



APPROVED

April 23, 2019, 8:30 a.m.
Committee Room, 2nd Floor, City Hall
101 City Hall Plaza, Durham, NC

I. Call to Order

Chair deLacy called the meeting to order at 8:30 a.m.

II. Roll Call

Members Present:

- Regina deLacy, Chair
- Fredrick Davis, Vice-Chair
- Phillip Harris, Jr.
- Ian Kipp
- Michael Kriston
- Chad Meadows
- Jacob Rogers, Alternate
- Alisa Thomas
- Chris Burnham, Alternate
- Michael Retchless, Designated Alternate

Members Absent:

Staff Present:

- Jessica Dockery, Planning Supervisor
- Bo Dobrzenski, Development Services Manager
- Danny Cultra, Senior Planner
- Bryan Wardell, County Attorney’s Office
- Crista Cuccaro, City Attorney’s Office
- Eliza Monroe, Planner
- Susan Cole, Clerk

III. Adjustments to the Agenda

None.

IV. Swearing-In of Witnesses

Chair deLacy asked: Are there any Board members that would have any conflicts of interests with regard to the cases before us today? Chair deLacy then asked if there were any early dismissals. No early dismissals or conflicts of interest were noted.

Chair deLacy read the following statement:

This Board is a quasi-judicial Board of record and, as such, all testimony will be recorded. The proceedings of this Board will be governed by the Unified Development Ordinance, as recorded.

As Chair of the Durham Board of Adjustment, I would like to explain the procedures used for Board hearings. The hearings are quasi-judicial. The process is similar to a court proceeding. First, a staff member of the City-County Planning Department will present an overview of the case. Then the applicant presents its evidence. The opponents, if there are any, will present their evidence. The applicant may then present its rebuttal. Board members are asked to refrain from questions until each speaker has completed his or her presentation. All testimony is given under oath. In a few moments, I will give the oath to all witnesses as a group. All witnesses are asked to sign the roster at the podium if you have not done so.

Testimony should consist of facts each witness knows, not hearsay. All witnesses should come forward to the podium, and identify themselves each time they approach the podium. Speak directly into the microphone so their testimony can be recorded on tape. Before each application, I will read the findings that must be made to approve an application, and any testimony should be relevant to the criteria that the Board uses to determine whether to approve an application.

Any written evidence or exhibits must be presented to the Chair (Vice Chair) and a determination will be made whether it should be accepted. Written evidence or exhibits can be inspected by the opposing party. All evidence, written or oral, or exhibits can be objected to.

Witnesses are subject to cross-examination. Opposing representatives will have an opportunity to question witnesses after all witnesses for the other side have testified. If you wish to cross-examine, you may raise your hand when I ask for other speakers in favor or against the application and I will recognize you. I would also like to remind everyone in attendance to be courteous and ask questions respectfully. If there are numerous people who will be providing the same or similar testimony either for or against an application, in the interest of time, I would request that you please select a representative to present that testimony.

I would like to note that Board members may have visited each site under consideration as part of their preparation for this meeting.

The Board will vote on each case after the presentation of all the evidence, for and against an application, and discussion among themselves concerning the case. North Carolina law requires that in order for an applicant's request to be granted for a City application before the Board, five (5) of the seven (7) voting Board members must approve the request. For a County variance request, North Carolina law requires that in order for an applicant's request to be granted, six (6) of the seven (7) voting Board members must approve the request. For other County requests, including applications for a minor special use permit, four (4) of the seven Board members, or a simple majority, must approve the request.

All decisions of this Board are subject to appeal to the Durham Superior Court. Anyone in the audience, other than the applicant, who wishes to receive a copy of the formal order issued by this Board on a particular case, must submit a written request for a copy of the order at this hearing. Forms for this purpose are available from the City-County Planning Staff.

V. Hearing and Determination of Cases

a. Case B1900008

Seated: Mr. Davis, Ms. deLacy, Mr. Kriston, Ms. Thomas, Mr. Kipp, Mr. Meadows, Mr. Retchless

Staff Report: Ms. Monroe presented the case and asked that all staff reports and materials submitted at the meeting be made part of the permanent record with any additions, deletions, and or corrections that may be necessary.

Speakers: Stacey Poston spoke in support. No one spoke in opposition.

MOTION: Mr. Davis made a motion that case **B1900008**, an application for a **minor special use permit** on property located at **921 Burch Avenue**; is zoned Residential Urban-5(2) [RU-5(2)]; and in the Urban Tier has successfully met the applicable requirements of the Unified Development Ordinance and is hereby granted subject to the following conditions:

- The improvements shall be substantially consistent with the site plan and information submitted to the Board as part of the application.

(Davis, Thomas 2nd)

ACTION: Motion carried, 7-0.

b. Case B1800031 -

Seated: Mr. Davis, Ms. deLacy, Mr. Kriston, Ms. Thomas, Mr. Kipp, Mr. Meadows, Mr. Retchless

Staff Report: Mr. Cultra presented the case and asked that all staff reports and materials submitted at the meeting be made part of the permanent record with any additions, deletions, and or corrections that may be necessary.

