



# Board of Adjustment Case Report

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

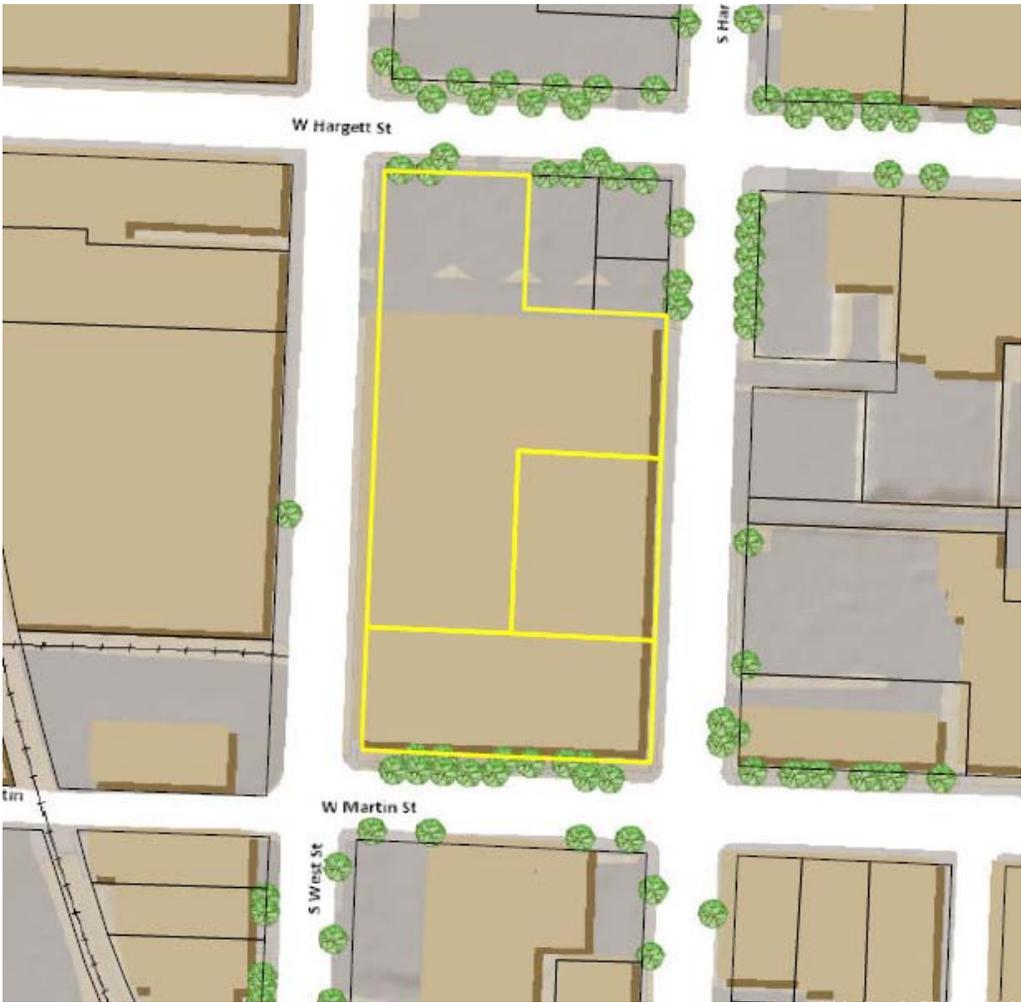
**Case File:** A-19-16

**Property Address:** 410 W. Martin Street, 218 S. Harrington Street and 223 S. West Street

**Property Owner:** Dillon Supply Company

**Project Contact:** Michael Birch

**Nature of Case:** A request for a variance to allow a 3,012.7 SF reduction in the required amount of outdoor amenity area subject to the standards in Sections 1.5.3.C and 1.5.3.D. of the Unified Development Ordinance on a 1.18 acre tract of land zoned DX-20-SH-CU and located at 410 W. Martin Street, 218 S. Harrington Street and 223 S. West Street.

