



Board of Adjustment Case Report

City of Raleigh
Planning & Development Department
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2475
www.raleighnc.gov

Case File: A-35-15

Property Address: 2813 Hogan Lane

Property Owner: David Jones

Project Contact: Lisa Conicelli

Nature of Case: Special Use Permit for a community garden pursuant to Section 6.6.1 of the Part 10A Unified Development Ordinance on a 1.33 acre property zoned Residential-4 and Special Residential Parking Overlay District located at 2813 Hogan Lane.



2813 Hogan Lane – Location Map

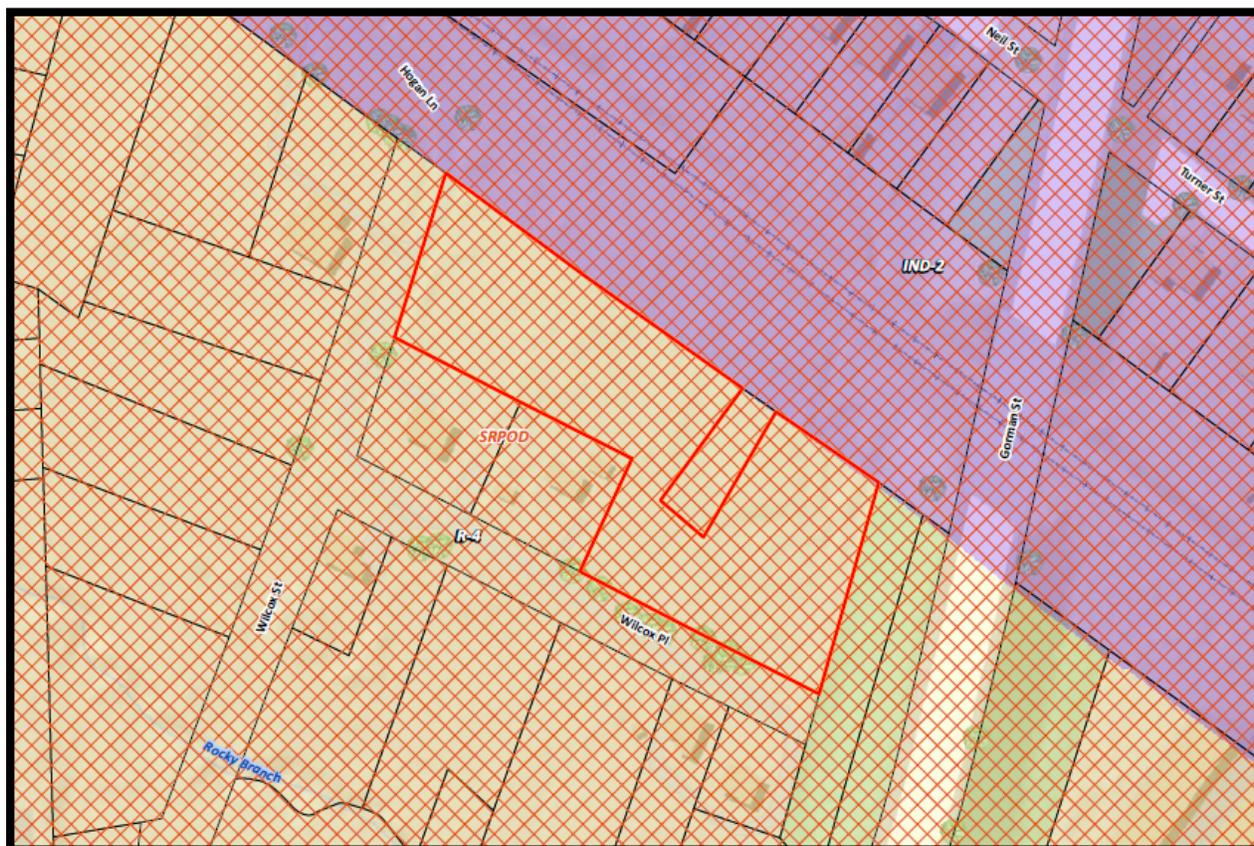
ADDITIONAL NOTES: There are no additional notes for this plan.

PREVIOUS VARIANCES: None

To BOA: 5-11-15

Staff Coordinator: Eric S. Hodge, AICP

ZONING DISTRICTS: Residential-4 and Special Residential Parking Overlay District



2813 Hogan Lane – Zoning Map

SHOWINGS: In accordance with UDO §10.2.9 Special Use Permit, before a Special Use Permit request is granted, the Board of Adjustment shall show that all of the following are met:

1. The proposed use complies with all applicable provisions of this UDO unless otherwise expressly modified in accordance with this UDO;
2. The proposed use is allowed as a special use in the respective zoning district (see Chapter 6. Use Regulations);
3. The proposed use complies with any specific use standard listed in Chapter 6. Use Regulations without the granting of any variance to the specific use standard;
4. The proposed use is compatible with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics;
5. Any adverse impacts resulting from the proposed use in the affected area will be effectively mitigated or offset or the special use is denied;
6. Access with respect to pedestrian, bicycle and automotive safety, traffic flow and emergency service is adequate;
7. Signage is suitable and appropriate; and
8. Any appropriate dedications of streets and utilities to the public will be made prior to the issuance of a building permit.

