



# 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.

BA-34-2189-13

File #  
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:

This Variance request contains three parts from Article 18-13-1. Part one is to allow an increase in the "ECMS Max Area" to 30 sq. ft. vs the 16 sq. ft. recently adopted. Second part is to allow a "Min. hold time" of 60 seconds vs. the recently adopted 60 min. Third part is to allow "Off hours" to be from 11pm - 6 am vs the recently adopted 9 pm to 7 am.

### Property

Parcel Identification Number: 0646638201

Address: 3217 Piney Grove Wilbon Road

Location: East side of Piney Grove Wilbon Road, at/between  
(north, east, south, west) (street)

Piney Grove Wilbon Road and W. Academy Street  
(street) (street)

Total site area in square feet and acres: 900,385.2 square feet 20.67 acres

Zoning District(s) and Overlay Districts (if any) and land area within each: Highway District

List Conditions of any Conditional Use Zoning Districts: N/A

Present land use(s): Religious Assembly and Vacant

How is this proposed use a public necessity?

The proposed use is a public necessity because it provides a valuable service to the surrounding community. The existing Church has been fortunate enough to serve the community with spiritual and social ministries for over 193 years. The proposed variance request would help the church communicate its various ministries to serve and aid in the establishment or repair of spiritual health and/or meet social needs of individuals within the community.

What is impact on surrounding neighborhood and adjacent properties?

The variance request will have no negative impact on surrounding neighborhood or adjacent properties due to the church's rural location. The property is bounded to the North by a railroad, to the west by Piney Grove Wilbon Rd. and Cemetery across the street. A pond to the east and to the south by Hwy 42 (approx 1,500 ft of road front) with farm land directly across from property. A business (Zoned O&I) is located on the opposite corner of the intersection of Piney Grove Wilbon Rd. and Hwy 42. If variance is granted it will still meet the intended spirit of the ordinance.

### Property Owner

Name: Piney Grove Baptist Church FV Inc.

Address: 3217 Piney Grove Wilbon Road

City: Fuquay-Varina State: NC Zip Code: 27526-7951

E-mail Address: mikec@amazingstudiosinc.com Fax: 919-552-1395

Telephone Number: 919-552-3522

**Applicant** (person to whom all correspondence will be sent)

Name: Mike Cole

Address: 608 Stellata Dr.

City: Fuquay-Varina State: NC Zip Code: 27526

E-mail Address: mikec@amazingstudiosinc.com Fax: \_\_\_\_\_

Telephone Number: 919-552-2025 Relationship to Owner: Member

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

This Variance request contains three parts from Article 18-13-1. Part one is to allow an increase in the "ECMS Max Area" to 30 sq. ft. vs the 16 sq. ft. recently adopted. Second part is to allow a "Min. hold time" of 60 seconds vs. the recently adopted 60 min. Third part is to allow "Off hours" to be from 11pm - 6 am vs the recently adopted 9 pm to 7 am.

This request is similar to the ordinances for O&I and GB which is more appropriate based on the church's location and the surrounding area. Currently there are parcels across the street (Hwy 42) from the church that are zoned both O&I and GB zoning.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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: Walter J. Hisk V.P. Date: 12/4/13

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: [Signature] Date: 12/4/13

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](http://www.wakegov.com).



## ZONING HARDSHIP VARIANCE STATEMENT OF JUSTIFICATION

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PO Box 550 Wake County Office Building  
Raleigh, NC 27602-0550 336 Fayetteville Street, Downtown Raleigh  
Contact (919) 856-6335 for additional information.

For each of the required conclusions listed below, attach a statement that explains how any existing conditions, proposed development features, or other relevant facts would allow the Board of Adjustment to reach the required conclusion, and attach any additional documents or materials that provide supporting factual evidence. Listed under each required conclusion are related principles established by case law.

**Important:** You bear the burden of presenting sufficient factual evidence to support findings of fact that allow the Board to reasonably reach each of the required conclusions. If you fail to meet that burden, the Board has no choice but to deny the application.

