Lincolnton NC

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BOA-7-2025

Application from Olympia and Wright, LLC requesting a variance of the Lincolnton Unified Development Ordinance, Section 153.050 (Lot to abut a dedicated street).

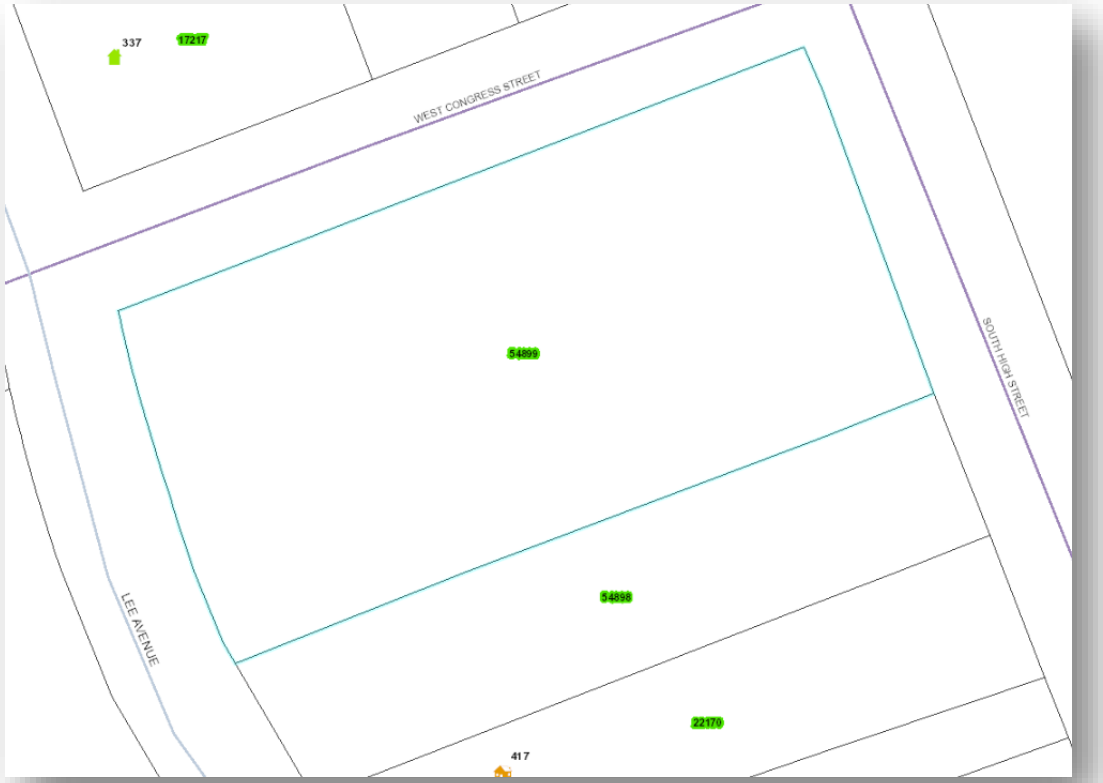
The variance would allow for the creation of a residential lot that does not have frontage on a dedicated street but will be served by a 15-foot private access easement.

The subject properties are located at the southeast corner of West Congress Street and Lee Avenue (Parcel ID 54898 and 54899).

