



DOCKET #: W2630

PROPOSED ZONING:
RS7

EXISTING ZONING:
RS9

PETITIONER:
Mission Road, LLC,
and Anthony M. Krofchik

SCALE: 1" represents 200'

STAFF: Roberts

GMA: 3

ACRE(S): 0.48

MAP(S): 618830



July 23, 2003

Mission Road, LLC and Anthony M. Krofchik
2892 Friendship-Ledford Road
Winston-Salem, NC 27107

RE: ZONING MAP AMENDMENT W-2630

Dear Mr. Krofchik:

The attached report of the Planning Board to the City Council is sent to you at the request of the Council Members. You will be notified by the City Secretary's Office of the date on which the Council will hear this petition.

Sincerely,

A. Paul Norby, AICP
Director of Planning

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102
Rebecca Malloy, 12665 Thompson Drive, Winston-Salem, NC 27127

ACTION REQUEST FORM

DATE: July 23, 2003
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, AICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on zoning map amendment of Mission Road, LLC and Anthony M. Krofchik

SUMMARY OF INFORMATION:

Zoning map amendment of Mission Road, LLC and Anthony M. Krofchik from RS-9 to RS-7: property is located on the south side of Thompson Drive west of Old Salisbury Road; property consists of ±0.48 acre and is Tax Lots 13 and 14, Tax Block 3843 as shown on the Forsyth County Tax Maps (Zoning Docket W-2630).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: NOT REQUIRED

CITY ORDINANCE - GENERAL USE

Zoning Petition of Mission Road, LLC and Anthony M. Krofchik, Docket W-2630

AN ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM, N.C.

BE IT ORDAINED by the City Council of the City of Winston-Salem as follows:

Section 1. The Winston-Salem City Zoning Ordinance and the Official Zoning Map of the City of Winston-Salem, N.C. are hereby amended by changing from RS-9 to RS-7 the zoning classification of the following described property:

Tax Block 3843, Tax Lots 13 and 14

Section 2. This ordinance shall become effective upon adoption.

ZONING STAFF REPORT

DOCKET # W-2630
STAFF: Gary Roberts

Petitioner(s): Mission Road, LLC and Anthony M. Krofchik
Ownership: Same

REQUEST

From: RS-9 Single Family Residential District
To: RS-7 Single Family Residential District

Both general and special use district zoning were discussed with the applicant(s) who decided to pursue the zoning as requested.

NOTE: This is a general use zoning petition; therefore, ALL uses permitted in the above requested district should be considered.

Acreage: 0.48 acre

LOCATION:

Street: South side of Thompson Drive and west of Old Salisbury Road.
Jurisdiction: City of Winston-Salem.
Ward: South.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Two single family residences.

Adjacent Uses:

- North- Single family residence zoned RS-9.
- East- Single family residence zoned RS-9.
- South- Single family residence zoned RS-9.
- West- Single family residence zoned RS-9.

GENERAL AREA

Character/Maintenance: Well maintained single family homes.
Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: No impact determined with general use request.
Topography: Gentle slope downward from the frontage along Thompson Drive to the southern portion of the site.

Vegetation/habitat: Standard residential yard.

Water Supply Watershed: The subject property is not in a water supply watershed.

TRANSPORTATION

Direct Access to Site: Thompson Drive.

Street Classification: Thompson Drive – Local Road.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day): No traffic counts available on Thompson Drive.

Sidewalks: None

HISTORY

Relevant Zoning Cases:

1. W-2308; County RS-9 to City RS-9; approved September 4, 1999; east side of Old Salisbury Road across from Midpines Drive; 36.6 acres; Planning Board and staff recommended approval.
2. W-2241; RS-9 to RM8 –S (Child Day Care Center); approved August 3, 1998; northwest corner of Old Salisbury Road and Perks Drive; 0.67 acre; Planning Board and staff recommended approval.
3. W-2005; RS-9 to RM12-S (Residential Building, Multifamily); denied November 6, 1995; northwest corner of Old Salisbury Road and Perks Drive; 1.46 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

GMP Area (*Legacy*): Suburban Neighborhoods (GMA 3).

Relevant Comprehensive Plan Recommendation(s): *Legacy* supports higher densities in neighborhoods and a variety of housing types for all income levels.

Area Plan/Development Guide: The subject property is not within the boundaries of an area plan or development guide.

ANALYSIS

The subject request is to rezone two lots, (0.48 acre) located on the south side of Thompson Drive from RS-9 to RS-7. The western most lot has an older single family residence located on it while a newly constructed single family home occupies the eastern most property. New infill houses have also been constructed on the immediately adjacent properties to the west and east. The subject properties are located mid block within an established single family neighborhood zoned RS-9. Most of the properties along both sides of this portion of Thompson Drive, including the subject property, were platted in the early 1950's into lots of 50 feet in width and are now considered nonconforming lots. Nonconforming lots, (platted prior to September 16, 1968 in Winston-Salem), may be

built upon provided the owner does not own sufficient adjoining property to create a conforming lot, and the building setback requirements are met. New lots within the RS-9 District must be at least 65 feet wide.

In an effort to construct the new, abovementioned single family residence on the previously undeveloped eastern lot, the petitioners initially suspected that the existing house encroached slightly onto said eastern lot. The subject properties were subsequently subdivided, (without Minor Subdivision approval) and recorded in the Register of Deeds.

The petitioners then became aware that such an encroachment in fact did not exist and recorded deeds to restore the original configuration. They then obtained a building permit for the eastern lot based upon its original configuration without realizing they had lost their nonconforming status.

The newly constructed house conforms to the original lot lines, however once non-conforming lots are altered they may not be reestablished. The proposed RS-7 District, which has a minimum lot width of 50 feet, would enable the recently constructed, single family home and the previously existing residence to legally occupy the original lot configurations.

While the reduced minimum lot size of the proposed RS-7 District would, from a square footage standpoint, allow a third lot to be created in the rear yards, not enough space exists in between the houses to accommodate the required 25 foot access easement.

Considering the unique circumstances of the subject request and the general lotting pattern of the surrounding neighborhood, staff recommends approval.

FINDINGS

1. *Legacy* supports higher densities in neighborhoods and a variety of housing types for all income levels.
2. The subject property is not within the boundaries of an area plan or development guide.
3. The subject request is an attempt to restore previous development rights which were lost as the result of a unique set of circumstances.
4. The proposed RS-7 zoning with 50' minimum lot widths is consistent with the established lot widths and character of the area.

STAFF RECOMMENDATION

Zoning: **APPROVAL.**

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

Steve Calaway, 1330 Ashley Square, Winston-Salem, NC 27103

We heard a lot of talk during the UDO conversion process about how we were not changing the zoning, just the classification. However, when we reclassified these lots, we rezoned them to RS-9, even though they are RS-7 lots.

The older house is there with the new house beside it.

These are nice looking houses in a nice looking neighborhood. They are designed for the neighborhood.

The house is there and they need some relief.

AGAINST:

Rebecca Malloy, 12665 Thompson Drive, Winston-Salem, NC 27127

I live in the house directly across the street

These houses are really close together; they bought one house and put three more there.

I represent the neighborhood.

Evidently they did get messed up on the zoning, but the houses are there and they are nice.

I don't like this, but what can I do about it when it's already built.

I'm selling my house anyway and moving, so...

WORK SESSION

MOTION: Philip Doyle moved approval of the zoning map amendment.

SECOND: John Bost

VOTE:

FOR: Bost, Clark, Doyle, Eickmeyer, Folan, Glenn, King, Lambe, Norwood

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning