Lincolnton NC

Near the City. Near the Mountains. Near Perfect.

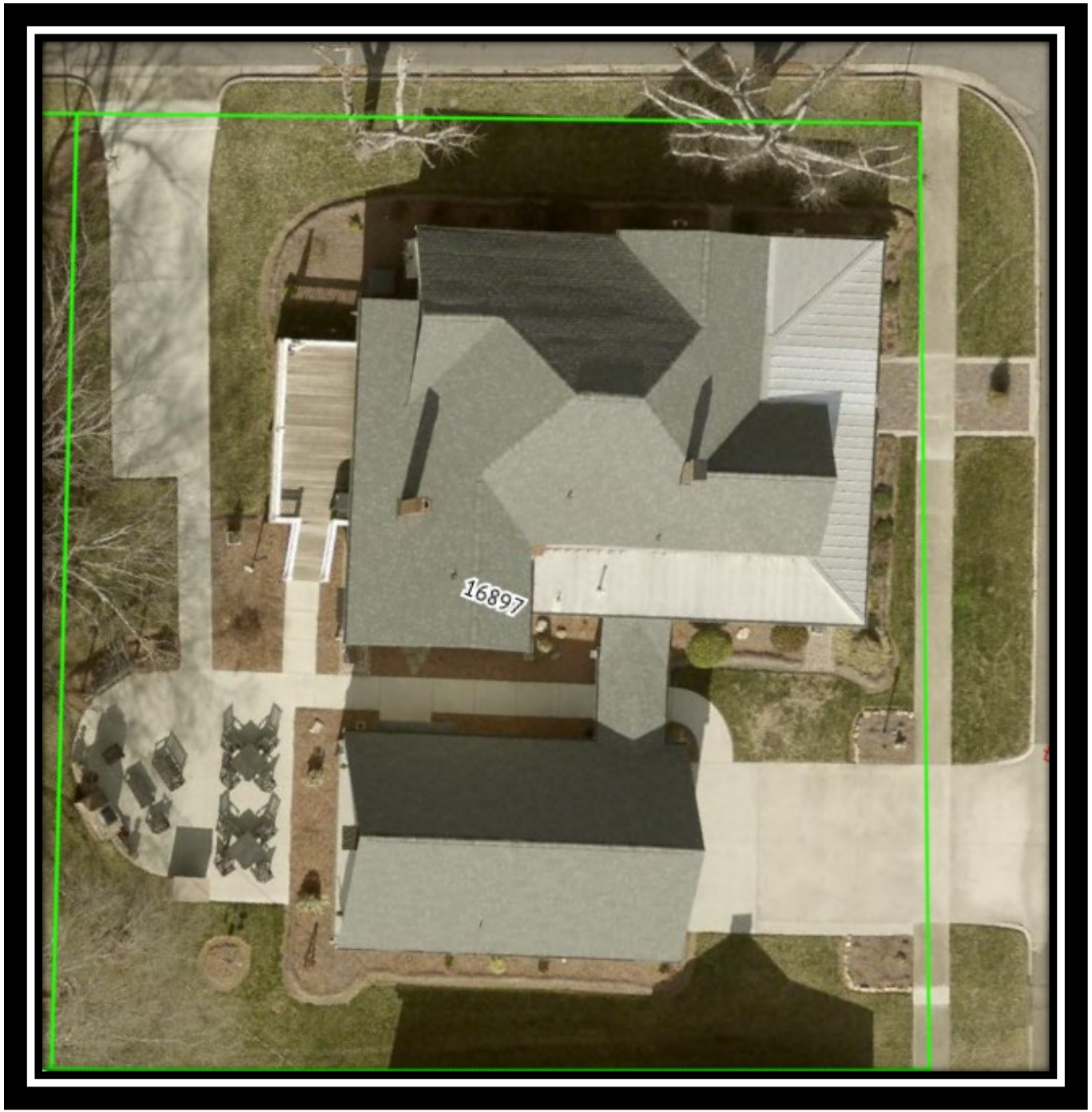
April 21, 2026

BOA-2-2026

Application from Alan and Susan Hutcherson requesting a variance of UDO Section 153.057 Accessory Structures in regard to setback requirements and size limitations for accessory buildings within residential districts.

If approved, a 16 foot; x 30 foot carport would be constructed that would be eight (8) feet off the rear property line and 20 feet from East Pine Street.

The subject property is located at 215 North Oak Street (Parcel ID 16897).



Details:

- **Applicant:** Alan & Susan Hutcherson
- **Property Location:** 215 N Oak St, PID 16897
- **Property Size:** Per GIS .282 acres or 12,284 sq ft
- **Zoning:** R-10 Single-Family Medium Density Residential District.

