

**LINCOLNTON BOARD OF ADJUSTMENT
AGENDA
May 18, 2021
At 4:00 P.M. in City Council Chambers**

1. Roll Call
2. Call to Order
3. Approval of minutes from the April 20, 2021 meeting
4. BOA-2-2021-Application from Lincoln County requesting a minor variance of Section 153.121 WSW Water Supply Watershed Overlay District of the Lincolnton Unified Development Ordinance. The requested variance would allow a built upon area of 74% instead of the 70% maximum built upon area. The subject property is located at 151 Sigmon Road (Parcel ID 01285).
5. Adjournment



**CITY OF LINCOLNTON
BOARD OF ADJUSTMENT**

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www.ci.lincolnton.nc.us

BOARD MEMBERS: Gene Poinsette, Chair, poinsette@charter.net; Rebecca Abernethy, Vice- Chair, rabernethy21@bellsouth.net; Jerry Hoffman, (ETJ), jlskhoffman@charter.net; Stephen Silva, (ETJ), soundcity1@ymail.com; Jamel Farley, afarley2351@gmail.com; Greg McBryde, first alternate, Gregory.Mcbrvde@gmail.com; Trent Mason, second alternate, trentonmason@gmail.com; Joy Smith, third alternate, joysmithmsnrrn@gmail.com

Tuesday, April 20, 2021 Meeting

Present: Gene Poinsette, Jamel Farley, Jerry Hoffman, Rebecca Abernethy and Steve Silva

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 16, 2021 meeting.

Motion: Jamel Farley made a motion to approve the minutes. Jerry Hoffman seconded. Motion carried unanimously.

BOA-1-2021- Application from Preston Clarke, Lincolnton High School, requesting a variance of Section 153.168 of the Lincolnton UDO to allow for a 12 foot in height illuminated electronic sign in the R-10 Zoning District. The subject property is located at 803 North Aspen Street (Parcel ID 85788).

Mark Carpenter presented the staff report included in the agenda packet to the Board regarding BOA-1-2021.

Steve Peeler, Lincolnton Citizen spoke in favor of the new sign.

After some discussion, Chairman Gene Poinsette asked if there was a motion. The motion is as follows:

Motion: Rebecca Abernethy 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. Rebecca Abernethy seconded. Motion carried unanimously.

Jean Derby

Boa42021minutes

MEMO TO: Lincolnton Board of Adjustment
FROM: City of Lincolnton Planning Department
DATE: May 18, 2021
SUBJECT: BOA-2-2021 – Lincoln County

Property Information

- Property Location – 151 Sigmon Road (PID 01285)
- Current Zoning – Planned Business (PB)
- Property Size - 3.97 acres
- Current Use of Property – Vacant (former Lincoln County Health Department Site). Was formerly two (2) lots. The county also bought the adjacent lot which was residential.
- Adjacent Properties – Commercial.

Variance Request

Application from Lincoln County requesting a minor variance of Section 153.121 WSW Water Supply Watershed Overlay District of the Lincolnton Unified Development Ordinance. The requested variance would allow a built upon area of 74% instead of the 70% maximum built upon area.

The site will be developed with a new building and parking for an emergency medical services operation (which will be reviewed in case CZ-3-2021 by the Planning Board).

Relevant UDO Requirement

The following are the requirements for watersheds as outlined in the UDO:

- **10/70 OPTION.** A development option that allows development up to 70% built-upon area in 10% of the WS-IV PA Overlay District.
- **MAJOR VARIANCE.**
 - (a) As applies to any development that must meet water supply watershed standards, a variance that results in any one or more of the following:
 1. The complete waiver of a management requirement; or
 2. The relaxation, by a factor of more than 10%, of any management requirement that takes the form of a numerical standard.
 - (b) Any request for a **MAJOR VARIANCE** must be approved or denied by the Board of Adjustment or City Council and the North Carolina Environmental Management Commission.
- **MINOR VARIANCE.** A variance that does not qualify as a major variance.

