



**DOCKET #:** W2462

**PROPOSED ZONING:**  
RSQ-S (Residential  
Building, Single Family)

**EXISTING ZONING:**  
RS9

**PETITIONER:**  
William E. and Julie J. Austin

**SCALE:** 1" represents 200'

**STAFF:** Roberts

**GMA:** 3

**ACRE(S):** 1.36

**MAP(S):** 624846



April 25, 2001

William E. and Julie J. Austin  
2785 Gray Moss Drive  
Clemmons, NC 27012

RE: ZONING MAP AMENDMENT W-2462

Dear Mr. & Mrs. Austin:

The attached report of the Planning Board to the Board of Aldermen is sent to you at the request of the Aldermen. You will be notified by the City Secretary's Office of the date on which the Aldermen 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  
Bob R. Dahmer, 2178 Vienna-Dozier Road, P. O. Box 983, Clemmons, NC 27012  
Vickie Honkonen, 1284 Madison Avenue, Winston-Salem, NC 27103  
Neal Honkonen, 1284 Madison Avenue, Winston-Salem, NC 27103  
Richard Beckham, 1019 Lockland Avenue, Winston-Salem, NC 27103  
Helen S. Shaw, 1129 Madison Avenue, Winston-Salem, NC 27103  
Georgiana P. McCoy, 3407 Jeketer Drive, Winston-Salem, NC 27105  
Mel White, 600 S. Main Street, P. O. Box 1391, Winston-Salem, NC 27108  
Gail Brurk, 1126 Madison Avenue, Winston-Salem, NC 27103  
Angela Townsend, 905 Madison Avenue, Winston-Salem, NC 27103  
Laura Chavis, 952 Madison Avenue, Winston-Salem, NC 27103

**ACTION REQUEST FORM**

**DATE:** April 25, 2001  
**TO:** The Honorable Mayor and Board of Aldermen  
**FROM:** A. Paul Norby, AICP, Director of Planning

**BOARD ACTION REQUEST:**

Request for Public Hearing on Zoning map amendment of William E. Austin and Julie J. Austin

**SUMMARY OF INFORMATION:**

Zoning map amendment of William E. Austin and Julie J. Austin from RS-9 to RSQ-S (Residential Building, Single Family): property is located at the northern terminus of Tredwell Drive and east of Madison Avenue (Zoning Docket W-2462).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL  
**FOR:** AVANT, BOST, JOHNSON, KING, POWELL  
**AGAINST:** ROUSSEAU, SCHROEDER, SNELGROVE  
**SITE PLAN ACTION:** CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of William E. Austin and Julie J. Austin, Docket W-2462

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

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BE IT ORDAINED by the Board of Aldermen 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 RSQ-S (Residential Building, Single Family) the zoning classification of the following described property:

Tax Block 2291, Tax Lots 137A, 137C, 136E, 136A, 135A, and 134D

Section 2. This Ordinance is adopted after approval of the site plan entitled Tredwell Place and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the \_\_\_\_\_ day of \_\_\_\_\_, to William E. Austin and Julie J. Austin.

Section 3. The Board of Aldermen hereby directs the issuance of a Special Use District Permit pursuant to the Zoning Ordinance of the *Unified Development Ordinances* for a development to be known as Tredwell Place. Said Special Use District Permit and site plan with associated documents are attached hereto and incorporated herein.

Section 4. This Ordinance shall be effective from and after its adoption.

CITY - SPECIAL USE DISTRICT PERMIT

SPECIAL USE DISTRICT PERMIT

Issued by the Board of Aldermen

of the City of Winston-Salem

The Board of Aldermen of the City of Winston-Salem issues a Special Use District Permit for the site shown on the site plan map included in this zoning petition of William E. Austin and Julie J. Austin, (Zoning Docket W-2462). The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use District Permit for RSQ-S (Residential Building, Single Family), approved by the Winston-Salem Board of Aldermen the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_" and signed, provided the property is developed in accordance with requirements of the RSQ-S zoning district of the Zoning Ordinance of the *Unified Development Ordinances*, the Erosion Control Ordinance, and other applicable laws, and the following additional conditions be met:

- **PRIOR TO ISSUANCE OF GRADING PERMITS**
  - a. Developer shall identify exact location of all grave sites on the plat and ensure that said sites are protected during grading activity.
  
