



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

To: Board of Commissioners  
Planning Board

From: Randy Hawkins, Zoning Administrator

Date: October 19, 2018

Re: CUP #387  
Marvin and Jennie Simmons, applicants  
Parcel ID# 31502

*The following information is for use by the Lincoln County Board of Commissioners and Planning Board at their joint meeting/public hearing on November 5, 2018.*

#### REQUEST

The applicant are requesting a conditional use permit to allow an accessory structure to be located in front of the front building line of a house on a lot adjacent to Lake Norman. This request involves a 384-square foot existing structure and a house that's under construction. The existing structure was formerly used as a cottage. The applicants are proposing to use it as a bonus room. Under Section 4.6.2.C.2(a) of the Unified Development Ordinance, an accessory structure cannot extend in front of the front line of the principal structure unless it is set back a minimum of 100 feet from the edge of the road right-of-way; or, in the case of a lot adjacent to Lake Norman, the Board of Commissioners may approve a conditional use permit to allow an accessory structure to be located in the road yard, a minimum of 30 feet from the edge of the road right-of-way. The existing structure is located approximately 65 feet from the edge of the road right-of-way.

#### SITE AREA AND DESCRIPTION

The 0.83-acre lot is located at 8353 Luckey Point Road. It is zoned R-SF (Residential Single-Family) and is adjoined by property zoned R-SF and by Lake Norman. Land uses in this area are primarily residential. This property is part of an area designated by the Lincoln County Land Use Plan as Single-Family Neighborhood.



# County Of Lincoln, North Carolina

## Planning Board

Applicant **Marvin and Jennie Simmons**

Application No. **CUP #387**

Property Location **8353 Luckey Point Road**

Parcel ID# **31502**

Zoning District **R-SF**

Proposed Conditional Use **residential accessory located  
in road yard of lot abutting Lake  
Norman**

### FINDINGS OF FACT

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES \_\_\_\_\_ NO \_\_\_\_\_

FACTUAL REASONS CITED: \_\_\_\_\_  
\_\_\_\_\_

2. The use meets all required conditions and specifications. YES \_\_\_\_\_ NO \_\_\_\_\_

FACTUAL REASONS CITED: \_\_\_\_\_  
\_\_\_\_\_

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES \_\_\_\_\_ NO \_\_\_\_\_

FACTUAL REASONS CITED: \_\_\_\_\_  
\_\_\_\_\_

4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question. YES \_\_\_\_\_ NO \_\_\_\_\_

FACTUAL REASONS CITED: \_\_\_\_\_  
\_\_\_\_\_

After having held a Public Hearing on \_\_\_\_\_ and in light of the Findings of Facts listed herein, the following action was taken by the Lincoln County Planning Board:

\_\_\_\_\_  
\_\_\_\_\_

In recommending such Conditional Use, the following conditions were recommended by the Lincoln County Planning Board:

\_\_\_\_\_  
\_\_\_\_\_



**Conditional Use Permit Application**

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

Marvin T. Simmons, Jr.

**PART I**

Applicant Name JENNIE Mozeley Simmons  
Applicant Address 4530 Loggins Road, GAINESVILLE, GA 30506  
Applicant Phone Number 404-388-5209  
Property Owner Name JAME AS APPLICANT  
Property Owner Address 4530 Loggins Road, GAINESVILLE, Georgia 30506  
Property Owner Phone Number 404-388-5209

**PART II**

Property Location 8353 Luckey Point Road, DENVER, NC  
Property ID (10 digits) 4612-75-6986 Property size .852 acres  
Parcel # (5 digits) 31502 Deed Book(s) 2755 Page(s) 0430

**PART III**

Existing Zoning District A-SF

Briefly describe how the property is being used and any existing structures.  
New home under construction. Small cottage has been existing for many years. It is located 65-70 ft. from road. Cottage built in 1983.

Briefly explain the proposed use and/or structure which would require a Conditional Use Permit.  
WE would like to continue use of the structure as an accessory structure. If not grandfathered - request a VARIANCE.

**APPLICATION FEE (less than 2 acres \$250, 2+ acres \$500)  
MUST BE RECEIVED BEFORE PROCESSING.**

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

Jeanie M. Simon Marvin T. Simmons, Jr. 9/19/18  
Applicant's Signature Date

**APPLICANT'S PROPOSED FINDINGS OF FACT**  
**FOR A CONDITIONAL USE PERMIT**

Application No. CUP #387

Applicants **Marvin and Jennie Simmons**

Property Location **8353 Luckey Point Road** Zoning District **R-SF**

Parcel ID# **31502**

Proposed Use **accessory structure located in  
front of front building line of house**

**PROPOSED FINDINGS**

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan.

**This is an existing structure that has been in this location since 1983. It is set back approximately 65 feet from the edge of the road right-of-way.**

2. The use meets all required conditions and specifications.





**An accessory structure located in front of the front building line of the principal structure is a conditional use on lots abutting Lake Norman. This lot abuts Lake Norman. The proposed location meets the minimum road yard setback of 30 feet.**

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity.

