CA# 1086
Case File: IR-2-07

Certified Action
of the City of Raleigh Planning Commission

City of Raleigh
Development Plans Review Center
One Exchange Plaza
Raleigh, NC 27601
(919) 516-2626
www.raleighnc.gov

Case File / Name: **IR-2-07 Thomas & Amanda William**

General Location: On the west side of Banbury Road, west of its intersection with Manning Place, inside the city limits.

Planning District / CAC: University / Wade

Nature of Case: This is a revision to a previously approved an "infill" recombination. IR-4-06 H.W. Manning Jr was approved by Planning Commission on October 12, 2006 to reconfigure 2-existing lots, 11 and 12 (BOM 1935 Page 115, BOM 1938 Page 64 and BOM 2005 page 1083) into 2 single-family lots, zoned Residential-4

The approval is for three revisions to the previously approved IR-4-06 H.W. Manning Jr recorded BOM 2006 PG 196.

The first revision to allow lot 12 to be reduced from lot size of.4338-acres to .387 acres and to reduce the road frontage from 91.34 linear feet along Banbury Road to 80.93-linear feet along Banbury Road. This will be a reduction of .0468 square feet of lot area and a reduction of 10.41 feet in frontage from the originally approved plan.

The second revision is to allow lot 11 to increase the lot size from .774-acres to .82-acres and to increase the road frontage from 276.63-linear feet to 287.04 linear feet along Banbury Road.

The third revision to the revision is to reduce the square footage of the houses to be constructed on lots 11 & 12.

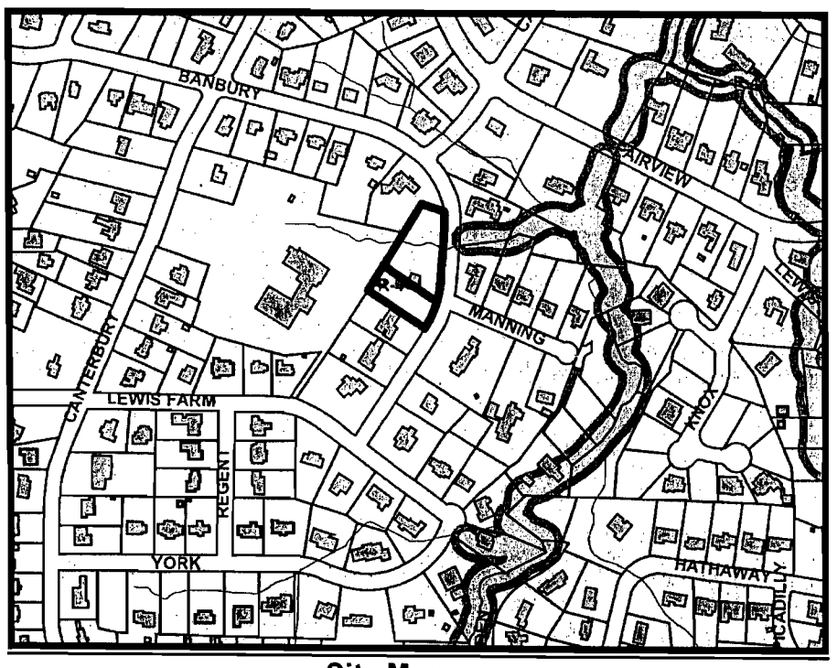
The original restrictive covenant for lot 11 stated that the minimum floor area gross shall not be less than 6,300 square feet with a 3 car garage. The revised covenant states that lot 11 will be no less than 4,000 square feet and not more than 5,000 square feet exclusive of porches and basement.

The original restrictive covenant for lot 12 stated that the minimum floor area gross shall not be less than 7,000 square finished for lot 12 with a 3 car garage. The revised covenant states that lot 12 will be no less than 4,000 square feet and no more than 5,000 square feet including basement and exclusive of porches and attic space.

