

ZONING HARDSHIP VARIANCE APPLICATION

Wake County

JUN 07 2011

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

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.

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

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 appurtenances) 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 ADJOINING 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.

WIDENING OF SMITHFIELD ROAD TO ADD LEFT TURN LANE

NOF WILLIAM F. WHICHARD
PIN 1763 20 4868
ZONED R-30
MOBILE HOME

NOF TOMMY OAKLEY
PIN 1763 20 9410
ZONED R-30
MOBILE HOME

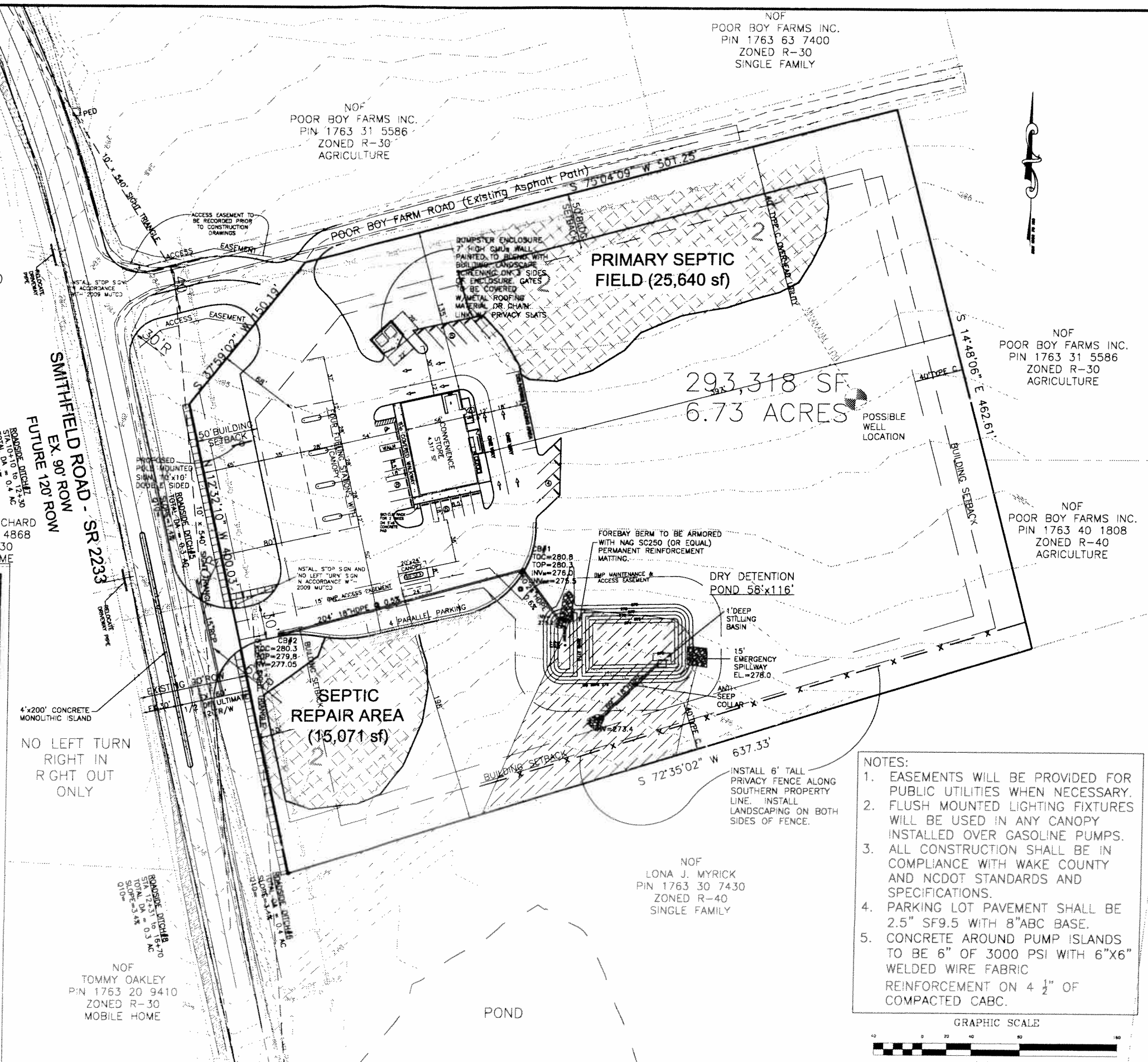
NOF POOR BOY FARMS INC.
PIN 1763 31 5586
ZONED R-30
AGRICULTURE

NOF POOR BOY FARMS INC.
PIN 1763 63 7400
ZONED R-30
SINGLE FAMILY

NOF POOR BOY FARMS INC.
PIN 1763 31 5586
ZONED R-30
AGRICULTURE

NOF POOR BOY FARMS INC.
PIN 1763 40 1808
ZONED R-40
AGRICULTURE

NOF LONA J. MYRICK
PIN 1763 30 7430
ZONED R-40
SINGLE FAMILY



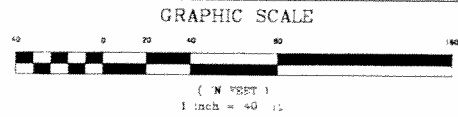
293,318 SF
6.73 ACRES

PRIMARY SEPTIC FIELD (25,640 sf)

