

LINCOLNTON BOARD OF ADJUSTMENT
AGENDA
June 21, 2022
At 4:00 P.M. in City Council Chambers

1. Roll Call
2. Call to Order
3. Approval of minutes from the May 17, 2022 meeting
4. BOA-4-2022- Application from Derrick Edward McDonald requesting a variance of Section 153.108 of the Lincolnton Unified Development Ordinance (minimum rear yard setback R-8 District). The applicant is requesting the variance to allow an addition to be constructed to the rear of the property that would not meet the 25 foot rear yard setback requirement. The addition would be 15 feet from the rear property line. The subject property is located at 608 Tait Street (Parcel ID 17519)
5. Adjournment



**CITY OF LINCOLNTON
BOARD OF ADJUSTMENT**

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www.ci.lincolnton.nc.us

BOARD MEMBERS: Gene Poinsette, Chair, poinsetteg@charter.net; Greg McBryde, Vice-Chair, Gregory.McBryde@gmail.com; Rebecca Abernethy, rabernethy21@bellsouth.net; Trent Mason, trentonmason@gmail.com; Joy Smith, first alternate, joysmithmsnrn@gmail.com; Monte Tyson, monte@cbdeastmain.com, second alternate

Tuesday, May 17, 2022 Meeting

Present: Gene Poinsette, Rebecca Abernethy, Greg McBryde, Trent Mason and Joy Smith

Absent: N/A

Call to Order

Chairman Gene Poinsette called the meeting to order and recognized that all members were present.

Approval of Minutes

Chairman Gene Poinsette asked the Board if there were any additions or corrections to the minutes of the April 19, 2022 meeting.

Motion: Trent Mason made a motion to approve the minutes. Greg McBryde seconded. Motion carried unanimously.

BOA-3-2022- Application from Piedmont Companies, Inc. requesting a variance of section 153.123 of the Lincolnton UDO for the reduction of the 50 foot front yard Setback in the Planned Residential Development District (PRD). If approved the front setback, for this project, would be reduced to 30 feet. The subject properties are located on the west side of North Generals Blvd. directly across from the intersection of Timken Drive and North Generals Blvd. (Parcel ID 52992, 80962, 21104, and 21105).

Jean Derby swore in Mark Carpenter and Sandy Cashion.

Mark Carpenter presented the staff report included in the agenda packet to the Board regarding BOA-3-2022.

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

Motion: Rebecca made a motion to approve. Trent Mason 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: Greg McBryde made a motion to adjourn. Trent Mason seconded. Motion carried unanimously.

Jean Derby

Boa52022minutes

MEMO TO: Lincolnnton Board of Adjustment

FROM: City of Lincolnnton Planning Department

DATE: June 21, 2022

SUBJECT: BOA-4-2022 – McDonald

Property Information

- Property Location – 608 Tait Street (PID 17519)
- Current Zoning – Residential-8 (R-8)
- Property Size - 0.116 acres
- Current Use of Property – Single Family Dwelling
- Adjacent Properties – Single Family Residential

Variance Request

Application from Derrick McDonald requesting a variance of Section 153.108 of the Lincolnnton Unified Development Ordinance (minimum rear yard setback R-8 District). The applicant is requesting the variance to allow an addition to be constructed to the rear of the property that would not meet the 25 foot rear yard setback requirement. The addition would be 15 feet from the rear property line.

