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**FUQUAY-VARINA BOARD OF ADJUSTMENT**  
**MEMORANDUM**

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**To:** Chairman and Members of the Board of Adjustment  
**From:** Kari Terwilliger, Planner I  
**Subject:** BOA-SE-2009-007 St Bernadette Catholic Church  
**Date:** January 11, 2010

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**Request:** In this case the petitioner is requesting a Special Exception in order to expand the sanctuary and build a covered porch onto the existing St. Bernadette's Church. The 11.95 acre property, zoned Residential 20, is located at 1005 Wilbon Road. In accordance with the Town's Code of Ordinances a church is permitted only as a Special Exception in any Residential District therefore, a Special Exception is required in order to build or expand a church at this location.

**Background:** At the Board of Adjustment meeting on May 8, 2000 the Board approved the church's request for a variance to allow a structure higher than the thirty-five feet building height limit required by Town Code Section 9-4101 Development Standards. The Board granted a variance of fifteen feet to allow a total structure height of fifty feet.

In September, 2002 the church submitted a site specific parking plan that expanded the parking on the site with a new parking lot on the west side of the property. The parking plan was approved in November 2002.

At the Board of Adjustment meeting on April 10, 2006, the Board approved the church's request for a special exception to Town Code Section 9-4093(3) to permit a columbarium in a Residential District.

At the Board of Adjustment meeting on November 11, 2008 the Board approved the church's request for a special exception for a new building to be used for educational classrooms on the existing church property.

Sections 9-4093(3) (page 103) and 9-4091 (page 102)) are pertinent to this case:

Section 9-4093 USES WHICH MAY BE PERMITTED.

The Board of Adjustment may grant permission for the establishment of the following uses, subject to any specific conditions either set forth below or which said Board may deem necessary to satisfy the conditions.

(3) Church - A church or other place of worship may be permitted in an R district subject to the requirements of the district and provided that;

(a) The lot size shall be no less than three (3) acres;

**Staff Comment:** *The property is 11.95 acres.*

(b) The structure shall have minimum side and rear yards of fifty (50) feet and a front yard at least twenty-five (25) feet greater than that required for single-family residences within the district\*; and

**Staff Comment:** *As illustrated on the plan provided by the petitioner, all setback requirements will be met. (\* The required front yard setback in R20 zoning district is 35 feet. Therefore the required front yard for this case is 60 feet.)*

(b) A church parking lot shall be provided with a continuous visual buffer with a minimum height of six (6) feet. The buffer shall be a combined fence and evergreen hedge or shrubbery screen, the former facing the parking lot.

**Staff Comment:** *As illustrated on the plan provided by the petitioner, all parking areas have been fully screened as required by Town Code.*

#### Section 9-4091 GENERAL RESTRICTIONS.

Permission may be granted for the establishment of uses listed as special exceptions if the Board of Adjustment finds from the evidence produced after a study of the complete records that:

- (1) The proposed use does not affect adversely the general plans for the physical development of the Town as embodied in these regulations or in any plan or portion thereof adopted by the Planning Board;
- (2) The proposed use will not be contrary to the purposes stated in these regulations;
- (3) The proposed use will not affect adversely the health and safety of residents and workers in the Town;
- (4) The proposed use will not be detrimental to the use or development of adjacent properties or other neighborhood uses;
- (5) The proposed use will not be affected adversely by the existing uses;
- (6) The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of said use;
- (7) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise or fume generation, or type of physical activity;
- (8) The standards set forth for each particular use for which a permit may be granted have been met;
- (9) The proposed use shall be subject to the minimum area, set-back, and other locational requirements of the zoning district in which it will be located; and
- (10) The proposed use shall be subject to the off-street parking and service requirements of these regulations.

**BOA-SE-2009-007**

**St. Bernadette's Catholic Church**

The following are items which need to be considered by the Board before a decision is made for this case:

- Is the property 3 or more acres in total size?  
**Staff Comment: Yes, it is 11.95 acres.**
- Will the proposed addition to the sanctuary and covered porch meet the setback requirements?  
**Staff Comment: Yes, as illustrated in the plan provided.**
- Will all parking areas be fully screen as required by the Town Code?  
**Staff Comment: Yes, all parking areas shown on the plan provided have been fully screened as illustrated.**

**Required Findings of Fact:**

- The proposed use does not affect adversely the general plans for the physical development of the Town as embodied in these regulations or in any plan or portion thereof adopted by the Planning Board;
- The proposed use will not be contrary to the purposes stated in these regulations;
- The proposed use will not affect adversely the health and safety of residents and workers in the Town;
- The proposed use will not be detrimental to the use or development of adjacent properties or other neighborhood uses;
- The proposed use will not be affected adversely by the existing uses;
- The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of said use;
- The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise or fume generation, or type of physical activity;
- The standards set forth for each particular use for which a permit may be granted have been met;
- The proposed use shall be subject to the minimum area, set-back, and other locational requirements of the zoning district in which it will be located; and
- The proposed use shall be subject to the off-street parking and service requirements of these regulations