Lincolnton NC

Near the City. Near the Mountains. Near Perfect.

BOA-1-2025

Application from Jerry Fletcher requesting a variance of Section 153.055 of the Unified Development Ordinance (RELIEF OF FRONT YARD SETBACK FOR CERTAIN DWELLING).

If approved, would allow for the construction of a new dwelling to line up with the two homes on both sides, which would be up to the street right-of-way boundary and not meet the required 15-foot setback.

The subject property is located at 627 West Main Street Ext. (Parcel ID 105900)

DETAILS:

- Applicant: Jerry Fletcher - Fletchco Enterprises, Inc
- Property Location – 627 W Main St Ext
- Current Zoning – Residential-10 (R-10)
- Property Size - 0.878 acres
- Current Use of Property – Vacant
- Adjacent Properties – Single Family Residential



Street View



Site View



RELEVANT UDO REQUIREMENTS

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

- All principal uses listed as permitted uses in division (A) above: 35 feet.

§ 153.055 RELIEF OF FRONT YARD SETBACK FOR CERTAIN DWELLINGS.

- The front yard requirements of this chapter for dwellings shall not apply to any lot where the average setback of existing buildings located wholly or partially within 100 feet on either side of the proposed dwelling and on the same side of the street in the same block and use district as the lot is less than the minimum required front yard depth. In that case, the front yard on those lots may be less than the required front yard but not less than the average of the existing front yard on the aforementioned lots, or a distance of 15 feet from the edge of the street right-of-way, whichever is greater.

BACKGROUND INFORMATION

- Although the street is only 17 feet wide, West Water St Ext observes a 90-foot right-of-way. (Front setbacks are measured from the edge of the street right-of-way.)
  - For reference: NCDOT requires 45 feet for local subdivision roads. Collector roads require 50 feet; five-lane highways require 80 feet and cul-de-sacs must have a 50-foot right-of-way radius.

- The majority of the homes on the same side of the street are on or over the right-of-way line.

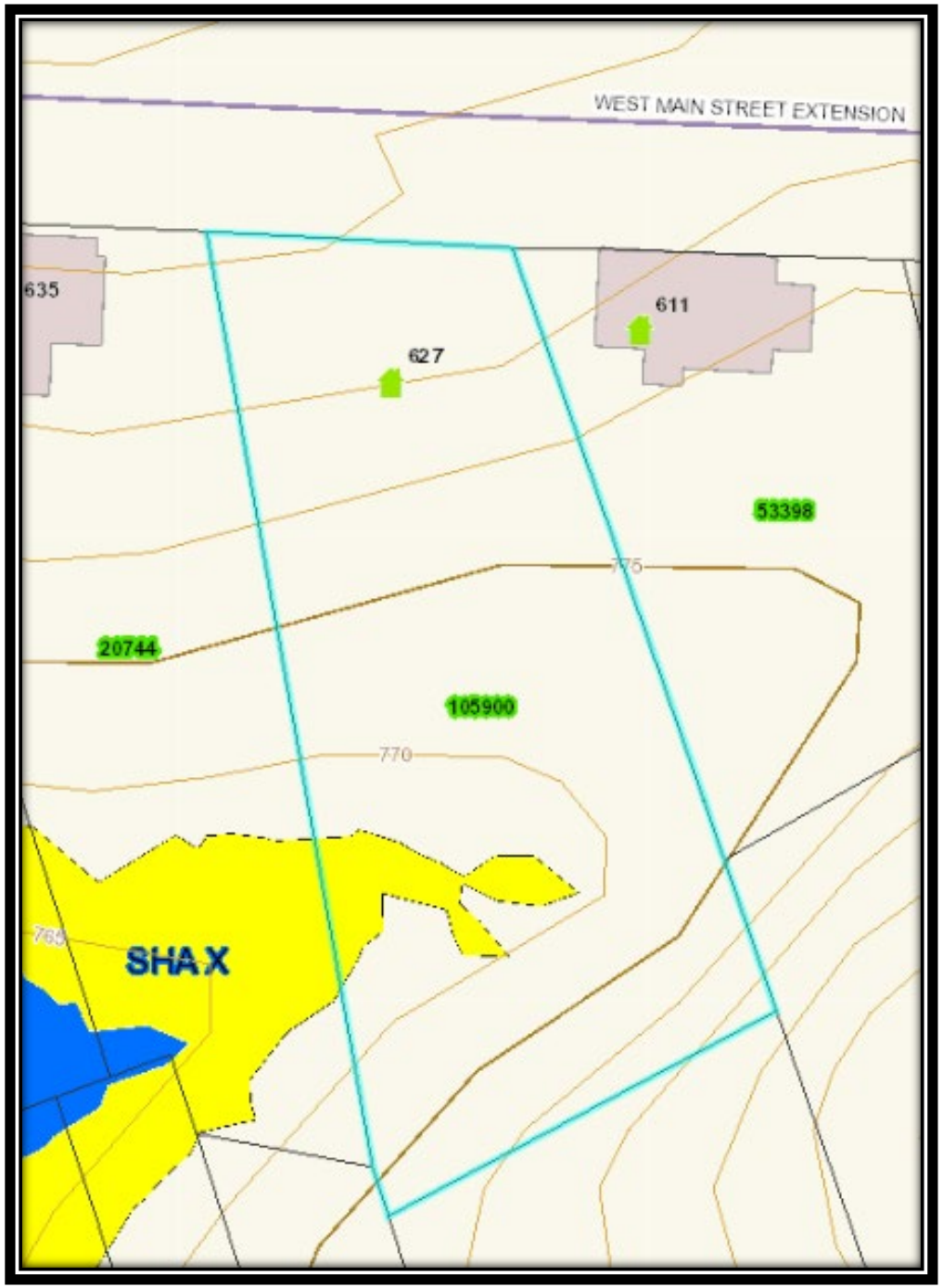
- The property owner received a Single-Family New Construction Permit in December using § 153.055 to allow for a front setback of 15 feet.


