

# VARIANCE OR APPEAL APPLICATION



TOWN OF CHAPEL HILL  
Planning Department  
405 Martin Luther King Jr. Blvd.  
phone (919) 969-5040 fax (919) 969-2014  
www.townofchapelhill.org

Parcel Identifier Number (PIN): 9777-64-0073

Date: 06/19/2019

## Section A: Project Information

Project Name: Washburn Residence  
Property Address: 111 Woodward Way Zip Code: 27516  
Existing Zoning District: Residential LD5 (R-LD5)  
Description of Request: Request for variance to increase the floor area allowed for detached Accessory Dwelling Units (ADU)

## Section B: Applicant, Owner, and/or Contract Purchaser Information

### Applicant Information (to whom correspondence will be mailed):

Name: Heather Washburn  
Address: 1141 Smith Level Road  
City: Chapel Hill State: NC Zip Code: 27516  
Phone: 617-869-9646 Email: heather@calico-studio.com

The undersigned applicant hereby certifies that, to the best of their knowledge and belief, all information supplied with this application is true and accurate.

Signature:  Date: 6/20/2019

### Owner/Contract Purchaser Information:

☒ Owner

☐ Contract Purchaser

Name: Heather and Donald Washburn  
Address: 1141 Smith Level Rd  
City: Chapel Hill State: NC Zip Code: 27516  
Phone: 617-869-9646 Email: heather@calico-studio.com

The undersigned applicant hereby certifies that, to the best of their knowledge and belief, all information supplied with this application is true and accurate.

Signature:  Date: 6/20/2019



**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.

<input type="checkbox"/>	Application fee ( <a href="#">refer to fee schedule</a> )	Amount Paid \$ <input type="text"/>
<input type="checkbox"/>	Digital Files – provide digital files of all plans and documents	
<input type="checkbox"/>	Mailing list of owners of property within 1,000 foot perimeter of subject property ( <a href="#">see GIS notification tool</a> )	
<input type="checkbox"/>	Mailing fee for above mailing list	Amount Paid \$ <input type="text"/>
<input type="checkbox"/>	Written Narrative describing the proposal	
<input type="checkbox"/>	Statement of Justification – Respond to subsection 4.12.2(a)(1-4) of the Land Use Management Ordinance.	
<input type="checkbox"/>	Recorded Plat or Deed of Property	
<input type="checkbox"/>	Stream Determination – necessary for all submittals	
<input type="checkbox"/>	Jurisdictional Wetland Determination – if applicable	
<input type="checkbox"/>	Reduced Site Plan Set (reduced to 8.5" x 11")	

**Type of Variance or Appeal (Choose one of the following):**

- ☐ Dimensional Variance      ☐ Water and Sewer Variance      ☐ Steep Slope Variance
- ☒ House Size Variance
- ☐ Resource Conservation District Variance
- ☐ Jordan Watershed Riparian Buffer Variance
- ☐ Watershed Protection District Variance
- ☐ Appeal

Standing: Explain to the Board how the applicant is an aggrieved party (NC General Statute Sec. 160A-388(b1)(1))  
Statement of Justification: Provide justification for decision that is being appealed.



**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")**

Plans should be legible and clearly drawn. All plan set sheets should include the following:

- 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 applicable

☐

**Area Map**

- a) Overlay Districts
- b) 1,000 foot notification boundary

☐

**Detailed Site Plan**

## Proposal

Cottage at 1141 Smith Level Rd  
June 19, 2019

Our cottage was built by the Crabtrees' in 1942, making it 77 years old. We talked to Larry Crabtree, who was born in the house in the late 40s, to get more of the cottage's history as we tried to figure out the best way to make alterations. We learned that the cottage and the house next door were built at the same time for his mother and her sister, part of the Womble family of Womble Farm. The standard of building in 1942 was very different than how we build today, the cottage is made up of many individual pieces rather than layered materials that create diaphragms which are much more stable. Because the cottage was built using smaller pieces, the structure would be compromised by cutting large areas away in the process of trying to reduce the floor area and meet the building codes required for converting an existing conditioned room to an open porch.

We love our cottage, our intention is to save this sweet little building and preserve its character that is quintessential to rural Chapel Hill. We would much rather keep this building and work with it than have to take it down and lose its history. Our cottage is the perfect size for my mother-in-law to spend the rest of her days near us. The plan is for her to move into the cottage once the alterations have been made.

We have tried so many options to bring our little cottage into compliance and each option brings us to the same place. To meet the strict zoning requirement we would be required to take extreme measures to stabilize the building, dismantle a large portion of the building which will then need to be rebuilt as an open porch but to a great cost and risk to the existing structure, existing septic, existing well and our hundred year old oak trees.

We looked at simply reducing the floor area by demolishing rooms along the east wall, one of the bedrooms and the front porch; and found we would still have a great cost in stabilizing the remaining framing and foundation; plus added cost to move the gas meter; as well as a risk to the existing septic field, well and oak trees.

We initially looked at adding on to the cottage instead of building a separate main house but quickly found to meet our needs we would have to take down some of the beautiful oaks to make room for not only the building but the staging required to build the building. We also found out that the septic field would not be able to support an addition, and it was unclear where a new field would be feasible. Lastly, we looked at demolishing the cottage and it felt wasteful and wrong. The cottage is in solid condition as long as we don't poke holes. While being hemmed

in by the existing oak trees they are also what make the existing structure a joy to live in. Our cottage has plenty of years of usefulness. It is perfect for my mother-in-law.

We feel there are three viable options that would preserve a small piece of rural history, not sacrifice the existing structure; while preserving the cottage's character.

- Option 1: Keep the existing structure as it stands, preserves a 1940s farm cottage eliminating the risk of possible damage from making alterations. Our request for a variance for option 1 is 543sf.
- Option 2: Convert the three season front porch to an open porch but keep the main body of the cottage as it currently stands. This option is invasive, but is the most straight-forward way to reduce floor area. Our request for option 2 is a variance for option 2 is 457sf.
- Option 3: Convert both the three season front porch to an open porch and convert the rooms along the east end of the cottage to an open porch. The existing water heater and stacked washer/dryer would be moved into the eastern existing bedroom changing it into more of a utility/laundry room. We would also convert the existing three season front porch into an open porch, which would reduce the floor area of the cottage to 868sf. Our request for a variance for option 3 is 118sf.

We have looked at multiple options to reduce the floor area and each time the option requires significant alterations to the structure, moving a utility meter, and/or extra expense in construction to avoid damaging the existing septic field and lines, the closed well at the back of the cottage and our hundred year old oak trees. We have attached drawings showing Options 1, 2, and 3 as described above. We have also attached pictures of our existing cottage below.





View from the Road



South Elevation





East Elevation



North Elevation

## Statement of Justification

Cottage @ 1141 Smith Level Rd  
June 19, 2019

*Response to Subsection 4.12.2(a)(1-4) of the Land Use Management Ordinance*

- 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.*

Our cottage was built in 1942. The original foundations are stone around the perimeter and stone piers. The structure is stick built, true 4x8 beams to frame the floors, which run the length of the building (from kitchen to bathroom), true 2x members in the walls, ceilings and roof. Significant structural alterations are required to reduce the floor area of the cottage to 750 sf to meet the zoning ordinance for a detached accessory dwelling. These alterations could potentially compromise the structure or require unreasonable costs when altering to meet the existing building code.

The most direct path to meeting the strict application of the detached accessory dwelling floor area requirement would be to convert the existing three season porch, converting the eastern end of the building to an open porch, which still brings the house to 118sf above the 750sf requirement. However to fully meet the ordinance one bedroom will also have to be converted into a porch.

Both bedrooms are located at the end of the run of floor beams this is an issue because to meet the building code, the existing framing would have to be cut back to the new exterior walls and be replaced with pressure treated members. Because of the age of the house and how it was built in 1942, there is potential for destabilization. To avoid destabilizing the house, we would to support the entire length of the section of floor being cut away and we may have to underpin the floor to stabilize and reinforce the existing framing, which has significant structural and cost implications. Even converting the front porch and the eastern end of the building into an open porch, will require significant demolition, shoring, and supporting of the original walls and roof in the effort to replace the original framing with pressure treated members to meet current building code.

The significant structural reinforcement to protect the structure, the cost for the conversion and structural alterations; and the possible compromise of the existing septic and well create an unnecessary hardship.



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.*

The cottage was built in 1942, making it 77 yrs old, by the Crabtree family. We talked to Larry Crabtree who was born in the house to get more of the cottage's history as we tried to figure out the best way to make alterations. We learned that the cottage and the house next door were built at the same time for his mother and her sister who were members of the Womble family. The cottage's structure sits on a stone foundation that forms the perimeter and stone piers were used to support the floor joists. The joists are 4x8 beams about 36" on center, standard today is 2x10 joists 16" on center. The cottage floor is made of sheathing boards rather than plywood sheathing. The same goes for the roof and exterior walls. The standard of building in 1942 was very different than how we currently build, the cottage is made up of many individual pieces rather than current building standards where we layer materials to create diaphragms that are very stable. Because the cottage was built using smaller pieces, the structure would be compromised by cutting large areas away in the process of trying reduce the floor area and meet the building codes required for converting an existing conditioned room to an open porch. We evaluated turning the second bedroom into a screen porch and found that the surrounding structure (floor joists, walls and ceilings) would need to be stabilized. Then, all the flooring joists where the floor has to be removed to be replaced with pressure treated wood would need to be shored and supported. This may require additional footings/foundation work and we would need to watch the existing stone foundation and piers to make sure they weren't compromised by possible shifting loads.

The gas meter would also be effected by the strict zoning regulation because of it's location on the exterior wall of the bedroom. The cost to move the meter is significant. The septic field is fragile and undocumented and should be avoided by heavy equipment otherwise the septic system could be compromised.

3. *The hardship did not result from actions taken by the applicant of 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.*

The hardship is due to the structure being built in an earlier era which makes it difficult to modify and meet the current building codes.

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.*

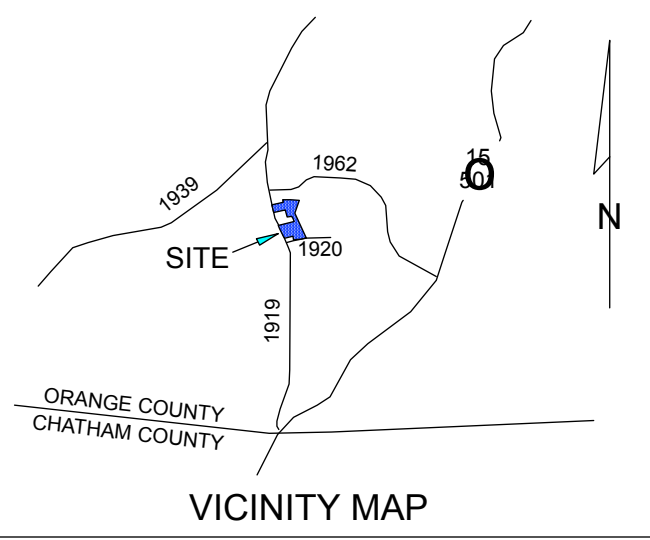
We love the existing cottage, it is one of the reasons we bought the property. Our intention is to save this sweet little building and preserve its character that is quintessential to rural Chapel Hill. We would much rather keep this building and work with it than have to take it down and lose its history.

