



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-18-16

Property Address: 8504 Darton Way

Property Owner: Jones Darton, LLC

Project Contact: Michael Birch

Nature of Case: A request for a variance to Neighborhood Transitions required by Section 3.5 of the Unified Development Ordinance to permit, in lieu of Zones A, B, and C, a 15' wide undisturbed area and a building setback of 20' as measured along the common boundary line with that .22 acre parcel identified as lot 1208/Common Area on the plat recorded in Book of Maps 2007, Page 158 and with PIN 1748-40 5838 for 2.2 acre property zoned NX-3-PK-CU and located at 8504 Darton Way.



8504 Darton Way – Location Map

To BOA: 1-11-16

Staff Coordinator: Eric S. Hodge, AICP

ZONING DISTRICTS: Neighborhood Mixed Use, 3-story, Parkway Conditional Use



8504 Darton 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.**

Article 3.5. Neighborhood Transitions

Sec. 3.5.1. Applicability

- A. The following neighborhood transition standards apply in the Mixed Use and Campus Districts when the following occurs:
1. The site immediately abuts a district boundary of an R-1, R-2, R-4 or R-6 district, except where the abutting property contains a civic use; or
 2. The site immediately abuts a district boundary of an R-10 district where the abutting property is vacant or contains an existing detached house or attached house used for residential purposes.
- B. Zone B does not apply to sites 50 feet or less in depth. In such cases, Zone C starts immediately adjacent to the Zone A protective yard.
- C. Zones B and C do not apply to detached house, attached house, townhouse or apartment building types in RX- where 3 stories is the maximum height.

Sec. 3.5.2. Transition Zones

A. Zone A: Protective Yard

1. Intent

Intended to buffer and screen. Consists of vegetative landscaping and wall or fence. No buildings or structures allowed.

2. Location

Immediately abutting district boundary line.

3. Width

Varies (depends on protective yard type applied).

B. Zone B: Use Restricted

1. Intent

Intended to be occupied by open areas and low intensity uses, such as surface parking, alleys, landscaping, playgrounds, outdoor dining, community serving buildings and service-related structures.

2. Location

Located between Zone A and Zone C. Zone B starts at the inside edge of the Zone A protective yard (edge furthest from the district boundary line) and ends 50 feet from the district boundary line.

3. Width

50 feet from the district boundary line.

C. Zone C. Height and Form

1. Intent

Intended to restrict the height and form of development so as to decrease the impact of new multi-story structures.

2. Location

Located beyond and adjacent to Zone B. Zone C extends from 50 to 100 feet from district boundary line. When Zone B does not exist, Zone C starts at the inside edge of the Zone A protective yard (edge furthest from the district boundary line).

3. Width

50 to 100 feet from the district boundary line. When Zone B does not exist, Zone C extends a maximum of 50 feet from inside edge of the Zone A protective yard (edge furthest from the district boundary line).

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.
3. In no case shall required landscaping exceed 30% of the total lot area, see Sec. 7.2.2.D.
4. Protective yards must meet the location requirements of Sec. 7.2.4.C.
5. Fences, walls and berms located in a protective yard must meet the requirements of Sec. 7.2.4.D. Fences, walls and berms cannot be located in a protective yard when the protective yard is also a tree conservation area.

Sec. 3.5.4. Zone B: Use Restrictions

A. Permitted Activity

1. Protective yard, landscaping, fence, wall.
2. Garden.
3. Outdoor dining (not between the hours of 10 PM and 6 AM).
4. Service area.
5. Accessory garage, storage area.
6. Park, playground.
7. Stormwater detention.
8. Surface parking lot.
9. Path, walkway, sidewalk.
10. Alley.

B. Civic Building and Accessory Structures

1. An accessory structure can be no more than 14 feet in height and must be located at least 15 feet from the district boundary line. 2. Building walls parallel to the district boundary line can be no longer than 75 feet. 3. Buildings and structures must be spaced apart to maintain views. There must be a minimum of 40 feet between buildings and structures.

