



## 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: October 19, 2010

Re: CUP #299  
Cindy Kincaid, applicant  
Parcel ID# 10425

*The following information is for use by the Lincoln County Board of Commissioners and Planning Board at their joint meeting/public hearing on November 1, 2010.*

### REQUEST

The applicant is requesting a conditional use permit to operate a riding stable and hold horse shows in the R-R (Rural Residential) district. She is proposing to board a maximum of 15 horses (including her own) and to hold no more than four horse shows a year. A report and a site plan are included as part of the application. Under the Lincoln County Development Ordinance, a riding stable and outdoor recreation such as horse shows are permitted in the R-R district only where approved by the Board of Commissioners through the issuance of a conditional use permit.

### SITE AREA AND DESCRIPTION

The 20-acre parcel is located on the east side of Flay Sain Road about 300 feet north of the Gaston County line in North Brook Township. The applicant's residence is located on this parcel. This property is adjoined by property zoned R-R and is adjacent to the site of the Cherryville Water Treatment Plant. Land uses in this area are primarily residential and agricultural. The Lincoln County Land Use Plan classifies this area as Rural Preservation. Low-density residential uses and limited small-scale and/or industrial uses that are suited for and blend in well with rural environments are encouraged in these areas.

## STANDARDS FOR A RIDING STABLE

Section 4.4.18 of the Unified Development Ordinance sets the following standards for a riding stable:

- A. Minimum Lot Area: 5 acres
- B. All stalls or designated riding areas must be located at least 200 feet from any lot line.
- C. All manure piles shall be located at least 200 feet from any lot line and shall be disposed of on a daily basis.
- D. Adequate fencing must be placed on the lot to ensure that horses are prevented from roaming onto adjacent roads or lots.
- E. Notwithstanding any other provision of this UDO, a riding stable may be located on a lot which also contains a principal single-family residential use.
- F. A Class C buffer (see §3.4) shall be established along any side of the property where the riding stable abuts a residential use, provided such buffer shall not restrict clear sight at any intersection or driveway.

## STANDARDS FOR OUTDOOR RECREATION

The Unified Development Ordinance has no special standards for outdoor recreation.

## 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 COMMENTS

Because this is a quasi-judicial case, staff is not offering a recommendation prior to the hearing. At the request of staff, the applicant has submitted proposed findings of fact for consideration.



## 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 Cindy Kincaid  
Applicant Address 3377 Flay Sain Rd, Cherrville, NC  
Applicant Phone Number 704-747-7755  
Property Owner Name Mark Englert  
Property Owner Address 3377 Flay Sain Rd, Cherrville, NC  
Property Owner Phone Number 704-827-8989

### PART II

Property Location 3377 Flay Sain Rd, cherrville, NC  
Property ID (10 digits) 2691-35-1702 Property size 20 acres  
Parcel # (5 digits) 10425 Deed Book(s) 1595 Page(s) 333

### PART III

Existing Zoning District R-B Agricultural

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

Horse Farm - Raise + breed paint horses,  
multiple barns, arena, pastures, lounge,  
house we live in full time

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

- ① Ability to offer boarding of friends horses  
up to a total of 15 including my own horses.
- ② Host no more than 4 horse shows a year. 2 from us,  
2 from local organizations as fund raisers.

**\$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.

Cindy Kincaid  
Applicant's Signature

9/10/10  
Date

## Cross County Stables Proposal, Cherryville, Lincoln County, NC

Owner of property: Mark Englert

Manager of Horses: Cindy Kincaid

### **Background:**

Cindy Kincaid and Mark Englert breed and raise paint horses and currently own 6 with another baby due this spring. We have shown our own horses at the Lincolnton Ponderosa Horse Shows, in Ashville at the NC Paint Horse Association, and in Oklahoma at the Pinto World Show. We currently have the 2007 Reserve World Champion Halter Mare, a mare who placed 5<sup>th</sup> at the World Show in English Halter, and weanling that received 5<sup>th</sup> place at the World Show in Western Halter.

