Wake County

JUN 07 2011

Planning, Development and Inspections

WAKE COUNTY
NORTH CAROLINA

ZONING HARDSHIP VARIANCE APPLICATION

Submit required documentation to:
Wake County Planning, Development and Inspections
PO Box 550 — Wake County Office Building
Raleigh, NC 27602-0550 — 336 Fayetteville Street Mall, Downtown Raleigh
Contact (919) 856-6335 for additional information.

File # V-2149-11
Fee
Amt Paid
Check #
Rec'd Date
Rec'd By

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:

The site plan approval calls for a Type "C" Buffer, 40' on the North side and 30' on the East side. Mr. Broadwell owns both of these adjoining properties and wants to keep an eye on his store for safety and appearance of his store.

Property

Parcel Identification Number: 1763-30-6899

Address: Smithfield Road

Location: East (north, east, south, west) side of Smithfield Road (street), at/between South of Poor Boy Farm Road (street) and Poole Road (street)

Total site area in square feet and acres: 292,418 square feet 6.713 acres

Zoning District(s) and Overlay Districts (if any) and land area within each: Condition use and General Business

List Conditions of any Conditional Use Zoning Districts: See Attached

Present land use(s): Vacant

How is this proposed use a public necessity?
n/a

What is impact on surrounding neighborhood and adjacent properties?
n/a

Property Owner

Name: Poor Boy Farms Inc.

Address: 5821 Poor Boy Farm Road

City: Knightdale State: NC Zip Code: 27545-9302

E-mail Address: n/a Fax: n/a

Telephone Number: (919)266-0120

Applicant (person to whom all correspondence will be sent)

Name: Reuben Broadwell

Address: 5821 Poor Boy Farm Road

City: Knightdale State: NC Zip Code: 27545-9302

E-mail Address: n/a Fax: (919) n/a

Telephone Number: (919) 266-0120 Relationship to Owner:

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

To delay the plantings that are required vegetation along the North line 40' and the East line 30'.
The planting will be done when the property is sold.

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: Reuben G. Broadwell Date: June 7, 2011

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: Reuben Broadwell Date: June 7, 2011

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.

Revised Conditions, Wake County Rezoning Case No.ZP-872-09

1. The following uses shall be permitted on the subject property:

   a) Single family residential and agricultural uses;
   b) Child and/or adult day care facilities;
   c) Church or religious assembly;
   d) Eating or drinking establishments other than bars and nightclubs;
   e) Financial institutions, not including pawn shops or "pay-day" loan services;
   f) Offices; and
   g) Neighborhood convenience oriented retail with or without gas sale.

2. Flush mounted lighting fixtures, rather than drop-down fixtures, shall be used in any canopy installed over gasoline pumps.

3. No building or parking area shall be located closer than one hundred ten feet (110') to the common line of the subject property and the property of Lona J. Myrick (PIN 1763307430) and, further, a combination of a vegetative buffer and a solid fence or wall and/or a berm shall be provided in an area of not less than forty feet in width along such line.

4. No dumpster on the property shall be located closer than one hundred ten feet (110') from the common line of the subject property and the property of Lona J. Myrick (PIN 1763307430). All dumpster(s) shall be screened on three sides with solid walls at least seven feet (7') high and on the fourth side with an opaque gate, such enclosure(s) to be landscaped with evergreen trees or shrubs on any side which is visible from a public road or from the above referenced Myrick property.

5. Subject to the approval of the North Carolina Department of Transportation there shall be constructed a left turn lane within Smithfield Road to accommodate southbound traffic turning from Smithfield Road onto Poor Boy Farm Road.

6. Subject to the approval of the North Carolina Department of Transportation the southern entrance into the subject property shall be a driveway limited to right in and right out turning movements only for northbound traffic on Smithfield Road, with an appropriate deceleration area to assist ingress into the property.

7. At such time as the Town of Knightdale seeks to annex the subject property, Property Owner/Petitioner agrees that consent to the Town of Knightdale shall be given voluntarily.

8. At such time as public utilities are made available to the subject property, Property Owner/Petitioner agrees to dedicate the easements necessary to allow its eventual service by a municipal water and/or sewer system.

