Administrative Approval Action
SR-110-17, Zackery Michael Office Building
Transaction # 539653, AA # 3829

LOCATION: This site is located on the south side of Lynn Road. The site is addressed at 2449 Lynn Rd, which is inside City limits.

REQUEST: Development of a 0.361-acre tract zoned OX-3-CU (Zoning Case Z-7-2009) into a 4,800 square foot general building for office use.

DESIGN ADJUSTMENT(S)/ALTERNATES, ETC: Design Adjustment(s) granted for:
- DA-2-18 -- Block Perimeter
- DA-2-18 -- Alternate Streetscape
- DA-2-18 -- Waiving 5’ utility placement easement

Variance (A-49-18) granted for 38.5’ and 21’ relief on the western and eastern property lines, respectively, from Zone B Neighborhood Transition requirements

FINDINGS: City Administration finds that this request, with the below conditions of approval being met, conforms to the Unified Development Ordinance. This approval is based on a preliminary plan submitted by Edwin Sconfienza of The Site Group, PLLC, dated May 31, 2018.

CONDITIONS OF APPROVAL and NEXT STEPS:

PRIOR TO THE ISSUANCE OF ANY SITE PERMITS OR APPROVAL OF CONCURRENT REVIEW PROCESS, WHICHEVER IS APPLICABLE:

ENGINEERING
1. Required NCDOT encroachment and/or driveway permits must be approved and copies provided to Development Services – Development Engineering prior to concurrent review approval.

2. Next Step: A right-of-way obstruction permit must be obtained from Right-of-way Services prior to the commencement of any construction activities within the right-of-way.

PRIOR TO ISSUANCE OF BUILDING PERMITS:

GENERAL
3. Comply with all conditions of Z-7-09.

4. A Final Plat shall be recorded with the Wake County Register of Deeds office for all Subdivisions, Recombinations, Right Of Way and/or Easement Dedications, and Tree Save Areas.

5. Provide fire flow analysis.

ENGINEERING
6. The required right of way for Lynn Road shall be dedicated to the City of Raleigh and is shown on a plat approved for recordation.

7. In accordance with Part 10A Section 8.1.10, a fee-in-lieu for 1’ sidewalk shall be paid to the City of Raleigh.
8. Required NCDOT encroachment and/or driveway permits must be approved and copies provided to Development Services – Development Engineering.

**Prior to issuance of building occupancy permit:**

1. **Next Step:** Required public right-of-way infrastructure improvements shall be, at a minimum, sufficiently completed to provide the necessary, safe emergency and vehicular access.

2. **Next Step:** Required underground storm drainage improvements shall be completed and as-built plan(s) and certification(s) reviewed and accepted by the City of Raleigh Development Services – Development Engineering program.

3. **Next Step:** All street lights and street signs required as part of the development approval are installed.

4. **Next Step:** Copies of certified inspection reports for alleys and internal access ways are submitted to the City of Raleigh Development Services – Development Engineering program.

**EXPIRATION DATES:** The expiration provisions of UDO Section 10.2.8 E, including the ability to request extensions in the expiration date, apply to this site plan. If significant construction has not taken place on a project after administrative site review approval, that approval may expire and be declared void, requiring re-approval before permits may be issued. To avoid allowing this plan approval to expire the following must take place by the following dates:

**3-Year Expiration Date:** 7-18-2021
Obtain a valid building permit for the total area of the project, or a phase of the project.

**4-Year Completion Date:**
Within four years after issuance of the first building permit for the site plan, the construction of the entire site plan must be completed unless an applicant has been granted vested rights. Failure to complete construction within this specified time frame shall automatically void the approved site plan for which no building permits have been issued.

I hereby certify this administrative decision.

