

# (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): 306 South Main Street	Site Area (Acres/SF): 0.70 AC/ 30,492
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): 1759806076	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)** Robert Southerland (S&S Java Enterprises – Rolesville, LLC)

Address 13 Lafoy Drive City/State/Zip Clayton, NC 27527

Phone 919-426-7670 Email b2driver@earthlink.net

**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)** \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

**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.

Statement of Justification 03/04/2024

A variance is requested to the minimum rear (abutting residential) landscape buffer to allow for a reduction in the width of the rear landscape buffer. The landscape buffer reduction is requested along the property line shared with Andelia Watkins, PIN: 1759806216. The property address is 306 South Main St, Rolesville, NC 27571. Town of Rolesville Development Project Number SDP-23-09.

1. LDO section 6.2.2.1 Perimeter Buffers, sub-section G, Table 6.2.2.2 states a Type 3 landscape buffer will be required for properties zoned Commercial abutting properties zoned Residential. LDO section 6.2.2.1 Perimeter Buffers, sub-section E, Table 6.2.2.1 states the requirement that Type 3 landscape buffers should have a minimum width of 25 feet. Unnecessary hardship will result from the strict enforcement of these sections of the LDO. The existing grade of the site slopes towards the section of the property which abuts the residential property. The Sonic storm water outfall also drains across this portion of the property. The only reasonable location to place the stormwater control measure (SCM) and maintain the current drainage pattern is at the back of the property within 25 feet of the rear property line.
2. The topography of the site limits the location of a stormwater SCM. An SCM similar to that of the adjacent Commercially zoned property, Sonic, is proposed for this site. Property 1759807165, Sonic, has similar topography as that of the proposed Scooters. The SCM of the Sonic is located within 25 feet of the rear property boundary abutting the same residential property.
3. The hardship is a result of the site topography and storm water outfall that was installed by the adjacent Sonic development. The only reasonable location of the SCM is at the rear of the property and the storm water outfall from Sonic must be maintained in conjunction with the SCM.
4. The requested variance asks to reduce the required 25' perimeter buffer width only enough to ensure the proposed SCM can be implemented to effectively treat and detain the stormwater runoff from the proposed development. The proposed buffer reduction is requested only for the portion of the rear property line adjacent to the proposed SCM. The requested variance asks to reduce the buffer width along a 49' length of the property line by 17' in width, from the required 25' width to a proposed 8' width. The requested variance also proposes to reduce the buffer along a 40' length of the rear property line by 20' in width, from the required 25' width to a proposed 5' width. The 49' and 40' length portions of the property line with proposed buffer reductions total 89' length of the property line. The perimeter buffer for the remaining 46' length of the total 135' length

rear property line is not requested to be reduced as part of this variance request. The proposed perimeter buffer in total will meet the requirements of the Type 3 Perimeter Buffer per the Town of Rolesville LDO Sec 6.2.2.1, less the width requirement. The proposed SCM will be placed in a similar location as that of the adjacent property, Sonic, abutting the same residential property. The variance is only for the portion of the landscape buffer where the proposed SCM is located. The plantings required for a Type 3 landscape buffer will be planted as stated in section 6.2.2.1, sub-section E, Table 6.2.2.1 of the LDO. A fence will also be provided as required for the Type 3 buffer.



# SCOOTERS ROLESVILLE

N/F  
ANDELIA P. WATKINS  
D.B. 5265, PG. 843  
B.M. 1979, PG. 178  
PIN #1759806216  
ZONING: RL  
USE: SINGLE-FAMILY

EXISTING DRY POND SCM

25' PERIMETER BUFFER

5' PROPOSED PERIMETER BUFFER

8' PROPOSED PERIMETER BUFFER

CONTROL CORNER  
N(y): 790107.27  
E(x): 2158570.94  
ELEV: 416.90'

PROPOSED WET POND SCM

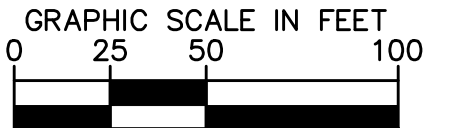
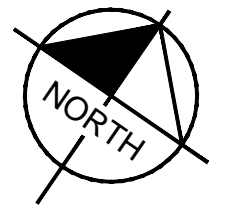
SONIC PIPE  
OUTFALL

