

**MEMO TO:** Lincolnnton Board of Adjustment  
**FROM:** City of Lincolnnton Planning Department  
**DATE:** August 15, 2023  
**SUBJECT:** BOA-5-2023 –Debbie Carpenter

### **Property Information**

- Property Location – 104 Turner Street (PID 89498)
- Current Zoning – Residential-15 (R-15)
- Property Size - 0.400 acres
- Current Use of Property – Single Family Dwelling (Class B Manufactured Home)
- Adjacent Properties – Single Family Residential

### **Variance Request**

Application from Debbie Carpenter requesting a variance of section 153.136 (G) of the Unified Development Ordinance, replacement of a nonconforming manufactured home in the R-15 District. The variance would allow the replacement of a nonconforming class B manufactured home in the same location. The subject property is located at 104 Turner Street (Parcel ID 89498).

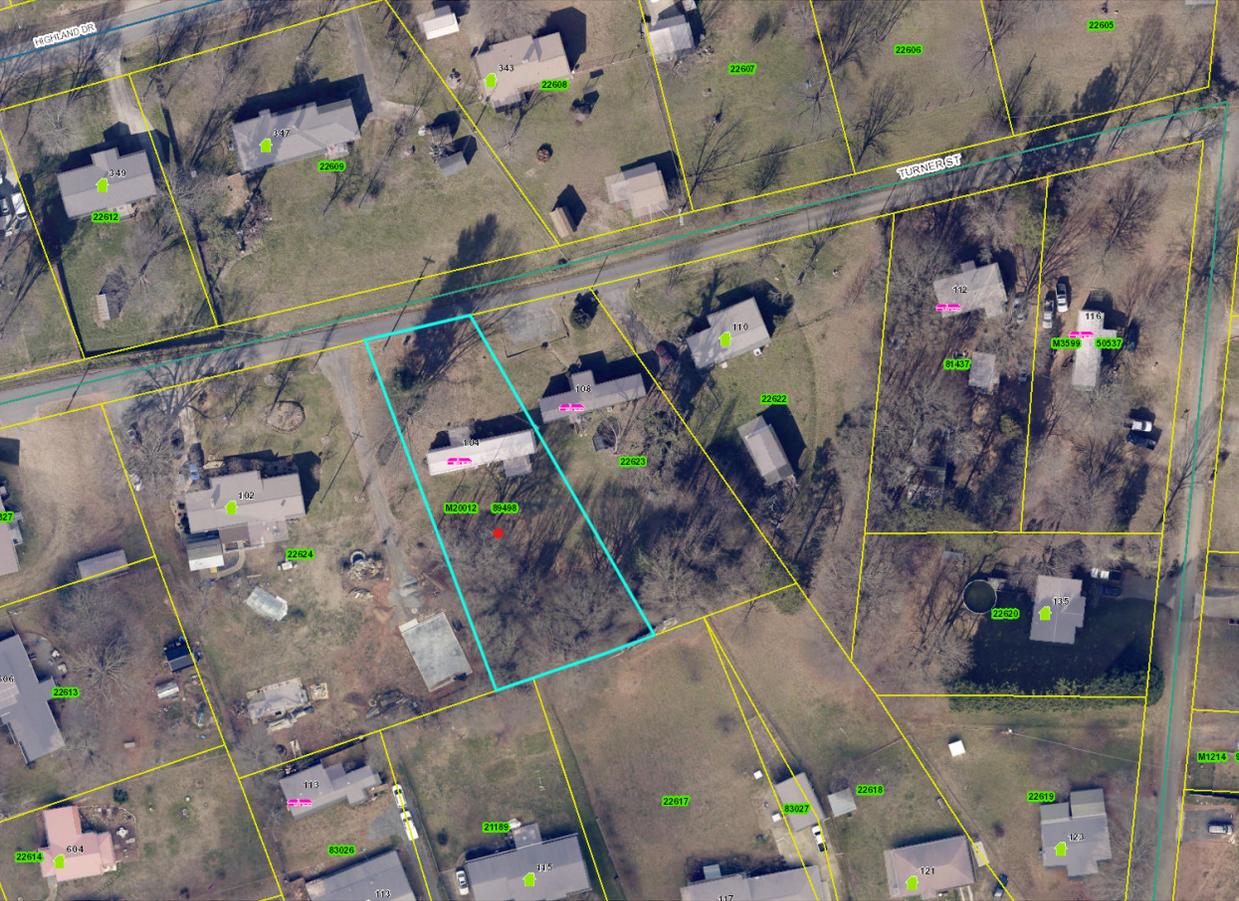
### **Relevant UDO Requirement**

*(G) Notwithstanding any other provision of this section, a nonconforming manufactured home not located in a manufactured home park may be replaced with another manufactured home in the R-25 district only*

### **Background Information**

In 2020 the UDO was changed by the City Council to not allow the replacement of a manufactured home on any lot in the City Jurisdiction other than the R-25 District. The R-25 is mostly areas outside the City Limits but located in the ETJ. The property in question is zoned R-15 so with this change being made, Ms. Carpenter is not permitted to replace her Class B Manufactured Home with another manufactured home. She would have to either build a home on the property or place a modular home on the property. (Definitions of manufactured homes and modular homes below)

**MAPS AND PHOTOS**













### **Additional Applicant Statements (See Attached Application)**

- 1986 mobile home currently on site. Want to replace it with a new mobile home with brick underpinning.
- If not replaced, the home will become unsafe.
- Mobile home was placed on the lot prior to the zoning ordinance. Purchased property in 1992 and a mobile home was located on site.
- Would not hurt the public. A new home would make for a better situation.

### **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 mobile home on the site can remain. A new mobile home would make it better than the existing situation. It is debatable where the variance request would be consistent with the spirit, purpose, and intent of the ordinance. However, mobile homes can be replaced in nearby mobile home parks without Board Approval.
- If approved, Staff would recommend that the following requirements be made conditions of approval:
  - Replacement with a Class A or Class B Manufactured Home only as defined in the Lincoln UDO.
  - Manufactured home must have a brick underpinning.
