



**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: April 13, 2017

Re: Zoning Map Amendment #635  
Rick Earnhardt, applicant  
Parcel ID# 32322 and 31062

*The following information is for use by the Lincoln County Board of Commissioners and the Planning Board at their joint meeting/public hearing on May 1, 2017.*

**Request**

The applicant is requesting the rezoning of 0.9 acres from R-SF (Residential Single-Family) to R-S. The request involves two parcels, one of them a legally nonconforming (grandfathered) 0.27-acre lot. The minimum lot size in the R-SF and R-S districts is 22,500 square feet (0.52 acre) with public water and sewer.

**Site Area & Description**

The property is located at 3348 Saint James Church Road, on the east side of Saint James Church Road at its intersection with James Plantation Drive. Two singlewide manufactured homes are currently located on this property. The property is adjoined by property zoned R-SF and I-G (General Industrial). Land uses in this area are primarily residential. Water and sewer lines are located along Saint James Church Road. This property is part of an area designated by the Lincoln County Land Use Plan as Suburban Residential, primarily single-family in character, with projected densities of upwards of 1-2 dwelling units per acre depending on the provision of utilities.

**Additional Information**

**Permitted uses**

Under current R-SF zoning: modular home, site-built house, replacement of existing singlewide homes.

Under proposed R-S zoning: duplex, modular home, site-built house, replacement of existing singlewide homes.

**Adjoining zoning and uses**

East: zoned I-G, site of wireless telecommunications tower.

South: zoned R-SF, residential use.

West (opposite side of Saint James Church Road): zoned R-SF, common open space area of James Plantation subdivision, site of Denver Masonic Lodge, and residence.

North: zoned R-SF, residences.

### Staff's Recommendation

Staff recommends disapproval of the rezoning request. See proposed statement on following page for rationale.



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### **Zoning Amendment Staff's Proposed Statement of Consistency and Reasonableness**

Case No. **ZMA #635**  
Applicant **Rick Earnhardt**  
Parcel ID# **32322 and 31062**  
Location **3348 Saint James Church Road**  
Proposed amendment **rezone from R-SF to R-S**

This proposed amendment **is not consistent** with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that:

**This property is part of an area designated by the Land Use Plan as Suburban Residential, primarily single-family in character, with projected densities of upwards of 1-2 dwelling units per acre depending on the provision of utilities. The proposed amendment would allow duplexes and a density of upwards of four dwelling units per acre.**

This proposed amendment **is not reasonable and not in the public interest** in that:

**This property is adjoined on both sides and across the road by property zoned R-SF. This area along Saint James Church Road is largely zoned R-SF and largely contains single-family homes, whereas R-S zoning permits duplexes. The only property in this area that is zoned R-S contains duplexes that were constructed or under construction before zoning went into effect in this area.**



### Zoning Map Amendment Application

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

#### Part I

Applicant Name Rick Earnhardt

Applicant Address 3294 Saint James Church Rd. Denver, NC 28037

Applicant Phone Number 704-913-3776

Property Owner's Name Rick Earnhardt Properties

Property Owner's Address Same as above

Property Owner's Phone Number Same as above

#### Part II

Property Location 3348 + 3350 St. James Ch. Rd. Denver

Property ID # (10 digits) 3695-62-4290  
3695-62-6381 Property Size .64 ± .27 (Acre)

Parcel # (5 digits) 32322  
31062 Deed Book(s) 2618 Page(s) 256

#### Part III

Existing Zoning District R-SF Proposed Zoning District R-5

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

Vacant 1968 house trailer

Vacant 1974 house trailer + several sheds

Briefly explain the proposed use and/or structure which would require a rezoning.

2 Brick Duplex Apartments

**APPLICATION FEE (less than 2 acres \$200, 2-5 acres \$400, 5+ acre \$800)**  
**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.

