



LINCOLN COUNTY PLANNING & INSPECTIONS DEPARTMENT
302 NORTH ACADEMY STREET, SUITE A, LINCOLNTON, NORTH CAROLINA 28092
704-736-8440 OFFICE 704-736-8434 INSPECTION REQUEST LINE 704-732-9010 FAX

To: Zoning Board of Adjustment

From: Randy Hawkins, Zoning Administrator

Date: May 8, 2015

Re: VAR #410
Douglas Dellinger, applicant
Parcel ID# 84970

The following information is for use by the Lincoln County Zoning Board of Adjustment at its meeting/public hearing on May 26, 2015.

Request

The applicant is requesting a variance from Section 2.4.5.C of the Lincoln County Unified Development Ordinance to permit a side yard setback of 5 feet for a deck on a proposed house. Section 2.4.5.C states that the minimum side yard setback in the R-SF (Residential Single-Family) district is 10 feet.

Site Area and Description

The 2.5-acre parcel is located on the east side of Little Creek Drive about 400 feet north of Pine Ridge Drive. It is adjoined by property zoned R-SF and PD-R (Planned Development-Residential) and by Lake Norman. Under the UDO and under the state's Catawba River buffer rules, any structure must be set back at least 50 feet from the full-pond level of the lake. A 320-foot-wide Duke Energy transmission right-of-way bisects this property. A regular power line runs outside the eastern edge of the right-of-way, near the proposed site for the house.



COUNTY OF LINCOLN, NORTH CAROLINA

PLANNING AND INSPECTIONS DEPARTMENT

302 NORTH ACADEMY STREET, SUITE A, LINCOLNTON, NORTH CAROLINA 28092

Applicant **Douglas Dellinger**

Application No. **VAR #410**

Request **Variance from Section 2.4.5.C to permit a side yard setback of 10 feet for a deck on a proposed house**

ZONING 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 _____ No _____

Factual reasons cited by the Board:

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 _____

Factual reasons cited by the Board:

3. THE HARSHIP 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 HARSHIP.)

Yes _____ No _____

Factual reasons cited by the Board:

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 _____ 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 Douglas DeLingier

Applicant Address PO Box 1472 Denver NC 28037

Applicant Phone Number 704 913 5190

Property Owner's Name Millard Purvis Anderson

Property Owner's Address 4145 Cindy Ln Denver NC 28037

Property Owner's Phone Number 704 572 7503

Part II

Property Location lot 4 Little Creek Dr, Denver 28037

Property ID # (10 digits) 4605-76-1404 Property Size 2.53 acres

Parcel # (5 digits) 84970 Deed Book(s) 14 Page(s) 378

Part III

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

Residential, No existing structures

Briefly explain your reason for seeking a variance.

Due to the 50ft lake buffer, power line right of way and set back from neighboring lot the buildable space is restricted

Describe the type of variance you need.

side setback of 5ft from the property line

**\$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 

5/15/15
Date

Owner Murphy, Devin 8/5/15 Date

8/5/15

Digitized by srujanika@gmail.com

220 J. D. LEE

DRAFT BUDGET FOR THE FISCAL YEAR 1955-1956 17

¹⁰ See, e.g., *W. H. H. Clayton, The Law of the Sea (1976)* (hereinafter "Clayton").



