

Zoning Board of Adjustment 2013-2014 Annual Report

The Zoning Board of Adjustment (ZBOA) consists of five citizen volunteers from within the Town's corporate limits, one from the ETJ, and two alternates, that hold quasi-judicial, evidentiary hearings, and make decisions based on the written and oral evidence presented, under the following scenarios.

- Review requests for variances made by (1) the owner of the land affected by the variance; (2) an agent, lessee or contract purchaser specifically authorized by the owner; (3) or any unit of government that is not the owner but proposes to acquire the land by purchase, gift or condemnation. The only standards eligible for a variance are described in Land Development Ordinance (LDO) Section 3.20.2.
- Hear appeals made by any person who has standing under G.S. 160A-393(d) from (1) any decision made by an administrative official charged with enforcement of the LDO; (2) a decision of the Town Manager regarding a civil penalty; (3) or a decision or order of the Minimum Housing Inspector.
- Review requests for reasonable accommodations under the Federal Fair Housing Act made by (1) the owner of the land affected by the variance; (2) an agent, lessee or contract purchaser specifically authorized by the owner; (3) or any unit of government that is not the owner but proposes to acquire the land by purchase, gift or condemnation.
- Review special use and site plan requests for certain telecommunications facilities.

The ZBOA is supported by independent legal counsel to provide clarification and interpretation of relevant law, ordinance and procedure.

Staff Notes: The Town of Cary Planning staff conducted 22 pre-application conferences with citizens or business owners who contemplated submitting variance requests for encroachments to building setbacks or a variance to the limits on allowed signage area and building coverage. Only seven applications were actually submitted. The other parties sought an alternate method of resolving their issues.

Summary of Cases Heard

Case #	Meeting Date	Applicant Requests	Results
13-SE-02	10/7/2013	To request a Special Exception for the Oxford House Maynard Group Home	Denied

Case #	Meeting Date	Applicant Requests	Results
13-AA-02	10/7/2013	To appeal J. Ulma decision of 3/27/13 and revocation of 12-ZCP-03 regarding a group home	Denied
13-AA-01	11/4/2013	To appeal 13-ZV-021 decision and to keep the concrete pad where it remains	Denied
13-AA-03	12/18/2013	To appeal J. Ulma decision of 9/20/13 that property must be developed in a manner that is predominantly non-residential. Note: ZBOA decision to deny appeal overturned by Superior Court on 6/4/2014	Denied
13-V-03	12/18/2013	To seek relief from strict requirements of Section 7.2.5 (c) of the LDO related to removal of champion trees	Approved
14-V-02	3/24/2014	A variance to allow an existing 12x12 shelter to extend into a 10-foot landscape buffer along the northwestern property line and to allow vehicular use within the 15-foot landscape buffer along the rear property line and within the 10-foot buffer along the southeastern property line	Approved
14-V-03	3/24/2014	A variance to allow an existing porch and deck to extend 3.6 feet into a required 50-foot landscape buffer	Approved
14-V-04	8/4/2014	A variance to allow a concrete patio surrounding a pool to extend 1.5 feet into the rear yard setback and two (2) feet into the side yard setback	Approved
14-V-05	8/4/2014	A variance to multiple required setbacks for buildings and parking areas and reductions to streetscape and landscape buffer widths for an office building on Wrenn Drive	Approved
14-V-06	9/8/2014	A variance to required rear yard setbacks to allow the enclosure of the existing deck and the addition steps	Approved

Notes of Interest: Pursuant to a Voluntary Compliance Agreement between the U.S. Department of Housing and Urban Development (HUD), the Town of Cary and Oxford House, Inc., dated 7/16/2014, within six months of the effective date of the agreement, the then-current members of the ZBOA will participate in training, either in-person or online, on the Federal Fair Housing Act at Town of Cary's expense. The training will be provided by an external source approved by HUD. The Town of Cary will provide HUD with a copy of the agenda and bio for each individual providing the training and a sign-in sheet that identifies the names and positions of each person trained with 10 days of the training date.