



BOARD OF ADJUSTMENT APPROVED MINUTES

February 24, 2026, 8:30 a.m.
Committee Room, 101 City Hall Plaza

I. Call to Order

Chair Meadows called the meeting to order at 8:32 a.m.

II. Roll Call

Members Present:

Chad Meadows, Chair
Michael Tarrant, Vice Chair
Matt Lawing
David Morgan
Scott Mofield
Quandora Colvin, Designated Alternate
Rich Gittings, Alternate
W. Chandler Vatauvuk, Alternate

Members Absent:

Justin Hall

Staff Present:

Jessica Dockery, Senior Planning Manager
Leigha Larkins, Senior Planner
Curtis Massey, County Attorney's Office
Kendall Carter, City Attorney's Office
Chezney UpChurch, Clerk

MOTION: Motion to excuse Commissioners Hall's absence.

ACTION: Carried, 8-0 (Lawing; Morgan 2nd)

Chair Meadows read the following statement:

The meeting will now come to order. Welcome to the February 24, 2026, meeting of the City of Durham Board of Adjustment. My name is Chad Meadows, and I am the Chair of the board.

This Board is a quasi-judicial Board of record and, as such, all testimony will be recorded. The proceedings of this Board will be governed by the Unified Development Ordinance and Chapter 160D of the North Carolina General Statutes, as recorded. Written explanations of this process are available from the Clerk, if needed.

As Chair of the Durham Board of Adjustment, I would like to explain the procedures used for Board hearings. The hearings are quasi-judicial in nature. The process is similar to a court proceeding. First, a staff member of the City-County Planning & Development Department will present an overview of the case. Then the applicant presents its evidence. The opponents, if there are any, will present their evidence. The applicant may then present its rebuttal. Board members are asked to refrain from questions until each speaker has completed his or her presentation. All testimony is given under oath. We will administer the oath to anyone planning to speak immediately prior to hearing each case. All witnesses who would like to speak as part of the case are asked to sign the roster at the back of the room or at the podium, if you have not already done so.

Testimony should consist of facts each witness knows, not hearsay. All witnesses should come forward to the podium at the front of the room and identify themselves each time they approach

the podium. Speak directly into the microphone so your testimony can be recorded on tape. Before each application I will read the findings that must be made to approve an application, and any testimony should be relevant to the criteria that the Board uses to determine whether to approve an application.

Any written evidence or exhibits must be presented to the Chair, or Vice Chair if the Chair is not present, and a determination will be made whether it should be accepted. Written evidence or exhibits can be inspected by the opposing party. All evidence, written or oral, or exhibits can be objected to.

Witnesses are subject to cross examination. Opposing representatives will have an opportunity to question witnesses after all witnesses for the other side have testified. If you wish to cross-examine, you may raise your hand when I ask for other speakers in favor or against the application and I will recognize you. I would also like to remind everyone in attendance to be courteous and ask questions respectfully. If there are numerous people who will be providing the same or similar testimony either for or against an application, in the interest of time, I would request that you please select a representative to present that testimony.

I would like to note that Board members may have visited each site under consideration as part of their preparation for this meeting.

The Board will vote on each case after the presentation of all the evidence, for and against an application, and discussion among themselves concerning the case. North Carolina law requires that in order for an applicant's request to be granted for a City application before the Board, 5 of the 7 voting Board members must approve the request. For a County variance request, North Carolina law requires that in order for an applicant's request to be granted, 6 of the 7 voting Board members must approve the request. For other County requests, including applications for a minor special use permit, 4 of the 7 Board members, or a simple majority, must approve the request.

All decisions of this Board are subject to appeal to the Durham County Superior Court. Anyone in the audience, other than the applicant, who wishes to receive a copy of the formal order issued by this Board in a particular case, must submit a written request for a copy of the order utilizing the form found on the Planning & Development Department's webpage.

Chair Meadows asked if any board members had a conflict of interest for any of the cases on the agenda, which would require recusal from the hearing?

- None.

Chair Meadows asked if any board members needed to disclose any *ex parte* communication for any of the cases on the agenda?

- None

Chair Meadows asked if any commissioners needed an early dismissal?

- Commissioner Vatauvuk at 1:15 p.m.
- Commissioner Gittings at 2:00 p.m.
- Commissioner Mofield at 2:30 p.m.

III. Adjustments to the Agenda – None.

IV. Approval of Minutes from January 27, 2026

MOTION: Approve the January 27, 2026, Minutes.

ACTION: Carried, 4-0 (Mofield, Lawing 2nd)

V. Hearing and Determination of Cases

[00:06:22] B2500038 – County: A request for a variance from the riparian buffer standards. The property is located at 3719 Bivins Road, zoned Residential Rural (RR), Lake Michie/Little River District B Watershed Protection Overlay, and within the Rural Development Tier.

