



COUNTY OF LINCOLN, NORTH CAROLINA

302 NORTH ACADEMY STREET, SUITE A, LINCOLNTON, NORTH CAROLINA 28092

PLANNING AND INSPECTIONS DEPARTMENT
704-736-8440 OFFICE
704-732-9010 FAX

To: George Wood, county manager

From: Randy Hawkins, zoning administrator

Date: February 16, 2010

Re: CUP #296
Vesuvius Vineyards Inc., applicant
Parcel ID# 02420

The following information is for use by the Lincoln County Board of Commissioners and Planning Board at their joint meeting/public hearing on March, 2010.

REQUEST

The applicant is requesting a conditional use permit to operate a winery in the R-T (Transitional Residential) District. The proposed winery would be located in the basement of an existing house and include the following accessory uses: a tasting/sampling room, gift shop, meeting rooms and dining rooms. A ramp and a handicapped-accessible restroom would be added on to the house to meet the building code for such uses. Under the Unified Development District, a winery is permitted in the R-T district only where approved by the Board of Commissioners through the issuance of a conditional use permit.

SITE AREA AND DESCRIPTION

The 362-acre parcel is located at 6173 Vesuvius Furnace Road, Iron Station, on the north side of Vesuvius Furnace Road about 1.1 miles west of Beth Haven Church Road in Ironton Township. It is adjoined by property zoned R-T and R-SF. Land uses in this area are primarily residential and agricultural. The Lincoln County Land Use Plan classifies this area as Rural Residential. A vineyard is located on this property. The house is listed on the National Register of Historic Places. In October 2009, the Board of Commissioners approved a conditional use permit for outdoor weddings, corporate events and other private gatherings to be held on this property.

STANDARDS FOR A WINERY

Under the Unified Development Ordinance, the following standards apply to a winery:

- A. Minimum lot area: ten acres.
- B. The facility must be operated in association with a vineyard located on the same property or on adjoining properties under the same ownership. Permitted accessory uses may include but shall not be limited to a tasting/sampling room, gift shop, dining and catering facilities and meeting rooms.
- C. All structures and storage areas associated with the winery must be located a minimum of 100 feet from all property lines or road rights-of-way.

CONDITIONAL USE PERMIT REQUIREMENTS

Section 9.11.8 of the Unified Development Ordinance requires that four findings be determined by the Board of Commissioners in deciding whether to approve a conditional use permit:

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan, and
2. The use meets all required conditions and specifications, and
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity, and
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 located and will be in general conformity with the approved Land Development Plan for the area in question.

STAFF'S RECOMMENDATION AND COMMENTS

Staff recommends approval. The proposed use meets all required conditions and specifications. The Land Use Plan classification for this area is based in part on the historic sites that are located in this part of the county. Under the Land Use Plan, future development in this area should take place in a manner that does not detract from the historic character, but respects and enhances it. The proposed use in this case would not diminish the historic flavor but rather allow more people to enjoy it.



Conditional Use Permit Application

Lincoln County Planning and Inspections Department
Zoning Administrator
302 N. Academy St., Suite A, Lincolnton, NC 28092
Phone: (704)736-8440 FAX: (704)732-9010

PART I

Applicant Name Vesuvius VINEYARD INC

Applicant Address 6173 Vesuvius FURNACE RD, IRON STATION, NC 28080

Applicant Phone Number 843.422.4079.

Property Owner Name LIVEBERGER BROS INC

Property Owner Address 6154 Vesuvius FURNACE RD. IRON STATION NC 28080

Property Owner Phone Number 704 - 483 - 4604

PART II

Property Location 6173 Vesuvius FURNACE RD, IRON STATION NC 28080

Property ID (10 digits) 3684-03-6012 Property size 361. 78

Parcel # (5 digits) 02420 Deed Book(s) 1753 Page(s) 340

PART III

Existing Zoning District R-T

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

OUTDOOR wedding /Event venue, ex. Structures - house, deck, outdoor covered porch

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

WINERY (see attachment)

\$750 APPLICATION FEE 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.

Sherry L. Ladd
Applicant's Signature

1/14/10
Date

Vesuvius Vineyards: Winery Permit Proposal

The addition of a Winery Permit at Vesuvius Vineyards will allow us to fully utilize our facilities to better serve our guests. This permit will allow us to produce wine on-site. We would have a tasting room at the facility allowing our guests to sample and/or purchase our wine for events, gifts, etc. We will also be able to provide meeting rooms, dining rooms, and a gift shop for guests to purchase other gifts from Vesuvius Vineyards.

LINCOLN COUNTY PLANNING BOARD'S
RECOMMENDATIONS ON FINDINGS OF
FACT FOR A CONDITIONAL USE PERMIT

Application # **CUP #296** Date **March 1, 2010**

Applicant Name **Vesuvius Vineyard Inc.**

Applicant Address **6173 Vesuvius Furnace Road, Iron Station, NC 28080**

Property Location **6173 Vesuvius Furnace Road** Existing Zoning **R-T**

Proposed Conditional Use **winery with tasting/sampling room, gift shop, meeting rooms and dining rooms**

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 REASON CITED: _____

2. The use meets all required conditions and specifications. YES _____ NO _____

FACTUAL REASON 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 REASON 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 REASON CITED: _____

