

MEMORANDUM

TO: Chapel Hill Board of Adjustment

FROM: Ben Hitchings, Director, Planning and Development Services
Jake Lowman, Senior Planner

SUBJECT: 1017 Laurel Hill Road: Dimensional Variance
(PIN 9798-01-0353, Project #19-014)

DATE: May 2, 2019

Attached for your consideration is an application for a variance from dimensional regulations of the Kings Mill/Morgan Creek Neighborhood Conservation District design standards, in Appendix B, Division 3.3 of the Chapel Hill Land Use Management Ordinance.

INTRODUCTION

The applicants, Doug and Jackie Villard, are requesting a dimensional variance from the minimum interior setback. The subject property is located at 1017 Laurel Hill Road at the intersection of Coker Drive (Attachment 4). The property is in the Residential-1 (R-1) zoning district and the Kings Mill/Morgan Creek Neighborhood Conservation District (CD-3) and the Orange County Property Identifier Number is 9798-01-0353.

The attached applicant's materials include an application form, narrative, statement of justification, presentation, site plan and elevations, survey and area map (Attachment 4).

EXISTING CONDITIONS

The 1.3 acre subject lot is in the Residential-1 zoning district and the Kings Mill/Morgan Creek Neighborhood Conservation District. The lot has a single-family home on it with a gravel driveway on Laurel Hill Road and abuts the North Carolina Botanical Gardens. The lot generally slopes downward to the northeast, and the vegetation is principally hardwood trees.

BACKGROUND

January 31, 2019: Application submitted for a Dimensional Variance by Doug and Jackie Villard.

December 14, 2017: Subject property acquired by property owners, Doug and Jackie Villard.

DESCRIPTION OF VARIANCE REQUEST

Property line setbacks on the subject lot are regulated by the Kings Mill/Morgan Creek Neighborhood Conservation District design standards, in Appendix B, Division 3.3 of the Chapel Hill Land Use Management Ordinance (LUMO). The interior setback requirement is 25 feet in this NCD, more restrictive setbacks than the setback applicable in the underlying Residential – 1 zoning district (14 feet). The applicants are requesting a dimensional variance to encroach 10 feet into the 25-foot interior setback, on the eastern property line. The applicant states that the proposed encroachment is to accommodate a proposed office and porch. These proposed improvements are shown on the attached site plan (Attachment 4).

DISCUSSION

If the variance is granted for the proposed construction, the applicants would be required to obtain a Residential Zoning-Building Permit from the Town, prior to beginning construction. Also required would be appropriate application materials with dimensional details related to property setbacks. In addition, an as-built survey would be prerequisite to a receiving a Certificate of Occupancy, to verify that the construction doesn't exceed the variance granted.

PROCEDURE

Section 4.12.2 of the Land Use Management Ordinance addresses variances from dimensional regulations. In order to grant the variances, the Board of Adjustment must make the following findings:

- A. When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the Board of Adjustment shall have the power to vary or modify any of the regulations or provisions of the ordinance upon a showing of all of the following:
 - 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.
 - 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.
 - 3. The hardship did not result from actions taken by the applicants 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.
 - 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.

If the Board is able to make all the above findings for the requested dimensional variance, based on the evidence presented at the hearing, the Board may approve the variance request for the subject lot. If the Board fails to make one or more of the above findings, the Board must deny the request. The Board may also choose to approve a lesser extent for a requested variance or fewer than total number of requested variances.

RECOMMENDATION

Staff Recommendation: We recommend that the Board of Adjustment review the variance request.

Resolution A would approve the Dimensional Variance request.

Alternative Resolution A would approve the Dimensional Variance request, without chair summary.

Resolution B would deny the Dimensional Variance request.

Attachments:

1. Resolution A, approving the dimensional variance request.
2. Alternative Resolution A (without chair summary), approving a dimensional variance request.
3. Resolution B, denying the dimensional variance request.
4. Applicant's materials including application form, narrative, statement of justification, site plan and elevations, survey and area map.
5. Area map of subject lot.