



APPROVED

May 25, 2021, 8:30 a.m.
Zoom – Virtual Meeting

I. Call to Order

Chair Rogers called the meeting to order at 8:31 a.m.

II. Roll Call

Members Present:

- Jacob Rogers, Chair
- Chad Meadows, Vice Chair
- Ian Kipp
- Jessica Major, Alternate
- Michael Retchless
- Michael Tarrant, Alternate
- Teisha Wymore
- Natalie Beauchaine, Designated Alternate

Members Absent:

- Myca Jeter

Staff Present:

- Bo Dobrzanski, Assistant City-County Planning Director
- Jessica Dockery, Planning Manager
- Crista Cuccaro, City Attorney’s Office
- Bryan Wardell, County Attorney’s Office
- Eliza Monroe, Planner
- Cole Renigar, Planner
- Susan Cole, Clerk

Chair Rogers requested that a 2-minute limit be set on non-expert witness testimony – the Board members indicated approval by a visual show of hands

Chair Rogers read the following statement:

The meeting will now come to order. Welcome to the May 25, 2021 meeting of the City of Durham Board of Adjustment. My name is Jacob Rogers and I am the Chair of the board.

I would like to start by acknowledging that we are conducting this meeting using a remote, electronic platform as permitted by Session Law 2020-3. This is the second remote meeting of the Durham Board of Adjustment and the first remote BOA meeting with quasi-judicial hearings. I would ask for your patience today as we proceed. There may be slight delays as we transition between speakers.

The Board of Adjustment is a quasi-judicial body that is governed by the North Carolina General Statutes and the City’s Unified Development Ordinance. The Board typically conducts evidentiary hearings on requests for variances special use permits, among other requests.

Today’s meeting will proceed much like an in-person meeting of the Board of Adjustment. On the screen, you will see the members of the Board of Adjustment. Additionally, Planning staff and representatives from the City and County Attorney’s Offices are attending in the remote meeting. Applicants were required to register in advance and are also attending the remote meeting. When a case is called for its hearing, applicants and witnesses will be promoted within the remote platform so their video can be seen. The Chair will swear in applicants and witnesses at the beginning of each

case. Staff will present each case and applicants will then provide their evidence. Control of the presentation and screen sharing will remain with Planning staff. Today's meeting is being broadcast live on the City's YouTube site and a link to this broadcast is on the website for the Board of Adjustment.

Before we begin the evidentiary hearings on today's agenda, I would like to provide some important information about the steps taken to ensure that each parties' due process rights are protected as we proceed in this remote platform.

Each applicant on today's agenda was notified that this meeting would be conducted using a remote, electronic platform. During registration, every applicant on today's agenda consented to the Board conducting the evidentiary hearing using this remote platform. We will also confirm today at the start of each evidentiary hearing that the participants in the evidentiary hearing consent to the matter proceeding in this remote platform. If there is any objection to a matter proceeding in this remote platform, the case will be continued.

Notice of today's meeting was provided by publishing notice in the newspaper, mailed to property owners within 600 feet of the subject properties, posting a sign at the property, and posting on the City's website. The newspaper, website, and mailed notices for today's meeting contained information how the public can access the remote meeting, as the meeting occurs. These notices also contained information about the registration requirement for the meeting, along with information about how to register.

All individuals participating in today's evidentiary hearings were also required to submit a copy of any presentation, document, exhibit or other material that they wished to submit at the evidentiary hearing prior to today's meeting. All materials that the City received from the participants in today's cases, as well as a copy of City staff's presentations and documents, were posted on the Board of Adjustment website, as part of the agenda. No new documents will be submitted during today's meeting.

No case is proceeding today in which the City has been contacted by an individual with an objection to the case or an objection to the matter being heard in this remote meeting platform.

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.

III. Approval of Summary Minutes from April 27, 2021.

MOTION: Approve the April 27, 2021 minutes.

ACTION: Carried, 7-0. (Retchless, Beauchaine 2nd)

IV. Adjustments to the Agenda

Eliza Monroe announced Case B2100016 had been withdrawn.

IV. Hearing and Determination of Cases

Case B2100008 - City: A request for a variance from the project boundary buffer requirements. The subject site is located at 312 E. Umstead Street and 1206 Dawkins Street, is zoned Residential Urban - 5(2) [RU-5(2)], and in the Urban Tier.

Applicant and all witnesses swore or affirmed their testimony and consented to the remote meeting format.

Seated: Kipp, Meadows, Rogers, Retchless, Wymore, Tarrant, and Beauchaine

Staff Report: Eliza 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, or corrections that may be necessary.

