



# Board of Adjustment Case Report

City of Raleigh  
Department of City Planning  
One Exchange Plaza  
Raleigh, NC 27601  
(919) 996-2626  
www.raleighnc.gov

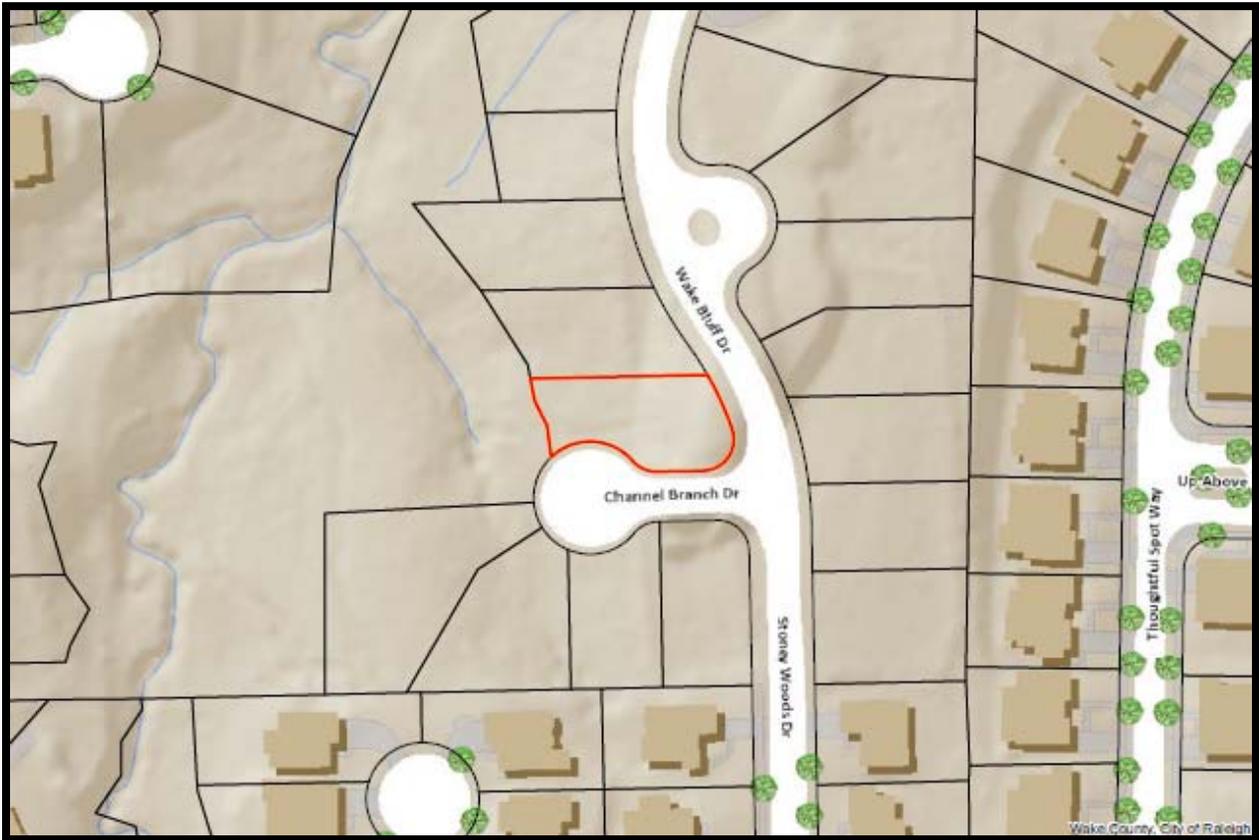
**Case File:** A-96-15

**Property Address:** 2113 Channel Branch Drive

**Property Owner:** JW Homes, LLC

**Project Contact:** Dan Marro

**Nature of Case:** A request for a variance from all of the wooded area requirements set forth in Section 9.1.9.A. of the Unified Development Ordinance to allow for the construction of a detached house on a .22 acre property zoned Residential-4 and Urban Watershed Protection Overlay District.



