



PLANNING & INSPECTIONS DEPARTMENT

Joshua L. Grant, Manager

To: Board of Adjustment

From: Julie Mosteller, Planner I

Date: February 7, 2025

Re: VAR #476
Wayne and Lynleigh Muil, applicant
Parcel ID# 31170

The following information is for use by the Lincoln County Board of Adjustment at their meeting/public hearing on Monday February 24, 2025.

Request

The applicant is requesting a variance from Section 2.4.5 of the Lincoln County Unified Development Ordinance to permit a side yard setback of 4'2". Section 2.4.5 states that the minimum side yard setback is 10 feet.

Site Area and Description

The request involves a 0.569-acre parcel located at 8880 Graham Point Lane in Catawba Springs Township. The subject property is located in the R-SF (Residential Single Family) zoning district. The subject property is adjoined by property zoned R-SF (Residential Single-Family). Land uses in this area are residential.

The applicant is requesting a variance of the side setback in order to construct two additions on the property. Those additions can be seen in the following pages.



Variance Application

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

Part I

Applicant Name Wayne and Lynleigh Muil

Applicant Address 8880 Graham Point Ln, Denver, NC 28037

Applicant Phone Number (979) 236-8551

Property Owner's Name Wayne and Lynleigh Muil

Property Owner's Address 8880 Graham Point Ln, Denver, NC 28037

Property Owner's Phone Number (979) 236-8551

Part II

Property Location 8880 Graham Point Ln, Denver, NC 28037

Property ID # (10 digits) 4613520049 Property Size 0.569 acres

Parcel # (5 digits) 31170 Deed Book(s) 2751 Page(s) 970, 971

Part III

Briefly describe how the parcel is zoned, used, and list any existing structures.

The parcel is zoned residential and we as the owners live on the property as our primary residence. The existing structures include a house, with a deck and a concrete driveway. There is also a previously approved boat house.

Briefly explain your reason for seeking a variance.

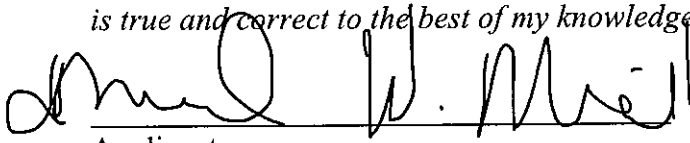
We desire coverage of our existing deck with a louvered pergola, and partial coverage over our existing concrete driveway with a carport. Both structures provide coverage in the air but are open on the sides with columns supporting. Both are within the property border but will extend beyond the setback lines (See attached survey with structures overlaid).

Describe the type of variance you need.

A variance to allow both accessory structures to exist past the setback lines, though well within the property border. They are both for coverage over the footprint of the existing previously approved deck and concrete driveway.

\$400 APPLICATION FEE MUST BE RECEIVED
BEFORE PROCESSING A VARIANCE REQUEST

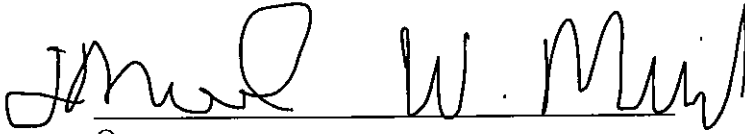
I hereby certify that all of the information provided for this application and attachments is true and correct to the best of my knowledge.



Applicant

January 16, 2025

Date



Owner

January 16, 2025

Date

Application #: _____

Date of Application: January 16, 2025

Applicant's Proposed 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.

The existing deck and concrete driveway were previously approved even though they were built beyond the setback lines. They are well within the property borders. The full use of these areas will be greatly enhanced with the added coverage.

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 triangular lot narrows at the front of the house, causing the setback lines to encroach on the approved usable space. A previous line of trees on the property line that provided protection and shade coverage was blown down by the storm Helene.

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.

The construction of the concrete driveway and the deck were previously approved by the county and we are now asking to enhance these existing structures within the approved footprints of both structures.

