



PLANNING & INSPECTIONS DEPARTMENT

Joshua L. Grant, Manager

To: Board of Adjustment

From: Julie Mosteller, Planner

Date: March 9, 2025

Re: VAR #477

Erik Haeffs, applicant

Parcel ID# 107627

*The following information is for use by the Lincoln County Board of Adjustment at their meeting/public hearing on March 24, 2025.*

Request

The applicant is requesting a variance from Section 3.9.5 of the Lincoln County Unified Development Ordinance to permit signs located within 150 feet of a residential use or district to be illuminated during the hours between 12AM (midnight) and 6AM.

Site Area and Description

The request involves a 1.027-acre parcel located at 618 Brentwood Rd. in Catawba Springs Township. The subject property is located in the B-G (General Business) zoning district and the ELDD (Eastern Lincoln Development District) overlay. The subject property is adjoined by property zoned B-G (General Business) and R-T (Transitional Residential). Land uses in this area are business uses.

This property has an active building permit for a Waffle House. Attached you will find a site plan showing the proposed sign locations and maps showing the zoning districts.



## 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 Erik Haeffs

Applicant Address 5986 Financial Drive, Norcross, GA 30071

Applicant Phone Number 770-729-5806

Property Owner's Name Waffle House, Inc.

Property Owner's Address 5986 Financial Drive, Norcross, GA 30071

Property Owner's Phone Number 770-729-5806

### Part II

Property Location 618 Brentwood Road., Denver, NC

Property ID # (10 digits) 4602539006 Property Size 1.03ac

Parcel # (5 digits) 107627 Deed Book(s) 3329 Page(s) 649

### Part III

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

The property is zoned B-G and has been approved to be developed into a Waffle House restaurant.

Briefly explain your reason for seeking a variance.

We are seeking a variance to allow our signs to be lit between the hours of 12am - 6am.

See attached map showing the approximate distances from the residential zoned properties.

Describe the type of variance you need.

We are seeking a variance to Article 3 Section 9.5.A1(g)(1) of the General Development

Standards to change the distance threshold from 150' to 60' for Parcel # 107627

(618 Brentwood Road) or to wholly remove this requirement.

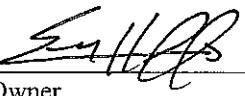
**\$400 APPLICATION FEE MUST BE RECEIVED  
BEFORE PROCESSING A VARIANCE REQUEST**

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

  
\_\_\_\_\_  
Applicant

2/6/2025

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Owner

2/6/2025

\_\_\_\_\_  
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.

Please see #1 on the supplemental answers exhibit included with this application.

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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.

Please see #2 on the supplemental answers exhibit included with this application.

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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.

Please see #3 on the supplemental answers exhibit included with this application.

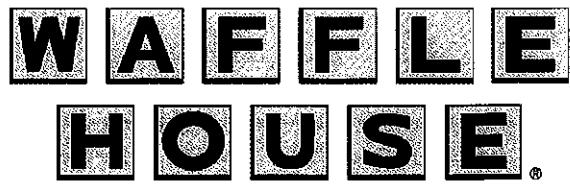
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4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Please see #4 on the supplemental answers exhibit included with this application.

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Mail: P.O. Box 6450, Norcross, Georgia 30091-6450  
Street: 5986 Financial Drive, Norcross, Georgia 30071  
(770) 729-5700

February 6, 2025

**Applicant's Proposed Findings of Facts – Supplemental Answer Sheet**

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.

The adjacent residential zoned properties are undeveloped land, and would likely become commercial upon development. We are also utilizing a 50% dark, opaque sign face which will decrease the amount of light coming from this sign.

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.

These signs will be facing NC-73 which is commercially zoned for at least 1,500' in either direction. There is an odd zoning boundary which creates split zoning on the surrounding lots leading to this proximity issue.

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.

