

Town of Dallas Board of Adjustment Meeting

Agenda

Thursday, September 20, 2018

To be held at Fire Station Community Room at 7:00 pm

The following agenda is proposed:

1. Call to Order
2. Roll Call of Members Present; Declaring a quorum as present
3. Invocation or Moment of Silence
4. Pledge of Allegiance to the Flag
5. Announcements/Introductions
6. Approval of Agenda with Additions or Deletions
7. Approval of Minutes- November 16, 2017
8. New Business
 - a) Variance Request: 130 W Trade St (Setzer Store)
9. Other business
10. Adjournment

MINUTES

Town of Dallas

BOARD OF ADJUSTMENT

Meeting of November 16, 2017

The meeting was called to order at 7:00 PM by Chairman Curtis Wilson.

The following members were present: Curtis Wilson, Chair, John Beaty, Glen Bratton, Alternate Reid Simms, Alternate David Jones

Members absent: John O'Daly, Steven Hood, Beth Heywood, and Eric Clemmer.

Also present: Shelley Williamson- Interim Development Services Director, Tiffany Faro- Development Services Director, Penny and Terry Christopher- Applicants

There was an invocation lead by Chairman Wilson and pledge of allegiance.

Shelley made introduction of Tiffany Faro, new Development Services Director.

Approval of Agenda: A motion by David Jones was made and seconded by Reid Simms to approve the agenda for this meeting, and the motion was adopted unanimously.

Approval of Minutes: A motion by Glenn Bratton was made and seconded by John Beaty to approve the minutes for this meeting, with the correction at the header to "Board of Adjustment".

New Business:

- 1) Variance Request: Case ZA-17-02: Terry & Penny Christopher, 304 S. Holland St.

A motion was made by Glenn Bratton was made and seconded by John Beaty to enter into a public hearing regarding the variance request, and was adopted unanimously. Curtis Wilson swore in all who indicated they would like to speak to this matter: Shelley Williamson and Penny Christopher (Terry Christopher later sworn in). Shelley summarized the variance request of ordinance 153.009A- accessory structures on residential lots.

Mr. Wilson disclosed that he had a previous conversation with the Christophers at a gas station, but he felt it would not impact his judgement. Mr. Simms stated he rode by to look at the property.

Penny mentioned there was a previous carport on the property and the confusion on the requirement of removal- adjacent property owners did not comply with Town request. She indicated she would like to replace the carport to protect vehicles, and that carport requested would be 3' from the edge of the street.

Mr. Beaty shared that there is no official ROW on N. Holland so ROW issue may be mute.

Terry clarified that the proposed carport would fit 3 cars, and would be 4' longer than the one originally on the property. He stated that he never would have complied with Town request to remove carport had he known the ordinance would change to grandfather in existing carports.

Mr. Wilson asked for a motion to close the public hearing. David Jones made a motion, it was seconded by Mr. Bratton, and approved unanimously.

Facts and Findings:

1. Practical Difficulties/Hardships present: **Yes-** all 5 members voted and agreed.
2. Harmony with General Purpose of Ordinance: Mr. Bratton requested clarification on if spirit of the ordinance still stands, and Mr. Wilson shared that he believes the spirit would still stand as this would be one property vs. entire community. **Yes-** all 5 members voted and agreed.
3. Public Safety and Welfare Assured: Mr. Bratton expressed concern of 3' to the roadway. Ordinance states accessory structures should be min. 5' from a property line and 10' from any building, and that the Town could clarify property lines and setbacks (no expense to applicant). The Christophers clarified that the sides would be open so visibility along road would not be compromised. **Yes-** all 5 members voted and agreed, if applicant agreed to conditions.

A motion was made by Mr. Beaty to grant the variance request with 4 Town recommended conditions, the motion was seconded by Mr. Bratton, and unanimously approved.

