



# TOWN OF CHAPEL HILL

## Board of Adjustment Meeting Minutes

Town Hall  
405 Martin Luther King Jr.  
Boulevard  
Chapel Hill, NC 27514

Chair Joseph Parrish  
Vice-Chair Katherine Murphy  
James Bartow  
Devon Bass  
Michael E. Fox  
Brian Godfrey  
Daniel Hatley

Enton Hito  
Phillip Lyons  
Ian Morse  
Carl Schuler  
Andrew Strada  
Josephine Tetteh

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**Thursday, November 7, 2019**

**6:30 PM**

**RM 110 | Council Chamber**

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### Opening

### Roll Call

**Present**     10 - Chair Joseph Parrish, Vice-Chair Katherine Murphy, Brian Godfrey, Devon Bass, Michael E. Fox, Daniel Hatley, Phillip Lyons, Andrew Strada, Josephine Tetteh, and Ian Morse

**Absent**        3 - James Bartow, Carl Schuler, and Enton Hito

*Secretary reads procedures into the record*

### Approval of Agenda

### Announcements

Chair Parrish announced that he has met with several other advisory board chairs regarding their operation and function in the Town government.

### Petitions

### Approval of Minutes

1.     October 3, 2019 Meeting Minutes

[\[19-0874\]](#)

A motion was made by Godfrey, seconded by Strada, to approve the October 3, 2019 meeting minutes. The motion carried by a unanimous vote.

### Old Business

### New Business

2.     415 W Patterson Place: After-the-Fact Dimensional Variance

[\[19-0677\]](#)

Kay Pearlstein, representing the owner, Jim Ktichen, presented the case. The

Board discussed health, safety, and aesthetic issues arising from the UNC Cogeneration Plant located adjacent to the property. A motion was made by Lyons, seconded by Murphy, to approve the After-the-Fact variance request. The motion carried by the following vote:

**Aye:** 9 - Chair Parrish, Vice-Chair Murphy, Godfrey, Bass, Fox, Hatley, Lyons, Morse, and Strada

**Nay:** 1 - Tetteh

Godfrey moved that the Chair work with town staff to draft a letter to the contractor asking them to observe the Towns land use laws in the future. The motion, seconded by Strada, failed.

**3. 119 Battle Lane: After-the-Fact Dimensional Variance**

[\[19-0875\]](#)

Don Tise, owner, presented the case. The Board discussed the location of the HVAC unit, the roles of the owner, architect, and contractors in the placement of the unit, and a need for the Town to create clearer guidelines for applicants. A motion was made by Murphy, seconded by Bass, to approve Alternative Resolution A, a resolution to approve the variance request. The motion carried by the following vote:

**Aye:** 9 - Chair Parrish, Vice-Chair Murphy, Godfrey, Bass, Fox, Hatley, Lyons, Morse, and Tetteh

**Nay:** 1 - Strada

Godfrey moved that the Chair work with town staff to create an internal memo documenting that the HVAC contractor in this case built the unit within the setback. The motion, seconded by Hatley, failed.

*Adjournment*

Next Meeting - December 5, 2019

*Order of Consideration of Agenda Items:*

- 1. Staff Presentation*
- 2. Applicant's Presentation*
- 3. Public Comment*
- 4. Board Discussion*
- 5. Motion*
- 6. Restatement of Motion by Chair*
- 7. Vote*
- 8. Announcement of Vote by Chair*

*Public Charge: The Advisory Body pledges its respect to the public. The Body asks the public to conduct themselves in a respectful, courteous manner, both with the Body and with fellow members of the public. Should any member of the Body or any member of the public fail to observe this charge at any time, the Chair will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chair will recess the meeting until a genuine commitment to this public charge is observed.*

*Unless otherwise noted, please contact the Planning and Development Services Department at 919-969-5066; [planning@townofchapelhill.org](mailto:planning@townofchapelhill.org) for more information on the above referenced applications.*

*See the Advisory Boards page <http://www.townofchapelhill.org/boards> for background information on this Board.*