

**RESOLUTION B – DENYING RESOURCE CONSERVATION DISTRICT VARIANCE,
JORDAN RIPARIAN BUFFER VARIANCE, AND DIMENSIONAL VARIANCE**

**RESOLUTION DENYING 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 facts summarized by the Chair at the conclusion of 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 Tinkerbell Road, requested by Conrad Mock, to disturb up to 525 square feet, or 4.2%, of the Resource Conservation District, with up to 185 square feet, or 1.5%, of this disturbance consisting of impervious surface, and to disturb up to 525 square feet, or 5.4%, of the Jordan Riparian Buffer, with up to 185 square feet, or 1.9%, of this disturbance consisting of impervious surface, and to encroach up to 13 feet into the 14 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 does not make 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 denies 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, at 817 Tinkerbell Road.

Signed - Board of Adjustment Chair, James Bartow

This, the 7th day of March 2019.