

AGENDA

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Town of Valdese, Town Council (Acting as Board of Adjustments)

Special Called Meeting – Quasi-Judicial Hearing
102 Massel Avenue SW, Valdese, NC

Monday, August 4, 2025
5:00 p.m., Valdese Town Hall, Council Chambers

The Town Council Meeting will be live-streamed on YouTube [@townofvaldese](https://www.youtube.com/@townofvaldese).

1. Call Meeting to Order
2. Quasi-Judicial Public Hearing – Special Use Permit – 800 Pineburr Property (*Presented by WPCOG*)
3. Adjournment

The Town of Valdese holds all public meetings in accessible rooms. Special requests for accommodation should be submitted by individuals with disabilities at least 48 hours before the scheduled meeting time. Contact Town Hall at 828-879-2120 or TDD Phone Line (hearing impaired) 1-800-735-2962.

Memorandum

TO: Valdese Board of Adjustment (Council)

FROM: Alison Adams, WPCOG Community and Regional Planning Director

DATE: July 31, 2025

SUBJECT: Special Use Permit – Public Hearing

APPLICANT: KEVIN BROWN – East McDowell Street Properties, LLC (under contract to purchase)	PROPERTY OWNER: TOWN OF VALDESE
LOCATION: 800 PINEBURR AVE SE	ZONING: B-2

REQUEST:

On June 24, 2025, the applicant requests a Special Use Permit to allow for multi-family development in the B-2 zoning district (Attachment A: Application, and Attachment B: Site Plan).

LAND USE AND ZONING:

The 14.91 vacant and undeveloped tract is zoned Business (B-2). Attachment C: Zoning Map and Attachment D: Future Land Use Map.

Within the B-2 zoning district multi-family is allowed with a special use permit. A special use permit heard by the Board of Adjustment in a quasi-judicial setting. The Board shall make findings based upon substantial evidence presented at the hearing. There is to be no ex parte communication prior to the quasi-judicial hearing. The board may refer to the staff's report to aid in its deliberations. It is the responsibility of the applicant to present such evidence in the form of testimony, exhibits, documents, models, plans, and the like that applicant desires to present in support of the application for a special use permit.

REQUIREMENTS OF THE ORDINANCE:

Section 9-3056.4 Dimensional requirements.

- (a) Minimum lot width: none (minimum frontage on a public street shall be thirty-five (35) feet).
- (b) Minimum building setback:
 - (1) Minimum front building setback: forty (40) feet.
 - (2) Minimum side building setback: ten (10) feet (twenty (20) feet for side abutting a residential district). An average of ten (10) feet may meet the side building setback requirements under the following requirements:
 - a. A special use permit is required.
 - b. Under no circumstances shall the principal building be any closer than five (5) feet from the side property line.

- c. An opaque, vegetative buffer is required along the side property line where the averaging option is approved. However, if topography or other issues make the buffer impractical, other options may be used.
- (3) Minimum rear building setback: ten (10) feet (twenty (20) feet for side adjoining a residential district).
- (c) Maximum building height: fifty (50) feet.
- (d) Minimum lot sizes and maximum lot coverages. Within the B-2 General Business District, there is no minimum lot size, and development activities can cover one hundred percent (100%) of the total lot area not within the required setbacks. However, if the development activity requires a sedimentation/erosion control plan, the maximum permissible impervious surface coverage, as defined by this chapter, shall not exceed thirty-six percent (36%) of the total lot area, or twenty-four percent (24%) of the total lot area if the lot is located within a WS-4 critical area or if the lot adjoins a curb and gutter street system.

(Ord. of 1/10/05; Ord. of 12/6/10; Ord. of 6/28/21)

Council Findings:

1. The application to be complete.
2. This hearing has been conducted using the procedures described in Section 9-3144.
3. The request will not adversely affect the health or safety of people residing or working in the neighborhood of the proposed use and will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood.

In granting such a permit, the Town Council **may** designate such conditions in connection with the request, in its opinion, in written form for the applicant's or landowner's consent to ensure that the proposed use will conform to the requirements and spirit of Section 9-3147 Special use permits.

Upon testimony, cross-examination and deliberation the Council should decide as to whether the application meets all three findings list above. Upon a motion, all findings will have been met to approve the application. Should all findings not be satisfied then Council can render a decision of denial.

Attachment A: Application

TOWN OF VALDESE
APPLICATION FOR SPECIAL USE PERMIT

DATE SUBMITTED: 6/24/2025

I (We), the undersigned, do hereby make application to the Valdese Town Council for approval of a **special use permit**.

