



Board of Adjustment Case Report

City of Raleigh
Department of City Planning
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2475
www.raleighnc.gov

Case File: A-65-15

Property Address: 1513 Caswell Street

Property Owner: Charles Robert Knox, Jr. and Krystin G. Knox

Project Contact: Isabel Worthy Mattox

Nature of Case: A request for a 3' side yard setback variance and a 2.5' rear yard setback variance from the regulations set forth in Section 2.2.1 of the Unified Development Ordinance to allow for the construction of a detached garage resulting in a 2' side yard setback and a 2.5' rear yard setback for an accessory structure on a .26 acre property zoned Residential-4.

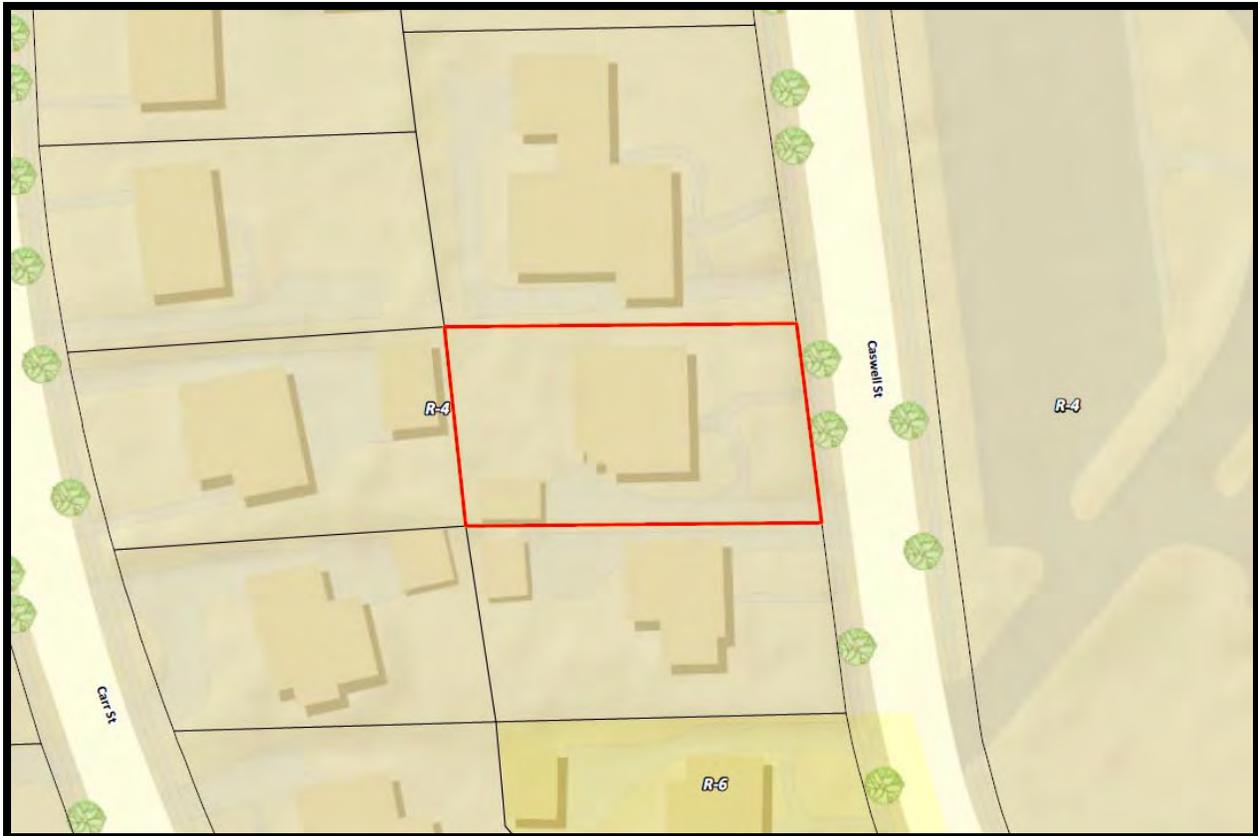


1513 Caswell Street – Location Map

To BOA: 6-8-15

Staff Coordinator: Eric S. Hodge, AICP

ZONING
DISTRICTS: Residential-4



1513 Caswell 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	5'
Sum of Side Setbacks	10'
Rear	30'
Accessory Structure: Side	5'
Accessory Structure: Rear	5'
Accessory Structure: Primary Street:	50'
Accessory Structure: Side Street:	20'
Accessory Structure Setback from all other structures on the lot:	10'



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-65-15

OFFICE USE ONLY	
Nature of variance request (Submit addendum on separate sheet, if more space is needed.) SEE ATTACHED ADDENDUM.	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.	

