



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-103-16

Property Address: 1419 Mordecai Drive

Property Owner: RWJ Investments and Darcia Black

Project Contact: Randy Scott

Nature of Case: A request for a 2' side yard setback variance from the standards set forth in Section 2.2.1. of the Unified Development Ordinance (SW side of property), a 1.1' front yard setback variance from the standards set forth in Section 5.4.3.F.8.a.v. of the Unified Development Ordinance and a Special Use Permit, in accordance with Section 10.3.6. of the Unified Development Ordinance to allow the expansion of a nonconforming detached house so that a second story can be added to the existing building resulting in a 4.8' side yard setback and a 33.9' front yard setback on a .35 acre parcel zoned Residential-10 and Neighborhood Conservation Overlay District (Mordecai Conservation District 1) and located at 1419 Mordecai Drive.



1419 Mordecai Drive – Location Map

To BOA: 9-12-16

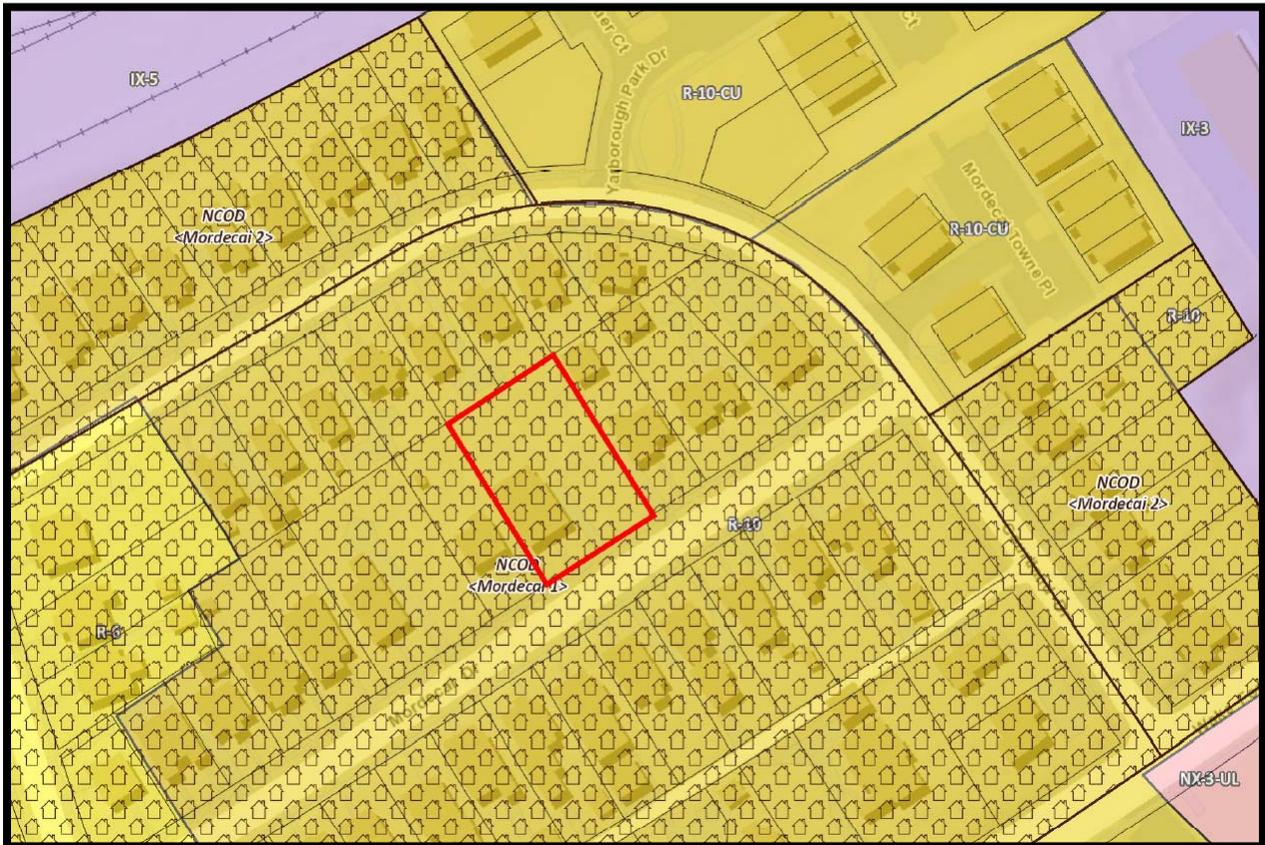
Staff Coordinator: Eric S. Hodge, AICP

ZONING DISTRICTS: Residential-10 and Neighborhood Conservation Overlay District (Mordecai Conservation District 1)

Mordecai Neighborhood

Conservation District 1 (west of Wake Forest Road and north of Cedar Street, except for part of the north side of Courtland Drive - see Mordecai Plan boundaries)

- i. Minimum lot size: 7,260 square feet.
- ii. Maximum lot size: 14,520 square feet.
- iii. Minimum lot width: 50 feet.
- iv. Maximum lot width: 100 feet.
- v. Front yard setback: Minimum of 35 feet.
- vi. Maximum building height: 35 feet.



