

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 10.2.18 in the Unified Development Ordinance (UDO). The consideration and decision of this request shall be based on the applicable standard, as outlined in Sec. 10.2.18 of the UDO. **A preliminary subdivision plan, plot plan, or site plan must be submitted to Development Services prior to the submittal of a Design Alternate Application.**

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			
ATTORNEY	Name		Email
	Address		City
	State	Zip Code	Phone
	REQUEST		
REQUEST	I am seeking a Design Alternate from the requirements set forth in the following:		
	UDO Article 8.3.2, 8.3.4, 8.3.5		See page 2 for findings
	UDO Article 8.4, 8.5, Raleigh Street Design Manual		See page 3 for findings

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; corresponding mailing list per UDO Sec. 10.2.1.C.1.	Included
Fee - \$211.00	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- 4642

Deliver the addressed envelopes and notarized certification of owner to:

Department of Planning and Development

One Exchange Plaza, Suite 300

Raleigh NC, 27601

UDO Section 8.3.2, 8.3.4, 8.3.5

Design Alternate Findings

The Appearance Commission may in accordance with Sec. 10.2.18.D approve a design alternate, 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 meets 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 Adjustment 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.

UDO Articles 8.4, 8.5 and RALEIGH STREET DESIGN MANUAL

Design Alternate Findings

The Appearance Commission may in accordance with Sec. 10.2.18.E approve a design alternate, 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 meets the intent of Articles 8.4 and 8.5 or the Raleigh Street Design Manual (if applicable);
2. The approved Design Alternate does not increase congestion or compromise safety;
3. The approved Design Alternate does not create additional maintenance responsibilities for the City;
4. The approved Design Alternate has been designed and certified by a Professional Engineer, or such other Design Professional licensed to design, seal, and certify the alternate;
5. The approved Design Alternate will not adversely impact stormwater collection and conveyance; and
6. The Design Alternate is deemed reasonable due to one or more of the following:
 - a. Given the existing physical environment, including but not limited to the following, compliance is not physically feasible:
 - i. An existing building would impede roadway expansion; or
 - ii. Transitioning from a different street section; or
 - b. The burden of compliance is not reasonable given the size of the site or intensity of the development.

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: \$211.00

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) of the Subject Property and the owners 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) of the property (the “Subject Property”) included in the Design Alternate Application and the owners 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. ***NOTICE TO APPLICANT - The applicant must retrieve the posted sign the morning of the evidentiary hearing and return it to the City either at the evidentiary hearing or within three (3) business days following the evidentiary hearing or they will be charged \$45.00.***

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>

NOTARIZED CERTIFICATION OF OWNER(S)

I, NEAL MOTAPARTHY, the undersigned, being first duly sworn, depose and say that I voluntarily submitted this Board of Adjustment Application to the City of Raleigh; that I am the owner(s) of the property described and which is the subject matter of this Board of Adjustment 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: 8-14-20


Signature

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:

Date: 14-August-2020

C. Elisabeth McDonald

Official Signature of Notary

[NOTARY SEAL]

C. Elisabeth McDonald

, Notary Public

Notary's Printed or Typed Name

C. Elisabeth McDonald
NOTARY PUBLIC
Wake County
North Carolina
My Commission Expires November 4, 2024

My Commission expires: 4-November-2024

ADA NOTES

1. PROPOSED ADA PARKING AND STALL STERLING SHALL HAVE SLOPES NO STEEPER THAN 1:48 (2%).
2. PROPOSED ACCESSIBLE ROUTE TO RIGHT-OF-WAY AND PROPOSED SIDEWALKS SHALL HAVE A RUNNING SLOPE NO STEEPER THAN 1:20 (5%) AND CROSS SLOPES NO STEEPER THAN 1:48 (2%).
3. RAMP SHALL COMPLY WITH THE REQUIREMENTS OF 2012 NCSDC SECTION 1010.
4. HANDRAILS SHALL COMPLY WITH THE REQUIREMENTS OF 2012 NCSDC SECTION 1012.

