

MEMORANDUM

TO: Chapel Hill Board of Adjustment

FROM: Judy Johnson, Interim Planning Director
Jake Lowman, Senior Planner
Becky McDonnell, Planner II

SUBJECT: 119 Battle Lane: After-the-Fact Dimensional Variance
(PIN 9788-68-0090, Project #19-115)

DATE: November 7, 2019

VARIANCE REQUEST SUMMARY

Donald Tise Jr., applicant and owner, is requesting an after-the-fact dimensional variance from the minimum interior setback for HVAC units, which are considered to be structures under the Land Use Management Ordinance.

EXISTING CONDITIONS

The 0.3 acre subject property is located at 119 Battle Lane, and fronts on both Hooper Lane and Battle Lane (Attachment 5). The property is in the Residential-2 (R-2) zoning district and the Franklin-Rosemary Historic District. The Orange County Property Identifier Number is 9788-68-0090. The flag lot contains a single-family home, accessed by a driveway on Battle Lane and is relatively flat with a steep slope at the northern property line fronting Hooper Lane.

BACKGROUND

September 30, 2014: Subject property acquired by Donald Tise Jr., owner

September 12, 2017: Chapel Hill Historic District Commission approved a Certificate of Appropriateness application to construct the single family home

June 7, 2018: Chapel Hill Board of Adjustment granted a dimensional variance for the proposed height of the new single family residence

December 7, 2017: Chapel Hill Board of Adjustment granted a dimensional variance to allow supporting structure for a proposed bridge to encroach fully into the front setback

September 12, 2019: Application submitted for an After-the-Fact Dimensional Variance by Donald Tise Jr.

VARIANCE REQUEST SUMMARY

Property line setbacks on the subject lot are regulated by the in Appendix A, Article 3.8 of the Chapel Hill Land Use Management Ordinance (LUMO). The interior setback requirement is 11' feet in the Residential-2 Zoning District. The applicants are requesting an after-the-fact dimensional variance to encroach 9 feet into the 11-foot interior setback, on the eastern property line, to accommodate multiple HVAC units. These improvements are shown on the attached site plan (Attachment 4).

DISCUSSION

Attached materials include three resolutions: Resolution A would grant the variance, Alternative Resolution A would grant the variance without the chair's summary, and Resolution B would deny the variance.

The applicant has obtained Historic District Commission approval for the house, but will need to obtain a revised Certificate of Appropriateness for the installation of the HVAC units if a variance is granted by the Board of Adjustment.

ATTACHMENTS

1. Resolution A (approving the variance)
2. Alternative Resolution A (without chair summary, approving the variance)
3. Resolution B (denying the variance)
4. Variance Procedures
5. Application Materials
6. Area Map of Subject Property