

# 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*

O c t o b e r 2 1 , 2 0 2 0

#### **I. MINUTES APPROVAL**

Consideration of September 16, 2020 minutes.

#### **II. PUBLIC HEARING FOR TWO SPECIAL EXCEPTIONS AT 200 QUAIL ROOST DRIVE**

The owner/applicant, Matthew Hayes is requesting two (2) Special Exception Permits: 1.) construction of a new attached garage that will encroach ten (10) into the twenty (20) foot western sideyard setback 2.) an addition to the rear of the existing house that will encroach approximately three (3) feet into the twenty (20) foot eastern sideyard 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 A VARIANCE REQUEST AT 201 ROBERT HUNT DRIVE**

Amy Reams, owner and applicant of the subject property, has submitted an application requesting a variance to allow encroachment into the Zone 2 Riparian Buffer per Section 15-269(a) of the Land Use Ordinance for the construction of new 14ft by 18ft screen porch in the rear of the existing house. It should be noted that there is an existing 12ft by 36ft deck in the rear of the house that will be removed in order to construct the new screen porch. The existing deck encroaches approximately twenty-nine (29) feet into Zone 2 Riparian Buffer while the new screen porch will only encroach approximately ten (10) to twelve (12) feet into Zone 2 Riparian Buffer. Per Section 15-269.3(a)(3) of the Town of Carrboro Land Use Ordinance (LUO), properties adjacent to intermittent streams maintain a Zone 1 Riparian Buffer of 30 feet and a Zone 2 Riparian Buffer of 30 feet (120' total). Please note that approximately 60 percent of this lot is within the Zone 1 & 2 buffers and that this subdivision was developed prior to the present stream buffer regulations of today. The request from the applicant for the variance is a result of regulations found in Section 15-269.5 of the LUO. This section of the LUO states that all activities

not designated as exempt, allowable, or allowable with mitigation are prohibited within the buffer unless a variance is granted pursuant to Section 15-92.

**IV. OLD/NEW BUSINESS**

**V. ADJOURN!**

***\*To view the Board of Adjustment meeting, please contact Dorian McLean at [dmclean@townofcarrboro.org](mailto:dmclean@townofcarrboro.org) or 919-918-7336 or Marty Roupe at [mroupe@townofcarrboro.org](mailto: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

September 16, 2020

7:00PM

Zoom Remote Meeting

MEMBERS PRESENT		TOWN ATTORNEY	STAFF
Linda Boweman		Nicholas Herman	Martin Roupe
Joseph Collins			James Thomas
Richard Ellington			Dorian McLean
Brian Hageman			
Sriv Navaratnam			

**Absent/Excused:** Garrett Baker, James Baker

### **MINUTES APPROVAL:**

MOTION MADE BY SRIV NAVARATNAM AND SECONDED BY JOSEPH COLLINS TO APPROVE MINUTES FROM JULY 15, 2020 AND AUGUST 19, 2020 MEETING. VOTE: AYES 4 (Linda Bowerman, Joseph Collins, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 2 (James Baker, Garrett Baker, Richard Ellington)

Brian Hageman opened the September 16, 2020 Board of Adjustment meeting by calling the meeting to order and reading the agenda. 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 402 Oak Avenue.

### **PUBLIC HEARING: Special Exception Permit 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.

James Thomas gave a brief Power Point presentation for the proposed construction of the new deck that will encroach into the side setback at 402 Oak Avenue.

James Thomas presented history that the house was built in the 1940's. The side setbacks are 10 feet and that the proposed new deck would encroach into the 10 feet. The applicants are wanting to encroach at least 3 feet for the proposed construction of the new deck.

James Thomas mailed out official town notifications about the proposed Special Exception Permit Public Hearing to neighbors located near and around the property at 402 Oak Avenue and received four (4) written petitions in agreement with the approval of the proposed construction of their neighbor's new deck.

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

Board of Adjustment Members, Sriv Navaratnam and Richard Ellington were in agreement with the proposed construction of the new deck with no questions.

MOTION WAS MADE BY BRIAN HAGEMAN AND SECONDED BY RICHARD ELLINGTON TO CLOSE THE PUBLIC HEARING. VOTE: VOTE: AYES 5 (Linda Bowerman, Joseph Collins, Richard Ellington, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 2 (Garrett Baker, James Baker)

MOTION WAS MADE BY JOSEPH COLLINS AND SECONDED BY RICHARD ELLINGTON THAT THE APPLICATION IS FOUND TO BE COMPLETE. VOTE: VOTE: AYES 5 (Linda Bowerman, Joseph Collins, Richard Ellington, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 2 (Garrett Baker, James Baker)

MOTION WAS MADE BY JOSEPH COLLINS AND SECONDED BY RICHARD ELLINGTON THAT THE APPLICATION COMPLIES WITH THE FOLLOWING FINDINGS REQUIRED BY SECTION 15-92.1. VOTE: VOTE: AYES 5 (Linda Bowerman, Joseph Collins, Richard Ellington, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 2 (Garrett Baker, James Baker)

- 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 RICHARD ELLINGTON THAT THE APPLICATION BE ISSUED SUBJECT TO THE FOLLOWING CONDITIONS. VOTE: VOTE: 5 (Linda Bowerman, Joseph Collins, Richard Ellington, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 2 (Garrett Baker, James Baker)

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.
4. The permit shall become effective on September 18, 2020 unless the Board of Adjustment receives written comments from the public. If that occurs then the Special Exception would need to return to the Board of Adjustment for final vote for approval at the next scheduled Board of Adjustment meeting.

MOTION WAS MADE BY JOSEPH COLLINS AND SECONDED BY RICHARD ELLINGTON THAT THE APPLICATION BE GRANTED SUBJECT TO THE CONDITIONS AGREED UPON. VOTE: VOTE: AYES 5 (Linda Bowerman, Joseph Collins, Richard Ellington, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 2 (Garrett Baker, James Baker)

### **PUBLIC HEARING: Special Exception Permit 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.

James Thomas gave a brief Power Point presentation of the subject property of the proposed construction of a new screen porch onto the existing garage that would possibly be converted into a detached accessory apartment that will encroach into the side yard setback. The applicant completed and submitted the application for the Special Exception Permit asking the Board to encroach into 5 feet of the 12 feet side yard setback for the proposed construction.

Town staff mailed out letters of the proposed construction to neighbors within 150 feet of the property at 409 Hillsborough Road.

Martin Roupe received an email from a neighbor who requested an invite to the Zoom Remote board meeting.

Jennifer Hoffman, applicant of the property at 409 Hillsborough Road stated that when she applied for building permits that the actual address would be 411 Hillsborough Road for the proposed detached accessory apartment.

MOTION WAS MADE BY BRIAN HAGEMAN AND SECONDED BY RICHARD ELLINGTON TO CLOSE THE PUBLIC HEARING. VOTE: VOTE: AYES 5 (Linda Bowerman, Joseph Collins, Richard Ellington, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 2 (Garrett Baker, James Baker)

Richard Ellington expressed concerns of increased construction could increase the amount of flooding and run off for the proposed location of construction. Mr. Ellington was in agreement with the proposed project just expressed his concerns that construction throughout the Town of Carrboro that could have future issues with flooding and run off.

Brian Hageman chair asked if board member Richard Ellington could write a draft of written concern to the Board of Aldermen. Mr. Ellington was in agreement with writing a draft letter to the Board of Aldermen.

MOTION WAS MADE BY JOSEPH COLLINS AND SECONDED BY RICHARD ELLINGTON THAT THE APPLICATION IS FOUND TO BE COMPLETE. VOTE: VOTE: AYES 5 (Linda Bowerman, Joseph Collins, Richard Ellington, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 2 (Garrett Baker, James Baker)

MOTION WAS MADE BY JOSEPH COLLINS AND SECONDED BY RICHARD ELLINGTON THAT THE APPLICATION COMPLIES WITH THE FOLLOWING FINDINGS REQUIRED BY SECTION 15-92.1. VOTE: VOTE: AYES 5 (Linda Bowerman, Joseph Collins, Richard Ellington, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 2 (Garrett Baker, James Baker)

- 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 RICHARD ELLINGTON THAT THE APPLICATION BE ISSUED SUBJECT TO THE FOLLOWING CONDITIONS. VOTE: VOTE: AYES 5 (Linda Bowerman, Joseph Collins, Richard Ellington, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 2 (Garrett Baker, James Baker)

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.
4. The permit shall become effective on September 18, 2020 unless the Board of Adjustment receives written comments from the public. If that occurs then the Special Exception would need to return to the Board of Adjustment for final vote for approval at the next scheduled Board of Adjustment meeting.

MOTION WAS MADE BY JOSEPH COLLINS AND SECONDED BY RICHARD ELLINGTON THAT THE APPLICATION BE GRANTED SUBJECT TO THE CONDITIONS AGREED UPON. VOTE: VOTE: AYES 5 (Linda Bowerman, Joseph Collins, Richard Ellington, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 2 (Garrett Baker, James Baker)

### **OLD/NEW BUSINESS**

Martin Roupe, town staff stated if the neighbor sent any written concern he would inform the Board of Adjustment members. There may be a possible Board of Adjustment Meeting Wednesday, October 21, 2020 at 7pm. Dorian McLean will send out a poll if there will be a potential meeting.

### **ADJOURN**

MOTION WAS MADE BY BRIAN HAGEMAN AND SECONDED BY SRIV NAVARATNAM THAT THE MEETING BE ADJOURNED. VOTE: VOTE: AYES 5 (Linda Bowerman, Joseph Collins, Richard Ellington, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 2 (Garrett Baker, James Baker)

# BOARD OF ADJUSTMENT

## AGENDA ITEM ABSTRACT

MEETING DATE: OCTOBER 21<sup>ST</sup>, 2020

TITLE: A PUBLIC HEARING FOR TWO SPECIAL EXCEPTION PERMITS AT 200 QUAIL ROOST DRIVE.

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES <u>X</u> NO <u>    </u>
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, Matthew Hayes is requesting two (2) Special Exception Permits: 1.) construction of a new attached garage that will encroach ten (10) into the twenty (20) foot western sideyard setback 2.) an addition to the rear of the existing house that will encroach approximately three (3) feet into the twenty (20) foot eastern sideyard 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 two (2) Special Exception Permits for 200 Quail Roost Drive allowing the construction of a new detached garage and an addition to the rear of the existing house that will to encroach up to fifty (50) percent into the required twenty (20) foot side yard setback.

**STAFF REPORT**

**TO:** Board of Adjustment

**DATE:** October 21<sup>st</sup>, 2020

**PROJECT:** Special Exception Permit for 200 Quail Roost Drive

**APPLICANT/OWNER:** Matthew Hayes  
200 Quail Roost Drive  
Carrboro, NC 27510

**PURPOSE:** The applicant is requesting two special exceptions: 1.) construction of a new attached garage that will encroach ten (10) into the twenty (20) foot western sideyard setback 2.) an addition to the rear of the existing house that will encroach approximately three (3) feet into the twenty (20) foot eastern sideyard setback. Neither of these requests will not exceed a 50 percent encroachment into the sideyard setback.