Speakers: Howard Partner and Peter Skillern spoke in support. No one spoke in opposition.

MOTION: Retchless made a motion that application number **B2100008**, a request for a variance from the project boundary requirements, on property located at 312 E. Umstead Street and 1206 Dawkins Street, 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 plans and all information submitted to the Board as part of the application.

ACTION: Carried, 7-0 (Retchless, Wymore 2nd)

Case B2100017 – City: A request for a variance from the street yard setback infill development standards. The subject site is located at 2700 Ashley Street, is zoned Residential Suburban - 8 (RS-8), and in the Urban Tier.

Applicant and all witnesses swore or affirmed their testimony and consented to the remote meeting format.

Seated: Kipp, Meadows, Rogers, Retchless, Wymore, Tarrant, and Beauchaine

Staff Report: Eliza 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, or corrections that may be necessary.

Speakers: Steve and Sandra Jolley spoke in support. No one spoke in opposition.

MOTION: Meadows made a motion that application number **B2100017**, a request for a variance from the street yard setback infill development standards, on property located at 2700 Ashley Street, 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 plans and all information submitted to the Board as part of the application.

ACTION: Carried, 7-0. (Meadows, Retchless 2nd)

Case B2100018 – City: A request for a variance from the maximum fence height to allow a height of 6 feet along the street frontage. The subject site is located at 5131 Grandale Drive, is zoned Residential Suburban - 10 (RS-10), and in the Suburban Tier.

Applicant and all witnesses swore or affirmed their testimony and consented to the remote meeting format.

Seated: Kipp, Meadows, Rogers, Retchless, Wymore, Tarrant, and Beauchaine

Staff Report: Cole Renigar 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, or corrections that may be necessary.

Speakers: Telly Lewis and Zahra Ramzan spoke in support. No one spoke in opposition.

MOTION: To continue to the next BOA meeting (June 22, 2021).

ACTION: Carried, 7-0. (Meadows, Beauchaine 2nd)

Break from 10:17 am -10:30 am

Case B2100019 – City: A request for a minor special use permit for a significant alteration to an approved minor special use permit. The subject site is located at 1004 North Mangum Street, is zoned Residential Urban –5 (RU-5) and Residential Urban - 5 (2) (RU-5(2)), and in the Urban Tier.

Applicant and all witnesses swore or affirmed their testimony and consented to the remote meeting format.

Seated: Kipp, Meadows, Rogers, Retchless, Major, Tarrant, and Beauchaine

Staff Report: Bo Dobrzanski 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, or corrections that may be necessary.

Speakers: Frank Gray, James Caldwell, Jim Baker, Jeanne Howard, Mike Torrance, Vincent Vincent, Frank Borden, Angel Escobar, Ruby Tompkins and Julia Gartell (spoke representing Julia Fiore, Jacob Boehm, Rebecca Conrad, Joyce Ventimiglia, Jane Leer, Lucia Constantine, Kevin Franks, Will Niver, James Dardig, Nicholas Levy, Alice Cheung, Kayla Stankevitz, Brooks Bonner, Rachel Wilson, Laura Morrison, and Chris Fedor). Virginia Seitz, Amy Hurwitz, Grayson Baur, Adam Haile, Andrew Hilton, Jim Vickery, and Diane Rodelli spoke in opposition.

Wymore left at 11:45 AM

Break from 12:10 pm to 12:20 pm

MOTION: Retchless made a motion that application number **B2100019**, an application for a minor special use permit, on property located at 1004 North Mangum Street, 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 plans and all information submitted to the Board as part of the application.
- Lights will be turned off no later than 9:30 PM, seven days of the week.

ACTION: Carried, 6-1 (Kipp voting no). (Retchless, Meadows 2nd)

V. Old Business – None

VI. New Business

Crista updated the Board on the Proposed Amendments to the 2021 BOA Rules of Procedures.

VII. Approval of Orders

Case B2100004

MOTION: Approve the order for case B2100004 (Meadows, Retchless 2nd)

ACTION: Carried, 2-0.

Case B2100008

MOTION: Approve the order for case B2100008 (Meadows, Tarrant 2nd)

ACTION: Carried, 7-0.

Case B2100017

MOTION: Approve the order for case B2100017 (Retchless, Beauchaine 2nd).

ACTION: Carried, 7-0.

VIII. Adjournment

The meeting adjourned at 2:30 p.m.

The next meeting will be June 22, 2021

Respectfully Submitted,
Susan Cole, Clerk to the Board