# Town of Dallas Board of Adjustment Meeting Agenda Thursday, January 19, 2023 To be held at the Fire Station Community Room at 6:30 pm

- 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
- 5. Announcements/Introductions
- 6. Approval of Agenda with Additions or Deletions
- 7. Approval of Minutes June 16, 2022
- 8. Acknowledgement of any Ex Parte Communication
- 9. Evidentiary Hearing
  - a. V-2022-02 604 North Street
- 10. Board Deliberation and Determination of Findings of Fact
- 11. Adjournment

# Minutes Town of Dallas Board of Adjustment Meeting of June 16, 2022

The meeting was called to order at 6:31 pm by Chairman Curtis Wilson.

Members present: Curtis Wilson — Chairman, Glenn Bratton — Co-Chairman, Troy Traversie, Reid Simms, Gene Brown, John O'Daly, Thomas Smith, and Tiffany Faro—Alternate.

Chairman Wilson led the invocation and Pledge of Allegiance.

Also Present: Nolan Groce – Development Services Director, Jonny Denton – Town Engineer, Brian Finnegan—Town Planner, James Melvin—Applicant, Blair Propert—Property owner, Michael Bentley Robyn Hovis—Adjacent property owner, and.

The Chairman called for a motion to approve the agenda. O'Daly made a motion to approve, seconded by Bratton, and the motion carried unanimously.

The Chairman called for a motion to approve the minutes from the previous Board of Adjustment meeting held on May 19, 2022. Smith made a motion to approve, seconded by Bratton, and the motion carried unanimously.

The Chairman asked the Board if there was any conflict of interest or Ex Parte communication to be revealed before proceeding with the hearing. There was none. The Chairman went over the nature of a quasi-judicial meeting, explaining it is a fact finding hearing only, and opinion and emotion cannot be taken into consideration when deciding the outcome.

Chairman Wilson asked for a motion to go into public hearing. Bratton made a motion to go into public hearing, seconded by Smith, and the motion carried unanimously.

The Chair then called any parties wishing to speak during the hearing to come up and swear in. James Melvin, Blair Propert, Robyn Hovis, Michael Bentley, Nolan Groce, Johnny Denton, and Brian Finnegan were sworn in for testimony.

#### **Special Use Permit 2022-01**

Chairman Wilson asked staff to introduce the case. Brian Finnegan introduced the case as a special use permit application submitted by James Melvin for 108 E Trade Street, Gaston County Parcel 300093, for a special use permit to operate an event venue. The property is located in the Central Business, B-3, zoning district, which allows this use only as an approved special use permit. The property is surrounded by B-3 zoning districts, and not immediately adjacent to any residential property. Finnegan submitted the information in front of the Board as evidence, including the staff report and GIS maps and imagery. There was one correction made to the document. The staff report stated the property was 103 E Trade Street, and that was corrected on record that the actual address was 108 E Trade Street.

Blair Propert then presented his application, stating they are planning to open an event venue. Propert clarified he does not want to change the jail, but to restore it. The types of events stated

that may be held there would be bridal showers or church events. He said they are not going to hold concerts. It will be a family owned business and Propert says it will only enhance the area. Bratton asked if Propert had any diagrams or photos showing what type of ramp would be built and what materials will be used. Propert said he did and would send it in. The materials used will match the style of the building and match materials available at the time the jail was constructed. Groce clarified for the Board that staff reviews the general site plan but does not review North Carolina Building Code. Bratton asked about the material used for the steps. Melvin said the steps will either be repurposed material from the side or brick veneer, but that they will be brick. O'Daly asked staff about possible loading docks. Groce stated there is no current requirement in the ordinance for the B-3 zoning district that requires off-site parking or loading areas and it was consistent with surrounding properties in the area. Denton stated the public parking lot was designed to allow a curb cut and connection from the parking lot to the back of the subject property. Denton also stated he would like to see an onsite dumpster but that the owners are planning to go with rollout pins instead. But if they do a dumpster in the future the parking lot is designed to accommodate one. Traversie asked about capacity. Propert responded they are waiting on the Fire Marshal to give them the exact number but they are expecting about 50 bodies for the first floor and 80 for the upstairs floor. Bratton asked if there are any double doors, Propert explained there are not. For ingress/egress there are three doors on the main floor, one on the top floor, and one in the basement. Traversie asked if they have a sign. Propert stated they have no plans for a sign at this point. Melvin said they will eventually have a sign and go through approval when they are ready for that stage. Melvin clarified onsite parking was only for the owners, hosts of the event, and used for deliveries. The onsite parking will not be open for guests. The current parking lot is crushed asphalt.

