



Board of Adjustment Case Report

City of Raleigh
Planning & Development Department
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2475
www.raleighnc.gov

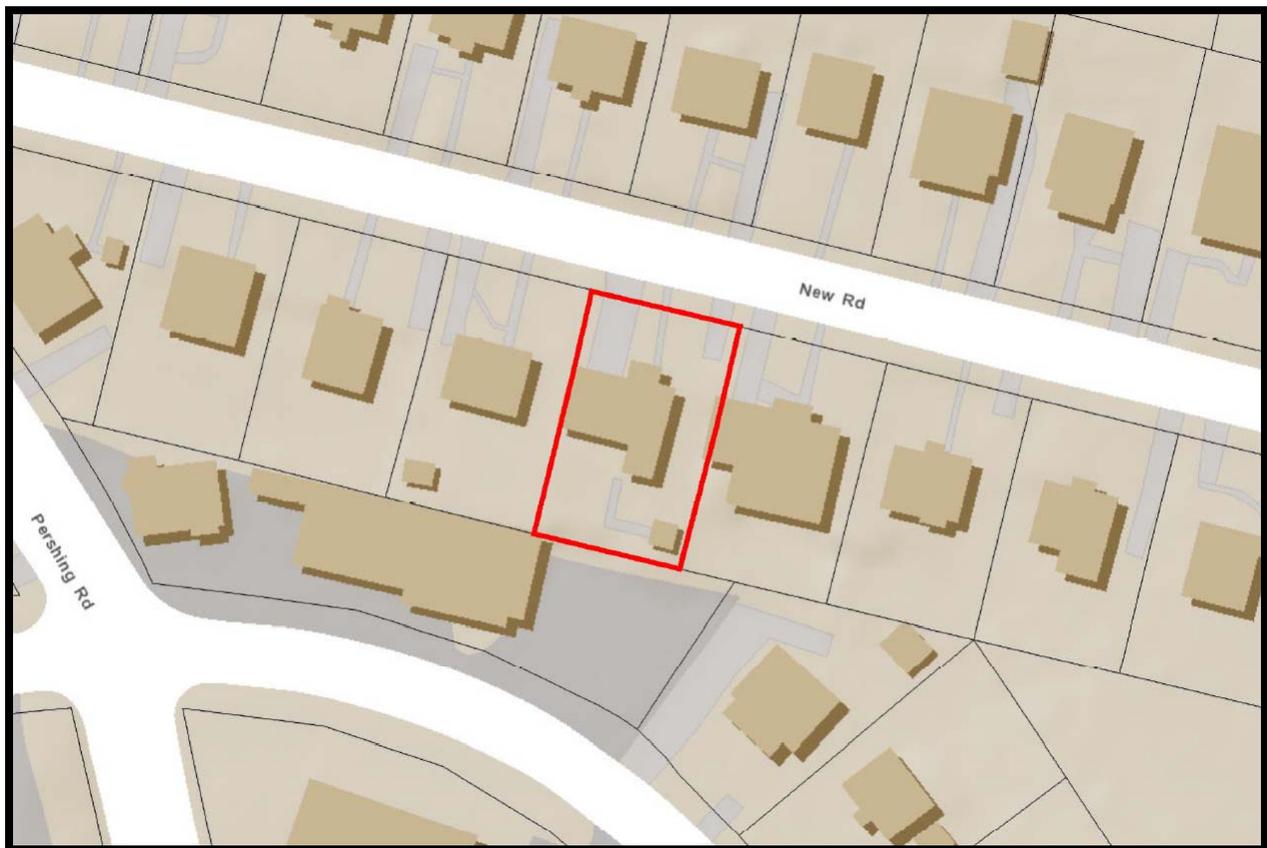
Case File: A-114-16

Property Address: 712 New Road

Property Owner: Jason Kogok

Project Contact: Jason Kogok

Nature of Case: A request for a 2.3 foot side yard setback variance to legalize, renovate and expand an existing structure pursuant to section 2.2.1 of the Unified Development Ordinance resulting in a 2.7 foot side yard setback for a .14 acre property zoned Residential-10 and located at 712 New Road.

