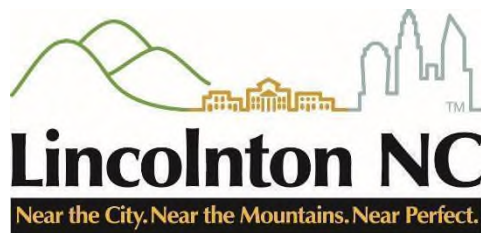


**LINCOLN TON BOARD OF ADJUSTMENT
AGENDA
November 15, 2022
At 4:00 P.M. in City Council Chambers**

1. Roll Call
2. Call to Order
3. Approval of minutes from the October 18, 2022 meeting
4. BOA-11-2022 - Application from The Benfield Family requesting a variance of Section 153.106 (C 4) minimum rear yard setback (25 feet) in the R-15 District. The applicant is proposing an addition to the rear which would not meet the required setback. The subject property is located at 2140 Country Club Road (Parcel ID 22644)
5. BOA-12-2022 - Application from John Anderson requesting a variance of Section 153.107 (C 3) minimum corner side yard setback (20 feet) in the R-10 District. The applicant is proposing to enlarge the porch stoop to the side which would not meet the required setback. The subject property is located at 226 West Main Street (Parcel ID 17838)
6. 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, joysmithmsnrm@gmail.com, first alternate; Monte Tyson, monte@cbdeastmain.com, second alternate

Tuesday, October 18, 2022 Meeting

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

Absent: Becky Shaw

Call to Order

Chairman Gene Poinsette called the meeting to order and recognized that Beck Shaw was absent and Monte Tyson would serve as 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 September 20, 2022 meeting.

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

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)

Daphne Ingram swore in Jean Derby.

Jean Derby presented the staff report included in the agenda packet to the Board regarding BOA-10-2022.

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

Boa102022minutes

MEMO TO: Lincolnnton Board of Adjustment

FROM: City of Lincolnnton Planning Department

DATE: November 20, 2022

SUBJECT: BOA-11-2022 – Lori Ann Benfield

Property Information

- Property Location – 2140 Country Club Road (PID 22644)
- Current Zoning – Residential-15 (R-15)
- Property Size - 1.01 acres
- Current Use of Property – Residential
- Adjacent Properties – Single Family Residential

Variance Request

Application from The Benfield Family requesting a variance of Section 153.106 (C 4) minimum rear yard setback (25 feet) in the R-15 District. The applicant is proposing an addition to the rear which would not meet the required setback. The subject property is located at 2140 Country Club Road (Parcel ID 22644)

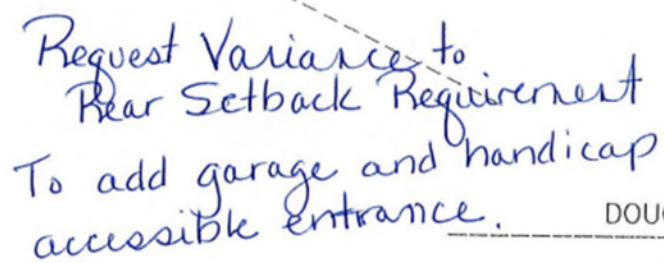
Relevant UDO Requirement

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

(C) Yard regulations. (4) Minimum rear yard setbacks. All uses: 25 feet

Background Information

The applicant is requesting a variance to construct an addition and garage to the rear of the existing home. The addition and garage would extend out to the rear of the existing home approximately 41 feet and would only be approximately 2.5 feet off the rear property line. See Applicants drawing below.



