

**Board Of Adjustment
Decisions
October 14, 2019**

A-79-18 – 10/14/19

Decision: Approved with the following Conditions:

- 1. Prior to the issuance of a certificate of occupancy for Lot 2 on Book of Maps 2018, Page 1951 ("Lot 2"), the owner shall:**
 - a. Construct a wood fence at least 5 feet in height along the eastern boundary of Lot 2 or the rear yards of the following lots: Lots 10, 11, 12 and 13 as shown on that plat recorded in Book of Maps 2004, Page 417. This fence may be located on these lots and tie in to existing fences with the consent of the property owner.**
 - b. Install four shade trees per 100 lineal feet and three understory trees per 100 lineal feet along the eastern boundary of Lot 2 or the rear yards of the following lots: Lots 10, 11, 12 and 13 as shown on that plat recorded in Book of Maps 2004, Page 417. The landscaping may be located on these lots with the consent of the property owner.**
 - c. Construct a rain garden in the northeast corner of Lot 2 that will release water at a non-erosive velocity on to 704 East Lane Street (Lot 15, Book of Maps 2004, Page 417), which will then gravity flow into the existing yard inlet. The owner of Lot 2 shall maintain the rain garden in accordance with an operation and maintenance manual produced by a registered professional engineer.**
 - d. Construct a driveway and diversion ditch to capture runoff and direct it toward the street or the rain garden.**
 - e. Install a sidewalk along the entire block of East Jones Street between Linden Avenue and Cooke Street.**
- 2. The density of Lot 2 shall be limited to one dwelling unit.**
- 3. Applicant installs stormwater runoff devices to ensure that post-development runoff levels for 2-year and 10-year storms are less than pre-development runoff levels.**

WHEREAS Tephra Development, LLC, property owner, requests a 131' variance to the maximum front yard setback standards of Section 5.4.3.F.9.c. of the Unified Development Ordinance in order to construct either a detached house or an attached house that results in a 156' primary street maximum setback on a lot created as part of a two-lot subdivision of the existing .39 acre parcel zoned Residential-10 and Neighborhood Conservation Overlay District and located at 703 E. Jones Street.

A-78-19 – 10/14/19

Decision: Deferred to the Board's November 13, 2019 agenda.

WHEREAS Columbia II Ridgewood, LLC, property owner, requests a variance for complete relief from the neighborhood transition requirements set forth in Article 3.5 of the Unified Development Ordinance to legalize an existing structure and make improvements to the parking and loading area on a 9.86-acre site zoned Commercial Mixed-Use-3 Conditional Use located at 3514 Wade Avenue.

BOA-0002-2019 – 10/14/19

**Decision: 1. Approved the Block Perimeter variance for Block 1.
2. Approved complete relief from all cross-access requirements but for Pecora Lane.**

WHEREAS Grant Avenue, LLC, property owner, requests a 2,300' variance and an 800' variance from the 3,000' maximum block perimeter requirements set forth in Section 8.3.2.A. that results in block perimeters of 5,300' and 3,800' respectively; a variance for complete relief from the stub street requirements set forth in Section 8.3.4.C. and a variance for complete relief from the cross-access requirements set forth in Section 8.3.5.D. in order to construct five apartment buildings containing approximately 310 units on a 10.77-acre property zoned RX-3-CU, R-6, R-10-CU and Neighborhood Conservation Overlay District located at 2315 & 2318 Grant Avenue and 0/1335 Chester Road (PINS 1704067938 and 1704077038).

A-124-19 – 10/14/19

Decision: Approved as requested.

WHEREAS Penn and Amy Clarke, property owners, request an 0.75' variance from the side lot line setback requirements set forth in Section 2.2.1. of the Unified Development Ordinance to legalize a recently enclosed porch in conjunction with a detached house on a .32-acre property zoned R-4 located 2706 Wilson Lane.

BOA-0003-2019 – 10/14/19

Decision: Approved as requested.

BOA-0003-2019 WHEREAS 2019 Associates, LLC, property owner, requests a variance from the primary street build-to requirements set forth in Section 3.2.4.D.D2. of the Unified Development Ordinance to reduce the minimum building width in the primary build-to from 70% to 50% in order to construct an apartment building on a 0.36 acre property zoned OX-3-DE and located at 2019 Fairview Rd.

BOA-0004-2019 – 10/14/19

Decision: Approved as requested.

WHEREAS Michael Strickland and Kendall Pittock, property owners, request a variance to the maximum building height two-story limitation set forth in Section 5.4.3.F.15.f. of the Unified Development Ordinance in order to convert an existing attic space to a third floor in conjunction with a detached house on a 0.14 acre property zoned R-10, Neighborhood Conservation Overlay District (NCOD) and Special Residential Parking Overlay District (SRPOD) and located at 904 Parker St.