GENERAL INFORMATION		
Property Address 1513 Caswell Street	Date July 10, 2015	
Property PIN 1704463091	Current Zoning R-4	
Nearest Intersection Caswell Street and Williamson Drive	Property size (in acres) 0.26 A.	
Property Owner Charles Robert Knox, Jr. and Krystin G. Knox	Phone 919-522-5384	Fax
	Email rknox@tcap.com	
Project Contact Person Isabel Worthy Mattox	Phone 919-828-7171	Fax 919-831-1205
	Email Isabel@mattoxfirm.com	
Property Owner Signature <i>Charles Robert Knox, Jr. Krystin G. Knox</i>	Email	
Notary Sworn and subscribed before me this <u>7th</u> day of <u>July</u> , 20 <u>15</u>	Notary Signature and Seal <i>Isabel Worthy Mattox</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.

Addendum to Knox Variance Application,
filed July 10, 2015

Charles Robert Knox, Jr. and Krystin Knox (collectively "Applicant") request a variance in UDO Section 2.2.1 C3 and C4 pertaining to the R-4 zoning district which requires that an accessory building maintain a minimum setback of five (5) feet from the side lot line and a minimum setback of five (5) feet from the rear lot line.

Applicant's home at 1513 Caswell Street in the Hayes Barton neighborhood includes a carport which has been in existence for many years and exists as a legal nonconformity, located approximately two (2) feet from the side line and approximately two and one-half (2.5) feet from the rear line. Applicant wishes to use all or a part of the existing carport structure in its construction of a garage to be located on the same footprint as the carport as well as additional area located to the north and well away from the setback encroachments. Consequently, Applicant seeks a variance of 3 feet from the side setback requirement in Section 2.2.1C3 of the UDO and a variance of 2.5 feet from the rear setback requirement in Section 2.2.1C4 of the UDO. The enlargement of the carport structure will not increase the side or rear setback encroachments.

The request for a variance is based on hardships which exist on the property as follows:

1. There are 2 prominent trees in the Applicant's rear yard which would be required to be removed or compromised in order to accommodate a garage placed in the rear yard without a variance. A pecan tree grows in the northwest corner of the yard with a wide canopy and root zone which extend over the majority of the rear yard. In addition, a dogwood tree which, although smaller than the pecan tree, contributes to the character of the Applicant's yard as well as the neighborhood.
2. The topography of the site is such that major cut and fill would be required to accommodate a garage in the rear yard. By contrast, far less grading would be required to expand the existing carport into a garage.
3. The small size of the lot and the placement of the existing home on the lot dictate that the driveway must be maintained in its current location along the south side of the home and that a carport/garage must also be in essentially the same location to allow cars to safely ingress and egress.

The public welfare will be maintained and enhanced and substantial justice will be done if the requested variance is granted, owing to the following factors:

1. The garage would be in essentially the same location as the existing carport and thus would not cause significant additional impacts than already exist. Conversely, the construction of a new garage in the center of the rear yard would cause major impacts to the neighborhood by requiring substantial grading and removal of trees.

2. The two properties most impacted by the carport/garage both have accessory structures which appear to be within the UDO required setback areas. The detached garage on the property to the south of the subject property already screens the Applicant's carport and will also screen the proposed garage from view.
3. Because of the age of the neighborhood, the presence of garages or other accessory structures in rear yards which do not comply with current setback requirements is a prevalent condition in the subject neighborhood.



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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 type="checkbox"/>				
3. Completed, notarized application signed by the property owner	<input 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 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 type="checkbox"/>			
9. Is variance needed to legalize an existing improvement?	<input type="checkbox"/>	<input type="checkbox"/>			



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Variance Checklist

TO BE COMPLETED BY APPLICANT	YES	N/A
PRE-SUBMITTAL REQUIREMENTS		
1. Pre-Application Conference with staff	<input type="checkbox"/>	<input type="checkbox"/>
2. Completed Variance Intake Requirements sheet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Variance applications shall be submitted to the Zoning Division, 4 th floor of One Exchange Plaza	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VARIANCE REQUIREMENTS		
1. The property owner must be the applicant.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. A signed, notarized application and submittal fee are required.	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The Board of Adjustment conducts a quasi-judicial hearing. You may not contact the Board members once the application has been filed.	<input type="checkbox"/>	<input type="checkbox"/>
5. The Board of Adjustment is not empowered to modify zoning lines or grant a use variance.	<input type="checkbox"/>	<input type="checkbox"/>
6. The Board of Adjustment may attach conditions of approval to a variance to protect surrounding properties.	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>

Proposed Garage

THIS PLAT NOT TO BE RECORDED
AFTER 10:00 DAY OF 12/12/07
1 COPY TO BE RETAINED FOR THE
CITY.
THIS PLAT IS IN OUT OF THE
CITY LIMITS.



