



# 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-9-16

**Property Address:** 2721 Van Dyke Avenue

**Property Owner:** William C. Kidd, III & Mary Lynn C. Kidd

**Project Contact:** Isabel Worthy Mattox

**Nature of Case:** A request for a .3' side yard setback variance and a 1.9' aggregate side yard setback variance to legalize the existing detached house pursuant to Section 2.2.1 of the Unified Development Ordinance and a request for a 4' street setback variance from the infill compatibility requirements set forth in Section 2.2.7.C to construct an attached carport resulting in a 4.7' side yard setback a 13'1" aggregate side yard setback and a 28.9' street yard setback on a .21 acre property zoned Residential-6 and Special Residential Parking Overlay District and located at 2721 Van Dyke Avenue.



**2721 Van Dyke Avenue – Location Map**

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To BOA: 1-11-16

Staff Coordinator: Eric S. Hodge, AICP

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**ZONING DISTRICTS:** Residential-6 and Special Residential Parking Overlay District



### 2721 Van Dyke Avenue – 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.

## 2.2.7 Residential Infill Compatibility

### A. Intent

The intent of the residential infill compatibility standards is to accommodate and encourage compatible development in existing residential neighborhoods, while reinforcing the established character of the neighborhood and mitigating adverse impacts on adjacent homes.

### B. Applicability

1. The standards contained within this section apply to any building in an R-4, R-6 or R-10 district where all of the following are present:
  - a. The total site area is 5 acres or less;
  - b. At least 50% of the side and rear property lines abut existing detached or attached building types; and
  - c. The lot must have been recorded for at least 20 years. This time period includes subsequent recombinations or subdivisions of the original lot configuration or recordation.
2. These infill compatibility rules do not apply in a General or Streetside Historic Overlay District or in a Neighborhood Conservation Overlay District where height is regulated.

### C. Street Setback

1. The proposed building must be located within the range of setbacks, no closer than the smallest setback in the range and no further than the largest setback in the range, except where a Neighborhood Conservation Overlay District applies an alternate setback.
2. On an interior lot, the range of setbacks is measured on the basis of the 2 closest lots in either direction along the block face. **(The range of allowable setbacks in this case would only allow the dwelling to be as close as 32.9' from the front property line)**
3. On a corner lot, the range of setbacks is measured on the basis of the 3 closest lots along the primary block face.
4. Where the calculation cannot be applied to at least 4 lots on an interior lot or 3 lots on a corner lot, the building must meet the district standards.

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

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



# 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> Applicant requests a variance from UDO Section 2.2.1.B.3 and B.4 to legalize the existing non-conforming side setbacks and sum of side setbacks. Specifically, Applicant requests an 0.3 (three-tenths) foot variance in the east side setback requirement under UDO Sec. 2.2.1.B.3 and a <u>1.9</u> foot variance in the sum of side setback requirement under UDO Sec. 2.2.1.B.4. Applicant also requests a <u>1.9</u> foot variance in 2.2.7.C Residential Infill Compatibility Street Setback regulations. (CONTINUED ON ATTACHED ADDENDUM)		Transaction Number
<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		
Property Address 2721 Van Dyke Avenue	Date Dec. <u>8</u> , 2015	
Property PIN 0794743339	Current Zoning R-6	
Nearest Intersection Van Dyke Avenue and Brooks Avenue	Property size (in acres) 0.21 A.	
Property Owner William C. Kidd III and Mary Lynn C. Kidd	Phone	Fax
	Email chris.c.kidd@gsk.com	
Project Contact Person Isabel Worthy Mattox	Phone 919-828-7171	Fax 919-831-1205
	Email Isabel@mattoxfirm.com	
Property Owner Signature William C. Kidd III Mary Lynn C. Kidd	Email	
Notary	Notary Signature and Seal <div style="border: 1px solid black; padding: 5px; display: inline-block;">                         LINDA M RICH                          CLERK                          CLERK PUBLIC                          WAKE COUNTY, NC                     </div>	
Sworn and subscribed before me this <u>3rd</u> day of <u>December</u> , 2015	Linda M Rich My Commission Expires: 4-21-2016	

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 **0045259** PIN # **0794743339**

[Account Search](#)

Location Address **2721 VAN DYKE AVE** Property Description **LO28 FORREST HILLS BM1928-82**