1419 Mordecai 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.**

Sec. 5.4.3. Neighborhood Conservation District (-NCOD)

A. Applicability

1. No building structure, street, right-of-way or greenway shall be constructed, moved, altered, changed or increased in size within a –NCOD except in conformity with the regulations contained in this section for the adopted –NCOD.
2. All lots and structures existing at the time the -NCOD is first applied to the property shall not be deemed nonconforming solely because of this overlay district.
3. **All additions, changes, expansions and alterations to existing structures, impervious surfaces and uses must comply with the regulations of the –NCOD, unless the Board of Adjustment under Sec. 10.3.6. approves the addition, change, expansion or alteration as if the existing structure or use were made nonconforming by application of a –NCOD.**

Sec. 10.3.6. Special Use Permits for Nonconformities

A. Special Use Permit Required

All special use permits authorized in this section shall be processed, noticed and heard in accordance with Sec. 10.2.9. After the issuance of a special use permit by the Board of Adjustment in accordance with Sec. 10.3.6.B., one or more of the following activities can be made to a zoning nonconformity.

1. Repair and maintenance work not authorized by either Sec. 10.3.2.B. or Sec. 10.3.3.C.
2. Fixing and replacing damage and destruction authorized by Sec. 10.3.2.G.1. and Sec. 10.3.2.G.3. and by Sec. 10.3.3.G.1. and Sec. 10.3.3.G.3.
3. The expansion, extension or alteration of a nonconforming use or vehicular surfaces serving a nonconforming use (including nonconforming principal use parking facilities) when all of the following are

met:

a. The expansion, extension or alteration complies with all requirements of this UDO including but not limited to: height, bulk, setback, off-street parking, impervious surface coverage and access.

b. The expansion, of a nonconforming use does not, singularly or collectively, exceed 25% of the total gross area occupied by the original nonconforming use. If the original nonconforming use occupied a portion of a building and that building has not been enlarged since the establishment of the nonconformity, that original nonconforming use may be extended beyond 25% within the interior portions of the building.

4. The change of an existing nonconforming use to another nonconforming use provided that all of the following are met:

a. The use will have no greater adverse affect on the surrounding property in terms of automobile or truck traffic, on-street parking, noise, stormwater, vibration and hours of nighttime operation than the existing use.

b. Any change to a limited use or special use complies with applicable requirements of Chapter 6. Use Regulations.

c. The proposed substitute nonconforming use is allowed in the zoning district of the highest classification in which the existing nonconforming use would be a conforming use. The determination of the classification of the use shall be based on Planning and Development Officer.

d. Once a nonconforming use is changed to a higher classification, it may not thereafter be changed to a nonconforming use of a lower classification, including a change back to the original nonconforming use.

e. The substitution of a nonconforming impervious surface for another, the replacement of a substandard nonconforming manufactured home and the change of use of a nonconforming use to a conforming use may all be done without a special use permit from the Board of Adjustment if the applicable provisions of Sec. 10.3.5., Sec. 10.3.3.E., Sec. 10.3.2.B. and Sec. 10.3.3.B. are met.

5. The relocation onto its same premise of either a nonconformity or a nonconforming private access point, is allowed; provided the relocation reduces the extent of the nonconformity and more closely conforms to the standards contained in this UDO.

6. The expansion, change, addition and alteration of a building or use which fails to comply with the regulations of a -TOD, -NCOD, -MPOD, CM District; provided all of the following are met:

a. The expansion does not, singularly or collectively, exceed 25% of the total gross floor area of the building or use existing at the time the zoning district regulations was first applied to the property.

b. The building or use existed at the time the zoning district regulations were applied to the property.

c. The proposed activity complies with all requirements and regulations of this UDO other than the zoning district regulations.

B. Showings for Granting Special Use Permit for Nonconformities

1. Before a request for the special use permit is granted, the Board of Adjustment must show that all of the following are met:

a. The applicable standards of this section have been met;

b. All of the showings of Sec. 10.2.9.E. have been met; and

c. The requested repair, reconstruction, expansion, change of use to a different nonconforming use or relocation will not be injurious to property or improvements in the affected area

2. In acting upon a petition for a special use permit, the Board cannot order the discontinuance or termination of the nonconformity.

3. If a special use petition is denied, the continuation of the nonconformity and the activities allowed in Sec. 10.3.2. and Sec. 10.3.3. without a special use permit is still allowed unless otherwise prohibited by law. This policy is adopted to encourage the owners of nonconformities to apply for special use permits to improve and bring into conformance to the extent possible their property.

