



# 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-13-16

**Property Address:** 4501, 4505, & 4509 Lead Mine Road

**Property Owner:** Crabtree North, LLC

**Project Contact:** Michael Birch

**Nature of Case:** A request for a 10' variance to the required depth of a transit easement required by Condition #2 of Zoning Case Z-7-12, to permit a transit easement measuring 5' in depth for properties totaling 1.34 acres zoned Shopping Center Conditional Use and Pedestrian Business Overlay District and located at 4501, 4505 and 4509 Lead Mine Road.

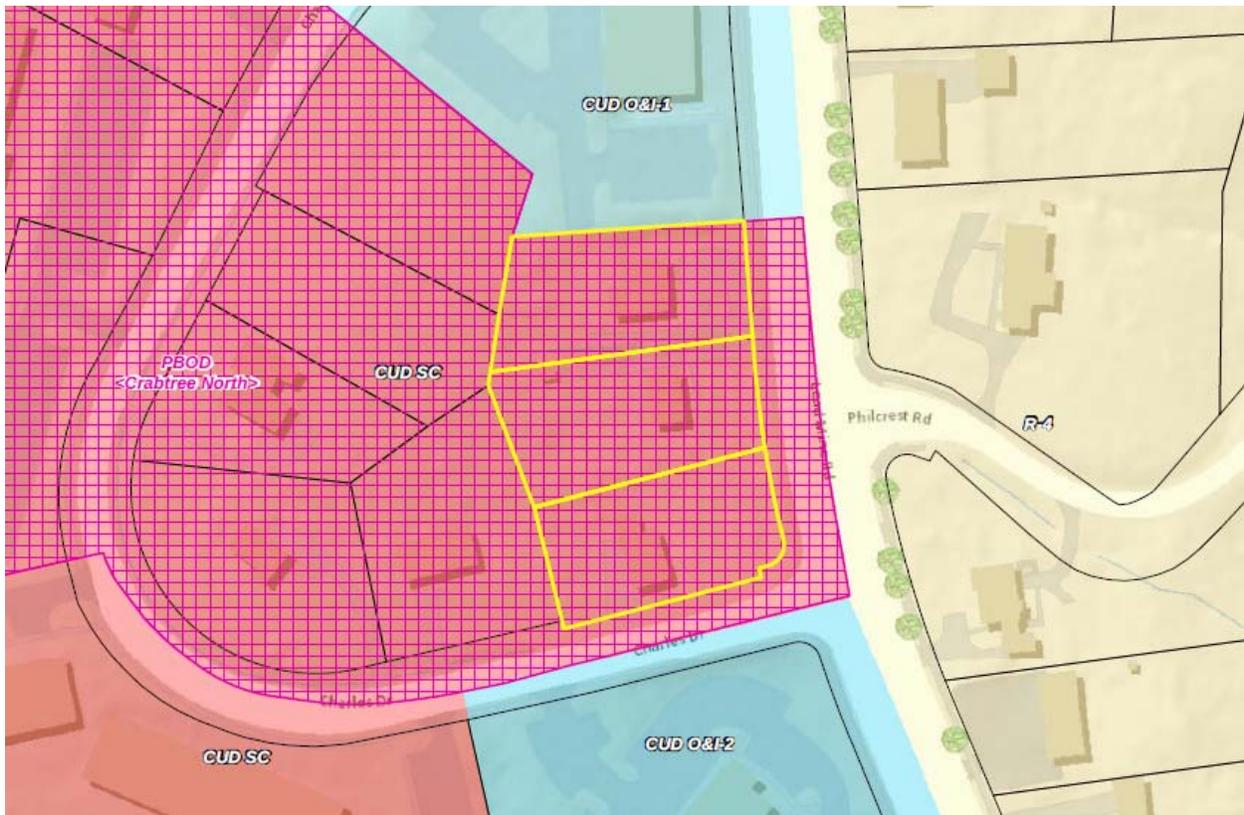


**4501, 4505 & 4509 Lead Mine Road – Location Map**

To BOA: 1-11-16

Staff Coordinator: Eric S. Hodge, AICP

**ZONING DISTRICTS:** Shopping Center Conditional Use and Pedestrian Business Overlay District



### 4501, 4505 & 4509 Lead Mine Road – 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:

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.**



**Z-7-12 – Lead Mine Road and Charles Drive** located west of Leadmine Road, northwest of its intersection with Glenwood Avenue, being Wake County PINs 0796518795, 0796611658, 0796611519, 0796610449, 0796610348, 0796611399, 0796613559, 0796613469, & 0796613480. Approximately 9.12 acres are requested to be rezoned from R-15 CUD and O&I-1 CUD to SC Conditional with PBOD.

