Lincolnton NC

Near the City. Near the Mountains. Near Perfect.

BOA-5-2025

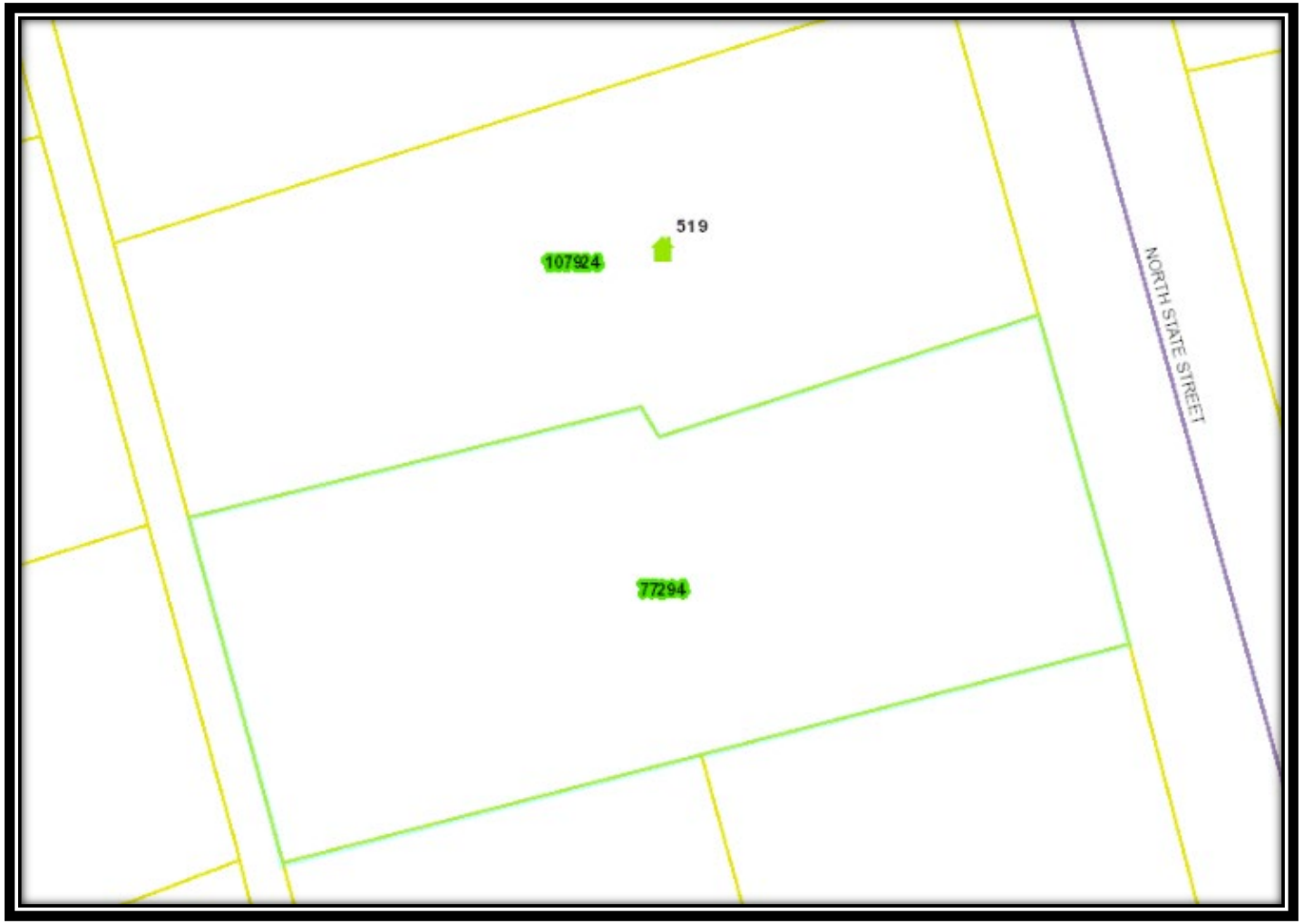
Application from Floyd Dean requesting a variance of the Lincolnton Unified Development Ordinance, Section 153.393 (B) (4) (d) panhandle lots.

The variance would allow for the front of the dwelling to be constructed within an area of the panhandle lot that does not meet the 70-foot lot width requirement.

The subject property is located on the west side of North State Street, approximately 100 feet North of the intersection of North State Street and East Sumner Street (Parcel ID 77294).