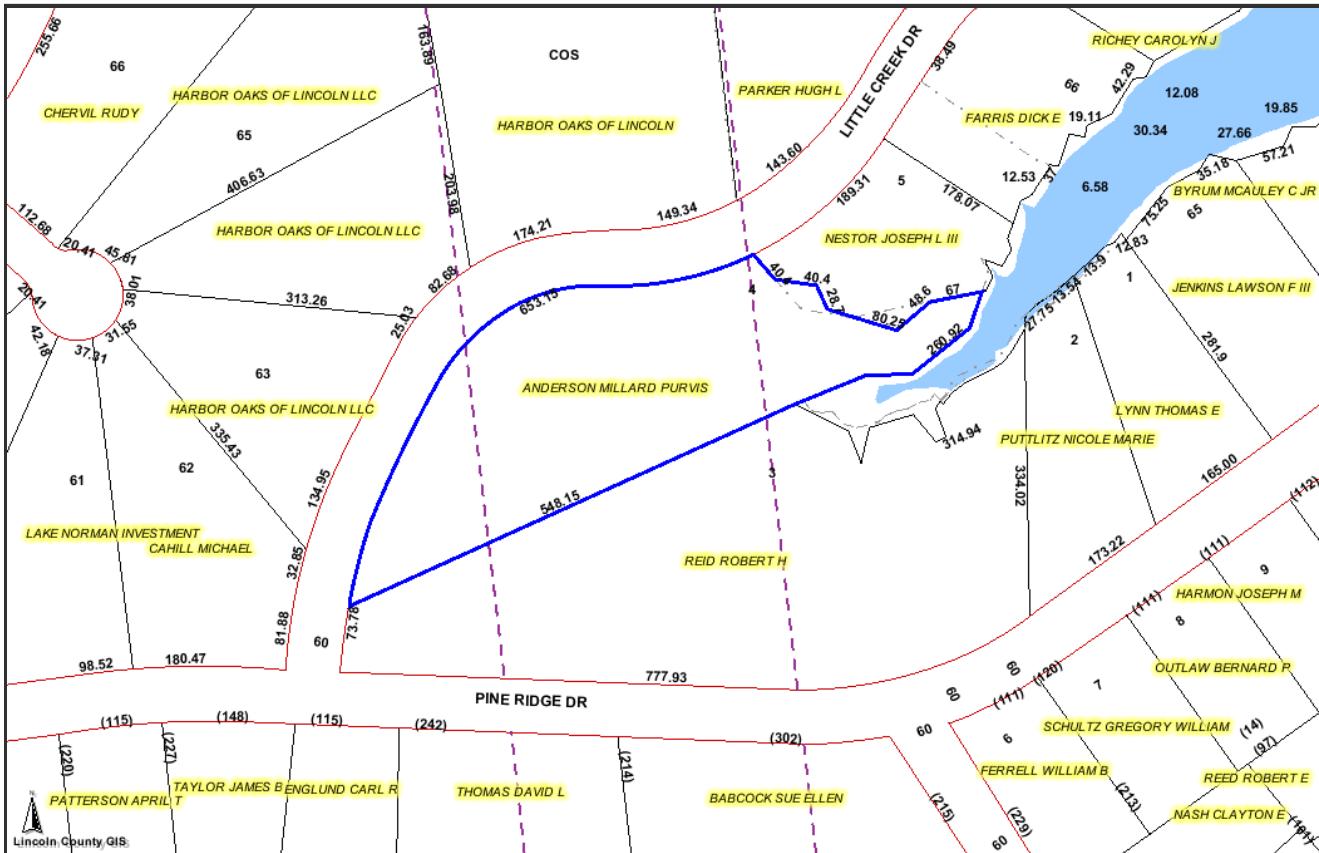
Lincoln County, NC

Office of the Tax Administrator, GIS Mapping Division

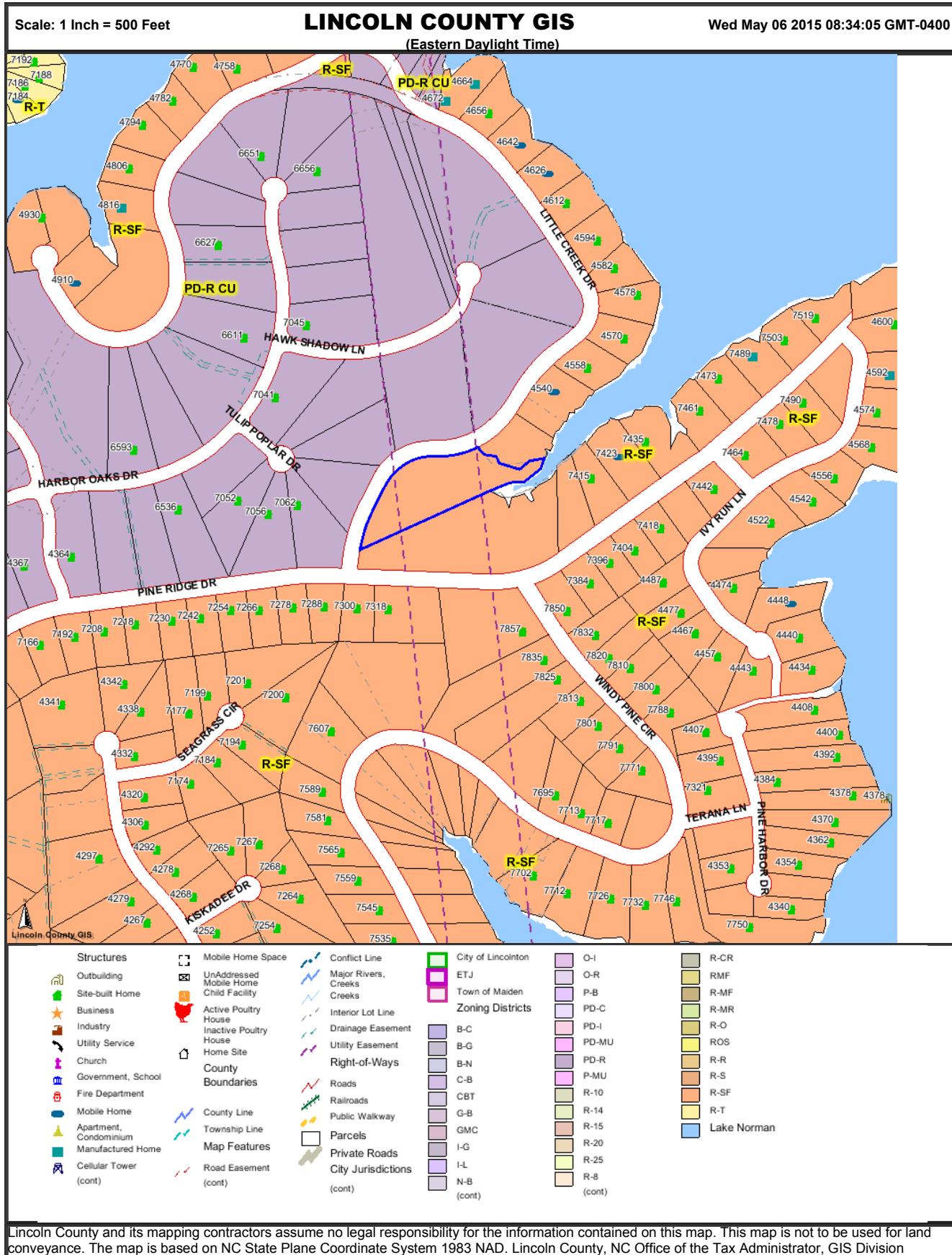
Lincoln County and its mapping contractors assume no legal responsibility for the information contained on this map. This map is not to be used for land conveyance. The map is based on NC State Plane Coordinate System 1983 NAD.