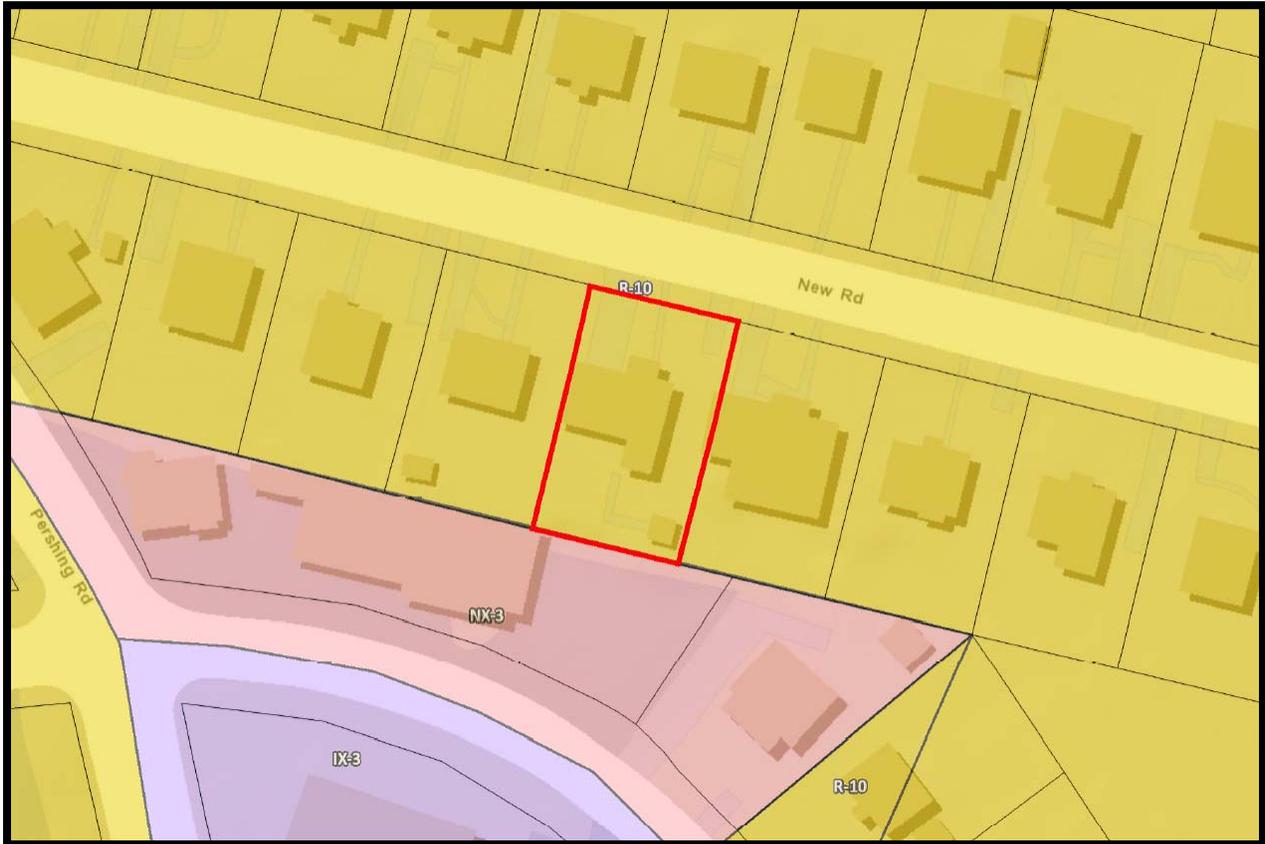


712 New Road – Location Map

To BOA: 8-11-14 (A-50-14: Approved but expired)
10-10-16

Staff Coordinator: Eric S. Hodge, AICP

ZONING DISTRICTS: Residential-10



712 New Road – 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

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

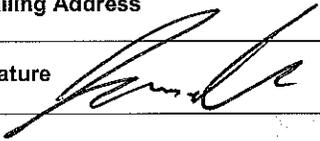
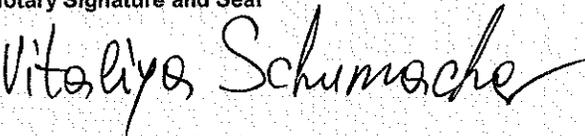
Application for Variance



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): Part of the existing home encroaches 2.3' into the 5' setback required for R-10. When I bought the home in 2004, I was unaware of the encroachment, which has been there since at least 1995. Even with the encroachment, I still exceed the 10' sum of both sides setback required by the city - I have 17.6'. I already received a variance in 2014 for this from the board, however I am planning a renovation which will change the roof line (no expansion on existing structure further into setback). I need the variance for the building permit.</p>	<p>Transaction Number</p> <p>A-114-16</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> <p>Case A-50-14-712 New Road</p>	

GENERAL INFORMATION		
Property Address 712 New Road Raleigh 27608	Date 8/22/16	
Property PIN 1714085454	Current Zoning R-10	
Nearest Intersection Pershing & New Rd.	Property size (in acres) .14	
Property Owner Jason Kogok	Phone 919-602-5969	Fax 919-645-9398
Owner's Mailing Address 712 New Rd. Raleigh 27608	Email jasonkogok@gmail.com	
Project Contact Person Same as owner	Phone	Fax
Contact Person's Mailing Address	Email	
Property Owner Signature 	Email jasonkogok@gmail.com	
<p>Notary</p> <p>Sworn and subscribed before me this <u>22</u> day of <u>August</u>, 20<u>16</u></p>	<p>Notary Signature and Seal</p> <p></p> <div data-bbox="933 1627 1356 1795" style="border: 1px solid black; padding: 5px; text-align: center;"> Vitaliya Schumacher NOTARY PUBLIC Wake County, NC My Commission Expires December 13, 2019 </div>	

August 25, 2016
