Board of Adjustment
Case Report

City of Raleigh
Department of City Planning
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2626
www.raleighnc.gov

Case File: **A-97-16**

Property Address: 400 Chavis Way

Property Owner: The City of Raleigh

Project Contact: Fred Belledin

Nature of Case: A request for relief from the zone A protective yard wall and landscaping requirements set forth in Section 3.5.3.A. of the Unified Development Ordinance for the western property line located in the southernmost portion of the property resulting in a 17'-20' transition area containing no wall or landscape material on a .92 acre parcel zoned IX3-UL-CU and NX3-UL-CU to be developed with 15 residential townhomes.

400 Chavis Way – Location Map

To BOA: 8-8-16

Staff Coordinator: Eric S. Hodge, AICP

ZONING DISTRICTS: Industrial Mixed-Use-3, Urban Limited Conditional Use and Neighborhood Mixed Use-3, Urban Limited Conditional Use

400 Chavis Way – Zoning Map

VARIANCE STANDARDS: In accordance with UDO §10.2.10 Variance, before a variance request is granted, the Board of Adjustment shall show all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

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 variance.

3. **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.**

4. **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.**

Sec. 3.5.3. Zone A: Protective Yard

A. Type 1: Narrow (10 feet)

1. Width

A Type 1 protective yard must be an average width of at least 10 feet.

2. Installation Requirements

A Type 1 protective yard must include the following:

a. A wall between 6.5 and 9 feet in height;

b. Four shade trees per 100 lineal feet;

c. Three understory trees per 100 lineal feet; and

d. 40 shrubs per 100 lineal feet.

B. Type 2: Medium (20 feet)

1. Width

A Type 2 protective yard must be an average width of at least 20 feet.

2. Installation Requirements

A Type 2 protective yard must include the following:

a. A wall or fence between 6.5 and 9 feet in height;

b. Five shade trees per 100 lineal feet;

c. Four understory trees per 100 lineal feet; and

d. 30 shrubs per 100 lineal feet.

C. Type 3: Wide (50 feet)

1. Width

A Type 3 protective yard must be an average width of at least 50 feet.

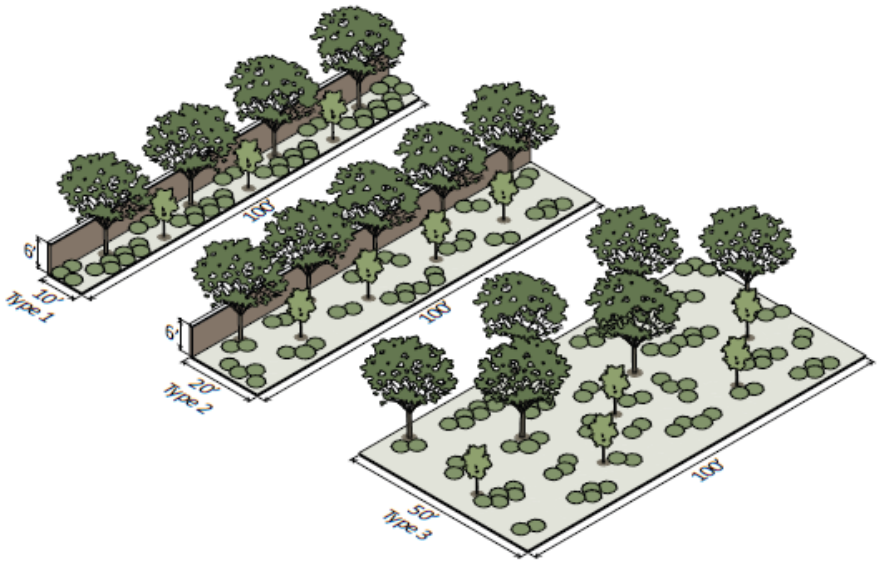
2. Installation Requirements

A Type 3 protective yard must include the following:

a. Six shade trees per 100 lineal feet;

b. Five understory canopy trees per 100 lineal feet; and

c. 60 shrubs per 100 lineal feet.



3. Optional Provisions

a. A fence or wall between 6.5 and 8 feet in height may be installed.

b. In lieu of planting required shrubs, a berm with a minimum height of 3 feet may be installed.

4. Permitted uses

a. Landscaping, fences, walls and berms.

b. Swales, underground detention facilities and bioretention facilities. Detention facilities must be located at least 20 feet from the district boundary line. Landscaping quantities specified in *Sec. 3.5.3.C.2.* above may not be reduced.

D. Design and Installation

1. A required protective yard may be replaced with a tree conservation area that meets the requirements of *Article 9.1.Tree Conservation.*

2. Required landscaping in a protective yard must meet the design and installation requirements of *Sec. 7.2.4.*

Case File: A-97-16

Planning & Development

Development Services
Customer Service Center
One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

