



Board of Adjustment Case Report

City of Raleigh
Department of City Planning
1 Exchange Plaza
Raleigh, NC 27601
(919) 996-2626
www.raleighnc.gov

Case File: A-50-15

Property Address: 3605 Swann Street

Property Owner: Ellen Nulty and Mark Mosley

Project Contact: Mark Mosley

Nature of Case: A request for a .5' side yard setback variance from the regulations set forth in Section 2.2.1 of the Unified Development Ordinance to legalize a preexisting carport/garage such that it may be enclosed resulting in a 9.5' side yard setback on a .32 acre property zoned Residential-4 and located at 3605 Swann Street.



3605 Swann Street – Location Map

To BOA: 7-13-15

Staff Coordinator: Eric S. Hodge, AICP

**ZONING
DISTRICTS:** Residential-4



3605 Swann Street – 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.

Setback Standards: The subject property is zoned Residential-4

| Yard Type | Minimum Setback |
|----------------------|------------------------|
| Front Yard | 20' |
| Side Street | 15' |
| Side | 10' |
| Sum of Side Setbacks | 20' |
| Rear | 30' |



Planning & Development

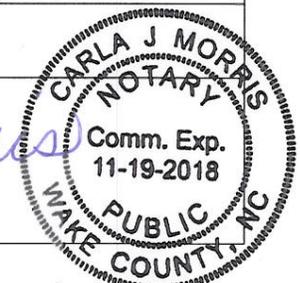
Development Services
 Customer Service Center
 One Exchange Plaza
 1 Exchange Plaza, Suite 400
 Raleigh, North Carolina 27601
 Phone 919-996-2495
 Fax 919-516-2685

Variance Application

A-50-15

| | | OFFICE USE ONLY |
|--|--|--------------------|
| Nature of variance request (Submit addendum on separate sheet, if more space is needed.) Please see attached document | | 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. Project Transaction Number 431833 | | |

| GENERAL INFORMATION | | |
|--|--|-----|
| Property Address 3605 Swann Street, Raleigh NC 27612 | Date 6/2/2015 | |
| Property PIN 0795771545 | Current Zoning R-4 | |
| Nearest Intersection Corner Swann Street and Manuel Street | Property size (in acres) .32 acres | |
| Property Owner Ellen Nulty and Mark Mosley | Phone 919-215-6022 | Fax |
| | Email mailmosley@yahoo.com | |
| Project Contact Person Mark Mosley | Phone 919-215-6022 | Fax |
| | Email mailmosley@yahoo.com | |
| Property Owner Signature <i>Ellen Nulty</i> <i>Mark W. Mosley</i> | Email mailmosley@yahoo.com | |
| Notary Sworn and subscribed before me this <u>3</u> day of <u>June</u> , 20 <u>15</u> | Notary Signature and Seal <i>Carla J Morris</i> | |



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.



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Variance Checklist

| TO BE COMPLETED BY APPLICANT | | YES | N/A |
|--|--|-----|-----|
| PRE-SUBMITTAL REQUIREMENTS | | | |
| 1. Pre-Application Conference with staff | | ✓ | |
| 2. Completed Variance Intake Requirements sheet | | ✓ | |
| 3. Variance applications shall be submitted to the Zoning Division, 4 th floor of One Exchange Plaza | | ✓ | |
| VARIANCE REQUIREMENTS | | | |
| 1. The property owner must be the applicant. | | ✓ | |
| 2. A signed, notarized application and submittal fee are required. | | ✓ | |
| 3. The applicant must submit stamped envelopes addressed to the property owners within 100 feet of the subject property. City staff will mail the public hearing notices. | | ✓ | |
| 4. The Board of Adjustment conducts a quasi-judicial hearing. You may not contact the Board members once the application has been filed. | | ✓ | |
| 5. The Board of Adjustment is not empowered to modify zoning lines or grant a use variance. | | ✓ | |
| 6. The Board of Adjustment may attach conditions of approval to a variance to protect surrounding properties. | | ✓ | |
| 7. City Staff will place a public hearing sign on the subject property. The sign must be prominently displayed on the property for at least ten days before the hearing. The property owner is responsible for maintaining the sign during this ten day period. The owner must return the sign to city staff within three days of the hearing. The owner will be charged \$45 for any sign not returned. | | ✓ | |
| VARIANCE CONSIDERATIONS | | | |
| The Board of Adjustment will review all variance requests against the following showings: | | | |
| 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 from 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. | | ✓ | |