9. The neighborhood convenience oriented retail store permitted under Condition 1. g) shall have as its exterior material brick (save and except for doors, windows and openings for utility fixtures and appurtnances) and shall further feature an "A-style" roof with a covering of asphalt shingles or standing seam metal material.

VARIANCE REQUEST
POOR BOY FARMS INC.
WAKE CO. PIN, # 1763-30-6899

THE REQUEST IS TO NOT PLACE THE PLANTING REQUIRED IN THE 40' TYPE "C" BUFFER ALONG THE NORTH LINE AND 30' TYPE "C" BUFFER ALONG THE EAST LINE OF THE APPROVED SITE PLAN FOR A CONVENIENCE STORE.

1. PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS WOULD RESULT FROM CARRYING OUT THE STRICT LETTER OF THE REGULATIONS

1A STRICT COMPLIANCE WITH THE REGULATIONS PROVIDES THE PROPERTY OWNER NO REASONABLE USE OF THE PROPERTY.
REUBEN BROADWELL IS THE CURRENT OWNER OF THE PARCELS ADJOING THE PROPOSED CONVENIENCE STORE THAT HE IS BUILDING. HE WANTS TO BE ABLE TO OBSERVE WHAT IS GOING ON AT THE STORE WHILE HE, HIS WIFE OR DAUGHTER IS WORKING AT THE STORE. THE PLANTINGS WOULD NOT ALLOW THIS OBSERVATION

1B " THE HARDSHIP RESULTS FROM APPLICATION OF THE REGULATION TO THE PROPERTY"
THE PLANTING WOULD BLOCK THE DESIRED VIEW OF THE STORE.

1C "THE HARDSHIP IS ONE THAT AFFECTS THE PROPERTY DIRECTLY"
WE ARE NOT REQUESTING THAT THE BUFFER BE DONE AWAY WITH ONLY THAT THE PLANTINGS BE DELAYED UNTIL THE STORE PROPERTY OR REUBEN BROADWELL'S ADJOINING PROPERTY IS SOLD.

1D "THE HARDSHIP IS NOT THE RESULT OF THE PROPERTY OWNER'S OWN ACTION-THAT IS, SPECIAL CIRCUMSTANCES OR CONDITIONS CAUSING THE HARDSHIP EXIST THROUGH NO FAULT OF THE PROPERTY OWNER.
HE WAS PRESENT WHEN THE BUFFERS CONDITIONS WERE PLACED ON THE PLANS. HE DID NOT REALIZE THE AMOUNT OF PLANTINGS THAT ARE REQUIRED IN A TYPE "C" BUFFER.

1E. "THE HARDSHIP IS PECULIAR TO THE PROPERTY".
IF MR. BROADWELL DID NOT OWN THE PROPERTY ON THE NORTH AND EAST SIDE OF THE CONVENIENCE STORE PROPERTY, HE WOULD NOT BE MAKING THIS REQUEST.

2. THE VARIANCE WOULD BE IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ZONING ORDINANCE AND PRESERVE ITS SPIRIT.

MR. BROADWELL IS ONLY REQUESTING THAT THE PLANTINGS BE DELAYED FOR THE ABOVE STATED REASONS. THE INTENTIONS OF THE BUFFERS IS TO PROVIDE A SHIELD FOR THE STORE. THIS WILL BE DONE WHEN THERE IS A SALE OF PROPERTY

