TOWN OF CARRBORO

BOARD OF ADJUSTMENT

301 West Main Street, Carrboro, North Carolina 27510

A G E N D A

7:00 P.M. *Town Hall Board Room 110*

January 15, 2020

I. MINUTES APPROVAL
Consideration of October 16, 2019 minutes.

II. PUBLIC HEARING: Special Exception Permit at 102 Raven Lane
The applicant, Joyce Tovell is requesting a Special Exception Permit for the installation of a 10' x 14' shed (approximate size) that will encroach six (6) feet into the rear-yard building setbacks at 102 Raven Lane (Orange County PIN 9778474264).

Her property is located in the Residential-10 (R-10) Zoning District with a standard boundary line building setback of 12 feet, but the applicant is requesting to encroach 5.25 feet into the rear-yard building setback; this is a 43.75% percent encroachment into the required setback. Section 15-92.1 of the Land Use Ordinance gives the Board of Adjustment the authority to grant Special Exception Permits to allow reductions of up to fifty percent (50%) in the required distances buildings must be setback from lot boundary lines.

III. PUBLIC HEARING: Variance Request at 403 Tripp Farm Road
Marsha Hamilton & Frank Pitts, owners of 403 Tripp Farm Road (Orange County PIN 9779332240), have submitted a variance request application (Attachment C) to allow encroachment into the Zone 2 Water Quality Buffers as regulated by Section 15-269 of the Land Use Ordinance. They are working with the architects from Notch Design to bring this application forward to the Board of Adjustment.

The variance would allow construction a 511 sf building addition (330 sf heated) to the back of the existing 1580 sf home; the proposed addition will encroach within the Town's Zone 2 regulatory stream buffer. See Attachment B for a GIS exhibit of the property showing the stream buffers.

IV. Old/New Business

V. ADJOURN!

BOARD OF ADJUSTMENT

MINUTES

Town of Carrboro

301 W. Main Street Carrboro, North Carolina 27510

October 16, 2019

7:00PM **Town Hall Room 110**

MEMBERS PRESENT		TOWN ATTORNEY	STAFF
Garrett Baker		Nicholas Herman	Jeff Kleaveland
James Baker			Dorian McLean
Linda Bowerman			
Joseph Collins			
Michael Crowell			
Wil Heflin			

Absent/Excused: Brian Hageman, Richard Ellington, Sriv Navaratnam

MINUTES APPROVAL:

Linda Bowerman noted a change to the minutes on Page 4 to state that Linda Bowerman asked if the existing tree on the side near the construction area would stay.

MOTION MADE BY LINDA BOWERMAN AND SECONDED BY MICHAEL CROWELL TO APPROVE MINUTES FROM AUGUST 21, 2019 MEETING. VOTE: AYES 6 (Garrett Baker, Linda Bowerman, Joseph Collins, Michael Crowell, Wil Heflin). NOES 0: ABSENT/EXCUSED 4 (James Baker, Richard Ellington, Brian Hageman, Sriv Navaratnam)

Linda Bowerman opened the public hearings by asking that anyone who wishes to speak on the Variance Request may come up to be sworn in. Dorian McLean, swore in town staff and members of the general public that wished to speak concerning the Variance Request. Ms. Bowerman proceeded to ask the town staff if they would like to proceed with the presentation about the Variance Request for 1219, 1221, 1225, and 1227 Hillsborough Road.

PUBLIC HEARING: Variance Request for 1219, 1221, 1225, and 1227 Hillsborough Road
Hillsborough Road HOA, applicant of the subject properties, has submitted an application (Attachment B) requesting a variance to Section 15-163(a)(5) of the Land Use Ordinance for a properties located at 1219, 1221, 1225 and 1227 Hillsborough Road.

The following houses are served by a private road, those being: 1219, 1221, 1225 Hillsborough Road. This private road has two concrete strips (Attachment B) where the wheels of coming/going vehicles are supposed to drive on. Over time, this private road has dilapidated due to cars driving off the concrete strips and the area adjacent to Hillsborough Road has sunk and holds water.

The reason for this type of "private road" being installed is that Section 15-163(a)(5) limits each of these lots to a maximum of 5,000sf of impervious surface. The original builder of these homes in 2015 wanted to stay below this threshold, so this type of private road was installed in order to minimize the amount of impervious surface that the private road would take up.

The HOA for this four lot subdivision is requesting a variance to surpass the 5,000sf limitation in order to install a wider, hard surface (ie. concrete etc.) private road that will not cause cars to drive off the existing narrow concrete strips and to minimize the pooling of water adjacent to Hillsborough Road.

Below is a table of breakdown for impervious surface of existing versus proposed private road:

1. Existing private road impervious surface = 1500sf
2. Proposed 10 foot wide asphalt/concrete private road impervious surface = 4500sf

NET IMPERVIOUS SURFACE INCREASE = 3000sf

Jeff Kleaveland gave a brief Power Point presentation of the subject properties of the proposed paving of the driveway. The applicants completed and submitted the application for the Variance request and all homeowners of the four lots were present at the meeting and in agreement of the proposed driveway.

Michael Crowell asked if it would be best if the variance should be approved on a lot by lot basis. Jeff Kleaveland replied that lot three being the smallest lot would take the biggest loss due to its smaller size.

Garrett Baker asked if it would be better for each lot granted its own variance or the development as a whole be granted the variance which would be beneficial and best for the applicants.

Nicholas Herman, town attorney, suggested if you grant the variance request based on exempt from impervious square footage easement a certain amount of square feet up to the 3,000 square feet. Once that's done no numbers change.

Jeff Kleaveland presented the slide showing that the water flows away from the whole subdivision. Drainage is not an issue due to the streets having proper drainage and the open space with vegetation around the properties also.

The applicants discussed how the issues affected visitors, deliveries, and their personal vehicles.

The applicants of the whole subdivision had multiple landscapers and engineers to come to the property to give estimates and the proper idea of what they would need to do to correct the problems they are having with the driveway. The applicants presented the hardships.

Linda Bowerman, Garrett Baker, Wil Heflin, Joseph Collins, and Michael Crowell board members were in agreement to approve the Variance Request due to the hardship that had been presented and all the homeowners were in agreement to make the necessary changes to benefit the subdivision as a whole.

MOTION WAS MADE BY LINDA BOWERMAN AND SECONDED BY MICHAEL CROWELL TO CLOSE THE PUBLIC HEARING. VOTE: VOTE: AYES 5 (Garrett Baker, Linda Bowerman, Joseph Collins, Michael Crowell, Wil Heflin). NOES 0: ABSENT/EXCUSED 3 (James Baker, Richard Ellington, Sriv Navaratnam)

MOTION WAS MADE BY BRIAN HAGEMAN AND SECONDED BY RICHARD ELLINGTON THAT THE APPLICATION IS FOUND TO BE COMPLETE. VOTE: VOTE: AYES 6 (Linda Bowerman, Joseph Collins, Michael Crowell, Richard Ellington, Brian Hageman, Wil Heflin). NOES 0: ABSTAINED 1(James Baker) ABSENT/EXCUSED 2 (Richard Ellington, Sriv Navaratnam)

The Board of Adjustment deliberated and discussed the findings and agreed to grant the variance as described below:

Having heard all the evidence and arguments presented at the hearing, the Board finds that the application is complete and that the application should be and is hereby approved. In approving this variance, the Board concludes that strict enforcement of the ordinance would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of the ordinance will be observed, public safety and welfare secured, and substantial justice done. In the reaching these conditions, and pursuant to Section 15-92(b) of the Town of Carrboro Land Use Ordinance, the Board finds that:

1. Unnecessary hardship would result from the strict application of this ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

MOTION WAS MADE BY WIL HEFLIN AND SECONDED BY JOSEPH COLLINS THAT UNNECESSARY HARDSHIP WOULD RESULT FROM THE STRICT APPLICATION OF THIS ORDINANCE. IT SHALL NOT BE NECESSARY TO DEMONSTRATE THAT, IN THE ABSENCE OF THE VARIANCE, NO REASONABLE USE CAN BE MADE OF THE PROPERTY VOTE: AYES 5 (Garrett Baker, Linda Bowerman, Joseph Collins, Michael Crowell, Wil Heflin). NOES 0: ABSTAINED 1(James Baker) ABSENT/EXCUSED 2 (Richard Ellington, Sriv Navaratnam)

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.

MOTION WAS MADE BY WIL HEFLIN AND SECONDED BY JOSEPH COLLINS THAT 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 VOTE: AYES 5 (Garrett Baker, Linda Bowerman, Joseph Collins, Michael Crowell, Wil Heflin). NOES 0: ABSTAINED 1 (James Baker): ABSENT/EXCUSED 2 (Richard Ellington, Sriv Navaratnam)

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.

MOTION WAS MADE BY WIL HEFLIN AND SECONDED BY JOSEPH COLLINS 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. VOTE: AYES 5 (Garrett Baker, Linda Bowerman, Joseph Collins, Michael Crowell, Wil Heflin). NOES 0: ABSTAINED 1 (James Baker): ABSENT/EXCUSED 2 (Richard Ellington, Sriv Navaratnam)

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.

MOTION WAS MADE BY WIL HEFLIN AND SECONDED BY JOSEPH COLLINS THAT THE REQUESTED VARIANCE IS CONSISTENT WITH THE SPIRIT, PURPOSE, AND INTENT OF THE ORDINANCE, SUCH THAT PUBLIC SAFETY IS SECURED, AND SUBSTANTIAL JUSTICE IS SERVED. VOTE: AYES 5 (Garrett Baker, Linda Bowerman, Joseph Collins, Michael Crowell, Wil Heflin). NOES 0: ABSTAINED 1(James Baker): ABSENT/EXCUSED 2 (Richard Ellington, Sriv Navaratnam)

MOTION WAS MADE BY WIL HEFLIN AND SECONDED BY LINDA BOWERMAN THAT THE APPLICATION IS GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant shall complete the development strictly in accordance with the presentation submitted to and approved by the Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Zoning Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.

2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

3. An improvement of the shared driveway of 2 foot strips to a 10 foot wide impervious surface (asphalt, concrete, etc) installed. This will not increase or decrease the original impervious details as included in the application. This variance will apply to the subdivision as a whole with condition of final review and approval by Zoning Division of the proposed work.

