VARIANCE OR APPEAL APPLICATION



TOWN OF CHAPEL HILL Planning & Development Services

405 Martin Luther King Jr. Blvd.

phone (919) 969-5066 fax (919) 969-2014

www.townofchapelhill.org

Parcel Ide	ntifier Number (PIN):	9798-01-035	53				Date	e: _	1/30/2019		
Section A	A: Project Infor	matio	n									
Project Na	ıme:	Villar	d Addition						d ann ann ann ann ann ann ann ann ann an			
Property A	Address:	1017	Laurel Hill Rd,	Chapel Hill	NC	STEVEROOF STEVENSOW STEVENSOW		Zip	275	517		
Existing Zo	oning District:	-	esidential		And the second			Code:	Landston			
		financia de la compansión de la compansi		dimension	al variance	to build an	addition 1	O' into the I	Kings	Mill/Morga	n Cre	ek NCD
Description of Request:		We are requesting a dimensional variance to build an addition 10' into the Kings Mill/Morgan Creek NCD 25' interior setback.										
Section E	3: Applicant, O	wner,	and/or Contr	act Purcha	ser Infori	nation						
Арр	licant Informa	tion (to	whom corre	spondenc	e will be n	nailed):						
Name:	Douglas and Ja	acqueli	ne Villard		and the second second second	Production and the second contract of the second	and the section of the section and the section					
Address:	1017 Laurel H	ill Rd			See that the University in the Control of the Contr				· Carle September			
City:	Chapel Hill				State:	NC		Zip Cod	de:	27517		
Phone:					Email:	douglasvi	llard@gma	il.com				
supp Signature:		applica	tion is true ar	nd accurat		t of their k	nowledge	and belie		informatio	in A	519
Owr	ner/Contract P	urchas	er Informatio	on:								
\boxtimes	Owner				Contr	act Purcha	ser					
Name:	Douglas and Ja	acquelir	ne Villard							(1)	;	· ·
Address:	1017 Laurel Hi	ill Rd					***************************************		-			
City:	Chapel Hill				State:	NC		Zip Cod	de:	27517		
Phone:					Email:				No.			
supp	undersigned ap lied with this a					t of their k	nowledge	and belie	f, all i	nformatio	n	
Signature:	Northwest Control of the Control of		1000 M	D				Date :	J	Jan 30	1,21	019



VARIANCE OR APPEAL APPLICATION SUBMITTAL REQUIREMENTS

TOWN OF CHAPEL HILL

Planning & Development Services

Variances and Appeals may be granted by the Board of Adjustment for dimensional regulations, water and sewer regulations, steep slope regulations, house size limitations, Resource Conservation District regulations, Jordan Buffer regulations, and Watershed Protection District regulations. The following must accompany your application. Failure to do so will result in your application being considered incomplete.

will result in your application being considered incomplete.	
Application fee (refer to fee schedule)	Amount Paid \$
Digital Files – provide digital files of all plans and documents	
Mailing list of owners of property within 1,000 foot perimeter of subj	ject property (see GIS notification tool)
Mailing fee for above mailing list	Amount Paid \$
Written Narrative describing the proposal	
Statement of Justification – Respond to subsection 4.12.2(a)(1-4) of the	e Land Use Management Ordinance.
Recorded Plat or Deed of Property	
Stream Determination – necessary for all submittals	
Jurisdictional Wetland Determination – if applicable	
Reduced Site Plan Set (reduced to 8.5" x 11")	
Type of Variance or Appeal (Choose one of the following):	
· / / - · · · · · · · · · · · · · · · ·	
	Steep Slope Variance
House Size Variance	
Resource Conservation District Variance	
☐ Jordan Watershed Riparian Buffer Variance	
Watershed Protection District Variance	
watershed Protection District Variance	
Appeal	
Standing: Explain to the Board how the applicant is an aggrieved party (NC	General Statute Sec. 1604-388/h1)/1)
Statement of Justification: Provide justification for decision that is being ap	
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VARIANCE OR APPEAL APPLICATION SUBMITTAL REQUIREMENTS

