



ZONING VARIANCE

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APPLICATION

Submit required documentation to:

Wake County Planning Department/Current Planning Section
PO Box 550 Wake County Office Building
Raleigh, NC 27602-0550 336 Fayetteville Street Mall, Downtown Raleigh
Contact Current Planning at (919) 856-6335 for additional information.

Zoning Ordinance Regulation(s) Proposed to be Varied (cite each section(s) and identify requirement from which the variance(s) is (are) being requested; quantify variance – i.e. if this is a variance to allow an encroachment into a setback, give depth of encroachment and total square feet of area proposed to encroach into setback:

18-12-2(B) Residential Districts (1) Special Uses

"A maximum of one on-premise identification sign per special use may be erected on a lot."

Requesting to vary by proposing ^{SIX} ~~two~~ additional ^{on-premise identification} signs, ~~both~~ erected on the building façade, ~~one~~ facing each public thoroughfare. and for 2 incidental signs to exceed the maximum of 4 SF in sign area.

Property

Parcel Identification Number: 1718759504

Address: 11201 Durant Road Raleigh NC 27614-9752

Location: West side of Falls of the Neuse Road, at/between
(north, east, south, west) (street)

Durant Road and _____
(street) (street)

Total site area in square feet and acres: 232,174.8 square feet 5.33 acres

Zoning District(s) and Overlay Districts (if any) and land area within each: R-40W: 2.59 acres

R-40: 2.58 acres

List Conditions of any Conditional Use Zoning Districts: not applicable

Present land use(s): vacant; approved for pharmacy

How is this proposed use a public necessity? The proposed signage is necessary to help direct potential visitors to this site so that they can adequately navigate into the driveways. Proper signage will eliminate u-turns and dangerous last minute lane changes.

What is impact on surrounding neighborhood and adjacent properties? The impact of this variance on the surrounding neighborhood will be negligible. During the Special Use Permit process, many discussions were held with the adjoining residential neighborhoods, they were shown illustrations with one ground sign on the corner of the property and two walls signs, one on each facade of the building facing a public right-of-way. They approved this signage plan in a written covenant with their neighborhood. The shopping center across the street has multiple signs both on the ground and on the facades. The signage we are proposing here is quite minimal in comparison.

Property Owner

Name: LRC Falls Durant Investors LLC
Address: 1585 FREDERICK BLVD
City: Akron State: OH Zip Code: 44320-4053
E-mail Address: dab@leveycompany.com Fax: 330-253-5242
Telephone Number: 330-253-6958

Applicant (person to whom all correspondence will be sent)

Name: Don d'Ambrosi
Address: 275 Ferrell Road West
City: Apex State: NC Zip Code: 27523
E-mail Address: dambrosid111748@gmail.com Fax: n/a
Telephone Number: 919-819-8272 Relationship to Owner: consultant

Extent of Proposed Variance (Describe the extent to which the regulation is proposed to be varied.)

The zoning regulation allows for one identification sign. We are requesting this be varied by 2 signs, 6 additional on-plan identification, thereby allowing a total of 3 identification signs on the site. The one that is allowed will be utilized as the ground sign at the corner of the property and the other two will be wall signs. The walls signs will be on two facades of the building- one facade that faces Falls of the Neuse Road and the other facade that faces Durant Road. A variance is also requested to allow 2 incidental signs to exceed the maximum of 4 SF in sign area.

All property owners must sign this application unless one or more individuals are specifically authorized to act as an agent on behalf of the collective interest of some or all of the owners (provide a copy of such authorization)

The undersigned property owner(s) hereby authorize the filing of this application (and any subsequent revisions thereto). The filing of this application authorizes the Wake County staff to enter upon the site to conduct relevant site inspections as deemed necessary to process the application.

Signature: [Handwritten Signature] Date: 3 DEC 08

Signature: _____ Date: _____

Signature: _____ Date: _____

The undersigned applicant hereby certifies that, to the best of his or her knowledge and belief, all information supplied with this application is true and accurate.

Signature: [Handwritten Signature: Donald B. ... Agent for applicant] Date: _____

Notes: All documents and maps submitted as required become the property of Wake County.
The Wake County Unified Development Ordinance is on the web at www.wakegov.com.

