



101 W. First Street
Lowell, North Carolina 28098

Phone: 704-824-3518
www.lowellnc.com

LOWELL BOARD OF ADJUSTMENT

Regular Meeting

Tuesday, April 5, 2022, 6:00 P.M. (Immediately after Planning Board Meeting)

- 1. CALL TO ORDER**
- 2. DETERMINATION OF QUORUM**
- 3. CHANGES TO AND APPROVAL OF AGENDA**
- 4. APPROVAL OF MINUTES FROM FEBRUARY 1, 2022 MEETING**
- 5. HEARING OF CASE**
 - A. Variance Application V22-02: Request for variance from Sections 12.3-2 12.3-3(1), Build-to-Line distance (Article 3), and Maximum Cul-de-Sac length (16.2-7 (A))**
- 6. CONSIDERATION AND DETERMINATION OF CASES**
- 7. ADJOURN**

MINUTES

Lowell Board of Adjustments Meeting
Tuesday, March 1, 2022, 6:00 P.M.

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chairperson Vieta Benson called the meeting to order. Planning Board members present: John Cantrell, Troy Roberts Sr., David Jennings, Norris Lamb, and Scott Wilson indicating a quorum is present. Staff members present: Staff members present: Scott Attaway, City Manager; Cheryl Ramsey, City Clerk; and Alex Blackburn, Planning Director. Members of the public were also present.

II. ADOPTION OF AGENDA FOR THIS MEETING

John Cantrell moved to adopt the agenda for the meeting, seconded by Troy Roberts. The vote was unanimously in favor. The motion was seconded by Mr. Roberts and unanimously in favor.

III. APPROVAL OF MINUTES FROM FEBRUARY 1, 2022 MEETING

Mr. David Jennings asked a correction be made to add him to the last meeting as he was present. Mr. Cantrell made a motion to add the name left off and afterward note the minutes as the final copy. It was seconded by Mr. Roberts and unanimously in favor by the board.

IV. VARIANCE APPLICATION V22-02: Request for variance from Sections 12.3-2, 12.3-3 (1), Build-to-Line distance (Article 3), and maximum Cul-de-Sac length (16.2-7 (A))

Alex Blackburn presented with a background of the request. He noted several residents were in the audience to speak on the matter.

Mr. Blackburn suggested the Board enter into the evidentiary hearing portion of the variance. Ms. Benson read the procedures for voting on a variance as well as the Variance Request. She asked for a motion to go into public hearing. It was moved by Mr. Jennings and seconded by Mr. Cantrell. With no discussion, it was unanimously in favor.

Mr. Blackburn then stated the applicant has requested a continuance of this meeting to the next scheduled meeting of the Board of Adjustments, which will be April 5, 2022. He stated this is allowable under the current LDO. The applicant stated that after they submitted their application, they found there is a wetland that is a little bit bigger than what was on the map previously. That in turn will change the site layout. The applicant did not feel comfortable coming for the board with the new information in order to provide an updated site map for review. On behalf of the applicant, Mr. Blackburn requested that the Board keep the evidentiary hearing open and asked for a motion to continue on April 5th at 6:00pm during the

Board of Adjustments meeting here at City Hall. The motion was made by John Cantrell and seconded by Mr. Jennings. It was unanimously in favor.

V. ADJOURN

John Cantrell made a motion to adjourn, seconded by Troy Roberts Sr., and unanimously in favor by the group at 6:15pm.

AFFIRM:

John Cantrell, Vice Chairperson

Cheryl Ramsey, City Clerk

DRAFT

**CITY OF LOWELL
VARIANCE APPLICATION**

SUBMISSION REQUIREMENTS AND INSTRUCTIONS FOR VARIANCE REQUEST

An application for a variance from the Unified Development Ordinance to the Board of Adjustment submitted to the City of Lowell must comply with the requirements and procedures outlined herein.

