

TOWN OF CARRBORO



BOARD OF ADJUSTMENT

301 West Main Street, Carrboro, North Carolina 27510

A G E N D A

7:00 P.M.

**Virtual Zoom Meeting Remote Meeting*

S e p t e m b e r 1 6 , 2 0 2 0

I. MINUTES APPROVAL

Consideration of July 15, 2020 and August 19, 2020 minutes.

II. PUBLIC HEARING FOR SPECIAL EXCEPTION AT 402 OAK AVENUE

The owner/applicant, Simon Bubel is requesting a Special Exception Permit for the construction of a new deck that will encroach into the side yard setback. The proposed new deck will encroach three (3) feet into the required ten (10) 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 AT 409 HILLSBOROUGH ROAD

The applicant, Jennifer Hoffman is requesting a Special Exception Permit for the construction of a new screen porch onto the existing garage that is being converting into a detached accessory apartment that will encroach into the side yard setback. The proposed new screen porch will encroach five (5) feet and eleven (11) inches 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.

IV. OLD/NEW BUSINESS

V. ADJOURN!

****To view the 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

J u l y 1 5 , 2 0 2 0

7:00PM

Zoom Remote Meeting

MEMBERS PRESENT		TOWN ATTORNEY	STAFF
James Baker		Nicholas Herman	Martin Roupe
Garrett Baker			James Thomas
Joseph Collins			Dorian McLean
Michael Crowell			
Brian Hageman			
Sriv Navaratnam			

Absent/Excused: Linda Bowerman, Richard Ellington

MINUTES APPROVAL:

MOTION MADE BY SRIV NAVARATNAM AND SECONDED BY BRIAN HAGEMAN TO APPROVE MINUTES FROM JUNE 17, 2020 MEETING. VOTE: AYES 6 (James Baker, Garrett Baker, Joseph Collins, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 2 (Linda Bowerman, Richard Ellington)

Brian Hageman opened the July 15, 2020 Board of Adjustment meeting by calling the meeting to order and reading the agenda. Brian Hageman asked that any staff and anyone wishing to speak on any of the public hearings by asking that anyone who wishes to speak on the Special Exception Permit Requests 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 Special Exception Permits. Mr. Hageman proceeded to ask the town staff if they would like to proceed with the presentation about the Special Exception Permit for 805A West Main Street.

PUBLIC HEARING: Special Exception Permit at 601 N. Greensboro Street

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.

Martin Roupe gave a brief Power Point presentation for the proposed installation of a 12x16 one story outbuilding located at 601 N. Greensboro Street.

Maggi Grace, one of the homeowners confirmed that she sent separate petitions to each neighbor to sign due to the COVID-19 pandemic. Ms. Grace received 23 returned signatures in agreement of her proposed 12x16 one story outbuilding. Ms. Grace was unable to reach only two (2) of the neighbors one across the street returned mail and an attorney who owns Sage Apartments two (2) doors down. Ms. Grace has been working on this proposed project with Jeff Kleaveland who is now a retired Zoning Specialist from the Town of Carrboro. Martin Roupe, Development Review Administrator finalized working with Ms. Grace on her Special Exception Permit application.

Martin Roupe mailed out official town notifications about the proposed Special Exception Permit Public Hearing to neighbors located near and around the property at 601 N. Greensboro Street receiving no responses or emails back.

Brian Hageman, Board of Adjustment chair, opened up and Questions and Answers from board members.

James Baker asked the applicant if you could relocate the existing outbuilding due to the pie shape of the property. Ms. Grace informed the board if they pass the proposed one story 12x16 they would demo the existing shed on the property.