We have 20 acres on which we raise our horses, surrounded by the Cherryville Water Treatment Plant, a goat farm, two cow farms and one chicken farm. The property currently has two barns, and one stallion barn with a total of 19 stalls. 13 stalls are inside the barns and 5 stalls are on the outside of the big barn. With one separate barn away from the mare and gelding barns where we can safely keep a stallion. The stallion area has a separate pasture attached to the barn that is fenced and electrified. We do not currently have a stallion in that area. All the barns have freeze proof water access.

There is one riding arena with lights, which is large enough to host a small horse show.

There are four pastures fenced with combinations of wood split rail, horse wire fence and electrified fencing. The pastures are set up so horse can be rotated working to protect the integrity of the grass. Each pasture has freeze proof water faucets and water troughs. We also have two turn out areas that are securely fenced, used when we need to separate a horse for health reasons or during training. All of the horse barns and pastures are secured in a second fenced area that has two gates on each side of the barns, with another gate at the top of the driveway. This provides a double gated area in case a horse got out of the pasture; they are still contained with two more gates before they reach any road.

I have attached a drawing of the property including the barns, pastures and riding areas.

## **Proposal**

We are requesting a Conditional Use Permit to allow us to provide boarding of horses on our property and to host no more than four horse shows a year.

Wanting to be able to offer boarding has developed out of the request of a few friends to keep their horses on the farm in these tough economic times. They have come from other barns and could not afford to remain there due to loss of jobs and changes in life situations. With the number of horses we have, we have extra stalls and enough pasture to support 9 additional horses.

This year the Lincoln County Equine 4-H Club has requested to host their weekly meetings in our lounge area. They would like to use our Halter horses to help prepare the kids for horse judging and hippology at the local and state level.

As an effort to help the 4-H children in our area, we would like to host four horse shows annually. With the 4-H district show in early spring, we would like to host three shows during the winter, one in January, the second in February. We have been approached by the NC Paint Horse Breeders Association to allow them to use our facility for a fund raiser horse show in March. This would give the 4-H kids three shows they can practice at before their district show in May. Most other facilities in our area don't have the first horse show of the season until April or May, this timing doesn't allow the 4-H kids any real show practice. We are requesting the fourth show as a possibility for the 4-H kids to host a fund raiser show, helping them to raise money to go and participate in district, state and regional events. Two of the four shows are fund raisers for other organizations; they are only using our facilities.

The property has enough pasture space to provide parking for the horse shows without having to use any surrounding property. All horse trailers and cars would be contained on our property. We have bathrooms available at the barn.

The property is surrounded by trees and dense shrubs, providing the necessary buffer between our property and any adjacent property. We only have residential housing on one side of our property. The other sides have a cow pasture, the Cherryville Water Treatment Plant and a vacant wooded lot behind us. The road

makes up the final side. Our residential house is at the front of the property with the barns and pastures at the back of the property. We also have one acre in the very back corner of the property that we use for compost that can be recycled back to the community or local gardeners. We have two local horticulture farms that use our manure as compost, we deliver to them weekly. We have designed our farm to be eco friendly, working closely with local businesses to recycle as much as possible.

We hope you will grant us the Conditional Use Permit allowing us to share some of our property with those friends who are in need of an affordable place to board during their hard times. Having raised two children in the Gaston Equine 4-H program, I would also like the opportunity to give back to the local organization that helped my children immensely.

**Review:**

1. Permission to board up to 15 horses total on the property, this number includes our horses.
2. Permission to host no more than 4 horse shows annually. Mostly during the winter months to help the 4-H kids prepare for their district horse show in May. Two of the horse shows are fund raisers for other organizations.

