



Board of Adjustment Case Report

City of Raleigh
Planning & Development Department
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2475
www.raleighnc.gov

Case File: A-67-16

Property Address: 5410 Louisburg Road

Property Owner: St. Matthew Baptist Church

Project Contact: Gregory Jackson

Nature of Case: Request for a special use permit to establish a Day Care Center with 40 enrollees pursuant to Section 6.4.1.C. of the Part 10A Unified Development Ordinance on a 7.92 acre parcel zoned Residential-1 and located at 5410 Louisburg Road.



5410 Louisburg Road – Location Map

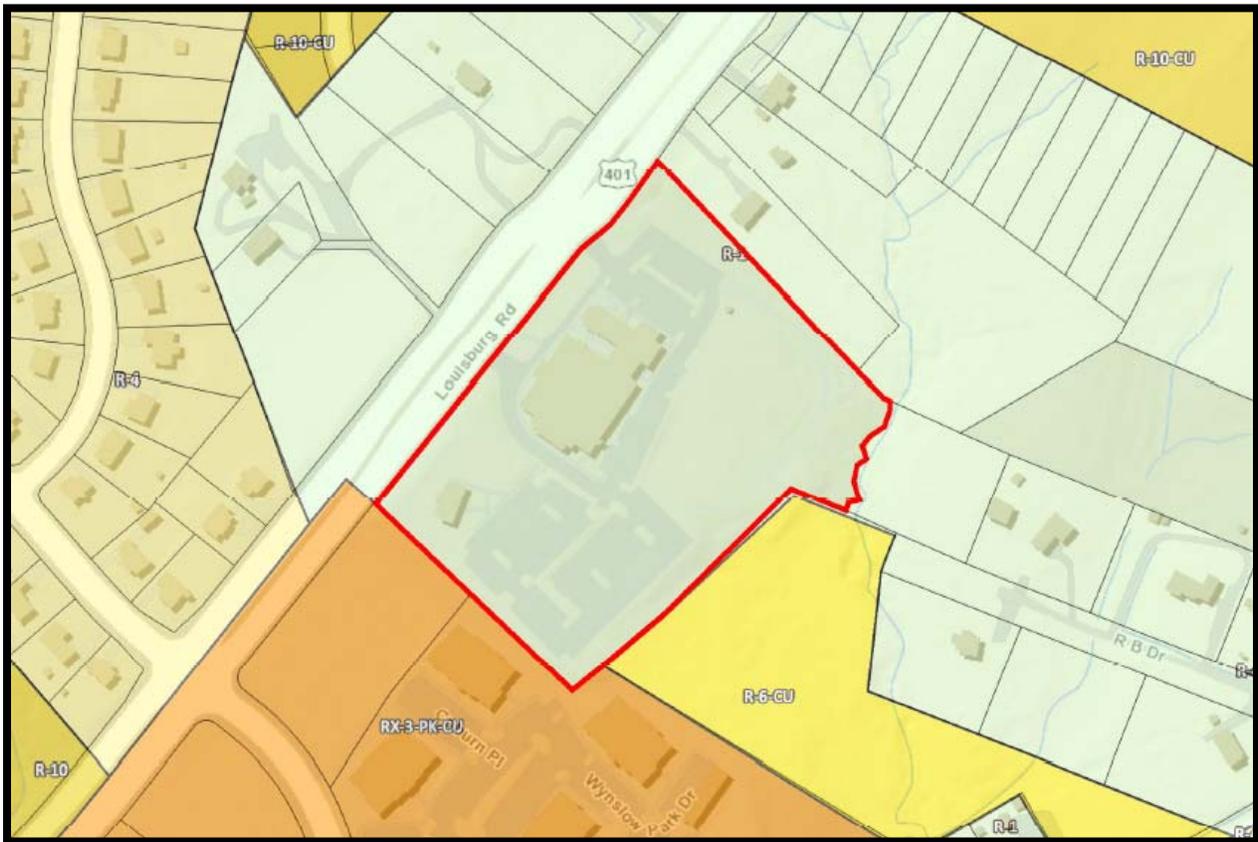
ADDITIONAL NOTES: None

PREVIOUS VARIANCES: None

To BOA: 6-13-16

Staff Coordinator: Eric S. Hodge, AICP

ZONING DISTRICT: Residential-1



5410 Louisburg Road – Zoning Map

SHOWINGS: In accordance with UDO §10.2.9 Special Use Permit, before a Special Use Permit request is granted, the Board of Adjustment shall show that all of the following are met:

1. The proposed use complies with all applicable provisions of this UDO unless otherwise

expressly modified in accordance with this UDO;

2. The proposed use is allowed as a special use in the respective zoning district (see Chapter 6. Use Regulations);
3. The proposed use complies with any specific use standard listed in Chapter 6. Use Regulations without the granting of any variance to the specific use standard;
4. The proposed use is compatible with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics;
5. Any adverse impacts resulting from the proposed use in the affected area will be effectively mitigated or offset or the special use is denied;
6. Access with respect to pedestrian, bicycle and automotive safety, traffic flow and emergency service is adequate;
7. Signage is suitable and appropriate; and
8. Any appropriate dedications of streets and utilities to the public will be made prior to the issuance of a building permit.

Sec. 6.4.1.c. C. Day Care Center

1. Defined

A day care for more than 8 persons where staffing complies with state and local regulations. Includes nursery school and preschool.

2. Use Standards

a. In a Residential District, the following minimum lot areas per enrollee apply:

- i. R-1, R-2, and R-4: 1,040 square feet; (*Staff note: the site acreage could theoretically accommodate 331 enrollees based on minimum lot area*)
- ii. R-6: 640 square feet; and
- iii. R-10: 240 square feet.

b. In a Residential District, 1 unlit announcement sign is allowed, not to exceed 2 square feet in area and 3½ feet in height.

c. In a Residential District, a Type A1 or A2 transitional protective yard (see Sec. 7.2.4.A.) must be established along any side of the property abutting a residential use.

Staff note: The applicant has submitted schematic plans showing their intent to install the requisite landscaping fencing and walls consistent with this requirement. If the Board approves the Special Use Permit, the applicants must submit more detailed plans for permitting and installation prior to beginning operation of the daycare.

d. In a Residential District, a Type C2 street protective yard (see Sec. 7.2.4. B.) must be established along all property lines abutting a public right-of-way.

Staff note: The applicant has submitted schematic plans showing their intent to utilize existing landscaping materials towards meeting this requirement. If the Board approves the Special Use Permit, the applicants will need to submit more detailed plans for permitting demonstrating compliance with the planting requirements prior to beginning operation of the daycare.

e. Must comply with all state and local standards.

Sec. 7.2.4. Protective Yards

A. Transitional Protective Yards

1. A transitional protective yard is required along perimeter lot lines:

a. For specific uses as set forth in Chapter 6. Use Regulations (type as specified); and

b. Where an IH District abuts any other district other than an IH District a Type B1 or B2 transitional protective yard must be installed.

Type A1: 6.5' wall, 6' wide yard, 4 shade trees spaced over every 100' linear feet.

Type A2: 6.5' fence, 10' wide yard, 4 shade trees and 4 understory tree spaced over every 100' linear feet.

B. Street Protective Yard

1. A street protective yard is required along the edge of the street right-of-way:

a. For specific uses as set forth in Chapter 6. Use Regulations (type as specified); and

b. Where an IH District is across the street from any other district other than an IH District, a Type C1 or C2 street protective yard must be installed.

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

3. The protective yards in Special Highway Overlay Districts 1 and 2 (Sec. 5.3.1. D.) take the place of any street protective yard required in Sec. 7.2.4.B.

Type C2: 15' wide yard, 4 shade trees spaced over every 100' of street right of way & 15 shrubs spaced over every 100' of street right of way.

A-62-16



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

Special Use Permit Application

		OFFICE USE ONLY
Nature of request (Submit addendum on separate sheet, if more space is needed.) See Attached		Transaction Number
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 special use permit request, provide the case number. T- 468622 and T-456316		

GENERAL INFORMATION			
Property Address 5410 Louisburg Road		Date 5-11-16	
Property PIN 1736042550		Current Zoning R-1	
Nearest Intersection Louisburg Road and Fox Road		Property size (in acres) 7.92 AC	
Property Owner St. Matthew Baptist Church		Phone	Fax
		Email	
Project Contact Person Gregory Jackson		Phone	Fax
		Email gregory.jackson@att.net	
Property Owner Signature		Email	
Notary Sworn and subscribed before me this <u>3rd</u> day of <u>May</u> , 20 <u>16</u>		Notary Signature and Seal	