DETAILS:

- Applicant: Floyd Dean, Dean's Investment Inc.
- Property Location – PID 77294 N State St
- Current Zoning – Residential-8 (R-8)
- Property Size - 0.277 acres
- Current Use of Property – Vacant
- Adjacent Properties – Single Family Residential



Street View



Rear Property View



RELEVANT UDO REQUIREMENTS

§ 153.393 SUBDIVISION DESIGN.

Panhandle lots. Panhandle lots will be allowed in subdivisions provided that they meet the following requirements:

- ✓ In no case shall an entire subdivision or the majority of lots within a subdivision consist of panhandle lots;
- ✓ All panhandle lots shall have a minimum road frontage of 35 feet;
- ✓ The length of the panhandle strip in the lot shall not exceed 100 feet; and
- ❑ The strip shall not be used to determine lot area, lot width, or required building setback lines.

§ 153.108 R-8 SINGLE AND TWO-FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT.

- **Minimum front yard setback** *(as measured from the edge of the street right-of-way line)* - 30 feet.
- **Minimum lot width** - 70 feet at front yard setback; 35 feet at street right-of-way.

*ALL other R-8 yard requirements and setbacks must be met.

SKETCH

- - - - - - - - - shows approximate location of the 30 ft front setback required in R-8.

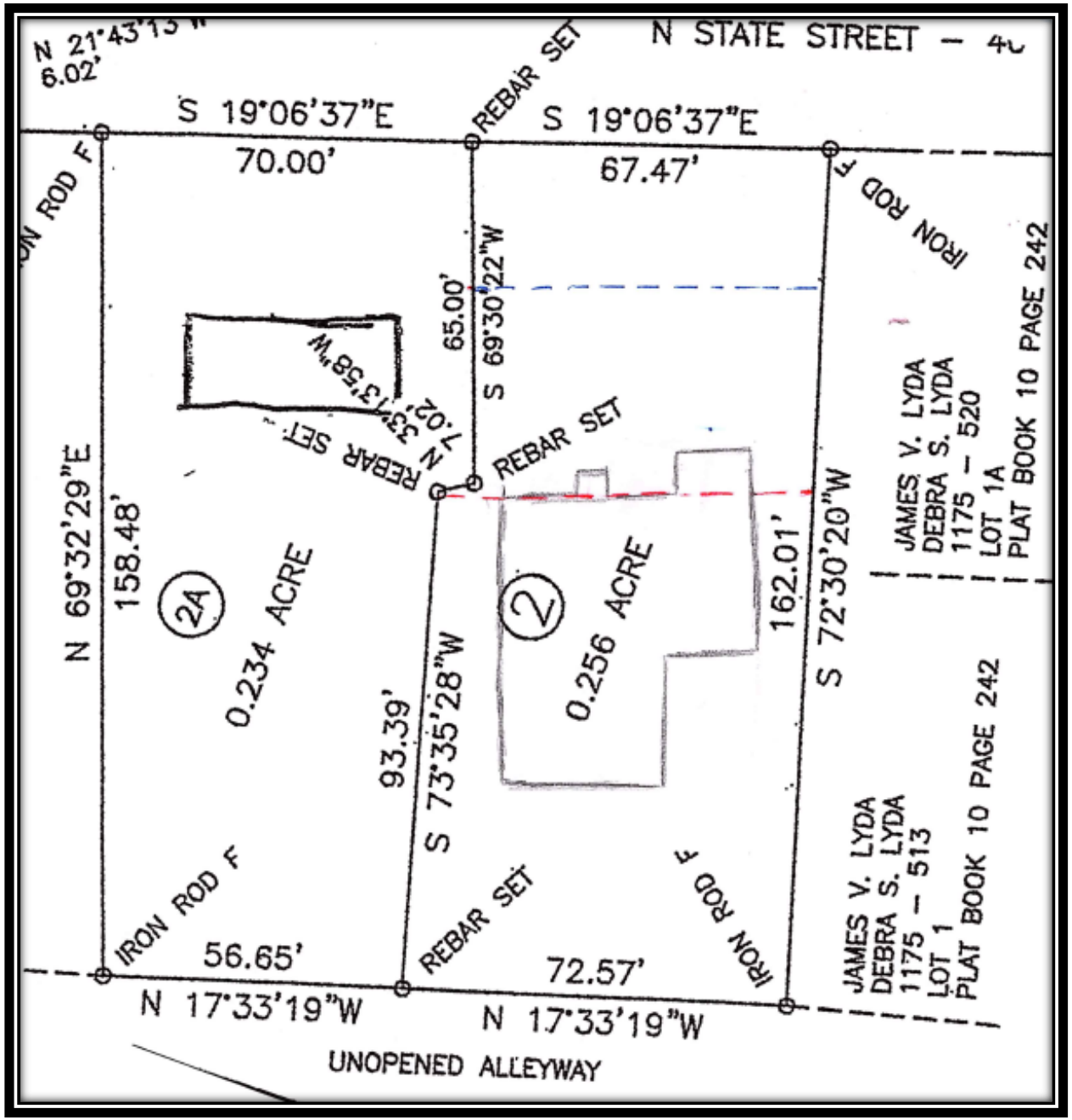
- - - - - - - - shows the approximate location of where the lot widens to 70 ft.

