

# 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

Parcel Identifier Number (PIN): Part of 9788-17-1945 Date: August 28, 2018

## Section A: Project Information

Project Name: 506 Mitchell Lane Cottage Relocation

Property Address: 506 Mitchell Lane, Chapel Hill, NC Zip Code: 27516

Existing Zoning District: R-3, Northside CD-1

Project Description: Relocation of one (1) cottage from 109 Park Place, Chapel Hill, to lot listed above

## Section B: Applicant, Owner, and/or Contract Purchaser Information

### Applicant Information (to whom correspondence will be mailed):

Name: Jim Spencer, AIA, LEED BD+C/Jim Spencer Architects, PA

Address: PO Box 385

City: Carrboro State: NC Zip Code: 27510

Phone: (919) 960-6680 Email: jspencerjsa@gmail.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: \_\_\_\_\_ Date: \_\_\_\_\_

### Owner/Contract Purchaser Information:

☒ **Owner**

☐ **Contract Purchaser**

Name: Town of Chapel Hill

Address: 405 Martin Luth King Jr. Blvd.

City: Chapel Hill State: NC Zip Code: 27514

Phone: (919) 968-2743 Email: info@townofchapelhill.org

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:  Date: 08/28/2018



**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.

	<b>Application fee</b> ( <a href="#">refer to fee schedule</a> )	Amount Paid \$	<input type="text"/>
	<b>Digital Files</b> – provide digital files of all plans and documents		
	<b>Mailing list of owners of property within 1,000 foot perimeter of subject property</b> ( <a href="#">see GIS notification tool</a> )		
	<b>Mailing fee for above mailing list</b>	Amount Paid \$	<input type="text"/>
	<b>Written Narrative describing the proposal</b>		
	<b>Statement of Justification</b> – see below for additional information		
	<b>Recorded Plat or Deed of Property</b>		
	<b>Stream Determination</b> – necessary for all submittals		
	<b>Jurisdictional Wetland Determination</b> – if applicable		
	<b>Reduced Site Plan Set (reduced to 8.5" x 11")</b>		

**Type of Variance or Appeal (Choose one of the following):**

☒ **Dimensional Variance**      ☐ **Water and Sewer Variance**      ☐ **Steep Slope Variance**

Statement of Justification: Respond to parts 1-7 of Subsection 4.12.2(a) of the Land Use Management Ordinance.

☐ **House Size Variance**

Statement of Justification: Respond to parts 1-7 of Subsection 4.12.2(b) of the Land Use Management Ordinance.

☐ **Resource Conservation District Variance**

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**

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**

Statement of Justification: Respond to parts 1-4 of Subsection 3.6.4(h)(2) of the Land Use Management Ordinance.

☐ **Appeal**

Standing: Explain to the Board how the applicant is an aggrieved party (NC General Statute Sec. 160A-388(b1)(1))

Statement of Justification: Provide justification for decision that is being appealed.



**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

☐

**Area Map**

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

☒

**Detailed Site Plan**

September 25, 2018

Cottage Relocation  
506 Mitchell Lane  
Chapel Hill, NC 27516  
Part of PIN #9788-17-1945

RE: REVISED Variance Application  
Written Narrative and Statement of Justification

#### Narrative

The project consists of the proposed relocation of a single-story, 756 square foot cottage from 109 Park Place to 506 Mitchell Lane and associated site improvements to accommodate the relocated cottage. Proposed site improvements include new gravel driveway entering from Mitchell Lane and a gravel parking area to allow on-site parking for two cars. The relocated, rehabilitated cottage will be used for affordable housing as part of the Northside Neighborhood Initiative.

**This application is seeking a dimensional variance to authorize 12' of encroachment beyond the required street setback (24') along the eastern edge of Mitchell Lane to allow the siting of the cottage.**

The property at 506 Mitchell Lane, which is located in an R-3 zone, is subject to several constraints that limit the buildable area. The lot is irregularly shaped, generally running north to south along the eastern edge of the Mitchell Lane public right-of-way of undefined width, though the southern portion of the lot extends westward across Mitchell Lane. Two reinforced concrete pipes carrying stormwater drainage join the Tanyard Branch near the northern boundary of the lot, and much of the northern end of the lot is within the associated Jordan Riparian Buffer and the coterminous Resource Conservation District. Additionally, a sanitary sewer line traverses the property east of Mitchell Lane running from south to north. The potential buildable area on the lot is limited to a small section bounded by the property line on the south, the sanitary sewer line to the east (with an approved asymmetrical easement with OWASA), the Jordan buffer and RCD to the north, and the Mitchell Lane right-of-way to the west.

Per LUMO Table 3.8-1, the minimum street setback in the R-3 zone is twenty-four feet (24'). As shown on the site plan, the property line of 506 Mitchell crosses the Mitchell Lane right-of-way, the width of which is unknown. As a result of these unique conditions, Town Planning staff, in consultation with Town attorneys, have determined that the street setback should be measured from the back of curb along Mitchell Lane as marked on the site plan. Due to the constraints described above the cottage cannot be sited within the 24' street setback limitation. The western wall of the cottage will need to extend beyond the 24' street setback across its full length. As shown on the site plan, the northwest corner of the cottage will be the nearest point to the street at 12'-8" from the back of the curb. Therefore, we are requesting 12' of encroachment into the street setback to make this affordable housing project possible.

