

Notice of a Meeting of the Town of Stallings Board of Adjustment

This meeting will be held at Stallings Town Hall 321 Stallings Road Stallings, NC 28104

Please note the following agenda of the Stallings Board of Adjustment:

• August 19, 2025 6:00 PM*

*The Board of Adjustment meeting is held directly after the 6 PM Planning Board meeting concludes.

AGENDA

- 1. Call the meeting to order
- 2. Approval of the Minutes from 03-18-2025
- 3. **V25.08.01** A variance at 924 Stallings Rd PID #07129336 to request relief from Article 2.19-1 and Article 21.1-1 of the Stallings Development Ordinance.
 - 2.19-1 Sidewalks Required. Sidewalks shall be required along new and existing streets, in accordance with the provisions of Section 13.2-3, fronting the following new development and expansions of and improvements to existing development. Additionally, sidewalks shall be required in the following circumstances:
 - (B.) Expansions to an existing commercial development or use where the gross floor area of the expansion is equal to or greater than fifty (50%) percent of the gross floor area of the preexpansion development or use.
 - 21.1-1 Applicability. Where applicable, the addition of active open space shall adhere to the Stallings Recreation and Greenway Master Plan. The standards set forth below establish regulations for open space. (Amended May 10, 2021) (Amended December 9, 2024)
- 4. Adjournment

MINUTES OF PLANNING BOARD OF ADJUSTMENTS MEETING OF THE

TOWN OF STALLINGS, NORTH CAROLINA

The Planning Board of Adjustments of the Town of Stallings met for their scheduled meeting on March 18, 2025, at 6:00 pm. The meeting was held at the Stallings Government Center, 321 Stallings Road, Stallings, NC 28106.

Planning Board of Adjustments members present: Chairman Robert Koehler, Vice-Chairman Jacqueline Wilson, Tony Paren, Jon Van de Riet, Alternate Glen Watson

Planning Board of Adjustments members absent: Mike Couzens, Heather Grooms, David Barnes

Staff members present: Planning Director Max Hsiang, Senior Planning Technician Katie King, Planning Technician Brig Sheehy, and Town Clerk Mary McCall

1. Invocation and Call to Order

Chairman Koehler called the meeting to order at 6:12 pm, immediately following the Planning Board Meeting. Chairman Koehler advised the purpose of the meeting.

2. Approval of Minutes October 17. 2023

Vice-Chairman Wilson made a motion to approve the minutes for the meeting of October 17, 2023. The motion was approved unanimously after a second from Board Member Van de Riet.

- 3. V25.02.01 A variance at 3120 Gribble Rd PID #07129332 to request relief from Article 2.19-1 of the Stallings Development Ordinance.
 - a. 2.19-1 Sidewalks Required Sidewalks shall be required along new and existing streets, in accordance with the provisions of Section 13.2-3, fronting the following new development and expansions of and improvements to existing development. Additionally, sidewalks shall be required in the following circumstances:
 - (A.) New commercial development.

Chairman Koehler states that this item will be heard as a quasi-judicial matter and the Chair and Planning Staff will describe the process.

Planning Director Hsiang qualified the Board from any disqualifying interests with the following questions:

- Does any member of the Board have a fixed opinion prior to this hearing that is not susceptible to change?
- Has any member of the Board had any communications about this matter before tonight's hearing? If so, with whom and about what?
- Does any member of the Board have a close familial, business, or other associational relationship with a person affected by this application?
- Does any member of the Board have a financial interest in the outcome of the matter?

Planning Director Hsiang addressed the applicant, and they verbally confirmed they had no disqualifying concerns with the Board. Planning Director Hsiang advised the applicants that they could defer the hearing to another date because only four of the five Board members were present, and the vote would require a unanimous vote. The applicants declined to defer the hearing and asked to proceed.

