LINCOLNTON BOARD OF ADJUSTMENT
AGENDA
August 19, 2025
4:00 PM

1. **Call to Order**

2. **Roll Call**

3. **Approval of Minutes**

   3a July 15, 2025 meeting minutes

4. **Quasi-judicial Hearing**

   4a BOA-8-2025 Application from Ziggy Capital Fund 1 Requesting a variance of Section 153.108 R-8 District of the Lincolnton Unified Development Ordinance regarding minimum lot width. A proposed subdivision of the property into two lots does not meet the minimum 35 feet of dedicated street frontage. The subject property is located at 602/606 West Childs Street (Parcel ID 20771).

   4b BOA-9-2025- Application from Travis Sinclair and Charles and Gail Little requesting a variance of section 153.106 (B) of the Lincolnton Unified Development Ordinance regarding minimum lot size in the Residential-15 (R-15) District. The variance would allow a new lot to be created that doesn't meet the minimum lot size requirement of 15,000 square feet in the R-15 District. The subject properties are located at 911 and 919 East Park Drive (Parcel ID 15838 & 17201).

5. **Adjournment**

CITY OF LINCOLNTON
BOARD OF ADJUSTMENT
MINUTES

PO DRAWER 617, LINCOLNTON, NC 28093
www.lincolntonnc.org

BOARD MEMBERS: Monte Tyson, Chair, *monte@cbdeastmain.com;* John Waters, Vice Chair *jh2osk@aol.com*; Kristin Radebaugh, *kradebaugh6r6@gmail.com;* Trent Mason, *trentonbmason@gmail.com;* Jerry Hoffman, *jlskhoffman@charter.net;*
Alternates: Steve Lackey, *stevelackey88@gmail.com;* Lee Huss *lee@gillelandrealty.com*

Tuesday, July 15, 2025

Present: John Waters, Trent Mason, Steve Lackey, and Lee Huss

Call to Order

Vice Chair John Waters called the meeting to order and recognized that Chair Monte Tyson, Kristin Radebaugh, and Jerry Hoffman were absent.

Approval of Minutes

Vice Chair John Waters asked the Board if there were any additions or corrections to the minutes of the June 15, 2025, meeting. The motion is as follows:

Motion:

Trent Mason made a motion to approve the minutes.
Members voted 4-0 in favor of the motion.

Quasi-judicial Hearing

BOA-8-2025 Application from Ziggy Capital Fund 1 Requesting a variance of Section 153.108 R 8 District of the Lincolnton Unified Development Ordinance regarding minimum lot width. A proposed subdivision of the property into two lots does not meet the minimum 35 feet of dedicated street frontage. The subject property is located at 602/606 West Childs Street (Parcel ID 20771).

Vice Chair John Waters recognized that there were not enough members present for a quorum and made a note to postpone BOA-8-2025 to the next meeting.

Vice Chair John asked the Board if there was any other business to be addressed, to which there was none.

.

Adjournment

Vice Chair John Waters asked if there was a motion to adjourn. The motion is as follows:

Motion: *Trent Mason made a motion to adjourn.*
Members voted 4-0 in favor of the motion.

_____
Kayla Reep

Lincolnton NC

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BOA-8-2025

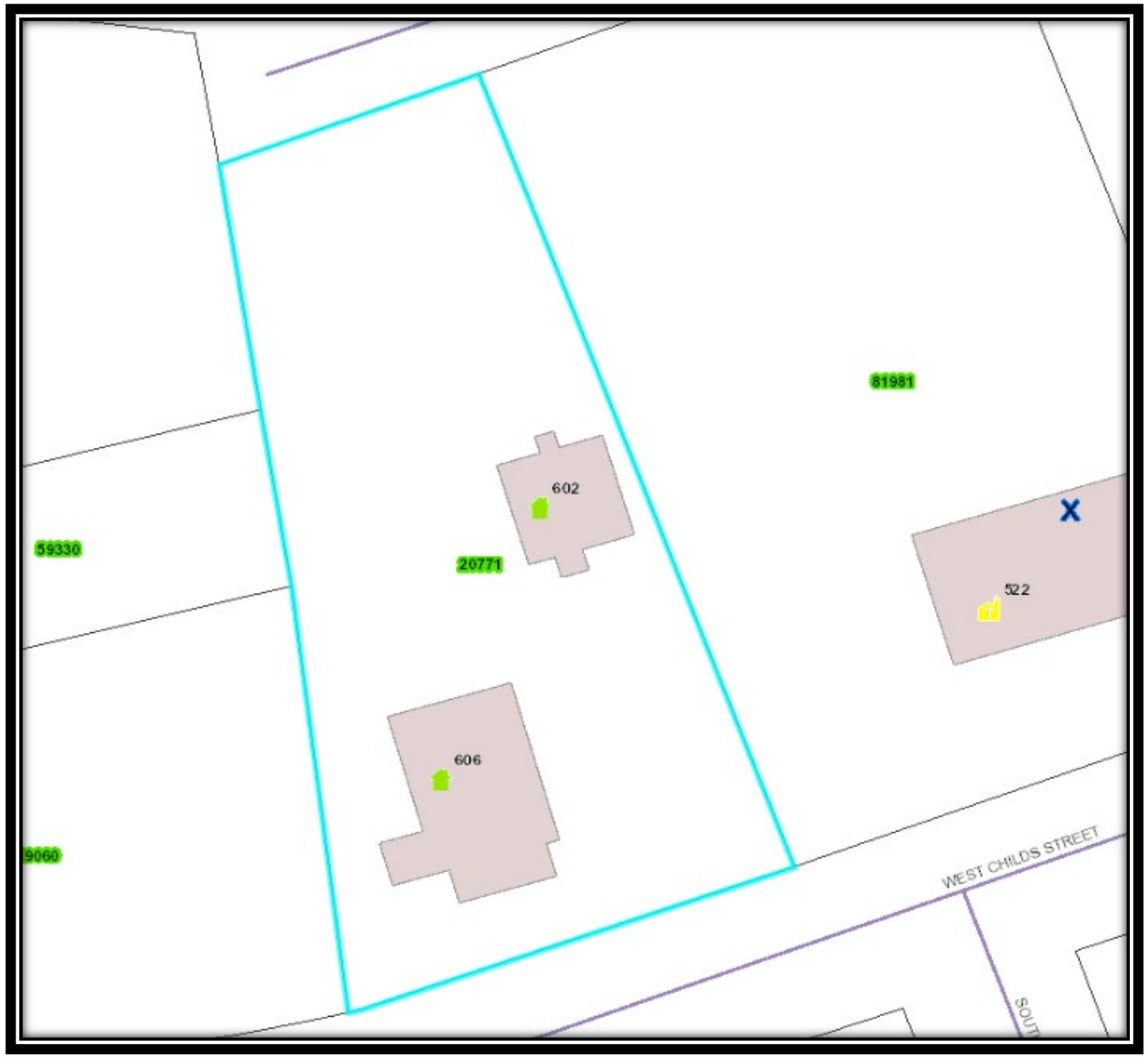
Application from Ziggy Capital Fund 1 Requesting a variance of Section 153.108 R-8 District of the Lincolnton Unified Development Ordinance regarding minimum lot width.

