

AGENDA
WINSTON-SALEM ZONING BOARD OF ADJUSTMENT
2:00 P.M. - PUBLIC MEETING ROOM - BRYCE A. STUART MUNICIPAL BUILDING
Thursday, August 4, 2016

NOTE: ALL cases on the Zoning Board of Adjustment agenda are quasi-judicial in nature; as a result, NO communications should take place between yourself and the Zoning Board of Adjustments members prior to the public hearing.

- 1. PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL OF MEMBERS**
- 3. OPENING REMARKS**
- 4. APPROVAL OF MINUTES**
- 5. WITHDRAWAL OR CONTINUANCE REQUESTS**
- 6. HEARING & DETERMINATION OF CASES**

A. MANUFACTURED HOME RENEWALS (CONSENT)

ELIZABETH BEAUCHAMP

Case # **5382**

Request permission to continue to place a Manufactured Home, Class B on an .85-acre tract of land located at 910 Teague Road, approximately 900 feet west of South Oak Drive. Property is zoned RS9. Tax Block 3667, Tax Lots 204B and 205.

- Application – Case #5382
- Picture of Sign Posting(s) - Case #5382
- Other Site Photos - Case #5382

HORTIS COX
(HAROLD COX)

Case # **5383**

Request permission to continue to occupy a secondary dwelling (Manufactured Home, Class C) on a 31.97-acre tract of land with an existing dwelling located at 4855 Kester Mill Court (private drive), (secondary dwelling address is 4845 Kester Mill Court), approximately 550 feet south of Kester Mill Road. Property is zoned RS-9. Tax Block 3904, Tax Lot 1.

- Application – Case #5383
- Picture of Sign Posting(s) - Case #5383
- Other Site Photos - Case #5383

WAYNE WILSON
ELLA WILSON
Case # **5384**

Request permission to continue to place a Manufactured Home, Class A on a .24-acre tract of land located at 4215 Tise Avenue, approximately 100 feet north of Ontario Street. Property is zoned RS9. Tax Block 1517, Tax Lot 292.

- Application – Case #5384
- Picture of Sign Posting(s) - Case #5384
- Other Site Photos - Case #5384

OLIVIA HABANA
MARIA HABANA
(IRVING HABANA)
Case # **5389**

Request permission to continue to place a Manufactured Home, Class A on a .73-acre tract of land located at 2775 Oak Grove Circle, at the intersection of Shattalon Drive. Property is zoned RS-9. Tax Block 3490, Tax Lot 224.

- Application – Case #5389
- Picture of Sign Posting(s) - Case #5389
- Other Site Photos - Case #5389

PAUL MCCRAY
Case # **5390**

Request permission to continue to place a Manufactured Home, Class A on a 1-acre tract of land located at 4757 Bell West Drive, approximately 1400 feet north of Linville Road. Property is zoned RS9. Tax Block 5429, Tax Lots 023 and 111.

- Application – Case #5390
- Picture of Sign Posting(s) - Case #5390
- Other Site Photos - Case #5390

RAYMUNDO ARREDONDO
Case # **5396**

Request permission to continue to place a Manufactured Home, Class A on a 1.05-acre tract of land located at 2731 Ann Lane, approximately 800 feet west of Miller Road. Property is zoned RS9. Tax Block 3490, Tax Lot 048C.

- Application – Case #5396
- Picture of Sign Posting(s) - Case #5396
- Other Site Photos - Case #5396

**B. MANUFACTURED HOME RENEWALS (NONCONSENT)
No Applications**

**C. OTHER SPECIAL USE PERMIT RENEWALS
No Applications**

D. SPECIAL USE PERMITS FOR MANUFACTURED HOMES (NEW)

COVENANT BAPTIST FELLOWSHIP INC
(ELMER SANTA MARIA)

Case # **5351**
Withdrawn by Applicant

Request permission to place a Manufactured Home, Class A on a .33-acre tract of land located at 3734 Clinard Avenue, approximately 1175 feet South of West Clemmons Road. Property is zoned RS9. Tax Block 2084, Tax Lot 055.

- Application – Case #5351
- Site Plan – Case #5351
- Staff Report – Case #5351
- Picture of Sign Posting(s) - Case #5351
- Other Site Photos - Case #5351
- Withdrawal Request – Case #5351

E. OTHER SPECIAL USE PERMITS (NEW)

JOY SCHEIDT

Case # **5368**
Con't from July

Request permission to occupy a secondary dwelling on a .32-acre tract of land with a proposed dwelling located at 2116 Queen St. (Secondary address is 2114 Queen St.) Located between Irving St. and Miller St. Property is zoned RS9. Tax Block 1074, Tax Lot 090.

- Application – Case #5368
- Site Plan – Case #5368
- Staff Report – Case #5368
- Picture of Sign Posting(s) - Case #5368
- Other Site Photos - Case #5368

TIMOTHY MCGOWEN
(BEN HOOVER)

Case # **5388**

TO ESTABLISH SECONDARY DWELLING AT 2301
GEORGIA AVE, BLOCK 1914 LOT 001

- Application – Case #5388
- Site Plan – Case #5388
- Staff Report – Case #5388
- Picture of Sign Posting(s) - Case #5388
- Other Site Photos - Case #5388

F. VARIANCES

JUAN GARCIA
GLORIA GARCIA
Case # **5359**
Con't from July

Requesting variance of side yard requirements on a .28 acre tract of land located at 2906 Thomasville Rd, approximately 450 feet southeast of E Clemmons Rd. Property is zoned RS-9. Tax Block 1624E Lot 009.

- Application – Case #5359
- Site Plan – Case #5359
- Staff Report – Case #5359
- Picture of Sign Posting(s) - Case #5359
- Other Site Photos - Case #5359

ITAC12 LLC
(BRIAN KRUMENACKER)
Case # **5367**
Con't from July

Requesting variance of Type III Buffer Yard, on a 5.87 acre tract of land located at 4870 Country Club Road corner of Country Club Rd. and Ryandale Rd. Property is Zoned HB-S. Block is 3976 Lot 604.

- Application – Case #5367
- Site Plan – Case #5367
- Staff Report – Case #5367
- Picture of Sign Posting(s) - Case #5367
- Other Site Photos - Case #5367

JUANA JASSO
Case # **5369**
Con't from July

Request variance of side yard requirement on a 0.16 acre tract of land located at 1920 Daisy St, approximately 200 feet east of Waterbury St. Property is zoned RS9. Tax Block 1719, Lot 201.

- Application – Case #5369
- Site Plan – Case #5369
- Staff Report – Case #5369
- Picture of Sign Posting(s) - Case #5369
- Other Site Photos - Case #5369

DAVIS VU
LISA CASSIDY VU
Case # **5378**

Request variance of rear yard requirements on a .63 acre tract of land located at 611 Litchfield Rd. approximately 200 feet North of Kirklees Rd. Property is zoned RS9. Tax Block 3571, Tax Lot 020.

- Application – Case #5378
- Site Plan – Case #5378
- Other Supporting Documentation – Case #5378
- Staff Report – Case #5378
- Picture of Sign Posting(s) - Case #5378
- Other Site Photos - Case #5378

SOUTH PARK BIZ CENTER
(HAROLD HOOVER)

Case # **5385**

Requesting street yard variance on property located at 1215 W. Clemmons RD. 250 Feet East of Peters Creek Pkwy. Property is zoned HB-S. Tax block is 6175 lots 005a and 006a.

- Application – Case #5385
- Site Plan – Case #5385
- Other Supporting Documentation – Case #5385
- Staff Report – Case #5385
- Picture of Sign Posting(s) - Case #5385
- Other Site Photos - Case #5385

G. APPEALS

JAMES GLASS
(NING LIU)

Case # **5227**
Con't from June

Appealing Zoning officer decision to revoke home occupation permit on a .77 acre tract of land located at 3206 Polo Rd. Property is zoned RS9. Block 3410 lot 069D

- Application – Case #5227
- Letter from Appellant – Case #5227
- Picture of Sign Posting(s) - Case #5227
- Other Site Photos - Case #5227

7. UNFINISHED BUSINESS



100 East First Street
Winston-Salem, NC 27101
(336) 727-2628

Case # 5382

CITY ZONING BOARD OF ADJUSTMENT SPECIAL USE PERMIT (RENEWAL) APPLICATION

Prop Addr: 910 TEAGUE RD
WINSTON-SALEM, NC 27107 -

Owner: ELIZABETH BEAUCHAMP
Address: 910 TEAGUE RD
WINSTON-SALEM,, NC 27107 -

Phone.: (336)473-9663 x

Applicant:

Address:

Phone:

Details:

MANUFACTURED HOME RENEWAL-CONSENT
CLASS B

The above owner or applicant is requesting that this renewal application be presented to, and heard by the Winston-Salem Zoning Board of Adjustment at a meeting to be held on **8/4/2016, at 2:00 P.M.**, in the **Bryce A. Stuart Municipal Building Public Meeting Room, Suite 530, Fifth Floor of City Hall South, 100 E. First Street, Winston-Salem, NC.**

As part of your application, and included in your filing fee of \$50.00, a legal notice is published in the Winston-Salem Journal and the Inspections division furnishes you with a sign(s) which must be posted in a conspicuous place on the premises prior to the date of the hearing. The sign(s) must be attached to sufficient support and be clearly visible from a public street. If the property is located on the corner of two public streets or has frontage on more than one public street, a sign needs to be placed on each public street. If the property is on a private street or access easement, a second sign or lead in sign will need to be placed at the public street.

SIGN POSTING DATE IS 7/24/2016 BY 9:00 A.M. THE SIGN MUST BE LEFT UP UNTIL AFTER THE PUBLIC HEARING. Failure to comply with these posting instructions will result in delay of the application and postponement of the hearing and decision to a later scheduled public hearing.

ELIZABETH BEAUCHAMP

Case # 5382

Request permission to continue to place a Manufactured Home, Class B on a .85-acre tract of land located at 910 Teague Road, approximately 900 feet west of South Oak Drive. Property is zoned RS9. Tax Block 3667, Tax Lots 204B and 205.

I HAVE READ THE ABOVE INFORMATION AND UNDERSTAND THE REQUIREMENTS

I hereby certify that all of the information contained in this application for a Special Use Permit Renewal is correct. If executed by an individual for a corporate entity, I certify that I am duly authorized to sign on behalf of the corporate entity.

Applicant Signature

Date

FEE \$50.00

City of Winston-Salem

ZONING BOARD OF ADJUSTMENT

For Information Call: 727-2101

REQUEST FOR: *SPECIAL USE PERMIT*

RENEWAL-MANUFACTURED HOME

PUBLIC HEARING CASE#

AUGUST 4, 2016 5382

2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING





100 East First Street
Winston-Salem, NC 27101
(336) 727-2628

Case # 5383

CITY ZONING BOARD OF ADJUSTMENT SPECIAL USE PERMIT (RENEWAL) APPLICATION

Prop Addr: 4855 KES TER MILL CT
WINSTON-SALEM, NC 27103 -

Owner: HORTIS COX
Address: 4835 KESTER MILL RD
WINSTON-SALEM,, NC 2710 3-

Phone.:

Applicant: HAROLD COX
Address: 4855 KESTER MILL CT
WINSTON SALEM, NC 27103

Phone:

Details:

ACCESSORY DWELLING-CONSENT

MH Class C

Accessory Building Occupant: V ACANT

Principal Building Occupant: JUDY COX Relationship:

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HORTIS COX
(HAROLD COX)

Case # **5383**

Request permission to continue to occupy a secondary dwelling (Manufactured Home, Class C) on a 31.97-acre tract of land with an existing dwelling located at 4855 Kester Mill Court (private drive), (secondary dwelling address is 4845 Kester Mill Court), approximately 550 feet south of Kester Mill Road. Property is zoned RS-9. Tax Block 3904, Tax Lot 1.

I HAVE READ THE ABOVE INFORMATION AND UNDERSTAND THE REQUIREMENTS

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Applicant Signature

Date

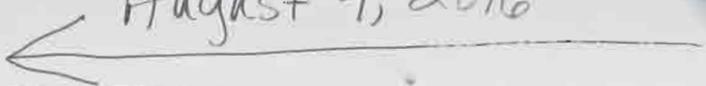
FEE \$50.00

City of Winston-Salem
ZONING BOARD OF ADJUSTMENT
For Information Call: 727-2101

REQUEST FOR: *SPECIAL USE-Renewal*
Manufactured Home Permit

PUBLIC HEARING *CASE #*
535B

August 4, 2016



2:00 PM - FIFTH FLOOR - BRYCEIA STUART MUNICIPAL BUILDING



YSM-5668





MAN CAVE



100 East First Street
Winston-Salem, NC 27101
(336) 727-2628

Case # 5384

CITY ZONING BOARD OF ADJUSTMENT SPECIAL USE PERMIT (RENEWAL) APPLICATION

Prop Addr: 4215 T ISE AVE
WINSTON-SALEM, NC 27105 -

Owner: WAYNE WILSON
Address: 4215 TISE AVE
WINSTON-SALEM,, NC 2710 5-

Phone.: (336)417-3594 x

Applicant:
Address:

Phone:

Details:

MANUFACTURED HOME RENEWAL-CONSENT
CLASS A

The above owner or applicant is requesting th at this renewal application be presented to, and heard by the Winston-Salem Zoning Board of Adjustment at a meeting to be held on **8/4/2016**, at **2:00 P.M.**, in the **Bryce A. Stuart Municipal Building Public Meeting Room, Suite 530, Fifth Floor of City Hall South, 100 E. First Street , Winston-Salem, NC.**

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WAYNE WILSON
ELLA WILSON

Case # 5384

Request permission to continue to place a Manufactured Home, Class A on a .24-acre tract of land located at 4215 Tise Avenue, approximately 100 feet north of Ontario Street. Property is zoned RS9. Tax Block 1517, Tax Lot 292.

I HAVE READ THE ABOVE INFORMATION AND UNDERSTAND THE REQUIREMENTS

I hereby certify that all of the information contained in this application for a Special Use Permit Renewal is correct. If executed by an individual for a corporate entity, I certify that I am duly authorized to sign on behalf of the corporate entity.

Applicant Signature

Date

FEE \$50.00





100 East First Street
Winston-Salem, NC 27101
(336) 727-2628

Case # 5389

CITY ZONING BOARD OF ADJUSTMENT SPECIAL USE PERMIT (RENEWAL) APPLICATION

Prop Addr: 2775 OAK GROVE CIR
WINSTON-SALEM, NC 27106 -

Owner: OLIVIA HABANA
Address: 2775 OAK GROVE CIR
WINSTON-SALEM,, NC 2710 6-

Phone.:

Applicant: IRVING HABANA
Address: 2775 OAK GROVE CIR
WINSTON SALEM, NC 27106-9675

Phone:

Details:
MANUFACTURED HOME RENEWAL-CONSENT
CLASS A

The above owner or applicant is requesting th at this renewal application be p resented to, and heard by the Winston-Salem Zoning Board of Adjustment at a meeting to be held on **8/4/2016**, at **2:00 P.M.**, in the **Bryce A. Stuart Municipal Buildi ng Public Meeting Room, Suite 530, Fifth Floor of City Hall South, 100 E. First Street , Winston-Salem, NC.**

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OLIVIA HABANA
MARIA HABANA
(IRVING HABANA)

Case # **5389**

Request permission to continue to place a Manufactured Home, Class A on a .73-acre tract of land located at 2775 Oak Grove Circle, at the intersection of Shattalon Drive. Property is zoned RS-9. Tax Block 3490, Tax Lot 224.

I HAVE READ THE ABOVE INFORMATION AND UNDERSTAND THE REQUIREMENTS

I hereby certify that all of the information contained in this application for a Special Use Permit Renewal is correct. If executed by an individual for a corporate entity, I certify that I am duly authorized to sign on behalf of the corporate entity.