#### Dimensional Variance, Statement of Justification

*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 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:** Strict application of the ordinance would result in unnecessary hardship by preventing the placement of a structure large enough for viable residential use on the subject property. If the ordinance is strictly applied with respect to setbacks required by the existing R-3 zoning, the buildable area available for construction is so limited as to prevent the relocation of even the modestly-sized cottage described in this application. As described above, this project proposes to relocate a modestly sized home of 756 square feet to the subject property for use as affordable housing.

(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.

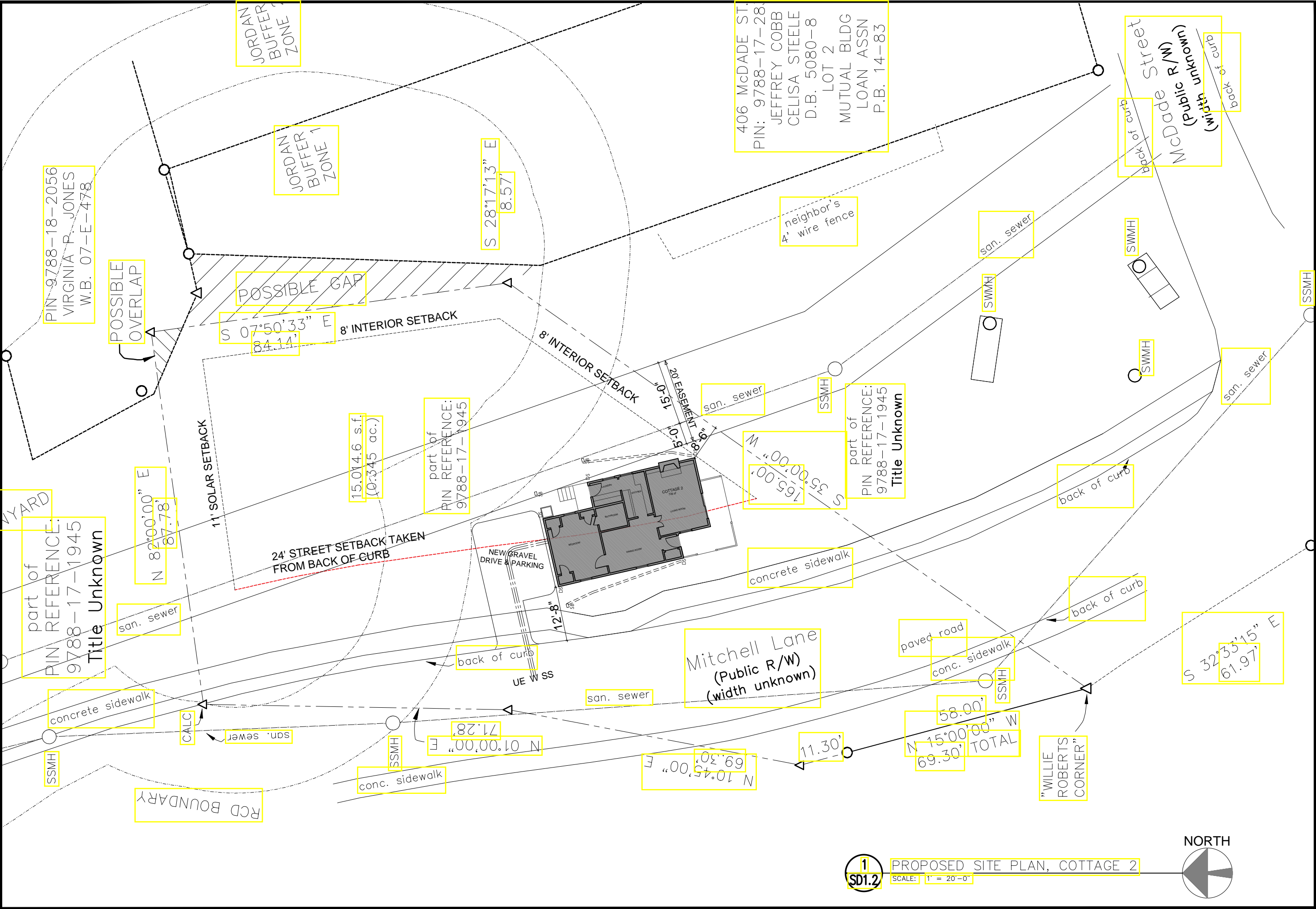
**Response:** The hardship results from conditions peculiar to the property, including (1) the location of the Mitchell Lane public right-of-way, which divides the property, (2) an OWASA sanitary sewer main which crosses the portion of the property east of Mitchell Lane, and (3) the Jordan Watershed Riparian Buffer and RCD which span the full 87.78' width of the property at the northern end as shown on the attached property survey. These conditions constrain the buildable land to a small portion of the lot abutting the southeastern property boundary and the eastern edge of the Mitchell Lane right-of-way where the property is also subject to the interior and street setbacks required in an R-3 zone as shown in LUMO Table 3.8-1.

