MEMO TO: Lincolnton Board of Adjustment

FROM: City of Lincolnton Planning Department

DATE: December 17, 2019

SUBJECT: BOA-11-2019 – Michelle Andrews of Optimistic Venture Group

Property Information

- Property Location – 164 Hilltop Road with frontage on Westward Drive (Parcel ID 22713)
- Current Zoning – Residential 25 (R-25)
- Property Size - Approximately 1.007 acres
- Current Use of Property - Single Family Dwelling
- Adjacent Properties - Residential



Current views of Property





Relevant UDO Requirement

- The R-25 District requires a minimum lot size of 22,500 square feet for single family homes.

Variance Request

- The applicant wishes to create a lot that would front on Westward drive to construct a new single family home or Class A Manufactured home.
- The new lot would be approximately 21,365 square feet in size. This would be 1,135 square feet smaller than the minimum requirement of 22,500 square feet.
- The existing single family dwelling that fronts on Hilltop Road would meet the minimum lot size requirements.

Additional Applicant Statements (See Attached Application)

- We are requesting approval to place a new 1400 square foot doublewide on the property although the lot would be 21,365 square feet in size.

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 the variance the following should be added as conditions:

1. The applicant must submit and have approved by Planning Staff a survey showing the two new lots.
2. Westward Drive, which has a concrete private road, must be extended to the edge of the property boundary. The extension of the road must be in the same form as the existing road.

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.

Variance Application

Lincoln County Planning and Inspections Department
302 N. Academy St., Suite A, Lincoln, NC 28092
Phone: (704)736-8440 Fax: (704)732-9010



per by CC

BoA-11-19

Part I

Applicant Name Michelle Andrews
Applicant Address 8329 Viewpoint Ln, Cornelius, NC 28031
Applicant Phone Number 704.996.0134
Property Owner's Name Optimistic Venture Group
Property Owner's Address 1101 South Blvd., Suite 205, Charlotte, NC 28203
Property Owner's Phone Number 704.885.0488

Part II

Property Location 164 Hilltop (GJ area)
Property ID # (10 digits) _____ Property Size 1.007 acres, 43,865 sqft
Parcel # (5 digits) 22713 Deed Book(s) 2846 Page(s) 975

Part III

Briefly describe how the parcel is zoned, used, and list any existing structures.

R-25, home - currently being renovated
by Optimistic Venture Group

Briefly explain your reason for seeking a variance.

would like to subdivide property, placing
new ^{double wide} mobile home on back portion. (see map)

Describe the type of variance you need.

Per discussion with Mark Carter, the lot
has city water so the owner needs 22,500
sqft to put another home on the lot. This
leaves the lot 1135 sqft short of being
able to subdivide & create 2 lots
with 2 homes.

We are requesting approval to place a
new 1400 sqft double wide on the
property although the lot would be 21,365 sqft.

\$400 APPLICATION FEE MUST BE RECEIVED
BEFORE PROCESSING A VARIANCE REQUEST

I hereby certify that all of the information provided for this application and attachments is true and correct to the best of my knowledge.

