

**LINCOLNTON BOARD OF ADJUSTMENT
AGENDA
October 18, 2022
At 4:00 P.M. in City Council Chambers**

1. Roll Call
2. Call to Order
3. Approval of minutes from the September 20, 2022 meeting
4. BOA-10-2022- Application from Carolina Elite Builders requesting a variance of section 153.106 (R-15 District) of the Lincolnton UDO in regards to front and rear setback requirements for Single Family Dwellings. The subject property is located on the South Side of Herndon Chapel Church Lane approximately 200 feet west of the intersection of Herndon Chapel Church Lane and Redleaf Trail (Parcel ID 21372)
5. Adjournment



CITY OF LINCOLNTON BOARD OF ADJUSTMENT MINUTES

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, September 20, 2022 Meeting

Present: Gene Poinsette, Greg McBryde, Trent Mason, Becky Shaw and Rebecca Abernethy

Absent: N/A

Call to Order

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

Approval of Minutes

Chairman Gene Poinsette asked the Board if there were any additions or corrections to the minutes of the August 16, 2022 meeting.

Motion: Greg McBryde made a motion to approve the minutes. Rebecca Abernethy seconded. Motion carried unanimously.

BOA-9-2022 – Application from John L. Burgin, Jr. requesting a variance of Section 153.107 (R-10) District for the reduction in the lot size and setback requirements. The applicant wants to subdivide the property into two separate lots with three manufactured homes remaining on one parcel and one duplex on another. The property is located at the northwest corner of North Grove Street and West Sycamore Street (PID 20997).

Jean Derby swore in Mark Carpenter..

Mark Carpenter presented the staff report included in the agenda packet to the Board regarding BOA-9-2022.

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.

Chairman Gene Poinsette asked the Board if there was any other business to be addressed, to which there was none.

Adjournment

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

Jean Derby

Boa92022minutes

MEMO TO: Lincolnton Board of Adjustment

FROM: City of Lincolnton Planning Department

DATE: October 18, 2022

SUBJECT: BOA-10-2022 – Carolina Elite Builders

Property Information

- Property Location – Herndon Chapel Church Lane (PID 21372)
- Current Zoning – Residential-15 (R-15)
- Property Size - 0.16 acres
- Current Use of Property – Residential (Old Home to be Demolished)
- Adjacent Properties – Single Family Residential

Variance Request

Application from Carolina Elite Builders requesting a variance of section 153.106 (R-15 District) of the Lincolnton UDO in regards to front and rear setback requirements for Single Family Dwellings. The subject property is located on the South Side of Herndon Chapel Church Lane approximately 200 feet west of the intersection of Herndon Chapel Church Lane and Redleaf Trail (Parcel ID 21372)