LEGEND

---	EXISTING PROPERTY LINE
---	EXISTING ADJUTING PROPERTY LINE
---	EXISTING RIGHT-OF-WAY
---	EXISTING OVERHEAD POWER LINE
---	EXISTING ADJUTING PROPERTY LINE
---	EXISTING EDGE OF PAVEMENT
---	EXISTING SANITARY SEWER
---	EXISTING SANITARY SEWER
---	EXISTING PAINT STRIPING
---	PROPOSED CITY OF RALEIGH
---	GENERAL UTILITY EASEMENT
---	PROPOSED LOT LINE

SUMMARY INFORMATION

DEVELOPMENT NAME: 519 E. EDENTON-2 LOT SUBDIVISION
 SITE ADDRESS: 519 E. EDENTON STREET
 RALEIGH, NORTH CAROLINA
 PIN NUMBER: 1703-99-2452
 JURISDICTION: CITY OF RALEIGH
 CURRENT ZONING DISTRICT: RX-3
 CURRENT OVERLAY: 1900 NEW BERN-EDENTON
 HISTORIC OVERLAY DISTRICT

TOTAL GROSS SITE AREA: 0.200 ACRES (8,815.89 SF)
 PROPOSED LOT 1: 0.093 ACRES (4,042.12 SF)
 PROPOSED LOT 2: 0.093 ACRES (4,071.78 SF)
 PROPOSED DENSITY: 21 UNITS/0.200 ACRES/90.3/A

OWNER/DEVELOPER:
 NEAL MOTAPARTHY
 105 CASHWELL DRIVE
 GOLDSBORO, NORTH CAROLINA 27534

ENGINEER:
 CRUMPLER CONSULTING SERVICES, PLLC
 CONTACT: JOSH CRUMPLER, PE
 2308 RIDGE ROAD
 RALEIGH, NC 27612
 (919) 413-1704



