



**APPROVED**

June 22, 2021, 8:30 a.m.  
Zoom – Virtual Meeting

**I. Call to Order**

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

**II. Roll Call**

**Members Present:**

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

**Members Absent:**

None

**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 read the following statement:**

The meeting will now come to order. Welcome to the June 22, 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 May 25, 2021.**

**MOTION:** Approve the May 25, 2021 minutes.

**ACTION:** Carried, 7-0. (Meadows, Retchless 2<sup>nd</sup>)

### IV. **Adjustments to the Agenda**

Eliza Monroe announced Case B2100026 would be moved to a future Agenda.

### IV. **Hearing and Determination of Cases**

**Case B2100018 (continued from May)-** 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, and Wymore (Note: Board Members Wymore and Jeter were improperly seated for this case. They were not eligible to be seated because they did not sit for the public hearing that was continued from last month.)

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

**MOTION:** Meadows made a motion that application number B2100018, an application for a request for a request for a variance from the maximum fence height to allow a height of 6 feet along the street frontage, on property located at 5131 Grandale Drive, 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, 5-0 (Meadows, Kipp 2<sup>nd</sup>)

**Case B2100020** – City: A request for a variance from the structured parking design standards and to exceed the maximum parking permitted. The subject site is located at 1417 W. Pettigrew Street, is zoned Compact Design - Support 1 (CD-S1), and in the Ninth Street Compact Neighborhood Tier.

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

**Seated:** Kipp, Meadows, Rogers, Retchless, Wymore, Jeter, and Major

**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:** Lenwood Smith, Richard Grogan, and Nil Ghosh spoke in support. No one spoke in opposition.

**MOTION:** Kipp made a motion that application number B2100020, a request for a variance from the structured parking design standards and to exceed the maximum parking permitted, on property located at 1417 W. Pettigrew 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. (Kipp, Retchless 2<sup>nd</sup>)

**Case B2100021** – A request for a variance from the requirement that sidewalk be provided on both sides of the street. The subject site is located at 1236 Terry Road, is zoned Rural Residential (RR), in the Eno River Watershed Protection Overlay (E-B), and in the Rural & Suburban tiers.

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

**Seated:** Kipp, Meadows, Rogers, Retchless, Wymore, Jeter, and Major

**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:** Patrick Byker and Don Server spoke in support. Lucinda Lathan spoke about current traffic concerns but was neutral. No one spoke in opposition.

**MOTION:** Retchless made a motion that case number B2100021, an application for a request for a variance from the requirement that sidewalk must be provided on both sides of the street, on property located at 1236 Terry Road, 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, Jeter 2<sup>nd</sup>)

Break from 10:17am -10:30 am

**Case B2100022** – City: A request for a variance from the 8’ maximum wall height to construct a 25’ sound wall. The subject site is located at 1805 TW Alexander Drive, is zoned Light Industrial (IL(D)), 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, Jeter, and Major

**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:** Daniel Tebbano, Benjamin Mueller, and John Barefoot spoke in support. Travis Johnson spoke in opposition.

**MOTION:** Jeter made a motion that case number B2100022, an application for A request for a variance from the 8’ maximum wall height to construct a 25’ sound wall on property located at 1805 TW Alexander Drive, 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.

**ACTION:** Carried, 6-1, Meadows voting no. (Jeter, Major 2<sup>nd</sup>)

**Case B2100023** – City: A request for a minor special use permit to allow a building height greater than 35 feet. The subject site is located at 5621 Chin Page Road and 5530 Primary Drive, is zoned Office & Institutional (OI), 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, Jeter, and Major

**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:** Patrick Byker, Ashton Smith, Rob Griffin, Earl Lewellyn, and David Smith spoke in support. No one spoke in opposition.

**MOTION:** Meadows made a motion that application number B2100023, an application for a minor special use permit, on property located at 5261 Chin Page Road and 5530 Primary Drive, 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 all information submitted to the Board as part of the application and site plan case number D2000226.

**ACTION:** Carried, 7-0. (Meadows, Retchless 2<sup>nd</sup>)

**Case B2100024** – A request for a variance from frontage type requirements and sidewalk requirements. The subject site is located at 605, 609, and 611 Jackson Street, is zoned Downtown Design – Support 1 (DD-S1), and in the Downtown Tier.

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

**Seated:** Kipp, Meadows, Rogers, Retchless, Wymore, Jeter, and Major

**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:** Cindy Hoffman, Jarvis Martin, and Jared Martinson spoke in support. No one spoke in opposition.

**MOTION:** Retchless made a motion that case number B2100024, an application for a request for a variance from frontage type requirements and sidewalk requirements on property located at 605, 609 and 611 Jackson 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.

**ACTION:** Carried, 7-0. (Retchless, Meadows 2<sup>nd</sup>)

**V. Old Business**

Crista updated the Board that no one had contacted her regarding any changes or concerns to the Proposed Amendments to the 2021 BOA Rules of Procedures.

**MOTION:** To adopt the 2021 BOA Rules of Procedures.

**ACTION:** Carried, 7-0. (Jeter, Tarrant 2<sup>nd</sup>)

**VI. New Business –None.**

**VII. Approval of Orders**

**Case B2000043**

**MOTION:** Approve the order for case B2000043 (Retchless, Meadows 2<sup>nd</sup>)

**ACTION:** Carried, 5-0.

**Case B2100018**

**MOTION:** Approve the order for case B2100018 (Meadows, Retchless 2<sup>nd</sup>)

**ACTION:** Carried, 5-0.

**Case B2100019**

**MOTION:** Approve the order for case B2100019 (Beauchaine, Meadows 2<sup>nd</sup>)

**ACTION:** Carried, 6-0.

**Case B2100020**

**MOTION:** Approve the order for case B2100020 (Retchless, Wymore 2<sup>nd</sup>).

**ACTION:** Carried, 7-0.

**Case B2100021**

**MOTION:** Approve the order for case B2100021 (Meadows, Jeter 2<sup>nd</sup>)

**ACTION:** Carried, 7-0.

**Case B2100023**

**MOTION:** Approve the order for case B2100023 (Wymore, Kipp 2<sup>nd</sup>)

**ACTION:** Carried, 7-0.

**Case B2100024**

**MOTION:** Approve the order for case B2100024 (Jeter, Kipp 2<sup>nd</sup>)

**ACTION:** Carried, 7-0.

**VIII. Adjournment**

The meeting adjourned at 1:14 p.m.

The next meeting will be July 27, 2021

Respectfully Submitted,  
Susan Cole, Clerk to the Board