CITY OF LINCOLNTON
BOARD OF ADJUSTMENT
MINUTES

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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, June 17, 2025

Present: Monte Tyson, John Waters, Jerry Hoffman, Steve Lackey, and Lee Huss

Call to Order

Chair Monte Tyson called the meeting to order and recognized that Trent Mason and Kristin Radebaugh were absent. Steve Lackey and Lee Huss served as alternates for a quorum.

Approval of Minutes

Chair Monte Tyson asked the Board if there were any additions or corrections to the minutes of the May 20, 2025, meeting. The motion is as follows:

Motion:

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

Quasi-judicial Hearing

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).

Jean Derby swore in Ashley Jones.

Ashley Jones presented the staff report in the agenda packet to the Board regarding BOA-5-2025.

After the presentation and discussion, Chair Monte Tyson asked if there was a motion for each of the four Findings of Fact for the variance request. The motion is as follows:

Motion: *Jerry Hoffman made a motion to **approve** the first Finding of Fact. Members voted 5-0 in favor of the motion.*

Motion: *John Waters made a motion to **approve** the second Finding of Fact. Members voted 5-0 in favor of the motion.*

Motion: *Steve Lackey made a motion to **approve** the third Finding of Fact. Members voted 5-0 in favor of the motion.*

Motion: *Lee Huss made a motion to **approve** the fourth Finding of Fact. Members voted 5-0 in favor of the motion.*

Chair Monte Tyson asked if there was a motion to approve or deny the variance request. The motion is as follows:

Motion: *John Waters made a motion to **approve** the variance request. Members voted 5-0 to approve the motion. Motion granted.*

The variance request for BOA-5-2025 was granted.

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).

Jean Derby swore in Brian Kenyon and Andrew Balogh from Olympia and Wright LLC.

Ashley Jones presented the staff report in the agenda packet to the Board regarding BOA-7-2025.

After the presentation and discussion, Chair Monte Tyson asked if there was a motion for each of the four Findings of Fact for the variance request. The motion is as follows:

Motion: *John Waters made a motion to **deny** the first Finding of Fact. Members voted 5-0 in favor of the motion.*

Motion: *John Waters made a motion to **approve** the second Finding of Fact. Members voted 5-0 in favor of the motion.*

Motion: *Steve Lackey made a motion to **deny** the third Finding of Fact. Members voted 4-1 in favor of the motion.*

Motion: *John Waters made a motion to **approve** the fourth Finding of Fact. Members voted 5-0 in favor of the motion.*

Chair Monte Tyson asked if there was a motion to approve or deny the variance request. The motion is as follows:

Motion: *Lee Huss made a motion to **approve** the variance request. Members voted 3-2 in opposition to the motion.*

The variance request for BOA-7-2025 was denied.

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).

Ashley Jones swore in Jean Derby, Robert Trull, Brian Sillman, and Dmytro Kubarskyi.

Jean Derby presented the staff report in the agenda packet to the Board regarding BOA-6 -2025.

After the presentation and discussion, Chair Monte Tyson asked if there was a motion for each of the four Findings of Fact for the variance request for the accessory structures. The motion is as follows:

Motion: *Steve Lackey made a motion to **approve** the first Finding of Fact. Members voted 3-2 in opposition to the motion.*

Motion: *John Waters made a motion to **approve** the second Finding of Fact. Members voted 5-0 in favor of the motion.*

Motion: *Jerry Hoffman made a motion to **deny** the third Finding of Fact. Members voted 5-0 in favor of the motion.*

Motion: *John Waters made a motion to **approve** the fourth Finding of Fact. Members voted 4-1 in favor of the motion.*

Chair Monte Tyson asked if there was a motion to approve or deny the variance request. The motion is as follows:

Motion: *John Waters made a motion to **deny** the variance request. Members voted 3-2 in opposition to the motion.*

Chair Monte Tyson asked if there was a motion for each of the four Findings of Fact for the variance request for the fence. The motion is as follows:

Motion: *John Waters made a motion to **deny** the first Finding of Fact. Members voted 5-0 in favor of the motion.*

Motion: *Lee Huss made a motion to **deny** the second Finding of Fact. Members voted 4-1 in favor of the motion.*

Motion: *Jerry Hoffman made a motion to **approve** the third Finding of Fact. Members voted 5-0 in favor of the motion.*

Motion: *Steve Lackey made a motion to **approve** the fourth Finding of Fact. Members voted 5-0 in favor of the motion.*

Chair Monte Tyson asked if there was a motion to approve or deny the variance request. The motion is as follows:

Motion: *Lee Huss made a motion to **deny** the variance request. Members voted 3-2 in opposition to the motion. Motion failed.*

Variances require a four-fifths vote to approve. Neither the accessory structure or the fence received a four-fifths vote for denial. Therefore, Chair Monte Tyson asked for a clean vote of approval.

Motion: *John Waters made a motion to* **approve** *the variance request BOA-6-2025.*

Members voted 3-2 in opposition to the motion. Motion failed.

The variance request for BOA-6-2025 was denied.

Other Business

Jean asked the Board if they preferred printed packets as opposed to just the screen. The Board prefers the printed copies without the minutes.

Jerry Hoffman asked if the applicant would be able to reapply. Jean explained the options available to the applicant.

Adjournment

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

Motion: *Steve Lackey made a motion to adjourn.*
Members voted 5-0 in favor of the motion.

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Kayla Reep