



# Board of Adjustment Case Report

City of Raleigh  
Planning & Development Department  
One Exchange Plaza  
Raleigh, NC 27601  
(919) 996-2475  
www.raleighnc.gov

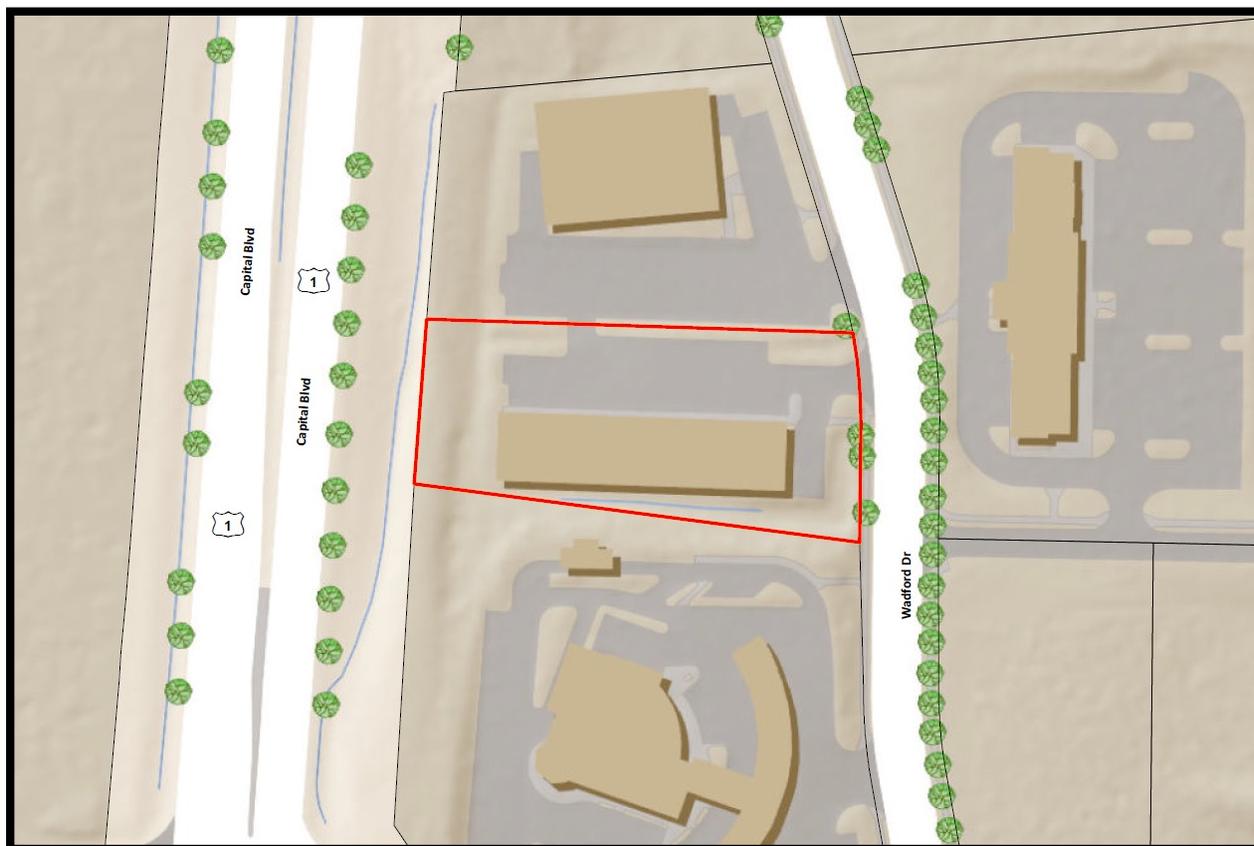
**Case File:** A-45-15

**Property Address:** 8821 Wadford Drive

**Property Owner:** Garcia One, LLC

**Project Contact:** Isabel Worthy Mattox

**Nature of Case:** A request for a to reduce the number of required parking spaces set forth in Section 10-2081 of the Part 10 Zoning Code by 22 spaces to allow for a 9,000 square foot expansion of a motorcycle dealership street resulting in a 21,500 square foot motorcycle dealership with 32 spaces on a 1.20 acre property zoned Thoroughfare District and Shopping Center – Conditional Use located at 8821 Wadford Drive.