This packet contains a checklist of general, written and graphic requirements, as well as application submittal forms. The checklist, together with all required information and application forms, must be submitted in **complete and accurate form before the Variance Request will be processed by the Department.**

ALL MEETINGS ARE HELD IN THE CITY OF LOWELL COUNCIL CHAMBERS LOCATED AT 101 W. FIRST STREET, LOWELL, NC 28098 AT 6:00 P.M. DURING THE HEARING YOU WILL BE EXPECTED TO EXPLAIN YOUR REQUEST AND GIVE REASONS AS TO THE NECESSITY FOR A VARIANCE AND PRESENT ANY OTHER WITNESSES TO GIVE TESTIMONY. ANY OTHERS IN ATTENDANCE WILL ALSO BE GIVEN THE OPPORTUNITY TO GIVE TESTIMONY. THE APPLICANT OR A REPRESENTATIVE IS EXPECTED TO BE PRESENT AT THE MEETING. LACK OF REPRESENTATION BY THE APPLICANT MAY RESULT IN THE REQUEST BEING TABLED TO THE NEXT MEETING. HOWEVER, A DECISION COULD BE MADE WITHOUT THE BENEFIT OF THE APPLICANT'S BEING PRESENT.

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FOR CITY USE ONLY:

CASE # _____ DATE RECEIVED: _____

ACCEPTED: _____ IF NO, STATE REASON: _____

HEARING DATE: _____ CLOSING DATE: _____

FEE: _____ CHECK# _____ NOTICE DATE: _____ MEDIA: _____

BOA PACKET DATE: _____ AGENDA ITEM# _____ A/V PRESENTATION: _____

BOA ACTION: _____ VOTE: _____

CONDITIONS:

.....

SUBMISSION REQUIREMENTS FOR A VARIANCE

1. GENERAL REQUIREMENTS

Incomplete or inaccurate applications will not be accepted for processing or placement on the agenda.

 X 1.1 PRE APPLICATION MEETING (DATE: 2/1/2022 at 3:30p
_____/_____/____ TIME: _____)

The applicant is to meet with staff to discuss the overall application process before submitting the application packet. Please call (704) 824-3518 for an appointment. Final staff recommendations to the Board of Adjustment about this application will be contained in the staff report.

____ 1.2 REQUESTED HEARING DATE DATE: ____/____/____

Prior to submitting the application packet and necessary information, the applicant should revise proposed plans and/or information as advised by the City Manager or his designee. After the closing date, the applicant cannot modify any portion of the information submitted unless specifically requested by staff or the Board of Adjustment. Early submission is recommended to assure placement on the agenda and adequate time for revisions and corrections.

 X 1.3 APPLICATION FEE (MAKE CHECK PAYABLE TO THE CITY OF LOWELL)

A non-refundable fee (as set by the City Council and listed in the current Fee Schedule) to cover the costs of advertising and preparing for the public hearing shall accompany the application. Cancellations must be submitted in writing to the City Manager. There shall be no refund or part thereof once public notice has been given.

2. WRITTEN REQUIREMENTS

 X 2.1 **PERMIT DENIAL NOTICE/ADMINISTRATORS ORDER (IF APPLICABLE)**

Submit one copy of the notice issued by the City of Lowell.

Phone call with staff on Tuesday, 2/1/2022 at 3:30p

 X 2.2 **DESCRIPTION OF REQUEST AND REASONS FOR VARIANCE FORM**

Complete and submit the Description of Request and Reasons for Variance form (provided).

 X 2.3 **VARIANCE APPLICATION FORM**

Complete and submit the Variance Application form (provided).

 X 2.4 **APPLICANT'S AFFIDAVIT**

Complete and submit the Affidavit (provided).

 X 2.5 **CHECKLIST OF REQUIREMENTS**

Submit this checklist fully completed. All items must be included unless waived by the Planning Director.