N/F ELVA SUSAN
JONES YOUNG
LOTS 508 & 509
HAYES BARTON
BOM 1920, PG 030
D.B. 11130, PG 0653
PIN# 1704.10-45-2962
TYPE USE: SINGLE FAMILY

N/F MARGARET
GOULDING ELLIS
LOTS 510 & 511
HAYES BARTON
BOM 1920, PG 030
D.B. 8617, PG 0857
PIN# 1704.10-46-2020
TYPE USE: TWO FAMILY

N/F ADRIA ANNE
WARD WALKER
MARY POWELL WALKER
LOTS 512 & 513
HAYES BARTON
BOM 1920, PG 030
D.B. 10167, PG 1511
PIN# 1704.10-46-2028
TYPE USE: TWO FAMILY

11/11/07



D.B. 4587, PG 6193

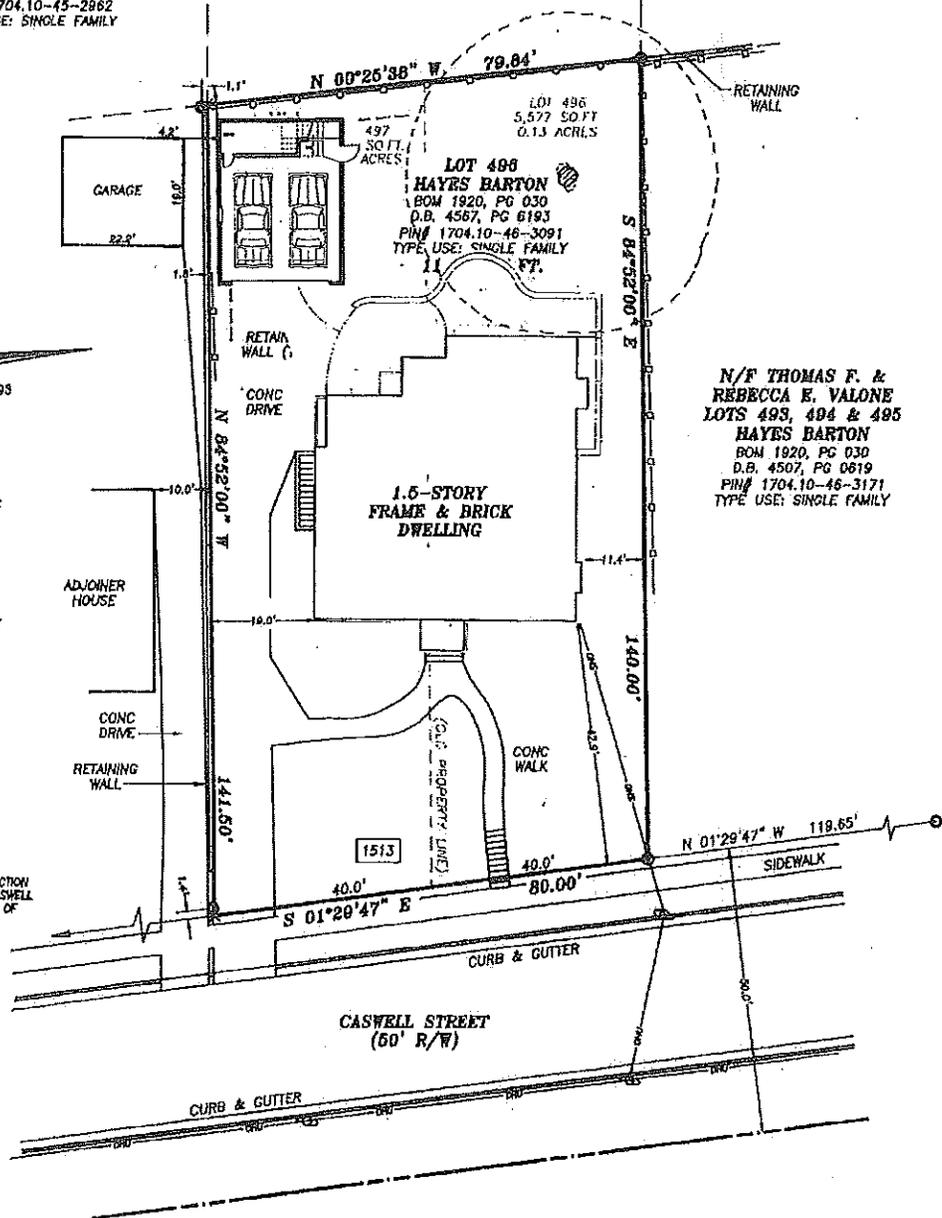
F CHARLES R. &
JANE H. KNOX
LOTS 498 & 499
HAYES BARTON
BOM 1920, PG 030
D.B. 2094, PG 0029
PIN# 1704.10-45-3983
TYPE USE: SINGLE FAMILY

or parcels of land.

