



APPROVED

March 23, 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
- Regina deLacy
- Ian Kipp
- Jessica Major, Alternate
- Michael Retchless
- Michael Tarrant, Designated Alternate
- Teisha Wymore

Members Absent:

- Natalie Beauchaine, Alternate
- Myca Jeter

Staff Present:

- 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 March 23, 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.

Vice Chair Meadows will call the first case since Chair Rogers was not present when that case was heard in January.

MOTION: To excuse Natalie Beauchaine. (Retchless, Kipp 2nd) **ACTION:** Carried 7-0. [The Rules of Procedure do not require a vote for such an absence, but the vote and outcome are included in the minutes for accuracy of the record.]

III. **Approval of Summary Minutes from February 23, 2021.**

MOTION: Approve the February 23, 2021 minutes.

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

IV. **Adjustments to the Agenda**

Eliza Monroe announced Case B2100006 had been withdrawn and that the motions found at the end of the agenda will not be heard at today's meeting.

IV. **Hearing and Determination of Cases**

Case B2000049 - City: Request for a minor special use permit for a daycare in a residential zoning district. The subject site is located at 2416 Pickett Road, 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: deLacy, Kipp, Meadows, Rogers, Retchless, Tarrant, 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: Nick Kirkland, Paul Young, Preston Royster, Krissy Snyder, Jordan Glassman, Girija Mahajan, Cynthia Satterfield, Zachary Lampron, Tobias Walter, Scott Anderson, Johanna Jennings, John Hill, and Claire Dennis spoke in support. No one spoke in opposition.

MOTION: deLacy made a motion that application number **B2000049**, an application for **a minor special use permit for a daycare in a residential zoning district**, on property located at **2416 Pickett 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 all information submitted to the Board as part of the application.

ACTION: Carried, 7-0 (deLacy, Tarrant 2nd)

Case B2100003 – City: A request for a minor special use permit to construct an addition onto an existing, legal, nonconforming, single-family dwelling. The subject site is located at 2310 Woodrow Street, 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: deLacy, Kipp, Meadows, Rogers, Retchless, Tarrant, and Wymore

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: John Black spoke in support and no one spoke in opposition.

MOTION: Retchless made a motion that application number **B2100003**, an application for a **minor special use permit**, on property located at **2310 Woodrow 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, deLacy 2nd)

Break from 9:52 am to 9:57 am

Case B2100004 – 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, 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: deLacy, Kipp, Meadows, Rogers, Retchless, Tarrant, and Wymore

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: Tarrant made a motion that application number **B2100004**, 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: Failed, 4-3. (Tarrant, Kipp 2nd) (Meadows, Retchless, and Wymore voting no)

Case B2100005 – City: A request for a variance from the sidewalk requirements. The subject site is located at 3912 Rivermont Road, zoned PDR 1.964, in the E-B Watershed Protection Overlay, and in the Suburban Tier.

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

Seated: deLacy, Kipp, Meadows, Rogers, Retchless, Tarrant, and 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: Danielle Brestel, Julie Olson, Charles Cozart, and Luke Perkins spoke in support and no one spoke in opposition.

MOTION: deLacy made a motion that case number **B2100005**, an application for a request for a variance from the sidewalk requirements, on property located at 3912 Rivermont 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, 6-1. (deLacy, Wymore, 2nd) (Meadows voting no)

Case B2100009 – City: A request for a variance from the project boundary buffer requirements. The subject site is located at 218 N. Dillard Street, zoned Office Institutional (OI), and in the Urban Tier.

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

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

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: Jeremy Anderson, Preston Royster, and Scott Harmon spoke in support. No one spoke in opposition.

MOTION: deLacy made a motion that application number **B2100009**, a **request for a variance from the project boundary requirements**, on property located at **218 N. Dillard 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. (deLacy, Meadows 2nd)

Break from 12:03 pm to 12:10 pm

Case B2100010 – City: A request for a variance from the requirements to not place a service area along a street frontage and for a service area to be 20 feet from the building corner. The subject site is located at 509 North Mangum Street, 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: deLacy, Kipp, Meadows, Rogers, Retchless, Tarrant, and 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: Dan Jewell, Lindsey Kretchman spoke in support. Darlene Wall spoke in opposition.

MOTION: deLacy made a motion that application **B2100010**, an application for a request for **A request for a variance from the requirements to not place a service area along a street frontage and a for service area to be 20 feet from the building corner**, on property located at **509 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.

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

V. Old Business – None

VI. New Business

Reginia deLacy announced her resignation. Staff and the Board thanked her for her service.

VII. Approval of Orders

Case B2000051 – (from last month)

MOTION: Approve the order for case B2000051 (Meadows, Tarrant 2nd)

ACTION: Carried, 3-0.

Case B2000049

MOTION: Approve the order for case B2000049 (Meadows, deLacy 2nd)

ACTION: Carried, 7-0.

Case B2000003

MOTION: Approve the order for case B2000003 (Meadows, Retchless 2nd)

ACTION: Carried, 7-0.

Case B2000005

MOTION: Approve the order for case B2000005 (deLacy, Kipp 2nd).

ACTION: Carried, 6-0.

Case B2000009

MOTION: Approve the order for case B2000009 (Retchless, deLacy 2nd).

ACTION: Carried, 7-0.

Case B2100010 – Coming back

VIII. Adjournment

The meeting adjourned at 1:02 p.m. (deLacy, Kipp 2nd). The next meeting will be April 27, 2021

Respectfully Submitted,
Susan Cole, Clerk to the Board