



BOARD OF ADJUSTMENT M I N U T E S

Town of Carrboro

301 W. Main Street Carrboro, North Carolina 27510

J a n u a r y 1 5 , 2 0 2 0

7:00PM

Town Hall Room 110

| MEMBERS PRESENT | | TOWN ATTORNEY | STAFF |
|-------------------|--|-----------------|-----------------|
| Garrett Baker | | Nicholas Herman | Jeff Kleaveland |
| James Baker | | | Dorian McLean |
| Linda Bowerman | | | |
| Joseph Collins | | | |
| Michael Crowell | | | |
| Richard Ellington | | | |

Absent/Excused: Brian Hageman, Wil Heflin, Sriv Navaratnam

MINUTES APPROVAL:

MOTION MADE BY JAMES BAKER AND SECONDED BY JOSEPH COLLINS TO APPROVE MINUTES FROM OCTOBER 16, 2019 MEETING. VOTE: AYES 6 (Garrett Baker, James Baker, Linda Bowerman, Joseph Collins, Michael Crowell, Richard Ellington). NOES 0: ABSENT/EXCUSED 4 (Brian Hageman, Wil Heflin, Sriv Navaratnam)

Linda Bowerman opened the public hearings by asking that anyone who wishes to speak on the Special Exception Permit or Variance Request may come up to be sworn in. Dorian McLean, swore in town staff and members of the general public that wished to speak concerning the Special Exception Permit and Variance Request. Ms. Bowerman proceeded to ask the town staff if they would like to proceed with the presentation about the Special Exception Permit at 102 Raven Lane.

PUBLIC HEARING: Special Exception Permit at 102 Raven Lane

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

Her property is located in the Residential-10 (R-10) Zoning District with a standard boundary line building setback of 12 feet, but the applicant is requesting to encroach 5.25 feet into the rear-yard building setback; this is a 43.75% percent encroachment into the required setback. Section 15-92.1 of the Land Use Ordinance gives the Board of Adjustment the authority to grant Special

Exception Permits to allow reductions of up to fifty percent (50%) in the required distances buildings must be setback from lot boundary lines.

Jeff Kleaveland gave a brief Power Point presentation of the subject property of the proposed 10 x 14 shed. The applicant completed and submitted the application for the Special Exception Permit. Jeff Kleaveland mailed out neighbor petitions and received feedback from the surrounding neighbors about the proposed shed with the exception of neighbors Don White and Vicky Olive of 304 W. Poplar Street who are present and would like to present the reasoning not being in agreement of the proposed 10 x 14 shed.

Michael Crowell asked if the picture of the neighbor standing in the yard is the applicant's yard or their yard. Mr. Don White said he was standing in the applicant's yard 12 feet from the deck on their property to show the proposed location of the shed. Joyce Tovell applicant explained the reason for the proposed shed would be to keep her gardening tools and outdoor equipment with electricity included.

Richard Ellington asked if the applicant considered another location of proposed shed on her lot. Joyce Tovell wants to use the proposed location on her lot for the proposed 10 x 14 shed which she felt was a good location on her lot.

Don White presented reasoning for not approving the proposed shed was due to the trees being a good barrier for privacy and that his wife has hearing aids. Furthermore, if the proposed shed, were to be used for a noisy powered workshop, it would present a particular nuisance as his wife has hearing aids.

Michael Crowell asked Don White and Vicky Olive if they had sheds on their lot and they stated that they had two sheds and a 30 foot RV.

Linda Bowerman asked what kind of shop where the neighbors envisioning that the proposed shed would be.

James Baker stated that the applicant/owner was not presenting to be right on the property line and if she wanted to build a 10 foot fence on the property line the Land Use Ordinance would allow that. Mr. Baker asked if a few conditions would be added could the neighbors at 304 W. Poplar Street and applicant of 102 Raven Lane compromise about the setback and electricity.

Jeff Kleaveland stated that the setback rule in the Land Use Ordinance says that it is to create a quality livable space.

Garrett Baker said that if the applicant and neighbor come into agreement with the two added conditions that it could be workable to pass the Special Exception Permit.

Linda Bowerman and Joseph Collins board members were in agreement to approve the Special Exception Permit due to the neighbors being in agreement with the applicant for the proposed 10 x 14 shed with two added conditions.

MOTION WAS MADE BY JAMES BAKER AND SECONDED BY RICHARD ELLINGTON TO CLOSE THE PUBLIC HEARING. VOTE: VOTE: AYES 6 (Garrett Baker, James Baker, Linda Bowerman, Joseph Collins, Michael Crowell, Richard Ellington,). NOES 0: ABSENT/EXCUSED 3 (Brian Hageman, Wil Heflin, Sriv Navaratnam)

The Board of Adjustment apologized to the applicants of the Variance Request at 403 Tripp Farm Road to be moved to the February 19, 2020 meeting due to not having a quorum to vote on the Variance Request. The applicants agreed that they would be willing to wait until the February 19, 2020 meeting before presenting to the board.

MOTION WAS MADE BY LINDA BOWERMAN AND SECONDED BY JAMES BAKER THAT THE APPLICATION IS FOUND TO BE COMPLETE. VOTE: VOTE: AYES 6 (Garrett Baker, James Baker, Linda Bowerman, Joseph Collins, Michael Crowell, Richard Ellington). NOES 0: ABSENT/EXCUSED 3 (Brian Hageman, Wil Heflin, Sriv Navaratnam)

MOTION WAS MADE BY LINDA BOWERMAN AND SECONDED BY JOSEPH COLLINS THAT THE APPLICATION COMPLIES WITH THE FOLLOWING FINDINGS REQUIRED BY SECTION 15-92.1. VOTE: VOTE: AYES 6 (Garrett Baker, James Baker, Linda Bowerman, Joseph Collins, Michael Crowell, Richard Ellington). NOES 0: ABSENT/EXCUSED 3 (Brian Hageman, Wil Heflin, Sriv Navaratnam)

- 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 LINDA BOWERMAN AND SECONDED BY RICHARD ELLINGTON THAT THE APPLICATION BE ISSUED SUBJECT TO THE FOLLOWING CONDITIONS. VOTE: VOTE: AYES 6 (Garrett Baker, James Baker, Linda Bowerman, Joseph Collins, Michael Crowell, Richard Ellington). NOES 0: ABSENT/EXCUSED 3 (Brian Hageman, Wil Heflin, Sriv Navaratnam)

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. That the special exception granted is subject to the proposed shed observing a 12 foot building setback from rear property line shared with 304 W. Poplar (OC PIN 9778475183). The remaining boundary lines in the proximity of the proposed location, are hereby reduced to at least six feet from each side consistent with the side-yards as shown on the site plan presented to the Board of Adjustment on January 15, 2020.
5. That the shed not be hard-wired for electrical power.

MOTION WAS MADE BY LINDA BOWERMAN AND SECONDED BY JOSEPH COLLINS THAT THE APPLICATION BE GRANTED SUBJECT TO THE CONDITIONS AGREED UPON. VOTE: VOTE: AYES 6 (Garrett Baker, James Baker, Linda Bowerman, Joseph Collins, Michael Crowell, Richard Ellington). NOES 0: ABSENT/EXCUSED 3 (Brian Hageman, Wil Heflin, Sriv Navaratnam)

OLD/NEW BUSINESS

Town staff mentioned that the Variance Request at 403 Tripp Farm Road would be moved to February 19, 2020 meeting due to not enough members for a quorum for voting purposes. Nick Herman town attorney said that it would be possible other agenda items presented to the board in the future without a tentative date.

ADJOURN

MOTION WAS MADE BY LINDA BOWERMAN AND SECONDED BY JOSEPH COLLINS THAT THE MEETING BE ADJOURNED. VOTE: VOTE: AYES 6 (Garrett Baker, James Baker, Linda Bowerman, Joseph Collins, Michael Crowell, Richard Ellington). NOES 0: ABSENT/EXCUSED 3 (Brian Hageman, Wil Heflin, Sriv Navaratnam)