

Appearance Commission

Design Alternate Application

The purpose of this request is to seek a Design Alternate from the Appearance Commission. This application and all further action shall be consistent with Section 10.2.17 in the Unified Development Ordinance (UDO). The consideration and decision of this request shall be based on the applicable standard, as outlined in Sec. 10.2.17 of the UDO. **A request for a design alternate must be submitted after the first round of review for a development plan or infrastructure construction plan.**

PROJECT	Project Information		
	Project Name	Case Number	
	PIN Number	Zoning District	
	Property Address		
	City	State	ZIP
	Project Applicant Information		
	Name	Email	
	Address	City	
	State	Zip Code	Phone
	OWNER	Property Owner Information	
Name		Email	
Address		City	
State		Zip Code	Phone
Attorney Information			
Name		Email	
ATTORNEY	Address	City	
	State	Zip Code	Phone
	REQUEST		
I am seeking a Design Alternate from the requirements set forth in the following:			
UDO Section 1.5.6.D - Build-to UDO Section 1.5.8.C - Pedestrian Access UDO Section 1.5.9.C - Transparency UDO Section 1.5.10 - Blank Wall UDO Section 1.5.12.C - Garage UDO Section 3.3.3.C - Building Massing UDO Section 7.1.1.I - Vehicle Parking Lot UDO Section 7.2.3 - Landscaping and Screening UDO Section 8.3.2, 8.3.4, 8.3.5 - Blocks, Lots and Access UDO Section 8.4 - New and Existing Streets UDO Section 8.5 - Street Cross Sections UDO Section 10.2.17.E - Raleigh Street Design Manual			

REQUEST	Description of Request(s):

CHECKLIST	
Signed Design Alternate Application	Included
Page(s) addressing required findings	Included
Plan(s) and support documentation	Included
Notary page filled out by owner	Included
Stamped and addressed envelopes and mailing list per UDO Sec. 10.2.1.C.1.	Included
Fee - \$1,716.00	Included

SUBMITTAL INFORMATION

Submit all documentation, with the exception of the required addressed envelopes and notarized certification of owner to:

Carter Pettibone
carter.pettibone@raleighnc.gov
 (p) 919-996- 4643

Deliver the addressed envelopes and notarized certification of owner to:

Carter Pettibone
 Department of Planning and Development
 One Exchange Plaza, Suite 300
 Raleigh NC, 27601

Design Alternates Relating to Blocks, Lots, and Access (UDO Sections 8.3.2, 8.3.4, 8.3.5)

Design Alternate Findings

The Appearance Commission may, in accordance with Section 10.2.17, approve a design alternate from the provisions of Sections 8.3.2, 8.3.4, and 8.3.5 relating to blocks, lots, and access, subject to all of the following findings. For design alternates related to block perimeter, please provide the exact linear footage and exhibit/depiction of the existing or proposed block.

1. The approved Design Alternate is consistent with the intent of Sections 8.3.2, 8.3.4, and 8.3.5
2. The approved Design Alternate does not increase congestion or compromise safety;
3. The approved Design Alternate does not conflict with an approved or built roadway construction project adjacent to or in the vicinity of the site (no Design Alternate shall be approved when the City Council has authorized a roadway design project in the vicinity, where the roadway design has not yet been finalized); and
4. The Design Alternate is deemed reasonable due to one or more of the following:
 - a. Given the existing physical environment, compliance is not physically feasible;
 - b. Compliance would not meaningfully improve connectivity;
 - c. Compliance is not compatible with adjacent uses[s]; or
 - d. The burden of compliance is not reasonable given the size of the site or the intensity of the development.

NOTARIZED CERTIFICATION OF OWNER(S)

Owner Information

Name(s) Evergreen Construction Co
Mailing Address 7706 Six Forks Road Suite 202 Raleigh, NC 27615
Telephone _____
Fax _____
Email Tim@eccmgt.com
Project PIN/Address 0783192821 and 0783191959

I, Timothy G. Morgan, the undersigned, being first duly sworn, depose and say that I voluntarily submitted this Design Alternate Application to the City of Raleigh; that I am the owner(s) of the property described and which is the subject matter of this Application; that all answers to the questions in this application, and all plot plan(s), sketches, data and other supplementary information attached to this application are honest and true to the best of my knowledge and belief. Submission of an incomplete or incorrect application may result in a delay in processing or the rejection of my application.