PRELIMINARY PLANS

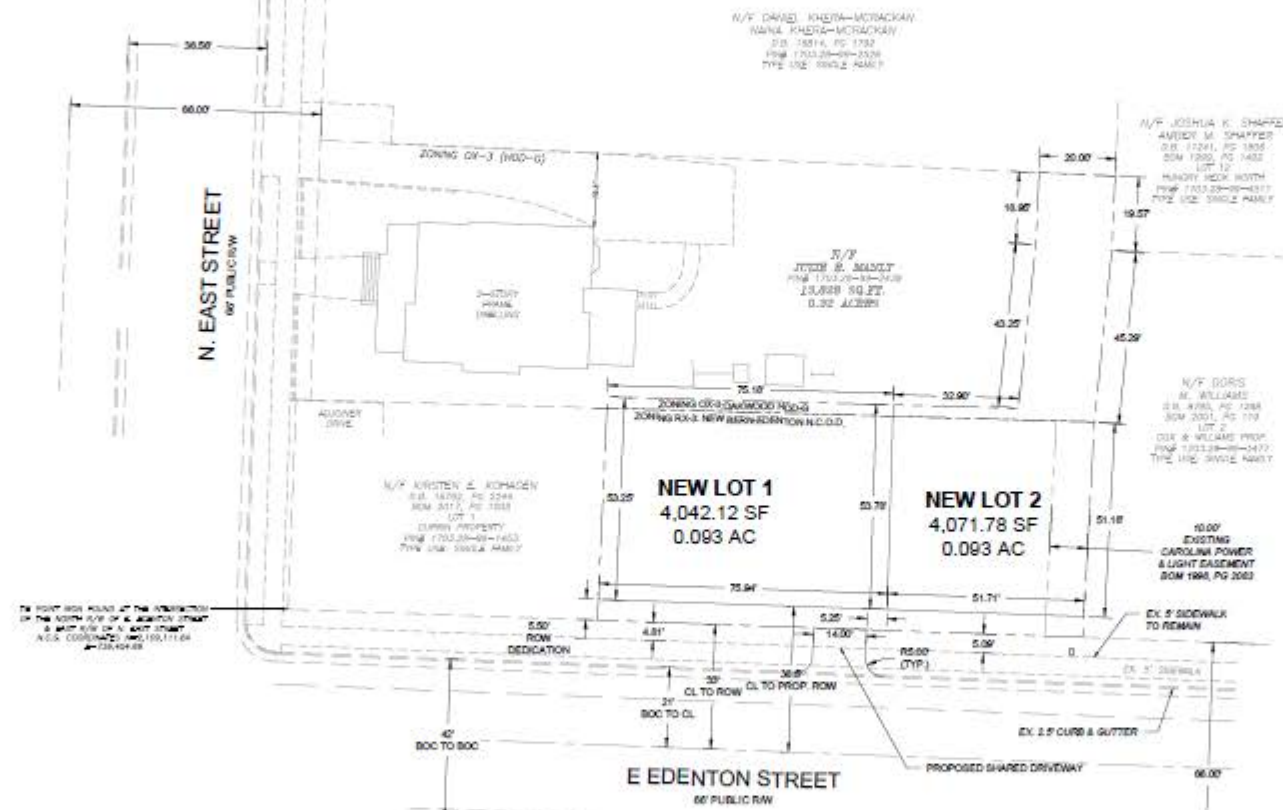
NOT FOR CONSTRUCTION

REV	DESCRIPTION	DATE
1	CITY OF RALEIGH COMMENTS	02/15/19
2	CITY OF RALEIGH COMMENTS	08/20/19

PROPOSED SUBDIVISION PLAN 519 E. EDENTON-TWO LOT SUBDIVISION 519 E. EDENTON STREET RALEIGH, NORTH CAROLINA

PROJECT NO.: 18002
DRAWN BY: JAC
CHECKED BY: JAC
DATE: 08/29/18
SCALE: 1" = 20'

C-3



SITE NOTES

1. SITE IS LOCATED IN AN HISTORIC OVERLAY DISTRICT
2. SITE IS LOCATED IN NEW BERN-EDENTON CHARACTER PROTECTION OVERLAY:
 - A. MINIMUM LOT SIZE: 4,000 SQUARE FEET
 - B. MINIMUM LOT FRONTAGE: 30 FEET
 - C. FRONT YARD SETBACK: MINIMUM OF 10 FEET, MAXIMUM OF 25 FEET
 - D. SIDE YARD SETBACK: MINIMUM OF 0 FEET WHEN MIN. BUILDING SEPARATION IS MET.
 - E. BUILDING SEPARATION: MINIMUM OF 10 FEET
 - F. MAXIMUM BUILDING HEIGHT: 35 FEET

NOTES

1. BOUNDARY SURVEY PROVIDED BY TURNING POINT SURVEYING, PLLC, DATED 10-16-2017.
2. PROPERTY IS LOCATED IN ZONES X (AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE AND FUTURE 1% ANNUAL CHANCE FLOODPLAIN) BASED ON THE FEMA MAP NUMBER 3750170300, DATED MAY 2, 2006.
3. NO ONSITE STREAMS OR WETLANDS HAVE BEEN IDENTIFIED WITHIN THE PROJECT OR PARCEL AS SHOWN.
4. THIS DRAWING IS NOT FOR RECORDATION.
5. SOLID WASTE TO BE HANDLED BY ROLL OUT TRASH CANS FOR EACH LOT.



