Lincolnton NC

Near the City. Near the Mountains. Near Perfect.

BOA-4-2025

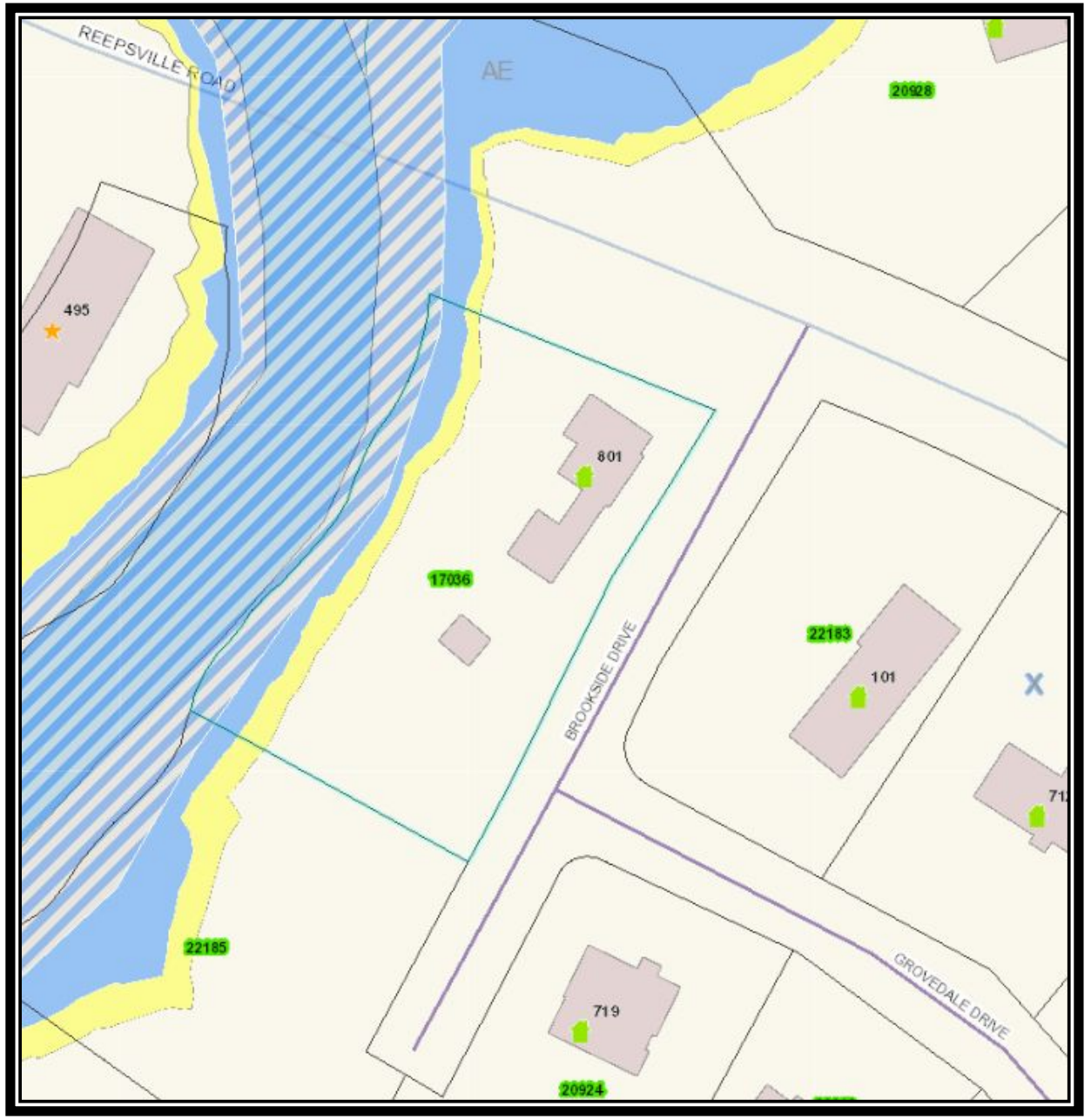
Application from Stanley D. Stokes requesting a variance of Section 153.107 (B) (2) (4) of the Lincolnton Unified Development Ordinance.