C. Service Areas

Trash collection, trash compaction, recycling collection and other similar service areas must be located at least 25 feet from the district boundary line.

Sec. 3.5.5. Zone C: Height and Form

A. Permitted Activity

All structures and uses allowed in the zoning district are permitted in Zone C.

B. Height

1. No building or structure can be more than 40 feet in height at the Zone C line.
2. Height can increase subject to a 45 degree height plane measured from a height of 40 feet at the Zone C line, extending upward one foot for every additional foot of setback into the site.
3. The height plane applies up to 100 feet from the district boundary line.

C. Wall Articulation

The rear facade of the building that faces the residential property as described in Sec. 3.5.1.A. is subject to a maximum blank wall area of 30 feet as calculated in Sec. 1.5.10. The blank wall area provisions are not subject to an Administrative Alternate.



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

Variance Application

		OFFICE USE ONLY
<p>Nature of variance request (Submit addendum on separate sheet, if more space is needed.) Variance to UDO section 3.5 to permit, in lieu of Zones A, B and C, a 15' wide undisturbed area and a building setback of 20' as measured along the common boundary line with that 0.22 acre parcel identified as Lot 1208/Common Area on the plat recorded in Book of Maps 2007, Page 158 and with PIN 1748-40-5838.</p>		<p>Transaction Number</p>
<p>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.</p>		

GENERAL INFORMATION		
Property Address 8504 Darton Way		Date 12/10/15
Property PIN 1748-40-6996	Current Zoning NX-3-PK-CU	
Nearest Intersection Darton Way and Louisburg Road		Property size (in acres) 2.2 acres
Property Owner Jones Darton LLC 5600 Matrix Farm Road Wake Forest, NC 27587	Phone 919.522.2214	Fax
	Email jarh14@gmail.com	
Project Contact Person Michael Birch, Morningstar Law Group 630 Davis Drive, Suite 200 Morrisville, NC 27560	Phone 919.590.0388	Fax
	Email mbirch@morningstarlawgroup.com	
Property Owner Signature 	Email	
<p>Notary </p> <p>Sworn and subscribed before me this <u>10</u> day of <u>December</u>, 20<u>15</u></p>	<p>Notary Signature and Seal</p> <p></p> <div style="border: 1px solid black; padding: 5px; display: inline-block;"> <p>MARY CHRISTINE JAJE NOTARY PUBLIC WAKE COUNTY, N.C. My Commission Expires 5-16-2019.</p> </div>	

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.

[Home](#)

Wake County Real Estate Data Account Summary

[iMaps](#)
[Tax Bills](#)
Real Estate ID **0354522** PIN # **1748406996**
[Account Search](#)

 Location Address
8504 DARTON WAY

 Property Description
LO1217 HIGHLAND CREEK PH1 BM2007-01482
[Pin/Parcel History](#) [Search Results](#) [New Search](#)
[NORTH CAROLINA](#) [Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)


Property Owner JONES DARTON LLC (Use the Deeds link to view any additional owners)		Owner's Mailing Address 5600 MATRIX FARM DR WAKE FOREST NC 27587-2001	Property Location Address 8504 DARTON WAY RALEIGH NC 27616-5697
Administrative Data Old Map # 308-- Map/Scale 1748 03 VCS CBRA001 City RALEIGH Fire District Township WAKE FOREST Land Class VACANT ETJ RA Spec Dist(s) Zoning NX-3 History ID 1 History ID 2 Acreage 2.20 Permit Date Permit #	Transfer Information Deed Date 8/11/2015 Book & Page 16115 0446 Revenue Stamps 1050.00 Pkg Sale Date Pkg Sale Price Land Sale Date 8/11/2015 Land Sale Price \$525,000 Improvement Summary Total Units 0 Recycle Units 0 Apt/SC Sqft Heated Area	Assessed Value Land Value Assessed \$476,285 Bldg. Value Assessed Tax Relief Land Use Value Use Value Deferment Historic Deferment Total Deferred Value Use/Hist/Tax Relief Assessed Total Value \$476,285 Assessed*	

*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.

