

Application Materials

401 Cobb Terrace Variance

June 6, 2024

- 1.Variance Application
- 2.Narrative Describing Proposal
- 3.Statement of Justification
- 4.Site Plan and Area Map
- 5.Deed and Plat

**BOA-24-2**

Board of Adjustment
(BOA) Application

Status: Active

Submitted On: 2/25/2024





Primary Location

401 COBB TER
CHAPEL HILL, NC 27514

Owner

NORWOOD JOHN H
8412 SAWYER DR RALEIGH,
NC 27613

Applicant

 John Norwood
 919-614-0022
 johnhnorwood@gmail.com
 8412 Sawyer Drive
Raleigh, NC 27613

Application Information

Application Type*

Variance

Variance Type*

Dimensional


Description of Request*

Relocate an existing historic shed (as repaired and modified) to a different location on the property where a similar shed used to stand, re-build a tiny house in the adjusted footprint of the original location of the relocated shed, and construct a retaining wall between the two buildings to create a terrace.

Applicant Authorization

The undersigned applicant hereby certifies that, to the best of the applicant's knowledge and belief, all information supplied with this application is true and accurate.

Applicant Signature*

 John Norwood
Jan 25, 2024

Relationship to Property Owner*

Self

Narrative Describing Proposal:

Statement of Purpose: The purpose of this request is to obtain variance approvals related to a) the setback requirements and b) the steep slope conditions. The impact of these two ordinances leads to a condition where none of the land is developable. Considering the neighborhood's historical context and the neighborhood's physical and topographical condition, the owner is seeking to justify approval of ordinance variances.

History: Together with the development of the Cobb Terrace neighborhood approximately 100 years ago, a row of several adjacent carriage houses were constructed on lots measuring approximately 500 square feet. Each carriage house belonged to one of the houses on Cobb Terrace. Over time, the carriage houses were removed and the lots were absorbed into adjacent property. The subject property contains the only surviving structure. About 20 years ago, the owner acquired the property that contains the carriage house and then subsequently acquired the three remaining lots to the west. The owner engaged OWASA, the Town of Chapel Hill, a local attorney and surveyor, to combine the four small lots into one lot. This allowed the installation of sewer services and the entitlements to rebuild the structure into a dwelling unit. The sewer line has been installed and now the owner plans to move forward with the project.

Description: The following proposal points relate to the site plan approval, which requires several ordinance variance approvals as described elsewhere in this package. The building permit process will come later, where the exact building descriptions will be proposed.

1. Move the existing carriage house to the north-west side of the property, such that it sits on the foundation location of a similar carriage house that has been removed quite some time ago. The new enclosed foundation will match the proposed foundation of the tiny house described below. The roof will be repaired with an adjusted height similar to the tiny house described below. See exhibits and elevations provided.
2. Rebuild a new tiny house dwelling unit on the foundation location where the existing carriage house currently sits, with architecture in the same style as the current structure. The footprint will increase toward the center of the property by approximately 100 sf, to accommodate a new enclosed interior stairway. The ground floor will contain the main dwelling area and a daylight basement will sit underneath the ground floor. See exhibits and elevations provided.
3. Add a retaining wall at the back of the property and back-fill with dirt to create a flat terrace in-between the two structures. This will also require extending the existing storm drain pipe to the back of the property and creating some exterior steps down from the house entryway as well as steps leading down to the back door of the daylight basement. See exhibits and elevations provided.

Statement of Justification (subsection 4.12.2(a) of the Land Use Management Ordinance, variances)

The owner is hereby filing a request to the Board of Adjustment for the following Land Use Management Ordinance variances.

Variances requested:

- 1) Setback variance. The proposed conditions require a 3'2" street setback and a 1'10" interior setback.
- 2) Steep Slope variance. The proposed conditions, including vertical improvements and terracing, require disturbing 100% of the area considered to have steep slope conditions.

Variance details:

- 1) Setback requirements on the to-be-rebuilt current structure. 100% of the current structure is in variance of the setback requirements, as will be the rebuilt structure.
- 2) Setback requirements on the expansion of the current structure. 100% of the expansion to the current structure (a code-compliant staircase) is in variance of the setback requirements.
- 3) Setback requirements on the relocated and repaired structure. 100% of the relocated and repaired structure is in variance of the setback requirements.
- 4) Steep slope conditions on the to-be-rebuilt current structure location. The majority of the lot, approximately 75%, is considered to have steep slope conditions.
- 5) Steep slope conditions on the expansion of the current structure location. The majority of the lot is considered to have steep slope conditions.
- 6) Steep slope conditions on the relocated and repaired structure location. The majority of the lot is considered to have steep slope conditions.

Several EXHIBITS have been prepared to describe the current conditions, the proposed conditions and the effects of the requested ordinance variances:

- Photographs of the current conditions
- As-is survey
- Setback analysis drawings, with street, interior and solar setback lines and shadings
- Steep slope analysis drawing, with topo gradient lines and shadings
- Zoning district map with key, large area and zoomed in area
- Complete as-proposed site plan, b/w and color
- Elevations of current and proposed exterior, comparison layout presentation

The owner offers the following justifications for the requested variances listed and described above:

(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.

Setback requirement variance justifications:

- With a lot depth of approximately 24-27 feet, the existing carriage house structure and the three now-demolished original carriage house structures substantially encroached upon the set-back requirements. These set-back requirements did not exist when the property was developed more than 100 years ago.
- No usable structure can exist on the property that is compliant with the modern set-back requirements.
- Originally, there were four structures on the property, each measuring approximately 10 feet wide by 20 feet deep with an area of approximately 200 square feet, or a total of approximately 800 square feet among all four original structures.
- The two proposed structures, which include the relocation of the existing structure and the expanded re-build of the existing structure, both fall within the same set-back lines as the original structures. The proposed re-built carriage house expands its footprint to the interior of the lot and widens its original set-back encroachment, but the two center structures that had encroached into the set-back area no longer exist.
- None of the proposed improvements will extend closer to the street than the current structures do, or the historical structures did.
- The proposed two structures contain square feet that measure approximately 65% to 70% of the original square feet contained in the original four structures on the property.
- The ordinance requires setback of 26 feet on the street side and 8 feet on other sides. The proposed variance requests a setback of 3'2" feet on the street side and 1'10" feet on interior sides, which reflects the current actual conditions as they have been for the past 100 years.

Steep slope variance justifications:

- Widespread steep slope conditions are prevalent in the Cobb Terrace neighborhood, thus the name, "Terrace". While steep slopes are generally undesirable, in this case, the steep slopes and the homes nestled among them, are part of the character and charm of the neighborhood.
- The proposed landscape plan includes the installation of a terrace wall across the entire rear of the property, which will create a flat outdoor living space and effectively eliminate the steep slope.
- The ordinance requires no development or landscaping changes on steep slopes with a grade of 25 percent and greater. The proposed variance requests development or landscape changes on 100% of the area of the property that contains steep slopes with a grade of 25% and greater.

(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.

