

**WINSTON SALEM ZONING BOARD OF ADJUSTMENT  
REQUEST FOR VARIANCE STAFF REPORT  
March 7, 2019**

<b>CASE #:</b>	Z1900139	<b>PERMIT REQUEST:</b>	Up to an 8-foot variance for a portion of a required 20-foot Type III bufferyard.
<b>STAFF:</b>	Elizabeth Colyer		
<b>PETITIONER(S):</b>	MF-Styers Ferry, LLC Simon Burgess	<b>LOCATION:</b>	4400 Styers Ferry Road (37.01 acres)

**BACKGROUND:**

The Petitioner is requesting a maximum 8-foot to the required width of the Type III bufferyard shown on the Site Plan approved with the Zoning Case W-3381. The subject property was rezoned from Highway Business-Special Use (HB-S) to General Business-Special Use (GB-S) by the City Council in September of 2018. The Site Plan approved as part of the rezoning shows a 20-foot Type III bufferyard along the southern property boundary shared with the adjacent property zoned for Multifamily use. The Special Use conditions for the rezoning require that the Petitioner apply for a bufferyard variance based upon a final survey of the subject property. The final survey of the subject site determined that existing conditions prohibit the full width of a 20-foot Type III bufferyard being preserved or installed along the entire southern property. The proposed Type III bufferyard will vary in width from twenty (20) feet to twelve (12) feet over five hundred and eighty-three (583) linear feet. The plantings required for the bufferyard are proposed per the Site Plan submitted by the Petitioner.

**FINDINGS/ANALYSIS:**

When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

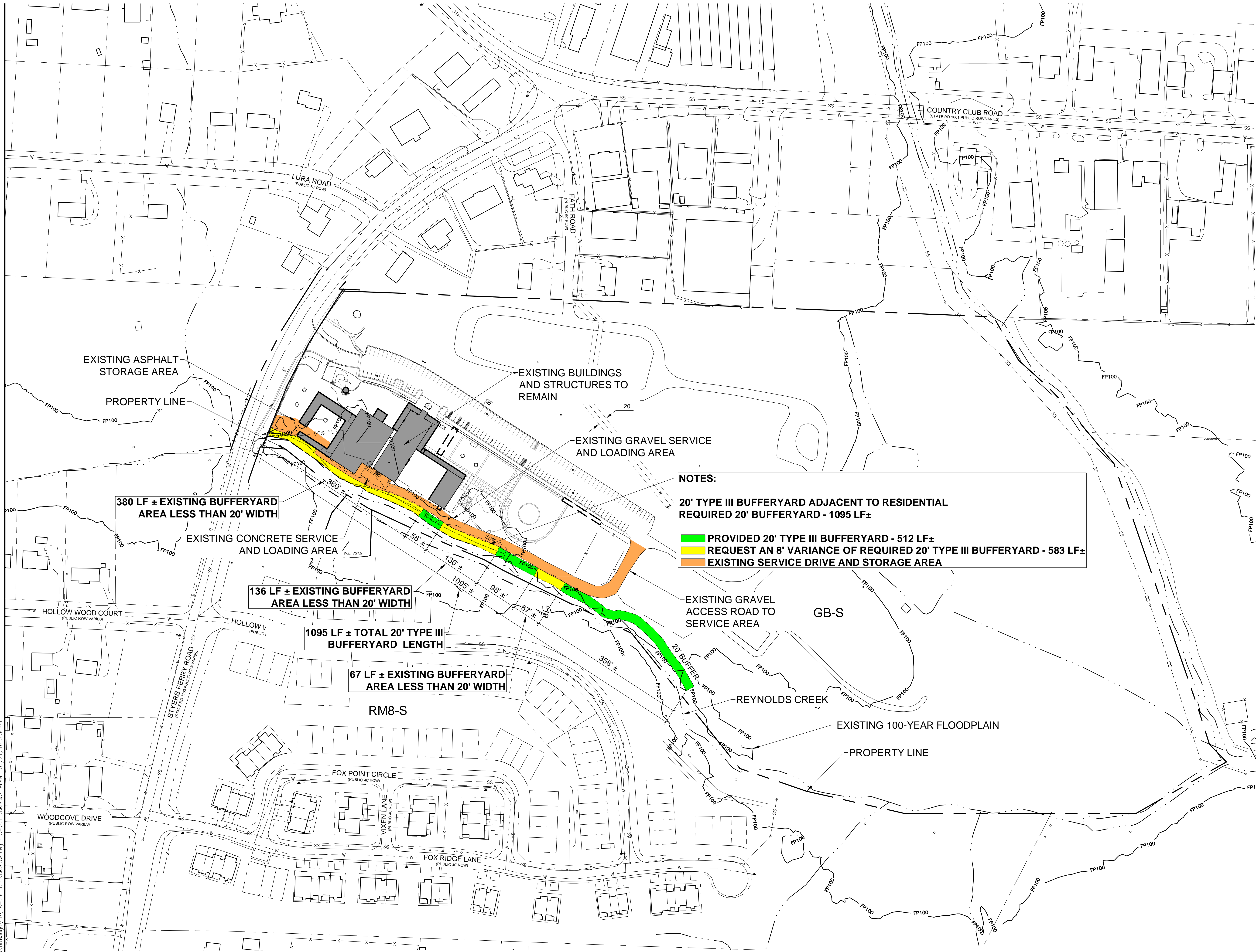
- a) **Unnecessary hardship would result from the strict application of the UDO.**  
*The existing buildings on the site were constructed circa 1979, per the Forsyth County tax records, prior to the adoption of the current UDO. Additionally, the adjacent property zoned RM8-S was developed circa 2008. The Petitioner is proposing a change of use on the subject site that would utilize the existing buildings. Permits could not be obtained to upfit the existing buildings if a 20-foot Type III bufferyard were required to be installed or preserved.*
- b) **The hardship results from conditions that are peculiar to the property, such as location, size or topography.**  
*There are existing buildings on the site that in some locations are twenty-two (22) feet from the property line, as well as an existing gravel and paved access and maintenance drive between the existing buildings and the property line to the south. There are topographical constraints related to a perennial stream bank that runs along the*

