

# TOWN OF CARRBORO

Attachment A

## LAND USE PERMIT APPLICATION



DATE: February 17, 2003

FEE: \$250.00

APPLICANT: 1st American Builders, L.L.C.		OWNER: 1st American Builders, L.L.C.	
ADDRESS 2514 Reliance Avenue		ADDRESS: 2514 Reliance Avenue	
CITY/STATE/ZIP Apex, NC 27539		CITY/STATE/ZIP Apex, NC 27539	
TELEPHONE/FAX: PHONE: 919-303-8525 FAX: 919-303-8524		TELEPHONE/FAX: PHONE: 919-303-8525 FAX: 919-303-8524	
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: same		TAX MAP(S), BLOCK(S), LOT(S): 7.109K..151	
PROPERTY ADDRESS: 211 Lake Manor Road		PROPOSED LAND USE & USE CLASSIFICATION: CPU - Single Family	
PRESENT LAND USE & USE CLASSIFICATION: CPU - Single Family		LOT AREA: .66 Acres Square Feet	
ZONING DISTRICT(S) AND AREA WITHIN EACH (including Overlay Districts): R-20			
# OF BUILDINGS TO REMAIN 1		GROSS FLOOR AREA 3,886 square feet	
# OF BUILDINGS PROPOSED 1- unchanged		GROSS FLOOR AREA (of proposed building or proposed addition) 3,886 - unchanged square feet	

NAME OF PROJECT/DEVELOPMENT: Lake Hogan Farms, Lot 151

TYPE OF REQUEST	**INFORMATION REQUESTED (Refer to Attached Key)
SUBDIV. FINAL PLAT	1, 18, 19, 21, 23, 31, 33, 34, 36
CONDITIONAL USE PERMIT (CUP)	1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 34, 35, 36
<input checked="" type="checkbox"/> CUP MODIFICATION	SAME AS CONDITIONAL USE PERMIT (CUP)
SPECIAL USE PERMIT (SUP)	1, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 34, 35, 36
SUP MODIFICATION	SAME AS SPECIAL USE PERMIT (SUP)
ZONING PERMIT (Project)	1, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 29, 30, 32, 34, 35, 36
ZONING PERMIT (Building) <i>Residential Infill &amp; Additions</i>	9, 10, 22, 24, 34, 36 (also see "Building Permit Review - Residences Only" checklist)
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
SPECIAL EXCEPTION	1, 4, 5, 8, 10, 20, 35, Attachment C

APPLICANT By: 1st American Builders, L.L.C.

DATE: 2/17/03

OWNER: By: 1st American Builders, L.L.C.

DATE: 2/17/03



Attachment B

February 17, 2003

Board of Alderman  
Town of Carrboro  
301 West Main Street  
Carrboro, NC 27510

RE: CUP Modification - Lake Hogan Farms, Lot 151

Dear Sir or Madam:

1<sup>st</sup> American Builders, L.L.C. is requesting a CUP Modification for 211 Lake Manor Road in Lake Hogan Farms. The purpose of this request is to modify the existing undisturbed buffer, decreasing it from 75' to 25' at this location only.

We are making this request for the following reasons:

- 1) The buffer begins only 10' from the rear of the house.
- 2) The undisturbed buffer restrictions are so strict that the homeowner cannot maintain weeds, grass and bushes in their rear yard. This can lead to an over-grown area 10' from the house that encourages rodents and other pests to thrive.
- 3) The existing homeowner's association requests (and the residents expect) that all owners will maintain their rear yards, i.e. cut the grass, rake leaves, etc.
- 4) The homeowner has no functional backyard, limiting normal outdoor activities.
- 5) There are additional safety concerns that limbs blowing from un-pruned trees during ice or wind storms will damage property and/or cause injuries.

We have asked the adjacent property owners to sign a petition letter approving the buffer reduction. Those letters are attached. We have also enclosed a site map showing the proposed and existing buffers, along with pictures of the existing site. The home is complete and all vegetation and trees are to remain. We request that the homeowner have the ability to plant grass, install a swing set (if desired) and cut and maintain the grass and weeds behind their home.

The homeowner is prepared to pay all engineering, surveying and recording fees necessary for this change.

Thank you for your consideration in this matter.

Sincerely,

1<sup>st</sup> American Builders, L.L.C.