- See comments and explanations in # 1 above that describe the adjusted “Grandfathering” of the proposed improvements, and how those improvements along with the landscape terracing will fit in with the current conditions in the neighborhood.

(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.

Justifications for all variances:

The subject hardship was not created by the owner and the owner had knowledge of the existing hardship when they purchased the property. The owner has not made any changes to the property except for:

- regular maintenance of the existing carriage house and foundation,
- some repairs to the rock terrace wall,
- the installation of an OWASA-approved sewer line to the property and
- the combination of the four separate carriage house lots into one solid lot.

Note that the combination of the four lots created a reduction in the size set-back variance on one side of the existing carriage house because the interior property division lines were removed, however, that benefit was negated by the existence of the street-side setback requirement.

(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.

Justifications for all variances:

- The requested variance maintains the same set-backs, terracing and aesthetic as is commonly found in the neighborhood and is reasonably consistent with that of the original structures on the property.
- The requested variance does not cause crowding toward a neighboring structure and does not cause any space that would impede fire and rescue services. Also it does not obstruct any buried utilities.
- The requested variance causes no concern to public safety because it does not obstruct sight distances for vehicular or pedestrian traffic.
- Construction and land disturbances will be surrounded by silt fencing with careful measures taken so that runoff from disturbed soils will not create a negative impact on nearby streams or create an erosion wash.

- The foundations of the structures on the property will measure approximately 500 square feet. Rebuilt existing structure of 200 square feet plus expansion of 100 square feet plus relocation of existing structure of 200 square feet, totals 500 square feet, approximately. This scope only slightly exceeds the ordinance exemption for projects of 400 square feet or less. The installation of wall and dirt terrace comprises almost the entirety of the remainder of the property, aside from the set-backs along the street and to the sides of the property. The property totals approximately 2,000 square feet; being so small, and with such a large portion being in the steep slope designation, a variance allowing disturbing 100% of the steep slope area is required to achieve a buildable and usable condition.
- Originally, the four carriage houses built on the property contained foundations totaling approximately 800 square feet; the proposed improvements contain foundations that total approximately 500 square feet.
- Furthermore, the terrace wall will create a flat area, which will aid with erosion measures for the long term, compared to current conditions of the steep slopes.
- Originally, the four garages caused more impervious surface and less available habitat than the proposed structures and landscaping. The current pseudo-natural state of the majority of the site does not reflect the originally developed site because three of the four original structures have been removed.

Key

Chapel Hill Corporate Limits

Extra-Territorial Jurisdiction

Overlay Zoning Districts

Neighborhood Conservation (CD)

Cameron-McCauley, Franklin-Rosemary, and Gimghoul (HD)

