



PLANNING & INSPECTIONS DEPARTMENT

Joshua L. Grant, Manager

To: Board of Adjustment

From: Joshua Grant, Manager

Date: November 3, 2025

Re: VAR #492
Sean Earnest, applicant
Parcel ID# 02660 and 29869

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

Request

A request for a variance from Section 9.6.18.E.1 of the Lincoln County Unified Development Ordinance (UDO) to expand the degree of Non-Conformity of an existing lot whose acreage will not be getting closer to compliance as a result of the recombination of property.

“§9.6.18. Replat or Re-subdivision Procedures

E. A recombination of existing parcels may be approved by the Director, subject to the following:

- 1. The resultant lots are equal to the standards of this UDO or more closely conform to the minimum lot size standards in this UDO;”*

Site Area and Description

The request includes a 0.209-acre parcel and a 0.621-acre parcel located at 7553 Katherine Drive in the 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. Land uses in this area are residential.



Variance Application

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

Part I

Applicant Name SEAN EARNEST

Applicant Address 8178 CAMELIA LANE DENVER NC 28037

Applicant Phone Number 704-491-9016

Property Owner's Name EARNEST ESTATES

Property Owner's Address SAME

Property Owner's Phone Number SAME

Part II

Property Location 02660, 180,181,164 LAKEHAVEN ESTATES

Property ID # (10 digits) 4604591031 / 4604582945 Property Size 0.62 / 0.20

Parcel # (5 digits) 180 / 182 Deed Book(s) E-90 Page(s) 3417-487/2897-105

Part III

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

LOT 180 R-SF SINGLE FAMILY STRUCTURE. / LOT 182 R-SF NO STRUCTURES

Briefly explain your reason for seeking a variance.

THE STRICT APPLICATION OF THE ZONING ORDINANCE CREATES AN UNNECCISARY HARDSHIP DUE TO UNIQUE

SITE CONDITIONS

Describe the type of variance you need.

LOT LINE MOVEMENT REMOVES GRANDFATHERED SITE SIZE REQUIREMENT TO BUILD.

\$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.

Sean L Earnest
Applicant Signature

SEAN L. EARNEST

Applicant Printed Name

Sean L Earnest
Owner

9-6-25
Date

9-6-25
Date

Application #: _____

Date of Application: 09/06/2025

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.

See Add on Attached

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.

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.

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.

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

Strict application of the zoning ordinance creates an unnecessary hardship due to unique site conditions. A large subsurface rock formation prevents the property from meeting environmental requirements for a suitable septic system location. By slightly adjusting the platted lot line, the proposed structure can be repositioned to provide an adequate and compliant percolation area for a two-bedroom home. Without the variance, the property cannot achieve a functional or environmentally suitable layout for residential use, despite compliance being possible through a minor lot line adjustment.

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.

The hardship results from a physical condition unique to this specific property and not from conditions common to other lots in the area. The presence of a large underground rock formation directly impacts the placement of the septic system and structure. Neighboring properties do not share this subsurface constraint, making this hardship unique to this parcel.

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 hardship was not created by the property owner. The lot and its conditions existed prior to ownership, and the subsurface rock formation was discovered during soil testing for septic suitability. The proposed adjustment simply seeks to allow reasonable and compliant residential use within the spirit of the zoning regulations.

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.

Granting this variance upholds the spirit and intent of the zoning ordinance by enabling responsible and environmentally compliant residential development. The requested adjustment does not increase density, change use, or negatively affect neighboring properties. It maintains the intended character of the area while resolving an environmental and site constraint.