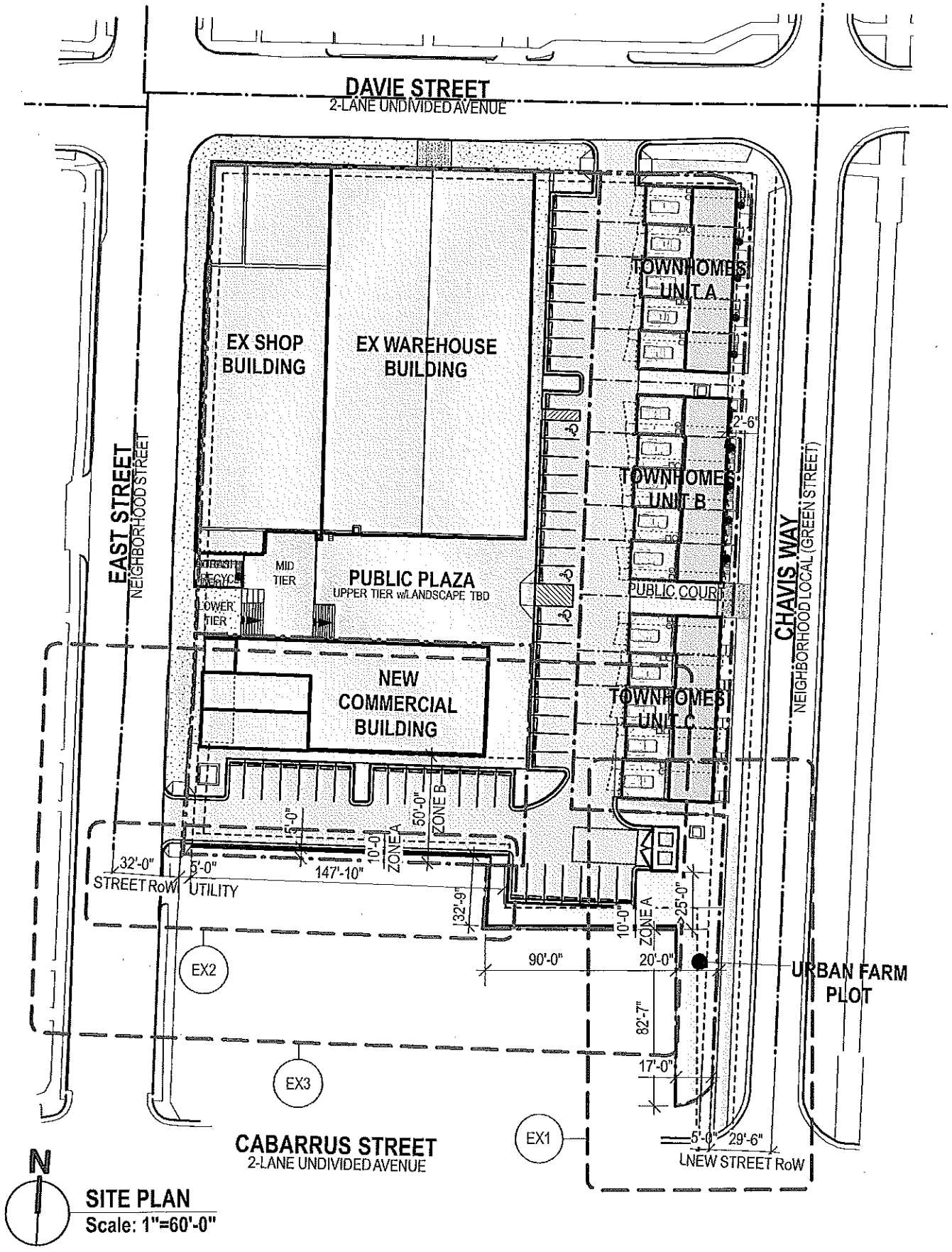
RECEIVED
JAN 07 2016
CITY OF RALEIGH
PLANNING DEPT

Variance Application

	FOR CITY USE ONLY
Nature of variance request (Submit addendum on separate sheet, if more space is needed.) 1) Eliminate Neighborhood Transition at undevelopable sliver of property. 2) Reduce Zone A planting area of Neighborhood Transition from 10' to 5' to allow 5' increase in width of public courtyard (Zone B (50' per UDO) will not be reduced) and locate masonry screen wall on subject side of property per neighbor request w/ vine pocket and vines to provide wall articulation. Please see attachments for additional information.	**Transaction Number** A-97-16 +
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.	A-98-16

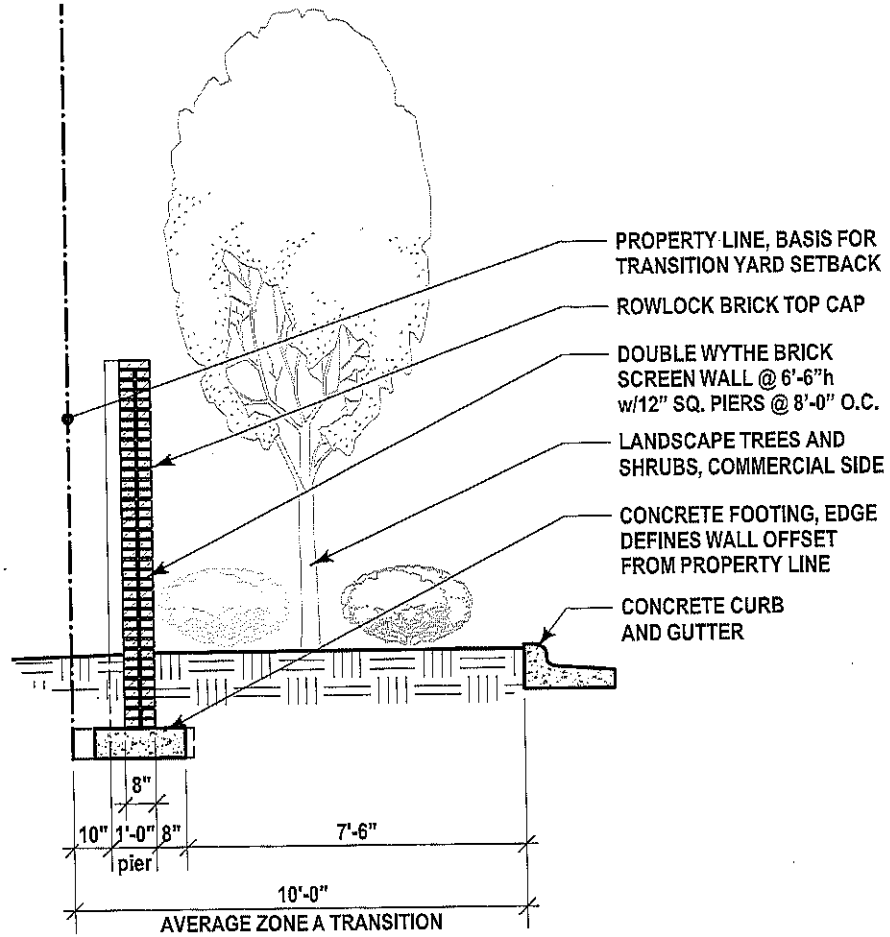
GENERAL INFORMATION		
Property Address 500 E Davie Street, 419 S East Street, 400 Chavis Way		**Date** 01/08/16
Property PIN 1703971116, 1703971002, 1703972131	**Current Zoning** IX-3-UL, NX-3-UL	
Nearest Intersection S East Street / E Davie Street		**Property size (in acres)** 0.83, 0.27, 0.92
Property Owner City of Raleigh Assistant City Manager Marchell Adams David	**Phone** 919.996.3070 (x4656) **Email**	**Fax** N/A
Project Contact Person Fred Belledin	**Phone** 919.821.2775 **Email** fbelledin@clearscapes.com	**Fax** N/A
Property Owner Signature Marchell Adams David	**Email** marchell.adams-david@raleighnc.gov	
Notary Sworn and subscribed before me this 7th day of January, 2016	**Notary Signature and Seal** Karen J Turner KAREN J TURNER NOTARY PUBLIC Harnett County, NC	