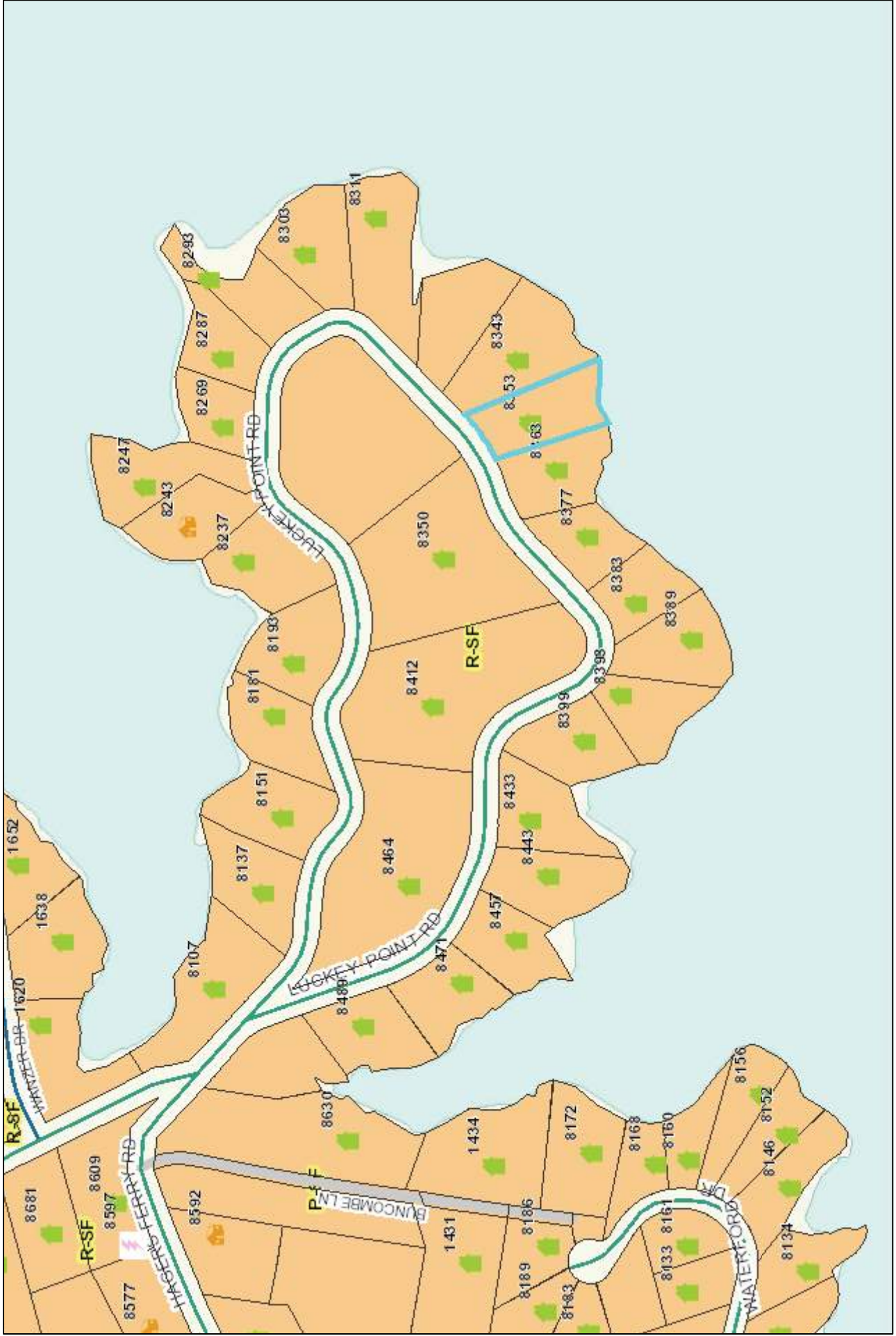
**This is a 384-square-foot structure that was formerly used as a cottage. A house with an estimated construction cost of \$300,000 is being built on this lot. The small structure will serve as a bonus room and will not be used as a guest house. The shower in the structure will be removed.**

4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question.

**The existing structure is residential in appearance and will be used as an residential accessory structure. On other lots adjoining Lake Norman, residential accessory structures are located in front of the front building line of the principal structure. The Land Use Plan designates this area as residential.**

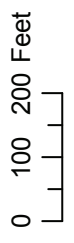
	<p><b>Lincoln County, NC</b>  <b>Office of the Tax Administrator, GIS Mapping Division</b>                  Lincoln County and its mapping contractors assume no legal responsibility for the information contained on this map. This map is not to be used for land conveyance. The map is based on NC State Plane Coordinate System 1983 NAD.                  Date: 10/9/2018    Scale: 1 Inch = 200 Feet</p>																																																																																																					
																																																																																																						
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Conditional Use Permit #387  
subject property is outlined in blue



