



# 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-69-15

**Property Address:** 816 W. Johnson Street

**Property Owner:** Lyndsay Robin Dalby Hanna

**Project Contact:** Lyndsay Robin Dalby Hanna

**Nature of Case:** Request for a 6.5' primary street setback variance from the regulations set forth in Section 5.4.3.F.2.a. of the Part 10A Unified Development Ordinance to construct a detached house resulting in a 30' primary street setback and a 3.89' side street variance from the regulations set forth in Section 2.2.1 of the Unified Development Ordinance to legalize an existing non-conforming accessory structure resulting in a 16.11' side street setback for the detached garage as well as a request allow it to remain for an 18 month period without a primary structure present on the .21 acre lot zoned Residential-10 and Neighborhood Conservation Overlay located at 816 W. Johnson Street.



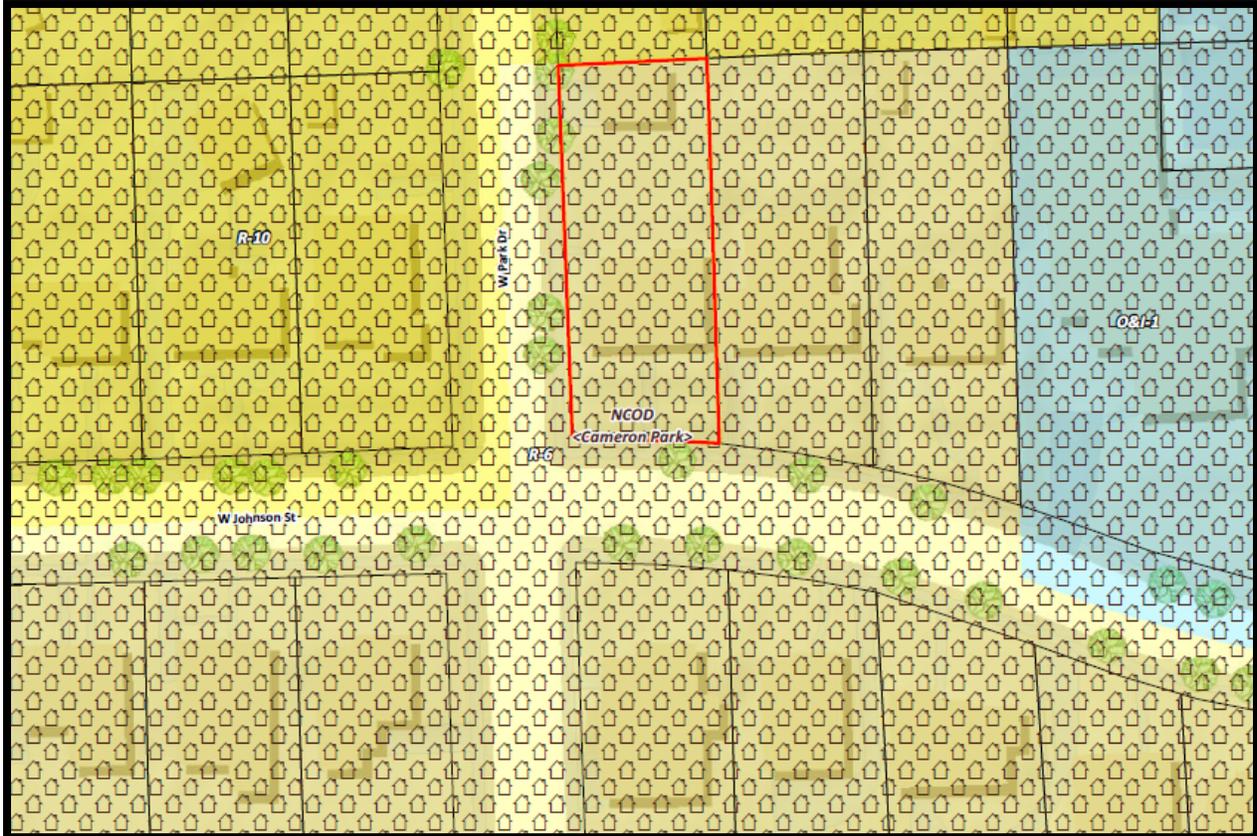
**816 W. Johnson Street – Location Map**

To BOA: 9-11-15

Staff Coordinator: Eric S. Hodge, AICP

**ZONING**

**DISTRICTS:** Residential-10 and Neighborhood Conservation Overlay District (Cameron Park)



**816 W. Johnson 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-10

<b>Yard Type</b>	<b>Minimum Setback</b>
Front Yard	10'
Side Street	10'
Side	5'
Sum of Side Setbacks	10'
Rear	20'
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'

**Neighborhood Conservation Overlay District:** Cameron Park (Trumps R-10 #'s unless otherwise silent)

a. Core Area

i. Maximum lot size: 21,779 square feet.

