



## **LINCOLN COUNTY PLANNING & INSPECTIONS DEPARTMENT**

115 W. MAIN ST., 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: December 13, 2019

Re: CUP #414  
Karen Katilie, applicant  
Parcel ID# 30002

*The following information is for use by the Lincoln County Board of Commissioners and Planning Board at their joint meeting/public hearing on January 6, 2020.*

### **REQUEST**

The applicant is requesting a conditional use permit to build a detached garage in front of the front building line of a house on a lot adjacent to Lake Norman. Under Section 4.6.2.C.2(a) of the Unified Development Ordinance, an accessory structure cannot extend in front of the front line of the principal structure unless it is set back a minimum of 100 feet from the edge of the road right-of-way; or, in the case of a lot adjacent to Lake Norman, the Board of Commissioners may approve a conditional use permit to allow an accessory structure to be located in the road yard, a minimum of 30 feet from the edge of the road right-of-way. The proposed 621-square-foot garage would be located 36 feet from the edge of the road right-of-way, according to a site plan submitted as part of the application.

### **SITE AREA AND DESCRIPTION**

The 0.77-acre lot is located at 5000 Lynwood Road. It is zoned R-SF (Residential Single-Family) and 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.



# County Of Lincoln, North Carolina

## Planning Board

Applicant **Karen Katilie**

Application No. **CUP #414**

Parcel ID# **30002**

Zoning District **R-SF**

Proposed Conditional Use **accessory structure located in front of front building line of principal structure on lot abutting Lake Norman**

### 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 Karen Katilie

Applicant Address 5000 Lynwood Rd Sherrills Ford, NC 28673

Applicant Phone Number 703-470-4974

Property Owner Name John & Karen Katilie

Property Owner Address 5000 Lynwood Rd Sherrills Ford, NC 28673

Property Owner Phone Number 703-200-2361 / 703-470-4974

### **PART II**

Property Location Denver, NC

Property ID (10 digits) 4606 20 806080 Property size 1.769

Parcel # (5 digits) 30002 Deed Book(s) 2557 Page(s) 724

### **PART III**

Existing Zoning District 24019

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

Property is residential. A house currently  
stands on the property.

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

We would like to build a garage in  
front of the house. The property is waterfront  
parcel on Lake Norman

**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.

Karen Katilie

Applicant's Signature

10/28/19

Date

## **APPLICANT'S PROPOSED FINDINGS OF FACT**

Application No. **CUP #414**

Applicant **Karen Katilie**

Property Location **5000 Lynwood Road**

Parcel ID# **30002**

Proposed Conditional Use     **accessory structure located in front of the front line of principal structure on lot abutting Lake Norman**

### **PROPOSED FINDINGS**

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

**The proposed structure will be built to code and will be set back more than 30 feet from the edge of the road right-of-way.**

2. The use meets all required conditions and specifications.

**An accessory structure located in front of the front building line of the principal structure is a conditional use on lots abutting Lake Norman. This lot abuts Lake Norman. The proposed location for the accessory structure complies with the required road yard and side yard setbacks. The proposed 621-square-foot garage meets the size limitation for residential accessory structures.**