[NOTE: If the owner is a corporation, this must be signed by an authorized corporate officer; If the owner is a partnership, this must be signed by a general partner; If the owner is a limited liability company, this must be signed by the Manager for a manager managed LLC, or all the members for a member managed LLC.] For multiple owners, attach additional Notarized Certification of Owner(s) pages.

Date: 11/1/2021

Timothy G. Morgan
Signature
Title: Vice President

STATE OF NORTH CAROLINA

Wake COUNTY

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing application for the purpose stated therein and in the capacity indicated:

Timothy G. Morgan, Vice President.

Date: 11/1/2021

Helen E. Hammond
Official Signature of Notary

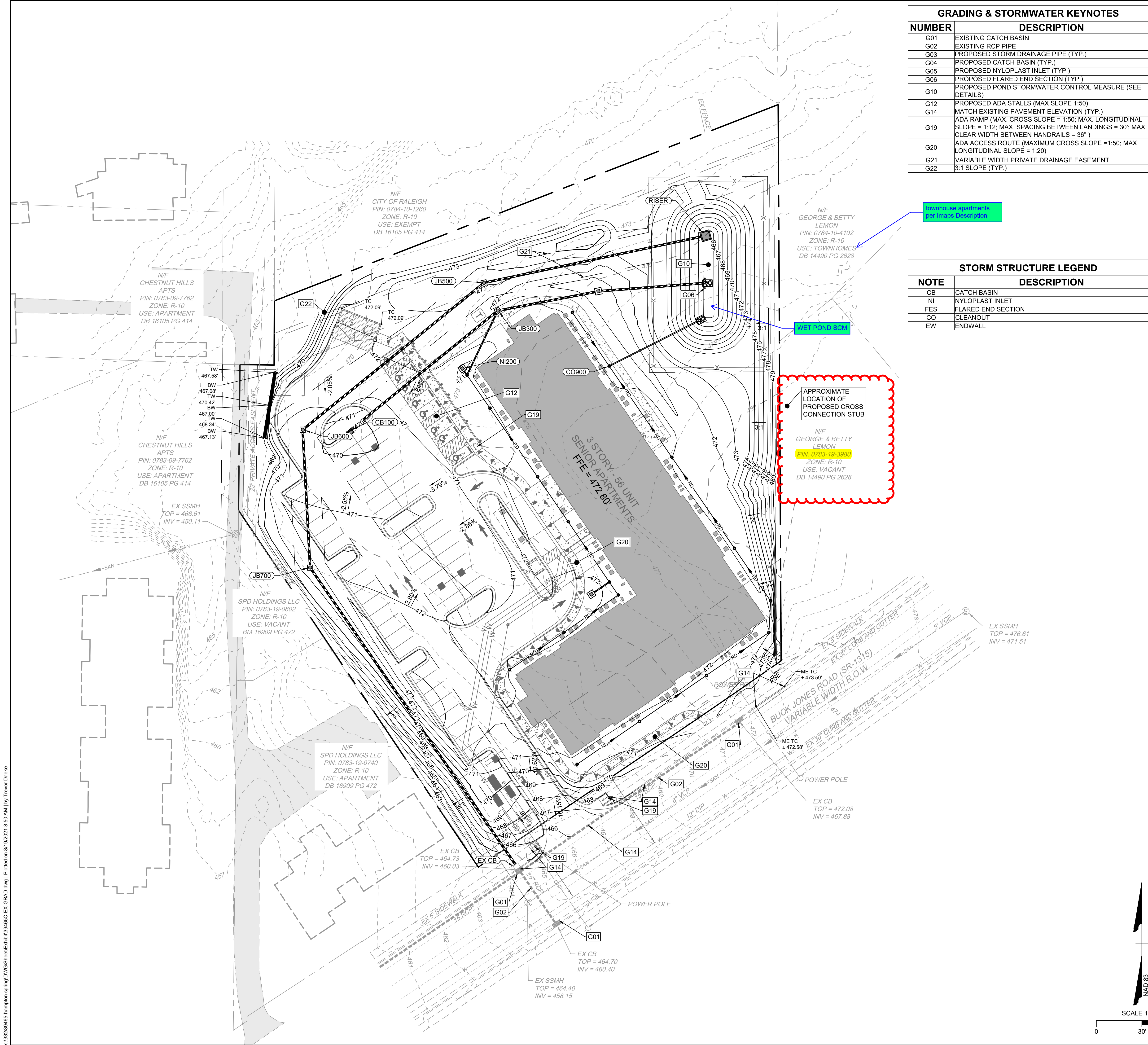
[NOTARY SEAL]