**1. Practical difficulties or unnecessary hardships would result from carrying out the strict letter of the regulation.** “There are special circumstances or conditions applying to the land building or use referred to in the application which exists through no fault of the property owner.”

**1a. Strict compliance with the regulation provides the property owner no reasonable use of the property.**

Ex.: It is not sufficient that the regulation would make use of the property less profitable or marketable.

For 193 years Piney Grove Baptist Church has been located in this rural part of Wake County to minister to the needs of the community around it. Piney Grove's desire is to expand its ability to serve and minister to the community (members and non members) through its various ministries (community garden, sports/family events, concerts, food/clothing drives, festivals, etc.). The effectiveness of those ministries relies heavily on being able to communicate those opportunities with those who are not members of the church. The limited size (16 sq. ft.) restricts the ability to provide sufficient details and information, the extended hold time (60 min.) reduces the ability to share more opportunities and the reduced display time (9pm-7am) will hinder the ability to communicate with the three additional hours of commuters. This request is similar to the ordinances for O&I and GB which is more appropriate to the church based on the church's location and the surrounding area. Currently there are parcels across the street (Hwy 42) from the church's parcels that represent both O&I and GB zoning.

**1b. The hardship results from application of the regulation to the property.**

Ex.: A hardship resulting from a characteristic of the property not affected by the regulation, or from application of a deed restriction, is not a relevant hardship.

The hardship does result from the direct application of Wake County's Unified Development Ordinance regulation to the property. There are no provisions established in the UDO to differentiate between non-residential and residential developments within the HD zoning district. The stricter regulations appear to be intended for a more populated residential area rather than the rural part of the HD Zoning where Piney Grove Baptist Church is located. The church owns three additional parcels to the east (PIN - 0646639511, 0646731226, 0646735671) giving it approx 1,500 ft of road frontage along Hwy 42. with minimum residential development within visibility of the proposed sign. The church property location and surrounding properties along Hwy 42 have more characteristics of the zoning for O&I as stated in Article 3-30-1 or GB as stated in Article 3-31-1 which allow for 32 sq. ft. of ECMS, 60 second min hold time and no off hours. The parcel on the opposite corner from the proposed sign is zoned O&I.

**1c. The hardship is one that affects the property directly.**

Ex.: The regulation's hindrance to providing a benefit to neighboring properties or to the public is not a relevant hardship.

The hardship does affect the property directly. There are no provisions established in the UDO to differentiate between non-residential and residential developments within the HD zoning district. The stricter regulations appear to be intended for a more populated residential area rather than the rural part of the HD Zoning where Piney Grove Baptist Church is located. With approx 1,500 ft of road frontage along Hwy 42 and minimum residential development within visibility of the proposed sign. The church property location and surrounding properties along Hwy 42 have more characteristics of the zoning for O&I as stated in Article 3-30-1 or GB as stated in Article 3-31-1 which allow for 32 sq. ft. of ECMS, 60 second min hold time and no off hours. The parcel on the opposite corner from the proposed sign is zoned O&I.

**1d. The hardship is not the result of the property owner's own actions - that is, special circumstances or conditions causing the hardship exist through no fault of the property owner.**

Ex.: The hardship may not be one the property owner inflicted on himself (e.g., been due to the owner's violation of the regulation) or could have avoided.

In June, 2013 we met with the Wake County Planning Department to review a concept for our new sign that would include 30 sq. ft. of ECMS and 2 sq. ft of copy for Church Name above. After review of the ordinances it was deemed compliant based on the regulation and similar passed approved signs. We then rented a portable ECMS to test for a few weeks to see if the congregation liked it and if we could gauge the effectiveness of it based on community events we had coming up. The results were very positive from members and the public for our clothing drive (for a local charity) and other events we were able to display. With a green light from the planning department we gave the sign company the ok to move forward with final design and engineering so we could present before the church for approval to purchase. With everything complying with the specs given to us by Wake County, the sign company submitted permit application mid July. Unfortunatley it was two days after a department meeting in which they decided to deny all new permits with ECMS until their newly drafted and evently adopted amendment to the ordinance addressing ECMS. They advised us to seek this variance upon adoption of the changes by the County Commissioners.

