



TOWN OF ZEBULON
Board of Adjustment
July 25, 2024
6:00 PM

- I. CALL TO ORDER**
- II. APPROVAL OF AGENDA**
- III. NEW BUSINESS**
 - a. GeoCivics Project Number 1382188 VA 2024-01 – 2204 Zebulon Road PIN # 1796752522.** - A Variance request by Bateman Civil Survey Company on behalf of property owner Stephen Thomas Perry and Angel W Perry, for a Variance of Article 4 Section 4.3.5.G of the UDO.
- IV. ADJOURNMENT**

STAFF REPORT
BOARD OF ADJUSTMENT
2204 ZEBULON RD VARIANCE
JULY 25, 2024

Topic: VA 2024-01 - 2204 ZEBULON RD VARIANCE

Speaker: Adam Culpepper, Senior Planner
From: Adam Culpepper, Senior Planner
Prepared by: Catherine Farrell, CZO, Planner II
Approved by: Michael J. Clark, AICP, CNU-A, Planning Director

Executive Summary:

The Board of Adjustment will consider a request from Bateman Civil Survey Company for a variance from Section 4.3.5.G.5 of the Unified Development Ordinance (UDO) to allow 100% of parking for vehicle sales to be between the building and the road.

Background:

The property at 2204 Zebulon Rd is 1.05 acres with opposing frontages on Zebulon Road (NC96) and Pippin Road. The Wake County Tax Records indicate that the site is improved with a 16-foot by 20-foot, (320 square-feet) structure located in the approximate center of the site with a gravel surface access drive off Pippin Road. The site was previously used for the operation of a shed sales business. Currently the site is understood to be vacant.

On June 18, 2024, the applicant submitted an application requesting a variance for 2204 Zebulon Rd. Applicant had met with staff prior to discuss the possibility of establishing a new use of Automotive Sales or Rentals on the property. Automotive Sales or Rentals is a permitted use within the HC district as stated in the Primary Use Table in section 4.2.3 of the UDO. Staff explained the use specific standards 4.3.5.G for Automotive Sales and Rentals does not allow for more than 50% of the vehicle sales to be between the building and the road.

Due to the subject property having opposing frontages on Zebulon Rd and Pippin Rd and the location of the existing building, the applicant has requested a Variance as they believe these site conditions present significant hardship and the requested use (Automotive Sales/ Rental) could not be otherwise accomplished by the requirements of the UDO.

Discussion:

The discussion before the Board of Adjustment is whether the proposed request meets the Standards of Section 2.2.22.G.1 of the UDO.

Variance Standards:

In accordance with Section 2.2.22.G.1.a of the UDO, the request must meet all of the following standards:

- i. Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.*
- ii. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships 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.*

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- iii. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of the variance shall not be regarded as a self-created hardship.*
- iv. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.*

Furthermore, in addition to the above standards, the Board of Adjustment may also consider the following:

- i. The variance approval is the minimum necessary to make possible the reasonable use of the land, building, or structure.*
- ii. All property taxes on the land subject to the variance application have been paid in full.*
- iii. None of the following may be used as the basis for approving a variance:*
 - 1. Neither the nonconforming use of lands, buildings, or structures in the same zoning district, or the permitted use of lands, buildings, or structures in other zoning districts, or personal circumstances;*
 - 2. A request for a particular use that is expressly, or by inference, prohibited in the zoning district;*
 - 3. Hardships resulting from factors other than application of the relevant standards of this ordinance;*
 - 4. The fact that land or a structure may be utilized more profitably or be more marketable with a variance;*
 - 5. The citing of other conforming or nonconforming uses of land or structures in the same or other zoning districts; or*
 - 6. Financial hardship.*

Staff Recommendation:

Staff Recommends opening the quasi-judicial hearing to accept evidence and testimony to establish a basis for findings of fact corresponding to the standards of 2.2.22.G.1.a as they relate to the proposed variance request.