6' HIGH WALL

DRAINAGE  
OUTFALL

N/F  
JEAN M CO-TRUSTEES FOSTER,  
KEVIN CO-TRUSTEES MAYERS  
D.B. 15550, PG. 841  
B.M. 2007, PG. 143  
PIN #1759807165  
ZONING: GC  
USE: DRIVE-THRU

N/F  
EN PROPERTIES, LLC  
D.B. 16927, PG. 2699  
B.M. 2007, PG. 143  
PIN #1758896918  
ZONING: GC  
USE: VACANT



## VARIANCE EXHIBIT

KHA PROJECT NO: 016485000

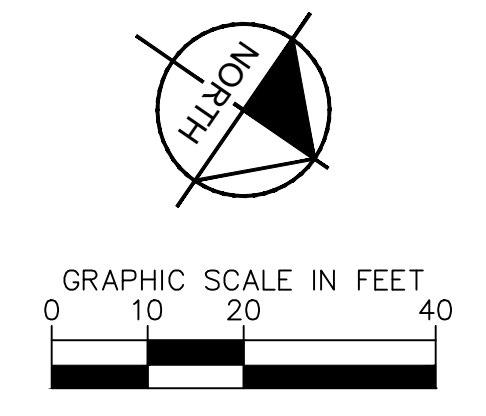
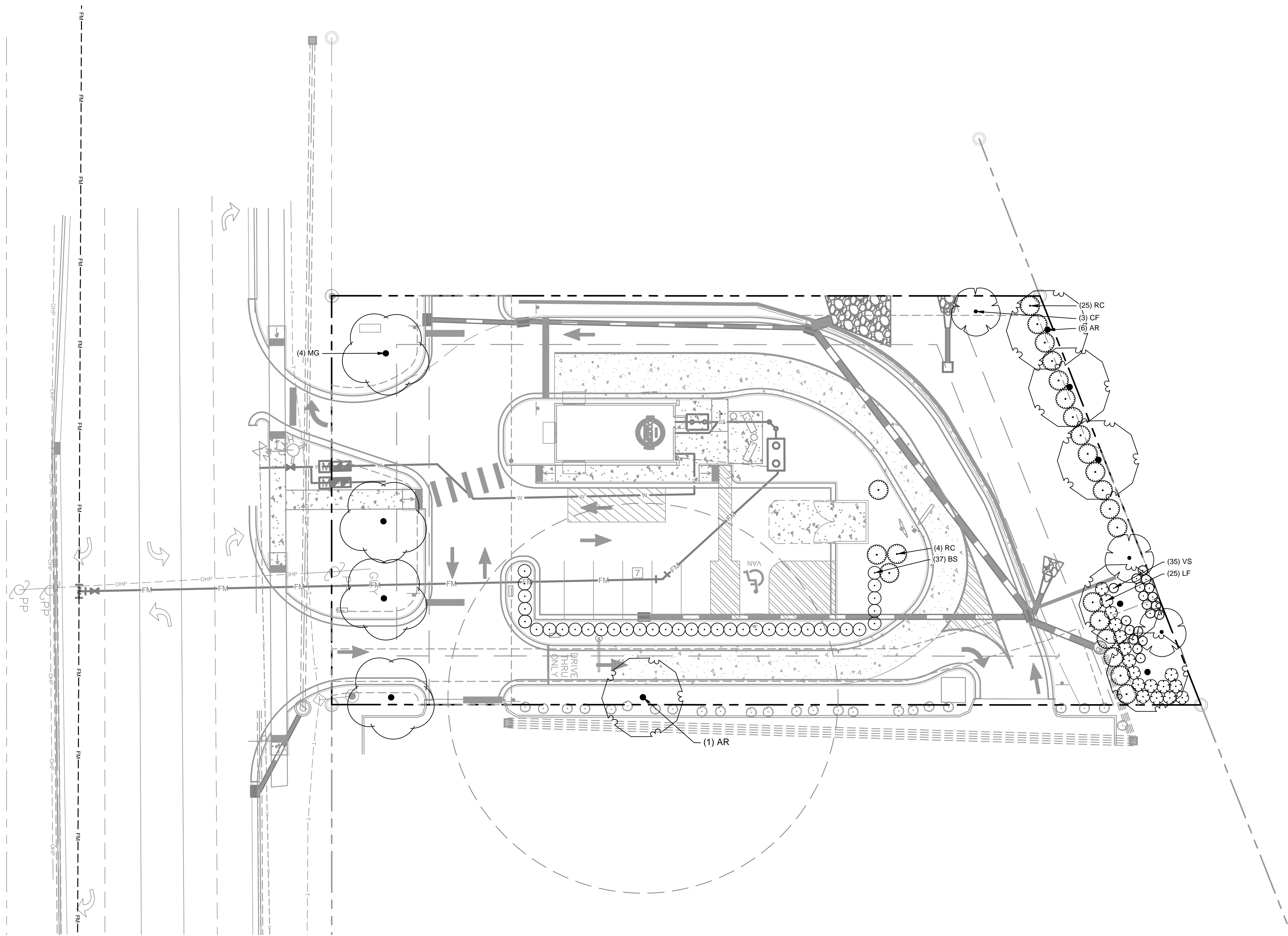
DATE: 03/04/2024