Other Business and Adjournment:

There being no further business Chairman Wilson asked for a motion to adjourn. Mr. Bratton moved to adjourn. The motion was seconded by Mr. Simms. The motion to adjourn was passed unanimously.

Respectfully Submitted,

Approved:

Tiffany Faro, Development Services Director

Curtis Wilson, Chairman

TOWN OF DALLAS, NORTH CAROLINA

BOARD OF ADJUSTMENT AGENDA ITEM

DESCRIPTION: Variance request: 130 W Trade St

AGENDA ITEM NO. 8A

MEETING DATE: 9/20/2018

BACKGROUND INFORMATION:

The Town is submitting a variance request to 153.011(B) 2 to allow construction of a new building on the lot to be 40' from the street centerline, rather than the 50' required for major thoroughfares.

Reminder: This matter is a quasi-judicial decision. Witnesses and testimony are presented under oath, and must be fact-based. Any shared opinions without evidence during a public hearing shall be disregarded. 4/5 members must approve for a variance to be granted.

Board action must include a consistency statement- options and format below:

The amendment is consistent with the adopted Town Center Plan, as keeping the existing façade location in the event of new construction is sensitive to the overall goal of historic preservation, and the overall historic character of the Town Square. The amendment is reasonable and in the public interest because it maximizes possible restaurant/retail square footage in the Town's Central Business district, respects the building's relationship to abutting properties, and does not have a significant impact to public health or safety.

OR

The amendment not consistent with the adopted Town Center Plan and/or Future Land Use Plan because_____ [Describe elements of controlling land use plans and how the amendment is or is not consistent]. The amendment is/is not reasonable and in the public interest because [Briefly explain why. Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]

BOARD ACTION TAKEN:

NEXT STEPS:

TOWN OF DALLAS

ZONING VARIANCE APPLICATION

Application No. 2018-2A-01

Date: 8/15/2018

To the Town of Dallas Board of Adjustment:

Tiffany Faro-on behalf of
I, Town of Dallas, hereby request a variance to the requirements of
Section 153.011(B)2 of the Dallas Zoning Ordinance for the following reason(s):
To allow facades of all structures along historic square to
align, as existing building is located currently

Street Address/location of the subject property: 130 W Trade St

Parcel ID #: 227917

Current Zoning District: B-3 Current Use of the Property: vacant

Property Owner: Town of Dallas

Address of the property owner:
210 N Holland St, Dallas NC 28034

Contact Telephone: 704-922-3176x230 Email: tfaro@dallasnc.net

Applicant: same as above

Applicant Address: _____

Applicant Contact Telephone: _____ email: _____

Relation to Property Owner: SAME

Statement by applicant: (In the space provided, or on a separate sheet, state what reason(s) you have for the requested variance be granted.)

Board of alderman requested moving forward with a
variance request in order to make the Town-owners property
more attractive to potential restaurants looking to locate here.
This variance is for the property itself to be transferred to
any subsequent owner if sold.

TOWN OF DALLAS

ZONING VARIANCE APPLICATION

Please answer the following questions. Attach additional pages as needed.

- 1. Describe how complying with the literal terms of Chapter 153, Section 011 of the ordinance will prevent the applicant from securing a reasonable return from, or make reasonable use of, his property.

Town would like to maximize the square footage of a restaurant at this location, and an additional 10' setback would result in 500+ SF reduction of the possible building footprint.

- 2. Does the hardship or practical difficulties of which the applicant cites would result from unique circumstances related to the applicant's land, such as natural features or topography?

The property is uniquely situated next to abutting structures and located within the Town Square. Existing structures are already located at proposed location of variance.

- 3. Is the hardship a result of the applicant's own actions?

No. The Thoroughfare Plan impacting this Ordinance requirement was adopted by the MPO on a regional level.

- 4. If granted, will the variance request be in harmony with the general purpose and intent of the ordinance and preserve its spirit?

yes - it will help preserve the historic street front along Trade Street in Town Square.

