

**BOARD OF ADJUSTMENT - AUGUST 19, 2025
COUNCIL CHAMBERS - 6:00 PM**

**Joe Terranova
Greg Caulder
Angela Jones
Jeffery McLean
Mitchell Prevatte**

**Walter Smith
Lisa Douglas
Lee-Pam Odom
Randy Hammonds
Ray Britt**

AGENDA

I. Call to Order

II. Minutes Approval

A. Board of Adjustment - Regular Meeting - DATE

III. Agenda Items

- A. Jason Britt Variance – Old Whiteville Road parcel #2905-01-007 - ETJ - ArTriel
Kirchner, Planning & Neighborhood Services
- B. Laura Kinder Variance to Setbacks - 304 & 306 S. Rozier Street – P-4 - ArTriel
Kirchner, Planning & Neighborhood Services

IV. Adjournment

Lumberton Board of Adjustment

Item: II.A.

Lumberton, North Carolina



Request for Action

Meeting Date: August 19, 2025

Originated By:

Submission Date: 07/30/2025

Subject: Board of Adjustment - Regular Meeting - DATE

Summary/Background of Subject Matter:

Minutes from the April 15, 2025 Board of Adjustment

Staff Recommendation:

City Manager's Comments:

Signature:

Department:

ATTACHMENTS:

1. April 15, 2025 minutes



CITY OF LUMBERTON

BOARD OF ADJUSTMENT

MINUTES • APRIL 15, 2025

Council Chambers

Joe Terranova
Greg Caulder
Angela Jones
Jeffery McLean
Mitchell Prevatte

Walter Smith
Lisa Douglas
Lee-Pam Odom
Randy Hammonds
Ray Britt

6:00 PM

I. Call to Order

II. Minutes Approval

- A. Board of Adjustment - Regular Meeting - December 17, 2024 & March 18, 2025

III. Agenda Items

- A. **Eric Chavis Variance 1322 Alamac Road.** - ArTriel Kirchner, Planning & Neighborhood Services

Attorney Holt Moore swore in the Applicant and Assistant Planning Director, Mr. Brian Nolley

Mr. Nolley gave a brief overview of the variance request.

The applicant, Mr. Chavis then gave a presentation of his request for a variance.

After some questions and discussion from the board, Chairman Terranova called for a motion to consider the 4 factors together. The motion carried unanimously.

Chairman Terranova then called for motion if the factors for consideration to grant a variance had been met.

Mr. Caulder made a motion to grant the variance based on the evidence submitted and the four factors had been met.

The motion was seconded by Ms. Lisa Douglas and carried unanimously.

IV. Adjournment

Ms. Lisa Douglas made a motion to adjourn. The motion was seconded by Mr. Caulder.

Meeting was adjourned.

[MIN_SIGNATURES]

Lumberton Board of Adjustment

Item: III.A.

Lumberton, North Carolina



Request for Action

Meeting Date: August 19, 2025

Originated By: Planning & Neighborhood
Services

Submission Date: 07/29/2025

Subject: Jason Britt Variance – Old Whiteville Road parcel #2905-01-007 - ETJ

Summary/Background of Subject Matter:

Jason Britt is requesting a Variance from Section 35-220 for property located on Old Whiteville Road, parcel #2905-01-007. This Variance is to allow the creation of two single-family residential lots served by a private road not constructed to public street standards for a tract of land where a previous approval for a private road not constructed to public street standards has been created.

Staff Recommendation:

Hold tonight's public hearing and make a separate vote on each of the four (4) factors stated in the application.

City Manager's Comments:

Signature:

Department: Planning & Neighborhood
Services

ATTACHMENTS:

1. Jason Britt Application and Staff Rpt - BOA

TO: THE BOARD OF ADJUSTMENT OF THE CITY OF LUMBERTON

(Name)

(Address)

City/State/Zip

(Telephone)

Page 5 of 26

c) The hardship did not result from actions taken by the applicant or the property owner:

THE HARDSHIP IS CREATED BY WETLANDS AND NATURAL DRAINAGE THAT DOES NOT NEED TO BE DISTURBED

d) 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:

NOT DISTURBING THE CURRENT WETLANDS WOULD ALLOW FOR DECREASED WATER DRAINAGE ISSUES IN THE FUTURE FOR NEW LOTS ALONG WITH NEIGHBORS AND EXISTING LOTS

I certify that all of the information presented by me in this Application is accurate to the best of my knowledge, information and belief.


(Applicant Signature)

7-14-2025
(Date)


(Owner Signature)
(Received By)

7/18/2025
(Date)

Planning & Neighborhood Services

Request for Variance

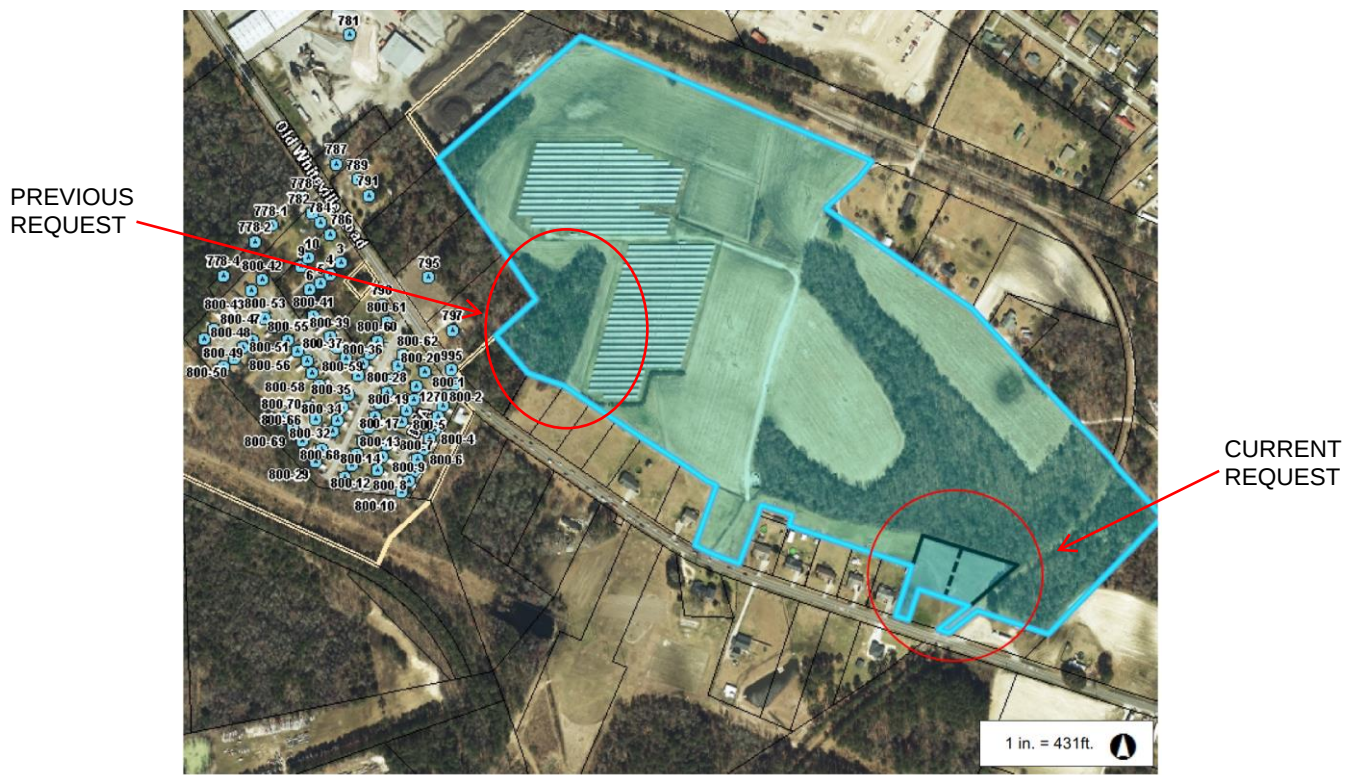
9.145 Jason Britt Variance – Old Whiteville Road parcel #2905-01-007

