

TOWN OF CARRBORO



BOARD OF ADJUSTMENT

301 West Main Street, Carrboro, North Carolina 27510

A G E N D A

7:00 P.M.

**Remote Meeting*

J u l y 1 5 , 2 0 2 0

I. MINUTES APPROVAL

Consideration of June 17, 2020 minutes.

II. PUBLIC HEARING FOR SPECIAL EXCEPTION PERMIT AT 300 WEST POPLAR AVENUE.

The applicant, Zack Pickard is requesting a Special Exception Permit for the construction of a 10 foot by 8 foot accessory building that will encroach into the side yard setback. The proposed accessory building will encroach six (6) feet into the required twelve (12) foot side yard 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, pursuant to three (3) conditions established by Section 15-184(a)(4) of the Land Use Ordinance.

III. PUBLIC HEARING FOR SPECIAL EXCEPTION PERMIT AT 601 N. GREENSBORO ST.

The applicants and owners, Maggi Grace and Susan Clements are requesting a Special Exception Permit for the installation of a 12' x 16' one-story outbuilding that will encroach approximately five (5) feet into the northern side-yard building setbacks at 601 N. Greensboro Street (Orange County PIN 9778883271). The building is to be used as an artist's studio.

Their property is located in the Residential-7.5 (R-7.5) Zoning District with a standard boundary line building setback of 10 feet; the applicants are requesting to encroach 5' feet into the northern side-yard setback which is a 50% percent encroachment. 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.

IV. PUBLIC HEARING FOR SPECIAL EXCEPTION PERMIT AT 218 COBBLESTONE DRIVE.

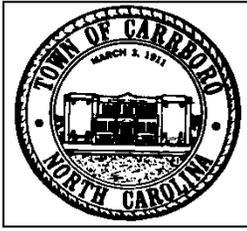
The applicants and owners, Mary and Raymond Karnes are requesting a Special Exception Permit for the installation of a 13.5' x 13.5' building addition that will encroach approximately three (3) feet into the side-yard building setbacks at 218 Cobblestone Drive (Orange County PIN 9779353845). The addition is proposed for the southern facing elevation and is attached to the existing home.

Their property is located in the Residential-20 (R-20) Zoning District with a standard boundary line building setback of 20 feet, but the applicants are requesting to encroach 3' feet into the side yard setback- this is about a 15% percent encroachment into the required setback, their actual encroachment is expected to be 32". 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.

V. Old/New Business

VI. ADJOURN!

**To view the remote Board of Adjustment meeting, please contact Dorian McLean at dmclean@townofcarrboro.org or 919-918-7336 or Marty Roupe at mroupe@townofcarrboro.org or 919-918-7333 to receive an invitation to view the meeting. If you wish to make public comment, at the time of public comment, the staff person will make comments possible one person at a time. Please send any written statement or materials to the email addresses provided above. Requests to remotely attend the meeting shall be made within 24 hours of the meeting start time. The requester should also specify if they wish to make any public comments in the email.*



BOARD OF ADJUSTMENT

MINUTES

Town of Carrboro

301 W. Main Street Carrboro, North Carolina 27510

June 17, 2020

7:00PM

Remote Meeting

MEMBERS PRESENT		TOWN ATTORNEY	STAFF
Garrett Baker		Nicholas Herman	Marty Roupe
Linda Bowerman			Dorian McLean
Michael Crowell			
Richard Ellington			
Brian Hageman			

Absent/Excused: James Baker, Joseph Collins, Sriv Navaratnam

Town Council Representative: Damon Seils - Absent

Brian Hageman opened the May 17, 2020 Board of Adjustment meeting by calling the meeting to order and reading the Agenda.

Martin Roupe, town staff, asked Nicholas Herman, town attorney to discuss the proper procedure of how the remote Board of Adjustment meeting needs to be conducted.

Nicholas Herman, town attorney, explained the procedure of how this and future Board of Adjustment remote meetings should be conducted in accordance with North Carolina General Statutes. When speaking, each individual needs to state their name before speaking, and when making a decision to vote that each individual call out their name and vote AYE or NOE. Mr. Herman explained that it had to be 4/5th's of the board members voting on the variance request before proceeding. Mr. Herman reminded the board to identify yourself when making comments on any of the agenda items.

MINUTES APPROVAL:

MOTION MADE BY MICHAEL CROWELL AND SECONDED BY LINDA BOWERMAN TO APPROVE MINUTES FROM MAY 6, 2020 MEETING. VOTE: Garrett Baker, Linda Bowerman, Michael Crowell, Richard Ellington, Brian Hageman). ABSENT/EXCUSED 3 (James Baker, Joseph Collins, Sriv Navaratnam)

Special Use Permit Minor Modification Request for OWASA, 400 Jones Ferry Road:

Martin Roupe, town staff, gave a power point presentation explaining the applicant's request to allow relief from the Type A screening requirement for the eastern frontage along Jones Ferry Road per Section 15-306 of the Land Use Ordinance. OWASA intends to install four (4) new waterline pipes that will range in size from 12 inches to 24 inches and this will require the removal of seven (7) existing trees. Trees cannot be replaced in this area due to possibility of the roots having a negative effect on the new underground pipes. The applicant is specifically requesting relief from the Type A screening requirement per Section 15-309 of the Land Use Ordinance that allows the permit issuing authority to grant relief from the screening requirements due to unique situations. Mr. Roupe asked that the applicant explain the plans in more detail.

Matthew Miles of Hazen and Sawyer, explained that the reason for the additional pipes to be installed would be to better ensure the ability to continually provide water, following the water line pipe failure in 2017. In order for the work to be done and the new pipes to not be disturbed by roots from the existing trees, the trees would need to be removed. OWASA and Hazen and Sawyer are willing to replace the trees with other vegetation that would not disturb the pipes in the future.

Brian Hageman asked about the future plans of a sidewalk being installed on this side of Jones Ferry Road. Martin Roupe answered that it has been discussed, even dating back to the Special Use Permit Major Modification previously granted to OWASA for construction of a new building approximately ten years ago, but no definite schedule for constructing the sidewalk has been identified. It was further explained that the grading plan included in the current plans provides a level cleared area for the future sidewalk.

Linda Bowerman asked about what types of plants could be planted in the place of the tree removal grass, flowers, or other vegetation.

Matthew Miles of Hazen and Sawyer, said that grass would definitely be planted but vegetation with minimal to no roots would need to be replaced due to the new pipes being installed and not disturbed.

Richard Ellington is in agreement with the minor modification being approved due to the upgrade of the piping installation and the accommodations of the installation of vegetation, and future sidewalk.

Linda Bowerman is agreement with the work being done, sidewalk would be wonderful, and the screening would need to be replaced to make it prettier.

Garrett Baker recommend a condition for the plants with low roots and grass behind the fence. It may not be required though due to it being a public utility. He also wanted to add two conditions to make sure that the company would replace the trees that would be removed.

- #1 That the removed trees be replaced in kind with three large trees and three small trees, and additional shrubbery where possible.
- #2 That the final landscaping plan be submitted to Zoning Administrator for review and approval.

Brad Barber, OWASA staff, stated that the trees need to be removed for the pipe installation, and that new signage, and the existing weather station in the area may preclude the ability to replace all the requested trees.

Brian Hageman proceeded with a motion to vote on the order by members of the Board of Adjustment.

MOTION WAS MADE BY GARRETT BAKER AND SECONDED BY MICHAEL CROWELL TO APPROVE THE SPECIAL USE MINOR MODIFICATION FOR OWASA 400 JONES FERRY ROAD VOTE: AYES 5 (Garrett Baker, Linda Bowerman, Michael Crowell, Richard Ellington, Brian Hageman). NOES 0: ABSENT/EXCUSED 3 (James Baker, Joseph Collins, Sriv Navaratnam)

Variance Request for 315 Jones Ferry Road

Martin Roupe gave a presentation for the lot across the street from OWASA, identified as 315 Jones Ferry Road. The ArtsCenter is under contract to purchase the property and would like to proceed with building the new ArtsCenter on the site. Portions of the future driveway, parking lot, a retaining wall, stormwater treatment feature, and grading would need to be granted a variance to be located in portions of both the Zone 1 and Zone 2 stream buffer on the site. If the Board of Adjustment grants the variance, it will still need to be approved by the EMC as well, before becoming effective.

LeAnn Neese Brown, attorney for the ArtsCenter presented a series of witnesses that spoke to the findings for the four different hardships related to granting a variance.

The first witness was Bernadette Pelissier, Chair of the ArtsCenter. She noted that the ArtsCenter has moved several times and wants to remain in Carrboro. They have been in operation for 43 years and this is the site that they have found and want to construct a new building on.

The second witness, Dan Jewell of Coulter Jewell Thames, is assisting the ArtsCenter with the site design. He mentioned previous projects his company has worked on in Carrboro. He also noted that the property is walkable to the downtown area. Mr. Jewell presented information relating to the first three hardships.

The third and fourth witnesses, Adam Efrind, Environmental Wetland Scientist, and Preston Royster, Vice President of Coulter Jewell Thames, Stormwater Management then spoke. Adam and Preston presented information relating to the fourth hardship.

LeAnn Neese Brown then spoke again and mentioned that the witnesses have presented evidence of the hardships for the request of the variance approval. The land is constricted as is and evidence presented balances the interests expressed in the Land Use Ordinance. As stated, the ArtsCenter wants to remain in Carrboro.

