



**DOCKET #:** W2405

**PROPOSED ZONING:**  
RS7

**EXISTING ZONING:**  
RS9

**PETITIONER:**  
Fred W. Smith,  
Doris Smith,  
and Brent L. Smith

**SCALE:** 1" represents 200'

**STAFF:** D. Reed

**GMA:** 3

**ACRE(S):** 0.6

**MAP(S):** 612850

**NOTE:**

**THIS PETITION IS BEING DELAYED AT THE  
REQUEST OF THE PETITIONER.**

June 14, 2000

Fred W. Smith and Doris Smith  
and Brent L. Smith  
536 Weisner Street  
Winston-Salem, NC 27127

RE: ZONING MAP AMENDMENT W-2405

Dear Mr. Smith, Ms. Smith, and Mr. Smith:

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  
Donald H. McGee, 2131 South Hawthorne Road, Winston-Salem, NC 27103  
Melody Chaplin, 2101 S. Hawthorne Road, Winston-Salem, NC 27103  
Ann Spain, 2160 S. Hawthorne Road, Winston-Salem, NC 27103  
Shirley Paine, 2114 S. Hawthorne Road, Winston-Salem, NC 27103

**ACTION REQUEST FORM**

**DATE:** June 14, 2000  
**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 Fred W. Smith, Doris Smith, and Brent L. Smith

**SUMMARY OF INFORMATION:**

Zoning map amendment of Fred W. Smith, Doris Smith, and Brent L. Smith from RS-9 to RS-7: property is located on the northeast corner of Fortune Street and Emory Drive (Zoning Docket W-2405).

**PLANNING BOARD ACTION:**

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

CITY ORDINANCE - GENERAL USE

Zoning Petition of Fred W. Smith, Doris Smith, and Brent L. Smith, Docket W-2405

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 RS-7 the zoning classification of the following described property:

Beginning at an iron stake in the northeast intersection of Emory Drive and Fortune Drive; said iron stake being the southwestern corner of Lot no. 109 as shown on the plat of Burke Park and recorded in the Forsyth County Register of Deeds of Forsyth County, North Carolina in Plat Book 12, Page 26; thence with the eastern right-of-way of said Fortune Drive north 35° 22' 47" east 174.97 feet to an iron stake; thence with the northern line of lots 104 to 109 of the aforementioned Burke Park south 54° 50' 15" east 150.09 feet to an iron stake; thence with the eastern line of said lot 104 south 35° 25' 09" west 174.99 feet to an iron stake in the northern right-of-way of Emory Drive; thence with the right-of-way of Emory Drive north 54° 50' west 149.97 feet to the place of beginning and containing 0.602 acre more or less.

The above described property lying in Winston Township, Forsyth County, North Carolina and generally known as Lot Nos. 104, 105, 106, 107, 108 & 109 of Burke Park as recorded in Forsyth County Register of Deeds Office of Forsyth County, North Carolina in Plat Book 12, Page 26 and shown on a survey prepared by United Limited Engineering and Land Surveying, PA on October 6, 1999, job no. 1-16198. Lots 104B, 105B, 106B, 107B, 108B, 109B and 203, Block 2321.

Section 2. This ordinance shall become effective upon adoption.

## ZONING STAFF REPORT

**DOCKET #** W-2405  
**STAFF:** David Reed

Petitioner(s): Fred W. Smith, Doris Smith, and Brent L. Smith  
Ownership: Same

### **REQUEST**

From: RS-9 Residential Single Family District; minimum lot size 9,000 sf  
To: RS-7 Residential Single Family District; minimum lot size 7,000 sf

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: 0.60 acre

### **LOCATION**

Street: Northeast corner of Fortune Street and Emory Drive.  
Jurisdiction: City of Winston-Salem.  
Ward: Southwest.

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

Existing Structures on Site: Two single family homes.