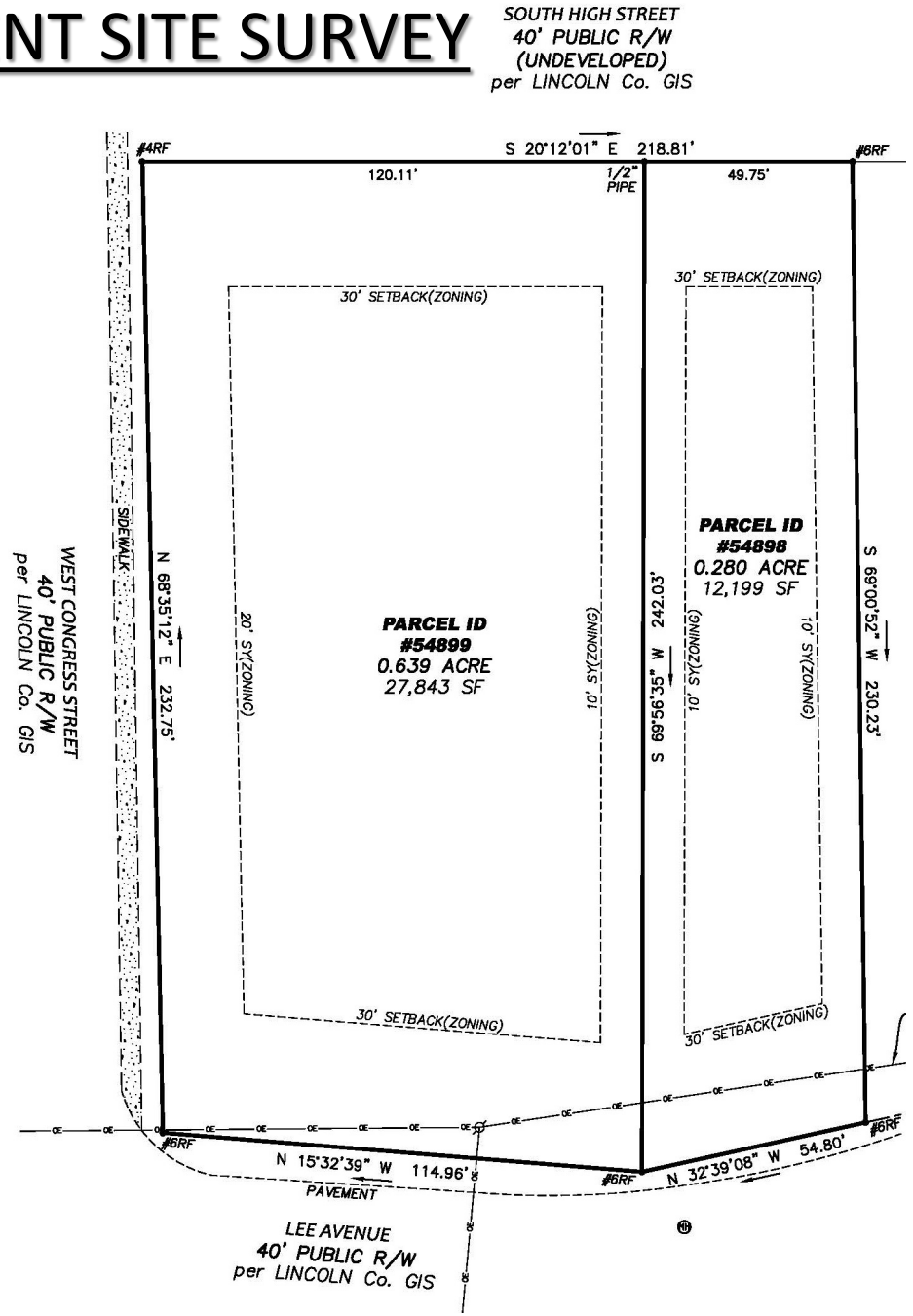
DETAILS:

- **Applicant:** Olympia & Wright, LLC
- **Property Location** – West Congress Street, Lee Avenue, & the unopened section of South High Street
- **Current Zoning** – R-8 Single and Two-family Medium Density Residential District
- **Property Size** – 0.9 acres
- **Current Use of Property** – Vacant
- **Adjacent Properties** – R-8 Single and Two-family Medium Density Residential District