Attachments:

- 1. Application
- 2. Mailed Notice Affidavit
- 3. Aerial Map



Town of Zebulon

Planning Department

1003 N. Arendell Avenue, Zebulon, NC 27597
Phone: (919) 823-1810 Fax: (919) 887-2824
www.townofzebulon.org

REQUEST FOR VARIANCE

GENERAL INFORMATION

In accordance with Section 2.2.22 of the UDO, an applicant, property owner, or other individual may request an appeal of a Town Official's decision or interpretation of the UDO.

INSTRUCTIONS:

PRE-APPLICATION MEETING: A pre-application meeting with staff in accordance with Section 2.3.2 of the UDO to verify the application requirements, processes, and procedures regarding a proposed request. To schedule a meeting, applicants must e-mail a pdf map, drawing, model, site, or sketch plan to the Planning Department (planning@townofzebulon.org) no later than five (5) working days prior to the desired meeting day.

APPLICATION PROCEDURE – The applicant requesting a variance must submit an application through the Town of Zebulon GeoCivix Web Portal. As noted below some materials must be brought in person to the Zebulon Planning Department to complete the application process. Access to the GeoCivix portal can be found on the Town of Zebulon Website or through this link (<https://townofzebulon.geocivix.com/secure/>)

- **Materials to Submit through the Town of Zebulon GeoCivix Web Portal:**
 - Completed Application Form
 - PDF Plan Set showing the details of the site as it pertains to the proposed variance request.
 - One (1) Legal Description (metes and bounds) of subject property
 - Certified List of Property Owners within 750 feet of subject property
 - Owner's Consent Form

BOARD OF ADJUSTMENT REVIEW AND DECISION: The Board of Adjustment will review the request in accordance with the standards and regulations of Section 2.2.22(D) of the UDO.

NOTICE OF DECISION: The formal notice of decision shall be provided to the applicant in accordance with Section 2.3.9 of the UDO.



APPLICATION FOR
VARIANCE

PART 1. DESCRIPTION OF REQUEST/PROPERTY		
Street Address of the Property: 2204 ZEBULON ROAD		Acreage: 1.05
Parcel Identification Number (NC PIN): 1796752522	Deed Book: 013273	Deed Page(s): 02356
Existing Zoning of the Property: HC	Proposed Zoning of the Property: HC	
Existing Use of the Property: COMMERCIAL	Proposed Use of the Property: COMMERCIAL, AUTO SALE	
Section(s) of UDO requesting variance from: ARTICLE 4.3.G.5		

PART 2. APPLICANT/AGENT INFORMATION		
Name of Applicant/Agent: BATEMAN CIVIL SURVEY COMPANY (KENRIC BARNES)		
Street Address of Applicant/Agent: 2524 RELIANCE AVENUE		
City: APEX	State: NC	Zip Code: 27539
Email of Applicant/Agent: ENGINEERING@BATEMANCIVILSURVEY.COM	Telephone Number of Applicant/Agent: 919-577-1080	Fax Number of Applicant/Agent: 919-577-1081
Are you the owner of the property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Are you the owner's agent? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Note: If you are not the owner of the property, you <u>must</u> obtain the Owner's consent and signature giving you permission to submit this application.

PART 3. PROPERTY OWNER INFORMATION		
Name of Property Owner: TOMMY PERRY		
Street Address of Property Owner: 20 BUNN AVENUE		
City: ZEBULON	State: NC	Zip Code: 27597
Email of Property Owner: TOMMY@PERRYCORPNC.COM	Telephone Number of Property Owner: 919-422-5660	Fax Number of Property Owner:

I hereby state that the facts related in this application and any documents submitted herewith are complete, true, correct, and accurate to the best of my knowledge.

