



## BOARD OF ADJUSTMENT APPROVED MINUTES

January 27, 2026, 11:30 a.m.  
Committee Room, 101 City Hall Plaza

### I. Call to Order

City Hall opened with a 3-hour delay due to inclement weather - Chair Meadows called the meeting to order at 11:30 a.m.

### II. Roll Call

#### Members Present:

Chad Meadows, Chair  
Michael Tarrant, Vice Chair  
Justin Hall  
Matt Lawing  
Scott Mofield  
Rich Gittings, Alternate

#### Members Absent:

David Morgan  
Quandora Colvin, Designated Alternate  
W. Chandler Vataavuk, Alternate

#### Staff Present:

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

**MOTION:** Motion to excuse Commissioners Morgan, Colvin, and Vataavuks' absences.

**ACTION:** Carried, 6-0 (Meadows; Lawing 2<sup>nd</sup>)

#### Chair Meadows read the following statement:

The meeting will now come to order. Welcome to the January 27, 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?

- None

**III. Adjustments to the Agenda – None.**

**IV. Approval of Minutes from December 9, 2025**

**MOTION:** Approve the December 9, 2025, Minutes.

**ACTION:** Carried, 4-0 (Hall, Mofield 2<sup>nd</sup>; Lawing and Gittings abstained)

**V. Hearing and Determination of Cases**

**B2500037 – City:** A request for a variance from the driveway width requirements. The property is located at 604 E Geer Street, zoned Residential Urban-5(2) (RU-5(2)), Falls/Jordan District B (F/J-B) Watershed Protection Overlay, and within the Urban Development Tier.

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

**Seated:** Meadows, Tarrant, Hall, Lawing, Mofield, and Gittings

**Recusals:** None.

**Staff Report:** Leigha Larkins presented the case.

**Speakers:** Gene Mack spoke in favor of the case and entered exhibit A into evidence. No one spoke in opposition.

**Exhibits:**

- Exhibit A: [Applicant Response](#) (PDF)

**MOTION:** Commissioner Mofield made a motion that case number **B2500037** an application for a variance from the driveway requirements on property located at 604 E Geer Street, has successfully met the applicable requirements of the Unified Development Ordinance and is hereby granted subject to the following conditions:

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

**ACTION:** Approved, 6-0 (Mofield, Gittings 2<sup>nd</sup>; Lawing 2<sup>nd</sup> amendment to motion)

**VI. Old Business**

**VII. New Business**

- a. Proposed changes to Rules and Procedure to include:
  - I. Lunch break when 5 or more cases are on the agenda
  - II. Request to Suspend Excused absence requirement when it concerns inclement weather. As it stands currently, the Board can suspend excused absence requirements by majority vote.

III. Alternates automatically appointed to a Regular position when Regular position becomes available. Chair notifies alternatives when Regular seats become available.

- b. BOA Reporting Requirements: 2025 Annual Report Presentation February 4, for JCCPC, February 9 to BOCC, and February 16 to City Council.
- c. New UDO Update and Discussion – Final Draft is complete; Planning Commission will hear presentation and vote February 24. Presentation given to JCCPC on March 4<sup>th</sup> for potential vote. Presentation will be given to City Council and Board of County Commissioners and anticipated effective date has changed from July to September 2026. Staff will provide a link to the final draft once it has been posted online.

**VIII. Approval of Orders**

**Case B2400026** (8250 Massey Chapel Rd Riparian Buffer Variance)

**MOTION:** Approval of the order for case B2400026

**ACTION:** Carried, 4-0 (Mofield, Hall 2<sup>nd</sup>; Gittings and Lawing abstained)

**Case B2400027** (8250 Massey Chapel Rd Side Yard Setback Variance)

**MOTION:** Approval of the order for case B2400027

**ACTION:** Carried, 4-0 (Mofield, Hall 2<sup>nd</sup>; Gittings and Lawing abstained)

**Case B2500036** (TICF Place of Worship mSUP)

**MOTION:** Approval of the order for case B2500036

**ACTION:** Carried, 3-0 (Hall, Mofield 2<sup>nd</sup>; Tarrant recused, Gittings and Lawing abstained)

**IX. Adjournment**

The meeting was adjourned at 1:16 p.m.

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

Respectfully Submitted,  
Chezney UpChurch, Clerk to the Board