



**LINCOLNTON BOARD OF ADJUSTMENT
AGENDA
June 17, 2025
4:00 PM**

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Minutes**
 - 3a May 20, 2025 meeting minutes**
- 4. Quasi-judicial Hearing**
 - 4a BOA-5-2025- Application from Floyd Dean requesting a variance of the Lincolnton Unified Development Ordinance, Section 153.393 (B) (4) (d) panhandle lots. The variance would allow for the front of the dwelling to be constructed within an area of the panhandle lot not meeting the 70 foot lot width requirement. The subject property is located on the west side of North State Street approximately 100 feet North of the intersection of North State Street and East Sumner Street (Parcel ID 77294).**
 - 4b BOA-7-2025- Application from Olympia and Wright, LLC requesting a variance of the Lincolnton Unified Development Ordinance, Section 153.050 (Lot to abut a dedicated street). The variance would allow for the creation of a residential lot that does not have frontage on a dedicated street but will be served by a 15-foot private access easement. The subject properties are located at the southeast corner of West Congress Street and Lee Avenue (Parcel ID 54898 and 54899).**
 - 4c BOA-6-2025- Application from Robert Trull requesting a variance of the Lincolnton Unified Development Ordinance, Sections 153.057 A (4) and (5) accessory structure setbacks and 153.049 (A) (1) fences. The variance would allow for a structure to remain on the site that doesn't meet the 10 foot side and rear yard setback and a fence to be constructed that exceeds six (6) feet in height. The subject property is located at 215 North Laurel Street (Parcel ID 50544).**
- 5. Adjournment**



**CITY OF LINCOLNTON
BOARD OF ADJUSTMENT
MINUTES**

PO DRAWER 617, LINCOLNTON, NC 28093

www.lincolntonnc.org

BOARD MEMBERS: Monte Tyson, Chair, monte@cbdeastmain.com; John Waters, Vice Chair jh2osk@aol.com; Kristin Radebaugh, kradebaugh6r6@gmail.com; Trent Mason, trentonbmason@gmail.com; Jerry Hoffman, jlskhoffman@charter.net; Alternates: Steve Lackey, stevelackey88@gmail.com; Lee Huss lee@gillelandrealty.com

Tuesday, May 20, 2025

Present: Monte Tyson, John Waters, Kristin Radebaugh, Trent Mason, Jerry Hoffman

Call to Order

Chair Monte Tyson called the meeting to order and recognized that all members were present for a quorum.

Approval of Minutes

Chair Monte Tyson asked the Board if there were any additions or corrections to the minutes of the April 15, 2025, meeting. The motion is as follows:

Motion:

*Trent Mason made a motion to approve the minutes.
Members voted 5-0 in favor of the motion.*

Adjournment

Chair Monte Tyson asked if there was a motion to adjourn. The motion is as follows:

Motion:

*John Waters made a motion to adjourn.
Members voted 5-0 in favor of the motion.*

Kayla Reep



BOA-5-2025

Application from Floyd Dean requesting a variance of the Lincolnton Unified Development Ordinance, Section 153.393 (B) (4) (d) panhandle lots.

The variance would allow for the front of the dwelling to be constructed within an area of the panhandle lot that does not meet the 70-foot lot width requirement.

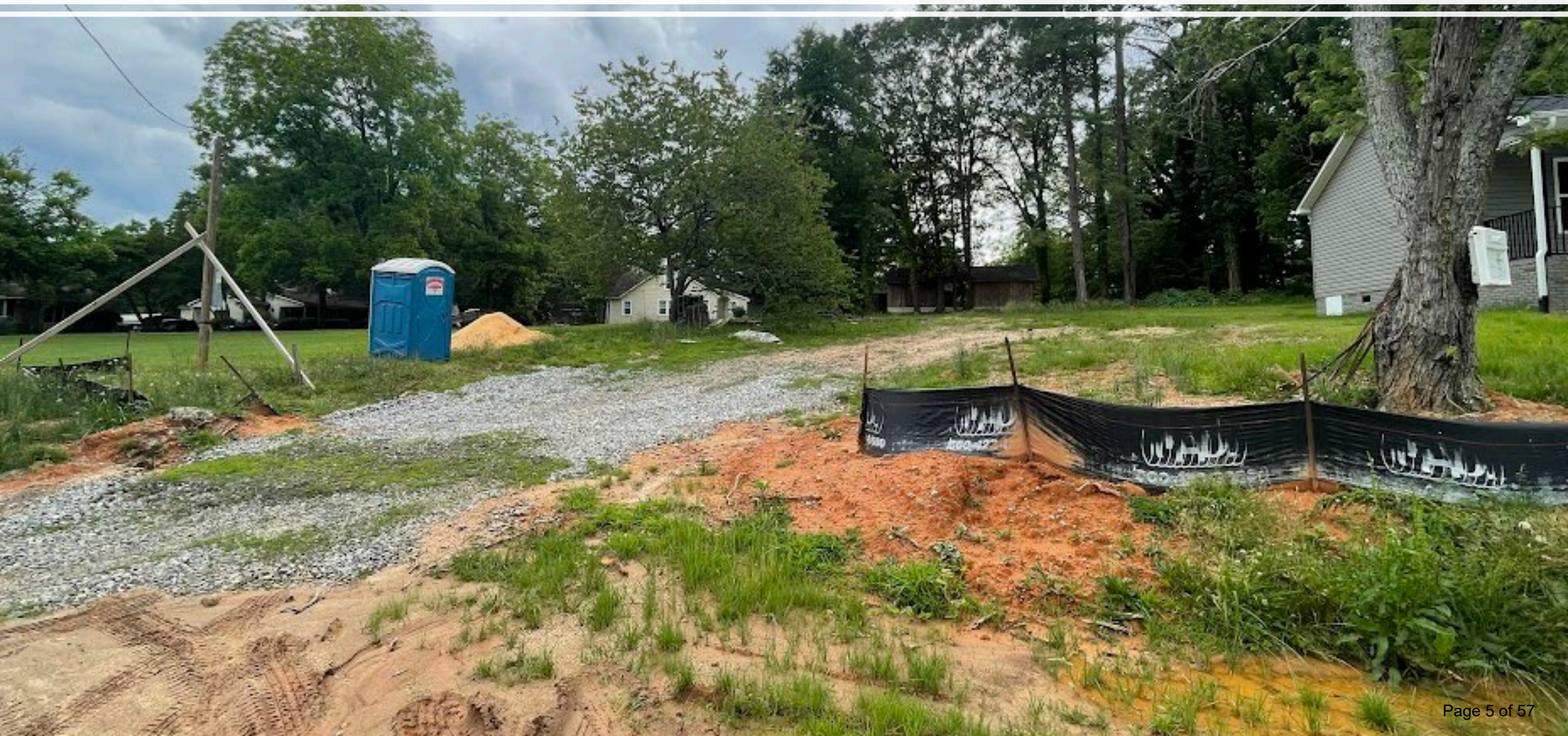
The subject property is located on the west side of North State Street, approximately 100 feet North of the intersection of North State Street and East Sumner Street (Parcel ID 77294).

DETAILS:

- Applicant: Floyd Dean, Dean's Investment Inc.
- Property Location – PID 77294 N State St
- Current Zoning – Residential-8 (R-8)
- Property Size - 0.277 acres
- Current Use of Property – Vacant
- Adjacent Properties – Single Family Residential



Street View



Rear Property View



RELEVANT UDO REQUIREMENTS

§ 153.393 SUBDIVISION DESIGN.

Panhandle lots. Panhandle lots will be allowed in subdivisions provided that they meet the following requirements:

- ✓ In no case shall an entire subdivision or the majority of lots within a subdivision consist of panhandle lots;
- ✓ All panhandle lots shall have a minimum road frontage of 35 feet;
- ✓ The length of the panhandle strip in the lot shall not exceed 100 feet; and
- ❑ **The strip shall not be used to determine lot area, lot width, or required building setback lines.**

§ 153.108 R-8 SINGLE AND TWO-FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT.