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

SONYA D. LASSITER
Notary Public, North Carolina
Wake County
My Commission Expires
6/15/2018

**SPECIAL USE PERMIT APPLICATION
ST. MATTHEW BAPTIST CHURCH**

This Special Use Permit ("SUP") Application complies with all of the use standards for a Day Care Center as provided in Section 6.4.1.C of the Uniform Development Ordinance ("UDO") and the special use standards contained in Section 10.2.9 of the UDO. Specifically, the below information demonstrates that the use standards and special use standards have been met.

I. Standards for a Day Care Center

Section 6.4.1.C.2.a. (Minimum Lot Area). The Day Care Center will be located on the St. Matthew Baptist Church property that is zoned R-1. The maximum number of children for the Day Care Center will be forty (40).

Section 6.4.1.C.2.b (Announcement Sign). The Day Care Center will have a maximum of one unlit announcement sign that will not exceed two square feet in area and three and one-half feet in height.

Section 6.4.1.C.2.c (Transitional Protective Yard). Type A2 transitional protective yards will be installed along the sides of the property that abut residential uses (*i.e.*, the entire north and south property lines).

Section 6.4.1.C.2.d (Street Protective Yard). A Type C2 street protective yard will be established along the property line abutting Louisburg Road.

Section 6.4.1.C.2.e (State and Local Standards). The Day Care Center will comply with all state and local standards.

II. Standards for a Special Use

1. The proposed use complies with all applicable provisions of the UDO. As noted above, the proposed Day Care Center complies with all standards contained in Section 6.4.1.C.2 of the UDO.

2. The proposed use is allowed as a special use in the respective zoning district. A Day Care Center is allowed as a special use in an R-1 zoning district. *See* Section 6.1.4 of the UDO.

3. The proposed use complies with any specific use standard listed in Chapter 6. Use Regulations without the granting of any variance to the specific use standard. The proposed Day Care Center complies with all use standards contained in Section 6.4.1.C.2 of the UDO, as noted above, and the applicant is not requesting a variance as to any use standard.

4. The proposed use is compatible with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics. The proposed Day Care Center is compatible

with the adjacent uses in terms of location, scale, site design, hours of operation, and operating characteristics.

- Location and Site Design. The Day Care Center will be housed in the Rosenwald School (a Raleigh Historic Landmark), next to the St. Matthew Baptist Church sanctuaries. By having the Day Care Center operate in the Rosenwald School building, the Rosenwald School will be able to be used for educational purposes, which will further the educational mission of the Rosenwald School.

The fenced playground for the Day Care Center will be located between the Rosenwald School and the church sanctuaries.

- Scale. The scale of the Day Care Center will be appropriate with the surrounding area, as the number of children will be limited to forty children. Furthermore, the building for the Day Care Center (the Rosenwald School) is already in existence, and the parking area for the Day Care Center is also already in existence. Therefore, no additional construction of buildings or parking will be required.
- Hours of Operation. The hours of operation will be limited to 7:00 a.m. to 7:00 p.m. on Mondays through Saturdays.

5. Any adverse effects resulting from the proposed use in the affected area will be effectively mitigated or offset or the special use is denied. There will be no adverse effects from the Day Care Center. The number of children, hours of operation, and days of operation will be limited. Also, as required by the UDO, a Type A2 transitional protective yard will be installed along the property lines adjacent to residential uses (*i.e.*, the north and south property lines).

6. Access with respect to pedestrian, bicycle and automotive safety, traffic flow and emergency service is adequate. The existing access off Louisburg Road is adequate for the Day Care Center. An existing parking lot is located next to the Day Care Center, and that parking lot will be used by the Day Care Center.