Relevant UDO Requirement

153.106 R-15 SINGLE-FAMILY LOW DENSITY RESIDENTIAL DISTRICT.

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

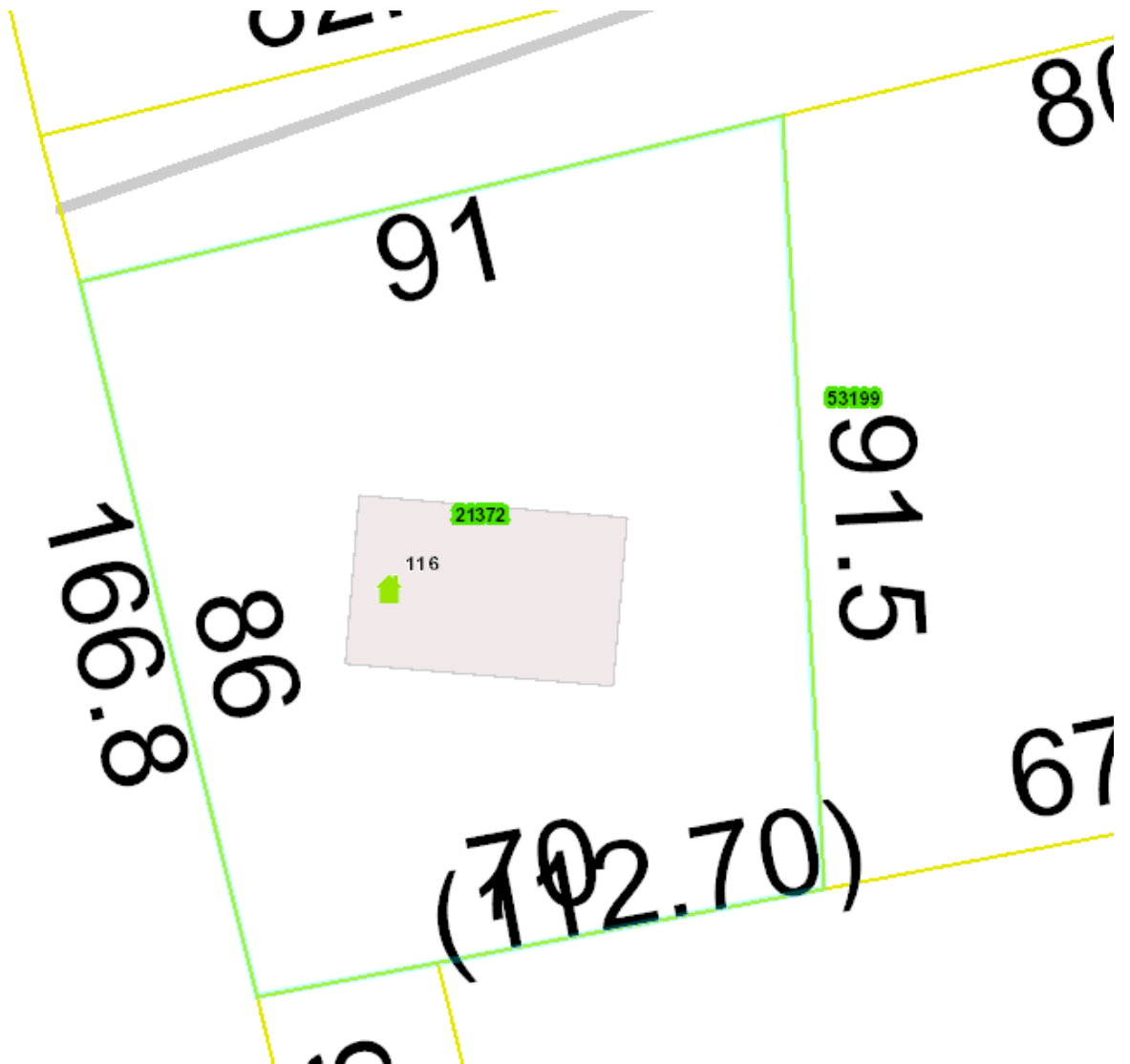
(4) *Minimum rear yard setbacks. All uses: 25 feet*

