



**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: May 19, 2017

Re: CZ #2017-2  
Vasiliy Sushch, applicant  
Parcel ID# 32447 and 32510

*The following information is for use by the Lincoln County Board of Commissioners and the Planning Board at their joint meeting/public hearing on June 5, 2017.*

**REQUEST**

The applicant is requesting the rezoning of 4.5 acres from R-T (Transitional Residential) to CZ I-G (Conditional Zoning General Industrial) to permit an existing 5,000-square-foot building to be used for offices, warehousing and as a base for a limited trucking operation. Because this is a conditional rezoning, if the rezoning request is approved, the use of the property would be limited to the uses and conditions proposed in the application. No additional facilities are proposed.

Two conditions are proposed in the application:

- 1) The trucking operation would be limited to a maximum of four trucks parked on the property at any one time.
- 2) Any cleaning products stored on the property would be stored inside the building and in containers no greater than five gallons in size.

Included with the application are minutes from a community involvement meeting that was held on March 28 and from a follow-up meeting that was held on April 27.

Tax records show the existing building was constructed in 1988, six years prior to the enactment of zoning in this area. According to the previous owner, the building had been used by an insulation contractor, but the business ceased operations there several years ago. Due to the inactivity, the property lost its grandfathered status. The applicant purchased the property last year.

**SITE AREA & DESCRIPTION**

The property is located at 6046 Nolen Acres Lane, on the north side of N.C. 73 about 1,500 feet east of Beth Haven Church Road, in Catawba Springs Township. It is surrounded by property zoned R-T. Land uses in this area are primarily residential. This property is part of an area designated by the Lincoln County Land Use Plan as Rural Residential, suitable for low-density residential development.

### **ADDITIONAL INFORMATION**

#### **Permitted uses**

Under current zoning: single-family detached houses, duplexes, manufactured homes, church.

Under requested zoning: offices, warehousing, limited trucking operation.

#### **Adjoining zoning and uses**

East: zoned R-T, residences.

South: zoned R-T, church

West (opposite side of N.C. 73): zoned R-T, residences.

North, zoned R-T, undeveloped lots owned by applicant.

### **PLANNING STAFF'S RECOMMENDATION**

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



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

Case No. **CZ #2017-2**  
Applicant **Vasiliy Sushch**  
Parcel ID# **32447 and 32510**  
Location **6046 Nolen Acres Lane**  
Proposed amendment **Rezone from R-T to CZ I-G to permit an existing building to be used for offices, warehousing and as a base for a limited trucking operation**

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 Rural Residential, suitable for low-density residential development.**

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

**No adjoining properties and no properties in the surrounding area are zoned business or industrial.**

\*\*\*AMENDED APPLICATION\*\*\*



**Conditional Zoning District 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 VASILY SUSHCH  
Applicant Address 8046 LUCKY CREEK LANE, DENVER NC 28037  
Applicant Phone Number 704-308-0837  
Property Owner Name VASILY AND MARINA SUSHCH  
Property Owner Address SAME AS ABOVE  
Property Owner Phone Number SAME AS ABOVE

**PART II**

Property Location 6046 NOLAN ACRES LANE, IRON STATION  
Property ID (10 digits) 3683-00-2053 Property size 4.5 acres  
3682-09-2884  
Parcel # (5 digits) 32447 Deed Book(s) 2597 Page(s) 279  
32510

**PART III**

Existing Zoning District R/T Proposed Zoning District CZ I-G

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

VACANT COMMERCIAL BUILDING WITH APPROXIMATELY 2000sf OF OFFICE SPACE  
AND 3000sf OF WAREHOUSE SPACE

List the proposed use or uses of the property.

OFFICE USE, WAREHOUSE AND STORAGE; FREIGHT TRUCKING LIMITED TO NO MORE  
THAN FOUR (4) TRUCKS PARKED ON THE PROPERTY AT ANY ONE TIME; ANY

CLEANING PRODUCTS STORED ON THE PROPERTY WILL BE STORED INSIDE THE BUILDING  
AND IN CONTAINERS THAT ARE NO GREATER THAN FIVE GALLONS IN SIZE.