- **PRIOR TO SIGNING FINAL PLATS**
  - a. Developer to receive any permits or other approvals required from either the state or local government concerning the graveyard on this property prior to signing final plats.
  - b. All lots shall meet the minimum lot width requirement of the RSQ District or variances must be approved by the City Zoning Board of Adjustment.

## ZONING STAFF REPORT

**DOCKET #** W-2462  
**STAFF:** Gary Roberts

Petitioner(s): William E. and Julie J. Austin  
Ownership: Same.

### **REQUEST**

From: RS-9 Residential Single Family District; minimum lot size 9,000 sf  
To: RSQ-S Residential Single Family District (Residential Building, Single Family)

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

Acreage: 1.36 acres

### **LOCATION**

Street: Northern terminus of Tredwell Drive east of Madison Avenue.  
Jurisdiction: City of Winston-Salem.  
Ward: Southwest.

### **SITE PLAN**

Proposed Use: Residential Building, Single Family.  
Density: 5.9 dwelling units per acre.  
Parking: Required: 2 spaces per lot, (16); proposed: 16.  
Bufferyard Requirements: None.  
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

### **PROPERTY SITE/IMMEDIATE AREA**

Existing Structures on Site: No structures are on the site, however a small cemetery which was associated with a now demolished nearby church, includes several grave sites which possibly lie within the northern portion subject property.

Adjacent Uses: Single family homes surround this site except for the northwest corner where a small cemetery is located. The surrounding area is zoned RS-9.

### **GENERAL AREA**

Character/Maintenance: Modest, moderately well maintained, single family homes on small lots.  
Development Pace: Slow.

## **PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: Grading of majority of site to accommodate street extension and house lots.

Topography: This site is fairly flat with slight slope downward to the south toward Tredwell Drive.

Vegetation/habitat: Grassy, field like.

Constraints: A small cemetery which was associated with a now demolished nearby church, includes several grave sites which possibly lie within the northern edge of the subject property.

## **TRANSPORTATION**

Direct Access to Site: Madison Avenue; Tredwell Drive.

Street Classification: Madison Avenue - local street; Tredwell Drive - local street.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day): N/A

Trip Generation/Existing Zoning: RS-9

$1.36 \times 43,560/9,000 = 6 \times 9.57$  (SFR Trip Rate) = 57 trips

Trip Generation/Proposed Zoning: RSQ-S

8 dwelling units  $\times 9.57$  (SFR Trip Rate) = 76 trips

Interior Streets: Proposed extension of Tredwell Drive approximately 150'.

Connectivity of street network: Cemetery and lotting pattern may preclude any future off site extension of Tredwell Drive to connect with Lockland Avenue.

Bike: Route #5: Lockland Avenue.

## **HISTORY**

Relevant Zoning Cases:

1. W-2280; RS-9 to RS-7; approved January 4, 1999; west side of Irving Street between Sherwood Road and Elgin Road; 0.3 acre; Planning Board and staff recommended approval.
2. W-2254; HB and RSQ to HB; approved September 8, 1998; southwest corner of Peter's Creek Parkway and West Fourth Street and at the southeastern terminus of Crafton Street; 5.86 acres; Planning Board and staff recommended approval.
3. W-1979; RS-9 to RSQ; withdrawn September 5, 1995; south side of Academy Street between Corona Street and Anion Street; 0.49 acre; Planning Board and staff recommended approval.

## **CONFORMITY TO PLANS**

GMP Area (*Vision 2005*): Area 3: Urban.

Relevant Comprehensive Plan Recommendation(s): Encourage a variety of housing densities and types; encourage infill development and utilization of existing undeveloped subdivision lots in urban areas.

Area Plan/Development Guide: *Ardmore Area Plan* (1985).

Relevant Development Guide Recommendation(s): No specific land use/reuse was recommended for this site. Other (larger) vacant sites in the general area are recommended for low and moderate density residential infill. General plan recommendations included promoting variety in site plan and dwelling types and preserving the integrity and quality of older existing single family neighborhoods.