Sec. 10.2.9.E. Showings

Before a Special Use Permit request is granted, the Board of Adjustment shall show that all of the following are met:

1. The proposed use complies with all applicable provisions of this UDO unless otherwise expressly modified in accordance with this UDO;
2. The proposed use is allowed as a special use in the respective zoning district (see Chapter 6. Use Regulations);
3. The proposed use complies with any specific use standard listed in Chapter 6. Use Regulations without the granting of any variance to the specific use standard;
4. The proposed use is compatible with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics;
5. Any adverse impacts resulting from the proposed use in the affected area will be effectively mitigated or offset or the special use is denied;
6. Access with respect to pedestrian, bicycle and automotive safety, traffic flow and emergency service is adequate;
7. Signage is suitable and appropriate; and
8. Any appropriate dedications of streets and utilities to the public will be made prior to the issuance of a building permit.

Application for Variance



RALEIGH
DEPARTMENT OF
CITY PLANNING

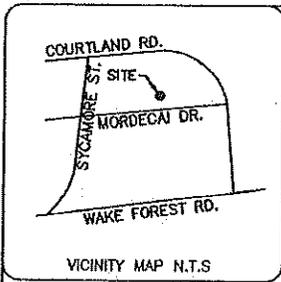


Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

Submit application to: Development Services Customer Service Center, 1 Exchange Plaza, Suite 400, Raleigh, NC 27601

NATURE OF REQUEST	OFFICE USE ONLY
<p>Nature of variance request (if more space is needed, submit addendum on separate sheet):</p> <p>Original 1920's structure was built 4" inches inside the 5' setback. We would like to request a variance to add a second story addition. The footprint of the home will not change.</p>	<p>Transaction Number</p> <p>A-103-16</p>
<p>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.</p>	

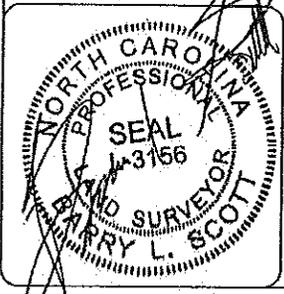
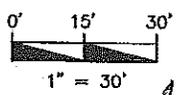
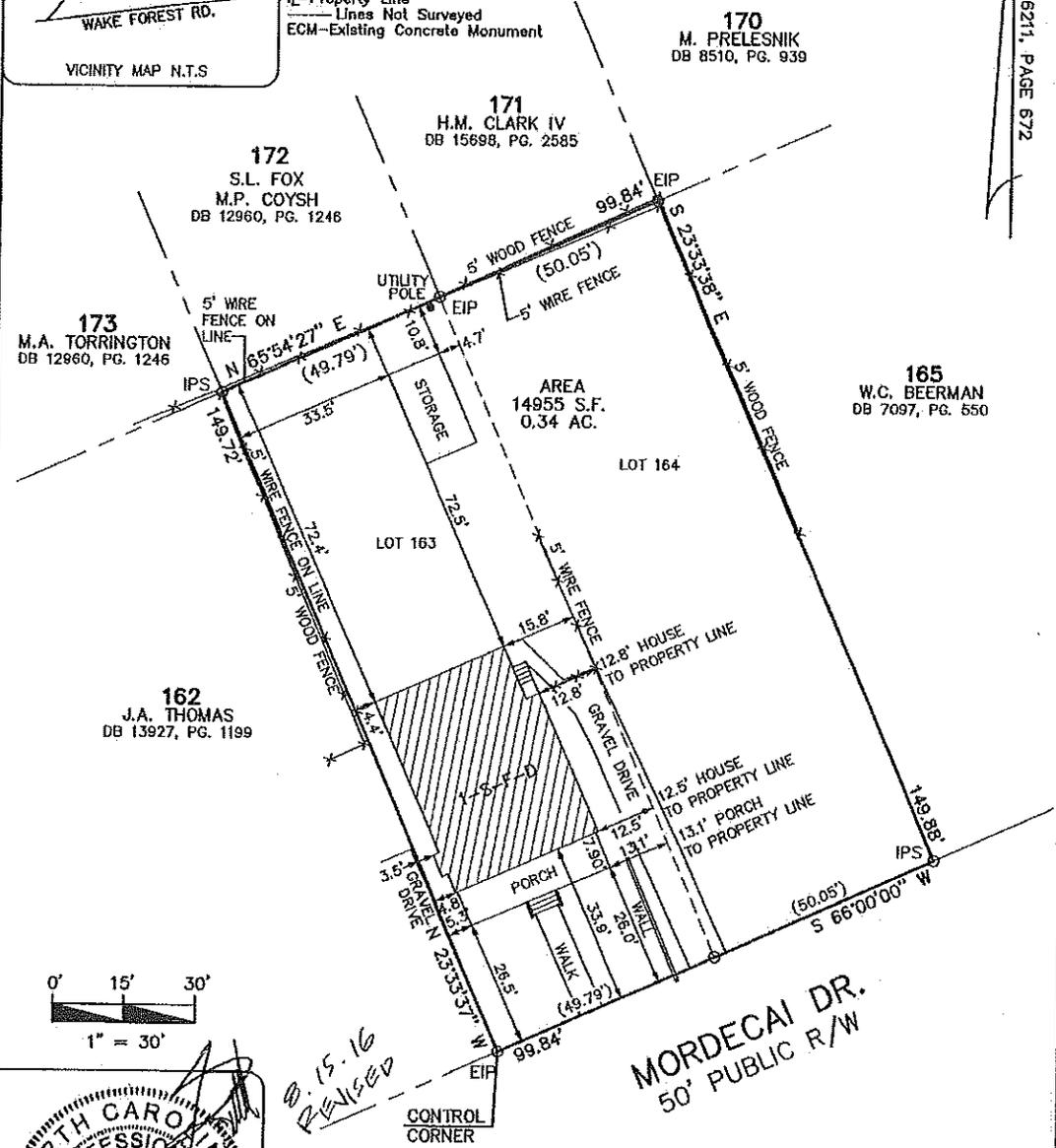
GENERAL INFORMATION		
Property Address 1419 Mordecai Drive Raleigh, NC 27604	Date 8/6/2016	
Property PIN 1714062155	Current Zoning R-10 HS	
Nearest Intersection Courtland Drive & Mordecai Drive	Property size (in acres) .35	
Property Owner RWJ INVESTMENTS & Darcia Black	Phone 919-815-3662	Fax
Owner's Mailing Address 225 Elm Street Raleigh 27601	Email joennry@yahoo.com	
Project Contact Person Randy Scott	Phone 919-272-0050	Fax (919) 890-0398
Contact Person's Mailing Address 218 N East St. Raleigh	Email rscott98@me.com	
Property Owner Signature <i>Darcia Black</i>	Email	
<p>Notary</p> <p>Sworn and subscribed before me this <u>12</u> day of <u>AUGUST</u>, 20<u>16</u></p>	<p>Notary Signature and Seal</p>  <div data-bbox="941 1627 1364 1785" style="border: 1px solid black; padding: 5px;"> <p>SEKHAR PINAPAKA Notary Public Wake Co., North Carolina My Commission Expires May 19, 2021</p> </div>	