Chairman Koehler opened the public hearing for the application for a variance and read the following instructions to the Board:

- A. All parties who intend to give testimony or present evidence of any sort, pro or con, must complete the Oath Form and be sworn in by the Clerk to the Board.
- B. A staff member will briefly explain the Zoning Ordinance provisions at issue in this Hearing.
- C. The Board may question the staff member, and then the Applicant will be given an opportunity to question the staff member.
- D. The Applicant (and the Applicant's representative, if they have one) will present their case for why they believe they are entitled to receive the Variance they have applied for. The burden of proof to establish each element of the requirements in state law and the Town's Zoning Ordinance is on the Applicant.
- E. The Board and the Town Staff may question the Applicant and each of the Applicant's witnesses.
- F. At the conclusion of the Applicant's presentation, anyone else who has standing in the case, may present sworn testimony in support of the application.
- G. At the conclusion of all testimony in favor of the application, anyone with a standing wishing to present sworn testimony in opposition to the application or to ask questions of the Applicant, may present their testimony or evidence.
- H. The Applicant may present evidence or a closing argument in rebuttal to any testimony in opposition to the application or provide additional information based on questions raised if they so choose.
- I. At the close of all evidence and argument, the Chair will close the hearing.

Planning Director Hsiang advised the applicant and Board of the legal particulars of the hearing with the following declarations:

- After all evidence, testimony, and argument has been presented the Board will review
 the matter, deliberate on the required findings of fact, and render a decision in the
 form of a motion to approve the variance, approve the variance with conditions, or
 deny the variance. This will be done without further comment from any party. The
 Board may elect to defer the decision.
- All exhibits and physical evidence introduced at the Hearing must remain with the
 Town as part of the official record of the hearing. Do not introduce any photos,
 drawings, writings, or other physical evidence that you are not willing to part with.
 Please hand any exhibits or physical evidence to the Clerk who will mark it for
 inclusion in the record of this hearing. If the decision of the Board is not appealed to
 Superior Court, you may ask the Clerk for the return of your items.
- The Board is acting in a quasi-judicial capacity or the purposes of this hearing and can only accept sworn testimony. While the Board will not specifically exclude hearsay evidence, it is given little or no weight in the Board's decision.
- Appeal of any decision made by the Board on this Application is to Superior Court in Union County. Any aggrieved party with standing will have 30 days from the date if the Board's written decision in which to appeal. To receive a written copy of the decision any party must file a written request with the Clerk to the Board or the Chair no later than 5pm tomorrow.

Chairman Koehler began the hearing, gave opportunity for questions, and requested those giving testimony to come forward to be sworn in.

Chairman Koehler administered the oaths, retained the signed Oath forms, and opened the public hearing.

Planning Director Hsiang presented the variance application for 3120 Gribble Road submitted by Tom Crouch for relief from Article 2.19-1 of the Stallings Development Ordinance, which stipulates sidewalks shall be required along new and existing streets for all new commercial development.

Thomas Harris, representing the Applicant, presented the details of the request. Multiple photo exhibits and one video exhibit was given to the Board and described in detail to show the restraint caused by the Ordinance stipulations regarding the new sidewalk. The photo exhibits are attached to these minutes and therefore incorporated herein.

Planning Director Hsiang and Mr. Harris answered questions from Board members Watson and Paren.

Chairman Koehler closed the public hearing.

The Board briefly discussed the regarding the variance and the findings presented.

Planning Director Hsiang reiterated that the following statements of justification must be voted on and approved unanimously, and if any statement is denied, then the variance is denied. Following the statements of justification, a formal motion to approve or deny the variance must be made.

Planning Director Hsiang read the following statements of justification that were mentioned individually by the Board:

 Unnecessary hardship would result from the struct application of the ordinance (Expense is NOT a valid hardship): Given the type of materials we have onsite thief is a big concern. We have lots of thief at our other locations. The surrounding properties do not have any sidewalks so there is nothing to connect to and the grade surrounding the property prevents future connections easily.

Chairman Koehler asked for a vote to approve the first statement of justification for V25.02.01. The motion was approved unanimously.

• The hardship results from conditions that are peculiar to the property such as location, size, or topography: The location of this site does not have any sidewalks along the entire length of Gribble Rd.

Chairman Koehler asked for a vote to approve the second statement of justification for V25.02.01. The motion was approved unanimously.

• The hardship did not result from actions taken by the applicant or the property owner: True.

Chairman Koehler asked for a vote to approve the third statement of justification for V25.02.01. The motion was approved unanimously.

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: Yes, remove this sidewalk would prevent people from walking along
Gribble Rhere there's no sidewalk.

Chairman Koehler asked for a vote to approve the fourth statement of justification for V25.02.01. The motion was approved unanimously.

by Board Member Van de Riet to approve the variance V25.02.01. The motion was approved unanimously after a second from Board Member Paren.
4. Adjournment
Vice-Chairman Wilson made the motion for adjournment. The motion was approved unanimously after a second from Board Member Paren.
The meeting adjourned at 6:43pm.

