



PLANNING & INSPECTIONS DEPARTMENT

Joshua L. Grant, Manager

To: Board of Adjustment

From: Julie Mosteller, Planner

Date: July 7, 2025

Re: VAR #485

Graham Park, LLC; Bill Zemak, applicant

Parcel ID# 88567

*The following information is for use by the Lincoln County Board of Adjustment at their meeting/public hearing on July 28, 2025.*

Request

The applicant is requesting a variance from Sections 2.4.8.B1 of the Lincoln County Unified Development Ordinance to reduce the required building separation requirement from 20 feet to 10 feet. The UDO reads as follows,

B. Nonresidential Dimensional Standards in Nonresidential Districts

1. As set forth in the Permitted Land Use Table (see §2.2.1) certain nonresidential uses are permitted in nonresidential districts. Permitted nonresidential uses shall meet the following dimensional standards. Applicants shall comply with all other provisions of this UDO and all other applicable laws.

|                               | O-R      | B-N      | B-G      | B-C      | I-L      | I-G      |
|-------------------------------|----------|----------|----------|----------|----------|----------|
| <b>Parcel</b> (min.)          |          |          |          |          |          |          |
| Parcel area (sq. ft.)         | 10,000   | 22,500   | 32,500   | 32,500   | 1 acre   | 1 acre   |
| Parcel width (ft.)            | 50       | 70       | 70       | 70       | 100      | 100      |
| Water/sewer                   | Required | Required | Required | Required | Required | Required |
| <b>Yards</b> (min. ft.)       |          |          |          |          |          |          |
| Road yard (min.)              | 20       | 20       | 30       | 30       | 50       | 50       |
| Road yard (max.)              | 30       | 90       | 150      | N/A      | N/A      | N/A      |
| Side yard (interior)          | 10       | 10       | 15       | 15       | 20       | 20       |
| Abutting residential district | 30       | 20       | 30       | 30       | 50       | 50       |
| Side yard (road)              | 20       | 20       | 30       | 30       | 30       | 30       |
| Rear yard                     | 20       | 20       | 25       | 25       | 30       | 30       |
| Abutting residential district | 30       | 30       | 30       | 30       | 50       | 50       |
| <b>Building Separation</b>    | 20       | 20       | 20       | 20       | 20       | 20       |
| <b>Bulk</b> (max.)            |          |          |          |          |          |          |
| Height (ft.)                  | 35       | 35       | 60       | 60       | 60       | 60       |
| Gross floor area (sq. ft.)    | 10,000   | 10,000   | 50,000   | 50,000   | N/A      | N/A      |
| Building coverage             | 50%      | 50%      | 50%      | 50%      | 50%      | 50%      |
| Impervious surface            | 75%      | 75%      | 75%      | 75%      | 75%      | 75%      |



## PLANNING & INSPECTIONS DEPARTMENT

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### Site Area and Description

The request involves a 5.969-acre parcel located at 2471 N NC 16 Hwy in Catawba Springs Township. The subject property is located in the I-G (Industrial General) zoning district. The subject property is adjoined by property zoned PD-R (Planned District Residential), B-G (Business General) and R-SF (Residential Single Family). Land uses in this area include industrial, commercial and residential uses.

Site plan and GIS maps are included.



## **Variance Application**

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

### **Part I**

Applicant Name Graham Park LLC (Bill Zemak)

Applicant Address 8520 Norman Estates Drive

Applicant Phone Number 704-361-4069

Property Owner's Name Same as above

Property Owner's Address Same as above

Property Owner's Phone Number Same as above

### **Part II**

Property Location 2471 N NC 16 Business HWY

Property ID # (10 digits) 4604352956 Property Size 5.969 AC

Parcel # (5 digits) 88567 Deed Book(s) 3273 Page(s) 742

### **Part III**

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

Parcel is zoning I-G. It is currently being used for warehouse storage. A site plan is being developed to propose additional buildings for contractor offices, warehousing, self storage, and general outdoor storage.

There is one existing 6,000 SF building used as storage.

**Briefly explain your reason for seeking a variance.**

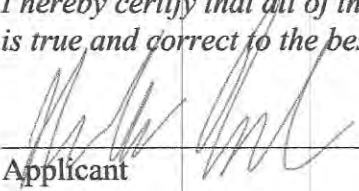
The UDO requires buildings in the I-G district to have a building separation of 20 feet. The 2018 North Carolina Building Code permits a building separation of 10 feet when 1-hour fire-rated exterior wall coverings are used on the walls facing each other. The 1-hour fire-rated exterior wall coverings provide safety and meet the North Carolina State building code. The closer separation of the proposed building has no bearing on zoning other than not conforming with the 20 foot requirement of the UDO.

**Describe the type of variance you need.**

We are seeking a variance from the required building separation of 20 feet listed in UDO Section 2.4.8.B.1 to instead use a separation of 10 feet with 1-hour fire-rated exterior wall coverings which are in accordance with the 2018 North Carolina Building Code Table 602.

**\$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

\_\_\_\_\_  
6/23/25

\_\_\_\_\_  
Date

\_\_\_\_\_  
Graham park LLC  
Owner

\_\_\_\_\_  
6/23/25

\_\_\_\_\_  
Date

Application #: \_\_\_\_\_

Date of Application: \_\_\_\_\_

**BOARD OF ADJUSTMENT'S 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.

Yes   X   No       

*Factual reasons cited by the Board:*

The UDO creates an unnecessary hardship since the North Carolina State  
building code provides the construction requirements for building separation.

Per the building code, separate buildings can have zero separation with the installation of fire walls.

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.

Yes        No   X  

*Factual reasons cited by the Board:*

The hardship is not created by the conditions of the property, but rather a  
UDO requirement that is excessive when compared to the intent and allowance of  
the North Carolina State building code.

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.

Yes   X   No       

*Factual reasons cited by the Board:*

The UDO creates a 20' separation regulation that is in conflict with allowances  
already governed by the North Carolina State building code.

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.  
Yes   X   No

*Factual reasons cited by the Board:*

The proposed building separation will meet the North Carolina State building code  
by providing a 1-hour fire-rated exterior coverings as required for safety and protection.

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

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**In approving said variance, the following conditions have been imposed by the**  
**Board of Adjustment:**

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