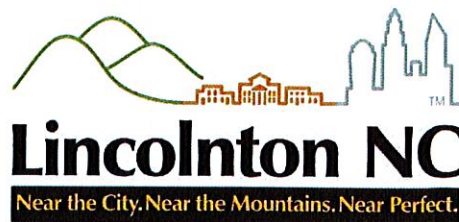


LINCOLN TON BOARD OF ADJUSTMENT
AGENDA
July 19, 2022
At 4:00 P.M. in City Council Chambers

1. Roll Call
2. Call to Order
3. Approval of minutes from the June 21, 2022 meeting
4. BOA-5-2022- Application from Carolina Elite Builders, LLC requesting a variance of section 153.108 (R-8 District) of the Lincoln TON UDO in regards to front and rear setbacks requirements for dwellings. The subject property is located on the north side of East Pine Street approximately 100 feet east of the intersection of East Pine Street and Dr. Martin Luther King Jr. Drive (Parcel ID 51771)
5. BOA-6-2022- Application from Jim Kittridge/MHB Investments, LLC requesting a variance of section 153.108 (R-8 District of the Lincoln TON UDO in regards to side setback requirements for dwellings. The subject property is located at the southwest corner of East Pine Street and Dr. Martin Luther King Jr. Drive (Parcel ID 00894)
6. BOA-7-2022- Application from Timothy Carswell Sr. requesting the renewal of a variance that was issued previously by the Board of Adjustment that would allow a four unit multifamily structure to be constructed on a parcel of land in the R-8 district instead of two duplex units. The subject property is located on the south side of East Dixon Street approximately 500 feet east of the intersection East Dixon Street and North Aspen Street (Parcel ID 81143)
7. 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; Greg McBryde, Vice-Chair, Gregory.Mcbryde@gmail.com; Rebecca Abernethy, rabernethy21@bellsouth.net; Trent Mason, trentonmason@gmail.com; Joy Smith, joysmithmsnr@gmail.com; Monte Tyson, monte@cbdeastmain.com, first alternate

Tuesday, June 21, 2022 Meeting

Present: Gene Poinsette, Rebecca Abernethy, Greg McBryde, Trent Mason and Monte Tyson

Absent: Joy Smith

Call to Order

Chairman Gene Poinsette called the meeting to order and recognized that Monte Tyson would be 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 May 17, 2022 meeting.

Motion: Rebecca Abernethy made a motion to approve the minutes. Trent Mason seconded. Motion carried unanimously.

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)

Jean Derby swore in Mark Carpenter.

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: Greg McBryde made a motion to approve. Rebecca Abernethy 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

Boa62022minutes

MEMO TO: Lincolnton Board of Adjustment
FROM: City of Lincolnton Planning Department
DATE: July 19, 2022
SUBJECT: BOA-5-2022 – Carolina Elite Builders

Property Information

- Property Location – East Pine Street (PID 51771)
- Current Zoning – Residential-8 (R-8)
- Property Size - 0.136 acres
- Current Use of Property – Vacant
- Adjacent Properties – Single Family Residential and Vacant

Variance Request

Application from Carolina Elite Builders requesting a variance of Section 153.108 of the Lincolnton Unified Development Ordinance (minimum Front and rear yard setback R-8 District). The applicant is requesting the variance to allow a single family dwelling to be constructed that would not meet the 30 foot front setback and 25 foot rear setback in the R-8 district. The proposed setbacks by the applicant are 12 feet on the front and 15 on the rear.

Relevant UDO Requirement

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

(2) *Minimum front yard setback (as measured from the edge of the street right-of-way line).*

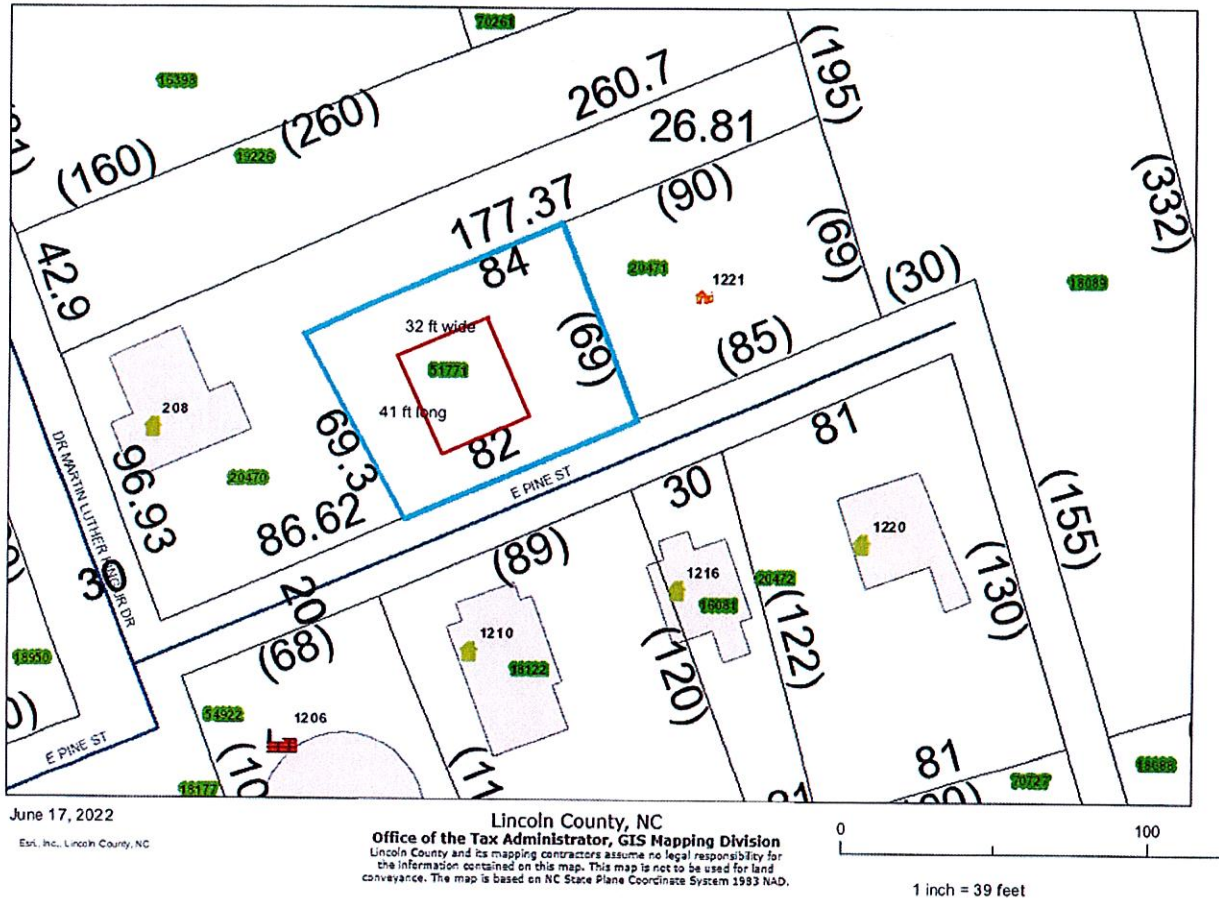
(a) Single- and two-family dwellings, bed and breakfast inn and family care home: 30 feet.

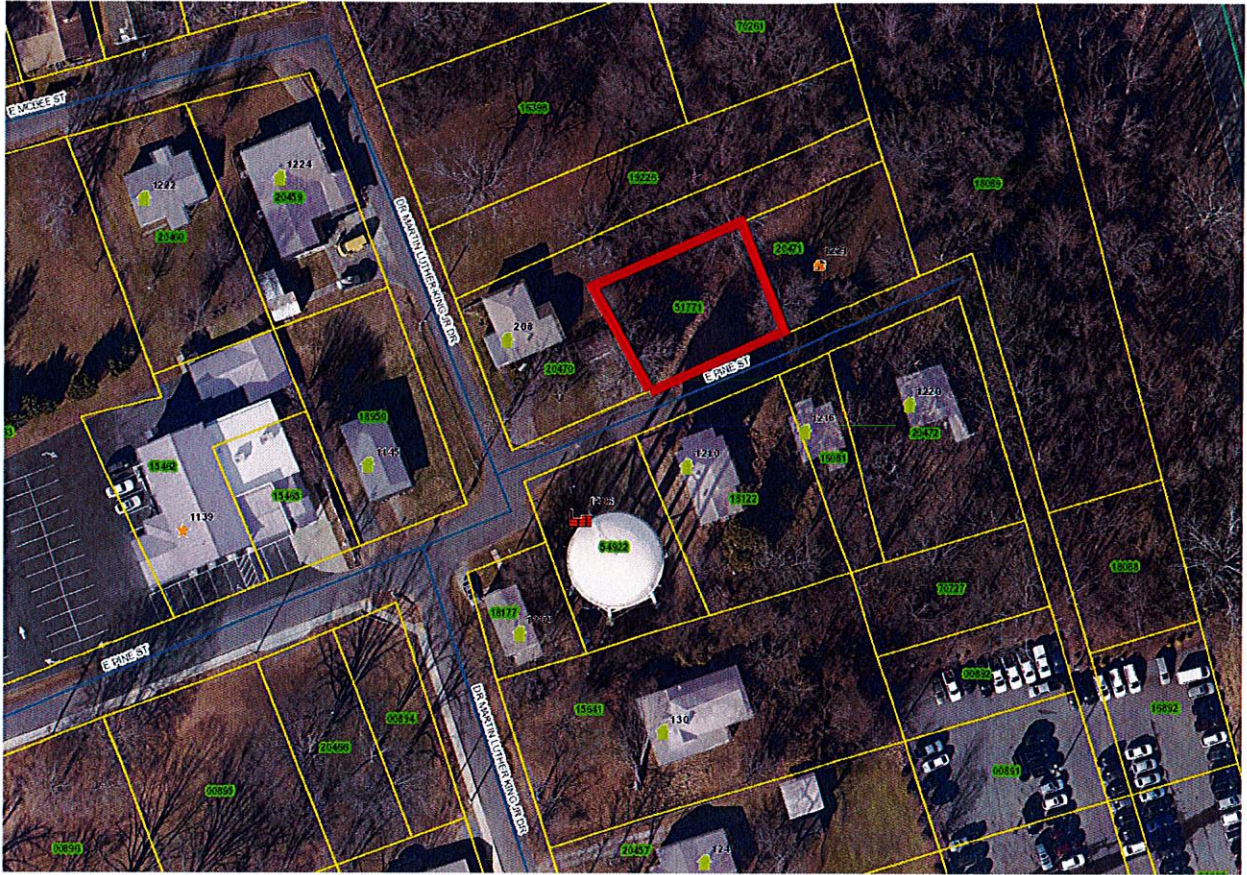
(4) *Minimum rear yard setback.* All uses: 25 feet or same as minimum side yard setback, whichever is greater.