Applicant Signature

Date

FEE \$50.00

City of Winston-Salem

ZONING BOARD OF ADJUSTMENT

For Information Call: 727-2101

REQUEST FOR: SPECIAL USE Permit
Renewal - Manufactured Home

PUBLIC HEARING

CASE #

August 4, 2016

5389

2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING





100 East First Street
Winston-Salem, NC 27101
(336) 727-2628

Case # **5390**
CITY ZONING BOARD OF ADJUSTMENT
SPECIAL USE PERMIT (RENEWAL)
APPLICATION

Prop Addr: 4757 BELL WEST DR
KERNERSVILLE, NC 27284-
Owner: PAUL MCCRAY
Address: 4757 BELL WEST DR
KERNERSVILLE,, NC 27284-
Phone.: (336)788-9111 x

Applicant:
Address:
Phone:

Details:
MANUFACTURED HOME RENEWAL-CONSENT
CLASS A

The above owner or applicant is requesting th at this renewal application be presented to, and heard by the Winston-Salem Zoning Board of Adjustment at a meeting to be held on **8/4/2016**, at **2:00 P.M.**, in the **Bryce A. Stuart Municipal Building Public Meeting Room, Suite 530, Fifth Floor of City Hall South, 100 E. First Street , Winston-Salem, NC.**

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PAUL MCCRAY

Case # **5390**

Request permission to continue to place a Manufactured Home, Class A on a 1-acre tract of land located at 4757 Bell West Drive, approximately 1400 feet north of Linville Road. Property is zoned RS9. Tax Block 5429, Tax Lots 023 and 111.

I HAVE READ THE ABOVE INFORMATION AND UNDERSTAND THE REQUIREMENTS

I hereby certify that all of the information contained in this application for a Special Use Permit Renewal is correct. If executed by an individual for a corporate entity, I certify that I am duly authorized to sign on behalf of the corporate entity.

Applicant Signature

Date

FEE \$50.00

City of Winston-Salem

ZONING BOARD OF ADJUSTMENT

For Information Call: 727-2101

REQUEST FOR: *SPECIAL USE PERMIT*

RENEWAL-MANUFACTURED HOME

PUBLIC HEARING CASE #

August 04, 2016 *5390*

2:00 PM - FIFTH FLOOR - BRYCE A. STUART, MEDICAL CENTER





5396

**Case #
CITY ZONING BOARD OF ADJUSTMENT
SPECIAL USE PERMIT (RENEWAL)**

APPLICATION

100 East First Street
Winston-Salem, NC 27101
(336) 727-2628
Prop Addr: 2731 ANN LN
WINSTON-SALEM, NC 27106-
Owner: RAYMUNDO ARREDONDO
Address: 2731 ANN LN
WINSTON-SALEM,, NC 27106-

Applicant:
Address:

Phone.: Phon

e:

Details:

MANUFACTURED HOME RENEWAL-CONSENT
CLASS A

The above owner or applicant is requesting that this renewal application be presented to, and heard by the Winston-Salem Zoning Board of Adjustment at a meeting to be held on **8/4/2016**, at **2:00 P.M.**, in the **Bryce A. Stuart Municipal Building Public Meeting Room, Suite 530, Fifth Floor of City Hall South, 100 E. First Street , Winston-Salem, NC.**

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RAYMUNDO ARREDONDO

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I hereby certify that all of the information contained in this application for a Special Use Permit Renewal is correct. If executed by an individual for a corporate entity, I certify that I am duly authorized to sign on behalf of the corporate entity.

Applicant Signature

Date

FEE

\$50.00

City of Winston-Salem

ZONING BOARD OF ADJUSTMENT

For Information Call: 727-2101

REQUEST FOR: S PECIAL USE Permit
Renewal Manufactured-Home

PUBLIC HEARING

CASE #
5396

Hearing Date

August 4, 2016

5:00 PM - FIFTH FLOOR - RYCE A. STUART MUNICIPAL BUILDING



City of Winston-Salem
ZONING BOARD OF ADJUSTMENT
For Information Call: 727-2101
REQUEST FOR:
PUBLIC HEARING

Bill Long

From: Clavette, Marcelle <Marcelle.Clavette@ClaytonHomes.com>
Sent: Monday, June 27, 2016 1:30 PM
To: Bill Long
Cc: Hembree, Jake; Hicks, Scott
Subject: Case #5351 - July 7th meeting

Bill,

Please remove case 5351 from the July 7th docket. The applicant, Elmer Santamaria, does not wish to pursue obtaining a manufactured home for 3734 Clinard Drive, WS.

Thanks!

Marcelle Clavette

Clayton Homes of Winston Salem #67

Office: (336) 661-1999

Fax: (336) 767-6100

marcelle.clavette@claytonhomes.com

PLEASE READ THE FOLLOWING

This message and the accompanying document(s) contain information that belongs to the sender and may contain information that is privileged, confidential, or exempt from disclosure under applicable law. If the recipient of this email is not the intended recipient, you are hereby notified that you are strictly prohibited from receiving, disseminating, distributing, copying, or taking action in reliance on the content of this communication. If you have received this email in error, please notify the sender immediately and destroy the original communication. Thank you.



Case # 5368
CITY ZONING BOARD OF ADJUSTMENT
SPECIAL USE PERMIT (NEW)
APPLICATION

100 East First Street
Winston-Salem, NC 27101
(336) 727-2628

Prop Addr: 2116 QUEE N ST
WINSTON-SALEM, NC 27103 -

Owner: JOY SCHEIDT
Address: 2116 QUEEN ST
WINSTON-SALEM,, NC 2710 3-

Phone.: (336)758-2161 x

Applicant:

Address:

Phone:

Details:

ACCESSORY DWELLING

Building

Accessory Building Occupant:

Principal Building Occupant:

Relationship:

The above owner or applicant is requesting that this application be presented to, and heard by the Winston-Salem Zoning Board of Adjustment at a meeting to be held on 7/7/2016, at 2:00 P.M., in the Bryce A. Stuart Municipal Building Public Meeting Room, Suite 530, Fifth Floor of City Hall South, 100 E. First Street , Winston-Salem, NC.

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SIGN POSTING DATE IS 6/26/2016 BY 9:00 A.M. THE SIGN MUST BE LEFT UP UNTIL AFTER THE PUBLIC HEARING. Failure to comply with these posting instructions will result in delay of the application and postponement of the hearing and decision to a later scheduled public hearing.

JOY SCHEIDT

Case # 5368

Request permission to occupy a secondary dwelling on a .32-acre tract of land with a proposed dwelling located at 2116 Queen St.(Secondary address is 2114 Queen St.) Located between Irvingin St. and Miller St. Property is zoned RS9. Tax Block 1074, Tax Lot 090.

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I hereby certify that all of the information contained in this application for a Special Use Permit is correct. If executed by an individual for a corporate entity, I certify that I am duly authorized to sign on behalf of the corporate entity.

Applicant Signature

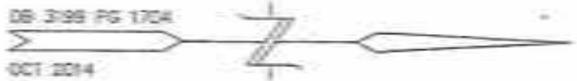
Date

I certify that this map was drawn under my supervision from an actual survey made under my supervision (description recorded in DB 3198, PG 1704, or other reference source) and that the boundaries not surveyed are indicated as drawn from information in DB 3198, PG 1704, or other reference source and that this map meets the requirements of the Standards of Practice for Land Surveying in North Carolina (21 N.C.A.C. 56.1600), Thursday of Sept. 2, 2010.

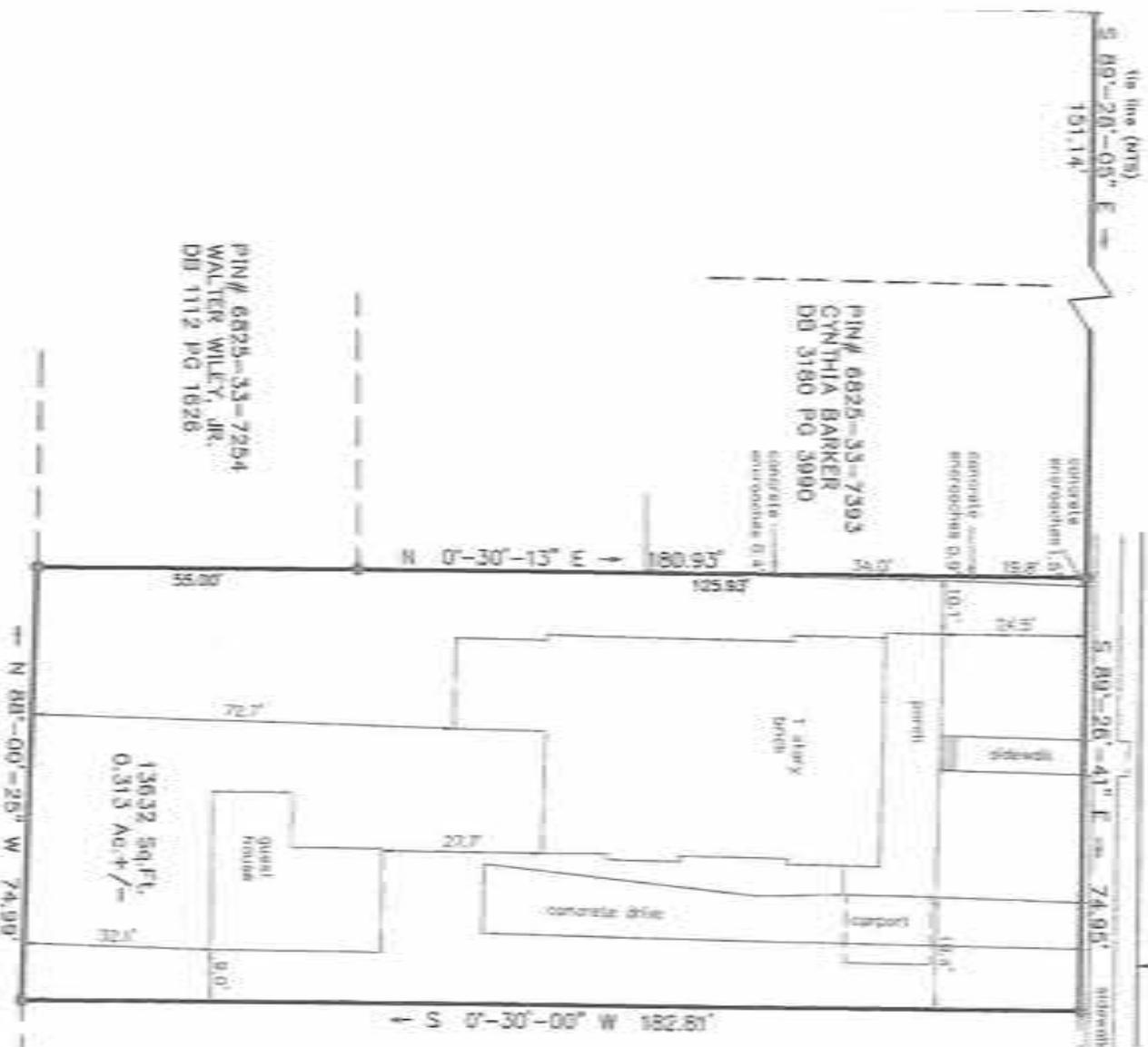


THIS MAP IS SUBJECT TO ANY EASEMENTS OR RIGHTS-OF-WAY OR RECORD PRIOR TO THE DATE OF THIS MAP WHETHER VISIBLE OR NOT TITLE SEARCH NOT PROVIDED.

David Bradley
Professional Land Surveyor



QUEEN STREET 50' R/W (public)



PIN# 6825-33-7254
WALTER WILEY, JR.
DB 1112 PG 1626

PIN# 6825-33-7393
CYNTHIA BARKER
DB 3180 PG 3990

PIN# 6825-33-9331
CORNELIA ROY
DB 3088 PG 3980

PIN# 6825-33-7198
WALTER WILEY, JR.
DB 906 PG 38



- (M) WATER METER
- (S) SEWER MANHOLE
- (F) IRON FOUND
- (I) IRON SET
- (M) MONUMENT
- (P) PROPERTY LINE (surveyed)
- (---) PROPERTY LINE (NOT SURVEYED)
- (*) POINT NOT MONUMENTED
- (---) RIGHT-OF-WAY
- (---) RUNNING WATER
- (---) OVERHEAD POWER LINE
- (---) POWER POLE

MAP FOR **MATT SCHEIDT**

SCALE	COUNTY	TOWNSHIP	DATE	PREC. NAD 83
1" = 30'	FORESTH	WINSTON	21 OCT 2010	1.1 10.0
PROPERTY DECS. TAX MAP #18850 BLOCK 1074 TAX LOT 090,091,092				
PIN# 6825-33-6301 REF DB 3198 PG 1704				
DRAWN BY	COR FORESTRY & SURVEYING P-01411			JOB #
MIC	P.O. BOX 30 WALLBURG, N.C. 27573			18202
	PHONE/FAX (336) 768-4673			SURVEYED BY
				DHYDK



CASE # 5368

**CITY OF WINSTON-SALEM ZONING BOARD OF ADJUSTMENT
SPECIAL USE PERMIT STAFF REPORT
AUGUST 4, 2016**

CASE #:	5368	PERMIT REQUEST:	Permission to establish a detached accessory dwelling in an existing structure
STAFF:	Desmond C. Corley		
PETITIONER(S):	Joy Scheidt	LOCATION:	2114 Queen Street (.32 acre, between Miller Street and Irving Street)

BACKGROUND:

The *Unified Development Ordinances* (UDO) allows detached accessory dwellings to be placed or established, provided they meet certain requirements. One such requirement is a special use permit issued by the Board of Adjustment.

Detached accessory dwellings must comply with all dimensional requirements applicable to accessory structures¹. Additionally, only one accessory dwelling (attached or detached) may be permitted on the same lot. The petitioner requests to establish a secondary dwelling unit in an existing detached accessory building. The subject property is zoned RS12.

REQUIRED FINDINGS:

To issue a Special Use Permit, the Board must find the following in the affirmative:

- a) The use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;
- b) The use meets all required conditions and specifications;
- c) The use will not substantially injure the value of adjoining or abutting property, or the use is a public necessity; and
- d) The location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with *Legacy*.

¹ Location: Side or rear yard
Maximum height: 17 feet
Required setback from front property line: 75 feet
Required setback from rear and/or side property lines: 3 feet
Minimum separation from principal structure: 3 feet
Maximum area: Five percent (5%) of the actual size of the zoning lot or the minimum permitted lot size of the zoning district, whichever is larger, and no more than twenty-five percent (25%) of the area of a required side or rear yard

Staff is not qualified to make certifiable assessments with regard to property values, but we do not believe that the use poses any significant threat to the value of adjoining or abutting properties, as the proposed use and existing structure are set far back from the nearby street rights-of-way and are also not particularly close to existing single-family homes on adjoining properties. Any additional parking necessitated by the use can be accommodated completely within the subject property's boundaries. These points lead us to conclude that the location and character of the use will not disrupt the harmony of the area in which it is located.

The subject property is located within Growth Management Area 2 (GMA 2) – Urban Neighborhoods. *Legacy* promotes the concept of gentle density and encourages the use of accessory dwelling units in appropriate locations. The corresponding area plan recognizes the subject property as appropriate for single-family residential use.