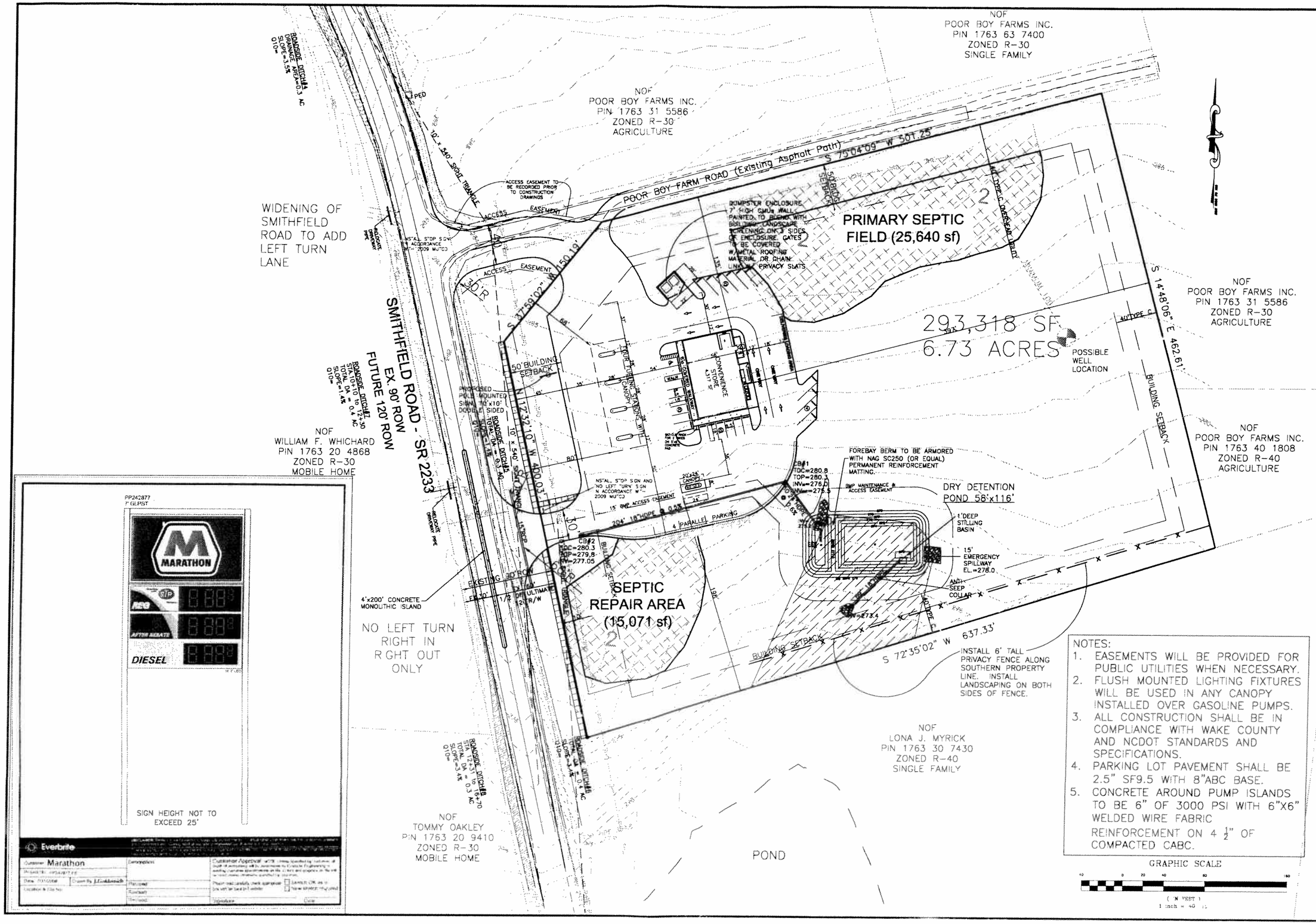
3.IN GRANTING THE VARIANCE, THE PUBLIC SAFETY AND WELFARE WOULD BE ASSURED AND SUBSTANTIAL JUSTICE DONE, BOTH FOR THE LAND OWNER AND THE PUBLIC AT LARGE

3A "THE GRANTING OF THE VARIANCE WILL NOT MATERIALLY AFFECT ADVERSELY THE HEALTH OR SAFETY OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD OF THE PROPOSED USE, AND WILL NOT BE MATERIALLY DETRIMENTAL TO THE PUBLIC WELFARE OR INJURIOUS TO PROPERTY OR IMPROVEMENTS IN SUCH NEIGHBORHOOD.".

IN THE DELAYING THE PLANTING OF THE TYPE "C" BUFFER WILL ONLY AFFECT THE ADJACENT PROPERTY OWNER WHO IS THE OWNER OF THE STORE.

3B "THE GRANTING OF THE VARIANCE IS NECESSARY FOR THE PRESERVATION AND ENJOYMENT OF SUBSTANTIAL PROPERTY RIGHTS.

MR. BROADWELL WANTS HIS STORE TO BE A CREDIT TO THE NEIGHBORHOOD. HE WANTS TO BE ABLE TO OBSERVE WHATS GOING ON FROM HIS HOME AS WELL AS FOR THE SAFETY OF HIS FAMILY WHO WILL BE RUNNING THE STORE.



