



**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: August 24, 2018

Re: CUP #383  
Mark Powell, applicant  
Parcel ID# 34779

*The following information is for use by the Lincoln County Board of Commissioners and Planning Board at their joint meeting/public hearing on September 10, 2018.*

**REQUEST**

The applicant is requesting a conditional use permit to operate a bed and breakfast with one guest suite (two bedrooms) in the R-SF (Residential Single-Family) district in a proposed new house. An existing house would be removed to make way for the new house. A site plan is included as part of the application. Under the Unified Development Ordinance, a bed and breakfast is a conditional use in the R-SF district, subject to certain standards.

**SITE AREA AND DESCRIPTION**

The 0.8-acre parcel is located at 5143 Windward Point Lane, at the end of Windward Point Lane about 900 feet north of Harbor Lane. Windward Point Lane is a private road. The subject property is adjoined by property zoned R-SF and by Lake Norman. Land uses in this area are primarily residential. This property is part of an area designated by the Lincoln County Land Use Plan as Single-Family Neighborhood.

**BED AND BREAKFAST STANDARDS**

The Unified Development Ordinance establishes the following standards for a bed and breakfast:

#### **§4.4.3 Bed & Breakfast**

Single-family detached dwellings may be used as bed and breakfasts in accordance with the following requirements:

- A.** One or more bedrooms may be rented on a daily basis to tourists, vacationers and similar transients;
- B.** Where the provision of meals is provided, such provision is limited to the breakfast meal, available only to guests and employees;
- C.** Individual rooms shall not be equipped with cooking facilities;
- D.** There shall be no substantial modifications to the exterior appearance of the structure; however, fire escapes, handicapped entrances and other features may be added to protect public safety;
- E.** Such operations shall be conducted primarily by persons who reside in the dwelling unit, with the assistance of not more than the equivalent of two full-time employees; and
- F.** An owner of the use shall reside on site.



# County Of Lincoln, North Carolina

## Planning Board

Applicants **Mark Powell**

Application No. **CUP #383**

Property Location **5143 Windward Point Lane** Parcel ID# **70464**

Zoning District **R-SF**

Proposed Conditional Use **bed and breakfast with one guest suite (two bedrooms)**

### **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 Mark Powell

Applicant Address 7851 Chapel Creek Dr. Denver NC 28037

Applicant Phone Number 704-530-3346

Property Owner Name Mark & Lisa Powell

Property Owner Address 7851 Chapel Creek Dr. Denver NC 28037

Property Owner Phone Number 704-530-3346 / 704-425-0935

### PART II

Property Location 5143 Windward Point Lane

Property ID (10 digits) 4615-77-410 Property size 0.815 Ac

Parcel # (5 digits) 34779 Deed Book(s) 2161 Page(s) 607

### PART III

Existing Zoning District R-SF

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

New home construction.

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

Building new home with Bed & Breakfast with one guest suite (2 bedrooms) above a 3 car garage for the purpose of vacation rental.

**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

7/10/18

Date

## **Applicant's Proposed Finding of Facts**

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

Guests are vetted through the Airbnb program before being able to make a reservation. The number of guests is stipulated by us on the website. As this guest unit will be a 2 bedroom designed for families, the maximum number of guests will be 6. Applicant will personally welcome arriving guests and will be living on location to further monitor activities thus helping to ensure public health and safety. The process for check in is communicated to each guest and mapping directions are provided on the site. The guests will have a designated parking area on the property.

2. The use meets all required conditions and specifications.

Applicant will comply with Lincoln County Environmental Health Division standards as required for the conditional use permit for Bed and Breakfast.

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

The property will continue to appear as a single family residence. There will not be any signage on property to advertise the B&B. The Airbnb guests will use the Airbnb app to make reservation requests. The property site plan will be developed to provide privacy to the guest and neighbors. The location of the site is at the end of a peninsula so only 2 neighbors are directly impacted. Buffers of vegetation will be developed along the property lines that adjoin our neighbors.

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 in general conformity with the Land Use Plan for the area in question.

The property will visually remain as a single family residence. To our neighbors, it will only appear that we have guests visiting us at the lake. We will continue to maintain our personal property and be able to assist our community and neighbors by providing this property for others to use.