- 5. If granted, will the variance request will secure the public safety and welfare and do substantial justice?

There would be no significant impact as the existing structure is currently located 40' from street centerline as proposed.

I certify that all the information presented by me in this application is accurate to the best of my knowledge, information and belief.

[Signature]
Signature of Applicant
Development Services Director

[Signature]
Signature of Applicant

waived by Board of Aldermen
Submitted as completed, including the required \$300 fee, this August date of 15, 2018.

Staff: [Signature]

Print

Dallas, NC Code of Ordinances

§ 153.011 THOROUGHFARE SETBACK PROVISIONS.

(A) *Introduction.*

(1) Per G.S. § 160A-306, local governments have the authority to:

(a) Classify all or a portion of the streets in their jurisdiction according to their size, present and anticipated traffic loads, and other similarly relevant characteristics; and

(b) Establish minimum distances that buildings and other permanent structures or improvements constructed along a class or type of street shall be set back from the center line of the existing or proposed major or minor thoroughfare.

(2) Accordingly, such regulations shall be applied to lots along any thoroughfare, or portions thereof, identified on the most recently adopted version of the Dallas Thoroughfare Plan, for which a functional design and surveyed centerline exists. The location of all such applicable thoroughfares (or portions thereof) shall be available for public review and inspection in the office of the lead planning agency (i.e., City of Gastonia) during normal business hours.

(B) *Application.*

(1) Said regulations shall apply if the functional design and surveyed centerline had been adopted by the town Board of Aldermen prior to submittal of the zoning permit application.

(2) The minimum yard or setback prescribed by each zoning district shall begin to be measured from a point 50 feet from the centerline of any major thoroughfare depicted on the Thoroughfare Plan, and 40 feet from the centerline of any such minor thoroughfare.

(3) A thoroughfare setback or yard shall also be established on all applicable lots where existing rights-of-way are not as large as herein prescribed (i.e. 50 feet on either side of the centerline). The thoroughfare setback area can be used for any use allowed in the underlying zoning district, except for those permanent uses which are prohibited in a required setback of yard area. Except where otherwise prohibited, the thoroughfare setback may be used to satisfy minimum lot size, off-street parking, and open space requirements.

(4) The standards contained in this section shall not apply to a development located on a lot in which such thoroughfare setback would normally be required which meets one or more of the following circumstances:

(a) A project which had a valid building permit in effect as of the effective date of this chapter where such permit allows for construction or development to take place within the required thoroughfare setback;