Michelle Andrews
Applicant

11.14.19
Date

Michael Martore
Owner

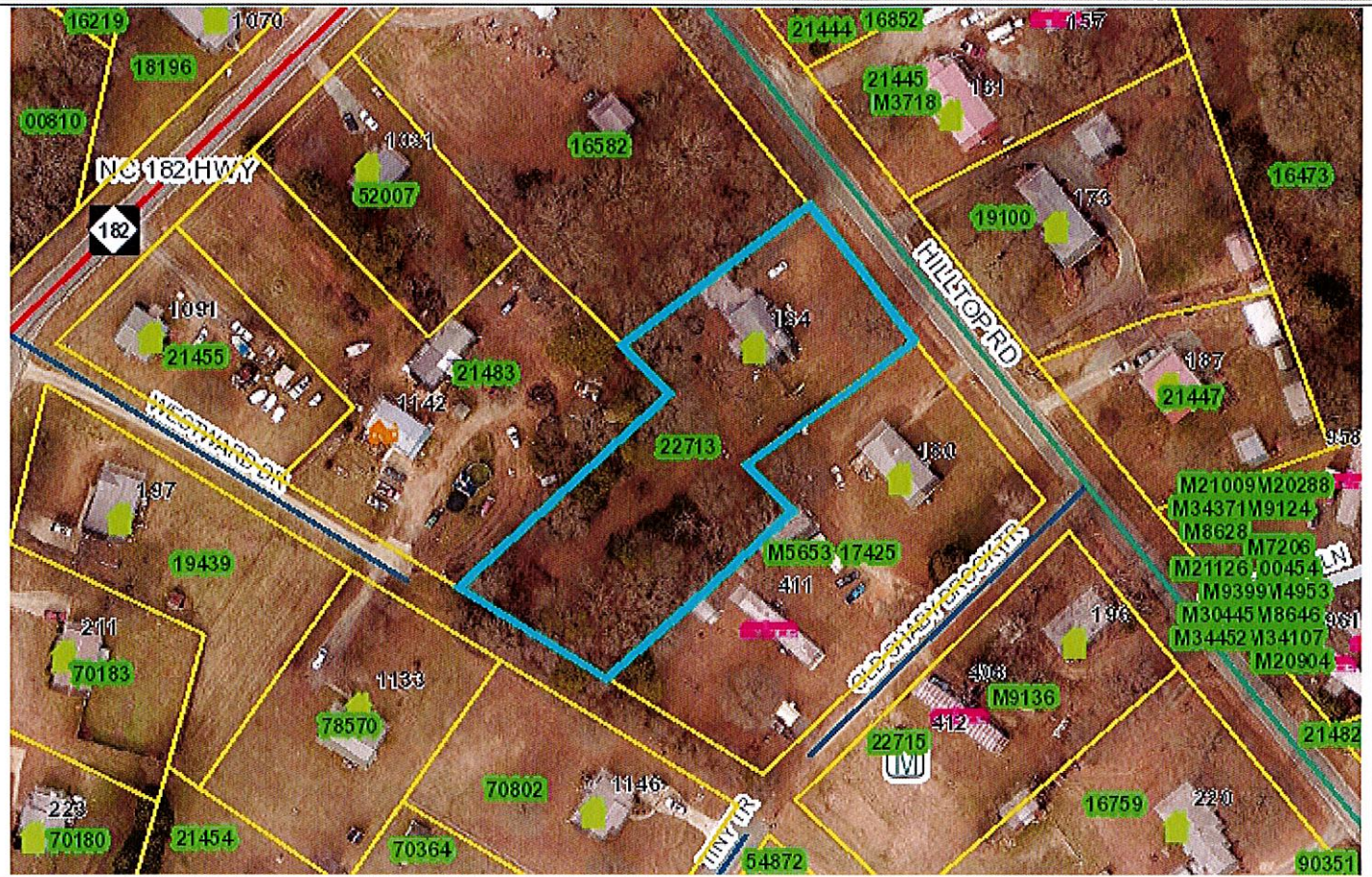
11-14-19
Date



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: 11/15/2019



Parcel ID	22713	Owner	OPTIMISTIC VENTURE GROUP LLC	
Map	3623	Mailing	4730 S FORT APACHE RD STE 300	
Account	0255847	Address	LAS VEGAS, NV 89147	
Deed	2846 975	Last Transaction Date	09/18/2019	Sale Price \$52,000
Plat	A 102	Subdivision	BOSTON LACKEY	Lot 6-10 & 21-25
Land Value	\$24,067	Improvement Value	\$57,914	Total Value \$81,981

Previous Parcel

-----All values for Tax Year 2019 -----

Description	B LACKEY 21-25<S 6-10A		Deed Acres	0
Address	164 HILLTOP RD		Tax Acres	1.007
Township	LINCOLNTON	Tax/Fire District	CROUSE	
Main Improvement	CONVENTIONAL	Value	\$56,969	
Main Sq Feet	1420	Stories	1	Year Built 1952
Zoning District	Calc Acres	Voting Precinct	Calc Acres	
R-25	1.01	LB34	1.01	
Watershed	1.01	Sewer District	1.01	
Census County	109	Tract	070400	Block 1006 1.01
Flood	X	Zone Description	NO FLOOD HAZARD	Panel 3710362300 1.01

MEMO TO: Lincolnton Board of Adjustment

FROM: City of Lincolnton Planning Department

DATE: December 17, 2019

SUBJECT: BOA-12-2019 – Roger and Robin Holden

Property Information

- Property Location – 201 North Oak Street (PID 20454)
- Current Zoning – Residential 10 District (R-10)
- Property Size - 0.161 acres
- Current Use of Property – Single Family Residential
- Adjacent Properties – Single Family Residential with the exception of to the south with commercial uses fronting on East Main Street



UDO Requirements

- 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 and rear yard lot line. This lot is also a corner lot which

would require an additional 10 feet on the corner side from the right of way line of East Sycamore Street for a total of 20 feet.