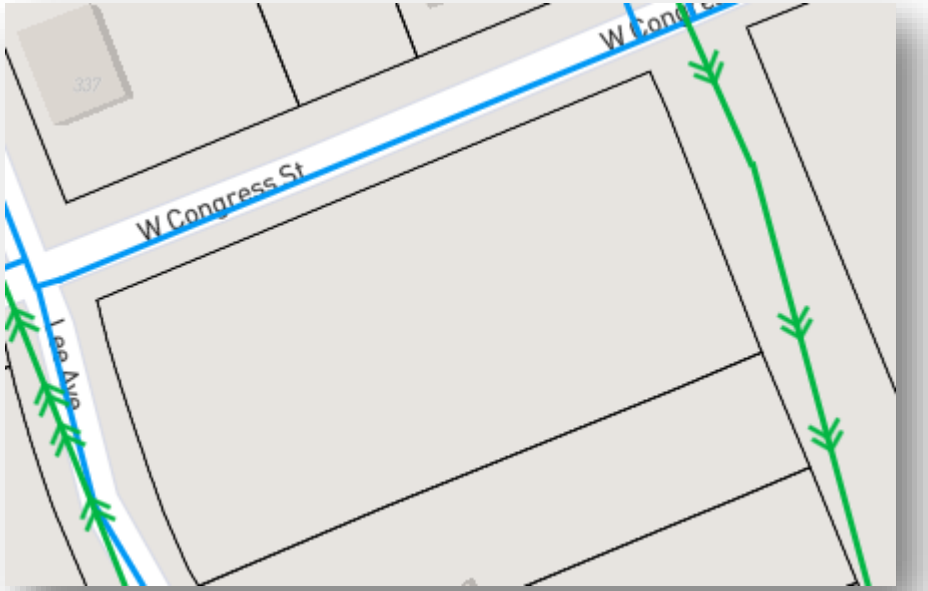


CURRENT SITE SURVEY



SITE INFORMATION

- Two vacant lots fronting West Congress Street and Lee Avenue
- Lots also border an undeveloped portion of South High Street
- Due to topography and utilities, there are no plans to develop that portion of South High Street
- The owner plans to subdivide the property into five residential lots