A proposed subdivision of the property into two lots does not meet the minimum 35 feet of dedicated street frontage.

The subject property is located at 602/606 West Childs Street (Parcel ID 20771).

DETAILS:

- Applicant: Ziggy Capital Fund 1
- Property Location – PID 20771
  602 & 606 W Childs Street
- Current Zoning – Residential-8 (R-8)
- Property Size - 0.372 acres
- Current Use of Property – Residential
- Adjacent Properties – Residential and Neighborhood Business



RELEVANT UDO REQUIREMENTS

Lot 1 – meets all of the R-8 requirements.
Lot 2 – does not meet the 35 feet minimum lot width requirement.

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

- **Minimum lot width** - 70 feet at front yard setback; 35 feet at street right-of-way.

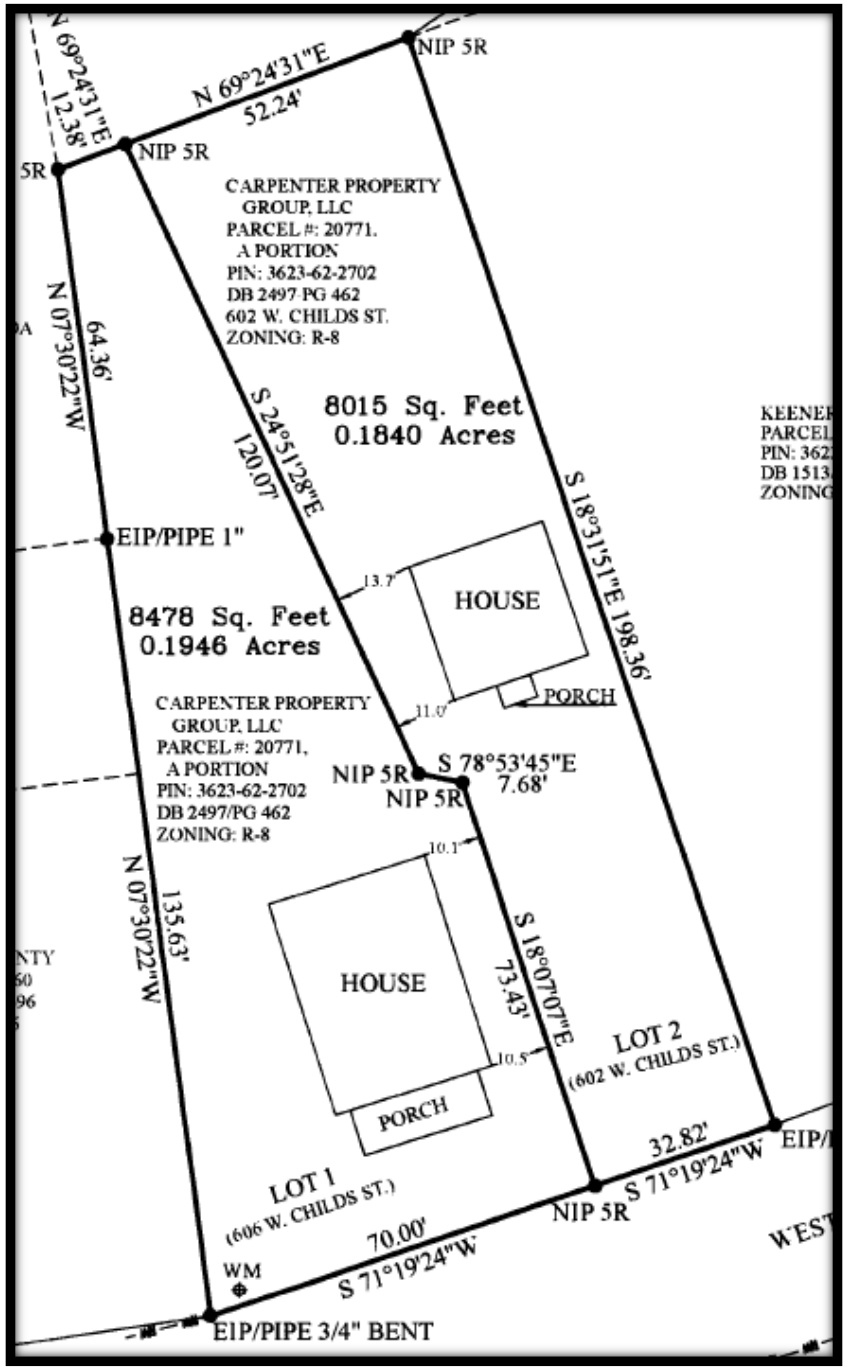
VARIANCE REQUEST

Applicant's description of request:

"Would like to return 606 and 602 W Childs St to previous subdivision as 2 separate single family properties"

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

"Subdivision back to previously approved lot lines would allow to homes to sell separately which provides a more attractive price point to multiple owners."



Street View

Property View

BACKGROUND INFO

- Variance BOA-4-2021 was approved in August 2021, allowing the same subdivision shown today. (Carpenter Property Group)
    - The purpose was to separate the properties so they could be appraised separately. Then the beneficiaries could fairly and equally distribute the properties.
- Variance BOA-13-2022 was approved in December 2022, allowing the lots to be recombined. The deed was recorded, finalizing the recombination. (Ziggy Capital)
    - At that time, the reason to recombine was for financial purposes. Lenders would not consider 602 W Childs St as a property that qualified for financing.