MOTION WAS MADE BY JAMES BAKER AND SECONDED BY SRIV NAVARATNAM TO CLOSE THE PUBLIC HEARING. VOTE: VOTE: AYES 6 (Garrett Baker, James Baker, Joseph Collins, Michael Crowell, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 2 (Linda Bowerman, Richard Ellington)

MOTION WAS MADE BY JOSEPH COLLINS AND SECONDED BY JAMES BAKER THAT THE APPLICATION IS FOUND TO BE COMPLETE. VOTE: VOTE: AYES 6 (Garrett Baker, James Baker, Joseph Collins, Michael Crowell, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 2 (Linda Bowerman, Richard Ellington)

MOTION WAS MADE BY JOSEPH COLLINS AND SECONDED BY MICHAEL CROWELL THAT THE APPLICATION COMPLIES WITH THE FOLLOWING FINDINGS REQUIRED BY SECTION 15-92.1. VOTE: VOTE: AYES 6 (Garrett Baker, James Baker, Joseph Collins, Michael Crowell, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 2 (Linda Bowerman, Richard Ellington)

- A. The existing building is a conforming residential use in a residential district.
- B. The existing building has existed for at least three (3) years prior to the date of the application for a special exception permit.
- C. The special exception requested applies only to a setback from a lot line boundary.

- 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 that a distance equal to one-half of the minimum building separation requirement of North Carolina State Building Code.
- E. The special exception, if granted, will not create a threat to the public health or safety.
- F. The special exception, if granted, will not adversely affect the value of adjoining or neighboring properties.

MOTION WAS MADE BY JOSEPH COLLINS AND SECONDED BY JAMES BAKER THAT THE APPLICATION BE ISSUED SUBJECT TO THE FOLLOWING CONDITIONS. VOTE: VOTE: AYES 6 (Garrett Baker, James Baker, Joseph Collins, Michael Crowell, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 2 (Linda Bowerman, Richard Ellington)

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this 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.

MOTION WAS MADE BY JOSEPH COLLINS AND SECONDED BY GARRETT BAKER THAT THE APPLICATION BE GRANTED SUBJECT TO THE CONDITIONS AGREED UPON. VOTE: VOTE: AYES 6 (Garrett Baker, James Baker, Joseph Collins, Michael Crowell, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 2 (Linda Bowerman, Richard Ellington)

PUBLIC HEARING: 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.

James Thomas gave a brief Power Point presentation of the subject property of the proposed 10x8 foot accessory building. Two (2) different staff worked on the staff report due to Jeff

Kleaveland's retirement. The applicant completed and submitted the application for the Special Exception Permit.

James Baker stated that the proposed accessory building already exists on the property. Michael Crowell commented that the board possibly will be approving an accessory building that already exists. James Thomas answered that is correct the accessory building already exists on the property.

James Baker stated that the existing accessory building looks fine, it looks around 6 feet and is about a foot away from the fence.

Sriv Navaratnam asked if the board is grandfathering in an existing structure.

Martin Roupe asked if it is legal to grant the Special Exception Permit without the property owner being present at the meeting.

Nicholas Herman, town attorney stated that with the application being submitted with all the information the board can vote on the application with the property owner's absence.

Richard Ellington asked if the shed/studio would not be turned into a residence after the Special Exception Permit was approved. Kaidy Lewis, applicant/owner stated that it was only for her to use as her art studio that she prepares her paintings there that she takes to galleries and the art walk that is held for the first two weeks of November annually.

MOTION WAS MADE BY BRIAN HAGEMAN AND SECONDED BY GARRETT BAKER TO CLOSE THE PUBLIC HEARING. VOTE: VOTE: AYES 6 (Garrett Baker, James Baker, Joseph Collins, Michael Crowell, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 2 (Linda Bowerman, Richard Ellington)

James Baker and Michael Crowell stated they were in agreement to vote and pass that the Special Exception Permit be granted.

MOTION WAS MADE BY JOSEPH COLLINS AND SECONDED BY MICHAEL CROWELL THAT THE APPLICATION IS FOUND TO BE COMPLETE. VOTE: VOTE: AYES 6 (Garrett Baker, James Baker, Joseph Collins, Michael Crowell, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 2 (Linda Bowerman, Richard Ellington)

MOTION WAS MADE BY JOSEPH COLLINS AND SECONDED BY MICHAEL CROWELL THAT THE APPLICATION COMPLIES WITH THE FOLLOWING FINDINGS REQUIRED BY SECTION 15-92.1. VOTE: VOTE: AYES 6 (Garrett Baker, James Baker, Joseph Collins, Michael Crowell, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 2 (Linda Bowerman, Richard Ellington)

- A. The existing building is a conforming residential use in a residential district.
- B. The existing building has existed for at least three (3) years prior to the date of the application for a special exception permit.

