

LINCOLN TON BOARD OF ADJUSTMENT
AGENDA
January 15, 2019
At 4:00 P.M. in City Council Chambers

1. Roll Call
2. Call to Order
3. Approval of Minutes from the December 18, 2018 meeting
4. Election of Officers
5. BOA-1-2019 – A Variance Application submitted by Danny Wayne Brooks Jr. requesting a reduction in the front yard setback for a parcel in the G-B (General Business) Zoning District. The property is at 303 East Sumner Street (PID 81508).
6. Adjournment



**CITY OF LINCOLNTON
BOARD OF ADJUSTMENT**

PO DRAWER 617, LINCOLNTON, NC 28092

www.ci.lincolnton.nc.us

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

Tuesday, December 18, 2018 Meeting

Present: Gene Poinsette, Becky Burke, Jamel Farley, Worth Roberts, Rebecca Abernethy

Absent: Änd Lynn, Jerry Hoffman

Call to Order

Chairman Gene Poinsette called the meeting to order and recognized that two members were absent and Worth Roberts and Rebecca Abernethy were standing in as first and second alternates for a quorum.

Approval of Minutes

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

Motion: Worth Roberts made a motion to approve the minutes. Jamel Farley 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. Jamel Farley seconded. Motion carried unanimously.

Jean Derby

MEMO TO: City of Lincolnton Board of Adjustment Members

FROM: City of Lincolnton Planning Department

SUBJECT: Elections of Officers for Board of Adjustment

DATE: January 15, 2019

Section II.B of the Rules of Procedure for the Board of Adjustment outlines the procedure for election of officers as follows:

- Annually, at the regular meeting of the Board held in the month of January, a Chairperson and Vice-Chairperson shall be elected.
- A Chairperson and a Vice-Chairperson shall be elected by the entire Board membership.
- The Chairperson and Vice – Chairperson shall each be regular Board members.
- Each officer shall serve for a one (1) year term but may be elected by the Board membership for successive terms to the same office.

MEMO TO: Lincolnnton Board of Adjustment
FROM: City of Lincolnnton Planning Department
DATE: December 6, 2018
SUBJECT: BOA-1-2019 – Danny Wayne Brooks Jr.

Property Information

- Property Location – 303 Sumner Street (PID 81508)
- Current Zoning – General Business (G-B)
- Property Size - 0.643 acres
- Current Use of Property – Commercial – Warehouse assembly
- Adjacent Properties – Commercial and Residential



Relevant UDO Requirement

- The City of Lincolnton Unified Development Ordinance requires a forty (40) foot front yard setback in the G-B district.

