

MEMO TO: Lincolnton Board of Adjustment
FROM: City of Lincolnton Planning Department
DATE: February 21, 2023
SUBJECT: BOA-1-2023 – Carolina Elite Builders

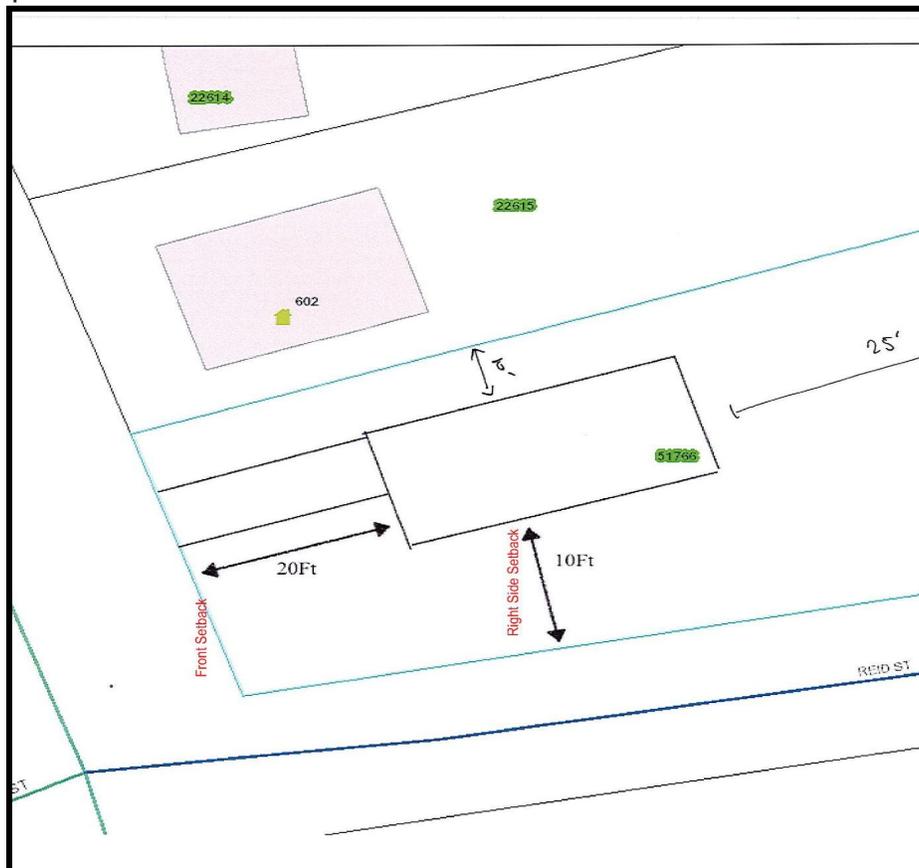
Property Information

- Property Location – Huss Street (PID 51766)
- Current Zoning – Residential-15 (R-15)
- Property Size - 0.248 acres
- Current Use of Property – Vacant
- Adjacent Properties – Single Family Residential and mobile home park.

Variance Request

Application from Carolina Elite Builders requesting a variance of Section 153.108 of the Lincolnton Unified Development Ordinance (minimum side yard setbacks R-15 District). The minimum corner side yard setback is 20 feet in the R-15 District. The applicant is proposing to build a single family home and requesting a reduction of 10 feet to the side setback.

*The 20' front setback is permitted due to the home next door being closer to the street than the required front setback.



