



PLANNING & INSPECTIONS DEPARTMENT

Joshua L. Grant, Manager

To: Board of Adjustment

From: Andrew C. Bryant, Director of Development Services

Date: July 1, 2024

Re: VAR #470
Paul L. Ziegler, applicant
Parcel ID# 34386

The following information is for use by the Lincoln County Board of Adjustment at their meeting/public hearing on July 22, 2024.

Request

The applicant is requesting a variance from Section 2.4.5.C of the Lincoln County Unified Development Ordinance to permit a rear yard setback of 32 feet. Section 2.4.5.C states that the minimum rear yard setback in the R-SF district is 40 feet.

Site Area and Description

The request involves a 0.443 -acre parcel located at 8072 Bush Lane in Catawba Springs Township. The subject property is located in the R-SF (Residential Single Family) zoning district. The subject property is adjoined by property zoned R-SF (Residential Single-Family). Land uses in this area include residential, and a Duke Energy Transmission Line. The 50' lake buffer would still be met.



Variance Application

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

Part I

Applicant Name Paul L Ziegler
Applicant Address 7780 Red Robin Trail, Denver NC 28037-8056
Applicant Phone Number 704-999-8484
Property Owner's Name Paul L Ziegler
Property Owner's Address 7780 Red Robin Trail, Denver NC 28037-8056
Property Owner's Phone Number 704-999-8484

Part II

Property Location 8072 Bush Lane, Denver NC 28037-8866
Property ID # (10 digits) 4613007166 Property Size 0.443 acres
Parcel # (5 digits) 34386 Deed Book(s) 3225 Page(s) 43

Part III

Briefly describe how the parcel is zoned, used, and list any existing structures.

Zoned R-SF and will be used as a future home site.

The only existing structure is a dock.

Briefly explain your reason for seeking a variance.

The unique shape of the parcel, Duke Energy power line easement, and existing setbacks reduce the building envelope to the point where even a modest size house and driveway will not fit on the property without a rear set back variance.

Describe the type of variance you need.

Request permission to apply a rear setback of 32 feet from the property line rather than the current 40 feet. This would allow the dwelling and a minimum turning radius driveway to fit on the property without encroaching on the Duke Energy power line easement.

\$400 APPLICATION FEE MUST BE RECEIVED
BEFORE PROCESSING A VARIANCE REQUEST

I hereby certify that all of the information provided for this application and attachments is true and correct to the best of my knowledge.

Paul L. Ziegler
Applicant

6/17/2024
Date

Paul L. Ziegler
Owner

6/17/2024
Date

Application #: _____

Date of Application: _____

Applicant's Proposed Findings of Fact

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

A vehicle turn-around and relatively small house will not fit within the building envelope, given the current rear setback.

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

- a. The shape of the parcel causes multiple property line boarders to be impacted by front and rear setbacks.
- b. The parcel is located at the end of a street, so a vehicle turn-around is required (min radius 17'), however that must be done without encroaching on the Duke Energy power line easement.
- c. The Duke Energy powerline easement significantly reduces the size of the building envelope.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

The shape of the parcel, its location at the end of a street, and the Duke Energy power line easement existed prior to the purchase of the property.

4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Since the rear of the parcel is adjacent to Lake Norman, the requested variance would not cause encroachment on neighboring parcels, and the requested setback would still lie beyond the existing Duke Energy 50-foot buffer and would still provide a 52-foot setback from the 760 contour.

* A PORTION OF THIS PROPERTY IS LOCATED IN A 100 YEAR FLOOD PLAIN
AS DESIGNATED BY FIRM PANEL #071043-1300

CATAWBA SPR. TOWNSHIP - LINCOLN COUNTY
SCALE: 1" = 40'

DEDMON SURVEYS

CHUCK POOVEY, PLS #3762
ROBERT DEDMON, PLS #3899
3704 N HIGHWAY #16 NORTH
P.O. BOX 494 - DENVER, NC 28037
PHONE: 704/483-4908
FIRM #C-0453

