



BOARD OF ADJUSTMENT MINUTES

Town of Carrboro

301 W. Main Street Carrboro, North Carolina 27510

M a r c h 1 8 , 2 0 0 9

MEMBERS PRESENT		TOWN ATTORNEY	STAFF
David Collins	John Gant		James Thomas
Thomas Arnel	Robert Kirschner		Jane Tuohey
Sriv Navaratnam			Marty Roupe
Mark Brantley			
Richard Ellington			
Catherine DeVine			
Absent/Excused: 0			

MINUTES APPROVAL

MOTION MADE BY CATHERINE DEVINE AND SECONDED BY JOHN GANT TO APPROVE MINUTES FROM JUNE 18, 2008 MEETING: VOTE: AYES 8 (David Collins, Thomas Arnel, Sriv Navaratnam, Mark Brantley, Richard Ellington, Catherine DeVine, John Gant, Robert Kirschner). NOES 0; ABSENT/EXCUSED 0

PUBLIC HEARING: Special Exception Permit at 204 Bruton Drive

Applicants/owners, Bill and Lynda Martens, are requesting a Special Exception Permit in order to encroach approximately two (2) feet into the required twenty (20) foot eastern side yard setback for a walk-in closet and encroach approximately five (5) feet into the required twenty (20) foot eastern side yard setback for a carport.

Jane Tuohey, notary public swore in staff member James Thomas and applicants for both Special Exceptions. James Thomas gave the staff presentation and informed the Board that he had sent notification out to adjacent property owners; he has not received any phone calls.

Richard Ellington, Board Member notified the Board that he lives at 109 Bruton Drive, but not within 150', he stated that he is impartial; the Board did not have any problem with Mr. Ellington voting on this special exception.

Setbacks and easements were discussed with James Thomas, there being no other questions a MOTION WAS MADE BY THOMAS ARNEL AND SECONDED BY JOHN GANT TO CLOSE THE PUBLIC HEARING. VOTE: AYES 8 (David Collins, Thomas Arnel, Sriv Navaratnam, Mark Brantley, Richard Ellington, Catherine DeVine, John Gant, Robert Kirschner). NOES 0; ABSENT/EXCUSED 0

Board members spoke in agreement of this addition. Mr. Ellington explained that there is a steep slope there and so he is pleased with what is being proposed. Mr. Ellington also suggested that the owners check with OWASA to see if the easement still exists, because some easements have been rescinded. The owner then asked if the easement is not being used would the Board consider pushing this request to the 50% line so his carport could be larger. James Thomas said that the Board would have to reconsider and modify the application. Mr. Thomas said he would still be within the 50% even if he added 5', but would need to check with OWASA. John Gant asked if the applicant has spoken to his adjacent neighbor about a double carport, to which he responded that the neighbor said that he wouldn't have a problem with him doing anything that he wanted to do on his side. David Collins requested a 4th condition.

MOTION WAS MADE BY CATHERINE DEVINE AND SECONDED BY JOHN GANT THAT THE APPLICATION IS FOUND TO BE COMPLETE. VOTE: AYES 8 (David Collins, Thomas Arnel, Sriv Navaratnam, Mark Brantley, Richard Ellington, Catherine DeVine, John Gant, Robert Kirschner). NOES 0; ABSENT/EXCUSED 0

MOTION WAS MADE BY CATHERINE DEVINE AND SECONDED BY SRIV NAVARATNAM THAT THE APPLICATION COMPLIES WITH ALL (A-F) APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AYES 8 (David Collins, Thomas Arnel, Sriv Navaratnam, Mark Brantley, Richard Ellington, Catherine DeVine, John Gant, Robert Kirschner). NOES 0; ABSENT/EXCUSED 0

MOTION WAS MADE BY CATHERINE DEVINE AND SECONDED BY JOHN GANT THAT THE APPLICATION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS. VOTE: AYES 8 (David Collins, Thomas Arnel, Sriv Navaratnam, Mark Brantley, Richard Ellington, Catherine DeVine, John Gant, Robert Kirschner). NOES 0; ABSENT/EXCUSED 0

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.
4. the Board approves the Special Exception Permit for 204 Bruton Drive allowing encroachment of up to 50% into the required twenty (20) foot eastern side yard setback for a walk-in closet and carport.

MOTION WAS MADE BY CATHERINE DEVINE AND SECONDED BY THOMAS ARNEL THAT THE APPLICATION BE GRANTED SUBJECT TO THE ABOVE CONDITIONS.

VOTE: AYES 8 (David Collins, Thomas Arnel, Sriv Navaratnam, Mark Brantley, Richard Ellington, Catherine DeVine, John Gant, Robert Kirschner). NOES 0; ABSENT/EXCUSED 0

PUBLIC HEARING: Special Exception Permit at 110 Elm Street

The applicant, James Tanner is requesting a Special Exception Permit in order to encroach eighteen (18) inches into the required ten (10) foot southern side yard setback for the roof overhang of an addition.