Michael Dean Chadwick

# ATTACHMENT "C"

EENWAY  
LAKE EDGE

LATION ( SEE EXISTING CONDITIONS SHT.D)

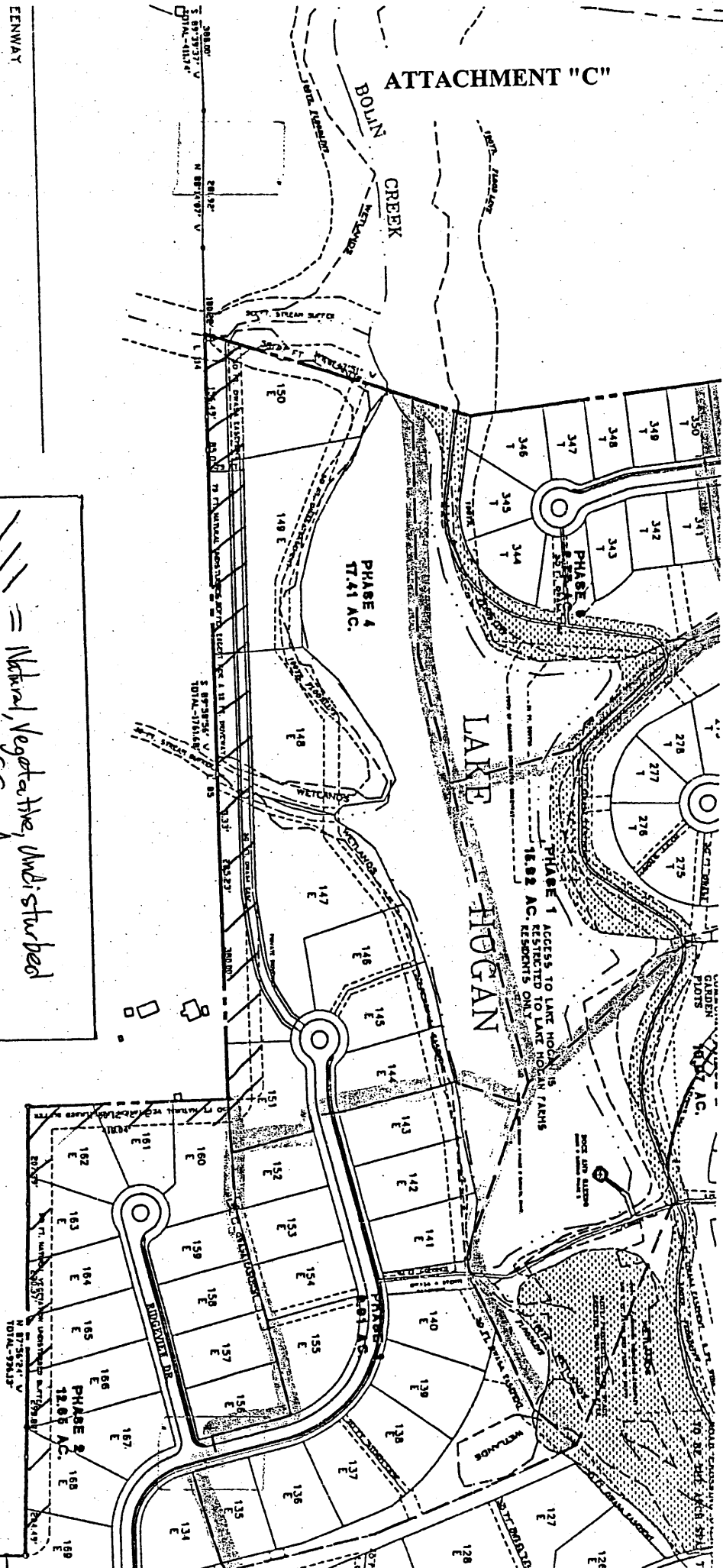
R-R 25.92 AC.  
R-20 282.34 AC.  
R-15 174 AC.  
25.92 UNITS ALLOWED  
6126 UNITS ALLOWED  
5.05 UNITS ALLOWED

64.9 AC.  
96.3 AC.  
310 AC.  
438 LOTS  
140 UNITS/AC

OPEN SPACE CALCULATIONS UNDER AIS

- 310 AC. X .05 = 15.5 AC. OPEN SPACE
- 74 E-LOTS - NO LOT UNDER 20,000 S.F.
- 76 H-LOTS - NO LOT UNDER 20,000 S.F.
- 84 T-LOTS X 20K=1680,000 (38.56 AC.)
- 140 UNITS/AC X 13.33165

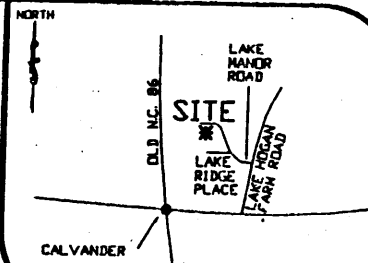
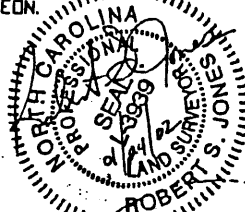
/// = Natural Vegetative Undisturbed Buffer Area



THIS IS AN ORIGINAL ONLY IF SIGNED IN RED INK OVER A BLACK SEAL.

