



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: January 16, 2019

Re: CUP #398
Jefferson Herr, applicant
Parcel ID# 91381

The following information is for use by the Lincoln County Board of Commissioners and Planning Board at their joint meeting/public hearing on February 4, 2019.

REQUEST

The applicant is requesting a conditional use permit to allow an agricultural labor housing facility in the form of a Class C (singlewide) manufactured home. Under the Unified Development Ordinance, an agricultural labor housing facility may be approved by conditional use permit as an accessory use to a bona fide agricultural operation, subject to certain provisions. A Class C manufactured home may be used as an agricultural labor housing facility.

SITE AREA AND DESCRIPTION

The 22-acre parcel is located at 7243 Houser Farm Road, about 1,200 feet east of Houser Farm Road and 1,800 feet north of Fairview School Road, in North Brook Township. Four poultry houses are located on this parcel, and six poultry houses are located on an adjacent 23-acre parcel as part of the same agricultural operation. The subject property is zoned R-SF (Residential-Single Family) and is surrounded by property zoned R-SF. (A manufactured home is not a permitted or conditional use in the R-SF district except as an agricultural labor housing facility or a care provider housing unit.) Land uses in this area include agricultural and residential. This property is part of an area designated by the Lincoln County Land Use Plan as Rural Living, suitable for manufactured homes and other types of single-family dwellings.

ORDINANCE STANDARDS

The Unified Development Ordinance establishes the following provisions for an agricultural labor housing facility:

§4.6.5. Residential Accessory Use Standards

A. Agricultural Labor Housing Facilities

Agricultural labor housing facilities may be approved by conditional use permit pursuant to §9.11 as an accessory use to a bona fide agricultural operation, subject to the following conditions:

1. Such uses shall be subject to bi-annual review for continued compliance in accordance with the requirements of §9.11.
2. Minimum floor area per dwelling unit shall be 700 square feet.
3. Occupancy of such housing shall be exclusively limited to persons employed on-site in the agricultural operation. No other occupancy shall be allowed.
4. Such housing facilities shall not be sold separately.
5. No dwelling used as a farm worker living facility shall be closer than 100 feet to any property line of the premises on which it is placed.
6. A Class B buffer meeting the requirements of §3.4.6 shall be provided between the dwellings and all adjoining property lines.
7. Manufactured homes may only be in the form of a Class A, B or C.
8. The dwellings shall be arranged in a cluster fashion on premises.
9. No subsequent expansion of a farm worker living facility as shown on the approved site plan for the conditional use shall be allowed unless another conditional use permit for that expansion is approved. However, subsequent decrease of the approved uses is permitted without such approval.
10. The applicant shall provide information as to the need for agricultural labor housing and the kind of agricultural operation existing on the premises at the time of application for the farm worker living facility.
11. Time limits for such use may be established as conditions of approval.
12. If the agricultural operation ceases or subsides, the structure must be removed or come into compliance within 180 days.
13. Maximum density of such dwellings shall be as follows:

Lot Area (ACRES)	Maximum Dwellings
10 or more acres but less than 20	1
20 or more acres but less than 100	2
100 or more acres but less than 150	3
150 or more acres but less than 200	4
200 or more acres but less than 250	5
250 or more acres but less than 300	6
300 or more acres but less than 350	7
350 or more	8



County Of Lincoln, North Carolina

Planning Board

Applicant **Jefferson Herr**

Application No. **CUP #398**

Location **7243 Houser Road**

Parcel ID# **91381**

Zoning District **R-SF**

Proposed Conditional Use **agricultural labor housing facility (singlewide manufactured home)**

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:

Todd Burgin, Chair ♦ Floyd Dean, Vice Chair ♦ Jamie Houser, Secretary

302 North Academy Street, Suite A, Lincolnton, North Carolina 28092 • Telephone (704)736-8440 • Fax (704)732-9010



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

Jefferson Herr

Applicant Address

7229 Houser Farm Rd Vale, NC 28168

Applicant Phone Number

704-745-8186

Property Owner Name

Richard Herr

Property Owner Address

7229 Houser Farm Rd

Property Owner Phone Number

704-745-8186

PART II

Property Location

7243 Houser Farm Rd Vale, NC 28168

Property ID (10 digits)

2673-69-9053

Property size

22 acres

Parcel # (5 digits)

91381

Deed Book(s)

2448

Page(s)

692

PART III

Existing Zoning District

R-SF

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

4 chicken houses

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

Agri cultural labor Housing facility
(single wide mobile home)

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.