Background Information

The applicant is requesting a variance to construct a single family home in the R-8 district. This property was rezoned to R-8 last month by the City Council. The property in question is located on the north side of East Pine Street approximately 100 feet east of the intersection of East Pine Street and Dr. Martin Luther King Jr. Drive (Parcel ID 51771).

The property is 82 feet in width along East Pine Street, 69 feet deep, and 84 feet in width along the rear boundary. The existing homes in the neighborhood have front setbacks that range from 8 feet from the right of way to 20 feet from the right of way. Rear setbacks in the neighborhood typically meet the 25 foot setback requirements due to larger lot sizes.









Additional Applicant Statements (See Attached Application)

- Small lot of record. The lot is 69 feet deep and with the current setbacks we can only have a house that is 14 feet deep.
- Due to the small lot size, it would be difficult to construct a home that would fit these dimensions.
- The size of the lot would prohibit construction of most types of dwellings or buildings.
- The lot was created prior to zoning where there weren't even setbacks.
- Building a home on this lot would create a much more desirable neighborhood and would increase the value and appearance of homes and businesses in the area.

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.

BoA-5-22

Paid by CC in utility billing

PLANNING DEPARTMENT

Laura Elam – Planning Director
Mark Carpenter – Zoning Administrator
Jean Derby – Planning Assistant



TELEPHONE 704-736-8930
FAX 704-736-8939

Application for Variance

Description of request: Reduce front set back to 12 ft and rear set back to 15ft.

Applicant information:

Name: Carolina Elite Builders, LLC

Address: 205 S Academy St

City: Lincolnton

State: NC

Zip: 28092

Telephone: 919.274.3200

Email: igor@ceboffice.com

Property owner information (if different from applicant)

Name: _____

Address: _____

City: _____

State: _____

Zip: _____

Telephone: _____

Email: _____

Property location and description

Address: _____

Tax parcel no. (five-digit): 51771

Current zoning classification: R-8

A sketch of the property including the following information shall accompany this application: lot dimensions, setback dimensions for existing structures, location of all existing structures, other topographical features (bodies of water, significant stands of trees, etc.). Based on the nature of the application, the Zoning Administrator shall have the authority to request additional necessary information and/or waive one or more of these items.

Variance Request Description

Section(s) of the Unified Development Code requesting relief from: section 153.0108 (2a and 4)

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

small lot of record. The lot is 69 ft deep and with the current setbacks we can only have a house that is 14ft deep.

The Board of Adjustment, after having held a public hearing to consider the variance request, will address each of the following findings of fact and draw the following conclusions in order to render their decision:

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.);
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.);
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); and,
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.

The applicant is asked to address each of these findings as they pertain to their variance request. Please use additional sheets if necessary. In order to grant a variance, each of the findings must be found in the affirmative by the Board of Adjustment by a 4/5 majority of the Board's membership.

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):

Due to the small lot size, it would be difficult to construct a home that would fit these dimensions.

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):

The size of the lot would prohibit construction of most types of dwellings or buildings

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):

The lot was created prior to zoning where there weren't even setbacks.

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):

Building a home on this lot would create a much more desirable neighborhood and would increase the value and appearance of homes and businesses in this area.

Signatures

Igor Shiper

dotloop verified
05/17/22 3:26 PM EDT
EB7C-SBhZ-7UQM-C46G

Applicant

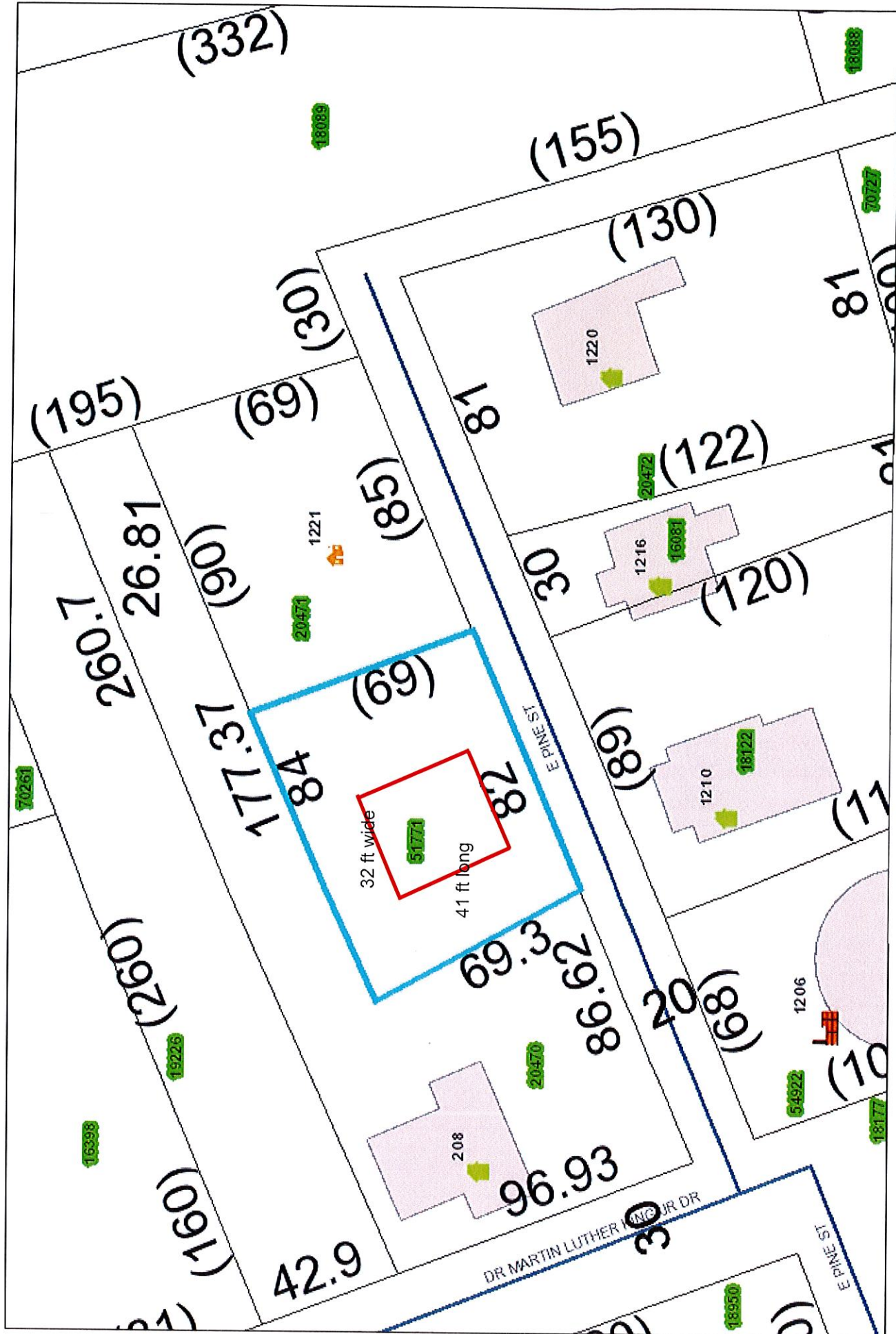
Date

Property Owner, If Different From Applicant

Date

Zoning Administrator

Date



June 17, 2022

Esri, Inc., Lincoln County, NC

Lincoln County, NC
Office of the Tax Administrator, GIS Mapping Division
Lincoln County and its mapping contractors assume no legal responsibility for the information contained on this map. This map is not to be used for land conveyance. The map is based on NC State Plane Coordinate System 1983 NAD.



