



GUILFORD COUNTY PLANNING AND DEVELOPMENT

TECHNICAL REVIEW COMMITTEE AGENDA

Truist Building – John H. McAdoo Conference Room
201 W. Market Street, 3rd Floor, Greensboro, NC 27401
October 22, 2024

Regular Meeting

1:30 PM

A. Roll Call

B. Agenda Amendments

C. Rules and Procedures

D. Old Business

E. New Business

SPECIAL USE PERMIT CASE #24-09-PLBD-00099 (2650 JANE EDWARDS ROAD) LANDSCAPE AND HORTICULTURAL SERVICES

Located at 2650 Jane Edwards Road, Guilford County Tax Parcel #143728, approximately 1,100 feet southeast of the intersection of Drake Road and Jane Edwards Road. This is a sketch plan review related to a Special Use Permit (SUP) application for Landscape and Horticultural Services. A sketch plan associated with the SUP application must be reviewed for compliance with the standards and requirements of the Unified Development Ordinance. The property is zoned AG, Agricultural. Contact: La-Deidre Matthews, Fox Rothschild.

MAJOR SUBDIVISION CASE #24-08-SUB-00331 (6440 PINEY RD GIBSONVILLE, NC 27249) BRIGHTWOOD FARM, PHASE 3A/3B

Located at 6440 Piney Road, Guilford County Tax Parcel #107637, at the terminus of Piney Road. This is a sketch plan for a proposed 404-unit subdivision with townhomes and single-family dwellings as part of the Brightwood Farm Planned Unit Development and subject to the Unified Development Plan recorded in the Guilford County Register of Deeds Plat Book 212, Page 123. The property is zoned CZ-PDR (Case # 22-05-GCPL-03518). Contact: Tyler Wilson, BGE, Inc.

Evidentiary Hearing Item(s)

Swearing in of staff and those speaking on the case

Waiver/Variance Case #24-07-BOA-00011 (4630 Woody Mill Road)

Stephen A. Walker of Mangrove Investments, LLC (owner), for Justin Schmidt of Schmidt Family Restaurant Group, Inc. (applicant), is requesting a waiver/variance from Section 4.9.F.5, which requires sidewalks to be built along all public and private streets as part of any major subdivision of land or project proposing new non-residential, attached single-family, or multi-family development, as well as along private driveways that provide access to one or more lots or uses in the Liberty Road / Woody Mill Road Vicinity Overlay District. The property is located in Clay Township at 4630 Woody Mill Road, Guilford County Tax Parcel #124732, comprising approximately 1.4 acres and is zoned CZ-HB, Conditional Zoning–Highway Business. The applicant is requesting a waiver/variance in order to refrain from constructing a sidewalk along Woody Mill Road.

G. Other Business

H. Adjournment



**GUILFORD COUNTY
PLANNING AND DEVELOPMENT**

**Technical Review Committee
Waiver/Variance Application**

Date Submitted: _____ Case Number _____ Fee \$426.00 Receipt # _____
(includes \$26 recording fee)

PROPERTY INFORMATION

Address 4630 Woody Mill Road City Greensboro State NC Zip Code 27406
Tax Parcel # 7890-27-6685 or Parcel No. 124732 Zoning: H-B (Highway Business)
Plat Book & Page 195 Page 56 Deed Book & Page _____ Township Clay

OWNER INFORMATION

Name Mangrove Investments, LLC Phone Number (843) 906-0882
Address 6 Granville Oaks Ct. City Greensboro State NC Zip Code 27406
Email _____

Owner Signature _____

I certify that all information presented by me in this application is accurate to the best of my knowledge, information, and belief.

APPLICANT INFORMATION - If not property owner, a notarized statement of permission is required from the property owner.

Name Schmidt Family Restaurant Group Phone Number (740)352-1686
Address 1735 Waller Street City Portsmouth State OH Zip Code 45662
Email jschmidt@schmidtgroup.us

Applicant Signature _____

I certify that all information presented by me in this application is accurate to the best of my knowledge, information, and belief.

TO THE GUILFORD COUNTY TECHNICAL REVIEW COMMITTEE (TRC):

I, Juice Schmidt, hereby petition the TRC for a WAIVER/VARIANCE from the literal provisions of the Development Ordinance because, under the interpretation given to me by the Enforcement Officer, I am prohibited from using the parcel of land described above in a manner shown by the plot plan attached. I request a waiver/variance from the following provisions of the ordinance (cite section numbers):

Section 4.9.F.5 - Pedestrian Improvement Requirements

If the plot plan does not adequately reveal the nature of the variance, the request is more fully described below:

The sidewalk located on the northwest property line along Woody Mill Road (SR 3389) will cause hardship due to the topography and the lack of connection sidewalk at the edge of our property line. The area is a steep slope that runs into a highway ditch. The adjacent area then runs towards a ditch that proceeds an even larger ditch along Woody Mill Road. The sidewalk would not meet the county standards and there would be nowhere to continue the sidewalk connection. The only outlet would be the shoulder of the highway, which is a safety concern for pedestrians.



**GUILFORD COUNTY
PLANNING AND DEVELOPMENT**

**Technical Review Committee
Waiver/Variance Application**

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

The TRC does not have unlimited discretion in deciding whether to grant a waiver/variance (quasi-judicial decision). Under NCGS 160D, for such requests, the TRC (acting as a board of adjustment) is required to reach four conclusions before it may issue a waiver/variance: (1) that unnecessary hardship would result from the strict application of the ordinance; (2) that the hardship results from conditions that are peculiar to the property; (3) that the hardship did not result from actions taken by the applicant or the property owner; and (4) that 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.

In the spaces provided with the conclusions below, indicate competent, material and substantial evidence that you intend to show and the arguments that you intend to make to convince the TRC that it can properly reach these four conclusions.

- 1) Unnecessary hardship would result from the strict application of the ordinance.

The topography and lack of available connection would cause this sidewalk to confuse and put pedestrian traffic in danger. The area has steep slopes and runs to a ditch along the highway. There is no connection for pedestrian traffic along this route, other than pushing the pedestrian traffic onto the shoulder of the highway that then narrows and crosses a bridge. There is also no sidewalk connection on the opposite side of the bridge.

- 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 waiver/variance).

The location of the property and the sidewalk section are hardships that were already apparent. The development will not cause these hardships. The topography of this section is very steep and runs into a drainage ditch. It also provides no avenue of connection from our property to any adjacent property along the right-of-way. The pictures/exhibit provided show the section that runs into the ditch to our southwest.

- 3) The hardship did not result from actions taken by the applicant or the property owner (The act of purchasing property knowing that circumstances exist that may justify the granting of a waiver/variance is not regarded as a self-created hardship).

This hardship is not caused by the applicant or the proposed development. The conditions are existing and without any safe connection to be made, this section of sidewalk only becomes a liability for the county/city/developer. The included pictures and exhibit show the location and its hardships.

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

Public safety is the number one concern for this waiver/variance. The sidewalk connection will not only be steep and not be able to meet any ADA standards, but it also does not have any possible connection to any other sidewalk along this route. The only connection to cross the drainage ditch to our southwest would be to put pedestrian traffic along the shoulder of the road and on the slim section that runs along the guard rail over the drainage ditch. This is a major safety concern for pedestrian traffic and will only cause liability issues for the county/city/developer.



GUILFORD COUNTY PLANNING AND DEVELOPMENT

Technical Review Committee Waiver/Variance Application

TECHNICAL REVIEW COMMITTEE (TRC) WAIVER/VARIANCE CHECKLIST

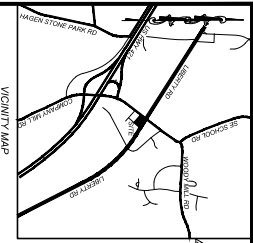
The following is a list of materials and information which you must submit in order to have your case presented at the TRC meeting. Failure to comply with all of the following may result in the case being delayed. Refer to the Meeting Schedule below for submittal deadlines and meeting dates.

1. Completed application.
2. Required fee paid.
3. Site/Plot Plan drawn to scale showing the property as it exists and with any proposed additions, structures, buildings, driveways, well, septic system, and abutting streets.
4. Written statement outlining the request and any information you wish to present to the Board for their consideration, optional.
5. Provide a minimum of 4, maximum of 6 photographs showing the area affected by your appeal. Graphics or architectural sketches may be used to fill this requirement. Additional information may be provided at the hearing.
6. If applicable, approval from the Guilford County Environmental Health Division, contact them at 336-641-7613.

Upon receiving a complete application, staff will schedule your meeting date.