Tools

Measure distances and areas

Area Length Coordinates

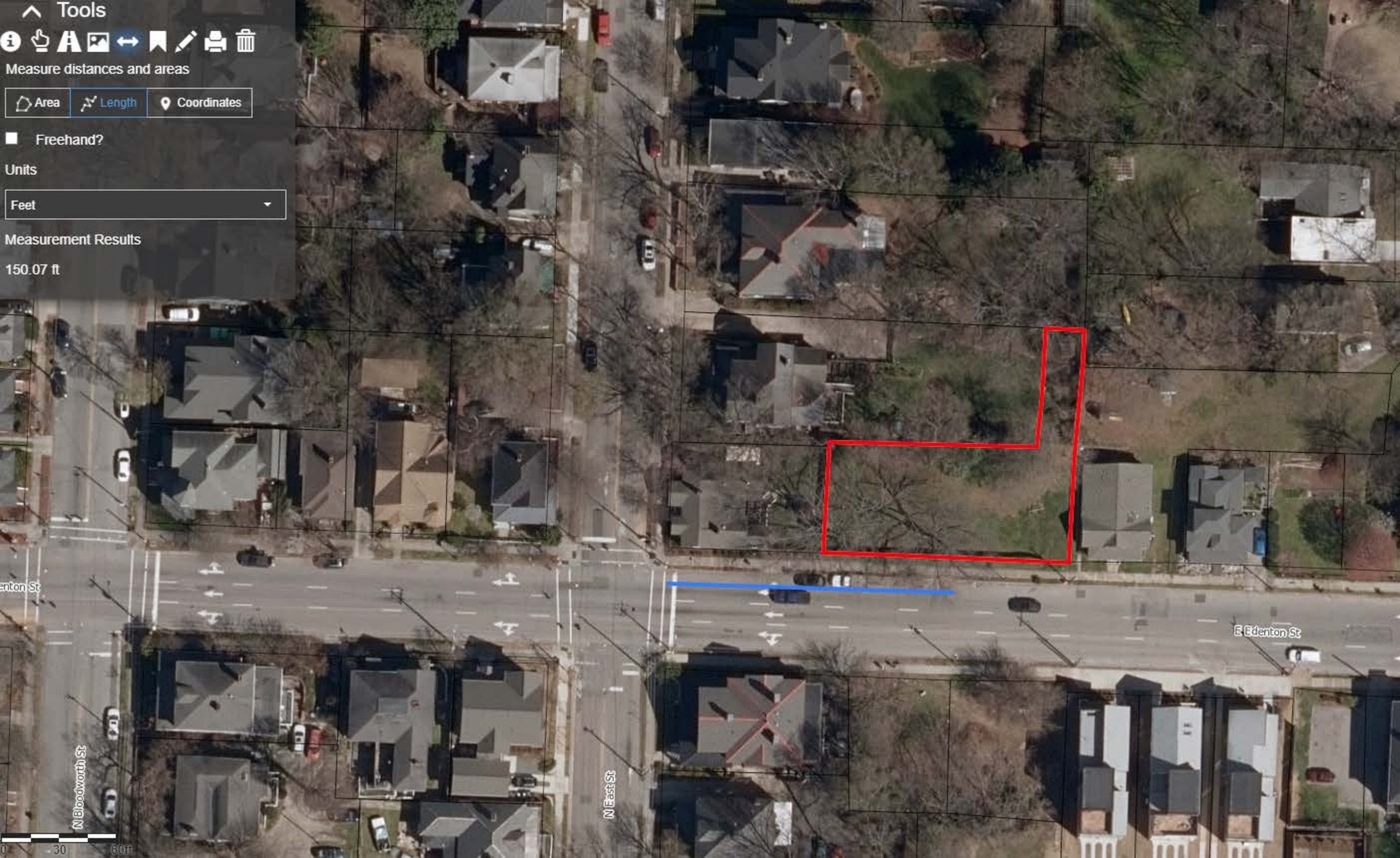
Freehand?

Units

Feet

Measurement Results

150.07 ft



Tools

Measure distances and areas

Area Length Coordinates

Freehand?

Units

Feet

Measurement Results

156.84 ft



Edenton St

Edenton St

N East St

N Bloodworth St

0 30 60ft