Background Information

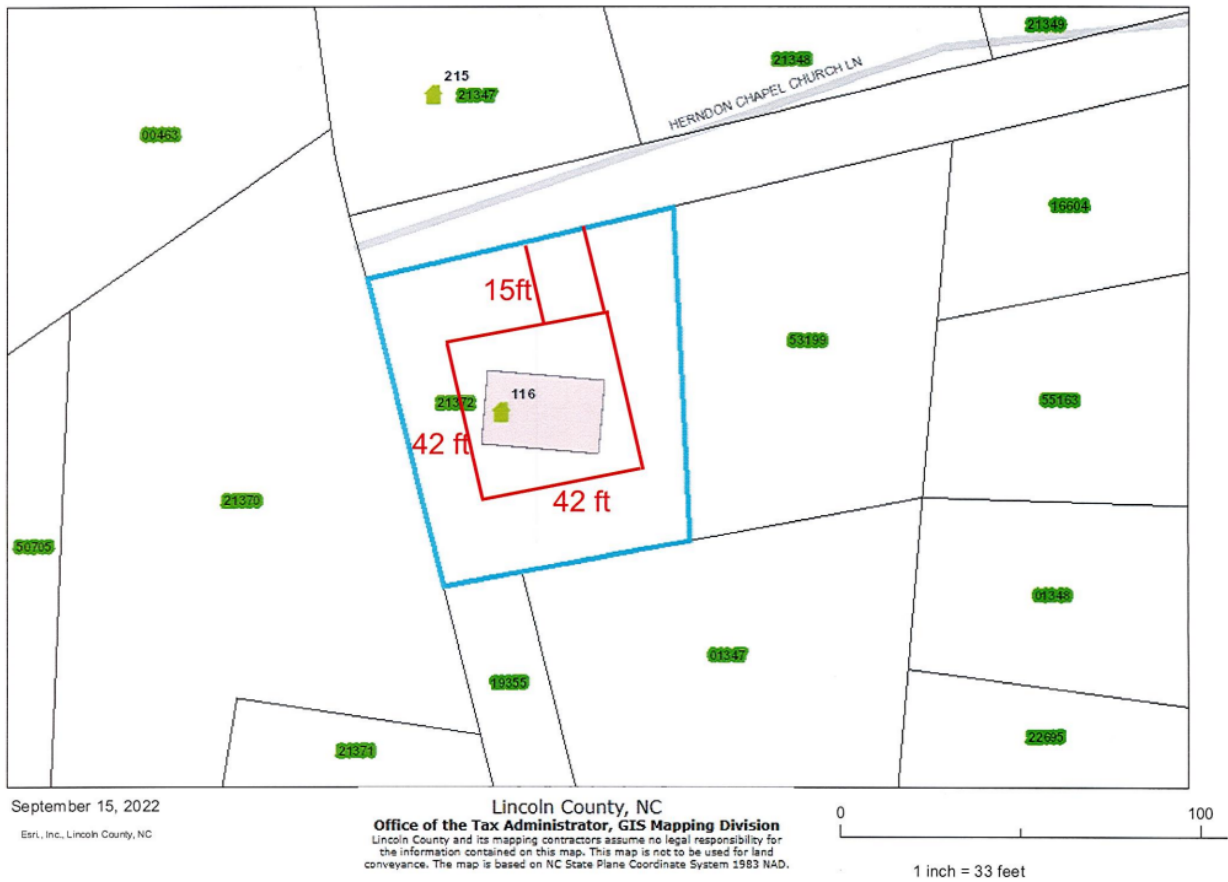
The applicant is requesting a variance to construct a single family home in the R-15 district. They are requesting that the variance be allowed for the front to be 15 feet from the street right of way and 20' from the rear property line.

The property is 91 feet in width along Herndon Chapel Church Ln. 86 feet deep on the west side and 91.5 feet on the east side, and 70 feet in width along the rear boundary.

LOT DIMENSIONS







PHOTOS OF EXISTING CONDITIONS



Additional Applicant Statements (See Attached Application)

- Small lot of record. The lot is 86 feet deep and with the current setbacks it will be extremely difficult to build a house that will fit into the current lot dimensions.
- 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-10-22

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 front set back to 15 ft and rear set back to 20ft.

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: 116 Herndon Chapel Church Rd. Lincolnton, NC 28092

Tax parcel no. (five-digit): 21372

Current zoning classification: R-15

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

106 C

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 86 ft deep and with the current setbacks it will be extremely difficult to build a house that will fit into the current lot dimensions.

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 were no setback requirements

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. We have built a brand new home across the street, and there are several other homes that have been built on this street over the last several years. This is the last lot on a dead end street and building a brand new home on it would increase the value and appearance of the neighborhood.