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Variance Intake Requirements

| TO BE COMPLETED BY APPLICANT | | | COMPLETED BY CITY STAFF | | |
|---|-------------------------------------|-------------------------------------|-------------------------|----|-----|
| | YES | N/A | YES | NO | N/A |
| General Requirements – Variance | | | | | |
| 1. I have referenced the Variance Checklist and by using this as a guide, it will ensure that the application is processed in a timely manner | <input checked="" type="checkbox"/> | | | | |
| 2. Variance application review fee (see Development Fee Schedule for rate) | <input checked="" type="checkbox"/> | | | | |
| 3. Completed, notarized application signed by the property owner | <input checked="" type="checkbox"/> | | | | |
| 4. One set of stamped envelopes addressed to all property owners within 100 feet of the subject property | <input checked="" type="checkbox"/> | | | | |
| 5. List of all adjacent property owners | <input checked="" type="checkbox"/> | | | | |
| 6. Plot Plan drawn to scale, containing a north arrow, area of lot, location of all existing improvements and use areas, location of proposed improvements, location of any constraints such as flood plain area, tree conservation area, buffer yards, easements, and sight distance triangles | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | |
| 7. If the variance request involves a structure, sign or fence, architectural elevations must be submitted | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | |
| 8. If the property has been cited by a Code Enforcement Officer, include a copy of the citation | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | | |
| 9. Is variance needed to legalize an existing improvement? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | |

Variance application addendum

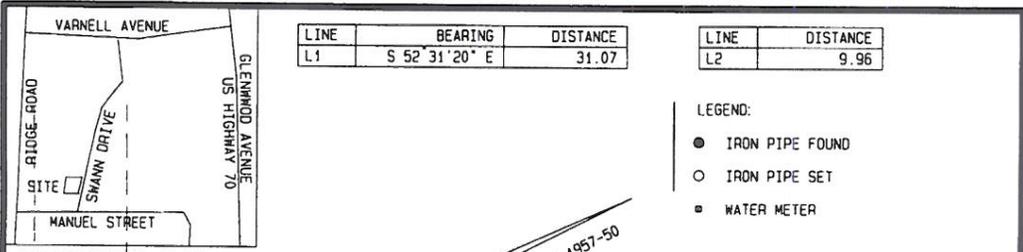
I am the owner of the house at 3605 Swann Street, Raleigh NC.

Approximately 10 years ago, I enclosed the existing 2 car carport, and made it a garage, without permits. I recall going on the planning website and seeing some statement to the effect of....if it costs less than \$5,000 and is not structural, that no permit is required. As I understand, my interpretation of the rules was faulty, and I should have gotten a permit for this improvement.

At this point in time, I am trying to make the carport/ garage enclosure a legal improvement. I have been told by the permitting office that the carport (as if not enclosed) is classified as an accessory building and does not need to meet setback requirements. However as this carport/ garage structure has been enclosed, it becomes part of the house, and therefore needs to meet setback requirements in order to be a legal garage.

According to the survey, my side yard setback is 9.96 feet, and I need a full 10 feet to meet R-4 zoning requirements. As improvements exist, I am .04 feet, or .48 of an inch, within setback requirements. In this case I would like to ask for a 6 inch variance to allow for any future increase in the precision of surveying technology.