AYES 5(Garrett Baker, Linda Bowerman, Joseph Collins, Michael Crowell,Wil Heflin). NOES 1 (James Baker): ABSENT/EXCUSED 2 (Richard Ellington, Sriv Navaratnam)

MOTION WAS MADE BY WIL HEFLIN AND SECONDED BY JOSEPH COLLINS THAT THE APPLICATION BE GRANTED SUBJECT TO THE CONDITIONS AGREED UPON. VOTE: VOTE: AYES 5 (Garrett Baker, Linda Bowerman, Joseph Collins, Michael Crowell, Wil Heflin). NOES 0: ABSTAINED 1(James Baker): ABSENT/EXCUSED 2 (Richard Ellington, Sriv Navaratnam)

OLD/NEW BUSINESS

Town staff had nothing to report.

ADJOURN

MOTION WAS MADE BY JOSEPH COLLINS AND SECONDED BY WIL HEFLIN THAT THE MEETING BE ADJOURNED. VOTE: VOTE: AYES 6 (Garrett Baker, James Baker, Linda Bowerman, Joseph Collins, Michael Crowell, Wil Heflin). NOES 0: ABSENT/EXCUSED 2 (Richard Ellington, Sriv Navaratnam)

BOARD OF ADJUSTMENT

AGENDA ITEM ABSTRACT

MEETING DATE: JANUARY 15, 2020

TITLE: **A PUBLIC HEARING FOR A SPECIAL EXCEPTION PERMIT AT 102 RAVEN LANE.**

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES _X_ NO ____
ATTACHMENTS: A. STAFF REPORT B. SPECIAL EXCEPTION APPLICATION C. SITE PLAN WITH EXHIBITS D. SIGNED PETITION FORM AND CORRESPONDENCE E. LETTER FROM NEIGHBOR F. SPECIAL EXCEPTION PERMIT WORKSHEET #1	FOR INFORMATION CONTACT: JEFF KLEAVELAND - 918-7332

PURPOSE STATEMENT

The applicant, Joyce Tovell is requesting a Special Exception Permit for the installation of a 10' x 14' shed (approximate size) that will encroach six (6) feet into the rear-yard building setbacks at 102 Raven Lane (Orange County PIN 9778474264).

Her property is located in the Residential-10 (R-10) Zoning District with a standard boundary line building setback of 12 feet, but the applicant is requesting to encroach 5.25 feet into the rear-yard building setback; this is a 43.75% percent encroachment into the required setback. Section 15-92.1 of the Land Use Ordinance gives the Board of Adjustment the authority to grant Special Exception Permits to allow reductions of up to fifty percent (50%) in the required distances buildings must be setback from lot boundary lines.

INFORMATION

(see the Attached "Staff Report" – **Attachment A**)

STAFF RECOMMENDATION

Staff recommends the Board complete the attached Special Exception Permit Worksheet (Attachments F) and if they find the application complete and satisfactory; grant approval of the Special Exception Permit for 102 Raven Lane to allow for the installation of a 10' x 14' shed (approximate size) that will encroach up to 50%, or, six (6) feet, into the rear-yard building setbacks.

STAFF REPORT

TO:	Board of Adjustment
HEARING DATE:	January 15, 2020
PROJECT:	Special Exception Permit for 102 Raven Ln.
APPLICANT:	Joyce Tovell 102 Raven Ln. Carrboro, NC 27510
OWNER:	(same as applicant)
PURPOSE:	Request to allow reduced rear-yard building setback for installation of a detached shed building.
EXISTING ZONING:	R-10 Residential District (R-10)
PIN NUMBER:	9778474264
LOCATION:	102 Raven Ln.
LOT SIZE:	Approximately 0.30 acres (about 13,068 square feet)
EXISTING LAND USE:	Single Family Residence
SURROUNDING LAND USE:	North ---- R-10, Single-family residence South ---- R-10, Single-family residence East ---- R-10, Single-family residence West ---- Raven Lane R/W - R-10, Single-family residence
ZONING HISTORY:	R-10 Residential District (R-10) since 1980

PARTICULARLY RELEVANT ORDINANCE SECTIONS

Section 15-92.1	Special Exception Permits
Section 15-184	Building Setback Requirements

ANALYSIS

PURPOSE STATEMENT

The applicant, Joyce Tovell is requesting a Special Exception Permit for the installation of a 10' x 14' shed (approximate size) that will encroach six (6) feet into the rear-yard building setbacks at 102 Raven Lane (Orange County PIN 9778474264).

Her property is located in the Residential-10 (R-10) Zoning District with a standard boundary line building setback of 12 feet, but the applicant is requesting to encroach 5.25 feet into the rear-yard building setback; this is a 43.75% percent encroachment into the required setback (less than 50%). Section 15-92.1 of the Land Use Ordinance gives the Board of Adjustment the authority to grant Special Exception Permits to allow reductions of up to fifty percent (50%) in the required distances buildings must be setback from lot boundary lines. The application, site plan with exhibits, and petition are attached (Attachments B, C, D).

Section 15-92.1 of the Land Use Ordinance gives the Board of Adjustment the authority to grant Special Exception Permits to allow reductions of up to fifty percent (50%) in the required distances that buildings must be setback from lot boundary lines, as established by Section 15-184 of the Land Use Ordinance, pursuant to three (3) conditions established by Section 15-92.1. These conditions are as follows:

1. The reduction is granted only for conforming residential buildings in residential districts where the building has existed for at least three (3) years.

   COMPLIANCE: **Yes; a CO was issued in 2001 for the property in conformance with permits issued by the Planning and Inspections Division.**

2. The reduction would not allow a building to be located closer to a lot boundary than ½ of the minimum six (6) foot separation required by the North Carolina State Building Code.

   COMPLIANCE: **Yes, the proposed shed will not be located closer than 6' feet to the nearest property line. The nearest adjacent buildings are 1) a single-family residence on the lot to the east (approximately 22 feet away), and 2) a utility shed to the south (approximately 14.5 feet away).**

3. The reduction applies only to a setback from a lot boundary line and not from a street right-of-way line.

   COMPLIANCE: **Yes, the proposed reduction in setbacks applies strictly to lot boundary lines and not street right-of-way lines.**

The Board must base its decision as to whether to approve or deny a Special Exception permit on the following two (2) findings:

1. Issuance of the permit will not create a threat to public health or safety.

   STATEMENT: **It is the Staff's opinion that there are no health or safety issues created by the proposed shed, which will be constructed and inspected in full compliance with the North Carolina Building Code requirements.**

2. Issuance of the permit will not adversely affect the value of adjoining properties. If the applicant presents a petition, signed by the owners of all properties entitled to receive notice of the hearing on the application, pursuant to Section 15-102(2), and, stating that such property owners believe their property values will not be adversely affected by the proposed use, this shall be sufficient evidence from which the Board may (but shall not be required) to make the required finding. The Board may also make the required finding based on other competent evidence.

   STATEMENT: **The applicant has submitted a petition signed by the immediate neighbors and owners within 150 feet of their property stating that they are aware of the proposal (Attachment D).**

   One owner on the property to the east (304 Poplar) objects to the Special Exception per the attached email (Attachment E).

   A public hearing notice was also sent to all property owners within 150 feet of the subject property on 102 Raven Ln. and a notice was posted on-site.

RECOMMENDATION

Staff recommends the Board complete the attached Special Exception Permit Worksheet (Attachment F) and if they find the application complete and satisfactory; grant approval of the Special Exception Permit for 102 Raven Lane to allow for the installation of a 10' x 14' shed (approximate size) that will encroach up to 50%, or, six (6) feet, into the rear-yard building setbacks.

V 2.0

TOWN OF CARRBORO

SPECIAL EXCEPTION APPLICATION

DATE: _____

I. GENERAL INFORMATION

APPLICANT: JOYCE P TOVELL	**OWNER:** JOYCE P TOVELL
ADDRESS 102 Raven Lane	**ADDRESS:** 102 Raven Lane
Carrboro NC 27510	Carrboro NC 27510
TELEPHONE: 919 260 6369	**TELEPHONE:** 919 260 6369
TAX MAP, BLOCK, LOT 9 ANDREWS HEIGHTS P 84/24 9778474264	
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: same	

II. SPECIAL EXCEPTION CRITERIA

Please draw a sketch of what is being proposed on the third sheet of this application to clarify the answers given to the following questions:

Is this a residential structure? the exception is requested for non-residential use: an accessory building in a residential zone.

When was the Certificate of Occupancy issued for this structure or when was this structure built? the only building, a house, was built in 2000

Is the special exception relevant to a right of way line? no

What is the zoning district for this property? R10

What is the required setback from the property line for this zoning district? front - 25 feet; side and rear - 12 feet

What is the percentage of reduction from the required setback which is being requested for the special exception from each property line?

43.75% from southern and northern boundaries in "panhandle" section of lot

What will be the closest approach of the expansion to each property line?
The accessory building will be 6'6" from the southern and northern sides of the "panhandle."

Describe the special exception requested and note the appropriate land use ordinance sections.
A reduction of side setbacks in panhandle portion of the lot to allow installation of a 10 ft x 14 ft utility shed. Land use sections 15.184f and 15.137(a) and (b) pertain, as well as the setbacks of 15.184a and 15.92.1

If the special exception is granted, what will be the closest separation between the expanded portion of this structure and any existing structure(s) adjacent to the expansion area?
The southern side of this utility shed will be approximately 14.5 feet from the rear edge of the utility shed in the rear of the 100 Raven Lane residence.