Relevant UDO Requirement

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

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

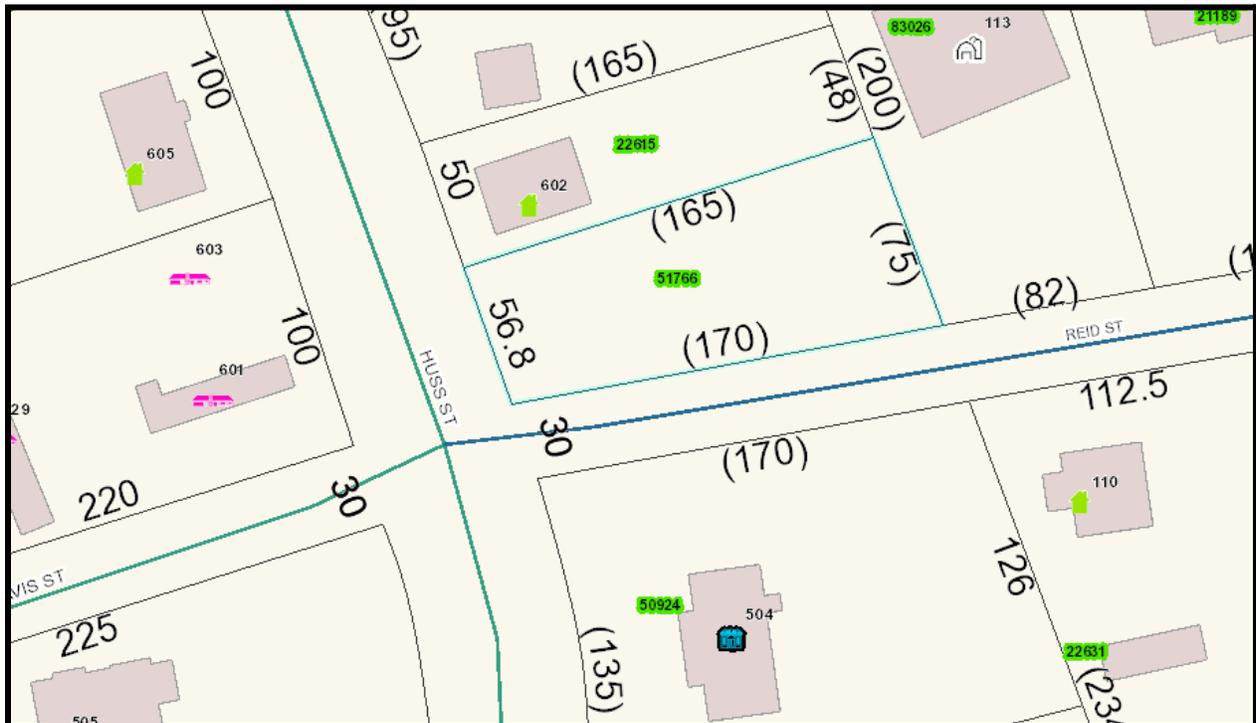
(a) Single-family detached dwellings: ten feet.

Background Information

The applicant is requesting a variance to construct a single family home in the R-15 district. The property in question is located on the east side of Huss Street at the intersection of Huss Street and Reid Street (Parcel ID 51766)

The property is 56.8 feet in width along Huss Street, 165+ feet deep, and 75 feet in width along the rear boundary. This lot was created prior to the UDO adoption in 1990.

Aerial Views:





Street View:



Additional Applicant Statements (See Attached Application)

- Due to the small lot size, it would be difficult to construct a home that would fit
- 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-1-2023

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 side set backs to 10ft
Reduce front setback to 20ft

Applicant information:

Name: Carolina Elite Builders
Address: 205 S Academy St
City: Lincolnton State: NC Zip: 28092
Telephone: 704-452-1117 Email: yana@ceboffice.com

Property owner information (if different from applicant)

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

Property location and description

Address: Huss St, Lincolnton NC 28093
Tax parcel no. (five-digit): 51766 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

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

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

Small lot of record. The lot is 56 Ft wide, and with the current setback requirements for a corner lot, it would be very difficult to built a home with proper width 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 weren't even setbacks.

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

and would increase the value and appearance of homes and business in the area.

Signatures

Carolina Elite Builders	01/09/2023
Applicant	Date
	01/09/2023
Property Owner, If Different From Applicant	Date
Zoning Administrator	Date