Lincolnton NC

Near the City. Near the Mountains. Near Perfect.

BOA-6-2025

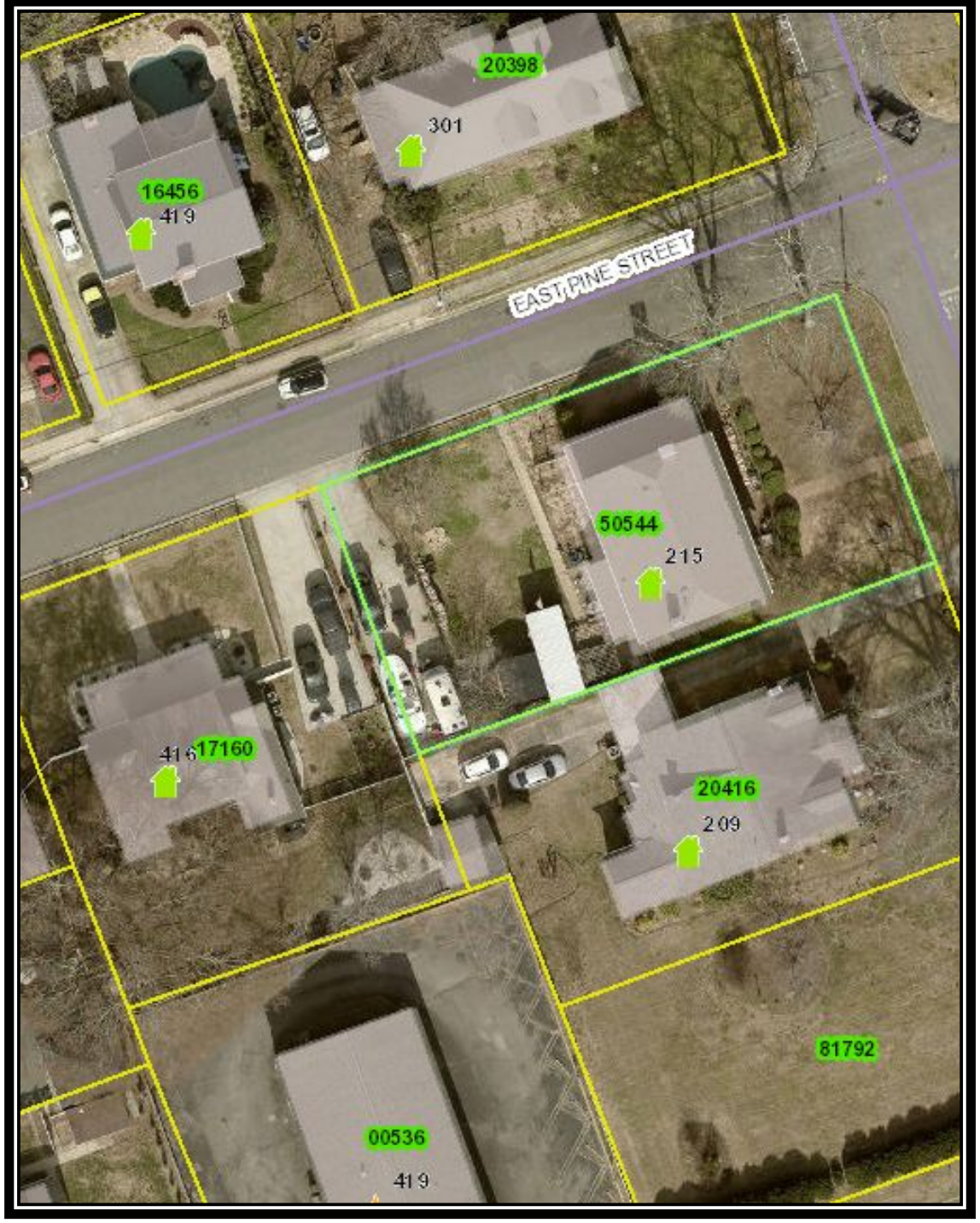
Application from Robert Trull requesting a variance of Section 153.057 A(4) and (5) and Section 153.049 (A) (1) of the Lincolnton Unified Development Ordinance.