2113 Channel Branch Drive – Location Map

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To BOA: 11-9-15

Staff Coordinator: Eric S. Hodge, AICP

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**ZONING DISTRICTS:** Residential-4 and Urban Watershed Protection Overlay District



**2113 Channel Branch Drive – Zoning Map**

**VARIANCE STANDARDS:** In accordance with UDO §10.2.10 Variance, before a variance request is granted, the Board of Adjustment shall show all of the following:

**To Legalize the Existing Structure:**

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

2. **The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.**
3. **The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.**
4. **The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.**

### **Sec. 9.1.9 Watershed Protection Overlay Districts**

A. Except as otherwise provided below, every lot located within a -UWPOD, -FWPOD or -SWPOD must provide and maintain an area set aside for trees equal to at least 40% of the lot area. Within this area, trees must either be preserved or planted in accordance with the following:

1. Tree areas may be 1 contiguous area or scattered areas throughout the lot, but no required tree area may be less than 1/5 of the total gross land area required to be set aside for trees;
2. All areas required to be set aside for trees shall be maintained as wooded areas;
3. Wooded areas may consist of either areas where active tree preservation is observed or tree planting areas;
4. Each active tree preservation area must contain a minimum of 2 inches of tree caliper per every 100 square feet and within such areas, active tree preservation shall be followed;
5. Areas that are set aside for trees that do not meet the standards for active tree protection areas must be planted with shade trees; and
6. The minimum size and planting rate of new tree plantings used to fulfill this requirement shall be either 1 bare-root seedling at least 14 inches tall planted per 100 square feet (10 feet by 10 feet centers) or one 2-inch caliper tree planted per 200 square feet.

B. After wooded areas have been determined and prior to or concurrent to any subdividing of the property or issuance of building permit, the landowner shall record with the local County Register of Deeds a plat with metes and bounds descriptions of all wooded areas.

C. For lots located within areas designated "New Urban" by the Swift Creek Land Management Plan, the regulations of Sec. 9.1.9.A. above apply with the exception that only 25% of each lot must contain an area set aside for trees.

D. For lots located within a conservation development, areas set aside for trees may in lieu of being situated on the individual dwelling lots may instead be located within the required open space, provided that the overall acreage set aside for trees is not diminished.

E. The requirements of this section do not apply to lots devoted exclusively to stormwater control measures or to those lots located in those areas of the Comprehensive Plan designated for impervious surfaces in excess of 30%.

A-96-15



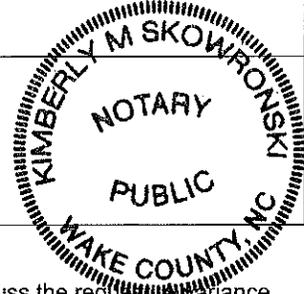
# Planning & Development

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

## Variance Application

		OFFICE USE ONLY
Nature of variance request (Submit addendum on separate sheet, if more space is needed.) Requesting a variance from UDO Section 9.1.9.A for River Run lot 14. Subject lot is .22 acres. Requesting relief from the 40% forestation requirement. The 40% forestation is incongruent in this neighborhood.		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 variance request, provide the case number. City of Raleigh Plan Review 441544		

GENERAL INFORMATION		
Property Address 2113 Channel Branch Dr, Raleigh NC 27614	Date 10/8/15	
Property PIN 1729534526	Current Zoning R-4	
Nearest Intersection Channel Branch Dr. and Wake Bluff Dr.	Property size (in acres) .22	
Property Owner JW Homes, LLC	Phone 919-481-3309	Fax 919-481-9157
	Email Celinda.Howell@jwhomes.com	
Project Contact Person Dan Marro	Phone 919-481-3309	Fax 919-481-9157
	Email Dan.Marro@jwhomes.com	
Property Owner Signature <i>[Signature]</i>	Email	
Notary Sworn and subscribed before me this <u>8<sup>th</sup></u> day of <u>October</u> , 20 <u>15</u>	Notary Signature and Seal <i>[Signature]</i> exp: 2-14-2018	



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


[Home](#)

## Wake County Real Estate Data Account Summary

[iMaps](#)
[Tax Bills](#)
Real Estate ID **0422631** PIN # **1729534526**
[Account Search](#)

 Location Address      Property Description  
**11701 WAKE BLUFF DR LO14 river run PH4 BM2014-00839**
[Pin/Parcel History](#)   [Search Results](#)   [New Search](#)
[NORTH CAROLINA](#)   [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.