James Thomas gave the staff presentation and informed the Board that he had sent notification out to adjacent property owners; he has not received any phone calls. The applicant has received 18 signatures from neighbors; they also had a neighborhood meeting where another neighbor signed for a total of 19 out of 21 possible signatures, the two missing were from rental units. Mr. Tanner showed the Board where the small encroachment is because the lot line is at an angle.

MOTION WAS MADE BY ROBERT KIRSCHNER AND SECONDED BY JOHN GANT TO CLOSE THE PUBLIC HEARING. VOTE: AYES 8 (David Collins, Thomas Arnel, Sriv Navaratnam, Mark Brantley, Richard Ellington, Catherine DeVine, John Gant, Robert Kirschner). NOES 0; ABSENT/EXCUSED 0

Mr. Tanner, owner, stated that they measured where the line is, they have dug footing trenches, where the addition is going to be, but he is concerned about the size, in case it is different by a few inches. Mr. Thomas said that the wording can be changed as the previous exception was.

MOTION WAS MADE BY THOMAS ARNEL AND SECONDED BY JOHN GANT THAT THE APPLICATION IS FOUND TO BE COMPLETE. VOTE: AYES 8 (David Collins, Thomas Arnel, Sriv Navaratnam, Mark Brantley, Richard Ellington, Catherine DeVine, John Gant, Robert Kirschner). NOES 0; ABSENT/EXCUSED 0

MOTION WAS MADE BY THOMAS ARNEL AND SECONDED BY SRIV NAVARATNAM THAT THE APPLICATION COMPLIES WITH ALL (A-F) APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AYES 8 (David Collins, Thomas Arnel, Sriv Navaratnam, Mark Brantley, Richard Ellington, Catherine DeVine, John Gant, Robert Kirschner). NOES 0; ABSENT/EXCUSED 0

MOTION WAS MADE BY THOMAS ARNEL AND SECONDED BY JOHN GANT THAT THE APPLICATION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS. VOTE: AYES 8 (David Collins, Thomas Arnel, Sriv Navaratnam, Mark Brantley, Richard Ellington, Catherine DeVine, John Gant, Robert Kirschner). NOES 0; ABSENT/EXCUSED 0

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.
4. the Board approves the Special Exception Permit for 110 Elm Street allowing encroachment of up to thirty six (36) inches into the required ten (10) foot southern side yard setback for the roof overhang and addition.

MOTION WAS MADE BY THOMAS ARNEL AND SECONDED BY CATHERINE DEVINE THAT THE APPLICATION BE GRANTED SUBJECT TO THE ABOVE CONDITIONS. VOTE: AYES 8 (David Collins, Thomas Arnel, Sriv Navaratnam, Mark Brantley, Richard Ellington, Catherine DeVine, John Gant, Robert Kirschner). NOES 0: ABSENT/EXCUSED 0

ELECTION OF OFFICERS

Mr. Collins said that he is by Town Code ineligible to serve another term. Mr. Ellington said that it has been discussed by the Board of Aldermen about a new change, but they have not been formally notified. Mr. Collins said that if it is found that he cannot have another term as Chair then it will be fixed at the next meeting.

Nominations were made for Chair and Vice Chair. Thomas Arnel nominated David Collins to remain Chair. Sriv Navaratnam seconded this nomination. David Collins accepted and was re-elected.

MOTION MADE FOR DAVID COLLINS TO REMAIN CHAIR. VOTE: AYES 7 (Thomas Arnel, Sriv Navaratnam, Mark Brantley, Richard Ellington, Catherine DeVine, John Gant, Robert Kirschner). NOES 0: ABSENT/EXCUSED 0

Richard Ellington nominated Thomas Arnel to remain Vice Chair; this was seconded by Robert Kirschner. Thomas Arnel accepted and was re-elected.

MOTION MADE FOR THOMAS ARNEL TO REMAIN VICE CHAIR. VOTE: AYES 7 (David Collins, Sriv Navaratnam, Mark Brantley, Richard Ellington, Catherine DeVine, John Gant, Robert Kirschner). NOES 0: ABSENT/EXCUSED 0

OLD/NEW BUSINESS

Marty Roupe said that Dr. Dingfelder's variance request is still on hold as there is a pending possible amendment before the Board of Aldermen.

There being no other business, MOTION MADE BY RICHARD ELLINGTON AND SECONDED BY JOHN GANT THAT THE MEETING BE ADJOURNED. VOTE: VOTE: AYES 8 (David Collins, Thomas Arnel, Sriv Navaratnam, Mark Brantley, Richard Ellington, Catherine DeVine, John Gant, Robert Kirschner). NOES 0; ABSENT/EXCUSED 0