

# VARIANCE OR APPEAL APPLICATION



#19-131  
TOWN OF CHAPEL HILL  
Planning & Development Services  
405 Martin Luther King Jr. Blvd.  
phone (919) 969-5066 fax (919) 969-2014  
www.townofchapelhill.org

Parcel Identifier Number (PIN):

9789950130

Date:

11/12/19

## Section A: Project Information

Project Name:

McKenna Clayton Rd. Carport

Property Address:

311 Clayton Rd.

Zip Code:

27514

Existing Zoning District:

Property Setback

Description of Request:

To build a Carport in the current parking area 6 ft. beyond the Setback.

## Section B: Applicant, Owner, and/or Contract Purchaser Information

### Applicant Information (to whom correspondence will be mailed):

Name:

Kelly McKenna

Address:

311 Clayton Rd.

City:

Chapel Hill

State:

NC

Zip Code:

27514

Phone:

415-254-6239

Email:

Kelly.mckenna@gmail.com

The undersigned applicant hereby certifies that, to the best of their knowledge and belief, all information supplied with this application is true and accurate.

Signature:

Kelly McKenna

Date:

11/12/19

### Owner/Contract Purchaser Information:



Owner



Contract Purchaser

Name:

Kelly McKenna

Address:

311 Clayton Rd.

City:

Chapel Hill

State:

NC

Zip Code:

27514

Phone:

415 254 6239

Email:

Kelly.mckenna@gmail.com

The undersigned applicant hereby certifies that, to the best of their knowledge and belief, all information supplied with this application is true and accurate.

Signature:

Kelly McKenna

Date:

11/12/19



**VARIANCE OR APPEAL APPLICATION  
SUBMITTAL REQUIREMENTS**  
TOWN OF CHAPEL HILL  
Planning & Development Services

Variances and Appeals may be granted by the Board of Adjustment for dimensional regulations, water and sewer regulations, steep slope regulations, house size limitations, Resource Conservation District regulations, Jordan Buffer regulations, and Watershed Protection District regulations. The following must accompany your application. Failure to do so will result in your application being considered incomplete.

<input checked="" type="checkbox"/>	Application fee ( <a href="#">refer to fee schedule</a> )	Amount Paid \$	<u>630.00</u>
<input checked="" type="checkbox"/>	Digital Files – provide digital files of all plans and documents		
<input checked="" type="checkbox"/>	Mailing list of owners of property within 1,000 foot perimeter of subject property ( <a href="#">see GIS notification tool</a> )		
<input checked="" type="checkbox"/>	Mailing fee for above mailing list	Amount Paid \$	<u>46.75</u>
<input checked="" type="checkbox"/>	Written Narrative describing the proposal		
<input checked="" type="checkbox"/>	Statement of Justification – Respond to subsection 4.12.2(a)(1-4) of the Land Use Management Ordinance.		
<input checked="" type="checkbox"/>	Recorded Plat or Deed of Property		
<input checked="" type="checkbox"/>	Stream Determination – necessary for all submittals		
<input type="checkbox"/>	Jurisdictional Wetland Determination – if applicable		
<input checked="" type="checkbox"/>	Reduced Site Plan Set (reduced to 8.5" x 11")		

**Type of Variance or Appeal (Choose one of the following):**

- ☒ Dimensional Variance      ☐ Water and Sewer Variance      ☐ Steep Slope Variance
- ☐ House Size Variance
- ☐ Resource Conservation District Variance
- ☐ Jordan Watershed Riparian Buffer Variance
- ☐ Watershed Protection District Variance
- ☐ Appeal

Standing: Explain to the Board how the applicant is an aggrieved party (NC General Statute Sec. 160A-388(b1)(1))  
Statement of Justification: Provide justification for decision that is being appealed.



**VARIANCE OR APPEAL APPLICATION  
SUBMITTAL REQUIREMENTS**  
TOWN OF CHAPEL HILL  
Planning & Development Services

**Plan Sets (2 copies to be submitted no larger than 24" x 36")**

Plans should be legible and clearly drawn. All plan set sheets should include the following:

- Project Name
- Legend
- Labels
- North Arrow (North oriented toward top of page)
- Property Boundaries with bearing and distances
- Scale (Engineering), denoted graphically and numerically
- Setbacks
- Streams, RCD Boundary, Jordan Riparian Buffer Boundary, Floodplain, and Wetlands Boundary, where applicable



**Area Map**

- a) Overlay Districts
- b) 1,000 foot notification boundary



**Detailed Site Plan**



KELLY & BRENDAN MCKENNA

# MCKENNA CARPORT

311 CLAYTON ROAD  
CHAPEL HILL, NC 27514  
PIN# 9789950130

## ZONING

CHAPEL HILL TOWN LIMITS  
R-1

### SETBACK

28' - MINIMUM STREET SETBACK  
(ZONING OVERLAY REQUIREMENT  
SUPERCEDES ZONING)  
14' - MINIMUM INTERIOR SETBACK  
17' - MINIMUM SOLAR SETBACK

### HEIGHT RESTRICTIONS

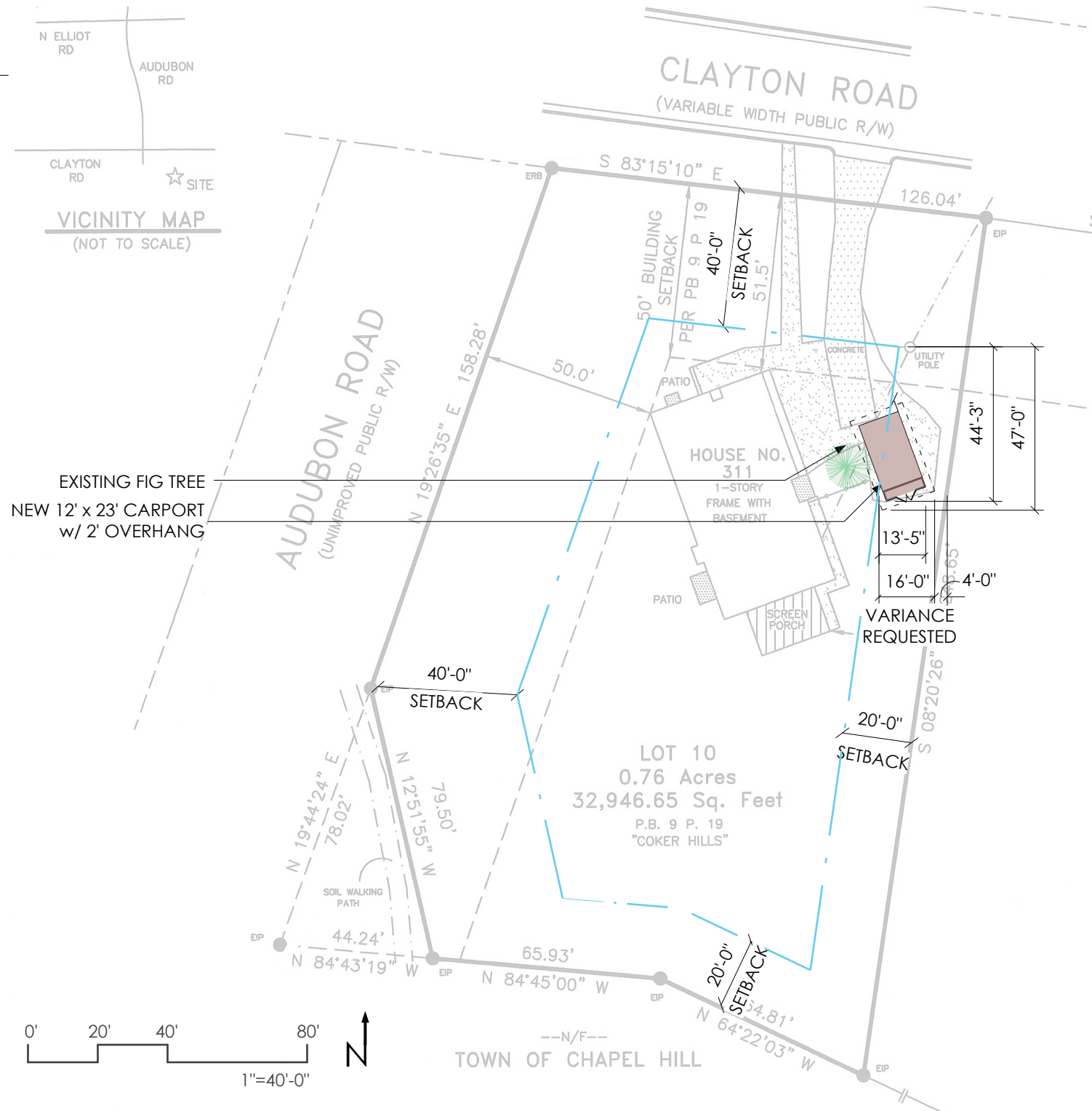
29' - MAX HEIGHT

## ZONING OVERLAY

CD-6 CONSERVATION DISTRICT  
0.2 - MAXIMUM FLOOR AREA RATIO  
FOR SINGLE FAMILY DWELLING  
40' - MINIMUM STREET SETBACK  
20' - INTERIOR & SOLAR SETBACK

## STREAMS

NOT IN STREAM BUFFER OR  
FLOODPLAIN





**Dimensional Variance Application**  
**311 Clayton Rd., Chapel Hill, NC 27514**  
**PIN 9789950130**  
**Kelly & Brendan McKenna**

Dear Board Members, Thank you for reviewing our variance request application.