SEPTIC REPAIR AREA (15,071 sf)

DRY DETENTION POND 58'x116'

- NOTES:
- EASEMENTS WILL BE PROVIDED FOR PUBLIC UTILITIES WHEN NECESSARY.
 - FLUSH MOUNTED LIGHTING FIXTURES WILL BE USED IN ANY CANOPY INSTALLED OVER GASOLINE PUMPS.
 - ALL CONSTRUCTION SHALL BE IN COMPLIANCE WITH WAKE COUNTY AND NCDOT STANDARDS AND SPECIFICATIONS.
 - PARKING LOT PAVEMENT SHALL BE 2.5" SF9.5 WITH 8"ABC BASE.
 - CONCRETE AROUND PUMP ISLANDS TO BE 6" OF 3000 PSI WITH 6"x6" WELDED WIRE FABRIC REINFORCEMENT ON 4 1/2" OF COMPACTED CABC.



SIGN HEIGHT NOT TO EXCEED 25'

Customer: Marathon PROJECT: 10/2011/01/01	Contractor: 10/2011/01/01
Drawn: J. Zickelbach 10/2011/01/01	Checked: 10/2011/01/01
Location & Date: 10/2011/01/01	Signature: 10/2011/01/01

RELEASED FOR CONSTRUCTION



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'

CMS Engineering
743 W. Johnson St., Suite C
Raleigh, NC 27603
PHONE: (919) 833-0830 FAX: (919) 833-1094

WIDENING OF SMITHFIELD ROAD TO ADD LEFT TURN LANE

NOF WILLIAM F. WHICHARD
PIN 1763 20 4868
ZONED R-30
MOBILE HOME

NOF POOR BOY FARMS INC.
PIN 1763 31 5586
ZONED R-30
AGRICULTURE

SINGLE FAMILY

NOF POOR BOY FARMS INC.
PIN 1763 31 5586
ZONED R-30
AGRICULTURE

NOF POOR BOY FARMS INC.
PIN 1763 40 1808
ZONED R-40
AGRICULTURE

293,318 SF
6.73 ACRES

NITROGEN EXPORT CALCULATIONS				
PROJECT NAME:		Poor Boy General Store		
CONDITION:		Proposed Condition		
DATE:		4-Apr-2011		
TYPE OF LAND COVER UNITS	SITE AREA IN SF	SITE ACRES	TN EXPORT COEFF. (LBS/AC/YR)	TN EXPORT BY LAND USE (LBS/YR)
Lot Area		6.73		
PERMANENTLY PRESERVED UNDISTURBED OPEN SPACE (30' Neuse Buffer)	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				0.00
Total Impervious	56,744.00			27.62
TOTAL		6.73		34.13
AVERAGE FOR SITE				5.07

BUYDOWN AMOUNT	SITE AVERAGE	ALLOWED AMOUNT	DIFFERENCE
	5.07	3.60	1.47

BUYDOWN AMOUNT	SITE AVERAGE	ALLOWED AMOUNT	DIFFERENCE
	4.56	3.60	0.96

SMITHFIELD ROAD - SR 2233
EX 90' ROW
FUTURE 120' ROW

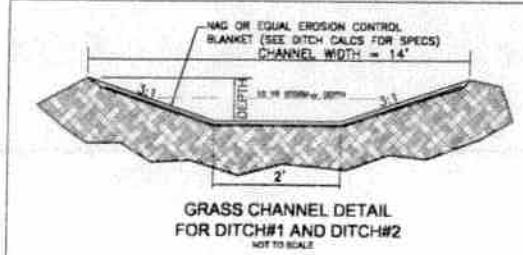
FT TURN HT IN T OUT NLY

POOR BOY FARM ROAD (Existing Asphalt Path)
S 75°04'09" W 501.25'

S 72°35'02" W 637.33'

NOF LONA J. MYRICK
PIN 1763 30 7430
ZONED R-40
SINGLE FAMILY

Storm Event	Pre condition	Post Condition	Post with Storage
2 Year Storm	5.28 cfs	9.10 cfs	0.42 cfs
10 Year Storm	14.42 cfs	19.97 cfs	8.12 cfs



DITCH #1 STABILIZATION	
Channel	Grass
Flow	1.00
Velocity	1.00
Depth	1.00
Width	1.00
Area	1.00
Perimeter	1.00
Hydraulic Radius	1.00
Velocity	1.00
Discharge	1.00

