

## **MEMORANDUM**

TO: Chapel Hill Board of Adjustment

FROM: Judy Johnson, Interim Director, Planning Department  
Jake Lowman, Senior Planner  
Becky McDonnell, Planner II

SUBJECT: 811 Old Mill Road: After-the-Fact Dimensional Variance  
(PIN 9798-17-5081, Project #19-121)

DATE: March 5, 2020

### **VARIANCE REQUEST SUMMARY**

The applicant and owner, Conrad Reyes, is requesting an after-the-fact dimensional variance from the minimum interior and street setbacks for structures to allow a well cover to remain in the setback.

A variance request for the well cover to encroach into the interior setback was first heard by the Board on July 11, 2019. The application has been resubmitted with a request for the well to encroach into the street setback in addition to the interior setback. The Board may choose to rehear this request per the Board's Rules of Procedures, which state: *The Board may vote to have a rehearing on a variance or appeal case after a decision has been made if substantial new evidence is presented. Should the Board find that there is new evidence, then the rehearing will follow procedures as a new application.*

### **EXISTING CONDITIONS**

The 0.93 acre subject lot is located at 811 Old Mill Road, near the intersection with Stagecoach Road (Attachment 6). The property is in the Residential-Low Density 1 (R-LD1) zoning district and the Greenwood Neighborhood Conservation District (CD-2) and the Orange County Property Identifier Number is 9798-17-5081. The lot contains a single-family home and is relatively flat with a moderate downward slope to the east, and the vegetation is principally hardwood trees.

### **BACKGROUND**

July 10, 2015: Subject property acquired by Conrad Reyes, owner.

June 3, 2019: Application submitted for an After-the-Fact Dimensional Variance by Conrad Reyes for the interior lot line setback.

- July 11, 2019: The Chapel Hill Board of Adjustment heard the variance case. The Board voted 7 “yes” – 1 “no” for Resolution A, a resolution to approve the after-the-fact variance, failing to garner the required minimum supermajority vote (8 affirmative votes out of 10) and the resolution failed. No other action was taken, effectively denying the application.
- September 30, 2019: New application submitted for an After-the-Fact Dimensional Variance by Conrad Reyes for both interior and street lot line setbacks.

### **EXTENT OF VARIANCE**

Property line setbacks on the subject lot are regulated by the Greenwood Neighborhood Conservation District design standards, in Appendix B, Division 2 of the Chapel Hill Land Use Management Ordinance (LUMO). The interior setback requirement is 20 feet and the street setback is 50 feet, which are more restrictive setbacks than those applicable in the underlying Residential – Low Density 1 (R-LD1) zoning district (16 feet and 30 feet respectively). The applicants are requesting an after-the-fact dimensional variance to **encroach 9 feet into the 20-foot interior setback** on the southern property line, and **5 feet into the 50-foot street setback** on the western property line to accommodate a well and future well cover. These improvements are shown on the attached site plan (Attachment 5).

### **DISCUSSION**

Attached materials include three resolutions: Resolution A would grant the variance, Alternative Resolution A would grant the variance without the chair’s summary, and Resolution B would deny the variance.

The applicant has obtained a Well Permit from Orange County. If the variance is granted for the construction of the well, 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. Variance Procedures
5. Application Materials
6. Area Map of Subject Property