- **Minimum front yard setback** (*as measured from the edge of the street right-of-way line*) - 30 feet.
- **Minimum lot width** - 70 feet at front yard setback; 35 feet at street right-of-way.

*ALL other R-8 yard requirements and setbacks must be met.

SKETCH

----- shows approximate location of the 30 ft front setback required in R-8.

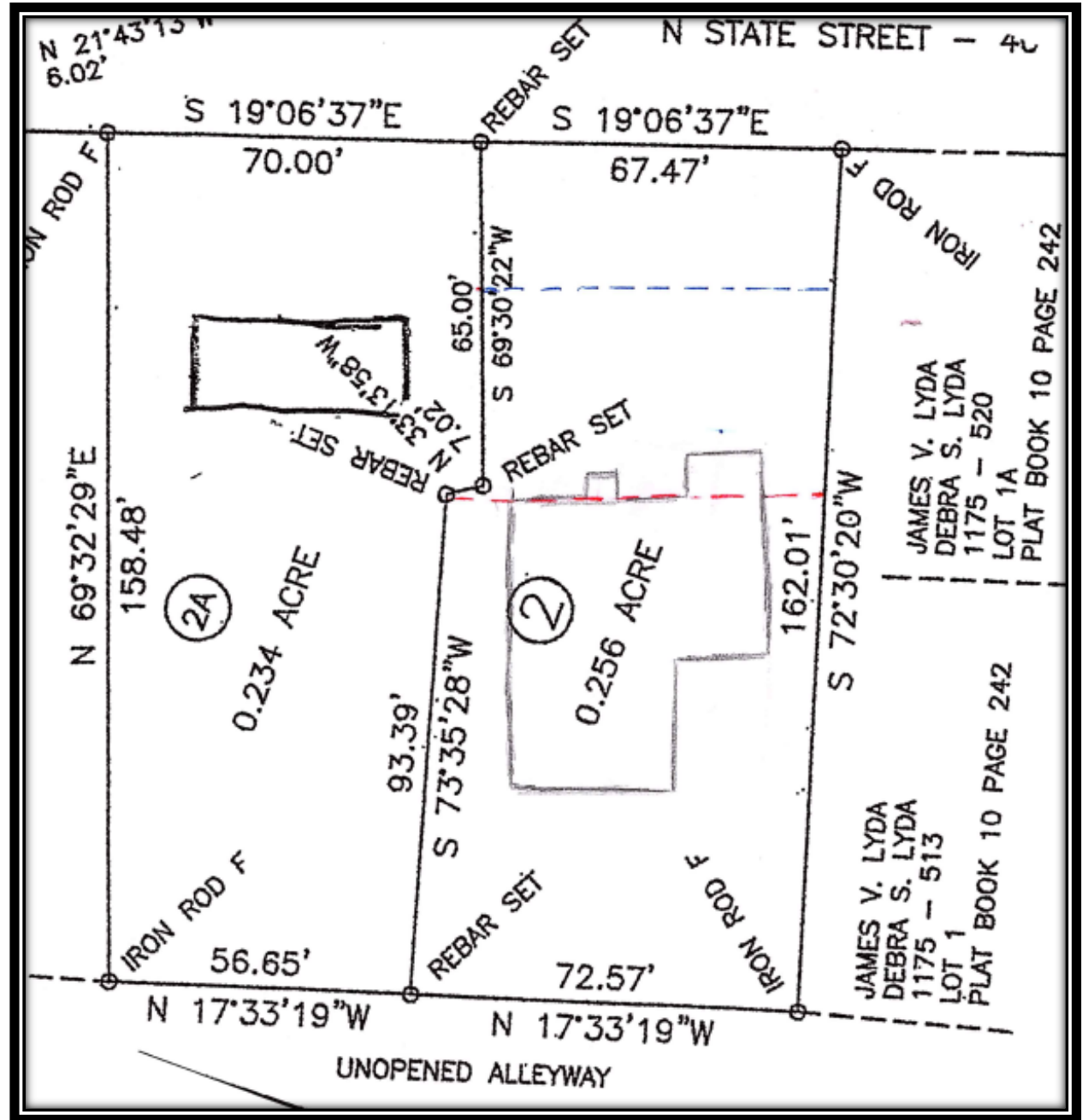
----- shows the approximate location of where the lot widens to 70 ft.

VARIANCE REQUEST

Applicant's description of why a variance from the terms of these provisions is needed:

“Because of the panhandle lot, the setback would place the home at the rear of the lot. The house would then face the next-door neighbor's backyard. I would like to place the garage and porch in the area before the lot width is 70 ft. This would still meet the R-8 requirements.

The proposal is to allow for the construction of the garage and porch within an area of the panhandle lot that does not meet the 70-foot lot width requirement.



Findings of Fact with responses from the applicant

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.

- “The lot was 2.53 feet short of meeting the lot width requirement, so a pandhandle lot was necessary. Since the lot was created, a home was built next door. The required setback will place the home facing the neighbor’s backyard.”

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.

- “Requiring the house to face their backyard would remove all privacy for their yard.”

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with the knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

- “The buyer chose house plans not realizing the deep setback required.”

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.

- “Although it is a panhandle lot, it was just a few feet short. The proposed front setback will still be further back than what is typically required in R-8.”

Chair requests individual motions and votes on each of the following four findings of fact.

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.
Motion, and then all those in favor say aye....all those opposed say no.
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.
Motion, and then all those in favor say aye....all those opposed say no.
3. The hardship 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 hardship.
Motion, and then all those in favor say aye....all those opposed say no.
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.
Motion, and then all those in favor say aye....all those opposed say no.

(Note: If the motion is to deny the request, Board should substantiate potential denial of the request by voting no on at least two of the findings of fact.)

Final: Chair requests a motion to approve or deny the request.

Motion, and then all those in favor say aye....all those opposed say no.



PLANNING DEPARTMENT
TELEPHONE 704-736-8930
FAX 704-736-8939

www.lincolntonnc.org/planning
zoningpermits@lincolntonnc.org

Application for Variance

Description of request: Reduce the front setback of the panhandle
to allow for the garage and porch.

Applicant information:

Name: Floyd Dean - Deans Investment Inc

Address: 1767 Boyscout Rd

City: Lincolnton State: NC Zip: 28092

Telephone: 704-473-6232 Email: deansappraisal@bellsouth.net

Property owner information (if different from applicant)

Name: Same

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

Property location and description

Address: N State St

Tax parcel no. (five-digit): 77294 Current zoning classification: R-8

A sketch of the property including the following information shall accompany this application: lot dimensions, setback dimensions for existing structures, location of all existing structures, other topographical features (bodies of water, significant stands of trees, etc.). Based on the nature of the application, the Zoning Administrator shall have the authority to request additional necessary information and/or waive one or more of these items. Application fee \$400.00.

Variance Request Description

Section(s) of the Unified Development Code requesting relief from: _____

153.393 (B)(4)(d) Panhandle lots

Applicant's description of why a variance from the terms of these provisions is needed: _____

Because of the panhandle lot, the setback would place the home to the rear of the lot. The house would then face the next door neighbor's backyard. I would like to place the garage and porch in the area before the lot width is 70 ft. This would still meet the normal R-8 requirements.

The Board of Adjustment, after having held a public hearing to consider the variance request, will address each of the following findings of fact and draw the following conclusions in order to render their decision:

1. Unnecessary hardship would result from the strict application of the ordinance. (NOTE: It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.);
2. The hardship results from the conditions that are peculiar to the property, such as location, size or topography. (NOTE: 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.);
3. The hardship did not result from actions taken by the applicant or the property owner. (NOTE: 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 hardship); and,
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.