Cindy Kincaid and Mark Englert  
Cross County Stables  
3377 Flay Sain Rd.  
Cherryville, NC 28021  
704-747-7755

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

Application # CUP #299 Public hearing date Nov. 1, 2010

Applicant's Name Cindy Kincaid

Applicant's Address 3377 Flay Sain Rd., Cherryville, NC 28021

Property Location 3377 Flay Road Existing Zoning R-R

Proposed Conditional Use riding stable and horse shows

### **PROPOSED FINDINGS**

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

**Adequate fencing is provided with double gates. Manure will be removed weekly for use as compost. There is adequate room for parking on-site for horse shows. Restrooms are available at the barn. Horse shows will be sponsored by 4-H and other organizations.**

2. The use meets all required conditions and specifications.

**This is a 20-acre tract. The site plan shows that the barn and riding area are more than 200 feet from any lot line. Existing trees and shrubs provide a sufficient buffer. There is a secured paddock to be able to separate any sick or injured horses for their safety.**

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

**The applicant's home is located on this property. The horse show area is more than 300 feet from the nearest home. The riding stable will be limited to 15 horses. No more than four horse shows will be held each year. The horse shows do not charge for admission; only cost is for participants. Have approximately 30 participants, mostly youth. Spectators are primarily family connected to the participants.**

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.

**A riding stable and horse shows fit in this rural, agricultural area. This is a small-scale commercial use that is well-suited for this area. There is a small commercial manufacturer across the main street, and three neighbors that raise either goats or cows, and a chicken farm within ½ mile.**

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

Application # **CUP #299** Date **November 1, 2010**

Applicant Name **Cindy Kincaid**

Applicant **3377 Flay Sain Rd., Cherryville, NC 28021**

Property Location **3377 Flay Sain Road** Existing Zoning **R-R**

Proposed Conditional Use **riding stable and horse shows (outdoor recreation)**

**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 \_\_\_\_\_ 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:

\_\_\_\_\_  
\_\_\_\_\_

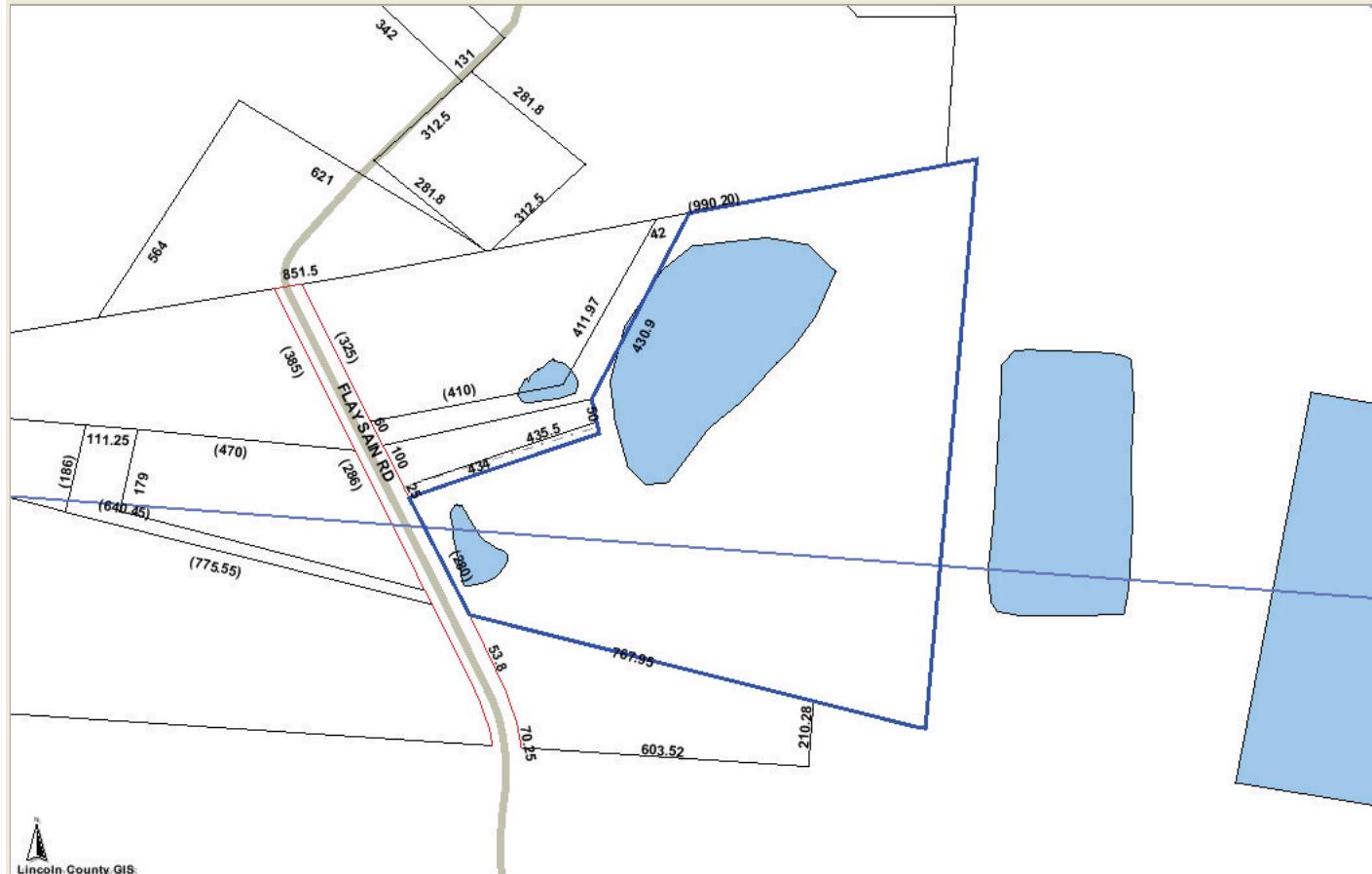


## Lincoln County, NC

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: 9/23/2010 Scale: 1 Inch = 400 Feet