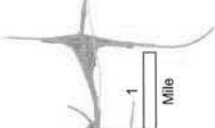
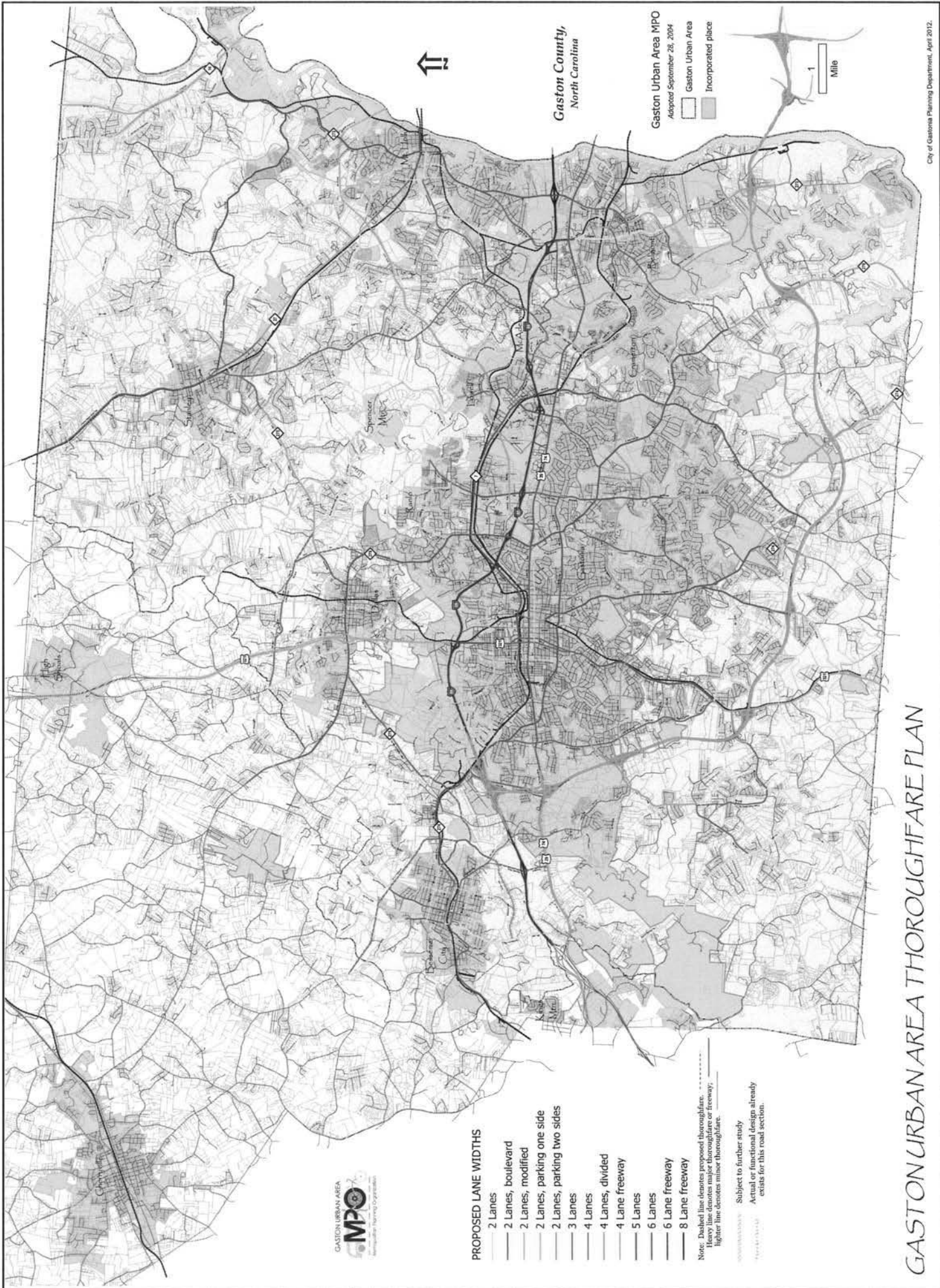
(b) A project which had an approval and valid site specific or phased development plan in place as of the effective date of this chapter where such development plan allows for construction to take place within the required thoroughfare setback.

(C) *Appeal.*

(1) An affected property owner shall have the right to appeal the thoroughfare setback requirements as provided herein to the Board of Adjustment for a variance to these regulations. The Board of Adjustment shall grant such a variance after having first conducted a public hearing and having determined that:

- (a) The peculiar nature of the property results in practical difficulties or unnecessary hardships that impede carrying out the strict letter of these requirements; and
 - (b) The property will not yield a reasonable return or cannot be put to reasonable use unless relief is granted; and
 - (c) Balancing the public interest in enforcing the setback requirements and the interest of the owner, the grant of relief is required by considerations of justice and equity.
- (2) In granting relief, the Board of Adjustment may impose reasonable and appropriate conditions and safeguards to protect the interest of neighboring properties. The public hearing shall be advertised in a manner prescribed by this chapter.

(Ord. passed 11-3-1970; Am. Ord. passed 7-3- 1972)



PROPOSED LANE WIDTHS

- 2 Lanes
- 2 Lanes, boulevard
- 2 Lanes, modified
- 2 Lanes, parking one side
- 2 Lanes, parking two sides
- 3 Lanes
- 4 Lanes
- 4 Lanes, divided
- 4 Lane freeway
- 5 Lanes
- 6 Lanes
- 6 Lane freeway
- 8 Lane freeway

Note: Dashed line denotes proposed thoroughfare.
 Heavy line denotes major thoroughfare or freeway.
 Lighter line denotes minor thoroughfare.