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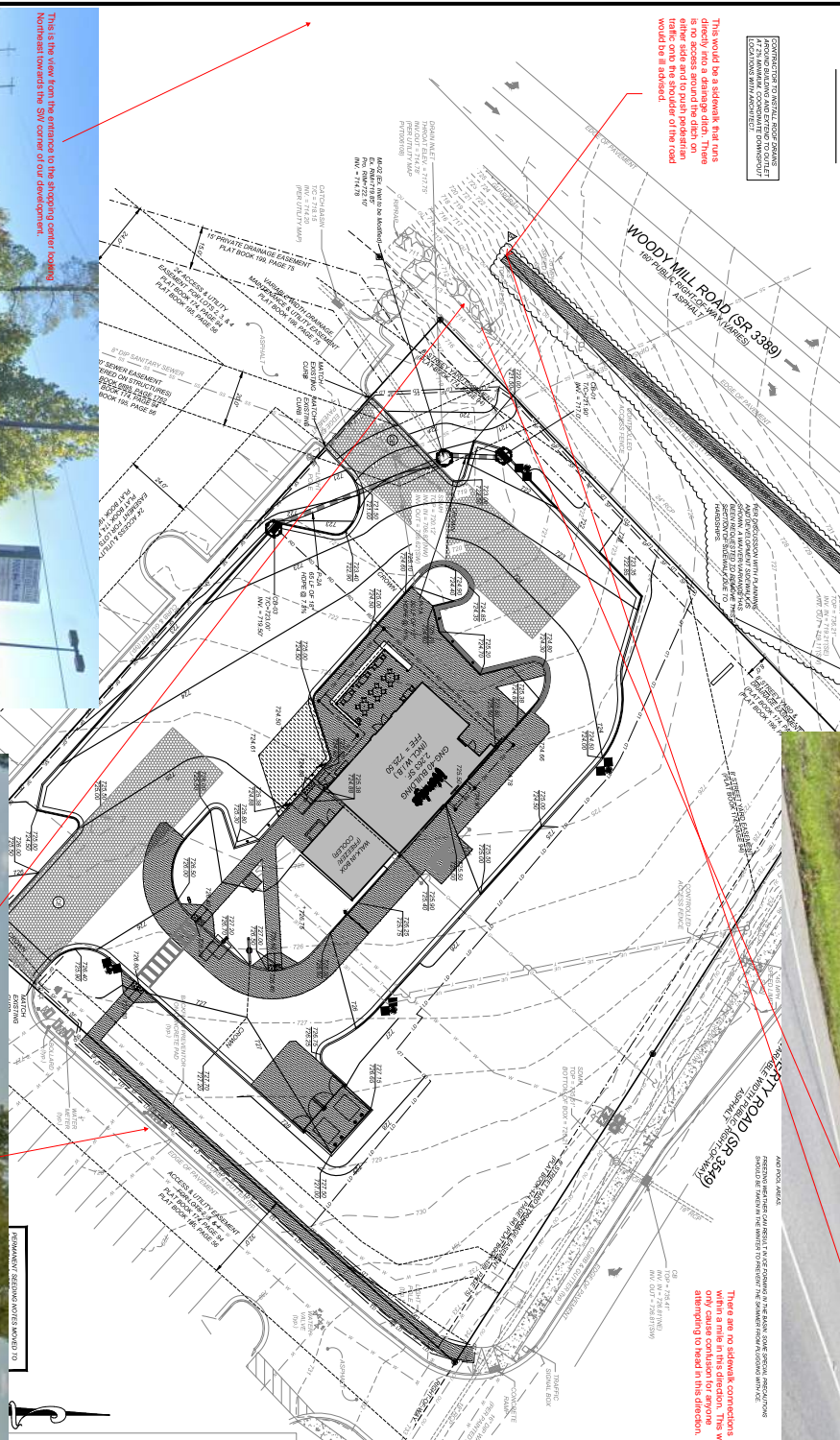
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OWNER INFORMATION:

PROJECT: SCHMIDT FAMILY RESTAURANT GROUP
1735 WALLER ST
PORTSMOUTH, OH 43062
PHONE: 740-464-2047

NOTE: THE PROPERTY HAS BEEN FOR A CONVEYANCE RECORDING AND THERE ARE NO EASEMENTS OR ENCUMBRANCES ON THE PROPERTY. THE PROPERTY IS LOCATED ON A 100' WIDE LOT. THE PROPERTY IS LOCATED ON A 100' WIDE LOT. THE PROPERTY IS LOCATED ON A 100' WIDE LOT.



There are no sidewalk connections with a main in this direction. The world attempting to head in this direction.

GRAVING/EROSION CONTROL NOTES

1. THE GRAVING/EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD TO PREVENT SOIL EROSION AND SEDIMENTATION FROM THE CONSTRUCTION SITE.
2. THE GRAVING/EROSION CONTROL MEASURES SHALL BE DESIGNED TO PREVENT SOIL EROSION AND SEDIMENTATION FROM THE CONSTRUCTION SITE.
3. THE GRAVING/EROSION CONTROL MEASURES SHALL BE DESIGNED TO PREVENT SOIL EROSION AND SEDIMENTATION FROM THE CONSTRUCTION SITE.
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10. THE GRAVING/EROSION CONTROL MEASURES SHALL BE DESIGNED TO PREVENT SOIL EROSION AND SEDIMENTATION FROM THE CONSTRUCTION SITE.
11. THE GRAVING/EROSION CONTROL MEASURES SHALL BE DESIGNED TO PREVENT SOIL EROSION AND SEDIMENTATION FROM THE CONSTRUCTION SITE.

Feature	Location	Notes
Grading/erosion control measures	Along the perimeter of the site	Install and maintain throughout construction
Silt fence	Along the perimeter of the site	Install and maintain throughout construction
Sediment basin	Along the perimeter of the site	Install and maintain throughout construction
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Silt fence	Along the perimeter of the site	Install and maintain throughout construction
Sediment basin	Along the perimeter of the site	Install and maintain throughout construction

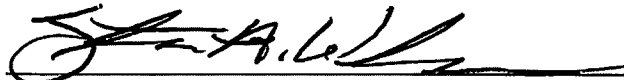
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STATE OF NORTH CAROLINA

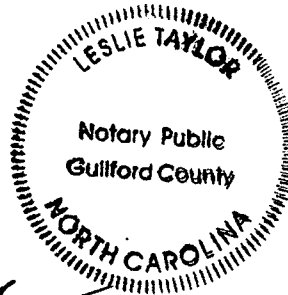
COUNTY OF GUILFORD

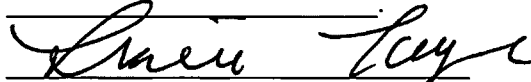
To Juice Schmidt at Schmidt Family Restaurant Group, I authorize you to go for the variance/waiver regarding the Woody Mills site owned by Mangrove Investments, LLC.

This the th~~26~~ day of September 2024


Stephen A Walker, Member Manager
Mangrove Investments LLC

Sworn to and subscribed before me
this the ~~26~~ day of September 2024.
☒ I have personal knowledge of the
identity of said person, or
_____ I have seen satisfactory evidence
of the principal's identity, by a current
state or federal identification with the
principal's photograph in the form of a




Notary Public
LESLIE TAYLOR
(printed name of notary)
My commission expires: 6/10/2028

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• File an Annual Report/Amend an Annual Report • Upload a PDF Filing • Order a Document Online • Add Entity to My Email Notification List • View Filings • Print a Pre-Populated Annual Report form • Print an Amended a Annual Report form

Limited Liability Company

Legal Name

Mangrove Investments, LLC

Information

SosId: 2467184

Status: Current-Active ⓘ

Date Formed: 8/10/2022

Citizenship: Domestic

Annual Report Due Date: April 15th

Current**Annual Report Status:**

Registered Agent: WALKER, STEPHEN A

Addresses

Principal Office

1635 NC Highway 62 E
Julian, NC 27283

Reg Office

1635 NC Highway 62 E
Julian, NC 27283

Reg Mailing

1635 NC Highway 62 E
Julian, NC 27283

Mailing

PO Box 56
Julian, NC 27283

Company Officials

All LLCs are managed by their managers pursuant to N.C.G.S. 57D-3-20.

Manager

Mark P Reynolds
6 Granville Oaks Ct
Greensboro NC 27408-5139

Member

Mark P Reynolds
6 Granville Oaks Ct
Greensboro NC 27408-5139

Manager

Stephen A. Walker
PO Box 56
Julian NC 27283

Member

Stephen A. Walker

PO Box 56

Julian NC 27283



DATE	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
09/24/2015	201526703226	DOMESTIC FOR PROFIT CORP - ARTICLES (ARF)	99.00	0.00	0.00	0.00	0.00

Receipt

This is not a bill. Please do not remit payment.

JOHNSON OLIVER & HOWARD LPA
POST OFFICE BOX 1505
PORTSMOUTH, OH 45662

STATE OF OHIO CERTIFICATE

Ohio Secretary of State, Jon Husted
2431348

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

SCHMIDT FAMILY RESTAURANT GROUP, INC.

and, that said business records show the filing and recording of:

Document(s)

DOMESTIC FOR PROFIT CORP - ARTICLES

Effective Date: 09/24/2015

Document No(s):

201526703226



United States of America
State of Ohio
Office of the Secretary of State

Witness my hand and the seal of the
Secretary of State at Columbus, Ohio this
24th day of September, A.D. 2015.