Jefferson Herr
Applicant's Signature

12/18/18

Date

APPLICANT'S PROPOSED FINDINGS OF FACT

Application No. **CUP #398**

Applicant **Richard Herr**

Property Location **Houser Farm Road** Parcel ID# **91381**

Zoning District **R-SF**

Proposed Conditional Use **agricultural labor housing facility (Class C singlewide manufactured home)**

PROPOSED FINDINGS

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

A permit for a septic system will be obtained. The home will be set up in compliance with the State Building Code.

2. The use meets all required conditions and specifications.

This property is the site of a bona fide agricultural operation, poultry production. An agricultural labor housing facility is a conditional use as an accessory use to a bona fide agricultural operation. The home will be placed at least 100 feet from any property line.

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

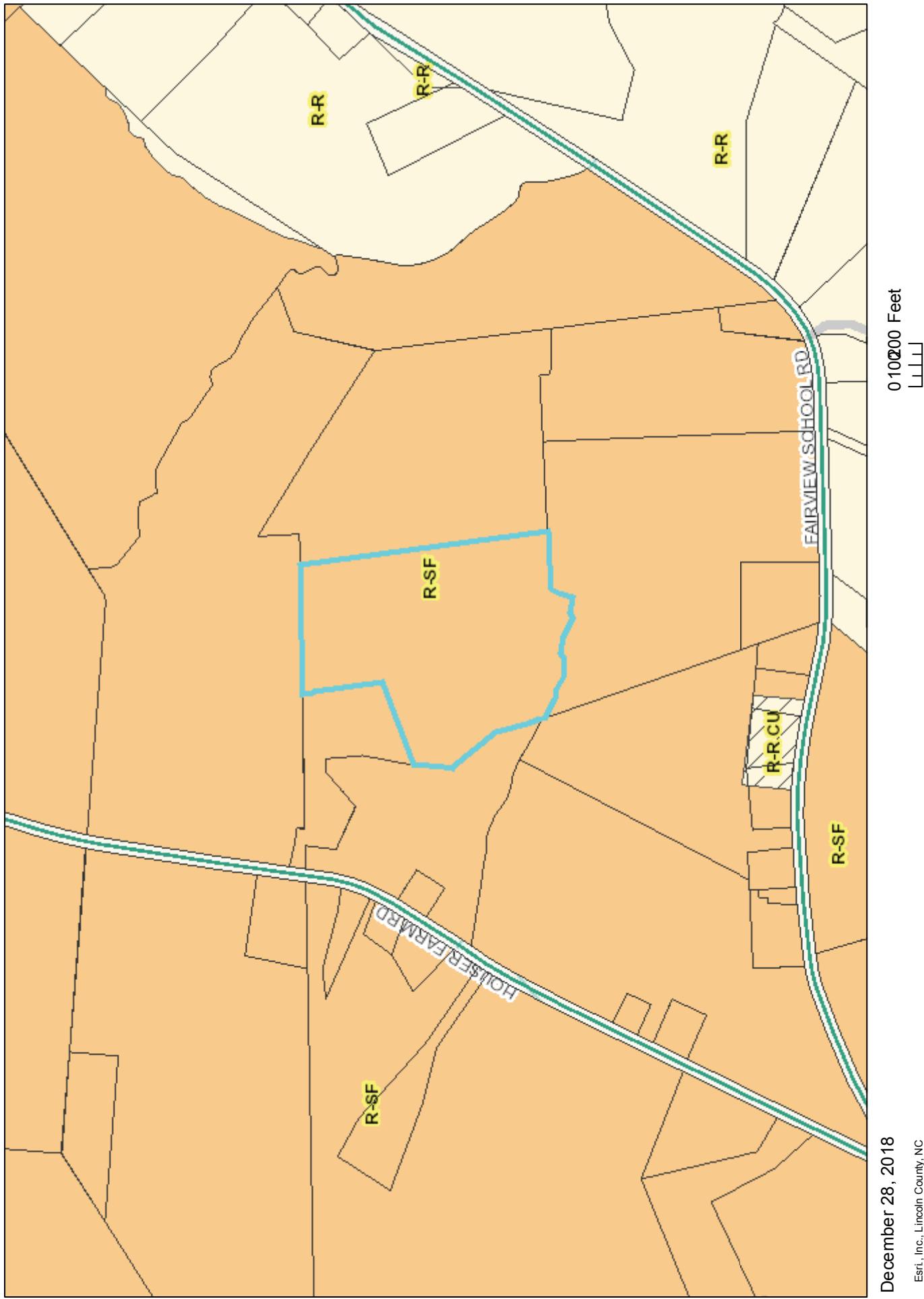
The home will be located on a 22-acre parcel approximately 1,200 feet from Houser Farm Road. The proposed site is surrounded by farm uses.

