DECISION ON VARIANCE
105 Timberlyne Court: After-the-Fact Dimensional Variance
(PIN 9880-54-9708, Project #BOA-25-5)

On September 4, 2025, the Board of Adjustment held a quasi-judicial hearing on the application of Barbara and Gove Elder – the owners of 105 Timberlyne Court – for an after-the-fact dimensional variance from 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 105 Timberlyne Court, Chapel Hill, North Carolina, PIN No. 9880-54-9708, is in a Residential-1 (R-1) zoning district.

2. The lot contains one single-family home and a recently constructed accessory building.

3. LUMO Section 3.8.2 imposes a 14-foot interior setback on the lot's western property and prohibits buildings within the setback.

4. The recently constructed accessory building encroaches into the 14-foot interior setback by up to 3.9 feet.

5. The encroachment was identified during the final zoning inspection for the accessory building but was not identified during prior inspections related to the construction of the accessory building.

Conclusions

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

2. The hardship results from the incorrect placement of an accessory building within an interior setback.

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 variance to Barbara and Gove Elder for 105 Timberlyne Court, which allows for an existing accessory building to encroach up to 3.9 feet into the interior setback in a manner consistent with the application materials submitted to the Board of Adjustment.

Signed, this the 2nd day of October 2025.

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Thomas Grasty
Chair, Town of Chapel Hill Board of Adjustment