



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 #80
Gary Wallace, applicant
Parcel ID# 25902

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-R (Rural Residential) 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 of the Unified Development Ordinance to create a new residential lot with frontage on a private road that does not meet the minimum construction standards identified in the Unified Development Ordinance.

SITE AREA AND DESCRIPTION

The 3.18-acre parcel is located between Sadler Road and Foxchase Lane about 1,000 feet northwest of Little Mountain Road in Catawba Springs Township. The property is adjoined on all sides by parcels zoned R-R (Rural Residential). 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;

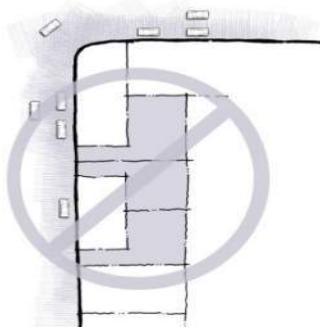


Figure 80. Panhandle Lots



County Of Lincoln, North Carolina

Planning Board

Applicant **Gary Wallace**

Application No. **SR #80**

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.

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.

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.

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

*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:*

*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:*



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 Alexis Acres Lot #12

Applicant Name Gary L Wallace

Applicant Address 3054 Sallie Rd Alexis NC

Applicant Phone Number 704-913-1262 Zip 28006

Property Owner Name Gary L Wallace

Property Owner Address 3054 Sallie Rd Alexis NC

Property Owner Phone Number 704-913-1262

PART II

Property Location 3054 Sallie Rd

Property ID (12 digits) 3631-92-5587 Parcel # (5 digits) 25092

PART III

PURPOSE OF REQUEST

To the Lincoln County Planning Board,

I Gary L Wallace (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 5.6.1A affecting Lot number(s) 5, 6, 1A
may cause Irability to divide property
that already has access from two different
Rds

(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.

*Doesn't Affect any other lot no,
Additional Driveways are being proposed*

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.

*There access from two different Rds
both Homes have two different addresses
and are on two different lots.*

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.

*The lot is not wide enough
to create two lots on same rd.*

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

*put two existing Homes on two different
Lots.*

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.

Harry L. Welt

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 does not affect any other lots, and no additional driveways are being proposed.

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.

Access is currently provided from two different roads. The existing homes are addressed off two different roads.

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.

The lot is not wide enough to create two lots on Sadler Road.

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

The purpose is to place two existing homes on two different lots.



