

Town of Dallas Board of Adjustment Meeting

Agenda

Thursday, February 13, 2020

To be held at Fire Station Community Room at 6:30 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- May 16, 2019
8. New Business
 - a) Conditional Use Permit: 306 W Main Street
9. Adjournment

MINUTES
Town of Dallas
BOARD OF ADJUSTMENT
Meeting of May 16, 2019

The meeting was called to order at 6:30 PM by Chairman Curtis Wilson

The following members were present: Curtis Wilson-Chair, Tim Farris, John Beaty, David Jones, Alternate Reid Simms

Members absent: Glenn Bratton- Co-Chair, Eric Clemmer, John O' Daly, and Alternate Gene Brown

Also present: Tiffany Faro-Director of Development Services, Johnny Denton-Town Engineer, Bobby Wilson- prospective owner, Mark Wilson- prospective builder, Marsha Smith-adjacent property owner (304 Worth St)

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

Approval of Agenda: A motion by Tim Farris was made and seconded by John Beaty to approve the agenda for this meeting, and the motion was adopted unanimously.

Approval of Minutes: A motion by Tim Farris was made and seconded by John Beaty to approve the minutes for September 2018, and the motion was adopted unanimously.

New Business:

1) Zoning Variance Application V2019-01: 315 Willis St

Staff introduced this agenda item and reminded all parties that this discussion required the Board of Adjustment to enter into a public hearing. David Jones made a motion to enter into the public hearing, seconded by Tim Farris, and agreed unanimously. All members present (other than the Board of Adjustment) were sworn in by Curtis Wilson. Bobby Wilson presented his application, and request for a variance from the required 40' setback within R-12 in order to allow him to align the front of a new construction home with the building fronts of the neighboring properties. Mark Wilson stated that there may be some discrepancy with the information shown on the survey originally submitted by the applicant, and more research may be needed to determine if the NCDOT right-of-way shown was really 60' as shown. Johnny Denton concurred, adding that it was his professional opinion that there was not a 60' ROW recorded along Willis St to his knowledge- and entered into evidence a survey from 1941. Marsha Smith spoke against the variance application, stating that the information provided within the variance application submitted was opinion, not evidence- specifically relating to bringing more revenue to Town. Because a clear answer regarding the true right-of-way along Willis Street could not be determined, Tim Farris made a motion to close the public hearing and postpone the discussion until May 30th to allow the applicant time to determine if a variance was needed. This motion was seconded by John Beaty and approved by all. Staff reminded the Board of Adjustment that no new evidence could be added for consideration once the public hearing was closed, so John Beaty made a motion to reopen the public hearing in order to request clarification from the applicant. This motion was seconded by Tim Farris, and approved by all.

Other Business and Adjournment:

David Jones made a motion to adjourn, seconded by John Beaty, and approved unanimously.

Respectfully Submitted,

Approved:

Tiffany Faro, Development Services Director

Curtis Wilson, Chairman

TOWN OF DALLAS, NORTH CAROLINA

BOARD OF ADJUSTMENT AGENDA ITEM

DESCRIPTION: Conditional Use Permit- 306 W Trade St

AGENDA ITEM NO. 8A

MEETING DATE: 2/13/2020

BACKGROUND INFORMATION:

Richard and Lynnette Williams, residents of 306 W Main St, would like to continue to operate an AirBnB on their property.

Based on the Town's list of permitted uses, an AirBnB rental would be classified as a **tourist home**. Per Webster's New World College Dictionary, Fifth Edition, a **tourist home** is defined as a private home in which bedrooms are rented to tourists or travelers.

306 W Main Street is currently zoned R-8, which allows a tourist home only upon conditional approval. Upon notification of this requirement, Richard and Lynette submitted a conditional use permit application (included).

Before a permit is granted, the applicant shall demonstrate and the Board of Adjustment shall find:

- (1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted;
- (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 points of ingress and egress to such development;
- (3) That public facility systems are sufficient to serve the development;
- (4) That surrounding properties will be adequately protected from potential adverse effects of the development;
- (5) That the development complies with the standards and specifications for the corresponding general zoning districts; and
- (6) That the use is consistent with the general plan of development for the area.

Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Any ex-parte communication shall be prohibited prior to the hearing.

Each party shall have an opportunity to review all of the evidence being considered and have the chance to rebut that evidence prior to a decision being made.

