Submission # 3937360

IP Address 173.95.213.94

Submission Recorded On April 17, 2025 5:52 p.m.
Time to Take Survey 3 minutes, 41 seconds

#### Page 1

Requests must:

- Be received 10 calendar days before the requested meeting date.
- · Be accompanied by supporting documentation.
- Pertain to town business any item that requires board action or discussion or that the Hillsborough Board of Commissioners has statutory authority to act on.

The Board of Commissioners decides what items will be added to the agenda.

#### \* Requester's name

Brynn Schreiner

#### \* Requester's address

644 McAdams Road Hillsborough North Carolina 27878

#### \* Requester's phone number

910-545-4679

#### \* Detailed reason for request

Our names are Brynn and Melissa Schreiner and we own the property at 644 McAdams Street, here in Hillsborough. We have been working with the Town of Hillsborough Planners and Utilities for 2 years and we are still having lots of challenges. The challenges we are facing are not with the people in Planning or Utilities, just the opposite they have been very helpful in answering our questions and helping us with this process. The multiple issues that we are dealing with all revolve around the fact that our portion of McAdams is not considered a public road, and as such it has private road requirements. We have gotten into the appropriate references and worked with the right people in Planning and Utilities. Why we are requesting an audience with the Board of Commissioners is that our property has some unique challenges with it because of the private road access, but that coupled with our desire to build a small house with an Accessory Dwelling Unit (ADU), has triggered a daisy chain of requirements and confusion that has us needing your assistance. The folks in the Planning Department and Utilities are extremely helpful in laying out the requirements set forth in the current version of the Unified Development Ordinance (UDO). Unfortunately, the UDO does not seem to account for some of the circumstances specific to our piece of property, nor the impacts those requirements will have on the neighboring properties. We would like the opportunity to speak to the Board of Commissioners to hear the challenges we have gone through for the last 2 years as well as our proposed solutions. We are looking to be able to meet at the 28 Apr 2025 meeting and we will have a presentation to convey the chronology of events as well as photos and visual depictions of the challenges we are currently facing. Thank you for your consideration with these matters. Brynn and Melissa Schreiner (Presentation is submitted via PDF for size, but we would like to present it via Powerpoint).

#### \* Document attachment

644 McAdams Road challenges.pdf

#### \* Signature of requester

Brynn H. Schreiner

# 644 McAdams Road Hillsborough, NC 27278

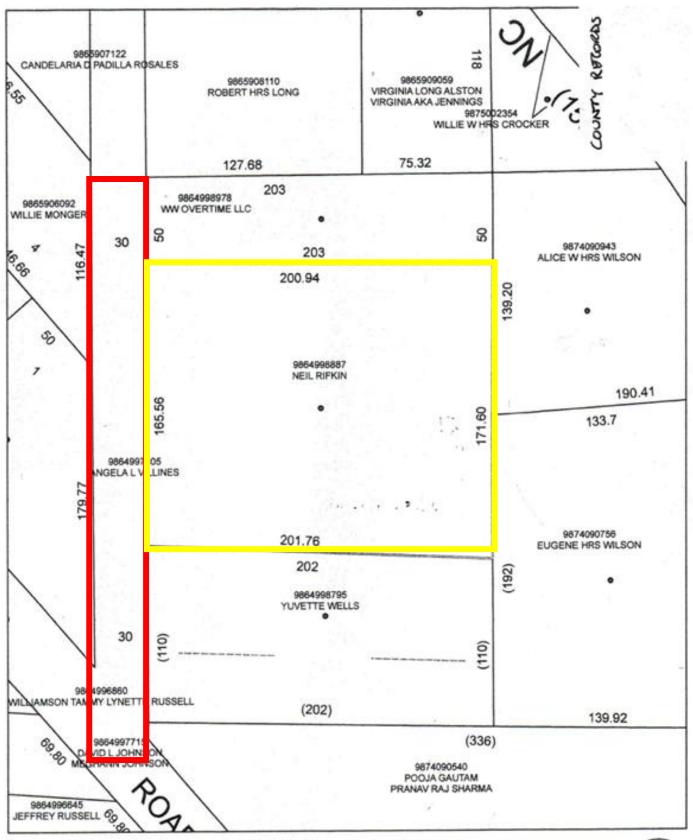
- Property Specifics
  - Zoning R 10
  - Acreage 0.85 acres
  - Size of Dwelling 1576 sqft heated (1040 sqft Main, 536 sqft ADU)
- Timeline (2 Years into this)
  - Research
  - 14 Apr 2023 Initial Contact with Town of Hillsborough Planning
  - 19 Apr 2023 First meeting with Planners talking about the ADU (intent detached)
  - 19 Apr 2023 ...But the ADU or second dwelling would not be allowed because of the private road. (Have to attach even if just by the roof)
  - 1 May 2023 Contingent Offer to Seller "... offer contingent on the results from our inquiries with the town of Hillsborough pertaining to utilities."
  - 18 May 2023 Answers from Town of Hillsborough Utilities
  - 5 Jul 2023 Purchase of the Property
  - 7 Jul 2023 "...What we generally do is make this 644 Unit b." Evan Punch
  - 24 Aug 2023 "...will allow for the attached ADU if both dwellings use the same tap for water and sewer. The current lines cannot support another meter on the line, but if you meter both dwellings together, you are good to go." Evan Punch
  - 19 Feb 2024 First set of plans completed with Architect (Attached ADU)
  - 27 Jun 2024 Meeting with Tom King, mentioned Challenge to UDO wording August. First discussion going back toward "Detached" vs "Attached" for the ADU
  - 23 Jul 2024 Detached plans completed with Architect (change fees required)
  - 15 Aug 2024 Public Planning Board B. Schreiner spoke
     19 Sep 2024 Public Planning Board B. Schreiner spoke
  - 19 Sep 2024 First told of "Private Road Standards" being new requirement for our property/project.
  - 7 Oct 2024 First explained what "Private Road Standards" meant with regard to
    our property "...first need to construct a complying private street from the public street
    up to your lot before permits would be issued for construction of a detached ADU. The
    Town's private street standards can be found in Appendix A of the Town's Street
    Manual."
  - 14 Oct 2024 Public Planning Board Did not vote
  - 28 Oct 2024 Planning Board Vote to change UDO
  - 12 Dec 2024 Meeting with Builder and Utilities on site to discuss
  - 13 Dec 2024 Survey of Property
  - 6 Jan 2025 "...I do know from experience that "A" & "B" addresses will not be approved." Tom King
  - 31 Jan 2025 Meeting with Engineer at site, First discussion that will have to remove trees for ditches
  - 3 Feb 2025 Met with neighbor (646 McAdams Road); Survey, Pvt Road, Rename
  - 15 Apr 2025 Spoke with EMS Supervisor and he was able to put 644 McAdams Road into his vehicle (tablet type display) and it depicted all 3 addresses: 642, 644, 646.

# 644 McAdams Road Hillsborough, NC 27278

- · No issues with Town Planners
- · No issues with Town Utilities
- No issues with the spirit and intent of the Unified Development Ordinance (UDO)
- Issues with the application of the UDO to our specific situation and the evolving challenges.
- · Topics/Issues
  - · Water/Sewer
  - · Garage Detached
  - ADU (21'x25' = 536 sqft)
  - Postal Address
  - · Survey / Setbacks
  - · Private Road
  - Trees
  - UDO wording and Planning Board Interpretation vs. Application and exceptions
  - Can't use old UDO as no permit was put in. Our permit was not put in because we were being told it would not be approved.
- Request/Recommendations
  - · At the end of the presentation after the reference slides.

# Orientation





This map contains parcels prepared for the inventory of real property within Orange County, and is compiled from recorded deed, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The county and its mapping companies assume no legal responsibility for the information on this map.

