

## **MEMORANDUM**

TO: Chapel Hill Board of Adjustment

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

SUBJECT: 311 Clayton Road: Dimensional Variance  
(PIN 9789-95-0130, Project #19-131)

DATE: March 5, 2020

### **VARIANCE REQUEST SUMMARY**

The applicants, Kelly and Brendan McKenna, are requesting a dimensional variance from the minimum interior setback in the Coker Hills Neighborhood Conservation District for the construction of a carport.

### **EXISTING CONDITIONS**

The 0.76 acre subject lot is located at 311 Clayton Road near the intersection of Clayton Road and Audubon Road. The property is in the Residential-1 (R-1) zoning district and the Coker Hills Neighborhood Conservation District (CD-6) and the Orange County Property Identifier Number is 9789-95-0130. The lot has a single-family home on it with a gravel driveway on Clayton Road and abuts Pritchard Park. The lot is steeply sloped downward to the south, west, and north, and the vegetation is principally hardwood trees and patches of bamboo.

### **BACKGROUND**

July 11, 2019: Subject property acquired by property owners, Kelly and Brendan McKenna.

November 12, 2019: Application submitted for a Dimensional Variance by Kelly McKenna

### **EXTENT OF VARIANCE**

Property line setbacks on the subject lot are regulated by the Coker Hills Neighborhood Conservation District design standards, in Appendix B, Division 3.3 of the Chapel Hill Land Use Management Ordinance (LUMO). The interior setback requirement is 20 feet in this NCD, more restrictive setbacks than the setback applicable in the underlying Residential – 1 zoning district (14 feet). The applicants are requesting a dimensional variance to encroach 17 feet into the 20-

foot interior setback, on the eastern property line. The applicant states that the proposed encroachment is to accommodate a proposed carport. These proposed 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.

If the variance is granted for the construction of the carport, the applicants would then be required to obtain a Residential Zoning-Building Permit from the Town, prior to beginning construction. Also required would be appropriate application materials with dimensional details related to property setbacks. In addition, an as-built survey would be prerequisite to a receiving a Certificate of Occupancy, to verify that the construction doesn't exceed the variance granted.

### **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