TOWN OF CARRBORO

BOARD OF ADJUSTMENT

301 West Main Street, Carrboro, North Carolina 27510

A G E N D A

7:00 P.M. ****Remote Meeting***

J u n e 1 7 , 2 0 2 0

I. MINUTES APPROVAL
Consideration of May 6, 2020 minutes.

II. Special Use Permit Minor Modification Request for OWASA, 400 Jones Ferry Road.
Hazen & Sawyer, on behalf of OWASA, has submitted an application seeking approval of a Minor Modification to the Special Use Permit for their property to allow relief from a Type A screening requirement along Jones Ferry Road. Additional information and details are included in the agenda item.

III. Variance Request for 315 Jones Ferry Road.
Request for a variance to allow encroachment into Zone 2 and Zone 1 Water Quality Buffer for the construction of a driveway, parking area, stormwater control measure, and retaining wall, along with associated grading to allow for potential construction of a new commercial building. Additional information and details are included in the agenda item.

IV. Old/New Business.

V. ADJOURN!

BOARD OF ADJUSTMENT

M I N U T E S

Town of Carrboro

301 W. Main Street Carrboro, North Carolina 27510

M a y 6 , 2 0 2 0

7:00PM **Remote Meeting**

MEMBERS PRESENT		TOWN ATTORNEY	STAFF
Garrett Baker	Michael Crowell	Nicholas Herman	Marty Roupe
James Baker	Brian Hageman		Dorian McLean
Linda Bowerman			
Joseph Collins			

Absent/Excused: Richard Ellington, Sriv Navaratnam

Town Council Representative: Damon Seils

Brian Hageman opened the May 6, 2020 Board of Adjustment meeting by calling the meeting to order and reading the Agenda.

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

Nicholas Herman, town attorney, explained the procedure of how this and future Board of Adjustment remote meetings should be conducted in accordance with North Carolina General Statutes. When speaking each individual needs to state their name before speaking, and when making a decision to vote that each individual call out their name and vote AYE or NOE. Mr. Herman explained to Brian Hageman, Chair of the Board of Adjustment, that he would not be able to vote on the order due to his absence from the February 19, 2020 Board of Adjustment meeting.

MINUTES APPROVAL:

Michael Crowell noted that one correction to the minutes on Page 2, 5th paragraph starting with Michael Crowell and the 6th paragraph beginning with Richard Ellington. The two names need to be placed in opposite places.

MOTION MADE BY MICHAEL CROWELL AND SECONDED BY JOSEPH COLLINS TO APPROVE MINUTES FROM FEBRUARY 19, 2020 MEETING. VOTE: James Baker, Linda

Bowerman, Joseph Collins, Michael Crowell). ABSENT/EXCUSED 3 (Garrett Baker, Richard Ellington, Sriv Navaratnam)

CONSIDERATION AND APPROVAL OF APPEAL ORDER:

Martin Roupe, town staff, discussed the consideration and approval of Appeal Order of the Zoning Administrator's decision regarding a stream buffer encroachment on property located at 3200 Damascus Church Road.

Nicholas Herman has drafted for the Board of Adjustment a proposed order based on the decision made on the matter of the Appeal Order of the property located at 3200 Damascus Church Road. Board of Adjustment members should know that it is their order and the draft can be decided on and edited as needed. Only four board members are present at the current moment from the February 19, 2020 minutes and those four should vote on the Appeal Order.

Nick Herman noted that on May 4, 2020 Mr. Patrick Shillington, representative of the property owners for 3200 Damascus Church Road, wrote an email to Martin Roupe. Nick quoted the email as saying the following, "Marty, I have reviewed the summary you applied and you inaccurately summarized what I said at the meeting."

Brian Hageman intervened informing the Board of Adjustment members that Garrett Baker had joined the Board of Adjustment meeting and that he would be able to vote on the draft appeal order as he was present at the February 19, 2020 Board of Adjustment meeting. Brian informed members present that the draft Appeal Order being discussed should be accurate and asked if any modifications are needed to be done to the order. Brian Hageman informed the board that former board member Wil Heflin resigned from the Board of Adjustment and that the order would need to be amended to not include Wil Heflin's name.

Michael Crowell suggested that some of the language in the order be modified. James Baker and Mr. Crowell discussed possible modifications, and Nicholas Herman discussed with Board members as well whether the modification were necessary. After the board discussed the order no modification was needed and everyone was in agreement on the draft order.

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

MOTION WAS MADE BY MICHAEL CROWELL AND SECONDED BY GARRETT BAKER TO APPROVE THE APPEAL ORDER FOR 3200 DAMASCUS CHURCH ROAD VOTE: James Baker, Garrett Baker, Linda Bowerman, Joseph Collins, Michael Crowell). NOES 0: ABSENT/EXCUSED 2 (Richard Ellington, Sriv Navaratnam)

James Baker asked if the order could be amended to remove former Board of Adjustment member Wil Heflin's name.

MOTION WAS MADE BY JAMES BAKER AND SECONDED BY JOSEPH COLLINS THAT THE ORDER BE AMENDED WITH THE REMOVAL OF A FORMER BOARD MEMBER WIL HEFLIN NAME. VOTE: (James Baker, Garrett Baker, Linda Bowerman, Joseph Collins, Michael Crowell,). NOES 0: ABSENT/EXCUSED 2 (Richard Ellington, Sriv Navaratnam)

Nicholas Herman informed the board that the State Legislature has approved and enacted a bill that allows for remote quasi-judicial meetings and hearings to occur. Technology is allowing boards throughout the state to actively hold meetings using this procedure. Board members discussed holding such meetings and agreed to do so when needed.

OLD/NEW BUSINESS

Martin Roupe informed the board about the possibility of 2 or 3 upcoming Special Exceptions, a SUP Minor Modification for OWASA, and possibly a variance application as well. Martin Roupe asked if the board would look at the dates of May 20 or May 27 for the next Board of Adjustment meeting.

Brian Hageman available May 20 and May 27
Linda Bowerman available May 20 and May 27
Joseph Collins available May 20 and May 27
Michael Crowell available May 20 and May 27
Garrett Baker available May 20 and May 27
James Baker did not know his availability

Martin Roupe asked Dorian McLean to send out a poll of availability to the other Board of Adjustment Members for May 20 or May 27 date. Mr. Roupe thanked the board for how well the first remote Board of Adjustment went tonight.

ADJOURN

MOTION MADE BY LINDA BOWERMAN AND SECONDED BY GARRETT BAKER THAT THE MAY 6, 2020 BOARD OF ADJUSTMENT MEETING BE ADJOURNED. VOTE: (James Baker, Garrett Baker, Linda Bowerman, Joseph Collins, Michael Crowell, Brian Hageman) ABSENT/EXCUSED 2 (Richard Ellington, Sriv Navaratnam)

BOARD OF ADJUSTMENT

AGENDA ITEM ABSTRACT

MEETING DATE: JUNE 17TH, 2020

TITLE: **Minor Modification to Special Use Permit for OWASA at 400 Jones Ferry Road**

DEPARTMENT: PLANNING DEPARTMENT	**PUBLIC HEARING**: YES __ NO __X__
ATTACHMENTS: A. STAFF REPORT B. LETTER FROM APPLICANT C. SITE PLAN	**FOR INFORMATION CONTACT**: JAMES THOMAS- 918-7335

PURPOSE STATEMENT

Allow relief from the Type A screening requirement for the eastern frontage along Jones Ferry Road per Section 15-306 of the Land Use Ordinance. OWASA intends to install four (4) new waterline pipes that will range in size from 12 inches to 24 inches and this will require the removal of seven (7) existing trees. Trees will not to replace in this area due to the possibility of the roots having a negative effect on the new underground pipes. The applicant is requesting relief from the Type A screening requirement per Section 15-309 of the Land Use Ordinance that allows the permit issuing authority to grant relief from the screening requirements due to unique situations.