## **HISTORIC RESOURCES REVIEW**

Known historic resources: The lots are adjacent to a historic African-American cemetery that once served the Sidestown AME Zion Church (demolished after WWII). 31 grave stones were identified in 1975, some of them impressive, as well as a family marker and three stone gateposts. The headstones date from 1915 to 1984. For further information about the cemetery, please refer to page 66 of *Winston-Salem's African-American Neighborhoods: 1870-1950*.

National Register of Historic Places: Less than ½ mile from Ardmore National Register Eligible Area.

Comments: Owing to the nature of early cemeteries, particularly those of African-American descent, unmarked graves could be scattered in the vicinity, and care should be taken with any new construction in the area. Equally, the cemetery is an important part of the social and cultural history of the City, and any new adjacent development should take this resource into consideration (such as respectful setbacks, screening by way of fencing or landscaping, etc).

## **ANALYSIS**

The subject request is to rezone 1.36 acres at the northern terminus of Tredwell Drive from RS-9 to RSQ-S (Residential Building, Single Family). One lot would have access onto Madison Avenue with the remaining seven lots being served by a proposed 150 foot extension of Tredwell Drive.

While this neighborhood is zoned RS-9, which has a minimum lot width of 65 feet and a minimum lot size of 9,000 square feet, a majority of the built upon lots fronting along Madison Avenue and Tredwell Drive have a width of 50 feet. In addition, there are approximately 60 lots in the immediate vicinity which fall within the 6,500-7,000 square foot range. The subject property currently consists of six existing lots, some of which are landlocked, having an average width of 45-50 feet. The RSQ-S classification, which has a minimum width 40 feet and a minimum lot size of 5,000 square feet for single family residences, would allow this small lot pattern to be extended into the subject property.



Regardless of how this property is developed, particular care should be taken to preserve the small adjacent cemetery which consists of approximately 31 grave stones. The bulk of the grave sites are located immediately north of the site on what was the former location of the Sidestown AME Zion Church. Staff is recommending site plan conditions to address the concerns about the graveyard.

Staff sees the current request as reasonable infill development which is consistent with the surrounding neighborhood. Approval is recommended.

### **FINDINGS**

1. *Vision 2005* recommends a variety of housing densities and types; encourage infill development and utilization of existing undeveloped subdivision lots in urban areas.
2. *Ardmore Area Plan* recommends vacant sites in the general area for low and moderate density residential infill development.
3. Request would allow the development pattern of the surrounding properties to be extended into the subject property.

### **STAFF RECOMMENDATION**

Zoning: **APPROVAL**.

Site Plan: Staff certifies that **the site plan meets all code requirements**, and recommends the following conditions:

- **PRIOR TO ISSUANCE OF GRADING PERMITS**
  - a. Developer shall identify exact location of all grave sites on the plat and ensure that said sites are protected during grading activity.
- **PRIOR TO SIGNING FINAL PLATS**
  - a. Developer to receive any permits or other approvals required from either the state or local government concerning the graveyard on this property prior to signing final plats.
  - b. All lots shall meet the minimum lot width requirement of the RSQ District or variances must be approved by the City Zoning Board of Adjustment.

[*For information purposes only:* The draft *Legacy* Comprehensive Plan identifies the site as being in the urban neighborhoods growth management area. *Legacy* calls for quality infill development, greater residential densities where appropriate, and rehabilitation and reuse of existing structures and preservation of historic structures and neighborhoods. *Legacy* recognizes that infill will need to be done in a way that is sensitive to the style and architecture of existing development in the area.]

**PUBLIC HEARING** - April 12, 2001

Gary Roberts presented the staff report and noted that staff had received a petition and a couple of letters of opposition to this request.

**FOR:**

Bob R. Dahmer, 2178 Vienna-Dozier Road, P. O. Box 983, Clemmons, NC 27012

Represent petitioners.

We want to maximize land use.

We didn't feel a 25' access drive would be in keeping with the character of the neighborhood, so we worked with staff to minimize the impact.

