

**RALEIGH BOARD OF ADJUSTMENT  
SUMMARY OF ACTIONS  
October 12, 2020**

**BOA-0032-2020 – 10/12/2020**

**Action:** Approved as requested.

WHEREAS 2652, LLC, property owner, requests an 88 foot variance from the minimum driveway-to-driveway spacing requirement set forth in Section 8.3.5.C.3.c. of the Unified Development Ordinance that results in a driveway-to-driveway spacing of 112 feet along Marriott Drive; complete relief from the primary street build-to requirements for Lead Mine Road set forth in UDO Sections 3.2.4.D. and 3.4.5.C.; complete relief from the side street build-to requirements for Glenwood Ave set forth in UDO Sections 3.2.4.D. and 3.4.5.C.; complete relief from the ground-floor elevation requirements set forth in UDO Section 3.2.4.F.1.; and complete relief from the pedestrian access requirements set forth in UDO Section 3.4.5.F. in order to not provide street-facing entrances or direct pedestrian access from buildings on the site to Lead Mine Road and Glenwood Ave in order to construct a 276 unit apartment complex on a 10.93-acre property zoned CX-7-PL-CU located at 4315 Lead Mine Road.

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**BOA-0037-2020 – 10/12/2020**

**Action:** Approved as requested.

WHEREAS 630 Hillsborough, LLC, property owner, requests (i) a 35-space variance to the minimum off-street parking requirements set forth in Section 7.1.2.C. of the Unified Development Ordinance in order to provide 5 parking spaces; (ii) a 2 foot variance to UDO Section 3.2.5.C.1, which requires that parking spaces be setback at least 10feet from primary streets, in order to place a parking space 8 feet from North Boylan Avenue; (iii) a variance to UDO Section 3.4.7.D., in order to place parking spaces between the proposed building and North Boylan Avenue; (iv) a variance to UDO Section 3.3.2.B.2. which requires a minimum building height of 2 stories for properties zoned 7 stories or higher with an urban frontage, in order to construct a one-story building; (v) a variance for complete relief from UDO Section 3.3.2.B.3., which requires the street-facing facade at minimum height to account for 75% of the lot width, in order to construct a one-story building; (vi) a variance for complete relief from UDO Section 3.3.2.B.4., which requires a 30 foot minimum depth of minimum height from the front building facade into the lot; (vii) a 75 foot variance to the Raleigh Street Design Manual Article 9.5, which requires driveways to be at least 150 feet from an intersection of two Local or Mixed-Use Streets, in order to legalize the existing driveway located 75 feet from the North Boylan Avenue and Hillsborough Street intersection; (viii) a variance to UDO Section 7.1.7.D.3. to exempt the applicant from planting a shade tree to terminate all parking row areas; and (ix) a seven-foot (7') variance to UDO Section 3.4.2.C.3.iii, which requires that Non-street Side

Additions must be at least as close to the build-to as the existing building, in order to place the addition seven feet (7') inset from the existing building in order to permit a change-of-use from automobile repair to restaurant and construct an additional building on a 0.3-acre parcel zoned NX-7-UL located at 630 Hillsborough Street.

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**A-25-20 – 10/12/2020**

**Action:** Approved as requested.

WHEREAS 630 Hillsborough, LLC, property owner, requests relief from the following roadway and streetscape improvements for Hillsborough Street, an Avenue 3-Lane, Parallel Parking, set forth in Sections 8.4.5.C., 8.5.1. and 8.5.2.B. of the Unified Development Ordinance: (i) a 6.55 foot design adjustment from the requirement to provide one-half of the 90 foot right-of-way (45') in order to retain the existing 76.9 feet-wide right-of-way (ii) a 4.25 foot design adjustment from the requirement to provide one-half of the 62 foot back-of-curb width (31.5') to retain the existing 53.5 feet wide back-of-curb; and (iii) a 6 foot design adjustment to the required planting area width to provide a 0 foot planting area; and relief from the following streetscape improvements for North Boylan Avenue set forth in UDO Section 8.5.2.B.: (iv) a 3 foot design adjustment to the required sidewalk width to provide a 5 foot sidewalk and (v) a 6 foot design adjustment to the required planting area width to provide a 0 foot planting area in order to permit a change-of-use from automobile repair to restaurant and construct an additional building on a 0.3-acre parcel zoned NX-7-UL located at 630 Hillsborough Street.

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**A-26-20 – 10/12/2020**

**Action:** Approved as requested.

WHEREAS 630 Hillsborough, LLC, property owner, requests a 163 foot design alternate, a 90 foot design alternate, and a 55 foot design alternate to Section 8.3.5.C.3.c. of the Unified Development Ordinance, which requires driveways accessing a right-of-way less than 80 feet to be spaced at least 200 feet apart, in order to retain the existing driveway on North Boylan Avenue that is 37 feet, 110 feet and 145 feet away from other driveways along North Boylan Avenue and a design alternate to the cross-access requirements set forth in UDO Section 8.3.5.D. to not provide cross access to PINs 1703-49-1457 and 1703-49-2349 in order to permit a change-of-use from automobile repair to restaurant and construct an additional building on a 0.3-acre parcel zoned NX-7-UL located at 630 Hillsborough Street.

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**BOA-0063-2019 – 10/12/2020**

**Action:** Approved with the condition the applicant will provide at least 6,523 square feet (12% of area of 121 Fayetteville Street) of outdoor

amenity area that may be located under a building overhang and a portion of which may be located on an adjacent parcel (15 East Hargett Street, 1703-78-2456), as shown on the site plan, but would otherwise comply with the outdoor amenity area requirements.

WHEREAS First Union National Bank of NC, property owner, requests (i) a variance for complete relief from the outdoor amenity requirements set forth in Sections 1.5.3.C.1., 1.5.3.C.6., 1.5.3.D.5., and 3.2.6.A3 of the Unified Development Ordinance which requires 12% outdoor amenity area to be provided on-site and uncovered for the proposed 32-story mixed-use building that is more than 50% non-residential and zoned DX with a Shopfront frontage; (ii) a 173 foot variance to the 300 feet spacing standard set forth in Raleigh Street Design Manual Article 9.5 to permit the Northern Driveway (Building 1) to be located 127 feet from Morgan Street.; (iii) a 61 foot variance to the 300 feet spacing standard and a 18 foot variance to the 200 feet spacing requirement both set forth in RSDM Article 9.5 to permit the Middle Driveway (Building 2) to be located 239 feet from Morgan Street and 182 feet from Hargett Street; (iv) a 96 foot variance to the 200 feet spacing requirement set forth in RSDM Article 9.5 to permit the Southern Driveway (Building 2, Loading Dock) to be located 104 feet from Hargett Street; (v) a 6 foot variance to the 6 feet side lot line setback of UDO Section 3.2.6.B in order to permit the building to be located closer than 6 feet to the northern property line; and (vi) a 6 foot variance to the 6 feet side lot line setback of UDO Section 3.2.6.B in order to permit the building to be located closer than 6 feet to the southern property line in order to construct a 32 story office building and associated parking structure on a 1.25-acre property zoned DX-40-SH located at 120 South Wilmington Street.

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#### **A-24-20 – 10/12/2020**

**Action:**       Approved as requested.

A-24-20 WHEREAS First Union National Bank of NC, property owner, requests (i) a 88 foot design alternate to Section 8.3.5.C. of the Unified Development Ordinance and Section 9.5 of the Raleigh Street Design Manual, both of which require a minimum of 200 feet between driveways accessing up to an 80 feet wide street right-of-way, in order to allow the Northern Driveway (Building 1) and the Middle Driveway (Building 2) to be distanced 112 feet from each other; (ii) a 11 foot design alternate to UDO Section 8.3.5.C. and RSDM Section 9.5, both of which require a minimum of 200 feet between driveways accessing up to an 80 feet wide street right-of-way, in order to allow the Northern Driveway (Building 1) and the Southern Driveway (Building 2, Loading Dock) to be distanced 189 feet from each other; (iii) a 123 foot design alternate to UDO Section 8.3.5.C. and RSDM Section 9.5, both of which require a minimum of 200 feet between driveways accessing up to an 80 feet wide street right-of-way, in order to allow the Middle Driveway (Building 2) and the Southern Driveway (Building 2, Loading Dock) to be distanced 77 feet from each other; (iv) a design alternate to UDO section 8.3.5.A.3. and Raleigh Street Design Manual section 9.4.A., which requires vehicles to enter and exit the parking area in a forward motion, in order to permit the loading operations at the

loading dock area; (v) a design alternate for complete relief from cross-access requirements of UDO Section 8.3.5.D., which requires internal vehicular circulation areas be designed and installed to allow for cross-access between abutting lots, so that compliance with UDO Section 8.3.5.D. is not required as to 15 East Hargett Street (PIN 1703-78-2456) in order to construct a 32 story office building and associated parking structure on a 1.25-acre property zoned DX-40-SH located at 120 South Wilmington Street.

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**BOA-0052-2020 – 10/12/2020**

**Action:** Approved as requested with the condition that pedestrian cross-access sidewalks be 6 feet wide and with the understanding that part 5 of the variance request was withdrawn and will be handled administratively.

WHEREAS Madison Wake Forest MF LLC, MCG 1031 III LLC, Angels Landing LLC, property owners, request (1) a variance for relief from the pedestrian access way requirements set forth in Section 3.4.3.D1 so that no pedestrian access ways must be provided to Falls of Neuse Road or from the 14201 Falls of Neuse Road parcel to Common Oaks Drive; (2) relief from the 300 feet pedestrian access way spacing and width requirements set forth in Section 3.4.3.D2, as follows: (a) a 200 foot variance to permit a distance of no more than 500 feet between the northernmost pedestrian access way on Common Oaks Drive and the northeastern corner of the 14301 Falls of Neuse Road property; and (b) a 116 foot variance to permit a distance of 416 feet between the pedestrian access way on Forest Pines Drive and the southeastern corner of the property at the intersection of Falls of Neuse Road and Forest Pines Drive; and (c) a 5 foot variance from the 10 feet minimum width requirement for pedestrian access ways to permit pedestrian access ways to be no less than 5 feet wide; (3) a 10 foot variance from the 10 feet protective yard buffer requirement set forth in Section 7.2.4.D. to permit buildings to be located no less than 50 feet from Common Oaks Drive without providing an additional buffer from the parkway frontage protective yard; (4) a 23 foot variance from the 32 feet driveway width maximum set out in UDO Section 8.3.5.C and Raleigh Street Design Manual Section 9.5 to permit the no more than 55 foot-wide driveway on Forest Pines Drive to remain as-is; (5) relief from the various provisions of the UDO and RSDM to permit the retention of the existing buildings, improvements, and landscaping within the 11081 Forest Pines Drive property, as follows: (a) a variance for complete relief from UDO Section 3.2.5.E to permit the existing building at 11081 Forest Pines Drive property to remain as-is, without meeting current ground floor elevation requirements; (b) a variance for relief from UDO Sections 3.4.3 and 5.3.1 to permit the existing landscaped and forested areas on the 11081 Forest Pines Drive property along Common Oaks Drive and Forest Pines Drive to remain as-is, without meeting parkway frontage protective yard width or landscaping standards; (c) a 25 foot variance to the parking setback provision of UDO Section 3.4.3.C2 in order to legalize the existing parking spaces on the 11081 Forest Pines Drive property located along Common Oaks Drive, so that the existing parking spaces can remain in their current locations; (d) a variance for complete relief from

3.4.3.D1 to permit the existing development on the 11081 Forest Pines Drive property to remain as-is, without requiring the installation of new pedestrian access ways to Common Oaks Drive or Forest Pines Drive; (e) a variance for relief from UDO Sections 3.4.3.F and 7.2.8 to permit the existing walls and fences on the 11081 Forest Pines Drive property to remain as-is, without having to comply with current UDO standards for walls and fences; (f) a variance for complete relief from UDO Sections from Sections 7.1.2, 7.1.6, 7.1.7, and 7.1.8 and RSDM Article 10.1 to allow for the existing parking areas on the 11081 Forest Pines Drive property to remain as-is, without having to comply with current UDO standards governing the number of vehicle parking spaces, bicycle parking, vehicle parking location and layout, and vehicle parking lot landscaping and lighting; (g) a variance from Section 7.2.5 to permit the existing enclosed dumpster pad and other service areas, mechanical equipment, and utility service areas on the 11081 Forest Pines Drive property to remain as-is, without having to comply with current UDO screening standards; (h) a variance from Section 7.4 to permit the existing site lighting on 11081 Forest Pines Drive to remain as-is, without meeting current UDO standards for site lighting; (i) a complete variance from the 10% outdoor amenity area requirement of UDO Sections 1.5.3 and 3.2.5.A.3 to eliminate any outdoor amenity area requirement for the 11081 Forest Pines Drive property; (j) relief from the following streetscape and roadway improvement requirements set forth in UDO Sections 8.4.5.A and 8.4.5.B and RSDM Section 3.2.3.A for those portions of Common Oaks Drive (an Avenue 2-Lane, Undivided street) and Forest Pines Drive (an Avenue 2-Lane, Divided street) adjacent to the 11081 Forest Pines Drive, so that the 11081 Forest Pines Drive property can remain as-is without additional dedication of property or easements: (i) a complete variance from the requirement to dedicate an additional 2 feet for the Common Oaks right-of-way adjacent to the 11081 Forest Pines Drive property; (ii) a 6 foot variance to the 6 feet planting area requirement for the portions of Common Oaks Drive and Forest Pines Drive adjacent to 11081 Forest Pines Drive property; (iii) a 1 foot variance to the 6 feet sidewalk width requirement for the portions of Common Oaks Drive and Forest Pines Drive adjacent to 11081 Forest Pines Drive property, (iv) a 2 foot variance from the 2 feet maintenance strip requirement for those portions of Common Oaks Drive and Forest Pines Drive adjacent to the 11081 Forest Pines Drive property; (v) a variance from any requirements to install additional street trees on the 11081 Forest Pines Drive property or the adjacent Common Oaks Drive and Forest Pine Drive rights-of-way; (vi) a 5 foot variance from the requirement to dedicate 5 feet utility placement easements on the 11081 Forest Pine Drive property along Common Oaks Drive and Forest Pines Drive, in order to construct 216 dwelling units on a 13.03-acre property zoned CX-3-PK and UWPOD located at 14201 and 14301 Falls of Neuse Road and 11081 Forest Pines Drive.

