

#### NORTH CAROLINA

#### **MEMORANDUM**

TO:

Mayor Mike Nelson and the Board of Aldermen

CC:

Bob Morgan, Town Manager; Roy Williford, AICP, Planning Director; James Thomas, Planner/Zoning Development Specialist; Ron Hyatt, 401 West Weaver Street Property Owner; William Rogers, representing 309 West Weaver Street

**Property Owner** 

FROM:

Martin Roupe, Development Review Administrator

DATE:

May 21, 2002

**SUBJECT:** 

Issuance of Zoning Permit at 309 West Weaver Street

At the Tuesday, May 14, 2002 Board of Aldermen meeting, Mr. Ron Hyatt spoke to the Board about a recently issued permit for a project at 309 West Weaver Street. Pursuant to Mr. Hyatt's request, the Board asked the Planning Department for a report summarizing the issuance of the permit in question. Below please find a general outline of the activities surrounding the issuance of the permit, followed by responses to the specific comments put forth by Mr. Hyatt:

- In mid-February 2002, Mr. William Rogers (representing the property owners) approached the Zoning Division regarding renovating an existing building at 309 West Weaver Street (lot directly behind 307 West Weaver Street). A map of the area (showing the existing building) is included for context (Attachment B). At that point, the Zoning Division explained in general terms the process involved in seeking permission for such a renovation. In this conversation, the Zoning Division stated that the project would require a 'zoning permit' issued by staff. Staff also indicated that the project would be submitted to the Town Engineer for review and to the Appearance Commission for review of the proposed new design for the building. Mr. Rogers did not leave any information with the Zoning Division at this time; he simply indicated that he would be back in touch regarding the matter;
- Shortly thereafter, on February 25, 2002, Mr. Rogers submitted information to the division regarding the proposed design and color scheme for the renovated building. This

information was reviewed by and approved by the Town of Carrboro Appearance Commission on March 7, 2002. At the meeting, the applicant indicated that a portion of the existing building would be demolished and that the new building would be erected around and above the portion of the existing building that would remain. Mr. Rogers indicated at the end of the meeting that he would be submitting a formal application for the project in the near future;

- Next, Mr. Rogers submitted a plot plan to Sungate Design Group (SDG) for review. In comments returned from SDG on March 28, 2002 (Attachment C), Mr. Henry Wells indicated that he had spoken to the applicant and had visited the site. Mr. Wells went on to say that, based on his findings, he recommended approval of the plan;
- On April 2, 2002, the applicant applied for and received a 'demolition permit' to begin work on the existing structure (Attachment D). The Inspections Division issued the demolition permit per normal operating procedures. The issuance of this permit did not involve any action on the part of the Zoning Division, but the information is provided at this point for clarification regarding activity on the site prior to the issuance of the zoning permit for the project; (On May 21, 2002, the applicant stated to staff that he personally visited all the tenants occupying neighboring properties before beginning demolition activity to ask that they please contact him if the work taking place on the site disturbs them in some way)
- On April 10, 2002, Mr. James Thomas, Planner/Zoning Development Specialist, sent a letter to the applicant regarding the project (Attachment E). In the letter, Mr. Thomas indicated that the Zoning Division would not be able to issue a zoning permit for the project until additional information was submitted for review;
- The Land Use Permit Application (Attachment F), along with a site plan (Attachment G), and a commercial building permit application (Attachment H) (along with formal construction plans) were received by the Planning Department on May 7, 2002. The information was reviewed by staff, and on May 8, 2002, a zoning permit was issued for the project (Attachment I);
- Pursuant to comments from Mr. Ron Hyatt directed to the Planning Department, Mr. James Thomas contacted the applicant and requested that special attention be paid to where the construction vehicles are parking on the property. Mr. Thomas pointed out that the Planning Department has received complaints regarding neighboring businesses not being able to access parking on their own property. Further, Mr. Thomas requested that the applicant contact Mr. Hyatt directly to discuss the matter. The applicant indicated that he attempted to meet with Mr. Hyatt on May 9, 2002 at Town Hall to discuss this and other matters. Upon arriving, he found that Mr. Hyatt was leaving the meeting;
- On Wednesday, May 15, 2002, pursuant to Mr. Hyatt's comments at the Board meeting the night before, the Development Review Administrator (myself) requested that Mr. Thomas contact the applicant again regarding the blocking of access to neighboring properties. Further, Mr. Thomas was asked to pay particularly close attention to the

