

ALTERNATIVE RESOLUTION A - APPROVING RESOURCE CONSERVATION DISTRICT VARIANCE, JORDAN RIPARIAN BUFFER VARIANCE, AND DIMENSIONAL VARIANCE

RESOLUTION APPROVING AN APPLICATION FOR VARIANCE FROM RESOURCE CONSERVATION DISTRICT REGULATIONS, JORDAN RIPARIAN BUFFER REGULATIONS, AND DIMENSIONAL REGULATIONS ON PROPERTY LOCATED AT 817 TINKERBELL ROAD (PIN 9799-61-6438, PROJECT #18-124)

WHEREAS, having reviewed the applicant's argument and various documents and other evidence submitted at the hearing on this matter, and having heard public comment on the application, 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 Resource Conservation District regulations and Jordan Riparian Buffer regulations, at 817 Tinkerbelle Road, requested by Conrad Mock, to disturb ___ square feet, or __%, of the Resource Conservation District, with ___ square feet, or __%, of this disturbance consisting of impervious surface, and to disturb ___ square feet, or __%, of the Jordan Riparian Buffer, with ___ square feet, or __%, and to encroach ___ feet into the ___ foot setback, to accommodate a new single family residence in accord with the improvements on the attached site plan, and identified as Orange County Property Identifier Number 9799-61-6438, 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 variance from Resource Conservation District regulations, Jordan Riparian Buffer regulations, and dimensional regulations in the Residential – 1 (R-1) zoning district, in accord with the plan listed above and the following conditions, deemed necessary to achieve the purposes of the Resource Conservation District regulations, Jordan Riparian Buffer regulations, and dimensional regulations, and to ensure that the requested variance at 817 Tinkerbelle Road is the minimum variance necessary to afford appropriate relief:

1. That the applicants shall obtain a Jordan Buffer Authorization approval, a Resource Conservation District Encroachment approval, and a Residential Zoning-Building Permit for construction on a single-family zoning lot.

Signed - Board of Adjustment Chair, James Bartow

This, the 7th day of March 2019.