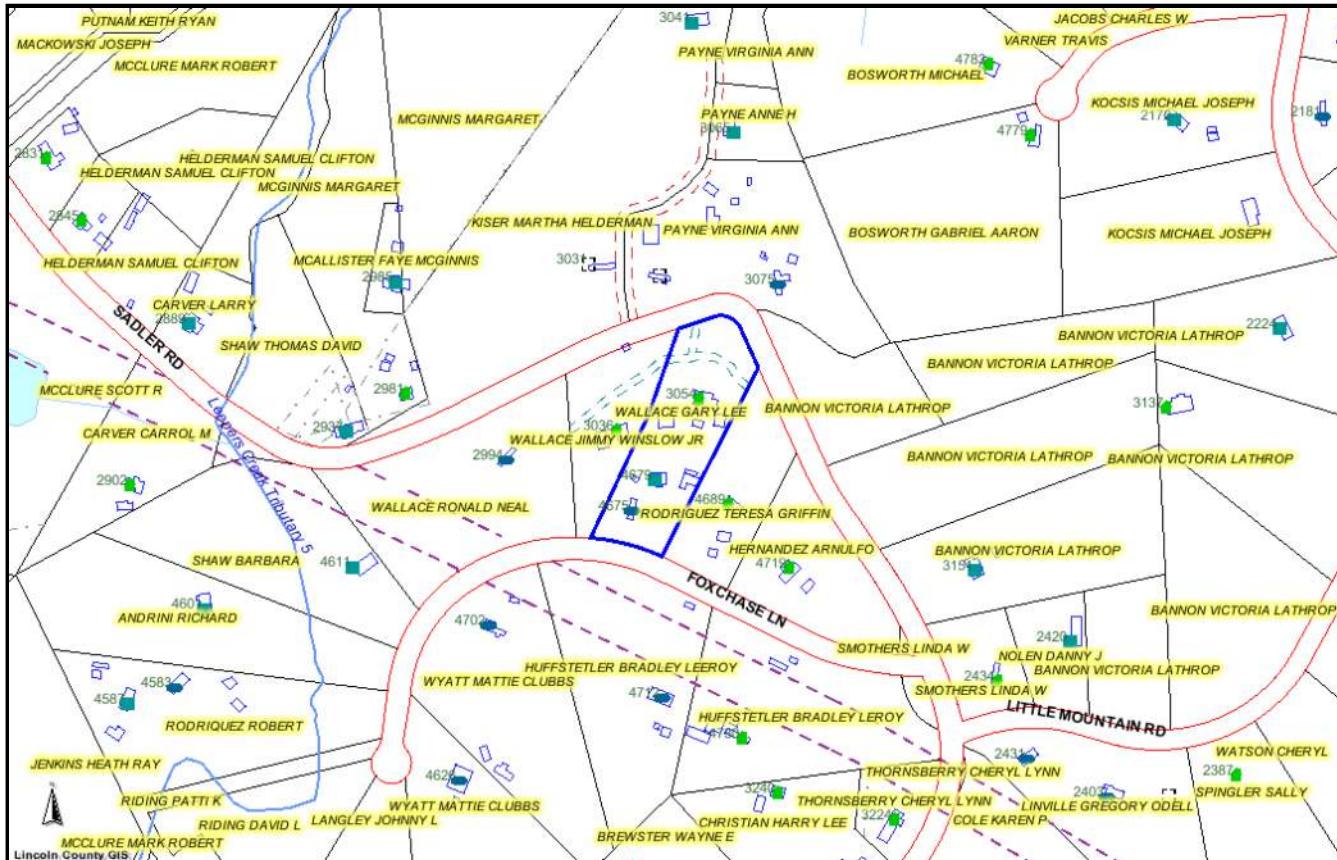
Lincoln County, NC

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



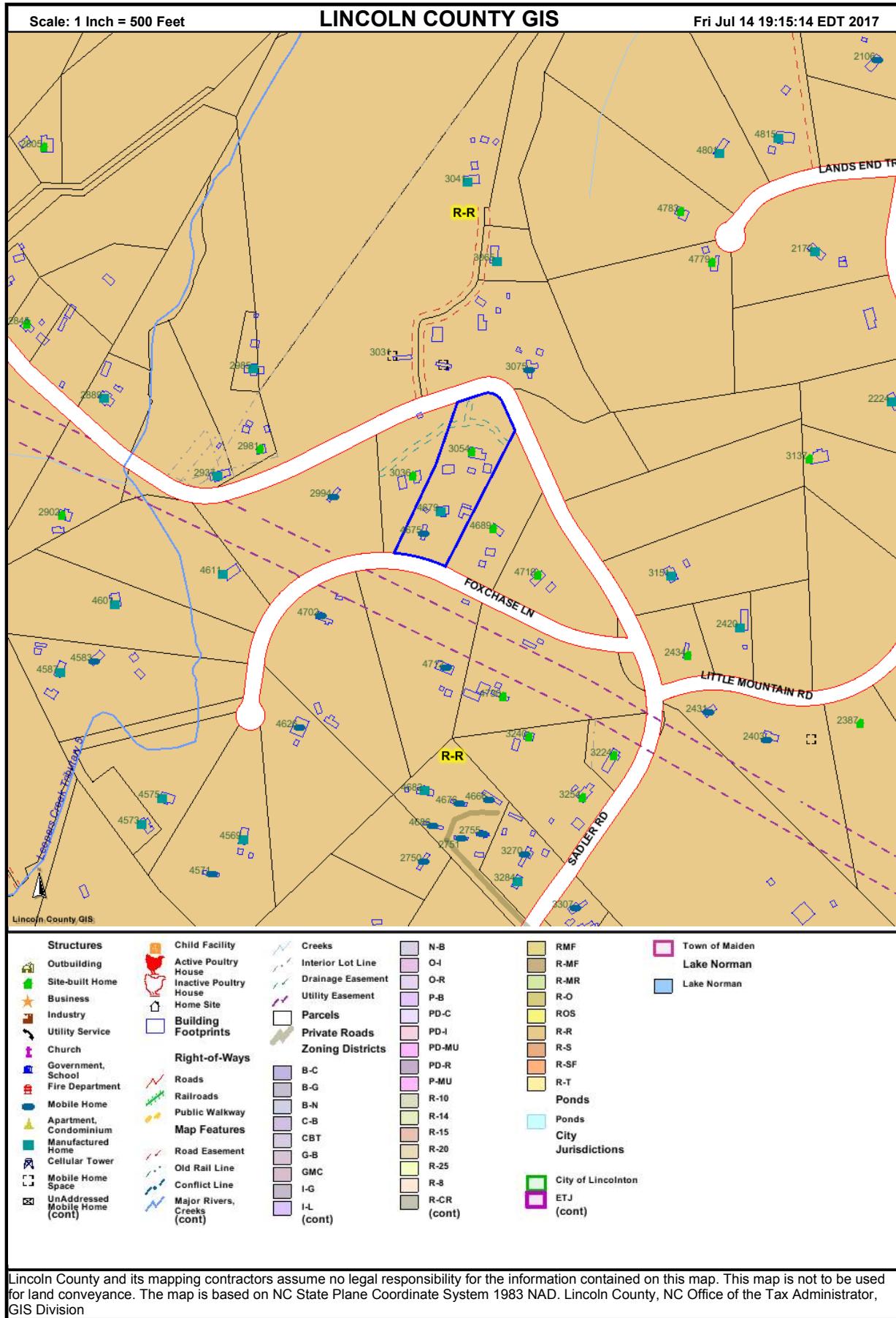
PHOTOS

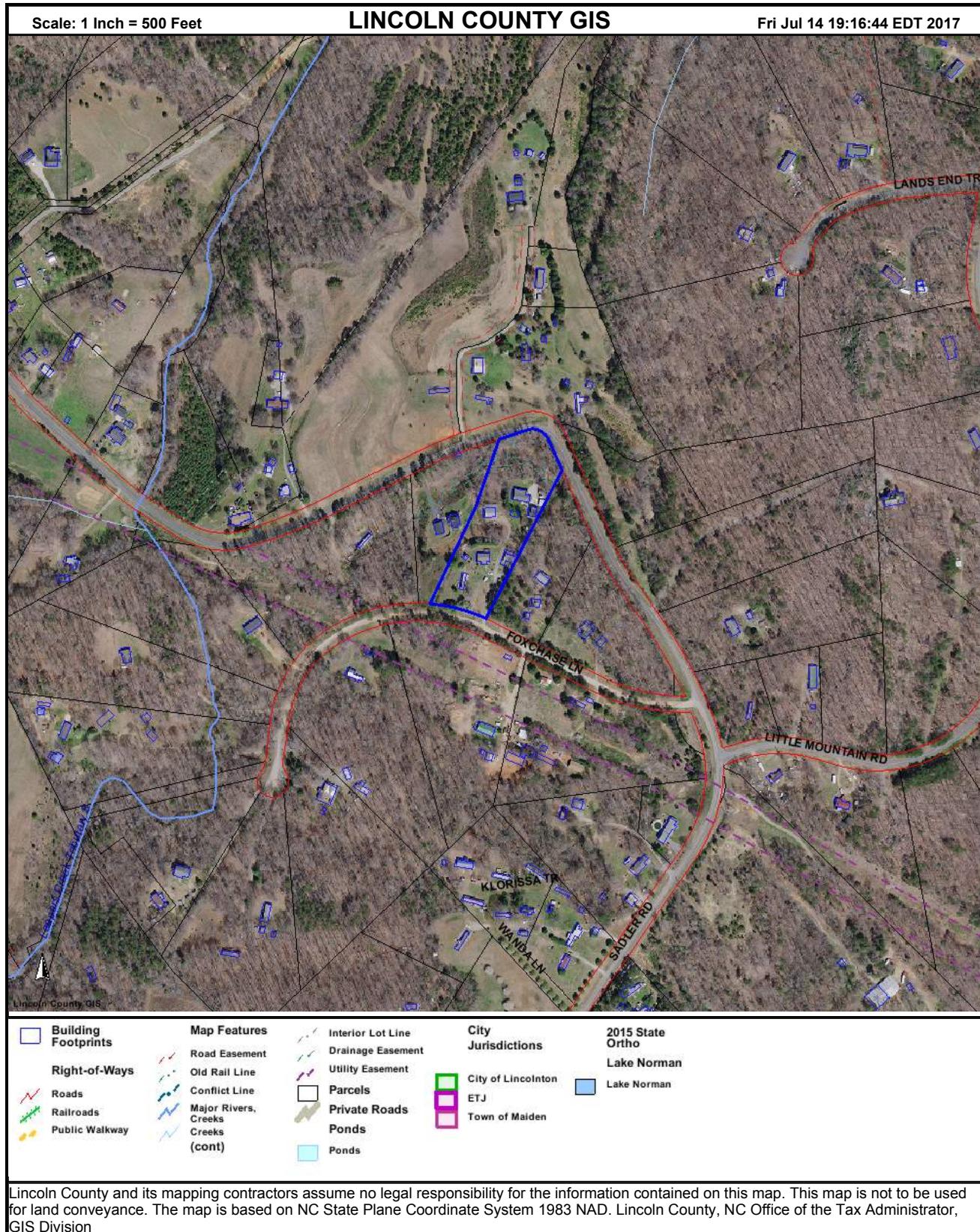


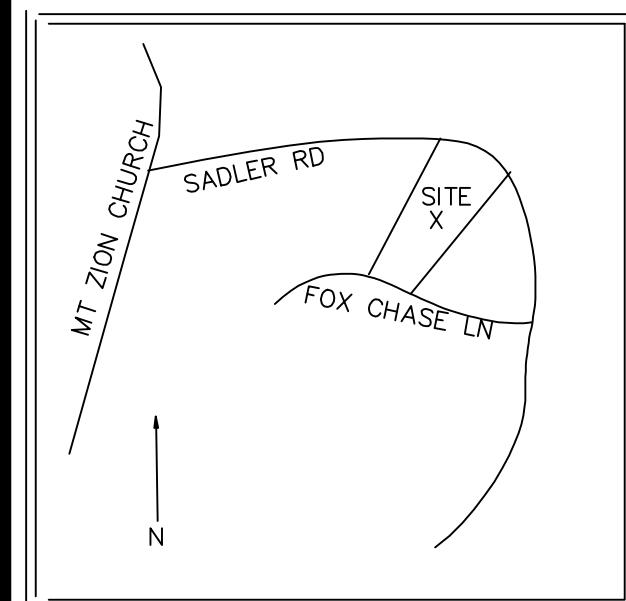
PARCEL INFORMATION FOR 3671-92-5587

Parcel ID	25902	Owner	WALLACE GARY LEE
Map	3671-04	Mailing	3054 SADLER RD
Account	0119066	Address	ALEXIS NC 28006-9727
Deed	2510-337	Last Transaction Date	3/27/2015
Land Value	\$50,749	Total Value	\$205,298
----- All values are for tax year 2016. -----			
Subdivision	Lot 12B GARY WALLACE	Plat	14-487
Description	#12B LT GARY WALLACE	Deed Acres	3.27
Address	3054 SADLER RD	Tax Acres	3.18
Township	CATAWBA SPRINGS	Tax/Fire District	ALEXIS
Main Improvement	RANCH	Value	\$105,184
Main Sq Feet	1288	Stories	1
		Year Built	1993
Parcel ID	M34237	Owner	WALLACE DONNA FOX HEIRS OF WALLACE JIMMY WINSLOW JR
Map	3671-04	Mailing	PO BOX 561