*southern property boundary adjacent to the existing buildings and service areas. The stream bank prevents planting the required 20-foot Type III bufferyard.*

- c) **The hardship did not result from actions taken by the applicant or the property owner.** *The existing site is nonconforming to the bufferyard standards because it was developed prior to the bufferyard requirements in the UDO. The Petitioner does not propose any changes to the existing building footprints in relation to the location of the variance request.*
- 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 buildings are existing today, and the Petitioner's proposal does not increase the level of nonconformity existing on the site.*

**RECOMMENDATION: Approval, per Site Plan on file.**

*In approving an application for the issuance of a variance, the Board of Adjustment may impose additional appropriate conditions reasonably related to the variance. [Chapter B, Article 6-1.4(B) (6)]*



**NOTES:**  
 20' TYPE III BUFFERYARD ADJACENT TO RESIDENTIAL  
 REQUIRED 20' BUFFERYARD - 1095 LF±

- █ PROVIDED 20' TYPE III BUFFERYARD - 512 LF±
- █ REQUEST AN 8' VARIANCE OF REQUIRED 20' TYPE III BUFFERYARD - 583 LF±
- █ EXISTING SERVICE DRIVE AND STORAGE AREA

380 LF ± EXISTING BUFFERYARD  
 AREA LESS THAN 20' WIDTH

136 LF ± EXISTING BUFFERYARD  
 AREA LESS THAN 20' WIDTH

1095 LF ± TOTAL 20' TYPE III  
 BUFFERYARD LENGTH

67 LF ± EXISTING BUFFERYARD  
 AREA LESS THAN 20' WIDTH

**PROPOSED BUFFERYARD  
 TREES & SHRUBS**



Quercus spp.  
 Oak  
 Deciduous  
 Native



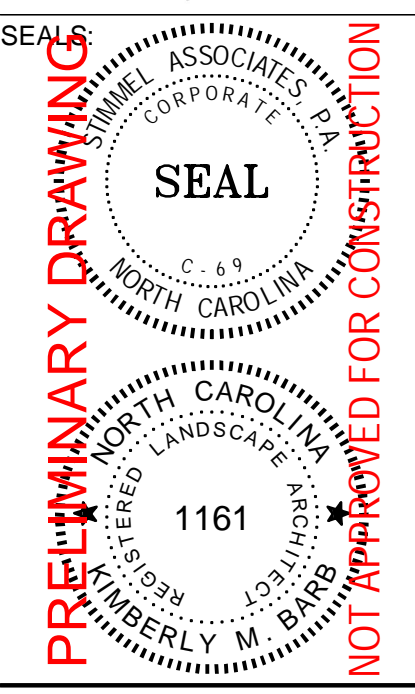
Acer spp.  
 Maple  
 Deciduous  
 Native



Juniperus virginiana  
 Eastern Red Cedar  
 Evergreen  
 Native



Myrica cerifera  
 Wax Myrtle  
 Evergreen  
 Native



PROJECT:

**MAYFAIR - LA REYNOLDS  
 PHASE 1 AMENITIES**  
 WINSTON-SALEM, NC

CLIENT:  
 SIMON BURGESS  
 MAYFAIR STREET PARTNERS  
 301 N. MAIN ST.  
 WINSTON TOWER, SUITE 1207  
 WINSTON-SALEM, NC 27101

DRAWN: JM, KAB  
 DATE: 02/21/19

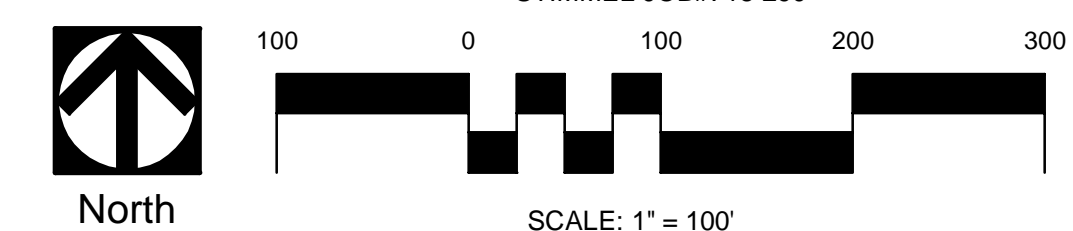
REVISIONS:

JOB. NO: 18-290

SHEET TITLE:  
**OVERALL  
 SITE PLAN  
 BUFFER  
 VARIANCE**

SCALE: AS SHOWN  
 SHEET NO.:

**C-701**  
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