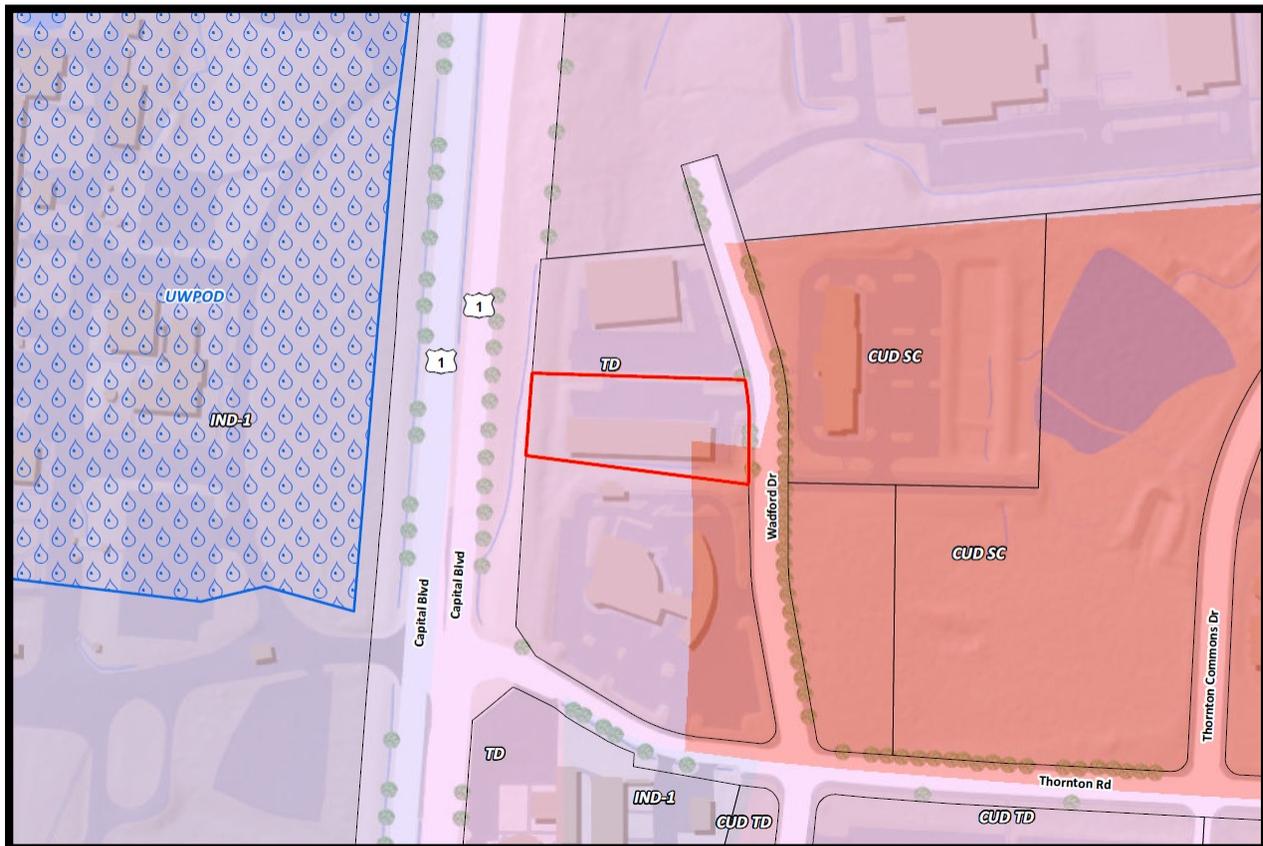


**8821 Wadford Drive – Location Map**

To BOA: 6-8-15

Staff Coordinator: Eric S. Hodge, AICP

**ZONING DISTRICTS:** Thoroughfare District and Shopping Center Conditional Use



### 8821 Wadford Drive – Zoning Map

**VARIANCE STANDARDS:** In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

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.
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.

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 a variance shall not be regarded as a self-created hardship.**
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.**

**Part 10 Zoning Code: Sec. 10-2081 Off-Street Parking Standards and Exceptions**

Service area	3 spaces per bay or mechanic	3 mechanics = 9 spaces
Office area	1 space / 300 square feet	1,650 sf = 5.5 spaces
Showroom	1 space / 200 square feet	7,850 sf = 39.25 spaces
Storage	1 space / 2 employees	no employees = 0 spaces
		Total required = 54 spaces

**Zoning Conditions applicable to a portion of the site zoned Shopping Center CU:**

**Z-30-99 Thornton Road**, north side, east of Capital Boulevard, being Wake County Tax Map Parcels 1738.14 22 7801, 1738.13 12 3767, 3527; 1738.17 12 2339, 3323. Approximately 77 acres to be rezoned to Shopping Center Conditional Use (20 acres) and Office and Institution-2 Conditional Use (56 acres).

Conditions: (11/9/99)

1. All development shall comply with CR-7107.
2. Reimbursement for future right-of-way dedications shall be based upon the pre-existing zoning, R-4. Subject to the provisions of Code Sec. 10-3024, as a part of any subdivision of the subject property, and prior to issuance of building permits from any approved site plan, the right-of-way for a collector street parallel to Capital Boulevard (US Highway 1) as generally shown on attached plat dated October 22, 1999, entitled "Proposed Rezoning Plan for Thornton Road", and prepared for Tillett Development Company, shall be dedicated from the subject property. In any event, subject to the provisions of Code Sec. 10-3024, owner shall dedicate right-of-way from the subject property for the parallel collector along Capital Boulevard on before said boulevard converts to an expressway.
3. The following uses, otherwise permitted, shall be prohibited in the O&I-2 CUD district:
  - a. Emergency Shelter Type A and Emergency Shelter Type B;
  - b. Cemetery;
  - c. Airfield, landing strip, heliport; and,
  - d. Manufacturing - Specialized.
4. The following uses, otherwise permitted, shall be prohibited in the SC District:
  - a. Emergency Shelter Type A and Emergency Shelter Type B;

- b. Cemetery;
- c. Landfill (debris from on-site);
- d. Adult establishment;
- e. Airfield, landing strip, heliport; and,
- f. Kennel/Cattery.

5. A Natural Protective Yard area shall be maintained around trees of significant aesthetic value near the Thornton Road right-of-way shown on plat entitled "Wadford Boundary Survey" prepared by John A. Edwards & Company, dated August 19, 1999.

6. The quantity of street yard landscaping plantings along all public rights-of-way shall be increased by 50% of the requirements described in Code Sec. 10-2082.5.

7. All refuse containers, mechanical/maintenance facilities, and HVAC units shall be screened such that they are not visible from any public streets rights-of-way or residential zoning district.

8. No land disturbing activity shall be permitted within any 100-year floodplain located on the property.

9. Any office development of the O&I-2 CUD portion shall be limited to floor area ratios of .33, and shall conform with unity of landscaping and unity of signage.

10. Any retail development of the SC CUD portion of the property shall not include single uses in excess of 65,000 square feet, and shall conform with unity of landscaping and unity of signage. Freestanding signs shall be low-profile only.

11. No dwelling unit or equivalent dwelling unit shall be established unless it is part of or adjoining a residential project located on a minimum tract or a residential subdivision consisting of at least ten (10) acres.

12. Prior to the issuance of Certificates of Occupancy for more than 70,000 square feet of retail uses, no less than 15 acres shall be developed for residential use.

13. Cumulative residential development shall be a minimum of 8 units per acre and a maximum of 20 units per acre.

14. A residential development shall be centrally located such that it is adjacent to the Shopping Center CUD and office development sites, substantially as shown on a map dated October 22, 1999, entitled "Proposed Rezoning Plan - Thornton Road" and prepared for Tillett Development Company.

15. In order to encourage pedestrian use of the SC CUD site, a pedestrian access shall connect the proposed residential development to the SC CUD. Portions of the pedestrian access located within SC CUD shall be at least 8 feet wide and covered.

16. The development of the Shopping Center CUD shall not exceed 135,000 square feet of retail space; excluding temporary outdoor events.

17. A minimum of 5' of the total square footage of development in the SC CUD zoning west of the loop road, shown on a map dated October 22, 1999, entitled "Proposed Rezoning Plan - Thornton Road" and prepared for Tillett Development Company, shall consist of O&I uses.

18. Development of the Shopping Center CUD shall consist of a neighborhood scale shopping/service center facility and no more than three (3) retail out parcels.

19. If the shopping/service center facility includes multiple levels, office, institutional and residential uses shall occupy the upper levels.

20. Any retail uses located in the SC CUD on the east side of the loop road, as shown on map dated October 22, 1999, entitled "Proposed Rezoning Plan - Thornton Road" and prepared for Tillett Development Company, shall be located in a building of at least two stories and shall include office and/or residential uses on the upper floor(s).

21. All retail out parcels which are immediately adjacent to a residential development or office development shall provide safe pedestrian cross access with same.

22. Cross Access - Upon complete build-out of the subject property, a level of cross access shall be achieved such that a pedestrian or vehicle or both can access every developed parcel from another developed parcel. This level of cross access may be achieved through one or more of the following:

A. Vehicular Cross Access

1. Existing or newly dedicated public streets and rights-of-way;
2. Private driveways;
3. Parking lots;
4. Other vehicular surface areas

B. Pedestrian Cross Access

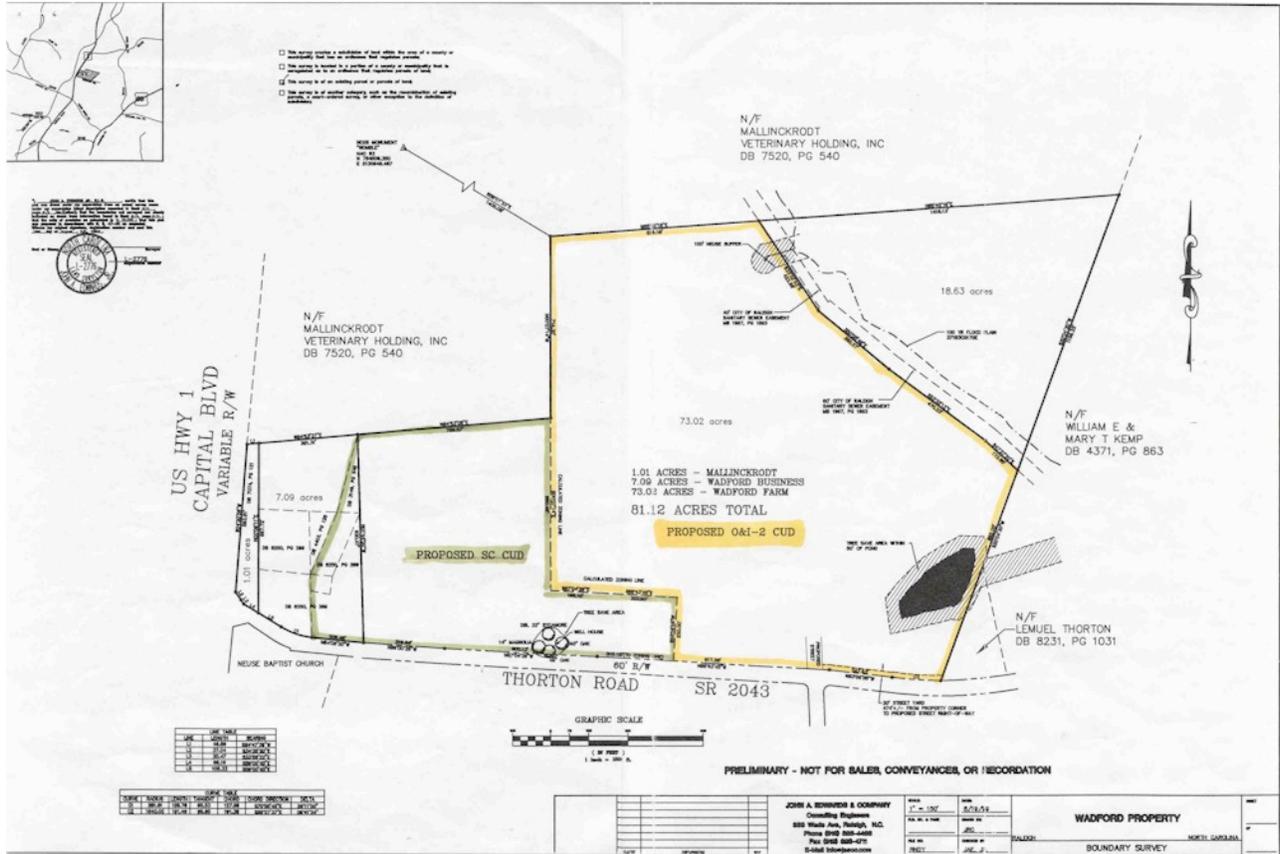
1. Sidewalk (inside and outside of public rights-of-way)
2. Cross-walks
3. Walking paths
4. Jogging paths
5. Brick yards
6. Other pedestrian access ways

23. Property owner shall make available to the City a site for a municipal bus stop, the specific location of which will be determined at site plan approval.

24. Hotels, motels and extended stay facilities, as defined by the City of Raleigh code, shall be prohibited within the area designated for residential development as generally shown on a map dated October 22, 1999, entitled "Proposed Rezoning Plan - Thornton Road" and prepared for Tillett Development Company.

25. Subject to condition 24 above, no more than two hotel, motel or extended stay facilities, as defined by the City of Raleigh code, or any combination thereof shall be allowed on the subject property.

26. Prior to the issuance of Certificates of Occupancy for any uses on the SC CUD east of the loop road as shown on a map dated October 22, 1999, entitled "Proposed Rezoning Plan - Thornton Road" and prepared for Tillett Development Company, a minimum of 10,000 square feet within the SC CUD area will have a primary building entrance facing residential development to the east and/or south.







# Planning & Development

Development Services  
 Customer Service Center  
 One Exchange Plaza  
 1 Exchange Plaza, Suite 400  
 Raleigh, North Carolina 27601  
 Phone 919-996-2495  
 Fax 919-516-2685

## Variance Application

A-45-15

		OFFICE USE ONLY
<b>Nature of variance request (Submit addendum on separate sheet, if more space is needed.)</b> Applicant requires a variance of City Code Section 10-2081 which requires <u>54</u> parking spaces for the proposed expanded use at a motorcycle dealership. Applicant requests a <u>22</u> space reduction in the requirement such that the requirement is no more than 32 spaces. Applicant has a hardship on its property as it has a very small lot of 1.20 acres with little remaining undeveloped land for the required parking. In addition, despite the Applicant's inquiries and requests of neighboring property owners, no land has become available for off-site parking. (SEE ATTACHED ADDENDUM)		Transaction Number
<b>Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.</b>		

GENERAL INFORMATION		
Property Address 8821 Wadford Drive	Date May <u>8</u> , 2014	
Property PIN 1738121721	Current Zoning TD & CUD-SC	
Nearest Intersection Wadford Road and Thornton Road	Property size (in acres) 1.20 A.	
Property Owner Garcia One LLC	Phone	Fax
	Email	
Project Contact Person Isabel Worthy Mattox	Phone 919-828-7171	Fax 919-831-1205
	Email Isabel@mattoxfirm.com	
Property Owner Signature Garcia One LLC, by:	Email	
Notary Sworn and subscribed before me this <u>7<sup>th</sup></u> day of <u>May</u> , 20 <u>15</u>	Notary Signature and Seal <div style="border: 1px solid black; padding: 5px; display: inline-block;">             LINDA M RICH              NOTARY PUBLIC              WAKE COUNTY, NC           </div> 	

It is improper to contact any member of the Board of Adjustment prior to the disposition of a case to discuss the request. A variance application will not be considered complete until all required submittal components listed on the Variance Checklist have been received and approved.