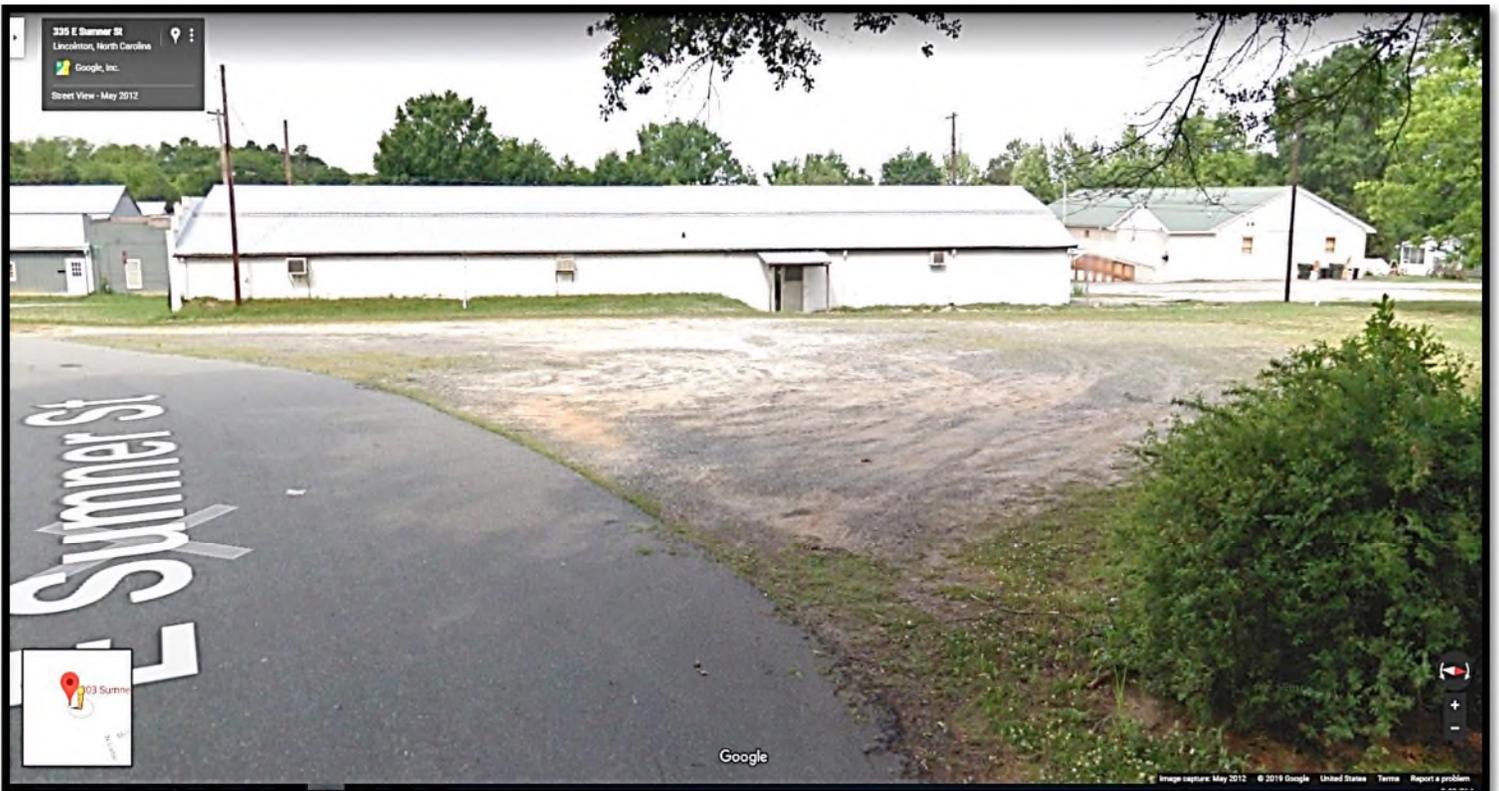
Background and Variance Request

- The applicant operates an assembly and warehouse facility in the existing 5,566 square foot building on the site. The existing building pre-dates zoning regulations and is located approximately 10 feet from the right-of-way line along East Sumner Street.
- The applicant proposes to construct an additional building to the east of the existing building. The proposed building would include approximately 5,400 square feet and would be located approximately 18 feet from the right-of-way line along East Sumner Street.
- A variance is required to allow the building within the 40 foot setback.