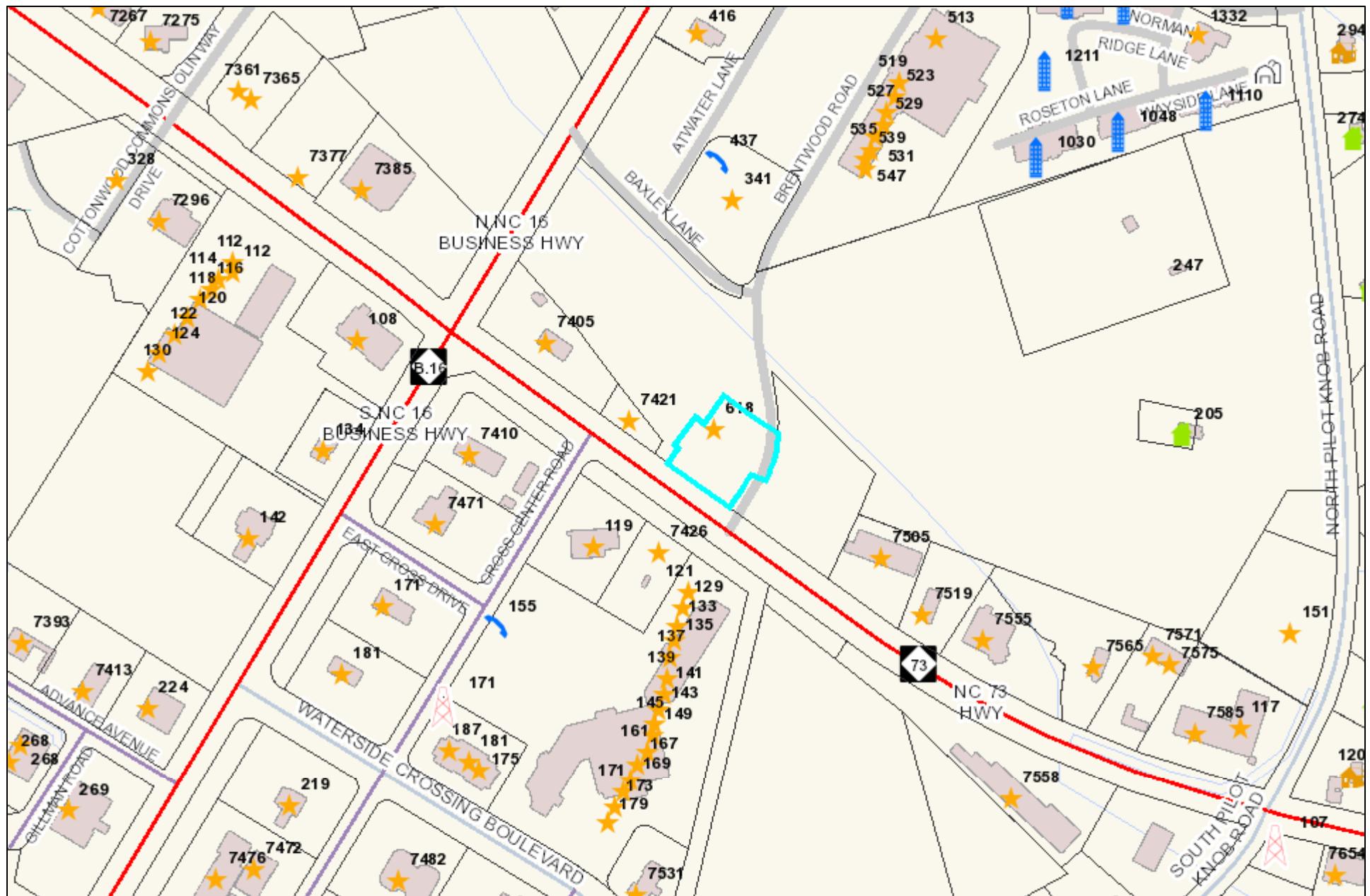
We purchased this property with full knowledge of the split zoning. We successfully rezoned, subdivided, and developed approved plans for this property, but this time of day lighting restriction was not uncovered until recently.

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.

I believe this variance request is consistent with the spirit, purpose, and intent of the ordinance and there will be no negative impacts on public safety if approved. There will be no residents impacted by allowing these signs to be lit, and this variance will grant us the privileges likely intended for properties adjacent to NC-73 that would likely be granted upon development of the adjacent, split-zoned properties.

