

LINCOLN TON BOARD OF ADJUSTMENT
AGENDA
August 16, 2022
At 4:00 P.M. in City Council Chambers

1. Roll Call
2. Call to Order
3. Approval of minutes from the July 19, 2022 meeting
4. BOA-8-2022- Application from Carolina Elite Builders requesting a variance of section 153.108 (R-8 District) of the Lincoln TON UDO in regards to side setback requirements for Two Family Dwellings. The subject property is located on the North Side of East Pine Street approximately 300 feet east of the intersection of East Pine Street and North State Street (Parcel ID 18082)
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; Greg McBryde, Vice-Chair, Gregory.McBryde@gmail.com; Rebecca Abernethy, rabernethy21@bellsouth.net; Trent Mason, trentonmason@gmail.com; Becky Shaw, becky.greer82@gmail.com; Joy Smith, joysmithmsnm@gmail.com, first alternate; Monte Tyson, monte@cbdeastmain.com, second alternate

Tuesday, July 19, 2022 Meeting

Present: Gene Poinsette, Greg McBryde, Trent Mason, Becky Shaw and Joy Smith

Absent: Rebecca Abernethy

Call to Order

Chairman Gene Poinsette called the meeting to order and recognized that Joy Smith 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 June 21, 2022 meeting.

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

BOA-5-2022- Application from Carolina Elite Builders, LLC requesting a variance of section 153.108 (R-8 District) of the Lincolnton 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).

Daphne Ingram swore in Jean Derby and Igor Shiper.

Jean Derby presented the staff report included in the agenda packet to the Board regarding BOA-5-2022.

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

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

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).

Daphne Ingram swore in Jean Derby and Tim Carswell.

Jean Derby presented the staff report included in the agenda packet to the Board regarding BOA-7-2022.

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. 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: Trent Mason made a motion to adjourn. Becky Shaw seconded. Motion carried unanimously.

Jean Derby

MEMO TO: Lincolnton Board of Adjustment

FROM: City of Lincolnton Planning Department

DATE: August 16, 2022

SUBJECT: BOA-8-2022 – Carolina Elite Builders

Property Information

- Property Location – East Pine Street (PID 18082)
- Current Zoning – Residential-8 (R-8)
- Property Size - 0.258 acres
- Current Use of Property – Vacant
- Adjacent Properties – Single Family Residential, Two Family Residential, and Multi-Family Residential.

Variance Request

Application from Carolina Elite Builders requesting a variance of Section 153.108 of the Lincolnton Unified Development Ordinance (minimum side yard setbacks R-8 District). The applicant is requesting the variance to allow a two family dwelling to be constructed that would not meet the 10 foot side setbacks in the R-8 district. The proposed setbacks by the applicant are 7 feet on both sides of the property line.



