

## MEMORANDUM

TO: Chapel Hill Board of Adjustment

FROM: Britany Waddell, Planning Director  
Anya Grahn-Federmack, Principal Planner

SUBJECT: Aziz and Gwen Sancar Turkish Cultural Center at 1609 E. Franklin Street  
(PIN 9799-04-7988, Project #BOA-23-2)

DATE: December 7, 2023

### APPEAL SUMMARY

Appellant, Coker Hills Neighborhood Association, represented by counsel, Lydia Lavelle and Bob Hornik of the Brough Law Firm, is appealing a Town Staff decision to approve a Zoning Compliance Permit and Special Use Permit (SUP) minor modification on September 15, 2023, which allowed construction of a guest residence adjacent to the existing Aziz and Gwen Sancar Turkish Center (“Turkish Center”). The Appellant argues that the modifications to the size and design of the guest house constitute a major modification to the SUP.

### EXISTING CONDITIONS

The 1.73 acres subject lot is in the Neighborhood Commercial-Conditional Zoning District (NC-CZD). A guest house is allowed as an accessory use to the existing primary use (club) per the SUP. Per the Appellant, the change in the design and size of the guest house constitutes a major modification to the SUP.

### BACKGROUND

November 21, 2016: Town Council approved a Special Use Permit (SUP) modification that included:

- Maximum floor area of 12,660 SF
- Guest house for up to 8 occupants
- Minimum of 37 and maximum of 42 parking spaces
- 37,252 SF of land disturbance

The approved plans called for a 2,954 SF guest house with up to 4 parking spaces.

(See 2016 Council [Agenda](#)<sup>1</sup> and [Agenda #5 Materials](#)<sup>2</sup>)

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<sup>1</sup> [https://chapelhill.granicus.com/MinutesViewer.php?view\\_id=21&clip\\_id=2949&doc\\_id=0bea89be-b0c8-11e6-ad57-f04da2064c47](https://chapelhill.granicus.com/MinutesViewer.php?view_id=21&clip_id=2949&doc_id=0bea89be-b0c8-11e6-ad57-f04da2064c47)

<sup>2</sup> [https://chapelhill.granicus.com/MetaViewer.php?view\\_id=21&clip\\_id=2949&meta\\_id=145504](https://chapelhill.granicus.com/MetaViewer.php?view_id=21&clip_id=2949&meta_id=145504)

December 19, 2016:	Aziz and Gwen Sancar Foundation acquired the subject property.
June 27, 2018	<p>Staff issued a Zoning Compliance (ZCP) for up to 12,660 sq. ft. of construction including:</p> <ul style="list-style-type: none"> <li>• Guest house with up to 8 occupants</li> <li>• Community Center</li> <li>• 42 vehicular and 15 bicycle parking spaces</li> </ul>
February 21, 2019	<p>Staff issued a revised ZCP that approved phasing the project. Phase 1 included site clearing, grading, and construction of the 9,679 sq ft. Turkish Center.</p> <p>Phase 2 included:</p> <ul style="list-style-type: none"> <li>• 2,954 sq. ft. guest house</li> <li>• 4 vehicular parking spaces</li> <li>• 6 bicycle parking spaces</li> </ul> <p>Phase 2 was never constructed.</p>
December 14, 2020	The Town issues a Certificate of Occupancy (CO) for the Turkish Center.
January 11, 2023	Staff reissued the ZCP with a 12-month construction deadline extension.
April 11, 2023:	Richard Gurlitz, project architect, submitted a modification to the SUP and ZCP for construction of a guest house, associated parking, and site improvements.
May 10, 2023:	<p>Staff shared the comments of the Technical Review Team (TRT) with the applicant. Senior Planner Tas Lagoos found:</p> <p>“1. The proposed building is acceptable as a modification to the project’s current entitlement. The project was originally entitled through a process that is no longer in use in Chapel Hill: a special use permit paired with a rezoning to a conditional use district. This process was replaced with the conditional zoning process. As such, modifications to the project’s Special Use Permit were reviewed based on the standards for modifications to a Conditional Zoning District.”</p>
September 15, 2023:	Town Staff issued a “Zoning Compliance Permit (ZCP)” for construction of a guest house measuring 5,385 SF as well as associated parking and site improvements totaling 18,000 SF of new land disturbance and 36,591 SF of total impervious surface.

The ZCP included administrative approval of minor modifications to the SUP including,

October 16, 2023: Application submitted appealing the Town Staff's decision to issue the ZCP.

### **DISCUSSION**

Subsection 4.10.3 of the Land Use Management Ordinance defines procedures for appeals of staff decisions and provides that: *“In the case of applications for appeal, the Applicant shall bear the burden of presenting evidence sufficient to establish conclusively that there is an error in the determination of the town manager.”*

Attached materials include two resolutions:

- Resolution A will overturn the Town Staff's decision to issue a Zoning Compliance Permit on substantive grounds.
- Resolution B will uphold the Town Staff's decision to issue a Notice of Violation.

The Board may also consider taking another course of action not represented by the attached resolutions.

### **ATTACHMENTS**

1. Resolution A (overruling the Town Staff's decision)
2. Resolution B (upholding the Town Staff's decision)
3. Procedure for Appeals of Town Staff Decisions
4. Application Materials