



MEMORANDUM

TO: Chairman Durham and Planning Commissioners
 FROM: Kelly Machen, Zoning Administrator
 DATE: May 19 for the May 24, 2023 meeting
 RE: Attachment 7 – Saint Mary’s Staff Community Responses Memo

COMMUNITY RESPONSE

Numerous comments have been submitted from an adjacent property of Saint Mary’s regarding alleged zoning and building code violations. Below is a summary of those comments with Saint Mary’s and staff’s response. Attachment 9 contains all the public comments received at this time and Attachment 5 contains the applicant’s response to the complaints.

Address	Comment	Saint Mary’s Response	Staff Response
1104 Augustine Ave	Excessive noise from kids	The Church holds periodic Church-related events; however, all events end at or before 9:00 PM. Any noise following events would be mere conversation of parishioners leaving the area or mingling in the parking lot. We admit that children have tendency to make noise.	Noise code violations are handled by the Police Department. The Noise Ordinance limits ‘plainly audible’ noise within 100 ft of the property line on which the sound is located. The ordinance also addresses noise from vehicles, animals, construction, or refuse collection.
1308 Royston St	Excessive noise from kids without supervision	The Church provides supervision of children on the Property, including the lot that abuts to the rear of 1104 Augustine, during all Church events. However, please note that the Church is not responsible for providing 24/7 supervision for neighborhood children that come onto the Property to play outside of hours of operation or unrelated to any Church event.	
1102 Augustine Ave	More than 3 unrelated residences (Overcrowding)	Yes, there are actually five priests that reside at this residence. This is being addressed through this Special Use Permit application	No violation found because caretakers quarters are allowed as part of a religious institution.
1300 Royston St		There is only one individual that resides in this residence. Such individual occasionally has guests.	No violation found.

Address	Comment	Saint Mary's Response	Staff Response
1316 Royston St	Property used as short-term rental by visitors to Saint Mary's	This residence is not used for a short-term rental or Airbnb. This residence was the former convent for nuns; however, it is currently vacant. The Church has on occasion used this residence as a guest house. No guest, nun, or other individual pays or has paid to stay in this residence.	No violation found as there is no charge for the stay. Not considered a short term rental.
1101 Stafford Ave	Using building outside of SUP Hours of Operation.	Counseling services are only provided during normal hours of operation, unless there is an emergency. Occasionally, workers will stay after hours to complete administrative tasks such as paperwork. Or, in some instances, lights may have been simply left on by mistake.	Proposed SUP would replace current hours of operation.
1104 Augustine Ave		The Church recognizes this error and confirms that the event ended at 9:00 PM. After the event, some parishioners stayed and continued to have conversations and mingle while they headed to the parking lot. We have since better managed this similar type of event.	
1104 Augustine Ave	Playground can be seen from Royston is not in accordance with SUP condition	The playground is setback at least 250 feet from the curb of Royston Street. Further, the Special Exception granted to the Church in 2003 states that the playground must be screened from <i>adjacent residential uses</i> . It appears that the adjacent residential uses are screened from the playground with fencing and trees	Landscaping along Royston Street can be requested with SUP applicant.
1301 William St	Traffic is bad enough to require deputies to direct traffic	This is true; however, the Church hires these off-duty sheriff deputies to control and efficiently direct traffic following major services (e.g., Christmas, Easter) and events where larger crowds are expected. The Church does not require, nor does it hire, these off-duty sheriff deputies for every day or service (only on an as-needed basis to increase safety and efficiency of traffic movements). Again, we only do this for large events to assist us in managing traffic and to ensure public safety.	For City Council and Planning Commission to consider as part of the SUP request
1308 Royston St	People park on Royston to get to	The Church is not aware of any parishioners or employees doing this,	

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1312 Royston St	Saint Mary's creates traffic congestion.	and certainly does not encourage this behavior. However, the Church is amenable to putting up fencing along Royston Street to discourage this behavior in the future.	
1316 Royston St			
1312 Royston St	Saint Mary's is using property for Church meetings without SUP	This group was about 15 people, and assume the City recognizes the right to meet and discuss topics of concerns. Meetings are held on the Church Property. The Pastor also occasionally stays at 1312 Royston Street and hosts these meetings, which consist of approximately 12-15 people. Lunch is sometimes served at this residence with the Pastor.	Use to be included with requested SUP. Meetings can occur within single family homes.
1312 Royston St	Burning/creating smoke on site	The Church has a BBQ area. There was no yard waste or rubbish burning in a large fire pit. The BBQ grill is average sized, and blessed items, like palms, are burned therein to ensure that they are not used for non-holy uses. The Fire Department arrived and shortly left thereafter without incident.	No violation found
1312 Royston St	Left door open for days	The door was not commonly used. The Police Department closed the door and the Church has not had an issue since.	No violation found
1104 Augustine Ave	Worked on deck without permits	The deck was not enlarged. A group of parishioners were originally scheduled to serve the community in other capacities; but due to COVID-19, such plans were canceled. Instead, the parishioners replaced rotten boards on the existing deck - less than 100 square-feet. Such deck was built before the Church bought the Property. The foundation of the deck was not touched. The Church was informed that no permit was required.	No violation apparent. Church has meeting scheduled on 5/24/2023 with Building Official to discuss any permit needs.
1104 Augustine Ave	Extended patio without permits	The patio has never been extended.	No permit required for patios or private sidewalks with under 2500 sq ft of disturbance
1104 Augustine Ave	Installed sidewalks without permits	The concrete paths have never been extended and have existed for approximately 20 years, if not longer.	
1104 Augustine Ave	Installed sidewalk lighting without permit	This was installed. The Church was told by the electrician that a permit would not be necessary. If that is incorrect, the	No violation apparent. Church has meeting

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		Church is willing to work with the City to correct this error.	scheduled on 5/24/2023 with Building Official to discuss any permit needs.
1104 Augustine Ave	Converted from residential to office/educational without permit	The interior of the residence was painted and couches were delivered. No other modifications were completed.	
1104 Augustine Ave	Replaced door with one without an exterior handle	The door was replaced without an external door handle.	Church has meeting scheduled on 5/24/2023 with Building Official to discuss any permit needs.
1301 William St	Exterior lighting installed without permit	There were no overhead exterior or security lights added to the main Church grounds. However, the Church did replace light bulbs with LED light bulbs.	Lightbulb changes do not require building permits.
1301 William St	General repairs without permit (ex: roof)	It is St. Mary's understanding that the City is checking its database to see which permits have been pulled. St. Mary is willing to work with the City to correct any errors in permitting. 1	Church has meeting scheduled on 5/24/2023 with Building Official to discuss any permit needs.
1308 Royston St	Fence installed without permit	This is not a new fence and has been there for over a decade. However, it is St. Mary's understanding that the City is checking its database to see which permits have been pulled. St. Mary is willing to work with the City to correct any errors in permitting.	Fence meets current code. The fence was constructed about 15-20 years ago. Old fence permits have not been found
1312 Royston St	Conversion from residential to church use without permit	The Church hosts meetings, and we believe the Special Use Permit (currently pending) will clarify any confusion as to the authorized use of the Property.	Use to be included with requested SUP. Meetings can occur within single family homes.
1312 Royston St	Interior renovations without permits	An interior wall was removed and LED lights were installed in the main room.	Church has meeting scheduled on 5/24/2023 with Building Official to discuss any permit needs.
All Buildings	Concerns the buildings are not meeting occupancy, fire safety, or obtaining inspections	Yes. The Church and its buildings are inspected by the Fire Marshall annually, as required.	No violation apparent

