



**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: Planning Board Members

From: Jeremiah Combs, CZO  
Planner I

Date: July 21, 2017

Re: SR #79  
Jerry Charles Curtis, applicant  
Parcel ID# 57142

*The following information is for use by the Lincoln County Planning Board at their meeting/public hearing on August 7, 2017.*

**REQUEST**

The applicant is requesting a waiver from one of the subdivision standards of the Lincoln County Unified Development Ordinance for a proposed subdivision of land in the R-T (Residential Transitional) Zoning District.

Under Section 9.6.9 of the UDO, the Planning Board is authorized to grant waivers from the subdivision standards if it makes certain findings based upon the evidence presented. The applicant is requesting a waiver from subdivision standards of section 5.6.1.A.3 of the Unified Development Ordinance to allow a new easement to intersect with an existing easement to provide access for a new residential lot in a Family Subdivision.

**SITE AREA AND DESCRIPTION**

The 7.78-acre parcel is located about 250 feet north of Dave Heafner Road, about 1500 feet east of George Brown Road in Howards Creek Township. The property is adjoined on all sides by parcels zoned R-T (Residential Transitional).

The proposed lot is in the northeastern corner of the existing parcel. A copy of the proposed subdivision plat is included in this packet.

## §5.6. Lots and Blocks

### §5.6.1. Lots

A. Every lot shall have a minimum of 35 feet of frontage on public right-of-ways or private right-of-ways pursuant to §5.4.6, except where otherwise specifically allowed by the dimensional standards of §2.4, and shall contain the minimum required lot width of the applicable zoning district within 100 feet of the road right-of-way adjoining the front yard, except for lots in family subdivisions as authorized below.

1. Lots in a family subdivision created pursuant to §9.6.10, Family Subdivisions, need not have frontage on public right-of-ways, and all lots must meet or exceed the minimum lot size of the Lincoln County Water Supply Watershed Protection Ordinance.
2. Lots in family subdivisions must either comply with subsection A, above, or have a minimum of 35 feet of frontage on either a newly created private road easement that has a minimum width of 45 feet or an easement that existed prior to May 14, 1996, provided the pre-existing easement has a minimum private road easement width of 20 feet. Such easement shall provide access to a NCDOT maintained road. Irrespective of this minimum width, the road easement shall be of appropriate width to accommodate the placement of utilities.
3. In no instance may one unpaved private road easement intersect with another unpaved private road easement.

B. Lot sites, shapes, and locations shall be made with due regard to topographic conditions, contemplated uses, and the surrounding areas.

C. Through lots shall be avoided, except when lots adjoin a thoroughfare and access is desirable by a road of residential scale, and discouraged or prohibited on the thoroughfare.

D. Side lot lines shall be substantially at right angles or radial to road lines.

E. Panhandle lots may be created in any zone if all of the following requirements are met:

1. No panhandle lot may be adjacent to more than one panhandle lot;
2. The access portion of the lot shall be at least 35 feet in width;
3. The depth of the panhandle shall not exceed 100 feet as measured from the adjacent public or private road;

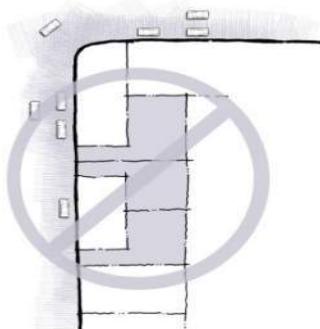


Figure 80. Panhandle Lots



# County Of Lincoln, North Carolina

## Planning Board

Applicant **Jerry Charles Curtis**

Application No. **SR #79**

Request **A waiver from the subdivision standards of section 5.6.1.A.3 of the Unified Development Ordinance to allow a new easement to intersect with an existing easement to provide access for a new residential lot in a Family Subdivision.**

### **FINDINGS OF FACT**

Where the Planning Board finds that extraordinary hardships or practical difficulties may result from strict compliance with Article 5, Subdivision Standards, and the intent of the UDO may be served to a greater extent by an alternative proposal, a waiver may be granted. A waiver shall not have the effect of nullifying the intent and purpose of the UDO, and the Planning Board shall not grant a waiver unless the Planning Board makes findings based upon the evidence presented in each case that:

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

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2. The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not generally applicable to other property.