ii. Front yard setback:

Within 10% of the average front yard setback of houses on the same block face. No portion of any garage or carport shall protrude beyond the primary facade of the principal structure. Covered porches shall be considered part of the primary facade. For corner lots with driveway access from the secondary side, attached garage entrances must be set back at least 10 feet from the secondary side building elevation. A secondary side elevation is the alternative side of a corner lot house that faces a roadway, but does not include a primary entrance to the house. **Average setback: 40.5' 10% Range = 36.5'-44.5'.**

iii. Side yard setback:

Within 5 feet of the average side yard setback and corner side yard setback of other properties on the block face, but no less than 5 feet. **Average setback: 7.4'.**

iv. Setback for accessory structures:

Side and rear yard setbacks for accessory structures, including those greater than 150 square feet shall be a minimum of 3 feet.

v. Maximum building height:

30 feet with the exception of those lots fronting on Park Drive between Oberlin Road and Forest Road ( except the lots fronting the south side of Park Drive, between Oberlin Road and Groveland Avenue), all lots fronting on West Johnson Street and on the south side of Peace Street, and the 3 lots fronting the south

side and the 4 lots fronting the north side of Park Drive immediately west of St. Mary's Street (Wake County Registry: DB 08350, PG 1823; DB 02660, PGO-E-; DB 11659, PG 1800; DB 02425, PG 0670; DB 12811, PG 0908; DB 07129, PG 0713; DB 09060, PG 1175), which shall be limited to a maximum building height of 26 feet.

vi. Building placement and building entrance:

The orientation of the building and entry level of the main entrance to the building shall be located in a manner that is the same as the majority of the buildings on the block face.

vii. Vehicular surface areas:

New driveways onto public streets shall not be allowed for lots adjacent to alleys. Within that portion of the front yard area (as measured perpendicular to the right-of-way), between the principal building and the public street, new vehicular surface area shall not be permitted except where there are no adjacent alleys and when driveways are constructed alongside the house in the shortest practical distance from the right-of-way to the rear of the building. Parking areas and any other vehicular surface area installed prior to the August 3, 2010 shall not be deemed a zoning nonconformity. No vehicular entrance to a garage attached to the principal structure shall face the front yard. Maximum driveway width shall be limited to 12 feet for single driveways and 20 feet for shared driveways.

As with all NCOD's, all lots and structures existing at the time that the -NCOD is first applied to the property shall not be deemed nonconforming solely because of this overlay district.

A-69-15



# 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

100-2410-524100-000-00000-000000-00000000  
 BOARD OF ADJUSTMENT \$200.00

## Variance Application

Check Tended : \$200.00

		OFFICE USE ONLY
Nature of variance request (Submit addendum on separate sheet, if more space is needed.)		Transaction Number
Addendum 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	Date	
816 W. Johnson St., Raleigh, NC 27605	12 AUG 15	
Property PIN	Current Zoning	
1704311859	Residential 10	
Nearest Intersection	Property size (in acres)	
Johnson St & Park	.21	
Property Owner Lyndsay Robin Dalby Hanna	Phone	Fax
	919.600.1323	N/A
	Email	
	dalbylyn@gmail.com	
Project Contact Person Lyndsay Robin Dalby Hanna	Phone	Fax
	919.600.1323	N/A
	Email	
	dalbylyn@gmail.com	
Property Owner Signature	Email	
	dalbylyn@gmail.com	
Notary	Notary Signature and Seal	
Sworn and subscribed before me this <u>12</u> day of <u>August</u> , 20 <u>15</u>		

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.



[Home](#)

## Wake County Real Estate Data Account Summary

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

Real Estate ID 0074764 PIN # 1704311859

Location Address: 816 W JOHNSON ST  
Property Description: LO13 & 14 CAMERON PK BL23 BM1926-53

[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 <b>DALBY, LYNDSAY</b> (Use the Deeds link to view any additional owners)	Owner's Mailing Address <b>816 W JOHNSON ST</b> <b>RALEIGH NC 27605-1763</b>	Property Location Address <b>816 W JOHNSON ST</b> <b>RALEIGH NC 27605-1763</b>
<b>Administrative Data</b> Old Map # <b>D017-D0067-0013</b> Map/Scale <b>1704 18</b> VCS <b>01RA299</b> City <b>RALEIGH</b> Fire District Township Land Class <b>R-&lt;10-HS</b> ETJ <b>RA</b> Spec Dist(s) Zoning <b>R-6</b> History ID 1 History ID 2 Acreage <b>.21</b> Permit Date Permit #	<b>Transfer Information</b> Deed Date <b>6/8/2011</b> Book & Page <b>14370 1815</b> Revenue Stamps <b>535.00</b> Pkg Sale Date <b>6/8/2011</b> Pkg Sale Price <b>\$267,500</b> Land Sale Date Land Sale Price  <b>Improvement Summary</b> Total Units <b>1</b> Recycle Units <b>1</b> Apt/SC Sqft Heated Area <b>1,346</b>	<b>Assessed Value</b> Land Value <b>\$221,850</b> Assessed Bldg. Value <b>\$102,948</b> Assessed  Tax Relief Land Use Value Use Value Deferment Historic Deferment Total Deferred Value  Use/Hist/Tax Relief Assessed Total Value <b>\$324,798</b> 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](mailto:RevHelp@wakegov.com) or call 919-856-5400.