WEST MAIN STREET EXTENSION
731
727
721
715
709
703
701
635
22146
17970
WEST MAIN STREET EXTENSION
731
727
721
715
709
703
701
635
22146
17970

SITE

POTENTIAL CHALLENGES:

- Topography – Slope
- Flood area



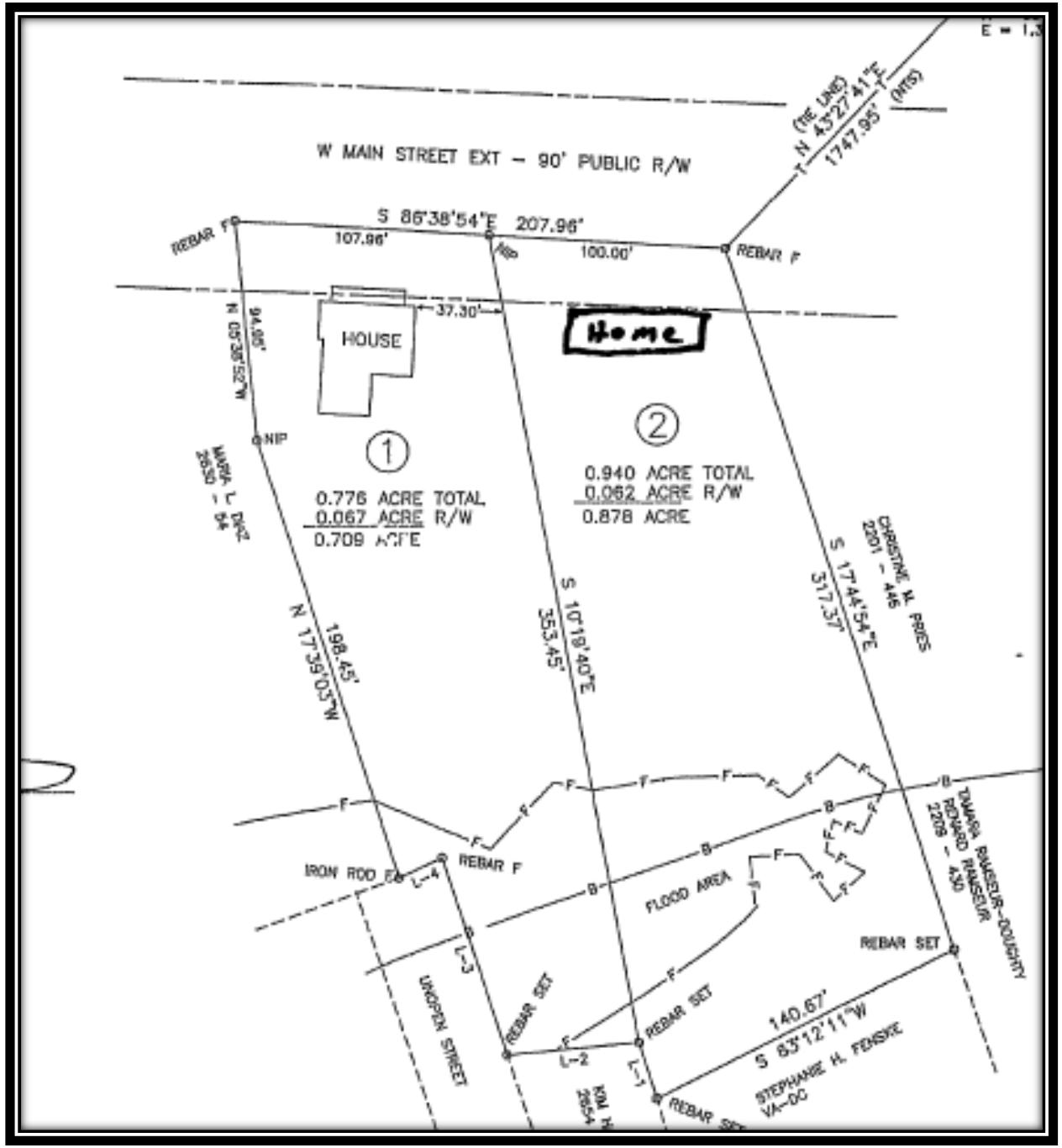
SKETCH

The property owner's proposed location shows the front of the home up to the street right-of-way.

DESCRIPTION

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

"Like to line up new home even with two homes on both side of property. I think it will look better in line rather than staggering them. And only asking for 15 feet or up to the right of way even with other homes on street.



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 hardship is having home 15ft back will (require) a longer driveway and much more grading and would look better in line with the other homes on the street."

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 lot has a drop off or sloping as going to the back of lot. If I can move the home up I would have less slope in the backyard."

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 90 ft right of way is very large and unreasonable compared to other streets of 40 & 45 feet. Being most homes on street is up to right of way line."

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 safety issue from having home placed up to right of way."

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-1-2025

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Application for Variance

Description of Request:

Asking For a variance or Relief OF SetBack on the FrontOF Property to Line uP Home with the Two Homes on Both sides. To go uP to the Right away.

Applicant information:

Name: Jerry Fletcher - Fletcher Enterprise inc.

Address: 107 Grayland RD

City: Mooresville State: NC Zip: 28115

Telephone: 704-458-9542 Email: JPros@Hotmail.com

Property owner information (if different from applicant)

Name: same

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

Property location and description

Address: 627 W. Main St Ext.

Tax parcel no. (five-digit): 105900 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: 153.055 Relief of front yard setback & 153.107 R-10

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

Like to line up new Home even with Two Homes on both side of Property. I think it will look better in Line Rather than Staggering them. And Only Asking For 15 Feet or up to Right of way even with other Homes on Street.

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 HarDship is Having Home 15Ft Back will a louger Drive way & Much more graDing AnD woulD LookBetter inLine with Other Homes on Street.

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):

The Lot Has a DroP oFF or SloPing as going to BackoF Lot iF I can Move Home up woulD Have Less Slope in Back 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 90 Ft Rightaway is very Large anD unreasonable ComPareD to other Streets oF 40+45 Foot. Being MoSt Homes on Street is up to Rightaway Line.

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):

NO SAFtey issue From Having Home PlaceD up to Rightaway.

