

**ATTACHMENT A**

**A RESOLUTION APPROVING A MINOR MODIFICATION TO THE ROBERSON PLACE  
CONDITIONAL USE PERMIT PROJECT FOR A CHANGE TO THE SETBACK  
REQUIREMENTS ON A PRIVATE LOT**

**Resolution No. 118/2009-10**

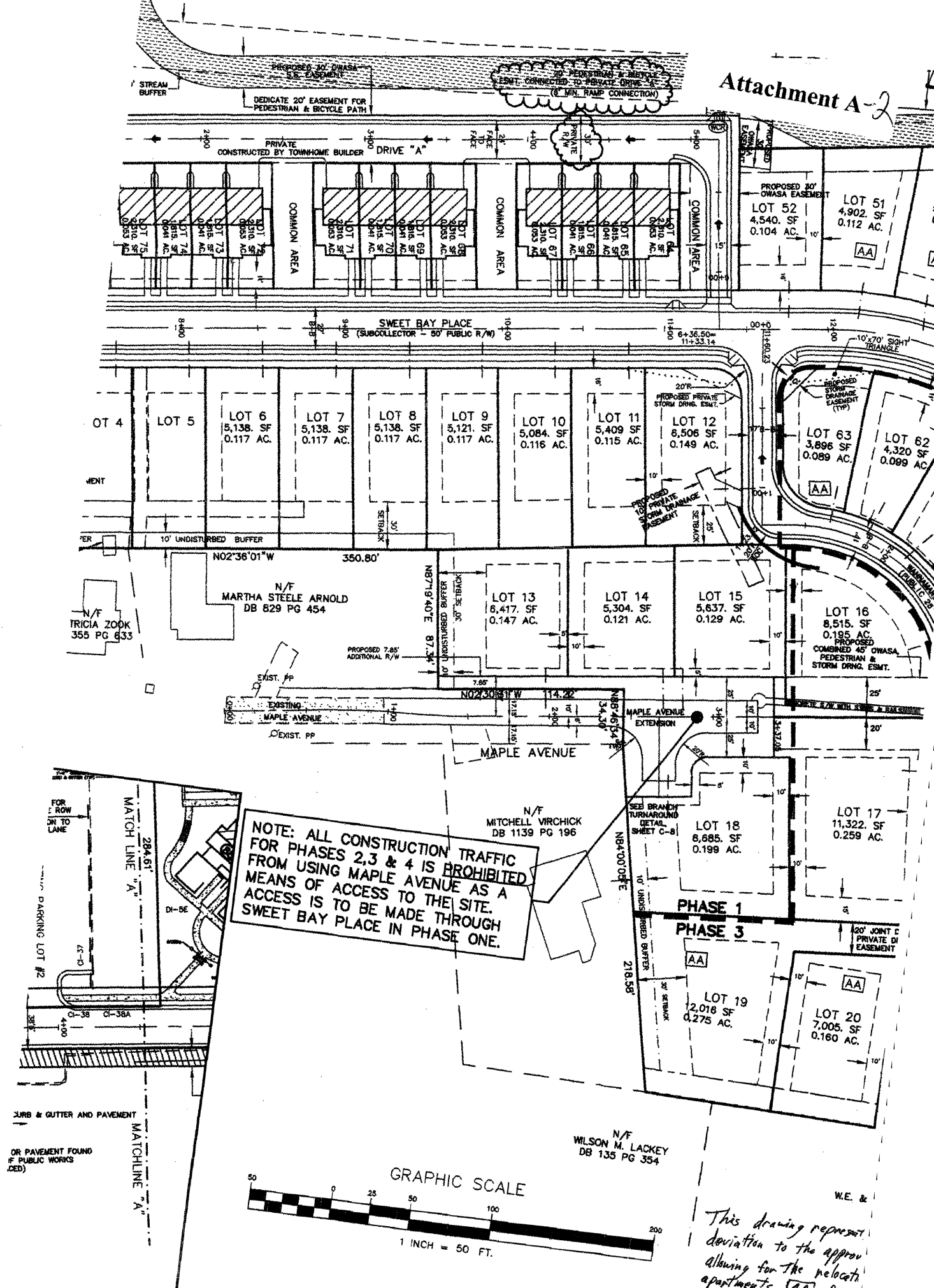
WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for Roberson Place AIS on January 19, 1996; and

WHEREAS, the Town of Carrboro is willing to revisit and consider changes to conditions placed on permits at the request of applicants; and

WHEREAS, Town Staff has determined that this request constitutes a Minor Modification to the Conditional Use Permit; and

WHEREAS, the applicant has met the criteria in the Town's Land Use Ordinance related to Minor Modifications.

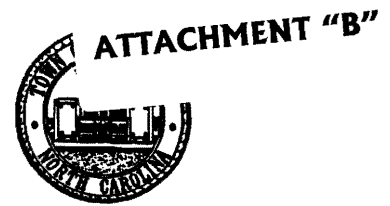
NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Minor Modification to the Roberson Place AIS Conditional Use Permit is hereby approved.



This drawing represents deviation to the approved plan allowing for the relocation of the units. AA unit must have parking space (3 to 4 spaces).

## NORTH CAROLINA

## ORANGE COUNTY



## TOWN OF CARRBORO

## CONDITIONAL USE PERMIT GRANTED

On the date(s) listed below, the Board of Aldermen of the Town of Carrboro met and held a public hearing to consider the following application:

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|--|
| <b>APPLICANT:</b> Yaggy Corporation/Duncan Yaggy   |
| <b>OWNER:</b> Yaggy Corporation/Duncan Yaggy   |
| <b>PROPERTY LOCATION (Street Address):</b> 216 Roberson Street   |
| <b>TAX MAP, BLOCK, LOT(S):</b> Tax Map 99, Block D, Lot 19C 9778-94-2950 <i>h</i>  |
| <b>PROPOSED USED OF PROPERTY:</b> To allow construction of 121 dwelling units--63 single-family detached units, 28 townhomes, and 30 accessory apartments. |
| <b>CARRBORO LAND USE ORDINANCE USE CATEGORY:</b> 26.100, 1.110, 1.220, 1.320   |
| <b>MEETING DATES:</b> November 28, 1995, December 12, 1995, December 19, 1995, and January 16, 1996  |

Having heard all the evidence and arguments presented at the hearing, the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Carrboro Land Use Ordinance for the development proposed, and that therefore the application to make use of the above described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Land Use Ordinance and the following conditions:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be pointed out specifically to the administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
3. That the developer adjust the 20-foot wide bikepath easement during the construction plan approval process as necessary to meet with OWASA's approval and that the developer modify the OWASA sewer easement agreement at that same time to accommodate the 20-foot wide bikepath easement as per OWASA's requirements.
4. That drainage plans be created during the building permit approval process for individual lots, including roof drains and methods to handle off-site stormwater run-off.
5. That a secondary erosion control plan be created during the building permit approval process to require the installation of any erosion control structures on individual lots during home construction as deemed necessary by the town engineer and/or the Orange County Erosion Control Officer. This restriction shall be established as a note on the final plat. Any necessary erosion control structures must be shown on the plot plan prior to the building permit approval, and the structures must be installed on the lot prior to any grading or clearing operations.
6. That the Ginkgo "Gingko biloba" trees should consist of only male trees since these do not have the fruit that the female trees have.

