

318 McDade St. Variance Application Narrative

John and Carolyn McAllister have owned the property at 318 McDade Street (the “Subject Property”) for over twenty years,¹ and they had owned the Subject Property for over decade before the Town of Chapel Hill enacted the Northside Neighborhood Conservation District (the “Northside District”) ordinance in 2016.

In 2023, Dr. McAllister was forced to retire early from his work as a dentist due to an injury he sustained in May of 2022. The injury has left Dr. McAllister disabled and unable to continue working. In addition to being unable to work, it substantially limits some of his other major life activities as well, including his ability to move about easily and walk up stairs. The McAllisters wish to build a new dwelling on the Subject Property that will be their home, a place where they can age in place and become part of the Northside Neighborhood.

Also, the McAllisters’ grown son suffers from a mental health disability, and frequently needs to live with his parents to receive assistance with daily living.

At the variance hearing we will provide documentation of both Dr. McAllister’s and their son’s disabilities under seal, but we ask that this information remain confidential as it constitutes protected health information (“PHI”) under HIPPA.² To the extent that their disabilities need to be discussed in detail, we ask that the Board of Adjustment do so in closed session pursuant to N.C. Gen. Stat. § 143-318.11(a)(1).

The Northside District ordinance limits allowable maximum house size in two ways: Section 1.4 limits single-family homes with accessory dwelling units to 1,750 square feet, and Section 1.4 also imposes a 0.20 maximum floor area ratio (“FAR”), which further reduces the maximum allowable square footage of a home to 1,568 square feet.³ The McAllisters seek to build a 2,110 square-foot home, which would include an accessory dwelling unit for their son.⁴ Draft elevations and the proposed floor plan for the house are attached as Exhibit A. Although the requested home size would exceed the allowable FAR area by 35%, the ordinance specifically authorizes variances to allow homes up to 2,250 feet, which is more than being requested here.⁵ The McAllisters request a variance as a reasonable accommodation under the federal Fair Housing Act (“FHA,” N.C. Gen. Stat. § 160D-705(d)(2), and Chapel Hill Land Use Management Ordinance (“LUMO”) Sec. 4.12.2(a)(2). As discussed below, the McAllisters’ request meets all the criteria for the granting of a variance.

¹ They bought the property in 2003. *See*, Orange County Registry at Book 3039, Page 187. A copy of the is attached hereto as Exhibit B.

² The Health Information Portability and Privacy Act, 45 C.F.R. § 160.103.

³ The Subject Property is 0.18 acres in size. Applying the 0.20 FAR, yields an allowable area of 1,568 square feet.

⁴ Northside District Ordinance Sec. 1.4 allows single family dwellings with accessory apartments of right.

⁵ Northside District Ordinance Sec. 1.4.