WWW.BENTLEYBETTING.COM

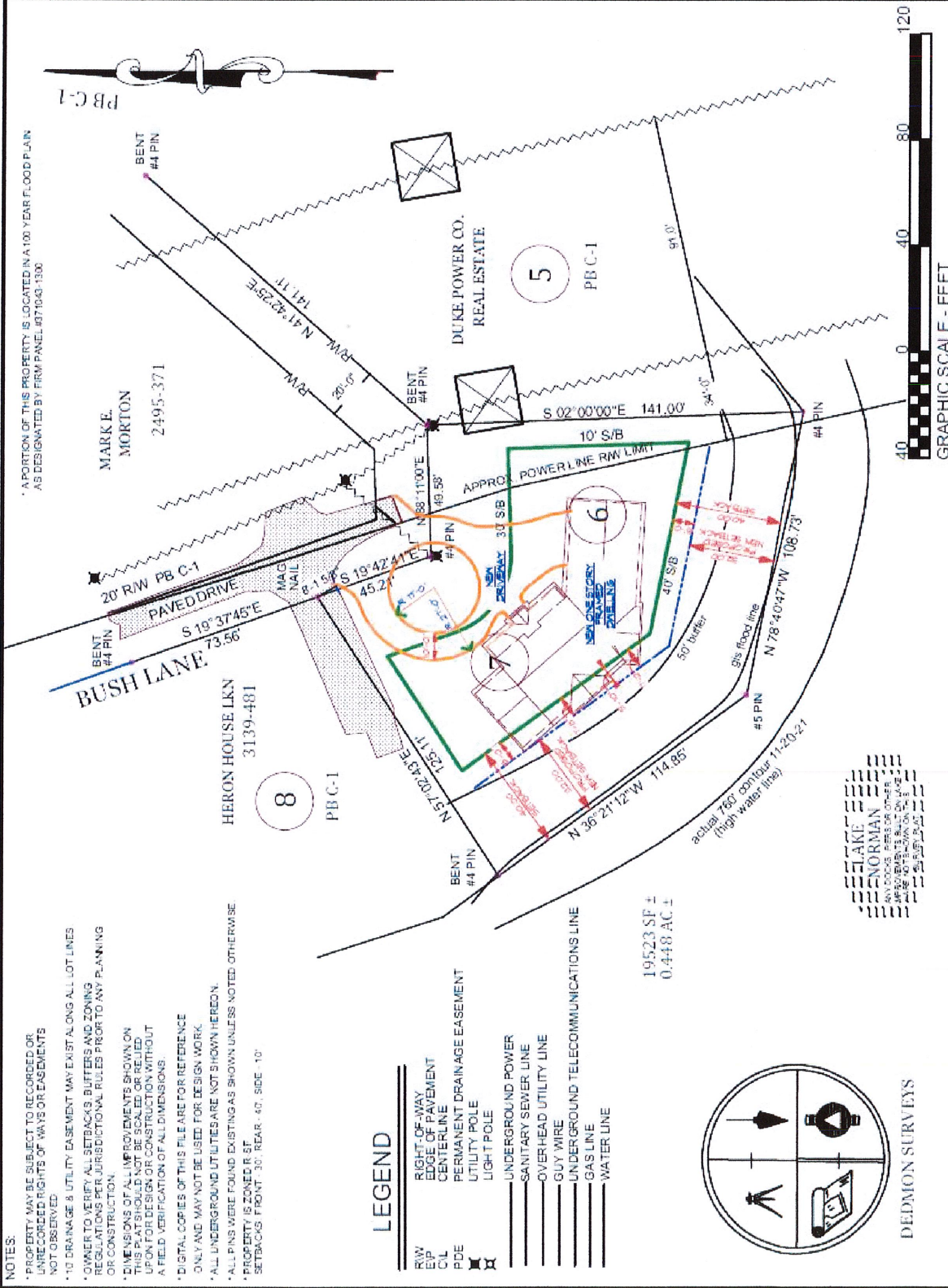
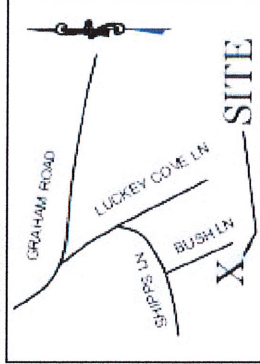


I CERTIFY THAT THIS PLAT WAS SURVEYED AND DRAWN FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION DB 521, PG 219 - PG 2, PG 1, THAT BOUNDARIES NOT SURVEYED ARE DRAWN FROM DB PG 1 THAT THE RATIO OF PRECISION EXCEEDS 1/10000; THAT THIS PLAT MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR NC 21 NCAG 56.1600; I THEREBY MAKE MY FIDUCIAL SEAL AND SIGNATURE W. J. B. B. B. THIS 22ND DAY OF 2022.

DATE: 06/20/2012 TIME: 11:00:00

[illegible]