3. GRAPHIC REQUIREMENTS

 X 3.1 **PLOT PLAN**

Submit ten (10) copies of the plot plan drawn to scale, containing the following information:

- A. all existing property lines and parcel numbers for each parcel within the subject site and all property within and contiguous to and directly across the street from the exterior boundary of the subject tract, and the name of the owners;
- B. the exact boundaries and dimensions of the subject lot (*this must be by actual survey unless waived by the Code Administrator*).
- C. existing zoning district boundaries (shown in dashed lines with heavier line weight than property lines) and zoning designations;
- D. title, scale and north point (north shall be at the top of the plat);
- E. the size and location of all existing and proposed structures;
- F. the existing and proposed use of the entire lot and all structures;
- G. street names and right-of-way lines with line weight heavier than property lines;
- H. stamp and signature of engineer or surveyor (*unless waived by the Code Administrator*).



February 15, 2022
REVISED March 25, 2022

Signature of person preparing this checklist
(Applicant or Representative)

Date Submitted

Eddie Moore, McAdams, 3430 Toringdon Way, Suite 110, Charlotte, NC 28277
704-724-3594, emoore@mcadamsco.com

Printed name of person preparing this checklist

DESCRIPTION OF REQUEST AND REASONS FOR A ZONING VARIANCE

FOR CITY USE ONLY:

CASE# _____ DATE RECEIVED: _____

THE APPLICANT SHOULD PREPARE DEFINITIVE STATEMENTS REGARDING THE FOLLOWING: (USE ADDITIONAL SHEETS IF NECESSARY)

- 1) Please describe the requested variance.

PLEASE SEE ATTACHED

- 2) Describe how 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.

PLEASE SEE ATTACHED

- 3) Does the hardship result from actions taken by the applicant or the property owner? Explain.

PLEASE SEE ATTACHED

- 4) Describe how 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.

PLEASE SEE ATTACHED

DESCRIPTION OF REQUEST AND REASONS FOR A ZONING VARIANCE

1. Please describe the requested variance.

- a. LDO Section 12.3-2 requires alley service for high-density lots (lots less than 60' in width).
- b. LDO Article 3 defines "Build-to-Line" as a specific distance from the curb which a building shall be built, in this case the building is limited to a maximum of 16' from the back of the curbing along the street, but not to cross into the right-of-way.
- c. LDO Section 12.3-3(1) permits front loaded access to a required parking space where they do not abut one another; therefore, only a single space may be placed in the front and not abut another space on either the same or adjacent lot - except when connected to an alley.
- d. LDO Section 16.2-7(A.) outlines a maximum cul-de-sac length of 400'.

The above sections of the LDO outline the variance request(s) to permit front loaded townhomes, in lieu of rear loaded townhomes, for lot sizes less than 60' in width (a.), increase the maximum 16' "build-to-line" to 20' to safely accommodate a vehicle and not encroach onto a sidewalk (b.), permit front loaded driveways to abut each other (c.), and increase the maximum 400' cul-de-sac length for Streets B and C (d.).

2. Describe how 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 proposed 33.17 acre infill site is irregular in shape that includes encumbrances consisting of a stream that runs northwest/southeast, a variable width overhead electric utility easement (approximately 94' to 128' in width) that runs northeast/southwest, and a variable width gas easement (approximately 30' to 80' in width) that runs northeast/southwest through the site and branches off that runs northwest/southeast. Based on the locations of the encumbrances, in relation to the irregular site shape, and need to establish a road network for vehicular access, this renders a significant portion of the site undevelopable for residential development. For a townhome development, a minimum of 9% of the site, or 2.98 acres, is required for open space and a total of approximately 51% of the site, or 17.1 acres, is designated as open space based on the irregular shape site and location of the existing encumbrances listed above.

Two (2) access points to the site will be achieved via an entrance along Groves Street and Ford Drive and identified as Steet A. The elevations of both entrances of Street A are the highest points of the site and fall in elevation as you enter the site, based on the location of the stream. For example, the elevation along the Groves Street entrance is 752' and drops to 706' at the southern stream that crosses Street A (drop of 46' in elevation). The elevation along the Ford Drive entrance is 748' and drops to 699' at the northern stream that crosses Street A (drop of 49' in elevation). Based on the existing site topography, a significant amount of site grading is necessary to construct the streets and building pads for the townhomes.