Real Estate ID 0074764

PIN # 1704311859

Account Search

Location Address  
816 W JOHNSON ST

Property Description  
LO13 & 14 CAMERON PK BL23 BM1926-53

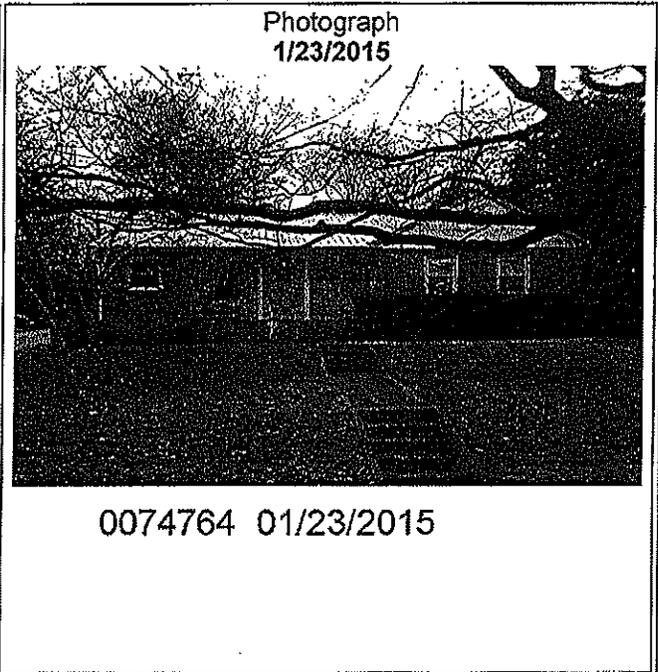
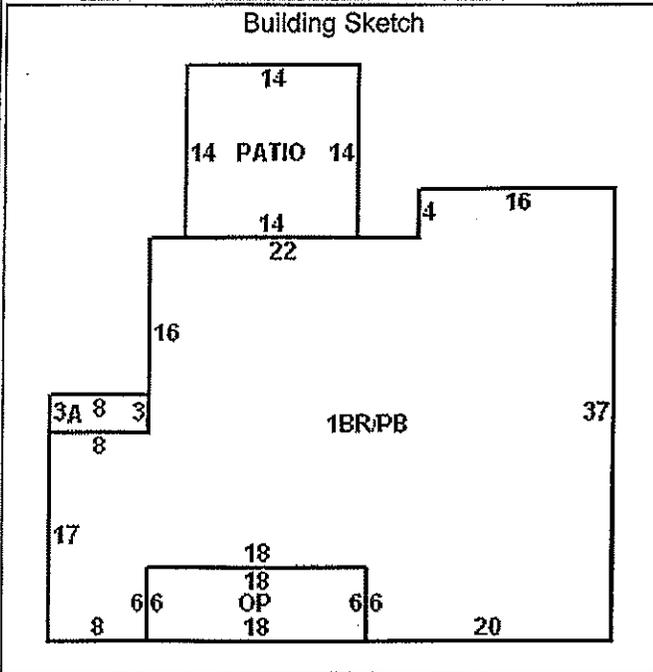
[Pin/Parcel History](#) [Search Results](#) [New Search](#)

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



Building Location Address <b>816 W JOHNSON ST</b>		Building Description <b>01RA299</b>		Card 01 Of 01	
Bldg Type	<b>01 Single Family</b>	Year Blt	<b>1954</b>	Eff Year	<b>1954</b>
Units	<b>1</b>	Adds	<b>Remod 1965</b>	Base Bldg Value	<b>\$120,040</b>
Heated Area	<b>1,346</b>	Int. Adjust.	<b>BSMT- Unfinished</b>	Grade	<b>B 00</b>
Story Height	<b>1 Story</b>	Other Features	<b>One Fireplace</b>	Cond %	<b>C 58%</b>
Style	<b>Conventional</b>			Market Adj.	<b>F 120%</b>
Basement	<b>20% Partial Bas</b>			Market Adj.	<b>70%</b>
Exterior	<b>Brick</b>			Accrued %	<b>70%</b>
Const Type				Incomplete Code	
Heating	<b>Central</b>			<b>Card 01 Value</b>	<b>\$102,948</b>
Air Cond	<b>Central</b>			All Other Cards	
Plumbing	<b>1.5 BATH</b>			Land Value Assessed	<b>\$221,850</b>
				Total Value Assessed	<b>\$324,798</b>