Background and Variance Request

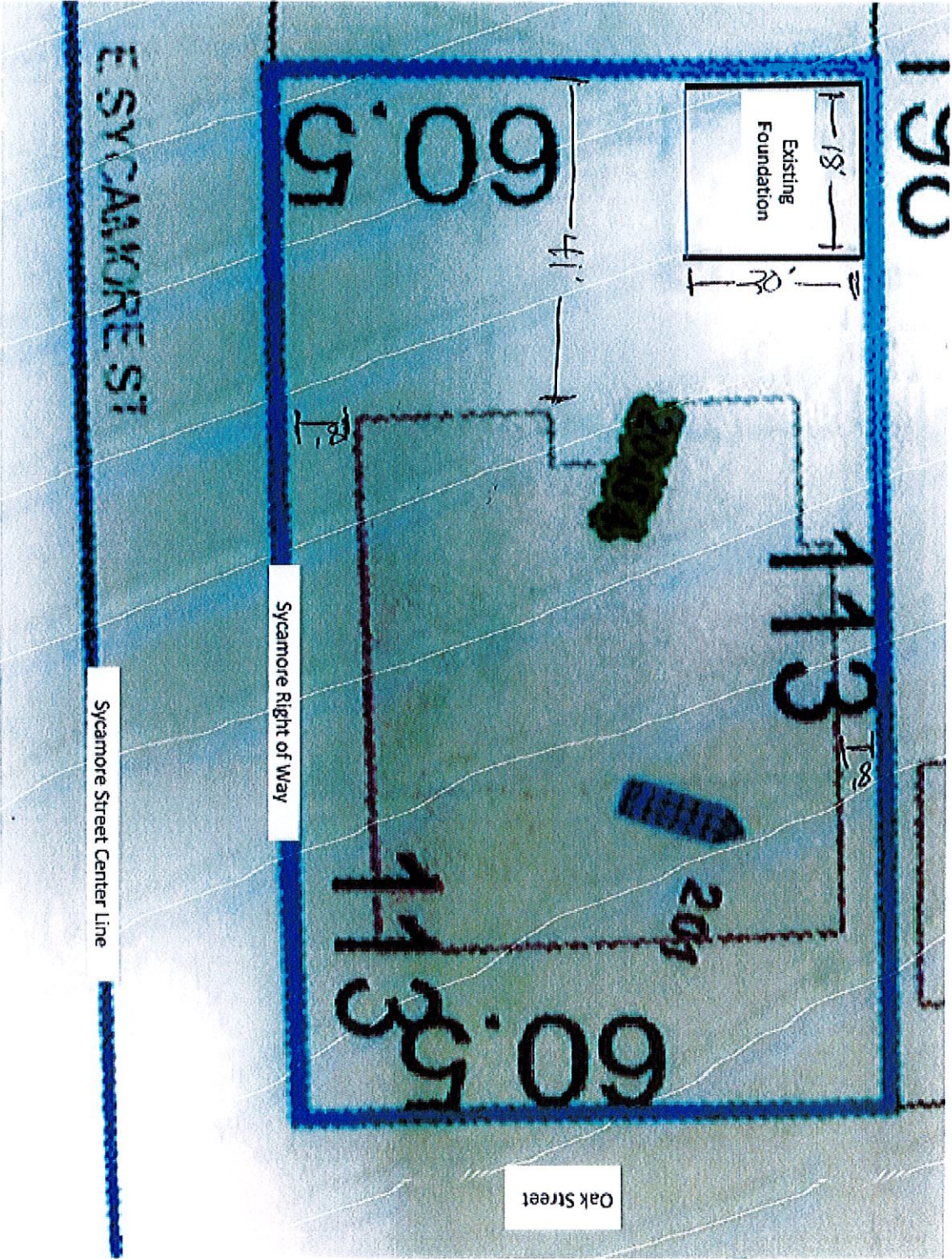
- The applicant is requesting a variance to construct an accessory garage on the west side of the home along East Sycamore Street.
- The garage will encroach into the required twenty foot side yard setback.
- The Current house on the property faces North Oak Street and sits approximately 8 feet from the right of way of East Sycamore Street.
- The proposed structure will be even with the house on East Sycamore Street for a side yard setback of 8 feet instead of the required 20 feet.
- The proposed structure will meet all other zoning requirements.
- The applicant has also provided another alternative. There is an existing foundation at the northwest corner of the property. The applicant would also consider this option. In this case the accessory structure would be placed approximately one foot from the rear and right side property lines.