1 inch = 39 feet

MEMO TO: Lincoln Board of Adjustment
FROM: City of Lincoln Planning Department
DATE: July 19, 2022
SUBJECT: BOA-6-2022 – Kittridge/MHB Investments LLC

Property Information

- Property Location – Corner of E. Pine Street and Dr. Martin Luther King, Jr. Drive (PID 00894)
- Current Zoning – Residential-8 (R-8)
- Property Size - 0.103 acres
- Current Use of Property – Vacant
- Adjacent Properties – Single Family Residential, Funeral Home and Vacant

Variance Request

Application from Jim Kittridge of MHB Investments LLC requesting a variance of section 153.108 (R-8 District) of the Lincoln UDO in regards to side setback requirements for dwellings. The subject property is located at the southwest corner of East Pine Street and Dr. Martin Luther King Jr. Drive (Parcel ID 00894).

The applicant is requesting the variance in order to construct a single family dwelling that would not meet the side yard setbacks in the R-8 district. This is a corner lot and the typical setback is 20 feet from the corner side and 10 feet from the interior line. The applicant is proposing 5 feet from the corner side and 7 feet from the interior side. The front and rear setback requirements would be met.

Relevant UDO Requirement

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

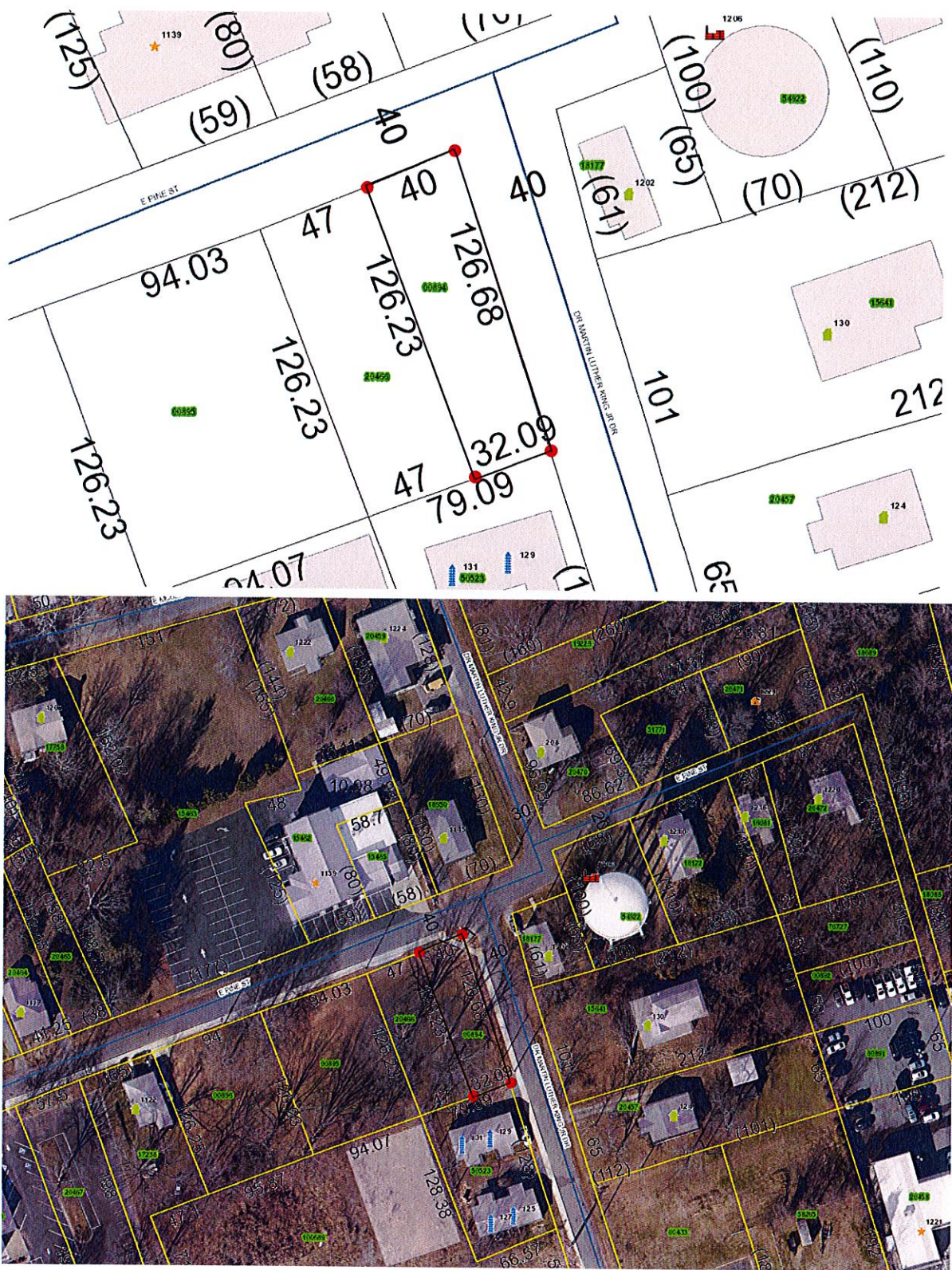
(3) Minimum side yard setback (an additional ten feet shall be provided on all side yards which abut a public street).

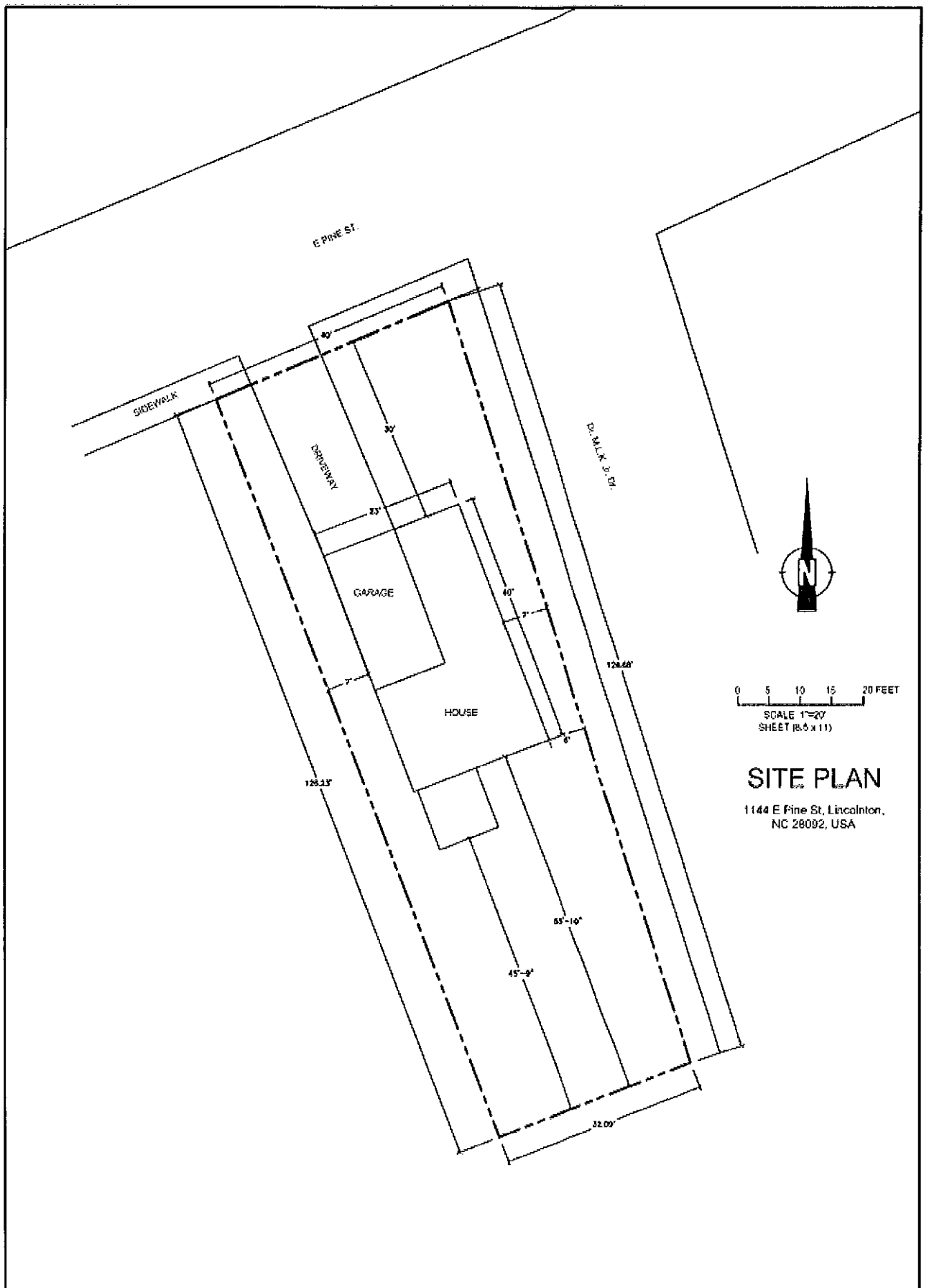
(a) Single- and two-family dwellings: ten feet.