The design for rear loaded townhomes require more developable area compared to front loaded townhomes to accommodate required alleys. The additional developable area required is approximately 32' per the typical front loaded and rear loaded lot examples provided in the

proposed layout/variance plan. Major differences with grading for front loaded townhomes vs. rear loaded townhomes are below:

- Front loaded townhomes – At the rear of front loaded building pads, the grading can fall or rise based on existing topographical conditions.
- Rear loaded townhomes – The addition of an alley (approximately 32') requires the grading for the pads and alleys to be consistent. This is a hardship based on the site encumbrances outlined above and existing topographical conditions.

The proposed layout of the site has a total of 32 front loaded townhome buildings. Based on the same, or similar proposed street network, the total number of rear loaded townhome buildings drop to 18. This 43.7% drop in buildings is directly contributed to the site encumbrances outlined above and the existing topographical conditions of the site.

The request to increase the length of the Street C cul-de-sac from 400' to 817' is based on utilizing the eastern portion of the property for the development of townhomes. Along Street D, there is approximately 200 linear feet of non-developable area consisting of a proposed sewer easement, existing stream and associated buffers, and existing gas easement, which necessitates the need to increase the maximum cul-de-sac length to utilize the eastern portion of the site that is surrounded by developed parcels.

The request to increase the length of Street B cul-de-sac from 400' to 567' is based on utilizing the southeast portion of the property for the development of townhomes. If an additional street is added, connecting Streets A and B, this will result in the loss of 8 townhomes.

3. Does the hardship result from actions taken by the applicant or property owner?

The hardships do not result from actions taken by the applicant or existing property owner. The stream and areas of steep topography are natural features and electric and gas easements are in place to provide said utilities to a much larger geographical area when compared to the site and immediate area.

4. Describe how 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 requested variances are consistent with the spirit, purpose, and intent of the ordinance due to the applicant proposing a different housing type that is not commonly available within the City. The proposed variances are to adopted design standards that do not work for this particular site based on the existing site encumbrances and topographical conditions of the site outlined in #2 above. The proposed design of the site will not have an adverse impact on public safety, and actually improves public safety by providing increased vehicular connectivity for the area by connecting Groves Street and Ford Drive via Street A. From a land use perspective, the proposed townhomes will create a gradation of land uses from non-residential to single-family dwellings.

