



CITY OF LINCOLNTON BOARD OF ADJUSTMENT

PO DRAWER 617, LINCOLNTON, NC 28092

www.ci.lincolnton.nc.us

BOARD MEMBERS: Thomas Hawk, Chair, thomasrhawk@aol.com; Anita McCall, Vice-Chair, a.mccall@bellsouth.net; Becky Burke, beckyburke@charter.net; Jerry Hoffman, jlskhoffman@charter.net; Kathryn Yarbrow, kathryny@charter.net

Tuesday, April 19, 2016 Meeting

Present: Tom Hawk, Jerry Hoffman, Anita McCall and Kathryn Yarbrow with And Lynn sitting in as first alternate.

Absent: Becky Burke

Call to Order

Chair Tom Hawk called the meeting to order and recognized four members were present, one was absent and And Lynn was sitting in as first alternate.

Approval of Minutes

Chair Tom Hawk asked the Board if there were any additions or corrections to the minutes of the March 15, 2016 meeting.

Motion: And Lynn made a motion to approve the minutes. Anita McCall seconded. Motion carried unanimously.

BOA-5-2016

Application from American Promotional Events, d.b.a. TNT Fireworks, requesting authorization to sell fireworks from a tent on the premises of the Wal-Mart parking lot located at 306 North Generals Blvd. between June 23 and July 5, 2016.

Mark Carpenter addressed the Board noting the following:

American Promotional Events, d.b.a. TNT Fireworks, submitted a request to sell fireworks from a tent on the premises of the Wal-Mart parking lot located at 306 North Generals Blvd. between June 23 and July 5, 2016.

Section 153.053 (B) of the Unified Development Ordinance requires authorization by the Board of Adjustment for a temporary use of this type. The Board of Adjustment, in approving such a use, may authorize conditions regarding the use. Those conditions, if authorized, will be made a part of the permit issued by the Zoning Administrator.

The City received the same request from American Promotional Events last year. That request was authorized by the Board. During their operation in 2015, our office received no complaints about the activity.

The applicant will be required to get a permit from the Fire Department.

If the use is approved, the conditions proposed below, any amendments to those conditions, and any conditions warranted by the Board of Adjustment will be required in the permit issued by the Zoning Administrator.

CONCLUSIONS

Staff recommends approval with the following conditions:

- (1) Period of activity shall be from June 23 through July 5, 2016
- (2) The hours of operation shall be from 10 a.m. until 10 p.m.
- (3) Certificate of Insurance shall be provided in the amount of \$1,000,000, including the City of Lincolnton as an additional insured party.
- (4) The City of Lincolnton shall not provide water, sewer, or electrical utilities to the site.

Motion: And Lynn made a motion to approve. Kathryn Yarbrow seconded.
Motion carried unanimously.

BOA-6-2016

Request from B & K Carnival Company to Operate a Carnival on the Premises of Old Staples Parking Lot, 1623 East Main Street. April 20-24 and May 11-15

Mark Carpenter addressed the Board noting the following:

B & K Carnival Company, Inc., represented by Katie Wilson, submitted the above-described request. The property is located at 1623 East Main Street.

The Unified Development Ordinance requires authorization by Board of Adjustment for a temporary use of this type. The Board, in approving such a use, may authorize conditions regarding the use. Those conditions, if authorized, will be made a part of the permit issued by the Zoning Administrator.

They will set-up approximately 10-15 rides. Porta-Johns and dumpsters will be provided. Hours of Operation will be Wednesday through Friday from 5:00 p.m. until 11:00 p.m. and Saturday and Sunday from 1:00 p.m. until 11:00 p.m. All rides will be inspected by the Department of Labor prior to opening.

We spoke with the Police and Fire Department concerning Safety Issues. The Police Chief request that security officers be present during operation.

Staff recommends approval with the following conditions:

- (5) Period of activity shall be from April 20-24, 2016 and May 11-15, 2016
- (6) Hours of operation shall be:

- (a) 5:00 p.m. until 11:00 p.m. Wednesday through Friday
- (b) 1:00 p.m. through 11:00 p.m. on Saturday and Sunday
- (7) The applicant must maintain a valid certificate of liability insurance in the amount of \$5,000,000 during the activity's operation.
- (8) Porta-Johns will be on-site for use by the public.
- (9) Dumpsters will be placed on-site for trash disposal. Trash must be removed from property immediately after event by the owner.
- (10) State and local inspections shall be completed and approved prior to opening the carnival.
- (11) Fire Inspection and Fire Permit must be issued by City Fire Inspector.
- (12) The City of Lincoln shall not provide water, sewer, or electrical utilities to the site.
- (13) Security officers must be employed during carnival operation.

Motion: Anita McCall made a motion to approve. Jerry Hoffman seconded.
Motion carried unanimously.

Laura Elam