VARIANCE REQUEST

Applicant's description of why a variance from the terms of these provisions is needed:

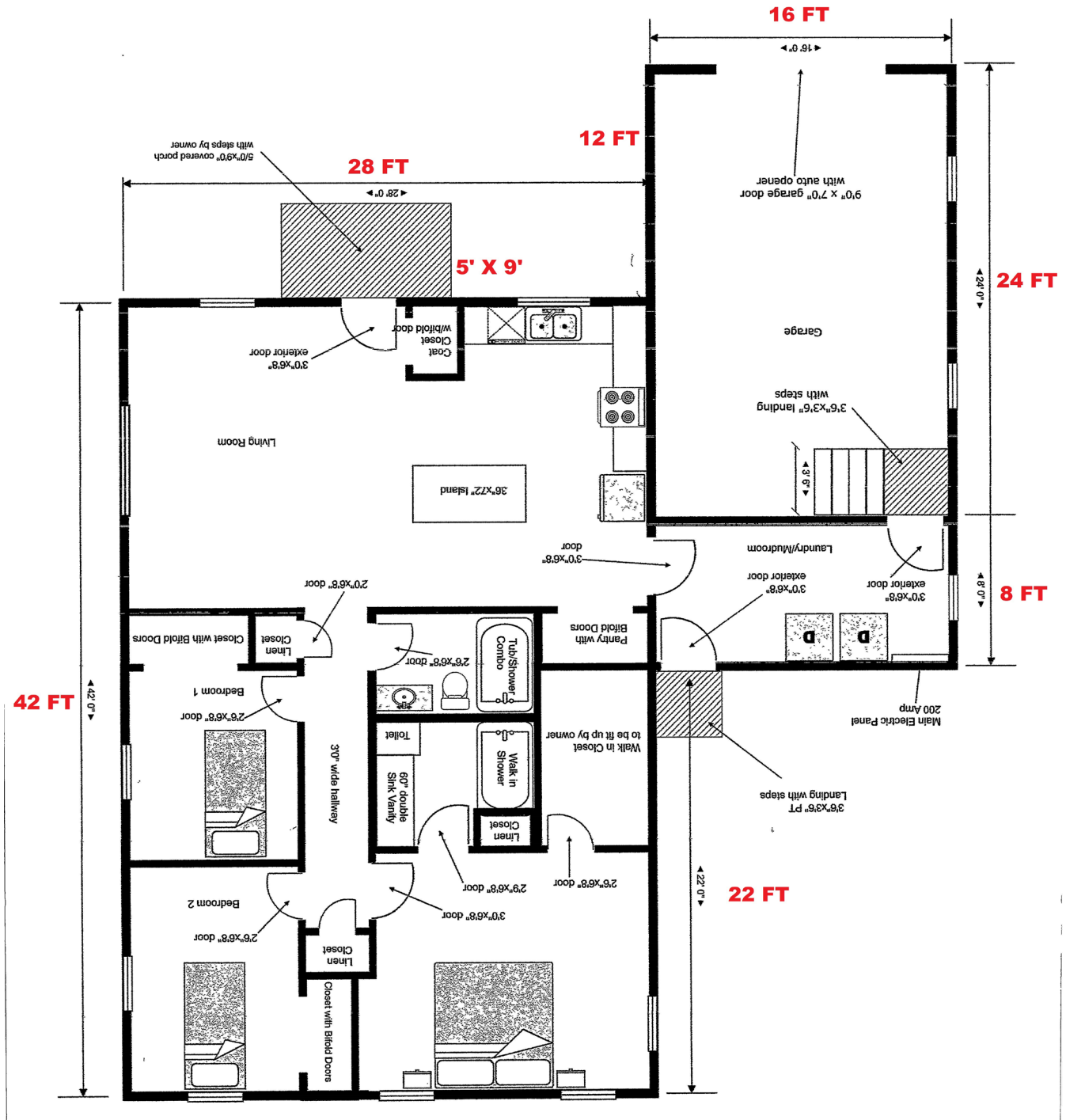
"Because of the panhandle lot, the setback would place the home at the rear of the lot. The house would then face the next-door neighbor's backyard. I would like to place the garage and porch in the area before the lot width is 70 ft. This would still meet the R-8 requirements.