RECOMMENDATION: Approval, per plan on file

In approving an application for the issuance of a special use permit, the Board of Adjustment may impose additional reasonable and appropriate conditions and safeguards to protect the public health and safety, and the value of neighboring properties, and the health and safety of neighboring residents. [Chapter B, Article 6-1.4(A)(3)]

City of Winston-Salem
ZONING BOARD OF ADJUSTMENT
For Information Call: 727-2101

REQUEST FOR: *SPECIAL USE PERMIT*
FOR SECONDARY DWELLING
PUBLIC HEARING CASE #
JULY 7, 2016 *5368*

2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING









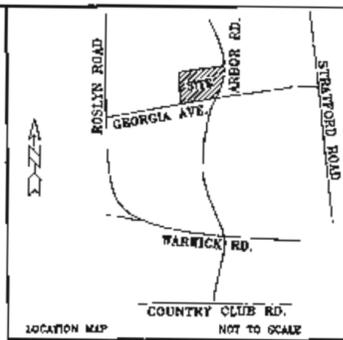
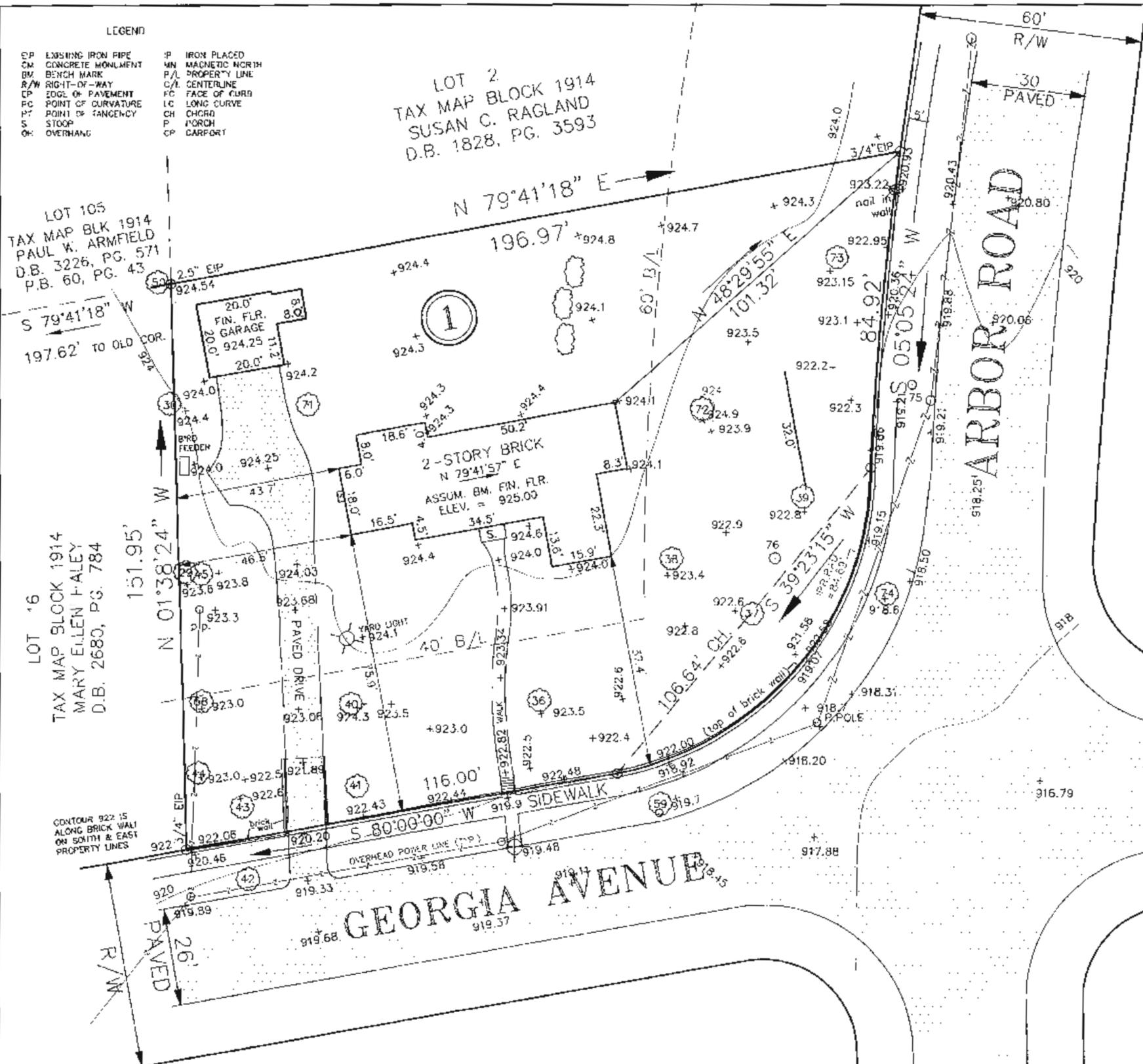
LEGEND

- EP EXISTING IRON PIPE
- CM CONCRETE MONUMENT
- BM BENCH MARK
- R/W RIGHT-OF-WAY
- CP EDGE OF PAVEMENT
- PC POINT OF CURVATURE
- PT POINT OF TANGENCY
- S STOOP
- OH OVERTHANG
- IP IRON PLACED
- MN MAGNETIC NORTH
- P/L PROPERTY LINE
- C/L CENTERLINE
- FC FACE OF CURB
- LC LONG CURVE
- CH CHORD
- P PORCH
- CP CARPORT

LOT 2
TAX MAP BLOCK 1914
SUSAN C. RAGLAND
D.B. 1828, PG. 3593

LOT 105
TAX MAP BLK 1914
PAUL W. ARMFIELD
D.B. 3226, PG. 571
P.B. 60, PG. 43

LOT '16
TAX MAP BLOCK 1914
MARY ELLEN FALEY
D.B. 2680, PG. 784



TREE DETAIL

NO.	DESCRIPTION	DIAM.
29	BLACK MAPLE	1.0'
30	BLACK MAPLE	1.10'
36	RED OAK	2.40'
37	RED OAK	2.50'
38	RED OAK	3.31'
39	RED OAK	3.80'
40	WHITE OAK	2.83'
41	PEACH LEAF WILLOW	1.00'
42	WILLOW OAK	1.43'
43	HACK BERRY	1.00'
44	SUGAR BERRY	1.75'
45	COMMON CHOKLE CHERRY	0.80'
50	WHITE OAK	5.20'
58	SWAMP COTTONWOOD	1.50'
59	NORTHERN RED OAK	1.35'
71	ENGLISH HOLLY	0.80'
72	WHITE OAK	3.25'
73	SOUTHERN MAGNOLIA	1.00'
74	BLACK TUPELO	0.90'
75	BRADFORD PEAR	0.60'
76	SOUTHERN MAGNOLIA	0.50'



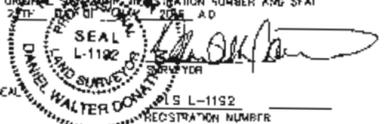
REFERENCE NORTH
REF: P.B. 7, PG. 64. 7/28

NOTE
BUSHES NOT SHOWN

FLOOD ZONE X
LEWA COMMUNITY PANEL 1.0
MAP REVISED 01/02/09
MAP NOT FOR RECORDATION
OWN AREA = 0.0178 ACRES +-

NOTE:
THIS MAP OR DRAWING AND ANY ACCOMPANYING DOCUMENTS ARE FURNISHED TO THE PERSON(S) NAMED THEREON AND NO ALTERATIONS OR USE BY OTHERS IS PERMITTED UNLESS AUTHORIZED BY UNITED LIMITED ENGINEERING AND LAND SURVEYING, P.A.
THIS PLAT IS SUBJECT TO ANY EASEMENTS, AGREEMENTS, OR RIGHTS-OF-WAY OF RECORD PRIOR TO THE DATE OF THIS PLAT, EVIDENCE OF WHICH WAS NOT VISIBLE AT THE TIME OF OUR INSPECTION.

I, DANIEL W. DONATHAN, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK PAGE (L.C.) (OTHER) THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN DEED BOOK PAGE THAT THE RATIO OF REDUCTION OF SCALE IS 1:15,000. THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED, UNLESS MY ORIGINAL SURVEY REGISTRATION NUMBER AND SEAL THIS THE 27th DAY OF NOVEMBER 2004 A.D.



PROPERTY ADDRESS:
2301 GEORGIA AVENUE

MAP FOR:
TIMOTHY W. MCGOWEN
WINSTON TOWNSHIP, FORSYTH COUNTY, N. C.
BEING KNOWN AS LOT 1, AS SHOWN ON THE
PLAT OF WEST HIGHLANDS, SECTION 1, BLOCK 2
AND RECORDED IN DEED BOOK 2815, PAGE 17

SCALE: 1" = 20' DATE: 5-27-10



UNITED LIMITED
ENGINEERING AND LAND SURVEYING, P.A.
1022 WEST FIRST STREET, SUITE 103
WINSTON-SALEM, NC 27101 (336) 723-8683
FAX: 336-723-3512 E-MAIL: UNLTDENG@AOL.COM

CASE 5388



100 East First Street
Winston-Salem, NC 27101
(336) 727-2628

Case # 5388

CITY ZONING BOARD OF ADJUSTMENT SPECIAL USE PERMIT (NEW) APPLICATION

Prop Addr: 2301 GEORGIA AVE
WINSTON-SALEM, NC 27104-

Owner: TIMOTHY MCGOWEN
Address: 2301 GEORGIA AVE
WINSTON-SALEM,, NC 27104-

Phone.:

Applicant: BEN HOOVER
Address: 461 WEST END BLVD NEW
WINSTON SALEM, NC 27101
Phone: (336)724-3003 x

Details:

ACCESSORY DWELLING

Building

Accessory Building Occupant: GUEST HOUSE

Principal Building Occupant: TIMOTHY MCGOWEN

Relationship: OTHER DE

The above owner or applicant is requesting that this application be presented to, and heard by the Winston-Salem Zoning Board of Adjustment at a meeting to be held on **8/4/2016**, at **2:00 P.M.**, in the **Bryce A. Stuart Municipal Building Public Meeting Room, Suite 530, Fifth Floor of City Hall South, 100 E. First Street , Winston-Salem, NC.**

As part of your application, and included in your filing fee of \$100.00, a legal notice is published in the Winston-Salem Journal and the Inspections division furnishes you with a sign(s) which must be posted in a conspicuous place on the premises prior to the date of the hearing. The sign(s) must be attached to sufficient support and be clearly visible from a public street. If the property is located on the corner of two public streets or has frontage on more than one public street, a sign needs to be placed on each public street. If the property is on a private street or access easement, a second sign or lead in sign will need to be placed at the public street.

SIGN POSTING DATE IS 7/24/2016 BY 9:00 A.M. THE SIGN MUST BE LEFT UP UNTIL AFTER THE PUBLIC HEARING. Failure to comply with these posting instructions will result in delay of the application and postponement of the hearing and decision to a later scheduled public hearing.

TIMOTHY MCGOWEN
(BEN HOOVER)

Case # 5388

TO ESTABLISH SECONDARY DWELLING AT 2301 GEORGIA AVE, BLOCK 1914 LOT 001

I HAVE READ THE ABOVE INFORMATION AND UNDERSTAND THE REQUIREMENTS

I hereby certify that all of the information contained in this application for a Special Use Permit is correct. If executed by an individual for a corporate entity, I certify that I am duly authorized to sign on behalf of the corporate entity.

Applicant Signature

Date

FEE \$100.00

**CITY OF WINSTON-SALEM ZONING BOARD OF ADJUSTMENT
SPECIAL USE PERMIT STAFF REPORT
AUGUST 4, 2016**

CASE #:	5388	PERMIT REQUEST:	Permission to establish a detached accessory dwelling in an existing structure
STAFF:	Desmond C. Corley		
PETITIONER(S):	Timothy McGowen (Ben Hoover)	LOCATION:	2301 Georgia Avenue (.63 acre, on the northwestern corner of the intersection with Arbor Road)

BACKGROUND:

The *Unified Development Ordinances (UDO)* allows detached accessory dwellings to be placed or established, provided they meet certain requirements. One such requirement is a special use permit issued by the Board of Adjustment.

Detached accessory dwellings must comply with all dimensional requirements applicable to accessory structures¹. Additionally, only one accessory dwelling (attached or detached) may be permitted on the same lot. The petitioner requests to establish a secondary dwelling unit in an existing detached accessory building. The subject property is zoned RS12.

REQUIRED FINDINGS:

To issue a Special Use Permit, the Board must find the following in the affirmative:

- a) The use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;
- b) The use meets all required conditions and specifications;
- c) The use will not substantially injure the value of adjoining or abutting property, or the use is a public necessity; and
- d) The location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with *Legacy*.

¹ Location: Side or rear yard
Maximum height: 17 feet
Required setback from front property line: 75 feet
Required setback from rear and/or side property lines: 3 feet
Minimum separation from principal structure: 3 feet
Maximum area: Five percent (5%) of the actual size of the zoning lot or the minimum permitted lot size of the zoning district, whichever is larger, and no more than twenty-five percent (25%) of the area of a required side or rear yard

ANALYSIS:

The proposed use is located to the rear of the property, in a structure that existed prior to the adoption of the UDO. This Board granted a Special Use Permit on May 4, 1995 for the same use, and no development is currently proposed. Further, Staff can find no evidence that any significant changes have occurred with regard to this property in the interim. *We conclude that the use will not materially endanger the public health or safety if located where proposed because it has legally existed in the same location since 1995.*

The subject structure is shown on the submitted site plan in the northwestern corner of the lot, six (6) feet from the western (side) property line, seven (7) feet from the northern (rear) property line, and approximately 125 feet from the southern (front) property line. It is located twenty-six (26) feet from the principal structure and is approximately 464 square feet in area, smaller than the maximum allowance for both the lot (1,372.14 square feet) and the required rear yard (1,231.07 square feet). *The proposed use meets all required conditions and specifications, as the structure which would contain it meets or exceeds all required setbacks for accessory structures and falls well below the maximum area thresholds set forth in the UDO.*

Staff is not qualified to make certifiable assessments with regard to property values. *However, we do not believe that the use poses any significant threat to the value of adjoining or abutting properties, as the proposed use and existing structure have been in place for at least twenty-one (21) years.*

The proposed use is set far back from the nearby street rights-of-way and is not particularly close to existing single-family homes on adjoining properties. There are also other structures of a similar size and situation on neighboring lots. Any additional parking necessitated by the use can be accommodated completely within the subject property's boundaries. *Legacy promotes the concept of gentle density and encourages the use of accessory dwelling units in appropriate locations within Growth Management Area 2 (GMA 2) – Urban Neighborhoods. We conclude that the location and character of the use will not disrupt the harmony of the area in which it is located because it is encouraged by Legacy and not proposed at a scale which is incompatible with the surrounding neighborhood.*

RECOMMENDATION: Approval, per plan on file

In approving an application for the issuance of a special use permit, the Board of Adjustment may impose additional reasonable and appropriate conditions and safeguards to protect the public health and safety, and the value of neighboring properties, and the health and safety of neighboring residents. [Chapter B, Article 6-1.4(A)(3)]

City of Winston-Salem
ZONING BOARD OF ADJUSTMENT
For Information Call: 727-2101
REQUEST FOR: SPECIAL USE
PERMIT FOR ACCESSORY
DWELLING
PUBLIC HEARING
AUG 4th 2016 CASE# 5388
2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING











City of Winston-Salem
ZONING BOARD OF ADJUSTMENT
For Information Call: 727-2101

REQUEST FOR: *SPECIAL USE*
PERMIT FOR ACCESSORY DWELLING

PUBLIC HEARING

AUG 4th, 2016

CASE# 5388

2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING



100 East First Street
Winston-Salem, NC 27101
(336) 727-2628

Case # 5359

CITY ZONING BOARD OF ADJUSTMENT VARIANCE APPLICATION

Prop Addr: 2906 THOMA SVILLE RD
WINSTON-SALEM, NC 27107 -

Owner: JUAN GARCIA
Address: 403 SUNPATH CIR
WINSTON-SALEM,, NC 2710 3-

Phone.: (336)912-0835 x

Applicant:
Address:

Phone:

Details:

Lot Dimensions:

Side Yard

Description: Requesting side yard variance of 6'5", with overall variance of 9.8 to meet minimum requirements

The above owner or applicant is requesting that this application be presented to, and heard by the Winston-Salem Zoning Board of Adjustment at a meeting to be held on **7/7/2016, at 2:00 P.M.**, in the **Bryce A. Stuart Municipal Building Public Meeting Room, Suite 530, Fifth Floor of City Hall South, 100 E. First Street, Winston-Salem, NC.**

As part of your application, and included in your filing fee of \$200.00, a legal notice is published in the Winston-Salem Journal and the Inspections division furnishes you with a sign(s) which must be posted in a conspicuous place on the premises prior to the date of the hearing. The sign(s) must be attached to sufficient support and be clearly visible from a public street. If the property is located on the corner of two public streets or has frontage on more than one public street, a sign needs to be placed on each public street. If the property is on a private street or access easement, a second sign or lead in sign will need to be placed at the public street.

