



LINCOLN COUNTY PLANNING & INSPECTIONS DEPARTMENT

302 NORTH ACADEMY STREET, SUITE A, LINCOLNTON, NORTH CAROLINA 28092
704-736-8440 OFFICE 704-736-8434 INSPECTION REQUEST LINE 704-732-9010 FAX

To: Board of Commissioners
Planning Board

From: Randy Hawkins, Zoning Administrator

Date: February 17, 2017

Re: CUP #363
Simon and Dana Martin, applicants
Parcel ID# 30442

The following information is for use by the Lincoln County Board of Commissioners and Planning Board at their joint meeting/public hearing on March 6, 2017.

REQUEST

The applicant is requesting a conditional use permit to allow a detached garage/workshop to be located in front of the front building line of a house on a lot that's adjacent to Lake Norman. Under Section 4.6.2.C.2(a) of the Unified Development Ordinance, on lots less than one acre in size, an accessory structure cannot extend in front of the front line of the principal structure, except on lots that abut the lake where a conditional use permit is approved. At its meeting on November 28, 2016, the Lincoln County Board of Adjustment approved a variance to permit a side yard setback of five (5) feet for the proposed structure, contingent on the issuance of a conditional use permit. (The standard side yard setback is 10 feet).

SITE AREA AND DESCRIPTION

The 0.8-acre lot is located at 4400 Pine Harbor Drive, about 800 feet east of Windy Pine Circle. The lot is zoned R-SF (Residential Single-Family) and is adjoined by property zoned R-SF and by Lake Norman. Land uses in this area are largely residential. This property is part of an area designated by the Land Use Plan as Suburban Residential.



County Of Lincoln, North Carolina

Planning Board

Applicant **Simon and Dana Martin**

Application No. **CUP #363**

Parcel ID# **30442**

Zoning District **R-SF**

Proposed Conditional Use **accessory structure located in front of the front line of principal structure on lot abutting Lake Norman**

FINDINGS OF FACT

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES _____ NO _____

FACTUAL REASONS CITED: _____

2. The use meets all required conditions and specifications. YES _____ NO _____

FACTUAL REASONS CITED: _____

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES _____ NO _____

FACTUAL REASONS CITED: _____

4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question. YES _____ NO _____

FACTUAL REASONS CITED: _____

After having held a Public Hearing on _____ and in light of the Findings of Facts listed herein, the following action was taken by the Lincoln County Planning Board:

In recommending such Conditional Use, the following conditions were recommended by the Lincoln County Planning Board:



Conditional Use Permit Application

Lincoln County Planning and Inspections Department
Zoning Administrator
302 N. Academy St., Suite A, Lincolnton, NC 28092
Phone: (704)736-8440 FAX: (704)732-9010

PART I

Applicant Name Simon : Dana Martin
Applicant Address 4400 Pine harbor Dr Denver NC 28037
Applicant Phone Number 704. 966. 1930
Property Owner Name Simon : Dana Martin
Property Owner Address 4400 Pine harbor Dr Denver NC 28037
Property Owner Phone Number 704. 966. 1930

PART II

Property Location 4400 Pine harbor Dr Denver NC 28037
Property ID (10 digits) 4605-85-4560 Property size 0.796
Parcel # (5 digits) 30442 Deed Book(s) 2587-0818 Page(s)

PART III

Existing Zoning District RSF

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

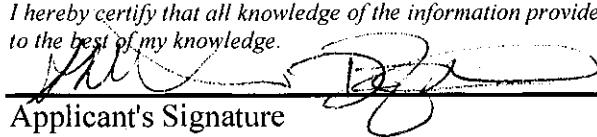
Single family home with boathouse located between the home and the water, and a wellhouse located approx. halfway between our home and the street.

Briefly explain the proposed use and/or structure which would require a Conditional Use Permit.

Due to the location of our home in reference to the 760 line and the location of the septic system the only possible location is between the home and the road.