Rickey J. Earnhardt Jr.  
Applicant

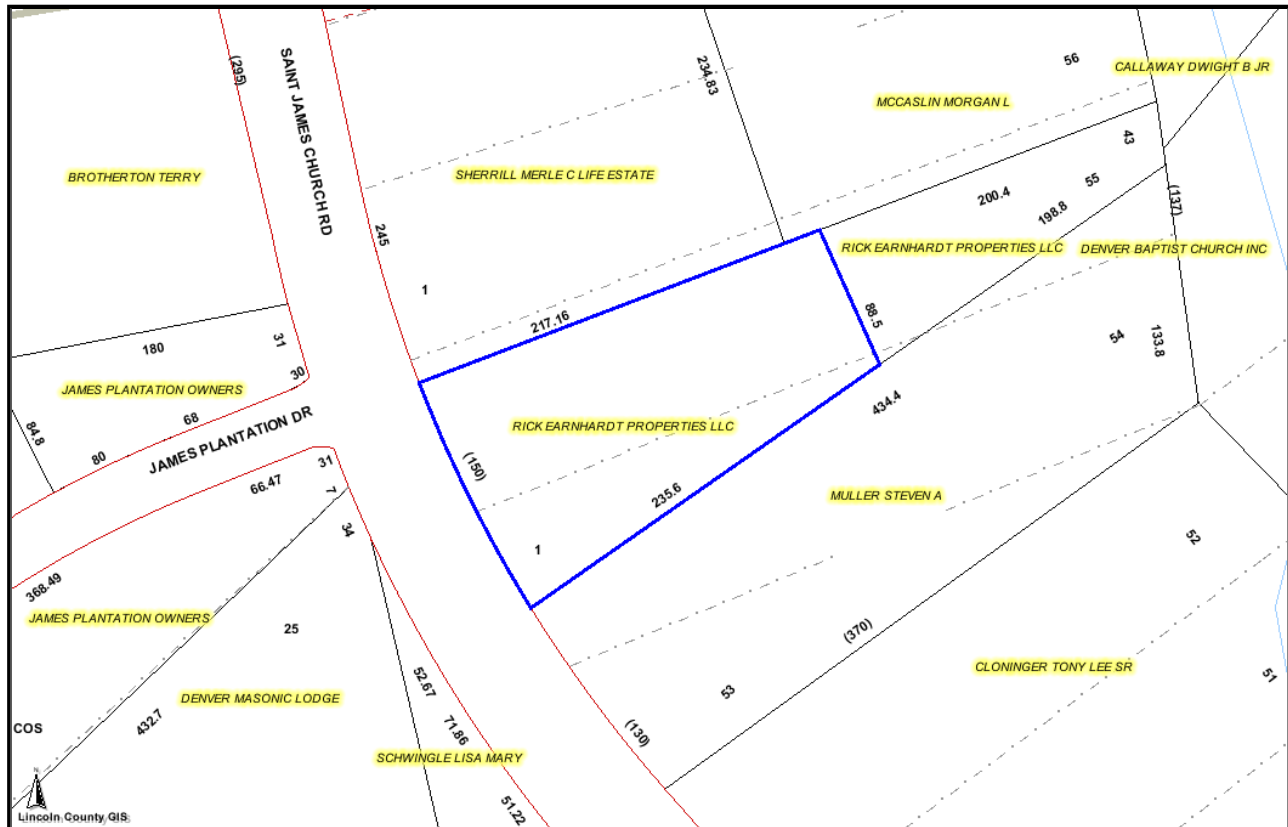
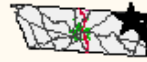
3-14-17  
Date

Rickey J. Earnhardt Jr.



