VARIANCE OR APPEAL APPLICATION



TOWN OF CHAPEL HILL Planning Department

405 Martin Luther King Jr. Blvd. phone (919) 969-5066 fax (919) 969-2014 www.townofchapelhill.org

18-027

Parcel Identifier Number (PIN): 9799730329 Date: 3/2/18 **Section A: Project Information** Project Name: Barroso/Diamond Residence Property Address: 104 Boxwood Place Zip Code: 27517 **Existing Zoning District:** R-1A Construction of a 2-story single family residence Project Description: Section B: Applicant, Owner, and/or Contract Purchaser Information Applicant Information (to whom correspondence will be mailed): Name: Alex Barroso Address: 239 Parker Road City: Chapel Hill NC State: Zip Code: 27517 Phone: (919) 698-3175 Email: alexibarroso@gmal.com The undersigned applicant hereby certifies that, to the best of their knowledge and belief, all information supplied with this application is true and accurate. Signature: Owner/Contract Purchaser Information: Owner Contract Purchaser Name: Alex Barroso Address: 239 Parker Road City: Chapel HIII State: NC Zip Code: 27517 Phone: (919) 698-3175 Email: alex@sealidevelopment.com The undersigned applicant hereby certifies that, to the best of their knowledge and belief, all information supplied with this application is true and accurate. Signature:



VARIANCE OR APPEAL APPLICATION SUBMITTAL REQUIREMENTS

TOWN OF CHAPEL HILL Planning Department

Variances and Appeals may be granted by the Board of Adjustment for dimensional regulations, water and sewer regulations, steep slope regulations, house size limitations, Resource Conservation District regulations, Jordan Buffer regulations, and Watershed Protection District regulations. The following must accompany your application. Failure to do so will result in your application being considered incomplete. For assistance with this application, please contact the Chapel Hill Planning Department (Planning) at (919) 969-5066 or at planning@townofchapelhill.org. For detailed information, please refer to the Description of Detailed Information handout.

X X X X X X X	Application fee (refer to fee schedule) Digital Files – provide digital files of all plans and documents Mailing list of owners of property within 1,000 foot perimeter Mailing fee for above mailing list Written Narrative describing the proposal Statement of Justification – see below for additional information Recorded Plat or Deed of Property Stream Determination – necessary for all submittals Jurisdictional Wetland Determination – if applicable Reduced Site Plan Set (reduced to 8.5" x 11")	Amount Paid \$	600.00 nol) 120.80		
Type of	Variance or Appeal (Choose one of the following):				
	Dimensional Variance Water and Sewer Variance	Steep Slope Variance			
Sta	Statement of Justification: Respond to parts 1-7 of Subsection 4.12.2(a) of the Land Use Management Ordinance.				
	☐ House Size Variance				
Sta	Statement of Justification: Respond to parts 1-7 of Subsection 4.12.2(b) of the Land Use Management Ordinance.				
\boxtimes	Resource Conservation District Variance				
Sta	Statement of Justification: Respond to parts A-I of Subsection 3.6.3(j)(4) of the Land Use Management Ordinance.				
	Jordan Watershed Riparian Buffer Variance				
Stat	Statement of Justification: Respond to parts A-C of Subsection 5.18.8(d)(1) of the Land Use Management Ordinance.				
	Watershed Protection District Variance				
Stat	rement of Justification: Respond to parts 1-4 of Subsection 3.6.4(h	ı)(2) of the Land Use Management Ordinan	ice.		
	Appeal				
	nding: Explain to the Board how the applicant is an aggrieved part ement of Justification: Provide justification for decision that is be)		



VARIANCE OR APPEAL APPLICATION SUBMITTAL REQUIREMENTS

TOWN OF CHAPEL HILL Planning Department

Plan Sets (2 copies to be submitted no larger than 24" x 36")

Plans should be legible and clearly drawn. All plan set sheets should include the following:

- Project Name
- Legend
- Labels
- North Arrow (North oriented toward top of page)
- Property Boundaries with bearing and distances
- Scale (Engineering), denoted graphically and numerically
- Setbacks
- Streams, RCD Boundary, Jordan Riparian Buffer Boundary, Floodplain, and Wetlands Boundary, where applicable

X Area Map

- a) Overlay Districts
- b) 1,000 foot notification boundary

X Detailed Site Plan

Variance Request(s)

Narrative & Statement of Justification

Barroso/Diamond Residence 104 Boxwood Place Chapel Hill, NC 27517

March 2, 2018

I. Narrative

Request:

The contract purchasers request two (2) variances from the Chapel Hill Land Use Management Ordinance (LUMO) to avoid the hardships that would result from carrying out the strict letter of the LUMO. Specifically, the requests are:

- 1) A variance from the requirements in Section 5.3.2(f) of the Chapel Hill LUMO prohibiting the disturbance of 25% or more of the total combined area of 4:1 (25%) or steeper slopes.
- 2) A variance from the Resource Conservation District (RCD) regulations in Section 3.6.3 the Chapel Hill LUMO.

After much effort has been made to avoid encroaching into the existing stream buffers (Jordan Lake Watershed) that exist on the east side of the property, the proposed single family home will be built on the western side of the property containing a steep hill, portions of which exhibit slopes exceeding 4:1 (25%). The hill has varying degrees of slope and only a small portion of the hill meets or exceeds a 25% slope. The survey included with this submittal indicates the areas of the hill which meet or exceed this threshold.

The subject lot was created on April 1, 1987 which predates certain RCD established on July 13, 1987. Section 3.6.3(c) of the LUMO states "For single-family or two-family development on lots that were lawfully established prior to January 27, 2003 (or those lots identified on a preliminary plat approved by the town council prior to January 27, 2003), the resource conservation district stream corridor boundary shall be that as prescribed by the Chapel Hill Development Ordinance in effect prior the enactment of this Land Use Management Ordinance on January 27, 2003". Under this criteria, the RCD is measured by the Base Flood Elevation (BFE) + 2 feet. This area is shown on the survey included with this submittal.

The disturbance of both the 25% slope areas as well as the RCD are anticipated to be comprised of both temporary construction activities and permanent improvements in connection with the proposed single family home. More specifically, this will include grading and earthwork, landscaping and to a smaller extent the home footprint. The proposed home footprint and

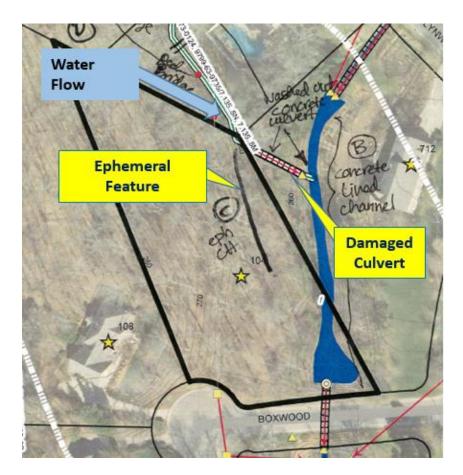
driveway (impervious) will encompass approx. 2,335 SF (39.97%) of the 25% slope areas and 3,243 SF (28.55%) of the RCD area on the property. Only the home footprint area proposed within the RCD should be considered as part of this variance request as driveways, gardens, etc. are permitted uses in the "Managed Use" corridor of the RCD pursuant to Table 3.6.3-2: Permitted Uses within Resource Conservation District.