Background Information

The applicant is requesting a variance to construct a single family home in the R-8 district. The property is 40 feet in width along East Pine Street, 126 feet deep, and 32 feet in width along the rear boundary. The existing home to the east on the opposite corner is approximately 5

feet from the corner side and several homes in the neighborhood sit at similar distances from the right of way.

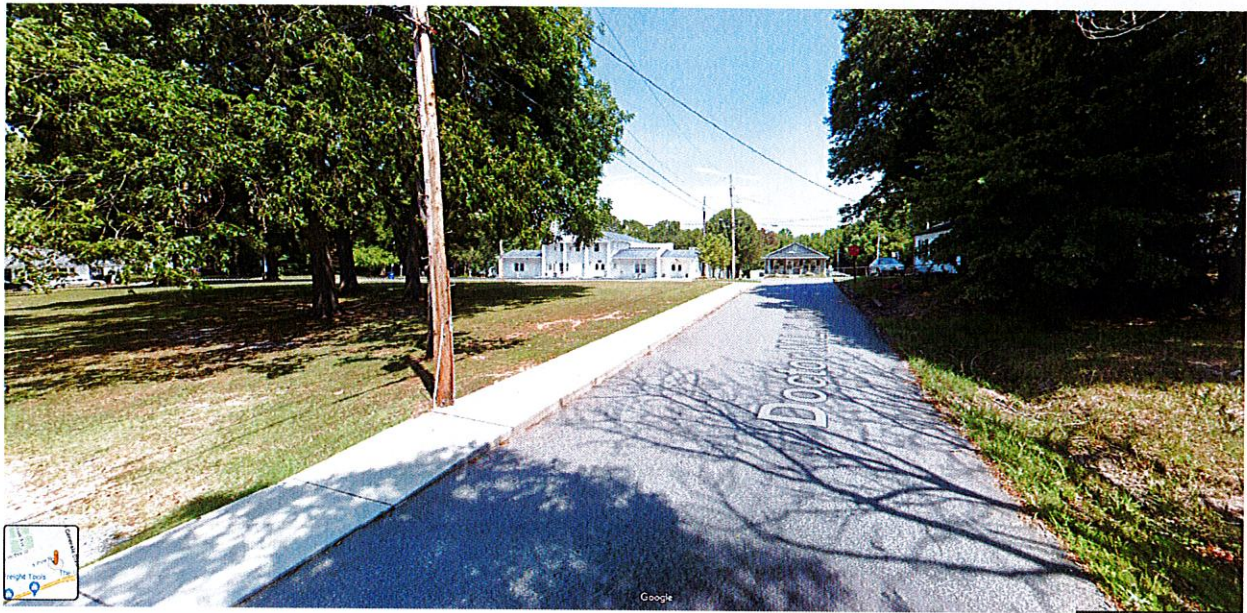




SITE PLAN

1144 E Pine St, Lincolnton,
NC 28092, USA







Additional Applicant Statements (See Attached Application)

- The current side yard setbacks do not allow construction of a home on an existing lot. Allowing the reduction of side setbacks to 5 feet would enable the applicant to build a high quality, affordable house that helps improve the community and give access to more affordable , high quality homes. Without the reduction, the buildable width is 4' which means no reasonable use can be made of the property.
- Many lots and existing homes in this neighborhood do not fit current side yard setbacks. A few examples are 628, 1117, 1107, 1014, 1010, 1004, 1011, 909, 901, 908, 710, 714, 720, 726, 732, 1202, and 514 East Pine Street.
- This lot is an existing lot and was not subdivided by the current owners or the purchasers. Because of that, this is not a self created hardship.
- This is a separately deeded lot that was zoned residential with the intention of providing a reasonable house for a family to call their home in Lincolnnton. With the current side yard setbacks, it is not possible. The applicant is open to installing a privacy fence along Dr. Martin Luther King Jr. Drive to provide additional privacy and safety.

Findings of Fact

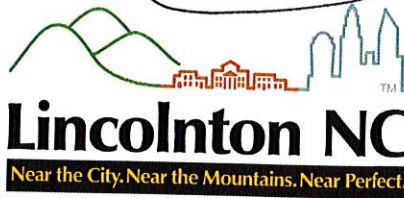
1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, 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. There is some concern about the closeness to the right of way of Dr. Martin Luther King Jr. Dr. The applicant has stated a fence could be erected and we would agree that a fence meeting the UDO requirements would help with the situation. Otherwise, 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.

PLANNING DEPARTMENT

Laura Elam – Planning Director
Mark Carpenter – Zoning Administrator
Jean Derby – Planning Assistant



TELEPHONE 704-736-8930
FAX 704-736-8939

Application for Variance

Description of request: Reduce Side Yard Setback to 5' to allow the construction of a single family residence on an existing lot in Lincolnton on E Pine St and Dr Martin Luther King Jr Dr. The proposed home will have a foot print of 23'x40'. It will be a high quality, affordable home that has 3 bedrooms, 2.5 bathrooms, and a one car garage. I have attached a rendering of the home. I am under contract to purchase this lot, and two other lots on E Pine St.

Applicant information:

Name: Jim Kittridge, owner of MHB Invesments LLC

Address: 20619 Torrence Chapel Rd, Suite 116 #1055

City: Cornelius

State: NC

Zip: 28031

Telephone: 704-906-9917

Email: jim@rothcapital.com

Property owner information (if different from applicant)

Name: Purchasing the lot from JAMES JOHN R REVOCABLE TRUST on 6/25/22

Address: 645 HEATHER DRIVE

City: Lincolnton

State: NC

Zip: 28092

Telephone: (704) 421-4388

Email: _____

Property location and description

Address: E Pine St, Lincolnton, NC

Tax parcel no. (five-digit): 00894

Current zoning classification: R-8

A sketch of the property including the following information shall accompany this application: lot dimensions, setback dimensions for existing structures, location of all existing structures, other topographical features (bodies of water, significant stands of trees, etc.). Based on the nature of the application, the Zoning Administrator shall have the authority to request additional necessary information and/or waive one or more of these items.

Variance Request Description

Section(s) of the Unified Development Code requesting relief from: 153.108 - Side Yard Setback

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

The current Side Yard Setbacks do not allow construction of a home on an existing lot. Allowing the
reduction of side setbacks to 5' would enable the applicant to build a high quality, affordable house
that helps improve the community and give access to more affordable, high quality homes. Without
the reduction, the buildable width is 4' which means that there is no reasonable use can be made
of the property.

The Board of Adjustment, after having held a public hearing to consider the variance request, will address each of the following findings of fact and draw the following conclusions in order to render their decision:

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.);
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.);
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); and,
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.

The applicant is asked to address each of these findings as they pertain to their variance request. Please use additional sheets if necessary. In order to grant a variance, each of the findings must be found in the affirmative by the Board of Adjustment by a 4/5 majority of the Board's membership.

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):

The lot has a front width of 40' and a rear width of 32'. The width of the lot at the point of front and rear setbacks is ~34'. Existing Side Yard Setbacks require 10' on each side. With this lot being on the corner, it requires 20' on the side facing Dr Martin Luther King Jr Dr. Because of this, the building has to be less than ~4' in width which renders the lot unusable with current Side Yard Setbacks.

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):

E Pine Street is close to downtown Lincolnton and enable many families to call it home and be close to downtown Lincolnton to work, eat, and play. Many lots and existing homes in this neighborhood do not fit current side yard setbacks. A few examples are 628, 1117, 1107, 1014, 1010, 1004, 1011, 909, 901, 908, 710, 714, 720, 726, 732, 1202, and 514 E Pine Street.

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):

This lot is an existing lot and was not subdivided by the current owners or the purchasers. Because of that, this is not 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. This statement is based upon the following reason(s):

This is a separately deeded lot that was zoned residential with the intention of providing a reasonable, house for a family to call their home in Lincolnton. With the current Side Yard setbacks, it is not possible. The applicant is open to installing a privacy fence along Dr Martin Luther King Jr Dr to provide additional privacy and safety

