

**302 S. MAIN STREET, ROLESVILLE, NC
VARIANCE APPROVAL
CASE VAR-24-01**

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

This application for a variance from Sections 6.2.2.1.G/Table 6.2.2.2 of the Town of Rolesville Land Development Ordinance (the “LDO”) came before the Rolesville Board of Adjustment (the “BOA”) on April 09, 2024, 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 April 09, 2024, 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, 1.25± acres in size. The Property is located at 302 S. Main Street (PIN # 1759808293) in Rolesville, NC.
4. The Property is zoned General Commercial Zoning District (GC).
5. The Property Owner is Rolesville, LLC.
6. The Property is trapezoid-shaped and located at the Old Rogers and S Main intersection.
7. The Property Owner wishes to develop the Property for permitted commercial uses (the “Development”).
8. Pursuant to LDO Section 6.2.2.1.G/Table 6.2.2.2, a GC-zoned property adjacent to an RL-zoned property must install a Type 3 25’ Perimeter Buffer including a 6’ Fence.
9. In order to allow the Development, the Property Owner requests a Variance from LDO Section 6.2.2.1.G/Table 6.2.2.2 to reduce the depth of the required Type 3 Perimeter Buffer from 25’ to 7’, thus an 18’ Variance Request, this request is only for the portion along where the SCM is located and the sanitary sewer easement lies (the “Variance Request”).
10. The Variance Request requires approval from the BOA, pursuant to the LDO.

11. Due to the Property's existing topography, without the Variance Request, the Property cannot be developed in compliance with LDO Sections 6.2.2.1.G and Table 6.2.2.2.

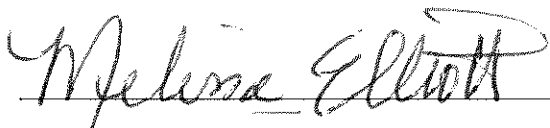
CONCLUSIONS OF LAW

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.G. and Table 6.2.2.2. 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 April 2024.



BOA Chair