Once Board questions were done, Groce asked Propert to read into the record the six Findings of Fact from the submitted application. Propert presented the following:

- 1. That the use will not materially endanger the public health, or safety, or general welfare if located where proposed and developed according to the plan submitted.
  - The Historic Dallas Jail Event Venue will be open by appointment only for private events and will in no way endanger the public health, safety or welfare. The argument could be made that letting the building remain vacant and unused is more of a danger to the public.
- 2. That the use will not create traffic hazards, excessive congestion or hazards to pedestrians within the development and upon the public streets at the point of ingress and egress to such development.
  - The Historic Dallas Jail Event Venue will be open by appointment only for private events so there will not be a constant flow of traffic or people every day. There is parking onsite and there is ample public parking in the downtown area. Any deliveries will be made from the onsite parking area. Most if not all deliveries will be made by van, no large trucks are anticipated. The main access for our event guests will be from the existing public sidewalk.
- 3. That public facility systems are sufficient to serve the development.

- Building has been serviced by public utilities in the past. The building will be
  reconnected to the public water and sewer systems and electrical service to the
  building will be restored. Pinnix Construction is our partner on this project and
  they will help ensure that all permitting is done correctly, that work will be
  performed by licensed professionals and that all the work will meet code.
- 4. That surrounding properties will be adequately protected from potential adverse effects of the development.
  - Majority of the construction will take place inside of the building. The external
    work will consist of rebuilding the front porch, adding steps to the rear entrance,
    building handicapped ramp on the side of the building and some landscaping all
    of which will have little to no effect on our neighbors. The event venue business
    will not adversely affect the surrounding properties but will actually have a
    positive effect by increasing property values and bringing more business to the
    area.
- 5. That the development complies with the standards and specifications for the corresponding general zoning district.
  - The event venue special use option text was recently approved and added to the zoning language due our petition to do so. We presented our plans to restore the Historic Dallas Jail and to turn it into a private event venue to the alderman, staff and zoning board and it was well received and encouraged.
- 6. That the use is consistent with the general plan of development for the area.
  - Bringing the Historic Dallas Jail back to life will put the building back on the property tax role, bring a new business to the downtown Dallas business district. The event venue will create jobs and bring business to existing local businesses as well.

Robyn Hovis then cross examined Propert. The following questions were asked:

- Surrounding properties will be adequately protected from adverse effects of the development. How do you plan to do that?
  - O Propert explained that the building is not being expanded other than adding a ramp and staircase to the building. The building is being restored but not expanding and any improvements are going to be contained on their property.
- How will you prevent non-Roots guests from parking in spaces and traffic impediments?
  - O Propert explained to the Board that the two property owners share a driveway, and that neither property actually has defined parking. The two property owners would have to work together to avoid blocking each other. Since they are private the events are scheduled they will know when there will be traffic. So if there is an event on a Saturday at 10AM they will know in advance and let Hovis know in advance there is an event. Hovis asked if he will make them park in the town parking lot. Propert said he would. That is the first choice but for deliveries or the

owners coming through the onsite lot he would let her know. Melvin stated they would monitor the parking lot.

