

Planning Department Staff Report

TO: Members of the Board of Adjustment

FROM: Joseph Linsky, Planner II

SUBJECT: *Variance Request # VAR-26-001 Timber Drive East Mixed-Use Buffer Reduction*

DATE: April 23, 2026

I. PROJECT AT A GLANCE

Project Number(s): VAR-26-001

Applicant: Toby Coleman of Smith Anderson

Owner: Sherman A Jr Yeargan, Trustee of the Sherman A Yeargan Jr Rvcble Trust

General Description -

Project Area & Location: 0 70 Hwy E

Site Acreage: 173.31+/- acres (42.87+/- acre site)

Wake Count PIN(s): 1720274009 (portion of)

Current Zoning: Commercial Mixed-Use Conditional (CMX-C112)

Request: A variance request has been submitted by Toby Coleman of Smith Anderson to reduce the width of a perimeter landscape buffer from 45 feet to 25 feet near the apartment portion of a mixed-use project. The request (# VAR-26-001) accompanies a special use site plan SUP-SP-23-03, Timber Drive East Mixed-Use.

II. BACKGROUND / REQUEST SUMMARY

During the third Technical Review Committee review of SUP-SP-23-03 Timber Drive East Mixed-Use, it was identified the perimeter landscape buffer width on the southwest portion of the site was incorrectly shown and labeled as a 25-foot perimeter buffer. Per UDO article 10 section 6.7.A Perimeter Buffer Widths and Types, where a subject CMX property abuts an R2 zoned property, a 45-foot Type C buffer is required. Type C refers to the planting density which is a

sliding scale from A to D, with D being the most plantings per every 100 linear feet. Type C is intended to be 'semi-opaque'. Perimeter buffers perform a dual role of providing both horizontal separation and vertical screening between different zoning districts.

In addition to the 45-feet, the tree protection fencing (TPF) adds additional non-gradable area. Article 10 section 3.5.D.2 states, "Tree protection fencing shall be installed a minimum of 10 feet from the trunk of any protected tree or drip line, whichever is greater. For any tree greater than 10 inches DBH, this distance shall be increased one foot for every one inch in DBH." This effectively places the TPF at 55-feet from the property line.

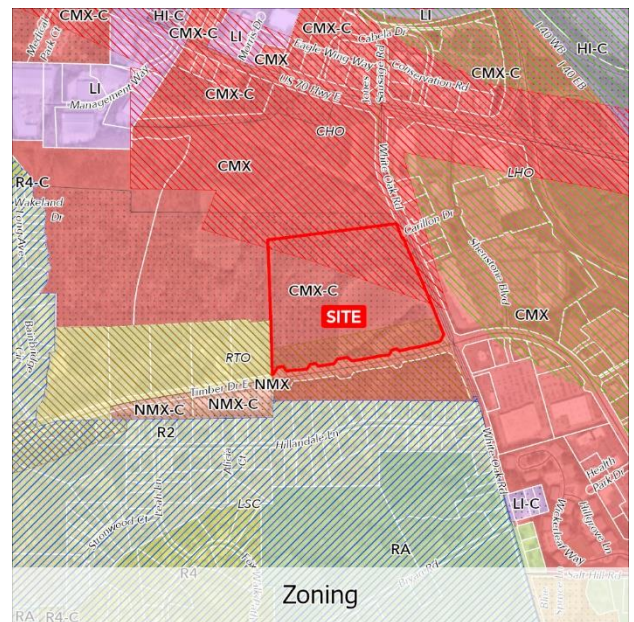
The project as a whole, known as the E-District at the corner of Timber Drive East and White Oak Road, contains four apartment buildings and eight commercial buildings with unspecified tenants at this point; see attached overall site plan.