Signatures



Applicant

6-3-22

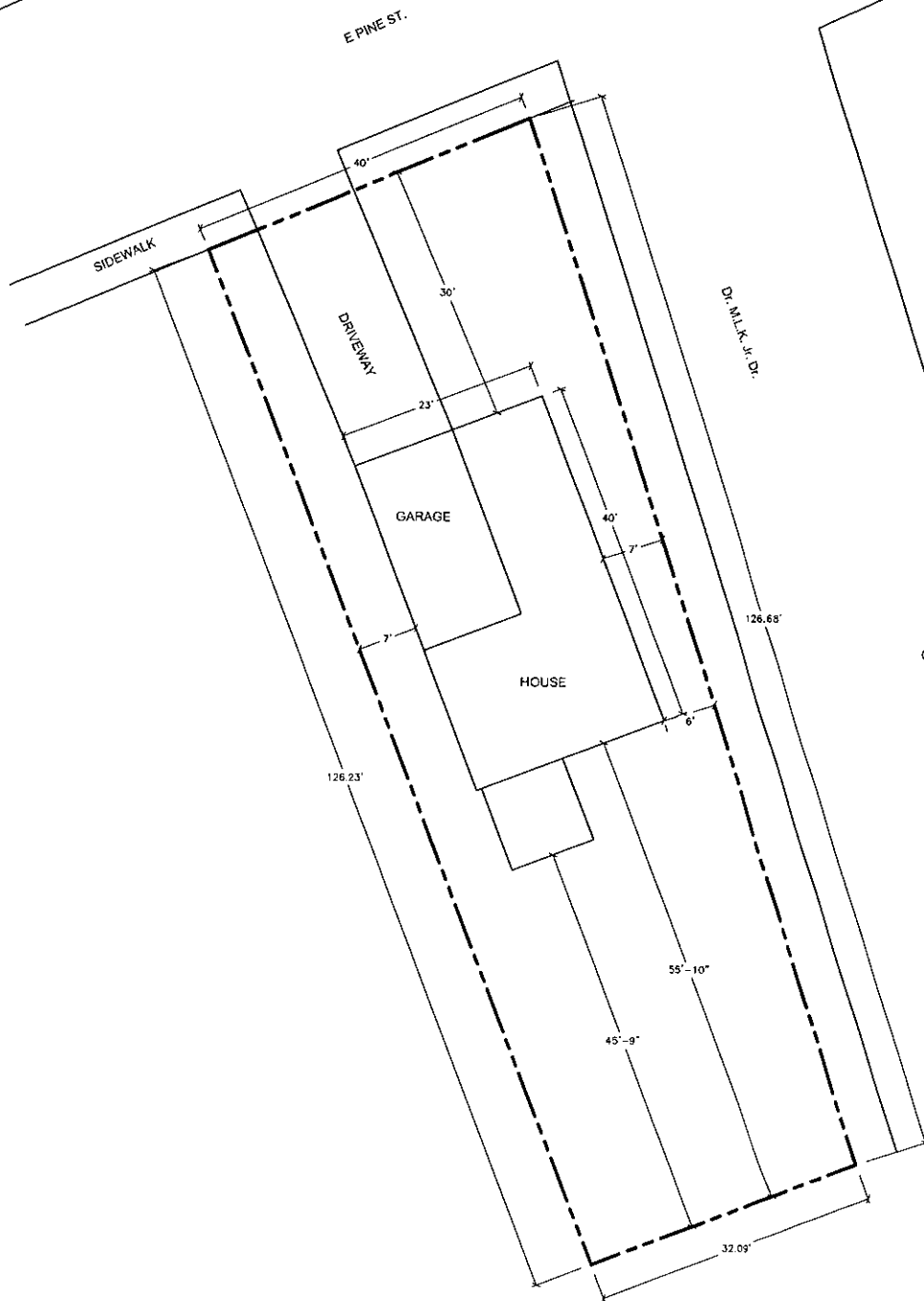
Date

Property Owner, If Different From Applicant

Date

Zoning Administrator

Date



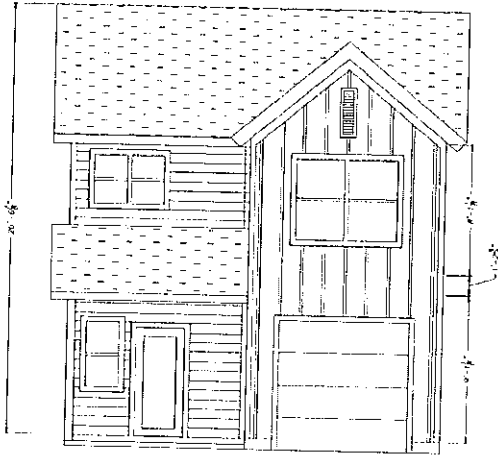
0 5 10 15 20 FEET
SCALE 1"=20'
SHEET (8.5 x 11)

SITE PLAN

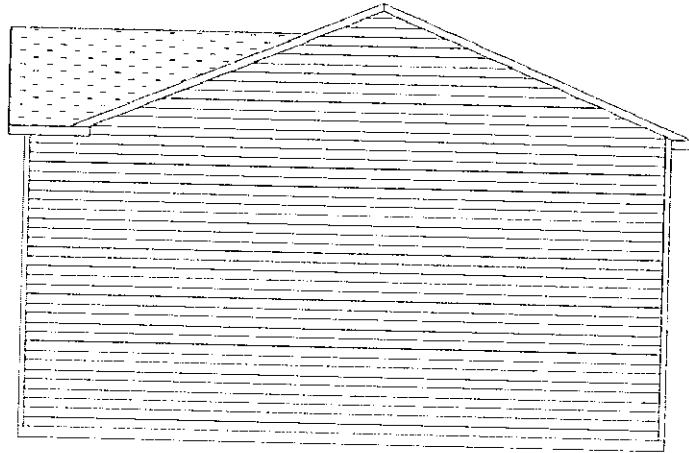
1144 E Pine St, Lincolnton,
NC 28092, USA

Mission Construction – Modern Farmhouse 1464

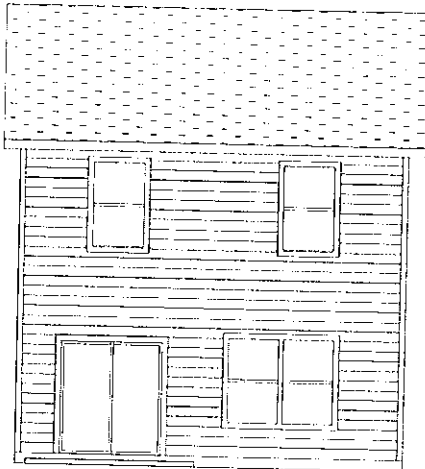
Renderings & Elevation



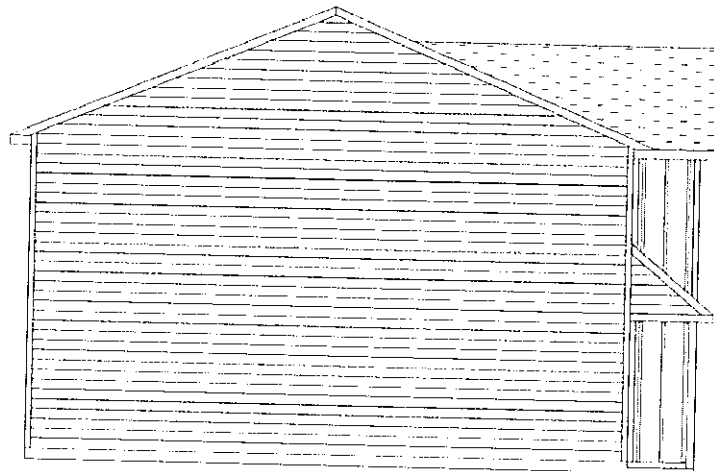
FRONT ELEVATION



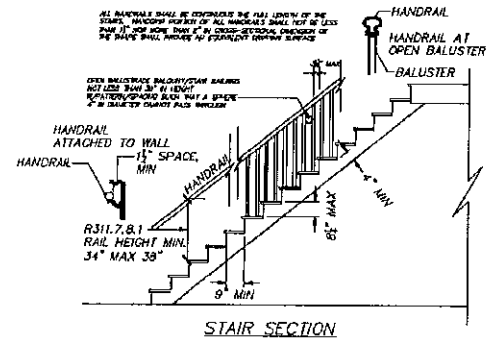
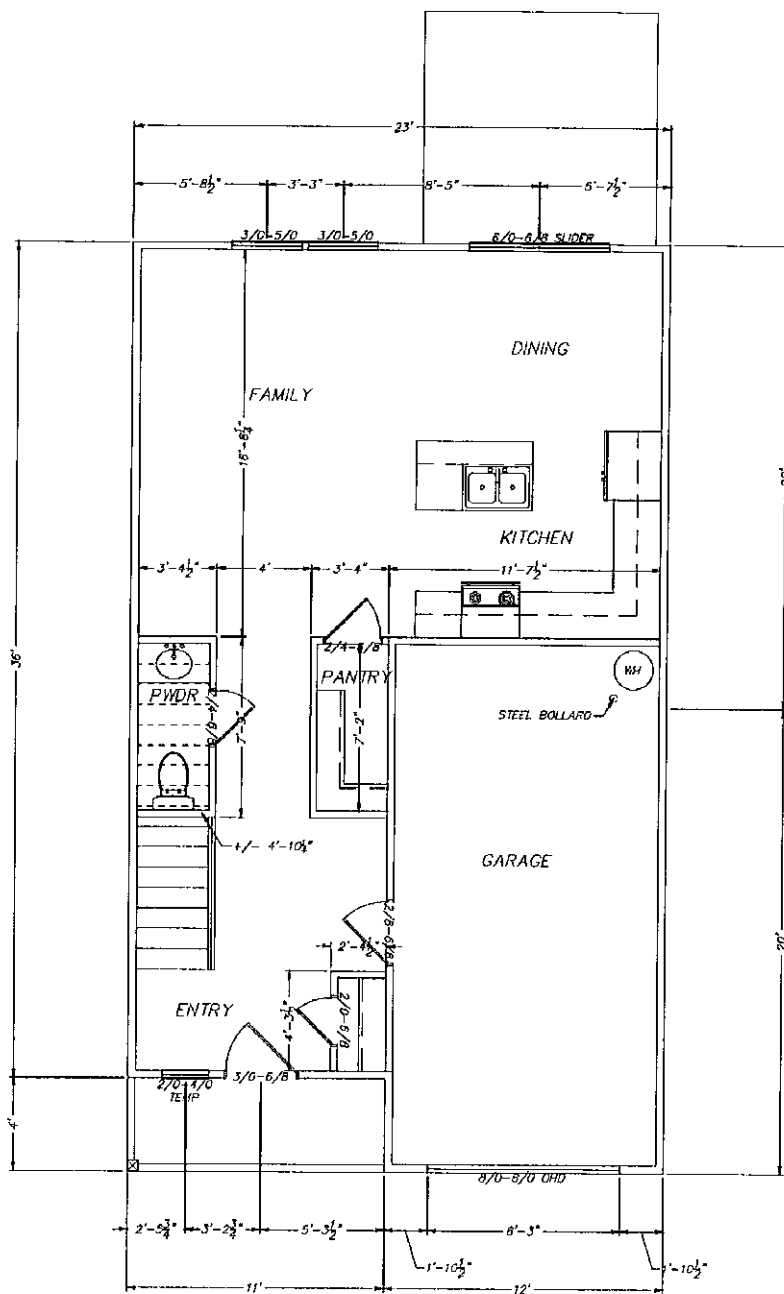
RIGHT ELEVATION