INFORMATION

(see the "Staff Report" – Attachment A)

STAFF RECOMMENDATION

The Town Staff recommends the Board of Adjustment grant the Minor Modification from the Type A screening requirements per Section 15-309 of the Land Use Ordinance. Granting of this relief from the Type A screen is due to the existing seven (7) trees to be removed and any replanted trees would have a negative effect on the new underground water lines. Additionally, the proposed grading for the future sidewalk along Jones Ferry Road does not leave any area for tree installation.

Attachment A

STAFF REPORT

TO:	Board of Adjustment
DATE:	June 17th, 2020
PROJECT:	Minor Modification to Special Use Permit for OWASA at 400 Jones Ferry Road
OWNER:	OWASA 400 Jones Ferry Road Carrboro, NC 27510
APPLICANT:	Hazen & Sawyer 4011 Westchase Blvd., Suite 500 Raleigh, NC 27607
PURPOSE:	Allow relief from the Type A screening requirement for the eastern frontage along Jones Ferry Road per Section 15-306 of the Land Use Ordinance. OWASA intends to install four (4) new waterline pipes that will range in size from 12 inches to 24 inches and this will require the removal of seven (7) existing trees. Trees will not to replace in this area due to the possibility of the roots having a negative effect on the new underground pipes. The applicant is requesting relief from the Type A screening requirement per Section 15-309 of the Land Use Ordinance that allows the permit issuing authority to grant relief from the screening requirements due to unique situations.
EXISTING ZONING:	M1- Light Manufacturing Zoning District
PARCEL ID NUMBER:	9778-66-2060
LOT SIZE:	15.07 ac (656,449 sf)
EXISTING LAND USE:	Water Treatment Facility
SURROUNDING LAND USE:	North – White Oak Condos, R-3 South – Mellott's Construction, M1 East – Single-family residence, R-7.5

Attachment A

West – Ridgewood Apartments, R-7.5

RELEVANT ORDINANCE SECTIONS:	Section 15-306	Compliance with Screening Requirements
	Section 15-309	Flexibility in Administrative Required

ANALYSIS

Hazen & Sawyer, applicant has submitted a request (Attachment B) for relief from the Type A screening along the eastern frontage of Jones Ferry Road. OWASA intends to install four (4) new water lines ranging in size from 12 to 24 inches in this location.

With the installation of these new water lines, it will require the removal of seven (7) existing trees in this location and the applicant is requesting relief from needing to reinstall the Type A screening requirement along this eastern portion of Jones Ferry Road.
The reasoning for this request is that that re-installation of trees in this location may inhibit maintenance of the four (4) water lines and that tree's root system may negatively impact these new water lines.

Additionally, grading for a future sidewalk along this street frontage will be completed during this construction project and this grading with the future sidewalk installation leaves no area

The addition of these plantings would re-establish the Type A screening in an additional area along the street frontage of the OWASA property.

Attachment A

RECOMMENDATION

The Town Staff recommends the Board of Adjustment grant the Minor Modification from the Type A screening requirements per Section 15-309 of the Land Use Ordinance. Granting of this relief from the Type A screen is due to the existing seven (7) trees to be removed and any replanted trees would have a negative effect on the new underground water lines. Additionally, the proposed grading for the future sidewalk along Jones Ferry Road does not leave any area for tree installation.

Hazen and Sawyer
4011 WestChase Boulevard, Suite 500
Raleigh, NC 27607 • 919.833.7152

May 14, 2020

Mr. James Thomas
Planner/ Zoning Development Specialist
Town of Carrboro
Town Hall, 2nd Floor
301 W. Main Street
Town of Carrboro, NC 27510

Re: Jones Ferry Road Water Treatment Plant Finished Water Distribution Resiliency Improvements – Type A Screening Relief Request (Tree Removal Justification)

Dear Mr. Thomas:

Project Background:

OWASA proposes to remove sections of aged piping to reduce the likelihood of future breaks, simplify water main isolation, and improve access to isolation points. One improvement calls for the existing 16-inch water main pipes to be replaced with a new 24-inch cross connection piping buried along the south side of the clearwell. Isolation valve operators will be provided on each of the three (3) water mains leaving the WTP. These water mains connect to existing water mains located within Jones Ferry Road.

Most of the project improvements take place south of the clearwell and adjacent to Jones Ferry Road. To accommodate construction pipe trenching and grading, seven trees will be removed. Five 16-inch Red Oak trees along Jones Ferry Road will be removed for pipe installation, grading, and to account for future plans of a sidewalk by the Town of Carrboro within the right-of-way (ROW) of Jones Ferry Road. Two 8-inch Crepe Myrtle trees will be removed for pipe installation. A row of hedges in front of the clearwell will remain for this contract, yet removal is under review. The roots from the shrubs are a structural threat to the facility and may be removed during a future project. Additional trees on-site will be protected in place.