Signatures

Applicant — Date: 12-10-24

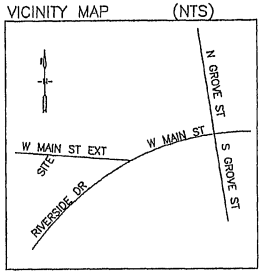
same

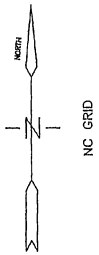
Property Owner, If Different From Applicant — Date

Zoning Administrator — Date: 12-10-24

Applications, plat and/or drawings may be returned by mail, email or in person to:
City of Lincolnton Planning Department
114 West Sycamore Street (PO BOX 617) Lincolnton, NC 28093
Email: zoningpermits@lincolntonnc.org
Phone: 704-736-8930
Office Hours: Monday-Thursday – 8:30 a.m. to 5:00 p.m.

VICINITY MAP (NTS)





Watershed Certificate

The GELCREW, LLC Subdivision, to the best of my knowledge, lie within the WS-IV of the CATAWBA SOUTH FORK as designated by the North Carolina Division of Environmental Management and as appears on the Watershed Protection Map of Lincoln County.

8-15-22 Date — Mark Carpenter Subdivision Administrator

Certificate of Approval For Recording

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY OF LINCOLNTON, NORTH CAROLINA AND THAT THIS PLAT HAS BEEN APPROVED BY:

CITY OF LINCOLNTON ON 8-15-22

FOR RECORDATION IN THE LINCOLN COUNTY DEEDS OFFICE

Mark Carpenter 8-15-22

SUBDIVISION ADMINISTRATOR DATE

CITY OF LINCOLNTON, NORTH CAROLINA

Certificate of Ownership and Dedication

I hereby certify that I am the owner of the property shown and described hereon, which is located in the Planning Jurisdiction of the City of Lincolnton and that I hereby adopt this plan of Subdivision with my free consent and establish minimum lot size and building setbacks as noted.

Yard Requirements:
Min. Front Setback from Street R/W – 35'
Min. Side Setback – 10'
Min. Rear Setback – 25'

Harry G. Petrey 8-15-22

Owner Date

HARRY G. PETREY FOR GELCREW, LLC.

Lincoln County, State of North Carolina

I, a Notary Public of the county and state aforesaid, certify that Harry G. Petrey owner(s), personally appeared before me this day and acknowledged the execution of the foregoing instrument. WITNESS my hand and official stamp or seal, this 15th day of August, 20 22.

