



To: Board of Commissioners  
From: Jordan Tubbs, Planner  
Date: October 11, 2021  
Re: SUP #453  
Stephen and Elizabeth Brotherton, applicant

Parcel ID# 30614

*The following information is for use by the Lincoln County Board of Commissioners at their meeting/public hearing on November 1, 2021.*

### Request

The applicant is requesting a special use permit to construct a detached garage in front of the front building line of the house on a lot adjacent to Lake Norman. 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 special 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. A site plan submitted as part of the application shows the proposed garage would be located in compliance with the required setbacks.

### Site Area and Description

The request involves a 0.75-acre lot located at 8494 Pine Lake Road in Catawba Springs Township. The property is zoned R-SF (Residential Single Family) and surrounded by property zoned R-SF. 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.



**BOARD OF COMMISSIONERS**  
CARROL MITCHEM, CHAIRMAN  
MILTON SIGMON, VICE CHAIRMAN  
ANITA MCCALL  
BUD CESENA  
CATHY DAVIS

**COUNTY MANAGER**  
KELLY G. ATKINS  
**COUNTY ATTORNEY**  
MEGAN GILBERT  
**CLERK TO THE BOARD**  
AMY S. ATKINS

Application No. **SUP #453**

Applicant **Stephen and Elizabeth Brotherton**

Property Location **8494 Pine Lake Rd**

Parcel # **30614**

Zoning District **R-SF**

Proposed Special Use **Accessory structure located in front of the front building line of principal structure on 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 \_\_\_\_\_

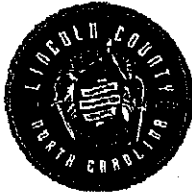
FACTUAL REASONS CITED: \_\_\_\_\_  
\_\_\_\_\_

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 November 1, 2021, and in light of the Findings of Facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

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



**Special Use Permit Application**

Lincoln County Planning and Inspections Department  
Zoning Administrator  
115 W. Main St., Lincolnton, NC 28092  
Phone: (704) 736-8440 Fax: (704) 732-9010

**PART I**

Applicant Name Stephen + Elizabeth Brotherton

Applicant Address 8494 Pine Lake Rd., Denver NC 28037

Applicant Phone Number 704-622-1677

Property Owner Name Stephen + Elizabeth Brotherton

Property Owner Address 8494 Pine Lake Rd., Denver NC 28037

Property Owner Phone Number 704-622-1677

**PART II**

Property Location 8494 Pine Lake Rd. Denver NC

Property ID (10 digits) 4613296686 Property size .746

Parcel # (5 digits) 30614 Deed Book(s) 2877 Page(s) 163

**PART III**

Existing Zoning District R-SF

Briefly describe how the property is being used and any existing structures.  
Single family home on site. No other structures besides home.

Briefly explain the proposed use and/or structure which would require a Special Use Permit.  
Detached garage, no living space.

**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.*

Elizabeth Brotherton 9/16/21  
Applicant's Signature Date

## **APPLICANT'S PROPOSED FINDINGS OF FACT**

Application No. **SUP #453**

Applicant **Stephen and Elizabeth  
Brotherton**

Property Location **8494 Pine Lake Road**

Parcel ID# **30614**

Proposed Special Use

**accessory structure located in front of the front building  
line of principal structure on lot abutting Lake Norman**

### **PROPOSED FINDINGS**

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

**The structure will be built to code and be set back at least 30 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 special use on a lot abutting Lake Norman. This lot abuts Lake Norman. The proposed 500-square-foot garage meets the size limitation for residential accessory structures on this lot. The location of the accessory structure complies with the required road yard and side yard setbacks.**

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

**The garage will be similar in appearance to the house on this lot.**

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.

**On other lots on Lake Norman, accessory structures are located in front of the front building line of the principal structure. The Land Use Plan designates this area as Large Lot Residential.**



**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: 10/11/2021 Scale: 1 Inch = 200 Feet



<b>Parcel ID</b>	30614	<b>Owner</b>	BROTHERTON STEPHEN S JR BROTHERTON ELIZABETH M	
<b>Map Account</b>	4613	<b>Mailing Address</b>	4568 IVY RUN LANE DENVER, NC 28037-9371	
<b>Deed</b>	2877 163	<b>Last Transaction Date</b>	01/22/2020	<b>Sale Price</b> \$440,000
<b>Plat</b>		<b>Subdivision</b>	CRESCENT L & T CORP DB 619 PG 575	<b>Lot</b> 028
<b>Land Value</b>	\$402,918	<b>Improvement Value</b>	\$0	<b>Total Value</b> \$0
<b>Previous Parcel</b>				
-----All values for Tax Year 2020 -----				
<b>Description</b>	BLDG 38/028 OFF R1390			<b>Deed Acres</b> 0
<b>Address</b>	8494 PINE LAKE RD			<b>Tax Acres</b> 0.746
<b>Township</b>	CATAWBA SPRINGS			<b>Value</b> EAST LINCOLN
<b>Main Improvement</b>				<b>Year Built</b>
<b>Main Sq Feet</b>		<b>Stories</b>		
<b>Zoning District</b>	R-SF	<b>Calc Acres</b>	0.75	<b>Voting Precinct</b> TA37
<b>Watershed</b>	0.75	<b>Sewer District</b>	SEWER	0.75
<b>Census County</b>	109	<b>Tract</b>	071202	<b>Block</b> 1013
<b>Flood Zone Description</b>				<b>Panel</b> 0.75