We did not meet with the neighborhood. I did speak with Ms. Kite one day, but only got one phone call and didn't speak with any other neighbors.

**AGAINST:**

Vickie Honkonen, 1284 Madison Avenue, Winston-Salem, NC 27103

Our concern is with the history of the graveyard and the impact on values of our homes.

We want the peace and quiet. It's too crowded on school buses now. We don't want that to worsen.

We do think the increase in traffic is a problem.

We need to let the dead rest in peace.

Neal Honkonen, 1284 Madison Avenue, Winston-Salem, NC 27103

We do have a lot of children in the neighborhood and the roads are busy. It is a problem.

Richard Beckham, 1019 Lockland Avenue, Winston-Salem, NC 27103

I like the Ardmore neighborhood. My taxes went up 40% this year. If my property value goes down, I'm in a lose-lose situation.

If these homes are built and my property values go down, I have no choice but to leave.

Helen S. Shaw, 1129 Madison Avenue, Winston-Salem, NC 27103

I urge you not to approve this request.

I'm begging you not to do it.

Georgiana P. McCoy, 3407 Jeketer Drive, Winston-Salem, NC 27105

I have a personal interest in this request because I have several relatives buried in this cemetery. My grandmother was buried there in 1948 and was followed by several other family members in the years since then.

My historical interest is because this might be one of the oldest black cemeteries in the county. We want the area to stay intact so we can still visit the graves.

Mel White, 600 S. Main Street, P. O. Box 1391, Winston-Salem, NC 27108

Work for Old Salem.

I research African-American history prior to 1865. I stomp in a lot of graveyards and know them well. This cemetery is one of the oldest African-American cemeteries in this area.

The names of people buried in this cemetery include a lot of German names like Fries. Displayed picture of Wesley Fries who is buried in this cemetery and told his story. If this area is developed for any purpose, some intense research needs to be done in the entire area. The cemetery is probably much larger than the area seen here.

Gail Brurk, 1126 Madison Avenue, Winston-Salem, NC 27103

I can't add much more. My neighbors have said it.

In response to a request by Ms. Brurk for those in opposition to this request to indicate their opposition with a show of hands, approximately 20 people noted their opposition.

Angela Townsend, 905 Madison Avenue, Winston-Salem, NC 27103

I'm not opposed to development under the current regulations, but feel the rezoning would benefit only a few people at the cost of many people.

Laura Chavis, 952 Madison Avenue, Winston-Salem, NC 27103

I echo what everyone has said. The rezoning doesn't do anything to benefit the community.

## **WORK SESSION**

During discussion by the Planning Board, the following points were made:

1. Six lots could be built currently. The proposal would raise that number to eight.
2. Kem Schroeder: I'm not sure infill is appropriate here. I'm also very concerned about finding out the historical impact of this area and feel that should be investigated.
3. Steve Johnson: The zoning requires that the developer identify exact location of all gravesites on the plat and ensures that those sites are protected during grading activity.
4. Kem Schroeder: A title search ought to at least show the history of ownership of this site.

MOTION: Kem Schroeder moved denial of the zoning map amendment.

SECOND: James Rousseau

VOTE:

FOR: Bost, Rousseau, Schroeder, Snelgrove

AGAINST: Avant, Johnson, King, Powell

MOTION FAILED DUE TO TIE VOTE

MOTION: Kerry Avant moved approval of the zoning map amendment.

SECOND: Steve Johnson

During further discussion by the Planning Board, the following points were made:

1. Steve Johnson: The lots are not drastically smaller than the existing lots. In addition, new construction of similar houses would do nothing but enhance the property values. This is a good situation for infill development.
2. Terry Powell: If it wasn't for the cemetery, this probably wouldn't be controversial.

VOTE:

FOR: Avant, Bost, Johnson, King, Powell

AGAINST: Rousseau, Schroeder, Snelgrove

SITE PLAN MOTION: Steve Johnson certified that the site plan meets all code requirements and recommended staff conditions.

SECOND: Kerry Avant

VOTE:

FOR: Avant, Bost, Johnson, King, Powell, Rousseau, Schroeder, Snelgrove

AGAINST: None

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A. Paul Norby, AICP  
Director of Planning