



COUNTY OF LINCOLN, NORTH CAROLINA
PLANNING AND INSPECTIONS DEPARTMENT

To: Zoning Board of Adjustment

From: Randy Hawkins
Zoning Administrator

Date: November 8, 2012

Re: VAR #327
TKC LIV, LLC
Parcel ID# 19003

The following information is for use by the Lincoln County Zoning Board of Adjustment at its meeting/public hearing on November 26, 2012.

Request

TKC LIV, LLC is requesting a variance from Section 2.4.8.B.1 of the Lincoln County Unified Development Ordinance to allow a tract of land to be subdivided and an existing building to be expanded without the existing building or the addition being set back any distance from the new property line. The property line would run with the wall between the existing building and the addition. Section 2.4.8.B.1 states that the minimum side yard setback in the I-G (General Industrial) district is 20 feet.

Site Area and Description

The 85-acre tract is located at 838 Lincoln County Parkway, on the north side of Lincoln County Parkway about 1,200 feet west of Finger Mill Road, in the Lincoln County Industrial Park. It is the site of a 780,000-square-foot manufacturing and distribution facility. This property is zoned I-G and is adjoined by property zoned I-G and R-R (Rural Residential). Land uses in this area include industrial and residential.

Applicant TKC LIV, LLC

Application # VAR #327

ZONING BOARD OF ADJUSTMENT'S FINDINGS OF FACT

1. THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY
HARDSHIPS IN THE WAY OF CARRYING OUT THE STRICT LETTER OF
THE ORDINANCE. YES _____ NO _____

A. If the property owner complies with the provisions of the
ordinance, he can secure no reasonable return from or make no
reasonable use of his property. Yes _____ No _____
Factual reasons cited by the Board:

B. The hardship results from the application of the ordinance.
Yes _____ No _____
Factual reasons cited by the Board:

C. The hardship is suffered by the applicant's property.
Yes _____ No _____
Factual reasons cited by the Board:

D. The hardship is not the result of the applicant's own action.
Yes _____ No _____
Factual reasons cited by the Board:

E. The hardship is peculiar to the applicant's property.
Yes _____ No _____
Factual reasons cited by the Board:

2. THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THIS ORDINANCE. Yes _____ No _____
Factual reasons cited by the Board:

3. IN THE GRANTING OF THE VARIANCE, THE PUBLIC SAFETY AND WELFARE HAVE BEEN ASSURED AND SUBSTANTIAL JUSTICE HAS BEEN DONE. Yes _____ No _____
Factual reasons cited by the Board:

4. THE REASONS SET FORTH IN THE APPLICATION JUSTIFY THE GRANTING OF A VARIANCE, AND THAT THE VARIANCE IS A MINIMUM ONE THAT WILL MAKE POSSIBLE THE REASONABLE USE OF LAND OR STRUCTURES. Yes _____ No _____
Factual reasons cited by the Board:

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

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

Variance Application

Lincoln County Planning and Inspections Department
302 N. Academy St., Suite A, Lincolnton, NC 28092
Phone: (704)736-8440 Fax: (704)732-9010



Part I

Applicant Name TKC LIV, LLC a North Carolina limited liability company

Applicant Address c/o The Keith Corporation, 5935 Carnegie Boulevard, Suite 200, Charlotte, NC 28209

Applicant Phone Number 704-319-8140

Property Owner's Name TKC LIV, LLC a North Carolina limited liability company

Property Owner's Address c/o The Keith Corporation, 5935 Carnegie Boulevard, Suite 200, Charlotte, NC 28209

Property Owner's Phone Number 704-319-8140

Part II

Property Location 838 Lincoln County Parkway, Lincoln County Industrial Park, Lincolnton, NC

Property ID # (10 digits) 3636710625 Property Size 84.685 acres

Parcel # (5 digits) 19003 Deed Book(s) 2016 Page(s) 231

Part III

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

The property is zoned I-G and is used by RSI Home Products on a long term lease as a manufacturing and distribution facility for cabinets and vanities. The current building is +/- 775,000 sf and was built in 3 phases.

Briefly explain your reason for seeking a variance.

RSI Home Products needs to have the building expanded by 225,000 sf in order to accommodate growth plans. RSI Home Products is requiring an integrated facility as part of the expansion and without a variance to the setback lines the expansion cannot be accommodated. New taxable investment of +/- \$7,500,000 in real property along with additional investment in machinery & equipment and the creation of additional jobs will result from this expansion. Due to unforeseen circumstances in the financial markets, and through no fault or action of Owner, the existing lender has no allocation of funds for the owner to expand the building for RSI and the existing loan cannot be pre-paid without incurring in excess of \$2,000,000 in pre-payment penalties. In order for another lender to finance the expansion, which the Owner has the capability to procure, the property has to be subdivided on a zero lot line basis so that each lender has a first lien position on its respective improvements.