Parcel ID	02660	Owner	EARNST ESTATES LLC		
Map	4604	Mailing	8178 CAMELIA LN		
Account	0310798	Address	DENVER, NC 28037		
Deed	3417 487	Last Transaction Date	06/24/2025	Sale Price	\$317,500
Plat	E 90	Subdivision	LAKEHAVEN ESTATES	Lot	180 & 181 & 164
Land Value	\$44,000	Improvement Value	\$235,003	Total Value	\$279,003
Previous Parcel					
-----All values for Tax Year 2025 -----					
Description	LAKEHAVEN 180-181/164			Deed Acres	0
Address	7553 KATHERINE DR			Tax Acres	0.621
Township	CATAWBA SPRINGS		Tax/Fire District	DENVER	
Main Improvement	MODULAR HOME			Value	\$234,165
Main Sq Feet	1579.5	Stories	1.5	Year Built	1996
Zoning District	Conditional Use	Calc Acres	Voting Precinct Calc Acres		
R-SF		0.62	WP32	0.62	
Watershed	Sewer District				
0.45	0.62				
0.17					
Census County	Tract		Block		
109	071203		1064	0.62	
Flood	Zone Description		Panel		



Lincoln County, NC

Office of the Tax Administrator, GIS Mapping Division

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Date: 11/6/2025

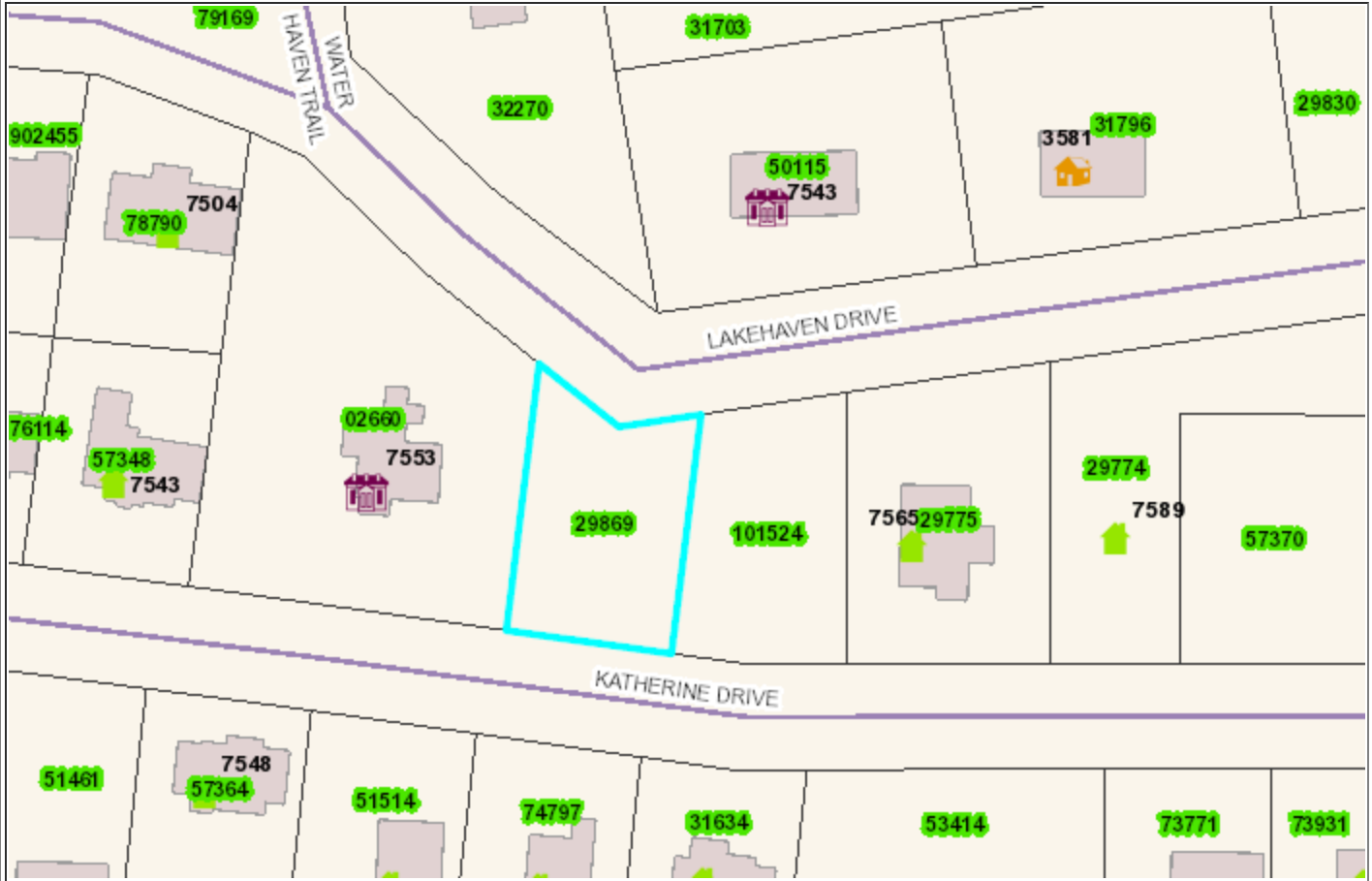


Photo Not Available

Parcel ID	29869	Owner	EARNST ESTATES LLC	
Map	4604	Mailing	8178 CAMELIA LN	
Account	0260300	Address	DENVER, NC 28037	
Deed	2897 105	Last Transaction Date	04/08/2020	Sale Price \$50,000
Plat	E 90	Subdivision	LAKEHAVEN ESTATES	Lot 182
Land Value	\$20,000	Improvement Value	\$0	Total Value \$20,000
Previous Parcel				

-----All values for Tax Year 2025 -----

Description	182 LAKE HAVEN ESTATES	Deed Acres	0
Address	KATHERINE DR	Tax Acres	0.209
Township	CATAWBA SPRINGS	Tax/Fire District	DENVER
Main Improvement		Value	
Main Sq Feet		Year Built	

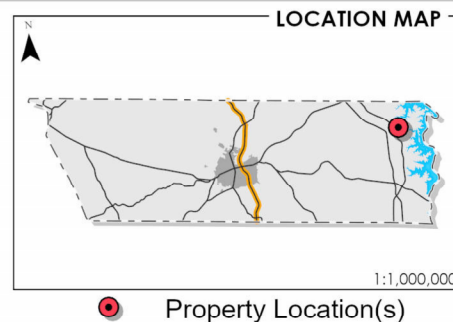
Zoning District	Conditional Use	Calc Acres	Voting Precinct	Calc Acres
R-SF		0.21	WP32	0.21