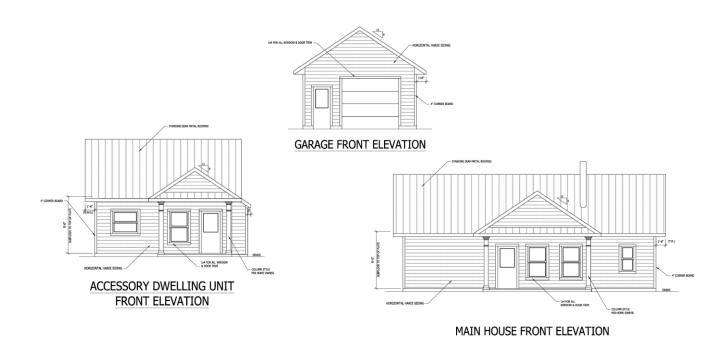
D-1- ##00000

# Sat/Plat with areas outlined





# House, ADU, Garage planned



# UDO (amended 12 Dec 2022)

Version in the Town link Apr 2023 when we started researching



#### UNIFIED DEVELOPMENT ORDINANCE

Adopted:

Feb. 28, 2011

Amendments

April 11, 2011 September 12, 2011 December 12, 2011 March 12, 2012 June 11, 2012 September 17, 2012 December 10, 2012 March 11, 2013 June 10, 2013 July 8, 2013 September 9, 2013 December 9, 2013 March 10, 2014 June 9, 2014 September 8, 2014 November 24, 2014 December 8, 2014 March 9, 2015 June 8, 2015 September 14, 2015 November 30, 2015 March 14, 2016 June 13, 2016 September 12, 2016 December 12, 2016 March 13, 2017 June 12, 2017 September 11, 2017 December 11, 2017 March 26, 2018 September 10, 2018 September 9, 2019
December 9, 2019
March 9, 2020
September 14, 2020
March 8, 2021
June 14, 2021
June 28, 2021
June 28, 2021
March 14, 2022
June 13, 2022
September 12, 2022
September 12, 2022
December 12, 2022
December 12, 2022

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Hillsborough Unified Development Ordinance

#### 5.2.8 DWELLING, ACCESSORY

The following sections are provided to create opportunities for a diversity of housing stock within town. A dwelling unit must contain sleeping, cooking, and bathroom facilities. Guest quarters or suites that do not contain all three types of facilities are not dwelling units and are not reviewed in this section.

#### 5.2.8.1 Accessory dwelling units in freestanding structures

New or existing accessory buildings may be used as dwelling units in addition to the principal dwelling unit in the R-10, R-15, and R-20 districts, subject to the following conditions:

- **5.2.8.1.a** The lot is developed, or proposed to be developed, with a single-family dwelling and customary accessory outbuildings.
- 5.2.8.1.b The lot has direct access to a public street.
- **5.2.8.1.c** One (1) accessory dwelling unit is permitted per lot, whether within the principal dwelling or as a freestanding structure.
- 5.2.8.1.d The structure containing the accessory dwelling must meet the applicable primary building setbacks established in Table 6.3.1, Dimensional Requirements residential OR Section 7.5.3, Non-conforming lot setback requirements. The existing, primary dwelling may be non-conforming in regard to building setbacks required in the zoning district. The setback provision in Section 9.1.5.2.c of this ordinance is available for an accessory building containing a dwelling unit.
- 5.2.8.1.e An accessory dwelling unit in a freestanding structure shall be located to the side or rear of the primary dwelling and behind the primary dwelling's front façade.
- 5.2.8.1.f All structures containing dwellings are connected to municipal water and sewer service.
- 5.2.8.1.g The accessory dwelling unit shall not exceed fifty (50) percent of the gross floor area of the principal dwelling unit or 1,000 square feet in gross floor area, whichever is greater. In no case shall the accessory dwelling unit exceed the gross floor area and/or height of the principal dwelling unit.
- 5.2.8.1.h The accessory unit is constructed to the state building code for one- and two-family dwellings (i.e., is not a manufactured home).
- 5.2.8.1.i There is sufficient off-street parking on the parcel to accommodate two spaces for the principal dwelling and one space per bedroom in the accessory unit, which may include garage spaces.
- 5.2.8.1.j The application materials indicate storage locations for solid waste and recycling containers for both dwellings consistent with Town Code requirements.
- 5.2.8.1.k Units that existed on August 12, 1996 that do not meet one or more provisions of this section may continue as legal non-conforming uses

Hillsborough Unified Development Ordinance

#### 2.8.2 Accessory dwelling units within a principal single-family dwelling

October 22, 2018 December 17, 2018 March 11, 2019 June 10, 2019

Accessory dwelling units may be located within a principal single-family dwelling in any zoning district, subject to the following conditions:

5.2.8.2.a The lot is developed, or proposed to be developed, with a single-family

- dwellingand customary accessory outbuildings.

  5.2.8.2.b One (1) accessory dwelling unit is permitted per lot, whether within the principal
- dwelling or as a freestanding structure.
- 5.2.8.2.c Both dwellings are connected to municipal water and sewer service.
- 5.2.8.2.d The accessory dwelling unit shall not exceed fifty (50) percent of the gross floor area of the principal dwelling unit or 1,000 square feet in gross floor area, whichever is greater. In no case shall the accessory dwelling unit exceed the gross floor area of the principal dwelling unit.
- **5.2.8.2.e** The accessory dwelling unit must have its own exterior access. Any interior access to the principal dwelling must be lockable from both dwellings.
- 5.2.8.2.f There is sufficient off-street parking on the parcel to accommodate two spaces for the principal dwelling and one space per bedroom in the accessory unit, which may include garage spaces.
- 5.2.8.2.g The application materials indicated storage locations for solid waste and recycling containers for both dwellings consistent with Town Code requirements.
- **5.2.8.2.h** Units that existed on August 12, 1996 that do not meet one or more provisions of this section may continue as legal non-conforming uses

## **UDO Cliff Notes**

#### .UDO cliff notes

.Source Page # Topic # Title Notes

UDO 6-22 6.8 Design Requirements for all new Residential Buildings

UDO 6-22 6.8.3 Entrances 1. The front door shall face the front of the lot.

UDO 6-22 6.8.4 Garages, Carports, and Accessory Structures 2. <u>Garages, carports, and</u> accessory structures shall not exceed 40% of the primary structure's building footprint.

UDO 6-22 6.8.4 Garages, Carports, and Accessory Structures 3. <u>Garages, carports, and accessory structures</u> shall not be greater in height than the primary structure.

UDO 6-22 6.8.4 Garages, Carports, and Accessory Structures 4. <u>Garages, carports, and</u> accessory structures shall not exceed 50% of the width of the front façade of the primary structure.

UDO 6-22 6.8.4 Garages, Carports, and Accessory Structures 5. Detached garages are encouraged.

UDO 9-12 Definitions **Dwelling, Accessory** A <u>secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit, whether part of the same structure as the principal dwelling unit, or as a detached, subordinate structure on the same zoning lot. Efficiency apartments are one type of accessory dwelling. (See also definition for efficiency apartment).</u>

UDO 9-12 Definitions **Efficiency Apartment** An efficiency apartment is a dwelling use accessory and subordinate to a principal single-family dwelling, that is located within the principal dwelling unit.

## Garages (from UDO)

Hillsborough Unified Development Ordinance

building and the street.

6.7.12.5 Accessory buildings shall be architecturally compatible with the primary building.

#### 6.8 DESIGN REQUIREMENTS FOR ALL NEW RESIDENTIAL BUILDINGS

#### 6.8.1 PURPOSE AND INTENT

It is the intent of this section to protect and promote the public health, safety, and general welfare by regulating the appearance of residential construction in order to protect and preserve the appearance, character, and value of adjacent properties. Where existing conditions such as limited visibility of the building or features make satisfying these requirements unnecessary or non-compliance with the design requirements achieves another town goal, the permit-issuing authority may modify the requirements based on competent evidence provided by the applicant to establish that alternatives provided by the applicant will satisfy the purpose and intent of the design requirements, and will protect the use, enjoyment and value of adjoining properties.

