



# 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-70-16

**Property Address:** 1211 E. Martin Street

**Property Owner:** David Jr. and Veronica Autry

**Project Contact:** David Autry, Jr.

**Nature of Case:** A request for a 6.8' western side yard setback variance (for existing exterior building wall), a 3.2' western side yard setback variance (for existing roof eave overhang), a 1.7' eastern side yard setback variance, an 8.5' sum of side setbacks variance and a 1.6' primary street setback variance to legalize the existing detached house and reconstruct front porch steps as well as 6.9' western side yard setback variance (for proposed building wall) and a 3.1' western side yard setback variance (for proposed roof eave overhang) pursuant to Section 2.2.1 of the Part 10A Unified Development Ordinance to allow an addition to the rear of the existing detached house resulting in a 3.4 side setback (for exterior building wall), a 2.24' side setback (for roof eave overhang), a 12' sum of side setbacks and a 9.4' primary street setback (for porch steps) on a .14 acre parcel zoned Residential-4 and located at 1211 East Martin Street.



1211 E. Martin Street – Location Map

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To BOA: 6-13-16

Staff Coordinator: Eric S. Hodge, AICP

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ZONING  
DISTRICTS: Residential-4



### 1211 E. Martin 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

<u>Yard Type</u>	<u>Minimum Setback</u>
Front Yard	20'
Side Street	15'
Side	10'
Sum of Side Setbacks	20'
Rear	30'





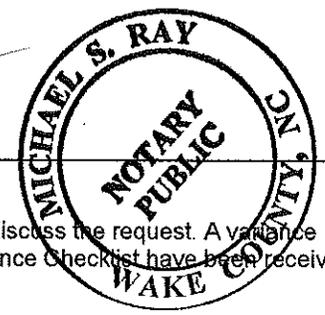
# Planning & Development

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

	OFFICE USE ONLY
Nature of variance request (Submit addendum on separate sheet, if more space is needed.)	Transaction Number
See Attached	
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	1211 East Martin Street, 27610	Date
Property PIN	1713277717	Current Zoning
Nearest Intersection	East Martin St. / Bart St.	Property size (in acres)
Property Owner	David William Autry, Jr.	Phone
	Veronica Jean Autry	919-357-1009
Project Contact Person	Will Autry	Fax
		919-357-1009
Property Owner Signature	<i>[Signature]</i>	Email
Notary	Michael S. Ray, Comm. Exp. 7-2-2019	DWAUTRY@YAHOO.COM
Sworn and subscribed before me this	13 <sup>th</sup> day of	Notary Signature and Seal
May	2016	<i>[Signature]</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 Regarding Nature of Variance Request**

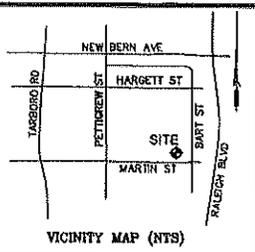
### **Autry, 1211 E Martin Street, 27610**

#### **To Legalize Existing Improvements/Lot:**

1. 6.8' of relief from required 10' setback on West side of property to exterior wall; 8.2' of relief from required 10' setback on West side of property to roof eave overhang.
2. 1.7' of relief from required 10' setback on East side of property to exterior wall; 3.5' of relief from required 10' setback on East side of property to roof eave overhang.
3. 8.5' of relief from required 20' sum of side setbacks to exterior walls; 11.7' of relief from required 20' sum of side setbacks to roof eave overhang.
4. 10' of relief from the 20' primary street setback to bottom of steps; *this is for porch only*, principal building meets the required 20' setback.
5. 23' of relief from 65' minimum lot width.
6. 3833 square feet of relief from 10,000 sq ft minimum lot size.
7. 1.8' of relief from 5' required side lot line setback for accessory structure.
8. 1.8' of relief from 5' required rear lot line setback for accessory structure.