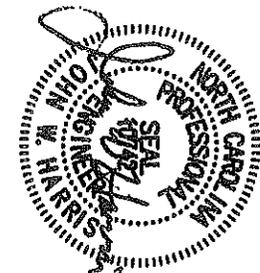
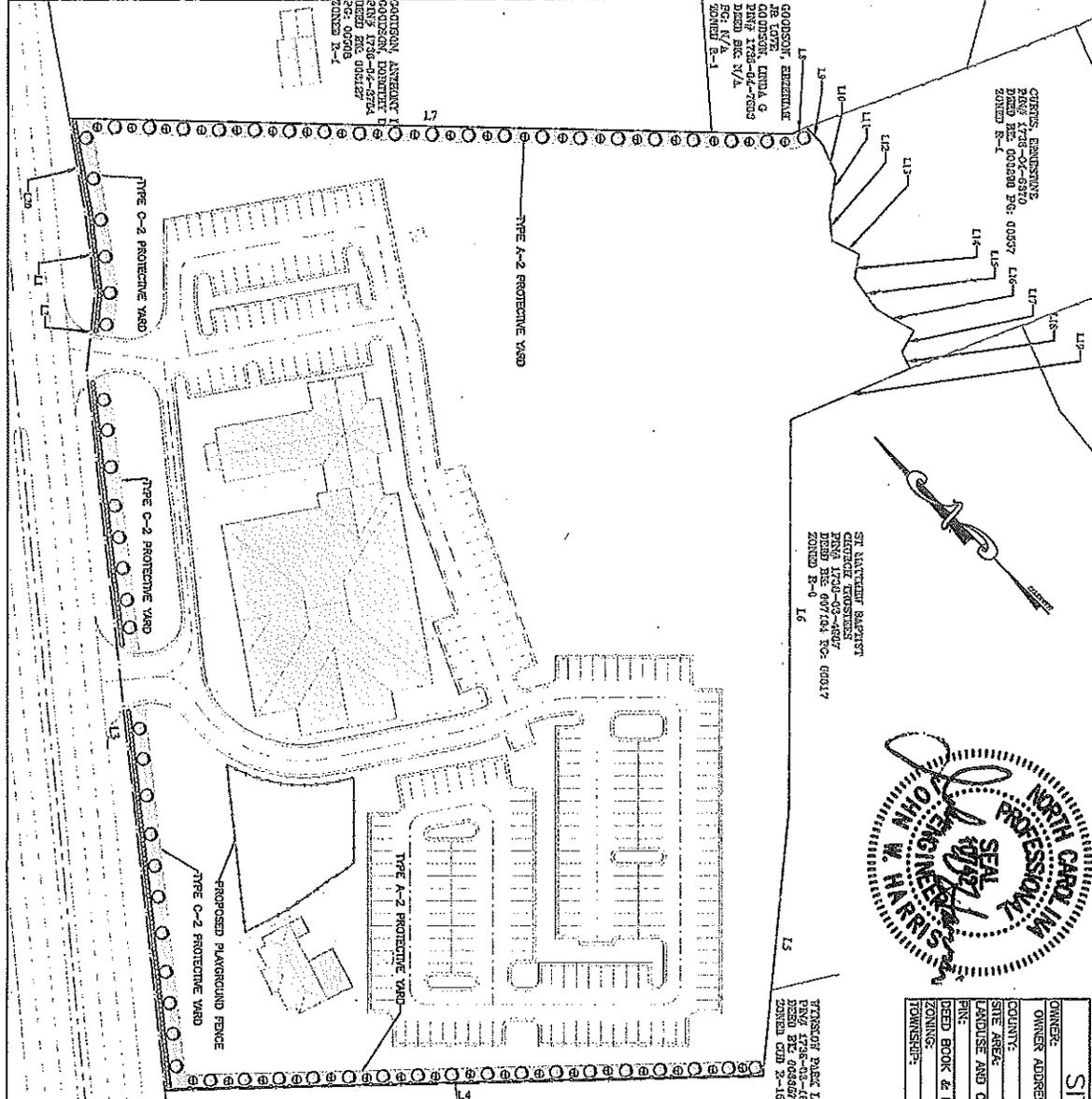
7. Signage is suitable and appropriate. The Day Care Center will have a maximum of one unlit announcement sign that will not exceed two square feet in area and three and one-half feet in height.

8. Any appropriate dedications of streets and utilities to the public will be made prior to the issuance of a building permit. A dedication of streets and utilities will not be required.