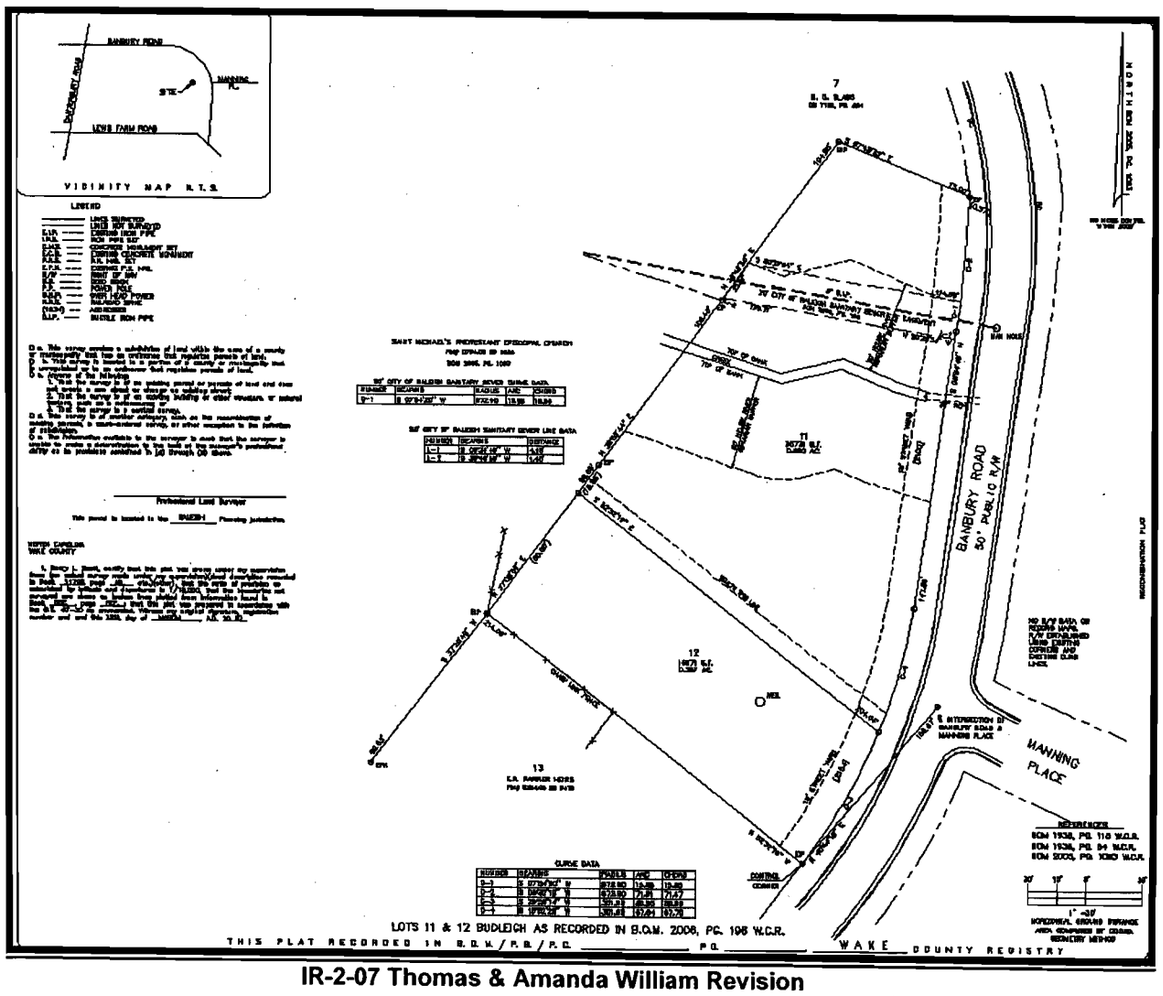
The covenant for building materials and building height will remain as originally submitted.

Issues and Outstanding Issues: Planning Commission should evaluate this request utilizing the infill standards of code section 10-3032(d) as found on page 7 of this staff report.

Contact: Scott & Company


BANBURY
AIRVIEW
MANNING
CANTERBURY
LEWIS FARM
REGENT
YORK
KNOX
HATHAWAY
CADILLY

Site Map



IR-2-07 Thomas & Amanda William Revision

SUBJECT: IR-2007 / Thomas & Amanda Williams Revision

CROSS-REFERENCE: IR-4-05

LOCATION: On the west side off Banbury Road, west of its intersection with Manning Place, inside the city limits.