Adjacent Uses:

|         |                                 |
|---------|---------------------------------|
| North - | Single family homes zoned RS-9  |
| East -  | Single family homes zoned RS-9. |
| South - | Single family homes zoned RS-9. |
| West -  | Single family homes zoned RS-9  |

### **GENERAL AREA**

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

### **PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: Infill development will increase the density in the neighborhood.  
Topography: Site slopes down slightly to the southwest.

## **TRANSPORTATION**

Direct Access to Site: Emory Drive, Fortune Street.

Street Classification: Local streets.

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

Silas Creek Parkway north of Stratford Road - 55,000/61,000

Stratford Road from Silas Creek Parkway to Old Vineyard Road - 33,000/34,000 (1995)

Stratford Road from Old Vineyard Road to Healy Drive - 33,000/34,000 (1998)

Sight Distance: Good.

Transit: WSTA Route 50 runs along Stratford Road southeast of the site.

## **HISTORY**

Relevant Zoning Cases:

1. W-710; R-4 to R-3; denied April 2, 1979; northeast side of Emory Drive, southeast of Fortune Street; 0.3 acre; Planning Board recommended denial, staff recommended approval.
2. W-537; R-4 to R-1-S (Offices); withdrawn at December 16, 1979, Planning Board meeting; northeast side of Hawthorne Road southeast of Fortune Street; 1.1 acres; withdrawn prior to staff recommendation.

## **CONFORMITY TO PLANS**

GMP Area (*Vision 2005*): Urban Neighborhoods (GMA 3)

Relevant Comprehensive Plan Recommendation(s): Growth management plan policies relevant to the petitioner's request include preservation of stable neighborhood areas and separation and buffering of residential from non-residential development.

Area Plan/Development Guide: *South Stratford Road Development Guide*.

Relevant Development Guide Recommendation(s): The development plan in the *South Stratford Road Development Guide* calls for a continuation of the low density residential character of the area surrounding the petitioner's site. Residential densities up to 5 du/ac are designated for several vacant tracts in the area and for redevelopment.

## **ANALYSIS**

This general use petition is a request to change the zoning on 0.6 acre of land from RS-9 to RS-7; the key difference in the zoning districts is a reduction in the minimum lot area requirements.

Although this is a general use petition, some discussion of the history of this particular property is useful in the analysis.

The subject petition was submitted to accommodate the development of a single family home on a newly created lot which is zoned RS-9. The subdivision of the property was approved by Planning staff and meets all of the lot size and area requirements for the RS-9 zoning district. The new lot was cut out of the backs of six 25-foot wide lots which are all in the same ownership. It was not apparent during the staff review that, although the new lot meets RS-9 standards, the two remnant lots on the remaining property are developed with two existing homes which no longer have enough area to meet the required 9,000 square foot minimum lot size. Staff has since revised our review procedure to minimize this type of oversight.

The existing homes are now on lots which are approximately 8,250 square feet each. However, the rear yards of the existing homes exceed the minimum building setback required for the RS-9 zoning district (25') and the lot width for each of the homes (75') exceeds the minimum width requirement for RS-9 (65'). Staff feels the lot width is a particularly important feature along Emory, because the consistent spacing of units helps to define a rhythm and character for a street.

Many of the homes in the neighborhood are developed on properties that are slightly larger than the minimum required in the RS-9 district, so the proposed zoned change and infill development will be slightly more dense than the rest of the neighborhood. The proposed zone change and infill development is, however, very similar to what is allowed in the RS-9 zoning district. Other properties in the neighborhood that have enough lot area can also subdivide their land for infill development.

Staff is of the opinion that potential development under RS-7 is similar to that currently allowed under RS-9, and should therefore not adversely affect the neighborhood. In addition, because the existing property could not be subdivided into more than a total of three lots, the newly created lot meets the dimensional requirements for the RS-9 zoning district, staff recommends approval of the rezoning.

