



## BOARD OF ADJUSTMENT APPROVED MINUTES

July 25, 2023, 8:30 a.m.  
Committee Room, 101 City Hall Plaza

### I. Call to Order

Chair Meadows called the meeting to order at 08:31 a.m.

### II. Roll Call

#### Members Present:

Chad Meadows, Chair  
Michael Tarrant, Vice Chair  
Justin Hall, Designated Alternate  
Ian Kipp  
George Kolasa  
Jessica Major, Alternate  
Chase Pickett, Designated Alternate  
Nadera Salaam

#### Members Absent:

Sherrod Banks

#### Staff Present:

Bo Dobrzanski, Assistant Director of City-County Planning  
Don O'Toole, City Attorney's Office  
Curtis Massey, County Attorney's Office  
Leigha Larkins, Planner  
Chezney UpChurch, Clerk

#### Chair Meadows read the following statement:

The meeting will now come to order. Welcome to the July 25, 2023 meeting of the City of Durham Board of Adjustment. My name is Chad Meadows 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.

Chair Meadows asked if any board members needed to note any *ex parte* communication for any of the cases? There was none. Chair Meadows asked if there was a need for recusals with regard to the cases before us today? No recusals. Chair Meadows then asked if there were any early dismissals? No early dismissals were requested.

**III. Adjustments to the Agenda:**  
None

**IV. Approval of Minutes from June 27, 2023**

**MOTION:** Approve the June 27, 2023, minutes as submitted  
**ACTION:** Carried, 9-0 (Kolasa, Salaam 2<sup>nd</sup>)

**V. Hearing and Determination of Cases**

**B2300023** – City: A request for a Minor Special Use Permit to develop an educational facility in a residential zoning district. The property is located at 2201 E. Geer St. and 2523 E. Club Blvd, zoned Residential Suburban-20 (RS-20); Residential Rural (RR); and Commercial Neighborhood

(CN), in the Falls/Jordan District B (F/J-B) Watershed Protection Overlay, and within the Suburban Development tier.

**Applicant and all witnesses swore or affirmed their testimony.**

**Seated:** Meadows, Tarrant, Kolasa, Kipp, Salaam, Pickett and Hall

**Staff Report:** Leigha Larkins presented the case.

**Speakers:** Nil Ghosh, Aimee Giacherio, Robert Dunston and Jarvis Martin spoke in support. No one spoke in opposition.

**Staff Recommendation:** Staff recommends approval of this application with the additional condition.

**MOTION:** Meadows made a motion that case number B2300023 an application for a minor special use permit to allow the expansion of an educational facility in the Residential Rural and Residential Suburban-20 zoning districts, on property located at 2201 East Geer Street & 2523 East Club Boulevard, has successfully met the applicable requirements of the Unified Development Ordinance and is hereby granted subject to the following two conditions:

- The improvements shall be substantially consistent with the plans and all information submitted to the Board as part of the application.
- Any transportation improvement identified in today's evidence and testimony that is not in the Utility Extension Agreement, Appendix B Paragraph 7 dated March 31<sup>st</sup>, 2023, will be subject to the Utility Extension Agreement sections and date noted already.

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

**B2300024** – County: A request for a Minor Special Use Permit to expand an educational facility in a residential zoning district. The property is located at 2415 E. Geer Street, zoned Residential Suburban-20 (RS-20), in the Falls/Jordan District B (F/J-B) Watershed Protection Overlay, and within the Suburban Development tier.

**Applicant and all witnesses swore or affirmed their testimony.**

**Seated:** Meadows, Tarrant, Kolasa, Kipp, Salaam, Pickett and Hall

**Staff Report:** Leigha Larkins presented the case.

**Speakers:** Fredrick Davis, Anne Sheeley, and Tom Melby spoke in support. No one spoke in opposition.

**MOTION:** Kolasa made a motion that case number B2300024, an application for a minor special use permit to permit the expansion of an educational facility in the Residential Suburban-20 zoning district, on property located at 2415 East Geer 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. (Kolasa, Tarrant 2<sup>nd</sup>)

**B2300025** – County: A request for a variance from the sidewalk connectivity standards. The property is located at 2415 E. Geer Street, zoned Residential Suburban-20 (RS-20), in the Falls/Jordan District B (F/J-B) Watershed Protection Overlay, and within the Suburban Development tier.

**Applicant and all witnesses swore or affirmed their testimony.**

**Seated:** Meadows, Tarrant, Kolasa, Kipp, Salaam, Pickett and Hall

**Staff Report:** Leigha Larkins presented the case.

**Speakers:** Fredrick Davis and Amy Sheely spoke in support. No one spoke in opposition.

**MOTION:** Kolasa made a motion that case number B2300025, an application for a variance from the sidewalk connectivity requirements, on property located at 2415 E. Geer 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, 2-5. (Kolasa, Kipp 2<sup>nd</sup>)

**VI. Old Business - None**

**VII. New Business**

- Leigha to be out for 12 weeks after August meeting.

**VIII. Approval of Orders**

Case B2300024

**MOTION:** Approve of the order for case B2300024

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

**IX. Adjournment**

The meeting adjourned at 11:00 a.m.

The next meeting will be August 22, 2023, in the Committee Room

Respectfully Submitted,  
 Chezney UpChurch, Clerk to the Board