# Kimley»Horn

© 2024 KIMLEY-HORN AND ASSOCIATES, INC.  
421 FAYETTEVILLE STREET, SUITE 600, RALEIGH, NC 27601  
PHONE: 919-677-2000 FAX: 919-677-2050  
WWW.KIMLEY-HORN.COM



Plotted By: Barnes, Michael. Sheet Set: SCOOTER'S ROLESVILLE Layout.L1.0 LANDSCAPE PLAN. March 05, 2024. 10:44:05am. K:\B\AL\_LDE\016485000-Scooters Rolesville\Planning\P15\_CAD Files\Plan\Sheet\L1.0 LANDSCAPE PLAN.dwg  
 This document, together with the concepts and designs presented herein, is an instrument of service, as intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



**LANDSCAPE NOTES:**

- ALL LANDSCAPED AREAS ARE TO RECEIVE A MINIMUM OF 3" OF TOPSOIL. DO NOT MOUND MULCH AGAINST ROOT FLARES.
- ALL PLANT MATERIAL SHALL BE HEALTHY, VIGOROUS, AND FREE OF PESTS AND DISEASE.
- ALL MATERIALS ARE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT BEFORE, DURING, AND AFTER INSTALLATION.
- ALL TREES MUST BE GUYED OR STAKED AS SHOWN IN THE DETAILS.
- ALL PLANTING AREAS SHALL BE COMPLETELY MULCHED AS SPECIFIED.
- ANY DISTURBED GRASS AREA IS TO BE REPLANTED. ALL SLOPES 3:1 OR GREATER SHALL BE SEEDED WITH SLOPE MASTER NO-MOW MIX OR OWNER APPROVED EQUAL.
- PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO ALL UTILITIES DURING THE COURSE OF THE WORK. LOCATIONS OF EXISTING BURIED UTILITY LINES SHOWN ON THE PLANS ARE BASED UPON BEST AVAILABLE INFORMATION AND ARE TO BE CONSIDERED APPROXIMATE. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR (1) TO VERIFY THE LOCATIONS OF UTILITY LINES AND ADJACENT TO THE WORK AREA (2) TO PROTECT OF ALL UTILITY LINES DURING THE CONSTRUCTION PERIOD (3) TO REPAIR ANY AND ALL DAMAGE TO UTILITIES, STRUCTURES, SITE APPURTENANCES, ETC. WHICH OCCURS AS A RESULT OF THE CONSTRUCTION.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL QUANTITIES SHOWN ON THESE PLANS BEFORE PRICING THE WORK.
- CONTRACTOR SHALL BE RESPONSIBLE FOR DELIVERY SCHEDULE AND PROTECTION BETWEEN DELIVERY AND PLANTING TO MAINTAIN HEALTHY PLANT CONDITIONS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR FULLY MAINTAINING (INCLUDING BUT NOT LIMITED TO: WATERING, SPRAYING, MULCHING, FERTILIZING, ETC.) ALL OF THE PLANT MATERIALS AND LAWN FOR THE WARRANTY PERIOD.
- ANY PLANT MATERIAL WHICH IS DISEASED, DISTRESSED, DEAD, OR REJECTED (PRIOR TO SUBSTANTIAL COMPLETION) SHALL BE PROMPTLY REMOVED FROM THE SITE AND REPLACED WITH MATERIAL OF THE SAME SPECIES, QUANTITY, AND SIZE AND MEETING ALL PLANT LIST SPECIFICATIONS.
- THE CONTRACTOR SHALL COMPLETELY GUARANTEE ALL PLANT MATERIAL FOR WARRANTY PERIOD. THE CONTRACTOR SHALL PROMPTLY MAKE ALL REPLACEMENTS DURING THE NORMAL PLANTING SEASON.
- STANDARDS SET FORTH IN 'AMERICAN STANDARD FOR NURSERY STOCK' REPRESENT GUIDELINE SPECIFICATIONS ONLY AND SHALL CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL.
- ALL LANDSCAPING SHALL BE INSTALLED ACCORDING TO SOUND NURSERY PRACTICES, AND SHALL BE STATE STANDARD OR BETTER.
- ALL INVASIVE / EXOTIC SPECIES AND PROHIBITED TREE SPECIES SHALL BE REMOVED FROM SITE, INCLUDING ROOT BALLS TO THE EXTENT POSSIBLE WITH NO DAMAGE TO ADJACENT EXISTING TREES.
- CONTRACTOR TO DESIGN BUILD SYSTEM AND VERIFY ALL PRODUCTS WITH LANDSCAPE ARCHITECT.
- TREE SUPPORT MATERIALS ARE TO BE REMOVED FROM EACH TREE ONCE IT IS 'ESTABLISHED' (AS APPROVED BY THE LANDSCAPE ARCHITECT).
- CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING ALL UTILITIES ARE ADEQUATELY SCREENED WITH THE REQUIRED PLANTING MATERIAL AND VERIFY PLANT SPECIES WITH LANDSCAPE ARCHITECT.
- ALL PLANT SPECIFICATIONS IN THE PLANT SCHEDULE SHALL BE CONSIDERED THE MINIMUM ALLOWABLE SPECIFICATIONS. CONTRACTOR SHALL PROCURE PLANT MATERIALS AND UPSIZE AS NECESSARY TO MEET THE MOST STRINGENT SPECIFICATION.

