



# BOARD OF ADJUSTMENT

## MINUTES

### Town of Carrboro

301 W. Main Street Carrboro, North Carolina 27510

**D e c e m b e r 5 , 2 0 0 7**

MEMBERS PRESENT		TOWN ATTORNEY	STAFF
David Collins	Catherine DeVine		James Thomas
Thomas Arnel			Jane Tuohey
John Gant			
Mark Brantley			
Sriv Navaratnam			
Robert Kirschner			
<b>Absent/Excused:</b> (2) Richard Ellington, James Dingfelder			

### MINUTES APPROVAL

MOTION MADE BY THOMAS ARNEL AND SECONDED BY MARK BRANTLEY TO APPROVE OCTOBER 17, 2007 MINUTES.

### OATH OF OFFICE

Catherine DeVine and John Gant were administered Oath of Office and were seated as new Board Members.

### PUBLIC HEARING: Special Exception for 101 Melba Circle

The applicants/owners, Francis & Bobbi Jo Boyd, are requesting a Special Exception Permit for the construction of a sixteen (16) foot by twenty-three (23) foot screen porch addition to the single-family residence that will encroach into the side yard setback. The proposed addition will encroach eight (8) feet into the required twenty (20) 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 that buildings must be setback from lot boundary lines.

Jane Tuohey a Notary Public swore in the applicant, Francis Boyd, Sean Manley, contractor and applicant for Special Exception at 202 Orchard Lane and staff member, James Thomas. James Thomas gave the staff presentation, he explained that this property is in the R-20 zoning district and is well below the required 50% distance from lot boundary lines. Mr. Thomas stated that he sent notification letters to adjacent property owners but has not received any comments. Mr. Boyd collected signatures from 13 of his 16 neighbors, of the three he didn't get signatures for, two were rentals and one was a vacant lot next to his property.

Mr. Boyd spoke to the board and informed them that the proposed addition will be a screened in porch and will continue with the current roof size. It will have floor to ceiling screening and will be painted wood with a sun roof and tiled floor, all work to be done by professionals.

MOTION WAS MADE BY JOHN GANT AND SECONDED BY ROBERT KIRSCHNER TO CLOSE THE PUBLIC HEARING. VOTE: AYES 7 (David Collins, Thomas Arnel, Sriv Navaratnam, Mark Brantley, Robert Kirschner, Catherine DeVine, John Gant. NOES 0; ABSENT/EXCUSED 2 Richard Ellington, James Dingfelder

MOTION WAS MADE BY THOMAS ARNEL AND SECONDED BY ROBERT KIRSCHNER THAT THE APPLICATION IS FOUND TO BE COMPLETE. VOTE: AYES 7 (David Collins, Thomas Arnel, Sriv Navaratnam, Mark Brantley, Robert Kirschner, Catherine DeVine, John Gant. NOES 0; ABSENT/EXCUSED 2 Richard Ellington, James Dingfelder

MOTION WAS MADE BY THOMAS ARNEL AND SECONDED BY CATHERINE DEVINE THAT THE APPLICATION COMPLIES WITH ALL (A-F) APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AYES 7 (David Collins, Thomas Arnel, Sriv Navaratnam, Mark Brantley, Robert Kirschner, Catherine DeVine, John Gant. NOES 0; ABSENT/EXCUSED 2 Richard Ellington, James Dingfelder

MOTION WAS MADE BY THOMAS ARNEL AND SECONDED BY MARK BRANTLEY THAT THE APPLICATION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS. VOTE: AYES 7 (David Collins, Thomas Arnel, Sriv Navaratnam, Mark Brantley, Robert Kirschner, Catherine DeVine, John Gant. NOES 0; ABSENT/EXCUSED 2 Richard Ellington, James Dingfelder

1. the applicant shall complete the development strictly in accordance with the plans submitted to and approved by the 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 THOMAS ARNEL AND SECONDED BY MARK BRANTLEY THAT THE APPLICATION BE GRANTED SUBJECT TO THE ABOVE CONDITIONS. VOTE: AYES 7 (David Collins, Thomas Arnel, Sriv Navaratnam, Mark Brantley, Robert Kirschner, Catherine DeVine, John Gant. NOES 0; ABSENT/EXCUSED 2 Richard Ellington, James Dingfelder

**PUBLIC HEARING: Special Exception for 202 Orchard Lane**

The applicant, Sean Manley, is requesting a Special Exception Permit for the construction of a screen porch to the single-family residence that will encroach into the side yard setback. The proposed addition will encroach four (4) 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 that buildings must be setback from lot boundary lines.

