

TO: Roger Stancil
J. B. Culpepper

FROM: Jim Merritt
Chapel Hill Town Council

DATE: October 29, 2009

RE: PETITION TO STAFF

I am hereby petitioning the staff to please advise the council on the status of ordinance and zoning compliance in the Northside neighborhood since the inception of the Neighborhood Conservation District in February of 2005. Possible outcomes of such a report would be to not only highlight a neighborhood issue, but also to highlight the need for additional oversight by our staff in inspections or code enforcement to ensure that the philosophy and goals of protecting the true character and history of this neighborhood are being met.

In February of 2005, the Council at that time adopted the Neighborhood Conservation District zoning overlay CD-1 with associated Design Guidelines for the Neighborhood. According to the NCD: "no application for development shall be approved that does not comply with these standards." One of many questions is: how are some additions to homes in the neighborhood being monitored for compliance? I personally have seen older homes that from the front look small and older, but looking down the side and in the back there are new additions with apparently multiple rooms and windows, which seem to clearly at least violate the floor area ratio as defined in the NCD, and I'm wondering if individuals within 1000 square feet have been notified of these probable "rooming houses".

According to the design guidelines, parking should never be more than 40% of the front yard. I have seen cases where the percentage of parking is beyond 40%. Please look at this link to prove this is a problem: (and this is a renovation or newer building). Scroll throughout this link:

<http://www.unc.edu/~jharmon/geog153/northside/index.html>

Better yet, just drive through the neighborhood to see how yards are clearly parking lots for multiple students' cars in rental units.

I have also seen fences that seem to clearly defy the design guidelines, as not being of "materials consistent and compatible with other existing fences in the neighborhood", and in general appearance.

I have seen setbacks, in newer construction, that appear out of compliance with the design guidelines.

What happens when a property is condemned and there is evidence that people are still living there? According to some residents, this is a problem (one example is along McMasters street but I have seen others). Interestingly, along McMasters street there is a duplex that has one half of it for sale, not the other half, but both halves are condemned and clearly neglected. That presents a unique real estate problem.

It is my impression that many of the instituted design guidelines and methods of insuring compliance (and the list I cite is not inclusive), such as the floor area ratio, percentage of parking allowed in the front yard, building setbacks, consideration of what constitutes a "rooming house", and its respective floor area ratio etc., are being ignored or violated with current and new development.

Thank you for your time and attention to this important matter. The character and history of the Northside neighborhood continues to be at risk, despite council's adoption of a zoning overlay district with regulations and guidelines superceding the Town's Land Use Management Ordinance. I hope that we may have adequate staff to address the issues of possible noncompliance as I have mentioned above.

Council Member

Jim Merritt