



**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; Becky Burke, beckyburke940@gmail.com; Jerry Hoffman, jlskhoffman@charter.net.

Tuesday, January 15, 2019 Meeting

Present: Gene Poinsette, Änd Lynn, Becky Burke, Jerry Hoffman and Worth Roberts

Absent: Jamel Farley

Call to Order

Chairman Gene Poinsette called the meeting to order and recognized that one member was absent and Worth Roberts was standing in 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 18, 2018 meeting.

Motion: Worth Roberts made a motion to approve the minutes. Becky Burke 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: Änd Lynn nominated Gene Poinsette and Worth Roberts seconded. The nomination carried unanimously.

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

Nominations: Gene Poinsette nominated Änd Lynn and Worth Roberts seconded. The nomination carried unanimously.

BOA-1-2019 – A Variance Application submitted by Danny Wayne Brooks Jr. requesting a reduction in the front yard setback for a parcel in the G-B (General Business) Zoning District.

Jean Derby swore in Wayne Brooks and Brett Hicks.

Brett Hicks addressed the Board noting the following:

The property is a commercial warehouse located at 303 Sumner Street currently zoned General Business.

Relevant UDO Requirement

- The City of Lincoln Unified Development Ordinance requires a forty (40) foot front yard setback in the G-B district.

Background and Variance Request

- The applicant operates an assembly and warehouse facility in the existing 5,566 square foot building on the site. The existing building pre-dates zoning regulations and is located approximately 10 feet from the right-of-way line along East Sumner Street.
- The applicant proposes to construct an additional building to the east of the existing building. The proposed building would include approximately 5,400 square feet and would be located approximately 18 feet from the right-of-way line along East Sumner Street.
- A variance is required to allow the building within the 40 foot setback.

Proposed new building

The applicant proposes to construct an approximately 50 x 120 foot metal building.

Additional Applicant Statements (See Attached Application)

- Applicant would like to construct a second building to accommodate the growing business and to continue to operate the business in downtown Lincoln.
- Applicant will remove an older tractor-trailer and a tractor-trailer container box currently being used for storage.
- Odd shape of the lot makes it imperative to receive the variance to construct a building the size required to accommodate the needed additional space.
- If the additional space cannot be created, then the applicant would be forced to relocate possibly outside City limits to find the space required.

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

- In the event the Board elects to grant the variance, a suggested condition of the variance is that the existing tractor-trailer and tractor-trailer container box be removed and there be no future use of tractor-trailers or tractor-trailer container boxes on the site.
- The proposed building setback appears to be in keeping with nearby properties.
- 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: Änd Lynn made a motion to approve subject to the condition recommended by staff. Becky Burke 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: Änd Lynn made a motion to adjourn. Worth Roberts seconded. Motion carried unanimously.

Jean Derby