APPLICATION FEE (less than 2 acres \$250, 2+ acres \$500)
MUST BE RECEIVED BEFORE PROCESSING.

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


Applicant's Signature

21 November 16

Date

APPLICANTS' PROPOSED FINDINGS OF FACT
FOR A CONDITIONAL USE PERMIT

Application No. **CUP #363**

Applicants **Simon and Dana Martin**

Property Location **4400 Pine Harbor Drive** Zoning District **R-SF**

Parcel ID# **30442**

Proposed Use **accessory structure located in front of the front line of principal structure on lot abutting Lake Norman**

PROPOSED FINDINGS

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan.

The proposed accessory structure (a garage with a workshop) will be built to comply with the State Building Code and will be set back a considerable distance from the road.

2. The use meets all required conditions and specifications.

]

An accessory structure located in front of the front building line of the principal structure is a conditional use on lots abutting Lake Norman. This lot abuts Lake Norman. The proposed building is designed as a residential accessory structure. The proposed location exceeds the minimum road yard setback of 30 feet, and a variance has been approved to permit a side yard setback of five (5) feet.

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity.

The accessory structure will be similar in appearance to the principal structure. An accessory structure is located in front of the house on the adjoining lot to the south. This proposed accessory structure will be set back more than 200 feet from the road.

4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question.

On other lots abutting Lake Norman, accessory structures are located in front of the front building line of the principal structures. The Land Use Plan designates this area as residential.



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November 28, 2016

Simon and Dana Martin
4400 Pine Harbor Drive
Denver, NC 28037

Dear applicants,

This letter is to serve notice that on November 28, 2016, the following action was taken regarding your variance request (VAR #416):

Based upon the findings of fact attached hereto, the Lincoln County Zoning Board of Adjustment voted to approve a variance from Section 4.6.2.C.2(c) of the Lincoln County Unified Development Ordinance to permit a side yard setback of five (5) feet for a proposed detached garage to be located on a 0.8-acre lot (Parcel ID# 30442) at 4400 Pine Harbor Drive, subject to the issuance of a conditional use permit that would allow the detached garage to be located in the road yard.

If you have any questions, please contact Zoning Administrator Randy Hawkins at (704) 748-1507.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Piersol".