History:

- Permit issued March 1, 2021, for a 24’ x 48’ garage totaling 1,152 sq feet.
  - GIS shows this as 24’ x40’, totaling 960 sq ft
- 1,385 sq feet was the maximum allowed for accessory structures for this property.

Street View – 215 N Oak St



Street View – Corner of N Oak St & E Pine St

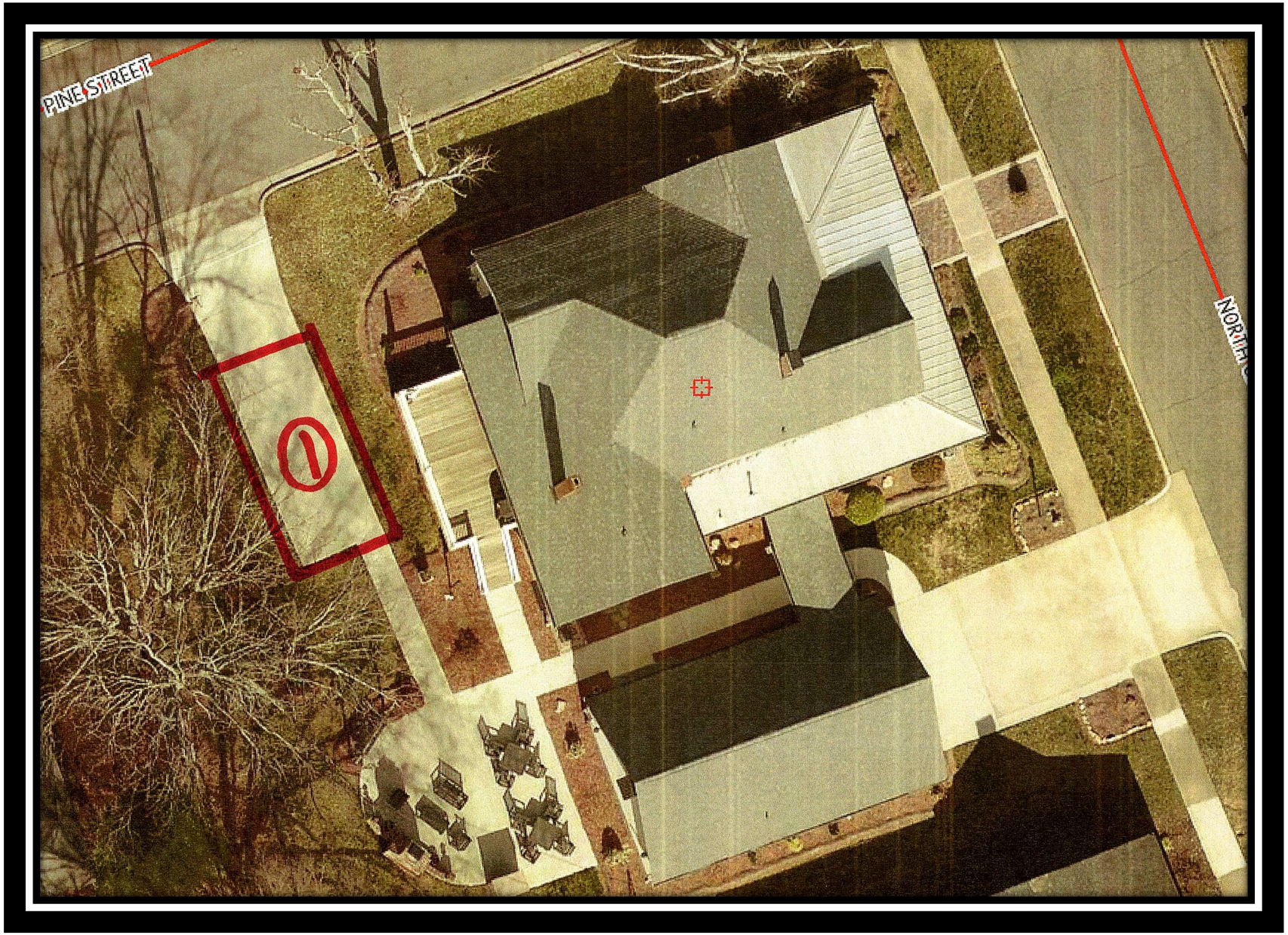


Street View – E Pine St



Proposal:

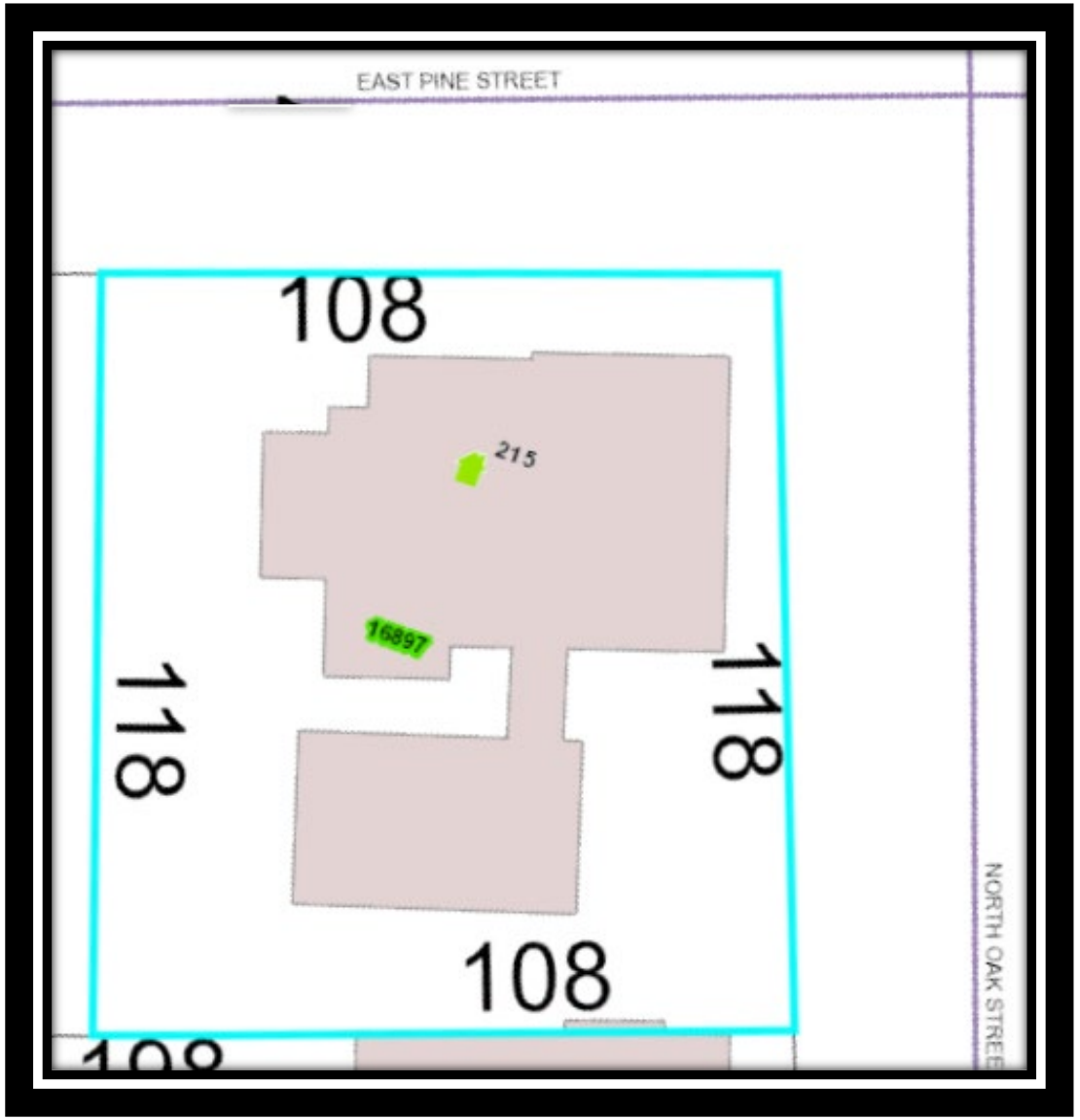
- Location of desired covered parking over the existing driveway off of Pine Street.
- Estimated size: 16’ x 30’ = 480 sq feet
- Rear Setback – 8 ft
- Side Setback – 20 ft



Relevant UDO Requirements

§ 153.057 ACCESSORY STRUCTURES

- ✓ **Minimum side yard setback -** 10 feet
- X **Minimum rear yard setback** - 10 feet
  - ❖ Proposed setback – 8 feet
- ✓ **Maximum building height** - not to exceed principal structure
- X **Total maximum square footage for all accessory structures** – 30% of the required rear yard area.
  Maximum allowed – 1,385 sq ft
  - ❖ Proposed total – 1,440 sq ft (exceeds by 55 sq ft)



Summary:

This proposal would encroach two feet into the rear setback and exceed the allowed square footage for accessory structures by 55 sq ft.