Subject to further study
 Actual or functional design already
 exists for this road section.

GASTON URBAN AREA THOROUGHFARE PLAN



PHOTO NOT AVAILABLE

Tax Information

LOCATION: 130 W TRADE ST
PID #: 227917
PIN #: 3557-07-7375
NBHD #: DA001
NBHD NAME: DOWNTOWN DALLAS
TOWNSHIP : DALLAS TOWNSHIP

OWNER ID : 00626166
CURRENT OWNERS : DALLAS TOWN OF
MAILING ADDRESS : 210 N HOLLAND ST ,
 DALLAS , NC 28034-1625
JANUARY 1st OWNERS: DALLAS TOWN OF

Tax Information

DEED TYPE:
DEED BOOK: 4764 / **PAGE:** 2375
DEED RECORDING DATE: 00/00/0000
SALES AMOUNT: \$0

PLAT BOOK: 087 / **PAGE:** 117
LEGAL DESC. 1: TOWN OF DALLAS
LEGAL DESC. 2: TRACT 1
STRUCTURE TYPE: RETAIL GENERAL
YEAR BUILT: 1920
SQUARE FOOTAGE: 6080
BASEMENT: NO
BEDROOMS: 0 / **BATHS:** 0
MULTI-STRUCTURES: NO
ACREAGE: 0.14
DISTRICT CODE: 160
TAX DISTRICT: TOWN OF DALLAS
VOLUNTARY AG DISTRICT: NO

MARKET LAND VALUE: \$0
MARKET IMPV. VALUE: \$0
MARKET VALUE: \$0
FARM DISCOUNT: NO
TAXABLE VALUE: \$0

Election Information

PRECINCT NAME: DALLAS II
POLLING PLACE: HISTORIC DALLAS
 COURTHOUSE
POLLING ADDRESS: 131 N GASTON ST
WARD #:
CONGRESS REPRESENTATIVE: MEMBER
 PATRICK MCHENRY
CONGRESSIONAL DISTRICT: 10
HOUSE REPRESENTATIVE:
 REPRESENTATIVE KELLY E. HASTINGS
 (REP)
HOUSE DISTRICT: 110
SENATOR: SENATOR KATHY HARRINGTON
 (REP)
SENATE DISTRICT: 43