- C. The special exception requested applies only to a setback from a lot line boundary.
- 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 that a distance equal to one-half of the minimum building separation requirement of North Carolina State Building Code.
- E. The special exception, if granted, will not create a threat to the public health or safety.
- F. The special exception, if granted, will not adversely affect the value of adjoining or neighboring properties.

MOTION WAS MADE BY JOSEPH COLLINS AND SECONDED BY BRIAN HAGEMAN THAT THE APPLICATION BE ISSUED SUBJECT TO THE FOLLOWING CONDITIONS. VOTE: VOTE: AYES 6 (Garrett Baker, James Baker, Joseph Collins, Michael Crowell, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 2 (Linda Bowerman, Richard Ellington)

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this 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.

MOTION WAS MADE BY JAMES BAKER AND SECONDED BY JOSEPH COLLINS THAT THE APPLICATION BE GRANTED SUBJECT TO THE CONDITIONS AGREED UPON. VOTE: VOTE: AYES 6 (Garrett Baker, James Baker, Joseph Collins, Michael Crowell, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 2 (Linda Bowerman, Richard Ellington)

PUBLIC HEARING: 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.

Martin Roupe gave a brief Power Point presentation of the subject property of the proposed building addition. The applicant completed and submitted the application for the Special Exception Permit. Mary and Raymond Karnes are not present at the board meeting tonight.

Mr. Roupe mailed out neighbor petitions and received no feedback or comments from neighbors about the proposed shed/studio.

Michael Crowell asked about the installation of a deck. From the photos it looks like a deck is there.

Martin Roupe stated that it may be a typo and an old staff report could have possibly been used.

Sriv Navaratnam stated that the applicant may have started the application wanting a deck and then decided they may have wanted to do an addition instead of the deck.

Martin Roupe pulled up the property photo on Google Streetview so the board was able to see more details of the property.

MOTION WAS MADE BY MICHEAL CROWELL AND SECONDED BY BRIAN HAGEMAN TO CLOSE THE PUBLIC HEARING. VOTE: VOTE: AYES 6 (Garrett Baker, James Baker, Joseph Collins, Michael Crowell, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 2 (Linda Bowerman, Richard Ellington)

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

MOTION WAS MADE BY BRIAN HAGEMAN AND SECONDED BY JAMES BAKER THAT THE APPLICATION COMPLIES WITH THE FOLLOWING FINDINGS REQUIRED BY SECTION 15-92.1. VOTE: VOTE: AYES 6 (Garrett Baker, James Baker, Joseph Collins, Michael Crowell, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 2 (Linda Bowerman, Richard Ellington)

- A. The existing building is a conforming residential use in a residential district.
- B. The existing building has existed for at least three (3) years prior to the date of the application for a special exception permit.
- C. The special exception requested applies only to a setback from a lot line boundary.
- 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 that a distance equal to one-half of the minimum building separation requirement of North Carolina State Building Code.
- E. The special exception, if granted, will not create a threat to the public health or safety.

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

MOTION WAS MADE BY BRIAN HAGEMAN AND SECONDED BY JAMES BAKER THAT THE APPLICATION BE ISSUED SUBJECT TO THE FOLLOWING CONDITIONS. VOTE: VOTE: AYES 6 (Garrett Baker, James Baker, Joseph Collins, Michael Crowell, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 2 (Linda Bowerman, Richard Ellington)

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this 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.

MOTION WAS MADE BY BRIAN HAGEMAN AND SECONDED BY JAMES BAKER THAT THE APPLICATION BE GRANTED SUBJECT TO THE CONDITIONS AGREED UPON. VOTE: VOTE: AYES 6 (Garrett Baker, James Baker, Joseph Collins, Michael Crowell, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 2 (Linda Bowerman, Richard Ellington)

OLD/NEW BUSINESS

Martin Roupe, town staff stated there was one application near completion and there may be a possible Board of Adjustment Meeting Wednesday, August 19, 2020. Dorian McLean will send out a poll if there will be a potential meeting.