TOWN OF CHAPEL HILL

Planning & Development Services

Plan Sets (2 copies to be submitted no larger than 24" x 36")

•	Project Name
•	Legend
•	Labels
•	North Arrow (North oriented toward top of page)
•	Property Boundaries with bearing and distances
•	Scale (Engineering), denoted graphically and numerically
•	Setbacks
•	Streams, RCD Boundary, Jordan Riparian Buffer Boundary, Floodplain, and Wetlands Boundary, where applications are supplied to the control of
Α	rea Map
	a) Overlay Districts
	b) 1,000 foot notification boundary
7 D	etailed Site Plan
_	

January 25, 2019

Dear Board Members,

Thank you for reviewing our variance request application and the accompanying documents. We wanted to provide you with a little background on how we landed in the Chapel Hill area and our hope for 1017 Laurel Hill Road.

A líttle about us ...

We moved down to the Chapel Hill area in 2017. Doug is an Emergency Medicine physician and Lt. Colonel in United States Air Force Reserves and Jackie is a government consultant. After years of combat deployments and moving from city-to-city, Doug's commitment to the military was up in 2018, and we had the opportunity to pick where we wanted to lay down some roots and raise our family.

We have Texas and Louisiana roots, had the chance to live abroad while serving, and wound up in Washington D.C. for the last few years. While each of these places is special, when we had the chance to pick our city, we wanted to be in Chapel Hill, NC. We adore the community, the climate, the school systems, and the people. We found 1017 Laurel Hill Rd on a weekend down here and really fell in love with the neighborhood and property.

1017 Laurel Hill Rd ...

We purchased 1017 Laurel Hill Rd in December 2017. The property sits adjacent to the UNC Botanical Gardens, so our neighbors (and former owners) are the UNC Botanical Gardens. The home was originally intended for botanists and scholars while visiting UNC. Fast forward to 2017, and the Botanical Gardens no longer felt the property made sense to hold onto. When we purchased the home from the Botanical Garden Committee, we let them know it was our intent to preserve as much of the natural beauty and native species of the property as possible, no major demolitions or cutting down tons of trees.

Along with the addition, we are updating the electric, plumbing, insulation, windows, roof and crawl space. Our goal is to make the home as energy efficient as possible and reduce our environmental footprint. Additionally, Doug has started a silent battle with the invasive English Ivy that is slowly killing the gorgeous, native trees. With LOTS of pulling, and help from the Goat Squad, we hope to rid the property of the invasive ivy (and hopefully prevent the spread to the Botanical Gardens).

What we'd like to do ...

We're a growing family! Our daughter, Lane Catherine, was born in April 2018, and is almost a year old. We'd like to create more family space (for Lane and her future siblings!) in the home by extending the home out. This will let us create the family space we need and keep with our original plan to preserve the property. Our hope with this extension is that we create a large, open floor plan with the kitchen, living room and dining room all part of a large great room. Next to this (and where the extension comes in) are two additional rooms - one would be a home office and right next to this would be a screened in porch. These two rooms are very intentional for our family. We both work part time from home and having a quiet place away from distractions is our goal. Next to this room, would be the screened in porch. We'd love to take advantage of the climate and outdoor beauty of Chapel Hill as much as

THE VILLARD FAMILY | 1017 LAUREL HILL ROAD | CHAPEL HILL, NC 27571

possible, but sometimes you need a reprieve from the heat, the mosquitos or the rain. And that's where the screened-in porch becomes our living space for those times.

In summary...

We are asking for a small variance to one of the setbacks that is consistent with the spirit, purpose and intent of the ordinance. Much thought and deliberation went into preserving as much of the landscape as possible. An addition in a different direction would require removal of large living trees and would be cost prohibitive. We respectfully request that you grant us a Dimensional Variance of 10' into the Kings Mill/Morgan Creek NCD 25' interior setback for the construction of the office and porch. If you will grant this variance, we will submit our full plan for permitting to ensure the entire project is within all Town of Chapel Hill guidelines and regulations.