Background:

Beverly and Giles Williams have owned the subject property located at 104 Boxwood Place (Pin #9799730329) since October 16, 1991 (+/- 26 years), and it has remained vacant during that time period. They purchased the subject property together with the neighboring adjacent lot located at 712 Pinehurst Drive where their home is located and they currently reside. The subject property is part of the Oaks (Phase II) subdivision which was subdivided and developed in the mid 1980's. More specifically, the lot was created on April 1, 1987. The property was placed under contract by Alex Barroso and his wife Amy Diamond on February 22, 2017 with the intention of designing and constructing a single family home for their family of four children. The subject property is 1.3 acres in size and is zoned R-1A. The topography of the property is challenging and slopes upward from east to west with the eastern side of the property encumbered by a perennial stream (Tracy Branch). The elevation difference from the low point of the property to the east (stream) and the high point of the property to the west is approximately 20 feet. More detailed information about the stream can be found in the Stream Determination Report dated April 19, 2017 and included with this submittal. Both the Jordan Lake Riparian Buffer and the Town of Chapel Hill Resource Conservation District rules apply to this stream. Also indicated in the Stream Determination Report is a small ephemeral water feature which has formed as a result of a culvert which has collapsed and is impeding the flow of water.

Ephemeral Feature (Culvert Removal & Bank Restoration)

As mentioned above and as shown below, an ephemeral water feature exists in the middle of the property and terminates inside the property. It is believed by the Town of Chapel Hill that this ephemeral feature has formed due to the collapse of an existing culvert creating an impasse for the water. This culvert is located on the adjacent property also owned by the Beverly and Giles Williams. Although this ephemeral feature is not part of this variance request, it is being referenced here to explain how it will be impacted as well as the remedial culvert work that will be done.



Collapsed & Failing Culvert

Avoiding this ephemeral feature would cause encroachments into the adjacent Jordan Lake buffers. Accordingly, it is anticipated that this feature will be impacted by the proposed improvements. The ephemeral feature is partially located underneath what will become the footprint of the home.

In response to the impact which will be made to the ephemeral feature, the Applicant and property owner are committing to removing the damaged culvert (which is thought to have created the ephemeral feature) and restoring the streambank in and around the area of the culvert to restore water flow through that portion of the channel. The culvert no longer serves

any purpose as it previously provided a temporary stream crossing for construction access during the original development of the neighborhood. The work to remove the culvert and restore the stream bank will be borne by the Applicant and permitted through the Town of Chapel Hill.



Variance Descriptions

Variance Request #1 – Section 5.3.2(f) – Disturbance Limitations

The applicant is requesting to permit the disturbance of 5,841 SF on the areas which exceed 25% slopes as indicated on the attached survey. 2,335 SF (39.97%) of this disturbance will consist of impervious area (house improvements).

<u>Variance Request #2 – Section 3.6.3 – Resource Conservation District (RCD)</u>

The applicant is requesting to permit the disturbance of 10,388 SF of the RCD area as indicated on the attached survey. 3,243 SF (28.55%) of this disturbance will consist of impervious area (house improvements).

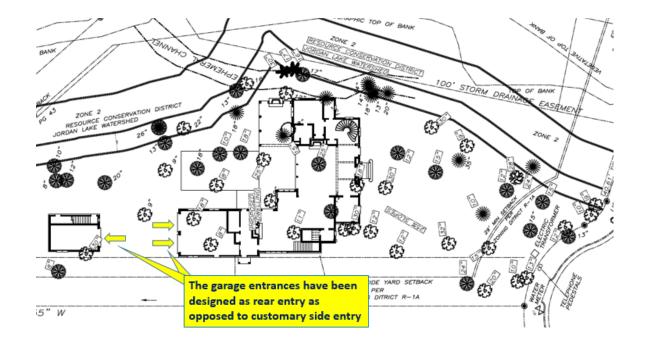
Home Design Efforts (Considerations & Concessions)

It is important to note that much effort and thought was put into the design of the home such that no portion of the improvements as well as any construction activities are proposed to be

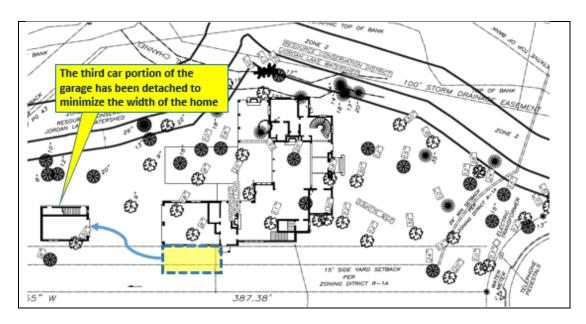
located within the Jordan Lake Watershed stream buffers. This effort resulted in the need to locate the proposed home further away from the stream buffers. The existence of the buffers dictated the location of the proposed home necessitating the need for these variance requests. Since February of last year, Mr. Barroso and Ms. Diamond (Contract Purchasers) have been designing (and redesigning) a home that could fit on the lot while avoiding encroachments into the required stream buffers. This has proven to be a difficult task but after numerous design revisions and concessions on their part, they have successfully created a home plan that is tastefully designed, avoids any encroachments into the stream buffers and is appropriate for the neighborhood. The Applicant has successfully minimized the impact of constructing a single family home on this property.

Among the home design consideration and concessions include:

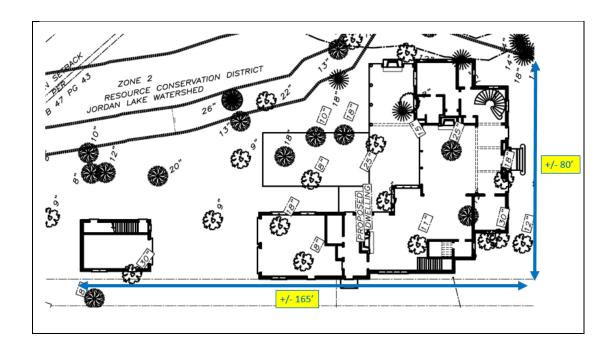
- (i) The placement of the home was controlled by the stream buffers and not located in the most economical or desirable spot under normal circumstances. Since the house is being pushed by these buffers to be built into the steeper topography of the property, there will be significantly greater costs for construction, retaining walls, and the house foundation etc.
- (ii) Designing a rear entry garage as opposed to a side entry attached 3 car garage.



(iii) Detaching the third car portion of the garage and placed it further behind the home



(iv) Stretching the home's footprint as much as possible to reduce its width to avoid any encroachment into the adjacent stream buffers or RCD. The current design calls for the home to be over twice as deep (+/- 165') as it is wide (+/- 80'). The original dimensions of the proposed home were 73' deep by 102' wide, reducing its width by 22 feet.