Date: 5/6/2015 Scale: 1 Inch = 200 Feet



PHOTOS		PARCEL INFORMATION FOR 4605-76-1404							
 Photo Not Available		Parcel ID	84970	Owner	ANDERSON MILLARD PURVIS ANDERSON ELIZABETH D				
Map	4605-11	Mailing Address	4145 CINDY LANE DENVER NC 28037						
Account	0211531	Deed	2027-731	Recorded	4/18/2008	Sale Price	\$225,000		
Land Value	\$76,132			Total Value	\$82,082	Previous Parcel			
----- All values are for tax year 2015. -----									
Subdivision	Lot PT 4 HARBOR PINES REV	Plat	14-378						
Description	#4LT & PT#5 HARBOR PINES	Deed Acres	0						
Address	LITTLE CREEK DR	Tax Acres	2.53						
Township	CATAWBA SPRINGS	Tax/Fire District	DENVER						
Main Improvement									
Main Sq Feet	50	SHORELINE IMPROVEMENT							
Zoning District	Calculated Acres	Voting Precinct							
R-SF	2.53	DENVER (DN29)							
Watershed Class									
WS-IVC	2.53	Sewer District							
2000 Census County		Not in the sewer district							
37109									
37109									
FloodZone Description									
AE	SPECIAL FLOOD HAZARD AREA BASE ELEVATION DETERMINED - 100	Tract	071200	Block					
YEAR		071200	1040						
X	NO FLOOD HAZARD	071200	1998						
								Panel	
								37104605000.03	
								3710460500 2.5	





SR #1697

60° R / W

c3

.529 ACRES + -

SITE PLAN

SCALE 1" = 10'-0"

Architectural site plan showing a building footprint and utility poles. The plan includes the following labels and dimensions:

- POWER POLE**: Located at the top left, connected to a **30' FRONT SETBACK** line.
- Ex. #4 PIN**: Located on the **30' FRONT SETBACK** line.
- L28**: A line segment from the **POWER POLE** to a **NIP** point.
- NIP**: A point on the **30' FRONT SETBACK** line.
- L29**: A line segment from the **NIP** point to a **NIP** point on the **10' SIDE SETBACK** line.
- 10'**: The distance between the **30' FRONT SETBACK** and the **10' SIDE SETBACK**.
- L30 NEW**: A line segment from the **NIP** point on the **10' SIDE SETBACK** to a **NIP** point on the **10' SIDE SETBACK** line.
- NIP**: A point on the **10' SIDE SETBACK** line.
- L31**: A line segment from the **NIP** point on the **10' SIDE SETBACK** to the **10' SIDE SETBACK** line.
- 30' FRONT SETBACK**: The distance from the building footprint to the **POWER POLE**.
- SIDE SETBACK**: The distance from the building footprint to the **10' SIDE SETBACK** line.
- 10' SIDE SETBACK**: The distance from the building footprint to the **10' SIDE SETBACK** line.

LOT #5
32,621 SF
NEW TOTAL

0.49 ACRES +-
THIS SIDE OF
POWERLINE R/W

EX. #4 PIN

L18

L19

L20

L21

L22

L23

L24

L25

L26

L27

A NEW RESIDENTIAL PROJECT FOR
DOUG DELINGER

drawn by
DANIEL S.

project no.

date

ラーフ-13

1

sheet no
All

$\Sigma =$

51

RODNEY DANIELS
131 11th Ave Blvd S.E. Hickory, N.C. 28602
PHONE AND FAX (828) 328-9486

DANIELS