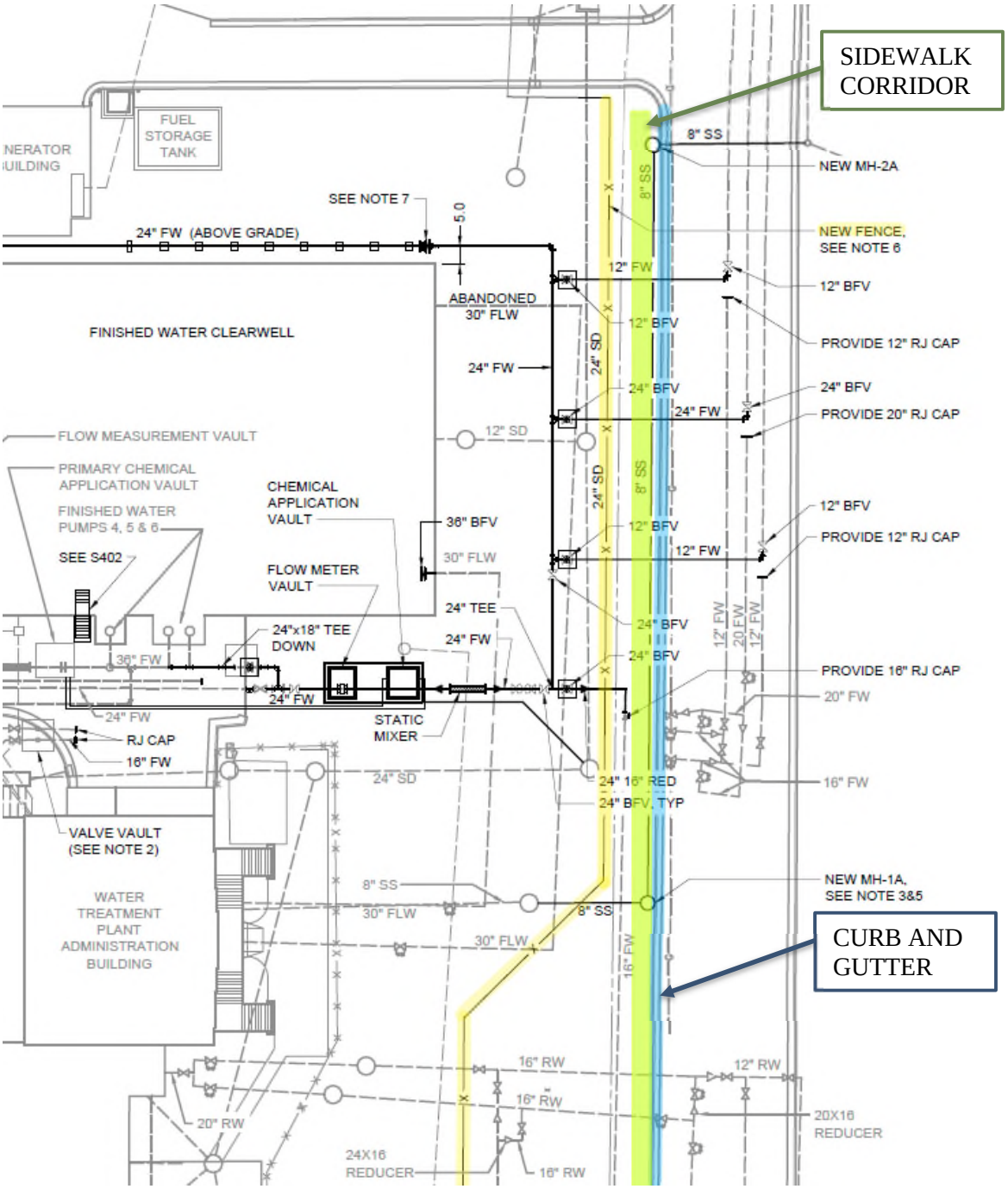
Type A Screening Relief Request

With the removal of trees, the Jones Ferry Road WTP is unable to meet the Town of Carrboro Type A screening requirements per Town of Carrboro Land Use Ordinance Article VIII. This letter serves as a relief request from Type A screening requirements at this specific location. Due to the likelihood of roots damaging existing and proposed underground piping, ornamental fence modifications, and plans for a future sidewalk, the removed trees cannot be replaced in their original locations. The location of the ornamental fence has shifted closer to the Jones Ferry Road to protect the valve operators from public access. The additional space left between the roadway and fence will be utilized by the 10-foot sidewalk corridor to be installed in the future. Grading along the north side of Jones Ferry Road will be performed to facilitate the installation of the future sidewalk to be completed by the Town of Carrboro. Regardless of

grading, the existing trees must ultimately be removed as they will be within the footprint of the future sidewalk.

Furthermore, significant amounts of piping, utilities, and their appurtenances exist on the project site, specifically in the grass area between the administration building and the clearwell (Figure 1). The only above grade structure to be constructed during this project is the 24-inch water main north of the clearwell. Trees planted above piping may limit access for pipe maintenance and root systems may cause pipe damage. Within the project area, new and existing pipes run parallel to Jones Ferry Road, eliminating the area as an option for replacement trees.

Figure 1: Proposed Piping Plan



The southwestern corner of the Jones Ferry Road WTP property currently retains shrubs and a couple trees (Figure 2). These landscaped areas will not be impacted by construction except to improve site screening. If enough space is present between these landscaped areas and underground piping, replacement trees will be planted to provide an additional buffer. The area for replacement trees, depicted

in Figure 2, is free from underground piping and provides enough space for approximately four large trees and six small trees to be planted without removing the two small existing trees in the area.

Figure 2: Landscaped Areas South of Clearwell

Given the above noted limitations for tree and shrub planting within the project site, OWASA would therefore request a minor modification for providing landscaping to replace the existing trees which will be removed in-kind, and instead look to replace screening trees and/or shrubs where feasible within the general vicinity of the project site. Additional non-conforming situations on the OWASA site, e.g. general screening and tree buffers, tree shading of parking areas, height of parking lot lights, etc., shall remain as is and not require additional work.

Very truly yours,

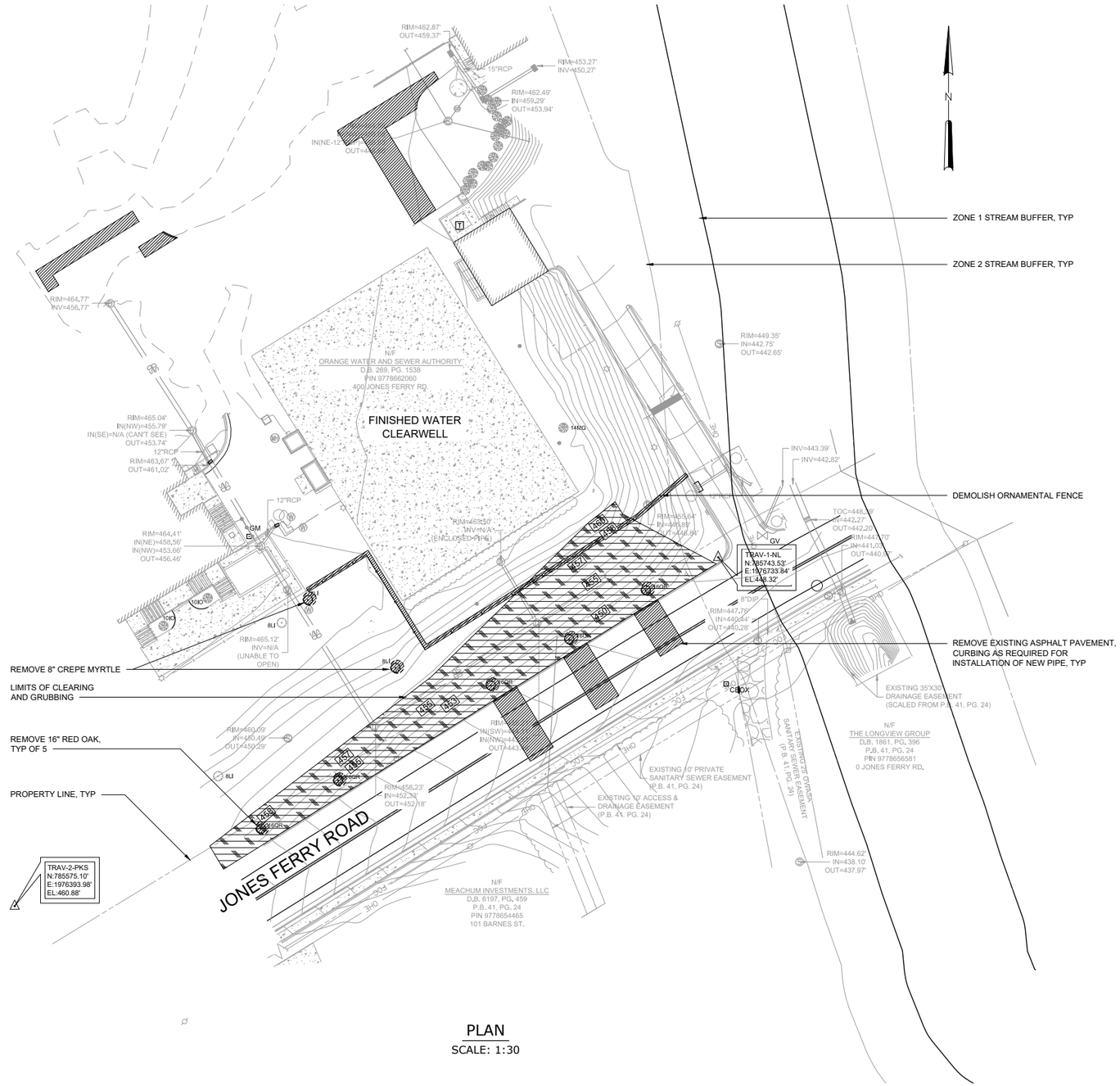
Sarah Nash, P.E.
Principal Engineer

cc: Brad Barber, P.E., OWASA

Attachment C

NOTES:

1. CONTRACTOR SHALL PROVIDE TEMPORARY 8' FT TALL SECURITY FENCING TO MAINTAIN A SECURE PERIMETER THROUGHOUT CONSTRUCTION UNTIL ALL MODIFICATIONS TO ORNAMENTAL FENCING ARE COMPLETE.
2. CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING LOCATION OF TEMPORARY FENCING WITH WORK AND RELOCATING AS NECESSARY TO ACCOMMODATE THE VARIOUS PHASES OF CONSTRUCTION.



