

**ATTACHMENT 3**

**RESOLUTION B - DENYING DIMENSIONAL VARIANCE**

**RESOLUTION DENYING AN APPLICATION FOR VARIANCE FROM DIMENSIONAL REGULATIONS ON PROPERTY LOCATED AT 811 OLD MILL ROAD (PIN 9798-17-5081, PROJECT #19-121)**

WHEREAS, having reviewed the applicant's argument and various documents and other evidence submitted at the hearing on this matter, and having heard public comment on the application, the Board of Adjustment finds as facts those facts summarized by the Chair at the conclusion of the Board's hearing of this matter and hereby incorporates them by reference as Board Findings of Fact; and finds that such facts are supported by competent, material, and substantial evidence presented to the Board; and

BE IT RESOLVED by the Board of Adjustment of the Town of Chapel Hill that, having considered the requested after-the-fact variance from dimensional regulations, at 811 Old Mill Road, requested by Conrad Reyes, to encroach nine feet (9') into the interior setback on the southern property line, and five feet (5') into the street setback on the western property line, to accommodate a well in accord with the improvements on the attached site plan, and identified as Orange County Property Identifier Number 9798-17-5081, and having determined that the applicant has presented sufficient new evidence to warrant the Board's reconsideration of this application, the Board does not make the following findings:

1. Unnecessary hardship would result from the strict application of the ordinance.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography.
3. The hardship did not result from actions taken by the applicants or the property owner.
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.

BE IT FURTHER RESOLVED that the Board hereby denies the application for an after-the-fact dimensional variance from setback regulations in the Greenwood Neighborhood Conservation District, at 811 Old Mill Road.

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Signed - Board of Adjustment Chair, Joseph Parrish

This, the 3<sup>rd</sup> day of September 2020.