Parcel Information

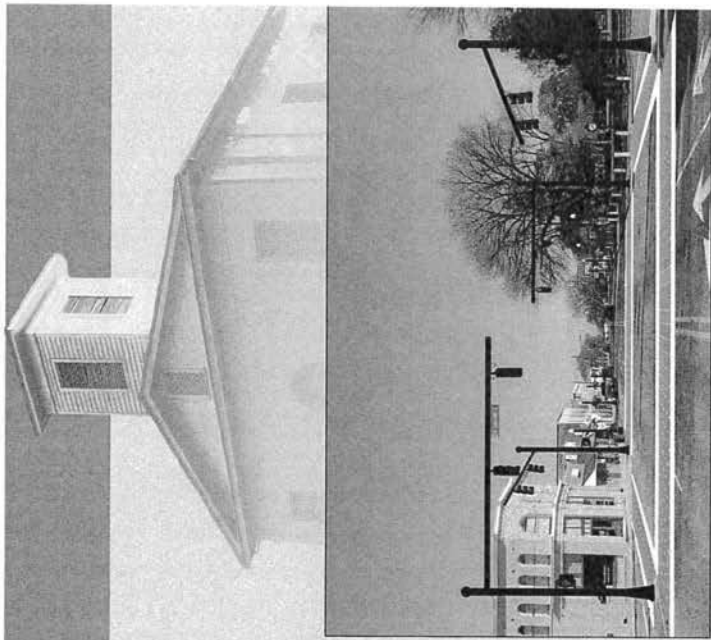
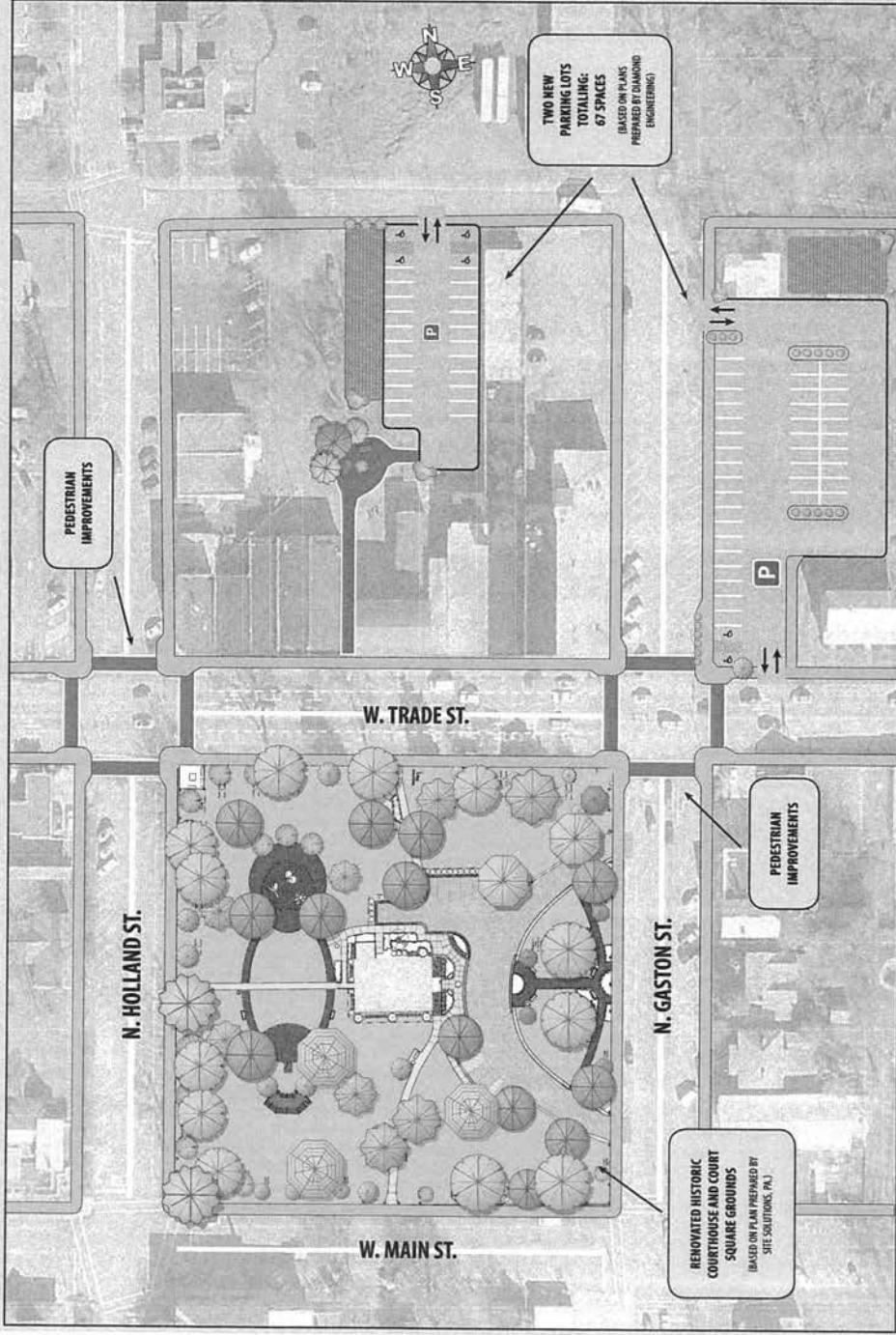
POLICE DISTRICT: DALLAS
FIRE DISTRICT: DALLAS
EMS RESCUE:
STATION #: GEMS STATION 1
FLOOD:
CENSUS TRACT: 309.01