Our family moved to Chapel Hill in June 2019 and purchased an Arthur Cosgwell home in the historic neighborhood of Coker Hills. We both graduated from the University of North Carolina-Chapel Hill (UNC), which is where we've met and then traveled the world together. With two young girls and extended family in North Carolina, we were ready to return to our roots.

We feel honored to have purchased such a beautiful home by a renowned architect, whom we have followed since we lived in Chapel Hill more than 20 years ago. One of the top reasons we purchased the house was the incredible lot adjacent to the Pritchard Park and public walking path and across from the EC Leonard park, which means three sides of our property do not have immediate neighbors. Additionally, we love the historic neighborhood, particularly the fact that it was created by UNC botanist William Chambers Coker, who was "intent on preserving a place where his students could explore and learn about nature." The legacy Coker Hills is the natural environment and the architectural design, both of which our home showcases. This will be our forever home.

The house has not been renovated since it was built for the Rice family in the 1960s and has had only one other owner since. It was used as two separate living spaces with no internal connection between the upstairs and downstairs, so you need to exit the house to get downstairs, which is not practical or safe for a family. We are planning renovations to the home, including adding an internal staircase to connect the up and downstairs, modernizing the bathrooms and kitchen, and updating the plumbing and HVAC, all within the original footprint. Outdoors, we plan to create better drainage, as it has impacted the foundation; to improve the landscaping; to add gutters to the front of the house; and to add a carport for our car, trash/recycling bins and bikes, which is Brendan's primary mode of transportation. We currently have nowhere to store our family bikes except indoors, and when the car is parked on the paved driveway, it is easily damaged by dropping acorns. Additionally, we plan to eliminate the invasive ivy throughout the property before it moves into Pritchard Park.

We have spoken, at length, with one of Cogswell's mentees about the design and aesthetic regarding the remodel, and we have consulted the book, *Historic Coker Hills -- a Botanists Neighborhood in Chapel Hill*. We have no plans or desire to build in our backyard woods adjacent to Pritchard Park. We recognize how hard the Coker Hills Neighborhood Association fought over decades to retain those woods.

Building the carport within the current setback poses challenges due to the positioning, topography and aesthetic of the historic Arthur Cogswell home. The home positioning on the lot is an anomaly within the neighborhood. As relief, we are asking for a

dimensional variance of a maximum of 17 feet into the 20 foot side setback that is consistent with the spirit, purpose and intent of the ordinance.

Our goals for renovating are to:

- Maintain the original aesthetic and values of this historic home and reputable architect
- Preserve as much of the natural beauty and native species of the property as possible
- Have a minimal impact on the environment

We have explored locations around the property to house the carport. All sides except for the east are steeply graded, surrounded by forest and would require building a new paved road that would extend beyond the 50' street setback (on two sides, as it's a corner lot). Building the carport within the current setback on the east side would put it just a few feet from the front door and/or completely obscure the front of this historic Cogswell home, and it would require us to tear down existing trees. We believe this does not align with Cogswell's original intent on design, aesthetic and even function.

Overview of challenges with building the carport at various locations:

- **South:** While there is room on the back / south side of the house, building behind the property would require tearing down woods adjacent to Pritchard Park, substantial costs to clear and extend the current driveway and obscuring the view of the woods from the home. The house was built at the unusual angle – with the side of the house facing the street – so that it would allow for the view from the screened-in porch and great room. We want to preserve the woods and view that the architect built the house around. Additionally, it is quite steep and not easily usable for everyone, specifically two sets of elderly parents we will be caring for and Kelly's sister who has multiple sclerosis and uses a wheelchair.
- **West:** The west side of the house is steeply graded and butts up to the public walking path to the library. The majority of this side is beyond the setback and wouldn't allow for even a driveway without encroaching on the setback.
- **North:** The north side of the house is even more steeply graded, but it would be beyond the 50' setback and too close to Clayton Rd.
- **East:** If we built on the current driveway within the setback, it would block the front of the house and create an architectural inconsistency hurting the character of the home. Most of the driveway is sloping upward, and therefore, not safe to permanently house the car. The only flat portion is the end of the paved driveway, where there is gravel for parking. If we built within existing interior setback here, on the flat portion of the property, the carport would be only three feet from the home, completely obscuring the front of this modern gem, providing no entryway and needing additional paving to ensure the car can get in. We would also need to tear down the existing fir and douglas trees. Since there is an existing "back door" at the street-facing side because of the unique positioning of the house, guests would likely use the back door vs. the front door. We would have no room for an entryway to the house.

There is already a natural space for the carport, where the paved driveway ends and parking spot exists, just beyond the setback and tucked to the left behind

foliage. Building the car port in this space would preserve the existing trees and ensure a view of the house and not carport (as in the other configurations). The attached plan illustrates that if we're able to push the carport 16 feet beyond the setback (including the eaves), we can maintain a view of the front of the home and align with Cogswell's original goals of the connection of the architecture to the nature around it. We only have one visible neighbor on the east side, but the carport would not impact this neighbor's view. Existing thick bamboo and trees on the property line provide a visible barrier, which would make this infringement on the setback unnoticeable to the neighbor. We've included photos of the trees that obscure the view between our home and the neighbor's home.

Based on this exploration and in-depth conversations several architects, we found the best possible location is on the east side where there is already a cleared and paved area that provides easy, flat and safe access to the front door. Thus, we are requesting a dimensional variance of 17 feet into the interior setback for the construction of a carport. If you will grant this variance, we will submit our full plan for permitting to ensure the entire project is within all Town of Chapel Hill guidelines and regulations.

Much thought and deliberation went into our plan. As you can see from the included land survey, stream determination, plan drawings and photos, we are preserving as much of the forest as possible and aiming to have the most minimal impact on the public's / neighborhood's view in the safest manner. We realize we are taking away permeable surface, and therefore, would like to build a living roof on top of the carport to have a neutral impact.

We appreciate your time and consideration.

Thank you,  
Kelly & Brendan McKenna



**Dimensional Variance Application Statement of Justification**  
**311 Clayton Rd., Chapel Hill, NC 27514**  
**PIN 9789950130**  
**Kelly & Brendan McKenna**

**(1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.**

We believe that an unnecessary hardship would result from the strict application of this ordinance because the house is situated at an angle to the setback. It was intentionally positioned this way to enable a view of Pritchard Park from the back, but severely limits our ability to use much of or build on the property. Given that the property is on a corner and is built on or close to setbacks on three sides (two 50' street setbacks and one 20' interior setback), this results in a large percentage of our property being unusable for building, specifically near the house. The strict application of the NCD setback would not be the best and most effective use of our property if we want to expand the size in any way to accommodate our family and prepare the home for eventual retirement.

**(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.**

This hardship is peculiar to this lot because:

- The topography of this lot is such that it's built on a hill. Three sides of the property are steeply graded and would not be easy, safe, cost-effective or handicap accessible to build on. There is only one flat section directly in front of the house, which has a sloping driveway leading up to it.
- The home is situated close to the setback on three corners, which limits our ability to build. As such, a driveway and structure cannot be built on those sides without greatly infringing on the setback.
- Because of the original location of the house being angled within the setback, we have a unique hardship not experienced by other homeowners.

**(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.**

It can be demonstrated that this hardship did not result from actions taken by the property owner because the current home was situated on the lot prior to our buying the property and built before the NCD was in place. Our work on the property and house are to improve upon the original in ways consistent with the intent of the NCD.

**(4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.**

The spirit, purpose and intent of the NCD guidelines were to maintain the unique character of the neighborhood, specifically a focus on integration with nature as dictated by Coker, and the design aesthetic of the homes, including a high concentration of mid-century modern homes. Arthur Cogswell himself lived around the corner from our home; the new owners are friends, and we've spoken with them about thoughtfully modernizing a Cogswell home.