**Signed:** (Planning Dir./Designee) [Signature]  
**Date:** 7/18/2016

**Staff Coordinator:** Ryan Boivin
Design Adjustment
Staff Response

Per Section 10.2.18.C of the Unified Development Ordinance, the Development Services Director, or designee, shall consult with the heads of other City Departments regarding the review of the request. The Development Services Director, or designee, shall approve, approve with conditions or deny the request, but must do so within 60 days of the receipt of a completed application. Additional time may be necessary if a municipal or state entity is incorporated in the review process or if a detailed engineering study is submitted in conjunction with the request.

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<thead>
<tr>
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<tbody>
<tr>
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<td>Development Case Number</td>
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<td>Transaction Number</td>
<td>539653</td>
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<tr>
<td>Design Adjustment Number</td>
<td>DA - 2 - 2018</td>
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</table>

Staff recommendation based upon the findings in the applicable code(s):

- ✓ UDO Art. 8.3 Blocks, Lots, Access
- ✓ UDO Art. 8.5 Existing Streets
- □ UDO Art. 8.4 New Streets
- ✓ Raleigh Street Design Manual

Staff SUPPORTS ✓ DOES NOT SUPPORT □ the design adjustment request.

<table>
<thead>
<tr>
<th>DEPARTMENTS</th>
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</thead>
<tbody>
<tr>
<td>Dev. Services Planner</td>
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<tr>
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<td>Transportation KC Beard</td>
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<td>Engineering Services</td>
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<thead>
<tr>
<th>CONDITIONS:</th>
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</thead>
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There are 3 design adjustments being requested with this plan as follows:
1) Block Perimeter as per UDO, Article 8.3
2) Alternate Streetscape to allow the existing grass strip and sidewalk to remain for consistency along Lynn Road. Avenue, 4-lane divided street per RSDM Section 4.4.2, UDO Section 8.4.6B.
3) Waiving of 5' utility placement easement, per RSDM Section 4.4.2, UDO Section 8.4.6B.

Development Services Director or Designee Action: ✓ APPROVE □ APPROVE WITH CONDITIONS □ DENY

Authorized Signature

*The Development Services Director may authorize a designee to sign in his/her stead. Please print name and title next to signature. Appeal of the decision from the Development Services Director, or his or her designee, shall be made in writing within 30 days to the Board of Adjustment (see Section 10.2.18.C3b).
The Development Services Director may in accordance with Sec. 10.2.18. approve a design adjustment, subject to all of the following findings.

A. The requested design adjustment meets the intent of this Article;
   YES ☑ NO ☐
B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;
   YES ☑ NO ☐
C. The requested design adjustment does not increase congestion or compromise Safety;
   YES ☑ NO ☐
D. The requested design adjustment does not create any lots without direct street Frontage;
   YES ☑ NO ☐
E. The requested design adjustment is deemed reasonable due to one or more of the following:
   1. Topographic changes are too steep;
   2. The presence of existing buildings, stream and other natural features;
   3. Site layout of developed properties;
   4. Adjoining uses or their vehicles are incompatible;
   5. Strict compliance would pose a safety hazard; or
   6. Does not conflict with an approved or built roadway construction project
   7. adjacent to or in the vicinity of the site.
   YES ☑ NO ☐

### STAFF FINDINGS

1) Block Perimeter - This property is Zoned OX-3 which requires a maximum perimeter length of 3,000 LF and the measurable length is 5,405 LF. Due to the location of the adjacent developed properties on all sides, a road connection could not be feasible or provide a benefit to the south adjacent residential properties. The findings which support the design adjustment request are per UDO Section 8.3.8: A, B, C, D, E and F.
A. The requested design adjustment meets the intent of this Article; 
   YES ☑ NO □
B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans; 
   YES ☑ NO □
C. The requested design adjustment does not increase congestion or compromise safety; 
   YES ☑ NO □
D. The requested design adjustment does not create additional maintenance responsibilities for the City; and 
   YES ☑ NO □
E. The requested design adjustment has been designed and certified by a Professional Engineer. 
   YES ☑ NO □