SIGN POSTING DATE IS 6/26/2016 BY 9:00 A.M. THE SIGN MUST BE LEFT UP UNTIL AFTER THE PUBLIC HEARING. Failure to comply with these posting instructions will result in delay of the application and postponement of the hearing and decision to a later scheduled public hearing.

Remember that Variances can be approved only when there is practical difficulty or unnecessary hardship in meeting zoning requirements, with the difficulties resulting from subdividing land before the law was adopted, or from an act of a public agency, or from some cause beyond the control of the owner.

JUAN GARCIA
GLORIA GARCIA

Case # **5359**

Requesting variance of side yard requirements on a .28 acre tract of land located at 2906 Thomasville Rd, approximately 450 feet southeast of E Clemmons Rd. Melrose Ave. Property is zoned RS-9. Tax Block 1624E Lot 009.

I HAVE READ THE ABOVE INFORMATION AND UNDERSTAND THE REQUIREMENTS

I hereby certify that all of the information contained in this application for a Variance is correct. If executed by an individual for a corporate entity, I certify that I am duly authorized to sign on behalf of the corporate entity.

Applicant Signature

Date

I HEREBY CERTIFY THAT THE PLAT SHOWN AND DESCRIBED HEREON WAS DRAWN UNDER MY SUPERVISION, AND IS IN ALL RESPECTS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

WITNESS MY HAND AND SEAL THIS 18TH DAY OF APRIL 20 18

LAND SURVEYOR REGISTRATION NUMBER L-3987

JUAN LUIS GARCIA
GLORIA GARCIA
O.B. 2229 PG. 9082

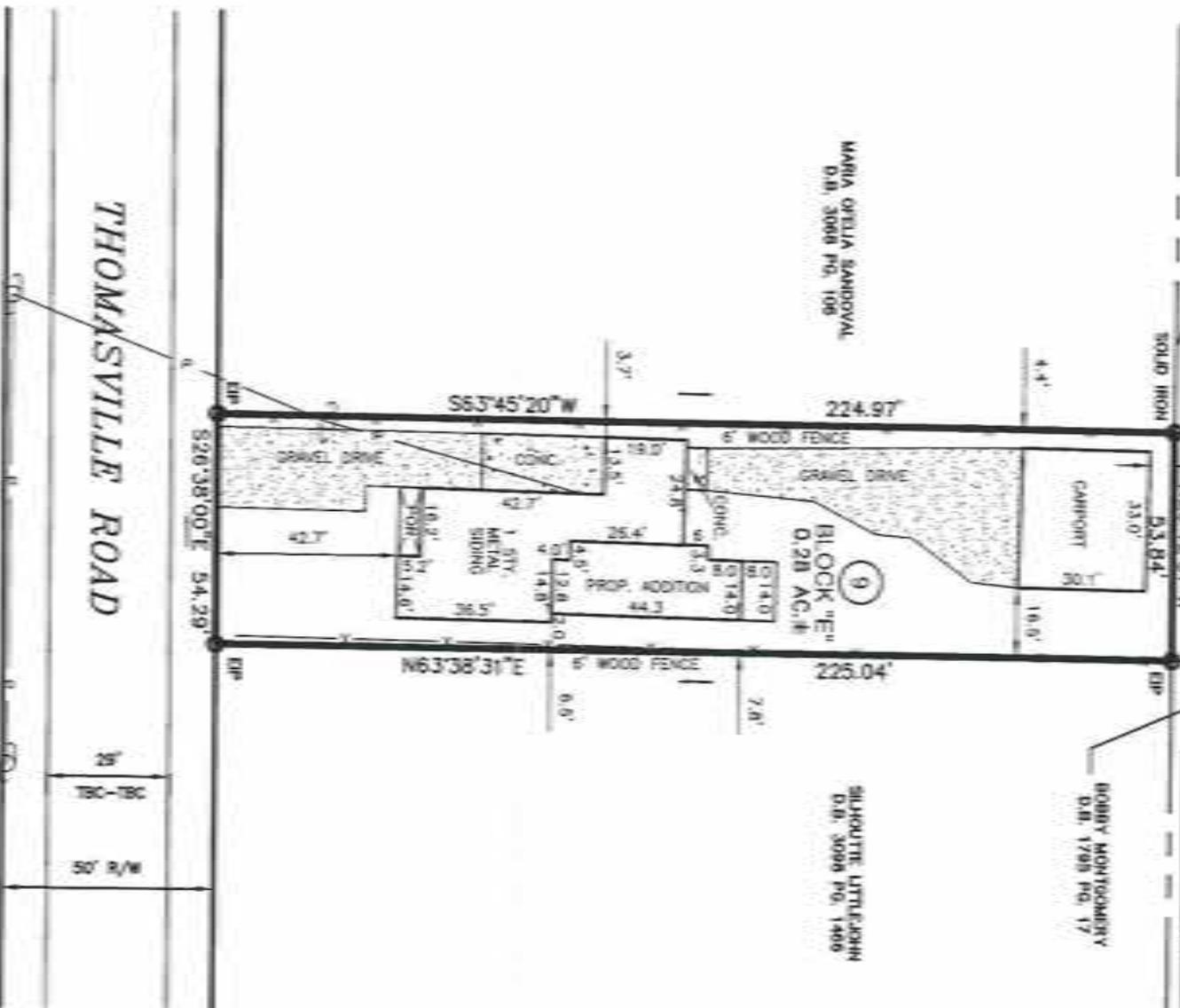
CLEAH HARRIS
CLEVEL HARRIS
O.B. 2528 PG. 593



BOBBY MONTGOMERY
D.B. 1795 PG. 17

SILVOUTTE LITTLEJOHN
D.B. 3089 PG. 1406

MARIA OFELIA SANDOVAL
D.B. 3068 PG. 106



**SITE PLAN FOR
JUAN LUIS GARCIA
GLORIA GARCIA**

2906 THOMASVILLE ROAD
WINSTON-SALEM, NC
LOT NO. 9, BLOCK II
PROPERTY REF: MAP OF MEMORIAL INDUSTRIAL SCHOOL, INC.
P.B. 17 PG. 17
TOWNSHIP: WINSTON
COUNTY: FORSYTH
DEED REF: 2786 PG. 2418
TAX MAP #: 6H44-03-5213.00

NOTES:
NO CURRENT FLOOD STUDY.
THIS MAP DOES NOT MEET G.S. 47-30 REQUIREMENTS AND IS NOT FOR RECORDING.
MORTGAGE SURVEY ONLY.
NOT FOR CONSTRUCTION PURPOSES.
RATIO OF PRECISION IS 1:10,000.
NO N.C.G.S. MARKER WITHIN 2000 FEET OF PROPERTY.

NOTE: This plat is subject to any Easements, Agreements, or Rights-of-Way of record prior to date, which was not visible at the time of our inspection.
This survey is rendered solely for the benefit of the Owner, its lender, and the insurance company and may not be relied upon in any other manner or for any purpose by any other person.

REVISED MAY 24, 2018

WILSON SURVEYING, INC.

R. ALAN WILSON - PROFESSIONAL LAND SURVEYOR, NO. 13867
402 BROADWOOD AVENUE, GREENSBORO, N.C. 27401
TELEPHONE: (336) 775-6666 • FAX: (336) 775-1017

SCALE: 1"=40'



JOB: NO. 61916

DATE: 4-18-18

CLOSURE: _____ F.C.

Case # 5359

**CITY OF WINSTON-SALEM ZONING BOARD OF ADJUSTMENT
REQUEST FOR VARIANCE STAFF REPORT
AUGUST 4, 2016**

CASE #:	5359	VARIANCE REQUEST:	Side setback requirements in a RS9 zoning district
STAFF:	Desmond C. Corley	LOCATION:	2906 Thomasville Road
PETITIONER(S):	Juan Garcia Gloria Garcia		(0.28 acre, approximately 450 feet southeast of E Clemmons Road)

BACKGROUND:

The *Unified Development Ordinances* (UDO) contains certain dimensional requirements for each of the zoning districts created by its adoption. Requests for variance of these dimensional requirements must go before the Board of Adjustment.

The subject property is zoned RS9, a district within which setbacks for single-family residential structures are twenty (20) feet in the front, twenty-five (25) feet in the rear, seven (7) feet on one side, and twenty (20) feet combined for both sides. The existing (nonconforming) house is set back approximately 6.5 feet from the northern property line at its closest point, and 3.7 feet from the southern property line. The petitioner proposes to construct an addition to the west side of the house, approximately 7.8 feet from the northern property line.

REQUIRED HARDSHIPS AND FINDINGS:

A variance may only be approved upon a finding of practical difficulty or unnecessary hardship in meeting the dimensional requirements of the UDO. Such hardship must be the result of the recorded platting or deeding of land or any building constructed and completed prior to the adoption of the UDO, from any act of a public agency, or from natural conditions beyond the control of the property owner. The applicant must demonstrate *all* of the following:

- a) The unnecessary hardship would result from the strict application of the UDO¹;
- b) The hardship results from the conditions that are peculiar to the property, such as location, size or topography²;
- c) The hardship did not result from actions taken by the applicant or the property owner³; and
- d) The requested variance is consistent with the spirit, purpose and intent of the UDO, such that public safety is secured, and substantial justice is achieved.

¹It shall not be necessary to demonstrate that, in the absence of a variance, no reasonable use can be made of the property.

²Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

³The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

- d) The requested variance is consistent with the spirit, purpose and intent of the UDO, such that public safety is secured, and substantial justice is achieved.

ANALYSIS:

It is Staff's opinion that a hardship is found in the construction and completion of a building prior to the adoption of the UDO. Records from the Forsyth County Tax Office show that the original house was completed in 1952, prior to the adoption of the UDO. The earliest references to this property in the Forsyth County Register of Deeds are from 1945. Further, the extension of the northern wall to include the addition does not exacerbate the nonconformity of the house because it is the same distance from the northern property line as the closest point on the existing footprint. In fact, it meets the single-side setback requirement in the RS9 zoning district.

RECOMMENDATION: Approval, per plan on file

A variance shall be granted only with reference to conditions and circumstances peculiar to the property involved. If the Board of Adjustment denies an application for variance, it shall enter the reasons for the denial in the minutes of the meeting at which the action was taken. [Chapter B, Section 6-1.4(B)(6)]

City of Winston-Salem
ZONING BOARD OF ADJUSTMENT
For Information Call: 727-2101

REQUEST FOR: VARIANCE OF
SIDE YARD SETBACKS
PUBLIC HEARING CASE#
JULY 7, 2016 5359
2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING













100 East First Street
Winston-Salem, NC 27101
(336) 727-2628

Case # 5367

CITY ZONING BOARD OF ADJUSTMENT VARIANCE APPLICATION

Prop Addr: 4870 COUNTRY CLUB RD
WINSTON-SALEM, NC 27104 -

Owner: ITAC12 LLC
Address: 4870 COUNTRY CLUB RD
WINSTON-SALEM,, NC 2710 4-

Phone.: (336)765-4668 x

Applicant: BRIAN KRUMENACKER
Address: 1381 OLD MILL CIRCLE SUITE 300
WINSTON SALEM, NC 27103
Phone: (814)421-4594 x

Details:

Lot Requirements:
Buffer Yards
Description: TYPE III BUFFER YARD REQUIREMENTS

The above owner or applicant is requesting that this application be presented to, and heard by the Winston-Salem Zoning Board of Adjustment at a meeting to be held on **7/7/2016, at 2:00 P.M.**, in the **Bryce A. Stuart Municipal Building Public Meeting Room, Suite 530, Fifth Floor of City Hall South, 100 E. First Street , Winston-Salem, NC.**

As part of your application, and included in your filing fee of \$200.00, a legal notice is published in the Winston-Salem Journal and the Inspections division furnishes you with a sign(s) which must be posted in a conspicuous place on the premises prior to the date of the hearing. The sign(s) must be attached to sufficient support and be clearly visible from a public street. If the property is located on the corner of two public streets or has frontage on more than one public street, a sign needs to be placed on each public street. If the property is on a private street or access easement, a second sign or lead in sign will need to be placed at the public street.

SIGN POSTING DATE IS 6/26/2016 BY 9:00 A.M. THE SIGN MUST BE LEFT UP UNTIL AFTER THE PUBLIC HEARING. Failure to comply with these posting instructions will result in delay of the application and postponement of the hearing and decision to a later scheduled public hearing.

Remember that Variances can be approved only when there is practical difficulty or unnecessary hardship in meeting zoning requirements, with the difficulties resulting from subdividing land before the law was adopted, or from an act of a public agency, or from some cause beyond the control of the owner.

ITAC12 LLC
(BRIAN KRUMENACKER)

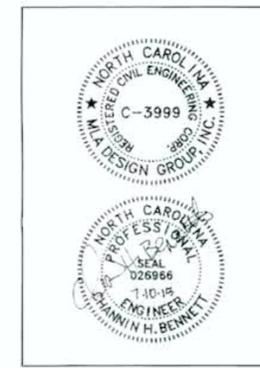
Case # **5367** Requesting variance of Type III Buffer Yard, on a 5.87 acre tract of land located at 4870 Country Club Road corner of Country Club Rd. and Ryandale Rd. Property is Zoned HB-S. Block is 3976 Lot 604.

I HAVE READ THE ABOVE INFORMATION AND UNDERSTAND THE REQUIREMENTS

I hereby certify that all of the information contained in this application for a Variance is correct. If executed by an individual for a corporate entity, I certify that I am duly authorized to sign on behalf of the corporate entity.