- Where are the food trucks, delivery trucks, and heavy equipment trucks going to park during construction? Will they be coming through the easement?
  - O Propert stated some will be. But they are not planning on doing major construction, only interior remodels and renovations so there will not be any heavy equipment or large, massive trucks.
- Since we share the easement, are you will to help or split 50/50 maintenance since the gravel will get worn down?
  - O Propert stated they would. Hovis asked for it in writing, and Propert agreed to put it in writing.
- Hovis pointed out that adding the back staircase will affect the function of the access easement and as laid out in the plan would greatly limit any turn radius they would have to get behind the structure. O'Daly and Hovis started to look at a different image on a phone. Groce reminded everyone present to stick with the available evidence and avoid outside research so everyone has an opportunity to view the same information. Hovis claimed there was only 8ft of clearance behind the structure, but the applicant claimed it was much more. Denton stated that based on the document submitted showing the easement and estimated the current clearance to be about 12ft. After the staircase is installed they would only have about 8ft and that it would be a tight radius. Melvin stated they would look into the staircase placement.
- What time do you expect trucks to come through? Hovis' hours are 8am-9pm.
  - O Melvin explained that the majority of their events are expected to be in the evenings. They expected deliveries for those events to be late afternoon. They will coordinate with Hovis to prevent any deliveries or traffic from blocking the parking lot.
- Bentley asked to see the photo and stated he would access the rear of the property from the town parking lot.
  - O Melvin stated in a future phase they plan to do that when they pave to parking lot. But currently they are only focusing on the building restoration and getting the site open and running. But the plan is to eventually pave and tie in to the town parking lot. Hovis asked about the easement being paved as well and Melvin stated anything affecting the outside of the building will be discussed with her.

An observer wanted to ask a question but wasn't sworn in. Groce clarified any cross testimony has to be sworn in and on the record. Chairman Wilson asked if the individual wanted to be sworn in and he declined.

The Chairman asked for motion to close the public hearing and move to deliberation. Bratton made a motion to close the public hearing, seconded by O'Daly, and the motion passed unanimously.

The Board then voted on each individual Finding:

- 1. That the use will not materially endanger the public health, or safety, or general welfare if located where proposed and developed according to the plan submitted.
  - Smith made a motion to approve, seconded by O'Daly, and the motion passed unanimously
- 2. That the use will not create traffic hazards, excessive congestion or hazards to pedestrians within the development and upon the public streets at the point of ingress and egress to such development.
  - O'Daly made a motion to approve, seconded by Smith, and the motion passed with 6 in the affirmative by O'Daly, Smith, Wilson, Traversie, Brown, and Simms, and 1 against by Bratton
- 3. That public facility systems are sufficient to serve the development.
  - O'Daly made a motion to approve, seconded by Bratton, and the motion passed unanimously
- 4. That surrounding properties will be adequately protected from potential adverse effects of the development.
  - Traversie made a motion to approve, seconded by Simms, and the motion passed unanimously
- 5. That the development complies with the standards and specifications for the corresponding general zoning district.
  - Bratton made a motion to approve, seconded by O'Daly, and the motion passed unanimously
- 6. That the use is consistent with the general plan of development for the area.
  - Traversie made a motion to approve, seconded by Bratton, and the motion passed unanimously

Bratton asked to speak to the second Finding and why he voted against. Given that building is located at that particular major intersection, at some point in time the owners may have to consider hiring law enforcement to help get people in and out. Denton said the primary ingress and egress should be off Gaston. Bratton's second point stated at some point the two owners may have to get something in writing on both sides using that driveway/parking lot area because he was hearing some serious potential issues.

Groce clarified that the Board can place fair and reasonable conditions agreed upon by the applicant on the special use permit. And that the Board does need to do a final vote to approve the special use permit.

Bratton stated he would have preferred to see more specific details but didn't have any and was relying on staff to approve the application.

