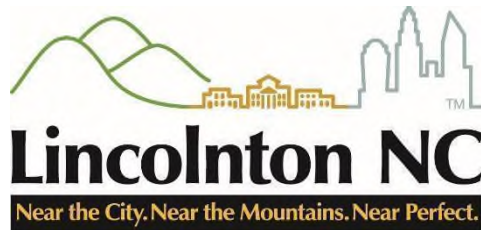


**LINCOLNTON BOARD OF ADJUSTMENT
AGENDA
December 20, 2022
At 4:00 P.M. in City Council Chambers**

1. Roll Call
2. Call to Order
3. Approval of minutes from the November 15, 2022 meeting
4. BOA-13-2022- Application from Ziggy Capital Fund I, LLC requesting a variance of Section 153.051 of the Lincolnton Unified Development Ordinance in regards to one residential structure per lot. The applicant has requested to combine two lots into one lot with two residential structures. The subject property is located at 602/606 West Childs Street (Parcel ID 20771 and 104667).
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; Monte Tyson, monte@cbdeastmain.com, first alternate

Tuesday, November 15, 2022 Meeting

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

Absent: Gene Poinsette and Becky Shaw

Call to Order

Vice Chairman Greg McBryde called the meeting to order and recognized that Gene Poinsette and Becky Shaw were absent and Monte Tyson would serve as alternate for a quorum.

Approval of Minutes

Vice Chairman Greg McBryde asked the Board if there were any additions or corrections to the minutes of the October 18, 2022 meeting.

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

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)

Jean Derby swore in Mark Carpenter and Lori Benfield.

Mark Carpenter presented the staff report included in the agenda packet to the Board regarding BOA-11-2022.

After some discussion, Vice Chairman Greg McBryde asked if there was a motion. The motion is as follows:

Motion: Rebecca Abernethy made a motion to approve. Monte Tyson seconded. Motion carried unanimously.

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)

Jean Derby swore in Mark Carpenter and John Anderson.

Mark Carpenter presented the staff report included in the agenda packet to the Board regarding BOA-12-2022.

After some discussion, Vice Chairman Greg McBryde asked if there was a motion. The motion is as follows:

Motion: Monte Tyson made a motion to approve. Trent Mason seconded. Motion carried unanimously.

Vice Chairman Greg McBryde 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. Monte Tyson seconded. Motion carried unanimously.

Jean Derby

MEMO TO: Lincolnnton Board of Adjustment

FROM: City of Lincolnnton Planning Department

DATE: December 20, 2022

SUBJECT: BOA-13-2022 –Ziggy Capital

Property Information

- Property Location – 602 and 606 West Childs Street (PID 104667 and 20771)
- Current Zoning – Residential-8 (R-8)
- Property Size - 0.372 acres
- Current Use of Property – Two Residential Lots with Two Single Family Dwellings
- Adjacent Properties – Single Family Residential, Church, and Vacant lot

Variance Request

Application from Ziggy Capital requesting a variance of Section 153.051 of the Lincolnnton Unified Development Ordinance in regards to one residential structure per lot. The applicant has requested to combine two lots into one lot with two residential structures. The subject property is located at 602/606 West Childs Street (Parcel ID 20771 and 104667).