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3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the UDO is enforced.

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4. The purpose of the waiver is not based primarily upon financial consideration.

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*Based on the Findings of Fact, the following action was taken on \_\_\_\_\_  
by the Lincoln County Planning Board after a public hearing was held and duly advertised:*

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*In granting a waiver, the Planning Board required the following condition(s) to secure  
substantially the objectives of the standards or requirements of this UDO:*

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## **Request for Subdivision Waiver**

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

Request # \_\_\_\_\_

Date \_\_\_\_\_

### **PART I**

Name of Subdivision \_\_\_\_\_

Applicant Name Jerry Charles Cantis

Applicant Address 3141 Laboratory Rd Lincolnton, NC 28092

Applicant Phone Number 980 241 3304

Property Owner Name Linda Gilmore

Property Owner Address 3318 Dave Hefner Rd Custer, NC 28033

Property Owner Phone Number 704 735 4890

### **PART II**

Property Location OFF Dave Hefner Rd.

Property ID (12 digits) 3612-03-0458 Parcel # (5 digits) 57142

### **PART III**

#### **PURPOSE OF REQUEST**

To the Lincoln County Planning Board,

I Jerry Charles Cantis (Name of Applicant) hereby petition for a waiver from Article 5, Subdivision Standards, of the Lincoln County Unified Development Ordinance. The extraordinary hardships or practical difficulties which may result from strict compliance can be described as follows:

Ordinance section(s) Number 5.6.1.A.3, affecting Lot number(s) \_\_\_\_\_, may cause difficulty in accessing proposed lot.

(Describe hardship(s) in specific terms)

## APPLICANT'S JUSTIFICATION

Where the Planning Board finds that extraordinary hardships or practical difficulties may result from strict compliance with Article 5, Subdivision Standards, and the intent of the UDO may be served to a greater extent by an alternative proposal, a waiver may be granted. A waiver shall not have the effect of nullifying the intent and purpose of the UDO, and the Planning Board shall not grant a waiver unless the Planning Board makes findings based upon the evidence presented in each case that:

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

This is for one additional lot only and is in keeping with the surrounding area

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2. The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not generally applicable to other property.

Follow old Road bed that has been in existence for many years - at least more than 20 years. Provide family access easily for disabled family member

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the UDO is enforced.

Very difficult to use匍匐人行道 due to the fill materials that would be required. Existing easement could not be extended due to Septic lines

4. The purpose of the waiver is not based primarily upon financial consideration.

The proposed easement would provide access to a new lot for a family member

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### Affirmation

I hereby affirm that to the best of my ability, knowledge, information and belief, I have provided all information requested on this form and that it is accurate.

Jerry Charles Curtis 5-31-17  
Applicant's Signature

## **APPLICANT'S JUSTIFICATION**

Where the Planning Board finds that extraordinary hardships or practical difficulties may result from strict compliance with Article 5, Subdivision Standards, and the intent of the UDO may be served to a greater extent by an alternative proposal, a waiver may be granted. A waiver shall not have the effect of nullifying the intent and purpose of the UDO, and the Planning Board shall not grant a waiver unless the Planning Board makes findings based upon the evidence presented in each case that:

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

**This request is for the purpose of creating only one additional lot, and the proposed lot is in keeping with the surrounding area.**

2. The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not generally applicable to other property.

**The proposed easement would follow an old road bed that has been in existence for many years. The creation of the lot and the easement would provide access to a disabled family member.**

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the UDO is enforced.

**Use of Jennifer Lane would be very difficult due to the fill material that would be required to extend it to the proposed lot. The existing easement cannot be extended due to the location of septic lines.**

4. The purpose of the waiver is not based primarily upon financial consideration.

**The proposed easement would provide access to a new lot for a family member.**



## 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: 7/14/2017 Scale: 1 Inch = 500 Feet