In the spirit of the ordinance we plan for my mother-in-law to move into the cottage once it is in compliance and we get our certificate of occupancy. The cottage is the perfect size for my mother-in-law to spend the rest of her days near us. It is also in keeping with several other cottages that dot the landscape along Smith Level Rd.

Our cottage is an existing building, and we want to work with it because it is still very useful. We have tried many options to bring our little cottage into compliance and each option brings us to the same place. To meet the strict zoning requirements, we would be required to take extreme measures to stabilize the building, dismantle a large portion of the building which then gets built back as open porch but to a great cost and risk to existing elements of septic, well and oak trees.

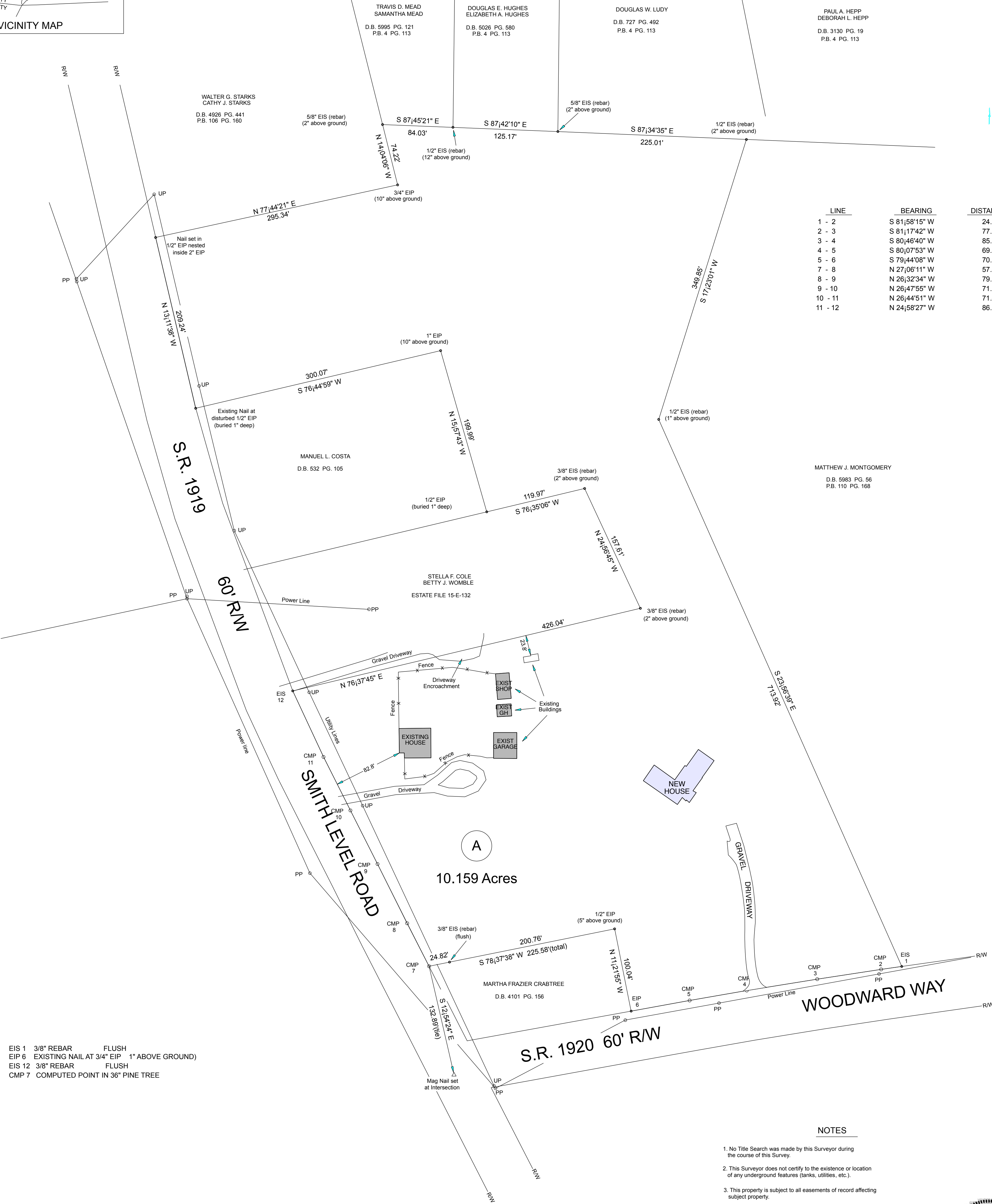
We feel there are three options that would preserve a small piece of rural history by not sacrificing the existing structure and also preserve the cottage's character.

- Option 1: Keep the existing structure as it stands, preserves a 1940s farm cottage eliminating the risk of possible damage from making alterations. This is 543sf above the 750 sf requirement for a detached accessory dwelling.
- Option 2: Convert the three season front porch to an open porch but keep the main body of the cottage as it currently stands. This option is invasive, but is the most straight-forward way to reduce floor area. This option is 457sf above the 750 sf requirement for a detached accessory dwelling.
- Option 3: Convert both the three season front porch to an open porch and convert the rooms along the east end of the cottage to an open porch. The existing water heater and stacked washer/dryer would need to be moved into the eastern existing bedroom changing it into more of a utility/laundry room. This option is 118sf above the 750 sf requirement for a detached accessory dwelling.



PRELIMINARY PLAT  
NOT FOR RECORDATION, CONVEYANCES, OR SALES

N.C. GSD (NAD 83)  
P.S. 110 PG. 168



EIS 1 3/8" REBAR FLUSH  
EIP 6 EXISTING NAIL AT 3/4" EIP 1" ABOVE GROUND)  
EIS 12 3/8" REBAR FLUSH  
CMP 7 COMPUTED POINT IN 36" PINE TREE

NOTES

- No Title Search was made by this Surveyor during the course of this Survey.
- This Surveyor does not certify to the existence or location of any underground features (tanks, utilities, etc.).
- This property is subject to all easements of record affecting subject property.
- There were no NCGS monuments found within 2000 feet of this parcel of land.
- Area shown was computed by the coordinate method.
- Shown is Tract A from a survey plat entitled "EXEMPT SUBDIVISION - PROPERTY OF THE PETER AND HOLLY BOURNE FAMILY TRUST", which is recorded in Plat Book 110, Page 168, Orange County Registry.

REFERENCE: DEED BOOK 5925 PAGE 74  
PLAT BOOK 110 PAGE 168  
P.I.N. 9777-64-0073



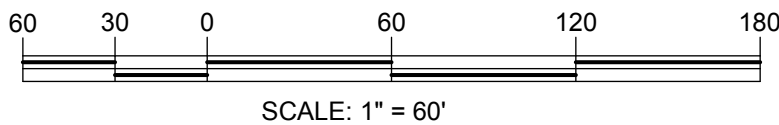
PRELIMINARY PLAT  
NOT FOR RECORDATION, CONVEYANCES, OR SALES

SURVEY FOR

DONALD WASHBURN  
HEATHER WASHBURN

CHAPEL HILL TOWNSHIP  
OWNER: DONALD WASHBURN  
HEATHER WASHBURN

ORANGE COUNTY, N.C.  
DATE: SEPTEMBER 8, 2015



VAN R. FINCH - LAND SURVEYS, P.A.  
109 Hillsboro St. Pittsboro, N.C. 27312  
FIRM LICENSE #C-513

MAP LEGEND

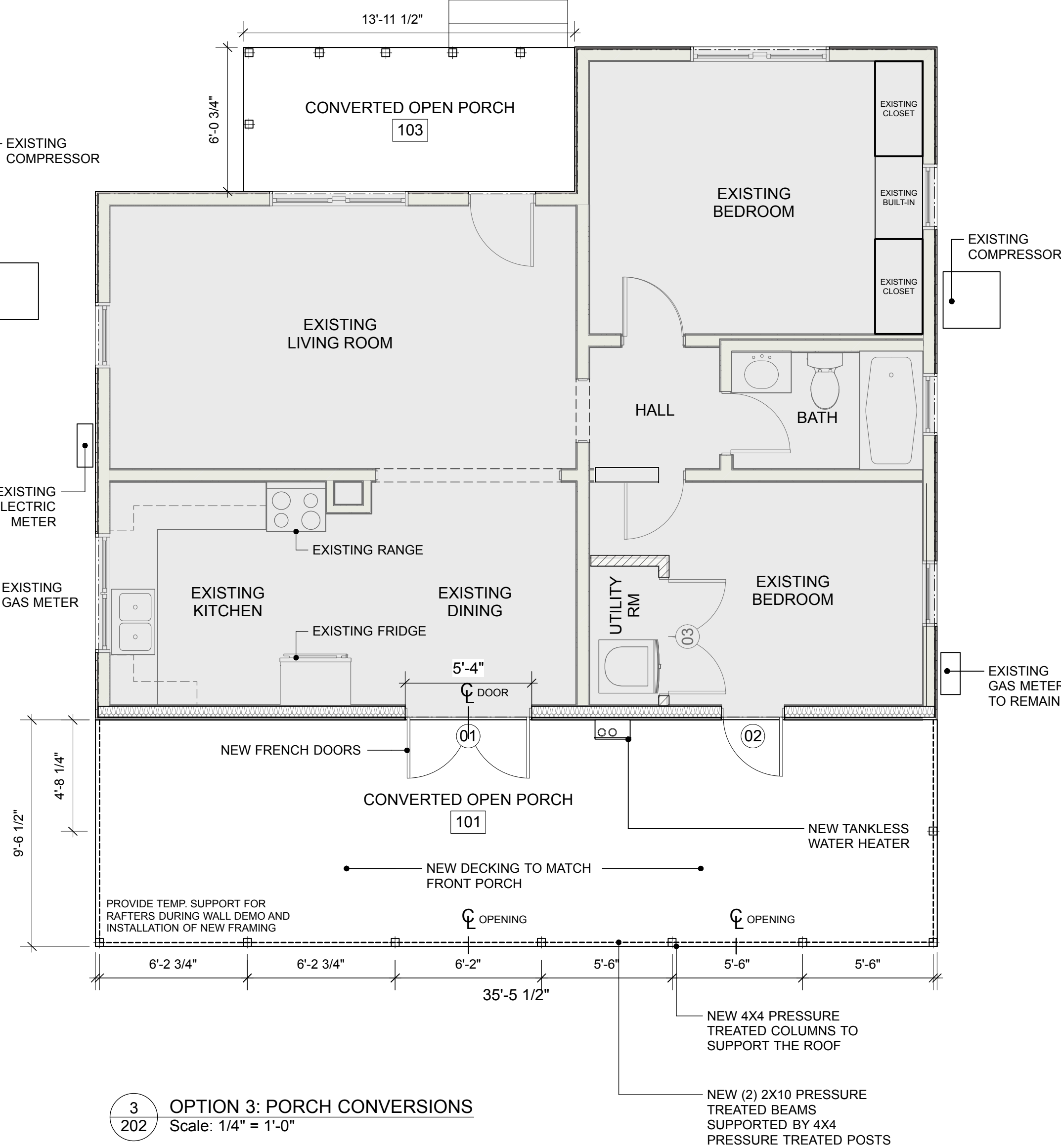
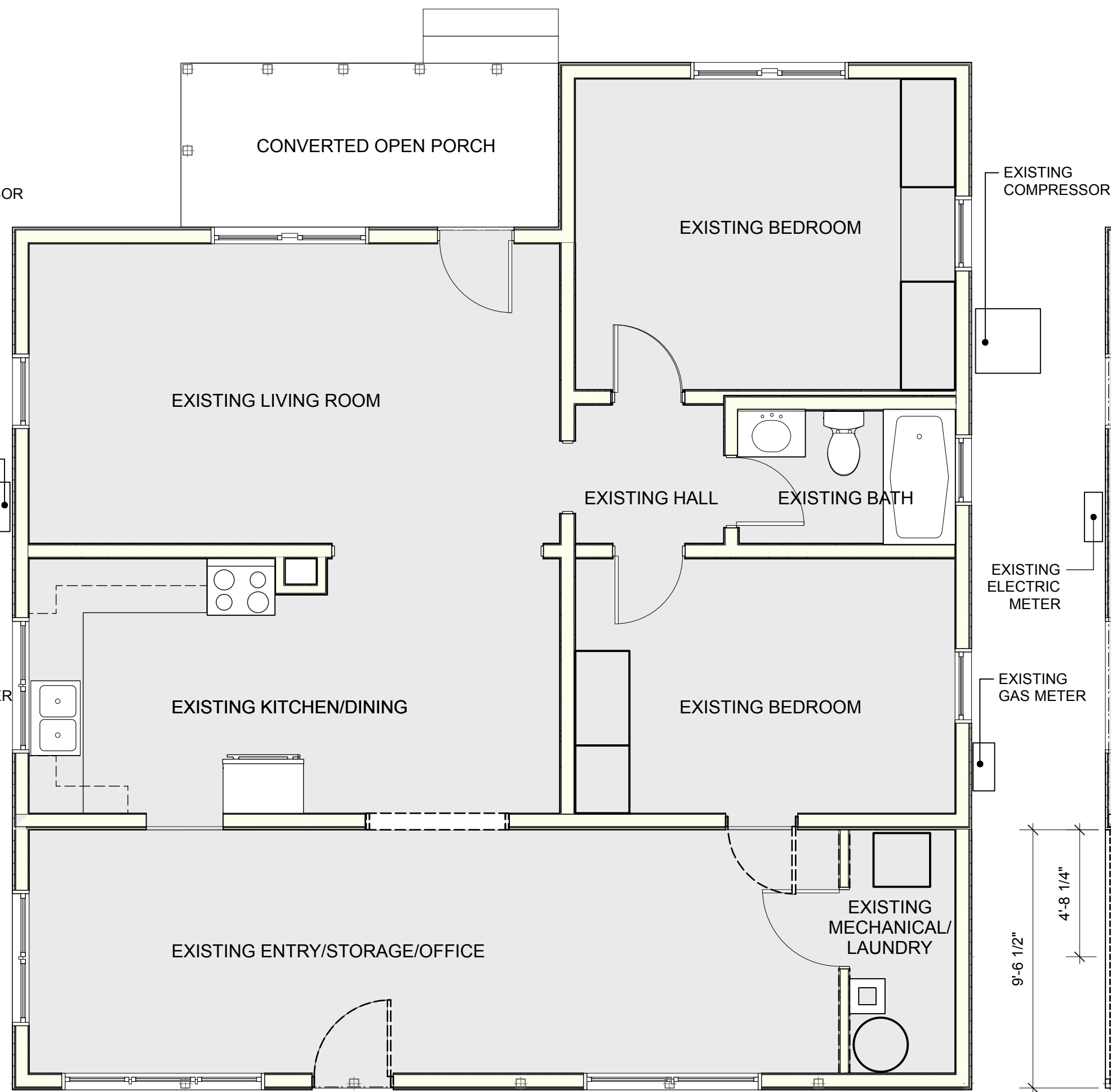
- EIP EXISTING IRON PIPE
- EIS EXISTING IRON STAKE
- IPS IRON PIPE SET
- ISS IRON STAKE SET
- ECM EXISTING CONCRETE MONUMENT
- RRS RAILROAD SPIKE
- MNS MAG NAIL SET
- PP POWER POLE
- CMP COMPUTED POINT

003

Plot Plan

CALICO STUDIO		DATE	DRAWN	SET	Washburn Residence
1141 SMITH LEVEL ROAD CHAPEL HILL   NORTH CAROLINA   27516	c1506	04.03.19	HRBW	PERMIT	111 Woodward Way CHAPEL HILL   NORTH CAROLINA   27516





1  
202 OPTION 1: EXISTING COTTAGE TO REMAIN  
Scale: 1/4" = 1'-0"

2  
202 OPTION 2: FRONT PORCH CONVERSION  
Scale: 1/4" = 1'-0"

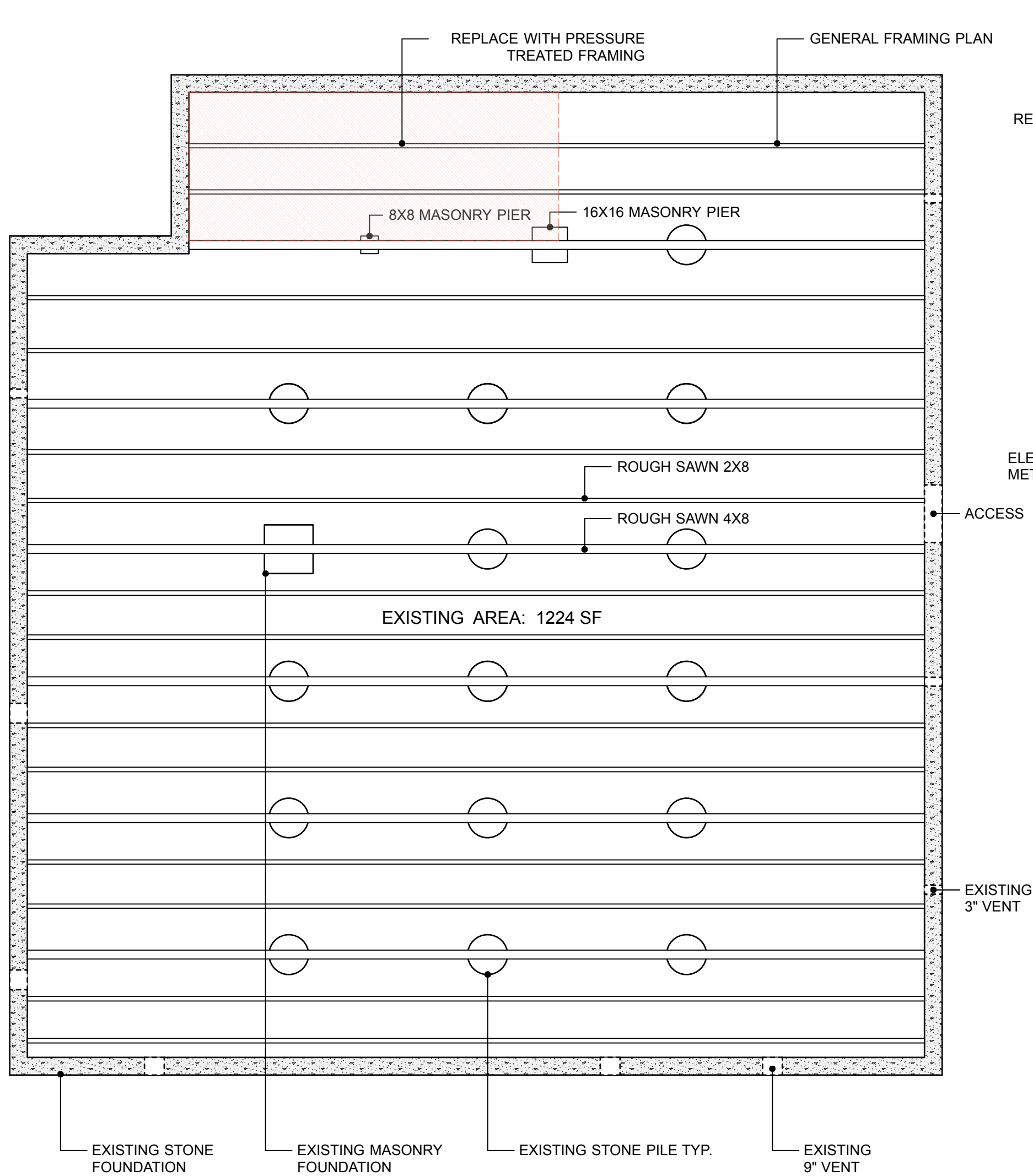
3  
202 OPTION 3: PORCH CONVERSIONS  
Scale: 1/4" = 1'-0"

OPTIONS	FLOOR AREA	VARIANCE REQUEST
1: COTTAGE TO REMAIN AS IT EXISTS	1293 SF	543 SF
2: CONVERT FRONT PORCH MAIN BODY OF COTTAGE TO REMAIN	1207 SF	457 SF
3: CONVERT FRONT PORCH, EXISTING ENTRY, OFFICE, LAUNDRY ROOMS TO OPEN PORCHES	868 SF	118 SF

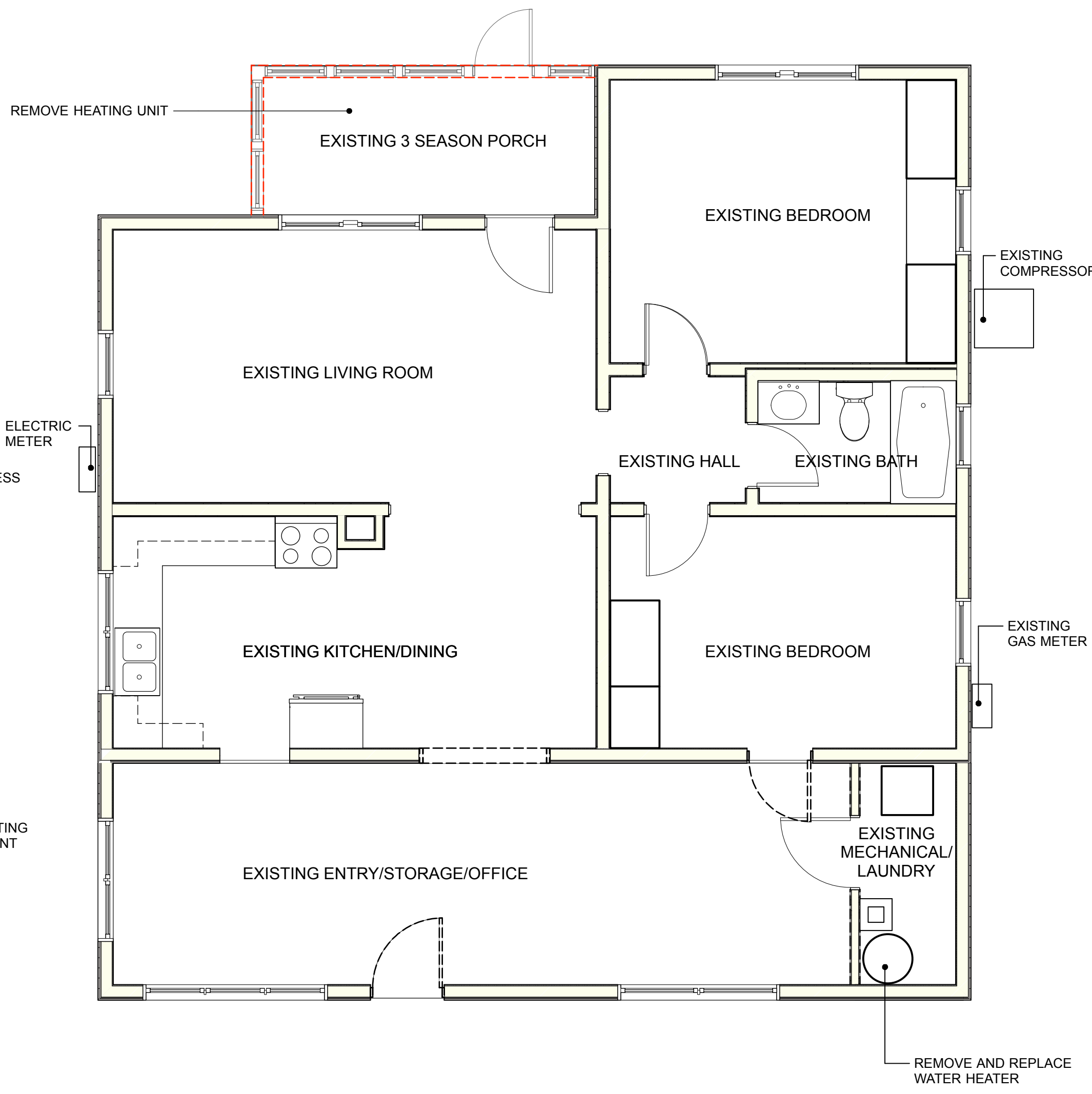
\* Zoning Residential LD5 (R-LD5): 750 SF allowed for a Detached Accessory Dwelling



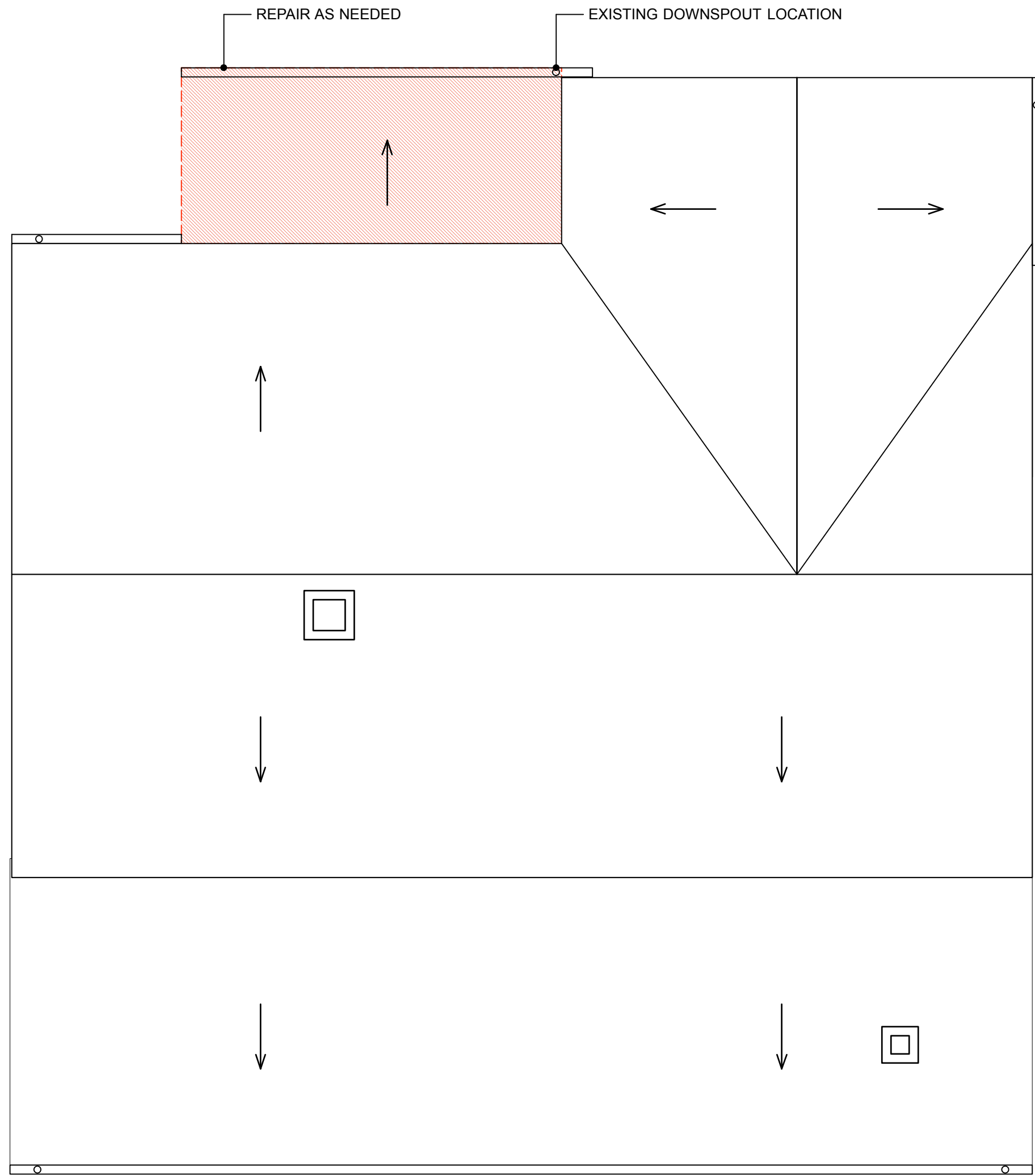
202c	Washburn Residence		111 Woodward Way CHAPEL HILL   NORTH CAROLINA   27516	
	SET	PERMIT		
	DRAWN	HRBW		
	DATE	06.18.19		
CALICO STUDIO PLLC		c1506	1141 SMITH LEVEL ROAD CHAPEL HILL   NORTH CAROLINA   27516	



1 Foundation Plan, Demolition  
Scale: 1/4" = 1'-0"

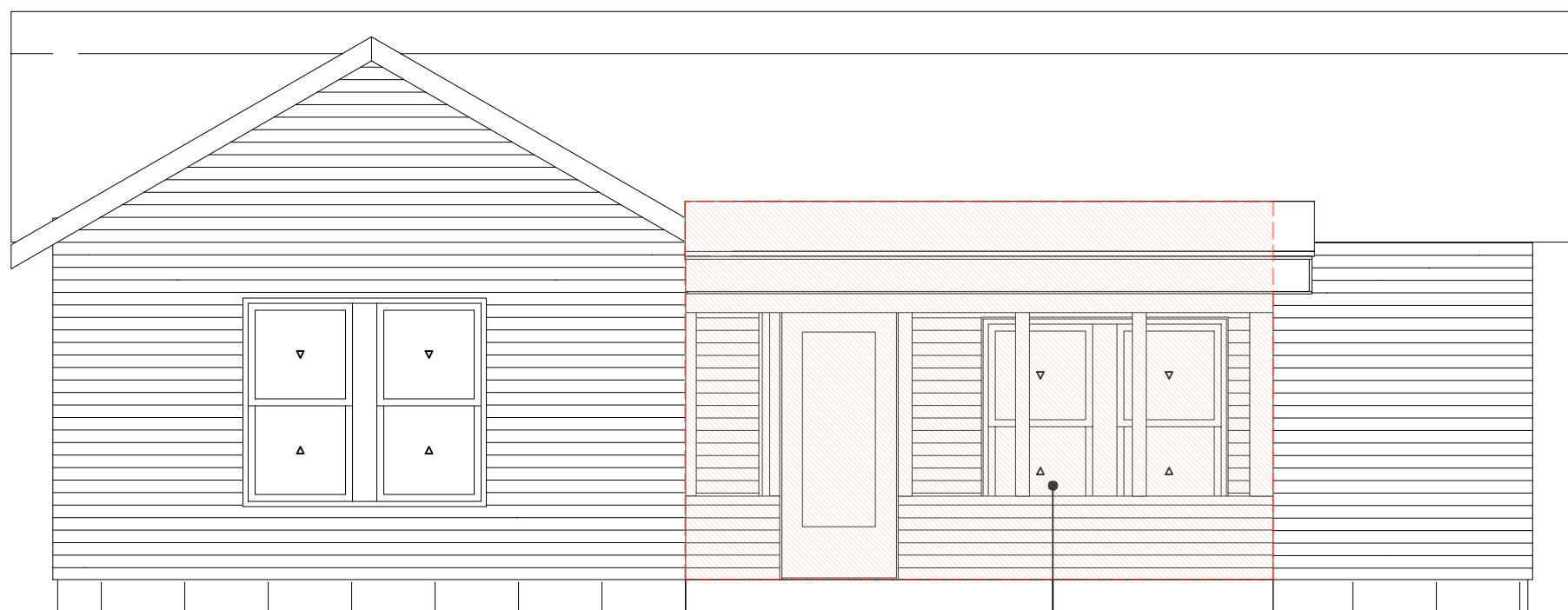


2 First Floor, Demolition  
Scale: 1/4" = 1'-0"

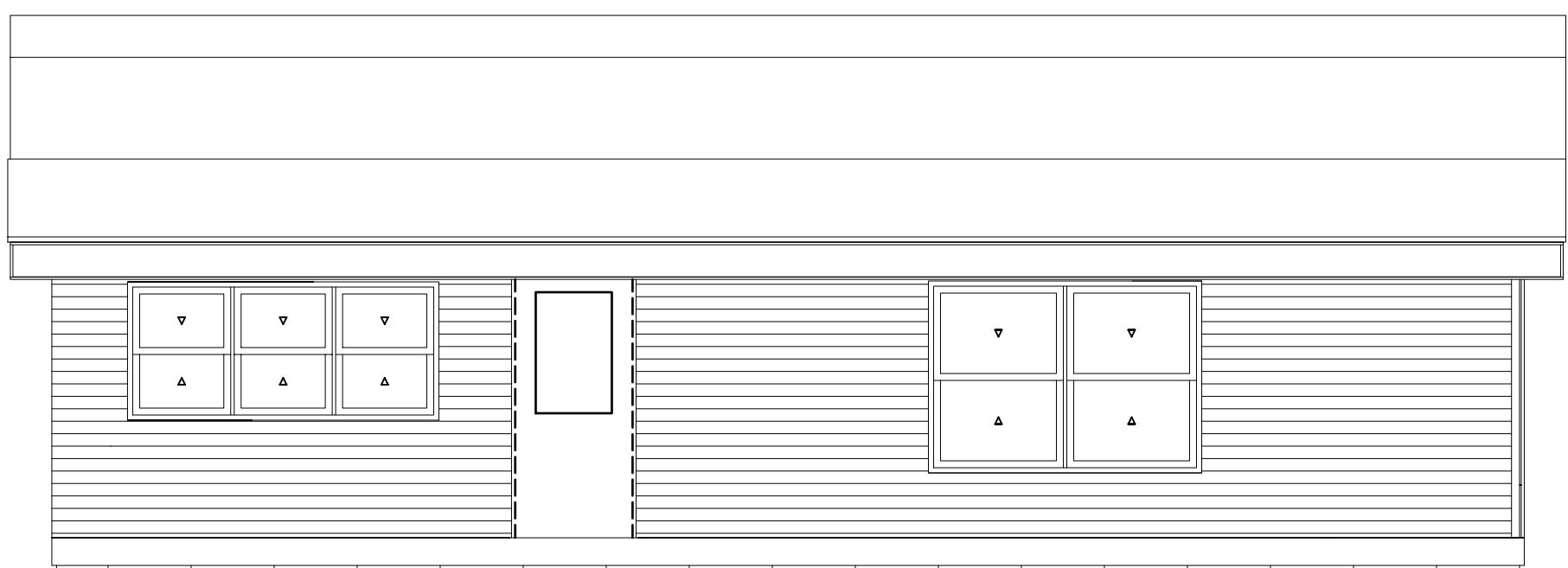


3 Roof Plan, Demolition  
Scale: 1/4" = 1'-0"

LEGEND:  
 ——— EXISTING CONSTRUCTION  
 - - - - - DEMOLITION  
 - - - - - ABOVE



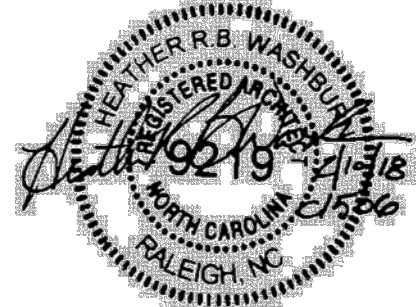
4 West Elevation  
Scale: 1/4" = 1'-0"



5 East Elevation  
Scale: 1/4" = 1'-0"



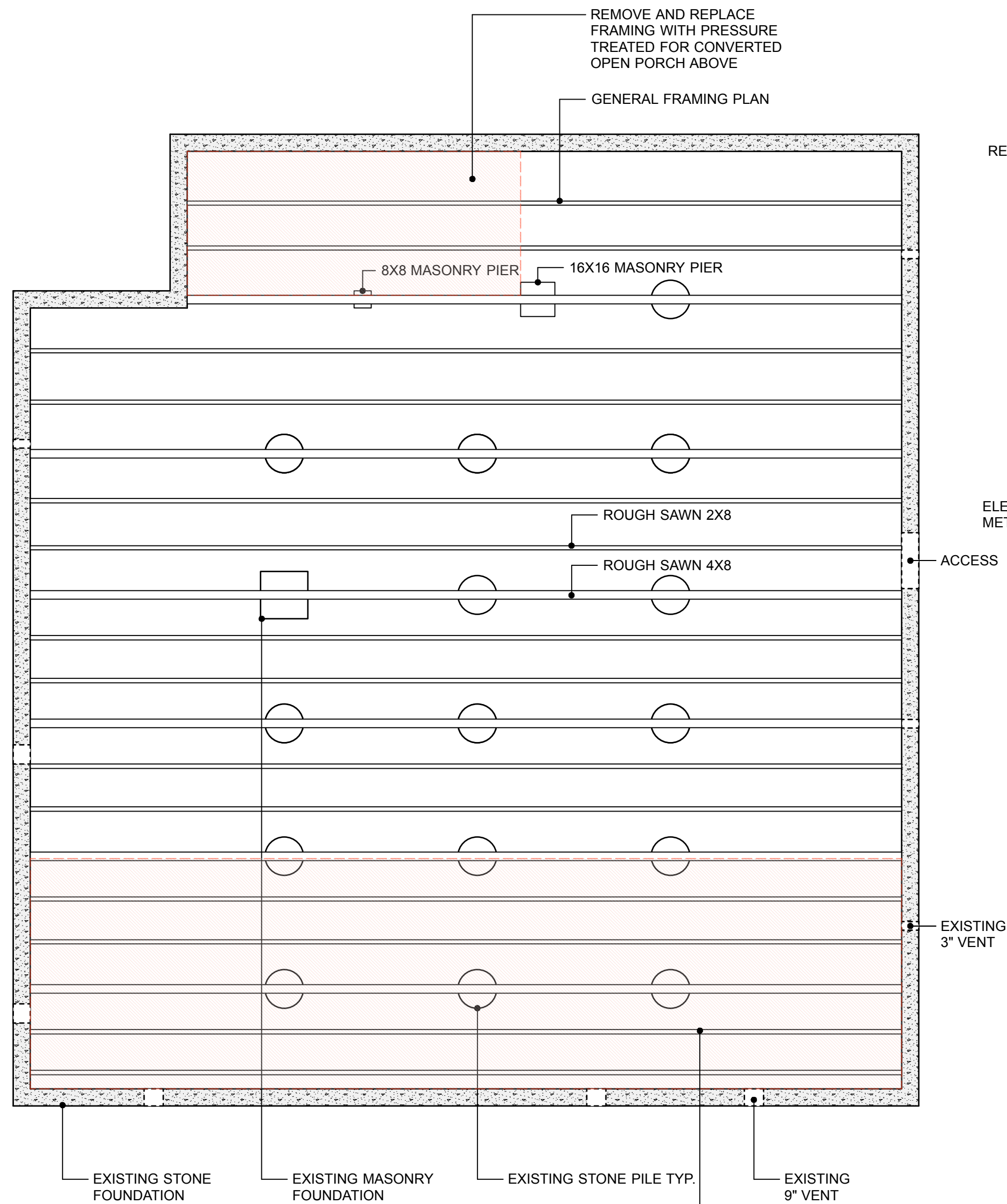
6 North Elevation  
Scale: 1/4" = 1'-0"



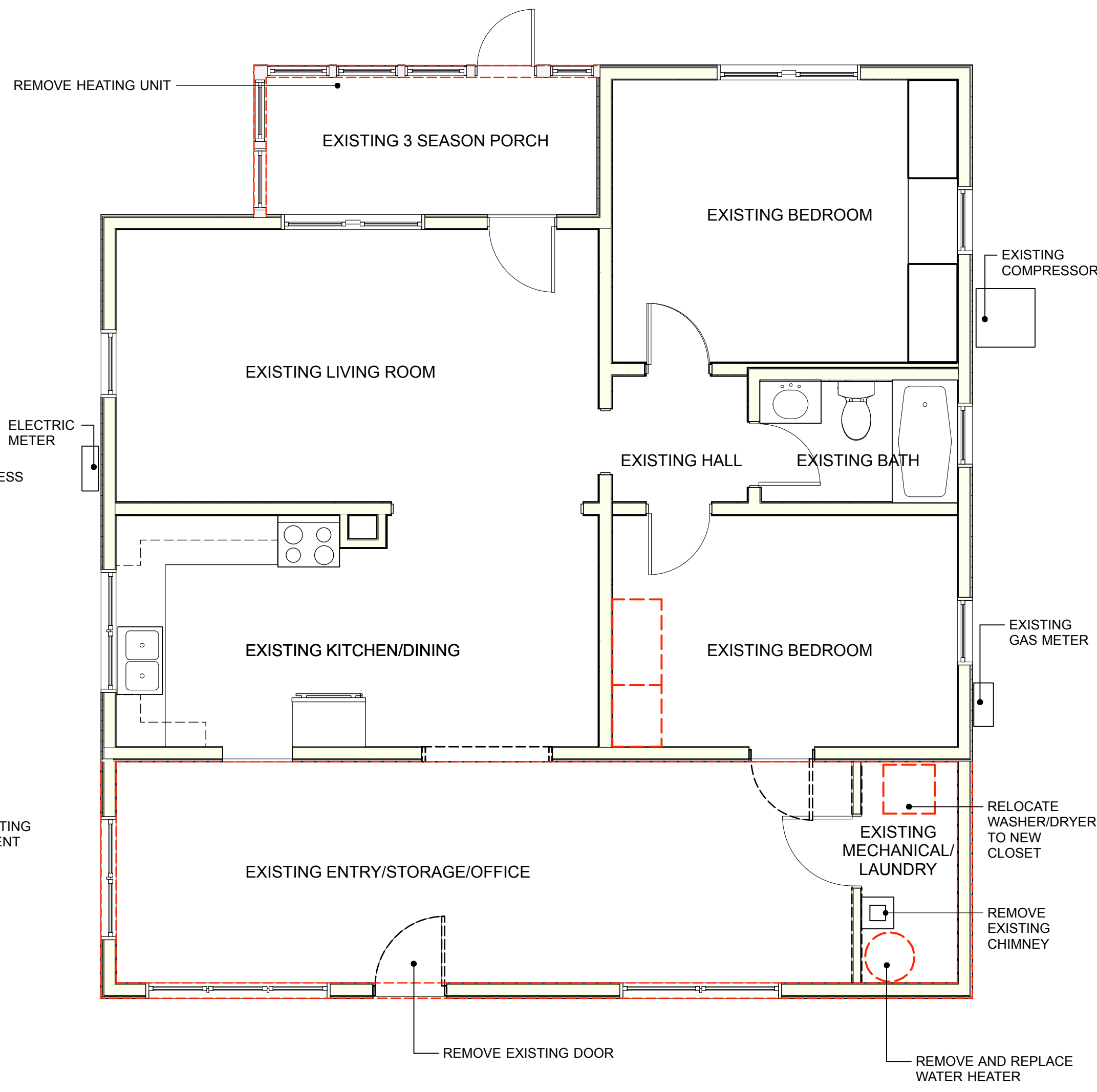
CALICO STUDIO PLLC 1141 SMITH LEVEL ROAD CHAPEL HILL   NORTH CAROLINA   27516	DATE	06.18.19	SET	PERMIT
	DRAWN	HRBW	SET	PERMIT
	DATE	06.18.19	SET	PERMIT
	DRAWN	HRBW	SET	PERMIT
Washburn Residence		111 Woodward Way CHAPEL HILL   NORTH CAROLINA   27516		

200XC  
OPTION 2: Demolition

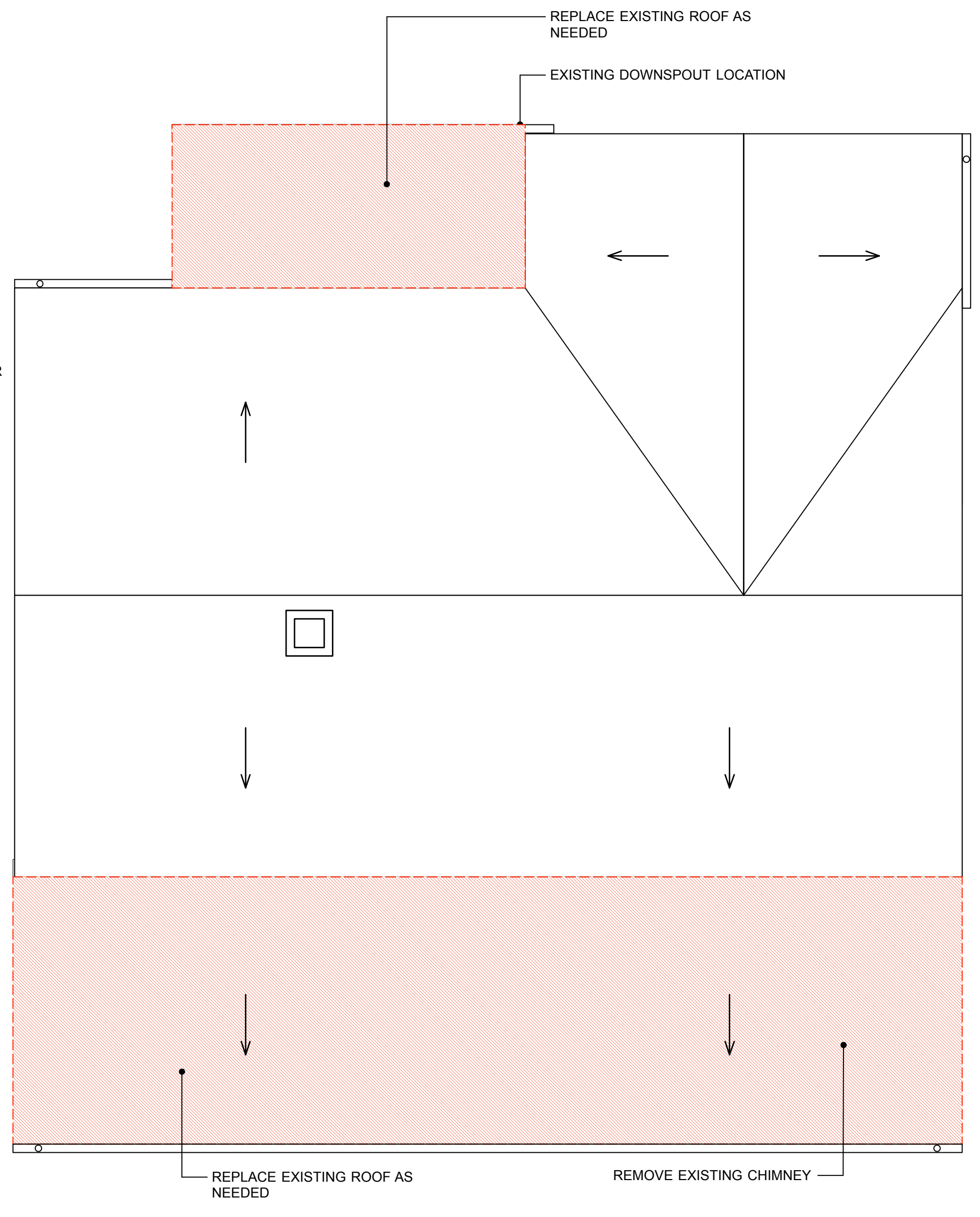




1 Foundation Plan, Demolition  
Scale: 1/4" = 1'-0"

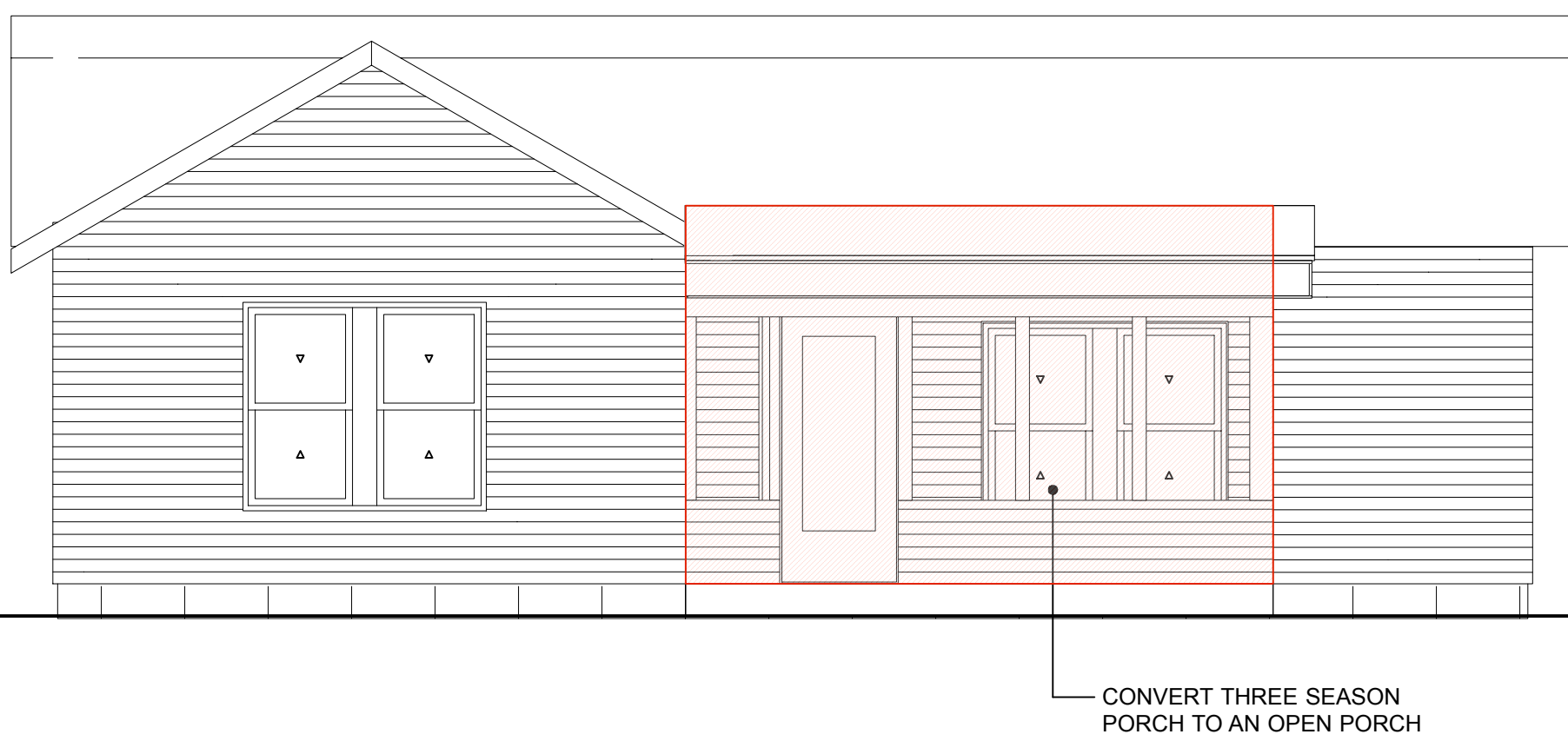


2 First Floor, Demolition  
Scale: 1/4" = 1'-0"

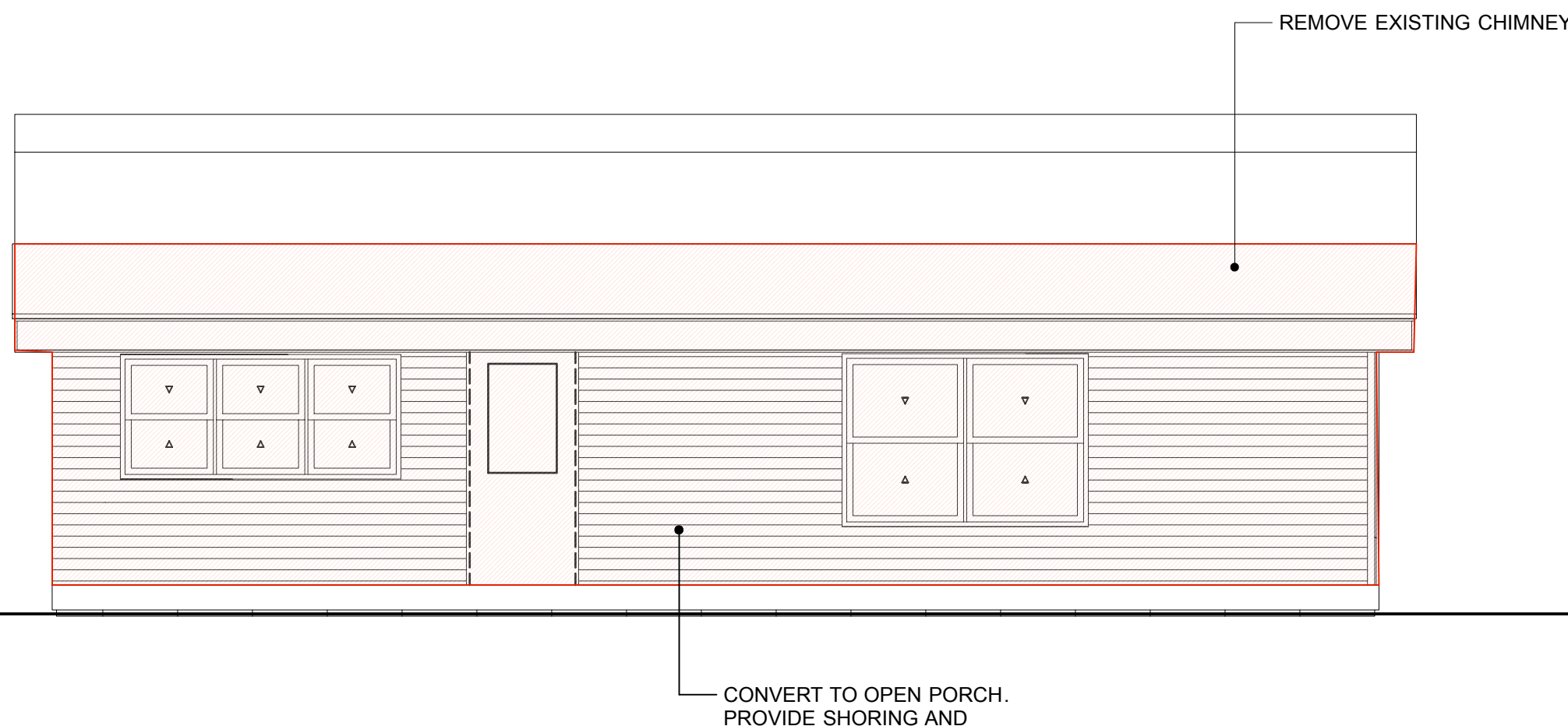


3 Roof Plan, Demolition  
Scale: 1/4" = 1'-0"

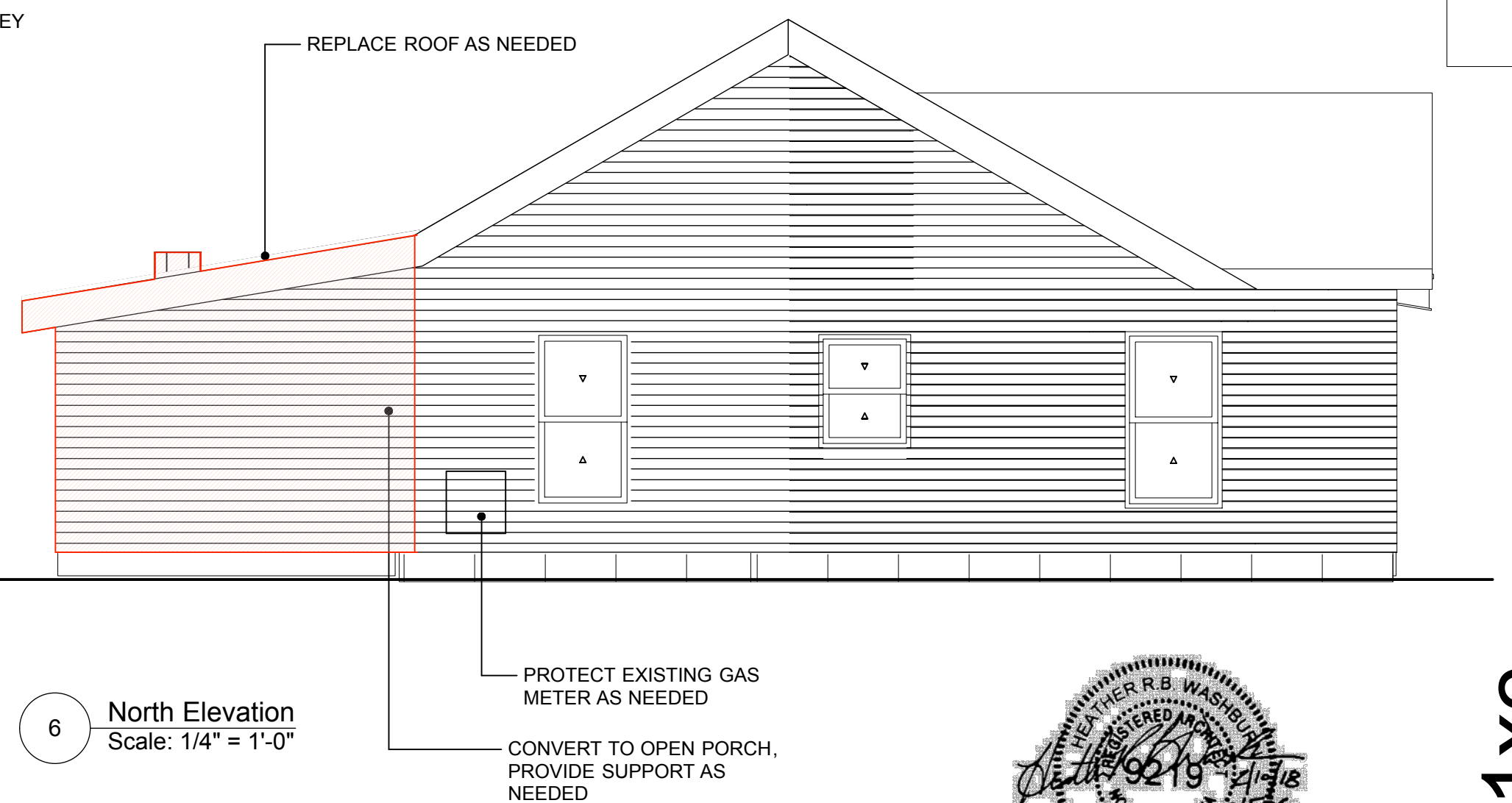
LEGEND:  
 ——— EXISTING CONSTRUCTION  
 - - - - - DEMOLITION  
 - - - - - ABOVE



4 West Elevation  
Scale: 1/4" = 1'-0"



5 East Elevation  
Scale: 1/4" = 1'-0"



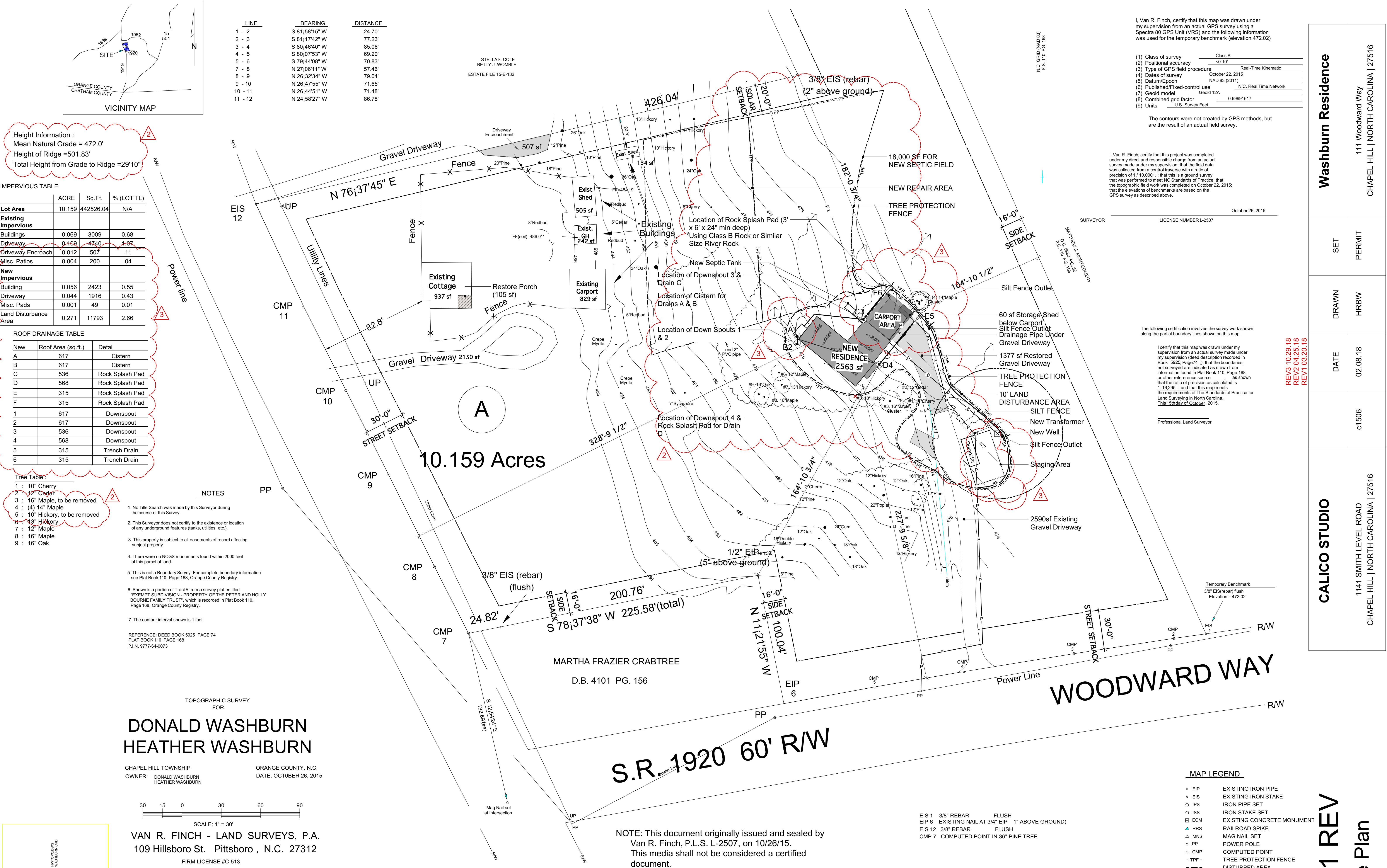
6 North Elevation  
Scale: 1/4" = 1'-0"



CALICO STUDIO PLLC		Washburn Residence		
1141 SMITH LEVEL ROAD CHAPEL HILL   NORTH CAROLINA   27516	DATE	DRAWN	SET	111 Woodward Way CHAPEL HILL   NORTH CAROLINA   27516
	c1506	HRBW	PERMIT	

201XC  
OPTION 3: Demolition





Zoning - Approved Field Changes, 12/04/18

Cistern with drainage; Carport over parking area, Storage Shed under Carport

Mike Klein, AICP, CZO



This map contains parcels prepared for the inventory of real property within Orange County, and is compiled from recorded deeds, plats and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The county and its mapping companies assume no legal responsibility for the information on this map.



6  
KMR



(K)

20150325000053740 DEED  
Bk:RB5925 Pg:74  
03/25/2015 03:28:05 PM 1/4

FILED Mark Chilton  
Register of Deeds, Orange Co, NC  
Recording Fee: \$26.00  
NC Real Estate TX: \$758.00

RM

**GENERAL WARRANTY DEED**

PIN# 9777-64-0073 LKB

Prepared by: D. MICHAEL PARKER

Return to: 18411 NE 27<sup>th</sup> Way, Redmond, Washington 98052 (Grantee)

Revenue Stamps = \$ 758.00

NORTH CAROLINA  
ORANGE COUNTY

THIS DEED, made and entered into this the 24 day of March, 2015, by and between, **PETER R. BOURNE AND HOLLY H. BOURNE; TRUSTEES of the PETER AND HOLLY BOURNE FAMILY TRUST dated 22 day of April, 2002, 101 DEERFIELD TRAIL, CHAPEL HILL, NC 27516**, Parties of the First Part, (hereinafter referred to as "Grantor"), and **DONALD WASHBURN AND WIFE, HEATHER WASHBURN**, Parties of the Second Part, (hereinafter referred to as "Grantee"),

**WITNESSETH:**

That the said Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) to him in hand paid and other good and valuable considerations, 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 tract or parcel of land located in the **Orange County, North Carolina** and being more particularly described as follows:

**EXHIBIT "A" ATTACHED**





TO HAVE AND TO HOLD the aforesaid tract 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, have the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that the Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions, if any, set forth above.

IN WITNESS WHEREOF, the Grantors have set their hands and seals, the day and year first above written.

  
\_\_\_\_\_(SEAL)  
**PETER R. BOURNE, TRUSTEE**

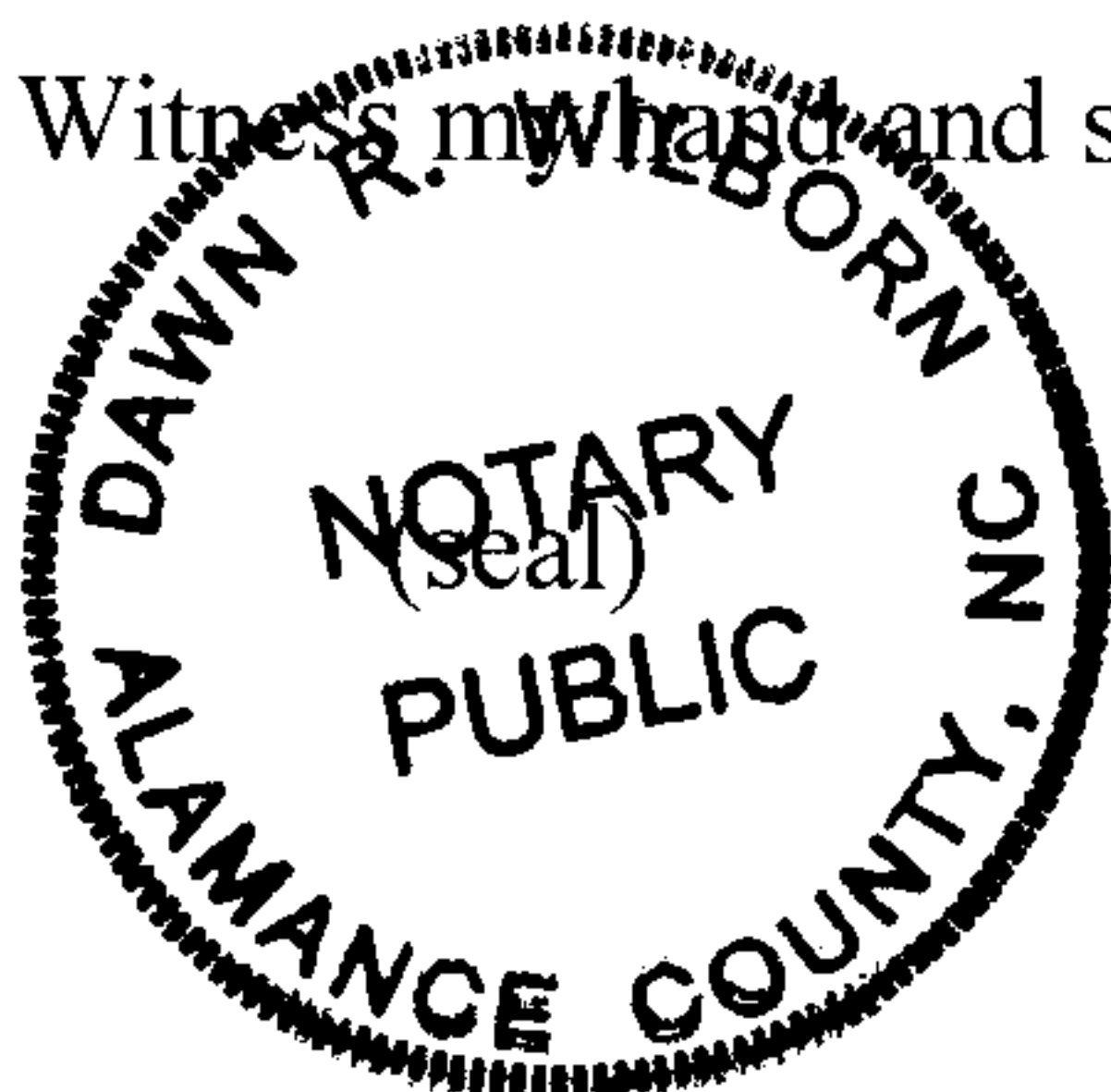
  
\_\_\_\_\_(SEAL)  
**HOLLY H. BOURNE, TRUSTEE**

\*\*\*\*\*

STATE OF NORTH CAROLINA  
COUNTY OF Alamance

I, Dawn R. Wilborn, Notary Public of the County and State aforesaid, certify that **PETER R. BOURNE, TRUSTEE** personally appeared before me this day and acknowledged the foregoing instrument.

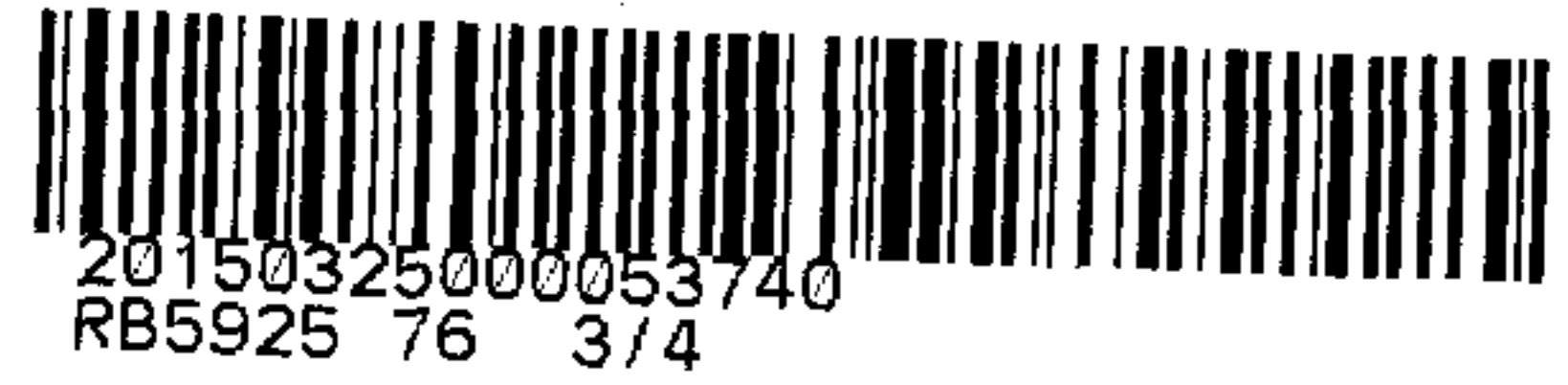
Witness my hand and seal, this the 24 day of March, 2015.



Dawn R. Wilborn  
NOTARY PUBLIC

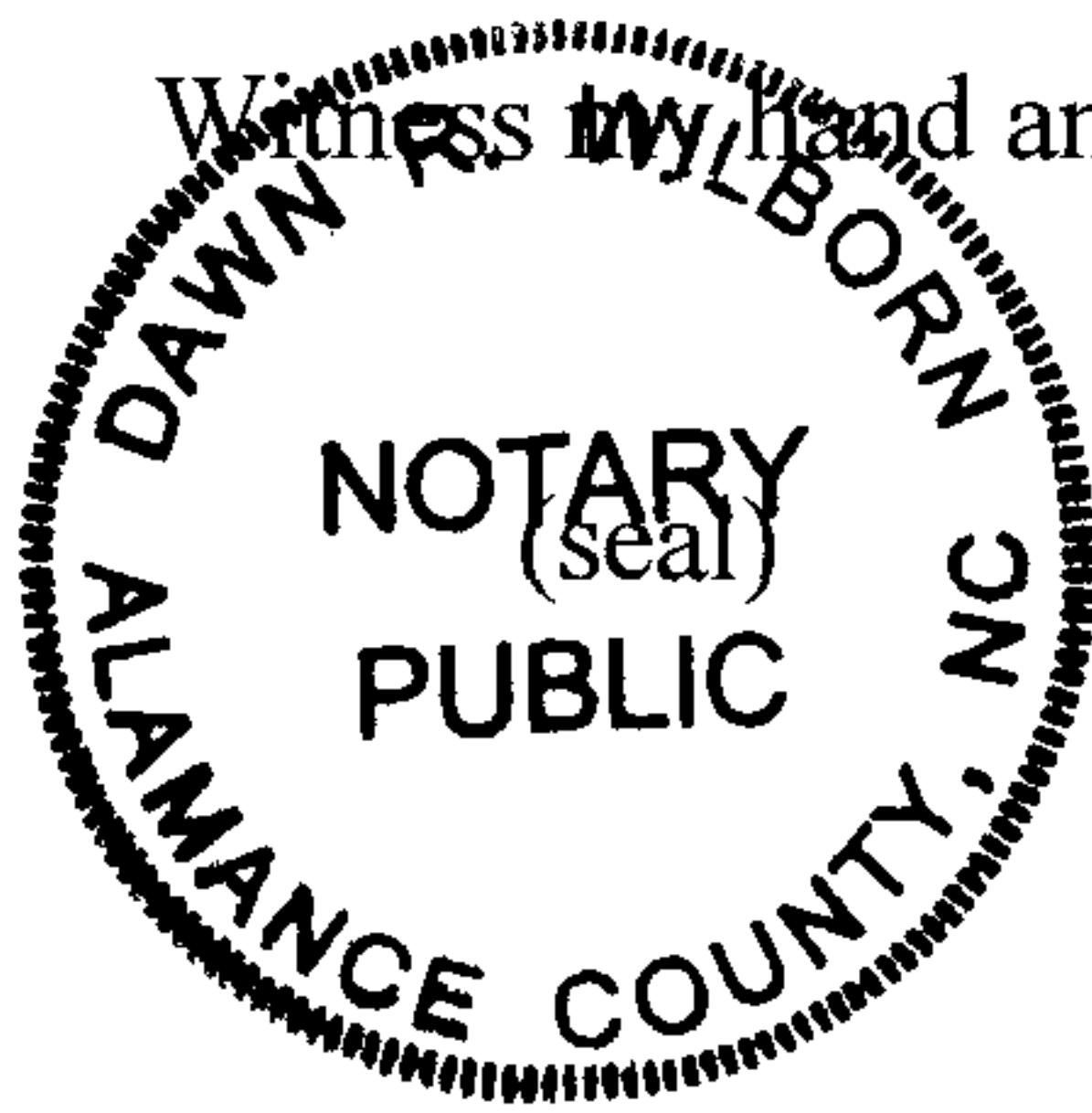
Dawn R. Wilborn  
(PRINT OR TYPE NAME OF NOTARY PUBLIC)

My commission expires: 7.31.2016



STATE OF NORTH CAROLINA  
COUNTY OF Alamance

I, Dawn R. Wilborn, Notary Public of the County and State aforesaid,  
certify that **HOLLY H. BOURNE, TRUSTEE** personally appeared before me this day and  
acknowledged the foregoing instrument.



Witness my hand and seal, this the 24 day of March, 2015.

Dawn R. Wilborn  
NOTARY PUBLIC

Dawn R. Wilborn  
(PRINT OR TYPE NAME OF NOTARY PUBLIC)

My commission expires: 7.31.2016

S/RE/ WASHBURN/GWD



*LEGAL DESCRIPTION*

*EXHIBIT "A"*

*PIN #9777-64-0073*

*LYING AND BEING IN CHAPEL HILL TOWNSHIP, ORANGE COUNTY, NORTH CAROLINA CONTAINING 10.16 ACRES, MORE OR LESS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:*

*BEING ALL OF THE TRACT OR PARCEL OF LAND SHOWN AS TRACT "A" ON THE PLAT OF SURVEY ENTITLED "THE PETER AND HOLLY BOURNE FAMILY TRUST" DATED SEPTEMBER 19, 2012, WHICH IS RECORDED IN PLAT BOOK 110, PAGE 168 OF THE ORANGE COUNTY REGISTRY AND TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF THE SAME.*