



COUNTY OF LINCOLN, NORTH CAROLINA

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

PLANNING AND INSPECTIONS DEPARTMENT
704-736-8440 OFFICE
704-732-9010 FAX

To: George Wood, county manager

From: Randy Hawkins, zoning administrator

Date: January 19, 2010

Re: CUP #295
Lineberger Family LLC, applicant
Parcel ID# 01704

The following information is for use by the Lincoln County Board of Commissioners and Planning Board at their joint meeting/public hearing on February 1, 2010.

REQUEST

The applicant is requesting a conditional use permit to place an agricultural labor housing facility (a Class C manufactured home) in the R-T (Transitional Residential) district. Under the Lincoln County Unified Development Ordinance, an agricultural labor housing facility is permitted in the R-T district only where approved by the Board of Commissioners through the issuance of a conditional use permit. This would be the second agricultural labor housing facility to be placed on this property. The existing facility, a doublewide manufactured home, was permitted in 2001. (Like the existing facility, the proposed facility would be a year-round residence for a farm worker.) A Class C manufactured home is a singlewide that meets the county's appearance criteria (shingled roof and vinyl siding). Manufactured homes are permitted by right in the R-T district. Approval of this request would allow another home to be placed on this property without subdividing it to create a separate lot.

SITE AREA AND DESCRIPTION

The 22-acre parcel is located at 2315 Hudson Poultry Road, on the east side of Hudson Poultry Road about 800 feet south of Hwy. 27, in Ironton Township. It's the location of Berry Hill Farm, which grows strawberries and other fruits. It is adjoined by property zoned R-T and R-SF (Residential Single-Family). Land uses in this area are primarily residential and agricultural. This property is part of an area designated by the Lincoln County Land Use Plan as Suburban Residential.

REQUIREMENTS FOR AGRICULTURAL LABOR HOUSING FACILITIES

Under the Unified Development Ordinance, agricultural labor housing facilities may be approved by conditional use permit as an accessory use to a bona fide agricultural operation, subject to the following conditions:

1. **Such uses shall be subject to bi-annual review for continued compliance in accordance with the requirements of §9.11.**
2. **Minimum floor area per dwelling unit shall be 700 square feet.**
3. **Occupancy of such housing shall be exclusively limited to persons employed on-site in the agricultural operation. No other occupancy shall be allowed.**
4. **Such housing facilities shall not be sold separately.**
5. **No dwelling used as a farm worker living facility shall be closer than 100 feet to any property line of the premises on which it is placed.**
6. **A Class B buffer meeting the requirements of §3.4.6 shall be provided between the dwellings and all adjoining property lines.**
7. **Manufactured homes may only be in the form of a Class A, B or C.**
8. **The dwellings shall be arranged in a cluster fashion on premises.**
9. **No subsequent expansion of a farm worker living facility as shown on the approved site plan for the conditional use shall be allowed unless another conditional use permit for that expansion is approved. However, subsequent decrease of the approved uses is permitted without such approval.**
10. **The applicant shall provide information as to the need for agricultural labor housing and the kind of agricultural operation existing on the premises at the time of application for the farm worker living facility.**
11. **Time limits for such use may be established as conditions of approval.**
12. **If the agricultural operation ceases or subsides, the structure must be removed or come into compliance within 180 days.**
13. **Maximum density of such dwellings shall be as follows:**

Lot Area (ACRES)	Maximum Dwellings
10 or more acres but less than 20	1
20 or more acres but less than 100	2
100 or more acres but less than 150	3
150 or more acres but less than 200	4
200 or more acres but less than 250	5
250 or more acres but less than 300	6
300 or more acres but less than 350	7
350 or more	8

CONDITIONAL USE PERMIT REQUIREMENTS

Section 9.11.8 of the Unified Development Ordinance requires that four findings be determined by the Board of Commissioners in deciding whether to approve a conditional use permit:

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan, and
2. The use meets all required conditions and specifications, and
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity, and
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 located and will be in general conformity with the approved Land Development Plan for the area in question.

STAFF'S RECOMMENDATION AND COMMENTS

Staff recommends approval. This is a bona fide agricultural operation and the proposed facility meets all required conditions and specifications.



