

Town of Dallas Board of Adjustment Meeting
Agenda
Thursday, June 16, 2022
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 — May 19, 2022
8. Acknowledgement of any Ex Parte Communication
9. Public Hearing
 - a. SUP-2022-01— Special Use Permit Request: 108 E. Trade Street
10. Board Deliberation and Determination of Findings of Fact
11. Adjournment

**Minutes
Town of Dallas
Board of Adjustment
Meeting of May 19, 2022**

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

Chairman Wilson led the invocation and Pledge of Allegiance.

The Chairman asked for a motion to go into public hearing. Bratton made a motion, seconded by Simms. Motion carried unanimously.

The Chairman asked if we have a quorum, confirmed by Nolan Groce, who then asked Troy Traversie to either state his name or turn on his video to confirm his attendance. Traversie turned on his camera and confirmed he was present. The following members were present: Curtis Wilson – Chairman, Glenn Bratton — Co-Chairman, Reid Simms, Thomas Smith, Troy Traversie, and Gene Brown. John O’Daly was absent.

Also Present: Nolan Groce – Development Services Director, Jonny Denton – Town Engineer, Brian Finnegan—Town Planner, Sergius Ploshnik—Quality Construction, Oksana Ploshnik,

Variance 2022-01

Chairman Wilson asked staff to introduce the case. Brian Finnegan introduced the case as a variance request submitted by Sergius Ploshnik for 4020 Hereford Lane, Gaston County Parcel 221049, for relief from Subdivision Ordinance 152.073.B to reduce required R-10 front setback from 35ft to 25ft, and Subdivision Ordinance 152.074.H to waive the requirement to build a sidewalk on the proposed four lots.

Chairman Wilson then asked any board members to reveal any conflict of interest and asked if there was any ex parte communication regarding the case. No one had a conflict of interest or ex parte communication, and no one was recused.

Chairman Wilson then asked if any members of the audience wished to speak for or against the request. Those wishing came up, and staff, the applicants, and those claiming standing swore/affirmed together prior to giving testimony.

Finnegan then provided a detailed staff report, explaining the request again and providing staff analysis referencing maps and previously recorded plats along with the staff report as evidence of conditions on the property. These included a map from the Flood Risk Information System website showing the location of the 100 year floodplain on the property, a small map of the topography sourced from Gaston County GIS data, satellite imagery of the property and Hereford Lane showing the location of the sidewalk on the street sourced from 2022 Gaston County Pictometry, and the recorded plat for the subdivision recorded with Gaston County on March 20, 2009.

The floodplain map and topography show the uniqueness of the property that would be offset with the requested 25ft setback, since it would provide a larger buildable footprint. The original plat showed the phase of Summey Knoll this property is located in was recorded with 25ft

setbacks, showing the request is for the original setback and is harmonious with the surrounding properties. The raster data showed that the sidewalk was built on only one side of the street, and was on the opposite side of the street from the subject property. Since the neighborhood is built out except for this property and one other nonadjacent property, requiring a sidewalk on this side of the street for only four lots provides no benefit for the town or the community.

Chairman Wilson then called the applicant up to present the case. Sergius Ploshnik came up and introduced himself, and introduced Oksana Ploshnik who spoke on his behalf. Oksana presented the case by reading the four Findings of Fact along with the applicant response to each from the original application. She also stated all the existing homes were built at the 25ft setback and the sidewalk was on the opposite side of the street. She stated their intent was to make nice homes that will match the existing subdivision.

Chairman Wilson then called on anyone wishing to speak against the request. Roger Blanton of 4017 Hereford Lane spoke against the setback reduction, stating that reducing the setback would make the proposed homes look out of place among all the existing homes in the community. He stated someone tried to build on the property in the past but couldn't do it and said he heard the foundation sank but wasn't sure how if this was true. He also stated the setbacks exist for a reason to keep people from parking on the road and if there was not enough room to park in the driveway then people will park on the street and prevent them from being able to back out of their own driveways. He had no objection to the relief from building a sidewalk.

Groce reminded the board that given this is a quasi-judicial hearing only factual evidence that can be backed by an expert such as an engineer or real estate appraiser if dealing with values. Only factual evidence can be accepted in this type of hearing. Oksana then added that she thought the objection was mainly due to people using the vacant lot to park their cars. Blanton asked to speak, but Chairman Wilson told him we needed to stick to facts. He went on to say he does park one vehicle on the property but also maintains the property by cutting the grass and has done so for the last seven years. Groce again reminded the board and audience that only facts can be presented and a quasi-judicial hearing differed from a public hearing where citizens have the opportunity speak about how they feel toward the subject.

Chairman Wilson then asked for anyone else in opposition. Hearing none, he asked for anyone else wishing to speak for the case. Hearing none, Chairman Wilson then asked for anyone from staff who had anything to add. Johnny Denton, Town Engineer, spoke stating he had no objection to either variance request since the neighborhood was platted at 25 feet. He stated the soils placed in that location were bad and recommended getting a soil report to determine what type of footings they will need. He also stated it is a total of 1.48 acres and if they clear it all they will need to get an erosion control permit. His last recommendation was to get the floodplain staked and to stay out of the floodplain and don't put any additional soil inside the floodplain.

Finnegan then got up to present the staff analysis for the four Findings of Fact. Prior to the presentation, he submitted into the record the agenda packet provided to the board, which included the original variance application, the public notice, a picture of the notice placed on the property, a copy of the letter sent to the adjacent property owners, and the list of all the property owners who were sent a letter. Additionally, the packet contained a map showing the location of the floodplain from the Flood Risk Information System website, the topography for the property

provided by Gaston County GIS, The satellite imagery from the 2022 Gaston County GIS Pictometry, and a copy of the original plat recorded on March 20, 2009. In addition to the packet, Finnegan submitted the staff report document, the Findings of Fact document with staff analysis, and the signatures from the board members, staff, and applicants providing written consent to allow remote participation per NCGS 166A-19.24. The following Findings of Fact was presented to the board:

FINDINGS OF FACT

- 1. Unnecessary hardship would result from the strict application of the ordinance. It is not necessary to demonstrate that, in the absence of the variance, no use can be made of the property.**

Applicant Statement:

The four lots have a FEMA flood zone which runs through the rear ½ portion of the lots.

