



PLANNING & INSPECTIONS DEPARTMENT

Andrew C. Bryant, Director

To: Planning Board Members

From: Jeremiah Combs
Planner I

Date: April 9, 2021

Re: SR #83
Ranger Island Associates, LLC, applicant
Parcel ID# 02446

The following information is for use by the Lincoln County Planning Board at their meeting/public hearing on May 3, 2021.

Request

The applicant is requesting waivers from the subdivision standards of Section 5.4.6.A and Section 5.6.1.A of the Lincoln County Unified Development Ordinance to allow the subdivision of three lots without frontage on a dedicated right-of-way built to minimum road construction standards.

Under Section 9.6.9 of the UDO, the Planning Board is authorized to grant waivers from the subdivision standards if it makes certain findings based upon the evidence presented.

Site Area and Description

The subject property is located at the end of Ranger Island Marina Road. As part of a proposed Planned Development, three lots for detached single-family homes are proposed on Ranger Island, which is accessed by a narrow strip of land at the end of Ranger Island Marina Road. The existing private drive across this narrow strip of land currently provides access to 10 manufactured homes on a single parcel, which would be replaced by the three single family homes on three separate parcels.



§5.4.6. Private Roads

- A. All private roads shall be constructed according to the County's public right-of-way construction standards. Unless the recorded plat of a subdivision clearly indicates a road to be private, the recording of such plat shall constitute an offer of dedication of such roads. The County shall have the discretion to require a public right-of-way connection for safety or access purposes.

§5.6.1. Lots

- A. Every lot shall have a minimum of 35 feet of frontage on public right-of-ways or private right-of-ways pursuant to §5.4.6, except where otherwise specifically allowed by the dimensional standards of §2.4



Applicant **Ranger Island Associates, LLC**

Application No. **SR #83**

Request **A waiver from the subdivision standards of Section 5.4.6.A of the Unified Development Ordinance**

FINDINGS OF FACT

Where the Planning Board finds that extraordinary hardships or practical difficulties may result from strict compliance with Article 5, Subdivision Standards, and the intent of the UDO may be served to a greater extent by an alternative proposal, a waiver may be granted. A waiver shall not have the effect of nullifying the intent and purpose of the UDO, and the Planning Board shall not grant a waiver unless the Planning Board makes findings based upon the evidence presented in each case that:

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

2. The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not generally applicable to other property.

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the UDO is enforced.

4. The purpose of the waiver is not based primarily upon financial consideration.

Based on the Findings of Fact, the following action was taken on _____ by the Lincoln County Planning Board after a public hearing was held and duly advertised:

In granting a waiver, the Planning Board required the following condition(s) to secure substantially the objectives of the standards or requirements of this UDO:



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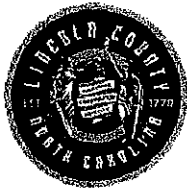
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Request for Subdivision Waiver

Lincoln County Planning & Inspections Department
115 W. Main St., Lincolnton, NC 28092
Phone: (704) 736-8440

Request # _____

Date _____

PART I

Name of Subdivision Ranger Island

Applicant Name Ranger Island Associates, LLC

Applicant Address 18825 W. Catawba Ave., Suite 250, Cornelius, NC 28031

Applicant Phone Number 704-902-7412

Property Owner Name Ranger Island Associates, LLC

Property Owner Address 18825 W. Catawba Ave., Suite 250, Cornelius, NC 28031

Property Owner Phone Number 704-902-7412

PART II

Property Location Ranger Island Road/Ranger Island Marina Road

Property ID (12 digits) 4613648474 Parcel # (5 digits) 02446

PART III

PURPOSE OF REQUEST

To the Lincoln County Planning Board,

I David Dupree (Name of Applicant) hereby petition for a waiver from Article 5, Subdivision Standards, of the Lincoln County Unified Development Ordinance. The extraordinary hardships or practical difficulties which may result from strict compliance can be described as follows:

Ordinance section(s) Number 5.4.6.A, affecting Lot number(s) 02446 may cause Section 5.4.6.A requires private roads to be constructed to Lincoln County right of way construction standards. Ranger Island Marina Road is small, private road that provides access to the island Property (parcel #02446) which is used for rental of mobile homes.

(Describe hardship(s) in specific terms) see Attachment A

APPLICANT'S JUSTIFICATION

Where the Planning Board finds that extraordinary hardships or practical difficulties may result from strict compliance with Article 5, Subdivision Standards, and the intent of the UDO may be served to a greater extent by an alternative proposal, a waiver may be granted. A waiver shall not have the effect of nullifying the intent and purpose of the UDO, and the Planning Board shall not grant a waiver unless the Planning Board makes findings based upon the evidence presented in each case that:

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

see Attachment A

be 20' paved and will be constructed to allow for firetruck load and turnaround.