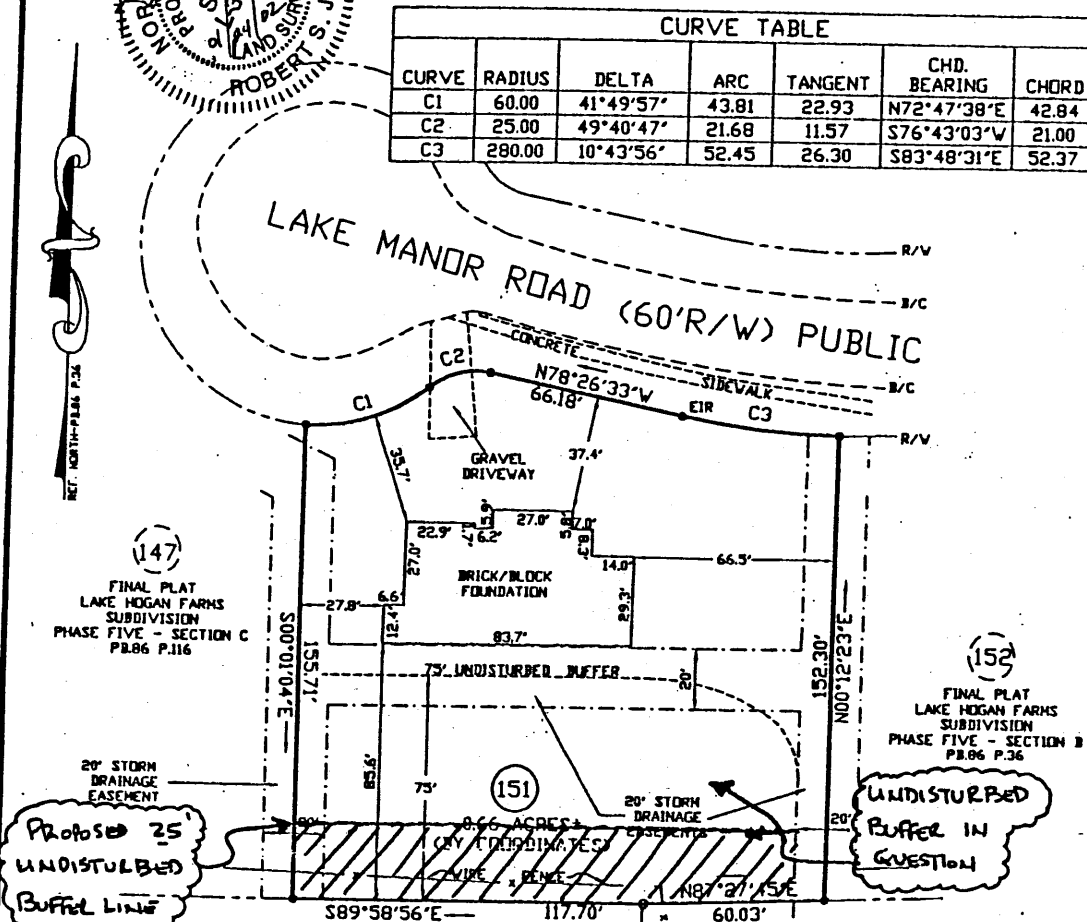
THIS PROPERTY IS NOT IN A SPECIAL  
FLOOD HAZARD AREA AS DETERMINED BY THE  
DEPARTMENT OF HOUSING & URBAN DEVELOPMENT.  
ZONE C MAP DATE 03/16/81  
MAP NUMBER 370342 0255 B

I, ROBERT S. JONES, CERTIFY THAT THIS MAP  
WAS DRAWN FROM AN ACTUAL FIELD SURVEY BY ME,  
THAT THE RATIO OF PRECISION AS CALCULATED BY  
LATITUDES AND DEPARTURES IS 1:10,000+; AND THAT  
THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN  
HEREON.



VICINITY MAP (NOT TO SCALE)

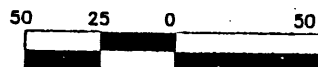
CURVE TABLE						
CURVE	RADIUS	DELTA	ARC	TANGENT	CHD. BEARING	CHORD
C1	60.00	41°49'57"	43.81	22.93	N72°47'38"E	42.84
C2	25.00	49°40'47"	21.68	11.57	S76°43'03"W	21.00
C3	280.00	10°43'56"	52.45	26.30	S83°48'31"E	52.37



REFERENCES  
DB.1979 P.432  
PB.86 P.36 (BEING ALL OF LOT 151,  
FINAL PLAT, LAKE HOGAN FARMS  
SUBDIVISION, PHASE FIVE - SECTION B).