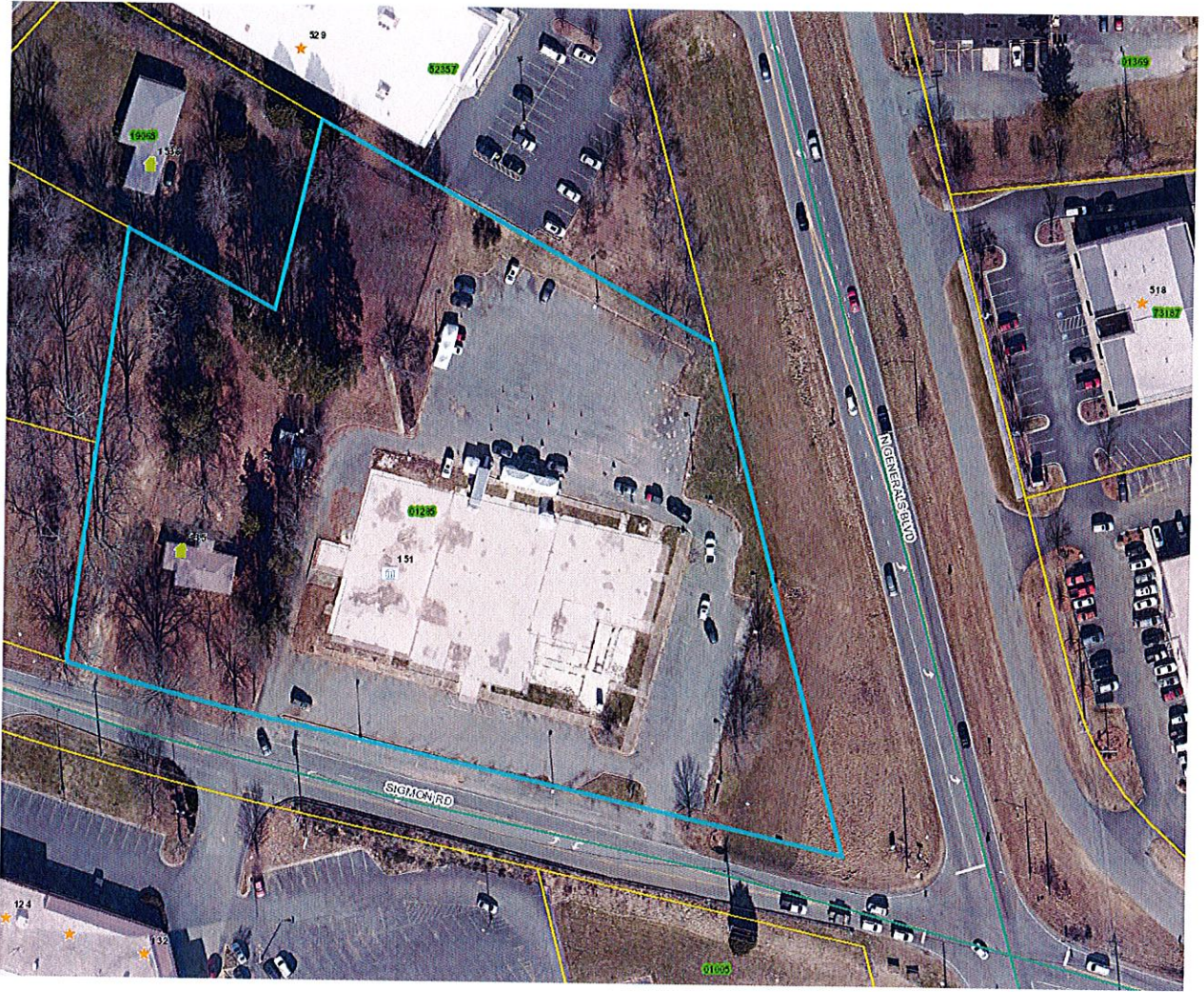
- Projects may be developed up to a maximum of 70% built-upon area. Plans for development using the 10/70 option shall be subject to review and approval by the Zoning Administrator and subject to all rules and procedures as established in division (K) above. Such additional intensity allocation authorized by the 10/70 option must comply with all other applicable provisions of the overlay district including 100 foot buffers adjacent to perennial waters as outlined in division (G) above. The Zoning Administrator shall keep records of the city's use of the 10/70 option. Allocation of the watershed acreage to be developed under this option shall be determined on a first come-first serve basis.

