

# CITY OF BELMONT PLANNING & ZONING

## Special Use Permit Application

Application Date: Click or tap to enter a date. 2/7/21

Application Number SUP

City Council Hearing Date: Click or tap to enter a date.

Project Description: Please describe the project and purpose of this SUP request below.

The purpose of this SUP is to subdivide a two parcel recombination back into a three parcel subdivision with the parcels oriented to Prince street. (Formerly & originally three parcels were oriented facing hill street)

Zoning of Property (circle one)	R-R	<b>G-R</b>	NC-R	INF-R	MH-R	HP-O
	NC-C	H-C	R-C	BC-D	IC-D	TN-D

Property Address:			115 + 117 Prince Street Belmont NC 28012		
Physical Location:					
Corner of hill + Prince street					
Tax Parcel Number:		Book	Map	Parcel	
301930 + 301931		0	0		
Property Owner:					
Andrew Lineberger Builders LLC					
Owner's Address:					
P.O. Box 308					
City:		State:		Zip:	
Cramerton		NC		28032	
Contact Phone:			Email Address:		
704-606-6458			Andrew.Lineberger@gmail.com		
Applicant Name:					
Andrew Lineberger Builders LLC					
Applicant's Address:					
P.O. Box 308					
City:		State:		Zip:	
Cramerton		NC		28032	
Home Phone:			Work Phone:		
704-606-6458			→		
Email Address:					
Andrew.Lineberger@gmail.com					

PROCEDURES FOR APPROVAL OF SPECIAL USE PERMITS (SUP)

Special Use Permits are reviewed by the City Council in a quasi-judicial proceeding. During the public hearing, all parties presenting testimony and evidence shall be duly sworn. Testimony both in favor and against the Special Use Permit application shall be presented and will be considered towards formulating Findings-of-Fact. The applicant shall provide legal representation at the meeting.

Findings of Fact, each of the findings below must be found in the affirmative by the City Council in order to approve a special use permit:

- A. The use meets all required principles and specifications of the Code and any adopted land use plans; and,
- B. The proposed use, if developed according to the plan submitted and approved, will be visually and functionally compatible to the surrounding area; and,
- C. The use will not materially endanger the public health or safety and will not substantially injure the value of adjoining property if located where proposed.

In approving an application for a special use permit, the City Council may attach fair and reasonable ad hoc conditions which tend to support the required Findings of Fact as listed herein. The applicant shall have up to 60 calendar days to consider and respond to any additional requirements prior to approval or denial by the City Council. The applicant shall provide written consent to conditions on approval. The City Council may not require the landowner to waive a vested right as a condition of the special use permit approval.

The burden of proof of producing evidence to support these findings (and to overcome any challenges that approval of the plan would be contrary to one or more of these findings) shall rest entirely with the applicant or landowner.

**Complete Application:** The project will be scheduled for a public hearing once the following has been submitted and reviewed by the city:

1. Application and process fee.
2. Site plan and building elevations. (4 initial sets- additional sets will be requested for public hearing.)
3. Finding of fact worksheet. Please provide support for each finding listed above and submit on a separate sheet of paper.

Contact the planning & zoning department if you have questions at 704.901.2610.

Received

## Special Use Permit Application

FEB 2 2021

115 and 117 Prince Street Belmont, NC 28012

Owner: Andrew Lineberger Builders, LLC

City of Belmont  
Planning Department

Applicant: Andrew Lineberger Builders LLC

### FINDING OF FACT

A. The use meets all required principles and specifications of the Land Development Code and any adopted land use plans;

A. I believe that this conditional use will meet the applicable requirements and specifications of the land development code once approved by the Planning Board and Council. I can say this with confidence by looking at:

### ***“3.6 of the Land Development Code States”***

#### ***3.6 USES NOT EXPRESSLY PERMITTED OR CONDITIONAL***

Uses designated as "permitted uses" and "uses permitted with conditions" are allowed in a district as a matter of right. Uses classified as "conditional uses" are permitted upon approval of a development plan approved by the City Council.

### ***“5.4 (2). 4 of the land development code states”***

“On infill lots, the minimum lot width shall be equal to the average lot width of lots within 300 feet or 1 block length (whichever is greater), except with approval of a Conditional Use permit. “

There is a process in place as a matter of right, in which to pursue my conditional use request and I am doing so through the specifications of the Land Development code and its adopted land use plans.