#### **For Proposed Addition to Existing Improvement:**

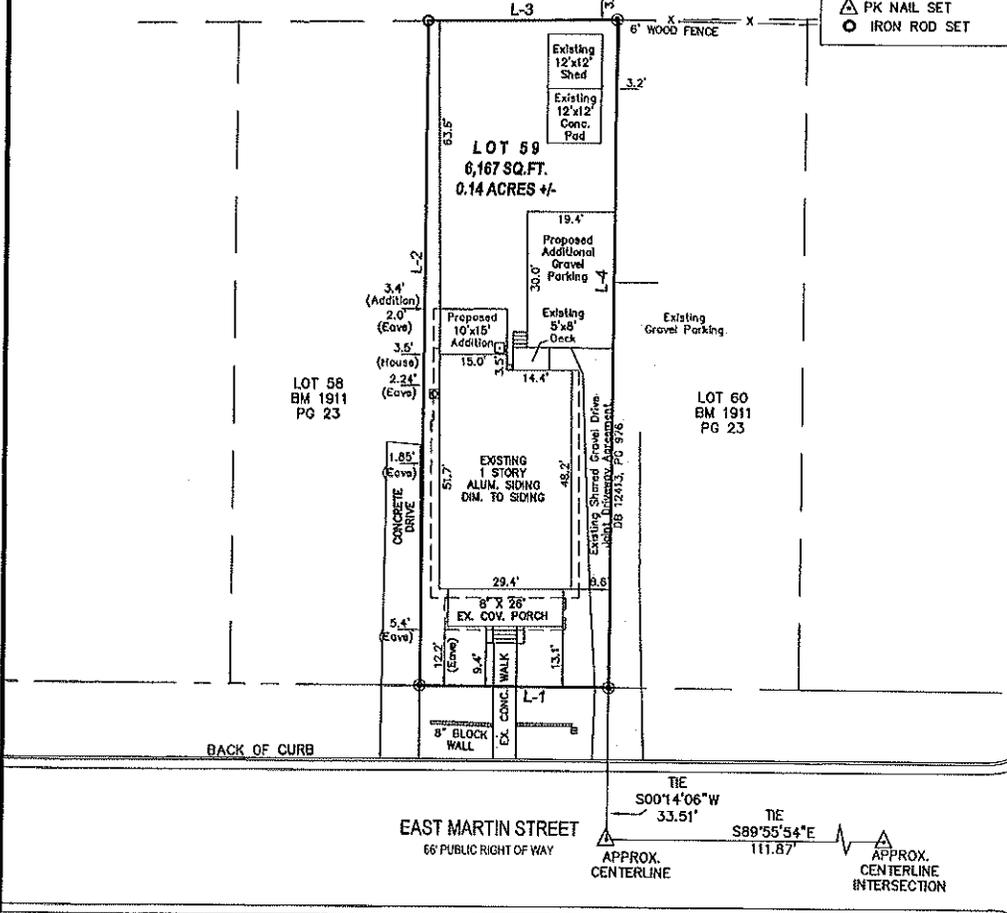
1. 6.9' of relief from required 10' setback on West side of property to exterior wall of proposed 10' x 15' addition.
2. 8.1' of relief from required 10' setback on West side of property to roof eave overhang of proposed addition.



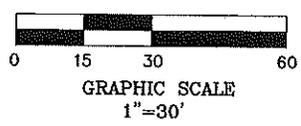
LINE	PLAT	ACTUAL	BEARING
L-1	42'	42.00'	N89°45'54"W
L-2	148.8'	148.52'	N00°14'06"E
L-3	42'	42.00'	N89°24'05"E
L-4	147.3'	147.13'	S00°14'06"W

NOW OR FORMERLY  
KAREN L. HARRIS  
PIN # 1713-27-7846

- LEGEND**
- ⊙ EXISTING MONUMENTATION
  - ⊠ ELECTRICAL BOX
  - ⊞ A/C UNIT
  - ⊞ WATER METER
  - ⊞ SEWER CLEANOUT
  - ⊞ GAS METER
  - ⊞ CABLE TV PEDESTAL
  - ⊞ TELEPHONE PEDESTAL
  - CLF CHAINLINK FENCE
  - ⊞ PROPANE CYLINDERS
  - EIP EXISTING IRON PIPE
  - △ PK NAIL SET
  - IRON ROD SET



**NOTES:**  
 -REFERENCE WAKE CO. BM 1911, PG 23 FOR BOUNDARY INFORMATION, NORTH INDEX & TIE LINES TO SUBDIVISION CONTROL CORNERS.  
 -ZONED: R-4 (EFFECTIVE 1989), MAIN HOUSE BUILT 1930.  
 -SETBACKS: FRONT: 20', SIDE: 10', REAR: 30', CORNER-15'  
 -ACCESSORY STRUCTURE SETBACKS:  
 PRIMARY STREET: 50', SIDE STREET: 20', SIDE LOT LINE: 5'  
 REAR LOT LINE: 5'.  
 -THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA SCALED FROM NFIP FIRM #3720171300J WITH AN EFFECTIVE DATE: 5/2/2006.



