

## MEMORANDUM

TO: Chapel Hill Board of Adjustment

FROM: Tas Lagoo, Principal Planner

SUBJECT: 318 McDade Street: Dimensional Variance  
(PIN 9788-18-6003, Project # BOA-24-5)

DATE: December 5, 2024

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### VARIANCE REQUEST SUMMARY

The applicant, T.C. Morphis (on behalf of property owners John and Carolyn McAllister), requests variances from the floor area ratio (FAR) and maximum building size for property located at 318 McDade Street. The variances are required to construct a 2,110 square foot single-family home with accessory apartment.

### EXISTING CONDITIONS

The 0.18-acre (7,840 square feet) property is in a Residential-3 (R-3) zoning district and the Northside Neighborhood Conservation District. The lot currently contains a single-family home.

### BACKGROUND

May 29, 2003: John and Carolyn McAllister acquired the subject property.

Sept. 5, 2024: T.C. Morphis submitted an application for dimensional variances for the subject property.

### EXTENT OF VARIANCE

As outlined in the table below, the applicant is requesting variances to the floor area ratio and maximum building size for a single-family dwelling with accessory apartment.

Regulation	Current	Requested
Floor Area Ratio	.20 <sup>1</sup>	.30
Maximum Size for Single-Family Dwelling with Accessory Apartment	1,750 square feet <sup>2</sup>	2,110 square feet

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<sup>1</sup> [Chapel Hill Land Use Management Ordinance, Appendix B, § 1.4](#)

<sup>2</sup> [Chapel Hill Land Use Management Ordinance, Appendix B, § 1.4](#)

## DISCUSSION

In the case of applications for a variance, the board's decision must be based on findings as to each of the determinations required in LUMO Section 4.12. The board may choose to approve, approve subject to conditions, or deny the application. The board may impose reasonable conditions on the granting of any variance to ensure that the public health, safety, and general welfare are protected and substantial justice is done. In its consideration of applications for a variance, the board shall not use the existence of nonconformities in the vicinity as justification for the granting of variances.

Section 4.12.2(a) of the LUMO provides:

When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the Board of Adjustment shall have the power to vary or modify any of the regulations or provisions of the ordinance upon a showing of all of the following:

- (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- (4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

The attached materials include two resolutions:

- **Resolution A** directs staff to prepare a written order **granting** the variance.
- **Resolution B** directs staff to prepare a written order **denying** the variance.

The board will need to formally adopt the written order prepared by staff at its next meeting.

If the requested variance is granted, the applicant will need to obtain a site plan approval from the Planning Commission and a building permit from the Town's Building and Development Services Department before beginning construction.

**Attachments:**

1. Resolution A (directing staff to prepare a written order **granting** the variance)
2. Resolution B (directing staff to prepare a written order **denying** the variance)
3. Variance Procedures
4. Excerpt of LUMO Appendix B, Division 1 – Northside Neighborhood Conservation District Plan
5. Narrative Describing Proposal
6. Statement of Justification
7. Site Plan
8. Deed
9. Area Map of Subject Property