Zoning Districts

HR-M or HR-L - Rogers Road Low/Medium Density Residential

R-LD5 - Residential Low Density, 1unit/5 acre

RT - Rural Transition, 1 unit/2.3 acre

R-LD1 - Residential Low Density, 1 unit/acre

R-1A - Residential 1A, 2 units/acre

R-1 - Residential 1, 3 units/acre

R-2A - Residential 2A, 3.5 units/acre

R-2 - Residential 2, 4 units/acre

R-3 - Medium Density Residential, 7 units/acre or R-3-CZD*

R-4 - Medium Density Residential, 10 units/acre or R-4-CZD*

R-5 - High Density Residential, 15 units/acre or R-5-CZD*

R-6 - High Density Residential, 15 units/acre or R-6-CZD*

R-SS-CZD - Residential Special Standards CZD*

OI-1 or OI-1-CZD* - Office and Institutional 1

OI-2 or OI-2-CZD* - Office and Institutional 2

OI-3 or OI-3-CZD* - Office and Institutional 3

OI-4 - Office and Institutional 4

U-1 - University 1

NC or NC-CZD* - Neighborhood Commercial

CC or CC-CZD* - Community Commercial

TC-1 or TC-1-CZD* - Town Center 1

TC-2 or TC-2-CZD* - Town Center 2

TC-3 or TC-3-CZD* - Town Center 3

MU-R-1 - Mixed Use, Low Density Residential

MU-OI-1 - Mixed Use, Office and Institutional 1

MU-V or MU-V-CZD* - Mixed Use, Village

LI-CZD - Light Industrial CZD*

IND - Industrial

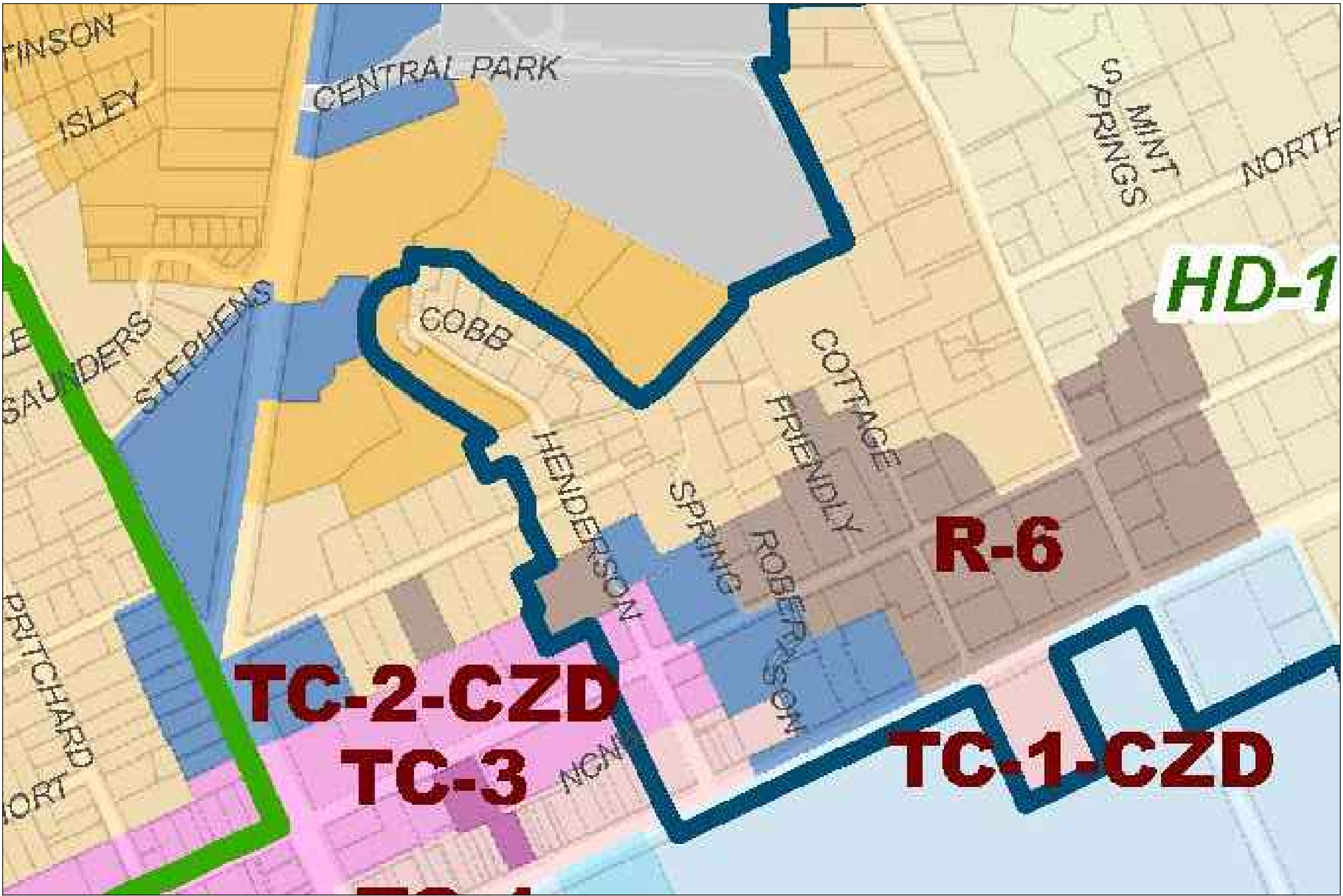
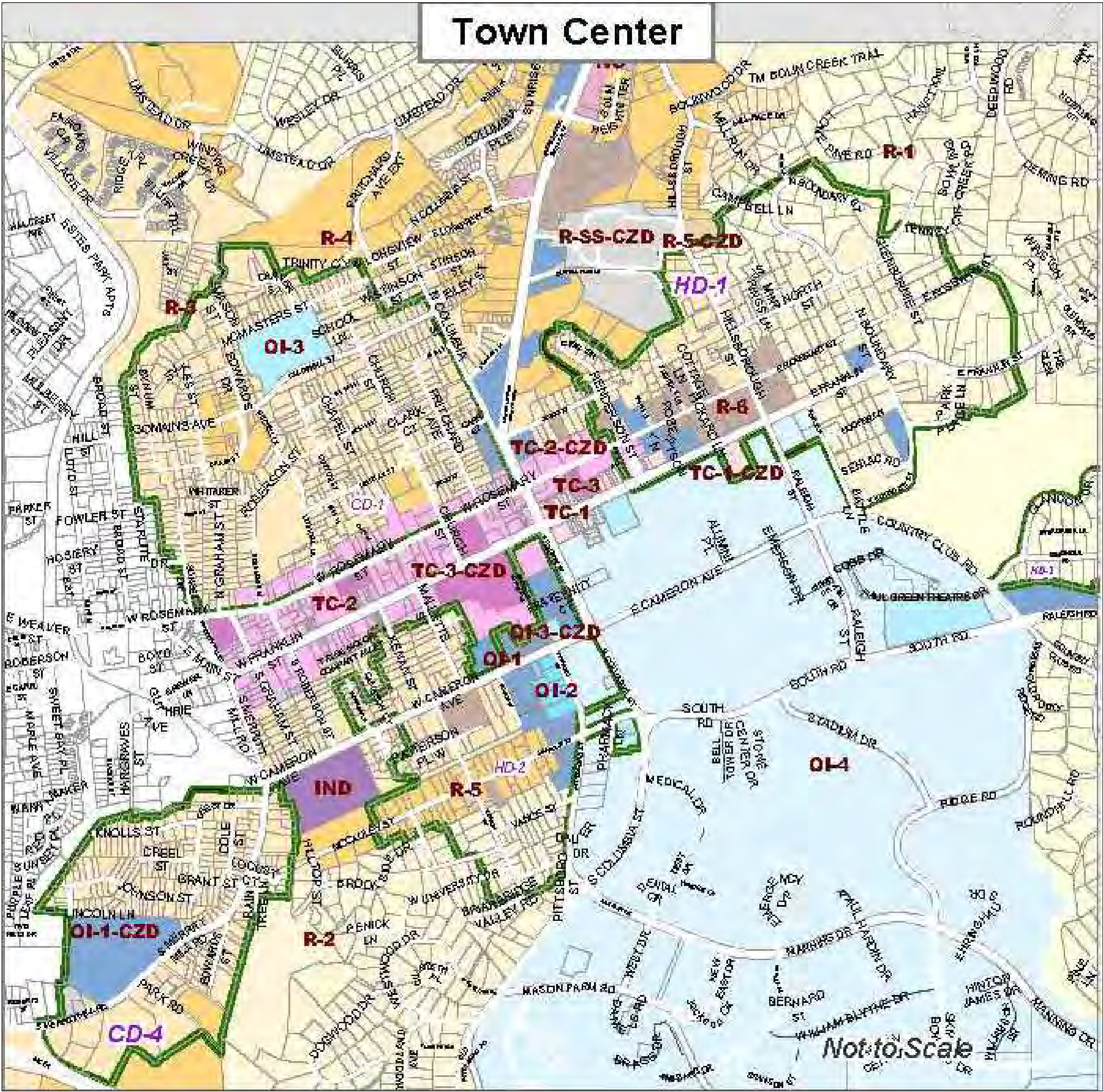
WR-3 - Walkable Residential (3 Stories)

WR-7 - Walkable Residential (7 Stories)

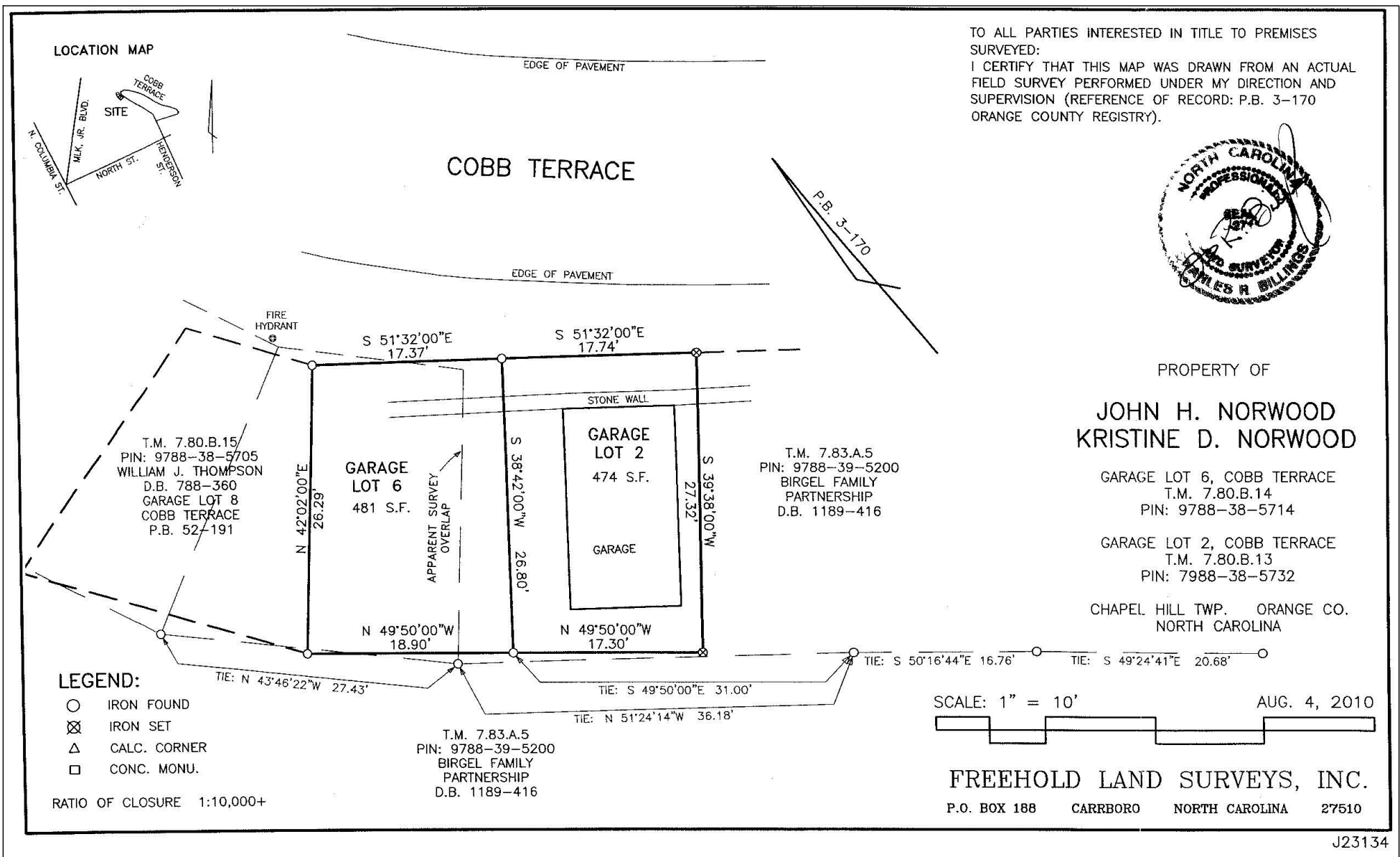
WX-5 - Walkable Mixed Use (5 Stories)