III. Request that SUP be Issued to St. Matthew Baptist Church

Please note that the applicant for the SUP is St. Matthew Baptist Church, rather than the operator of the Day Care Center. St. Matthew Baptist Church is requesting that the SUP not be "tenant specific" so that St. Matthew Baptist Church will not be required to submit additional SUP applications in the event that the tenant were to change.

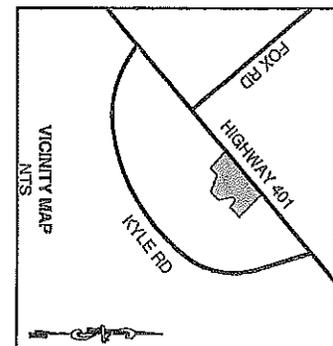
St. Matthew Baptist Church is requesting that the SUP not be "tenant specific" for the following two reasons. First, the resources for St. Matthew Baptist Church must be carefully managed, and it will be problematic for the church to have to submit additional SUP applications in the future simply because another day care operator will operate in the Rosenwald School. Second, there is no reason for the SUP to be "tenant specific" because conditions can be placed on St. Matthew Baptist Church, the owner and applicant, to ensure that the Day Care Center always operates in accordance with this application and the SUP. St. Matthew Baptist Church is willing to agree to the following conditions: (1) that the number of children will be limited to forty (40); and (2) that the hours of operation will be limited to 7:00 a.m. to 7:00 p.m. on Mondays through Saturdays. Therefore, any tenant in the Rosenwald School will be required to comply with the SUP and those conditions.



SITE DATA TABLE

OWNER:	ST MATTHEW EPISCOPAL CHURCH
OWNER ADDRESS:	5410 LOUISBURG RD RALEIGH NC 27612
COUNTY:	WAKE
SITE AREA:	7.97 AC
PARCUSE AND CLASS:	CHURCH / COMM
FIN:	1738-04-2550
DEED BOOK & PAGE #:	BOOK 007118 PAGE 00057
ZONING:	R-1
TOWNSHIP:	NEUSE

TRINSON PARK LLC
 1738-04-2550
 DEED BKG 007118 PG 00057
 ZONING CDM 2-15



SITE BOUNDARY

Line #	Length	Direction
L1	56.112	N57° 48' 41.81"E
L2	58.506	N50° 36' 05.80"E
L3	523.243	N58° 45' 23.58"E
L4	431.814	N46° 19' 17.40"W
L5	194.689	S50° 28' 38.75"W
L6	280.026	S45° 11' 57.83"W
L7	573.156	S45° 34' 47.11"E
L8	11.126	S89° 35' 17.94"E
L9	16.346	S7° 27' 05.05"W
L10	24.100	S92° 31' 01.39"W
L11	39.409	S54° 12' 56.23"W
L12	18.924	S39° 06' 07.12"W
L13	21.882	S18° 10' 02.24"E
L14	17.777	S95° 03' 38.08"W
L15	27.819	S10° 14' 26.34"W
L16	31.234	S15° 30' 57.40"E
L17	17.035	S74° 28' 02.60"W
L18	13.471	S15° 02' 02.67"W
L19	53.984	N55° 17' 38.47"W
L20	72.930	N55° 14' 38.49"E

GRAPHIC SCALE



N.C. UNDERGROUND UTILITIES
 CALL 800-457-4649
 FOR A FREE SERVICE MAP



Cover
 5410 Louisburg Road

John W. Harris, P.E.
 Consulting Engineer, Inc.
 Corporate # C-3017
 8112 Bur Oak Circle
 Raleigh, N.C. 27612
 (919) 789-0744
 www.harriseng.net

DATE PLOTTED: 1 FEBRUARY 2016
 DATE: 02/18/2016
 TIME: 10:21:17
 PLOTTER: HP PLOTTER
 PLOT SCALE: 1"=100'

PROTECTIVE YARD TABLE

TYPE	A-2	C-2
MIN. (AVG. MIN.)	10'	15'
MIN. HEIGHT (MIN.)	6.5'	N/A
SHADE TREES (MIN. PER 100LF)	4	4
UNDERSTORY TREES (MIN. PER 100LF)	4	N/A
SHRUBS (MIN. PER 100LF)	N/A	15
SCREEN HEIGHT (MIN.)	N/A	5'
GENERAL	A FENCE IN ACCORDANCE WITH SEC. 72.4D.4 MAY BE INSTALLED, UNLESS OTHERWISE REQUIRED. THE INSTALLATION SHALL NOT ALTER THE YARD WIDTH AND SHALL NOT BE A HAZARD TO THE ENVIRONMENT.	