Staff Analysis:

Enforcing the 35ft required setback creates unnecessary hardship in the case of this parcel. The location of the floodplain greatly limits buildable area, and the reduced front setback would increase the hazard free area for development.

The requirement for a sidewalk with this particular minor subdivision would not benefit the town. The subdivision proposes four lots on a developed side of the street with no existing sidewalk. Following the ordinance would result in a sidewalk on four parcels with no connectivity or purpose.

- 2. The hardship results from the 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.**

Applicant Statement:

Per the preliminary plat the flood zone only impacts one other lot in the neighborhood but impacts all four of the owner's lots.

Staff Analysis:

The flood hazard is peculiar for this parcel. There are two other lots with significant flood plain coverage in this neighborhood: Parcel 217888, 4000 Hereford Lane, and Parcel 220679 at the end of Summey Farm Drive. Existing flood plain on the property is an uncommon issue within the development and is considered unique for this property.

The location of the lot on the opposite side of the street from the existing sidewalk would result in uncommon placement of a sidewalk within this development. While location of a lot on a side of the street without a sidewalk is common throughout Summey Knoll, the requirement to build a

sidewalk on an in-fill lot on a side of the street without an existing sidewalk is uncommon and a relevant issue for this parcel and one other, Parcel 220679, throughout the entire development.

- 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.**

Applicant Statement:

The existence of a flood zone is not the creation of the owner.

Staff Analysis:

The referenced hardships in the application are not self-created. The flood plain was pre-existing on the property before the applicant purchased the property and a natural occurrence. The placement of the lot boundaries were created in 2009, prior to the applicant's ownership.

The sidewalk development was a pre-existing condition as well. The subdivision was built out by another developer and was completed prior to the applicant's ownership of the subject 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.**

Applicant Statement:

Allowing the variance will protect personal and real property of citizens of the town and is consistent with other lots in the neighborhood.

Staff Analysis:

The request for setback reduction is consistent with the surrounding area and is a reasonable distance from the right of way without creating a potential hazard. This is consistent with the intent of the ordinance since a) the original subdivision was built under the same guidelines; and b) setback regulations are in place to create uniformity within a zoning district and to promote public safety.

The request for relief of the sidewalk requirement is also consistent with the surrounding area since the adjacent properties have no sidewalks. Installing sidewalks on the proposed four lots would be inharmonious with the surrounding area.

In both instances, granting the requested variance would achieve substantial justice since it would allow the applicant to invest and develop the property, and complete the development for this phase of the existing subdivision.

After the presentation of the Findings of Fact, Traversie stated that he had some mixed feelings about the variance request initially, but after hearing from everyone thought that granting the variance to finish out the subdivision would be a benefit to everyone.

Chairman Wilson called for a motion to close the public hearing. Bratton made a motion to go out of public hearing, seconded by Smith, and the vote was unanimous.

Traversie continued that he was in favor of granting the various even though he is normally opposed to granting variances when the applicant knew prior to acquiring the land.

Chairman Wilson moved on to the Findings of Fact, stating each one must be voted on individually. He read the first Finding and opened the floor for discussion. Bratton stated he did not see enforcing the ordinance was necessary in this instance given the evidence provided. Brown seconded. A roll call vote was performed due to the virtual attendance.

Traversie: approve

Brown: approve

Simms: approve

Smith: approve

Bratton: approve

Wilson: approve

All members present voted in the affirmative, and the first Finding of Fact was approved with a 6-1 vote.

Chairman Wilson moved on to read the second Finding. Smith made a motion to approve the second Finding of Fact, seconded by Bratton. A roll call vote was performed due to the virtual attendance.

Brown: approve

Simms: approve

Traversie: approve

Smith: approve

Bratton: approve

Wilson: approve

All members present voted in the affirmative, and the second Finding of Fact was approved with a 6-1 vote.

Chairman Wilson moved on to read the third Finding. Bratton made a motion to approve, seconded by Simms. A roll call vote was performed due to the virtual attendance.

Traversie: approve

Brown: approve

Simms: approve

Smith: approve

Bratton: approve

Wilson: approve

All members present voted in the affirmative, and the third Finding of Fact was approved with a 6-1 vote.

Chairman Wilson moved on to read the fourth Finding. Bratton made a motion to approve, seconded by Simms. A roll call vote was performed due to the virtual attendance.

Traversie: approve

Brown: approve

Simms: approve

Smith: approve

Bratton: approve

Wilson: approve

All members present voted in the affirmative, and the fourth Finding of Fact was approved with a 6-1 vote.

Chairman Wilson asked staff if everything was in order. Finnegan asked that once the board was done with any further discussion with the variance to please vote to approve the minutes from the last Board of Adjustment meeting. Chairman Wilson asked for a motion. Smith made a motion to approve the minutes, seconded by Bratton. A roll call vote was performed due to the virtual attendance.

Traversie: approve

Brown: approve

Simms: approve

Smith: approve

Bratton: approve

Wilson: approve

All members present voted in the affirmative, and the minutes for the previous Board of Adjustment meeting held on March 17, 2021 were approved with a 6-1 vote.