III. EXISTING NONCONFORMING SITUATIONS

Please draw a sketch of what is being proposed on the third sheet of this application to clarify the answers given to the following questions:

Is the existing structure already violating the setback requirements of Section 15-184? no

Will the special exception create a greater nonconformity with respect to the setback requirements of Section 15-184? ~~yes~~ no; there currently is no nonconformity

IV. NEIGHBORHOOD OPINION

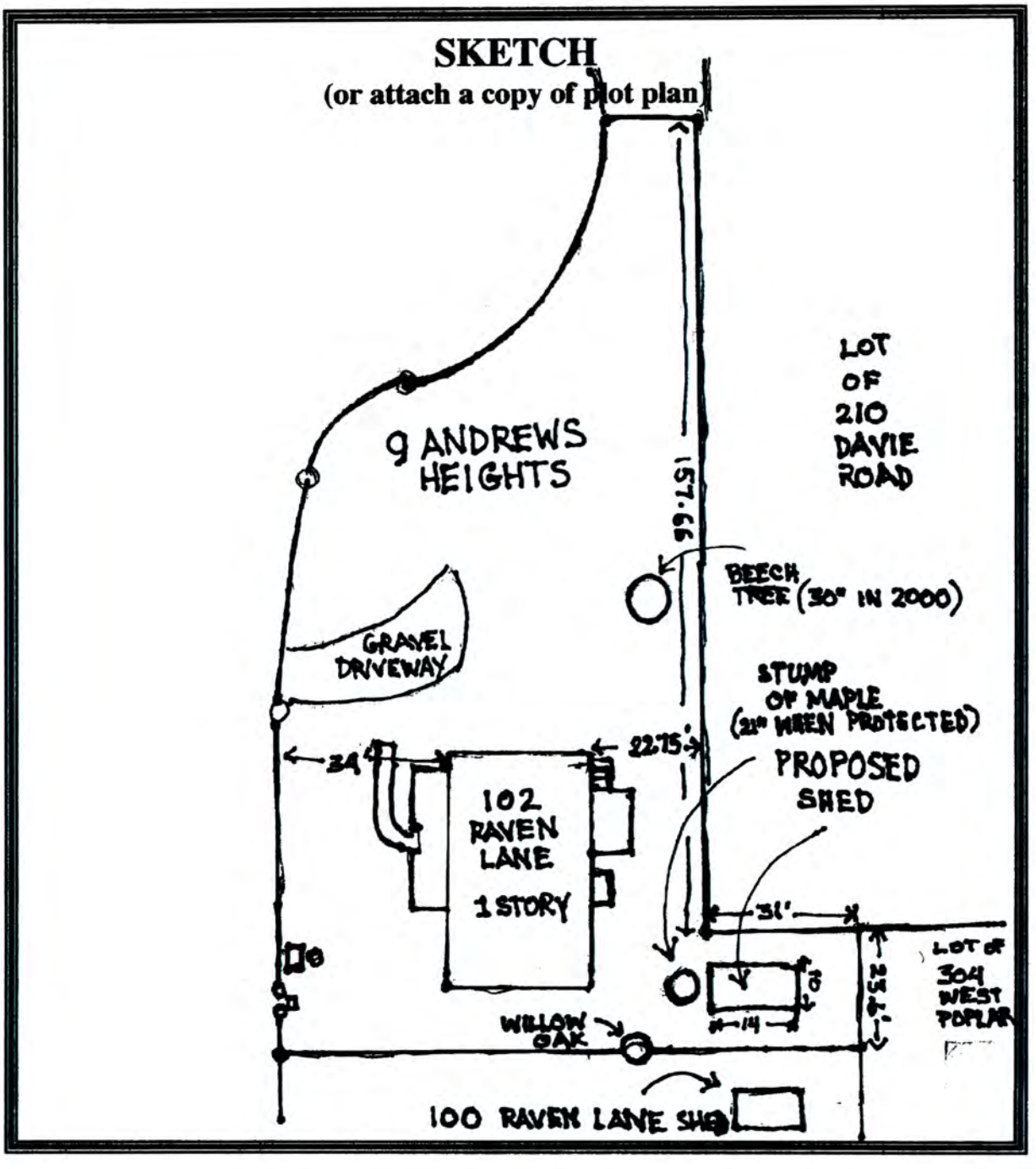
Is the applicant/owner submitting a petition signed by the adjacent property owners indicating their belief that their property values will not be adversely affected by the special exception if it is granted?
Yes. A petition signed by 14 out of 15 neighbors/owners within 150-foot radius accompanies this.

OWNER'S SIGNATURE: Joyce P Tovell

TOWN OF CARRBORO

SPECIAL EXCEPTION APPLICATION

SKETCH
(or attach a copy of plot plan)



Site plan, lot 9, Andrews Heights, Aug 14, 2000 showing setbacks and elevations, and with tree protection outlines added.

This plan is included to show

1) *restrictions that existed at the time of the lot creation, including tree restrictions protecting two particular trees and*
2) *the reason the 23'x31' panhandle is the most appropriate site for a shed.*

Eastern boundaries, essentially the back one, are 23.62' at the southern end, and, 31' nearer the street, 157.83'.

Nearly one third of the northerly portion of that back boundary lies within setbacks. Because the side boundary on the north is only 18', the larger 25' front setback meets the rear setback well before any side setback can apply. This is simply one way to say that the shape of the lot at the north end, like the shape at the south end, tends to encourage neglect. In wooded areas in this era, that means non-native plants flourish, and vines dominate trees.

Tree protection failure: the panhandle is essentially orphan land. In the 18 years between the building of the house and my purchase, it was allowed to grow wild along with other back and middle portions of lot 9, and also adjoining sections of adjacent lots. Numerous vine species flourished and effectively killed the protected maple, recorded as 21" in diameter in 2000 and about 34" when removed in 2019 because vines had overloaded branches and then smothered leaf growth.

Article xix of Land Use Ordinance deals with trees, screening, and protection. The beech (30" in 2000, about 42" in 2019) now merits a greater protection area. There appears to be a suggestion in section 15-317 that the protection, granted before development, remains in effect until the tree declines by "natural" causes. That would further diminish alternate placement available for a shed.

It is my contention that a shed at the panhandle site would enhance plant maintenance in that and adjacent areas. Tree death by vine growth is not precisely "natural" although neglect of plants in obscure sections of a lot is. Once brambles begin to make walking difficult, there is little incentive to halt prickly twining plant growth, particularly if some of the problem species have glossy green foliage, like round-leaf greenbrier, or inviting blossoms and fragrance, like Japanese honeysuckle – two major problems in the space.

Accessory building location: Section 15,184f:
"Notwithstanding any provisions in this section, on lots in residential zones used for residential purposes, a maximum of one accessory building may be located in the rear yard of such lots without regard to the setback requirements otherwise applicable to the rear lot boundary line if such accessory building does not exceed fifteen feet in height or contain more than 150 square feet of gross floor area. **(amended 05/26/81)**"

I am essentially asking to have the sides of the panhandle to be regarded as akin to rear lot lines.

ATTACHMENT C1

CURVE	RADIUS	LENGTH	DELTA	CHORD	CH.BEARING
C-1	182.05'	45.55'	14°20'07"	45.43'	N 01°00'29"W
C-2	25.00'	27.85'	63°22'29"	26.26'	N 37°50'49"E
C-3	52.00'	70.54'	77°43'34"	65.26'	N 30°40'17"E

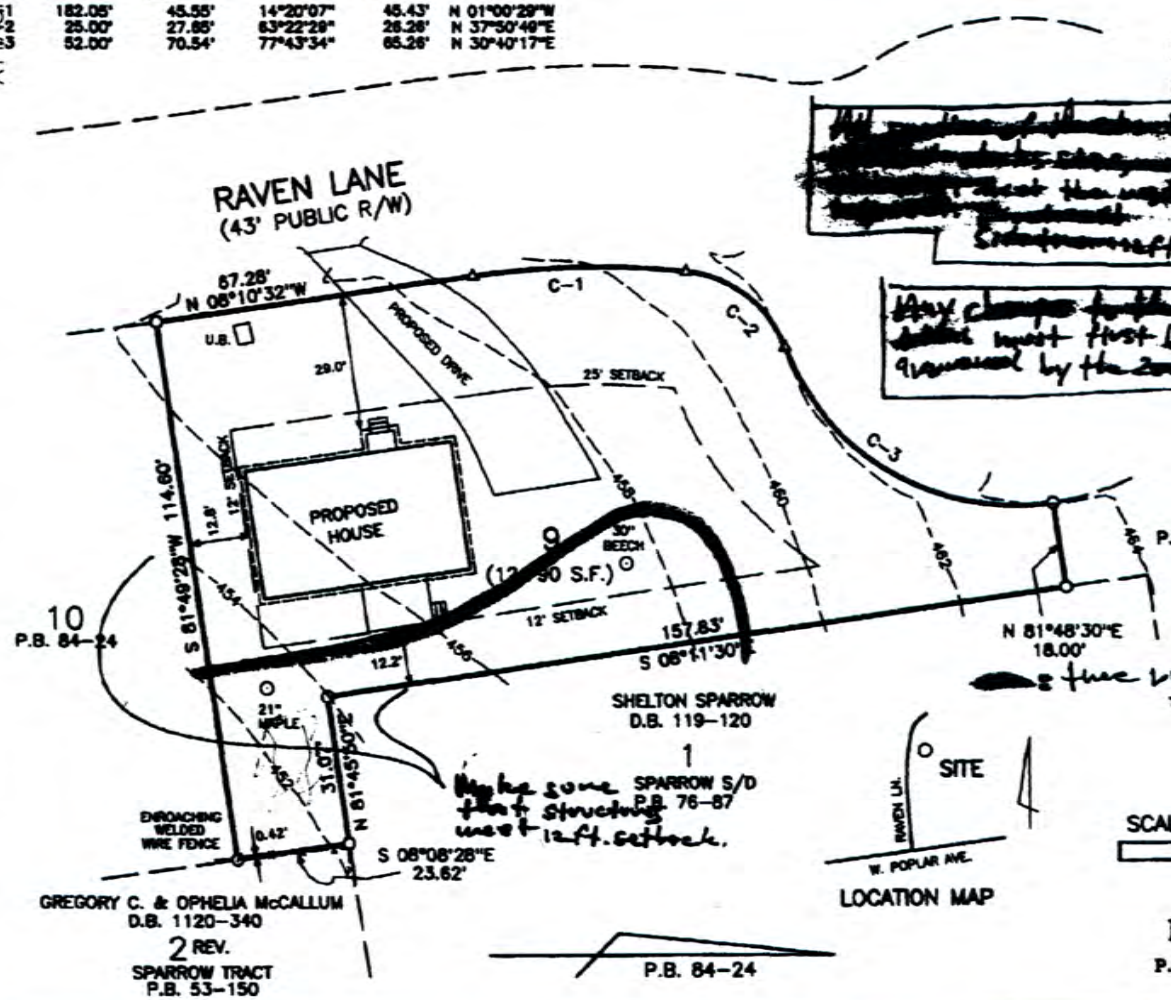
PRELIMINARY – NOT FOR SALES, RECORDING OR CONVEYANCE

[redacted]

Any changes to the approved [redacted] must first be [redacted] by the [redacted].

Drainage [redacted] on the [redacted]

Coordinate driveway installation with [redacted] of public Works @ [redacted]



Maybe some [redacted] structures must 12 ft. setback.

NORTH CAROLINA PROFESSIONAL SEAL L-2711 LAND SURVEYOR CHARLES R. BILLINGS

SITE PLAN

RAVEN LANE
LOT 9, ANDREWS HEIGHTS
CHAPEL HILL TWP. ORANGE CO.
NORTH CAROLINA

SCALE: 1" = 30'

AUG. 14, 2006

By [redacted]

FREEHOLD LAND SURVEYS, INC.