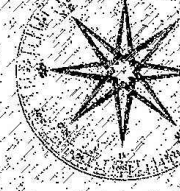
(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing the property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

**Response:** The hardship as described above did not result from actions taken by the applicant or the property owner. Owner acquired the subject property on January 30, 1976, prior to the adoption of Jordan Watershed Riparian Buffer requirements in the Land Use Management Ordinance. The Mitchell Lane public right-of-way and the OWASA sanitary sewer were sited at their existing locations by third parties.

(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:** The requested variance is consistent with the spirit, purpose, and intent of the ordinance because, if granted, it will not negatively impact the character of the area in which it is located. Development intensity along the east side of Mitchell Lane will remain limited due to the presence of the Tanyard Branch beginning in the northern section of the subject property and continuing northward and the presence of sanitary sewer and storm facilities to the south that will limit future development between the proposed project site and the intersection of Mitchell Lane and McDade Street. The majority of the land area within the subject property will remain undisturbed and the environmental characteristics of the area will be minimally impacted. Further, substantial justice will be achieved by allowing for the development of an affordable housing unit in the Northside neighborhood, which is well served by transit and proximate to many amenities.





**JIM SPENCER ARCHITECTS, PA**

103 LLOYD STREET  
MAIN LEVEL  
CARRBORO, NC 27510

919.960.6680 o  
919.960.6682 f  
jspencerjsa@gmail.com

**Project:**

NORTHSIDE NEIGHBORHOOD INITIATIVE COTTAGE RELOCATION PROJECT

Cottage 2  
506 Mitchell Lane  
Chapel Hill, NC 27516

THESE DRAWINGS ARE INSTRUMENTS OF SERVICE AND AS SUCH SHALL REMAIN THE PROPERTY OF THE ARCHITECT. THEY HAVE BEEN PREPARED FOR A SPECIFIC PROJECT AND SHALL NOT BE USED IN CONJUNCTION WITH ANY OTHER PROJECT WITHOUT THE PRIOR WRITTEN PERMISSION OF THE ARCHITECT. ALL RIGHTS RESERVED.

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**ZCP DRAWINGS**

**Job Number:**

Drawn	
Checked	JSA
DATE	JULY 27, 2018
REVISED	SEPT 20, 2018

**Sheet Title:**

C-2  
SD1.2

**Sheet Number**

1  
SD1.2

PROPOSED SITE PLAN, COTTAGE 2  
SCALE: 1" = 20'-0"



PREPARED BY: HAYWOOD, DENNY & MILLER, P. O. Box 962, Chapel Hill, N.C.

NORTH CAROLINA, ORANGE COUNTY

6695

THIS DEED, MADE AND ENTERED INTO THIS THE 30 DAY OF January, 1976, BY AND BETWEEN

MARY C. ROBERTS

PARTY OF THE FIRST PART AND

THE CHAPEL HILL HOUSING AUTHORITY, P. O. Box 328, Chapel Hill, N.C. 27514

PARTY OF THE SECOND PART. WITNESSETH:

THAT THE SAID PARTY OF THE FIRST PART, IN CONSIDERATION OF THE SUM OF TEN DOLLARS AND OTHER GOOD, VALUABLE AND SUFFICIENT CONSIDERATIONS, PAID BY THE SAID PARTY OF THE SECOND PART, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, HAS BARGAINED AND SOLD AND BY THESE PRESENTS DOES BARGAIN, SELL AND CONVEY UNTO THE SAID PARTY OF THE SECOND PART AND HIS HEIRS AND

ASSIGNS ALL THAT CERTAIN TRACT OR PARCEL OF LAND IN CHAPEL HILL TOWNSHIP ORANGE COUNTY, NORTH CAROLINA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Situated near the Northern line of the corporate limits of the Town of Chapel Hill, East of the Northern extension of Mitchell Lane and beginning at an iron stake on the Tan Yard Branch and running South 82° West 1.33 chains to a stake in the extension of Mitchell Lane on the Southern line of the lot conveyed by parties of the first part to Henry Headen and extending with Mitchell Lane South 1° West 1.08 chains to a stake in said lane, the corner of the lot conveyed by the parties of the first part to Sam Barbee; thence South with said Mitchell Lane or Road 10 3/4° West 1.05 chains to a stake in said lane or road; thence South 15° East 1.05 chains with said lane or road to an iron stake in said lane; thence North 35° East 2.50 chains to an iron stake on Tan Yard Branch; thence North 70° West 1.33 chains with the Tan Yard Branch to the first station, containing .30 acres, being part of the lands surveyed and plotted by J. Ralph Weaver, October 15, 1932

THE ABOVE DESCRIBED PROPERTY WAS CONVEYED TO GRANTOR BY DEED RECORDED IN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_