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



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

<b>Property Owner</b> <b>KIDD, WILLIAM C III &amp; MARY LYNN C</b> (Use the Deeds link to view any additional owners)	<b>Owner's Mailing Address</b> <b>2721 VAN DYKE AVE</b> <b>RALEIGH NC 27607-7123</b>	<b>Property Location Address</b> <b>2721 VAN DYKE AVE</b> <b>RALEIGH NC 27607-7123</b>
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Administrative Data	Transfer Information	Assessed Value
Old Map # <b>D036-D0157-0006</b> Map/Scale <b>0794 15</b> VCS <b>01RA292</b> City <b>RALEIGH</b> Fire District Township <b>RALEIGH</b> 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 <b>3/2/2006</b> Permit # <b>0000054168</b>	Deed Date <b>3/1/1996</b> Book & Page <b>06870 0441</b> Revenue Stamps <b>377.00</b> Pkg Sale Date <b>3/1/1996</b> Pkg Sale Price <b>\$188,500</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>2,684</b>	Land Value Assessed <b>\$198,000</b> Bldg. Value Assessed <b>\$262,760</b> Tax Relief Land Use Value Use Value Deferment Historic Deferment Total Deferred Value Use/Hist/Tax Relief Assessed Total Value <b>\$460,760</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 **0045259**

PIN # **0794743339**

Account Search

Location Address  
**2721 VAN DYKE AVE**

Property Description  
**LO28 FORREST HILLS BM1928-82**

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



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

Building Location Address <b>2721 VAN DYKE AVE</b>		Building Description <b>01RA292</b>	Card 01 Of 01
Bldg Type <b>01 Single Family</b>	Year Blt <b>1940</b> Eff Year <b>1980</b>	Base Bldg Value <b>\$205,409</b>	
Units <b>1</b>	Addds <b>1997</b> Remod <b>2006</b>	Grade <b>A-10 130%</b>	
Heated Area <b>2,684</b>	Int. Adjust.	Cond % <b>A 82%</b>	
Story Height <b>1.75 Story</b>	Other Features <b>Multiple Firepl</b>	Market Adj. <b>F 120%</b>	
Style <b>Conventional</b>		Accrued % <b>98%</b>	
Basement <b>Crawl Space</b>		Incomplete Code	
Exterior <b>Aluminum Vinyl</b>		<b>Card 01 Value \$262,760</b>	
Const Type		All Other Cards	
Heating <b>Central</b>		Land Value Assessed <b>\$198,000</b>	
Air Cond <b>Central</b>		Total Value Assessed <b>\$460,760</b>	
Plumbing <b>3+ BATH</b>			

Main and Addition Summary					Other Improvements					
Story	Type	Code	Area	Inc	Units	DesItem	Code	Year %ADJ	Inc	Value
M	1T	ALVY/CS	1052							
A	1	SFR	631							
B		DK	54							
C		SP	170							
D		DK	225							
E	1	SFR	198							
F		DK	120							
G	1	SFR	14							
H		OP	88							

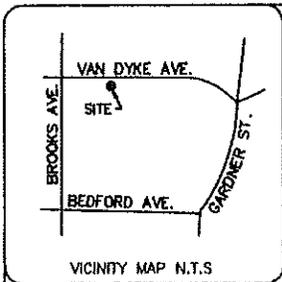
<p>Building Sketch</p>	<p>Photograph 3/25/2007</p>
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ADDENDUM  
To  
Variance Application  
2721 Van Dyke Avenue  
William C. Kidd, III and Mary Lynn C. Kidd

1. Request. The Infill Compatibility setback regulations provide that a proposed structure may not be located any closer to the street than the smallest setback within the range (which includes the two closest homes on each side of the subject property) and any further back than the largest setback in the range. In the present case, the smallest setback in the range is 32.8 feet and the Applicant desires to construct a carport addition which is 28.9 feet from the street, meaning that a four (4) foot variance in Section 2.2.C.1 is required.

2. Justification. The shape of Applicant's lot creates hardship and practical difficulty in locating a carport to provide shelter from inclement weather. The narrowness of the Applicant's lot, when considered along with the placement of the house on the lot, does not allow sufficient space on the sides of the house for a carport. The narrowness of the lot and the presence of the existing structure also preclude the placement of a driveway on either side of the house to access a carport or garage in the rear. There is no other area on the lot to place a carport which could be accessed with a driveway without a variance.