1. The property address of the property to be considered for review is located on 800 Pineburr Avenue SE, Valdese, NC 28690
 REID NO. (S): 85564
 Deed Book: 2681 ; Page: 919
 Physical (Street) Address: 800 Pineburr Avenue SE

2. The property is owned by: (please print) Town of Valdese
 (Attach a copy of the most recent deed, contract for purchase or other legal interest demonstrating an interest in the property.)
 Owner Information:
 Name: Town of Valdese
 Address: PO Box 339, Valdese, NC 28690
 Phone Number:
 Email:

3. The application is submitted by: East McDowell Street Properties, LLC
 (If the application is submitted by someone other than the owner proper authorization from the property owner is required.)
 Agent Information:
 Name: Kevin Brown
 Address: 3111 Cramer Pond Drive, Charlotte, NC 28205
 Phone Number: 704-648-8247
 Fax Number: N/A Email: kbrown150@gmail.com

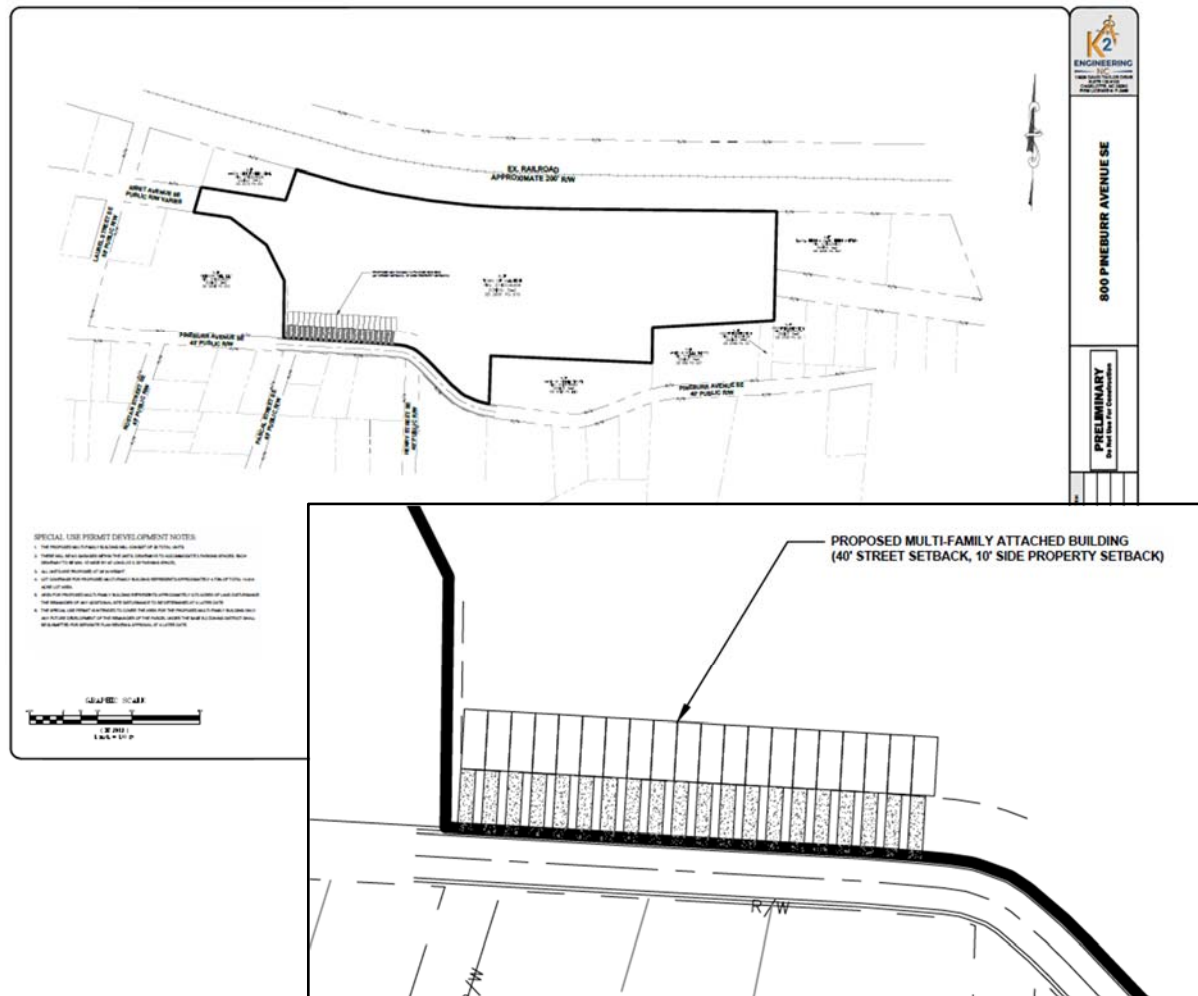
4. The subject property is located in the B-2 Zoning District.

5. The purpose of the Special Use Permit: Develop Multi-family buildings

Applicant Signature  Date 6-24-25

This Application must be submitted to the Planning Department by 5:00 p.m. on the last regular working day of the month preceding the meeting at which it is to be considered by the Planning Board. Only complete applications will be accepted.