Applicant Signature

Date



SALEM SWIM
 4870 COUNTRY CLUB ROAD
 WINSTON-SALEM, NC

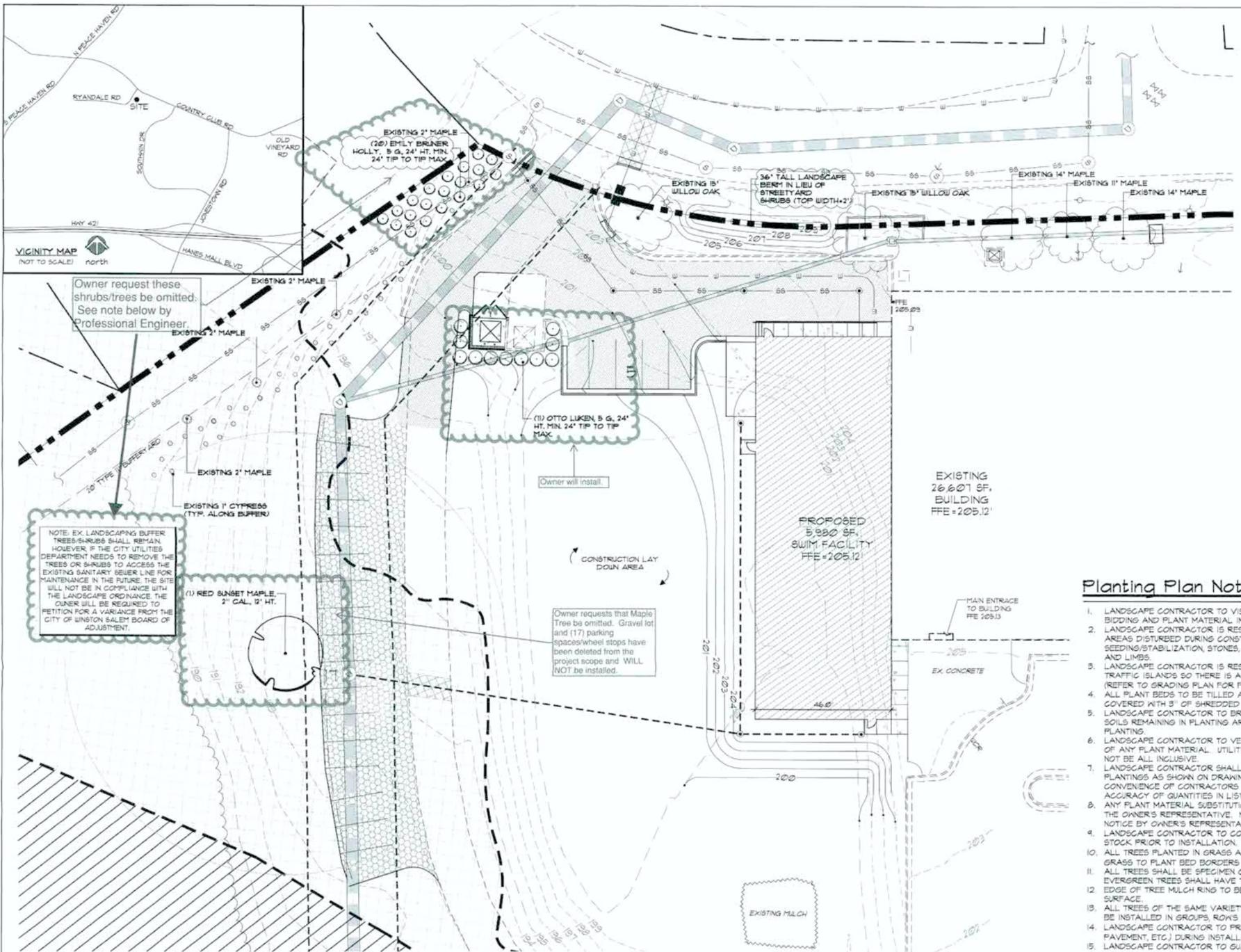
Date: 10th July 2015
 For Permitting / Review

Revisions:
 1- 8/28/15 Revised per GOWS comments
 2- 12/21/15 Addendum #2
 3- 2/8/16 Revised streetyard / buffers

Drawn By: MKK
 Checked By: CHB
 Project #:

Sheet Title
LANDSCAPE PLAN

Sheet **C-4** of 5



Plant List

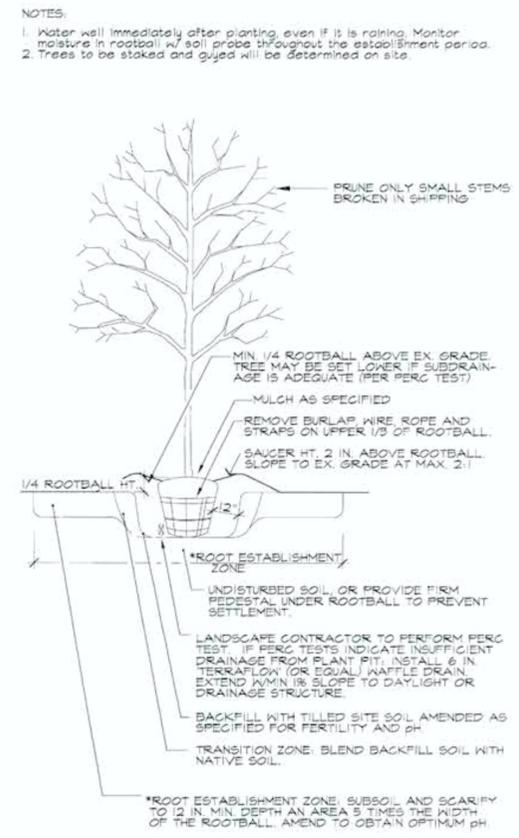
QTY	COMMON NAME	SCIENTIFIC NAME	GAL	HEIGHT	SPREAD	REMARKS
LARGE DECIDUOUS TREES						
1	Red Sunset Maple	Acer rubrum 'Red Sunset'	2"	12' min		DAB, strong, straight, central leader
SHRUBS						
20	Emily Bruner Holly	Ilex x		24" min	24" min	5 gal cont., heavy/full
11	Otto Luken Laurel	Prunus Laurocerasus 'Otto Luken'		24" min	24" min	5 gal cont., heavy/full

TREE SAVE AREA SUMMARY CALCULATIONS

NEW DEVELOPMENT:		ADDITIONS TO EXISTING DEVELOPMENT:	
TOTAL SITE SIZE (IN SQUARE FEET):	N/A	TOTAL LIMITS OF LAND DISTURBANCE (IN SQUARE FEET):	37,603
TOTAL SITE AREA EXCLUDED FROM T8A: SQUARE FEET OF PROPOSED ROW @ 10' + SQUARE FEET OF EXISTING UTILITY EASEMENTS @ 10' + SQUARE FEET OF EXISTING WATER BODIES AND STORMWATER PONDS @ 10' + PROPOSED PUBLIC STREET ROW @ 10' + 7,814 SF			
MINIMUM TREE SAVE AREA REQUIRED: X 10% = 0%			
TOTAL REQUIRED TREE SAVE AREA (IN SQUARE FEET):	TOTAL SITE SIZE OR TOTAL LIMITS OF LAND DISTURBANCE - EXCLUDED AREA x MINIMUM T8A (10%) = 2,918		
NEW TREES USED FOR T8A CREDIT:	NUMBER OF LARGE VARIETY TREES (8') EXISTING:	TOTAL SQUARE FOOTAGE OF EXISTING TREES TO SATISFY MINIMUM T8A: 3,602	
YES X NO	2 x 1,800 SF = 3,602		
		TOTAL REQUIRED T8A (IN SQUARE FEET):	2,918
		TOTAL PROVIDED T8A (IN SQUARE FEET):	3,602

Planting Plan Notes

- LANDSCAPE CONTRACTOR TO VISIT THE SITE AND ACCEPT THE CONDITIONS PRIOR TO BIDDING AND PLANT MATERIAL INSTALLATION.
- LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR ALL FINE GRADING OF LAWN AND PLANTING AREAS DISTURBED DURING CONSTRUCTION. REMOVE FROM SITE ALL TEMPORARY SEEDINGS/STABILIZATION, STONES, GRAVEL, AND ALL EXTRANEOUS DEBRIS INCLUDING ROOTS AND LIMBS.
- LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR PROVIDING TOPSOIL IN ANY PLANTED TRAFFIC ISLANDS SO THERE IS A SLIGHT CONSTANT RISE TO THE CENTER OF EACH ISLAND (REFER TO GRADING PLAN FOR FINAL ELEVATIONS).
- ALL PLANT BEDS TO BE TILLED AND AMENDED TO A DEPTH OF 12" ENTIRE BED TO BE COVERED WITH 3" OF SHREDDED FINE BARK MULCH.
- LANDSCAPE CONTRACTOR TO BRING TO THE ATTENTION OF THE OWNER ANY DEBRIS OR POOR SOILS REMAINING IN PLANTING AREAS AFTER GENERAL CONSTRUCTION AND PRIOR TO ANY PLANTING.
- LANDSCAPE CONTRACTOR TO VERIFY ALL UNDERGROUND UTILITIES PRIOR TO INSTALLATION OF ANY PLANT MATERIAL. UTILITIES SHOWN ON PLAN ARE FOR REFERENCE ONLY AND MAY NOT BE ALL INCLUSIVE.
- LANDSCAPE CONTRACTOR SHALL FURNISH ALL QUANTITIES NECESSARY TO COMPLETE PLANTINGS AS SHOWN ON DRAWINGS. QUANTITIES SHOWN ON PLANT LIST ARE FOR CONVENIENCE OF CONTRACTORS AND ARE BELIEVED TO BE SUBSTANTIALLY CORRECT, BUT ACCURACY OF QUANTITIES IN LIST IS NOT GUARANTEED.
- ANY PLANT MATERIAL SUBSTITUTIONS OR ADJUSTMENTS ARE TO BE REQUESTED IN WRITING TO THE OWNER'S REPRESENTATIVE. NO SUBSTITUTIONS WILL BE PERMITTED WITHOUT WRITTEN NOTICE BY OWNER'S REPRESENTATIVE.
- LANDSCAPE CONTRACTOR TO CONTACT OWNER FOR APPROVAL/DENIAL OF ALL PLANT STOCK PRIOR TO INSTALLATION.
- ALL TREES PLANTED IN GRASS AREAS SHALL HAVE A 5' DIAMETER MULCH RINGS (TYP). ALL GRASS TO PLANT BED BORDERS TO BE NEATLY EDGED WITH A VERTICAL EDGE (TYP).
- ALL TREES SHALL BE SPECIMEN QUALITY AND WELL SHAPED. LARGE DECIDUOUS AND EVERGREEN TREES SHALL HAVE TALL CENTRAL LEADER.
- EDGE OF TREE MULCH RING TO BE A MINIMUM OF 2' FROM ANY SHRUB BED EDGE OR PAVED SURFACE.
- ALL TREES OF THE SAME VARIETY TO MATCH IN SHAPE, FORM AND SIZE WHERE THEY ARE TO BE INSTALLED IN GROUPS, ROWS OR AS STREET TREES.
- LANDSCAPE CONTRACTOR TO PROTECT ALL EXISTING STRUCTURES (I.E. CURB AND GUTTER, PAVEMENT, ETC.) DURING INSTALLATION OF LANDSCAPING.
- LANDSCAPE CONTRACTOR TO GUARANTEE ALL PLANT MATERIAL AND WORK FOR A PERIOD OF ONE YEAR FROM ACCEPTANCE OF WORK BY OWNER.
- ALL PLANT BEDS TO CONSIST OF (1) PART EXISTING SOIL, (1) PART FRIABLE TOPSOIL AND (1) PART FINE BARK SOIL CONDITIONER.
- ALL BEDS TO BE TILLED IN THEIR ENTIRETY. NO PIT PLANTING WILL BE ACCEPTED.
- MINOR SHIPPING AND ADJUSTING OF PROPOSED TREE LOCATIONS MAY BE REQUIRED DUE TO EXACT LOCATION OF UNDERGROUND UTILITIES. LANDSCAPE CONTRACTOR TO CONTACT OWNER'S REPRESENTATIVE AND CITY LANDSCAPE INSPECTOR PRIOR TO RELOCATION.
- PRIOR TO SEEDING, LANDSCAPE CONTRACTOR IS TO CONTACT GENERAL CONTRACTOR FOR VERIFICATION THAT ALL LAND DISTURBING ACTIVITY (I.E. TRENCHING, GRADING, ETC.) HAS BEEN COMPLETED.
- LANDSCAPE CONTRACTOR TO OBTAIN GRADING PLAN FOR COORDINATION OF FINAL GRADES. CONTACT OWNER'S REPRESENTATIVE FOR ANY PLAN OR GRADE CHANGES PRIOR TO CONSTRUCTION.
- SEED ALL DISTURBED AREAS WITHIN SUBJECT PROPERTY AND ANY AREAS WITHIN THE RIGHT-OF-WAY OR ON ADJACENT PROPERTY DISTURBED DURING CONSTRUCTION.
- SEED ALL AREAS LABELED "GRASS" WITH FESCUE BLEND (SEE SEEDING SCHEDULE).
- ALL STRAPPING AND TOP 2/3 OF WIRE BASKET MUST BE CUT AWAY AND REMOVED FROM ROOT BALL PRIOR TO BACKFILLING PLANTING PIT. REMOVE TOP 2/3 OF THE BURLAP FROM ROOT BALL.
- SEE THIS SHEET FOR PLANTING DETAILS.



Planting Requirements

STREETYARD:
 STREETYARD SHALL BE A MIN. 10' WIDTH WITH 2 TREES/100 LIN. FT. OF VEHICULAR SURFACE AREA ADJACENT TO A RIGHT-OR-WAY. RYANDALE TREES REQUIRED: 44 LF. / 100 x 2 = (2) TREES REQUIRED.
 TREES PROVIDED: (2) EXISTING 15' WILLOW OAKS
 REQUIRED SHRUBS: RYANDALE
 REQUIRED STREETYARD AREAS TO BE PLANTED WITH EVERGREEN SHRUBS WITH A MAX. SEPARATION OF 18" TIP TO TIP.

PERIMETER PLANTING:
 REQUIRED: (1) TREE PER 2500 S.F. OF VEHICULAR SURFACE. EACH PARKING SPACE MUST BE WITHIN 50 FEET OF A SMALL VARIETY TREE TRUNK OR 15 FEET FROM A LARGE VARIETY TREE TRUNK. 3527 S.F. VEHICULAR SURFACE / 5,000 = (2) TREES REQUIRED.
 TREES PROVIDED: (2) TREES PROVIDED- 1 EXISTING, 1 PROPOSED

BUFFERYARD:
 A BUFFERYARD IS REQUIRED ONLY ALONG THE PROPERTY WHERE THE ADJACENT PROPERTY IS ZONED SINGLE FAMILY RESIDENTIAL. THE BUFFERYARD MUST BE TYPE III WITH A MINIMUM WIDTH OF 15 FEET.

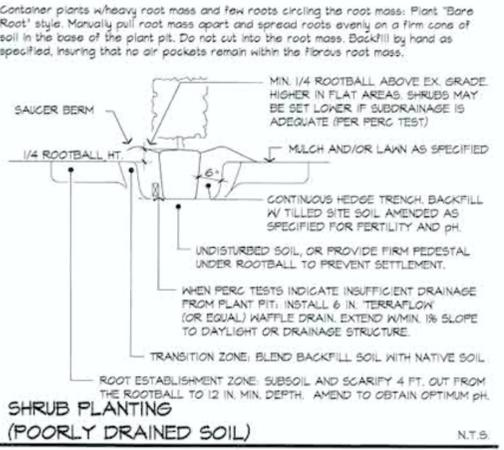
SEEDING SCHEDULE AND SEEDBED PREPARATION NOTES

SEEDING SCHEDULE FOR ALL GRASSSED AREAS
 SEED MIX:
 HYBRID TURF-TYPE TALL FESCUE BLEND, A MINIMUM OF (5) VARIETIES OF TURF-TYPE TALL FESCUE SHALL BE USED. ALL SEED MUST BE CERTIFIED WITH A MINIMUM GERMINATION RATE OF 85%. ALL SEED MUST CONTAIN NO NOXIOUS KEEPS. 250

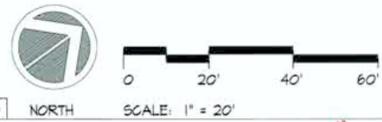
FERTILIZE SEEDBEDS WITH 2 TONS/ACRE LIME AND 500 LBS/ACRE 10-20-20. MULCH WITH 2 TONS/ACRE CLEAN STRAW OR HAY. TACK WITH RAPID SETTING EMULSIFIED ASPHALT AT 10 GAL/1000 SQ. FT. OR OTHER TACKING AGENT APPROVED BY OWNER.

SEEDBED PREPARATION NOTES
 1. SURFACE WATER CONTROL MEASURES ARE TO BE INSTALLED ACCORDING TO PLAN.
 2. AREAS TO BE SEEDDED SHALL BE RIPPED AND SPREAD WITH TOPSOIL (IF AVAILABLE), 3" DEEP. TOTAL SEEDBED PREPARED DEPTH SHALL BE 4" TO 6" DEEP.
 3. LOOSE ROCKS, ROOTS AND OTHER OBSTRUCTIONS SHALL BE REMOVED FROM THE SURFACE SO THAT THEY WILL NOT INTERFERE WITH ESTABLISHMENT AND MAINTENANCE OF VEGETATION. SURFACE FOR FINAL SEEDBED PREPARATION, AT FINISH GRADES SHOWN SHALL BE REASONABLY SMOOTH AND UNIFORM. IF NO SOIL TEST IS TAKEN FERTILIZER AND LIME SHALL BE APPLIED ACCORDING TO THE SEEDING SPECIFICATIONS ABOVE. IN ADDITION, PROVIDE 15 LBS/1000 SQ. FT. OF SUPERPHOSPHATE.
 4. IF SOIL TEST IS TAKEN, PROVIDE LIME AND FERTILIZER ACCORDING TO THE SOIL TEST REPORT. A SOIL TEST IS RECOMMENDED.
 5. LIME AND FERTILIZER SHALL BE APPLIED UNIFORMLY AND MIXED WITH THE SOIL DURING SEEDBED PREPARATION.

