



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

115 W. MAIN ST., LINCOLNTON, NORTH CAROLINA 28092  
704-736-8440 OFFICE 704-736-8434 INSPECTION REQUEST LINE

To: Board of Commissioners  
Planning Board

From: Randy Hawkins, Zoning Administrator

Date: November 13, 2020

Re: CUP #431  
Patrick Boyle, applicant  
Parcel ID #32999

*The following information is for use by the Lincoln County Board of Commissioners and Planning Board at their joint meeting/public hearing on December 7, 2020.*

### **REQUEST**

The applicant is requesting a conditional use permit to allow a residential accessory structure, a 1,092-square-foot garage, to be located 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.

This request involves an existing garage that is awaiting final approval. It was permitted in April as an addition to a doublewide manufactured home, to be attached by an enclosed breezeway. An old garage that was located in front of the doublewide was demolished to make way for the new garage. In August, permits were obtained to demolish the doublewide and to replace it with a modular home (see letter submitted with conditional use permit application). A survey shows the new garage is located 31.6 feet from the edge of the road right-of-way at the closest point.

### **SITE AREA AND DESCRIPTION**

The 0.73-acre lot is located at 5073 Fox Hollow 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 **Patrick Boyle**

Application No. **CUP #431**

Parcel ID# **32999**

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 Patrick Boyle  
Applicant Address 5073 Fox Hollow Drive, Denver NC 28037  
Applicant Phone Number 603-554-0130  
Property Owner Name Melissa H Boyle Revocable Trust  
Property Owner Address 5073 Fox Hollow Drive, Denver NC 28037  
Property Owner Phone Number 603-554-0130

#### PART II

Property Location 5073 Fox Hollow Drive, Denver, NC 28037  
Property ID (10 digits) 4615665325 Property size .73 acre  
Parcel # (5 digits) 32999 Deed Book(s) 2674 Page(s) 724

#### PART III

Existing Zoning District Denver

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

Residential family use. Property has a garage and modular home under construction

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

The structure requiring conditional use is the garage. It will be used to store personal use automobiles

**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

Patrick Boyle

Date

10/8/20

October 8, 2020

Randy Hawkins  
Zoning Administrator  
Lincoln County Planning & Inspections Dept.  
115 W. Main St.  
Lincolnton, NC 28092

Re: Conditional Use Permit Application for 5073 Fox Hollow Drive, Denver

Randy,

Attached is our application for a Conditional Use Permit. Per our phone conversation, I wanted to provide some background on our application.

We purchased this property a little over 3 years ago. Last August, we moved here permanently. At that time, we had a double wide on the property, and a detached garage in the front yard. In January of 2020, we started a plan to demolish the old garage, and build a new garage. Our original intent was to connect the new detached garage to the existing house (as noted in our Permit for the new garage). The plan, as designed, did not require a Conditional Use Permit and our permit was approved.

When we were near completion of the new garage, we decided to go in a different direction. We have now demolished the main house and are replacing with a modular home. We have decided at this point, based on the way the modular needed to be installed, that we do not want to connect the new house to the garage via a breezeway.

We were advised to apply for this Conditional Use Permit to have our plan approved and to seek final inspection on the new garage.

Please let me know if you have any questions and thank you for your help.

Sincerely,



Patrick Boyle  
603-554-0130

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

Application No. **CUP #431**

Applicant **Patrick Boyle**

Property Location **5073 Fox Hollow Drive** Parcel ID# **32999**

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 structure is built to code and is set back 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 1,092-square-foot garage meets the size limitation for residential accessory structures on this lot. The location of the accessory structure complies with the required road yard and side yard setbacks.**

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 is residential in character. The 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: 11/10/2020 Scale: 1 Inch = 150 Feet



Photo Not  
Available

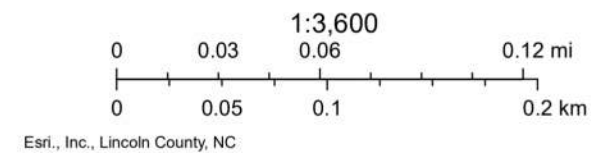
<b>Parcel ID</b>	32999	<b>Owner</b>	BOYLE MELISSA H REVOCABLE TRST	
<b>Map</b>	4615	<b>Mailing</b>	5073 FOX HOLLOW DR	
<b>Account</b>	0263090	<b>Address</b>	DENVER, NC 28037	
<b>Deed</b>	2674 724	<b>Last Transaction Date</b>	06/27/2017	<b>Sale Price</b> \$559,500
<b>Plat</b>	E 55	<b>Subdivision</b>	CRESCENT LAND & TIMBER CORP	<b>Lot</b> 100
<b>Land Value</b>	\$399,590	<b>Improvement Value</b>	\$102,226	<b>Total Value</b> \$501,816
<b>Previous Parcel</b>				
-----All values for Tax Year 2020 -----				
<b>Description</b>	100 CRESCENT LAND&TIMBER			<b>Deed Acres</b> 0
<b>Address</b>	5073 FOX HOLLOW DR			<b>Tax Acres</b> 0.73
<b>Township</b>	CATAWBA SPRINGS			<b>Value</b> DENVER
<b>Main Improvement</b>				<b>Year Built</b>
<b>Main Sq Feet</b>	<b>Stories</b>			
<b>Zoning District</b>	<b>Calc Acres</b>	<b>Voting Precinct</b>	<b>Calc Acres</b>	
R-SF	0.73	DN29	0.73	
<b>Watershed</b>	<b>Sewer District</b>			
0.73	0.73			
<b>Census County</b>	<b>Tract</b>	<b>Block</b>		
109	071203	1010	0.73	
<b>Flood Zone Description</b>	<b>Panel</b>			
AE SPECIAL FLOOD HAZARD AREA BASE ELEVATION DETERMINED - 100 YEAR	3710461500 0.06			
X NO FLOOD HAZARD	3710461500 0.67			