Brad Loder, representative of 103 and 110 Barnes Street, spoke in full support of the ArtsCenter. The representatives of the Art Center have been thoughtful and respectful to communicate with the community. OWASA is using this time to upgrade the sewer system and we are in agreement with this improvement as well as development of the new ArtsCenter.

Michael Crowell asked if an OWASA representative was present to speak.

Jessica Godreau, OWASA Engineer, said that OWASA is working with the Art Center. OWASA needs to upsize the sewer line to 16 inches and they agree it makes sense to do the work while the ArtsCenter is being constructed.

Michael Crowell asked if OWASA would need to get in the buffer to install the new sewer line.

Jessica Godreau of OWASA stated that they would need to disturb the buffer in order to install the new sewer line.

Richard Ellington asked whether it is an intermittent stream or perennial stream.

Preston Royster stated that it is an intermittent stream.

Adam Efrind noted that it just channels surface water runoff, overland flow drainage only.

LeAnn Neese Brown noted that this is just step one of the process with a variance approval it will then go to the Town Council for a Conditional Use Permit where design and other issues will be further considered and discussed, along with many other necessary steps before construction.

MOTION WAS MADE BY BRIAN HAGEMAN AND SECONDED BY RICHARD ELLINGTON TO CLOSE THE PUBLIC HEARING. VOTE: AYES 5 (Garrett Baker, Linda Bowerman, Michael Crowell, Richard Ellington, Brian Hageman). NOES 0: ABSENT/EXCUSED 3 (James Baker, Joseph Collins, Sriv Navaratnam)

Brian Hageman was in agreement with the requested variance from the ArtsCenter as related to the conditions on the site.

Michael Crowell was in favor of granting the variance as well, and noted a need to find the right words for any conditions that may be added before approval.

Garrett Baker mentioned that ideally the variance request would be after the Conditional Use Permit approval.

Martin Roupe explained that the Board has discretion regarding when to decide the manner, but the general sequence of approvals would typically have the variance request decided before the Conditional Use Permit is issued.

LeAnn Neese Brown stated that the applicant is okay with the change of the date in the original wordage from July 17, 2015 to July 17, 2020.

Garrett Baker stated that he is in agreement with granting the variance with two conditions being added:

Condition #1 Date on documents to be changed from July 17, 2015 to July 17, 2020.

Condition #2 Variance granted solely to contract purchaser, the ArtsCenter. If another ownership entity ultimately comes forward wanting to develop the property, then this variance shall be considered null and void.

MOTION WAS MADE BY RICHARD ELLINGTON AND SECONDED BY MICHAEL CROWELL THAT THE APPLICATION IS FOUND TO BE COMPLETE. VOTE: AYES 5 (Garrett Baker, Linda Bowerman, Michael Crowell, Richard Ellington, Brian Hageman). NOES 0: ABSTAINED 1 (James Baker) ABSENT/EXCUSED 3 (James Baker, Joseph Collins, 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 conclusions, 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 RICHARD ELLINGTON AND SECONDED BY LINDA BOWERMAN 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, Michael Crowell, Richard Ellington, Brian Hageman). NOES 0: ABSTAINED 1 (James Baker) ABSENT/EXCUSED 3 (James Baker, Joseph Collins, 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 RICHARD ELLINGTON AND SECONDED BY LINDA BOWERMAN 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, Michael Crowell, Richard Ellington, Brian Hageman). NOES 0: ABSTAINED 1 (James Baker) ABSENT/EXCUSED 3 (James Baker, Joseph Collins, 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 RICHARD ELLINGTON AND SECONDED BY LINDA BOWERMAN 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, Michael Crowell, Richard Ellington, Brian Hageman). NOES 0: ABSTAINED 1 (James Baker) ABSENT/EXCUSED 3 (James Baker, Joseph Collins, 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 RICHARD ELLINGTON AND SECONDED BY LINDA BOWERMAN 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, Michael Crowell, Richard Ellington, Brian Hageman). NOES 0: ABSTAINED 1 (James Baker) ABSENT/EXCUSED 3 (James Baker, Joseph Collins, Sriv Navaratnam)

MOTION WAS MADE BY RICHARD ELLINGTON AND SECONDED BY BRIAN HAGEMAN 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. That the date on the documents included in this request are hereby changed from June 17, 2015 to June 17, 2020.
4. That the variance is granted solely to contract purchaser, the ArtsCenter. If another ownership entity ultimately comes forward wanting to develop the property, then this variance shall be considered null and void.

AYES 5 (Garrett Baker, Linda Bowerman, Michael Crowell, Richard Ellington, Brian Hageman).
NOES 0: ABSTAINED 1 (James Baker) ABSENT/EXCUSED 3 (James Baker, Joseph Collins, Sriv Navaratnam)

MOTION WAS MADE BY RICHARD ELLINGTON AND SECONDED BY LINDA BOWERMAN THAT THE APPLICATION BE GRANTED SUBJECT TO THE CONDITIONS AGREED UPON. VOTE: AYES 5 (Garrett Baker, Linda Bowerman, Michael Crowell, Richard Ellington, Brian Hageman). NOES 0: ABSTAINED 1 (James Baker) ABSENT/EXCUSED 3 (James Baker, Joseph Collins, Sriv Navaratnam)

OLD/NEW BUSINESS

Martin Roupe informed the board about the possibility of upcoming Special Exceptions and possibly a variance application as well. Martin Roupe asked if the board would look at the dates of July 15 or July 22 for the next Board of Adjustment meeting. Martin Roupe asked Dorian McLean to send out a poll of availability to the other Board of Adjustment Members for July 15 or July 22 date.

ADJOURN

MOTION MADE BY BRIAN HAGEMAN AND SECONDED BY GARRETT BAKER THAT THE MAY 6, 2020 BOARD OF ADJUSTMENT MEETING BE ADJOURNED AYES 5 (Garrett Baker, Linda Bowerman, Michael Crowell, Richard Ellington, Brian Hageman). NOES 0: ABSTAINED 1 (James Baker) ABSENT/EXCUSED 3 (James Baker, Joseph Collins, Sriv Navaratnam)

BOARD OF ADJUSTMENT

AGENDA ITEM ABSTRACT

MEETING DATE: JULY 15TH, 2020

TITLE: A PUBLIC HEARING FOR SPECIAL EXCEPTION PERMIT AT 300 WEST POPLAR AVENUE.

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
ATTACHMENTS: A. STAFF REPORT B. SITE PLAN C. SPECIAL EXCEPTION APPLICATION D. SPECIAL EXCEPTION PERMIT WORKSHEET #1 E. SIGNED PETITION FORMS	FOR INFORMATION CONTACT: JAMES THOMAS- 918-7335

PURPOSE STATEMENT

The applicant, Zack Pickard is requesting a Special Exception Permit for the construction of a 10 foot by 8 foot accessory building that will encroach into the side yard setback. The proposed accessory building will encroach six (6) feet into the required twelve (12) foot side yard 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, pursuant to three (3) conditions established by Section 15-184(a)(4) of the Land Use Ordinance.

INFORMATION

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

ADMINISTRATION'S RECOMMENDATION

The Administration recommends the approval of the Special Exception Permit for 300 West Poplar Avenue allowing the construction of an accessory building to encroach up to fifty (50) percent into the required twelve (12) foot side yard setback.

STAFF REPORT

TO: Board of Adjustment

DATE: July 15th, 2020

PROJECT: Special Exception Permit for 300 West Poplar Avenue

APPLICANT/OWNER: Zack Pickard
300 West Poplar Avenue
Carrboro, NC 27510

PURPOSE: Request to allow side yard reduction of twelve (12) foot setback to six (6) feet or 50 percent for construction of 10ft by 8ft accessory building.

EXISTING ZONING: R-10 Residential District (R-10)

PIN: 9778-47-7127

LOCATION: 300 West Poplar Avenue

LOT SIZE: Approximately 0.24 acres (10,454 square feet)

EXISTING LAND USE: Single Family Residence

SURROUNDING LAND USE:

North	----	R-10, Single-family residence
South	----	West Poplar Avenue R-O-W
East	----	Davie Road R-O-W
West	----	R-10, Single-family residence

ZONING HISTORY: R-10 Residential District (R-10) since 1980

PARTICULARLY RELEVANT ORDINANCE SECTIONS

Section 15-92.1	<u>Special Exception Permits</u>
Section 15-184	<u>Building Setback Requirements</u>

ANALYSIS

The applicant, Zack Pickard is requesting a Special Exception Permit for the construction of a 10 foot by 8 foot accessory building that will encroach into the side yard setback. The proposed accessory building will encroach six (6) feet into the required twelve (12) foot side yard 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, pursuant to three (3) conditions established by Section 15-184(a)(4) of the Land Use Ordinance. 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 Certificate of Occupancy could not be found for this house, but staff estimate that it was constructed in the 80 or 90's. The use and the structure are in conformance with the Land Use Ordinance.**

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 accessory building will not be located closer than six (6) feet to the nearest property line.**

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.