SEEDING SCHEDULE



"BEFORE YOU DIG" LINE
 1-800-632-4949 OR 8-1-1



REFER TO SHEET C-0 SURVEY FOR ADDITIONAL LEGEND NORTH SCALE: 1" = 20'

CASE # 5367

**CITY OF WINSTON-SALEM ZONING BOARD OF ADJUSTMENT
VARIANCE STAFF REPORT
AUGUST 4, 2016**

CASE #:	5367	VARIANCE REQUEST:	Bufferyard requirements for HB-S-zoned property adjacent to RS9 zoning
STAFF:	Desmond C. Corley		
PETITIONER(S):	Itac12, LLC (Brian Krumenacker)	LOCATION:	4870 Country Club Road (5.87 acres, on the northeast corner of the intersection with Ryandale Road)

BACKGROUND:

The *Unified Development Ordinances* (UDO) contains certain landscaping requirements for uses allowed within the City limits. One such requirement is a bufferyard that provides visual and functional separation between different land uses that may be incompatible. The UDO requires said bufferyard, with a few exceptions, for every use, change of use, new structure built, or expansion of an existing structure. Requests for variance of these requirements must go before the Board of Adjustment.

The petitioner requests a variance of the bufferyard requirements triggered by a building expansion in a HB-S zoning district. The subject property adjoins properties zoned for single-family residential use (RS9) on its western and southern sides. A Type III bufferyard is required between HB zoning and RS9 zoning, within which the number and type of plantings may vary, depending on the chosen width of the yard. The narrowest Type III bufferyard allowed by the UDO is fifteen (15) feet wide, but an existing sanitary sewer easement follows the western property line and is twenty (20) feet wide. A group of evergreen plantings exists within the easement, which may be removed at such time as the underground facilities within it require maintenance.

REQUIRED HARDSHIPS AND FINDINGS:

A variance may only be approved upon a finding of practical difficulty or unnecessary hardship in meeting the bufferyard requirements of the UDO. Such hardship must be the result of:

- a) Unusually narrow sections of land (less than 10 feet) available for planting within the rear and/or side yards because of existing permanent structures, existing paving, or natural features such as rock outcroppings;
- b) Existing slopes in excess of two to one (2:1) in locations where a bufferyard is required;
- c) Specialized land uses such as public utilities, airports, etc. where strict adherence to the screening standard would significantly interfere with the function of that use and would create a public safety problem;
- d) Actions of a public agency; or
- e) Difficulties arising from the recorded platting or deeding of land prior to the adoption of the Ordinance.

In addition, the petitioner must demonstrate *all* of the following:

- a) The unnecessary hardship would result from the strict application of the UDO¹;
- b) The hardship results from conditions that are peculiar to the property, such as location, size or topography²;
- c) The hardship did not result from actions taken by the applicant or the property owner³; and
- d) The requested variance is consistent with the spirit, purpose and intent of the UDO, such that public safety is secured, and substantial justice is achieved.

ANALYSIS:

Should the facilities within the easement require maintenance, the existing vegetation would be removed. It is Staff's opinion that a hardship is found in the narrow section of land available for replanting within the western side yard. The aforementioned easement fits between the western property line and an existing driveway, with no intervening space that would accommodate the required plantings. Applying the bufferyard requirement – as written – in the event of tree removal would force the property into nonconformity, due to the type of bufferyard required (15-foot Type III). On the other side of this line, a steep slope creates an embankment for a creek. Each of the aforementioned conditions preexists the petitioner's request and any subsequent development. Staff believes that it would be difficult to maintain new plantings along the embankment, given its close proximity to the required buffer area. Existing vegetation along the top of the creek bank may be used as credit toward the screening required by the bufferyard provisions of the UDO.

RECOMMENDATION: Approval, with the following conditions:

- **The petitioner shall install a six-foot (6') opaque fence along the northern property line where activity areas are not blocked by the existing building.**
- **The petitioner shall maintain existing vegetation along the creek bank.**

A variance shall be granted only with reference to conditions and circumstances peculiar to the property involved. If the Board of Adjustment denies an application for variance, it shall enter the reasons for the denial in the minutes of the meeting at which the action was taken. [Chapter B, Section 6-1.4(B)(6)]

¹It shall not be necessary to demonstrate that, in the absence of a variance, no reasonable use can be made of the property.

²Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

³The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

City of Winston-Salem

ZONING BOARD OF ADJUSTMENT

For Information Call: 727-2101

REQUEST FOR: VARIANCE OF
TYPE III BUFFER YARD

PUBLIC HEARING CASE #

JULY 7, 2016 5367

2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING













100 East First Street
Winston-Salem, NC 27101
(336) 727-2628

Case # 5369

CITY ZONING BOARD OF ADJUSTMENT VARIANCE APPLICATION

Prop Addr: 1920 DAISY ST
WINSTON-SALEM, NC 27107 -

Owner: JUANA JASSO
Address: 545 COUNTRY VIEW LN
WINSTON-SALEM,, NC 2710 7-

Phone.: (336)408-7124 x

Applicant:
Address:

Phone:

Details:

Lot Dimensions:

Side Yard

Description: Requesting variance of 2' on west side of house. 7' feet required

The above owner or applicant is requesting that this application be presented to, and heard by the Winston-Salem Zoning Board of Adjustment at a meeting to be held on **7/7/2016**, at **2:00 P.M.**, in the **Bryce A. Stuart Municipal Building Public Meeting Room, Suite 530, Fifth Floor of City Hall South, 100 E. First Street , Winston-Salem, NC.**

As part of your application, and included in your filing fee of \$200.00, a legal notice is published in the Winston-Salem Journal and the Inspections division furnishes you with a sign(s) which must be posted in a conspicuous place on the premises prior to the date of the hearing. The sign(s) must be attached to sufficient support and be clearly visible from a public street. If the property is located on the corner of two public streets or has frontage on more than one public street, a sign needs to be placed on each public street. If the property is on a private street or access easement, a second sign or lead in sign will need to be placed at the public street.

SIGN POSTING DATE IS 6/26/2016 BY 9:00 A.M. THE SIGN MUST BE LEFT UP UNTIL AFTER THE PUBLIC HEARING. Failure to comply with these posting instructions will result in delay of the application and postponement of the hearing and decision to a later scheduled public hearing.

Remember that Variances can be approved only when there is practical difficulty or unnecessary hardship in meeting zoning requirements, with the difficulties resulting from subdividing land before the law was adopted, or from an act of a public agency, or from some cause beyond the control of the owner.

JUANA JASSO
JUANA JASSO

Case # **5369**

Request variance of side yard requirement on a 0.16 acre tract of land located at 1920 Daisy St, approximately 200 feet east of Waterbury St. Property is zoned RS9. Tax Block 1719, Lot 201.

I HAVE READ THE ABOVE INFORMATION AND UNDERSTAND THE REQUIREMENTS

I hereby certify that all of the information contained in this application for a Variance is correct. If executed by an individual for a corporate entity, I certify that I am duly authorized to sign on behalf of the corporate entity.

Applicant Signature

Date

CASE 5369

I HEREBY CERTIFY THAT THIS PLAN SHOWN AND DESCRIBED HEREON, WAS DRAWN UNDER MY SUPERVISION, AND IS IN ALL RESPECTS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

WITNESSE BY HAND AND SEAL THIS _____ DAY OF _____ 2016

LAND SURVEYOR _____
REGISTRATION NUMBER L-3987

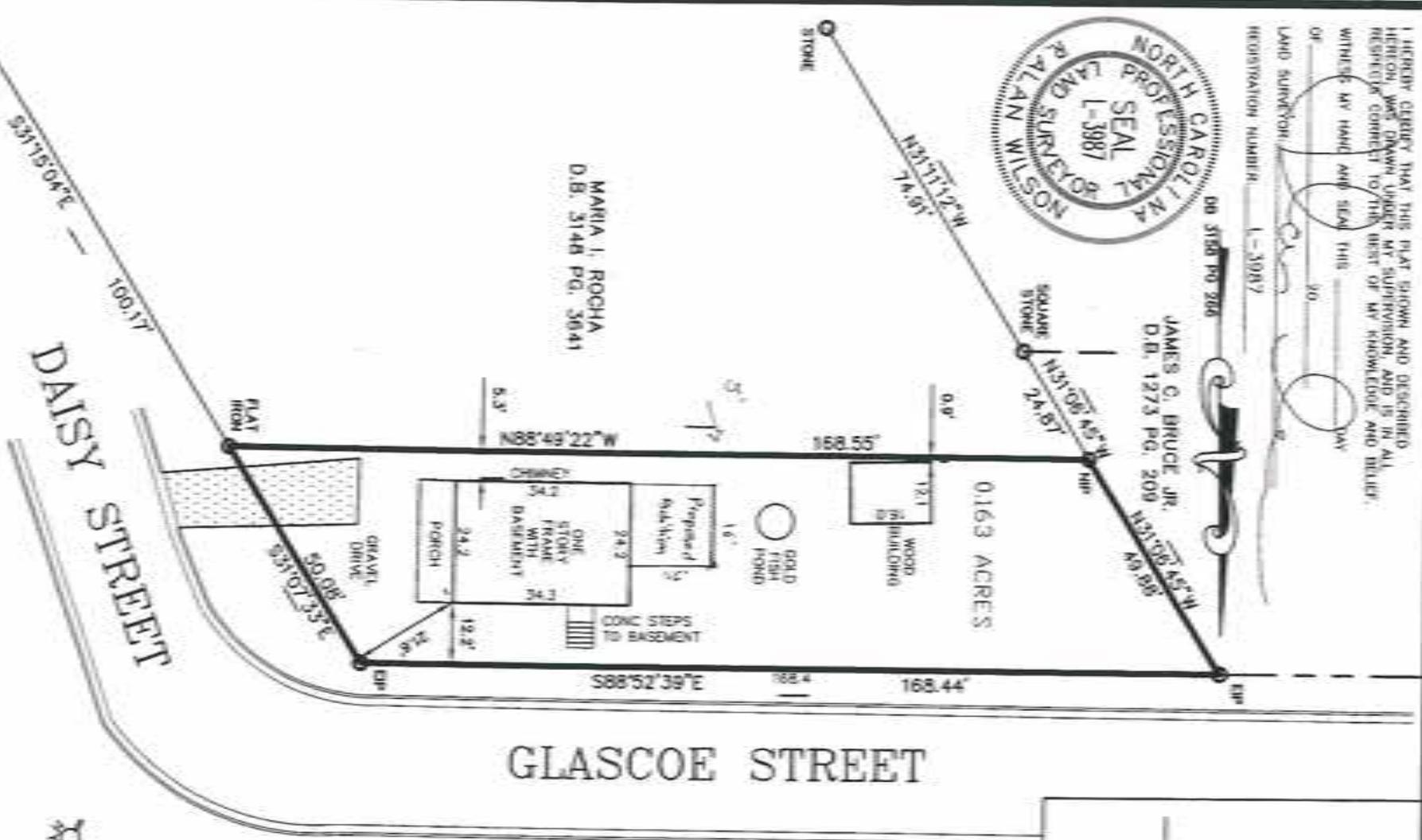


JAMES G. BRUCE, JR.
D.B. 1273 PG. 209

DB 5108 PG 208

MARIA I. ROCHA
D.B. 3148 PG. 3641

0.163 ACRES



SITE PLAN FOR:
JUANA LIZBETH JASSO

1920 DAISY STREET
WINSTON SALEM, N.C. 27107
CITY OF WINSTON SALEM, FORSYTH COUNTY
NORTH CAROLINA
DEED REF: D.B. 3138 PG. 366
TAX MAP #0844-44-7362.00

NOTES:
NO CURRENT FLOOD STUDY.
THIS MAP DOES NOT MEET 0.5, 47-30 REQUIREMENTS AND IS NOT FOR RECORDING.
MORTGAGE SURVEY ONLY.
NOT FOR CONSTRUCTION PURPOSES.
RATIO OF PRECISION IS 1:10,0004
NO N.C.S. MARKER WITHIN 2000 FEET OF PROPERTY.

NOTE: This plot is subject to any Easements, Agreements, or Rights-of-Way of record prior to date, which was not visible at the time of our inspection.
This survey is rendered solely for the benefit of the Owner, its lender, and the insurance company and may not be relied upon in any other manner or for any purpose by any other person.

Case #5369

WILSON SURVEYING, INC.

R. ALAN WILSON, PROFESSIONAL LAND SURVEYOR, NO. 13887
402 BLANDWOOD AVENUE, GREENSBORO, N.C. 27401
TELEPHONE: (330) 275-8888 • FAX: (330) 275-9117

SCALE: 1"=30'



JOB. NO. 61963

DATE: JUNE 16, 2016

**CITY OF WINSTON-SALEM ZONING BOARD OF ADJUSTMENT
REQUEST FOR VARIANCE STAFF REPORT
AUGUST 4, 2016**

CASE #:	5369	VARIANCE REQUEST:	Side setback requirements in a RS9 zoning district
STAFF:	Desmond C. Corley	LOCATION:	1920 Daisy Street
PETITIONER(S):	Juana Jasso		(0.16 acre, approximately 200 feet east of Waterbury Street)

BACKGROUND:

The *Unified Development Ordinances* (UDO) contains certain dimensional requirements for each of the zoning districts created by its adoption. Requests for variance of these dimensional requirements must go before the Board of Adjustment.

The subject property is zoned RS9, a district within which setbacks for single-family residential structures are twenty (20) feet in the front, twenty-five (25) feet in the rear, seven (7) feet on one side, and twenty (20) feet combined for both sides. Additionally, structures on corner lots have a street setback of 20 feet. The existing (nonconforming) house is set back approximately 5.3 feet from the southern property line, but it meets all other dimensional requirements of the district. The petitioner proposes to construct an addition to the west side of the house, approximately 5.3 feet from the aforementioned property line.

REQUIRED HARDSHIPS AND FINDINGS:

A variance may only be approved upon a finding of practical difficulty or unnecessary hardship in meeting the dimensional requirements of the UDO. Such hardship must be the result of the recorded platting or deeding of land or any building constructed and completed prior to the adoption of the UDO, from any act of a public agency, or from natural conditions beyond the control of the property owner. The applicant must demonstrate *all* of the following:

- a) The unnecessary hardship would result from the strict application of the UDO¹;
- b) The hardship results from the conditions that are peculiar to the property, such as location, size or topography²;
- c) The hardship did not result from actions taken by the applicant or the property owner³; and
- d) The requested variance is consistent with the spirit, purpose and intent of the UDO, such that public safety is secured, and substantial justice is achieved.

The Board must also find the following in the affirmative:

¹It shall not be necessary to demonstrate that, in the absence of a variance, no reasonable use can be made of the property.

²Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

³The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

- d) The requested variance is consistent with the spirit, purpose and intent of the UDO, such that public safety is secured, and substantial justice is achieved.

ANALYSIS:

It is Staff's opinion that a hardship is found in the construction and completion of a building prior to the adoption of the UDO. Records from the Forsyth County Register of Deeds show that the original house was completed in 1925, prior to the adoption of the UDO. The earliest references to this property are from 1924. Further, the extension of the southern wall to include the addition does not exacerbate the nonconformity of the house because it is the same distance from the property line as the closest point on the existing footprint.

