

## **ATTACHMENT 3**

### **RESOLUTION B - DENYING DIMENSIONAL VARIANCE**

#### **RESOLUTION DENYING AN APPLICATION FOR VARIANCE FROM ACCESSORY APARTMENT FLOOR AREA REGULATIONS ON PROPERTY LOCATED AT 1141 SMITH LEVEL ROAD (PIN 9777-64-0073, PROJECT #19-078)**

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 dimensional regulations, at 1141 Smith Level Road, requested by Heather Washburn, to exceed the floor area limitations for accessory apartments by up to 543 square feet, in accord with the improvements on the attached floor plan, and identified as Orange County Property Identifier Number 9777-64-0073, 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 dimensional variance from accessory apartment floor area limitations, at 1141 Smith Level Road.

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Signed - Board of Adjustment Chair, James Bartow

This, the 1<sup>st</sup> day of August, 2019.