

WAKE COUNTY, NC 36
CHARLES P. GILLIAM
REGISTER OF DEEDS
PRESENTED & RECORDED ON
10/19/2018 11:34:48

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NORTH CAROLINA
WAKE COUNTY

Return to: **TOWN OF KNIGHTDALE**

950 STEEPLE SQUARE COURT • KNIGHTDALE, NC 27545
OFFICE (919) 217-2241 • FAX (919) 217-2249

ORDER GRANTING A VARIANCE

THE TOWN OF KNIGHTDALE

On the date listed below, the Knightdale Land Use Review Board, sitting as the Board of Adjustment, held a Public Hearing to consider the following application for variance:

APPLICANTS: Daniel Tharrington

PROPERTY OWNERS: Norman Parker

PROJECT NUMBER: VAR-5-18

PROJECT LOCATION: 1001 Mulford Court
0 McKnight Drive

WAKE COUNTY PIN: 1754-14-3746
1754-14-0570

LAND USE REVIEW BOARD MEETING DATE: September 10, 2018

The Land Use Review Board for the Town of Knightdale, sitting as the Board of Adjustment pursuant to Section 18.3(d) of the Knightdale Unified Development Ordinance, held a public hearing on Monday, September 10, 2018 to receive evidence presented by the owners of the subject property on a request for variance from the Knightdale Unified Development Ordinance.

The Land Use Review Board having considered the testimony and arguments presented makes the following FINDINGS OF FACT:

1. Applicant seeks a variance to Section 10.3(D)(1)(h) of the Town of Knightdale Unified Development Ordinance (UDO) to allow for the site to contain 100 parking spaces where a maximum of 50 parking spaces is required as described below:

Use Type	Minimum Parking Spaces	Maximum Parking Spaces
1. Residential		
a. Dwelling-Single Family	1.0 per bedroom up to 2.0 per unit	n/a
b. Dwelling-Duplex	1.0 per bedroom up to 2.0 per unit	n/a
c. Dwelling-Multifamily 4 units/bldg or less	1.0 per bedroom up to 2.0 per unit	n/a
d. Dwelling-Multifamily more than 4 units/bldg	1.0 per bedroom up to 2.0 per unit	n/a
e. Dwelling-Secondary	1.0 per bedroom up to 2.0 per unit	n/a
f. Family Care Home (6 or Less residents)	1.0 per bedroom up to 2.0 per unit	n/a
g. Home Occupation	1.0 per bedroom up to 2.0 per unit	n/a
h. Housing Service for the Elderly	½ maximum	0.5 per unit
i. Live-Work Units	1.0 per bedroom up to 2.0 per unit, plus ½ max.	1.0 per bedroom or 2.0 per unit, plus 3.5 per ksf work space GFA

2. The LURB has considered the Applicant's verified application, evidence and testimony introduced at the hearing, including.
 - a. The identified hardship is based on the wide range of uses that fall under "Housing Services for the Elderly" and not all housing needs would have the same parking requirement.
 - b. The hardship is not a result of any action taken by the applicant as the character and size of the property is not typical for the zoning district in which it is located.
 - c. The proposed variances would result in conditions similar to the general context of the area.

THEREFORE, based on the foregoing Findings of Fact, the Land Use Review Board makes the following CONCLUSIONS OF LAW:

1. There is an unnecessary hardship in requiring each lot that is the subject of this combined request to comply with the strict application of the Ordinance.
2. The identified hardship is a result of conditions peculiar to the property, such as location, size and/or topography.
3. The identified hardship did not result from actions taken by the applicants or property owners; and
4. The variance is consistent with the spirit, purpose and intent of this Ordinance; such that public safety is secured and substantial justice is achieved.

The Land Use Review Board having heard all of the evidence and arguments presented at the hearing hereby grants the variance, VAR-5-18. A variance is granted from the following Unified Development Ordinance Section(s):

Section 10.3(D)(1)(h) of the Town of Knightdale Unified Development Ordinance (UDO) to allow for the site to contain up to 100 parking spaces for a structure containing 100 units to be used for "Housing Services for the Elderly."

This order of the Land Use Review Board in granting this Variance shall expire if this condition is not met within one (1) year from the date of its decision.

Ordered this 8th day of October, 2018




Ben McDonald, Chairman
Land Use Review Board

NOTE: If you are dissatisfied with the decision of this board, an appeal may be taken to the Superior Court of Wake County within thirty (30) days after the date this order is served on you. See Chapter 15, Development Process, of the Knightdale Unified Development Ordinance.

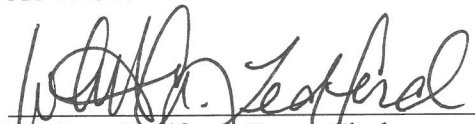
NORTH CAROLINA
WAKE COUNTY

IN WITNESS WHEREOF, the Town of Knightdale has caused this order to be issued in its name, and the undersigned being all of the property owners of the property above described, do hereby accept this Variance, together with all its conditions, as binding upon them and their successors in interest or ownership.


Daniel Tharrington – Applicant

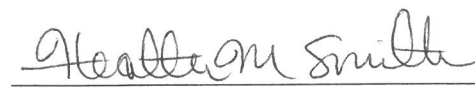


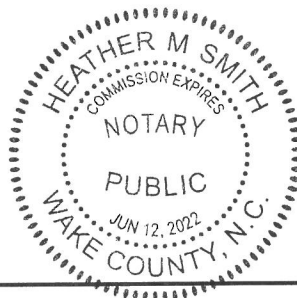
ATTEST:

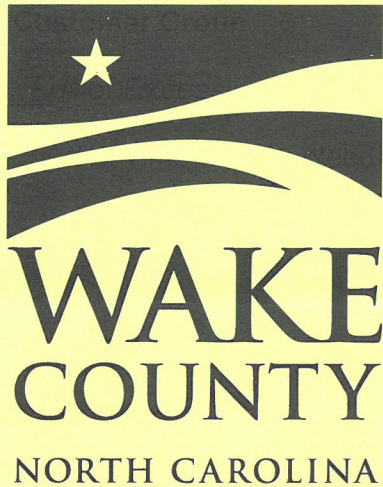

Whitney Ledford, Town Clerk

I, Heather M Smith, a Notary Public in and for said County and State, do hereby certify that Whitney Ledford, Town Clerk of Knightdale, personally came before me this day and being by me duly sworn says that she knows the corporate seal of the Town of Knightdale and that the seal affixed to the foregoing instrument is the corporate seal of the Town of Knightdale, that Whitney Ledford, Town Clerk for the Town of Knightdale subscribed her name thereto; that the corporate seal of the Town of Knightdale was affixed thereto, all by virtue of an order of the Land Use Review Board, and that said instrument is the act and deed of the Town of Knightdale.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 16th day of October, 2018.


Notary Public
My Commission Expires:





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Please retain yellow trailer page

It is part of the recorded document and must be submitted with the original for re-recording.

Charles P. Gilliam
Register of Deeds
Wake County Justice Center
300 South Salisbury Street, Suite 1700
Raleigh, NC 27601

☐ New Time Stamp

☐ \$25 Non-Standard Fee

☐ Additional Document Fee

☐ Additional Reference Fee

This Customer Group

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This Document

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