LEGEND

- IPS—Iron Pin Set
- EIP—Existing Iron Pin
- PKS—Parker—Kalon Nail Set
- EPK—Existing Parker—Kalon Nail
- PP—Power Pole
- OHP—Over Head Power
- C—Center Line
- R/W—Right of Way
- PL—Property Line
- Lines Not Surveyed
- ECM—Existing Concrete Monument

NORTH DB 16211, PAGE 672



8.15.16 REVISED

PIN#: 1714062155 TOWNSHIP: RALEIGH ZONE: R-10

LOTS 163 & 164, MORDECAI PLACE
 AS RECORDED IN BOM 1920, PAGE 110 W.C.R.
 ALSO SEE DB 16211, PAGE 672 W.C.R.

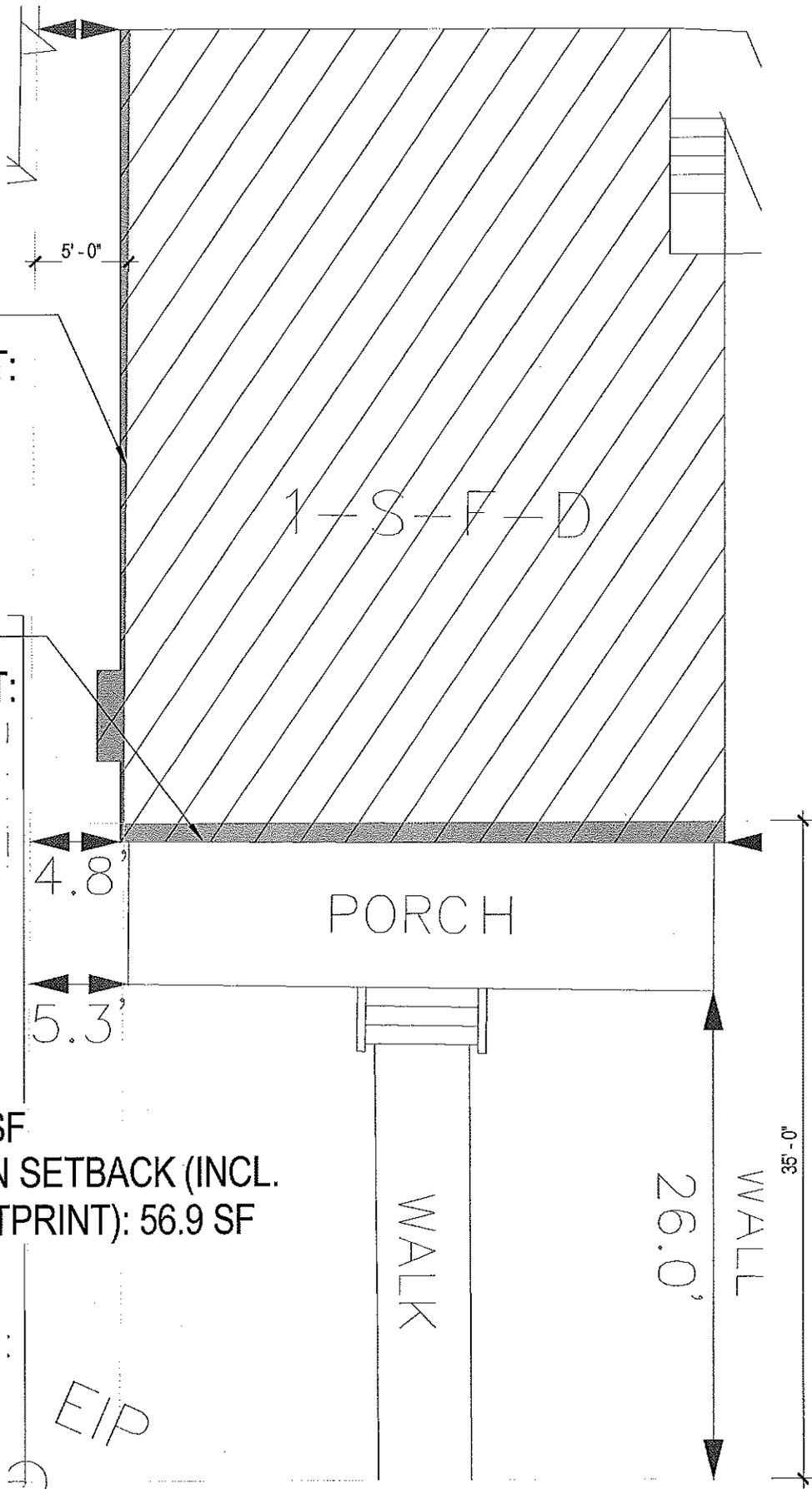
I, Barry L. Scott, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (dead description recorded in Book 16211, page 672 etc.) (other), that the ratio of precision as calculated by latitude and departures is 1/10,000, that the boundaries not surveyed are shown as broken lines plotted from information found in (SEE REFERENCE).
 Witness my original signature, registration number and seal this 15th day of August, A.D. 2016