II. <u>Statement of Justification</u>

As to Variance #1:

Section 5.3.2(f) of the Chapel Hill Land Use Management Ordinance states that:

Disturbance limitations. No more than twenty-five (25) percent of the total combined area of 4:1 (25%) or steeper slopes shall be disturbed unless a variance is granted by the Board of Adjustment."

As to Variance #2:

Section 3.6.3 of the Chapel Hill Land Use Management Ordinance states that:

No land disturbance, other than for a use or activity expressly permitted in subsection (1) above, is permitted within the resource conservation district unless a variance is approved pursuant to subsection (j)

Section 5.4 of the Chapel Hill Land Use Management Ordinance states that:

When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall have the power to vary or modify any of the regulations or provisions of the ordinance so that provisions of the ordinance upon a showing of all of the following:

(1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

Response: The property is encumbered to the east by a perennial stream and the corresponding Jordan Lake Watershed buffers and Resource Conservation District. These buffers extend into and occupy over 50% of the Property. Once outside the buffer area, there is a narrow flat portion of the property which then begins a steep upward climb to the western property line. Therefore, there is insufficient usable area in between these two topographic features. By avoiding the Jordan Lake stream buffers, these variance requests are being made to permit the disturbance of the least sensitive features that exist on the property (the 25% slopes and RCD) in order to make this single family lot usable. Without the granting of these variances, the property would be rendered unusable for its intended use.

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

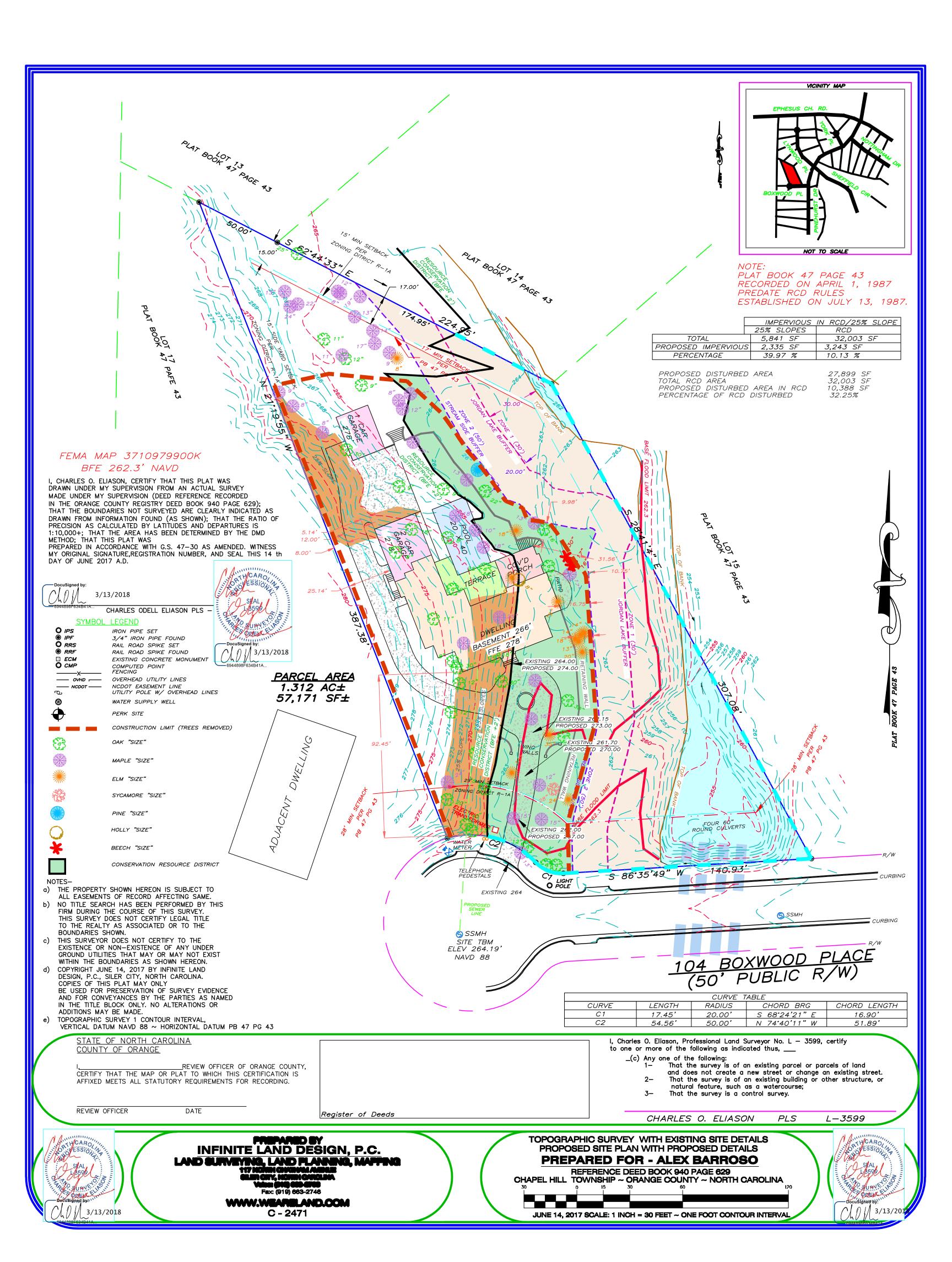
Response: The conditions outlined in this submittal are directly related to the topography of the property and not a matter of personal circumstance. The topographic features present on this property (the stream and steep slopes) are extreme and not common for a single family lot. The severity of the topographic features are not typical of the area or the neighborhood.

