

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): 9880547497 Date: 05-01-18

Section A: Project Information

Project Name: Gazebo
Property Address: 108 Timberlyne Ct Chapel Hill Zip Code: 27518
Existing Zoning District: _____
Project Description: Existing structure, Gazebo 12x12
e a joining deck 6x12

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

Applicant Information (to whom correspondence will be mailed):

Name: Chris Diplock, Carol Manzon
Address: 108 Timberlyne CT
City: Chapel Hill State: NC Zip Code: 27518
Phone: 919 9422153 Email: CWDIPLOCK@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: C. Diplock Carol Manzon Date: 05-01-18

Owner/Contract Purchaser Information:

☒ Owner

☐ Contract Purchaser

Name: As above
Address: _____
City: _____ State: _____ Zip Code: _____
Phone: _____ Email: _____

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: C. Diplock Carol Manzon Date: 05-01-18



**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)968-2728 or at planning@townofchapelhill.org. For detailed information, please refer to the Description of Detailed Information handout.

<input type="checkbox"/>	Application fee (refer to fee schedule)	Amount Paid \$ <u>600</u>
<input type="checkbox"/>	Digital Files - provide digital files of all plans and documents	
<input type="checkbox"/>	Mailing list of owners of property within 1,000 feet perimeter of subject property (see GIS notification tool)	
<input type="checkbox"/>	Mailing fee for above mailing list	Amount Paid \$ <u>.50 x per address</u>
<input type="checkbox"/>	Written Narrative describing the proposal	
<input type="checkbox"/>	Statement of Justification – see below for additional information	
<input type="checkbox"/>	Recorded Plat or Deed of Property	
<input type="checkbox"/>	Stream Determination - necessary for all submittals	
<input type="checkbox"/>	Jurisdictional Wetland Determination – if applicable	
<input type="checkbox"/>	Reduced Site Plan Set (reduced to 8.5"x11")	

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



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Planning Department

Plan Sets (20 copies to be submitted no larger than 24"x36")

Plans should be legible and clearly drawn. All plan sets 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

VARIANCE APPLICATION

Applicant owner:

Name: Chris Diplock, Carol Manzon

Address: 108 Timberlyne Ct

Chapel Hill NC 27514

STATEMENT OF JUSTIFICATION

Revised variance application

- Original application was made in Feb 2018 BOA meeting. The application was denied by BOA with a 7Y- 2N. One member of the board was absent.
- The following points are the specific changes from the previous application.
- The decking has been modified; fire pit & brick pavers have been removed to comply with the following regulations.
- The encroachment into the building setback has also been reduced from 11 ft to 3.3ft according to the following regulation.
- **LUMO Section 3.8.3 Exceptions to Setback & Height Regulations**
- (a) The following features shall not be subject to the required minimum setbacks provided the town manager determines that such features do not significantly impair the degree of solar access provided adjacent properties through application of the appropriate solar setback requirements:
 - (5) The decking of patios, decks and swimming pools not exceeding three (3) feet in height, provided they are not constructed closer than (5) feet from the property line of the zoning lot. Protective railings, as required by building code, may be added to the decking height.

Introduction

Back in 2008 my wife & I wanted to create an outdoor living & entertaining area that enhanced the natural beauty of our property. I had no experience in any form of construction, however my motivation & enthusiasm was so great I simply applied myself. Having never done anything like this before I was not aware that a building permit was required or any building setbacks were in place.

However we now know this is not the case, the standard interior building setback is 14 feet. The gazebo itself is a 3.3ft encroachment.

We have also discovered the gazebo deck structure lies within a 30ft drainage & utility easement, which lies 15ft on our side of the property line. We have been given written permission from all utilities concerned and also OWASA to allow the structures to stay in place.

There was no intent to break the rules as explained in my previous application, and understood by Town permitting staff.

Please see attached exhibits of the site survey & letters of authorization.

Response to subsection 4.12.2 (a) of the Land use Management Ordinance

(1). Unnecessary hardship would result 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:

- To meet the requirements of the building setback line, the gazebo would have to be moved 3.3ft to be within the threshold.
- This would result in the demolition of the gazebo and partial demolition of the waterscape feature.
- This would be an unnecessary hardship to the owner and also a great loss to the overall appeal of the property and a practical use of the space provided.

