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:

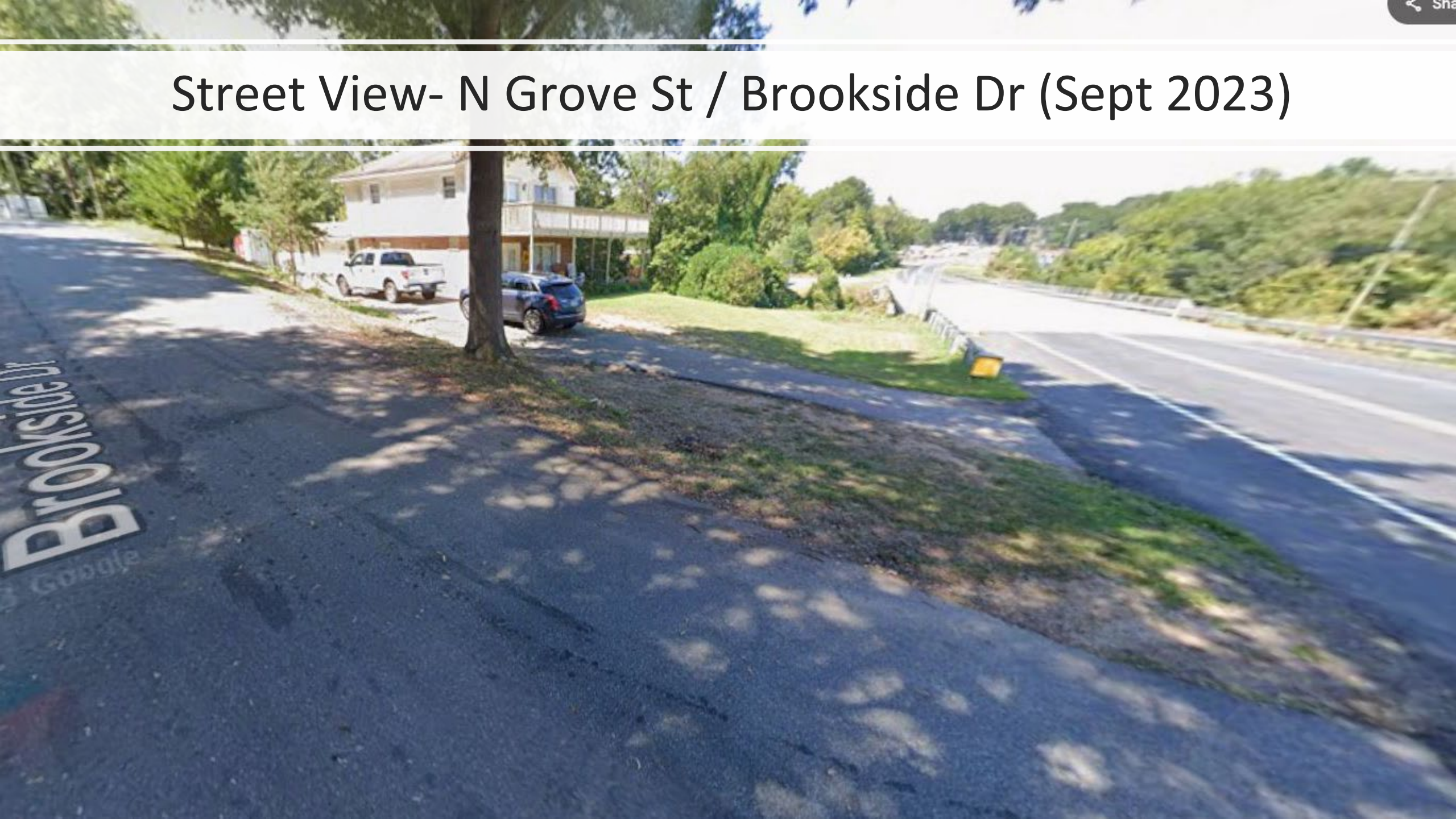
- Applicant: Stanley Stokes
- Property Location – 801 N Grove St
- Current Zoning – Residential-10 (R-10)
- Property Size - 0.709 acres
- Current Use of Property – Single Family Residential (previously a duplex until the use was abandoned)
- Adjacent Properties – Single Family Residential & GMC across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