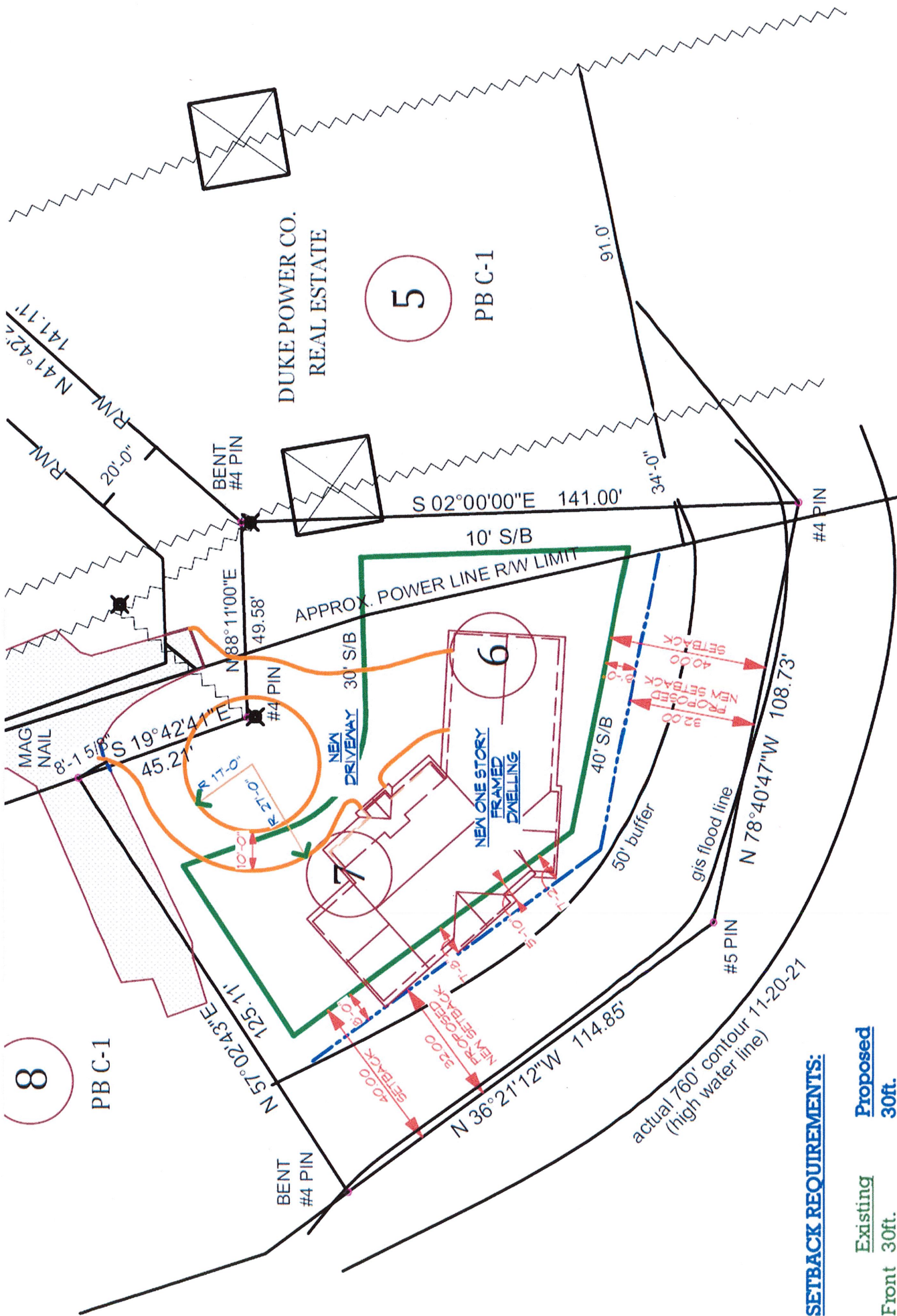
VICINITY MAP



SETBACK REQUIREMENTS:

	<u>Existing</u>	<u>Proposed</u>
Front	30ft.	30ft.
Sides	10ft. (Left) 10ft. (Right)	10ft. (Left) 10ft. (Right)
Rear	40ft.	32ft.

Enlarged Parcel:



SETBACK REQUIREMENTS:

Existing	Proposed
Front 30ft.	30ft.
Sides 10ft. (Left)	10ft. (Left)
10ft. (Right)	10ft. (Right)
Rear 40ft.	32ft.



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: 7/1/2024



Photo Not
Available

Parcel ID	34386	Owner	ZIEGLER PAUL LAWRENCE ZIEGLER JOAN DOUGHERTY	
Map	4613	Mailing	8072 BUSH LANE	
Account	0296035	Address	DENVER, NC 28037	
Deed	3225 43	Last Transaction Date	01/24/2023	Sale Price \$450,000
Plat	C 1	Subdivision	F L & A R BLACK	Lot 6 & 7
Land Value	\$382,512	Improvement Value	\$57,468	Total Value \$439,980
Previous Parcel				
-----All values for Tax Year 2024 -----				
Description	#6&7 FL & AR BLACK SUB		Deed Acres	0
Address	8072 BUSH LN		Tax Acres	0.443
Township	CATAWBA SPRINGS		Tax/Fire District	EAST LINCOLN
Main Improvement			Value	
Main Sq Feet		Stories	Year Built	
Zoning District	Calc Acres	Voting Precinct Calc Acres		
R-SF	0.44	TA37	0.44	
Watershed	0.44	Sewer District	SEWER 0.44	
Census County	109	Tract	071201	Block 1023 0.44
Flood Zone Description				Panel
AE	SPECIAL FLOOD HAZARD AREA BASE ELEVATION DETERMINED - 100 YEAR			3710461300 0.01
X	NO FLOOD HAZARD			3710461300 0.44