ADJOURN

MOTION WAS MADE BY BRIAN HAGEMAN AND SECONDED BY JAMES BAKER THAT THE MEETING BE ADJOURNED. VOTE: VOTE: AYES 6 (Garrett Baker, James Baker, Joseph Collins, Michael Crowell, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 2 (Linda Bowerman, Richard Ellington)



BOARD OF ADJUSTMENT MINUTES

Town of Carrboro
301 W. Main Street, Carrboro, North Carolina 27510

August 19, 2020

7:00 P.M.

Zoom Remote Meeting

MEMBERS PRESENT		TOWN ATTORNEY	STAFF
Garrett Baker	Brian Hageman		Marty Roupe
James Baker			Dorian McLean
Linda Bowerman			
Joseph Collins			
Richard Ellington			

Absent/Excused: Sriv Navaratnam,

MINUTES APPROVAL:

Consideration of July 15, 2020 minutes tabled until the next Board of Adjustment meeting.

Minor Modification to a Previously Issued Variance at 113 Bim Street

Martin Roupe presented the need for the minor modification due to updated parking for the original variance proposed for 113 Bim Street.

Jim Spencer, architect for the projected at 113 Bim Street acknowledged that the original variance was approved in 2018 but due to the Town of Carrboro construction of the newly designed playground at Town Commons they decided to change the structure and driveway decreasing the size from 950 square feet to 750 square feet with a total of 1500 square feet 2 story house.

Ted Kairys, owner of the property stated we just wanted to fit the home better in the location and consider the neighbor Jean Bernard at 102 B Laurel Avenue property near his property. Jean Bernard emailed a letter in agreement of the changes that are proposed for the minor modification to the variance at 113 Bim Street.

Richard Ellington asked if the front steps were a concern since they would be in the setback or are the rear steps the only thing we should be concerned about including the grading.

Jim Spencer was in agreement to make the necessary changes to the steps to encroach only a few of the steps into the setback. The front steps were ok but the rear steps were the concern since it would be near the neighbors home.

Ted Kairys stated that he would add landscaping screening to enhance the look near the parking and the area near his neighbor Jean Bernards property.

Brian Hageman wanted to see the PowerPoint slide of the proposed area where the screening would be located.

Garrett Baker discussed the three steps that are extended into the setbacks and if anything can be done to decrease the steps.

Linda Bowerman noted that the letter received from the neighbor is in agreement with the new proposal of the minor modification so I see that it could be approved either way.

Jim Spencer, architect and Ted Kairys, owner were both in agreement if a condition needed to be added to approve the minor modification.

Board members were all in agreement in passing the minor modification with adding a condition.

MOTION WAS MADE BY BRIAN HAGEMAN AND SECONDED BY JOSEPH COLLINS THAT THE MINOR MODIFICATION BE GRANTED SUBJECT TO THE FOLLOWING CONDITION. VOTE: AYES 6 (Garrett Baker, James Baker, Linda Bowerman, Richard Ellington, Joseph Collins, Brian Hageman). NOES 0: ABSENT/EXCUSED 1: Sriv Navaratnam

1. To allow a 2 foot encroachment of the rear stair treads and landing.

MOTION WAS MADE BY GARRETT BAKER AND SECONDED BY LINDA BOWERMAN THAT THE APPLICATION BE GRANTED SUBJECT TO THE ABOVE CONDITION. VOTE: AYES 6 (Garrett Baker, James Baker, Linda Bowerman, Richard Ellington, Joseph Collins, Brian Hageman). NOES 0: ABSENT/EXCUSED 1: Sriv Navaratnam

OLD/NEW BUSINESS

Marty Roupe said there would be there may be 1 or 2 Special Exceptions maybe for a possible September 16, 2020 Board of Adjustment meeting. Dorian McLean will send out a poll to see who is available to meet on Wednesday, September 16, 2020