## LEGEND

- EIP EXISTING IRON PIPE
- EIR EXISTING IRON ROD
- R/W RIGHT OF WAY
- - - B/C BACK OF CURB
- WIRE FENCE



SCALE IN FEET

PHYSICAL LOT SURVEY FOR

FIRST  
AMERICAN  
BUILDER

SCALE - 1" = 50'  
CHAPEL HILL TOWNSHIP - ORANGE CO., N.C.  
DATE - JANUARY 22, 2002

BRADY H. GOFORTH & ASSOCIATES, INC.  
301 WEST GRAHAM STREET  
MEBANE, N.C. 27302 919-563-3623



ATTACHMENT "D"

MEMORANDUM

DATE: OCTOBER 11, 2002  
 TO: MARTY ROUPE  
 FROM: BOB JONES  
 RE: LAKE HOGAN FARMS - UNDISTURBED BUFFER

We are fielding questions from potential homebuyers on lots 151 and 169 regarding undisturbed buffers.

Lot 151 has a 75 foot undisturbed buffer and lot 169 has a 50 foot undisturbed buffer. On both lots the buffer area is across the majority of the rear of the lot. Both terminate in a radius that leaves part of the left side out of the buffer. Most of these questions are from a potential buyer for Lot 151. This lot is the most restricted by the buffer.

- What can be put in the buffer? It was created as a protective area for the adjacent property owners. It seems as though plantings and fences that are permitted in other buffers would be acceptable. They would help to "buffer" the neighbor from the Lake Hogan Farms development.
- Can a fence be erected in the buffer if no trees or other significant vegetation is removed?
- There is an old barbed wire fence along the rear of lot 151 now. Can it be replaced with a wooden fence?
- Can trees be planted? Shrubs? Grass or ground cover?
- Can mulch be spread?
- What can be done to trees in the buffer area? We have been told by the Town that deadwood can be removed by hand. How about a dead branch still attached to the tree?
- Can diseased areas be removed for the health of the tree? Can other selective pruning be done?
- Can limbs be removed for the safety of the house or homeowner?
- If any work is advised by a tree service or "tree surgeon" does the homeowner need the Town's approval before proceeding?

2514 Reliance Avenue  
 Apex, NC 27539  
 (919) 303-8525  
 (919) 303-8524-Fax

ATTACHMENT "D"-2

- How about weeds, poison ivy, or other plants that no one wishes in the vicinity of their house. Can they be removed or sprayed?
- Can the area with grass and weeds be mowed or cut with a weed-eater?
- Can more typical grasses be planted and mowed?

Marty, I know there is not a definition of the term undisturbed buffer. Any clarification would be appreciated. Since potential buyers are posing these questions, we would like to respond as soon as we can. If we do not respond quickly we stand the chance of losing both buyers.

Let me know your thoughts.

Thank you for your help.



# TOWN OF CARRBORO

NORTH CAROLINA

Attachment "E"

April 27, 2001

Ms. Elizabeth Ladd  
8711 Drew Lane  
Chapel Hill, NC 27516

Re: Natural Vegetative No Disturbance Buffer in Lake Hogan Farms

Dear Ms. Ladd:

This letter is in reference to your phone call earlier today (Friday, April 27, 2001) concerning the Zoning Division's interpretation of the 'no disturb' buffer between your property and the phase 5 area of the Lake Hogan Farms subdivision. The Lake Hogan Farms Conditional Use Permit (CUP) plans state that the buffer is to be a 'natural vegetative no disturbance buffer'. Unfortunately, the exact definition of what was meant by such a buffer was not included on the CUP plans.

As the Development Review Administrator, I am given the authority to make interpretations regarding the land use ordinance (LUO) and any vagueness or uncertainties on permit plans that may arise. In this instance, since there was no formal definition of what was meant by the 'natural vegetative no disturbance buffer' label, I am forced to make an interpretation. I would interpret this statement to mean the following:

- No structures, grading, excavations, fences, etc. may be placed or conducted within the no disturb buffer area.
- No vegetation, including, but not limited to, trees, shrubs and grasses, may be removed or otherwise disturbed, sprayed or destroyed within the no disturb buffer area.
- Only downed or fallen trees damaged by storms or other natural events/causes may be removed from the no disturb buffer area. Such removal can only be made by hand. Such an allowance is necessary due to potential fire hazards.