Account	0258111	Address	ALEXIS NC 28006-0561
Deed	15E-627	Last Transaction Date	12/1/2015
Land Value	\$0	Total Value	\$1,706
----- All values are for tax year 2016. -----			
Subdivision	Lot 12B GARY WALLACE	Plat	14-487
Description	1982 14 X 56 SCOTT	Deed Acres	0
Address	4675 FOXCHASE LN	Tax Acres	0
Township	CATAWBA SPRINGS	Tax/Fire District	ALEXIS
Main Improvement	MANUFACTURED HOME	Value	\$1,706
Main Sq Feet	784	Stories	1
		Year Built	1982
		Total Value	\$1,706
Parcel ID	M10017	Owner	WALLACE EDNA MAE
Map	3671-04	Mailing	PO BOX 164
Account	0119853	Address	ALEXIS NC 28006-0164
Deed	-	Last Transaction Date	4/19/2004
Land Value	\$0	Total Value	\$38,391
----- All values are for tax year 2016. -----			
Sale Price	\$51,440	Previous Parcel	

----- All values are for tax year 2016. -----				
Subdivision	Lot 12B GARY WALLACE	Plat	14-487	
Description	2004 27 X 44 OAKWOOD	Deed Acres	0	
Address	4679 FOXCHASE LN	Tax Acres	0	
Township	CATAWBA SPRINGS	Tax/Fire District ALEXIS		
Main Improvement	MANUFACTURED HOME	Value	\$38,391	
Main Sq Feet	1188	Stories	1	Year Built 2004
		Total Value	\$38,391	
Zoning District	Calculated Acres	Voting Precinct	Calculated Acres	
R-R	3.18	LOWESVILLE WEST (LW18)	3.18	
Watershed Class		Sewer District		
Not in a watershed	3.18	Not in the sewer district	3.18	
2000 Census County		Tract	Block	
37109		071000	1025	3.18
Flood	Zone Description	Panel		
X	NO FLOOD HAZARD	3710366000		3.18







VICINITY MAP (N.T.S.)

THE GARY WALLACE PROPERTY TO THE BEST OF MY KNOWLEDGE, LIE WITHIN THE CLASS IVC OF THE LAKE NORMAN AS DEDICATED BY THE NORTH CAROLINA DIVISION OF ENVIRONMENTAL MANAGEMENT AND AS APPEARS ON THE WATERSHED PROTECTION MAP OF LINCOLN COUNTY

OWNER _____ DATE _____

CERTIFICATE OF OWNERSHIP AND DEDICATION