P.O. BOX 188 CARRBORO NORTH CAROLINA 27510

19229

I understand that Joyce Tovell, owner and intended resident of 102 Raven Lane, wishes to install a backyard shed, 10'x14' or shorter, in the 23.5' wide (31' long) panhandle at the southeast corner of her lot, and that the north and south sides of this shed would intrude 5'9" into the 12' setbacks.* I have examined drawings and plot plans and agree that this structure would not adversely affect my property's aesthetic or financial value.

***This is a reduction of approximately 43% of the 12' side setbacks: on the north, with 210 Davie Road and on the south, with 100 Raven Lane [fronting on W. Poplar]. The 12' setback on the east, from the 304 W. Poplar boundary, will be easily met.**

name Keith Robbins	name Carola Ekelund	name Herzela Wagnberg
address 100 Raven Lane	address 104 Raven Lane	address 106 Raven Lane
signature and date 12·11·2019	signature and date 11/18/19	signature and date 11/18/19 Herzela Wagnberg
name Bizios LLC/Georgia _____	name Patrick O'Neill	name Adrien Wilkie/Graeme O'Connell
address 108 Raven Lane (104 Rose Lane, Chapel Hill 27514)	address 109 Raven Lane	address 105 Raven Lane
signature and date Nov. 19, 2019	signature and date Patrick O'Neill Nov 18th, 2019	signature and date 11/18/2019
name Patrick McDonough/Emily Brewer	name Mike Graves	name Susan and Bennett Gives
address 103 Raven Lane	address 101 Raven Lane	address signed sheet attached. 107 Raven Lane (2152 Scottingham Dr, Dublin OH 43016)
signature and date Emily Brewer 11/18/19 11/18/19	signature and date 11/18/19	signature and date 11/25

I understand that Joyce Tovell, owner and intended resident of 102 Raven Lane, wishes to install a backyard shed, 10'x14' or shorter, in the 23.5' wide (31' long) panhandle at the southeast corner of her lot, and that the north and south sides of this shed would intrude 5'9" into the 12' setbacks.* I have examined drawings and plot plans and agree that this structure would not adversely affect my property's aesthetic or financial value.

***This is a reduction of approximately 43% of the 12' side setbacks: on the north, with 210 Davie Road and on the south, with 100 Raven Lane [fronting on W. Poplar]. The 12' setback on the east, from the 304 W. Poplar boundary, will be easily met.**

name Keith Robbins	name Carola Ekelund	name Herzela Wagnberg
address 100 Raven Lane	address 104 Raven Lane	address 106 Raven Lane
signature and date	signature and date have signed 11/18/19	signature and date have signed 11/18/19
name Bizios LLC/Georgia _____	name Patrick O'Neill	name Adrien Wilkie/Graeme O'Connell
address 108 Raven Lane (104 Rose Lane, Chapel Hill 27514)	address 109 Raven Lane	address 105 Raven Lane
signature and date has signed 11/18/19	signature and date has signed 11/18/19	signature and date have signed 11/18/19
name Patrick McDonough/Emily Brewer	name Mike Graves	name Susan and Bennett Givens
address 103 Raven Lane	address 101 Raven Lane	address 107 Raven Lane (2152 Scottingham Dr., Dublin OH 43016)
signature and date have signed 11/18/19	signature and date have signed 11/18/19	signature and date Susan Givens 11/25/19 Bennet Givens 11/25/19

I understand that Joyce Tovell, owner and intended resident of 102 Raven Lane, wishes to install a backyard shed, 10'x14' or shorter, in the 23.5' wide (31' long) panhandle at the southeast corner of her lot, and that the north and south sides of this shed would intrude 5'9" into the 12' setbacks.* I have examined drawings and plot plans and agree that this structure would not adversely affect my property's aesthetic or financial value.

***This is a reduction of approximately 43% of the 12' side setbacks: on the north, with 210 Davie Road and on the south, with 100 Raven Lane [fronting on W. Poplar]. The 12' setback on the east, from the 304 W. Poplar boundary, will be easily met.**

name Hunter Heniser/Erica Ponski	name David Wright/Mrs Glenn Wright	name Zachary Pickard
address 206 Davie Rd	address 210 Davie Rd/4196 Mt Gilead Ch Rd, Pittsboro 27312	address 300 W. Poplar
signature and date 11/23/19	signature and date signed 12/5/19 on separate attached sheet	signature and date ZAK Pickard 12/1/19
name Stephen Mills/James Rumfelt	name Susanna and Stephen Vogel	name Don White/Vicky Olive
address 308 W. Poplar St/ PO Box 520, Snow Camp 27349-0520	address 302 W. Poplar St	address 304 W. Poplar St
signature and date signed 12/1/19 separate attached sheet	signature and date 11/23/19	signature and date *Will not sign*

I understand that Joyce Tovell, owner and intended resident of 102 Raven Lane, wishes to install a backyard shed, 10'x14' or shorter, in the 23.5' wide (31' long) panhandle at the southeast corner of her lot, and that the north and south sides of this shed would intrude 5'9" into the 12' setbacks.* I have examined drawings and plot plans and agree that this structure would not adversely affect my property's aesthetic or financial value.

*This is a reduction of approximately 43% of the 12' side setbacks: on the north, with 210 Davie Road and on the south, with 100 Raven Lane [fronting on W. Poplar]. The 12' setback on the east, from the 304 W. Poplar boundary, will be easily met.

name Hunter Heniser/Erica Ponski	name David Wright/Mrs Glenn Wright	name Zachary Pickard
address 206 Davie Rd	address 210 Davie Rd/4196 Mt Gilead Ch Rd, Pittsboro 27312	address 300 W. Poplar
signature and date	signature and date	signature and date
name Stephen Mills/James Rumfelt	name Susanna and Stephen Vogel	name Don White/Vicky Olive
address 308 W. Poplar St/ PO Box 520, Snow Camp 27349-0520	address 302 W. Poplar St	address 304 W. Poplar St
signature and date 12/01/19 Steph Mills James Rumfelt	signature and date	signature and date *Will not sign*

I understand that Joyce Tovell, owner and intended resident of 102 Raven Lane, wishes to install a backyard shed, 10'x14' or shorter, in the 23.5' wide (31' long) panhandle at the southeast corner of her lot, and that the north and south sides of this shed would intrude 5'9" into the 12' setbacks.* I have examined drawings and plot plans and agree that this structure would not adversely affect my property's aesthetic or financial value.

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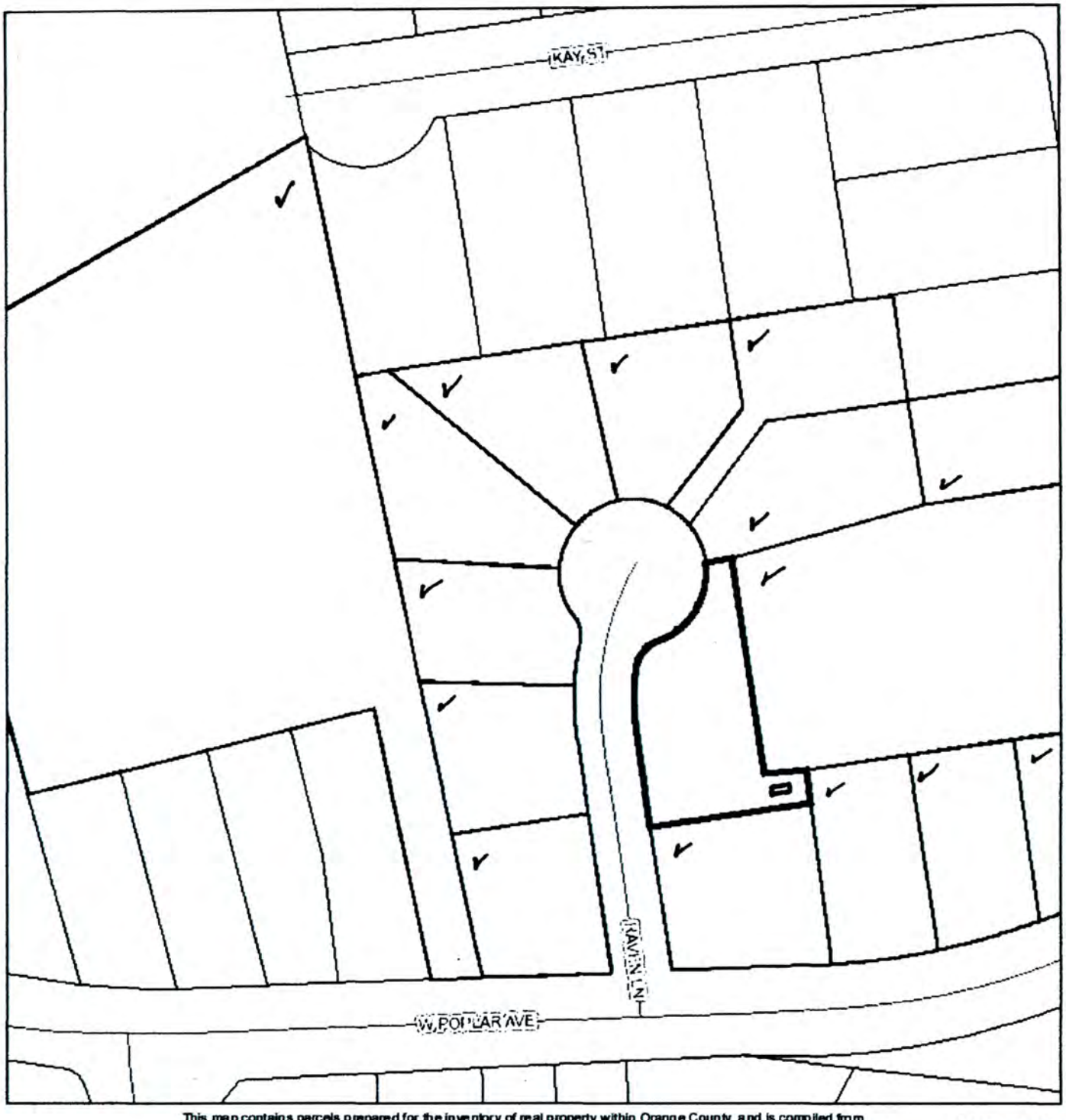
name Hunter Heniser/Erica Ponski	name David Wright/Mrs Glenn Wright	name Zachary Pickard
address 206 Davie Rd	address 210 Davie Rd/4196 Mt Gilead Ch Rd, Pittsboro 27312	address 300 W. Poplar
signature and date have signed	signature and date Glenn Wright 12-5-2019	signature and date
name Stephen Mills/James Rumfelt	name Susanna and Stephen Vogel	name Don White/Vicky Olive
address 308 W. Poplar St/ PO Box 520, Snow Camp 27349-0520	address 302 W. Poplar St have signed	address 304 W. Poplar St
signature and date certified mail	signature and date	signature and date *Will not sign*



This map contains parcels prepared for the inventory of real property within Orange County, and is compiled from recorded deed, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The county and its mapping companies assume no legal responsibility for the information on this map.

