

# (LDO) Variance Application

Town of Rolesville Planning Department | PO Box 250 | Rolesville, NC 27571 | 919-554-6517 | [planning@rolesville.nc.gov](mailto:planning@rolesville.nc.gov)

Planning Department Home Page: [Official Town Webpage](#)

APPLICATION INFORMATION:	
Site Address(es): 302 South Main Street	Site Area (Acres/SF): 1.25 AC/ 54,450
Legal Description (BM or Bk/Pg): Bk 16870, Pg 545	Location: <input checked="" type="checkbox"/> Town Limits <input type="checkbox"/> ETJ
Existing Zoning District(s): GC	Zoning Overlay(s):
Property PIN #(s): 1759808293	Current Use(s): Vacant
Previous Town Application Number(s): SDP-23-09	
Brief Variance Description: Request for a reduction in the rear landscape buffer width. Type 3 buffer requires width of 25' per code section 6.2.2.1 Perimeter Buffers, sub-section E, Table 6.2.2.1.	

APPLICATION MINIMUM REQUIREMENTS / GUIDANCE:	
<input checked="" type="checkbox"/> Completed application and checklist below.	<input checked="" type="checkbox"/> Completed <a href="#">Property Owner's Consent Form</a> . If multiple owners, each owner must complete their own form.
<input checked="" type="checkbox"/> <b>Statement of Justification</b> – see LDO Appendix A, part 3.3.B.2 and 3, and below. Provide on separate sheet. Each standard or section of the LDO sought to be modified/varied should be clearly stated as a separate request; multiple standards/sections may be in one Variance application, but clearly separate from one another, as the BOA may approve or deny all, some, or none of the multiple requests.	
<input checked="" type="checkbox"/> A <b>Graphic Drawing</b> that depicts the situation causing the Variance Request, and the resultant requested Variance. Ex: If request is to reduce a Building Setback dimension, graphic should show the required setback dimension, the hardship making compliance unachievable, the building in question, and the resultant reduced setback dimension.	
<input type="checkbox"/> NOTE: Upon application receipt and completeness check, an INVOICE for the application fee will be created and issued via email to Applicant.	
<input type="checkbox"/> NOTE: The Board of Adjustment will conduct an Evidentiary Quasi-judicial hearing per State Statute 160D-705(d). Representation by an Attorney is strongly suggested.	
<input type="checkbox"/> Any additional supporting documents that may have been requested by Staff may have been provided.	

### Contact Information

**Property Owner(s)** Rolesville, LLC

Address 11016 Rushmore Drive, Suite 160 City/State/Zip Charlotte, NC 28277-4450

Phone 919-868-4472 Email mvkcommercial@gmail.com

**Applicant / Agent (Business & Contact Name)** Marlane Klintworth (Rolesville, LLC)

Address 11509 John Allen Road City/State/Zip Raleigh, NC 27614

Phone 919-868-4472 Email mvkcommercial@gmail.com

**Engineer/Architect (Business & Contact Name)** Chris Bostic (Kimley-Horn & Associates, Inc.)

Phone 919-653-2927 Email chris.bostic@kimley-horn.com

**Attorney/Agent (Business & Contact Name)** Doug Baumgartner

Phone 704-542-7773 Email doug.baumgartner@yorkdevelopmentgroup.com

**Preferred Point of Contact:**  Owner  Applicant  Engineer/Architect  Registered Attorney/Agent

## Statement of Justification

Provide a **separate document** titled "Statement of Justification" (including Date) that addresses each/all of the following:

1. Unnecessary hardship would result from the strict application of Land Development Ordinance Section(s) \_\_\_<list all separately>\_\_ .
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
3. The hardship did not result from actions taken by the Applicant or the Property Owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
4. The requested Variance is consistent with the spirit, purpose, and intent [of the Land Development Ordinance], such that public safety is secured, and substantial justice is achieved.

## Property Owner Notification List / Notification Letter Requirement

Per State Statute 160D-406(b) - *Notice of Hearing*. – *Notice of evidentiary hearings conducted pursuant to this Chapter shall be mailed to **the person or entity whose appeal, application, or request is the subject of the hearing**; to the **owner of the property that is the subject of the hearing** if the owner did not initiate the hearing; to the owners of **all parcels of land abutting the parcel of land that is the subject of the hearing**; and to any other persons entitled to receive notice as provided by the local development regulation. In the absence of evidence to the contrary, the local government may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the local government shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. The board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.*

Provide on a separate sheet, list of all property owners as described above in 160D-406(b) (per Wake County tax records at the time of filing this Application).

When the Board of Adjustment (BOA) meeting is scheduled by Town Staff, the Applicant/Property Owner shall create and mail a Notification Letter (to that list) regarding the application and the date/time/location of that Quasi-Judicial Hearing before the Board of Adjustment. A Letter shall also be mailed to the Town Planning Department to demonstrate compliance with this State requirement.