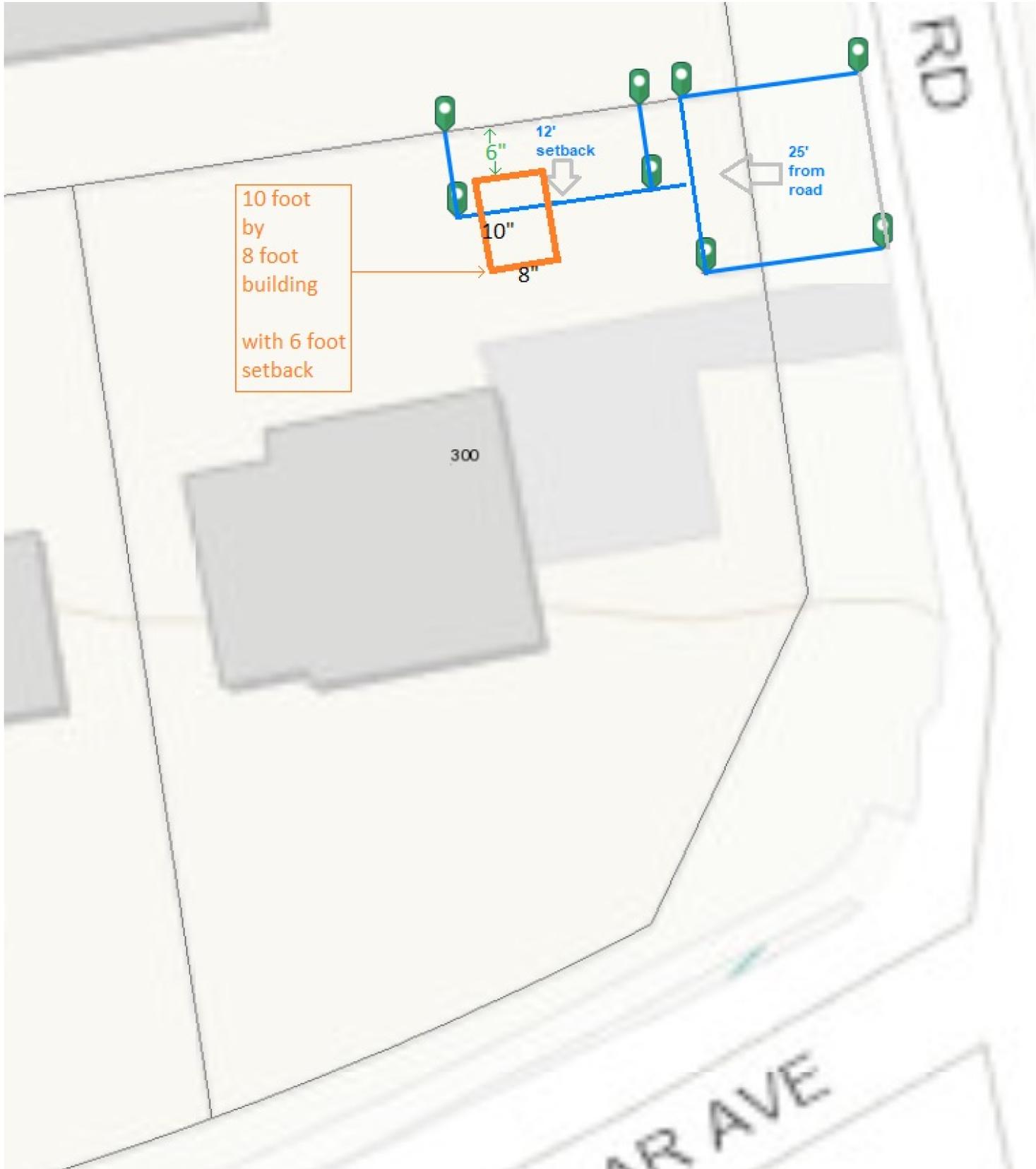
STATEMENT: **It is the Administration's opinion that there are no health or safety issues created by construction of the accessory building.**

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 three (3) of the closest property owners stating that they are aware of the proposal and that they do not object to its approval. A public hearing notice was also sent to all property owners within 150 feet of the subject property. To date, staff has not received any opposition to this request.**

RECOMMENDATION

The Administration recommends the approval of the Special Exception Permit for 300 West Poplar Avenue allowing the construction of an accessory building to encroach up to fifty (50) percent into the required twelve (12) foot side yard setback.



TOWN OF CARRBORO



SPECIAL EXCEPTION APPLICATION

"Dear Potential Business Operator:

Please be advised that it may be necessary to meet with several members of Town staff as well as outside agencies to identify and fully understand all rules, regulations, and policies applicable to your business. Please refer to the 'Checklist for Opening a Business in Carrboro.'

DATE: 4-14-2020

I. GENERAL INFORMATION

APPLICANT: Zack Pickard	OWNER: Same
ADDRESS: 300 W Poplar Ave	ADDRESS: Same
TELEPHONE: 919-260-4283	TELEPHONE: Same
TAX MAP, BLOCK, LOT Index 977801	
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Self	

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? _____ Yes _____

When was the Certificate of Occupancy issued for this structure or when was this structure built? _____ Not built yet _____

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? _____ 12 _____

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

_____50%_____

What will be the closest approach of the expansion to each property line?

_____6 feet_____

Describe the special exception requested and note the appropriate land use ordinance sections.

Asking to build a small accessory building near the rear of my property. Building would not fit if I am forced to comply with the 12 foot rule, so I am asking for an exception.

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? _____6 feet_____

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? _____No_____

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?

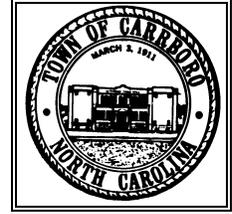
_____Yes_____

OWNER'S

SIGNATURE: _____



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

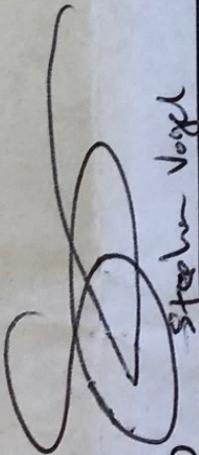
- The application is denied because it is incomplete for the reasons set forth above in Section I.
- The application is denied because it fails to comply with the ordinance requirements set forth above in Section II.
- The application is denied because, if completed as proposed, the development more 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:_____

By signing this letter, I am indicating acceptance and/or support of the setback variance that is being requested by Zack Pickard of 300 W Poplar Ave, Carrboro.

I understand that the proposed 8 foot x 10 foot accessory building at 300 W Poplar Ave will be built 6 feet from the property line, and I'm OK with that.


SIGNED Suzanna Vogel SUZANNA VOGEL

ADDRESS 302 W Poplar Carrboro Nc 27510

DATE 4/23/20

By signing this letter, I am indicating acceptance and/or support of the setback variance that is being requested by Zack Pickard of 300 W Poplar Ave, Carrboro.

I understand that the proposed 8 foot x 10 foot accessory building at 300 W Poplar Ave will be built 6 feet from the property line, and I'm OK with that.

SIGNED David B. Wright

ADDRESS 210 Davie Rd, Carrboro NC 27510

DATE 4-27-2020

By signing this letter, I am indicating acceptance and/or support of the setback variance that is being requested by Zack Pickard of 300 W Poplar Ave, Carrboro.

I understand that the proposed 8 foot x 10 foot accessory building at 300 W Poplar Ave will be built 6 feet from the property line, and I'm OK with that.

SIGNED Steven J. Lippmann STEVEN S. LIPPMANN

ADDRESS 211 W. POPLAR AVE, CARRBORO NC 27510

DATE 4/21/2020

BOARD OF ADJUSTMENT

AGENDA ITEM ABSTRACT

MEETING DATE: JULY 15TH, 2020

TITLE: A PUBLIC HEARING FOR SPECIAL EXCEPTION PERMIT AT 601 N. GREENSBORO ST.

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES <u>X</u> NO ____
ATTACHMENTS: A. STAFF REPORT B. SPECIAL EXCEPTION APPLICATION WITH SITE PLAN C. SIGNED PETITION FORM WITH RESPONDENT SIGNATURES AND EMAILS. D. SPECIAL EXCEPTION PERMIT WORKSHEET #1	FOR INFORMATION CONTACT: Marty Roupe, 919-918-7333 or mroupe@townofcarrboro.org

PURPOSE STATEMENT

The applicants and owners, Maggi Grace and Susan Clements are requesting a Special Exception Permit for the installation of a 12' x 16' one-story outbuilding that will encroach approximately five (5) feet into the northern side-yard building setbacks at 601 N. Greensboro Street (Orange County PIN 9778883271). The building is to be used as an artist's studio.

Their property is located in the Residential-7.5 (R-7.5) Zoning District with a standard boundary line building setback of 10 feet; the applicants are requesting to encroach 5' feet into the northern side-yard setback which is a 50% percent encroachment. 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 Worksheets (Attachment D) and if they find the application complete and satisfactory; grant approval of the Special Exception Permit for 601 N. Greensboro St. to allow for the installation of a 12' x 16' outbuilding that will encroach no more than 50%, or, five (5) feet, into the side-yard building setback.

STAFF REPORT

TO: Board of Adjustment

HEARING DATE: July 15th, 2020

PROJECT: Special Exception Permit for 601 N. Greensboro St.

APPLICANT: Maggi Grace and Susan Clements
601 N. Greensboro St.
Carrboro, NC 27510

OWNER: (same as applicant)

PURPOSE: Request to allow reduced side-yard building setback for installation of an outbuilding.