STAFF FINDINGS

2) Alternate Streetscape - Lynn Road is State-maintained and classified as an Avenue, 4-lane divided street section and requires a 6' planting strip and 6' sidewalk behind the curb. The existing streetscape is a 3.5' grass strip behind the curb and a 5' sidewalk. The State will not allow trees to be installed between the curb and sidewalk, therefore the consistency of the maintaining the existing streetscape is more beneficial aesthetically for the adjacent properties along south Lynn Road.
A. The requested design adjustment meets the intent of the Raleigh Street Design Manual;  
   YES □ NO □
B. The requested design adjustment conforms with the Comprehensive Plan and adopted  
   City plans;  
   YES □ NO □
C. The requested design adjustment does not increase congestion or compromise safety;  
   YES ☑ NO □
D. The requested design adjustment does not create additional maintenance  
   responsibilities for the City; and  
   YES □ NO □
E. The requested design adjustment has been designed and certified by a Professional  
   Engineer.  
   YES □ NO □

STAFF FINDINGS

3. Waiving of 5' utility placement easement - The Avenue street sectionstandardly requires a 5' utility  
   placement easement outside the right-of-way. As Lynn Road is a State-maintained street, and trees  
   cannot be planted in the right-of-way, the optional streetscape is to plant a Type C-2 yard behind the  
   right-of-way. Elimination of the utility easement is necessary for the health of the streetscape.
Design Adjustment Application

The purpose of this request is to seek a Design Adjustment from the Development Services Director, or designee, for a specific project only and, if granted, may be approved with special conditions and provisions. This application and all further action shall be consistent with Section 10.2.18 in the Unified Development Ordinance (UDO). The consideration and decision of this request shall be based solely on the conformance of the findings, as outlined in Sec. 8.3.6, Sec. 8.4.1.E and Sec. 8.5.1.G of the UDO or the Raleigh Street Design Manual.

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<td>Case Number</td>
<td>SR-110-17</td>
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<tr>
<td>Transaction Number</td>
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<tr>
<td>Name</td>
<td>Zackery Michael Construction, Inc.</td>
</tr>
<tr>
<td>Address</td>
<td>6030 Creedmoore Road</td>
</tr>
<tr>
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<td>City</td>
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<tr>
<td>Phone</td>
<td>919-</td>
</tr>
<tr>
<td>Firm</td>
<td>Edwin F. Sconfinenza, PE</td>
</tr>
<tr>
<td>Address</td>
<td>111 Oberlin Road</td>
</tr>
<tr>
<td>State</td>
<td>NC</td>
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<td>Zip Code</td>
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<td>Raleigh</td>
</tr>
<tr>
<td>Phone</td>
<td>919-835-4787</td>
</tr>
</tbody>
</table>

I am seeking a Design Adjustment from the requirements set forth in the following:

- UDO Art. 8.3 Blocks, Lots, Access
- UDO Art. 8.4 New Streets
- UDO Art. 8.5 Existing Streets
- Raleigh Street Design Manual

Provide details about the request; (please attach a memorandum if additional space is needed):

We are seeking a Design Adjustment to UDO Article 8.3 Block Perimeter. The existing block is 5,405 ft. in length exceeds the max allowed of 3000 ft. listed in UDO Article 8.3. The applicant is proposing to keep the integrity of the existing block / neighborhood in place and is not proposing any new streets.

It is the responsibility of the applicant to provide all pertinent information needed for the consideration of this request. Applicant must be the Property Owner.

By signing this document, I hereby acknowledge the information on this application is, to my knowledge, accurate.

Owner/Owner's Representative Signature: 
Date: 2/7/18

CHECKLIST

Signed Design Adjustment Application: [✓] Included
Page(s) addressing required findings: [✓] Included
Plan(s) and support documentation: [✓] Included
Notary page (page 6) filled out; Must be signed by property owner: [✓] Included
First Class stamped and addressed envelopes with completed notification letter: [✓] Included

Submit all documentation, with the exception of the required addressed envelopes and letters to
designadjustments@raleighnc.gov.