Ohio Secretary of State



Form 532A Prescribed by:

JON HUSTED
Ohio Secretary of State

Date Electronically Filed: 9/24/2015

Central Ohio: (614) 466-3910
Toll Free: (877) SOS-FILE (767-3453)
www.OhioSecretaryofState.gov
Busserv@OhioSecretaryofState.gov

Initial Articles of Incorporation

(For Profit, Domestic Corporation)

Filing Fee: \$99
(113 - ARF)

First: Name of Corporation
(Name must include the following word or abbreviation: company, co., corporation, corp., incorporated, or inc.)

Second: Location of Principal office in Ohio

PORTSMOUTH	OHIO
City	State
SCIOTO	
County	

Effective Date (Optional)
mm/dd/yyyy

(The legal existence of the corporation begins upon the filing of the articles or on a later date specified that is not more than ninety days after filing)

Third: The number of shares which the corporation is authorized to have outstanding.
(Please state if shares are common or preferred and their par value, if any.)

1000	COMMON	0
Number of Shares	Type	Par Value

Fourth: If the corporation is to have an initial stated capital, please state the amount of that stated capital

Amount

****Note: ORC Chapter 1701 allows additional provisions to be included in the Articles of Incorporation that are filed with this office. If including any of these additional provisions, please do so by including them in an attachment to this form.****

ORIGINAL APPOINTMENT OF STATUTORY AGENT

The undersigned, being at least a majority of the incorporators of Schmidt Family Restaurant Group, Inc. hereby appoint the following to be statutory agent upon whom any process, notice or demand required or permitted by statute to be served upon the corporation may be served. The complete address of the agent is

JUSTIN S. SCHMIDT

Name

1735 WALLER STREET

Mailing Address

PORTSMOUTH

City

OHIO

State

45662

Zip Code

Must be signed by the
Incorporators or a
majority of the
incorporators

JUSTIN S. SCHMIDT, INCORPORATOR

Signature

Signature

Signature

ACCEPTANCE OF APPOINTMENT

The Undersigned, JUSTIN S. SCHMIDT, named herein as the
Statutory Agent Name

Statutory agent for Schmidt Family Restaurant Group, Inc.
Corporation Name

hereby acknowledges and accepts the appointment of statutory agent for said corporation.

Statutory Agent Signature JUSTIN S. SCHMIDT

Individual Agent's Signature/Signature on Behalf of Business Serving as Agent

By signing and submitting this form to the Ohio Secretary of State, the undersigned hereby certifies that he or she has the requisite authority to execute this document.

Required

Articles and original appointment of agent must be signed by the incorporator(s).

If the incorporator is an individual, then they must sign in the "signature" box and print his/her name in the "Print Name" box.

If the incorporator is a business entity, not an individual, then please print the entity name in the "signature" box, an authorized representative of the business entity must sign in the "By" box and print his/her name and title/authority in the "Print Name" box.

Signature

By

Print Name

Signature

By

Print Name

Signature

By

Print Name



Planning & Development
Department

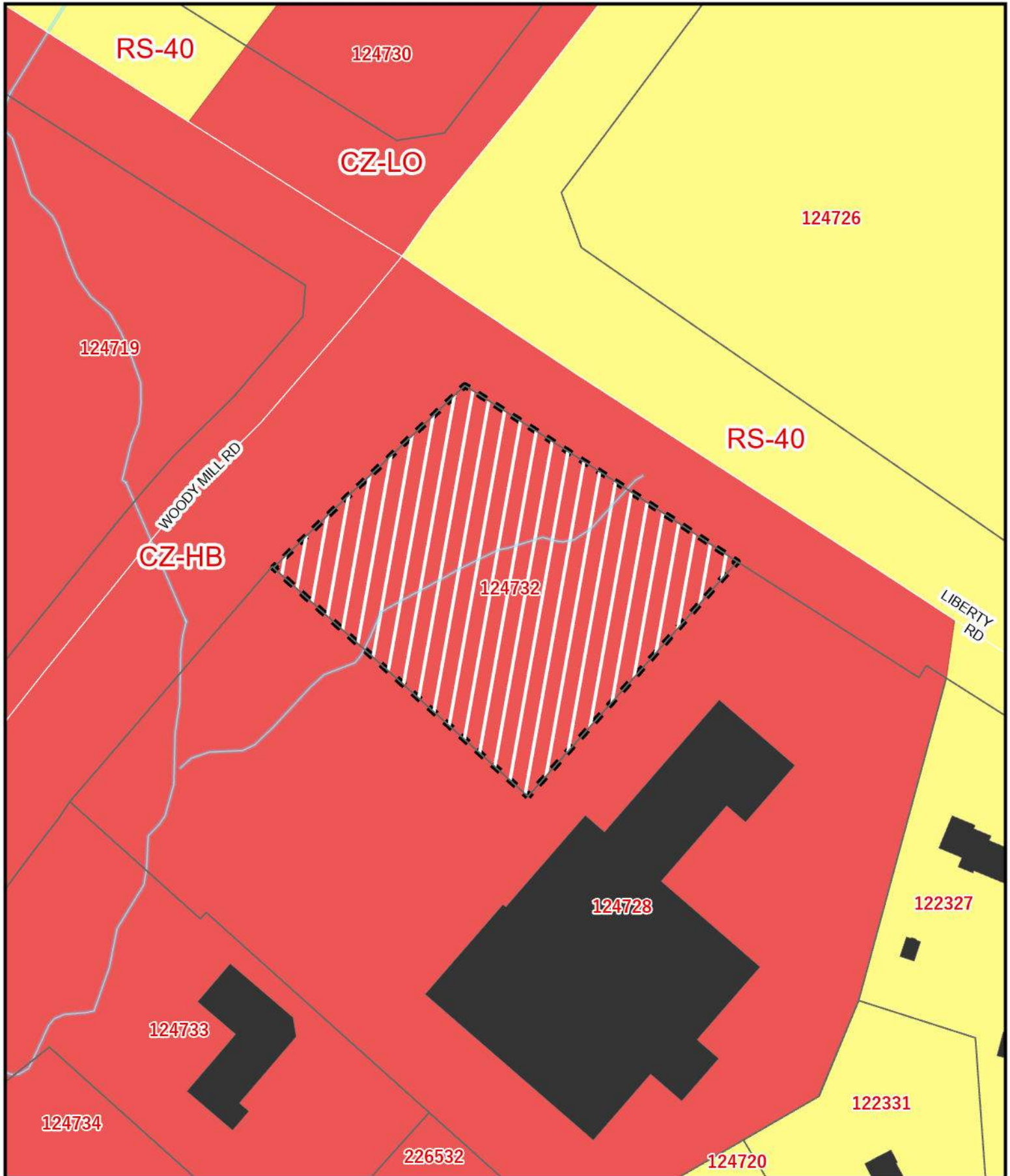
Jurisdiction:
GUILFORD COUNTY

Case Number:
24-07-BOA-00011

Case Area:
Parcels - 124732
4630 Woody Mill Rd



Scale: 1" = 100'



Planning & Development
Department

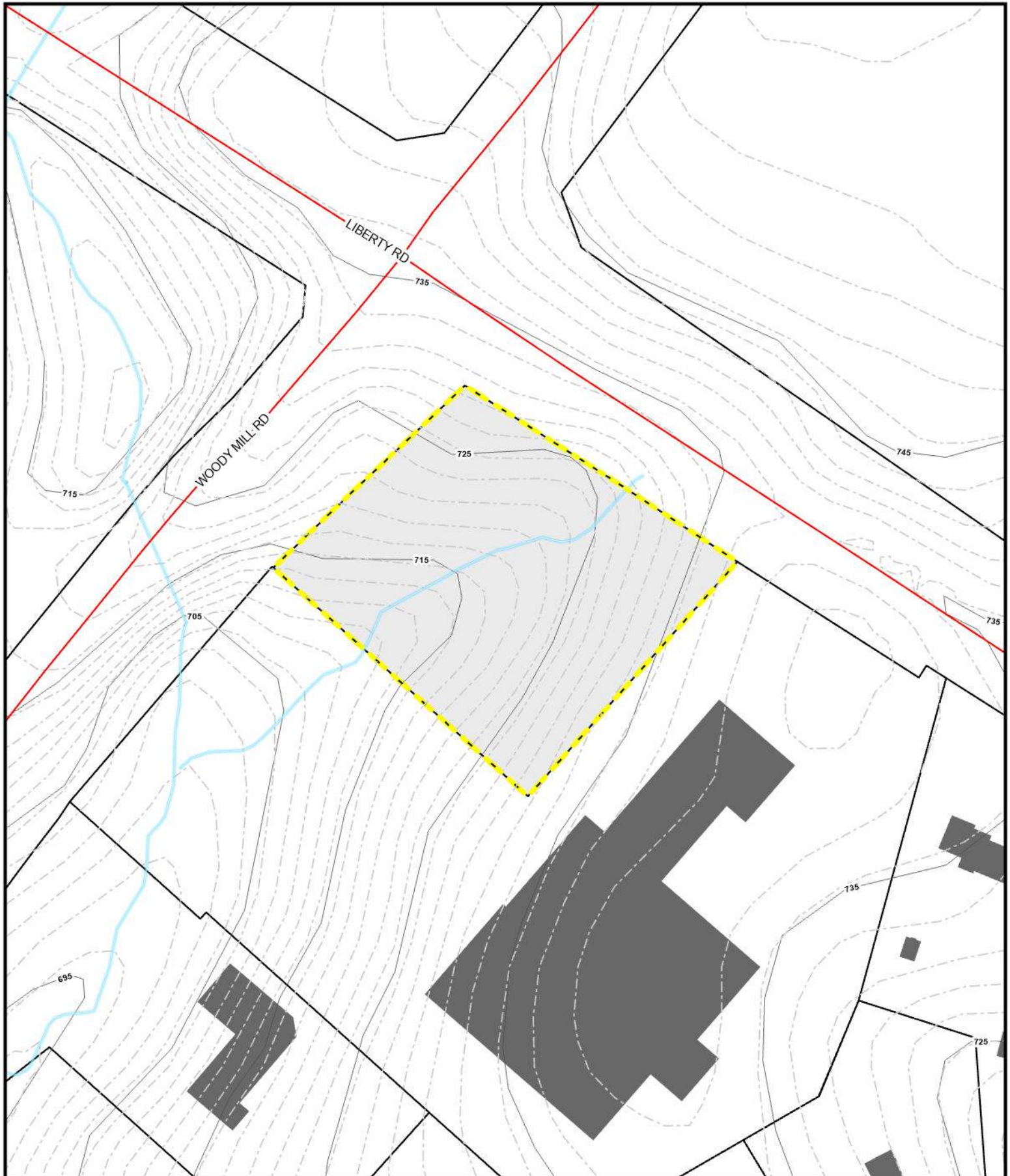
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Scale: 1" = 100'



