

ALTERNATIVE RESOLUTION A - APPROVING STEEP SLOPES VARIANCE

RESOLUTION APPROVING AN APPLICATION FOR VARIANCE FROM STEEP SLOPES REGULATIONS ON PROPERTY LOCATED AT 104 BOXWOOD PLACE (PIN 9799-73-0329, PROJECT #18-027)

WHEREAS, having reviewed the applicant's argument and various documents and other evidence submitted at the hearing on this matter, the Board of Adjustment finds as facts those uncontested, submitted by the applicants at the Board's hearing of this matter and hereby incorporates them by reference as Board Findings of Fact; and finds that such facts are supported by competent, material, and substantial evidence presented to the Board; and

BE IT RESOLVED by the Board of Adjustment of the Town of Chapel Hill that, having considered the requested variance from steep slopes regulations (Section 5.3.2(f) of the Land Use Management Ordinance), requested by Alex Barroso, for 104 Boxwood Place, to encroach into an approximately 5,841 square-foot area (100%) of the steep slopes, greater than 25% grade, to construct a new single-family home in accord with the proposed site plan, dated March 3, 2018, produced by Charles Eliason, Registered Land Surveyor, and identified as Orange County Property Identifier Number 9799-73-0329, the Board makes the following findings:

1. Unnecessary hardship would result from the strict application of the ordinance.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography.
3. The hardship did not result from actions taken by the applicants or the property owner.
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.

BE IT FURTHER RESOLVED that the Board hereby approves the application for a steep slopes variance, in the Residential-1A (R-1A) zoning district, in accord with the plan listed above and the following conditions, deemed necessary to achieve the purposes of the steep slopes regulations and to ensure that the requested variance at 104 Boxwood Place is the minimum variance necessary to afford appropriate relief:

1. That the applicants shall obtain a Residential Zoning-Building Permit for construction on a single-family zoning lot.

Signed - Board of Adjustment Chair, James Bartow

This, the 5th day of April 2018.