

LINCOLNTON BOARD OF ADJUSTMENT
AGENDA
August 17, 2021
At 4:00 P.M. in City Council Chambers

1. Roll Call
2. Call to Order
3. Approval of minutes from the July 20, 2021 meeting
4. BOA-4-2021- Application from And M. Lynn/Carpenter Property Group, LLC requesting a variance of Section 153.108 R-8 District of the Lincolnton Unified Development Ordinance in regards to minimum lot width. A proposed subdivision of the property into two lots does not meet the minimum 35 foot of dedicated street frontage. The subject property is located at 602/606 West Childs Street (Parcel ID 20771).
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, July 20, 2021 Meeting

Present: Gene Poinsette, Jamel Farley, Jerry Hoffman, Trent Mason

Absent: Steve Silva, Rebecca Abernethy, Greg McBryde and Joy Smith

Call to Order

Chairman Gene Poinsette called the meeting to order and recognized that Steve Silva, Rebecca Abernethy, Greg McBryde and Joy Smith were absent and Trent Mason was serving as second 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 June 15, 2021 meeting.

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

Jean Derby

MEMO TO: Lincolnnton Board of Adjustment

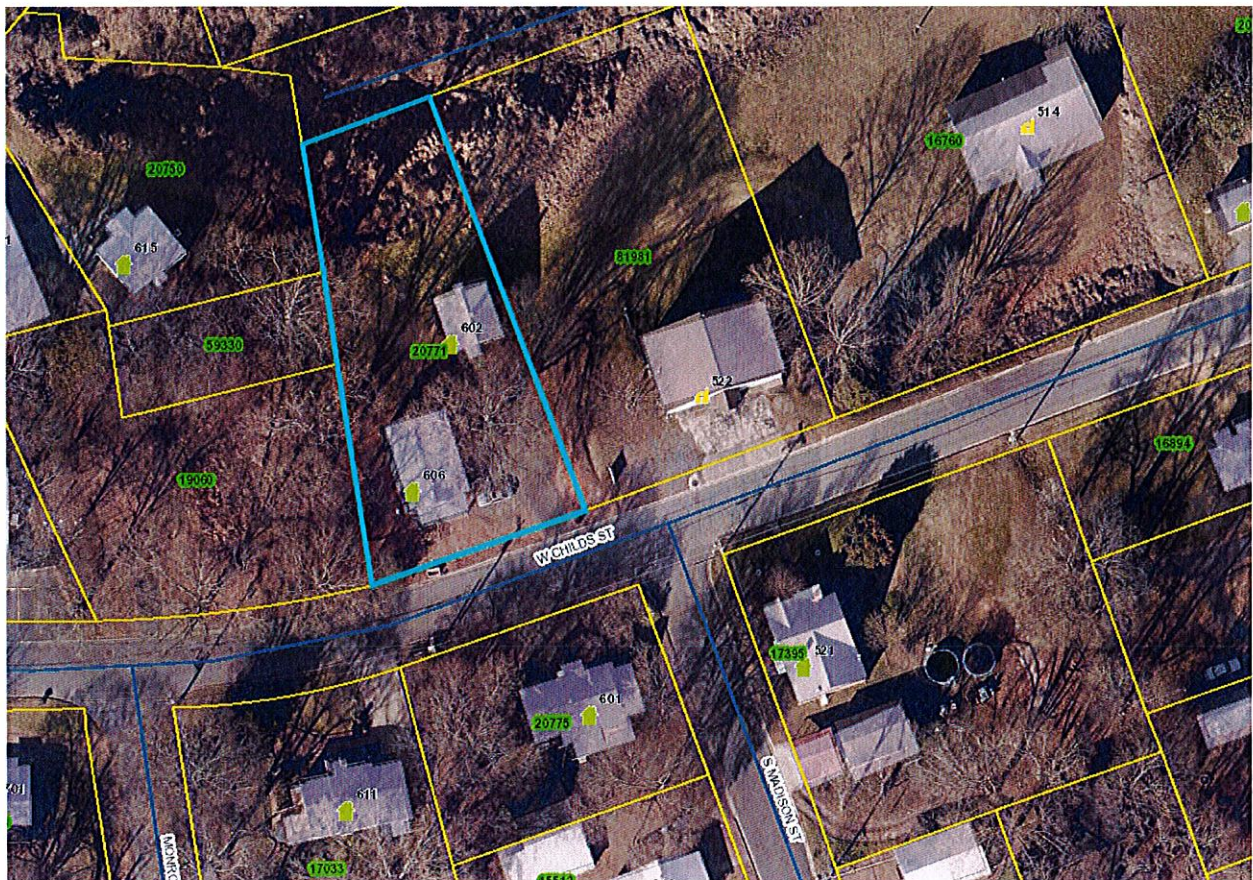
FROM: City of Lincolnnton Planning Department

DATE: August 17, 2021

SUBJECT: BOA-4-2021 – And Lynn/Carpenter Property Group

Property Information

- Property Location – 602/606 West Childs Street Street (PID 20771)
- Current Zoning – Residential-8 (R-8)
- Property Size - 0.368 acres
- Current Use of Property – Residential
- Adjacent Properties – Residential & Church



Relevant UDO Requirement

- The City of Lincolnnton Unified Development Ordinance requires a minimum of 35 feet of dedicated street frontage when a lot is subdivided.