PETITIONER(S):	OWNER(S):
Name of Petitioner: Jason Morris Britt	Name of Owner: Jason Morris Britt
Address: 611 Beulah Church Rd.	Address: 611 Beulah Church Rd.
City/State/Zip: Lumberton, NC	City/State/Zip: Lumberton, NC
Mailing Address: 611 Beulah Church Rd.	Mailing Address: 611 Beulah Church Rd.
City/State/Zip: Lumberton, NC 28358	City/Sate/Zip: Lumberton, NC 28358

Variance Request: Jason Britt is requesting a variance from Section 35-220 for property located on Old Whiteville Road, parcel #2905-01-007. This Variance is to allow the creation of two single-family residential lots served by a private road not constructed to public street standards for a tract of land where a previous approval for a private road not constructed to public street standards has been created..

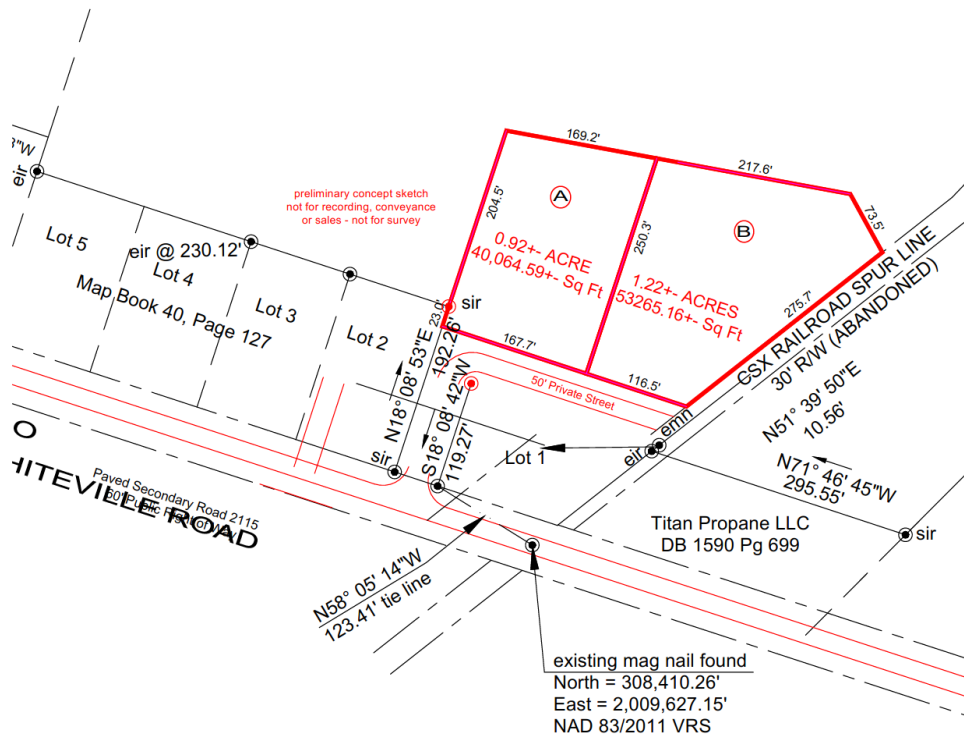
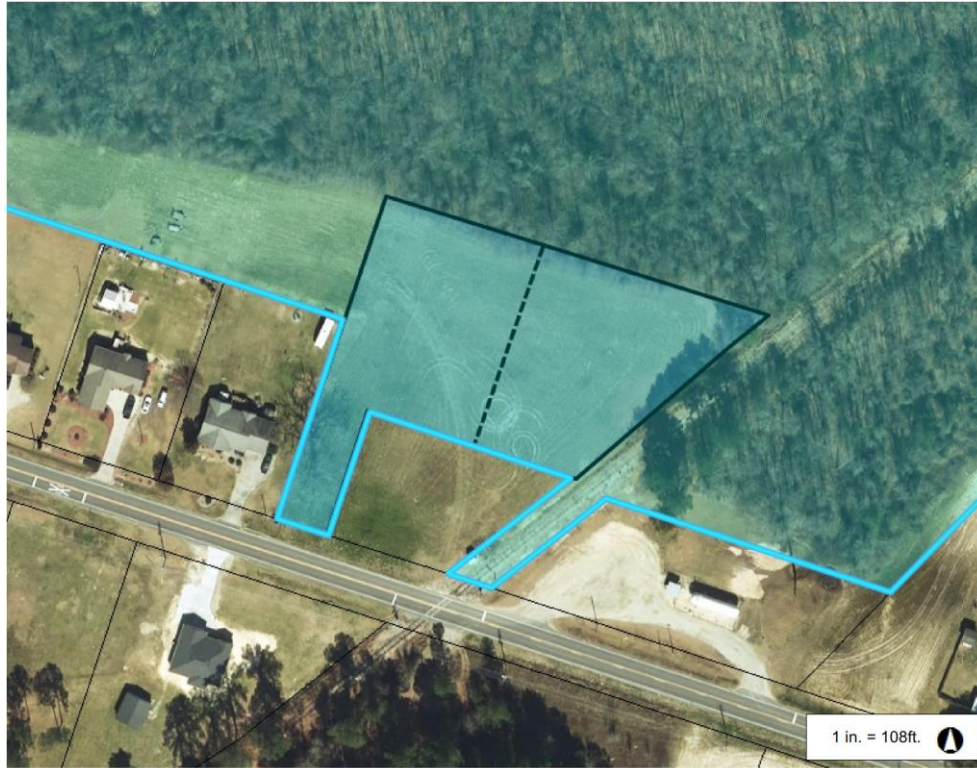
LOCATION: PARCEL # 2905-01-007

Old Whiteville Rd



City of Lumberton

Planning & Neighborhood Services





Planning & Neighborhood Services

PROJECT OVERVIEW

Analysis: Jason Britt is requesting a Variance from Section 35-220. This Variance is to allow the creation of two single-family residential lots served by a private road not constructed to public street standards for a tract of land where a previous approval for a private road not constructed to public street standards has been created.