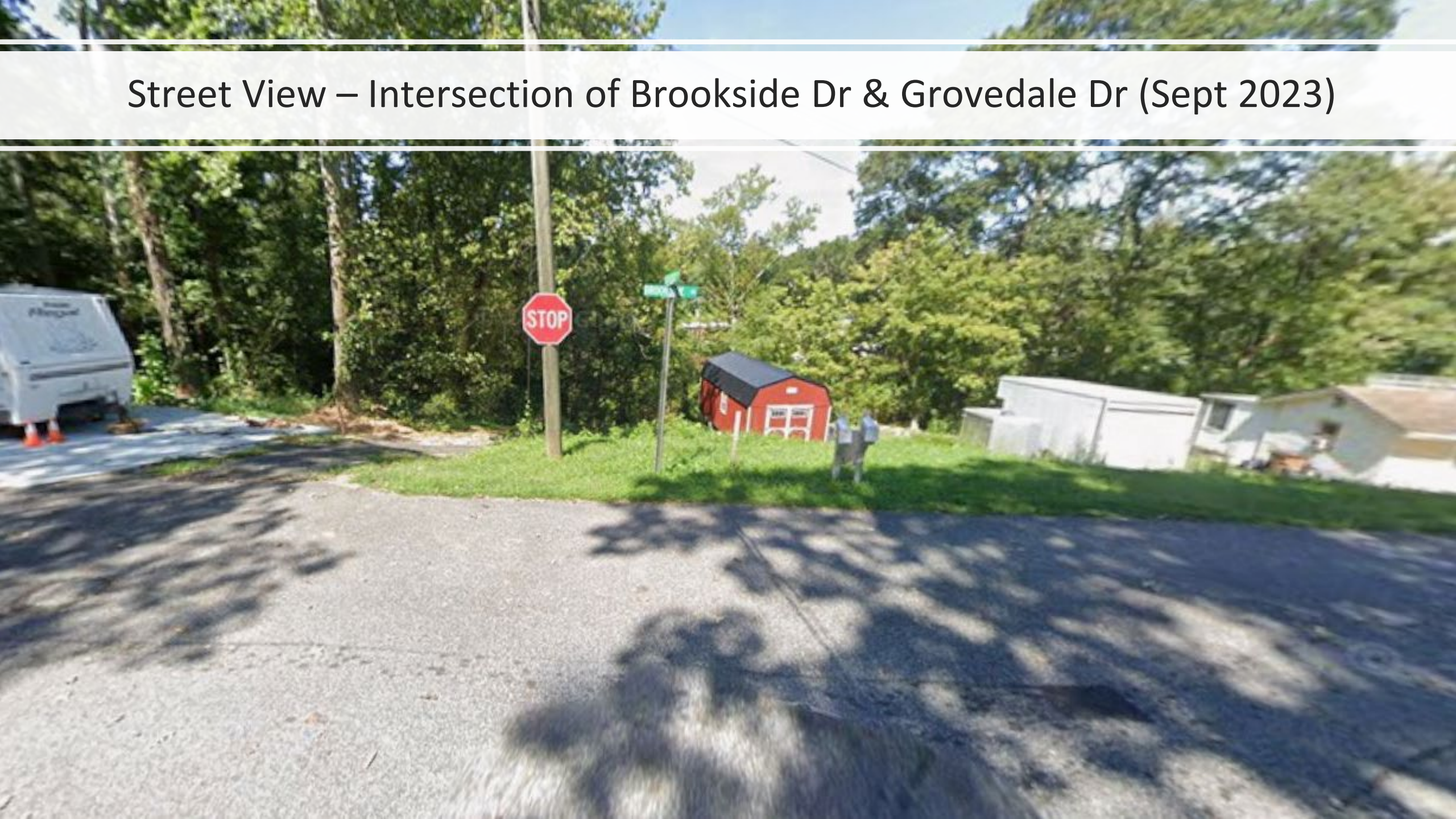
Street View – Brookside Dr (Sept 2023)



