

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 of 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 strict application of the ordinance (Expense is NOT a valid hardship):** Given the type of materials we have onsite theft is a big concern. We have lots of theft 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 Rd where there's no sidewalk.

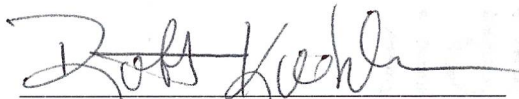
Chairman Koehler asked for a vote to approve the fourth statement of justification for V25.02.01. The motion was approved unanimously.

Chairman Koehler asked for a motion to approve or deny the variance. A motion was made 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