Signature of Applicant: 	Print Name: Kenric Barnes	Date: 6/18/24
Signature of Owner: 	Print Name: Tommy Perry	Date: 6-18-24



PART 4. REQUIRED FINDINGS OF FACT

In accordance with Section 2.2.22.G.1.a of the UDO, the burden of proof is on the applicant to provide competent and substantial evidence demonstrating how the proposed request will meet the following findings of fact:

1. Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

We are requesting a Variance to the Board of Adjustments that there are practical difficulties and unnecessary hardships per UDO Article 4.3.G.5., no more than 50% of vehicles for sale may be between the building and any public road.

The variance is being requested due to the subject property being located between 2 public right of ways, NC HWY 96 and Pippin Road, therefore Article 4.3.G.5 cannot be accommodated. 100% of the vehicles for sale will be located between the building and either NC HWY 97 and Pippin Road. This is a result of the unusual condition for the property fronting 2 public right of ways.

2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships 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.

Yes, this hardship results from conditions that are peculiar to the property. The subject property is located between 2 right of ways, therefore Article 4.3.G.5 cannot be accommodated.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of the variance shall not be regarded as a self-created hardship.

Yes, we feel that the hardship did not result from actions taken by the applicant or the property owner. This property was NOT purchased with the knowledge that circumstances exist.

4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Yes, we feel that in the granting of the Variance, the public safety and welfare have been assured and substantial justice has been done.



OWNER'S CONSENT FORM

Name of Project: 2204 ZEBULON ROAD Submittal Date: 6/18/24

OWNER'S AUTHORIZATION

I hereby give CONSENT to BATEMAN CIVIL SURVEY (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge the property I have an ownership interest in is the subject of this application. I acknowledge and agree that, pursuant to Section 2.2.22 of the Town of Zebulon Unified Development Ordinance, that lands subject to a Variance request shall be subject to all the standards, conditions, and plans approved as part of that application. These standards, plans, and approved conditions are perpetually binding on the land as an amendment to this Ordinance and the Official Zoning Map and may only be changed in accordance with the procedures established in this Ordinance. Development located outside the Town of Zebulon's corporate limits shall comply with all Town policies related to annexation and the extension of utilities. I understand that all other applicable standards and regulations of the UDO will remain applicable to the subject lands unless specifically listed as conditions or deviations as part of this request. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the Town of Zebulon to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

Signature of Owner

Tommy Perry
Print Name

6.18.24
Date

CERTIFICATION OF PROPERTY OWNER

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Zebulon, North Carolina, and will not be returned.

Signature of Owner

Tommy Perry
Print Name

6-18-24
Date

*Owner of record as shown by the Wake County Revenue Department (www.wakegov.com). An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this form.