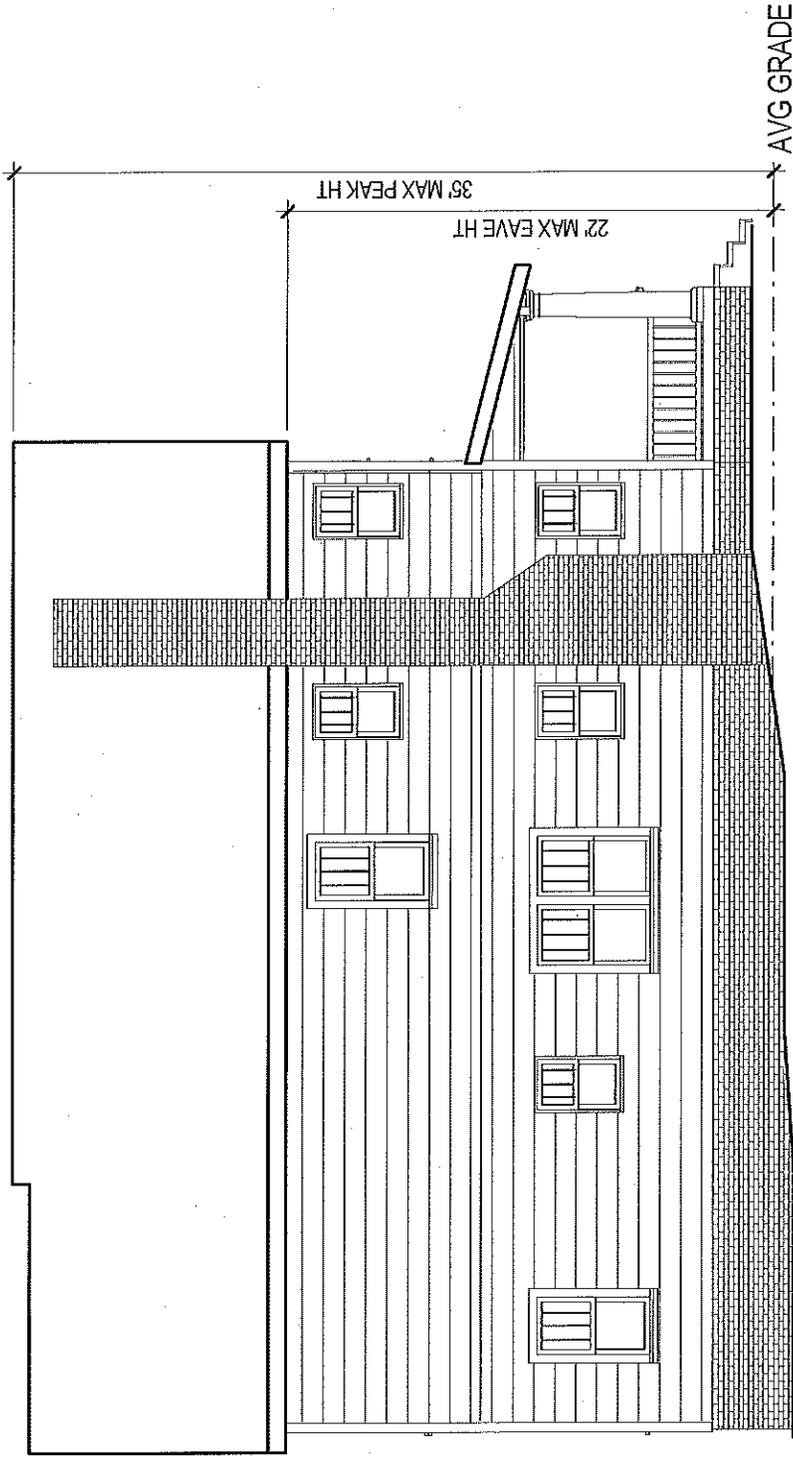
PROPERTY OF RWJ INVESTMENTS, INC. DARCIA BLACK	
1419 MORDECAI DRIVE	WAKE COUNTY RALEIGH, N.C.
SCALE: 1" = 30'	 B. L. SCOTT LAND SURVEYING <small>PROFESSIONAL LAND SURVEYORS P. O. BOX 12993 - RALEIGH, NORTH CAROLINA 27615 TEL: 919/708-0464 FAX: 919/708-1460</small>
DATE: 8-15-16	
BOOK: N555/62	

