



Certified Action Of the City of Raleigh Planning Commission

City of Raleigh
Development Plans Review Center
One Exchange Plaza
Raleigh, NC 27602
(919) 516-2626
www.raleighnc.gov

Case File / Name: IR-1-09 / Hosseini Property Lots 1 & 3

General Location: On the north side of East Hargett Street west of Camden Street inside the city limits.

Owner: Sayed Hassan Hosseini
Designer: Turning Point Surveying

Planning District / CAC: Central / South Central

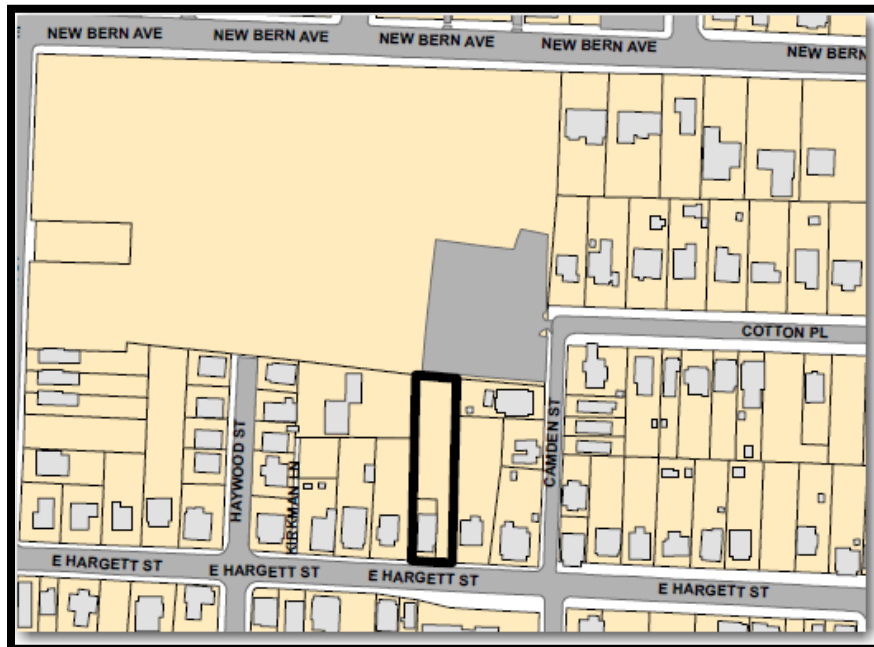
Nature of Case: This is an "infill" recombination to reconfigure 2-existing lots; Lots 1 & 3 recorded BM 1920 PG 45, into 2 lots zoned Residential-20.

Lot 1 will be .27 acres (11,891 square feet) with a road frontage of 20 linear feet along East Hargett Street and is currently vacant.