Below are the following items from which the applicant is seeking variance:

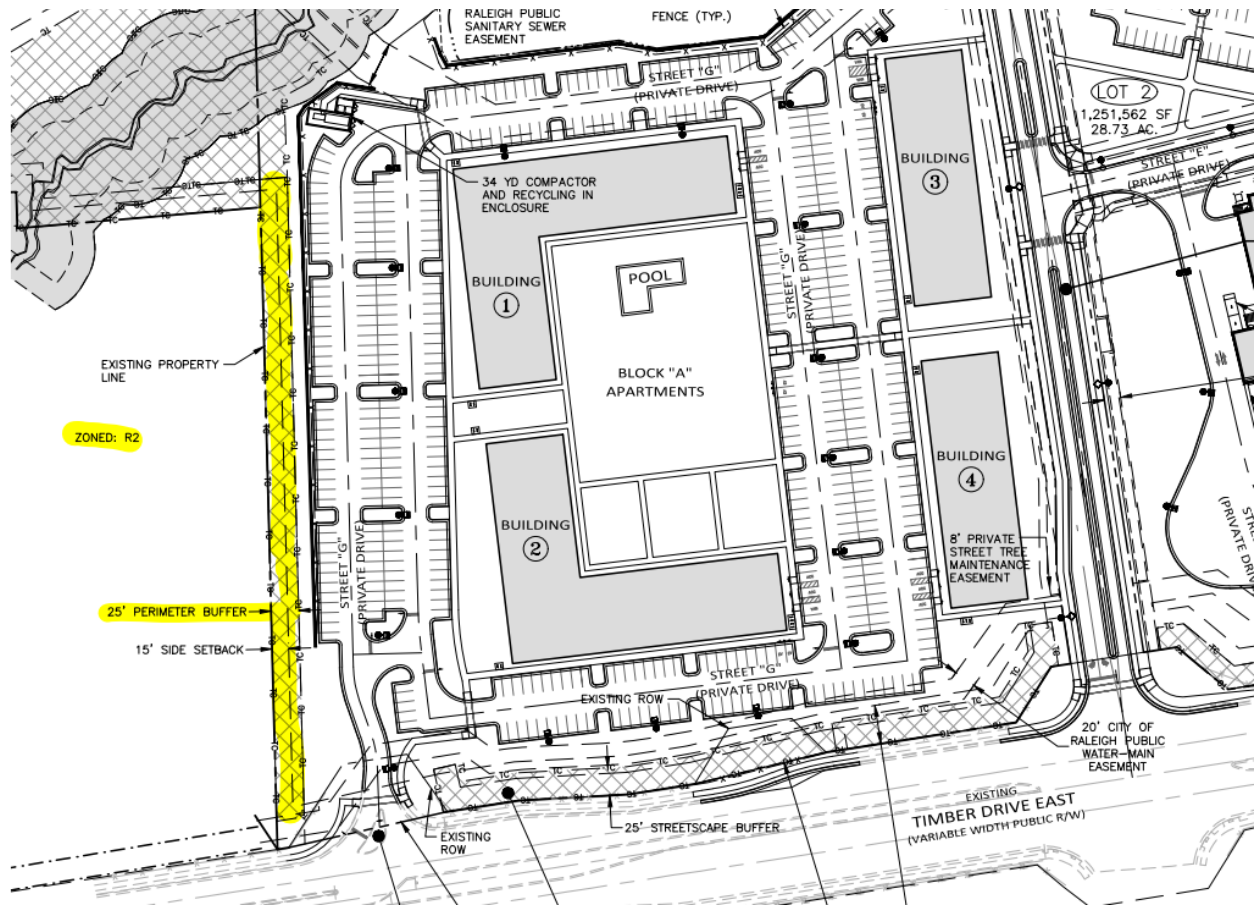
1) Article 10, Section 6.7.A: Perimeter Buffer Widths and Types:

The table in this section identifies both the horizontal width and vegetation planting densities of all perimeter landscape buffers.

Applicant proposal: Due to the 508 parking spaces for the 276 apartment units and the driveway locations pre-determined by NCDOT in 2010, a 25-foot western perimeter landscape buffer is proposed by the applicant.