H.D.
Surveyor

308.60' TO THE INTERSECTION
OF WESTERN R/W OF CASWELL
STREET & NORTHERN R/W OF
MILLANSON DRIVE

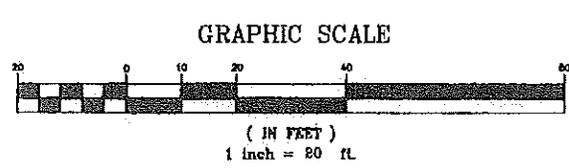
11/11/07



This plat or map does not require preliminary approval
and meets all statutory requirements for recording.
[Signature] 12/12/07
Planning Director/Town of Cary Review Officer.

THIS MAP WAS ORIGINALLY RECORDED
IN BOM 2007, PG 2870 AND IS BEING
RE-RECORDED TO CORRECT THE
PROPERTY TIE, NO OTHER CHANGES
HAVE BEEN MADE.

194
18
RECORDED ON
12/23/07
028808
UNTY



BS-222-07
R-223-07

REVISIONS
1513 CASWELL STREET
RALEIGH, NC 27608
**TURNING POINT
SURVEYING PLLC**
LOT 496, HAYES
BARTON SUBDIVISION
DATE: 11
DRAWN BY
CHK'D. BY
JOB NO.
SCALE: —
C.N. — D.M.
DWG. NO.
C3



[Home](#)

Wake County Real Estate Data Account Summary

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

Real Estate ID 0029964 PIN # 1704463091

**WAKE
COUNTY**

Location Address
1513 CASWELL ST

Property Description
LO496 HAYES BARTON BM2007-02806

[Account Search](#)

NORTH CAROLINA

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

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

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 KNOX, CHARLES ROBERT JR & KRISTIN G Use the Deeds tab above to view any additional owners		Owner's Mailing Address 1513 CASWELL ST RALEIGH NC 27608-2309		Property Location Address 1513 CASWELL ST RALEIGH NC 27608-2309	
Administrative Data Old Map # 494-00000-0091 Map/Scale 1704 10 VCS 01RA303 City RALEIGH Fire District Township RALEIGH Land Class R-<10-HS ETJ RA Spec Dist(s) Zoning R-4 History ID 1 History ID 2 Acreage .26 Permit Date 1/16/2008 Permit # 0000072473		Transfer Information Deed Date 12/14/2007 Book & Page 12875 0567 Revenue Stamps 1250.00 Pkg Sale Date 12/14/2007 Pkg Sale Price \$625,000 Land Sale Date Land Sale Price Improvement Summary Total Units 1 Recycle Units 1 Apt/SC Sqft Heated Area 4,777		Assessed Value Land Value \$367,200 Assessed Bldg. Value \$450,274 Assessed Tax Relief Land Use Value Use Value Deferment Historic Deferment Total Deferred Value Use/Hist/Tax Relief Assessed Total Value \$817,474 Assessed*	

*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 **0029964** PIN # **1704463091**

Location Address **1513 CASWELL ST** Property Description **LO496 HAYES BARTON BM2007-02806**

