



**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, April 16, 2019 Meeting

Present: Gene Poinsette, Änd Lynn, Becky Burke, Jamel Farley and Jerry Hoffman

Absent: N/A

Call to Order

Chairman Gene Poinsette called the meeting to order and recognized that all members 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 March 19, 2019 meeting.

Motion: Änd Lynn made a motion to approve the minutes. Becky Burke seconded. Motion carried unanimously.

BOA-4-2019 – A Variance Application submitted by Saine Properties requesting a reduction in the front yard setback for a parcel in the G-B (General Business) Zoning District. The property is at 127 Spake Road (PID 55974).

Jean Derby swore in Brett Hicks and Jerry Saine.

Brett Hicks addressed the board noting the following:

The property is a commercial business at 127 Spake Road currently zoned General Business (G-B).

Relevant UDO Requirement

The City of Lincolnnton Unified Development Ordinance includes the following requirements:

- The G-B district requires a 40-foot setback as measured from the edge of the street right-of-way.
- No accessory structure shall be located in any required front or side setback within the G-B district.

Background and Variance Request

- The applicant is requesting a variance to allow the construction of an accessory structure within the 40-foot setback along Hershel Lackey Road near its intersection with Spake Road.
- The accessory structure will be located approximately 16 feet from the right-of-way along Hershel Lackey Road.
- The accessory structure will measure approximately 32 feet by 77 feet, totaling approximately 2,464 square feet.

Additional Applicant Statements

- The need for warehouse space is to expand and protect merchandise on pallets such as mulch, soil, fertilizer, and gravel from weather damage. It will also protect customer's equipment from weather damage while being repaired.
- We only have a small point of the lot available between the two roads, Spake Road and Hershel Lackey Road. The request for a variance will let us position the building in only one spot without being on septic lines.

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

- The area of the lot on which the proposed accessory structure is to be located is severely impacted by the required 40-foot setback along Hershel Lackey Road and the required 20-foot side yard along Spake Road.
- The irregular shape of the lot adds to the negative impact of the required setbacks on the usability of the property.
- Should the Board of Adjustment decide to grant the variance, the following are two suggested conditions:
 1. The accessory structure is to be constructed in accordance with the site plan submitted by applicant and generally conform to the architectural style of the principal structure.
 2. The accessory structure will not extend any further toward the Hershel Lackey Road or Spake Road rights-of-way than shown on the site plan and no part may be located within any right-of-way.
 3. The trailer currently being used on the site for storage will be removed once the new space is completed.
- 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.

After a brief discussion, Chairman Gene Poinsette asked if there was a motion.

Motion: Becky Burke made a motion to approve. 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: Jamel Farley made a motion to adjourn. And Lynn seconded. Motion carried unanimously.

Jean Derby