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.

No adjacent property owners are affected adversely by this requested variance and it does not harm any public safety. Providing coverage for these areas increases the ability to use these areas safely and gives fair modified use of approved structures that already exist.

- PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED RIGHTS OF WAYS OR EASEMENTS OWNED OR OBSERVED.
- REGULATIONS, EREPLY ALL SETBACKS AND ZONING CONSTRUCTION, PRIOR TO ANY PLANNING OR CONSTRUCTION.
- DIMENSIONS OF ALL IMPROVEMENTS SHOWN ON THIS PLAN SHOULD NOT BE SCALED OR FIELDED UPON FOR DESIGN OR CONSTRUCTION WITHOUT A FIELD VERIFICATION OF ALL DIMENSIONS.
- DIGITAL COPIES OF THIS FILE ARE FOR REFERENCE ONLY AND MAY NOT BE USED FOR DESIGN WORK.
- ALL UNDERGROUND UTILITIES ARE NOT SHOWN HEREON.
- A PORTION OF THIS PROPERTY IS LOCATED IN A 100 YEAR FLOOD PLAIN AS DESIGNATED BY FIRM PLAN # 3710461300 EFFECTIVE DATE 3/18/2008
- NO PORTION OF THE RESIDENTIAL STRUCTURE IS IN A FLOOD ZONE.

5	BOUNDARY LINE
4	SANITARY SEWER LINE
3	NATURAL GAS LINE
2	OVERGROUND POWER
1	OVERGROUND UTILITIES
0	UNDERGROUND TELEPHONE
	FENCE LINE
	POINT (TYPE NOTED)
	PC - COMPUTED POINT (UNMARKED)
	R/N - RIGHT-OF-WAY
	E/P - EASEMENT
	C/L - CENTRLINE
	P - UTILITY POLE

LAKE
NORMAN
ANY DOGS, BEES OR OTHER
INDEPENDENTS BUILT ON LAKE
ARE NOT SHOWN ON THIS
-SUNNY PLAY-

ALL OF LOT 3 OF THE JOHN D. GRAYAM SUBDIVISION
 • 8880 GRAYAM PONTE LN, DENVER, NC
 CAT. SPRINGS TOWNSHIP - LINCOLN COUNTY, NC
 SCALE: 1" = 40'

CHUCK POOVEY, PLS #3762
ROBERT DEDMON, PLS #3899
7004 NC HIGHWAY #16 NORTH
P.O. BOX 494 - DENVER, NC 28037
PHONE: 704/48314908
FAX: 704/48312170
WWW.DEDMONSURVEYS.COM



1. DAVID C. POOREY, CERTIFY THAT THIS PLAY WAS
DRAWN FROM AN ACTUAL SURVEY MADE UNDER MY
SUPERVISION (08/1926, PG 527798 . PG .) THAT
THE RATIO OF PRECISION AS CALCULATED EXCEEDS
1:100000. THAT THIS PLAY WAS PREPARED IN
ACCORDANCE WITH GS 47-30 AS AMENDED.
IN WITNESS MY ORIGINAL SIGNATURE, REGISTRATION
NUMBER AND SEAL THIS 22ND DAY OF MAY, AD
2016.

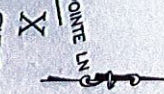
PROFESSIONAL LAND SURVEYOR L-5762
LICENSE NO.

SURV. BY: HL	DRAWN: KPJ	JOBA CEN 200
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0007 000888	VICINITY MAP
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1000

SITE



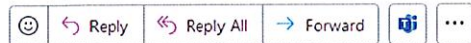
Re: Case Number and payment phone number for Muil Variance Application



Todd Freund <todd@struxurenc.com>

To: Julia P. Mosteller

Cc: wrmuil@gmail.com; lynleigh.m@gmail.com



Tue 1/28/2025 11:34 AM

General\All Employees (unrestricted)

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CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hi Julie,

Thank you so much for your help!

