

LINCOLN TON BOARD OF ADJUSTMENT
AGENDA
February 18, 2020
At 4:00 P.M. in City Council Chambers

1. Roll Call
2. Call to Order
3. Approval of minutes from the January 21, 2020 meeting
4. BOA-1-2020- Application from Darin W. Groom and Tammy Martin requesting approval from the zoning Board of Adjustment to change a nonconforming use from a service station to a used cars sales lot in the Central Business Transitional (CBT) District. The subject property is located at 503 East Main Street (Parcel ID 00515).
5. Adjournment



**CITY OF LINCOLNTON
BOARD OF ADJUSTMENT**

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BOARD MEMBERS: Gene Poinsette, Chair, poinsetteg@charter.net; Änd Lynn, Vice-Chair, andmlynn@gmail.com; Jamel Farley, afarley2351@gmail.com; Jerry Hoffman, jlskhoffman@charter.net;

Tuesday, January 21, 2020 Meeting

Present: Gene Poinsette, Worth Roberts, Jamel Farley, Jerry Hoffman and Rebecca Abernethy

Absent: N/A

Call to Order

Chairman Gene Poinsette called the meeting to order and recognized that Änd Lynn was absent and Rebecca Abernethy would be serving as first alternate for a quorum.

Approval of Minutes

Chairman Gene Poinsette asked the Board if there were any additions or corrections to the minutes of the December 17, 2019 meeting.

Motion: Worth Roberts made a motion to approve the minutes. Jamel Farley seconded. Motion carried unanimously.

Election of Officers:

Chairman Gene Poinsette asked the Board for nominations to fill the Chair position on the Board of Adjustment.

Nominations: Jamel Farley nominated Worth Roberts and Gene Poinsette seconded.

Chairman Gene Poinsette asked the Board for nominations to fill the Vice Chair position on the Board of Adjustment.

Nominations: Rebecca Abernethy nominated Gene Poinsette and Jamel Farley seconded.

Motion: Jamel made a motion to approve the nominations. Rebecca Abernethy 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. Worth Roberts seconded. Motion carried unanimously.

