



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: February 5, 2021

Re: CUP #437
Anthony Hutto, applicant
Parcel ID# 92614

The following information is for use by the Lincoln County Board of Commissioners and Planning Board at their joint meeting/public hearing on March 1, 2021.

REQUEST

The applicant is requesting a conditional use permit to allow the addition of a guest house in the R-T (Transitional Residential) district. Under the Unified Development Ordinance, a guest house may be permitted as a conditional use in any residential district, subject to certain standards. In this case, the applicant is proposing a 1,000-square-foot guest house to go along with an existing 2,341-square-foot house. A site plan has been submitted as part of the application. It shows the guest house would be located in front of the front building line of the main house, but more than 100 feet from the edge of the road right-of-way, meeting the minimum setback for an accessory structure that's located in the road yard.

SITE AREA AND DESCRIPTION

The request involves a 7.3-acre parcel located at 5737 Vesuvius Furnace Road in Howards Creek Township. The property is zoned R-T (Transitional Residential) and is surrounded by property zoned R-T. Land uses in this area are primarily residential and agricultural. This property is part of an area designated by the Lincoln County Land Use Plan as Large Lot Residential.

ORDINANCE STANDARDS

Under the UDO, the term used for a guest house is "private residential quarters." The following standards are set:

§4.6.5. Residential Accessory Use Standards

K. Private Residential Quarters

Private residential quarters may be permitted by conditional use permit (See §9.11) as an accessory use to a detached single-family dwelling, subject to the following requirements:

1. Private residential quarters approved as a conditional use shall be subject to annual review for continued compliance in accordance with the requirements of §9.11.
2. Private residential quarters may be attached to or detached from the principal dwelling in the form of a guest house or garage apartment.
3. Private residential quarters shall not be rented or occupied for gain.
4. The area of private residential quarters shall not exceed 1000 square feet or half the size of the principal dwelling, whichever is less.
5. Private residential quarters shall not have a separate electrical meter.
6. The owner of the property shall occupy either the primary structure or the private residential quarters.
7. One additional parking space on the same premises shall be required for the private residential quarters.
8. Private residential quarters shall be architecturally consistent with the principal structure.
9. Manufactured homes may not be used as private residential quarters.



County Of Lincoln, North Carolina

Planning Board

Applicant **Anthony Hutto**

Application No. **CUP #437**

Location **5737 Vesuvius Furnace Road**

Parcel # **92614**

Zoning District **R-T**

Proposed Use **guest house**

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 Anthony HUTTO
Applicant Address 5737 Vesuvius Furnace Rd, Iron Station NC 28080
Applicant Phone Number 980-721-2956
Property Owner Name Anthony HUTTO
Property Owner Address 5737 Vesuvius Furnace Rd, Iron Station NC 28080
Property Owner Phone Number 980-721-2956

PART II

Property Location 5737 Vesuvius Furnace Rd, Iron Station NC 28080
Property ID (10 digits) 3674608205 Property size 7.346 acres
Parcel # (5 digits) 92614 Deed Book(s) 2666 Page(s) 764

PART III

Existing Zoning District R-T

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

Property is being used for single family residence with 2,341 square foot heated area with attached garage, porch & covered back deck.

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

Accessory dwelling unit/in law Suite,

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.

Anthony Hutto
Applicant's Signature

1-13-2021

Date

APPLICANT'S PROPOSED FINDINGS OF FACT

Application No. **CUP #437**

Applicant **Anthony Hutto**

Property Location **5737 Vesuvius Furnace Road** Parcel ID# **92614**

Existing District **R-T**

Proposed Use **guest house**

PROPOSED FINDINGS

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

A septic permit must be obtained for the guest house. The guest house must meet the state building code.

2. The use meets all required conditions and specifications.

A guest house is a conditional use as an accessory use to a single-family dwelling in the R-T district. The plan meets the Unified Development Ordinance's requirements for a guest house and for an accessory structure, including the size limit for a guest house and the setback for an accessory structure that's located in front of the front building line of the principal structure.

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

The guest house will be located on a 7.3-acre tract and will be similar in appearance to the existing house.

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.

Land uses in this area are primarily residential. This property is part of an area designated by the Land Use Plan as Large Lot Residential.