EXISTING ZONING: R-7.5 Residential District

PIN NUMBER: 9778883271

LOCATION: 601 N. Greensboro St.

LOT SIZE: Approximately 0.2 acres (8,712 square feet)

EXISTING LAND USE: Single Family Residence

SURROUNDING LAND USE: North ---- R-7.5, Single-family residence
South ---- R-7.5, Single-family residence
East ---- R-7.5, Carolina North Forest
West ---- N. Greensboro St.- R/W, R-7.5

ZONING HISTORY: R-7.5 Residential District (R-7.5) since 1980

PARTICULARLY RELEVANT ORDINANCE SECTIONS

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

ANALYSIS

The applicants and owners, Maggi Grace and Susan Clements are requesting a Special Exception Permit for the installation of a 12' x 16' one-story outbuilding that will encroach approximately five (5) feet into the northern side-yard building setbacks at 601 N. Greensboro Street (Orange County PIN 9778883271). The building is to be used as an artist's studio.

Their property is located in the Residential-7.5 (R-7.5) Zoning District with a standard boundary line building setback of 10 feet; the applicants are requesting to encroach 5' feet into the northern side-yard setback which is a 50% percent encroachment. The lot is not constrained by FEMA floodplains or Town stream buffers.

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. The existing residence was built around 1912. This home encroaches 1'-2" into the 10' southern property line setback. This encroachment was created prior to the adoption of the Land Use Ordinance in 1980.

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 addition will not be located closer than 5' feet to the nearest property line. The nearest adjacent building (a residence) will be about 25 feet away from the proposed outbuilding.

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 addition, which will be constructed and inspected in full compliance with the North Carolina Building Code requirements.**

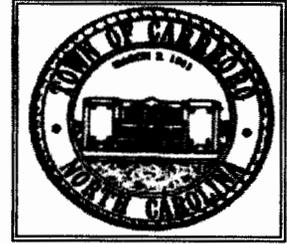
2. Issuance of the permit will not adversely affect the value of adjoining properties. If the applicant presents a petition, signed by the owners of all properties entitled to receive notice of the hearing on the application, pursuant to Section 15-102(2), and, stating that such property owners believe 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 and that they do not object to its approval (Attachment C). A public hearing notice was also sent to all property owners within 150 feet of the subject property at 601 N. Greensboro St.**

RECOMMENDATION

Staff recommends the Board complete the attached Special Exception Permit Worksheets (Attachment D) and if they find the application complete and satisfactory; grant approval of the Special Exception Permit for 601 N. Greensboro St. to allow for the installation of a 12’ x 16’ one-story outbuilding that will encroach no more than 50%, or, ten (5) feet, into the side-yard building setback.

TOWN OF CARRBORO



Attachment C: SPECIAL EXCEPTION APPLICATION

DATE: April 8, 2020

I. GENERAL INFORMATION

APPLICANT: <u>MAGGI GRACE</u>	OWNER: <u>MAGGI GRACE + Susan Clements</u>
ADDRESS <u>601 N. GREENSBORO ST</u>	ADDRESS: <u>same</u>
TELEPHONE: <u>919 886-1394</u>	TELEPHONE: <u>same</u>
TAX MAP, BLOCK, LOT <u>PB. 33-146 C-1</u>	<u>lot 2</u>
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: <u>self</u>	

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? NO. It will be a studio/workshop.

When was the Certificate of Occupancy issued for this structure or when was this structure built? To be built Fall/Winter of 2020

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

What is the zoning district for this property? _____

What is the required setback from the property line for this zoning district? 10 feet

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

50%

What will be the closed approach of the expansion to each property line?

Requesting 5' to north property line

Describe the special exception requested and note the appropriate land use ordinance sections.

Requesting reduction in setbacks from property line to build a studio/workshop

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?

New Structure will be no less than 11' from existing structures. We will move our shed to back of lot.

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? No

IV. NEIGHBORHOOD OPINION

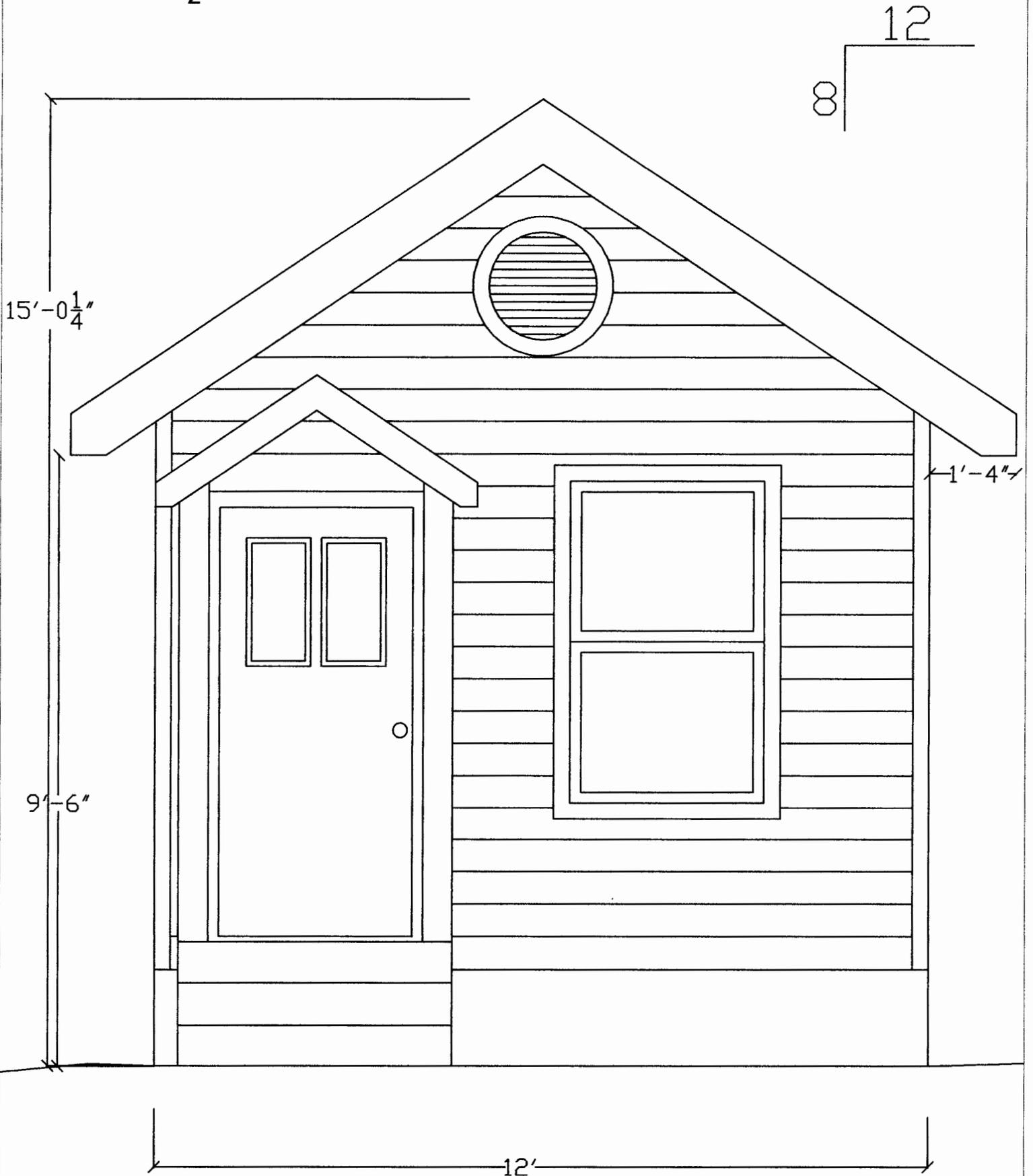
Is the applicant/owner submitting a petition signed by the adjacent property owners indicating their belief that their property values will not be adversely affected by the special exception if it is granted?