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

**PIN:** 9779-12-7350

**LOCATION:** 200 Quail Roost Drive

**LOT SIZE:** 0.51 acres (22,119 square feet)

**EXISTING LAND USE:** Single Family Residence

**SURROUNDING LAND USE:**

North	----	R-20, single-family residence
South	----	Quail Roost Drive right-of-way
East	----	R-20, single-family residence
West	----	R-20, single-family residence

**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 owner/applicant, Matthew Hayes is requesting two (2) Special Exception Permits: 1.) construction of a new attached garage that will encroach ten (10) into the twenty (20) foot western sideyard setback 2.) an addition to the rear of the existing house that will encroach approximately three (3) feet into the twenty (20) foot eastern sideyard 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 1974. 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 attached garage and the addition to the rear of the house 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.**

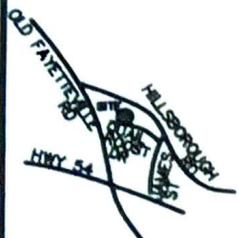
2.    Issuance of the permit will not adversely affect the value of adjoining properties. If the applicant presents a petition, signed by the owners of all properties entitled to receive notice of the hearing on the application, pursuant to Section 15-102(2), and, stating that such property owners believe 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 three 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 two (2) Special Exception Permits for 200 Quail Roost Drive allowing the construction of a new detached garage and an addition to the rear of the existing house that will encroach up to fifty (50) percent into the required twenty (20) foot side yard setback.



VICINITY MAP  
(NOT TO SCALE)

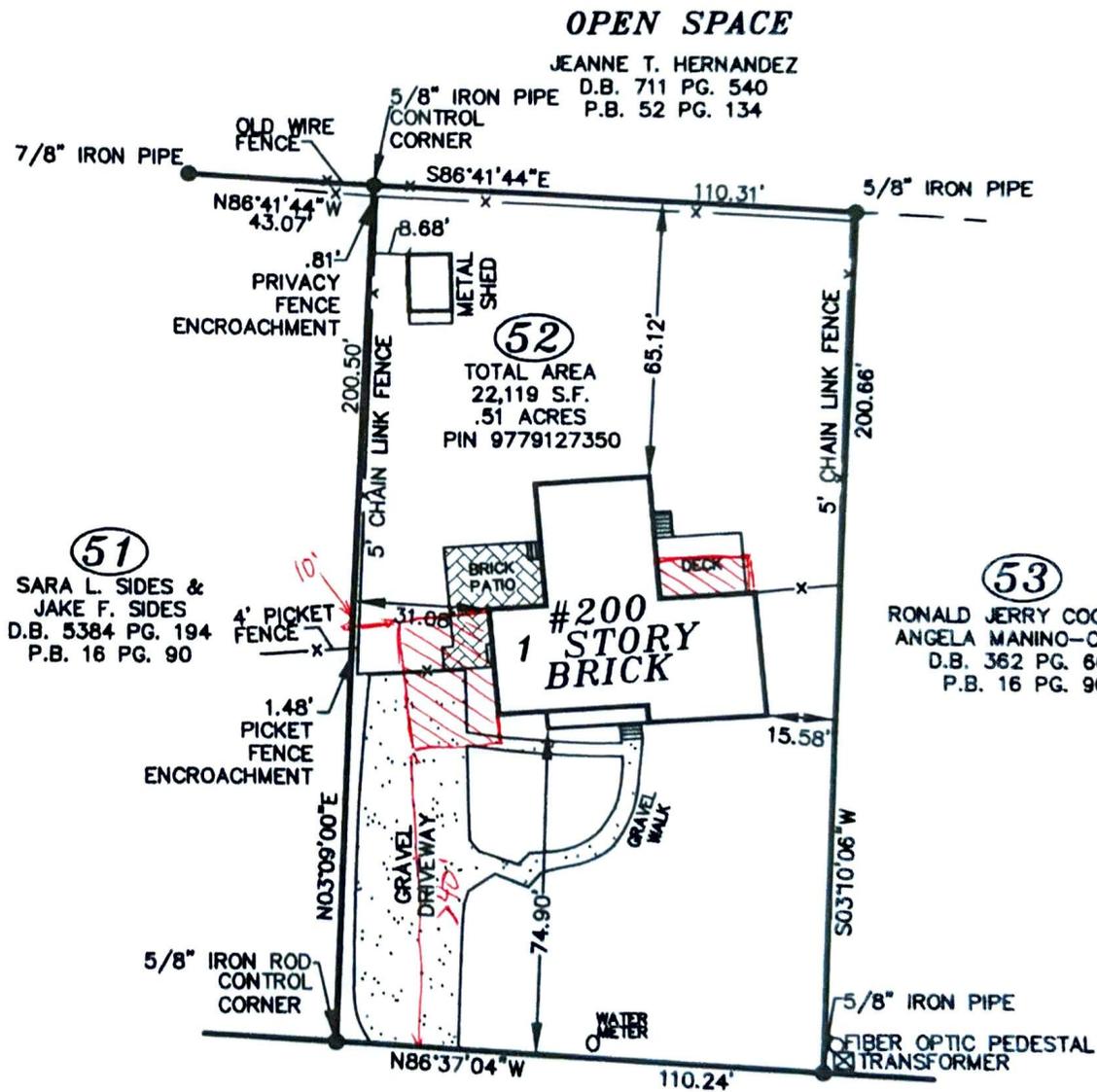


REFERENCES:  
 LOT 52  
 SECTION TWO  
 "R.S. LLOYD SUBDIVISION"  
 P.B. 16 PG. 90  
 D.B. 4686 PG. 350

- LEGEND
- IRON PIN FOUND
  - 7/8" IRON PIPE SET
  - △ MATH. POINT
  - ⊠ MONUMENT

NO NCGS MONUMENT WITHIN 2000 FT.