STATEMENT OF JUSTIFICATION

1. Practical difficulties or unnecessary hardships would result from carrying out the strict letter of the regulation.

Due to the subject property being a corner lot, multiple signs are necessary to best manage traffic flow. This site faces two major multi-laned roadways. There are 4 lanes along almost the entire frontage on Durant and six or more lanes on the entire frontage on Falls of the Neuse Road. The one allowed sign will be placed as a ground sign on the corner of the lot facing the intersection of Falls of the Neuse Road and Durant Road. However, signage is needed to front these two thoroughfares so that drivers can determine what lane to be in and where to turn before they pass available driveways and reach the intersection. If drivers cannot identify the structure early enough, they will miss the entrances and either be forced to make U-Turns because they passed the facility or perform last minute lane changes which may be unsafe to both them and other motorists. Clear and obvious signage minimizes driver distraction and inefficient traffic movements.

2. The variance would be in harmony with the general purpose and intent of the Zoning Ordinance and preserve its spirit.

The requested variance is very minimal. We are not asking to allow a use that is not allowed in this zoning district or to minimize standards in place to protect adjacent property owners. The two additional signs will be located on the building façade, so the corner will not be cluttered with ground signs on all frontages. Furthermore, the signs will only be located on the two sides of the building that face the public rights-of-ways. These signs will not face any low density residential uses. They will face commercial, institutional and a recreational uses. The signage being requested is very much in keeping with the approved use for this subject property and is practiced elsewhere in Wake County. This request is not a precedent setting request as it mirrors case V.2087-08.

3. In the granting of the variance, the public safety and welfare would be assured and substantial justice done, both for the landowner and the public at large.

This variance will absolutely improve public safety and welfare for the reasons listed above. Clear signage is imperative to minimize driver confusion. The public will benefit by being able to clearly identify this structure and the landowner will benefit from having the structure adequately identified. The applicant has reviewed his signage with the adjacent homeowners along the rear property line in Muirfield during the recent Special Use Permit process and they were comfortable in knowing that there would be no signage facing their properties.

Supplemental Variance Request for Incidental Signs
 And
 Tabulations of The Square Footage Areas of the Requested Additional Wall Identification Signs
 and the Requested Incidental Signs
 And
 A Comparison of the Total Area of All Requested Wall Signs to the Allowable Sign Area Per
 Building Façade
 For The Sign Variance For Walgreens
 V-2106-08
 December 17, 2008

The applicants request that a variance for the sizes of the Incidental wall signs also be included along with their request for the two additional wall mounted Identification signs. The rationale for seeking variances for the "Pharmacy", "Exit", "Photo", etc. signs is that Walgreens experience has been that unless these signs utilize a minimum of 12 inch high letters, they become difficult to read from the right-of-way, particularly for motorists who are driving in traffic. The "Drive Thru Pharmacy" sign is larger by virtue of the number of words that it contains. By having these signs clearly legible the potential for traffic accidents on the public right-of-way is lessened as the motorist can quickly identify that this premise provides certain desired needs. Similarly, traffic flow and safety are improved on site. The degrees of variance for the individual signs are:

Drive Thru Pharmacy @ 6.0sf	50%
Pharmacy @ 8.5 sf	112.5%
Photo @ 5.2 sf	30%
Exit sign (on South elevation) @ 6.0sf	50%

However, the total sign for all of the wall signs that are being requested is well below the allowable limit of 5% of each building façade that will have a wall sign. Following is a breakdown by façade of the sign area allowed by the area of each façade and the amount of sign area that is being requested for each facade. NOTE: There is only one "Pharmacy" sign that is being requested. It appears on the North, East and Northeast elevations the way the architect has prepared the elevations. The area for this sign (8.5 sf) has been divided equally between the North and East elevations (4.25 sf allocated to each). For the purpose of calculating the allowable sign area, the façade area of the northeast elevation has also been equally divided between the North and East elevations. All façade areas have been provided by the building architect.

North Façade Durant Road

Total façade area 2257 SF x .05 = 112.9 SF of signs

Requested Sign Area:

Walgreens	40.4 SF
Pharmacy	4.25 SF
Photo	5.2 SF
Drive Thru Pharmacy	6.0 SF
12'-0" Clearance	1.7 SF

Total sign area requested	57.55 SF
Sign area allowed	112.9 SF

The request for this façade is 51.0% of what is allowed.