Sec. 35-220. Private roads in subdivisions and access to subdivisions by private roads.

(b) If a tract proposed for single-family residential subdivision has access to a public street only via a private road, then:

(1) Subject to the provisions in (2) below, a subdivision of that tract in which the lots have access to a public street only via one or more private roads may be approved unless the effect of such subdivision would be that, since the effective date of this chapter, more than three (3) lots that have access to a public street only via one or more private roads have been created out of that same tract.

PLANNING & ZONING

Parcel #(s)	Zoning	Width	Limits of Construction	Area
290501007	Agriculture/M1	Lot 'A' ~167.7 Lot 'B' ~116.5 (various)	Lot 'A' ~40,064.59 sq.ft or 0.92 acres Lot 'B' ~53,265.16 sq.ft. or 1.22 acres	~2.14 acres of ~48.23 Acres (not including the leased area for the solar farm) ~63.86 (includes solar farm)

MINIMUM (MAX) SETBACK AND LOT SIZE REQUIREMENTS

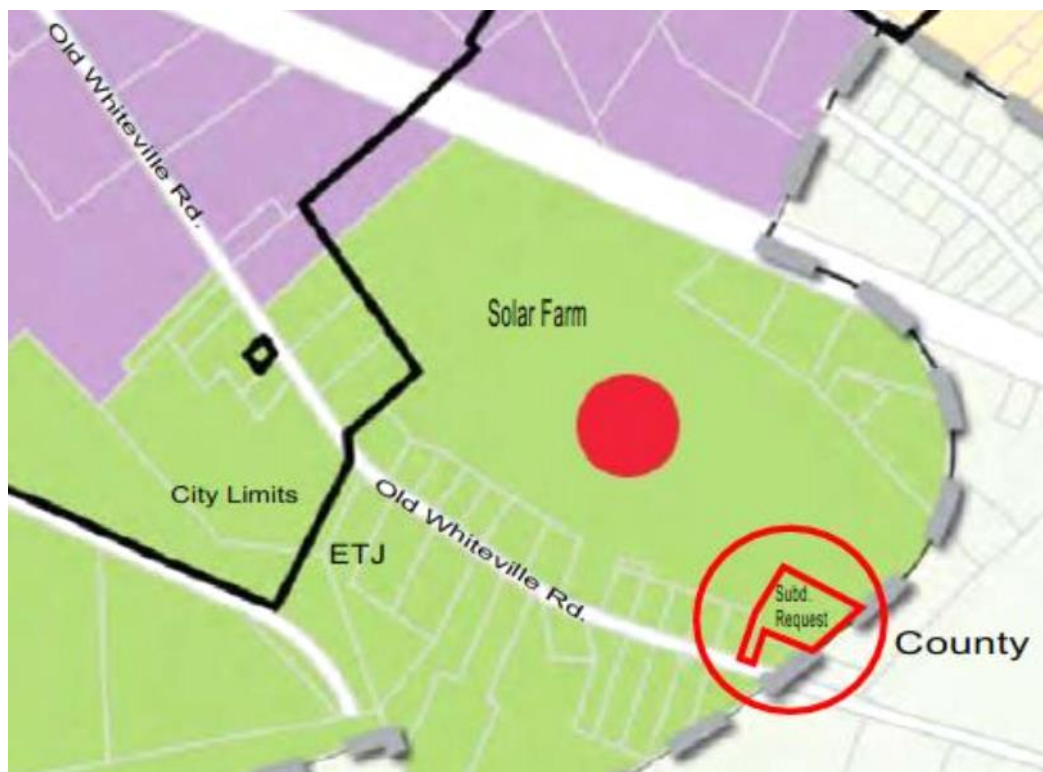
Zoning District	Min. Square Footage	Min. Road Frontage	Min. Front Setback (right of way)	Min. Side Setback (no right of way)	Min. Rear Setback (no right of way)	Max. Height
Agriculture (A)	40,000	100'	50'	20'	20'	35'
Light Manufacturing (M1-leased area for the solar farm)	No min.	100'	30'	15'	15'	35'

ADJACENT PROPERTY SITE DATA

	<i>Zoning</i>	<i>Zoning Description</i>	<i>Land Use</i>
Subject Property	A M1	Agriculture Light Manufacturing	Agriculture Solar Farm/Agriculture
North	A CRA	Agriculture County Residential Agriculture	Single Family Residential
South	A R-20	Agriculture Residential Single Family	Single Family Residential Vacant Land Country Side Mobile Home Park
East	A R-20 M-2	Agriculture Residential - Single Family Heavy Manufacturing	Vacant Land Barnhill Contracting Company
West	CA	County Agriculture	Land

EXISTING LOT INFORMATION: Current use of property – Vacant/Solar Farm.

Land Use Plan: Future use of the parcel is rural and is located in the ETJ.



The Rural land use category is applied to those areas which are situated outside of areas deemed to have the most growth potential. Where development does occur in these areas, it is expected to be at less than 1 dwelling unit per acre and to not be served by the city's wastewater system. While generally agricultural and low density residential in character, certain nonresidential land uses that serve the surrounding rural community are appropriate when sited in locations that do not negatively impact the character, such as small convenience retail uses at rural crossroads or larger scale commercial uses that are intended to directly support the rural agricultural economy.

