

## ATTACHMENT 2

### ALTERNATIVE RESOLUTION A - APPROVING DIMENSIONAL VARIANCE

#### **RESOLUTION APPROVING AN APPLICATION FOR VARIANCE FROM DIMENSIONAL REGULATIONS ON PROPERTY LOCATED AT 940 CARMICHAEL STREET (PIN 9798-04-5260, PROJECT #20-063)**

WHEREAS, having reviewed the applicant's argument and various documents and other evidence submitted at the hearing on this matter, the Board of Adjustment finds as facts those uncontested, submitted by the applicants at 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 variance from dimensional regulations, at 940 Carmichael Street, requested by Carlos Lima, to exceed the six foot (6') height limit for fences inside the setback by two feet (2'), on the western property line, to accommodate an eight foot (8') tall fence in accord with the improvements on the attached site plan, and identified as Orange County Property Identifier Number 9798-04-5260, the Board makes 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 approves the application for a dimensional variance from setback regulations in the Residential – 5 – C (R-5-C) Zoning District, in accord with the plan listed above and the following conditions, deemed necessary to achieve the purposes of the dimensional regulations and to ensure that the requested variance at 940 Carmichael Street is the minimum variance necessary to afford appropriate relief:

1. That the applicants shall obtain a Zoning Compliance Permit for construction of a fence on a non-residential zoning lot.

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Signed - Board of Adjustment Chair, Joseph Parrish

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