PLAN INFORMATION BLOCK	
Footprint: 309 S.F.	Total Square Feet:
Craw:	Slab:
Basement:	Mean Height:
Stories:	Facade:
Total Impervious Surface Area: 3872 S.F.	

NORTH DB 6870, PAGE 441

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

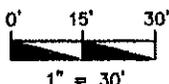
ALL CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH ALL CITY OF RALEIGH AND NCDOT STANDARDS AND SPECIFICATIONS

THE SURVEYOR DOES NOT WARRANT THE ACCURACY OF ARCHITECTURAL DIMENSIONS. THEY ARE TO BE VERIFIED BY THE CONTRACTOR.

L.G. ROBINSON  
DB 4433, PG. 454

2723 VAN DYKE AVE.  
2725 VAN DYKE AVE.  
38.8' FRONT SETBACK

J.B. VENABLE  
DB 11887, PG. 1731

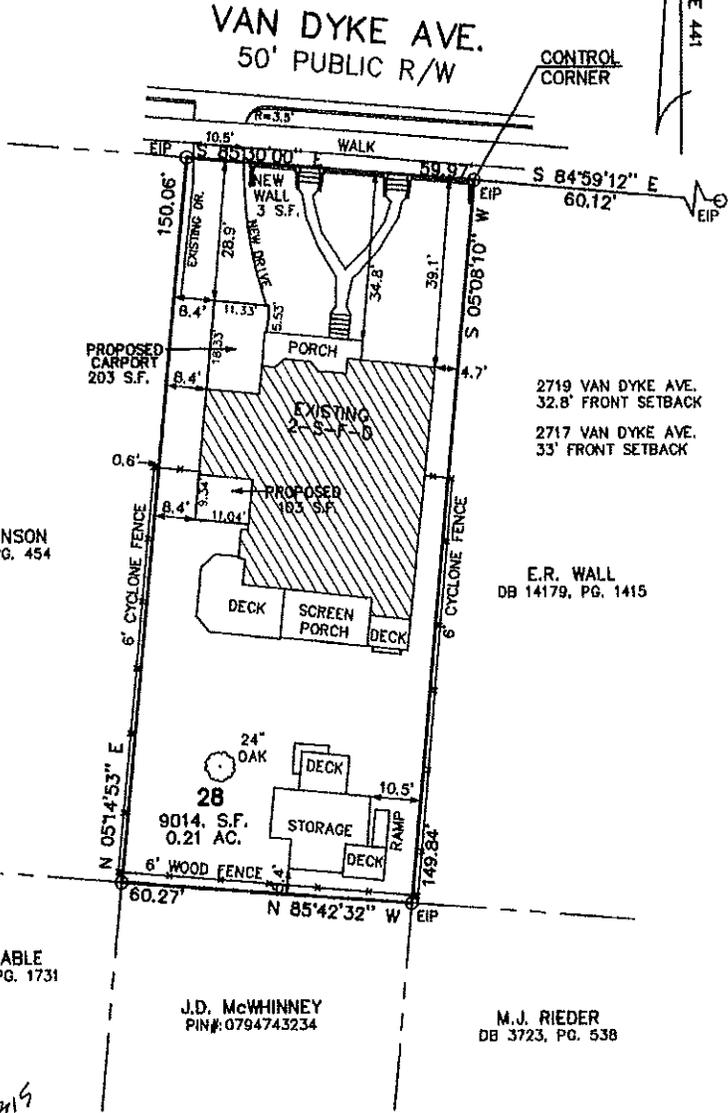


12-315

PIN#: 0794743339 TOWNSHIP: RALEIGH ZONE: R-6

LOT 28, FOREST HILLS

AS RECORDED IN BOM 1928, PAGE 82 W.C.R.