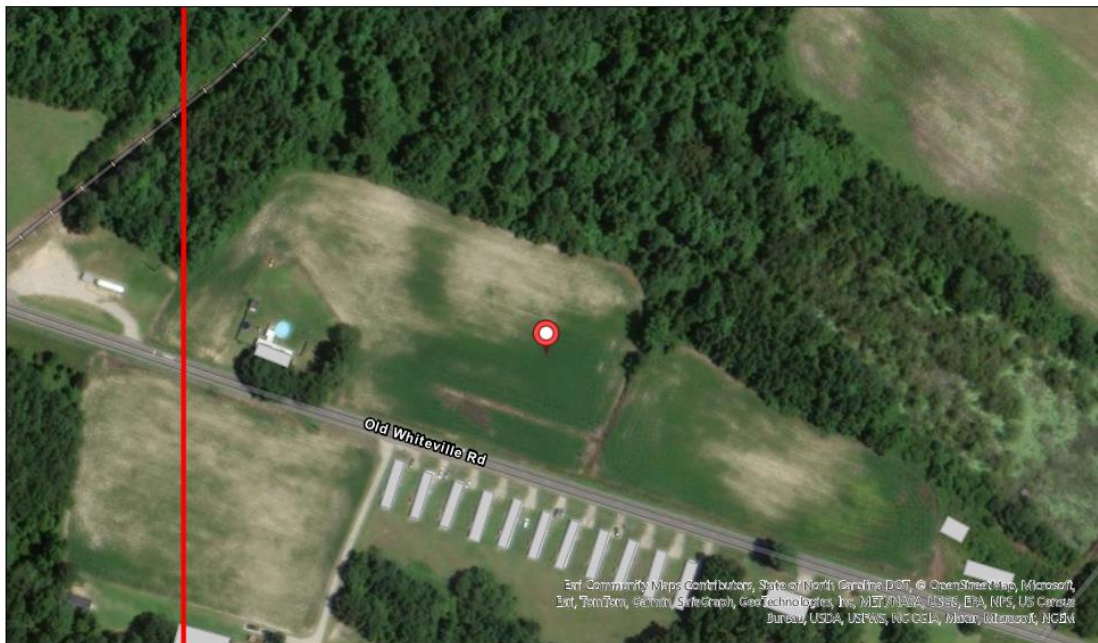
FLOOD RISK INFORMATION SYSTEM (FRIS) INFORMATION

Flood Zone: Zone X is the flood insurance rate zone that corresponds to areas outside the 0.2% annual chance floodplain, areas within the 0.2% annual chance floodplain, and to areas of 1% annual chance flooding where average depths are less than 1 foot, areas of 1% annual chance flooding where the contributing drainage area is less than 1 square mile, and areas protected from the 1% annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone.

Map Number: 3720031000K **Panel Effective Date:** 12/6/2019

Jason Britt Request

Jul 17, 2025



North Carolina Floodplain Mapping Program



City of *Lumberton*
Planning & Neighborhood Services

DEVELOPMENT UPON APPROVAL

If the Variance is granted, the applicant must submit a Special Use Permit application to the Council for approval of the Major Subdivision and must comply with all conditions placed upon the approved Variance and Special Use permit.

PLANNING DEPARTMENT RECOMMENDATION TO BOARD OF ADJUSTMENT

Hold tonight's public hearing and make a separate vote on each of the four (4) factors stated in the application.

BOARD OF ADJUSTMENTS DECISION:

Lumberton Board of Adjustment

Item: III.B.

Lumberton, North Carolina



Request for Action

Meeting Date: August 19, 2025

Originated By: Planning & Neighborhood
Services

Submission Date: 07/29/2025

Subject: Laura Kinder Variance to Setbacks - 304 & 306 S. Rozier Street – P-4

Summary/Background of Subject Matter:

Laura Kinder is requesting a Variance from the requirements of Section 35-184, building setback requirements, of the City Code for property located at 304 & 306 S. Rozier Street, parcel # 3239-02-049, Deed Bk. 01229, Pg. #0859/Map Book: 6 Page: 93.

This request is to reduce the minimum setback for the side boundary line from 10 feet to 9.37 feet for a total reduction of 0.63 feet for the existing building.

Staff Recommendation:

Hold tonight's public hearing and make a separate vote on each of the four (4) factors stated in the application.

City Manager's Comments:

Signature:

Department: Planning & Neighborhood
Services

ATTACHMENTS:

1. Kinder Variance Application and staff report

DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES
CITY OF LUMBERTON, NORTH CAROLINA
APPLICATION FOR A VARIANCE

TO: THE BOARD OF ADJUSTMENT OF THE CITY OF LUMBERTON

1. Applicant:

Owner (if different from Applicant):

LAURA MAE KINDER
(Name)
205 CAMBRIDGE BLVD
(Address)
Lumberton N.C. 28358
City/State/Zip
562 441 1533
(Telephone)

← SAME
(Name)
← SAME
(Address)
← SAME
City/State/Zip
← SAME
(Telephone)

2. Description of Property:

304 ROZIER ST Lumberton 1289 859
(Address) (Deed Book) (Page)
N.C.
6 93 ~178' 33,541.2 Sq Ft / .77 ac
(Map Book) (Page) (Frontage) (Area)

3. Tax Map Identification:

32 39 02 049
(Township) (Map) (Block) (Parcel)

4. Proposed Use of Property: PERSONAL STORAGE Bldg separate 3 Bdrn house

5. Zoning District Designation of Property: M1dR-7 (Rezone to R7 + Bd)

6. Variance requested to requirement of Section 35-: 184 building setback requirements

7. Purpose of Variance: COMPLIANCE to code

8. Development Site Plan: See Appendix A of Land Use Ordinance.

9. Notice of Hearing: All property owners within 150' of the perimeter of the property subject of this petition must be notified by first class mail. Please attach list of all such property owners as reflected on the current tax Assessor's Roll with current mailing addresses, Taxing Township, Map Number, Block Number, and parcel Number.

10. Factors Required to Grant a Variance: When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following "factors". In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to make so that the Board may conclude that the factors exist. (No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.):

a) Unnecessary hardship would result from the strict application of the ordinance:

Need to comply

b) 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.):

built many decades Ago - different Codes

(Over)

File # _____ 1

c) The hardship did not result from actions taken by the applicant or the property owner:

built before - past owners
decades ago

d) 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:

Working to comply to new codes in place
2025

I certify that all of the information presented by me in this Application is accurate to the best of my knowledge, information and belief.

Laura M. Kindee
(Applicant Signature)