Relevant UDO Requirement

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

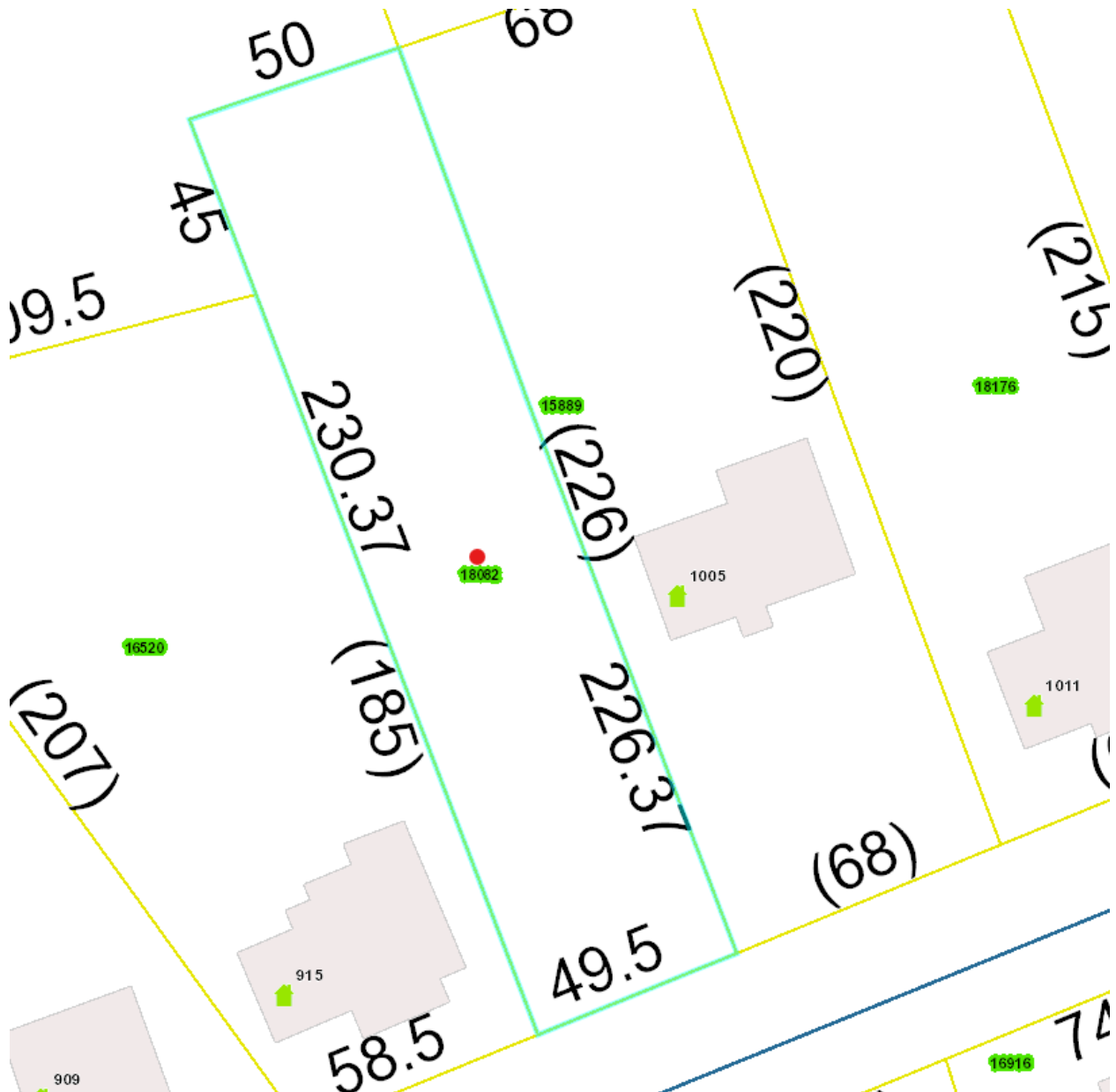
(3) *Minimum side yard setback (an additional ten feet shall be provided on all side yards which abut a public street).*

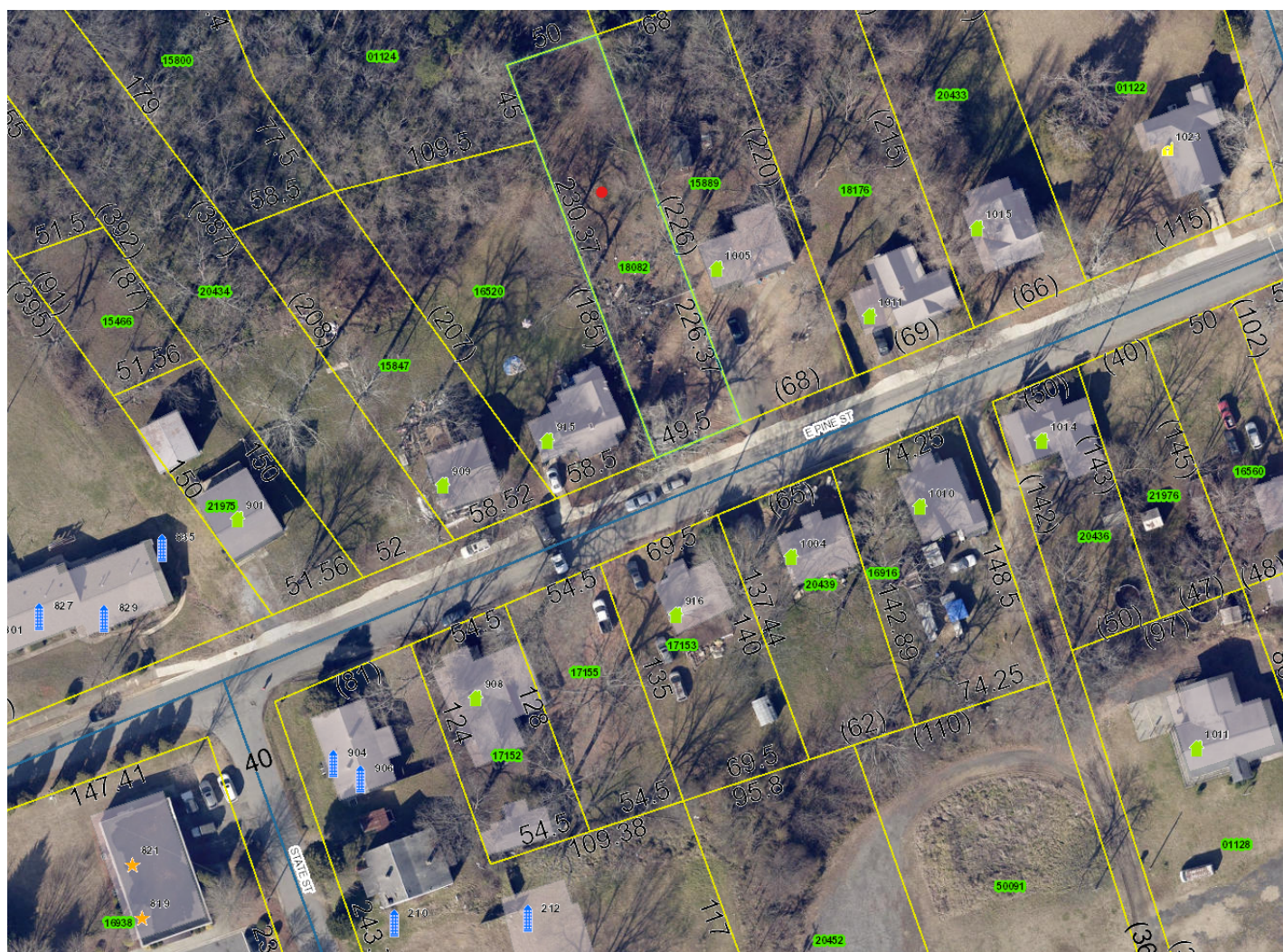
(a) Single- and two-family dwellings: ten feet.