James Thomas gave the staff presentation. First, he brought to the attention of the Board his reference note under #1 of the Staff Analysis that the house was originally CO'd in 1991 but Mr. Thomas couldn't find a valid zoning permit. Mr. Thomas called the Town Attorney's office and they explained that this property is non-conforming, so this addition will actually bring this property into a conformance. The current owner bought this property in 2004 with the assumption of compliance. However, the Town Attorney had no problems with this fact. Mr. Thomas noted that this property is in the R-10 zoning district and stated that he sent notification letters to adjacent property owners but has not received any comments. Nine signatures were collected from their neighbors.

Mr. Gant asked if the deck was being changed to a screen porch and Mr. Thomas answered to the affirmative. The applicant stated that the original owner told him that the deck was built with the house and showed Board Members a photograph of how the screened in porch will look.

MOTION WAS MADE BY JOHN GANT AND SECONDED BY MARK BRANTLEY TO CLOSE THE PUBLIC HEARING. VOTE: AYES 7 (David Collins, Thomas Arnel, Sriv Navaratnam, Mark Brantley, Robert Kirschner, Catherine DeVine, John Gant. NOES 0; ABSENT/EXCUSED 2 Richard Ellington, James Dingfelder

MOTION WAS MADE BY ROBERT KIRSCHNER AND SECONDED BY JOHN GANT THAT THE APPLICATION IS FOUND TO BE COMPLETE. VOTE: AYES 7 (David Collins, Thomas Arnel, Sriv Navaratnam, Mark Brantley, Robert Kirschner, Catherine DeVine, John Gant. NOES 0; ABSENT/EXCUSED 2 Richard Ellington, James Dingfelder

MOTION WAS MADE BY ROBERT KIRSCHNER AND SECONDED BY SRIV NAVARATNAM THAT THE APPLICATION COMPLIES WITH ALL (A-F) APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AYES 7 (David Collins, Thomas Arnel, Sriv Navaratnam, Mark Brantley, Robert Kirschner, Catherine DeVine, John Gant. NOES 0; ABSENT/EXCUSED 2 Richard Ellington, James Dingfelder

MOTION WAS MADE BY ROBERT KIRSCHNER AND SECONDED BY CATHERINE DEVINE THAT THE APPLICATION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS.

VOTE: AYES 7 (David Collins, Thomas Arnel, Sriv Navaratnam, Mark Brantley, Robert Kirschner, Catherine DeVine, John Gant. NOES 0; ABSENT/EXCUSED 2 Richard Ellington, James Dingfelder

1. the applicant shall complete the development strictly in accordance with the plans submitted to and approved by the 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 ROBERT KIRSCHNER AND SECONDED BY THOMAS ARNEL THAT THE APPLICATION BE GRANTED SUBJECT TO THE ABOVE CONDITIONS. VOTE: AYES 7 (David Collins, Thomas Arnel, Sriv Navaratnam, Mark Brantley, Robert Kirschner, Catherine DeVine, John Gant. NOES 0; ABSENT/EXCUSED 2 Richard Ellington, James Dingfelder

#### **OLD/NEW BUSINESS**

Mark Brantley stated that he couldn't attend the October 17, 2007 meeting because he was out of the country.

Regarding the Brockwell property issue coming before the Board, Jane Tuohey said that she had spoken with Marty and thought it may come before the Board in February. Mr. Thomas said that there may be a variance in January regarding a Church on Smith Level Road.

There being no other business, MOTION WAS MADE BY CATHERINE DEVINE AND SECONDED BY SRIV NAVARATNAM THAT THE MEETING BE ADJOURNED. VOTE: AYES 7 (David Collins, Thomas Arnel, Sriv Navaratnam, Mark Brantley, Robert Kirschner, Catherine DeVine, John Gant. NOES 0; ABSENT/EXCUSED 2 Richard Ellington, James Dingfelder

**ADJOURN!**