Planning & Development
Department

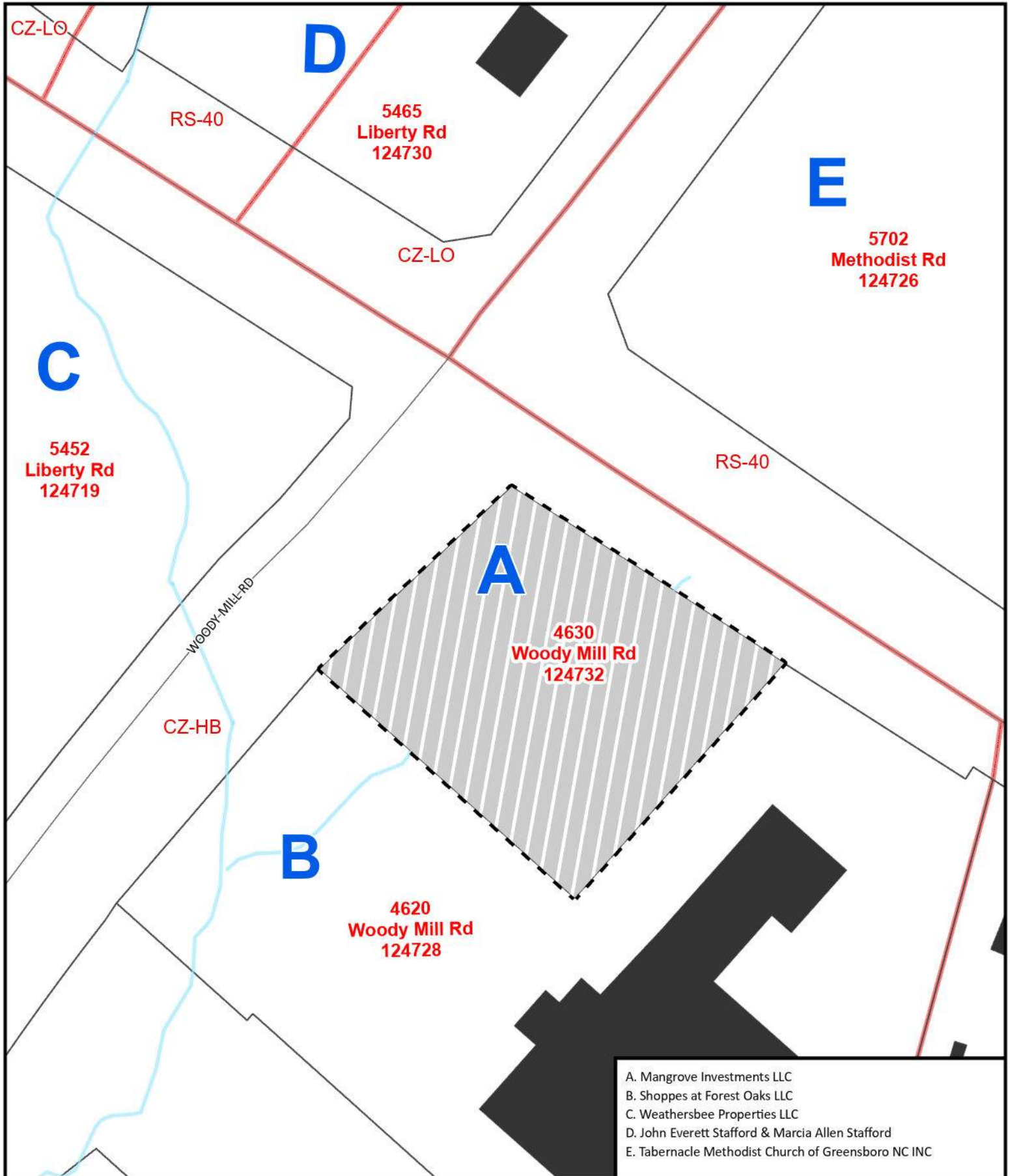
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4630 Woody Mill Rd.



Scale: 1" = 100'



Planning & Development
Department

Jurisdiction:

GUILFORD COUNTY

Case Number:

24-07-BOA-00011

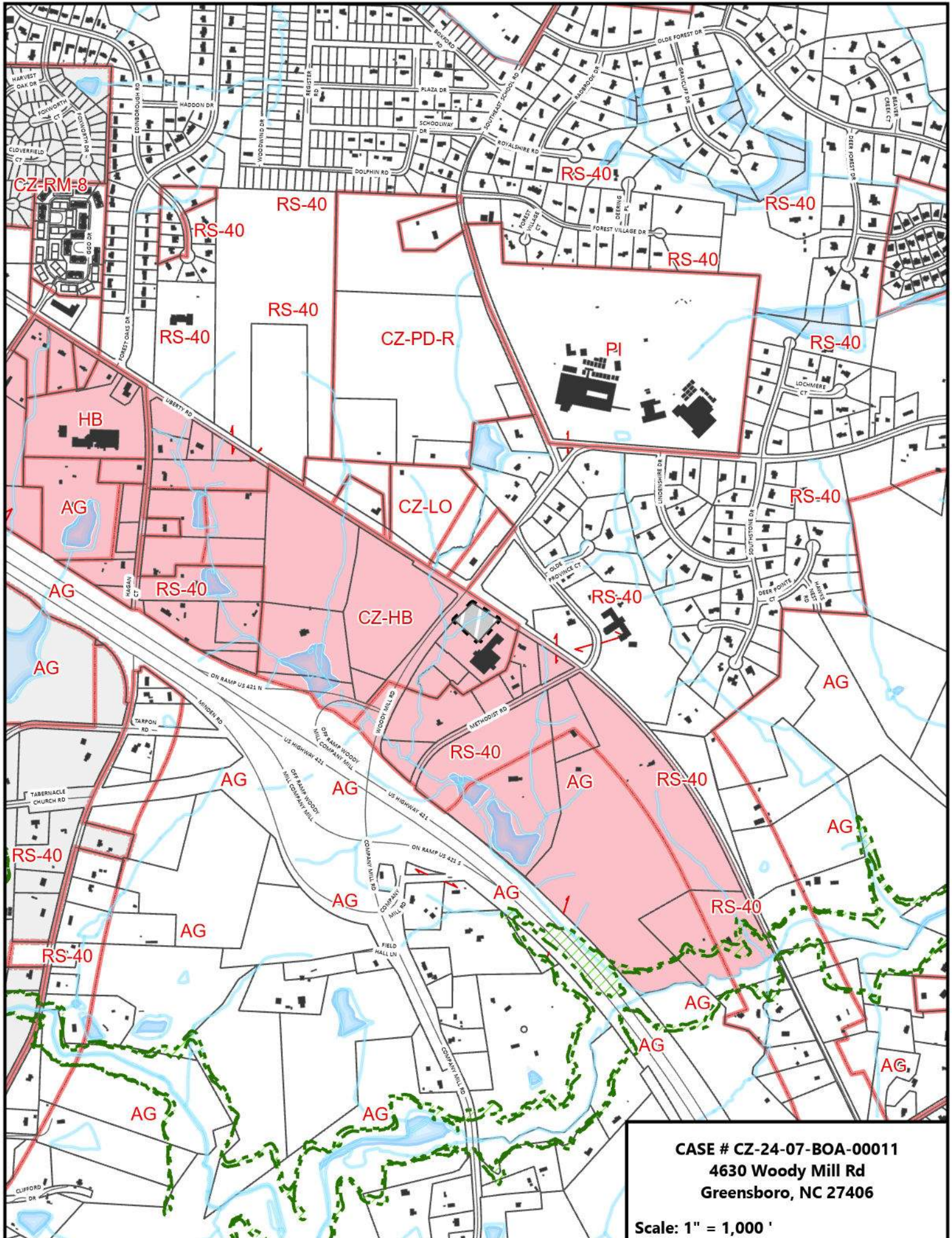
Case Area:

Parcels - 124732

4630 Woody Mill Rd



Scale: 1" = 100'



CASE # CZ-24-07-BOA-00011
4630 Woody Mill Rd
Greensboro, NC 27406

Scale: 1" = 1,000'

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Subject Posting (Liberty Road)



Across from Subject (Liberty Road)



Southeast (Liberty Road)



Northwest (Liberty Road)



Subject Posting (Woody Mill Road)



Across from Subject (Woody Mill Road)



Northeast (Woody Mill Road)



Southwest (Woody Mill Road)



Staff Report

24-07-BOA-00011

A. Summary

Stephen A. Walker of Mangrove Investments, LLC (owner), for Justin Schmidt of Schmidt Family Restaurant Group, Inc. (applicant), is requesting a waiver/variance from Section 4.9.F.5, which requires sidewalks to be built along all public and private streets as part of any major subdivision of land or project proposing new non-residential, attached single-family, or multi-family development, as well as along private driveways that provide access to one or more lots or uses in the Liberty Road / Woody Mill Road Vicinity Overlay District. The property is located in Clay Township at 4630 Woody Mill Road, Guilford County Tax Parcel #124732, comprising approximately 1.4 acres and is zoned CZ-HB, Conditional Zoning–Highway Business. The applicant is requesting a waiver/variance in order to refrain from constructing a sidewalk along Woody Mill Road.

Review comments for the associated Site Plan, record #23-09-SITE-00056, are included in the application materials.

District Description: CZ-HB, Conditional Zoning–Highway Business

The HB, Highway Business district is primarily meant to accommodate auto-oriented retail service and other commercial uses typically located along major thoroughfares. These highly-visible establishments are characterized by large parking lots in front of the structures, anchor tenants, and outparcels. Attention should be paid to landscaping, site and architectural design.

The CZ, Conditional Zoning district is established as a companion district for every district established in the Unified Development Ordinance. All regulations which apply to a general use zoning district also apply to the companion conditional zoning. All other regulations, which may be offered by the property owner and approved by the Jurisdiction as part of the rezoning process, also shall apply.

District Description: Liberty Road / Woody Mill Road Vicinity Overlay District

The Liberty Road / Woody Mill Road Vicinity Overlay District was adopted to promote development of a mixed-use area between Liberty Road and US Highway 421 at Woody Mill Road in accordance with the recommendations of the Liberty Road / Woody Mill Road Vicinity Small Area Plan adopted by the Guilford County Board of Commissioners.

B. Property Specifics

- a. **Applicant:** Justin Schmidt, Schmidt Family Restaurant Group, Inc.
- b. **Property Owner:** Mangrove Investments, LLC
- c. **Property Location:** 4630 Woody Mill Rd, Greensboro, NC 27406
- d. **Legal Description:** Plat Book 199, Page 75

C. Character of the Area

a. **Existing Land Use(s) on the Property:** Vacant

b. **Surrounding Uses:**

- i. North: Recreation facilities, office and undeveloped land
- ii. South: Shopping center, gas station and restaurants
- iii. East: Place of worship and related facilities
- iv. West: Undeveloped land

c. **Topographic & Stormwater Features:**

There are no mapped/buffered streams on site per US Geological Survey and Soil Conservation Service Maps. There is no regulated floodplain on site. There are existing access & utility or drainage easements on or near all 4 sides of the property per latest Unified Development & Subdivision Plat, Book 199, Page 75, recorded at the Guilford County Register of Deeds on 2/19/2019. The property has a gentle slope, approximately 5%, draining to the west.

Date of application:
September 27, 2024

Date adjacent property owner(s) notified:
October 9, 2024

Date sign posted on the subject property:
October 10, 2024

Date posted on County website:
October 11, 2024

Date of hearing:
October 22, 2024

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SUBMITTAL SUMMARY REPORT (23-09-SITE-00056) FOR GUILFORD COUNTY

PERMIT ADDRESS: 4630 WOODY MILL RD
CLIMAX, NC 27233

PARCEL: 124732

APPLICATION DATE: 09/18/2023
EXPIRATION DATE:

SQUARE FEET: 0
VALUATION: \$0.00

DESCRIPTION: Wendy's: 2,189 sq. ft. restaurant with drive-thru and 34,684 sq ft. proposed impervious area. Review required by NC Environmental Health Services

CONTACTS	NAME	COMPANY	ADDRESS
Applicant	ADRIENNE SMITH		8312 CREEDMOOR RD Raleigh, NC 27613, NC 27613
	Schmidt Family Restaurant Group	Schmidt Family Restaurant Group	
Engineer	Matt Watterson	SAMBATEK NC PC	
Owner	Mark Reynolds	Mangrove Investments, LLC.	6 GRANVILLE OAKS CT GREENSBORO, NC 27408

SUBMITTAL	STARTED	DUE	COMPLETE	STATUS
Initial Review v.1	09/19/2023	09/21/2023	09/22/2023	Review Completed
Site Plan Review v.1	09/25/2023	10/16/2023	11/02/2023	Revise & Re-Submit
Site Plan Review v.2	01/04/2024	01/19/2024	01/05/2024	Revise & Re-Submit
Site Plan Review v.3	01/05/2024	01/22/2024	02/06/2024	Revise & Re-Submit
Site Plan Review v.4	04/11/2024	04/25/2024	05/09/2024	Revise & Re-Submit
Site Plan Review v.5	07/22/2024	08/05/2024	08/20/2024	Revise & Re-Submit
Site Plan Review v.6	09/24/2024	10/08/2024		In Review

SUBMITTAL DETAILS

Initial Review v.1

ITEM REVIEW NAME (DEPARTMENT)	ASSIGNED TO	DUE	COMPLETE	STATUS
GIS-Addressing (GIS-Addressing)	Melissa Jones	10/10/2023	09/20/2023	Review Completed
<i>Comments</i>	Keep the existing parcel address 4630 Woody Mill Rd for the new building			
Zoning Review (Planning/Zoning)	Avery Tew	10/11/2023	09/22/2023	Review Completed

Site Plan Review v.1

ITEM REVIEW NAME (DEPARTMENT)	ASSIGNED TO	DUE	COMPLETE	STATUS
Building Code Review (Building/Inspections)	Matthew Crawford	10/16/2023	10/17/2023	Review Completed
Environmental Health Review (Environmental Health)	Joe Valdez	10/16/2023	10/11/2023	Not Required
<i>Comments</i>	Property served by public utilities per project manager. 10 11 23			
Environmental Services Review (Solid Waste)	Clyde Harding	10/16/2023	09/26/2023	Review Completed
<i>Comments</i>	No Comments			
Fire Review (Fire Marshal)	Tim McNeil	10/16/2023	09/28/2023	Review Completed
<i>Comments</i>	Plans have been reviewed for compliance with current NC Fire Codes and National Standards.			
GIS-Addressing (GIS-Addressing)	Melissa Jones	10/16/2023	09/27/2023	Review Completed
<i>Comments</i>	Address Copy attached, use existing address			
Soil Erosion Review (Soil Erosion)	Earl Davis	10/16/2023	09/28/2023	Review Completed
<i>Comments</i>	obtain a grading permit. submit grading permit application and plan review fee to get process going. https://www.guilfordcountync.gov/our-county/planning-development/soil-erosion-control/grading-permit			
Watershed Review (Watershed)	Brent Gatlin	10/16/2023	11/02/2023	Revise and Resubmit - No TRC
<i>Comments</i>				

SUBMITTAL SUMMARY REPORT (23-09-SITE-00056)

11/2/23 Watershed Section comments (Revise & Resubmit):