SIDE
ENCROACHMENT:
22.4 SF

FRONT
ENCROACHMENT:
34.5 SF

TOTAL SF: 1345 SF
TOTAL SF WITHIN SETBACK (INCL.
FIREPLACE FOOTPRINT): 56.9 SF
 $56.9/1345 = 4.2\%$

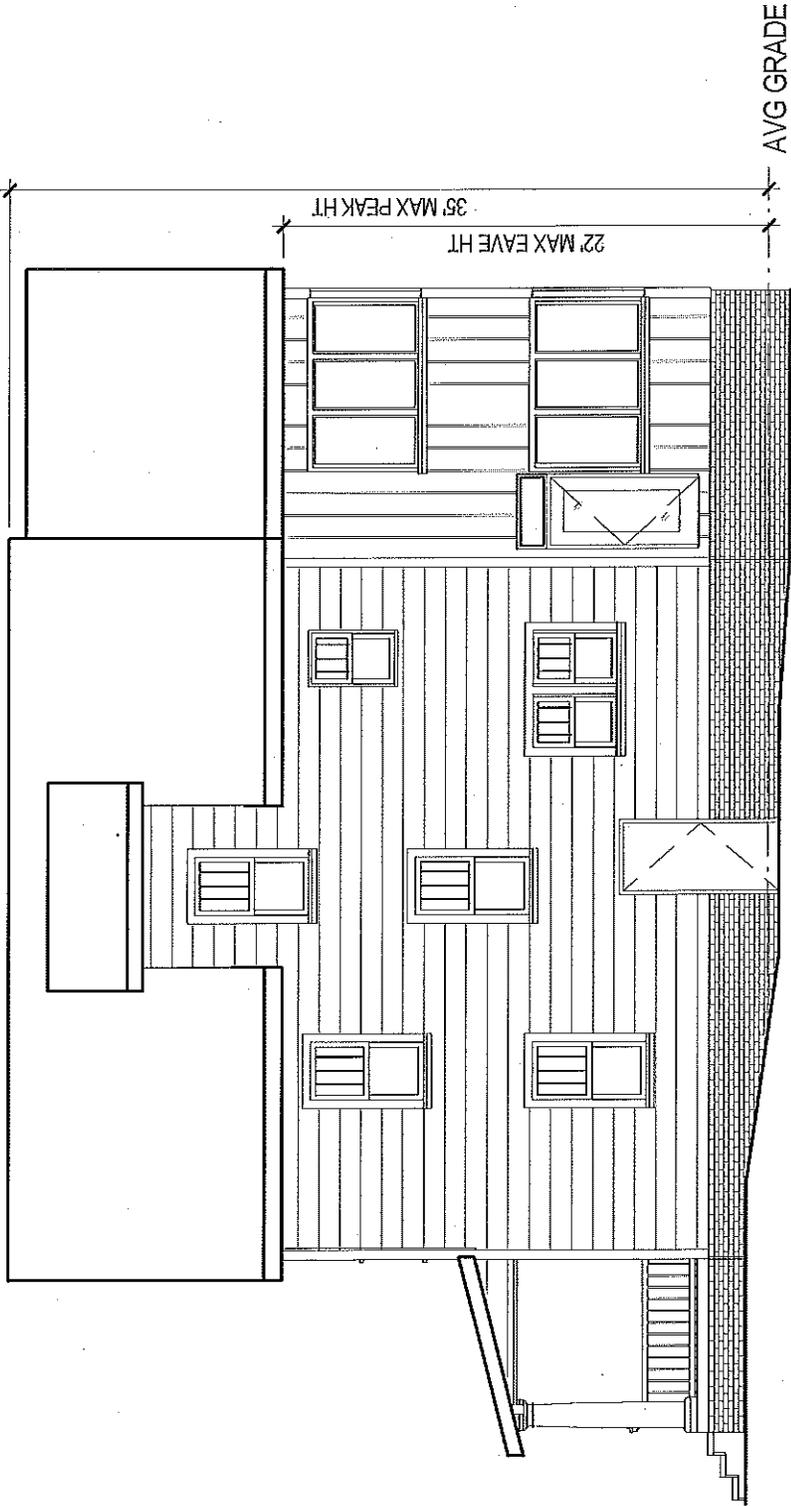




1 PROPOSED WEST ELEVATION
NOT TO SCALE

1419 MORDECAI DR

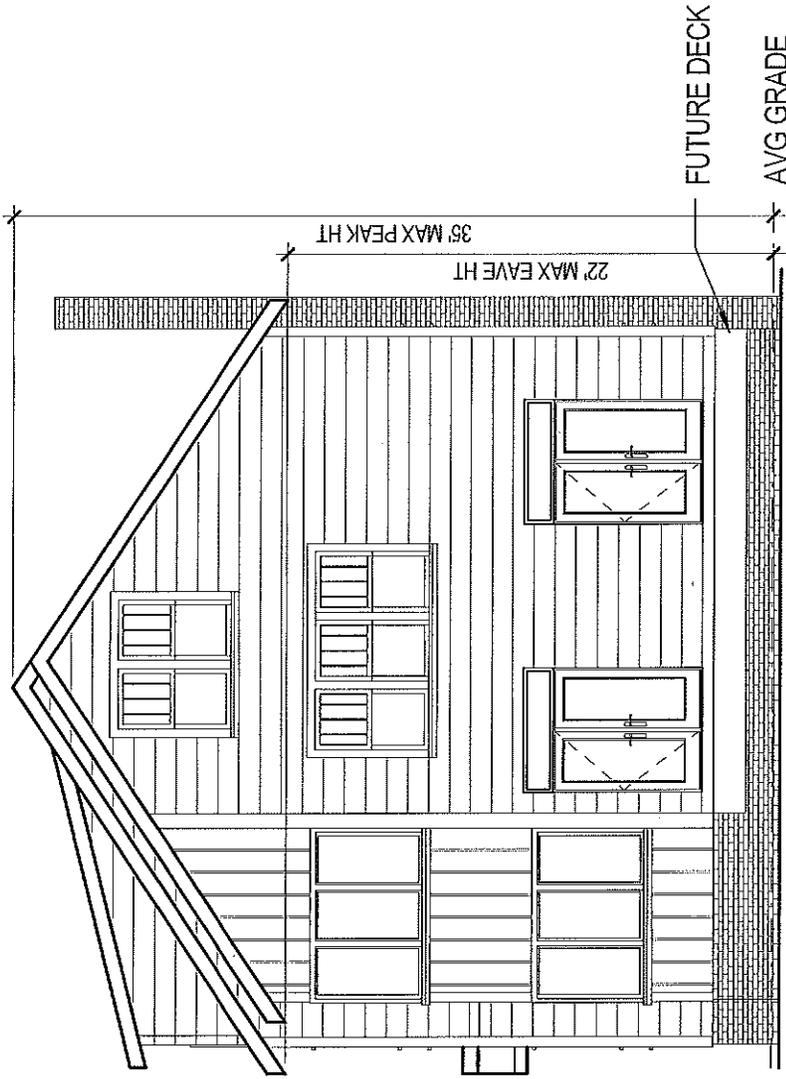
08.15.2016



1 PROPOSED EAST ELEVATION
NOT TO SCALE

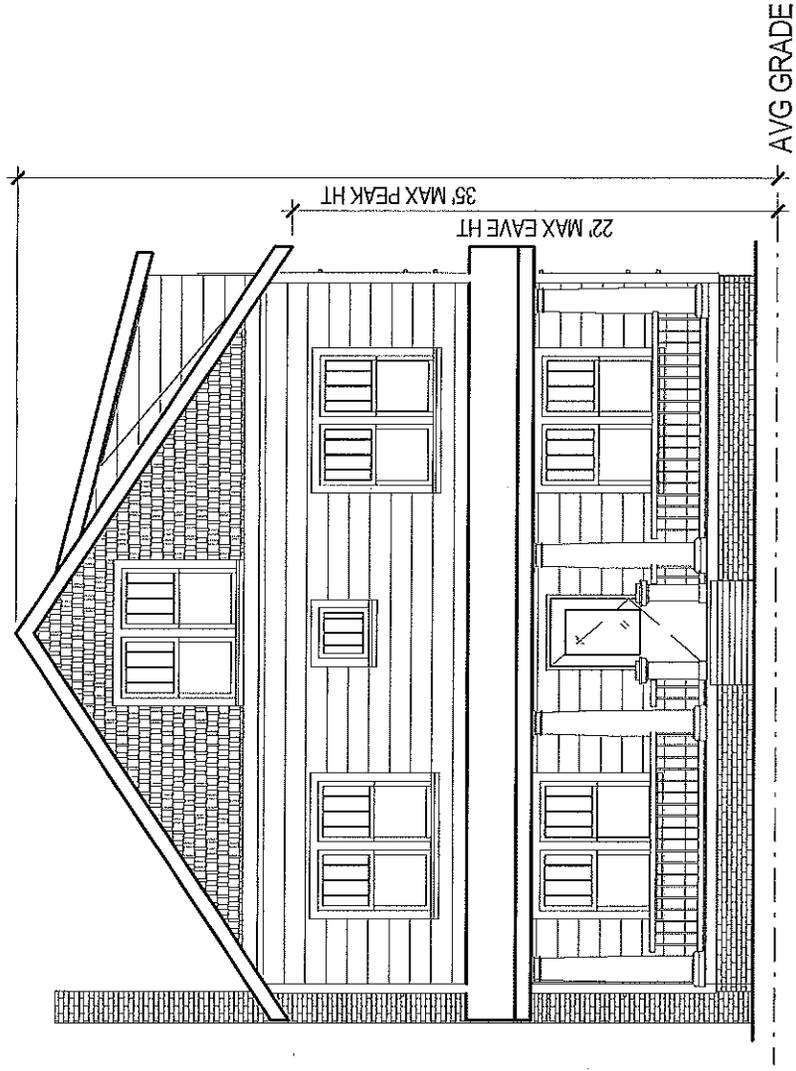
1419 MORDECAI DR
08.15.2016

MA
MAURER
architecture
www.maurerarchitecture.com
919.827.4969
115.5 East Hargett Street
Raleigh, NC 27601



1 PROPOSED NORTH ELEVATION
NOT TO SCALE

1419 MORDECAI DR
08.15.2016



1 PROPOSED SOUTH ELEVATION
NOT TO SCALE

1419 MORDECAI DR
08.15.2016



[Home](#)

Wake County Real Estate Data Account Summary

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

Real Estate ID **0053603** PIN # **1714062155**

Location Address Property Description
1419 MORDECAI DR LO163 & 164 MORDECAI PLACE BM1920-00110

Account
Search

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

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