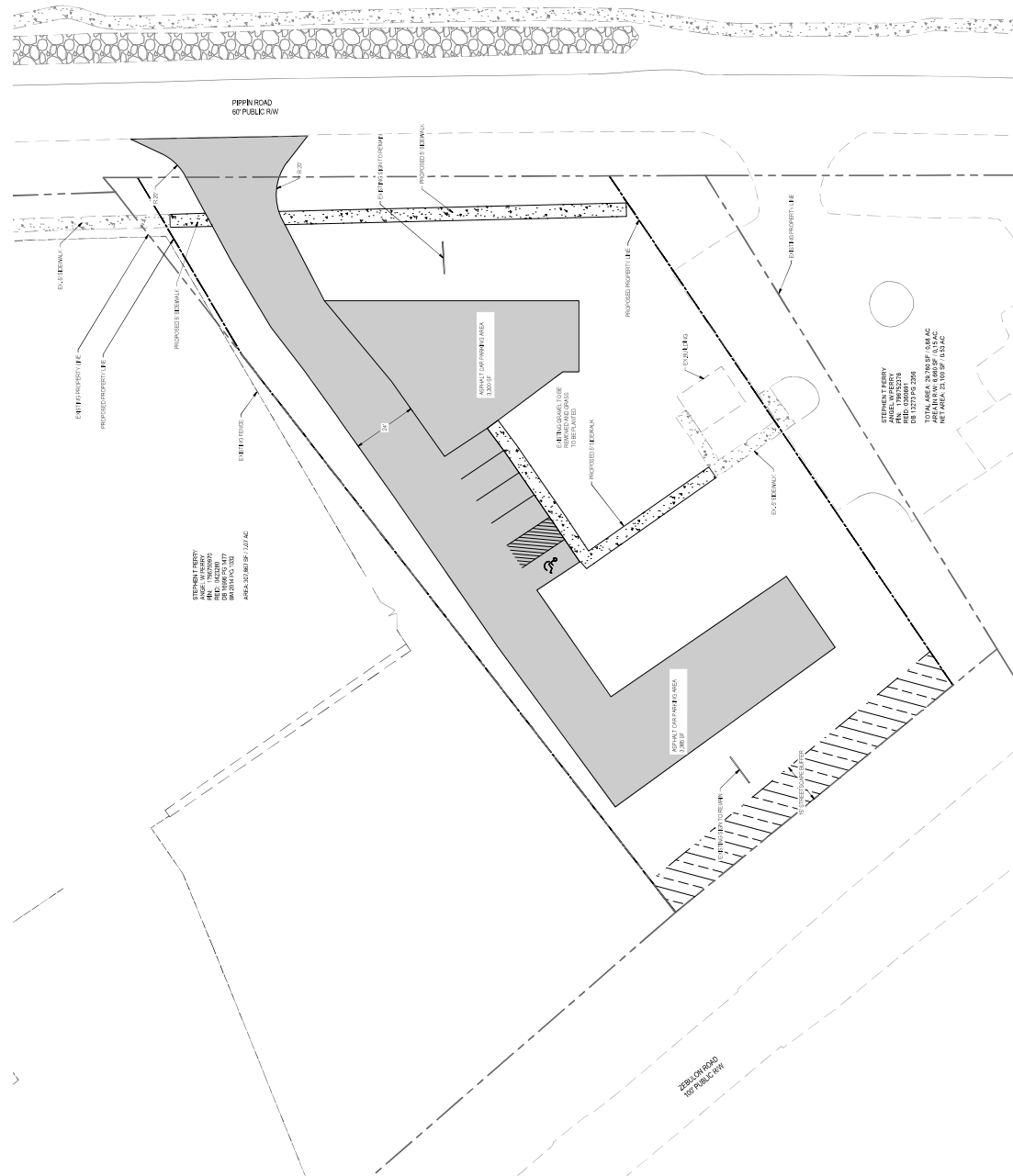
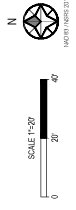
PIN: 1796752522

BEING ALL OF THAT PARCEL OF LAND NOW OR FORMERLY OF STEPHEN T PERRY AND ANGEL W PERRY (PIN: 1796752522) AS DESCRIBED IN DEED BOOK 13273 AT PAGE 2356 OF THE WAKE COUNTY REGISTER OF DEEDS, LYING IN THE TOWN OF ZEBULON, LITTLE RIVER TOWNSHIP, WAKE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT 1 ½" IRON PIPE FOUND ON THE WESTERN CORNER OF THE DESCRIBED PARCEL AND THE EASTERN RIGHT OF WAY OF ZEBULON ROAD (NC HIGHWAY 96), SAID IRON BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N: 765,494.93' AND E: 2,197,067.84'; THENCE, FROM THE POINT OF BEGINNING AND LEAVING SAID RIGHT OF WAY, N52°08'15"E A DISTANCE OF 338.80 TO A ½" IRON PIPE FOUND ON THE WESTERN RIGHT OF WAY OF PIPPIN ROAD; THENCE, LEAVING SAID RIGHT OF WAY, N49°51'08"E A DISTANCE OF 7.04 FEET TO A ½" IRON PIPE FOUND; THENCE, S00°11'29"E A DISTANCE OF 223.59 FEET TO A ½" IRON REBAR FOUND; THENCE, S58°22'45"W A DISTANCE OF 206.46 FEET TO A ½" IRON PIPE FOUND ON THE EASTERN RIGHT OF WAY OF ZEBULON ROAD (NC HIGHWAY 96); THENCE, WITH SAID RIGHT OF WAY, N39°19'54"W A DISTANCE OF 154.30 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 46,320 SQUARE FEET OR 1.06 ACRES, MORE OR LESS.