## **FINDINGS**

1. The subject petition was submitted to accommodate the development of a single family home on a newly created lot which is zoned RS-9.
2. The subdivision of the property was approved by Planning staff although the remaining property is developed with two existing homes which no longer have enough area to meet the required 9,000 square foot minimum lot size.
3. The existing homes are now on lots which are approximately 8,250 square feet each.
4. Many of the homes in the neighborhood are developed on properties that are slightly larger than the minimum required in the RS-9 district so the proposed infill development will be slightly more dense than the rest of the neighborhood. However, all lots on the subject tract meet rear yard and lot width requirements of RS-9.



5. Infill development is a good tool for making the best use of urban services.
6. The property could not be subdivided into more than a total of three lots if zoned RS-7 and the newly created lot meets the dimensional requirements for the RS-9 zoning district.
7. Potential development under RS-7 is similar to that permitted under RS-9, and should not adversely affect the neighborhood.

### **STAFF RECOMMENDATION**

Zoning: **APPROVAL**.

*[For information purposes only: The petitioner's site is located in the Suburban Neighborhoods planning area of the growth management plan. The draft Legacy plan encourages compatible infill development and redevelopment at higher densities within the municipal services area. The RS-7 zoning district being petitioned for with its reduced setbacks and lot size would allow, in theory, some increased density on the petitioner's 0.6 acre tract.]*

David Reed presented the staff report.

### **PUBLIC HEARING**

FOR:

Fred Smith, 536 Weisner Street, Winston-Salem, NC 27127

There was a one-bedroom apartment on this site and I received a letter from the Housing Department saying I needed to upgrade that building. I didn't want to spend money on that building, but I brought plans in to the Planning Board to review for the possibility of adding a new building. Staff thought it looked fine; the new lot met the RS-9 requirements. I got my permit, poured the foundations which were inspected and passed, and I have the building materials. Then an inspector came out to the site and told me I have to cease and desist building and we ended up here.

AGAINST:

Donald H. McGee, 2131 South Hawthorne Road, Winston-Salem, NC 27103

I'm speaking on behalf of those in the neighborhood who are opposed to this request.

About 35-40 people stood in opposition to the request and Mr. McGee indicated they have a petition of opposition also.

Some of the residents in this area have been there 55 years. I've been there 36 years. This is an established neighborhood. We wish to maintain the continuity of the neighborhood with the RS-9 zoning. Some of the lots in the neighborhood could

be subdivided for as many as two additional homes on each site. We don't want to see the zoning changed because it would increase the number of homes and traffic in the neighborhood.

This is a closed neighborhood so the impact of more traffic would be greatly felt. We feel like the smaller lots and smaller homes would reduce the value of our property. As a result of this rezoning request, we have seen more interest in the neighborhood for coming together as a community. We plan to form a new neighborhood watch. We're discussing a neighborhood association to encourage more community participation in the activities of the neighborhood. We hope to get more involvement from the City in our neighborhood.

We're opposed to the rezoning.

This would set a precedent and there are other properties which could follow suit.

Melody Chaplin, 2101 S. Hawthorne Road, Winston-Salem, NC 27103

There is a renewed interest in our community for a neighborhood association.

Has a petition containing 140 signatures and letters of opposition.

Ann Spain, 2160 S. Hawthorne Road, Winston-Salem, NC 27103

We moved here about six years ago because it is a good neighborhood.

We have children who need places to play. You start putting more houses here and you take away open spaces. We're opposed to putting one house on top of another.

Shirley Paine, 2114 S. Hawthorne Road, Winston-Salem, NC 27103

I live across the street from this site.

The two houses facing the road are no problem. It's the third one that we're opposed to and it's because of its impact on the neighborhood.

## **WORK SESSION**

MOTION: Norman Williams moved denial of the zoning map amendment.

SECOND: Kerry Avant

VOTE:

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

AGAINST: None

EXCUSED: None

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A. Paul Norby, AICP  
Director of Planning