



**CITY OF LINCOLNTON
BOARD OF ADJUSTMENT**
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BOARD MEMBERS: Worth Roberts, Chair , worth.roberts@charter.net; Gene Poinsette, Vice-Chair, poinsetteg@charter.net; Änd Lynn, Chair, andmyynn@gmail.com; Jerry Hoffman, (ETJ), jlskhoffman@charter.net; Stephen Silva, (ETJ), soundcity1@ymail.com
Jamel Farley, first alternate, afarley2351@gmail.com; Rebecca Abernethy, second alternate, rabernethy21@bellsouth.net; Greg McBryde, third alternate, Gregory.Mcbryde@gmail.com;

Tuesday, February 18, 2020 Meeting

Present: Gene Poinsette, Worth Roberts, Änd Lynn, Jerry Hoffman and Stephen Silva

Absent: N/A

Call to Order

Chairman Worth Roberts called the meeting to order and recognized that all members were present for a quorum.

Approval of Minutes

Chairman Worth Roberts asked the Board if there were any additions or corrections to the minutes of the January 21, 2020 meeting.

Motion: Gene Poinsette made a motion to approve the minutes. Änd Lynn seconded. Motion carried unanimously.

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).

Mark Carpenter addressed the board noting the following:

The subject property is located at 503 East Main Street and is currently zoned Central Business Transitional. Darin Grooms and Tammy Martin are requesting

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.

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.

Speakers for approval of the application included the applicant, Darrin Grooms; Louise Mahoney, property owner and BJ Mohoney. They spoke about surrounding properties, the improvements that would be made to 503 East Main Street if approved and the past history of the parcel.

Marsha Jordon, an adjacent property owner and realtor, spoke against the approval.

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

Motion: And Lynn made a motion to deny the application. Gene Poinsette seconded. Majority voted to approve the motion, however Board or Adjustment member Hoffman voted against the motion.

Chairman Worth Roberts asked the Board if there was any other business to be addressed, to which there was none.

Adjournment

Motion: And Lynn made a motion to adjourn. Gene Poinsette seconded. Motion carried unanimously.

Jean Derby