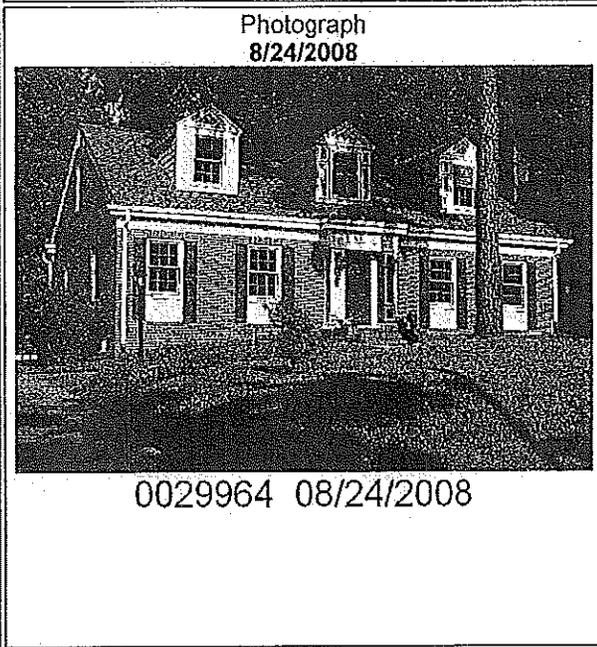
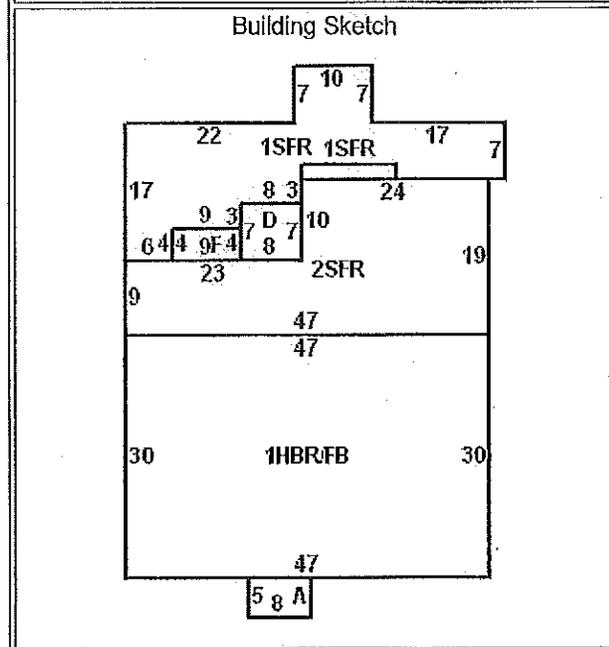
Account Search

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

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

Building Location Address 1513 CASWELL ST		Building Description 01RA303		Card 01 Of 01	
Bldg Type	01 Single Family	Year Blt	1955	Eff Year	1985
Units	1	Addns	1997	Remod	
Heated Area	4,777	Int. Adjust.	BSMT-50% Partly Rec		
Story Height	1.5 Story	Other Features	Multiple Firepl		
Style	Conventional				
Basement	Full Basement				
Exterior	Brick				
Const Type					
Heating	Central				
Air Cond	Central				
Plumbing	3 BATH				
		Base Bldg Value			\$265,823
		Grade	A+25		180%
		Cond %	B		82%
		Market Adj.	F		120%
		Market Adj.	O		95%
		Accrued %			93%
		Incomplete Code			
		Card 01 Value			\$450,274
		All Other Cards			
		Land Value Assessed			\$367,200
		Total Value Assessed			\$817,474

Main and Addition Summary					Other Improvements					
Story	Type	Code	Area	Inc	Units	DesItem	Code	Year	% Inc	Value
M	1H	BR/FB	1410						ADJ	
A		STP	40		15X22	SF CARPORT	0158	1955	40	2090
B	2	SFR	663		15X5	SF SHED	Z009	1955	100	900
C	1	SFR	551							
D	1	SFR	56							
E	1	SFR	24							
F		OP	36							
G										
H										





1513 Caswell Street



1704463091
KNOX, CHARLES ROBERT JR KNOX,
KRYSTIN G
1513 CASWELL ST
RALEIGH NC 27608-2309

1704452875
BLANTON, KATHARINE J
1508 CARR ST
RALEIGH NC 27608-2302

1704462982
YOUNG, ELVA SUSAN JONES
1510 CARR ST
RALEIGH NC 27608-2302

1704453993
KNOX, CHARLES R KNOX, JANE H
1509 CASWELL ST
RALEIGH NC 27608-2309

1704454805
HORN, REBECCA C HORN, KELLY F
1505 CASWELL ST
RALEIGH NC 27608-2309

1704462020
FRATER, CRAIG RYAN FRATER, CARRIE
ANN
1512 CARR ST
RALEIGH NC 27608-2302

1704462028
WALKER, ADRIA ANNE WARD WALKER,
MARY POWELL
1544 CARR ST
RALEIGH NC 27608-2302

1704462116
MEZZULLO, JOHN
BLACKMAN-MEZZULLO, SARAH C
1524 CARR ST
RALEIGH NC 27608-2302

1704463171
VALONE, THOMAS F VALONE, REBECCA E
1517 CASWELL ST
RALEIGH NC 27608-2309

1704466069
MASONIC TEMPLE OF RALEIGH
1520 CASWELL ST
RALEIGH NC 27608-2310