DWG# C:\SURVEY\Quail Roost Dr 200.dwg



QUAIL ROOST DRIVE  
 EXISTING 60' PUBLIC R/W

I, DAVID M. RAY  
 ON THIS PLAT IS  
 AREA AS DETERMI  
 URBAN DEVELOPMI

THIS 20<sup>th</sup> DAY  
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(53)  
 RONALD JERRY COOKE &  
 ANGELA MANINO-COOKE  
 D.B. 362 PG. 666  
 P.B. 16 PG. 90



DAVID M. RAY  
 P.O. BOX 70  
 TELEPHONE  
 EMAIL DAVID

MATH MERI  
 200 QUAIL ROOST  
 ORANGE (CA)

SCALE: 1" = 40'

# 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:** \_\_\_\_\_

### I. GENERAL INFORMATION

<b>APPLICANT:</b> Matthew Hayes	<b>OWNER:</b> Matthew Hayes
<b>ADDRESS</b> 200 Quail Roost Dr.	<b>ADDRESS:</b> 200 Quail Roost Dr.
Carrboro, NC 27510	Carrboro, NC 27510
<b>TELEPHONE:</b> 517-303-6800	<b>TELEPHONE:</b> 517-303-6800
<b>TAX MAP, BLOCK, LOT</b>	
<b>LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER:</b> N/A	

### 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? \_\_\_\_\_ 1974 \_\_\_\_\_

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

What is the zoning district for this property? \_\_\_\_\_ R-20 \_\_\_\_\_

What is the required setback from the property line for this zoning district? \_\_\_\_\_ 20 Feet \_\_\_\_\_

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

Request 50% reduction from western property line. Request to add on on eastern property line, but addition will not extend beyond the existing structure which is 25% reduced but was grandfathered in via 15-184b.

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

10 feet to the western property line. 15 feet to the eastern property line (existing structure)

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

Requesting a special exception through section 15-92.1 for a 50% reduction on the western property line to build an attached garage and no more than 25% reduction on the eastern property line for a living space addition, not extending beyond the current eastern footprint of the structure.

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?

Expanded structure would be ~39ft to existing structure at 202 Quail Roost Drive and ~60 ft to 106 Quail Roost Drive

### **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

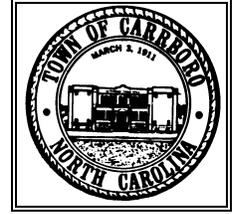
### **IV. NEIGHBORHOOD OPINION**

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 #2

(For an Existing Non-conforming Structure)

### I. COMPLETENESS OF APPLICATION

- The application is complete.
- The application is incomplete \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### II. FINDINGS REQUIRED BY SECTION 15-92.1

A. The proposed encroachment results from an addition to or an extension of an existing structure that already is nonconforming with respect to the requirements of Section 15-184 (setback provisions).

- Yes
- No

B. The proposed addition or extension will not encroach upon any required front, rear, or side yard to a greater extent than existing structures on that lot.

- Yes
- No

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

- Yes
- No

D. 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:

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

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Dear Neighbors,

We are writing to share the plans we have for improvements to our home. We would like to add a garage and extend a room on the east side of our property (see enclosed sketch). We have spoken with an architect and have submitted an application to the town for a special exception, as these additions would change the footprint of our home.

Given the circumstances, we thought it would be best to not go door to door, but we wanted to open the lines of communication. We are hoping you may be willing to provide your signature as our neighbors to help us assure the town board that you are aware of our plans and do not have concerns. If so, please complete the bottom portion of this letter at your earliest convenience.

We are, of course, happy to discuss any concerns and welcome any questions you have. Please feel free to reach out by email or phone, and we would also be happy to set up a time to meet at a distance.

Thank you for considering this request.

Matt and Meredith Hayes

200 Quail Roost Dr.  
517-303-6800  
matthew.hayes9@gmail.com

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As a neighbor within 150 ft of 200 Quail Roost Drive, I understand the owners' renovation plans, as indicated on the enclosed sketch. I am in agreement with their proposal.

Names	Address	Signatures
Jennifer Lund	202 Quail Roost Dr.	Jennifer Lund

Dear Neighbors,

We are writing to share the plans we have for improvements to our home. We would like to add a garage and extend a room on the east side of our property (see enclosed sketch). We have spoken with an architect and have submitted an application to the town for a special exception, as these additions would change the footprint of our home.

Given the circumstances, we thought it would be best to not go door to door, but we wanted to open the lines of communication. We are hoping you may be willing to provide your signature as our neighbors to help us assure the town board that you are aware of our plans and do not have concerns. If so, please complete the bottom portion of this letter at your earliest convenience.

We are, of course, happy to discuss any concerns and welcome any questions you have. Please feel free to reach out by email or phone, and we would also be happy to set up a time to meet at a distance.

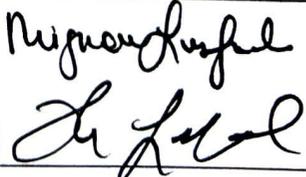
Thank you for considering this request.

Matt and Meredith Hayes

200 Quail Roost Dr.  
517-303-6800  
matthew.hayes9@gmail.com

-----

As a neighbor within 150 ft of 200 Quail Roost Drive, I understand the owners' renovation plans, as indicated on the enclosed sketch. I am in agreement with their proposal.

Names	Address	Signatures
Thomas and Mignon LUNSFORD	106 Quail Roost Drive	

Dear Neighbors,

We are writing to share the plans we have for improvements to our home. We would like to add a garage and extend a room on the east side of our property (see enclosed sketch). We have spoken with an architect and have submitted an application to the town for a special exception, as these additions would change the footprint of our home.