In approving an application for a conditional use permit, the Board of Adjustment may attach fair and reasonable conditions to the approval. Such conditions shall be limited to those that address the conformity of the development and use of the site to Town Ordinances and any officially adopted plan and those that address the impacts reasonably expected to be generated by the development or use of the site.

BOARD ACTION TAKEN:

NEXT STEPS:

TOWN OF DALLAS – CONDITIONAL/SPECIAL USE PERMIT APPLICATION

IMPORTANT INSTRUCTIONS FOR FILING FOR A CONDITIONAL/SPECIAL USE PERMIT

* APPLICATION MUST BE ACCOMPANIED BY AN SCALED CONCEPT PLAN APPROVED BY STAFF WITH PAID FEE.

Application information: Is the applicant the owner of the property? YES If not, provide a notarized letter from the property owner(s) granting permission to seek a Conditional/Special Use Permit.

Applicant Name(s)	<u>RICHARD R. & LYNNETTE M WILLIAMS</u>
Applicant Address	<u>306 WEST MAIN ST</u> <u>DALLAS, NC 28034</u>
Applicant Phone No.	<u>803-280-5027</u>
Applicant email:	<u>LWill555@gmail.com</u>

Parcel Information pertinent to the Conditional/Special Use Permit request

Parcel Owner	<u>Richard and Lynnette Williams</u>		
Parcel Address	<u>306 W Main St</u>		
Tax Parcel No.	<u>132110</u>	Acreage	<u>.25</u>
Existing Zoning	<u>R-8</u>	Proposed Zoning	<u>R-8 (CUP)</u>

What are the current uses of the property, as well as the adjacent uses?

SINGLE FAMILY HOME. 308 W MAIN NEXT DOOR HAS BEEN UNINHABITED FOR OVER 10 YEARS ACCORDING TO THE OWNER (ROSE MARIE JENKINS). THERE IS A VACANT LOT ON THE OTHER SIDE, WHICH BELONGS TO BETTY PASOUR.

Describe the Conditional/Special Use Permit request

WE WOULD LIKE TO PROVIDE AIRB&B to quality folks needing temporary housing in this area.

Explain briefly the expected effect on the neighborhood if the proposed Conditional/Special Use Permit is approved

IT BRINGS (has brought) POSITIVE attention to DALLAS. Folks say how charming our little town is - and they'd love to re-visit. They wish there were more RESTAURANTS :)

Explain any other circumstances which tend to justify the Conditional/Special Use Permit request in terms of public interest

There are NO current options (that I'm aware of) for folks to spend the night in DALLAS.

List any conditions proposed with this request

WE ARE VERY PARTICULAR ABOUT WHO WE ALLOW TO STAY WITH US. WE LOVE DALLAS, WE LOVE OUR NEIGHBORS, AND WANT THIS TO CONTINUE TO BRING A POSITIVE & CHARMING IMPACT.

I (we) certify that all of the information presented is accurate to the best of my knowledge, information and belief.

Lynn Williams
Signature of Applicant(s)

12/31/19
Date

Lynn M. Williams
Name of Applicant(s)

12/31/19
Date

306 W. Main St.
Address
DALLAS, NC 28034

Email LWILL555@gmail.com

Phone no.(s) 803-280-5027

Notary Approval

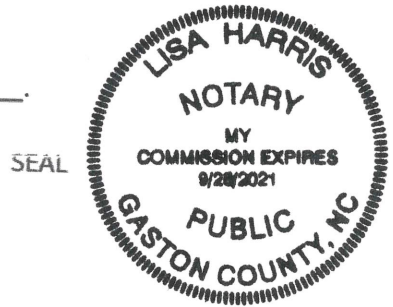
Lynn M. Williams

personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness by my hand and official seal this 2nd day of January, 2020.

My Commission expires 9/25/2021

Lisa Harris Lisa Harris
Notary Public



If the applicant is not the owner of the property, indicate the owner's name and contact information along with a notarized letter signifying approval to request a Conditional/Special Use Permit for his/her property.