If granted, the variance would allow for encroachment of a new structure upon the front setback and an existing structure upon the rear setback requirement of the R-10 district.

The subject property is located at 801 North Grove Street (Parcel ID 17036).

DETAILS:

- Applicant: Stanley Stokes
- Property Location – 801 N Grove St
- Current Zoning – Residential-10 (R-10)
- Property Size - 0.709 acres
- Current Use of Property – Single Family Residential (previously a duplex until the use was abandoned)
- Adjacent Properties – Single Family Residential & GMC across Clark's Creek



Street View- N Grove St (Sept 2023)



Street View- N Grove St / Brookside Dr (Sept 2023)



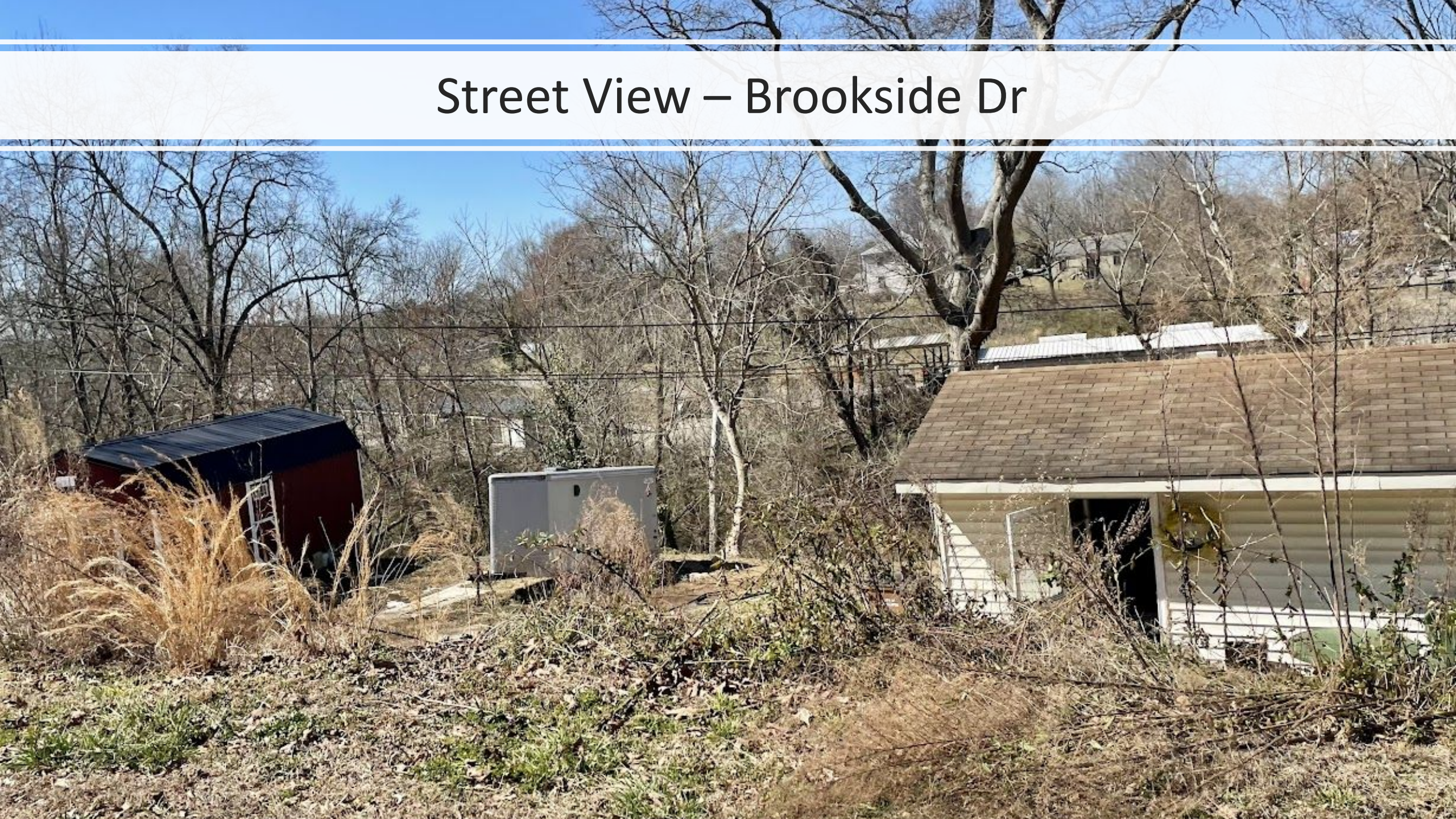
Street View- N Grove St / Brookside Dr



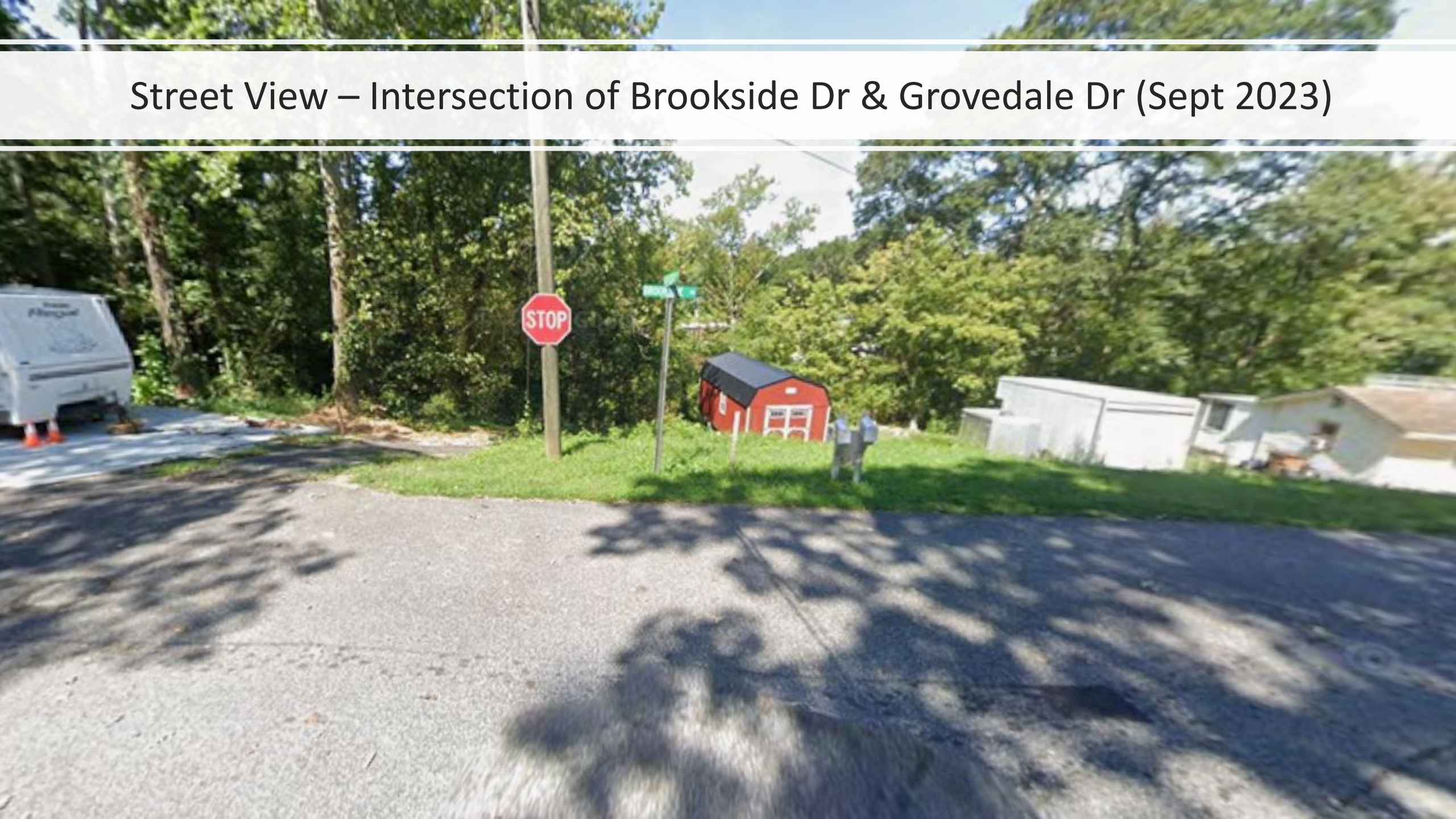
Street View – Brookside Dr (Sept 2023)