TO HAVE AND TO HOLD THE AFORESAID TRACT OR PARCEL OF LAND AND ALL PRIVILEGES AND APPURTENANCES THEREUNTO BELONGING TO THE SAID PARTY OF THE SECOND PART AND HIS HEIRS AND ASSIGNS IN FEE SIMPLE FOREVER, EXCEPT AS SET FORTH ABOVE. AND THE SAID PARTY OF THE FIRST PART DOES COVENANT THAT HE IS SEIZED OF SAID PREMISES IN FEE SIMPLE AND HAS THE RIGHT TO CONVEY THE SAME IN FEE SIMPLE; THAT THE SAME ARE FREE FROM ENCUMBRANCES EXCEPT AS SET FORTH ABOVE; AND THAT HE WILL WARRANT AND DEFEND THE SAID TITLE TO THE SAME AGAINST THE CLAIMS OF ALL PERSONS WHOMSOEVER. WHEREVER USED HEREIN, THE SINGULAR NUMBER SHALL INCLUDE THE PLURAL, THE PLURAL THE SINGULAR, AND THE USE OF ANY GENDER SHALL BE APPLICABLE TO ALL GENDERS, AS THE CONTEXT MAY INDICATE.

IN TESTIMONY WHEREOF THE SAID PARTY OF THE FIRST PART HAS HEREUNTO SET HIS HAND AND SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

STATE OF NORTH CAROLINA  
COUNTY OF ORANGE  
JAN 30 1976  
RE. 10708  
Real Estate  
Excise Tax  
\$11.00  
Mary C. Roberts  
Mary C. Roberts

STATE OF NORTH CAROLINA COUNTY OF ORANGE  
I, James M. Phelps, A NOTARY PUBLIC OF SAID COUNTY, DO HEREBY CERTIFY THAT

MARY C. ROBERTS

GRANTOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING DEED.

WITNESS MY HAND AND NOTARIAL SEAL, THIS THE 30 DAY OF January, 1976

MY COMMISSION EXPIRES: 1-23-80  
NOTARY PUBLIC

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_  
I, \_\_\_\_\_, A NOTARY PUBLIC OF SAID COUNTY, DO HEREBY CERTIFY THAT

GRANTOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING DEED.

WITNESS MY HAND AND NOTARIAL SEAL, THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 19 \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_  
NOTARY PUBLIC

STATE OF NORTH CAROLINA—COUNTY OF ORANGE  
THE FOREGOING CERTIFICATE(S) OF Nancy M. Phelps

A NOTARY (OR NOTARIES) PUBLIC OF THE DESIGNATED GOVERNMENTAL UNITS IS (ARE) CERTIFIED TO BE CORRECT.

FILED FOR REGISTRATION ON THE 30th DAY OF January, 1976, AT 4:51 O'CLOCK P. M.,  
AND DULY RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS OF THIS COUNTY IN BOOK 260 PAGE 1858

BETTY JUNE HAYES, REGISTER OF DEEDS BY: Betty H. Owens ASST./DEPUTY

RETURN TO: Haywood, Denny & Miller

BOOK 260 PAGE 1858



**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](http://www.townofchapelhill.org)

August 29, 2018

Mr. Hudson Vaughan  
512 W. Rosemary Street  
Chapel Hill, NC 27516  
[Hudson@JacksonCenter.info](mailto:Hudson@JacksonCenter.info)

**RE: Stream Determination for 410 McDade Street/506 Mitchell Lane, Chapel Hill, NC  
PIN 9788-17-1945**

Dear Mr. Vaughan:

As requested, the Town Public Works Department has performed a stream determination for the property 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 this 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 this 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](mailto: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,

A handwritten signature in black ink that reads "Allison Schwarz Weakley".

Allison Schwarz Weakley  
Stormwater Analyst



**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
9788-17-1945	410 McDade Street/506 Mitchell Lane, Chapel Hill

These are the results of a site visit to the properties listed above for a stream determination conducted on 8/24/2018 by Town Staff:

☐ No perennial, intermittent, or ephemeral streams or perennial waterbodies were identified on or near the property(ies) in question.

☒ Perennial, intermittent, or ephemeral streams, or perennial waterbodies, were identified on or near the property(ies) in question and shown on the attached map(s).

**A map showing water features, their Town flow classifications, presence of Jordan Watershed Riparian Buffers, and their approximate locations is attached. Origins or breakpoints that have been flagged in the field are marked on the map. Stream classification forms and additional site visit notes and maps are also attached.**

Other conditions exist which may affect the location of the Resource Conservation District or Jordan Watershed Riparian Buffer:

☐ FEMA floodzone is mapped in the area. Precise location of the Base Flood Elevation and associated Resource Conservation District must be determined by a field survey commissioned by the owner or a representative.

☒ Segments of perennial or intermittent stream are piped in the area, as shown on the map. These segments do not have an associated Jordan Watershed Riparian Buffer.

☐ Possible Jurisdictional Wetlands have been identified in the area. A formal review by a professional certified in Jurisdictional Wetland Delineation is recommended if impacts to wetlands are anticipated.

A handwritten signature in black ink that reads "Allison Weasley".