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

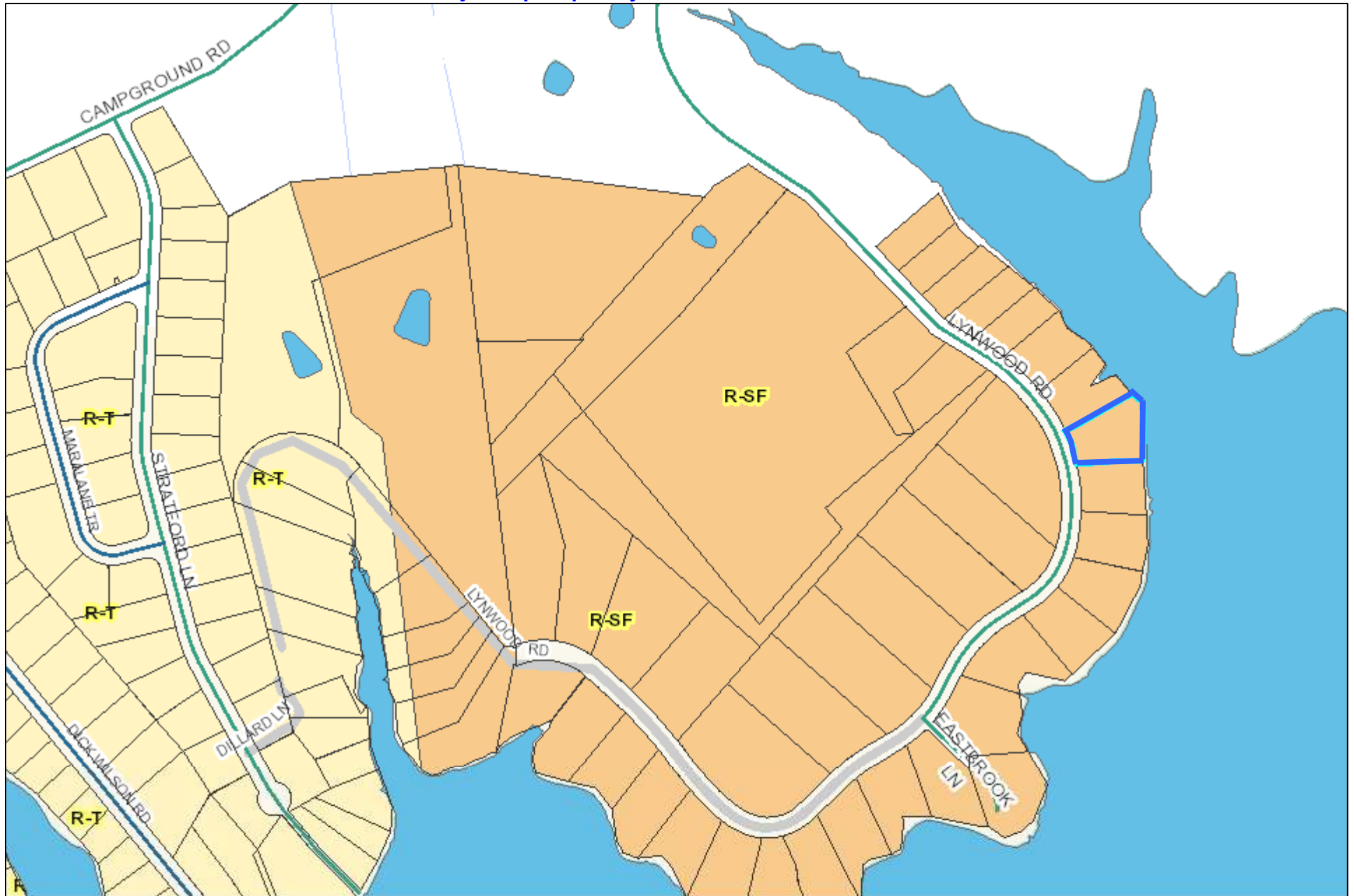
**The accessory structure will be similar in appearance to the principal structure on this lot. The proposed building will be used as a residential garage.**

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.

**On other lots in this area, accessory structures are located in front of the front building line of the principal structure. The Land Use Plan designates this area as residential.**

	<p align="center"><b>Lincoln County, NC</b>  <b>Office of the Tax Administrator, GIS Mapping Division</b>          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: 11/13/2019      Scale: 1 Inch = 100 Feet</p>																																																																																																																				
																																																																																																																					
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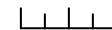
Conditional Use Permit #414  
subject property is outlined in blue



November 14, 2019

Esri, Inc., Lincoln County, NC

0 100 200 Feet



1 inch = 400 feet



CUP #414 Karen Katilie

1 in. = 300 ft.



**CATAWBA  
COUNTY**

**SFN**

**SFN**

LYNWOOD RD

**LAKE  
NORMAN**

**Land Use Plan**

-  Open Space (OS)
-  Rural Living (RL)
-  Industrial Center (IC)
-  Large Lot Residential (LLR)
-  Single-Family Neighborhood (SFN)
-  Multifamily Neighborhood (MFN)
-  Rural Crossroads (RC)
-  Suburban Commercial (SC)
-  Suburban Office (SO)
-  Special District (SD)
-  Walkable Neighborhood (WN)
-  Walkable Activity Center (WC)

PROOK LN



Lincoln County  
Planning & Inspections  
302 N. Academy St.  
Suite A  
Lincolnton, NC 28092