The closest point for the coverage over the deck is 7'1" from the property line, and the closest point for the coverage in front of the garage is 4'2" from the property line.

Is the meeting open to applicants? Also do I have the correct time and place... 353 N. Generals Blvd., Lincolnton, NC 28092, Monday, February 24, 6:30PM?

Thanks again,

Todd Freund

Design Consultant

StruXure North Carolina

Dwell Outdoor

(845) 214-6151

todd@struxurenc.com

Websites/ Presentations/ Gallery

Social Media LINKS:

<https://linktr.ee/struxurenc>





STRUXURE

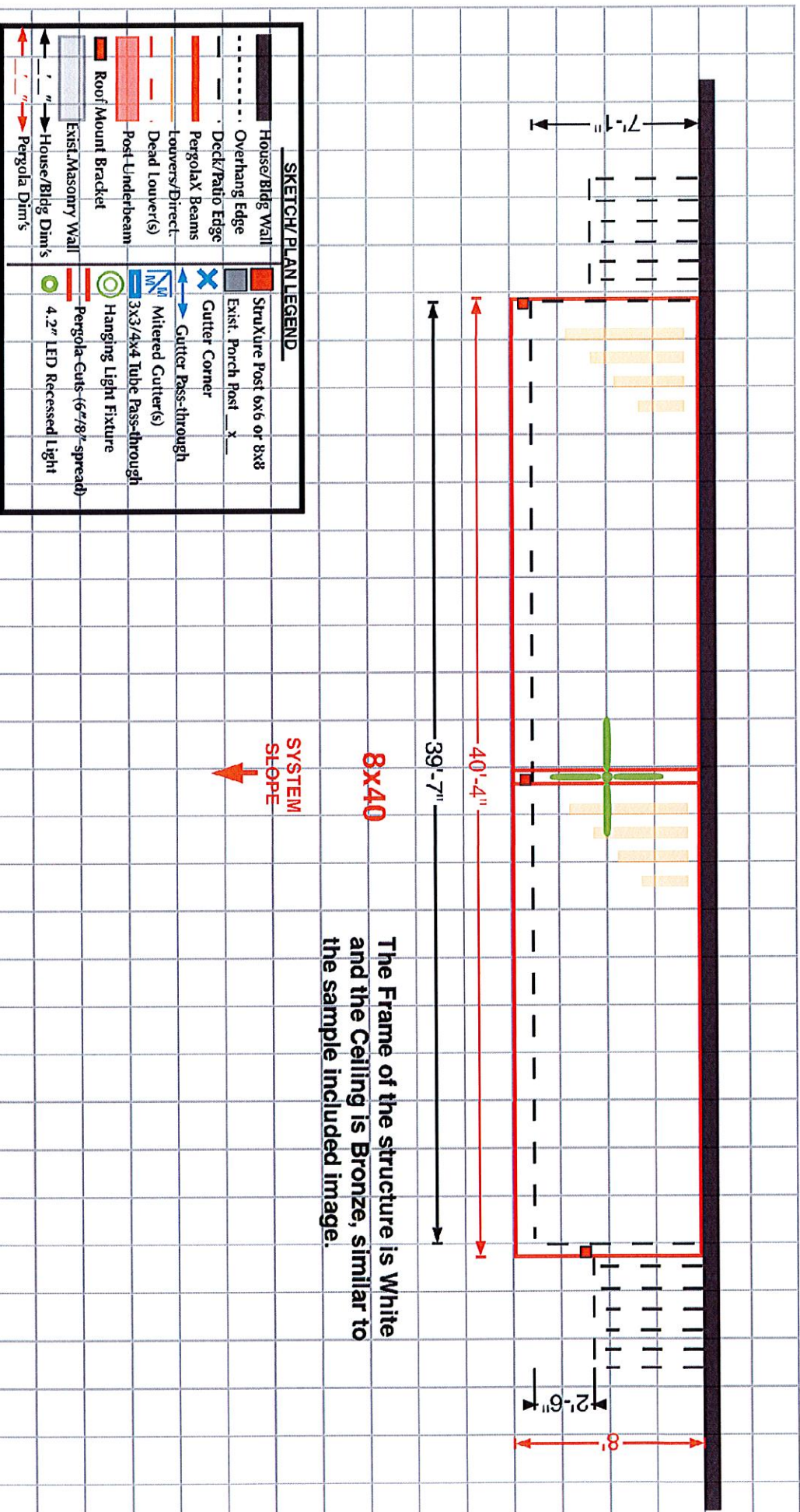
NORTH CAROLINA

JOB/CLIENT NAME: **MULL, Wayne &** Scale: 1/4"=1' **X**

Lynleigh

Sketch Type: **Initial** Sketched by: **TF**

Date of sketch/revision: **01-01-2025** Sales person: **TF**