The applicant is asked to address each of these findings as they pertain to their variance request. Please use additional sheets if necessary. In order to grant a variance, each of the findings must be found in the affirmative by the Board of Adjustment by a 4/5 majority of the Board's membership.

Request for Variance

1) Unnecessary hardship would result from the strict application of the ordinance. (NOTE: It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. This statement is based upon the following reason(s):

The lot was 2.53 feet short of meeting the lot width requirement, so a panhandle lot was necessary. Since the lot was created, a home was built next door. The required setback will place the home facing the neighbor's backyard.

2) The hardship results from the conditions that are peculiar to the property, such as location, size or topography. (NOTE: 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.); This statement is based upon the following reason(s):

Requiring the house to face their backyard would remove all privacy for their yard.

3) The hardship did not result from actions taken by the applicant or the property owner. (NOTE: 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 hardship. This statement is based upon the following reason(s):

The buyer chose house plans not realizing the deep setback required.

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. This statement is based upon the following reason(s):

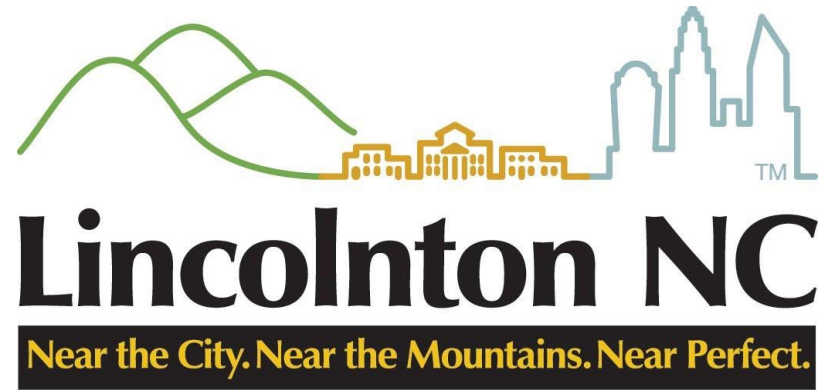
Although it is a panhandle lot, it was just a few feet short. The proposed front setback will still be further back than what is typically required in R-8.

Signatures

Hoyt Dean 5/15/25
Applicant Date

Property Owner, If Different From Applicant Date

Chris Jones 5/15/25
Zoning Administrator Date



BOA-7-2025

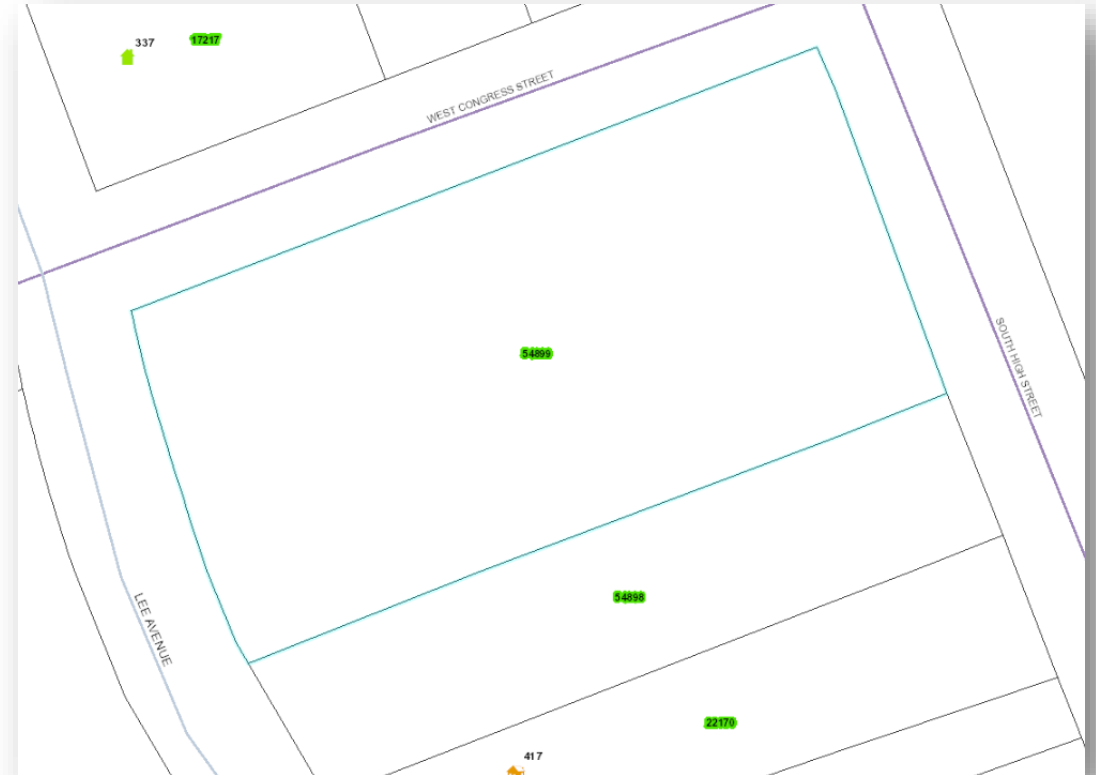
Application from Olympia and Wright, LLC requesting a variance of the Lincolnton Unified Development Ordinance, Section 153.050 (Lot to abut a dedicated street).

The variance would allow for the creation of a residential lot that does not have frontage on a dedicated street but will be served by a 15-foot private access easement.

The subject properties are located at the southeast corner of West Congress Street and Lee Avenue (Parcel ID 54898 and 54899).

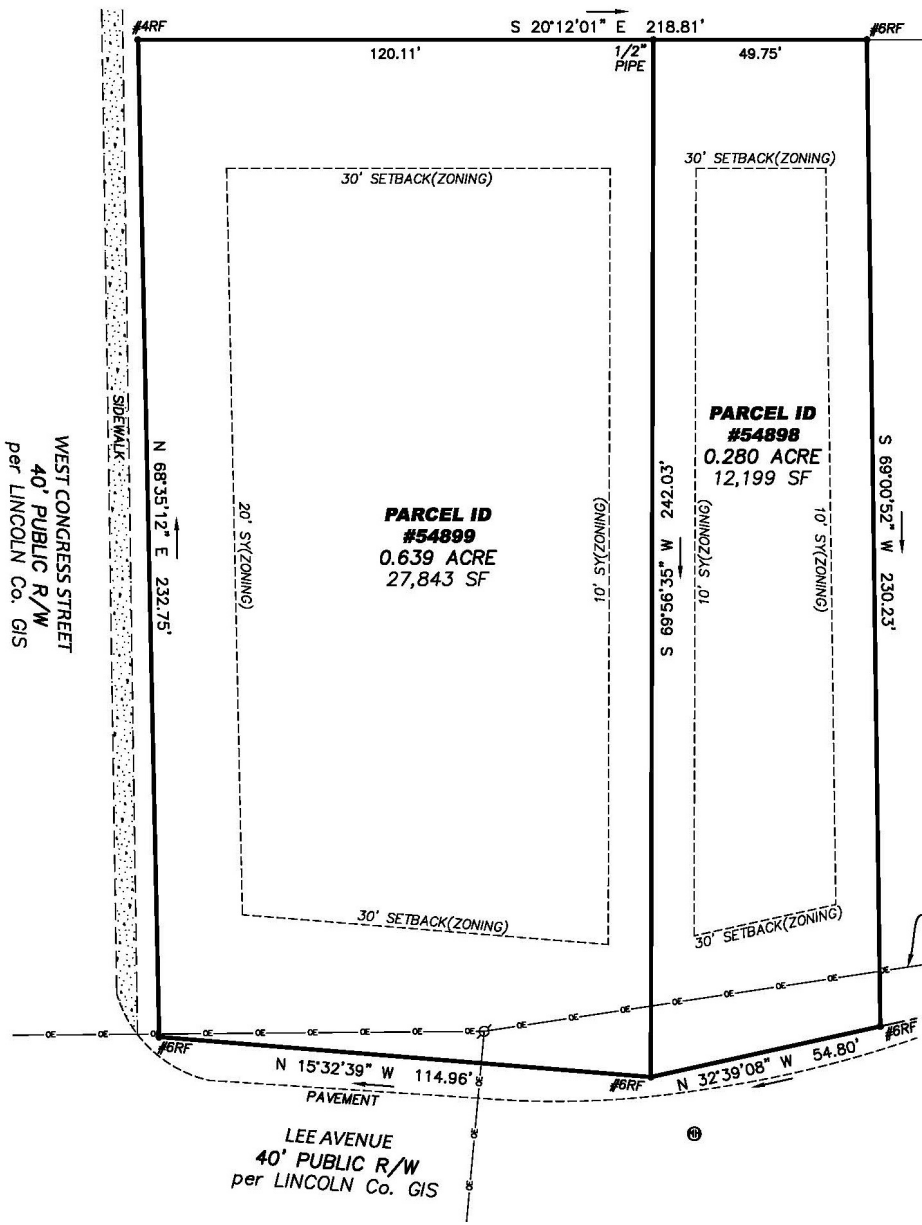
DETAILS:

- **Applicant:** Olympia & Wright, LLC
- **Property Location** – West Congress Street, Lee Avenue, & the unopened section of South High Street
- **Current Zoning** – R-8 Single and Two-family Medium Density Residential District
- **Property Size** – 0.9 acres
- **Current Use of Property** – Vacant
- **Adjacent Properties** – R-8 Single and Two-family Medium Density Residential District



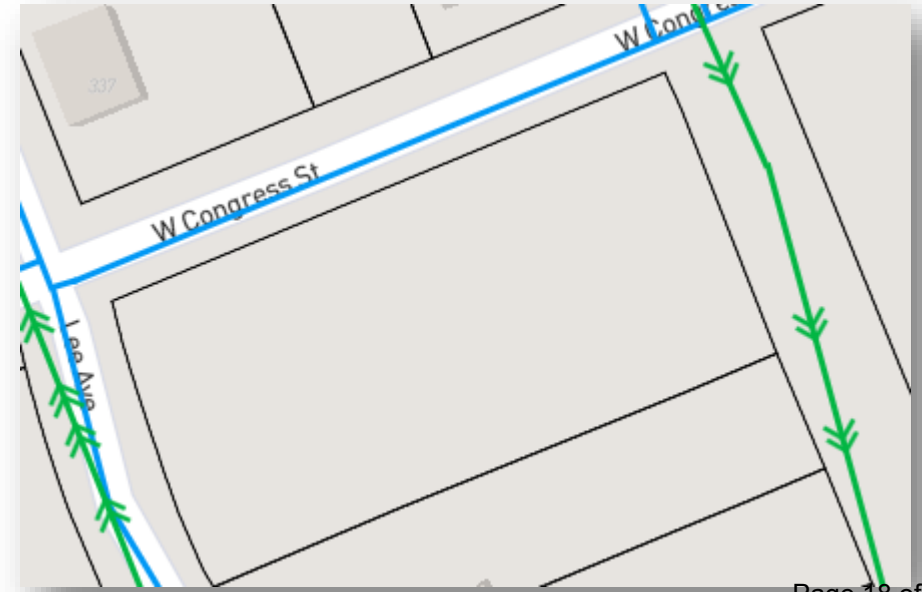
CURRENT SITE SURVEY

SOUTH HIGH STREET
 40' PUBLIC R/W
 (UNDEVELOPED)
 per LINCOLN Co. GIS



SITE INFORMATION

- Two vacant lots fronting West Congress Street and Lee Avenue
- Lots also border an undeveloped portion of South High Street
- Due to topography and utilities, there are no plans to develop that portion of South High Street
- The owner plans to subdivide the property into five residential lots



Street View – West Congress St & Lee Ave



Street View – West Congress Street



Street View – West Congress St & South High St



Street View – End of South High Street



RELEVANT UDO REQUIREMENTS

§ 153.108 R-8 SINGLE AND TWO-FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT

- **Minimum lot size** - Single-family dwelling: 6,000 square feet, two-family dwellings: 12,000 square feet
 - **Minimum front yard setback** (as measured from the edge of the street right-of-way line) - All residential uses: 30 feet
 - **Minimum side yard setback** (an additional ten feet shall be provided on all side yards which abut a public street) - All residential uses: 10 feet
 - **Minimum rear yard setback** - All uses: 25 feet
 - **Maximum building height** - All uses: 35 feet
 - **Minimum lot width** - Single-family dwelling and family care home: 70 feet at front yard setback; 35 feet at street right-of-way. Two-family dwelling: 80 feet at front yard setback; 35 feet at street right-of-way.
-

STAFF COMMENTS

- Based on the lot square footage and lot width shown, the lots will only be able to be used for single-family homes.
- With the driveway easement placement for Lot 5 located on Lot 4, where will the driveway be located for Lot 4?

FROM THE APPLICANT:

Explain why this variance is needed:

This variance is needed to allow for the full and reasonable use of the property in a manner consistent with the goals of the R-8 zoning district and the City of Lincoln's broader housing and development objectives. The subject parcels contain over 40,000 square feet—sufficient to support six residential lots under current zoning standards. However, the proposed subdivision includes only five lots to promote quality design and livability. One of these lots (Lot 5) lacks frontage on a dedicated public street due to the property's unique configuration and the limited development potential of South High Street, despite its inclusion of public utilities.

The applicant made a genuine effort to reconfigure the site in a way that would eliminate the need for a variance by utilizing frontages along West Congress Street and Lee Avenue. However, that alternate layout fell just short of compliance, missing required R-8 setbacks by approximately five feet—demonstrating that the request is not due to overreaching design but rather to minimal and site-specific constraints.

Without this variance, a conforming and buildable lot would be rendered undevelopable based solely on the lack of public street frontage—even though it will have safe and functional access via a 15-foot private easement and full connection to public infrastructure. This would diminish the viability of the overall subdivision, reduce attainable housing supply, and discourage reinvestment in an area well suited for residential infill.

Granting the variance allows for a practical and responsible solution that balances ordinance intent with the real-world conditions of the site, ultimately supporting compact growth, housing affordability, and efficient land use.

Findings of Fact with responses from the applicant

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.

Strict application of the ordinance would prevent the creation of a conforming residential lot— Lot 5—solely because it lacks frontage on a dedicated public street, despite having a functional 15-foot private access easement and adjacency to existing public utilities. This would render a significant portion of the site unusable for residential development, even though it meets or exceeds all other dimensional and infrastructure requirements of the R-8 zoning district.

As a result, the City of Lincolnton would lose the opportunity to add a new, high-quality, attainable home within close proximity to its downtown core—contradicting broader planning goals around infill development and housing accessibility. The hardship lies not in the physical development itself, but in the technical interpretation of frontage, which in this case serves no substantial public interest given the lot's adequate access and utility service.

This rigid application would create an unnecessary barrier to responsible, context-sensitive development and reduce the overall viability of the subdivision plan, which already proposes fewer lots than the zoning would otherwise permit.

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.

The hardship is peculiar to the property due to its unique configuration, multiple frontages, and the unusual presence of public utilities in an undeveloped right-of-way. The property is bounded by three streets—Lee Avenue, West Congress Street, and South High Street—limiting internal access options and creating a constrained layout uncommon in standard subdivision design.

While South High Street is platted as a public right-of-way and contains public water and sewer lines, it is unlikely to ever be formally developed as a functioning street. This leaves a portion of the site—specifically Lot 5—without traditional frontage on a dedicated public road, despite being adjacent to infrastructure that typically supports public access.