The proposed renovations will vastly improve the home and make it livable for a family, while remaining consistent with the NCD's intent and purpose in both scale and aesthetics. Our architect can attest that one of our imperatives in design was to maintain the unique character and, when in debate, always default to Cogswell's original intent, design and even materials. This same focus will be brought to the carport.

The two sides abutting Pritchard Park and the public walking path will not be impacted, and therefore, the forest and view will be preserved, as originally intended by the architect and land developer. The structure would not be visible from these sides. The setback to the street is not impacted either. And the setback line we'd like to cross is obscured to our neighbor's by existing bamboo, which is always flowering.

Because there will be a small overall reduction of the impervious surfaces, we would like to add a living roof on the surface of the carport to compensate so that it will have a neutral impact.

**Dimensional Variance Application**  
**Photo Evidence**  
**311 Clayton Rd., Chapel Hill, NC 27514**  
**PIN 9789950130**  
**Kelly & Brendan McKenna**



East side of house, where current driveway and parking exists. You can see the thick tree line obscuring the view of the neighbor's house. More photos below.





Line of bamboo / trees on our property line blocking view of neighbor's house. These photos were taken in the winter when the foliage is most sparse.







View from current driveway on east side of house, with carport walls roped off. If the carport were placed within the setback, it would tear down the fig tree and go directly next to the house.





View from south  
facing Clayton  
and view from  
east facing the  
front of the  
home.







Views from the house roof looking at neighbor's property.







View from our porch of  
the neighbor's fence in  
the back, past the tree  
line / driveway.





View from Clayton  
Rd., north side.





View of west side and public path through Pritchard Park.





View of south side from  
property line, where  
Pritchard Park starts.

2187  
JAH

BK 6618 PG 1998 - 2000 (3) DOC# 30003820  
This Document eRecorded: 07/11/2019 03:17:22 PM  
Fee: \$26.00 Tax: \$1,210.00  
Orange County, North Carolina  
MARK CHILTON, Register of Deeds by JESSICA HAGER

### NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: 1,210.00

Tax Parcel ID No. 9789950130

Verified by JL

County

on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ By: \_\_\_\_\_

Mail/Box to Grantee: 311 Clayton Road, Chapel Hill, NC 27514

This instrument was prepared by: P. Ryan Lockamy, Attorney

Brief description for the Index: P/O 10 SEC 1 COKER HILLS P/NOR

The deed made the latest day set forth in the notary acknowledgment below, by and between

**GRANTOR:** BRAD MERRITT and AMBER ALEXANDRA LOMBARDI, a married couple,  
whose mailing address is 470 Ray Road, Chapel Hill, NC 27516

**GRANTEE:** BRENDAN MCKENNA AND KELLY MCKENNA, A MARRIED COUPLE  
whose mailing address is 311 Clayton Road, Chapel Hill, NC 27514

#### WITNESSETH:

For valuable consideration from Grantee to Grantor, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby gives, grants, bargains, sells and conveys unto Grantee in fee simple, subject to the Exceptions and Reservations hereinafter provided, if any, the following described property located in the City of Chapel Hill, County of Orange, State of North Carolina, more particularly described as follows:

#### SEE ATTACHED "EXHIBIT A"

Said property having been previously conveyed to Grantor by instrument(s) recorded in Book 6613, Page 656, and being reflected on plat(s) recorded in Map/Plat Book 9, page/slide 19.

All or a portion of the property herein conveyed ☒ includes or ☐ does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD unto Grantee, together with all privileges and appurtenances thereunto belonging, in fee simple, subject to the Exceptions and Reservations hereinafter and hereinabove provided, if any.

Submitted electronically by "Lockamy Law Firm, P.A."  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Orange County Register of Deeds.

311 Clayton Road, Parcel Owners within 1,000 feet				
LEITH DAVID H	1601 HALIFAX RD	CHAPEL HILL	NC	275142730
DARDUGNO THOMAS F	316 N ESTES DR	CHAPEL HILL	NC	27514
CUNNINGHAM STEPHEN J JR	410 CLAYTON RD	CHAPEL HILL	NC	27514
DAVIS JOSEPH P III	411 N ELLIOTT RD	CHAPEL HILL	NC	27514
HAMILTON JOHN	304 N ESTES DR	CHAPEL HILL	NC	27514
LIGOURE RICARDO	302 N ESTES DR	CHAPEL HILL	NC	27514
TUTTLE DAVID S	200 N ESTES DR	CHAPEL HILL	NC	27514
FOUREMAN JASON	314 N ESTES DR	CHAPEL HILL	NC	275142735
HARLAN JOHN M	1600 HALIFAX RD	CHAPEL HILL	NC	27514
TURPIN WALTER L	305 N ESTES DR	CHAPEL HILL	NC	27514
SEGOBIN LAW RUDRA M	312 N ESTES DR	CHAPEL HILL	NC	27514
HEINRICHS JEFFREY J	310 N ESTES DR	CHAPEL HILL	NC	27514
HENKE ELIZABETH	103 HARVEST CT	CARRBORO	NC	27510
CONNOR SARAH W	18 WILLIAMSBURG AVE	GILFORD	NH	3249
HENKE ELIZABETH	1602 HALIFAX RD	CHAPEL HILL	NC	275142731
LIGOURE RICARDO	306 N ESTES DR	CHAPEL HILL	NC	27514
BLOUNT EDGAR R JR TRUSTEE	411 CLAYTON RD	CHAPEL HILL	NC	27514
WANG YONG	408 N ELLIOTT RD	CHAPEL HILL	NC	27514
WHYBARK D CLAY	409 CLAYTON RD	CHAPEL HILL	NC	275147613
STREIFF VINCENT R	408 CLAYTON RD	CHAPEL HILL	NC	27514
DEMPSEY SARAH	409 N ELLIOTT RD	CHAPEL HILL	NC	27514
GORDON PETER C	404 LYONS RD	CHAPEL HILL	NC	27514
BROOKHART MAURICE ALAN	406 CLAYTON RD	CHAPEL HILL	NC	27514
CANTRELL TODD S	407 N ELLIOTT RD	CHAPEL HILL	NC	27514
MURPHY JOY	2121 N BAYSHORE DR APT 1019	MIAMI	FL	33137
JANSEN GENEVIEVE A	407 CLAYTON RD	CHAPEL HILL	NC	275147613
BUTLER ERIC W	406 LYONS RD	CHAPEL HILL	NC	27514
BAKER MATTHEW	405 CLAYTON RD	CHAPEL HILL	NC	27514



EPPLEIN MEIRA	404 CLAYTON RD	CHAPEL HILL	NC	27514
TAYLOR JACK A	405 ELLIOTT RD	CHAPEL HILL	NC	27514
LEARY KATHERINE A	404 N ELLIOTT RD	CHAPEL HILL	NC	27514
LINDSAY LISA ANN	402 CLAYTON RD	CHAPEL HILL	NC	275147611
WORTHEN JOHN S	403 N ELLIOTT RD	CHAPEL HILL	NC	27514
BLUE ROBERTA J	402 N ELLIOTT RD	CHAPEL HILL	NC	27514
JULIANO RUDOLPH L	408 LYONS RD	CHAPEL HILL	NC	275147631
KILEFF BRIAN	403 CLAYTON RD	CHAPEL HILL	NC	275147613
PAQUETTE DAVID W	401 CLAYTON RD	CHAPEL HILL	NC	27514
THURBER MARGAUX S TRUSTEE	400 CLAYTON RD	CHAPEL HILL	NC	27514
HOERLER JOHANNES MARKUS	401 N ELLIOTT RD	CHAPEL HILL	NC	27514
LANGSTON WILLIAM M	400 N ELLIOTT RD	CHAPEL HILL	NC	27514
ERICKSON FAMILY TRUST	1703 AUDUBON RD	CHAPEL HILL	NC	275147609
POTTS ROBERT C	311 N ELLIOTT RD	CHAPEL HILL	NC	275147627
HAYNES HARRISON E	308 N ELLIOTT RD	CHAPEL HILL	NC	27514
BOZYMSKI EUGENE M	407 LYONS RD	CHAPEL HILL	NC	275147632
STALCUP GEORGE L	1705 AUDUBON RD	CHAPEL HILL	NC	27514
ROGERS DWIGHT L III	1707 AUDUBON RD	CHAPEL HILL	NC	27514
LEE EUN YOUNG	309 CLAYTON RD	CHAPEL HILL	NC	275147612
KRICHMAN ABIGAIL D	307 CLAYTON RD	CHAPEL HILL	NC	275147612
CHAPEL HILL TOWN OF	405 MARTIN LUTHER KING JR BLVD	CHAPEL HILL	NC	27514
HUNTER KYLE	1405 MICHAUX RD	CHAPEL HILL	NC	27514
ZANGI ANNE D	1500 MICHAUX RD	CHAPEL HILL	NC	27514
MCKENNA BRENDAN	311 CLAYTON RD	Chapel Hill	NC	27514
E C LEONARD PLAYGROUND	UNKNOWN ADDRESS	CHAPEL HILL	NC	27514
ZOLLER TED DOUGLAS	1702 AUDUBON RD	CHAPEL HILL	NC	275147605
CHASE ARTHUR LUNDY	308 CLAYTON RD	CHAPEL HILL	NC	27514
HO KAM W	309 N ELLIOTT RD	CHAPEL HILL	NC	27514
FARRAN BRADLEY W	306 N ELLIOTT RD	CHAPEL HILL	NC	27514