**Conditions Dated: 03/30/12**

Narrative of conditions being requested:

1. The following uses shall be prohibited on the Property:
  - a. a day care facility,
  - b. custom and specialized manufacturing,
  - c. an airfield, landing strip or heliport,
  - d. orphanage,
  - e. correctional/penal facility
  - f. landfill
  - g. cemetery
  - h. telecommunications tower
  - i. outdoor stadium, outdoor theater, outdoor racetrack, outdoor movie theater
  - j. emergency shelter
  - k. adult establishment
  - l. carwash facility
  - m. retail sales-highway
  - n. shopping area
  - o. shopping center
  - p. Any use with a drive-through
  
2. Prior to the issuance of any building permit for the Property or a subdivision of the Property, whichever shall occur first, the owner of the Property shall convey to the City of Raleigh a transit easement measuring twenty (20) feet by fifteen (15) feet with a concrete pad and transit shelter. The location of the easement shall be approved by the Public Works Department, Transit Division of the City and the City Attorney shall approve the transit easement deed prior to recordation. Prior to obtaining a Certificate of Occupancy for any new building on the Property, the owner will construct the concrete pad and shelter referenced in this Condition within such transit easement, unless this requirement is waived by the City of Raleigh.
  
3. Upon redevelopment, there will be a minimum of 2500 square feet of "retail" development as defined in Code Section 10-8002 on the Property; however, total retail development as defined in Code Section 10-8002 on the entire Property shall not exceed a total of 7500 square feet. The total

residential density on the Property shall not exceed 533 units. Office uses as defined in Code Section 10-8002 will not be allowed, except as incidental and accessory to residential uses.

4. Prior to the issuance of a building permit, Petitioner will dedicate to the City of Raleigh a right-of-way of a width agreeable to the City of Raleigh, not to exceed 60 feet, for the purpose of roadway construction adjacent to and along the 255 foot southern property line of PIN 0796518795, Deed Book 14289, Page 2645. At the City's request, and if needed, the Petitioner will also convey a slope easement to the City of a width of no more than 20 feet at the same location. The adjacent property to the South is owned by Joanna Smith Mills and Melissa Smith Mills and the deed for this property is recorded at Deed Book 6693, Page 84 and Deed Book 6693, Page 81. The road will be constructed prior to the issuance of a Certificate of Occupancy for any new building on the Property.

5. Development shall be made in accordance with the applicable Streetscape and Parking Plan, as it may be amended from time to time.

6. Exterior building surfaces fronting on, adjacent to and visible from public rights-of-way shall consist of at least 80% brick, stone or masonry veneer, exclusive of roofs, windows, Storefronts (as defined below), doors, cornices and trim; other exterior building surfaces shall consist of at least 50% brick, stone or masonry veneer, exclusive of roofs, windows, Storefronts (as defined below), doors, cornices and trim. No external building surface shall consist of vinyl, wood fiber, utility grade concrete masonry unit, or synthetic stucco.

7. Building entrance doors (exclusive of hardware and insulation) facing public rights-of-way or internal courtyards shall consist of all wood or a combination of glass and wood.

8. Above ground portions of parking decks visible from adjoining properties or the public right-of-way shall be clad in the same materials as the principal buildings on site.

9. Garbage dumpsters/compactors shall be screened from view from adjacent properties and public rights-of-way, provided that any enclosures may have gated openings to be opened when dumpsters/compactors are being emptied. All such enclosures shall be constructed from the same materials as the principal buildings they serve and shall include a wood trellis covering at least 50% of the enclosure.