#### 6.8.2 APPLICABILITY

All new single-family detached dwellings in residential developments requiring a Special Use Permit must meet the following general principles.

#### 6.8.3 ENTRANCES

6.8.3.1 The front door shall face the front of the lot.

#### 6.8.4 GARAGES, CARPORTS, AND ACCESSORY STRUCTURES

- 6.8.4.1 Garage, carport, and other accessory structure entries shall not be located closer to the front lot line than the façade wall which contains the front door.
- 6.8.4.2 Garages, carports, and accessory structures shall not exceed 40% of the primary structure's building footprint.
- **6.8.4.3** Garages, carports, and accessory structures shall not be greater in height than the primary structure
- 6.8.4.4 Garages, carports, and accessory buildings shall not exceed fifty percent (50%) of the width of the front facade of the primary structure.
- 6.8.4.5 Detached garages are encouraged.

#### 6.8.5 VARIATION

6.8.5.1 Variation of exterior building materials and exterior façade arrangements from house to house is encouraged to allow easy identification of houses from the street. Excessive variation of façade planes, roof pitches, and building materials on an individual structure is discouraged.

# Water / Sewer

## 2023 05 18 Utilities Email

RE: Water and Sewer Inquiry Received

Tyler Freeman <tyler.freeman@hillsboroughnc.gov> Thu 5/18/2023 9:18 AM To:Brynn Schreiner <fonzie09@hotmail.com>

1 attachments (706 KB) 644 McAdams Exhibit.pdf:

Brynn,

There has been an update on 644 McAdams, and it is as follows:

The Town of Hillsborough has completed a field evaluation of the existing sewer connections at the 644 McAdams Rd property. The results of the field shown on the attached map. This field evaluation and our subsequent conformer have updated our guidance on development of this property to the

Water Service: The water service to the 644 McAdams is currently abandon located the approximate alignment of the abandoned service; this alignme dashed line in the attached. This service is undersized, compromised, and uthe overlopment. To allow development to proceed at 644 McAdams the existing watermain in McAdams Road and set a new water meter at the ROW to the property. Town staff will field coordinate the location of the nemeter box with the developer prior to installation to ensure there is no conneeded to develop the lot, however the tap and meter will be located appring red on the attached map. The developer will be responsible for installing service from the meter box to the new home, an approximate alignment of on the attached as a solid red line.

Sewer Service: The existing, private sewer service is shown as the dashed, attached exhibit. This line crosses multiple parcel private property bounda not currently permitted in the Town. The current property owner was able deeded or prescriptive easements exist for the private service in the existin existing easements can therefore be reused for sewer service. Town staff valateral is intact within the McAdams Road ROW, however the lateral is discurushed on private property. The Town will require the private lateral be two within the McAdams Road ROW by installing a cleanout stack at the ROW will install the required cleanout stack at his or her own expense and pay a fees to the Town to witness the installation. The private, crushed portion or

have to be replaced to meet current plumbing codes, the Town strongly recommends the replaced lateral be installed within the private ROW in the alignment shown as solid orange in the attached. This installation can be completed at the same time as the private water service and likely with the same contractor.

This property does not currently have water or sewer frontage, and the guidance provided above applies to one single sewer connection and one single water connection. Any subdivision of the property, or the construction of any infrastructure that would require additional connections (duplex, triplex, adus, etc) will need a designed and permitted public water and sewer main extension to the site. The applicant to develop the property will need to talk to Planning before pursuing any development at the site that is not a single family home as this may require road construction and other planning related improvements. The downstream sewer capacity in this basin is limited, any multifamily development at this site will require a gravity sewer permit and the Town may not have capacity available for a project of this size.

Inspection fees for the work described above would still be due. Any new construction, such as the cleanout and service connection, must be completed in accordance with current Town standards. The above guidance is specific to the unique conditions at this property and should not be taken as precedent when evaluating other properties in Hillsborough's service area for development. System Development Fees have not been paid for this site and will be due at time of building permit. These fees will likely be updated in early July from the fees posted on our website.

Please note that this guidance will be made to other parties that inquire about development on this property.

Thank you,



#### Tyler Freeman

Civil Engineering Technician

Town of Hillsborough

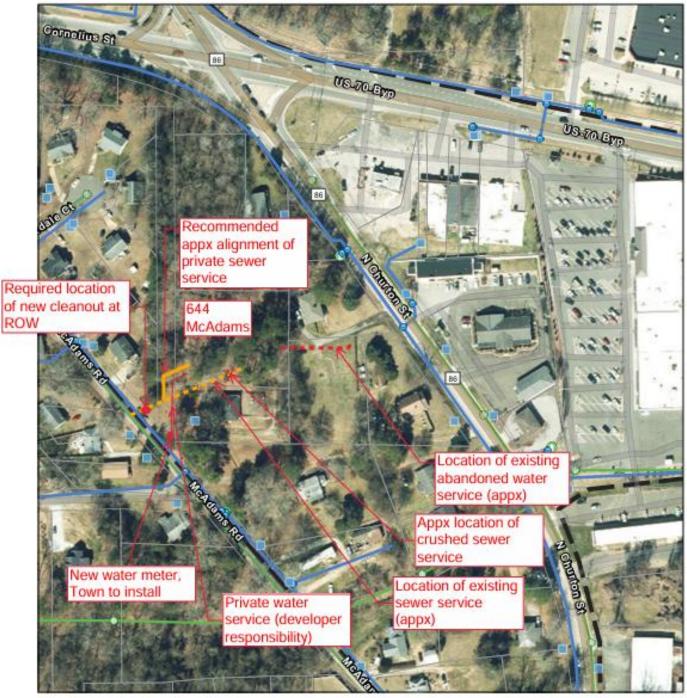
105 E. Corbin St., Hillsborough, North Carolina

Office: 919-296-9632

(f)(1)(9)(9)

Email correspondence to and from this address may be subject to the North Carolina public records law and may be disclosed to third parties.

#### **TOH Water and Sewer Features**



May 5, 2023

1:2,257

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Earl Community Maps Contributors, Land Records/GIE/Addressing, State of North Carolina DOT, ib OpenStreatMap, Microsoft, Earl, HERE, Garmin, SafeCraph, GeoFachnologies, Inc. METIMASA, USGS, EPA, NPS, US Cersus Bureau, USDA, NC CGIA, Macer, Microsoft Issues and Concerns have been addressed by the Town Planners and Utilities.

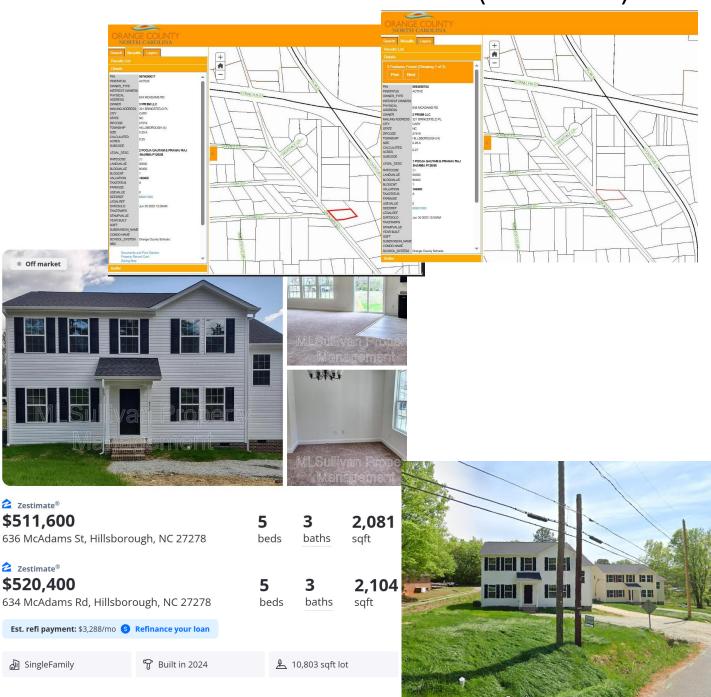
No conversations on improving a private road.