Without this variance, RSI and the Owner cannot utilize the property and would have to look at doing this project at a different facility in Texas or California. If RSI can do the project in Lincoln County, they will commit to a 15 year lease on the 1,000,000 sf expanded facility and keep hundreds of people employed long term. Otherwise, they would look at other options in other counties and States.

Describe the type of variance you need.

A zero lot line for an internal setback line is needed such that the expansion project can be an extension of the current building, the property line would be on the demising wall between the existing building and the expansion, and the drive coming off of Lincoln County Parkway to the expansion parcel would also touch the property dividing line.
Granting the variance is in harmony with the intent of the ordinance and will not jeopardize public safety as all external setback lines will be maintained. The project will be constructed such that it appears to be one integrated project which conforms with the ordinance.

**\$500 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 *Authorized Member, TKC LIV, LLC*

11/5/12

Date

Owner *Authorized Member, TKC LIV, LLC*

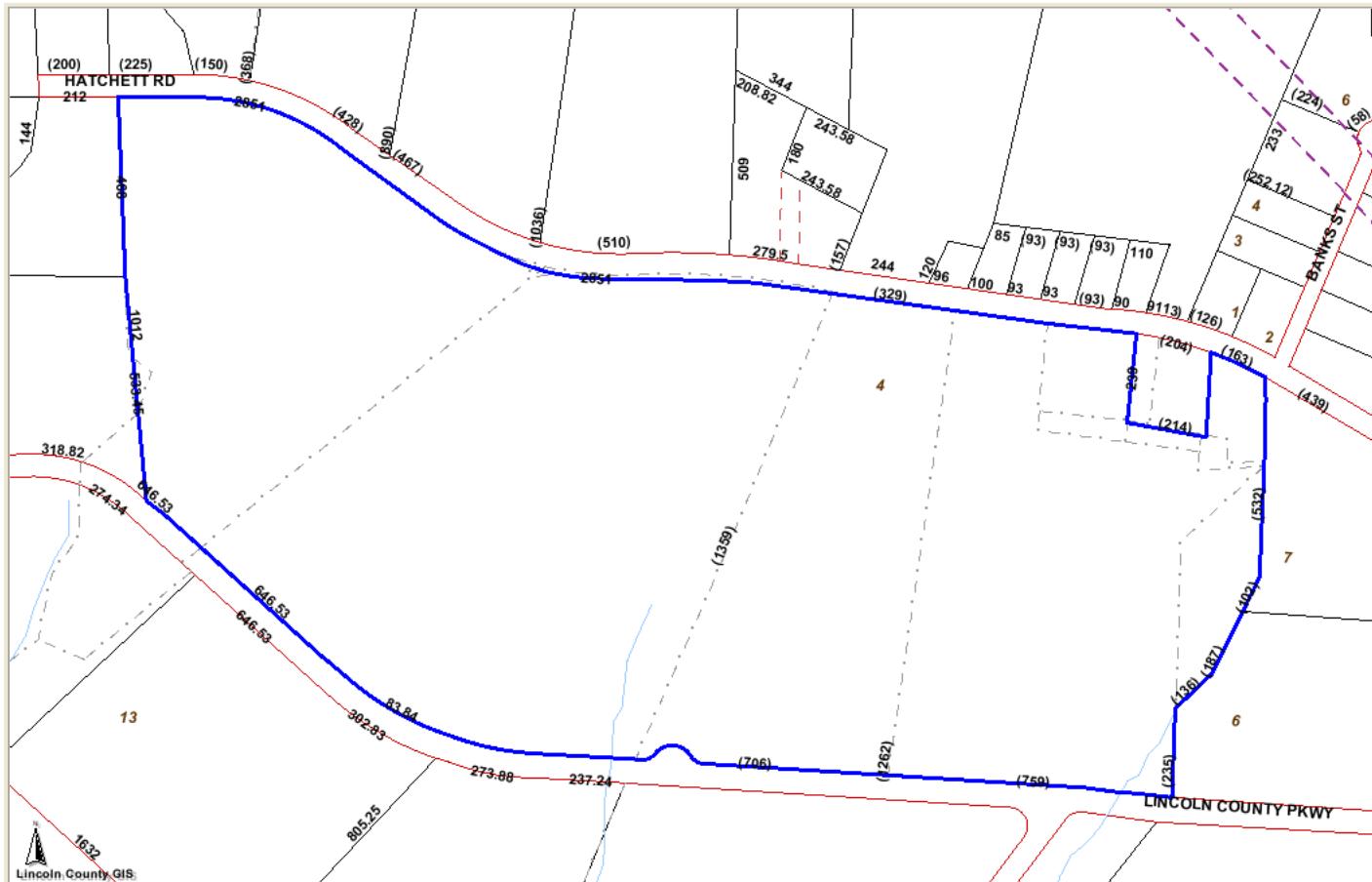
11/5/12

Date

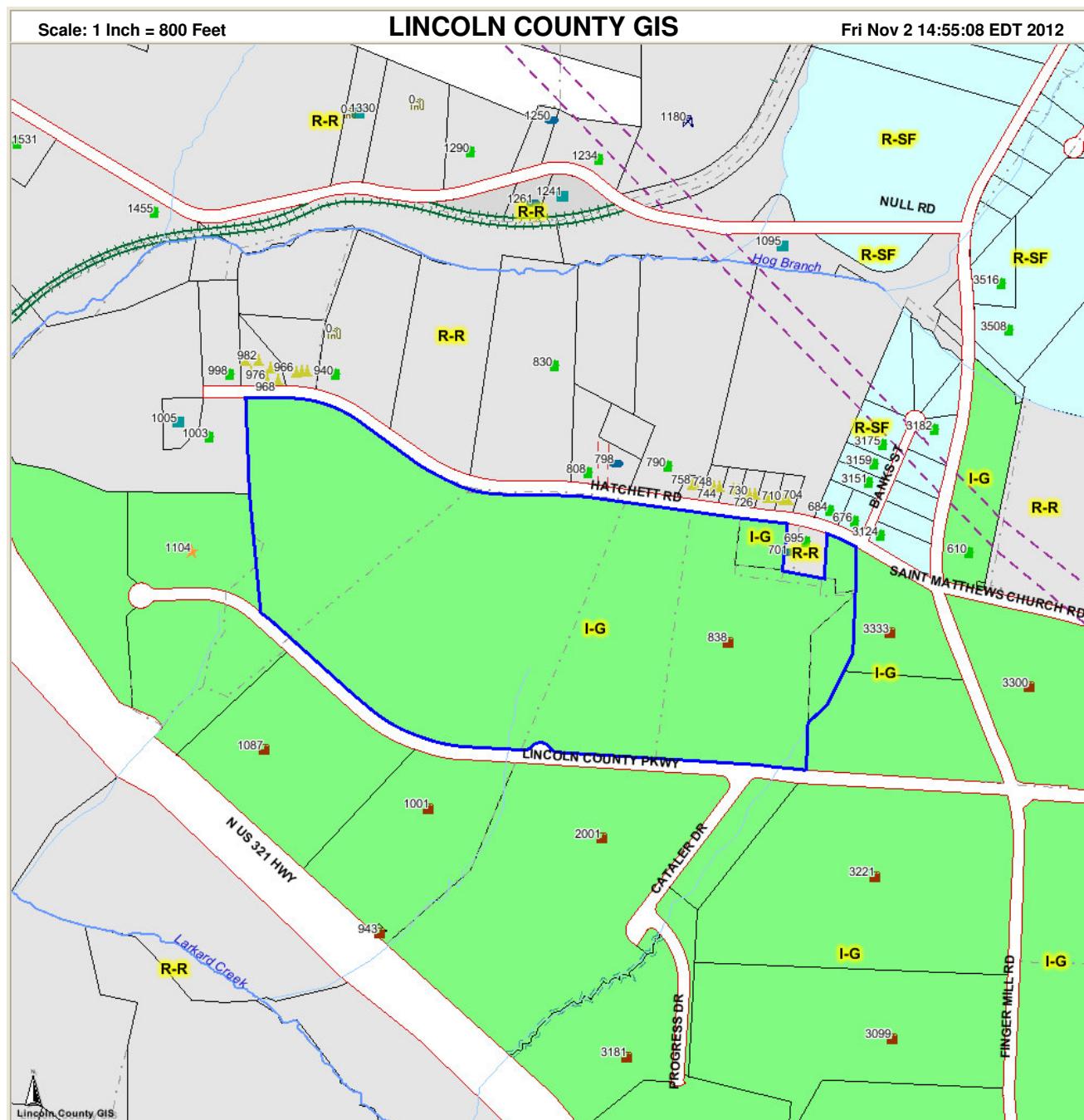


Lincoln County, NC

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: 11/2/2012 Scale: 1 Inch = 500 Feet



PHOTOS		PARCEL INFORMATION FOR 3636-71-0625					
		Parcel ID 19003 Owner TKC LIV LLC Map 3636-00 Mailing Address 5935 CARNEGIE BLVD SUITE 200 Account 0171025 Recorded 3/13/2008 Sale Price \$5,000 Deed 2016-231 Total Value \$28,165,866 Previous Parcel Land Value \$1,800,090					
----- All values are for tax year 2012. -----							
Subdivision Lot 4 TKC LIV LLC		Plat 14-400 Description #4 TKC LIV LLC RECOMBINE Address 838 LINCOLN COUNTY PKWY Township LINCOLNTON Tax/Fire District NORTH 321					
Main Improvement MANUFACTURING/OFFICE Main Sq Feet 780000 Stories 1 Year Built 2003 Value \$26,257,776							
		Zoning District Calculated Acres Voting Precinct HICKORY GROVE (HG17) Calculated Acres 85.01 I-G 85.01 Watershed Class Not in a watershed 85.01 2000 Census County Not in the sewer district					
Flood Zone Description		Tract 070800 Block 2003 Panel 3710363600 Calculated Acres 85.01 X NO FLOOD HAZARD					