WX-7 - Walkable Mixed Use (7 Stories)

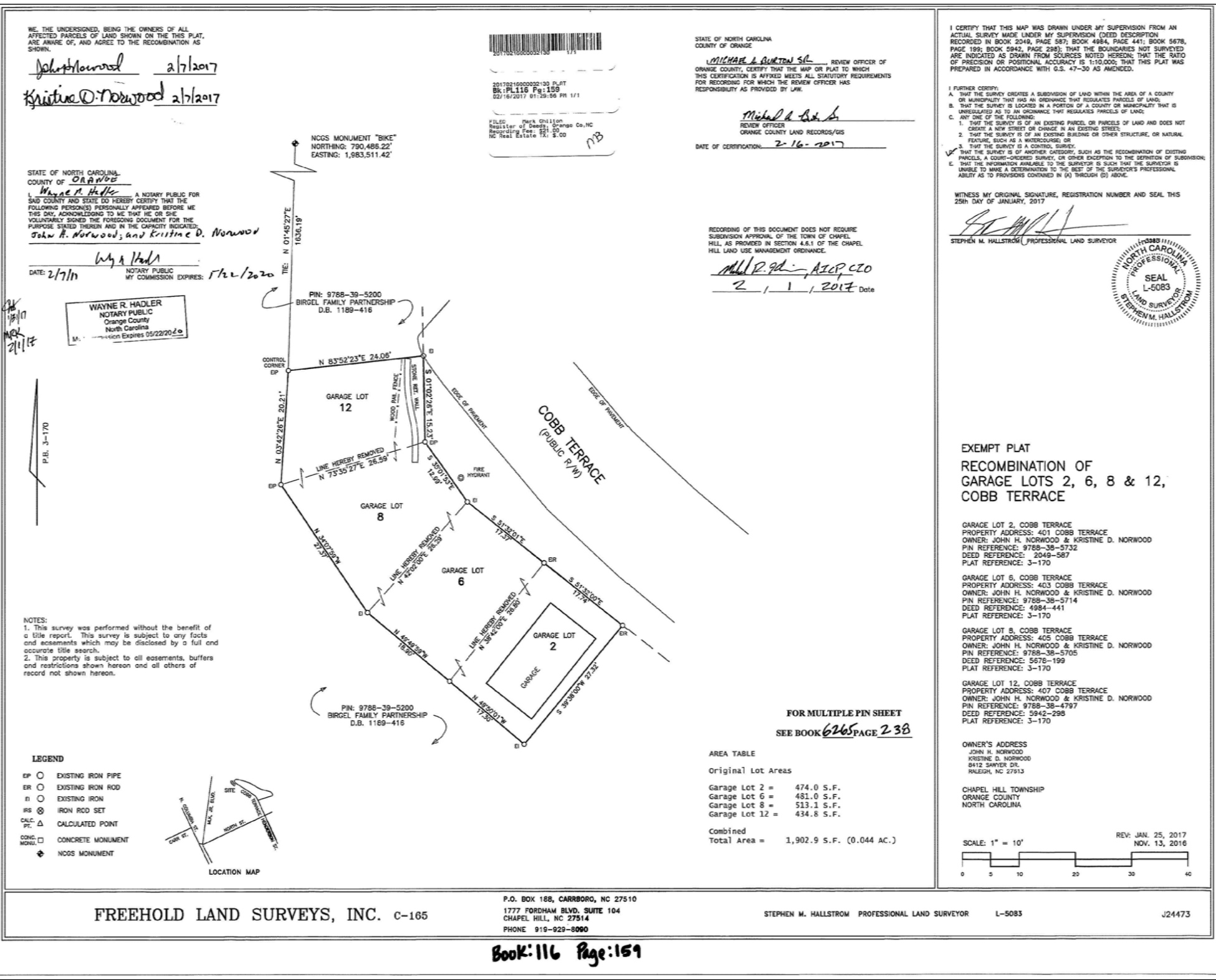
DA-1 - Development Agreement



Town Center Zoning Map
R-3 Zoning - Cobb Terrace

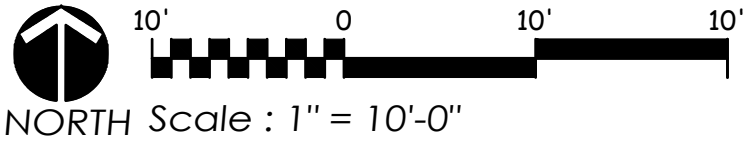


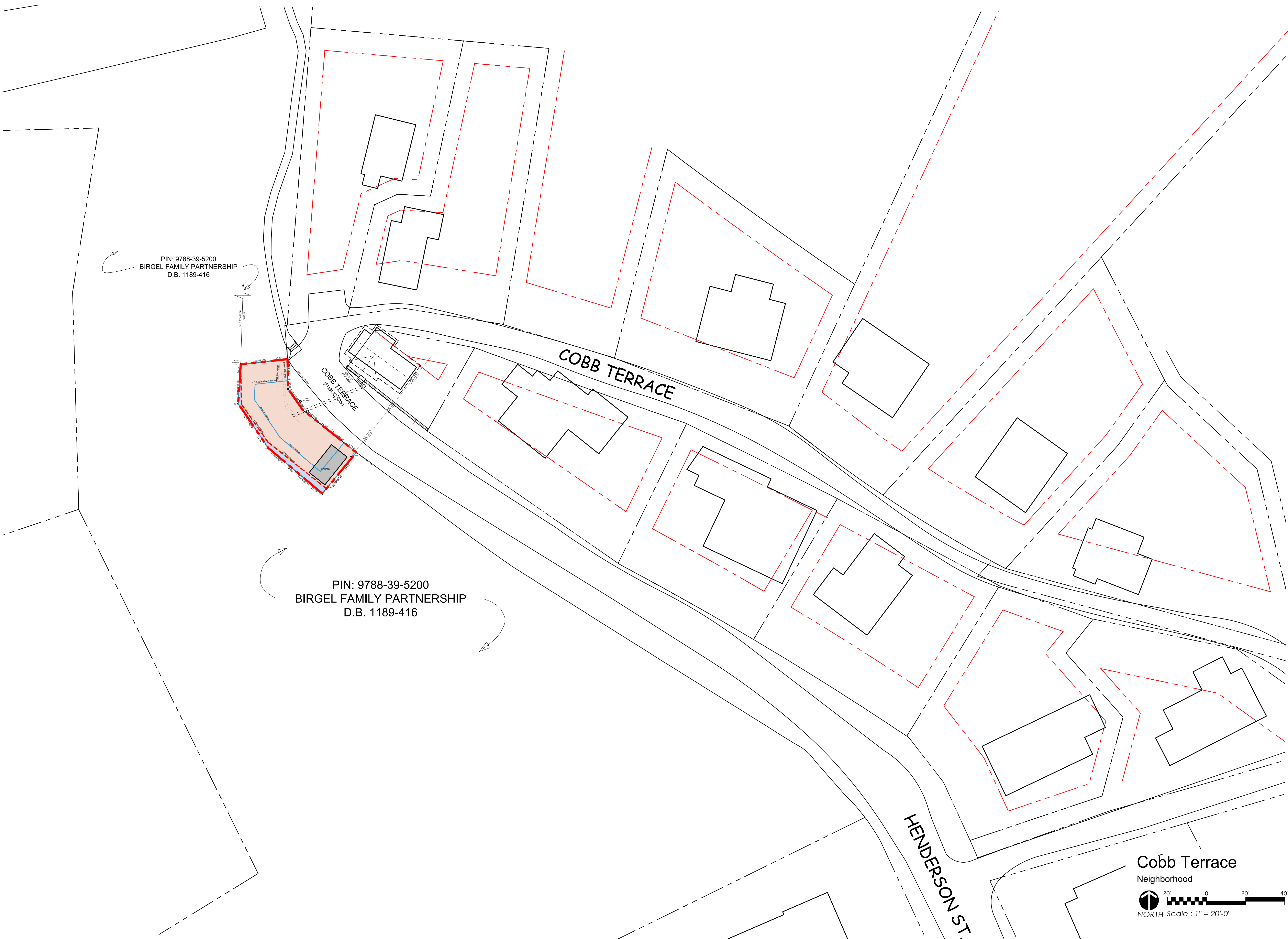
Survey - Garage Lots 2, 6
Norwood Property, 2010



Survey - Recombination Plat
Norwood Property, rev. 2017

Cobb Terrace
Norwood Property





Tiny Home

Norwood
Property
405 Cobb Terrace
Chapel Hill, NC

PIN REF.: 9788-38-5891

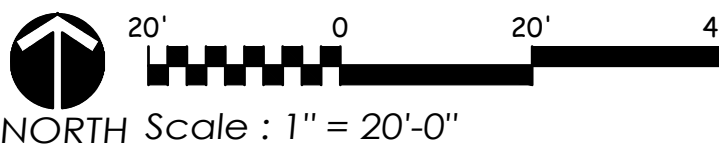
Board of Adjustment
Review

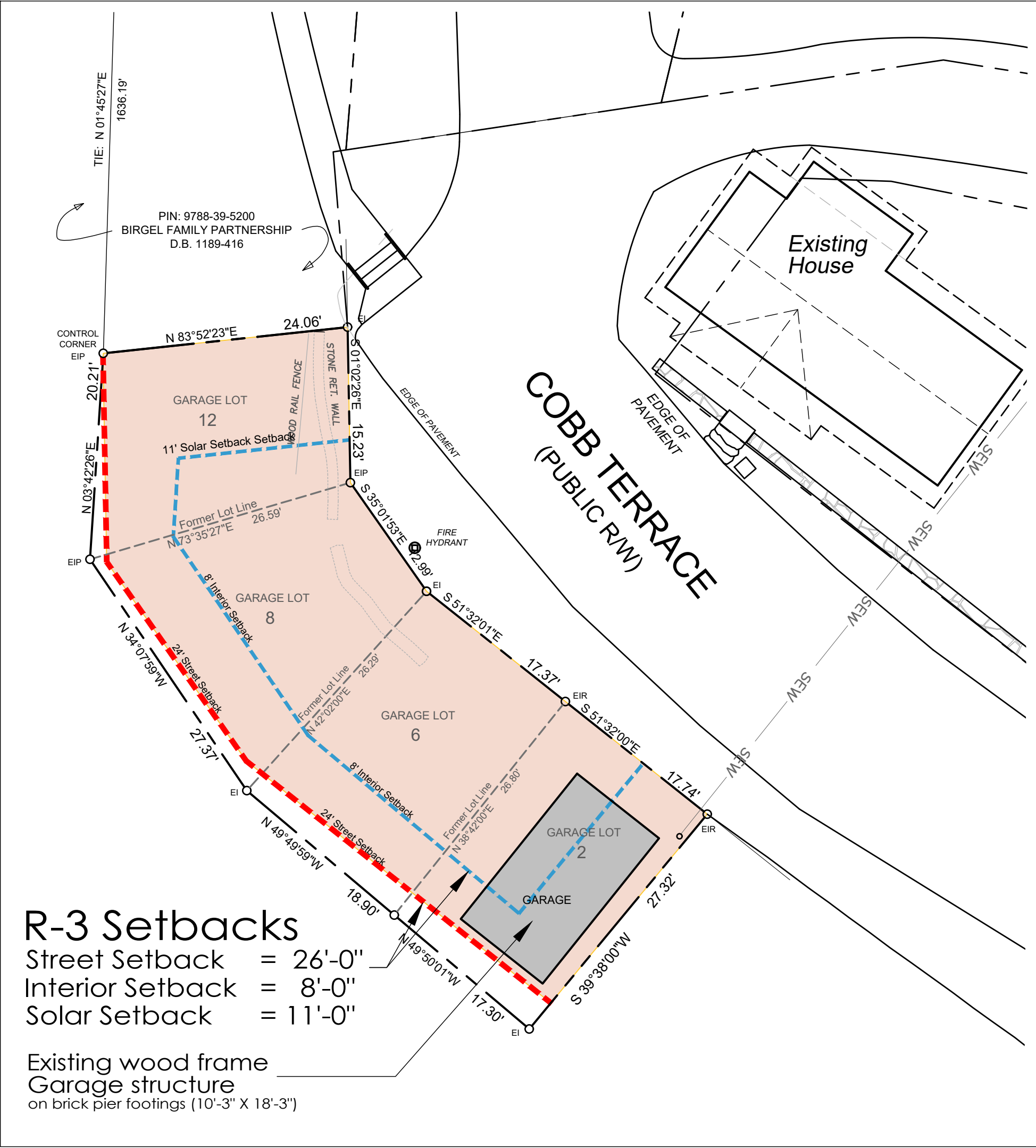
Issued: 05-15-24
Revised: _____

Setback Analysis Plan
Existing Conditions
Cobb Terrace
Neighborhood

L 4.1

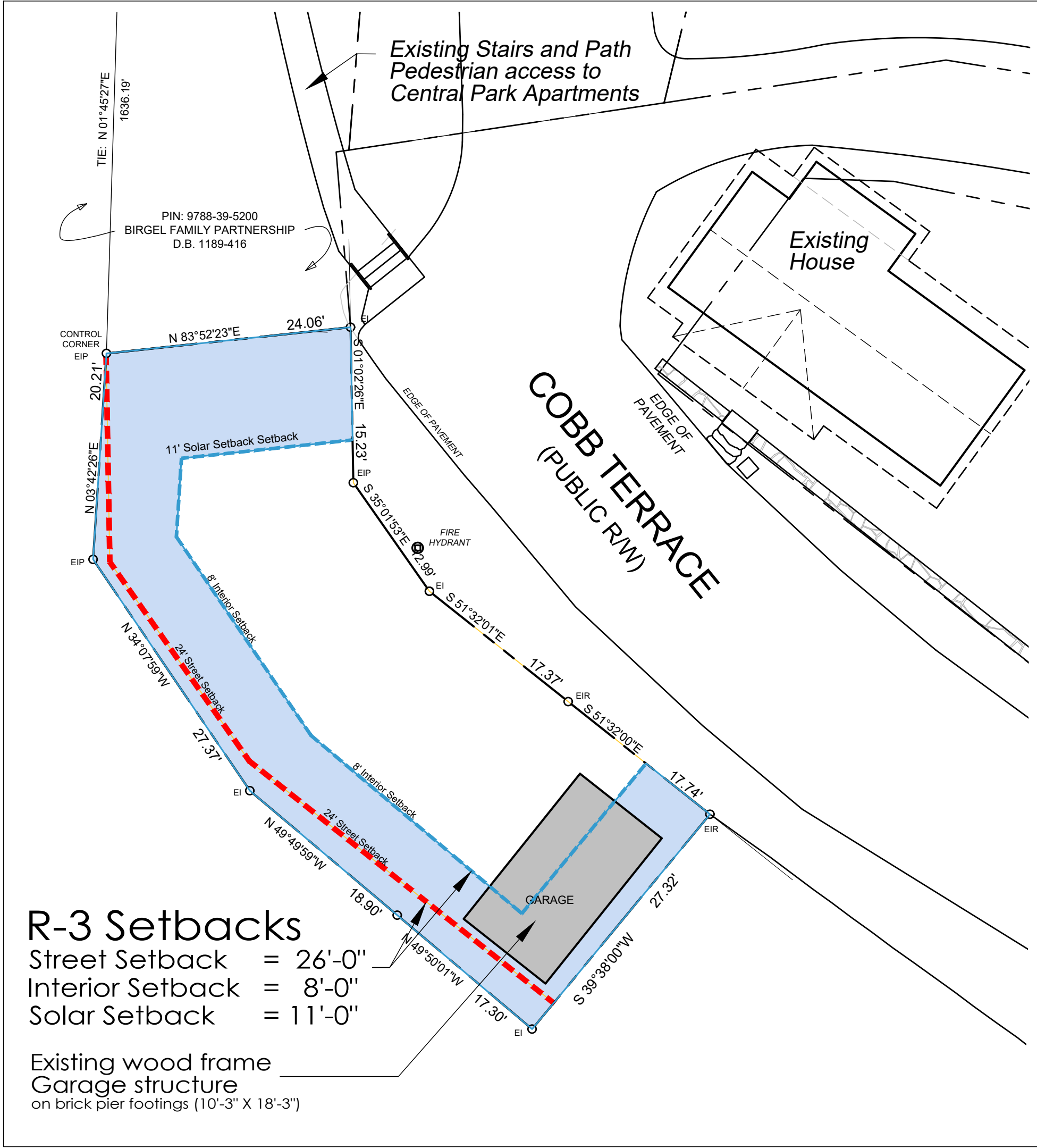
Cobb Terrace
Neighborhood





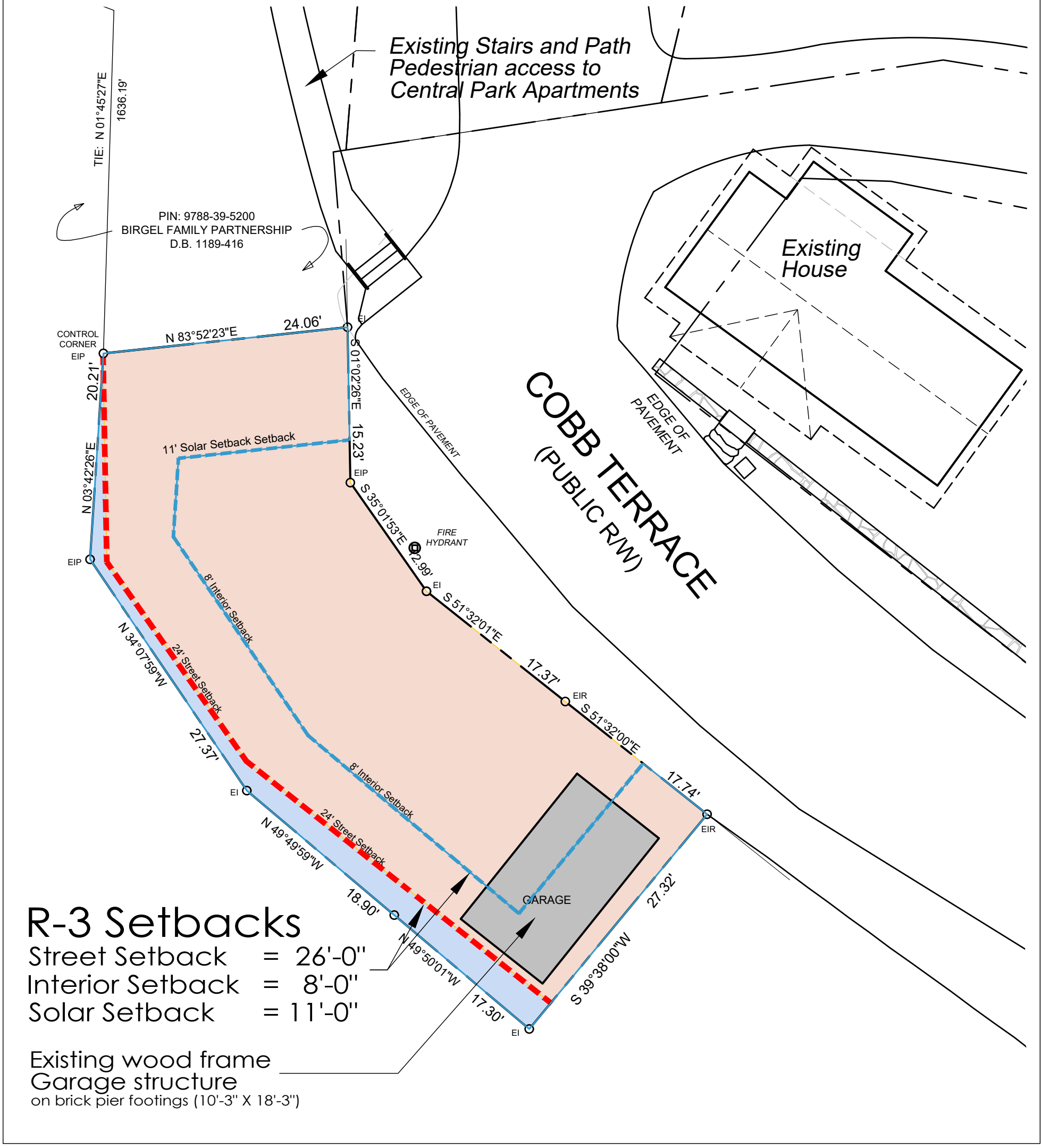
Street Setback Analysis

Cobb Terrace Existing Conditions with former individual lots shown (now recombined)



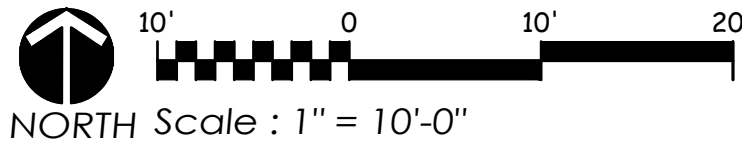
Interior Setback Analysis

Cobb Terrace Existing Conditions with former individual lots shown (now recombined)



Setback Analysis Norwood Property

Cobb Terrace
Norwood Property



Tiny Home

Norwood
Property

405 Cobb Terrace
Chapel Hill, NC

PIN REF.: 9788-38-5891

Board of Adjustment
Review

Issued: 05-15-24

Revised:

Setback Analysis Plan
Existing Conditions

L 4.2

Tiny Home

Norwood
Property

405 Cobb Terrace
Chapel Hill, NC

PIN REF.: 9788-38-5891

Board of Adjustment
Review

Issued: 05-15-24

Revised:

Setback Analysis Plan