Findings of Fact by 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 a variance, no reasonable use can be made of the property.

Not having the additional carport, and associated increase in permitted square footage to 1,440, will cause unreasonable burden as follows:

1. Not covering the existing driveway with a carport will make it a difficult and unfair use of our 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 of granting a variance.

   The photo in the Variance Application shows the existing driveway and not covering with the requested carport would block reasonable use of the driveway.

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.

   We are the current property owners. This slight variance will allow for our additional desired covered parking.

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.

Also, having the carport as requested:

1. Will not go against the overall purpose of zoning, and will not hurt our neighbors or create safety issues.
2. Will be consent with the principal structure design of lap siding and architectural singles.
3. Will not block light or views of neighbors, nor will it be higher than the existing principal structure.

BOA-2-2026

Lincolnton NC
Near the City. Near the Mountains. Near Perfect.

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

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

pd ck# 7917

Application for Variance

Description of request: SEE ATTACHED

Applicant information:

Name: ALAN AND SUSAN HUTCHERSON

Address: 215 N. OAK ST

City: LINCOLNTON State: NC Zip: 28092

Telephone: 704 661 2621 Email: alanhu.photos@gmail.com

Property owner information (if different from applicant)

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

Property location and description

Address: 215 N. OAK ST, LINCOLNTON NC 28092

Tax parcel no. (five-digit): 16897 Current zoning classification: R-10

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:_____

_____

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

SEE ATTACHED

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):

SEE ATTACHED

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):

SEE ATTACHED

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):

SEE ATTACHED

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):

SEE ATTACHED

Signatures

3/5/24

Applicant Date

Property Owner, If Different From Applicant Date

Jean Berry 3/5/24

Planning Staff Date

Application for Variance
Alan and Susan Hutcherson
215 N Oak St
Lincolnton, NC 28092
Parcel ID 16897

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

1. The desired covered parking will be approximately 20 feet from Pine Street side of the parcel.
2. The desired covered parking will be approximately 8 feet from the back (rear) of the parcel.
3. Additional covered area on the parcel will be approximately 16 feet by 30 feet or 480 square feet.

This variance will allow us to put a covered parking area over the existing concrete drive in the back of the house, accessed from Pine Street. The covered parking will be frame built with shingles matching the existing house. It is important to note that the Pine Street edge of the planned covered parking will not encroach on Pine Street any further than the existing house, as keeping in line with the home will look more natural for the overall lot design. Our plan is to cover a portion of the existing concrete drive with covered parking of approximately 16 feet by 30 feet or 480 square feet. See attached sketch.

Request for Variance Finding Questions:

1. We would not be subject to unnecessary hardship. With the existing home being built in the 1920's it is already outside of the existing zoning setbacks. This slight variance will allow for our additional desired covered parking.

2. As noted above, the home being built in the 1920's is not reflective of current zoning and setbacks. This slight variance will allow for our additional desired covered parking.

3. We are the current property owners. This slight variance will allow for our additional desired covered parking.

4. As noted above, our overall purpose is to obtain a variance that allows for additional desired covered parking.

Hutcherson Variance – Amendment
215 N. Oak St, Lincolnton, NC 28092

We are writing to amend to our original Variance Request.

Our original Variance Request needed relief from the rear setback. In addition to the rear setback relief, we are also requesting a variance for the total area of all accessory structures. Our previous permit allowed 1,380 square feet for accessary structures, but adding the carport will increase this to 1,440 square feet.

Not having the additional carport, and associated increase in permitted square footage to 1,440, will cause unreasonable burden as follows:

1. Not covering the existing driveway with a carport will make it a difficult and unfair use of our property.
2. The photo in the Variance Application shows the existing driveway and not covering with the requested carport would block reasonable use of the driveway.

Also, having the carport as requested:

1. Will not go against the overall purpose of zoning, and will not hurt our neighbors or create safety issues.
2. Will be consent with the principal structure design of lap siding and architectural singles.
3. Will not block light or views of neighbors, nor will it be higher than the existing principal structure.

Please let me know if you have any questions.

For reference:

§ 153.057 ACCESSORY STRUCTURES.

(3) Accessory structures are allowed in any rear yard provided that all accessory structures observe a 10 foot setback from any rear lot line.

(B) On any lot containing a principal residential use, the aggregate area of all accessory structures (excluding barns, farm-related structures and satellite dish antennas) shall not cover more than 30% of the required rear yard nor exceed the height of the principal building. All lots, however, shall be allowed to have an accessory garage of no greater than 500 square feet provided that the garage:

① Location of desired covered parking over existing driveway off of Pine Street (side). Estimated size is 16'x30'.