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

PART I

Applicant Name Sinberger Family LLC By: Harold Sinberger, Agent
Applicant Address 2400 Hudson Poultry Rd, Iron Station, NC 28080
Applicant Phone Number 704/748-1488
Property Owner Name Same as above
Property Owner Address "
Property Owner Phone Number "

PART II

Property Location 2295 Hudson Poultry Rd
Property ID (10 digits) 31601-059886 Property size 22 A.
Parcel # (5 digits) 01704 Deed Book(s) 1729 Page(s) 147

PART III

Existing Zoning District R-T

Briefly describe how the property is being used and any existing structures.
Fruit farm with frame house, double-wide & sales building

Briefly explain the proposed use and/or structure which would require a Conditional Use Permit.
Agricultural labor housing facility (single-wide)

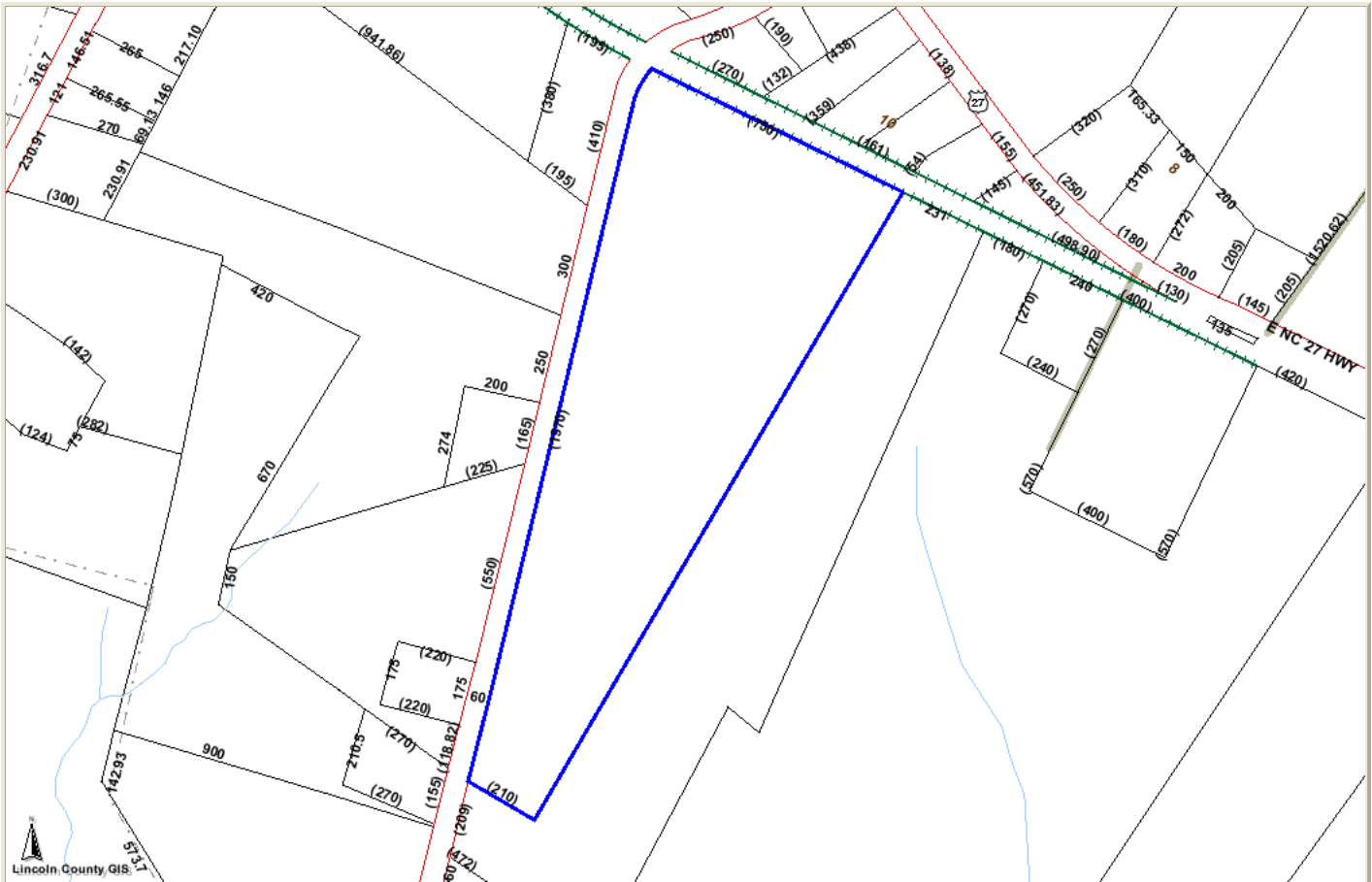
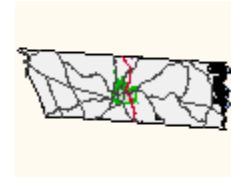
\$750 APPLICATION FEE MUST BE RECEIVED BEFORE PROCESSING.