NOTES:

1. EASEMENTS WILL BE PROVIDED FOR PUBLIC UTILITIES WHEN NECESSARY.
2. FLUSH MOUNTED LIGHTING FIXTURES WILL BE USED IN ANY CANOPY INSTALLED OVER GASOLINE PUMPS.
3. ALL CONSTRUCTION SHALL BE IN COMPLIANCE WITH WAKE COUNTY AND NCDOT STANDARDS AND SPECIFICATIONS.
4. PARKING LOT PAVEMENT SHALL BE 2.5" SF9.5 WITH 8"ABC BASE.
5. CONCRETE AROUND PUMP ISLANDS TO BE 6" OF 3000 PSI WITH 6"X6" WELDED WIRE FABRIC REINFORCEMENT ON 4 ½" OF COMPACTED CABC.

RELEASED FOR CONSTRUCTION

CMS Engineering
743 W. Johnson St., Suite C
Raleigh, NC 27603
PHONE: (919) 833-0830
FAX: (919) 833-1096

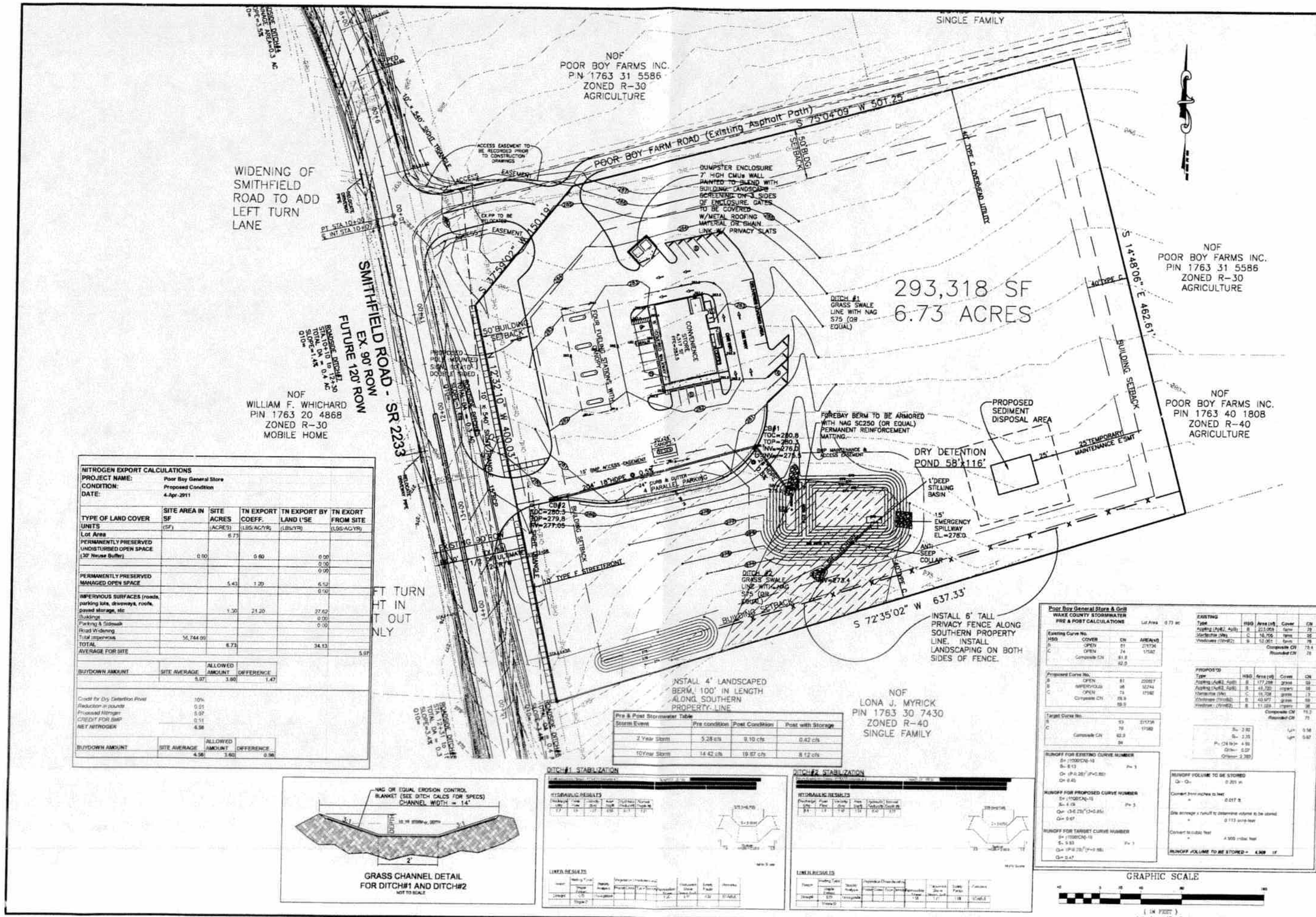
NORTH CAROLINA PROFESSIONAL SEAL 7502 ENGINEER CARL M. SIMMONS

POOR BOY GENERAL STORE & GRILL
Smithfield Road
GRADING PERMIT PLANS
WAKE COUNTY NORTH CAROLINA

REVISIONS
4.4.11 PER WAKE CO & NCDOT COMMENTS

SITE PLAN

DWG NAME: POOR BOY CONST
DRAWN: PDH
CHECKED: CMS
PLAN DATE: 02/11/2011
DATE ISSUED: 04/27/2011
SCALE: 1"=40'



NITROGEN EXPORT CALCULATIONS

PROJECT NAME: Poor Boy General Store
CONDITION: Proposed Condition
DATE: 4-Apr-2011

TYPE OF LAND COVER	SITE AREA IN SF	SITE ACRES	TN EXPORT COEFF.	TN EXPORT BY LAND U'SE	TN EXORT FROM SITE
UNITS	(SF)	(ACRES)	(LBS/AC/YR)	(LBS/YR)	(LBS/AC/YR)