Owners decided to purchase the property

# Neighboring Properties

Google Earth image 後 列mage © 2025 Airbus

# 634 and 636 McAdams Road (built 2023)



# 634 and 636 McAdams Road (built 2023) comparison



Comparison of two houses, (634 and 636 McAdams built in 2023-2024) Located 110' from our property.

636 McAdams	0.28 acre	2081 sqft	5 Bed	3 Bath
634 McAdams	<u>0.25 acre</u>	2104 sqft	5 Bed	3 Bath
Total both lots	0.53 acre	4185 sqft	10 Bed	6 Bath
644 McAdams	0.85 acre	1576 sqft	3 Bed	3 Bath
	Main	1040 sqft	2 Bed	2 Bath
	ADU	536 sqft	1 Bed	1 Bath

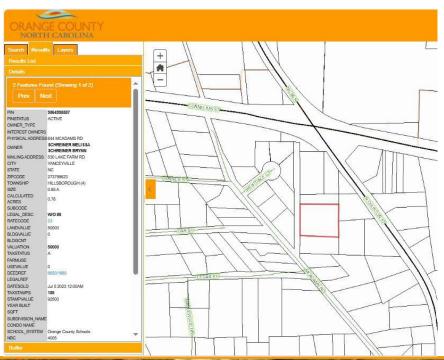
Difference (us) +0.32 acres more 528 sqft less

7 Bed less 3 Baths less

# 642 McAdams Road (built 1962)

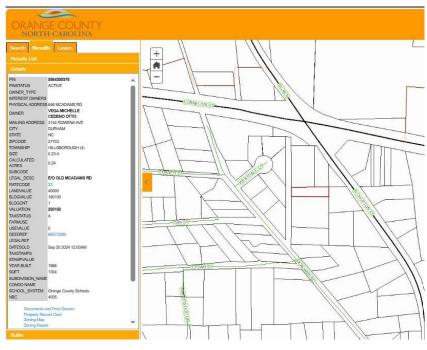


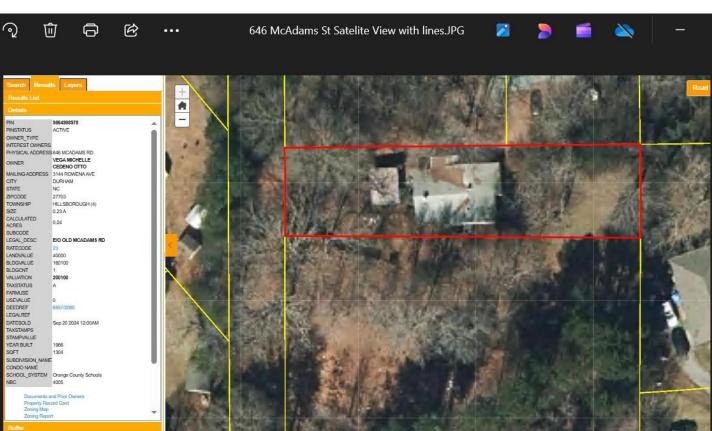
# 644 McAdams Road (GIS)



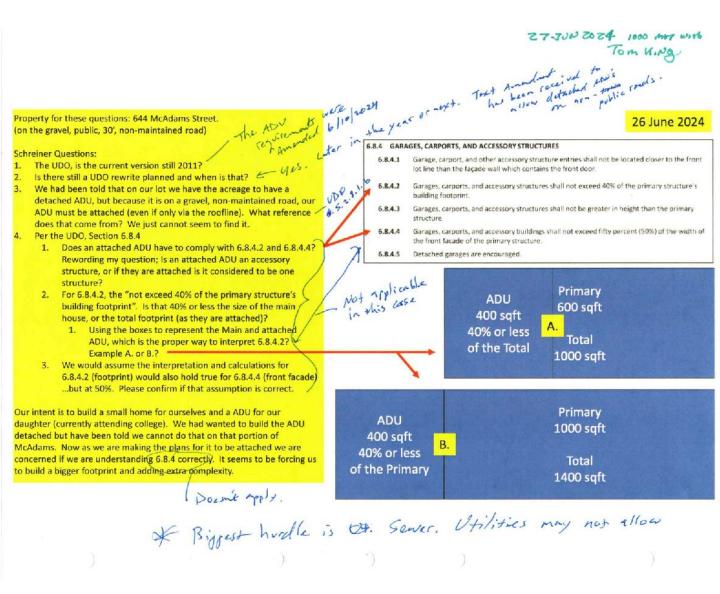


# 646 McAdams Road (sat) built 1966





# 27 Jun 2024 meeting



#### Key meeting

- First discussion going back towards Detached ADU vs Attached ADU.
- Continued to emphasize Utilities, which was answered prior to purchase of property
- No mention of improving a private road

## Planning Board Minutes 15 Aug 2024

#### Minutes

#### PLANNING BOARD AND BOARD OF COMMISSIONERS

Joint public hearing

7 p.m. Aug. 15, 2024

Town Hall Annex Board Meeting Room, 105 E. Corbin St.

Present

Staff:

own Board: Mayor Mark Bell and commissioners Meaghun Darub, Robb

English, Matt Hughes and Evelyn Lloyd

Planning Board: Chair Frank Casadonte, Vice Chair Hooper Schultz, John Giglia, Jeanette Benjey, Robert Iglesias, Tiffney Marley and Christian Schmidt

Tilliey Mariey and Cillistian Schillidi

Absent: Board of Commissioners: Commissioner Kathleen Ferguson; Planning Board: Members Saru Salvi

and Sherra Lawrence

Planning and Economic Development Manager Shannan Campbell, Senior Planner Tom King, Planner II Molly Boyle, Environmental Engineering Supervisor Bryant Green, Stormwater and

Environmental Services Manager Terry Hackett and Town Attorney Bob Hornik

#### 1. Call to order and confirmation of quorum

Mayor Mark Bell called the meeting to order at 7 p.m. and confirmed a quorum. Bell noted the length of the agenda and suggested a time check after two hours. Also, Bell disclosed that he and Commissioner Meaghan Darub are board members for Porch Hillsborough, which has a relationship with the Hillsborough Community Gardens. Hillsborough Community Gardens was related to items 5E and 5F on the agenda. No other board members or commissioners are involved with Porch Hillsborough or the Hillsborough Community Gardens. Bell then passed the gavel to Planning Board Chair Frank Casadonte.

#### 2. Agenda changes and approval

There were no changes. The agenda stood as presented.

Motion: Planning Board Vice Chair Hooper Schultz moved to approve the agenda as presented. Member

Christian Schmidt seconded.

Vote: 7-0. Motion passed.

#### 3. Minutes review and approval

Minutes from Joint Public Hearing on May 16, 2024

Only Planning Board members voted on this item.

Motion: Planning Board member John Giglia moved to approve the May 16, 2024, minutes as presented.

/ote: 7-0. Motion passed

#### 4. Open the public hearing

Motion: Bell motioned to open the public hearing. Commissioner Matt Hughes seconded.

Vote: 12-0

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JOINT PUBLIC HEARING MINUTES | 1 of 8

#### D. UDO text amendment to Section 5.2.8, Dwelling, Accessory

First, Boyle gave a summary of the application, which proposes allowing detached Attached Dwelling Units (ADU) on private streets. Currently, attached ADUs are allowed on private streets, but language in the UDO does not support detached units on private streets. Staff noted that street access standards should be held the

DINT PUBLIC HEARING MINUTES I 5 of 8

same for attached and detached ADUs. However, private streets should meet a minimum standard in the interest of public health, safety and welfare.

Staff comments included

- UDO Sec. 6.21.4 and the town streets manual provide private street standards.
- A number of older streets in town pre-date the standards.
- The private portion of Daphne Drive, where the applicant lives, meets the town's private street standards.

Utility comments:

 Many of the existing private streets have undersized, outdated utilities without deeded easements, and the Utilities Department does not support development on streets such as these.

Staff recommended the following conditions/additional language to the text amendment:

- An ADU shall be allowed on a private street under the following conditions:
  - A deeded public utility easement shall be required, and existing utility lines shall be upsized if deemed necessary by the utilities department, and
  - the private street providing access to the ADU must comply to UDO Sec. 6.21.4 standards.

For context, Boyle provided images of Daphne Drive and other private streets of varying conditions in town

Next, the applicant, Natalie Dolgireff, addressed the board. She provided a background to her property. She stated that no ADUs have been built on private roads since the UDO language around ADUs built on private roads changed. She also highlighted the inequality in health and public safety standards for attached ADUs, detached ADUs, and existing home renovations.

Addressing the staff, Schmidt asked why detached ADUs were not allowed. Boyle stated that the UDO ordinance for attached ADUs changed in 2021 because an applicant had requested it, but detached units were not addressed. Town Planning Manager Shannan Campbell continued, stating that town staff do not recommend ADUs on private streets. Green explained that attached ADUs are serviced through the existing structures crawl space. Also, many private streets that are legacy streets are challenging to access because the utility assemblest are unclear.

Hughes pondered how to reconcile staff's private street ADU recommendations for ADUs with the town's goals for affordable housing. Green acknowledged the dilemma and reiterated the benefits of public streets. Hughes then asked, how many private streets are in the town. Campbell pointed to a map in the agenda packet and acknowledged the considerable cost for property owners to comply with staff recommendations for ADUs. But Campbell reiterated the public safety aspect of the town staff recommendations. Only four units are allowed on private streets by the towns UDO, but the proposed change would double that.

Darub asked if detached ADUs could be allowed if the private streets were found sufficient. Boyle agreed and

Bell asked about the statistics for all ADUs built since the text amendment in 2021. Campbell told of a number of inquiries regarding detached ADUs on private streets, but the town has denied them since the UDO currently does not allow them. Campbell will research how many total ADUs have been built.

Casadonte asked if there were continuing issues with utilities on public streets. Green stated that the addition of ADUs when feasible need to be up to town standards and the financial responsibility is up to the builder.

JOINT PUBLIC HEARING MINUTES | 6 of 8

Hughes noted that many of the private streets are out of the town limits but in the Extraterritorial Judicial Authority (ETJ). Thus, the property owners cannot vote but still must follow town ordinances.

Public comment began

Brynn Shreiner, a property owner in Hillsborough on a private street, stated he did not understand why the UDD allows a detached garage on a private street but not a detached ADU. He would like a change to 5.2.8.1.b so he could build a detached ADU and would accept the financial burden Up ay utilities to a public street.

Phil Marsosudiro, an Orange County resident in the Hillsborough ETJ, supports the change for detached ADUs on private streets. He addressed UDD 5.2.8.1.b and 5.2.8.1.f. He noted that town utilities do not exist in the ETJ so his property should be exempt from 5.2.8.1.f.

Public comment ended and no action was taken.

## Planning Board Minutes 19 Sep 2024

### Minutes PLANNING BOARD

Regular meeting 6:30 p.m. Sept. 19, 2024 Board Meeting Room of Town Hall Annex, 105 E. Corbin St.

Present: Chair Frank Casadonte, Vice Chair Hooper Schultz, Jeanette Benjey, Robert Iglesias, Saru Salvi and Christian Schmidt

Absent: Members John Giglia, Sherra Lawrence and Tiffney Marley

Staff: Planner II Molly Boyle, Planning and Economic Development Manager Shannan Campbell,

Environmental Engineering Supervisor Bryant Green and Town Attorney Bob Hornik

#### 1. Call to order and confirmation of quorum

Chair Frank Casadonte called the meeting to order at 6:30 p.m. Planner Molly Boyle confirmed the presence of a quorum.

#### 2. Agenda changes and approval

There were no changes to the agenda.

Motion: Member Robert Iglesias moved to approve the agenda as it stood. Member Christian Schmidt

seconded. 6-0

Minutes review and approval

Minutes from regular meeting on Aug. 15, 2024.

Motion: Vice Chair Hooper Schultz moved to approve the minutes as presented. Member Jeanette

Benjey seconded.

Vote: 6-0

4. Discussion

Vote:

A. Paliouras Tract Master Plan amendment (applicant-initiated)

Boyle began with a review of the proposed master plan amendment for the Paliouras Tract, including staff recommendations. Boyle replied to Casadonte's request for the Waterstone South development timeline, stating that it is planned to reach full build-out in nine years.

The applicant, Seth Coker of Comet Development, presented a table from the North Carolina Department of Environmental Quality (NCDEQ) showing water usage for hotels versus multi-family dwellings. Based on this, Coker stated, multi-family developments require less water and generate less wastewater. Coker commented on the table of projects in the staff analysis, which showed developments that were approved by the town but not yet built. He remarked that some of the projects on the list were approved in 2016 and still had not been built.

Next, Environmental Engineering Supervisor Bryant Green explained NCDEQ just lowered the flow rates for

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PLANNING BOARD MINUTES | 1 of 5

PLANNING BOARD MINUTES | 3 of :

B. Unified Development Ordinance (UDO) text amendment to Section 5.2.8, Dwelling, Accessory (applicant-initiated)

Boyle began with a review of the proposed text amendment and staff recommendations.

The applicant, Natalie Dolgireff, addressed the board and explained the desire for detached Accessory Dwelling Units (ADUs) to be allowed on private streets. Dolgireff thanked the board for their consideration. Schmidt then inquired whether Dolgireff had viewed staff's proposed version of the text amendment and if she thought it would be an acceptable solution. Dolgireff confirmed that she saw staff's version and requested clarification on some aspects. Boyle explained that under staff's version of the text amendment, ADUs will be allowed on private streets only if the private street conforms to the town's private street standards.

Iglesias asked if a variance would be a better option in this case as opposed to a UDO text amendment. Boyle explained that a variance request is supposed to address a unique property issue. Since the issue/property is not unique in this case, the text amendment process was more appropriate for Ms. Doligreff.

Casadonte asked Utilities staff to explain how attached and detached ADUs differ in terms of utilities. Green explained that, historically, utilities on private roads in Hillsborough were not well-documented with easements or plats. That tends to cause more problems for detached ADUs than attached ones. When building detached ADUs on private roads, utility lines without easements are often found, and sometimes these lines support other dwellings off the property, which creates complications. For attached ADUs, residents are typically tying on to their existing water and sewer connections. Also, an attached ADU is obviously closer to the main dwelling comparatively, where it is less likely to conflict with existing, undocumented utility lines out in the yard.

Dolgireff inquired about separate metering and sewer for ADUs. Green explained that residents can opt for separate metering or tie to the existing service.

Brynn Shreiner, a property owner in Hillsborough on a private street, asked to address the Planning Board. The Planning Board gave him permission to speak. He explained a detached or attached ADU would require property owner payment for utility upgrades regardless, which he agreed with. He pondered the effects on public safety for attached versus detached ADUs and thanked the board and applicant for their time and officer.

The board discussed the amendment. Jeanette Benjey voiced support for the amendment because she felt it was fair to residents on private streets. Schultz thanked the staff for its recommended changes, which would allow more density in town while considering safety and service. However, he noted he would eventually let to see the town move away from private streets. Salvi expressed support for the text amendment as well.