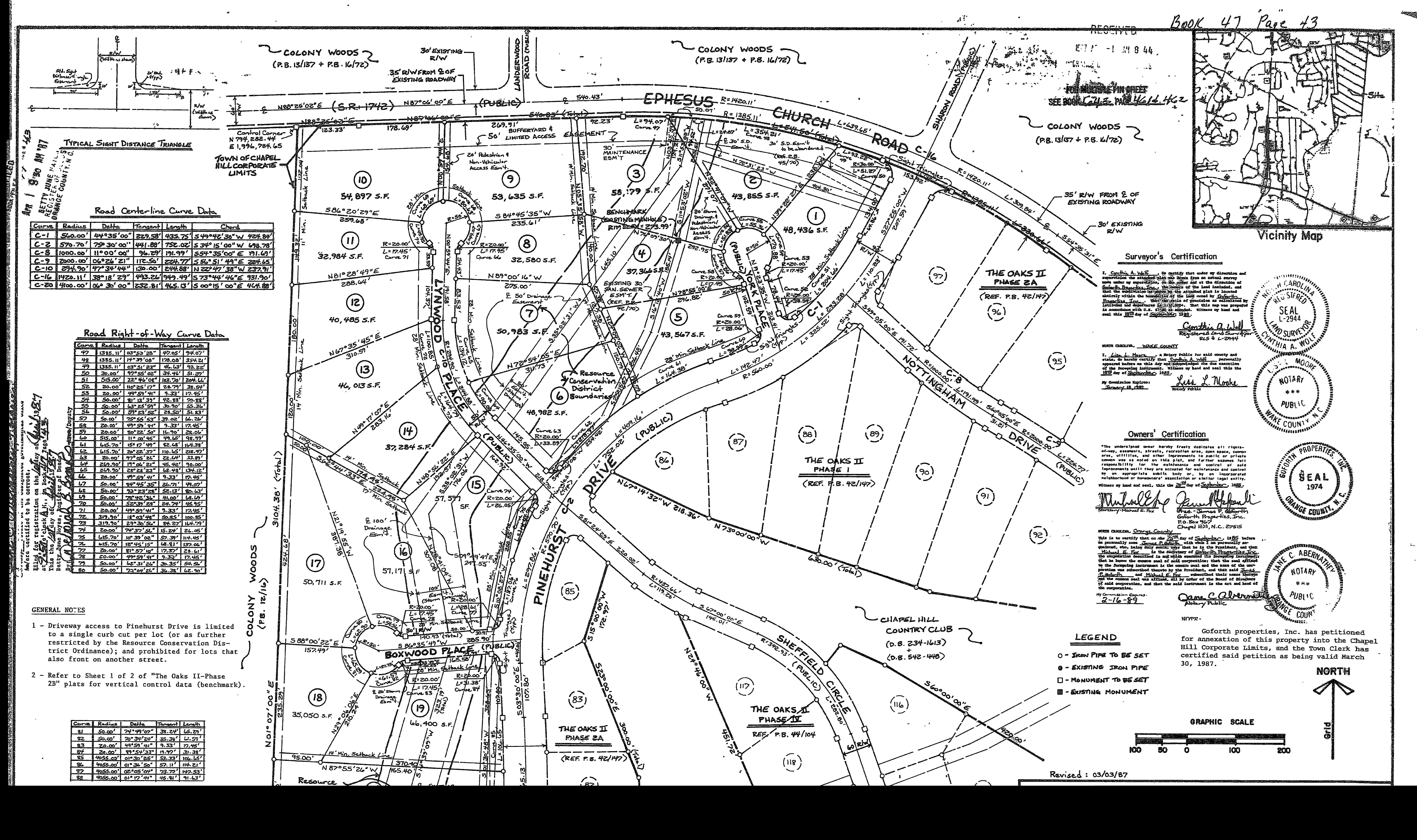
(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

Response: The conditions outlined in this submittal are pre-existing and were not a result of any action taken by the Applicant or the property owner. The topographic features have existed since the lot was originally subdivided in the 1980's and the property has remained undisturbed since that time. It is important to note that the requirements of the Chapel Hill LUMO from which we are requesting relief were enacted well after the property was purchased by the current owners and long after the lot was created on April 1, 1987.

(4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Response: As this is a subdivided lot zoned for single family (R-1A), it is apparent that the intended use for the property is single family residential consistent with the adjacent and surrounding properties. The requested variance, if granted, will render the property usable for its intended use while avoiding any impacts to the Jordan Lake Buffers. This variance request poses no threat to public safety and this variance request, if granted, serves justice by not allowing the strict letter of the ordinance to render this property unsuitable for its intended use.







PUBLIC WORKS DEPARTMENT STORMWATER MANAGEMENT DIVISION

405 Martin Luther King, Jr. Blvd. Chapel Hill, NC 27514-5705 Telephone (919) 969-7246 Fax (919) 969-7276 www.townofchapelhill.org

April 19, 2017

Mr. Alex Barroso 239 Parker Road Chapel Hill, NC 27517 alexjbarroso@gmail.com

RE: Stream Determination for Parcel ID # 9799-73-0329 (104 Boxwood Place)

Dear Mr. Barroso:

As requested, the Town Public Works Department has performed a stream determination on the properties identified on the attached forms. This determination indicates whether different types of streams (perennial, intermittent, and/or ephemeral) or perennial waterbodies are present on the property in question or on nearby properties. These streams and their classifications are shown on the accompanying map. Stream segments regulated by the Town's Jordan Lake Watershed Riparian Buffer regulations are highlighted. Locations of all features on the map are approximate and must be field surveyed for precise location.

This stream determination information is used to determine the location and extent of the Resource Conservation District (RCD) and Jordan Lake Watershed Riparian Buffers. Specific land use regulations and restrictions apply within the boundaries of these protected areas. If you are considering any kind of work on your property, including clearing vegetation, paving, grading, or building, please consult with the Town Planning Department to determine the possible extent of the Resource Conservation District (RCD) and Jordan Lake Watershed Riparian Buffer on your property and the applicable corresponding regulations.

This stream determination will remain in effect for five years from the date of the site visit, after which a new stream determination with site visit will be required.

In accordance with the Town's procedures, you may appeal this administrative decision to the Town Manager. If you wish to do so, you must file your written appeal accompanied by any materials you believe support your appeal, within **30 days** of receipt of this letter.

If you have questions regarding stream determinations, please contact me at (919) 969-7202 or aweakley@townofchapelhill.org. If you have questions regarding the Town's Resource Conservation District (RCD) or the Jordan Watershed Riparian Buffer regulations, please contact the Planning Department at (919) 968-2728, or view information online at: http://www.townofchapelhill.org/town-hall/departments-services/public-works/stormwater-management/regulations-ordinances.

Regards,

Allison Schwarz Weakley Stormwater Analyst

AllisonWeakley



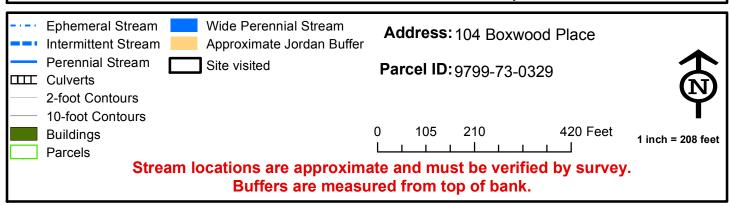
PUBLIC WORKS DEPARTMENT STORMWATER MANAGEMENT DIVISION

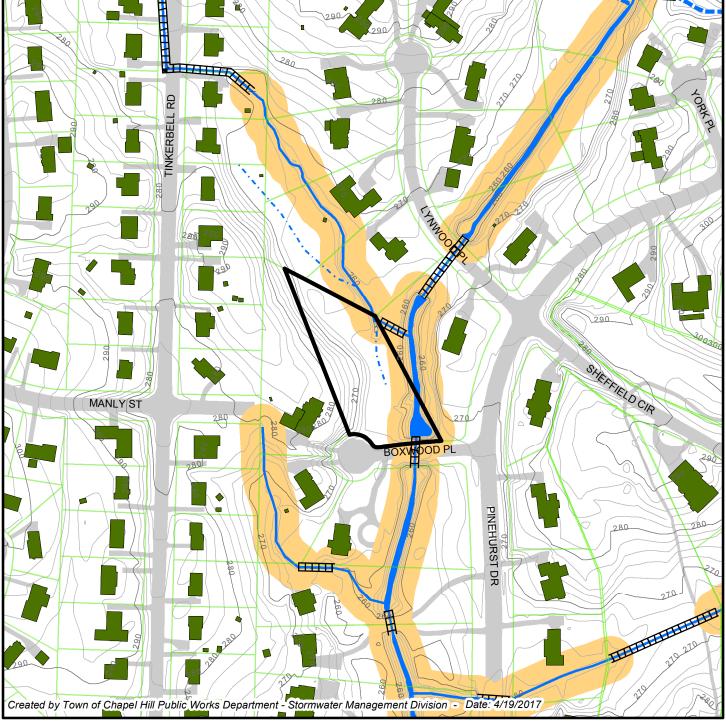
405 Martin Luther King, Jr. Blvd. Chapel Hill, NC 27514-5705 Telephone (919) 969-7246 Fax (919) 969-7276 www.townofchapelhill.org

