



**COUNTY OF LINCOLN, NORTH CAROLINA**  
PLANNING AND INSPECTIONS DEPARTMENT

To: Zoning Board of Adjustment

From: Randy Hawkins  
Zoning Administrator

Date: January 11, 2013

Re: VAR #329  
Mark Fischer, applicant  
Parcel ID# 953516

*The following information is for use by the Lincoln County Zoning Board of Adjustment at its meeting/public hearing on January 28, 2013.*

**Request**

The applicant is requesting variances from Sections 2.4.5.C and 4.8.3.B of the Lincoln County Unified Development Ordinance to allow a road yard setback of 24.5 feet and a lakeside setback of 44 feet for a proposed house. Section 2.4.5.C states that the minimum road yard setback in the R-SF (Residential Single-Family) district is 30 feet and Section 4.8.3.B states that no principal or accessory structure on a lot abutting Lake Norman may be located closer than 50 feet inward from the edge of the full-pond level line. The variances would apply to an attached garage on the front of the house and to a covered deck on the rear.

**Site Area and Description**

The 0.6-acre parcel is located on the east side of Webbs Chapel Church Road at its intersection with Shady Meadow Lane. It is adjoined by property zoned R-SF and by Lake Norman. Land uses in this area are predominately residential. Webbs Chapel Church Road ends just north of this lot. The left side of this lot (as viewed from the road) is less than 100 feet deep. On the right side, the 760-foot contour line (the full-pond level of the lake) extends inward past the property line.

Applicant Mark Fischer

Application # VAR #329

**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:*

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

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

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

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

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

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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:*

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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:*

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*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:*

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

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## 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 Mark Fischer

Applicant Address 7988 Lakeview Dr., Denver, NC 28037

Applicant Phone Number (828) 485-8445

Property Owner's Name Mark Fisher (pending buyer) - Scott Foisy (seller) - closing scheduled for 1/14/2013

Property Owner's Address same as applicant

Property Owner's Phone Number same as applicant

### Part II

Property Location #4A John T Mundy Subdivision - Webbs Chapel Church Rd.

Property ID # (10 digits) 4615-28-9182 Property Size .626 Acres

Parcel # (5 digits) 953516 Deed Book(s) 1614 Page(s) 865  
(from 8/2/2004 sale - will be updated on 1/14/2013)

### Part III

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

Zoned R-SF. Land is vacant with attached, permitted dock. Well and septic permitted for 4 bedroom

single-family dwelling

Briefly explain your reason for seeking a variance.

Lot depth does not allow a reasonably sized house within the allowed setbacks. The planned structure has 2193 heated square feet (hsf) in a 1.5 story configuration with 1641 hsf on the main floor and an unfinished basement. The house width is kept to a minimal and shifted as far to the right (when viewing from the road) on the property as possible. The left side of the property is reserved for the initial and repair septic fields. The "L" shape of the house allows the well to be positioned in the front right of the property (away from the septic and beyond the minimum setback to the house). We have experimented with many house plan configurations. This one allows us to request a minimum variance and still position a reasonably sized house, well, and septic field.

Describe the type of variance you need.

We would like to position the house on the property as shown in Attachment A. In order to accomplish this, we are requesting the following variances:

1. A setback from the front property line (assumed road right-of-way) of 24.5 feet
2. A setback from the current 760' line of 44', which is 60' from the rear property line and conforms to the deed restriction recorded on page 719 of book 1125 (attachment B). These deed restrictions were established to ensure that a structure built on this lot did not obstruct the view of the neighboring house. This is also well beyond the recorded 30' setback that was in force for the older surrounding houses.

We have also attached a copy of the septic permit (Attachment C).