Thank you for your time and consideration.

Respectfully,

Doug, Jackie and Lane Villard

Dimensional Variance Application, Statement of Justification

Douglas & Jacqueline Villard

1017 Laurel Hill Road, Chapel Hill NC 27517

(1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

We believe that an unnecessary hardship would result from the strict application of this ordinance because the house is already nonconforming as the footprint is in the NCD setbacks and is positioned in such a way that it severely limits our ability to repair and add family space to our home. More specifically it is a hardship because the needed repairs were present when we purchased the home. Furthermore, the current layout of the home, as well as the existing topography of the lot, ensure that the only natural way to add family space to the home would be into the NCD setback line.

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

This hardship is peculiar to this lot for 3 main reasons: First, the topography of this lot is such that the current home rests on a small knoll, while the rest of the lot is sloped. Second, this lot is also subject to covenants placed on it by previous owners limiting the clearing of the property and therefore the buildable area of the lot. Thirdly, as the NCD was placed on the lot after the house was built and the home's footprint was already in the setback lines when the NCD was enacted.

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

It can be demonstrated that this hardship did not result from actions taken by the property owner as the current home was built before the NCD was in place and no additions have been documented since that time. Furthermore, we purchased the home knowing that beautification and repairs were necessary and existed before we purchased it.

(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.

We believe the spirit of the interior setbacks lines of the NCD were to maintain the character of the neighborhood when it was enacted. We believe that granting us a variance would not contradict the spirit, purpose, or intent of the variance because of 4 reasons. First, interior setback line we wish to cross is not abutting any other properties in the NCD. Second, the addition we would build with this variance would be "building away" from all other residences in our NCD. Third, we would be fixing up and beautifying a home in the neighborhood that has fallen into disrepair. Fourth, the setback line we wish to cross will be abutting a wooded area.

Additionally, we think that this variance would not negatively affect the abutting neighbor near the setback (the botanical garden) as our plans for the addition would still leave the footprint within the greater R1 zoning setback. And of course we are confident that granting this variance would not negatively affect public safety. We believe that granting this variance would be just because we would not be negatively affecting our neighbor's in the NCD.



ER NH 20171221000249160 DEED **Bk:RB6405 Pg:327** 12/21/2017 12:42:00 PM 1/2

FILED Mark Chilton Register of Deeds, Orange Co,NC Recording Foo: \$25.00 NC Real Estate 1X: \$780.00

NA

GENERAL WARRANTY DEED

Parcel Identifier Number: 9798-01-0353 Kb

R/S: \$780.00

Mail after recording to: Grantee at 1017 Laurel Hill Road, Chapel Hill, NC 27517

This instrument was prepared by: Charles H. Thibaut, Attorney

Brief description for the property: New Lot 20, Plat Book 103, Page 151

THIS DEED made this 14 of December 2017, by and between

GRANTOR

The Botanical Garden Foundation, Inc. a North Carolina corporation

Mailing Address:
The University of North Carolina
CB 3375 Totten Center
Chapel Hill, NC 27599

GRANTEE

Douglas R. Villard and Jacqueline B. Villard (a married couple)

Property Address: 1017 Laurel Hill Road Chapel Hill, NC 27517

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the grantee in fee simple, all that certain lot or parcel of land situated in Orange County, North Carolina and more particularly described as follows:

BEING all of New Lot 20 containing 1.320 acres (57,508 sq. ft.) as depicted on that survey entitled "Right-of-Way Dedication, Lot-20, W.C. Coker Subdivision" drawn by Philip Post & Associates dated 02/28/07 and recorded in the Orange County Registry in Plat Book 103, Page 151, reference to which is hereby made for a more particular description of same.