10. All retail uses shall be located in buildings which contain at least one other non-retail use.

11. Exterior surfaces of retail uses between the foundation and 12 feet above ground ("Storefronts") shall consist of at least 50% glass or glazing.

12. At least 30 vehicular parking spaces with electrical charging facilities shall be provided on site.

13. Covered parking in bicycle racks shall be provided for at least 100 bicycles.

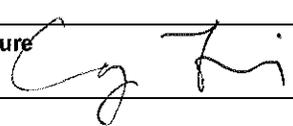
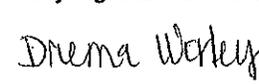
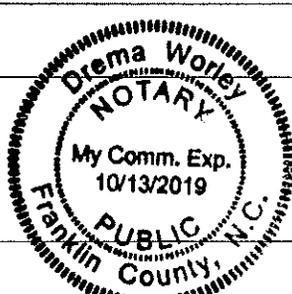


# Planning & Development

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.) 10' variance to required depth of transit easement required by Condition 2 of zoning case Z-7-12, to permit a transit easement measuring 5' in depth.		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.		

GENERAL INFORMATION		
Property Address 4501, 4505, 4509 Lead Mine Road	Date 12/8/15	
Property PIN 0796-61-3480, 0796-61-3469, 0796-61-3559	Current Zoning SC CUD with PBOD	
Nearest Intersection Lead Mine Road and Charles Drive	Property size (in acres) 1.34 acres	
Property Owner Crabtree North, LLC PO Box 254 Folly Beach, SC 29439	Phone 919-256-3370	Fax
	Email Craig@FrontStreetConstruction.com	
Project Contact Person Michael Birch, Morningstar Law Group 630 Davis Drive, Suite 200 Morrisville, NC 27560	Phone 919.208.9427	Fax
	Email mbirch@morningstarlawgroup.com	
Property Owner Signature 	Email	
Notary Sworn and subscribed before me this <u>9th</u> day of <u>December, 2015</u>	Notary Signature and Seal 	

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 **0017464** PIN # **0796613480**

[Account Search](#)

Location Address **4501 LEAD MINE RD** Property Description **BOUNDARY SURVEY**

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

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



<b>Property Owner</b> <b>CRABTREE NORTH LLC</b> (Use the Deeds link to view any additional owners)		<b>Owner's Mailing Address</b> <b>PO BOX 254</b> <b>FOLLY BEACH SC 29439-0254</b>		<b>Property Location Address</b> <b>4501 LEAD MINE RD</b> <b>RALEIGH NC 27612-3326</b>	
<b>Administrative Data</b> Old Map # <b>406--</b> Map/Scale <b>0796 19</b> VCS <b>GWRA001</b> City <b>RALEIGH</b> Fire District Township <b>HOUSE CREEK</b> Land Class <b>VACANT</b> ETJ <b>RA</b> Spec Dist(s) Zoning <b>CUD SC</b> History ID 1 History ID 2 Acreage <b>.42</b> Permit Date Permit #		<b>Transfer Information</b> Deed Date <b>9/9/2011</b> Book & Page <b>14457 1635</b> Revenue Stamps <b>2700.00</b> Pkg Sale Date <b>5/20/2005</b> Pkg Sale Price <b>\$161,000</b> Land Sale Date <b>9/9/2011</b> Land Sale Price <b>\$194,200</b>		<b>Assessed Value</b> Land Value Assessed <b>\$184,414</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>\$184,414</b> Assessed*	
		<b>Improvement Summary</b> Total Units <b>0</b> Recycle Units <b>0</b> Apt/SC Sqft Heated Area			

\*Wake County assessed building and land values reflect the market value as of January 1, 2016, 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, 2016 values will remain in effect until the next county-wide revaluation. Until that time, any real estate accounts created or new construction built is assessed according to the 2016 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.