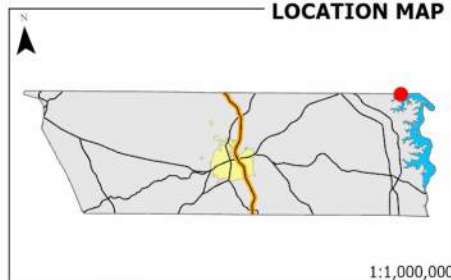
**Parcel ID# 30002**

 - Property Location(s)

See Attached Application for Parcel Information

**Property Location(s) Outlined in Purple**

**LOCATION MAP**



1:1,000,000

 Property Location(s)



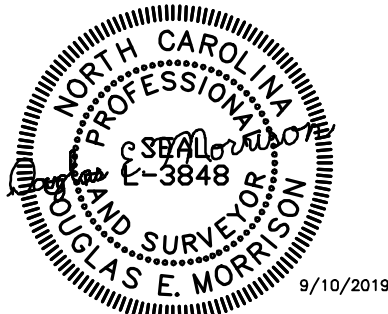
I, DOUGLAS E. MORRISON CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY PERFORMED UNDER MY SUPERVISION (PROPERTY IS RECORDED IN DEED BOOK 2557, PAGE 724 AND SHOWN IN MAP BOOK E, PAGE 38), THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION AS NOTED, THAT THE RATIO OF PRECISION AS CALCULATED IS 1:164582, THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600), THAT THE GLOBAL POSITIONING SYSTEM (GPS) SURVEY AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE GPS SURVEY:

CLASS OF SURVEY - CLASS 4  
POSITIONAL ACCURACY - NORTH: 0.0755, EAST: 0.0783, VERTICAL: 0.0983  
TYPE OF GPS FIELD PROCEDURE - (RTK) NORTH CAROLINA VIRTUAL REFERENCE SYSTEM  
DATE OF GPS SURVEY - SEPTEMBER 5, 2019  
DATUM/EPOCH - NAD83 (2011)  
GEOID MODEL - CONTINENTAL US NG82012B  
COMBINED GRID FACTOR - 0.99985443  
UNITS - U.S. SURVEY FEET

THAT THIS PROPERTY WAS SURVEYED UNDER MY DIRECT SUPERVISION ON SEPTEMBER 10, 2019

WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS 10TH DAY OF SEPTEMBER, 2019

SIGNED Douglas E. Morrison  
DOUGLAS E. MORRISON  
PROFESSIONAL LAND SURVEYOR, L-3848



LEGEND:

AGS - TOP ABOVE GROUND SURFACE  
APPROX - APPROXIMATE  
BGS - TOP BELOW GROUND SURFACE  
BRK WLK - BRICK WALKWAY  
COL - COLUMN  
CONC - CONCRETE  
COVERCH - COVERED PORCH  
CP - CALCULATED POINT  
DB - DEED BOOK  
EOP - EDGE OF PAVEMENT  
FGS - TOP FLUSH WITH GROUND SURFACE  
FP - FIRE PIT  
GW - GUY WIRE  
HVAC - AIR CONDENSER  
MB - MAP BOOK  
MET FENCE - METAL FENCE  
P/L - POWER LINE (OVERHEAD)  
PO - POWER OUTLET  
PP - POWER POLE  
PR - PROPANE REGULATOR  
RB - REBAR  
RET - RETAINING  
R/W - RIGHT-OF-WAY  
TOB - TOP OF BANK  
ULLS - UPPER LEVEL LIVING SPACE

LINCOLN COUNTY ZONING:

PROPERTY ZONED: R-SF

BUILDING SETBACKS:  
FRONT - 30 FEET (ZONING)  
SIDE - 10 FEET (ZONING)  
REAR - 40 FEET (ZONING). SETBACK IS SHOWN HEREON AT 50 FEET PER DB 519-631

CONTACT THE LINCOLN COUNTY ZONING DEPARTMENT FOR ADDITIONAL ZONING INFORMATION.

RESTRICTIONS:

MATTERS RESERVED RESERVED IN DEED BOOK 519-631

- 1) 10 FOOT SIDE BUILDING SETBACK
- 2) 50 FOOT REAR BUILDING SETBACK
- 3) 10 FOOT UTILITY EASEMENT CONTIGUOUS TO STREET RIGHT-OF-WAY
- 4) 10 FOOT EASEMENT ALONG THE SIDE BOUNDARY LINES FOR CONSTRUCTION AND MAINTENANCE OF DRAINAGE DITCHES, SLOPES OR STORM SEWERS.