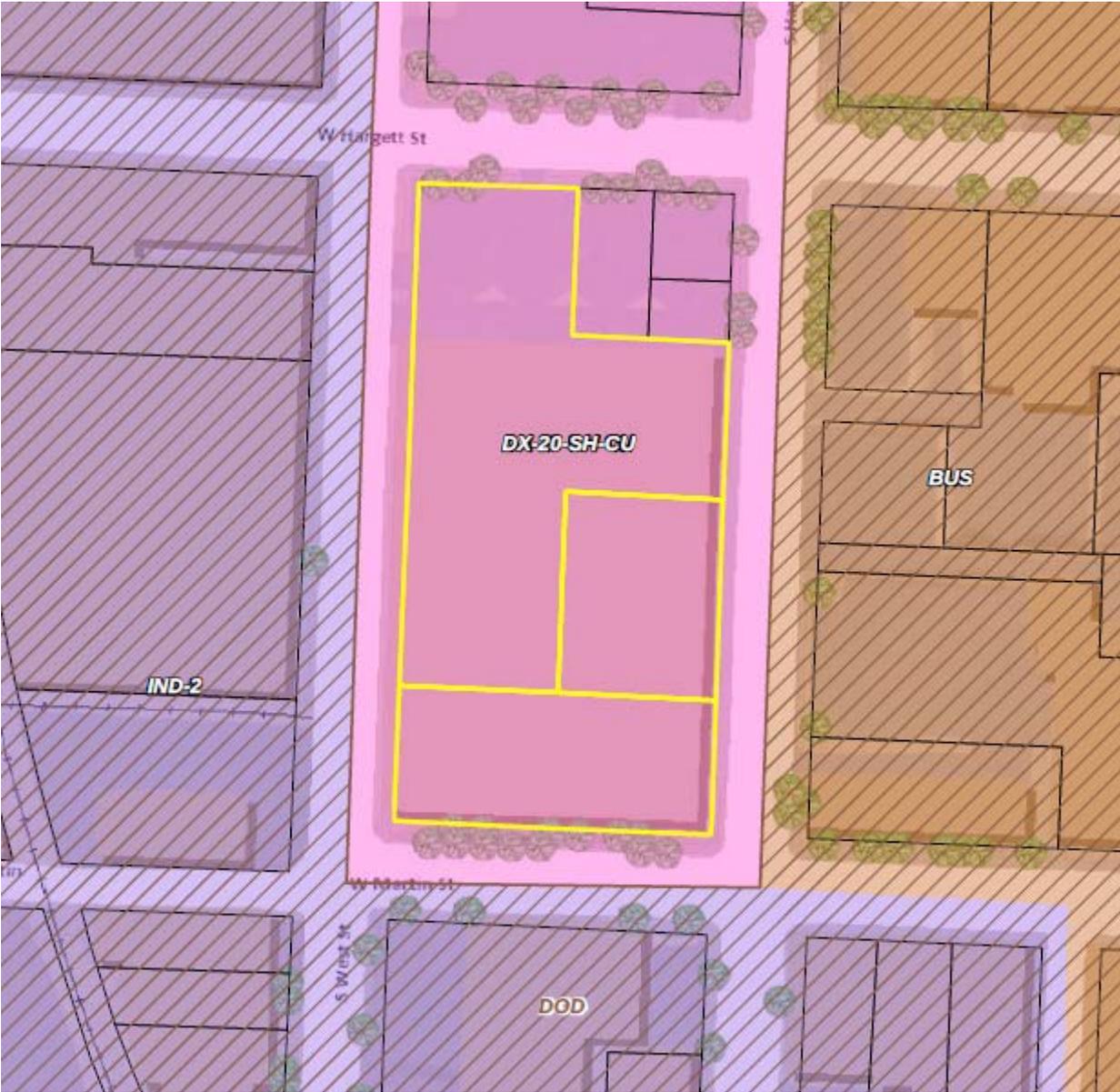


**410 W. Martin St., 218 S. Harrington St., & 223 S. West Street – Location Map**

To BOA: 1-11-16

Staff Coordinator: Eric S. Hodge, AICP

**ZONING DISTRICTS:** Downtown Mixed Use, 20-story, Shopfront Conditional Use



410 W. Martin St., 218 S. Harrington St., & 223 S. West 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.

### **Sec. 1.5.3. Coverage**

#### **A. Defined**

Building coverage is the maximum area of a lot that is permitted to be covered by roofed buildings or structures. Building coverage does not include paved areas such as parking lots, driveways or pedestrian walkways.