ADJOURN

There being no other business, MOTION MADE BY BRIAN HAGEMAN SECONDED BY JOSEPH COLLINS THAT THE MEETING BE ADJOURNED. VOTE: AYES 6 (Garrett Baker, James Baker, Linda Bowerman, Richard Ellington, Joseph Collins, Brian Hageman). NOES 0: ABSENT/EXCUSED 1: Sriv Navaratnam

BOARD OF ADJUSTMENT

AGENDA ITEM ABSTRACT

MEETING DATE: SEPTEMBER 16TH, 2020

TITLE: A PUBLIC HEARING FOR SPECIAL EXCEPTION PERMIT AT 402 OAK AVENUE.

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES <u>X</u> No ____
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 owner/applicant, Simon Bubel is requesting a Special Exception Permit for the construction of a new deck that will encroach into the side yard setback. The proposed new deck will encroach three (3) feet into the required ten (10) 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)

STAFF RECOMMENDATION

Staff recommends the approval of the Special Exception Permit for 402 Oak Avenue allowing the construction of a new deck that will to encroach up to fifty (50) percent into the required ten (10) foot side yard setback.

STAFF REPORT

TO: Board of Adjustment

DATE: September 16th, 2020

PROJECT: Special Exception Permit for 402 Oak Avenue

APPLICANT/OWNER: Simon Bubel
402 Oak Avenue
Carrboro, NC 27510

PURPOSE: Request to construct a new deck in the rear of the property that will encroach 3 feet into the required ten (10) foot sideyard setbacks. This request will not exceed a 50 percent encroachment into the sideyard setback.

EXISTING ZONING: R-7.5 Residential District (R-7.5)

PIN: 9778-87-0791

LOCATION: 402 Oak Avenue

LOT SIZE: Approximately 0.26 acres (11,326 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, single-family residence
West	----	Oak Avenue right-of-way

ZONING HISTORY: R-7.5 Residential District (R-7.5) 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 owner/applicant, Simon Bubel is requesting a Special Exception Permit for the construction of a new deck that will encroach into the side yard setback. The proposed new deck will encroach three (3) feet into the required ten (10) 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 the existing house, but the applicant estimates that it was constructed in the 1940'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 new deck will not be located closer than three (3) feet to the side yard 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 four (4) 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

Staff recommends the approval of the Special Exception Permit for 402 Oak Avenue allowing the construction of a new deck that will encroach up to fifty (50) percent into the required ten (10) foot side yard setback.

TOWN OF CARRBORO

SPECIAL EXCEPTION APPLICATION



DATE: 07/20/2020

I. GENERAL INFORMATION

"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.'

APPLICANT: Simon Bubel	OWNER: Simon Bubel
ADDRESS 402 Oak Avenue	ADDRESS: 402 Oak Avenue
TELEPHONE: 805-284-7209	TELEPHONE: 805-284-7209
TAX MAP, BLOCK, LOT	
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? YES

When was the Certificate of Occupancy issued for this structure or when was this structure built? 1942 (PIN 9778870791)

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

What is the zoning district for this property? R75

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

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

30% reduction of part of southern property line

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

south edge of new deck with porch reaches 7 ft to property line
this is similar to the current position of the gravel deck
this is not as close as the south side of the house which
already reaches 5.6 ft to property line

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

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

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 closest separation will be 28 ft, which is more than the
separation between existing structures since 1942

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? YES

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. Signed agreements of four property owners owning the
properties closest to the proposed variance are attached.
This includes 400 Oak Ave, the property adjacent to the variance

OWNER'S SIGNATURE: 
S. BUBEL

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:_____

TOWN OF CARRBORO
SPECIAL EXCEPTION APPLICATION (con't)
Page #4

400 Oak Ave, Gordon N. Mitchell (to southern property line)

By signing this letter, I am indicating acceptance and/or support of the setback variance that is being requested by Simon Bubel of 402 Oak Avenue, Carrboro.