re: 712 New Road - Variance

Dear Board of Adjustment,

I am requesting a revision to my previously approved variance, Case A-50-14- 712 New Road, where an existing part of my home encroaches into the side set back on the right hand side of my lot. I have lived in my home for almost 13 years (2004) and I know the structure has been there since at least 1995 based on old photos. The board granted me the variance in 2014 within the above-mentioned Case number.

My family is growing and I need more space in my house. As I love the neighborhood where I live, I'd like to stay where I'm at instead of moving, however I do need more space so I am embarking on a renovation. Part of the renovation plan is to go up 1 story on that structure, as well as add more space to the existing house. Enclosed are the plans and I've already had an engineer certify the existing structures footings for that plan.

I have also attached a few letters from my immediate neighbors who are in favor of the renovation, as well as how it pertains to the encroaching structure. The renovation will actually make the existing structure have a more seamless exterior look then it currently does.

I appreciate your time to review the details and hopefully grant me the requested variance so I can apply for my building permit and continue to grow my family in the house I love, on the street I love, in the city I love!

Sincerely,



Jason Kogok
919-602-5969

Vitaliya Schumacher
NOTARY PUBLIC

Vitaliya Schumacher
NOTARY PUBLIC
Wake County, NC
My Commission Expires December 13, 2019

Katherine Julianne Lam

710 New Road Raleigh, NC 27608 | 919-862-3355 | kjuliannelam@gmail.com

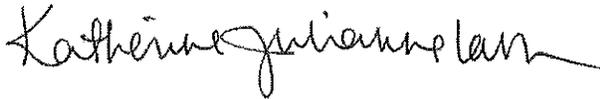
July 26, 2016

City of Raleigh
Zoning Division – Department of City Planning

Dear Sir or Ma'am:

My property is directly beside Jason Kogok's property (712 New Road Raleigh, NC 27608). I am in favor of and support the addition/renovation to his property, as is pertains to the encroachment that exists.

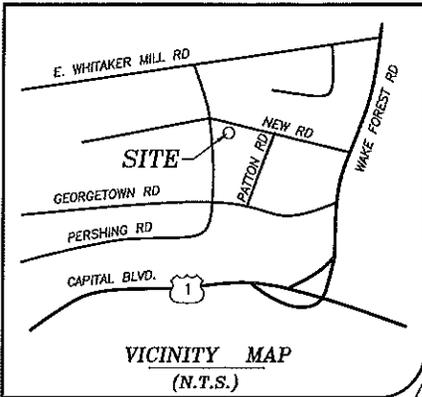
Respectfully,



Katherine Julianne Lam



Cynthia Bentkowski
exp. 7/26/2017



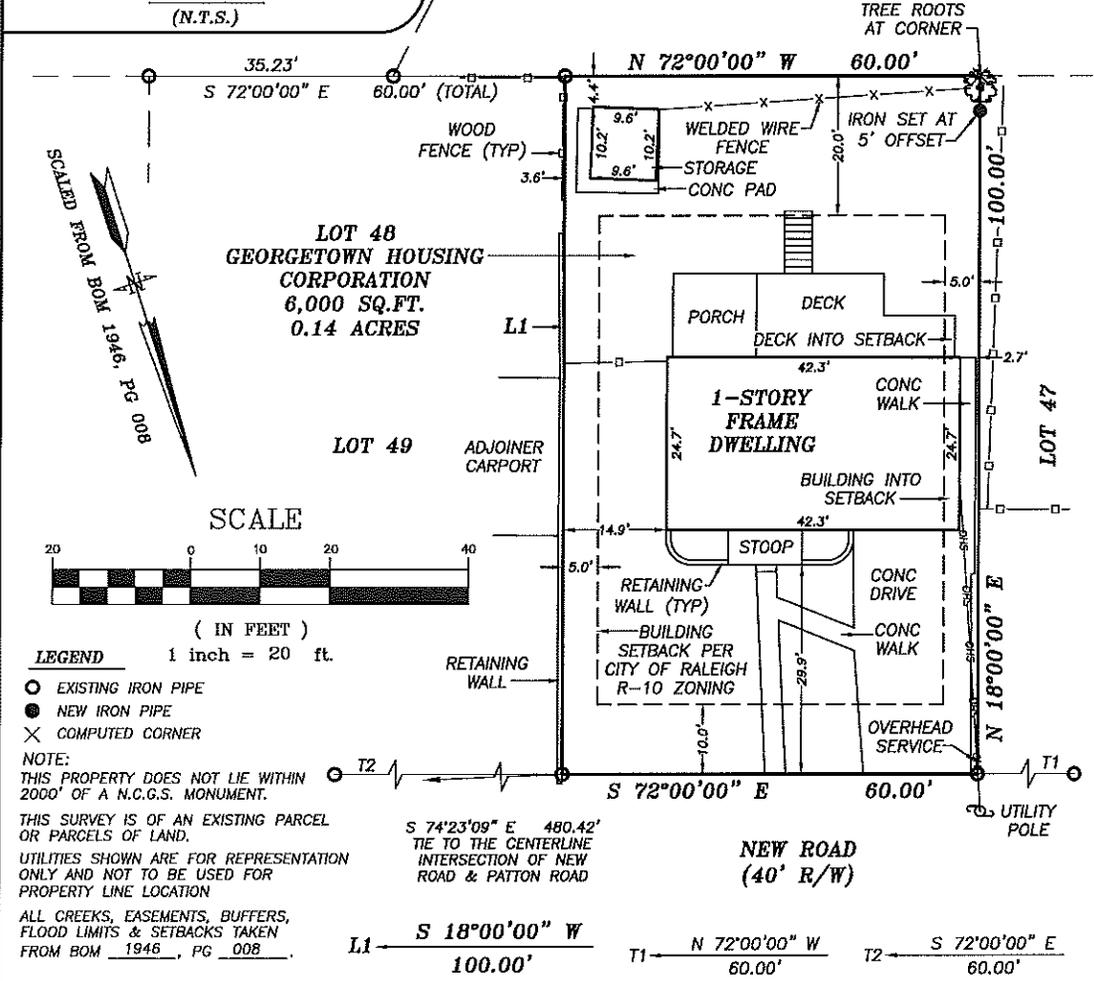
FLOOD CERTIFICATION

THIS WILL CERTIFY THAT THE SUBJECT PROPERTY () IS or (X) IS NOT located in a SPECIAL FLOOD HAZARD AREA as determined by the Department of Housing and Urban Development, or as shown on the FLOOD INSURANCE RATE MAP.

370243 1714 J
COMMUNITY # PANEL SUFFIX

J.H.D. PLS
PROFESSIONAL LAND SURVEYOR

N/F SHARON GALE
DB 12884, PG 364



LEGEND
 ○ EXISTING IRON PIPE
 ● NEW IRON PIPE
 X COMPUTED CORNER

NOTE:
 THIS PROPERTY DOES NOT LIE WITHIN 2000' OF A N.C.G.S. MONUMENT.
 THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND.
 UTILITIES SHOWN ARE FOR REPRESENTATION ONLY AND NOT TO BE USED FOR PROPERTY LINE LOCATION
 ALL CREEKS, EASEMENTS, BUFFERS, FLOOD LIMITS & SETBACKS TAKEN FROM BOM 1946, PG 008.

I, Jeffrey H. Davis, PLS, certify this map was drawn under my supervision from an actual survey made under my supervision; and that the error of closure as calculated by latitudes and departures is 1/10,000+; that the boundaries not surveyed are shown as broken lines plotted from information found in Book ___; Page ___; that this map was prepared in accordance with G.S. 47-30 amended.

Witness my original signature, registration number and seal this 20TH day of JUNE 2014.

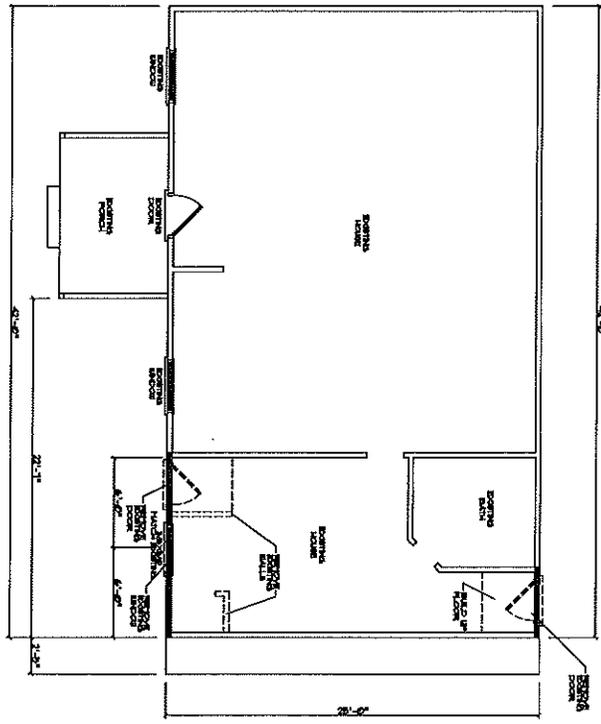
Signed *J.H.D.*
Seal



C.N. = 21301
B.O.M. 1946
PAGE 008
WAKE CO. REG.

JASON KOGOK
 LOT 48
 GEORGETOWN HOUSING CORPORATION
 712 NEW ROAD
 RALEIGH NORTH CAROLINA
 DATE: 06-20-2014
 SCALE: 1" = 20'

TURNING POINT SURVEYING PLLC
 4113 JOHN S. RABOTEAU WYND
 RALEIGH, NORTH CAROLINA 27612
 FAX (800)948-0213 PH (919)781-0234
 License No: P-0121



GENERAL NOTES

1. ALL WALLS AND PARTIAL WALLS TO BE BUILT AND FINISH TO MATCH EXISTING WALLS.

2. PROVIDE DETENTION ANCHORS AND NAILS FOR ALL EXISTING WALLS TO BE REMOVED.

3. PROVIDE DETENTION ANCHORS AND NAILS FOR ALL NEW WALLS TO BE BUILT.

4. PROVIDE DETENTION ANCHORS AND NAILS FOR ALL NEW WALLS TO BE BUILT.

5. PROVIDE DETENTION ANCHORS AND NAILS FOR ALL NEW WALLS TO BE BUILT.

ATTIC ACCESS:

1. PROVIDE ACCESS TO ATTIC FROM KITCHEN AND BATHROOM.

2. PROVIDE ACCESS TO ATTIC FROM KITCHEN AND BATHROOM.

3. PROVIDE ACCESS TO ATTIC FROM KITCHEN AND BATHROOM.

EXISTING WALLS:

1. TO REMAIN TO 8'-0" H.

NOTES:

1. ALL DIMENSIONS ARE ASSUMED TO BE TO THE CENTERLINE OF WALLS UNLESS OTHERWISE NOTED.

2. ALL DIMENSIONS ARE ASSUMED TO BE TO THE CENTERLINE OF WALLS UNLESS OTHERWISE NOTED.

3. ALL DIMENSIONS ARE ASSUMED TO BE TO THE CENTERLINE OF WALLS UNLESS OTHERWISE NOTED.

LEGEND:

--- NEW CONSTRUCTION

--- EXISTING CONSTRUCTION

PLANS ARE DESIGNED TO MEET THE REQUIREMENTS OF THE NORTH CAROLINA RESIDENTIAL CODE 2012 EDITION.

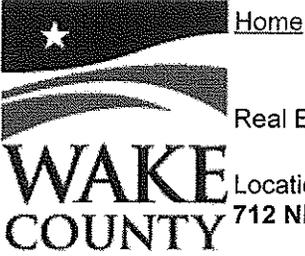
Design Meister

Po Box 447 Holly Springs, NC 27540 • 919-263-4047 • plans@thedesignmeister.com

712 NEW RD
REMODEL

ALL WALLS
FLOOR PLAN

A3



[Home](#)

Wake County Real Estate Data Account Summary

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

Real Estate ID **0002720**

PIN # **1714085454**

Account
Search

Location Address
712 NEW RD

Property Description
LO48 GEORGETOWN HSE CORP PROP

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

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

Property Owner KOGOK, JASON M (Use the Deeds link to view any additional owners)	Owner's Mailing Address 712 NEW RD RALEIGH NC 27608-2708	Property Location Address 712 NEW RD RALEIGH NC 27608-2708
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Administrative Data	Transfer Information	Assessed Value
Old Map # F016-F0057-0006	Deed Date 5/28/2004	Land Value Assessed \$185,250
Map/Scale 1714 05	Book & Page 10846 2369	Bldg. Value Assessed \$78,960
VCS 01RA244	Revenue Stamps 296.00	Tax Relief
City RALEIGH	Pkg Sale Date 5/28/2004	Land Use Value
Fire District	Pkg Sale Price \$148,000	Use Value Deferment
Township RALEIGH	Land Sale Date	Historic Deferment
Land Class R-<10-HS	Land Sale Price	Total Deferred Value
ETJ RA	Improvement Summary	Use/Hist/Tax Relief
Spec Dist(s)	Total Units 1	Assessed
Zoning R-10	Recycle Units 1	Total Value Assessed* \$264,210
History ID 1	Apt/SC Sqft	
History ID 2	Heated Area 1,275	
Acreage .14		
Permit Date		
Permit #		

*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.



[Home](#)

Wake County Real Estate Data Photographs

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

Real Estate ID **0002720**

PIN # **1714085454**

Location Address
712 NEW RD

Property Description
LO48 GEORGETOWN HSE CORP PROP

Account
Search

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

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



Photograph Date: 1/26/2015



0002720 01/26/2015

Photograph Date: 12/31/1995



Picture
Taken in
← 1995

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1714085454
KOGOK, JASON M
712 NEW RD
RALEIGH NC 27608-2708

1714084368
GALE, SHARON
308 BICKETT BLVD
RALEIGH NC 27608-2564

1714084437
ABRAMOWSKI, ANDREA ALYSE
708 NEW RD
RALEIGH NC 27608-2708

1714084496
LAM, KATHERINE JULIANNE
710 NEW RD
RALEIGH NC 27608-2708

1714084589
DUYCK, FRED ERSKINE DUYCK, SARA
ELIZABETH COLLIER
711 NEW RD
RALEIGH NC 27608-2707

1714085118
JONAS KIM & VIRGINIA YEE TRUST THE
KIM, RYAN TRUST...
1867 VIRGINIA RD
SAN MARINO CA 91108-2517

1714085539
PARTIN, RACHEL A
4516 REVERE DR
RALEIGH NC 27609-5248

1714085588
NORTHGATE GROUP LLC THE
1008 W SOUTH ST
RALEIGH NC 27603-2162

1714086259
MARCOM, BRENDA ANNE
715 GEORGETOWN RD
RALEIGH NC 27608-2703

1714086303
GARTNER, GAD GARTNER, SALLIE V.
713 GEORGETOWN RD
RALEIGH NC 27608-2703

1714086403
BURRITT, ARTHUR F UNIACKE, SEAN
400 W NORTH ST APT 1208
RALEIGH NC 27603-1567

1714086461
UNDERWOOD, LARRY R UNDERWOOD,
NANCY C
716 NEW RD
RALEIGH NC 27608-2708

1714086526
DUNPHY, KATHRYN C
717 NEW RD
RALEIGH NC 27608-2707

1714086575
WOMACK, JUDITH O
719 NEW RD
RALEIGH NC 27608-2707

Previous VARIANCE APPROVAL
FOR STRUCTURE

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

September 12, 2014

VARIANCE

Jason Kodok
712 New Road
Raleigh N.C. 27615

Re: Board of Adjustment Case A-50-14- 712 New Road

Dear: Jason Kogok

The Raleigh Board of Adjustment at its August 11, 2014 meeting voted to approve your request for a 2.3ft side yard setback variance to legalize the existing dwelling pursuant to section 2.2.1 of the UDO resulting in a 2.7ft side yard setback for property zoned R-10.

In accordance with the Board's rules of procedure, your variance will expire if a grading permit, building permit, or certificate of occupancy for such use is not obtained by the applicant within one year of the date of communication of the Board's decision from the City of Raleigh to the applicant. Under the rules, you cannot come back to the Board on the same request for a year. So, it is very important to get your grading permit, building permit, or certificate of occupancy within this time.

This approval is contingent upon the payment of any applicable facility fees and the approval of a site plan or plot plan, if required.

Therefore, if this project requires site plan approval, you should immediately file an application with the Planning Department located on the 4th floor of the One Exchange Plaza Building, 219 Fayetteville Street.

Building permits are obtained in the Permit Office, on the 4th floor of the One Exchange Plaza Building, 219 Fayetteville Street.

You are required by the Board of Adjustment to telephone the Zoning Office at 919-996-2474 for a final inspection of your project. If you do not call for this final inspection, your permit becomes null and void.

For your information, I have enclosed a copy of the excerpt from the minutes of the meeting.

All decisions of the Board of Adjustment are subject to further review under Code Section 10-2141(d) regardless of whether the Board puts any restrictions on the request. Your variance is subject to review for fraud, material misrepresentation, or other misconduct at the proceeding or for violations on the subject property of either any provision of Chapter 10 of the Raleigh City Code or an imposed limiting condition, and upon such a determination the variance may be continued, modified or discontinued. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this decision shall be void and of no effect.

Should you have any questions concerning the decision of the Board, please do not hesitate to telephone me at 919-996-2475.

Sincerely,

Barbara Simpson

Barbara Simpson
Zoning Technician

barbara.simpson@raleighnc.gov

Enclosure

EXCERPT FROM MINUTES OF THE AUGUST 11, 2014
RALEIGH BOARD OF ADJUSTMENT MEETING

PAGE ____ OF ____

A-50-14 - 8/11/14

DECISION: Approved the variance as requested.

WHEREAS, Jason Kogok, property owner, requests a 2.3 foot side yard setback variance to legalize the existing dwelling pursuant to Section 2.2.1 of the Unified Development Ordinance resulting in a 2.7 foot side yard setback for property zoned Residential-10 located at 712 New Road.

Planning Administrator Eric Hodge (sworn) presented a brief overview of the request stating the subject nonconforming structure is a lean-to that was added to the dwelling. He stated staff is not opposed to the request.

Applicant

Jason Kogok, 712 New Road (sworn) in response to questions, confirmed he has no plans for further construction to the dwelling. He stated he has owned the house for 10 years and indicated the 1994 County Tax photograph of the property shows the addition.

Opposition

None.

Request for Notification

None.

Findings of Fact

1. Applicant seeks a variance from UDO §2.2.1 to legalize an existing dwelling.
2. The Board has considered Applicant's verified application and the evidence and testimony adduced at the hearing.
3. Applicant participated in a pre-application conference with a Planning and Development Officer to review the Application.
4. Public Notice requirements of UDO §10.2.1.C. have been met.
5. In order to comply with UDO §2.2.1, Applicant would have to provide a 5 foot minimum side yard setback.
6. Applicant is unable to comply with UDO §2.2.1 because an addition was erected that encroaches 2.3 feet into the side yard setback.
7. The addition has been located on the lot for more than 20 years.
8. Strict compliance with the provisions of the ordinance would deprive Applicant from the reasonable use of the property.
9. The Applicant's actions did not create the hardship or the practical difficulties.
10. The character of surrounding properties would not be adversely affected by the granting of the variance.

11. Denial of the variance would result in insignificant public benefit but would greatly harm Applicant.
12. The Board has also considered the following relevant factors:
 - (a) The character and use of buildings and structures adjoining or in the vicinity of the property mentioned in the application.
 - (b) The number of persons residing, studying, working in or otherwise occupying buildings adjoining or in the vicinity of the property mentioned in the application.

Conclusions of Law

1. Unnecessary hardship would result from the strict application of the ordinance.
2. The hardship results from conditions that are peculiar to the property.
3. The hardship did not result from actions taken by the Applicant or the property owner.
4. The variance is consistent with the spirit, purpose and intent of the ordinance such that public safety is secured, and substantial justice is achieved.
5. This decision is subject to review for fraud, material misrepresentation, or other misconduct at the proceeding or for violations on the subject property of either any provision of the UDO or an imposed limiting condition, and if such a determination is made by the Board, its prior decision may be reversed, modified, or affirmed.

Motion

Mr. McLamb moved to approve the variance as requested. His motion was seconded by Mr. Shear and received the following vote: Ayes – 5 (McLamb, Shear, Coble, Jeffreys, Figgins); Noes – 0. Chairman Coble ruled the motion adopted and the variance granted.