

## **MEMORANDUM**

TO: Chapel Hill Board of Adjustment

FROM: Colleen Willger, Planning Director  
Becky McDonnell, Planner II

SUBJECT: 103 New Parkside Drive: Appeal of Staff Decision  
(PIN 9880-22-6448, Project #21-068)

DATE: October 7, 2021

## **VARIANCE SUMMARY**

Joe Valentine, represented by Randy Herman, BA Folk, is appealing a Town Staff decision on September 1, 2021 that the use of the property as a short-term rental is not a legal nonconforming use. The appellant's argument is that the staff decision was based on provisions in the Land Use Management Ordinance that are without legal effect.

## **EXISTING CONDITIONS**

The 0.32 acre subject lot is in the Residential – 2 (R-2) zoning district. The lot contains a single-family home and has been used as a short-term rental since 2016.

## **BACKGROUND**

July 22, 2004: Subject property acquired by Joe Valentine, owner.

June 23, 2021: The Town of Chapel Hill adopted Article 6.27 of the Land Use Management Ordinance, regulating Short-Term Rentals. The new ordinance was based on two years of public outreach and community meetings. For more information, please visit the [project webpage](#).

August 3, 2021: Joe Valentine requested a zoning opinion letter from the Town.

September 1, 2021: Anya Grahn, Senior Planner, sent a zoning opinion letter to Joe Valentine, the property owner, summarizing the Town's position that the subject property's use as a short-term rental does not qualify as a legal nonconforming use.

September 8, 2021: Application submitted appealing the Town Staff's decision.

## **DISCUSSION**

Attached materials include two resolutions: Resolution A would grant the appeal and overrule the Town Staff's decision and Resolution B would deny the appeal and uphold the Town Staff's decision.

Additionally, the Board's options are not limited by these draft resolutions. Based on the record of the Town Staff's decision and the Board's own hearing, the Board could consider taking some other action.

## **ATTACHMENTS**

1. Resolution A (overruling the Town Staff's decision)
2. Resolution B (upholding the Town Staff's decision)
3. Procedure for Appeals of Town Staff Decisions
4. Application Materials
5. Record of Town Staff Decision
6. Area Map of the Subject Property