



# BOARD OF ADJUSTMENT

## MINUTES

### Town of Carrboro

301 W. Main Street Carrboro, North Carolina 27510

**A u g u s t 1 9 , 2 0 0 9**

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

### MINUTES APPROVAL

MOTION MADE BY RICHARD ELLINGTON AND SECONDED BY THOMAS ARNEL TO APPROVE MINUTES FROM MARCH 18, 2009 MEETING WITH THE FOLLOWING CHANGE: VOTE: AYES 5 (David Collins, Thomas Arnel, Mark Brantley, Richard Ellington, Robert Kirschner). NOES 0; ABSENT/EXCUSED 3 (Catherine DeVine, John Gant, Sriv Navaratnam)

Page 4 – Election of Officers should read as follows - Mr. Collins said that **he may** be by Town Code ineligible to serve another term.

### PUBLIC HEARING: Special Exception Permit at 104 Ashe Street

Applicants/owner, Sybil Tate, is requesting a Special Exception Permit in order to encroach approximately five (5) feet into the required ten (10) foot northern side yard setback for an addition to an existing non-conforming garage.

Jane Tuohey, notary public swore in staff member James Thomas. Applicant was not present for this public hearing. James Thomas gave the staff presentation and informed the Board that he sent notifications to adjacent property owners; he has not received any phone calls. Eleven signatures were received from property owners who live within 150' of this property, there are twelve properties, but the owner of the twelfth property is deceased. The applicant has an

existing non-conforming garage in the rear of the property where he would like to have an addition, it will encroach the maximum of 50% into the 10 foot side yard setback. James Thomas informed the Board that he meets all the other setbacks applicable to this property.

The Board asked a few questions regarding the existing setbacks and the new setback if they approve the addition. Also it was asked if this could be converted to an apartment in the future, Mr. Thomas explained that he doesn't have sufficient land area for an apartment.

There being no other questions a MOTION WAS MADE BY RICHARD ELLINGTON AND SECONDED BY THOMAS ARNEL TO CLOSE THE PUBLIC HEARING. VOTE: AYES 5 (David Collins, Thomas Arnel, Mark Brantley, Richard Ellington, Robert Kirschner). NOES 0; ABSENT/EXCUSED 3 (Catherine DeVine, John Gant, Sriv Navaratnam)

Board members spoke in agreement of this addition.

MOTION WAS MADE BY RICHARD ELLINGTON AND SECONDED BY ROBERT KIRSCHNER THAT THE APPLICATION IS FOUND TO BE COMPLETE. VOTE: AYES 5 (David Collins, Thomas Arnel, Mark Brantley, Richard Ellington, Robert Kirschner). NOES 0; ABSENT/EXCUSED 3 (Catherine DeVine, John Gant, Sriv Navaratnam)

MOTION WAS MADE BY RICHARD ELLINGTON AND SECONDED BY THOMAS ARNEL THAT THE APPLICATION COMPLIES WITH ALL (A-D) APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AYES 5 (David Collins, Thomas Arnel, Mark Brantley, Richard Ellington, Robert Kirschner). NOES 0; ABSENT/EXCUSED 3 (Catherine DeVine, John Gant, Sriv Navaratnam)

MOTION WAS MADE BY RICHARD ELLINGTON AND SECONDED BY MARK BRANTLEY THAT THE APPLICATION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS. VOTE: AYES 5 (David Collins, Thomas Arnel, Mark Brantley, Richard Ellington, Robert Kirschner). NOES 0; ABSENT/EXCUSED 3 (Catherine DeVine, John Gant, Sriv Navaratnam)

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 RICHARD ELLINGTON AND SECONDED BY ROBERT KIRSCHNER THAT THE APPLICATION BE GRANTED SUBJECT TO THE ABOVE CONDITIONS. VOTE: AYES 5 (David Collins, Thomas Arnel, Mark Brantley, Richard Ellington, Robert Kirschner). NOES 0; ABSENT/EXCUSED 3 (Catherine DeVine, John Gant, Sriv Navaratnam)

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

Richard Ellington asked if there is anything pending. James Thomas stated that he doesn't know of anything else at this moment.

There being no other business, MOTION MADE BY RICHARD ELLINGTON AND SECONDED BY THOMAS ARNEL THAT THE MEETING BE ADJOURNED. VOTE: AYES 5 (David Collins, Thomas Arnel, Mark Brantley, Richard Ellington, Robert Kirschner). NOES 0; ABSENT/EXCUSED 3 (Catherine DeVine, John Gant, Sriv Navaratnam)