(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 hardships results from conditions that is peculiar to the property.
- The current size & dimensions of both the gazebo & waterscape are appropriately proportioned to the surrounding landscape, lot size & buildings on the property.

(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 the variance shall not be regarded as a self-created hardship.

Response:

- There was no intent, having no experience in construction and having no idea that a building permit was required or that there was a building setback in place.
- The applicant believed he was well within the property line due to working from the existing fence posts that his neighbor installed.

- Unfortunately this has been proven incorrect after having the lot surveyed and hence discovery of his unintentional mistake.

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

Response:

- The existing structure is of high quality workmanship and compliments the surrounding landscape and is an integral part of the adjoining waterscape that is a showcase of the property.
- This has also been recognized by Better Homes & Gardens and was a finalist and one of the favorites in the national 2009 Home Improvements Challenge.
- This also displays a high level of proud home ownership and inspiration to the local community.
- There are also no public safety concerns as all building permits are ready to be submitted after the variance approval.
- In support of the above, please see attached photographs and the article from the Better Homes & Gardens website.

NOTES:

- SITE ADDRESS: 108 TIMBERLYNE COURT, (LOT 17, PHASE 2, SECTION 1, TIMBERLYNE SUBDIVISION) OWNER: CAROL E. MANZON PIN# 9880-54-7497 AREA: 20,300 SQ. FT. 0.47 ACRES
- ZONING (BASED ON CURRENT ZONING PER GIS): R1.
- BEARINGS ARE BASED ON PLAT BOOK 29, PG 93.
- DISTANCES SHOWN ARE GROUND DISTANCES.
- MAP DRAWN FROM INFORMATION OBTAINED FROM PLAT BOOK 29, PG 93; ORANGE COUNTY REGISTRY.
- MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.
- THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED.
- THIS SITE IS NOT LOCATED IN A SPECIAL FLOOD ZONE, IT IS IN ZONE "X" AS SHOWN ON FEMA MAP 3710988000 DATED FEBRUARY 2, 2007.
- THIS SURVEY MADE WITHOUT THE BENEFIT OF A TITLE SEARCH WHICH COULD DISCLOSE ZONING, RESTRICTIVE COVENANTS, EASEMENTS, BUILDING SETBACKS, OR OTHER INFORMATION WHICH COULD AFFECT THIS PROPERTY.
- THIS SURVEY IS NOT VALID FOR SUBSEQUENT OWNERS OR TRANSACTIONS.
- DUKE EASEMENT WIDTH PER SHANE SMITH (SHANE.SMITH@DUKE-ENERGY.COM) BASED ON DISCUSSION ON SEPTEMBER 12, 2017

I, ERIC M. MANTURUK, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION FROM DEED DESCRIPTION RECORDED IN BOOK AND PAGE (AS SHOWN). THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AND DRAWN FROM INFORMATION FOUND IN BOOK AND PAGE (AS SHOWN). THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000.4; AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS 14TH DAY OF DECEMBER, 2017.

ERIC M. MANTURUK PLS L-5019



ENCROACHMENT NOTES:

- GAZEBO LOCATED 10.7' FROM REAR PROPERTY LINE AND GAZEBO LOCATED 19.0' FROM UNDERGROUND ELECTRIC LINE GAZEBO LOCATED 21.1' FROM UNDERGROUND CABLE LINE GAZEBO LOCATED 3.3' INSIDE 14' BUILDING SETBACK
- DECK LOCATED 3.0' FROM REAR PROPERTY LINE DECK LOCATED 11.0' FROM UNDERGROUND ELECTRIC LINE DECK LOCATED 11.8' FROM UNDERGROUND CABLE LINE DECK LOCATED 11.0' INSIDE 14' BUILDING SETBACK

CURVE TABLE			
CURVE	RADIUS	ARC LENGTH	CHORD BEARING
C1	1011.15'	122.32'	S 48°51'42" E
			122.25'

GRAPHIC SCALE



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 47°02'04" W	140.99'

TIMBERLYNE CT.
60' PUBLIC R/W
EDGE OF PAVEMENT

30' DRAINAGE AND UTILITY EASEMENT (PB 29, PG 93)