Town Staff Signature

8/29/2018

Date



# Stream Determination Area Map

- Ephemeral Stream
- Perennial Stream
- Culverts
- 2-foot Contours
- 10-foot Contours
- Buildings
- Parcels
- ★ Addresses
- Approximate Jordan Buffer
- ⊕ Ephemeral Breakpoint
- ⊕ Intermittent Breakpoint
- ⊕ Perennial Breakpoint

Subject Property

**Address:** 410 McDade Street/506 Mitchell Lane  
Chapel Hill, NC

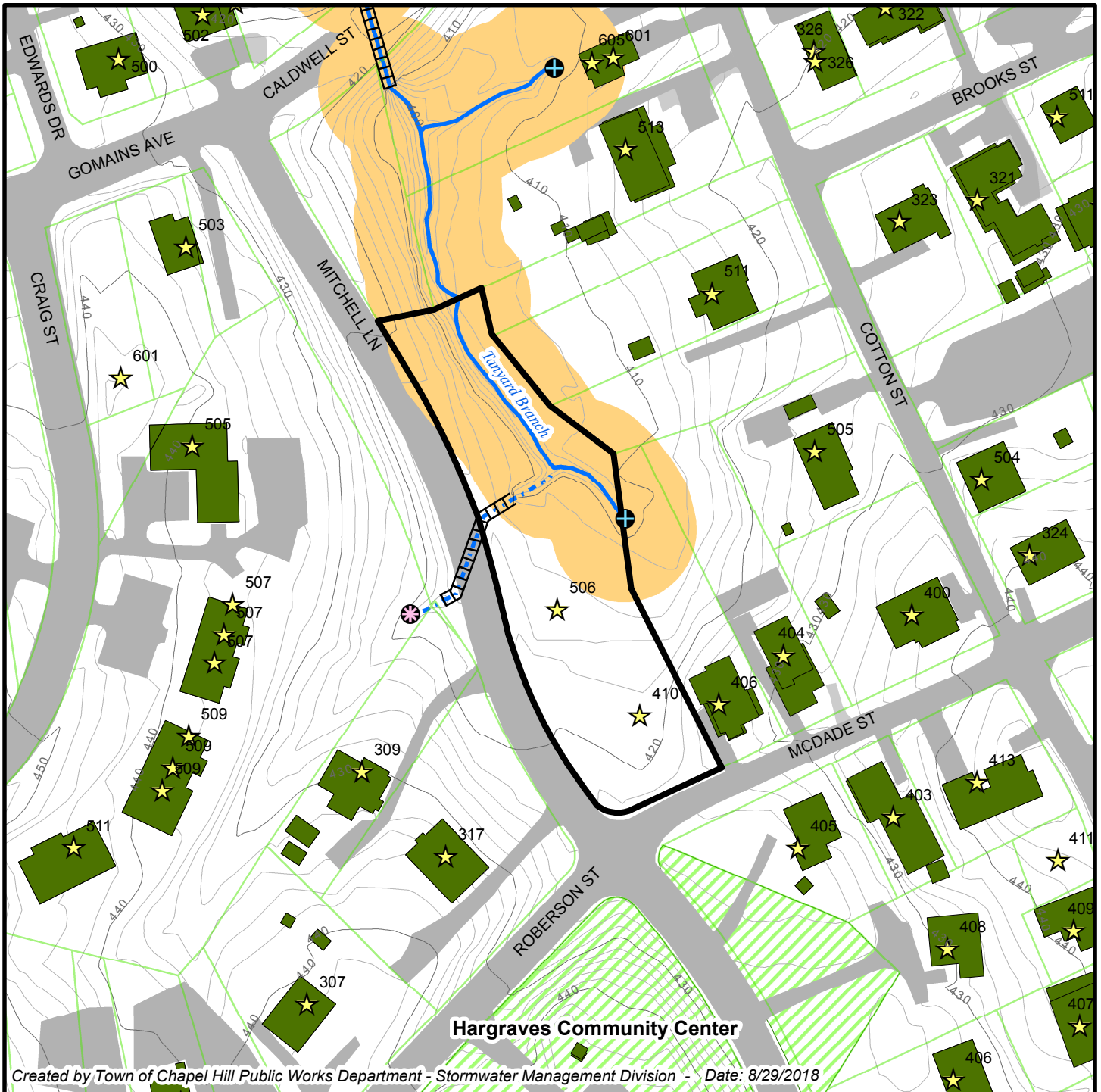
**Parcel ID:** 9788-17-1945

0 50 100 200 Feet



1 inch = 100 feet

**Stream locations are approximate and must be verified by survey.  
Buffers are measured from top of bank. RCD buffers may apply.  
Please contact the Town of Chapel Hill Planning Department to verify.**