RECOMMENDATION: Approval, per plan on file

A variance shall be granted only with reference to conditions and circumstances peculiar to the property involved. If the Board of Adjustment denies an application for variance, it shall enter the reasons for the denial in the minutes of the meeting at which the action was taken. [Chapter B, Section 6-1.4(B)(6)]

City of Winston-Salem
ZONING BOARD OF ADJUSTMENT
For Information Call: 727-2101
REQUEST FOR: VARIANCE OF
SIDE YARD SETBACK
PUBLIC HEARING CASE #
JULY 7, 2016 5369
2:00 PM - FIFTH FLOOR - BRYCE A. STEWART MUNICIPAL BUILDING

City of Winston-Salem
ZONING BOARD OF ADJUSTMENT

City of Winston-Salem
ZONING BOARD OF ADJUSTMENT
For Information Call: 727-2101

REQUEST FOR: VARIANCE OF
SIDE YARD SETBACK
PUBLIC HEARING CASE #
JULY 7, 2016 5369
2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING













100 East First Street
Winston-Salem, NC 27101
(336) 727-2628

Case # 5378

CITY ZONING BOARD OF ADJUSTMENT VARIANCE APPLICATION

Prop Addr: 611 LICHFIE LD RD
WINSTON-SALEM, NC 27104 -

Owner: DAVIS VU
Address: 611 LICHFIELD RD
WINSTON-SALEM,, NC 2710 4-

Phone.: (336)608-9188 x

Applicant:

Address:

Phone:

Details:

Lot Dimensions:
Rear Yard
Description: Requesting 9.8 foot rear variance

The above owner or applicant is requesting that this application be presented to, and heard by the Winston-Salem Zoning Board of Adjustment at a meeting to be held on **8/4/2016**, at **2:00 P.M.**, in the **Bryce A. Stuart Municipal Building Public Meeting Room, Suite 530, Fifth Floor of City Hall South, 100 E. First Street , Winston-Salem, NC.**

As part of your application, and included in your filing fee of \$200.00, a legal notice is published in the Winston-Salem Journal and the Inspections division furnishes you with a sign(s) which must be posted in a conspicuous place on the premises prior to the date of the hearing. The sign(s) must be attached to sufficient support and be clearly visible from a public street. If the property is located on the corner of two public streets or has frontage on more than one public street, a sign needs to be placed on each public street. If the property is on a private street or access easement, a second sign or lead in sign will need to be placed at the public street.

SIGN POSTING DATE IS 7/25/2016 BY 9:00 A.M. THE SIGN MUST BE LEFT UP UNTIL AFTER THE PUBLIC HEARING. Failure to comply with these posting instructions will result in delay of the application and postponement of the hearing and decision to a later scheduled public hearing.

Remember that Variances can be approved only when there is practical difficulty or unnecessary hardship in meeting zoning requirements, with the difficulties resulting from subdividing land before the law was adopted, or from an act of a public agency, or from some cause beyond the control of the owner.

DAVIS VU
LISA CASSIDY VU

Case # **5378** Request variance of rear yard requirements on a .63 acre tract of land located at 611 Litchfield Rd. approximately 200 feet North of Kirklees Rd. Property is zoned RS9. Tax Block 3571, Tax Lot 020.

I HAVE READ THE ABOVE INFORMATION AND UNDERSTAND THE REQUIREMENTS

I hereby certify that all of the information contained in this application for a Variance is correct. If executed by an individual for a corporate entity, I certify that I am duly authorized to sign on behalf of the corporate entity.

Applicant Signature

Date

FEE \$200.00



CASE 5378

**CITY OF WINSTON-SALEM ZONING BOARD OF ADJUSTMENT
REQUEST FOR VARIANCE STAFF REPORT
AUGUST 4, 2016**

CASE #:	5378	VARIANCE REQUEST:	9.8-foot variance of the rear setback requirements in a RS9 zoning district
STAFF:	Desmond C. Corley		
PETITIONER(S):	Davis Vu Lisa Cassidy Vu	LOCATION:	611 Lichfield Road (0.63 acre, approximately 200 feet north of Kirklees Road)

BACKGROUND:

The *Unified Development Ordinances* (UDO) contains certain dimensional requirements for each of the zoning districts created by its adoption. Requests for variance of these dimensional requirements must go before the Board of Adjustment.

The subject property is zoned RS9, a district within which setbacks for single-family residential structures are twenty (20) feet in the front, twenty-five (25) feet in the rear, seven (7) feet on one side, and twenty (20) feet combined for both sides. Detached accessory structures may be as close as three (3) feet from the rear or side property line(s), provided the overall height of any such structure is seventeen (17) feet or shorter. Where a proposed accessory structure is taller than 17 feet, said structure must meet the setbacks for principal structures in the underlying zoning district. The petitioner proposes to place an accessory structure to the rear of the existing house, approximately 15.2 feet from the eastern property line. This structure is approximately 22.5 feet tall.

REQUIRED HARDSHIPS AND FINDINGS:

A variance may only be approved upon a finding of practical difficulty or unnecessary hardship in meeting the dimensional requirements of the UDO. Such hardship must be the result of the recorded platting or deeding of land or any building constructed and completed prior to the adoption of the UDO, from any act of a public agency, or from natural conditions beyond the control of the property owner. The applicant must demonstrate *all* of the following:

- a) The unnecessary hardship would result from the strict application of the UDO¹;
- b) The hardship results from the conditions that are peculiar to the property, such as location, size or topography²;
- c) The hardship did not result from actions taken by the applicant or the property owner³; and

¹It shall not be necessary to demonstrate that, in the absence of a variance, no reasonable use can be made of the property.

²Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

³The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

- d) The requested variance is consistent with the spirit, purpose and intent of the UDO, such that public safety is secured, and substantial justice is achieved.

The Board must also find the following in the affirmative:

- a) The approval of the variance will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;
- b) The use of the property otherwise meets all required conditions and specifications;
- c) The approval of the variance will not substantially injure the value of adjoining or abutting property, or the use is a public necessity; and
- d) The location and character of the use, if developed according to the variance, will otherwise be in harmony with the area in which it is to be located and in general conformity with *Legacy*.

ANALYSIS:

A building permit was issued for this structure on May 27, 2016 (A/P #293240). According to that permit, the accessory structure was permitted at twenty (20) feet from the juncture of the eastern and southeastern property lines, which did not meet the rear setback requirement for principal structures in a RS9 zoning district. (Because the height of the proposed accessory structure was listed at 21 feet, this was its required setback as well.) *The aforementioned permit was issued in error, failing to require the minimum 25-foot rear setback for the proposed structure.*

The structure is proposed to be located in the rear yard of the property, invisible from the street, and outside of any public or private utility easements. *We conclude that the approval of a variance will not materially endanger the public health or safety if located where proposed because the structure is proposed to be located far from the nearest rights-of-way, as well as from the nearest utility easements.*

The proposed structure meets the principal side setback requirements for properties in a RS9 zoning district, and its area can automatically be accepted by virtue of being less than 576 square feet. Additionally, the structure is below the maximum allowable height in a RS9 zoning district. *The proposed structure otherwise meets all dimensional requirements of the UDO.*

Staff is not qualified to make certifiable assessments with regard to property values. *However, we do not believe that varying the rear setback requirement in this instance poses any significant threat to the value of adjoining or abutting properties, as the proposed structure is not out of character for the surrounding area.*

The proposed use is set far back from the nearby street rights-of-way and is not particularly close to existing single-family homes on adjoining properties. There are also other structures of a similar relative size and situation on neighboring lots. *We conclude that the location and character of the use, if developed according to the variance, will not disrupt the harmony of the area in which it is located because it would otherwise be allowed by the UDO, and it is not proposed at a scale which is incompatible with the surrounding neighborhood.*

HARDSHIP: Act of a public agency

RECOMMENDATION: Approval

A variance shall be granted only with reference to conditions and circumstances peculiar to the property involved. If the Board of Adjustment denies an application for variance, it shall enter the reasons for the denial in the minutes of the meeting at which the action was taken. [Chapter B, Section 6-1.4(B)(6)]



City of Winston-Salem
ZONING BOARD OF ADJUSTMENT
For Information Call: 727-2101
REQUEST FOR VARIANCE OF
REAR YARD REQUIREMENTS
PUBLIC HEARING CASE #
AUG. 4, 2016 at 4pm 5378
2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING





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100 East First Street
Winston-Salem, NC 27101
(336) 727-2628

Case # 5385

CITY ZONING BOARD OF ADJUSTMENT VARIANCE APPLICATION

Prop Addr: 1215 W CLEMMONSVILLE RD
WINSTON-SALEM, NC 27127 -

Owner: SOUTH PARK BIZ CENTER
Address: 2201 N FAYETTEVILLE ST
ASHEBORO,, NC 27203-

Phone.:

Applicant: HAROLD HOOVER
Address:

Phone: (336)470-6234 x

Details:

Other

Variance Type: STREET YARD VARIANCE

Description

The above owner or applicant is requesting that this application be presented to, and heard by the Winston-Salem Zoning Board of Adjustment at a meeting to be held on **8/4/2016, at 2:00 P.M.**, in the **Bryce A. Stuart Municipal Building Public Meeting Room, Suite 530, Fifth Floor of City Hall South, 100 E. First Street , Winston-Salem, NC.**

As part of your application, and included in your filing fee of \$200.00, a legal notice is published in the Winston-Salem Journal and the Inspections division furnishes you with a sign(s) which must be posted in a conspicuous place on the premises prior to the date of the hearing. The sign(s) must be attached to sufficient support and be clearly visible from a public street. If the property is located on the corner of two public streets or has frontage on more than one public street, a sign needs to be placed on each public street. If the property is on a private street or access easement, a second sign or lead in sign will need to be placed at the public street.

SIGN POSTING DATE IS 7/24/2016 BY 9:00 A.M. THE SIGN MUST BE LEFT UP UNTIL AFTER THE PUBLIC HEARING. Failure to comply with these posting instructions will result in delay of the application and postponement of the hearing and decision to a later scheduled public hearing.

Remember that Variances can be approved only when there is practical difficulty or unnecessary hardship in meeting zoning requirements, with the difficulties resulting from subdividing land before the law was adopted, or from an act of a public agency, or from some cause beyond the control of the owner.

SOUTH PARK BIZ CENTER
(HAROLD HOOVER)

Case # 5385

Requesting street yard variance on property located at 1215 W. Clemmonsville RD. 250 Feet East of Peters Creek Pkwy. Property is zoned HB-S. Tax block is 6175 lots 005a and 006a.

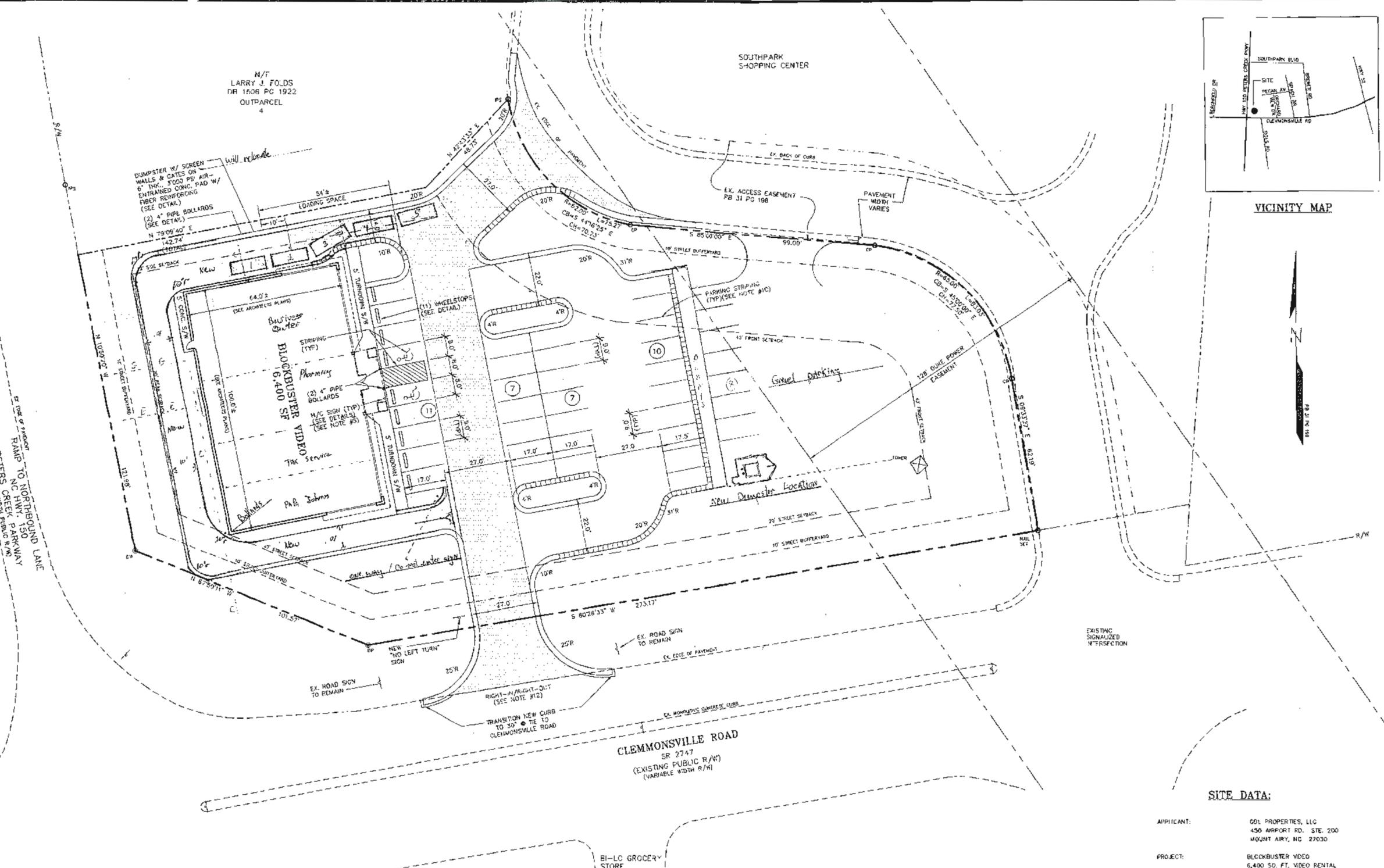
I HAVE READ THE ABOVE INFORMATION AND UNDERSTAND THE REQUIREMENTS

I hereby certify that all of the information contained in this application for a Variance is correct. If executed by an individual for a corporate entity, I certify that I am duly authorized to sign on behalf of the corporate entity.

Applicant Signature

Date

FEE \$200.00



CIVIL CONSULTANTS, INC.
3622 LYCKAN PARKWAY, SUITE 3003
DURHAM, NORTH CAROLINA 27707
(919) 490-1645

FINAL DEVELOPMENT PLAN
APPROVAL
Ronald B. Smith, 11-14-96
Director, City-County Planning Board



W-1204

BLOCKBUSTER-VIDEO

SOUTH PARK SHOPPING CENTER
WINSTON-SALEM, NORTH CAROLINA

*South Park Center
1215 W. Clemmonsville Rd.*

SITE PLAN

DATE: 01 02 96
SCALE: 1" = 20'
PROJ. ENGR.: TMW
PROJ. NO.: 02054
DWG. FILE: 02034CD.DWG

REVISIONS

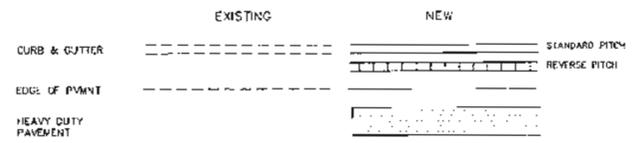
1. Proposed Drive Thru
* will relocate Dumpster Pad.
* will lose 2 of the
35 parking spaces at
P.R. Johns Location

THIS DRAWING AND THE DESIGN HEREON ARE THE PROPERTY OF CIVIL CONSULTANTS, INC. THE INFORMATION ON THIS DRAWING IS NOT FOR USE IN ANY OTHER SITE OR PROJECT. THE REPRODUCTION OR OTHER USE OF THIS DRAWING IN WHOLE OR IN PART, WITHOUT WRITTEN CONSENT OF CIVIL CONSULTANTS, INC. IS PROHIBITED.