Motion: Schmidt motioned to recommend the text amendment to the town board with staff's revisions

Vote: 6-0. Motion passed

# UDO (amended 28 Oct 2024)



#### UNIFIED DEVELOPMENT ORDINANCE

lopted:

Amendments:

April 11, 2011 September 12, 2011 December 12, 2011 March 12, 2012 June 11, 2012 September 17, 2012 December 10, 2012 March 11, 2013 June 10, 2013 July 8, 2013 September 9, 2013 December 9, 2013 March 10, 2014 June 9, 2014 September 8, 2014 November 24, 2014 December 8, 2014 March 9, 2015 June 8, 2015 September 14, 2015 November 30, 2015 March 14, 2016 June 13, 2016 September 12, 2016 December 12, 2016 March 13, 2017 June 12, 2017 September 11, 2017 December 11, 2017 March 26, 2018 September 10, 2018

October 22, 2018 December 17, 2018 March 11, 2019 June 10, 2019

Feb. 28, 2011

September 9, 2019 December 9, 2019 March 9, 2020 September 14, 2020 March 8, 2021 June 14, 2021 June 28, 2021 September 13, 2021 December 13, 2021 March 14, 2022 June 13, 2022 September 12, 2022 October 10, 2022 December 12, 2022 March 13, 2023 September 11, 2023 October 9, 2023 February 12, 2024 March 11, 2024 June 10, 2024 August 26, 2024 October 14, 2024 October 28, 2024 December 9, 2024

101 E. Orange St., Hillsborough, NC 27278 www.hillsboroughnc.gov | @HillsboroughGov

Hillsborough Unified Development Ordinance

#### 5.2.8 DWELLING, ACCESSORY

The following sections are provided to create opportunities for a diversity of housing stock within town. A dwelling unit must contain sleeping, cooking, and bathroom facilities. Guest quarters or suites that do not contain all three types of facilities are not dwelling units and are not reviewed in

#### 5.2.8.1 Accessory dwelling units in freestanding structures

New or existing accessory buildings may be used as dwelling units in addition to the principal dwelling unit in the R-10, R-15, and R-20 districts, subject to the following conditions:

5.2.8.1.a The lot is developed, or proposed to be developed, with a single-family dwelling and customary accessory outbuildings.

#### 5.2.8.1.b The lot has direct access to a public street or a private street that conforms with the requirements for private streets in UDO Section 6.21.4, Design Standards – Private Streets and the Town of Hillsborough Street Manual.

- **5.2.8.1.c** One (1) accessory dwelling unit is permitted per lot, whether within the principal dwelling or as a freestanding structure.
- 5.2.8.1.d The structure containing the accessory dwelling must meet the applicable primary building setbacks established in Table 6.3.1, Dimensional Requirements residential OR Section 7.5.3, Non-conforming lot setback requirements. The existing, primary dwelling may be non-conforming in regard to building setbacks required in the zoning district. The setback provision in Section 9.1.5.2.c of this ordinance is available for an accessory building containing a dwelling unit.
- **5.2.8.1.e** An accessory dwelling unit in a freestanding structure shall be located to the side or rear of the primary dwelling and behind the primary dwelling's front façade.
- **5.2.8.1.f** All structures containing dwellings are connected to municipal water and sewer service.
- 5.2.8.1.g The accessory dwelling unit shall not exceed fifty (50) percent of the gross floor area of the principal dwelling unit or 1,000 square feet in gross floor area, whichever is greater. In no case shall the accessory dwelling unit exceed the gross floor area and/or height of the principal dwelling unit.
- **5.2.8.1.h** The accessory unit is constructed to the state building code for one- and two family dwellings (i.e., is not a manufactured home).
- 5.2.8.1.I There is sufficient off-street parking on the parcel to accommodate two spaces for the principal dwelling and one space per bedroom in the accessory unit, which may include garage spaces.
- 5.2.8.1.j The application materials indicate storage locations for solid waste and recycling containers for both dwellings consistent with Town Code requirements.
- 5.2.8.1.k A platted, deeded public utility easement shall be required and existing utility lines shall be upsized if deemed necessary by the Utilities

Hillsborough Unified Development Ordinance

#### Department.

**5.2.8.1.I** Units that existed on August 12, 1996 that do not meet one or more provisions of this section may continue as legal non-conforming uses.

#### 5.2.8.2 Accessory dwelling units within a principal single-family dwelling

Accessory dwelling units may be located within a principal single-family dwelling in any zoning district, subject to the following conditions:

- 5.2.8.2.a The lot is developed, or proposed to be developed, with a single-family dwellingand customary accessory outbuildings.
- 5.2.8.2.b The lot has direct access to a public street or a private street that conforms with the requirements for private streets in UDO Section 6.21.4, Design Standards Private Streets and the Town of Hillsborough Street Manual.
- 5.2.8.2.c One (1) accessory dwelling unit is permitted per lot, whether within the principal dwelling or as a freestanding structure.
- 5.2.8.2.d Both dwellings are connected to municipal water and sewer service.
- 5.2.8.2.e The accessory dwelling unit shall not exceed fifty (50) percent of the gross floor area of the principal dwelling unit or 1,000 square feet in gross floor area, whichever is greater. In no case shall the accessory dwelling unit exceed the gross floor area of the principal dwelling unit.
- 5.2.8.2.f The accessory dwelling unit must have its own exterior access. Any interior access to the principal dwelling must be lockable from both dwellings.
- 5.2.8.2.g There is sufficient off-street parking on the parcel to accommodate two spaces for the principal dwelling and one space per bedroom in the accessory unit, which may include garage spaces.
- 5.2.8.2.h The application materials indicated storage locations for solid waste and recycling containers for both dwellings consistent with Town Code requirements.
- 5.2.8.2.i A platted, deeded public utility easement shall be required and existing utility lines shall be upsized if deemed necessary by the Utilities Department.
- 5.2.8.2.j Units that existed on August 12, 1996 that do not meet one or more provisions of this section may continue as legal non-conforming uses.

Section 5: Use Standards | 5-18

# Private Road Improvement

# Private Road Standards 94 pages

#### Town of Hillsborough Street Manual



Endorsed: July 28, 2014

Amended: April 25, 2016 (Private Street standards & Traffic Calming Policy incorporated)

Nov. 8, 2021 (acceptance checklists added)

June 13, 2022 (reorganization, amenities, ped and radar signs)
Feb. 13, 2023 (Stormwater video, streetlights, checklist changes)

#### Appendix A - Private Road Standards

#### 1.1 Private Road Standards

- A. Private roads meeting the following standards may be used in minor subdivisions designed for single-family use, as defined in the Town of Hillsborough Unified Development Ordinance.
- B. These standards are the minimum set forth by the Town, and do not meet Town of Hillsborough or NCDOT (North Carolina Department of Transportation) criteria for acceptance into the Town or State road system, as the situation applies.
- C. No private road will be accepted for maintenance by either the Town or NCDOT (as applicable) unless and until all Town or NCDOT standards (as applicable) for public street acceptance are met.

#### 1.2 Number of Lots or Dwelling Units Served

- A. A private road shall serve no more than four lots (including the residual acreage) or dwelling units.
- B. Private roads serving no more than two lots (including the residual acreage or dwelling units) are not required to be constructed to these standards or inspected before recordation of a Final Plat, however, the right-of-way width requirements do apply. The Town recommends that these roads be constructed to these standards in order to provide adequate access, especially for emergency vehicles requiring the clearances and turn areas as shown in the private road specifications.
- C. Private roads serving a subdivision resulting in three to four lots or dwelling units (including the residual acreage) shall be constructed to these standards.
- D. Private roads serving more than four lots or dwelling units (including existing private roads that are having additional lots or dwelling units over four added with access to the existing private road proposed), shall be built to public street standards, including dedication as such.

