



## CITY OF LINCOLNTON BOARD OF ADJUSTMENT

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**BOARD MEMBERS:** Gene Poinsette, Chair, [poinsetteg@charter.net](mailto:poinsetteg@charter.net) ; Änd Lynn, Vice-Chair, [andmlynn@gmail.com](mailto:andmlynn@gmail.com) ;  
Becky Burke, [beckyburke940@gmail.com](mailto:beckyburke940@gmail.com) ; Jerry Hoffman, [jlskhoffman@charter.net](mailto:jlskhoffman@charter.net); Kathryn Yarbrow, [kyarbro206@gmail.com](mailto:kyarbro206@gmail.com)

### Tuesday, May 16, 2017 Meeting

**Present:** Änd Lynn, Jerry Hoffman, Kathryn Yarbrow, Becky Burke, and Gene Poinsette

**Absent:** None

#### Call to Order

Chairman Gene Poinsette called the meeting to order and recognized all members were present.

#### Approval of Minutes

Chairman Gene Poinsette asked the Board if there were any additions or corrections to the minutes of the April 18, 2017 meeting.

*Motion:* Änd Lynn made a motion to approve the minutes. Kathryn Yarbrow seconded. Motion carried unanimously.

#### BOA-2-2017

Laura Elam and Kathy Allen were sworn in by Becky Shaw.

Laura Elam addressed the Board noting the following:

The applicant is requesting the following change to a nonconforming use:

- Application from Carolina Services of NC, LLC requesting that the Lincolnton Board of Adjustment grant a change in nonconforming use permit. The permit, if issued, would allow the use to be changed from storage units to medical / educational.

The property is located at 200 North Grove Street (Parcel ID 52453) in the R-10 zoning district. The surrounding properties are also zoned R-10.

The one story portion of the building was previously used for medical offices. In 2013, the owner requested a change in nonconforming use to allow the former medical offices to be used for storage units. The two-story section of the building was converted back into a single family

home.

This application seeks to allow the one story portion of the building to be used for medical / educational purposes. No additions are proposed. The property has a large parking lot already in place. The older two story section of the building will remain a single family dwelling unit.

### ORDINANCE REQUIREMENTS

Section 153.279(B)(1)(a) and (b) of the Unified Development Ordinance allow the Board of Adjustment to grant a change in nonconforming use only after having first held a public hearing and determined each of the following in the affirmative:

- 153.279(B)(1)(a) Said change will be more suitable and appropriate for the lot(s) on which it is located than the existing situation.
- 153.279(B)(1)(b) The proposed change will have a less harmful effect than the existing situation on the properties surrounding the lot(s) in question.
- 153.279(B)(2) The decision to grant the change will be in harmony with the general purpose and intent of the ordinance and will not be injurious to the neighborhood or otherwise be detrimental to the public welfare.
- 153.279(C) The Board of Adjustment, in granting said change, may prescribe appropriate conditions and safeguards in conformity with the ordinance in order to conform with Sections 153.279(B)(1) and (B)(2). Violation of such conditions and safeguards when made a part of the terms upon which the change in use is granted, shall be deemed a violation of the ordinance and shall be punishable as is prescribed in Section 153.999 of the ordinance.

### COMPLIANCE WITH ORDINANCE REQUIREMENTS

#### Compliance with Section 153.279(B)(1)(a)

The applicant notes the property was previously used for medical purposes and the building and parking lot will suit their small client base.

Staff feels that the proposed use will be more suitable and appropriate for the lot than the previous warehouse use. There will be relatively little traffic in and out of the site. COMPLIANCE MET.

#### Compliance with Section 153.279(B)(1)(b)

The applicant indicates that putting the property to business use will improve the look of the building and property and that currently it is vacant and moving toward disrepair.

Staff feels the proposed use will have no more harmful effect than the existing situation on the properties surrounding the lot. COMPLIANCE MET.

Compliance with section 153.279(B)(2)

The applicant notes that the business will not be operating late at night or early in the morning, will not have overnight parking and will not cause truck traffic in the area. The applicant indicates a well-maintained professional business will not attract rodents or cause other issues like a vacant property.

Staff feels the change will meet this requirement. COMPLIANCE MET.

Section 153.279(C) of the ordinance allows the Board of Adjustment to prescribe appropriate conditions and safeguards so as to ensure that requirements of Sections 153.279(B)(1) and (B)(2) are met. If approved, staff recommends that the following conditions apply:

- (1) No expansion of the building or the parking areas is permitted.
- (2) No exterior features such as fencing and lighting should be added. No changes are to be made to the exterior of the building other than routine maintenance.
- (3) Any noise coming from the property must be no louder or frequent than the noise which could be normally expected from uses allowed in a residential zoning district.
- (4) There will be no odors or vibrations detectable from the property boundary without instruments.
- (5) Hours of operation should be limited to between 8:00 a.m. and 9:00 p.m. during the week and to between 8:00 a.m. and 2:00 p.m. on Saturday.
- (6) No additional signage area is permitted.

#### STAFF REVIEW COMMITTEE MEETING

The Staff Review Committee had no comments.

#### CONCLUSIONS

The proposed use should be in conformance with the Lincoln Unified Development Ordinance and should have no more harmful effect on the neighborhood than the previous use subject to the above conditions.

Kathy Allen, representing the applicant, spoke to give a brief background on the company and the type of activities that would occur should the application be approved. There was a brief discussion between the Board and Ms. Allen.

Motion:           And Lynn made a motion to approve. Kathryn Yarbrow 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:* Jerry Hoffman made a motion to adjourn the meeting. And Lynn seconded. Motion carried unanimously.

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Becky Shaw

Boa05162017 minutes