



BOARD OF ADJUSTMENT

MINUTES

Town of Carrboro

301 W. Main Street Carrboro, North Carolina 27510

February 17, 2021

7:00PM

Zoom Remote Meeting

MEMBERS PRESENT		TOWN ATTORNEY	STAFF
Garrett Baker	Brian Hageman	Nicholas Herman	Martin Roupe
James Baker	Sriv Navaratnam		James Thomas
Linda Bowerman			Dorian McLean
Joseph Collins			
Richard Ellington			

Absent/Excused:

MINUTES APPROVAL:

MOTION MADE BY JAMES BAKER AND SECONDED BY LINDA BOWERMAN TO APPROVE MINUTES FROM OCTOBER 21, 2020 MEETING. VOTE: AYES 7 (Garrett Baker, James Baker, Linda Bowerman, Joseph Collins, Richard Ellington, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 0

OLD/NEW BUSINESS

Martin Roupe informed the Board of Adjustment that the next possible meeting may have a Special Exception and Variance presented to the board. James Baker and Richard Ellington have served their terms but may continue serving with resubmitting application and no one available to take their seat on the board. James Baker said that he had applied for the Planning Board and that he will not be reapplying for the Board of Adjustment. Martin Roupe informed board members to inform Brian Hageman chair of the Board of Adjustment if your term will be expiring.

Brian Hageman opened the February 17, 2021 Board of Adjustment meeting by calling the meeting to order and reading the agenda. Dorian McLean, swore in town staff and members of the general public that wished to speak concerning the Variance. Mr. Hageman proceeded to ask the town staff if they would like to proceed with the presentation about the Variance for 104 Hill Street.

PUBLIC HEARING: Variance Request at 104 Hill Street

Conor Tighe & Alyssa Miserendino, owners/applicants of the subject property, have submitted an application requesting a variance to allow encroachment into the Zone 1 and 2 Riparian Buffer per Section 15-269(a) of the Land Use Ordinance for the construction of a new single-family residence at 104 Hill Street.

The construction of the home (conditioned portion of the home) will encroach into Riparian Buffer 2 only while the proposed deck in the rear portion of the home will encroach into Riparian Buffer 1. Phone conversations with the applicant state that they have a younger daughter and would like the deck in the rear of the property that is encroaching into Riparian Buffer 1 as a place for her to play outside. It should be noted that the subject property was platted in 1924 and approximately 90 percent of the property is within Riparian Buffer 2 and Riparian Buffer 1- in essence, approximately 370 square feet of the property is actually “buildable” by not being within the required setback for this zoning district nor the Riparian Buffer 1 and 2. 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 Riparian Buffer of 30 feet and a Zone 2 Riparian Buffer of 30 feet (120’ total). As stated above, this lot was platted in 1924 well before the present stream buffer regulations of today. 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. 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.

James Thomas gave a brief Power Point presentation of the subject property of the proposed construction of a new single family residence that would need to encroach into the Zone 1 and 2 Riparian Buffer per Section 15-269 (a) of The Land Use Ordinance. Conor Tighe and Alysissa Miserendino, applicants, are present and have some information that they would like to present to the board during the presentation.

Richard Ellington stated that the front yard setback is 25 feet and 50 feet is allowed in the Broad/Lloyd Overlay district of the proposed single family residence.

Conor Tighe and Alysissa Miserendino stated that the only concern in the staff recommendations is Condition 5, which they only learned about the day of the meeting. They had questions on the recommendations of Condition 5.

Conor Tighe and Alysissa Miserendino, applicants, stated that they live in the house beside the proposed lot of the construction of the single family home and across the street as well and flooding has not been an issue there out of the 6.5 years they have lived there.

Josh Dalton, town engineer, informed the applicants that there is an existing 48 inch pipe located in the rear of the property that carries a significant amount of water flow which if it builds would cause flooding. Flooding a newly construction home or basement in could possibly be prevented if the recommended conditions are followed.

Martin Roupe described how Sungate, town engineer, had studied the neighborhood and the suggested condition results from the study's findings. Josh Dalton asked Nick Herman, town attorney if he had any comments to the discussion.

James Baker reminded the board that there is an existing 1986 easement on the property of discussion but the location of the easement is not recorded to his understanding.

Josh Dalton, James Thomas, and Martin Roupe agreed that the actual location of the pipe is not known but there is an existing 1986 easement.

Garrett Baker is in agreement with the 4th staff recommendation.

Sriv Navaratnam is in agreement with the staff recommendations with the information that Josh Dalton, town engineer has presented to the board.

Brian Hageman is wanting more information from applicant's engineer about the actual location of the pipe before he would be ready to vote on this variance.

Applicants of the 104 Hill Street expressed that they are just receiving knowledge about the added staff recommendations of numbers 4 and 5 right before the meeting. So they would need additional time, then would like to come back before the Board for further discussion.

MOTION WAS MADE BY BRIAN HAGEMAN AND SECONDED BY GARRETT BAKER TO CONTINUE THE PUBLIC HEARING AT THE MARCH 17, 2021 BOARD OF ADJUSTMENT MEETING. VOTE: VOTE: AYES 7 (Garrett Baker, James Baker, Linda Bowerman, Joseph Collins, Richard Ellington, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 0

OLD/NEW BUSINESS

Martin Roupe, town staff will work with the applicants to get the information asked of the Board of Adjustment members. Mr. Roupe asked if any board members knew if they were not available for the March 17, 2021 Board of Adjustment meeting. 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 7 (Garrett Baker, James Baker, Linda Bowerman, Joseph Collins, Richard Ellington, Brian Hageman, Sriv Navaratnam). NOES 0: ABSENT/EXCUSED 0