Findings of Fact with responses from the applicant

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.

- "Homes were previously subdivided. Return to this subdivision provides affordable home options for the community."

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.

- "By subdividing the lot, we allow for two single family properties at a mire adorable price, therefore helping more families find housing."

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with the knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

- "Current economic parameters make home ownership difficult with high borrowing costs. The above economic parameters were not caused by the property owner."

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 subdivision of the homes increases the number of single family homes for sale in the region and creates more affordable price points for the buyer."

Chair requests individual motions and votes on each of the following four findings of fact.

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 a variance, no reasonable use can be made of the property.

Chair: Entertains a motion for approval. All those in favor say aye; all those opposed say no.

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 of granting a variance.

Chair: Entertains a motion for approval. All those in favor say aye; all those opposed say no.

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.

Chair: Entertains a motion for approval. All those in favor say aye; all those opposed say no.

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.

Chair: Entertains a motion for approval. All those in favor say aye; all those opposed say no.

Final Motion

Chair: Entertains a motion for approval. All those in favor say aye; all those opposed say no.

Lincolnton NC
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PLANNING DEPARTMENT
TELEPHONE 704-736-8930
FAX 704-736-8939

www.lincolntonnc.org/planning
zoningpermits@lincolntonnc.org

Application for Variance

Description of request: Would like to return 606 and 602 W Childs St to previous subdivision as 2 separate single family properties

Applicant information:

Name: Ziggy Capital Fund 1

Address: 3495 Governors Island Dr

City: Denver State: NC Zip: 28037

Telephone: 2152059861 Email: brendananzalone@aol.com

Property owner information (if different from applicant)

Name:

Address:

City: State: Zip:

Telephone: Email:

Property location and description

Address: 606 and 602 Childs St Lincolnton NC

Tax parcel no. (five-digit): 20771 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. Application fee $400.00.

Variance Request Description

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

_____

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

Subdivision back to preivously approved lot lines would allow to homes to sell separately

which provides a more attactive price point to multiple owners.

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):

Homes were previously subdivided. Return to this subdivision provides affodable home options for the community.

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):

By subdividng the lot, we allow for two single family properties at a more affordable price, therfore helping more families find housing.

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):

Current economic parameters make home ownership difficult with high borrowing costs.

The above economic parameters were not caused by the property owner.

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 subdivision of the home increases the number of single family homes for sale in the region and creates more affodable price points for the buyer.

Signatures

6/14/2025

Applicant Date

Property Owner, If Different From Applicant Date

6/16/2025

Planning Staff Date

Certificate of Survey and Accuracy

I, T. Riley Casey, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 2497, Page 462) ; that the boundaries not surveyed are clearly indicated as drawn from information found in as shown 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.

Witness my original signature, registration number and seal this 30th day of May A.D., 2022.

T. Riley Casey P.L.S. L-4896

SURVEYOR'S CERTIFICATE AS TO THE LAND USE REGULATIONS

That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.

T. Riley Casey P.L.S., L-4896

CERTIFICATE OWNERSHIP AND DEDICATION

I-We hereby certify that I/we are all of the owners of the property shown and described hereon, which is located in the planning jurisdiction of the City of Lincolnton and that I/we hereby adopt this plan of subdivision with my/our free consent and establish minimum lot size and building setback lines as noted.

R-8 ZONING SETBACKS:
Front - 30'
Rear - 25'
Side - 10'

MINIMUM LOT SIZE: 6,000 SQ. FT.
MINIMUM LOT WIDTH: 70' AT FRONT YARD SETBACK:
35' AT STREET/RIGHT-OF-WAY

Owner Date

North Carolina
Lincoln County

I, William T. Russ Jr
a Notary Public for said County and State, do hereby certify that
Joel Lynn
personally appeared before me this day, and acknowledged that he/she is the Managing Member
of Carpenter Property Group, a LLC and that he/she, as Managing member being authorized to so so, executed the foregoing on behalf of the LLC.

Witness my hand and official seal, this 2nd day of June, 20 22.

Notary Public

My Commission Expires: September 3, 2023

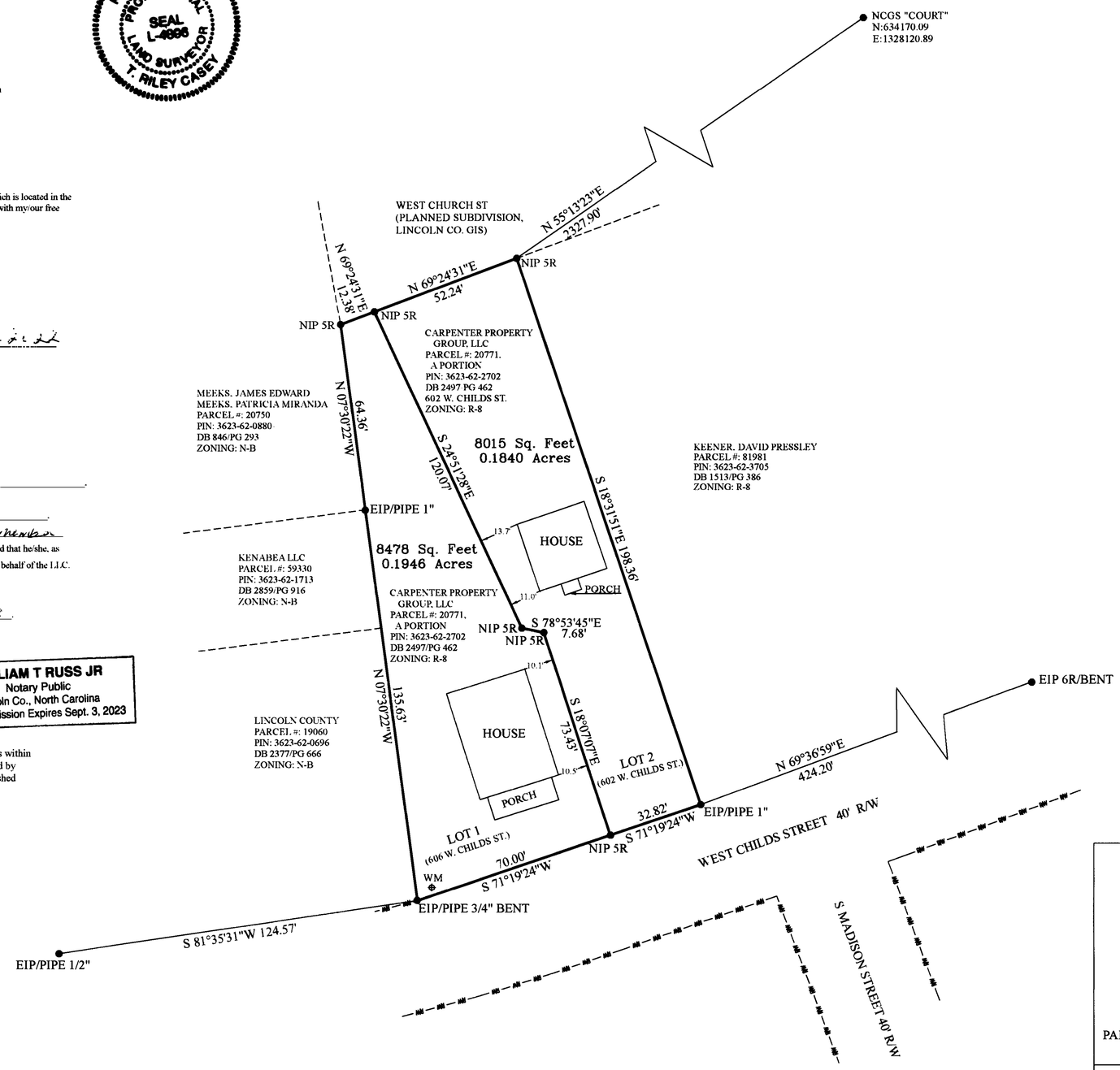
WILLIAM T RUSS JR
Notary Public
Lincoln Co., North Carolina
My Commission Expires Sept. 3, 2023