  - Manufactured Home must have a 64 square foot deck or patio at the front door.
  - Manufactured home to be placed on the lot in the same location as the current home. Cannot be located any closer to the property lines than it currently exists.
- 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.

### **MANUFACTURED HOME DEFINITION.**

***MANUFACTURED HOME (MOBILE HOME), CLASS A.*** A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

- (1) The minimum width (the width being the narrower of the two overall dimensions) of the main body of the manufactured home as assembled on the site shall

be at least 22 feet for a distance extending along the length (the length being the longer of the two overall dimensions) of at least 20 feet;

(2) The pitch of the roof of the manufactured home has a minimum vertical rise of two and two-tenths feet for each 12 feet of horizontal run, the roof is finished with a type of shingle that is commonly used in standard residential construction and which does not exceed the reflectivity of gloss white paint, and the roof has an overhang (eave) extending at least ten inches from each vertical exterior wall. A site-installed gutter may be counted in the width of the eave;

(3) The exterior siding consists of wood, hardboard, vinyl, brick or aluminum and shall be comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction, and which does not exceed the reflectivity of gloss white paint;

(4) A continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, shall be installed upon a poured concrete footer after placement on the lot, and before occupancy;

(5) The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy;

(6) The manufactured home is set up on the site in accordance with the standards set by the North Carolina Department of Insurance;

(7) Stairs, porches, entrance platforms and other means of entrance and exit to the manufactured home shall be installed and constructed in accordance with the standards set by the North Carolina Department of Insurance; and

(8) The manufactured home is oriented on the site in a manner that the side having the main entrance, and by design intended to be the front of the manufactured home is generally parallel to a public street abutting the site.

**MANUFACTURED HOME (MOBILE HOME), CLASS B.** A manufactured home that meets all of the criteria of a Class A manufactured home, except criteria divisions (1), (2), (3), (4) and (8).

**MODULAR HOME.** A dwelling unit constructed in accordance with the standards set forth in North Carolina State Building Code (Uniform Residential Code for One- and Two-family Dwellings), and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A **MODULAR HOME** shall be deemed a single-family dwelling as defined in this chapter.