I/WE DO HEREBY CERTIFY THAT I/WE ARE ALL OF THE OWNERS OF FEE SIMPLE TITLE TO THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF LINCOLN COUNTY AND THAT I/WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY/OUR FREE CONSENT AND ESTABLISH MINIMUM LOT SIZE AND BUILDING SETBACK LINES AS NOTED.

OWNER _____ DATE _____

CERTIFICATE OF APPROVAL FOR RECORDATION FOR EXEMPT SUBDIVISIONS

I HEREBY CERTIFY THAT TO THE BEST OF MY ABILITY AS SUBDIVISION ADMINISTRATOR THAT I HAVE DETERMINED THAT THE SUBDIVISION PLAT SHOWN HEREON IS NOT SUBJECT TO THE LINCOLN COUNTY UNIFIED DEVELOPMENT ORDINANCE PURSUANT TO 9.6.2. THIS DETERMINATION IS BASED ON STATEMENTS MADE BY THE APPLICANT AS TO THE COMBINATION OR RECOMBINATION OF RECORDED LOTS, THE STATUS OF ROADS, AND THE SEPARATION OF LAND SUBSEQUENT TO THE EFFECTIVE DATE OF THE UNIFIED DEVELOPMENT ORDINANCE. FURTHERMORE SUCH INFORMATION, IF INCORRECT, WOULD RESULT IN CANCELLATION OF THIS CERTIFICATE.

