ATTACHMENT 1

RESOLUTION A - APPROVING DIMENSIONAL VARIANCE

RESOLUTION APPROVING AN APPLICATION FOR VARIANCE FROM DIMENSIONAL REGULATIONS ON PROPERTY LOCATED AT 119 BATTLE LANE (PIN 9788-68-0090, PROJECT #19-115)

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 after-the-fact variance from dimensional regulations, at 119 Battle Lane, requested by Donald Tise Jr., to encroach nine feet (9') into the interior setback on the eastern property line, to accommodate multiple HVAC units in accord with the improvements on the attached site plan, and identified as Orange County Property Identifier Number 9788-68-0090, the Board makes 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 approves the application for an after-the-fact dimensional variance from setback regulations in the Residential-2 Zoning District, in accord with the plan listed above and the following conditions, deemed necessary to achieve the purposes of the dimensional regulations and to ensure that the requested variance at 119 Battle Lane is the minimum variance necessary to afford appropriate relief:

1. That the applicants shall obtain an After-the-Fact Certificate of Appropriateness for construction of multiple HVAC units on a single-family zoning lot.

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Signed - Board of Adjustment Chair, Joseph Parrish

This, the 7th day of November 2019.