Speakers: Percy Lunsford and Paul Robertson spoke in support. No one spoke in opposition.

MOTION: Ms. Thomas made a motion that case **B1800031**, an application for a **variance permit** on property located at **3514 Grimes Avenue**; is zoned Residential Suburban-20 (RS-20), Falls Jordan District B Watershed Overlay (F/J-B); and in the Suburban Tier has successfully met the applicable requirements of the Unified Development Ordinance and is hereby granted subject to the following conditions:

- The improvements shall be substantially consistent with the site plan, case D1700249, and information submitted to the Board as part of the application.

(Thomas, Retchless 2nd)

ACTION: Motion carried, 7-0.

c. Case B1900011 -

Seated: Mr. Davis, Ms. deLacy, Mr. Kriston, Ms. Thomas, Mr. Kipp, Mr. Meadows, Mr. Retchless

Staff Report: Ms. Monroe presented the case and asked that all staff reports and materials submitted at the meeting be made part of the permanent record with any additions, deletions, and or corrections that may be necessary.

Speakers: Alicia Hylton-Daniel spoke in support. No one spoke in opposition.

MOTION: Mr. Davis made a motion that case **B1900011**, an application for a **variance permit** on property located at **1101 Hazel Street**; is zoned Residential Urban-5(2) [RU-5(2)]; and in the Urban Tier has successfully met the applicable requirements of the Unified Development Ordinance and is hereby granted subject to the following conditions:

- The improvements shall be substantially consistent with the site plan, , and information submitted to the Board as part of the application.

(Davis, Kriston 2nd)

ACTION: Motion carried, 7-0.

d. Case B1900012 -

Seated: Mr. Davis, Ms. deLacy, Mr. Kriston, Ms. Thomas, Mr. Kipp, Mr. Meadows, Mr. Retchless

Staff Report: Ms. Monroe presented the case and asked that all staff reports and materials submitted at the meeting be made part of the permanent record with any additions, deletions, and or corrections that may be necessary.

Speakers: Alicia Hylton-Daniel spoke in support. No one spoke in opposition.

MOTION: Ms. Thomas made a motion that case **B1900012**, an application for a **variance permit** on property located at **1103 Hazel Street** is zoned Residential Urban-5(2) [RU-5(2)]; and in the Urban Tier has successfully met the applicable requirements of the Unified Development Ordinance and is hereby granted subject to the following conditions:

- The improvements shall be substantially consistent with the information submitted to the Board as part of the application.

(Thomas, Meadows 2nd)

ACTION: Motion carried, 7-0.

e. Case B1900013 -

Seated: Mr. Davis, Ms. deLacy, Mr. Kriston, Ms. Thomas, Mr. Kipp, Mr. Meadows, Mr. Retchless

Staff Report: Ms. Monroe presented the case and asked that all staff reports and materials submitted at the meeting be made part of the permanent record with any additions, deletions, and or corrections that may be necessary.

Speakers: John Wood spoke in support. No one spoke in opposition.

MOTION: Mr. Meadows made a motion that case **B1900013**, an application for a **variance permit** on property located at **515 W Pettigrew Street**; is zoned Downtown Design – Core (DD-C); and in the Downtown Tier has successfully met the applicable requirements of the Unified Development Ordinance and is hereby granted subject to the following conditions:

- The improvements shall be substantially consistent with the information submitted to the Board as part of the application.

(Meadows, Kriston 2nd)

ACTION: Motion carried, 7-0.

VI. Approval of Summary Minutes from March 26, 2019

Motion: Approve the Minutes as amended from March 26, 2019. (Meadows, Kipp 2nd)

Action: Motion carried, 7-0.

VII. Approval of Orders

Case B1900008

Motion: Approve the order for case B1900008 (Kriston, Davis 2nd)

Action: Motion carried, 6-0.

Case B1800031

Motion: Approve the order for case B1800031 (Davis, Kriston 2nd)

Action: Motion carried, 6-0.

Case B1900011

Motion: Approve the order for case B1900011 (Thomas, Retchless 2nd)

Action: Motion carried, 6-0.

Case B1900012

Motion: Approve the order for case B1900012 (Kriston, Thomas 2nd)

Action: Motion carried, 7-0.

Case B1900013

Motion: Approve the order for case B1900013 (Meadows, Kriston 2nd)

Action: Motion carried, 7-0.

Case B1800019

Motion: Approve the order for case B1900019 (Retchless, Rogers 2nd)

Action: Motion carried, 7-0.

Case B1800020

Motion: Approve the order for case B1700020 (Retchless, Kipp 2nd)

Action: Motion carried, 7-0.

VIII. Old Business – None.

IX. New Business – None.

X. Adjournment

The meeting adjourned at 9:48 a.m.

Respectfully Submitted,
Susan Cole, Clerk to the Board