**MINUTES**
**BOARD OF ADJUSTMENT MEETING**
**March 25, 2025**
**5:30 PM**

**LOCATION:**
City /County Meeting Room
905 West Avenue

**MEMBERS PRESENT:**
Curtis Baker, Sharon T. Bryant, Michael Careccia, Kyle Case, Lucy McCarl, Tim Scobie

**MEMBERS ABSENT:**
Leah Hamilton

**STAFF PRESENT:**
Matt Duchan, Hannah Williams, Lauren Hartley

A quorum was established and Chairperson Bryant called the meeting to order.

**MINUTES:**
Board Member Case moved approval of the meeting minutes of February 25, 2025. Board Member Scobie seconded the motion, which was voted upon and passed by unanimous vote.

**OLD BUSINESS:**
**1. V# 1-25 530A Wheeler Street NW (continued from February 25, 2025 meeting)**

Applicant: BJS5 LLC (Nate Ford)

Owner: BJS5 LLC

Location: 530A Wheeler Street NW

**V# 1-25** The applicant is requesting a variance to the front and rear setbacks, from 35 and 25 feet respectively, each lowering to 10 feet, in order to develop a duplex with reasonable parking and yard space for future residents.

*Recommended Action:* Staff recommends approval of the variance request.

Chairperson Bryant stated this case was continued from the February 25, 2025 meeting due to the hearing notice sign not being posted for the required 10-25 days as required by 160D-406(b).

Hannah Williams and Matt Duchan were placed under oath.

Planner Matt Duchan reviewed for the board the presentation from the February meeting for 530A Wheeler Street NW.

Matt Duchan read the draft findings and staff responses for the record as follows:

**1. An unnecessary hardship is created from the strict application of the ordinance.**
**Staff Response:** The strict application of R-6 renders the 530A Wheeler Street lot essentially unbuildable. A lot of this size inhibits any property owner from building a residential dwelling of

adequate size to meet any of the setbacks required in the zoning ordinance.

**2. The unnecessary hardship is peculiar to the property.**

**Staff Response:** This lot is well below minimum lot size standards (2,300 square feet below required) and cannot accommodate the front, rear, and side setbacks. A non-conforming home that pre-dates zoning restrictions was demolished and the property was put up for sale in 2022 after foreclosure.

**3. The hardship is not self-created.**

**Staff Response:** The owner/applicant did not create the non-conforming lot, or demolish the old home. Purchasing a property with the knowledge that it is non-conforming does not constitute a self-created hardship. Without an approved variance, it would be impermissible to redevelop the lot.

**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 Response:** The requested variance would allow for the redevelopment of a property that has limited viable use. The proposed project would resume residential use on this property, which would not cause immediate disturbance as the use conforms with the surrounding area, and a house previously stood on this lot.

By granting the variance, substantial justice is achieved by allowing viable infill in West End, a neighborhood dealing with a significant number of vacant homes in disrepair. West End is one of two focus neighborhoods in Lenoir's ongoing 2045 Comprehensive Plan, and any sufficient housing that could be built in the neighborhood would benefit the community. Reducing the required setback allows infill to match the existing development patterns with small homes located close to the street.

Staff recommends approval of the variance based on the findings above.

**Board Member Case made a motion to approve the variance application and adopt the staff findings as presented by staff. Board Member Scobie seconded the motion, which was voted upon and passed unanimously.**

**ADJOURNMENT:**

There being no further business to be brought before the Board, Chairperson Bryant adjourned the meeting at 5:50 p.m.

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**Sharon T. Bryant, Chair** **Hannah Williams**
**Planning Director**