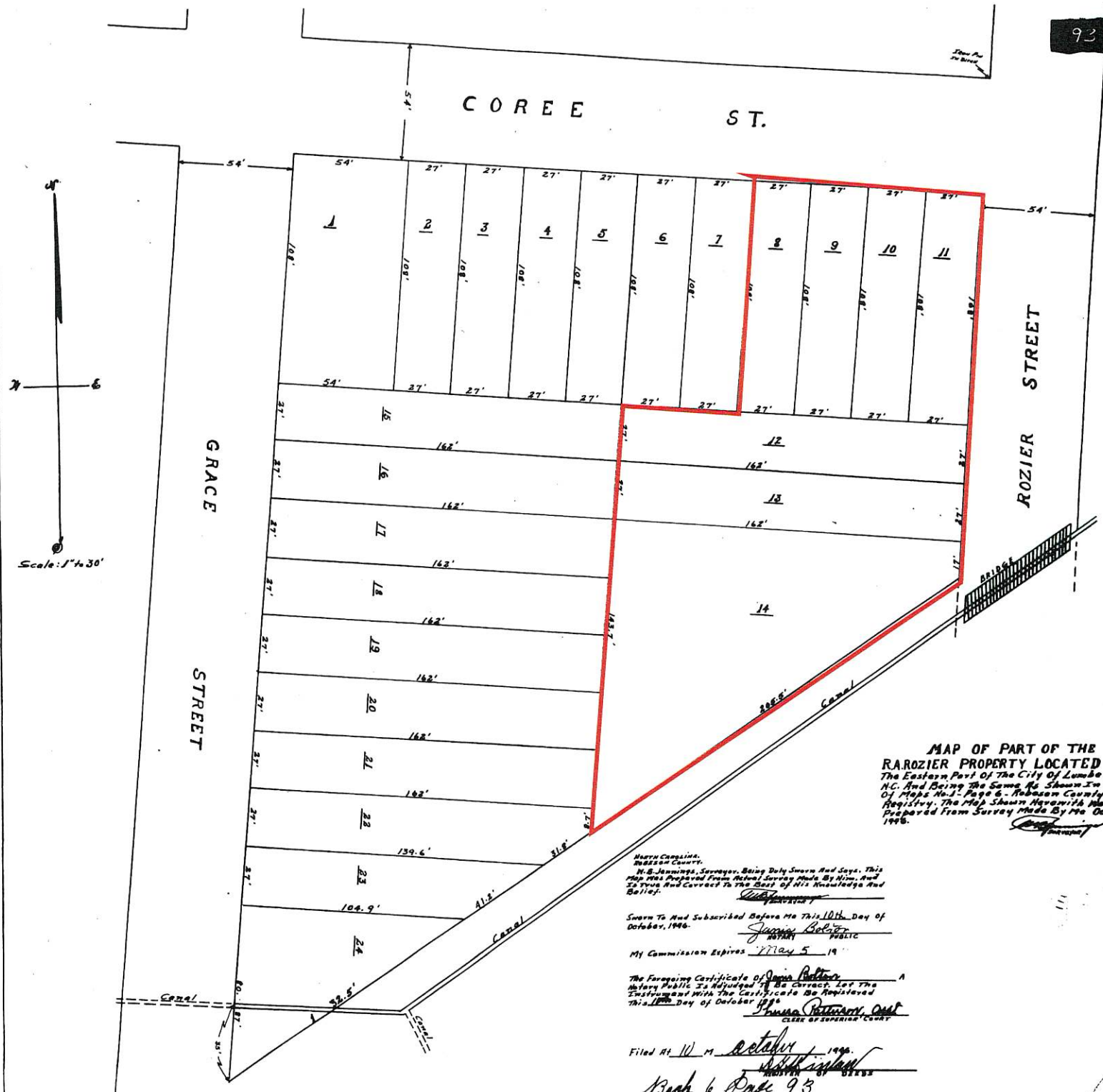
July 30 / 25
(Date)

same ↑
(Owner Signature)

(Date)

d. d. Reich
(Received By)

7/30/25
(Date)



MAP OF PART OF THE
RAROZIER PROPERTY LOCATED IN
The Eastern Part Of The City Of Lumberton,
N.C. And Being The Same As Shown In Book
Of Maps No. 1, Page 6, Robeson County
Registry. The Map Shown Herein Was
Prepared From Survey Made By Me Oct. 9th
1946.

NORTH CAROLINA,
ROBESON COUNTY,
N. S. JENNINGS, Surveyor, Being duly sworn and says, This
Map Was Prepared From Actual Survey Made By Him, And
Is True And Correct To The Best Of His Knowledge And
Belief.
Sworn To And Subscribed Before Me This 10th Day of
October, 1946.
My Commission Expires May 5 1947

The Forgoing Certificate Of N. S. Jennings
Notary Public Is Adjudged To Be Correct, Let The
Instrument With The Certificate Be Registered
This 10th Day of October 1946.
CLERK OF SUPERIOR COURT

