

DECISION ON VARIANCE
7608 Justin Place: Dimensional Variance
(PIN 9890-06-2216, Project #BOA-25-3)

On June 5, 2025, the Board of Adjustment held a quasi-judicial hearing on the application of Michael McNulty – the owner of 7608 Justin Place – for a dimensional variance from the maximum height of a fence located within an interior setback.

Based on the evidence submitted at the hearing, the Board of Adjustment makes the following Findings of Fact, Conclusions, and Decision:

Findings of Fact

1. The property that is the subject of the application, located at 7608 Justin Place, Chapel Hill, North Carolina, PIN No. 9890-06-2216, is in a Residential-1 (R-1) zoning district.
2. The lot contains one single-family home that has been owned and occupied by Michael McNulty since 1989.
3. The lot's northern property line is adjacent to the primary entrance of the Weavers Grove community.
4. An 8-foot tall fence was built on the property in 1989 is currently located on the former northern property line of the lot.
5. On January 11, 2023, the Town Council closed and transferred a portion of unused right-of-way to Michael McNulty, expanding his property northward beyond the existing fence.
6. LUMO Section 3.8.3 allows a maximum height of 6 feet for fences located within an interior setback.

Conclusions

1. A hardship would result from a strict application of the LUMO.

2. The hardship results from the proximity of the property to the entrance of the Weavers Grove community.
3. The hardship did not result from actions taken by the applicant.
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance.

Decision

Based on the foregoing findings of fact and conclusions, the Board of Adjustment grants the requested variances to Michael McNulty for 7608 Justin Place, which allows for construction of an 8-foot tall fence along the northern property line and within the interior setback in a manner consistent with the application materials submitted to the Board of Adjustment.

Signed, this the 4th day of September 2025.

Thomas Grasty
Chair, Town of Chapel Hill Board of Adjustment