

**MINUTES
BOARD OF ADJUSTMENT MEETING
February 25, 2025
5:30 PM**

LOCATION:

City /County Meeting Room
905 West Avenue

MEMBERS PRESENT:

Curtis Baker, Sharon T. Bryant, Michael Careccia, Kyle Case, Lucy McCarl, Dontrell Parson,
Tim Scobie

MEMBERS ABSENT:

Leah Hamilton

STAFF PRESENT:

Matt Duchan, Hannah Williams, Lauren Hartley

A quorum was established and Chairperson Bryant called the meeting to order.

MINUTES:

Board Member Careccia moved approval of the meeting minutes of December 16, 2024. Board Member McCarl seconded the motion, which was voted upon and passed by unanimous vote.

NEW BUSINESS:

1. V# 1-25 530A Wheeler Street NW

Applicant: BJS5 LLC (Nate Ford)

Owner: BJS5 LLC

Location: 530A Wheeler Street NW

V# 1-25 The applicant is requesting a variance to the front and rear setbacks, from 35 and 25 feet respectively, each lowering to 10 feet, in order to develop a duplex with reasonable parking and yard space for future residents.

Recommended Action: Staff recommends approval of the variance request. Delay action until the March 24, 2025 meeting for notice requirements.

Planning Director Hannah Williams stated that the hearing notice sign had not been posted for the required 10-25 days as required by 160D-406(b), and advised that the hearing be continued to the next regularly scheduled meeting on March 24, 2025. The board may hear the case findings, but not vote.

Board Member McCarl made a motion to continue the hearing and decision until the March 24, 2025 meeting. Board Member Case seconded the motion, which was voted upon and passed unanimously.

Hannah Williams, Matt Duchan, Nate Ford, and Freda Cowan were placed under oath.

Planner Matt Duchan presented the variance case for 530A Wheeler Street NW. The owner and applicant is Nate Ford. The subject property is located in the West End neighborhood and is zoned R-6 (high-density residential). The property cannot meet the minimum lot size or the front (35 ft.) and rear (25 ft.) setbacks for the R-6 zoning. The applicant is requesting a variance to the front and rear setbacks, each lowering to 10 feet in order to develop a duplex with reasonable parking and yard space for future residents.

Mr. Duchan explained that because the applicant is not changing the lot dimensions, minimum lot size is not considered as part of the variance requested. Prior to 2022, 530A Wheeler Street had a single-family home on the property, the home has since been demolished. The zoning district R-6 is a compatible zoning district for multi-family housing.

Matt Duchan read the draft findings and staff responses for the record as follows:

1. An unnecessary hardship is created from the strict application of the ordinance.

Staff Response: The strict application of R-6 renders the 530A Wheeler Street lot essentially unbuildable. A lot of this size inhibits any property owner from building a residential dwelling of adequate size to meet any of the setbacks required in the zoning ordinance.

2. The unnecessary hardship is peculiar to the property.

Staff Response: This lot is well below minimum lot size standards (2,300 square feet below required) and cannot accommodate the front, rear, and side setbacks. A non-conforming home that pre-dates zoning restrictions was demolished and the property was put up for sale in 2022 after foreclosure.

3. The hardship is not self-created.

Staff Response: The owner/applicant did not create the non-conforming lot, or demolish the old home. Purchasing a property with the knowledge that it is non-conforming does not constitute a self-created hardship. Without an approved variance, it would be impermissible to redevelop the lot.

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.

Staff Response: The requested variance would allow for the redevelopment of a property that has limited viable use. The proposed project would resume residential use on this property, which would not cause immediate disturbance as the use conforms with the surrounding area, and a house previously stood on this lot.

By granting the variance, substantial justice is achieved by allowing viable infill in West End, a neighborhood dealing with a significant number of vacant homes in disrepair. West End is one of two focus neighborhoods in Lenoir's ongoing 2045 Comprehensive Plan, and any sufficient housing that could be built in the neighborhood would benefit the community. Reducing the required setback allows infill to match the existing development patterns with small homes located close to the street.

Staff recommends approval of the variance based on the findings above.

Applicant Nate Ford of 8029 Marrion Drive, Charlotte NC approached the Board. Mr. Ford stated he is planning on building a duplex on the property.

Freda Cowan of 4748 Grady Place, Lenoir NC approached the Board. After discussion it was determined her property will not be affected by this variance.

Board Member Case made a motion to adjourn the meeting and continue the variance case and decision until March 24, 2025. Board Member Careccia seconded the motion, which was voted upon and passed unanimously.

ADJOURNMENT:

There being no further business to be brought before the Board, Chairperson Bryant adjourned the meeting at 6:15 p.m.

Sharon T. Bryant, Chair

**Hannah Williams
Planning Director**