**SURVEY LOT 59**

BATTERY HEIGHTS SUBDIVISION  
 RALEIGH TWP, CITY OF RALEIGH, WAKE COUNTY, NC

SURVEYED FOR  
**DAVID WILLIAM AUTRY**  
 1211 E. MARTIN STREET  
 RALEIGH, NC 27610

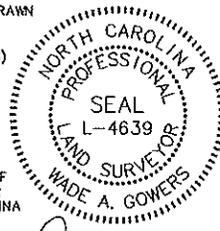
**MSS LAND CONSULTANTS, PC**  
 "Committed to Total Quality Service"  
 Firm License: C-8070  
 EST. 1998

8118 St. Giles St (Suite B) Raleigh, NC 27612  
 Phone (919) 610-4464 Fax (919) 610-0102 Email: gowers@mssland.com

DATE: 05/10/2016 SCALE: 1"=30' DRAWN: WG CHECKED: FILE: BLD-07-02  
 REV: 05/13/2016 REVISION: REVERSE EAVE DIMENSIONS

I CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION(S) REFERENCED HEREON); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION AS SHOWN HEREON; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1:10,000+; THAT THIS PLAT MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).

**WADE A. GOWERS, PLS L-4639**



O:\MIS-JOB\2016\141815-14-01\wg59-60EXH.dwg, Layout1, 5/13/2016 7:57:12 AM, gowersw, 1:1

BK012413PG00976

WAKE COUNTY, NC 746  
LAURA M RIDDICK  
REGISTER OF DEEDS  
PRESENTED & RECORDED ON  
02/23/2007 AT 16:24:36

BOOK:012413 PAGE:00976 - 00978

Hold: #20

JOINT DRIVEWAY AGREEMENT

This Joint Driveway Agreement, is made this 9<sup>th</sup> day of February, 2007 by and between Roy L. Phillips, Jr and wife, Joann B. Phillips, hereinafter called Phillips and Larue Lyde and Janet Lee Lyde, hereinafter called Lyde;

WITNESSETH:

WHEREAS, Phillips is the owner of Lot 59, Battery Heights, as shown in Book of Maps 1911, page 23, Wake County Registry, hereinafter Lot 59;

WHEREAS, Lyde is the owner of Lot 60, Battery Heights, as shown in Book of Maps 1911, Page 23, Wake County Registry, hereinafter Lot 60;

WHEREAS, the attached Exhibit "A" is a recent survey entitled "Survey for David William Autry" was recently completed by MSS Land Consultants dated 01-15-2007 and said survey depicts a gravel drive primarily centered on the property line between Lot 59 and Lot 60 and said survey is incorporated herein by reference;

WHEREAS, both parties hereto use said gravel drive to access their respective Lots and both are substantially dependent upon said gravel drive for access to and from the adjoining public road named East Martin Street as shown on said plat; and

WHEREAS, the parties agree that it is necessary to memorialize the establishment of a perpetual joint driveway along the gravel drive for the common use and benefit of the their respective lots;

NOW, THEREFORE, it is mutually agreed, confirmed, and declared that a joint driveway is hereby permanently dedicated and established for the common use and benefit of the said existing Lot 59 and Lot 60.

And in consideration of the mutual rights and advantages above set out, the parties hereto hereby give, grant, and convey unto the other the perpetual right and easement of egress, ingress, and regress over, upon and through said joint driveway.

To have and to hold the rights and easements hereby granted to the respective grantees and their successors in title forever; it being understood and agreed that the rights and easements hereby granted shall henceforth be appurtenant to and shall run with the titles to each of said lots, to wit: Lot 59 and Lot 60.