November 6, 20

PIN:	**9778474264**	SIZE:	0.29 A	BUILDING COUNT:	1
OWNER 1:	TOVELL JOYCE P	DEED REF:	6451/380	LAND VALUE:	$130,000
OWNER 2:		RATECODE:	21	BLDG_VALUE:	$155,400
ADDRESS 1:	102 RAVEN LN	DATE SOLD:	4/19/2018	USE VALUE:	$0
ADDRESS 2:		BLDG SQFT:	1232	TOTAL VALUE:	$285,400
CITY:	CARRBORO	YEAR BUILT:	2000		1:1,200

The owner of 102 Raven Lane has requested a zoning setback exception from two neighboring properties to construct a 10 by 15 foot building with electricity on a 23 foot wide section of their lot that borders our lot. This places the building almost directly across from our deck, almost as close to our home as to our neighbor's home.

We wish we could support our neighbor; however, we feel the proposed location will make our home feel closed in, detract from our view and reduce the future value of our home. Further, the owner has other locations on her lot that do not require exceptions to setback requirements.

We purchased our home in 2004 with the intent to live here for the remainder of our lives. That is still our plan. We love Carrboro.

When we purchased our home, we noted that this extension of our neighbor's lot had no allowable building area as the 12 foot setbacks overlapped in the middle of the 23 foot section. We assumed that at least this 23 foot section of our border would not be the location of an out-building.

To the rear of our lot is a one+ acre parcel that we expected would be developed at some point. We later learned that this parcel may be divided into four home lots. If/when those homes are built our home will have close neighbors to the rear. This prospect adds to our concern for having the proposed building to the side of our home.

Our concerns with the proposed location for the building are that it will:

1) Reduce the wooded buffer between our homes

2) Detract from the view from our home and deck making it feel closed in.

3) Prospect of unwanted equipment noise. Our neighbor's plan to install electricity presents the prospect that the 10 by 15 foot building could be used by this owner or a future owner as a shop containing electrical equipment. This presents the prospect of unwanted equipment noise that could interfere with the peaceful enjoyment of our property.

4) Become more of a distraction if we add a room. We have considered plans to add a room or an enclosed porch. The only logical location for this addition is to replace the current deck. If we add this addition, our neighbor's proposed building will be a dominant feature viewed from this living space.

ATTACHMENT E2

Attachment F

TOWN OF CARRBORO

BOARD OF ADJUSTMENT

SPECIAL EXCEPTION PERMIT WORKSHEET #1
(For an Addition to a Conforming Structure/Property)

I. COMPLETENESS OF APPLICATION

- ☐ The application is complete.
- ☐ The application is incomplete _____

_____

_____

II. FINDINGS REQUIRED BY SECTION 15-92.1

A. The existing building is a conforming residential use in a residential district.

- ☐ Yes
- ☐ No

B. The existing building has existed for at least three (3) years prior to the date of the application for a special exception permit.

- ☐ Yes
- ☐ No

C. The special exception requested applies only to a setback from a lot line boundary.

- ☐ Yes
- ☐ No

D. The special exception being requested does not exceed 50% of the required setbacks of Section 15-184(a)(4), nor would it permit any part of a building to be located closer to a lot boundary than a distance equal to

one-half of the minimum building separation requirement of the North Carolina State Building Code.

- ☐ Yes
- ☐ No

E. The special exception, if granted, will not create a threat to the public health or safety

- ☐ Yes
- ☐ No

F. The special exception, if granted, will not adversely affect the value of adjoining or neighboring properties

- ☐ Yes
- ☐ No

III. CONSIDERATION OF PROPOSED CONDITIONS

If the application is granted, the permit shall be issued subject to the following conditions:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Zoning Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.

2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

3. That the special exception is granted only to the extent necessary to provide for the proposed addition (including roof overhangs), and that no other additions, or enlargements of any other portion of the house is permitted by this special exception permit.

4. Other conditions as necessary or desired: _____

_____

_____

_____

IV. GRANTING THE APPLICATION

☐ The application is granted, subject to the conditions agreed upon under Section III of this worksheet.

V. DENYING THE APPLICATION

☐ The application is denied because it is incomplete for the reasons set forth above in Section I.

☐ The application is denied because it fails to comply with the ordinance requirements set forth above in Section II.

☐ The application is denied because, if completed as proposed, the development more probably than not:

1. Will materially endanger the public health or safety for the following reasons:

_____

_____

_____

2. Will substantially injure the value of adjoining or abutting property for the following reasons:_____

_____

_____

BOARD OF ADJUSTMENT

AGENDA ITEM ABSTRACT

MEETING DATE: JANUARY 15TH, 2020

TITLE: A PUBLIC HEARING FOR A VARIANCE REQUEST AT 403 TRIPP FARM ROAD.

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES _X_ NO ___
ATTACHMENTS: A. STAFF REPORT B. TOWN GIS EXHIBIT C. VARIANCE REQUEST WITH APPLICANT LETTER, SITE PLAN AND ELEVATIONS D. VARIANCE WORKSHEET	FOR INFORMATION CONTACT: JEFF KLEAVELAND- 918-7332

PURPOSE STATEMENT

Marsha Hamilton & Frank Pitts, owners of 403 Tripp Farm Road (Orange County PIN 9779332240), have submitted a variance request application (Attachment C) to allow encroachment into the Zone 2 Water Quality Buffers as regulated by Section 15-269 of the Land Use Ordinance. They are working with the architects from Notch Design to bring this application forward to the Board of Adjustment.

The variance would allow construction a 511 sf building addition (330 sf heated) to the back of the existing 1580 sf home; the proposed addition will encroach within the Town's Zone 2 regulatory stream buffer. See Attachment B for a GIS exhibit of the property showing the stream buffers.

INFORMATION

(see the Attached "Staff Report" – Attachment A)

STAFF RECOMMENDATION

The Town Staff recommends the Board complete the attached worksheet for the variance request for 403 Tripp Farm Rd allowing the construction a 511 sf building addition to the back of the existing 1580 sf home, as depicted in the site plan presented at the hearing, within the Zone 2 Water Quality Buffer. If the variance is approved the following conditions are recommended:

1. The applicant shall complete the development strictly in accordance with the presentation submitted to and approved by the Board on January 15, 2020, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Zoning Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
2. That all activities shall be designed, constructed and maintained to minimize soil and vegetation disturbance and to provide the maximum water quality protection practicable, including construction, monitoring, and maintenance activities.
3. To the extent practicable, the plan will demonstrate compliance with the diffuse flow requirements of Section 15-269.4 of the Land Use Ordinance.
4. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

STAFF REPORT

TO:	Board of Adjustment
DATE:	January 15, 2020
PROJECT:	Variance Request for 403 Tripp Farm Rd.
APPLICANT:	Marsha Hamilton & Frank Pitts 403 Tripp Farm Rd Carrboro, NC 27510
OWNER:	(same)
PURPOSE:	Request for a variance to allow encroachment into the Zone 2 Water Quality Buffer for the allowing the construction a 511 sf building addition (330 sf heated) building addition to the back of the existing 1580 sf home.
EXISTING ZONING:	R-SIR Residential District
PARCEL ID NUMBER:	9779332240
LOCATION:	403 Tripp Farm Rd
LOT SIZE:	Approximately 0.17 ac (7493 sf)
EXISTING LAND USE:	Single Family Residence
SURROUNDING LAND USE:	North ---- R-20, Vacant (Horace Williams Tract) South ---- R-SIR, Single-Family Residence East ---- R-SIR, R/W, Single-Family Residence West ---- Fair Oaks HOA Open Space
ZONING HISTORY:	R-SIR since 1980
RELEVANT ORDINANCE SECTIONS:	Section 15-92 Variances Section 15-269 Water Quality Buffers

ANALYSIS

Marsha Hamilton & Frank Pitts, owners of 403 Tripp Farm Road (Orange County PIN 9779332240), have submitted a variance request application (Attachment C) to allow encroachment into the Zone 2 Water Quality Buffers as regulated by Section 15-269 of the Land Use Ordinance. They are working with the architects from Notch Design to bring this application forward to the Board of Adjustment.

The variance would allow construction a 511 sf building addition (330 sf heated) building addition to the back of the existing 1580 sf home; the proposed addition will encroach within the Town's Zone 2 regulatory stream buffer. See Attachment B for a GIS exhibit of the property showing the stream buffers.

Per Section 15-269.3 of the LUO, *intermittent* streams maintain a 30' wide Zone 1 and a 30' wide Zone 2 stream buffer on either side of the drainage for a total of 60'on either side of the stream's edge. The subject property is approximately 53% restricted by these buffers (which were adopted by the Town in 2010).

The existing building and this building with the new addition does not violate any building setbacks. The rear and the front of the building provide the most room within the building envelope for an addition. The applicant and designer has chosen the rear of the building as the most suitable location for their expansion.

The Town's buffer ordinances are required to comply with the state's Jordan Lake water quality regulations. Typically a variance of these rules requires approval by the state Environmental Management Commission (EMC). However, Section 15-92(k) allows the Board of Adjustment to rule on stream buffer variances *without* EMC approval in cases where the disturbance *is not located within the first 30' from the edge of bank of the drainage-way.*

The proposed addition is not located within the first 30' from the edge of bank.

In summary, the applicant is applying for the variance under Section 15-92 of the LUO. Per the requirements of Section 15-102, residents within 150' of the subject property were given advance notice of this application and public hearing by mail and site posting. Section 15-92 gives the Board of Adjustment the authority to grant variances if certain findings are made. The findings and staff's response are listed below:

1. **Unnecessary hardship would result from the strict application of this ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.**

   Staff Response: *Current regulations concerning water quality buffers width requirements (per Section 15-269.3(a)(3)) leave the property owner with reduced build options for the existing house.*

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.**

   Staff Response: *The hardship relates specifically to the proximity of an intermittent streams adjacent to the parcel. The water quality buffers for these streams, per the provisions of Section 15-269.3(a)(3) of the Land Use Ordinance, combine to restrict about 53% of the lot. The proposed addition somewhat reduces impact by not having a solid foundation.*

   The applicant is asking for relief per Section 15-269.5(a) of the Land Use Ordinance in order to construct an addition within Zone 2 Stream Buffer. This section of the LUO enables citizens to file for a variance in such instances.