# USGS 24K Topographic / County Soil Survey Maps

 Subject Property

**Address:** 410 McDade Street/506 Mitchell Lane, Chapel Hill, NC

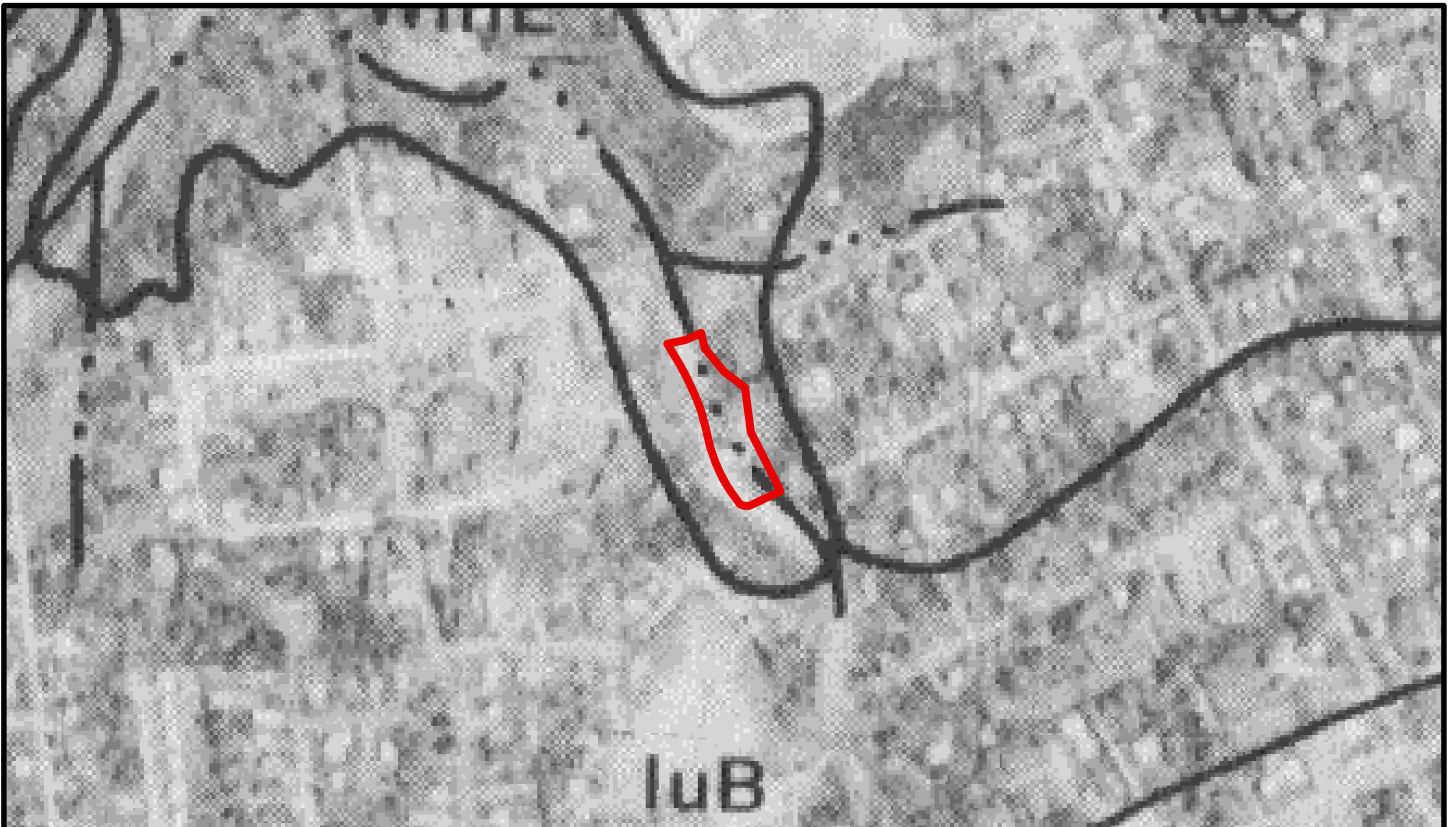
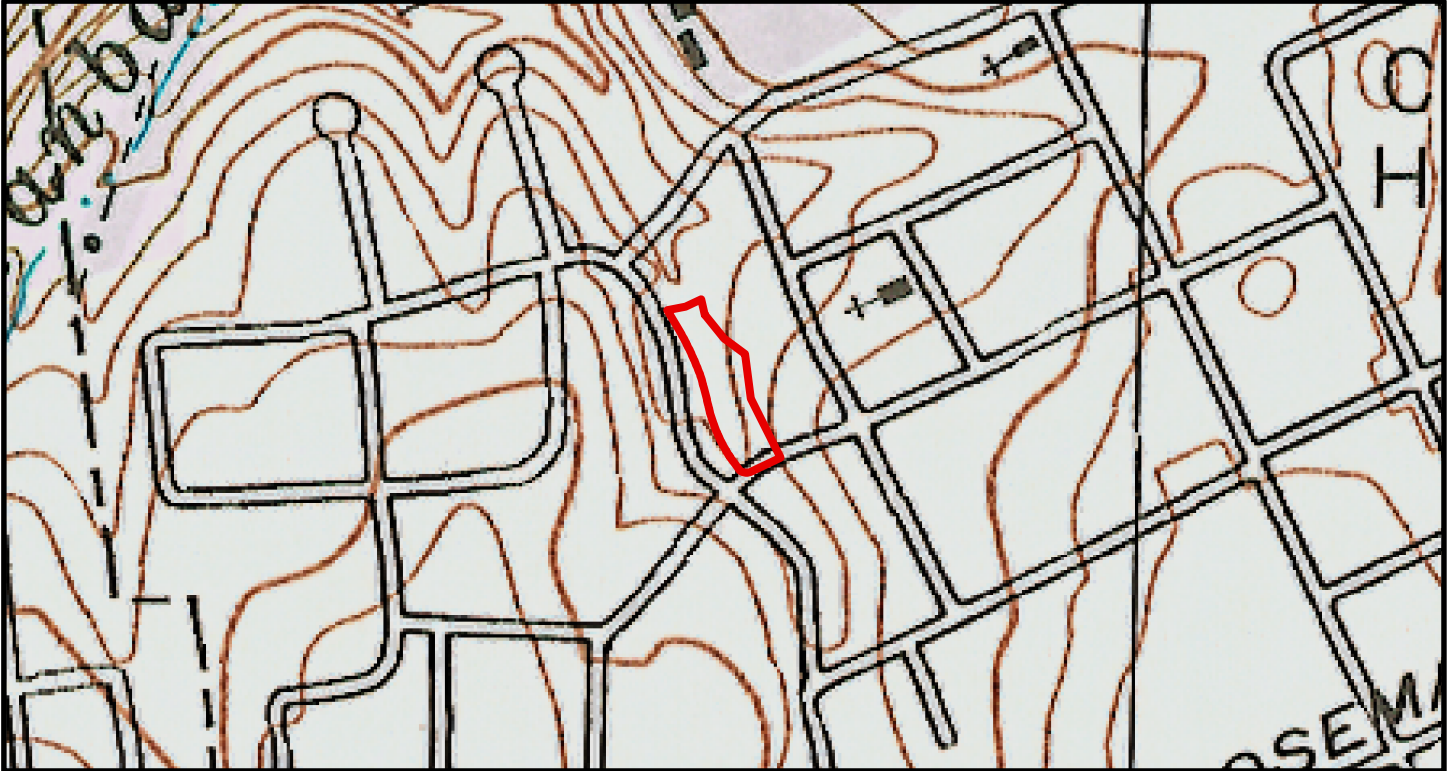
0 125 250 375 500 Feet