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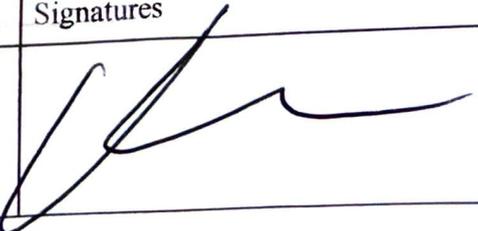
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517-303-6800  
matthew.hayes9@gmail.com

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As a neighbor within 150 ft of 200 Quail Roost Drive, I understand the owners' renovation plans, as indicated on the enclosed sketch. I am in agreement with their proposal.

Names	Address	Signatures
Lawrence Solomon	203 Quail Roost Dr. Carrboro, NC 27510	

10ft



200



~19ft

Carbore

# BOARD OF ADJUSTMENT

## AGENDA ITEM ABSTRACT

MEETING DATE: OCTOBER 21<sup>ST</sup>, 2020

TITLE: A PUBLIC HEARING FOR A VARIANCE REQUEST AT 201 ROBERT HUNT DRIVE

<b>DEPARTMENT:</b> PLANNING DEPARTMENT	<b>PUBLIC HEARING:</b> Yes <u>X</u> No <u>    </u>
<b>ATTACHMENTS:</b> A. STAFF REPORT B. VARIANCE REQUEST C. SITE PLAN D. VARIANCE WORKSHEET	<b>FOR INFORMATION CONTACT:</b> JAMES THOMAS- 918-7335

### PURPOSE STATEMENT

Amy Reams, owner and applicant of the subject property, has submitted an application requesting a variance to allow encroachment into the Zone 2 Riparian Buffer per Section 15-269(a) of the Land Use Ordinance for the construction of new 14ft by 18ft screen porch in the rear of the existing house.

It should be noted that there is an existing 12ft by 36ft deck in the rear of the house that will be removed in order to construct the new screen porch. The existing deck encroaches approximately twenty-nine (29) feet into Zone 2 Riparian Buffer while the new screen porch will only encroach approximately ten (10) to twelve (12) feet into Zone 2 Riparian Buffer.

Per Section 15-269.3(a)(3) of the Town of Carrboro Land Use Ordinance (LUO), properties adjacent to intermittent streams maintain a Zone 1 Riparian Buffer of 30 feet and a Zone 2 Riparian Buffer of 30 feet (120' total). Please note that approximately 60 percent of this lot is within the Zone 1 & 2 buffers and that this subdivision was developed prior to the present stream buffer regulations of today.

The request from the applicant for the variance is a result of regulations found in Section 15-269.5 of the LUO. This section of the LUO states that all activities not designated as exempt, allowable, or allowable with mitigation are prohibited within the buffer unless a variance is granted pursuant to Section 15-92.

### INFORMATION

(see the "Staff Report" – Attachment A)

### STAFF RECOMMENDATION

The Town Staff recommends the Board complete the attached worksheet for the variance request for 201 Robert Hunt Drive allowing the construction of new screen porch in the rear of the existing house, as depicted in the site plan, within the Riparian Buffer 2. If the variance is approved the following conditions are recommended:

1. The applicant shall complete the development strictly in accordance with the presentation submitted to and approved by the Board, a copy of which is filed in the Carrboro Town Hall.

**STAFF REPORT**

**TO:** Board of Adjustment

**DATE:** October 21<sup>st</sup>, 2020

**PROJECT:** Variance Request for 201 Robert Hunt Drive

**APPLICANT/OWNER:** Amy Reams  
201 Robert Hunt Drive  
Carrboro, NC 27510

**PURPOSE:** Request for a variance to allow encroachment into Zone 2 Riparian Buffer for the construction of a new 14ft by 18ft screen porch.

**EXISTING ZONING:** R-10 Zoning District

**PARCEL ID NUMBER:** 9779-50-0586

**LOCATION:** 201 Robert Hunt Drive

**LOT SIZE:** .176 ac (7,666 sf)

**EXISTING LAND USE:** Single-family residence

**SURROUNDING LAND USE:** North - R-10, Quarter Path Trace open space  
South – R-10, single-family residence  
East – Robert Hunt Drive r-o-w  
West – R-10, Quarter Path Trace open space

**ZONING HISTORY:** R-10 since 1988

**RELEVANT ORDINANCE SECTIONS:**

Section 15-92	Variances
Section 15-269	Water Quality Buffers

## ANALYSIS

Amy Reams, owner and applicant of the subject property, has submitted an application requesting a variance to allow encroachment into the Zone 2 Riparian Buffer per Section 15-269(a) of the Land Use Ordinance for the construction of new 14ft by 18ft screen porch in the rear of the existing house.

It should be noted that there is an existing 12ft by 36ft deck in the rear of the house that will be removed in order to construct the new screen porch. The existing deck encroaches approximately twenty-nine (29) feet into Zone 2 Riparian Buffer while the new screen porch will only encroach approximately ten (10) to twelve (12) feet into Zone 2 Riparian Buffer.

Per Section 15-269.3(a)(3) of the Town of Carrboro Land Use Ordinance (LUO), properties adjacent to intermittent streams maintain a Zone 1 Riparian Buffer of 30 feet and a Zone 2 Riparian Buffer of 30 feet (120' total). Please note that approximately 60 percent of this lot is within the Zone 1 & 2 buffers and that this subdivision was developed prior to the present stream buffer regulations of today.

The request from the applicant for the variance is a result of regulations found in Section 15-269.5 of the LUO. This section of the LUO states that all activities not designated as exempt, allowable, or allowable with mitigation are prohibited within the buffer unless a variance is granted pursuant to Section 15-92.