JOB/CLIENT NAME: MUL, Wayne & Lynleigh

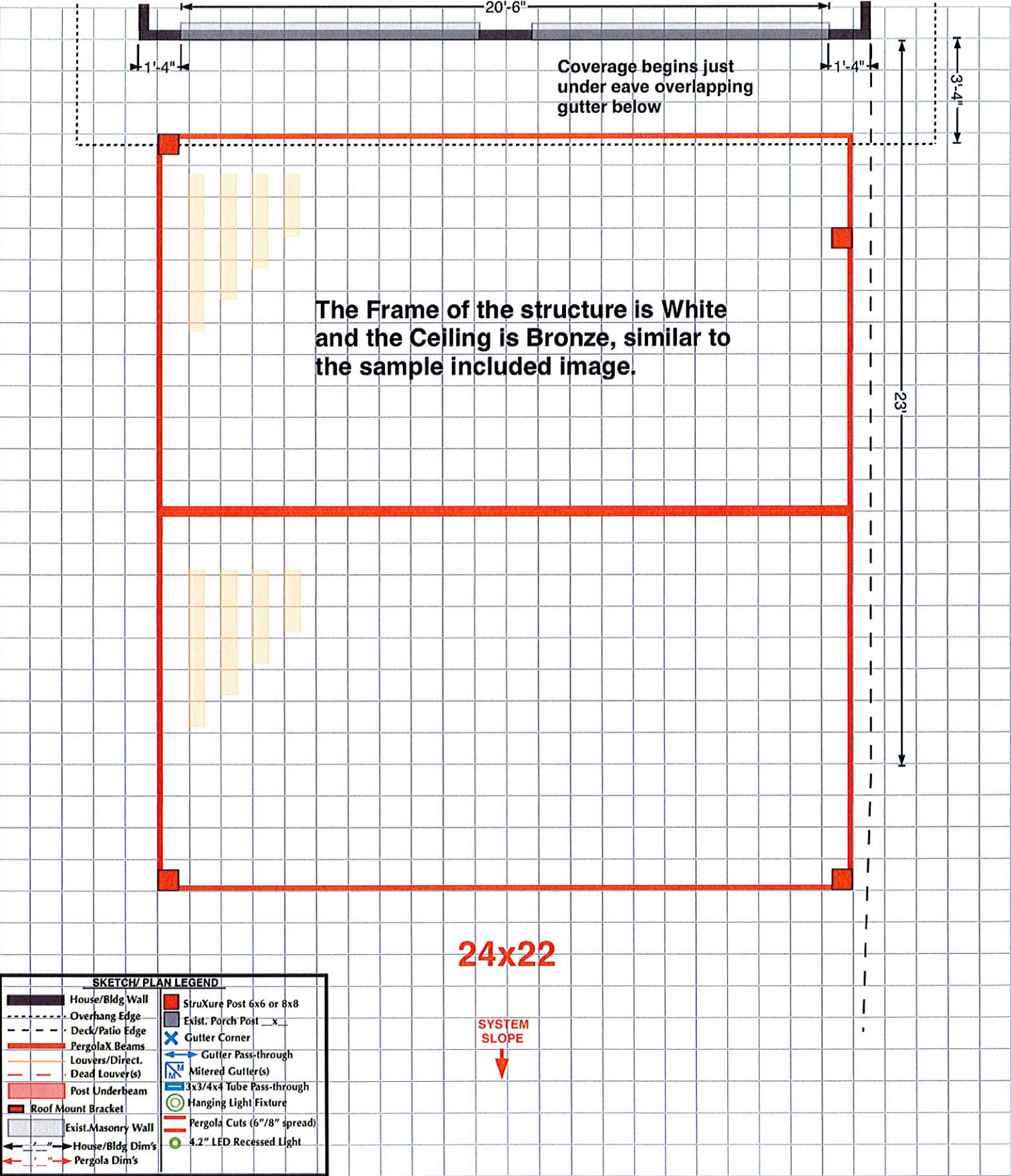
Scale: 1/4"=1': X

Sketch Type: Initial

Sketched by: TF

Date of sketch/revision: 01-01-2025

Sales person: TF













The award-winning Pergola X automated shade system is an aluminum structure designed and engineered to provide shade and shelter to enhance any exterior space. StruXure was named 'Best Outdoor Product' at the 2021 International Builders Show and has been recognized by Inc. Magazine and Entrepreneur Magazine as a leading company in its field.

- *The system is aesthetically pleasing and will blend into any community's current approved requirements for backyard space.*
- *We pay close attention to ensure the system maintains the same color and/or architectural elements prevalent in the community.*
- *With growing concerns over skin cancer and SPF protection from the harmful effects of the sun, homeowners are seeking shade products which allow them more usable outdoor space without having to worry about the sun.*
- *This same protection from the sun provides a cooler area to enjoy their time outdoors.*
- *Building departments embrace the product providing it has sealed engineering and meets all setback requirements.*
- *Our system is engineered to meet all building code and wind load requirements.*
- *We've not had a single HOA turn us down after reviewing the quality of the product and our ability to integrate our design to meet existing architectural standards.*
- *Product samples can be provided (if necessary) to showcase the integrity and quality of the materials used.*