I understand that the proposed south edge of the porch at 402 Oak Ave will be built 7 feet from the southern property line, and I am OK with that.

Signed Gordon N Mitchell
Address 400 Oak Ave, Carrboro
Date 14 July, 2020

401 Oak Ave, Maxine M. Mills (to south-western property line across street)

By signing this letter, I am indicating acceptance and/or support of the setback variance that is being requested by Simon Bubel of 402 Oak Avenue, Carrboro.

I understand that the proposed south edge of the porch at 402 Oak Ave will be built 7 feet from the southern property line, and I am OK with that.

Signed Maxine Mills
Address 401 Oak Ave Carrboro
Date 7/15/2020

403 Oak Ave, Jennifer A. McMillan (to western property line across street)

By signing this letter, I am indicating acceptance and/or support of the setback variance that is being requested by Simon Bubel of 402 Oak Avenue, Carrboro.

I understand that the proposed south edge of the porch at 402 Oak Ave will be built 7 feet from the southern property line, and I am OK with that.

Signed Jennifer A McMillan
Address 403 OAK AVE
Date 7-7-2020

404 Oak Ave, Kathryn J. Burns (to northern property line)

By signing this letter, I am indicating acceptance and/or support of the setback variance that is being requested by Simon Bubel of 402 Oak Avenue, Carrboro.

I understand that the proposed south edge of the porch at 402 Oak Ave will be built 7 feet from the southern property line, and I am OK with that.

Signed Kath Burns Kathryn Burns
Address 404 Oak Avenue
Date 7-17-20

BOARD OF ADJUSTMENT

AGENDA ITEM ABSTRACT

MEETING DATE: SEPTEMBER 16TH, 2020

TITLE: A PUBLIC HEARING FOR SPECIAL EXCEPTION PERMIT AT 409 HILLSBOROUGH ROAD.

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, Jennifer Hoffman is requesting a Special Exception Permit for the construction of a new screen porch onto the existing garage that is being converting into a detached accessory apartment that will encroach into the side yard setback. The proposed new screen porch will encroach five (5) feet and eleven (11) inches 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 409 Hillsborough Road allowing the construction of a new screen porch onto the existing detached garage to encroach up to fifty (50) percent into the required twelve (12) foot side yard setback.

STAFF REPORT

TO: Board of Adjustment

DATE: September 16th, 2020

PROJECT: Special Exception Permit for 409 Hillsborough Road

APPLICANT: Jennifer Hoffman
101 Manchester Drive
Chapel Hill, NC 27516

OWNER: Richard & Terezinha Peritt
409 Hillsborough Road
Carrboro, NC 27510

PURPOSE: Request to construct a screen porch onto the existing detached garage that is being converted to an accessory apartment that will encroach 5 feet and 11 inches into the required twelve (12) foot sideyard setbacks. This request will not exceed a 50 percent encroachment into the sideyard setback.

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

PIN: 9778-58-3739

LOCATION: 409 Hillsborough Road

LOT SIZE: Approximately 0.345 acres (15,022 square feet)

EXISTING LAND USE: Single Family Residence

SURROUNDING LAND USE:

North	----	R-10, vacant lot
South	----	R-10, vacant lot
East	----	Hillsborough Road R-O-W
West	----	R-10, vacant lot

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

The applicant, Jennifer Hoffman is requesting a Special Exception Permit for the construction of a new screen porch onto the existing garage that is being converting into a detached accessory apartment that will encroach into the side yard setback. The proposed new screen porch will encroach five (5) feet and eleven (11) inches 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 the detached garage, but the applicant estimates that it was constructed in the 1940'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 two (2) of the closest property owners stating that they are aware of the proposal and that they do not object to its approval.**

It should be noted that this property was recently subdivided and one of the petitions signed (Cardinal West Building) owns a majority of the lots adjacent to 409 Hillsborough Road.

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 409 Hillsborough Road allowing the construction of a new screen porch onto the existing detached garage to encroach up to fifty (50) percent into the required twelve (12) foot side yard setback.