Watershed		Sewer District	
0.05			
0.15		0.21	

Census County		Tract	Block	
109		071203	1064	0.21

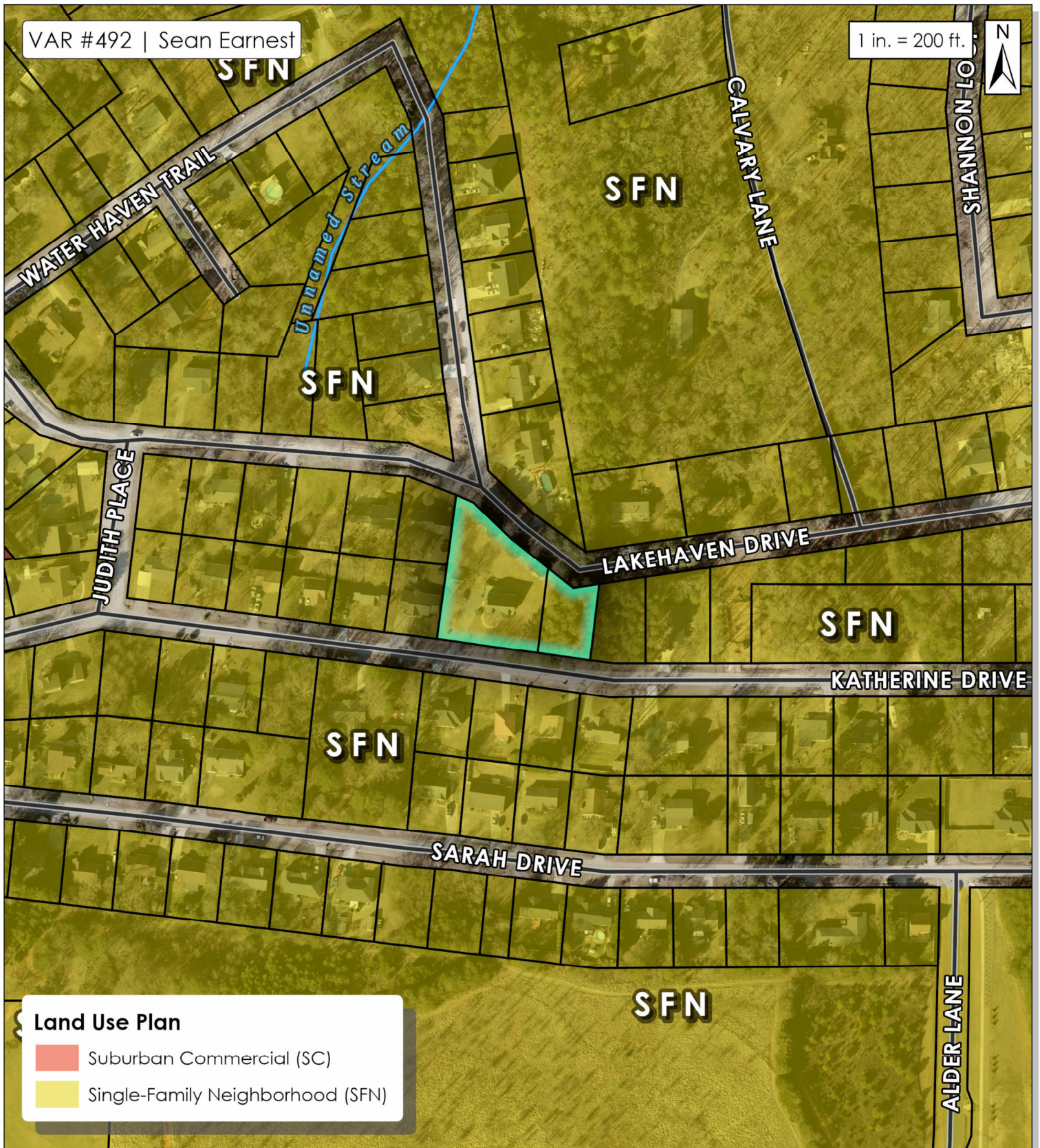
Flood	Zone Description	Panel	
X	NO FLOOD HAZARD	3710460400	0.21

19



VAR #492 | Sean Earnest

1 in. = 200 ft.

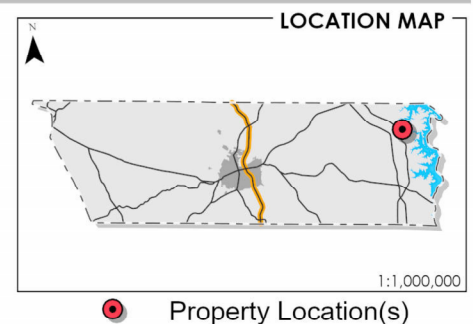


Lincoln County
Planning & Inspections
115 W. Main St
3rd Floor
Lincolnton, NC 28092

Parcel ID # 02660 & 29869

 - Property Location(s)

See Attached Application for Parcel Information



NOTES:

- * PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED RIGHTS OF WAYS OR EASEMENTS NOT OBSERVED
- * THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH.
- * OWNER TO VERIFY ALL SETBACKS AND ZONING REGULATIONS PRIOR TO ANY PLANNING OR CONSTRUCTION.
- * DIMENSIONS OF ALL IMPROVEMENTS SHOWN ON THIS PLAT SHOULD NOT BE SCALED OR RELIED UPON FOR DESIGN OR CONSTRUCTION WITHOUT A FIELD VERIFICATION OF ALL DIMENSIONS.
- * PROPERTY CORNER MARKERS ARE FOUND CORNERS UNLESS OTHERWISE NOTED AS "SET".

LEGEND

R\W	RIGHT-OF-WAY
E\P	EDGE OF PAVEMENT
C\L	CENTERLINE
PDE	PUBLIC DRAINAGE EASEMENT
SSE	SANITARY SEWER EASEMENT
⊗	UTILITY POLE
⊗	LIGHT POLE
~~~~~	OVERHEAD UTILITY LINE
—□—□—□—	FENCE
- - - - -	R\W LINE
—————	BOUNDARY LINE