STREAM DETERMINATION SITE VISIT RESULTS

Property Information				
Parcel ID Number (PIN)	Address / Location Description			
9799-79-0329	104 Boxwood Place			
These are the results of a site visit to conducted on 4/17/2017 & 4/18/201	to the properties listed above for a stream determination 7 by Town Staff:			
No perennial, intermittent, or ep on or near the property(ies) in questi	hemeral streams or perennial waterbodies were identified on.			
Perennial, intermittent, or ephem or near the property(ies) in question	neral streams, or perennial waterbodies, were identified on and shown on the attached map(s).			
Riparian Buffers, and their <u>approxi</u>	Town flow classifications, presence of Jordan Watershed mate locations is attached. Origins or breakpoints that marked on the map. Stream classification forms and are also attached.			
Other conditions exist which may af Jordan Watershed Riparian Buffer:	fect the location of the Resource Conservation District or			
	ne area. Precise location of the Base Flood Elevation and strict must determined by a field survey commissioned by			
_ ·	ittent stream are piped in the area, as shown on the map. ciated Jordan Watershed Riparian Buffer.			
	have been identified in the area. A formal review by a Wetland Delineation is recommended.			
AllisonWeakley	4/19/2017			
Town Staff signature	date			

Stream Determination Area Map





RCD buffers may apply. Please contact the Town of Chapel Hill Planning Department to verify.

USGS 24K Topographic / County Soil Survey Maps

Site Parcel Boundary

Address: 104 Boxwood Place

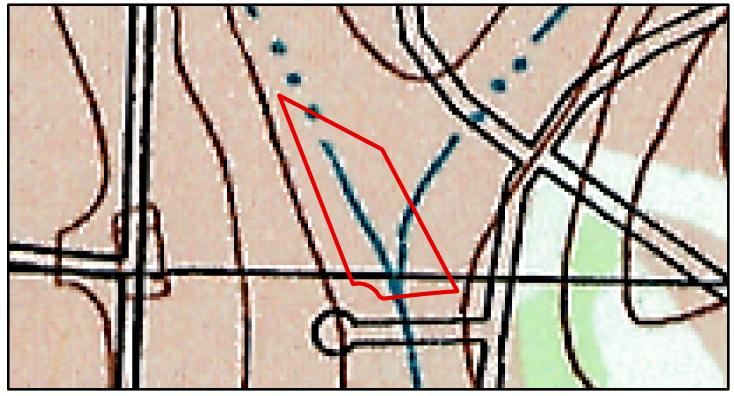
0 50 100 150 200 Feet

1 inch = 183 feet

Parcel ID: 9799-73-0329

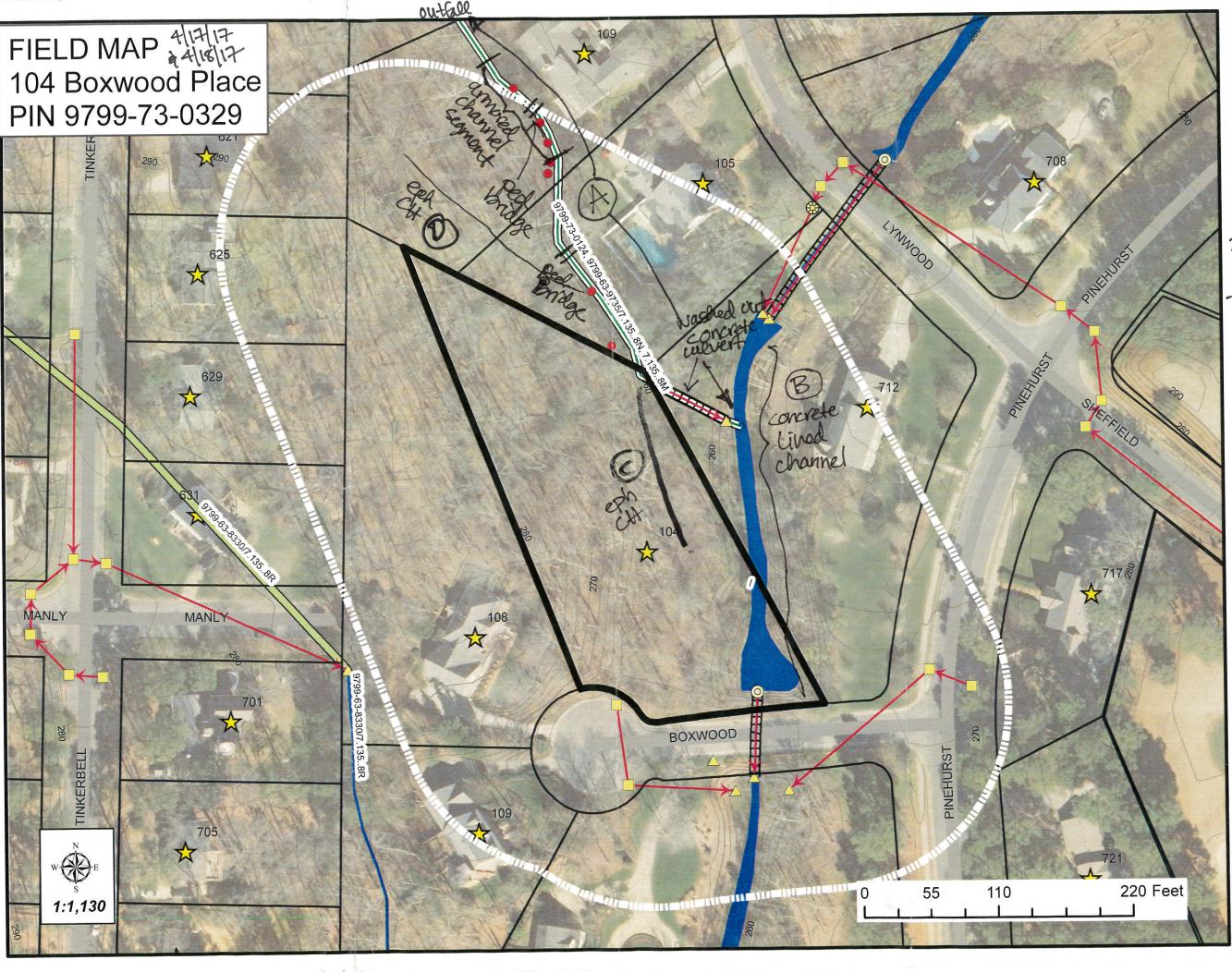


Created by Town of Chapel Hill Public Works Department - Stormwater Management Division- 4/19/2017