Chairman Wilson noted they still needed a motion to approve the variance in its entirety. Staff noted any conditions the board wished to place on the variance would need to be done so with this vote. Bratton noted that all the regulations are still in place and the applicant will still need to meet all code requirements. Chairman Wilson followed up stating they still have to meet all building and zoning code plus additional restrictions due to the floodplain. Smith made a motion to approve the variance, seconded by Bratton. A roll call vote was performed due to the virtual attendance. A roll call vote was performed due to the virtual attendance.

Traversie: approve

Brown: approve

Simms: approve

Smith: approve

Bratton: approve

Wilson: approve

All members present voted in the affirmative, and the variance was approved with a 6-1 vote.

With no further discussion, Bratton made a motion to adjourn, seconded by Simms, and the vote was unanimous.

The meeting adjourned at 7:12 pm.

Nolan Groce, Development Services Director

Curtis Wilson, Chairman



Town of Dallas Special Use Permit Application

Town of Dallas
Development Services Department
210 N. Holland Street
Dallas, NC 28034
Phone (704) 922-3176, Fax (704) 922-4701



Special Use Permit Process

A Special Use Permit is necessary when a proposed land use may have some consequences that may warrant review by the Board of Adjustment. This review is to insure there will be no detrimental effects to surrounding properties, nor will it be contrary to the public interest.

In order to apply for a Special Use Permit, a completed application, fee, and all supporting documentation is required to be submitted to the Town of Dallas Development Services Department. In order for the Board of Adjustment to grant approval of the Special Use Permit, the applicant must provide all of the information required.

If the Board finds that all approval criteria has been met, they may impose reasonable conditions upon the granting of any Special Use Permit to ensure public health, safety, and general welfare. If the application is approved, the applicant may proceed with securing all required local, state, and federal permits necessary for the endeavor. Failure to follow conditions set in the approval process would result in a violation of the Town of Dallas Code of Ordinances.

For questions concerning this process, contact the Town of Dallas Development Services department at 210 N. Holland Street during regular business hours M-F 8:00am to 5:00pm.

This application must be filed at least thirty (30) days prior to the next scheduled Board of Adjustment Meeting. The application may be submitted in-person, via mail, or digitally to the Town of Dallas Development Services Department at 210 N. Holland Street, Dallas, NC 28034, dallasplanning@dallasnc.net. Applications shall not be deemed complete until the necessary fee, as defined in the Town of Dallas Fee Schedule, and all required documents are received.

Town of Dallas Special Use Permit Application

Important instructions for filing a Special Use Permit Application

1. An approved preliminary site plan must accompany the application submittal.
2. If title to the property is not in the name of the applicant, include a notarized letter from the owner signifying approval of the request.
3. Application must be completed, dated, signed by the appropriate parties, and notarized.
4. All fees must be paid

The following rules and procedures shall apply until the Board of Adjustment has ruled on the application

1. No site clearing, building demolition, or commencement of construction until approved zoning, subdivision, erosion, stormwater, and building permits are issued.
2. All written physical evidence (plans, maps, pictures, letters, etc.) presented before the Board of Adjustment become part of the physical record and property of the Town of Dallas.
3. All testimony shall be true.
4. You have the right to appear and present your case before the Board of Adjustment or provide representation at your own expense.
5. Because this is a quasi-judicial proceeding, you should not have contact regarding the application with any Board of Adjustment member prior to the hearing. Questions may be addressed by Town staff.
6. Conditions may be placed on the parcel. Conditions may include, but are not limited to, hours of operation, buffer, landscaping and/or fence requirements, building design and material specifications, lighting, street, traffic, or utility improvement, storm water, or open space requirements.

Town of Dallas Special Use Permit Application

TO THE BOARD OF ADJUSTMENT:

I hereby petition the Town of Dallas Board of Adjustment to grant the following Special Use Permit request:

Applicant Information

Name: James Melvin

Address: 304 W. 5th Avenue Gastonia, NC 28052

Telephone No.: (704) 813-6596

Email Address: jamesmelvinre@gmail.com

Owner Information:

Name: Blair Propert & Victoria Melvin-Propert

Address: 613 Neil Street Gastonia, NC 28052

Telephone No.: Blair (980) 285-0820 Victoria (704) 718-8524

Email Address: blairpropert@hotmail.com victoria@victoriamelvin.com

Parcel Information

Existing Use of Property: Vacant Building

Proposed Use of Property: Event Venue

Existing Zoning: B-3 Property Location: 108 E. Trade Street Dallas, NC 28034

Property Acreage: .25 acre Parcel Number: 300093

Land Use of Adjacent Properties

North: Parking Lot

East: Salon/Spa

South: Tire Store/Hair Salon/Cleaning Service

West: Parking Lot

General Requirements

Ordinance imposes the following general requirements on the use requested by the applicant. Under each requirement, the applicant should explain, with reference to the attached plans where applicable, how the proposed use satisfies these requirements.

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 all that all the work will meet code.

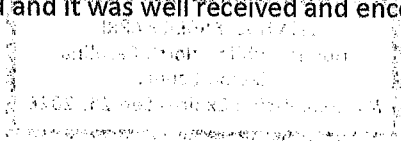
Town of Dallas Special Use Permit Application

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 a 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; and rent zoning.*

The event venue special use option text was recently approved and added to the zoning language due to 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.

Town of Dallas Special Use Permit Application

Certification

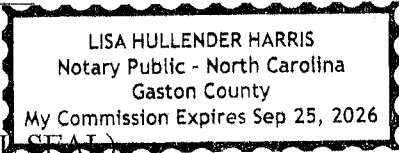
I hereby acknowledge that the information contained herein is true and accurate to the best of my knowledge, information, and belief. It is further understood that this application will be reviewed for completeness and accuracy that it shall not be scheduled for official consideration until all required contents in proper form and the fee made payable to the Town of Dallas are submitted to the Town of Dallas Development Services Department. When/if a Special Use Permit is granted for the proposed land use, I understand that the project must still comply with any/all additional regulatory requirements, such as compliance with the NCDOT Driveway Permit process, the Building Code and Fire Code.