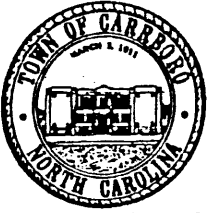
I believe that the above interpretation is consistent with the intent behind the reasons for requiring the buffer during the CUP public hearing process for the subdivision. That is, the no disturb buffer provides a natural area between the existing residential neighborhoods (Drew Lane and Stoney Brook subdivisions) and the new Lake Hogan Farms subdivision.

If you have any questions or need any further assistance on this or any other matter, please call me at 918-7334.

Sincerely,

Chris Murphy, AICP  
Development Review Administrator

cc: 1<sup>st</sup> American Land  
Attn: David Goracke  
2514 reliance Avenue  
Apex, NC 27502



## TOWN OF CARRBORO

NORTH CAROLINA

Attachment F

October 29, 2002

1<sup>st</sup> American Land  
Attn: Bobby Jones & Michael Dean Chadwick  
2514 Reliance Avenue  
Apex, NC 27502

**Re: Natural Vegetative Undisturbed Buffer in Lake Hogan Farms**

Dear Mr. Jones,

I am writing in reference to the letter you submitted to the Zoning Division on October 11, 2002 in which you seek clarification regarding what can be done in the undisturbed buffer area at Lake Hogan Farms subdivision. Thank you for submitting the letter and offering the town a chance to formally comment on this matter. As you know, Chris Murphy, former Development Review Administrator, offered a similar letter in April 2001 (copy enclosed). In preparing this letter, please note that I am referencing the former letter as it established a precedent for how the Town views the undisturbed buffer. My responses largely will be consistent with what was contained in the former letter.

The plans specify that the area in question (within Phase 5 of Lake Hogan Farms subdivision) is to remain as a 'natural vegetative no disturbance buffer.' Your letter seeks further clarification as to what is meant by this phrase. I am authorized as the Development Review Administrator to interpret this phrase since a precise definition was not included on the approved plans for the project. In your letter, you have asked specific questions, which I will address in this letter. Again, I will rely in large part on the information contained in the former letter regarding this matter dated April 27, 2001.

- 1) *What can be put in the buffer? It was created as a protective area for the adjacent property owners. It seems as though plantings and fences that are permitted in other buffers would be acceptable. They would help to "buffer" the neighbor from the Lake Hogan Farms development.*

Fences are not acceptable in the buffer. It is my opinion that the intent behind the no disturb buffer area was to provide a natural, undisturbed area, as the name implies. Fences are not a natural part of the landscape and would amount to a disturbance. Fences may be placed within an individual's yard at the buffer line, but not within the buffer area itself. Nor would plantings be acceptable. Again, to add plantings to the area would involve some amount of disturbance to the ground to put the plantings in place. This would amount to disturbance within the area. Some possible exceptions are outlined within other questions below.

- 2) *Can a fence be erected in the buffer if no trees or other significant vegetation is removed?*

No, a fence may not be placed in the buffer. See above. Again fences may be placed within an individual's yard at the buffer line, but not within the buffer area itself.



- 3) *There is an old barbed wire fence along the rear of lot 151 now. Can it be replaced with a wooden fence?*

No, a fence may not be placed in the buffer. See above. Again, I believe the intent was to leave the area in its natural state. In this case, the barbed wired fence appears to predate the development of the property and therefore is considered a part of the 'natural landscape' in the area. If the property owner is of the opinion that the barbed wire fence presents a safety hazard, then the owner could make a case to the Zoning Division for its removal; however, a wooden fence could not be put back in its place.

- 4) *Can trees be planted? Shrubs? Grass or ground cover?*

Generally, no plantings (trees, shrubs, grass, or ground covers) may be added to the area. See #1 above. However, a property owner may approach the Town if they wish to add plantings to the buffer area. The Town would review the specific request and make a judgment on a case-by-case basis. Plantings would not be allowed unless they were done in a way that added to the effectiveness of the natural state of the buffer, consistent with language found in Section 15-268(e) and (i) of the Town's Land Use Ordinance. Again, we both know that this section of the ordinance is not binding in this case, but it does offer us a basis from which to judge such requests should they come our way in the future. Generally, a well-defined 'tree line' would not be allowed, but additional trees scattered in no particular order within the area might be acceptable. Again, the Zoning Division requests that an individual property owner contact us to discuss the particulars of their request. The more general response is that plantings are not allowed in the buffer area.

- 5) *Can mulch be spread?*

Mulch is not acceptable in the area. Mulch, in that it is typically commercially prepared and purchased, is not a part of the natural landscape. Plus, the addition of mulch would amount to disturbance within the buffer area.

- 6) *What can be done to trees in the buffer area? We have been told by the Town that deadwood can be removed by hand. How about a dead branch still attached to the tree?*

Consistent with what is stated in the previous letter, only downed or fallen trees can be removed, and they can only be removed by hand. Again, this is consistent with what believe to be the intent of leaving the area in its natural state. The allowance of removal of downed or fallen trees is necessary due to potential fire hazards. This allowance does not include the removal of limbs still on a tree, even if they are or appear to be dead.

- 7) *Can diseased areas be removed for the health of the tree? Can other selective pruning be done?*

No selective pruning can be done. See #6 above. As for diseased areas, the property owner must present evidence to the Zoning Division from a professional individual

Page 3

qualified to make such a judgment. Upon receipt of such evidence, the Town would inspect the matter and make a determination regarding the request.

- 8) *Can limbs be removed for the safety of the house or homeowner?*

Again, the property owner would have to submit evidence of the situation from a professional qualified to make such judgments. Again, the Town would inspect the matter and make a determination regarding the request upon the receipt of information related to such a request.

- 9) *If any work is advised by a tree service or "tree surgeon" does the homeowner need the Town's approval before proceeding?*

Please refer to the above responses. Yes, a property would be expected to approach the Town to seek permission before any such action is taken in the area. The Zoning Division would work with the Town Arborist to make a determination regarding the request.

- 10) *How about weeds, poison ivy, or other plants that no one wishes in the vicinity of their house. Can they be removed or sprayed.*

Generally, no vegetation may be removed or otherwise disturbed, sprayed or destroyed within the no disturb buffer area. However, as mentioned earlier, a property owner may approach the Town if they feel something, such as the presence of noxious weeds, presents a safety hazard, at which point the Town would consider the specific request. We desire to have individual property owners approach the Town regarding matters such as these, so that we can be fully aware of what work may take place. This is a cautionary approach so that we will be prepared to respond should the Zoning Division receive telephone calls regarding disturbance in the area.

- 11) *Can the area with grass and weeds be mowed or cut with a weed-eater?*

No disturbance is allowed in the area. It is my opinion that mowing or weed eating would amount to disturbance to the natural state of the area.

- 12) *Can more typical grasses be planted and mowed.*

No grasses may be planted or mowed within the buffer area. This limitation does not affect the ability of a homeowner to conduct such activities in areas of their property outside the buffer area, but no plantings may occur, nor may mowing occur within the natural vegetative no disturbance buffer area.

I believe the responses provided herein are consistent with the intent behind the reasons for requiring the buffer during the CUP public hearing process for the subdivision, and further that the reasons are consistent with the opinion of former Development Review Administrator, Chris Murphy, as put forth in his letter of April 27, 2001.

**LAKE HOGAN FARMS – QUESTIONS ABOUT UNDISTURBED BUFFER**

**October 29, 2002**

**Attachment F 4**

**Page 4**

Please feel free to contact me at 918-7333 with any additional questions or requests for clarification. Please note that the developer or the Lake Hogan Farms Homeowner's Association (HA) (i.e.- the developer if the HA is not yet formally in control of the development or the HA if they now are established and operating without the assistance of the developer), one or the other, does have two possible avenues that may be pursued, if not in agreement with the opinion of the Zoning Division.

- 1) Firstly, an appeal may be filed regarding this interpretation. To do so, the paperwork and fee payment must be filed within thirty days of the date of this letter. If filed, the matter would be referred to the Board of Adjustment for a decision on the matter.
- 2) Secondly, an application can be filed for a modification to the existing CUP. In doing so, the applicant would present information related to the matter, staff would consider the information, then take the matter before the Board of Aldermen for consideration of a modification to the existing CUP to potentially redefine staff's interpretation of the natural vegetative undisturbed buffer area.

If you would like additional information on either possible avenue, please feel free to contact me at 918-7333.

Sincerely,

  
Marty Roupe

Development Review Administrator

MAR. 11. 2003 10:00AM 9199620644  
UNCCH SCH PHARMACY

NO 0002 P 1

Attachment G



February 10, 2003

Dennis & Michelle Williams  
209 Lake Manor Road  
Chapel Hill, NC 27516

RE: 211 Lake Manor Road

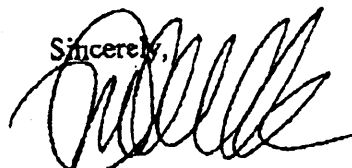
Dear Mr. and Mrs. Williams:

We have constructed the home next door to you at 211 Lake Manor Road. We are asking you to sign this petition to allow the homeowners to reduce the undisturbed buffer behind their home from 75' to 25', per the attached plot plan. As defined by the Town of Carrboro an undisturbed buffer is just that - no mowing, no maintenance of weeds, basically not even walking in the area.