**\$500 APPLICATION FEE MUST BE RECEIVED  
BEFORE PROCESSING A VARIANCE REQUEST**

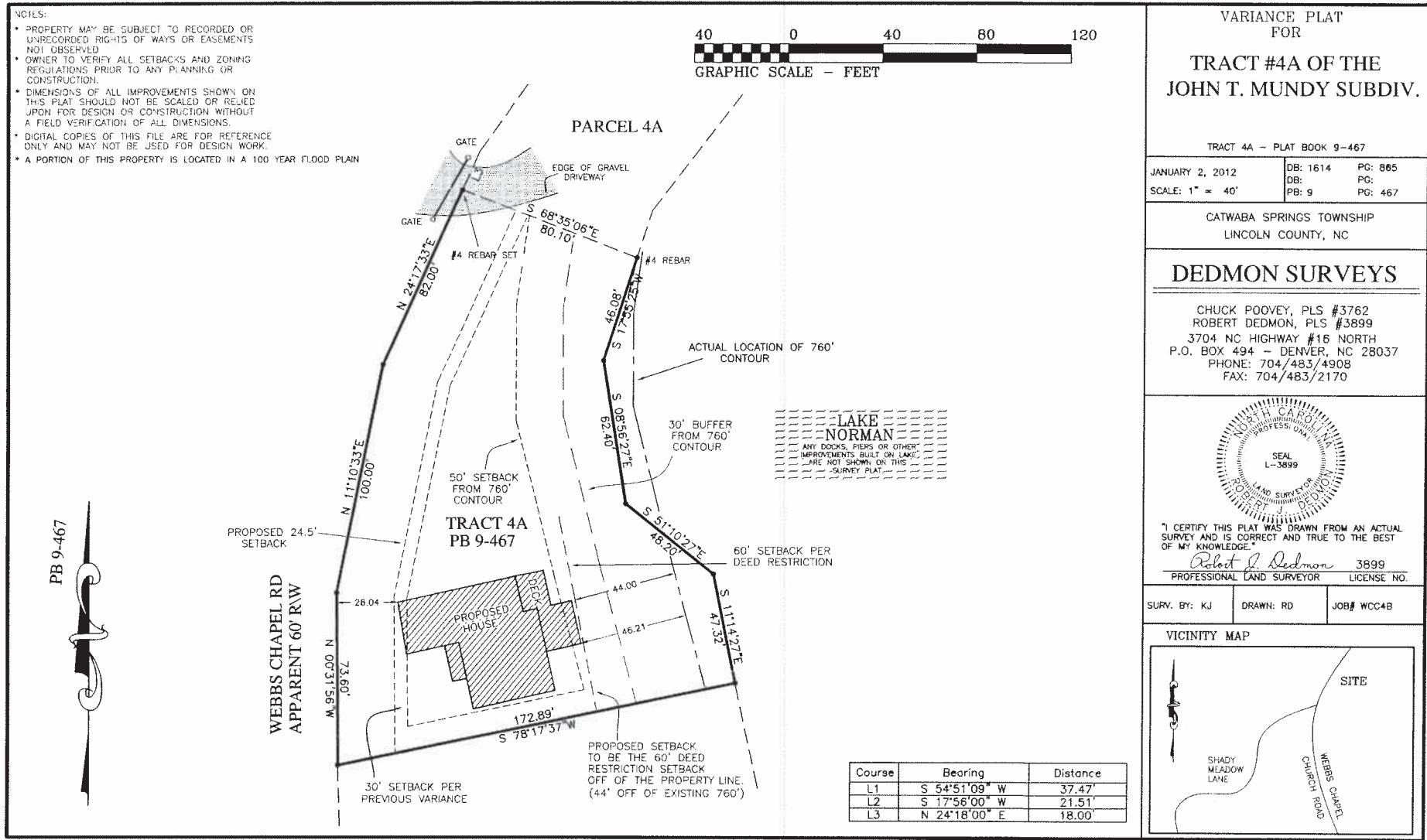
*I hereby certify that all of the information provided for this application and attachments is true and correct  
to the best of my knowledge.*

