



## CITY OF LINCOLNTON BOARD OF ADJUSTMENT

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

### Tuesday , August 15 , 2017 Meeting

**Present:** Änd Lynn, Kathryn Yarbrow, Becky Burke, Worth Roberts (Alternate)

**Absent:** Jerry Hoffman and Gene Poinsette

#### Call to Order

Vice-Chairman Änd Lynn called the meeting to order and recognized that Kathryn Yarbrow and Becky Burke were the regular members who were present and that Worth Roberts would be an alternate so the Board could reach a quorum. Gene Poinsette and Jerry Hoffman were absent.

#### Approval of Minutes

Vice-Chairman Änd Lynn asked the Board if there were any additions or corrections to the minutes of the July 18, 2017 meeting.

*Motion:* Worth Roberts made a motion to approve the minutes. Kathryn Yarbrow seconded. Motion carried unanimously.

#### BOA-5-2017

Application from Eliecer Martinez requesting a variance from the Lincolnton Board of Adjustment that would allow him to replace an older Class B Manufactured Home on the property with a newer model. The subject property is located at 2842 East Highway 27 (Parcel ID 25487).

Mark Carpenter was sworn in by Becky Shaw.

Mark Carpenter addressed the Board, noting the following:

The property is located at 2842 East Highway 27 with a two single family dwellings and one singlewide mobile home already on the property. The current zoning is Residential-25 (R-25) and the total property size is 1.36 acres.

The variance request is to replace a 1967 model year mobile home, however, because the

property currently has three residential structures on one lot, the ordinance would require that a variance be issued for replacement of the mobile home.

### **UDO Requirements**

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 provided:

(b) Meets all the minimum requirements for a Class B manufactured home plus 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;

(2) The replacement manufactured home is placed on the lot in a manner which meets all the setback requirements of the zoning district in which it is to be located or the requirements of the R-8 District, whichever is greater;

(3) The replacement manufactured home is placed on the lot within 180 days following removal of the existing manufactured home;

(4) Upon replacement of the existing manufactured home, the property will conform to § [153.051](#)(A) of this chapter which reads: “No more than one principal residential structure shall be located on a lot, except as a part of multi-family development. A lot with two Class A or Class B manufactured homes that existed at the time of the adoption of this amendment (May 6, 1999) may continue and the manufactured homes on the lot may be replaced provided that the replacement homes meet the minimum requirements of this chapter.”

### **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 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 mobile home was placed on the property in 1967 prior to zoning in the area
- The property is large enough to accommodate three dwelling units
- The new mobile home will be more in accordance with current UDO standards for mobile homes.

- 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.
- If approved the new mobile home may be moved on the property to better conform with setback standards. The mobile would require a masonry underpinning and a 64 square foot deck or patio.

After a brief discussion, Vice-Chairman Änd Lynn asked if there was a motion.

*Motion:* Worth Roberts made a motion to approve the application. Kathryn Yarbrow seconded. Motion carried unanimously.

Vice-Chairman Änd Lynn asked the Board if there was any other business to be addressed, to which there was none.

### **Adjournment**

Vice-Chairman Änd Lynn adjourned the meeting.

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Becky Shaw

Boa08152017 minutes