<b>Property Owner</b> <b>JW HOMES LLC</b> (Use the Deeds link to view any additional owners)		<b>Owner's Mailing Address</b> <b>4125 ATLANTA RD SE</b> <b>SMYRNA GA 30080-6577</b>		<b>Property Location Address</b> <b>11701 WAKE BLUFF DR</b> <b>RALEIGH NC 27614-7604</b>	
<b>Administrative Data</b> Old Map # <b>263--</b> Map/Scale <b>1729 04</b> VCS <b>13RA157</b> City <b>RALEIGH</b> Fire District Township <b>NEUSE</b> Land Class <b>VACANT</b> ETJ <b>RA</b> Spec Dist(s) Zoning <b>R-4</b> History ID 1 History ID 2 Acreage <b>.22</b> Permit Date Permit #		<b>Transfer Information</b> Deed Date <b>11/20/2012</b> Book & Page <b>15023 1050</b> Revenue Stamps Pkg Sale Date Pkg Sale Price Land Sale Date Land Sale Price  <b>Improvement Summary</b> Total Units <b>0</b> Recycle Units <b>0</b> Apt/SC Sqft Heated Area		<b>Assessed Value</b> Land Value Assessed <b>\$136,000</b> Bldg. Value Assessed  Tax Relief  Land Use Value Use Value Deferment Historic Deferment Total Deferred Value  Use/Hist/Tax Relief Assessed Total Value <b>\$136,000</b> Assessed*	

\*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](mailto:RevHelp@wakegov.com) or call 919-856-5400.

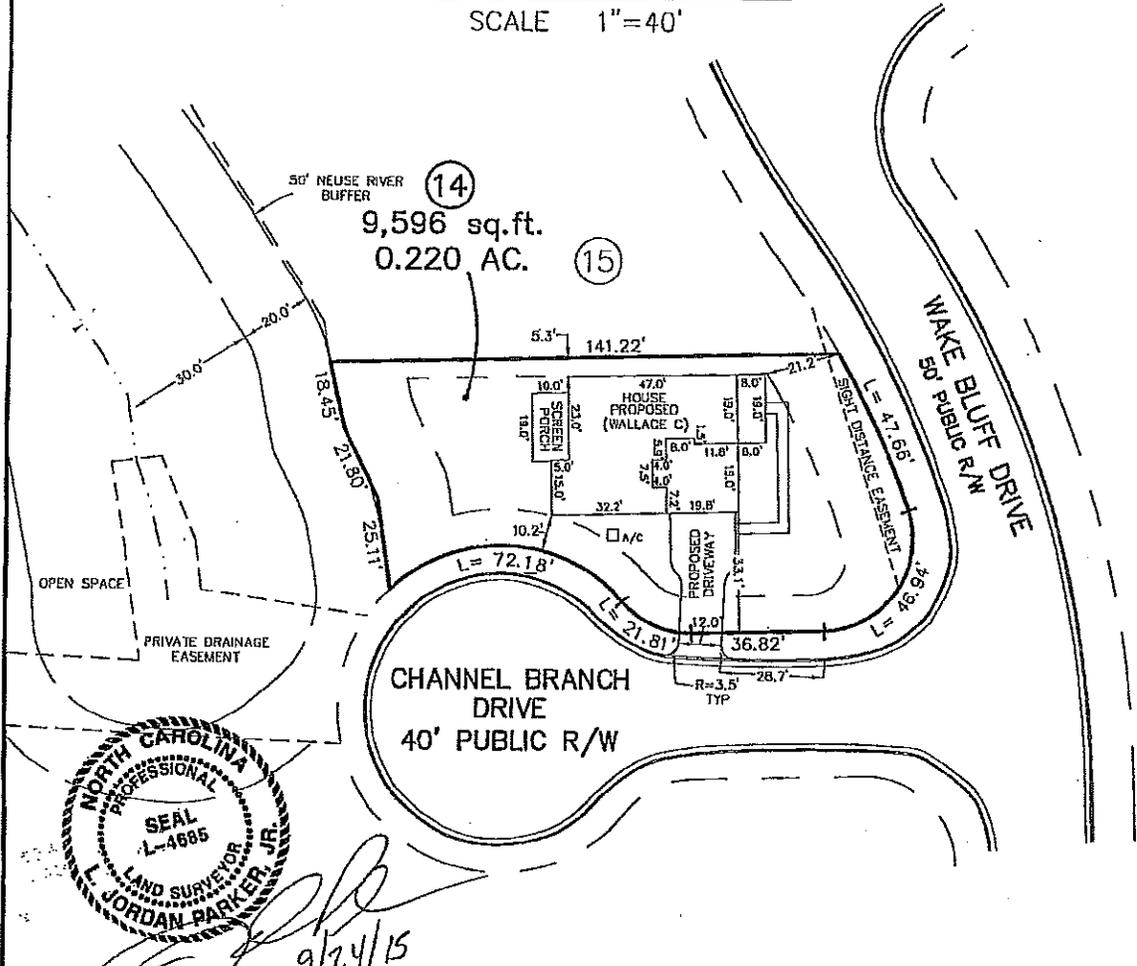
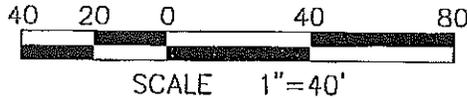
PRELIMINARY PLOT PLAN FOR  
**JOHN WIELAND  
 HOMES & NEIGHBORHOODS**