Relevant UDO Requirement

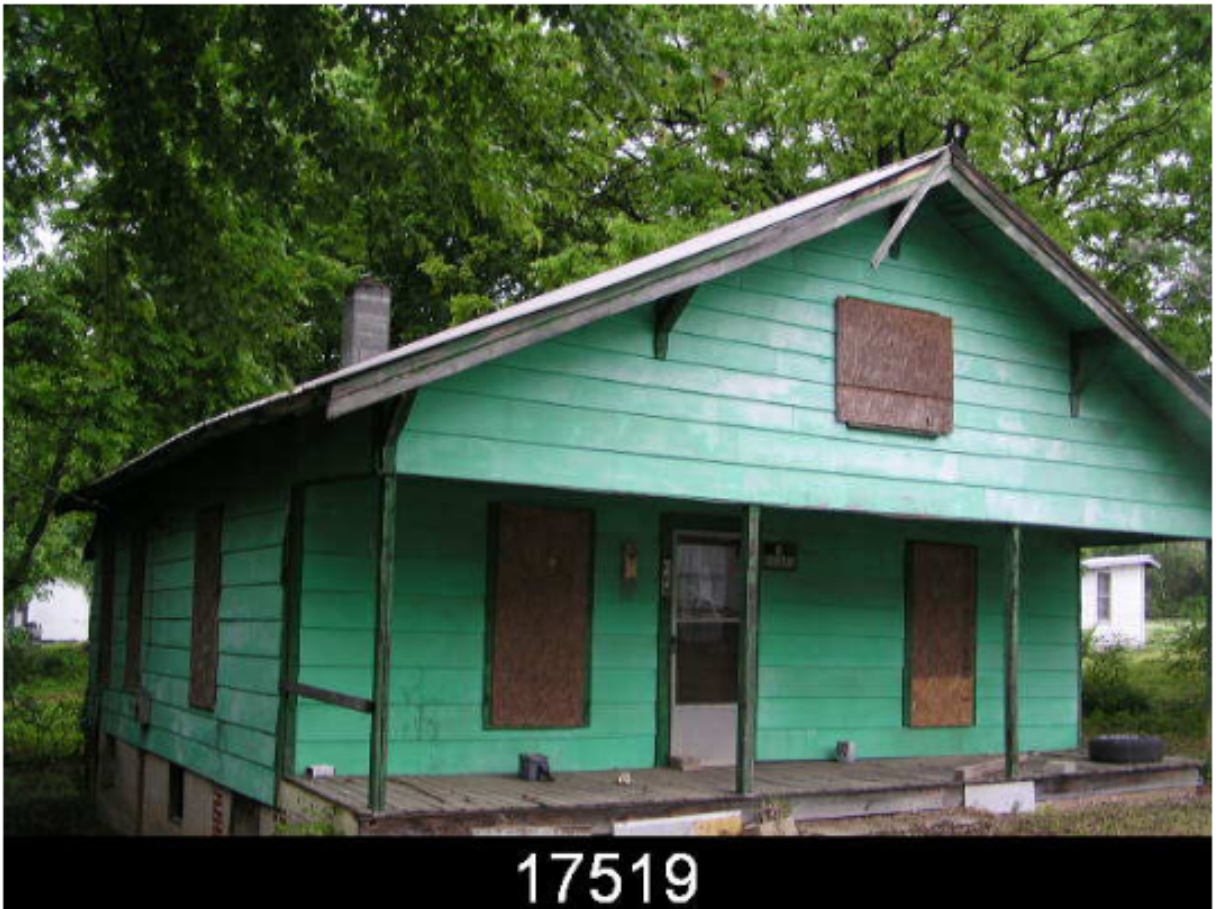
153.108 R-8 SINGLE AND TWO-FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT.

(4) *Minimum rear yard setback.* All uses: 25 feet or same as minimum side yard setback, whichever is greater.

Background Information

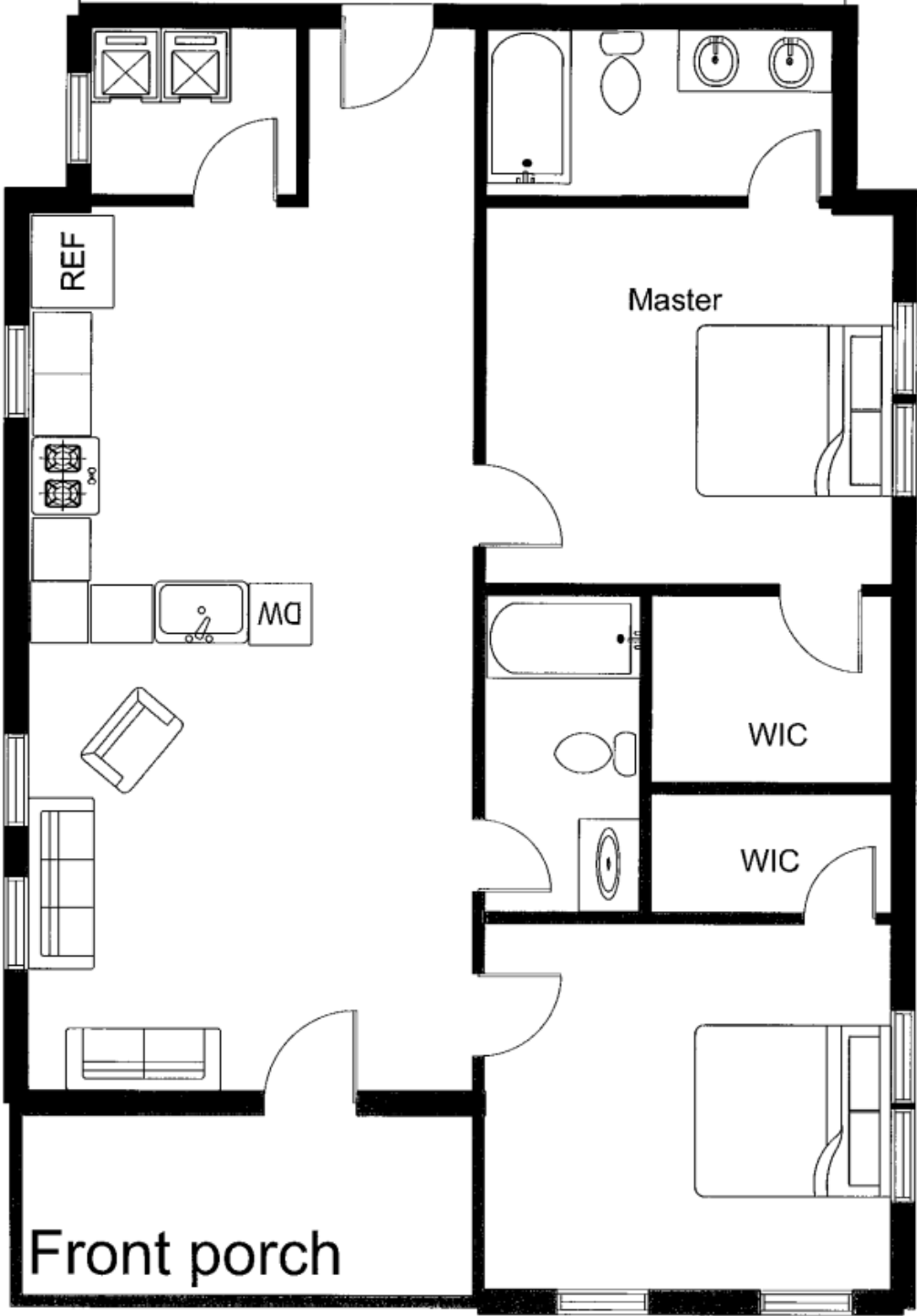
The applicant is requesting a variance to construct an 8' x 24' wooden deck at the rear of the home. The current home only sits 23 feet from the rear property boundary. With the addition of the 8 foot deck the setback would be 15 feet from the property boundary.



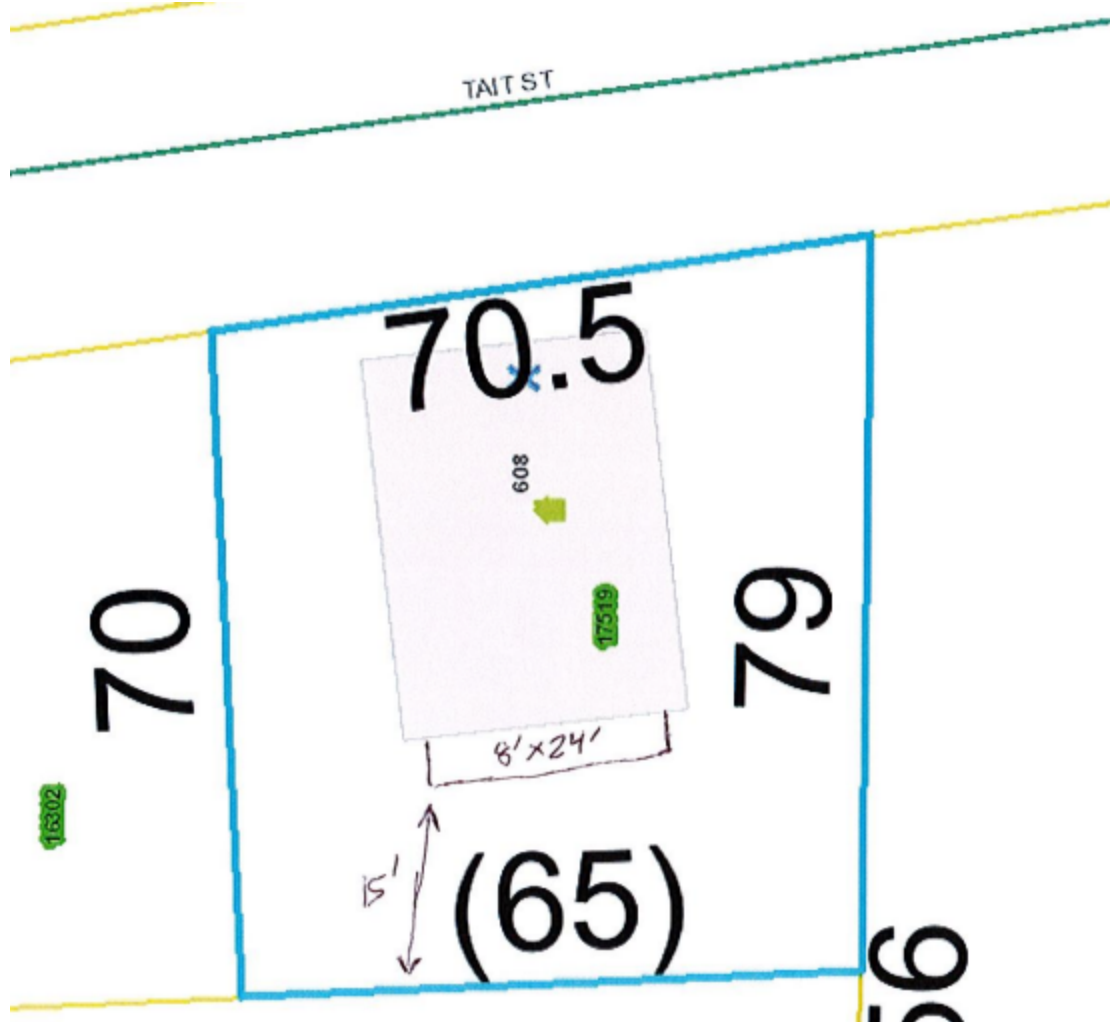




Deck



Front porch



Additional Applicant Statements (See Attached Application)

- Planning to enclose the rear porch to add an additional bath and laundry room. No room left on current setback restrictions to build a deck for the rear entry door. No room on side for a landing and steps for the rear entry.
- Currently there is no room with the existing layout to allow for a rear entry/exit to the structure without redesign of the entire floor plan. Rear exit is required for fire code.
- The addition will be a wooden deck added to the rear of the home which faces no road, walkways, or other public access.

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.