PLAN
SCALE: 1:30

REV	ISSUED FOR	DATE	BY
1	CONSTRUCTION	1/2020	FB

PROJECT ENGINEER: F. BUSER
DESIGNED BY: S. NASH
DRAWN BY: S. NASH
CHECKED BY: M. SANTOWASSO
IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO FULL SCALE 0 1/2" 1"

ISSUED FOR CONSTRUCTION

Hazen
HAZEN AND SAWYER
4011 WESTCHASE BOULEVARD, SUITE 500
RALEIGH, NORTH CAROLINA 27607
LICENSE NO. : C-0381

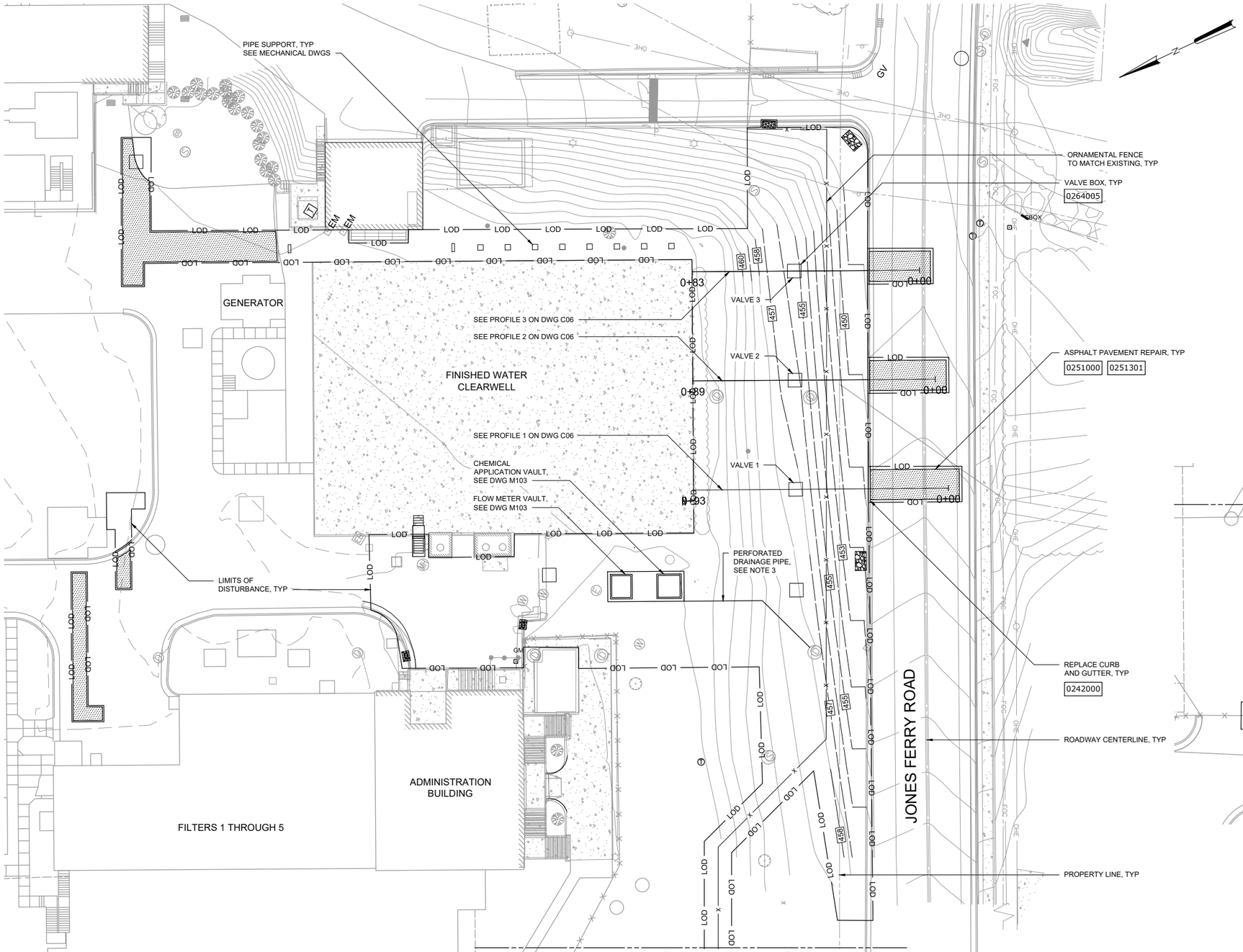
ORANGE WATER AND SEWER AUTHORITY
CARRBORO, NORTH CAROLINA

JONES FERRY ROAD WTP
FINISHED WATER DISTRIBUTION
RESILIENCY IMPROVEMENTS

CIVIL
PARTIAL EXISTING CONDITIONS AND DEMOLITION PLAN

DATE: JANUARY 2020
HAZEN NO.: 32443-003
CONTRACT NO.: 01
DRAWING NUMBER: C04

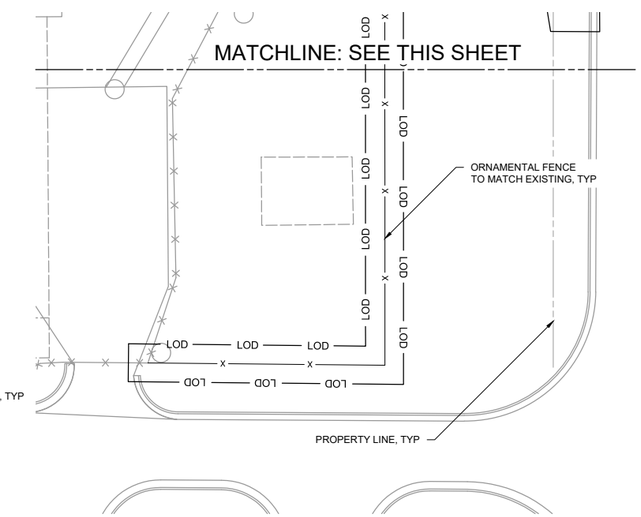
File: O:\32443-RAL\32443-003\CAD_BIM\CONTRACT DRAWINGS\PHASE 1\CIVIL\C04 Saved by SNASH Save date: 2/4/2020 3:17 PM
PLOT DATE: 2/4/2020 3:18 PM BY: SNASH



PLAN
SCALE: 1:20

NOTES:

1. SITE PLAN VIEW ROTATED FOR CLARITY.
2. SEE DRAWING M11 FOR YARD PIPING DESIGN INFORMATION.
3. CONTRACTOR SHALL PROVIDE 8-INCH PERFORATED DRAINAGE PIPE WRAPPED WITH 18-INCHES OF #57 STONE AND FILTER GEOTEXTILE. 8" PERFORATED DRAINAGE PIPE SHALL DRAIN INTO EXISTING SANITARY SEWER MANHOLE. PERFORATED DRAINAGE PIPE SHALL BE PLACED SUCH THAT INVERT OF PIPE IS FLUSH WITH TOP OF VAULT FOOTING.