James A. Melvin II
Signature of Applicant (Print and Sign)

5/9/22
Date

STATE OF NORTH CAROLINA
GASTON COUNTY

I, Lisa Hullender Harris, a Notary Public for Gaston County and State of North Carolina do hereby certify that James A. Melvin II personally appeared before me on this day and acknowledged the due execution of the foregoing Instrument. Witness my hand and official seal, this the 9th day of May, 2022.



(OFFICIAL SEAL)

Lisa Hullender Harris
Notary Public Signature
My commission expires: 9-25-2026

Signature of Applicant (Print and Sign)
This signature to be notarized below.

Date

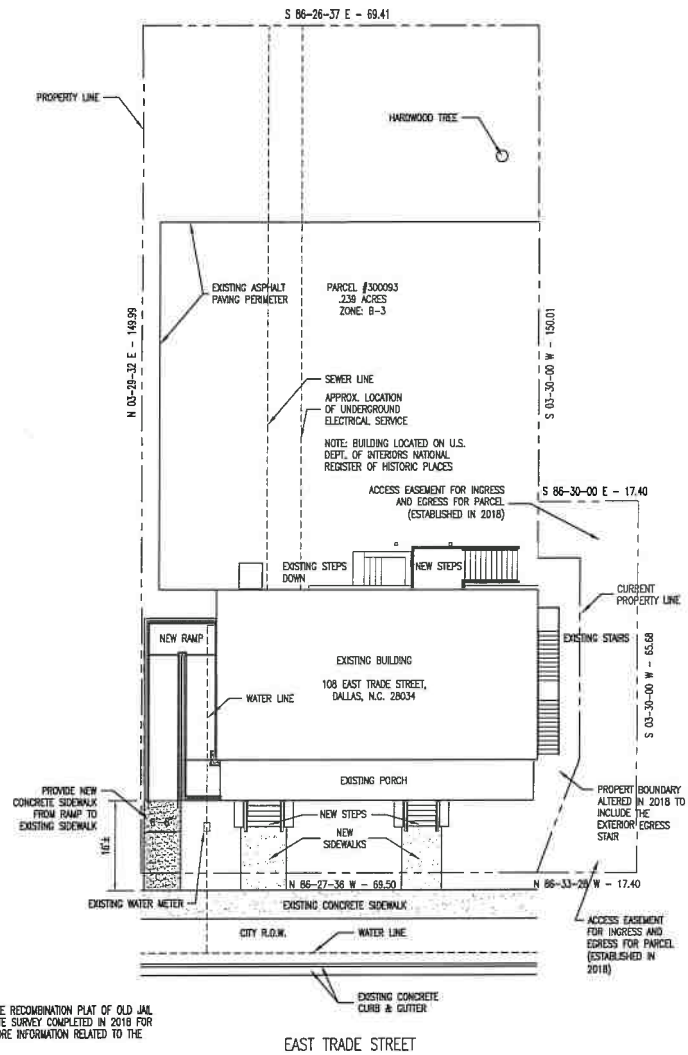
I, _____, a Notary Public for Gaston County and State of North Carolina do hereby certify that _____ personally appeared before me on this day and acknowledged the due execution of the foregoing Instrument. Witness my hand and official seal, this the _____ day of _____, 20____.

(OFFICIAL SEAL)

Notary Public Signature
My commission expires: _____



VICINITY MAP



SEE RECOMBINATION PLAT OF OLD JAIL SITE SURVEY COMPLETED IN 2016 FOR MORE INFORMATION RELATED TO THE

OLD DALLAS JAIL SITE PLAN WITH NEW RAMP AND REAR STEPS



SCALE: 1" = 10'-0"

DWG. FILE NAME: D10
PLOT SCALE: 1" = 10'

REVISIONS:

| DATE | DESCRIPTION |
|------|-------------|
| | |



TALLEY & SMITH ARCHITECTURE, INC.
SHELBY, NORTH CAROLINA
P.O. BOX 518 (DARTON) THORNTON, NC
439 E. MARION ST. (2015) FAX: 704-42-5556

HISTORIC GASTON JAIL
EVENT CENTER
108 E. Trade Street
Dallas, North Carolina

CONTRACT NUMBER: 015
DATE: April 29, 2022
Copyright © 2022
Talley & Smith Architecture, Inc.

SHEET
C1
1 OF 1

**TOWN OF DALLAS
BOARD OF ADJUSTMENT
STAFF REPORT AND INFORMATION
June 16, 2022**

APPLICATION #2022-01 FOR A SPECIAL USE PERMIT

APPLICANT & PROPERTY OWNER: James Melvin, Applicant
Propert Properties LLC, Owner

LOCATION: 103 E. Trade Street, Dallas, NC 28034.

PARCEL: 300093

REQUEST

Mr. James Melvin, on behalf of property owners Blair Propert and Victoria Melvin-Propert, submitted Special Use Permit Application 2022-01 for the Historic Jail located at 103 E. Trade Street. The building has been vacant for many years and the current owners intended to operate the property as an Event Venue. Mr. Melvin’s recently submitted Text Amendment Request to the Town of Dallas Zoning Ordinance was approved on March 8, 2022. This amendment added the use of “Event Venue” as a Special Use in the B-1, B-2, B-3, B-3P, and I-2 Zoning Districts. Therefore, Mr. Melvin is now requesting a Special Use Permit (SUP) to allow the Historic Jail to be operated as an Event Venue.

SITE AREA AND DESCRIPTION

The subject property is one 0.25 acre tract of land located at 103 E. Trade Street, which is a paved NCDOT maintained public street with an 80ft right-of-way. The area is predominantly zoned B-3, Central Business, and developed in a commercial manner.