property during his daily site visits and to seek an immediate remedy to any negative situation identified.

Following please find responses to the specific comments put forth by Mr. Ron Hyatt at the May 14, 2002 Board of Aldermen meeting (Mr. Hyatt's comments are *in italics*):

• Mr. Hyatt asked staff to please determine whether the alley between 401 Weaver Street and Sparrow's Plumbing is an alley, street, or driveway and put it in writing.

Per the Town of Carrboro's GIS records and a survey on file in the Zoning Division, no street or alley is delineated between the 307 West Weaver Street property and the 401 West Weaver Street property. The subject piece of property is privately held and functions as a driveway (see Attachment B for visual depiction of driveway leading to 309 West Weaver Street property). The Planning Department does have a plat on file, which shows a ten-foot access easement across the 307 West Weaver Street property, giving access to the owner of the 309 West Weaver Street property (Attachment J). Further, the Zoning Division has received (directly from Orange County Land Records) a copy of the deed for the 309 West Weaver Street property (Attachment K). The deed states, in part, "it is understood and agreed that a ten foot right of way is reserved as a drive from Weaver Street to this property." The Zoning Division has no evidence on file of a similar easement granting access to the 401 West Weaver Street property (Mr. Hyatt's property). Mr. Hyatt stated to the Planning Department that he does have a verbal agreement with Mr. Sparrow (owner of 307 West Weaver Street).

• Mr. Hyatt requested that a public hearing be held when the use of a property changes from residential to commercial (i.e.- the Town should listen to the requests of individuals when a house changes to an office space).

Currently, the 'Table of Permissible Uses' within Article X of the Town of Carrboro Land Use Ordinance (LUO) states that either a 'zoning permit' (ZP) or a 'conditional use permit' (CUP) is required to operate an office building (Use 3.120, specifically) in the B-2 zoning district. To determine whether a ZP or CUP is required, Section 15-147(d) states, in part, that "...a zoning permit must be obtained if the development is located on a lot of one acre or less in the... B-2 zone." At 6,340 square feet in size, the subject property is clearly less than one acre in size, and as such, only requires a zoning permit. The LUO currently does not require that a public hearing be held prior to the issuance of a zoning permit.

• Mr. Hyatt requested that the Town post notice of the issuance of a demolition permit two weeks prior to allowing the demolition to begin.

Currently, no such requirements exist regarding demolition permits (except within a Neighborhood Preservation District – wherein the Neighborhood Preservation District Commission must review the permit application prior to its issuance). Requests for

demolition permits normally are processed within a few days of receipt and are issued once all pertinent information has been provided to the Town.

Mr. Hyatt requested that the Town provide the builder's name and telephone number.