LESS AND EXCEPT THAT PORTION OF THE PROPERTY LYING WITHIN THE RIGHT OF WAY OF PIPPIN ROAD.



REV #	DATE	DESCRIPTION

ZEBULON

NORTH CAROLINA

CASE # VA 2024-01 IDT# 1382188- 2204 Zebulon Road

PROJECT ADDRESS: 2204 Zebulon Road

PIN NUMBER: 1796752522

HEARING DATE: July 25, 2024

State of North Carolina

County of Wake

BEFORE ME, the undersigned Notary, E. McKinney Warner on this 22nd day of July 2024, personally appeared Michael J. Clark, known to me to be a credible person and of lawful age, who being by me first duly sworn, on his oath, deposes and says:

I Michael J. Clark, acting as the Planning Director for the Town of Zebulon, affirm that the following Public Notice Procedures have been completed in accordance with applicable North Carolina General Statute and Town of Zebulon Unified Development Ordinance Section 2.3.6 have been satisfied for the above referenced hearing.

- First Class Mailing Sent on **7/11/2024** (see attached mailing list and copy of mailing)
- Advertisement in a Paper of General Circulation sent on **7/9/2024** (Wake weekly, publication dates **7/12 & 7/19/2024**)
- Posting Public Hearing Signage on Property on **7/11/2024** (pictures attached)
- Posted to Planning Department Website **7/11/2024**

[Signature]

7/22/2024

Michael J. Clark, AICP, CNU-A

Date

Subscribed and sworn to before me, this 22nd day of July 2024.

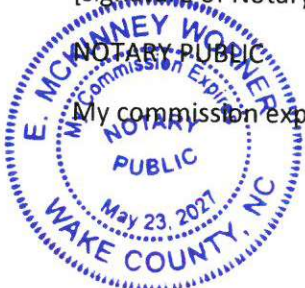
[Notary Seal:]

[Signature]

E. McKinney Warner

[signature of Notary]

[printed name of Notary]



My commission expires: May 23, 2027.

Notice of Public Hearing

Notice is hereby given pursuant to the provisions of Article 2.3.6 of the Town of Zebulon Unified Development Ordinance that a public hearing will be held on **July 25, 2024, at 6:00 PM** at the **Zebulon Municipal Complex, 1003 N. Arendell Avenue**, and will be conducted by the Board of Adjustment of the Town of Zebulon for the purpose of considering the following items:

GeoCivics Project Number 1382188- VA 2024-01 – 2204 Zebulon Road

PIN # 1796752522. A Variance request by Bateman Civil Survey Company on behalf of property owner Stephen Thomas Perry and Angel W Perry, for a Variance of Article 4 Section 4.3.5.G of the UDO.

Interested resident citizens are encouraged to attend and be heard. Maps and other relevant information pertaining to these matters are available at the Zebulon Town Hall and are filed with the Planning Department. Links will be provided along with the full application packet and documentation on the Planning Department web page at <https://www.townofzebulon.org/departments/planning/public-hearing-information> For questions or additional information, please contact us at (919) 823-1809.

Wake Weekly July 12th & July 19th.