East Façade Falls of the Neuse

Total façade area 3379 SF x .05 = 169 SF of allowed sign area

Requested Sign Area:

Walgreens	40.4 SF
Pharmacy	4.25 SF
Photo	5.2 SF

Total Sign Area Requested 49.85 SF

The request for this façade is for 29.5% of the sign area that is allowed.

South Façade

Total façade area 2118 SF x .05 = 105.9 SF of sign area allowed

Requested Sign Area:

Exit Sign = 6.0 SF

The request for this façade is 5.7% of what is allowed.

Total Sign Area Allowed from All Facades with proposed signs:

Durant	112.9 SF
Falls of the Neuse	169.0
South	105.9
Total Sign Area Allowed	387.80 SF

Grand Total Wall Sign Area requested:

(2) Walgreens	80.80 SF
(1) Pharmacy	8.50 SF
(2) Photo	10.40 SF
(1) 12" Clearance	1.70 SF
(1) Drive Thru Pharmacy	6.00 SF
(1) Exit	6.00 SF
(1) Mortar and Pestle Logo	
Faux stone feature element @ 29sf each =	29.00 SF
Grand Total Sign Area Required:	142.40 SF

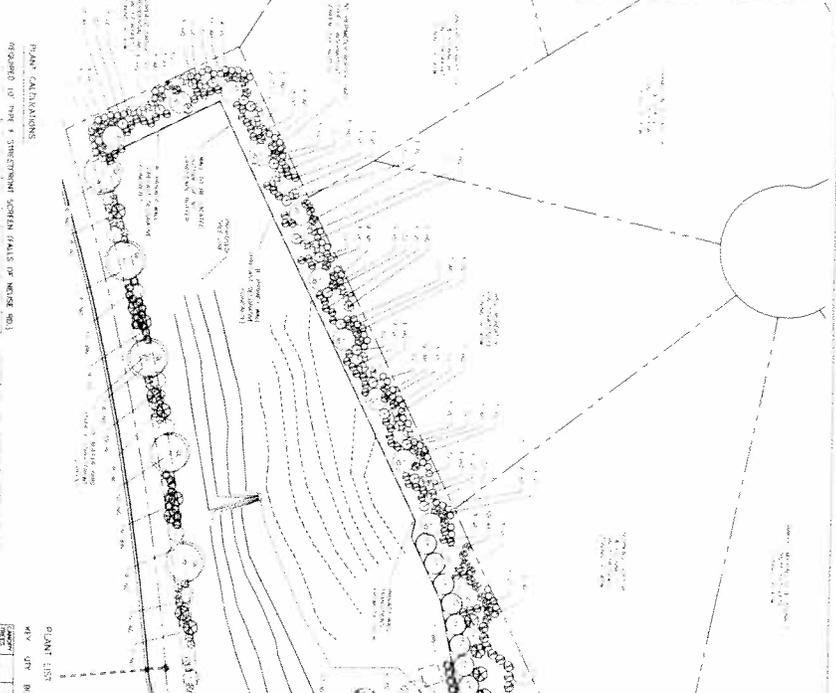
The requested 142.40 SF grand total sign area is 36.8% of the allowable sign area based on 5% of the sum total area of the three façades (North, East and South 7754 sf total façade area X .05 = 387.70sf of allowable sign area) that will have signs (142.40sf divided 387.70 sf).

NOTE: If the South façade can not be counted towards allowable sign area, then the total sign area requested is 50.6% (142.40 sf divided by 281.9 sf) of the allowable sign area. (Area of North and East facades is 5636sf X .05 = 281.9 sf of allowable sign area.)



- STANDARD NOTES:**
1. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
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FALLS OF NEUSE ROAD
 (100' PUBLIC R/W)
 B.M. 2000, PG. 1009
 B.M. 2001, PG. 583-608

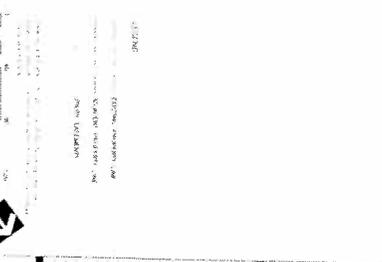


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