Signatures

Igor Skiper

dotloop verified
09/15/22 12:22 PM EDT
NO4O-R1PC-OCYN-BQRN

Applicant

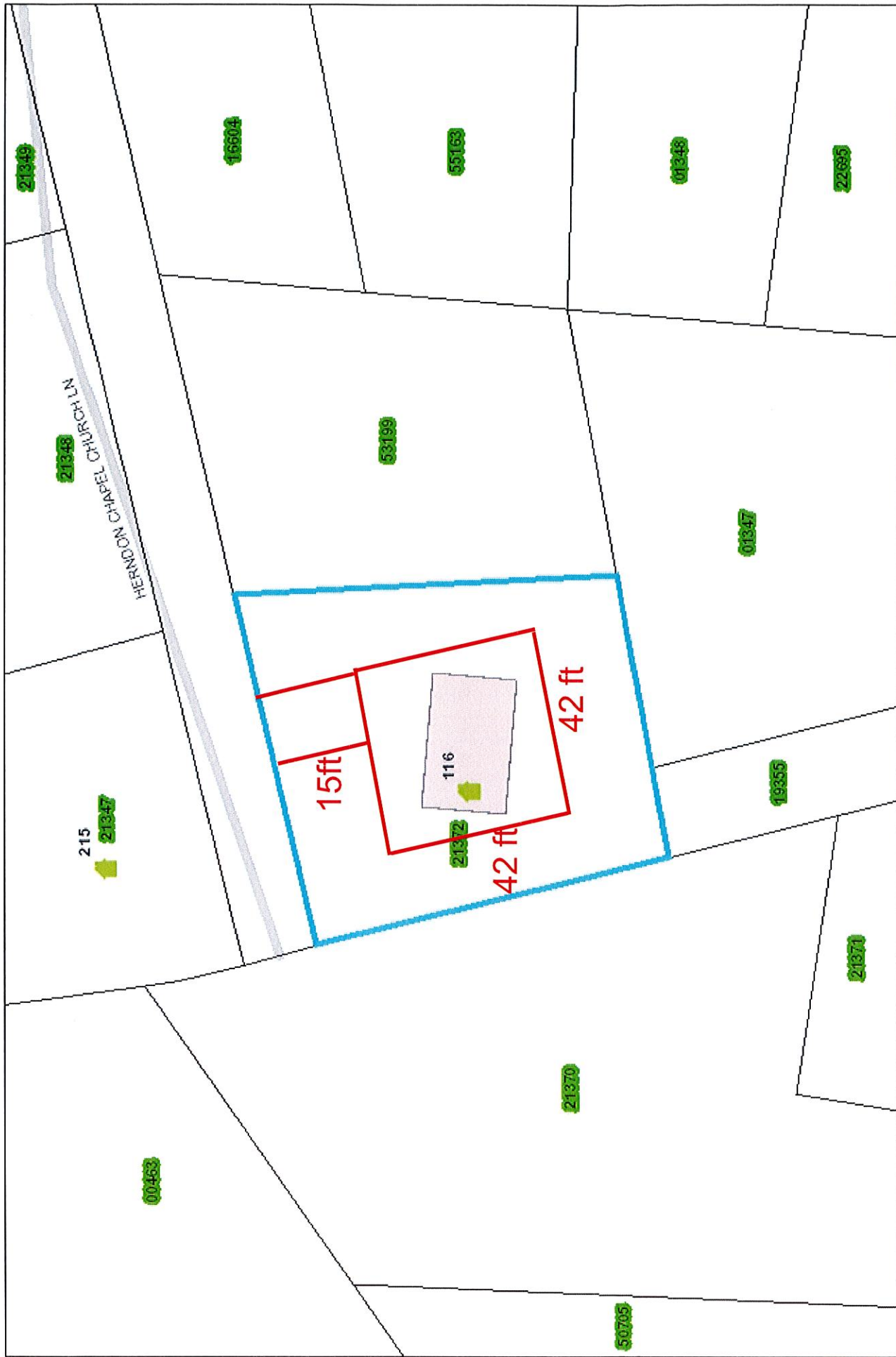
Date

Property Owner, If Different From Applicant

Date

Zoning Administrator

Date



September 15, 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.