As you can see by the plot plan, this 75' buffer starts just 10' behind the home. We are concerned about two issues. One, backyard activities will be very limited. Two, we are concerned about health issues if this area is not maintained, encouraging rodents and other pests to thrive in this area. The home is complete and all vegetation and trees are to remain as is. All we are asking for is normal backyard activities such as planting grass, installing a swing set, cutting and maintaining the grass and weeds, etc.

If you have any questions, please give us a call to further discuss. Otherwise, we are requesting that you sign the bottom of this letter in favor of reducing the undisturbed buffer.

Sincerely,

  
Michael Dean Chadwick  
CEO

We are in favor of reducing the undisturbed buffer area behind 211 Lake Manor Road from 75' to 25'.

  
Dennis Williams  
Michelle Williams  
LENER



Attachment G -2

February 5, 2003

Steve Olsen  
Mt. Vernon Homes  
205 W. Main Street, Suite 205  
Carrboro, NC 27510

RE: 211 Lake Manor Road

Dear Mr. Olsen:

We have constructed the home next door to you at 211 Lake Manor Road. We are asking you to sign this petition to allow the homeowners to reduce the undisturbed buffer behind their home from 75' to 25', per the attached plot plan. As defined by the Town of Carrboro an undisturbed buffer is just that – no mowing, no maintenance of weeds, basically not even walking in the area.

As you can see by the plot plan, this 75' buffer starts just 10' behind the home. We are concerned about two issues. One, backyard activities will be very limited. Two, we are concerned about health issues if this area is not maintained, encouraging rodents and other pests to thrive in this area. The home is complete and all vegetation and trees are to remain as is. All we are asking for is normal backyard activities such as planting grass, installing a swing set, cutting and maintaining the grass and weeds, etc.

If you have any questions, please give us a call to further discuss. Otherwise, we are requesting that you sign the bottom of this letter in favor of reducing the undisturbed buffer.

Sincerely,

Geoff Shiley  
VP of Building Operations

We are in favor of reducing the undisturbed buffer area behind 211 Lake Manor Road from 75' to 25'.

  
Steve Olsen



Attachment G -3

February 5, 2003

Jeff Lewis  
J.T. Lewis Builders, Inc.  
P.O. Box 2782  
Chapel Hill, NC 27539

RE: 211 Lake Manor Road

Dear Mr. Lewis:

We have constructed the home next door to you at 211 Lake Manor Road. We are asking you to sign this petition to allow the homeowners to reduce the undisturbed buffer behind their home from 75' to 25', per the attached plot plan. As defined by the Town of Carrboro an undisturbed buffer is just that – no mowing, no maintenance of weeds, basically not even walking in the area.

As you can see by the plot plan, this 75' buffer starts just 10' behind the home. We are concerned about two issues. One, backyard activities will be very limited. Two, we are concerned about health issues if this area is not maintained, encouraging rodents and other pests to thrive in this area. The home is complete and all vegetation and trees are to remain as is. All we are asking for is normal backyard activities such as planting grass, installing a swing set, cutting and maintaining the grass and weeds, etc.

If you have any questions, please give us a call to further discuss. Otherwise, we are requesting that you sign the bottom of this letter in favor of reducing the undisturbed buffer.

Sincerely,

Geoff Shiley  
VP of Building Operations

We are in favor of reducing the undisturbed buffer area behind 211 Lake Manor Road from 75' to 25'.

  
Jeff Lewis

3/19/03

Attachment G-4

BOARD OF ALDERMAN  
TOWN OF CARRBORO  
301 WEST MAIN STREET  
CARRBORO, NC 27510

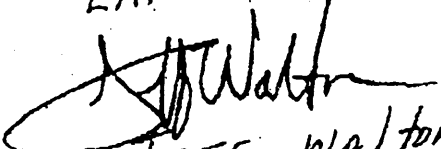
RE: CUP MODIFICATION -  
LAKE HOGAN FARMS LOT 151

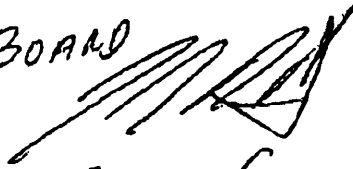
DEAR SIR OR MADAM:

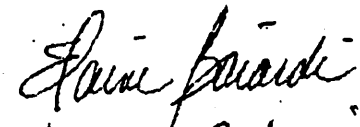
AS THE REPRESENTATIVES OF THE LAKE HOGAN  
FARMS HOMEOWNERS ASSOCIATION WE ARE  
IN AGREEMENT THAT THE BUFFER BEHIND  
LOT 151 SHOULD BE DECREASED FROM 75'  
TO 25'.

