

NEWS

Zoning statutes lead to legal hassles for Chapel Hill realtors

By SPEED HALLMAN

After ignoring the planning department's request to comply with town zoning statutes, a Chapel Hill condominium developer may be taken to court, said Chapel Hill Planning Director Mike Jennings.

At issue is a special use permit, which must be modified if the status of a dwelling changes, as in the conversion of an apartment complex to a condominium.

John A. Cates of Chapel Hill Realty, owner of the University Garden Apartments, is converting the apartments to condominiums and said that he "didn't have to do anything" to remain within the law.

Jennings insisted that the law is clear in this case and explained that "any time you have more than two dwelling units on one lot you have to get a permit. It specifies that any significant change to a project requires a modification to the permit. That's the attorney's opinion," Jennings said. Town attorney Emery Denny was not available for comment.

Jennings said that he had written Cates to advise him of the need to modify the permit. Cates has not replied, Jennings said.

Asked about the matter, Cates said, "I don't know anything. I just go by my attorney. I did exactly what they told me to do. They told me I didn't have to do anything."

Cates said that he had a document signed by "the development coordinator," whom he declined to identify. The document stated that a modification of the special use permit was not necessary, Cates said.

However, Jennings speculated that the document was actually a boundary survey done by his department which has no bearing on this case.

"The modification is a fairly straightforward one," Jennings said. "But any time you violate the law it is a serious matter."

Cates said that he was following the 'letter of the law' with the blessing of his attorney.

But Jennings said he believed that Cates was actually going ahead with his conversion plans, because a legal permit modification would not be possible to obtain until September 21, the date set for the public hearing. Legally, Cates could take no action until after that date, Jennings said.

Jennings added that another complex, Castilian Villa, was going through the same process of conversion and permit modification. But at the same time, the apartment owners are appealing the attorney's decision that the conversion requires a modification.

The Oaks, a 124-unit apartment complex in Chapel Hill, converted to condominiums last year but has since reverted to apartments.

Local seats up for election

By ANN MURPHY

Four seats on the Chapel Hill Town Council, three seats on the Carrboro Board of Aldermen and the Carrboro mayor's seat will be up for election this fall.

A spokeswoman for the Orange County Board of Elections said candidates would be able to file for positions from noon, September 11, until noon, October 2.

Two town council members, Bill Thorpe and Bev Kawalec, have decided to run again.

"I made that decision a long time ago," Thorpe said. "I hope the community will continue to let me serve them in this capacity."

Kawalec has not made a formal announcement, but she said she was planning to run again. "There are more programs that I want to enact — more work to be done."

Council member Marilyn Boulton said she had not made a decision to run again. "I'll have to decide by the end of the summer, because if I do run again, I'll have to get organized," she said.

Council member Joe Herzenberg, whose seat will also be up for election, could not be

reached for comment.

Eight town council members and the mayor make up Chapel Hill's governing body, and all serve four-year terms. Mayor Joe Nassif's term will not expire until 1983, along with the terms of the other four council members.

Carrboro Board of Aldermen members Braxton Foushee, Doug Sharer and Nancy White, whose terms will expire this fall, said they had not decided whether they will run for reelection.

The home-school coordinator for the Chapel Hill schools, Hilliard Caldwell, also said he might run for a seat on the Board of Aldermen.

Carrboro Mayor Bob Drakeford has not made a definite decision about the November elections. "I am leaning toward running and I will make that decision early in September," he said. He made no comments on any issues concerning the elections.

Deputy Supervisor Carolyn Braxton said special hours for voter registration would be set by the county elections board in September.

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