Notificación de Audiencia Pública

Por la presente se notifica, de conformidad con las disposiciones del Artículo 2.3.6 de la Ordenanza de Desarrollo Unificado del Pueblo de Zebulon, que se celebrará una audiencia pública el 25 de Julio de 2024, a las 6:00 PM en el Complejo Municipal de Zebulon, 1003 N. Arendell Avenue, y será llevada a cabo por la Board of Adjustment de Zebulon con el propósito de considerar los siguientes puntos:

GeoCivics Proyecto Número 1382188- VA 2024-01 - 2204 Zebulon Road
PIN # 1796752522. Una solicitud de Variación por Bateman Civil Survey Company en nombre del dueño de la propiedad Stephen Thomas Perry y Angel W Perry, para una Variación del Artículo 4 Sección 4.3.5.G del UDO.

Se anima a los ciudadanos residentes interesados a asistir y ser escuchados. Mapas y otra información pertinente relativa a estos asuntos están disponibles en el Ayuntamiento de Zebulon y se archivan en el Departamento de Planificación. Los enlaces se proporcionarán junto con el paquete de solicitud completa y la documentación en la página web del Departamento de Planificación en <https://www.townofzebulon.org/planning/public-hearing-information>. Para preguntas o información adicional, póngase en contacto con nosotros en (919) 823-1809.

Wake Weekly 12 de Julio y 19 de Julio.

