



# Lincolnton NC

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## CITY OF LINCOLNTON BOARD OF ADJUSTMENT

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[www.ci.lincolnton.nc.us](http://www.ci.lincolnton.nc.us)

**BOARD MEMBERS:** Gene Poinsette, Chair, [poinsette@charter.net](mailto:poinsette@charter.net); Änd Lynn, Vice-Chair, [andmlynn@gmail.com](mailto:andmlynn@gmail.com); Jamel Farley, [afarley2351@gmail.com](mailto:afarley2351@gmail.com); Becky Burke, [beckyburke940@gmail.com](mailto:beckyburke940@gmail.com); Jerry Hoffman, [jlskhoffman@charter.net](mailto:jlskhoffman@charter.net).

### Tuesday, April 17, 2018 Meeting

**Present:** Gene Poinsette, Änd Lynn, Becky Burke, Jerry Hoffman, Jamel Farley

**Absent:** n/a

#### Call to Order

Chairman Gene Poinsette called the meeting to order and recognized that all members were present for a quorum.

#### Approval of Minutes

Chairman Gene Poinsette asked the Board if there were any additions or corrections to the minutes of the March 20, 2018 meeting.

*Motion:* Änd Lynn made a motion to approve the minutes. Becky Burke seconded. Motion carried unanimously.

**BOA-7-2018** – A Variance Application from Jerry Story requesting a variance from the 40 foot front setback in the R-25 district for two properties located off of Lake Street.

Jean Derby swore in Brett Hicks and Jerry Story.

Brett Hicks addressed the Board, noting the following:

The subject properties are two vacant parcels totaling 1.7 acres located .5 miles east of the intersection of Salem Church Road and Lake Street.

The requested variance is to allow a reduction in the required building setbacks from 50 feet to 20 feet so that the structures can be placed closer to the street to avoid the sloping topography at the rear of the lots. The applicant wishes to construct a two-family home on each of the two parcels similar to his adjoining development to the west.

### **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 slopes at the rear with the topography dropping roughly 20 to 25 feet from the front to the back.
- The requested variance would allow the proposed structures to be placed closer to the front to avoid the sloping topography at the rear of the lots.
- The established setbacks along Lake Street are varied and range from approximately 15 feet to more than 50 feet.
- 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.

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

*Motion:*           And Lynn made a motion to approve the application. Becky Burke seconded. Motion carried unanimously.

**BOA-8-2018** – A Variance Application from Justin Pearson requesting a variance to allow a singlewide Class B manufactured home in the R-25 district located on Magna Vista Drive (PID 17766).

Jean Derby swore in Brett Hicks and Justin Pearson.

Brett Hicks addressed the Board, noting the following:

The subject property is a vacant .39 acre lot located on the southern corner of the intersection of Betterbrook Lane and Vista Drive.

The requested variance is to allow the applicant to place a 14 foot x 70 foot (singlewide)

manufactured home on the lot.

### **Relevant UDO Requirement**

The R-25 district allows single family dwellings and “Class A” manufactured homes. Class A manufactured homes are defined as those that were constructed after July 1, 1976 and that meet or exceed the construction standards of the U.S. Department of Housing and Urban Development along with 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.

**NOTE:** A “Class B” manufactured home meets all of the criteria of a Class A manufactured home, except criteria (1), (2), (3), (4) and (8).

### **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**

- Nearby properties are developed with a combination of single wide and double wide manufactured homes and modular homes.
- In the event that the Board elects to grant the variance, a suggested condition of the variance is that the home meet the standards of a Class B manufactured home so that the axles etc are removed
- 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.

Chairman Gene Poinsette asked the Board if there was any other business to be addressed, to which there was none.

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

*Motion:* Änd Lynn made a motion to approve the application. Becky Burke seconded. Motion carried unanimously.

**BOA-9-2018** – A Variance Application from Darrell Mason requesting a variance from the 10 foot side setback required in the R-25 district. The property is located at 859 West NC 27 Highway.

Jean Derby swore in Brett Hicks and Darrell Mason.

Brett Hicks addressed the Board, noting the following:

The subject property is a .573 acre lot located at 859 West Highway 27. The applicant wishes to construct a carport on the west side of the property between the existing home and the property line with vehicular access to the carport through an extension of the existing driveway.

The requested variance is to allow a reduction in the required side yard setback along the western property line from 10 feet to 2 feet in order to accommodate the proposed carport on the west side of the home.

### **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**

- In the event that the Board elects to grant the variance, a suggested condition of the variance is that the proposed carport not be placed in front of the existing home.
- 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.

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

*Motion:* Becky Burke made a motion to approve the application. Jamel Farley seconded. Motion carried unanimously.

### **Adjournment**

*Motion:* Jamel Farley made a motion to adjourn. And Lynn seconded. Motion carried unanimously.

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Jean Derby