Robert Kohler, Chairman

Brig Sheehy, GIS Planning Technician

V25.08.01 – East Coast Truck Repair





Request



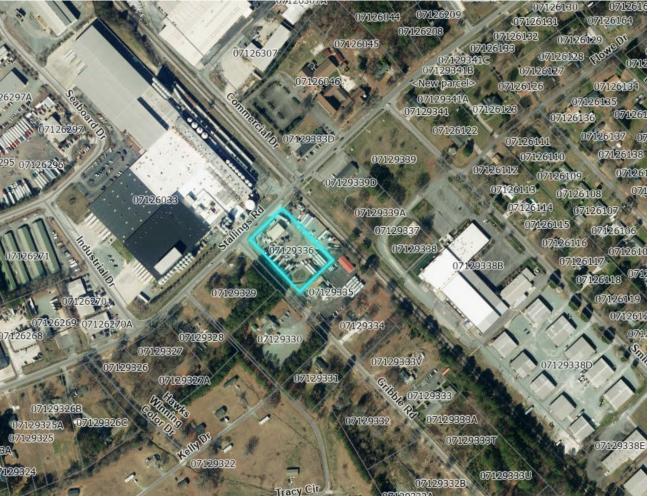
The applicant, East Coast Truck Repair, requests a variance at 924 Stallings Rd PID#07129336 to request relief from Article 2.19-1 and 21.3 of the Stallings Development Ordinance.

- 2.19-1 Sidewalks Required. Sidewalks shall be required along new and existing streets, in accordance with the provisions of Section 13.2-3, fronting the following new development and expansions of and improvements to existing development. Additionally, sidewalks shall be required in the following circumstances:
 - (A.) All new commercial development.
- 21.3 Fee-in-Lieu. All developments requiring major site plan review within the Town shall provide the improvements identified in the Stallings Parks, Recreation and Greenway Master Plan when those improvements are located on property involved with the proposed development. The Development Administrator will identify the suitable trail type based on the plan. (Amended October 28, 2024)