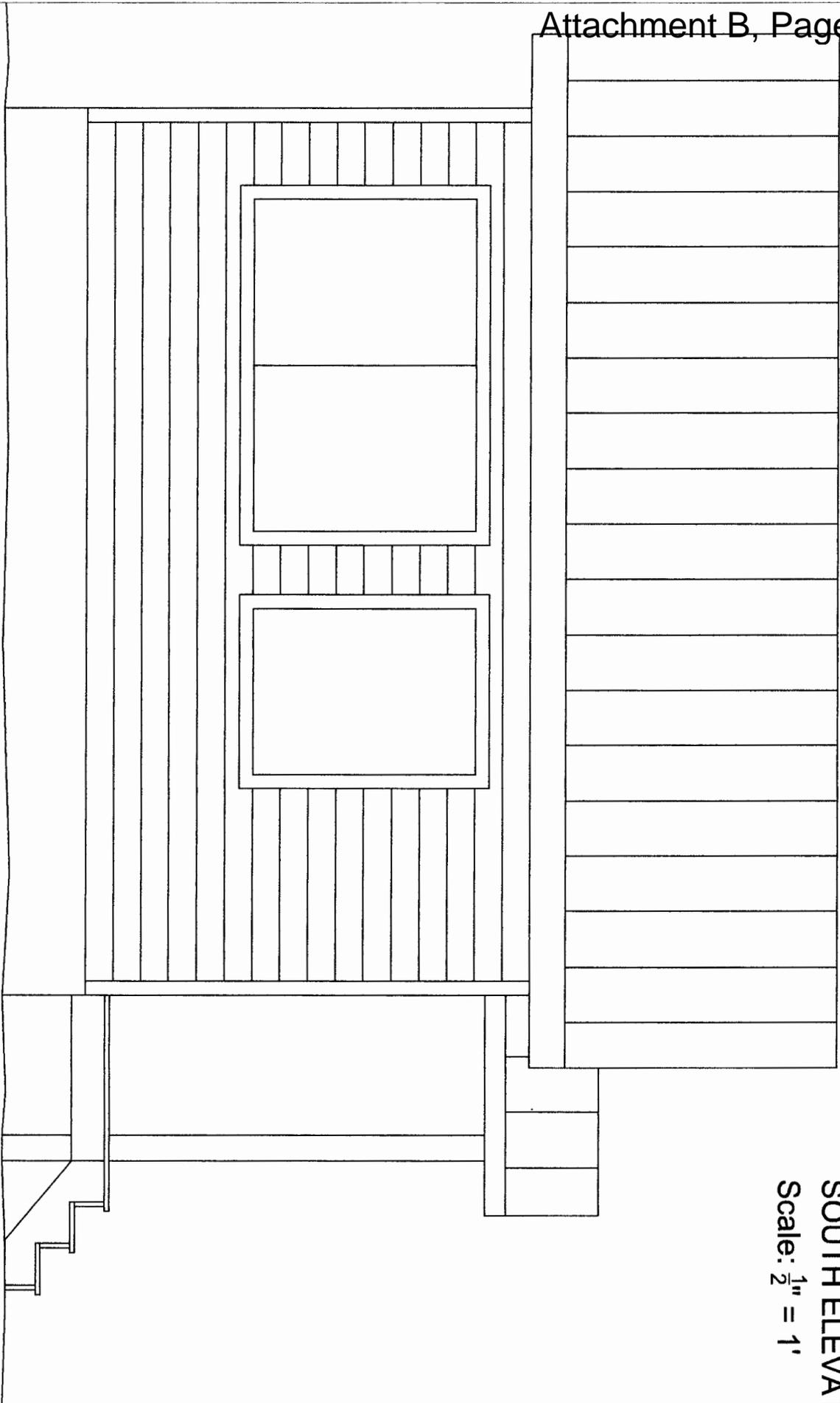
I have spoken with Lois Branning and her family members to our north, the side which will be closest to the structure proposed.

OWNER'S SIGNATURE: Maggie Grace

EAST ELEVATION

Scale: $\frac{1}{2}'' = 1'$



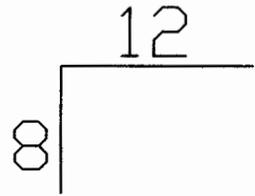


SOUTH ELEVATION

Scale: $\frac{1}{2}$ " = 1'

SECTION VIEW

Scale: $\frac{1}{2}'' = 1'$



29ga steel roofing
over 15# felt paper
over $\frac{1}{2}''$ OSB

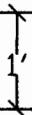
raised heel scissor
truss with 4:12 pitch
vaulted ceiling

2x6 wall with $\frac{1}{2}''$ OSB
sheathing (typ)

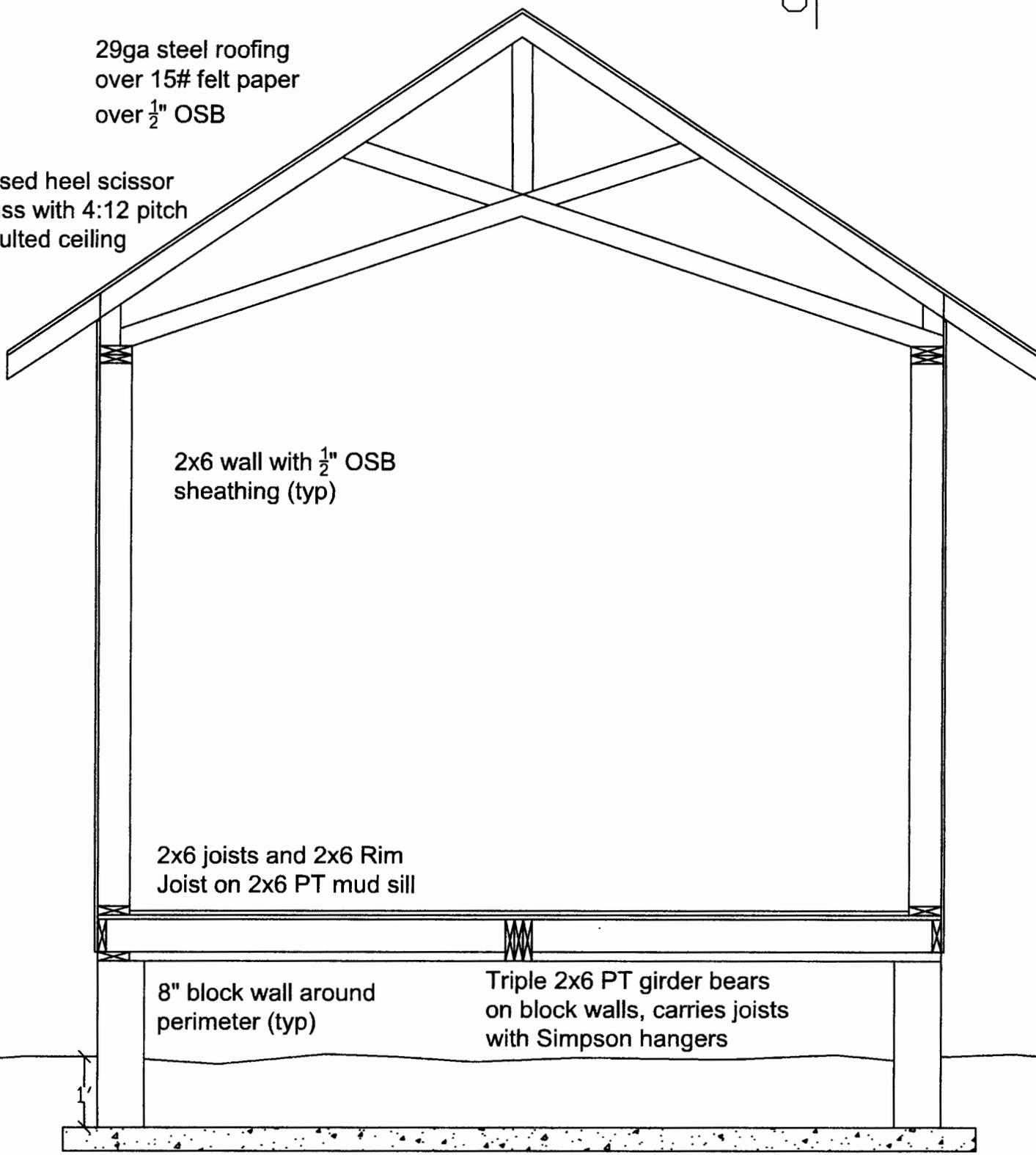
2x6 joists and 2x6 Rim
Joist on 2x6 PT mud sill

8" block wall around
perimeter (typ)

Triple 2x6 PT girder bears
on block walls, carries joists
with Simpson hangers



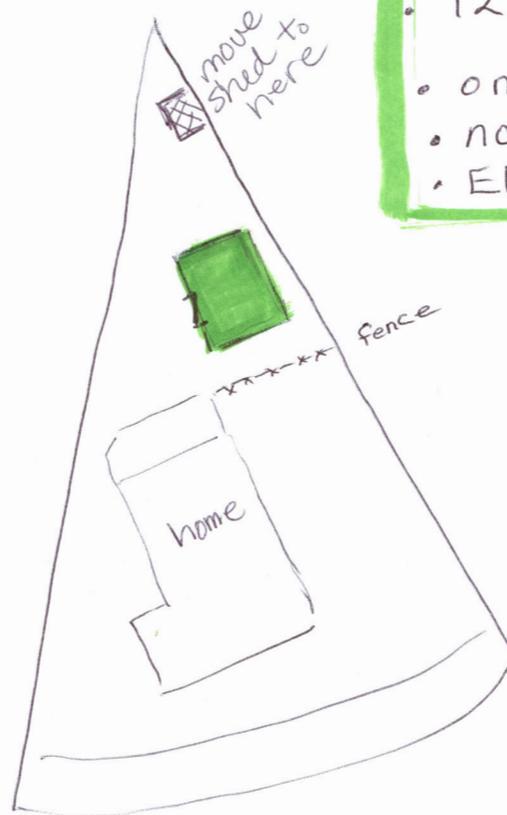
4"x20" poured concrete
footing around perimeter