#### **B. Intent**

1. Outdoor amenity areas are intended to provide usable on-site open space in both residential and non-residential developments for the healthy enjoyment of occupants, invitees and guests of the development.
2. In more intensely developed urban contexts, outdoor amenity areas are also intended to provide visual breaks.

#### **C. General Requirements**

1. Where outdoor amenity area is required, it must be provided on-site and must be available for use by or as an amenity for the occupants, invitees and guests of the development.
2. All required outdoor amenity areas must be ADA accessible.
3. Required outdoor amenity area may be met in 1 contiguous open area or in multiple open areas on the lot; however, to receive credit, each area must be at least 10 feet in width and length.
4. Required outdoor amenity area may be located at or above grade. 5. Required outdoor amenity area cannot be parked or driven upon, except for emergency access and permitted temporary events.
6. In all other districts except DX-, required outdoor amenity area may be covered but cannot be enclosed.

7. Above-ground stormwater detention facilities shall not be considered an outdoor amenity area.
8. Tree Conservation areas shall not be considered an outdoor amenity area.

#### **D. Additional Requirements for Urban Plazas**

Amenity areas located within the DX- District or the NX-, CX- or OX- Districts with an urban frontage, and associated buildings in excess of 4 stories in height must meet all of the following:

1. Amenity areas associated with a general building, or mixed use building that is 50% or more non-residential in floor area must be located contiguous to the public sidewalk and be visually permeable from the public right-of-way. When a mixed use building is more than 50% residential by floor area, only half of the required amenity area must meet this standard.
2. Amenity areas may contain any one of the following: benches, seats, tables, eating areas, plazas, courtyards, fountains, active recreation areas or public art.
3. Amenity areas installed in conjunction with an apartment or townhouse building type may contain any of the amenities listed above in subsection D.2, as well as courts, pools or fields used for active recreation.
4. All required outdoor amenity areas must provide one linear foot of seating for each 50 square feet of required open space area and one two-inch caliper tree for every 1,000 square feet of required open space area.
5. For all buildings greater than 7 stories in height, the minimum amount of required open space area specified in chapter 3 shall be increased. An additional 50 square feet of amenity area is required for each building story above the seventh story. In no case shall the required amenity area exceed 12% of the gross site area.



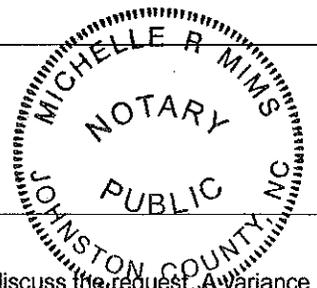
# Planning & Development

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

		OFFICE USE ONLY
<b>Nature of variance request (Submit addendum on separate sheet, if more space is needed.)</b> Variance to outdoor amenity area standards in UDO sections 1.5.3.C. and 1.5.3.D.		<b>Transaction Number</b>   
<b>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.</b>		