PROPERTY OWNER'S AFFIDAVIT

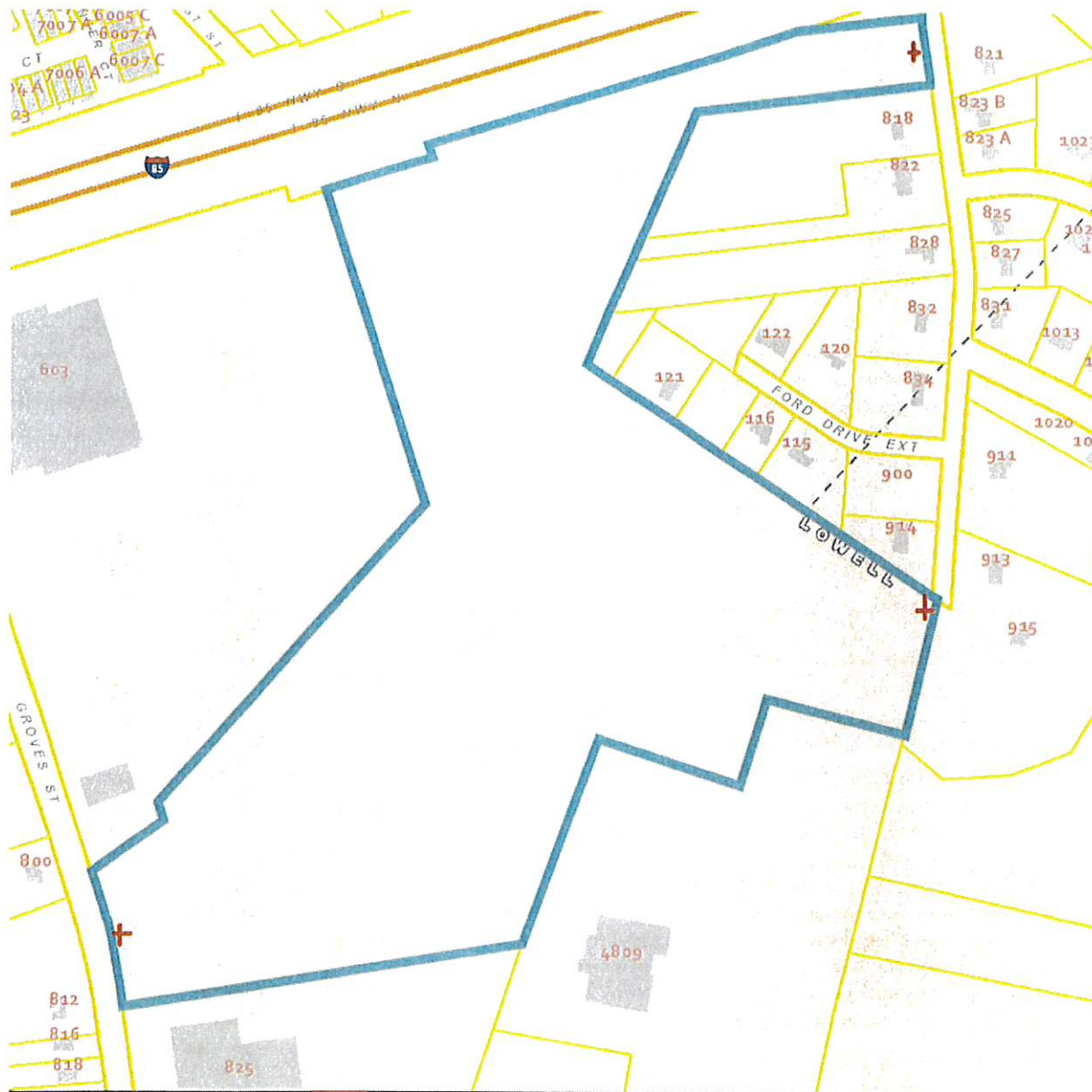
STATE OF NORTH CAROLINA
COUNTY OF GASTON

I (we) William Ratchford for Grove Street Partners, Inc. hereby certify that we are all of the owners of the property that is the subject of this Variance application. We hereby consent to the Board of Adjustment of the City of Lowell acting on our application. We understand that our application will be considered and processed in accordance with the regulations as set forth by the City of Lowell's Unified Development Ordinance. We agree to accept, fulfill and abide by those regulations and all stipulations and conditions contained in the decision entered by the Board of Adjustment. The statements and attached exhibits are in all respects true and correct to the best of our knowledge and belief.

Sean Graham
Sean Graham
Witness

Hollie DeBano
Hollie DeBano
Witness

William Ratchford
Signature
William Ratchford for
Printed Name Grove Street Partners, Inc.
3005 Laurie Ct
Mailing Address
Gastonia, NC 28056
City and State
704-915-2650
Phone



Sign Placement

Notice of Public Hearing

Variance # V22-02

The applicant is requesting a variance from the Lowell Development Ordinance Article 12.3-2, Article 3 definition of "Build-to-line", and Article 12.3-3(1) and Section 16.2-7(A). These individual sections of their respective articles focus on access and building setbacks for high density lots (less than 60' width). The applicant is seeking allowance of front-loaded townhomes with an increase of front build-to-line from 16' to 20' and for front loaded driveways the capability to abut each other without the requirement of a privately maintained public access alley/lane. Applicant is also seeking an increase to the maximum length of cul-de-sacs from 400 linear feet.

The City of Lowell's Board of Adjustment will hear this case at their regularly scheduled meeting on Tuesday, April 5, 2022, at 6:00 pm, at City Hall, 101 West First Street, Lowell, North Carolina, 28098.

For further information please call Scott Attaway, City Manager, at 704-824-3518.

