

**6000 ROGERS ROAD, ROLESVILLE, NC
VARIANCE APPROVAL
CASE VAR-23-02**

**TOWN OF ROLESVILLE BOARD OF ADJUSTMENT
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This application for a variance from Sections 6.2.2.1. and 6.2.2.2.B. of the Town of Rolesville Land Development Ordinance (the “LDO”) came before the Rolesville Board of Adjustment (the “BOA”) on December 12, 2023, for an evidentiary hearing. Based on the testimony of the witnesses, the documentary evidence, the Variance Application and related materials, the exhibits and other evidence presented at the December 12, 2023, hearing, the BOA finds that the Variance should be granted, and in support thereof makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The application and other records pertaining to the Variance Request (hereinafter defined) are part of the record.
2. Notice has been provided as required by law.
3. The property at issue (the “Property”) consists of a single parcel of land, 2.09± acres in size. The Property is located at 6000 Rogers Road (PIN # 1759-71-4313) in Rolesville, NC.
4. The Property is zoned Residential and Planned Unit Development District (R&PUD).
5. The Property Owner is CEBSR Properties, LLC.
6. The Property is rectangular shaped and located at the Granite Falls Boulevard and Rogers Road intersection. There is an existing stormwater pond and shared access drive on the Property.
7. The Property Owner wishes to develop the Property for retail and restaurant uses (the “Development”).
8. Pursuant to LDO Section 6.2.2.1., the Property must provide a 25’ perimeter buffer to the adjacent townhouse subdivision.
9. Pursuant to LDO Section 6.2.2.2.B., the Property must provide a 30’ street buffer along both Granite Falls Boulevard and Rogers Road.
10. In order to allow the Development, the Property Owner requests a 15’ variance from the minimum 25’ perimeter buffer requirement pursuant to LDO Section 6.2.2.1. to allow the

Development to provide a 10' perimeter buffer to the adjacent townhouse subdivision, and the Property Owner requests a 20' variance from the minimum 30' street buffer requirement pursuant to LDO Section 6.2.2.2.B. to allow the Development to provide a 10' street buffer along both Granite Falls Boulevard and Rogers Road (the "Variance Request").

11. The Variance Request requires approval from the BOA, pursuant to the LDO.

12. Due to the Property's existing stormwater pond and the shared access drive, without the Variance Request the Property cannot be developed and cannot provide adequate parking, in compliance with LDO Sections 6.2.2.1. and 6.2.2.2.B.

CONCLUSIONS OF LAW

Pursuant to the foregoing FINDINGS OF FACT and LDO Section 2.1.3. and Section 3.3 of LDO Appendix A, the BOA makes the following Conclusions of Law:

1. The Variance Request should be granted.
2. The Applicant/Property Owners have submitted competent, material and substantial evidence to establish that:
 - i. an unnecessary hardship would result from the strict application of LDO Sections 6.2.2.1. and 6.2.2.2.B. to the Property;
 - ii. the hardship results from conditions that are peculiar to the Property
 - iii. the hardship did not result from actions taken by the Property Owner; and
 - iv. 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.

ACCORDINGLY, based on the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, the BOA hereby grants the Variance Request, as set forth above.

This is the 9th day of January 2024.



BOA Chair