TOWN OF CARRBORO

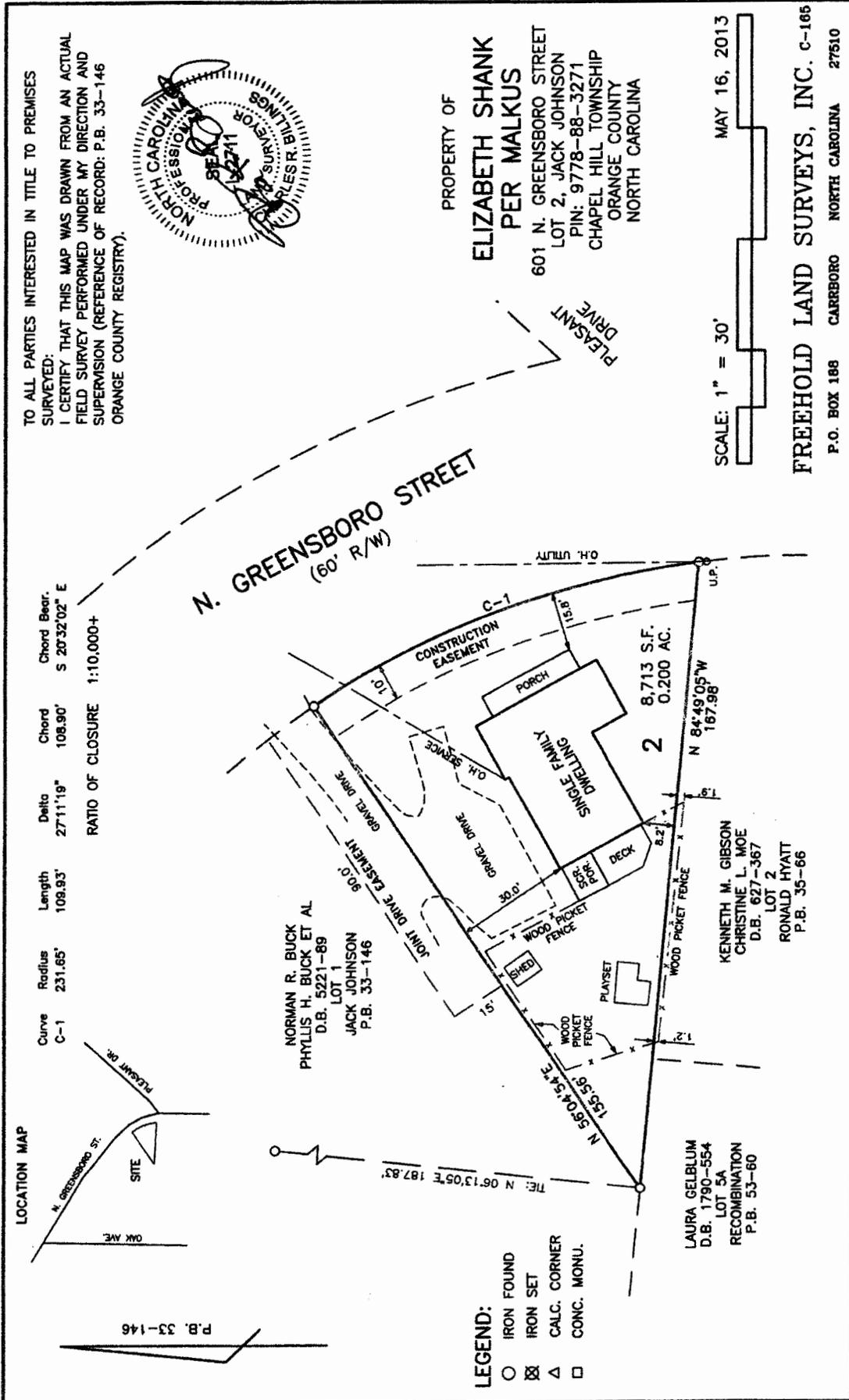
SPECIAL EXCEPTION APPLICATION

SKETCH (or attach a copy of plot plan)



- 12 x 16 studio/workshop
- one story
- no toilet proposed
- Electricity to condition

601 N. Greensboro St.



J5002



- 14) 512 N Greenboro Street Carmichael
 - 15) 510 Alexander & Tanager Berg
 - 16) 506 Nathan & Jacqueline Marshall
- 21) 600 N Greenboro

TJ
Talley

SAGE
Luv De

15	Alexander, Tamara Berg		
16			
17			
18			
19			
20			
21			
22	Dr. T.J. Talley		5-04-20

I understand that Maggi Grace and Susan Clements are requesting a special exception to reduce the setback on their pie-shaped lot by 50% (from 10' to 5'). I have reviewed the attached exhibit and understand that a special exception to the zoning ordinance must be approved for the studio to be built as proposed. I do not believe that granting this special exception will adversely affect the value of my property.

Plot	Name	Signature	Date
1	David, Phyllis Buck		
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13	Ken Gibson		
14			
15	Alexander, Tamara Berg		
16			
17			
18			
19			
20	Live Deliberately LLC		May 6 th 2020
21	Live Deliberately LLC		May 6 th 2020
22			

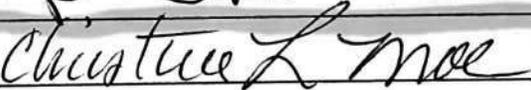
I understand that Maggi Grace and Susan Clements are intending to build a studio/workshop on their property at **601 N. Greensboro St., Carrboro, NC**. They are asking for a special exception to reduce the setback on their pie-shaped lot by 50% (from 10' to 5'). I have reviewed the attached exhibit and understand that a special exception to the zoning ordinance must be approved for the studio to be built as proposed. I do not believe that granting this special exception will adversely affect the value of my property.

Plot	Name	Signature	Date
1	David, Phyllis Buck		
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13	Ken Gibson		
14			
15	Alexander, Tamara Berg		
16			
17			
18			
19	<i>P.T. Lucey</i>	<i>Peter T. Lucey</i>	<i>5/9/20</i>
20			
21			

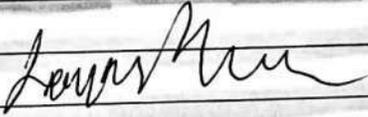
I understand that Maggi Grace and Susan Clements are intending to build a studio/workshop on their property at **601 N. Greensboro St., Carrboro, NC**. They are asking for a special exception to reduce the setback on their pie-shaped lot by 50% (from 10' to 5'). I have reviewed the attached exhibit and understand that a special exception to the zoning ordinance must be approved for the studio to be built as proposed. I do not believe that granting this special exception will adversely affect the value of my property.

Plot	Name	Signature	Date
1	David, Phyllis Buck		
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13	Ken Gibson		
14	Daniel Carmichael, Jr.	<i>Daniel M. Carmichael Jr.</i>	8 MAY 2020
15	Alexander, Tamara Berg		
16			

..... and Meggi Grace and Susan Clements are intending to build a studio/workshop on their property at 601 N. Greensboro St., Carrboro, NC. They are asking for a special exception to reduce the setback on their pie-shaped lot by 50% (from 10' to 5'). I have reviewed the attached exhibit and understand that a special exception to the zoning ordinance must be approved for the studio to be built as proposed. I do not believe that granting this special exception will adversely affect the value of my property.

Plot	Name	Signature	Date
1	David, Phyllis Buck		
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13	Ken Gibson		15 MAY 2020
14	CHRISTINE MOE		15 MAY 2020
15	Alexander, Tamara Berg		

I understand that Maggi Grace and Susan Clements are intending to build a studio/workshop on their property at **601 N. Greensboro St.**, Carrboro, NC. They are asking for a special exception to reduce the setback on their pie-shaped lot by 50% (from 10' to 5'). I have reviewed the attached exhibit and understand that a special exception to the zoning ordinance must be approved for the studio to be built as proposed. I do not believe that granting this special exception will adversely affect the value of my property.

Plot	Name	Signature	Date
1	David, Phyllis Buck		
2			
3			
4			
5			
6			
7	Laura Gelblum		5/4/20
8	Laura Gelblum		
9			
10	Laura Gelblum		
11			
12			

I understand that Maggi Grace and Susan Clements are intending to build a studio/workshop on their property at **601 N. Greensboro St.**, Carrboro, NC. They are asking for a special exception to reduce the setback on their pie-shaped lot by 50% (from 10' to 5'). I have reviewed the attached exhibit and understand that a special exception to the zoning ordinance must be approved for the studio to be built as proposed. I do not believe that granting this special exception will adversely affect the value of my property.

Plot	Name	Signature	Date
1	David, Phyllis Buck		
2			
3			
4			
5			
6	Alan Spruyt		5/6/20
7			
8			
9			
10			
11			
12			
13	Ken Gibson		
14			
15	Alexander, Tamara Berg		
16			
17			

502
Oak Ave

I understand that Maggi Grace and Susan Clements are intending to build a studio/workshop on their property at 601 N. Greensboro St., Carrboro, NC. They are asking for a special exception to reduce the setback on their pie-shaped lot by 50% (from 10' to 5'). I have reviewed the attached exhibit and understand that a special exception to the zoning ordinance must be approved for the studio to be built as proposed. I do not believe that granting this special exception will adversely affect the value of my property.

Plot	Name	Signature	Date
1	David, Phyllis Buck		
2			
3			
4			
5	Alan Kintaw + Hannah P.D.	Alan AND Hannah Kintaw	5/5/2020
6			
7			
8			

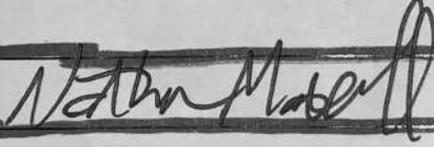
I understand that Maggi Grace and Susan Clements are intending to build a studio/workshop on their property at **601 N. Greensboro St.**, Carrboro, NC. They are asking for a special exception to reduce the setback on their pie-shaped lot by 50% (from 10' to 5'). I have reviewed the attached exhibit and understand that a special exception to the zoning ordinance must be approved for the studio to be built as proposed. I do not believe that granting this special exception will adversely affect the value of my property.