Chairman Wilson then called for a motion to approve the special use permit. Smith made a motion to approve the special use permit, seconded by Simms, and the motion passed unanimously.

With no further discussion, Bratton made a motion to adjourn, seconded by Brown, and the vote carried unanimously.

The meeting adjourned at 7:27 pm.

Nolan Groce, Development Services Director

Curtis Wilson, Chairman

#### **TOWN OF DALLAS**

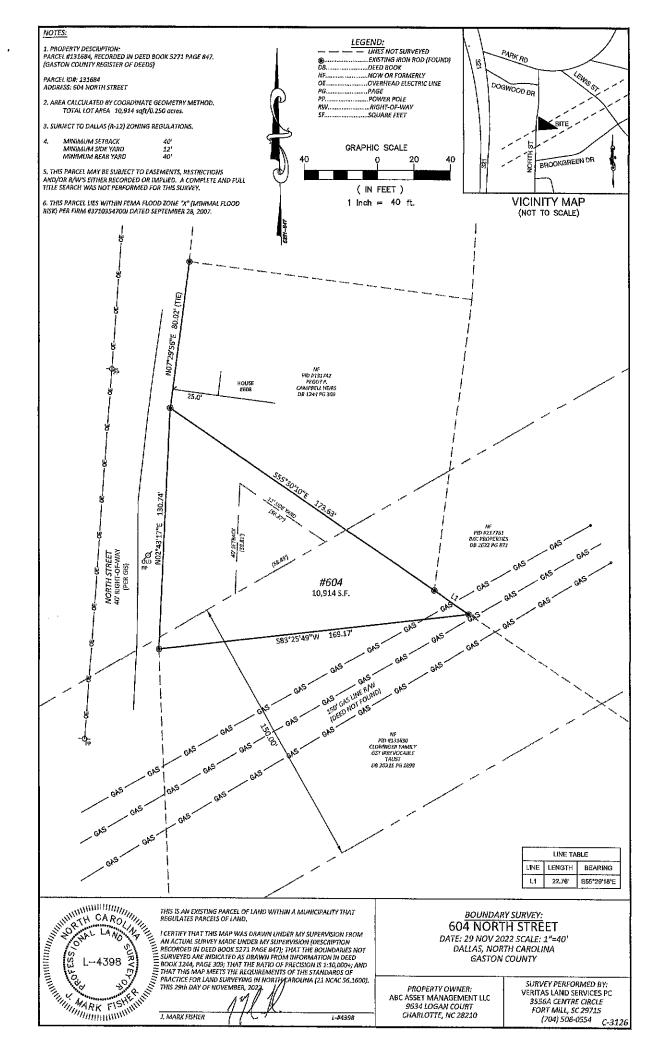
#### **ZONING VARIANCE APPLICATION**

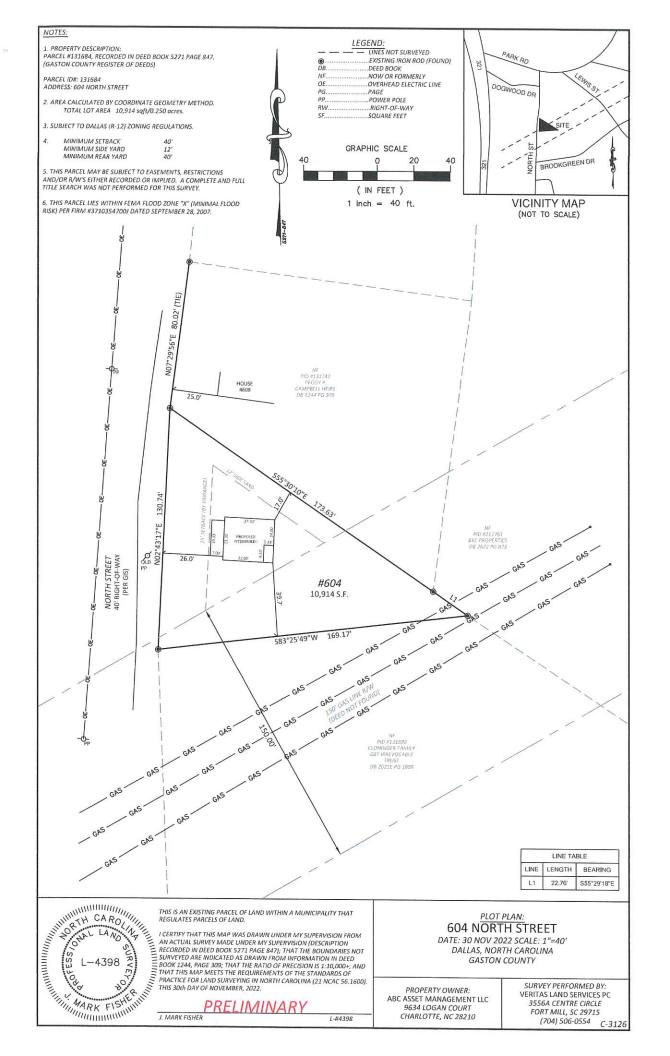
Application No.	Date: 11/30/2022
To the Town of Dallas Board of Adjustment:	
I, Lang Holding (of ABC Asset Mgt., LLC) , hereby r Section Appendix A of Chapter 153 of the Dallas Zoning Due to the natural gas easement to the south of severely diminished which restricts us from being	Ordinance for the following reason(s): our property, our building setbacks are
property	
Street Address/location of the subject property:	604 North St., Dallas NC
Parcel ID #: 132667	
Current Zoning District: R-12 Current	Use of the Property: <u>Vacant land</u>
Property Owner: <u>ABC Asset Management, LLC</u>	
