



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.

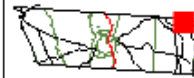
On other lots on Lake Norman, accessory structures are located in front of the front building line of the principal structure. The Land Use Plan designates this area as residential.



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: 10/9/2020 Scale: 1 Inch = 100 Feet

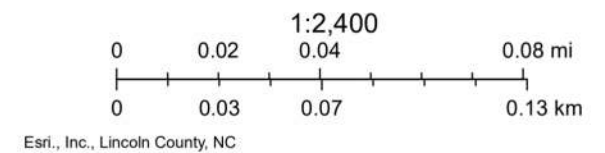


Parcel ID	31545	Owner	CASTRO GERARD J CASTRO HEIDI		
Map	4605	Mailing	6877 KINGFISHER CT		
Account	0213195	Address	DENVER, NC 28037-0000		
Deed	2943 1	Last Transaction Date	08/25/2020	Sale Price	\$429,500
Plat	E 42	Subdivision	CRESCENT LAND & TIMBER CORP	Lot	66
Land Value	\$290,458	Improvement Value	\$72,557	Total Value	\$363,015
Previous Parcel					
-----All values for Tax Year 2020 -----					
Description	LOT 66 SEC 35 CRESCENT			Deed Acres	0.76
Address	7461 PINE RIDGE DR			Tax Acres	0.764
Township	CATAWBA SPRINGS			Tax/Fire District	DENVER
Main Improvement	CONVENTIONAL			Value	\$61,030
Main Sq Feet	925	Stories	1	Year Built	1972
Zoning District	Calc Acres	Voting Precinct	Calc Acres		
R-SF	0.76	DN29	0.76		
Watershed	0.76	Sewer District	0.76		
Census County	109	Tract	071203	Block	2005 0.76
Flood Zone Description				Panel	
AE	SPECIAL FLOOD HAZARD AREA BASE ELEVATION DETERMINED - 100 YEAR			3710460500	0.02
X	NO FLOOD HAZARD			3710460500	0.75

