



Lincolnton NC

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CITY OF LINCOLNTON BOARD OF ADJUSTMENT

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www.ci.lincolnton.nc.us

BOARD MEMBERS: Gene Poinsette, Chair, poinsetteg@charter.net; And Lynn, Vice-Chair, andmlynn@gmail.com; Jamel Farley, afarley2351@gmail.com; Becky Burke, beckyburke940@gmail.com; Jerry Hoffman, jlskhoffman@charter.net.

Tuesday, March 20, 2018 Meeting

Present: Gene Poinsette, And Lynn, Becky Burke, Worth Roberts sitting in as first alternate and Rebecca Abernethy sitting in as second alternate.

Absent: Jerry Hoffman, Jamel Farley

Call to Order

Chairman Gene Poinsette called the meeting to order and recognized that three regular members and two alternates were present for a quorum.

Approval of Minutes

Chairman Gene Poinsette asked the Board if there were any additions or corrections to the minutes of the February 20, 2018 meeting.

Motion: Worth Roberts made a motion to approve the minutes. And Lynn seconded. Motion carried unanimously.

BOA-6-2018 - A Variance application from Teramore Development LLC requesting an additional monument sign.

Jean Derby swore in Laura Elam and Rob Brown.

Laura Elam addressed the Board, noting the following:

The subject property is a vacant 1.22 acre parcel located west of the intersection of West Highway 27 and West Highway 150.

The requested variance is to allow a second monument style sign so that a sign can be located at each of the two driveway connections to the site (one to West Highway 27 and the other to West Highway 150). The two proposed monument signs will be approximately 34 square feet in size and 8 feet in height from grade on a masonry foundation.

Findings Of Fact

The UDO states when practical difficulties, special conditions or unnecessary hardships would result from carrying out the strict letter of the ordinance, the Board of Adjustment shall have the power to vary or modify any of the regulations or provisions upon a determination of the following findings of fact:

1. Unnecessary hardship would result from the strict application of the zoning regulations. 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 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.
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 self-created hardship.
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 Board of Adjustment, in granting a variance, may prescribe appropriate conditions and safeguards provided the conditions are reasonably related to the variance.

Staff Comments

1. The City's sign regulations allow one detached, pole or ground mounted sign of up to 64 square feet in area and up to 25 feet in height.
2. This application proposes two 34 square foot monument style signs.
3. Planning staff does not consider requests for variances for additional sign area or height as an appropriate use of the variance process.
4. Since 1990, all similar uses have complied with the same sign ordinance requirements. At that time, existing signs that did not conform were required to come into compliance during an amortization period. Many signs had to be removed and replaced with conforming signs.

5. Variances to allow larger signage would likely be seen by other businesses as giving a competitive advantage to the recipient of the variance.
6. Previous requests for sign variances that have sought larger and/or taller signs than allowed by the sign ordinance have typically not been supported by staff or approved by the Board of Adjustment. The approval of a variance for larger or taller signs than other similarly situated businesses throughout the City would likely set a bad precedent and undo years of work.
7. If the variance was limited to two monument style signs with a total sign area of no more than 64 square feet, Dollar General's signage needs would be met and the Board would not set a potentially negative precedent of allowing additional signage area through the variance process. That would allow Dollar General to have two monument signs of 32 square feet each.

After a lengthy discussion and several clarifications from the Applicant, Chairman Gene Poinsette asked if there was a motion.

Motion: Worth Roberts made a motion to approve the application based on a seven-foot sign. And Lynn seconded. Motion carried unanimously.

Chairman Gene Poinsette asked the Board if there was any other business to be addressed, to which there was none.

Adjournment

Motion: Worth Roberts made a motion to adjourn. And Lynn seconded. Motion carried unanimously.

Jean Derby