Lot Area		6.73			
PERMANENTLY PRESERVED UNDISTURBED OPEN SPACE (30' Neuse Buffer)	0.00		0.60	0.00	
				0.00	
				0.00	
PERMANENTLY PRESERVED MANAGED OPEN SPACE		5.43	1.20	6.52	
				0.00	
IMPERVIOUS SURFACES (roads, parking lots, driveways, roofs, paved storage, etc		1.30	21.20	27.62	
Buildings				0.00	
Parking & Sidewalk				0.00	
Road Widening					
Total impervious	56,744.00				
TOTAL		6.73		34.13	
AVERAGE FOR SITE					5.07

BUYDOWN AMOUNT	SITE AVERAGE	ALLOWED AMOUNT	DIFFERENCE
	5.07	3.60	1.47

Credit for Dry Detention Pond	10%
Reduction in pounds	0.51
Proposed Nitrogen	5.07
CREDIT FOR BMP	0.51
NET NITROGEN	4.56

BUYDOWN AMOUNT	SITE AVERAGE	ALLOWED AMOUNT	DIFFERENCE
	4.56	3.60	0.96

Pre & Post Stormwater Table

Storm Event	Pre condition	Post Condition	Post with Storage
2 Year Storm	5.28 cfs	9.10 cfs	0.42 cfs
10Year Storm	14.42 cfs	19.87 cfs	8.12 cfs

Poor Boy General Store & Grill
WAKE COUNTY STORMWATER
PRE & POST CALCULATIONS

Lot Area 6.73 ac

Existing Curve No.

HSG	COVER	CN	AREA(sf)
B	OPEN	61	219734
C	OPEN	74	17582
	Composite CN	61.8	
		62.0	

Proposed Curve No.

B	OPEN	61	200657
B	IMPERVIOUS	98	16744
C	OPEN	74	17582
	Composite CN	69.9	
		69.9	

Target Curve No.