Plot	Name	Signature	Date
1	David, Phyllis Buck		
2			
3			
4	Thomas + Mary Hart	Mary Hart	5/16/20
5			
6			
7			

setback on their pie-shaped lot by 50% (from 10' to 5'). I have reviewed the attached exhibit and understand that a special exception to the zoning ordinance must be approved for the studio to be built as proposed. I do not believe that granting this special exception will adversely affect the value of my property.

Plot	Name	Signature	Date
1	David, Phyllis Buck 603 A & B	David Buck - Phyllis Buck	5-5-20
2	Lois Branning	[Signature]	5/4/20
3	Phyllis Buck	[Signature]	
4			
5			
6			
7			
8			
9	Bob Bellum	[Signature]	5/19/20
10			
11			
12			
13	Ken Gibson		
14			

I understand that Maggi Grace and Susan Clements are intending to build a studio/workshop on their property at 601 N. Greensboro St., Carrboro, NC. They are asking for a special exception to reduce the setback on their pie-shaped lot by 50% (from 10' to 5'). I have reviewed the attached exhibit and understand that a special exception to the zoning ordinance must be approved for the studio to be built as proposed. I do not believe that granting this special exception will adversely affect the value of my property.

Plot	Name	Signature	Date
1	David, Phyllis Buck		
2			
3			
4			
5			
6			
7			
	Ken Gibson		
	Alexander, Tamara Berg		
	MARSHALL		June 4 th 2020

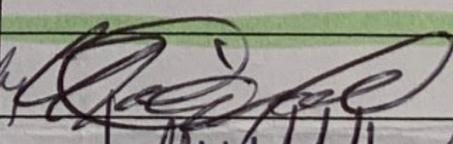
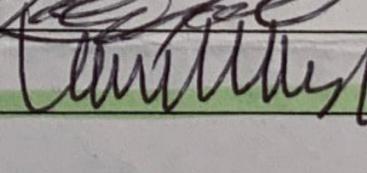
I understand that Maggi Grace and Susan Clements are intending to build a studio/workshop on their property at 601 N. Greensboro St., Carrboro, NC. They are asking for a special exception to reduce the setback on their pie-shaped lot by 50% (from 10' to 5'). I have reviewed the attached exhibit and understand that a special exception to the zoning ordinance must be approved for the studio to be built proposed. I do not believe that granting this special exception will adversely affect the value of my property.

	Name	Signature	Date
	David, Phyllis Buck		
1	Vernon + Beverly Barth	Vernon Barth	6/1/20
2	Vernon + Beverly Barth	Bee Barth	6/1/20
3	Ken Gibson		
4			
5	Alexander, Tamara Berg		
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
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21			

I understand that Maggi Grace and Susan Clements are intending to build a studio/workshop on their property at 601 N. Greensboro St., Carrboro, NC. They are asking for a special exception to reduce the setback on their pie-shaped lot by 50% (from 10' to 5'). I have reviewed the attached exhibit and understand that a special exception to the zoning ordinance must be approved for the studio to be built as proposed. I do not believe that granting this special exception will adversely affect the value of my property.

Plot	Name	Signature	Date
1	David, Phyllis Buck		
2			
3	Glenn Murphy		5/20/20
4	Thomas + Mary Hart		
5	Thomas + Mary Hart		
6			
7			
8			
9			
10			
11			
12			
13	Ken Gibson		
14			
15	Alexander, Tamara Berg		
16			
17			
18			
19			
20			
21			
22			

I understand that Maggi Grace and Susan Clements are intending to build a studio/workshop on their property at **601 N. Greensboro St.**, Carrboro, NC. They are asking for a special exception to reduce the setback on their pie-shaped lot by 50% (from 10' to 5'). I have reviewed the attached exhibit and understand that a special exception to the zoning ordinance must be approved for the studio to be built as proposed. I do not believe that granting this special exception will adversely affect the value of my property.

Plot	Name	Signature	Date
1	David, Phyllis Buck		
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13	Ken Gibson		
14			
15	Alexander, Tamara Berg		
16			
17	Leslie Gifford Family	 (Allen Gifford)	6/19/2020
18	Leslie Gifford Family	 (Larille Leslie)	6/19/2020
19			
20			
21			
22			

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: JULY 15TH, 2020

TITLE: A PUBLIC HEARING FOR SPECIAL EXCEPTION PERMIT AT 218 COBBLESTONE DRIVE.

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
ATTACHMENTS: A. STAFF REPORT B. SPECIAL EXCEPTION APPLICATION WITH SITE PLAN AND PHOTOS C. SIGNED PETITION FORM WITH RESPONDENT SIGNATURES D. SPECIAL EXCEPTION PERMIT WORKSHEET #1	FOR INFORMATION CONTACT: Marty Roupe, Development Review Administrator, 919-918-7333 or mroupe@townofcarrboro.org

PURPOSE STATEMENT

The applicants and owners, Mary and Raymond Karnes are requesting a Special Exception Permit for the installation of a 13.5' x 13.5' building addition that will encroach approximately three (3) feet into the side-yard building setbacks at 218 Cobblestone Drive (Orange County PIN 9779353845). The addition is proposed for the southern facing elevation and is attached to the existing home.

Their property is located in the Residential-20 (R-20) Zoning District with a standard boundary line building setback of 20 feet, but the applicants are requesting to encroach 3' feet into the side yard setback- this is about a 15% percent encroachment into the required setback, their actual encroachment is expected to be 32". 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 Worksheets (Attachment D) and if they find the application complete and satisfactory; grant approval of the Special Exception Permit for 218 Cobblestone Drive to allow for the installation of a deck that will encroach no more than 50%, or, ten (10) feet, into the side-yard building setback.

STAFF REPORT

TO: Board of Adjustment

HEARING DATE: July 15th, 2020

PROJECT: Special Exception Permit for 218 Cobblestone Drive

APPLICANT: Mary and Raymond Karnes
218 Cobblestone Drive
Chapel Hill, NC 27516
(Carrboro Jurisdiction)

OWNER: (same as applicant)

PURPOSE: Request to allow reduced side-yard building setback for installation of a building addition.

EXISTING ZONING: R-20 Residential District (R-20)

PIN NUMBER: 9779353845

LOCATION: 218 Cobblestone Drive

LOT SIZE: Approximately 0.53 acres (23,087 square feet)

EXISTING LAND USE: Single Family Residence

SURROUNDING LAND USE: North ---- R-20, Single-family residence
South ---- R-20, Single-family residence
East ---- R-20, Carolina North Forest
West ---- Cobblestone Drive - R/W, R-20

ZONING HISTORY: R-20 Residential District (R-20) since 1980

PARTICULARLY RELEVANT ORDINANCE SECTIONS

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

ANALYSIS

The applicants and owners, Mary and Raymond Karnes are requesting a Special Exception Permit for the installation of a 13.5' x 13.5' building addition that will encroach approximately three (3) feet into the side-yard building setbacks at 218 Cobblestone Drive (Orange County PIN 9779353845). The addition is proposed for the southern facing elevation and is attached to the existing home.

Their property is located in the Residential-20 (R-20) Zoning District with a standard boundary line building setback of 20 feet, but the applicants are requesting to encroach 3' feet into the side yard setback- this is about a 15% percent encroachment into the required setback, their actual encroachment is expected to be 32". The lot is not constrained by FEMA floodplains or Town stream buffers.

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; though a Certificate of Occupancy could not be found for this house, it was constructed in 1989 according to the required setbacks at the time.

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 addition will not be located closer than 10 feet to the nearest property line. The nearest adjacent building (a residence) will be over 40 feet away from the proposed addition.

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 addition, 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 and that they do not object to its approval (Attachment C). A public hearing notice was also sent to all property owners within 150 feet of the subject property at 218 Cobblestone Drive.**

RECOMMENDATION

Staff recommends the Board complete the attached Special Exception Permit Worksheets (Attachment D) and if they find the application complete and satisfactory; grant approval of the Special Exception Permit for 218 Cobblestone Drive to allow for the installation of a deck that will encroach no more than 50%, or, ten (10) feet, into the side-yard building setback.

TOWN OF CARRBORO

SPECIAL EXCEPTION APPLICATION



DATE: 03/11/2020

I. GENERAL INFORMATION

APPLICANT: Mary Karnes	OWNER: Mary and Ray Karnes
ADDRESS 218 Cobblestone DR, Chapel Hill, NC 27516	ADDRESS: 218 Cobblestone DR, Chapel Hill, NC 27516
TELEPHONE: 919-525-5886	TELEPHONE: 919-929-4390
TAX MAP, BLOCK, LOT PIN is 9779353845	
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Applicant is owner	

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? yes

When was the Certificate of Occupancy issued for this structure or when was this structure built? 1989

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

What is the zoning district for this property? R20

What is the required setback from the property line for this zoning district? 20'

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

13%

TOWN OF CARRBORO SPECIAL EXCEPTION
APPLICATION (con't)
Page #2

What will be the closest approach of the expansion to each property line?

17'

Describe the special exception requested and note the appropriate land use ordinance sections.

_____ We would like to add a room addition to the side back yard

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?