Structures

- Outbuilding
- Site-built Home
- Business
- Industry
- Utility Service
- Church
- Government, School
- Fire Department
- Mobile Home
- Apartment, Condominium
- Manufactured Home
- Cellular Tower (cont)

Mobile Home Space

- UnAddressed Mobile Home
- Child Facility
- Home Site
- County Boundaries
- County Line
- Township Line
- Map Features
- Road Easement
- Conflict Line
- Major Rivers, Creeks (cont)

Creeks

- Interior Lot Line
- Drainage Easement
- Utility Easement
- Right-of-Ways
- Roads
- Railroads
- Public Walkway
- Parcels
- Private Roads
- City Jurisdictions
- City of Lincolnton
- ETJ (cont)

Town of Maiden Zoning Districts

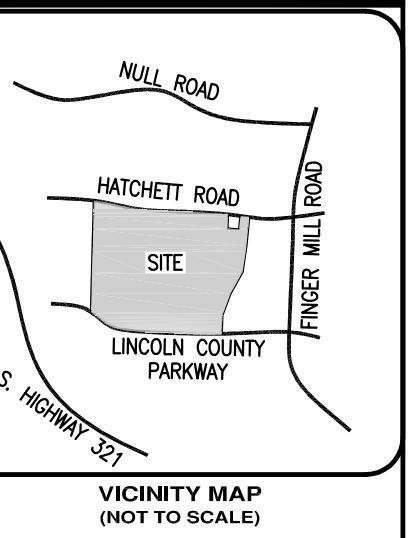
- ELDD
- B-G
- B-N
- I-G
- I-L
- P-MU
- PD-C
- PD-I
- PD-MU
- PD-R
- ETJ (cont)
- R-CR
- R-14
- R-20
- R-MF
- R-MR
- R-R
- R-S
- R-SF
- R-T
- C-B
- CBT
- G-B
- GMC
- P-R (cont)

O-I

- P-B
- R-10
- R-15
- R-25
- R-8
- RMF
- R-O
- O-R
- ROS
- B-C
- Lake Norman

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. Lincoln County, NC Office of the Tax Administrator, GIS Division

NOT CONSTRUCTION DRAWINGS



PROJECT NUMBER	01112012CON
DESIGN By	HAR
APPROVED By	ME
DRAWN By	HAR
Date	11-01-2012
DIGITAL FILE	

5
4
3
2
1
ISSUE

REVISION
OWNER

TKC LIV, LLC
5935 CARNEGIE BLVD. SUITE 200 CHARLOTTE, NC 28209

DEVELOPER
TKC LIV, LLC

TKC CXIV, LLC
5935 CARNEGIE BLVD. SUITE 200 CHARLOTTE, NC 28209

RSI PLANT EXPANSION
838 LINCOLN COUNTY PARKWAY LINCOLTON, NORTH CAROLINA LINCOLTON TOWNSHIP, LINCOLN COUNTY, NC

SITE PLAN EXHIBIT

CO

NOTES:

- IRON RODS AT ALL CORNERS UNLESS OTHERWISE NOTED.
- ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES.
- THE PURPOSE OF THIS IS TO SET LOT 4 AS PREVIOUSLY RECORDED IN PARCEL ID: 18834. ADD 400 FEET TO THE NEW LOT 4 AND LOT 4A AS SHOWN.
- UTILITY LOCATING SERVICE NC ONE CALL 1-800-632-4449
- AREA COMPUTED BY THE CORONATE METHOD
- NO MARKABLE NOSS CONTROL MONUMENT LIES WITHIN 2000' OF SUBJECT PROPERTY.
- BEARINGS SHOWN ON THIS PLAN ARE ORIENTED TO NORTH CAROLINA GRID (NAD 83) AND ARE NOT TRUE NORTH.
- PHYSICAL IMPROVEMENTS AND OTHER MATTERS EXIST ON LOT 4 AND LOT 4A THAT ARE NOT SHOWN ON THIS MAP.
- THIS DRAWING WAS DRAWN WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT. JAMES MAUNEY & ASSOCIATES, P.A. IS NOT RESPONSIBLE FOR ANY MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY.
- THE SUBJECT PROPERTY IS ZONED I-G (INDUSTRIAL GENERAL).