J.D. McWHINNEY  
PIN#: 0794743234

M.J. RIEDER  
DB 3723, PG. 538

I, Barry L. Scott, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (as described recorded in Book 8870, page 441, 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 14th day of AUGUST, A.D. 2015

revgarprt:12/3/15

PROPERTY OF  
**WILLIAM C. KIDD, III**  
**MARY LYNN C. KIDD**

2721 VAN DYKE AVE. WAKE COUNTY RALEIGH, N.C.

SCALE: 1" = 30'

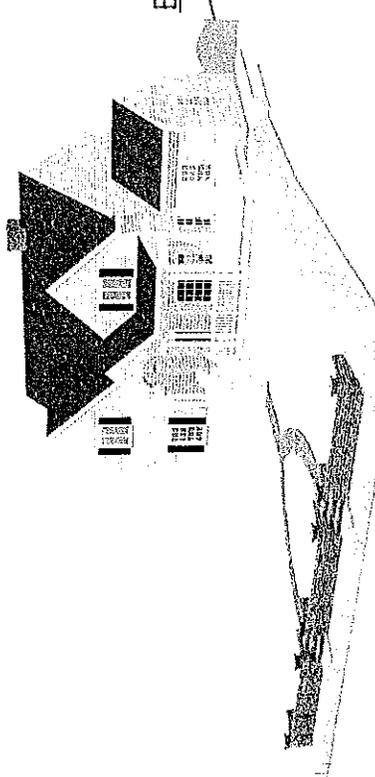
DATE: 8-14-15

BOOK: M512/1

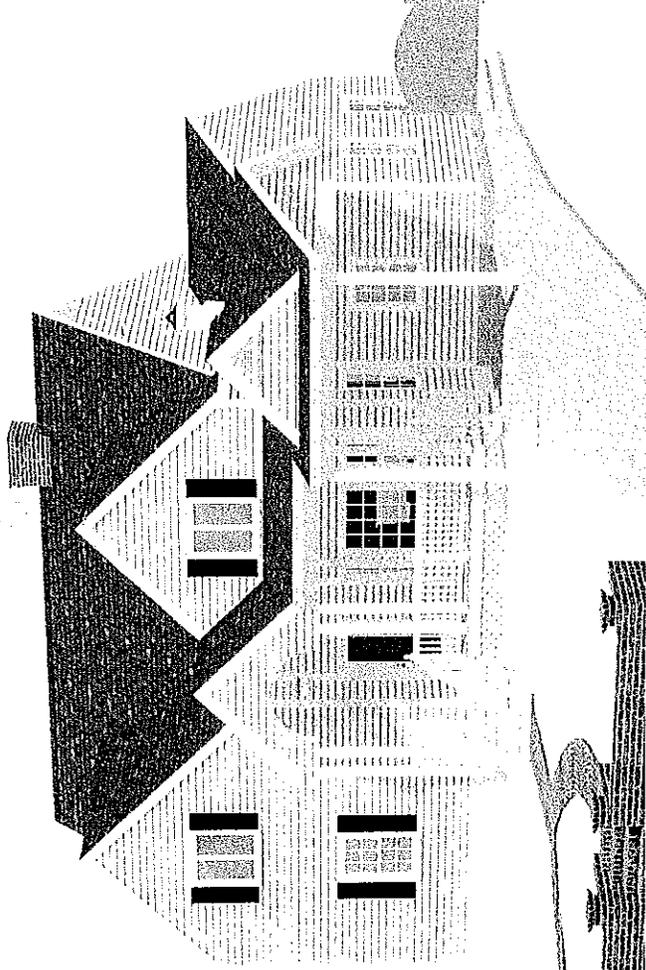
**B. L. SCOTT**  
LAND SURVEYING

PROFESSIONAL LAND SURVEYORS  
P. O. BOX 12765 - RALEIGH, NORTH CAROLINA 27615  
