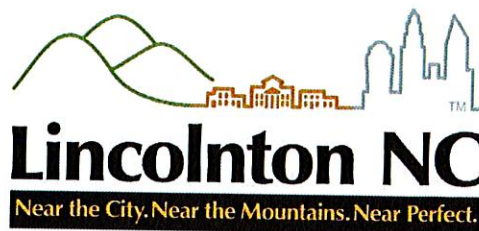


LINCOLNTON BOARD OF ADJUSTMENT
AGENDA
June 15, 2021
At 4:00 P.M. in City Council Chambers

1. Roll Call
2. Call to Order
3. Approval of minutes from the May 18, 2021 meeting
4. BOA-3-2021-Application from Alan and Susan Hutcherson requesting a variance of Section 153.107, R-10 District, in regards to the front yard setback of an accessory garage. The subject property is located at 215 North Oak Street (Parcel ID 16897).
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; Rebecca Abernethy, Vice- Chair, rabernethy21@bellsouth.net; Jerry Hoffman, (ETJ), jlskhoffman@charter.net; Stephen Silva, (ETJ), soundcity1@ymail.com; Jamel Farley, afarley2351@gmail.com; Greg McBryde, first alternate, Gregory.McBryde@gmail.com; Trent Mason, second alternate, trentonmason@gmail.com; Joy Smith, third alternate, joysmithmsnrrn@gmail.com

Tuesday, May 18, 2021 Meeting

Present: Gene Poinsette, Jamel Farley, Jerry Hoffman, Steve Silva and Greg McBryde

Absent: Rebecca Abernethy

Call to Order

Chairman Gene Poinsette called the meeting to order and recognized that Rebecca Abernethy was absent and Greg McBryde was serving as first alternate for a quorum.

Approval of Minutes

Chairman Gene Poinsette asked the Board if there were any additions or corrections to the minutes of the April 20, 2021 meeting.

Motion: Jamel Farley made a motion to approve the minutes. Jerry Hoffman seconded. Motion carried unanimously.

BOA-2-2021-Application from Lincoln County requesting a minor variance of Section 153.121 WSW Water Supply Watershed Overlay District of the Lincolnton Unified Development Ordinance. The requested variance would allow a built upon area of 74% instead of the 70% maximum built upon area. The subject property is located at 151 Sigmon Road (Parcel ID 01285).

Mark Carpenter presented the staff report included in the agenda packet to the Board regarding BOA-2-2021.

Brian Crutchfield, a civil engineer from Timmons Group spoke about the project.

After some discussion, Chairman Gene Poinsette asked if there was a motion. The motion is as follows:

*Motion: Jerry Hoffman made a motion to approve. Greg McBryde 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. Greg McBryde seconded.
Motion carried unanimously.*

Jean Derby

Boa52021minutes

MEMO TO: Lincolnnton Board of Adjustment
FROM: City of Lincolnnton Planning Department
DATE: June 15, 2021
SUBJECT: BOA-3-2021 – Hutcherson

Property Information

- Property Location – 215 North Oak Street (PID 16897)
- Current Zoning – Residential-10 (R-10)
- Property Size - 0.282 acres
- Current Use of Property – Single Family Dwelling
- Adjacent Properties – Single Family Residential

Variance Request

Application from Alan and Susan Hutcherson requesting a variance of Section 153.107, R-10 District, in regards to the front yard setback of an accessory garage. The variance would allow a decrease in the front yard setback, for the proposed garage, from the required 35 feet to approximately 27 feet from the North Oak Street Right of Way.

