



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

Thursday, December 5, 2019

6:30 PM

RM 110 | Council Chamber

Opening

Roll Call

Staff Present: Ralph Karpinos, Town Attorney, Jake Lowman, Liaison to the Board, Becky McDonnell, Liaison to the Board, Valerie Bateman, Counsel to the Board

Present 9 - Chair Joseph Parrish, Vice-Chair Katherine Murphy, James Bartow, Brian Godfrey, Michael E. Fox, Enton Hito, Ian Morse, Andrew Strada, and Josephine Tetteh

Absent 4 - Devon Bass, Daniel Hatley, Phillip Lyons, and Carl Schuler

Secretary reads procedures into the record

Approval of Agenda

The Board recognized that 9 members were present. One of the cases, 811 Old Mill Road, is an after-the-fact variance. Due to less than 10 members being present, the applicant chose to defer to a later meeting. A motion was made by Fox, seconded by Strada, to continue the hearing to the February 6, 2020 meeting. The motion carried unanimously.

Announcements

Chair Parrish announced that recent member appointments have filled all 15 seats of the Board. The Board discussed the possibility of scheduling a retreat or special meeting to discuss long-term questions and issues. Jake Lowman, staff, announced that the January meeting date was rescheduled to January 9, 2020.

Petitions

Approval of Minutes

1. November 7, 2019 Meeting Minutes[\[19-0999\]](#)

A motion was made by Fox, seconded by Godfrey, to approve the minutes.
The motion carried unanimously.

Old Business**New Business****2. 600 Martin Luther King Jr Blvd: Appeal of Staff Decision**[\[19-1000\]](#)

Luke Farley, counsel to the applicant, presented an argument for the applicant's standing and the appeal of the Town Staff's decision that the Town is time barred from enforcing the conditions of a Special Use Permit for the development currently known as University Apartments. Ralph Karpinos, Town Attorney, presented an argument on behalf of the Town, focusing on the applicant's lack of standing, the Board's jurisdiction, and the statute of limitations. The Board discussed the question of standing and whether or not a decision was made that could be appealed. A motion was made by Bartow, seconded by Tetteh, amended by Vice-Chair Murphy, that the Board finds there is no jurisdiction in this case because the applicant does not have standing due to lack of special damages, and that there was no decision made by the Town that could be appealed pursuant to the regulating statute. The motion carried by the following vote:

Aye: 8 - Chair Parrish, Vice-Chair Murphy, Bartow, Godfrey, Hito,
Morse, Strada, and Tetteh

Nay: 1 - Fox

3. 811 Old Mill Road: After-the-Fact Dimensional Variance[\[19-1001\]](#)

This item was continued to the February 6, 2020 meeting.

4. Board Priorities[\[19-1002\]](#)

The Board discussed scheduling a special meeting to set priorities and goals.

Adjournment

Next Meeting - January 9, 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 for more information on the above referenced applications.

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