REQUEST: This is an "infill" recombination to reconfigure 2-existing lots 11 & 12 (BOM 1935 Page115, BOM 1938 Page 64 and BOM 2005 Page 1083. This development constitutes an "infill recombination" of less than 5 acres surrounded on at least 66% of its perimeter by developed single-family detached dwellings, and contains lot frontage less than 80% of the median of the surrounding lots, and lot size less than 80% of the median of the surrounding lots.

Median lot size of surrounding lots	**.63 acres (80% = .504)**
Proposed lot size lot #11	**.820 acres (1.22% of median)**
Proposed lot size lot #12	**.387 acres (61% of median)**
Median lot frontage of surrounding lots	**225.00' (80% = 180')**
Proposed lot frontage lot #11	**287.04' (1.27% of median)**
Proposed lot frontage lot #12	**80.93' (.35% of median)**

OFFICIAL ACTION: **Approval with conditions**

CONDITIONS OF APPROVAL: **As noted on the Staff Report, attached**

FINDINGS: The Planning Commission finds that this request, with the conditions of approval below being met, this infill recombination plan conforms to the infill standards of 10-3032(d). The Planning Commission also finds that this plan, with the conditions of approval below being met, conforms to Chapter 2, Part 10, Sections 10-2019, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated March 12, 2007, owned by Thom Williams, submitted by BL Scott & Company.

ADDITIONAL NOTES: The original IR-4-05 was recorded BOM 2006 Page 196.

To PC: 3/27/07

Case History:

Staff Coordinator: Jacque Baker

Motion: Baker
Second: Smith
In Favor: Baker, Bartholomew, Chambliss, Davis, Everett, Kuczmarski, Mullins, Smith
Opposed:
Excused:

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the Staff Report attached.

Signatures: (Planning Dir.) (PC Chair)

date: 3/29/07 date: 3/29/07

Staff Report

RECOMMENDED ACTION: **Approval with Conditions**

CONDITIONS OF APPROVAL:

Planning Commission Actions:

(1) That the Planning Commission finds that this infill recombination meets the standards of Section 10-3032(d) regarding lot configuration, compliance with general plans and protection from adverse effects of development;

The applicant has materials and information to meet standard 5 of code section 10-3032(d) for the following:

- Elevations
- Building Heights
- Air, light and privacy

The owner has purposed in writing the following:

- **Height:** Maximum building height not to exceed 38 feet for lot 11 from average natural ground elevation (per City of Raleigh Code section 10-2076(b). Lot 12 will have a maximum building height of 38 feet from average natural ground elevation including basement (per City of Raleigh Code section 10-2076(b).
- **Exterior Building Materials:** In keeping with surrounding properties the exterior materials shall either be brick veneer, stucco, concrete, stone or hardy-plank for both lots 11 & 12,
- **Size.** Lot 11 will have a minimum floor area gross shall not be less than 5,500 square feet and no more than 6,700square feet exclusive of porches and basement.
- **Size.** Lot 12 will have a minimum floor area gross of 4,000 square feet and no more than 5,000 square feet including basement and exclusive of porches and attic.

Administrative Actions:

Prior to Planning Department authorization to record lots:

(2) That a final detailed landscape plan showing street yards in accordance with 10-2082.5 be submitted/stamped and approved by the Site Review Specialist in the Inspection Department and a stamped approved copy is placed on file in the Planning Department;

(3) That a stormwater control plan with a stormwater operations and maintenance manual and budget shall be approved by the Stormwater Engineer in compliance with Part 10 Chapter 9, including the designation of buffer areas and open space areas for stormwater purposes prior to grading or map recording, whichever event comes first;

(4) That a plat be recorded showing riparian buffers, in accordance with the preliminary plan and the State of North Carolina regulations, along with a note stating; "Riparian buffers shown on this plat are subject to grading and vegetation removal restrictions in accordance with State law";

(5) That the recorded plat contain the following note: "A restrictive covenant for lot 11 and 12 has been recorded for building materials, house size and building height."