Current Conditions - Aerial







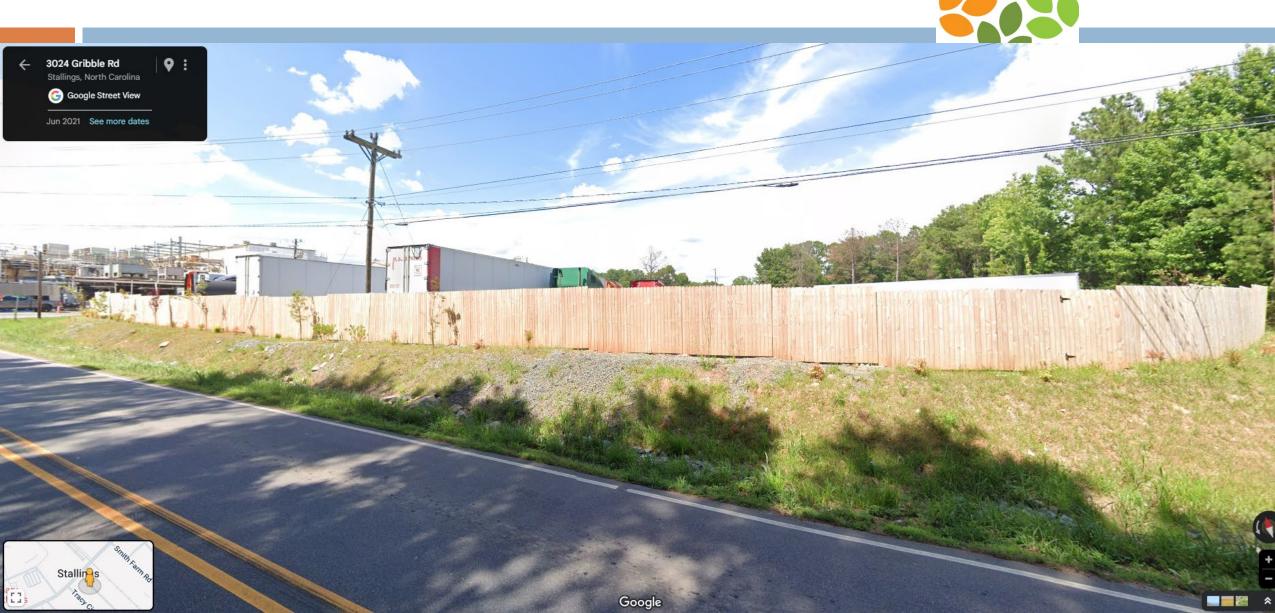
Current Conditions - Entrance



Current Conditions - Intersection



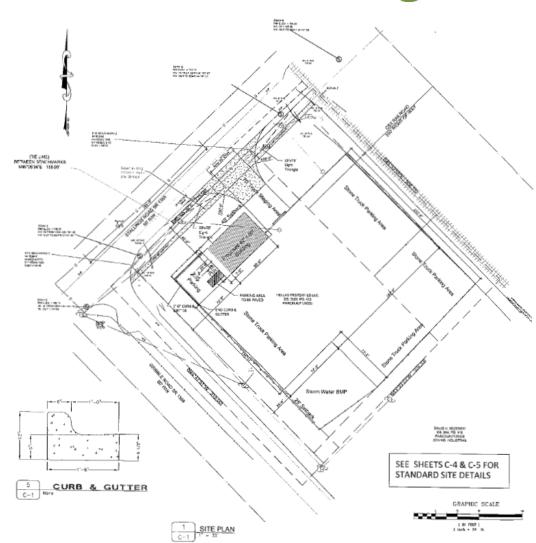
Current Conditions - Gribble Rd



Site Information



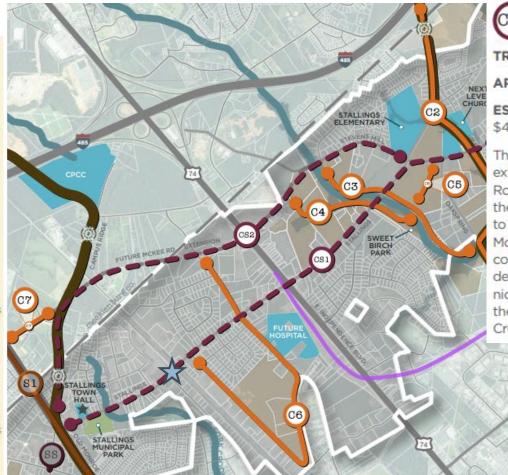
- The property currently is a Major Auto Repair business.
- Originally approved as MRT Express in 2019.
- They have discussed with Planning Staff their interest in building a 1000+ sq ft building for storage. A structure this size would trigger Major Site Plan review, and they would have to bring the site up to standards with the Development Ordinance.
- The zoning is Industrial (IND).



Greenway Master Plan







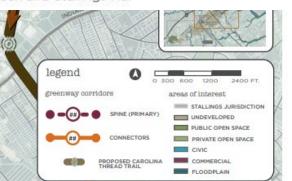
CS1 CENTRAL SPINE

TRAIL TYPE(S): Urban Spine; Suburban Spine

APPROXIMATE DISTANCE: 17,823 ft

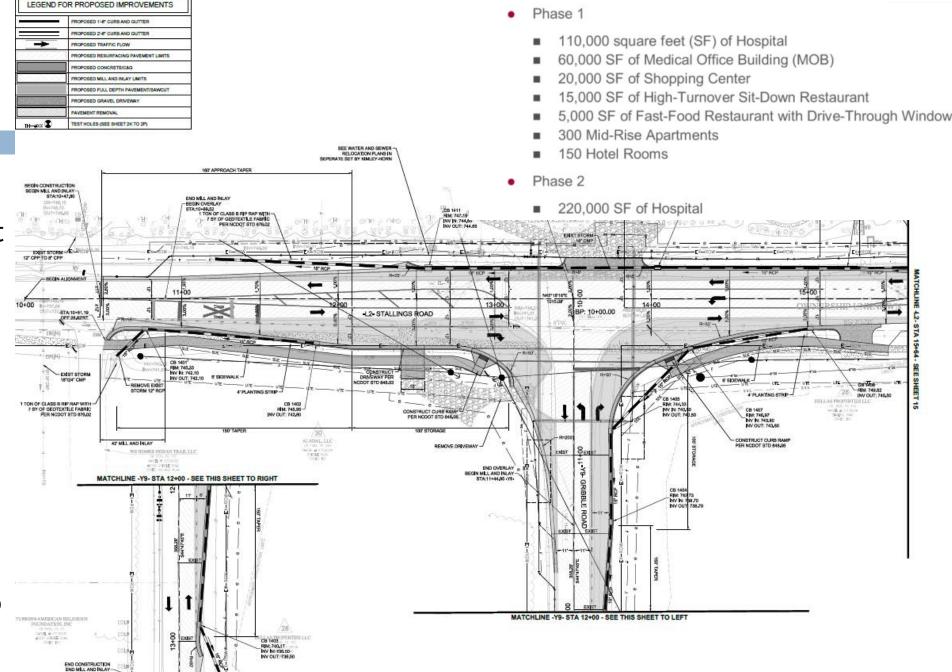
ESTIMATE OF PROBABLE COST: \$3,119,025 - \$4,901,325