Existing Building

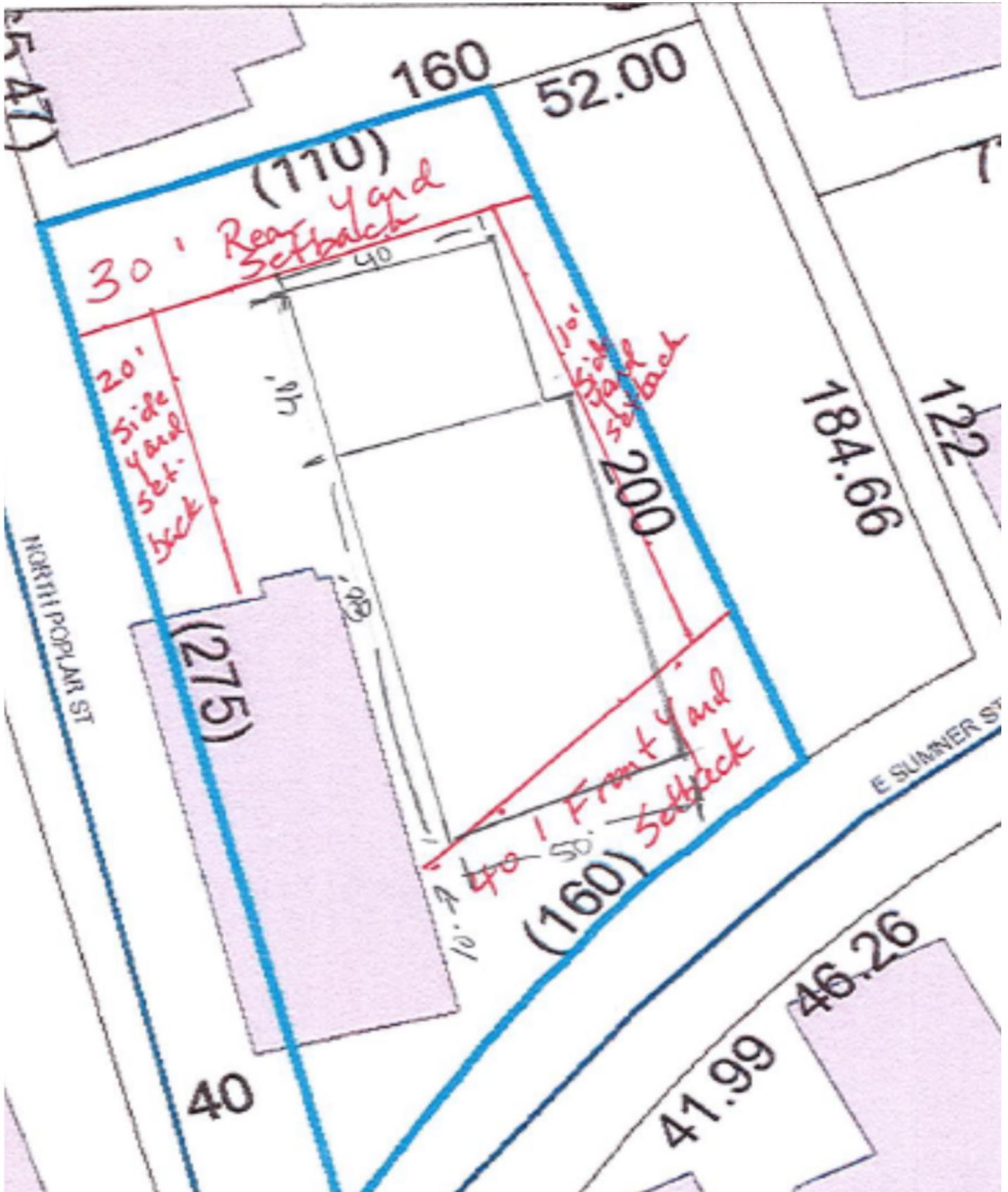


Site of Proposed Building



Proposed new building

The applicant proposes to construct an approximately 50 x 120 foot metal building. The below sketch outlines the required building setbacks in red. The proposed building line is shown in black.



Additional Applicant Statements (See Attached Application)

- Applicant would like construct a second building to accommodate the growing business and to continue to operate the business in downtown Lincoln.
- Applicant will remove an older tractor trailer and a tractor trailer container box currently being used for storage.
- Odd shape of the lot makes it imperative to receive the variance to construct a building the size required to accommodate the needed additional space.
- If the additional space cannot be created, then the applicant would be forced to relocate possibly outside City limits to find the space required.

Findings of Fact

1. Unnecessary hardship would result from the strict application of the ordinance. 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 a 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.

Staff Comments

- In the event the Board elects to grant the variance, a suggested condition of the variance is that the existing tractor trailer and tractor trailer container box be removed and there be no future use of tractor trailers or tractor trailer container boxes on the site.
- The proposed building setback appears to be in keeping with nearby properties.
- The applicant will need to provide additional information at the meeting regarding how the four findings of fact are met in order for the Board of Adjustment to grant the variance.