Mark Fischer  
Applicant

1/4/13  
Date

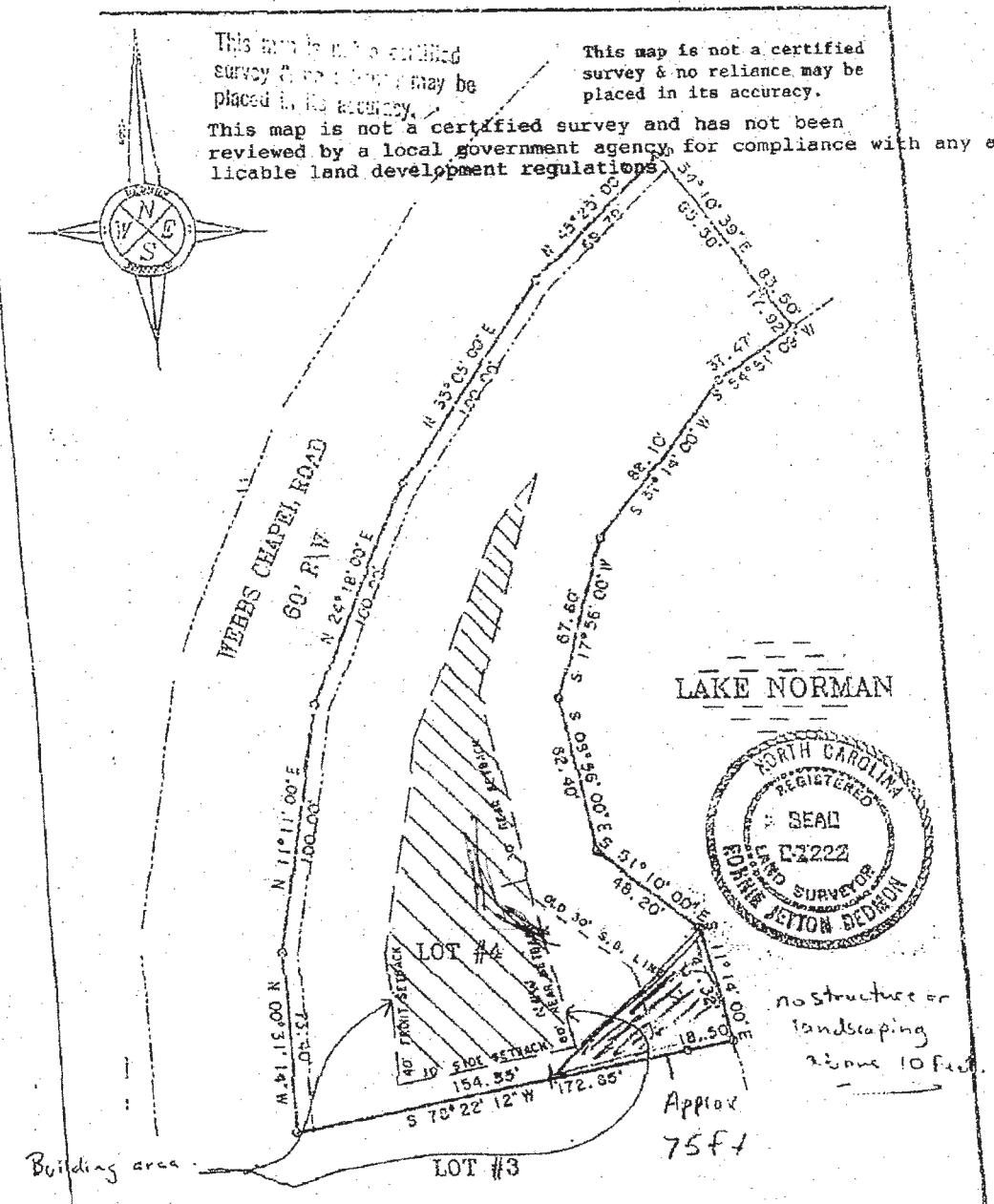
S. Fasay  
Owner

1/3/13  
Date



Attachment B

BOOK 1125 PAGE 719



PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED RIGHTS OF WAY OR EASEMENTS NOT OBSERVED

NOTE: NO FIELD SURVEY WAS CONDUCTED. THE PURPOSE OF THIS PLAT IS TO REVISE THE LAKESIDE SETBACK LINE FOR LOT #4.

