Lincolnton NC

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BOA-9-2025

Application from Travis Sinclair and Charles and Gail Little requesting a variance of section 153.106 (B) of the Lincolnton Unified Development Ordinance regarding minimum lot size in the Residential-15 (R-15) District.

The variance would allow a new lot to be created that doesn't meet the minimum lot size requirement of 15,000 square feet in the R-15 District.

The subject properties are located at 911 and 919 East Park Drive (Parcel ID 15838 & 17201).





DETAILS:

- **Applicant:** Travis Sinclair
- **Property Location:** Buff Street. The rear portion of PID 15838 and a portion of PID 17201
- **Zoning:** R-15 Single-Family Low Density Residential District
- **Property Size:** Proposed – approximately 10,672 square feet
- **Adjacent Properties:** R-15 Single-Family Low Density Residential District

Street View – West on Buff Street



Street View – Buff Street



Street View – East on Buff Street



RELEVANT UDO REQUIREMENTS

§ 153.106 R-15 SINGLE-FAMILY LOW DENSITY RESIDENTIAL DISTRICT.

- ❑ **Minimum lot size** - 15,000 square feet
  - Proposed – approximately 10,672 square feet
- ❖ **Minimum front yard setback** - 35 feet from street r/w
- ❖ **Minimum side yard setback -** 10 feet
- ❖ **Minimum rear yard setback** - 25 feet
- ❖ **Maximum building height** - 35 feet
- ✔ **Minimum lot width** - 90 feet

ALL zoning requirements will be met on the remainder of the existing lots.



INFORMATION

Although the parcel is located within the R-15 zoning district, there are many properties within the same zoning that do not meet the 15,000 square foot requirement.

- indicated with the red circle





STAFF COMMENTS

- If approved, we will require that an easement be recorded for the existing water meter that services 911 E Park Dr, as it will be located on the new property.

Findings of Fact with responses from the applicant

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):

Applying the ordinance as written would prevent this property from being used as a single-family residential home, despite its ability to comply with all other relevant ordinances and fully meet the intended spirit of the residential neighborhood. Allowing a minor variance of 0.08 acres from the minimum lot size for a single-family property would remain consistent with 66% of the existing surrounding properties and enhance the residential atmosphere in downtown Lincolnton.

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 property is situated within a residential neighborhood characterized by generally flat to gently elevated topography. Notably, this particular lot features a significant elevation change of approx. 8 feet along its northern and western boundaries. As indicated in the attached survey, we have endeavored to incorporate as much land as possible from the west side into this lot to address the elevation; however, a variance of 0.08 acres remains necessary.

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 hardship is not a result of actions by the applicants or property owners. Adjacent properties will continue to comply with all regulations and ordinances for zone R-15. If the 0.08-acre variance is approved, both the new lot and neighboring properties will meet all current ordinances, setbacks, and requirements.

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):

According to Article 2 of the Unified Development Ordinance, "the purpose of this district is to maintain a quality residential atmosphere." Currently, two thirds of the surrounding properties are under the 0.33 acre minimum. Granting a variance of just 0.08 acres for this particular lot aligns with the spirit, purpose, and intent and allows a single-family residence that complies with all other R-15 requirements.

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

Chair: Entertains a motion for approval. 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 of granting a variance.

Chair: Entertains a motion for approval. 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.

Chair: Entertains a motion for approval. 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.

Chair: Entertains a motion for approval. All those in favor say aye; all those opposed say no.

- Requires a $4/5^{th}$ vote in favor of the motion in order to be considered valid

Final Motion

Chair: Entertains a motion for approval. All those in favor say aye; all those opposed say no.

** Requires a $4/5^{th}$ vote in favor of the motion in order to be considered valid.*

July 15, 2025

The applicants, and own the properties located at

Travis Sinclair
919 East Park Street
Lincolnton, NC 28092
Parcel ID: 17201

Charles Little, Jr.
919 East Park Street
Lincolnton, NC 28092
Parcel ID: 15838

To the Honorable Board of Adjustment:

This letter respectfully requests a minor variance from the minimum lot size requirement stipulated in § 153.106 R-15 of the Lincolnton Zoning Ordinance. According to this section, properties in the R-15 Single-Family Low Density Residential district must have a minimum lot size of 15,000 square feet (0.33 acres) for single-family dwellings. Our property is currently 0.25 acres, which is 0.08 acres less than the required minimum.

The parcel is zoned R-15 Single-Family Low Density Residential, with the primary objective of maintaining a high-quality residential environment. The intention is to construct a single-family residence for my in-laws on this site. Aside from the lot size, the proposed development is fully compliant with all relevant ordinances and aligns with both the intent and purpose of the zoning designation. Due to topographical constraints in the northwest section, achieving the exact minimum lot size is not feasible, as demonstrated in the attached survey.

Approval of this variance would uphold the spirit, intent, and objectives of the zoning ordinance by allowing reasonable and compatible use of the property while preserving the neighborhood's character. Notably, 66% of the surrounding lots within a three-block radius are also below the 0.33-acre minimum, making this request consistent with existing neighborhood conditions and the ordinance's original intent.

Granting this variance would facilitate the intended development and positively contribute to the area's residential character. The request represents the minimal necessary deviation—0.08 acres—to address the unique hardship presented, after considering alternative options. All other ordinance requirements will be met, and adjacent properties will continue to comply fully with local regulations.

The proposed variance will not adversely affect public welfare, neighboring properties, or the character of the community. The construction of a modest single-family home will respect all setback requirements and maintain harmony with the surrounding neighborhood.

Supporting materials include the attached Butch Ross survey and the completed variance application. I welcome the opportunity to discuss this request further and address any questions the Board may have.

Sincerely,



Travis Sinclair
Travis.lee.sinclair@gmail.com
704-681-2703

BOA-9-2025

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: An eight one hundreds of an acre (0.08) variance to the minimum lot size requirement for the R-15 Single-Family Low Density Residential District. This variance would allow for the construction of a modest single-family home while maintaining the purpose and intent of the residental district, and adhering to all other requirements specified for zone R-15.

Applicant information:

Name: Travis Lee Sinclair

Address: 911 East Park Drive

City: Lincolnton State: NC Zip: 28092

Telephone: 704-681-2703 Email: Travis.lee.sinclair@gmail.com

Property owner information (if different from applicant)

Name: Charles Smith Little, Jr and Gail Mauney Little

Address: 919 East Park Drive

City: Lincolnton State: NC Zip: 28092

Telephone: 704-530-7242 Email: my66chevytruck@yahoo.com

Property location and description

Address: Properties 1 and 1A as indiciated on the attached Survey Map - Property along Buff Street.

Tax parcel no. (five-digit): 15838 & 17201 Current zoning classification: R-15

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:

Section 153.106 R-15 Single-Family Low Density Residential District - minimum lot size requirements

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

The property is designated as R-15 Single-Family Low Density Residential, with the primary aim of preserving a high-quality residential environment. The proposed plan is to construct a single-family residence on this parcel for my in-laws. This lot fully aligns with the intent, purpose, and all applicable ordinances except for the minimum lot size requirement of 0.33 acres. As indicated in the survey, the lot will be approximately 0.08 acres below the required minimum due to topographical constraints in the northwest section of the property. 66% of the surrounding properties within 3 blocks of this property are also under the 0.33 acre minimum, therefore this variance would be consistent with the atmosphere, intent, and spirit of the residential neighborhood.

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):

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Signatures

7-18-25

Applicant Date

7-18-25

Property Owner, If Different From Applicant Date

7-10-25

Zoning Administrator Date