LOT 14, RIVER RUN SUBDIVISION, PH.4  
 2100 CHANNEL BRANCH DRIVE  
 REF: B.M. 2014, PAGES 837-842  
 NEUSE TOWNSHIP  
 WAKE COUNTY, NORTH CAROLINA  
 JUNE 18, 2015

REVISED SEPTEMBER 24, 2015  
 ZONED R-4 CLUSTER

PLAN INFORMATION BLOCK		
FLOORPLAN	TOTAL SQ. FT.	STORIES
DRAWN	DATE	TITLE
SCALE	PLAN REVISION	DATE

NOTE: ALL CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH ALL CITY OF RALEIGH AND NCDOT STANDARDS AND SPECIFICATIONS

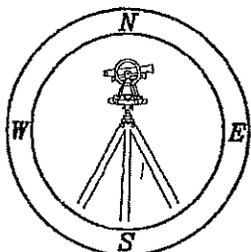


*J.P.*  
 9/24/15

THIS SURVEYOR DOES NOT WARRANT THE ACCURACY OF ARCHITECTURAL DIMENSIONS. THEY ARE TO BE VERIFIED BY THE CONTRACTOR.

NOTE:  
 -IMPERVIOUS CALCULATIONS ACCOUNT FOR IMPERVIOUS AREA CONTAINED WITHIN LOT LINES ONLY.

IMPERVIOUS SURFACE TABLE	
HOUSE	2,013 S.F.
SCREEN PORCH	189 S.F.
DRIVEWAY	494 S.F.
SIDEWALKS	153 S.F.
TOTAL IMPERVIOUS AREA	2,849 S.F.
TOTAL LOT AREA	9,596 S.F.
PERCENTAGE OF IMPERVIOUS AREA	29.69%



**CAWTHORNE, MOSS  
 & PANCIERA, P.C.**  
 Professional Land Surveyors  
 C-1525  
 333 S. White Street  
 Post Office Box 1253  
 Wake Forest, N.C. 27588  
 (919)556-3148

NOTES:  
 -THIS PLAN DOES NOT REFLECT AN ACTUAL SURVEY. IT IS A PRELIMINARY PLAN AND SHOULD BE USED FOR ITS INTENDED PURPOSE ONLY.  
 -NOT FOR RECORDATION, CONVEYANCES, OR SALES.