

## **ATTACHMENT 2**

### **RESOLUTION B (UPHOLDING THE TOWN STAFF'S DECISION)**

**RESOLUTION UPHOLDING THE TOWN STAFF'S DECISION THAT THE TOWN CANNOT ENFORCE THE CONDITIONS OF SPECIAL USE PERMIT NOS. 81-B-14 AND 83-A-5 FOR THE PROPERTY LOCATED AT 600 MARTIN LUTHER KING JR BLVD (PIN 9788-39-5200, PROJECT #19-120).**

WHEREAS, having reviewed the appellants' argument, the Town Staff presentation, 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 not supported by competent, material and substantial evidence presented to the Board; and

WHEREAS, in particular the Board finds that the appellants' argument to overrule the September 3, 2019 decision by the Town of Chapel Hill Staff, that the Town is time barred from enforcing the conditions of the Special Use Permit for this property, does not have merit.

THE BOARD FURTHER concludes that the evidence before the Board of Adjustment does support the determination of the Town Staff that the Town cannot require maintenance or removal of the Cobb Terrace Steps, and adopts the decision and reasons of the Town Staff as the determination and reasons of the Board.

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF ADJUSTMENT HEREBY UPHOLDS the Town Staff's September 3, 2019 decision that the Town cannot enforce the conditions of the Special Use Permit for the property located at 600 Martin Luther King Jr Blvd, and further identified as Orange County Parcel Identifier Number 9788-39-5200.

BE IT FURTHER RESOLVED that the applicant's appeal is hereby denied.

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Signed - Board of Adjustment Chair, Joseph Parrish

This the 5<sup>th</sup> day of December, 2019.