SEC. 72.4. PROTECTIVE YARDS

ADMINISTRATIVE PROTECTIVE YARDS

- 1.A TRANSITIONAL PROTECTIVE YARD IS REQUIRED ALONG PERMITTED LOT LINES.
- a. ONE SPECIFIC USES AS SET FORTH IN CH. USE REGULATIONS (TYPE AS SPECIFIED); AND
- b. WHERE AN HI DISTRICT ADJACENT TO OTHER DISTRICT OTHER THAN HI DISTRICT, A TYPE C1 OR C2 STREET PROTECTIVE YARD MUST BE INSTALLED.
- 2.A TRANSITIONAL PROTECTIVE YARD MAY BE REPLACED WITH A TREE CONSERVATION AREA THAT MEETS THE REQUIREMENTS OF ARTICLE 9.1, TREE CONSERVATION.

STREET PROTECTIVE YARD

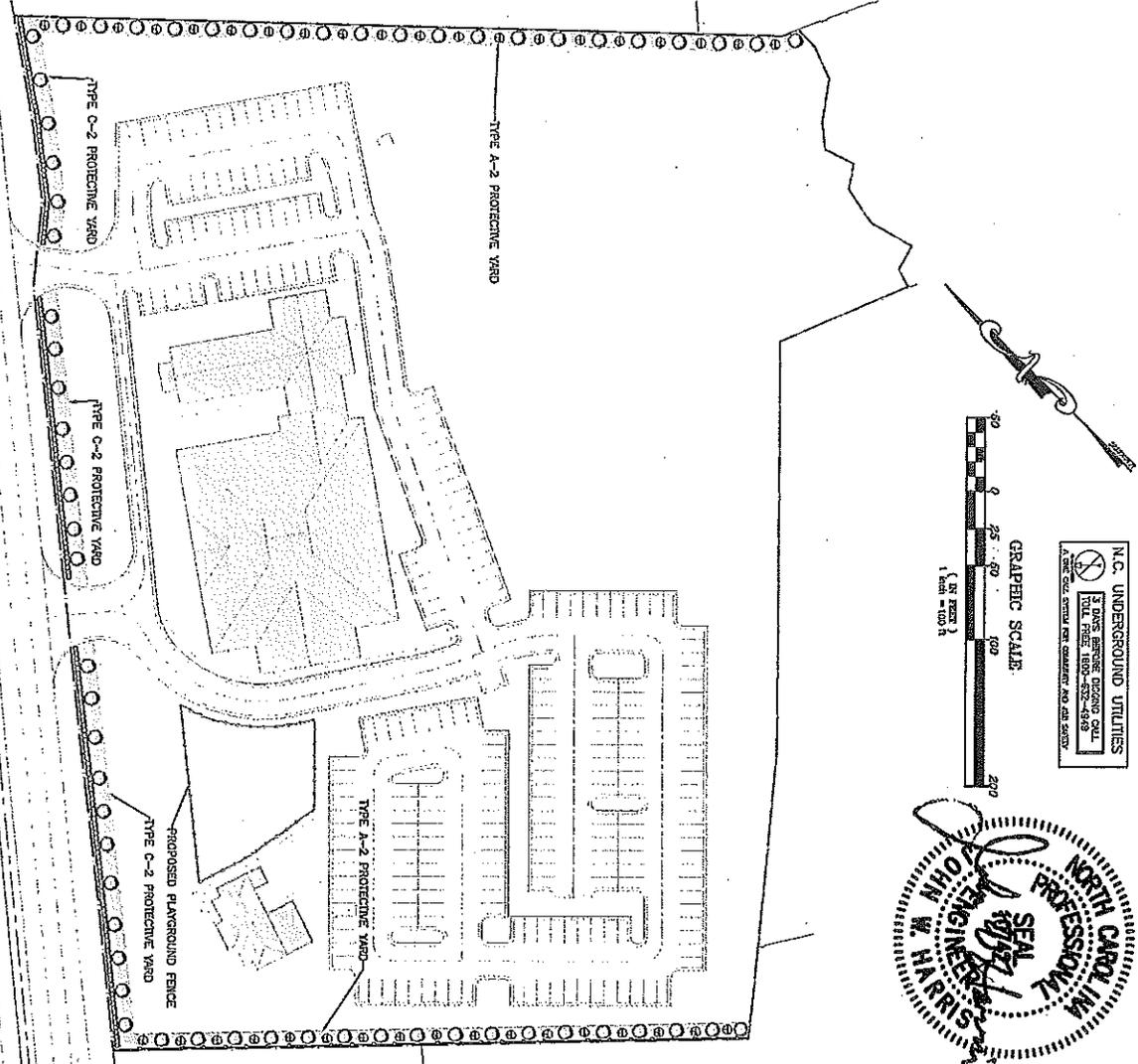
- 1.A STREET PROTECTIVE YARD IS REQUIRED ALONG THE EDGE OF THE RIGHT OF WAY.
- a. ONE SPECIFIC USES AS SET FORTH IN CH. USE REGULATIONS (TYPE AS SPECIFIED); AND
- b. WHERE AN HI DISTRICT IS ACROSS THE STREET FROM AN OTHER DISTRICT OTHER THAN HI DISTRICT, A TYPE C1 OR C2 STREET PROTECTIVE YARD MUST BE INSTALLED.
- 2.A REQUIRED STREET PROTECTIVE YARD MAY BE REPLACED WITH A TREE CONSERVATION AREA THAT MEETS THE REQUIREMENTS OF ARTICLE 9.1, TREE CONSERVATION.
- 3. THE PROTECTIVE YARDS IN STREET FRONTAGE ARE AT DISTRICTS 1 AND 2 (SEC.5.3.12.) THE PLACE OF ANY STREET PROTECTIVE YARD REQUIRED IN SEC.72.4B.