**1e. The hardship is peculiar to the property.**

Ex.: The hardship must be due to conditions specific to the property, and not to conditions that are neighborhood-wide or widespread throughout the jurisdiction.

This hardship is peculiar to this property based on its unique location and the limited exposure the proposed sign would have to any residential neighborhood now and in the future. The church property location and surrounding properties along Hwy 42 have more characteristics of the zoning for O&I as stated in Article 3-30-1 or GB as stated in Article 3-31-1 which allow for 32 sq. ft. of ECMS, 60 second min hold time and no off hours. The parcel on the opposite corner from the proposed sign is zoned O&I.

2. **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.**

2a. **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 improvement in such neighborhood.**

Ex.: A variance may not permit development that would be dangerous to neighbors, change the essential character of the neighborhood, or create additional difficulties re traffic, fire, water supply, sewerage, flooding, etc..

The granting of the proposed variance would pose no public safety or detriment to the community surrounding PGBC. The proposed variance would have a limited window of visibility from neighborhoods allowing it to serve the purpose for the landowner while having zero negative impact on neighboring properties due to it's narrow scope of visibility. The parcel on the opposite corner from the proposed sign is zoned O&I which these specs (Size, Off hours) are less than the approved allowance for O&I zoning.

2b. **The granting of the variance is necessary for the preservation and enjoyment of substantial property rights.**

Ex.: The harm to the property owner from denying the variance, however, must outweigh the harm to neighbors and the public interest from granting the variance.

Due to the location of this property and the lack of residential development within visibility of the proposed sign there is little chance of harming neighbors and the public. The positive is the sign allows Piney Grove Baptist Church to display more information expanding its ability to serve the community by informing non-members traveling through of opportunities to help or ways the church can help meet their needs. With the increase size, more frequent changing of the message and longer broadcast day it can reach more traffic with greater detail.

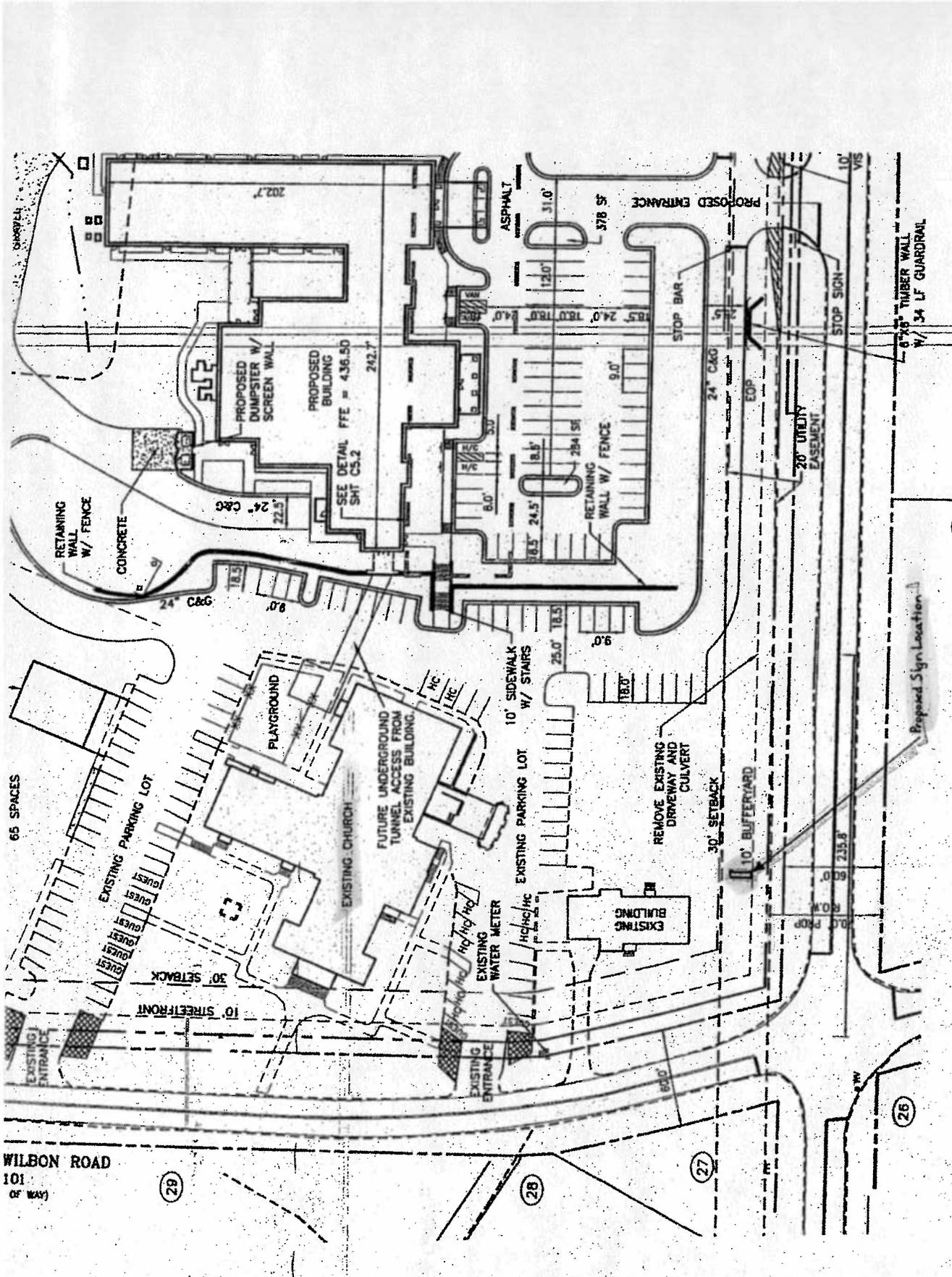
3. **The denial of the variance would cause practical difficulties or unnecessary hardships to the landowner.**

