



ZONING HARDSHIP VARIANCE APPLICATION

WAKE COUNTY
FEB 7 2017
PLANNING, DEVELOPMENT & INSPECTIONS

File #
Fee
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Check #
Rec'd Date
Rec'd By

Submit required documentation to:
Wake County Planning, Development and Inspections
PO Box 550 Wake County Office Building
Raleigh, NC 27602-0550 336 Fayetteville Street Mall, Downtown Raleigh
Contact (919) 856-6335 for additional information.

Unified Development Ordinance Regulation(s) Proposed to be Varied (cite each section(s) and identify requirement from which the variance(s) is (are) being requested; quantify variance – i.e. if this is a variance to allow an encroachment into a setback, give depth of encroachment and total square feet of area proposed to encroach into setback- be specific):

511.1 Residential Water district R-40W. Setback to Allow Existing house to encroach 2'2" into 15' setback.

Property

Parcel Identification Number: Tax map 279 Parcel # 076 0788859547

Address: 10328 Baileywick Rd Raleigh

Location: North side of Baileywick Rd, at/between

540 (street) and Strickland Road (street)

Total site area in square feet and acres: 41345 square feet 0.95 acres

Zoning District(s) and Overlay Districts (if any) and land area within each: R-40W

List Conditions of any Conditional Use Zoning Districts: _____

Present land use(s): House

How is this proposed use a public necessity?

What is impact on surrounding neighborhood and adjacent properties? NONE, Existing house constructed in 1977

Property Owner

Name: Robert and Deborah Fuller

Address: 10328 Baileywick Rd

City: Raleigh State: NC Zip Code: 27613

E-mail Address: FullerContractors@yahoo.com Fax: _____

Telephone Number: 919 868 2635

Applicant (person to whom all correspondence will be sent)

Name: Robert Feller
Address: 10328 Baileywick Rd
City: Raleigh State: NC Zip Code: 27613
E-mail Address: Fellercontracting@yahoo.com Fax: _____
Telephone Number: 919 868 2635 Relationship to Owner: Owner

Extent of Proposed Variance (Describe the extent to which the regulation is proposed to be varied.)
Attach additional sheet as necessary.

IN order to sell property or re-construct existing deck in need of repair variance is needed. The deck is rotten and falling apart after 20 years. When we bought the house no survey plan was required. Therefore we had no idea of the problem. When we pulled a permit for our screen porch we did not have a problem because the deck was already there.

All property owners must sign this application unless one or more individuals are specifically authorized to act as an agent on behalf of the collective interest of some or all of the owners (provide a copy of such authorization).

The undersigned property owner(s) hereby authorize the filing of this application (and any subsequent revisions thereto). The filing of this application authorizes the Wake County staff to enter upon the site to conduct relevant site inspections as deemed necessary to process the application.

Signature: _____ Date: _____
Signature: _____ Date: _____
Signature: _____ Date: _____

Land use professionals (architects, engineers, planners, landscape architects, etc.), as well as employees of corporate or municipal applicants, may testify at quasi-judicial proceedings about factual matters in support of an application, petition or appeal. However, they MAY NOT examine or cross-examine witnesses, make legal arguments as to why an application, petition or appeal should be granted, or otherwise advocate for results on behalf of another individual or entity at a quasi-judicial proceeding. These functions can ONLY be performed at a quasi-judicial proceeding by an attorney licensed to practice law in North Carolina. Therefore, it is **strongly recommended** that unless you are an individual representing yourself in a quasi-judicial proceeding, you have an attorney present to present your case.

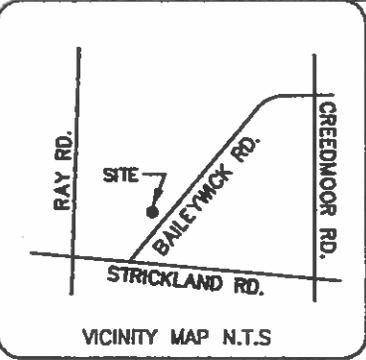
The undersigned applicant hereby certifies that, to the best of his or her knowledge and belief, all information supplied with this application is true and accurate.

Signature: Robert Feller Date: 2/7/17

Notes: All documents and maps submitted as required become the property of Wake County. The Wake County Unified Development Ordinance is on the web at www.wakegov.com.

Statement of Justification
for
Robert L. and Deborah L. Fuller
Property Location: 10328 Baileywick Rd
Raleigh, NC 27613

1. The unnecessary hardship placed upon Robert L. and Deborah L. Fuller with regards to obtaining a variance for 10328 Baileywick Rd, Raleigh, NC 27613 is at the current time, there is no back egress out of the house, which could be considered a fire hazard.
2. The hardship placed upon Robert L. and Deborah L. Fuller with regards to obtaining a variance for 10328 Baileywick Rd, Raleigh, NC 27613 is at the current time, the owners are unable to go out the back door because the 30 year old deck, which needs to be replaced and cannot be permitted because of the encroachment which is due to the construction of the house in 1978 when it was constructed 12.8 feet away from the property line, which should of been 15 feet from the property line. From the corner of the house, where it starts at 12.8 feet proceeding to the front of the house, there is only 8 feet distance before the house is 15 feet from the boundary line. The entire house is not encroaching upon the boundary line. It is approximately only 8 square feet that encroaches on the boundary line.
3. When Robert L. and Deborah L. Fuller purchased the property at 10328 Baileywick Rd on November 15, 2005, it was unknown by the purchasers that part of the house was constructed to close to the boundary line and as a result encroached approximately 12.8 feet on the boundary line because there was no survey plot by the previous owners and no survey was needed to purchase the property.
4. The requested variance would ensure that public safety is secured and substantial justice is achieved by abiding by the laws of the ordinance of Wake County in that if the variance is approved then the house would not illegally be encroaching the legal set back law.



