



BOARD OF ADJUSTMENT

MINUTES

Town of Carrboro

301 W. Main Street Carrboro, North Carolina 27510

July 15, 2020

7:00PM

Zoom Remote Meeting

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

Absent/Excused: Linda Bowerman, Richard Ellington

MINUTES APPROVAL:

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

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

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

The applicants and owners, Maggi Grace and Susan Clements are requesting a Special Exception Permit for the installation of a 12' x 16' one-story outbuilding that will encroach approximately five (5) feet into the northern side-yard building setbacks at 601 N. Greensboro Street (Orange County PIN 9778883271). The building is to be used as an artist's studio. Their property is located in the Residential-7.5 (R-7.5) Zoning District with a standard boundary line building setback of 10 feet; the applicants are requesting to encroach 5' feet into the northern side-yard setback which is

a 50% percent encroachment. Section 15-92.1 of the Land Use Ordinance gives the Board of Adjustment the authority to grant Special Exception Permits to allow reductions of up to fifty percent (50%) in the required distances buildings must be setback from lot boundary lines.

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

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

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

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

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

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

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

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

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

- D. The special exception being requested does not exceed 50% of the required setbacks of Section 15-184(a)(4), nor would it permit any part of a building to be located closer to a lot boundary that a distance equal to one-half of the minimum building separation requirement of North Carolina State Building Code.
- E. The special exception, if granted, will not create a threat to the public health or safety.
- F. The special exception, if granted, will not adversely affect the value of adjoining or neighboring properties.

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

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Zoning Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
3. That the special exception is granted only to the extent necessary to provide for the proposed addition (including roof overhangs), and that no other additions, or enlargements of any other portion of the house is permitted by this special exception permit.

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

PUBLIC HEARING: Special Exception Permit at 300 West Poplar Avenue

The applicant, Zack Pickard is requesting a Special Exception Permit for the construction of a 10 foot by 8 foot accessory building that will encroach into the side yard setback. The proposed accessory building will encroach six (6) feet into the required twelve (12) foot side yard setback. Section 15-92.1 of the Land Use Ordinance gives the Board of Adjustment the authority to grant Special Exception Permits to allow reductions of up to fifty percent (50%) in the required distances buildings must be setback from lot boundary lines, pursuant to three (3) conditions established by Section 15-184(a)(4) of the Land Use Ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

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

- C. The special exception requested applies only to a setback from a lot line boundary.
- D. The special exception being requested does not exceed 50% of the required setbacks of Section 15-184(a)(4), nor would it permit any part of a building to be located closer to a lot boundary that a distance equal to one-half of the minimum building separation requirement of North Carolina State Building Code.
- E. The special exception, if granted, will not create a threat to the public health or safety.
- F. The special exception, if granted, will not adversely affect the value of adjoining or neighboring properties.

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

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Zoning Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
3. That the special exception is granted only to the extent necessary to provide for the proposed addition (including roof overhangs), and that no other additions, or enlargements of any other portion of the house is permitted by this special exception permit.

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

PUBLIC HEARING: Special Exception Permit at 218 Cobblestone Drive

The applicants and owners, Mary and Raymond Karnes are requesting a Special Exception Permit for the installation of a 13.5' x 13.5' building addition that will encroach approximately three (3) feet into the side-yard building setbacks at 218 Cobblestone Drive (Orange County PIN 9779353845). The addition is proposed for the southern facing elevation and is attached to the existing home. Their property is located in the Residential-20 (R-20) Zoning District with a standard boundary line building setback of 20 feet, but the applicants are requesting to encroach 3' feet into the side yard setback- this is about a 15% percent encroachment into the required setback, their actual encroachment is expected to be 32". Section 15-92.1 of the Land Use Ordinance gives the Board of Adjustment the authority to grant Special Exception Permits to allow

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

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

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

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

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

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

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

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

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

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

- A. The existing building is a conforming residential use in a residential district.
- B. The existing building has existed for at least three (3) years prior to the date of the application for a special exception permit.
- C. The special exception requested applies only to a setback from a lot line boundary.
- D. The special exception being requested does not exceed 50% of the required setbacks of Section 15-184(a)(4), nor would it permit any part of a building to be located closer to a lot boundary that a distance equal to one-half of the minimum building separation requirement of North Carolina State Building Code.
- E. The special exception, if granted, will not create a threat to the public health or safety.

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

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

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Zoning Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
3. That the special exception is granted only to the extent necessary to provide for the proposed addition (including roof overhangs), and that no other additions, or enlargements of any other portion of the house is permitted by this special exception permit.

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

OLD/NEW BUSINESS

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

ADJOURN

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