B. The proposed plan if developed according to the plan submitted and approved, will be visually and functionally compatible to the surrounding area;

“All homes that I have built in the past meet the 7 criteria listed in section 4.1 Building Types, in the land development code” .

*“All Criteria for my New conditional use request meets the 7 criteria of the Land Development Code in Section 4.1.”*

Additionally for this request, I have added self imposed conditions to assure that the architectural spirit of the Belmont homes people love so much is kept and to assure that my project compliments the surrounding homes and neighborhood.

Applicant Offered Self Imposed Conditions:

Crawlspace construction

-gable, shed, or hip roofs on front or side elevations,

-residence size between 1,200 and 2,500 sqft

-Prominent front door entrances

-architectural shingles

-no vinyl siding to be used, hardi plank, brick,stone, or masonry only.

## **B. Continued**

I am filing this conditional use permit not because the homes that I build are in question, and not because they do not meet any architectural or aesthetic requirement, but because the average lot width I am proposing is less than the average lot widths within 300' of the subject property.

### **300' Buffer Statistics.**

- There are 34 Properties within the 300' buffer .
- Currently there are 17 single family or vacant residential lots within 300' of the subject property that are 50.01' or less in total lot width.
- Those 17 lots represent 50% of the neighborhood lots or 1/2.
- The average of all the lots not including the subject property is 60.63'.
- The average when including the subject properties at their proposed new widths are 60.68' average width.

In summation I am within 5/100ths of 1% compatible with the current average within 300' once approved.

*Another Point that I would like to make is that there is no frontage condition to the left or to the right of the properties in which I am seeking to subdivide. What I am saying is there are no properties either to the left of right of the subject property that face Prince Street within the same block.*

The proposed plan when developed according to the plan submitted to the planning board will be visually and functionally compatible to the surrounding area.

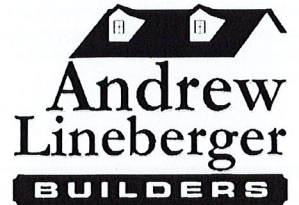
### Finding of Fact

C. The use will not materially endanger the public health or safety and will not substantially injure the value of adjoining property if located where proposed.

I have subdivided 6 larger parcels in Belmont into 15 parcels Since 2011. For many years I have actively invested money and my time in Belmont for the betterment of myself and the community that I grew up in. I can proudly say I have never brought harm to anyone with my building or remodeling projects or otherwise.

A study by Miles Hamrick in March 20<sup>th</sup> 2015 that I have used in all my last conditional use request showed that my subdivisions has no negative impact on the local real estate market and the properties or individual homeowners. This still proves true in 2021 as I currently have the highest price per sqft resell in town at 112 Bryant Street at \$175 per sqft.

The use I am proposing will not materially endanger the public health or safety in any way. I will not injure the value of the adjoining property as the conditional zoning application states, I will substantially improve the values of the surrounding property owners by placing new and compatible homes where a now vacant lot sits empty.



Prince Street Subdivison

Block Length and 300' Buffer Measurements

115 and 117 Prince Street Belmont NC

Andrew Lineberger Builders, LLC

Block Length.

75' Parcel included as part of recombination

75' Parcel included as part of this recombination

50.01 Feet. Home is on same block but front lot width where home faces is 50.01

300' Buffer

115 Bryant Street	50	
117 Bryant Street	75	
121 Bryant Street	25	
121.5 Bryant Street	100	
125 Bryant Street	50	
129 Bryant Street	53.01	
0 Bryant Street not assigned	50	Vacant Parcel
108 Bryant Street	108.5	Vacant
108 Prince Street	88	
110 prince street	62.5	
104 Hall Street	50	Vacant
106 Hall Street	121	
107 Hall Street	100	
105 Hall Street	75	
103 Hall Street	74.35	

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114 Prince Street	75
105 Hall Street	73.95
101 Prince	50
103 Prince	50
105 Prince	50
0 Hall Street Not assigned	25
0 Hall Street Not Assigned	50
104 St Giles	37.6
108 St Giles	34.63
112 St Giles	46.44
116 St Giles	29.51
100 Cliveden	40.43
104 Cliveden	37.6
108 Cliveden	37.6
2 Johnson	75
6 johnson	99.96
8 Johnson	75.47
10 Johnson	74.93
119 Prince	50.01

Total = 2,095.49 / 34 Parcels = 60.63 lot average

Excluded From List

12 Johnson Street 141'. Multi Family Apartments

Johnson Street PID 126755 Not Assigned 347'. Large Bulk Tract