MATTER RESERVED IN DEED BOOK 475-300

THE RIGHT, PRIVILEGE AND EASEMENT FOR RACKING, PONDING, RAISING, CLEARING, FLOODING OR DIVERTING THE WATERS OF THE CATAWBA RIVER AND ITS TRIBUTARIES UP TO THE ELEVATION OF 770 FEET ABOVE MEAN SEA LEVEL.

FLOOD CERTIFICATION:

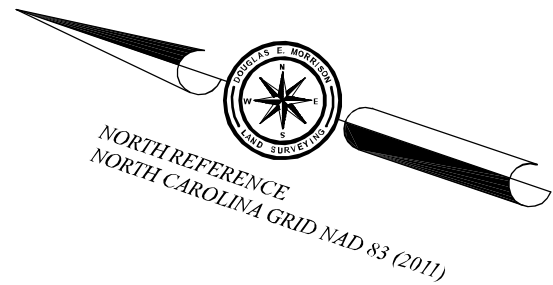
SUBJECT PROPERTY IS PARTIALLY LOCATED IN A SPECIAL FLOOD HAZARD AREA AS PER FLOOD INSURANCE RATE MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (PER THE FRIS WEBSITE) DATED AUGUST 16, 2007, (MAP NUMBER 3710460500, PANEL NUMBER 4605, CID 370146, ZONE X).

IMPERVIOUS AREA:

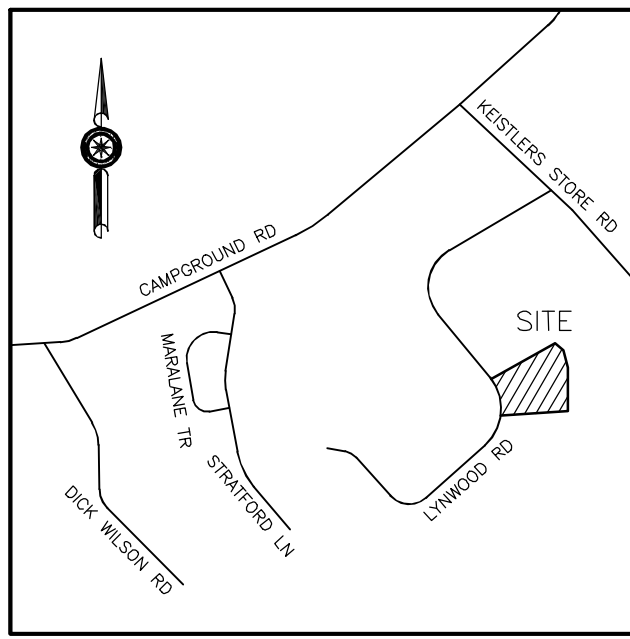
EXISTING IMPERVIOUS AREA - 6421 SQ. FT.  
TOTAL LOT AREA - 33314 SQ. FT.

EXISTING IMPERVIOUS AREA = 21% (DOES NOT INCLUDE THE PROPOSED GARAGE)

NORTH ORIENTATION OBTAINED WITH A GEMMAZ ZENITH 10 GSM RECEIVER USING THE NORTH CAROLINA VIRTUAL REFERENCE SYSTEM



VICINITY MAP



NOT TO SCALE

NOTES:

1. RESTRICTIVE COVENANTS FOR THE SUBJECT PROPERTY ARE CONTAINED IN DEED BOOK 519-631.
2. ALL CORNERS MONUMENTED AS SHOWN.
3. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT REPORT. MATTERS OF TITLE OR ENCUMBRANCE AFFECTING THE PROPERTY, INCLUDING RESTRICTIVE COVENANTS, EASEMENTS, RIGHTS-OF-WAY, OR OTHER MATTERS, MAY EXIST THAT ARE NOT SHOWN HEREON.
4. DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES UNLESS NOTED OTHERWISE.
5. AREA CALCULATED BY COORDINATE METHOD.
6. THE OFFSITE RIGHT-OF-WAY IS SHOWN FOR ILLUSTRATION PURPOSES ONLY. THE UNDERSIGNED CERTIFIES ONLY TO THE RIGHT-OF-WAY CONTIGUOUS TO THE SUBJECT PROPERTY.
7. SUBJECT PROPERTY LIES IN A WS-IVC PROTECTED WATERSHED AREA.
8. THE 760 (FULL POND) ELEVATION WAS ESTABLISHED VIA GPS. THE U.S. ARMY CORPS OF ENGINEERS DATUM CONVERSION TOOL (CORPSCON 6.0.1) WAS USED TO CONVERT THE ELEVATION DIFFERENCE FROM NAD83 TO NAD27 IN ORDER TO LOCATE THE FULL POND LEVEL AT THE ORIGINAL 760 ELEVATION.
9. THE PROPERTY CORNER MONUMENTS AND PHYSICAL FEATURES SHOWN HEREON WERE LOCATED BY ROBOTIC TOTAL STATION SURVEY. THE PROJECT ORIENTATION AND GRID COORDINATES WERE ESTABLISHED USING GPS AND THE NORTH CAROLINA VIRTUAL REFERENCE SYSTEM.
10. NO N.C.G.S. MONUMENT FOUND WITHIN 2000 FEET OF THE SUBJECT PROPERTY.
11. THE COORDINATES SHOWN HAVE BEEN REDUCED TO GROUND COORDINATES.
12. THE FLOOD LINE SHOWN HEREON WAS DIGITIZED FROM THE FEMA FLOOD RISK INFORMATION SYSTEM (FRIS) WEBSITE.

RESTRICTIVE COVENANT NOTES:

MATTERS CONTAINED IN DEED BOOK 519-631:

1. NO PART OF ANY BUILDING IS TO BE CONSTRUCTED NEARED THAN 10 FEET TO ANY LOT LINE, OR NEARER THAN 50 FEET FROM THE 760 FOOT CONTOUR LINE.
2. DUKE ENERGY RESERVES A 10 FOOT EASEMENT ACROSS THE LOT, CONTIGUOUS TO THE ROAD RIGHT-OF-WAY, FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES.
3. DUKE ENERGY RESERVES A 10 FOOT EASEMENT ALONG THE SIDE BOUNDARY LINES FOR THE INSTALLATION AND MAINTENANCE OF DRAINAGE DITCHES, AND SLOPES OR STORM SEWERS.
4. DEED BOOK 475-300 GRANTS TO DUKE ENERGY THE RIGHT, PRIVILEGE AND EASEMENT OF RACKING, PONDING, RAISING, AND FLOODING OR DIVERTING THE WATERS OF THE CATAWBA RIVER AND ITS TRIBUTARIES IN, OVER, UPON, AND THROUGH OR UP TO THE CONTOUR ELEVATION OF 770 FEET.

LINE LEGEND:

BOUNDARY (SURVEYED)  
BOUNDARY (NOT SURVEYED)  
BUILDING TIES  
DUKE ENERGY EASEMENT  
FLOOD LINE  
METAL FENCE  
POWER LINE (OVERHEAD)  
RIGHT-OF-WAY (SURVEYED)  
RIGHT-OF-WAY (NOT SURVEYED)  
TIE LINE  
VEGETATION (LAKE) BUFFER  
ZONING SETBACKS

TOTAL AREA:  
33314 SQ. FT. OR 0.765 AC.

COORDINATE FILE: 1552  
ACAD FILE: 1730

REVISIONS	SURVEY FOR:			
	JOHN F. AND KAREN S. KATILIE			
	5000 LYNWOOD ROAD			
	SHERRILLS FORD, NORTH CAROLINA 28673			
	LOT 123, SECTION 35, CRESCENT LAND & TIMBER CORPORATION			
	DEED BOOK 2557, PAGE 724 - MAPBOOK E, PAGE 38			
	CATAWBA SPRINGS TOWNSHIP, LINCOLN COUNTY, PIN: 4606-80-6080			
	DOUGLAS E. MORRISON LAND SURVEYING			
	4772 HIGHWAY 73, IRON STATION, NORTH CAROLINA 28080			
	704-736-5283 morrisonssurveying@charter.net FIRM NO. L-3848			
SURVEY BY: DEM	DRAWN BY: DEM	SCALE: 1" = 20'	DATE: 9/10/2019	PROJECT NO: 1730
				FILE NO: D-28