Flood map
Flood map
Flood
Floo

2017041+1640

Feature

NC DWQ Stream Identification Form	n Version 4.11		Λ.,	
Date: 4 17 17	Project/Site:	X BOXWOO	Latitude: 3	5.932
Evaluator: Weakley	County: Ord	ange	Longitude:	79.011
Total Points: Stream is at least intermittent if ≥ 19 or perennial if ≥ 30*	Stream Determin	nation (circle on rmittent Perenn	e) Other ial e.g. Quad Name:	
A. Geomorphology (Subtotal = 165)	Absent	Weak	Moderate	Strong
1ª Continuity of channel had and hank	0	1	2	(3)

A. Geomorphology (Subtotal = 16.5)	Absent	Weak	Moderate	Strong
1 ^a Continuity of channel bed and bank	0	1	2	(3)
Sinuosity of channel along thalweg	0	1)-	2	3
3. In-channel structure: ex. riffle-pool, step-pool,	0	1	2	3
4. Particle size of stream substrate lots of Sand Salt	0	1	(2)	3
5. Active/relict floodplain	0	(1)	2	3
6. Depositional bars or benches	0	1	(2)-	(3)
7. Recent alluvial deposits	0	1	2	3
8. Headcuts	(0)	1	2	3
9. Grade control	0	(0.5)	1	1.5
10. Natural valley	0	0.5	(1)	1.5
11. Second or greater order channel	N	o = 0	Yes:	= 3)
^a artificial ditches are not rated; see discussions in manual B. Hydrology (Subtotal =)				
12. Presence of Baseflow	Ö 🍾	1	2	3
13. Iron oxidizing bacteria	0	1	(2)	3
14. Leaf litter	1.5	1	(0.5)	0
15. Sediment on plants or debris	0	0.5	(1)	1.5
40.0 Interior in a service	0	0.5	1	1.5

12. Presence of Baseflow	0 %	1	2	3
13. Iron oxidizing bacteria	0	1	(2)->	3
14. Leaf litter	1.5	1	0.5	0
15. Sediment on plants or debris	0	0.5		1.5
16. Organic debris lines or piles	0	0.5	1)	1.5
17. Soil-based evidence of high water table?	No = 0		(Yes	= 3
C Biology (Subtotal = 7.5)				

C. Biology (Subtotal = 7.5_)				
18. Fibrous roots in streambed	(3)	2	1	0
19. Rooted upland plants in streambed	(3)	2	1' .	0
20. Macrobenthos (note diversity and abundance)	0	(1)	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed		FACW = 0.75; OI	BL = 1.5 Other	= 0)

*perennial streams may also be identified using other methods. See p. 35 of manual.

Elleulvea

Notes: Pouch

Sketch: Feature begins c outfall. Stagnant water throughout. Channel which was a portion armoved. Feature piped in lower reach; this pipe has segmented and is in need of significant repair. Feature is in FEMA flood Fore

Tracy Branch

Feature B

NC DWO Stream Identification Form Version 4.11 Date: Project/Site: Latitude: **Evaluator:** County: Longitude: **Total Points:** Stream Determination (circle one) Other Stream is at least intermittent Ephemeral Intermittent Perennial e.g. Quad Name: if ≥ 19 or perennial if ≥ 30* A. Geomorphology (Subtotal = **Absent** Weak Moderate Strong 1^{a.} Continuity of channel bed and bank 0 2 3 2. Sinuosity of channel along thalweg 0 1 2 3 3. In-channel structure: ex. riffle-pool, step-pool, 0 1 2 3 ripple-pool sequence 4. Particle size of stream substrate 0 1 2 3 5. Active/relict floodplain 0 1 2 3 6. Depositional bars or benches 0 2 1 3 7. Recent alluvial deposits 0 1 2 3 8. Headcuts 0 2 3 9. Grade control 0 0.5 1 1.5 10. Natural valley 0 0.5 1 1.5 11. Second or greater order channel No = 0(Yes = 3 a artificial ditches are not rated; see discussions in manual B. Hydrology (Subtotal = 12. Presence of Baseflow 0 1 3 13. Iron oxidizing bacteria 0 1 2 3 14. Leaf litter 1.5 1 0.5 0 15. Sediment on plants or debris 0 0.5 1.5 16. Organic debris lines or piles 0 0.5 1.5 17. Soil-based evidence of high water table? No = 0(Yes = 3 C. Biology (Subtotal = 18. Fibrous roots in streambed 0 19. Rooted upland plants in streambed 3) 2 1 0 20. Macrobenthos (note diversity and abundance) 0) 1 2 3 21. Aquatic Mollusks 0 2 3 22. Fish 0 0.5 1 1.5 23. Crayfish 0 0.5 1 1.5 24. Amphibians Ó 0.5 1 1.5 25. Algae 0.5 1.5 26. Wetland plants in streambed FACW = 0.75; OBL = 1.5 Other = 0 *perennial streams may also be identified using other methods. See p. 35 of manual. Notes: Sketch: Feature begins coutfall DS from Lynwood. Most of Channel Lined w/ concrete; lots of deposition over the years reformed banks in places on top of concrete. Whater in channel throughout ; mostly stagnant but flow evident some aveas concrete-lined channel

POXMOOD

NC DWO Stream Identification Form Version 4.11 Date: Project/Site: Latitude: 2593 Evaluator: County: Longitude: -**Total Points:** Stream Determination (circle one) Other Stream is at least intermittent Ephemeral Intermittent Perennial e.g. Quad Name: if ≥ 19 or perennial if ≥ 30* A. Geomorphology (Subtotal = Weak Absent Moderate Strong 1 a. Continuity of channel bed and bank 0 1 (2)3 2. Sinuosity of channel along thalweg 0 (1)3 3. In-channel structure: ex. riffle-pool, step-pool. 0 1 2 3 ripple-pool sequence 0) 4. Particle size of stream substrate 2 3 5. Active/relict floodplain Hoodplain of Tracy Brand 1 0 2 3 6. Depositional bars or benches 0 2 3 7. Recent alluvial deposits 0 1 2 3 8. Headcuts 1 0 2 3 9. Grade control 0 0.5 1 1.5 10. Natural valley 0) 0.5 1 1.5 11. Second or greater order channel No = 0Yes = 3a artificial ditches are not rated; see discussions in manual B. Hydrology (Subtotal = 12. Presence of Baseflow 0 1 2 3 13. Iron oxidizing bacteria 0 1 2 3 14. Leaf litter 1.5 1 0.5 0 15. Sediment on plants or debris 0 0.5 1 1.5 16. Organic debris lines or piles 0 0.5 1 1.5 17. Soil-based evidence of high water table? No = 0Yes = 3C. Biology (Subtotal = 18. Fibrous roots in streambed 3 2 (1 0 19. Rooted upland plants in streambed 3 2 1 0 20. Macrobenthos (note diversity and abundance) 0 1 2 3 21. Aquatic Mollusks 0 1 2 3 22. Fish 0 0.5 1.5 23. Crayfish 0 0.5 1.5 24. Amphibians 0 0.5 1.5 25. Algae 0 0.5 1.5 26. Wetland plants in streambed FACW = 0.75; OBL = 1.5 Other = 0 *perennial streams may also be identified using other methods. See p. 35 of manual. Notes: Aruminano Parthenoussus Galium sketch: Ephemeral channel possibly formed as bypasschannel ends c culvert on UT@ confluence wy Tracy Branch. Channel in floodplain of Tracy Branch.