STAFF COMMENTS

The site is developed with one existing commercial building, the original Gaston County Jail. The historic building has been vacant for many years, but will be serviced by Town of Dallas water, sewer, and electrical utilities. The existing structure was built in 1846 and totals 5,130 square feet per Gaston County tax records.

Per the Town of Dallas Zoning Ordinance, the use of “Event Venue” is permitted in the B-3, Central Business zoning district only where approved by the Board of Adjustment through the issuance of a Special Use Permit (SUP). There are not specific standards associated with this use

referenced in the Town Zoning Ordinance, however, the Board of Adjustment may include fair and reasonable conditions to the approval. The applicant must provide written consent to the mutually agreed upon conditions. 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. Specific conditions may address, but shall not be limited to: permitted uses, building location and orientation, buffer areas, signs, parking driveways and circulation patterns, loading areas, off-street parking, building height, and lighting. The petitioner shall have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Board of Adjustment.

Adjacent Zoning - North: Central Business District (B-3)
South: Central Business District (B-3), opposite E. Trade Street
East: Central Business District (B-3)
West: Central Business District (B-3)

If approved, the site and structures associated with the SUP must comply with all applicable codes and regulations, including but not limited to, compliance with the North Carolina State Building Code and Fire Code. Approval of a SUP pertains to zoning approval only and does not negate compliance with any other regulatory agency, whether local government, state, or federal. Staff have reviewed the site plan and are amenable with the SUP request moving forward for consideration by the Board of Adjustment.

The site plan illustrates exterior improvement to the existing building. These include new front steps with sidewalks connections at the front of the building, new steps at the rear of the building, and an ADA compliant ramp on the western side of the structure.

ATTACHEMENTS

- GIS maps of subject property
- Adjoining Property Owner Notification of Public Hearing
- Legal Notice for Special Use Permit Application
- Special Use Permit Hearing Procedures

REQUIRED FINDINGS FOR A SPECIAL USE PERMIT

Special Use Permits provide a form of discretionary approval for certain uses which are generally compatible with the land uses permitted by right in a zoning district, but which require individual review of their location, design, and configuration. Special Use Permits ensure the appropriateness of the use at a particular location within a given zoning district. The Board of Adjustment shall consider the application, supporting documents, the site plan, and examine factual evidence presented at the hearing before ruling on the following six findings of facts.

In granting the Special Use Permit, the Board shall find:

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;
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.

The Special Use Permit, if granted, shall include approval of the preliminary site plan. The board may place conditions on the use as part of the approval to assure that adequate mitigation measures are associated with the use to lessen the impact or intensity of the use on the surrounding area. All conditions shall become a part of the SUP approval and shall be included/illustrated on the final site plan, which is provided to staff after the SUP is approved, but prior to the development of the site. The SUP shall run with the land shall be binding on the original applicants, their heirs, successors and assigns. Violations of the SUP, including any conditions placed thereon, shall be treated as a violation of the local zoning ordinance.

Minor field alterations or revisions to an approved SUP may be approved by the Administrator if the intent of the originally established standards are still met and the revisions do not increase the intensity, density, or character of the use. Further changes must be approved by the Board of Adjustment.

The decision of the Board of Adjustment is effective upon filing the written decision with the Clerk to the Board. Decisions of the Board of Adjustment shall be appealed to the Gaston County Superior Court within 30 days of the final decision.