BARNETT PAIGE H	307 ELLIOTT RD	CHAPEL HILL	NC	27514
ZUCO ROSARIO A	306 CLAYTON RD	CHAPEL HILL	NC	27514
GI JO LU LLC	319 PROVIDENCE RD	CHAPEL HILL	NC	27514
ROYAL BILLY W	1703 ALLARD RD	CHAPEL HILL	NC	27514
EARL ROYAL EMILY	4750 EL CAMINO REAL	LOS ALTOS	CA	94022
LUO XUNRONG TRUSTEE	305 CLAYTON RD	CHAPEL HILL	NC	27514
URQUHART JAMES ANDREW	304 CLAYTON RD	CHAPEL HILL	NC	275147610
ERNEST WILLIAM A	305 ELLIOTT RD	CHAPEL HILL	NC	27514
BURKE CAROL	17 OWEN CT	IRVINE	CA	92617
KENNEDY EDWARD D	302 ELLIOTT RD	CHAPEL HILL	NC	27514
WOODWARD W STEPHEN	1702 ALLARD RD	CHAPEL HILL	NC	27514
SIMMONS RAYMOND C	1503 MICHAUX RD	CHAPEL HILL	NC	275147637
NIKBAKHT KAVE N	PO BOX 3155	HICKORY	NC	28603
COLCLOUGH WILLIAM JOSEPH	1507 MICHAUX RD	CHAPEL HILL	NC	275147637
HARSHBARGER RODGERS W	300 N ELLIOTT RD	Chapel Hill	NC	27514
FIDDLEMAN ERIC D	1703 MICHAUX RD	CHAPEL HILL	NC	275147638
HAHN KLAUS MICHAEL	1502 MICHAUX RD	CHAPEL HILL	NC	275147635
KIM STEVEN YOUNG GI	1504 MICHAUX RD	CHAPEL HILL	NC	27514
ANDERSEN HAROLD	1496 LAUREL HOLLOW RD	SYOSSET	NY	117919634
SCHWARTZ ADAM DAVID	206 N ELLIOTT RD	CHAPEL HILL	NC	275147622
HAUSER KENT B	1713 MICHAUX RD	CHAPEL HILL	NC	27514
SMITH MICHAEL R	1711 MICHAUX RD	CHAPEL HILL	NC	275147639
HENRY ROBERT	615 LEE FOX LN	HILLSBOROUGH	NC	27278
BELL GERALD D	PO BOX 572	CHAPEL HILL	NC	27514
RUGEN CAROLYN W	1502 VELMA RD	CHAPEL HILL	NC	27514
BEARDSLEY KYLE	209 WOOD CIR	CHAPEL HILL	NC	27514
FARMER THOMAS H R	211 N ELLIOTT RD	CHAPEL HILL	NC	27514



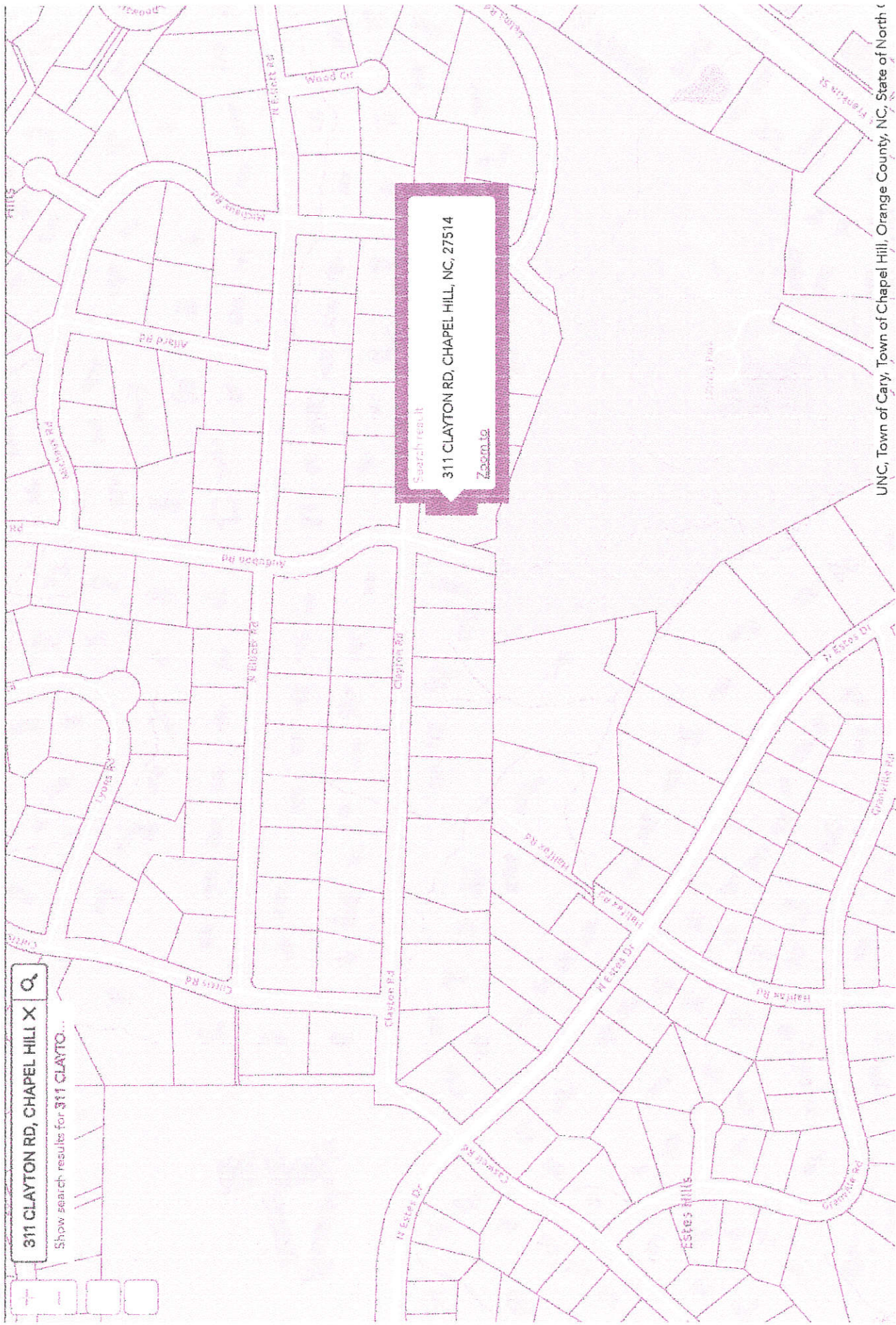


# Permit Notification Tool

Town of Chapel Hill

311 CLAYTON RD, CHAPEL HILL X

Show search results for 311 CLAYTON RD



Search results  
311 CLAYTON RD, CHAPEL HILL, NC, 27514  
Zoom to

300ft

UNC, Town of Cary, Town of Chapel Hill, Orange County, NC, State of North Carolina



Variance Application  
Written Narrative  
PIN 9789950130

Our family recently moved to Chapel Hill and purchased an Arthur Cosgwell home in the historic neighborhood of Coker Hills. We are planning renovations but want to ensure that we follow the original aesthetic and values of this historic home and reputable architect. The neighborhood walking path to the library lines the property and it backs into Pritchard Park. Another goal is to ensure that we preserve the woods behind the house.

We would like to add a car port to the property and have explored different locations to house it.

While there is room on the back low side of the house, building behind the property would require tearing down woods, obscuring the view and substantial costs to clear and extend the current driveway. Additionally, it is quite steep and not easily usable for everyone (e.g., elderly parents, sister with mobility issues). The west side of the house is too steep for a driveway. There is a natural space already cleared with a driveway on the east / entry side, which is higher and flat. However, building within the current setback in that space would obstruct the architecture and character of this historical modern home. It would also require tearing down the existing fig and dogwood trees, which we would like to preserve.