Proposed western perimeter buffer :



III. RELEVANT UDO SECTIONS

		ADJACENT BASE DISTRICT MINIMUM BUFFER WIDTH (FEET) AND TYPE									
SUBJECT PROPERTY		RA, R2	R4	R8, MF-A	MF-B	RMH	NMX	TBD, AC	CMX	LI	HI
BASE DISTRICT	RA, R2	15A	25B	25B	25C	25B	25A	25D	25C	25C	15D
	R4	25B	15A	25C	15D	25C	25B	35D	15D	15D	25D
	R8, MF-A	35B	45C	15A	15B	35A	25B	25C	15B	15B	15C
	MF-B	45C	45D	25B	15A	35B	25C	25B	15A	15A	15B
	RMH	35B	35C	35A	25B	15A	15B	45C	25B	25B	25C
	NMX	25A	35B	15B	15C	25B	15A	15D	15C	15C	15D
	TBD, AC	25D	35D	15C	15B	25C	15D	0	15B	15B	25A
	CMX	45C	55D	35B	25A	35B	35C	15B	15A	15A	15B
	LI	45C	55D	35B	25A	35B	45C	25B	25A	15A	25B
	HI	55D	65D	55C	45B	55C	55D	55A	35B	35B	25A

B. Perimeter Buffer Plantings by Type

BUFFER TYPE	MINIMUM SCREENING HEIGHT AT MATURITY (FEET)	OPACITY ¹	MAXIMUM HORIZONTAL OPENINGS AT MATURITY	MINIMUM NUMBER PER 100 LINEAR FEET				ADDITIONAL PLANTINGS (APPLY REGULAR MATHEMATICAL ROUNDING RULES TO THE NEAREST WHOLE NUMBER)	
				15-FOOT WIDE BUFFER					25-FOOT – 65-FOOT WIDE BUFFER
				CANOPY TREES (MIN. 1 EVERGREEN)	UNDERSTORY TREES	LARGE EVERGREEN SHRUBS ³	MEDIUM AND SMALL SHRUBS (MIN. 40 PERCENT EVERGREEN, TYPE D = 100 PERCENT EVERGREEN)		
A	n/a	n/a	20 feet	2	2	1	5	25 feet (x 1.25) 35 feet (x 1.5) 45 feet (x 1.75) 55 feet (x 2.0) 65 feet (x 2.25)	
B	n/a	Semi-opaque	8 feet	3	3	2	9		
C	n/a	Semi-opaque	4 feet	4	3	3	13		
D	6	Opaque ²	None	4	3	4	20		

IV. PROCESS & PROCEDURES

- Toby Coleman of Smith Anderson filed a variance application on March 27, 2026, to reduce the western perimeter landscape buffer.
- The public hearing yard sign was posted on April 9, 2026.
- The legal ad was published on the Town of Garner website on April 9, 2026.
- Adjoining property owners and occupants were sent notification letters on April 9, 2026.