View of Subject Property (Front) from E Trade Street



View of adjoining property looking east

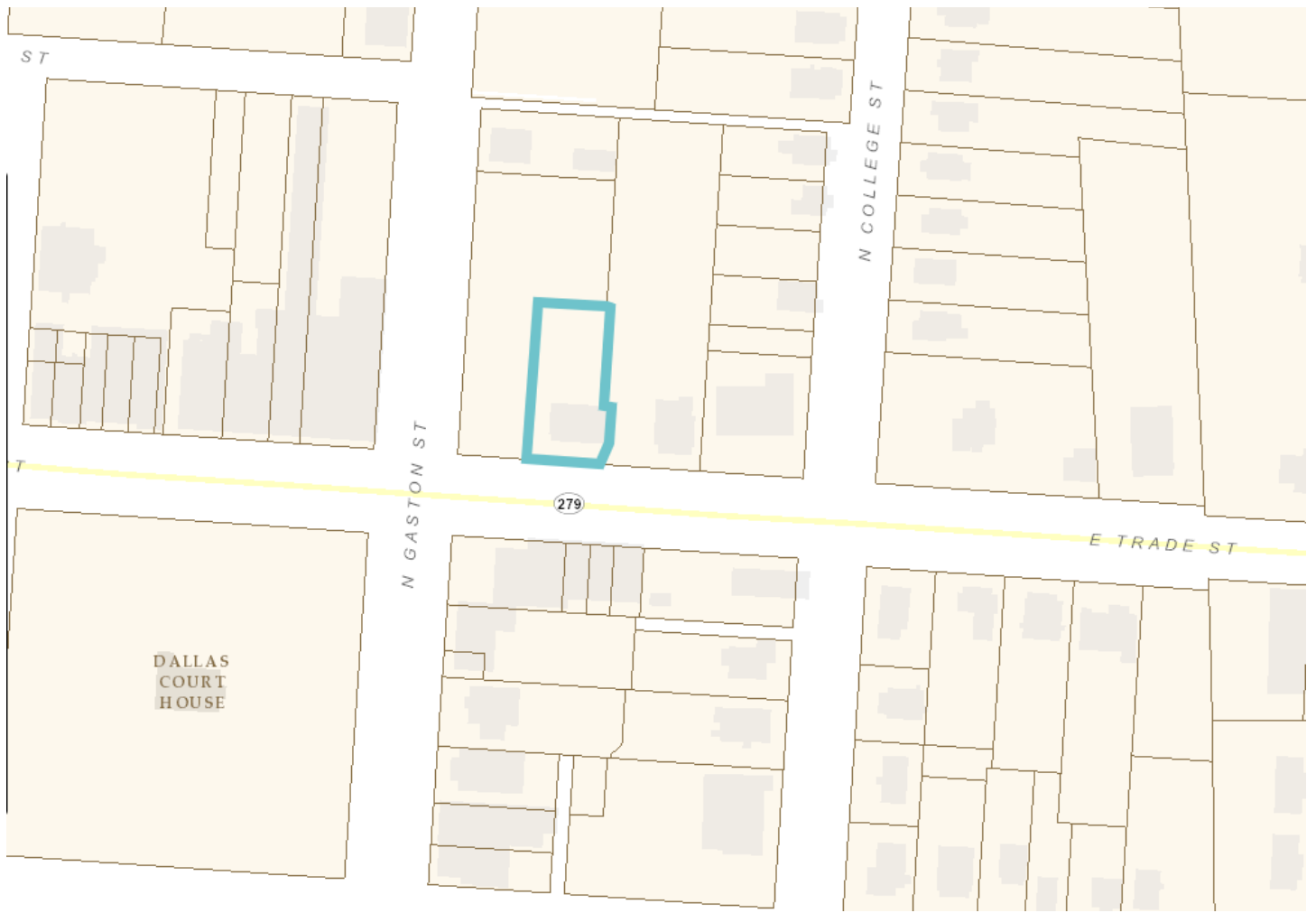


View of adjoining property facing north



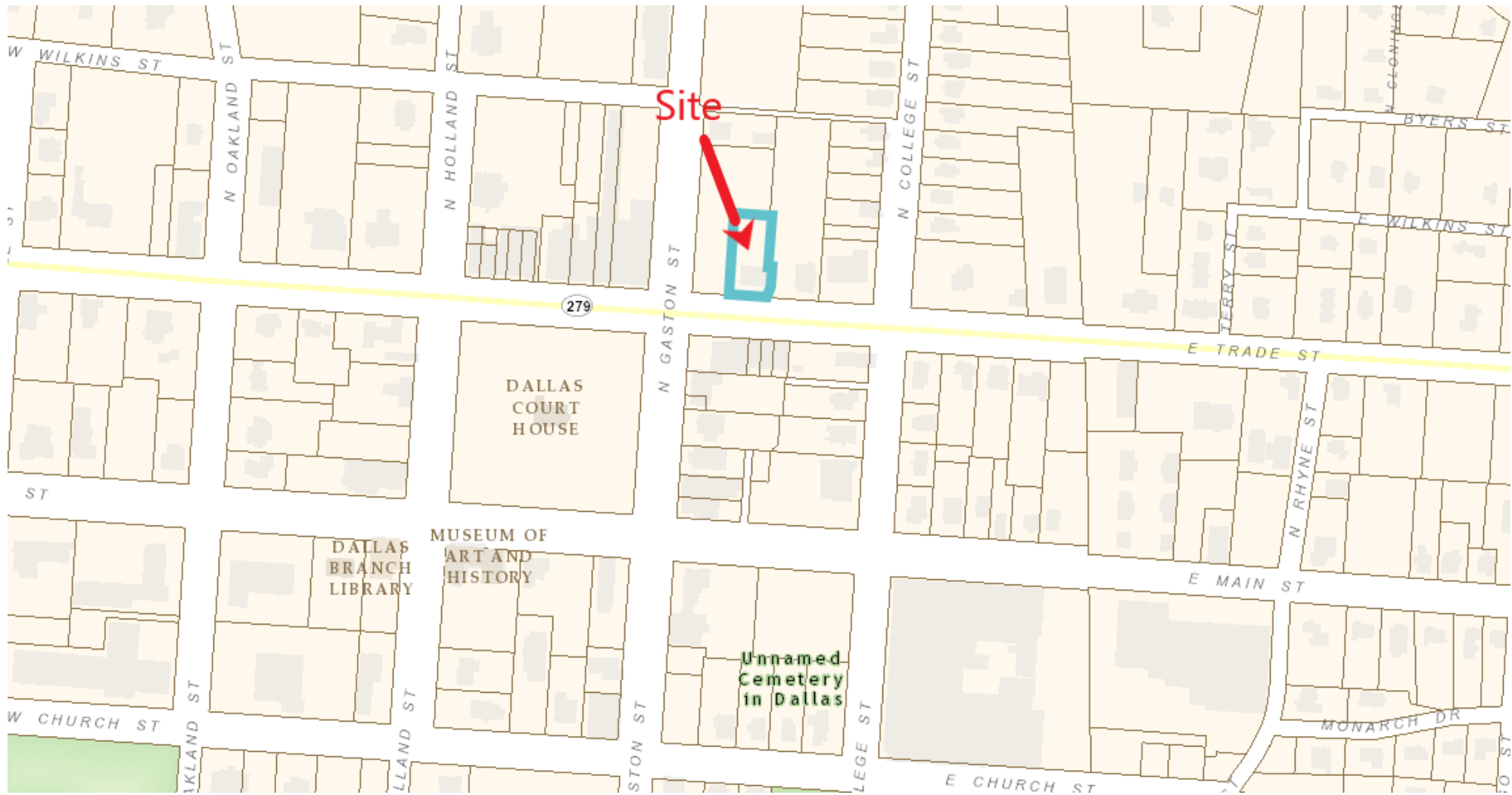
View of adjoining property facing west





View looking south across E Trade Street





Staff Report - SUP for an Event Venue at 108 E. Trade Street, Photos Taken May 24, 2022



