

Memo

To: Planning Commission
From: Bryan Myrkle, Community Development Director
Date: June 30, 2016
Re: 123 N. Lincoln – Class “A” Non-Conforming Use request

On your agenda for the July Planning Commission meeting is a request for Class “A” Non-Conforming Use status for the residential home at 123 N. Lincoln Street.

Planning Commissioners who have served for more than a couple months have encountered these requests before, as they are becoming the most common item of business before this body.

123 N. Lincoln is a single family home in an area zoned B-3 General Business District, and the neighborhood is in fact a mix of residential and commercial properties. The home is located at the intersection of Lincoln and Harris Streets.

As is now commonly the case, it is difficult for people interested in buying and selling a non-conforming property to get financing and insurance. Because it's non-conforming, if something destructive, such as a fire or tornado, were to destroy the home structurally by more than 51%, it's possible the city would not allow the property to be rebuilt in a similarly non-conforming way. In the eyes of banks and insurance companies, this makes the property bad collateral or a poor insurance risk.

The need for addressing this issue has become more pressing in recent years as banking and insurance regulations have become more stringent

The granting of Class “A” status to a non-conforming property is a method the planning commission can use to essentially ‘bless’ the non-conforming use, allowing it to endure and possibly be expanded.

Section 82-453(B) of the Charlotte City Code deals with Class "A" Non-conforming uses. It requires the Planning Commission to make several findings before granting Class "A" status, and these will be detailed on the Planning Commission Resolution I prepare for this issue.