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.

Sinberger Family LLC By: Harold Sinberger, Agent 11-23-09
Applicant's Signature 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: 12/28/2009 Scale: 1 Inch = 500 Feet



PHOTOS		PARCEL INFORMATION FOR 3661-05-9886				
	Parcel ID	01704	Owner	LINEBERGER FAMILY LLC		
	Map	3661-01	Mailing	2400 HUDSON POULTRY RD		
	Account	0186771	Address	IRON STATION NC 28080		
	Deed	1729-147	Recorded	8/15/2005	Sale Price	0
	Land Value	\$274,760	Total Value	\$458,091	Previous Parcel	
	----- All values are for tax year 2009. -----					
	Description	OLD PLANT SITE (RAZED)			Deed Acres	24.74
	Address	2315 HUDSON POULTRY RD			Tax Acres	21.72
	Township	IRONTON	Tax/Fire District	ALEXIS		
	Main Improvement		FORMER OFFICE	Value	\$39,699	
Main Sq Feet	1080	Stories	1	Year Built	1950	
Zoning District	R-T	Calculated Acres	Voting Precinct	Iron Station South (IS23)		
Watershed Class	Not in a watershed	1.58	Sewer District	Not in the sewer district		
	WS-IVP	20.14				
2000 Census County	37109		Tract	Block		
			071000	2019	21.73	
Flood	X	Zone Description		Panel	3660	
		NO FLOOD HAZARD			21.73	

LINCOLN COUNTY PLANNING BOARD'S
RECOMMENDATIONS ON FINDINGS OF
FACT FOR A CONDITIONAL USE PERMIT

Application # CUP #295 Date February 1, 2010

Applicant Name Lineberger Family, LLC

Applicant Address 2400 Hudson Poultry Road, Iron Station, NC 28080

Property Location 2295 Hudson Poultry Road Existing Zoning R-T

Proposed Conditional Use agricultural labor housing facility (singlewide manufactured home)

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 REASON CITED: _____

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

FACTUAL REASON 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 REASON CITED: _____

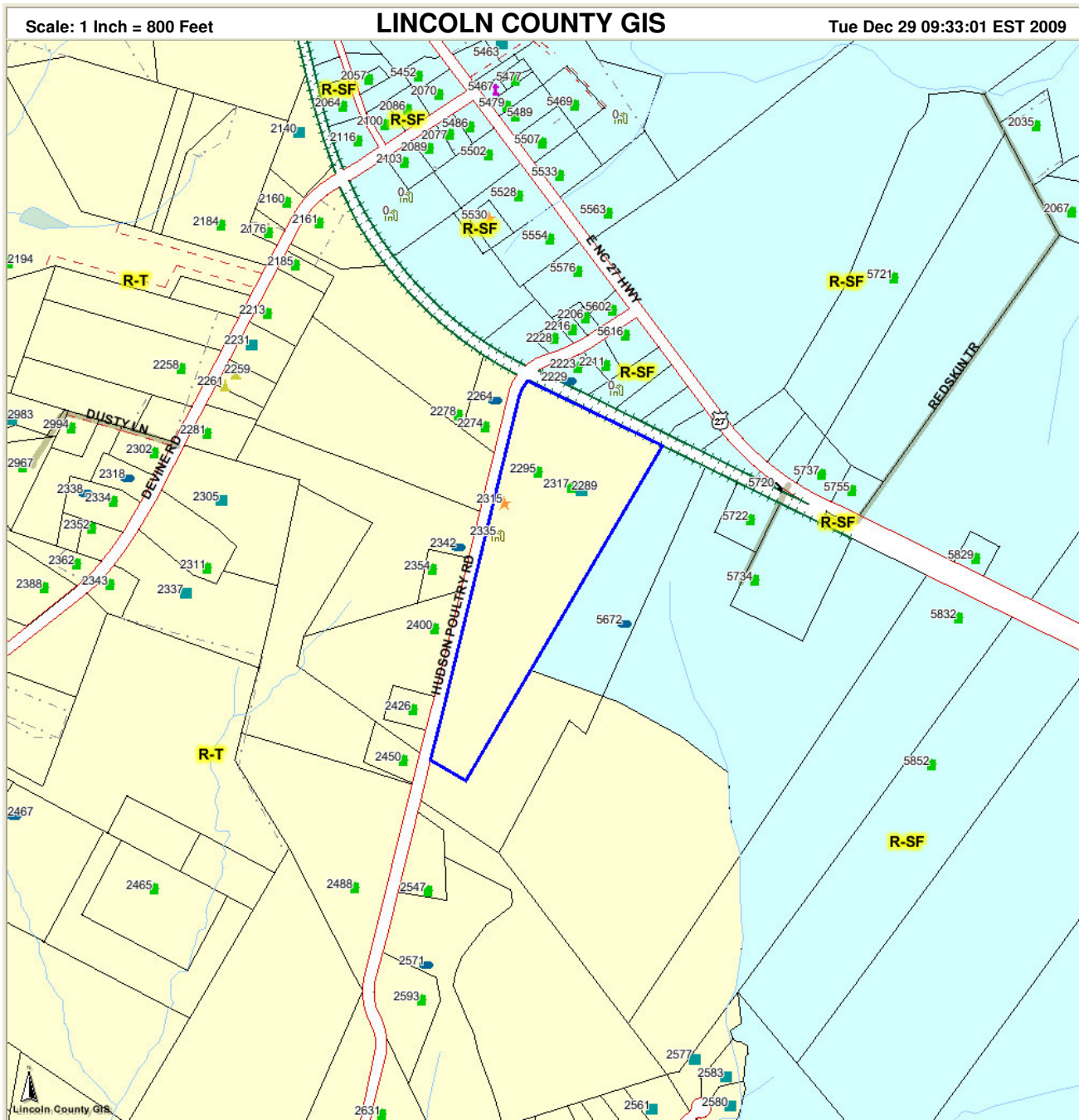
4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question.

YES _____ NO _____

FACTUAL REASON CITED: _____

After having held a Public Hearing on February 1, 2010 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 Permit, the following conditions were recommended by the Lincoln County Planning Board:

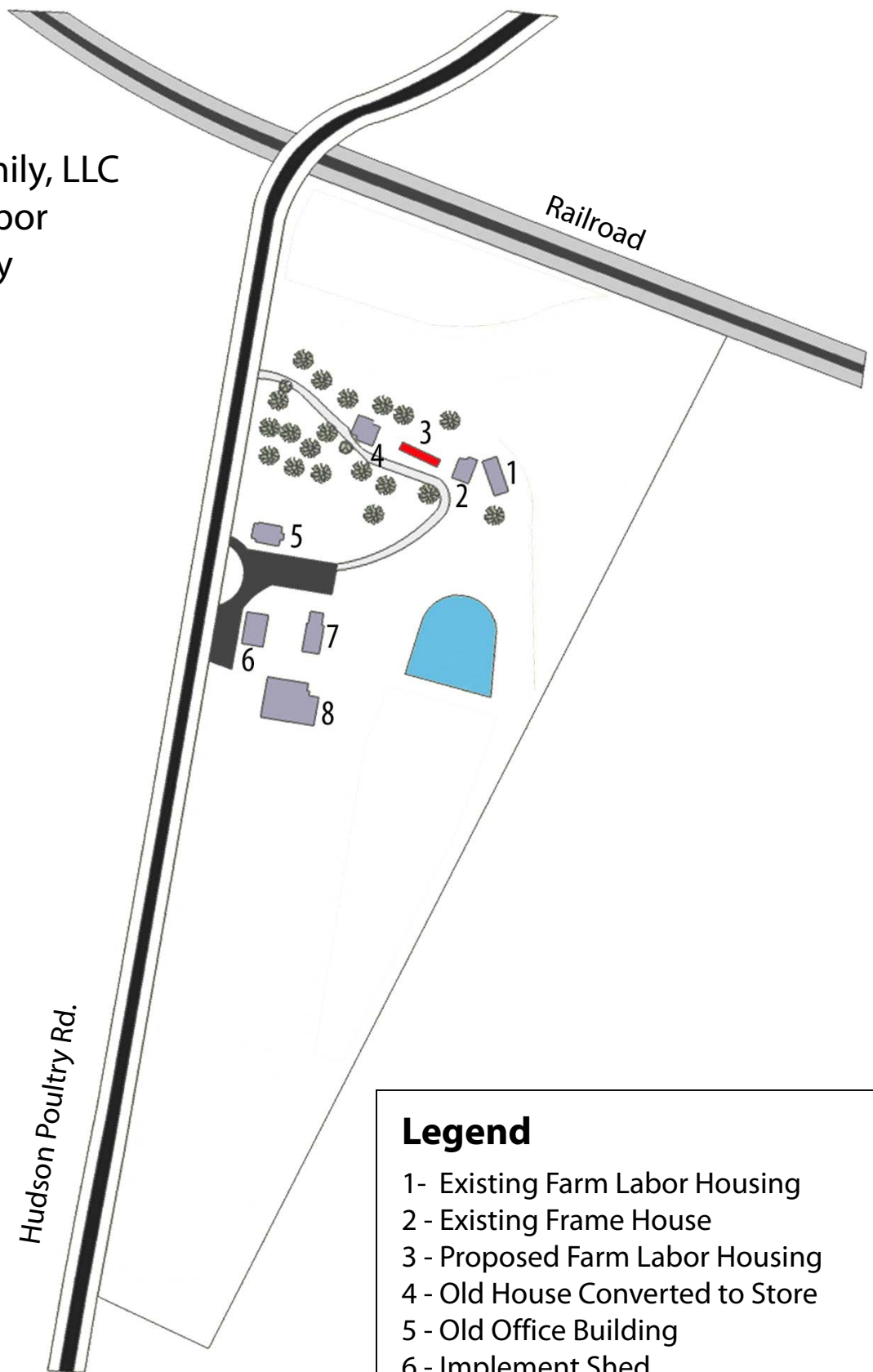


Structures		County Boundaries		Right-of-Ways		Zoning Districts		Zoning Districts	
	Outbuilding		Mobile Home Space		Drainage Easement		B-G		R-S
	Site-built Home		Home Site		Utility Easement		B-N		R-SF
	Business	County Boundaries			Right-of-Ways		I-G		R-T
	Industry		County Line		Roads		L-I		C-B
	Utility Service		Township Line		Railroads		P-MU		CBT
	Church	Map Features			Public Walkway		P-R		G-B
	Government, School		Road Easement		Parcels		R-CR		N-B
	Fire Department		Conflict Line		Private Roads		R-14		O-I
	Mobile Home		Major Rivers, Creeks		City Jurisdictions		R-20		P-B
	Apartment, Condominium		Creeks		City of Lincolnton		R-MF		R-10
	Manufactured Home		Interior Lot Line		ETJ		R-MR		R-15
	Cellular Tower (cont)				Town of Maiden		R-R (cont)		R-25
									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

Lineberger Family, LLC
Agricultural Labor
Housing Facility

Site Plan



Legend

- 1- Existing Farm Labor Housing
- 2 - Existing Frame House
- 3 - Proposed Farm Labor Housing
- 4 - Old House Converted to Store
- 5 - Old Office Building
- 6 - Implement Shed
- 7 - Implement Shed
- 8 - Old Processing Plant used as Shed



1" = 200'