Mark Mosley

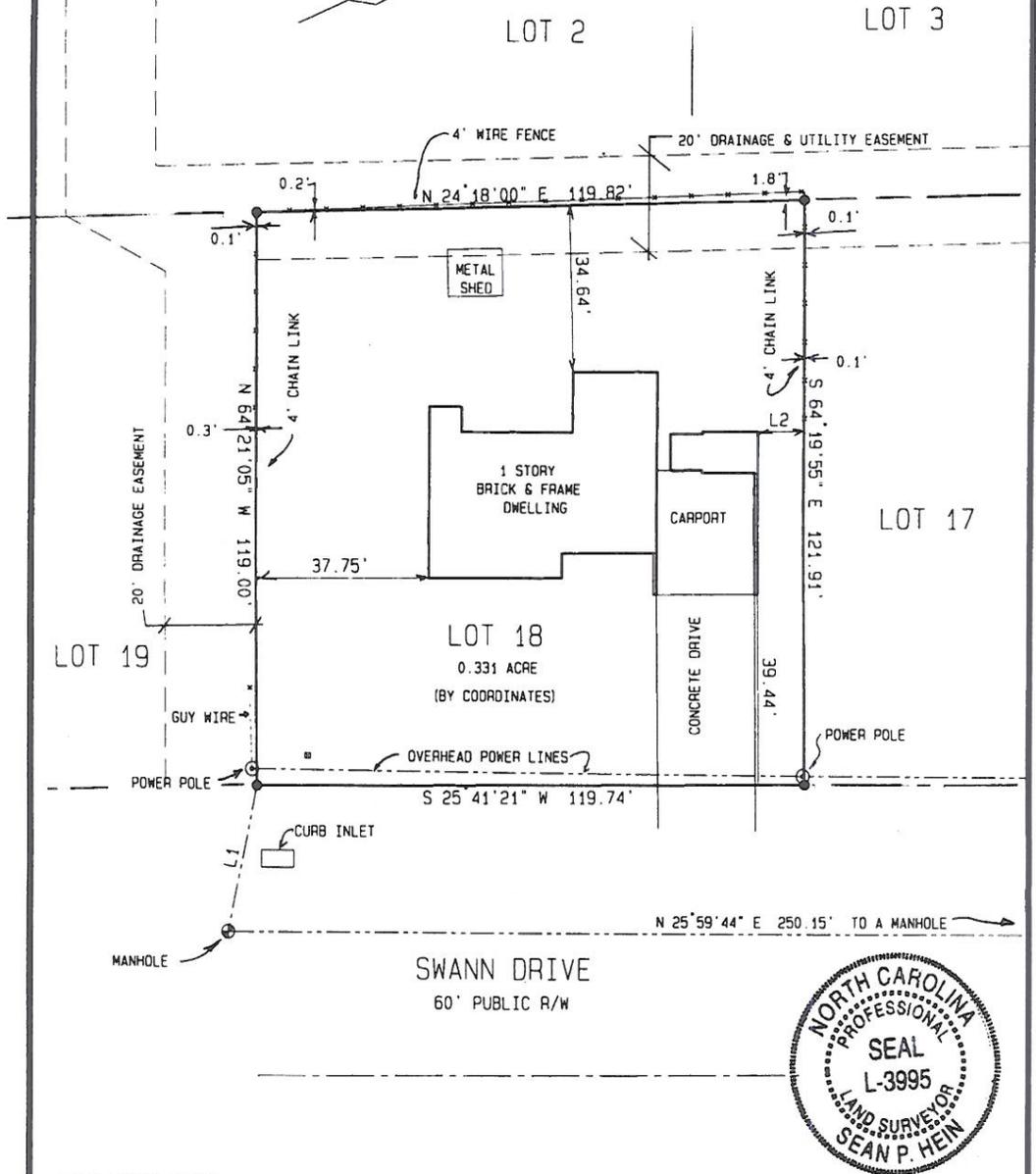
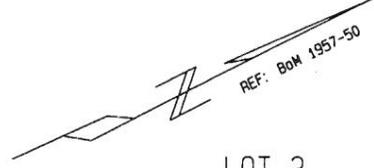


VICINITY MAP
NOT TO SCALE

| LINE | BEARING | DISTANCE |
|------|-----------------|----------|
| L1 | S 52° 31' 20" E | 31.07 |

| LINE | DISTANCE |
|------|----------|
| L2 | 9.96 |

- LEGEND:
- IRON PIPE FOUND
 - IRON PIPE SET
 - WATER METER



3605 SWANN DRIVE 0795 07-77-1545

THIS PLAT IS OF A SURVEY OF AN EXISTING PARCEL OR PARCELS OF LAND NOT FOR RECORDATION
 BOOK OF MAPS 1957 PAGE 50 DEED BOOK 5401 PAGE 110 WAKE COUNTY

LOT 18 BLOCK "C" BECKANA SUBDIVISION
 I HEREBY CERTIFY THAT THIS MAP IS CORRECT AND THAT THE BUILDING FOUNDATION LIES WHOLLY ON THE LOT AND THAT THERE ARE NO ENCROACHMENTS ON SAID LOT EXCEPT AS SHOWN.