Main and Addition Summary					Other Improvements						
Story	Type	Code	Area	Inc	Units	DesItem	Code	Year	%	Inc	Value
M	1	BR/PB	1346		18X22	SF GARFR	0290	1965	20	ADJ	2290
A		STP	24		1	UN SHED	Z004	1985	100		400
B		PATIO	196								
C		OP	108								
D											
E											
F											
G											
H											



## Addendum for Nature of Variance Request

### I. Summary of Request

Lyndsay Robin Dalby Hanna, owner of 816 W Johnson Street, respectfully requests a variance to (i) allow for the demolition of the current primary dwelling and building of a property more fitting with the identity of the surrounding properties, (ii) legalize the existing garage structure and (iii) allow for the existing garage structure to remain during demolition of the primary dwelling. In addition to the survey of the existing dwelling, a plot plan of the proposed dwelling, existing elevations, elevations showing the proposed dwelling, floor plans of the existing structure and floor plans showing the proposed addition are provided with this petition.

The property is zoned Residential-10 with a Neighborhood Conservation Overlay District (Cameron Park).

According to UDO section 2.2.1, the Residential-10 district provides for a minimum front yard setback of 10', a minimum side yard setback of 5', a minimum street side yard setback of 10', and a minimum aggregate side yard setback of 10'. However according to UDO section 5.4.3.F, the regulations of the Neighborhood Conservation Overlay District control over the base zoning district regulations.

Section 5.4.3.F.2 sets forth the regulations for the Cameron Park neighborhood. Section 5.4.3.F.ii states that the front yard setback shall be within 10% of the average front yard setback of the houses on the same block face. Section 5.4.3.F.2.iii states that the side yard setback shall be within 5 feet of the average side yard setback and corner side yard setback of other properties on the block face, but no less than 5 feet.

The average front yard setback of the properties on the same block face is approximately 43.7', and 10% range for the front setback of 39.3' to 48'. The average side setback of the other properties on the block face is approximately 20.8' and the side yard setback range of 15.8' to 25.8'. We request a variance of 3.2' on the side setbacks to allow for side setbacks totaling 12.6'.

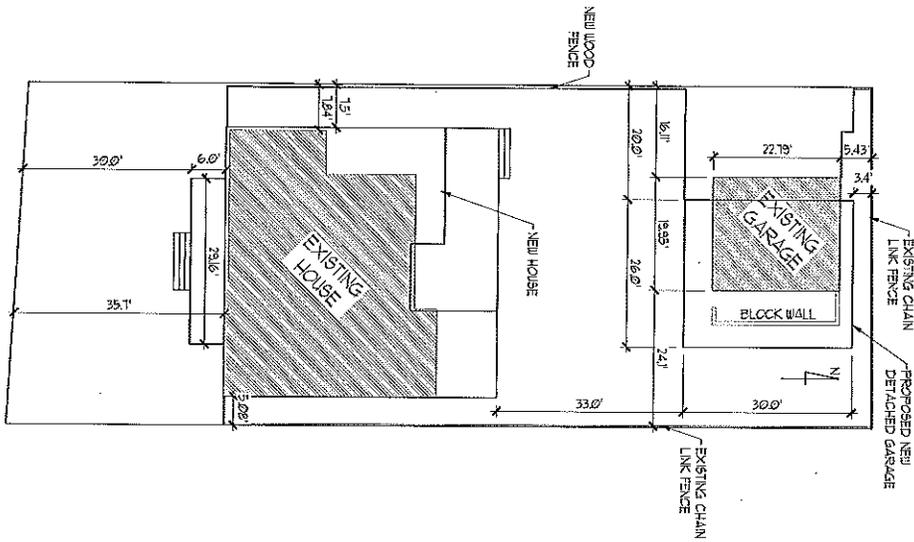
In order to permit the new structure the property owners are requesting variance to UDO Section 5.4.3.F.ii of 5.8' for a front yard setback of 33.5 feet, if the ordinance is strictly enforced.

According to UDO section 2.2.1, the minimum setback for a garage is 20' and from Section 12.2 of the UDO we infer an accessory structure may not be standing in the absence of a primary dwelling. In order to legalize the existing garage structure the property owners requests a variance of 3.89' for the side yard setback. In order the garage to remain during the demolition and construction of the primary dwelling the homeowners request variance to keep the existing accessory garage structure without a primary dwelling, for up to one year to allow for demolition and construction.

## II. Variance Findings

- A. Unnecessary hardship would result from strict application of these ordinances. Without a variance, the property owner could not construct the proposed structure. Based on the commercial property facing St. Mary's at the end of the block face and the unusual shape of the property a variance is necessary to permit a new structure that can work with the layout of the property.
- B. The hardship results from conditions that are peculiar to the block face and the property. The defined overlay, as shown on the block layout includes a commercial property and the shape of the property is uncharacteristically short. The average front yard setback of the two residential properties on the block face is 40.5', and the 10% range for the front setback is 36.5' to 44.5'. The variance request measurement includes a 3.5' covered stoop, with the primary dwelling main structure being at a 36' setback. The residential property at 812 W Johnson having an approximately 6.5' uncovered patio and the property at 810 W Johnson having an approximately 2' covered stoop extending in front of the primary dwelling. The average side yard setbacks of the 4 residential side yards on the same block face is approximately 7.4' and the side yard setback range of 2.4' (NCOD minimum of 5') to 12.4'. These values include only the residential property and exclude the commercial property at 601 St. Mary's Street.
- C. The existence of the current garage is needed for storage during construction and there is no intention to delay the building of a primary dwelling, after demolition, any longer than required for initiating and completing construction.
- D. These hardships do not result from the actions taken by the property owner. As noted above, the hardship results from the peculiar property layout, existence of a commercial property within the overlay, and the location of the current garage.
- E. The requested variances are consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved. The spirit, purpose and intent of the Neighborhood Conservation Overlay District is to ensure redevelopment of properties and additions to existing structures occur in context with the surrounding built environment. The building of the new property allows for the construction of a safer, more efficient dwelling which will contribute to the neighborhood environment and replace a dwelling which was enhanced and modified over the years, but does not fit in with the surrounding properties. Safety is secured by remaining within the bounds of the side yard setbacks for the noncommercial properties on the overlay, and Justice is achieved by permitting a build which enhances the surrounding neighborhood environment.
- F. Upon requesting the demolition permit the home owner will simultaneously request a building permit to build the requested dwelling.

PROPOSED NEW SITE PLAN



sheet 6 of 6  
A-6  
SITE PLAN

DATE: 08/28/2013
SCALE: AS SHOWN
DRAWN BY: JLS
CHECKED BY: JLS
PROJECT NO: 1308

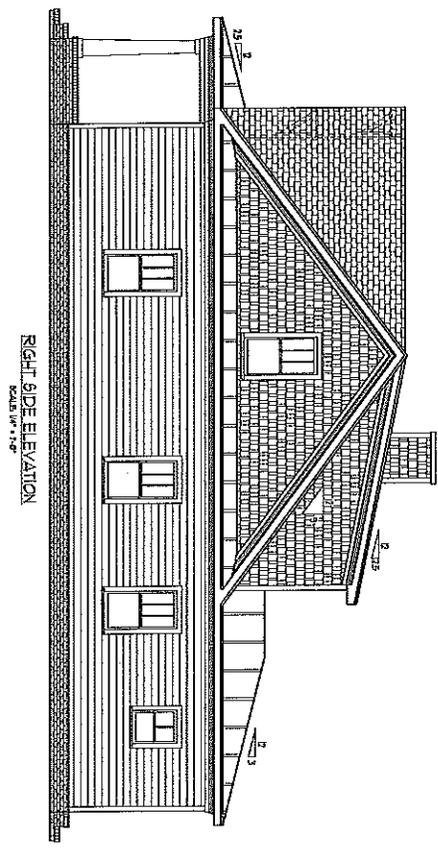
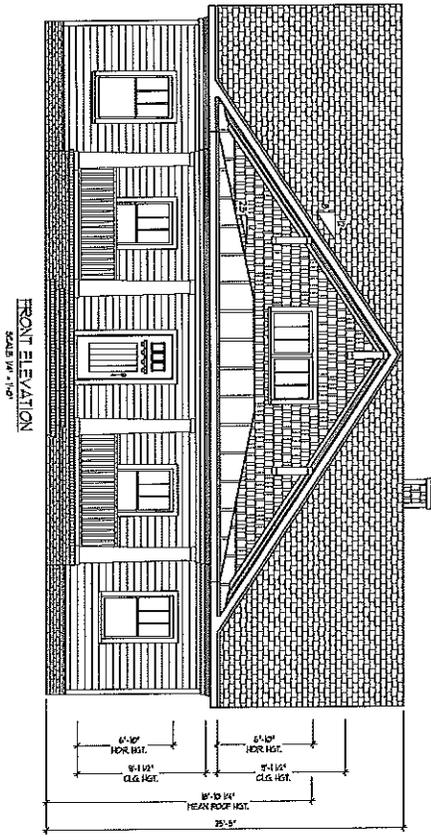
HANNA RESIDENCE ADDITION / RENOVATION  
816 WEST JOHNSON STREET  
RALEIGH, NORTH CAROLINA

**J.S. THOMPSON**  
ENGINEERING, INC  
656 WADE AVE., SUITE 104 RALEIGH, NC 27605  
PHONE: (919) 289-6919 FAX: (919) 289-9211  
NC LICENSE NO: C1103





PRELIMINARY PLANS -  
NOT FOR CONSTRUCTION



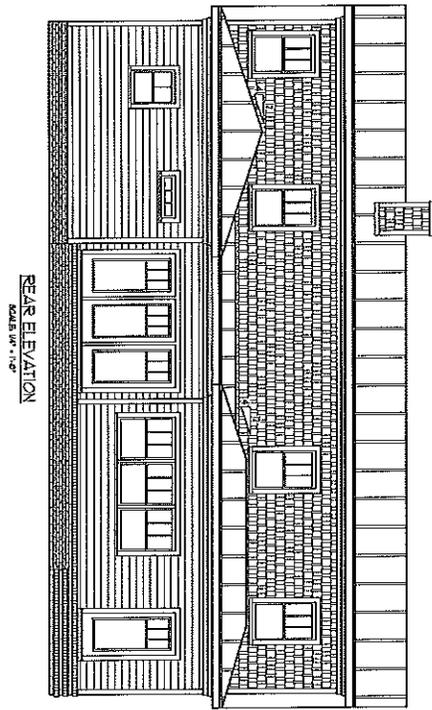
DATE	1	OF	6
A-1			
ELEVATIONS			
DATE PLOTTED	12/23/2023		
SCALE	AS SHOWN		
DRAWN BY	RLD/PA		
CHECKED BY	JPT		

HANNA RESIDENCE ADDITION / RENOVATION  
816 WEST JOHNSON STREET  
RALEIGH, NORTH CAROLINA

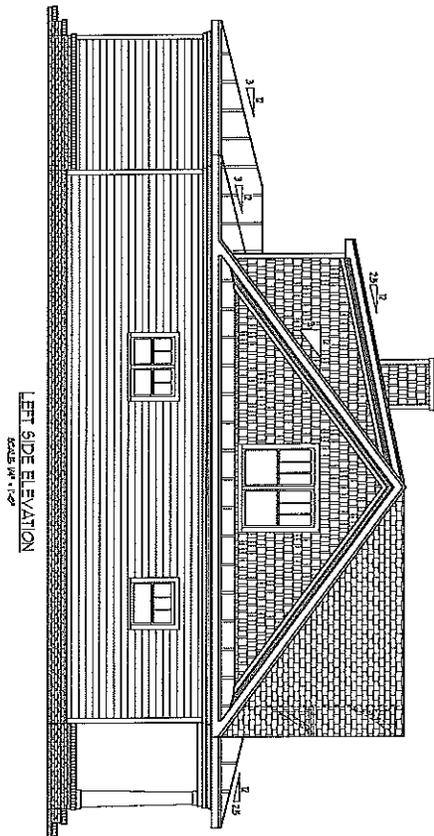
**J.S. THOMPSON**  
ENGINEERING, INC  
400 WADE AVE., SUITE 101 - RALEIGH, NC 27605  
PHONE: (919) 782-9219 FAX: (919) 782-9221  
N.C. LICENSE NO.: C4133



PRELIMINARY PLANS -  
NOT FOR CONSTRUCTION



REAR ELEVATION  
SCALE: 1/4" = 1'-0"



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

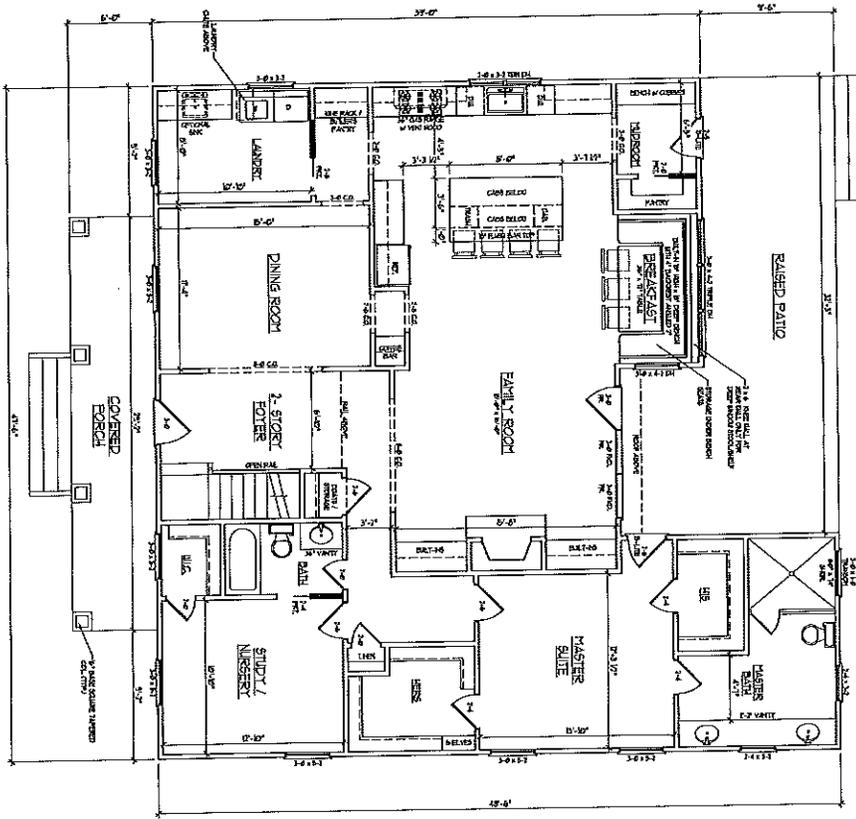
HANNA RESIDENCE ADDITION / RENOVATION  
816 WEST JOHNSON STREET  
RALEIGH, NORTH CAROLINA

**J.S. THOMPSON**  
ENGINEERING, INC  
606 WADE AVE., SUITE 104 RALEIGH, NC 27605  
PHONE: (919) 289-9912 FAX: (919) 289-9921  
N.C. LICENSE NO. C4153

DATE: 10/18/05  
SCALE: AS SHOWN  
DRAWN BY: JST/ML  
CHECKED BY: JST  
DESIGNED BY: JST

sheet 2 of 6  
A2  
ELEVATIONS

PRELIMINARY PLANS -  
NOT FOR CONSTRUCTION



**NOTES:**

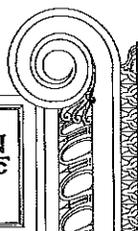
1. ALL DIMENSIONS ARE PERMITTED BY ARCHITECTURE FOR THE PROJECT.
2. CONTRACTOR SHALL VERIFY ALL DIMENSIONS IN FIELD AND REPORT ANY DISCREPANCIES TO ARCHITECT IMMEDIATELY UPON DISCOVERY. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND REPORTING ANY DISCREPANCIES TO ARCHITECT IMMEDIATELY UPON DISCOVERY. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND REPORT ANY DISCREPANCIES TO ARCHITECT IMMEDIATELY UPON DISCOVERY.
3. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.

DIMENSIONS	
1/4" = 1'-0"	3/8" = 1'-0"
1/2" = 1'-0"	1/2" = 1'-0"
3/4" = 1'-0"	3/4" = 1'-0"
1" = 1'-0"	1" = 1'-0"
1 1/2" = 1'-0"	1 1/2" = 1'-0"
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72" = 1'-0"	72" = 1'-0"
84" = 1'-0"	84" = 1'-0"
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108" = 1'-0"	108" = 1'-0"
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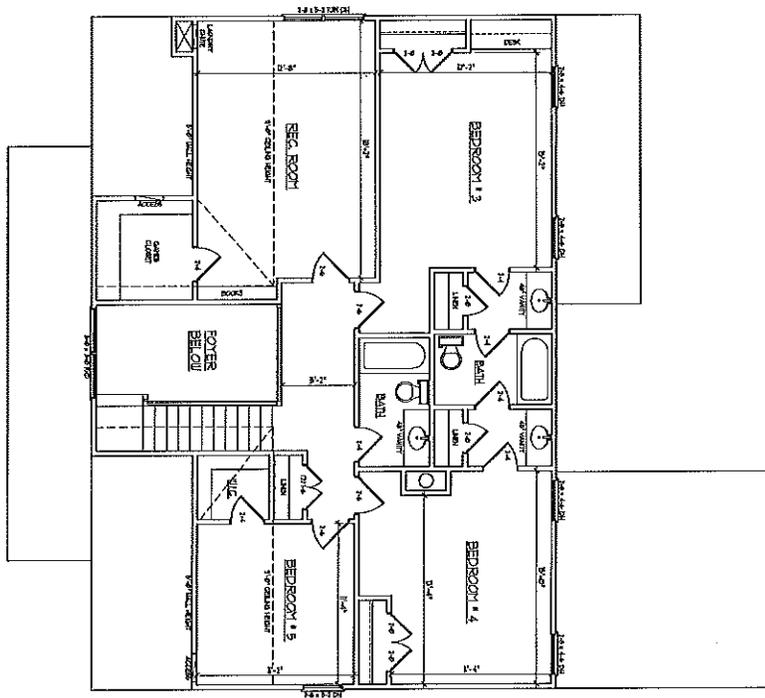
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DRAWN BY: JTS  
CHECKED BY: JTS  
APPROVED BY: JTS

HANNA RESIDENCE ADDITION / RENOVATION  
816 WEST JOHNSON STREET  
RALEIGH, NORTH CAROLINA

**J.S. THOMPSON  
ENGINEERING, INC**  
605 WADE AVE., SUITE 104 RALEIGH, NC 27605  
PHONE: 919.789.9919 FAX: 919.789.9921  
N.C. LICENSE NO. 121173



PRELIMINARY PLANS -  
NOT FOR CONSTRUCTION

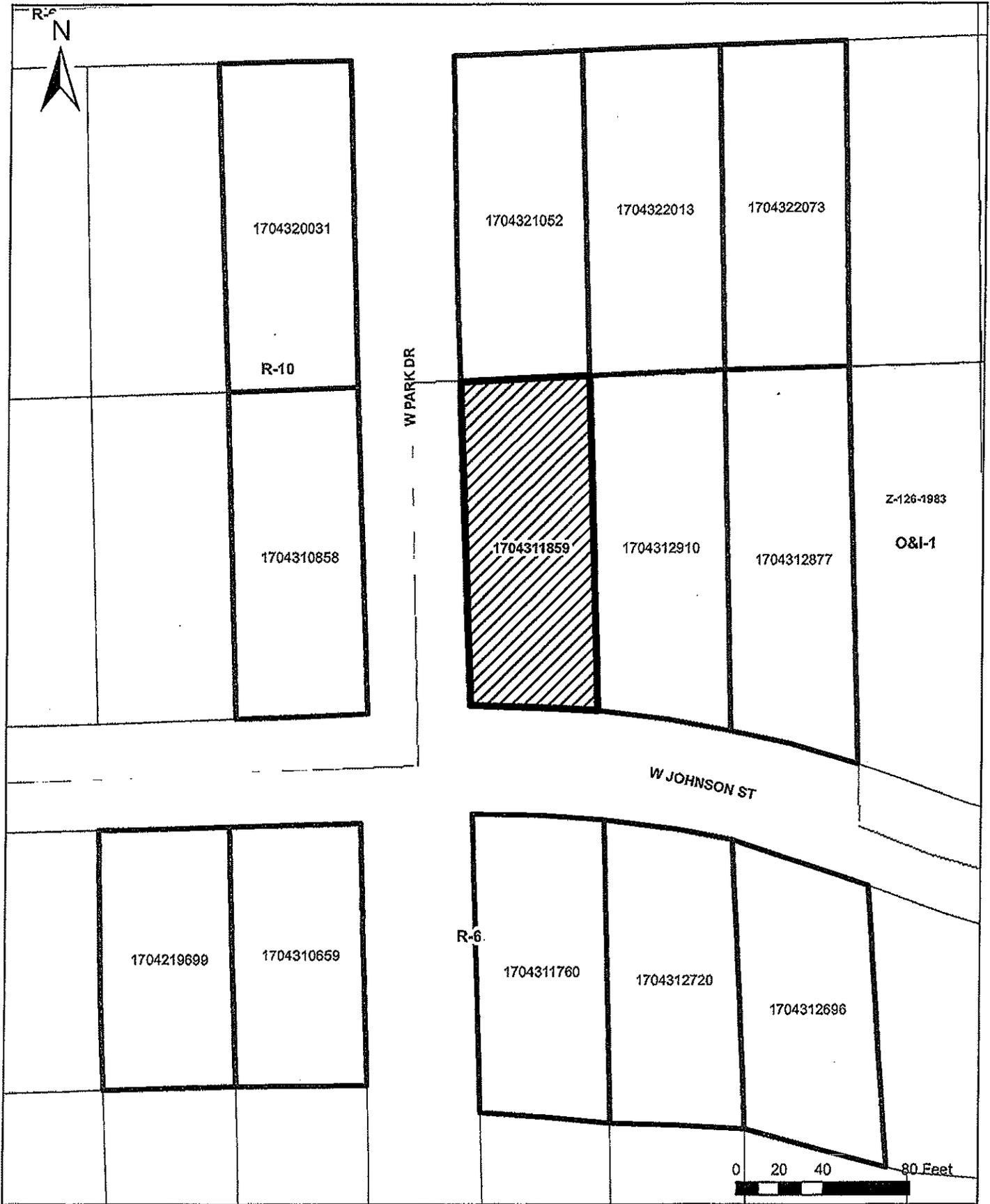


HANNA RESIDENCE ADDITION / RENOVATION  
816 WEST JOHNSON STREET  
RALEIGH, NORTH CAROLINA

**J.S. THOMPSON**  
**ENGINEERING, INC**  
650 WADE AVE., SUITE 101 RALEIGH, NC 27605  
PHONE: (919) 788-9919 FAX: (919) 788-9921  
NC LICENSE NO. 64170

DATE PLOTTED: 11/11/11  
SCALE: 1/8" = 1'-0"  
DRAWN BY: JST/JLC  
CHECKED BY: JST  
PROJECT NO.: 11-001  
SHEET NO.: 4 OF 6  
REVISIONS:  
A4  
NOT FOR CONSTRUCTION





816 West Johnson Street