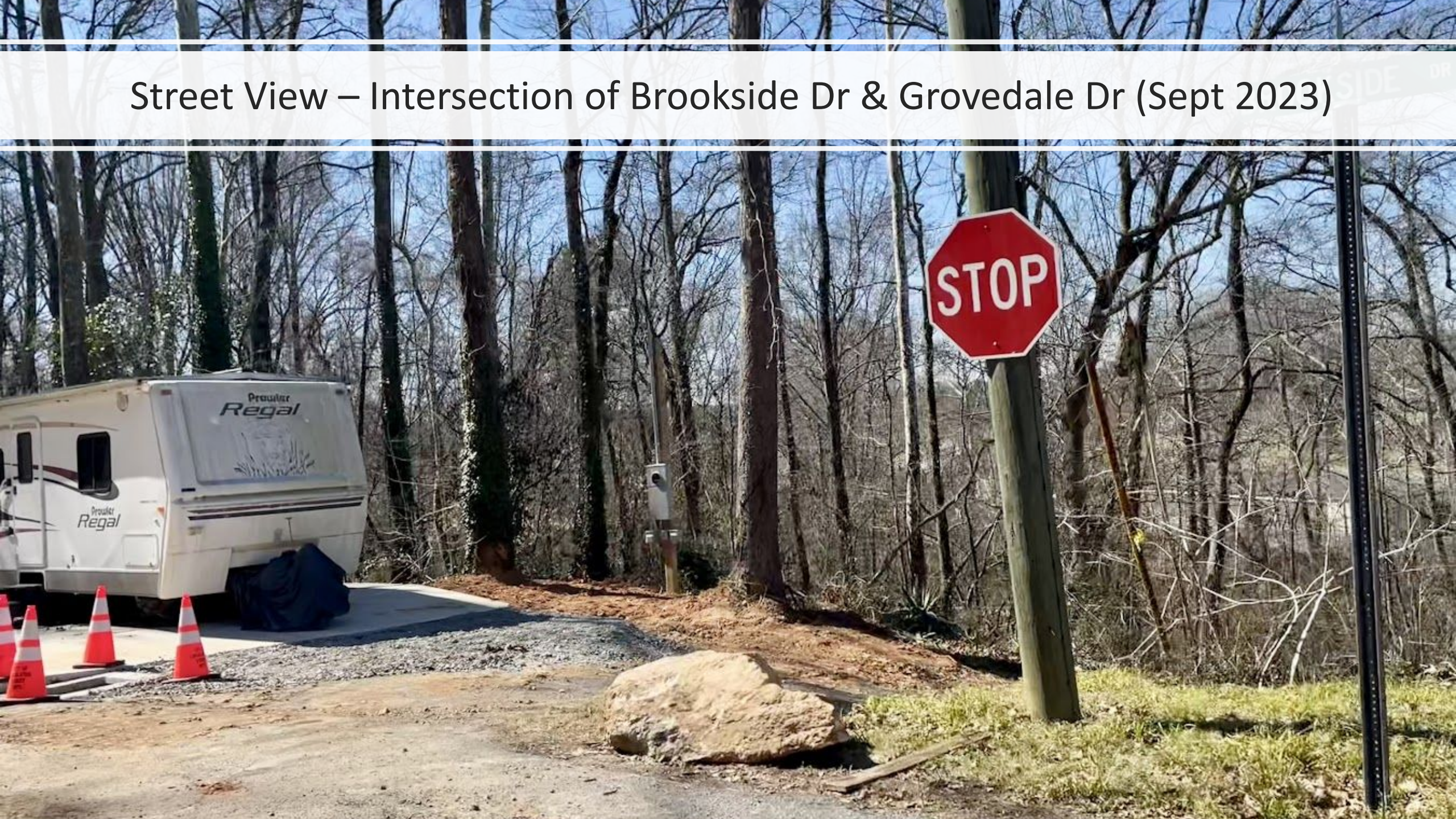
Street View – Brookside Dr



Street View – Intersection of Brookside Dr & Grovedale Dr (Sept 2023)



Street View – Intersection of Brookside Dr & Grovedale Dr (Sept 2023)



PROPOSAL

LOT 1:

- **Proposed rear setback: ~~Zero~~ 10 feet**

LOT 2:

- **Proposed front setback: 20 feet.**

RELEVANT UDO REQUIREMENTS

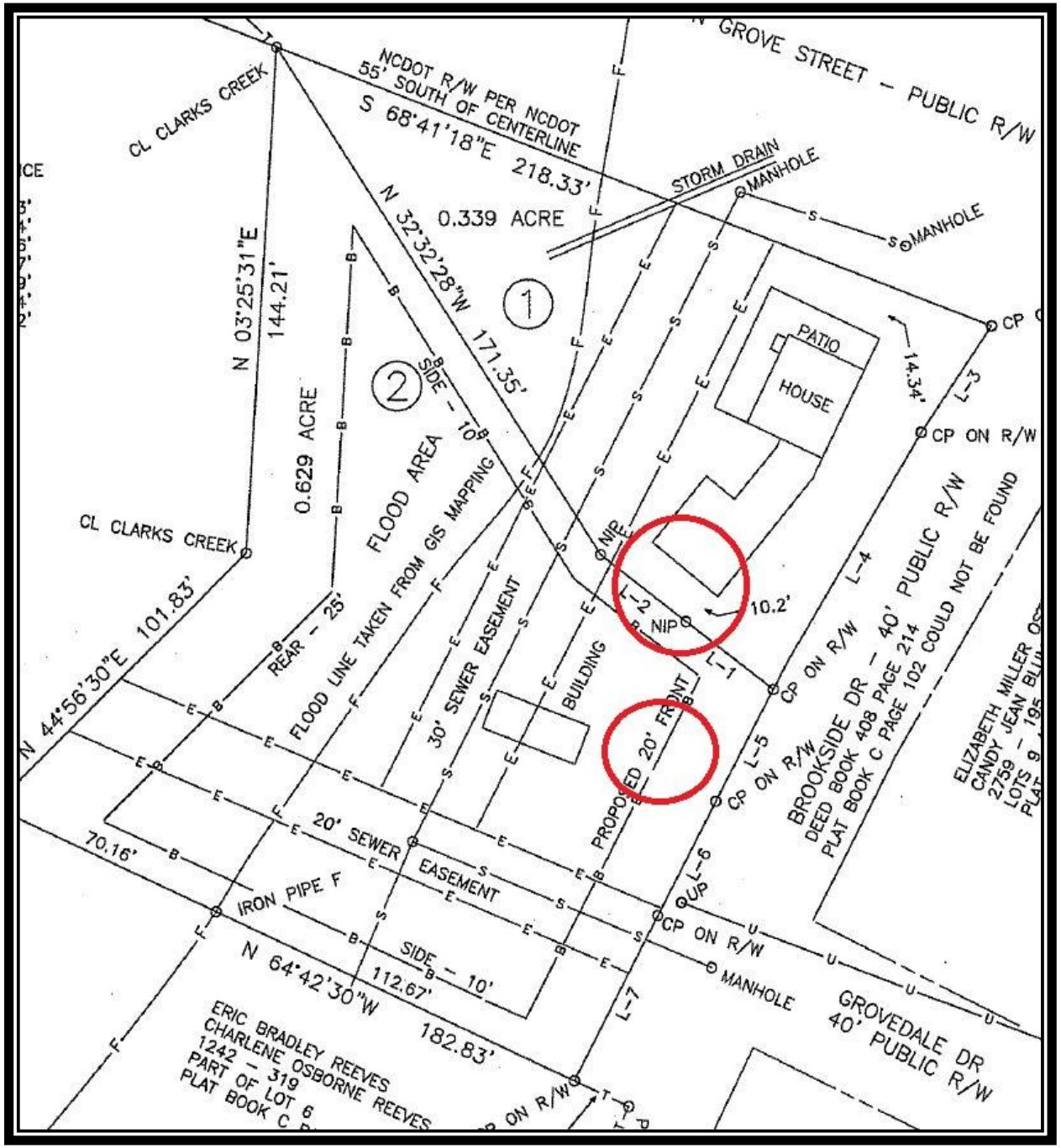
§ 153.107 R-10 SINGLE-FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT.