There is a natural cleared and private space for the carport just beyond the setback. This would enable us to preserve the woods and architectural draw of the home for the neighborhood. The plan illustrates that if we're able to push the carport beyond the setback, we can maintain a view of the front of the home and align with Cogswell's original goals of the connection of the architecture to the nature around it. We would not have to cut down existing trees. And it would not impact the next door neighbor's view. Existing thick bamboo and trees on the property line would make this infringement on the setback unnoticeable to the next door neighbor. We've included photos of the trees that obscure the view between our home and the neighbor's home.

We appreciate your time and consideration.

Thank you,  
Kelly & Brendan McKenna

Variance Application  
Statement of Justification  
PIN 9789950130

"Statement of Justification: Respond to parts 1-7 of Subsection 4.12.2(a) of the Land Use Management Ordinance"

We are requesting a variance to the standards of the zoning ordinance to build a carport at 311 Clayton Road beyond the setback. Building within the current setback poses challenges due to the topography and aesthetic of the historic Arthur Cogswell home.

The south and east sides of the home are steeply graded and would not be usable for disabled family members (e.g., sister with a walker, elderly parents). Additionally, it would require cutting down woods adjacent to Pritchard Park and the public path to the library. Building within the setback would obscure the front of the home and obstruct the architectural character and value, which is reflected throughout this historic neighborhood. It would also require tearing down the existing fig and dogwood trees.

There is a natural and cleared private space for the carport, where parking currently exists, six feet beyond the setback. Building the car port in this space would preserve the existing trees and ensure a view of the house (not carport) to align with Cogswell's original aesthetic and goals in design. The carport in this space would not be an issue for the neighbor, as thick bamboo and trees on the property line would obscure the carport from the neighbor's view (photos attached).

We purchased the property in June 2019 and have not yet moved in, as we are remodeling.

MCKENNA CARPORT

## ZONING

R-1

## SETBACK

**28' - MINIMUM STREET SETBACK  
(ZONING OVERLAY REQUIREMENT  
SUPERCEDES ZONING)**

14' - MINIMUM INTERIOR SETBACK  
17' - MINIMUM SOLAR SETBACK

## HEIGHT RESTRICTIONS

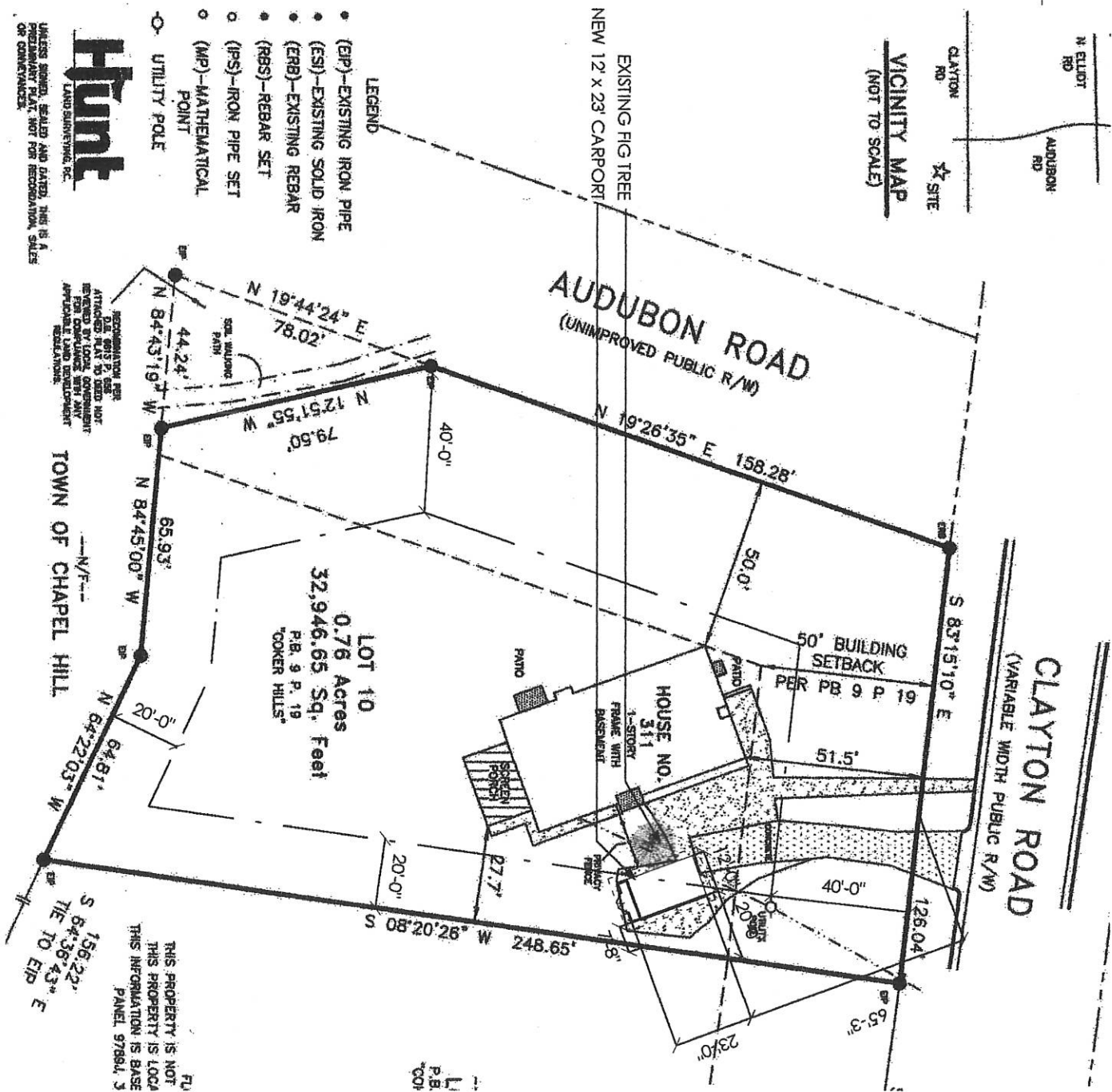
29' - MAX HEIGHT

## ZONING OVERLAY

CD-6 CONSERVATION DISTRICT  
0.2- MAXIMUM FLOOR AREA RATIO  
FOR SINGLE FAMILY DWELLING  
40'- MINIMUM STREET SETBACK  
20'- INTERIOR & SOLAR SETBACK

## STREAMS

NOT IN STREAM BUFFER OR  
FLOODPLAIN









**PUBLIC WORKS DEPARTMENT  
STORMWATER MANAGEMENT DIVISION**

405 Martin Luther King, Jr. Blvd.  
Chapel Hill, NC 27514-5705  
Telephone (919) 969-7246  
Fax (919) 969-7276  
[www.townofchapelhill.org](http://www.townofchapelhill.org)

October 11, 2019

Ms. Kelly McKenna  
311 Clayton Road  
Chapel Hill, NC 27514  
[Kellyomckenna@gmail.com](mailto:Kellyomckenna@gmail.com)

**RE: Stream Determination for 311 Clayton Road, Chapel Hill, NC  
PIN 9789-95-0130**

Dear Ms. McKenna:

As requested, the Town Public Works Department has performed a stream determination for the property identified on the attached forms. This determination indicates whether different types of streams (perennial, intermittent, and/or ephemeral) or perennial waterbodies are present on the property in question or on nearby properties. These streams and their classifications are shown on the accompanying map. Stream segments regulated by the Town's Jordan Lake Watershed Riparian Buffer regulations are highlighted. Locations of all features on the map are approximate and must be field surveyed for precise location.

This stream determination information is used to determine the location and extent of the Resource Conservation District (RCD) and Jordan Lake Watershed Riparian Buffers. Specific land use regulations and restrictions apply within the boundaries of these protected areas. If you are considering any kind of work on this property, including clearing vegetation, paving, grading, or building, please consult with the Town Planning Department to determine the possible extent of the Resource Conservation District (RCD) and Jordan Lake Watershed Riparian Buffer on this property and the applicable corresponding regulations.

This stream determination will remain in effect for five years from the date of the site visit, after which a new stream determination with site visit will be required.

In accordance with the Town's procedures, you may appeal this administrative decision to the Town Manager. If you wish to do so, you must file your written appeal accompanied by any materials you believe support your appeal, within **30 days** of receipt of this letter.

If you have questions regarding stream determinations, please contact me at (919) 969-7202 or [aweakley@townofchapelhill.org](mailto:aweakley@townofchapelhill.org). If you have questions regarding the Town's Resource Conservation District (RCD) or the Jordan Watershed Riparian Buffer regulations, please contact the Planning Department at (919) 968-2728, or view information online at: <http://www.townofchapelhill.org/town-hall/departments-services/public-works/stormwater-management/regulations-ordinances>.