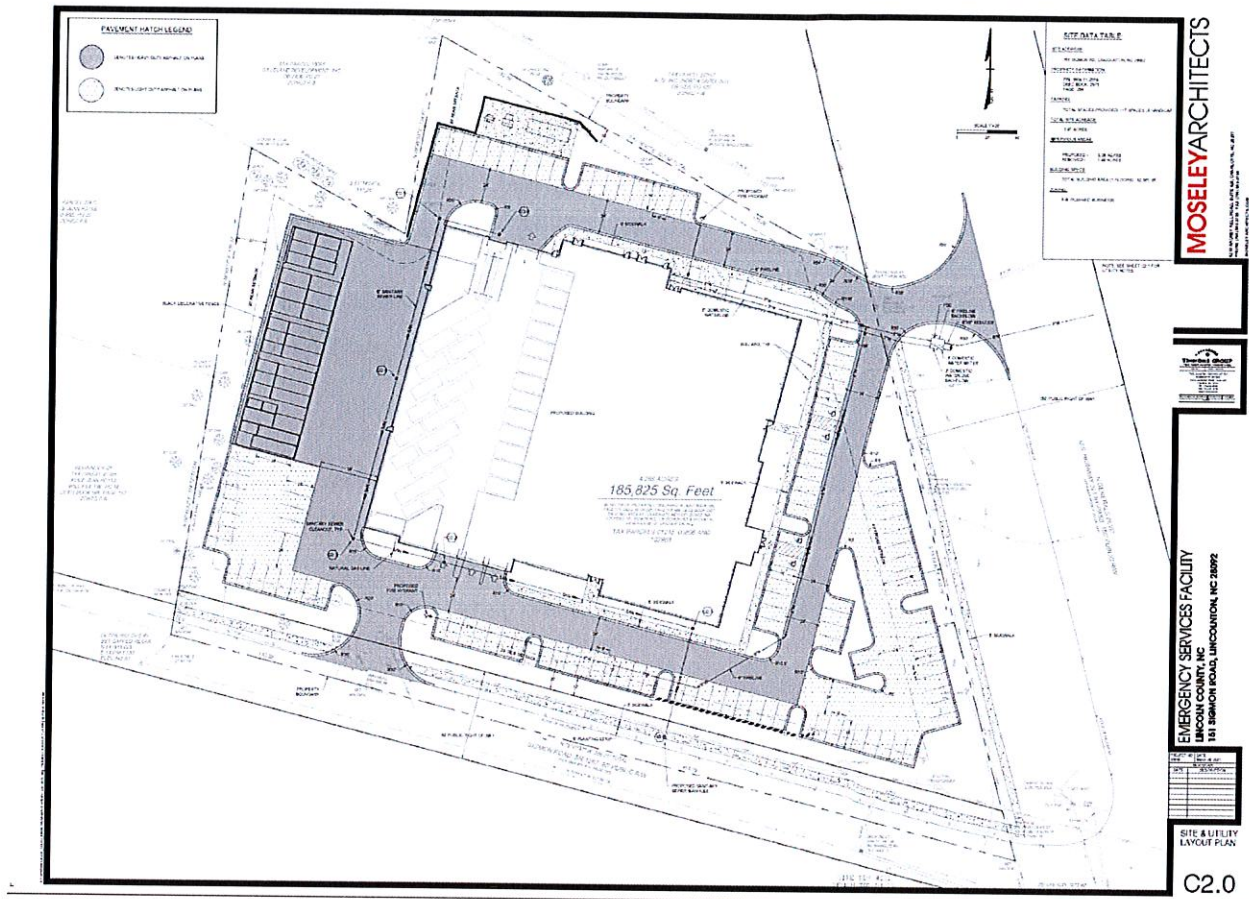
Background Information

The applicant is requesting a variance to allow for a 4% increase in impervious surface area. Per Paul Clark, Water Supply Watershed Protection Coordinator for NC," Lincolnton offers the 10/70 option and also defines variances. If the applicant requested greater than seven (7) percent increase over the limit, then a major variance would be required. If the applicant is requesting only four percent, this would be a minor variance."

In this case a minor variance is being requested of 4% and can be approved by the Board of Adjustment. Of the 3.97 acre site approximately 3.06 acres will be covered with impervious surface. Lincolnton's remaining allocation for this watershed is approximately 500 acres under the 10/70 option.







Additional Applicant Statements (See Attached Application)

- The health department site was previously developed and exceeded the 70% threshold, the grassed area in the extra wide (150 foot) right of way along N. Generals Blvd is not able to be counted toward our pervious cover calculation.
- The property will not be allowed to maintain its previous level of density.
- All state, federal, and local stormwater requirements will be met on this property to prevent downstream flooding and water quality issues which is the primary intent of the Water Supply Watershed Overlay district requirements

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 applicant is requesting a 4% increase in total area. Lincolnton still has around 500 developable acres in this watershed. The applicant will be meeting all other requirements. The previous site was mostly impervious surface and staff doesn't feel the 4% increase will have any adverse effect on the water quality.
- 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.