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.**

   Staff Response: *The property was platted in 1988 prior to the existence of the current stream buffers which were adopted in 2010. The buffers that existed on the property prior to 2010 did not restrict the lot in the area of the proposed addition. The current regulations create a situation where about 53% of the lot area is now within a regulated stream buffer that prohibits construction. The property owner's actions were not the cause of the 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.**

   Staff Response: *The buffers that existed on the property prior to 2010 did not restrict the lot in the area of the proposed addition. The current regulations create a situation where about 53% of the lot area is now within a regulated stream buffer that prohibits construction. The proposed action by the applicant is to expand an existing residence in a manner that is typical for the customary use of residential property.*

CONCLUSION

The owners/applicant is restricted by current regulations from building an addition to the back of the existing house because of the existence of Water Quality Buffers as regulated by Article XVI of the LUO. Because of this, and per Section 15-269.5(a) the applicant is seeking a variance. Section 15-92 gives the Board of Adjustment the authority to grant variances subject to meeting the necessary findings as described in Section 15-92 (b).

RECOMMENDATION

The Town Staff recommends the Board complete the attached worksheet for the variance request for 403 Tripp Farm Rd allowing the construction a 511 sf building addition to the back of the existing 1580 sf home, as depicted in the site plan presented at the hearing, within the Zone 2 Water Quality Buffer. If the variance is approved the following conditions are recommended:

1. The applicant shall complete the development strictly in accordance with the presentation submitted to and approved by the Board on January 15, 2020, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Zoning Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
2. That all activities shall be designed, constructed and maintained to minimize soil and vegetation disturbance and to provide the maximum water quality protection practicable, including construction, monitoring, and maintenance activities.
3. To the extent practicable, the plan will demonstrate compliance with the diffuse flow requirements of Section 15-269.4 of the Land Use Ordinance.
4. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

403 Tripp Farm Road site conditions

December 18, 2019

Drainage Pathways
Streams
10-Foot Topographic Contours
2-Foot Topographic Contours
Wetlands
Lakes, Ponds, and Creeks

Floodplain
0.2 pct annual chance (500-yr)
1 pct annual chance (100-yr)
Floodway
1 pct annual chance future conditions
Zone 1 Stream Buffer
Zone 2 Stream Buffer

Hardwood Areas
Slopes Greater Than 25%
Major Road Buffer
50
100
Utility Easement

Wooded Areas, not Hardwood
MIXED
PINE
Slopes Between 15 and 25%
Dedicated Public Access
Other Open Space
CONSERVATION EASEMENT

ORANGE COUNTY OPEN SPACE
TRIANGLE LAND CONSERVANCY
Subdivision Open Space
Parks
Jurisdictions

1:282

0 0 0.01 0.01 mi
0 0 0.01 0.02 km

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

TOWN OF CARRBORO

VARIANCE REQUEST

ATTACHMENT A FORM #: D-88-14

DATE: 12/11/19

STREET ADDRESS:	PROPERTY PIN
403 TRIPP FARM RD, CHAPEL HILL	PIN # 9779332240

DESCRIBE THE VARIANCE REQUESTED AND GIVE APPROPRIATE ORDINANCE SECTIONS:

ORDINANCE SECTION 15-269 RESTRICTS CONSTRUCTION IN ZONE 2 STREAM BUFFERS. VARIANCE IS REQUESTED TO BUILD AN ADDITION THAT WILL ENCROACH IN THE BUFFER ZONE 2 FIVE FEET ON THE SOUTH SIDE OF THE BUFFER AND TEN FEET ON THE NORTH SIDE. OF THE BUFFER

REASON(S) FOR VARIANCE REQUEST:

THE OWNERS, A FAMILY OF 4, OWN A RELATIVELY SMALL HOUSE COMPARED TO THE SURROUNDING HOUSES. THEY NEED MORE SPACE AND NATURAL LIGHT TO FULFILL THEIR NEEDS. THE 10FT NORTH EXTERIOR SETBACK, THE 30FT DRAINAGE EASEMENT ON THE SOUTH, AND THE ZONE 2 STREAM BUFFER LEAVE NO SPACE FOR AN ADDITION

THE BOARD OF ADJUSTMENT SHALL GRANT A VARIANCE IF IT CONCLUDES THAT STRICT ENFORCEMENT OF THE ORDINANCE WOULD RESULT IN UNNECESSARY HARDSHIPS FOR THE APPLICANT; AND THAT BY GRANTING THE VARIANCE THE SPIRIT OF THE ORDINANCE WILL BE OBSERVED, PUBLIC SAFETY AND WELFARE SECURED AND SUBSTANTIAL JUSTICE DONE. THE BOARD MAY REACH THESE CONCLUSIONS IF IT FINDS THAT:

1. ***Unnecessary hardship would result from the strict application of this ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;***

   Statement by Applicant supporting this finding:
   APPLICATION OF THE ORDINANCE IN REGARDS TO THE STREAM BUFFER ZONE 2 WOULD MAKE IT IMPOSSIBLE TO CREATE AN ADDITION ON THE BACK OF THE HOUSE. THE OWNERS NEED TO CREATE AN ADDITION FOR FUNCTIONAL REASONS.

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 that basis for granting the variance;***

   Statement by Applicant supporting this finding:
   THIS LOT IS PECULIAR BECAUSE THE STREAM IS CLOSER TO THE HOUSE THAN THE REST OF THE HOUSES IN THE NEIGHBORHOOD.

THE HOUSE IS ALSO PARTICULARLY SMALL COMPARED TO OTHER HOUSES IN THE NEIGHBORHOOD.

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;***

Statement by Applicant supporting this finding:
THE HARDSHIP DID NOT RESULT FROM ACTIONS TAKEN BY THE OWNER OR APPLICANT. THE LOT WAS CREATED BEFORE PURCHASE OF THE PROPERTY.

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;***

Statement by Applicant supporting this finding:
GRANTING THIS VARIANCE WILL ALLOW THE CONSTRUCTION OF AN ADDITION VERY MUCH NEEDED FOR THE OWNERS. THE ADDITION WILL BE COMPATIBLE IN SCALE AND FUNCTION TO ITS NEIGHBORS.

APPLICANT'S SIGNATURE **DATE:** 12/11/19

ATTACHMENT C3

NOTCH

NOTCH DESIGN
www.notchdesign.us
info@notchdesign.us
PO Box 9052
Chapel Hill, NC 27515
Jose R. Noya, Intl. Assoc. AIA
Michael Dickson-Mills, AIA

December 11, 2019

Town of Carrboro
Planning and Zoning Division
301 West Main Street, Carrboro, North Carolina 27510

Re: Narrative Regarding Zone 2 Stream Buffer Variance for 403 Tripp Farm Rd, Chapel Hill.
PIN # 9779332240

Dear Town of Carrboro Board of Adjustment and Planning Staff,

Please see attached materials regarding an application for a Zone 2 Stream Buffer Variance for an addition project located in 403 Tripp Farm Road, Chapel Hill.
We have designed this addition to be respectful of the scale and function of the neighborhood.
This house, already small compared to other surrounding houses, is currently too small for the owner's needs, a young couple with two children. Adding on to the back of the house was the best solution to give them the space they need, create a larger open flexible space for the family to take advantage of the views, maximize natural light, and free some of the existing interior space to allow for more storage and other needed functions. The modern feeling of the addition will contribute to the rich and eclectic mix of styles seen in Carrboro.
There is a zone 2 stream buffer running almost parallel to the back of the house. Since there is no room in this lot to create an addition due to the side yard setbacks plus a 30FT drainage easement, we request a variance so we can encroach 5 FT into the buffer zone at the South end of the existing house, and 10 feet into the buffer zone at the North end of the existing house.

We offer the following information regarding our application:

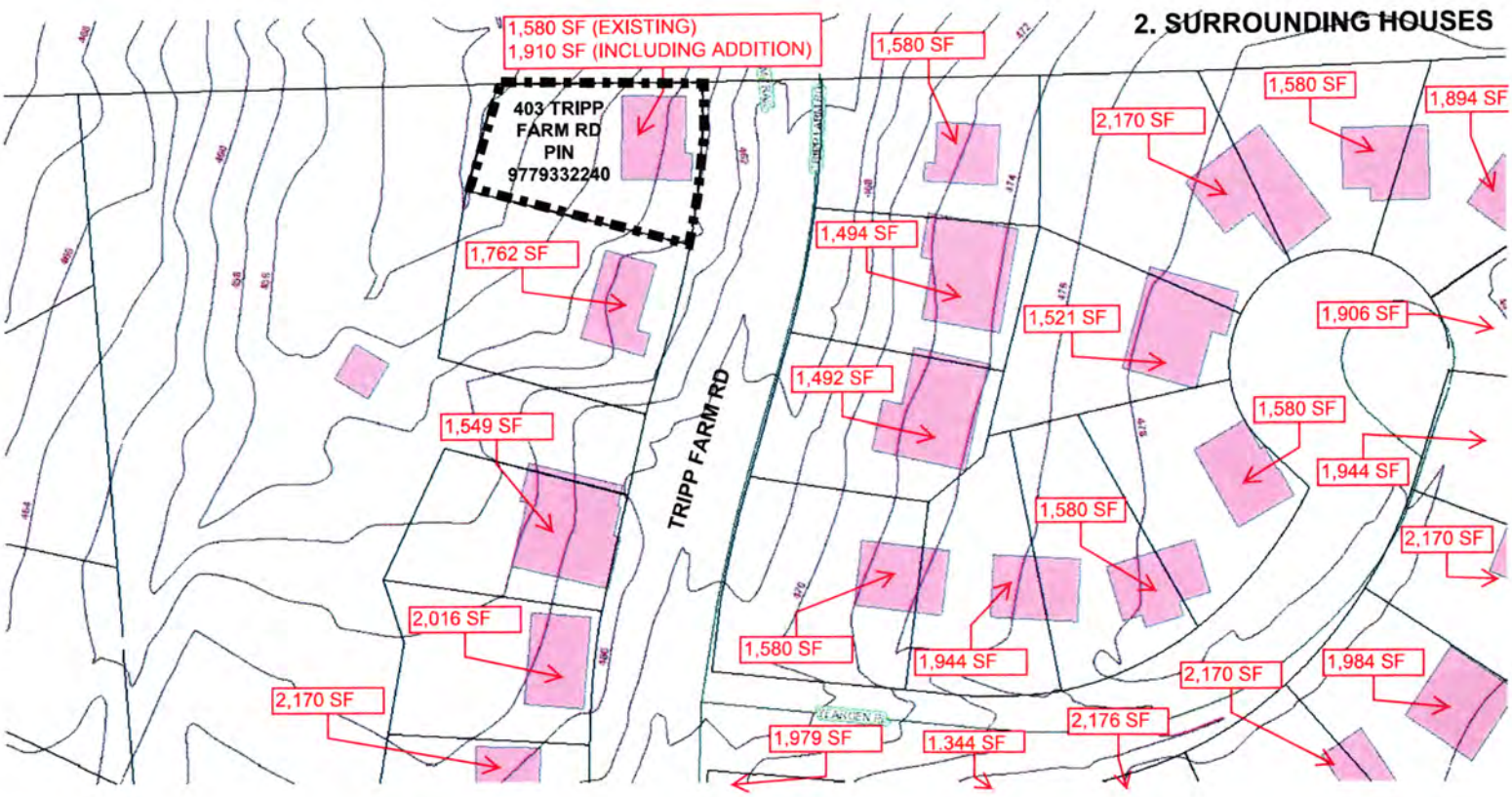
- Attachment A/ Form #: D-88-14
- 1. Neighborhood Map
- 2. Surrounding Houses
- 3. Survey
- 4. Site Plan - Existing
- 5. Site Plan - New
- 6. Interior view of the addition/ flex space
- 7. Exterior view of the addition
- 8. West elevation of the addition
- 9. South elevation of the addition
- 10. North elevation of the addition