Address of the property owner: 9634 Logan Ct., Charlotte, NC 28210	
Contact Telephone: 704-661-9596	Email: <u>lang@abccompaniesusa.c</u> om
Applicant: Lang Holding	
Applicant Address: 9634 Logan Ct., Charlotte, NC 28210	
Applicant Contact Telephone: 704-661-9596	email: <u>lang@abccompa</u> niesusa.com
Relation to Property Owner: Same	
Statement by applicant: (In the space provided, o	or on a separate sheet, state what
reason(s) you have for the requested variance be There is a 150' gas utility easement to the south	granted.) of our property that consumes close to
half of our property which restricts us from bein	
We would like to be granted a variance to mat	ch existing "historical front setbacks" (25')
of neighboring properties in order to widen the	side setbacks so that we can build a new
home on the property.	

# TOWN OF DALLAS ZONING VARIANCE APPLICATION

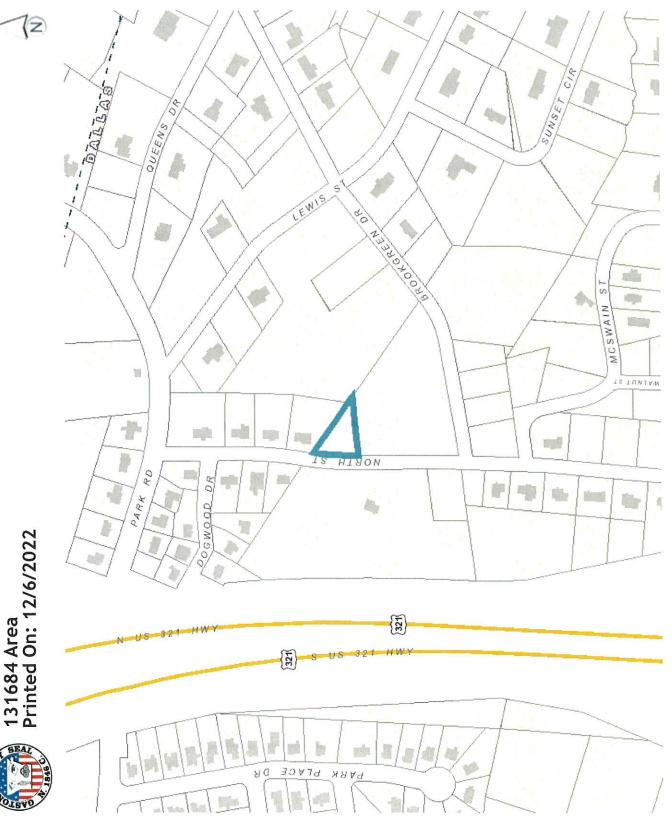
In the spaces provided, indicate the <u>facts</u> that you intend to show and the arguments that you intend to make to convince the Board it can properly reach each of the required findings. Attach additional pages as needed.