B		53	217134
C		70	17582
	Composite CN	62.3	
		64	

RUNOFF FOR EXISTING CURVE NUMBER
S= (1000/CN)-10
S= 5.13 Pe 3
Q= (P-0.2S)^2/(P+0.8S)
Q= 0.40

RUNOFF FOR PROPOSED CURVE NUMBER
S= (1000/CN)-10
S= 4.09 Pe 3
Q= (3-0.2S)^2/(3+0.8S)
Q= 0.67

RUNOFF FOR TARGET CURVE NUMBER
S= (1000/CN)-10
S= 5.93 Pe 3
Q= (P-0.2S)^2/(P+0.8S)
Q= 0.47

EXISTING

Type	HSG	Area (sf)	Cover	CN
Asphalt (Asphalt, Asphalt)	B	213,959	farm	72
Wetlands (Wet)	C	16,706	farm	86
Woodland (Wood2)	B	12,001	fallow	76
			Composite CN	78.4
			Rounded CN	78

PROPOSED

Type	HSG	Area (sf)	Cover	CN
Asphalt (Asphalt, Asphalt)	B	177,208	grass	39
Asphalt (Asphalt, Asphalt)	B	41,720	impervious	98
Wetlands (Wet)	C	16,706	grass	73
Woodland (Wood2)	B	40,971	grass	55
Woodland (Wood2)	B	11,024	impervious	98
			Composite CN	75.2
			Rounded CN	75

S= 2.92 Ia= 0.58
Ss= 2.35 Ia/P= 0.07
Pe (24 hr)= 4.50
Q(in)= 0.27
Q(feet)= 2.385

RUNOFF VOLUME TO BE STORED
Q= Qe
0.265 in
Convert from inches to feet
= 0.017 ft
Site acreage x runoff to determine volume to be stored
= 0.113 acre-feet
Convert to cubic feet
= 4,900 cubic feet
RUNOFF VOLUME TO BE STORED = 4,909 cf

GRASS CHANNEL DETAIL
FOR DITCH#1 AND DITCH#2
NOT TO SCALE

RELEASED FOR CONSTRUCTION

CMS Engineering
743 W. Johnson St., Suite C
Raleigh, NC 27603
PHONE: (919) 833-0830 FAX: (919) 833-1926

NORTH CAROLINA PROFESSIONAL SEAL 7502 ENGINEER CARL M. SIMMONS

POOR BOY GENERAL STORE & GRILL
Smithfield Road
GRADING PERMIT PLANS
WAKE COUNTY NORTH CAROLINA

REVISIONS
4.4.11 PER WAKE CO. & NCDOT COMMENTS
6.3.11 PER WAKE CO. STORM COMMENTS

GRADING & DRAINAGE PLAN

DWG NAME: POOR BOY CONST
DRAWN: PDH
CHECKED: CMS
PLAN DATE: 02/11/2011
DATE ISSUED: 04/13/2011
SCALE: 1"=40'

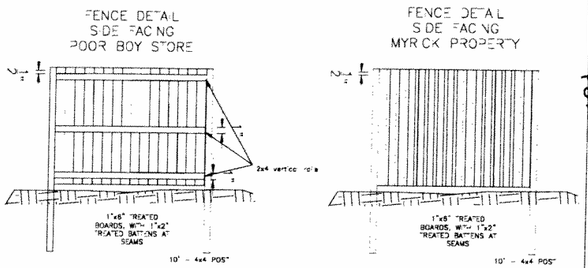
6' FENCE DETAIL

BOARD AND BATTEN FENCE, USE 1"x6" VERTICAL SLATS, WITH 1"x2" VERTICAL BATTENS OVER SEAMS. USE TREATED LUMBER & GALVANIZED FASTENERS.

POSTS TO BE SPACED ON 8' CENTERS

VERTICAL RAILS TO BE ON 32" CENTERS
USE 1x6 BOARDS SPACED 2"-/- APART BETWEEN POSTS.

ANCHOR POST BY TAMPING WASHED STONE AROUND THEM.

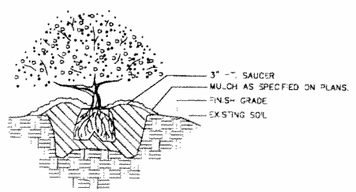


FENCE DETAIL

NOT TO SCALE

NOTES:

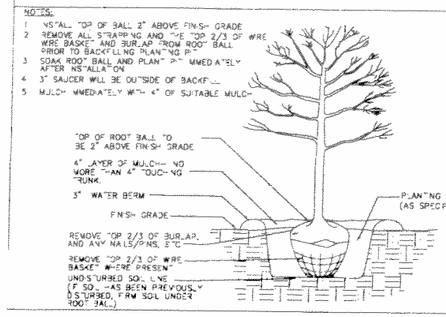
1. PLANT ROOT BALL 2" ABOVE FINISHED GRADE AS SHOWN
2. SCARIFY AND BUTTERFLY ROOTS OF ANY ROOT BOUND CONTAINER MATERIAL BEFORE PLANTING
3. FOR BALLED AND BURLAPPED REMOVE BURLAP AND TWINE FROM TOP 1/2 OF ROOT BALL
4. EXCAVATED PIT - MINIMUM 6" WIDER ON ALL ALL SIDES THAN ROOT BALL DIA
5. SCARIFY VERTICAL SIDES



PLANTING DETAIL-SHRUB

NOTES:

1. INSTALL TOP OF BALL 2" ABOVE FINISH GRADE
2. REMOVE ALL STRAPPING AND THE TOP 2/3 OF WIRE WIRE BASKET AND BURLAP FROM ROOT BALL PRIOR TO BACKFILLING PLANTING PIT
3. SOAK ROOT BALL AND PLANT PIT IMMEDIATELY AFTER INSTALLATION
4. 3" SAUCER WILL BE OUTSIDE OF BACKFILL
5. MULCH IMMEDIATELY WITH 4" OF SUITABLE MULCH



PLANTING DETAIL-TREE

PLANT LIST

QTY.	BOTANICAL NAME	COMMON NAME	SIZE AT PLANTING
511	EUONYMUS JAPONICUS 'MICROPHYLLUS'	DWARF JAPANESE EUONYMUS	MIN. 18", 3 GAL.
362	ILEX VOMITORIA 'NANA'	DWARF YAUPON HOLLY	MIN. 18", 3 GAL.
31	CERCIS CANADENSIS	EASTERN REDBUD	MIN.8'HT., 1 1/2" CAL.
9	MYRTUS CERIFERA	WAX MYRTLE	MIN.8'HT., 1 1/2" CAL.
80	ILEX X 'NELLIE R. STEVENS'	NELLIE STEVENS HOLLY	MIN.8'HT., 1 1/2" CAL.
16	ACER RUBRUM	RED MAPLE	MIN.12'HT., 2 1/2" CAL.
16	QUERCUS LAURIFOLIA	LAUREL OAK	MIN.12'HT., 2 1/2" CAL.

LANDSCAPE REQUIREMENTS

Type 'C' Intermittent Screen
Required per 100 feet (with 8' privacy fence, landscape reduced by 50%)
- 2.5 evergreen trees
- 6 evergreen understory trees
- 36 shrubs

Type 'C' Intermittent Screen
Required per 100 feet
- 5 deciduous canopy trees
- 8 deciduous understory trees
- 71 shrubs

Type 'F' Streetfront Overhead Utility Screen
Required per 100 feet
- 3 deciduous understory trees
- 2 evergreen understory trees
- 12 shrubs

Perimeter & Interior Areas
- 1 canopy tree within 50' of every parking space
- 3' evergreen hedge along edge of parking areas

PLANT LEGEND

- DWARF JAPANESE EUONYMUS
- DWARF YAUPON HOLLY
- WAX MYRTLE
- NELLIE STEVENS HOLLY
- EASTERN REDBUD
- FLOWERING DOGWOOD
- RED MAPLE
- LAUREL OAK

GRAPHIC SCALE

(IN FEET)
1 inch = 40 ft.

RELEASED FOR CONSTRUCTION

CMS Engineering
743 W. Johnson St., Suite C
Raleigh, NC 27603
PHONE: (919) 833-0830 FAX: (919) 833-1926

NORTH CAROLINA PROFESSIONAL SEAL 7502 ENGINEER CARL W. SIMMONS

POOR BOY GENERAL STORE & GRILL
Smithfield Road
GRADING PERMIT PLANS
WAKE COUNTY NORTH CAROLINA

REVISIONS
4.4.11 PER WAKE CO & NCDOT COMMENTS

LANDSCAPE PLAN

DWG. NAME: POOR BOY CONST
DRAWN: PDH
CHECKED: CMS
PLAN DATE: 02/11/2011
DATE ISSUED: 04/12/2011
SCALE: 1"=40'