Staff Report - SUP for an Event Venue at 108 E. Trade Street, Photos Taken May 24, 2022

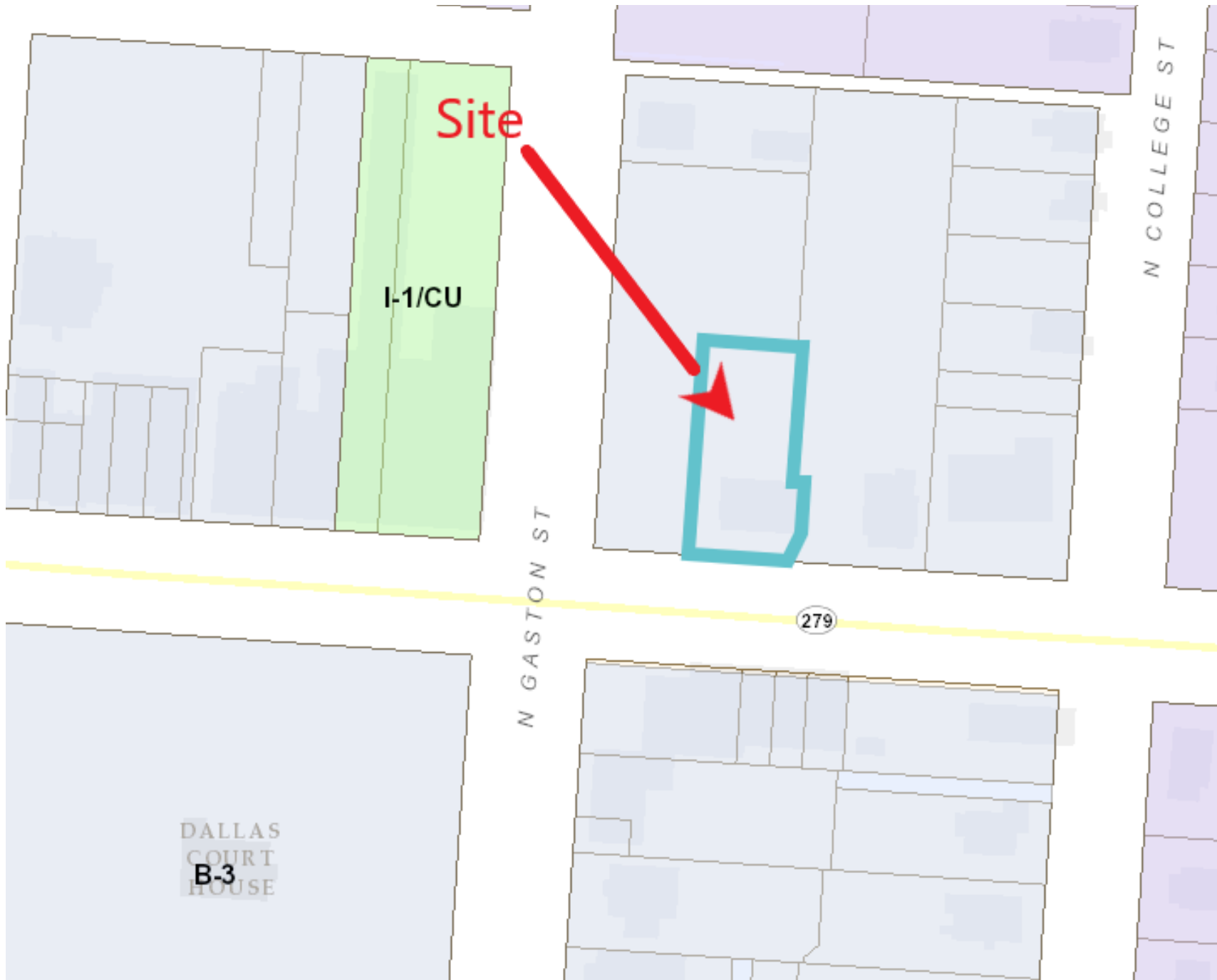


Staff Report - SUP for an Event Venue at 108 E. Trade Street, Photos Taken May 24, 2022



Staff Report - SUP for an Event Venue at 108 E. Trade Street, Photos Taken May 24, 2022





APPENDIX C: PERMITTED USES CHART

| | Residential | | | | | | | | Office | Business | | | | | Industrial |
|---|-------------|------|------|-----|-----|-----|-----|-------|--------|----------|-----|-----|-----|------|------------|
| | R-15 | R-12 | R-10 | R-8 | R-6 | R-5 | RMF | RMF-H | O&I-1 | BC-1 | B-1 | B-2 | B-3 | B-3P | I-2 |
| <i>X: Permitted by right (Supplemental regulations may apply - check town ordinances)</i> | | | | | | | | | | | | | | | |
| <i>S: Special Use Permit (Supplemental regulations may apply - check town ordinances)</i> | | | | | | | | | | | | | | | |
| Permitted Uses (any use not specified below is eligible to apply for conditional zoning approval) | | | | | | | | | | | | | | | |
| Gas stations | | | | | | | | | | | X | X | | S | |
| Parking lots not for public use (principal use) | | | | | | | | | | | | | S | S | S |
| Trailer sales and service | | | | | | | | | | | | | | | X |
| <i>Services</i> | | | | | | | | | | | | | | | |
| Banks and financial institutions | | | | | | | | | X | X | X | X | X | X | X |
| Barber shops or beauty shops | | | | | | | | | | X | X | X | X | X | X |
| Dry cleaning establishments (drop-off only) | | | | | | | | | | X | X | X | X | X | X |
| Event venue | | | | | | | | | | | S | S | S | S | S |
| Exterminator office | | | | | | | | | | X | X | X | | X | X |
| Funeral homes | | | | | | | | | | | X | | S | X | X |
| Laundry pickup stations, laundrettes and | | | | | | | | | | X | X | X | | | X |

(Ord. passed 9-10-2019; Am. Ord. passed -- ; Am. Ord. passed 3-10-2020; Am. Ord. passed -- ; Am. Ord. passed 3-8-2022)



May 26, 2022

NOTICE OF EVIDENTIARY HEARING

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



You are receiving this notice because you own property adjacent to, or in close proximity to the subject property described below.