**APPLICATION FEE (less than 2 acres \$400, 2-5 acres \$800, 5+ acre \$1,200)**  
**MUST BE RECEIVED BEFORE PROCESSING.**

\*\*\*APPLICATION AMENDED PURSUANT TO COMMUNITY INVOLVEMENT MEETING AND MEETING WITH NEIGHBORS.

*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.*

*Tim M. Valdez, agent for applicant* 4/28/17  
Applicant's Signature Date

## COMMUNITY INVOLVEMENT MEETING MINUTES

### CZ #2017-2

**DATE:** Tuesday, March 28, 2017 – 6:30 pm

**Applicant:** Vasiliy Sushch

**Location:** Lincoln Community Center, 8160 Optimist Club Rd., Denver, NC

Mr. Sushch conducted a community involvement meeting for Rezoning Application CZ #2017-2, which proposes to rezone 4.5 acres located at the intersection of Highway 73 and Nolen Acres Lane from R-T (Transitional Residential) to CZ I-G Conditional Zoning General Industrial. Mr. Sushch explained that he bought the property and adjacent property to build a house for his family and run his business from the building; his business would include warehousing and office and a minimal amount of trucking. The following people were in attendance:

Vasiliy Sushch, Applicant

Randy Hawkins, Lincoln County Zoning Administrator

Estrada Family, 395 Countrytyne Lane

Alvin and Arlinda Sherard, 4656 Hwy 73

Stacy Pattison, 4995 Arden Gate Dr

Ken and Charlotte Tallmadge, 440 Countyne Lane

Betty Burton-Burris, 4604 Hwy 73

The issues raised by the attendees included the following:

- Concern was expressed regarding the chemicals that would be stored onsite and the quantity, and concern for family and/or wells should there be a leak or spill. Mr. Sushch explained that he did not use or store hazardous materials and was not licensed to do so, but rather it would only be household cleaning products, if any, that would be stored there for his family's janitorial business. The cleaning products are stored in small containers and the same type/size bottles as those sold for households. There will not be barrels of chemicals. Mr. Sushch also explained that the warehouse portion of the building was approximately 3,000 square feet and the growth of his business would be limited by the size of the building.
- An attendee expressed opposition to the request and any other industrial zoning in the area.
- Concern was expressed regarding other industrial or commercial uses being allowed in the area if this rezoning is approved, and concern about allowing the Dollar General, and setting a precedent for commercial or industrial zoning in the area.

- Concern was expressed about the growth of the company and additional truck traffic on Highway 73, and particularly 18-wheelers turning in and out of the property because it is a busy highway and a school bus stop is less than a half mile away. Mr. Sushch explained that he currently has three employees and two drivers, with two trucks now and they are on the road traveling primarily, and also that the trucks could access Highway 73 from the side street of Nolen Acres Lane. Mr. Sushch noted that the property did front on Highway 73 and there are trucks traveling on that road now. [Note: Following the meeting, Mr. Sushch has amended his application to limit the number of trucks on the property at any given time.]

**Additional note:** Mr. and Mrs. Sushch invited neighbors, who attended the community involvement meeting and live adjacent to him, to their property on April 27, 2017 at 6:30pm. In attendance were:

Alvin Sherard, 4656 Hwy 73, Iron Station

Betty Burton-Burris, 4604 Hwy 73, Iron Station

Vasiliy and Marina Sushch, Applicant and property owners

Lisa Valdez, attorney for Applicant

The neighbors were given a tour of the office area and the warehouse area of the building. There is approximately 2000 square feet of existing office space in the building, and approximately 3000 square feet of warehouse space. Mr. and Mrs. Sushch explained that they have a janitorial business where they clean offices and that their cleaning products are typically stored at the office. They do wish to store the janitorial equipment (floor buffers, vacuums, etc...) in the warehouse. They explained that they may on occasion have some cleaning products at the building, but that would not be the norm as the products are ordered and shipped directly to the customer's office by the supplier. The Sushchs also explained what the trucking part of their business is and that it not related to the janitorial business; they would not be trucking cleaning supplies or any chemicals. Rather, the trucks would only be parked onsite temporarily between shipment stops and the trucks would not be unloaded except for to rearrange the loads by delivery locations. The trucks ship household goods only and not any kind of chemicals or hazardous materials. Mr. Sushch also explained that after the last community meeting he agreed to add a condition to the zoning application to limit the number of trucks on the property at any given time to four. Both Mr. Sherard and Ms. Burton-Burris expressed that they did not have any concerns about the trucks, and that as it was explained their concerns were addressed, and they did not have concerns about the proposed use. The meeting concluded at approximately 7:15pm.