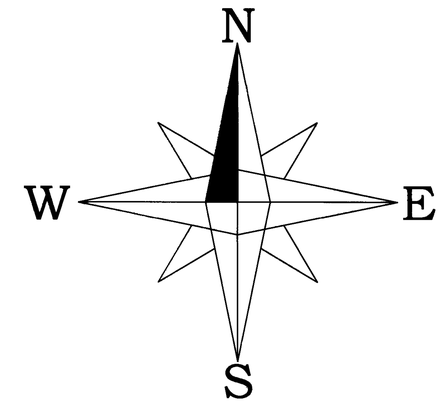
Watershed Certificate

The Carpenter Property Group LLC Minor Subdivision, to the best of my knowledge, lies within the WS-IV, Protected Area, of the South Fork Catawba River (High Shoals) as designated by the North Carolina Division of Environmental Management and as appears on the Watershed Protection Map of Lincoln County.

6-8-22
Date Subdivision Administrator

DATA:
Total Area: 0.3786 ACRES
PID #: 20771
PIN #: 3623-62-2702
Zoning: R-8
Proposed Use: Residential

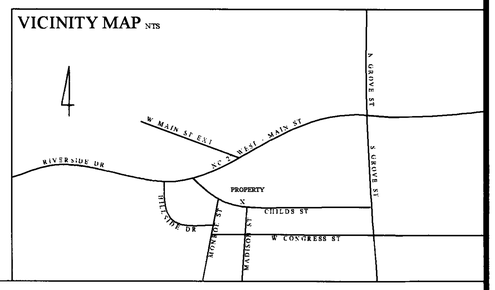




NORTH REFERENCE
NAD 83

BK 22 PG 39 - 39 (1)
This document presented and filed:
06/08/2022 10:07:54 AM
PLAT
Fee $21.00
653365
Lincoln County North Carolina
Danny R. Hester, Register of Deeds

VICINITY MAP NTS



MINOR SUBDIVISION OF THE CARPENTER PROPERTY GROUP, LLC PROPERTY

PARCEL #: 20771
DIVISION OF PIN: 3623-62-2702

PARCEL ADDRESS: 602 & 606 WEST CHILDS ST., LINCOLNTON, NC 28092

LINCOLNTON TOWNSHIP	LINCOLN COUNTY, NC
REFERENCE DEED BOOK 2497; PAGE 462	SCALE: 1" = 30'
DATE OF SURVEY: 05-14-2021	DATE OF DRAWING: 05-30-2022
T. RILEY CASEY, P.L.S. L-4896	
OWNER: CARPENTER PROPERTY GROUP, LLC PO BOX 62 LINCOLNTON, NC 28093	CASEY LAND SURVEYING, PLLC PO BOX 195 LINCOLNTON, NC 28093 (704) 308-0701

JOB FILE: WESTCHILDS05142021

LEGEND:

NIP	New Iron Pin
EIP	Existing Iron Pin
CIP	Control Iron Pin
PT	Point
RW	Right-of-way
PP	Power Pole
PL	Power Line
OHU	Overhead Utility
PED	Utility Pedestal
CO	Clean Out
WV	Water Valve
LP	Light Pole
PKS	PK Nail Set
PKF	PK Nail Found
WM	Water Meter
YI	Yard Inlet
IV	Irrigation Valve
MH	Manhole
PB	Power Box

NOTES:

LINCOLNTON BOA ISSUED A VARIANCE ON 8/17/2021 GRANTING PERMISSION FOR LOTS TO BE SUBDIVIDED

THE PURPOSE OF THIS PLAT IS A MINOR SUBDIVISION OF PARCEL 20771 (PIN 3623-62-2702, DEED BOOK 2497; PAGE 462) TO CREATE TWO LOTS

PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED RIGHTS OF WAYS OR EASEMENTS NOT OBSERVED

OWNER TO VERIFY ALL SETBACKS AND ZONING REGULATIONS PRIOR TO ANY PLANNING OR CONSTRUCTION

PARCEL # 20771 IS NOT LOCATED WITHIN A VOLUNTARY AGRICULTURAL DISTRICT (VAD).

A DRAINAGE & UTILITY EASEMENT OF NOT LESS THAN (10) FEET IN WIDTH SHALL BE PROVIDED ALONG EACH SIDE & REAR LOTS LINES ON EITHER SIDE OF THE LOT LINE.