CHATHAM POINT
LANE

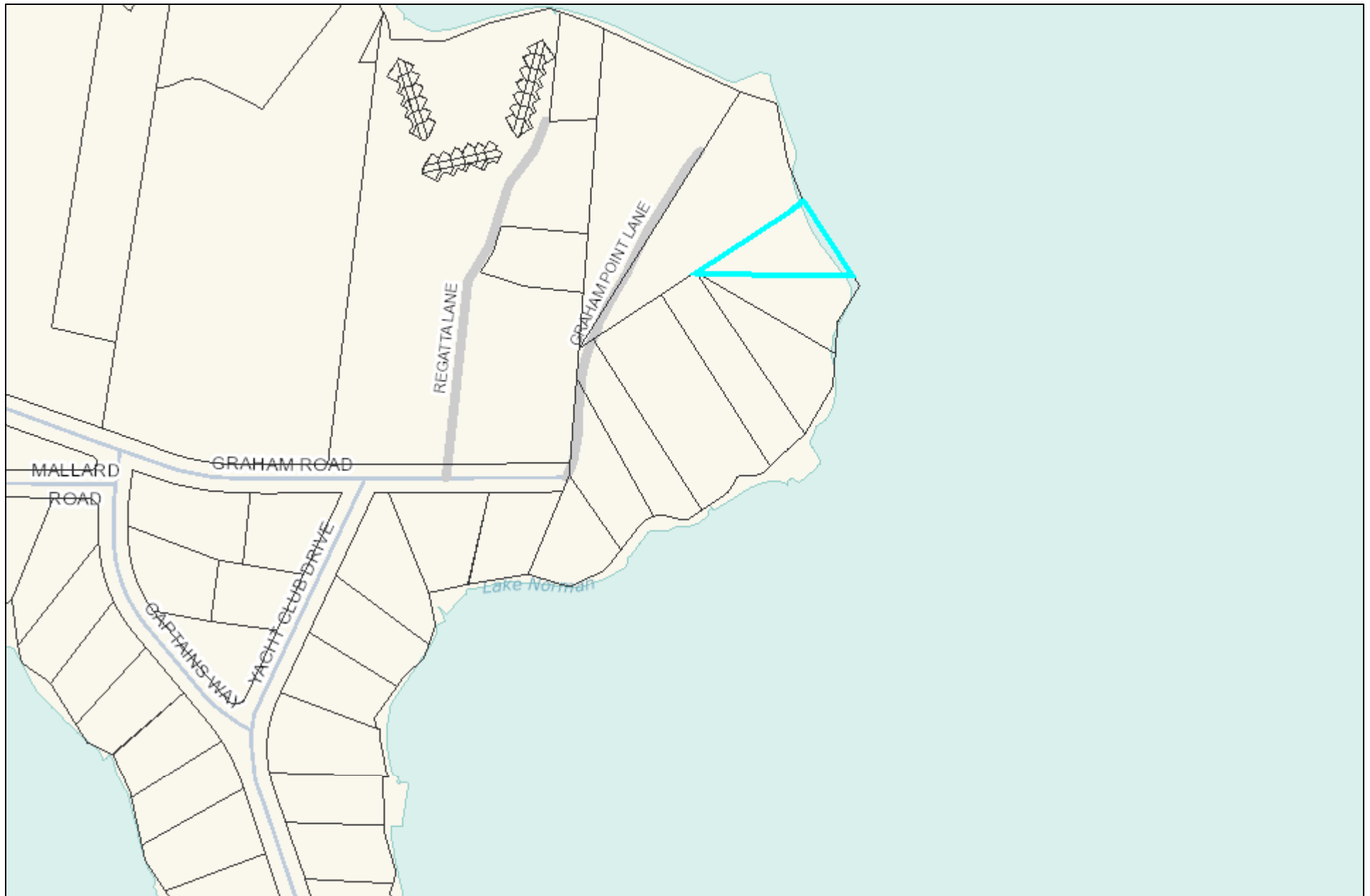
8890

8880

R-SF Residential
Single Family

8870

8856

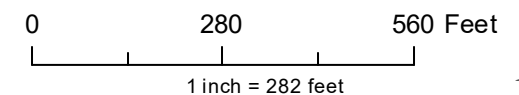


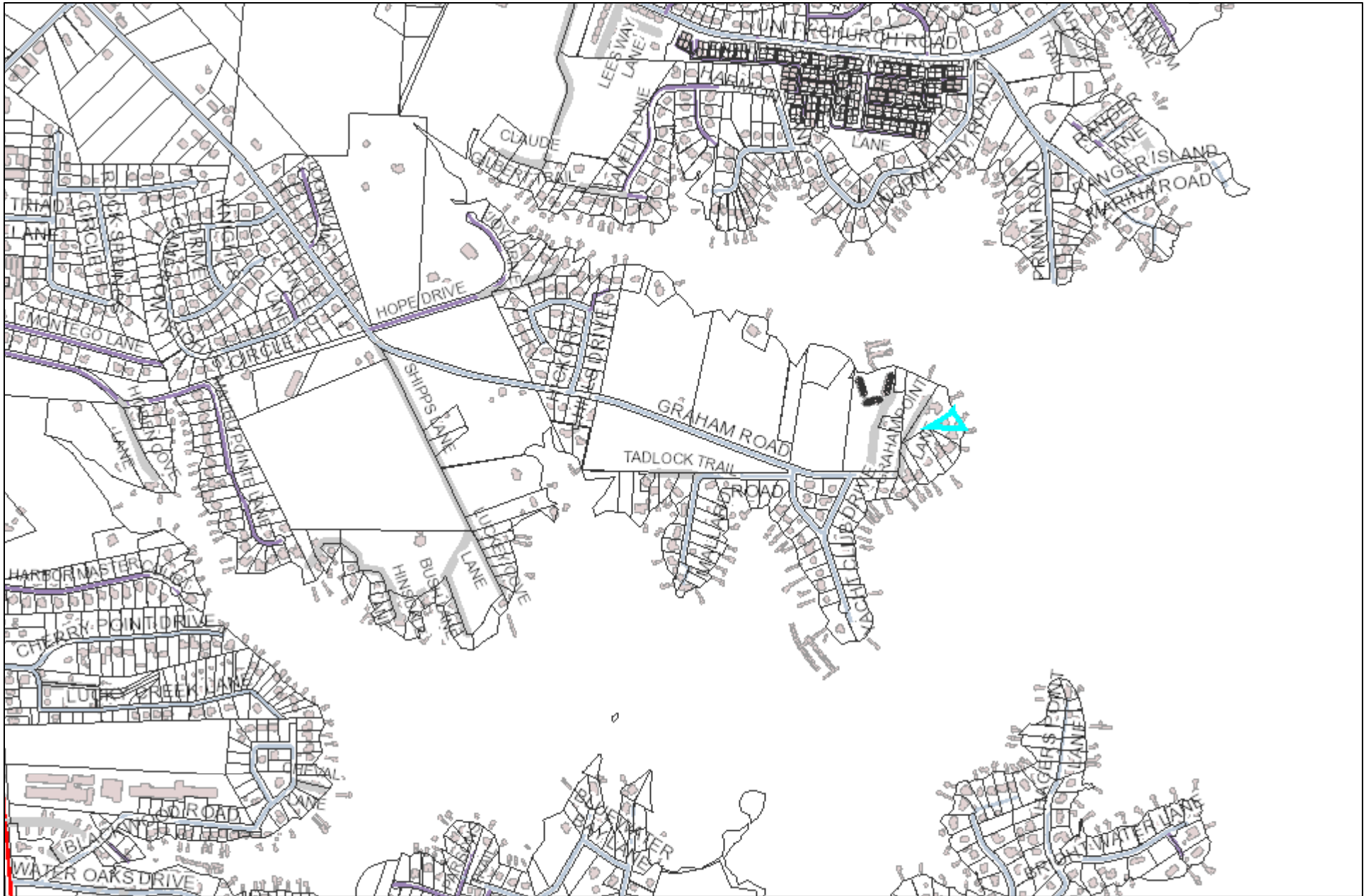
Lincoln County, NC

Office of the Tax Administrator, GIS Mapping Division

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February 6, 2025





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February 12, 2025



0 1,100 2,200 Feet
1 inch = 1,207 feet



