



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: October 9, 2020

Re: CUP #429
Gerald Castro, applicant
Parcel ID# 31545

The following information is for use by the Lincoln County Board of Commissioners and Planning Board at their joint meeting/public hearing on November 2, 2020.

REQUEST

The applicant is requesting a conditional use permit to build a residential accessory structure, a proposed 440-square-foot garage, in front of the front building line of an existing 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. A site plan submitted as part of this application shows that the proposed garage would be located 55.8 feet from the edge of the road right-of-way. The applicant has also applied for a variance from Section 4.8.3.B of the UDO, proposing that the garage be located 35 feet from the full-pond level of the lake at the closest point instead of the stipulated 50-foot setback. The Board of Adjustment is scheduled to hear that request on Nov. 23. Under Section 9.11.15 of the UDO, an application for a variance may be submitted concurrently with a request for a conditional use permit, with the CUP application to be considered first.

SITE AREA AND DESCRIPTION

The 0.76-acre lot is located at 6877 Pine Ridge Drive. 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 **Gerald Castro**

Application No. **CUP #429**

Parcel ID# **31545**

Zoning District **R-SF**

Proposed Conditional Use **accessory structure located in front of the 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
115 W. Main St., Lincolnton, NC 28092
Phone: (704) 736-8440 Fax: (704) 732-9010

PART I

Applicant Name Gerard Castro

Applicant Address 6877 Kingfisher ct, Denver NC 28037

Applicant Phone Number 845-558-7224 (cell) 704-489-6655 (Home)

Property Owner Name Gerard Castro / Heidi Castro

Property Owner Address 6877 Kingfisher ct, Denver NC 28037

Property Owner Phone Number 845-558-7224 704-489-6655

PART II

Property Location 7461 Pineridge DR. Denver NC 28037

Property ID (10 digits) 4605861702 Property size .764 Acres

Parcel # (5 digits) 31545 Deed Book(s) 2943 Page(s) 1

PART III

Existing Zoning District R-SF

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

Property is being used as a home (eventually our primary home)
2 BR, 1 Bath house, Carport, Shed, Pier

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

Proposed Structure is a two Car Garage that would be
in front of the house line. However, it would still be 55'
from the road.

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.*

Gerard Castro

Applicant's Signature

9/8/20

Date

APPLICANT'S PROPOSED FINDINGS OF FACT

Application No. CUP #429

Applicant **Gerald Castro**

Property Location **7461 Pine Ridge Drive** Parcel ID# **31545**

Proposed Conditional Use **accessory structure located in front of the front building 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 55 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 440-square-foot garage meets the size limitation for residential accessory structures on this lot. The proposed location for the accessory structure complies with the required road yard and side yard setbacks and is pending a decision by the Board of Adjustment on a request for a variance from the required setback from the full-pond level of the lake.

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

The appearance of the accessory structure will be residential in character. 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 on Lake Norman, accessory structures are located in front of the front building line of the principal structure. The Land Use Plan designates this area as residential.