**Parcel ID:** 9788-17-1945



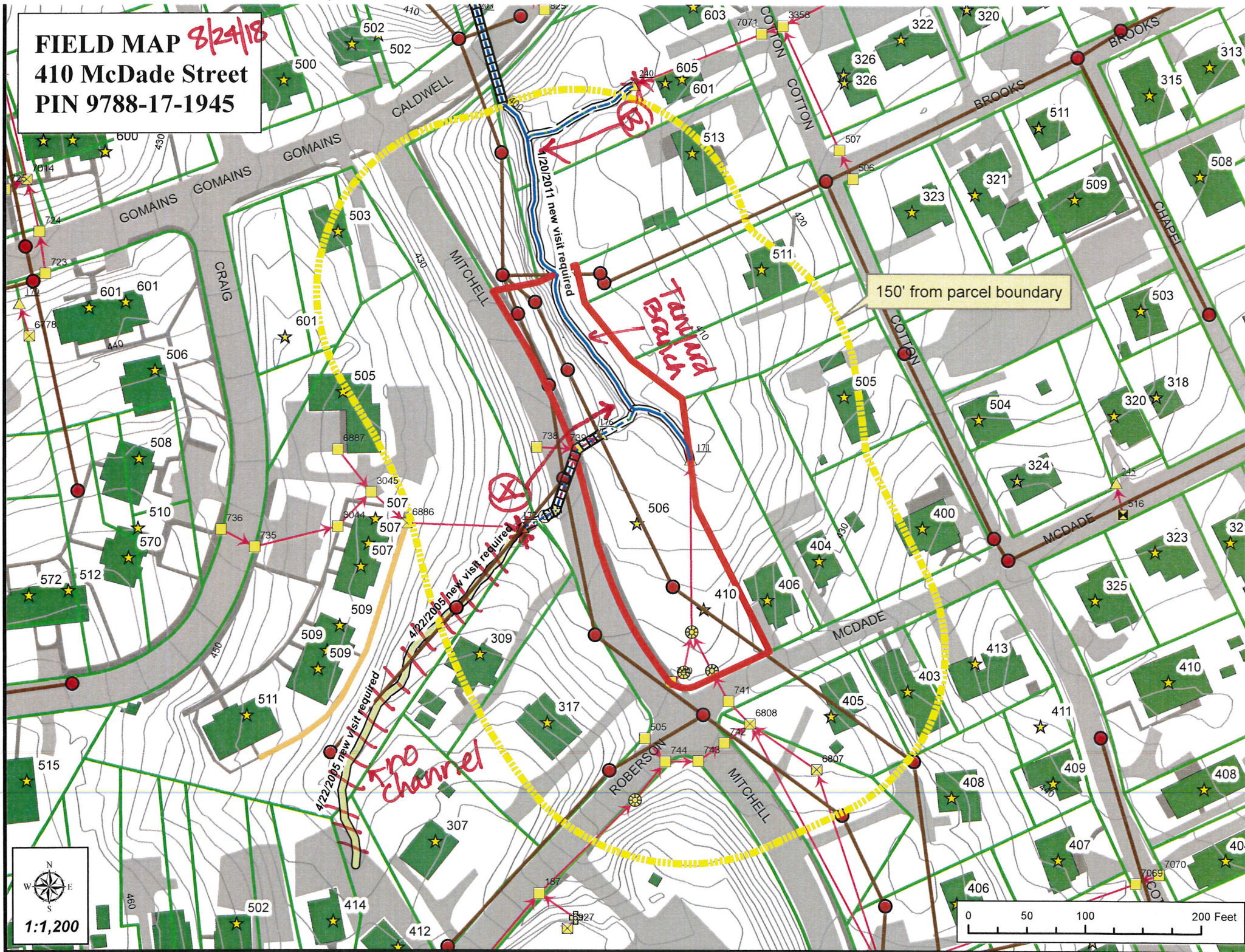
1 inch = 400 feet

*Created by Town of Chapel Hill Public Works Department - Stormwater Management Division- 8/29/2018*