The applicant is applying for the variance under Section 15-92 of the LUO. Section 15-92 gives the Board of Adjustment the authority to grant variances if certain findings are made. The necessary findings and staff's response are listed below:

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

*Staff Response: Current regulations concerning water quality buffers requirements (per Section 15-269.3(a)(3)) leave the property owner with little buildable area in the rear portion of their lot. It should be noted that there is an existing deck in the rear of the house and the new screen porch will actually be smaller in size than the existing deck. The regulations require that the water quality buffer be a total width for Zone 1 and Zone 2 of 120 feet and this required buffer entails approximately 60 percent of this lot or the whole rear yard.*

- 2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.**

**Staff Response:** *The hardship relates specifically to the fact that an intermittent stream runs along the northern portion of this lot and requires water quality buffers per Section 15-269.3(a)(3) of the Land Use Ordinance. This subdivision and house were built when the stream buffer regulations were not as strict as they are today. The applicant is asking for relief per Section 15-269.5(a) of the Land Use Ordinance in order to a screen porch in the Zone 2 Stream Buffer.*

- 3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created.**

**Staff Response:** *The house on this property was built prior to the stream buffer regulations of today and the proposed new screen porch will encroach less into the Riparian Buffer 2 than the existing deck. The property owner's actions were not the cause of the hardship.*

- 4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.**

**Staff Response:** *The construction of the screen porch can be seen as a common appurtenance to a single family residence. The new screen porch will in essence be "smaller" than the existing deck on the house and encroach less into the Riparian Buffer 2.*

### **CONCLUSION**

The owners/applicants are restricted by current regulations under Section 15-269.5(a) of the LUO from making reasonable use of the property. Section 15-92 gives the Board of Adjustment the authority to grant variances subject to meeting the necessary findings as described in Section 15-92 (b).

### **RECOMMENDATION**

The Town Staff recommends the Board complete the attached worksheet for the variance request for 201 Robert Hunt Drive allowing the construction of new screen porch in the rear of the existing house, as depicted in the site plan, within the Riparian Buffer 2. If the variance is approved the following conditions are recommended:

1. The applicant shall complete the development strictly in accordance with the presentation submitted to and approved by the Board, 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.

**Description:**

14' x 17'-8" screened porch. The porch will encroach 10' and 12', respectively, into zone two the intermittent stream riparian buffer.

Part of the project is to remove an 12' x 36' existing deck, which currently encroaches 29' into zone 2 of the buffer, and replace it with the porch.

**Appropriate Ordinance Sections**

Sec. 15-251-1

2. Addition

16. building

Article XVI Flood Damage Prevention, Stormwater Management and Watershed Protection  
(L) Intermittent Stream

Section 15-269.3 Width of Buffers

Table 1

Zone One 30'

Zone Two 30'

Section 269.8 Permits and Enforcement of Buffer Requirements

**Reasons for Variance Request**

From May to September the backyard of this property is infested with mosquitoes, which does not allow us, or our children, to enjoy our backyard. While a major irritant, it is also a health hazard, since mosquitoes are one of nature's most efficient transmitters of disease. We would like to build the porch to allow us to enjoy our backyard and give us more room to assist in educating our children, since we now have Covid-19 to contend with. As a teacher, I can attest to its usefulness.

**1. Unnecessary hardship from enforcement****Statement by Applicant supporting this finding:**

When we bought our house we had no idea about the riparian buffer or how it would affect us when wanting to build a porch years later. We were unaware of the local ordinances until researching this information. During this research we also learned that the State does not inhibit the construction of porches within 50' of an intermittent stream. Since it is not a stream, they do not impose a riparian buffer. Additionally, in this neighborhood, large sections of the stream are

actually under sections of the road. Unless a permit is requested, there is no enforcement of the buffer. Vegetation is modified and removed all the time.

Most residences in our neighborhood are allowed to build porches without hindrance. The lack of a porch imposes an unnecessary hardship, because it does not allow us to enjoy the use of our back yard for months out of the year. It also devalues our property, relative to the neighborhood properties with porches. These are small lots, with relatively small houses. The houses in our neighborhood, with a porch, enjoy higher values because it provides a relatively inexpensive solution to more living space. Given the issues Covid imposes on educating one's children at home, a screen porch gives additional square footage which is sorely needed.

## **2. Unnecessary hardship from conditions**

### **Statement by Applicant supporting this finding:**

In this case the intermittent stream runs down the side of my property. Almost no other lot has this condition. There are some lots in this subdivision, which are affected by this "riparian buffer", but very few. The hardship lies in the fact that we are one of the only houses that is affected by this buffer which also includes large sections that lie under streets and driveways. Additionally, most of my house is in this buffer. There is almost no way to have any structure, adjacent to my house, without it being in the buffer. The original subdivision plat is also enclosed. It will show the conditions peculiar to this property.

## **3. Unnecessary hardship from actions**

### **Statement by Applicant supporting this finding:**

We have not taken any action to cause this hardship. The existing deck was on the house when we purchased it.

## **4. Requested Variance is consistent**

### **Statement by Applicant supporting this finding:**

The purpose of a riparian buffer is to leave the "buffer" undisturbed. That is not possible in our subdivision.

This porch will allow us to assist in meeting the intent of the ordinance. By removing the existing deck, we will be able to plant vegetation which will actually assist the buffer. This is not currently possible. The height of the existing deck will not allow any vegetation to grow. The

state regulations, for a true riparian buffer, view a deck surface as impervious if it is under 8'. While the porch roof is impervious, the downspout from the gutter will discharge outside the riparian buffer. This will actually improve the existing conditions.