## 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: 3/20/2017 Scale: 1 Inch = 100 Feet**



### PHOTOS



### PARCEL INFORMATION FOR 3695-62-4290

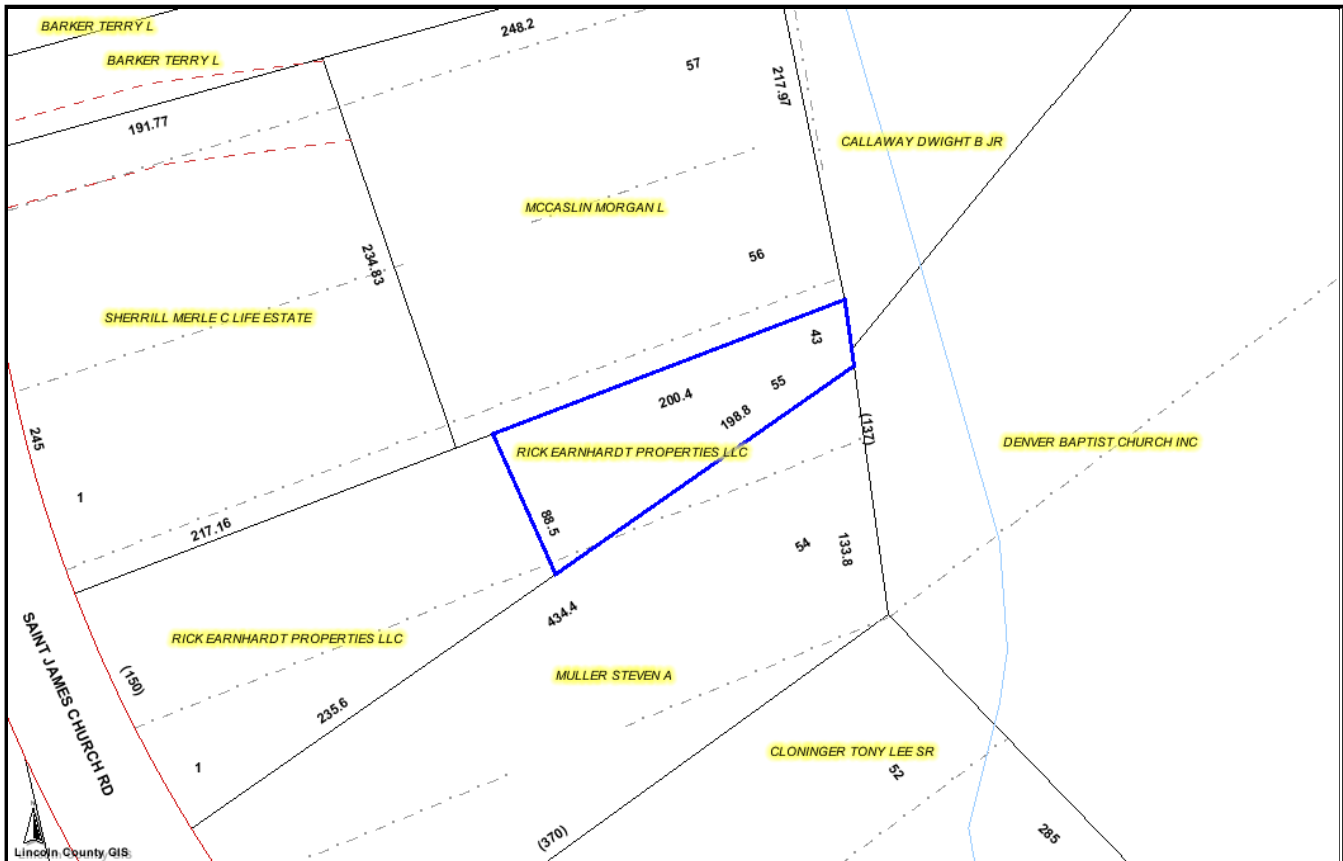
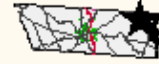
<b>Parcel ID</b>	<b>32322</b>	<b>Owner</b>	RICK EARNHARDT PROPERTIES LLC		
<b>Map</b>	<b>3695-04</b>	<b>Mailing Address</b>	3294 ST JAMES CHURCH RD DENVER NC 28037		
<b>Account</b>	0260468	<b>Address</b>	DENVER NC 28037		
<b>Deed</b>	2618-0256	<b>Recorded</b>	9/29/2016	<b>Sale Price</b>	\$26,000
<b>Land Value</b>	\$29,000	<b>Total Value</b>	\$29,000	<b>Previous Parcel</b>	
----- All values are for tax year 2017. -----					
<b>Description</b>	CALLWAY LD RD 1380			<b>Deed Acres</b>	0.64
<b>Address</b>	3350 SAINT JAMES CHURCH RD			<b>Tax Acres</b>	0.64
<b>Township</b>	CATAWBA SPRINGS			<b>Tax/Fire District</b>	DENVER / EL SEWER
<b>Main Improvement</b>	MOBILE HOME SPACES			<b>Value</b>	Not Determined
<b>Main Sq Feet</b>	1	<b>Stories</b>	0	<b>Year Built</b>	0
<b>Parcel ID</b>	<b>M2940</b>	<b>Owner</b>	RICK EARNHARDT PROPERTIES LLC		
<b>Map</b>	<b>3695-04</b>	<b>Mailing Address</b>	3294 ST JAMES CHURCH RD DENVER NC 28037		
<b>Account</b>	0260468	<b>Address</b>	DENVER NC 28037		
<b>Deed</b>	2618-0256	<b>Recorded</b>	9/29/2016	<b>Sale Price</b>	0
<b>Land Value</b>	\$0	<b>Total Value</b>	\$2,873	<b>Previous Parcel</b>	
----- All values are for tax year 2017. -----					
<b>Description</b>	1968 12 X 52			<b>Deed Acres</b>	0
<b>Address</b>	3348 SAINT JAMES CHURCH RD			<b>Tax Acres</b>	0
<b>Township</b>	CATAWBA SPRINGS			<b>Tax/Fire District</b>	DENVER / EL SEWER
<b>Main Improvement</b>	MANUFACTURED HOME			<b>Value</b>	\$2,873
<b>Main Sq Feet</b>	624	<b>Stories</b>	1	<b>Year Built</b>	1968
<b>Total Value</b>	\$2,873				
<b>Zoning District</b>	<b>Calculated Acres</b>		<b>Voting Precinct</b>		<b>Calculated Acres</b>
R-SF	0.64		DENVER WEST (DW28)		0.64
<b>Watershed Class</b>	Not in a watershed		<b>Sewer District</b>		In the sewer District
	0.64				0.64
<b>2000 Census County</b>			<b>Tract</b>	<b>Block</b>	
37109			071100	1030	0.5
37109			071100	1032	0.14
<b>Flood</b>	<b>Zone Description</b>		<b>Panel</b>		
X	NO FLOOD HAZARD		3710369500		0.64





