



CITY OF LINCOLNTON BOARD OF ADJUSTMENT

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BOARD MEMBERS:

Worth Roberts, Chair, worth.roberts@charter.net ; Thomas Hawk, Vice-Chair, thomasrhawk@aol.com;
Anita McCall, a.mccall@bellsouth.net; Becky Burke, beckyburke@charter.net; Jerry Hoffman, jlskhoffman@charter.net

Tuesday, October 20 , 2015 Meeting

Present: Becky Burke, Jerry Hoffman, Anita McCall, and Worth Roberts with Kathryn Yarbro sitting in as first alternate.

Absent: Tom Hawk.

Call to Order

Chair Worth Roberts called the meeting to order and recognized that four (4) regular members were present and Kathryn Yarbro was sitting in as first alternate.

Approval of Minutes

Chair Worth Roberts asked the Board if there were any additions or corrections to the minutes of the September 15, 2015 meeting. Jerry Hoffman noted a needed correction to page five of the minutes.

Motion: Becky Burke made a motion to approve the minutes as amended.
Anita McCall seconded. Motion carried unanimously.

BOA-7-2015

BOA-7-2015 - Application from Japan of Lincolnton, Inc requesting a variance to allow a building to be constructed which would not meet the setback requirements and minimum lot size for the Planned Business (PB) District on property located at the intersection of North Generals Boulevard and Barkley Avenue (Parcel ID 17081).

Mark Carpenter addressed the Board stating that the applicant is requesting a variance from the Lincolnton Unified Development Ordinance (UDO) to allow a building to be constructed without meeting the setback requirements and minimum lot size for the Planned Business (PB) District. The subject property is located on the east side of North Generals Boulevard at the intersection of North Generals Boulevard and Barkley Avenue and is currently developed with an auto dealership and body shop.

Due to the property layout the applicant would need relief from the side yard setbacks and lot size requirements. The property that is to be subdivided will be triangular in shape and will have frontage on North Generals Boulevard and Barkley Avenue. There are also existing structures on the property which would impede creating a larger lot size.

If approved, the building setback along North Generals Boulevard and Barkley Avenue would be reduced from thirty (30) feet to fifteen (15) feet. The lot size would be reduced from the required one (1) acre to 0.73 acres.

The ordinance requires that the following findings be determined in order to grant the variance:

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 CONTITIONS 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.

Mr. Carpenter noted the following regarding the findings:

1. The property narrows along North Generals Boulevard and Barkley Avenue which creates a very small area into which a building could be constructed. Also, the existing buildings on the property create a situation where the subdivided property cannot be enlarged without creating a need for additional variances for those buildings not meeting setback requirements.
2. The property conditions are peculiar due to the shape and layout of the site and buildings that were constructed on the site prior to any zoning regulations in this area. This limits the size of the usable property and the amount of property remaining to create a larger lot size.

3. The hardship is not a result of actions by the applicant, nor the current owner. The property is unique in that the site:
 - a. Is triangular in shape
 - b. Has frontage on two streets
 - c. Has buildings that were constructed prior to zoning regulations
4. The granting of the variance would be consistent with the spirit, purpose, and intent of the ordinance and there is no issue that would negatively affect the public safety and welfare. The variance would allow for the creation of usable property which would otherwise not be able to be developed.

Mr. Carpenter stated that Staff's opinion is that due to the case made by the applicants, the four findings of fact required to issue a variance have been met.

Dr. Jim Watson spoke to the Board in favor of the request as a representative of the applicant and property owner. Dr. Watson gave a brief history of the business and explained the reason for the potential changes.

Motion: Anita McCall made a motion to approve the variance. Becky Burke seconded. Motion carried unanimously.

Adjournment:

Motion: Kathryn Yarbrow made a motion to adjourn the meeting. Jerry Hoffman seconded. Motion carried unanimously.

Laura Elam, Secretary