Bill Piersol, Chairman
Zoning Board of Adjustment



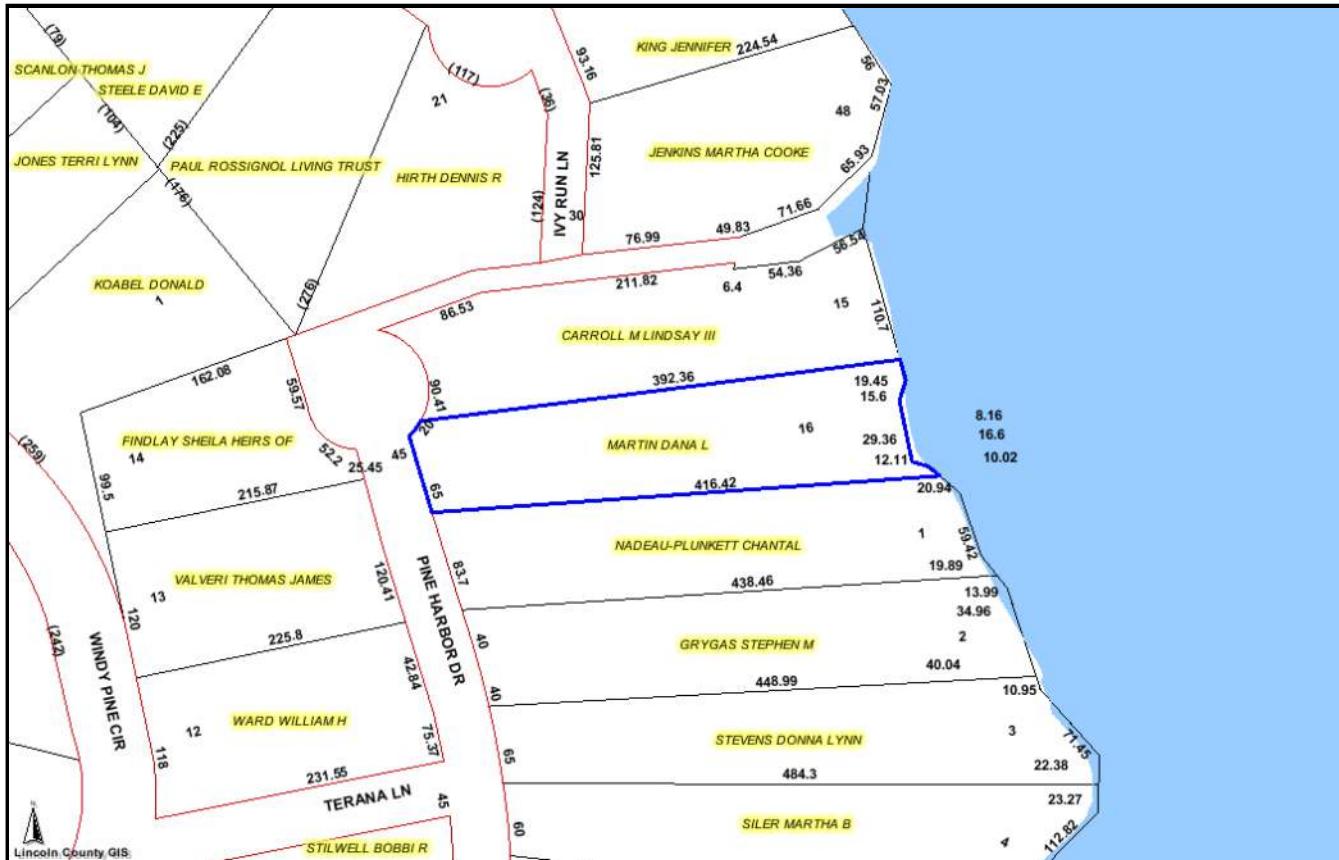
Lincoln County, NC

Office of the Tax Administrator, GIS Mapping Division

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.



