

WAKE COUNTY, NC 20  
TAMMY L. BRUNNER  
REGISTER OF DEEDS  
PRESENTED & RECORDED ON  
02/16/2023 09:52:23

BOOK:019262 PAGE:00991 - 00994

---

Prepared by & Return to: Town of Rolesville, 502 Southtown Circle, Rolesville, NC 27571  
Tax ID Nos: 0047785  
Brief Description for Index: 55 S. Main, Rville

**STATE OF NORTH CAROLINA  
TOWN OF ROLESVILLE**

**BEFORE THE  
BOARD OF ADJUSTMENT**

**ROLESVILLE ONE LLP,**  
a North Carolina limited liability partnership

SUP 22-02

515 S. Main Street  
Rolesville, North Carolina 27571

**ORDER**

PIN: 1758-68-9510

**EVIDENTIARY HEARING,  
FINDINGS OF FACT, AND  
CONCLUSIONS OF LAW**

This request from Rolesville One LLP (the “**Applicant**”), pursuant to Exhibit. A, Section 3.2 of the Rolesville Land Development Ordinance (the “**LDO**”) for approval of a special use permit for “Dwelling, Single Family Detached” use located in the General Commercial Conditional District (CO-CZ) came before the Town of Rolesville Board of Adjustment (the “**Board**”) on December 13, 2022. The real property that is the subject of this hearing is located at 515 S. Main Street, Rolesville, North Carolina, having Wake County Parcel Identification Number 1758-68-9510 (the “**Property**”).

Based upon testimony of the witnesses, documentary evidence, exhibits, and other evidence presented at the December 13, 2022 evidentiary hearing, the Board voted unanimously to APPROVE the special use permit, with the reasonable and appropriate conditions and safeguards set forth below.

The Board’s decision to approve the special use permit application is based on the following Findings of Fact and Conclusions of Law:

SUMMARY OF EVIDENCE PRESENTED:

1. The Applicant proposes to use the Property for a residential use for a limited period while Applicant works to redevelop the Property for non-residential use.
2. The Property is approximately 0.50 acres.
3. The Property currently is zoned General Commercial Conditional District. A condition of this conditional zoning district is that residential dwelling units are a special use.
4. The Applicant submitted its special use permit application to the Town of Rolesville requesting that the Town approve residential dwelling use for the Property for a limited period (the “**Application**”).
5. The Application and other records pertaining to the special use permit application are complete and have been made a part of the record.
6. Following advertisement, the Board conducted an evidentiary hearing on the Application on December 13, 2022 (the “**Hearing**”).
7. Public notice has been provided as required by law.
8. The following witnesses, being duly sworn, appeared and provided the following testimony:
  - a. Michael Elabarger, senior planner for the Town of Rolesville, testified that the Application was complete and that the Comprehensive Plan provided for future uses in this area to be commercial uses. The Application is otherwise generally in conformance with the Town’s plans.
  - b. The Applicant’s representatives, Jesse Meyer, 700 Option Way, Wake Forest, NC, and Michael Tefft, 9904 Portofino Drive, Wake Forest, NC, testified as follows:
    - i. It remained the Applicant’s intent to develop the Property for commercial uses.
    - ii. It was the Applicant’s desire that temporary residential dwelling unit use be approved so as to promote a revenue stream for the Property while the site progresses through the redevelopment approval process.
    - iii. The Property’s exterior would not be altered in a substantive manner.
    - iv. The proposed temporary special use of a residential dwelling unit would generate less traffic than would be expected by the uses permitted in the Property’s zoning district by right.
    - v. The proposed use will not be dangerous or offensive by reason of vibration, noise, odor, dust, smoke, or gas;
    - vi. As a temporary use, the establishment of the proposed special use will not inhibit the orderly development of adjacent and surrounding property for uses permitted within the particular zoning district;

- vii. The proposed special use will not endanger the public health, safety, or general welfare; and
- viii. The proposed use complies with all applicable provisions of the LDO.

#### FINDINGS OF FACT & CONCLUSIONS OF LAW

1. Based upon the uncontroverted competent, substantial, and material evidence appearing in the record at the Hearing and in the Application, the approval criteria of a Special Use Permit as contained in Exhibit. A, Section 3.2 of the LDO have been met, specifically:
  1. The proposed special use will be in general conformance with the comprehensive plan and other relevant Town plans.
  2. Demonstrated measures will be taken to provide ingress, egress, minimize traffic hazards, and minimize traffic congestion on the public roads.
  3. The proposed use will not be dangerous or offensive by reason of vibration, noise, odor, dust, smoke, or gas.
  4. The establishment of the proposed special use will not inhibit the orderly development of adjacent and surrounding property for uses permitted within the particular zoning district.
  5. The proposed special use will not endanger the public health, safety, or general welfare.
  6. The proposed use complies with all applicable provisions of the LDO.
2. That based upon the foregoing, the Applicant is entitled to approval of the requested special use permit for a residential dwelling unit use on the Property subject to those conditions and safeguards set forth below.

ACCORDINGLY, based upon the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, upon a motion duly made and seconded, the Board of Adjustment hereby approves SUP 22-02 subject to the following reasonable and appropriate condition and safeguard:

- This Special Use Permit shall expire and be of no further effect on that date that is thirty-six (36) months following the date of execution of this Order. Upon expiration, any Dwelling, Single Family Detached uses on the Property shall immediately cease. Following expiration, the Property shall not be entitled to any claim of a legal non-conforming use status arising pursuant to the prior effectiveness of this special use permit.

*The Motion carried by a unanimous vote.*

**REMAINDER OF PAGE INTENTIONALLY BLANK  
SIGNATURE & ACKNOWLEDGMENT PAGE FOLLOWS**

This, the 14 day of February 2023.

Michael C. Bailey  
Michael C. Bailey, Chair of Board of Commissioners

WAKE COUNTY, NORTH CAROLINA

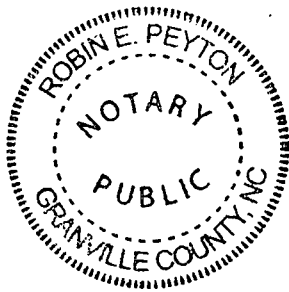
I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Michael C. Bailey

Date: February 14, 2023

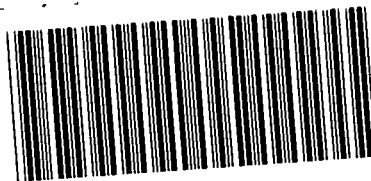
Robin E. Teyter  
[Notary's signature as name appears on seal]

Robin E. Teyter, Notary Public  
[Notary's printed name as name appears on seal]

My commission expires: July 21, 2023



[Affix Official Seal in Space Above]



BOOK:019262 PAGE:00991 - 00994



**Please retain yellow trailer page**

It is part of the recorded document and must be submitted with the original for re-recording.

**Tammy L. Brunner  
Register of Deeds**

Wake County Justice Center  
300 South Salisbury Street, Suite 1700  
Raleigh, NC 27601

New Time Stamp

\$25 Non-Standard Fee

Additional Document Fee

Additional Reference Fee

**This Customer Group**

\_\_\_\_\_ # of Excessive Entities

\_\_\_\_\_ # of Time Stamps Needed

**This Document**

5 # of Pages