Conditional Use Permit #431  
subject property is outlined in blue



November 10, 2020

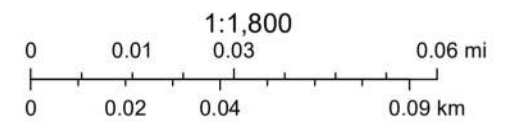




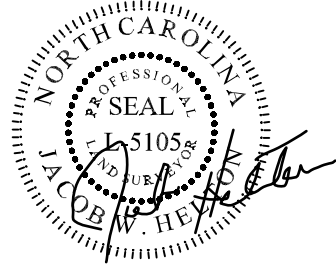
Conditional Use Permit #431  
aerial view of subject property and surrounding area



November 10, 2020







LAKE NORMAN

A  
SITE PLAN  
for

*Patrick Boyle*

CATAWBA SPRINGS TOWNSHIP  
LINCOLN COUNTY, NC  
OCTOBER 30, 2020

PROPERTY INFORMATION:

PARCEL ID: 4615665325  
5073 FOX HOLLOW DR  
DENVER, NC

PLAT NOTES:

1. PLAT NORTH IS BASED ON PB:E-55
2. NO GEODETIC MONUMENTS WERE SURVEYED
3. AREA COMPUTED USING COORDINATE METHOD
4. ALL DISTANCES ARE GROUND HORIZONTAL UNLESS OTHERWISE NOTED
5. ANY TRAVERSE ADJUSTMENTS WERE PERFORMED USING THE COMPASS RULE
6. PROPERTY MAY BE SUBJECT TO BURDENS OR BENEFITS NOT SHOWN

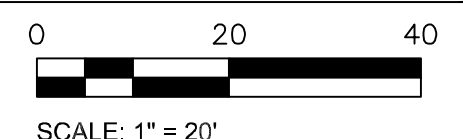
**HELTON**

SURVEYING & MAPPING PLLC  
(704) 634-9354

FIRM #P-2095  
JACOB W. HELTON, PLS, CFS  
JACOBH@HELTON.BIZ  
3579 ANDERSON MOUNTAIN RD.  
MAIDEN, NC 28650

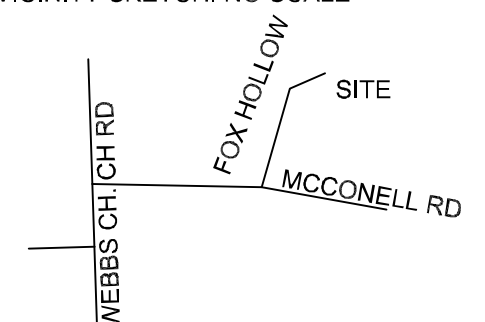
DEED AND PLAT REFERENCES:

DB: 2577 PG: 366  
PB: E PG: 55



SURVEY:	DRAWN:	JOB:
JH/BH 10-24-20	JWH 10-30-20	20313

VICINITY SKETCH: NO SCALE



LOT #100  
0.719 AC.

DEED 2577-366

N 40°24'00" E 12.28'  
N 40°24'00" E 16.92'

N 79°40'00" E 83.57'

S 18°55'29" E 105.25'

PIER

N 40°24'00" E 140.93'  
SIDE SETBACK 10'

BLOCK FOUNDATION

GRAVEL

FRAME GARAGE

FOX HOLLOW DR.  
60' R/.W

ASPHALT

30' R/.W

30' FRONT SETBACK

W

S 38°27'08" W 30.78'

- LEGEND**
- RCP REINFORCED CONCRETE PIPE
  - HDPE HIGH DENSITY PLASTIC
  - CMP CORRUGATED METAL PIPE
  - DB PG DEED BOOK & PAGE
  - MB PG MAP/PLAT BOOK & PAGE
  - R/W RIGHT OF WAY
  - AC ACRES
  - C/L CENTERLINE
  - CONCRETE MONUMENT
  - MAGNETIC/PK NAIL
  - IRON PIPE
  - COMPUTED POINT
  - UNMARKED CORNER IN TREE
  - REBAR FOUND
  - BENCHMARK
  - GEODETIC MONUMENT
  - REBAR SET
  - SANITARY SEWER MAN.HOLE
  - UTILITY POLE
  - HVAC
  - WATER WELL
  - WATER VALVE
  - HYDRANT

- BOUNDARY LINE (AS SURVEYED)
- TIE LINE (NO SCALE)
- WOODLINE
- FENCE
- EDGE OF GRAVEL
- CURB & GUTTER
- BOUNDARY LINE (BY REFERENCE)
- RIGHT-OF-WAY LINE
- EASEMENT LINE
- TIE LINE
- OVERHEAD POWER LINE
- CENTERLINE OF BRANCH / CREEK
- FEMA 100 YEAR FLOOD LINE