2. The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not generally applicable to other property.

see Attachment A

homes, a coded gate will be installed to limit access to the owners, their guests and emergency vehicles.

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the UDO is enforced.

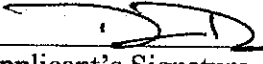
see Attachment A

4. The purpose of the waiver is not based primarily upon financial consideration.

see Attachment A

Affirmation

I hereby affirm that to the best of my ability, knowledge, information and belief, I have provided all information requested on this form and that it is accurate.


Applicant's Signature

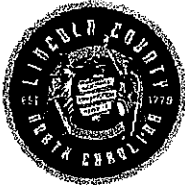
Attachment A

Subdivision Waiver of Section 5.4.6.A

Description of Hardship

Ranger Island Marina Road is a small, paved road that provides the only access to the island portion of the development. (The proposed development will consist of an inland portion with townhomes and an island portion with three single family gated homes). It terminates at the property line where an asphalt drive is built around the mobile homes. A portion of the road is also in both the 30' lake buffer and 50' riparian buffer. As allowed by a coinciding subdivision waiver, the three single family lots will have driveway access via a private driveway easement rather than an extension of Ranger Island Marina Road. The driveway easement is only for these 3 homes. Reconstruction of Ranger Island Marina Road to Lincoln County (NCDOT) construction standards would not be possible without damaging the undisturbed lake buffer. Reconstruction would be inconsistent with the proposed private driveway easement and would, in fact, look out of place in the low density rural -like setting of the island.

1. This waiver will allow Ranger Island Marina Road, a small, private road to remain as is and the important buffers to remain undisturbed. This prevents potential loss of environmentally sensitive areas (lake buffers). The new internal roads that are planned for the inland, townhome portion of the development will be built to Lincoln County right of way standards. The townhome residences will not be adversely affected by allowing the road that leads to the island and single- family homes to retain its small, rural character. The townhomes will benefit by allowing the lake buffers to remain undisturbed. Emergency access to the three homes is still provided.
2. The conditions are unique to this Property because Ranger Island Marina Road provides the main (only) access, and it will connect to a driveway easement which similar in size and appearance. Also due to the topography and pre-existing lake buffers, it will be difficult, if not impossible, to improve Ranger Island Marina Road to Lincoln County right of way standards.
3. The requirements of the UDO pose an unusual hardship for the Property because given its orientation, the limitations imposed by its proximity to the lake, the required lake buffers, it would be difficult, if not impossible to reconstruct the road. Reconstruction of the road would be harmful to environmentally sensitive areas (lake buffers). In addition, the developer wants to retain the rural, low density character of the existing road.
4. The purpose of this waiver is twofold, neither of which are based on financial considerations: (a) the waiver will maintain the rural character of the small, private road, (b) the waiver acknowledges that it is unreasonable and impractical, if not impossible, to reconstruct the road, due to pre-existing lake buffers.



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Lincoln County Planning & Inspections Department
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Ordinance section(s) Number 5.6.1.A, affecting Lot number(s) 02446 may cause Section 5.6.1.A requires 35' of frontage on a public or private right of way.

This parcel will be subdivided into 3 single family lots and Ranger Island Marina Road will be extended as a private driveway access easement to these properties. The parcels will front the easement.

(Describe hardship(s) in specific terms) see Attachment A

APPLICANT'S JUSTIFICATION

Where the Planning Board finds that extraordinary hardships or practical difficulties may result from strict compliance with Article 5, Subdivision Standards, and the intent of the UDO may be served to a greater extent by an alternative proposal, a waiver may be granted. A waiver shall not have the effect of nullifying the intent and purpose of the UDO, and the Planning Board shall not grant a waiver unless the Planning Board makes findings based upon the evidence presented in each case that:

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see Attachment A

2. The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not generally applicable to other property.

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3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the UDO is enforced.

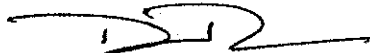
see Attachment A

4. The purpose of the waiver is not based primarily upon financial consideration.

see Attachment A

Affirmation

I hereby affirm that to the best of my ability, knowledge, information and belief, I have provided all information requested on this form and that it is accurate.



Applicant's Signature

Attachment A

Subdivision Waiver

Section 5.6.1.A

Description of Hardship:

Ranger Island Marina Road is a private right of way that terminates at the Property. Extension of the Road as a public or private right of way will bisect the three single family lots that are proposed for the Property and take up a considerable amount of property. In fact, due to the required lake buffers, and topography, it would be extremely difficult, if not impossible, to create single family lots if 35' of frontage on a public or private right of way is required.