NOT FOR RECORDATION, CONVEYANCES OR SALES

SUBDIVISION ADMINISTRATOR DATE _____

STATE OF NORTH CAROLINA
COUNTY OF LINCOLN

I, _____, Review Officer of Lincoln County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

NOT FOR RECORDATION, CONVEYANCES OR SALES

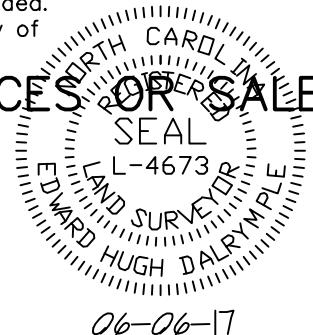
Review Officer Date _____

State of North Carolina
County of Mecklenburg

I, Edward H Dalrymple, certify that this plat was drawn under my supervision from an actual field survey made under my supervision of the Gary Wallace Property Plat book 14 Page 487 as recorded in the Lincoln County Public Registry; that the boundaries not surveyed are clearly indicated as dashed lines; that the ratio of precision is a minimum of 1:10,000, that the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land; and that this plat was prepared in accordance with GS 47-30 as amended. Witness my original signature, registration number and seal this 6th day of June, 2017.

NOT FOR RECORDATION, CONVEYANCES OR SALES

Edward H. Dalrymple, P.L.S.
NC Reg No. L-4673



06-06-17

GENERAL NOTES:

1. THIS PLAT SUBDIVIDES LOT 12B INTO 2 LOTS (12B-1 & 12B-2)
2. THIS PROPERTY MAY BE SUBJECT TO ANY EASEMENT AND OR RIGHTS OF WAY OF RECORD NOT SHOWN ON THIS MAP.
3. BOUNDARY INFO TAKEN FROM MAP BOOK 14 PAGES 487
4. THIS PROPERTY IS SUBJECT TO COVENANTS AND RESTRICTIONS RECORDED IN DEED BOOK 1947 PAGES 773-809
5. AREA BY COORDINATE METHOD
6. BUFFER AREA AND COS TO BE MAINTAINED BY HOA
7. ALL LOTS TO BE SERVED BY COUNTY WATER AND SEWER
8. PROPERTY IS DEDICATED SINGLE FAMILY
9. PROPERTY IS ZONED R-R (RURAL RESIDENTIAL)
- FRONT 30'
- SIDES 10'
- REAR 40'
10. NUMBER OF LOTS CREATED IS 2
11. TOTAL ACREAGE OF TRACT IS 3.272 ACRES±
12. THIS MAP WAS PREPARED WITHOUT THE BENEFIT OF A FULL LEGAL TITLE SEARCH
13. AREA SCHEDULE:
AREA IN LOTS = 3.272 ACRES±
TOTAL PLATTED AREA = 3.272 ACRES±
14. NO RECOVERABLE NSGS/NCGS MONUMENT FOUND WITHIN 2000 FT.
15. PIN # 3671-92-5587
16. THIS PROPERTY IS NOT GRAPHICALLY LOCATED IN ANY FEMA DESIGNATED SPECIAL FLOOD HAZARD AREA AS IDENTIFIED ON COMMUNITY PANEL NO. 370146-3710460400J, DATED 8-16-07 (ZONE X)
17. IRON RODS AT ALL CORNERS UNLESS OTHERWISE NOTED
18. IN APPROVING THIS PLAT LINCOLN COUNTY DOES NOT GUARANTEE THE SUITABILITY OF ANY LOT FOR THE PLACEMENT OF A SEPTIC SYSTEM
19. ALL ADJOINING PROPERTY OWNER INFORMATION WAS TAKEN FROM CURRENT DEEDS AND TAX RECORDS AND ARE CONSIDERED "NOW OR FORMERLY"
20. ALL LOTS HAVE INDIVIDUAL WELLS

LINETYPE LEGEND

- PROPERTY LINE
- ADJOINING LINES NOT SURVEYED
- SETBACKS
- TIE LINE

SCALE: 1" = 50'

FB 14 PG 487