This combination of factors—existing utility service without street construction, triple-frontage limitations, and the site's overall shape—results in a condition that is not shared by other properties in the area and directly impacts the applicant's ability to utilize the land in a manner consistent with the zoning district's intent.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with the knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

The hardship was not created by the applicant or property owner but is instead a product of the property's historical configuration and the surrounding public infrastructure. The lot in question has existed in its current form prior to the applicant's involvement and is uniquely constrained by its irregular shape and frontage along three existing public rights-of-way—Lee Avenue, West Congress Street, and South High Street.

Although South High Street is not currently developed as a public roadway, it contains existing public water and sewer infrastructure, suggesting it was originally intended for future use. This creates a unique condition in which the property has the physical indicators of public accessibility without the formal classification of a dedicated street frontage.

The applicant is working within these inherited limitations and is proposing a reasonable solution that maintains all required access and services via a dedicated private easement. Therefore, the circumstances necessitating this variance are inherent to the site and not the result of any action or decision by the applicant or owner.

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.

The spirit and purpose of the ordinance are to ensure orderly development, provide adequate access and infrastructure, and promote the general welfare of the community. This request aligns with that intent by facilitating the creation of high-quality, attainable housing within walking distance to downtown Lincolnton—supporting infill development and smart growth principles.

Though the lot in question does not front a public street, the 15-foot private access easement ensures that emergency access, utility service, and general ingress/egress needs are fully met, preserving public safety. Additionally, the proposed subdivision reduces density below what the zoning allows—5 lots on land that could yield 6—demonstrating a thoughtful and measured approach that upholds the ordinance’s goals while allowing for flexibility where warranted.

This variance helps achieve substantial justice by allowing the property to be used reasonably and responsibly, in a way that benefits the broader community without compromising health, safety, or the integrity of the neighborhood.

Chair requests individual motions and votes on each of the following four findings of fact.

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.
Motion, and then all those in favor say aye....all those opposed say no.
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.
Motion, and then all those in favor say aye....all those opposed say no.
3. The hardship 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 hardship.
Motion, and then all those in favor say aye....all those opposed say no.
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.
Motion, and then all those in favor say aye....all those opposed say no.

(Note: If the motion is to deny the request, Board should substantiate potential denial of the request by voting no on at least two of the findings of fact.)

Final: Chair requests a motion to approve or deny the request.

Motion, and then all those in favor say aye....all those opposed say no.



PLANNING DEPARTMENT
TELEPHONE 704-736-8930
FAX 704-736-8939

www.lincolntonnc.org/planning
zoningpermits@lincolntonnc.org

Application for Variance

Description of Request

- Briefly explain what variance you're seeking (e.g., reduced setbacks, lot size requirements, etc.).

The applicant is requesting a variance from Section 153.050 of the Unified Development Ordinance, which requires all lots to abut a dedicated public street. The variance would allow for the creation of a residential lot—identified as Lot 5 on the submitted subdivision plat—that does not have frontage on a dedicated street but will be served by a 15-foot private access easement. This lot is part of a thoughtfully designed 5-lot minor subdivision on two parcels totaling over 40,000 square feet in the R-8 zoning district. The proposed development complies with all other dimensional and infrastructure standards and is intended to deliver quality, attainable housing within walking distance of downtown Lincolnton. This variance is essential to make full, responsible use of the site and to support the City's goals for infill development, housing diversity, and efficient land use in urban neighborhoods.

2. Applicant Information

- **Name:** Olympia & Wright LLC
- **Address:** 1800 Camden Road, Suite 107-18
- **City, State, Zip:** Charlotte, NC 28203
- **Phone:** 336.428.0230
- **Email:** andrew@owhomes.com

3. Property Owner Information (if different from applicant)

- **Name:**
- **Address:**
- **City, State, Zip:**
- **Phone:**
- **Email:**

4. Property Location and Description

- **Property Address: Lee Ave, West Congress St, & South High St, Lincolnton, NC 28092**
- **Tax Parcel Number (5-digit): 54899 & 54898**
- **Current Zoning Classification: R-8**

You'll also need to attach a **site sketch** showing lot dimensions, structures, setbacks, and any relevant features like water bodies or trees.

- Recent boundary survey and preliminary minor subdivision plat are attached for reference. This variance request only applies to Lot 5 shown on the preliminary minor subdivision plat.

5. Variance Request Description

- **Section(s) of UDO you're requesting relief from: 153.050**

Explain why this variance is needed:

This variance is needed to allow for the full and reasonable use of the property in a manner consistent with the goals of the R-8 zoning district and the City of Lincolnton's broader housing and development objectives. The subject parcels contain over 40,000 square feet—sufficient to support six residential lots under current zoning standards. However, the proposed subdivision includes only five lots to promote quality design and livability. One of these lots (Lot 5) lacks frontage on a dedicated public street due to the property's unique configuration and the limited development potential of South High Street, despite its inclusion of public utilities.

The applicant made a genuine effort to reconfigure the site in a way that would eliminate the need for a variance by utilizing frontages along West Congress Street and Lee Avenue. However, that alternate layout fell just short of compliance, missing required R-8 setbacks by approximately five feet—demonstrating that the request is not due to overreaching design but rather to minimal and site-specific constraints.

Without this variance, a conforming and buildable lot would be rendered undevelopable based solely on the lack of public street frontage—even though it will have safe and functional access via a 15-foot private easement and full connection to public infrastructure. This would diminish the viability of the overall subdivision, reduce attainable housing supply, and discourage reinvestment in an area well suited for residential infill.

Granting the variance allows for a practical and responsible solution that balances ordinance intent with the real-world conditions of the site, ultimately supporting compact growth, housing affordability, and efficient land use.

6. Findings of Fact

Provide brief responses to each required justification:

1) What unnecessary hardship would result from the strict application of the ordinance?

Strict application of the ordinance would prevent the creation of a conforming residential lot—Lot 5—solely because it lacks frontage on a dedicated public street, despite having a functional 15-foot private access easement and adjacency to existing public utilities. This would render a significant portion of the site unusable for residential development, even though it meets or exceeds all other dimensional and infrastructure requirements of the R-8 zoning district.

As a result, the City of Lincolnton would lose the opportunity to add a new, high-quality, attainable home within close proximity to its downtown core—contradicting broader planning goals around infill development and housing accessibility. The hardship lies not in the physical development itself, but in the technical interpretation of frontage, which in this case serves no substantial public interest given the lot's adequate access and utility service.

This rigid application would create an unnecessary barrier to responsible, context-sensitive development and reduce the overall viability of the subdivision plan, which already proposes fewer lots than the zoning would otherwise permit.

2) How is the hardship peculiar to the property (e.g., topography, size, location)?

The hardship is peculiar to the property due to its unique configuration, multiple frontages, and the unusual presence of public utilities in an undeveloped right-of-way. The property is bounded by three streets—Lee Avenue, West Congress Street, and South High Street—limiting internal access options and creating a constrained layout uncommon in standard subdivision design.

While South High Street is platted as a public right-of-way and contains public water and sewer lines, it is unlikely to ever be formally developed as a functioning street. This leaves a portion of the site—specifically Lot 5—without traditional frontage on a dedicated public road, despite being adjacent to infrastructure that typically supports public access.

This combination of factors—existing utility service without street construction, triple-frontage limitations, and the site's overall shape—results in a condition that is not shared by other properties in the area and directly impacts the applicant's ability to utilize the land in a manner consistent with the zoning district's intent.

3) How was the hardship not caused by the applicant or owner?

The hardship was not created by the applicant or property owner but is instead a product of the property's historical configuration and the surrounding public infrastructure. The lot in question has existed in its current form prior to the applicant's involvement and is uniquely constrained by

its irregular shape and frontage along three existing public rights-of-way—Lee Avenue, West Congress Street, and South High Street.