**FIELD MAP** 8/24/18  
**410 McDade Street**  
**PIN 9788-17-1945**





201808241333

## NC DWQ Stream Identification Form Version 4.11

Feature (A)

Date: 8/24/18	Project/Site: 410 McDade	Latitude: 35.915
Evaluator: Weakley & Harms	County: Orange	Longitude: -79.064
Total Points: Stream is at least intermittent if $\geq 19$ or perennial if $\geq 30$ * 13.5	Stream Determination (circle one) Ephemeral Intermittent Perennial	Other e.g. Quad Name:

A. Geomorphology (Subtotal = 7.5)	Absent	Weak	Moderate	Strong
1 <sup>a</sup> . Continuity of channel bed and bank	0	1	2	3
2. Sinuosity of channel along thalweg	0 →	1	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	2	3
4. Particle size of stream substrate	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 rip rap	0	1	2	3
9. Grade control rip rap	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	

<sup>a</sup> artificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 4)	Absent	Weak	Moderate	Strong
12. Presence of Baseflow just above culvert A	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 = 0		Yes = 3	

C. Biology (Subtotal = 2)	Absent	Weak	Moderate	Strong
18. Fibrous roots in streambed	3	2	1	0
19. Rooted upland plants in streambed	3	2	1	0
20. Macroinvertebrates (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; OBL = 1.5 Other = 0			

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

Notes:

Sketch: Feature begins above outfall east of Mitchell Ln & ends @ confluence w/ Tanyard Branch. See field map.

201808241358

Feature (B)

## NC DWQ Stream Identification Form Version 4.11

Date: 8/24/18	Project/Site: 410 McDade	Latitude: 35.914
Evaluator: Weakley & Harms	County: Orange	Longitude: -79.063
Total Points: Stream is at least intermittent if $\geq 19$ or perennial if $\geq 30^*$ 30	Stream Determination (circle one) Ephemeral Intermittent <u>Perennial</u>	Other e.g. Quad Name:

A. Geomorphology (Subtotal = 17.5)	Absent	Weak	Moderate	Strong
1 <sup>a</sup> . Continuity of channel bed and bank	0	1	2	(3)
2. Sinuosity of channel along thalweg	0	(1)	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	(2)	3
4. Particle size of stream substrate lots of gravel, sand, silt, + some cobble + boulders	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	No = 0		Yes = 3	

<sup>a</sup> artificial ditches are not rated; see discussions in manual

## B. Hydrology (Subtotal = 6.5)

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)	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 = 6)

18. Fibrous roots in streambed	(3)	2	1	0
19. Rooted upland plants in streambed	(3)	2	1	0
20. Macroinvertebrates (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; OBL = 1.5 Other = 0			

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

## Notes:

Sketch: Feature begins @ outfall below Cotton St (behind 603 B Cotton) & ends @ confluence w/ Tanyard Br. Large pool below culvert. Lots of trash & abandoned sewer lateral. See photos.



**RECEIVED**  
JUL 24 2018  
BY: AEW

**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](mailto: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: Hudson Vaughan  
Mailing Address: 512 W Rosemary St  
City, State, ZIP: Chapel Hill, NC 27516  
Phone / FAX / Email: Hudson@jacksoncenter.info

Check method(s) for report to be sent: ☐ US Mail ☒ Email ☐ FAX ☐ Call for pickup

**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:**

Judy Hamm  
(Signature)

7/24/2018  
(Date)

Owner Name(s): Town of Chapel Hill  
(Please print)

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
9788-17-1945	410 McDade St / 506 Mitchell Ln

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.





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**Stream Determination Request  
AUTHORIZED AGENT FOR LEGAL REPRESENTATION FORM**

**PROPERTY LEGAL DESCRIPTION:**

PARCEL ID (PIN) 9788-17-1945

STREET ADDRESS: 410 McDade St

Please print:

Property Owner: Town of Chapel Hill

Property Owner: \_\_\_\_\_

The undersigned, owner(s) of the above described property, do hereby authorize

Hudson Vaughan, of The Marion Creek Jackson Center  
(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):

405 Martin Luther King Jr. Blvd

Owner Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

We hereby certify the above information submitted is true and accurate to the best of our knowledge.

[Signature] 7/24/18  
Owner Authorized Signature Date

\_\_\_\_\_  
Owner Authorized Signature Date

\_\_\_\_\_  
Contractor/Agent Authorized Signature Date

Please return form by email (aweakley@townofchapelhill.org), fax, 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 208 N. Columbia Street, Chapel Hill, NC. For questions, please call (919) 969-RAIN.