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7. That an architectural code be established as part of the development's codes, covenants and restrictions. This code should take into account the local vernacular. Also, the Maple Avenue Preservation District Commission should be given the opportunity to comment on this proposed architectural code.
8. That the bikepath should not go through the cemetery unless such a route is first approved by the Cemetery Committee
9. That the developer shall provide a minimum 10-foot undisturbed common buffer and additional 20-foot setbacks along the property lines of Old Mill Village (Lots 13, 18 and 19) that abut the eastern and southern borders of the Maple Avenue properties.
10. That to the extent possible, the developer should preserve mature trees in the development and around the boundary areas of the development in keeping with the town's tree ordinance.
11. That to the extent consistent with the town's ordinance at the time of construction of the streets with regard to the extension of Maple Avenue, the developer shall continue the asphalt rolled edge and ditch design and narrow right-of-way of 34.20 feet of Maple Avenue and the existing 16-foot street width of Maple Avenue should continue, as an exception to the land use ordinance, on the Maple Avenue Extension.
12. That existing trees shall be used wherever possible for the developer to meet the street tree requirements. No lighting not in keeping with the street light type, size and frequency, shall be required along the extension of Maple Avenue.
13. That the restrictive covenants or deeds for new lots on the Maple Avenue extension must require that the design of these homes be compatible with the siting, setback, massing, scale, rhythm and materials of the houses along Maple Avenue.
14. That all construction vehicles relating to the construction of the Old Mill Village, except for construction vehicles relating to the construction of the houses on Maple Avenue extension, shall be prohibited on Maple Avenue. As to construction vehicles relating to the construction of the houses on Maple Avenue extension, to the extent possible, all such vehicles shall also be prohibited on Maple Avenue.
15. That all drainage issues and problems associated with Old Mill Village, including those problems described in Sungate Design Group's letter dated November 30, 1995, be addressed by the developer as agreed upon in the letter of Phil Post dated December 4, 1995, and with any other measures required by the staff.
16. Prior to construction plan approval for Phase 4, the applicant shall cause to be executed and recorded the following agreement to allow access from Old Mill Village to South Greensboro Street:
  - (a) An easement from Rogers Triem, Inc. appurtenant to the Old Mill Village property, authorizing egress for the vehicular traffic from the Old Mill Village property to South Greensboro Street, and allowing ingress and egress to and from South Greensboro Street for emergency service vehicles, such easement to expire automatically upon the acquisition by the town of a public right-of-way providing access from Greensboro Street to the Old Mill Village property. The location and configuration of this easement shall be substantially as shown on the attached diagram, which shall become Exhibit "A" to the permit, except that it is understood that this easement may provide that it can be relocated by Rogers Triem, Inc. at its expense so long as the relocated easement continues to serve the same function. It is further understood that the easement shall be granted contingent upon abandonment by the town of the existing Rand Road right-of-way, and that the easement shall also recite that, upon redevelopment of the Rogers Triem property, it is expected that the town will require that a public street be constructed and dedicated providing access from South Greensboro Street through the Rogers Triem property and connecting to the public street at the southern terminus of the Old Mill Village property.
  - (b) To the extent necessary, an agreement to the matters set forth in subparagraph (a) shall be executed by the owners of the property immediately adjoining the Rogers Triem tract to the southeast.

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17. The construction of the access from the Old Mill Village property to South Greensboro Street, as provided in the foregoing condition and as shown on Exhibit "A", shall be completed or guaranteed by the posting of a performance bond or other security under Section 15-60 of the Land Use Ordinance prior to final plat approval for Phase 4 of the Old Mill Village project.

This permit shall automatically expire within two years of the date of issuance if the use has not commenced or less than 10 percent (10%) of total cost of construction has been completed or there has been non-compliance with any other requirements of Section 15-62 of the Carrboro Land Use Ordinance.

All street construction on those streets proposed for acceptance by the Town of Carrboro shall be certified by an engineer. Engineering certification is the inspection by the developer's engineer of the street's subgrade, base material, asphalt paving, sidewalks and curb and gutter, when used. The developer's engineer shall be responsible for reviewing all compaction tests that are required for streets to be dedicated to the town. The developer's engineer shall certify that all work has been constructed to the town's construction specifications.

If this permit authorizes development on a tract of land in excess of one acre, nothing authorized by the permit may be done until the property owner properly executes and returns to the Town of Carrboro the attached acknowledgment of the issuance of this permit so that the town may have it recorded in the Orange County Registry.

## NORTH CAROLINA

## ORANGE COUNTY

IN WITNESS WHEREOF, the Town of Carrboro has caused this permit to be issued in its name, and the undersigned being all of the property above described, do hereby accept this Conditional Use Permit, together with all its conditions, as binding upon them and their successors in interest.

ATTEST:

Sarah C. Williamson  
Town Clerk



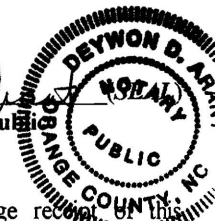
THE TOWN OF CARRBORO

BY Robert W. Morgan  
Town Manager

I, Deywon D. Arant, a Notary Public in and for said County and State, do hereby certify that Sarah C. Williamson, Town Clerk for the Town of Carrboro, personally came before me this day and being by me duly sworn says each for himself that she knows the corporate seal of the Town of Carrboro and that the seal affixed to the foregoing instrument is the corporate seal of the Town of Carrboro, that Robert W. Morgan, Town Manager of said Town of Carrboro and Sarah C. Williamson, Town Clerk for the Town of Carrboro subscribed their names thereto; that the corporate seal of the Town of Carrboro was affixed thereto, all by virtue of a resolution of the Board of Aldermen, and that said instrument is the act and deed of the Town of Carrboro.

IN WITNESS THEREOF, I have hereunto set by hand and notarial seal this the 13 day of March, 1996.

Deywon D. Arant  
Notary Public



My Commission Expires: 10/12/98

I (We) Yaggy Corporation, owner(s), do hereby acknowledge receipt of this Conditional Use Permit. The undersigned owner(s) do further acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding upon them and their successors in interest.

Attest:

Sarah P. Yaggy (SEAL)  
Secretary



Yaggy Corporation  
(Corporate Name)

BY Don Yaggy  
Vice President

NORTH CAROLINA  
ORANGE COUNTY  
DURHAM

I, DONNA T. COLES, a Notary Public of DURHAM County, N.C. do hereby certify that Sandra Pyaggy appeared before me this day and being duly sworn says that he knows the common seal of Yaggy Corporation, and is acquainted with Duncan Yaggy, who is president of said corporation and he Sandra P. Yaggy, who is secretary of said corporation, saw the said president sign the foregoing instrument and that he, Sandra P. Yaggy, secretary as aforesaid, affixed said seal of said instrument and he, the said secretary, signed his name in attestation of execution of said instrument in the presence of said president of said corporation.



Witness my hand and notarial seal, this the 14 day of MARCH, 1996

Donna T. Coles  
Notary Public

My Commission Expires: 6/27/96

(Not valid until fully executed and recorded)

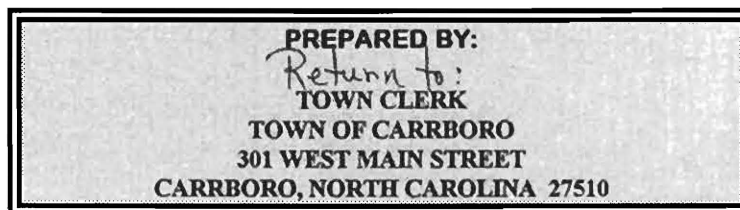
STATE OF NORTH CAROLINA  
COUNTY OF ORANGE

Deywon D. Arant and  
The foregoing certificate(s) of Donna T. Coles ~~Notary~~/Notaries Public of the designated governmental units (is) (are) certified to be correct.

This the 3 day of April, A.D. 1996. See filing below.

Betty June Hayes,  
Register of Deeds

By: Priscilla D. Mize  
~~Assistant~~ Deputy Register of Deeds



FILED  
03 APR 1996, at 09:40:56am  
Book 1451, Page 156 - 160  
Betty June Hayes,  
Register of Deeds,  
Orange County, N. C.

To: Town of Carrboro Board of Alderman

From: Sophie Piesse and Robert N. Joyner Jr

Re: Piesse Joyner Residence  
100 Purple Leaf Place  
Carrboro, NC 27510

Minor modification to the Roberson Place CUP

To the Board of Alderman:

We would like to put an addition on the back of our house. I have attached a site plan showing the existing house and the proposed addition on our lot.

What is unusual about our addition is that when the subdivision was created, a special setback was added to the three properties that are adjacent to the old Maple Avenue historic neighborhood. We are one of those properties. So, overlaying the standard 10' setback, that is typical in our neighborhood, we have a 30' setback on the northern side of our property. Most of our addition does not affect this setback but the 14'x16' section, directly to the North, does (by about 12'-4" at the greatest point). Please note that the proposed addition will still be almost 18' from the property line at the closet point.

We have included a signed letter from Mitch and Ellen Virchik, our neighbors to the North, saying that they have no objections to our addition. This is important since it was upon their request that the setback was created in the first place.

The original setback was created to buffer the new high-density subdivision from the older less-dense neighborhood. Since the construction of Roberson Place and the creation of the CUP, several lots within the historic district of Maple Avenue have been created, as the larger lots have been divided and infill has occurred. These lots have also been created with 10' setbacks and have created a much denser neighborhood.

We have also obtained signatures from all of our surrounding neighbors, within 150', and the Roberson Place Home Owners Association in support of the proposed addition in accordance with Town Guidelines and hereby present this application for consideration for a minor modification to the Roberson Place Conditional Use Permit.

Please let us know if you have any questions or need further clarification.

Sincerely,

Handwritten signatures of Sophie Piesse and Robert N. Joyner Jr. in black ink.

Sophie Piesse and Robert N. Joyner Jr.

MITCHELL VIRCHICK  
DB1139, PG 196

LOT 18

AREA OF LAND  
DISTURBANCE

N 84°00'05" E

113.58'

10' UNDISTURBED BUFFER

17.98'

19.14'

PROPOSED HOUSE

30' BUILDING SETBACK

5' RETAINING WALL

7' RETAINING WALL AT  
CORNERPROPOSED DRIVEWAY  
AREA

16.90'

PROPOSED  
SCREEN  
PORCHEDEXISTING HOUSE  
LOT 19

GARAGE

15' BUILDING SETBACK

BEGINNING OF  
RETAINING WALL15' BUILDING  
SETBACK

DECK

DECK

21.98'

S 00°04'05" W  
178.02'20' WIDE DRIVEWAY  
EASEMENT (EDGE)

LOT 20

20' WIDE DRIVEWAY  
EASEMENT

LOT 17

5' WIDE DRAINAGE  
EASEMENT ALONG BACK  
OF LOT 17 ONLY20' WIDE DRIVEWAY  
EASEMENT (EDGE)

TOP OF GRND = 411.00

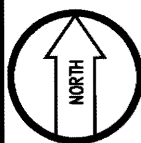
THE PIESSE AND JOYNER PROPERTY  
(ROBERSON PLACE- LOT 19 - 0.275 ACRES)  
CARBORO, NORTH CAROLINA

SITE PLAN

DATE: 2-16-10

SCALE: 1" = 20'

SHEET 1 of 1

WANNAMAKER  
PLACE  
PURPLE LEAF  
PLACE

Marty Roupe  
Development Review Administrator  
Planning Department  
Town of Carrboro

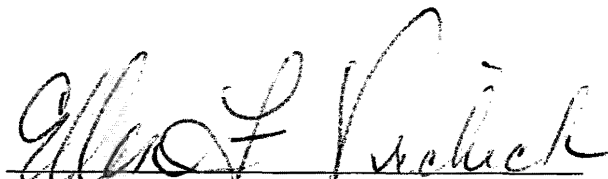
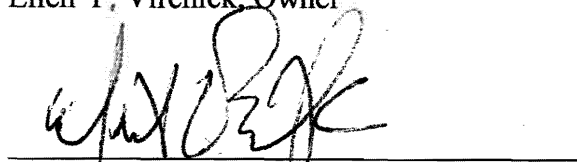
**RE: 100 Purple Leaf Place, Carrboro NC 27510 – Proposed House Renovation**

Dear Mr. Roupe,

We have reviewed the architectural sketches by the Architect Sophie Piesse and have no issue with the housing renovation planned by Sophie Piesse and Robert N. Joyner Jr. located at 100 Purple Leaf Place in the Roberson Place Subdivision in the Town of Carrboro. We understand that the housing renovation will take place partially within the special 30' building setback on the proposed lot.

We are the owners of 214 Maple Avenue, Carrboro, NC 27510 which is the lot directly adjacent and due north of the 100 Purple Leaf Place lot that is requesting the renovation.

Sincerely,

  
\_\_\_\_\_  
Ellen F. Virchick, Owner  
\_\_\_\_\_  
Mitchell Virchick, Owner



P.O. Box 4444, Chapel Hill, NC 27515-4444

**FEBRUARY 16, 2010**

Robert Joyner and Sophie Piesse  
100 Purple Leaf Place  
Carrboro, NC 27510

Dear Homeowners:

The Roberson Place Homeowners Association Board of Directors approves *\*only\** the design/appearance of the renovation/addition submitted for 100 Purple Leaf Place in accordance with the Roberson Place Declarations and Covenants:

- 1) "As required by the Architectural Guidelines for Roberson Place approved by the Appearance Commission of the Town of Carrboro on July 17, 1996, all structures to be constructed on the Maple Avenue Extension shall be compatible with the siting, setback, massing, scale, rhythm and materials of the existing houses on Maple Avenue, as required by Section 13 of the conditional use permit"
- 2) "With respect to the setbacks imposed by the Town of Carrboro, nothing herein shall relieve the requirement to comply therewith, such relief being available solely from the Town of Carrboro".

If you have any further questions or need additional information, please feel free to contact the Association Manager or Board at the address above.

Thank you in advance.

A handwritten signature in cursive script, appearing to read "Ann Aylward".

Ann Aylward, Association Manager on behalf of the Roberson Place Homeowners Association Board of Directors

**PETITION OF SUPPORT FOR PROPOSED HOUSING RENNOVATION**  
**LOCATED AT 100 PURPLE LEAF PLACE, CARRBORO NC 27510.**

I have reviewed the architectural sketches by the Architect Sophie Piesse and have no issue with the housing renovation planned by Sophie Piesse and Robert N. Joyner Jr. located at 100 Purple Leaf Place in the Roberson Place Subdivision in the Town of Carrboro. I understand that the housing renovation will take place partially within the special 30' building setback on the proposed lot.

[illegible]