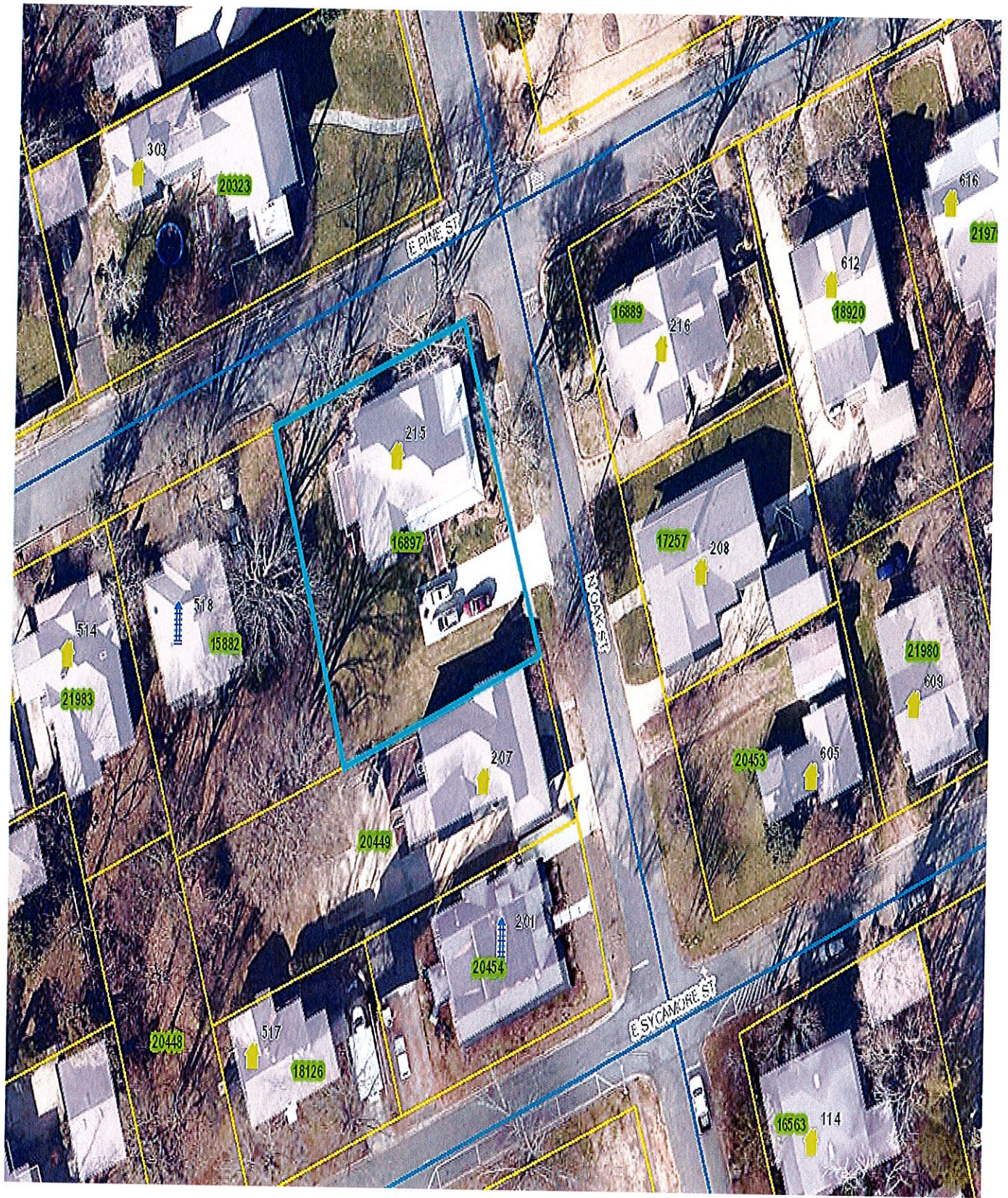
Relevant UDO Requirement

153.107 R-10 SINGLE-FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT.

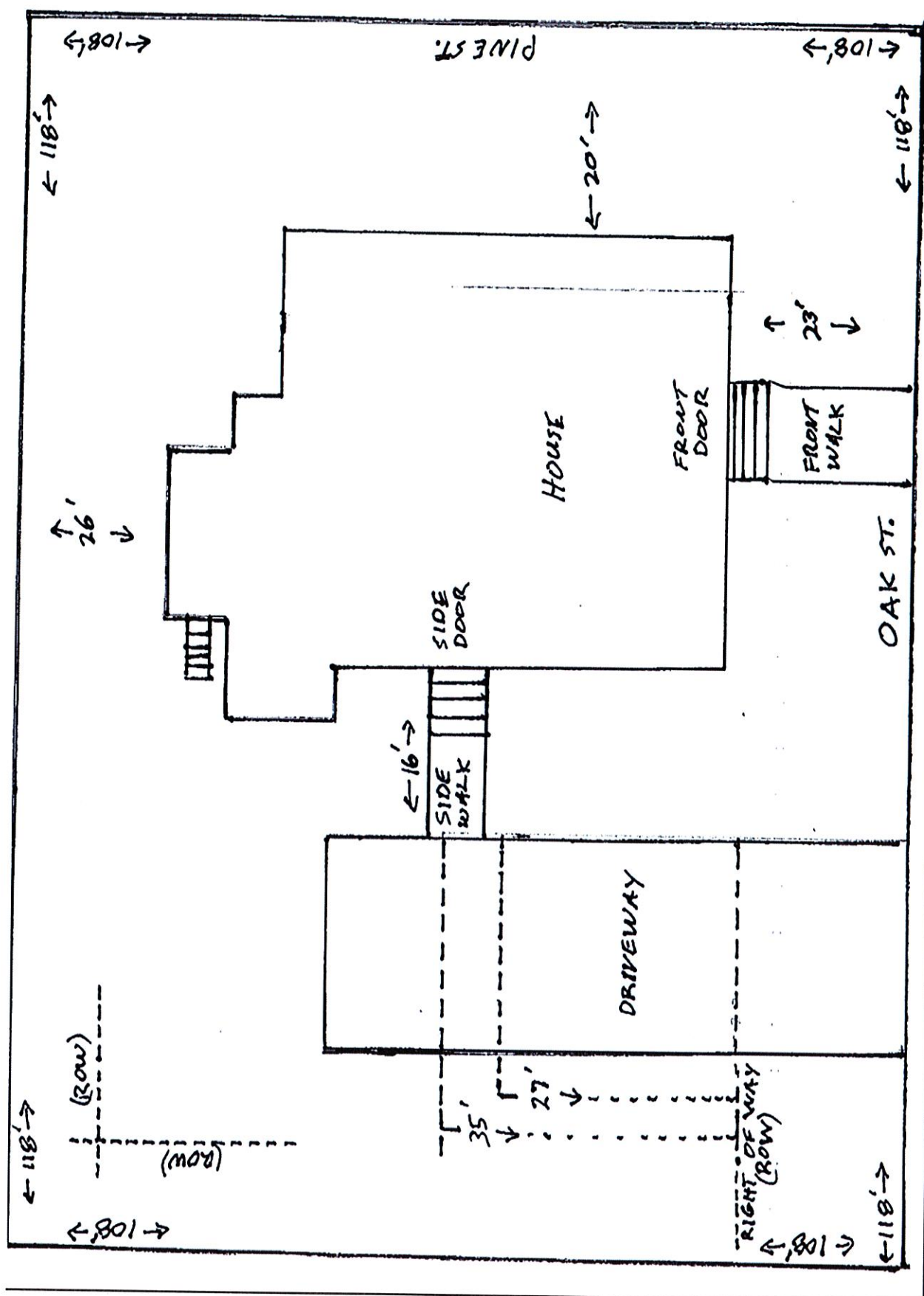
Minimum front yard setback (as measured from the edge of the street right-of-way line). All uses: 35 feet

Background Information

The applicant is requesting a variance to construct an accessory garage to the left side of the dwelling on the property. The requested variance would allow the front of the garage to be located closer to the front than the required front yard setback of 35 feet from the street right of way. The front edge of the planned garage will be behind the front edge of the existing home on the property. The moving of the garage forward (toward Oak Street) will allow the proposed breezeway to go straight into the house to the existing side door. The existing house on the property was built around 1925 and there were no zoning restrictions at that time.







Additional Applicant Statements (See Attached Application)

- The existing home was built in the 1920's and is already outside of the existing zoning setbacks. The slight variance would allow for a garage that looks like a more natural part of the overall house plan, without a less appealing L turn in the breezeway.

Application for Variance

Hutcherson

215 N Oak St

Lincolnton, NC 28092

Applicant's description of why a variance from the terms of these provisions is needed:

Requesting variance to the Oak Street front setback of 35' to approximately 27', from the right of way. This variance change will allow us to move forward (toward Oak St.) the front edge of our planned detached 2 car garage. Moving the garage forward will allow us to build a breezeway over the existing side door walkway that is straight over the side door walkway. With the breezeway going straight into the house will allow for much more visually appealing and look more intentional from an architectural view. Without the