LOTS 1 AND 2 OF THE CARPENTER PROPERTY GROUP, LLC MINOR SUBDIVISION ARE NOT LOCATED IN A 100 YEAR FLOOD PLAIN AS DESIGNATED BY FIRM PANEL 3710362300J, EFFECTIVE DATE 8-16-2007.

Review Officer Certification
State of North Carolina
City of Lincolnton

I, MARK CARPENTER Review Officer of the City of Lincolnton certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer MN 06-06-2022 Date 6-8-22

Certificate of Approval For Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the subdivision regulations of the City of Lincolnton, North Carolina and that this plat has been approved by CITY OF Lincolnton on 6-8-22 for recordation in the Lincoln County Deeds Office.

Administrator Date 6-8-22

30 0 30 60 90
GRAPHIC SCALE – FEET

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BOA-9-2025

Application from Travis Sinclair and Charles and Gail Little requesting a variance of section 153.106 (B) of the Lincolnton Unified Development Ordinance regarding minimum lot size in the Residential-15 (R-15) District.

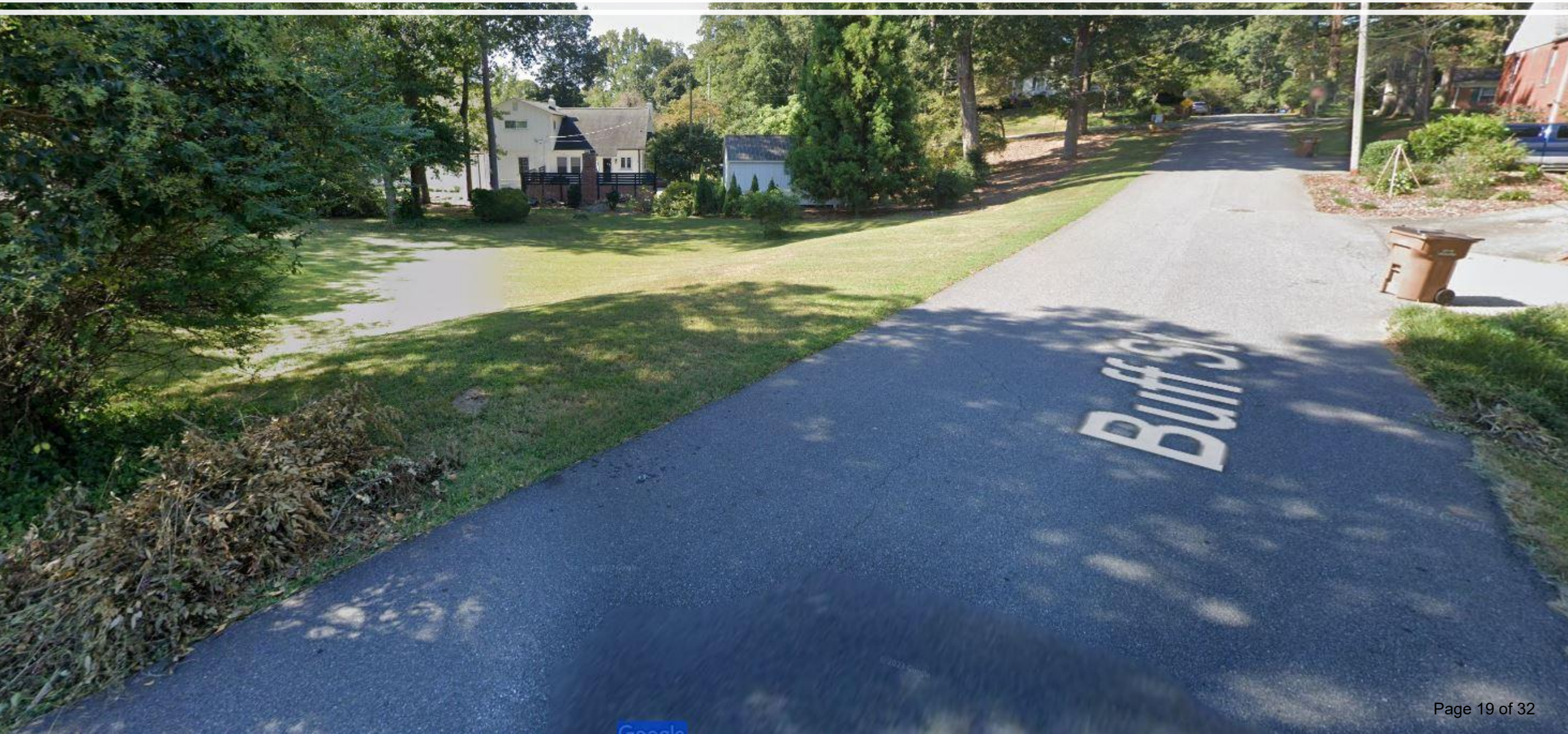
The variance would allow a new lot to be created that doesn't meet the minimum lot size requirement of 15,000 square feet in the R-15 District.

The subject properties are located at 911 and 919 East Park Drive (Parcel ID 15838 & 17201).

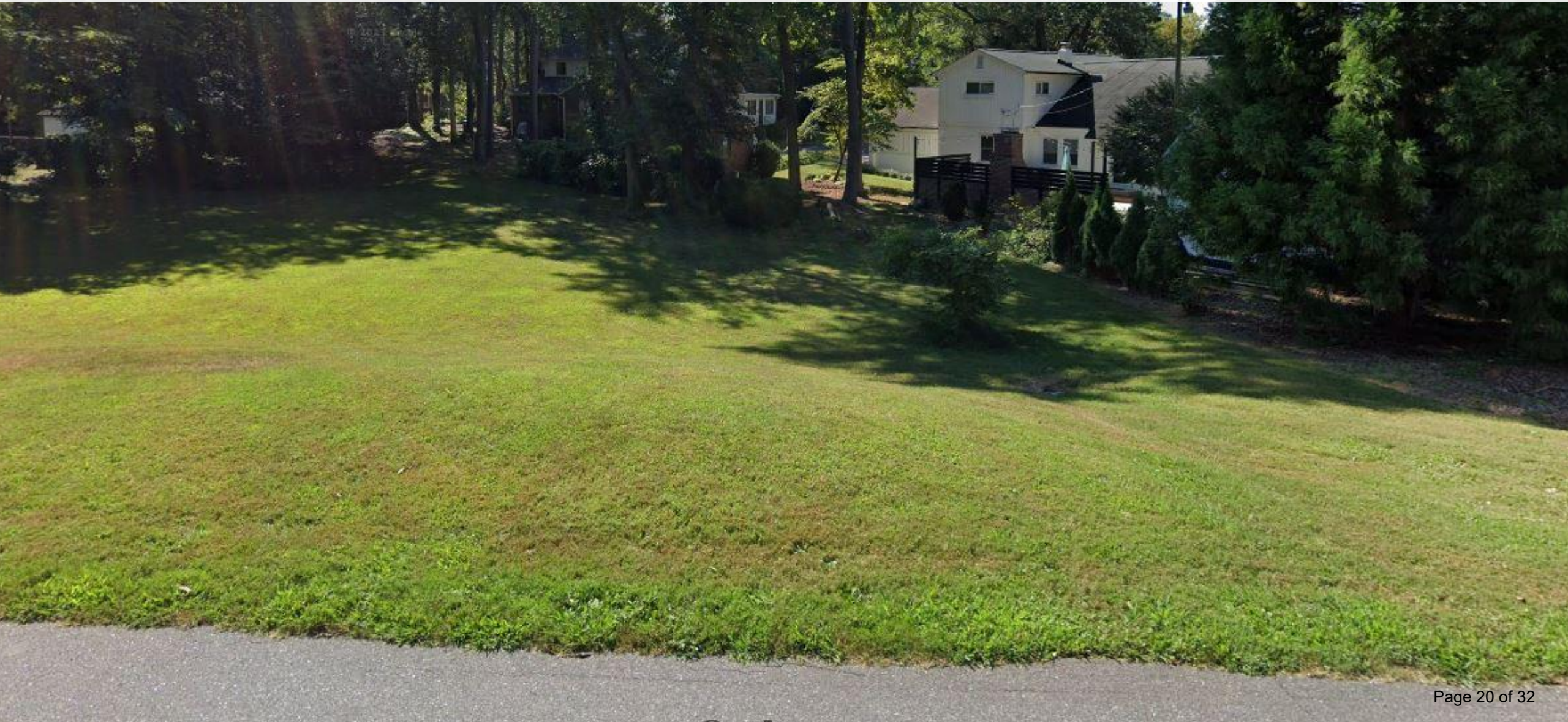
DETAILS:

- **Applicant:** Travis Sinclair
- **Property Location:** Buff Street. The rear portion of PID 15838 and a portion of PID 17201
- **Zoning:** R-15 Single-Family Low Density Residential District
- **Property Size:** Proposed – approximately 10,672 square feet
- **Adjacent Properties:** R-15 Single-Family Low Density Residential District