(6) That the owner prepare a restrictive covenants requiring brick veneer, stucco over masonry siding, for lot 11 and establishing a minimum floor area gross of no less than 5,500 square feet and no more than 6,700 square feet, including basement and exclusive of porches and attic space with a maximum building height not to exceed 38 feet from the average natural ground elevation [as per City Code Section 10-2076(b)]. That the City Attorney approves the restrictive covenant prior to its recordation. That the recorded copy of this restrictive covenant be provided to the Planning Department within 14 days of authorization of lot recording. If a recorded copy of this document is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld;

(7) That the owner prepare a restrictive covenants requiring brick, stucco, and some hardie siding for lot 12 and establishing a minimum floor area gross of no less than 4,000 square feet no less than 5,000 square feet exclusive of porches and basement with a maximum building height not to exceed 38 feet from the average natural ground elevation [as per City Code Section 10-2076(b)]. That the City Attorney approves the restrictive covenant prior to its recordation. That the recorded copy of this restrictive covenant be provided to the Planning Department within 14 days of authorization of lot recording. If a recorded copy of this document is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld;

Prior to issuance of building permits in the Inspections Department:

(8) That building plans with a copy of the recorded restrictive covenants be submitted to the Inspection Department;

ZONING:

ZONING DISTRICTS: Residential-4.

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 is shown.

TREE CONSERVATION: Site is less than 2-acres in size and is exempt from 10-2082.14.

PHASING: N/A

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN: Dedication of right-of-way and construction is not required in a recombination.

TRANSIT: No transit easement required in a recombination.

URBAN FORM: This site is located in the University Planning District, in an area designated a residential area.

SUBDIVISION STANDARDS:

LOT LAYOUT: The minimum lot size in this zoning district is 10,890 square feet. The minimum lot depth in this zoning district is 100-linear feet. Lots in this development conform to these minimum standards. This is an infill recombination as defined in Section 10-3003. The total acreage is less than 5 acres surrounded on at least 66% of its perimeter by developed single-family detached dwellings, and contains one or more lot frontages less than 80% of the median of the surrounding lots, and contains one or more lots with a size less than 80% of the median of the surrounding lots.

Lot lines are angled from the street in a similar manner as typical surrounding lots. Lots consist of no more than 4 lines as is typical of surrounding lots. The building envelope for the proposed new lots is placed in such a way that they are not one behind the other when viewed from the public street. Lots proposed may be adequately served by City services.

INFILL STANDARDS:

Any infill lot formed either by recombination or by subdivision after the application of this regulation shall comply with the following:

(1) All lot line boundaries shall meet all of the following;

a. Lot lines are angled from the street in a similar manner as typical surrounding lots and, consist of no more than 4 lot lines as is typical of surrounding lots;
b. Lots proposed may be adequately served by City services.
c. The proposed lots may not be further subdivided and a reservation for a public street is not required.
d. The project is in conformance with the Comprehensive Plan.
e. Measures are proposed to protect other properties from adverse effects and interference with air, light and privacy of surrounding residential properties.

Lot line boundaries may be approved that do not meet subparagraphs a.b.or c. above if the Planning Commission finds the lot line configuration is harmonious wit the lot configuration pattern of the surrounding peripheral lots.

(2) Lots shall be configured to be adequately served by City services, allow for access of emergency vehicles, and meet City standards for proximity to fire hydrants and fire line where public water is available.

(3) If a lot is to be formed of a size that would allow further subdivision, a forty-foot minimum width shall be maintained on all parts of the lot to allow a public street to be extended to serve any additional lots that may be proposed in the future.

(4) The Planning Commission first finds that the infill project is in accordance with the general plans for the physical development of the City as embodied in the Comprehensive Plan (including the design standards contained therein), redevelopment plans, Streetscape Plans, Neighborhood Plans or other City Council-adopted plans and standards. If there are conflict between the plan and Code restrictions, the more stringent shall apply.

(5) The Planning Commission first finds that the infill project contains adequate measures to protect other properties, including public corridors from adverse effects expected from the development or recombination, including stormwater, traffic, and interference with air, light and privacy of surrounding residential properties.