RONNIE DEDMON, RLS L-1222

SETBACK REVISION MAP FOR  
LOT #4 OF THE MINOR SUBDIVISION FOR JOHN T. MUNDY

CATAWBA SPRINGS TWP., LINCOLN CO., N.C.  
APRIL 11, 1987 SCALE: 1" = 50'  
RONNIE DEDMON SURVEYORS, P.A.  
RONNIE DEDMON, REG. SURV. L-1222  
CHUCK POOVY, REG. SURV. L-3762  
P.O. BOX 404, DENVER, N.C. 28037  
(704) 483-4908

PB G, PG 249

RESTRICT-Z33

Attachment C

LINCOLN COUNTY HEALTH DEPARTMENT

302 NORTH ACADEMY STREET, SUITE B - LINCOLNTON, N.C. 28092 - PHONE: (704) 736-8426 - FAX: (704) 736-8427

Application Type: EH IMPROVEMENT APPLICATION

Permit #: 11-90000230 PIN: 4615 -06 -28 -9182 Date: 12/04/12

Owner: FOISY SCOTT (704) 606-0708

Parcel ID: 953516

Applicant: J KEN WILLIAMS (704) 644-5691

Directions to property: WEBBS CHAPEL CHURCH RD

HWY 16S LEFT ON WEBBS CHAPEL CH RD LEFT  
ON BURTON LN GO APPROX 1/4 MILE TAKE RIGH  
T GO PAST CH TO END OF ROAD BELOW BRICK  
HOUSE

-New applicants must reapply for an  
authorization to construct and well permit, if  
applicable, at the current fee in order to obtain  
a building permit and have septic system and well  
installed.

Residence: Y

Nbr of Bedrooms: 5

New applicant must remark all structures and  
property lines as marking policy states before  
Water Dept. issues the private  
well permit and have the authority to  
construct permit.