[Home](#)

# Wake County Real Estate Data Account Summary

[iMaps](#)  
[Tax Bills](#)

Real Estate ID **0017209** PIN # **0796613469**

[Account Search](#)

Location Address **4505 LEAD MINE RD** Property Description **LO22 BOUNDARY SURVEY**

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

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



<b>Property Owner</b> <b>CRABTREE NORTH LLC</b> (Use the Deeds link to view any additional owners)		<b>Owner's Mailing Address</b> <b>PO BOX 254</b> <b>FOLLY BEACH SC 29439-0254</b>		<b>Property Location Address</b> <b>4505 LEAD MINE RD</b> <b>RALEIGH NC 27612-3326</b>	
<b>Administrative Data</b> Old Map # <b>406-00000-0027</b> Map/Scale <b>0796 19</b> VCS <b>GWRA001</b> City <b>RALEIGH</b> Fire District Township <b>HOUSE CREEK</b> Land Class <b>R-&lt;10-HS</b> ETJ <b>RA</b> Spec Dist(s) Zoning <b>CUD SC</b> History ID 1 History ID 2 Acreage <b>.47</b> Permit Date Permit #		<b>Transfer Information</b> Deed Date <b>9/9/2011</b> Book & Page <b>14457 1635</b> Revenue Stamps <b>2700.00</b> Pkg Sale Date <b>9/9/2011</b> Pkg Sale Price <b>\$216,500</b> Land Sale Date <b>9/28/2005</b> Land Sale Price <b>\$194,000</b>		<b>Assessed Value</b> Land Value Assessed <b>\$206,368</b> Bldg. Value Assessed <b>\$2,493</b> Tax Relief Land Use Value Use Value Deferment Historic Deferment Total Deferred Value Use/Hist/Tax Relief Assessed Total Value <b>\$208,861</b> Assessed*	
		<b>Improvement Summary</b> Total Units <b>1</b> Recycle Units <b>1</b> Apt/SC Sqft Heated Area <b>984</b>			

\*Wake County assessed building and land values reflect the market value as of January 1, 2016, 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, 2016 values will remain in effect until the next county-wide revaluation. Until that time, any real estate accounts created or new construction built is assessed according to the 2016 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.



[Home](#)

# Wake County Real Estate Data Account Summary

[iMaps](#)  
[Tax Bills](#)

Real Estate ID **0029087** PIN # **0796613559**

[Account Search](#)

Location Address **4509 LEAD MINE RD** Property Description **LO23 BOUNDARY SURVEY**

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

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



<b>Property Owner</b> <b>CRABTREE NORTH LLC</b> (Use the Deeds link to view any additional owners)	<b>Owner's Mailing Address</b> <b>PO BOX 254</b> <b>FOLLY BEACH SC 29439-0254</b>	<b>Property Location Address</b> <b>4509 LEAD MINE RD</b> <b>RALEIGH NC 27612-3326</b>
--	---	--

Administrative Data	Transfer Information	Assessed Value
Old Map # <b>406-00000-0026</b>	Deed Date <b>9/9/2011</b>	Land Value Assessed <b>\$197,588</b>
Map/Scale <b>0796 19</b>	Book & Page <b>14457 1635</b>	Bldg. Value Assessed
VCS <b>GWRA001</b>	Revenue Stamps <b>2700.00</b>	Tax Relief
City <b>RALEIGH</b>	Pkg Sale Date <b>9/28/2005</b>	Land Use Value
Fire District	Pkg Sale Price <b>\$186,000</b>	Use Value Deferment
Township <b>HOUSE CREEK</b>	Land Sale Date <b>9/9/2011</b>	Historic Deferment
Land Class <b>VACANT</b>	Land Sale Price <b>\$207,800</b>	Total Deferred Value
ETJ <b>RA</b>		Use/Hist/Tax Relief
Spec Dist(s)	<b>Improvement Summary</b>	Assessed
Zoning <b>CUD SC</b>	Total Units <b>0</b>	Total Value <b>\$197,588</b>
History ID 1	Recycle Units <b>0</b>	Assessed*
History ID 2	Apt/SC Sqft	
Acreage <b>.45</b>	Heated Area	
Permit Date		
Permit #		

\*Wake County assessed building and land values reflect the market value as of January 1, 2016, 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, 2016 values will remain in effect until the next county-wide revaluation. Until that time, any real estate accounts created or new construction built is assessed according to the 2016 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.

