

# STATEMENT OF JUSTIFICATION

Bolinwood Leasing Office at Stratford Hills Apartments

**Property Address:** 700 Bolinwood Drive, Chapel Hill, NC 27514

**Applicant:** Vinton E. Fountain Jr Trust, Stratford Investments LLC

**Engineer of Record:** Bryan K. Alston, P.E., LSIT, CFM, Civil Builders Engineering Services, P.C.

**Date:** May 8, 2026

**Variance Requested:** Variance from the Town of Chapel Hill street setback requirement to allow construction of a new leasing office at the proposed location, resulting in approximately eighteen (18) feet of encroachment into the required setback along Bolinwood Drive.

## Project Background

The applicant proposes to construct a new leasing office on the existing Stratford Hills Apartments parcel at 700 Bolinwood Drive. The existing site is a long-established multifamily residential development with associated swimming pool, parking lots, drive aisles, and supporting infrastructure. The proposed leasing office is intended to serve the existing apartment community by providing a visible, accessible point of contact for prospective and current residents.

The site is encumbered by multiple physical and regulatory constraints:

- The Town of Chapel Hill Resource Conservation District (RCD) overlay covers a substantial portion of the parcel along the rear stream corridor.
- An intermittent stream, confirmed by the Town through stream determination dated March 3, 2025 and March 4, 2025, runs along the rear of the property.
- An ephemeral stream and existing storm drainage infrastructure occupy portions of the buildable envelope.
- Existing apartment buildings, parking lots, drive aisles, and the swimming pool occupy a significant share of the parcel.
- 100-Year Floodplain(Special Flood Hazard Area) extent further reduces the developable area.

Through pre-application coordination with the Town of Chapel Hill Planning Department, the applicant, through coordination with the Town of Chapel Hill Planning Department, has identified the proposed location for the leasing office as the recommended position after evaluating alternatives that meets the Owner's operational and visibility requirements while avoiding encroachment into the RCD and stream buffer. This proposed position results in approximately eighteen (18) feet of encroachment into the 24-foot street setback along Bolinwood Drive. The applicant respectfully requests a variance to allow this 18-foot encroachment so the project can proceed.

The following four findings of fact address each of the criteria the Board of Adjustment is required to consider under the Town of Chapel Hill Land Use Management Ordinance and North Carolina General Statute 160D-705(b).

### **Finding 1: Unnecessary hardship would result from strict application of the ordinance.**

Strict application of the street setback requirement would prevent the applicant from placing the leasing office in a position that meets its operational purpose. A leasing office must be visible from Bolinwood

Drive to function as the front-of-house point of contact for an apartment community of this size. The buildable envelope on the parcel is severely restricted by:

- The RCD overlay along the rear of the property
- The Town-confirmed intermittent stream and its required buffer
- Existing apartment buildings, parking infrastructure, and the swimming pool already constructed on the site
- An ephemeral stream and existing storm drainage infrastructure that further constrain placement
- Floodplain extent that reduces the developable area

The applicant evaluated five alternative locations before selecting the proposed position. Potential Area 1 was rejected because the proposed footprint falls within the Town of Chapel Hill Resource Conservation District (RCD) overlay. Potential Area 2 was rejected for limited buildable area, retaining wall constraints, and the presence of an intermittent stream corridor. Potential Area 3 was rejected for limited buildable area and existing overhead electrical infrastructure crossing the location. Potential Area 4 was rejected because it would require relocating the existing dumpster enclosure, impairing service access and screening compliance for the apartment community. Potential Area 5, the selected position, is the only location that meets the Owner's operational and visibility requirements while avoiding the RCD, the intermittent stream buffer, the floodplain, and existing overhead electrical and dumpster service infrastructure. The proposed footprint at Potential Area 5 results in approximately eighteen (18) feet of encroachment into the 24-foot street setback along Bolinwood Drive, which is the variance respectfully requested.