11
P.F. BARTHOLOMEW
DB 5605, PG. 635

NORTH BOM 1977, PG. 487 WCR

LEGEND

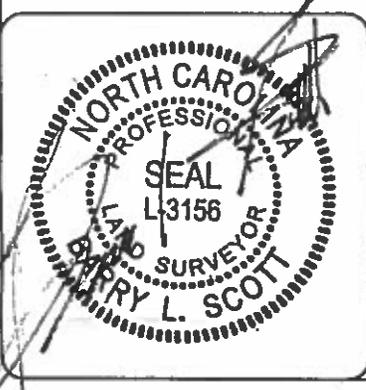
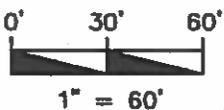
- IPS—Iron Pin Set
- EIP—Existing Iron Pin
- PKS—Parker-Kalon Nail Set
- EPK—Existing Parker-Kalon Nail
- PP—Power Pole
- OHP—Over Head Power
- CL—Center Line
- R/W—Right of Way
- PL—Property Line
- Lines Not Surveyed
- ECM—Existing Concrete Monument

1
A.C. ORCUTT
DB 9605, PG. 2577

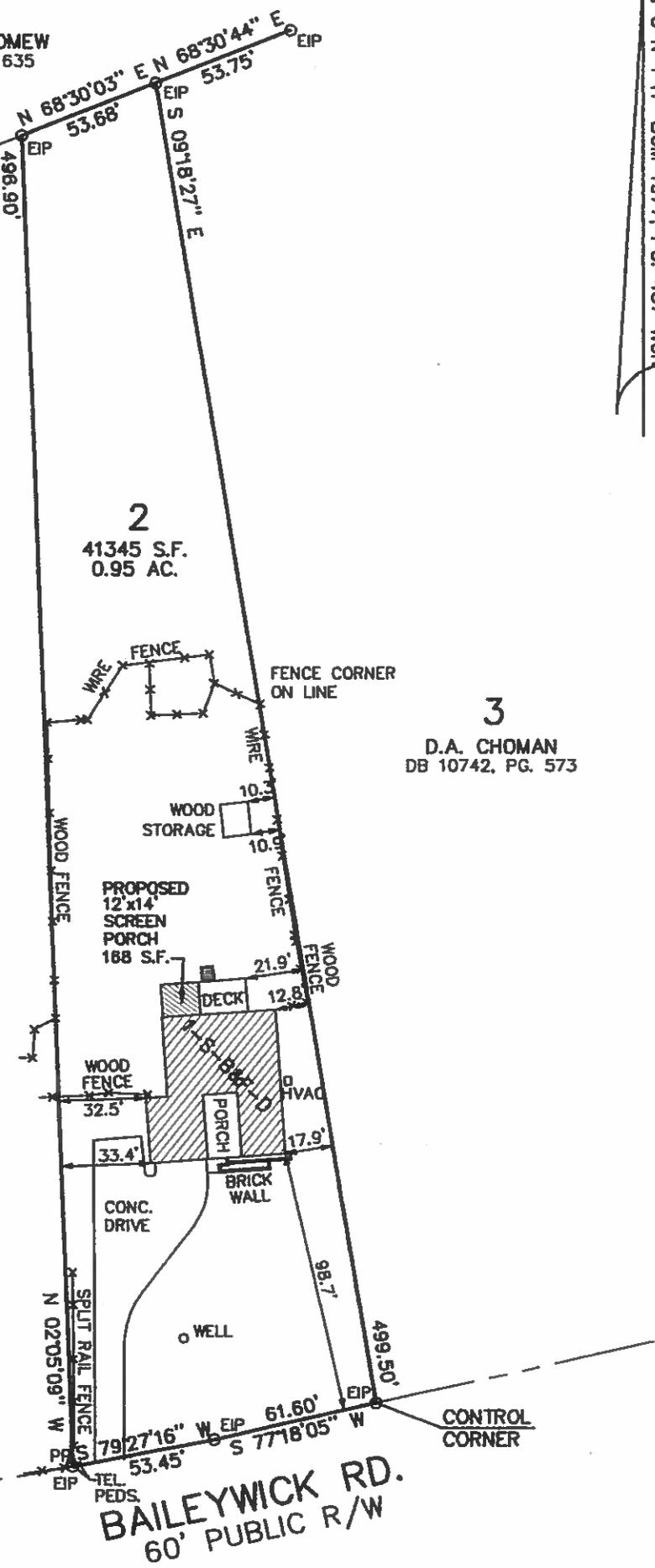
3
D.A. CHOMAN
DB 10742, PG. 573

2
41345 S.F.
0.95 AC.

TOTAL AREA IN LOT 41345 S.F.
TOTAL IMPERVIOUS SURFACE:
5383 S.F. OR 13% OF TOTAL AREA
EXISTING: 5215 S.F.
PROPOSED: 168 S.F.
TOTAL: 5383 S.F.



4.30.12



PIN#: 0788.02 85 9547 TOWNSHIP: LEESVILLE ZONE: R-40W
LOT 2, PROPERTY OF HENRY N. MARTIN
AS RECORDED IN B.O.M. 1977, PG. 487 W.C.R.

I, Barry L. Scott, certify that this plot was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book 11688, page 1948 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 30th day of April, A.D. 2012

PROPERTY OF
ROBERT L. FULLER
DEBORAH L. FULLER

10328 BAILEYWICK RD. WAKE COUNTY RALEIGH, N.C.

SCALE: 1" = 60'
DATE: 4-30-12
BOOK: M367/77