Although South High Street is not currently developed as a public roadway, it contains existing public water and sewer infrastructure, suggesting it was originally intended for future use. This creates a unique condition in which the property has the physical indicators of public accessibility without the formal classification of a dedicated street frontage.

The applicant is working within these inherited limitations and is proposing a reasonable solution that maintains all required access and services via a dedicated private easement. Therefore, the circumstances necessitating this variance are inherent to the site and not the result of any action or decision by the applicant or owner.

4) How is the requested variance consistent with the spirit and purpose of the ordinance?

The spirit and purpose of the ordinance are to ensure orderly development, provide adequate access and infrastructure, and promote the general welfare of the community. This request aligns with that intent by facilitating the creation of high-quality, attainable housing within walking distance to downtown Lincolnton—supporting infill development and smart growth principles.

Though the lot in question does not front a public street, the 15-foot private access easement ensures that emergency access, utility service, and general ingress/egress needs are fully met, preserving public safety. Additionally, the proposed subdivision reduces density below what the zoning allows—5 lots on land that could yield 6—demonstrating a thoughtful and measured approach that upholds the ordinance’s goals while allowing for flexibility where warranted.

This variance helps achieve substantial justice by allowing the property to be used reasonably and responsibly, in a way that benefits the broader community without compromising health, safety, or the integrity of the neighborhood.

Signatures

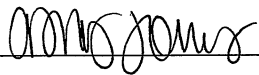
Andrew Balogh _____ 5.19.2025

Applicant

Date

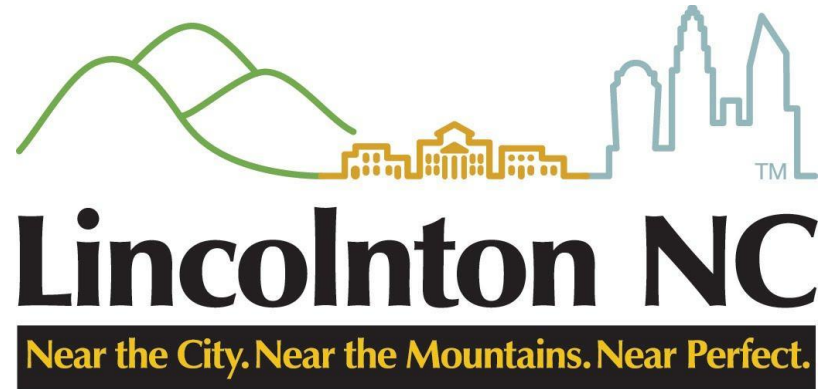
Property Owner, If Different From Applicant

Date

 _____ 5-20-2025

Planning Staff

Date



BOA-6-2025

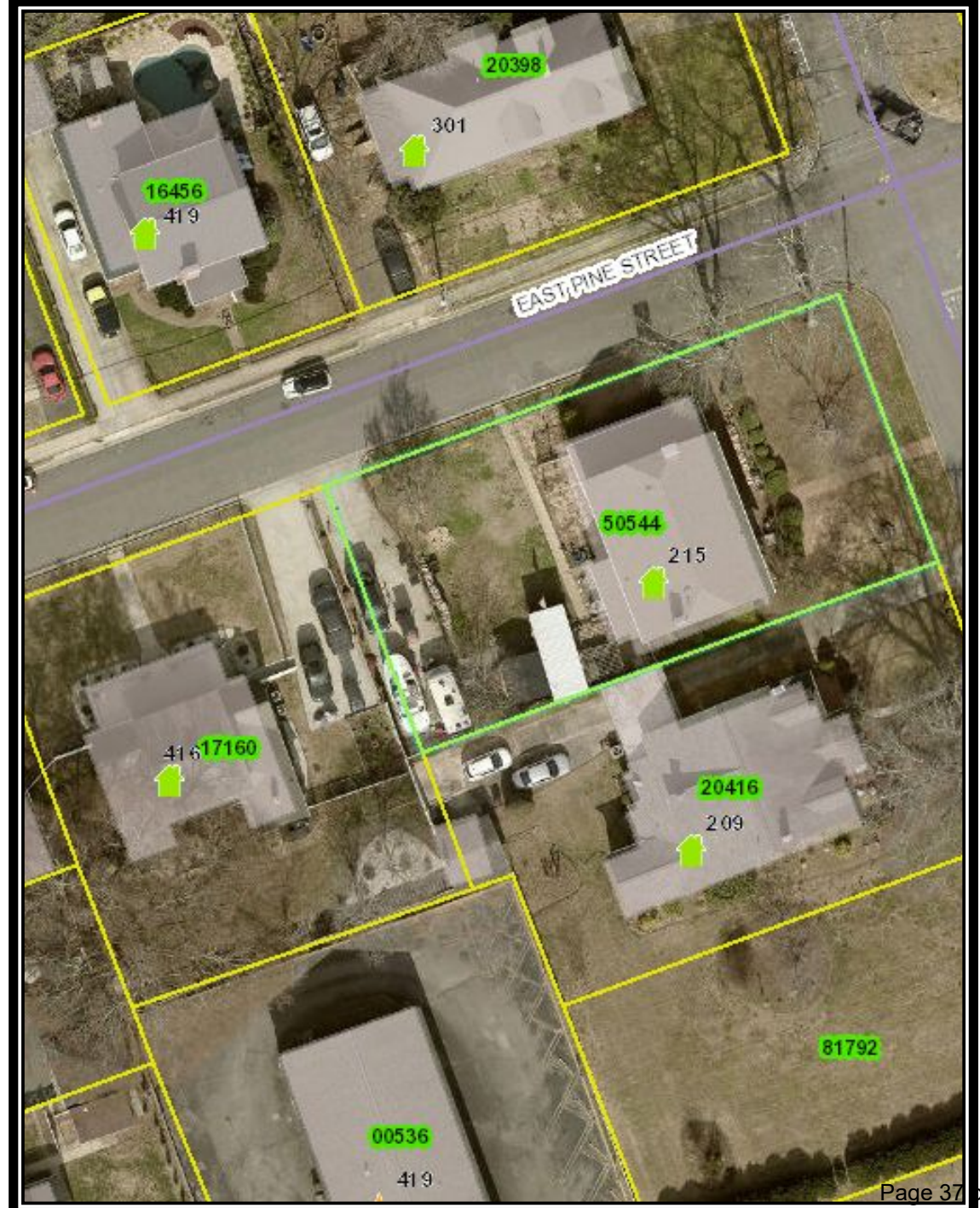
Application from Robert Trull requesting a variance of Section 153.057 A(4) and (5) and Section 153.049 (A) (1) of the Lincolnton Unified Development Ordinance.

If granted, the variances would allow three accessory structures to be within the side setback and a fence to be constructed that exceeds six (6) feet in height.

The subject property is located at 215 North Laurel Street (Parcel ID 50544).