BK012413PG00977

It is further understood and agreed that henceforth the respective owners of said lots shall share on an equal basis the cost of maintaining the joint driveway.

IN TESTIMONY WHEREOF, the parties have hereunto set their hands and seals.

Roy L. Phillips, Jr. (SEAL)  
Roy L. Phillips, Jr.

Joann B. Phillips (SEAL)  
Joann B. Phillips

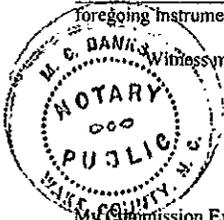
Larue Lyde (SEAL)  
Larue Lyde

Janet Lee Lyde (SEAL)  
Janet Lee Lyde



STATE OF NORTH CAROLINA  
COUNTY OF WAKE

I, M.C. Banks, Notary Public, do hereby certify that Larue Lyde and Janet Lee Lyde, either personally known to me or proven by satisfactory evidence (said evidence being \_\_\_\_\_) personally appeared before me this day and acknowledged the voluntary execution of the foregoing instrument.



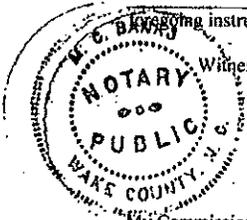
Witness my hand and notarial seal, this 9 day of February, 2007.

M.C. Banks  
Notary Public -

My Commission Expires: 9-10-2008

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

I, M.C. Banks, Notary Public, do hereby certify that Roy L. Phillips, Jr and Joann B. Phillips, either personally known to me or proven by satisfactory evidence (said evidence being \_\_\_\_\_) personally appeared before me this day and acknowledged the voluntary execution of the foregoing instrument.



Witness my hand and notarial seal, this 9 day of February, 2007.

M.C. Banks  
Notary Public -

My Commission Expires: 9-10-2008



BOOK:012413 PAGE:00976 - 00978

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**Yellow probate sheet is a vital part of your recorded document.  
Please retain with original document and submit for rerecording.**

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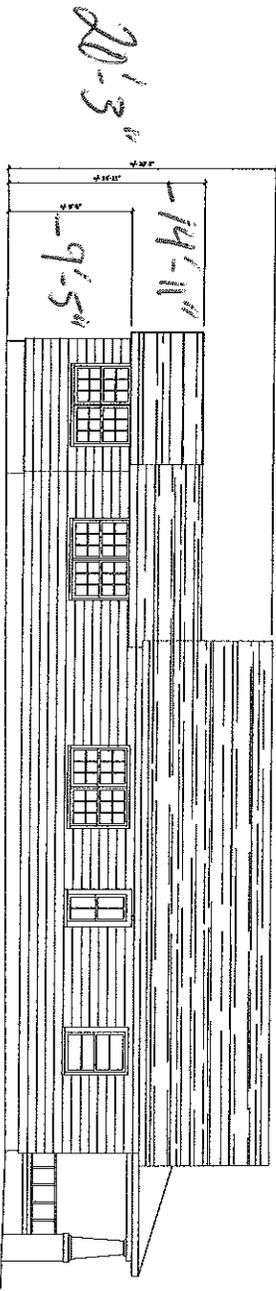


**Wake County Register of Deeds  
Laura M. Riddick  
Register of Deeds**

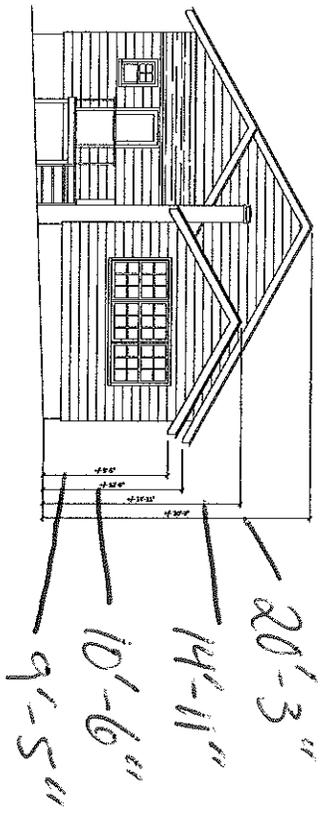
**This Customer Group**  
\_\_\_\_\_ # of Time Stamps Needed