SURV'D JWB DRAWN SEAN CHK'D SPH JOB# 3680899 DATE: 18 AUGUST 1999 SCALE: 1" = 30'

SULLIVAN SURVEYING
 LAND SURVEYORS
 1143-O EXECUTIVE CIRCLE
 CARY, NORTH CAROLINA 27511
 TELEPHONE: 919/ 469-4738

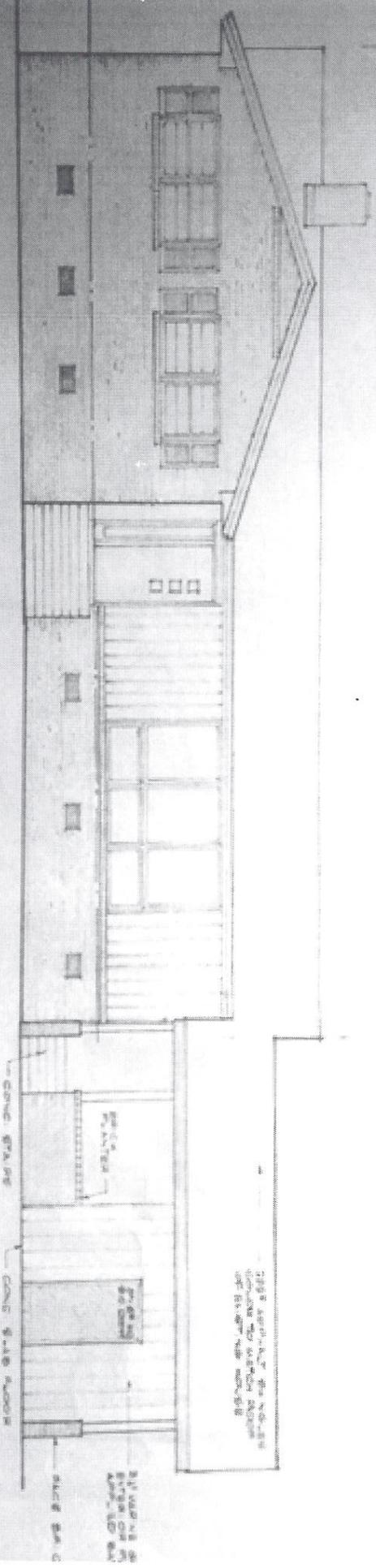
SURVEY FOR:
 ELLEN A. NULTY

RALEIGH, WAKE COUNTY, NORTH CAROLINA

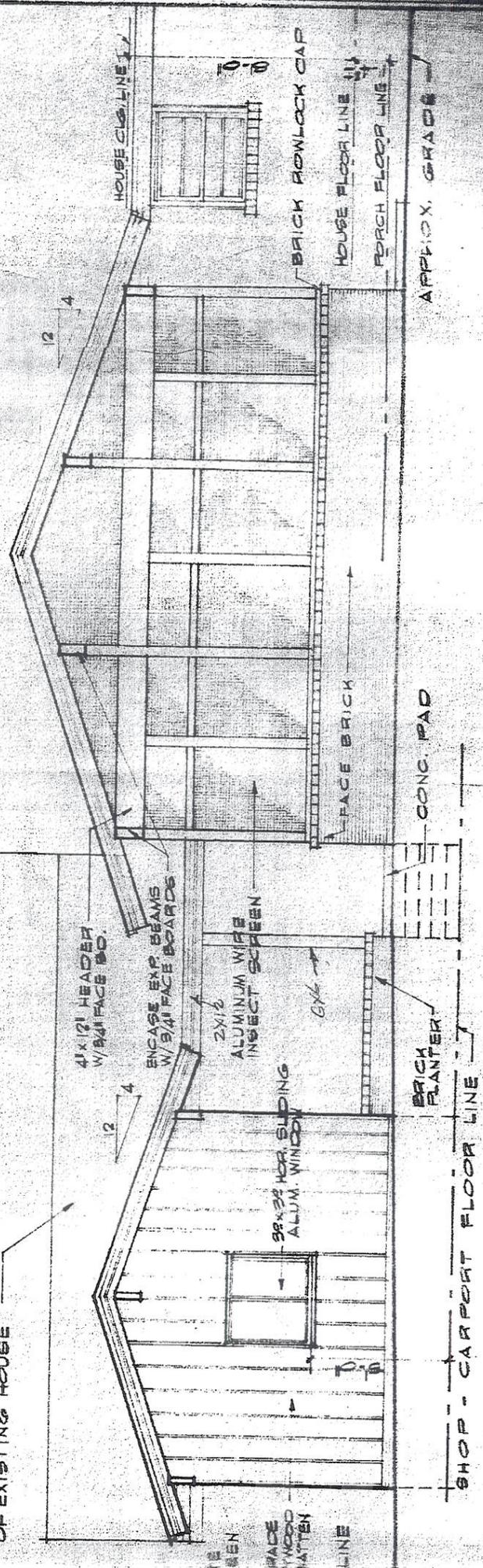
EXISTING HOUSE

NEW GARAGE

FRONT ELEVATION
SCALE - 1/8" = 1'-0"