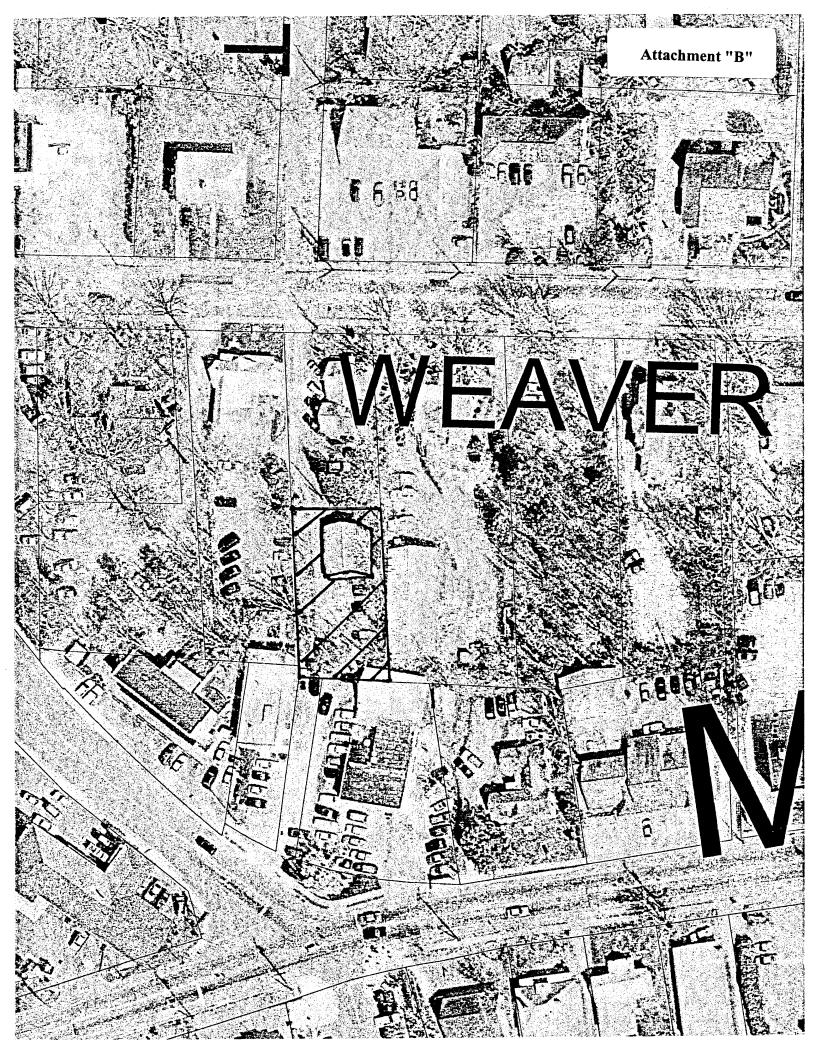
All information on file in the Planning Department is a matter of public record. As such, the information is readily available upon request. In this case specifically, Mr. Thomas called Mr. Hyatt on Tuesday, May 14, 2002 and left a message relaying this information to him. Please note that the information is contained on the face of the Land Use Permit Application (Attachment F).

 Mr. Hyatt requested that a survey be conducted prior to allowing construction on a property.

In most cases where a commercial use is proposed for a property, the Zoning Division requires that a survey be submitted prior to the issuance of a permit. However, Appendix A of the LUO states, in part, "...the permit-issuing authority may... accept as sufficient less information according to the circumstances of the particular case." In this case, Mr. Thomas made a determination that the site plan (Attachment G) was sufficient. In making this determination, Mr. Thomas noted that the proposed use of property only involved a renovation of an existing building on the property. Though the renovation did amount to an enlargement of the building, all proposed new portions of the building were shown to conform to the existing building's footprint on the property. That is to say, while the new building would extend further than the existing building (toward the southern property line), it would not be constructed any closer to the eastern property line than the existing building, and it would remain a good distance from the southern property line setback [i.e.- twelve and a half feet (12.5') beyond the required ten-foot (10') setback. That said, the Zoning Division does require that the developer submit an 'as-built' survey, which shows that the building was in fact constructed as described.

 Mr. Hyatt requested that the Planning Department have plats available so others can review and determine if parking has been provided.

As mentioned previously, all information submitted to the Zoning Division is a matter of public record. As such, the information is readily available to the public. In this case, it is possible that Mr. Hyatt requested to see information prior to its being submitted to the department. As a reminder, the applicant received a 'demolition permit' prior to receiving a zoning permit and/or building permit. If Mr. Hyatt asked to see a plat while demolition activity was taking place on the property, it is possible that the department had not yet received the pertinent information.



