



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.

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 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.

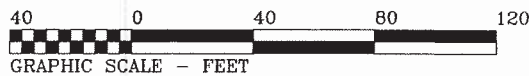
Mark Fisher
Applicant

1/4/13
Date

Staisy
Owner

1/3/13
Date

- NOTES:
- PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED RIGHTS OF WAYS OR EASEMENTS NOT OBSERVED
 - 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.
 - DIGITAL COPIES OF THIS FILE ARE FOR REFERENCE ONLY AND MAY NOT BE USED FOR DESIGN WORK.
 - A PORTION OF THIS PROPERTY IS LOCATED IN A 100 YEAR FLOOD PLAIN



VARIANCE PLAT FOR
TRACT #4A OF THE JOHN T. MUNDY SUBDIV.

TRACT 4A -- PLAT BOOK 9-467

JANUARY 2, 2012	DB: 1614	PG: 865
SCALE: 1" = 40'	DB: 9	PG: 467

CATWABA SPRINGS TOWNSHIP
LINCOLN COUNTY, NC

DEDMON SURVEYS

CHUCK POOVEY, PLS #3762
ROBERT DEDMON, PLS #3899
3704 NC HIGHWAY #16 NORTH
P.O. BOX 494 - DENVER, NC 28037
PHONE: 704/483/4908
FAX: 704/483/2170

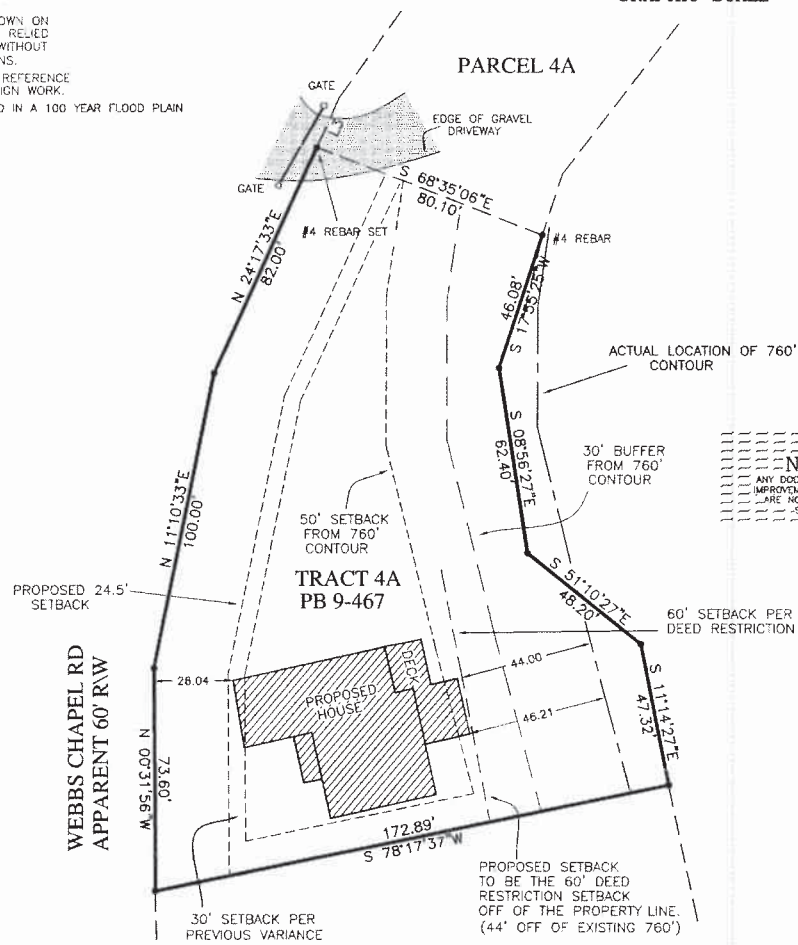
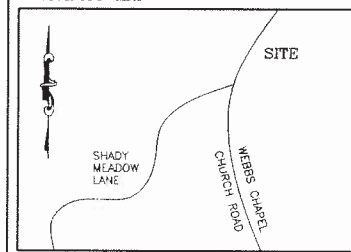


I CERTIFY THIS PLAT WAS DRAWN FROM AN ACTUAL SURVEY AND IS CORRECT AND TRUE TO THE BEST OF MY KNOWLEDGE.

Robert J. Dedmon 3899
PROFESSIONAL LAND SURVEYOR LICENSE NO.

