

Amy Harvey

From: Jeanette Coffin
Sent: Wednesday, November 15, 2023 10:28 AM
To: Geoffrey F. Green
Cc: Adam Searing; Amy Ryan; Camille Berry; Jeanne Brown; Jess Anderson; Karen Stegman; Michael Parker; Pam Hemminger; Paris Miller-Foushee; Tai Huynh; Amy Harvey; Ann Anderson; Carolyn Worsley; CHRIS BLUE; James Baker; Loryn Clark; Mary Jane Nirdlinger; Ross Tompkins; Sabrina Oliver; Shay Stevens
Subject: RE: Comment on assigning special use permit review to Board of Adjustment

Thank you for your correspondence with the Town of Chapel Hill. The Mayor and Town Council are interested in what you have to say. By way of this email, I am forwarding your message to the Mayor and each of the Council Members, as well as to the appropriate staff person who may be able to assist in providing additional information or otherwise addressing your concerns.

Again, thank you for your message.

Sincerely,

Jeanette Coffin



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From: Geoffrey F. Green <geoff@stuebegreen.com>
Sent: Tuesday, November 14, 2023 8:10 PM
To: Town Council <mayorandcouncil@townofchapelhill.org>
Subject: Comment on assigning special use permit review to Board of Adjustment

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Mayor and members of council:

I am a former member and chair of the Town's Board of Adjustment. I am writing regarding the proposed revisions to the Town's Land Use Management Ordinance that are intended to streamline and make more efficient the development review process by transferring responsibility for the initial review of certain concept plans from the Community Design Commission to the Planning Commission, and assigning the Board of Adjustment the responsibility to review certain special use permits..

I fully support and endorse both proposals. Regarding the establishment of “minor special use permits,” I believe it is appropriate that the Board of Adjustment review and decide applications which will have limited impact on nearby properties. In time, the Council may want to consider expanding the types of special use permit applications that are reviewed by the Board of Adjustment beyond the limited scope included in this proposed ordinance.

However, before the Board of Adjustment hears any special use permit applications, I strongly urge that the Town Council provide opportunities for training for Board of Adjustment members to ensure they fully understand their role and responsibilities. The board is required to review the special use permit applications in accordance with strict statutory standards, and it is important board members receive the appropriate training to ensure that they review applications and make decisions in accordance with the requisite decision-making criteria. During my time on the Board of Adjustment, the Board was generally inclined to approve variances if the requests were modest and no neighbors objected, even if the applicant did not make the showing of “hardship” that a variance requires. In that case, even if no “hardship” is proven, no successful applicant is going to sue the town if the variance is granted. However, with special use permits, it is critical that board members properly apply the legal standards. Therefore, training from the UNC School of Government or another organization would be extremely helpful.

During my time as chair, the Board of Adjustment requested that Town Council allocate funds for training to allow us to better conduct quasi-judicial review of variance applications, which form the bulk of the Board’s duties. However, no funds were allocated for training.

During the past year I have seen the Town Council consider several special use permit applications, regarding the Dunkin’ drive-through and fuel sales at the Harris Teeter near MLK Jr. Blvd. and I-40, and in both cases the Town Attorney gave council members multiple reminders of the limited scope of their authority to review special use permit applications. I urge you to provide training to Board of Adjustment members so they understand their role as well.

Thank you for your consideration.

Geoff Green
Board of Adjustment Member 2020-21 and Chair 2021-23