

**MINUTES OF BOARD OF ADJUSTMENT  
OF THE  
TOWN OF STALLINGS, NORTH CAROLINA**

The Board of Adjustment for the Town of Stallings met on November 16, 2021, at 9:04 p.m. The meeting was held at the Stallings Government Center, 321 Stallings Road, Stallings, NC 28106

Board of Adjustment members present: Chairman Jack Hudson, Vice Chairman Rocky Crenshaw, Robert Koehler, David Barnes, Misti Craver, Laurie Wojtowicz and Robert Ragon.

Board of Adjustment members absent: Shawna Steele and Jacqueline Wilson

Staff members present: Max Hsiang-Planning Director, Matthew West-Planning Technician, Mary McCall-Deputy Town Clerk and Bill Bailey-Town Planning Consultant

1. Call to Order

Chairman Hudson called the meeting to order. At that time, the following attendees were sworn in to give testimony:

- Max Hsiang-Planning Director
- Matthew West-Planning Technician
- Bill Bailey-Town Planning Consultant
- Bryan Murr – Project Civil Engineer from MC<sup>2</sup>.

Joel Trice, Developer with Encompass Building Group was also present.

2. V21.11.01 – Request for a variance at 165 Cupped Oak Drive to reduce the front setback requirement from eighty feet (80') to forty feet (40').

Planning Technician West explained this was a request for parcel #07102010Z to reduce the setback from 80' to 40' in the INU zoning.

No one asked to be recused from the hearing.

Planning Technician West continued to explain that the parcel had be subdivided previously and noted other buildings in the proximity of the property were not set back 80' due to being grandfathered.

Mr. Murr presented evidence in support of the variance request, showing that the limitations due to the unusual dimensions and parcel shape of the land preventing the owner's ability to develop a docking warehouse due to the restriction of buildable space. That presentation is attached to these minutes and therefore incorporated herein.

Mr. Murr explained that the strict application of the ordinance caused a hardship for these reasons.

After questions and discussion by the board Chairman Hudson closed the public hearing.

The Board discussed the evidence supporting the hardship for the variance request.

The following pieces of evidence were read into the record:


- The strict application of the ordinance creates a hardship because the current setback would remove 36% of buildable area on a 3.5-acre site due to the width of the parcel.
- The shape of the property being wider and shallower than other properties caused hardship.
- The applicant was not responsible for the subdivision that created the peculiar shape of the property.
- The reduced setback is consistent with the adjacent properties that were grandfathered in.

The Board approved each item of V21.11.01 unanimously.

### 3. Adjournment

Board Member Craver made the motion for adjournment. It was accepted unanimously after a second from Vice Chairman Crenshaw.

Chairman Hudson adjourned the meeting at 9:38 pm.

  
Robert Koehler, Planning Board Vice Chair

  
Mary McCall, Deputy Town Clerk



Town of  
**Stallings**

315 Stallings Road ▪ Stallings, North Carolina 28104

Application Type: **Variance \$300**  **Appeal \$150**

Application Number (Staff): V21.11.01

Date Filed: 11/2/21

Hearing Date(s): 11/16/21

**Applicant Information:**

Name: Latin Quarters LLC Phone #: 843-540-3025

Address: 1014 Waxhaw Indian Trail Road, Indian Trail, NC 28079

Email: joelt@encompassbuilding.com

**Property Location and Description:**

Address: Cupped Oak Drive, Stallings, NC 28104

Tax Parcel ID#: 07102010Z

Current Zoning Classification: IND

Description of Request: Reduction of required 80' setback to 40'

This application should be accompanied by a scaled site plan of the property which includes the following information:

- Lot Dimensions
- Setback dimensions for existing structures
- Location of all existing structures
- Location of all underground utilities (water, sewer, power, cable & gas)
- Location of all dedicated easements
- Other topographical features (bodies of water, significant stands of trees etc.)

**Notice of Public Hearing**

Whenever there is a variance request made, the Town of Stallings is required to notify the owner of said parcel of land as shown on the county tax listing, and the owner of all parcels of land abutting that parcel of land as shown on the county tax listing. The required notice shall be mailed by first class mail at least 10 days but not more than 25 days prior to the date of the public hearing.

Telephone 704-821-8557 ▪ Fax 704-821-6841 ▪ [www.stallingsnc.org](http://www.stallingsnc.org)

Variance Request Description

Section(s) of Ordinance requesting relief from:  
8.4-10 (E) - 80' Front Yard Setback

The Board of Adjustment after having held a public hearing to consider the request for a variance to the Stallings Regulating Ordinance will make the following findings of fact and draw the following conclusions in order to render their decision.

- 1) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance.
- 2) That the variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.
- 3) That in granting of the variance, the public safety and welfare have been assured and substantial justice has been done.
- 4) That the reasons set forth in the applications justify the granting of variance, and that the variance is a minimum one that will make possible the reasonable use of land or structures.

A variance may be granted in an individual case of undue and unnecessary hardship upon a finding by the board that each of the following hardships exist. It would be in the best interest of the applicant to submit the following sheet providing proof of each hardship below. (Attach any additional documents)

Request for Variance

- 1) Why can there be no reasonable use of the property without the variance?  
The large setbacks and buffers create such tight constraints on the oddly shaped property that it leaves little area to put a reasonably sized building on the parcel.
- 2) How do hardships result from the application of the terms of the ordinance itself?  
The parcel is wide and an 80' setback removes 1.27 AC of build-able area on a 3.54 ac lot (36%). This does not include 40' buffer yards, side yards, scm, open space etc.
- 3) Does the hardship relate to the physical property, not the condition of the applicant?  
Yes, the parcels wide shape and stormwater management requirements of adjacent properties are both physical constraints that the applicant has no control over.
- 4) Was the hardship created from the applicants own making?  
No, preliminary research and adjacent property layouts led the applicant to believe a 40' setback would be required. The shape of the property cannot be changed.
- 5) Is the hardship peculiar to the specific property involved?  
Adjacent properties are using the proposed property for stormwater management as a part of a greater common development.

OWNER/APPLICANT STATEMENT: I certify that I am the property owner or truly represent the property owner(s). I certify that the forgoing statements are accurate and correct to the best of my understanding and knowledge. I understand that the Town of Stallings Ordinances and laws of the State of North Carolina regulating such work and any plans or specifications submitted. Any violation of the Zoning Ordinance will be grounds for revoking this permit and any other permits issued in reliance upon the same.

SIGNATURE OF OWNER: *Joel Tim* DATE: 10/27/2021

SIGNATURE OF APPLICANT: \_\_\_\_\_ DATE: \_\_\_\_\_