Applicant, staff, and all witnesses swore or affirmed their testimony.

Seated: Meadows, Tarrant, Lawing, Mofield, Morgan, Colvin and Gittings

Recusals: None.

Staff Report: Leigha Larkins presented the case.

Speakers: Mark Barron spoke in support of the application. No one spoke in opposition. Mark Barron requested continuance to allow time for expert witness on water quality concerns.

MOTION: Commissioner Gittings made a motion that case number **B2500038** an application for **a variance to the riparian buffer standards** on property located at **3719 Bivins Road**, be continued to a date certain of March 24, 2026.

ACTION: Approved, 7-0 (Gittings, Lawing 2nd)

Break from 9:42 a.m. to 9:50 a.m.

[01:06:15] B2500040 – City: A request for a variance from the street stub-out standards. The property is located at 2912 and 2914 Page Road, zoned Planned Development Residential 7.827 (PDR 7.827), and within the Suburban Development Tier.

Applicant, staff, and all witnesses swore or affirmed their testimony.

Seated: Meadows, Tarrant, Lawing, Mofield, Morgan, Gittings and Vatauvuk.

Recusals: None.

Staff Report: Leigha Larkins presented the case.

Speakers: Landon Lovelace and George Wheeler spoke in support of the application. No one spoke in opposition.

MOTION: Chair Meadows made a motion that case number **B2500040** an application for **a variance from the street stub out requirements** on property located at **2912 and 2914 Page Road**, has

successfully met the applicable requirements of the Unified Development Ordinance and is hereby granted subject to the following conditions:

1. The improvements shall be substantially consistent with the plans and all information submitted to the Board as part of the application.
2. A pavement in lieu of construction shall be required pursuant to the requirements of the City's reference Guide for Development. The amount and management of the payment-in-lieu shall be determined by the Public Works Division.
3. Construction and slope easements, and the right-of-way required to build the stub out, shall be dedicated.
4. Where no full connection can be made as a result of the topography of the site being developed, the developer shall install a cul-de-sac bulb or other turnout facility at the stub out constructed according to the City of Durham Reference Guide for Development.
5. A four square foot sign that reads "Future Street Connection" shall be in place at the center of the terminus of the street stub, facing oncoming traffic, and measuring five to six feet in height from the ground. The sign shall comply with any applicable City of Durham Department of Transportation, NCDOT, and MUTCD standards.

ACTION: Approved, 7-0 (Meadows, Lawing 2nd)

[01:54:15] B2500041 – County: A request for a variance from the sidewalk location standards. The property is located at 4621 Kemp Road, zoned Residential Rural (RR), Falls/Jordan District B (F/J-B) Watershed Protection Overlay, and within the Suburban Development Tier.

Applicant, staff, and all witnesses swore or affirmed their testimony.

Seated: Meadows, Tarrant, Lawing, Mofield, Morgan, Colvin and Vataavuk

Recusals: None.

Staff Report: Leigha Larkins presented the case.

Speakers: Nil Ghosh and Chad Abbott spoke in support of the application. No one spoke in opposition.

MOTION: Chair Meadows made a motion that case number **B2500041** an application for **a variance from the sidewalk location requirements** on property located at **4621 Kemp Road**, has successfully met the applicable requirements of the Unified Development Ordinance and is hereby granted subject to the following conditions:

1. The improvements shall be substantially consistent with the plans and all information submitted to the Board as part of the application.

ACTION: Approved, 7-0 (Meadows, Mofield 2nd)

VI. Old Business

LDC Update: Placed on hold due to Legislation passed in Dec 2025 regarding language for

downzoning.

Training Session – Currently scheduled for March 17th, staff to send poll for another date.

VII. New Business

Review Draft Changes for Rules of Procedure

Commission Group Picture

VIII. Approval of Orders

Case B2500013 (Souly Center Setback Variance)

MOTION: Approval of the order for case B2500013

ACTION: Carried, 4-0 (Meadows, Mofield 2nd)

Case B2500025 (Relentless Collision Vehicle Stacking Variance Denial Order)

MOTION: Approval of the order for case B2500025

ACTION: Carried, 5-0 (Mofield, Tarrant 2nd)

Case B2500026 (Relentless Collision Fence Height Variance Denial Order)

MOTION: Approval of the order for case B2500026

ACTION: Carried, 5-0 (Mofield, Morgan 2nd)

Case B2500037 (604 E Geer Street Driveway Variance)

MOTION: Approval of the order for case B2500037

ACTION: Carried, 5-0 (Meadows, Mofield 2nd)

IX. Adjournment

The meeting was adjourned at 12:33 p.m.

The next meeting will be March 24, 2026, in the Committee Room

Respectfully Submitted,
Chezney UpChurch, Clerk to the Board