2 STORY FRAME 1,780 SQ. FT.
14' BLDG SETBACK
28' BLDG SETBACK
WOOD WALKWAY
TRELLIS
BRICK PANKERS
STONE PATH
PAINTED ROCK
20' DRAINAGE AND UTILITY EASEMENT (PB 29, PG 93)

LEGEND

- EXISTING IRON PIPE
- CALCULATED CORNER
- TRANSFORMER
- SANITARY CLEANOUT
- HVAC UNIT
- CATV BOX
- WATER METER
- MAILBOX
- LIGHTPOLE
- UNDERGROUND CABLE LINE
- UNDERGROUND ELECTRIC LINE

SEE ENLARGEMENT ON SHEET 2 OF 2

SHEET 1 OF 2

- >Gazebo Encroachment Unchanged - 3.3 ft.
- >Deck Reduced - 5 ft. from property line*
- >Patio Reduced - 5 ft. from property line*
- >Fire Pit Eliminated
- *Reduced 5-foot setback applies to structures 3 ft. or less above grade

BALENTINE ASSOCIATES, P.A.
221 PROVIDENCE ROAD, CHAPEL HILL, N.C. 27514
(919) 928-0241 (919) 408-4769

FINAL SURVEY FOR:
CHRIS DIPLOCK
108 TIMBERLYNE CT.
CHAPEL HILL TWP., ORANGE CO., NORTH CAROLINA

JOB #: 21029.00
DATE: 24 OCT 17
SCALE: 1"=40'
DRAWN BY: SM
CHECKED BY: EMM
REVISIONS: 12/12/17 12/14/17

I, ERIC M. MANTURUK, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION FROM DEED DESCRIPTION RECORDED IN BOOK AND PAGE (AS SHOWN): THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AND DRAWN FROM INFORMATION FOUND IN BOOK AND PAGE (AS SHOWN): THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+/-30 THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-43 AND AMENDING, WITHNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS 14TH DAY OF DECEMBER, 2017.

ERIC M. MANTURUK PLS L-5019



____ CATV _____ UNDERGROUND CABLE LINE
____ UE _____ UNDERGROUND ELECTRIC LINE

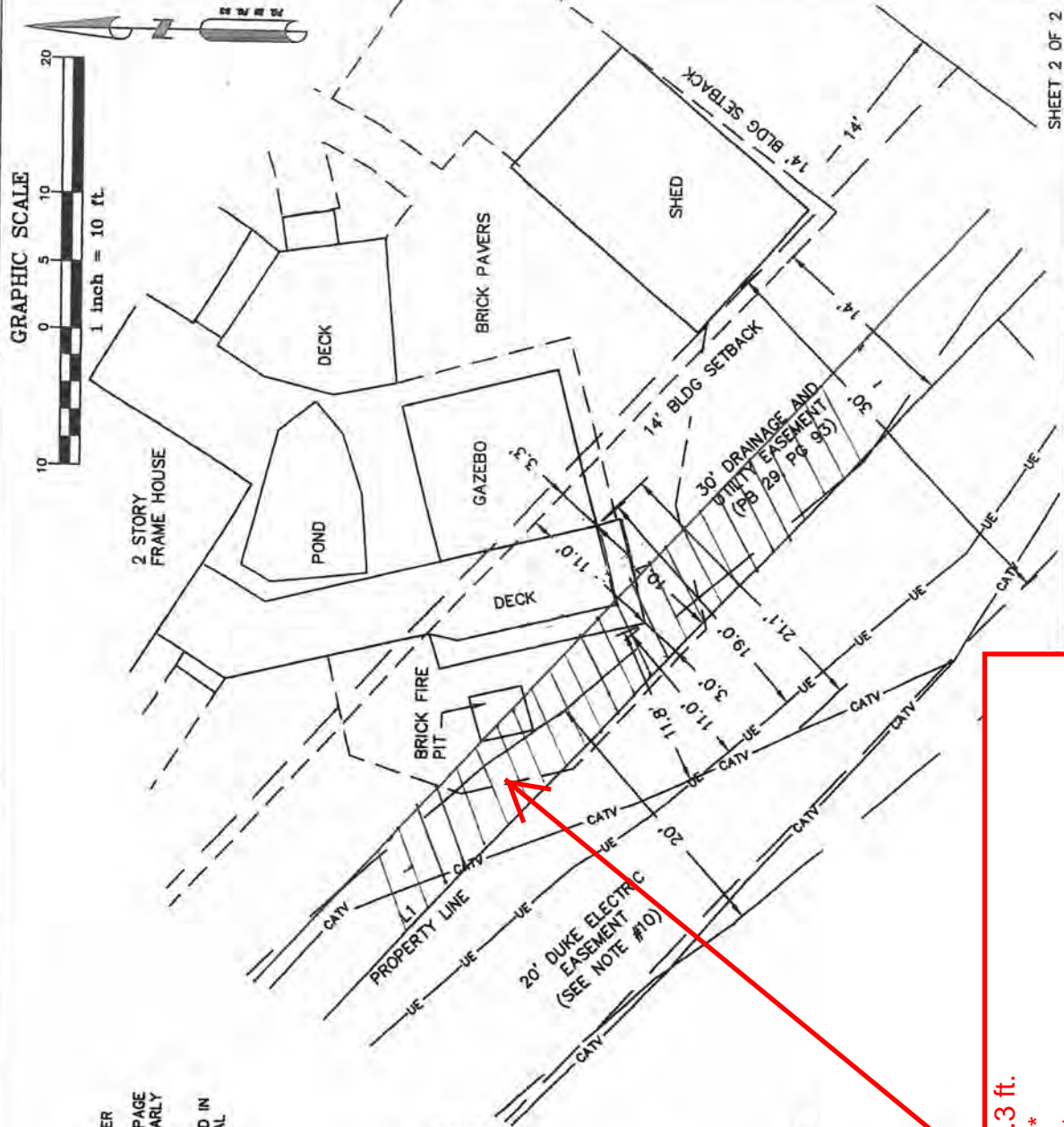
ENCROACHMENT NOTES:

- 1 GAZEBO LOCATED 10.7' FROM REAR PROPERTY LINE AND
GAZEBO LOCATED 19.0' FROM UNDERGROUND ELECTRIC LINE
GAZEBO LOCATED 21.1' FROM UNDERGROUND CABLE LINE
GAZEBO LOCATED 3.3' INSIDE 14' BUILDING SETBACK
- 2 DECK LOCATED 3.0' FROM REAR PROPERTY LINE
DECK LOCATED 11.0' FROM UNDERGROUND ELECTRIC LINE
DECK LOCATED 11.8' FROM UNDERGROUND CABLE LINE
DECK LOCATED 11.0' INSIDE 14' BUILDING SETBACK

- >Gazebo Encroachment Unchanged - 3.3 ft.
- >Deck Reduced - 5 ft. from property line*
- >Patio Reduced - 5 ft. from property line*
- >Fire Pit Eliminated

*Reduced 5-foot setback applies to structures

*Reduced 5-foot setback applies to structures 3 ft. or less above grade







Oct. 30, 2017

Mr. Chris Diplock
108 Timberlyne Court
Chapel Hill, NC 27514

Re: Duke Energy Underground Utility Easement @ 108 Timberlyne Court, Chapel Hill, NC

Dear Mr. Diplock:

Pursuant to your request, this letter is being provided in response to the inquiry regarding the existing electrical distribution line easement at the above named property.

Based upon review of the current location for the Gazebo/deck in the back yard at 108 Timberlyne Court in Chapel Hill, we have determined that the Gazebo/deck is outside of our 20 foot wide underground utility easement. The property survey and underground utility locates indicate that the edge of the structure is located approximately 11 feet from the centerline of our underground facilities.

Duke Energy is satisfied that the existing Gazebo/deck will not create any issues with our ability to maintain/repair our facilities in the future.

Please contact me if you have any additional questions regarding this matter.