BLOCK LAYOUT: The proposed street layout conforms to City Code, providing for efficient circulation of traffic within the entire neighborhood area. The maximum block length in this development meets the 1500-foot standard as noted in the Streets, Sidewalks and Driveway Access Handbook No dead end streets in this development exceeds 800 feet in length.

PUBLIC UTILITIES: City water and sewer services are available.

SOLID WASTE: Refuse collection is to be provided by the City based on the standards in the Solid Waste Collection Design Manual.

CIRCULATION: Street improvements are not required in a recombination.

PEDESTRIAN: Construction of sidewalks is not required in a recombination.

FLOOD HAZARD: There are no flood hazard areas on this site.

STORMWATER MANAGEMENT: This site is subject to stormwater management of Part 10 Chapter 9.

WETLANDS / RIPARIAN BUFFERS: Neuse River riparian buffers are required on this site and are required to be shown on maps for recoding.

STREET NAMES: No new street names are required for this development.

OTHER REGULATIONS: Developer shall meet all City requirements, including underground utility service (§10-3059), flood protection measures (Part 10, Chapter 4), and the soil erosion ordinance (Part 10, Chapter 5), unless specifically varied by this approval.

Ms. Jaque Baker
Raleigh Planning

March 19, 2007

Re: Lot 12 Banbury, 2104 Banbury Road Recombination

Dear Ms Baker,

The house planned for Lot 12 Banbury , 2104 Banbury Road , Raleigh will be no less than 4000 SF and no more than 5000 SF exclusive of porches and basement. There will be a front porch or covered entry and a covered back porch of approximately 250 SF. There will also be a basement of approximately 1,000 SF. The exterior materials will consist of one or more of the following : brick, stucco, stone and some Hardie type siding. The height of the house as viewed from the road will not exceed 38 ft. Since the house is for sale some variation from the above can be expected.