Property Owner Name

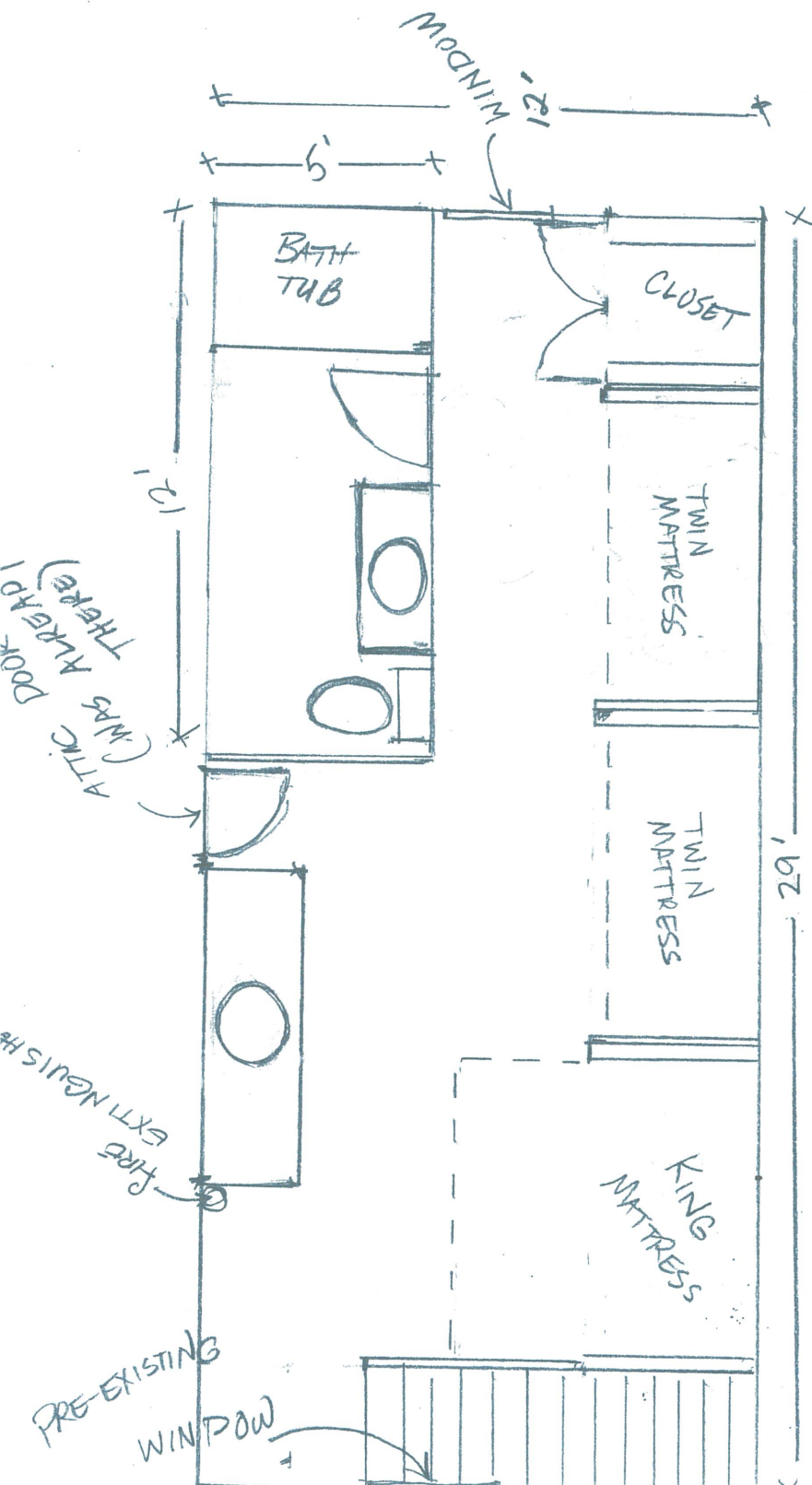
Property Owner Address

City, State, Zip

Email and phone

STAFF USE ONLY:

Staff Review	Receipt of Application:	Recommendation:
Planning Board Review	Publication Dates:	Mailing Dates:
	Date of Meeting:	Recommendation:
Board of Alderman Review	Publication Dates:	Mailing Dates:
	Date of Hearing:	Decision:



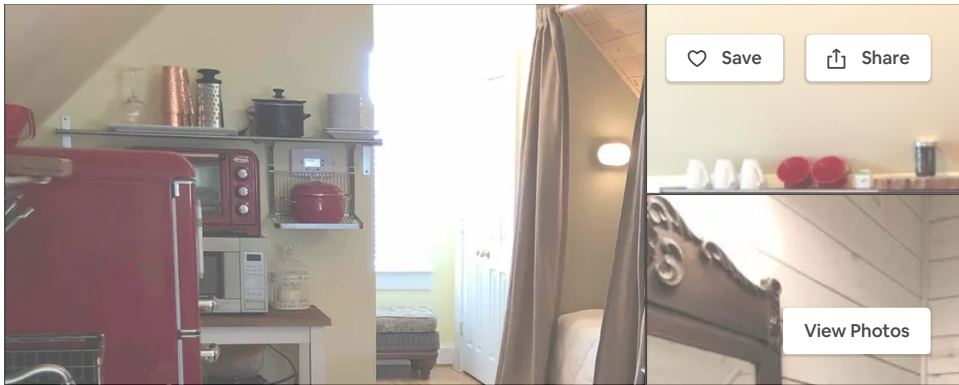
The only changes made to the space, were the addition of a tub to the existing bathroom, and the sink outside the bathroom.

306 WEST MAIN STREET
DALLAS, NC 28034

SCALE:
1/4" = 1'

2/6/2020

Cozy Studio Garage Apartment Close to Gastonia - Guest suites for Rent in Dallas



Cozy Studio Garage Apartment Close to Gastonia

Dallas



Lynn

4 guests Studio 3 beds 1 bath

Entire home

You'll have the guest suite to yourself.

Self check-in

Check yourself in with the smartlock.

Sparkling clean

13 recent guests said this place was sparkling clean.

Lynn is a Superhost

Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

2/6/2020

Cozy Studio Garage Apartment Close to Gastonia - Guest suites for Rent in Dallas

Charming studio garage apartment in historic Dallas, NC.

Contact host

Amenities

Kitchen

Wifi

Free parking on premises

Laptop-friendly workspace

Show all 34 amenities

Sleeping arrangements



Common spaces

3 single beds, 1 floor mattress

Availability

This host offers 18% off if you stay a week and a 37% monthly discount.


February 2020							March 2020						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1	1	2	3	4	5	6	7
2	3	4	5	6	7	8	8	9	10	11	12	13	14
9	10	11	12	13	14	15	15	16	17	18	19	20	21
16	17	18	19	20	21	22	22	23	24	25	26	27	28
23	24	25	26	27	28	29	29	30	31				

Reviews


5.0 | 15 reviews

Search reviews


Accuracy	5.0
Communication	5.0
Cleanliness	5.0
Location	5.0
Check-in	5.0
Value	5.0

 **Laura**
February 2020


This guest house is beautifully decorated, clean, has all the important amenities, and is convenient to Gastonia. Host is attentive while respecting privacy. Very comfortable beds and pillows.

 **Denise**
December 2019

Lynn's place was very clean, and she is a great host!

 **Bradford**
October 2019


Came for my husband's 30 year class reunion and a long overdue visit with family. VERY pleasantly surprised when we found Lynn's place so conveniently located near all the places and people we wanted to see. Lynn is a terrific host and cook!! We never expected to feel so much...[Read more](#)

 **Response from Lynn:**
You two are delightful, and immediately felt like old friends. Please come back...we would really love to have you stay with us again :))
October 2019


Maddie


 August 2019

Lynn's place is so adorable. There really are multiple beds in the room. I was super cozy. Appreciated Lynn's attention to detail, welcome cookies, and the invitation to have breakfast. Everything was super clean and the instructions were very clear to get to the place which is...
[Read more](#)


 **Casey**
August 2019


Lynn's places was so unique and so comfortable to stay in! We loved all of the personal touches and her amazing hospitality. What a great host with such a kind heart! Definitely a place I would love to stay again. :)

 **Response from Lynn:**
We are so glad you stayed with us, Casey (and Dad!) and we really hope you'll come back!
August 2019

 **Samantha**
August 2019

This is such a fun space! I stayed here with my friend and parents, who I met up with on a cross-country trip. Lynn included an amazing amount of special touches and made the reunion with my parents that much more special. The space was very clean and well organized, super cute, ...[Read more](#)

 **Response from Lynn:**
We enjoyed hosting all of you! What fun and interesting people you are. We would loooove for you to come again :))
August 2019

 **Ravonne**
August 2019

Thank you very much for your hospitality and your service. Your Apartment was amazing and we really enjoyed the breakfast. We really appreciate all the little notes as well, you were very detailed. The beds were very comfortable, and that shower head , super amazing:):):), felt...
[Read more](#)

Response from Lynn:

2/6/2020

Cozy Studio Garage Apartment Close to Gastonia - Guest suites for Rent in Dallas



Ravonne! Thank you sooo much for your excellent review! I love that you noticed and appreciated all the efforts we've made to ensure a wonderful experience. We'd be so happy to have you come back!!

August 2019

1 2 3 >

Hosted by Lynn

Charlotte, NC · Joined in August 2016

★ 15 Reviews Verified



Lynn is a Superhost · Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.



We are empty nesters who have a LOVE of hosting/housing/helping? It's just who we are...

Interaction with guests

I'll be available to address any needs and/or concerns during your stay, but if you'd rather just check in and out without seeing us, that's fine too! We use Airbnb when we travel too, and sometimes we interact with the hosts and sometimes we don't see them at all. We are happy...

[Read more](#)

Response rate: 100%

Response time: within an hour

Contact host

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app. [Learn more](#)

The neighborhood

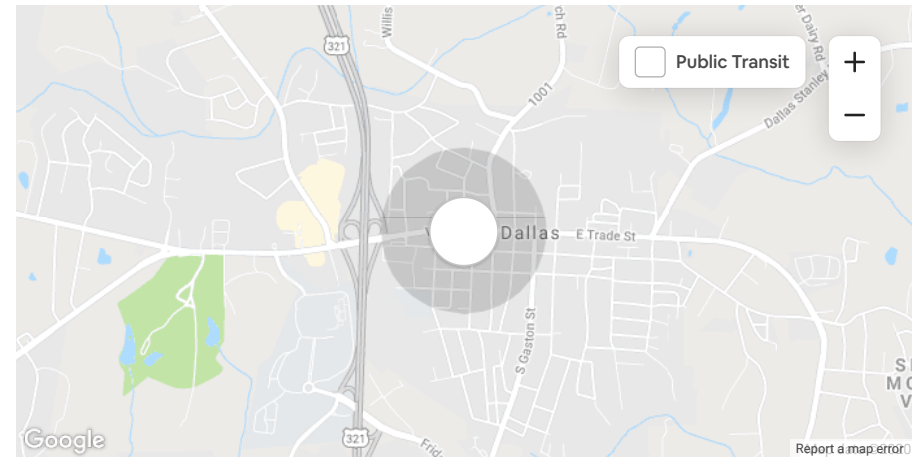
Lynn's place is located in Dallas, North Carolina, United States.

2/6/2020

Cozy Studio Garage Apartment Close to Gastonia - Guest suites for Rent in Dallas

Our charming bungalow is on Main Street, but don't let that fool you! It's not a busy street at all. There's a lovely side porch where you're welcome to enjoy a glass of wine, or a cigar...(there's no smoking of any kind allowed inside though).

Show guidebook



Exact location information is provided after a booking is confirmed.

Things to keep in mind

Check-in: After 3:00 PM

Checkout: 10:00 AM

Self checkin with smart lock

House Rules

Not suitable for infants (under 2 years)

No smoking

No pets

No parties or events

Cancellations

Free cancellation for 48 hours

After that, cancel up to 5 days before check-in and get a full refund, minus the service fee.

Exp

\$79 per night
5.0 (15 reviews)

Dallas

More p

and breakfasts · Lofts · Villas

- Atlanta
- Ashevil
- Charle
- Savann
- Charlot
- Charlot
- Myrtle
- Durhar
- Richmc
- Raleigh
- Mt Plea
- Virgini
- Wilmin
- Athens
- Chapel Hill
- Nanpean
- Mellieha
- Santa Monica