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### PHOTOS



### PARCEL INFORMATION FOR 3695-62-6381

<b>Parcel ID</b>	<b>31062</b>	<b>Owner</b>	RICK EARNHARDT PROPERTIES LLC	
<b>Map</b>	<b>3695-04</b>	<b>Mailing Address</b>	3294 ST JAMES CHURCH RD DENVER NC 28037	
<b>Account</b>	0260468	<b>Deed</b>	2618-0256	<b>Recorded</b> 9/29/2016
<b>Land Value</b>	\$18,988	<b>Total Value</b>	\$23,350	<b>Sale Price</b> \$26,000
----- All values are for tax year 2017. -----				
<b>Description</b>	SETZER LD RD 1380		<b>Deed Acres</b>	0.28
<b>Address</b>	SAINT JAMES CHURCH RD		<b>Tax Acres</b>	0.27
<b>Township</b>	CATAWBA SPRINGS		<b>Tax/Fire District</b>	DENVER / EL SEWER
<b>Main Improvement</b>	MANUFACTURED HOME		<b>Value</b>	\$3,630
<b>Main Sq Feet</b>	804	<b>Stories</b>	1	<b>Year Built</b> 1974
<b>Zoning District</b>	R-SF	<b>Calculated Acres</b>	0.27	<b>Voting Precinct</b> DENVER WEST (DW28)
<b>Watershed Class</b>	Not in a watershed	<b>Calculated Acres</b>	0.27	<b>Sewer District</b> In the sewer District
<b>2000 Census County</b>	37109	<b>Tract</b>	071100	<b>Block</b> 1030
<b>Flood</b>	X	<b>Zone Description</b>	NO FLOOD HAZARD	
		<b>Panel</b>	3710369500	0.27

# Zoning Map Amendment #635

## Subject property is outlined in red