Current view

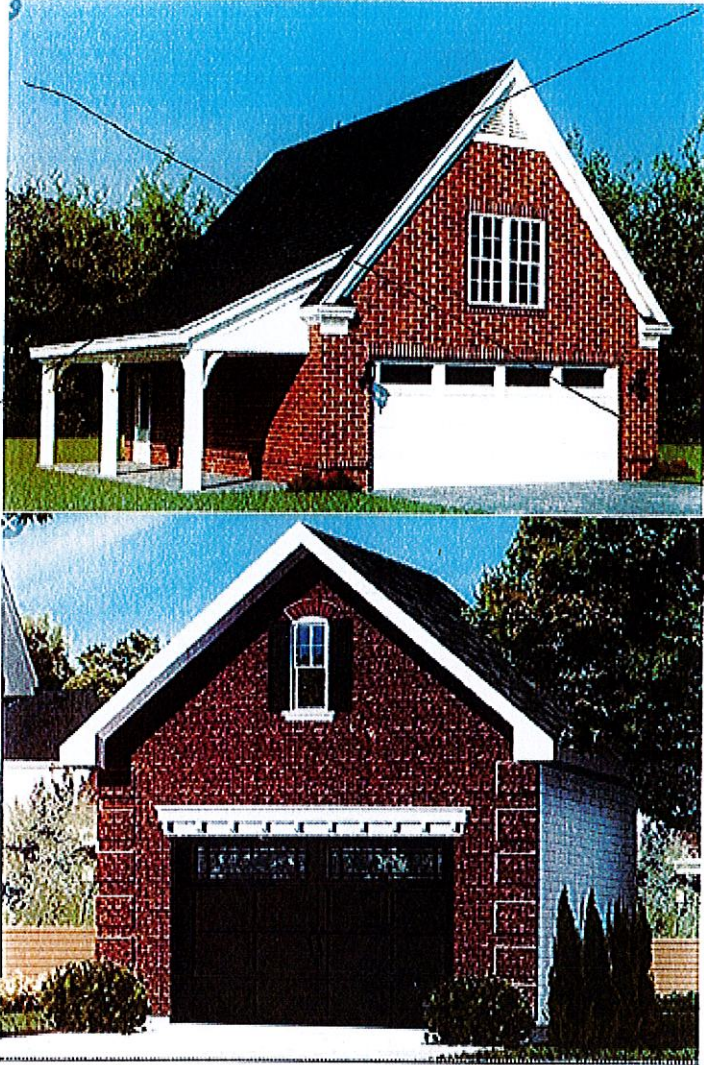




Plan Submitted by Applicant



Example Garage Submitted by Applicant



Additional Applicant Statements (See Attached Application)

- By adhering to setback of 20 feet from Sycamore Street right of way, an accessory building would have to be placed in the center of the backyard eliminating the space we would like to use for the outdoor living space.
- Currently the existing house sits approximately 8 feet from street right of way.
- Foundation of former accessory building still exist in corner of property that would not present any safety issues or interference issues for neighbors. Nor would it cause any issues with obstruction of views.

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 garage will not extend any further towards the Sycamore Street right-of-way than the existing house or if the second option is preferred the building could be constructed in the northwest corner at the existing foundation.
 2. The accessory structure shall generally conform/harmonize with the architectural style of the example garage 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 the preferred location and 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 forego setback of 10 Feet from
property line for an accessory structure in back
corner of property

Applicant information:

Name: Roger + Robin Holden

Address: 201 N. Oak Street

City: Lincolnton State: NC Zip: 28092

Telephone: 704 - 736 - 5114 Email: holden_r@bellsouth.net

Property owner information (if different from applicant)

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

Property location and description

Address: 201 N. Oak Street

Tax parcel no. (five-digit): 20454 Current zoning classification: _____

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: _____

To adhere to set back off property lines and setback off of Sycamore Street, we would have to place an accessory structure basically in the middle of our back yard which is not very big and would not leave the desired space for an outdoor living space that we would like to have developed for personal use.

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):

By adhering to setback of 20 ft from Sycamore right of way, an accessory building would have to be placed in the center of the back yard eliminating the space we would like to use for the outdoor living space

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):

Currently the existing house sits approximately 8 ft from street right of way but we were informed that accessory building would not be able to align with house and would have to honor 20 ft setback

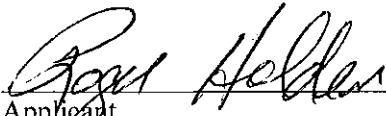
3) The hardship did not result from actions taken by the applicant or the property owner. (NOTE: The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. This statement is based upon the following reason(s):

No actions taken by property owner resulting in 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. This statement is based upon the following reason(s):

Foundation of former accessory building still exist in corner of property that would not present any safety issues or interference issues for neighbors. Nor would it cause any issues of obstruction of views.

Signatures


Applicant

11/18/19
Date

Property Owner, If Different From Applicant

Date

Zoning Administrator

Date