

**Raleigh Board of Adjustment  
Decisions  
September 11, 2015**

**A-58-14**, WHEREAS, Brighton Pointe LP, property owners, request a 12 month extension to their 40 foot variance to the maximum setback requirement along Forestville Road contained in Zoning Condition (D), Zoning Ordinance No. (2004) 648 ZC 550 for a multi-family development on property zoned Thoroughfare District – Conditional Use District and Residential-6-Conditional Use District and located at 3140 Leland Drive.

**Decision:** Approved as requested.

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**A-68-15**, WHEREAS, Donald Corey and Vanese Clough, property owners, request a .6' rear yard setback variance from the regulations set forth in Section 2.2.1 of the Part 10A Unified Development Ordinance to legalize an existing detached house in order to allow a street-facing addition to be constructed on a .24 acre property zoned Residential-10 and Neighborhood Conservation Overlay District located at 919 Brookside Drive.

**Decision:** Approved as requested.

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**A-69-15**, Lyndsay Robin Dalby Hanna, property owner, requests 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.

**Decision:** Approved variances as requested with the condition the Applicant submits an application for a building permit at the same time an application is submitted for a demolition permit for the existing dwelling.

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**A-70-15**, WHEREAS, Kimberly Anderson, property owner, requests a 7-1/4" side yard setback variance from the standards set forth in Section 2.2.1 of the Part 10A Unified Development Ordinance to legalize and expand an existing detached house to the rear and a 1' primary street setback variance from Section 5.4.3.F.8.b.v. of the Unified Development Ordinance to legalize the existing primary street setback resulting in a 4.39' side yard setback and a 26' primary street setback on a .12 acre property zoned Residential-10 and Neighborhood Conservation Overlay District located at 417 Frank Street.

**Decision:** Approved as requested.

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**A-71-15**, WHEREAS, Anna & Kurt Regensburger, property owners, request an 11.2' primary street yard setback variance from the Residential Infill Compatibility requirements set forth in Section 2.2.7.C of the Part 10A Unified Development Ordinance to allow for a front-facing addition to a detached house resulting in a 27.8' street yard setback on a .14 acre property zoned Residential-located at 3118 Stedman Drive.

**Decision:** Denied.

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**A-72(A)-15**, WHEREAS, DJF Builders, property owner, requests a 205' maximum front yard setback variance from the standards set forth in Section 10-2042(d)(2) of the Part 10 Development Regulations to allow for a detached house to be constructed at least 190' but not more than 220' from Cole Street on a .43 acre property zoned Special Residential-30 and located at 514 Cole Street.

**Decision:** Deferred to the Board's October 12, 2015 meeting.

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**A-72(B)-15**, WHEREAS, DJF Builders, property owner, requests a 115' maximum front yard setback variance from the standards set forth in Section 10-2042(d)(2) of the Part 10 Development Regulations to allow for a detached house to be constructed at least 50' but not more than 130' from Wade Avenue on a .42 acre property zoned Special Residential-30 and located at 509 Wade Avenue.

**Decision:** Deferred to the Board's October 12, 2015 meeting.

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**A-73-15**, WHEREAS, Daniel and Ann Colton, property owners, request a variance from all of the forestation requirements set forth in Section 9.1.9.A. of the Part 10 A Unified Development Ordinance to allow for the construction of a detached house on a .66 acre property zoned Residential-6 Conditional Use and Urban Watershed Protection Overlay District located at 2612 Village Manor Way.

**Decision:** Approved as requested.

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**A-74-15**, WHEREAS, Ohad and Anat Shvueli, request a 3.69' minimum lot width variance from the requirements set forth in Section 2.2.3.A.2. of the Unified Development Ordinance and complete total from the build-to requirements set forth in Section 2.2.3.E of the Part 10A Unified Development Ordinance to allow for the construction of a 3-unit Townhouse development on a .33 acre property with a road frontage that is 40.31' wide that is zoned Residential-10 and located at 4109 Reavis Road.

**Decision:** Approved as requested.

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**A-75-15**, WHEREAS, Stephen Mallinson and Melanie Luques, property owners, request a variance from the requirements set forth in Sections 7.2.4.D.3.d., 7.2.8.b.2. and Article 9.1 of the Part 10A Unified Development Ordinance to allow a fence to be located in a Tree Conservation Area on a .16 acre property zoned Residential-10 and located at 455 Plainview Avenue.

**Decision:** Deferred to the Board's October 12, 2015 meeting.

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**A-76-15**, WHEREAS, Graham Dixon and Michael Amburn, property owners, request a variance from the requirements set forth in Sections 7.2.4.D.3.d., 7.2.8.b.2. and Article 9.1 of the Part 10A Unified Development Ordinance to allow a fence to be located in a Tree Conservation Area on a .16 acre property zoned Residential-10 and located at 459 Plainview Avenue.

**Decision:** Deferred to the Board's October 12, 2015 meeting.

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**A-77-15**, WHEREAS, Bradley and Jamie Beavers, property owners, request a variance from the requirements set forth in Sections 7.2.4.D.3.d., 7.2.8.b.2. and Article 9.1 of the Part 10A Unified Development Ordinance to allow a fence to be located in a Tree Conservation Area on a .13 acre property zoned Residential-10 and located at 501 Plainview Avenue.

**Decision:** Deferred to the Board's October 12, 2015 meeting.

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**A-78-15**, WHEREAS, Anthony and Ellen Hopkins, property owners, request a variance from the requirements set forth in Sections 7.2.4.D.3.d., 7.2.8.b.2. and Article 9.1 of the Part 10A Unified Development Ordinance to allow a fence to be located in a Tree Conservation Area on a .15 acre property zoned Residential-10 and located at 505 Plainview Avenue.

**Decision:** Deferred to the Board's October 12, 2015 meeting.

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**A-79-15**, WHEREAS, Kate Shanahan, property owner, requests a variance from the requirements set forth in Sections 7.2.4.D.3.d., 7.2.8.b.2. and Article 9.1 of the Part 10A Unified Development Ordinance to allow a fence to be located in a Tree Conservation Area on a .16 acre property zoned Residential-10 and located at 509 Plainview Avenue.



Karen Kemerait, Vice Chair

9/11/2015

Date