Conditional Use Permit #383  
subject property is outlined in blue

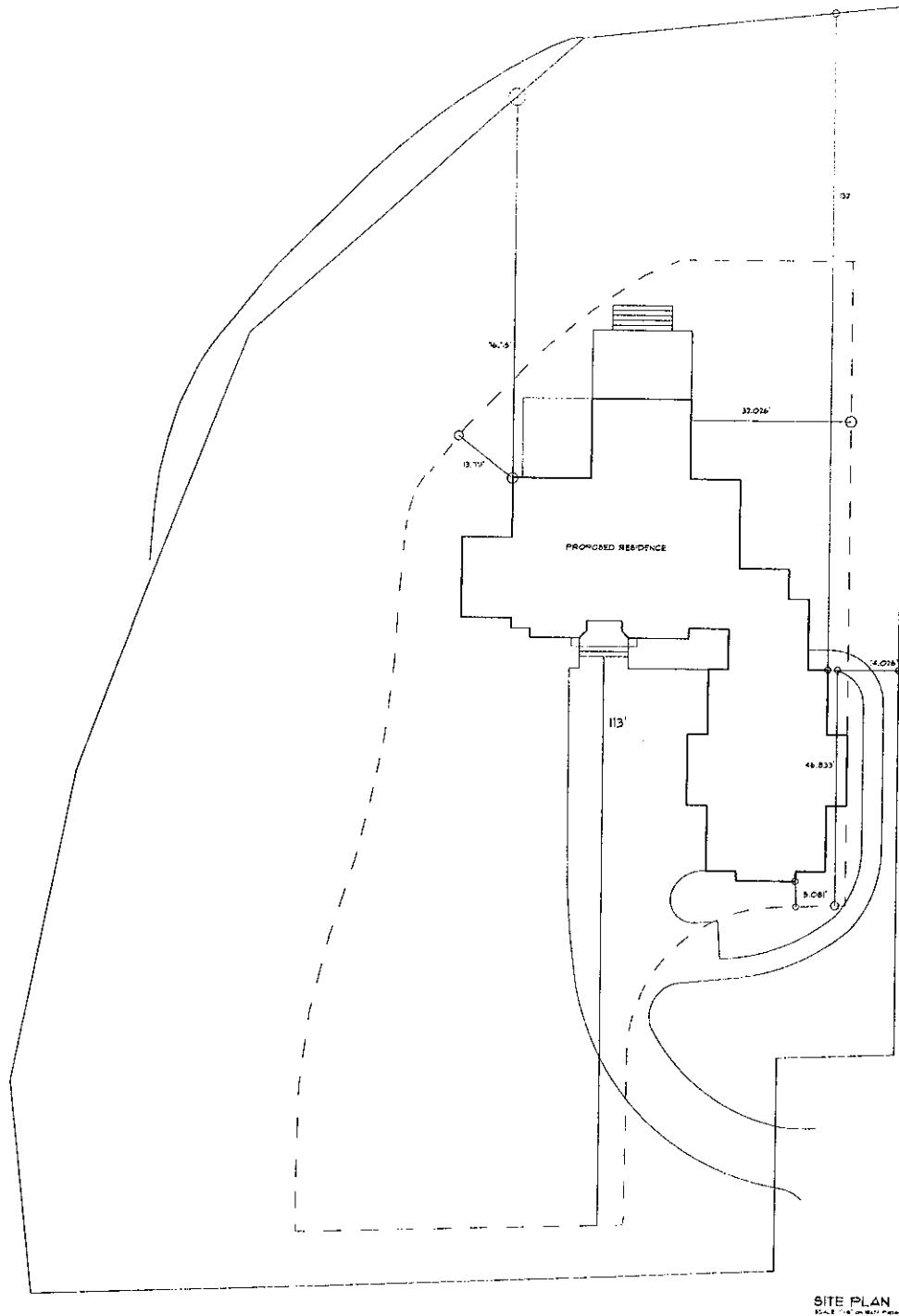


July 27, 2018

Esri, Inc., Lincoln County, NC



**CUP #383 site plan**  
**proposed two-story, 4,700-square-foot house**  
guest portion: 1,000 square feet with two bedrooms  
maximum number of guests: 6



**SITE PLAN**