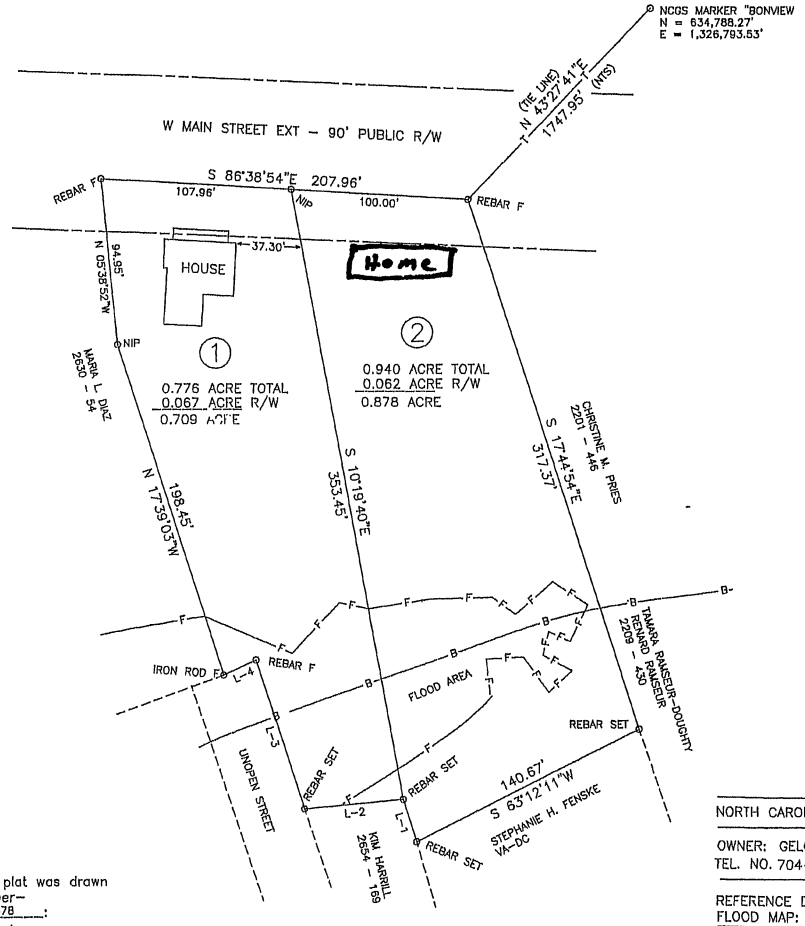
Daphne A. Chapman 2-27-2026

Notary Public Comm. Expires

2-27-26

LEGEND:

EIP	Existing Iron Pin
IRS	Iron Rod Set
R/W	Right of Way
CL	Center Line
NTS	Not To Scale
UP	Utility Pole
P	Porch
IPS	Iron Pipe Set
IPF	Iron Pipe Found
F	FOUND
S	SET
—T—T—	TIE LINE
—B—B—	BRANCH
—F—F—	FLOOD AREA
———	R/W



50 0 50 100 150

GRAPHIC SCALE – FEET

STATE OF NORTH CAROLINA
COUNTY OF Lincoln

I, MARK CARPENTER, Review Officer of Lincoln County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

8-15-22 Date — Mark Carpenter Review Officer

8-08-10-22

This is to certify that this survey creates a subdivision of land within the area of a County or Municipality that has an ordinance that Regulates Parcels of Land, this 05 of JULY 2022

Forest E. Ross Jr.
P. L. S.

I, FOREST E. ROSS, JR., certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book 3089, page 578: etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, page _____; that the ratio of precision as calculated is 1: 10,000 ; that this plat was prepared in accordance with G. S. 47:30 as amended. Witness my original signature, registration number and seal this 05 day of JULY, A.D., 2022.

Forest E. Ross Jr.
Surveyor

L – 3720
Registration Number

NORTH CAROLINA PROFESSIONAL SEAL L-3720 LAND SURVEYOR FOREST E. ROSS, JR.

COURSE	BEARING	DISTANCE
L-1	N 17°48'12"W	25.00'
L-2	S 84°27'18"W	56.00'
L-3	N 18°04'33"W	88.82'
L-4	S 64°54'46"W	20.24'

BK 22 PG 77 - 77 (1)

This document presented and filed:
08/15/2022 11:51:55 AM
PLAT
Fee $21.00
656401
Lincoln County North Carolina
Danny R. Hester, Register of Deeds

MINOR SUBDIVISION

GELCREW, LLC

NORTH CAROLINA LINCOLN COUNTY LINCOLNTON TOWNSHIP

OWNER: GELCREW, LLC
TEL. NO. 704-460-5064 2540 ARMSTRONG CIRCLE, GASTONIA, N. C. 28054

REFERENCE DEED: BOOK 3089 PAGE 578
FLOOD MAP: SEE BELOW PIN NO. 3623-53-5334

TOTAL ACRES 1.716 OUTPARCEL ACRES WATERSHED: WS-IV
NO. LOTS CREATED: PROPOSED USE: RESIDENTIAL
ZONED: R-10 SCALE: ONE INCH = 50 FEET

ZONING SETBACKS: FRONT 35' FROM ROAD R/W: REAR – 25' : SIDES – 10'
10' RESERVED ON ALL SIDE LINES, REAR, AND ROAD R/W FOR DRAINAGE & UTILITIES

DATE OF SURVEY: 06-21-2022 PLAT PREPARED ON: 06-23-2022
ROSS SURVEYS, PA: GENE ROSS PROFESSIONAL SURVEYOR # L-855
FOREST E. ROSS, JR. PROFESSIONAL SURVEYOR L-3720
1181 WEST HWY. 27, LINCOLNTON, N. C. 28092 TEL. NO. 704-735-6032
FIRM LICENSE NO. C-4587

FLOOD MAP: X – 3710362300, SHA X – 3710362300, AE – 3710362300 (8/16/2007)

BR 5096