Disclaimer: The information provided is not to be considered as a legal document or description. The map & parcel data is believed to be accurate, but Gaston County does not guarantee its accuracy. Values shown are as of January 1, 2015. - Document created for printing on 9/13/2018





HISTORIC DALLAS TOWN CENTER PLAN

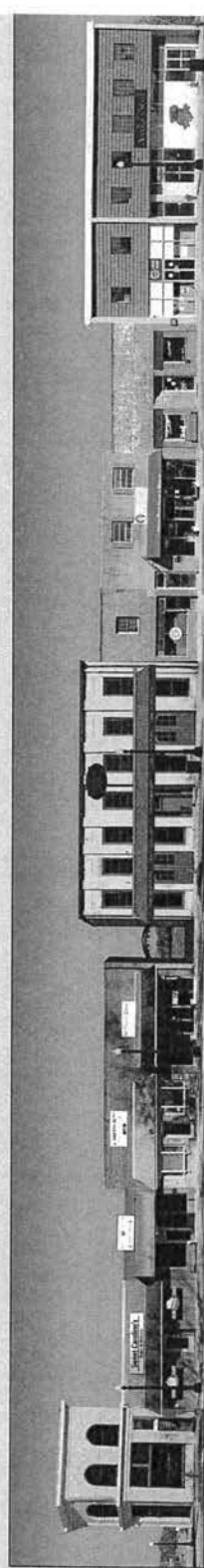


(ABOVE) RENDERED VIEW OF TYPICAL INTERSECTION UPGRADES FOR TRADE/HOLLAND AND TRADE/GASTON

Shown here is the intersection of West Trade and North Holland looking east through the intersection. By using digital image editing techniques, the plan view of the intersection is overlaid on the aerial photograph. The plan view shows the proposed pedestrian improvements for each signal head. The plan view shows the proposed pedestrian improvements for each signal head. The plan view shows the proposed pedestrian improvements for each signal head. The plan view shows the proposed pedestrian improvements for each signal head.

(LEFT) PLAN MAP FOR DALLAS TOWN CENTER

Improvements to Dallas Town Center are overlaid on an aerial photograph. During 2014, the historic former Gaston County Courthouse and grounds are being renovated for the William C. Friday Center, an events venue. The map also shows intersection improvements at North Gaston and Trade Streets, and North Holland and West Trade Streets. This plan view depicts shows sidewalk "bulb-outs" at each corner of these intersections. Also shown are the two proposed new parking lots adding a total of 67 spaces and more fully described in the accompanying report.



(RIGHT) PANORAMA VIEW OF CONCEPTUAL RENOVATIONS AND BUSINESS DEVELOPMENT OF 100 BLOCK OF WEST TRADE

This digitally altered image shows how facade improvements and potential business development could improve the primary commercial block of Dallas Town Center. The three example photographs are merely representative of how spaces could be used to pursue economic restructuring and business development. The plan view shows the proposed pedestrian improvements for each signal head. The plan view shows the proposed pedestrian improvements for each signal head. The plan view shows the proposed pedestrian improvements for each signal head.

acquiring an additional strip of property or easement and removing a narrow building (about 10 feet wide) between the Setzer Building and 136 West Trade Street.