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



Aerial View

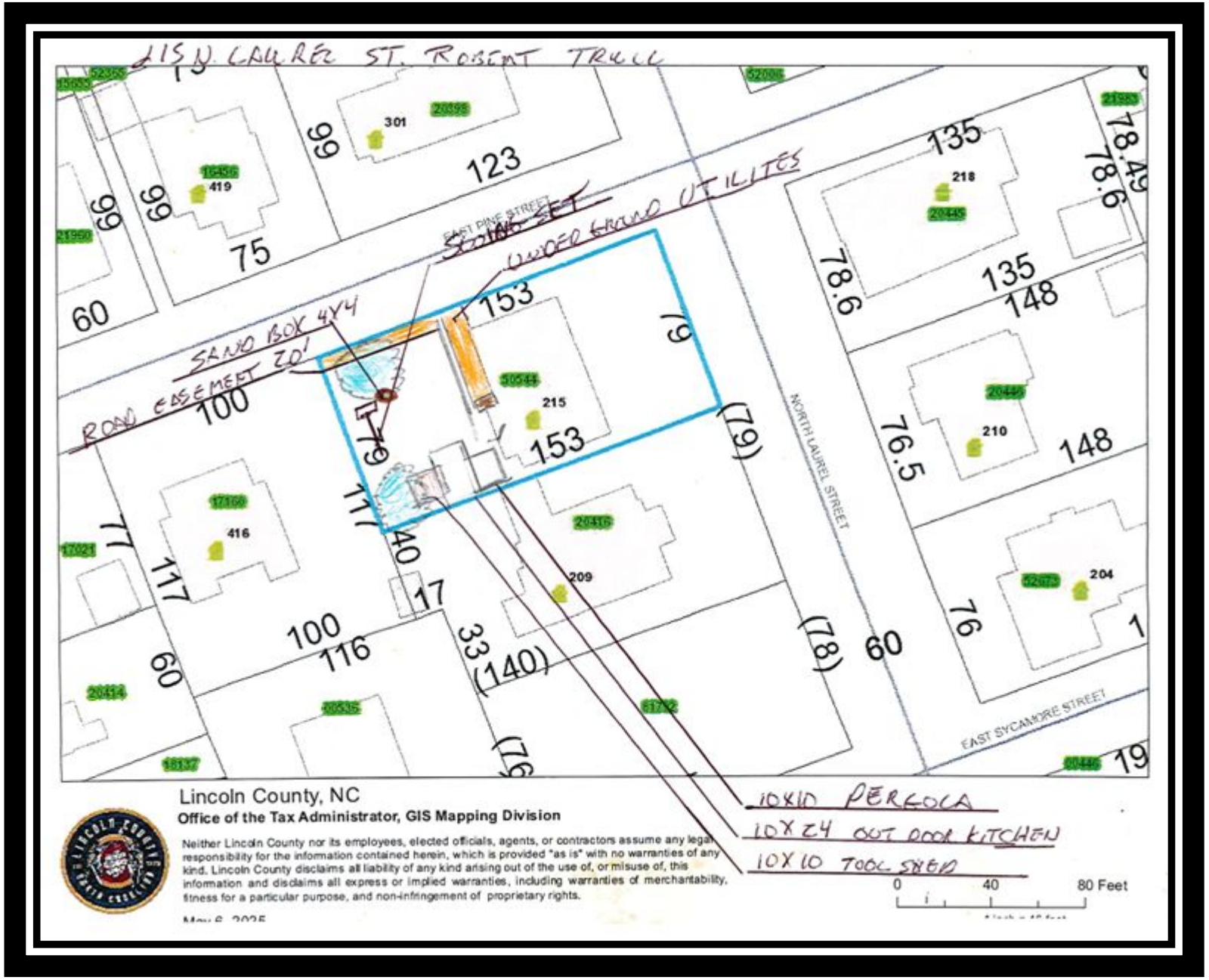


PROPOSALS

(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 Lincolnton 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.

BOA-6-2025

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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 neibourhood.

Applicant information:

Name: Robert Dereck Trull

Address: 215 N Laurel St, Lincolnton, NC 28092

City: Lincolnton State: NC Zip: 28092

Telephone: 828-353-5280 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 ponch and underground communications like water line, gas line and sewerage. Also it will present big financial and mental challange, for my family. And finally it will disfigure the look of my neighbourhood.

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 distigure 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 vidlation 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 pise 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> Tue, May 20, 2025 at 2:56 PM
To: AJONES@lincolntonnc.org

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

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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. SAFTEY 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