BOA-0005-2019 – 10/14/19

Decision: Approved as requested.

WHEREAS Rufus Hockaday and Fern Powell-Hockaday, property owners, request a 5.6' variance from the rear yard setback requirements set forth in Section 2.2.1. of the Unified Development Ordinance in order to construct an addition to an existing detached house on a 0.25 acre property zoned R-6 and located at 2101 Owens Ln.

BOA-0006-2019 – 10/14/19

Decision: Approved as requested.

WHEREAS Skycrest Associates LLC, property owner, requests complete relief from the 70% primary street and 35% side street build-to requirements set forth in Sections 3.2.4.D.D2. and 3.2.4.D.D4. of the Unified Development Ordinance and a 65' variance from the 300' driveway access spacing requirements set forth in Article 9.5 of the Raleigh Street Design Manual to permit a driveway onto N. New Hope Road that is 235' from the Skycrest Drive intersection all in conjunction with a 14-unit townhouse development on a 1.45 acre property zoned OX-3-CU and located at 2241 N. New Hope Road.

BOA-0007-2019 – 10/14/19

Decision: Approved a 1-year extension of time.

WHEREAS VT Arrow Properties, LLC, and Arrow Drive Development, LLC, property owners, request a one-year extension of time associated with case A-100-17 originally approved on September 11, 2017 and further granted a time extension on September 10, 2018 which authorized a 1.24-acre variance to the minimum lot size requirements set forth in Section 6.4.6.D.2. of the Unified Development Ordinance for a hotel, motel, inn to be located on a 0.66-acre property zoned OP-7, Special Highway Overlay District 2 (SHOD-2) and located at 3925 and 3929 Arrow Dr.

BOA-0008-2019 – 10/14/19

Decision: Approved as requested.

WHEREAS Brandy and Jonathan Thompson, property owners, request a 1.75' variance to the side lot line encroachment allowances set forth in Section 1.5.4.D.1. of the Unified Development Ordinance in order to construct a deck that results in a 3.25' setback from the side lot line and complete relief from the off- street parking requirements set forth in Section 7.1.2.C. to allow an addition to a detached house on a 0.15 acre property zoned R-10, Streetside Historic Overlay District (HOD-S) and located at 1100 Filmore Street.

BOA-0009-2019 – 10/14/19

Decision: Approved as requested.

WHEREAS Goldmark Construction Group LLC, property owner, requests a 1.64' variance to the maximum side wall height requirements set forth in Section 2.2.7. of the Unified Development Ordinance that results in a side wall height of 24.64' on the north side of a detached house on a .28-acre property zoned R-6-CU and located at 2013 Litchfield Downs Lane.

BOA-0010-2019 – 10/14/19

Decision: Approved as requested.

WHEREAS Ellen Harris, property owner, requests a .5' variance to the side lot line setback requirements set forth in Section 2.2.1. of the Unified Development Ordinance to legalize an existing detached house and a 3' variance to the side lot line setback requirements to construct a second floor addition that results in a setback of 7' on a 0.25 acre property zoned R-4 and located at 1612 Jarvis St.

BOA-0011-2019 – 10/14/19

Decision: Approved as requested.

WHEREAS Harold Stevens, property owner, requests a 3,800' variance from the 3,000' maximum block perimeter requirements set forth in Section 8.3.2.A. of the Unified Development Ordinance that results in a block perimeter of 6,800' to permit the subdivision of one lot into two lots on a 0.66 acre property zoned R-4 and located at 3417 Yelverton Cir.

BOA-0012-2019 – 10/14/19

Decision: Deferred to the Board's November 13, 2019 agenda.

WHEREAS Oak Park, Inc., property owner, requests a variance for complete relief from the screening requirements set forth in Section 7.2.5. of the Unified Development Ordinance; complete relief from the pedestrian access requirement set forth in Section 8.3.5.B. requiring the construction of ADA compliant pedestrian walkways between the main entrances of buildings; complete relief, as to all driveways on the property, from the minimum stem length requirements in the NCDOT manual "Policy on Street and Driveway Access to North Carolina Highways" as incorporated into the RSDM by Section 9.5.b.; and a 93' variance from the 150' driveway access

spacing requirements set forth in Section 9.5. of the Raleigh Street Design Manual to permit a driveway onto Oak Park Road that is 57' from the service road intersection parallel to Glenwood Avenue to construct an 8,727 square foot general building for office, retail and/or restaurant uses on a 4.32 acre property zoned CX-3-PL and located at 6005 Glenwood Avenue.