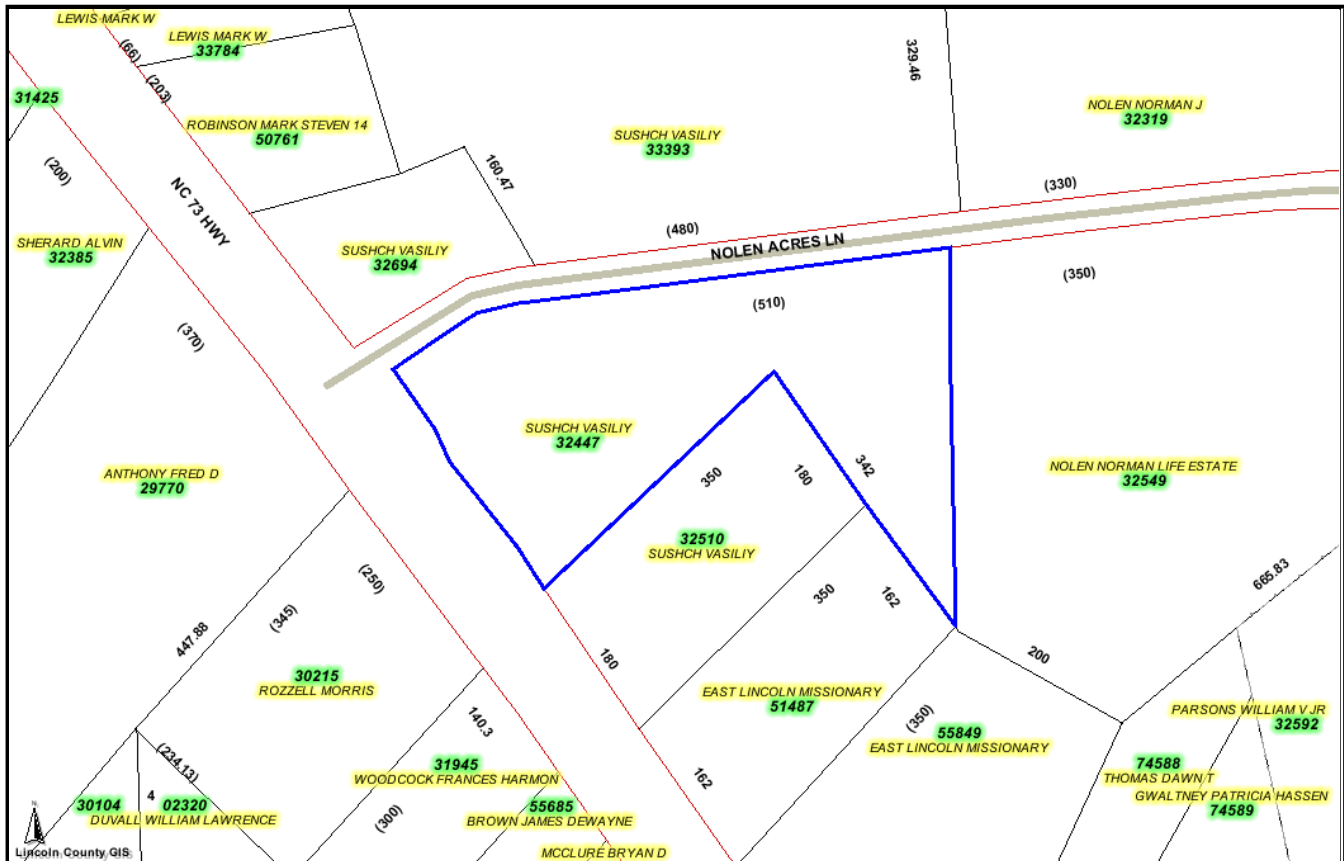
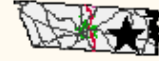