Sincerely,

Bruce M. Maness

Bruce Maness

ar 13th 2007

Jeanne Baker
Raleigh Planning

By Facs: 516-2684

Re: 2100 Banbury Rd, lot 11

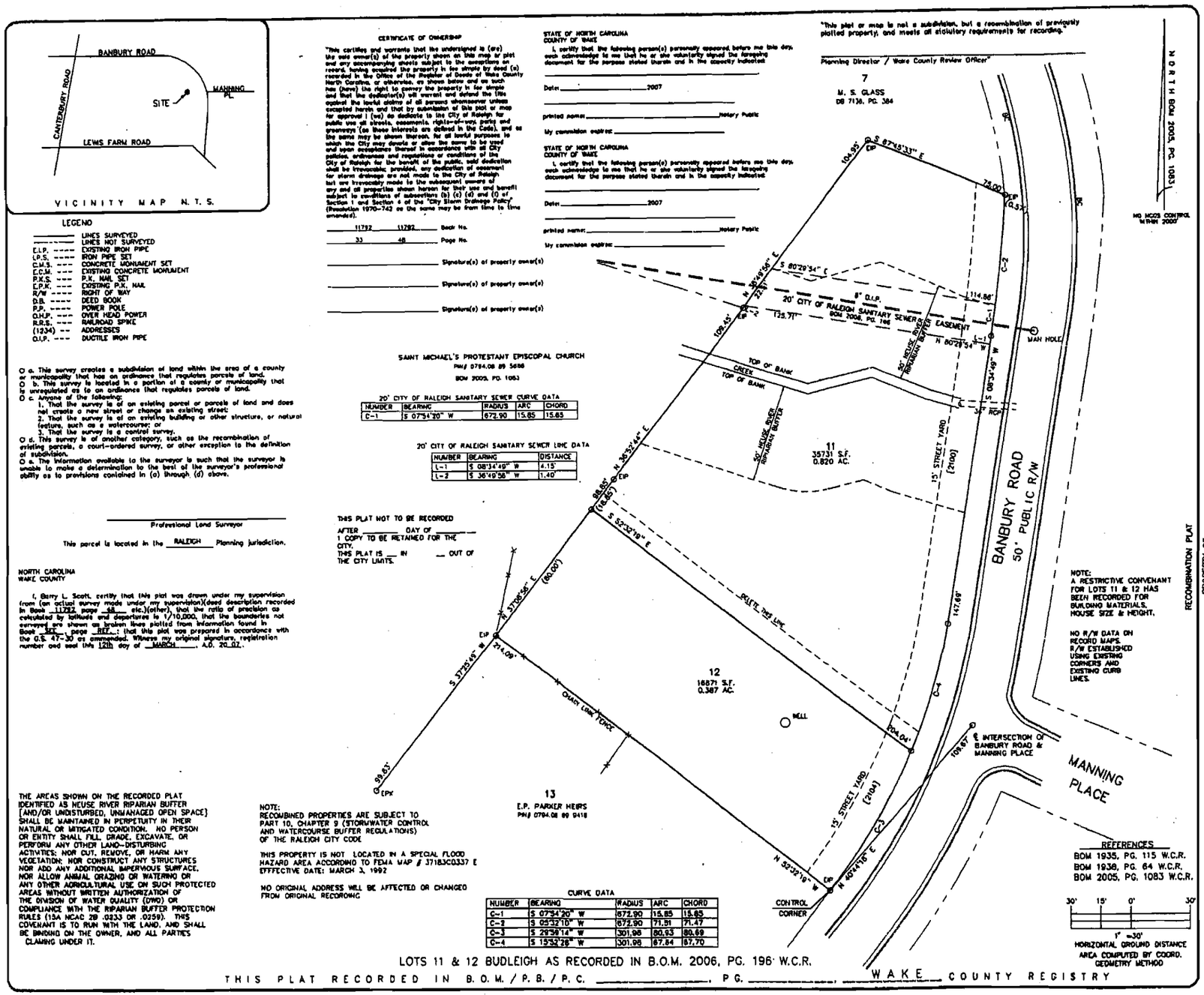
The house to be built upon the lot at 2100 Banbury Rd will be no less than 5500 square feet and no more than 6700 sq ft, including basement and exclusive of porches and attic space.

The house will be built of brick veneer, or stucco as a porridge over masonry. Trim will be of manmade products simulating wood, stone or plaster. Anticipated are some minor wood elements, depending upon the availability of skilled labor.

From the curb at a point midway along the frontage of the proposed house, the height of the structure will be between 37 and 38 feet, using the calculations of 10-2076.