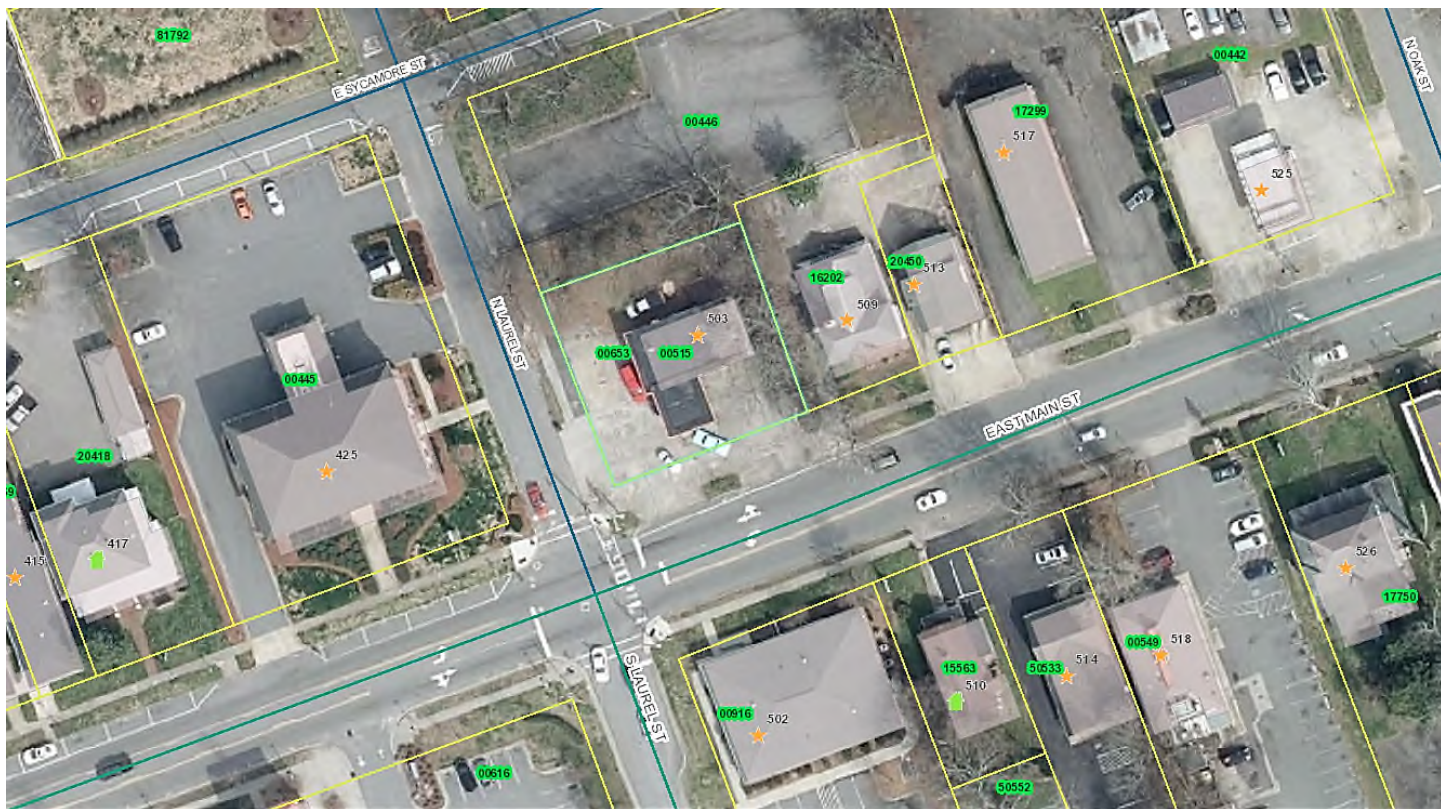
Jean Derby

Boa012020minutes

MEMO TO: Lincolnton Board of Adjustment
FROM: City of Lincolnton Planning Department
DATE: February 18, 2020
SUBJECT: BOA-1-2020 Darin Grooms and Tammy Martin

Property Information

- Property Location – 503 East Main Street (PID 00515)
- Current Zoning –Central Business Transitional (CBT) District
- Property Size - 0.226 acres
- Current Use of Property – Service Station
- Proposed Use of Property- Used Car Sales Lot
- Adjacent Properties – Commercial



UDO Requirements

- The City of Lincolnton Unified Development Ordinance states a nonconforming use may not be changed to a different nonconforming use except in accordance with a permit issued by the Board of Adjustment after having followed certain procedures and having made certain findings as set forth in the ordinance.

Background and Change in Nonconforming Use Request

- The property has been operating for years as a variety of uses including- Service Station, Fuel Sales, Consignment Auto Sales, Vehicle Washing, Consignment Retail Store. Some uses are conforming and some are nonconforming.
- The applicant is requesting a change to a full time used car sales lot which is a nonconformity in the CBT District. Some used car sales have taken place over the years but it was an accessory use to the primary use of the property
- The applicant has stated that no additions will be made to the structure and that the structure would be upgraded along with the property.
- Planning staff feels that the change to full time used car sales would need to be reviewed by the Board of Adjustment to determine if it is suitable and appropriate for the property.

Current view





UDO Requirement for Changing a Nonconforming Use

The Board of Adjustment may only grant a change in nonconforming use, after having first held a public hearing and having determined that:

1. The change will be more suitable and appropriate for the lot(s) on which it is located than the existing situation;
2. The proposed change will have a less harmful effect than the existing situation on the properties surrounding the lot(s) in question; and
3. The decision to grant the change will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise be detrimental to the public welfare.

4. The Board of Adjustment, in granting the changes, may prescribe appropriate conditions and safeguards in order to conform. Violation of the conditions and safeguards when made a part of the terms upon which the change was granted, shall be deemed a violation of this chapter and shall be punishable as prescribed in the Unified Development Ordinance.

Staff Comments

- The applicant will be responsible for proving that the application meets the requirements for a change to a used car sales lot.
- Should the Board of Adjustment decide to grant this change, the following are suggested conditions of approval:
 1. The number of used vehicles sold on the property shall be limited to ten (10) vehicles.
 2. No wrecked or junked vehicles shall be sold on the premises.
 3. Adequate ingress and egress shall be maintained.
 4. Adequate parking for customers and staff shall be marked and made available on site. Parking is not permitted within rights-of-way.
 5. The mobile building on the site shall be removed from the property prior to issuance of a certificate of occupancy.
 6. The existing detached pole sign is to be removed prior to issuance of a certificate of occupancy.
 7. Any changes to the building and any proposed new signage will need to meet all CB and CBT Design standards and should conform/harmonize with the architectural style of the historical downtown.
 8. Any future expansion of the building must be approved by the Board of Adjustment.