235# ASPHALT SHINGLES
 COLOR TO MATCH ROOF
 OF EXISTING HOUSE

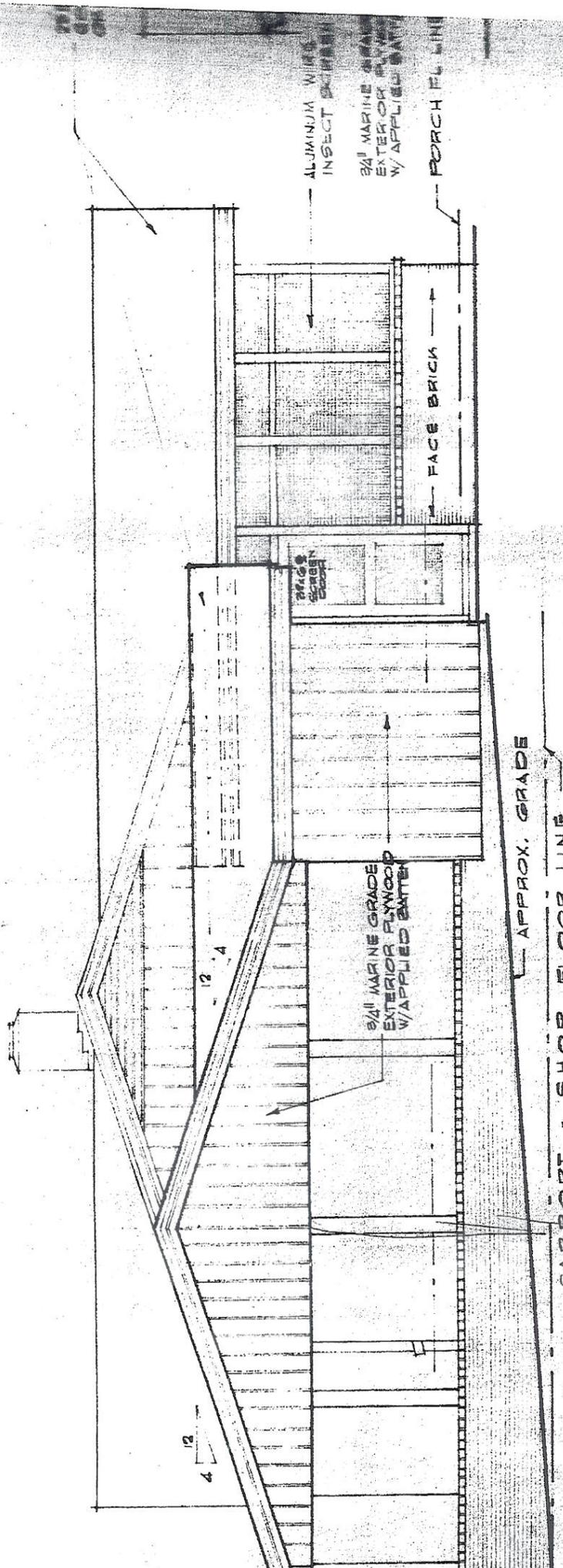


R E A R E L E V A T I O N
 S C A L E - 1/4" = 1'-0"

PLANS PREPARED BY:
 F. FRAIDEN II
 120 FORDHAM LANE
 ALEIGH, NORTH CAROLINA
 NOVEMBER 1967

ADDITIONS
 to
 MR. & MRS. JOHN WHITFIELD RESIDENCE
 3205 SWANN DRIVE
 RALEIGH, NORTH CAROLINA

2



SIDE ELEVATION
SCALE - 1/4" = 1'-0"

CARPET - SHOP FLOOR LINE
L APPROX. GRADE

ALUMINUM W/ INSECT SCREEN
3/4" MARINE GRADE EXTERIOR PLYWOOD W/ APPLIED GUTTER
FACE BRICK
PORCH FLOOR LINE

PLAN
ELEVATION
SECTION
DETAIL

5/10/11 JLL



3605 Swann Street





[Home](#)