**J. HOFFMAN STUDIO
DESIGN + BUILD LLC**

919.452.7458
jenny@jhoffmanstudio.com
101 Manchester Place, Chapel Hill, NC

Robert and Terezinha Perritt

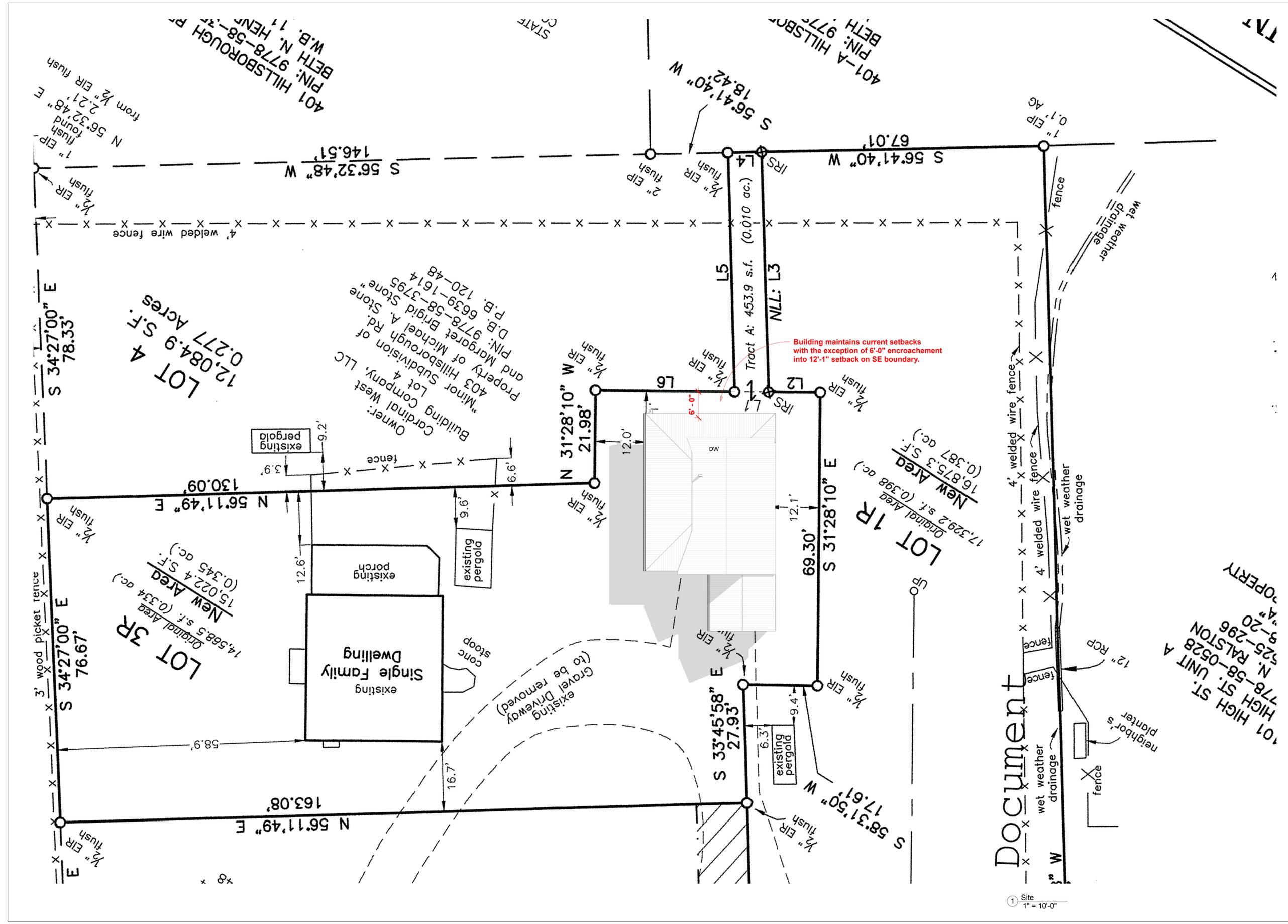
Accessory Dwelling Unit
409 Hillsborough Road
Carrboro NC 27510

Site Plan

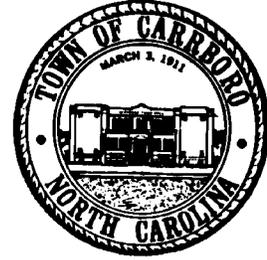
SCALE	1" = 10'-0"
DATE	08.12.2020
DRAW	JH
JOB	2020115

SHEET

A100



TOWN OF CARRBORO



SPECIAL EXCEPTION APPLICATION

DATE: 8/13/2020

I. GENERAL INFORMATION

"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.'