1. The waiver will allow the three single family lots that are proposed for the Property to front on and be accessed by an easement, which is a private driveway to the lots, rather than a private right of way. The waiver will not adversely affect neighboring properties or improvements because the townhomes that are proposed for the inland portion of the development will not and do not need to use the easement for access. Not only will it have no effect on the neighboring townhomes, the smaller, less impactful road actually enhances the entire planned development layout because it allows for more open space and recreation area.
2. The conditions are unique to this Property because it is the only Property on the island portion of the development and, due to the topography of the land and the surrounding lake buffer requirements, it would not be possible to construct a private or public right of way, to Lincoln County (NCDOT) standards, and develop the lots. Because the easement is the driveway access to the three proposed lots and is not necessary for access to any other lots, a gate will be installed to limit access to the property owners, their guests, and emergency vehicles.
3. The requirements of the UDO pose an unusual hardship for the Property given its orientation, the limitations imposed by its location on the panhandle island, the surrounding lake buffers and the few number of lots proposed. If extended, Ranger Island Marina Road will bisect the Property and occupy a considerable amount of the Property. The proposed easement is 20' wide and is essentially a driveway. The inability to extend the private right of way through this Property due to the land limitation presents a particular hardship that is not generally shared by other landowners and is not a mere inconvenience.

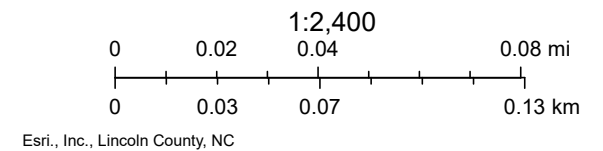
4. The purpose of the waiver is not based primarily on financial consideration. It is based on the impossibility of developing the lots with a right of way bisecting the lots. If a private or public right of way is required, the right of way must be built to County standards which would, consequently, require possible loss of some of the lake buffers to construct a large road that is essentially a driveway to the 3 homes on the island.

SR #83

subject property is outlined in blue



April 8, 2021





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: 4/8/2021 Scale: 1 Inch = 200 Feet



Photo Not
Available

Parcel ID	02446	Owner	RANGER ISLAND ASSOCIATES LLC	
Map	4613	Mailing	10612-D PROVIDENCE RD PMB 489	
Account	0282759	Address	CHARLOTTE, NC 28277	
Deed	3000 615	Last Transaction Date	01/29/2021	Sale Price \$0
Plat		Subdivision	W B SHERRILL EST	Lot 8-12
Land Value	\$1,235,935	Improvement Value	\$234,066	Total Value \$1,470,001
Previous Parcel				

-----All values for Tax Year 2020 -----

Description	8-12 W B SHERRILL EST	Deed Acres	0
Address	8394 RANGER ISLAND MARINA RD	Tax Acres	5.734
Township	CATAWBA SPRINGS	Tax/Fire District	EAST LINCOLN
Main Improvement		Value	
Main Sq Feet		Year Built	

Zoning District	Calc Acres	Voting Precinct	Calc Acres
R-SF	5.73	TA37	5.73

Watershed		Sewer District	
	5.73	SEWER	5.73

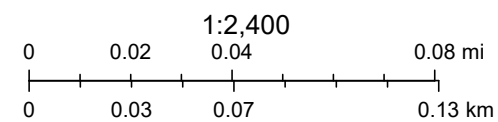
Census County	Tract	Block	
109	071202	1025	1
109	071202	1027	0.47
109	071202	1000	0.95
109	071202	1004	3.31

Flood Zone Description	Panel
AE SPECIAL FLOOD HAZARD AREA BASE ELEVATION	3710461300 2.87

	X	DETERMINED - 100 YEAR NO FLOOD HAZARD	3710461300 2.86
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April 8, 2021





SEAL

PRELIMINARY
-FOR REVIEW ONLY-

THESE DOCUMENTS ARE FOR DESIGN REVIEW ONLY AND NOT INTENDED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSE. THEY ARE PREPARED BY, OR UNDER THE SUPERVISION OF:

XXXXX XXXXXXXX ##### 4/7/21
F00NFR RF0. # 047E

PROJECT _____

RANGER ISLAND ASSOCIATES
LINCOLN COUNTY, NC

LANDDESIGN PROJ.# 1020251


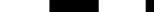
REVISION / ISSUANCE

[illegible]

DESIGNED BY:
DRAWN BY:
CHECKED BY:

SCALE: NORTH

VERT: N/A
HORZ: 1" = 60'



SCHEMATIC SITE PLAN

SHEET NUMBER
RZ-03