V. FINDINGS

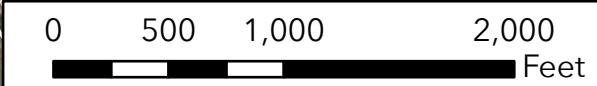
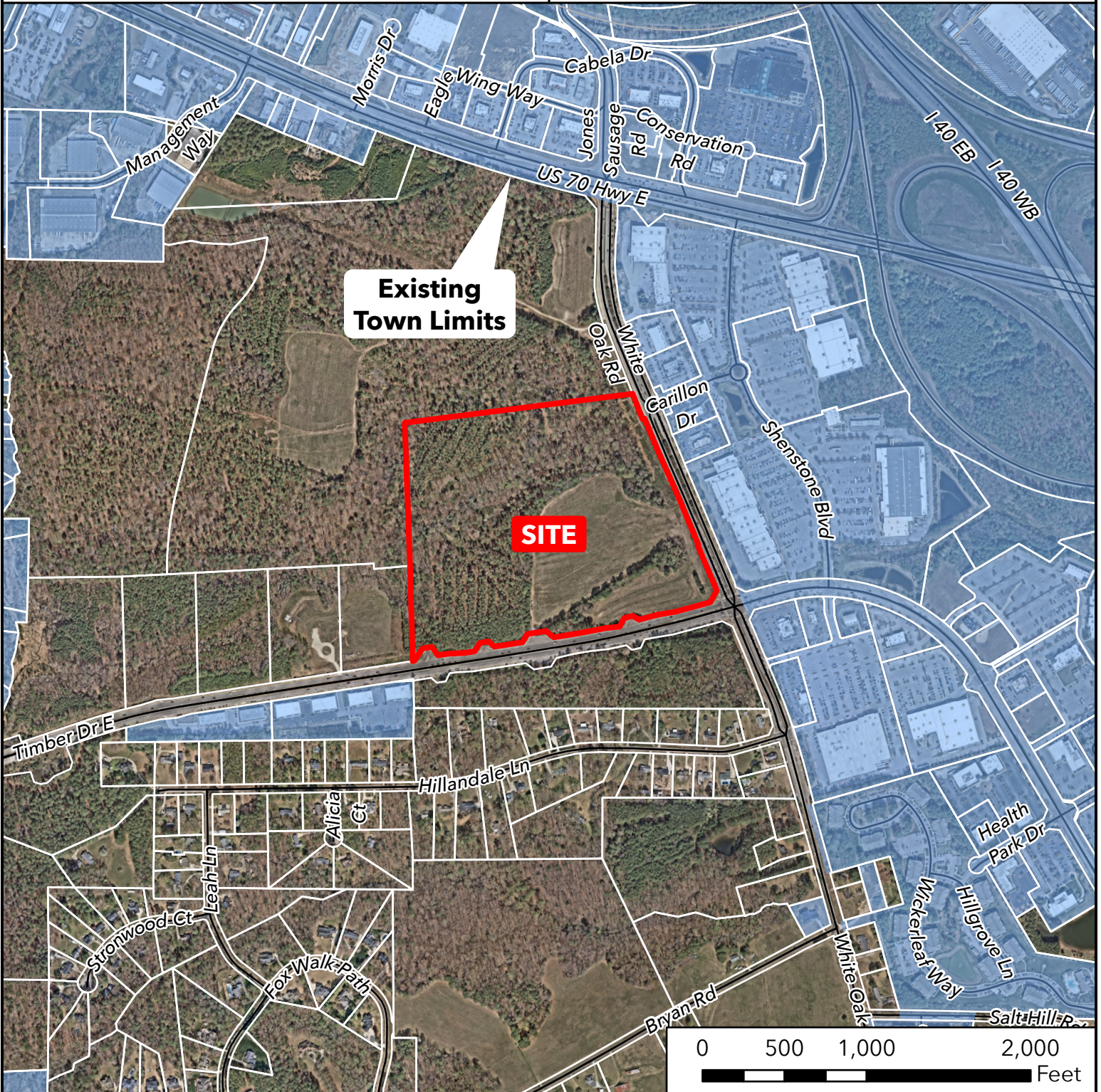
1. The variance application is complete.
2. The property is located at 0 US 70 Hwy E and can further be identified as Wake County PIN 1720274009 (portion of).
3. The property is zoned Commercial Mixed-Use Conditional (CMX C112)

VII. BOARD RULING

Please remember that prior to making a motion on any matter, the Board of Adjustment should make findings of fact to be entered into the record. The Board may feel free to edit, omit, or include any of the above findings as well as any other findings made during deliberation. There should also be findings of fact based upon the conditions necessary to granting a Variance. Please refer to the Motion Worksheet in order to establish findings based upon the conditions necessary to grant a Variance and to assist in making a proper motion.

VIII. ATTACHMENTS

- A. Evidence of Unnecessary Hardship Form
- B. Overall Site Plan



Owner: Sherman A. Yeargan Jr, Trustee
Applicant: Toby Coleman,
 Smith Anderson
Location: 0 US 70 HWY E
PIN(s): P/O 1720-27-4009

Request: Applicant is applying for a variance to reduce the width of a perimeter landscape buffer.