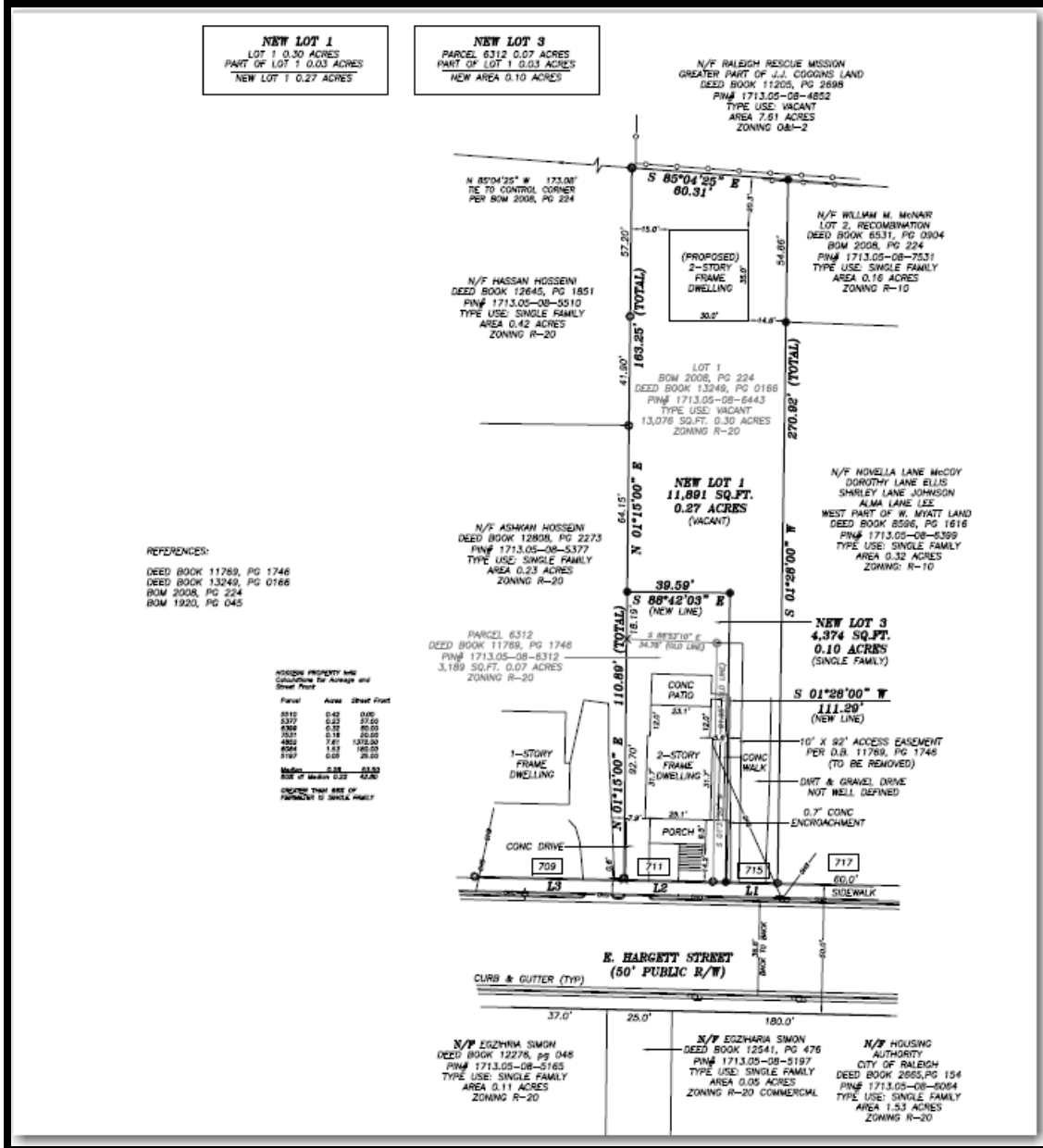
Lot 3 will be .10 acres (4,374 square feet) with a road frontage of 39.17 linear feet along East Hargett Street; there is an existing house located on lot 3 that will remain. The existing house on lot 3 does not meet the required front and side yard setback and is currently nonconforming but with the recombination the nonconformity setbacks will become less nonconforming.

Contact: Turning Point Surveying

Issues and Outstanding Issues: Planning Commission should evaluate this request utilizing the infill standards of Code section 10-3032(d) as found on page 7 of this staff report.



IR-1-09 Hosseini Property location map



IR-1-09 Hosseini Recombination map

SUBJECT: IR-1-09 Hosseini Property / Lots 1 & 3

CROSS-REFERENCE: N/A

LOCATION: On the north side of East Hargett Street west of Camden Street inside the city limits

REQUEST: This is an "infill" recombination to reconfigure 2 existing lots 1 & 3; recorded BM 1920 PG 45, into 2 lots zoned Residential-20.

Lot 1 will be .27 acres (11,891 square feet) with a road frontage of 20 linear feet along East Hargett Street and is currently vacant.

Lot 3 will be .10 acres (4,374 square feet) with a road frontage of 39.17 linear feet along East Hargett Street there is an existing house located on lot 3 that will remain. The existing house on lot 3 does not meet the required front and side yard setback and is currently nonconforming but with the recombination the nonconformity setbacks will become less nonconforming. Required setbacks for R-20 is 20' front yard, 20' rear yard with an aggregate of 15' for side yard. The house as constructed has a setback of 14.2' front yard, 12' rear yard with an aggregate of 9.9' side yard setback. The recombination will not affect the front yard setback but the rear yard and side yard setback will be increased with the approval of the recombination. After the recombination the rear yard setback will be approximately 45' from the house and the side yard setback will be an aggregate of 13.7'.

This development constitutes an "infill recombination" of less than 5 acres surrounded on at least 66% of its perimeter by developed single-family detached dwellings, and contains one or more lot frontages less than 80% of the median of the surrounding lots, or one or more lot sizes less than 80% of the median of the surrounding lots or both.