1.	An unnecessary hardship would result from the strict application of the ordinance. It is not necessary to demonstrate that, in absence of the variance, no use can be made of the property.			
	As will be shown by our professional survey, we are unable to build without the			
	variance as the rear of the building pad becomes too narrow.			
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.  There is a 150' natural gas easement that encroaches from the south and consumes almost half of our property rendering it useless as a buildable lot.			
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 is not a self-created hardship.  When we purchased this property, we had no idea that there was a 150' gas easement and that it consumed almost half of our property.			
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.  Building a new house on this property will enhance the neighborhood, increase property values as well as the local tax base. Also, since neighboring properties have the same front setback we are asking for, consistancy will be established.			
	ange in permitted uses may be authorized by variance. Appropriate conditions may bosed on any variance, provided that the conditions are reasonably related to the ce.			
	y that all the information presented by me in this application is accurate to the best knowledge, information and belief.			
	a divini di			
	Signature of Applicant Signature of Applicant			
<b>Subm</b> Nover	itted as completed, including the required \$550 fee, this 30th date of mber, 2022			
Ctaff.	76			

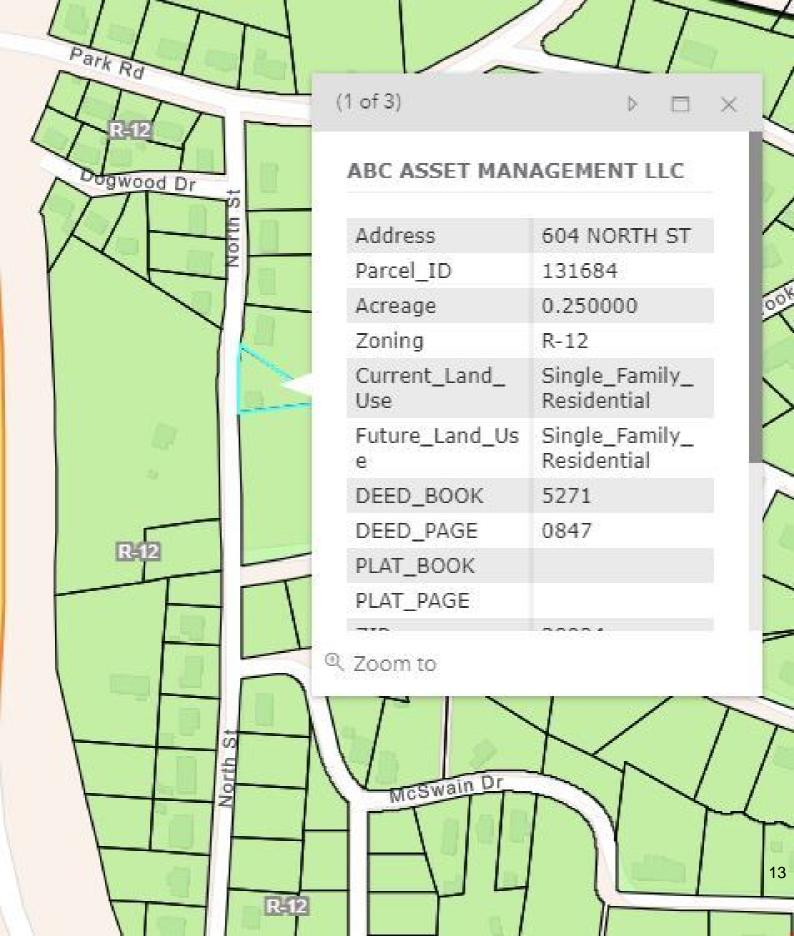




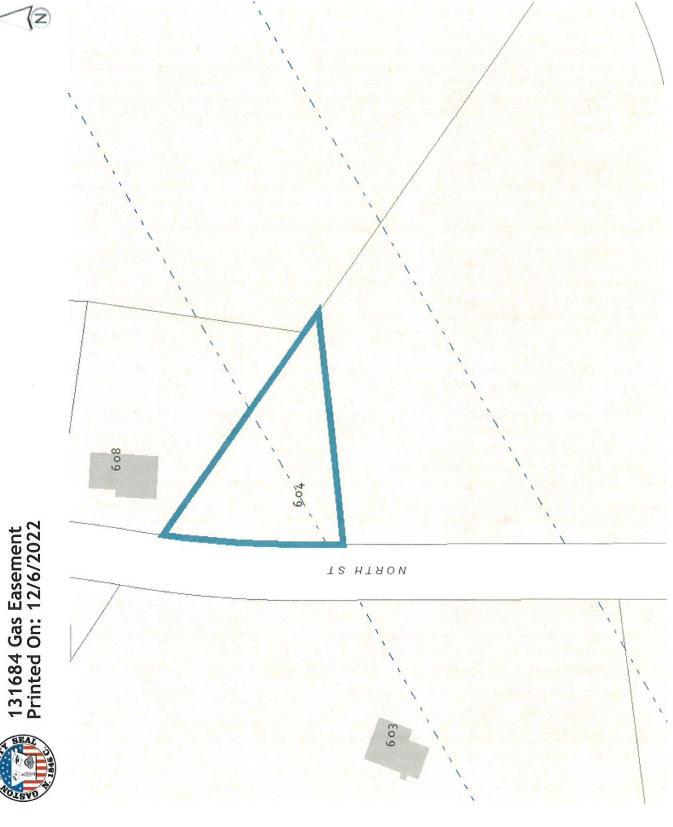
12/6/22, 10:37 AM



**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, 2019.



12/6/22, 10:45 AM