USE STANDARDS: Article 6.6.1 Community Garden

1. Defined

Areas of land managed and maintained by a group of individuals to grow and harvest food crops and non-food ornamental crops, for personal or group use, consumption, or donation. They may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by the group.

2. Use Standards

a. A community garden shall be primarily used for growing and harvesting food crops and ornamental crops, for consumption or donation or for sale off-site.

b. On-site sales are not permitted in the residential districts. On-site sales may be permitted in the mixed use and special districts with the approval of a special use permit, following the procedures set forth in Sec. 10.2.9. Sales shall be restricted to horticultural and agricultural products produced on the premises.

c. Detached accessory structures such as storage or utility buildings, gazebos, trellises, or accessory greenhouse structures are permitted, subject to compliance with the requirements of the zoning district.

d. If security fencing is installed, such fencing shall be of an open design.

e. If lighting is installed, only motion-detecting fixtures shall be permitted. All-night lighting is prohibited.

f. Community gardens shall be managed and maintained in compliance with all applicable standards of this UDO and the City Code, including but not limited to those pertaining to: nuisance abatement, stormwater, site accessibility, signage, soil erosion and sedimentation control and any required tree conservation and landscaping.

g. Raising of animals is not permitted in a Residential District. In all other permitted districts, the raising of animals is subject to the following conditions:

i. The community garden must be in active use for the growing and harvesting of crops.

ii. Hoofed animals are prohibited.

iii. Chickens are permitted at rate of 1 chicken per 1,000 square feet of lot area not to exceed 10 chickens on any single lot. No roosters are allowed.

iv. A maximum of 2 bee hives are permitted.

v. Any coop, hutch, hive, or other structure for housing animals shall be located at least 25 feet from any property line.



Planning & Development

Development Services
 Customer Service Center
 One Exchange Plaza
 1 Exchange Plaza, Suite 400
 Raleigh, North Carolina 27601
 Phone 919-996-2495
 Fax 919-516-2685

Special Use Permit Application

A-35-15

		OFFICE USE ONLY
Nature of request (Submit addendum on separate sheet, if more space is needed.) We seek a special use permit to create a community garden on this, 2813 Hogan Lane, a vacant lot zoned R-4.		Transaction Number
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. If this property was the subject of a previous special use permit request, provide the case number.		

GENERAL INFORMATION			
Property Address	2813 Hogan Lane	Date	9 Apr 2015
Property PIN	0794331022	Current Zoning	R-4
Nearest Intersection	Gorman St - Hillsborough St.	Property size (in acres)	1.33
Property Owner	David Jones	Phone	910 228-1655
		Email	djones@alumni.unc.edu
Project Contact Person	Lisa Conicelli	Phone	919 608-0239
		Email	lconicelli@gmail.com
Property Owner Signature	<i>David Jones</i>	Email	djones@alumni.unc.edu
Notary	Sworn and subscribed before me this <u>9th</u> day of <u>April</u> , 20 <u>15</u>	Notary Signature and Seal	SONYA JUANITA GODDARD NOTARY PUBLIC MARTIN COUNTY, NC My Commission Expires <u>8-11-2018</u> <i>Sonya Juante Goddard</i>

It is improper to contact any member of the Board of Adjustment prior to the disposition of a case to discuss the request. A Special Use Permit Application will not be considered complete until all required submittal components listed on the Special Use Permit Checklist have been received and approved.



Planning & Development

Development Services
 Customer Service Center
 One Exchange Plaza
 1 Exchange Plaza, Suite 400
 Raleigh, North Carolina 27601
 Phone 919-996-2495
 Fax 919-516-2685

Special Use Permit Application Intake Requirements

TO BE COMPLETED BY APPLICANT			COMPLETED BY CITY STAFF		
	YES	N/A	YES	NO	N/A
General Requirements – Special Use Permit					
1. I have referenced the Variance Checklist and by using this as a guide, it will ensure that the application is processed in a timely manner	<input checked="" type="checkbox"/>				
2. Special Use Permit application review fee (see Development Fee Schedule for rate)	<input checked="" type="checkbox"/>				
3. Completed, notarized application signed by the property owner	<input checked="" type="checkbox"/>				
4. One set of stamped envelopes addressed to all property owners within 100 feet of the subject property	<input checked="" type="checkbox"/>				
5. List of all adjacent property owners	<input checked="" type="checkbox"/>				
6. Plot Plan drawn to scale, containing a north arrow, area of lot, location of all existing improvements and use areas, location of proposed improvements, location of any constraints such as flood plain area, tree conservation area, buffer yards, easements, and sight distance triangles	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
7. If the special use permit request involves a new or enlarged structure, architectural elevations must be submitted	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
8. If the property has been cited by a Code Enforcement Officer, include a copy of the citation	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
9. Is special use permit needed to legalize an existing improvement or use?	<input type="checkbox"/>	<input checked="" type="checkbox"/>			