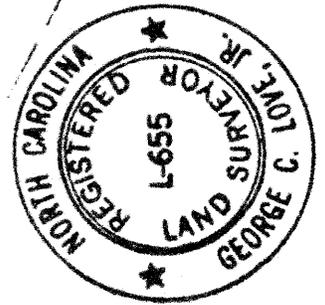
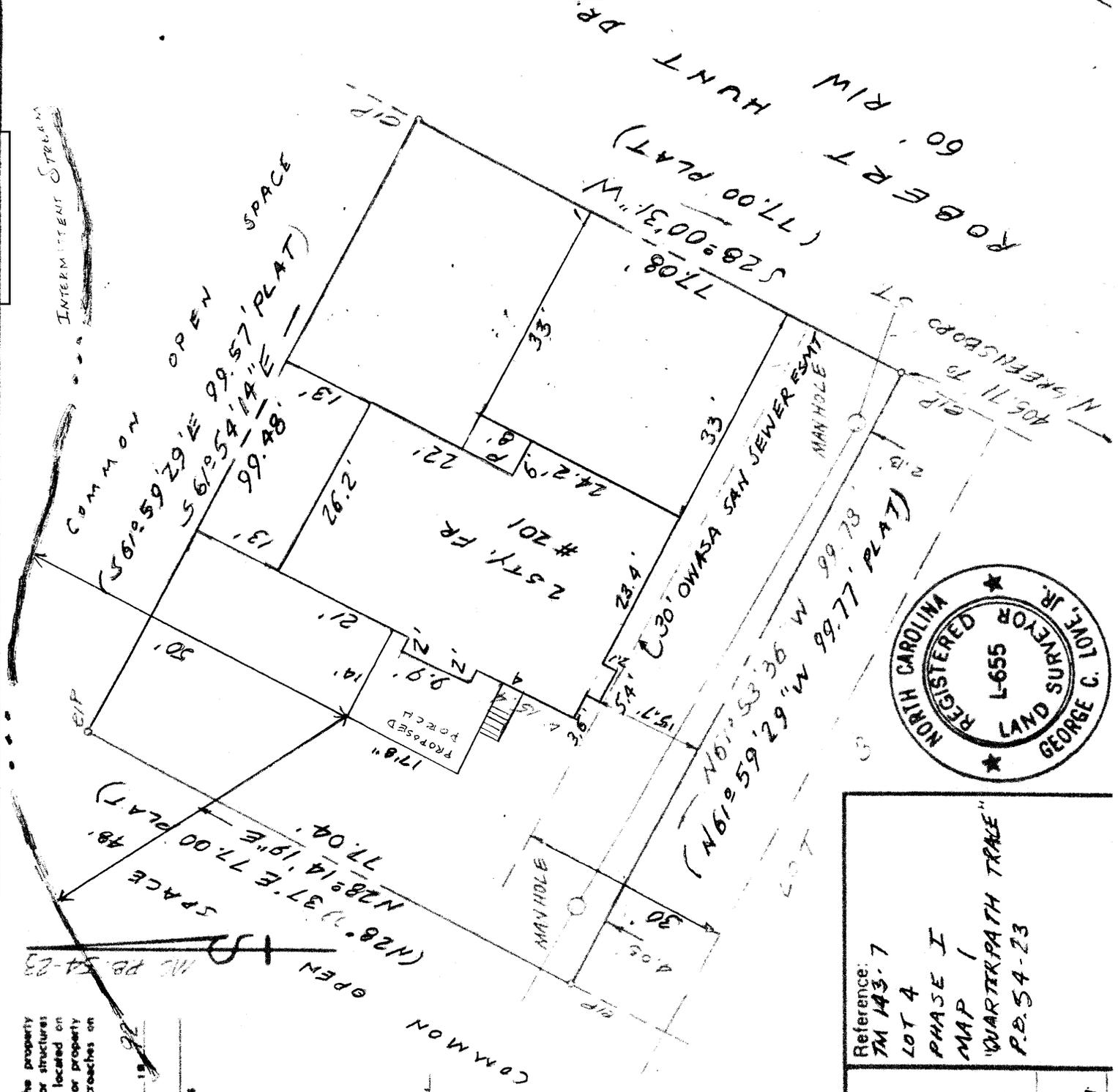
Attached to this application is the original property survey. A copy of that survey has been modified to a plat map showing the existing deck. A second plat map has been prepared showing the proposed porch. The original subdivision plat is also enclosed.

I, George C. Love, Jr., certify that I surveyed the property shown on this plat; that the property lines and or structures are accurately shown hereon; that no structure located on this property encroaches on any adjacent street or property and that no structure on adjacent property encroaches on the premises surveyed.

THIS 27th DAY OF APRIL 1992  
 George C. Love, Jr.  
 REGISTERED LAND SURVEYOR No. L-655

I hereby certify that this property is not located in a Special Flood Hazard Area as determined by the Department of Housing and Urban Development.

George C. Love, Jr.  
 SURVEY FOR  
 JAMES G. STANFORD & WIFE  
 LYDA M. STANFORD  
 CARBORO T.S.  
 ORANGE CO., N.C.



Reference:  
 TM 143.7  
 LOT 4  
 PHASE I  
 MAP 1  
 'QUARTERPATH TRACE'  
 P.D. 54-23

MODIFIED FROM ORIGINAL

SURVEYED BY  
**GEORGE C. LOVE, JR.**  
 REG. LAND SURVEYOR  
 308 W. MAIN ST. - P. O. BOX 1355  
 DURHAM, N. C. 27702  
 PHONE 682-1879

DATE 4-27-92 SCALE 1" = 20'

JOB NO. 2362P

SURVEYED BY RR PLATTED BY WHM

I, George C. Love, Jr., certify that I surveyed the property shown on this plat; that the property lines and or structures are accurately shown hereon; that no structure located on this property encroaches on any adjacent street or property and that no structure on adjacent property encroaches on the premises surveyed.