Deliver the addressed envelopes and letters to:
Development Services, Development Engineering
One Exchange Plaza, Suite 500
Raleigh NC, 27601

For Office Use Only

RECEIVED DATE: 
DA - 

PAGE 1 OF 6
WWW.RALEIGHNC.GOV REVISION 1/30/2018
The Development Services Director may in accordance with Sec. 10.2.18. approve a design adjustment, subject to all of the following findings. Describe how each item is met:

A. The requested design adjustment meets the intent of this Article;
   The existing block is 5,405 ft. in length exceeds the max allowed of 3000 ft. listed in UDO Article 8.3. The applicant is proposing to keep the integrity of the existing block / neighborhood in place and is not proposing any new streets or ways.

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;
   We are dedicating additional R/W to accommodate to accommodate the future road widening and full build-out of the 4 lane median divided, 76' back-to-back roadway cross section.

C. The requested design adjustment does not increase congestion or compromise Safety;
   The requested design adjustment maintains the existing roadway and sidewalk capacity. Safe sight distances have been provided in both directions at the proposed driveway. The requested design will not negative effect the safe ingress and egress of the site.

D. The requested design adjustment does not create any lots without direct street Frontage;
   The requested design adjustment will not create any lots without direct street Frontage.

E. The requested design adjustment is deemed reasonable due to one or more of the following:
   1. Topographic changes are too steep;
   2. The presence of existing buildings, stream and other natural features;
   3. Site layout of developed properties;
   4. Adjoining uses or their vehicles are incompatible;
   5. Strict compliance would pose a safety hazard; or
   6. Does not conflict with an approved or built roadway construction project
   7. adjacent to or in the vicinity of the site.
STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, Elaine Y. Belcher, a Notary Public do hereby certify that Richard Roben personally appeared before me this day and acknowledged the due execution of the forgoing instrument.

This the 7th day of February 2018

ELAINE Y. BELCHER
NOTARY PUBLIC
WAKE COUNTY, N.C.
My Commission Expires 8-6-2022.

Notary Public: Elaine Y. Belcher
(Elaine Y. Belcher)

My Commission Expires: 8-6-2022
Design Adjustment Application

The purpose of this request is to seek a Design Adjustment from the Development Services Director, or designee, for a specific project only and, if granted, may be approved with special conditions and provisions. This application and all further action shall be consistent with Section 10.2.18 in the Unified Development Ordinance (UDO). The consideration and decision of this request shall be based solely on the conformance of the findings, as outlined in Sec. 8.3.5, Sec. 8.4.1.E and Sec. 8.5.1.G of the UDO or the Raleigh Street Design Manual.

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<tr>
<td>Project Name: Zackary Michael Office Building</td>
<td>Firm: The Site Group, PLLC</td>
</tr>
<tr>
<td>Case Number: SR-110-17</td>
<td>Name: Edwin F. Scalfiennza, PE</td>
</tr>
<tr>
<td>Transaction Number: 539653</td>
<td>Address: 1111 Oberlin Road, NC 27605</td>
</tr>
<tr>
<td></td>
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<td></td>
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<table>
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<tr>
<th>REQUEST</th>
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</table>
| I am seeking a Design Adjustment from the requirements set forth in the following:

- [ ] UDO Art. 8.3 Blocks, Lots, Access - See page 2 for findings
- [ ] UDO Art. 8.4 New Streets - See page 3 for findings
- [ ] UDO Art. 8.5 Existing Streets - See page 4 for findings
- [ ] Raleigh Street Design Manual - See page 5 for findings

Provide details about the request; (please attach a memorandum if additional space is needed):

We are seeking a Design Adjustment to request an alternate streetscape to maintain the existing 5’ sidewalk and 3’-8” planting strip between the curb and sidewalk to maintain consistency along Lynn Road. We are providing a Type C2 Street Protective Yard in lieu of providing trees in the R/W in accordance with Section 8.5.1.D.4.