Minimum front yard setback (as measured from the edge of the street right-of-way line). 35 feet.

- If granted, the front setback for Lot 2 would be 20 feet.

Minimum rear yard setbacks. All uses: 25 feet.

- If the zero rear setback is granted, the rear of the existing home on Lot 1 would ~~touch~~ **be 10 feet from** the new property line.



SITE

POTENTIAL CHALLENGES:

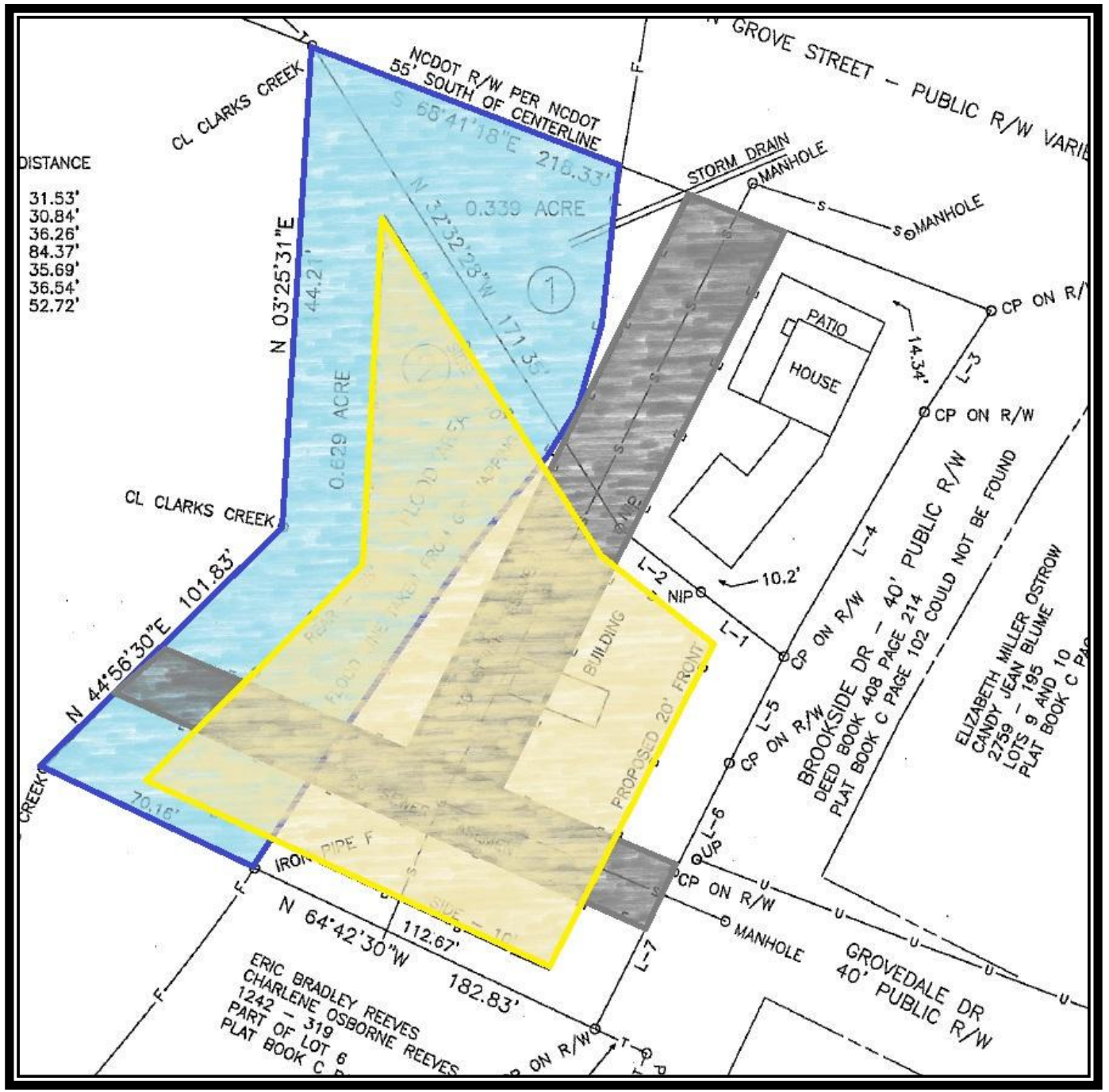
- Flood area
- Existing utility easements
- Property slopes from Brookside Dr

LEGEND:

- Yellow: the “buildable area” based on R-10 minimum yard requirements.
- Blue: flood area
- Gray: active existing utility easements