Street View – West Congress St & Lee Ave



Street View – West Congress Street

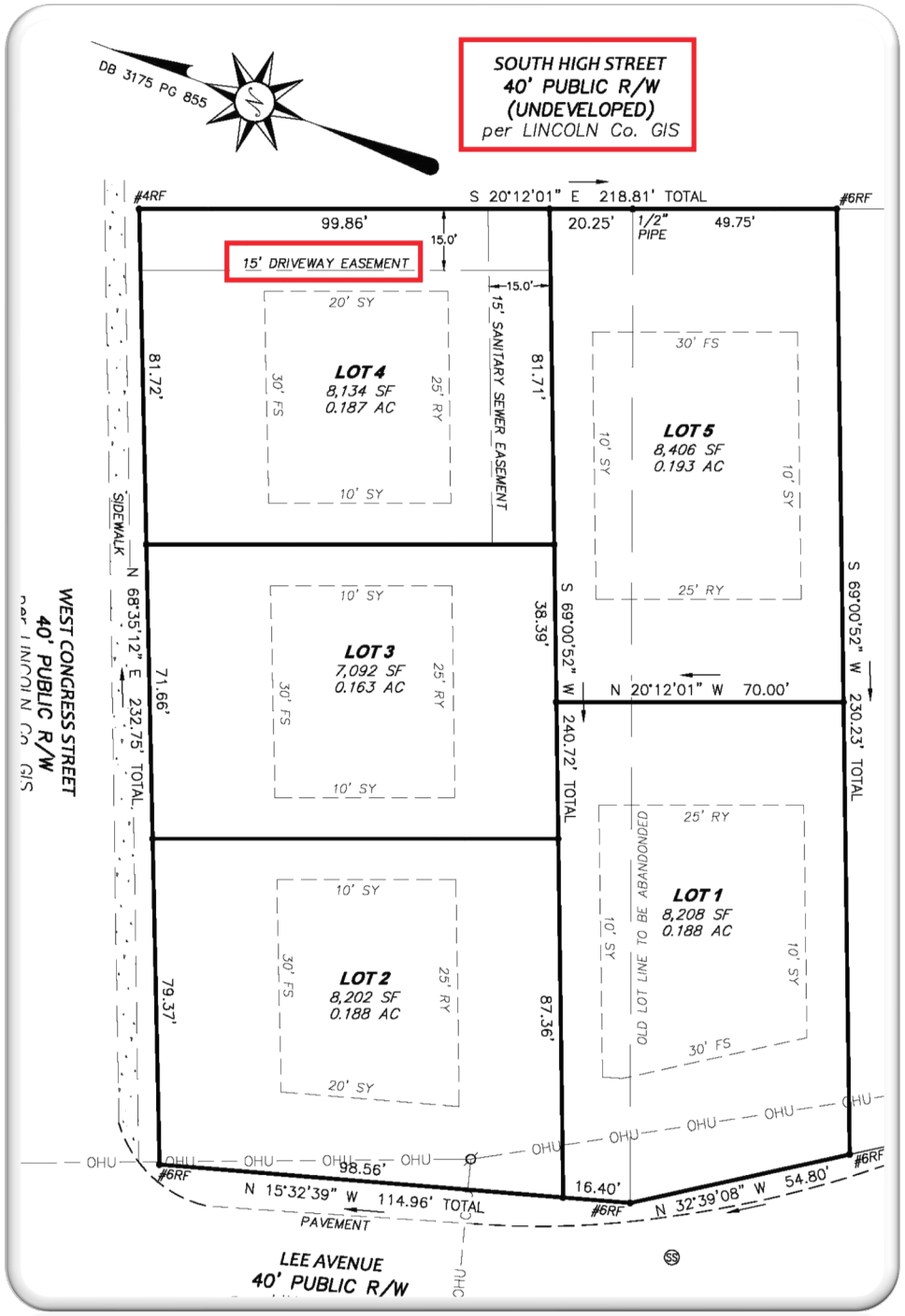


Street View – West Congress St & South High St



Street View – End of South High Street





PROPOSAL

(provided by the applicant)

A variance for the creation of a residential lot – identified as Lot 5 on the submitted subdivision plat – that does not have frontage on a dedicated street but will be served by a 15-foot private access easement.

RELEVANT UDO REQUIREMENTS

§ 153.050 LOT TO ABUT A DEDICATED STREET

No lots may be created after the effective date of this chapter that do not have at least 35 feet of dedicated street right-of-way frontage, except as follows.

(A) A lot not having 35 feet of dedicated street right-of-way frontage may be created if located entirely within a planned shopping center or office park.

(B) A one-family residence may be constructed on a lot which existed at the effective date of this chapter which does not abut a dedicated street right-of-way provided the lot is given access to a dedicated street by an easement at least 12 feet in width for the use of the dwelling established on the lot and further provided that the easement is maintained in a condition passable for automobiles and service and emergency vehicles. This easement may not be extended to provide access to any other lots or to any other residence not having frontage on a dedicated street.

RELEVANT UDO REQUIREMENTS

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

- **Minimum lot size** - Single-family dwelling: 6,000 square feet, two-family dwellings: 12,000 square feet
- **Minimum front yard setback** (as measured from the edge of the street right-of-way line) - All residential uses: 30 feet
- **Minimum side yard setback** (an additional ten feet shall be provided on all side yards which abut a public street) - All residential uses: 10 feet
- **Minimum rear yard setback** - All uses: 25 feet
- **Maximum building height** - All uses: 35 feet
- **Minimum lot width** - Single-family dwelling and family care home: 70 feet at front yard setback; 35 feet at street right-of-way. Two-family dwelling: 80 feet at front yard setback; 35 feet at street right-of-way.

STAFF COMMENTS

- Based on the lot square footage and lot width shown, the lots will only be able to be used for single-family homes.
- With the driveway easement placement for Lot 5 located on Lot 4, where will the driveway be located for Lot 4?

FROM THE APPLICANT:

Explain why this variance is needed:

This variance is needed to allow for the full and reasonable use of the property in a manner consistent with the goals of the R-8 zoning district and the City of Lincolnton's broader housing and development objectives. The subject parcels contain over 40,000 square feet—sufficient to support six residential lots under current zoning standards. However, the proposed subdivision includes only five lots to promote quality design and livability. One of these lots (Lot 5) lacks frontage on a dedicated public street due to the property's unique configuration and the limited development potential of South High Street, despite its inclusion of public utilities.

The applicant made a genuine effort to reconfigure the site in a way that would eliminate the need for a variance by utilizing frontages along West Congress Street and Lee Avenue. However, that alternate layout fell just short of compliance, missing required R-8 setbacks by approximately five feet—demonstrating that the request is not due to overreaching design but rather to minimal and site-specific constraints.

Without this variance, a conforming and buildable lot would be rendered undevelopable based solely on the lack of public street frontage—even though it will have safe and functional access via a 15-foot private easement and full connection to public infrastructure. This would diminish the viability of the overall subdivision, reduce attainable housing supply, and discourage reinvestment in an area well suited for residential infill.