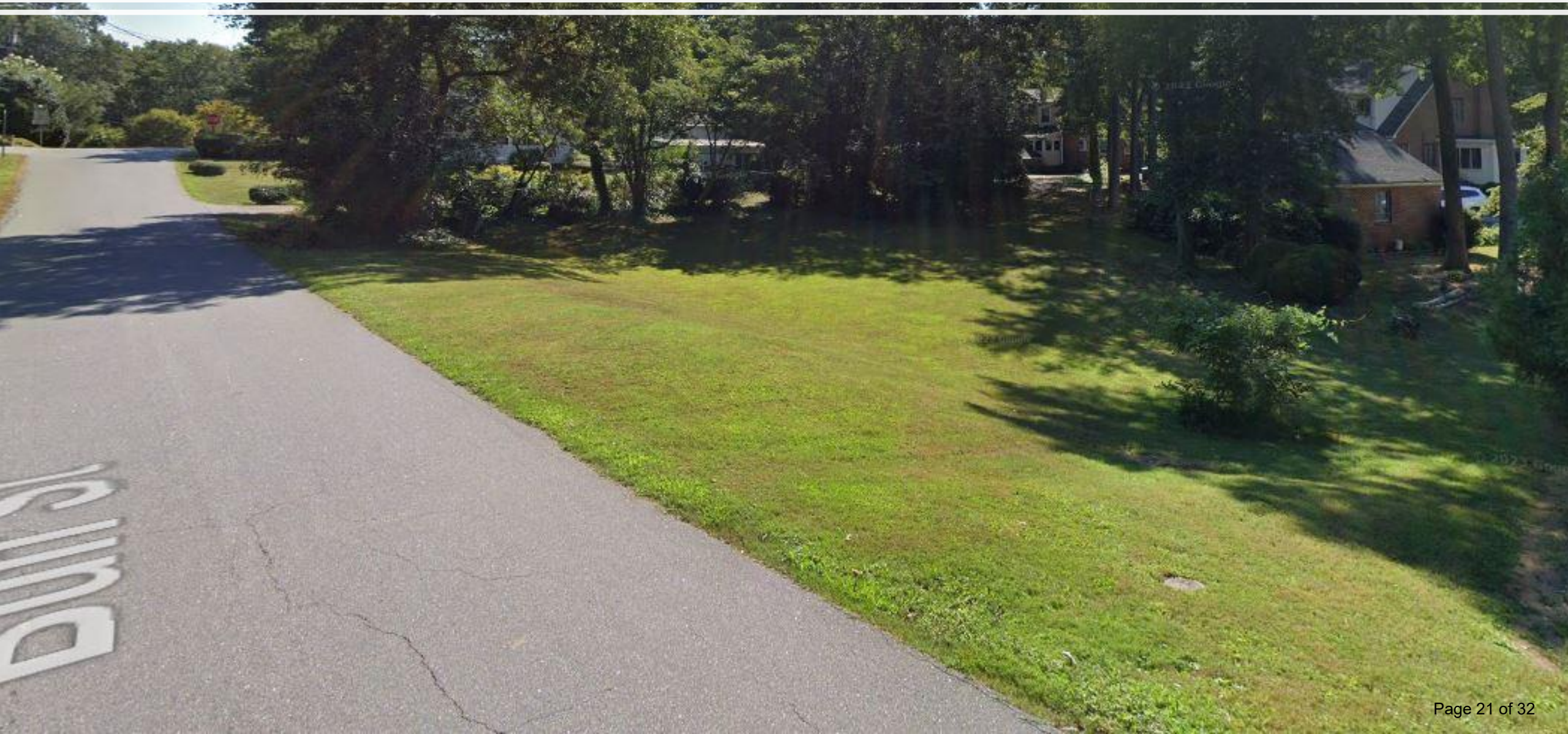
Street View – West on Buff Street



Street View – Buff Street



Street View – East on Buff Street



RELEVANT UDO REQUIREMENTS

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

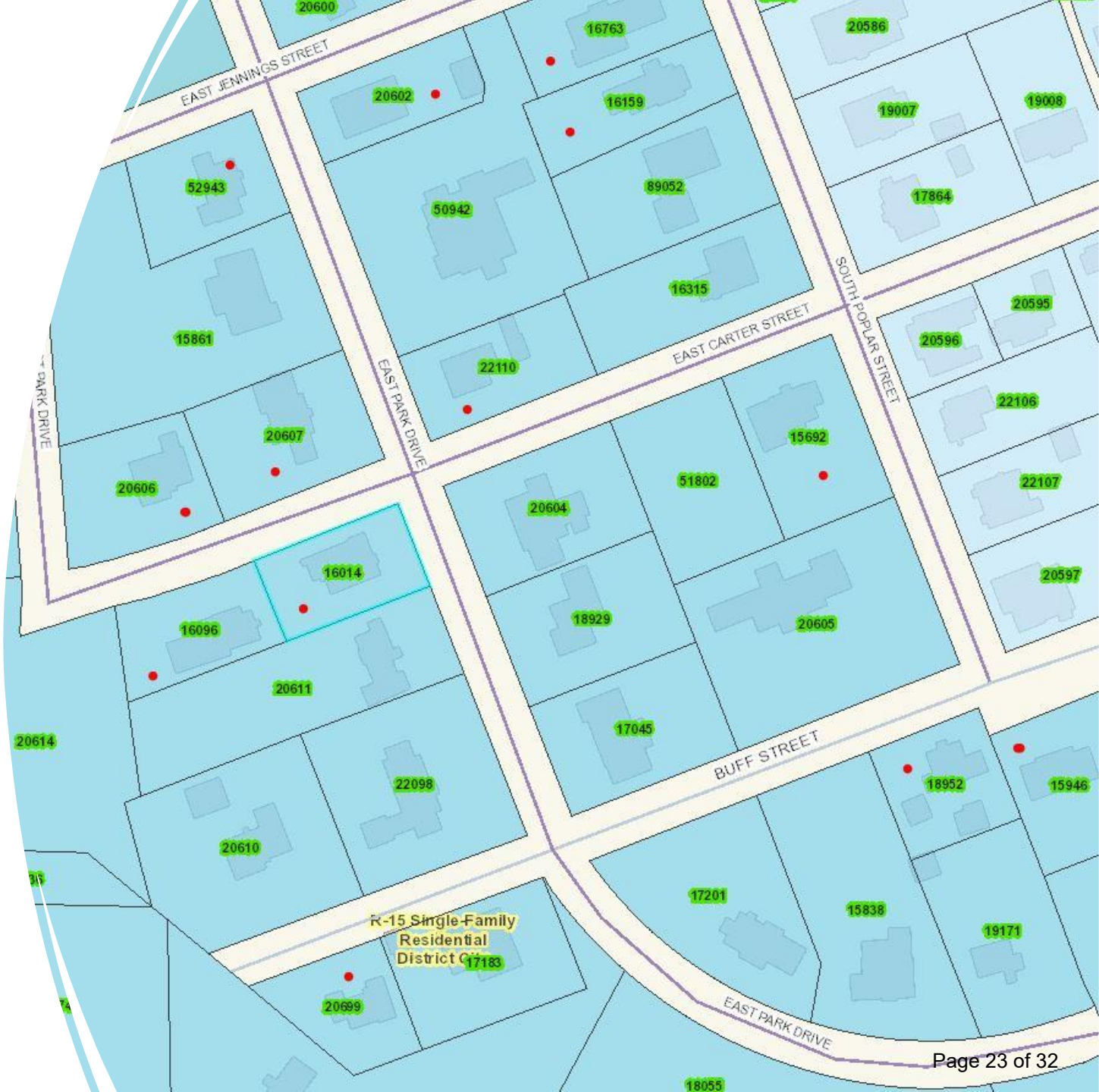
- ❑ **Minimum lot size** - 15,000 square feet
  - Proposed – approximately 10,672 square feet
- ❖ **Minimum front yard setback** - 35 feet from street r/w
- ❖ **Minimum side yard setback -** 10 feet
- ❖ **Minimum rear yard setback** - 25 feet
- ❖ **Maximum building height** - 35 feet
- ✔ **Minimum lot width** - 90 feet

ALL zoning requirements will be met on the remainder of the existing lots.

INFORMATION

Although the parcel is located within the R-15 zoning district, there are many properties within the same zoning that do not meet the 15,000 square foot requirement.

- indicated with the red circle



STAFF COMMENTS

- If approved, we will require that an easement be recorded for the existing water meter that services 911 E Park Dr, as it will be located on the new property.

Findings of Fact with responses from the applicant

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):

Applying the ordinance as written would prevent this property from being used as a single-family residential home, despite its ability to comply with all other relevant ordinances and fully meet the intended spirit of the residential neighborhood. Allowing a minor variance of 0.08 acres from the minimum lot size for a single-family property would remain consistent with 66% of the existing surrounding properties and enhance the residential atmosphere in downtown Lincolnton.

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 property is situated within a residential neighborhood characterized by generally flat to gently elevated topography. Notably, this particular lot features a significant elevation change of approx. 8 feet along its northern and western boundaries. As indicated in the attached survey, we have endeavored to incorporate as much land as possible from the west side into this lot to address the elevation; however, a variance of 0.08 acres remains necessary.

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 hardship is not a result of actions by the applicants or property owners. Adjacent properties will continue to comply with all regulations and ordinances for zone R-15. If the 0.08-acre variance is approved, both the new lot and neighboring properties will meet all current ordinances, setbacks, and 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):

According to Article 2 of the Unified Development Ordinance, "the purpose of this district is to maintain a quality residential atmosphere." Currently, two thirds of the surrounding properties are under the 0.33 acre minimum. Granting a variance of just 0.08 acres for this particular lot aligns with the spirit, purpose, and intent and allows a single-family residence that complies with all other R-15 requirements.