## Lincoln County, NC

### 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: 3/3/2017 Scale: 1 Inch = 200 Feet



#### PHOTOS



32447



32447

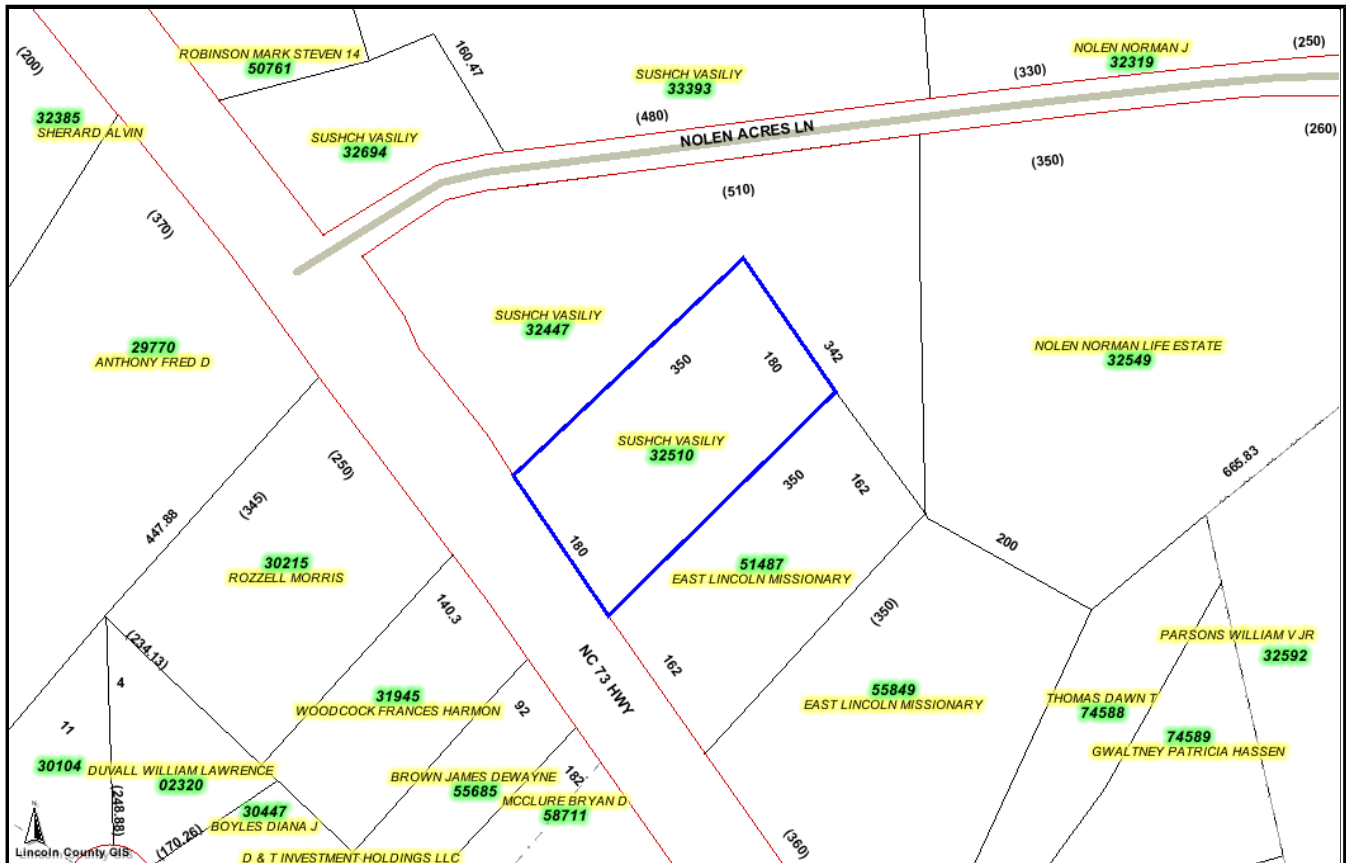
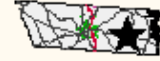
#### PARCEL INFORMATION FOR 3683-00-2053