Background Information

- According to the Lincoln County Tax record both homes on the property were constructed in 1945. 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.
- Both Lots if subdivided would meet the minimum lot size requirement but Lot 2, as shown on the survey, would not meet the minimum 35 foot lot width requirement.

Existing Conditions



PRELIMINARY
FOR REVIEW
NOT FOR DEED

WEST CHURCH ST
(PLANNED SUBDIVISION,
LINCOLN CO GIS)

N 69°24'31"E
52.24'

NIP 5R

N 69°24'31"E
52.24'

NIP 5R

N 07°30'22"W
64.36'

NIP 5R

MEEKS, JAMES EDWARD
MEEKS, PATRICIA MIRANDA
PARCEL = 20750
PIN: 3623-62-0880
DB 846 PG 293
ZONING N-B

CARPENTER PROPERTY
GROUP, LLC
PARCEL = 20771
A PORTION
PIN: 3623-62-2702
DB 2497 PG 462
602 W. CHILDS ST
ZONING R-8

8015 Sq. Feet
0.1840 Acres

S 2°31'28"E
120.07'

S 18°31'51"E 198.36'

HOUSE

PORCH

8478 Sq. Feet
0.1946 Acres

EIP/PIPE 1"

HOUSE

PORCH

CARPENTER PROPERTY
GROUP, LLC
PARCEL = 20771
A PORTION
PIN: 3623-62-2702
DB 2497 PG 192
ZONING R-8

NIP 5R

S 78°53'45"E
7.68'

NIP 5R

N 07°30'22"W
135.65'

HOUSE

PORCH

LOT 1
(606 W. CHILDS ST.)

WM

70.00'

S 71°19'24"W

LOT 2
(602 W. CHILDS ST.)

32.82'

NIP 5R

S 71°19'24"W

EIP/PIPE 1"

WEST CHILDS STREET 40' R/W

S 81°35'31"W 124.57'

MADISON STREET 40' R/W

LINCOLN COUNTY
PARCEL #: 19060
PIN: 3623-62-0696
DB 2377-PG 665
ZONING N.B

CARPENTER PROPERTY
GROUP, LLC
PARCEL # 20771.
A PORTION
PEN: 3623-62-2702
DB 2497 PG 462
602 W. CHILDS ST
ZONING R-8

CARPENTER PROPERTY
GROVE LLC
PARCEL #. 20771.
A PORTION NIP
PIN 3623-62-2702
DB 2497 PG 162
ZONING R-8

KEENER, DAVID PRESSLEY
PARCEL #: 81981
PIN: 3623-62-3705
DB 1513 PG 386
ZONING: R-8

HOUSE
FORCE

LOT 2
W. CHILDS ST.

WEST CHILDS STREET 40' R/W

MADISON STREET 40' R/W

Additional Applicant Statements (See Attached Application)

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:

The reason for the request is to appraise each home separately. One third of the property was owned by Amanda Carpenter a member of the LLC who has passed away. The remaining two members of the LLC are her grandsons And Lynn and Pippin Lynn who are also sole beneficiaries in her Will each with equal interests. The individuals want to fairly and equally distribute the properties and cannot without separating the two homes.

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):

An unnecessary hardship would result from the strict application of the the ordinance. The properties is being separated to settle an estate due to the death of a member of the LLC. Each property must be valued individually to properly settle the estate.

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):

A hardship results from conditions that are peculiar to the property. The two homes share one driveway which cannot be moved to another location due to the close proximity of the surrounding properties and a water run off culvert behind the two homes. The driveway could be widened or shared per an agreement to accommodate both properties but only if the variance is approved.

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):

CPG property manager And Lynn has managed the property on behalf of Amanda Carpenter and Pippin Lynn the other partners in the LLC since its inception. The property manager has updated both properties but has taken no action during management to create a hardship. The two remaining partners have taken no action to cause hardship since the death of the third member.

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):

The requested variance is consistent with the spirit, purpose and intent of the ordinance. The separation of the two homes will not endanger public safety and substantial justice is achieved for the two remaining members of the LLC. Separating the two properties will also increase the value of each property individually thus increasing the value of the surrounding residential properties over time.

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

- 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.