Thank you,

Marsha Hamilton (Owner)
Frank Pitts (Owner)
Michael Dickson-Mills (Notch Design)
Jose Noya (Notch Design)

ATTACHMENT C4

ATTACHMENT C5



3. SURVEY

IMPERVIOUS SURFACE AREAS:

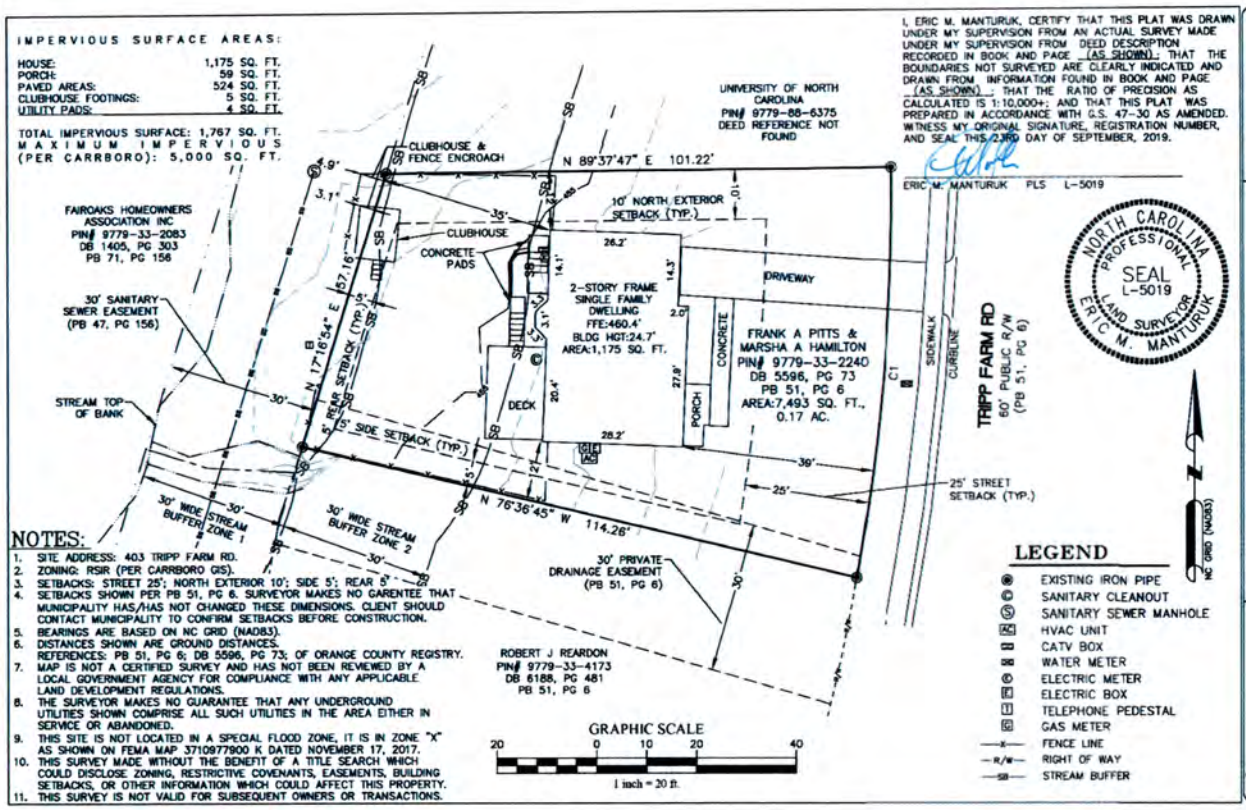
HOUSE:	1,175 SQ. FT.
PORCH:	59 SQ. FT.
PAVED AREAS:	524 SQ. FT.
CLUBHOUSE FOOTINGS:	5 SQ. FT.
UTILITY PADS:	4 SQ. FT.

TOTAL IMPERVIOUS SURFACE: 1,767 SQ. FT.
MAXIMUM IMPERVIOUS (PER CARRBORO): 5,000 SQ. FT.

I, ERIC M. MANTURUK, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION FROM DEED DESCRIPTION RECORDED IN BOOK AND PAGE (AS SHOWN); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AND DRAWN FROM INFORMATION FOUND IN BOOK AND PAGE (AS SHOWN); THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS 23RD DAY OF SEPTEMBER, 2019.

ERIC M. MANTURUK PLS L-5019

NORTH CAROLINA PROFESSIONAL SEAL L-5019 LAND SURVEYOR ERIC M. MANTURUK



NOTES:

1. SITE ADDRESS: 403 TRIPP FARM RD.
2. ZONING: RSIR (PER CARRBORO GIS).
3. SETBACKS: STREET 25'; NORTH EXTERIOR 10'; SIDE 5'; REAR 5'
4. SETBACKS SHOWN PER PB 51, PG 6. SURVEYOR MAKES NO GARENTEE THAT MUNICIPALITY HAS/HAS NOT CHANGED THESE DIMENSIONS. CLIENT SHOULD CONTACT MUNICIPALITY TO CONFIRM SETBACKS BEFORE CONSTRUCTION.
5. BEARINGS ARE BASED ON NC GRID (NAD83).
6. DISTANCES SHOWN ARE GROUND DISTANCES.
   REFERENCES: PB 51, PG 6; DB 5596, PG 73; OF ORANGE COUNTY REGISTRY.
7. MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.
8. THE SURVEYOR MAKES NO GUARANTEE THAT ANY UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA EITHER IN SERVICE OR ABANDONED.
9. THIS SITE IS NOT LOCATED IN A SPECIAL FLOOD ZONE, IT IS IN ZONE "X" AS SHOWN ON FEMA MAP 3710977900 K DATED NOVEMBER 17, 2017.
10. THIS SURVEY MADE WITHOUT THE BENEFIT OF A TITLE SEARCH WHICH COULD DISCLOSE ZONING, RESTRICTIVE COVENANTS, EASEMENTS, BUILDING SETBACKS, OR OTHER INFORMATION WHICH COULD AFFECT THIS PROPERTY.
11. THIS SURVEY IS NOT VALID FOR SUBSEQUENT OWNERS OR TRANSACTIONS.

LEGEND

- EXISTING IRON PIPE
- SANITARY CLEANOUT
- SANITARY SEWER MANHOLE
- HVAC UNIT
- CATV BOX
- WATER METER
- ELECTRIC METER
- ELECTRIC BOX
- TELEPHONE PEDESTAL
- GAS METER
- FENCE LINE
- RIGHT OF WAY
- STREAM BUFFER

JOB #: 219039.00
DATE: 23 SEPT 19
SCALE: 1"=20'
DRAWN BY: EMM / EJS
CHECKED BY: EMM
REVISIONS: -

FINAL SURVEY FOR:
FRANK A PITTS & MARSHA A HAMILTON
403 TRIPP FARM RD
CHAPEL HILL TWSP, ORANGE CO., NORTH CAROLINA

BALLENTINE ASSOCIATES, PA
211 TRADE ST., CHAPEL HILL, N.C. 27514
(919) 929 - 0480

NOTCH

NOTCH DESIGN, PLLC
PO BOX 9062
CHAPEL HILL, NC 27515

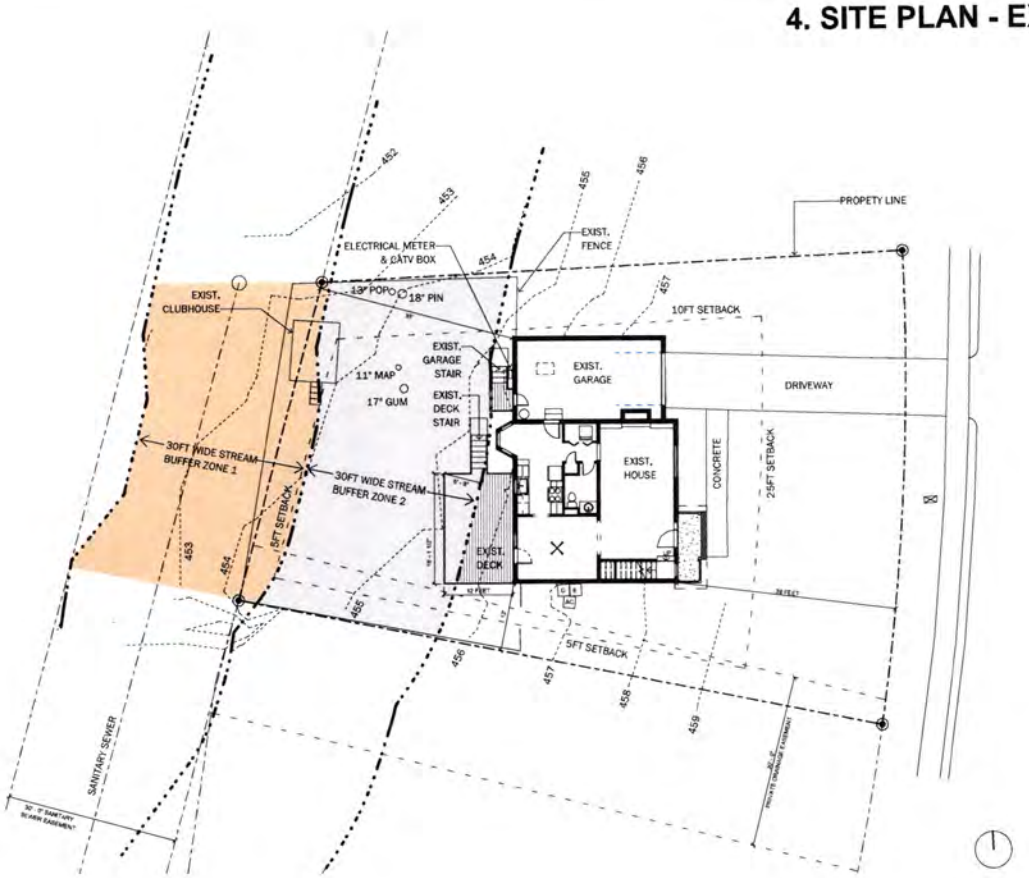
Marsha Hamilton and Frank Pitts
403 Tripp Farm Rd
CHAPEL HILL, NC
11/20/2019
014