1. Add Guilford County Cover Site Plan Cover Sheet to plan set.
 - a. Complete the Stormwater Management / Watershed Protection data including BUA and Project Density info.
 - i. Water Supply Watershed = Lake Mackintosh WS-IV, GWA
 - ii. Add reference to Sheet # that has the detailed BUA calculations.
 - b. Sign/seal Cover Sheet.
2. Complete and provide the Watershed Development Checklist with next Site Plan submittal (provided to Sambatek via email).
3. Provide the Stormwater Conveyance System calculations report, signed/sealed by PE with:
 - a. Pipe capacities and HGL for 10-year storm event.***
 - b. Swale calculations for capacity and liner.
 - c. Drainage Area Plan for storm structures, culverts, and swales.
 - d. Precipitation / IDF Data (NOAA)
 - e. [Advisory Comment]***: Public ROW drainage must be designed per NCDOT standards and submitted to NCDOT for their review & approval. The more stringent design standards shall apply.
4. Add the SCM Standard Notes (provided to Sambatek via email) to the Watershed Development Plan / Grading & Drainage Plan for:
 - a. SCM Maintenance Responsibility Notes
 - b. SCM Requirements Prior to Issuance of Temporary or Final Certificate of Occupancy (for Sites with an Existing SCM that treats multiple properties (owners' association))
 - c. Add the following note to SCM Requirements Prior to Issuance of Temporary or Final Certification of Occupancy: "Submit copy of Operation & Maintenance Agreement (O&M) for review & approval. O&M must cross-reference the property deed DB & PG and UDP plat PB & PG. Record O&M at Register of Deeds upon approval."
5. BUA from the site (Lot 3 on UDP) can discharge to the existing Wet Detention Pond for The Shoppes at Forest Oaks for treatment of stormwater runoff as indicated on UDP PB 199 PG 75 recorded in 2019.
 - a. A BUA analysis for Lot 3 is required demonstrating the total BUA for Lot 3 is less than or equal to the Max BUA Allowable for the site per the UDP.
 - b. Max Allowable BUA for Lot 3 = 1.132 ac for the 1.396 ac site per the UDP.
 - c. The original overall development had a Total Project Area of 11.5 ac used in Project Density calculations according to 2008 Site Plan and associated Water Quality Pond Calculations report. A portion of this area has been dedicated as ROW, and the most recent 2019 UDP only indicates the remaining area and previously established BUA Allocations for each lot. The overall development including past ROW area should remain at or below 70% BUA. The BUA Allocations specifically indicated for each lot on the 2019 UDP remain valid.
 - d. Include reference notes to the original Site Plan and current UDP in the BUA analysis on the Watershed Development Plan / Grading & Drainage Plan.
6. An Operation & Maintenance Agreement for the existing wet detention pond per Guilford County template will need to be submitted to the Watershed Section for review and approval and then recorded at the Register of Deeds prior to TCO for the site.

Zoning Review (Planning/Zoning)
Comments

Avery Tew

10/16/2023

10/10/2023

Revise & Re-Submit

SUBMITTAL SUMMARY REPORT (23-09-SITE-00056)

Revise and resubmit.

General comments

1. Include parcel #124732.
2. Show correct information for owner of record (MANGROVE INVESTMENTS LLC) on all sheets.
3. Show site address, including township and county, on all sheets.
4. Stamps should go in plan endorsement block.
5. List associated zoning conditions on all sheets: 1.) There shall be a maximum of two vehicular access points on Liberty Road, one of which shall be a service entrance; 2.) There shall be a maximum of one vehicular access point on Woody Mill Road, limited to right-in, right-out; 3.) The Type "B" Planting Yard along the property line common with the Jewel Oates Property shall include a six-foot (6') high opaque fence, and there shall be no reduction in the Planting Yard width by virtue of such opaque fence.
6. Include total acreage of lot.

Parking comments

7. The proposed 56 spaces would constitute approximately 512% of the minimum required parking of 10.945 spaces based on the size and use of the proposed structure. If a project exceeds 125% of the minimum required parking, an alternative parking plan incorporating low impact design is required to be submitted for approval.

Landscaping, Buffering & Screening comments

8. Parking lot plantings – 1 canopy tree is required for every 30' along the perimeter of the parking area; trees should be in tree islands, at the end of parking bays, medians, or between rows of parking spaces. A continuous row of evergreen shrubs is also required along the perimeter of the parking area.
9. Planting yards – Along the southwestern property line, a Type D Planting Yard is required consisting of 4 understory trees and 38 shrubs. Along the southeastern property line, a Type D Planting Yard is required consisting of 3 understory trees and 34 shrubs. For these Type D Planting Yards, shrubs and trees may be grouped or clustered; however, not more than fifty percent (50%) of each required plant material may be grouped or clustered. The remainder of the materials shall be distributed throughout the planting yard.
10. Street yards – See Liberty Rd / Woody Mill Rd Vicinity Overlay District comments.
11. Screening – It looks like the trash bins are proposed to be enclosed by a fence but I could not find it called out anywhere. Acceptable screening for the trash bins could consist of an opaque fence or masonry wall of a height that would fully screen the bins. Please specify on the plan.

Lighting comments

12. All exterior luminaires are required to be full cut-off, with no light directed above a horizontal plane through the lighting fixture. The specified luminaires appear to be tilted at 45 degrees, which would not be in compliance.
13. The maximum allowed illumination at the property boundary (measured at ground level) is determined by the adjacent use. The maximum for lot lines abutting a commercial/mixed-use/vacant property is 2.0 footcandles. The maximum for lot lines abutting a parking lot is 2.5 footcandles.

Liberty Rd / Woody Mill Rd Vicinity Overlay District comments

14. Street yards – The requirements of the Liberty Rd / Woody Mill Rd Vicinity Overlay District supersede the normal street yard requirements. Along Liberty Rd, the street yard must consist of 10 canopy trees and 83 shrubs. Along Woody Mill Rd, the street yard must consist of 8 canopy trees and 68 shrubs.
15. Pedestrian improvements – Sidewalks shall be built along all public and private streets as part of any project proposing new non-residential development. Sidewalks shall also be built along private driveways that provide access to one or more lots or uses. All sidewalks shall comply with the minimum Americans with Disabilities Act requirements.
16. Architectural standards (building) – At least fifty percent (50%) of exterior building façades, not including window area, visible from public streets or adjacent residential uses shall be constructed with brick, stone, and/or decorative concrete masonry units (CMUs). Stucco or synthetic equals, wood, and/or fiber cement siding shall be permitted as a secondary material on less than fifty (50) per- cent of the visible building façade. Materials for building trim or accents, including but not limited to columns, pilasters, cupolas, awnings, and canopies shall not be restricted provided they comprise a minimal portion of the building's aggregate exterior composition. Exterior building walls visible from public streets or adjacent residential uses shall not be constructed or clad with vinyl siding, metal, or painted concrete block.
17. Architectural standards (roof) – Sloped roofs shall be required for all new non-residential structures with a single-story floor area of ten thousand (10,000) square feet or less. Permitted roof materials for sloped roofs on new non-residential structures shall include the following: shingle, shake, parapet/wall caps, and standing seam metal of a color that integrates it architecturally with the building. Unfinished galvanized steel or aluminum roofs shall be prohibited.

Site Plan Review v.2

ITEM REVIEW NAME (DEPARTMENT)	ASSIGNED TO	DUE	COMPLETE	STATUS
Building Code Review (Building/Inspections)	Matthew Crawford	01/26/2024	01/05/2024	In Review
Fire Review (Fire Marshal)	Tim McNeil	01/19/2024	01/05/2024	In Review
NCDOT Review (Planning/Zoning)	Avery Tew	01/26/2024	01/05/2024	Review Completed
Comments	NCDOT driveway permit #DP231112			

SUBMITTAL SUMMARY REPORT (23-09-SITE-00056)

Soil Erosion Review (Soil Erosion)	Earl Davis	01/26/2024	01/05/2024	In Review
Watershed Review (Watershed)	Kevin Larson	01/26/2024	01/05/2024	In Review
Zoning Review (Planning/Zoning)	Avery Tew	01/26/2024	01/05/2024	In Review

eREVIEW SESSION FILES: 2023.12.04 SFR-2301 SWM Report.pdf
2023-09-18 Wendys Initial Site Plan Submittal.pdf
D0720412300112 ApprovalPackage Wendys DP231112 20231130.pdf

REVIEWER	MARKUP	DATE/TIME	FILE NAME	PG #
Kevin Larson	Guilford County Planning & Development Department	01/09/2024 7:38 pm	2023.12.04 SFR-2301 SWM Report.pdf	1
Kevin Larson	Wendy's	01/09/2024 7:38 pm	2023.12.04 SFR-2301 SWM Report.pdf	3
Kevin Larson	January 25, 2019	01/09/2024 7:39 pm	2023.12.04 SFR-2301 SWM Report.pdf	5
Kevin Larson	use most recent UDP, which is PB 199 PG	01/09/2024 8:13 pm	2023.12.04 SFR-2301 SWM Report.pdf	5
Kevin Larson	does not match notation on C-13 Stormwater Management Plan. Revise.	01/09/2024 9:07 pm	2023.12.04 SFR-2301 SWM Report.pdf	13
Kevin Larson	see previous comments	01/09/2024 9:09 pm	2023.12.04 SFR-2301 SWM Report.pdf	14
Kevin Larson	fix notation to match with plan set	01/09/2024 9:09 pm	2023.12.04 SFR-2301 SWM Report.pdf	16