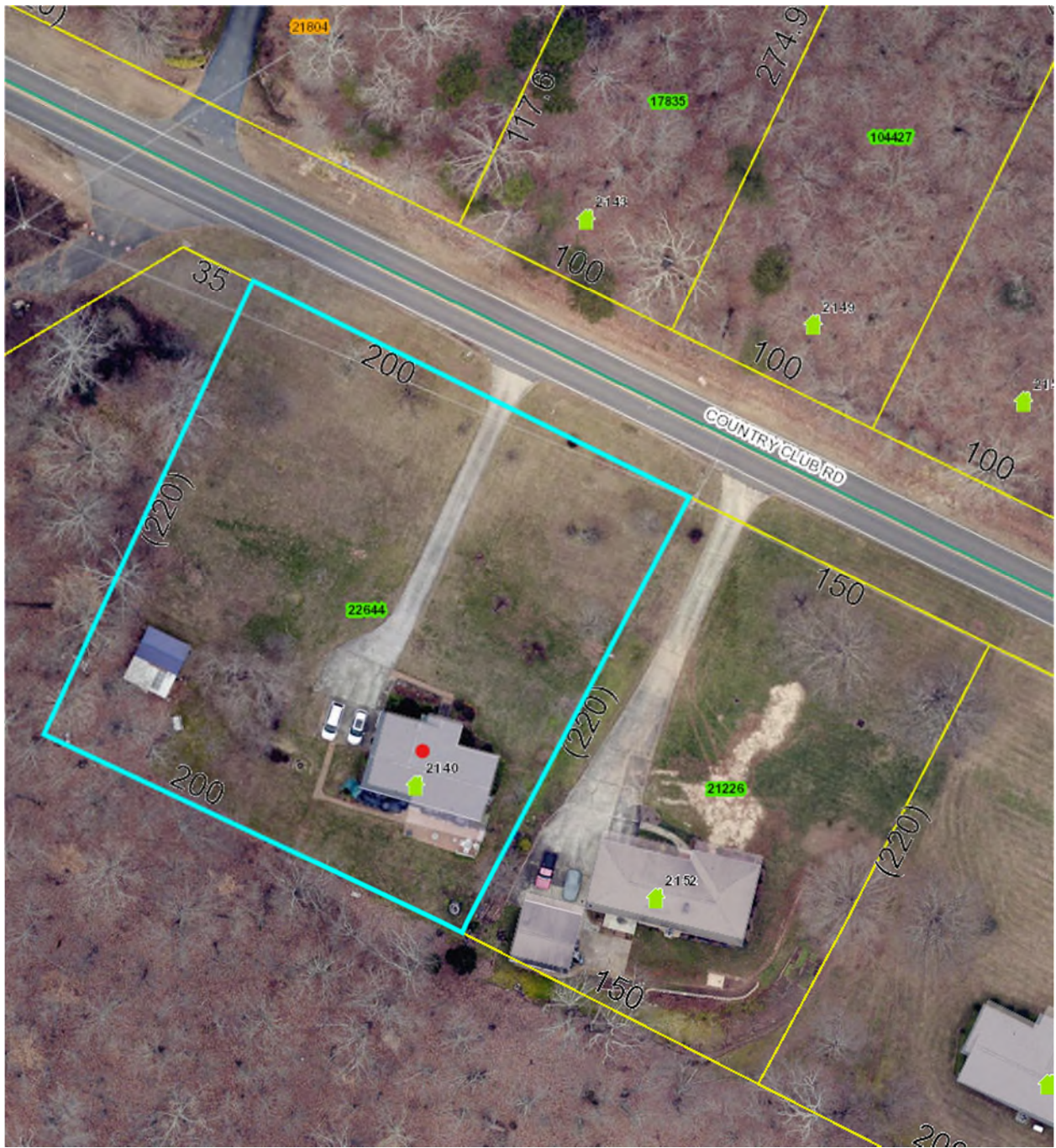
DOUGL

F



LOT DIMENSIONS

The lot is 200 feet wide along the front and rear with approximately 220 feet in depth. See below.



PHOTOS OF EXISTING CONDITIONS











Additional Applicant Statements (See Attached Application)

- Without a variance approval then it is likely laundry facilities and an entrance without stairs will not be possible
- Due to the location of the house on the property and the topography, there is really no other options for the drive up entrance at the same level as living area of home.
- There will be no impact to public safety

See full application attached to this report

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.

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 Re: 2140 Country Club Road
Lincolnton, NC 28092

Description of request: Application from Lori Ann Benfield requesting
a variance of Section 153.106 of the Lincolnton Unified
Development Ordinance (minimum rear yard setback _____).

I am requesting a variance to allow an addition and garage
(handicap accessible) to be constructed to the rear of the property that would
Applicant information: not meet the 25 foot rear yard setback requirement.

Name: Lori Ann Benfield

Address: 2140 Country Club Road

City: Lincolnton State: NC Zip: 28092

Telephone: 704-564-3910 Email: labenfield@gmail.com

Property owner information (if different from applicant)

Name: Douglas Ray Benfield, Kimmy Wayne Benfield, Lori Ann Benfield

Address: 2140 Country Club Road

City: Lincolnton State: NC Zip: 28092

Telephone: Lori 704-564-3910 Email: labenfield@gmail.com

Property location and description

Address: 2140 Country Club Road

Tax parcel no. (five-digit): 22644 Current zoning classification: Single Family Residential

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

Minimum Rear Yard Setback of 25 feet

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

Our dad passed away and we plan to keep our family home since 1961. We plan to renovate and add an addition at the back. We desire to also ensure the house is more accessible without stairs at one entrance. Therefore, we plan to add on to Kitchen, establish a laundry room accessible without stairs and also add a 2 car garage, again to ensure entry can be made without stairs for our family. One brother was diagnosed w/ Parkinson's and may likely require a more accessible entry.