Filed At 10 M. October 1946.
Book 6 Page 93

City of *Lumberton*

Planning & Neighborhood Services

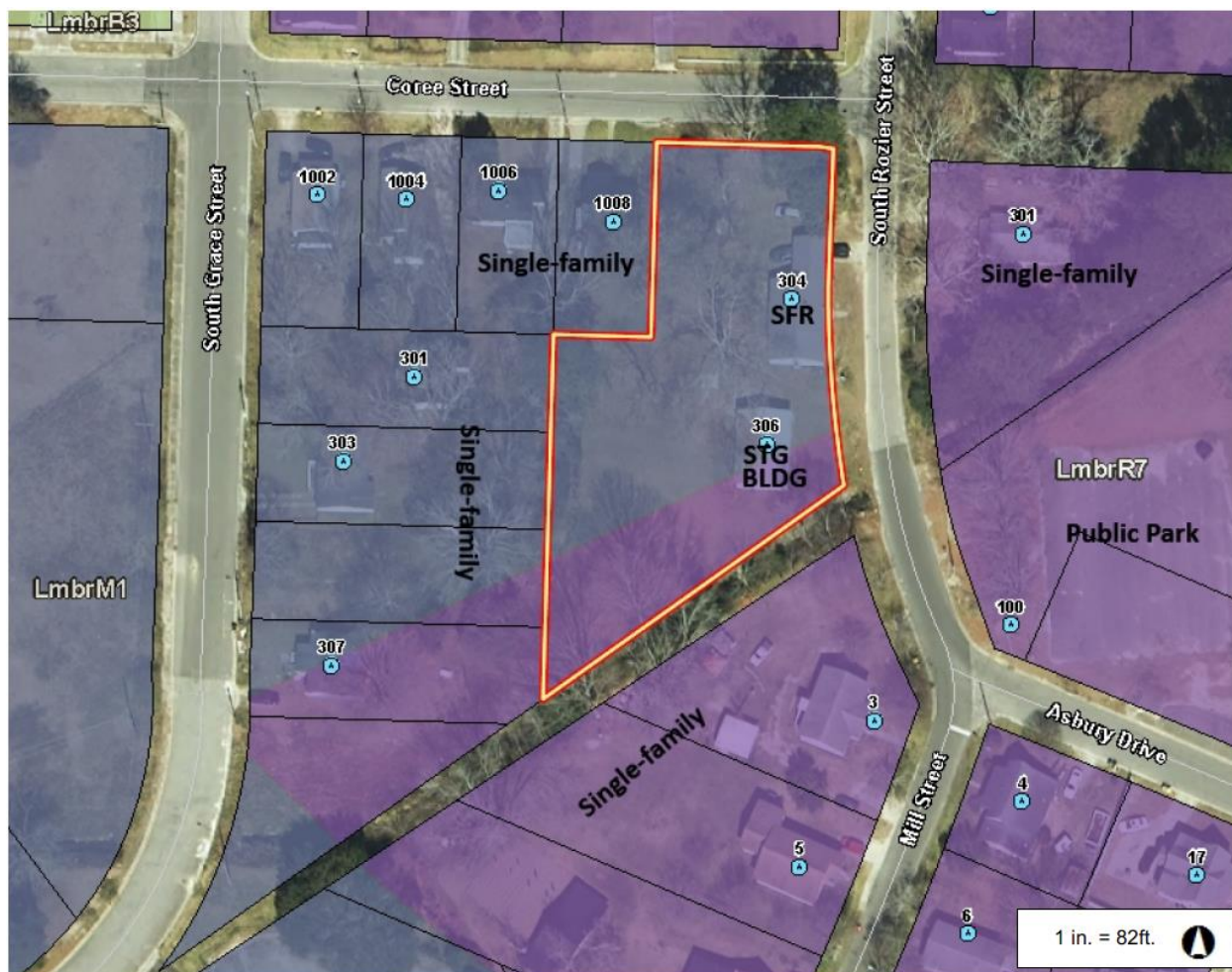
Request for Variance 9.146 Kinder

PETITIONER(S):	OWNER(S):
Petitioner: Laura Kinder 205 Cambridge Blvd. Lumberton, NC 28358	Same as the petitioner
Variance: Laura Kinder Variance to Setbacks - 304 & 306 S. Rozier Street – P-4	

LOCATION: 304 & 306 S. Rozier Street – 3239-02-049



Zoning: M-1, Light Manufacturing & R-7, Residential Single-Family/Duplex



City of*Lumberton**Planning & Neighborhood Services***PARCEL INFORMATION**

Owner	Parcel #(s)	Zoning	Area
Laura Kinder	3239-02-049	M-1, Light Manufacturing R-7, Residential Single Family/Duplex	~ 0.77 Acres ~ 33,541.2 square feet

ADJACENT PROPERTY SITE DATA

	Zoning	Land Use
Subject Property	M-1, Light Manufacturing R-7, Residential Single Family/Duplex	- To subdivide the property - Single Family (1.110) - Storage Building (10.210)
North	R-7, Residential Single Family/Duplex	Single-family residential
South	R-7, Residential Single Family/Duplex	Single-family residential
East	R-7, Residential Single Family/Duplex	Single-family residential City of Lumberton, Public Park
West	M-1, Light Manufacturing R-7, Residential Single Family/Duplex	Single-family residential

City of



Lumberton

Planning & Neighborhood Services

STAFF ANALYSIS

PROJECT OVERVIEW

Variance: Laura Kinder is requesting a Variance from the requirements of Section 35-184, building setback requirements, of the City Code for property located at 304 & 306 S. Rozier Street, parcel # 3239-02-049, Deed Bk. 01229, Pg. #0859/Map Book: 6 Page: 93.

Analysis: This request is to reduce the minimum setbacks as follows:

- 1) The right of way line for Lot "A" from 20 feet to 14.01 feet for a total reduction of 5.99 feet for the existing residential building.
- 2) The right of way line for Lot "A" from 20 feet to 12.29 feet for a total reduction of 7.71 feet for the existing residential building.
- 3) The side boundary line of Lot "B" from 10 feet to 9.37 feet for a total reduction of 0.63 feet for the existing storage building.

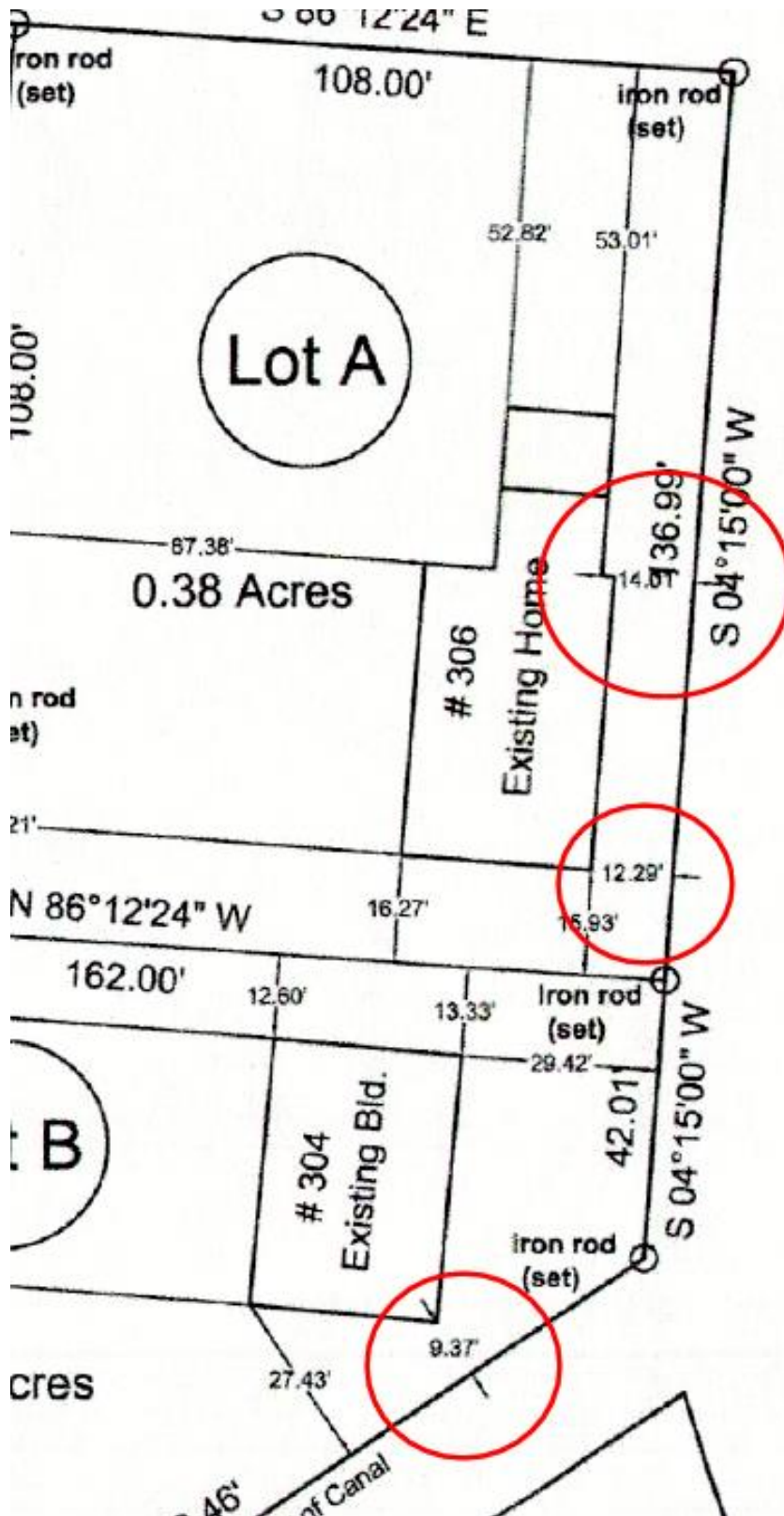
Furthermore, the owner requests to subdivide, sell the residence (Lot 'A') and retain the storage building (Lot 'B') for personal use; therefore, a rezoning and subdivision plat are also required. After extensive research, the Planning staff recommends that the property be rezoned to R-7 for the residence and B-2 for the private storage building. However, the existing residential home and storage building will not meet the above-mentioned setbacks, hence, requiring a Variance.