# Sungate Design Group, P.A. ENGINEERING LANDSCAPE ARCHITECTURE ENVIRONMENTAL

915 Jones Franklin Road • Raleigh, NC 27606 • Phone 919.859.2243 • Fax 919.859.6258

March 28, 2002

Mr. James Thomas Planner/Zoning Development Specialist Town of Carrboro 301 West Main Street Carrboro, N. C. 27510

Re: 309 Weaver Street

Dear James:

We have completed our initial review of the plot plan for Lot 309 Weaver Street. The plans were submitted by Bill Rogers and consist of Carrboro Planimetric mapping. Based on conversation with you and Mr. Rogers, the proposed development of the lot will not entail any grading of the property, changes in existing drainage or add any impervious surface.

Based on our site visit and the above findings I would recommend that the site plan be approved. If you have questions or need further information, please contact me.

Sincerely,

W. Henry Wells, Jr., PE



## COMMERCIAL BUILDING PERMIT

### APPLICATION #:

**c**- 00342

#### PRINT UNLESS OTHERWISE REQUESTED

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AND MUST BE KEPT ON THE JOB SITE AT ALL TIMES. INQUIRIES: INSPECTIONS DIVISION @ (919) 968-7712; FAX #: (919) 968-7753.						
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NORTH CAROLINA

April 10, 2002

Chapel Hill Investment LLC Attention: William D. Rogers 104R Highway 54 West PO Box 118 Carrboro, NC 27510

Dear Mr. Rogers,

The Town of Carrboro Zoning Division has received various pieces of information in regard to the renovation of the building at 309 Weaver Street, but to date has not received an application for a Land Use Permit. If I recall correctly, you did stop by the Zoning Division and pick-up a copy of this application about a month or so ago. This application for a Land Use Permit will need to be filled out and returned to the Zoning Division in order to start the review process. To date, this project has gone before the Appearance Commission for approval and the Town Engineer, Sungate Design Group.

If you could fill out the attached Land Use Permit and return it in a timely manner, the Zoning Division will move forward with the review and approval process for the property at 309 Weaver Street.

If you have any question/comments in regard to this matter, I can be reached at 918-7335. Thank-you.

Sincerely,

James Thomas
Planner/Zoning Development Specialist

attachment

## Attachment "F"

## TOWN OF CARRBORO

# LAND USE PERMIT APPLICATION



DATE: MARCH 19, 2002	FEE: \$158.20 C36459. AX. 05=1582
APPLICANT: CHAPEL HILL INVESTMENTS LLC	OWNER: AnnaléMargaret B. RogiersTrust
ADDRESS 104 R 54 N BYPASS 118	ADDRESS: P.O. BOX 1524
CARRORD NC 27510	CARRORO N.C. 27570
TELEPHONEFAX: PHONE: 9   9 968 1,809 FAX: 919 968-0856	TELEPHONE/FAX:
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: MANAGEMENT	TAX MAP(S), BLOCK(S), LOT(S): 7. 98. N. 5A
PROPERTY ADDRESS:  309 INEAUER STREET  PRESENT LAND USE & USE CLASSIFICATION:	PPROPSOED LAND USE & USE CLASSIFICATION:  COMMERCIAL OFFICE — # 3.120  LOTAREA:
ZONING DISTRICT(3) AND AREA WITHIN EACH (including Overlay Districts):	±, 164 Acres
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35, 36 9, 10, 22, 24, 34, 36 (also see "Building Pe ZONING PERMIT (Building) Residential Infill & Additions