TEL: 919-886-2941 FAX: 919-886-1091





EXISTING



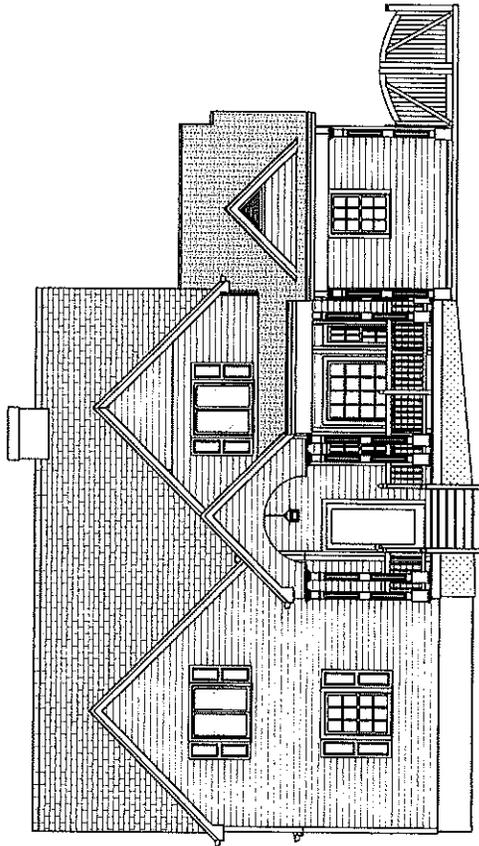
NEW

Chris & Mary Lynn Kidd  
2721 Van Dyke Avenue  
Raleigh, NC 27607

Additions & Renovations  
© Lunde Design 12/2/2015

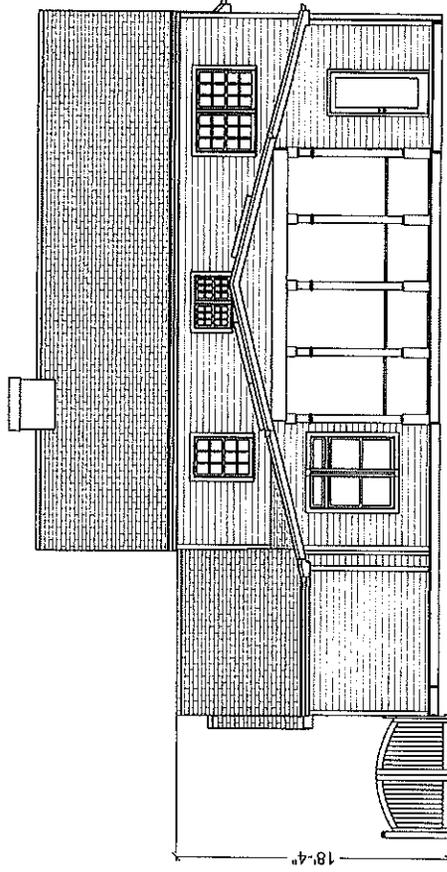
Lunde Design

1008 Garnet Ridge way  
Raleigh NC 27607  
Office (919) 280-1135



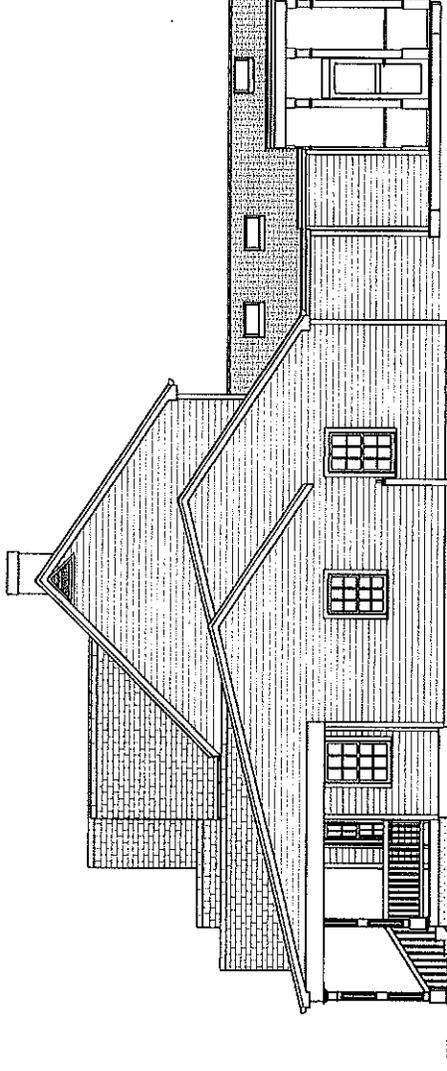
FRONT

← RENOVATED / NEW →



REAR

← RENOVATED / NEW →



RIGHT SIDE

← NEW CARPORT → ADDITION →

Chris & Mary Lynn Kidd  
2721 Van Dyke Avenue  
Raleigh, NC 27607

ELEVATIONS

© Lunde Design 12/2/2015

Scale: 1/8" = 1'

Lunde Design

1008 Garnet Ridge way  
Raleigh NC 27607  
Office (919) 280-1135