**LANDSCAPE REQUIREMENTS**

PERIMETER BUFFER REQUIREMENTS 6.2.2.1		
Type 3 Perimeter Buffer: 136 lf	Required	Provided
Width	25 feet	Provided
Canopy Trees	4 canopy trees per 100 linear feet = 6 canopy trees	6 Canopy Trees
Understory Trees	2 understory trees per 100 linear feet = 3 understory trees	3 Understory Trees
Shrubs	60 shrubs per 100 linear feet = 82 shrubs	83 shrubs
STREET BUFFER 6.2.2.2		
Street Buffer: 126 lf	Required	Provided
Width	30 feet	Provided
Street Tree	1 per 40 linear feet = 4 street trees	4 Street Trees
PARKING LANDSCAPING 6.2.4.4		
Parking Perimeter	Required	Provided
Shrubs	Continuous row of shrubs within 5 feet of the parking lot edge	Provided

- NOTES:**
- ESTABLISH SOD IN ALL DISTURBED AREAS. SEE SPECIFICATIONS FOR MORE INFORMATION.
  - ALL AREAS WITH PROPOSED LANDSCAPE MATERIAL SHALL RECEIVE A MINIMUM THREE (3) INCHES OF SHREDDED HARDWOOD MULCH. SEE LANDSCAPE PLAN FOR MULCH BOUNDARY LINES. SEE LANDSCAPE DETAILS FOR TYPICAL MULCH AREA DIMENSIONS.

**SURVEY NOTE:**  
 EXISTING TOPOGRAPHICAL INFORMATION IS BASED ON A TOPOGRAPHIC SURVEY OBTAINED ON 02/23/2023 BY CMP PROFESSIONAL LAND SURVEYORS, 333 S. WHITE STREET, WAKE FOREST, NC, 27588. PHONE: (919) 556-3148. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL EXISTING INFORMATION, DEPICTED OR NOT, PRIOR TO CONSTRUCTION AND REPORT POTENTIAL CONFLICTS TO OWNER AND ENGINEER.