Helen E. Hammond Notary Public
Notary's Printed or Typed Name



My Commission expires: July 25, 2026

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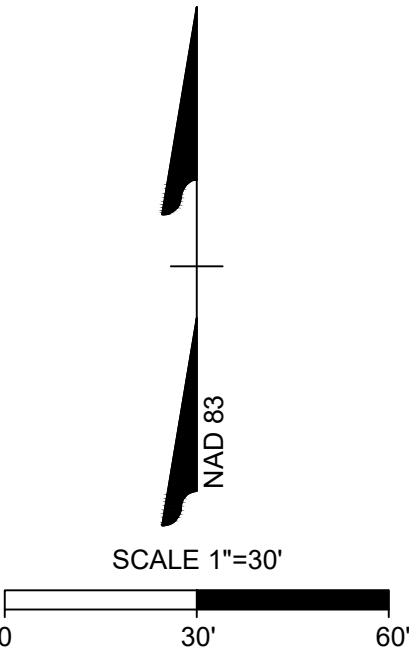


GRADING & STORMWATER KEYNOTES	
NUMBER	DESCRIPTION
G01	EXISTING CATCH BASIN
G02	EXISTING RCP PIPE
G03	PROPOSED STORM DRAINAGE PIPE (TYP.)
G04	PROPOSED CATCH BASIN (TYP.)
G05	PROPOSED NYLOPLAST INLET (TYP.)
G06	PROPOSED FLARED END SECTION (TYP.)
G10	PROPOSED POND STORMWATER CONTROL MEASURE (SEE DETAILS)
G12	PROPOSED ADA STALLS (MAX SLOPE 1:50)
G14	MATCH EXISTING PAVEMENT ELEVATION (TYP.)
G19	ADA RAMP (MAX. CROSS SLOPE = 1:50; MAX. LONGITUDINAL SLOPE = 1:12; MAX. SPACING BETWEEN LANDINGS = 30'; MAX. CLEAR WIDTH BETWEEN HANDRAILS = 36')
G20	ADA ACCESS ROUTE (MAXIMUM CROSS SLOPE =1:50; MAX LONGITUDINAL SLOPE = 1:20)
G21	VARIABLE WIDTH PRIVATE DRAINAGE EASEMENT
G22	3:1 SLOPE (TYP.)

