

LINCOLNTON BOARD OF ADJUSTMENT
AGENDA
December 15, 2020
At 4:00 P.M. in City Council Chambers

1. Roll Call
2. Call to Order
3. Approval of minutes from the November 17, 2020 meeting
4. BOA-4--2020 – A Variance Application submitted by Danny Wayne Brooks Jr. requesting a reduction in the front yard setback for a parcel in the G-B (General Business) Zoning District. The property is at 303 East Sumner Street (PID 81508).
5. BOA-5-2020 – Variance Application submitted by Eldo K. Paul requesting a reduction in the lot size requirement for a parcel in the Residential-8 (R-8) Zoning District. The applicant wants to subdivide a property with two dwellings into two separate lots. The property is located at 822 and 826 Grier Street (PID 16748).
6. BOA-6-2020 – Variance Application submitted by Agustina Gabriela Vargas requesting a reduction in the 35 feet of road frontage requirement for a parcel in the Residential-15 (R-15) Zoning District. The applicant wants to subdivide the property into two lots. The property is located at 114 Moore Street (PID 22590).
7. Adjournment



**CITY OF LINCOLNTON
BOARD OF ADJUSTMENT**

PO DRAWER 617, LINCOLNTON, NC 28092

www.ci.lincolnton.nc.us

BOARD MEMBERS: Worth Roberts, Chair, worth.roberts@charter.net; Gene Poinsette, Vice-Chair, poinsetteg@charter.net; Änd Lynn, Chair, andmlynn@gmail.com; Jerry Hoffman, (ETJ), jlskhoffman@charter.net; Stephen Silva, (ETJ), soundcity1@ymail.com; Jamel Farley, first alternate, afarley2351@gmail.com; Rebecca Abernethy, second alternate, rabernethy21@bellsouth.net; Greg McBryde, third alternate, Gregory.Mcbryde@gmail.com;

Tuesday, November 17, 2020 Meeting

Present: Gene Poinsette, Änd Lynn, Jamel Farley, Jerry Hoffman and Stephen Silva

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 20, 2020 meeting.

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

Jean Derby

MEMO TO: Lincolnnton Board of Adjustment

FROM: City of Lincolnnton Planning Department

DATE: December 15, 2020

SUBJECT: BOA-4-2020 – Danny Wayne Brooks Jr.

***This is a renewal of a variance that was previously issued in January 2019. The ordinance requires that the variance be implemented within one years time. No action was taken so a variance public hearing will need to be held to determine if the variance warrants issuance again.**

Property Information

- Property Location – 303 Sumner Street (PID 81508)
- Current Zoning – General Business (G-B)
- Property Size - 0.643 acres



- Current Use of Property – Commercial – Warehouse assembly
- Adjacent Properties – Commercial and Residential

Relevant UDO Requirement

- The City of Lincolnton Unified Development Ordinance requires a forty (40) foot front yard setback in the G-B district.

Background and Variance Request

- The applicant operates an assembly and warehouse facility in the existing 5,566 square foot building on the site. The existing building pre-dates zoning regulations and is located approximately 10 feet from the right-of-way line along East Sumner Street.
- The applicant proposes to construct a new building to the east of the existing building. The proposed building would include approximately 5,400 square feet and would be located approximately 18 feet from the right-of-way line along East Sumner Street.
- A variance is required to allow the building within the 40 foot setback.

