



## COUNTY OF LINCOLN, NORTH CAROLINA

302 NORTH ACADEMY STREET, SUITE A, LINCOLNTON, NORTH CAROLINA 28092

BUILDING AND LAND DEVELOPMENT  
704-736-8440 OFFICE  
704-732-9010 FAX

To: Planning Board members

From: Randy Hawkins  
Zoning Administrator

Date: January 15, 2009

Re: NCU #92  
David and Tammy Knowles, applicants  
Parcel ID# 15385

*The following information is for use by the Lincoln County Planning Board at its meeting/public hearing on February 2, 2009.*

### Request

The applicants are requesting to change a nonconforming use in a residential zoning district. The request involves a 1.2-acre parcel that includes a building that was the site of a store that was grandfathered under the Lincoln County Zoning Ordinance. In January 2005, the Planning Board approved a permit to change the use to an office and storage facility for a security system installer and electrical contractor. The applicants are requesting to change the use to an office and storage facility and minor repair of recreational vehicles and utility use trailers. Section 7.2.4 of the Zoning Ordinance states that a nonconforming use may be changed to another nonconforming use only in accordance with a permit issued by the Planning Board. The Planning Board may approve a permit only after determining certain findings of facts. Fair and reasonable conditions and safeguards may be prescribed in order to ensure that the findings are met.

### Site Area & Description

The property is located at 2501 W. Hwy. 150 in Howards Creek Township. It is zoned R-S (Residential Suburban) and is surrounded by property zoned R-S. The Lincoln County Land Use Plan classifies this area as Suburban Residential. Land uses in this area are primarily residential. The nearest property zoned business is located about 500 feet to the northeast.

## NONCONFORMING USE PERMIT REQUIREMENTS

Section 7.10 of the Zoning Ordinance requires that four findings be determined by the Planning Board:

1. That the decision to approve or deny the request is based on whether the proposed use would be more suitable and appropriate for the lot on which it is located than the existing use; and
2. That the proposed use would have a less harmful effect than the existing use on the properties surrounding the lot in question; and
3. That the decision to grant the request will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
4. That in approving the request, adequate safeguards exist or are required to be put in place to insure that the proposed use will be in harmony with the neighborhood in which it is located and will not cause undue harm.

## STAFF RECOMMENDATION

Staff recommends approval of a nonconforming use permit based on these proposed findings:

1. With the opening of the Hwy. 150 bypass, this property is less suitable for an office and more suitable for a business that provides a special service. The proposed use is one of relatively low intensity. The recommended conditions will limit the type of work that takes place.
2. The proposed use will generate less traffic than a contractor's office potentially generates. The recommended conditions will ensure that recreational vehicles and utility use trailers are stored behind the building and that screening is provided.
3. This property has been the site of a business for many years. The Zoning Ordinance allows for a nonconforming use to be changed to another nonconforming use with adequate safeguards. The recommended conditions will provide protections for the neighborhood.
4. This recommended conditions will adequately limit the impact of the proposed use. The property's appearance will not change substantially.

## RECOMMENDED CONDITIONS

Staff recommends the following conditions:

- 1) Maintenance, servicing and repair of engines, transmissions, transaxles and tires is prohibited.
- 2) All recreational vehicles and trailers shall be parked in the area shown on the site plan except when they are being worked on.
- 3) Vegetative screening shall be maintained and provided as indicated on the site plan. The cypress trees shall be a minimum two-gallon size and shall be spaced a minimum of six feet apart.
- 4) Hours of operation shall be limited to 8 a.m. to 6 p.m. Monday-Saturday.



**Non-Conforming Use Application**  
 Lincoln County Building and Land Development  
 Zoning Administrator  
 302 N. Academy St. Suite A, Lincolnton, NC 28092  
 Phone: (704)736-8440 FAX: (704)732-9010

**PART I**

Applicant Name David & Tammy Knowles  
 Applicant Address 206 Harbor Point Drive Cherryville, NC 28021  
 Applicant Phone Number 704-445-1229 or 704-736-0904  
 Property Owner Name David & Tammy Knowles  
 Property Owner Address Same  
 Property Owner Phone Number Same

**PART II**

Property Location 2501 W Hwy 150 Crouse NC 28033  
 Property ID (10 digits) 3611576275 Property size 1.4 acres  
 Parcel # (5 digits) 15385 Deed Book(s) 1657 Page(s) 89

**PART III**

Existing Zoning District R-5

Briefly describe how the property is currently being used and any existing structures.

