

MINUTES OF PLANNING BOARD OF ADJUSTMENTS MEETING
OF THE
TOWN OF STALLINGS, NORTH CAROLINA

The Planning Board of the Town of Stallings met for their scheduled meeting on October 17, 2023, at 7:30 pm. The meeting was held at the Stallings Government Center, 321 Stallings Road, Stallings, NC 28104.

Planning Board of Adjustments members present: Chairman Bob Koehler, David Barnes, Jon Van de Riet and Jacqueline Wilson.

Planning Board of Adjustments members absent: Vice Chairwoman Laurie Wojtowicz and Ryan Awaldt.

Staff members present: Max Hsiang, Planning Director, Stewart Valzonis and Mary McCall, Deputy Town Clerk.

Attendees: Jeremy Jacob and Doug Marsh.

Call to Order

Chairman Robert Koehler called the meeting to order at 7:40pm, immediately following the Planning Board Meeting. Chairman Koehler advised the purpose of the meeting.

1. Approval of Agenda

Board Member Van de Riet made the motion to approve the agenda to include the addition of item 2b for the Planning Board of Adjustment schedule. The motion was approved unanimously after a second from Chairman Koehler.

2. Approval of Minutes – October 18, 2022 & Future Board of Adjustment’s Schedule

a. Approval of Minutes

Board Member Wilson made a motion to approve the minutes for the meeting of October 18, 2022. The motion was approved unanimously after a second from Board Member Van de Riet.

b. Future Board of Adjustment’s Meetings

Planning Director Hsiang presented to the Board of Adjustments the suggestion of changing their meeting schedule to be on a “as needed” basis from 2024 onwards.

Board Member Wilson made a motion to approve the change to hold Board of Adjustments’ meeting on a “as needed” basis from 2024 onwards. The motion was approved unanimously after a second from Board Member Van de Riet.

Prior to opening the public hearing, Planning Director Hsiang qualified the members of the Board. He advised the applicant of the voting requirements giving the opportunity to defer the meeting in which that applicant declined to defer the meeting.

Chairman Koehler explained the necessary components of the quasi-judicial meeting and gave step by step instruction for the meeting progression.

Planning Director Hsiang gave further instruction on evidence, testimony, exhibits and the Board’s deliberations. He also advised the process for appeal.

Chairman Koehler asked all persons giving testimony to come forward. Planning Director Hsiang and the attendees were all sworn in by the Clerk.

Chairman Koehler opened the public hearing.

3. V23.10.01 – variance requested at 5641 Anglesey Ct, parcel ID#07054936 for relief from Article 9.3-2(4) of the Stallings Development Ordinance that states “Decks shall be constructed only in an established rear yard and are not permitted to encroach into the rear setback”.

Planning Director Hsiang explained that the variance request is for alleviation of the setback requirements section for the purpose of replacing an existing deck on the property located at 5641 Anglesey Ct which was originally built prior to annexation into the Town of Stallings. He advised that at the time of annexation there was no issue with the existing deck because of grandfathering, but now the rebuild would not be permitted due to the rear setback encroachment requirements in the town’s ordinance.

The applicant and homeowner, Jeremy Jacob, presented evidence to the clerk (cataloged below) and gave testimony to the Board. Mr. Jacob explained that he was replacing the deck with a slightly

different footprint to be able to cover a portion of the deck. He showed the board, using the exhibits, how the home was angled on the property that alters the rear setback of the house to the property. Mr. Jacob explained that the deck would not be visible to the current adjacent properties and showed the future land use plan for Stinson Farms, which would have a 70-to-100-foot buffer on the property line, therefore preventing visibility as well. Mr. Jacob showed the architectural drawbacks of the home which have limited the deck options.

- Exhibit A – Property Survey of 5641 Anglesey Ct
- Exhibit B – Aerial View with approximate survey/setback (not exact)
- Exhibit C – Stinson Farms Development Plan with property connection highlighted and house architectural photos.
- Exhibit D – Proposed plan and elevations; HOA approval letter dated 9/8/23.

Mr. Jacobs read his statements of justification for alleviation of the hardship caused by the ordinance.

Planning Director Hsiang gave further instruction to the board and read the justification questions one by one for the Board to vote on the findings.

Chairman Koehler closed the public hearing.