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):

Without a variance approval then it is likely laundry facilities and an entrance without stairs will not be possible.

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):

Due to the location of the house on the property and the topography, there is really no other options for the drive up entrance at same level as living area of home. The home is a "raised ranch" style home that sits on a full basement.

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 hardship has existed. We did not purchase the property. We inherited this property when our dad died this year.

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):

There will be no impact to public safety and will only help our family and those visiting with accessibility. Currently there is no development on the property behind ours; the land is vacant/wooded. Also, the next door neighbor built a garage years ago that does not meet the 25 foot rear setback.

Signatures

Lori A. Benfield
Applicant

9/23/2022
Date

Property Owner, If Different From Applicant

Date

Zoning Administrator

Date

CORDELIA BENNETT
95E - 344
PLAT BOOK B PAGE 3

1.135 ACRES TOTAL
0.133 ACRE R/W
1.002 ACRES

2140 Country Club Road
Setback Variance Request
9/23/2022
Sketch

BUILDING

CONCRETE DRIVE

HOUSE

Kitchen Addition

Garage (Double)

WELL

CORDELIA BENNETT
95E - 344
PLAT BOOK B PAGE 3

JASEN WARREN HOOVER
2466 - 234

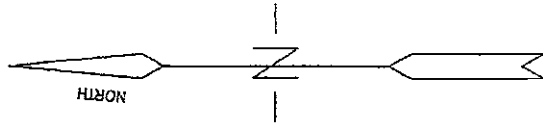
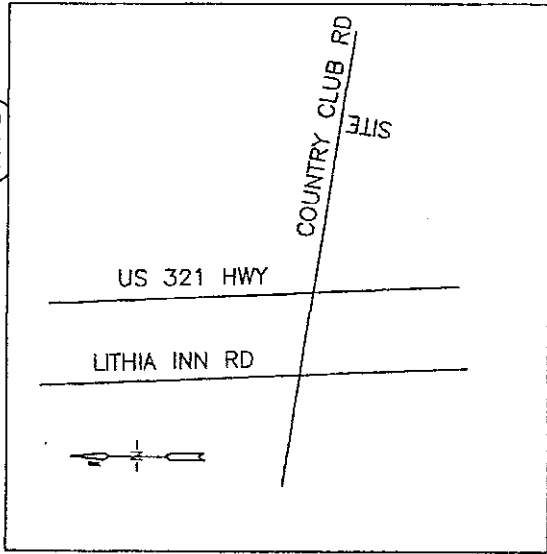
Request Variance to
Rear Setback Requirement
To add garage and handicap
accessible entrance.

DOUGL

F



VICINITY MAP (NTS)



DEED BOOK 2740 PAGE 991

LEGEND:

EIP	Existing Iron Pin
IRS	Iron Rod Set
R/W	Right of Way
CL	Center Line
NTS	Not To Scale
UP	Utility Pole
P	Porch
IPS	Iron Pipe Set
IPF	Iron Pipe Found
F	FOUND
S	SET
—U—	UTILITY LINE
—S—	SEWER LINE
---	R/W

NO KNOWN GEODETIC MARKER
WITHIN 2000 FEET.

CORDELLA BENNETT
344
DEED BOOK B PAGE 3
N 26°31'09"E 247.44'
S 218.30'

1.135 ACRES TOTAL
0.133 ACRE R/W
1.002 ACRES

REBAR SET

29.14'

Forest E. Ross, Jr.
PROFESSIONAL SURVEYOR # L-3720
ROSS SURVEYS, PA
1181 WEST HWY. 27
LINCOLN, N. C. 28092
TEL. NO. 704-735-6032
FIRM LICENSE NO. C-4587

This is to certify that this survey
is of existing parcels of land and
does not create a new street or
change an existing street, this 23
of AUGUST 2022