It is improper to contact any member of the Board of Adjustment prior to the disposition of a case to discuss the request. A variance application will not be considered complete until all required submittal components listed on the Variance Checklist have been received and approved.



SITE PLAN
Scale: 1"=60'-0"

Site Plan for Variance Request



E3 **SECTION DETAIL, Masonry Wall** Zone A
Scale: 1/4" = 1'-0"

NOTE: THIS DETAIL IS THE STANDARD ZONE A FOR THE PROJECT AND IS PROVIDED AS REFERENCE ONLY.

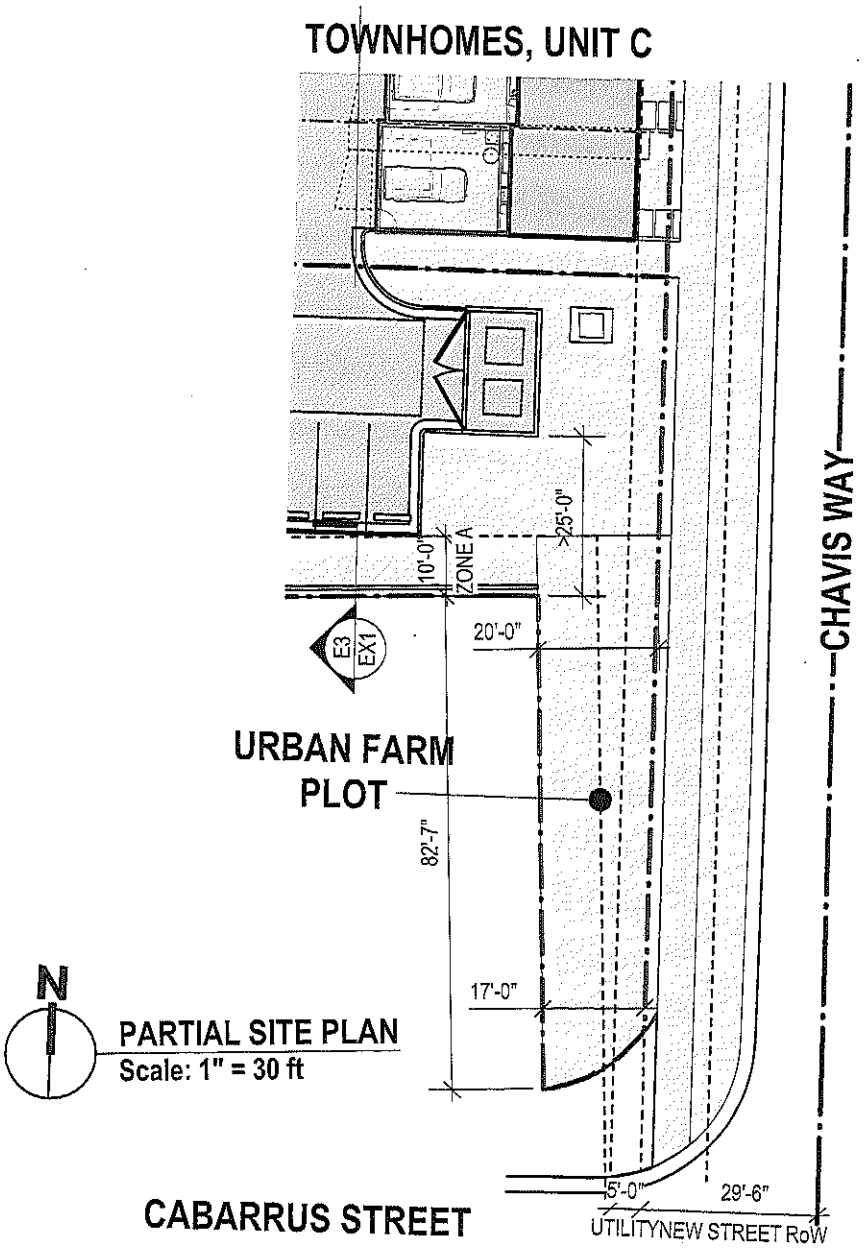


Exhibit 1 for Variance Request

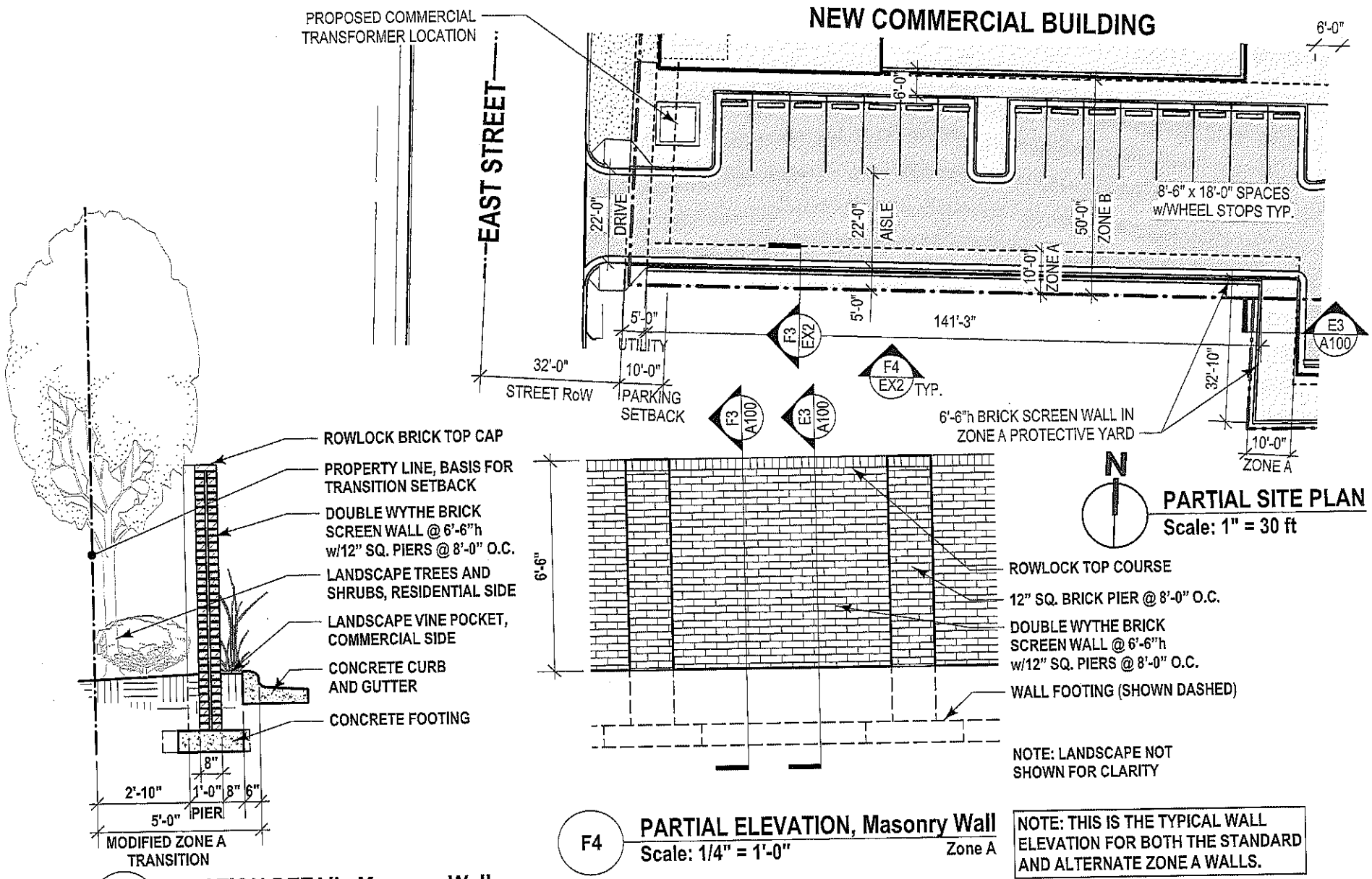
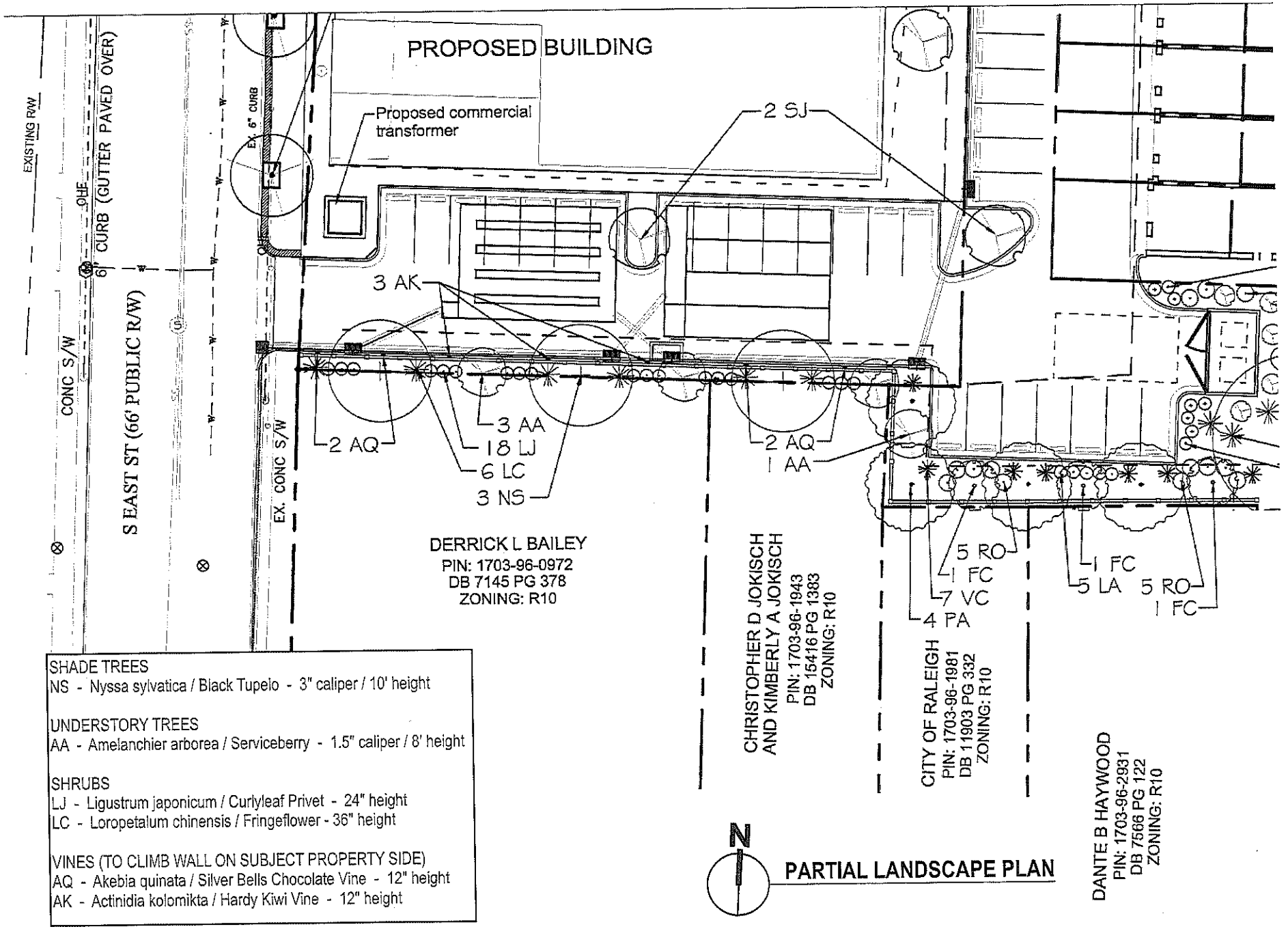