Existing Building



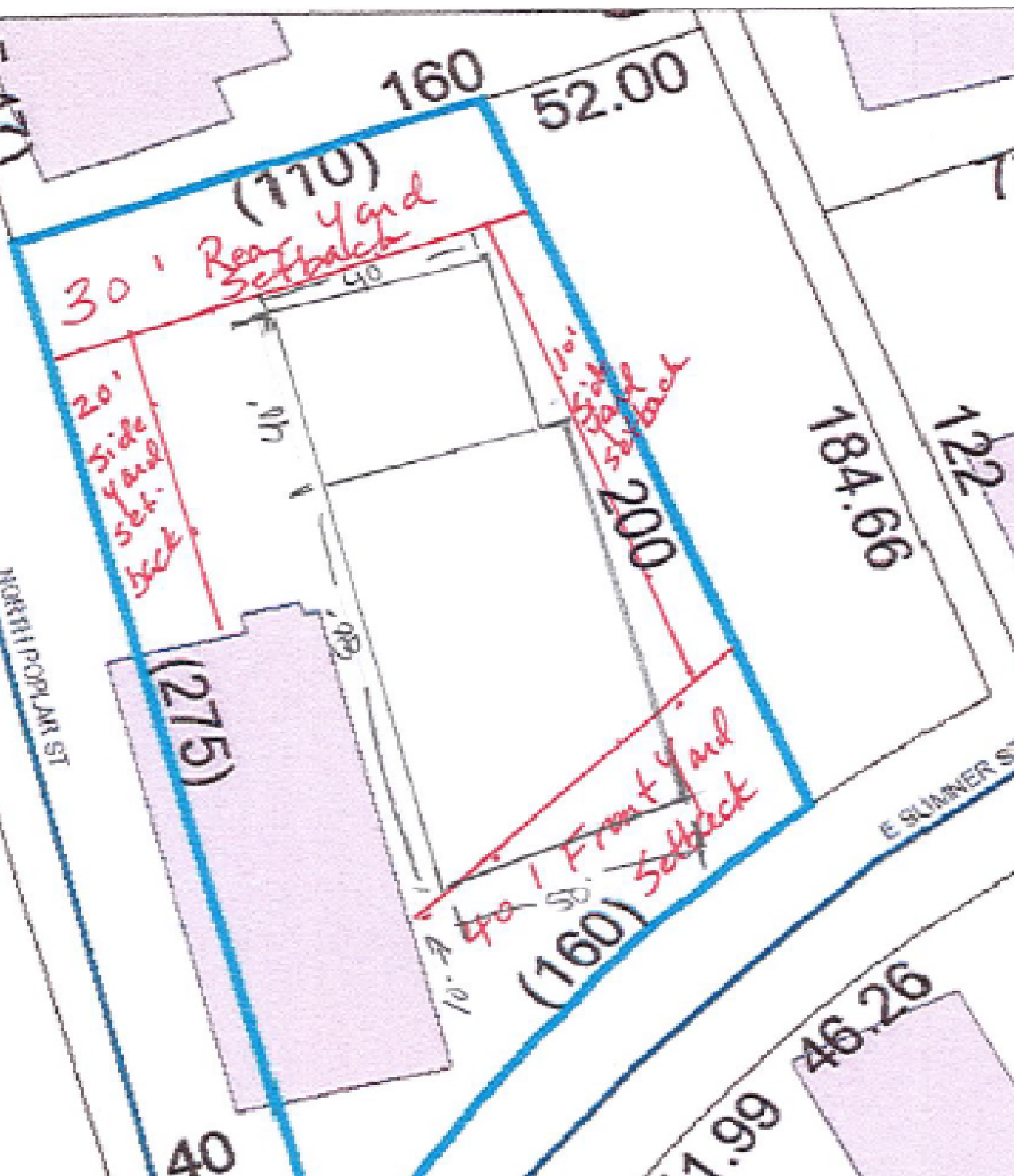
Site of Proposed Building



Proposed new building

The applicant proposes to construct an approximately 50 x 120 square foot metal building. The below sketch outlines the required building setbacks in red. The proposed building line is sketched in black. The required building setback is 40 feet and the proposed building setback is approximately 18 feet.

Additional Applicant Statements (See Attached Application)



- Applicant would like construct a second building to accommodate the growing business and to continue to operate the business in downtown Lincolnton.
- Applicants will remove an older tractor trailer and a tractor trailer container box currently being used for storage.
- Odd shape of the lot makes it imperative to receive the variance to construct a building the size required to accommodate the needed additional space.
- If the additional space cannot be created, then the applicant would be forced to relocate possibly outside City limits to find the space required.

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 the Board elects to grant the variance, a suggested condition of the variance is that the existing tractor trailer and tractor trailer container box be removed and there be no future use of tractor trailers or tractor trailer container boxes on the site.
- The proposed building setback appears to be in keeping with the established building setbacks of nearby properties.
- 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.

MEMO TO: Lincolnnton Board of Adjustment

FROM: City of Lincolnnton Planning Department

DATE: December 15, 2020

SUBJECT: BOA-5-2020 – Eldo Paul

Property Information

- Property Location – 822 and 826 Grier Street (PID 16748)
- Current Zoning – Residential-8 (R-8)
- Property Size - 0.242 acres
- Current Use of Property – Residential
- Adjacent Properties – Commercial and Residential



Relevant UDO Requirement

- The City of Lincolnnton Unified Development Ordinance requires a minimum lot size of 6,000 square feet for single family dwellings in the R-8 district. The total lot is approximately 10,500 square feet which is 1,500 square feet too small to subdivide and meet the minimum lot size requirement. A side setback of 10 feet is also required. The two dwelling units are only 16 feet apart so the variance would encompass the side setback also.

