I. Call to Order
Chair Rogers called the meeting to order at 8:32 a.m.

II. Roll Call
Members Present:
Jacob Rogers, Chair
Chad Meadows, Vice Chair
Chris Burnham
Fredrick Davis
Ian Kipp
Michael Retchless
Jessica Major, Designated Alternate
Teisha Wymore

Members Absent:
Regina deLacy (EXCUSED)

Staff Present:
Bo Dobrzenski, DSC Senior Manager
Jessica Dockery, Planning Manager
Bryan Wardell, County Attorney’s Office
Crista Cuccaro, City Attorney’s Office
Cole Renigar, Planner
Susan Cole, Clerk

III. Adjustments to the Agenda
None

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 B1900030 – City: A request for a variance from the required 15-foot maximum street yard, the longest building façade not located within the maximum street yard, and the building occupying less than 60% of the total street frontage. The subject site is located at 3921 S. Miami Boulevard, is zoned Light Industrial (IL), and in the Research Triangle Park North Compact Neighborhood (CN).

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

Staff Report: Bo Dobrzenski 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: Bryan Everett and Jamie Loyack spoke in support and no one spoke in opposition.

MOTION: Davis made a motion that case B1900030, an application for a request for a variance from the required 15–foot maximum street yard, the longest building façade not located within the maximum street yard, and the building occupying less than 60% of the total street frontage on property located at 3921 S. Miami Boulevard 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.

(Davis, Kipp 2nd)
MOTION: Carried, 7-0.

Case B1900040 - County: A request for a variance from the street yard setback requirements for a proposed single-family detached house. The subject site is located at 345 Continental Drive, is zoned Rural Residential (RR), within the Eno River Protected Area (E-B), and in the Suburban Tier.

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

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: Robert DeWoskin spoke in support and no one spoke in opposition.

MOTION: Meadows made a motion that case B1900040, an application for a request for a variance from the street yard setbacks for a proposed single-family detached house located within the rural residential zoning district on property located at 345 Continental 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 information submitted to the Board as part of the application.

(Meadows, Retchless 2nd)

ACTION: Carried, 7-0.

Case B1900041 - City: A request for a variance from the 30% maximum size allowance for an accessory dwelling unit. The subject site is located at 1617 Pinecrest Road, is zoned Residential Suburban-10 (RS-10), and in the Suburban Tier.

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

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: Alice Hall and Bill Waddell spoke in support. Bryan Ferrell, Leigh Adam, Barth Redler and Tzah Tzan Yang spoke in opposition. The concern centered on the character of neighborhood, traffic, safety and no sidewalks.

MOTION: Davis made a motion that case B1900041, an application for a variance from the 30% maximum size allowance for an accessory dwelling unit on property located at 1617 Pinecrest 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 information submitted to the Board as part of the application.

(Davis, Kipp 2nd)

ACTION: Motion failed 3-4 (Burnham, Meadows, Retchless and Wymore voting no)
Case B1900042 - City: A request for a fence height greater than 4-foot high in the street frontage yard of a single-family house located in the Urban Tier. The subject site is located at 418 N. Driver Street, is zoned Residential Urban – 5(2) [RU-5(2)], and in the Urban Tier.

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

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: Sandi Spier spoke in support and no one spoke in opposition.

MOTION: Ian Kipp made a motion that case B1900042, an application for a minor special use permit on property located at 418 N. Driver Street has successfully met the applicable requirements of the Unified Development Ordinance and is hereby granted without conditions.

(Kipp, Wymore 2nd)

ACTION: Carried, 7-0.

Case B1900043 - City: A minor special use permit to allow an addition to a non-conforming structure. The subject site is located at 4918 Heritage Drive, zoned Residential Suburban-20 (RS-20), and within the Eno River Protected Area (E-B), and in the Suburban Tier.

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

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: Donny Berini spoke in support. No one spoke in opposition.

MOTION: Retchless made a motion that case B1900043, an application for a minor special use permit on property located at 4918 Heritage 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 information submitted to the Board as part of the application.

(Retchless, Burnham 2nd)

ACTION: Carried, 7-0.

A BREAK WAS TAKEN FROM 10:28 TO 10:32

Case B1900046 - City: A minor special use permit request for a place of worship within a residential zoning district. The subject site is located at 5000 Southpark Drive, is zoned Residential Suburban - 20 (RS-20); within the Falls of the Neuse/Jordan Lake Protected Area (F/J – B), and in the Suburban Tier.

Seated: Davis, Kipp, Meadows, Rogers, Retchless, Wymore, Major (Burnham now absent)
**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:** Tom Meyers, Charlie Yokley, Edwin Farr spoke in support and Mary Agnes Rollins and Ethan Hurtz spoke in opposition. Concerns centered on safety, the quality of the appraisal, and the visibility of church.

**MOTION:** Meadows made a motion that case [B19000046](#), an application for a **minor special use permit** on property located at [5000 Southpark](#) 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 and site plan case B1800165.

- Additional plantings will be added as stated below:
  - 25 gal Leyland Cypress (from Broadwells) near Ethan and David
  - 25gal Magnolia (from Broadwells) near Ethan and David
  - 15gal Leyland Cypress (from Broadwells) near Ethan and David
  - 15gal Magnolia (from Broadwells) near Ethan and David
  - 15gal Holly (from Broadwells) near Ethan, David and Everette
  - 7gal Wax Myrtles (from Red Mill) near Everette
  - 3gal Wax Myrtles (from Red Mill) near Everette
  - 8 Carolina #2 American Holly (Exhibit A)
  - 11 Nellie R. Stevens Holly (Exhibit A)
  - 7 Southern Magnolia (Exhibit A)

- The addition of timers to the parking lot lighting and face shielding to any soffit lights visible from Highgate.

(Meadows, Retchless 2nd)

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

**VI. Approval of Summary Minutes from September, 2019**

**MOTION:** Approve the Minutes from September 24, 2019 (Meadows, Majors 2nd).

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

**VII. Approval of Orders**

**Case B19000030**

**MOTION:** Approve the order for case B19000030 (Davis, Meadows 2nd).

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

**Case B19000040**

**MOTION:** Approve the order for case B19000040 (Davis, Retchless 2nd).

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

**Case B19000042**

**MOTION:** Approve the order for case B19000042 (Meadows, Kipp 2nd).

**ACTION:** Carried, 7-0.
Case B1900043
MOTION: Approve the order for case B1900043 (Davis, Meadows 2nd).
ACTION: Carried, 7-0.

VIII. Old Business – 2020 Meeting Dates.
MOTION: Approve 2020 Meeting dates. (Davis, Meadows 2nd)
ACTION: Carried, 7-0.

IX. New Business – Chair Rogers noted that the next regular meeting will be on December 10, 2019.

X. Adjournment
The meeting adjourned at 11:48 AM. (Davis, Meadows 2nd)

Respectfully Submitted,
Susan Cole, Clerk to the Board