SCALE: 1" = 20'

REV	ISSUED FOR	DATE	BY
1	CONSTRUCTION	1/2020	FB

PROJECT ENGINEER:	F. BUSER
DESIGNED BY:	S. NASH
DRAWN BY:	S. NASH
CHECKED BY:	M. SANTOWASSO

IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO FULL SCALE (0 1/2" 1")

ISSUED FOR CONSTRUCTION

Hazen

HAZEN AND SAWYER
4011 WESTCHASE BOULEVARD, SUITE 500
RALEIGH, NORTH CAROLINA 27607
LICENSE NO. : C-0381

ORANGE WATER AND SEWER AUTHORITY
CARRBORO, NORTH CAROLINA

JONES FERRY ROAD WTP
FINISHED WATER DISTRIBUTION
RESILIENCY IMPROVEMENTS

CIVIL
SITE PLAN

DATE:	JANUARY 2020
HAZEN NO.:	32443-003
CONTRACT NO.:	01
DRAWING NUMBER:	C05

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PLOT DATE: 2/4/2020 3:18 PM BY: SNASH

BOARD OF ADJUSTMENT

AGENDA ITEM ABSTRACT

MEETING DATE: JUNE 17TH, 2020

TITLE: **A PUBLIC HEARING FOR A VARIANCE REQUEST AT 315 JONES FERRY ROAD**

DEPARTMENT: PLANNING DEPARTMENT	**PUBLIC HEARING:** YES _X_ NO ____
ATTACHMENTS: A. STAFF REPORT B. VARIANCE REQUEST AND SITE PLAN SHOWING BUFFER AND ENCROACHMENTS C. ADDITIONAL SITE PLAN / MAP EXHIBITS FROM APPLICANT D. VARIANCE WORKSHEET	**FOR INFORMATION CONTACT:** MARTY ROUPE - 918-7333

PURPOSE STATEMENT

Dan Jewell, on behalf of contract purchaser The ArtsCenter, has submitted an application (Attachment B) requesting a variance to allow encroachment into the Zone 2 and Zone 1 Water Quality Buffers per Section 15-269(a) of the Land Use Ordinance for the construction of a driveway, parking area, stormwater control measure, and retaining wall, along with associated grading.

INFORMATION

(see the "Staff Report" – Attachment A)

STAFF RECOMMENDATION

Town Staff recommends that the Board consider the information provided, hold a public hearing, and complete the attached worksheet for the variance request for 315 Jones Ferry Road. If granted, subject to EMC approval as well, the variance will allow construction of a driveway, parking area, stormwater control measure, and retaining wall, along with associated grading. The proposed amount of disturbance requested under the variance is 6,090 square feet in Zone 2 and 6,850 square feet in Zone 1, or approximately 43% in total, of the stream buffer. If the variance is approved the following conditions are recommended:

1. The applicant shall complete the development strictly in accordance with the presentation submitted to and approved by the Board on June 17th, 2015, 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.

The Board of Adjustment may choose to add conditions to the variance if they are determined to be needed.

STAFF REPORT

TO:	Board of Adjustment
DATE:	June 17, 2020
PROJECT:	Variance Request for 315 Jones Ferry Road
APPLICANT/OWNER:	Applicant: Dan Jewell Coulter Jewell Thames 111 West Main Street Durham, NC 27701 Owner: Longview Group et al & Christopher Howlett 976 Martin Luther King Junior Boulevard Suite 200 Chapel Hill, NC 27514
PURPOSE:	Request for a variance to allow encroachment into Zone 2 and Zone 1 Water Quality Buffer for the construction of a driveway, parking area, stormwater control measure, and retaining wall, along with associated grading.
EXISTING ZONING:	M-1, Light Manufacturing
PARCEL ID NUMBER:	9778-56-6581
LOCATION:	315 Jones Ferry Road
LOT SIZE:	Approximately 1.6 acres
EXISTING LAND USE:	Vacant
SURROUNDING LAND USE:	North – Jones Ferry Road / OWASA South – R-7.5, single family dwelling East – R-7.5, single family dwelling West – M-1, commercial businesses
ZONING HISTORY:	M-1 since 1988

RELEVANT ORDINANCE SECTIONS:	Section 15-92	Variances
	Section 15-269	Water Quality Buffers

ANALYSIS

Dan Jewell, on behalf of contract purchaser The ArtsCenter, has submitted an application (Attachment B) requesting a variance to allow encroachment into the Zone 2 and Zone 1 Water Quality Buffers per Section 15-269(a) of the Land Use Ordinance for the construction of a driveway, parking area, stormwater control measure, and retaining wall, along with associated grading. The proposed amount of disturbance requested under the variance is 6,090 square feet in Zone 2 and 6,850 square feet in Zone 1 of the stream buffer. These two amounts, in total, represent approximately 43% of the area on the property encumbered by stream 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 Water Quality Buffer of 30 feet and a Zone 2 of 30 feet (120' total). Please note that approximately 60 percent of this lot is within the Zone 1 & 2 buffers.

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. Additionally in this case, Section 15-92(k) requires that the State of North Carolina Department of Environmental Quality's Environmental Management Commission, or EMC, also approve the variance request before it is issued, should the Board of Adjustment choose to approve the request. Further information about this is noted below. The necessary findings and staff's responses 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 approximately 40% buildable area on the lot. The regulations require that the water quality buffer be a total width for Zone 1 and Zone 2 of 120 feet, or 60 feet on either side of the stream, and this required buffer along with an OWASA easement encumbers approximately 60 percent of the lot. Additional information from the applicant is provided in Attachment B.*

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 eastern portion and requires water quality buffers per Section 15-269.3(a)(3) of the Land Use Ordinance, as well as an OWASA easement. The applicant is asking for relief per Section 15-269.5(a) of the Land Use Ordinance in order to construct a driveway, parking area, stormwater control measure, and retaining wall, along with associated grading in the Zone 2 and Zone 1 portions of the Stream Buffer. Additional information from the applicant is provided in Attachment B.*

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

   Staff Response: *The property is currently vacant. The property owner's actions were not the cause of the hardship. Additional information from the applicant is provided in Attachment B.*

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: *Reasonable use of the subject property consistent with permissible uses under the existing zoning designation must be allowed. The Board of Adjustment is asked to determine whether granting a variance for the amount of disturbance proposed within a stream buffer on the site is consistent with spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. Additional information from the applicant is provided in Attachment B.*

5. **Section 15-92(k) reads as follows:**

   > **(k) If the board votes to grant a major variance from any of the provisions of Part III (Water Quality Buffers) of Article XVI, the administrator shall forthwith prepare and send to the Environmental Management Commission a record of the proceedings before the board. The variance shall not be issued until it is approved by the EMC. For purposes of this subsection, a major variance is one that pertains to prohibited activities that will impact that portion of Zone One of the riparian buffers that lies within 30 feet of the surface waters subject to buffer requirements of the Jordan Reservoir.**

   Staff Response: *The proposed limits of disturbance do extend to within 30 feet of the surface waters in this case. Therefore, if the Board of Adjustment grants to the variance as proposed, staff will forward materials to the EMC for consideration. The variance would not be considered issued until and unless the EMC approves the request as well.*

CONCLUSION

The owners/applicants are restricted by current regulations under Section 15-269.5(a) of the LUO. 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

Town Staff recommends that the Board consider the information provided, hold a public hearing, and complete the attached worksheet for the variance request for 315 Jones Ferry Road. If granted, subject to EMC approval as well, the variance will allow construction of a driveway, parking area, stormwater control measure, and retaining wall, along with associated grading. The proposed amount of disturbance requested under the variance is 6,090 square feet in Zone 2 and 6,850 square feet in Zone 1, or approximately 43% in total, of the stream buffer. If the variance is approved the following conditions are recommended:

1. The applicant shall complete the development strictly in accordance with the presentation submitted to and approved by the Board on June 17th, 2015, 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.