DRAWING STATUS: SHEET 1 of 8

NOTATIONS: (These conditions are additional requirements for development. All other city or county code regulations still apply.)
1. Developer shall provide the Zoning Officer of the Inspections Division with sufficient evidence to reduce the required size of the existing parking area in accordance with LDO Section 3.3.6(C)(2) prior to the issuance of building permits.
2. All utility right-of-way is needed to comply with condition "c" below. The right-of-way shall be dedicated prior to the issuance of building permits.
3. Public Works Department of the City of Winston-Salem may require the applicant to provide a temporary permit.
4. Signs shall be limited to attachment type with a maximum height of fifteen (15) feet.

LEGEND



NOTES:

- EXISTING BOUNDARY INFO. TAKEN FROM FIELD SURVEY BY THOMAS T. BRIDGES REGISTERED LAND SURVEYOR, ENTITLED "DEMOGRAPHIC SURVEY, OUTPARCELS A & B, SOUTH PARK SHOPPING CENTER DATED 2/06/96
- ALL DIMENSIONS ARE TO BACK OF CURB UNLESS OTHERWISE SPECIFIED.
- ALL RADII ARE 5.0' UNLESS OTHERWISE SPECIFIED.
- ALL NEW STD. PARKING SPACES SHALL BE 9.0' x 17.5' UNLESS OTHERWISE SPECIFIED.
- ALL HANDICAP ACCESSIBLE PARKING SPACES SHALL HAVE AN R7-3 AND R7-8J SIGN. ALL SIGNS FOR VAN ACCESSIBLE SPACES SHALL INCLUDE A "VAN ACCESSIBLE" ATTACHED SIGN. VAN ACCESSIBLE SPACE TO THE LEFT WHEN FACING THE BLDG.
- ALL NEW PAVEMENT SHALL BE STANDARD PAVEMENT, 8" C&G AND 2" 1-2, UNLESS OTHERWISE SPECIFIED. HEAVY DUTY PAVEMENT SHALL BE 8" C&G AND 2" 1-2.
- CONTRACTOR SHALL TAKE CARE TO MAKE SMOOTH, FLOWING TRANSITIONS @ NEW AND EX. ASPHALT RES.
- ALL NEW CURB & GUTTER ON SITE SHALL BE 3,000 PSI 24" CONC. CURB & GUTTER UNLESS OTHERWISE SPECIFIED.
- ALL NEW CONCRETE SIDEWALKS SHALL BE 5.0' WIDE 4" THK., 3,000 PSI CONCRETE UNLESS OTHERWISE SPECIFIED.
- ALL STRIPING AND PAVEMENT MARKINGS SHALL BE WHITE AND SHALL BE MADE WITH RETRO-REFLECTIVE READY MIXED PAINT CONFORMING TO SECTION 10B7-(4)(1) OF "THE NCDOT STANDARD SPECIFICATIONS FOR ROADS AND STRUCTURES" 1990 ed. STRIPING SHALL CONTAIN GLASS BEADS IN CONFORMANCE W/ THIS SECTION, AND SHALL HAVE A MIN. DRY FILM THICKNESS OF 10 MILS. ALL PARKING SPACE STRIPING SHALL BE A MIN 4" WIDE STRIPES.
- CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING VEHICULAR TRAFFIC TO AND FROM SOUTH PARK SHOPPING CENTER VIA THE ACCESS EASEMENT ADJOINING CLEMMONSVILLE ROAD DURING ALL PHASES OF DEMOLITION AND CONSTRUCTION, AND SHALL EMPLOY TRAFFIC CONTROL MEASURES AS REQUIRED TO MAINTAIN SAME.
- RIGHT-IN/RIGHT-OUT DRIVEWAY PROPOSED AS APPROVED CITY OF WINSTON-SALEM ZONING CASE NO. W-1024 AS AMENDED 5 NOV. 1984. AN NCDOT DRIVEWAY PERMIT SHALL BE OBTAINED PRIOR TO BEGINNING ANY DRIVEWAY WORK W/IN THE PUBLIC R/W. THE NCDOT DRIVEWAY PERMIT SHALL BE KEPT ON SITE AT ALL TIMES DURING DEMOLITION AND CONSTRUCTION.
- NCDOT ENCROACHMENT AGREEMENTS PERMITTING WORK WITHIN NC HWY. 150 AND SR 2747 R/W'S SHALL BE KEPT ON SITE AT ALL TIMES DURING DEMOLITION AND CONSTRUCTION.
- CONTRACTOR SHALL BE RESPONSIBLE FOR TRAFFIC CONTROL MEASURES FOR ALL WORK W/IN PUBLIC R/W PER THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS, (MUTCD), THE NORTH CAROLINA SUPPLEMENT TO THE MUTCD, AND LOCAL NCDOT AND CITY INSPECTOR'S DIRECTION.

SITE DATA:

APPLICANT:	GDI PROPERTIES, LLC 450 AIRPORT RD., STE. 200 MOUNT AIRY, NC 27030
PROJECT:	BLOCKBUSTER VIDEO 6,400 SQ. FT. VIDEO RENTAL
TAX MAP:	BLOCK 6175, PARCELS 5 (PARTIAL) & 6
LOT ACREAGE:	1.26 ACRES
ZONING:	HIGHWAY BUSINESS - SPECIAL
USE:	SERVICES, BUSINESS "A"
REQUIRED PARKING:	32 SPACES (1 SP./200 SQ. FT.)
PARKING PROVIDED:	35 SPACES (TOTAL) 33 STANDARD 2 HANDICAP
MAX. IMPERVIOUS SURFACE ALLOWED:	1.07 ACRES (85%)
NEW IMPERVIOUS SURFACE PROPOSED:	0.56 ACRES (44.4%)

South Park Family Pharmacy
1215 W. Clemmonsville Rd
Winston Salem, NC 27127

July, 11 2016

Attention: Zoning Board of Adjustments

We are seeking a street buffer yard variance, for the property located at 1215 W. Clemmonsville Rd., Winston Salem, NC, due to the hardship created by the lack of an Independent Retail Pharmacy drive thru window in the Con Oak area. South Park Family Pharmacy is the only Independent Retail Pharmacy centrally located to the Con Oak area and regional Hospitals of Novant and Baptist Hospital that offers transitional care for recently hospitalized patients, Comprehensive Medication Reviews as a partner to Community Care on North Carolina, and free home delivery after drop off of a prescription. These services are critical to the patients of this area. South Park Family Pharmacy has a customer base that includes recently hospitalized, handicapped and severely impaired patients. These patients have a significant need for Pharmacy services that are only available from Independent Retail Pharmacies and not offered by Chain Retail Pharmacies. Access to these services for many patients would only be accessible with the use of a drive thru window at the Pharmacy. South Park Family Pharmacy not having a drive thru window results in an unnecessary hardship for these patients and their family members.

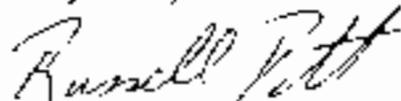
The conditions peculiar to this property that result in the request for variances from this hardship are due to the location of this pharmacy. The property as mentioned is centrally located to the Con Oak area which is predominately occupied by the elderly and is close to the Novant and Baptist Hospitals. The South Park Family Pharmacy is also in the travel route to and from these area hospitals where this patient population would be treated. South Park Family Pharmacy is also the only Independent Retail Pharmacy in this area offering these unique set of services.

The request for this variance did not result from actions taken by South Park Family Pharmacy or any other tenant in the building.

South Park Family Pharmacy believes that this requested variance is consistent with the spirit, and intent of the ordinance that is designed to give adequate buffer area. The drive thru presents no public safety threat and will act to help increase the over all health care system access for the population in this area.

In the review of the site plan drawing the drive thru would encroach on the buffer yard only in the turn area of the south west corner at W. Clemmonsville Rd. and the ramp to Highway 150 North. This encroachment is estimated to ~~be~~ 100 feet.

Thank you for your consideration.



Russell Patterson, Pharm D.
South Park Family Pharmacy, Owner
1215 W. Clemmonsville Rd
Winston Salem, NC 27127
336-853-2744

CASE 5385

**CITY OF WINSTON-SALEM ZONING BOARD OF ADJUSTMENT
REQUEST FOR VARIANCE STAFF REPORT
AUGUST 4, 2016**

CASE #:	5385	VARIANCE REQUEST:	Partial variance of the streetyard planting requirements for motor vehicle surface areas
STAFF:	Desmond C. Corley		
PETITIONER(S):	South Park Biz Center (Harold Hoover)	LOCATION:	1215 W Clemmonsville Road (1.23 acre, on the northeast corner of the intersection with Peters Creek Parkway)

BACKGROUND:

The *Unified Development Ordinances (UDO)* contains streetyard planting requirements for motor vehicle surface areas within 100 feet of street rights-of-way. Requests for variance of these requirements must go before the Board of Adjustment.

The petitioner proposes to construct a drive-through facility for an existing pharmacy at this location. The UDO requires drive-through lanes to be at least nine (9) feet wide. It also requires a minimum ten (10)-foot width for all required streetyard planting areas, excepting those in Growth Management Area (GMA) 1 and certain instances in GMA 2. According to the site plan submitted, there is no room at one of the turns of the proposed drive-through where the minimum streetyard width and minimum drive-through lane width requirements can both be met. The petitioner requests a variance of the streetyard planting requirements in this area.

REQUIRED HARDSHIPS AND FINDINGS:

A variance of the requirements of the landscaping and screening standards set forth in the UDO may only be approved upon a finding of practical difficulty or unnecessary hardship in carrying out the strict letter of the Ordinance. Such hardship must be the result of one or more of the following:

- a) Unusually narrow (less than 10 feet) sections of land available for planting because of existing permanent structures, existing paving, or natural features such as rock outcroppings;
- b) An elevation change of more than twelve (12) feet within the area where the screening would be located;
- c) Specialized land uses such as public utilities, airports, etc. where strict adherence to the screening standard would significantly interfere with the function of that use and would create a public safety problem;
- d) Actions of a public agency; or
- e) Difficulties arising from the platting or deeding of land prior to the adoption of the UDO.

In addition, the applicant must demonstrate *all* of the following:

- a) The unnecessary hardship would result from the strict application of the UDO¹;
- b) The hardship results from the conditions that are peculiar to the property, such as location, size or topography²;
- c) The hardship did not result from actions taken by the applicant or the property owner³; and
- d) The requested variance is consistent with the spirit, purpose and intent of the UDO, such that public safety is secured, and substantial justice is achieved.

The Board must also find the following in the affirmative:

- a) The approval of the variance will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;
- b) The use of the property otherwise meets all required conditions and specifications;
- c) The approval of the variance will not substantially injure the value of adjoining or abutting property, or the use is a public necessity; and
- d) The location and character of the use, if developed according to the variance, will otherwise be in harmony with the area in which it is to be located and in general conformity with *Legacy*.

ANALYSIS:

The Special Use site plan for this location shows a twenty (20)-foot setback from streets (Peters Creek Parkway and W Clemmons Road), which can accommodate a 9-foot drive aisle and 10-foot streetyard. There appear to be no topographical challenges on the site where a streetyard would be required, and the proposed use is not specialized. No discernable action on the part of the City has created a hardship with regard to this property, and the Special Use rezoning for this property – as well as its permitting – occurred in 1996, which is after the adoption of the UDO. If any hardship exists, it has been created by the design of this drive-through facility.

HARDSHIP: None found

RECOMMENDATION: Denial

A variance shall be granted only with reference to conditions and circumstances peculiar to the property involved. If the Board of Adjustment denies an application for variance, it shall enter the reasons for the denial in the minutes of the meeting at which the action was taken. [Chapter B, Section 6-1.4(B)(6)]

¹It shall not be necessary to demonstrate that, in the absence of a variance, no reasonable use can be made of the property.

²Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

³The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

PIZZA
PAPA JOHN'S

City of Winston-Salem
ZONING BOARD OF ADJUSTMENT
For Information Call: 727-2101

REQUEST FOR:
VARIANCE OF STREETYARD REQUIREMENT
PUBLIC HEARING *Case # 5385*
Time AUGUST 4, 2016
3:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING



PIZZA
PAPA JOHN'S

City of Winston-Salem
ZONING BOARD OF ADJUSTMENT
For Information Call: 727-2101

REQUEST FOR:
VARIANCE OF STREETYARD REQUIREMENTS
PUBLIC HEARING CASE #5385
THURSDAY AUGUST 4, 2016
2:00 PM, 7TH FLOOR, BRYCE A. STUART MUNICIPAL BUILDING



SOUTH PARK FAMILY
PHARMACY

PIZZA
PAPA JOHN'S

SOUTH PARK BIZ

OPEN







SOUTH HAVEN BOWLING CENTER

BOWLING









100 East First Street
Winston-Salem, NC 27101
(336) 727-2628

Case # 5227

CITY ZONING BOARD OF ADJUSTMENT APPEAL APPLICATION

Prop Addr: 3206 POLO RD
WINSTON-SALEM, NC 27106 -

Owner: JAMES GLASS
Address: 2695 GRIFFIN RD
RURAL HALL,, NC 27045-

Phone.:

Applicant: NING LIU
Address: 3206 POLO RD
WINSTON SALEM, NC 27106
Phone: (336)382-7455 x

Details:

Zoning Officer Decision/Interpretation

Description: Appeal of Officers decision to revoke home occupation permit.

The above owner or applicant is requesting that this application be presented to, and heard by the Winston-Salem Zoning Board of Adjustment at a meeting to be held on **8/4/2016**, at **2:00 P.M.**, in the **Bryce A. Stuart Municipal Building Public Meeting Room, Suite 530, Fifth Floor of City Hall South, 100 E. First Street , Winston-Salem, NC.**

As part of your application, and included in your filing fee of \$200.00, a legal notice is published in the Winston-Salem Journal and the Inspections division furnishes you with a sign(s) which must be posted in a conspicuous place on the premises prior to the date of the hearing (no sign(s) is(are) required for appeals of the Housing Administrator). The sign(s) must be attached to sufficient support and be clearly visible from a public street. If the property is located on the corner of two public streets or has frontage on more than one public street, a sign needs to be placed on each public street. If the property is on a private street or access easement, a second sign or lead in sign will need to be placed at the public street.

SIGN POSTING DATE IS 7/24/2016 BY 9:00 A.M. THE SIGN MUST BE LEFT UP UNTIL AFTER THE PUBLIC HEARING. Failure to comply with these posting instructions will result in delay of the application and postponement of the hearing and decision to a later scheduled public hearing.

In applying for an appeal of the Zoning Officer or the decision of the Historic Properties Commission you must present a written statement of your appeal detailing your appeal request. Any other evidence that you would like for the Zoning Board of Adjustment to consider must also be presented when the application is made to allow the Board sufficient time to review that information prior to the scheduled hearing date.

JAMES GLASS
(NING LIU)

Case # 5227

Appealing Zoning officer decision to revoke home occupation permit on a .77 acre tract of land located at 3206 Polo Rd. Property is zoned RS9. Block 3410 lot 069D

I HAVE READ THE ABOVE INFORMATION AND UNDERSTAND THE REQUIREMENTS

I hereby certify that all of the information contained in this application for an Appeal is correct. If executed by an individual for a corporate entity, I certify that I am duly authorized to sign on behalf of the corporate entity.

Applicant Signature

Date

FEE \$200.00



City of Winston-Salem
ZONING BOARD OF ADJUSTMENT
For Information Call: 727-2101
REQUEST FOR: APPEAL OF A
ZONING OFFICER'S DETERMINATION
CASE # 5227 PUBLIC HEARING:
AUGUST 4, 2016
2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL CENTER