



Legislation Details (With Text)

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| File #: | 22-231 | Name: | |
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| On agenda: | 6/21/2022 | Final action: | |
| Title: | Request to Hold a Quasi-Judicial Hearing and Consider Issuing a Reasonable Accommodation Request for 714 West Main Street. | | |
| | PURPOSE: The purpose of this agenda item is for the Town Council to hold a quasi-judicial hearing and consider issuing a reasonable accommodation request for property at 714 West Main Street. | | |
| Indexes: | | | |
| Code sections: | | | |
| Attachments: | 1. Attachment A - Land Use Ordinance Section 15-97, 2. Attachment B - Applicant's Explanation of Need for Reasonable Accomodation, 3. Attachment C - Applicant's Site Plan Exhibit, 4. Attachment D - Applicant's Power of Attorney Document, 5. Attachment E - Letter from Applicant's Doctor | | |

| Date | Ver. | Action By | Action | Result |
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TITLE:

Request to Hold a Quasi-Judicial Hearing and Consider Issuing a Reasonable Accommodation Request for 714 West Main Street.

PURPOSE: The purpose of this agenda item is for the Town Council to hold a quasi-judicial hearing and consider issuing a reasonable accommodation request for property at 714 West Main Street.

DEPARTMENT: Planning Department

CONTACT INFORMATION: Marty Roupe, Development Review Administrator, Phone: 919-918-7333 Email: mroupe@carrboronc.gov <<mailto:mroupe@carrboronc.gov>>; Nick Herman, Town Attorney, Phone: 919-919-3905, Email: herman@broughlawfirm.com <<mailto:herman@broughlawfirm.com>>

INFORMATION: Tom ODwyer, under Power of Attorney for property owner Rose Crawford, has submitted information requesting that a reasonable accommodation request be issued by the Town Council for construction of an access ramp at 714 West Main Street. Ms. Crawford has medical issues necessitating the construction of an access ramp on her property to reasonably be able to get to and from the inside of her home.

Reasonable accommodation requests are processed in accordance with Land Use Ordinance Section 15-97, attached as *Attachment A* for reference. Town Council must hold a quasi-judicial hearing on the proposal and decide on the request based on a majority vote of Council Members. Subsection (f) of 15-97 describes the manner in which Council should make their decision, based on the proposed accommodation being both reasonable and necessary.

Mr. ODwyer has submitted information explaining the requested accommodation, see *Attachment B*. The

application was submitted on a variance application form. While this is a reasonable accommodation request, not a variance, the application provided an established format for explaining the matter and why it is necessary to vary from the ordinance provision that otherwise would apply. Specifically, the information submitted explains why it is both reasonable and necessary to construct an access ramp that would otherwise encroach on the regulatory setbacks of Land Use Ordinance Section 15-184. A site plan exhibit is included as *Attachment C* showing where the ramp would be located in relation to where vehicles drop off and pick up Ms. Crawford. Also included, as *Attachment D*, is the Power of Attorney document, legally establishing Mr. ODwyer's right to present the request and act upon the behalf of the property owner, Ms. Rose Crawford. Lastly, a letter from Ms. Crawford's doctor is included as *Attachment E*. The letter explains the medical reasons necessitating the reasonable accommodation request.

Of note the request, if approved, is only valid for the current resident / property owner and will be considered void if the current resident is no longer living at the property for whatever reason. Any subsequent resident needing a similar accommodation would need to apply separately and that application would come back before Town Council for consideration.

Lastly, the applicant is requesting that Town Council consider voting on this matter on the same night it is received, June 21, 2022, because of the pending summer break from Council meetings. A draft decision document will be available at the meeting Tuesday night for Council's consideration.

FISCAL & STAFF IMPACT: No fees may be charged by the Town for a reasonable accommodation request. Staff impacts include time to prepare and present the application to Town Council.

RECOMMENDATION: Town staff recommends that the Town Council hold a quasi-judicial hearing and consider issuing the reasonable accommodation request.