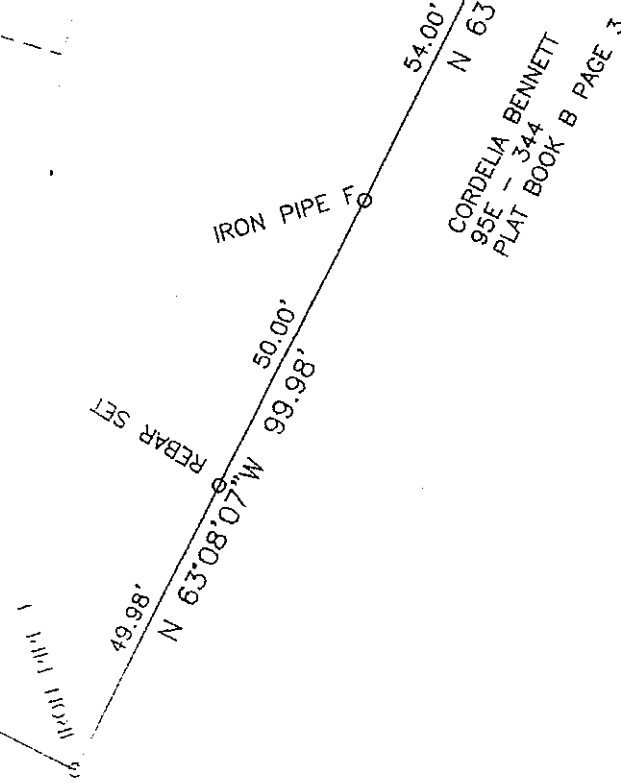
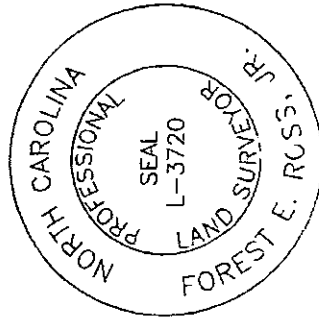
Forest E. Ross, Jr.
P. L. S.

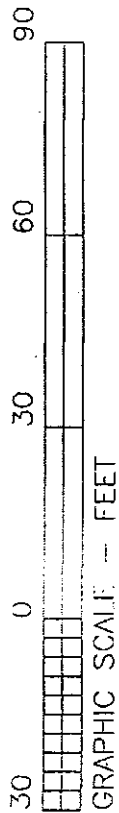
I, FOREST E. ROSS, JR., certify that this plat was drawn
under my supervision from (an actual survey made under my super-
vision) (deed description recorded in Book LC109, page 162;
etc.) (other); that the boundaries not surveyed are clearly indicated
as drawn from information found in Book , page ;
that the ratio of precision as calculated is 1:10,000; that this
plat was prepared in accordance with G. S. 47:30 as amended. Wit-
ness my original signature, registration number and seal this 23
day of AUGUST, A.D., 2022.

Forest E. Ross, Jr.
Surveyor

L - 3720

Registration Number





COUNTRY CLUB ROAD - 60' PUBLIC R/W
S 63°29'49"E
199.46'

REBAR SET

CL

(TIE LINE)
S 52°32'45"E
152.77'

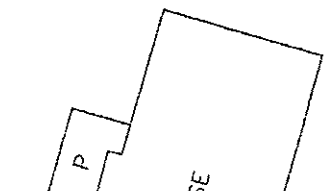
S
S
S
S

JERRY DONALD BALLARD
BETTY BALLARD
487 - 770

JASEN WARREN HOOVER
2466 - 234

S 26°31'0

218.63'



21.36'

WELL

19'

IRON PIPE F

PHYSICAL SURVEY
OF

DOUGLAS RAY BENFIELD, KIMMY WAYNE BENFIELD, AND LORI ANN BENFIELD

PROPERTY ADDRESS: 2140 COUNTRY CLUB ROAD, LINCOLNTON, N. C. 28092

NORTH CAROLINA
LINCOLN COUNTY
LINCOLNTON TOWNSHIP
SCALE: ONE INCH - 30 FEET
REFERENCE DEED: LC109 PAGE 162
PARCEL NO. 22644

PLAT PREPARED FROM SURVEY ON 08-22-2022

MEMO TO: Lincolnnton Board of Adjustment

FROM: City of Lincolnnton Planning Department

DATE: November 20, 2022

SUBJECT: BOA-12-2022 – John Anderson

Property Information

- Property Location – 226 West Main Street (PID 17838)
- Current Zoning – Residential-10 (R-10)
- Property Size - 0.216 acres
- Current Use of Property – Residential
- Adjacent Properties – Single Family Residential and Lincoln County Public Library

Variance Request

Application from John Anderson requesting a variance of Section 153.107 (C 3) minimum corner side yard setback (20 feet) in the R-10 District. The applicant is proposing to enlarge the porch stoop to the side which would not meet the required setback. The subject property is located at 226 West Main Street (Parcel ID 17838)

Relevant UDO Requirement

153.107 R-10 SINGLE-FAMILY LOW DENSITY RESIDENTIAL DISTRICT.

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

(a) Single-family dwellings: ten feet

Background Information

The applicant is requesting a variance to replace the existing stoop over the existing step. It would be enlarged approximately two foot wider and several feet longer to cover the existing step.