X	NO FLOOD HAZARD	3710461300 0.69
AE	SPECIAL FLOOD HAZARD AREA BASE ELEVATION DETERMINED - 100 YEAR	3710461300 0.06

SUP #453 Stephen and Elizabeth Brotherton

1 in. = 400 ft.



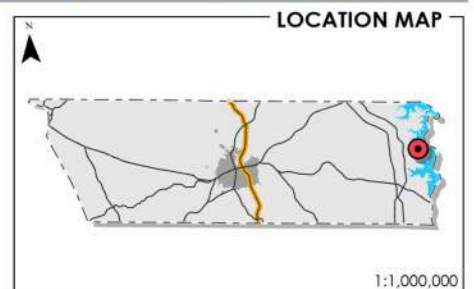
Lincoln County  
Planning & Inspections  
115 W. Main St  
3rd Floor  
Lincolnton, NC 28092

Parcel ID # 30614

 - Property Location(s)

See Attached Application for Parcel Information

Property Location(s) Outlined in Purple.



 Property Location(s)



**Land Use Plan**

- Open Space (OS)
- Rural Living (RL)
- Industrial Center (IC)
- Large Lot Residential (LLR)
- Single-Family Neighborhood (SFN)
- Multifamily Neighborhood (MFN)
- Rural Crossroads (RC)
- Suburban Commercial (SC)
- Suburban Office (SO)
- Special District (SD)
- Walkable Neighborhood (WN)
- Walkable Activity Center (WC)
- Town Home Community (THC)



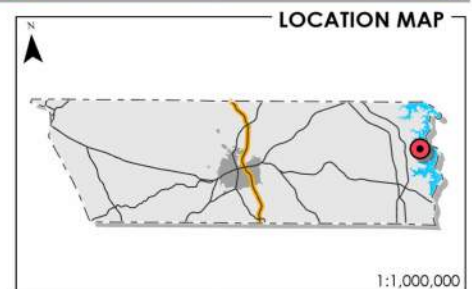
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**Parcel ID # 30614**

- Property Location(s)

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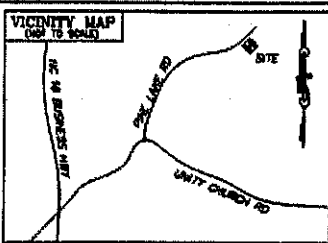
**Property Location(s) Outlined in Purple.**



● Property Location(s)