**Method Gardens
Community Garden Special Use Permit
Showings and Use Standards
David Jones and Lisa Conicelli**

Showings

1. The proposed use complies with all applicable provisions of this UDO unless otherwise expressly modified in accordance with this UDO;

*Community Gardens are a Use provided under this UDO.
Under section 2.5.4 Allowed Uses of Open Space, Item H lists Community Garden.*

2. The proposed use is allowed as a special use in the respective zoning district (see Chapter 6. Use Regulations);

Under Section 6.1.4 Allowed Principle Use Table, Community Gardens are listed as "Special Use" under the R-4 category.

3. The proposed use complies with any specific use standard listed in Chapter 6. Use Regulations without the granting of any variance to the specific use standard;

In Article 6.6 Open Uses, Section B defines and presents Use Standards for a Community Garden

4. The proposed use is compatible with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics;

Hogan Lane is located at the edge of an emerging district that is built around sharing skills and knowledge on a grass-roots level. It neighbors the developing maker space known as the Raleigh Arts Collective as well as a home-brewing community centered around the Raleigh Brewing Company. The specific parcel that we seek to permit as a community garden will act as a buffer between the industrially-zoned railroad land and a small community of rental houses and old homesteads. We seek to beautify and invigorate our surroundings while respecting our neighbors' right to quiet enjoyment of their properties.

5. Any adverse impacts resulting from the proposed use in the affected area will be effectively mitigated or offset or the special use is denied;

Concerning Stormwater Run-off, we understand that we need to mitigate the impact of structures and impermeable surfaces. We will contract the services of a licensed engineer to create a stormwater plan before beginning greenhouse construction.

Concerning Increased Traffic along Hogan Ln, we will limit the number of membership plots to 6 (Six) plots. We will also create a space on the parcel for vehicles to turn around without passing the majority of homes on Hogan Ln and Wilcox St.

6. Access with respect to pedestrian, bicycle and automotive safety, traffic flow and emergency service is adequate;

There are 2 access points for vehicles onto this parcel. (If one were to count the access points from my adjacent personal residence, there are a total of 4 access points.)

7. Signage is suitable and appropriate; and

Though we have not yet designed a sign, we commit to limiting its size no larger than 3 sq ft and commit to using only natural materials in its construction (wood, metal, stone).

8. Any appropriate dedications of streets and utilities to the public will be made prior to the issuance of a building permit.

None planned.

Use Standards

- a. A community garden shall be primarily used for growing and harvesting food crops and ornamental crops, for consumption or donation or for sale off-site.

No sales shall be permitted onsite. Any activities not directly related to the production of plants and foods will be permitted through the City of Raleigh.

- b. On-site sales are not permitted in the residential districts. On-site sales may be permitted in the mixed use and special districts with the approval of a special use permit, following the procedures set forth in Sec. 10.2.9. Sales shall be restricted to horticultural and agricultural products produced on the premises.

Method Gardens is zoned R-4. Therefore, no sales shall be permitted on-site.

- c. Detached accessory structures such as storage or utility buildings, gazebos, trellises, or accessory greenhouse structures are permitted, subject to compliance with the requirements of the zoning district.

We wish to build a greenhouse in compliance with the required set-backs.

- d. If security fencing is installed, such fencing shall be of an open design.

Agreed. We also plan to install privacy fencing around the lot-lines immediately adjacent to the parcel.

- e. If lighting is installed, only motion-detecting fixtures shall be permitted. All-night lighting is prohibited.

Agreed.

- f. Community gardens shall be managed and maintained in compliance with all applicable standards of this UDO and the City Code, including but not limited to those pertaining to: nuisance abatement, stormwater, site accessibility, signage, soil erosion and sedimentation control and any required tree conservation and landscaping.

Method Gardens seeks to become an abiding member of our State Capitol's ecosystem.

- g. Raising of animals is not permitted in a Residential District. In all other permitted districts, the raising of

animals is subject to the following conditions:

- i. The community garden must be in active use for the growing and harvesting of crops.
- ii. Hoofed animals are prohibited.
- iii. Chickens are permitted at rate of 1 chicken per 1,000 square feet of lot area not to exceed 10 chickens on any single lot. No roosters are allowed.
- iv. A maximum of 2 bee hives are permitted.
- v. Any coop, hutch, hive, or other structure for housing animals shall be located at least 25 feet from any property line.

This Parcel is Residentially-zoned. Therefore animals cannot be raised on this parcel.