Dates

Check-in → Checkout

Guests

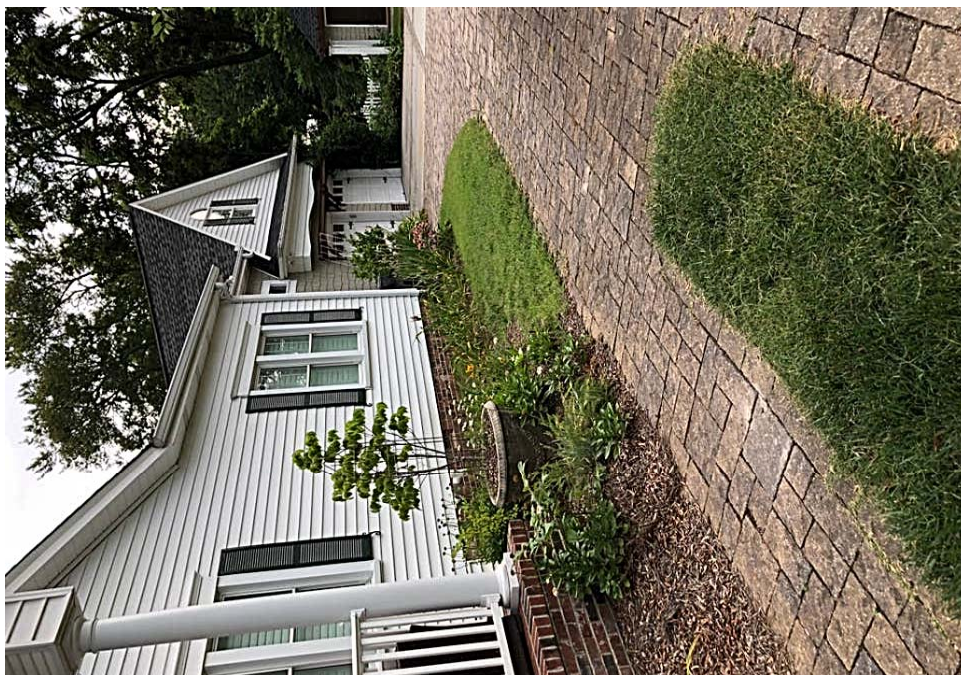
1 guest

Reserve

You won't be charged yet

Report this listing

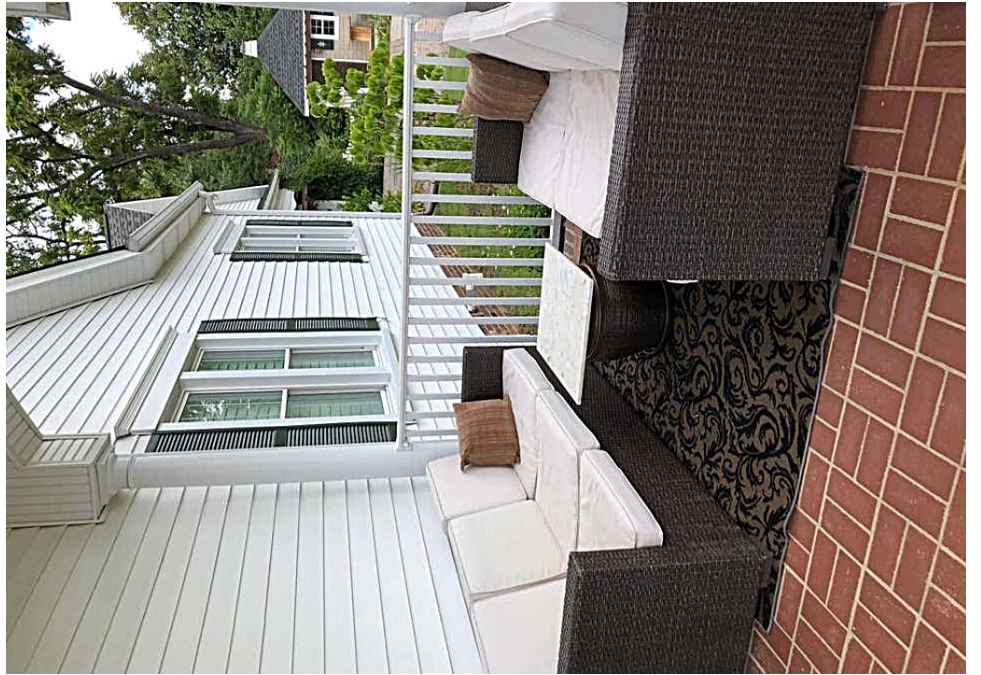
EXHIBIT C

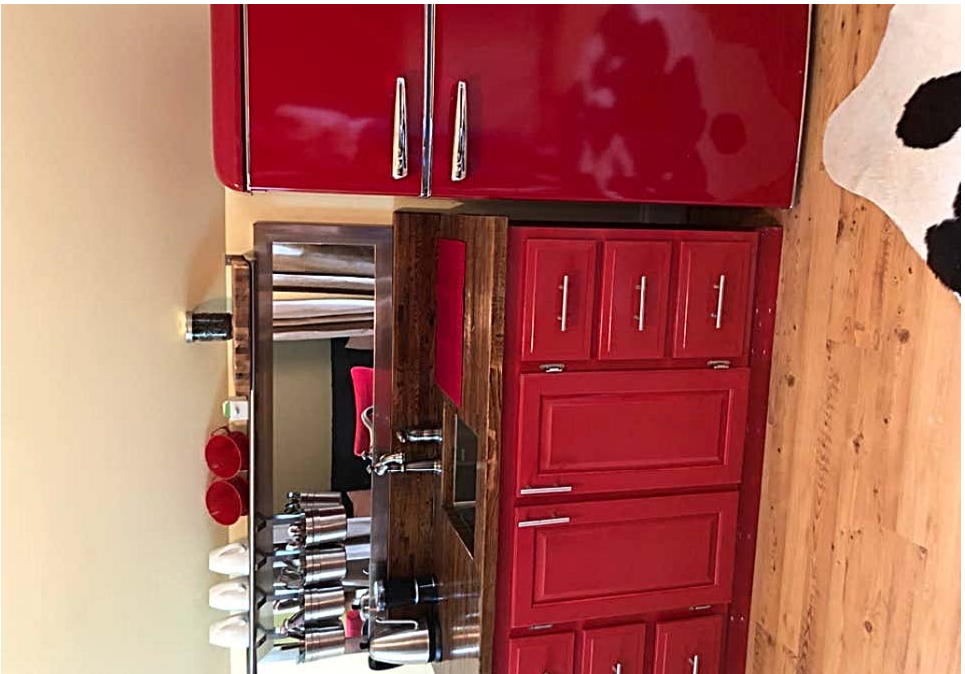


adhere to any need we had.
The complimentary food & drinks
are out of this world! Best
place I've ever stayed. 5/5★
- Oyindamola









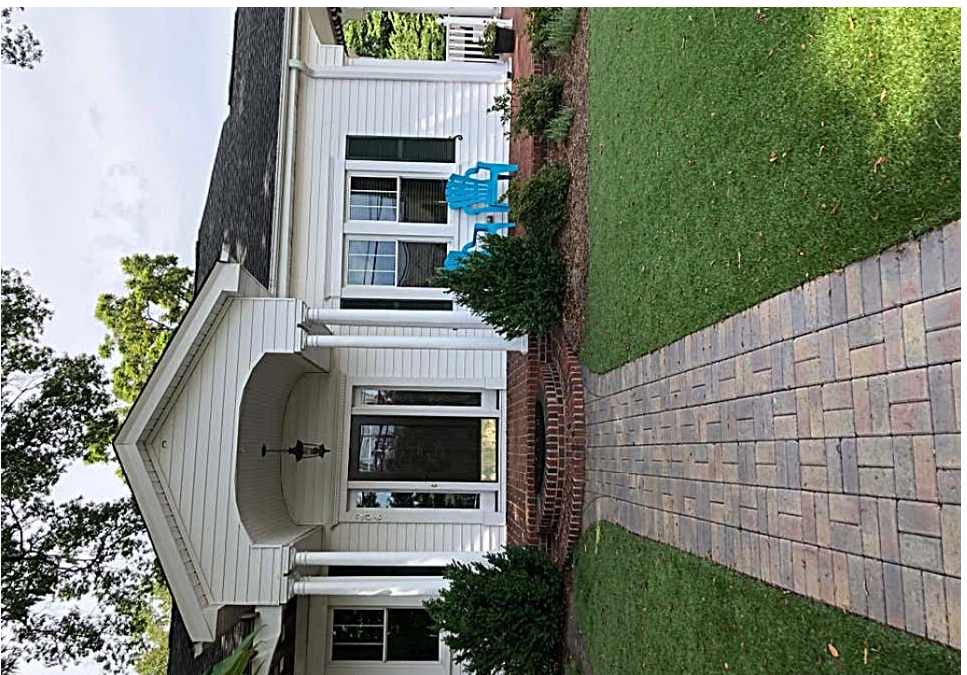




EXHIBIT E

T Faro

From: Earl Withers III <earlw@dallasnc.net>
Sent: Monday, January 06, 2020 6:38 PM
To: T Faro
Cc: Earp, Jimmy; Dusty Haney; Matt Kanupp
Subject: Re: AirBnB and Occupancy

From the fire department side we have no concerns with that small number of people staying and/or residing in a residential house. Our response to a call at the house would be no different. However if the number of people staying there goes up then obviously there would be issues from a rescue standpoint in the event of a fire. It would be nice to expect 10 or so victims in the event of a fire.