LOADINGS

- 1. PROTECTIVE YARDS MUST BE LOCATED WITHIN THE OUTER PERIMETER OF THE LOT, PARALLEL TO AND EXTENDING TO THE PROPERTY BOUNDARY LINE. A REQUIRED PROTECTIVE YARD MUST BE PROVIDED ALONG THE ENTIRE FRONTAGE UNLESS OTHERWISE SPECIFIED BY THE PLANNING OFFICER.
- 2. THE WIDTH OF THE PROTECTIVE YARD IS CALCULATED ON THE AVERAGE WIDTH PER 100 FEET OR PORTION OF PROTECTIVE YARD. THE MINIMUM WIDTH OF THE PROTECTIVE YARD AT ANY ONE POINT SHALL NOT BE LESS THAN ONE HALF THE REQUIRED WIDTH OF THE PROTECTIVE YARD.
- 3.A PROTECTIVE YARD MAY NOT BE LOCATED ON ANY PORTION OF AN EXISTING DEDICATED OR RESERVED PUBLIC RIGHT OF WAY.
- 4.A PROTECTIVE YARD IS DEEMED EXCLUSIVE OF ANY REQUIRED SERVICE HOWEVER, THE REQUIRED PROTECTIVE YARD MAY BE LOCATED WHOLLY OR PARTIALLY WITHIN A REQUIRED SERVICE.

DENOTATIONS

- 1. GENERAL
- a. NO BUILDING OR STRUCTURE ON THE SUBJECT SITE MAY BE LOCATED CLOSER THAN 10 FEET TO A PROTECTIVE YARD.
- b. PARKING FOR PEDESTRIAN AND VEHICLE ACCESS ARE ALLOWED IN A PROTECTIVE YARD.
- c. THE PARKING OF VEHICLES AND THE PLACEMENT OF SIGNAGE STRUCTURES, REFRIGERATED IN A PROTECTIVE YARD, ALL PARKING AND BUILDING SERVICES APPLY.
- 2. FENCES: FENCES IN A PROTECTIVE YARD MUST MEET THE FOLLOWING CRITERIA:
 - a. FENCES MUST BE CLOSED AND NOT EXCEED A MAXIMUM OF 8 FEET.
 - b. FENCES MUST BE CONSTRUCTED OF WOOD, COMPOSITE MATERIAL OR PVC VINYL WITH THE REQUIRED FACE LOCATED TOWARDS THE ADJACENT PROPERTY.
 - c. ALTERNATIVE FENCE MATERIALS MAY BE APPROVED BY THE PLANNING AND DEVELOPMENT OFFICER.
- 3. AND FENCE CAN BE LOCATED WITHIN ANY REQUIRED DRIVEWAY OR DRIVEWAY ESSENTIAL OR SIMILAR CITY OF RALEIGH ESSENTIAL OR WITHIN ANY TREE CONSERVATION AREA.