|   |                         |                           |  |
|---|-------------------------|---------------------------|--|
| <b>Parcel ID</b>                              | <b>32447</b>            | <b>Owner</b>              | SUSHCH VASILY<br>SUSHCH MARINA           |
| <b>Map</b>                                    | <b>3683-00</b>          | <b>Mailing Address</b>    | 8046 LUCKY CREEK LANE<br>DENVER NC 28037 |
| <b>Account</b>                                | 0259709                 | <b>Deed</b>               | 2597-0279                                |
| <b>Deed</b>                                   | 2597-0279               | <b>Recorded</b>           | 6/29/2016                                |
| <b>Land Value</b>                             | \$83,412                | <b>Total Value</b>        | \$157,881                                |
| ----- All values are for tax year 2016. ----- |                         |                           |  |
| <b>Description</b>                            | NOLEN LAND HWY 73       |                           |  |
| <b>Address</b>                                | 6046 NOLEN ACRES LN     |                           |  |
| <b>Township</b>                               | CATAWBA SPRINGS         |                           |  |
| <b>Main Improvement</b>                       | RSF SHOP                | <b>Tax/Fire District</b>  | EAST LINCOLN                             |
| <b>Main Sq Feet</b>                           | 5000                    | <b>Stories</b>            | 1 Year Built                             |
|   |                         | <b>1988</b>               | <b>Value</b>                             |
|   |                         |                           | \$68,337                                 |
| <b>Zoning District</b>                        | <b>Calculated Acres</b> | <b>Voting Precinct</b>    | <b>Calculated Acres</b>                  |
| R-T   | 3.06                    | DENVER WEST (DW28)        | 2.96                                     |
|   |                         | ORE BANK (OB21)           | 0.1                                      |
| <b>Watershed Class</b>                        |                         | <b>Sewer District</b>     |  |
| Not in a watershed                            | 3.06                    | Not in the sewer district | 3.06                                     |
| <b>2000 Census County</b>                     |                         | <b>Tract</b>              | <b>Block</b>                             |
| 37109   |                         | 070900                    | 3026                                     |
| <b>Flood</b>                                  | <b>Zone Description</b> | <b>Panel</b>              |  |
| X   | NO FLOOD HAZARD         | 3710366200                | 0.09                                     |
| X   | NO FLOOD HAZARD         | 3710368200                | 0.99                                     |
| X   | NO FLOOD HAZARD         | 3710368300                | 1.97                                     |



## Lincoln County, NC

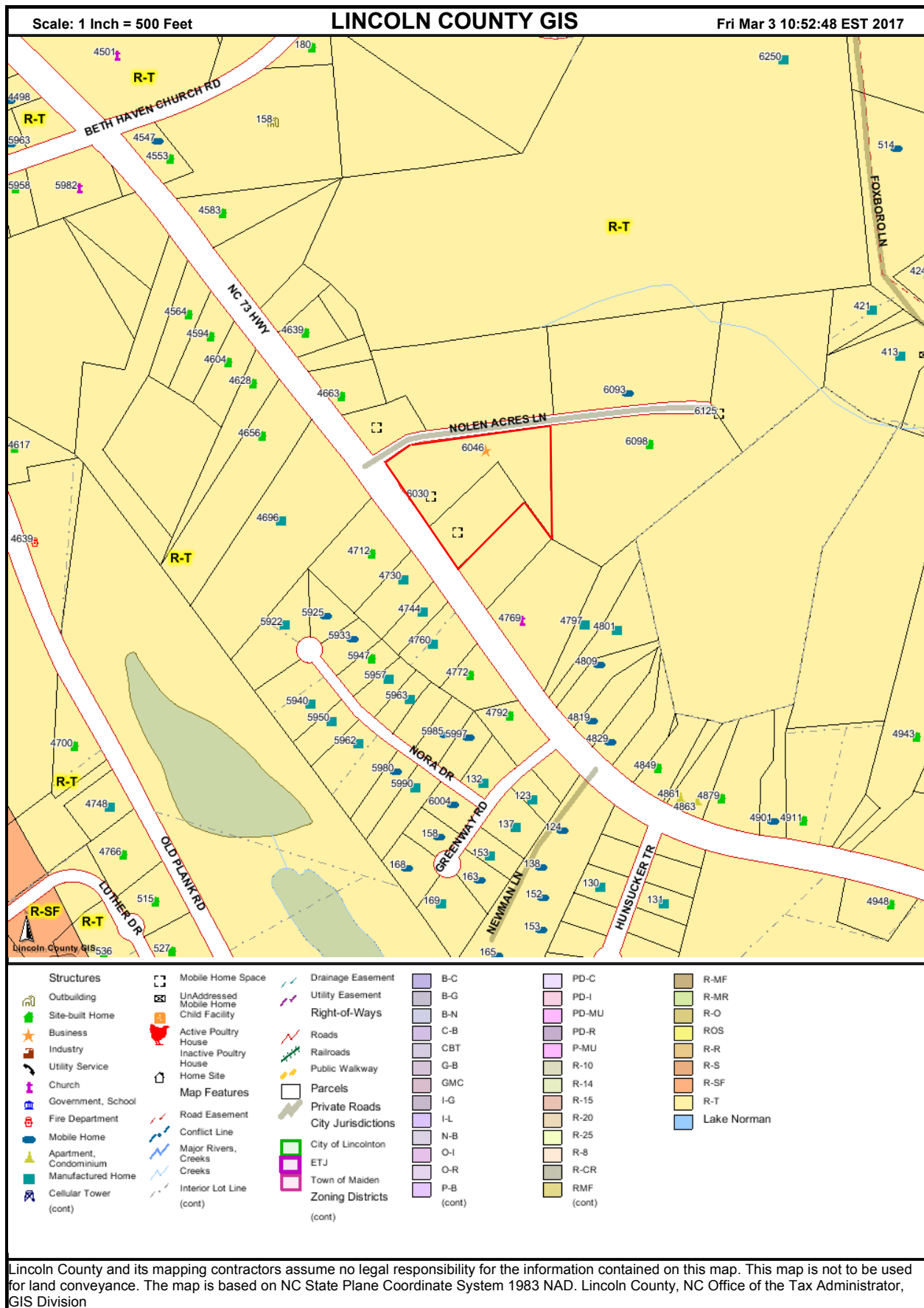
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**Date: 3/3/2017 Scale: 1 Inch = 200 Feet**