Conditional Use Permit #429
subject property is outlined in blue



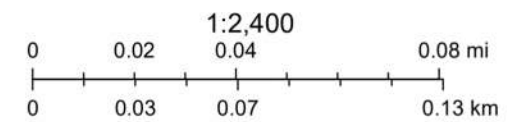
September 15, 2020



CUP #429
aerial view of subject property and surrounding area

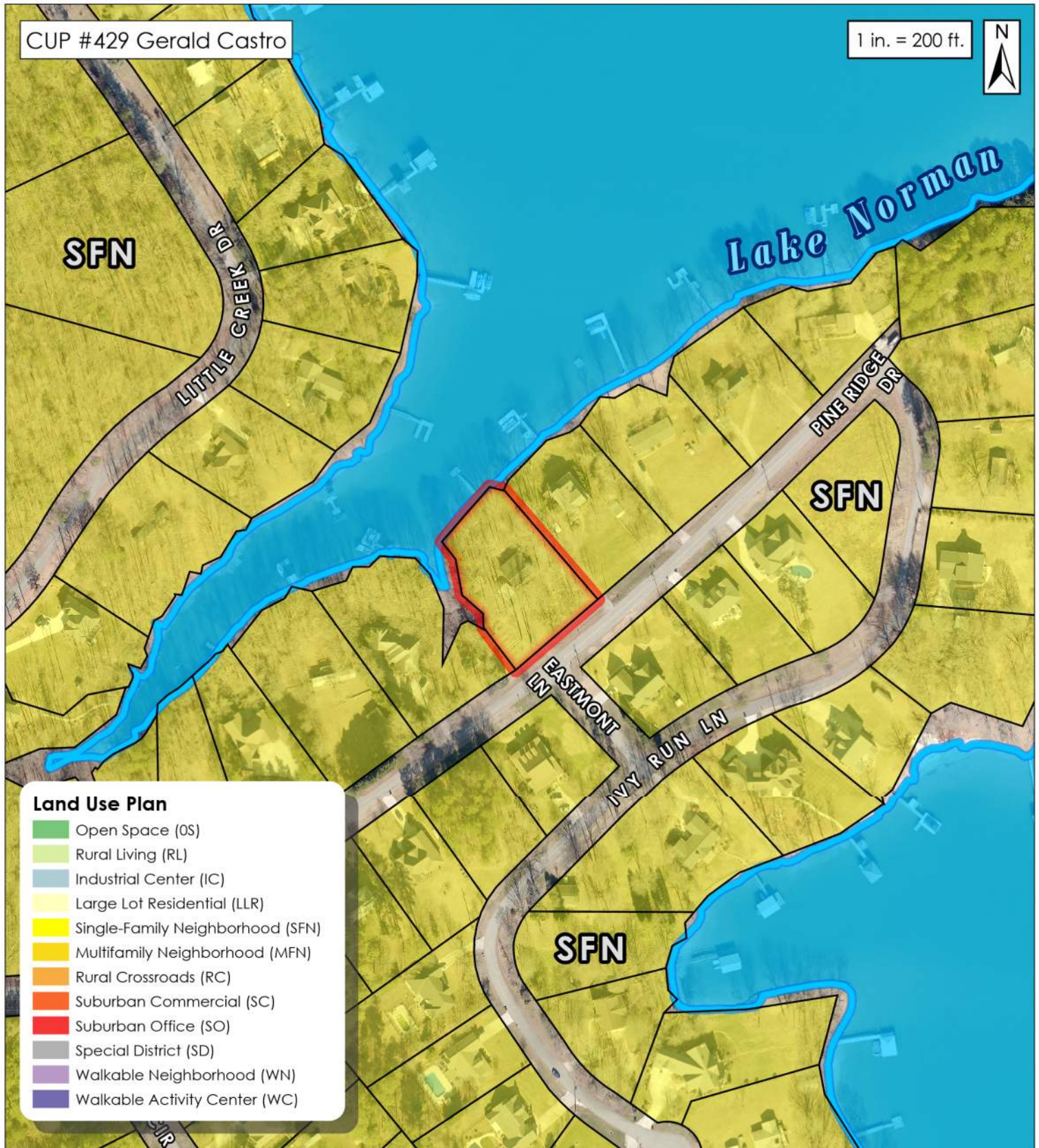


September 15, 2020



CUP #429 Gerald Castro

1 in. = 200 ft.



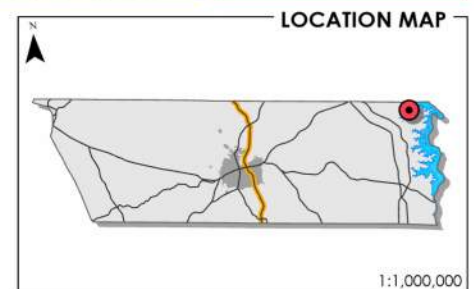
Lincoln County
Planning & Inspections
115 W. Main St
3rd Floor
Lincolnton, NC 28092

Parcel ID# 31545

 - Property Location(s)

See Attached Application for Parcel Information

Property Location(s) Outlined in Red.



 Property Location(s)

NOTES:

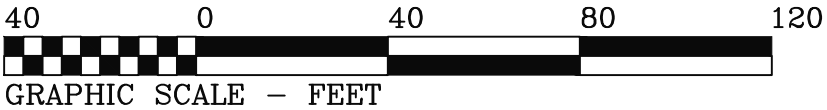
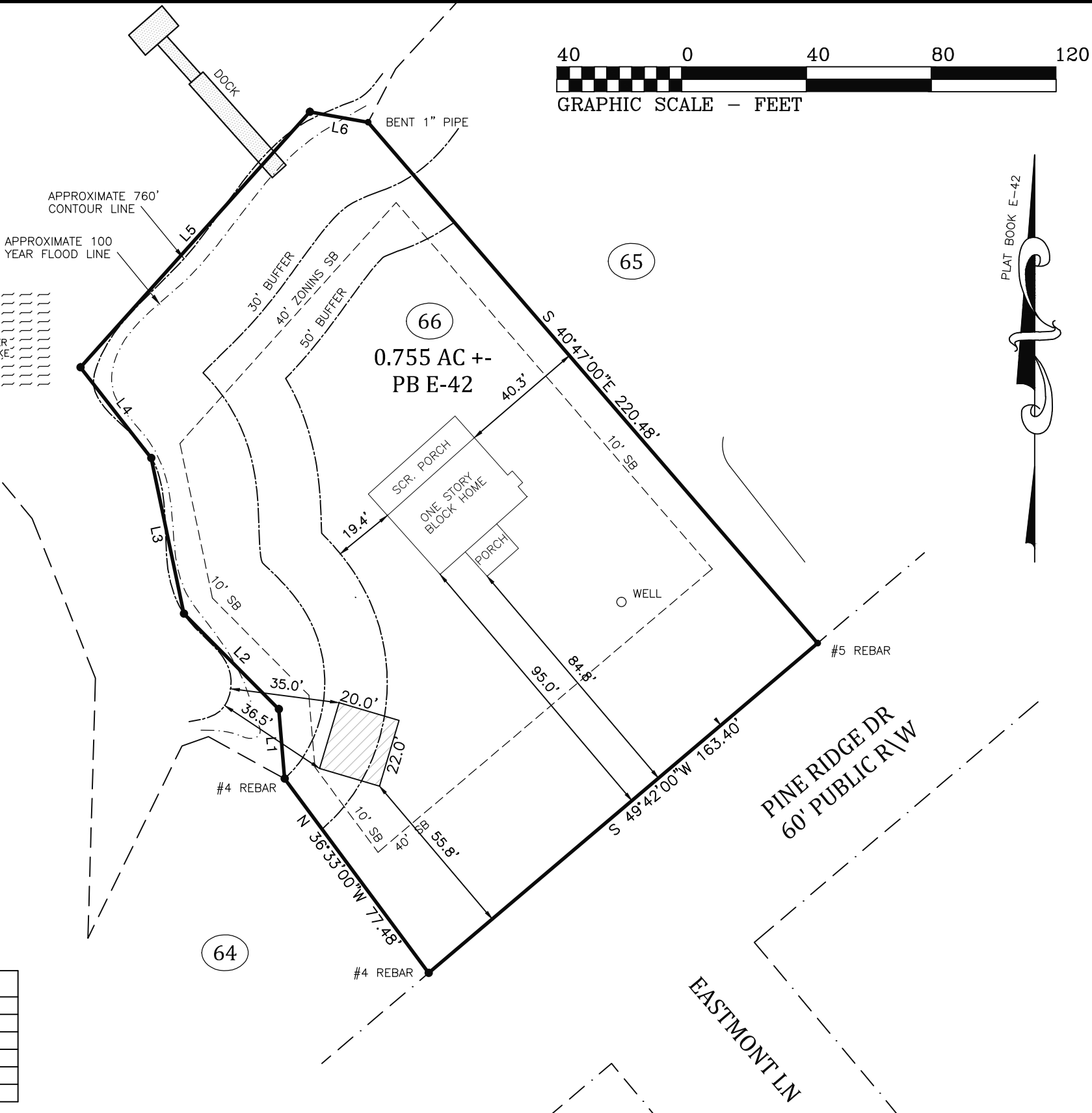
- * PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED RIGHTS OF WAYS OR EASEMENTS NOT OBSERVED
- * OWNER TO VERIFY ALL SETBACKS AND ZONING REGULATIONS PRIOR TO ANY PLANNING OR CONSTRUCTION.
- * DIMENSIONS OF ALL IMPROVEMENTS SHOWN ON THIS PLAT SHOULD NOT BE SCALED OR RELIED UPON FOR DESIGN OR CONSTRUCTION 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