CAMPBELL, TERESA CAMPBELL, JOHN
CLAYTON
1014 BLACK RIVER DR
ZEBULON NC 27597-9417

WEAVERS POND HOMEOWNERS ASSOCIATION
INC
11010 RAVEN RIDGE RD
RALEIGH NC 27614-8837

BASS, DONALD R BASS, CONNIE M
1936 ZEBULON RD
ZEBULON NC 27597-8146

BOBBITT, ANNE B RAY, MARTHA B
1938 ZEBULON RD
ZEBULON NC 27597-8146

PERRY, STEPHEN THOMAS PERRY, ANGEL W
20 BUNN AVE
ZEBULON NC 27597-5866

ABATE, JOE D ABATE, BARBRA J
2002 TARAMAR LN
ZEBULON NC 27597-6245

CASHWELL, JOHNNY C CASHWELL, SUSAN W
2003 TARAMAR LN
ZEBULON NC 27597-6246

SANTIAGO VELEZ, JOSE RAMON SANTIAGO,
CINTHIA A
2004 TARAMAR LN
ZEBULON NC 27597-6245

SOLOMON, DENNIS D SOLOMON, MYRA S
2005 TARAMAR LN
ZEBULON NC 27597-6246

CROSS, KEVIN D CROSS, GESHIA A
2006 TARAMAR LN
ZEBULON NC 27597-6245

BUDRY, JOHN F BUDRY, CYNTHIA B
2008 TARAMAR LN
ZEBULON NC 27597-6245

BOBBITT, ANNE B RAY, MARTHA B
2008 ZEBULON RD
ZEBULON NC 27597-8148

BOBBITT, WAYNE R JR BOBBITT, ANNDALA C
2021 ZEBULON RD
ZEBULON NC 27597-8149

FOUR SEASONS PROPERTY GROUP LLC
2021 ZEBULON RD
ZEBULON NC 27597-8149

WISELY, JONATHAN P WISELY, GINA D
2102 TARAMAR LN
ZEBULON NC 27597-6247

PEARCE, PATRICK PEARCE, ABIGAIL
2106 TARAMAR LN
ZEBULON NC 27597-6247

MARSHALL, JOHN WILLIAM JR. MARSHALL,
CLAUDINE BRANCH
2107 TARAMAR LN
ZEBULON NC 27597-6248

LUCAS, JEFFERY T LUCAS, ALEXIS L
2108 TARAMAR LN
ZEBULON NC 27597-6247

TOTTY, MAURICE W TOTTY, CAROL
2109 TARAMAR LN
ZEBULON NC 27597-6248

LOCKLEAR, BRANDON LOCKLEAR, JANET
2110 TARAMAR LN
ZEBULON NC 27597-6247

SANDERS, JULIUS L
2111 TARAMAR LN
ZEBULON NC 27597-6248

GONZALEZ, MONICA MENDEZ LOPEZ,
JERONIMO HERNANDEZ
2112 TARAMAR LN
ZEBULON NC 27597-6247

HEINIGER, RYAN HEINIGER, CAREY
2113 TARAMAR LN
ZEBULON NC 27597-6248

NUGUID, NIKO MUNAR LUDWIG, EMILY
ELIZABETH
2114 TARAMAR LN
ZEBULON NC 27597-6247

WHITEHEAD, BRUCE WHITEHEAD, KRISTEN
2115 TARAMAR LN
ZEBULON NC 27597-6248

STRINGFIELD PROPERTIES LLC
2225 ZEBULON RD
ZEBULON NC 27597-8153

CYRUS, LUEASE THOMAS CYRUS, CHARLES
JEROME
3101 GINGER LAKE CT
ZEBULON NC 27597-5738

VIERA, RICARDO E VIERA, RACHEL A
3103 GINGER LAKE CT
ZEBULON NC 27597-5738

GRINDSTAFF, ERIC MCCRAW, KARA A
3105 GINGER LAKE CT
ZEBULON NC 27597-5738

DUNN, JASON DUNN, AMY
3106 GINGER LAKE CT
ZEBULON NC 27597-5737

BANNISTER, ERIC CHRISTOPHER BANNISTER,
NATASHA
3107 GINGER LAKE CT
ZEBULON NC 27597-5738

PUTNEY, DARNETTE PUTNEY, JAMIN
3108 GINGER LAKE CT
ZEBULON NC 27597-5737

MALLORY, JOSEPH L MALLORY, SHERRY E
3109 GINGER LAKE CT
ZEBULON NC 27597-5738

HUNTER, LIBERTY SMITH, SHANE
3110 GINGER LAKE CT
ZEBULON NC 27597-5737

MORRIS, DERRICK DEVAUN
3112 GINGER LAKE CT
ZEBULON NC 27597-5737

MORRIS, WAYNE BRYANT /TR MORRIS, JEWEL
FINCH /TR
3113 BLUEBIRD DR
CHARLOTTE NC 28226-6650

PINTOR, CRISXIAN REYES RAMOS DE DIOS,
LEISHLA M
3114 GINGER LAKE CT
ZEBULON NC 27597-5737

FOY, DAVID A FOY, JERYL M
3115 GINGER LAKE CT
ZEBULON NC 27597-5738

PETERKIN, LAVELLE EDWARDS, LASHONDRA
3116 GINGER LAKE CT
ZEBULON NC 27597-5737

STIVALETTI, MICHAEL G KIM, JEONG-HWA
3708 CARRIAGE MANOR CT
WENDELL NC 27591-7430

TORRY, ANDREW DAVID
500 WESTOVER DR APT 14825
SANFORD NC 27330-8941

HINSON, HOUSTON R HINSON, BARBARA S
8600 BOBBFIELD WAY
ZEBULON NC 27597-7540

SKORDAS, RALPH G TRUSTEE
8601 BOBBFIELD WAY
ZEBULON NC 27597-7540

RUSS, RONALD M CHEEK, MONICA P
8617 BOBBFIELD WAY
ZEBULON NC 27597-7540

MURPHY, MARY LOU PIPPIN BALLARD, NANCY
JEAN PIPPIN
MARY LOU PIPPIN MURPHY
187 M.C. WILDER RD
LOUISBURG NC 27549




WAKE COUNTY BOARD OF EDUCATION
RE SERVICES DIRECTOR
1551 ROCK QUARRY RD
RALEIGH NC 27610-4145



Aerial Map



NC CGA, Maxar, Microsoft

-  2204 Zebulon Rd
-  Parcels
-  Streets