STORM STRUCTURE LEGEND	
NOTE	DESCRIPTION
CB	CATCH BASIN
NI	NYLOPLAST INLET
FES	FLARED END SECTION
CO	CLEANOUT
EW	ENDWALL

- GRADING AND STORM DRAINAGE NOTES
- SEE EROSION CONTROL PLANS FOR LIMITS OF DISTURBANCE.
 - CONTRACTOR SHALL CALL "NORTH CAROLINA ONE CALL" (811) AT LEAST 48 HOURS PRIOR TO DIGGING TO HAVE EXISTING UTILITIES LOCATED. REPORT ANY DISCREPANCIES TO THE ENGINEER.
 - CONTRACTOR TO COORDINATE ACTIVITIES WITH UTILITY COMPANIES INVOLVED IN ANY RELATED RELOCATION (I.E. POWER POLES, TELEPHONE PEDESTALS, WATER METERS, ETC.).
 - EXISTING UTILITIES SHOWN ARE BASED ON FIELD SURVEYS AND THE BEST AVAILABLE RECORD DRAWINGS. THE CONTRACTOR SHALL VERIFY CONDITIONS PRIOR TO BEGINNING CONSTRUCTION. ANY DISCREPANCIES BETWEEN ACTUAL FIELD CONDITIONS AND THE PLANS SHALL BE REPORTED TO THE ENGINEER IMMEDIATELY.
 - THE CATCH BASINS AND YARD INLETS SHALL BE CONSTRUCTED IN THE LOCATIONS SHOWN UNLESS OTHERWISE DIRECTED BY THE ENGINEER. THE CONTRACTOR IS RESPONSIBLE FOR REPORTING ANY DISCREPANCIES IN THE CATCH BASIN ELEVATIONS OR THE PROPOSED PIPE SLOPES TO THE ENGINEER. THE CONTRACTOR IS ALSO RESPONSIBLE TO REPORT ANY CONFLICTS BETWEEN ANY UTILITY, STORM DRAIN LINE, WATER LINE, SEWER LINE OR ANY OTHER PROPOSED OR EXISTING STRUCTURE TO THE ENGINEER.
 - A LAND DISTURBING PERMIT WILL BE REQUIRED PRIOR TO THE COMMENCEMENT OF ANY LAND-DISTURBING ACTIVITIES.
 - ALL EXISTING VAULTS, MANHOLES, STORM DRAIN STRUCTURES, VALVE BOXES, CLEANOUTS, ETC. SHALL BE ADJUSTED AS NEEDED TO MATCH FINISHED GRADE.
 - ALL BACKFILL, COMPACTION, SOILS TESTING, ETC. SHALL BE PERFORMED BY THE OWNER'S INDEPENDENT TESTING LABORATORY.
 - ALL SPOT ELEVATIONS INDICATED ARE AT TOP OF CURB UNLESS NOTED OTHERWISE.
 - ALL ELEVATIONS ARE BASED ON VERTICAL DATUM NAVD88.
 - A PRE-CONSTRUCTION MEETING BETWEEN CITY OF RALEIGH STORMWATER INSPECTIONS, CONTRACTOR, AND OWNER MUST BE SCHEDULED PRIOR TO ANY WORK, GRADING OR INSTALLATION OF EROSION CONTROL MEASURES.
 - ALL HANDICAP PARKING SPACES AND STRIPED ACCESSIBILITY AISLES ARE TO HAVE NO MORE THAN A 1:50 (2.0%) SLOPE IN ALL DIRECTIONS. ALL SIDEWALKS ARE TO HAVE NO MORE THAN A 1:20 (5.0%) SLOPE FOR THE LENGTH OF THE SIDEWALK AND NO MORE THAN A 1:50 (2.0%) SLOPE FOR THE WIDTH OF THE SIDEWALK.
 - IF CONTRACTOR NOTICES ANY DISCREPANCIES IN ANY OF THESE SLOPE REQUIREMENTS, IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE OWNER PRIOR TO POURING ANY CONCRETE SO THAT A SOLUTION CAN BE FOUND.
 - SPOT ELEVATIONS ARE GIVEN AT THE MAJORITY OF THE MAJOR BREAK POINTS BUT IT SHOULD NOT BE ASSUMED THAT ALL NECESSARY SPOT ELEVATIONS ARE SHOWN. DUE TO SPACE LIMITATIONS, THERE MAY BE OTHER CRITICAL SPOTS NOT LABELED THAT SHOULD BE TAKEN INTO CONSIDERATION. THE CONTRACTOR SHALL REVIEW THE GRADING PLAN IN DETAIL AND SHALL ENSURE THAT ALL CRITICAL GRADE POINTS ARE STAKED AND FOLLOWED TO PROVIDE POSITIVE DRAINAGE.
 - EXISTING VEGETATION WITHIN TREE PROTECTIVE AREAS SHALL REMAIN UNDISTURBED UNLESS NOTED OTHERWISE. ANY AND ALL LANDSCAPING AND EXISTING TREES & SHRUBS TO REMAIN WHICH ARE DAMAGED DURING DEMOLITION OR CONSTRUCTION SHALL BE REPLACED BY THE CONTRACTOR USING A LICENSED LANDSCAPE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.
 - THE GRADING CONTRACTOR SHALL COMPLY WITH ALL STATE CODES IN OBSERVING EROSION CONTROL MEASURES BOTH ON AND OFF-SITE. THE GRADING CONTRACTOR SHALL MAINTAIN ALL EROSION CONTROL DEVICES AFTER EACH RAINFALL EVENT OR AS DIRECTED BY THE EROSION CONTROL INSPECTOR OR THE ARCHITECT.
 - THE GRADING CONTRACTOR SHALL BE RESPONSIBLE FOR OFF-SITE DISPOSAL OF ALL CLEARING AND GRADING WASTE MATERIALS GENERATED DURING CONSTRUCTION AND FOR OBTAINING ALL APPLICABLE PERMITS FOR OFF-SITE STOCKPILES AND/OR WASTE AREAS.
 - ALL CATCH BASINS MUST BE MARKED "DUMP NO WASTE DRAINS TO STREAM" OR EQUIVALENT.