Regards,

A handwritten signature in black ink that reads "Allison Schwarz Weakley".

Allison Schwarz Weakley  
Stormwater Analyst



# Stream Determination Area Map

Unclassified Stream

Ephemeral Stream

Intermittent Stream

Perennial Stream

2-foot Contours

10-foot Contours

Buildings

Parcels

Approximate Jordan Buffer

Town Property

Subject Property

Possible Jurisdictional Wetlands

Non-perennial Waterbody

Wide Perennial Stream

Perennial Waterbody

Ephemeral Breakpoint

Intermittent Breakpoint

Perennial Breakpoint

Address: 311 Clayton Road, Chapel Hill

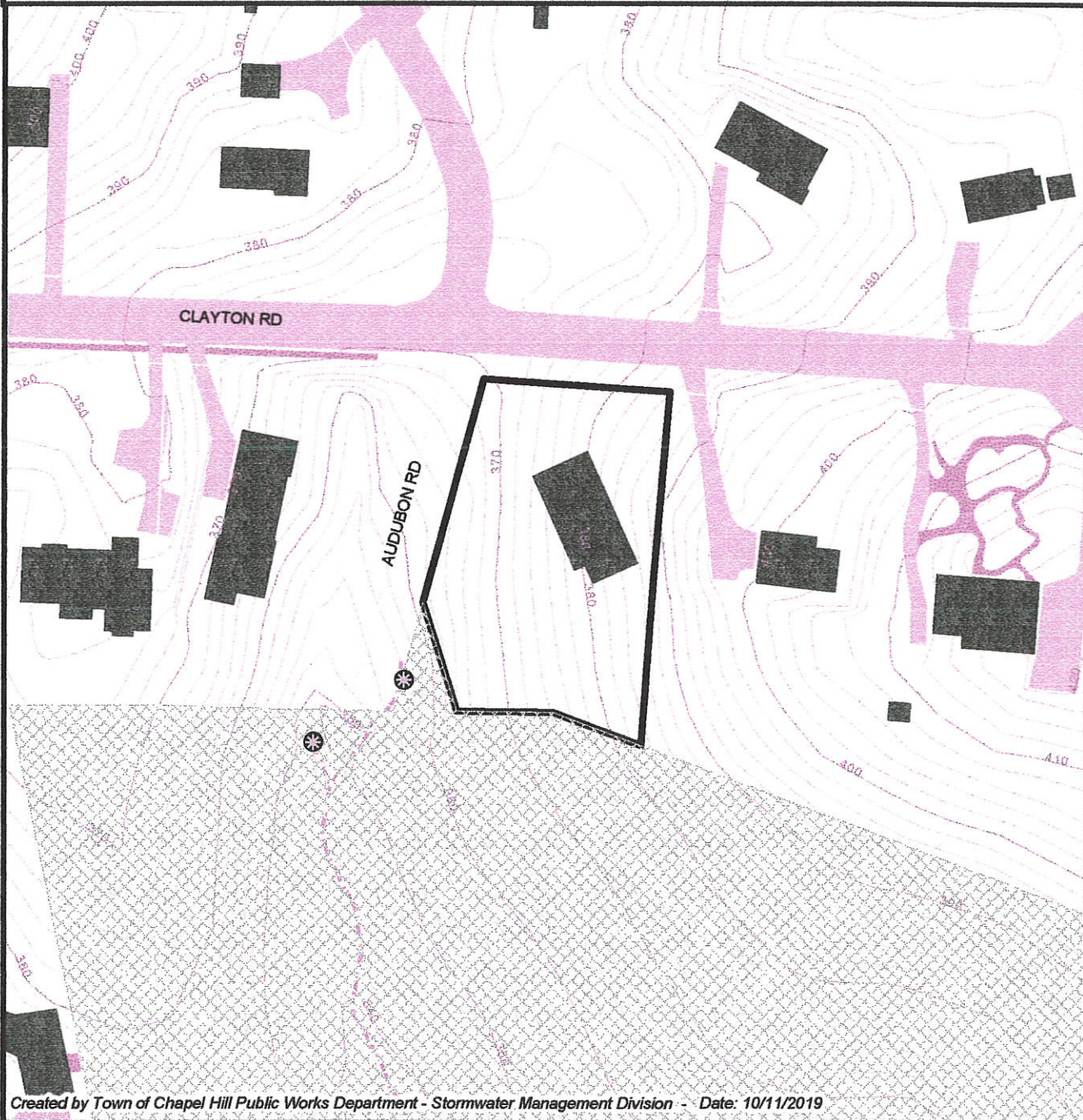
Parcel ID: 9789-95-0130

0 50 100 200 Feet



1 inch = 100 feet

Stream locations are approximate and must be verified by survey.  
Buffers are measured from top of bank. RCD buffers may apply.  
Please contact the Town of Chapel Hill Planning Department to verify.





# USGS 24K Topographic / County Soil Survey Maps

 Subject Property

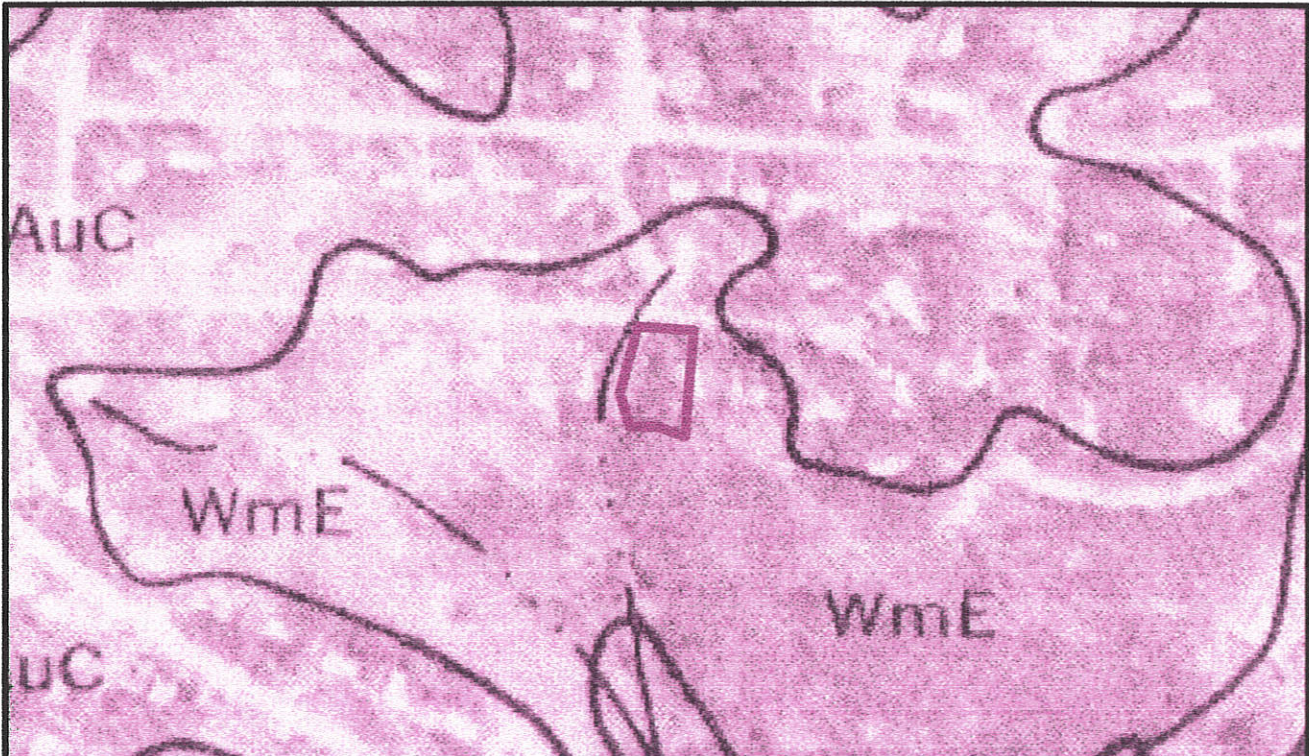
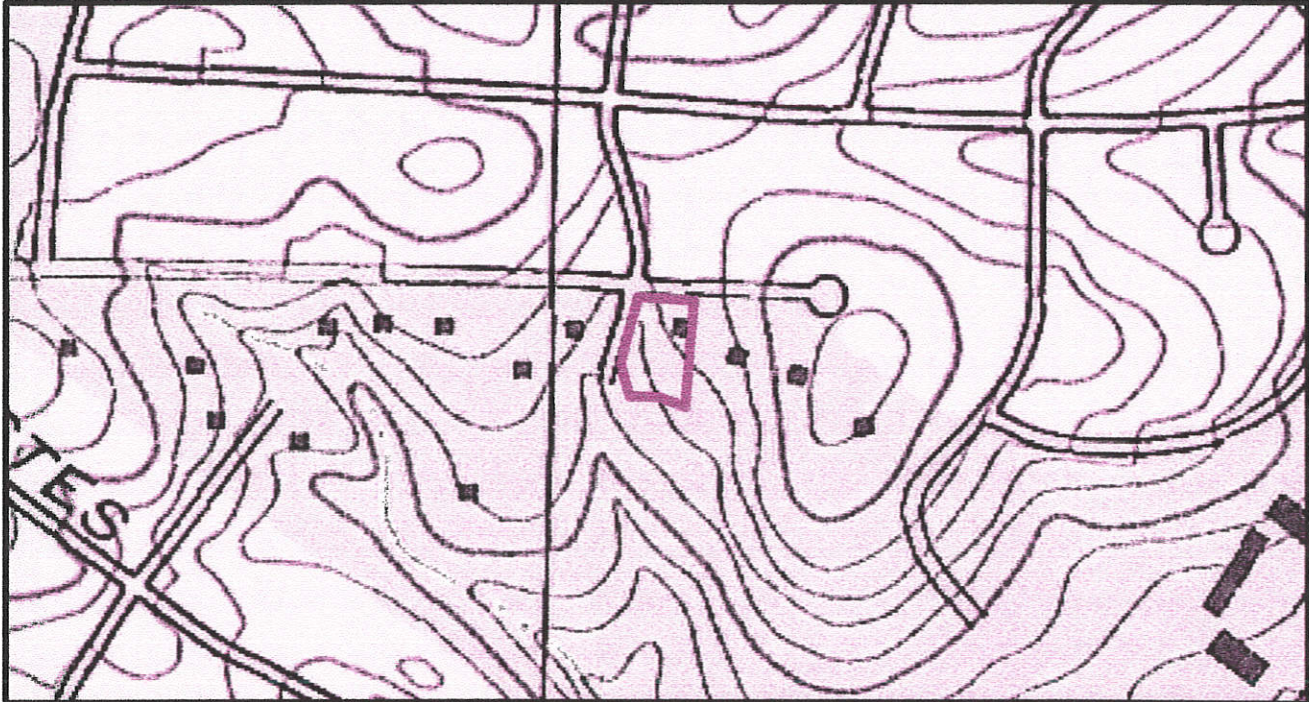
**Address:** 311 Clayton Road, Chapel Hill, NC