SIGN PERMIT 1, 10, 13, 14, 17, 20, 36 VARIANCE 4, 5, 10, 20, 29, 34, 36 Attachment A APPEAL 4, 5, 36, Attachment B

checklist) MAY-<del>-7 2002</del> TOWN OF CARREORO INSPECTIONS

APPLICANT: CHAPEL HILL INVESTMENTS

DATE: 3.19-02

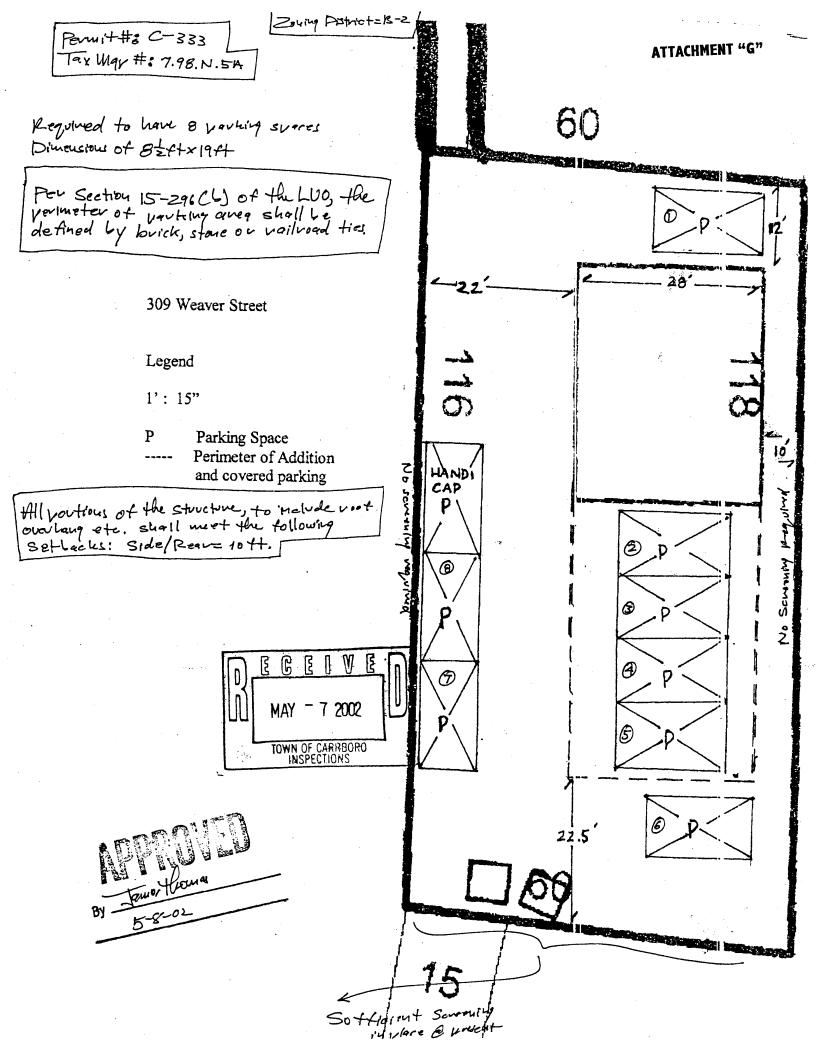
OWNER:

**CUP MODIFICATION** 

SPECIAL EXCEPTION

MD. MARGARET B. ROGERS TRUST DATE: 3-19-02

1, 4, 5, 8, 10, 20, 35, Attachment C



## COMMERCIAL BUILDING PERMIT

MAY - 7 2002 PPLICATION #:

PERMIT

TOWN OF CARREDORO
INSPECTIONS

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PRINT UNLESS OTHERWISE REQUESTED

ATTACHMENT ((1)

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**ATTACHMENT "H"** 

AND MUST BE KEPT ON THE JOB SITE A	TALLTIMES. INC	QUIRIES: Inspections I	DIVISION @ (	919) 968-771	2; FAX #: (:	717) 700-//33.	
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TOWN OF CARRBORO Zoning Division 301 W. Main Street Carrboro, NC 27510 919/968-7712