Thanks,

Earl

Sent from my iPhone

On Jan 6, 2020, at 16:03, T Faro <tfaro@dallasnc.net> wrote:

Good afternoon Chief,

I just spoke with Mr. Earp, and he advised that as long as an AirBnB doesn't house 5 or more unrelated people, it is still classified as residential and no occupancy load needs to be officially determined. (If it is over that, it would be considered a boarding house).

Based on that, do you have any concerns that would be supported by evidence for this type of use in a residential home? (ie. A study shows that residential occupancy over XXX results in increased likelihood of fires, reduced evacuation times, etc.) If so, are there conditions that should be put in place to help address those concerns before considering approval?

Tiffany Faro, CZO, CPD
Development Services Director
Town of Dallas
210 N. Holland St.
Dallas, NC 28034

Direct Dial (NEW): (980) 745-5191
704-922-3176 ext. 230 Office #
704-922-4701 Fax #
www.dallasnc.net

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**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2007-317
SENATE BILL 154**

**AN ACT TO AUTHORIZE THE TOWN OF DALLAS TO LEVY A ROOM
OCCUPANCY AND TOURISM DEVELOPMENT TAX.**

The General Assembly of North Carolina enacts:

SECTION 1. Occupancy tax. – (a) Authorization and Scope. – The Board of Aldermen of the Town of Dallas may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the town that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 1.(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 1.(c) Distribution and Use of Tax Revenue. – The Town of Dallas shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Dallas Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Dallas and shall use the remainder for tourism-related expenditures.

The following definitions apply in this subsection:

- (1) Net proceeds. – Gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area; the term includes administrative expenses incurred in engaging in the listed activities.
- (3) Tourism-related expenditures. – Expenditures that, in the judgment of Dallas Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in a town or to attract tourists or business travelers to the town. The term includes tourism-related capital expenditures.

SECTION 2. Tourism Development Authority. – (a) Appointment and Membership. – When the Board of Aldermen adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating the Dallas Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members shall be individuals who are affiliated with businesses that collect the tax in the town, and at least three-fourths of the members shall be individuals who are currently active in the promotion of travel and tourism in the town. The Board of Aldermen shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for the Town of Dallas shall be the ex officio finance officer of the Authority.

SECTION 2.(b) Duties. – The Authority shall expend the net proceeds of the tax levied under this act for the purposes provided in Section 1 of this act. The Authority shall promote travel, tourism, and conventions in the town, sponsor tourist-related events and activities in the town, and finance tourist-related capital projects in the town.

SECTION 2.(c) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the Board of Aldermen on its receipts and expenditures for the preceding quarter and for the year in such detail as the Board of Aldermen may require.

SECTION 3. Administrative provisions. – G.S. 160A-215(g) reads as rewritten:

"(g) This section applies only to Beech Mountain District W, to the Cities of Belmont, Elizabeth City, Eden, Gastonia, Goldsboro, Greensboro, High Point, Kings Mountain, Lexington, Lincolnton, Lumberton, Monroe, Mount Airy, Reidsville, Roanoke Rapids, Shelby, Statesville, Washington, and Wilmington, to the Towns of Ahoskie, Beech Mountain, Benson, Blowing Rock, Boiling Springs, Burgaw, Carolina Beach, Carrboro, [Dallas](#), Dobson, Elkin, Franklin, Jonesville, Kenly, Kure Beach, Mooresville, North Topsail Beach, Pilot Mountain, Selma, Smithfield, St. Pauls, Troutman, Tryon, West Jefferson, Wilkesboro, and Wrightsville Beach, and to the municipalities in Avery and Brunswick Counties."

SECTION 4. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 30th day of July, 2007.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ Joe Hackney
Speaker of the House of Representatives