



CITY OF LINCOLNTON BOARD OF ADJUSTMENT

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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, May 17, 2016 Meeting

Present: Becky Burke, Tom Hawk, Jerry Hoffman, Anita McCall and Kathryn Yarbrow

Absent: None

Call to Order

Chair Tom Hawk called the meeting to order and recognized that all members were present.

Approval of Minutes

Chair Tom Hawk asked the Board if there were any additions or corrections to the minutes of the April 19, 2016 meeting.

Motion: Anita McCall made a motion to approve the minutes. Kathryn Yarbrow seconded. Motion carried unanimously.

BOA-7-2016

Application from Lauren LoFurno requesting a change in nonconforming use. The proposed use is for a Home Occupation Hair Salon Business to be located in an accessory structure that was formerly used as a retail craft shop. The subject property is located at 133 Buffalo Shoals Road (Parcel ID 25430).

Mark Carpenter addressed the Board noting the following:

The property is in the R-15 Zoning District and is located at 133 Buffalo Shoals Road. The surrounding properties are zoned R-15 to the north, GB to the east and south, and RMF to the west. Surrounding uses include a mixture of single family housing and commercial uses.

The applicant seeks to use the former craft shop accessory structure for a one person hair salon. No exterior changes will be made to the building. The building is considered an accessory building because it is not attached to the house. It is located about one foot from the existing house on the property. If the structure was attached to the house it would be considered a home

occupation and no permit would need to be issued by the Board of Adjustment. However, State Building Code requirements would preclude it from being attached.

Section 153.279(B)(1)(a) and (b) of the Unified Development Ordinance allow the Board of Adjustment to grant a change in nonconforming use only after having first held a public hearing and determined each of the following in the affirmative:

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| 153.279(B)(1)(a) | Said change will be more suitable and appropriate for the lot(s) on which it is located than the existing situation. |
| 153.279(B)(1)(b) | The proposed change will have a less harmful effect than the existing situation on the properties surrounding the lot(s) in question. |
| 153.279(B)(2) | The decision to grant the change will be in harmony with the general purpose and intent of the ordinance and will not be injurious to the neighborhood or otherwise be detrimental to the public welfare. |
| 153.279(C) | The Board of Adjustment, in granting said change, may prescribe appropriate conditions and safeguards in conformity with the ordinance in order to conform with Sections 153.279(B)(1) and (B)(2). Violation of such conditions and safeguards when made a part of the terms upon which the change in use is granted, shall be deemed a violation of the ordinance and shall be punishable as is prescribed in Section 153.999 of the ordinance. |

The separate building was used as a metal shop by the homeowner. It will be changed, if approved, to a one person hair salon. The proposed use should be equally suitable and appropriate for the lot as the former metal craft shop. There should be relatively little traffic in and out of the site.

There should be no more harmful effect on the properties surrounding the lot in question. The hours of operation would be no earlier than 8:00 a.m. and no later than 8:00 p.m.

Granting the change for the building to be used as a one person hair salon while living in the house should not disrupt or impose on the neighborhood at all.

Section **153.279(C)** of the ordinance allows the Board of Adjustment to prescribe appropriate conditions and safeguards so as to ensure that requirements of Sections **153.279(B)(1) and (B)(2)** are met. If approved, staff recommends that the following conditions apply as follows:

- (1) Any noise coming from the property must be no louder or frequent than the noise which could be normally expected from uses allowed in a Residential District.
- (2) There will be no odors or vibrations detectable from the property boundary without instruments.
- (3) Hours of operation should be 8:00 a.m. until 8:00 p.m. each day.
- (4) Signage should be limited to what is permitted for a home occupation (3 square feet).

- (5) Applicant must obtain a change in occupancy permit from Lincoln County Planning and Inspections Department.
- (6) Applicant must meet all requirements of the City Fire Code as enforced by the City Fire Inspector.

Mr. Carpenter noted the proposed use should be in conformance with the Lincoln Unified Development Ordinance and should have no more harmful effect on the neighborhood than the previous use subject to the above conditions.

Tom Hawk asked if there had been input from neighbors. Mr. Carpenter responded that there has not.

Anita McCall asked about signage and insurance and Ms. LoFurno indicated any signage would adhere to the ordinance and she would have any required insurance.

Motion: Jerry Hoffman made a motion to approve. Becky Burke seconded. Motion carried unanimously.

Adjournment

Motion: Anita McCall made a motion to approve. Kathryn Yarbrow seconded. Motion carried unanimously.

Laura Elam