

November 1, 2004

(49)

Mayor Kevin Foy and  
Chapel Hill Town Council Members  
Chapel Hill Town Hall

**Re: Franklin Grove request for additional floor area**

Dear Mayor Foy and Council Members:

I understand that the developers of Franklin Grove are asking the Council to consider a modification to their special use permit to increase allowable floor area. As the Council may remember, the four affordable homes on Milton Avenue are also encumbered by the Franklin Grove SUP.

The Land Trust is not at all opposed to the request for additional floor area, since the requested increase will not result in larger homes than are currently being constructed. However, modifying the SUP may provide us an opportunity to address concerns that we have about the affordable homes on Milton Avenue.

As the Council may be aware, one of the homes on Milton Avenue has experienced foundation problems that have prevented us from reselling that home. We are currently renting the home while we investigate the nature of the foundation problem, and determine a course of action for fixing the problem.

Although we are still in the fact-finding stage, we believe it may be desirable to move this house off its foundation to another location. The home could then be set on a new foundation and sold to a first time homebuyer. We would then tear out the culprit foundation on Milton Avenue and rebuild another structure on that site. Ideally, that new structure would be a 2-story duplex – except that a duplex would entail more floor area than the removed home. If the Council were to approve an increase in allowable floor area that would enable us to carry out this plan *should we determine that it is our best course of action.*

Again, I want to emphasize that we are not yet ready to make a decision on this foundation problem. However, it would be ideal for us to have the flexibility to move this home and rebuild a duplex if that is determined to be the best way to proceed. In fact, I would ask the Council to provide the Land Trust the ability to do the same thing for each of the four homes on Milton Avenue. Although I don't imagine we would move any of the other homes in the near future, I could foresee us wanting to move or tear down one or more of these homes in the next 25-50 years.

In summary, I would ask the Council to consider allowing an additional 6000 square feet of floor area to be allocated exclusively to the affordable homes. In

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addition, we would like the ability to increase the number of dwelling units by four (from the current four to a potential eight).

Thank you again for your consideration of this request.

Sincerely,

Robert Dowling  
Executive Director

cc: Mr. Cal Horton, Town Manager  
Land Trust Board of Directors

23 March 2005

Chapel Hill Planning Board  
& Town Council  
Town of Chapel Hill  
306 N Columbus Street,  
Chapel Hill, NC 27516 -2113

**Ref: Planned Development Housing File Number 45.A.1 Franklin Grove Townhouses - Special Use Permit Modification**

Dear Planning Board and Council members,

My husband and I have moved to the truly wonderful neighborhood in Franklin Grove Townhouses and we thank you for having made these townhouses possible. They are perfect for those of us who have finished the stage in life where we have had young children and wish to have a more care-free life!

We are writing today to ask you to please consider allowing the third floor to be finished. We enjoy our home very much but hope that someday we can have a finished room for a home theatre/library on the third floor. This large amount of extra space is currently wasted. Such conversions will certainly enhance the quality of our lives as well as enhance the value of the property, benefiting the township and the home owners.

Additionally, we need a lot more book shelf space as both of us have large numbers of books that we need for our work. At this time, the lack of temperature control in the third floor makes it unusable and creation of a library would not be possible without finishing the space.

Someday, in the future the space could also be used for play space for grandchildren when children visit!

It is better for any construction work to be done using the same quality materials and workmanship that exists in the current houses. Therefore, it is far more convenient and safer to have the same construction engineers to finish the third floor before they complete the buildings and leave the site.

The Franklin Grove Townhouses are a showplace for in-town living. Please consider our request and make these beautiful homes even more attractive to live in!

Sincerely yours,



Dr. Michael Fernandes, M.D.



Dr. Prabhavathi Fernandes, Ph.D.

203 Old Franklin Grove Drive, Franklin Grove Town Houses, Chapel Hill, NC.

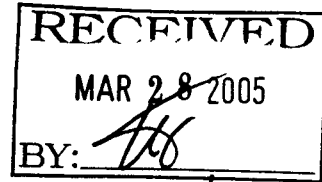


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306 Old Franklin Grove Drive  
Chapel Hill, NC 27514

March 23, 2005

Mayor Kevin Foy  
Chapel Hill Town Council Members  
Chapel Hill Town Hall  
306 North Columbia Street  
Chapel Hill, NC 27516



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Dear Mayor Foy and Council Members:

I and my wife, Ann, are homeowners at Franklin Grove town homes, at East Franklin Street and Elliott Road. We're very excited to return to Chapel Hill after many years away, and we look forward to living in the fine town home community being constructed by Koven Construction.

We discovered Franklin Grove almost serendipitously as we entered Chapel Hill last summer from Durham. Our purpose was a house-hunting visit in Raleigh (we lived near Washington, D.C. at the time). But Franklin Grove appealed to us immediately as we passed by on the way to our hotel; six weeks later, we signed a contract for a unit there. I share this story only to emphasize the importance of Franklin Grove as an attractive "gateway community" into Chapel Hill. You should be proud of the quality architecture the developer has created at this location.

The builder and sales agent informed us early in our decision process that the Town Council has placed certain restrictions on Franklin Grove, particularly regarding allowable floor space. We purchased our unit with full knowledge that the third floor must remain unfinished, though it can be used as an attic (i.e., for storage). The builder also told us that he continues to apply to the Council for a special use permit, so that these "attic" areas may one day be finished as livable space.

Recently, I have read on the Internet records of the builder's application for the special use permit and of the Council's 8-2 vote in favor. I and my wife want to add our voices in support of the builder's request. We plan to make Franklin Grove our primary residence for the long term and would very much appreciate being able to occupy the third floor. Allowing this space to be developed will in no way alter the pleasing architecture of any of the units at Franklin Grove. Nor will it contribute to over-crowding since the space is not designed as anything other than a top floor of a single residence, and the homeowner Covenants expressly limit the number of adult residents occupying each unit.

The town home community, as you know, is effectively balanced by the alternative dwelling units located on Milton Avenue. They have been very attractively refurbished by the builder and, through the Orange Community Housing and Land Trust, provide very affordable housing. As a long-time resident of the Washington, D.C. area, I can attest to the vital importance of ADU housing, and am happy to see that the builder and public authorities are working together to ensure adequate, affordable housing at Franklin Grove.

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I would like to sound one note of concern, however. While searching the Web for information on Franklin Grove and local ordinances, I discovered a letter to the Mayor and Town Council from Robert Dowling, the executive director of the Land Trust. In that letter, dated November 1, 2004, Mr. Dowling indicates that one of the homes along Milton Avenue may need substantial repairs to its foundation to make it saleable. While I hope the Council permits any necessary repairs, the Director's proposed solution, or at least some part of it, concerns me greatly.

I do not automatically support any plan that would replace the existing houses on Milton Avenue with duplex units. The builder has done an admirable job of creating "curb appeal" in these houses, not only by repairing and repainting them, but also by re-landscaping—all without changing the basic look and feel of the four buildings. Though modest in design, these houses now contribute to the overall appeal of Franklin Grove, and to the attractive "gateway" into Chapel Hill. They also are architecturally consistent and therefore a visible asset to the surrounding community. Replacing any or all of these with duplex units has the potential to destroy the attractiveness of the whole.

What's more, if the Council is concerned about over-crowding, you should carefully note Mr. Dowling's proposal to double the floor space of each of the four houses *and to double the number of units to eight*. If this expansion is to be accomplished without adding lots to the site, then Franklin Grove is not to be the community where I purchased a home, but one of a much higher density. I object to permitting any such higher density of occupation, whether it be in the ADUs or the town homes themselves.

At a minimum, I would want to make sure the affordable dwelling units are covenanted against over-crowding, similar to the rules for the town homes (and that the ADU-related covenants are enforced by the Land Trust). If replacement housing is permitted, I would also urge the Council to insist that any new structure be architecturally consistent with either the existing houses (i.e., single floor, low-pitched roof, etc.) or with the town home design. Any other solution will only detract from the value of all the associated properties, and from the surrounding community, and almost certainly will lead to over-crowding.

Yours truly,



Clark Holtzman

cc: Chapel Hill Town Council ✓  
Robert Dowling, Executive Director, Orange Community Housing & Land Trust  
Mr. Scott Koven, Capkov Ventures