Wake County Real Estate Data Account Summary

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

Real Estate ID **0076340** PIN # **0795771545**

Location Address
3605 SWANN ST

Property Description
LO18 BECKANA BLC BM1957-50

[Account Search](#)

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

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

For real estate accounts created or new construction built after January 1, 2015: Property values are under review for tax year 2016. Land and building values on these properties will reflect an assessment based on the January 1, 2008 Schedule of Values until late 2015 or early 2016 at which time the January 1, 2016 revaluation values for both land and buildings will be available.

| | | |
|--|--|--|
| Property Owner NULTY, ELLEN A & MARK WHALEY MOSLEY Use the Deeds tab above to view any additional owners | Owner's Mailing Address 3605 SWANN ST RALEIGH NC 27612-4613 | Property Location Address 3605 SWANN ST RALEIGH NC 27612-4613 |
|--|--|--|

| Administrative Data | Transfer Information | Assessed Value |
|---------------------------------|---------------------------------|------------------------------|
| Old Map # 434-00000-0304 | Deed Date 8/31/2009 | Land Value \$180,000 |
| Map/Scale 0795 07 | Book & Page 13684 2545 | Assessed |
| VCS 01RA205 | Revenue Stamps | Bldg. Value \$162,660 |
| City RALEIGH | Pkg Sale Date 8/31/1999 | Assessed |
| Fire District | Pkg Sale Price \$192,000 | Tax Relief |
| Township RALEIGH | Land Sale Date | Land Use Value |
| Land Class R-<10-HS | Land Sale Price | Use Value Deferment |
| ETJ RA | | Historic Deferment |
| Spec Dist(s) R-4 | Improvement Summary | Total Deferred Value |
| Zoning | Total Units 1 | Use/Hist/Tax Relief |
| History ID 1 | Recycle Units 1 | Assessed |
| History ID 2 | Apt/SC Sqft | Total Value \$342,660 |
| Acreage .32 | Heated Area 1,340 | Assessed* |
| Permit Date | | |
| Permit # | | |

*Wake County assessed building and land values reflect the market value as of January 1, 2008, 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, 2008 values will remain in effect until the next county-wide revaluation, which begins January 1, 2016. Until that time, any real estate accounts created or new construction built is assessed according to the 2008 Schedule of Values.

For questions regarding the information displayed on this site, please contact the Revenue Department at RevHelp@wakegov.com or call 919-856-5400.

Real Estate ID **0076340** PIN # **0795771545**

Account Search

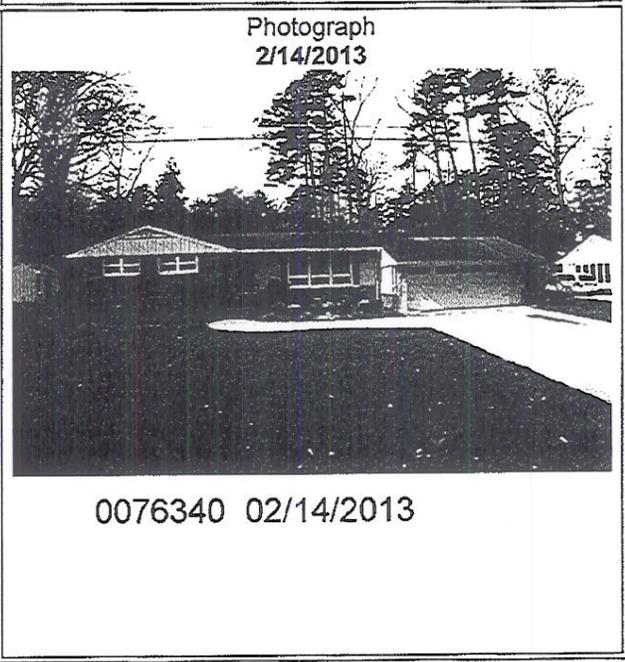
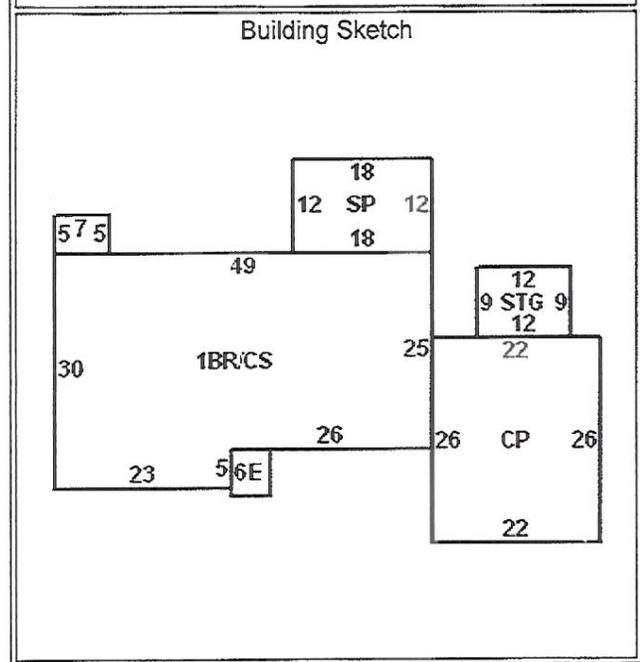
Location Address **3605 SWANN ST** Property Description **LO18 BECKANA BLC BM1957-50**