Sincerely,

Erik Haeffls | Real Estate Director  
Waffle House, Inc. | 5986 Financial Drive, Norcross, GA 30071  
o 770.729.5806 c 404.375.8408 [erikhaeffls@wafflehouse.com](mailto:erikhaeffls@wafflehouse.com)



**Lincoln County, NC**  
**Office of the Tax Administrator, GIS Mapping Division**

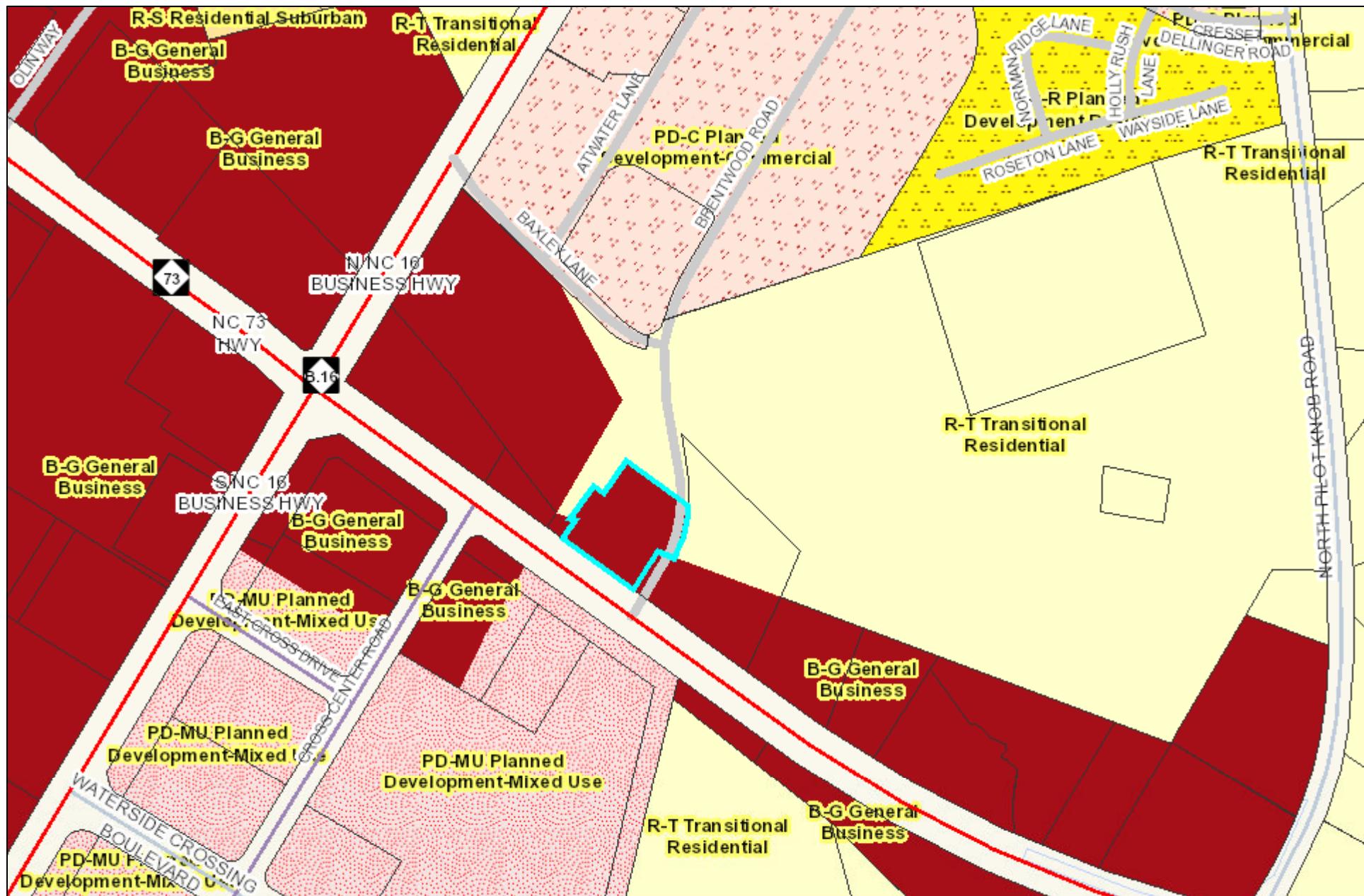


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March 12, 2025

0 340 680 Feet  
1 inch = 344 feet





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Office of the Tax Administrator, GIS Mapping Division