ADDENDUM  
To Variance Application  
8821 Wadford Drive/Garcia One LLC

The proposed addition will add 9,000 square feet of space and will increase the parking requirement to 54 spaces. From a practical and market standpoint, the property currently exceeds and after the expansion will continue to exceed the actual parking needs for this business. The vast majority of Applicant's customers travel by motorcycle which require significantly less space than automobiles. If the variance is granted, public welfare will be assured because there will be more than sufficient parking to serve the expanded use.



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## Variance Intake Requirements

TO BE COMPLETED BY APPLICANT			COMPLETED BY CITY STAFF		
	YES	N/A	YES	NO	N/A
<b>General Requirements – Variance</b>					
1. I have referenced the <b>Variance Checklist</b> and by using this as a guide, it will ensure that the application is processed in a timely manner	<input checked="" type="checkbox"/>				
2. Variance application review fee (see <b>Development Fee Schedule</b> for rate)	<input type="checkbox"/>				
3. Completed, notarized application signed by the property owner	<input type="checkbox"/>				
4. One set of stamped envelopes addressed to all property owners within 100 feet of the subject property	<input checked="" type="checkbox"/>				
5. List of all adjacent property owners	<input checked="" type="checkbox"/>				
6. Plot Plan drawn to scale, containing a north arrow, area of lot, location of all existing improvements and use areas, location of proposed improvements, location of any constraints such as flood plain area, tree conservation area, buffer yards, easements, and sight distance triangles	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
7. If the variance request involves a structure, sign or fence, architectural elevations must be submitted	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
8. If the property has been cited by a Code Enforcement Officer, include a copy of the citation	<input type="checkbox"/>	<input type="checkbox"/>			
9. Is variance needed to legalize an existing improvement?	<input type="checkbox"/>	<input type="checkbox"/>			



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## Variance Checklist

TO BE COMPLETED BY APPLICANT	YES	N/A
<b>PRE-SUBMITTAL REQUIREMENTS</b>		
1. Pre-Application Conference with staff	✓	✓
2. Completed Variance Intake Requirements sheet	✓	
3. Variance applications shall be submitted to the Zoning Division, 4 <sup>th</sup> floor of One Exchange Plaza	✓	
<b>VARIANCE REQUIREMENTS</b>		
1. The property owner must be the applicant.	✓	
2. A signed, notarized application and submittal fee are required.		
3. The applicant must submit stamped envelopes addressed to the property owners within 100 feet of the subject property. City staff will mail the public hearing notices.	✓	
4. The Board of Adjustment conducts a quasi-judicial hearing. You may not contact the Board members once the application has been filed.		
5. The Board of Adjustment is not empowered to modify zoning lines or grant a use variance.		
6. The Board of Adjustment may attach conditions of approval to a variance to protect surrounding properties.		
7. City Staff will place a public hearing sign on the subject property. The sign must be prominently displayed on the property for at least ten days before the hearing. The property owner is responsible for maintaining the sign during this ten day period. The owner must return the sign to city staff within three days of the hearing. The owner will be charged \$45 for any sign not returned.		
<b>VARIANCE CONSIDERATIONS</b>		
The Board of Adjustment will review all variance requests against the following showings:		
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 from the property.		
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.		
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 a variance shall not be regarded as a self-created hardship.		
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.		