Conditional Use Permit #437
subject property is outlined in blue

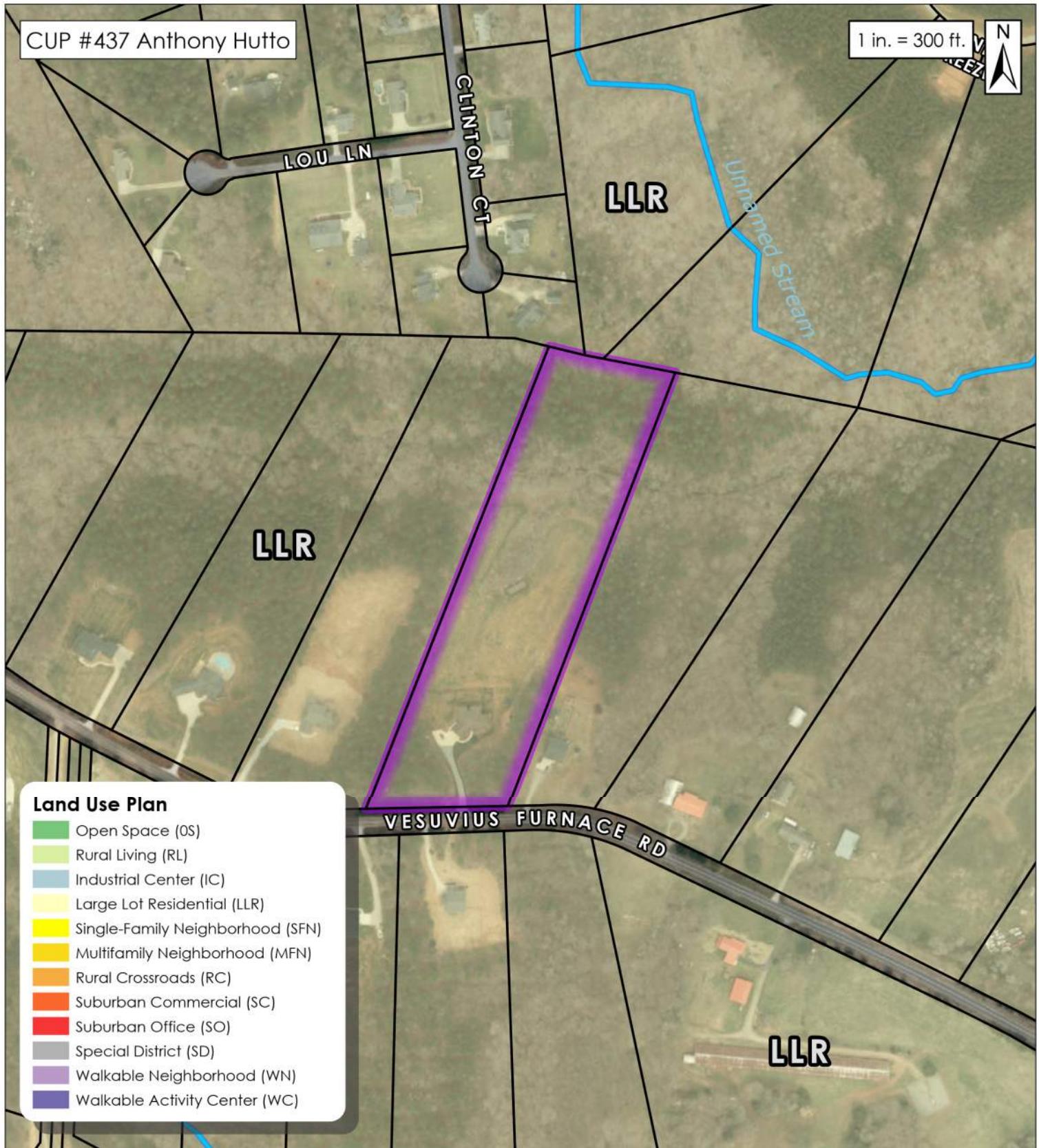


January 20, 2021

1:3,600

0 0.03 0.06 0.1 0.2 km
0 0.05 0.1

Esri, Inc., Lincoln County, NC



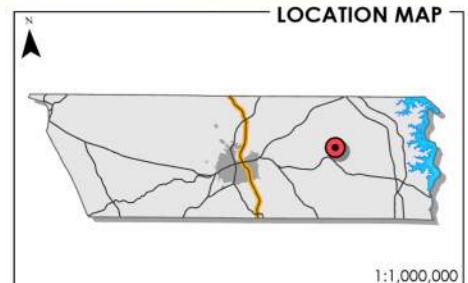
Lincoln County
Planning & Inspections
115 W. Main St
3rd Floor
Lincolnton, NC 28092