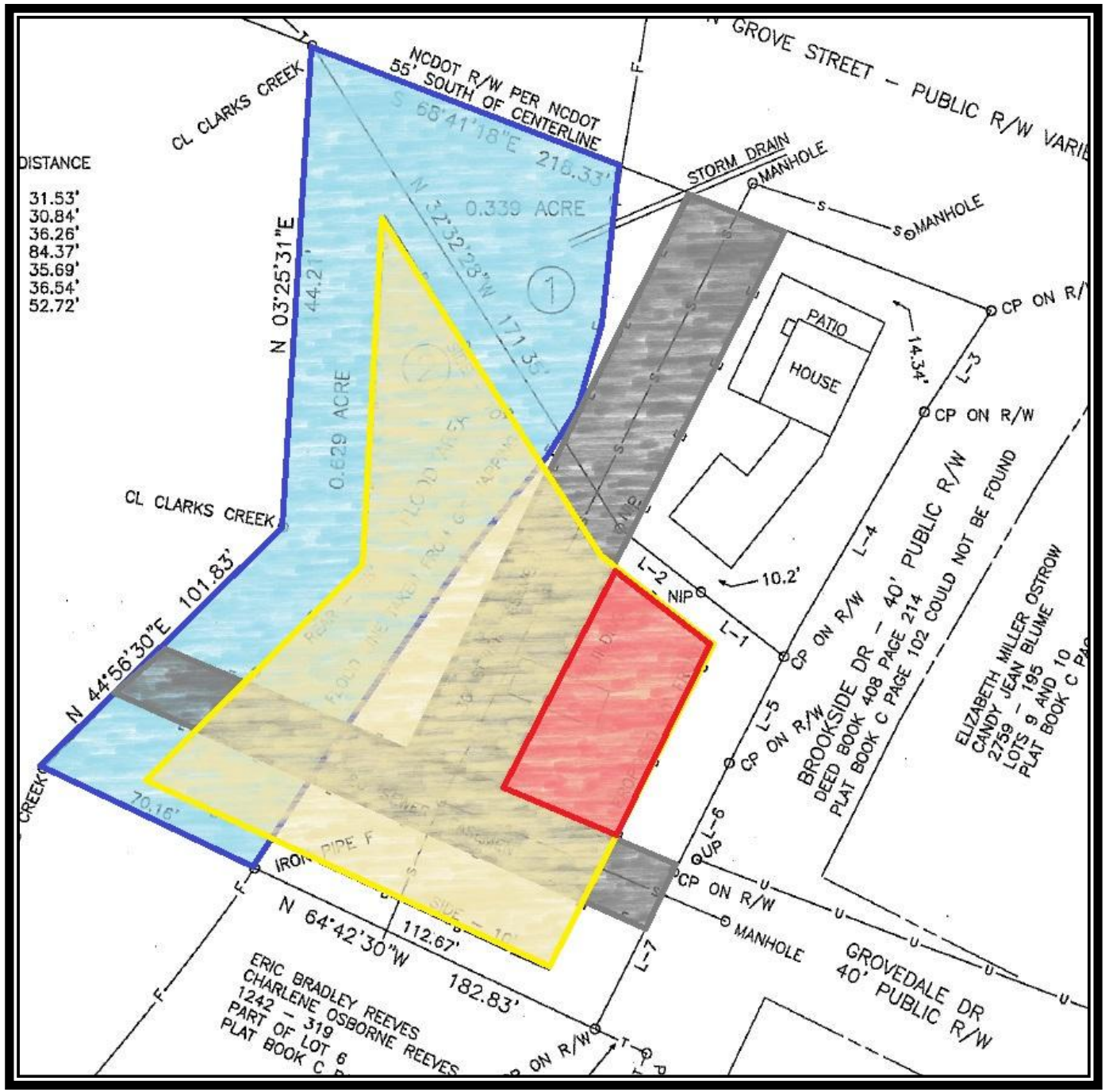
HISTORY:

- Existing home was previously used as a duplex. The use was abandoned and is not allowed to re-establish in the R-10 district



SITE

This would leave the buildable area shown in red



Staff Notes:

- **If granted, the following is required before the final plat could be approved and recorded:**

  1. The building shown on Lot 2 must be removed - per § 153.031 Definitions:

  ACCESSORY STRUCTURE. A structure detached from the principal structure on the same lot and customarily incidental and subordinate to the principal structure.

  2. If the building is moved to Lot 1, it must meet all location requirements. However, the current location is within a sewer easement.

  3. Notation of the variance information on the plat.

- **Whether the variance is granted or denied, the existing home can only be used as a single-family home. Duplexes are not allowed in R-10.**

Findings of Fact with responses from the applicant

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.**
    - "The variance would be necessary to subdivide the lot which would allow us to build a one-story house on the new lot."
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.**
    - "The variance is necessary because of the flood plain and utility easements."
3. **The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with the knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.**
    - "These were existing when I bought the property."
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.**
    - "No danger to public safety."

Chair requests individual motions and votes on each of the following four findings of fact.

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.

Motion, and then all those in favor say aye….all those opposed say no.

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.

Motion, and then all those in favor say aye….all those opposed say no.

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.

Motion, and then all those in favor say aye….all those opposed say no.

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.

Motion, and then all those in favor say aye….all those opposed say no.

(Note: If the motion is to deny the request, Board should substantiate potential denial of the request by voting no on at least two of the findings of fact.)

Final: Chair requests a motion to approve or deny the request.

Motion, and then all those in favor say aye….all those opposed say no.