SYMBOL	CODE	QTY	BOTANICAL NAME	COMMON NAME	CONT.	CAL.	HEIGHT
<b>PERIMETER BUFFER TREES</b>							
	CF	3	CORNUS FLORIDA	FLOWERING DOGWOOD	5 GAL	2" CAL. MIN	8' MIN.
	MG	4	MAGNOLIA GRANDIFLORA	SOUTHERN MAGNOLIA	5 GAL	3" CAL.	10-12' MIN
<b>STREET BUFFER TREES</b>							
	AR	7	ACER RUBRUM	RED MAPLE	5 GAL	3" CAL.	10-12' MIN
<b>PERIMETER BUFFER SHRUBS</b>							
	LF	26	LEUCOTHOE FONTANESIANA	DROOPING LEUCOTHOE	5 GAL	24" HT.	
	RC	29	RHODODENDRON CATAWBIENSE	MOUNTAIN ROSEBAY	5 GAL	24" HT.	
	VS	35	ITEA VIRGINICA	VIRGINIA SWEETSPIRE	5 GAL	24" HT.	
<b>PARKING PERIMETER SHRUBS</b>							
	BS	37	BUXUS SEMPERVIRENS	COMMON BOXWOOD	5 GAL	24" HT.	



SDP-23-09

SCOOTER'S ROLESVILLE  
 PREPARED FOR  
 S&S JAVA ENTERPRISES  
 ROLESVILLE, NC

LANDSCAPE PLAN

DATE: 10/31/2023  
 SCALE: AS SHOWN  
 DESIGNED BY: JAA  
 DRAWN BY: JAA  
 CHECKED BY: COB

NO. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20

REVISIONS

DATE

BY

**Kimley»Horn**

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 #F-0102 WWW.KIMLEY-HORN.COM PHONE: 919-677-2000 FAX: 919-677-2050  
 421 FAYETTEVILLE STREET, SUITE 600, RALEIGH, NC 27601

NOT FOR CONSTRUCTION

KHA PROJECT: 016485000  
 DATE: 10/31/2023  
 SCALE: AS SHOWN  
 DESIGNED BY: JAA  
 DRAWN BY: JAA  
 CHECKED BY: COB

SHEET NUMBER  
**L1.0**

## Property Owner's Consent & Authorization Form


Property Owner's Consent is required for each Development Application. A completed and signed copy of this form is required to be included with every Application submittal.

For Property with more than one owner, each owner must sign a separate copy of this form.

For Applications with more than one Applicant/representative, enter all names in this form, or submit separate forms.

In the event that the Owner of Property is an organization/entity, proof of signature authority on behalf of the organization/entity (ie Secretary of State business registration) must be attached to this form.

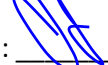
	Authorization by Property Owner(s)	
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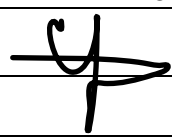
I, Doug Baumgartner  member/manager,  
*(property owner's printed legal name; include signatory name and title if signing for a company)*

swear and affirm that I am the owner of property at 306 S Main St, Rolesville, NC 27571,  
*(property address, legal description; provide separate sheet if required)*

as shown in the records of Wake County, North Carolina, which is the subject of this Application  
 (Type and Case #                     Scooter's Rolesville                    ).

I further affirm that I am fully aware of the Town's Application, fee(s), and procedural requirements, and consent to this Application. I authorize the below listed person(s) to submit this Application and serve as representative/point of contact for this Application.

Property Owner's Signature:  Date: 02/20/24

Applicant/Agent/Contact persons:	
Print:	Signature:
Kimley-Horn & Associates, Inc.	
Christopher O. Bostic	

Property Owner Notification List

PIN	NAME	ADDRESS
1758896918	LEN PROPERTIES LLC	3614 FORWARD WAY, RALEIGH NC 27614
1759806216	WATKINS, ANDELIA P	5219 OLD ROGERS RD, ROLESVILLE NC 27571
1759807165	MAYER, JEAN M CO- TRUSTEES FOSTER, KEVIN CO-TRUSTEES	PO BOX 1212, THREE RIVERS CA 93271
1758990785	WAKE COUNTY BOARD OF EDUCATION  RE SERVICES DIRECTOR	1551 ROCK QUARRY RD, RALEIGH NC 27610-4145