DETAILS:

- Applicant: Robert Trull
- Property Location – 215 N. Laurel Street
- Current Zoning – R-10 Single Medium Density Residential District
- Property Size – .2731 acres
- Current Use of Property – Single Family Residential
- Adjacent Properties – Single Family Residential



Street View



Street View



Street View



EAST PINE STREET

Aerial View

NORTH LAUREL STREET

215



Approximately 6.5'

418



209

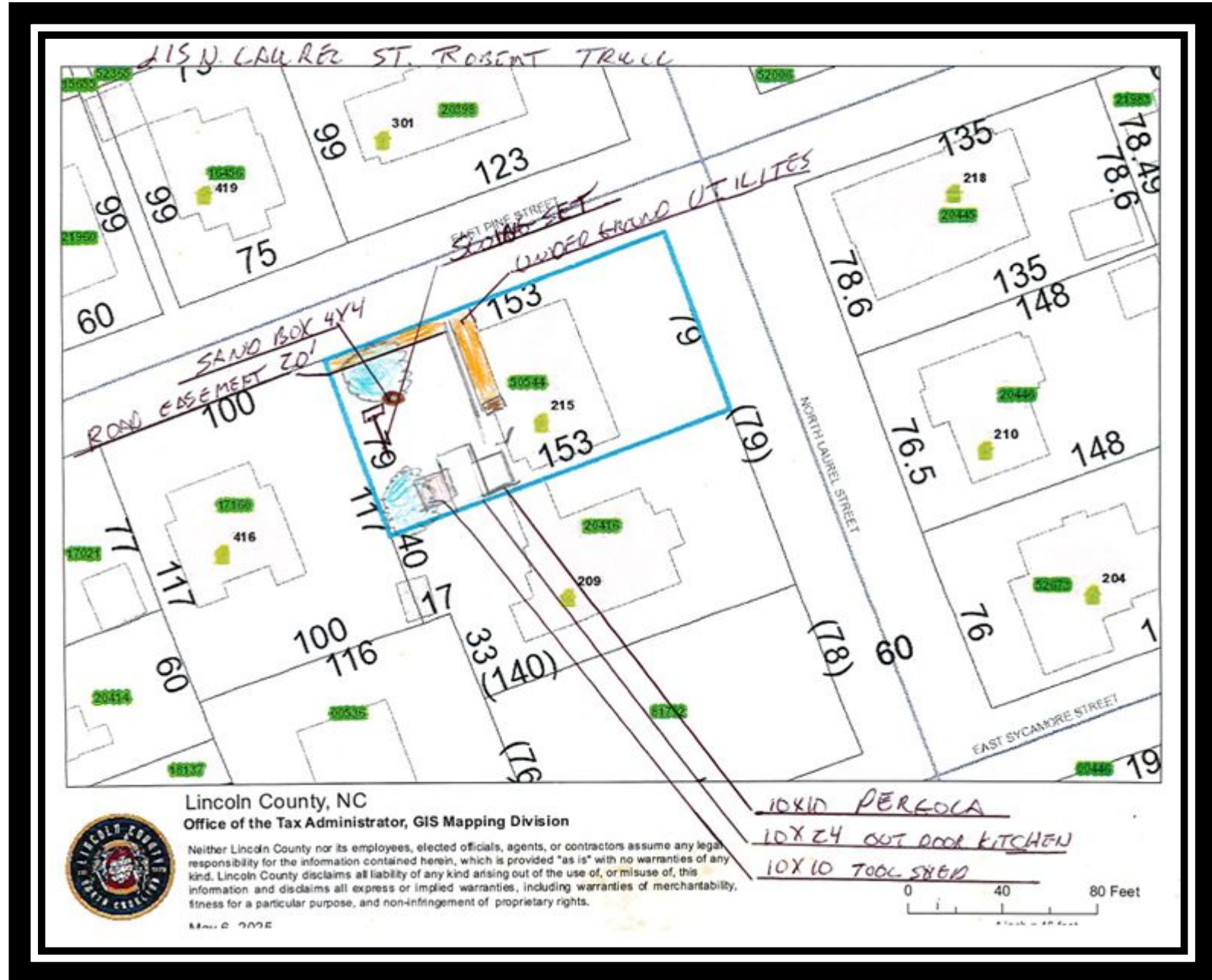


PROPOSALS

(provided by the applicant)

1 – to allow a reduction of side setback for his 3 accessory structures. Accessory structures should be located 10' off the side property line.

2 – to allow an 8' privacy fence. In most residential districts the maximum height is 6'.



RELEVANT UDO REQUIREMENTS

§ 153.057 ACCESSORY STRUCTURES

- (A) Within any Residential (R) District, accessory structures shall be located as follows.
- (4) Accessory structures are allowed in any side yard, provided they observe a setback of ten foot side yard from any side yard lot line.
 - (5) Accessory structures are allowed in any rear yard provided that all accessory structures observe a ten foot setback from any rear lot line.

§ 153.049 FENCES OR WALLS PERMITTED.

Except as otherwise noted, fences or walls are permitted in the various districts subject to the following regulations.

(A) In Residential (R) and Office/Institutional (O-I) Districts.

(1) When fences or walls are installed in a required setback area (required front, side or rear yard), the maximum height shall be six feet, except when the fence or wall is installed pursuant to § 153.046(C)(2) of this chapter it shall not exceed eight feet in height.

§ 153.046 SCREENING.

(C) Specifications for screening. Screening may be in the form of natural plantings, planted berms, walls or fences. Screening shall be encouraged, however, in the form of natural plantings. Where sufficient room exists to place a screen consisting of natural plantings or maintain an existing screen of natural plantings, the natural plantings shall be used as the required form of screening. Otherwise, screening in the form of a planted berm, wall or fence may be used. The Administrator may approve a combination of natural planting, planted berm, wall or fence, if he or she determines that the spirit and intent of this section are met by the combination. (See this section, this division (C) and division (D) below and note street landscaping requirements in this division.)

(2) Walls or fences.

(a) Any wall shall be constructed in a durable fashion with a finish surface of brick, stone or other decorative masonry material approved by the Administrator.

(b) Fences shall be constructed of wood in a durable fashion and of durable, weather resistant wood fencing materials and of consistent pattern. No wall or fence shall be less than six feet nor greater than eight feet in height above grade. All walls or fences used for screen purposes shall be opaque. Walls and fences shall be constructed in accordance with division (G) of this section.

Staff Notes:

- If variance is granted for the accessory structures, the following is required:
 1. Zoning Permit from the City of Lincoln for the 10' x 24' structure
 2. Building Permit from Lincoln County for the 10' x 24' structure

Note: By right they are allowed 592.50 SF in accessory structures, the total square footage of these 3 structures is 440 SF. They do have less square footage than the maximum they are allowed.

- If variance is granted for the fence, the following is required:
 1. The fence does not exceed 8' in height

Findings of Fact with responses from the applicant for the **accessory structures**

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. **"Due to the location of my house on the land lot, moving existing structures 10' away would result in obstructing access to my back porch and disfigure the general look of my property."**
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. **"Because of the small size of my lot, any structures movement can lead to violation of communication lines access, like water, gas, sewerage"**
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with the knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. **"Due to a bad drainage in the back part of my yard, I utilized that piece of property to put utility structures on it"**
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. **"Current location of the structures is not presenting any danger or threat to public safety, and been built with the participation of my neighbors"**

Chair requests individual motions and votes on each of the following four findings of fact.

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.
Motion, and then all those in favor say aye....all those opposed say no.

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.
Motion, and then all those in favor say aye....all those opposed say no.

3. The hardship 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 hardship.
Motion, and then all those in favor say aye....all those opposed say no.

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.
Motion, and then all those in favor say aye....all those opposed say no.

(Note: If the motion is to deny the request, Board should substantiate potential denial of the request by voting no on at least two of the findings of fact.)

Final: Chair requests a motion to approve or deny the request.

Motion, and then all those in favor say aye....all those opposed say no.

Findings of Fact with responses from the applicant for the fence

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. **“Our property has no privacy. Easy access to our property. Safety of our family needs to be increased.”**
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. **“We are under constant surveillance, being recorded by video & sound. We are being monitored of our movements allowing stalking and other threatening behaviors.”**
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with the knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. **“Property did not have a privacy fence when we purchased the home.”**
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. **“The fence will be professionally built with a rot board to gain height granted it will be well maintained and not unsightly.”**

Chair requests individual motions and votes on each of the following four findings of fact.

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.
Motion, and then all those in favor say aye....all those opposed say no.

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.
Motion, and then all those in favor say aye....all those opposed say no.

3. The hardship 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 hardship.
Motion, and then all those in favor say aye....all those opposed say no.

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.
Motion, and then all those in favor say aye....all those opposed say no.