45'

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?

no

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, please see attached

OWNER'S SIGNATURE:

Mary K...

I certify that on the date of this drawing, I surveyed the property shown on this plat; that the property lines and location of all structures are accurately shown thereon that no structures located on this property encroaches on any adjacent street or property and that no structure on adjacent property encroaches on the premises surveyed except as shown hereon.



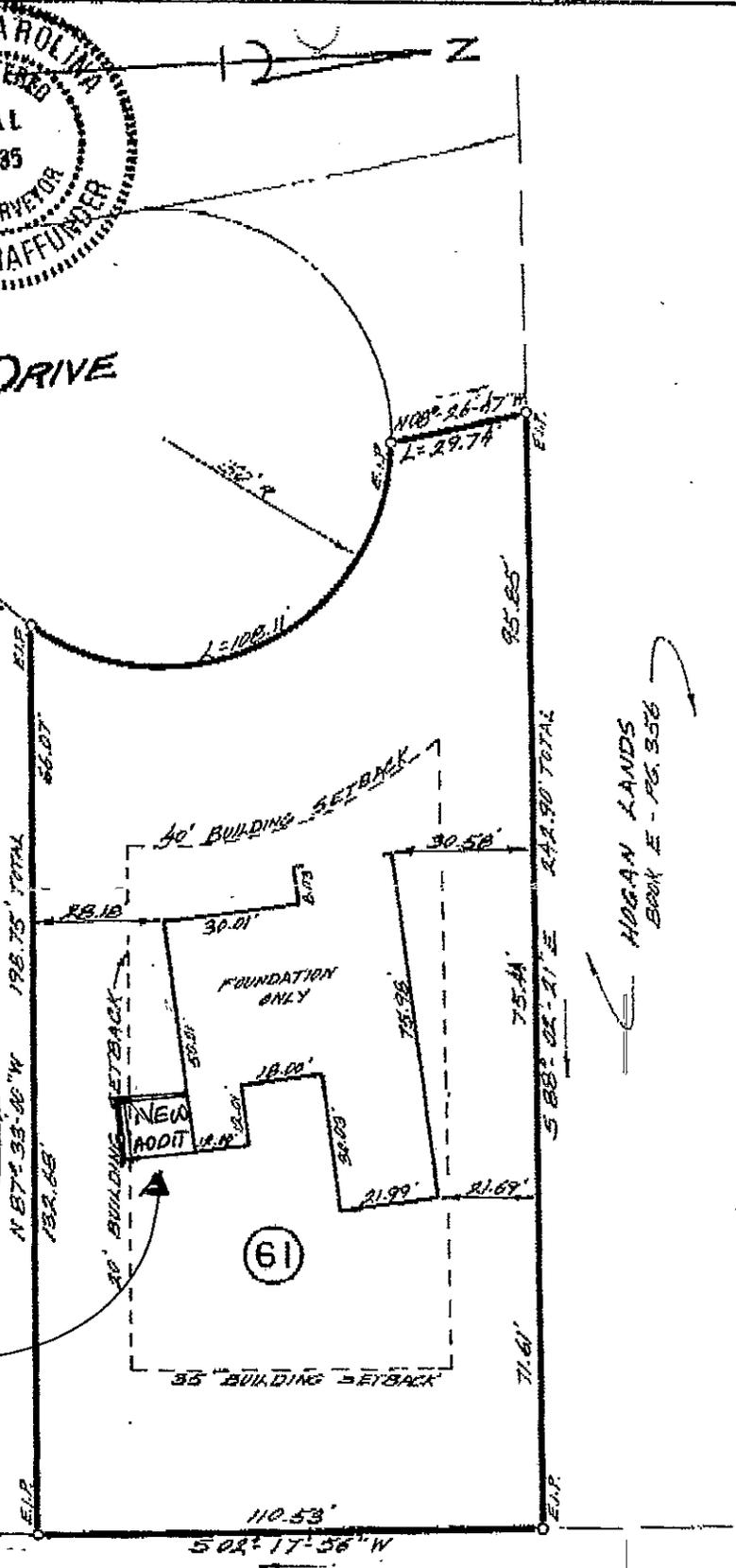
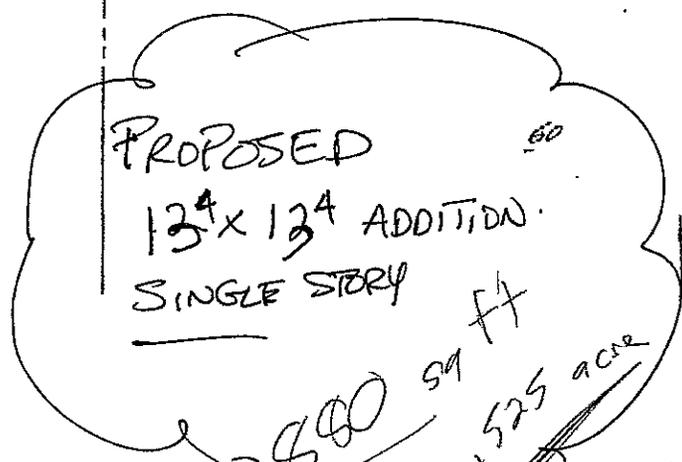
David A. Graffunder

COBBLESTONE DRIVE

This property is not in an area declared a special flood hazard zone as shown on FIRM Flood Insurance Map prepared by U.S. Dept. of Housing and Urban Development.

PROPOSED
124 X 124 ADDITION
SINGLE STORY

22800 59 FT
43560 1525 ACRES



HOGAN LANDS
BOOK E - PG. 356

UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

Property of
RAY KARNES and wife
MARY KARNES
Chapel Hill Township
Carrboro, North Carolina

DAVID A. GRAFFUNDER
Registered Land Surveyor
P.O. Box 1301 Chapel Hill, N.C. 27514
Phone (919) 578-0190
Scale 1" = 40' Date JULY 1, 1989
Lot No. 61 Phase 51X
Of COBBLESTONE SURV. Section



**KARNES ADDITION
SIDE ELEVATION**

Attachment B, Page 6

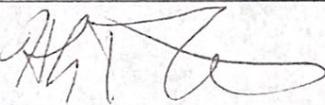
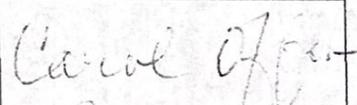
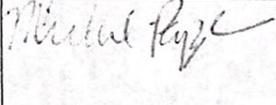
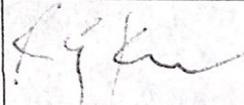
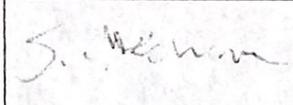


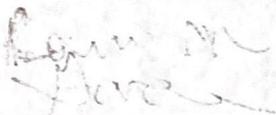
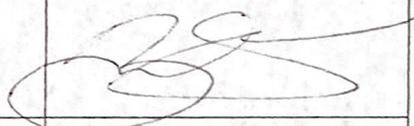
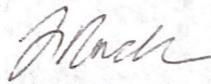
Attachment B, Page 7

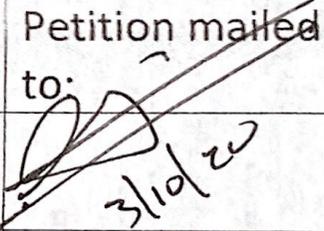


218 Cobblestone Drive Room Addition Special Exception Petition

I understand that Mary and Ray Karnes are intending to build a room addition to their property at 218 Cobblestone Drive, Carrboro and the addition will encroach into the side back yard. The room addition will encroach approximately 32" into the 20' setback from the property line. Ray and Mary are seeking a special exception 3' side yard encroachment into the setback to allow for this. I do not believe that granting this special exception will adversely affect the value of my property.

Name	Address	Signature
Jason R and Heather L Tatreau	215 Cobblestone Dr, Chapel Hill	
James B Carter and Gina M Lacava	217 Cobblestone Dr, Chapel Hill	
Neil H and Carol Offen	219 Cobblestone Dr, Chapel Hill	
Joseph C and Karin Crozier	214 Cobblestone Dr, Chapel Hill	
Michael and Dena Papazoglou	216 Cobblestone Dr, Chapel Hill	
Raymond E II and Mary F Karnes	218 Cobblestone Dr, Chapel Hill	
Jeffrey B and Beverly S Mecham	202 Colfax Dr, Chapel Hill	

Paul and Ronni Gardner	200 Colfax Dr, Chapel Hill	
Wexford Group, Inc	124 Cobblestone Dr, Chapel Hill	N/A
Zebulon Z and Tara B Spector	203 Colfax Dr, Chapel Hill	
Lisette R and David W McEwen	201 Colfax Dr, Chapel Hill	
Name		Petition mailed to:
University of NC	Property Office CB 1060, Chapel Hill, NC 27599	

Paul and Ronni Gardner	200 Colfax Dr, Chapel Hill	
Wexford Group, Inc	124 Cobblestone Dr, Chapel Hill	
Zebulon Z and Tara B Spector	203 Colfax Dr, Chapel Hill	
Lisette R and David W McEwen	201 Colfax Dr, Chapel Hill	
Name Gordon Merkley ARC Real Estate	300 South Building CB1000 Chapel Hill, NC 27599	Petition mailed to:
University of NC	Property Office CB 1060, Chapel Hill, NC 27599	

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: _____