A-003
SURVEY

NOT FOR CONSTRUCTION

ATTACHMENT C7

4. SITE PLAN - EXISTING



SEE A-003 FOR SURVEY

1	SITE PLAN-EXISTING	SCALE: 1/8"=1'-0"

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CHAPEL HILL, NC 27515

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403 Tripp Farm Rd
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11/20/2019

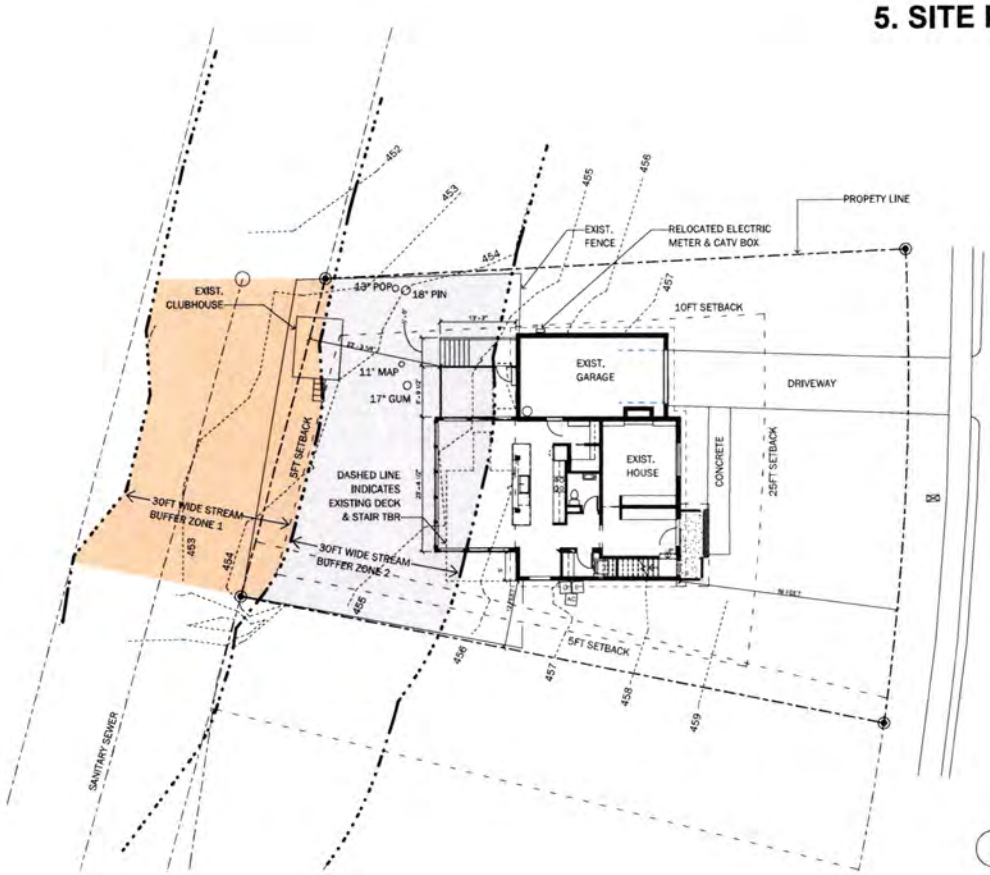
014

A-004

SITE PLAN-EXISTING

NOT FOR CONSTRUCTION

5. SITE PLAN - NEW



SEE A-003 FOR SURVEY
SEE A-004 FOR EXISTING SITE PLAN

1 SITE PLAN SCALE: 1/8"=1'-0"

NOTCH

NOTCH DESIGN, PLLC
PO BOX 9052
CHAPEL HILL, NC 27515
www.notchdesign.net
info@notchdesign.net

Marsha Hamilton and Frank Pitts
403 Tripp Farm Rd
CHAPEL HILL, NC

11/20/2019

014

A-005

SITE PLAN-NEW

NOT FOR CONSTRUCTION

6. INTERIOR VIEW

ATTACHMENT C10

7. EXTERIOR VIEW

8. WEST ELEVATION

SEE A-204 FOR SLOPED ROOF OPTION
SEE A-002 FOR MATERIAL DESCRIPTIONS

1 WEST ELEVATION SCALE: 3/8" = 1'-0"

0 8FT

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NOTCH DESIGN, PLLC
PO BOX 9052
CHAPEL HILL, NC 27515
www.notchdesign.us
info@notchdesign.us
919.968.4

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Notch + Design

CLIENT NAME
Marsha Hamilton and Frank Pitts
PROJECT ADDRESS
403 Tripp Farm Rd
CHAPEL HILL, NC

DATE
11/29/2019

JOB NO.
014

DWG NO.
A-201

WEST ELEVATION

NOT FOR CONSTRUCTION

9. SOUTH ELEVATION

SEE A-002 FOR MATERIAL DESCRIPTIONS

1 SOUTH ELEVATION SCALE: 3/8" = 1'-0"

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NOTCH DESIGN, PLLC
PO BOX 9052
CHAPEL HILL, NC 27515
www.notchdesignpllc
info@notchdesignpllc

Marsha Hamilton and Frank Pitts
403 Tripp Farm Rd
CHAPEL HILL, NC

11/20/2019

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A-202

SOUTH ELEVATION

NOT FOR CONSTRUCTION

10. NORTH ELEVATION

SEE A-302 FOR MATERIAL DESCRIPTIONS

1 NORTH ELEVATION SCALE: 3/8" = 1'-0"

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NOTCH DESIGN, PLLC
PO BOX 9052
CHAPEL HILL, NC 27515
www.notchdesign.net
info@notchdesign.net

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Marsha Hamilton and Frank Pitts
403 Tripp Farm Rd
CHAPEL HILL, NC

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A-203

NORTH ELEVATION

NOT FOR CONSTRUCTION

TOWN OF CARRBORO

BOARD OF ADJUSTMENT

VARIANCE WORKSHEET

I. COMPLETENESS OF APPLICATION

- ❑ The application is complete.
- ❑ The application is incomplete _____

_____

_____

II. FINDINGS REQUIRED BY SECTION 15-92 OF THE LUO

1. Unnecessary hardship would result from the strict application of this ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property:

   - ❑ Yes
   - ❑ No

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 that basis for granting the variance:

   - ❑ Yes
   - ❑ No

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:

   - ❑ Yes
   - ❑ No

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:

   - ❑ Yes
   - ❑ No

III. CONSIDERATION OF PROPOSED CONDITIONS

If the variance is granted, the permit shall be issued subject to the following conditions:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Zoning Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.

2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

3. Other conditions as necessary or desired: _____

_____

_____

_____

_____

IV. GRANTING THE APPLICATION

☐ The application is granted, subject to the conditions agreed upon under Section III of this worksheet.

V. DENYING THE APPLICATION

☐ The application is denied because it is incomplete for the reasons set forth above in Section I.

☐ The application is denied because it fails to comply with the additional ordinance requirements set forth above in Section II.

TITLE:
Update on Transportation Projects for SPOT 6.0 Prioritization Process

PURPOSE: The purpose of this agenda item is to provide the Council with an update on the status of Town transportation projects anticipated to be included in the DCHC MPO's formal submittal to NCDOT for consideration in the 2023-2032 State Transportation Improvement Program.

DEPARTMENT: Planning, Zoning and Inspections

CONTACT INFORMATION: Christina Moon, 919-918-7325, cmoon@townofcarrboro.org; Zachary Hallock, 919-918-7329, zhallock@townofcarrboro.org

INFORMATION: This agenda item provides a third update on the status of Town transportation projects for consideration in the strategic prioritization process for SPOT 6.0 (P6.0), the process for developing the 2023-2032 STIP: (Agenda materials from the previous meetings, February 19, 2019 and September 24, 2019, may be found at the following links: February 19th https://carrboro.legistar.com/MeetingDetail.aspx?ID=679784&GUID=7D469578-03C6-4BC6-A6F7-DA8A23CD41D9&Options=&Search=) and September 24th -- https://carrboro.legistar.com/MeetingDetail.aspx?ID=722052&GUID=E827F3B2-A773-43E1-8515-6F20149E1F0B&Options=&Search=).

Projects that have been discussed at previous meetings include:

- A sidepath, or bike lanes and a sidewalk along one side of Seawell School Road (bike-ped project)
- Bike lanes on Old NC 86 from Farm House Road to Calvander (bike-ped project); or
- Modernization of Old NC 86 from Farm House Road to Calvander and intersection improvements at Calvander for improved multimodal travel (highway project)
- Intersection improvements at NC 54 and Old Fayetteville Road (highway project)

As discussions with NCDOT and the MPO are ongoing, staff will provide information at the meeting regarding each project and seek guidance from the Council to determine which projects the Town will continue to request in the P6.0 process at a staff subcommittee meeting later this month (Attachment A). As a reminder, bike-ped projects require a 20-percent local match, and local project management. Highway projects are fully funded and managed by NCDOT.

An updated calendar for the DCHC MPO's review and formal submittal of projects for the SPOT 6.0 prioritization process is provided (Attachment B).

Information about the Strategic Transportation Investment Law (STI) prioritization process and the development of the 2020-2029 STIP may be found at: https://www.ncdot.gov/initiatives-policies/Transportation/stip/Pages/about.aspx.

FISCAL & STAFF IMPACT: Future fiscal impacts are dependent on the results of the prioritization process and adoption of the 2023-2032 STIP. Based on initial estimates, if the Seawell School Road sidepath project is programmed for funding, the total cost would be

approximately $4,176,940, with a 20-percent local match of $835,388; some of the local match could be subject to cost sharing with the Town of Chapel Hill. Any bike-ped project selected for funding with a local match would come before the Council for final approval and appropriation of required matching funds prior to contract execution and design.

RECOMMENDATION: Staff recommends that the Board receive the update and reaffirm the Town's interest in these projects and provide any additional direction as desired.