CROSS ACCESS REQUIREMENTS	
ADJACENT PIN	PROVIDED / EXEMPT
0783190740	EXEMPT PER UDO SEC. 8.3.5.D.5.b.iii (TC-6-19); STEEP SLOPES; REFER TO GRADING PLAN
0783190802	EXEMPT PER UDO SEC. 8.3.5.D.5.b.iii (TC-6-19); STEEP SLOPES; REFER TO GRADING PLAN
0783097762	EXEMPT PER UDO SEC. 8.3.5.D.5.b.iii (TC-6-19); STEEP SLOPES; REFER TO GRADING PLAN
0784101260	EXEMPT PER UDO SEC. 8.3.5.D.5.b.ii (TC-6-19); CONTROLLED ACCESS, FUTURE WESTERN BLVD
0784104102	EXEMPT PER UDO SEC. 8.3.5.D.5.a. (TC-6-19); TOWNHOUSE USE
0783193980	EXEMPT PER UDO SEC. 8.3.5.D.5.b.iii (TC-6-19); STEEP SLOPES; REFER TO GRADING PLAN



PRELIMINARY - NOT RELEASED FOR CONSTRUCTION
ALL CONSTRUCTION TO BE IN ACCORDANCE WITH ALL CITY OF RALEIGH, NCDEQ AND NCDOT STANDARDS, SPECIFICATIONS, AND DETAILS

PRELIMINARY
NOT FOR
CONSTRUCTION

THIS DRAWING PREPARED AT THE
RALEIGH OFFICE
5410 Trinity Road, Suite 102 | Raleigh, NC 27607
TEL 919.866.4951 FAX 919.833.8124 www.timmons.com

YOUR VISION ACHIEVED THROUGH OURS.

REVISION DESCRIPTION
REVISION PER CITY OF RALEIGH COMMENTS
REVISION PER CITY OF RALEIGH COMMENTS
REVISION PER CITY OF RALEIGH COMMENTS

DATE
04/02/2021
06/29/2021
08/XX/2021

DATE
04/02/2021

DRAWN BY
C. PUGH

DESIGNED BY
P. BARBEAU

CHECKED BY
R. BAKER

SCALE
AS SHOWN

TIMMONS GROUP
NORTH CAROLINA LICENSE NO. C-1652
HAMPTON SPRING - CONGREGATE CARE
CITY OF RALEIGH, WAKE COUNTY, NORTH CAROLINA
GRADING AND STORM DRAINAGE PLAN

JOB NO.
39465
SHEET NO.
EX3.0

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City of Raleigh, NC Appearance Commission Application Instructions



PRE-APPLICATION MEETING

A pre-application meeting with City staff is required **prior to** the submittal of a Design Alternate Application. Please contact the Transportation Reviewer assigned to your Development Plan Application to schedule a Pre-application meeting. For general questions regarding the process to seek a Design Alternate, please contact Daniel.king@raleighnc.gov.

FILING FEE: \$1,716.00

SUBMITTAL REQUIREMENTS

Design Alternate Applications can be downloaded from City's official website [Design Alternate Process](#). An application will not be considered complete until **ALL** the following items have been submitted:

1. Payment of filing fee - All applications must be paid via check made out to the "City of Raleigh";
2. The most current version of your Development Plan highlighting the Design Alternates requested must be included with your application. If the Development Plan is amended, you must update the Design Alternate Application to include a copy of the most recent version of the Development Plan **no later than 15 business days prior to the evidentiary hearing on your Application.**
3. A list that includes the names and mailing addresses of the following: (1) owner(s) of the subject property included in the Application and (2) the owners of all property within 100 feet on all sides of the Subject Property, all as listed in the Wake County tax records at the time of submittal. Applicants may utilize the Label Creator tool located on the City's webpage <https://raleighnc.gov/board-adjustment>;
4. One (1) original hard copy of the signed and notarized Certification of Owner(s) or Applicant(s); and
5. Stamped (first class) and labeled envelopes addressed to the owner(s) and tenant(s) of the Subject Property and the owners and tenants of all property within 100 feet on all sides of the Subject Property as noted on the required list. It is requested that the envelopes be self-sealing (peel and stick) and labeled with the following return address: Department of Planning and Development, City of Raleigh, P.O. Box 590, Raleigh, NC 27602-0590

**** Notarized Certification of Owner(s) or Applicant(s) and Stamped and Addressed Envelopes MUST be submitted by the filing deadline ****

FILING DEADLINES

Complete applications must be filed minimum a of 60 days prior to the date the Appearance Commission conducts the evidentiary hearing on the application. If the Development Plan is amended, you must update the Design Alternate Application to include a copy of the most recent version of the Development Plan no later than 15 business days prior to the evidentiary hearing on the application.

PUBLIC HEARING REQUIREMENT

The Raleigh Appearance Commission conducts evidentiary hearings on requests for Design Alternates. The Appearance Commission considers the application and the sworn testimony, and other relevant written and/or illustrative evidence entered into the record at the evidentiary hearing on the application.

Notification of the public hearing will take place by each of the following methods:

- **By Mail** – City Staff will prepare and mail a written notice to the owner(s) and tenant(s) of the property (the “Subject Property”) included in the Design Alternate Application and the owners and tenants of all property within 100 feet on all sides of the Subject Property. This notice will be postmarked not more than 25 calendar days and no less than 10 calendar days prior to the date of the evidentiary hearing.
- **By Web** - Notice will be posted on the City’s official website no less than 10 calendar days prior to the date of the evidentiary hearing.
- **On-Site** - Notice will also be posted by City staff on the Subject Property at least 10 days prior to the date of the evidentiary hearing.

QUASI-JUDICIAL EVIDENTIARY HEARING

You or your legal representative are **required** to attend and present your case before the Appearance Commission. The Appearance Commission will consider the application, any other relevant written and/or illustrative evidence entered into the record, including the Staff Report, and any sworn testimony, all at an evidentiary hearing. After the evidentiary hearing, the Appearance Commission will vote to approve, approve with conditions, or deny the application.

Appearance Commission meetings are typically held the 1st and 3rd Monday of each month in the City Council Chamber, Room 201 of the Raleigh Municipal Building located at 222 W. Hargett Street. Meetings begin at 4:30 p.m. unless otherwise specified. The Appearance Commission conducts evidentiary hearings on Design Alternate Applications at its meeting on the 1st Thursday of each month.

The Appearance Commission conducts an evidentiary hearing and makes its decision based on the written and oral evidence in the record. Members of the Appearance Commission must refrain from *ex parte* communications (communications outside of the hearing itself) regarding upcoming or ongoing cases including the applicant and other members of the Appearance Commission. All testimony before the Appearance Commission must be “sworn” testimony; therefore, all persons wishing to speak on the matter must be sworn in

All applicants are advised to have an attorney represent them as this is a legal proceeding. Applicants that are entities, including governmental entities, corporations, LLCs, LLPs and Partnerships must be represented by an attorney. Engineers, architects, real estate agents, planners and other non-attorneys may only appear as witnesses; they may not appear on behalf of an applicant or those opposed to an application in a representative capacity. In addition, only an expert can testify regarding matters that require expert testimony such as impacts of proposed activities on property values, traffic, or stormwater runoff. Individuals opposed to an application may appear and represent themselves at the hearing (entities opposing an application, however, must be represented by an attorney as explained above).

ADDITIONAL INFORMATION:

The aforementioned is provided for informational purposes only. For further information, applicants are advised to consult the appropriate sections of the North Carolina General Statutes, the City Code, and the City’s Unified Development Ordinance (“UDO”).