(Note: If the motion is to deny the request, Board should substantiate potential denial of the request by voting no on at least two of the findings of fact.)

Final: Chair requests a motion to approve or deny the request.

Motion, and then all those in favor say aye....all those opposed say no.



PLANNING DEPARTMENT
TELEPHONE 704-736-8930
FAX 704-736-8939

www.lincolntonnc.org/planning
zoningpermits@lincolntonnc.org

Application for Variance

Description of request: *I'm asking to keep present location for all structures on my property, because otherwise will create unnecessary hardship for my family both financially and mentally. Also structure movement will disfigure general look of my property and neighbourhood.*

Applicant information:

Name: Robert Dereck Trull

Address: 215 N Laurel St, Lincolnton, NC 28092

City: Lincolnton State: NC Zip: 28092

Telephone: 832-353-5280 Email: _____

Property owner information (if different from applicant)

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

Property location and description

Address: 215 N Laurel St, Lincolnton, NC 28092

Tax parcel no. (five-digit): 50544 Current zoning classification: R-10

A sketch of the property including the following information shall accompany this application: lot dimensions, setback dimensions for existing structures, location of all existing structures, other topographical features (bodies of water, significant stands of trees, etc.). Based on the nature of the application, the Zoning Administrator shall have the authority to request additional necessary information and/or waive one or more of these items. Application fee \$400.00.

Variance Request Description

Section(s) of the Unified Development Code requesting relief from: 10 feet setback.
153.057(A)(4)+(5), 153.049(A)(1).

Applicant's description of why a variance from the terms of these provisions is needed: _____

Due to the location of my house on the land lot,
moving existing structures will result in obstructing
access to my back porch and underground communications
like water line, gas line and sewerage. Also it will
present big financial and mental challenge, for my
family. And finally it will disfigure the look of
my neighborhood.

The Board of Adjustment, after having held a public hearing to consider the variance request, will address each of the following findings of fact and draw the following conclusions in order to render their decision:

1. Unnecessary hardship would result from the strict application of the ordinance. (NOTE: It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.);
2. The hardship results from the conditions that are peculiar to the property, such as location, size or topography. (NOTE: 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.);
3. The hardship did not result from actions taken by the applicant or the property owner. (NOTE: 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 hardship); and,
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.

The applicant is asked to address each of these findings as they pertain to their variance request. Please use additional sheets if necessary. In order to grant a variance, each of the findings must be found in the affirmative by the Board of Adjustment by a 4/5 majority of the Board's membership.

Request for Variance

1) Unnecessary hardship would result from the strict application of the ordinance. (NOTE: It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. This statement is based upon the following reason(s):

Due to the location of my house on the land lot, moving existing structures 10 feet away will result in obstructing access to my back porch and disfigure general look of my property.

2) The hardship results from the conditions that are peculiar to the property, such as location, size or topography. (NOTE: 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.); This statement is based upon the following reason(s):

Because of small size of my lot, any structures movement can lead to violation of communication lines access, like water, gas, sewerage.

3) The hardship did not result from actions taken by the applicant or the property owner. (NOTE: 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 hardship. This statement is based upon the following reason(s):

Due to a bad drainage in the back part of my back yard, I utilized that rise of property to put utility structures on it.

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. This statement is based upon the following reason(s):

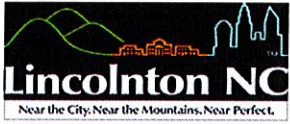
Current location of the structures is not presenting any danger or threat to public safety, and been built with the participation of my neighbors.

Signatures

 05/19/2025
Applicant _____ Date

Property Owner, If Different From Applicant Date

Planning Staff Date



Ashley Jones <ajones@lincolntonnc.org>

Receipt #R00318580

1 message

noreply@incode.tylerhosting.cloud <noreply@incode.tylerhosting.cloud>
To: AJONES@lincolntonnc.org

Tue, May 20, 2025 at 2:56 PM

Thank you for your payment!

City of Lincolnton
114 W. Sycamore St
Lincolnton, NC 28092

DATE : 5/20/2025 2:55 PM
OPER : Ashley
TKBY : Ashley
TERM : 1
REC# : R00318580
3 Misc Rec
ROBERT TRULL 400.00
BOA-6-2025 ROBERT TRULL 215 N LAUREL ST 400.00

Paid By:ROBERT TRULL
3-CC In Person 400.00AUTH:075614

PLANNING DEPARTMENT

Jean Derby – Planning Director
Mark Carpenter – Zoning Administrator
Ashley Jones – Planning Technician



TELEPHONE 704-736-8930
FAX 704-736-8939

www.lincolntonnc.org/planning
zoningpermits@lincolntonnc.org

Application for Variance

Description of request: HIGHER PRIVACY FENCE
7' to 10' REQUESTED

Applicant information:

Name: ROBERT TRULL

Address: 215 N. LAUREL ST.

City: LINCOLNTON State: NC Zip: 28092

Telephone: 832-353-5280 Email: ROBERT.TRULL@DUKE-ENERGY.COM

Property owner information (if different from applicant)

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

Property location and description

Address: 215 N. LAUREL ST

Tax parcel no. (five-digit): _____ Current zoning classification: _____

A sketch of the property including the following information shall accompany this application: lot dimensions, setback dimensions for existing structures, location of all existing structures, other topographical features (bodies of water, significant stands of trees, etc.). Based on the nature of the application, the Zoning Administrator shall have the authority to request additional necessary information and/or waive one or more of these items. **Application fee \$400.00.**

Variance Request Description

Section(s) of the Unified Development Code requesting relief from: _____

Applicant's description of why a variance from the terms of these provisions is needed: _____

NEED PRIVACY FROM NEIGHBORS AND THE
GENERAL PUBLIC SAFETY CONCERNS FOR
OUR FAMILY DUE TO THE OPENNESS OF OUR
PROPERTY.

The Board of Adjustment, after having held a public hearing to consider the variance request, will address each of the following findings of fact and draw the following conclusions in order to render their decision:

1. Unnecessary hardship would result from the strict application of the ordinance. (NOTE: It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.);
2. The hardship results from the conditions that are peculiar to the property, such as location, size or topography. (NOTE: 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.);
3. The hardship did not result from actions taken by the applicant or the property owner. (NOTE: 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 hardship); and,
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.

The applicant is asked to address each of these findings as they pertain to their variance request. Please use additional sheets if necessary. In order to grant a variance, each of the findings must be found in the affirmative by the Board of Adjustment by a 4/5 majority of the Board's membership.

Request for Variance

1) Unnecessary hardship would result from the strict application of the ordinance. (NOTE: It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. This statement is based upon the following reason(s):

OUR PROPERTY HAS NO PRIVACY.

EASY ACCESS TO OUR PROPERTY.

SAFETY OF OUR FAMILY NEEDS TO
BE INCREASED.

2) The hardship results from the conditions that are peculiar to the property, such as location, size or topography. (NOTE: 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.); This statement is based upon the following reason(s):

WE ARE UNDER CONSTANT SURVEILLANCE,
BEING RECORDED BY VIDEO & SOUND.

WE ARE BEING MONITORED OF OUR MOVEMENTS
ALLOWING STALKING AND OTHER THREATENING
BEHAVIORS.

3) The hardship did not result from actions taken by the applicant or the property owner. (NOTE: 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 hardship. This statement is based upon the following reason(s):

PROPERTY DID NOT HAVE A PRIVACY FENCE
WHEN WE PURCHASED THE HOME.

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. This statement is based upon the following reason(s):

THE FENCE WILL BE PROFESSIONALLY
BUILT WITH A ROT BOARD TO GAIN HEIGHT
GRANTED. IT WILL BE WELL MAINTAINED AND
NOT UNSIGHTLY.

Signatures

Applicant Date

Property Owner, If Different From Applicant Date

Zoning Administrator Date