It is the responsibility of the applicant to provide all pertinent information needed for the consideration of this request. Applicant must be the Property Owner.

By signing this document, I hereby acknowledge the information on this application is, to my knowledge, accurate.

Owner/Owner’s Representative Signature: [Signature]

Date: 2/7/18

CHECKLIST

- [ ] Signed Design Adjustment Application: Included
- [ ] Page(s) addressing required findings: Included
- [ ] Plan(s) and support documentation: Included
- [ ] Notary page (page 6) filled out; Must be signed by property owner: Included
- [ ] First Class stamped and addressed envelopes with completed notification letter: Included

Submit all documentation, with the exception of the required addressed envelopes and letters to designadjustments@raleighnc.gov.

Deliver the addressed envelopes and letters to:
Development Services, Development Engineering
One Exchange Plaza, Suite 500
Raleigh NC, 27601

For Office Use Only

RECEIVED DATE: DA -
The Development Services Director may in accordance with Sec. 10.2.18. approve a design adjustment, subject to all of the following findings. Describe how each item is met:

A. The requested design adjustment meets the intent of this Article;
   The design adjustment has been requested to keep the integrity and flow of the existing roadway and sidewalk located along Lynn Road in front of our site. However the grades on our site have been designed to accommodate the future road widening and full build-out of the 4 lane median divided, 76’ back-to-back roadway cross section. We are providing a Type C2 Street Protective Yard In lieu of providing trees in the R/W in accordance with Section 8.5.1.D.4.

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;
   We are dedicating additional R/W to accommodate the future road widening and full build-out of the 4 lane median divided 76’ back-to-back roadway cross section.

C. The requested design adjustment does not increase congestion or compromise safety;
   The requested design adjustment maintains the existing roadway and sidewalk capacity. Safe sight distances have been provided in both directions at the proposed driveway. The requested design will not negative effect the safe ingress and egress of the site.

D. The requested design adjustment does not create additional maintenance responsibilities for the City; and
   The design adjustment will allow the road to be remain as it currently exists. No additional maintenance above and beyond what the City currently provides along Lynn Road will be required.

E. The requested design adjustment has been designed and certified by a Professional Engineer.
   This design adjustment has been designed and certified by a Professional Engineer.
STATE OF NORTH CAROLINA  
COUNTY OF Wake

I, Elaine Y. Belcher, a Notary Public do hereby certify that Richard Kahne personally appeared before me this day and acknowledged the due execution of the forgoing instrument.

This the 17th day of February, 2018

ELAINE Y. BELCHER  
NOTARY PUBLIC  
WAKE COUNTY, N.C.
My Commission Expires 8-6-2022.

Notary Public  
(Elaine Y. Belcher)

My Commission Expires: 8-6-2022
Design Adjustment Application

The purpose of this request is to seek a Design Adjustment from the Development Services Director, or designee, for a specific project only and, if granted, may be approved with special conditions and provisions. This application and all further action shall be consistent with Section 10.2.18 in the Unified Development Ordinance (UDO). The consideration and decision of this request shall be based solely on the conformance of the findings, as outlined in Sec. 8.3.6, Sec. 8.4.1.E and Sec. 8.5.1.G of the UDO or the Raleigh Street Design Manual.

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<td>2449 Lynn Road, LLC</td>
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<tr>
<td>Name</td>
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<tr>
<td>Firm</td>
<td>The Site Group, PLLC</td>
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<tr>
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<td>City</td>
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<tr>
<td>Phone</td>
<td>919-835-4787</td>
</tr>
</tbody>
</table>

I am seeking a Design Adjustment from the requirements set forth in the following:

- UDO Art. 8.4 Blocks, Lots, Access - See page 2 for findings
- UDO Art. 8.4 New Streets - See page 3 for findings
- UDO Art. 8.5 Existing Streets - See page 4 for findings
- Raleigh Street Design Manual - See page 5 for findings

Provide details about the request; (please attach memorandum if additional space is needed).