DITCH #2 STABILIZATION	
Channel	Grass
Flow	1.00
Velocity	1.00
Depth	1.00
Width	1.00
Area	1.00
Perimeter	1.00
Hydraulic Radius	1.00
Velocity	1.00
Discharge	1.00

Post Boy General Store & Grill WAKE COUNTY STORMWATER PRE & POST CALCULATIONS		EXISTING	
Existing Curve No.	Area (SF)	Type	MSD Area (sq ft)
A	11,111	Asphalt (Asph. Surf)	223,000
B	11,111	Grass (Grass)	18,750
C	11,111	Concrete (Concrete)	52,000
Composite CN			78.4

PROPOSED		EXISTING	
Proposed Curve No.	Area (SF)	Type	MSD Area (sq ft)
A	11,111	Asphalt (Asph. Surf)	177,200
B	11,111	Grass (Grass)	18,750
C	11,111	Concrete (Concrete)	15,750
Composite CN			40.07

RUNOFF FOR EXISTING CURVE NUMBER		RUNOFF FOR PROPOSED CURVE NUMBER	
Curve No.	Q (cfs)	Curve No.	Q (cfs)
78.4	11.1	40.07	1.1



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 7002
 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
 5.3.11 PER WAKE CO
 STORM COMMENTS

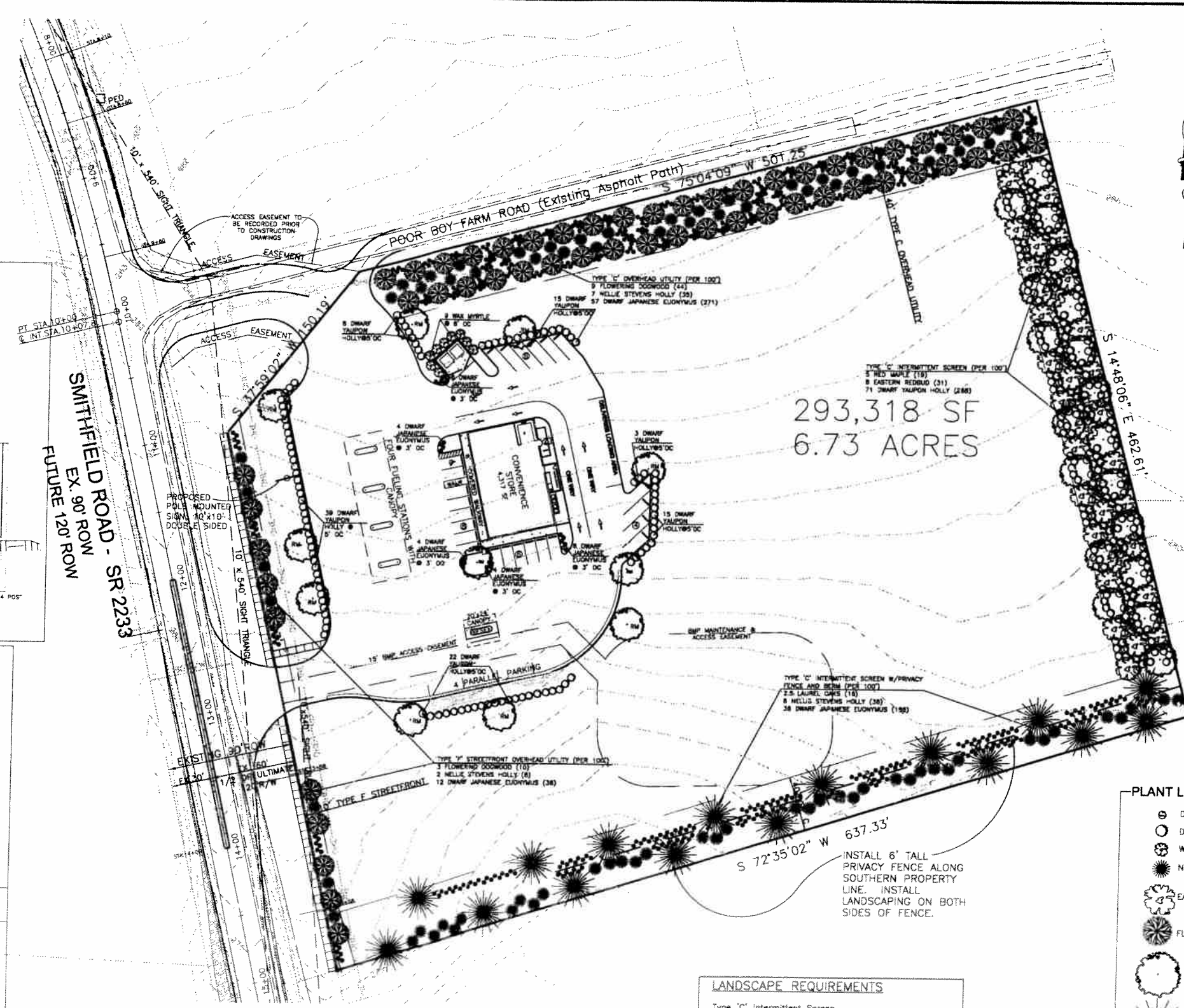
GRADING & DRAINAGE PLAN
 DWG NAME: POOR BOY CONST
 DRAWN: PDH
 CHECKED: CMS
 PLAN DATE: 02/11/2011
 DATE ISSUED: 04/13/2011
 SCALE: 1"=40'
 4 OF 11