**This Document**  
\_\_\_\_\_ 3 New Time Stamp  
\_\_\_\_\_ # of Pages





1 PROPOSED SIDE ELEVATION  
Scale: 1/4" = 1'-0"



2 PROPOSED REAR ELEVATION  
Scale: 1/4" = 1'-0"



1414 North 2nd St. Suite 100  
Raleigh, NC 27601  
Phone: 919.979.1111  
www.aarchitect.com

### AUTRY RESIDENCE ADDITION

RALEIGH, NC

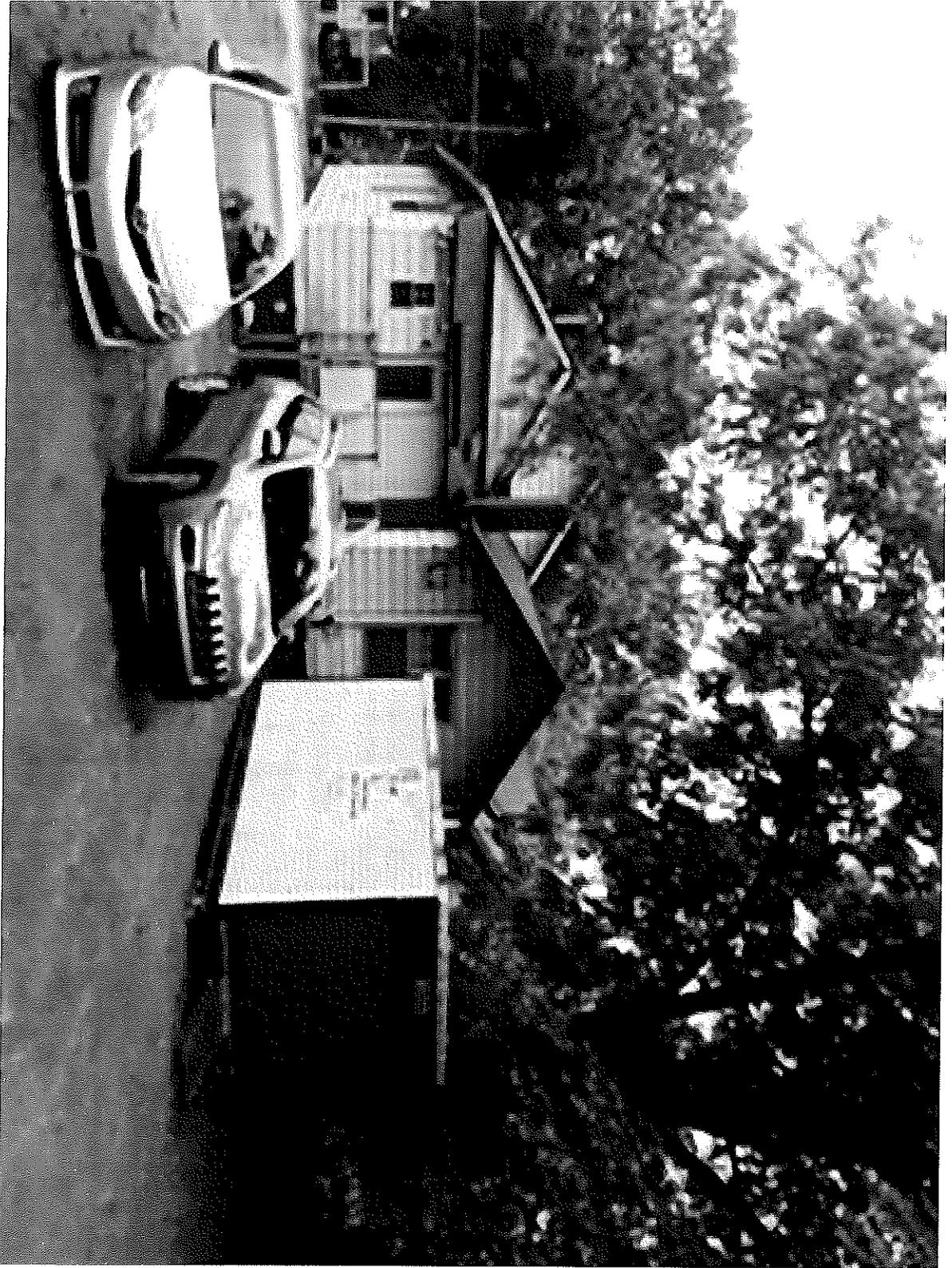
PROJECT NO.	124
OWNER	Autry Residence
DATE	2/20/20
REVISIONS	
NO.	DESCRIPTION