Parcel ID# 92614

- Property Location(s)

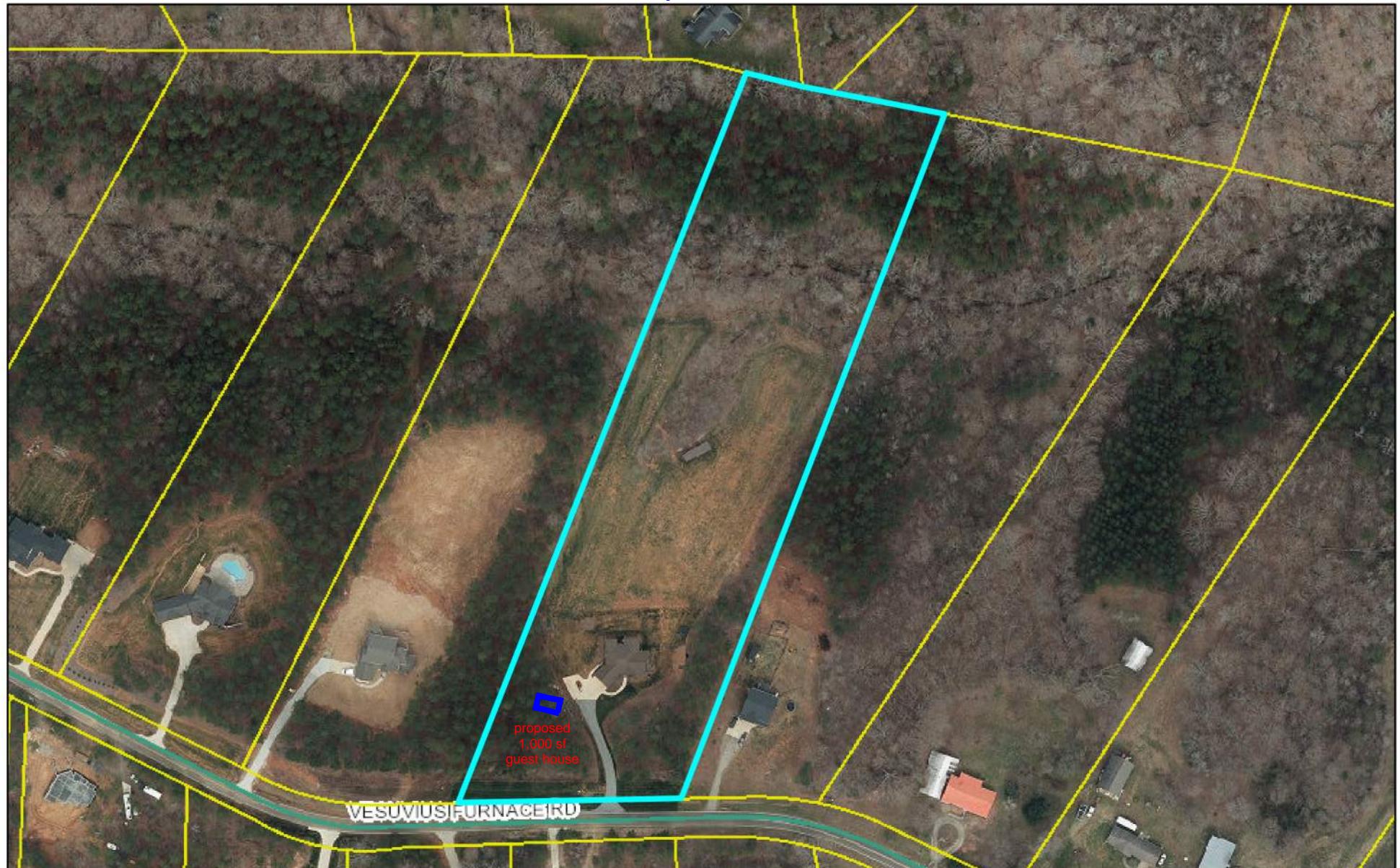
See Attached Application for Parcel Information

Property Location(s) Outlined in Purple.



Property Location(s)

Conditional Use Permit #437
site plan



January 19, 2021

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