The stoop would come next to the property boundary but couldn't extend into the street right of way which would be the edge of the sidewalk. See photos below

LOT DIMENSIONS





PHOTOS OF EXISTING CONDITIONS









Additional Applicant Statements (See Attached Application)

- Large house on small lot which predated zoning in the area
- Side setback (house built in 1920's) no setbacks required.

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-12-22

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: Replace The EXISTING SToop over
The EXISTING steps To EnLange IT approximately
2 ft wider and several Feet Longer To cover
The EXISTING steps.

Applicant information:

Name: John Anderson
Address: 233 1/2 E MAIN ST,
City: Lincolnton State: NC Zip: 28092
Telephone: 704-740-8008 Email: john@andersonproperties
INC.COM

Property owner information (if different from applicant)

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

Property location and description

Address: 226 West MAIN ST,
Tax parcel no. (five-digit): 17838 Current zoning classification: R-10

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: side setback

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

CAN'T do The work without variance

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.

Signatures

John Anderson 10/12/22
Applicant Date

Property Owner, If Different From Applicant Date

Zoning Administrator Date

Request for Variance

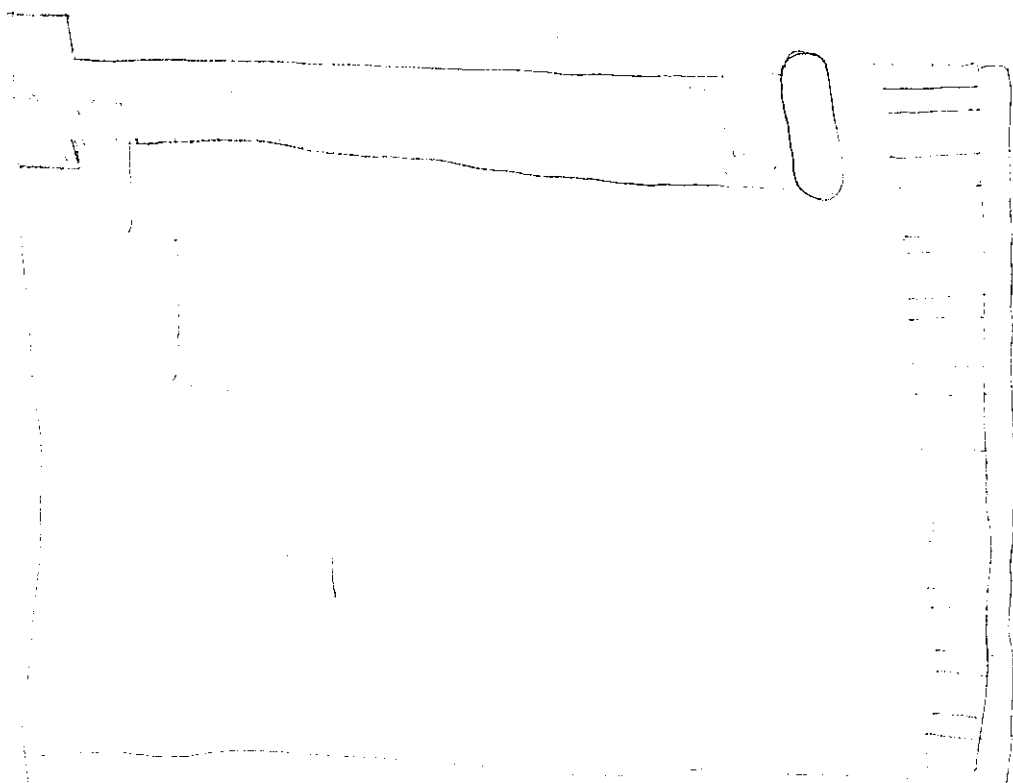
1) Unnecessary hardship would result from the strict application of the ordinance. (NOTE: It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. This statement is based upon the following reason(s):

THIS IS A LARGER HOUSE ON A SMALLER LOT
THAT PREJUDICES ZONING

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):

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):

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):



1000