Sincerely,

Thom Williams


BANBURY ROAD
CANTERBURY ROAD
MANNING PL
SITE
LEWIS FARM ROAD
VICINITY MAP N. T. S.
CERTIFICATE OF OWNERSHIP
"This certifies and warrants that the undersigned is (are) the sole owner(s) of the property shown on this map or plat and any contemporaneous streets subject to the exceptions on record, having acquired the property in fee simple by deed (s) recorded in the Office of the Register of Deeds of Wake County North Carolina, or otherwise, as shown below and as such has (have) the right to convey the property in fee simple and that the dedicator(s) will warrant and defend the title against the lawful claims of all persons whomsoever unless excepted hereon and that by submission of this plat or map for approval I (we) do dedicate to the City of Raleigh for public use all streets, easements, right-of-ways parks and greenways (as those interests are defined in the Code), and as the same may be shown thereon, for all lawful purposes to which the City may devote or allow the same to be used and upon acceptance thereof in accordance with all City policies, ordinances and regulations or conditions of the City of Raleigh for the benefit of the public, said dedication shall be irrevocable; provided, any dedication of easement for storm drainage are and made to the City of Raleigh but are irrevocably made to the subsequent owners of any and all properties shown hereon for their use and benefit subject to conditions of subsections (b) (c) (d) and (f) of Section 1 and Section 4 of the "City Storm Drainage Policy" (Resolution 1970-742 as the same may be from time to time amended).
11792 11792 Book No.
33 48 Page No.
Signature(s) of property owner(s)
Signature(s) of property owner(s)
Signature(s) of property owner(s)
STATE OF NORTH CAROLINA
COUNTY OF WAKE
I, certify that the following person(s) personally appeared before me this day, each acknowledge to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated
Date 2007
printed name Notary Public
My commission expires:
STATE OF NORTH CAROLINA
COUNTY OF WAKE
I, certify that the following person(s) personally appeared before me this day, each acknowledge to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated
Date 2007
printed name Notary Public
My commission expires:
"This plat or map is not a subdivision, but a recombination of previously platted property, and meets all statutory requirements for recording."
Planning Director / Wake County Review Officer"
LEGEND
LINES SURVEYED
LINES NOT SURVEYED
E.I.P. EXISTING IRON PIPE
I.P.S. IRON PIPE SET
C.M.S. CONCRETE MONUMENT SET
E.C.M. EXISTING CONCRETE MONUMENT
P.K.S. P.K. NAIL SET
E.P.K. EXISTING P.K. NAIL
R/W RIGHT OF WAY
D.B. DEED BOOK
P.P. POWER POLE
O.H.P. OVER HEAD POWER
R.R.S. RAILROAD SPIKE
(1234) ADDRESS'S
D.I.P. DUCTILE IRON PIPE
O a. This survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.
O b. This survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land.
O c. Anyone of the following:
1. That the survey is of an existing parcel or parcels of land and does not create a new street or change an existing street;
2. That the survey is of an existing building or other structure, or natural feature, such as a watercourse; or
3. That the survey is a control survey.
O d. This survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision.
O e. The information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in (a) through (d) above.
Professional Land Surveyor
This parcel is located in the RALEIGH Planning Jurisdiction.
NORTH CAROLINA
WAKE COUNTY
