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Neighbors file appeal in attempt to stop Barn of Chapel Hill

Katie Jansen Updated 10 hrs ago

Twitter: Neighbors of proposed event barn in rural Chapel Hill file appeal to try to stop project

Facebook: Neighbors have filed an appeal concerning a project that could bring a 4,200 square-foot wedding venue called the Barn of Chapel Hill to the intersection of Morrow Mill and Millikan roads.

Keywords: Barn of Chapel Hill, bona fide farm law, farm number, event barn, appeal, Board of Adjustment, Lavender Oaks Farm



CHAPEL HILL — Neighbors have filed an appeal concerning a project that could bring a 4,200-square-foot wedding venue to the intersection of Morrow Mill and Millikan roads.

The venue, called the Barn of Chapel Hill, was denied a special use permit at a November hearing before the county’s Board of Adjustment. But the property has a USDA-issued farm number, leading county planning staff to determine that under state statute, zoning regulations did not apply to the project.

“Future zoning enforcement will be dependent upon actual use of the property and whether it is consistent with the County’s Unified Development Ordinance or state statutory exemptions,” county planning supervisor Michael Harvey wrote in a May email.

Harvey added that owners Kara and Chris Brewer submitted an affidavit indicating their property would be used for agricultural purposes and would be exempt from regulation.

Neighbors of the site have sought legal help and have filed an appeal that seeks to reverse the planning department's decision. The appeal will also be heard by the Board of Adjustment, according to a notice from the county's planning and inspections department.

A quorum of the Board of Adjustment must be established before the appeal can be heard. Harvey said it may be heard next month.

The appeal, filed by attorney LeAnn Nease Brown on behalf of three property owners, states that under the county's unified development ordinance, Brewer should have been prohibited from applying for building permits using the same plans that were denied in November.

Brewer filed two different applications for building permits in January and March. January's application said the center was a "farm event building" to be used for "assembly," while March's application described the project as a "barn for agricultural use" that listed several uses, including agritourism.

A state law dating to 1959, often called the bona fide farm law, exempts farms operating under farm purposes from county zoning regulations. Agritourism was added as a protected farm purpose in 2006.

Neighbors have questioned whether the property can be considered a legitimate farm, as the 22-acre parcel was uncleared until recently.

"I'm disappointed that Orange County would approve an event center as a farm because it has a farm number when there's been no farm there for at least 70 years," said neighbor Chris Durham, who grew up on Millikan Road just yards from where an entrance driveway for the Barn of Chapel Hill has been constructed. "I see it as a commercial endeavor touted as a farm to avoid zoning regulations and get other agricultural perks."

Durham is not one of the plaintiffs listed on the appeal, but she said the entire community will do what it can to support those property owners.

But Brewer said she and her husband Chris Brewer have been working on planting flowers and chestnut trees and installing an apiary.

The Brewers' work on the farm began in the spring and will continue into the fall and next spring, Brewer said.

Brewer has also been working on agritourism programming, including a farm tour and bee program geared toward young children.

"We continue to work toward including agritourism within our farm," she said.

Along with farm tours, Brewer said, she hopes to host you-pick flower events, weddings and other community events.

An Instagram account for the Barn of Chapel Hill shows almost exclusively wedding images.

Brewer said she didn't know her neighbors planned to appeal until she received documentation but that she looks forward to the opportunity to resolve the appeal.

"I think it opens up conversation and we can go from there with it," she said.

Andy Petesch, the Brewers' attorney, said that if the county's decision were reversed, all farm operations would continue but the property would be subject to zoning regulations.

A reversal could be further challenged through the Superior Court and then the Court of Appeals.

Lavender Oaks



Another project that has drawn some concern in Orange County is Lavender Oaks Farm, a lavender farm to be built on part of a 45-acre plot off Ferguson Road.

There have been rumors that the owners, Karen and Robert Macdonald, also plan to open an event center or wedding venue.

John Guins of Guins Excavating Service, which provided work for the property and is helping to build a road, said Macdonald told him the property would house an event center between 8,000 and 10,000 square feet.

Guins said that he was told the events center would host weddings and other events.

This was corroborated by an Instagram post by the Macdonalds' daughter dated Feb. 24.

"Lavender Oaks Estate is my parents newest venture and will be a rustic barn for weddings," read screenshots of the post, along with hashtags "#wedding, #rusticwedding and #familybusiness."

The wording of the post has since been changed and now reads, "Lavender Oaks Estate is my parents newest venture and will be a rustic barn on a 45-acre lavender farm."

Macdonald denied in a previous interview that a wedding venue would be going on the property, calling it a misunderstanding.

She also sent a letter in late June to neighbors in the Holly Creek Farm subdivision.

That letter read, in part, "We understand there have been local concerns about our farm being ONLY a wedding venue and not a lavender farm. We want to be very clear — we are a lavender farm! We're sure there will be many people that love our lavender farm and our beautiful forest, and for that reason will be drawn to want to get married there, but our main focus is being lavender farmers and good neighbors!"

Macdonald's letter also negates the rumored size of the building.

"We have also heard our lavender barn is going to be an 8,000 to 10,000 sq ft. event center," the letter reads. "That is completely FALSE! Our farm buildings will be adequate size to accomplish all our farm needs, create our line of lavender and farm products, and grow our own cuttings from our own crops."

The letter does, however, acknowledge that the farm wants to get involved in agritourism and that the Macdonalds "are looking into how to correctly follow those guidelines."

Macdonald ended her letter by asking her neighbors to come to her for “the truth” about the project.



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