City of



Lumberton

Planning & Neighborhood Services



Rozier Street (54 ft. R/W)

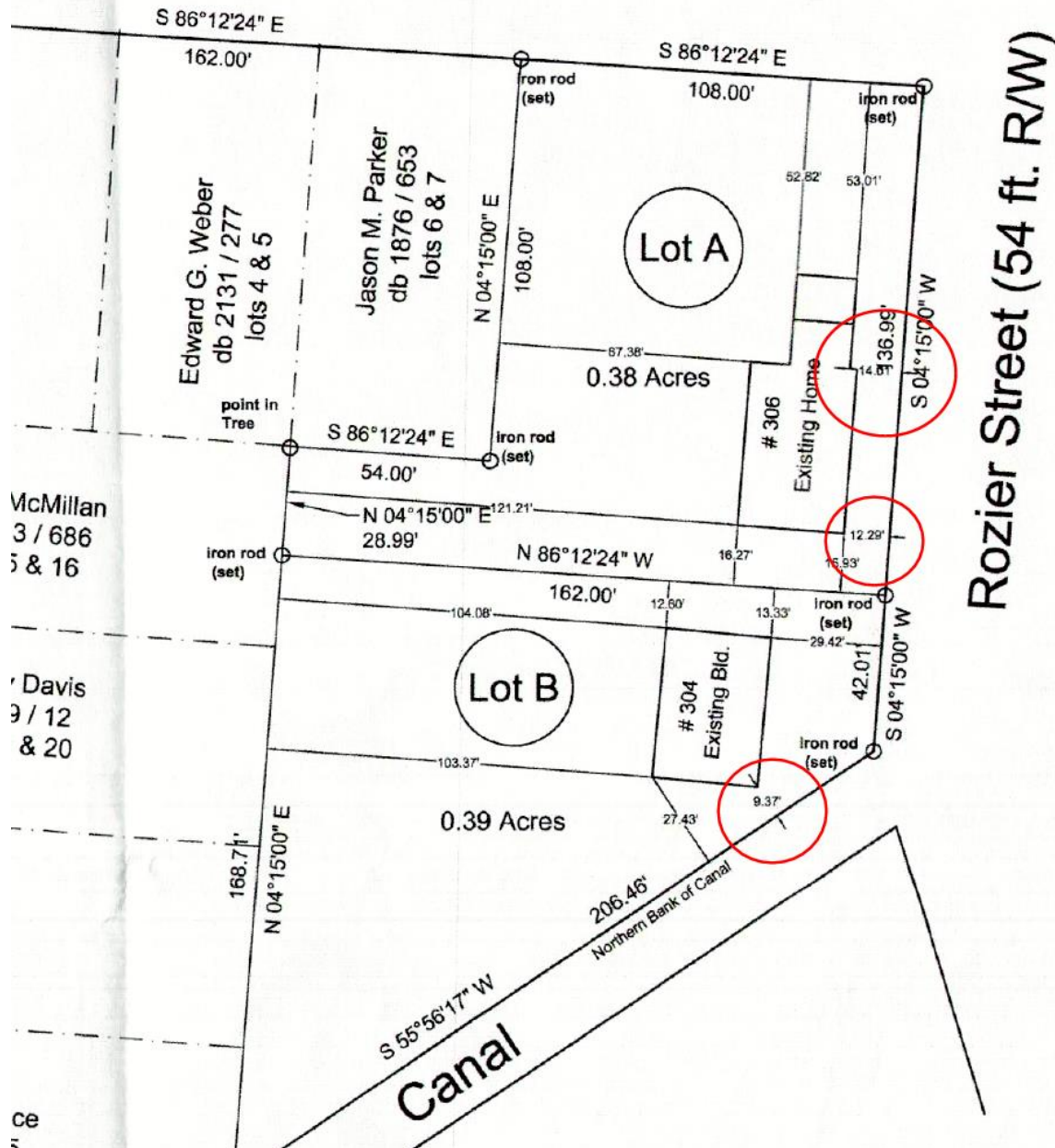
City of



Lumberton

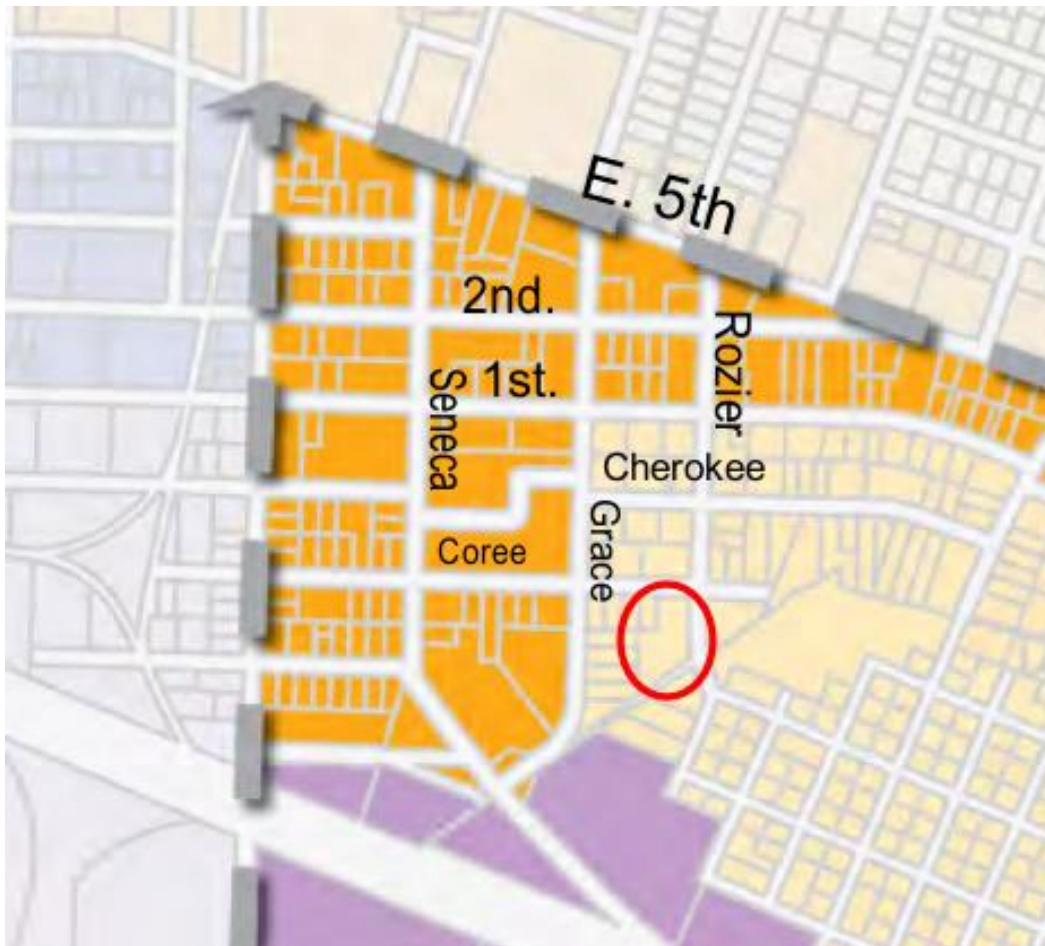
Planning & Neighborhood Services

Coree Street (54 ft. R/W)