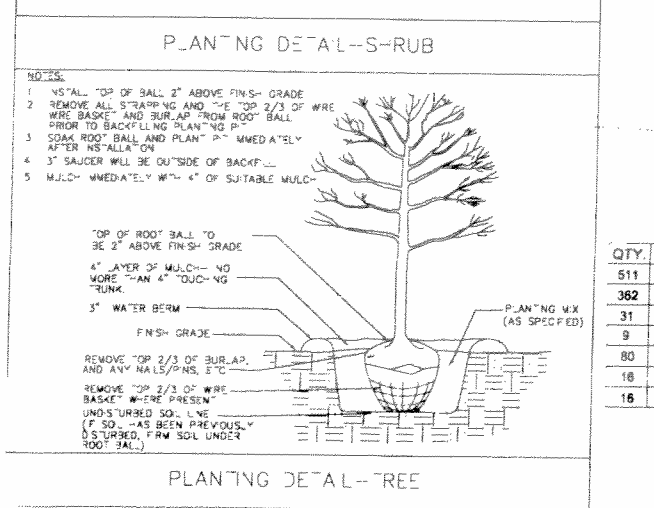
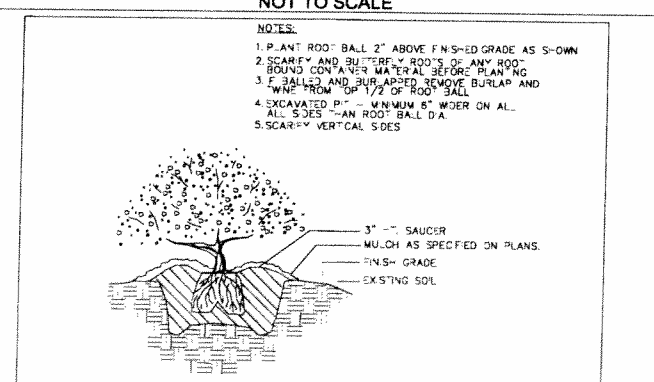
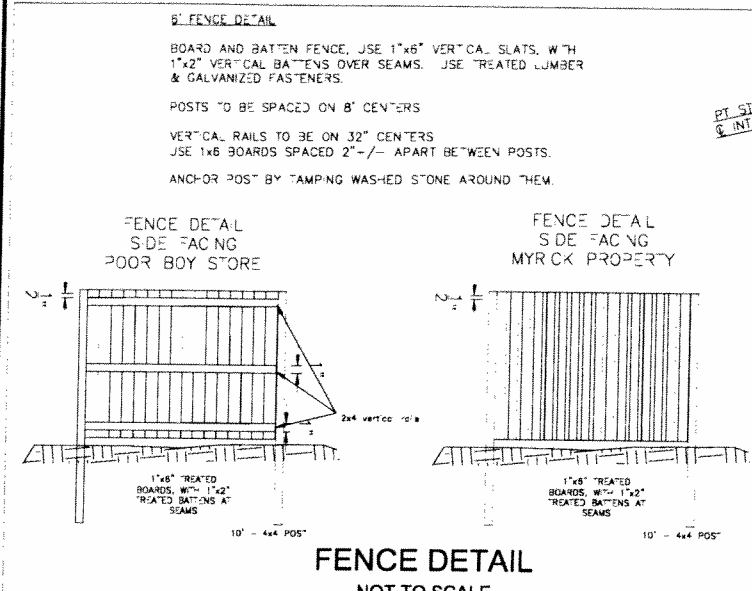
REVISIONS
4.4.11 PER WAKE CO. & NCDOT COMMENTS

LANDSCAPE PLAN

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



293,318 SF
 6.73 ACRES



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.
18	ACER RUBRUM	RED MAPLE	MIN. 12'HT., 2 1/2" CAL.
18	QUERCUS LAURIFOLIA	LAUREL OAK	MIN. 12'HT., 2 1/2" CAL.

LANDSCAPE REQUIREMENTS

Type 'C' Intermittent Screen
 Required per 100 feet (with 6' 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