Protective Yard Exhibit
5410 Louisburg Road

DATE	1-1-10
BY	JWH
FOR	SEC. 72.4(A)(2)(B) (1)
PROJECT	5410 LOUISBURG ROAD
NO. OF SHEETS	10

John W. Harris, P.E.
 Consulting Engineer, Inc.
 Corporate # C-3017
 5112 Bur Oak Circle
 Raleigh, N.C. 27612
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Wake County Real Estate Data Account Summary

[iMaps](#)
[Tax Bills](#)
Real Estate ID **0090502** PIN # **1736042550**
[Account Search](#)

Location Address

Property Description

5410 LOUISBURG RD**RCMB ST MATTHEWS CHURCH TR1 BM2001-02392**
[Pin/Parcel History](#) [Search Results](#) [New Search](#)

NORTH CAROLINA

[Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)


Property Owner ST MATTHEW BAPTIST CHURCH (Use the Deeds link to view any additional owners)		Owner's Mailing Address 5410 LOUISBURG RD RALEIGH NC 27616-5314		Property Location Address 5410 LOUISBURG RD RALEIGH NC 27616-5314	
Administrative Data Old Map # 411-00000-0075 Map/Scale 1736 13 VCS CBRA001 City RALEIGH Fire District Township NEUSE Land Class EXEMPT ETJ RA Spec Dist(s) Zoning R-1 History ID 1 History ID 2 Acreage 7.97 Permit Date 12/20/2001 Permit # 0000005188		Transfer Information Deed Date 8/19/1996 Book & Page 07118 0057 Revenue Stamps Pkg Sale Date Pkg Sale Price Land Sale Date Land Sale Price Improvement Summary Total Units 0 Recycle Units 0 Apt/SC Sqft Heated Area 33,857		Assessed Value Land Value Assessed \$798,491 Bldg. Value Assessed \$3,259,249 Tax Relief Land Use Value Use Value Deferment Historic Deferment Total Deferred Value Use/Hist/Tax Relief Assessed Total Value \$4,057,740 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.

Real Estate ID **0090502**

PIN # **1736042550**

Account Search

Location Address

5410 LOUISBURG RD

Property Description

RCMB ST MATTHEWS CHURCH TR1 BM2001-02392

[Pin/Parcel History](#) [Search Results](#) [New Search](#)



[Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

Building Location Address 5410 LOUISBURG RD	Building Description SAINT MATTHEWS BAPTIST CHURCH	Select Card 1 ▼ <input type="button" value="GO"/> Card 01 Of 03 Card 2 >
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Bldg Type 66 Church	Year Blt 1955 Eff Year 1955	Base Bldg Value \$1,237,355
Units	Addns Remod	Grade 25.55 100%
Heated Area 8,508	Int. Adjust. BSMT-Fully	Cond % B 42%
Story Height 1 Story	Semi-fini	Market Adj.
Style Conventional	Other Features	Market Adj.
Basement Full Basement		Accrued % 42%
Exterior Brick		Incomplete Code
Const Type Wood Joist		Card 01 Value \$664,229
Heating Central		All Other Cards \$2,595,020
Air Cond Central		Land Value Assessed \$798,491
Plumbing Adequate		Total Value Assessed \$4,057,740

Main and Addition Summary					Other Improvements				
Story	Type	Code	Area	Inc	Units	DesItem	Code	Year %ADJ	Inc Value
M	1	BR/FB	2736		13800	SF PAVASPH	0028	1970 20	7590
A	1	BPM	3036		83000	SF PAVASPH	0028	2002 60	136950
B	1	OP	242						
C	1	OP	30						
D	1	CD 3	18362						
E									
F									
G									
H									

<p style="text-align: center;">Building Sketch</p>	<p style="text-align: center;">Photograph 2/27/2013</p> <p style="text-align: center;">0090502 02/27/2013</p>
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