| PHOTOS   |   | PARCEL INFORMATION FOR 3682-09-2884 |                           |                                 |                                |
|--|---|-------------------------------------|---------------------------|---------------------------------|--------------------------------|
| <br>Photo Not Available | Parcel ID                                     | 32510                               | Owner                     | SUSHCH VASILYI<br>SUSHCH MARINA |                                |
|  | Map   | 3682-00                             | Mailing                   | 8046 LUCKY CREEK LANE           |                                |
|  | Account                                       | 0259709                             | Address                   | DENVER NC 28037                 |                                |
|  | Deed  | 2597-0279                           | Recorded                  | 6/29/2016                       | Sale Price \$110,000           |
|  | Land Value                                    | \$30,424                            | Total Value               | \$30,424                        | Previous Parcel                |
|  | ----- All values are for tax year 2016. ----- |                                     |                           |                                 |                                |
|  | Description                                   | NOLEN LD & VACANT HWY 73            |                           |                                 | Deed Acres 1.64                |
|  | Address                                       | NC 73 HWY                           |                           |                                 | Tax Acres 1.42                 |
|  | Township                                      | CATAWBA SPRINGS                     |                           |                                 | Tax/Fire District EAST LINCOLN |
|  | Improvement                                   | No Improvements                     |                           |                                 |                                |
|  | Zoning District                               | Calculated Acres                    | Voting Precinct           | Calculated Acres                |                                |
|  | R-T   | 1.43                                | DENVER WEST (DW28)        | 1.43                            |                                |
|  | Watershed Class                               |                                     | Sewer District            |                                 |                                |
|  | Not in a watershed                            | 1.43                                | Not in the sewer district | 1.43                            |                                |
|  | 2000 Census County                            |                                     | Tract                     | Block                           |                                |
|  | 37109   |                                     | 070900                    | 3026                            | 1.43                           |
|  | Flood   | Zone Description                    | Panel                     |                                 |                                |
|  | X   | NO FLOOD HAZARD                     | 3710368200                | 1.35                            |                                |
|  | X   | NO FLOOD HAZARD                     | 3710368300                | 0.08                            |                                |



CZ #2017-2  
Subject property is outlined in red



CZ #2017-2  
Site with existing building  
No additional facilities proposed