Chair requests individual motions and votes on each of the following four findings of fact.

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 a variance, no reasonable use can be made of the property.

Chair: Entertains a motion for approval. All those in favor say aye; all those opposed say no.

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 of granting a variance.

Chair: Entertains a motion for approval. All those in favor say aye; all those opposed say no.

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.

Chair: Entertains a motion for approval. All those in favor say aye; all those opposed say no.

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.

Chair: Entertains a motion for approval. All those in favor say aye; all those opposed say no.

- Requires a 4/5th vote in favor of the motion in order to be considered valid

Final Motion

Chair: Entertains a motion for approval. All those in favor say aye; all those opposed say no.

** Requires a 4/5th vote in favor of the motion in order to be considered valid.*

July 15, 2025

The applicants, and own the properties located at

Travis Sinclair
919 East Park Street
Lincolnton, NC 28092
Parcel ID: 17201

Charles Little, Jr.
919 East Park Street
Lincolnton, NC 28092
Parcel ID: 15838

To the Honorable Board of Adjustment:

This letter respectfully requests a minor variance from the minimum lot size requirement stipulated in § 153.106 R-15 of the Lincolnton Zoning Ordinance. According to this section, properties in the R-15 Single-Family Low Density Residential district must have a minimum lot size of 15,000 square feet (0.33 acres) for single-family dwellings. Our property is currently 0.25 acres, which is 0.08 acres less than the required minimum.

The parcel is zoned R-15 Single-Family Low Density Residential, with the primary objective of maintaining a high-quality residential environment. The intention is to construct a single-family residence for my in-laws on this site. Aside from the lot size, the proposed development is fully compliant with all relevant ordinances and aligns with both the intent and purpose of the zoning designation. Due to topographical constraints in the northwest section, achieving the exact minimum lot size is not feasible, as demonstrated in the attached survey.

Approval of this variance would uphold the spirit, intent, and objectives of the zoning ordinance by allowing reasonable and compatible use of the property while preserving the neighborhood's character. Notably, 66% of the surrounding lots within a three-block radius are also below the 0.33-acre minimum, making this request consistent with existing neighborhood conditions and the ordinance's original intent.

Granting this variance would facilitate the intended development and positively contribute to the area's residential character. The request represents the minimal necessary deviation—0.08 acres—to address the unique hardship presented, after considering alternative options. All other ordinance requirements will be met, and adjacent properties will continue to comply fully with local regulations.

The proposed variance will not adversely affect public welfare, neighboring properties, or the character of the community. The construction of a modest single-family home will respect all setback requirements and maintain harmony with the surrounding neighborhood.

Supporting materials include the attached Butch Ross survey and the completed variance application. I welcome the opportunity to discuss this request further and address any questions the Board may have.

Sincerely,

Travis Sinclair
Travis.lee.sinclair@gmail.com
704-681-2703

BOA-9-2025

PLANNING DEPARTMENT

Jean Derby – Planning Director
Mark Carpenter – Zoning Administrator
Ashley Jones – Planning Technician

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

www.lincolntonnc.org/planning
zoningpermits@lincolntonnc.org

Application for Variance

Description of request: An eight one hundreds of an acre (0.08) variance to the minimum lot size requirement for the R-15 Single-Family Low Density Residential District. This variance would allow for the construction of a modest single-family home while maintaining the purpose and intent of the residental district, and adhering to all other requirements specified for zone R-15.

Applicant information:

Name: Travis Lee Sinclair

Address: 911 East Park Drive

City: Lincolnton State: NC Zip: 28092

Telephone: 704-681-2703 Email: Travis.lee.sinclair@gmail.com

Property owner information (if different from applicant)

Name: Charles Smith Little, Jr and Gail Mauney Little

Address: 919 East Park Drive

City: Lincolnton State: NC Zip: 28092

Telephone: 704-530-7242 Email: my66chevytruck@yahoo.com

Property location and description

Address: Properties 1 and 1A as indiciated on the attached Survey Map - Property along Buff Street.

Tax parcel no. (five-digit): 15838 & 17201 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. Application fee $400.00.

Variance Request Description

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

Section 153.106 R-15 Single-Family Low Density Residential District - minimum lot size requirements

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

The property is designated as R-15 Single-Family Low Density Residential, with the primary aim of preserving a high-quality residential environment. The proposed plan is to construct a single-family residence on this parcel for my in-laws. This lot fully aligns with the intent, purpose, and all applicable ordinances except for the minimum lot size requirement of 0.33 acres. As indicated in the survey, the lot will be approximately 0.08 acres below the required minimum due to topographical constraints in the northwest section of the property. 66% of the surrounding properties within 3 blocks of this property are also under the 0.33 acre minimum, therefore this variance would be consistent with the atmosphere, intent, and spirit of the residential neighborhood.

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):

Applying the ordinance as written would prevent this property from being used as a single-family residential home, despite its ability to comply with all other relevant ordinances and fully meet the intended spirit of the residential neighborhood. Allowing a minor variance of 0.08 acres from the minimum lot size for a single-family property would remain consistent with 66% of the existing surrounding properties and enhance the residential atmosphere in downtown Lincolnton.

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 property is situated within a residential neighborhood characterized by generally flat to gently elevated topography. Notably, this particular lot features a significant elevation change of approx. 8 feet along its northern and western boundaries. As indicated in the attached survey, we have endeavored to incorporate as much land as possible from the west side into this lot to address the elevation; however, a variance of 0.08 acres remains necessary.

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 hardship is not a result of actions by the applicants or property owners. Adjacent properties will continue to comply with all regulations and ordinances for zone R-15. If the 0.08-acre variance is approved, both the new lot and neighboring properties will meet all current ordinances, setbacks, and 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):

According to Article 2 of the Unified Development Ordinance, "the purpose of this district is to maintain a quality residential atmosphere." Currently, two thirds of the surrounding properties are under the 0.33 acre minimum. Granting a variance of just 0.08 acres for this particular lot aligns with the spirit, purpose, and intent and allows a single-family residence that complies with all other R-15 requirements.

Signatures

Applicant — Date: 7-18-25

Property Owner, If Different From Applicant — Date: 7-18-25

Zoning Administrator — Date: 7-18-25