Property Owner RWJ INVESTMENTS, INC BLACK, DARCIA (Use the Deeds link to view any additional owners)	Owner's Mailing Address 225 ELM ST RALEIGH NC 27601-1133	Property Location Address 1419 MORDECAI DR RALEIGH NC 27604-1319
Administrative Data Old Map # G055-G0265-0018 Map/Scale 1714 09 VCS 01RA562 City RALEIGH Fire District Township RALEIGH Land Class R-<10-HS ETJ RA Spec Dist(s) Zoning R-10 History ID 1 History ID 2 Acreage .35 Permit Date Permit #	Transfer Information Deed Date 11/13/2015 Book & Page 16211 0672 Revenue Stamps Pkg Sale Date 11/3/2015 Pkg Sale Price \$300,000 Land Sale Date Land Sale Price Improvement Summary Total Units 1 Recycle Units 1 Apt/SC Sqft Heated Area 1,469	Assessed Value Land Value \$240,000 Assessed Bldg. Value \$135,346 Assessed Tax Relief Land Use Value Use Value Deferment Historic Deferment Total Deferred Value Use/Hist/Tax Relief Assessed Total Value \$375,346 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 **0053603** PIN # **1714062155**

Location Address **1419 MORDECAI DR** Property Description **LO163 & 164 MORDECAI PLACE BM1920-00110**

Account Search

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

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



Building Location Address 1419 MORDECAI DR	Building Description 01RA562	Card 01 Of 01
------------------------------------------------------	----------------------------------------	-----------------------------

Bldg Type 01 Single Family	Year Blt 1926 Eff Year 1970	Base Bldg Value \$134,880
Units 1	Addns Remod	Grade B 120%
Heated Area 1,469	Int. Adjust. BSMT-20%	Cond % B 69%
Story Height 1 Story	Partly Fini	Market Adj. F 120%
Style Conventional		Accrued % 83%
Basement 50% Partial	Other One Fireplace	Incomplete Code
Exterior Bas Aluminum Vinyl	Features	Card 01 Value \$135,346
Const Type		All Other Cards
Heating Central		Land Value Assessed \$240,000
Air Cond Central		Total Value Assessed \$375,346
Plumbing 1 BATH		

Main and Addition Summary					Other Improvements					
Story	Type	Code	Area	Inc	Units	DesItem	Code	Year	% Inc	Value
M	1	ALVY/PB	1336							
A		OP	256		12X18	SF GARFR	0307	1940	20	1330
B		SP	48							
C										
D										
E										
F										
G										
H										