Exhibit 2 for Variance Request



SHADE TREES
NS - Nyssa sylvatica / Black Tupelo - 3" caliper / 10' height

UNDERSTORY TREES
AA - Amelanchier arborea / Serviceberry - 1.5" caliper / 8' height

SHRUBS
LJ - Ligustrum japonicum / Curlyleaf Privet - 24" height
LC - Loropetalum chinensis / Fringeflower - 36" height

VINES (TO CLIMB WALL ON SUBJECT PROPERTY SIDE)
AQ - Akebia quinata / Silver Bells Chocolate Vine - 12" height
AK - Actinidia kolomikta / Hardy Kiwi Vine - 12" height

Exhibit 3 for Variance Request

Variance Request for Stones Warehouse Site
(500 E Davie, 419 S East, 400 Chavis Way)

The southern boundary of the Stones Warehouse site adjoins (4) single-family residences (501, 509, 515, and 517 East Cabarrus Street). As the subject property is zoned IX-UL-3 and NX-UL-3 and the adjoining properties are zoned R-10, Neighborhood Transitions are required per UDO Section 3.5.1. Given the irregular parcel delineations, the grade of the site, the confirmed preferences of the impacted adjoining neighbors, and the unique conditions imposed on the sale of the property by the City, two variances are requested to allow for an alternative approach to the Neighborhood Transition Zone A (Protective Yard).
Please note that the Stones Warehouse Site is currently owned by the City of Raleigh. City Council has authorized the sale of this site to Transfer Development Company. The purchase agreement has been approved by the Housing and Neighborhoods Department and is currently being routed through City Administration. The closing is scheduled to occur in the second quarter of 2016 (see attached memo for reference). Based on above, this application is being submitted by Transfer Development Company on behalf of the City of Raleigh by authority of Assistant Manager Marchell Adams David. It is understood that the variance request, if approved, would apply only if and upon the sale of the property as outlined above. If desired by the City or the Board of Adjustment, this may be included as a condition of approval.

Variance Request #1
Due to the unusual existing parcel delineation, there is a narrow sliver of the Stones Warehouse Site that adjoins the eastern boundary of 517 East Cabarrus Street. With the increased RoW width of Chavis Way taken into account, this sliver is <83' long and ranges from 17' to 20' wide. This sliver will be a demonstration garden plot / landscaped area to support the non-profit project partners dedicated to issues of food security and access. We are respectfully requesting a variance to eliminate the Neighborhood Transition requirements for this sliver of property. The basis for this request is as follows:

1) Per UDO Section 3.5.1/B, Zone B (Use Restricted) would not apply to this portion of the property as it is less than 50' in depth. However, even the narrowest 10' Zone A (Protective Yard) would leave only 7'-10' of area, rendering this portion of the site unusable.
2) As outlined above, this portion of the property will be used only for demonstration garden / landscaping. Due to the unusual configuration of this sliver of property and the limited use as outlined above, there are no intensive uses or larger-scale buildings that warrant screening.

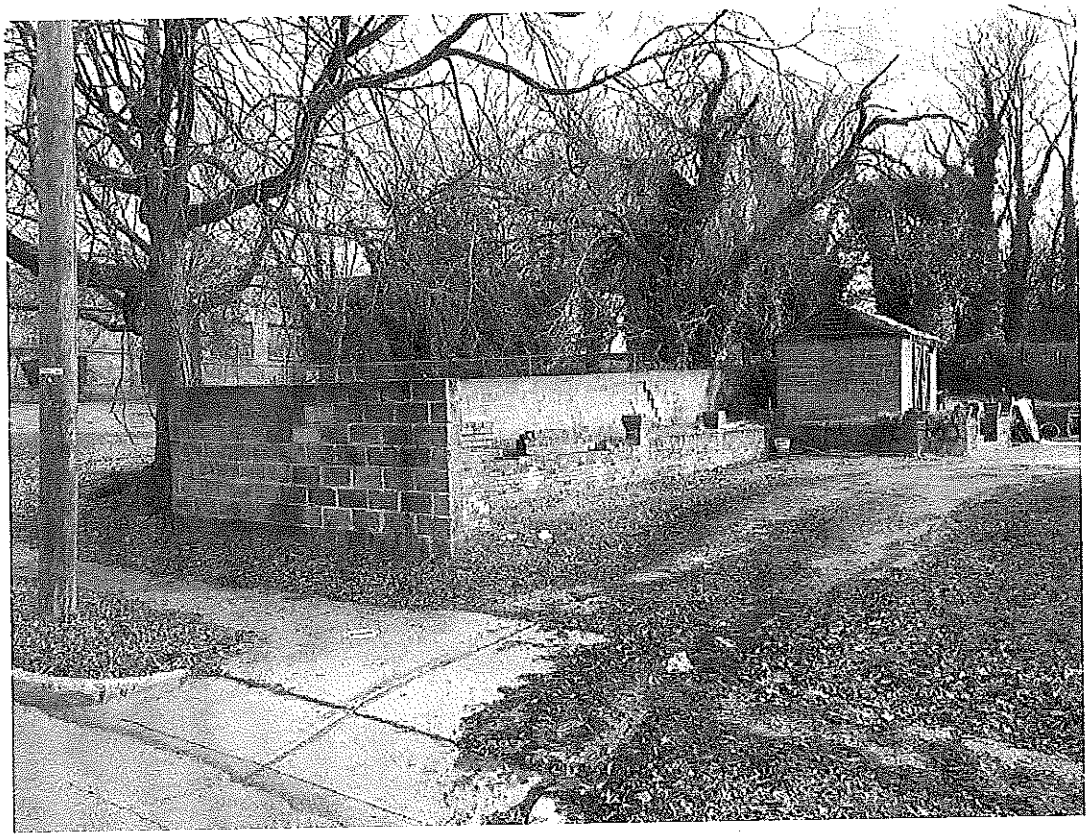
Variance Request #2
At the 33 linear feet of side property boundary at adjoining parcel 509 East Cabarrus and the 90 linear feet of rear property boundary at adjoining parcels 515 and 517 East Cabarrus, a Zone A (Protective Yard) will be provided per the UDO.
We are respectfully requesting a variance for 138 linear feet of Zone A (Protective Yard) at the rear property boundary at adjoining parcels 501 and 509 East Cabarrus. This variance request includes the following:

1) Reduction of the Zone A dimension from 10' to 5'.
2) Masonry wall location at the subject property edge of Zone A (rather than at the property line).
3) Use of continuous vine pocket and wall-climbing ivy on the subject property side of the wall to meet the wall articulation criteria per UDO Section 7.2.8/B/5. (The articulation criteria on the adjoining property side would be met by brick piers spaced at +/-8' on center.)

The basis for this request is as follows:

1) The overall dimensions of the Neighborhood Transition will not be reduced. Zones A and B will still comprise 0' to 50' from the property line. Zone C will still comprise 50' to 100' from the property line.
2) 501 East Cabarrus includes an existing concrete block wall that encroaches from 0' at the NW corner to 5' at the NE corner onto the Stones Warehouse property. Additionally, 501 East Cabarrus includes an existing brick masonry retaining wall that creates an upper terrace on that property (see photo next page). These existing conditions on the neighboring property are the basis for the proposed location of the masonry wall. By tying into the point of encroachment at the NE corner, the proposed wall location will minimize the impact on the neighboring property owner by enhancing their existing upper terrace and allowing for any necessary grade adjustments to occur independently on each side of the wall. As part of this proposal, the development team would remove the existing wall and re-grade to appropriately tie into the neighboring property's existing grade at no cost to that property owner.
3) The 5' removed from Zone A will be added to the public plaza to increase its size by nearly 10%. The public plaza will be open to the community and will also serve as a pedestrian access to the greenway for residents of Carlton Place.
4) The development team met with the property owners of 509 East Cabarrus Street (December 16, 2015) and confirmed that they prefer the landscaping to be located on their side of the wall and are in support of this request. Their response is indicated in the attached letter. As conditions of approval, they requested the following:
   - 6.5' wall height
   - Participation in selection of / approval of landscaping material
   - Development team to extend their existing wood fence on the side property lines to meet the new wall. The development team is amenable to this.
5) The development team met with the property owner of 501 East Cabarrus Street (December 6 and 22, 2015) and confirmed that he was supportive of the project and the request. He requested the following:
   - 6.5' wall height

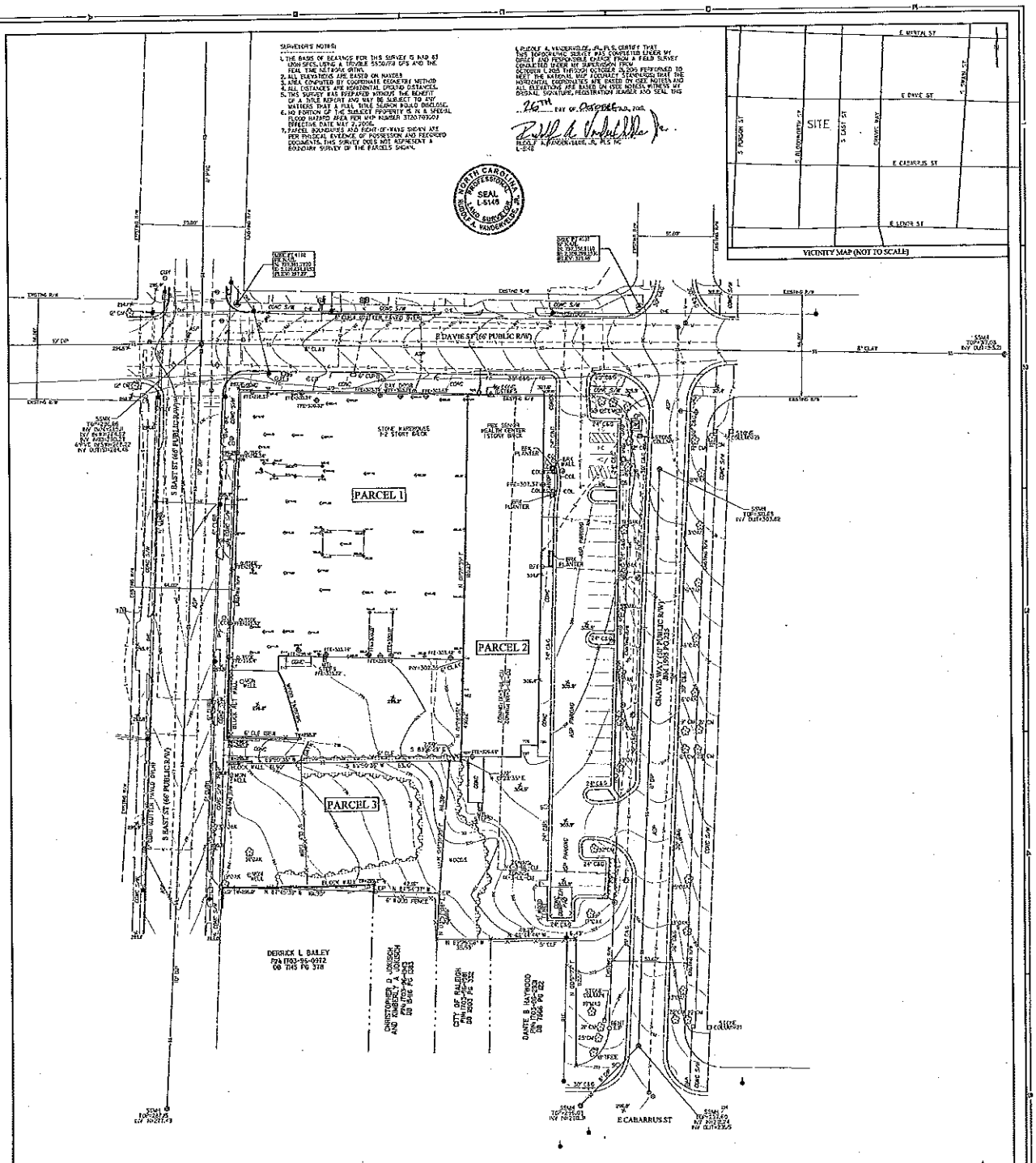
   The property owner (Derrick Bailey) did not wish to document his response in writing, but may be contacted directly if needed (919.235.5617).