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# Notice of Evidentiary Hearing Town of Dallas, NC

The public will take notice that the Board of Adjustment for the Town of Dallas will hold a quasi-judicial hearing on **Thursday, January 19, 2023 at 6:30pm** in the Fire Hall Community Room, 209 West Main Street, Dallas NC 28034.

This hearing will be held for a variance request, #2022-02, by applicant Lang Holding of ABC Asset Management, LLC, requesting to reduction in the R-12 front setback requirement from 40 feet to 25 feet.

All interested persons are invited and encouraged to attend. For those persons requiring special assistance, please contact Town Hall at 704-922-3176, at least 48 hours prior to the commencement of the meeting.

For questions or further information, please contact Brian Finnegan at (704) 922-3176 x 264 or email bfinnegan@dallasnc.net.



### Mayor

Rick Coleman

#### Aldermen

Jerry Cearley Samuel S. Martin Frank Milton Darlene Morrow Hoyle Withers

### Town Manager

Maria Stroupe

#### Town Clerk/HR Sarah Hamrick

## **Finance**Jonathan Newton

Town Attorney

J. Thomas Hunn

#### Police

Robert Walls

#### **Electrical**

J. Doug Huffman

#### **Public Works**

Bill Trudnak

#### **Dev Services**

Nolan Groce

#### **Fire Chief**

Earl Withers

#### Recreation

Brandon Whitener

#### **Code Enforcement**

David Lingafelt

Town of Dallas 210 N. Holland St. Dallas, NC 28034

#### Phone:

704-922-3176

#### Fax:

704-922-4701

#### Web Page:

www.dallasnc.net



#### NOTICE OF EVIDENTIARY HEARING

You are receiving this notice because you own property adjacent to, or in close proximity to 604 North Street, Dallas, NC 28034, Gaston County Parcel #131684, as shown on the map below.