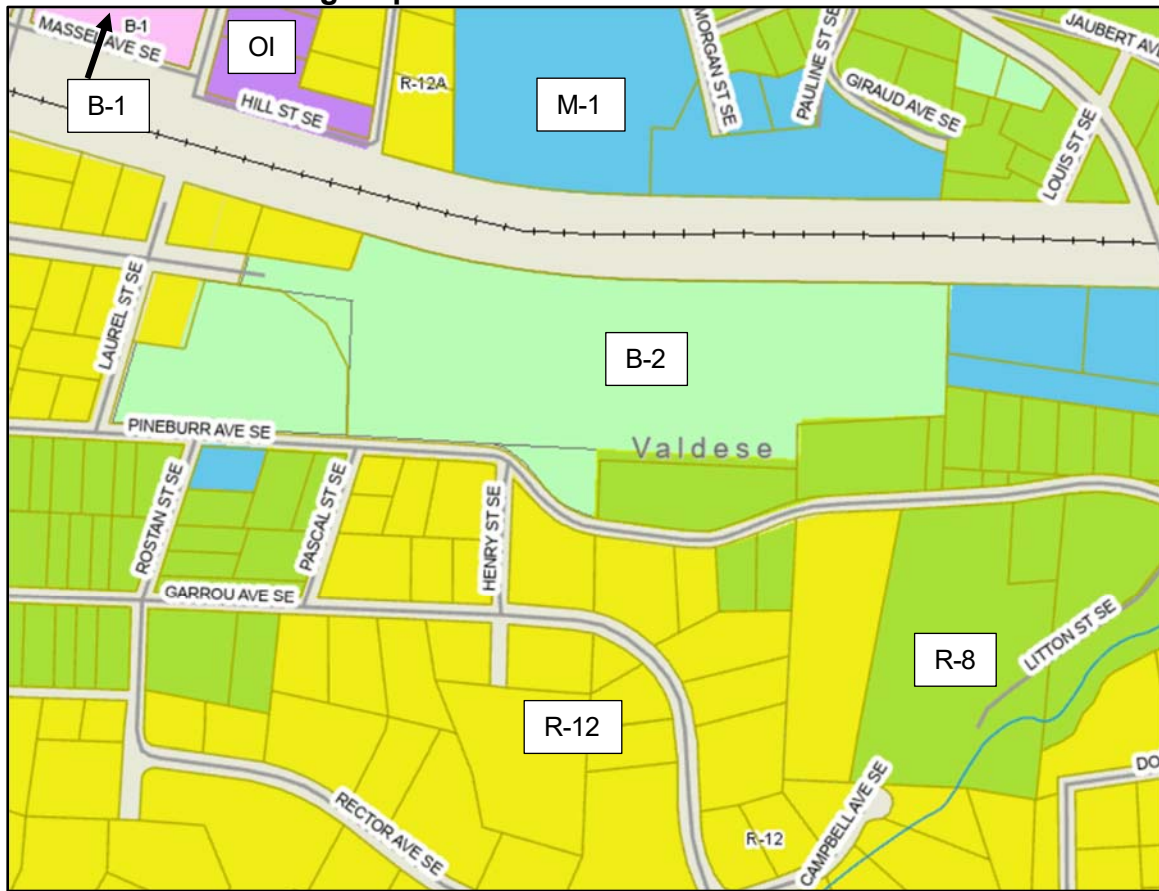
Attachment B: Site Plan



SPECIAL USE PERMIT DEVELOPMENT NOTES:

1. THE PROPOSED MULTI-FAMILY BUILDING WILL CONSIST OF 20 TOTAL UNITS.
2. THERE WILL BE NO GARAGES WITHIN THE UNITS. DRIVEWAYS TO ACCOMMODATE 2 PARKING SPACES. EACH DRIVEWAY TO BE MIN. 10' WIDE BY 40' LONG (10' X 20' PARKING SPACE).
3. ALL UNITS ARE PROPOSED AT 38' IN HEIGHT.
4. LOT COVERAGE FOR PROPOSED MULTI-FAMILY BUILDING REPRESENTS APPROXIMATELY 4.72% OF TOTAL 14.914 ACRE LOT AREA.
5. AREA FOR PROPOSED MULTI-FAMILY BUILDING REPRESENTS APPROXIMATELY 0.70 ACRES OF LAND DISTURBANCE. THE REMAINDER OF ANY ADDITIONAL SITE DISTURBANCE TO BE DETERMINED AT A LATER DATE.
6. THE SPECIAL USE PERMIT IS INTENDED TO COVER THE AREA FOR THE PROPOSED MULTI-FAMILY BUILDING ONLY. ANY FUTURE DEVELOPMENT OF THE REMAINDER OF THE PARCEL UNDER THE BASE B-2 ZONING DISTRICT SHALL BE SUBMITTED FOR SEPARATE PLAN REVIEW & APPROVAL AT A LATER DATE.

Attachment C: Zoning Map



Attachment D: Future Land Use Map