View of Existing Conditions from SW
This photo illustrates the existing concrete block wall, existing brick masonry wall, and existing topographic conditions at 501 East Cabarrus Street. The wood fence visible in the background is the side property line of 509 East Cabarrus Street.

501 East Cabarrus Street
The existing concrete block wall at 501 East Cabarrus encroaches onto the subject property from 0' at this NW corner to @5' at the NE corner. As part of the conditions of the requested variance, the encroaching wall would be removed as part of the project and replaced with the new brick masonry wall.

509 East Cabarrus Street
The existing wood fence is visible at the rear of the photo. As part of the conditions of the requested variance, the fence would be extended to tie into the new masonry wall.



NO	DATE	REMARKS
1.		
2.		
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7.		
8.		
9.		

STONE WAREHOUSE BUILDING
EXISTING CONDITIONS SURVEY
PROPERTY OF
THE CITY OF RALEIGH

WAKE COUNTY - RALEIGH - NORTH CAROLINA

MULKEY
ENGINEERS & CONSULTANTS
PO Box 33127
Raleigh, N.C. 27636-3127
(919) 851-1918
(919) 851-1918 (FAX)
www.mulkeyinc.com
FIRM LICENSE NO. C-1021

City of Raleigh
North Carolina

Inter-Office Memorandum

DATE: December 21, 2015

TO: Stacy Barbour, Senior Planner
Planning Department

FROM: Larry M. Jarvis, Director
Housing and Neighborhoods Department

SUBJECT: Stone's Warehouse: 500 E. Davie Street; 419 South East Street; and 400 Chavis Way

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In 2014, the City of Raleigh undertook an RFP process to select a developer and development plan for the above referenced parcels. The selection of Transfer Development Company was approved by City Council, and in August 2015, the City of Raleigh rezoned these parcels for the approved development plan. The purchase agreement for these parcels has been reviewed and approved by the Housing and Neighborhoods Department and is currently being routed through the City Manager's office. According to the purchase agreement, the closing will occur in the second quarter of 2016.

Based on the above, this serves as confirmation that the City of Raleigh, as the current property owner of the above parcels, is aware of and approves of Transfer Development Company submitting for site plan approval and for building permits for this site.

If you have any questions, please give me a call at 919.996.6947.

December 16, 2015

Development Services
Customer Service Center
One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, NC 27601

To Whom it May Concern:

As the property owners of 509 East Cabarrus Street, we met with the development team on December 16, 2015 regarding the proposed development for the Stone's Warehouse site. As part of this development, we understand that they are requesting a variance to allow for a 5' reduction in the landscaped portion of the Neighborhood Transition (Zone A only). We are in support of this request based on the following conditions:

1) We understand that the overall dimensions of the Neighborhood Transition will not be reduced. Zones A and B will still comprise 0'-50' from our property line and Zone C will still comprise 50'-100' from our property line.
2) We understand that the 5' reduction in the landscaped portion will allow the public courtyard to be increased by 5' to improve its benefit to and use by the neighborhood as a public amenity. We understand that the area of Zones A and B will not be used for outdoor dining or other public gathering space.
3) We understand that the development team will install plant selections of our choice (to the extent permitted by the City of Raleigh) in the landscaped area on their property and, if desired by us, up to 5' on our property.
4) We understand that the development team will remove our existing rear wood fence and extend our existing side wood fences to tie into the new masonry wall.

Secondly, we understand that a solid brick screen wall will be installed in the landscaped portion and is required to be between 6'-6" and 9' in height. Within this range, we would prefer a height of 6'-6".

Sincerely,
Christopher Jokisch
Kimberly Jokisch

Christopher and Kimberly Jokisch
Property Owners
509 East Cabarrus Street

State of NC, County of Wake
Signed before me on this 5th day
of January 2016 by Kimberly Jokisch and Christopher Jokisch
Notary Public Erica S Barnett

Home

Wake County Real Estate Data
Account Summary

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Real Estate ID **0042073** PIN # **1703971002**

WAKE COUNTY NORTH CAROLINA

Location Address
419 S EAST ST

Property Description
419 S EAST STREET

Pin/Parcel History Search Results New Search

Account | Buildings | Land | Deeds | Notes | Sales | Photos | Tax Bill | Map

Property Owner	Owner's Mailing Address	Property Location Address
RALEIGH CITY OF (Use the Deeds link to view any additional owners)	**PO BOX 590** **RALEIGH NC 27602-0590**	**419 S EAST ST** **RALEIGH NC 27601-1949**

Administrative Data		**Transfer Information**		**Assessed Value**	
Old Map #	**B011-B0050-0001**				
Map/Scale	**1703 44**	Deed Date	**4/23/1993**	Land Value Assessed	**$246,981**
VCS	**ECRA001**	Book & Page	**05574 0321**	Bldg. Value Assessed	
City	**RALEIGH**	Revenue Stamps	**116.00**		
Fire District		Pkg Sale Date	**4/23/1993**		
Township	**RALEIGH**	Pkg Sale Price	**$58,000**	Tax Relief	
Land Class	**EXEMPT**	Land Sale Date			
ETJ	**RA**	Land Sale Price		Land Use Value	
Spec Dist(s)				Use Value Deferment	
Zoning	**IX-3**	**Improvement Summary**		Historic Deferment	
History ID 1				Total Deferred Value	
History ID 2		Total Units	**0**		
Acreage	**.27**	Recycle Units	**0**		
Permit Date	**3/9/1992**	Apt/SC Sqft		Use/Hist/Tax Relief Assessed	
Permit #	**0000008152**	Heated Area		Total Value Assessed*	**$246,981**

*Wake County assessed building and land values reflect the market value as of January 1, 2016, which is the date of the last county-wide revaluation. Any inflation, deflation or other economic changes occurring after this date does not affect the assessed value of the property and cannot be lawfully considered when reviewing the value for adjustment.