Background Information

- According to the Lincoln County Tax record one home was built in 1899 and the other in 1940. No land use regulations existed at the time the homes were built.
- The applicant proposes to create a new property line which would split the properties into two lots. No other changes would be proposed.

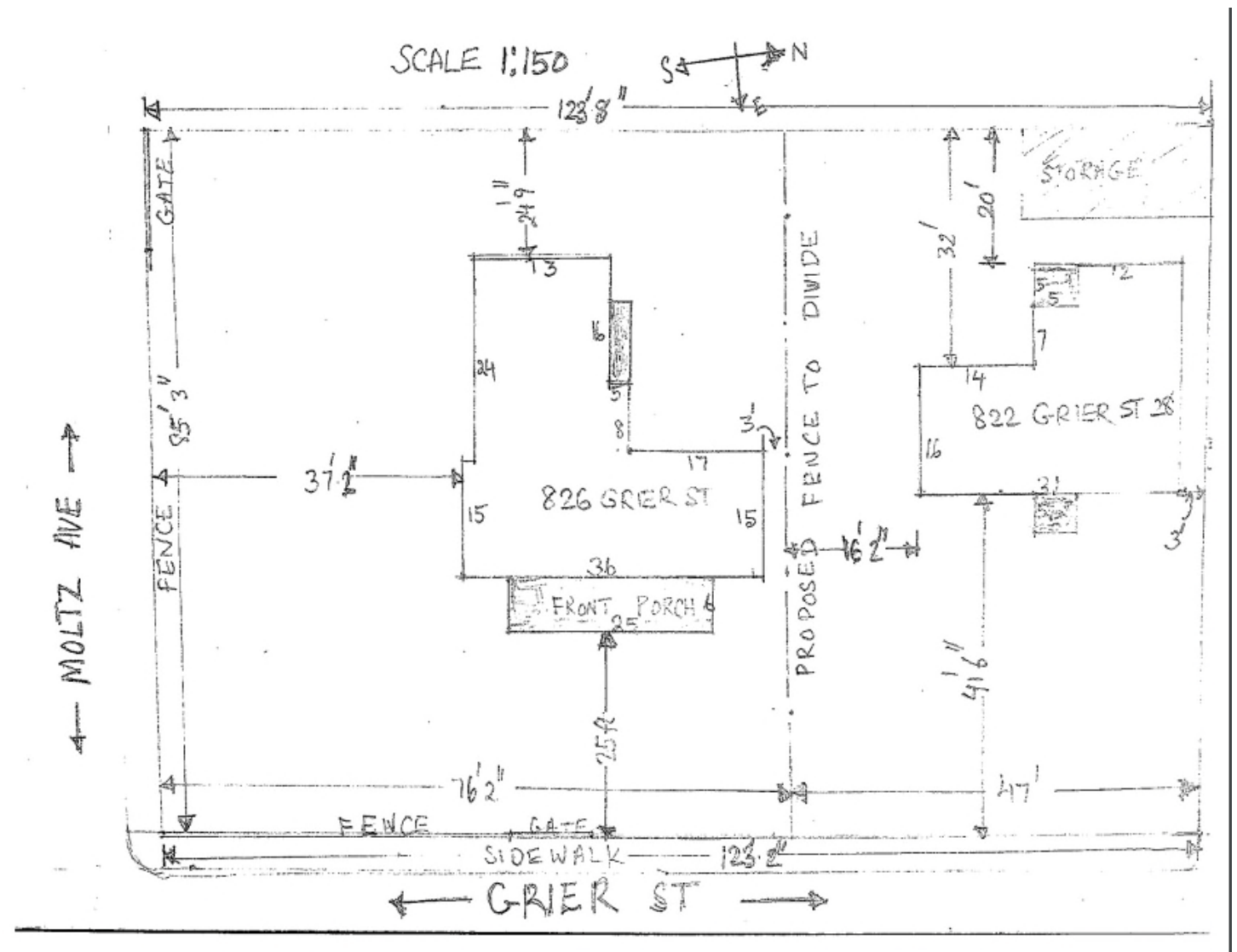
Existing Conditions





Additional Applicant Statements (See Attached Application)

- No changes to the two buildings or property
- Doesn't affect the appearance or usage of the property
- Nothing will physically change all will remain as is except there will be two lots instead of one.
- See below drawing by applicant as proposed subdivision.



Findings of Fact

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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

- A survey will need to be completed by a licensed land surveyor and approved by the Planning Department if the variance is granted.
- A note will need to be made on the survey stating a variance has been issued so any future property owners will have this information.
- 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.