Preliminary Site Plan

2813 Hogan Lane

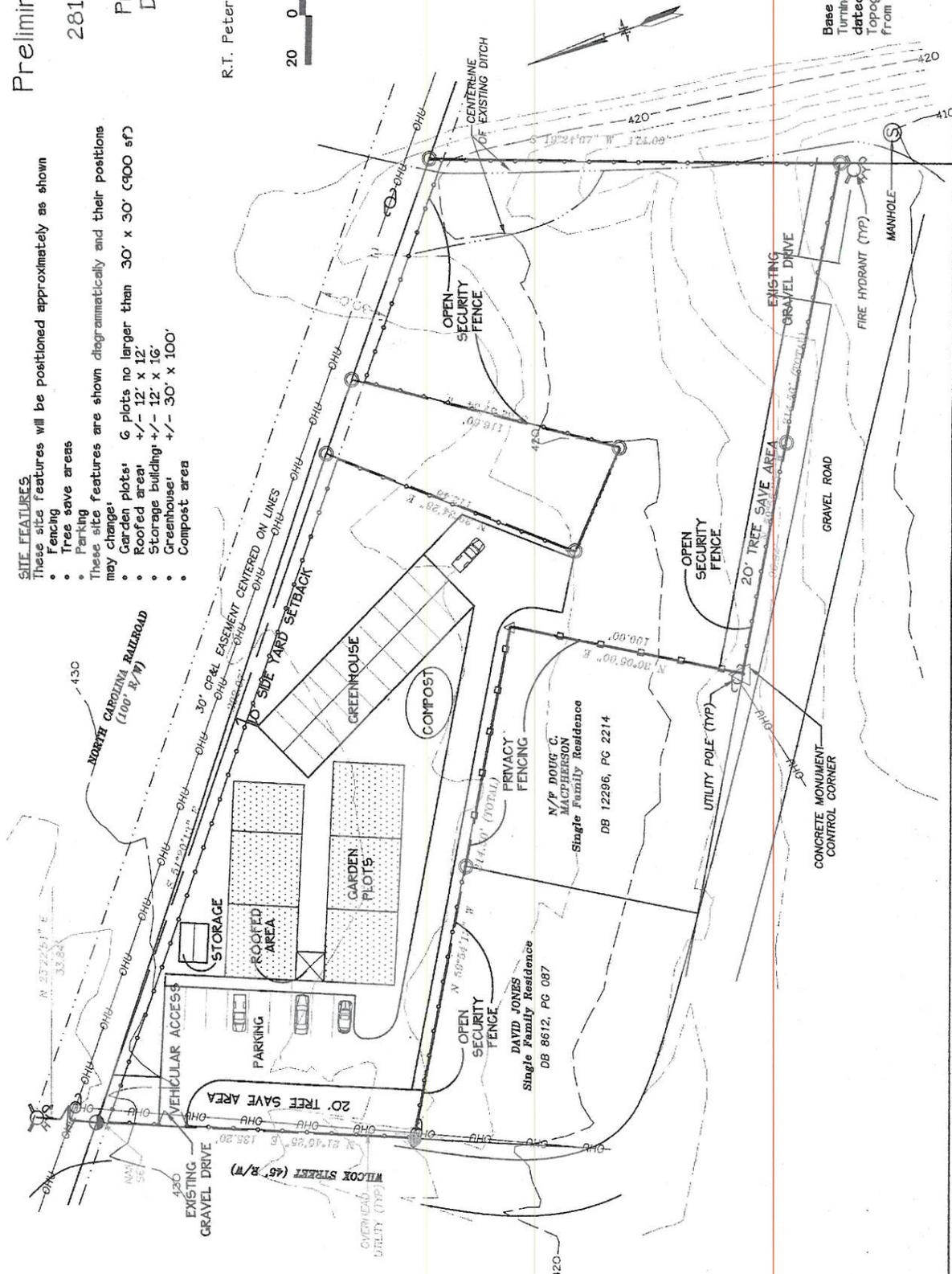
Property of
David Jones

26 May 2015

R.T. Peter Landscape Architecture

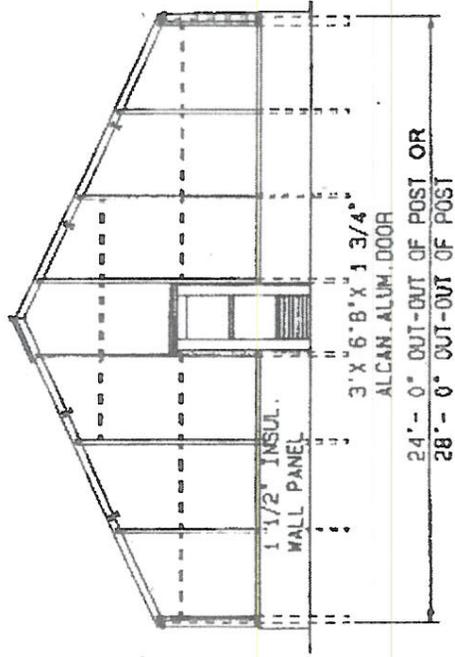


- SITE FEATURES**
These site features will be positioned approximately as shown
- Fencing
 - Tree save areas
 - Parking
 - These site features are shown diagrammatically and their positions may change:
 - Garden plots: 6 plots no larger than 30' x 30' (900 sf)
 - Roofed area: +/- 12' x 12'
 - Storage building: +/- 12' x 16'
 - Greenhouse: +/- 30' x 100'
 - Compost area