Lincoln County, NC

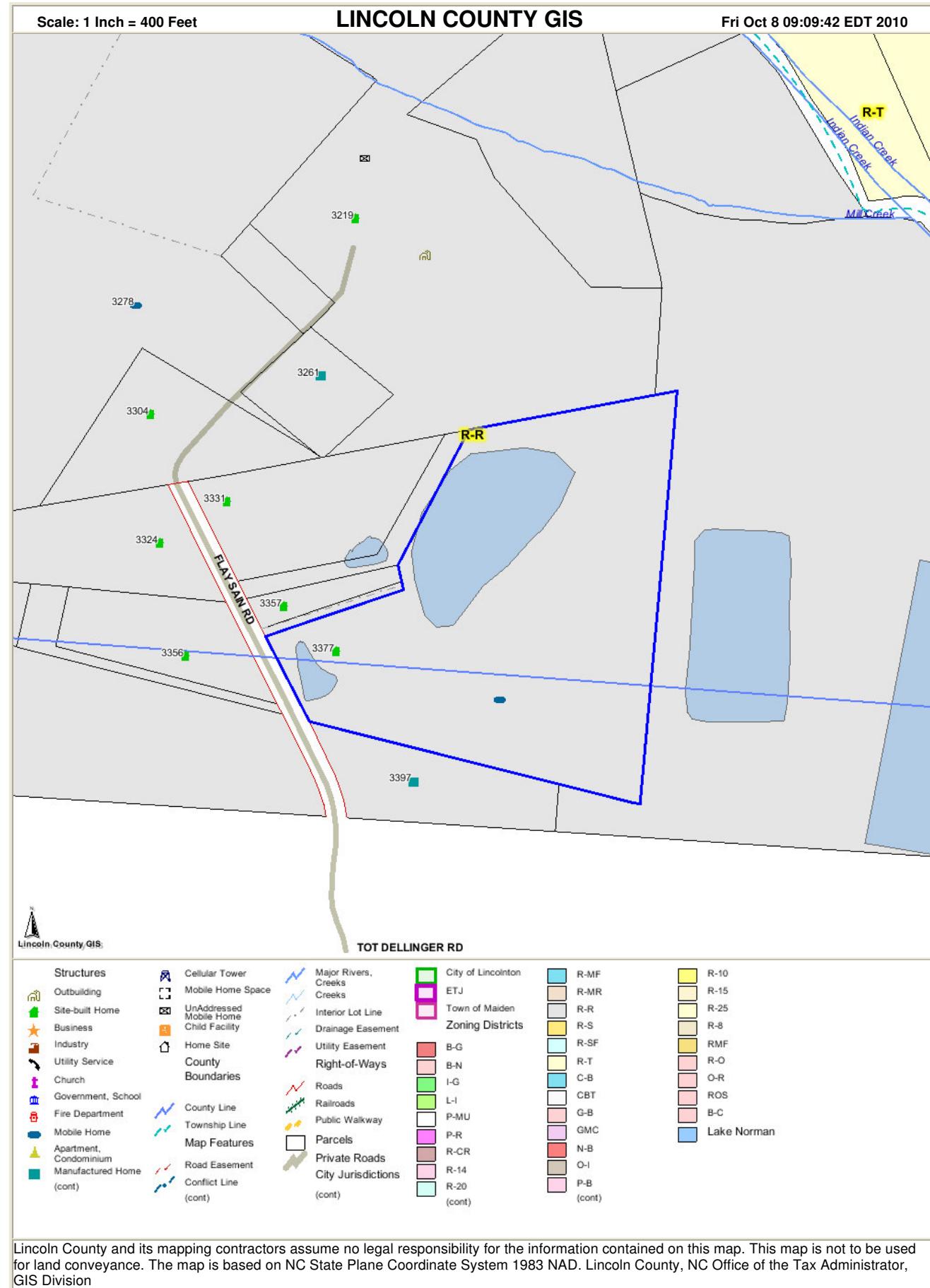
### PHOTOS



10425

### PARCEL INFORMATION FOR 2691-35-1702

Parcel ID	10425	Owner	ENGLERT MARK K
Map	2691-00	Mailing Address	3377 FLAY SAIN ROAD CHERRYVILLE NC 28021
Account	0175329	Deed	1595-333 Recorded 5/28/2004
Land Value	\$92,467	Total Value	\$179,545
----- All values are for tax year 2010. -----			
Description	MCSWAIN LD RD 1168	Deed Acres	0
Address	3377 FLAY SAIN RD	Tax Acres	20.37
Township	NORTH BROOK	Tax/Fire District	CROUSE
Main Improvement		CONVENTIONAL	
Main Sq Feet	1620	Stories	1 Year Built
			Value \$72,555
Zoning District		Calculated Acres	Calculated Acres
R-R		20.37	5.6
Watershed Class			14.77
Not in a watershed		8.06	
WS-IIC		12.31	20.37
2000 Census County		Tract	Block
Unknown			0.05
37109		070500	2027
Flood	Zone Description	Panel	
X	NO FLOOD HAZARD	2691	20.37





### Cross County Stables

- One large barn that has 13 stalls, 8 inside and 5 on outside
- One Small barn with 4 stalls and 6 tack closets
- Parking by the small barn for boarders
- Fencing that is enclosed around the barn area, so if horses got out of pasture, would not be able to leave property.
- Riding area for boarders behind the large barn.
- Turn out paddock for new or injured horses that can be used as large ring for shows 4 times year.
- Natural water source, but each pasture has a freeze proof water faucet in it.
- Lounge area that has a bathroom and kitchen for concession stand use during the shows.
- Total property 20 acres. Will support 15 horses with good pasture.