

**306 S. MAIN STREET, ROLESVILLE, NC
VARIANCE APPROVAL
CASE VAR-24-02**

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

This application for a variance from Sections 6.2.2.1.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, 0.70± acres in size. The Property is located at 306 S. Main Street (PIN # 17599806076) in Rolesville, NC.
4. The Property is zoned General Commercial Zoning District (GC).
5. The Property Owner is Rolesville, LLC.
6. The Property is trapezium-shaped and located on S. Main Street.
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 yard including a 6’ Fence.
9. Pursuant to LDO Section 6.2.2.1.G/Table 6.2.2.2, - Per the SOJ and Drainage Plan exhibit, a Variance is requested to reduce the depth from 49’ to 17’.
10. Pursuant to LDO Section 6.2.2.1.G/Table 6.2.2.2./6.2.2.1.F.3- Per the Drainage Plan exhibit, a fence is proposed to be placed outside of any of the Rear Permitter Buffer yard areas rather than inside the Buffer yard per 6.2.2.1.F.3. thus, a Variance from the locational requirement of the Fence as a component of the Type 3 Buffer yard as exemplified in 6.2.2.1.F.3. With the Variance approval, the Applicant will install the required planting designed for a 25’ deep

Buffer yard all within an 8' deep Buffer yard space for 49' linear feet length, and within a 5' deep Buffer yard space for 40' linear feet length; note that 46' of the linear length of the Rear Perimeter Buffer yard will be provided/plantings installed per the LDO.

11. 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/ 6.2.2.1.F.3 to reduce the depth of the required Type 3 Perimeter Buffer yards (the "Variance Request").

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

13. 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 6.2.2.2/6.2.2.1.F.3.

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./6.2.2.1.F.3 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