PLANNING & ZONING

Land Use Plan: The Land Use Plan designates the future use of this parcel as low intensity and is located in Precinct 4.



LOW INTENSITY

The Low Intensity land use category is intended to accommodate both the preservation and growth of low to medium density neighborhoods (4 to 6 dwelling units / acre) consisting primarily of single family residences, as well as small scale multi-family residential development, such as two and three family dwellings. While primarily residential in character, certain low impact nonresidential uses are appropriate for development within these areas, such as small churches, daycare centers, traditional home occupations and similar uses which will not conflict with the character of these areas when they are situated and developed in a manner that is consistent with an overall low intensity land use pattern.

*Planning & Neighborhood Services***Setback and Lot Size:**

Zoning District	Min. Lot Size	Min. Lot Width	Min. Front Setback (right of way)	Min. Side & Rear Setbacks (unless a right of way borders it, then right-of-way min setbacks are observed).	Maximum Height
R-7	7,000 sq.ft.	70'	20'	8'	35'
M-1	No Minimum	100'	30'	15'	85'
B-2	3,000 sq.ft.	50'	20'	10'	35'

Screening Requirement: 10.210 All storage within completely enclosed structures

Type "C" Screen
1.110 Single-family residences Other than mobile homes
1.120 Mobile homes
1.130 Single- family residences with accessory apartment
1.200 Two family residences

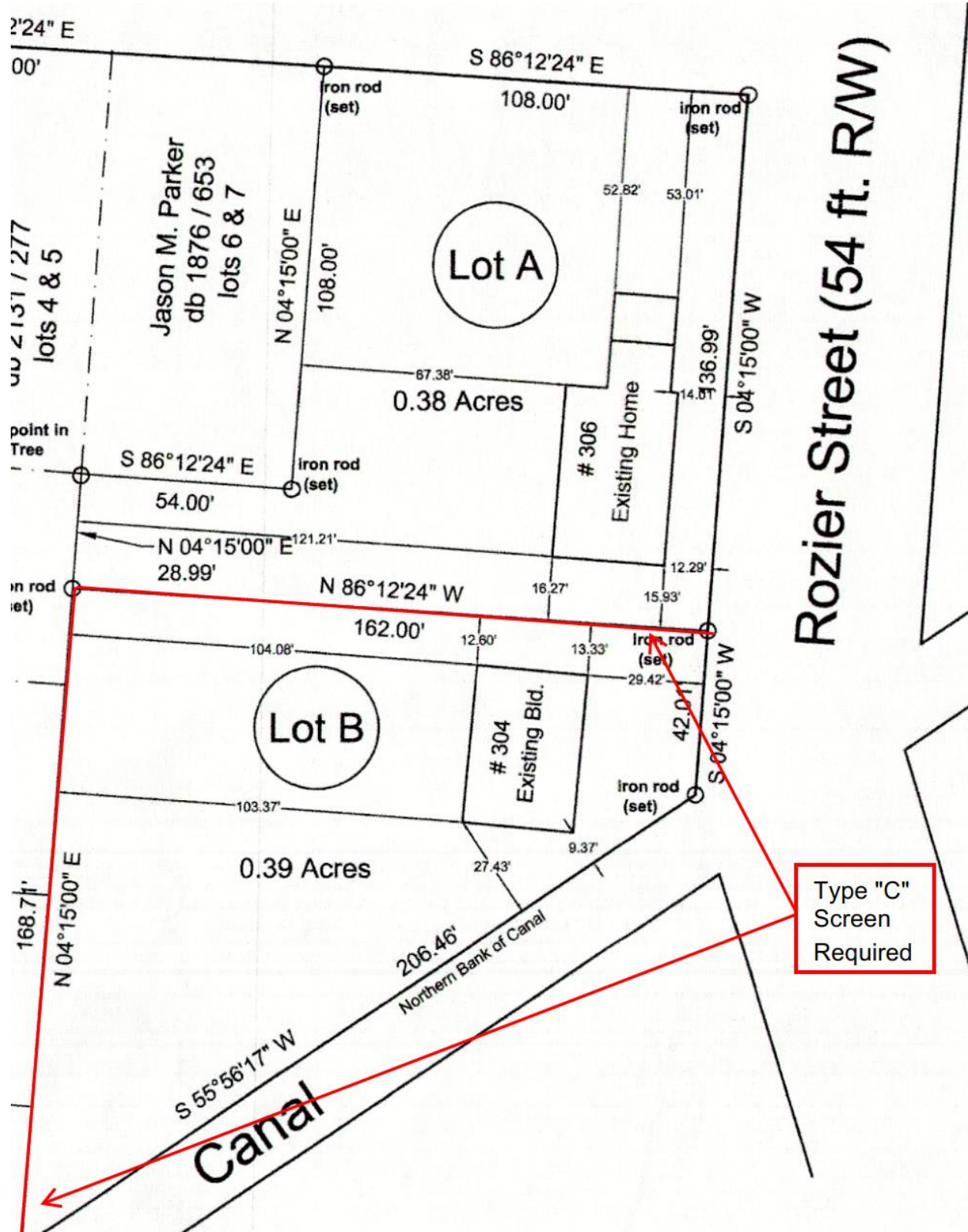
Opaque screen, type "C." A screen that is opaque to a height of at least eight (8) feet. An opaque screen is intended to exclude completely all visual contact between uses and to create a strong impression of spacial separation. The opaque screen may be composed of a wall, fence or earth berm.

City of



Lumberton

Planning & Neighborhood Services



City of Lumberton

Planning & Neighborhood Services

Flood Zone 'X' Not in 100-YR Floodplain: Area of minimal risk and determined to be outside the 100 and 500-year floodplains.

Map Number: 3720030100K Panel Effective Date: 12/6/2019



PLANNING STAFF RECOMMENDATION TO THE BOARD OF ADJUSTMENTS

Hold tonight's public hearing and make a separate vote on each of the four (4) factors stated in the application.