Base information from a survey by
Turning Point Surveying PLLC
dated 01-08-2014.
Topographic information acquired
from Wake County GIS.

Greenhouse Elevation





railroad

gorman street

Stormwater Pond
Sediment
Sediment

Tree Conservation Area

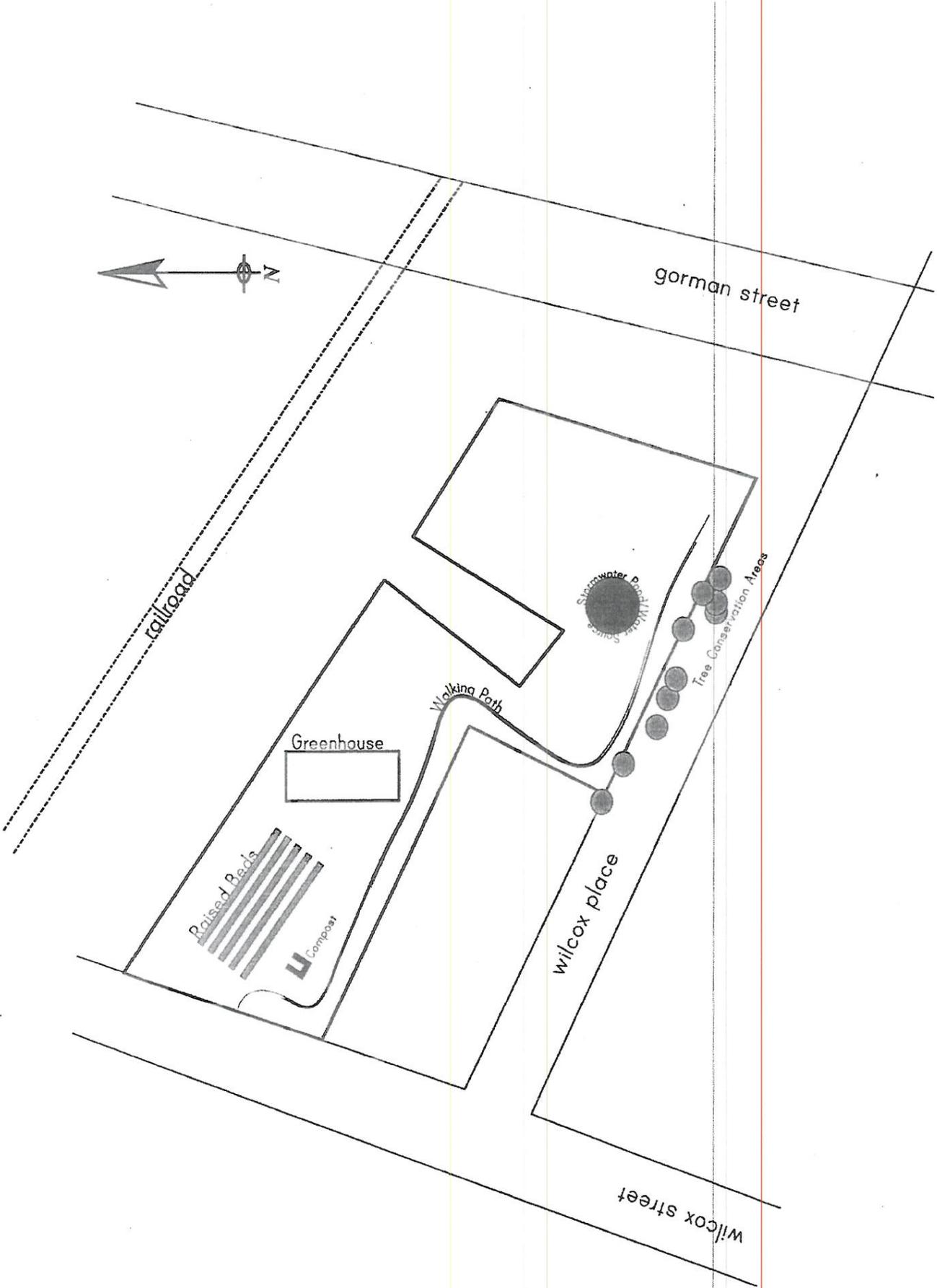
Walking Path

Greenhouse

Raised Beds