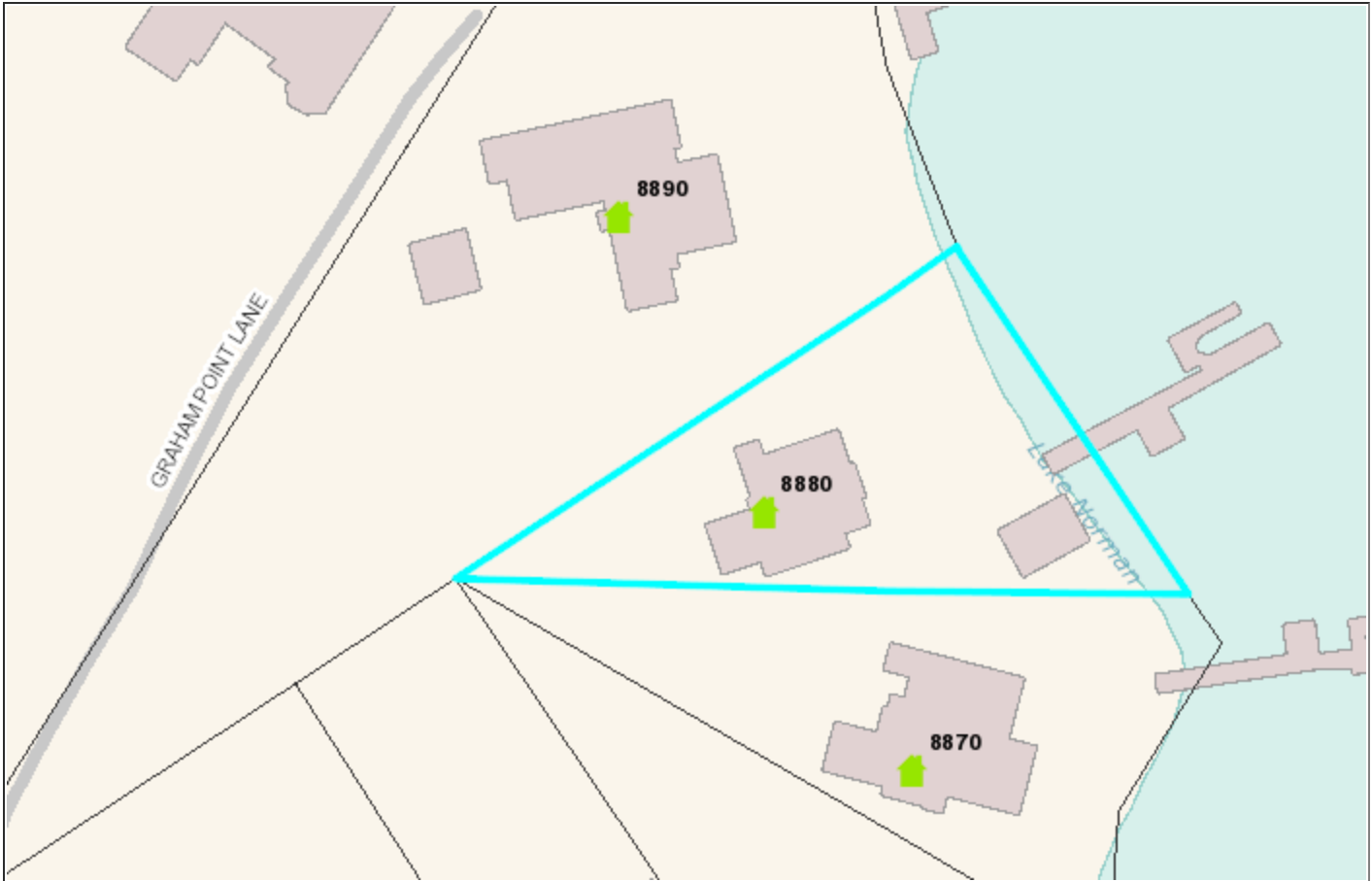


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Date: 2/12/2025



31170

Parcel ID	31170	Owner	MUIL WAYNE ROBERT MUIL LYNLEIGH MARTHA			
Map	4613	Mailing	8880 GRAHAM POINT LANE			
Account	267981	Address	DENVER, NC 28037			
Deed	2751 970	Last Transaction Date	06/25/2018	Sale Price	\$1,094,000	
Plat		Subdivision	C HAROLD GRAHAM DEED BK 657 PG 841	Lot	3	
Land Value	\$760,744	Improvement Value	\$881,728	Total Value	\$1,642,472	
Previous Parcel						
-----All values for Tax Year 2025 -----						
Description	OFF RD 1441 #3 H GRA				Deed Acres	0.53
Address	8880 GRAHAM POINT LN				Tax Acres	0.569
Township	CATAWBA SPRINGS		Tax/Fire District	EAST LINCOLN		
Main Improvement	CONTEMPORARY			Value	\$797,207	
Main Sq Feet	2816.9	Stories	1.7	Year Built	1988	
Zoning District	Conditional Use	Calc Acres	Voting Precinct	Calc Acres		
R-SF		0.57	TA37	0.57		
Watershed			Sewer District			
	0.57		SEWER	0.57		