The primary Central Planning Section Spine extends along Stevens Mill Road and Stallings Road connecting a series of key assets along the way. The trail's southern terminus connects to the planned Carolina Thread Trail along Old Monroe Road. The trail's northern terminus connects to Blair Mill Park. Other significant destinations along the trail include Stallings Municipal Park, Town Hall, Next Level Church, and the planned CTT trail along North Fork Crooked Creek and Stallings Rd.



Future Atrium Roadway Improvements

- No timeline for improvements. Must be completed before Phase 1 is completed.
- Atrium will provide
 a 6' sidewalk and 4'
 planting strip on
 Stallings Rd only as a
 replacement for
 existing sidewalk.
- Turn Lane provided from Gribble Rd onto Stallings Rd.



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Action by BOA (Article 6.1)



- (E.) After conducting the public hearing, the Board of Adjustment may:
 - Deny the request;
 - (2.) Conduct an additional public hearing on the request; or
- (3.) Grant the request. The concurring vote of four-fifths (4/5) of the members of the Board of Adjustment shall be necessary to grant a variance. Any approval or denial of the request shall be accompanied by written findings that the variance meets or does not meet each of the standards set forth in subsection 6.1-6 below or, for flood protection regulation variances, as set forth in Article 18 of this Ordinance. For purposes of this section, vacant positions and members of the Board who are disqualified from voting on the hearing decision shall not be considered "Board members" for calculation of the majority if there are no qualified alternate Board members available to take the place of such members.
- 6.1-5 <u>Conditions</u>. Appropriate conditions, which must be reasonably related to the condition or circumstance that results in the need for the variance, may be attached to any variance approval granted by the *Board of Adjustment*.
- 6.1-6 Standards of Review. The Board of Adjustment's decision shall be based on competent, material, and substantial evidence. All persons providing evidence shall be sworn or affirmed by the Chairman or the Clerk to the Board. The Board of Adjustment shall not grant a variance until it makes each of the following findings:



Unnecessary hardship would result from the strict application of the ordinance (Expense is NOT a valid hardship):

Response:

Gribble Rd has no space for sidewalk because there is going to be a two-lane road added by the Hospital. The Hospital is also taking property from us to add a lane on Stallings Rd and they will do the Greenway on Stallings Rd.



The hardship results from conditions that are peculiar to the property such as location, size, or topography:

Response:

The location of this site does not have any sidewalks along the entire length of Gribble Rd.



The hardship did not result from actions taken by the applicant or the property owner:

Response:

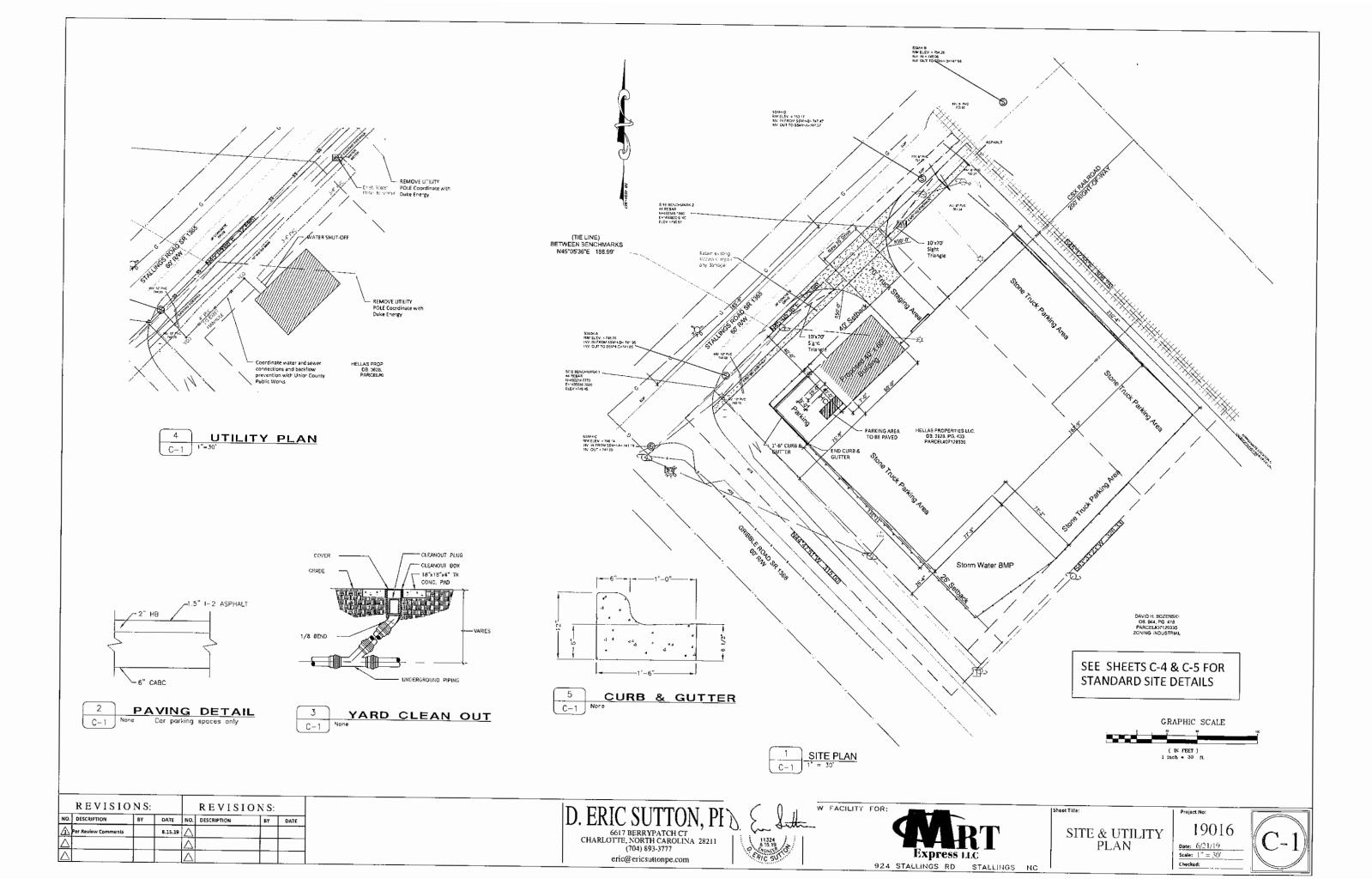
True

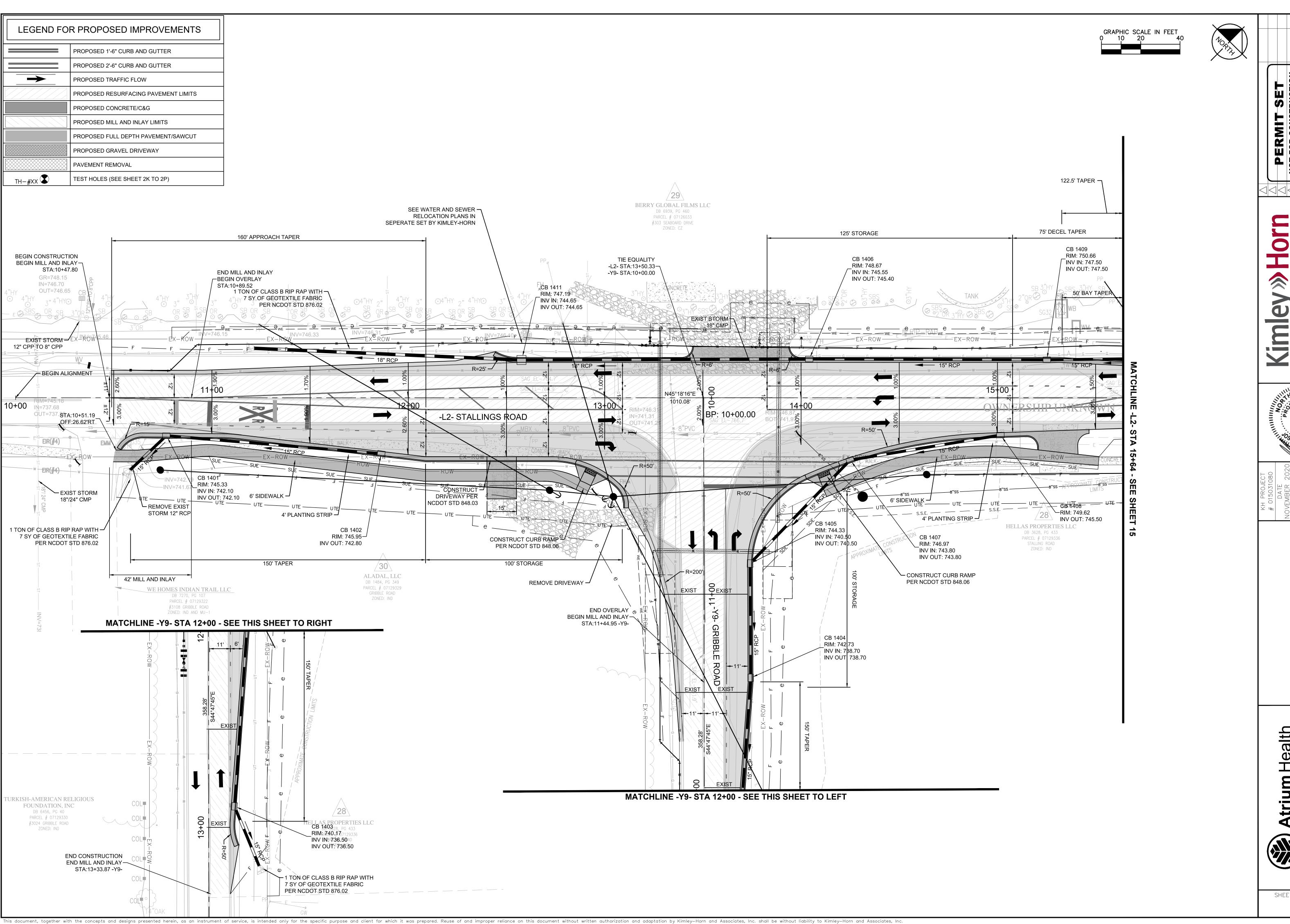


The requested variance is consistent with the spirit, purpose, and intent of the ordinance: such that public safety is secured, and substantial justice is achieved:

Response:

Yes, removing the sidewalk would prevent people from walking along Gribble Rd. where there's no sidewalk.





SE Ш

Health WEST

SHEET NUMBER



APPLICATION INFORMATION		
Date Filed:		
Application #:		
Fee Paid:		

Date: 07/31/2025

VARIANCE APPLICATION

*Please reference the Fee Schedule for cost.

Property Information

	Murat Tosoyev			
Address/Location:	924 Stallings Rd, Matthews NC 28104			
Parcel #:				
Applicant Name (if different from owner)	Oleg Balika			
Phone:	201-270-8364	Email:	eastcoasttruckrepair@gmail.com	
_	g applications are public recoused to the public by request.	. •	iding the above information, you agree that said	
	Variance	Request Descr	<u>iption</u>	
Section(s) of Ordinance	requesting relief from:			
Sidewalk require	ments on Gribble R	Rd and Gree	nway on Stallings Rd	
Owner/Annlicant State	ement:			
		ion provided in	this application is accurate to the hest of my	
I hereb	y certify that all informat		this application is accurate to the best of my ments of the Town of Stallings Ordinances.	
	y certify that all informat			
I hereb	y certify that all informat I I acknowledge compliance			

Signature of Zoning Official:

Unnecessary hardship would result from the strict application of the ordinance [Expense is NOT a valid hardship): Gribble Rd has no space for siddewalk because there is going to be two lane added by the Hospital The Hospital also is taking property from to add a lane on Stallings Rd and they will do the Greenway on Stallings Rd The hardship results from conditions that are peculiar to the property such as location, size, or topography: The location of this site does not have any sidewalk along on the entire Gribble rd The hardship did not result from actions taken by the applicant or the property owner: True 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: Yes, removing the sidewalk would prevent people from walking on Gribble rd, where there in no sidewalk