The Board of Adjustment may choose to add conditions to the variance if they are determined to be needed.

TOWN OF CARRBORO

VARIANCE REQUEST

ATTACHMENT A FORM #: D-88-14

"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: May 18, 2020

STREET ADDRESS:	TAX MAP, BLOCK, LOT
303 Jones Ferry Rd	**PIN 9778656581**

DESCRIBE THE VARIANCE REQUESTED AND GIVE APPROPRIATE ORDINANCE SECTIONS:

Requesting a Variance from 15-269.2(a) to allow disturbance of a portion of the Riparian Buffer including some grading and vegetation impacts in Zone 1, development in Zone 2, and non-attenuated/diffuse Stormwater flow into Zone 1

REASON(S) FOR VARIANCE REQUEST:

Unnecessary hardship would result from the strict application of the Ordinance

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

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

Statement by Applicant supporting this finding:

See "The ArtsCenter Riparian Buffer Impact request findings document" included with this form

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

Statement by Applicant supporting this finding:
See "The ArtsCenter Riparian Buffer Impact request findings document" included with this form

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

Statement by Applicant supporting this finding:
See "The ArtsCenter Riparian Buffer Impact request findings document" included with this form

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

Statement by Applicant supporting this finding:
See "The ArtsCenter Riparian Buffer Impact request findings document" included with this form

APPLICANT'S SIGNATURE **DATE:** 5/19/20

DANIEL Y. MAYER
For The ArtsCenter

The ArtsCenter Stream Buffer Impact Variance Request
Summary of Findings for Application

Request for a Variance from Land Use Ordinance Section 15-269.2(a)

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;***

Arguments in Support:

This is a challenging site. At least 4 different potential users of this property, considering a variety of possible uses, have not moved forward with development plans. The combined presence of a stream, stream buffers and OWASA easement mean that less than 40% of this 1.6 acre site is suitable for building. Although N.C.G.S. 160A-388 was amended in 2013 to eliminate the requirement that no reasonable use can be made of property as a practical matter, that is true with this property. Absent the grant of a variance, neither the current proposed use nor any of the prior proposed uses have proven feasible. The inability to develop 60% of the property without a variance creates an unnecessary hardship. The grant of the variance sought will allow reasonable development to occur.

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;***

Arguments in Support:

This property is a transitional downtown development location less than a ¼ mile walk from Town Hall. However, over 50% of the property is encumbered by a Carrboro Stream Buffer. An additional 8% of the site outside of that buffer is encumbered by an existing OWASA Sanitary Sewer Easement, meaning that less than 40% of the site is available for development. OWASA has determined that their existing sewer line in this easement must be increased in size to handle capacity upgrades at the water treatment plant across Jones Ferry Road, which this pipe serves. The current line must remain in service while the new line is installed. The new line will be located closer to the stream than the current line, further expanding the riparian buffer impact. This new line provides additional drinking water capacity for OWASA customers, and prevents sewer overflows and spills into the stream.

The site is proportionally long and narrow, resulting in a buildable width of the property of less than 75’ once Ordinance setbacks are taken into consideration. The land slopes

more than 12' vertically in the narrow distance between the western property line and the stream buffer. Absent use of prohibitively expensive measures, some encroachment into the stream buffer is necessary to develop the site. This unique and challenging site cannot be developed in a way that contributes to Carrboro unless this variance request is granted.

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;***

Arguments in Support:

The physical challenges of this property are not the result of actions taken by the applicant. The current morphology of the stream is due to significant amounts of upstream development over the last half century. Similarly, the piping of this stream on the OWASA property above of the site has concentrated the flow and incised the stream bed to what it is today. The State of North Carolina does NOT regulate this stream, nor impose riparian buffers in this watershed. Implementation of the buffer rules by the State has been delayed. The buffer is strictly a local regulatory requirement

Further, the installation of the sanitary sewer easement traversing the site parallel to the creek, as well as the planned new parallel line was done by Orange Water and Sewer Authority (or its predecessors). The sanitary sewer easement creates a significant encumbrance on the property and significantly limits the portions of the property that can be developed. The hardship results from conditions that are peculiar to the property, including location, size, topography and encumbrances, none of which results from actions by the applicant or property owner

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;***

Arguments in Support:

The request is consistent with the spirit, purpose and intent of the ordinance.

Riparian Buffers exist for two purposes:

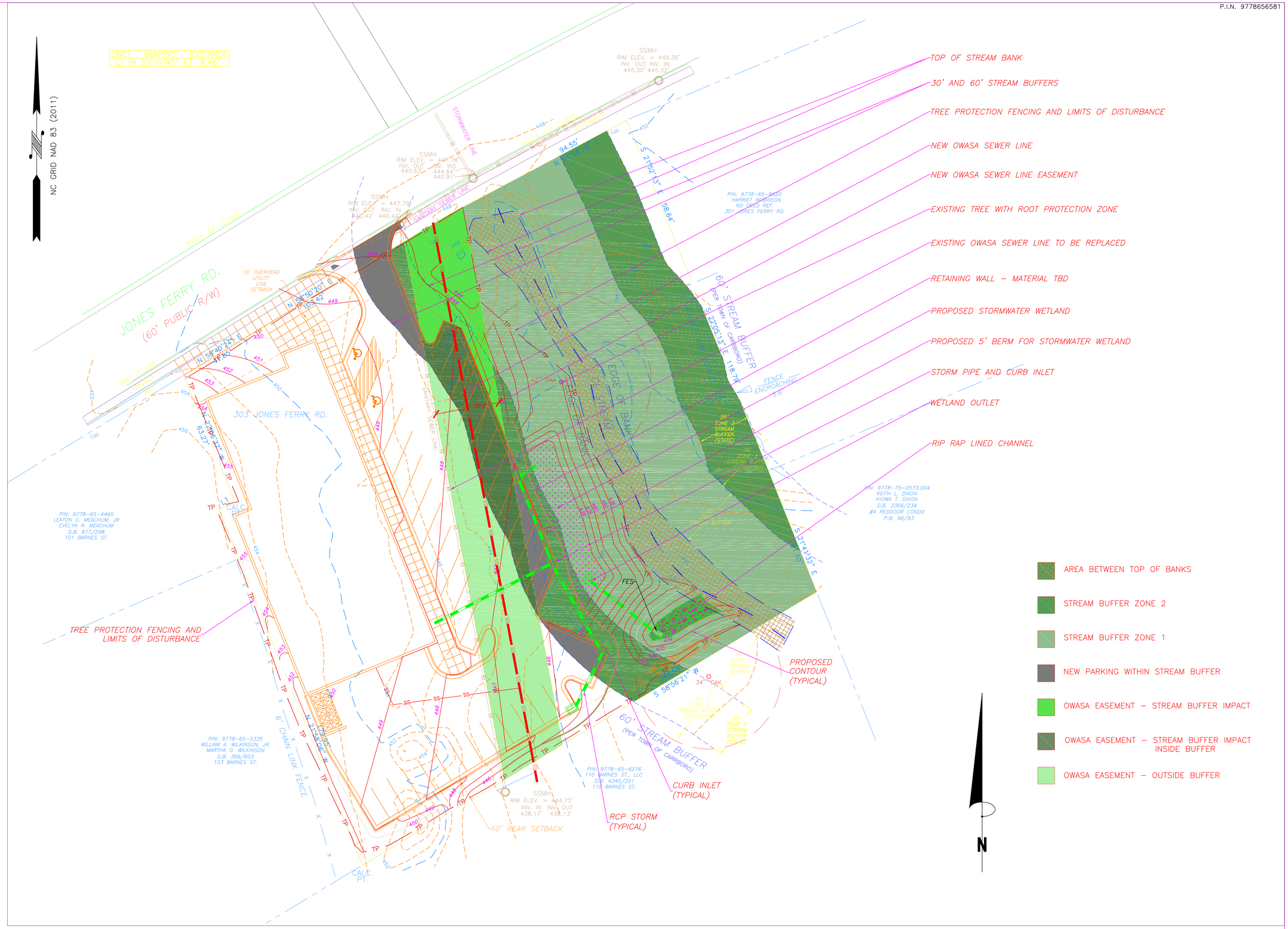
1. Providing water quality benefits derived from the nutrient removal qualities of overland flow through natural vegetated zones adjacent to streams (LUO 15-269 (b). The Land Use Ordinance recognizes 2 preservation zones adjacent to creeks. Zone 1 is 30' closest to the top of bank (which is to be preserved) and zone 2 is the second 30' zone outside Zone 1. The Ordinance allows for some land disturbance and revegetation in Zone 2. because Zone 1 provides the greatest water quality benefit, and Zone 2 a lesser amount.
2. Preserving wildlife movement corridors and habitats. Wildlife corridors facilitate animal travel from one area to another. Ideally, they are continuous and uninterrupted by development, roads, culverts, buildings and other man-made features