MEMO TO: Lincolnnton Board of Adjustment

FROM: City of Lincolnnton Planning Department

DATE: December 15, 2020

SUBJECT: BOA-6-2020 – Agustina Vargas

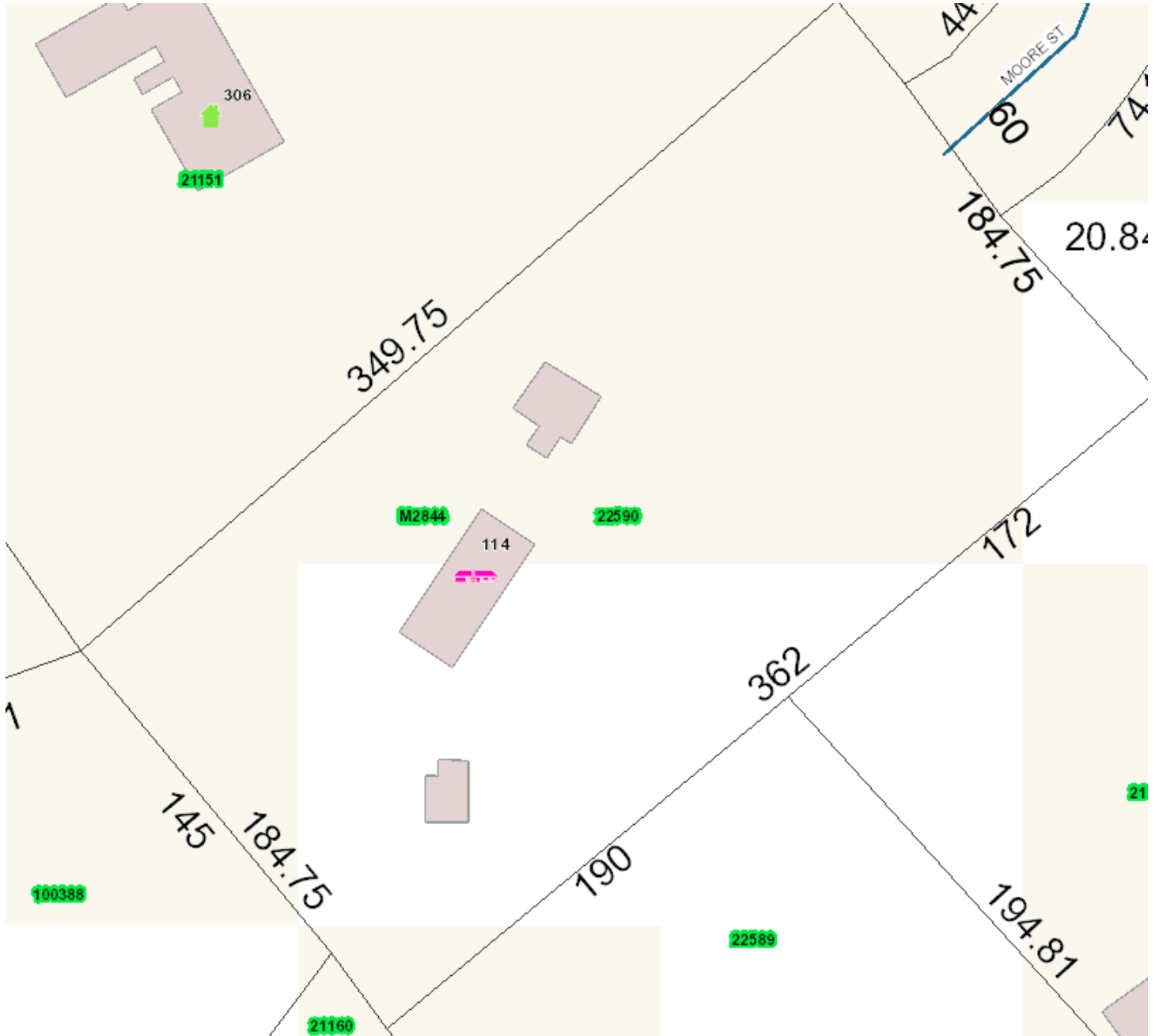
Property Information

- Property Location – 114 Moore Street (PID 22590)
- Current Zoning – Residential-15 (R-15)
- Property Size - 1.6 acres
- Current Use of Property – Residential manufactured home
- Adjacent Properties – Residential



Relevant UDO Requirement

- The City of Lincolnton Unified Development Ordinance requires a minimum of 35 feet of road frontage for each lot. The property is at the end of a street with no cul de sac. The right of way of Moore Street is 60 feet in width. The applicant would have only 30 feet of road frontage available for each lot unless additional land can be obtained from adjacent properties.