I, Barry L. Scott, certify that this plat was drawn under my supervision from (an actual survey made under my supervision)(deed description recorded in Book 11792, page 48 etc.)(other), that the ratio of precision as calculated by latitudes and departures is 1/10,000, that the boundaries not surveyed are shown as broken lines plotted from information found in Book 367, page REF.; that this plat was prepared in accordance with the G.S. 47-30 as ammended. Witness my original signature, registration number and seal this 12th day of MARCH A.D. 20 07.
SAINT MICHAEL'S PROTESTANT EPISCOPAL CHURCH
PIN# 0794.08 89 5686
BOM 2005, PG. 1053
20' CITY OF RALEIGH SANITARY SEWER CURVE DATA
NUMBER | BEARING | RADIUS | ARC | CHORD
C-1 | S 07°54'20" W | 672.90 | 15.85 | 15.85
20' CITY OF RALEIGH SANITARY SEWER LINE DATA
NUMBER | BEARING | DISTANCE
L-1 | S 08°34'49" W | 4.15'
L-2 | S 36°49'58" W | 1.40'
THIS PLAT NOT TO BE RECORDED
AFTER DAY OF
1 COPY TO BE RETAINED FOR THE CITY.
THIS PLAT IS IN OUT OF THE CITY LIMITS.
THE AREAS SHOWN ON THE RECORDED PLAT IDENTIFIED AS NEUSE RIVER RIPARIAN BUFFER [AND/OR UNDISTURBED, UNMANAGED OPEN SPACE] SHALL BE MAINTAINED IN PERPETUITY IN THEIR NATURAL OR MITIGATED CONDITION. NO PERSON OR ENTITY SHALL FILL, GRADE, EXCAVATE, OR PERFORM ANY OTHER LAND-DISTURBING ACTIVITIES; NOR CUT, REMOVE, OR HARM ANY VEGETATION; NOR CONSTRUCT ANY STRUCTURES NOR ADD ANY ADDITIONAL IMPERVIOUS SURFACE, NOR ALLOW ANIMAL GRAZING OR WATERING OR ANY OTHER AGRICULTURAL USE ON SUCH PROTECTED AREAS WITHOUT WRITTEN AUTHORIZATION OF THE DIVISION OF WATER QUALITY (DWQ) OR COMPLIANCE WITH THE RIPARIAN BUFFER PROTECTION RULES (15A NCAC 2B .0233 OR .0259). THIS COVENANT IS TO RUN WITH THE LAND, AND SHALL BE BINDING ON THE OWNER, AND ALL PARTIES CLAIMING UNDER IT.
NOTE:
RECOMBINED PROPERTIES ARE SUBJECT TO PART 10, CHAPTER 9 (STORMWATER CONTROL AND WATERCOURSE BUFFER REGULATIONS) OF THE RALEIGH CITY CODE
THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA ACCORDING TO FEMA MAP # 3718360337 E EFFFECTIVE DATE: MARCH 3, 1992
NO ORIGINAL ADDRESS WILL BE AFFECTED OR CHANGED FROM ORIGINAL RECORDING
CURVE DATA
NUMBER | BEARING | RADIUS | ARC | CHORD
C-1 | S 07°54'20" W | 672.90 | 15.85 | 15.85
C-2 | S 05°32'10" W | 672.90 | 71.51 | 71.47
C-3 | S 26°39'14" W | 301.98 | 86.93 | 86.69
C-4 | S 15°53'28" W | 301.98 | 87.84 | 87.70
M. S. GLASS
DB 7136, PG. 384
7
S 87°49'33" E
104.95'
EIP
75.00'
EIP
0.5'
N 36°49'58" E
22.55'
S 80°28'54" E
20' CITY OF RALEIGH SANITARY SEWER EASEMENT
BOM 2006, PG. 186
8" D.I.P.
114.86'
125.71'
C-1
C-2
109.45'
EIP
N 80°28'54" W
MAN HOLE
N 08°34'49" W
4.15'
TOP OF BANK
GREEN
TOP OF BANK
50' NEUSE RIVER RIPARIAN BUFFER
50' NEUSE RIVER RIPARIAN BUFFER
11
35731 S.F.
0.820 AC.
15' STREET YARD (2100)
N 36°49'58" E
1.40'
84.85'
(114.85')
EIP
S 52°30'19" E
DELETE THIS LINE
147.48'
BANBURY ROAD
50' PUBLIC R/W
S 37°29'58" W
(60.00')
EIP
214.08'
S 37°29'58" W
99.85'
EIP
CHAIN LINK FENCE
12
16871 S.F.
0.387 AC.
WELL
204.04'
C-3
15' STREET YARD (2104)
109.97'
℄ INTERSECTION OF BANBURY ROAD & MANNING PLACE
MANNING PLACE
13
E.P. PARKER HEIRS
PIN# 0794.08 89 9418
N 30°32'19" W
EIP
CONTROL CORNER
N 40°44'18" E
NORTH BOM 2005, PG. 1083
NO NCGS CONTROL WITHIN 2000'
NOTE:
A RESTRICTIVE CONVENANT FOR LOTS 11 & 12 HAS BEEN RECORDED FOR BUILDING MATERIALS, HOUSE SIZE & HEIGHT.
NO R/W DATA ON RECORD MAPS. R/W ESTABLISHED USING EXISTING CORNERS AND EXISTING CURB LINES.
REFERENCES
BOM 1935, PG. 115 W.C.R.
BOM 1938, PG. 64 W.C.R.
BOM 2005, PG. 1083 W.C.R.
30' 15' 0' 30'
1" =30'
HORIZONTAL GROUND DISTANCE
AREA COMPUTED BY COORD. GEOMETRY METHOD
LOTS 11 & 12 BUDLEIGH AS RECORDED IN B.O.M. 2006, PG. 196 W.C.R.
THIS PLAT RECORDED IN B. O. M. / P. B. / P. C. PG. WAKE COUNTY REGISTRY
RECOMBINATION PLAT
PROPERTY OF
THOMAS A. & AMANDA B. H. WILLIAMS
BRUCE MANESS BUILDER DESIGNER INC.
PIN(S): 0794.08 89 9367 & 0794.08 89 9791
STATE OF NORTH CAROLINA, U.S.A.
ZONED: R-4 TAX MAP: COUNTY: WAKE PARCEL(S):
TOWNSHIP: RALEIGH
B.L SCOTT & CO.
PROFESSIONAL LAND SURVEYORS
JOB NO : 07-03-05
DATE: 03-12-07
FIELD BK: P250
SURVEYED BY: JC
REVISED
DATE:
DATE: