

## **MEMORANDUM**

TO: Chapel Hill Board of Adjustment

FROM: Judy Johnson, Operations Manager  
Jake Lowman, Senior Planner  
Becky McDonnell, Planner II

SUBJECT: 415 W Patterson Place: Dimensional Variance  
(PIN 9788-25-1191, Project #18-133)

DATE: October 3, 2019

## **VARIANCE SUMMARY**

The applicant, Jim Kitchen, is requesting an after-the-fact dimensional variance from the minimum interior setback for fences over six feet (6') tall. The subject property is located at 415 W Patterson Place, adjacent to the UNC Cogeneration Plant.

## **EXISTING CONDITIONS**

The 0.20 acre subject lot is in the Residential – 3 zoning district and the Cameron-McCauley Historic District. The lot contains a single-family home and slopes downward to the northwest, and the vegetation is principally hardwood trees.

## **BACKGROUND**

May 16, 2018: Subject property acquired by Jim Kitchen, owner.

July 6, 2018: Notice of Violation sent to Jim Kitchen regarding installation of a fence without proper permits.

September 21, 2018: Application submitted for an After-the-Fact Certificate of Appropriateness (COA) by Jim Kitchen.

October 9, 2018: Historic District Commission (HDC) approved an After-the-Fact COA application for an 8' tall fence.

December 31, 2018: Application submitted for an After-the-Fact Dimensional Variance by Jim Kitchen.

## **DESCRIPTION OF VARIANCE REQUEST**

Property line setbacks on the subject lot are regulated by Article 3.8 of the Chapel Hill Land Use Management Ordinance (LUMO). Fences and walls not exceeding six feet (6') in height are not subject to the required minimum setbacks. Fences or walls taller than 6' must meet the minimum setbacks; in this case, the minimum interior setback is eight feet (8'). The applicants are requesting a dimensional variance to exceed the six foot (6') limit by two feet (2') to accommodate an eight foot (8') fence located on the property line, to screen the adjacent UNC Cogeneration Plant. These improvements are shown on the attached site plan (Attachment 5).

## **DISCUSSION**

The applicant has obtained an After-the-Fact COA from the HDC. If the variance is granted for the proposed construction, the applicants would then be required to obtain an After-the-Fact Residential Zoning-Building Permit from the Town.

## **ATTACHMENTS**

1. Resolution A (approving the variance)
2. Alternative Resolution A (without chair summary) (approving the variance)
3. Resolution B (denying the variance)
4. Procedure for Variances
5. Application Materials
6. Area Map of Subject Lot