



# BOARD OF ADJUSTMENT

## MINUTES

Town of Carrboro

301 W. Main Street Carrboro, North Carolina 27510

July 17, 2019

7:00PM

Town Hall Room 110

MEMBERS PRESENT		TOWN ATTORNEY	STAFF
James Baker	Brian Hageman	Nicholas Herman	Jeff Kleaveland
Garrett Baker	Wil Heflin		Dorian McLean
Linda Bowerman	Sriv Navaratnam		
Joseph Collins			
Michael Crowell			
Richard Ellington			
<b>Absent/Excused:</b>			

### MINUTES APPROVAL:

MOTION MADE BY RICHARD ELLINGTON AND SECONDED BY JOSEPH COLLINS TO APPROVE MINUTES FROM MAY 15, 2019 MEETING. VOTE: AYES 7 (James Baker, Linda Bowerman, Joseph Collins, Richard Ellington, Brian Hageman, Wil Heflin, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 0

### OATH OF OFFICE for Garrett Baker and Michael Crowell new Board of Adjustment Members

Dorian McLean, Town Staff swore in New Board of Adjustment Members Garrett Baker and Michael Crowell. Marsha Pate, Town Staff Notary Public prepared documents have they were sworn in.

Brian Hageman opened 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 for 805A West Main Street**

The applicant, Kaidy Lewis is requesting a Special Exception Permit for the installation of a 10' x 20' shed/studio (approximate size) that will encroach six (6) feet into the rear-yard building setbacks at 805A W. Main St. (Orange County PIN 9778486027).

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 six (6) feet into the rear-yard building setback; this is a 50% 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 shed/studio. The applicant completed and submitted the application for the Special Exception Permit. Mr. Kleaveland mailed out neighbor petitions and received no feedback or comments from neighbors about the proposed shed/studio.

Brian Hageman asked if the shed/studio would have electricity. Mr. Kleaveland stated that the proposed shed/studio is required to have a residential building permit due to the size and if there would also be electricity present it would require the inspectors to inspect the proposed shed/studio.

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.

Kaidy Lewis, owner, stated that she contacted all property owners adjacent to her property the neighbors signed the petition and were in agreement with the proposed shed/studio.

Sriv Navaratnam and Richard Ellington board members were in agreement to approve the Special Exception Permit due to the neighbors being in agreement and the applicant stating her use of the shed/studio.

**MOTION WAS MADE BY RICHARD ELLINGTON AND SECONDED BY JAMES BAKER TO CLOSE THE PUBLIC HEARING. VOTE: VOTE: AYES 9 (Garrett Baker, James Baker, Linda Bowerman, Joseph Collins, Michael Crowell, Richard Ellington, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 0**

**MOTION WAS MADE BY JAMES BAKER AND SECONDED BY SRIV NAVARATNAM THAT THE APPLICATION IS FOUND TO BE COMPLETE. VOTE: VOTE: AYES 9 (Garrett Baker, James Baker, Linda Bowerman, Joseph Collins, Michael Crowell, Richard Ellington, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 0**

MOTION WAS MADE BY JAMES BAKER AND SECONDED BY JOSEPH COLLINS THAT THE APPLICATION COMPLIES WITH THE FOLLOWING FINDINGS REQUIRED BY SECTION 15-92.1. VOTE: VOTE: AYES 9 (Garrett Baker, James Baker, Linda Bowerman, Joseph Collins, Michael Crowell, Richard Ellington, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 0

- 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 JAMES BAKER AND SECONDED BY BRIAN HAGEMAN THAT THE APPLICATION BE ISSUED SUBJECT TO THE FOLLOWING CONDITIONS. VOTE: VOTE: AYES 9 (Garrett Baker, James Baker, Linda Bowerman, Joseph Collins, Michael Crowell, Richard Ellington, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 0

- 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 9 (Garrett Baker, James Baker, Linda Bowerman, Joseph Collins, Michael Crowell, Richard Ellington, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 0

**PUBLIC HEARING: Special Exception Permit for 103 Spring Valley Road**

The applicant, Sara Bacon is requesting a Special Exception Permit for the installation of a 12' x 20' shed/studio (approximate size) that will encroach ten (10) feet into the side-yard building setbacks at 103 Spring Valley Rd. (Orange County PIN 9779419117).

Her property is located in the Residential-15 (R-15) Zoning District with a standard boundary line building setback of 20 feet, but the applicant is requesting to encroach ten (10) feet into the side yard setback- this is a 50% 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.

Note that the applicant is unable to attend this meeting but has provided the attached letter to describe her application request (Attachment B)

Jeff Kleaveland gave a brief Power Point presentation of the subject property of the proposed shed/studio. The applicant completed and submitted the application for the Special Exception Permit. Mr. Kleaveland mailed out neighbor petitions and received no feedback or comments from neighbors about the proposed shed/studio.

Wil Heflin asked about how close it would be to the property line. Garrett Baker asked about the height limits of the building. Jeff Kleaveland stated that it would be 12 to 14 feet in height.

Sriv Navaratnam stated that he was in agreement with approving the shed/studio due to no neighbors having an issues and that they were in agreement with the building of the shed/studio.

MOTION WAS MADE BY RICHARD ELLINGTON AND SECONDED BY SRIV NAVARATNAM TO CLOSE THE PUBLIC HEARING. VOTE: VOTE: AYES 9 (Garrett Baker, James Baker, Linda Bowerman, Joseph Collins, Michael Crowell, Richard Ellington, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 0

MOTION WAS MADE BY RICHARD ELLINGTON AND SECONDED BY JOSEPH COLLINS THAT THE APPLICATION IS FOUND TO BE COMPLETE. VOTE: VOTE: AYES 9 (Garrett Baker, James Baker, Linda Bowerman, Joseph Collins, Michael Crowell, Richard Ellington, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 0

MOTION WAS MADE BY RICHARD ELLINGTON AND SECONDED BY JOSEPH COLLINS THAT THE APPLICATION COMPLIES WITH THE FOLLOWING FINDINGS REQUIRED BY SECTION 15-92.1. VOTE: VOTE: AYES 9 (Garrett Baker, James Baker, Linda Bowerman, Joseph Collins, Michael Crowell, Richard Ellington, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 0

- 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 RICHARD ELLINGTON AND SECONDED BY LINDA BOWERMAN THAT THE APPLICATION BE ISSUED SUBJECT TO THE FOLLOWING CONDITIONS. VOTE: VOTE: AYES 9 (Garrett Baker, James Baker, Linda Bowerman, Joseph Collins, Michael Crowell, Richard Ellington, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 0

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 RICHARD ELLINGTON AND SECONDED BY WIL HEFLIN THAT THE APPLICATION BE GRANTED SUBJECT TO THE CONDITIONS AGREED UPON. VOTE: VOTE: AYES 9 (Garrett Baker, James Baker, Linda Bowerman, Joseph Collins, Michael Crowell, Richard Ellington, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 0

### **OLD/NEW BUSINESS**

Dorian McLean, town staff had nothing to report. Nicholas Herman, town attorney stated it would be other items to come to the board soon as he and town staff were discussing.

### **ADJOURN**

MOTION WAS MADE BY RICHARD ELLINGTON AND SECONDED BY DAVID COLLINS THAT THE MEETING BE ADJOURNED. VOTE: VOTE: AYES 7 (James Baker, Linda Bowerman, David Collins, Joseph Collins, Richard Ellington, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 1: (Wil Heflin)