- Question 1: Board Member Wilson made the motion that there is sufficient evidence necessary to find that an unnecessary hardship would result in the strict application of the regulation. The motion was approved unanimously after a second from Board Member Van de Riet.
- Question 2: Board Member Wilson made the motion that there is sufficient evidence necessary to find that the hardship results from conditions that are peculiar to the property. The motion was approved unanimously after a second from Board Member Van de Riet.
- Question 3: Chairman Koehler made the motion that there is sufficient evidence that the hardship did not result from actions taken by the Applicant. The motion was approved unanimously after a second from Board Member Wilson.
- Question 4: Board Member Wilson made the motion that there is sufficient evidence to support that the requested variance is consistent with the spirit, purpose and intent of the regulation.

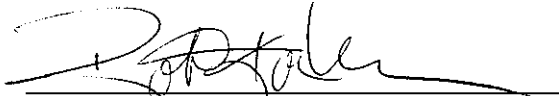
such that public safety is secured, and substantial justice is achieved. The motion was approved unanimously after a second from Board Member Van de Riet.

After all questions had been voted on in the affirmative, Board Member Wilson made the motion to approve the variance request. The motion was approved unanimously after a second from Board Member Van de Riet.

4. Adjournment

Board Member Wilson made the motion for adjournment. The motion was approved unanimously after a second from Board Member Van de Riet.

The meeting adjourned at 8:02 pm.



Robert Koehler, Chairman



Mary McCall, Deputy Town Clerk

Exhibit A

5641 Anglesey Court Variance Application Addendum

Figure 1: Property Survey

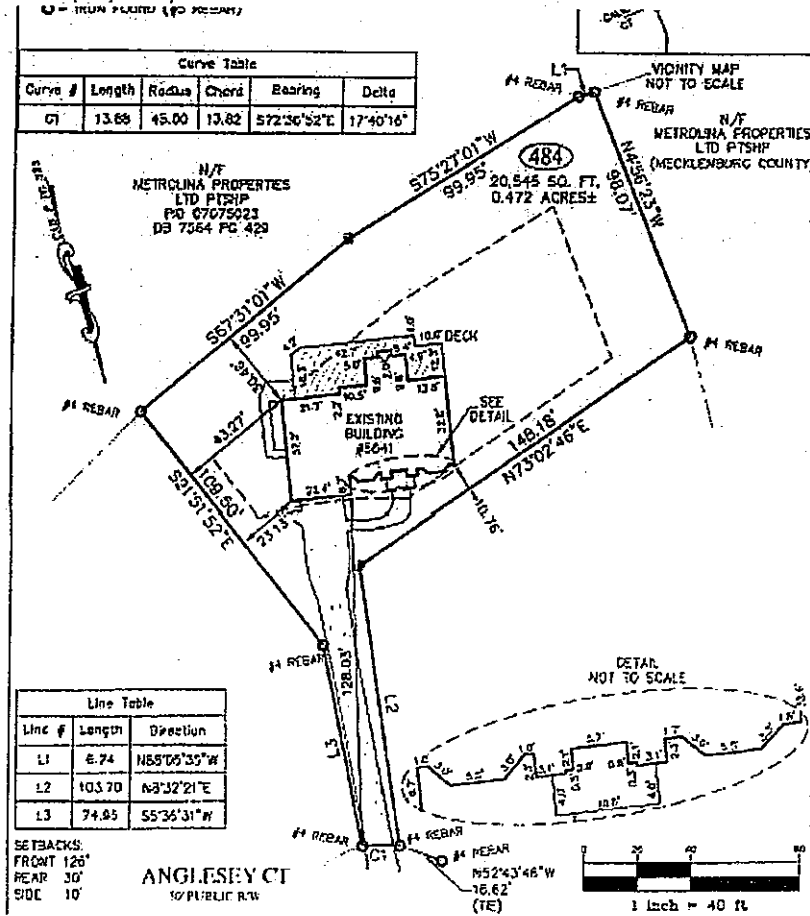


Exhibit B

Figure 2: Aerial View with approximate survey/setback (not exact)