> field map

3ypass Tr

Tracy Branch

BOXWOOD

NC DWQ Stream Identification Form Version 4.11 Date: Project/Site: Latitude: Evaluator: County: Longitude: **Total Points:** Stream Determination (circle one) Other Stream is at least intermittent Ephemeral Intermittent Perennial e.g. Quad Name: if ≥ 19 or perennial if ≥ 30* A. Geomorphology (Subtotal = 4.5 Absent Weak Moderate Strong 1^{a.} Continuity of channel bed and bank 0 1 2 3 2. Sinuosity of channel along thalweg 0 1. 3 3. In-channel structure: ex. riffle-pool, step-pool. 0 1 2 3 ripple-pool sequence 4. Particle size of stream substrate 0 2 3 1 5. Active/relict floodplain floodplain of UT-to 0 1 2 3 6. Depositional bars or benches 0) 2 3 7. Recent alluvial deposits 0 2 3 8. Headcuts 0) 1 2 3 9. Grade control (0.5) 0 1 1.5 10. Natural valley (0) 0.5 1 1.5 11. Second or greater order channel No = 0Yes = 3a artificial ditches are not rated; see discussions in manual B. Hydrology (Subtotal = 12. Presence of Baseflow 3 13. Iron oxidizing bacteria 0 1 2 3 1.5 14. Leaf litter 0.5 0 15. Sediment on plants or debris (0)0.5 1.5 1 16. Organic debris lines or piles (0.5) 0 1 1.5 No = 0 17. Soil-based evidence of high water table? Yes = 3C. Biology (Subtotal = 18. Fibrous roots in streambed 3 2 0 1 3 2 19. Rooted upland plants in streambed 1 0 0 20. Macrobenthos (note diversity and abundance) 1 2 3 21. Aquatic Mollusks 8) 1 2 3 22. Fish 0 0.5 1.5 23. Crayfish 0 0.5 1 1.5 24. Amphibians 0 0.5 1.5 25. Algae 0 0.5 1.5 26. Wetland plants in streambed FACW = 0.75; OBL = 1.5 Other = 0 *perennial streams may also be identified using other methods. See p. 35 of manual. toulcodendron sketch: Channel in floodplain of UT to Tracy Branch. Several wooden ped. bridges cross the channel,

> field map

culted &

BOYWOOD

recd 3/27/17



PUBLIC WORKS DEPARTMENT STORMWATER MANAGEMENT DIVISION

405 Martin Luther King, Jr. Blvd. Chapel Hill, NC 27514-5705 Telephone (919) 969-7246 Fax (919) 969-7276 www.townofchapelhill.org

REQUEST FOR STREAM DETERMINATION

Stream determinations provide information used to determine whether the Town's Resource Conservation District (RCD) or Jordan Watershed Riparian Buffer Protection regulations apply to a property. Town staff will typically conduct a field visit to classify streams on the property(ies) indicated below within two weeks of a request, depending on weather conditions, staff availability, and scope of the request. Please note that stream determinations cannot be conducted within 48 hours of a rain event. There is no fee for stream determinations conducted by Town staff.

A stream determination report indicates the results of a stream classification. Stream classifications expire after five years. If a stream determination has been completed on or near the property(ies) listed below within the last five years, a site visit may not be required unless local hydrology has changed significantly or the stream classification has expired. If a site visit is not required, the stream determination will be based on a records review.

Requests may be emailed (aweakley@townofchapelhill.org), faxed, dropped off at Town Hall or the Stormwater Office, or mailed to the above address in care of the "Stormwater Analyst."

Requestor's Name: ALEX BARROS				
Mailing Address: 239 PARKER P	LOAD			
City, State, ZIP: CHAPEL HILL, N	IC 27517			
Phone / FAX / Email: (9\9) 698	-3175 ALEXTBARROSO @ GMAIL. COM			
Check method(s) for report to be sent: ☐ US Mail				
Signature of property owner or designated legal agent granting permission to Town Staff to enter the property (ies) indicated below for purposes of a Stream Determination:				
(Signature)	3/23/17			
	(Date)			
Owner Name(s): GILES WILL	JAMS			
Company Name (if applicable):				
Property Information				
Fill in both columns, <u>or</u> fill in Parcel ID Number (PIN) and attach a site map indicating location.				
Parcel ID Number (PIN) Address / Location Description				
9799730329	104 BOXWOOD PLACE			

Where the **total area** of the property(ies) to visit is **over 3 acres**, please attach an as-built drawing or a topographic map with current landmarks.



PUBLIC WORKS DEPARTMENT STORMWATER MANAGEMENT DIVISION

405 Martin Luther King, Jr. Blvd. Chapel Hill, NC 27514-5705 Telephone (919) 969-7246 Fax (919) 969-7276 www.townofchapelhill.org

Stream Determination Request AUTHORIZED AGENT FOR LEGAL REPRESENTATION FORM

PROPERTY LEGAL DESCRIPTION:				
PARCEL ID (PIN) 9799-73-0329				
STREET ADDRESS: 104 BOXWOOD Place				
Please print: Property Owner: Giles A. Williams				
Property Owner: Beverly A. Williams				
The undersigned, owner(s) of the above described property, do hereby authorize				
Alex Barroso, of_				
(Contractor/Agent) (Name of consulting firm if applicable)				
to request a stream determination on this property and to act on my/our behalf and take all actions, I/we could have taken if present, necessary for the processing, issuance and acceptance of the stream determination for this property.				
Property Owner's Address (if different than property above).				
712 Pinehurst Drive Chapel Hill NC 27517				
Owner Telephone: 919-968-1007 (home) Email: Quilliams@resoluteinc.com				
We hereby certify the above information submitted is true and accurate to the best of our knowledge.				
2/21/11				
Owner Authorized Signature Bevelly a. Welliams 3/27/11 Date 3/27/2017				
Owner Authorized Signature Date				
Contractor/Agent Authorized Signature Date				

Please return form by entail (aweakley@townofchapeihill org), fakt or mail to the above address in care of the Stormwater Analyst. The form may also be dropped off at the Stormwater Management office at 298 N. Columbia Street. Chape: Hill N.C. For questions, prease call (313) 369-RAIN.