Site Plan Review v.3

ITEM REVIEW NAME (DEPARTMENT)	ASSIGNED TO	DUE	COMPLETE	STATUS
Building Code Review (Building/Inspections)	Jim Lankford	01/29/2024	02/06/2024	Review Completed
Fire Review (Fire Marshal)	Michael Townsend	01/22/2024	01/19/2024	Revise & Re-Submit
<i>Comments</i>	Show fire hydrants on utility plan			
NCDOT Review (Planning/Zoning)	Avery Tew	01/29/2024	01/16/2024	Review Completed
<i>Comments</i>	Driveway Permit #DP231112			
Soil Erosion Review (Soil Erosion)	Earl Davis	01/29/2024	02/02/2024	Review Completed
<i>Comments</i>	Apply for grading permit. Please see this link for application, etc. requirements for grading permit. https://www.guilfordcountync.gov/our-county/planning-development/soil-erosion-control/grading-permit			
Watershed Review (Watershed)	Kevin Larson	01/29/2024	01/10/2024	Revise & Re-Submit
<i>Comments</i>	01/10/24 Site Plan review by KL for plan received 01/04/24 (Revise & Resubmit): Provide response to each Watershed Comment with plan resubmission. Indicate Sheet #, Note #, or Page # for revisions addressing each comment as appropriate. 1. Add Date Submitted/Date Revised and Case Number to Cover Sheet. 2. Add total acreage and parcel number to cover sheet. 3. Change cover sheet to reflect location of BUA calcs on C-13. Cover Sheet specifies they are on C-11 but that is where the details are located. 4. Fix floating labels/arrows on C-13. Ensure notation of storm structures matches that in SWM Report. See markups on several pages in SWM Report and on C-13 in plan set. 5. Label Junction box on C-13. 6. Correct PB references on C-13 Stormwater Management Plan 7. Correct names, dates, and PB references as shown in markups in SWM Report. 8. [Advisory Comment]: An Operation & Maintenance Agreement for the existing wet detention pond per Guilford County template will need to be submitted to the Watershed Section for review and approval and then recorded at the Register of Deeds prior to TCO for the site.			
Zoning Review (Planning/Zoning)	Avery Tew	01/29/2024	01/16/2024	Revise & Re-Submit
<i>Comments</i>				

SUBMITTAL SUMMARY REPORT (23-09-SITE-00056)

1/16/24 Revise and resubmit.

General comments

1. Show site address, including township (Clay Township) and county (Guilford County), on all sheets.
2. List associated zoning conditions on all sheets: 1.) There shall be a maximum of two vehicular access points on Liberty Road, one of which shall be a service entrance; 2.) There shall be a maximum of one vehicular access point on Woody Mill Road, limited to right-in, right-out; 3.) The Type "B" Planting Yard along the property line common with the Jewel Oates Property shall include a six-foot (6') high opaque fence, and there shall be no reduction in the Planting Yard width by virtue of such opaque fence.
3. Please note on cover sheet that the property is located within the Liberty Road / Woody Mill Road Vicinity Overlay District.

Parking comments

4. The proposed 28 spaces would constitute approximately 256% of the minimum required parking of 10.945 spaces based on the size and use of the proposed structures. If a project exceeds 125% of the minimum required parking, an alternative parking plan incorporating low impact design is required to be submitted for approval.

Landscaping, Buffering & Screening comments

5. Trash enclosure must be of a height that will fully screen dumpsters. Please specify on plan.

Lighting comments

6. All exterior luminaires are required to be full cut-off, with no light directed above a horizontal plane through the lighting fixture. The specified luminaires appear to be tilted at 45 degrees, which would not be in compliance.

Liberty Rd / Woody Mill Rd Vicinity Overlay District comments

7. Pedestrian improvements – A sidewalk will be required along Woody Mill Road. You will need to contact NCDOT at 336-487-0100 to determine any documentation or easements required by them for sidewalk construction in ROW. Please submit any NCDOT approvals to me at ctew@guilfordcountync.gov. All sidewalks shall comply with the minimum Americans with Disabilities Act requirements.
8. Architectural standards (roof) – Entire roof is required to be sloped.

REVIEW SESSION FILES:

2023.12.04 SFR-2301 SWM Report.pdf
2023-09-18 Wendys Initial Site Plan Submittal.pdf
D0720412300112 ApprovalPackage Wendys DP231112 20231130.pdf

REVIEWER	MARKUP	DATE/TIME	FILE NAME	PG #
Kevin Larson	Guilford County Planning & Development Department	01/09/2024 7:38 pm	2023.12.04 SFR-2301 SWM Report.pdf	1
Kevin Larson	Wendy's	01/09/2024 7:38 pm	2023.12.04 SFR-2301 SWM Report.pdf	3
Kevin Larson	January 25, 2019	01/09/2024 7:39 pm	2023.12.04 SFR-2301 SWM Report.pdf	5
Kevin Larson	Fill in	01/09/2024 7:42 pm	2023-09-18 Wendys Initial Site Plan 1 Submittal.pdf	
Kevin Larson	BUA calcs are not on C-11. They are on C-13	01/09/2024 7:43 pm	2023-09-18 Wendys Initial Site Plan 1 Submittal.pdf	
Kevin Larson	should be PB 174 PG 94	01/09/2024 7:44 pm	2023-09-18 Wendys Initial Site Plan 16 Submittal.pdf	
Kevin Larson	should be 75	01/09/2024 7:44 pm	2023-09-18 Wendys Initial Site Plan 16 Submittal.pdf	
Kevin Larson	should be PB	01/09/2024 7:44 pm	2023-09-18 Wendys Initial Site Plan 16 Submittal.pdf	
Kevin Larson	floating	01/09/2024 7:45 pm	2023-09-18 Wendys Initial Site Plan 16 Submittal.pdf	
Kevin Larson	floating	01/09/2024 7:45 pm	2023-09-18 Wendys Initial Site Plan 16 Submittal.pdf	
Kevin Larson	use most recent UDP, which is PB 199 PG	01/09/2024 8:13 pm	2023.12.04 SFR-2301 SWM Report.pdf	5
Kevin Larson	does not match notation on C-13 Stormwater Management Plan. Revise.	01/09/2024 9:07 pm	2023.12.04 SFR-2301 SWM Report.pdf	13
Kevin Larson	see previous comments	01/09/2024 9:09 pm	2023.12.04 SFR-2301 SWM Report.pdf	14
Kevin Larson	fix notation to match with plan set	01/09/2024 9:09 pm	2023.12.04 SFR-2301 SWM Report.pdf	16
Kevin Larson	label with matching ID from Junction Box Report in SWM Report	01/09/2024 9:21 pm	2023-09-18 Wendys Initial Site Plan 16 Submittal.pdf	
Kevin Larson	floating	01/09/2024 9:21 pm	2023-09-18 Wendys Initial Site Plan 16 Submittal.pdf	
Kevin Larson	Notation does not match with that in catchment report in SWM report (CI-01 vs CA-01)	01/09/2024 9:22 pm	2023-09-18 Wendys Initial Site Plan 16 Submittal.pdf	

Site Plan Review v.4

SUBMITTAL SUMMARY REPORT (23-09-SITE-00056)

ITEM REVIEW NAME (DEPARTMENT)	ASSIGNED TO	DUE	COMPLETE	STATUS
Building Code Review (Building/Inspections)	Jim Lankford	05/02/2024	05/06/2024	Review Completed
Environmental Health Review (Environmental Health)	Joe Valdez	05/02/2024	05/08/2024	Not Required
<i>Comments</i>	Property served by public water and sewer. No inspection required per J Valdez 5 8 24			
Environmental Services Review (Solid Waste)	Lorelei Elkins	05/02/2024	04/16/2024	Review Completed
<i>Comments</i>	City Water and Sewer			
Fire Review (Fire Marshal)	Michael Townsend	04/25/2024	04/12/2024	Revise & Re-Submit
<i>Comments</i>	A fire hydrant shall be located within 400 feet (if facility or building isn't sprinklered) of all parts of the facility or building along access roadways with all-weather driving surfaces, distances measured as the fire truck travels.			
GIS-Addressing (GIS-Addressing)	Melissa Jones	05/02/2024	04/19/2024	Review Completed
<i>Comments</i>	No new address is needed use the existing address, 4630 Woody Mill Rd			
NCDOT Review (Planning/Zoning)	Avery Tew	05/02/2024	04/11/2024	Review Completed
<i>Comments</i>	Driveway Permit #DP231112			
Soil Erosion Review (Soil Erosion)	Earl Davis	05/02/2024	05/02/2024	Review Completed
<i>Comments</i>	S u b m i t a l l r e q u i r e m e n t s f o r g r a d i n g p e r m i t . https://www.guilfordcountync.gov/our-county/planning-development/soil-erosion-control/grading-permit			
Watershed Review (Watershed)	Kevin Larson	05/02/2024	04/19/2024	Review Completed
<i>Comments</i>	4/19/2024 Site Plan Review by KL for plan received 4/11/2024 (Approved): Site plan and supporting documentation received 4/11/2024 is approved for watershed compliance. [Advisory Comment]: An Operation & Maintenance Agreement for the existing wet detention pond per Guilford County template will need to be submitted to the Watershed Section for review and approval and then recorded at the Register of Deeds prior to TCO for the site (emailed to Elizabeth Smith).			
Zoning Review (Planning/Zoning)	Avery Tew	05/02/2024	04/18/2024	Revise & Re-Submit
<i>Comments</i>	4/18/24 Revise and resubmit.			
	General Comments			
	1. Include township (Clay Township) on all sheets.			
	2. List associated zoning conditions on all sheets (NOTE: This property was part of a conditional rezoning and these are the conditions associated with that rezoning. This comment is simply requesting that you LIST these conditions on all sheets.): 1.) There shall be a maximum of two vehicular access points on Liberty Road, one of which shall be a service entrance; 2.) There shall be a maximum of one vehicular access point on Woody Mill Road, limited to right-in, right-out; 3.) The Type "B" Planting Yard along the property line common with the Jewel Oates Property shall include a six-foot (6') high opaque fence, and there shall be no reduction in the Planting Yard width by virtue of such opaque fence.			
	3. Please note on cover sheet that the property is located within the Liberty Road / Woody Mill Road Vicinity Overlay District.			
	Landscaping, Buffering & Screening comments			
	4. Trash enclosure must be of a height that will fully screen dumpsters. Please specify the height of the trash enclosure on the plan.			