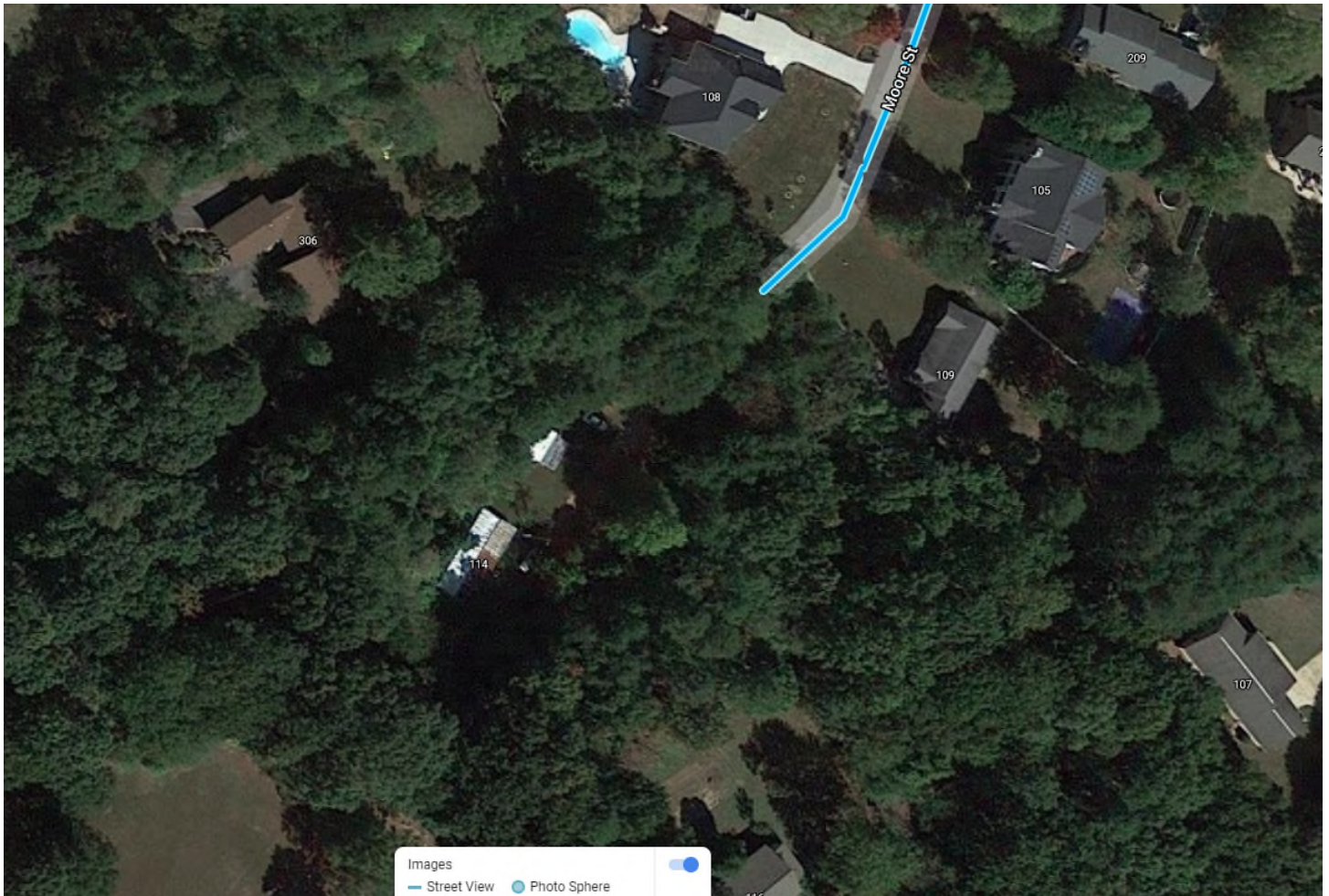


Background Information

- According to the Lincoln County Tax record the lot was created in the 1960's prior to any land use regulations.
- The lot is large enough to subdivide into two lots for two new single family dwellings and meet all other ordinance requirements except for minimum road frontage.

- The applicant proposes to create two new lots, remove the mobile home, and construct two new single family dwellings.

Existing Conditions





Additional Applicant Statements (See Attached Application)

- Remove Mobile Home and build two new dwellings.
- 1.6 acres is too much land for one single family dwelling. Proposal is to make two 0.75+- lots with 30 feet of street frontage.

Findings of Fact

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