0 125 250 375 500 Feet

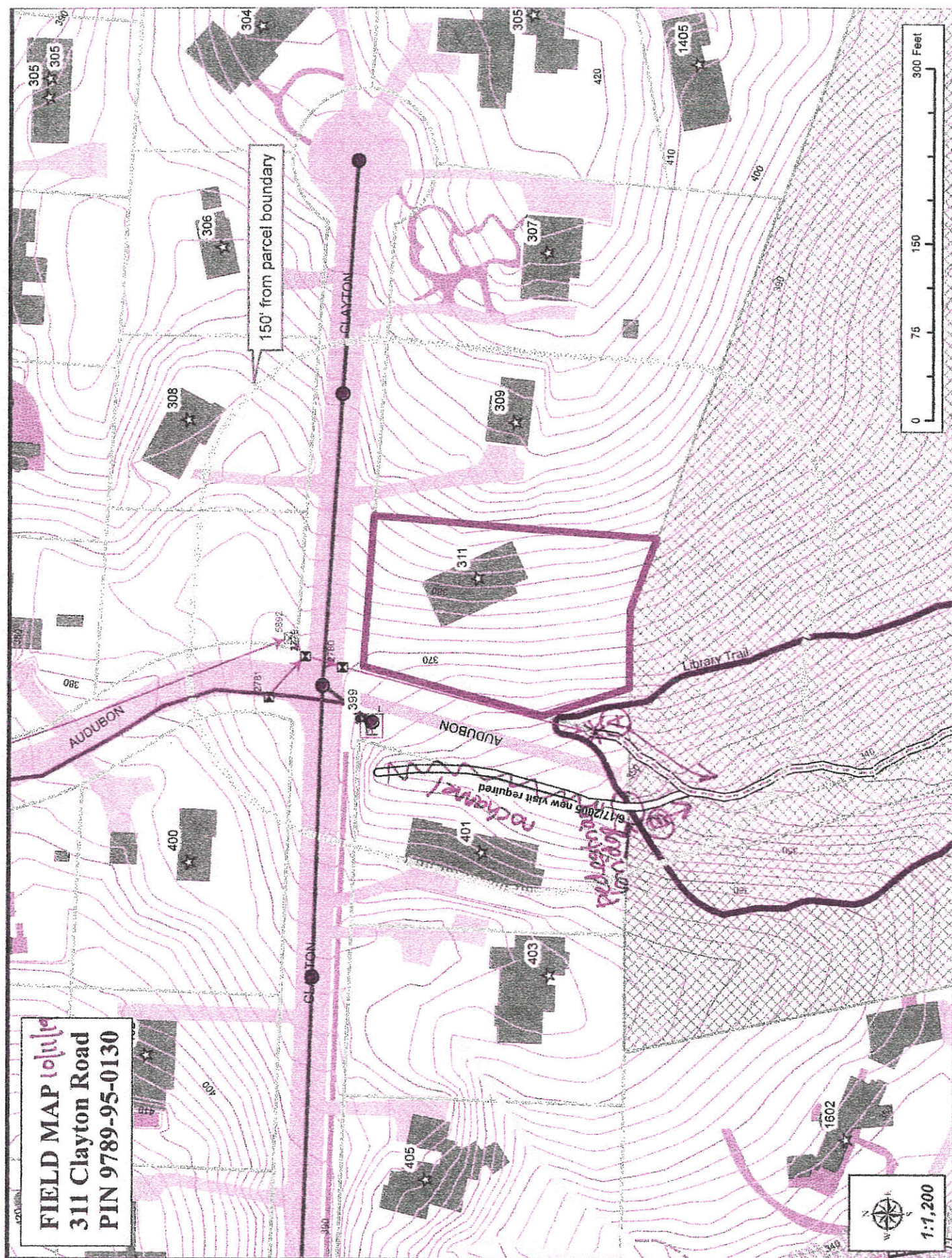
**Parcel ID:** 9789-95-0130

1 inch = 400 feet

Created by Town of Chapel Hill Public Works Department - Stormwater Management Division- 10/11/2019









20191011015

## NC DWQ Stream Identification Form Version 4.11

Feature A

Date: 10/11/19	Project/Site: 311 Clayton	Latitude: 35.934
Evaluator: Weakley	County: Orange	Longitude: -79.037
Total Points: Stream is at least intermittent if $\geq 19$ or perennial if $\geq 30^*$ 17	Stream Determination (circle one) Ephemeral Intermittent Perennial	Other e.g. Quad Name:

## A. Geomorphology (Subtotal = 12)

	Absent	Weak	Moderate	Strong
1 <sup>a</sup> . Continuity of channel bed and bank	0	1	2	3
2. Sinuosity of channel along thalweg	0	1	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	2	3
4. Particle size of stream substrate	0	1	2	3
5. Active/relict floodplain	0	1	2	3
6. Depositional bars or benches	0	1	2	3
7. Recent alluvial deposits	0	1	2	3
8. Headcuts	0	1	2	3
9. Grade control	0	0.5	1	1.5
10. Natural valley	0	0.5	1	1.5
11. Second or greater order channel	No = 0		Yes = 3	

<sup>a</sup> artificial ditches are not rated; see discussions in manual

## B. Hydrology (Subtotal = 2)

12. Presence of Baseflow	0	1	2	3
13. Iron oxidizing bacteria	0	1	2	3
14. Leaf litter	1.5	1	0.5	0
15. Sediment on plants or debris	0	0.5	1	1.5
16. Organic debris lines or piles	0	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

## C. Biology (Subtotal = 3)

18. Fibrous roots in streambed	3	2	1	0
19. Rooted upland plants in streambed	3	2	1	0
20. Macroinvertebrates (note diversity and abundance)	0	1	2	3
21. Aquatic Mollusks	0	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

<sup>a</sup> perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Feature begins @ pipe outfall. Channel well defined in upper reach, w/ significant sediment deposition. Channel becomes more shallow & sinuous in downstream reach, w/ braided channels.