September 21, 2018

Esri, Inc., Lincoln County, NC



1 inch = 300 feet



September 21, 2018

0 100 200 Feet

1 inch = 200 feet

**LEGEND**

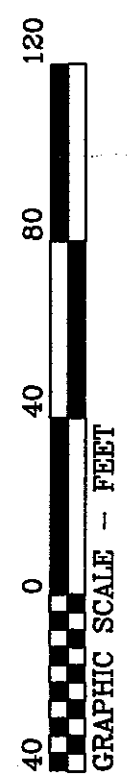
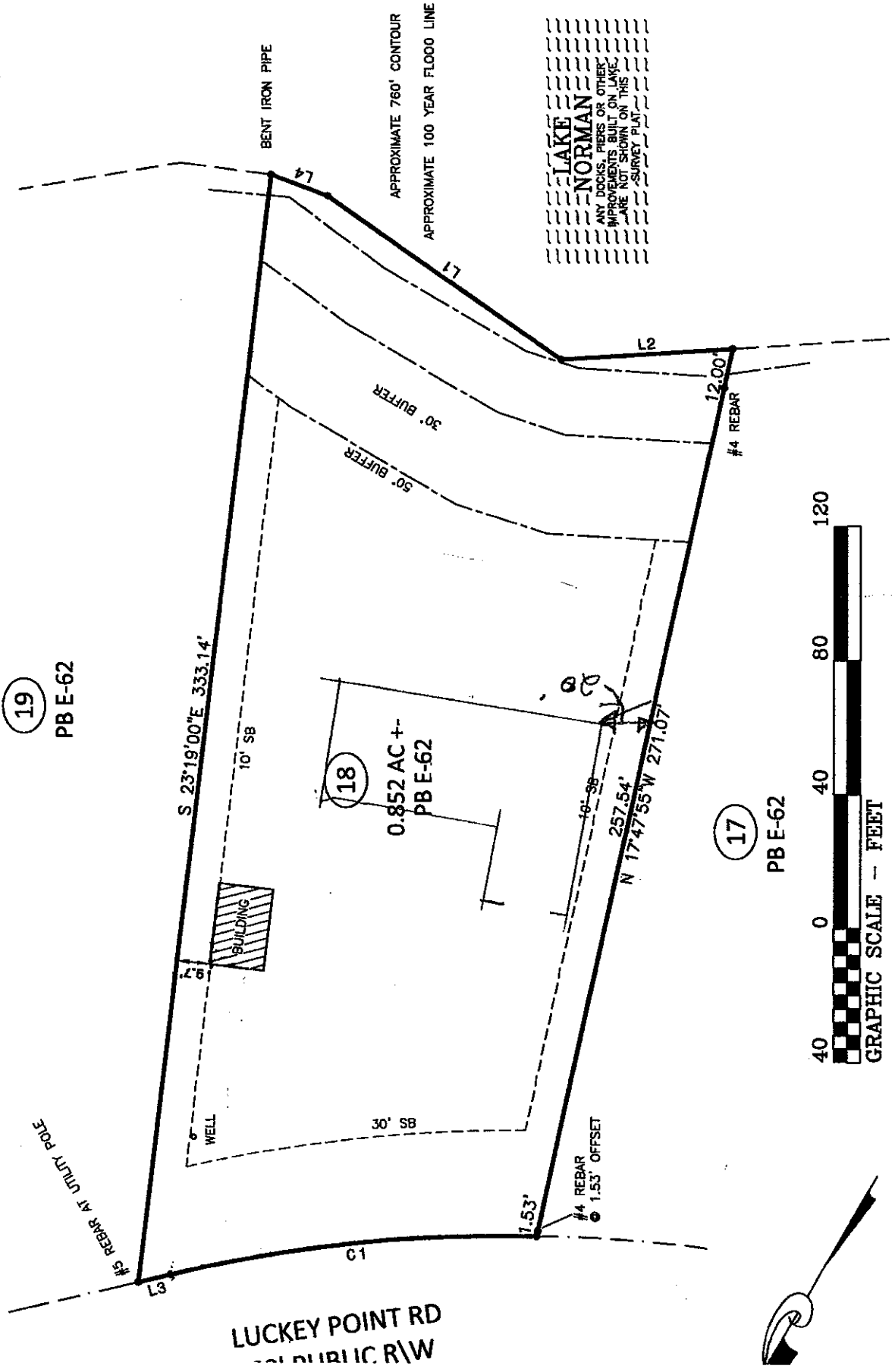
- R/W RIGHT-OF-WAY
- E.V.P. EDGE OF PAVEMENT
- C.V.L. CENTERLINE
- P.O.E. PERMANENT DRAINAGE EASEMENT
- UTILITY POLE
- LIGHT POLE
- SANITARY SEWER MANHOLE
- OVERHEAD UTILITY LINE

Curve	Radius	Length	Chord	Chord Bear.
C1	420.00'	109.39'	109.08'	N 53°45'54" E

Course	Bearing	Distance
L1	N 84°51'00" W	84.82'
L2	S 56°14'00" W	50.55'
L3	N 46°23'00" E	9.77'
L4	S 80°37'42" W	17.99'

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