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Building Permit No. C-333

Zoning Permit No: 1679

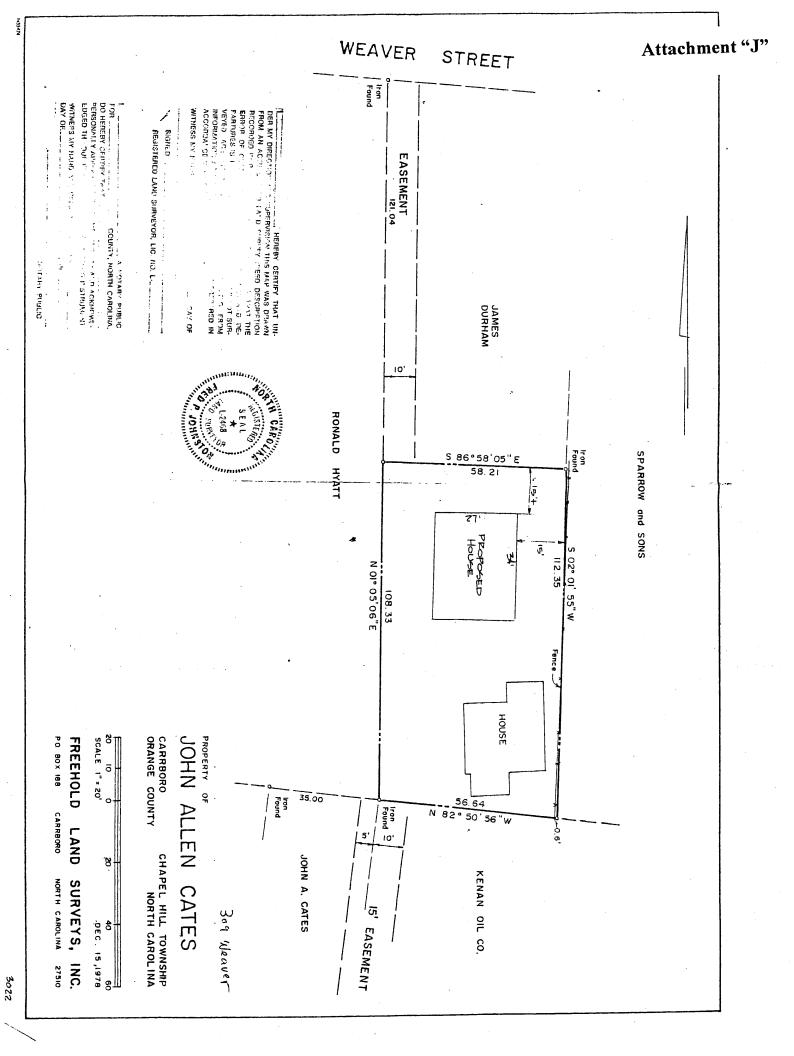
# ZONING PERMIT

to allow property located at $209 \text{ West} \text{ Weaver Struct}$ to be used for Office Building - addition for structure Tax Map Reference 7.18, N.5A  which is use classification # 3.120 in the Carrboro Land Use Ordinance, Article X, Permissible Uses  1. The applicant shall complete the development strictly in accordance with the plans submitted to and
---

If any of the Land Use Ordinance requirements for this permit shall be held invalid or void, then this permit shall be void and of no effect. approved by the Loning Administrator, a copy of which is filed in the Carrboro Town Hall.

APPROVED BY: James Thomas PERMIT FEE \$

Zoning Administrator/Dev. Specialist



800x2500 FASE 377

FILED

O4 FEB 2002, at Q1:30:26pm

Book 2500, Page 277 - 379

Joyce H. Pearson

Register of Deeds,

Orange County, N. C.

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It is understood and agreed that a ten foot right of way is reserved as a drive from Weaver Street to this property.