



BOARD OF ADJUSTMENT

MINUTES

Town of Carrboro

301 W. Main Street Carrboro, North Carolina 27510

F e b r u a r y 1 9 , 2 0 2 0

7:00PM

Town Hall Room 110

MEMBERS PRESENT		TOWN ATTORNEY	STAFF
Garrett Baker	Michael Crowell	Nicholas Herman	Marty Roupe
James Baker	Richard Ellington	Robert Horton	Jeff Kleaveland
Linda Bowerman	Sriv Navaratnam		Marsha Pate
Joseph Collins			

Absent/Excused: Brian Hageman (Excused), Wil Heflin

Town Council Representative: Damon Seils

MINUTES APPROVAL:

MOTION MADE BY JAMES BAKER AND SECONDED BY SRIV NAVARATNAM TO APPROVE MINUTES FROM JANUARY 15, 2020 MEETING. VOTE: AYES 7 (James Baker, Garrett Baker, Linda Bowerman, Joseph Collins, Michael Crowell, Richard Ellington, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 2 (Brian Hageman, Wil Heflin)

Linda Bowerman opened the public hearings by asking who plan to speak on the either the Variance Request or the Zoning Appeal may rise to be sworn in. Marsha Pate, swore in town staff and members of the general public that wished to speak concerning the Variance Request at 403 Tripp Farm Road and the Appeal request regarding 3200 Damascus church Road. Town staff Marty Roupe reiterated the format of the meeting in regard to the items on the agenda for the evening.

PUBLIC HEARING: Variance Request at 403 Tripp Farm Road

The applicants, Marsha Hamilton and Frank Pitts are requesting a variance to allow encroachment into the Zone 2 Water Quality Buffers as regulated by Section 15-269 of the Land Use Ordinance. They are working with the architects from Notch Design. The variance would allow construction of a 511 sf building addition (350 sf heated) to the back of the existing 1580 sf home; the proposed addition will encroach within the Town's Zone 2 regulatory stream buffer.

Jeff Kleaveland gave a brief Power Point presentation of the subject property regarding the proposed building addition. Mr. Kleaveland provided details which included the dimensions, concept and how the standards are met for the project. In addition, Mr. Kleaveland explained that the buffer only existed as of 2012 after the home was built which led to the clients reasoning behind the request.

James Baker asked clarifying questions which verified that the ground under the deck is not impervious, the direction of the gutters (which could be installed to flow away from the phase 2 buffer), and the existence of the 30' buffer.

Michael Crowell requested more information regarding the hardship #2 on the variance request Attachment C2 which stated: This lot is peculiar because the stream is closer to the house than the rest of the houses in the neighborhood. The house is also particularly small compared to the other houses in the neighborhood. Frank Pitts responded with the comparisons especially on the limitations as to where to place the addition.

Mr. Kleaveland stated that the lot is considered an impervious surface. This is due to law that allows lots to add 5000 impervious surface that is new and the current building (built prior to the law) is grandfathered into law and not included.

MOTION WAS MADE BY JAMES BAKER AND SECONDED BY SRIV NAVARATNAM TO CLOSE THE PUBLIC HEARING. VOTE: VOTE: AYES 7 (James Baker, Garrett Baker, Linda Bowerman, Joseph Collins, Michael Crowell, Richard Ellington, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 2 (Brian Hageman, Wil Heflin)

Richard Ellington began the conversation that the project was well thought out, mindful of the buffer, and the request hardships meet the standard.

Michael Crowell questioned the hardship regarding the buffer location and the size of the house. James Baker suggested that because this house is the only house without a back yard. The hardship is: Consideration that the designation of the stream, how the land is located at the very top of the stream, and the stream is located at the back of the house where it is logical for the addition. The unique circumstance is that 50% of the property is located in the buffer.

MOTION WAS MADE BY RICHARD ELLINGTON AND SECONDED BY SRIV NAVARATNAM THAT THE APPLICATION IS FOUND TO BE COMPLETE IN SECTION I. VOTE: AYES 7 (James Baker, Garrett Baker, Linda Bowerman, Joseph Collins, Michael Crowell, Richard Ellington, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 2 (Brian Hageman, Wil Heflin)

MOTION WAS MADE BY RICHARD ELLINGTON AND SECONDED BY JOSEPH COLLINS THAT THE PROPOSED CONDITIONS APPLICATION COMPLIES WITH ALL FOUR OF THE CONDITIONS IN SECTION II OF THE VARIANCE WORKSHEET. VOTE:

VOTE: AYES 6 (James Baker, Garrett Baker, Linda Bowerman, Joseph Collins, Richard Ellington, Sriv Navaratnam). NOES 1 (Michael Crowell) ABSENT/EXCUSED 2 (Brian Hageman, Wil Heflin)

The NOES represent dispute with: #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.

MOTION WAS MADE BY JOESEPH COLLINS AND SECONDED BY JAMES BAKER TO PASS THE APPLICATION IS GRANTED, SUBJECT TO THE CONDITIONS AGREED UPON UNDER Section III OF THE VARIANCE WORKSHEET. AYES 6 (James Baker, Garrett Baker, Linda Bowerman, Joseph Collins, Richard Ellington, Sriv Navaratnam). NOES 1 (Michael Crowell) ABSENT/EXCUSED 2 (Brian Hageman, Wil Heflin)

PUBLIC HEARING: Appeal request of the Zoning Administrator’s decision regarding a stream buffer encroachment on property located at 3200 Damascus Church Road

The zoning Administrator has determined that the grading work on the property has disturbed a stream buffer on the south side of the property, in violation of Land use Ordinance Section 15-269.2. The property is zoned Watershed Residential. Mr. Tony Merritt and Mrs. Ilene Merritt have submitted an application appealing the decision.

Marty Roupe explained the scope of the appeal referring to it as “Merritt’s gravel pit”. There have much disturbances on the site due to permissible mining but the focus is on the southern portion which is shared. Many regulatory authorities are involved in permitting the site including the State of NC, the Town of Carrboro, and Orange County. The focus has been in the western portion that the Town of Carrboro has defined as an ephemeral stream which acts as a drainage way when it rains. The ephemeral stream has been disturbed and needs to be restored. The functionality of the drainage way in the area which was impeded, causing ponding on the adjacent property, must be restored.

Robert Hornton spoke to the violations and the timely appeal of Mr. Merritt. Mr. Hornton is not sure of the questions or reasons behind the appeal. The Town’s concern is that there has been a violation regarding the stream buffer and to for the Board to uphold the findings and require the Merritts’s to act on the requirements and to complete it in a timely manner.

Mr. Roupe explained that the Bob Hornton is familiar with this situation and has provided guidance to him. Nick Hornton is here to provide guidance to the Board of Adjustments. Present are neighbors, Shelley Welch and Kevin Poinboerf of 3100 Damascus Church Road. They contend that the stream is falling downstream into this property.