Thank you,

LAKE HOGAN FARMS BOARD

  
JEFF WALTON

  
JOHN CODY

  
ELAINE BAIARDI



ATTACHMENT "H"

April 3, 2003

Board of Alderman  
Town of Carrboro  
301 West Main Street  
Carrboro, NC 27510

RE: CUP Modification – Lake Hogan Farms, Lot 151

Dear Sir or Madam:

1<sup>st</sup> American Builders, L.L.C. has made every effort to contact Muriel Mandel of 408 Stony Hill Road in Chapel Hill, one of the adjoining land owners to the above referenced property. We have sent a letter via UPS overnight as well as hand delivered a copy and attached to her front door. We have made several attempts to stop by and see her, but have found no one at home. She has not contacted us to respond in any way.

At this point we feel we have exhausted all efforts to contact Ms. Mandel. Please take this into consideration. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Dean Chadwick".

Michael Dean Chadwick



**Martin Roupe**

---

From: Muriel Mandel [m.mandel@mindspring.com]  
Sent: Wednesday, April 09, 2003 5:10 PM  
To: Martin Roupe  
Subject: 75' buffer

Dear Mr. Roupe,

Thank you for your phone call this morning. I got your message on my voicemail. I left you a phone message, in return.

I understand that you will need, in writing, my response to the request made by First American Builders, to reduce the undisturbed buffer, from 75' to 25', between my property and the lot that abutts to my property, as described to me by Mr. Michael Chadwick. This is for the meeting scheduled for this Tuesday, with the Board of Aldermen.

As I indicated on my phone message to you this morning, my initial response is to deny the builders' request -- and maintain the 75' buffer as it stands. On the other hand, I would like to make sure that I have considered all aspects of this matter, and that I will have made the right decision. Unfortunately, I will not be able to do so by this Friday.

I have been in contact with Michael Chadwick, of First American Builders, the applicant making the request for the reduction of the buffer space. It seems that he has requested the meeting of the Board of Aldermen next Tuesday, to discuss his concerns. Is that correct? If so, can the meeting be postponed? I would prefer to take the time, if necessary, to gather the information I might need to make an informed decision.

A question I have now, that you might be able to answer is this: If the buffer is reduced from 75' to 25', undisturbed, will the property owner of that additional 50', have the legal right to use that additional 50' for any purpose they choose? In other words, could that space, theoretically/potentially be used as, or made into a road, or to build or erect another structure, such as play equipment, or whatever? Could I specify certain restrictions, in perpetuity, to that property's use? And/or, legally provide that landscaping be established and permanently maintained -- and repaired or replaced -- as necessary? Mr. Chadwick has suggested that these may be options, but I would like to know from you if you agree that these things would be legally binding.

I have set up a meeting on the site, to start thinking about all this, between Mr. Chadwick and my representative, Ms Patterson, for Sunday afternoon. I will be in touch with each of them Sunday evening, hopefully.

As you can imagine, I am committed to protecting my privacy. As is, the house/property in question, built on Lake Hogan Farms, is already a visual and psychological intrusion into my space. And it is clear that the house was placed poorly on that lot. If you can help in any way, to protect my property, I would certainly appreciate it! Any advice you might have, to that end, would be very well received!

Sincerely,

Muriel Mandel

PS: It is possible that Mr. Chadwick and I do come to an agreement this Sunday evening. If so, I will certainly send you my written statement, by fax, if that's alright, stating my position, in time for the Tuesday meeting. Would you please send me your fax number? And, if you would, advise me on the format to use for my statement? Thank you.

**ATTACHMENT J**

The following resolution was introduced by Aldermen \_\_\_\_\_ and duly seconded by Aldermen \_\_\_\_\_.

**A RESOLUTION REGARDING A MINOR MODIFICATION TO THE CUP FOR  
LAKE HOGAN FARMS SUBDIVISION TO ESTABLISH A REDUCED NATURAL,  
VEGETATIVE, UNDISTURBED BUFFER ON LOT 151  
Resolution No. 140/2002-03**

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for Lake Hogan Farms subdivision on September 27, 1994; and

WHEREAS, the Town of Carrboro Land Use Ordinance requires that any substantial change to the approved plans for a project shall constitute a minor modification to the original Conditional Use Permit; and

WHEREAS, the Board of Aldermen finds that the applicant has satisfied the requirements related to minor modifications contained in the Land Use Ordinance.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board of Aldermen hereby:

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This is the 15<sup>th</sup> day of April 2003.