

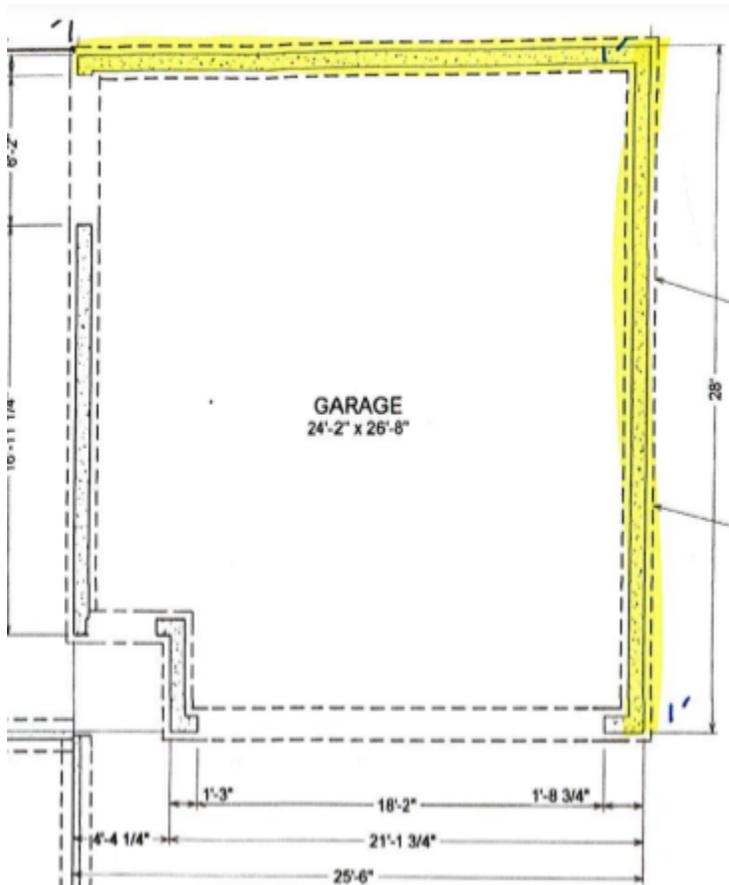
MEMO TO: Lincolnton Board of Adjustment
FROM: City of Lincolnton Planning Department
DATE: May 16, 2023
SUBJECT: BOA-3-2023 – Mark Ingle

Property Information

- Property Location – 208 North Oak Street (PID 17257)
- Current Zoning – Residential-10 (R-10)
- Property Size - 0.165 acres
- Current Use of Property – Single Family Dwelling
- Adjacent Properties – Single Family Residential

Variance Request

Application from Mark Ingle requesting a variance of UDO Section 153.107 (Side and Rear Yard Setback in the R-10 District) for the purpose of adding overhang to an existing garage. 42 inch overhang added to front and 12 inch on sides and back.



Relevant UDO Requirement

§ 153.107 R-10 SINGLE-FAMILY MEDIUM 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.

- Accessory structures are allowed in any side yard, provided they observe a setback of ten foot side yard from any side yard lot line.
- Accessory structures are allowed in any rear yard provided that all accessory structures observe a ten foot setback from any rear lot line.

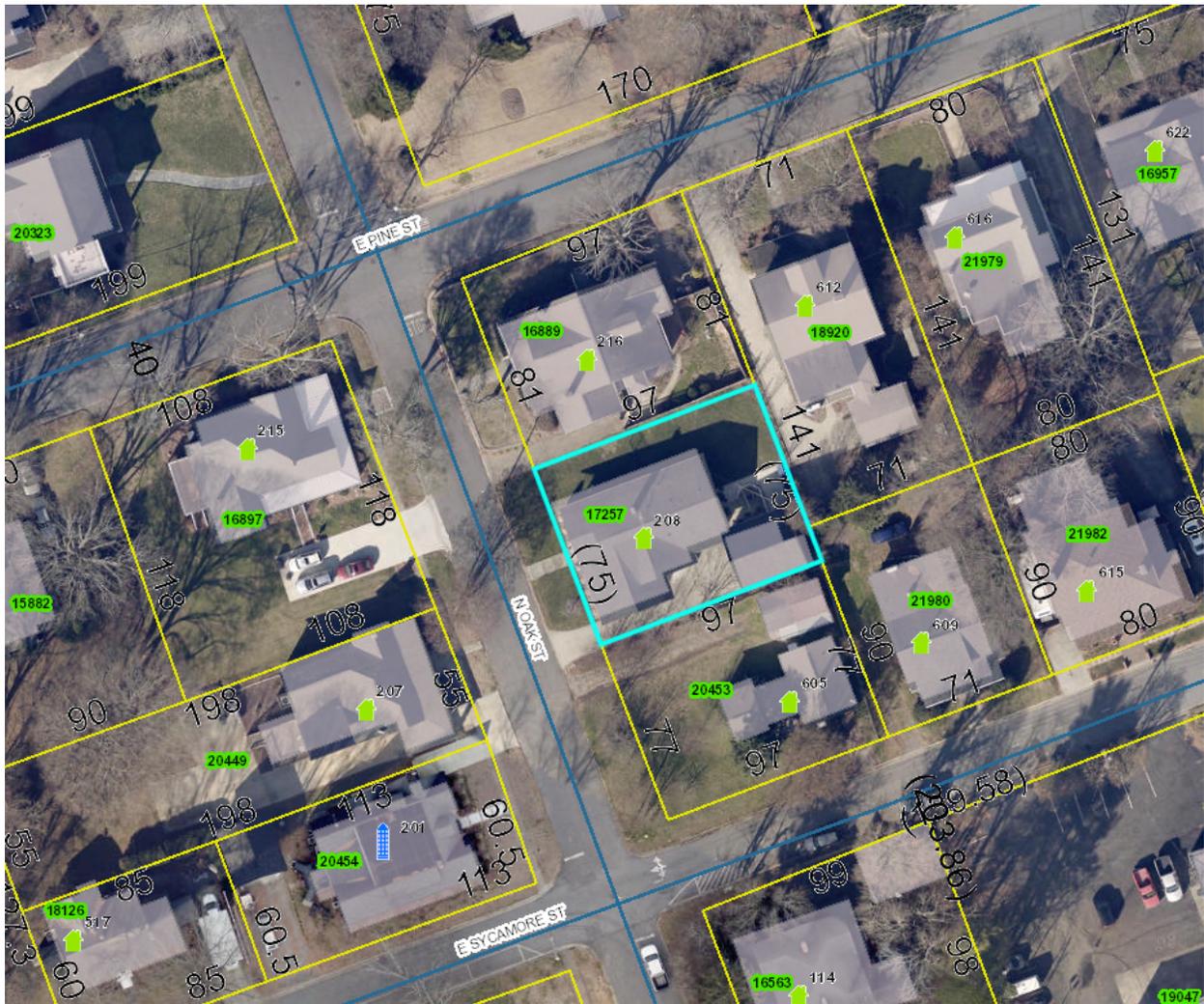
Background Information

The applicant is requesting a variance to add overhang to an existing accessory garage in the R-10 district. The subject property is located at 208 North Oak Street (Parcel ID 17257)

The property is 75 feet in width along North Oak Street and the rear property line. 97 Feet along the interior side property lines. This lot was created prior to the UDO adoption in 1990.



Aerial Views:



Street View:



Additional Applicant Statements (See Attached Application)

- Protection for siding and windows against rot
- Can't meet setbacks with overhang where garage is
- Due to the location of the garage I need a reduction in setbacks to add overhang
- Older neighborhood that most properties have structures closer to setback because of size of lot

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.