SURV. BY: KJ	DRAWN: RD	JOB# WCC4B
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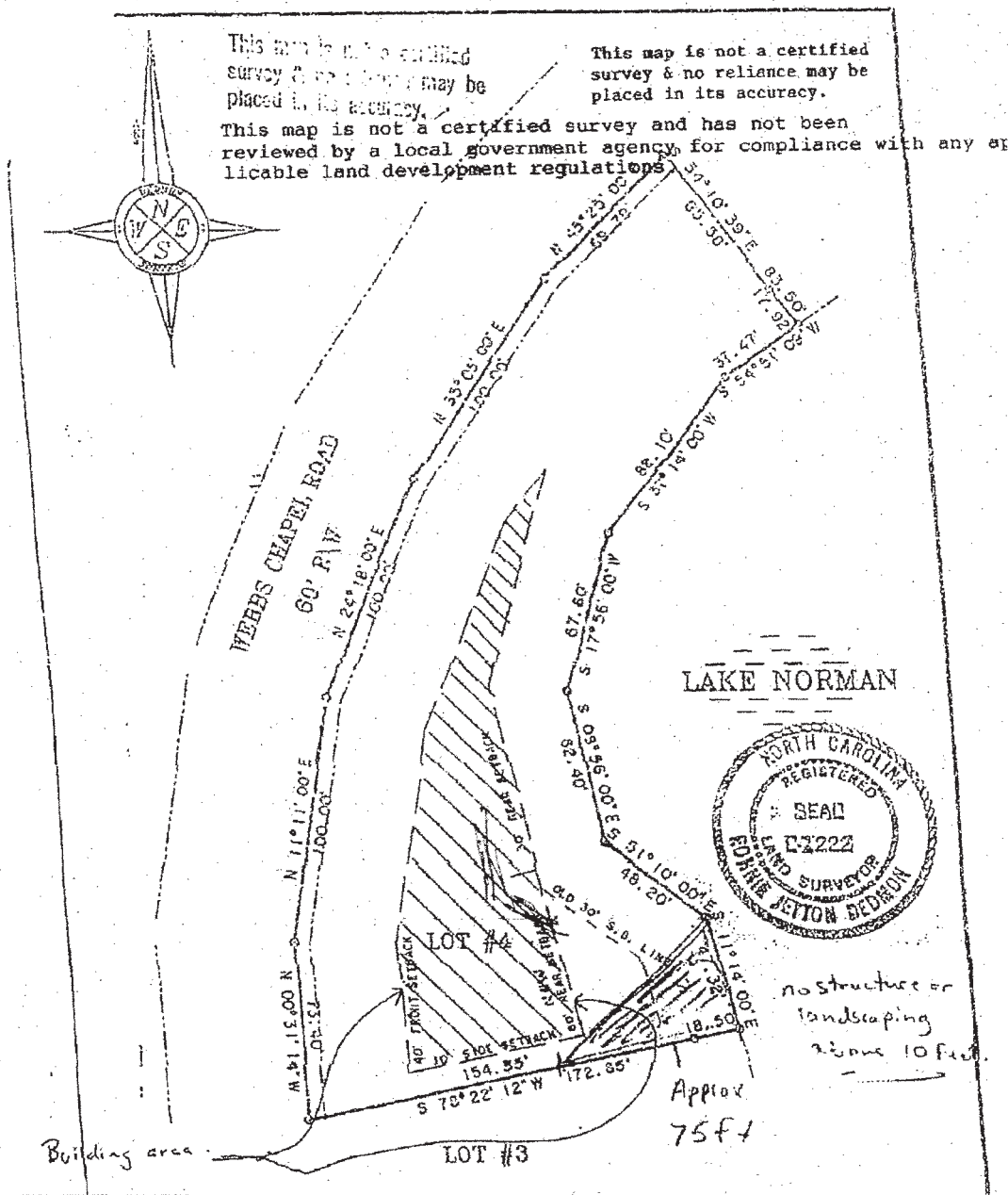
VICINITY MAP



Course	Bearing	Distance
L1	S 54°51'09" W	37.47'
L2	S 17°56'00" W	21.51'
L3	N 24°18'00" E	18.00'



5



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, 1997 SCALE: 1" = 50'
RONNIE DEDMON SURVEYORS, P.A.
RONNIE DEDMON, REC. SURV. L-1222
CHUCK POOVEY, REC. SURV. L-3782
P.O. BOX 406, DENVER, N.C. 28037
(704) 483-4908

PB G, PG 249

RESTRICT-233

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 Date: 12/04/12
 Permit #: 11-90000230 PIN: 4615 -06 -28 -9182 Parcel ID: 953516
 Owner: FOISY SCOTT (704) 606-0708

8005 GLAMORGAN LANE MATTHEWS NC 28105
 Applicant: J KEN WILLIAMS (704) 644-5691
 7384 THORNBLAKE CT DENVER NC 28037

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 RIGHT
 T GO PAST CH TO END OF ROAD BELOW BRICK
 HOUSE

Residence: Y Nbr of Bedrooms: 3/4

-New applicants must reapply for an authorization to construct and well permit, if applicable, at the current fee in order to obtain building permit and have septic system and well installed.
 New applicant must remark all structures and property lines as marking policy states before we will issue the authorization to construct permit.

