



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-44-16

Property Address: 1009 Marilyn Drive

Property Owner: Sears Family, LLC

Project Contact: John Kerr

Nature of Case: A request for a 3.6' and a 2.6' minimum lot width variance pursuant to Section 2.2.1. of the Part 10A Unified Development Ordinance to allow for the subdivision of a lot into two lots that don't meet the minimum width requirements for the minimum depth requirements as set forth in Section 1.5.2.C. of the Part 10A Unified Development Ordinance for a currently .4994 acre property zoned Residential-6 and located at 1009 Marilyn Drive.

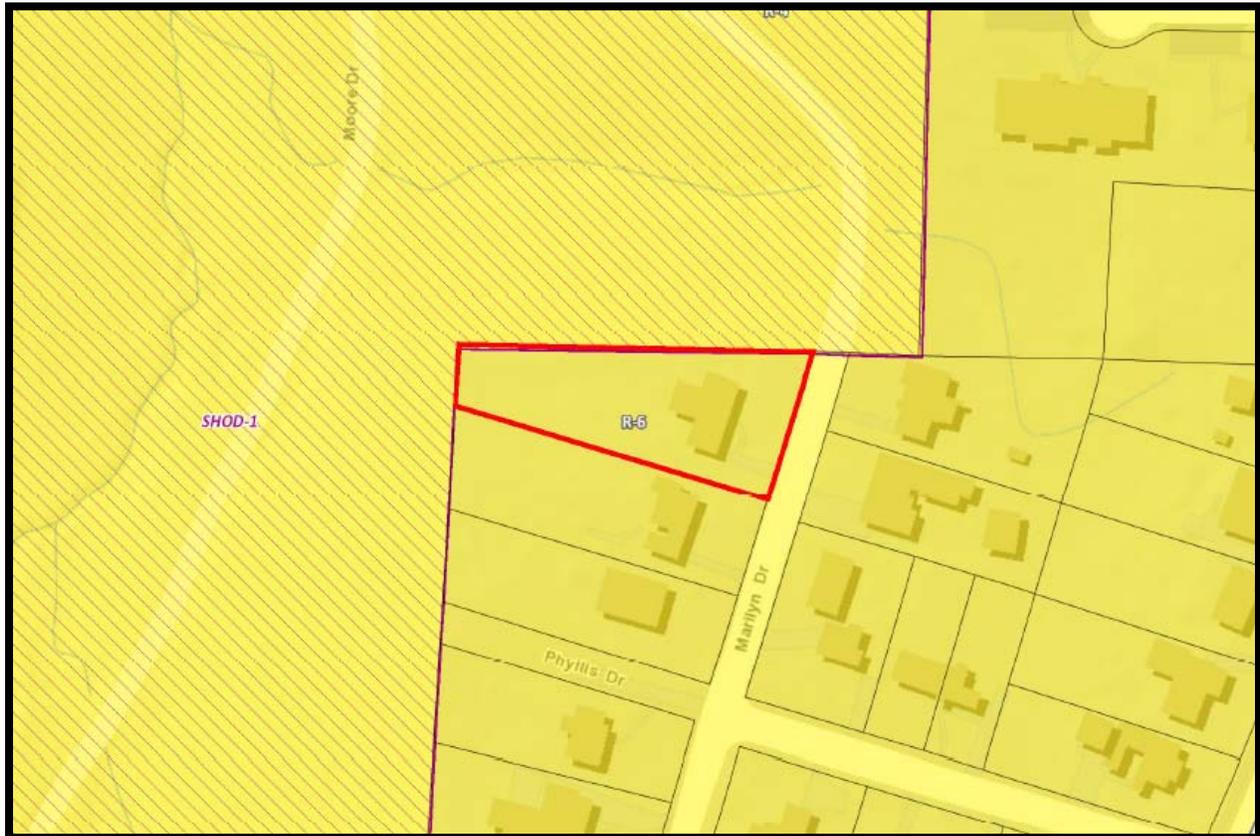


1009 Marilyn Drive – Location Map

To BOA: 4-11-16

Staff Coordinator: Eric S. Hodge, AICP

ZONING DISTRICTS: Residential-6



1009 Marilyn Drive – 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.**

Zoning District Standards: The subject property is zoned Residential-6

<u>Lot Dimensions</u>	
Area (min)	6,000 SF
Width – interior lot (min)	50'
Width – corner lot (min)	65'
Depth (min)	80'
Density (max)	6 u/a

<u>Yard Type</u>	<u>Minimum Setback</u>
Primary Street	10'
Side Street	10'
Side	5'
Sum of Sides	15'
Rear	20'

Sec. 1.5.2.C. Lot Width

Lot width is the distance between the side lot lines (generally running perpendicular to a street) measured at the primary street property line along a straight line or along the chord of the property line. A lot must meet the minimum lot width for the entire minimum required depth of the parcel except for cul-de-sac lots.

Sec. 1.5.2.D. Lot Depth

Lot depth is the distance between the front and rear property lines measured along a line midway between the side property lines.



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.) SEE ATTACHED		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. 457311		

GENERAL INFORMATION			
Property Address 1009 MARILYN DR.		Date 3/7/16	
Property PIN 0794282014	Current Zoning R-6		
Nearest Intersection PNYLLS + RIDGE RD.		Property size (in acres) .4994 ac.	
Property Owner SEARS FAMILY, LLC		Phone (919) 754-0750	Fax
		Email CSEARS@SEARSCONTRACT.COM	
Project Contact Person JOHN KERR		Phone (919) 427-4175	Fax
		Email KERR@JBKCONSTRUCTION.NET	
Property Owner Signature 		Email CSEARS@SEARSCONTRACT.COM	
Notary Sworn and subscribed before me this <u>7th</u> day of <u>MARCH</u> , 20 <u>16</u>		Notary Signature and Seal 	

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.

Variance Application

1009 Marilyn Dr, Raleigh, NC
PIN 0794282014

Nature of variance request:

Applicant is requesting a variance from UDO Section 1.5.2.C. with the application of TC-4-15 amendment that states: "A lot must meet the minimum lot width for the entire minimum required depth of the parcel except for cul-de-sac lots."

TC-4-15 was adopted November 3, 2015 and effective November 8, 2015 which changed the original language of UDO Section 1.5.2.C.

The applicant purchased the property in May of 2015 with the intention of a re-development to 2 lots. At the time of the applicants due diligence prior to purchase, Section 1.5.2.C. defined the minimum lot width "at the primary street property line along a straight line or along the chord of the property line." The property at 1009 Marilyn Drive is currently 119.16' wide at the primary street property line which would allow for 2 lots with a minimum width of 50' as required by UDO Section 2.2.1 for R-6 zoning. The lot decreases in width at the rear property line to 43.55', however, the property is deep enough create 2 lots and construct 2 houses meeting all other setbacks and minimum lot dimensions.

The applicant subsequently filed a subdivision on December 22, 2015 (Transaction #457311) and then learned about the TC-4-15 change that would no longer allow for this lot to be subdivided since the width is approximately 96' at the required depth of 80'.

The applicant has explored purchasing additional property from the adjacent neighbors, however the adjacent neighbors to the south are unable to sell a portion of their lot since it would make it non-conforming to the setbacks, and the property owner to the north is not willing to sell.

This variance request is due to hardship that did not result from actions of the property owner, rather a change in the UDO after purchase of the property. A due diligence study was performed prior to purchase to insure the property could be subdivided based on the current UDO requirements. Applicant requests relief from the TC-4-15 added language so that the lot can be subdivided.



N/F
 MEREDITH COLLEGE
 PIN: 0794.09-26-1272
 BM 2008 PG 977
 DB 1583 PG 678

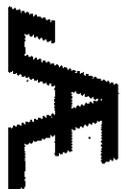
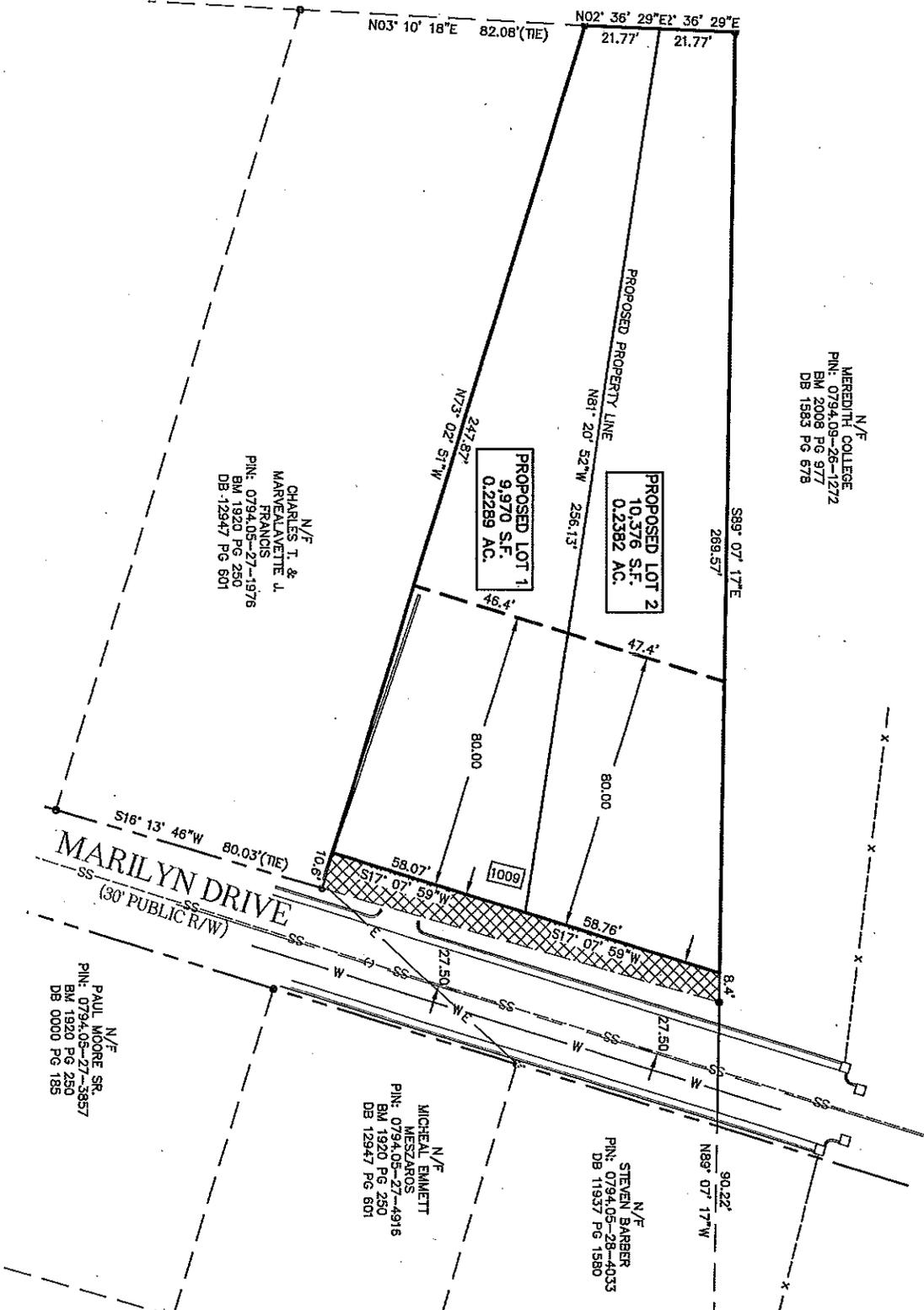
N/F
 MEREDITH COLLEGE
 PIN: 0794.09-26-1272
 BM 2008 PG 977
 DB 1583 PG 678

N/F
 CHARLES T. &
 MARVELLETTE J.
 FRANKS
 PIN: 0794.09-27-1978
 BM 1920 PG 250
 DB 12847 PG 601

N/F
 PAUL MOORE SR.
 PIN: 0794.09-27-3857
 BM 1920 PG 250
 DB 0000 PG 185

N/F
 MICHAEL EMLETT
 MESZAROS
 PIN: 0794.09-27-4916
 BM 1920 PG 250
 DB 12947 PG 601

N/F
 STEVEN BARBER
 PIN: 0794.09-28-4033
 DB 11937 PG 1580



JOHN A. EDWARDS & COMPANY
 Surveyors
 and Land Surveyors
 NC License F-4288
 333 Wadd Ave., Raleigh, N.C. 27603
 Phone: (919) 828-4428
 Fax: (919) 828-4771
 Email: jae@edwards.com
 www.jae.com

1009 MARILYN DRIVE
 RALEIGH, NC 27607

SEARS FAMILY LLC

- LEGEND**
- BM BENCH MARK
 - DEP DEPRESSION
 - ROCK OF MAPS
 - REED BOOK
 - N/F NOW OR FOREVERLY R/W
 - RIGHT OF WAY
 - DEPONENT R/W
 - DEPONENT
 - DENOTES ADDRESS
 - PROPERTY LINE
 - RIGHT OF WAY LINE
 - RIGHT OF WAY LINE NOT SHOWN
 - STORM PIPE
 - SEWER LINE
 - GAS LINE
 - POWDER EXHAUST LINE
 - VALVE LINE



PROPERTY EXHIBIT

Drawing Date: 11/30/20
 Drawn By: JAE
 Checked By: JAE
 Date Plotted: 11/30/20
 1 of 1



[Home](#)

Wake County Real Estate Data Account Summary

[iMaps](#)

[Tax Bills](#)

Real Estate ID **0037934** PIN # **0794282014**

Location Address
1009 MARILYN DR

Property Description
LO30 A MARY E MOORE S/D

Account Search

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

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



Property Owner SEARS FAMILY LLC (Use the Deeds link to view any additional owners)	Owner's Mailing Address PO BOX 33483 RALEIGH NC 27636-3483	Property Location Address 1009 MARILYN DR RALEIGH NC 27607-3408
Administrative Data Old Map # 492-00000-0152 Map/Scale 0794 05 VCS 01RA266 City RALEIGH Fire District Township RALEIGH Land Class R-<10-HS ETJ RA Spec Dist(s) Zoning R-6 History ID 1 History ID 2 Acreage .50 Permit Date Permit #	Transfer Information Deed Date 5/29/2015 Book & Page 16031 1510 Revenue Stamps 554.00 Pkg Sale Date 5/29/2015 Pkg Sale Price \$277,000 Land Sale Date Land Sale Price Improvement Summary Total Units 1 Recycle Units 1 Apt/SC Sqft Heated Area 1,560	Assessed Value Land Value \$148,500 Assessed Bldg. Value \$136,851 Assessed Tax Relief Land Use Value Use Value Deferment Historic Deferment Total Deferred Value Use/Hist/Tax Relief Assessed Total Value \$285,351 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 or call 919-856-5400.

Real Estate ID **0037934** PIN # **0794282014**

Location Address **1009 MARILYN DR** Property Description **LO30 A MARY E MOORE S/D**

Account Search

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

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



Building Location Address 1009 MARILYN DR		Building Description 01RA266		Card 01 Of 01	
Bldg Type	01 Single Family	Year Blt	1953	Eff Year	1970
Units	1	Addns	1986	Remod	
Heated Area	1,560	Int. Adjust.	BSMT- Unfinished	Base Bldg Value	\$150,253
Story Height	1 Story	Other Features	One Fireplace	Grade	B-10 110%
Style	Conventional			Cond %	B 69%
Basement	20% Partial Bas			Market Adj.	F 120%
Exterior	Brick			Market Adj.	
Const Type				Accrued %	83%
Heating	Central			Incomplete Code	
Air Cond	Central			Card 01 Value	\$136,851
Plumbing	2.5 BATH			All Other Cards	
				Land Value Assessed	\$148,500
				Total Value Assessed	\$285,351

Main and Addition Summary					Other Improvements						
Story	Type	Code	Area	Inc	Units	DesItem	Code	Year	%	Inc	Value
M	1	BR/PB	1200								
A		CP	240								
B		STG	60								
C		PATIO	394								
D	1	SFR	360								
E		DK	288								
F											
G											
H											