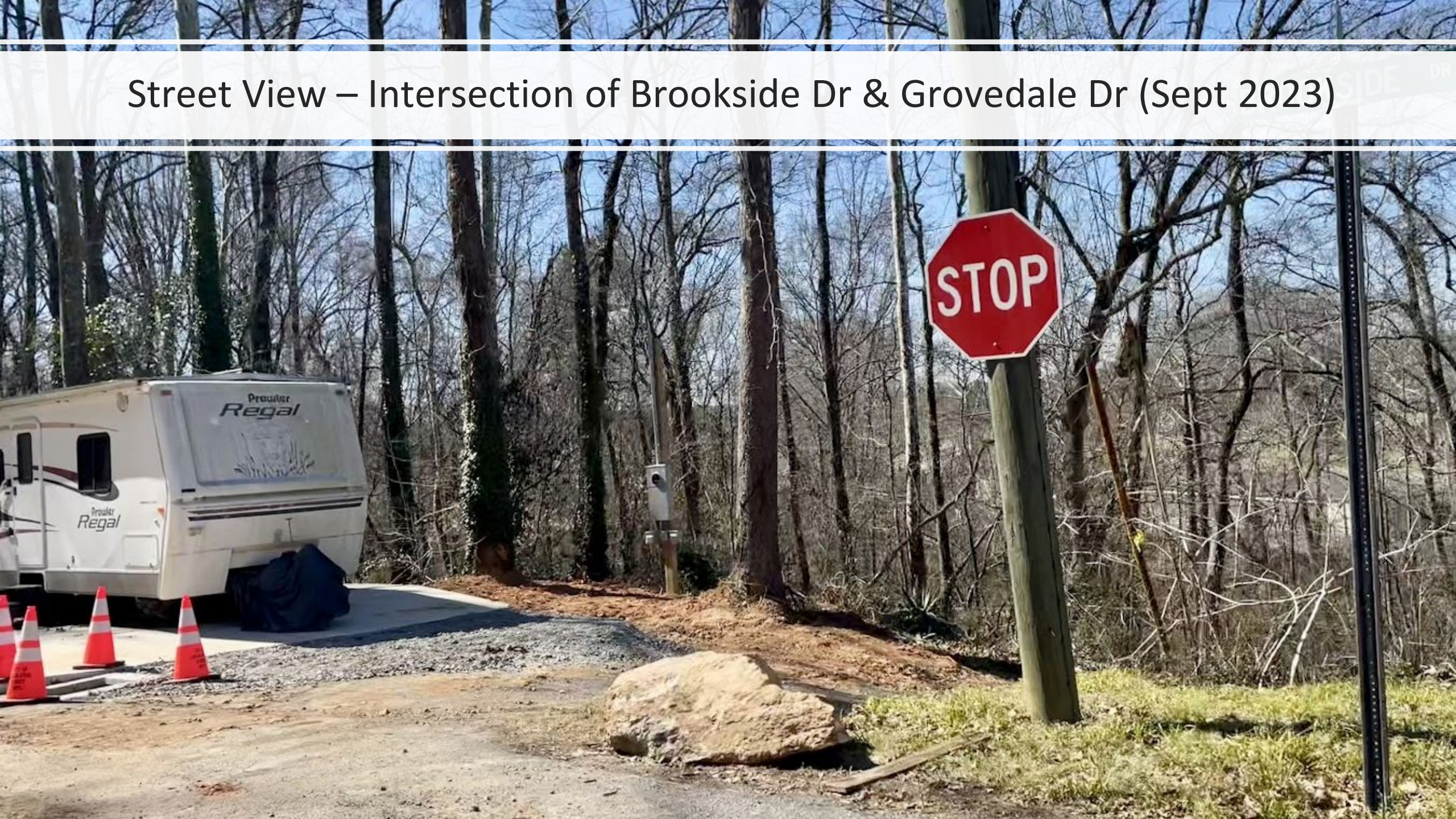
Street View – Brookside Dr



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**

LOT 2:

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

RELEVANT UDO REQUIREMENTS

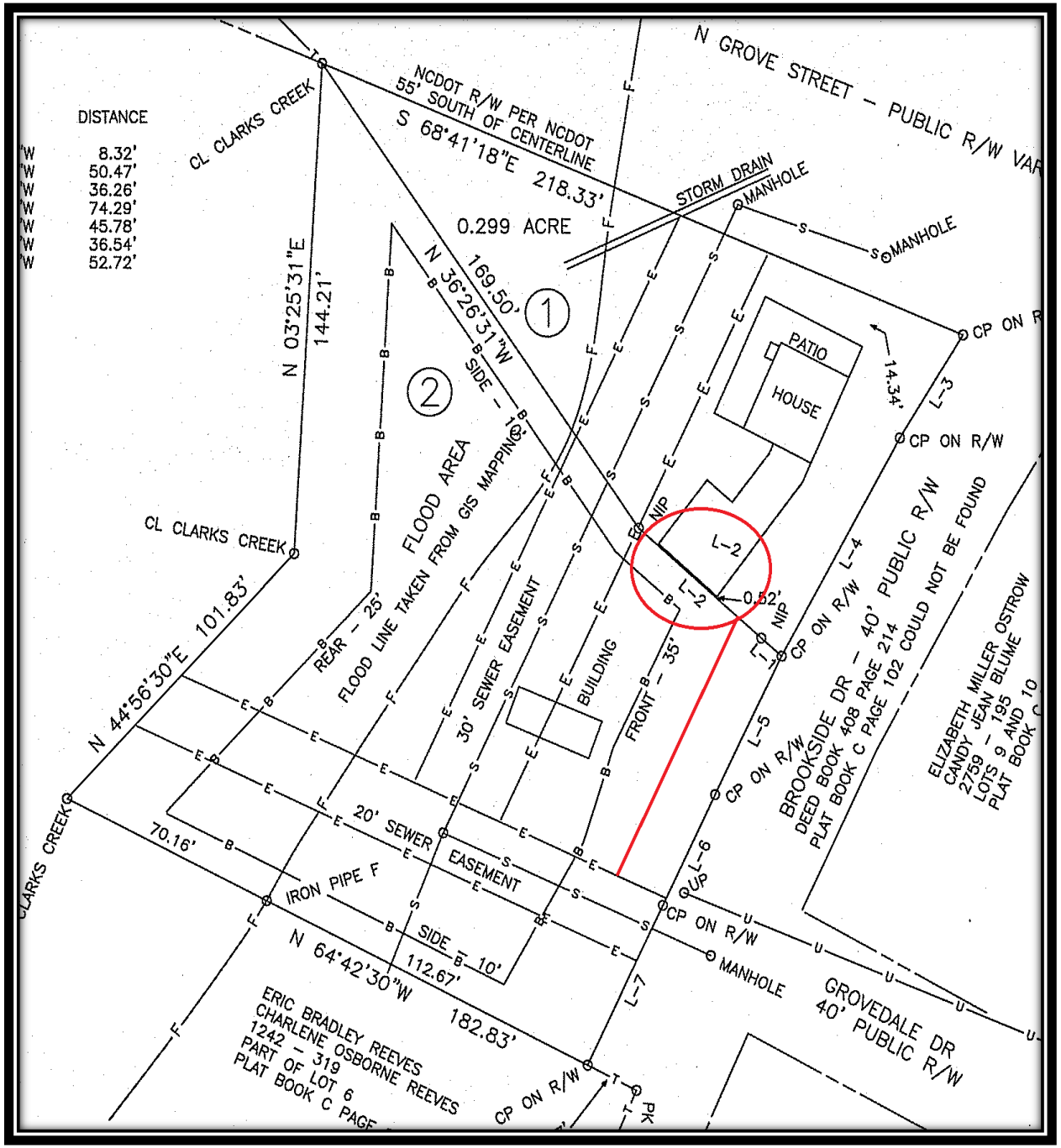
§ 153.107 R-10 SINGLE-FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT.

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 the new property line.



SITE

POTENTIAL CHALLENGES:

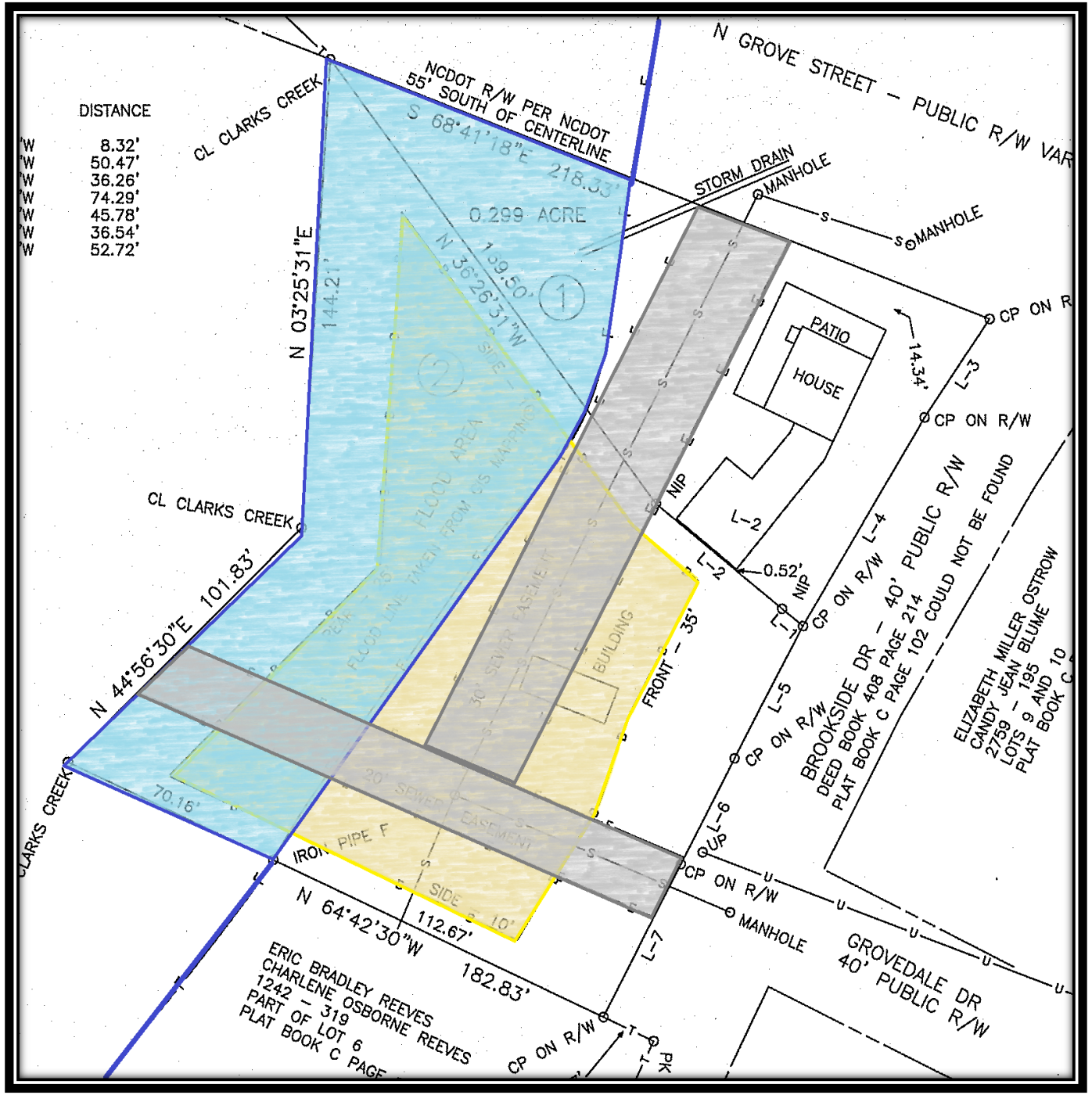
- Flood area
- Existing utility easements
- Property slopes from Brookside Dr

LEGEND:

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

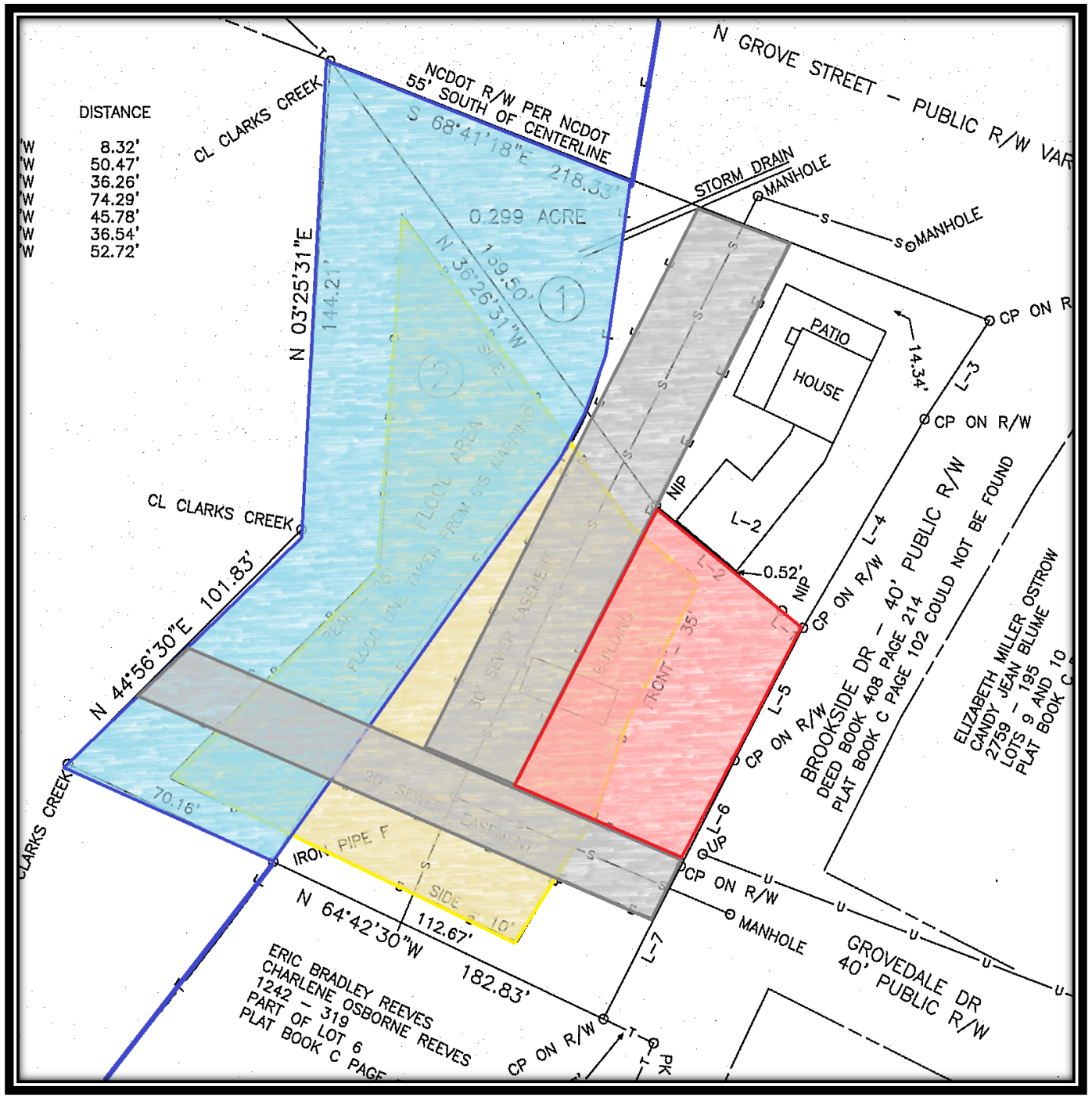
HISTORY:

- 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 a buildable area of approximately 80 feet wide and 60 feet deep (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.

BOA-4-2025

PLANNING DEPARTMENT

Jean Derby – Planning Director
Mark Carpenter – Zoning Administrator
Ashley Jones – Planning Technician

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

TELEPHONE 704-736-8930
FAX 704-736-8939

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

Application for Variance

Description of request: TO SUB DIVIDE LOT ON 801 N GROVE STREET IN ORDER TO BUILD A ONE STORY HOME ON LOT 2 REQUESTING VARIANCE FOR SETBACKS

Applicant information:

Name: STANLEY D STOKES

Address: 801 N Grove ST

City: LINCOLNTON State: N C Zip: 28092

Telephone: 540-974-1262 Email: STAND STOKES @ GMAIL.COM

Property owner information (if different from applicant)

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

Property location and description

Address: 801 N Grove ST Lincolnton N.C. 28092

Tax parcel no. (five-digit): 17036 Current zoning classification: R10

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: SETBACKS

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

LOT 1: VARIANCE FOR EXISTING STRUCTURE TO ENCROACH REAR SETBACK

LOT 2: VARIANCE FOR NEW STRUCTURE TO ENCROACH FRONT SETBACK AND BE IN LINE WITH STRUCTURE ON LOT 1

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 Variance would be necessary to subdivide the Lot. which would enable us to build a one story house on new Lot.

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 Variance is necessary because of the flood plain & utility easement

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):

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

No danger to public safety

Signatures

Stanley D Stokes 02/12/25

Applicant Date

Property Owner, If Different From Applicant Date

2-17-25

Zoning Administrator Date

PAID

FEB 17 2025

Ck# 10034

CITY OF LINCOLNTON

PLANNING & ZONING