This property is conveyed subject to that Declaration of Conservation Restrictions recorded in Book 6382, page 136, Orange County Registry. The subject property does $\underline{}$, or does not $\underline{}$ contain the primary residence of the Grantor. The property hereinabove described was acquired by Grantor by instrument recorded in Book 1775, Page 8, Orange County Registry. Grantor conveys to Grantee all of the Grantors right, title and interest in and to the property described in Book 1775, Page 8, Orange County Registry. A map showing the above described property is recorded in Plat Book 103, Page 151, Orange County Registry. TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple. And the Grantor covenants with the Grantee, that the Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions: The year 2017 and future year's ad valorem taxes; restrictive and protective covenants; and utility easements and rights of way of record. IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, the day and year first above written. The Boy Gical Garden Foundation, Inc. (SEAL) STATE OF NORTH CAROLINA, COUNTY OF ORANGE I certify that the following person personally appeared before me this day and acknowledged to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Greg Fitch, President of The Botanical Garden Foundation, Inc., a North Carolina corporation. This the 14th day of December. 2017. KAREN S (MARTICIAL Scal)

Notary Public Karens-Brauticam

Printed Name: Karen S. Brauti Cam

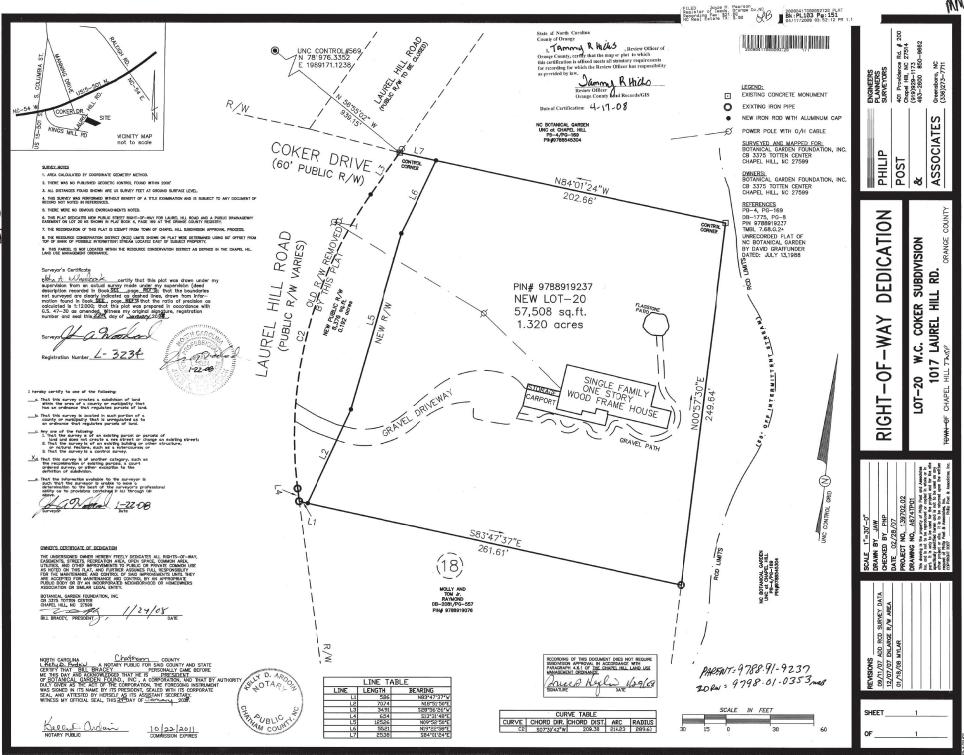
My Commission Expires: April 10, 1011

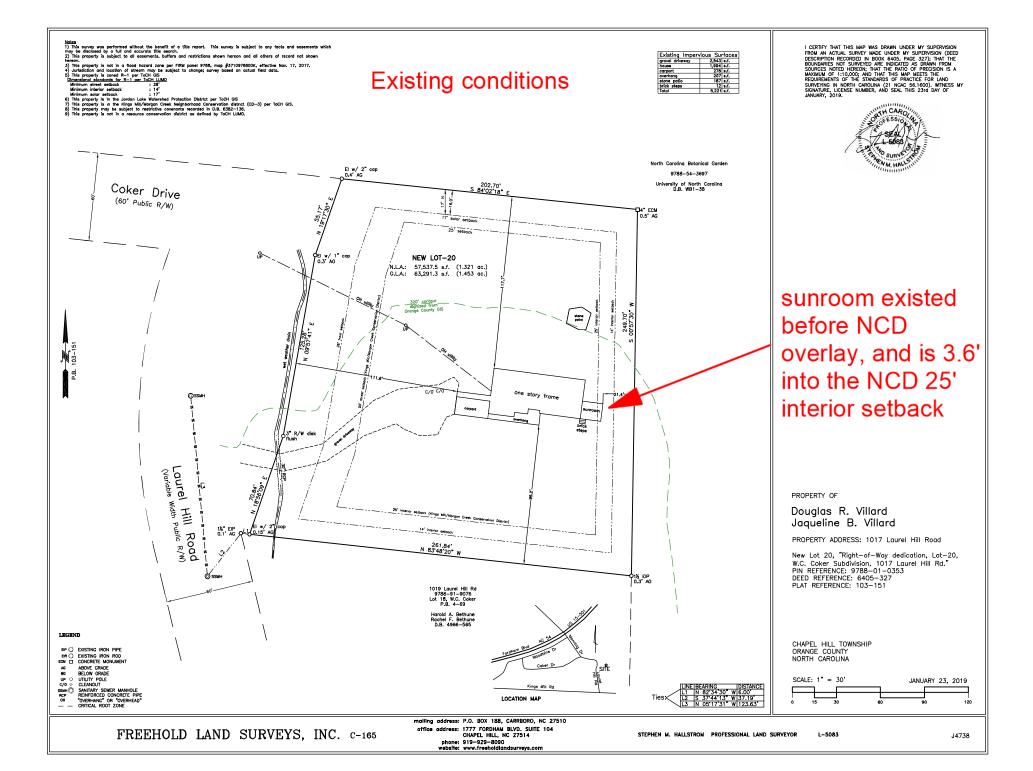
KAREN S (FASTICIAL SCAL)
Notary Public, North Carolina
Durham County
My Commission Expires
Apr. (To, To L)

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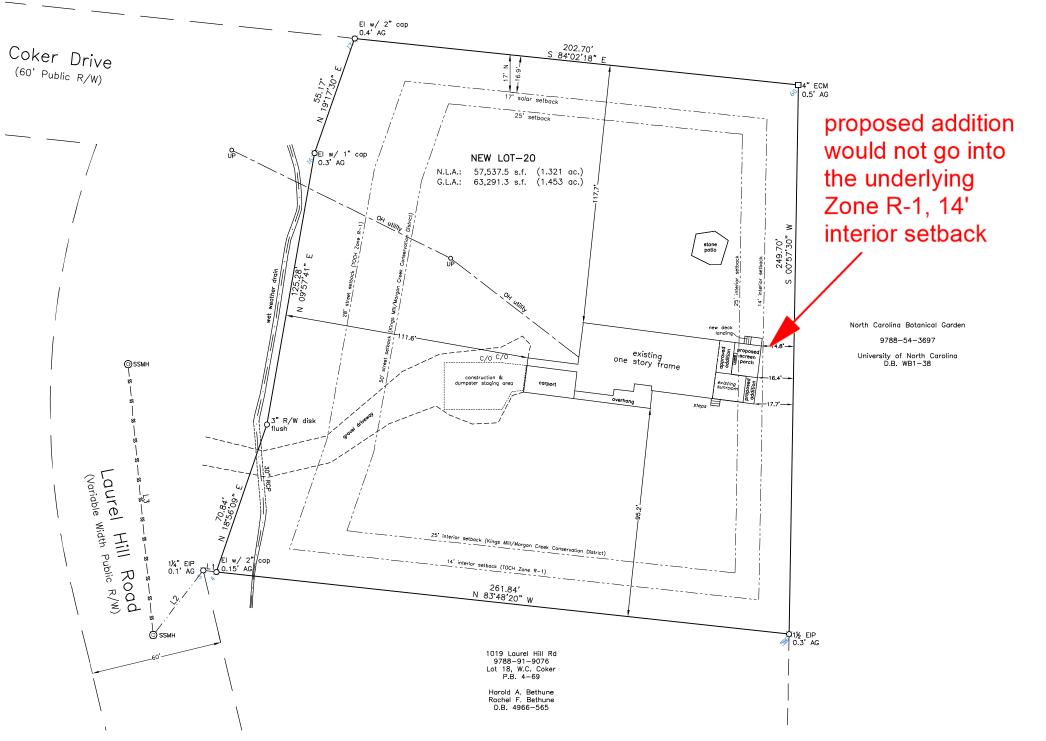