The request variance meets the spirit, purpose and intent of the LUO on water quality.

The proposed on-site treatment of stormwater not only meets Town requirements, but provides an equal or greater level of additional treatment than is currently achieved by those portions of the stream buffer impacted by the proposed design. Based on Table 4-1, BMP Ability for Stormwater Quality Control, from NCDEQ's Archived Stormwater Design Manual, a riparian buffer provides 60% removal of total suspended solids (TSS), a 30% reduction in nitrogen, and a 35% reduction in phosphorus. By comparison, bioretention areas and wetlands (typical BMP's that would be used), provide 85% TSS removal, 35%-40% reduction in nitrogen, and 40%-45% reduction in phosphorus. Some proprietary BMP's have greater treatment capabilities.
We are proposing best management practices / stormwater control measures to treat runoff from the proposed impervious surface that meet the Town's stormwater requirements.
Additionally, there is a 20' wide cleared zone centered over the existing sewer line running through this buffer. The OWASA sewer line upgrade requires an additional 10'-20' of riparian buffer disturbance associated with its installation. Because this area is already un-forested, and will be further cleared, the nutrient removal benefits of this portion of the riparian buffer are not as effective.

Relative to the Wildlife Corridor aspect, this area is currently the "head" of a corridor that extends south, and is cut off from any connections to the north by Jones Ferry Road and existing development on the OWASA property. Therefore, it is not a critical wildlife thru-way. The design proposes to remove about 5,000 sf of stream buffer vegetation (which includes the currently cleared OWASA easement as well as the additional clearing associated with the new sewer line) from the 32,000 sf that exists today. The impact is largely over the sewer restricted to the western edge of this corridor. To mitigate this impact, the Property Owner proposes to work with the Town and the UNC Botanical Garden staff to develop an invasive plant species management plan to remove invasive plants, manage for future control, and replant using native plant materials that provide greater benefit to wildlife than those that currently exist on-site The management plan will include monitoring of replanted areas in the buffer to ensure regrowth meets the requirements of LUO Section 15- 269.7(g) within five years. Site plans will also specify planting new native woody plants to mitigate woody plant (trees and shrubs) impacted by the Development, and installing native plants wherever possible in lieu of non-native species. Furthermore, to benefit wildlife that use the riparian area after dark, light fixtures used to illuminate the adjacent parking area will be specified to control light spill into wooded areas.

P.I.N. 9778656581



1 / Var-1.0 STREAM BUFFER VARIANCE

1" = 20'-0"

Coulter Jewell Thames P.A.

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NC BOARD OF LANDSCAPE ARCHITECTS LIC # C-104

Project

THE ARTS CENTER

303 Jones Ferry Road
Carrboro, NC

CONDITIONAL USE PERMIT

P.I.N. 9778656581

Job Number 1934

Drawn JSA, JCJ, MTC
Checked JSA, PBR
Date 5/11/2020
Revisions

CONDITIONAL USE PERMIT

PLANS NOT ISSUED FOR CONSTRUCTION

PLANS NOT FOR BIDDING PURPOSES

Sheet Title

stream buffer variance

Sheet Number

Var 1.0

P.I.N. 9778656581

LINE	BEARING	DISTANCE
L1	N 59°19'45" E	8.46'

NC GRID NAD 83 (2011)

JONES FERRY RD.
(60' PUBLIC R/W)

BACK OF CURB
SIDEWALK
WALL
10' OVERHEAD UTILITY LINE SETBACK
N 58°50'20" E 103.42'
N 58°40'24" E 41.85'
N 22°06'37" W 63.27'
L1
CALC. PT.
303 JONES FERRY RD.
PIN: 9778-65-4465
LEATON C. MEACHUM, JR
EVELYN R. MEACHUM
D.B. 877/298
101 BARNES ST.
6' CHAIN LINK FENCE
N 21°58'06" W 179.95'
PIN: 9778-65-5335
WILLIAM A. WILKINSON, JR.
MARTHA O. WILKINSON
D.B. 366/603
103 BARNES ST.
CALC. PT.
SANITARY SEWER LINE
SSMH
RIM ELEV. = 449.36'
INV. OUT INV. IN
445.30' 445.32'
SSMH
RIM ELEV. = 447.78'
INV. OUT INV. INS
440.63' 444.64' 440.91'
SSMH
RIM ELEV. = 447.79'
INV. OUT INV. IN
440.42' 440.44'
N 61°58'16" E 90.35'
S 21°52'31" E 58.64'
PIN: 9778-65-8530
HARRIET ROBINSON
NO DEED REF.
301 JONES FERRY RD.
60' STREAM BUFFER
(PER TOWN OF CARRBORO)
S 22°53'31" E 118.79'
FENCE ENCROACHING 5.6'
42" OAK
EDGE OF BANK
CL STREAM
EDGE OF BANK
30' ZONE 1 STREAM BUFFER
PIN: 9778-75-0573.004
KEITH L. DIXON
KIOWA T. DIXON
D.B. 3366/234
#4 REDDOOR CONDO
P.B. 96/93
S 21°41'32" E 8.10'
248.94'
S 58°56'21" W
34" OAK
30' ZONE 1 STREAM BUFFER
30' ZONE 2 STREAM BUFFER (CARRBORO)
25' ZONE 2 STREAM BUFFER (STATE)
60' STREAM BUFFER
(PER TOWN OF CARRBORO)
5' EASEMENT BUILDING OFFSET
25' OWASA EASEMENT
PIN: 9778-65-6276
110 BARNES ST., LLC
D.B. 4340/201
110 BARNES ST.
SSMH
RIM ELEV. = 444.75'
INV. IN INV. OUT
438.11' 438.13'
22" PINE
20" PINE
24" PINE
20" PINE
10' REAR SETBACK
CALC. PT.