Ex.: The practical difficulties or unnecessary hardships caused to the landowner from denying the variance.

Denial of this variance would greatly minimize the effectiveness and scope of the community work we seek to accomplish. A reduced display size and extended hold time limits the information that can be shared. In a two week rental of a portable ECMS, we saw greater community involvement and response than we did with our old 32 sq. ft. static marquee that we had to take down when the new bridge was being built on Piney Grove Wilbon Rd.

Notes: All documents and maps submitted as required become the property of Wake County.  
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(25)

Proposed Sign Location

LABEL	PIN_NUM	RED	ZONING	OWNER	LAND USE
10	0646635603	0227829	R-30	BATTS, KENNETH E	SF-RES
11	0646636684	0227831	R-30	BECKER, BERNHARDT STEVEN	SF-RES
12	0646638822	0227832	R-30	BAJKOWSKI, GEORGE	SF-RES
13	0646639638	0227833	R-30	STARLING, JOE A & BEVERLY L	SF-RES
14	0646730943	0227834	R-30	THEOBALD, KARL E II & ANGELA N	SF-RES
15	0646731959	0227835	R-30	ELDER, RODNEY E & ANGELA J	SF-RES
16	0646742065	0227836	R-30	LEWIS, CRAIG E	SF-RES

(26)

(27)