20171221000249160 PB6405 328 2/2





SITE PLAN

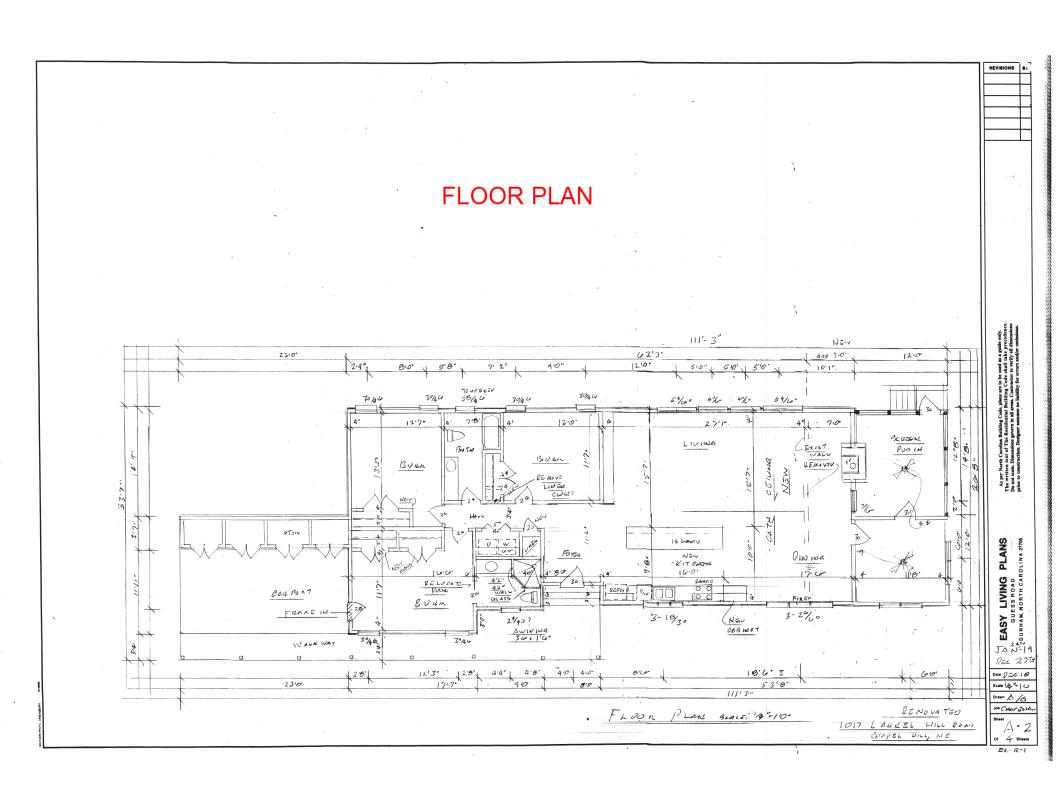




SITE PLAN

North Carolina Botanical Garden 9788-54-3697

University of North Carolina D.B. WB1-38



ELEVATIONS











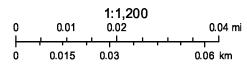




Orange County



January 23, 2019



Orange County



January 23, 2019