For further information on the quasi-judicial hearing process, please review “A Citizen’s Guide to Evidentiary Hearings” available on the City’s website here:

<https://cityofraleigh0drupal.blob.core.usgovcloudapi.net/drupal-prod/COR14/EvidentiaryHearing.pdf>

0783097762
SOUTHERN REPAIR SERVICE INC
PO BOX 685
DURHAM NC 27702-0685

0783190740
SPD HOLDINGS LLC
5862 FARINGDON PL STE 1
RALEIGH NC 27609-4582

0783190740
RESIDENT/TENANT
224 BUCK JONES RD
RALEIGH NC 27606

0783190740
RESIDENT/TENANT
224 BUCK JONES RD UNIT A
RALEIGH NC 27606

0783190740
RESIDENT/TENANT
226 BUCK JONES RD
RALEIGH NC 27606

0783190740
RESIDENT/TENANT
226 BUCK JONES RD APT A
RALEIGH NC 27606

0783190740
RESIDENT/TENANT
226 BUCK JONES RD APT B
RALEIGH NC 27606

0783190740
RESIDENT/TENANT
226 BUCK JONES RD APT C
RALEIGH NC 27606

0783190740
RESIDENT/TENANT
226 BUCK JONES RD APT D
RALEIGH NC 27606

0783190802
SPD HOLDINGS LLC
5862 FARINGDON PL STE 1
RALEIGH NC 27609-4582

0783191959
EVERGREEN CONSTRUCTION CO
7706 SIX FORKS RD STE 202
RALEIGH NC 27615-5067

0783192500
ASHLEY, JOHN D
221 BUCK JONES RD
RALEIGH NC 27606-1220

0783192586
ASFARI, AMIN LEANA, VASILICA
217 BUCK JONES RD
RALEIGH NC 27606-1220

0783192821
EVERGREEN CONSTRUCTION CO
7706 SIX FORKS RD STE 202
RALEIGH NC 27615-5067

0783193671
PEDERSEN, BJORN PEDERSEN, RUTH H
213 BUCK JONES RD
RALEIGH NC 27606-1220

0783193671
RESIDENT/TENANT
213 BUCK JONES RD UNIT 1
Raleigh, NC 27606

0783193980
LENNON, GEORGE W LENNON, BETTY ANNE
4101 CITY OF OAKS WYND
RALEIGH NC 27612-5312

0783194648
YEUNG, CHING-KIT
209 BUCK JONES RD
RALEIGH NC 27606-1220

0784008014
OWENS, TIMOTHY F
228 BUCK JONES RD
RALEIGH NC 27606-1221

0784008124
OWENS, TIMOTHY F
228 BUCK JONES RD
RALEIGH NC 27606-1221

0784008124
RESIDENT/TENANT
104 BURTON AVE
RALEIGH NC 27606

0784101260
RALEIGH CITY OF
PO BOX 590
RALEIGH NC 27602-0590

0784101260
RESIDENT/TENANT
110 BURTON AVE
RALEIGH NC 27606

0784104081
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RALEIGH NC 27612-5312

0784104081
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200 BUCK JONES ROAD APT 1
RALEIGH NC 27606

0784104081
RESIDENT/TENANT
200 BUCK JONES ROAD APT 2
RALEIGH NC 27606

0784104081
RESIDENT/TENANT
200 BUCK JONES ROAD APT 3
RALEIGH NC 27606

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RESIDENT/TENANT
200 BUCK JONES ROAD APT 4
RALEIGH NC 27606

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RESIDENT/TENANT
200 BUCK JONES ROAD APT 5
RALEIGH NC 27606

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RESIDENT/TENANT
200 BUCK JONES ROAD APT 6
RALEIGH NC 27606

0784104081
RESIDENT/TENANT
200 BUCK JONES ROAD APT 7
RALEIGH NC 27606

0784104081
RESIDENT/TENANT
200 BUCK JONES ROAD APT 8
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0784104102
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RALEIGH NC 27606

0784104102
RESIDENT/TENANT
200 BUCK JONES RD APT 10
RALEIGH NC 27606

0784104102
RESIDENT/TENANT
200 BUCK JONES RD APT 11
RALEIGH NC 27606

0784104102
RESIDENT/TENANT
200 BUCK JONES RD APT 12
RALEIGH NC 27606

0784104102
RESIDENT/TENANT
200 BUCK JONES RD APT 13
RALEIGH NC 27606

0784104102
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200 BUCK JONES RD APT 14
RALEIGH NC 27606

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