**REVIEW SET  
NOT FOR  
CONSTRUCTION**

**designdevelopment**  
ARCHITECTS  
808 Salem Wood Drive  
Suite 102  
Raleigh, NC 27615  
919.846.4474

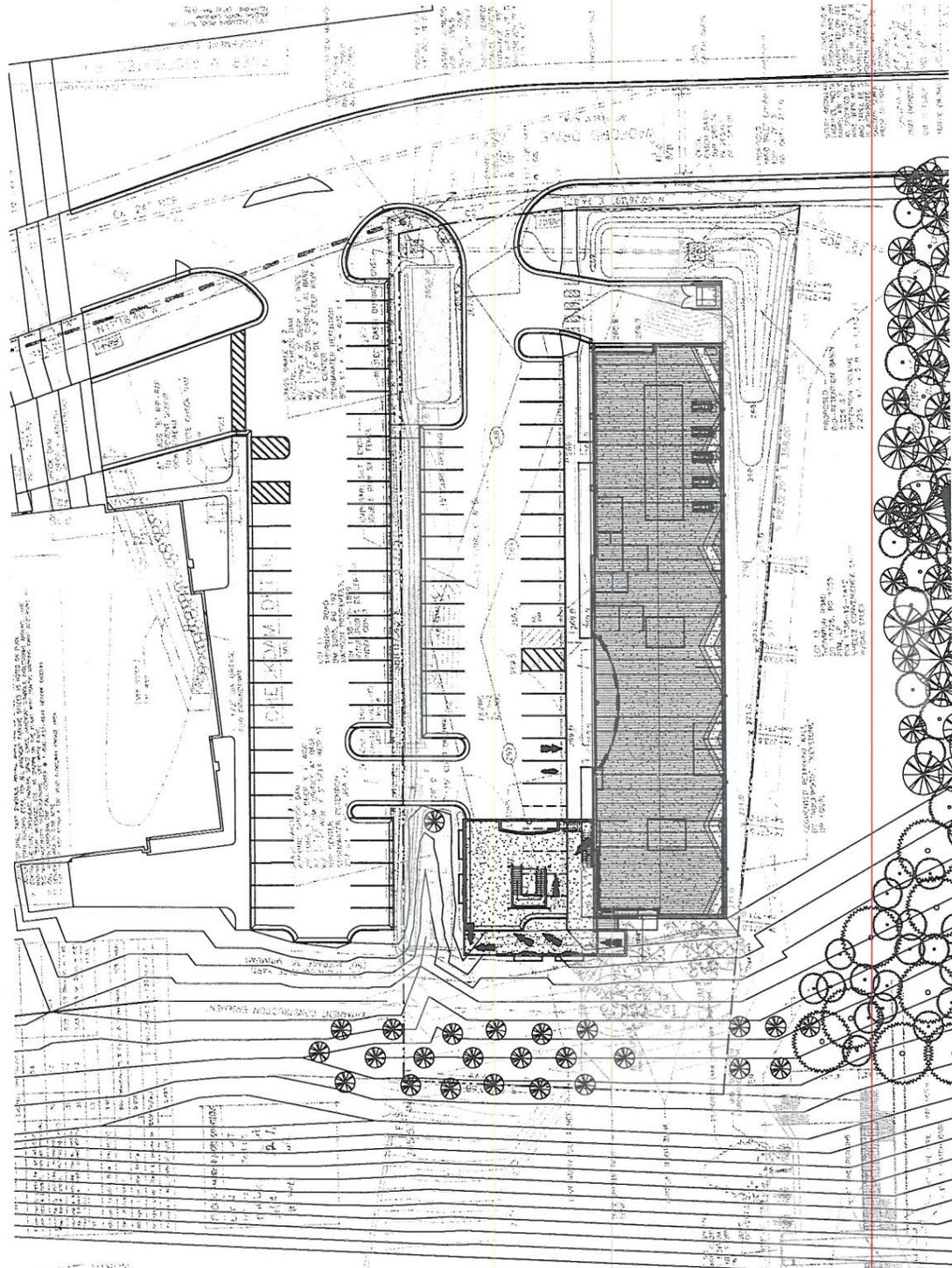
**GARCIA MOTO  
ADDITION**  
8821 WADFORD DRIVE,  
RALEIGH, NC 27616

No.	Description	Date

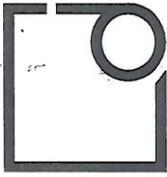
PROJECT #: 150008  
DATE: 3/7/2015 5:31:55 PM

SITE PLAN

**S0.1**  
SHEET 1 OF 1



**1** PROPOSED SITE PLAN  
1-1-2015



**REVIEW SET  
NOT FOR  
CONSTRUCTION**

NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM DESIGN DEVELOPMENT ARCHITECTS.

**Designdevelopment**  
ARCHITECTS

800 Salem Woods Drive  
Suite 100  
Raleigh, NC 27615  
919.868.4174

**GARCIA MOTO  
ADDITION**

8821 WADFORD DRIVE,  
RALEIGH, NC 27616

No.	Description	DMS
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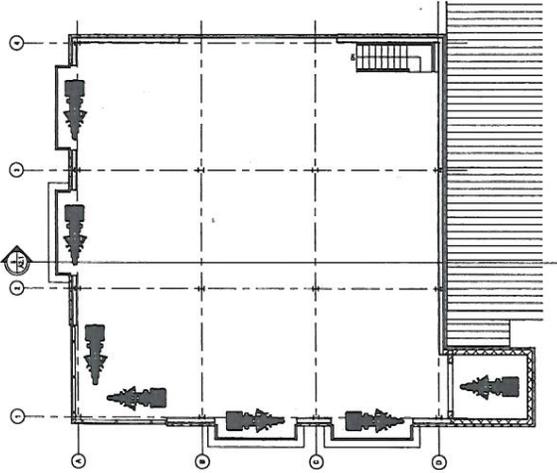
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DATE: 3/13/2015 11:52:00 AM

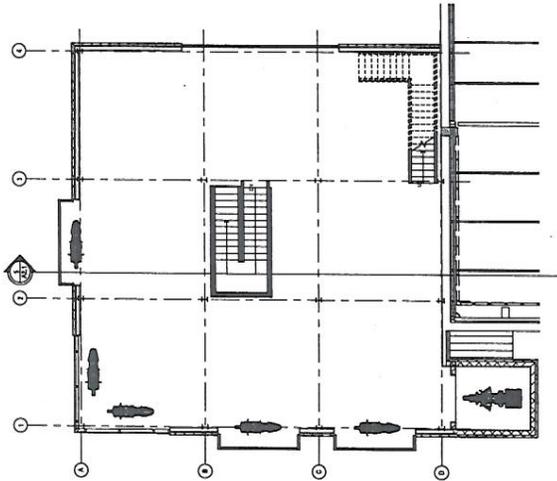
FLOOR PLAN

**A1.1**

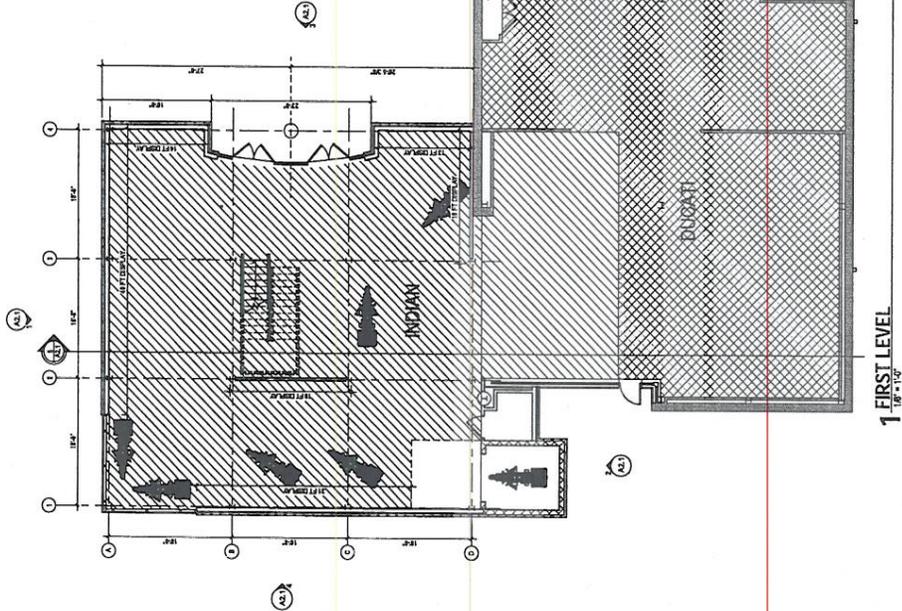
SCALE: 1/8" = 1'-0"



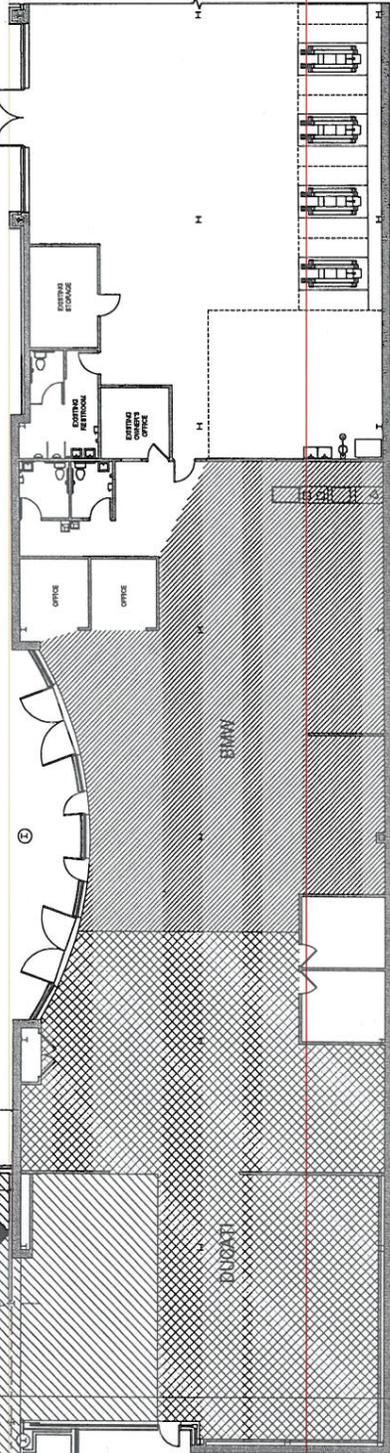
**3 THIRD LEVEL**  
18' x 14'



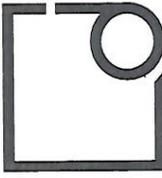
**2 SECOND LEVEL**  
18' x 14'



**1 FIRST LEVEL**  
18' x 14'



**1 FIRST LEVEL**  
18' x 14'



**REVIEW SET  
NOT FOR  
CONSTRUCTION**

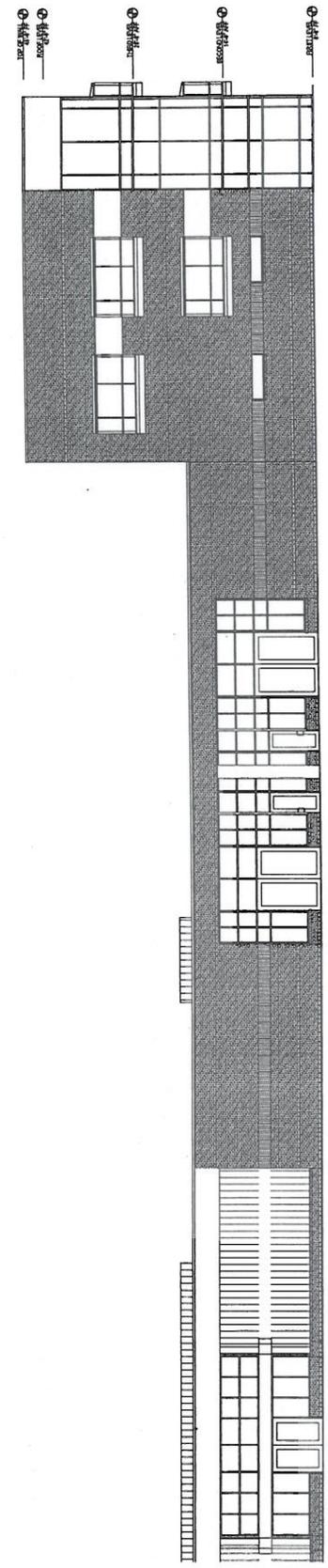
THIS SET OF ARCHITECTURAL DRAWINGS IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. ANY CHANGES TO THIS SET OF DRAWINGS MUST BE APPROVED BY THE ARCHITECT.

**designdevelopment**  
ARCHITECTS

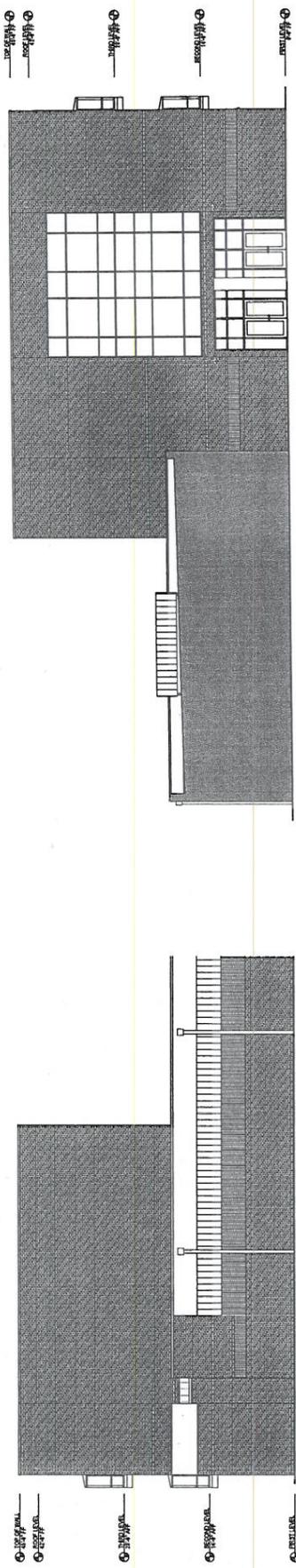
800 Salem Woods Drive  
Suite 102  
Raleigh, NC 27615  
919.688.4474

**GARCIA MOTO  
ADDITION**

8821 WADFORD DRIVE,  
RALEIGH, NC 27616

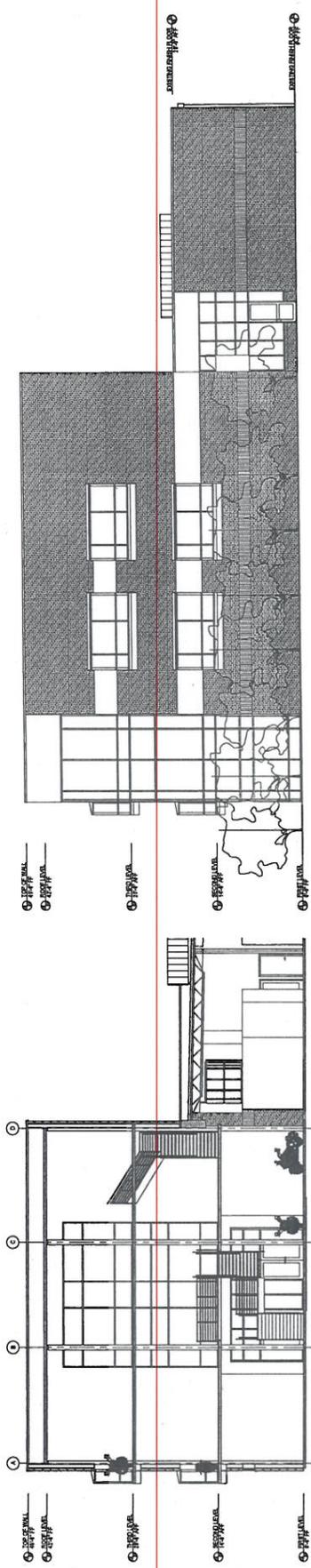


**1 NORTH ELEVATION**  
18' x 12'



**2 SOUTH ELEVATION**  
18' x 12'

**3 EAST ELEVATION**  
18' x 12'



**4 WEST ELEVATION**  
18' x 12'

**5 BUILDING SECTION**  
18' x 12'

No.	Description	Date

PROJECT #: 150008  
DATE: 3/13/2015 8:56:12 AM

BUILDING ELEVATIONS

**A2.1**

DATE PLOTTED: 3/13/2015 8:56:12 AM



[Home](#)

## Wake County Real Estate Data Account Summary

[iMaps](#)  
[Tax Bills](#)

Real Estate ID **0315274** PIN # **1738121721**

Location Address **8821 WADFORD DR** Property Description **LO12 THORTON VENTURES BM2005-00192**

[Account Search](#)

[Pin/Parcel History](#) [Search Results](#) [New Search](#)

[Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

**For real estate accounts created or new construction built after January 1, 2015:** Property values are under review for tax year 2016. Land and building values on these properties will reflect an assessment based on the January 1, 2008 Schedule of Values until late 2015 or early 2016 at which time the January 1, 2016 revaluation values for both land and buildings will be available.

<b>Property Owner</b> <b>GARCIA ONE LLC</b> Use the Deeds tab above to view any additional owners	<b>Owner's Mailing Address</b> <b>8821 WADFORD DR</b> <b>RALEIGH NC 27616-9057</b>	<b>Property Location Address</b> <b>8821 WADFORD DR</b> <b>RALEIGH NC 27616-9057</b>
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Administrative Data	Transfer Information	Assessed Value
Old Map # <b>306--</b>	Deed Date <b>12/5/2013</b>	Land Value <b>\$470,448</b>
Map/Scale <b>1738 13</b>	Book & Page <b>15522 2721</b>	Assessed
VCS <b>CBRA001</b>	Revenue Stamps <b>2000.00</b>	Bldg. Value <b>\$1,283,703</b>
City <b>RALEIGH</b>	Pkg Sale Date <b>12/5/2013</b>	Assessed
Fire District	Pkg Sale Price <b>\$1,000,000</b>	Tax Relief
Township <b>NEUSE</b>	Land Sale Date <b>3/24/2005</b>	Land Use Value
Land Class <b>COMMERCL</b>	Land Sale Price <b>\$471,400</b>	Use Value Deferment
ETJ <b>RA</b>		Historic Deferment
Spec Dist(s)		Total Deferred Value
Zoning <b>TD</b>	<b>Improvement Summary</b>	Use/Hist/Tax Relief
History ID 1	Total Units <b>0</b>	Assessed
History ID 2	Recycle Units <b>0</b>	Total Value <b>\$1,754,151</b>
Acreage <b>1.20</b>	Apt/SC Sqft	Assessed*
Permit Date <b>2/12/2014</b>	Heated Area <b>12,030</b>	
Permit # <b>0000111863</b>		

\*Wake County assessed building and land values reflect the market value as of January 1, 2008, which is the date of the last county-wide revaluation. Any inflation, deflation or other economic changes occurring after this date does not affect the assessed value of the property and cannot be lawfully considered when reviewing the value for adjustment.

The January 1, 2008 values will remain in effect until the next county-wide revaluation, which begins January 1, 2016. Until that time, any real estate accounts created or new construction built is assessed according to the 2008 Schedule of Values.

**For questions regarding the information displayed on this site, please contact the Revenue Department at [RevHelp@wakegov.com](mailto:RevHelp@wakegov.com) or call 919-856-5400.**

Real Estate ID **0315274** PIN # **1738121721**

Location Address  
**8821 WADFORD DR**

Property Description  
**LO12 THORTON VENTURES BM2005-00192**

Account Search

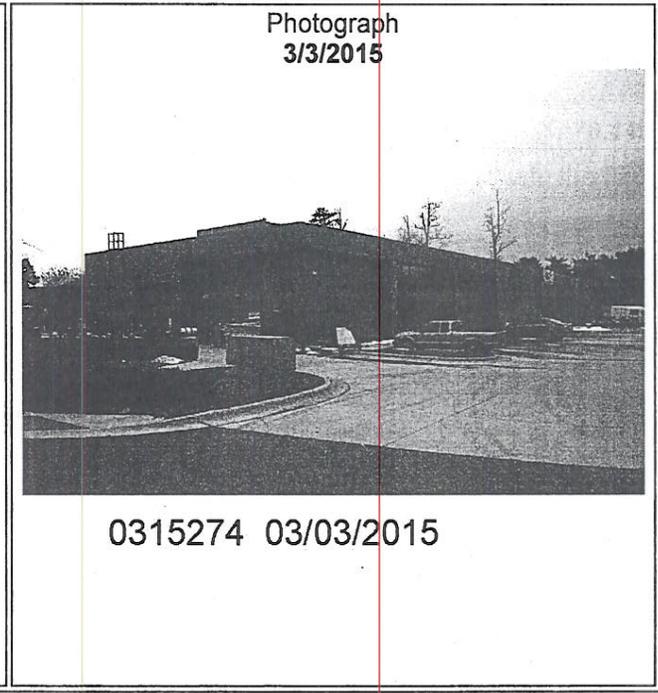
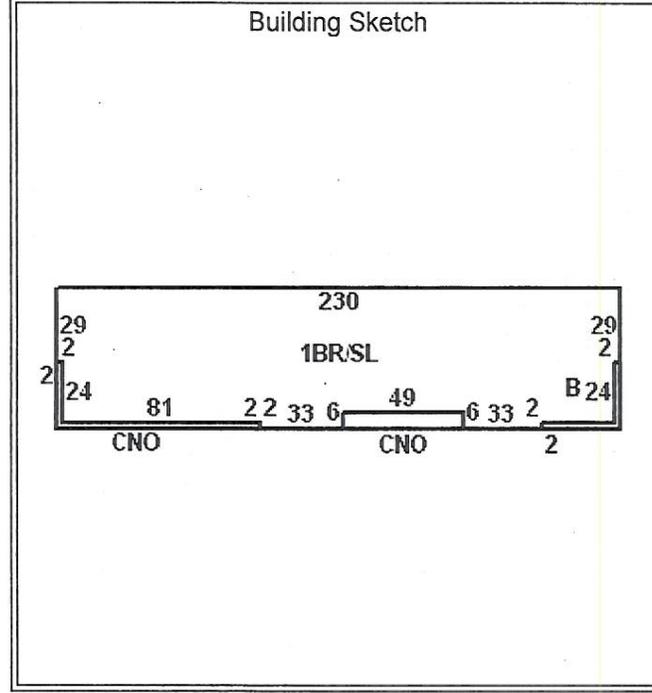
[Pin/Parcel History](#) [Search Results](#) [New Search](#)

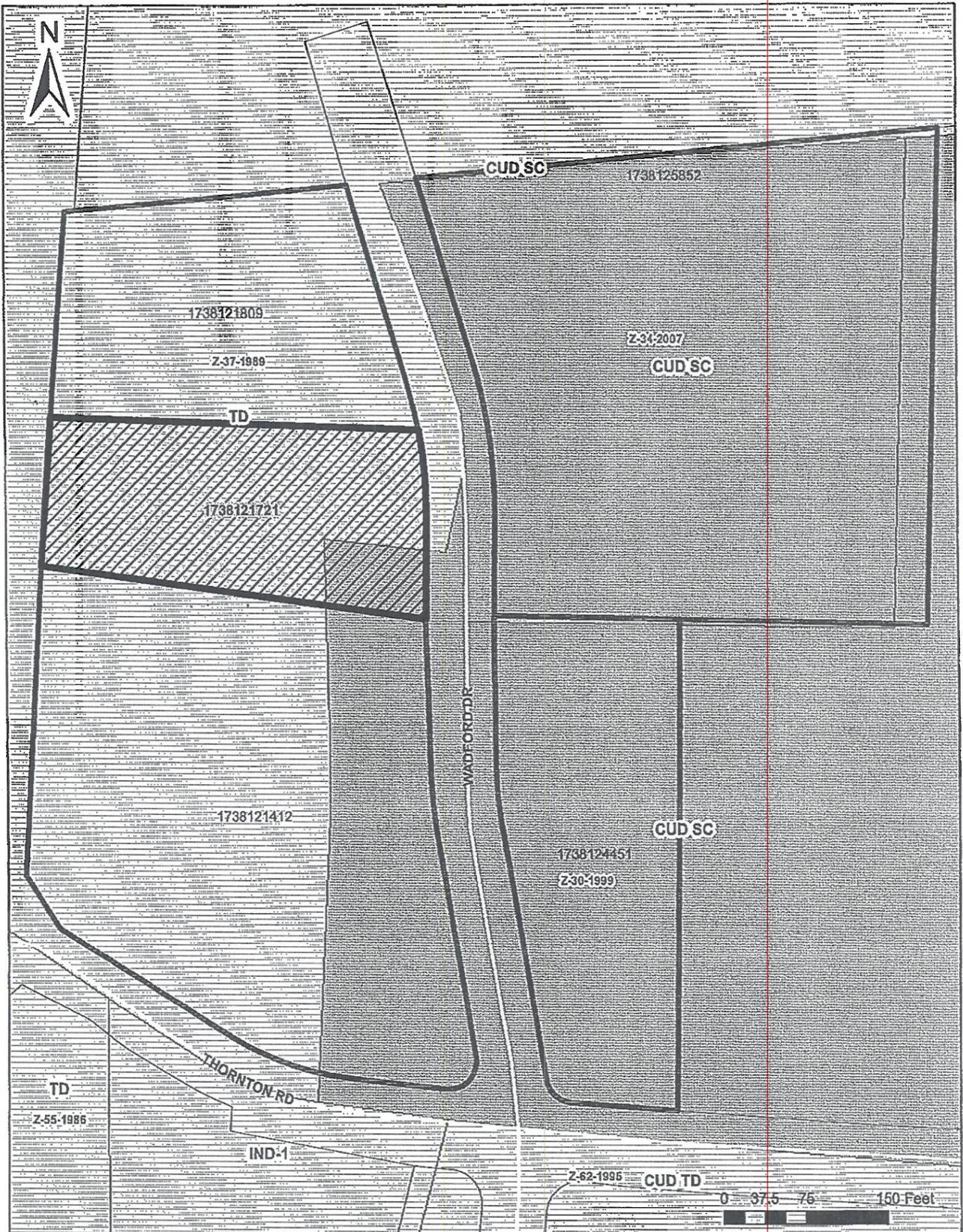
[Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

Building Location Address <b>8821 WADFORD DR</b>	Building Description <b>MATISON MOTORSPORTS II</b>	Card <b>01</b> Of <b>01</b>
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Bldg Type <b>19 Sales &amp; Service</b>	Year Blt <b>2006</b>	Eff Year <b>2007</b>	Base Bldg Value <b>\$1,040,314</b>
Units	Addns	Remod	Grade <b>20.65 120%</b>
Heated Area <b>12,030</b>	Int. Adjust.		Cond % <b>B 99%</b>
Story Height <b>1 Story</b>	Other Features <b>Sprinkler Syste</b>		Market Adj.
Style <b>Conventional</b>			Market Adj.
Basement			Accrued % <b>99%</b>
Exterior <b>Brick</b>			Incomplete Code
Const Type <b>Exposed Steel</b>			<b>Card 01 Value \$1,283,703</b>
Heating <b>Central</b>			All Other Cards
Air Cond <b>Central</b>			Land Value Assessed <b>\$470,448</b>
Plumbing <b>Adequate</b>			Total Value Assessed <b>\$1,754,151</b>

Main and Addition Summary					Other Improvements						
Story	Type	Code	Area	Inc	Units	DesItem	Code	Year	%	Inc	Value
M	1	BR/SL	12030								
A		CNO	214		18300	SF PAVASPH	0028	2007	95	ADJ	47810
B		CNO	112								
C		CNO	294								
D											
E											
F											
G											
H											





8821 Wadford Drive



1738121721  
GARCIA ONE LLC  
8821 WADFORD DR  
RALEIGH NC 27616-9057

1738121412  
PTM LP  
5700 6TH AVE  
ALTOONA PA 16602-1111

1738121809  
XELLIA PHARMACEUTICALS USA LLC  
8900 CAPITAL BLVD  
RALEIGH NC 27616-3117

1738124451  
AF THORNTON LLC  
1330 SUNDAY DR STE 105  
RALEIGH NC 27607-5196

1738125852  
SANDPIPER RALEIGH LLC  
211 W FRANKLIN ST  
RICHMOND VA 23220-5011