The January 1, 2016 values will remain in effect until the next county-wide revaluation. Until that time, any real estate accounts created or new construction built is assessed according to the 2016 Schedule of Values.

For questions regarding the information displayed on this site, please contact the Revenue Department at RevHelp@wakegov.com or call 919-856-5400.

Home

Wake County Real Estate Data
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Real Estate ID **0009677** PIN # **1703972131**

WAKE COUNTY NORTH CAROLINA

Location Address
400 CHAVIS WAY

Property Description
PROP W OF CHAVIS WAY RCMB CITY OF RAL BM1995-00235

Pin/Parcel History | Search Results | New Search

Account | Buildings | Land | Deeds | Notes | Sales | Photos | Tax Bill | Map

Property Owner	Owner's Mailing Address	Property Location Address
RALEIGH CITY OF (Use the Deeds link to view any additional owners)	**PO BOX 590** **RALEIGH NC 27602-0590**	**400 CHAVIS WAY** **RALEIGH NC 27601-1956**

Administrative Data		Transfer Information		Assessed Value	
Old Map #	B011--				
Map/Scale	1703 44	Deed Date	5/3/1994	Land Value Assessed	$251,376
VCS	ECRA001	Book & Page	06114 0257	Bldg. Value Assessed	$791,653
City	RALEIGH	Revenue Stamps			
Fire District		Pkg Sale Date			
Township	RALEIGH	Pkg Sale Price		Tax Relief	
Land Class	EXEMPT	Land Sale Date			
ETJ	RA	Land Sale Price		Land Use Value	
Spec Dist(s)				Use Value Deferment	
Zoning	NB	**Improvement Summary**		Historic Deferment	
History ID 1				Total Deferred Value	
History ID 2		Total Units	0		
Acreage	.92	Recycle Units	0		
Permit Date	4/3/1997	Apt/SC Sqft		Use/Hist/Tax Relief	
Permit #	0000033055	Heated Area	11,720	Assessed	
				Total Value Assessed*	$1,043,029

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Real Estate ID **0009677** PIN # **1703972131**

Account Search

Location Address
400 CHAVIS WAY

Property Description
PROP W OF CHAVIS WAY RCMB CITY OF RAL BM1995-00235

Pin/Parcel History Search Results New Search

Account | Buildings | Land | Deeds | Notes | Sales | Photos | Tax Bill | Map

Building Location Address	Building Description	Card 01 Of 01
400 CHAVIS WAY	**REX SENIOR HEALTH CENTER**	

Bldg Type	**36 Medical Office**	Year Blt	**1935**	Eff Year	**1969**	Base Bldg Value	**$1,849,008**
Units		Addns		Remod		Grade	**25.55 100%**
Heated Area	**11,720**	Int. Adjust.				Cond %	**B 42%**
Story Height	**1 Story**					Market Adj.	
Style	**Conventional**	Other Features	**Sprinkler Syste**			Market Adj.	
Basement	**Crawl Space**					Accrued %	**42%**
Exterior	**Brick**					Incomplete Code	
Const Type	**Exposed Steel**					**Card 01 Value**	**$791,653**
Heating	**Central**					All Other Cards	
Air Cond	**Central**					Land Value Assessed	**$251,376**
Plumbing	**Adequate**					Total Value Assessed	**$1,043,029**

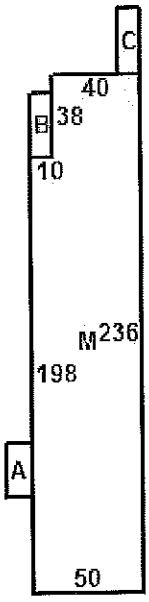
Main and Addition Summary

	Story	Type	Code	Area	Inc
M	1	BR/CS		11420	
A	1	CN O	0310	300	
B	1	S BR	BPM	300	
C	1	DOCK	0172	300	
D					
E					
F					
G					
H					

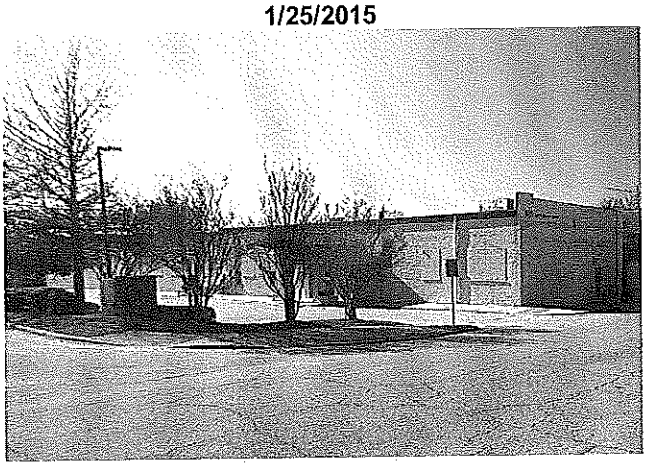
Other Improvements

Units	DesItem	Code	Year	%ADJ	Inc	Value
4	UN LIGHTCPL	REF	1997	100		0
42X261	SF PAVASPH	0028	1997	50		15070

Building Sketch



Photograph
1/25/2015



0009677 01/25/2015