- 3.7.2. The second parking lot proposed will include 41 spaces and would be located between the old jail and North Gaston Street, and would front on East Trade Street. Driveway entrances to the parking lot would be provided on North Gaston and East Trade. To the right is a

generalized depiction of this proposed parking lot as prepared by Diamond Engineering. The cost estimate for



construction prepared by the engineer in March 2013 was \$223,485, plus property acquisition. A small portion of the proposed parking lot site is owned by Gaston County Museum, Inc. The Town should propose that the museum furnish this portion to the Town in exchange for building and maintaining the parking lot since the parking lot would be supportive of the museum. But most of the property is privately owned.

- 3.8. *Install new street furnishings of consistent color and pattern.* For example, new benches should be installed along the 100 block of West Trade. Consider installing benches on sidewalks bordering the courthouse square. A pattern document can be helpful in maintaining consistency.

- 3.9. *Town Center design and historic preservation should not overlook the importance of details (even small ones) and quality appearance, nor should it overlook the diverse and eclectic nature of the Town Center's built environment that evolved over its 167-year history.* Examples of this principle could be:

- 3.9.1. *Preserving the granite bollards that surround the courthouse square.*
- 3.9.2. *Preserving the historic granite horse watering trough in the planting strip along the south margin of 100 block of West Trade.*
- 3.9.3. *Preserving the public clock, currently at the northwest corner of the courthouse square.*
- 3.9.4. *Keep tree limbs from obscuring the NC Historic Highway Marker for "Dallas" located on the northern area of the courthouse square.*
- 3.9.5. *Understanding that some buildings are more historic than they may appear at first look, such as the former filling station (c.1940) that sits at the southwest corner of Trade and Holland. Buildings such as this can be adaptively reused for businesses that contribute to Town Center vitality.*

4. ECONOMIC RESTRUCTURING STRATEGIES

4.1. *The Town and Town Center organization should determine business development and recruitment targets based upon the Town Center's greatest assets.* Capitalizing upon and further developing existing assets will assure greater success in business development. Resolving existing constraints to development objectives will also be necessary. The following assets of Dallas Town Center are readily apparent:

* 4.1.1. *Historic character and historic importance of Dallas Town Center.*

* 4.1.2. *As with almost all downtowns, Dallas Town Center serves as center for community identity and provides a "sense of place" to Dallas.* It is the downtown that creates the personal and collective physical image of most communities, including Dallas. In addition, it has the historic courthouse as the center of the Town Center and the identifying community icon. It is the sense of community identity along with the seeking of historic, authentic experiences that continue to attract people to their community downtowns.

* 4.1.3. *The physical character and arrangement of buildings in the Town Center provide a clear, distinct "sense of arrival," and there is also a sense of when one is leaving the center of town.* With Dallas there is clearly a "there," "there."

4.1.4. *Traffic counts on Trade Street in the Town Center are remarkably high.* Many consumer businesses location strategies rely heavily on traffic counts, which are typically reported in "average daily traffic" (ADT) counts. For Trade Street in the Town Center area, in 2012 the count reported by NCDOT was **16,000 ADT**. This is approximately 18% *higher* than reported in the same year for Franklin Boulevard in downtown Gastonia.

4.2. *Some types of businesses that the Town could pursue for the Town Center and be consistent with overall revitalization goals include:*

4.2.1. *One or more upscale restaurants.* The Town Center makes an excellent place to spend an evening of dining and entertainment. An upscale restaurant could also benefit from events at the restored Historic Dallas Courthouse Center and events at the Gaston County Museum. Or, simply the opportunity to stroll around the improved historic square after dinner would be a nice capstone to an evening out. Entertainment provided by the restaurant can also increase attraction. Allowing for the on premise sale of beer, wine and spirits has better positioned Dallas for recruiting an upscale restaurant to the Town Center. This is because alcoholic beverages account for a major profit center for upscale restaurants, are now essential for their business success and will thus drive restaurant locational choices.

4.2.2. *Small dining and snack shops.* If the Town Center grows as a visitor attraction, businesses that can capture both local and visitor traffic will have a better chance of success. This could include a small cafe, sandwich shop, deli, ice cream, confectionery store, and similar stores, all of which cater to families.