Background Information

The applicant is requesting a variance to construct a two family home in the R-8 district. The property in question is located on the north side of East Pine Street approximately 300 feet east of the intersection of East Pine Street and North State Street (Parcel ID 18082)

The property is 49.5 feet in width along East Pine Street, 220+ feet deep, and 50 feet in width along the rear boundary. The majority of residential uses in the neighborhood have smaller than the required 70 foot lot width for single family dwellings and 80 foot lot width for two family dwellings. These lots were created prior to the UDO adoption in 1990.









Additional Applicant Statements (See Attached Application)

- Due to the small lot size, it would be difficult to construct a home that would fit
- 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-8-22

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 set backs 7 feet

Applicant information:

Name: Carolina Elite Builders

Address: 205 S Academy St

City: Lincolnton **State:** NC **Zip:** 28092

Telephone: 704-452-1117 **Email:** yana@ceboffice.com

Property owner information (if different from applicant)

Name: _____

Address: _____

City: _____ **State:** _____ **Zip:** _____

Telephone: _____ **Email:** _____

Property location and description

Address: E Pine St, Lincolnton NC 28092

Tax parcel no. (five-digit): 18082 **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

Signatures

Carolina Elite Builders

7/7/22

Applicant

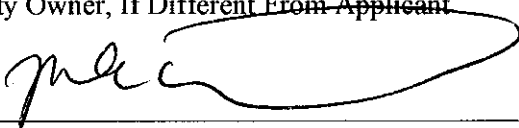
Date



07/07/2022

Property Owner, If Different From Applicant

Date



7/18/22

Zoning Administrator

Date

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

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.

Section(s) of the Unified Development Code requesting relief from: section 153.0108 (3A)

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

Small lot of record The lot is 49 ft wide

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.

Search Results Layers

Results List

Details

APN: 3633164171

Address: E PINE ST

Sub or Condo: LINCOLNTON

Township: LINCOLNTON

Plot Book-Page: 1709-511

Deed Book-Page: View

Historical Deed(s): LINCOLNTON

Tax District: LINCOLNTON

Legal Description: 1001 E PINE ST

APNs: 03339

Neighborhood: 03339

Previous Parcel ID: LITTLEJOHN PANSY R

Owner(s): LITTLEJOHN WILLIAM R

Mailing Address: 1005 E PINE ST

Mailing City, State Zip: LINCOLNTON NC 28092

Acres: 0.258

Land Value: \$3,600

Improved Value: \$0

Total Value: \$3,600

Last Recorded Date: 06/17/2005

Last Sale Price: \$6,000

Zoning: R-8

Related Records: None

Provide Feedback

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Clear

Sales History

Adjoiners

Summary Property Record Card

Land Report

How To Navigate the Summary Property Record Card

Directions

Google Streetview

Sales Search

Advance Measurement

Buffer

+
-
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Map Scale: 1 inch = 20 feet
Long: -81.265 Lat: 35.477
Long: 81°14'43" Lat: 35°28'36"