Relevant UDO Requirement

153.051 ONE PRINCIPAL BUILDING.

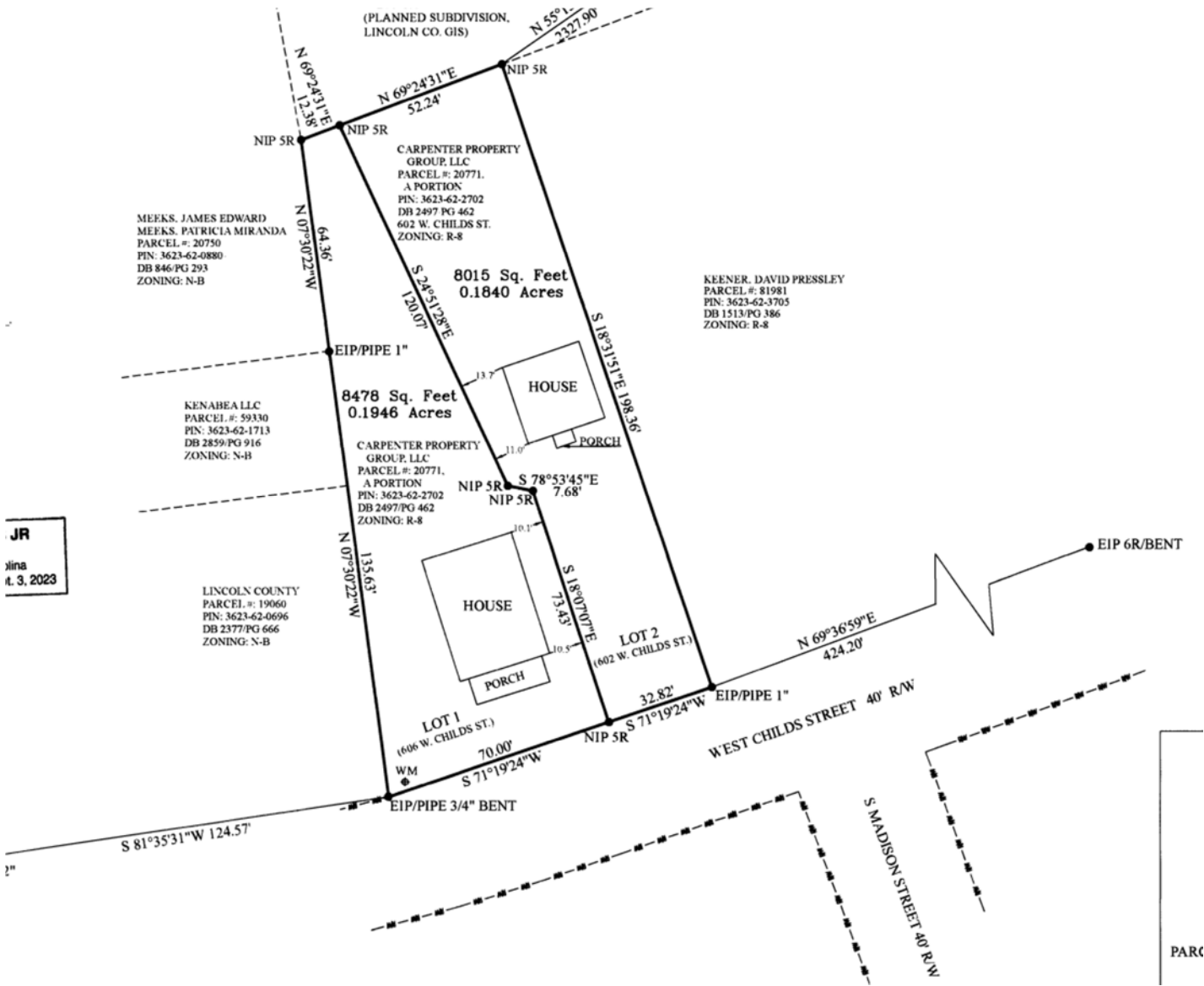
(A) No more than one principal residential structure shall be located on a lot, except as a part of multi-family development.