Compost

wilcox place

wilcox street



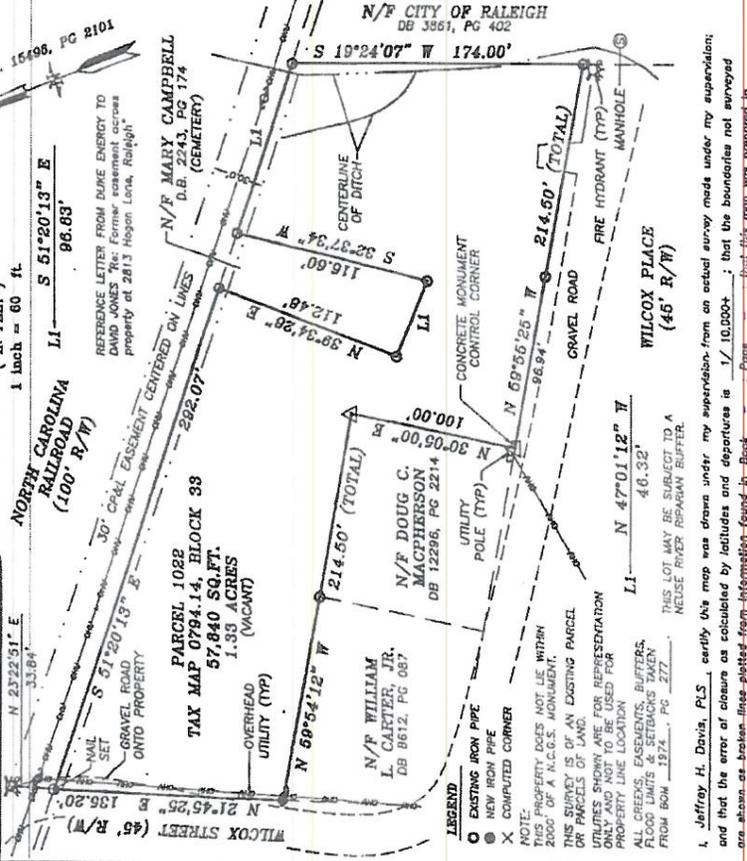
FLOOD CERTIFICATION

THIS WILL CERTIFY THAT THE SUBJECT PROPERTY () IS or (X) IS NOT located in a SPECIAL FLOOD HAZARD AREA as determined by the Department of Housing and Urban Development, or as shown on the FLOOD INSURANCE RATE MAP.