variance we will be required to push back the garage and thus build a breezeway that has "L" shaped turn in the breezeway, which will not be as visual appealing and look more architecturally haphazard. Also, it is important to note that the front edge of the planned detached garage will be well behind the front edge of the existing home. (The front edge of the house is currently close to the 30' ROW)

Request for Variance Finding Questions:

1. We would not be subject to unnecessary hardship. With the existing home being built in the 1920's it is already outside of the existing zoning setbacks. This slight variance will allow for a garage that looks like a more natural part of the overall house plan, without a less appealing "L" turn in the breezeway.
2. As noted above, the home being built in the 1920's is not reflective of current zoning and setbacks. The current layout of the house and positioning of the existing side entry door, and side entry walk, is not in the optimal position for a breezeway connecting the garage to the house. This slight variance will allow for a garage that looks like a more natural part of the overall house plan, without a less appealing "L" turn in the breezeway.
3. We are the current property owners. While our original intent was to build a garage, upon further review of garage and breezeway designs we determined this slight variance will allow for a much more appealing breezeway design.
4. As noted above, our overall purpose is to obtain a variance that allows for a more appealing breezeway which looks like a natural part of our home.

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

- The applicant's request should not affect the neighborhood negatively in any way. The variance request should be consistent with the spirit, purpose, and intent of the ordinance.
- The applicant will need to address, at the meeting, how the four findings of fact are met in order for the Board of Adjustment to grant the variance.