Existing Conditions
showing Steep Slopes

L 4.3

Steep Slope Analysis

typical slopes around perimeter of Cobb Terrace

Cobb Terrace

Norwood Property

20' 0 20' 40'
NORTH Scale : 1" = 20'-0"



Steep Slope Analysis
SECTION VIEW



View of Existing Garage looking North



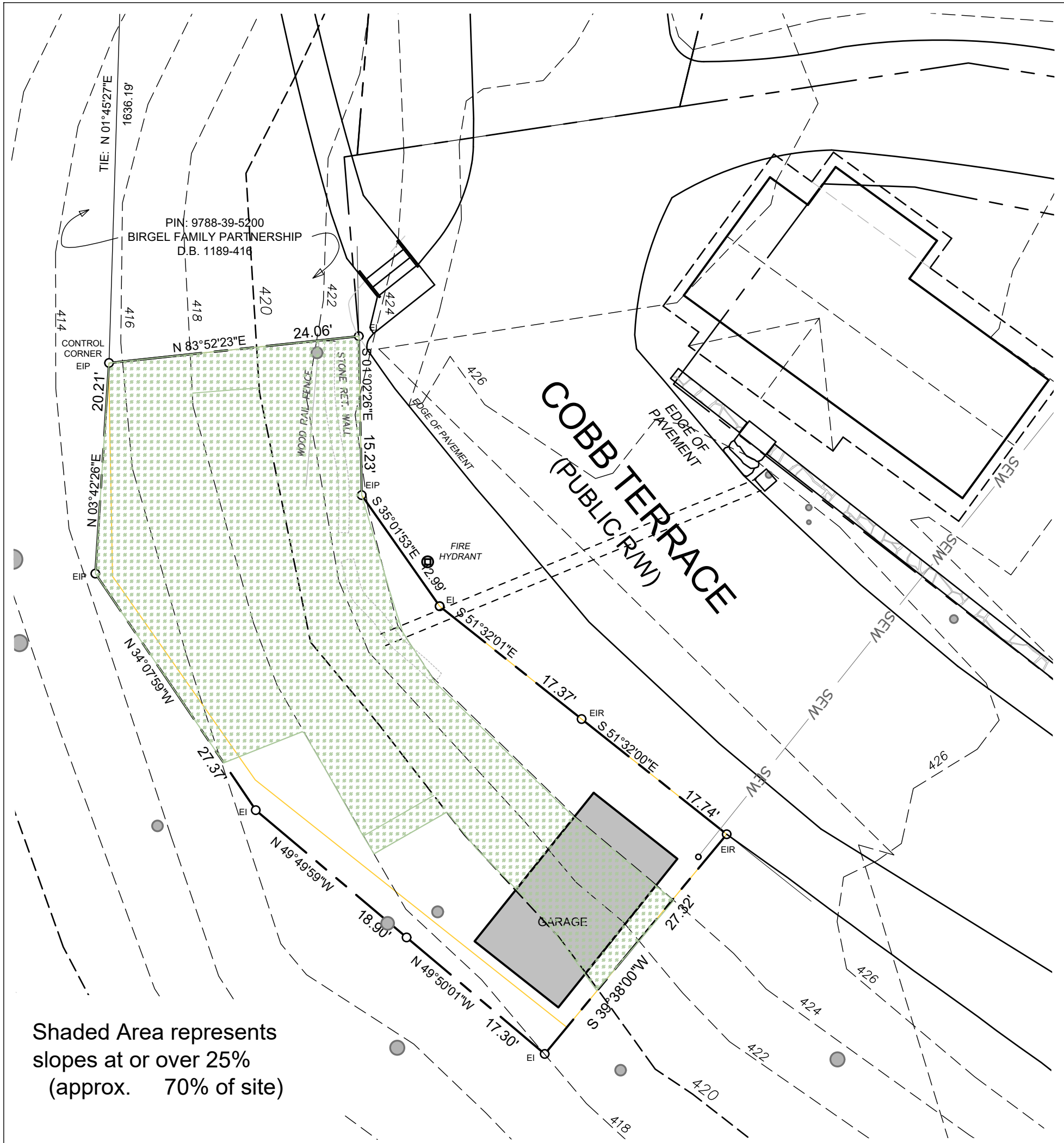
View of Existing Garage looking South

Photos of Existing Conditions
SECTION VIEW showing STEEP SLOPES

Table 5.3-1: Slope Construction Restrictions and Requirements		
Slope Category	Illustration	Development Restrictions
Less than 15% (approx. 7:1)	 2' rise / 20' run = 10% slope	No additional application requirements, design requirements, construction requirements, or land disturbance limitations pursuant to this Section.
15% (7:1) or greater, but less than 25% (4:1)	 3' rise / 20' run = 15% slope	See D. above for application requirements. See E. above for cut and fill slope requirements. See F. above for disturbance limitations. See G. above for construction techniques.
25% (4:1) or greater	 5' rise / 20' run = 25% slope	See D. above for application requirements. See E. above for cut and fill slope requirements. See G. above for construction techniques.