TOP OF STREAM BANK
30' AND 60' STREAM BUFFERS
TREE PROTECTION FENCING AND LIMITS OF DISTURBANCE
EXISTING TREE WITH ROOT PROTECTION ZONE
EXISTING OWASA SEWER LINE TO BE REPLACED
EXISTING OWASA SEWER LINE EASEMENT

AREA BETWEEN TOP OF BANKS
STREAM BUFFER ZONE 2
STREAM BUFFER ZONE 1
NEW PARKING WITHIN STREAM BUFFER
OWASA EASEMENT – STREAM BUFFER IMPACT
OWASA EASEMENT – STREAM BUFFER IMPACT INSIDE BUFFER
OWASA EASEMENT – OUTSIDE BUFFER

N

1 / Var-1.0 STREAM BUFFER VARIANCE
1" = 20'-0"

20 0 20 40 60
Scale 1" = 20'

Coulter Jewell Thames P.A.
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Job Number 1934
Drawn JSA, JCJ, MTC
Checked JSA, PBR
Date 6/1/2020
Revisions

CONDITIONAL USE PERMIT
PLANS NOT ISSUED FOR CONSTRUCTION
PLANS NOT FOR BIDDING PURPOSES

Sheet Title
Ex. OWASA Esmt

Sheet Number
Var 1.0

P.I.N. 9778656581

LINE	BEARING	DISTANCE
L1	N 59°19'45" E	8.46'

NC GRID NAD 83 (2011)

TOP OF STREAM BANK

30' AND 60' STREAM BUFFERS

TREE PROTECTION FENCING AND LIMITS OF DISTURBANCE

NEW OWASA SEWER LINE

NEW OWASA SEWER LINE EASEMENT

EXISTING TREE WITH ROOT PROTECTION ZONE

EXISTING OWASA SEWER LINE TO BE REPLACED

JONES FERRY RD. (60' PUBLIC R/W)

BACK OF CURB

SIDEWALK

WALL

10' OVERHEAD UTILITY LINE SETBACK

N 58°50'20" E 103.42'

N 58°40'24" E 41.85'

N 22°06'37" W 63.27'

L1

CALC. PT.

303 JONES FERRY RD.

PIN: 9778-65-4465
LEATON C. MEACHUM, JR
EVELYN R. MEACHUM
D.B. 877/298
101 BARNES ST.

PIN: 9778-65-5335
WILLIAM A. WILKINSON, JR.
MARTHA O. WILKINSON
D.B. 366/603
103 BARNES ST.

6' CHAIN LINK FENCE

179.95'
N 21°58'06" W

SSMH
RIM ELEV. = 449.36'
INV. OUT INV. IN
445.30' 445.32'

SSMH
RIM ELEV. = 447.78'
INV. OUT INV/ INS
440.63' 444.64' 440.91'

SSMH
RIM ELEV. = 447.79'
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440.42' 440.44'

SANITARY SEWER LINE

N 61°58'16" E

S 21°52'31" E 58.64'

PIN: 9778-65-5530
HARRIET ROBINSON
NO DEED REF.
301 JONES FERRY RD.

60' STREAM BUFFER (PER TOWN OF CARRBORO)

S 22°05'31" E 118.79'

FENCE ENCROACHING 5.6'

EDGE OF BANK

CL STREAM

EDGE OF BANK

42" OAK

30.0'

30' ZONE 1 STREAM BUFFER

PIN: 9778-75-0573.004
KEITH L. DIXON
KIOWA T. DIXON
D.B. 3366/234
#4 REDDOOR CONDO
P.B. 96/93

S 21°41'52" E 4.10'

248 SQ. FT.

S 58°56'21" W

34" OAK

30' ZONE 1 STREAM BUFFER

30' ZONE 2 STREAM BUFFER (CARRBORO)

25' ZONE 2 STREAM BUFFER (STATE)

60' STREAM BUFFER (PER TOWN OF CARRBORO)

PIN: 9778-65-6276
110 BARNES ST., LLC
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RIM ELEV. = 444.75'
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438.11' 438.13'

22" PINE
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20" PINE

10' REAR SETBACK

CALC. PT.

N

- AREA BETWEEN TOP OF BANKS
- STREAM BUFFER ZONE 2
- STREAM BUFFER ZONE 1
- NEW PARKING WITHIN STREAM BUFFER
- OWASA EASEMENT – STREAM BUFFER IMPACT
- OWASA EASEMENT – STREAM BUFFER IMPACT INSIDE BUFFER
- OWASA EASEMENT – OUTSIDE BUFFER

1 / Var-2.0 **Proposed OWASA Easement in buffer**

1" = 20'-0"

20 0 20 40 60

Scale 1" = 20'

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Date	6/1/2020
Revisions	

CONDITIONAL USE PERMIT

PLANS NOT ISSUED FOR CONSTRUCTION

PLANS NOT FOR BIDDING PURPOSES

Sheet Title

Proposed OWASA Easement in buffer

Sheet Number

Var 2.0

P.I.N. 9778656581

LINE	BEARING	DISTANCE
L1	N 59°19'45" E	8.46'

NC GRID NAD 83 (2011)

JONES FERRY RD. (60' PUBLIC R/W)

303 JONES FERRY RD.

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LEATON C. MEACHUM, JR
EVELYN R. MEACHUM
D.B. 877/298
101 BARNES ST.

PIN: 9778-65-5335
WILLIAM A. WILKINSON, JR.
MARTHA O. WILKINSON
D.B. 366/603
103 BARNES ST.

PIN: 9778-65-6276
110 BARNES ST., LLC
D.B. 4340/201
110 BARNES ST.

PIN: 9778-65-8830
HARRIET ROBINSON
NO DEED REF.
301 JONES FERRY RD.

PIN: 9778-75-0573.004
KEITH L. DIXON
KIOWA T. DIXON
D.B. 3366/234
#4 REDDOOR CONDO
P.B. 96/93

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RIM ELEV. = 449.36'
INV. OUT INV. IN
445.30' 445.32'

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RIM ELEV. = 447.78'
INV. OUT INV. INS
440.63' 444.64' 440.91'

SSMH
RIM ELEV. = 444.75'
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TOP OF STREAM BANK

30' AND 60' STREAM BUFFERS

TREE PROTECTION FENCING AND LIMITS OF DISTURBANCE

NEW OWASA SEWER LINE

NEW OWASA SEWER LINE EASEMENT

EXISTING TREE WITH ROOT PROTECTION ZONE

RETAINING WALL – MATERIAL TBD

PROPOSED STORMWATER WETLAND

PROPOSED 5' BERM FOR STORMWATER WETLAND

STORM PIPE AND CURB INLET

WETLAND OUTLET

RIP RAP LINED CHANNEL

60' STREAM BUFFER (PER TOWN OF CARRBORO)

EDGE OF BANK

CL STREAM

EDGE OF BANK

30' ZONE 1 STREAM BUFFER

30' ZONE 2 STREAM BUFFER (CARRBORO)

25' ZONE 2 STREAM BUFFER (STATE)

PROPOSED CONTOUR (TYPICAL)

CURB INLET (TYPICAL)

RCP STORM (TYPICAL)

TREE PROTECTION FENCING AND LIMITS OF DISTURBANCE

AREA BETWEEN TOP OF BANKS

STREAM BUFFER ZONE 2

STREAM BUFFER ZONE 1

NEW PARKING WITHIN STREAM BUFFER

OWASA EASEMENT – STREAM BUFFER IMPACT

OWASA EASEMENT – STREAM BUFFER IMPACT INSIDE BUFFER

OWASA EASEMENT – OUTSIDE BUFFER

N

1 Var-3.0 STREAM BUFFER VARIANCE

1" = 20'-0"

20 0 20 40 60

Scale 1" = 20'

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PLANS NOT ISSUED FOR CONSTRUCTION
PLANS NOT FOR BIDDING PURPOSES

Sheet Title
stream buffer variance

Sheet Number
Var 3.0

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.