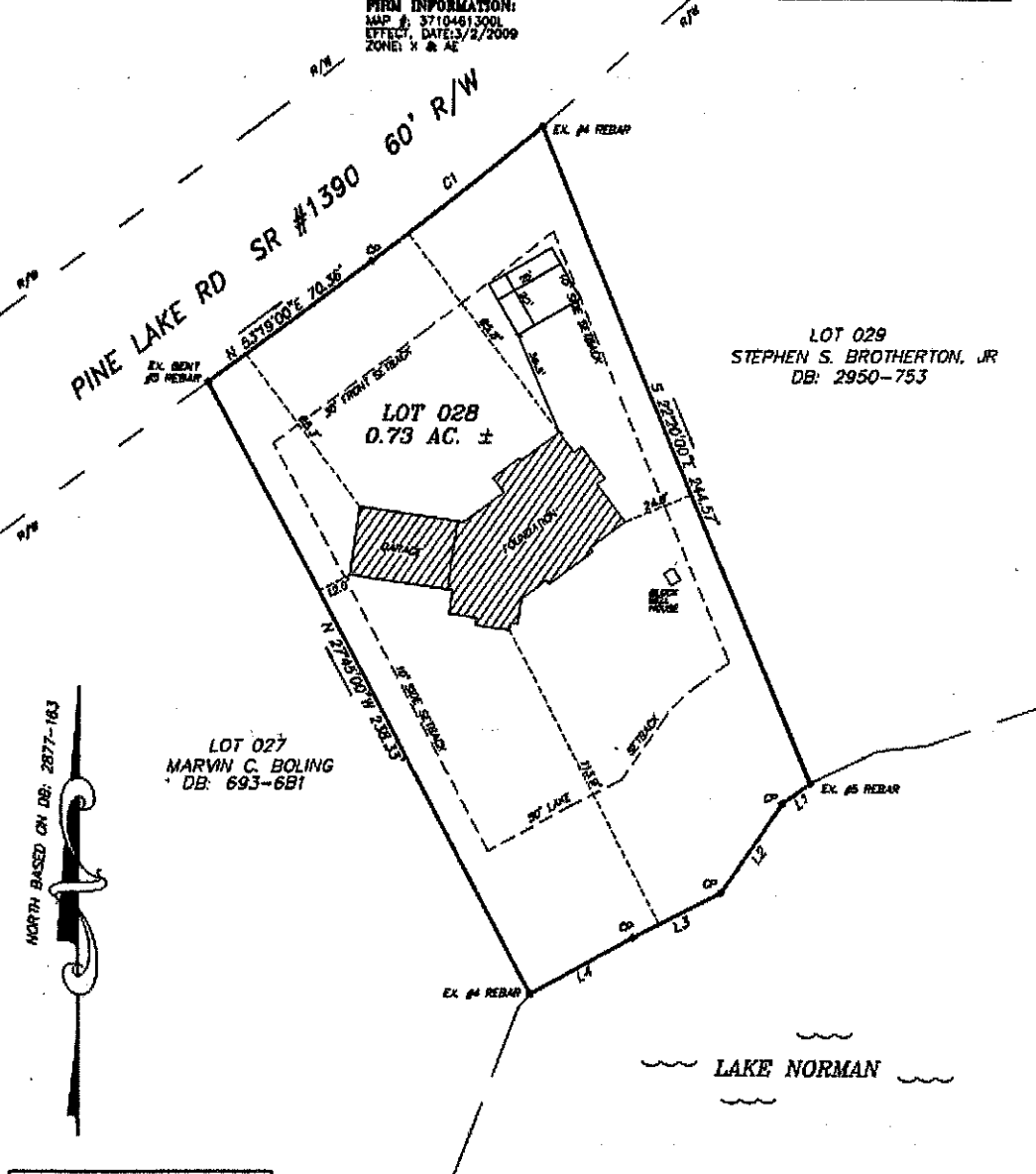
1:1,000,000





- NOTES:**
- 1) PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED RIGHTS OF WAYS OR EASEMENTS NOT OBSERVED AND/OR RESTRICTIVE COVENANTS. OWNER TO VERIFY ALL SETBACKS AND ZONING REGULATIONS PRIOR TO ANY PLANNING OR CONSTRUCTION.
  - 2) ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
  - 3) ALL AREAS SHOWN HEREON WERE DETERMINED BY COORDINATE COMPUTATION.
  - 4) SETBACKS AS SHOWN ARE PER CURRENT ZONING R-SF AND MAY DIFFER FROM RESTRICTIVE COVENANTS.
  - 5) A PORTION OF THIS PROPERTY DOES LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, HOWEVER THE STRUCTURE DOES NOT LIE WITHIN THE PORTION OF THE PROPERTY THAT IS SHOWN TO BE IN A SPECIAL FLOOD HAZARD AREA.
- FIRM INFORMATION:**  
 MAP # 3710461300  
 EFFECT. DATE: 3/2/2009  
 ZONE: X & AE

- LEGEND:**
- BOUNDARY LINE
  - OVERHEAD UTILITIES
  - FENCE (TYPE NOTED)
  - CP = COMPUTED POINT (UNMARKED)
  - R/W = RIGHT-OF-WAY
  - EDP = EDGE OF PAVEMENT
  - C/L = CENTERLINE
  - U = UTILITY POLE



LOT 029  
 STEPHEN S. BROTHERTON, JR  
 DB: 2950-753

LOT 027  
 MARVIN C. BOLING  
 DB: 693-681



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 53°37'00" W	12.12'
L2	S 34°43'00" W	37.47'
L3	S 62°34'00" W	33.83'
L4	S 61°32'00" W	40.82'

CURVE TABLE				
CURVE	LENGTH	RADIUS	BEARING	CHORD
C1	74.67'	1492.41'	N 51°53'51" E	74.68'

I HEREBY CERTIFY THAT THIS PLAT REPRESENTS AN ACTUAL FIELD SURVEY AND MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 N.C.A.C. 66.1600). THE RATIO OF PRECISION EXCEEDS 1:10,000.

*Phillip C. Harris* 4164  
 PROFESSIONAL LAND SURVEYOR LICENSE NO.

DRAWN BY: SRW  
 DWG FILE NAME: 0004.CLO28.PLD  
 PROJECT NO: 20084  
 PROPERTY ADDRESS:  
 6194 PINE LAKE RD  
 MAIDEN, NC 28657  
 DATE: NOVEMBER 11, 2020  
 SCALE: 1"=40'

FOUNDATION SURVEY  
**STEPHEN S. BROTHERTON, JR  
 & ELIZABETH M. BROTHERTON**  
 CATOWEA SPRINGS TOWNSHIP, LINCOLN COUNTY, NC  
 LOT 028 CRESCENT LAND & TIMBER COOP. LOTS  
 REFERENCES: DB: 2877-183

**HARRIS LAND SURVEYING, PLLC**  
 FIRM LICENSE # P-1295  
 4080 DAVIS RD  
 MAIDEN, NC 28650  
 704-490-8800  
 philharris@mls.com