370243 COMMUNITY # 0784 J PANEL SUFFIX *DAVID JONES* PLS PROFESSIONAL LAND SURVEYOR



SCALE



LEGEND
 O EXISTING IRON PIPE
 ● NEW IRON PIPE
 X COMPUTED CORNER

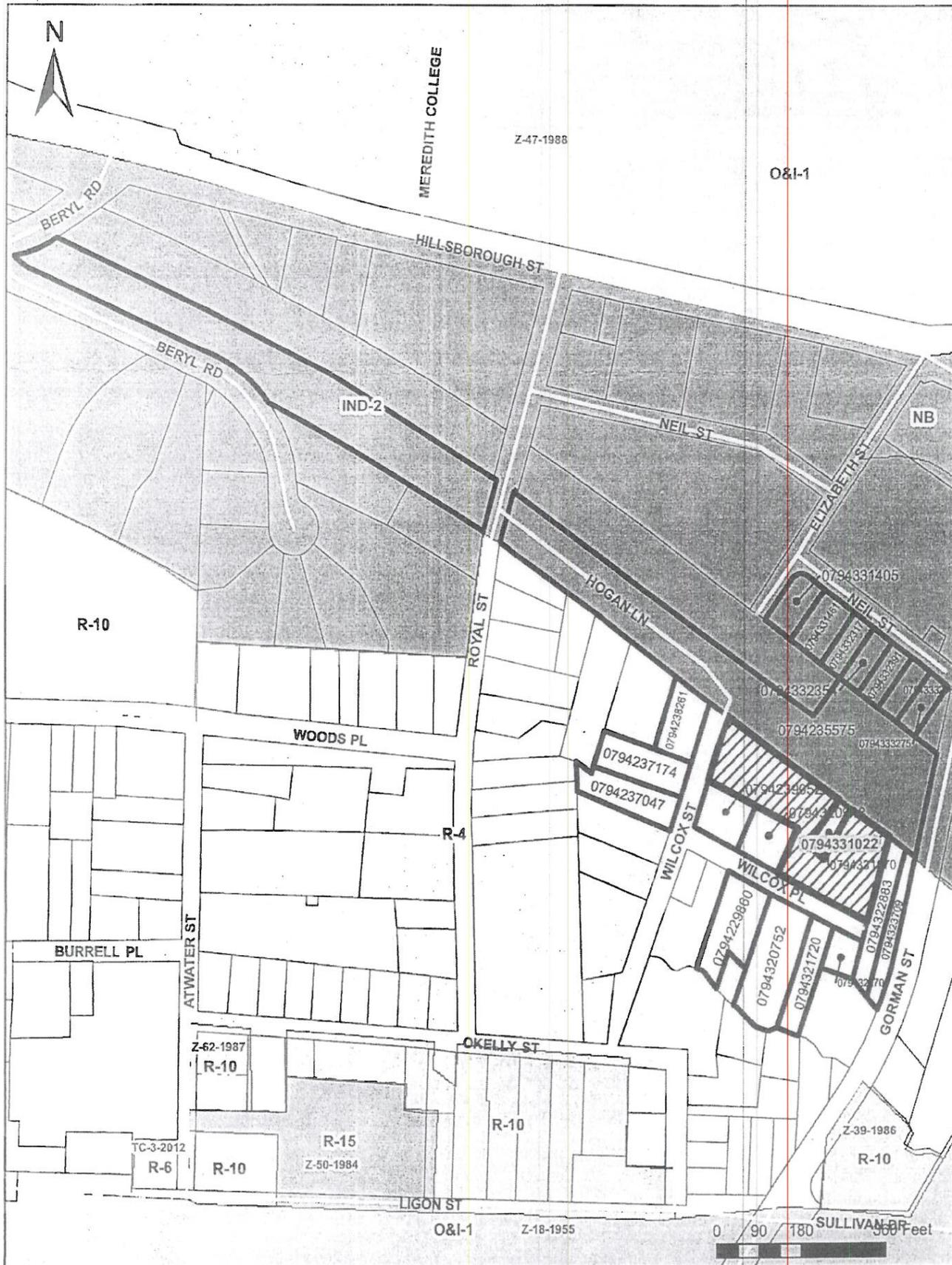
NOTE:
 THIS PROPERTY DOES NOT LIE WITHIN 2000' OF A N.C.S.S. MONUMENT.
 THIS SURVEY IS OF AN EXISTING PARCEL THE BOUNDARIES OF WHICH ARE SHOWN BY UTILITIES SHOWN ON THIS REPRESENTATION ONLY AND NOT TO BE USED FOR PROPERTY LINE LOCATION.
 ALL CREEDS, EASEMENTS, BUFFERS, FLOOD LIMITS & SETBACKS TAKEN FROM BOM - 1974, PG 277.
 THIS LOT MAY BE SUBJECT TO A NEDDIE RIVER REPAIR BUFFER.

I, Jeffrey H. Davis, PLS, certify this map was drawn under my supervision from an actual survey made under my supervision; and that the error of closure 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 _____ Page _____ that this map was prepared in accordance with G.S. 47-30 amended.

Witness my original signature, registration number and seal this
 8TH day of JANUARY 2014.
 Signed: *DAVID JONES* Seal



TURNING POINT SURVEYING PLLC 4113 JOHN S. RABOTEAU WYND RALEIGH, NORTH CAROLINA 27612 FAX (800)948-0213 PH (919)781-0234 License No: P-0121	
C.N. = 20474 B.O.M. D.B. 15498 PAGE 2101 WAKE CO. REG.	DAVID JONES PARCEL 1022 TAX MAP 0794.14, BLOCK 33 2813 HOGAN LANE RALEIGH NORTH CAROLINA DATE: 01-08-2014 DWG. NO. A-17071 SCALE: 1" = 60'