BOA-0014-2019 – 10/14/19

Decision: Approved as requested.

WHEREAS Rex Hospital Inc., property owner, requests a variance from the 33% ground floor transparency requirements set forth in Section 3.2.5.F. of the Unified Development Ordinance in order to construct a 142,835 square feet general building for medical office uses with 25% ground floor transparency on the north facade and 21% ground floor transparency on the west facade on a 27.22 acre property zoned OX-12- CU and located at 2923 Edwards Mill Rd.

BOA-0015-2019 – 10/14/19

Decision: Approved as requested.

WHEREAS Seaboard I, LLC, property owner, requests a 3.33' variance from the 100' driveway access spacing requirements set forth in Section 9.5. of the Raleigh Street Design Manual to permit a driveway onto Seaboard Station Drive that is 96.77' from the Peace Street intersection and a 58.54' variance from the 150' driveway access spacing requirements to permit the same driveway to be located 91.46' from the Seaboard Avenue intersection to construct a 7-story 311,400 square feet mixed-use building containing hotel, residential and retail uses on a 1.04 acre property zoned DX-7-UG and located at 5 Seaboard Avenue, 605 Halifax Street and 8 W Peace Street.

BOA-0016-2019 – 10/14/19

Decision: Approved the Special Use Permit with the condition the pool is not used for organized swimming events.

WHEREAS, Raleigh Beach Road, WEH, LP, property owner, requests a special use permit pursuant to Sections 6.7.3.G.5. and 10.2.9. of the Unified Development Ordinance to construct a pool that is in excess of 65 linear feet or 4,000 square feet in conjunction with a 392 unit apartment complex on a 28.02-acre property zoned RX-3-CU and located at 4805 and 4901 Raleigh Beach Road.

BOA-0017-2019 – 10/14/19

Decision: Approved as requested.

WHEREAS BellSouth Telecommunications, LLC, property owner, requests complete relief from the 55' primary street build-to requirements set forth in Section 3.2.4. of the Unified Development Ordinance; complete relief from the requirement set forth in Section 1.5.6.C. that a building facade be located within the build-to for the first 30 feet along the intersection of Glenwood Avenue and

a new public street and Fairhill Drive and a new public street; complete relief from the 10' protective yard buffer requirement set forth in Section 7.2.4.D. to allow the construction of buildings within 70' of Glenwood Avenue; and a 100' variance to the minimum driveway spacing requirement set forth in Section 8.3.5.C.3.c. to permit two new driveways with a minimum spacing of 100' along the northern side of the new public right-of-way all in order to permit a two-lot subdivision of a 11- acre property on a 17.45 acre property zoned OX-3-PK-CU, OX-5-PK, OX-3-CU, R-10 and located at 5715 Glenwood Ave.

BOA-0019-2019 – 10/14/19

Decision: Deferred to the Board's November 13, 2019 agenda.

WHEREAS Avivar Investments, LLC, property owner, requests a 165' variance and a 126' variance from the minimum driveway spacing requirements set forth in UDO Section 8.3.5.C.3.c, which requires at least 200' between driveways, in order to construct a new driveway on Boylan Avenue with minimum spacings of 35' (from the driveway on the west side of Boylan Avenue, as measured from the centerline of each driveway), and 74' (from the driveway on the east side of Boylan Avenue, as measured from the centerline of each driveway); and a 30' variance from the minimum distance requirements set forth in Section 9.5 of the Raleigh Street Design Manual, which requires a driveway on a Local or Mixed-Use Street to be located at least 100' from the intersection with a Local or Mixed-Use Street, in order to construct a new driveway on Boylan Avenue with a minimum spacing of 70' from the intersection with Peace Street, as measured from the centerline of the new driveway to the edge of the Peace Street right-of-way in order to construct a mixed-use building on a 0.36-acre property zoned CX-4-UG-CU and located at 615 W Peace Street/620 N Boylan Avenue.

A-102-19 – 10/14/19

Decision: Deferred to the Board's November 13, 2019 agenda.