Prepared by: NCNB National Bank
of North Carolina
(Arlene Walters)

BOOK 940 PAGE 629

Stamps: \$130.00

SPECIAL WARRANTY DEED

9799-73-1552 7.135..8P

STATE OF NORTH CAROLINA 5

9799-73-0329

COUNTY OF ORANGE

ำ.135..8 Q

NCNB NATIONAL BANK OF NORTH CAROLINA, a national banking association, ("Grantor"), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration paid to Grantor and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has GRANTED, BARGAINED, SOLD, and RELEASED and does hereby GRANT, BARGAIN, SELL, and RELEASE unto GILES ALDEN WILLIAMS AND BEVERLY AUSTIN WILLIAMS ("Grantee" whether one or more), that certain real property being more particularly described in Exhibit A, attached hereto and incorporated herein by reference, together with all improvements, if any, located on such real property (such real property and improvements being collectively referred to as the "Property").

This conveyance is made and accepted subject to all matters (the "Permitted Exceptions") set forth in Exhibit B, attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the Property, together with all and singular the rights, members, hereditaments and appurtenances pertaining thereto, including all of Grantor's right, title and interest in and to adjacent streets, alleys and rights-of-way, subject to the Permitted Exceptions, unto Grantee and Grantee's heirs and assigns forever; and Grantor does hereby bind itself and its successors to warrant and forever defend the Property unto Grantee and Grantee's heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

GRANTEE ACKNOWLEDGES THAT GRANTOR HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY NEGATES AND DISCLAIMS ANY REPRESENTATIONS, WARRANTIES, PROMISES, COVENANTS, AGREEMENTS OR GUARANTIES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS TO, CONCERNING OR WITH RESPECT TO (A) THE VALUE, NATURE, QUALITY OR CONDITION OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, THE WATER, SOIL AND GEOLOGY, (B) THE INCOME TO BE DERIVED FROM THE PROPERTY, (C) THE SUITABILITY OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES

RAO\0062

19911016000123680 DEED **Bk: RB940 Pg: 629** 10/16/1991 1/5



940 629

1/5

BOOK 940 PAGE 630

WHICH GRANTEE MAY CONDUCT THEREON, (D) THE COMPLIANCE OF OR BY THE PROPERTY OR ITS OPERATION WITH ANY LAWS, RULES, ORDINANCES OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY, (E) THE HABITABILITY, MERCHANTABILITY, MARKETABILITY, PROFITABILITY OR FITNESS FOR A PARTICULAR PURPOSE OF THE PROPERTY, (F) THE MANNER OR QUALITY OF THE CONSTRUCTION OR MATERIALS, IF ANY, INCORPORATED INTO THE PROPERTY, (G) THE MANNER, QUALITY, STATE OF REPAIR OR LACK OF REPAIR OF THE PROPERTY, OR (H) ANY OTHER MATTER WITH RESPECT TO THE PROPERTY, AND SPECIFICALLY, THAT GRANTOR HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY DISCLAIMS ANY REPRESEN-TATIONS REGARDING COMPLIANCE WITH ANY ENVIRONMENTAL PROTECTION, POLLUTION OR LAND USE LAWS, RULES, REGULATIONS, ORDERS OR REQUIREMENTS, INCLUDING THE DISPOSAL OR EXISTENCE, IN OR ON THE PROPERTY, OF ANY HAZARDOUS MATERIALS (BEING ANY SUBSTANCES OR MATERIALS WHICH ARE NOW OR HEREAFTER CLASSIFIED OR CONSIDERED TO BE HAZARDOUS OR TOXIC UNDER STATE, FEDERAL OR MUNICIPAL LAWS, RULES, ETC. OR THE COMMON LAW, OR ANY OTHER APPLICABLE LAWS RELATING TO THE PROPERTY), EXCEPT THE WARRANTY OF TITLE EXPRESSLY SET FORTH HEREIN. GRANTEE FURTHER ACKNOWLEDGES THAT TO THE MAXIMUM EXTENT PERMITTED BY LAW, THE SALE OF THE PROPERTY IS MADE ON AN "AS IS" CONDITION AND BASIS WITH ALL FAULTS.

Ad valorem taxes and assessments for the present year having been prorated, Grantee hereby assumes payment thereof, and subsequent assessments for that and prior years due to change in land usage, ownership, or both.

EXECUTED on the date set forth in the acknowledgment attached hereto to be effective as of the 10 day of October, 1991.

[Corporate seal]

NCNB NATIONAL BANK NORTH CAROLINA, a national banking association

Asst. Secretary

Ву: __

Name:

me: <u>Douglas J. Kroiss</u>

Title: Senior Vice President

Address of Grantee:

Giles Alden & Beverly Austin Williams
212 Hillcrest Circle

Chapel Hill, NC 27514

940 630

I, Rosalind L. Wingate and State, do hereby certify that personally appeared before me this is Assistant Secretary of Carolina, and that by authority du corporation, the foregoing instruits Senior Vice President, secattested by Linda E. Landers Secretary. Witness my hand and official October, 1991.	day and acknowledged that s/he NCNB National Bank of North ly given and as the act of the lent was signed in its name by led with its corporate seal and as its Assistant
My Commission Expires: My Commission Ex	Notary Public pires December 11, 1993
NORTH CAROLINA — ORANGE COUNTY The foregoing certificate(s) of	19 91 , at 12:31 o'clock, P.M.

BOOK 940 PAGE 632

EXHIBIT A

BEING all of Lot No. Fifteen (15), THE OAKS II, according to Plat Book 47, Page 43, Orange County Registry, North Carolina (PIN #9799-73-1552, Tax Map #7.135..8P); and

BEING all of Lot No. Sixteen (16), THE OAKS II, according to Plat Book 47, Page 43, Orange County Registry, North Carolina (PIN #9799-73-0329, Tax Map #7.135..8Q).

40 632 4/5

BOOK 940 PAGE 633

EXHIBIT B PERMITTED EXCEPTIONS TO DEED

- 1. Rights of parties in possession.
- 2. Governmental rights of police power or eminent domain unless notice of the exercise of such rights appears in the public records as of the date hereof; and the consequences of any law, ordinance or governmental regulation including, but not limited to, building and zoning ordinances.
- 3. Defects, liens, encumbrances, adverse claims or other matters 1) not known to the Grantor and not shown by the public records but known to the Grantee as of the date hereof and not disclosed in writing by the Grantee to the Grantor prior to the date hereof; 2) resulting in no loss or damage to the Grantee; or 3) attaching or created subsequent to the date hereof.
- 4. Visible and apparent easements and all underground easements, the existence of which may arise by unrecorded grant or by use.
- 5. Any and all unrecorded leases, if any, and rights of parties therein.
- 6. Taxes and assessments for the year of closing and subsequent years.
- 7. All defects, liens, encumbrances, easements and other matters as shown on the public record.
- 8. Restrictions appearing of record in Book 648 at Page 610, Orange County Registry, North Carolina.
- 9. Contractual Agreement with the Chapel Hill Country Club recorded in Book 681 Page 443, Orange County Registry, North Carolina.
- 10. Easement to Duke Power Company recorded in Book 699 Page 263; and Book 703 Page 168 (lot 16), Orange County Registry, North Carolina.
- 11. 100-foot storm drainage as shown on plat recorded in Plat Book 47 Page 43 (lot 15), Orange County Registry, North Carolina.

940 633 5/5