Conditional Use Permit #429
subject property is outlined in blue



September 15, 2020

1:2,400

0 0.02 0.04 0.06 0.08 mi
0 0.03 0.07 0.13 km

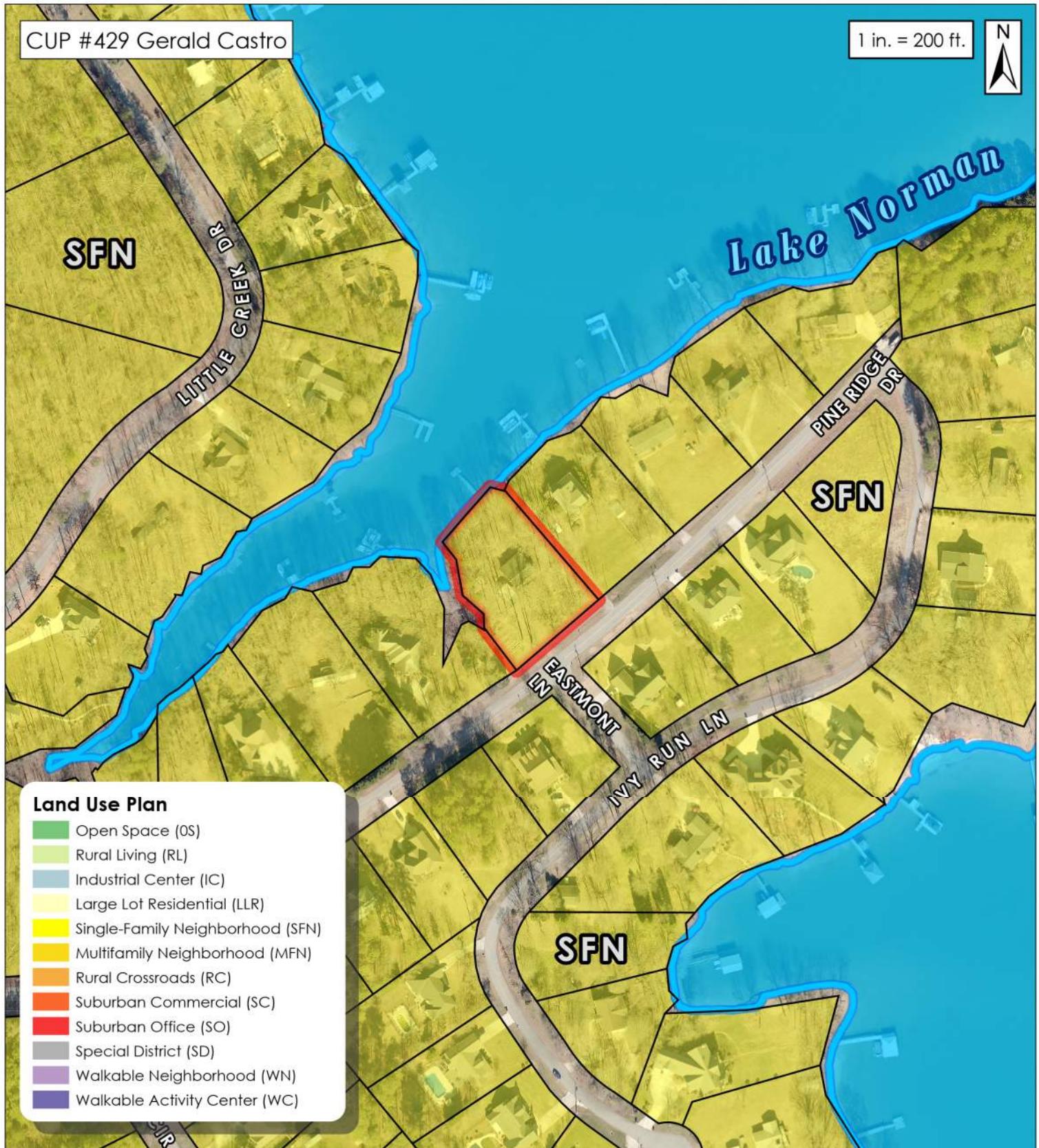
Esri, Inc., Lincoln County, NC

CUP #429
aerial view of subject property and surrounding area



September 15, 2020

1:2,400
0 0.02 0.04 0.08 mi
0 0.03 0.07 0.13 km



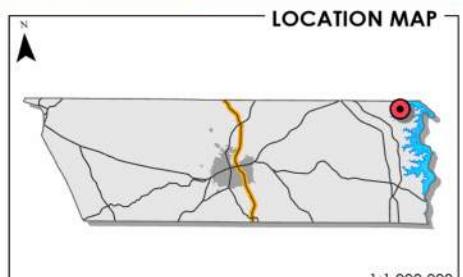
Lincoln County
Planning & Inspections
115 W. Main St
3rd Floor
Lincolnton, NC 28092

Parcel ID# 31545

- Property Location(s)

See Attached Application for Parcel Information

Property Location(s) Outlined in Red.



Property Location(s)

1:1,000,000

NOTES:

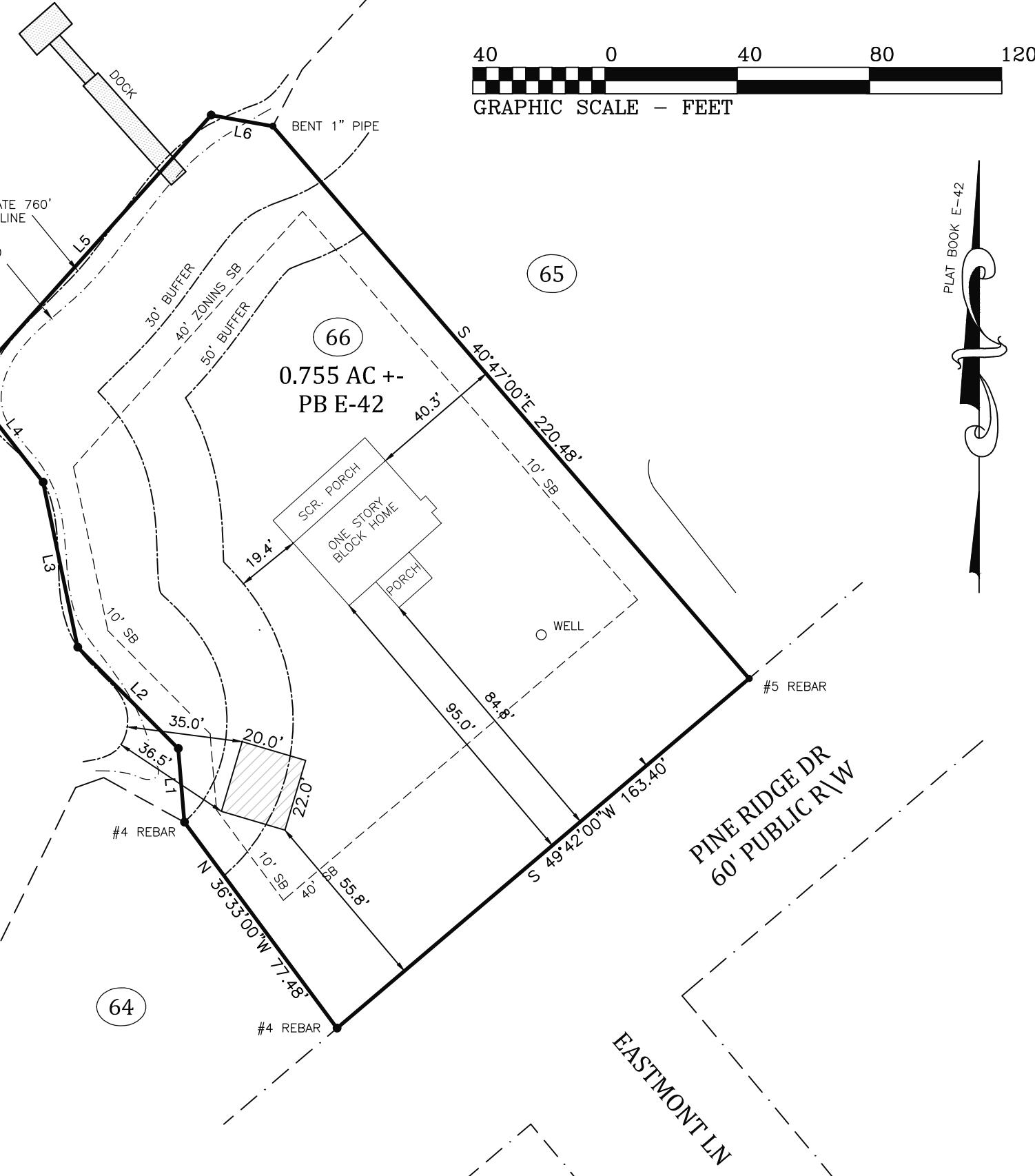
- * PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED RIGHTS OF WAYS OR EASEMENTS NOT OBSERVED
- * OWNER TO VERIFY ALL SETBACKS AND ZONING REGULATIONS PRIOR TO ANY PLANNING OR CONSTRUCTION.
- * DIMENSIONS OF ALL IMPROVEMENTS SHOWN ON THIS PLAT SHOULD NOT BE SCALED OR RELIED UPON FOR DESIGN OR CONSTRUCTION WITHOUT A FIELD VERIFICATION OF ALL DIMENSIONS.
- * DIGITAL COPIES OF THIS FILE ARE FOR REFERENCE ONLY AND MAY NOT BE USED FOR DESIGN WORK.
- * A PORTION OF THIS PROPERTY IS LOCATED IN A 100 YEAR FLOOD PLAIN.
- * NO PORTION OF THE RESIDENTIAL STRUCTURE IS LOCATED IN THE 100 YEAR FLOOD PLAIN.

LAKE
NORMAN
ALL DOCKS, PIERS OR OTHER
IMPROVEMENTS BUILT ON LAKE
ARE NOT SHOWN ON THIS
SURVEY PLAT.

LEGEND

R\W	RIGHT-OF-WAY
E\P	EDGE OF PAVEMENT
C\L	CENTERLINE
PDE	PERMANENT DRAINAGE EASEMENT
█	UTILITY POLE
◎	LIGHT POLE
~~~~~	OVERHEAD UTILITY LINE
—	FENCE

Course	Bearing	Distance
L1	N 04°49'00" W	22.36'
L2	N 44°47'00" W	43.17'
L3	N 11°53'00" W	50.92'
L4	N 37°51'00" W	36.87'
L5	N 41°54'00" E	110.01'
L6	S 79°48'29" E	18.97'



### PHYSICAL SURVEY FOR JERRY & HEIDI CASTRO

7461 PINE RIDGE DR - DENVER, NC  
LOT #66, CRESCENT LAND & TIMBER, SECTION35

CATAWBA SPRINGS TOWNSHIP, LINCOLN COUNTY, NC  
SCALE: 1" = 40'

### DEDMON SURVEYS

CHUCK POOVEY, PLS #3762  
ROBERT DEDMON, PLS #3899  
3704 NC HIGHWAY #16 NORTH  
P.O. BOX 494 - DENVER, NC 28037  
PHONE: 704/483/4908  
FAX: 704/483/2170

WWW.DEDMONSURVEYS.COM



I, ROBERT J. DEDMON, CERTIFY THAT THIS PLAT WAS DRAWN FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DB 521, PG 171)(PB E, PG 42); THAT THE RATIO OF PRECISION AS CALCULATED EXCEEDS 1:10,000'; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH GS 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, JULY 30, 2020.

*Robert J. Dedmon* 3899  
PROFESSIONAL LAND SURVEYOR LICENSE NO.

SURV. BY: CP DRAWN: RD JOB# CPPINR66

### VICINITY MAP