Granting the variance allows for a practical and responsible solution that balances ordinance intent with the real-world conditions of the site, ultimately supporting compact growth, housing affordability, and efficient land use.

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.

Strict application of the ordinance would prevent the creation of a conforming residential lot—Lot 5—solely because it lacks frontage on a dedicated public street, despite having a functional 15-foot private access easement and adjacency to existing public utilities. This would render a significant portion of the site unusable for residential development, even though it meets or exceeds all other dimensional and infrastructure requirements of the R-8 zoning district.

As a result, the City of Lincolnton would lose the opportunity to add a new, high-quality, attainable home within close proximity to its downtown core—contradicting broader planning goals around infill development and housing accessibility. The hardship lies not in the physical development itself, but in the technical interpretation of frontage, which in this case serves no substantial public interest given the lot's adequate access and utility service.

This rigid application would create an unnecessary barrier to responsible, context-sensitive development and reduce the overall viability of the subdivision plan, which already proposes fewer lots than the zoning would otherwise permit.

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 hardship is peculiar to the property due to its unique configuration, multiple frontages, and the unusual presence of public utilities in an undeveloped right-of-way. The property is bounded by three streets—Lee Avenue, West Congress Street, and South High Street—limiting internal access options and creating a constrained layout uncommon in standard subdivision design.

While South High Street is platted as a public right-of-way and contains public water and sewer lines, it is unlikely to ever be formally developed as a functioning street. This leaves a portion of the site—specifically Lot 5—without traditional frontage on a dedicated public road, despite being adjacent to infrastructure that typically supports public access.

This combination of factors—existing utility service without street construction, triple-frontage limitations, and the site's overall shape—results in a condition that is not shared by other properties in the area and directly impacts the applicant's ability to utilize the land in a manner consistent with the zoning district's intent.

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 hardship was not created by the applicant or property owner but is instead a product of the property's historical configuration and the surrounding public infrastructure. The lot in question has existed in its current form prior to the applicant's involvement and is uniquely constrained by its irregular shape and frontage along three existing public rights-of-way—Lee Avenue, West Congress Street, and South High Street.

Although South High Street is not currently developed as a public roadway, it contains existing public water and sewer infrastructure, suggesting it was originally intended for future use. This creates a unique condition in which the property has the physical indicators of public accessibility without the formal classification of a dedicated street frontage.

The applicant is working within these inherited limitations and is proposing a reasonable solution that maintains all required access and services via a dedicated private easement. Therefore, the circumstances necessitating this variance are inherent to the site and not the result of any action or decision by the applicant or owner.

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 spirit and purpose of the ordinance are to ensure orderly development, provide adequate access and infrastructure, and promote the general welfare of the community. This request aligns with that intent by facilitating the creation of high-quality, attainable housing within walking distance to downtown Lincolnton—supporting infill development and smart growth principles.

Though the lot in question does not front a public street, the 15-foot private access easement ensures that emergency access, utility service, and general ingress/egress needs are fully met, preserving public safety. Additionally, the proposed subdivision reduces density below what the zoning allows—5 lots on land that could yield 6—demonstrating a thoughtful and measured approach that upholds the ordinance's goals while allowing for flexibility where warranted.

This variance helps achieve substantial justice by allowing the property to be used reasonably and responsibly, in a way that benefits the broader community without compromising health, safety, or the integrity of the neighborhood.

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.

BOA-7-2025

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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

- Briefly explain what variance you're seeking (e.g., reduced setbacks, lot size requirements, etc.).

The applicant is requesting a variance from Section 153.050 of the Unified Development Ordinance, which requires all lots to abut a dedicated public street. The variance would allow for the creation of a residential lot—identified as Lot 5 on the submitted subdivision plat—that does not have frontage on a dedicated street but will be served by a 15-foot private access easement. This lot is part of a thoughtfully designed 5-lot minor subdivision on two parcels totaling over 40,000 square feet in the R-8 zoning district. The proposed development complies with all other dimensional and infrastructure standards and is intended to deliver quality, attainable housing within walking distance of downtown Lincolnton. This variance is essential to make full, responsible use of the site and to support the City's goals for infill development, housing diversity, and efficient land use in urban neighborhoods.