880 Sq ft Metal Building - 228 Carport  
Used as an office and storage facility for security  
systems installer and electrical contractor.

Briefly explain the proposed expansion/use that would require this permit.

To be used as an office and storage facility and  
minor repair of recreational vehicles and utility  
use trailers.

**\$250.00 APPLICATION FEE MUST BE RECEIVED BEFORE PROCESSING.**

*I hereby certify that all of the information provided for this application and attachments is true and correct to the best of my knowledge.*

Tammy Knowles  
 Applicant's Signature

1/12/09  
 Date

January 14, 2009

Building & Land Development  
Lincoln County, N.C.  
302 N. Academy Street  
Suite A  
Lincolnton, N.C. 28092

Dear Randy Hawkins and Kelly Atkins,

We would like to introduce ourselves. We are Outlaw Graphics & Signs Inc., and Outlaw Trailer Repair & Parts. We recently relocated from Cherryville to Crouse. Our Graphics Department handles signs, banners, and decals for cars, trucks, and trailers. Some of our customers are the Cherryville Chamber and members, the 2008 Summer Olympics, and 2007 U.S. White Water Team. Our utility use trailer division, Outlaw Trailer Repair & Parts, handles repairs and refurbishes for the utility trailer public. We are a minor repair center that specializes in wiring, light welding, electric brake repair, and custom interiors for the horse trailer and RV community. Our customers detail are: RVs, pull-behind trailers, utility trailers, U-Haul, horse trailers, boat trailers, enclosed trailers, etc. We do not work on mobile homes, cars, or over-the-road trucks and trailers. We do not do major motor, transmission, rear ends, oil changes, or anything having to deal with EPA. We are a service center that installs 5<sup>th</sup> wheel, gooseneck and bumper hitches for those who need to pull utility type trailers.

The parking space that would be required on this property is around 40 feet by 100 feet. Most of our jobs are turned around in 5 to 14 business days weather permitting. All units will be parked behind the building except personal employees and customers. At present we have 3 employees, but hopefully if our business grows we may employ more Lincoln County residents. We are here to promote a positive professional image to the public. We take pride in how our business looks inside and out to our customers and community. We would like to take this time and thank you for your time in this matter.

Sincerely,  
Linda Mullis Owner  
Outlaw Graphics & Signs Inc.  
704-240-9165

Application #

NCU #92

**FINDINGS OF FACT**

The Planning Board may approve such an appeal after having first held the public hearing and having determined:

- A. That the decision to approve or deny the appeal is based on whether the proposed use and /or structure would be more suitable and appropriate for the lot(s) on which they are located then the existing use and/or structure; and

FACTUAL REASONS CITED:

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- B. That the proposed use and/or structure would have a less harmful effect than the existing use and/or structure on the properties surround the lot in question; and

FACTUAL REASONS CITED:

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- C. That the decision to grant the appeal 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; and

FACTUAL REASONS CITED:

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- D. That in approving the appeal, adequate safeguards exist or are required to be put in place to insure that the proposed use and/or structure will be in harmony with the neighborhood in which it is located and will not cause undue harm.

FACTUAL REASONS CITED:

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Based on the Findings of Fact, the following action, with conditions, was taken by the Planning Board after a public hearing was held and duly advertised:

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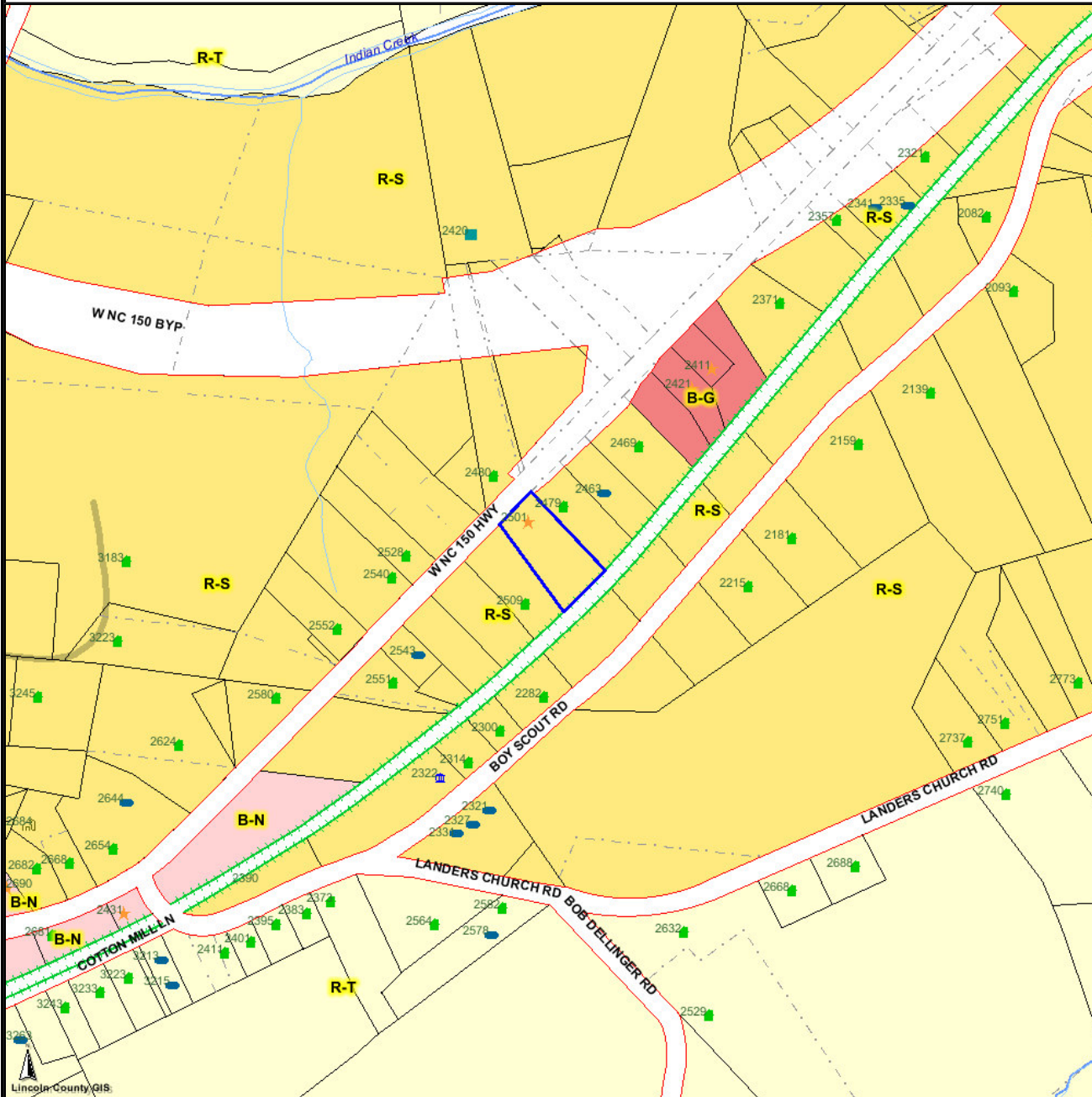
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Mobile Home Park	Manufactured Home	Road Easement	B-N	R-T	R-O
Structures	Cellular Tower	Old Rail Line	I-G	C-B	Ponds
Outbuilding	County Boundaries	Conflict Line	L-I	CBT	Ponds
Site-built Home	County Line	Major Rivers, Creeks	P-MU	G-B	City Jurisdictions
Business	Township Line	Creeks	P-R	GMC	City of Lincoln
Industry	Gaston Line	Interior Lot Line	R-CR	N-B	ETJ
Utility Service	Right-of-Ways	Drainage Easement	RL-14	O-I	Town of Maiden
Church	Roads	Utility Easement	RL-20	P-B	Lake Norman
Government, School	Railroads	Parcels	RL-MF	R-10	
Fire Department	Public Walkway	Private Roads	RL-20	R-15	
Mobile Home	Map Features	Zoning Districts	R-R	R-25	
Apartment, Condominium (cont)			R-S	R-8	
			R-SF (cont)	RMF (cont)	

Lincoln County and its mapping contractors assume no legal responsibility for the information contained on this map. This map is not to be used for land conveyance. The map is based on NC State Plane Coordinate System 1983 NAD. Lincoln County, NC Office of the Tax Administrator, GIS Division