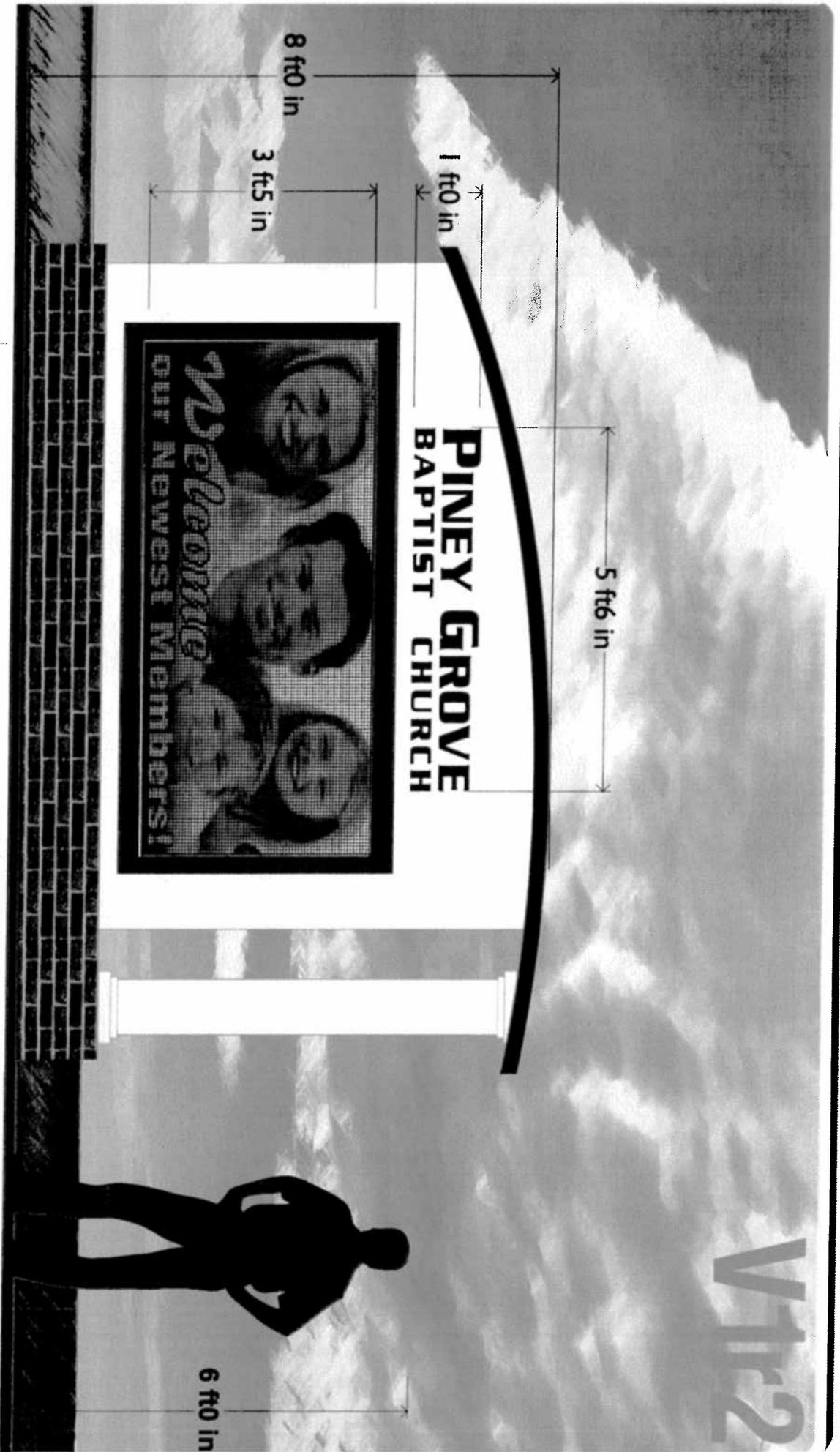
(28)

(29)

**WAKE COUNTY NOTES:**

1. FINAL ZONING AND SITE IMPROVEMENT INSPECTION SHALL BE REQUIRED TO VERIFY SITE PLAN COMPLIANCE BEFORE A CERTIFICATE OF COMPLIANCE IS ISSUED BY WAKE COUNTY BUILDING INSPECTIONS.
2. DETERIORATED OR DEAD SCREENING SHALL BE REPAIRED OR REPLACED WITHIN SIX MONTHS.

WILSON ROAD  
101  
OF WAY



**Proposal Drawing**

**Project:**  
**Piney Grove**  
**BAPTIST CHURCH**

**Location:**  
**Fuquay Varina, NC**

**Contact:**  
**Info:**

**Date:**

**Description:**

**Notes:**

**Drawn by:** C. L. BELLAMY

**Customer Approval**

**Date**

**Landlord Approval**

596 Church St.  
 Post Office Box 1090  
 ANGLER, NC 27501  
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 FAX (919) 639-0794  
 www.advancegraphics.com



7 ft 9 in

6 ft 0 in

5 ft 6 in

8 ft 0 in

3 ft 5 in

1 ft 0 in

V1r2