The Board of Adjustment for the Town of Dallas will hold a quasi-judicial hearing on **Thursday, June 16, 2022 at 6:30pm** in the Fire Hall Community Room, 209 West Main Street, Dallas NC 28034. This hearing will be held for a special use permit request, #2022-01, by applicant James Melvin, and property owner Proport Properties, LLC, to use the historic jail located at 108 E. Trade Street, Dallas, NC 28034, Gaston County Parcel 300093, as an event venue. The property is zoned B-3, and event venue is permitted in this zoning district only as a special use.

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.

| | | |
|--|---|---|
| <p>Tap Investments, LLC PO Box 550961 Gastonia, NC 28055</p> | <p>Stephen Rider 5476 Stone Brook Drive Iron Station, NC 28080</p> | <p>Kenneth & Marie Hooper 111 N College Street Dallas, NC 28034</p> |
| <p>Edwin & Misty Barr 213 Redding Road Stanley, NC 28164</p> | <p>Jane Stroupe 1727 Fairfield Drive Gastonia, NC 28054</p> | <p>Rebecca Rhyne 206 N College St Dallas, NC 28034</p> |
| <p>Bill Cruse III 1812 W Davidson Ave Gastonia, NC 28052</p> | <p>Jerry Scruggs 805 E Main Street Dallas, NC 28034</p> | <p>Leslie King & Theodore Battle 1210 W Walnut Ave Gastonia, NC 28052</p> |
| <p>Laura Stroupe 116 W Trade Street Dallas, NC 28034</p> | <p>David & Sarah Lord 110 N College St Dallas, NC 28034</p> | <p>Benjamin Dorantes 1655 Village Ct Gastonia, NC 28054</p> |
| <p>Ronald Stroupe & Jerry Cloninger PO Box 817 Dallas, NC 28034</p> | <p>Kelley Dulin 301 N College Street Dallas, NC 28034</p> | <p>Kate B Holland Trust 503 Sunset Circle Dallas, NC 28034</p> |
| <p>Haywood Equity Group LP $\frac{3}{4}$ & Janice Dickson Mercer $\frac{1}{4}$ PO Box 458 Gastonia, NC 28053</p> | <p>BKC Properties C/O Robert Cloninger 246 Jerry Crump Road Lincolnton, NC 28092</p> | <p>Tap Properties PO Box 550961 Gastonia, NC 28055</p> |
| <p>Craig Wilson & Ashleigh Beckner 306 N College Street Dallas, NC 28034</p> | <p>Thomas & Sadie Summey PO Box 125 Cherryville, NC 28021</p> | <p>Reginald & Joyce Watkins 2205 Hillside Drive Dallas, NC 28034</p> |
| <p>Propert Properties, LLC 613 Neil Street Gastonia, NC 28052</p> | <p>Cloninger Family GST Irrevocable Trust & Paula Cloninger C/O Lonnie Wagoner III 66 Saturday Road Mt Pleasant, SC 29464</p> | <p>Tammy Moose 204 E Main Street Dallas, NC 28034</p> |
| <p>Zachary & Nicole Margulies 128 N Gaston Street Dallas, NC 28034</p> | <p>Duncan and Smith LLC PO Box 39 Gastonia, NC 28053</p> | <p>Angela Vizcalla 307 N College Street Dallas, NC 28034</p> |
| <p>Esther Spivey 121 Vista Park Drive Dallas, NC 28034</p> | <p>Dallas Investment Properties LLC 3328 Dallas High Shoals Road Dallas, NC 28034</p> | <p>Gloria Fortner 116 N Gaston Street Dallas, NC 28034</p> |

| | | |
|--|--|---|
| Bellsouth Communications C/O Southern Bell 20 South St Gastonia, NC 28052 | Joe & Kitty Brown 211 E Trade Street Dallas, NC 28034 | Donald Kirksey 308 N College Street Dallas, NC 28034 |
| Dean Carpenter Properties LLC 3613 Dallas Cherryville HWY Dallas, NC 28034 | PJK Properties LLC 1842 Bess Town Road Bessemer City, NC 28016 | Lucy Peneger PO Box 835 Gastonia, NC 28053 |
| Ronald & Nicholas Stroupe 1110 White Jenkins Road Bessemer City, NC 28016 | Gerald Huggins 3503 Merry Oaks L Dallas, NC 28034 | Allen Maxwell 108 N College Street Dallas, NC 28034 |
| Dallas Property Holdings LLC 1196 Noles Dr Mount Holly, NC 28120 | Bobby & Frances Humphrey 301 Trey Trail Lincolnton, NC 28092 | Sheshaw LLC PO Box 476 Dallas, NC 28034 |
| Benjamin Dorantes 1655 Village Ct Gastonia, NC 28054 | Andrew Britton 209 N College St Dallas, NC 28034 | Sandra & Matthew Guglielmetti 401 N College Street Dallas, NC 28034 |
| Angela Flowers 102 E Wilkins Street Dallas, NC 28034 | Youthful Beauty LLC 1296 Fenwick Hall Court Gastonia, NC 28056 | Mary Pettus 207 W Eighth Street Gastonia, NC 28052 |
| Lesia Hensley & Michael Owen 203 E Trade Street Dallas, NC 28034 | | |

Notice of Evidentiary Hearing
Town of Dallas, NC

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