APPLICANT: Jennifer Hoffman	OWNER: Richard & Terezinha Perritt
ADDRESS 101 Manchester Place Chapel Hill, NC 27516	ADDRESS: 409 Hillsborough Road Carrboro, NC 27510
TELEPHONE: 919-452-7458	TELEPHONE: 919-987-7798
TAX MAP, BLOCK, LOT 3R RECOMB 1 & 3 HIGH ST & HILLSBOROUGH RD P121/178, pin: 9778583739	
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: General contractor/ designer	

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? approx. 1940

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

What is the zoning district for this property? Carrboro Zoning, R-10

What is the required setback from the property line for this zoning district?
12'-0"

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?

5'-11" to the Southeast property line

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

The special exception is to add a narrow screened porch onto the pre-existing garage during it's conversion to an accessory dwelling unit.
The appropriate Section is 15.92.1 of the Land Use Ordinance which 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.

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?

Approximately 91 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: _____

APPLICANT:

J. Brown

DATE: 8/13/2020

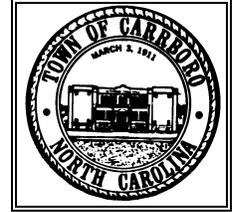
OWNER:

Tereseisha M. Permitt
Richard Permitt

DATE: 08/15/2020

08/15/2020

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:_____

Neighbor Petition

For: Town of Carrboro Special Exception Application,

Porch Addition for Accessory Dwelling Unit (ADU) located at,

Address: 409 Hillsborough Road, Carrboro, NC 27510

Owners: Richard and Terezinha Perritt

The below adjacent property owner indicates their agreement with the proposed home addition located at 409 Hillsborough Road, Carrboro NC 27510, and does not believe it will adversely affect their property value. It is understood that this porch addition encroaches within the 12-foot setback area of the southeast property line of the property at 409 Hillsborough Road. And that this requires the granting of a Special Exception by the Town of Carrboro, NC for this location due to the limiting nature of the shape of the property and the existing setback requirements.

Printed Name/s of Adjacent landowner/s:

Heather Stanley

Street Address: 617 c W. Main Street, carrboro NC 27510

Signature/s and Date:  8/26/2020

Neighbor Petition

For: Town of Carrboro Special Exception Application,

Porch Addition for Accessory Dwelling Unit (ADU) located at,

Address: 409 Hillsborough Road, Carrboro, NC 27510

Owners: Richard and Terezinha Perritt

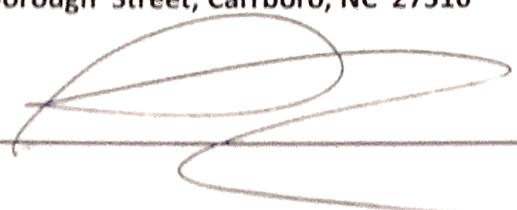
The below adjacent property owner indicates their agreement with the proposed home addition located at 409 Hillsborough Road, Carrboro NC 27510, and does not believe it will adversely affect their property value. It is understood that this porch addition encroaches within the 12-foot setback area of the southeast property line of the property at 409 Hillsborough Road. And that this requires the granting of a Special Exception by the Town of Carrboro, NC for this location due to the limiting nature of the shape of the property and the existing setback requirements.

Printed Name/s of Adjacent landowner/s:

Steve Hetherington (Cardinal West Building)

Street Address: 403 Hillsborough Street, Carrboro, NC 27510

Signature/s and Date:



8/26/2020