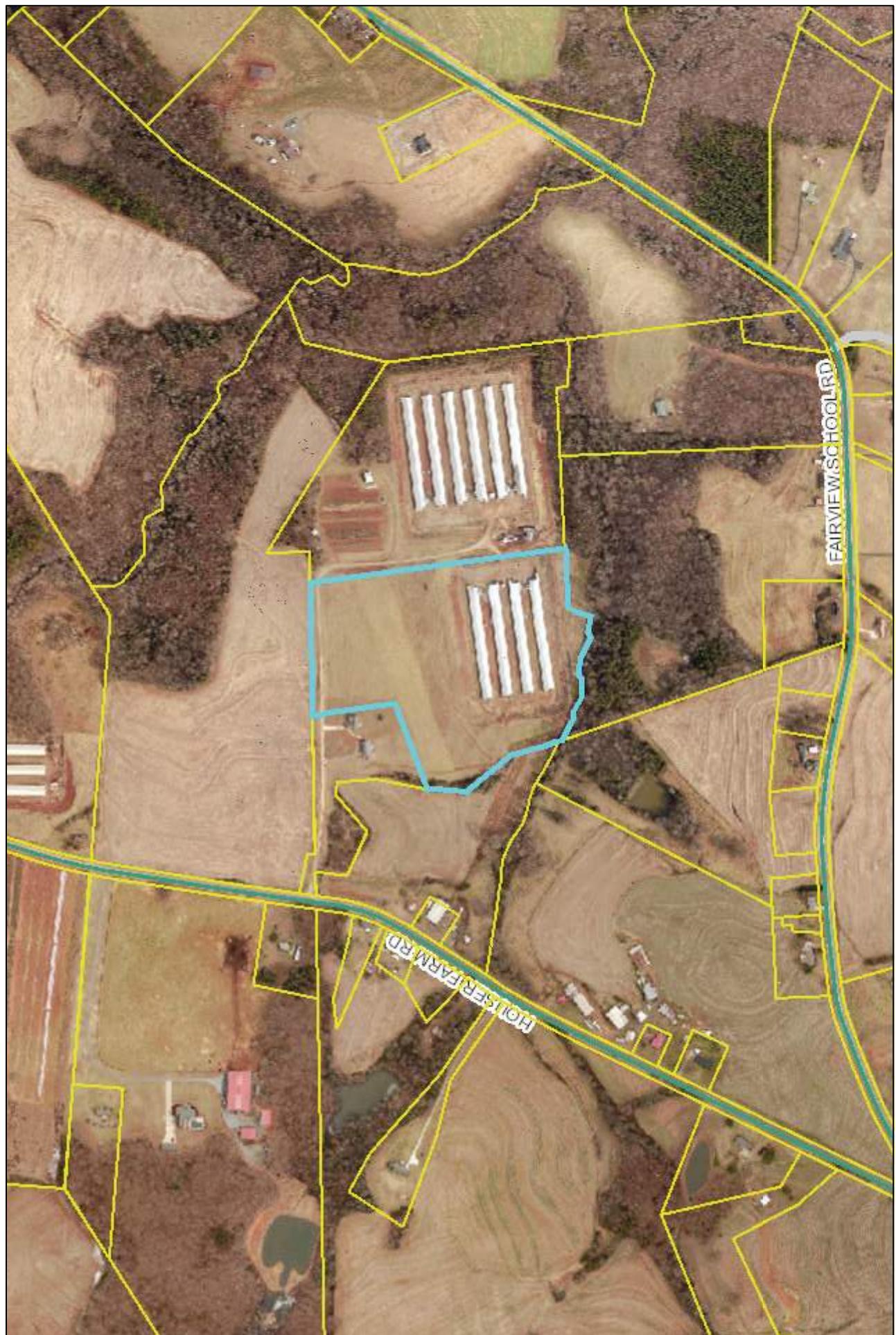
4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question.

This is a rural area that is largely made up of farms. This property is part of an area designated by the Land Use Plan as Rural Living, suitable for manufactured homes and other types of single-family dwellings.



Conditional Use Permit #398
subject property is outlined in blue





December 28, 2018

01000 Feet
[Scale Bar]

1 inch = 600 feet

CUP #398 site plan