#### 1.3 Right-of Way and Travelway Lengths and Widths

- A. The right-of-way width shall be 20 feet in width. The Planning Director may approve a right-of-way width of 18 feet if the lot arrangement, the surrounding development pattern, zoning and existing Town plans indicate conversion to a public street is unlikely. A 50-foot right-of-way may be required if the land and lots are arranged to allow the conversion of the private road to a public arrange.
- B. Bends in the right-of-way shall be at angles that will permit the construction of curves with a 125foot minimum curve radius.
- C. The maximum length allowed for a private road shall be 1,000 feet. The distance shall be measured from the point where the private road right-of-way intersects with the public street right-of-way and to the center point of the right-of-way of the proposed private road turnaround.

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Appendix A: Private Road Standards | Page 1 of 18

- D. All private roads in excess of 500 feet shall provide a 10-foot by 20-foot (10° X 30°) turnout. The exact location of the turnout shall be determined by the Town Fire Marshal in consultation with the Hillsborough Fire Department and Orange County Emergency Services Department (see Figure 0-0: Turnout for Emergency Vehicles).
- E. Travelway widths for private roads shall be no less than 12 feet; however, a width of 16 feet is preferable.

#### Table 1: General Standards and Specifications for Private Roads

	Private Road Standard	
	Number	of Lots Served
Total Number of Lots/Dwelling Units Served by Road <sup>1</sup>	3-4	1-2
Right-of-Way Width	20 Ft.2	20 Ft.2
Travelway Width	12 Ft.	No Standard
Professional Surveyor Certification of Road in Platted Right-of-Way Required	Yes	Yes <sup>3</sup>
Professional Engineer Certification of Road Construction Required		No

<sup>&</sup>lt;sup>1</sup> Total number of lots served shall include the residual acreage of the tract being subdivided, where such

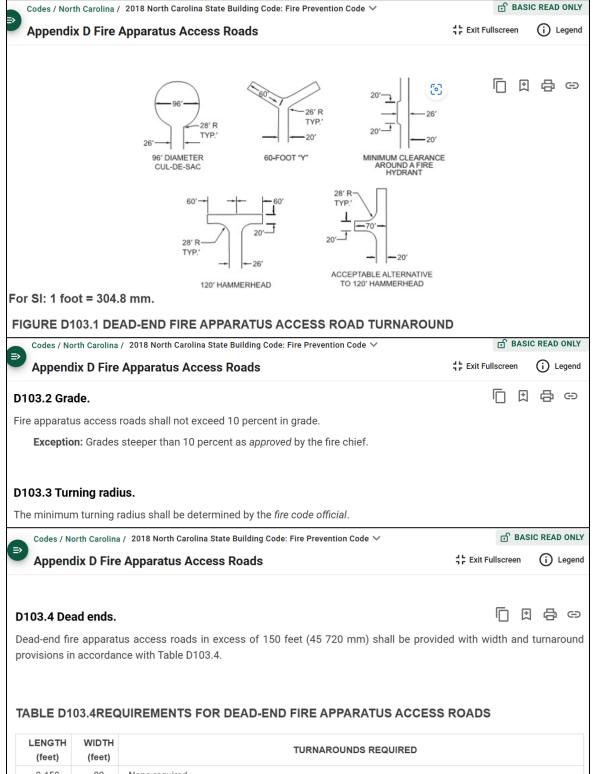
residual acreage will be accessed by the private road.

Right-of-way width may be reduced to 18 feet if the lot arrangement, the surrounding development pattern, zoning and existing Town plans indicate conversion to a public street is unlikely. A 50-foot right-of-way may be required if the land and lots are arranged to allow the conversion of the private road to a

public street.

Required only if road is constructed to serve lots

# First Responder Turnarounds

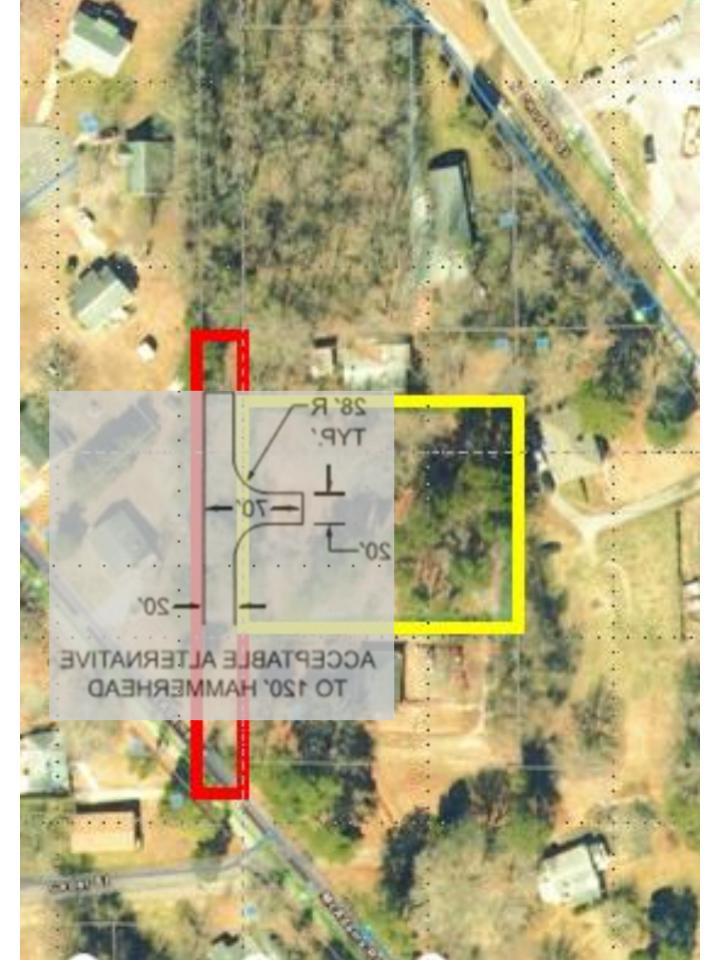


ENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-500	20	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
501-750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
Over 750		Special approval required