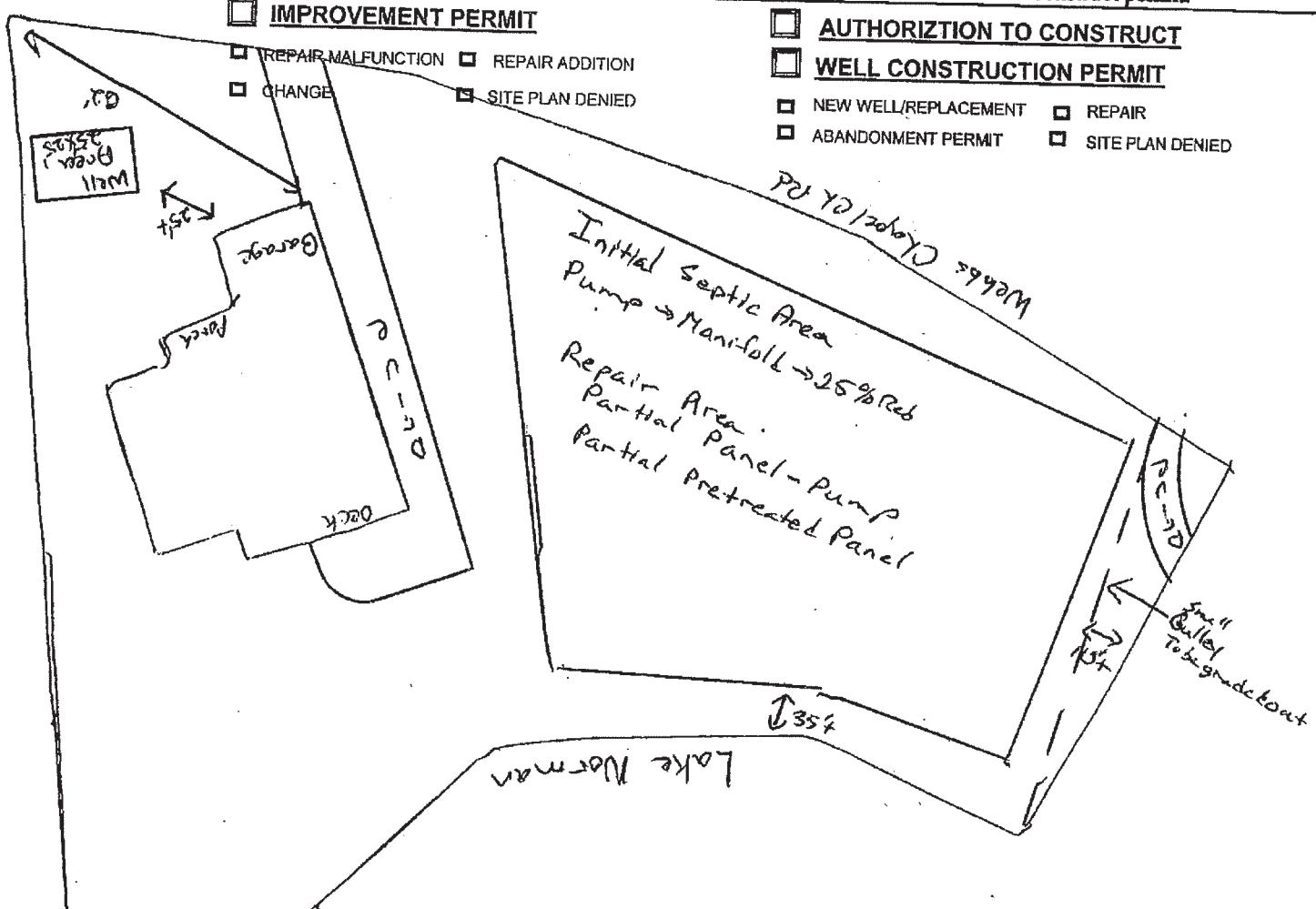
IMPROVEMENT PERMIT

REPAIR/MALFUNCTION  REPAIR ADDITION  
 CHANGE  SITE PLAN DENIED

AUTHORIZATION TO CONSTRUCT

WELL CONSTRUCTION PERMIT

NEW WELL/REPLACEMENT  REPAIR  
 ABANDONMENT PERMIT  SITE PLAN DENIED



TYPE OF SYSTEM	GRAVITY / PUMP	TANK SIZE	ST	PT GALLONS
ABSORPTION AREA	TRENCH (WidthxLengthxDepth)	AGGREGATE DEPTH	INCHES	NUMBER OF TRENCHES
TRENCH SPACING	On Center			
DISTANCE BETWEEN WATER SUPPLY AND SEPTIC	100' (IN FEET)		PRODUCT	
CONDITIONS	DO NOT INSTALL WHEN WET	DESIGN FLOW	480	LTAR 0.30

AUTHORIZED AGENT

SEPTIC: Douayl Clark  
DATE: 12/4/12

WELL:

DATE:



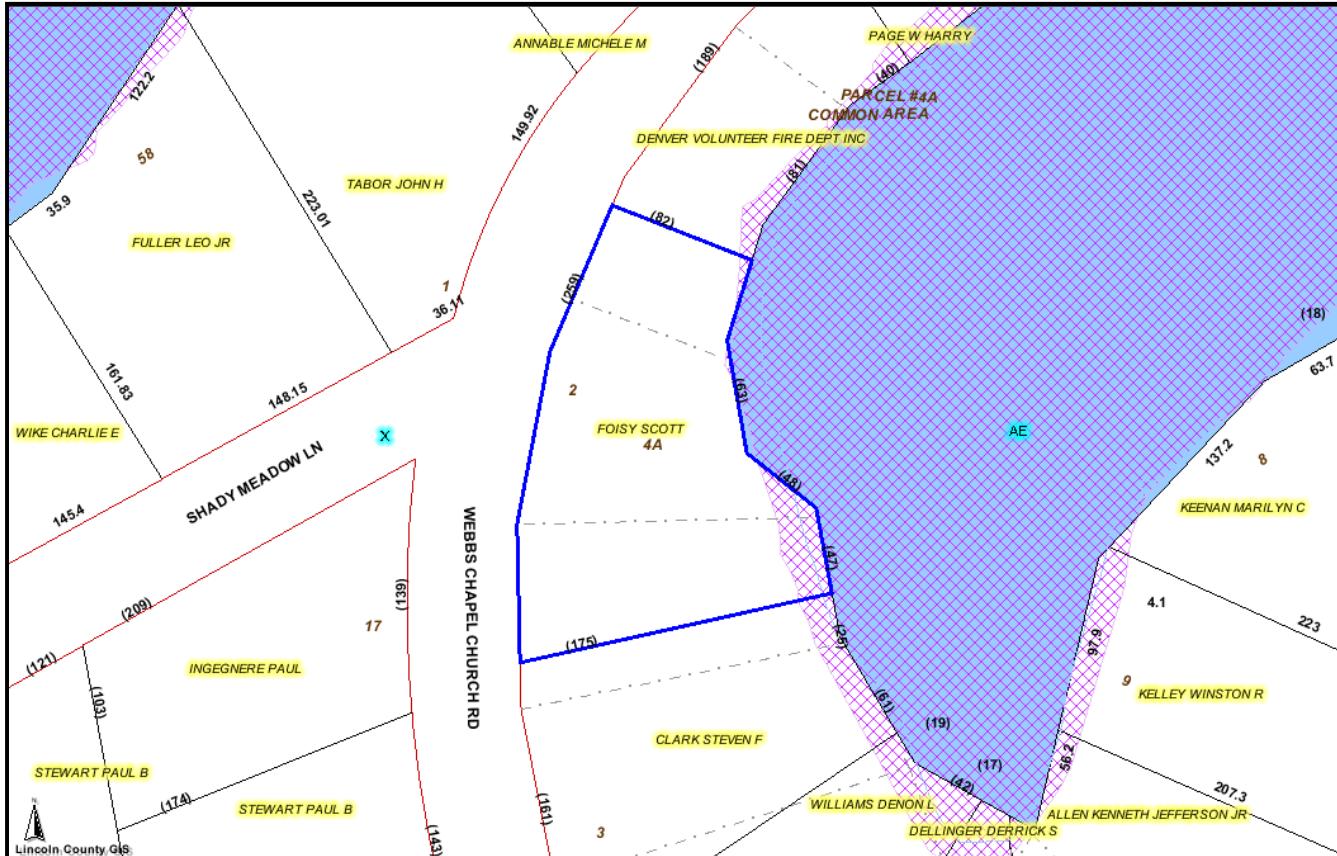
## Lincoln County, NC

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: 1/10/2013 Scale: 1 Inch = 100 Feet



PHOTOS		PARCEL INFORMATION FOR 4615-28-9182					
 Photo Not Available		Parcel ID	953516	Owner	FOISY SCOTT		
		Map	4615-06	Mailing	8005 GLAMORGAN LANE		
		Account	0137714	Address	MATTHEWS NC 28105		
		Deed	1614-865	Recorded	8/2/2004	Sale Price	0
		Land Value	\$331,375	Total Value	\$347,875	Previous Parcel	53516
----- All values are for tax year 2012. -----							
		Subdivision	Lot 4A JOHN T MUNDY	Plat	9-467		
		Description	#4A JOHN T MUNDY SUB	Deed Acres	0		
		Address	WEBBS CHAPEL CHURCH RD	Tax Acres	0.62		
		Township	CATAWBA SPRINGS	Tax/Fire District	DENVER		
		Main Improvement		Shoreline Improvement		Value	\$9,000
		Main Sq Feet	180	Stories	0	Year Built	2000
		Zoning District		Calculated Acres			
		R-SF	0.63	Voting Precinct			
		Watershed Class	WS-IVC	DENVER (DN29)			
		2000 Census County		Sewer District			
		37109		Not in the sewer district			
		37109		Tract		Block	
				071200	1010	0.52	
				071200	1999	0.1	
		FloodZone Description				Panel	
		AE	SPECIAL FLOOD HAZARD AREA BASE ELEVATION DETERMINED - 100				37104615000.03
		YEAR					
		X	NO FLOOD HAZARD				37104615000.59