Figure 3: Approximate changes to existing structure

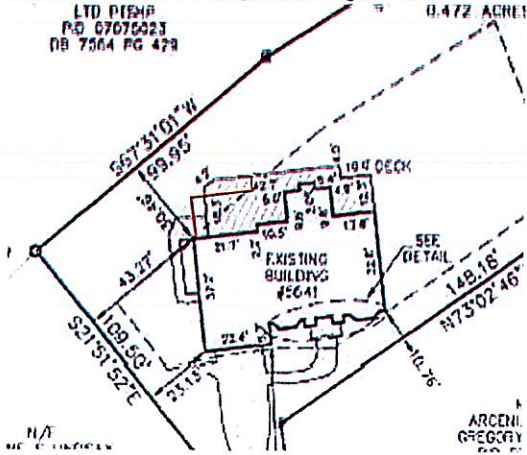


Exhibit C

Figure 4: Stinson Farms Development Plan with our lot highlighted.

11/16/21 Stinson Farms Lawsuit Update: A buffer more than two-times larger than the minimum required "by-right" buffer between the development and the Shannamara neighborhood. A portion of this buffer will now include a 5' brick wall along Anglesey Court and include enhanced landscaping.

2/4/21 Update: The 3 homes in the Shannamara neighborhood that do not have single family residential behind them do have the 100' buffer (or 70' with a fence), a road and the side yard of a town home building behind them. The applicant has agreed to plant additional tall, fast growing evergreens in this area.

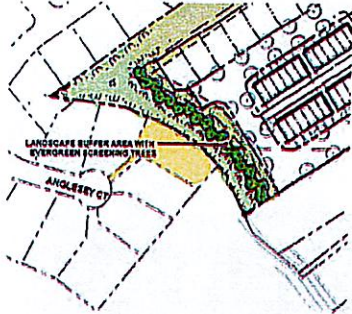


Figure 5: Architecture of house showing inability to put a roof between the two vertically stacked windows on either side of the outset on the rear of the house:



Exhibit D

Figure 6: Proposed plan and elevations

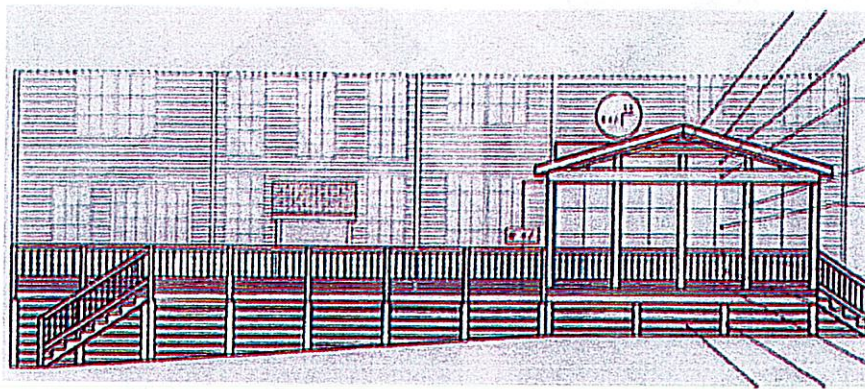
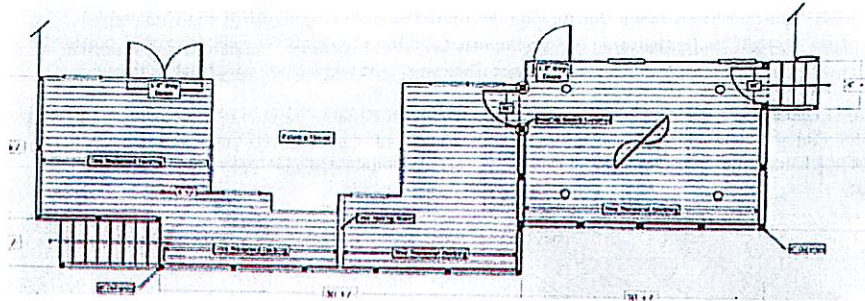


Figure 7: HOA Approval

Stannards Homeowners Association, Inc.
PO Box 1041
Matthews, NC 28104

September 8, 2023

Jeremy & Sarah Jacob
5641 Anglesey Court
Matthews, NC 28104

Re: 5641 Anglesey Court

Dear Homeowner:

Your application for screened porch and deck has been approved by the ACC as submitted. Please note your project must be completed according to the specifics of your submission and must conform to the requirements of the Covenants, Conditions and Restrictions and Architectural and Landscape Guidelines.