PROPOSED  
EXTERIOR  
ELEVATIONS

EL-2











[Home](#)

# Wake County Real Estate Data Account Summary

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

Real Estate ID **0042075** PIN # **1713277717**

[Account Search](#)

Location Address  
**1211 E MARTIN ST**

Property Description  
**LO59 BATTERY HEIGHTS BM1911-00023**

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

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



Property Owner <b>AUTRY, DAVID WILLIAM JR</b> <b>AUTRY, VERONICA JEAN</b> (Use the Deeds link to view any additional owners)	Owner's Mailing Address <b>1211 E MARTIN ST</b> <b>RALEIGH NC 27610-2607</b>	Property Location Address <b>1211 E MARTIN ST</b> <b>RALEIGH NC 27610-2607</b>
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Administrative Data	Transfer Information	Assessed Value
Old Map # <b>B003-B0023-0017</b>	Deed Date <b>7/14/2015</b>	Land Value Assessed <b>\$70,000</b>
Map/Scale <b>1713 06</b>	Book & Page <b>16084 2083</b>	Bldg. Value Assessed <b>\$16,838</b>
VCS <b>01RA542</b>	Revenue Stamps	Tax Relief
City <b>RALEIGH</b>	Pkg Sale Date <b>2/23/2007</b>	Land Use Value
Fire District	Pkg Sale Price <b>\$74,000</b>	Use Value Deferment
Township <b>RALEIGH</b>	Land Sale Date	Historic Deferment
Land Class <b>R-&lt;10-HS</b>	Land Sale Price	Total Deferred Value
ETJ <b>RA</b>	<b>Improvement Summary</b>	Use/Hist/Tax Relief
Spec Dist(s)	Total Units <b>1</b>	Assessed
Zoning <b>R-4</b>	Recycle Units <b>1</b>	Total Value <b>\$86,838</b>
History ID 1	Apt/SC Sqft	Assessed*
History ID 2	Heated Area <b>1,324</b>	
Acres <b>.14</b>		
Permit Date <b>7/17/2007</b>		
Permit # <b>0000068313</b>		

\*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 **0042075**

PIN # **1713277717**

Account Search

Location Address  
**1211 E MARTIN ST**

Property Description  
**LO59 BATTERY HEIGHTS BM1911-00023**

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



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

Building Location Address <b>1211 E MARTIN ST</b>		Building Description <b>01RA542</b>		Card <b>01</b> Of <b>01</b>	
Bldg Type	<b>01 Single Family</b>	Year Blt	<b>1930</b>	Eff Year	<b>1930</b>
Units	<b>1</b>	Addns		Remod	<b>1963</b>
Heated Area	<b>1,324</b>	Int. Adjust.			
Story Height	<b>1 Story</b>	Other Features			
Style	<b>Conventional</b>				
Basement	<b>Crawl Space</b>				
Exterior	<b>Aluminum Vinyl</b>				
Const Type					
Heating	<b>Central</b>				
Air Cond	<b>Central</b>				
Plumbing	<b>1 BATH</b>				
		Base Bldg Value			<b>\$114,769</b>
		Grade		D-10	<b>75%</b>
		Cond %		D	<b>32%</b>
		Market Adj.		F	<b>115%</b>
		Market Adj.		B	<b>50%</b>
		Accrued %			<b>18%</b>
		Incomplete Code			
		<b>Card 01 Value</b>			<b>\$16,838</b>
		All Other Cards			
		Land Value Assessed			<b>\$70,000</b>
		Total Value Assessed			<b>\$86,838</b>

Main and Addition Summary					Other Improvements					
Story	Type	Code	Area	Inc	Units	DesItem	Code	Year %ADJ	Inc	Value
M	1	ALVY/CS	1324		1	UN SHOP	A010 2000	100		1000
A		SP	70							
B		OP	184							
C										
D										
E										
F										
G										
H										