THIS 27th DAY OF APRIL 1992  
 George C. Love, Jr.  
 REGISTERED LAND SURVEYOR L-655

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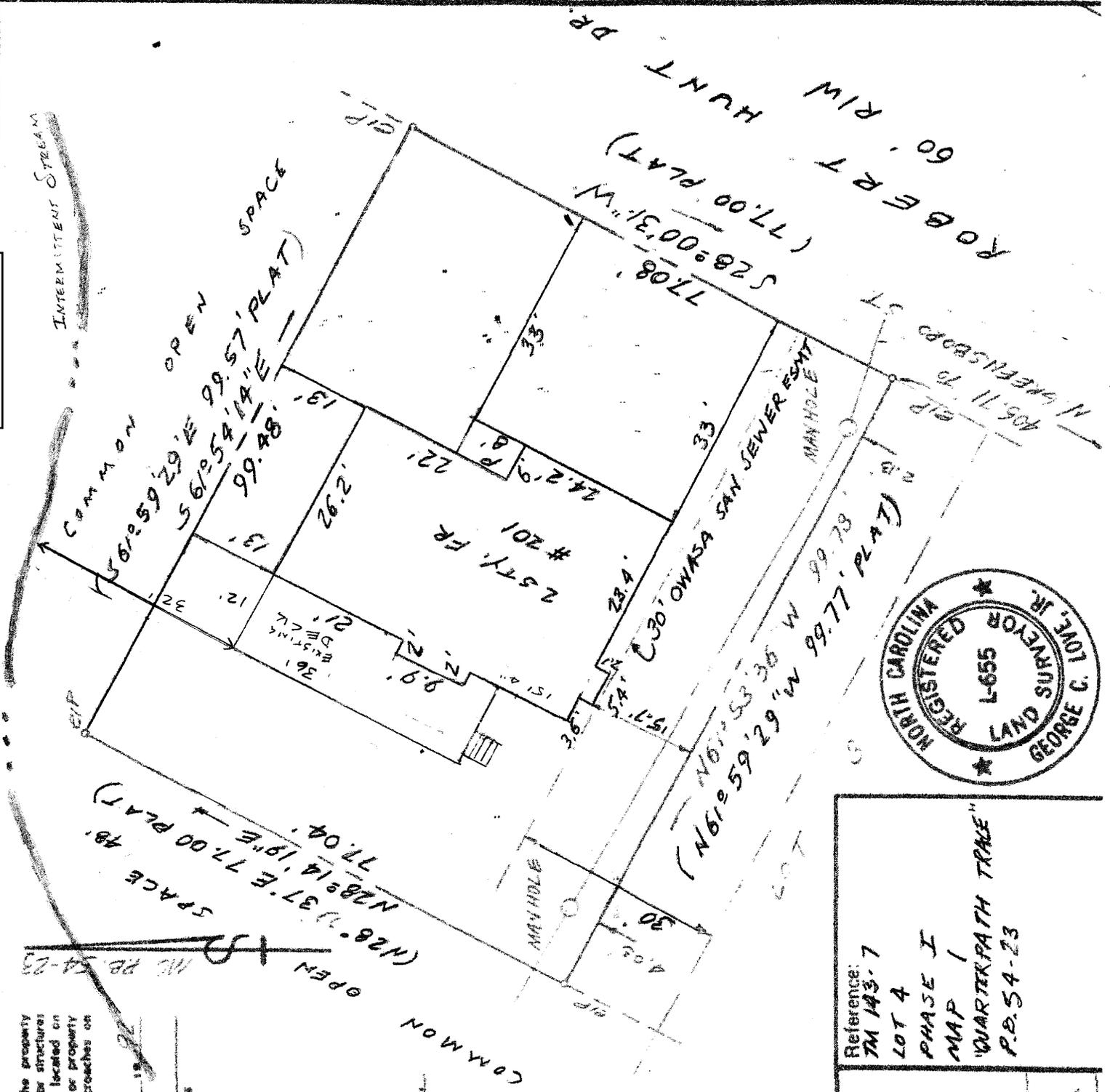
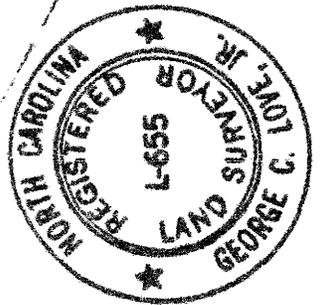
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 JAMES G. STANFORD & WIFE  
 LYDA M. STANFORD  
 CARRBORO T.S., N.C.  
 ORANGE COUNTY, N.C.

MODIFIED FROM ORIGINAL

SURVEYED BY  
**GEORGE C. LOVE, JR.**  
 REG. LAND SURVEYOR  
 308 W. MAIN ST. - P. O. BOX 1355  
 DURHAM, N. C. 27702  
 PHONE 682-1879

DATE 4-27-92 SCALE 1" = 20'  
 JOB NO. 23620  
 SURVEYED BY RR PLATTED BY WHM

Reference:  
 TM 143-7  
 LOT 4  
 PHASE I  
 MAP 1  
 'QUARTERPATH TRACE'  
 P.D. 54-23



# TOWN OF CARRBORO

## BOARD OF ADJUSTMENT



### VARIANCE WORKSHEET

**I. COMPLETENESS OF APPLICATION**

- The application is complete.
- The application is incomplete \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

1. Unnecessary hardship would result from the strict application of this ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property:
  - Yes
  - No
  
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be that basis for granting the variance:
  - Yes
  - No
  
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship:
  - Yes
  - No
  
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved:
  - Yes
  - No

**III. CONSIDERATION OF PROPOSED CONDITIONS**

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

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Zoning Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
3. Other conditions as necessary or desired: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**IV. GRANTING THE APPLICATION**

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

**V. DENYING THE APPLICATION**

- The application is denied because it is incomplete for the reasons set forth above in Section I.
- The application is denied because it fails to comply with the additional ordinance requirements set forth above in Section II.