US Allweld, LLC
Tax Dept C/O Washington Alloy
PO Box 788
Lowell, NC 28098

JFPJ LLC
603 Groves Street
P.O. Box 40
Lowell, NC 28098-0040

DO/28 Investments LLC
P.O. Box 8
Lowell, NC 28098-0008

Automotive Real Estate Inc.
80 Driver's Way
Pelham, AL 35124

Charles Carlton Foster
7706 Skyline Drive
Sherrills Ford, NC 28763

Elmer Reid Crews Trust
C/O Keith Mark Cres Trustee
1014 Dogwood Drive
Gastonia, NC 28056-9458

Todd W. Rayfield and Laura Rayfield
122 Ford Drive Ext.
Lowell, NC 28098-1740

Dorothy Diane Fortsch
116 Ford Drive Ext.
Lowell, NC 28098-1739

Dorris Rayfield Frisbee
121 Ford Drive Ext.
Lowell, NC 28098-1740

Crispin Rodriguez and Elisa Rodriguez
122 Burton Hills Circle
Gastonia, NC 28054

Candida Elizabeth Silva and Artemio
Silva
822 Ford Drive
Lowell, NC 28098-1667

Fortin Properties LLC
710 Edgewater Dr
Belmont, NC 28012

William Ratchford
3005 Lauren Court
Gastonia, NC 28056

Eddie Moore
3430 Toringdon Way, Suite 110
Charlotte, NC 28277

SITE LEGEND

---	PROJECT BOUNDARY
---	RIGHT-OF-WAY LINE
---	LOT LINE
---	SEWER/UTILITY EASEMENT LINE
---	CENTER LINE
---	SETBACK LINE
---	MAJOR CONTOUR
---	MINOR CONTOUR
---	EXISTING MAJOR CONTOUR
---	EXISTING MINOR CONTOUR
---	STREAM BUFFER
---	COMMON OPEN SPACE