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**BOA-0034-2020 – 10/12/2020**

**Action:**       Approved as requested.

WHEREAS A Squared, LLC and Tenzing Investments, LLC, property owners, requests a variance from the 70% minimum building width in primary street build-to set forth in Section 2.2.4.D. of the Unified Development Ordinance in order to construct three

apartment buildings totaling 14 dwelling units on the site that only occupy 44.9% of the primary street build-to width on a 0.61-acre property zoned R-10 and SRPOD located at 1510 & 1512 Gorman Street, 3806 Kelford Street, 3804, 3806 & 3810 Burt Drive.

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**BOA-0035-2020 – 10/12/2020**

**Action:** Approved with the condition the site shall provide and maintain areas set aside for trees equal to at least 20% of the lot area. Within these areas, trees must be either be preserved or planted in accordance with UDO Section 9.1.9.A.1-5 (without regard to the percentage forestation or dimensional requirements set forth therein). A minimum of 50 trees, which shall be a mix of evergreen and hardwood trees, shall be planted or maintained on site, including at least 6 trees in Outdoor Amenity Areas

WHEREAS C-Net Properties, LLC and KHB Real Estate, LLC, property owners, requests a variance from the 40% forestation requirement set forth in Section 9.1.9. of the Unified Development Ordinance to only require 11% of the site be set aside for trees in order to develop a restaurant on a 1.36-acre property zoned CX-3-PK and UWPOD located at 10831 Wakefield Commons Drive.

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**BOA-0036-2020 – 10/12/2020**

**Action:** Approved as requested with the understanding that parts 2, 3, and 4 of the request were no longer required and were withdrawn by the Applicant.

WHEREAS So Shine, LLC, property owner, requests (1.) a variance from the 70% minimum building width in primary street build-to set forth in Section 3.2.4.D. of the Unified Development Ordinance in order to construct apartment buildings on the site that only occupy 40% of the primary street build-to width; (2.) a variance for complete relief from UDO Section 3.2.4.F.1. which requires the ground floor elevation of residential buildings to be at least two feet above grade; (3.) a variance for complete relief from the cross access requirements of Sections 8.3.4. and 8.3.5. of the Unified Development Ordinance and Section 6.5.5. of the Raleigh Street Design Manual such that pedestrian, bicycle, and vehicular cross access to the three adjoining parcels shall not be required; and (4.) variance relief from driveway spacing requirements in Section 8.3.5.C. of the Unified Development Ordinance and Sections 3.2.3.A., 6.5.2. and 9.5.2. of the Raleigh Street Design Manual to allow a driveway for the subject property to be within 50 feet of the closest driveway to the northwest and within 100 feet of the closest driveway to the southeast, such spacing dimensions to be measured radii to radii in order to construct three 3-unit apartment buildings on a 0.98-acre property zoned RX-3 located at 1719 Poole Road.

**A-27-20 – 10/12/2020**

**Action:** Approved as requested.

WHEREAS FH Person, LLC, property owner, requests a Design Alternate for complete relief from the cross-access requirements of UDO Section 8.3.5.D., which requires internal vehicle circulation areas to be designed and installed to allow for cross-access between abutting lots (1310 (PIN 1703739164) and 1321 (PIN 1703830201) South Person Street), in order to construct two new buildings on a 1.46-acre site zoned IX-3 and NX-3 located at 201 & 254 Branch Street and 1300 & 1304 South Person Street.

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**BOA-0051-2020 – 10/12/2020**

**Action:** Approved as requested.

WHEREAS First Citizens Bank and Trust Company, property owner, requests a Special Use Permit pursuant to Sections 7.3.9.C.2. and 10.2.9. of the Unified Development Ordinance, to permit the installation of two medium-profile ground signs on a triple road-frontage 24.83-acre property zoned IX-3 located at 100 East Tryon Road.