GENERAL INFORMATION			
<b>Property Address</b>		<b>Date</b>	
223 S West St, 410 W Martin St, 126, 210 & 218 S Harrington St, 401, 403 & 406 W Hargett Street		12/10/15	
<b>Property PIN</b>		<b>Current Zoning</b>	
1703580296, 1703581004, 1703581165, 1703581357, 1703581503, 1703581566, 1703582304, 1703582309		DX-20-SH-CU	
<b>Nearest Intersection</b>		<b>Property size (in acres)</b>	
Martin Street and West Street		2.53	
<b>Property Owner</b>		<b>Phone</b>	<b>Fax</b>
Dillon Supply Company PO BOX 14535 Raleigh, NC 27620		919.838.4270	919.838.4271
		<b>Email</b>	
		ahickes@dillonsupply.com	
<b>Project Contact Person</b>		<b>Phone</b>	<b>Fax</b>
Michael Birch, Morningstar Law Group 630 Davis Drive, Suite 200 Morrisville, NC 27560		919.590.0388	
		<b>Email</b>	
		mbirch@morningstarlawgroup.com	
<b>Property Owner Signature</b>		<b>Email</b>	
<b>Notary</b>		<b>Notary Signature and Seal</b>	
Sworn and subscribed before me this <u>10<sup>th</sup></u> day of <u>December</u> , 20 <u>15</u>		 3/05/2017	



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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# Wake County Real Estate Data Account Summary

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Real Estate ID **0018308** PIN # **1703580296**

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Location Address  
**223 S WEST ST**

Property Description  
**STEEL WHSE MACH SHOP & OTHER**

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<b>Property Owner</b> <b>DILLON SUPPLY CO</b> (Use the Deeds link to view any additional owners)		<b>Owner's Mailing Address</b> <b>PO BOX 14535</b> <b>RALEIGH NC 27620-4535</b>		<b>Property Location Address</b> <b>223 S WEST ST</b> <b>RALEIGH NC 27603-1835</b>	
<b>Administrative Data</b> Old Map # <b>A024-A0053-0001</b> Map/Scale <b>1703 33</b> VCS <b>DTRA001</b> City <b>RALEIGH</b> Fire District Township <b>RALEIGH</b> Land Class <b>COMMERCL</b> ETJ <b>RA</b> Spec Dist(s) <b>RML</b> Zoning <b>DX-20</b> History ID 1 History ID 2 Acreage <b>1.06</b> Permit Date Permit #		<b>Transfer Information</b> Deed Date <b>8/29/1945</b> Book & Page <b>00925 0616</b> Revenue Stamps Pkg Sale Date Pkg Sale Price Land Sale Date Land Sale Price  <b>Improvement Summary</b> Total Units <b>0</b> Recycle Units <b>0</b> Apt/SC Sqft Heated Area <b>67,200</b>		<b>Assessed Value</b> Land Value Assessed <b>\$3,469,976</b> Bldg. Value Assessed <b>\$1,523,102</b>  Tax Relief Land Use Value Use Value Deferment Historic Deferment Total Deferred Value  Use/Hist/Tax Relief Assessed Total Value <b>\$4,993,078</b> Assessed*	

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

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

Real Estate ID 0018308

PIN # 1703580296

Account Search

Location Address  
223 S WEST ST

Property Description  
STEEL WHSE MACH SHOP & OTHER

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Building Location Address <b>223 S WEST ST</b>		Building Description <b>DILLON SUPPLY-STEEL PIPE PRODUCTS</b>		Card 01 Of 01	
Bldg Type	<b>80 Manufacturing</b>	Year Blt	<b>1952</b>	Eff Year	<b>1952</b>
Units		Addns		Remod	
Heated Area	<b>67,200</b>	Int. Adjust.	<b>INT - 4%</b>	Market Adj.	
Story Height	<b>1 Story</b>	Style	<b>Finished Bu</b>	Market Adj.	
Basement	<b>Crawl Space</b>	Other Features	<b>MEZZ-3% Partly Floor</b>	Accrued %	<b>42%</b>
Exterior	<b>Brick</b>			Incomplete Code	
Const Type	<b>Exposed Steel</b>			<b>Card 01 Value</b>	<b>\$1,523,102</b>
Heating	<b>Unit Heaters</b>			All Other Cards	
Air Cond	<b>No Air Conditio</b>			Land Value Assessed	<b>\$3,469,976</b>
Plumbing	<b>Adequate</b>			Total Value Assessed	<b>\$4,993,078</b>