Per the City of Raleigh Comprehensive Plan, Lynn Road is designated a 4-lane median divided roadway. However, Lynn Road is maintained by NCDOT; NCDOT does not allow street trees to be installed between the back of curb and the sidewalk. We are proposing to provide a 16' wide C2 Street Protective Yard in lieu of street trees in accordance with Section 8.6.1.D.A. We have provided cross sections (see Sheet SITE 301) demonstrating that a slope easement is not required in the area of the 5' utility easement as shown on the City of Raleigh Street Section detail T-10.19. We are therefore requesting a waiver of the slope/utility easement adjacent to the right-of-way.

It is the responsibility of the applicant to provide all pertinent information needed for the consideration of this request. Applicant must be the Property Owner.

By signing this document, I hereby acknowledge the information on this application is, to my knowledge, accurate.

Owner/Owner's Representative Signature

CHECKLIST

- Signed Design Adjustment Application [Included]
- Page(s) addressing required findings [Included]
- Plan(s) and support documentation [Included]
- Notary page (page 6) filled out; Must be signed by property owner [Included]
- First Class stamped and addressed envelopes with completed notification letter [Included]

Submit all documentation, with the exception of the required addressed envelopes and letters to designadjustments@raleighnc.gov.

Deliver the addressed envelopes and letters to:
Development Services, Development Engineering
One Exchange Plaza, Suite 500
Raleigh NC, 27601

For Office Use Only

Received Date: DA

WWW.RaleighNC.GOV

Revision 1/30/2018
Article 8.5 Existing Streets
Administrative Design Adjustment Findings

The Development Services Director may in accordance with Sec. 10.2.18. approve a design adjustment, subject to all of the following findings. Describe how each item is met:

A. The requested design adjustment meets the intent of this Article;

The character and context of the neighborhood along Lynn Road in this area will be maintained while providing safe access and egress for both vehicles and pedestrian traffic.

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;

We are dedicating additional R/W to accommodate the future road widening and full build-out of a 4 lane median divided 76' back-to-back roadway cross section.

C. The requested design adjustment does not increase congestion or compromise safety;

The requested design adjustment provides for current and future traffic capacity. Also, safe sight distances have been provided in both directions at the proposed driveway. The requested design will not negative effect the safe ingress and egress of the site.

D. The requested design adjustment does not create additional maintenance responsibilities for the City; and

The design adjustment will allow the road to be remain as it currently exists. No additional maintenance above and beyond what the City currently provides along Lynn Road will be required.

E. The requested design adjustment has been designed and certified by a Professional Engineer.

This design adjustment has been designed and certified by a Professional Engineer.
STATE OF NORTH CAROLINA  
COUNTY OF Wake  

I, Greg L. Powell, a Notary Public do hereby certify that 
Richard Clayton Baker personally appeared before me this day and 
acknowledged the due execution of the forgoing instrument.  

This the 5th day of April, 2018.

Notary Public  

My Commission Expires: 10/11/2018
NOTE: A VARIANCE (A-49-18) TO THE 50' ZONE B USE AREA REQUIRED BY UDO SECTION 3.5 WAS GRANTED BY THE RALEIGH BOARD OF ADJUSTMENT ON JUNE 11, 2018.
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**Luminaire Schedule**

- **Luminaire Schedule**
  - **Symbol**: LLF
  - **Qty**: 1
  - **Label**: 0.850
  - **Arrangement**: GAN-AE-04-LED-U-T4W 20555B3-U0-G4 T4

**Notes**

- FULL CUTOFF FIXTURE REQUIRED

**Comments**

- The lighting schedule is subject to change based on the final design and engineering decisions.

**Drawing Information**

- **Date**: 6/11/2018
- **Time**: 2:42:37 PM
- **Software**: AutoCAD PDF (General Documentation).pc3