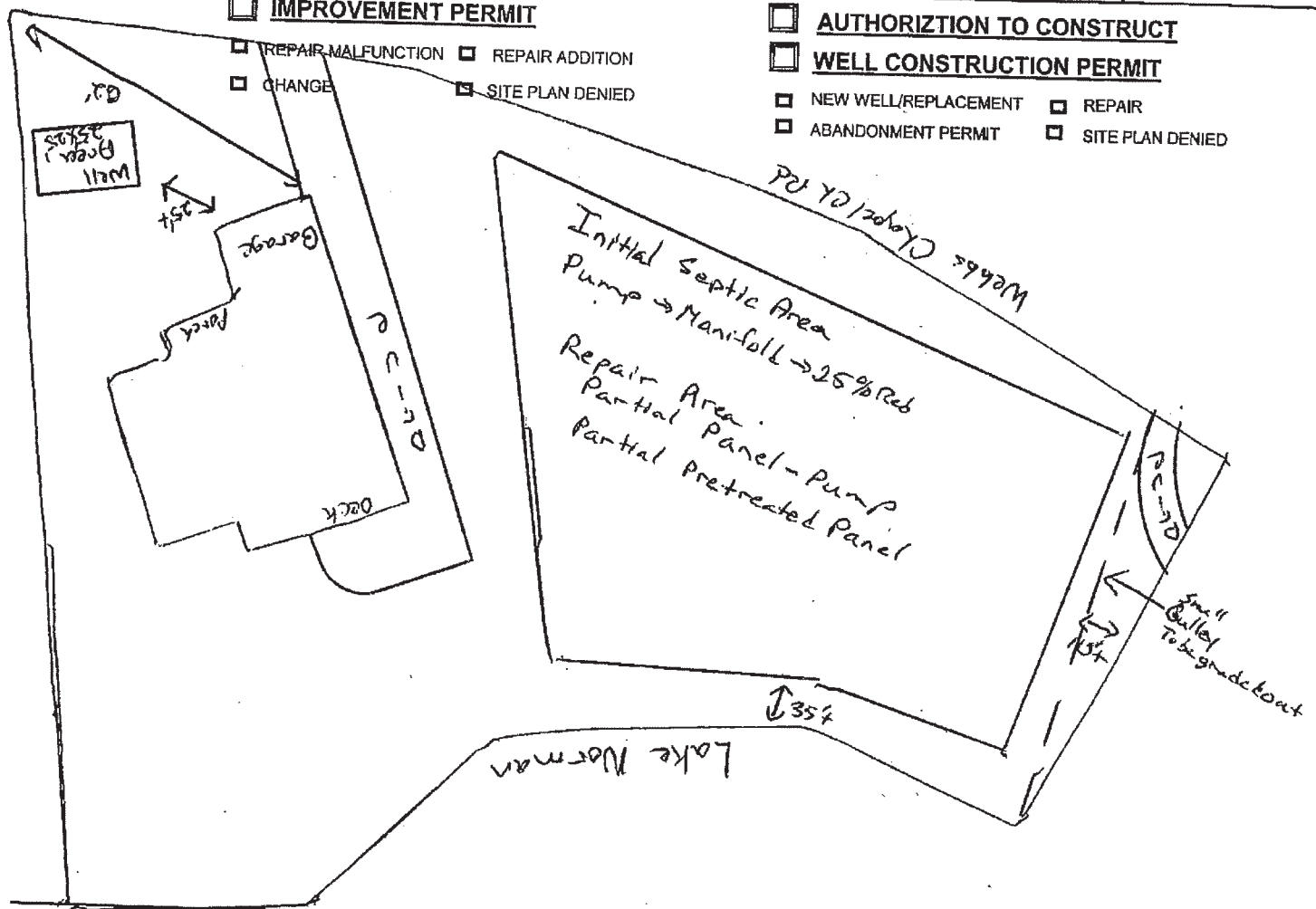
IMPROVEMENT PERMIT

- 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	NUMBER OF TRENCHES	
TRENCH SPACING	On Center	Inches	PRODUCT	
DISTANCE BETWEEN WATER SUPPLY AND SEPTIC	100'±	(IN FEET)	DESIGN FLOW	480
CONDITIONS	DO NOT INSTALL WHEN WET		LTAR	0.30