WHEREAS Broughton Properties, LLC, property owner, requests a variance for complete relief from the 2' minimum ground floor elevation requirement set forth in Section 3.2.4.F. of the Unified Development Ordinance; a variance for complete relief from the requirement set forth in Section 3.4.7.E. that buildings have a primary street-facing entrance and that said entrances be located a maximum of 75' apart; a variance from the 50% primary street build-to requirement set forth in Section 3.4.7.C. that results in a 49% (Lot 1), 30% (Lot 3), 35% (Lot 4) and 23% (Lot 5) primary street build-to for four of the proposed lots; a variance from the 25% side street build-to requirement set forth in Section 3.4.7.C. that results in a 0% side street build-to for Lot 4; and a variance for complete relief from the requirement set forth in Section 1.5.6.C. that a portion of the building façade be located within the build-to for the first 30 feet along the street extending from the block corner (Lots 4 and 5) in order to construct an 11 building apartment complex on a 30.54-acre property zoned IX-3-PK and CX- 5-UL-CU located at 5405 Oak Forest Drive and 3900 Sumner Boulevard.

A-110-19 – 10/14/19

Decision: Deferred to the Board's November 13, 2019 agenda.

A-110-19 WHEREAS David Hedrick, property owner, requests a 7,992' variance from the 2,500' maximum block perimeter requirements set forth in Section 8.3.2.A. of the Unified Development Ordinance that results in a block perimeter of 10,492'; a variance for complete relief from the minimum ground floor elevation requirements set forth in Section 3.2.4.F.1.; and a variance for complete relief from the requirement set forth in Section 3.4.7.E. that buildings have a primary street-facing entrance and that there be direct pedestrian access from said entrance to the public sidewalk in order to construct a 120 unit apartment building on a 5.94-acre property zoned CX-4-PL-CU located at 5700 Oak Forest Drive.

A-127-19 – 10/14/19

Decision: Deferred to the Board's November 13, 2019 agenda.

WHEREAS Progress Court Owner, LLC, requests relief from the following roadway and streetscape improvements set forth in Section 8.4.5.A. of the Unified Development Ordinance and Section 3.2.3.A. of the Raleigh Street Design Manual for Progress Court an Avenue 2-Lane, Undivided Street: (i) a 2' variance to the requirement to provide 32' of right-of-way (one-half of the right-of-way width for Progress Court); (ii) a 5' variance to the utility placement easement width of 5 feet, (iii) a 2' variance to the maintenance strip width of 2 feet, (iv) a 6' variance to the sidewalk width of 6', (v) a 6' variance to the planting area width of 6', and (vi) a 7' variance to the bike lane width of 7', in order to permit a change of use to office in an existing general building (warehouse) on a 2.27-acre site zoned IX-3 and located at 2020 Progress Court.

A-133-19 – 10/14/19

Decision: Deferred to the Board's November 13, 2019 agenda.

A-133-19 WHEREAS FH Person, LLC, property owner, requests a variance of 89 parking spaces to the amount of required parking under Article 7.1 of the Unified Development Ordinance in order to allow for a change of use of the existing general buildings from warehouse/industrial uses to a mix of office, retail, bar/restaurant, indoor recreation, light industrial and light manufacturing uses with no off-street parking provided on two properties totaling 1.03 acres and zoned IX-3 and located at 1308 and 1310 S. Person Street.

A-134-19 – 10/14/19

Decision: Deferred to the Board's November 13, 2019 agenda.

WHEREAS Olde Towne WEH Capital, LP, property owner, requests a 2,500' design adjustment, a 9,500' design adjustment and 32,500' design adjustment from the 2,500' maximum block perimeter requirements set forth in Section 8.3.2.A. of the Unified Development Ordinance that results in a block perimeters of 2,500', 9,500' and 32,500' respectively in order to permit the subdivision of a 514-acre property zoned R-10-CU located at 4901, 5125, 5135 & 5325 Rock Quarry Road and 2201, 2281, 2055 & 2001 South New Hope Road, and 3320 & 3316 Barwell Road, and 2680, 2560, 2640, 2590, 2450, 2400 & 2620 Holiday Drive.

A-136-19 – 10/14/19

Decision: Approved with the condition the Applicant installs streetscape along Fairhill Road not objectionable to Duke Energy.

WHEREAS Bellsouth Telecommunications LLC, property owner, requests design adjustment relief from the following roadway and streetscape improvements set forth in Section 8.4.5.A. of the Unified Development Ordinance and Section 3.2.3.A. of the Raleigh Street Design Manual for Fairhill Drive an Avenue 2-Lane, Undivided Street: (i) a 5' design adjustment to the utility placement easement width of 5', (ii) a 2' design adjustment to the maintenance strip width of 2', (iii) a 6' design adjustment to the sidewalk width of 6', (iv) a 6' variance to the planting area width of 6', and (vi) a design adjustment from the street tree planting requirements. The applicant also requests a 21,341' design adjustment from the 2,500' maximum block perimeter requirements set forth in Section 8.3.2.A. of the Unified Development Ordinance that results in a block perimeter of 23,841' and a design adjustment for complete relief from the cross-access requirements set forth in Section 8.3.5.D. to not provide access to the property to the south in order to permit a two-lot subdivision of a 11-acre property zoned OX-5-PK and OX-3-CU located at 5715 Glenwood Avenue.