Main and Addition Summary						Other Improvements						
Story	Type	Code	Area	Inc		Units	DesItem	Code	Year	%ADJ	Inc	Value
M	1	BR/CS	67200			10500	SF PAVASPH	0028	1980	20		5780
A	1	FINISH	1444	#		1	UN FENCE6	REF	1952	20		0
B	1		1350	#								
C	1	FLR MEZ	400	#								
D												
E												
F												
G												
H												

<p>Building Sketch</p>	<p>Photograph 2/17/2013</p>
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## Wake County Real Estate Data Account Summary

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Real Estate ID **0179263** PIN # **1703581004**
[Account Search](#)
Location Address  
**410 W MARTIN ST**Property Description  
**PROP OF DILLON SUPPLY COMPANY BM1949-113**
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<b>Property Owner</b> <b>DILLON SUPPLY COMPANY</b> (Use the Deeds link to view any additional owners)		<b>Owner's Mailing Address</b> <b>PO BOX 14535</b> <b>RALEIGH NC 27620-4535</b>	<b>Property Location Address</b> <b>410 W MARTIN ST</b> <b>RALEIGH NC 27603-1820</b>
<b>Administrative Data</b> Old Map # <b>A024-A0053-0015</b> Map/Scale <b>1703 33</b> VCS <b>DTRA001</b> City <b>RALEIGH</b> Fire District Township <b>RALEIGH</b> Land Class <b>VACANT</b> ETJ <b>RA</b> Spec Dist(s) <b>RML</b> Zoning <b>DX-20</b> History ID 1 History ID 2 Acreage <b>.42</b> Permit Date Permit #	<b>Transfer Information</b> Deed Date <b>5/8/1950</b> Book & Page <b>01044 0404</b> Revenue Stamps Pkg Sale Date Pkg Sale Price Land Sale Date Land Sale Price  <b>Improvement Summary</b> Total Units <b>0</b> Recycle Units <b>0</b> Apt/SC Sqft Heated Area	<b>Assessed Value</b> Land Value Assessed <b>\$1,374,869</b> Bldg. Value Assessed  Tax Relief  Land Use Value Use Value Deferment Historic Deferment Total Deferred Value  Use/Hist/Tax Relief Assessed Total Value <b>\$1,374,869</b> Assessed*	

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# Wake County Real Estate Data Account Summary

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Real Estate ID **0018319** PIN # **1703581165**

[Account Search](#)

Location Address      Property Description  
**218 S HARRINGTON ST 218 S HARRINGTON STREET**

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

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



<b>Property Owner</b> <b>DILLON SUPPLY CO</b> (Use the Deeds link to view any additional owners)	<b>Owner's Mailing Address</b> <b>PO BOX 14535</b> <b>RALEIGH NC 27620-4535</b>	<b>Property Location Address</b> <b>218 S HARRINGTON ST</b> <b>RALEIGH NC 27603-1816</b>
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Administrative Data	Transfer Information	Assessed Value
Old Map # <b>A024-A0053-0014</b> Map/Scale <b>1703 33</b> VCS <b>DTRA001</b> City <b>RALEIGH</b> Fire District Township <b>RALEIGH</b> Land Class <b>VACANT</b> ETJ <b>RA</b> Spec Dist(s) <b>RML</b> Zoning <b>DX-20</b> History ID 1 History ID 2 Acreage <b>.32</b> Permit Date Permit #	Deed Date <b>1/1/1961</b> Book & Page <b>01422 0368</b> Revenue Stamps Pkg Sale Date Pkg Sale Price Land Sale Date Land Sale Price  <b>Improvement Summary</b> Total Units <b>0</b> Recycle Units <b>0</b> Apt/SC Sqft Heated Area	Land Value Assessed <b>\$1,047,516</b> Bldg. Value Assessed  Tax Relief  Land Use Value Use Value Deferment Historic Deferment Total Deferred Value  Use/Hist/Tax Relief Assessed Total Value <b>\$1,047,516</b> Assessed*

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