Site Plan Review v.5

ITEM REVIEW NAME (DEPARTMENT)	ASSIGNED TO	DUE	COMPLETE	STATUS
Building Code Review (Building/Inspections)	Matthew Crawford	08/12/2024	07/23/2024	Review Completed
Environmental Health Review (Environmental Health)	Joe Valdez	08/12/2024	07/22/2024	Not Required
<i>Comments</i>	Property served by public water and sewer. No inspection required per J Valdez 5 8 24			
Environmental Services Review (Solid Waste)	Lorelei Elkins	08/12/2024	07/23/2024	Reviewed
Fire Review (Fire Marshal)	Michael Townsend	08/05/2024	07/31/2024	Revise & Re-Submit
<i>Comments</i>	A fire hydrant shall be located within 400 feet (if facility or building isn't sprinklered) of all parts of the facility or building along access roadways with all-weather driving surfaces, distances measured as the fire truck travels. A Fire Truck can not travel across grass or dirt surface.			
GIS-Addressing (GIS-Addressing)	Melissa Jones	08/12/2024	07/23/2024	Review Completed
NCDOT Review (Planning/Zoning)	Avery Tew	08/12/2024	07/22/2024	Review Completed
<i>Comments</i>	Driveway Permit #DP231112			

SUBMITTAL SUMMARY REPORT (23-09-SITE-00056)

Soil Erosion Review (Soil Erosion)	Earl Davis	08/12/2024	08/20/2024	Review Completed
<i>Comments</i>	Obtain grading permit and schedule precon meeting on-site.			
Watershed Review (Watershed)	Kevin Larson	08/12/2024	07/30/2024	Review Completed
<i>Comments</i>	<p>7/30/2024 Site Plan Review by KL for plan received 7/22/2024 (Approved): Site plan received 7/22/24 and Stormwater management report received 4/11/24 is approved for watershed compliance (stormwater management report was approved on 4/19/24 originally, and needs to be tied to this site plan approval).</p> <p>1. [Advisory Comment]: An Operation & Maintenance Agreement for the existing wet detention pond per Guilford County template will need to be submitted to the Watershed Section for review and approval and then recorded at the Register of Deeds prior to TCO for the site (emailed previously to Adrienne Smith).</p>			
Zoning Review (Planning/Zoning)	Avery Tew	08/12/2024	07/23/2024	Review Completed

eREVIEW SESSION FILES: 2023-09-18 Wendys Initial Site Plan Submittal.pdf
2024-07-18 Response to County Comments.pdf

REVIEWER	MARKUP	DATE/TIME	FILE NAME	PG #
Michael Townsend	683'-2 3/4"	07/31/2024 9:35 am	2023-09-18 Wendys Initial Site Plan 7 Submittal.pdf	
Michael Townsend	Fire Truck Can not travel across grass or dirt surface.	07/31/2024 9:35 am	2023-09-18 Wendys Initial Site Plan 7 Submittal.pdf	
Michael Townsend	A fire hydrant shall be located within 400 feet (if facility or building isn't sprinklered) of all parts of the facility or building along access roadways with all-weather driving surfaces, distances measured as the fire truck travels.	07/31/2024 9:36 am	2023-09-18 Wendys Initial Site Plan 7 Submittal.pdf	

Site Plan Review v.6

ITEM REVIEW NAME (DEPARTMENT)	ASSIGNED TO	DUE	COMPLETE	STATUS
Building Code Review (Building/Inspections)	Tonya Hodgins	10/15/2024	09/28/2024	Review Completed
<i>Comments</i>	Plans reviewed 7-23-24 per MC. TH 9-28-24			
Environmental Health Review (Environmental Health)	Joe Valdez	10/15/2024		In Review
Environmental Services Review (Solid Waste)	Lorelei Elkins	10/15/2024	09/27/2024	Review Completed
Fire Review (Fire Marshal)	Michael Townsend	10/08/2024	09/25/2024	Review Completed
GIS-Addressing (GIS-Addressing)	Melissa Jones	10/15/2024	09/26/2024	Review Completed
<i>Comments</i>	Use the existing address, 4630 Woody Mill Rd.			
NCDOT Review (Planning/Zoning)	Avery Tew	10/15/2024	09/24/2024	Review Completed
Soil Erosion Review (Soil Erosion)	Earl Davis	10/15/2024		In Review
Watershed Review (Watershed)	Kevin Larson	10/15/2024		In Review
Zoning Review (Planning/Zoning)	Avery Tew	10/15/2024		In Review

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Findings of Fact

Guilford County Unified Development Ordinance Sec. 3.5.W

Granting of Variance: A variance may be granted by the Board if evidence presented by the applicant persuades it to reach the following conclusions:

- 1) There are practical difficulties or unnecessary hardships that would result in the way of carrying out the strict letter of this Ordinance. The Board may reach this conclusion if it finds that:
 - a) Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
 - b) 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;
 - c) 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; and
 - d) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

Guilford County Unified Development Ordinance Sec. 4.9.F.5

Granting of Waiver: The Technical Review Committee shall be authorized to waive sidewalk requirements in cases where the character and size of proposed development will not result in a need for pedestrian facilities. Characteristics including but not limited to proposed uses(s), intensity, surrounding land uses, and residential density, if applicable, shall be considered during review of any waiver request.

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**GUILFORD COUNTY TECHNICAL REVIEW COMMITTEE
ORDER GRANTING A WAIVER/VARIANCE**

The Guilford County Technical Review Committee, having held a hearing on October 22, 2024, to consider Case # 24-07-BOA-00011, submitted by Justin Schmidt, a request for a waiver/variance to use the property located at 4630 Woody Mill Road, being Tax Parcel(s) # 124732 in a manner not permissible under the literal terms of the ordinance, and having heard all of the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACTS and draws the following CONCLUSIONS:

1. It is the Technical Review Committee’s CONCLUSION that unnecessary hardship **will** result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the waiver/variance, no reasonable use can be made of the property. This conclusion is based on the following FINDINGS of FACT:

2. It is the Technical Review Committee’s CONCLUSION that the hardship **does** result 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 waiver/variance. This conclusion is based on the following FINDINGS OF FACT:

3. It is the Technical Review Committee’s CONCLUSION that the hardship **does not** result from actions taken by the applicants or the property owners. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a waiver/variance shall not be regarded as a self-created hardship. This conclusion is based on the following FINDINGS OF FACT:

4. It is the Technical Review Committee’s CONCLUSION that the requested waiver/variance **is** consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. This conclusion is based on the following FINDINGS OF FACT:

5. It is the Technical Review Committee’s CONCLUSION that, in consideration of characteristics including but not limited to proposed use(s), intensity, surrounding land uses and residential density, if applicable, the character and size of the proposed development **will not** result in a need for pedestrian facilities. This conclusion is based on the following FINDINGS OF FACT:

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for a WAIVER/VARIANCE be **GRANTED** subject to the following:

1. Compliance with all local, state, and federal laws.



**GUILFORD COUNTY TECHNICAL REVIEW COMMITTEE
ORDER DENYING A WAIVER/VARIANCE**

The Guilford County Technical Review Committee, having held a hearing on October 22, 2024, to consider Case # 24-07-BOA-00011, submitted by Justin Schmidt, a request for a waiver/variance to use the property located at 4630 Woody Mill Road, being Tax Parcel(s) # 124732 in a manner not permissible under the literal terms of the ordinance, and having heard all of the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACTS and draws the following CONCLUSIONS:

1. It is the Technical Review Committee’s CONCLUSION that unnecessary hardship **will not** result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the waiver/variance, no reasonable use can be made of the property. This conclusion is based on the following FINDINGS of FACT:

2. It is the Technical Review Committee’s CONCLUSION that the hardship **does not** result 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 waiver/variance. This conclusion is based on the following FINDINGS OF FACT:

3. It is the Technical Review Committee’s CONCLUSION that the hardship **does** result from actions taken by the applicants or the property owners. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a waiver/variance shall not be regarded as a self-created hardship. This conclusion is based on the following FINDINGS OF FACT:

4. It is the Technical Review Committee’s CONCLUSION that the requested waiver/variance **is not** consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. This conclusion is based on the following FINDINGS OF FACT:

6. It is the Technical Review Committee’s CONCLUSION that, in consideration of characteristics including but not limited to proposed use(s), intensity, surrounding land uses and residential density, if applicable, the character and size of the proposed development **will** result in a need for pedestrian facilities. This conclusion is based on the following FINDINGS OF FACT:

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for a WAIVER/VARIANCE be **DENIED** subject to the following:

1. Compliance with all local, state, and federal laws.
