



CITY OF LINCOLNTON BOARD OF ADJUSTMENT

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BOARD MEMBERS: Gene Poinsette, Chair, poinsetteg@charter.net ; Änd Lynn, Vice-Chair, andmlynn@gmail.com ;
Becky Burke, beckyburke940@gmail.com ; Jerry Hoffman, jlskhoffman@charter.net; Kathryn Yarbrow, kyarbro206@gmail.com

Tuesday, July 18, 2017 Meeting

Present: Änd Lynn, Jerry Hoffman, Kathryn Yarbrow, Becky Burke, and Gene Poinsette

Absent: None

Call to Order

Chairman Gene Poinsette called the meeting to order and recognized all members were present.

Approval of Minutes

Chairman Gene Poinsette asked the Board if there were any additions or corrections to the minutes of the June 20, 2017 meeting.

Motion: Jerry Hoffman made a motion to approve the minutes. Becky Burke seconded. Motion carried unanimously.

BOA-4-2017

Application from Terry Putnam requesting a variance from Section 153.051 of the Lincolnton Unified Development Ordinance. If approved, the variance would allow for a single family dwelling to be constructed on a property which already has a two family dwelling on the property. The subject property is located at 197 Hershel Lackey Road (Parcel ID 19583).

Mark Carpenter and Terry Putnam were sworn in by Becky Shaw.

Mark Carpenter addressed the Board, noting the following:

The property is located at 197 Hershel Lackey Road with a duplex and an accessory building already on the property. The current zoning is Residential-25 (R-25) and the total property size is 4.04 acres.

The variance request is to construct a single family home on the property without subdividing the property, meaning the newly constructed home would be on the same lot as the duplex. This

does not meet the UDO requirements of Section 153.051 which state: (A) No more than one principal residential structure shall be located on a lot, except as part of multi-family development.

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 property is 4.04 acres in size but only has 130 feet of road frontage which creates a unique situation in regards to creating a new lot.
- The duplex was placed on the property in 1995 and met the requirements of the UDO
- The property is large enough to accommodate additional dwelling units but road frontage requirement prohibit the property from meeting the 100 foot lot width requirement.
- An additional single family dwelling on the property without dividing the property should not create an adverse situation other than for the seller if he later tries to sell the either the duplex or single family dwelling individually.
- The spirit, purpose, and intent of the ordinance and public safety should be secured.
- The applicant will need to provide additional information, at the meeting, regarding how the four findings of fact are met in order for the Board of Adjustment to grant the variance.

There was discussion between the Board and Staff covering the reasoning behind not subdividing (not enough road frontage) and the ownership of the accessory building already on the parcel (which belongs to the applicant, Mr. Putnam).

The applicant, Terry Putnam, addressed the Board, noting that he would occupy the single family dwelling. He currently lives in one of the duplexes already in place on the parcel.

After a brief discussion, Chairman Poinsette asked if there was a motion.

Motion: Änd Lynn made a motion to approve the application. Kathryn Yarbrow 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: Jerry Hoffman made a motion to adjourn the meeting. And Lynn seconded. Motion carried unanimously.

Becky Shaw

Boa07182017 minutes