



**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, December 17, 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 November 19, 2019 meeting.

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

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).

Laura Elam swore in Mark Carpenter and Michelle Andrews.

Mark Carpenter addressed the board noting the following:

The property is a single-family residence located at 164 Hilltop Road currently zoned R-25.

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

- 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.

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.*

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).

Laura Elam swore in Mark Carpenter, Roger Holden and Robin Holden.

Mark Carpenter addressed the board noting the following:

The property is a single-family residence located at 201 North Oak Street currently zoned R-10.

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 feet from the rear and right side property lines.

Additional Applicant Statements

- 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

5. 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.
6. 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.
7. 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.
8. 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.

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

Boa122019minutes