



BOARD OF ADJUSTMENT APPROVED MINUTES

May 24, 2022, 8:30 a.m.
Council Chambers, 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
Ian Kipp
Michael Retchless
Jessica Major, Alternate
Michael Tarrant, Designated Alternate
Natalie Beauchaine, Alternate
Chase Pickett, Alternate

Members Absent:

David Paletta

Staff Present:

Jessica Dockery, Planning Manager
Crista Cuccaro, City Attorney's Office
Bryan Wardell, County Attorney's Office
Cole Renigar, Planner
Terri Elliott, Clerk
Chris Peterson, Technology Liaison
Earlene Thomas, Engineer-Transportation
Leigha Larkins, Planner
Sara Young, Planning Director

Chair Rogers read the following statement:

The meeting will now come to order. Welcome to the May 24, 2022 meeting of the City of Durham Board of Adjustment. My name is Chair Jacob Rogers and I am the Chair of the board.

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 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, 5 of the 7 voting Board members must approve the request. (If less than 7 voting members present, state 5 of the 5 voting members or 5 of the 6 voting members). For a county variance request, North Carolina law requires that in order for an applicant's request to be granted, 6 of the 7 voting Board members must approve the request. For other county requests, including applications for a minor special use permit, 4 of the 7 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 wish 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 for the City/County Planning Staff.

MOTION: To excuse David Paletta.

ACTION: Carried, 8-0. (Meadows, Retchless 2nd)

Chair Rogers introduced Chase Pickett as a new board member.

III. Approval of Summary Minutes from April 26, 2022.

MOTION: Approve the April 26, 2022 minutes as amended.

ACTION: Carried, 7-0. (Meadows, Beauchaine 2nd) Ian Kipp did not vote.

IV. Adjustments to the Agenda – Applicants for cases B2000018, B2100043, B2100044, and B2200015 appeals; would like to ask for a continuance to July 26, 2022 BOA meeting. T.C. Morphis made the request on behalf of his clients.

MOTION: Meadows made a motion to continuance to July 26, 2022

ACTION: Carried, 8-0, (Meadows, Retchless 2nd)

V. Hearing and Determination of Cases - None

VI. Old Business – None

VII. New Business - None

VIII. Approval of Orders

Case B2200007

MOTION: Approve the order for case B2200007 (Retchless, Meadows 2nd)

ACTION: Carried, 7-0.

Case B2200012

MOTION: Approve the order for case B2200012 (Meadow, Tarrant 2nd)

ACTION: Carried, 3-0.

IX. Adjournment

The meeting adjourned at 9:13 a.m.

The next meeting will be June 21, 2022, in-person, in the Committee Room at City Hall

Crista Cuccaro announced that she will be leaving the City and Don O’Toole will take over as the City Attorney for the Board of Adjustment.

Respectfully Submitted,
Terri Elliott, Clerk to the Board