



APPROVED

August 27, 2019, 8:30 a.m.
Committee Room, 2nd Floor, City Hall
101 City Hall Plaza, Durham, NC

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
Regina deLacy
Ian Kipp
Chris Burnham
Michael Retchless
Jessica Major, Alternate
Teisha Wymore, Designated Alternate

Members Absent:

Fredrick Davis

Staff Present:

Bo Dobrzanski, DSC Senior Manager
Jessica Dockery, Planning Manager
Bryan Wardell, County Attorney's Office
Crista Cuccaro, City Attorney's Office
Eliza Monroe, Planner
Susan Cole, Clerk

III. Adjustments to the Agenda

IV. Swearing-In of Witnesses

Chair Rogers 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

Case B1900022 - County: A minor special use permit for a place of worship within a residential zoning district. The subject site is located at 6807, 6811 & 6815 Matthews Road, is zoned Rural Residential (RR); Lake Michie/Little River Protected Area (M/LR-B) and in the Rural Tier.

Seated: Burnham, deLacy, Kipp, Meadows, Rogers, Retchless, Wymore

Staff Report: 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: Tim Sivers spoke in support. Beth Livingston, Joan Hall, Marty Jo Rulenic, Heather Love, Larry Hall, and Tim Guthrie spoke in opposition. Concerns centered on increased traffic, overflow parking, watershed protection, water supply, septic field capabilities, and zoning concerns.

MOTION: deLacy made a motion that case **B1900022**, an application for a **minor special use permit** on property located at **6807, 6811, and 6815 Matthews 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 information submitted to the Board as part of the application and the site plan case D1900065.

ACTION: Motion carried, 4-3. (Burnham, Meadows, Wymore voting no)

(deLacy, Retchless 2nd)

b. Case B1900031 - City: A request for a reasonable accommodation from the side yard setback in order to construct an addition to a single-family residence. The subject site is located at 6 Sandhurst Court, is zoned Residential Suburban-10 (RS-10); Eno River Critical Area (E-A) and in the Suburban Tier.

Seated: Burnham, Davis, deLacy, Kipp, Meadows, Rogers, Retchless

Staff Report: 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: Mary Gilbert and Sacha Porges spoke in support. No one spoke in opposition.

MOTION: deLacy made a motion that case **B1900031**, an application for a **reasonable accommodation from the side yard setback requirements** on property located at **6 Sandhurst Court** 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.

ACTION: Motion carried, 7-0.
(deLacy, Burnham 2nd)

VI. Approval of Summary Minutes from July 23, 2019

Motion: Approve the Minutes from July 23, 2019 (Meadows, Burnham 2nd).

Action: Motion carried, 7-0.

VII. Approval of Orders

Case B1900023

Motion: Approve the order for case B1900023 (deLacy, Burnham 2nd).

Action: Motion carried, 7-0.

Case B1900031

Motion: Approve the order for case B1900031 (Burnham, Kipp 2nd).

Action: Motion carried, 7-0.

VIII. Old Business – None.

IX. New Business – Rogers noted that the next regular meeting will be on September 24, 2019.

X. Adjournment

The meeting adjourned at 9:51 a.m. (deLacy, Kipp 2nd)

Respectfully Submitted,
Susan Cole, Clerk to the Board