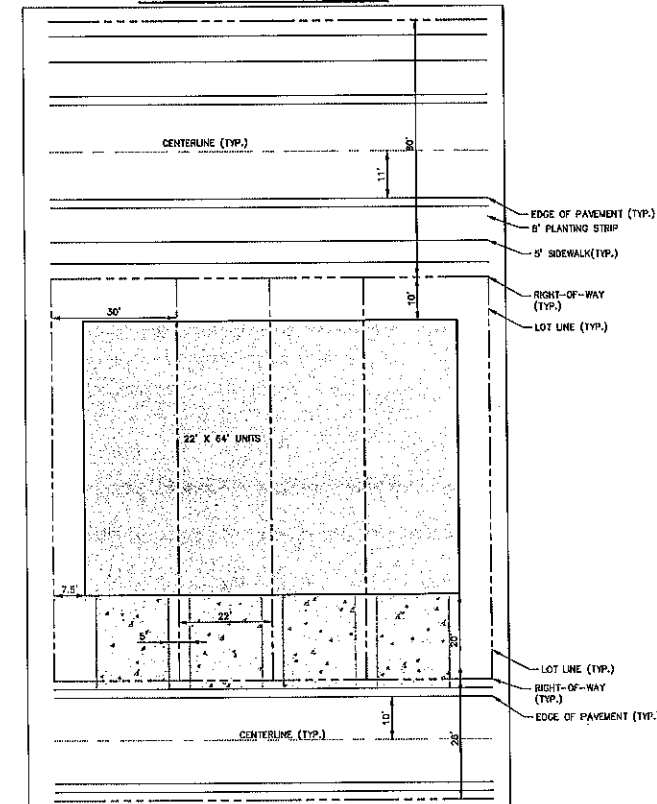
SITE DATA

PREPARED BY:	MCADAMS COMPANY 3430 TORINGDON WAY, SUITE 110 CHARLOTTE, NC 28277 704-527-0800	DEVELOPER:	TRUE HOMES 2549 BRECKENRIDGE CENTRE DRIVE SUITE 104 MONROE, NC 28110
PARCEL PIN:			
TOTAL SITE AREA:	33.17 AC		
CURRENT ZONING:	MU-2		
UNIT TYPE:	TOWNHOMES		
PROPOSED NUMBER OF LOTS:	179		
LOT SIZE RANGE:	2524 SF - 4600 SF		
AVERAGE LOT SIZE:	2544 SF		
LOT SETBACKS:	FRONT YARD- N/A SIDE YARD- N/A REAR YARD- N/A		
MINIMUM BUILDING SEPARATION:	3'		
TOTAL DENSITY:	5.07 UNITS / AC		
RIGHT-OF-WAY WIDTH:	60'		
REQUIRED TAKE-SAVE AREA:	20% OF THE SITE (6.63 AC)		
TREE SAVE AREA PROVIDED:	26% OF THE SITE (8.67 AC)		
REQUIRED OPEN SPACE:	9% OF THE SITE (2.98 AC)		
PROVIDED OPEN SPACE:	51% OF THE SITE (17.1 AC)		

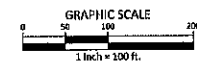
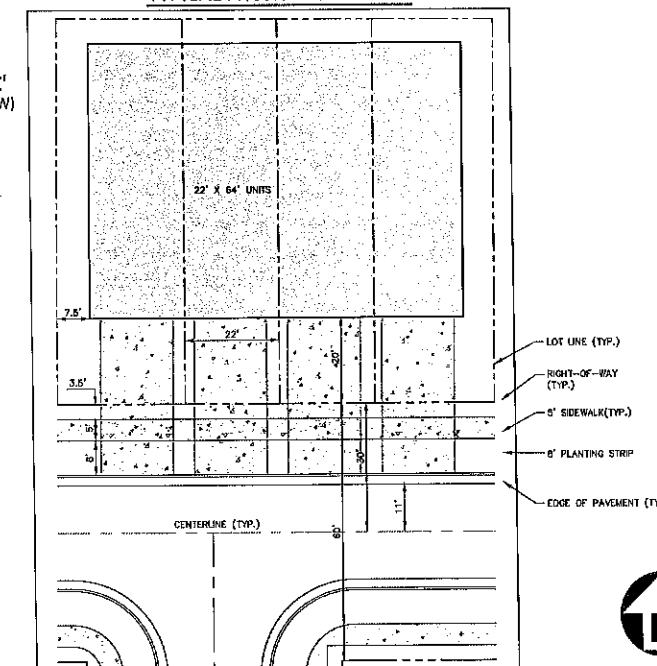
LINEAR FOOTAGE OF ROADS
• STREET 'A': 2838'
• STREET 'B': 567'
• STREET 'C': 818'

LOT COUNT BREAKDOWN
• 20' TOWNHOME - 134 (LUCAS)
• 16' TOWNHOME - 44 (BRENELL)

TYPICAL REAR LOADED LOT



TYPICAL FRONT LOADED LOT



PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION



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3430 Toringdon Way
Suite 110
Charlotte, NC 28277
phone 704. 527. 0800
fax 919. 361. 2269
license number: C-0293, C-187
www.mcadamsco.com

CLIENT

SHALUN GASPARINI
2649 BRECKENRIDGE CENTRE DRIVE
MONROE, NC 28110
PHONE: 704. 779. 4126
EMAIL: SGASPARINI@TRUEHOMESUSA.COM

True Homes
WE VALUE WHAT YOU VALUE

LOWELL TOWNHOMES
PRELIMINARY ENGINEERING
GROVES STREET
LOWELL, NORTH CAROLINA



REVISIONS

NO. DATE

PLAN INFORMATION

PROJECT NO. TRU-21001
FILENAME TRU21001-OAS1
CHECKED BY SAW
DRAWN BY MOM
SCALE 1"=100'
DATE 03.10.2022
SHEET

OVERALL SITE PLAN-
ALTERNATE LAYOUT

C2.00

M:\Projects\21001\21001-001\21001-001-001.dwg (2/10/2022 1:50:18 PM, Shaw, Mom) 2/10/2022 1:50:18 PM, Shaw, Mom