AUTHORIZED AGENT _____ SEPTIC: Duanf...
 DATE: 12/4/12

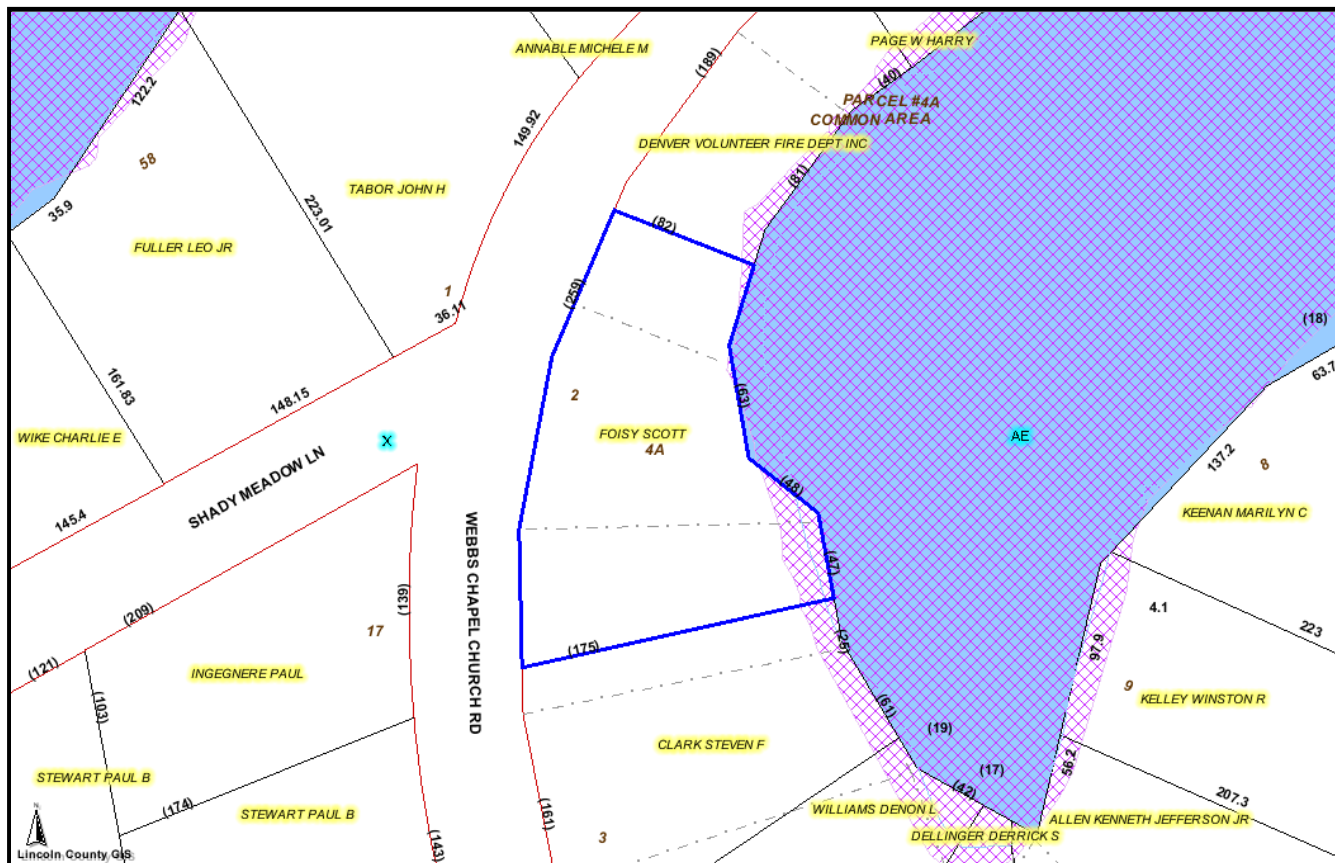
WELL: _____
 DATE: _____


IMPROVEMENT PERMIT, AUTHORIZATION TO CONSTRUCT, AND WELL CONSTRUCTION PERMIT: EACH THE IMPROVEMENT PERMIT, AUTHORIZATION TO CONSTRUCT, AND WELL CONSTRUCTION PERMIT ARE SUBJECT TO REVOCATION IF SITE PLANS OR THE INTENDED USE ARE CHANGED FROM THOSE SHOWN ON THESE PERMITS. CHANGES FROM THE ABOVE PERMITS REQUIRE ENVIRONMENTAL HEALTH APPROVAL. THE INSTALLERS SHALL BE REQUIRED TO HAVE AN IMPROVEMENT PERMIT. CONSTRUCTION AUTHORIZATION (VALID FOR 60 MONTHS FROM DATE ISSUED).



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
	Land Value	\$331,375	Total Value	\$347,875
	----- 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	R-SF	Calculated Acres	0.63
	Watershed Class	WS-IVC	Calculated Acres	0.63
2000 Census County	37109	Voting Precinct	DENVER (DN29)	
	37109	Tract	071200	
		Block	1010	
			1999	
			0.52	
			0.1	
FloodZone Description	AE SPECIAL FLOOD HAZARD AREA BASE ELEVATION DETERMINED - 100	Panel	37104615000.03	
	X NO FLOOD HAZARD		37104615000.59	

