



August 5, 2016

Marty Roupe
Planner/Zoning Development Specialist
Town of Carrboro
301 W. Main Street
Carrboro, NC 27510

Dear Mr. Roupe,

Capkov Ventures request a minor modification to the Conditional Use Permit for the Winmore community to demolish the old home which was purchased as part of the Winmore property located off Homestead Road in Carrboro. As part of the original land purchase of the Winmore property a small white house was purchased. The house sits overlooking Bolin Creek at the southern edge of the property accessed by way of a driveway from Homestead Road. The driveway has since been paved and dedicated as a greenway path. Rumor has it that Andy Griffith had once rented a room in the house for a year when he attended UNC. The original development group that designed Winmore left the old house where it stood surrounded by what would later become community open space. At that time, they thought that the home would be an amenity for the community and designated the home as a clubhouse on their site plan. It was calculated that the home would contribute 666.5 points towards the required recreational requirement. The Conditional Use Permit for Winmore was approved in 2003 after several years in the development review process. Capkov purchased the site in 2006, constructed the roadways and recorded the final plat for the community in May of 2007.

The homeowners in Winmore have repeatedly requested that we remove the home. It has been the community's chief topic of concern at the last three consecutive annual homeowner's association meetings. We are currently in the process of transitioning from a developer managed home owner's association to a homeowner managed home owner's. The homeowners are demanding that we remove the home prior to finalizing the transition. They understandably want to make sure that we incur the cost of removing the old home before we leave Winmore. The homeowners would like us to restore the site to match the natural surroundings and dedicate it as permanent open space. We would like to agree to do so. The home is currently situated on a knoll overlooking Bolin Creek in the middle of 16 acres of continuous open space. Once converted back to a natural area it will provide a beautiful overlook of Bolin Creek as it winds through Winmore.

While we believe the original development team had good intentions when they elected to leave the old home we discovered early on in the development process that it was not well suited for a clubhouse. First of all, the layout and configuration of the home was not suitable for a clubhouse. The first floor of the home is only about 800 square feet, yet it is divided into six rooms, a Livingroom, diningroom, kitchen, bathroom, and two bedrooms. It has a second-floor attic that was finished at some point that has two small bedrooms and a bathroom. The room size and the configuration of the rooms is obviously not well suited as a gathering spot for the community at large. Second of all, the house had been vacant for several years by the time we had constructed the roads and it had developed mold. Not knowing this, we set up the old home as an office for Scott Kovens, the owner of Capkov, and myself. Within two or three weeks Scott had to abandon the home as his office complaining of increased allergies. I lasted six months developing asthma related respiratory problems. As it turns out the walls of the home were built out of glazed concrete block. This type of block is not typically used in wall construction of residential homes. At some point in time the glazed concrete block was covered with vinyl siding. We believe that the house sitting vacant for several years during the approval process of the Winmore community combined with the construction materials used provided the perfect conditions for mold growth. The home has sat vacant for the last seven years and has only been used for storage.

The homeowners have listed a number of reasons that they believe converting the home into permanent open space would be in the best interest of the community.

- 1) The home is presumed to have been built in the 1930's or the 1940's. The age of the home combined with sitting vacant for several years has led to an accumulation of deferred maintenance issues. Roofing, gutters, flooring, mold, etc.
- 2) Most of the mechanical systems are outdated and do not conform to the North Carolina Building Code. The heating system is a fuel oil burner, the water is from a well located close to Bolin Creek, and the electrical system is outdated and out of compliance. The stairway to the second floor is too steep, the treads are too narrow, and the head clearance too low. This problem can't be fixed because of the available space at both the head and the landing of the stairway. There would be no way to make either of the entrances or the stairs to the second floor handicap accessible. The only bathroom on the main floor is too narrow to qualify as handicap accessible. These issues in addition to excluding a portion of the homeowners may expose the association to a potential ADA related lawsuit.
- 3) The configuration of the 1930's – 1940's era home is not conducive to a clubhouse. The overall size of the living area on the first floor combined with the chopped up nature of the room arrangement would make community gathering in the home impracticable.
- 4) The utility cost of keeping the home operational during the winter and summer months would be a financial burden on the association. Keeping the oil burner going to avoid pipes freezing in the winter would cost thousands of dollars. Keeping the home conditioned in the summer to discourage further mold growth would add hundreds of dollars a month more. Property and Casualty insurance is difficult to obtain and costly if a home is unoccupied.
- 5) The homeowners are concerned that the home has become an attractive nuisance for the teenagers in the community and thereby a significant liability for the association. As

mentioned earlier the home sits in the middle of 16 acres of open space set apart from the view of neighboring homes. This has resulted in windows being broken out at the rate of about one a month and sometimes several in an evening. The home has become and will continue to be a trouble spot.

The home owners have continually lobbied for us to remove the home thus allowing for the expansion of open space or the development of other recreational facilities. It has been a discussion topic at every annual meeting since annual meetings have been held. We have agreed to pay for the demolition and conversion of the area into a grassy overlook with two picnic tables. Please consider approving this minor modification of the Winmore Conditional Use Permit so that we may move forward with the demolition of the existing structure and the conversion to permanent open space. The homeowners would like us to start immediately.

As a technical note the designation of the home as part of Winmores recreational requirement allocated 666.5 points to the home. Since the Conditional Use Permit was approved Capkov Ventures has modified the Conditional Use Permit by adding a swimming pool complex which cost over \$300,000. No point credits were ever allocated as a credit to the required recreational points. If we calculate the points that could have been allocated to the Winmore pool complex they total over 1400 pts. This is over twice the number of points allocated to the old home. The point allocation is as follows; 1450 square foot pool (671 pts.), 100 square foot kiddy pool (46.3 pts.), pool decking/ patio (120 pts.), bath and shower house (381 pts.), trellis/ gazebo (195 pts.) total points = 1414.3.

I have included for your review the following documents;

- 1) Approved Plan for the Winmore Pool complex
- 2) Pictures of the existing home we are requesting be demolished
- 3) Winmore approved Conditional Use Permit plan sheets CO-1 cover sheet, and SP-3 site plan

Thank you for your consideration.

Sincerely Eric Chupp,

Eric B. Chupp
Director of Development
Capkov Venture Inc.
(919) 260-7262
ericbchupp@bellsouth.net

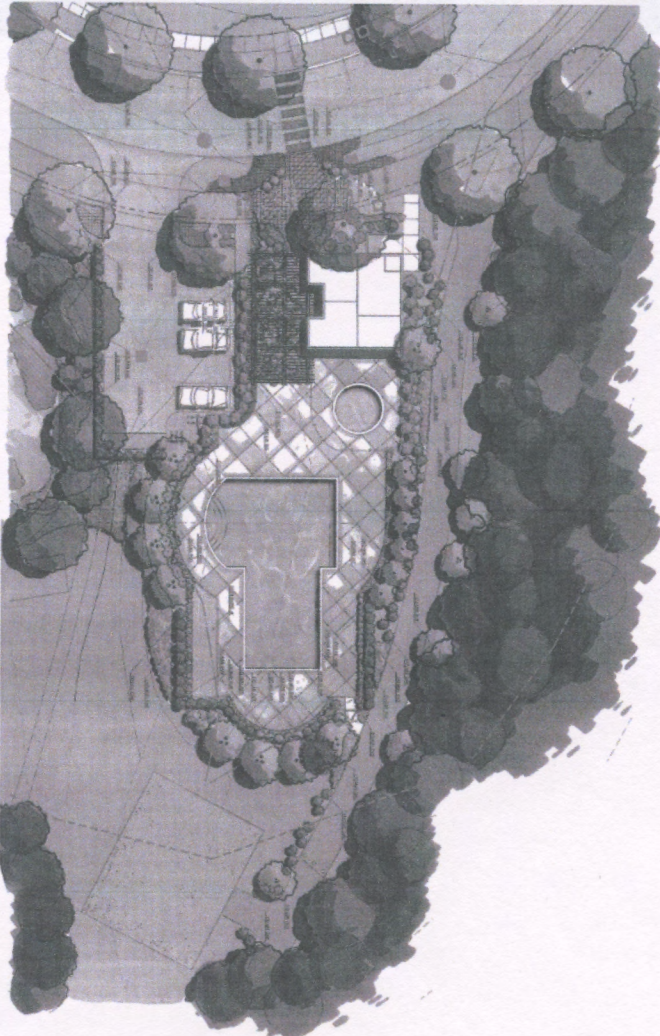
Winnmore Swim Club

CARRBORO, NORTH CAROLINA

**THE JOHN R. McADAMS
COMPANY, INC.**
ENGINEERS/PLANNERS/SURVEYORS
RESEARCH TRIANGLE PARK, NC
P.O. BOX 14005 ZIP 27709-4005
(919) 361-5000

**CLINE
DESIGN**

123 N. Henderson St.
Raleigh, NC 27601
919/361-1300 FAX
ClineDesignInc.com



CUP MINOR MODIFICATION

JANUARY 16, 2007

DEVELOPER: CAPKOV VENTURES, INC
Chapel Hill, North Carolina

ARCHITECT: CLINE DESIGN ASSOCIATES, PA
Raleigh, North Carolina

LANDSCAPE: CLINE DESIGN ASSOCIATES, PA
Raleigh, North Carolina

CIVIL: JOHN R. McADAMS COMPANY
Research Triangle Park, North Carolina

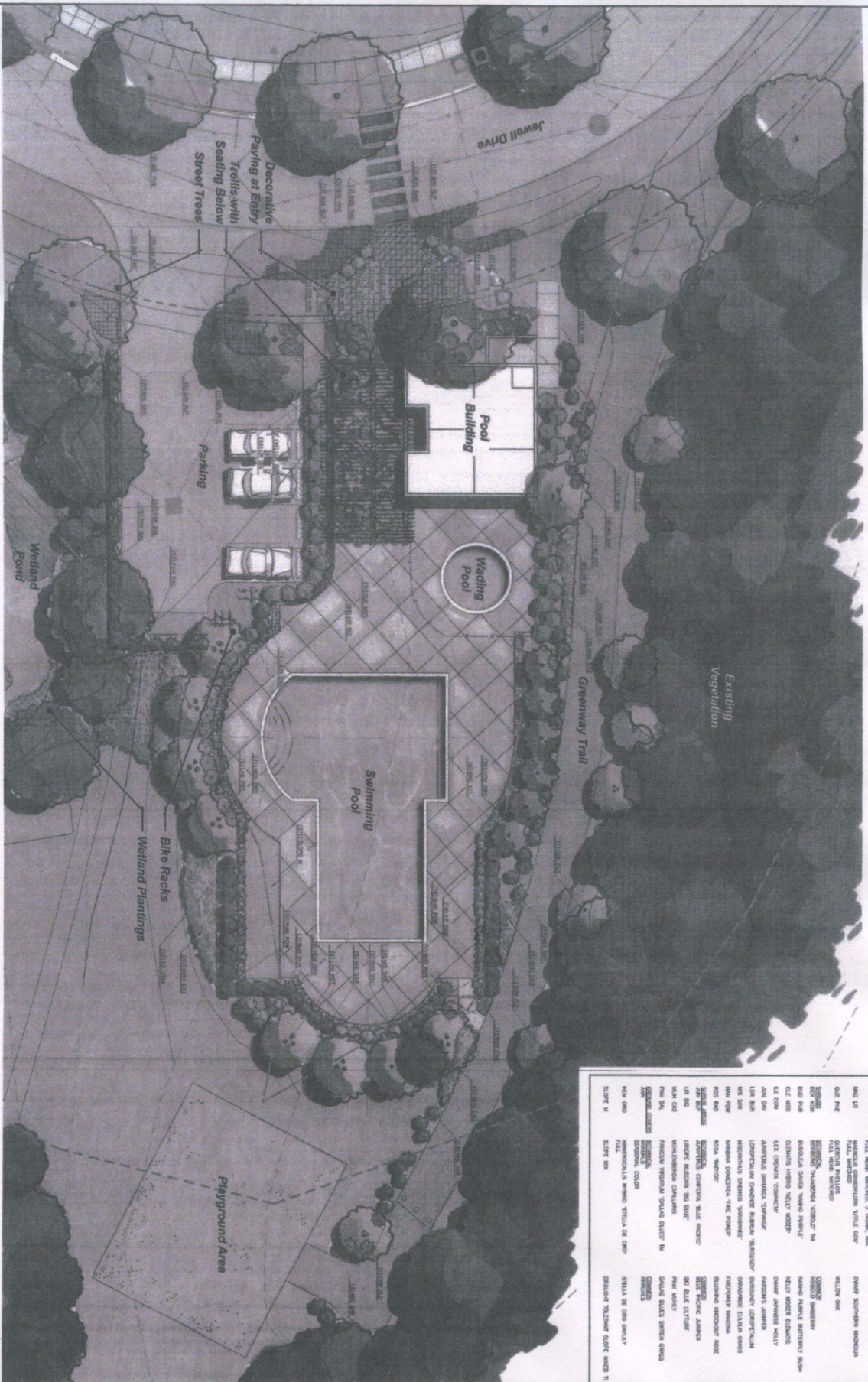
SHEET INDEX:

- C1.0 - PRELIMINARY GRADING/DRAINAGE PLAN
- C2.0 - PRELIMINARY UTILITY PLAN
- LP1.10 - PRELIMINARY POOL LANDSCAPE PLAN
- LP1.20 - PRELIMINARY WETLAND A LANDSCAPE PLAN
- LP2.00 - PRELIMINARY DETAILS AND PLANT SCHEDULE

SETS ISSUED:

02 PRELIMINARY PLANT SCHEDULE

ITEM NO.	QUANTITY	PLANT SPECIES	COMMON NAME
001	100	ACER FRAXINIFOLIUM	SWAMP WHITE OAK
002	100	ACER FRAXINIFOLIUM	SWAMP WHITE OAK
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01 PRELIMINARY LANDSCAPE PLAN



LP1.10

PRELIMINARY POOL
LANDSCAPE PLAN

DATE: 01.18.2007
DRAWN BY: [blank]
CHECKED BY: [blank]
DATE: [blank]



CAPKOV VENTURES, INC.

Capkov Ventures, Inc
Winmore Swim Club
Carrboro, North Carolina

THE JOHN B. McADAMS
COMPANY, INC.

CLINE
DESIGN





PSA

Philip S. Associates

Philip S. Associates
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 Fax: 919.286.5544
 Email: ps@psa.com

Winnmore
 Carrboro, NC

Revised 8/2002
 Revised 11/25/02
 Revised 3/14/03
 Revised 5/7/03

Permit Requested: CAP

Applicant:
 Robert N. Harko
 310 1/2 West Franklin Street
 Chapel Hill, NC 27514
 919.285.5244
 919.285.7807 fax

Owner:
 Robert N. Harko
 310 1/2 West Franklin Street
 Chapel Hill, NC 27514
 919.285.5244
 919.285.7807 fax

Consulting Firm:
 Philip S. Associates
 PO Box 14005
 Raleigh, NC 27614
 919.286.5544
 919.286.5544 fax

Designed By:
 Philip S. Associates
 310 1/2 West Franklin Street
 Chapel Hill, NC 27514
 919.286.5544
 919.286.5544 fax

Date: 5/20/02
 Scale: 1" = 80'-0"

Site Plan
 Scale: 1" = 80'-0"

SP-3

SP-3

SP-3

SP-3