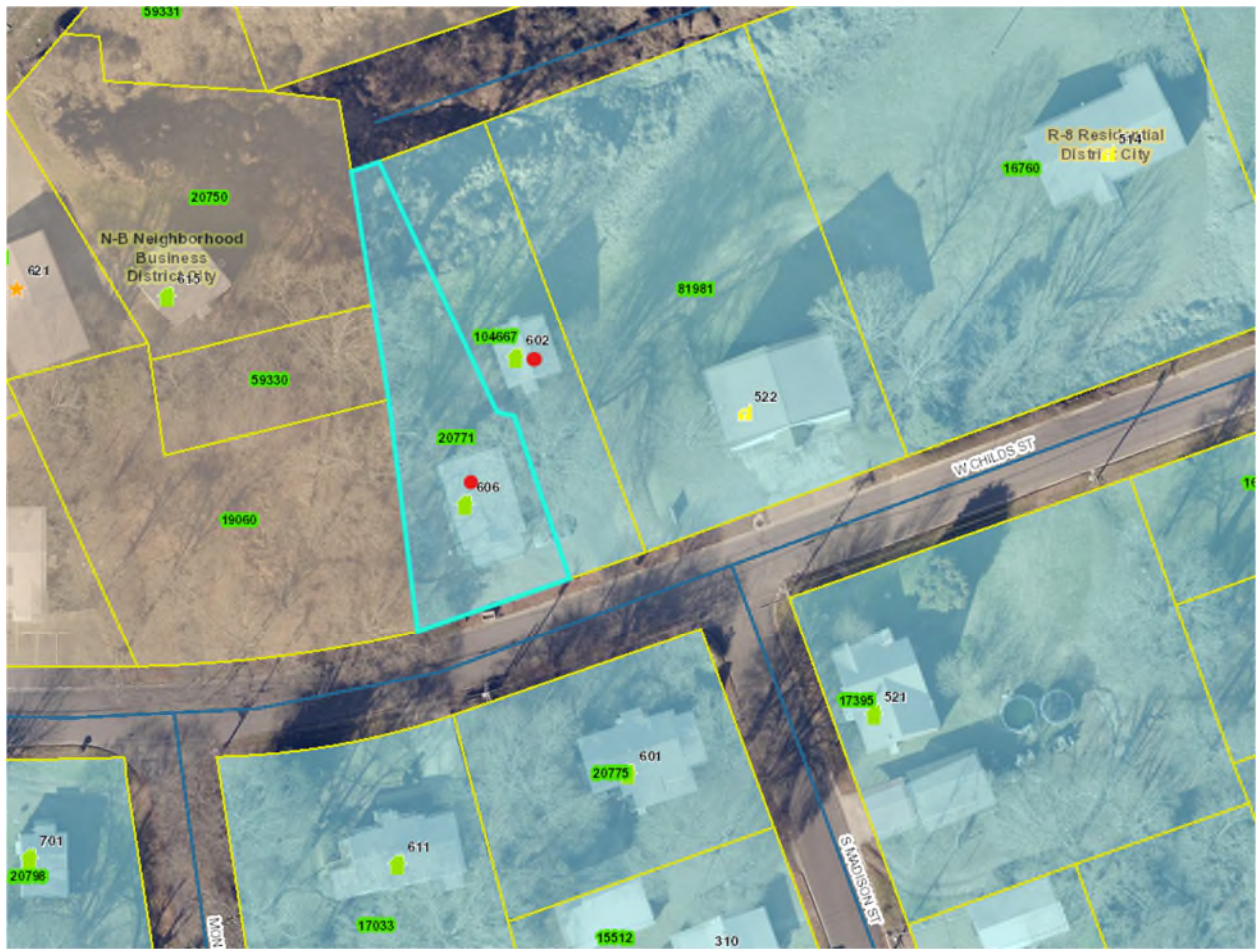
Background Information

The applicant is requesting a variance to combine two lots into one lot with two residential structures.

These properties were recently subdivided into two lots per a variance issued by the Board of Adjustment on August 17, 2021. See Map Below. They were originally on one lot.

LOT DIMENSIONS





PHOTOS OF EXISTING CONDITIONS



Additional Applicant Statements (See Attached Application)

- Need the properties combined for financial purpose
- Our lenders will not consider 602 Child Street as a property that qualifies for financing.

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 in that the only change will be the removal of a property line. However, the current situation with each house on a separate lot is more conforming with the ordinance requirements than the requested variance.
- 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-13-22

PLANNING DEPARTMENT

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



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

Application for Variance

Description of request: ~~Separation~~ ^{Combining} of 602 & 606 Childs
Street

Applicant information:

Name: Ziggy Capital Fund I LLC. Jason Mahoney
Address: 12501 Kane Alexander Dr
City: Huntersville State: NC Zip: 28078
Telephone: 434-770-1552 Email: Jason@ZiggyCapital.com

Property owner information (if different from applicant)

Name: _____
Address: 602 & 606 Childs St
City: Lincolnton State: NC Zip: 28092
Telephone: _____ Email: _____

Property location and description

Address: _____
Tax parcel no. (five-digit): _____ Current zoning classification: _____

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.

Section(s) of the Unified Development Code requesting relief from: _____

BOA - 4 - 2021

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

We need the properties ~~separated~~ ^{combined} for
finance purposes

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):

*Our leaders will not consider 602 Childs
Street as a property that qualifies for financing*

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):

Signatures

 11/15/2022
Applicant Date

Property Owner, If Different From Applicant Date

Zoning Administrator Date