The Board of Adjustment for the Town of Dallas will hold a quasi-judicial hearing on **Thursday, January 19, 2023 at 6:30pm** in the Fire Hall Community Room, 209 West Main Street, Dallas NC 28034. This hearing will be held for a variance request, #2022-02, by applicant Lang Holding of ABC Asset Management, LLC. The request is for a reduction in the R-12 Zoning District required setback from 40' to 25' in order to build on the property.

All interested persons are invited and encouraged to attend. For those persons requiring special assistance, please contact Town Hall at 704-922-3176, at least 48 hours prior to the commencement of the meeting.

For questions or further information, please contact Brian Finnegan at (704) 922-3176 x 264 or email <a href="mailto:bfinnegan@dallasnc.net">bfinnegan@dallasnc.net</a>.



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Cloninger Family GST Irrevocable Trust C/O Lonnie A Wagoner III 66 Saturday Rd Mt Pleasant, SC 29464	Elisa Ogle 805 Dogwood Dr Dallas, NC 28034	James & Carolyn Haas 702 North Street Dallas, NC 28034
Charles & Lana Jones	Dale Cope SR	Peggy Campbell Heirs
607 Lewis Street	701 North Street	900 Park Road
Dallas, NC 28034	Dallas, NC 28034	Dallas, NC 28034
Ramona Wagner	Scott & Anne Martin	Tap Properties
400 Meadowview Dr	3328 Dallas High Shoals Hwy	PO Box 550961
Gastonia, NC 28054	Dallas, NC 28034	Gastonia, NC 28055
Shirley Carrigan Withers	Sehnem Family Trust	Sheila Cathey
501 North Street	7251 Owensmouth Ave #8	607 N Oakland Street
Dallas, NC 28034	Canoga Park, CA 91303	Dallas, NC 28034
Paula Saunders	Amber Lyn Lombard	Transcontinental Gas Pipe Line
612 North Street	814 Dogwood Drive	PO Box 1396
Dallas, NC 28034	Dallas, NC 28034	Houston, TX 77251
BKC Properties C/O Robert Cloninger 246 Jerry Crump Road Lincolnton, NC 28092	Hannah Jeffrey 611 W Lewis St Dallas, NC 28034	Elisha & Rebecca Shae 806 Dogwood Drive Dallas, NC 28034
Larry Shives 803 Dogwood Drive Dallas, NC 28034	James & Tammy Martin 405 North Street Dallas, NC 28034	Vickie Coleman C/O Vickie Coleman Carpenter 317 Washburn Switch Road Shelby, NC 28150
Edward & Ruth Lawless	James & Kimberly Cable	ABC Asset Management LLC
505 Lewis Street	613 North Street	9634 Logan Court
Dallas, NC 28034	Dallas, NC 28034	Charlotte, NC 28210
Christopher Hensley	RS Rental I LLC	Robin & Sharon Brendle
801 Dogwood Drive	31 Hudson Yards	610 North Street
Dallas, NC 28034	New York, NY 10001	Dallas, NC 28034
Daniel & Melissa Haas	Lago Real Estate Properties LLC	Bobby & Mickie Perkins
510 Brookgreen Drive	8422 Candlenut Lane	712 Park Road
Dallas, NC 28034	Charlotte, NC 28215	Dallas, NC 28034

Crystal Oakley 809 Park Road Dallas, NC 28034	Donald Clay Street 407 N Pear Street Gastonia, NC 28054	Tap Investments LLC PO Box 550961 Gastonia, NC 28055