2. Applicant Information

- **Name: Olympia & Wright LLC**
- **Address: 1800 Camden Road, Suite 107-18**
- **City, State, Zip: Charlotte, NC 28203**
- **Phone: 336.428.0230**
- **Email: andrew@owhomes.com**

3. Property Owner Information (if different from applicant)

- **Name:**
- **Address:**
- **City, State, Zip:**
- **Phone:**
- **Email:**

4. Property Location and Description

- **Property Address: Lee Ave, West Congress St, & South High St, Lincolnton, NC 28092**
- **Tax Parcel Number (5-digit): 54899 & 54898**
- **Current Zoning Classification: R-8**

You'll also need to attach a **site sketch** showing lot dimensions, structures, setbacks, and any relevant features like water bodies or trees.

- Recent boundary survey and preliminary minor subdivision plat are attached for reference. This variance request only applies to Lot 5 shown on the preliminary minor subdivision plat.

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5. Variance Request Description

- **Section(s) of UDO you're requesting relief from: 153.050**

Explain why this variance is needed:

This variance is needed to allow for the full and reasonable use of the property in a manner consistent with the goals of the R-8 zoning district and the City of Lincolnton's broader housing and development objectives. The subject parcels contain over 40,000 square feet—sufficient to support six residential lots under current zoning standards. However, the proposed subdivision includes only five lots to promote quality design and livability. One of these lots (Lot 5) lacks frontage on a dedicated public street due to the property's unique configuration and the limited development potential of South High Street, despite its inclusion of public utilities.

The applicant made a genuine effort to reconfigure the site in a way that would eliminate the need for a variance by utilizing frontages along West Congress Street and Lee Avenue. However, that alternate layout fell just short of compliance, missing required R-8 setbacks by approximately five feet—demonstrating that the request is not due to overreaching design but rather to minimal and site-specific constraints.

Without this variance, a conforming and buildable lot would be rendered undevelopable based solely on the lack of public street frontage—even though it will have safe and functional access via a 15-foot private easement and full connection to public infrastructure. This would diminish the viability of the overall subdivision, reduce attainable housing supply, and discourage reinvestment in an area well suited for residential infill.

Granting the variance allows for a practical and responsible solution that balances ordinance intent with the real-world conditions of the site, ultimately supporting compact growth, housing affordability, and efficient land use.

6. Findings of Fact

Provide brief responses to each required justification:

1) What unnecessary hardship would result from the strict application of the ordinance?

Strict application of the ordinance would prevent the creation of a conforming residential lot—Lot 5—solely because it lacks frontage on a dedicated public street, despite having a functional 15-foot private access easement and adjacency to existing public utilities. This would render a significant portion of the site unusable for residential development, even though it meets or exceeds all other dimensional and infrastructure requirements of the R-8 zoning district.

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This rigid application would create an unnecessary barrier to responsible, context-sensitive development and reduce the overall viability of the subdivision plan, which already proposes fewer lots than the zoning would otherwise permit.

2) How is the hardship peculiar to the property (e.g., topography, size, location)?

The hardship is peculiar to the property due to its unique configuration, multiple frontages, and the unusual presence of public utilities in an undeveloped right-of-way. The property is bounded by three streets—Lee Avenue, West Congress Street, and South High Street—limiting internal access options and creating a constrained layout uncommon in standard subdivision design.

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This combination of factors—existing utility service without street construction, triple-frontage limitations, and the site's overall shape—results in a condition that is not shared by other properties in the area and directly impacts the applicant's ability to utilize the land in a manner consistent with the zoning district's intent.

3) How was the hardship not caused by the applicant or owner?

The hardship was not created by the applicant or property owner but is instead a product of the property's historical configuration and the surrounding public infrastructure. The lot in question has existed in its current form prior to the applicant's involvement and is uniquely constrained by

its irregular shape and frontage along three existing public rights-of-way—Lee Avenue, West Congress Street, and South High Street.

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4) How is the requested variance consistent with the spirit and purpose of the ordinance?

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Signatures

Andrew Balogh 5.19.2025

Applicant Date

Property Owner, If Different From Applicant Date

5-20-2025

Planning Staff Date