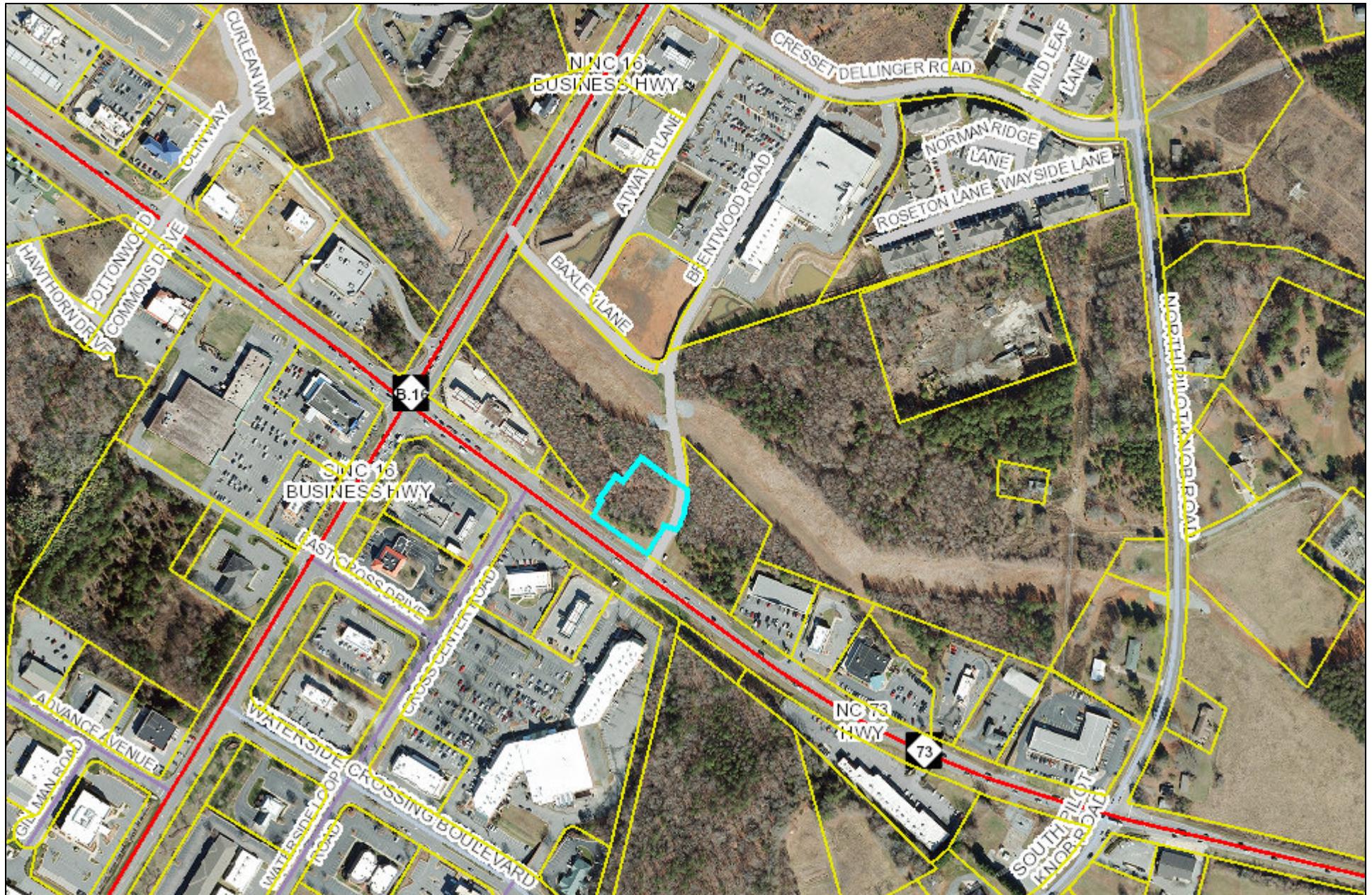


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March 9, 2025

0 300 600 Feet  
1 inch = 300 feet





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March 9, 2025

0 400 800 Feet  
1 inch = 400 feet