Date: 1/26/2017 Scale: 1 Inch = 150 Feet



PHOTOS



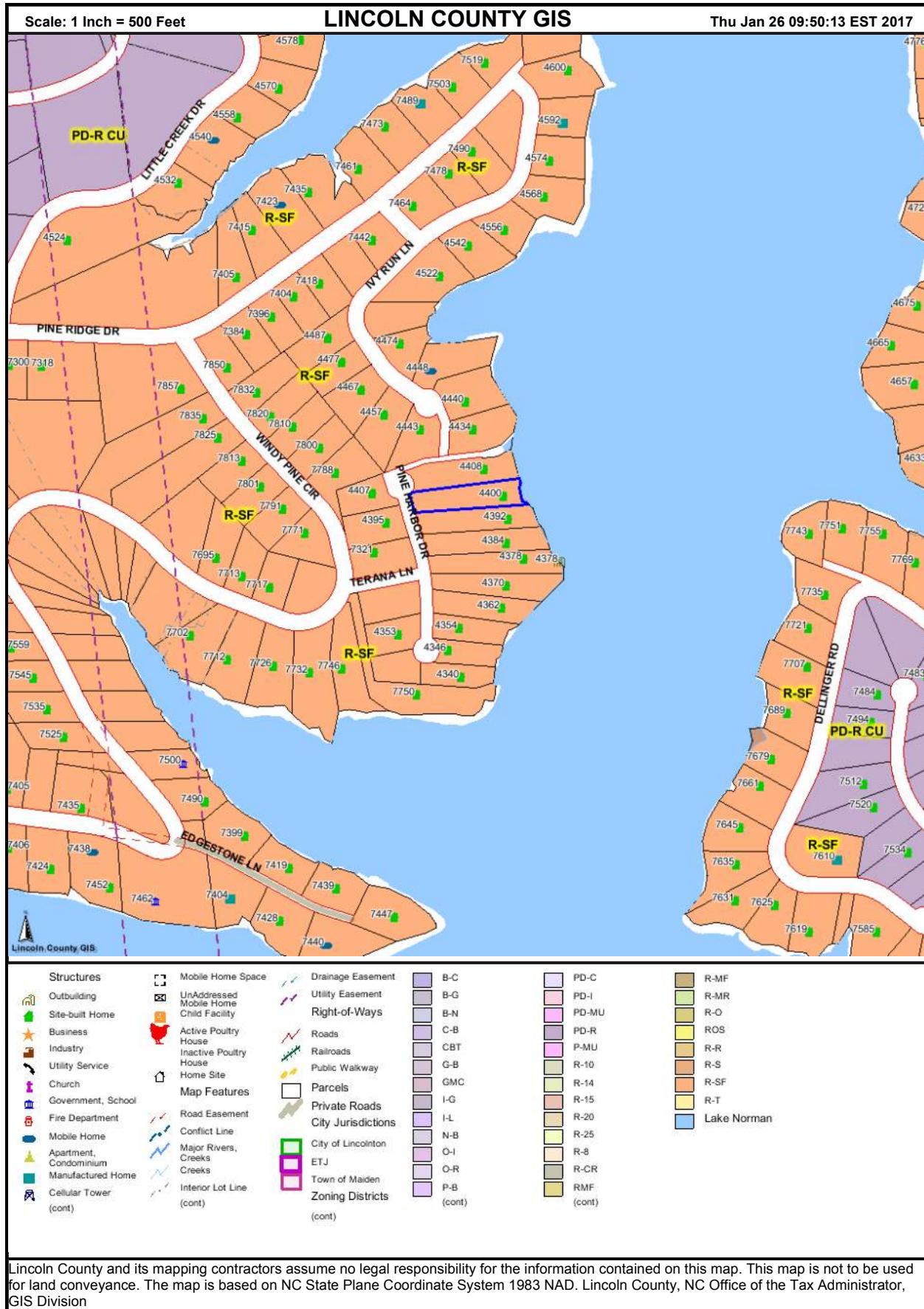
30442



30442

PARCEL INFORMATION FOR 4605-85-4560

Parcel ID	30442	Owner	MARTIN DANA L MARTIN SIMON J
Map	4605-12	Mailing Address	4400 PINE HARBOR DR DENVER NC 28037
Account	0258640	Recorded	5/13/2016
Deed	2587-0818	Total Value	\$475,289
----- All values are for tax year 2016. -----			
Subdivision	Lot 16 PINE HARBOR	Plat	F-151
Description	#16 LOT PINE HARBOR SUB	Deed Acres	0
Address	4400 PINE HARBOR DR	Tax Acres	0.79
Township	CATAWBA SPRINGS	Tax/Fire District	DENVER
Main Improvement		Value	\$120,907
Main Sq Feet	1683	Stories	
		1 Year Built	1973
Zoning District	Calculated Acres	Voting Precinct	Calculated Acres
R-SF	0.8	DENVER (DN29)	0.8
Watershed Class		Sewer District	
WS-IVC	0.8	Not in the sewer district	0.8
2000 Census County		Tract	
37109		071200	1040 0.66
37109		071200	1998 0.13
FloodZone Description		Block	
AE	SPECIAL FLOOD HAZARD AREA BASE ELEVATION DETERMINED - 100	Panel	37104605000.05
YEAR			37104605000.75
X	NO FLOOD HAZARD		





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A PORTION OF THIS PROPERTY DOES LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, HOWEVER THE STRUCTURE DOES NOT LIE WITHIN THE PORTION OF THE PROPERTY THAT IS SHOWN TO BE IN A SPECIAL FLOOD HAZARD AREA.

FIRM INFORMATION:

COMM. PANEL #: 370146-0075 C
EFFECT. DATE: 6-22-98
FFE: 769.8'
ZONE: X 8 AE

LOT #15
M. LINDSAY CARROLL, III
819-744