**Finding 2: The hardship results from conditions that are unique to the property.**

The constraints driving this variance are specific to 700 Bolinwood Drive and are not shared generally by other properties in the surrounding zoning district. Specifically:

- The RCD overlay, while applied across multiple Town parcels, does not encumber every parcel along Bolinwood Drive; on this site it occupies a substantial share of the parcel.
- The intermittent stream determination is property-specific.
- The existing dense development pattern of Stratford Hills Apartments was established at original construction; it is not a feature shared by undeveloped or less-developed neighboring sites.
- The combination of constraints (RCD overlay, stream buffer, pre-existing apartment footprint, ephemeral stream, swimming pool and floodplain) creates a buildable envelope that is unusually narrow for a property of this size.

Adjacent and nearby properties along Bolinwood Drive do not face this same combination of regulatory and physical constraints. The hardship is therefore unique to this property and cannot be remedied by a generally applicable amendment to the ordinance.

**Finding 3: The hardship did not result from actions taken by the applicant.**

The conditions creating the hardship pre-existed the applicant's request and were not caused by any act of the applicant:

- The Resource Conservation District overlay was established by the Town of Chapel Hill.
- The intermittent stream is a natural feature of the property and pre-existed the apartment development.
- The existing apartment buildings, parking lots, swimming pool, and supporting infrastructure were constructed under prior approvals before this application.
- The ephemeral stream and existing storm drainage infrastructure pre-date the proposed leasing office.
- The lot configuration and orientation along Bolinwood Drive were established at original platting.

The applicant has not subdivided the lot, demolished compliant structures to create the constraint, or otherwise altered the property in any manner that gave rise to the need for this variance. The applicant is responding to a functional business need, providing a visible leasing office for an existing apartment community, within the constraints of a pre-existing site condition.

**Finding 4: Granting the variance preserves the spirit, purpose, and intent of the ordinance; secures public safety; and achieves substantial justice.**

Granting the requested variance preserves the spirit, purpose, and intent of the street setback provision and is consistent with the public interest:

**Spirit and intent of the setback.** The intent of the street setback is to maintain visual separation between buildings and the public right-of-way, preserve streetscape character, and protect public safety along the road. The proposed 18-foot encroachment does not undermine these purposes. The leasing office is a modest structure compatible in scale with the surrounding neighborhood. Adequate visual separation from Bolinwood Drive remains, and the streetscape character along Bolinwood is consistent with the proposed location.

**Protection of the RCD, stream buffer, and floodplain.** The proposed building remains outside of these protected areas. The variance does not weaken any protection afforded to the Resource Conservation District, the intermittent stream and its buffer, or the floodplain. Granting relief from the street setback does not in any way authorize encroachment into these other regulatory protections.

**Public safety.** There are no traffic, drainage, or structural concerns arising from the encroachment. The proposed location does not create a sight distance hazard at the property entrance or along Bolinwood Drive. The encroachment does not alter site drainage in any adverse manner and does not disturb the stream or stream buffer.

**Substantial justice.** Without the variance, the property cannot reasonably accommodate a leasing office in a functional location, despite the use being otherwise permissible under the property's zoning. The 18-foot encroachment is modest and disproportionately low in impact compared to the practical benefit to the property and the apartment community it serves. Denying the variance would impose a hardship that is out of proportion to the actual public interest at stake. Granting the variance achieves substantial justice for the applicant while preserving every other regulatory protection that the Town's ordinance is designed to secure.

**Conclusion**

The Bolinwood Office Addition is a strong candidate for the variance requested. The applicant has worked through pre-application coordination with the Town of Chapel Hill Planning Department and has selected the proposed building location after evaluating multiple alternatives, each of which was

impractical due to RCD encumbrance, floodplain extent, stream buffer, or existing site infrastructure. The eight-foot encroachment into the street setback is the minimum relief necessary to allow the leasing office to function for its intended use. We respectfully request that the Board of Adjustment find that all four findings of fact have been met and grant the variance.

Respectfully submitted,

**Bryan K. Alston, P.E., LSIT, CFM**

Engineer of Record

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