<u>Median lot size of surrounding lots</u>	<u>.28 acres (80% = .22)</u>
Proposed lot size lot #1	.27 acres (96% of median)
Proposed lot size lot #3	.10 acres (35% of median)
<u>Median lot frontage of surrounding lots</u>	<u>53.50' (80% = 42.80')</u>
Proposed lot frontage lot #1	20.00' (37% of median)
Proposed lot frontage lot #3	39.17' (73% of median)

OFFICIAL ACTION: Approval with conditions

CONDITIONS OF APPROVAL: As noted on the Staff Report, attached

FINDINGS: The Planning Commission finds that this request, with the conditions of approval below being met, meets the infill lot layout standards of 10-3032(d). The Planning

Commission also finds that this plan, with the conditions of approval below being met, conforms to Chapter 2, Part 10, Section 10-2023, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated November 24, 2008, owned by Sayed Hassan Hosseini & Taraneh Bayani Hosseini, submitted by Turning Point Surveying.

ADDITIONAL

NOTES: The applicant has submitted a final landscape plan that has been approved by the zoning division located in the Inspections Department.

**VARIANCES /
ALTERNATES:**

N/A

To PC: July 28, 2009

Case History:

Staff Coordinator: Jacque Baker

Motion: Gaylord

Second: Haq

In Favor: Anderson, Bartholomew, Chambliss, Gaylord, Haq, HarrisEdmisten, Mullins, Smith, Vance

Opposed:

Excused:

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the Staff Report attached.

Signatures: (Planning Dir.)

(PC Chair)

date: 7/29/09



date: 7/29/09



Staff Report

**RECOMMENDED
ACTION:** Approval with Conditions

**CONDITIONS OF
APPROVAL:** Planning Commission Actions:

- (1) That the Planning Commission finds that this infill recombination meets the standards of Section 10-3032(d) regarding lot configuration, compliance with general plans and protection from adverse effects of development;

The applicant has materials and information to meet standard 5 of code section 10-3032(d) for the following:

- Elevations
- Building Heights
- Air, light and privacy

The owner has proposed in writing the following:

- (2) **Height:** Maximum building height not to exceed 38 feet from average natural ground elevation (per City of Raleigh Code section 10-2076(b)).
- (3) **Size.** The minimum floor area gross shall not be less than 2,000 square feet finished and a maximum of 4,600 square feet this shall include porches, attics, and basements.

Administrative Actions:

Prior to Planning Department authorization to record lots:

- (4) That the recorded plat contain the following note: "A restrictive covenant for lots 1 & 3 has been recorded for house size and building height;
- (5) That the owner prepare a restrictive covenant for recombined lots 1 & 3 establishing a minimum floor area gross, as defined by the Zoning Chapter of the City Code, of no less than 2,000 square feet and no more than 4,600 square feet, this areas shall include basements, attics, porches [as per City Code Section 10-2002 definition of floor area gross], and a maximum building height not to exceed 38-feet from the average natural ground elevation [as per City Code Section 10-2076(b)]. That the City Attorney approves the restrictive covenant prior to its recordation, and that the approved restrictive covenant shall be recorded with the local county register of deeds office. That the recorded copy of this restrictive covenant be provided to the Planning Department within 14 days of authorization of lot recording. If a recorded copy of this document is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld;

Prior to issuance of building permits in the Inspections Department:

- (6) That as part of building permit applications, a copy of the recorded restrictive covenants be submitted to the Inspections Department.

ZONING:

ZONING DISTRICTS: Residential-20.

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 is shown and the plan has been approved by the Zoning Division/Inspection Department.

TREE CONSERVATION: Site is less than 2-acres in size and is exempt from 10-2082.14.

UNITY OF DEVELOPMENT: Unity of development criteria is not required in this recombination.

PHASING: There are no phases in this recombination.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN: Dedication of right-of-way and construction not required with a recombination but may be required at building permit issuance.

TRANSIT: Transit easement dedication not required with a recombination.

URBAN FORM: This site is located in the Central Planning District, in an area designated a residential area.

SUBDIVISION STANDARDS:

LOT LAYOUT: The minimum lot size in this zoning district is 5,000 square feet. The minimum lot depth in this zoning district is 70'. The minimum lot width in this zoning district is 45'. Lot 1 in this recombination meets the minimum lot area, minimum lot width and minimum lot depth both before and after the proposed recombination. Lot 3 in this recombination does not conform to the lot width and size standards before the proposed recombination, however the recombination is lessening the degree of nonconformity of Lot 3 by increasing its overall lot size and its lot width. Code section 10-3005(a)(1) states that the recombination may still be approved if the resulting combined lots more closely conform to the minimum lot standards in the Code. See the following table for before/after dimensional information.

	Existing Lot 1	Proposed Lot 1	Existing Lot 3	Proposed Lot 3
Lot Size	.30 ac (13068 SF)	.27 ac (11761 SF)	.07 ac (3049 SF)	.10 ac (4353 SF)
Street Frontage	24.81'	20'	35'	40'
Lot Width	60.31'	60.31'	34.78'	39.59'
Lot Depth	181.44'	163.25'	92.7'	110.89'

This is an infill recombination as defined in Section 10-3003. Lot lines are angled from the street in a similar manner as typical surrounding lots. Lot 1 consists of more than 4 lines as originally recorded in 1920. The building envelopes for lot 1 may be placed in such a way that a house may be located one behind the other when viewed from the public street. Lots proposed may be adequately served by City services.

**INFILL
 STANDARDS:**

Any infill lot formed either by recombination or by subdivision after the application of this regulation shall comply with the following:

- (1) All lot line boundaries shall meet all of the following:
 - a. Lot lines shall be angled from the street in a similar manner to the angle that is typical of the surrounding peripheral residential lots;
 - b. Lots shall consist of no more than four (4) lines (front, rear, side, side) where such a configuration is typical of the surrounding peripheral residential lots;
 - c. Lots shall not be configured in such a way that building envelopes for houses are placed one behind the other when viewed from the public street, where such a configuration is not typical of the surrounding peripheral residential lots.

Lot line boundaries may be approved that do not meet subparagraphs a. b. or c. above if the Planning Commission finds the lot line configuration is harmonious with the lot configuration pattern of the surrounding peripheral lots.

- (2) Lots shall be configured to be adequately served by City services, allow for access of emergency vehicles, and meet City standards for proximity to fire hydrants and fire lines where public water is available.

- (3) If a lot is to be formed of a size that would allow further subdivision, a forty-foot minimum width shall be maintained on all parts of the lot to allow a public street to be extended to serve any additional lots that may be proposed in the future.

- (4) The Planning Commission first finds that the infill project is in accordance with the general plans for the physical development of the City as embodied in the Comprehensive Plan (including the design standards contained therein), redevelopment plans, Streetscape Plans, Neighborhood Plans or other City Council -adopted plans and standards. If there are conflicts between the plan and Code restrictions, the more stringent shall apply.

- (5) The Planning Commission first finds that the infill project contains adequate measures to protect other properties, including public corridors from adverse effects expected from the development or recombination, including stormwater, traffic, and interference with air, light and privacy of surrounding residential properties.

BLOCK LAYOUT: The existing street layout conforms to City Code, providing for efficient circulation of traffic within the entire neighborhood area. The maximum block length in this development meets the 1500-foot standard as noted in the Streets, Sidewalks and Driveway Access Handbook. No dead end street in this development exceeds 800 feet in length.

PUBLIC UTILITIES: City water and sewer services are available to both lots. The owner of each lot is responsible for installation of all lines necessary to provide service to this site.

SOLID WASTE: Refuse collection is to be provided based on the standards in the Solid Waste Manual.

CIRCULATION: Street improvements are not required in a recombination.

PEDESTRIAN: Sidewalk improvements are not required with a recombination.

FLOOD HAZARD: There are no flood hazard areas on this site.

STORMWATER MANAGEMENT: Lot 3 is not subject to stormwater control regulations of Part 10 Chapter 9 by this recombination. Depending on how vacant lot 1 develops, it may or may not be subject to stormwater control regulations of part 10 Chapter 9.

WETLANDS / RIPARIAN BUFFERS: No wetland areas or Neuse River riparian buffers are required on this site.

STREET NAMES: No new street names are required for this development.

OTHER REGULATIONS: Developer shall meet all City requirements, including underground utility service (§10-3059), flood protection measures (Part 10, Chapter 4), and the soil erosion ordinance (Part 10, Chapter 5), unless specifically varied by this approval.

COVENANTS

Subdivision: Hosseini Property

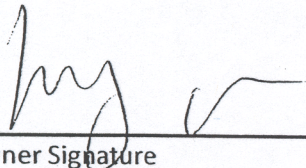
Street: E. Hargett Street

Lots: 1 & 3

The owner has proposed in writing the following:

Declarant, hereby declares that all of the properties described above shall be held, sold, transferred, mortgaged, used and conveyed subject to the following easements, restrictions, covenants and conditions set forth in this Declaration which are for the purpose of protecting the value and desirability of, and which shall run with the real property and be binding on all parties having any right, title, or interest in the described properties or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

- Square Footage- Dwellings shall have a minimum square footage of 2,000 square feet and a maximum of 4,600 square feet gross floor area, this shall include porches, attics, mechanical equipment area and basements.
- Foundations- Only crawlspace or basement foundations will be permitted. Concrete slabs will only be allowed for sidewalks and patios.
- Height Restrictions- Maximum building height not to exceed 38 feet from average natural ground elevation to the average height level of the roof.

 Hassen Hosseini 7-2-09
Owner Signature Date