REAR ELEVATION



LEFT ELEVATION



AREA CALCULATION	
1ST FLOOR HTD	=609
2ND FLOOR HTD	=837
GARAGE UNHTD	=266
COV'D PORCH UNHTD	=44
TOTAL UNDER ROOF	=1756





MEMO TO: Lincolnnton Board of Adjustment

FROM: City of Lincolnnton Planning Department

DATE: July 19, 2022

SUBJECT: BOA-7-2022 – Timothy J. Carswell, Sr.

Property Information

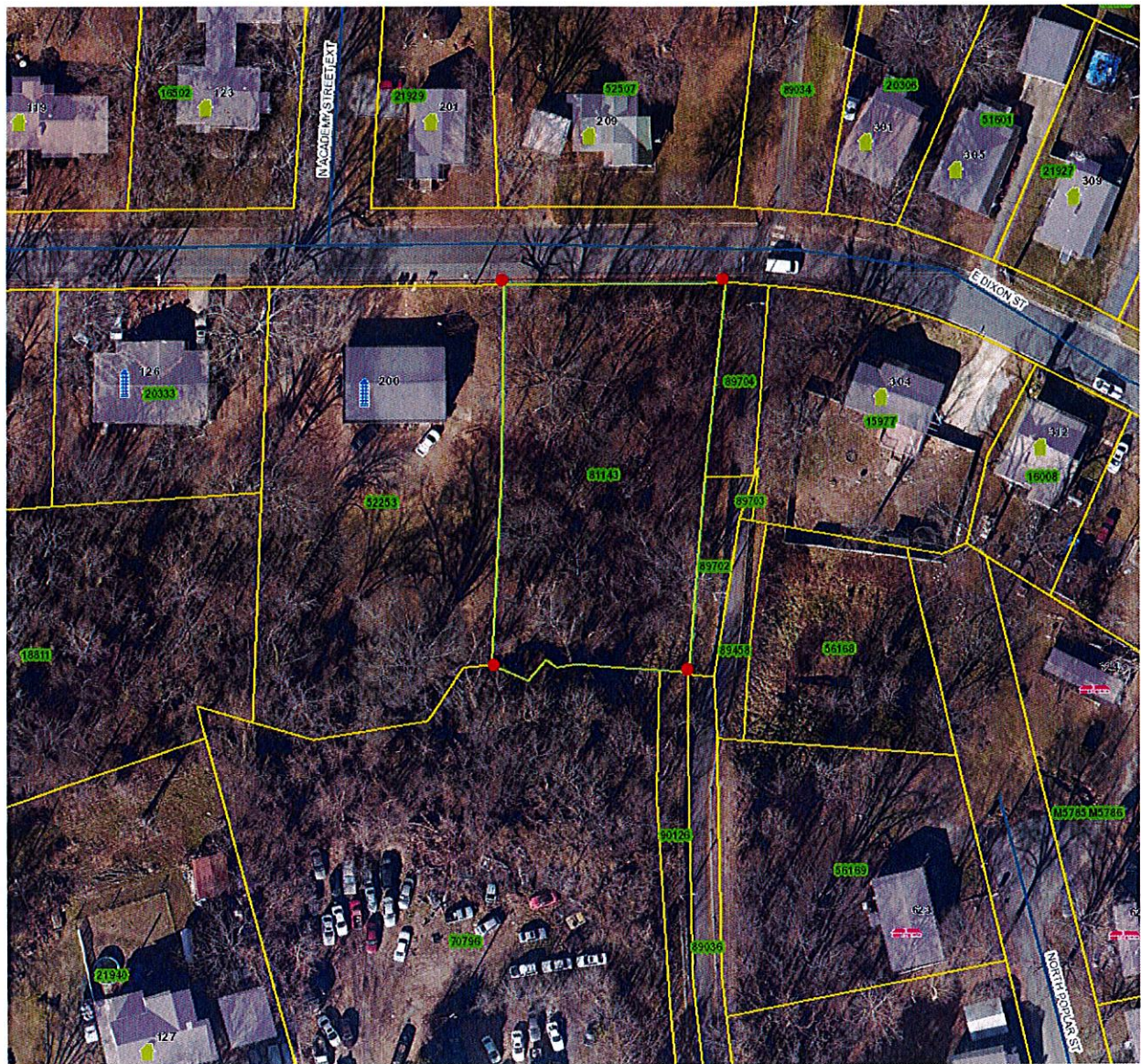
- Property Location – East Dixon Street
- Current Zoning – Residential-8 (R-8)
- Property Size - 0.483 acres
- Current Use of Property – Vacant
- Adjacent Properties – Single Family Residential, Multi-Family, Commercial, and recreational (Rail Trail)

Variance Request

Application from Timothy J. Carswell, Sr. requesting the renewal of a variance that was issued previously by the Board of Adjustment that would allow a four unit multifamily structure to be constructed on a parcel of land in the R-8 district instead of two duplex units. The subject property is located on the south side of East Dixon Street approximately 500 feet east of the intersection East Dixon Street and North Aspen Street (Parcel ID 81143)

The applicant is requesting the renewal of a variance in order to construct a four unit multi family structure on the property. The R-8 district allowed for the lot to be divided and two duplex units constructed but the applicant would like to construct one four unit building in lieu of the two duplex units.







Relevant UDO Requirement

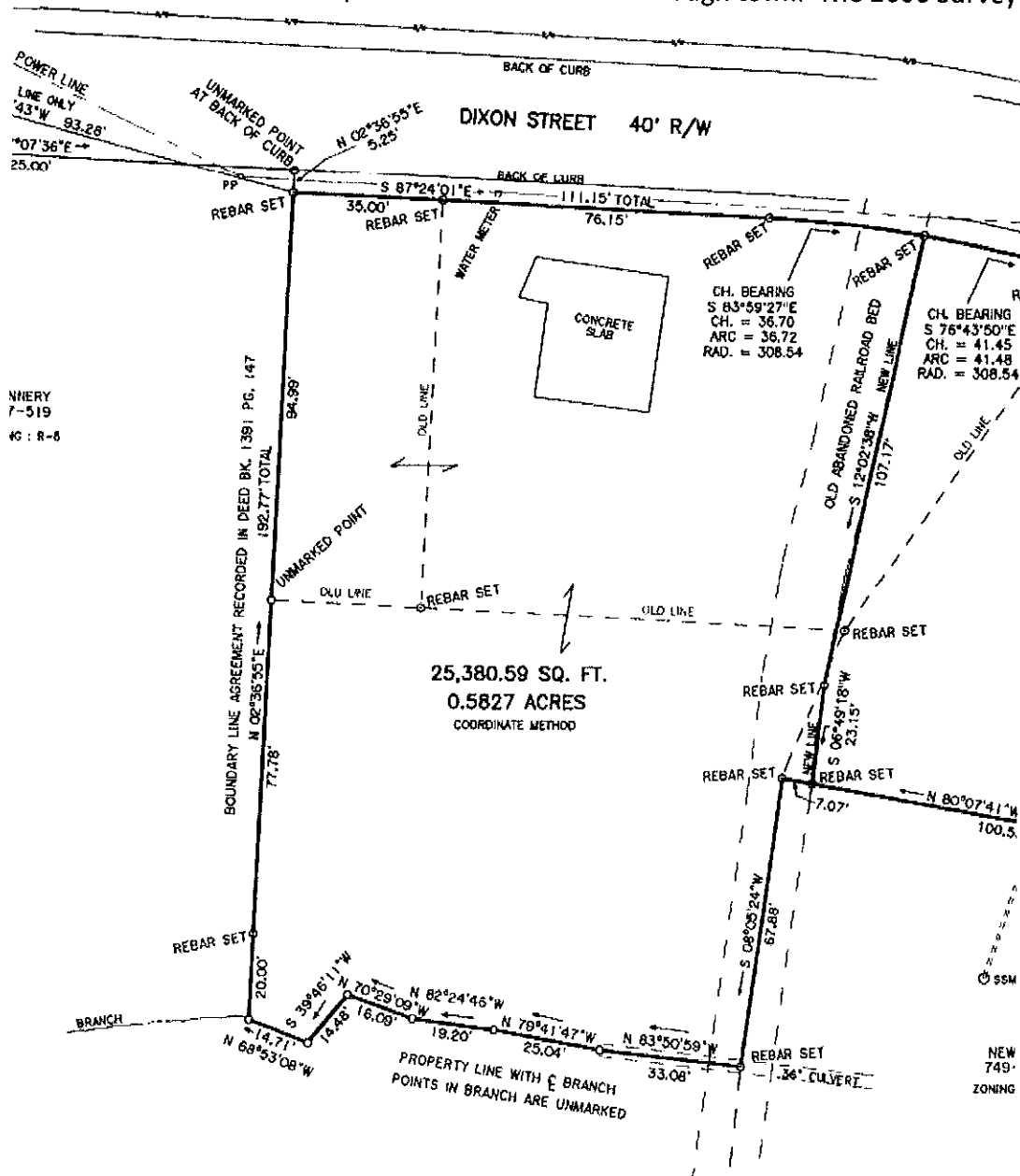
(A) *Permitted uses.* The following uses are permitted by right. (1) All permitted uses allowed in the R-15 District; and (2) Two-family dwellings.

1) *Minimum lot size.*(a) Single-family dwelling: 6,000 square feet, except as provided in §§ [153.215](#) through [153.220](#) of this chapter. (b) Two-family dwellings: 12,000 square feet except as provided in §§ [153.215](#) through [153.220](#) of this chapter.

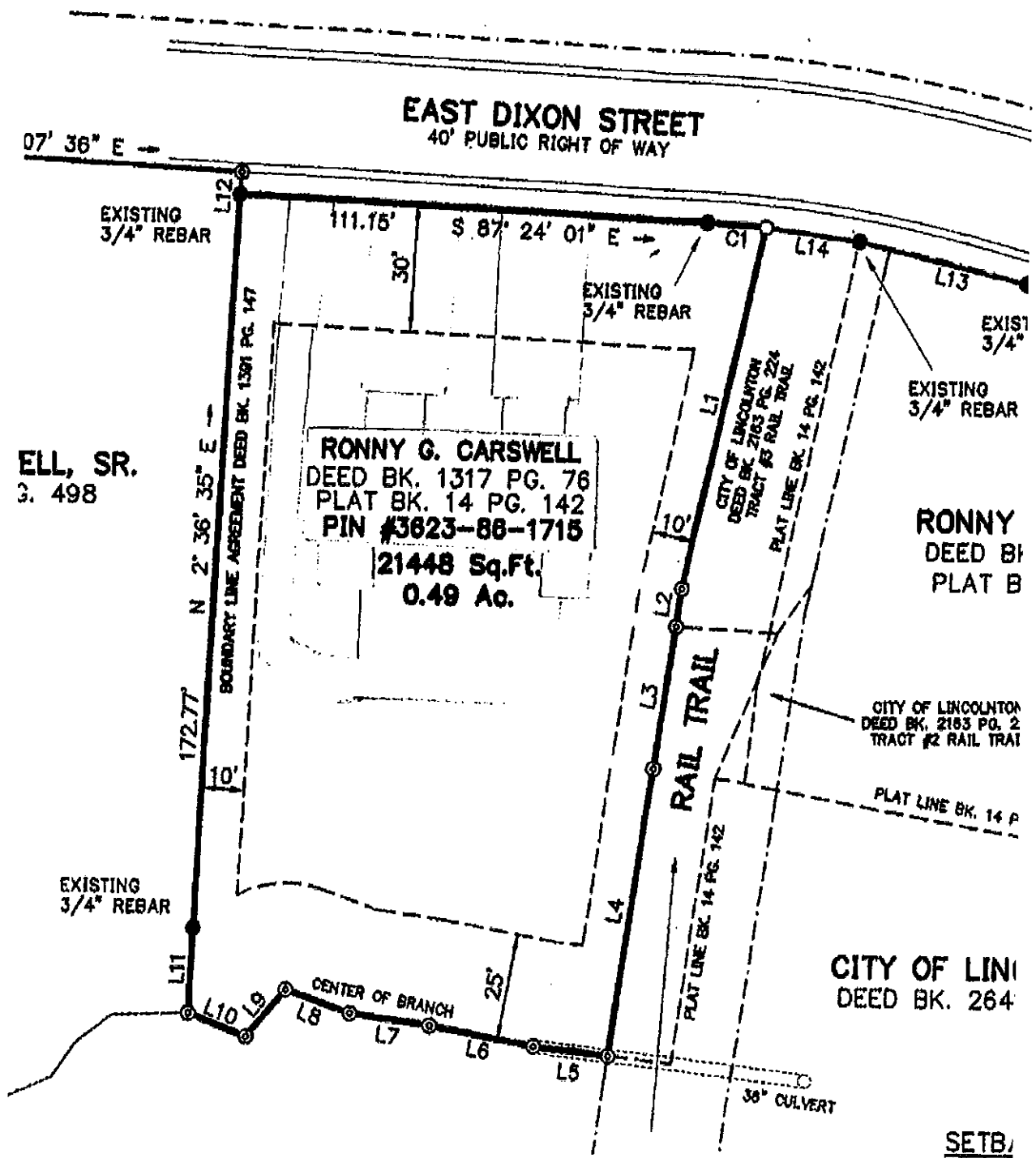
Background Information

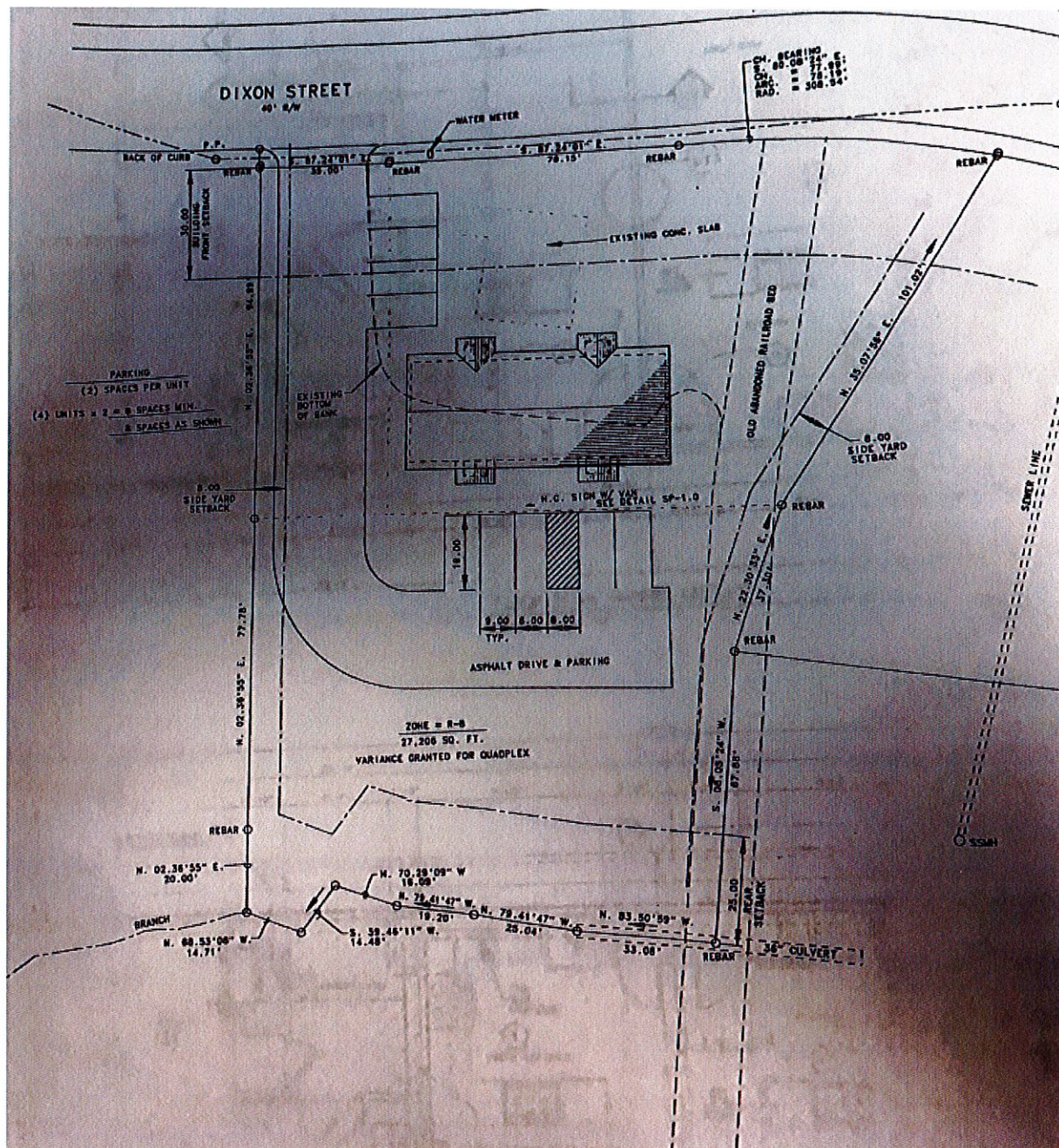
In 2006, Ronny Carswell was issued a variance by the Board of Adjustment for the same project. The UDO states that Unless otherwise authorized by the Board of Adjustment, any order of the Board of Adjustment in granting a variance shall expire, if a building permit or certificate of occupancy (for a use if a building permit is not required) has not been obtained within one year from the date of the Board of Adjustment's decision. The current owner, Tim Carswell, is requesting that the same variance be renewed.

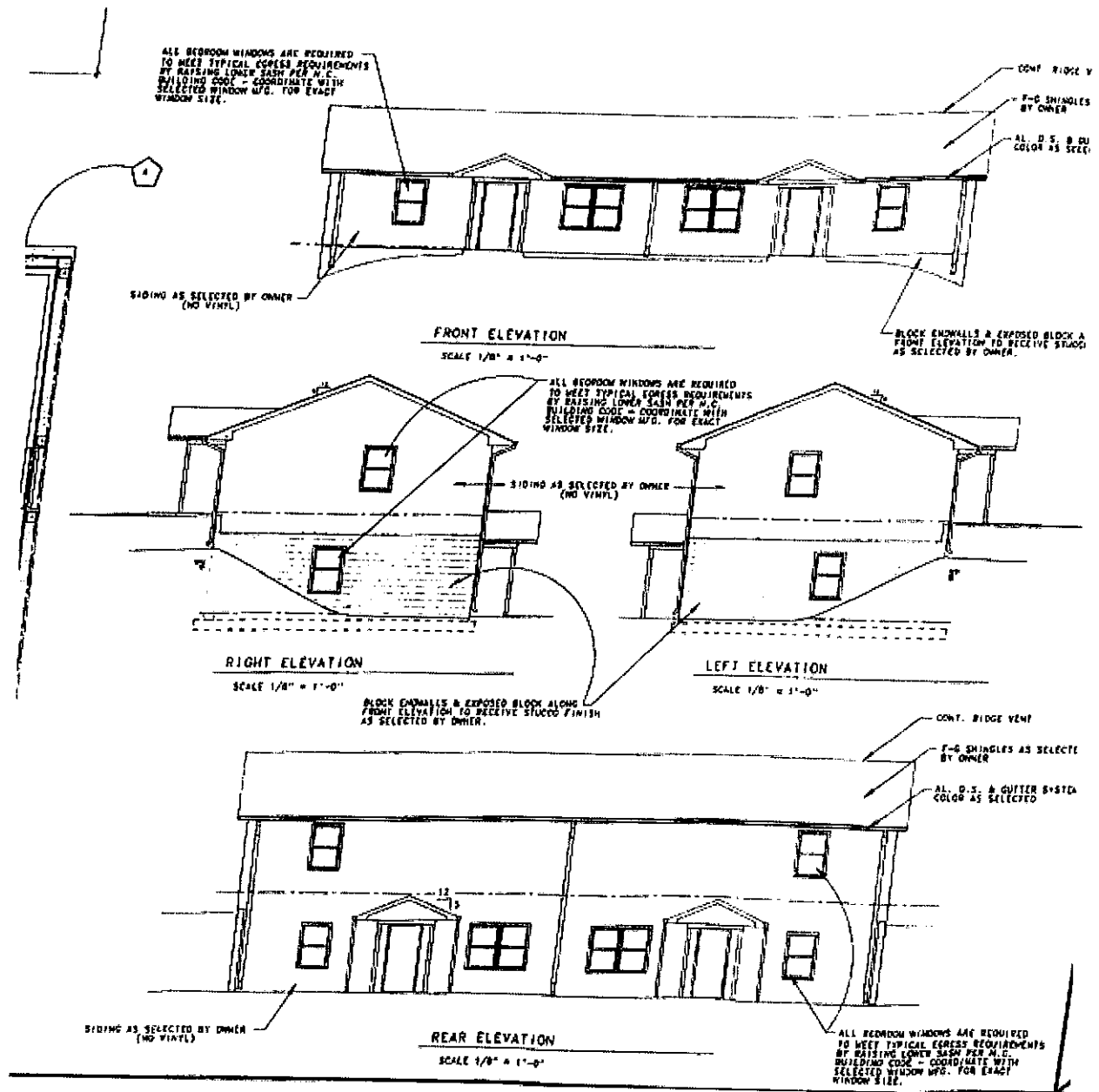
In 2006, the property was slightly larger than it is now, a portion of the property was sold to the City of Lincoln for the expansion of the Rail Trail through town. The 2006 Survey is below.



Current Survey and Plans







Additional Applicant Statements (See Attached Application)

- Prefer to build a quadplex instead of two duplexes. The topography of this lot is a sloping lot to conform for a two level structure to be built on as a quadplex would be.
- This variance was previously approved by the Board in 2006 and I am just requesting renewal.

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. This property slopes to the rear of the lot and is bounded by a creek at the rear. With the sloping lot and creek bank it may be difficult to dig footings on portions of the property. By clustering the units into one building it could be constructed to avoid these problems. The resulting number of units would still be four.
- Staff would note that even though the square footage is now smaller for the property in question, the property was sold for a public recreational project and was not a self-created hardship by the owner.
- 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.

BoA-7-22

Paid by check

PLANNING DEPARTMENT

Laura Elam - Planning Director
Mark Carpenter - Zoning Administrator
Jean Derby - Planning Assistant

TELEPHONE 704-736-8930
FAX 704-736-8939



Application for Variance

Description of request: THIS REQUEST IS TO RENEW A VARIANCE
GRANTED TO RONNY G CARSWELL PREVIOUSLY TO BUILD
A QUADPLEX ON LOT LOCATED ON EAST DIXON STREET

Applicant information:

Name: TIMOTHY J CARSWELL SR
Address: 1721 ARDEN DRIVE
City: LINCOLNTON State: NC Zip: 28092
Telephone: 704 574-1048 Email: timcarswell@charter.net

Property owner information (if different from applicant)

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Email: _____

Property location and description

Address: EAST DIXON ST BESIDE 200-206 EAST DIXON ST
Tax parcel no. (five-digit): 81143 Current zoning classification: R-8

A sketch of the property including the following information shall accompany this application: lot dimensions, setback dimensions for existing structures, location of all existing structures, other topographical features (bodies of water, significant stands of trees, etc.). Based on the nature of the application, the Zoning Administrator shall have the authority to request additional necessary information and/or waive one or more of these items.

Variance Request Description

Section(s) of the Unified Development Code requesting relief from: SECTION
153.108 LOT SIZE REQUIREMENTS

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

THE PROPERTY IS ZONED R-8 FOR MULTI-FAMILY
STRUCTURES. THE TOPOGRAPHY IS A SLOPING
LOT TO CONFORM TO A TWO LEVEL STRUCTURE
AS A QUADPLEX STRUCTURE WOULD BE. THERE
ARE TWO QUADPLEX APARTMENTS BUILT ON THE
RIGHT SIDE OF THIS LOT. THIS LOT WAS BILGER AND
THE CITY ACQUIRED LAND FROM RONNY TO BUILD THE RAIL TRAIL.

The Board of Adjustment, after having held a public hearing to consider the variance request, will address each of the following findings of fact and draw the following conclusions in order to render their decision:

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.);
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.);
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); and,
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.

The applicant is asked to address each of these findings as they pertain to their variance request. Please use additional sheets if necessary. In order to grant a variance, each of the findings must be found in the affirmative by the Board of Adjustment by a 4/5 majority of the Board's membership.

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):

PREFER TO BUILD A QUADPLEX INSTEAD OF DIVIDING LOT INTO 2 LOTS FOR 2 DUPLEXES AND THE LOT SIZE WAS DECREASED DUE TO THE CITY PURCHASING LAND FROM RONNY CARSWELL FOR THE RAIL TRAIL.

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):

THE TOPOGRAPHY OF THIS LOT IS A SLOPING LOT TO CONFORM FOR A TWO LEVEL STRUCTURE TO BE BUILT ON, AS A QUADPLEX WOULD BE.

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):

NO, THIS VARIANCE WAS PREVIOUSLY APPROVED BY THE PLANNING BOARD IN 2006 AND I AM JUST REQUESTING A RENEWAL.

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 ZONING IS FOR MULTI-FAMILY AS A DUPLEX, SO A QUADPLEX IS WITHIN THE SPIRIT OF THE ZONING ORDINANCE.

Signatures

Timothy J. Caswell Sr. 6/15/22
Applicant Date

Property Owner, If Different From Applicant Date

Zoning Administrator Date