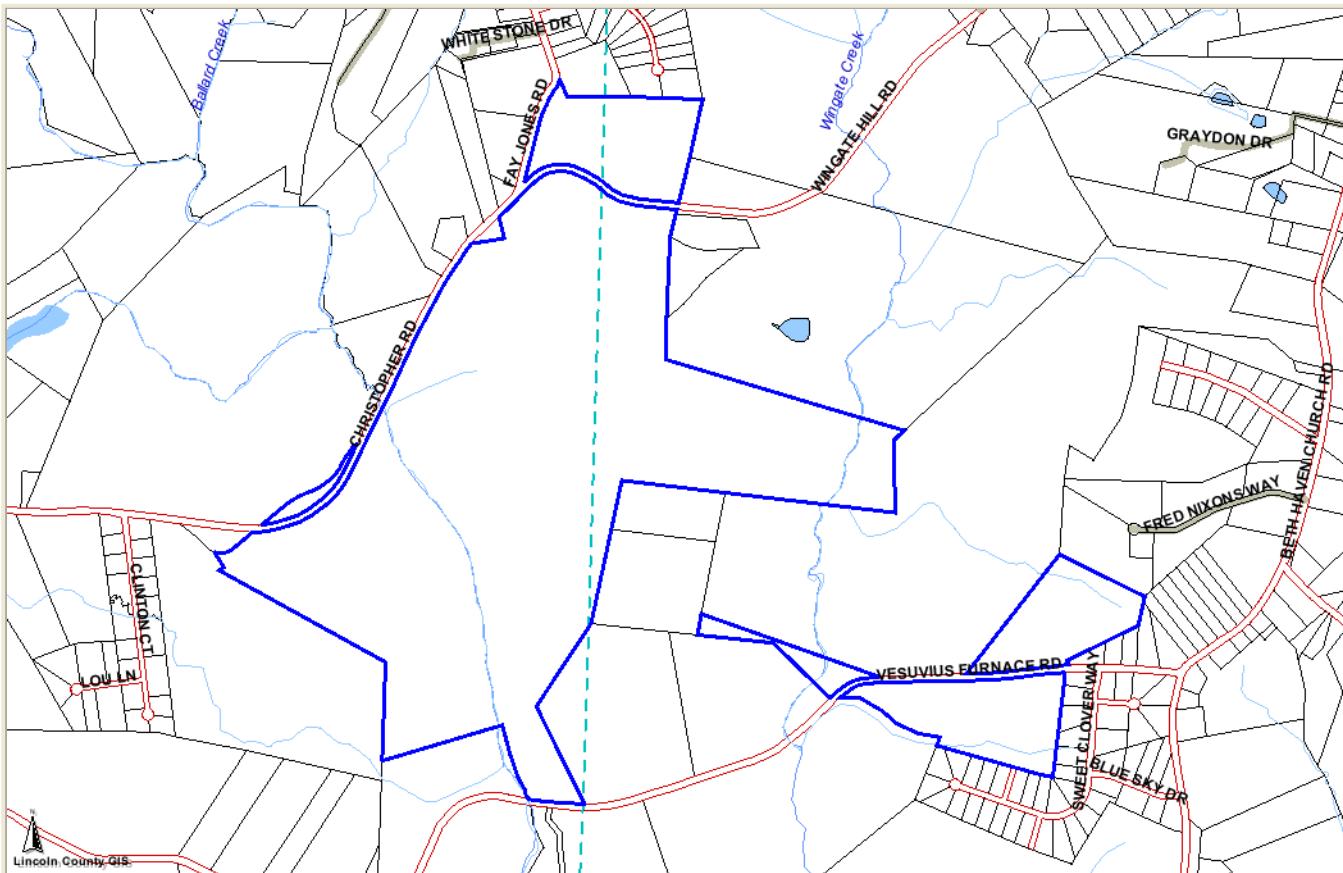
After having held a Public Hearing on **March 1, 2010** and in light of the Findings of Facts listed herein, the following action was taken by the Lincoln County Planning Board:

In recommending such Conditional Use Permit, the following conditions were recommended by the Lincoln County Planning Board:



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: 2/8/2010 Scale: 1 Inch = 1600 Feet



PHOTOS



02420

PARCEL INFORMATION FOR 3684-03-6012

Parcel ID	02420	Owner	LINEBERGER BROS INC
Map Account	3684-00 25508	Mailing Address	C/O WALTER LINEBERGER PO BOX 126 LINCOLNTON NC 28093
Deed Value	1753-340	Recorded	Sale Price Previous Parcel 0
Property Values Not Yet Determined ----- All values are for tax year 2009. -----			
Description Address	SMITH FURNACE 6173 VESUVIUS FURNACE RD	Deed Acres	0
Township	IRONTON	Tax Acres	361.78
Main Improvement	CONVENTIONAL (PRE WWII)	Tax/Fire District	DENVER
Main Sq Feet	1318	Stories	1
		Year Built	1930
		Value	\$31,908
		Total Value	\$0
Zoning District	Calculated Acres	Voting Precinct	Calculated Acres
R-T	337.9	DENVER WEST (DN29)	145.04
R-SF	23.88	PUMPKIN CENTER (PC22)	216.74
Watershed Class		Sewer District	
Not in a watershed	361.78	Not in the sewer district	361.78
2000 Census County		Tract	Block
37109	070900	3001	22.26
37109	070900	3002	2.62
37109	070900	3003	4
37109	070900	3005	2.44
37109	070900	3006	76.54
37109	070900	3007	88.04
37109	070900	3008	115.1
37109	070900	3009	27.66
37109	070900	3019	23.14
FloodZone Description		Panel	
AE	SPECIAL FLOOD HAZARD AREA BASE ELEVATION DETERMINED - 100	3664	28.26
AE	YEAR		
AE	SPECIAL FLOOD HAZARD AREA BASE ELEVATION DETERMINED - 100	3684	5.74
AE	YEAR		
X	NO FLOOD HAZARD	3664	120.92
X	NO FLOOD HAZARD	3684	206.86

