

ATTACHMENT 1

**RESOLUTION A
(OVERRULING THE TOWN STAFF'S DECISION)**

RESOLUTION OVERRULING THE TOWN STAFF'S DECISION THAT THE USE OF THE PROPERTY LOCATED AT 103 NEW PARKSIDE DRIVE AS A SHORT-TERM RENTAL IS NOT A LEGAL NONCONFORMING USE (PIN 9880-22-6448, PROJECT #21-068).

WHEREAS, having reviewed the appellants' argument, the Town Staff presentation, various documents and other evidence submitted at the hearing on this matter, and having heard public comment on the application, the Board of Adjustment finds as facts those facts summarized by the Chair at the conclusion of the Board's hearing of this matter and hereby incorporates them by reference as Board Findings of Fact; and finds that such facts are supported by competent, material and substantial evidence presented to the Board; and

WHEREAS, in particular the Board finds that the appellants' argument to overrule the September 1, 2021 decision by the Town of Chapel Hill Staff, that the subject property's use as a short-term rental is not a legal nonconforming use, does have merit.

THE BOARD FURTHER concludes that the evidence before the Board of Adjustment does not support the determination of the Town Staff, and does not adopt the decision and reasons of the Town Staff as the determination and reasons of the Board.

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF ADJUSTMENT HEREBY OVERRULES the Town Staff's September 1, 2021 decision that the use of the property located at 103 New Parkside Drive, and further identified as Orange County Parcel Identifier Number 9788-39-5200, as a short-term rental is not a legal nonconforming use.

BE IT FURTHER RESOLVED that the applicant's appeal is hereby approved.

Signed - Board of Adjustment Chair, Joseph Parrish

This the 7th day of October, 2021.