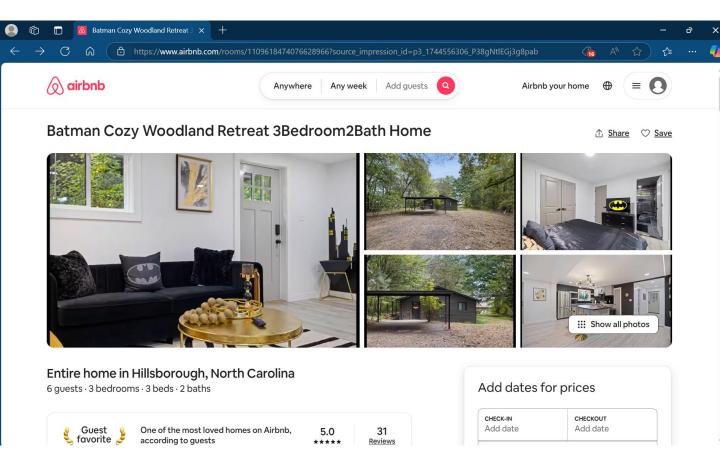






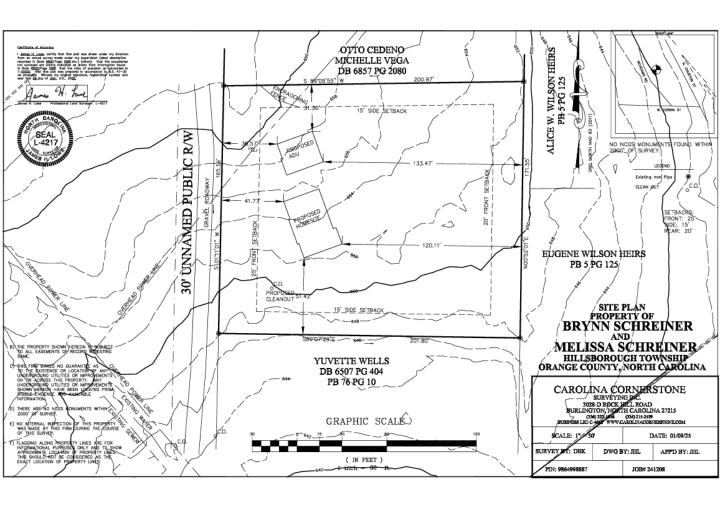
# ADU vs. Pvt Road

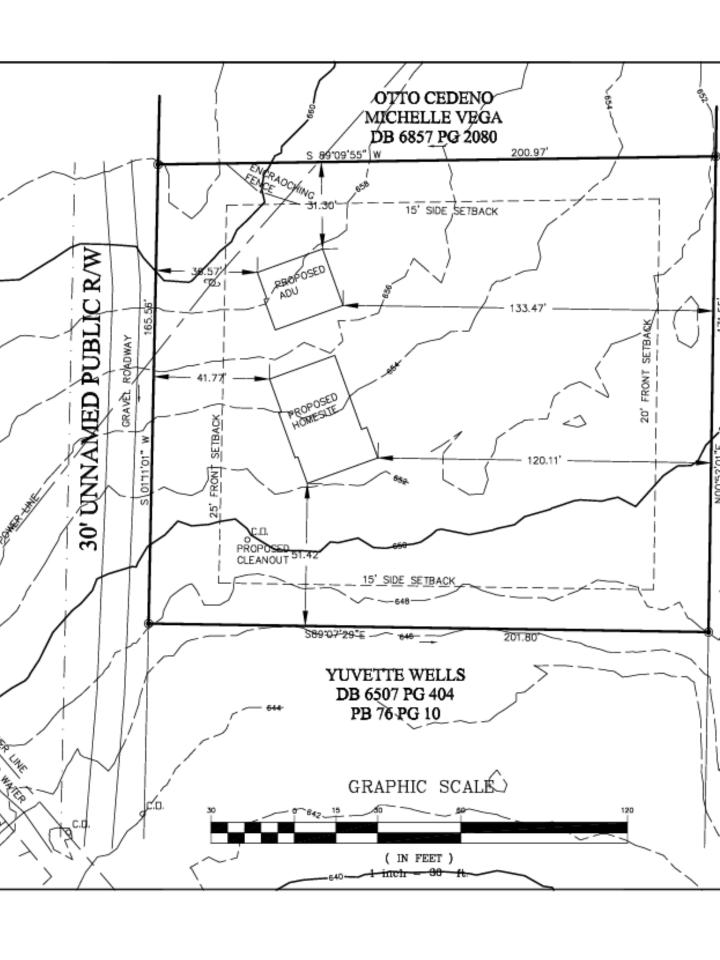
# 646 McAdams Road (airbnb)



# Survey

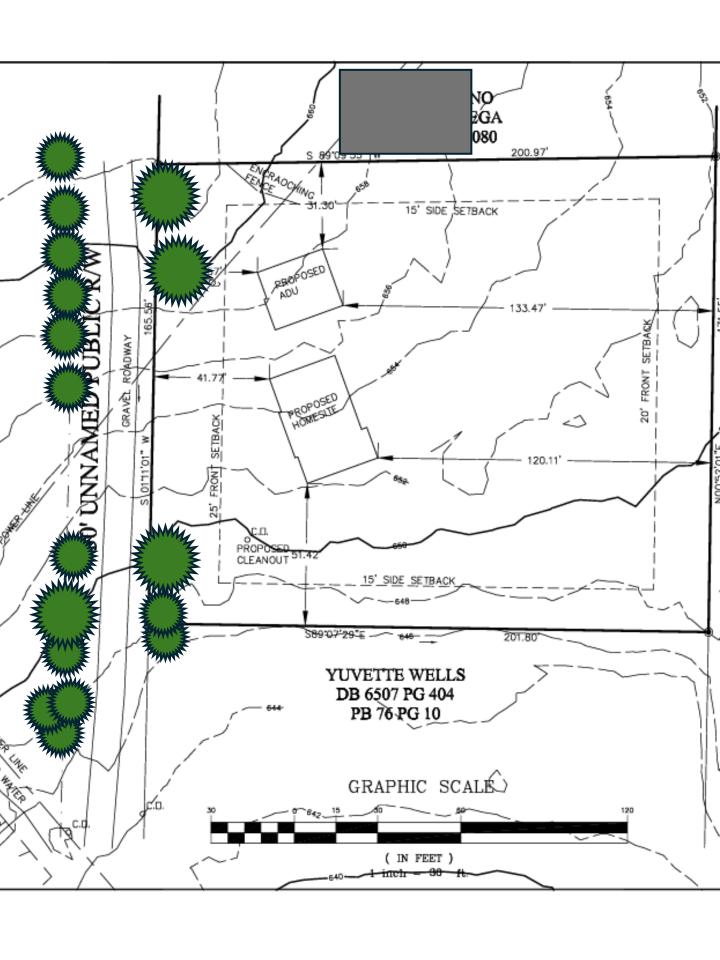
#### Survey







### Trees





## Trees with the Private Road (from the private road)









### Recent Pavement Asphalt Clean Out! (Apr 2025)

Interesting point that the Town does not control the private road but will allow their contracted work to do their equipment clean-out there.





### Postal Delivery No need to rename, already established



#### 644 McAdams Road Hillsborough, NC 27278

- Request/Recommendations
  - 1. We still plan paying for all the water/sewer hookups (as told and agreed to prior to our purchasing the property). We also plan on improving the private road after we trench it for the water and sewer hook ups. We want to make sure it meets; depth, width, and height clearance requirements for vehicles. to create ditches on the sides. That will disrupt more soil, neighboring yards, What we are requesting is to be grandfathered with regards to removing the trees and cost more time and money without yielding a positive benefit. When the private road already slopes down and away and has been displacing run off water for the last 59 years. This we request as an exception to be grandfathered as this topic (improving a private road) was NOT a requirement that was brought up when we started asking questions with Planners and Utilities prior to us purchasing this property.
  - 2. First Responder Turn Around templates as set forth in the NC Fire Prevention manual, Appendix D., do not fit within the 30' width of the existing private road. Utilization of those options would require easements and road construction on neighboring private properties. If we tried the "Alternate Hammerhead" template on our own property it would make our driveway much wider than desired and it would push the driveway and structures further back onto our property. What we are requesting is to be grandfathered with regards to having to build a first responder turn around. The requirement seems contradictory and confusing. The private road standard is triggered by the ADU. Yet the private road wording has to do with 4 or more lots and or structures. With 5 lots, the ADU is a mute point. We have been told ADUs trigger this requirement because they lend themselves to being rentals. We can build a single larger structure on our lot size if we wanted and rent the entire structure or even just some rooms in it. Not to mention the neighboring house (646 McAdams) is further from the public road than our lot and it does not have the requirement for a First Responder Turn Around. That house has been in place for 59 years and it is currently an AirBnB rental. The private road is straight (no turns), a first responder vehicle could potentially pull straight in and back straight out to the pavement. If this truly is a safety problem, why has it not been addressed for 646 McAdams Road?
  - 3. Retain "McAdams Street/Road", is already established and in use with the neighboring properties. In conversation with the EMS Supervisor, he had no issues pulling up the address on his screen in his vehicle. We request that we NOT be required to have name changed. This has impact (postal and rental) on the neighboring properties that have been established with structures on McAdams for 59 and 63 years respectively.
  - 4. Lastly, we request separate water meters, as don't understand why can't have second meter installed while we are trenching up the private road and paying for all the new connections. The capacity answer is confusing given; 1. This will be all new connections, 2. The capacity for our lot can be increased if we increase the size of the house. 3. Comparison of Bathrooms with neighbors (636 and 634 McAdams), 4. (Duke Power is going to have 2 separate meters).
  - 1962 642 McAdams Road was built (63 years ago)
  - 1966 646 McAdams Road was built (59 years ago)
  - 1977 Town Annexed that area (48 years ago)

### Sat Image 644 McAdams Road