A-138-19 – 10/14/19

Decision: Deferred to the Board's November 13, 2019 agenda.

A-138-19 WHEREAS Oak Park, Inc., property owner, requests a 1,300' design adjustment from the 3,000' maximum block perimeter requirement set forth in Section 8.3.2.A. of the Unified Development Ordinance that results in a block perimeter of 4,300'; a 2' design adjustment to the minimum 8' sidewalk width requirement set forth in Section 8.5.2.B. to permit 6' wide sidewalks along Oak Park Road and Hollyridge Drive to construct an 8,727 square foot general building for office, retail and/or restaurant uses on a 4.655-acre property zoned CX-3-PL located 6005 Glenwood Avenue.

A-139-19 – 10/14/19

Decision: Deferred to the Board's November 13, 2019 agenda.

WHEREAS Jones Sausage Gas, LLC, property owner, requests a 30,083' design adjustment from the 4,000' maximum block perimeter requirement set forth in Section 8.3.2.A. of the Unified Development Ordinance that results in a block perimeter of 34,083' and a design adjustment for complete relief from the cross-access requirements set forth in Section 8.3.5.D. to not connect to the properties to the north and east in order to construct two general buildings totaling 7,900 square feet on a 6.24-acre property zoned IX-3, IX-3-CU and SHOD-1 located at 4001 & 4005 Jones Sausage Road and 3701 Generosity Court.

A-140-19 – 10/14/19

Decision: Approved as requested.

WHEREAS Seaboard I, LLC, property owner, requests a 3' design adjustment to the maximum width requirement for a mixed use/commercial two- way driveway set forth in Section 8.3.5.C.1.b. of the Unified Development Ordinance to construct a 35' driveway and a design adjustment for complete relief from the requirement set forth in Section 8.3.5.A.3. that vehicles ingress and egress the site in a forward motion construct a 7-story 311,400 square feet mixed- use building containing hotel, residential and retail uses on a .96-acre property zoned DX-7-UG located at 8 W. Peace Street, 605 Halifax Street and 5 Seaboard Avenue.

A-141-19 – 10/14/19

Decision: Deferred to the Board's November 13, 2019 agenda.

WHEREAS Lanewood 2, LLC, and Lanewood 3, LLC, property owners, request relief from the following roadway and streetscape improvements for Glenwood Avenue a Main Street, Parallel Parking Street set forth in Section 8.4.5.D. of the Unified Development Ordinance: (i) a 5' design adjustment to the requirement to provide 36.5-feet of right-of-way (one-half of the right-of-way width for Glenwood Avenue); (ii) a 3' design adjustment to the sidewalk width minimum of 10', (iii) a 3' design adjustment to the planting area width minimum of 6', (iv) a 1' design adjustment to the parallel parking lane width of 8.5' and (v) a 2' design adjustment to the travel lane width of 12'. The applicant also requests 600' design adjustment from the 2,000' maximum block perimeter requirement set forth in Section 8.3.2.A. that results in a block perimeter of 2,600' in order to renovate an existing general building for bar/nightclub uses on a .17-acre property zoned DX-7-SH located at 304 & 306 Glenwood Avenue.

A-142-19 – 10/14/19

Decision: Deferred to the Board's November 13, 2019 agenda.

WHEREAS Sheffield Capital Group, LLC, property owner, requests variances ranging from 59.2' to 65' from the minimum driveway spacing requirements for Glascock Street, an Avenue 2-Lane Undivided Street, set forth in Section 3.2.3.A. of the Raleigh Street Design Manual to construct seven driveways with minimum spacings ranging from 35' to 40.8', as part of a subdivision of four existing lots into a total of seven lots on a 1.88-acre property zoned R-10 located at 1005, 1009, 1013, and 1017 Glascock St.

A-143-19 – 10/14/19

Decision: Deferred to the Board's November 13, 2019 agenda.

WHEREAS Sheffield Capital Group, LLC, property owner, requests a 1' design adjustment from Articles 8.4.5.A. and 8.5.2.G. of the Unified Development Ordinance in order to permit the retention of the existing 5' wide sidewalk in its current location as part of a subdivision of four existing lots into a total of seven lots on a 1.88-acre property zoned R-10 located at 1005, 1009, 1013 and 1017 Glascock Street.



Karen M. Kemerait, Chair

10/22/2019
Date