The proposal is to allow for the construction of the garage and porch within an area of the panhandle lot that does not meet the 70-foot lot width requirement.



HOUSE PLAN

- The 12 ft section of the garage and the 5 x 9 ft porch would be located in the area before the lot widens to 70 ft.
- This would result in a front setback of approximately 53 ft.



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 lot was 2.53 feet short of meeting the lot width requirement, so a pandhandle lot was necessary. Since the lot was created, a home was built next door. The required setback will place the home facing the neighbor's backyard."

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.

- "Requiring the house to face their backyard would remove all privacy for their yard."

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.

- "The buyer chose house plans not realizing the deep setback required."

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.

- "Although it is a panhandle lot, it was just a few feet short. The proposed front setback will still be further back than what is typically required in R-8."

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.

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PLANNING DEPARTMENT
TELEPHONE 704-736-8930
FAX 704-736-8939

www.lincolntonnc.org/planning
zoningpermits@lincolntonnc.org

Application for Variance

Description of request: Reduce the front setback of the panhandle to allow for the garage and porch.

Applicant information:

Name: Floyd Dean - Deans Investment Inc

Address: 1767 Boyscout Rd

City: Lincolnton State: NC Zip: 28092

Telephone: 704-473-6232 Email: deansappraisal@bellsouth.net

Property owner information (if different from applicant)

Name: Same

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

Property location and description

Address: N State St

Tax parcel no. (five-digit): 77294 Current zoning classification: R-8

A sketch of the property including the following information shall accompany this application: lot dimensions, setback dimensions for existing structures, location of all existing structures, other topographical features (bodies of water, significant stands of trees, etc.). Based on the nature of the application, the Zoning Administrator shall have the authority to request additional necessary information and/or waive one or more of these items. **Application fee $400.00.**

Variance Request Description

Section(s) of the Unified Development Code requesting relief from:

153.393 (B)(4)(d) Panhandle lots

Applicant's description of why a variance from the terms of these provisions is needed:

Because of the panhandle lot, the setback would place the home to the rear of the lot. The house would then face the next door neighbor's backyard. I would like to place the garage and porch in the area before the lot width is 70 ft. This would still meet the normal R-8 requirements.

The Board of Adjustment, after having held a public hearing to consider the variance request, will address each of the following findings of fact and draw the following conclusions in order to render their decision:

1. Unnecessary hardship would result from the strict application of the ordinance. (NOTE: 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 the conditions that are peculiar to the property, such as location, size or topography. (NOTE: 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. (NOTE: 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); and,

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.

The applicant is asked to address each of these findings as they pertain to their variance request. Please use additional sheets if necessary. In order to grant a variance, each of the findings must be found in the affirmative by the Board of Adjustment by a 4/5 majority of the Board's membership.

Request for Variance

1) Unnecessary hardship would result from the strict application of the ordinance. (NOTE: It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. This statement is based upon the following reason(s):

The lot was 2.53 feet short of meeting the lot width requirement, so a panhandle lot was necessary. Since the lot was created, a home was built next door. The required setback will place the home facing the neighbor's backyard.

2) The hardship results from the conditions that are peculiar to the property, such as location, size or topography. (NOTE: 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.); This statement is based upon the following reason(s):

Requiring the house to face their backyard would remove all privacy for their yard.

3) The hardship did not result from actions taken by the applicant or the property owner. (NOTE: 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. This statement is based upon the following reason(s):

The buyer chose house plans not realizing the deep setback required.

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. This statement is based upon the following reason(s):

Although it is a panhandle lot, it was just a few feet short. The proposed front setback will still be further back than what is typically required in R-8.

Signatures

Floyd Dean 5/15/25

Applicant Date

Property Owner, If Different From Applicant Date

Amy Jones 5/15/25

Zoning Administrator Date