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

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

| | | | | | |
|---|-------------------------|--|-------------|----------------------|------------------|
| Building Location Address 3605 SWANN ST | | Building Description 01RA205 | | Card 01 Of 01 | |
| Bldg Type | 01 Single Family | Year Blt | 1958 | Eff Year | 1975 |
| Units | 1 | Addns | | Remod | |
| Heated Area | 1,340 | Int. Adjust. | | Base Bldg Value | \$136,094 |
| Story Height | 1 Story | Other Features | | Grade | B 00 |
| Style | Conventional | | | Cond % | A 83% |
| Basement | Crawl Space | | | Market Adj. | F 120% |
| Exterior | Brick | | | Market Adj. | |
| Const Type | | | | Accrued % | 100% |
| Heating | Central | | | Incomplete Code | |
| Air Cond | Central | | | Card 01 Value | \$162,660 |
| Plumbing | 2 BATH | | | All Other Cards | |
| | | | | Land Value Assessed | \$180,000 |
| | | | | Total Value Assessed | \$342,660 |

| Main and Addition Summary | | | | | Other Improvements | | | | | | |
|---------------------------|------|-------|------|-----|--------------------|---------|------|------|---|-----|-------|
| Story | Type | Code | Area | Inc | Units | Desitem | Code | Year | % | Inc | Value |
| M | 1 | BR/CS | 1340 | | | | | | | | |
| A | | STG | 35 | | | | | | | | |
| B | | SP | 216 | | | | | | | | |
| C | | STG | 108 | | | | | | | | |
| D | | CP | 572 | | | | | | | | |
| E | | STP | 30 | | | | | | | | |
| F | | | | | | | | | | | |
| G | | | | | | | | | | | |
| H | | | | | | | | | | | |



NEIGHBORS - ADJACENT PROPERTY OWNERS

0795771545
NULTY, ELLEN A MOSLEY, MARK WHALEY
3605 SWANN ST
RALEIGH NC 27612-4613

0795679463
NIPPER, MITCHELL GUY, TOMMY
3600 CORBIN ST
RALEIGH NC 27612-4602

0795770493
SEARS, CHARLES L SEARS, GLENNA S
3601 SWANN ST
RALEIGH NC 27612-4613

0795770505
JI, CHUENG RYONG JI, MIKYOUNG
3606 CORBIN ST
RALEIGH NC 27612-4602

0795770655
NEUHOFF, KENNETH A NEUHOFF, MARY H
3612 CORBIN ST
RALEIGH NC 27612-4602

0795770797
SUTTON, NORWOOD BRADLEY SUTTON,
ANN O
3618 CORBIN ST
RALEIGH NC 27612-4602

0795771695
BUTTON, JOSEPH C BUTTON, SUSAN K
3611 SWANN ST
RALEIGH NC 27612-4613

0795772492
GRANDY, DANA L
36 W TRAFALGAR CT
CLAYTON NC 27520-3759

0795773551
FICALORA, MICHAEL T FICALORA, SLOANE
T
3606 SWANN ST
RALEIGH NC 27612-4614

0795773699
BUTTS, DAVID B BUTTS, ELECIA B
3614 SWANN ST
RALEIGH NC 27612-4614