Steep Slope Analysis

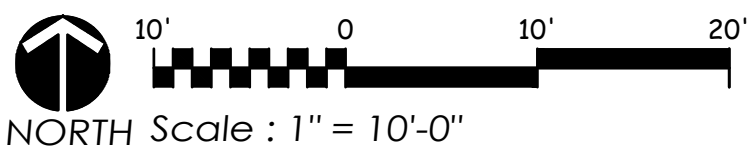
Table 5.3-1 Slope Construction Restrictions and Requirements



Steep Slope Analysis

Plan view showing Steep Slopes over 25%

Cobb Terrace
Norwood Property



Tiny Home

Norwood
Property
405 Cobb Terrace
Chapel Hill, NC

PIN REF.: 9788-38-5891

Board of Adjustment
Review

Issued: 05-15-24
Revised:

Setback Analysis Plan
Existing Conditions
showing Steep Slopes

L 4.4

Tiny Home

Norwood Property

405 Cobb Terrace
Chapel Hill, NC

PIN REF.: 9788-38-5891

Board of Adjustment
Review

Issued: 02-19-24
Revised: _____

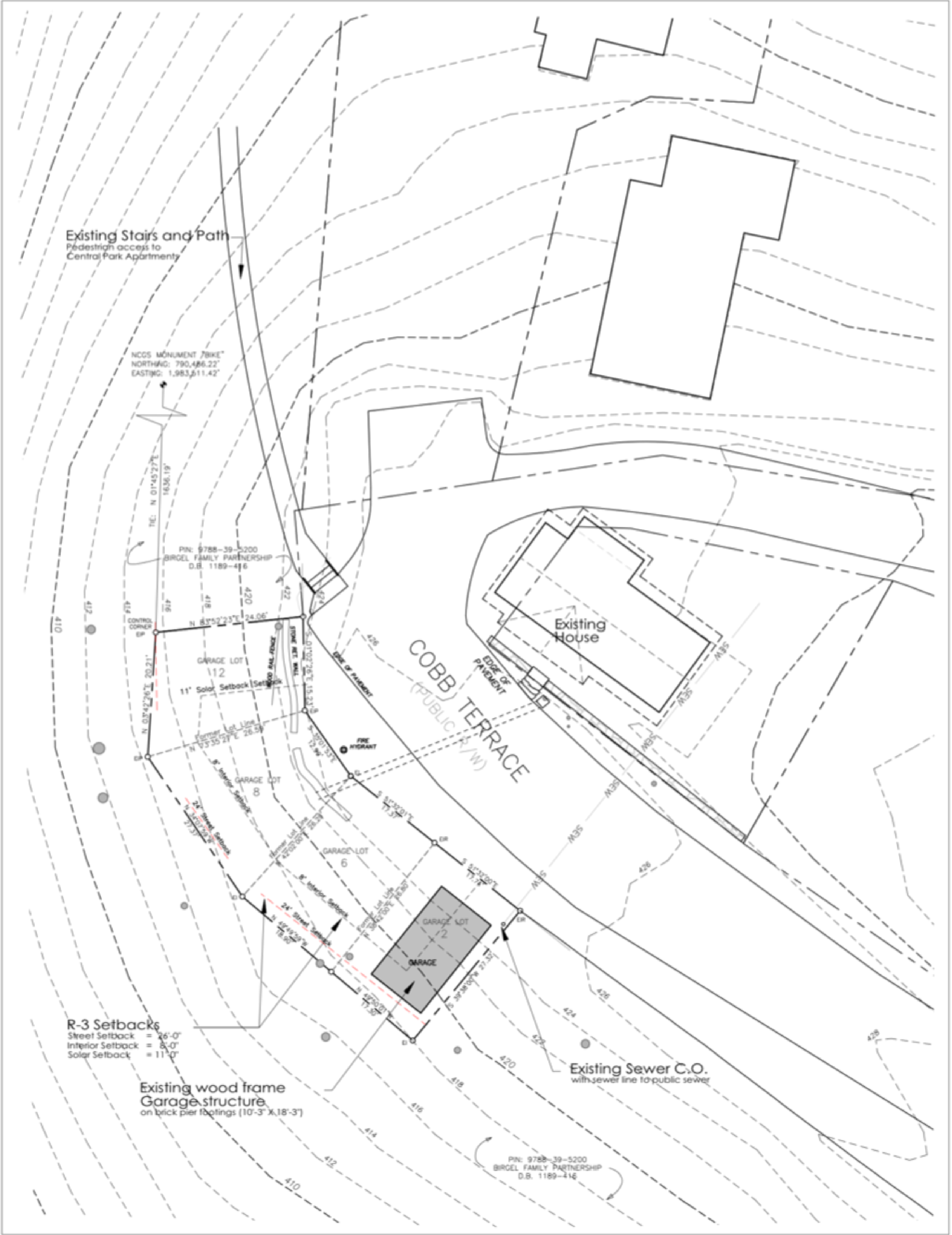
Existing Conditions

L 3.0



Site Plan
Norwood Property
Cobb Terrace

Cobb Terrace
Norwood Property



Existing Conditions
Norwood Property
Cobb Terrace Existing Conditions with former individual lots shown (now recombined)



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20170216000032100 MAINT
Bk:RB6265 Pg:235
02/16/2017 01:29:53 PM 1/1

FILED Mark Gilton
Register of Deeds, Orange Co, NC
Recording Fee: \$.00
NC Real Estate TX: \$.00

MB



**NORTH CAROLINA
ORANGE COUNTY**

PUBLIC NOTICE

INDEX MAINTENANCE

PIN SHEET (S) CORRECTED

BOOK/PAGE: 3914/544

INST. TYPE: DEED

DATE: 16 NOV 2005

**GRANTOR (S): NORWOOD JOHN H
NORWOOD KRISTINE D**

GRANTEE (S): GRASSHOPPER PROPERTIES LLC

**REASON FOR MAINTENANCE: To correct the assignment of PIN's to the
Instrument above referenced.**

CORRECT PIN (S): 9788 - 38 - 5732

WRONG PIN (S): 9788 - 38 - 4797

COMMENTS: _____

By the Land Records Division/Tax Administration

Prepared by: MAB

DATE: 02 / 16 / 2017

Keyed by: _____

DATE: _____ / _____ / _____