201910111027

## NC DWQ Stream Identification Form Version 4.11

Feature (B)

Date: 10/11/19	Project/Site: 311 Dayton	Latitude: 35.934
Evaluator: Weakley	County: Orange	Longitude: -79.038
Total Points: Stream is at least intermittent if $\geq 19$ or perennial if $\geq 30^*$ 9.5	Stream Determination (circle one) Ephemeral Intermittent Perennial	Other e.g. Quad Name:

## A. Geomorphology (Subtotal = 4.5)

	Absent	Weak	Moderate	Strong
1 <sup>a</sup> . Continuity of channel bed and bank	0	1	2	3
2. Sinuosity of channel along thalweg	0	1	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	2	3
4. Particle size of stream substrate	0	1	2	3
5. Active/relict floodplain	0	1	2	3
6. Depositional bars or benches	0	1	2	3
7. Recent alluvial deposits	0	1	2	3
8. Headcuts	0	1	2	3
9. Grade control	0	0.5	1	1.5
10. Natural valley	0	0.5	1	1.5
11. Second or greater order channel	No = 0		Yes = 3	

<sup>a</sup> artificial ditches are not rated; see discussions in manual

## B. Hydrology (Subtotal = 1)

12. Presence of Baseflow	0	1	2	3
13. Iron oxidizing bacteria	0	1	2	3
14. Leaf litter	1.5	1	0.5	0
15. Sediment on plants or debris	0	0.5	1	1.5
16. Organic debris lines or piles	0	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

## C. Biology (Subtotal = 4)

18. Fibrous roots in streambed	3	2	1	0
19. Rooted upland plants in streambed	3	2	1	0
20. Macrobenthos (note diversity and abundance)	0	1	2	3
21. Aquatic Mollusks	0	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

\*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Feature begins ~ pedestrian bridge on Library trail off Audubon stub out - see field map.

PROVIDED THAT THIS PLAN BE RECORDED WITHIN  
THIRTY DAYS OF FINAL APPROVAL,  
RECOMMENDED BY PLANNING BOARD:

*Robert J. Allen*  
DATE: *Sept 15 1960*  
APPROVED BY BOARD OF ALDERMEN:

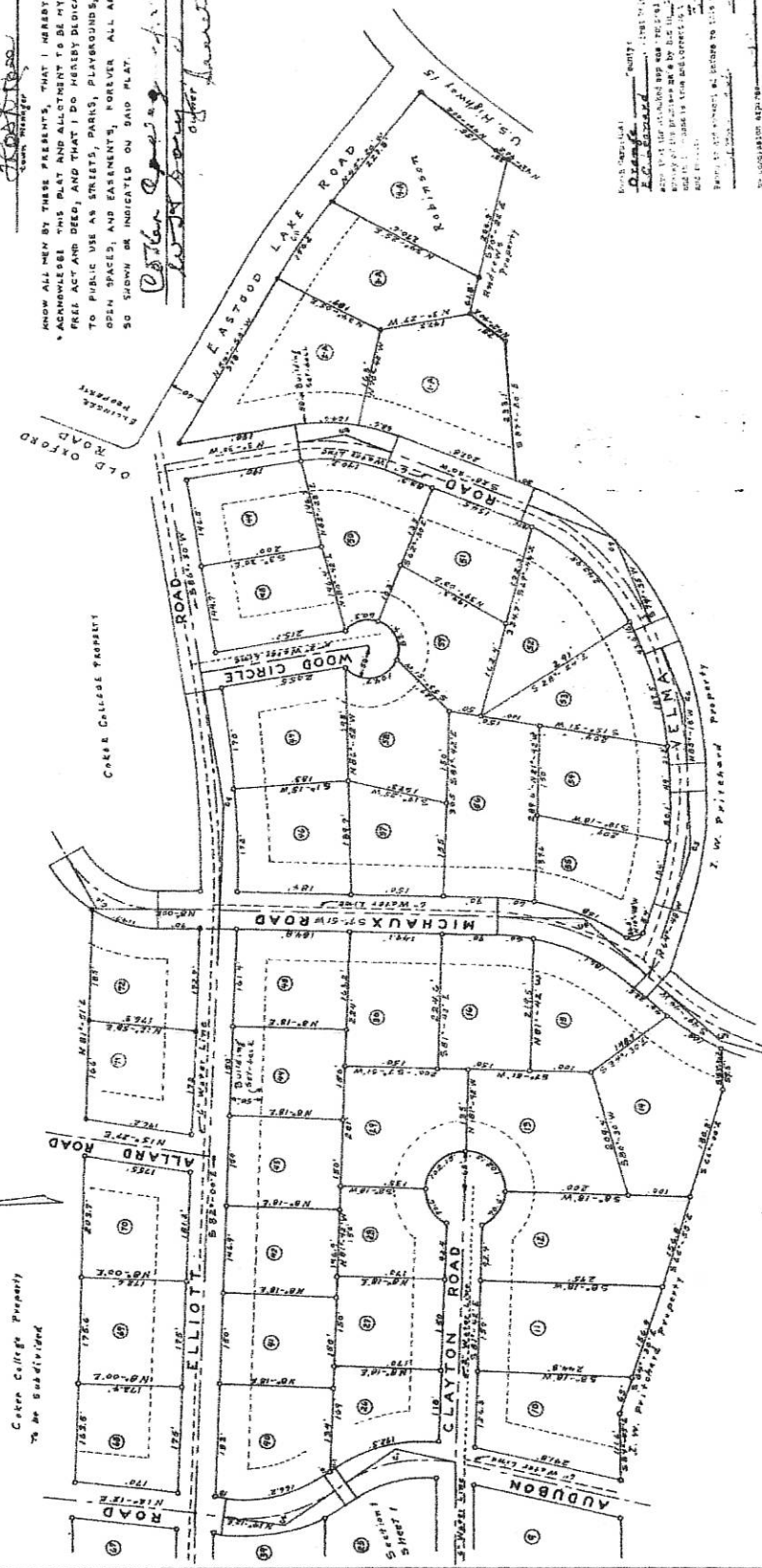
*De Young 10 1960*  
DATE: *Sept 15 1960*  
APPROVED BY BOARD OF ALDERMEN:

KNOW ALL MEN BY THESE PRESENTS, THAT I HEREBY  
CERTIFY THAT ON THIS, THE *14TH* DAY OF  
*October*, 1960, ALL STREETS AND ALLEYS  
SHOWN ON THIS PLAN HAVE BEEN GRADED AND STORM  
DRAINS HAVE BEEN INSTALLED BY THE SUBDIVIDER  
IN AN APPROVED MANNER.

KNOW ALL MEN BY THESE PRESENTS, THAT I HEREBY  
ACKNOWLEDGE THIS PLAN AND ALL TOWNSHIP TO BE MY  
FREE ACT AND DEED, AND THAT I DO HEREBY DEDICATE  
TO PUBLIC USE AS STREETS, PARKS, PLAYGROUNDS,  
OPEN SPACES, AND EASEMENTS, FOREVER ALL AREAS  
SO SHOWN OR INDICATED ON SAID PLAN.

*Robert J. Allen*  
*owner*

NOTED FOR  
RECORD  
BY  
CLERK  
OF  
CITY  
OF  
HARTSVILLE, S.C.  
DATE: *Sept 15 1960*  
BY: *Robert J. Allen*  
SUBDIVIDER



COKER HILLS  
PROPERTY OF COKER COLLEGE - HARTSVILLE, S.C.  
SCALE: 1 INCH = 100 FEET  
SEPT, 1960

E.C. LLOYD - REG. SURVEYOR  
GEORGE SURVEYING ENGINEERS, INC.  
SECTION 1 - SHEET 2 /  
AREA OF CLOSURE: 15,000  
MINIMUM LOT SIZE: 0.60 AC.

CURVE DATA											
C	C <sub>2</sub>	C <sub>3</sub>	C <sub>4</sub>	C <sub>5</sub>	C <sub>6</sub>	C <sub>7</sub>	C <sub>8</sub>	C <sub>9</sub>	C <sub>10</sub>	C <sub>11</sub>	C <sub>12</sub>
A 42°-23'	42°-23'	42°-23'	42°-23'	42°-23'	42°-23'	42°-23'	42°-23'	42°-23'	42°-23'	42°-23'	42°-23'
T 98°-4'	98°-4'	98°-4'	98°-4'	98°-4'	98°-4'	98°-4'	98°-4'	98°-4'	98°-4'	98°-4'	98°-4'
D 23°-04'	23°-04'	23°-04'	23°-04'	23°-04'	23°-04'	23°-04'	23°-04'	23°-04'	23°-04'	23°-04'	23°-04'
R 21°-4'	21°-4'	21°-4'	21°-4'	21°-4'	21°-4'	21°-4'	21°-4'	21°-4'	21°-4'	21°-4'	21°-4'
L 21°-4'	21°-4'	21°-4'	21°-4'	21°-4'	21°-4'	21°-4'	21°-4'	21°-4'	21°-4'	21°-4'	21°-4'