2813 Hogan Lane



0794331022
JONES, DAVID
3409 WHITFORD CT
RALEIGH NC 27606-2783

0794229860
FREEDOM TEMPLE OF DELIVERANCE INC
PO BOX 33338
RALEIGH NC 27636-3338

0794235575
NC RAILROAD COMPANY
2809 HIGHWOODS BLVD STE 100
RALEIGH NC 27604-1000

0794237047
ROLLMAN PROPERTIES LLC
SEAN F ROLLMAN
904 WAKESTONE CT
RALEIGH NC 27609-6352

0794237174
WILSON, EUGENE
3151 WOODS PL
RALEIGH NC 27607-5231

0794238261
HOGAN, WHALEN
2907 HOGAN LN
RALEIGH NC 27607-5411

0794239052
JONES, DAVID
PO BOX 35432
RALEIGH NC 27636-3432

0794320752
FREEDOM TEMPLE OF DELIVERANCE INC
PO BOX 33338
RALEIGH NC 27636-3338

0794320948
MACPHERSON, DOUG C
408 SLEEPY VALLEY RD
APEX NC 27523-8056

0794321720
DL RESTORATION LLC
PO BOX 90846
RALEIGH NC 27675-0846

0794322705
WILSON, EUGENE
3151 WOODS PL
RALEIGH NC 27607-5231

0794322883
RALEIGH CITY OF
PO BOX 590
RALEIGH NC 27602-0590

0794323709
RALEIGH CITY OF
PO BOX 590
RALEIGH NC 27602-0590

0794331070
CAMPBELL, MARY
1007 S PERSON ST
RALEIGH NC 27601-2648

0794331405
MEHLICH, ADOLF LEONHARD
PO BOX 33805
RALEIGH NC 27636-3805

0794331461
BARNETTE, HENRY VANCE JR PARKER,
CELESTE BARNETTE
4812 OAKGREEN CT
RALEIGH NC 27612-3595

0794332317
BARNETTE, HENRY VANCE JR BARNETTE,
ELESTE BARNETTE
4812 OAKGREEN CT
RALEIGH NC 27612-3595

0794332354
MEHLICH, ADOLF LEONHARD
PO BOX 33805
RALEIGH NC 27636-3805

0794332391
MEHLICH, ADOLF LEONHARD
PO BOX 33805
RALEIGH NC 27636-3805

0794332328
MEHLICH, ADOLF LEONHARD
PO BOX 33805
RALEIGH NC 27636-3805

0794333275
DEANS, CHRISTOPHER J DEANS, TAMMY
R
2104 LEE ST
CLAYTON NC 27520-8534



[Home](#)

Wake County Real Estate Data Account Summary

[iMaps](#)

[Tax Bills](#)

Real Estate ID **0159916** PIN # **0794331022**

WAKE COUNTY
NORTH CAROLINA

Location Address
2813 HOGAN LN

Property Description
FREEDOM TEMPLE OF DELIVERANCE

[Account Search](#)

[Pin/Parcel History](#) [Search Results](#) [New Search](#)

[Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

For real estate accounts created or new construction built after January 1, 2015: Property values are under review for tax year 2016. Land and building values on these properties will reflect an assessment based on the January 1, 2008 Schedule of Values until late 2015 or early 2016 at which time the January 1, 2016 revaluation values for both land and buildings will be available.

Property Owner JONES, DAVID Use the Deeds tab above to view any additional owners	Owner's Mailing Address 3409 WHITFORD CT RALEIGH NC 27606-2783	Property Location Address 2813 HOGAN LN RALEIGH NC 27607-5451
---	---	--

Administrative Data	Transfer Information	Assessed Value
Old Map # 522-00000-0012	Deed Date 11/8/2013	Land Value \$150,000
Map/Scale 0794 14	Book & Page 15498 2101	Assessed
VCS 01RA728	Revenue Stamps 160.00	Bldg. Value
City RALEIGH	Pkg Sale Date 11/21/1986	Assessed
Fire District	Pkg Sale Price \$40,000	Tax Relief
Township RALEIGH	Land Sale Date 11/8/2013	Land Use Value
Land Class VACANT	Land Sale Price \$80,000	Use Value Deferment
ETJ RA		Historic Deferment
Spec Dist(s)	Improvement Summary	Total Deferred Value
Zoning R-4	Total Units 0	Use/Hist/Tax Relief
History ID 1	Recycle Units 0	Assessed
History ID 2	Apt/SC Sqft	Total Value \$150,000
Acreage 1.33	Heated Area	Assessed*
Permit Date		
Permit #		

*Wake County assessed building and land values reflect the market value as of January 1, 2008, which is the date of the last county-wide revaluation. Any inflation, deflation or other economic changes occurring after this date does not affect the assessed value of the property and cannot be lawfully considered when reviewing the value for adjustment.

The January 1, 2008 values will remain in effect until the next county-wide revaluation, which begins January 1, 2016. Until that time, any real estate accounts created or new construction built is assessed according to the 2008 Schedule of Values.

For questions regarding the information displayed on this site, please contact the Revenue Department at RevHelp@wakegov.com or call 919-856-5400.

Real Estate ID **0159916** PIN # **0794331022**

Location Address Property Description
2813 HOGAN LN **FREEDOM TEMPLE OF DELIVERANCE**

Account Search

[Pin/Parcel History](#) [Search Results](#) [New Search](#)

[Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

Building Location Address 2813 HOGAN LN		Building Description 01RA728		Card 01 Of 01	
Bldg Type	Year Blt	Eff Year	Base Bldg Value		
Units	Addns	Remod	Grade		
Heated Area	Int. Adjust.		Cond %		
Story Height	Other Features		Market Adj.		
Style			Market Adj.		
Basement			Accrued %		
Exterior			Incomplete Code		
Const Type			Card 01 Value		
Heating			All Other Cards		
Air Cond			Land Value Assessed		\$150,000
Plumbing			Total Value Assessed		\$150,000
Main and Addition Summary				Other Improvements	
Story	Type	Code	Area	Inc	Units
					DesItem
					Code Year
					% Inc
					ADJ
					Value
M					
A					
B					
C					
D					
E					
F					
G					
H					
Building Sketch				Photograph	