Sincerely,



Mark B. Teasley
Duke Energy / Sr. Engineering Technologist
Engineering & Construction Planning
919-687-3137

September 12, 2017

Ms. Carol Manzon
108 Timberlyne Court
Chapel Hill, NC 27514

RE: Easement Encroachment request at 108 Timberlyne Court (PIN # 9880547497)

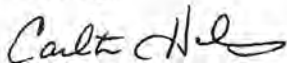
Dear Ms. Manzon,

After a discussion with Mr. Diplock September 12, 2017 concerning a gazebo and deck encroachment into an existing 30' Drainage and Utility Easement I reviewed his request for an encroachment agreement for said gazebo and deck with the appropriate members of our staff. Our obligation to the public, our customers, and the North Carolina Department of Environment and Natural Resources-Division of Water Quality is to be able to operate, maintain, and repair mains as is necessary to properly and responsibly operate and maintain public water and sanitary sewer systems. It is also necessary that we be able to travel our easements to inspect pipes and structures on a regular basis. Adequate easement widths and clearances are necessary in order for crews to perform work safely and without encroaching on private properties outside of our designated easements. Although there are no water or sanitary sewer mains located within the easement at this time, OWASA reserves the right to place mains in this easement in the future if it deemed necessary. In recognition of these requirements, **your request to encroach upon our easement for the existing gazebo and deck is approved with following conditions.**

- No further encroachment shall be allowed without prior approval. This encroachment approval is limited solely to an existing gazebo and deck.
- OWASA shall not be held liable or responsible for any costs or damage to the gazebo, deck or any other type of material or objects located or stored within the easement, which may result during the course of a water or sanitary sewer main extension in the future. OWASA requires access at all times to its easements.
- OWASA does not relinquish any of the rights and privileges as noted in the Deed of Easement recorded in Deed Book 317, Page 528 and Plat Book 29, Page 93.

If you have questions concerning this matter please contact Randy Horton at 919-537-4280 or by email RHorton@owasa.org

Sincerely,



Carlton Hawkins
Engineering Technician

C: Randy Horton – Distribution and Collection System Assistant Manager
Todd Spencer, P.E.
Joe Leo, Engineering Technician



Sue E. Weiske
Vice President and Assistant General Counsel

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

November 20, 2017


Chris W. Diplock
108 Timberlyne Ct
Chapel Hill, NC 27514

RE: GAZEBO
108 Timberlyne Ct, Chapel Hill, NC 27514 ("Property")

Dear Mr. Diplock,

As you know, Charter Communications ("Charter") has an easement on the above-referenced Property. It is my understanding that you built a gazebo on the Property within 20 feet of that easement. Charter does not have any objections to leaving the gazebo in that location on the Property. Charter hereby reserves the right to request that the gazebo be relocated in the future in order for Charter to use, maintain, operate, repair, replace, remove, or renew said easement on the Property.

Best Regards,


Sue E. Weiske

Carol Manzoni

From: Chris Diplock <cwddiplock@gmail.com>
Sent: Friday, December 15, 2017 11:08 AM
To: Carol Manzoni
Subject: Fwd: NCOC EMLCFM 2017/10/23 #02386 A172821384-00A NORM RESP DSGN

From: North Carolina 811 <automated@nc811.org>
Date: October 23, 2017 at 11:20:40 AM EDT
To: <CWDIPLOCK@GMAIL.COM>
Subject: NCOC EMLCFM 2017/10/23 #02386 A172821384-00A NORM RESP DSGN

EMLCFM 02386 NCOCa 10/23/17 11:20:40 A172821384-00A NORM RESP GRID DSGN

Thank you for calling North Carolina 811!
 This is an automatically generated response from the utilities who received your notice of excavation. For your safety, please respect and protect the marks, and excavate carefully around the marked utility lines.

This email comes from an automated program that is NOT MONITORED. DO NOT REPLY BACK TO THIS EMAIL.

Ticket : A172821384 Rev: 00A Taken: 10/09/17 10:00 AM

State: NC Cnty: ORANGE Place: CHAPEL HILL
 Subdivision: TIMBERLYNE (GATE CODE: NONE)
 Address : 108 TIMBERLYNE CT
 Work date: 10/23/17 11:59 PM
 Good thru: 10/30/17 11:59 PM Update by: 10/25/17 11:59 PM

Member Code	Description	Response
ATT322*	ATT/D (DISTRIBUTION)	
	PHONE - COPPER OR FIBER	10/23/17 11:20 AM 10
	No conflict, utility is outside of stated work area	
CVI04*	TIME WARNER CABLE-CHARTER	
	CABLE TV	10/23/17 11:20 AM 20
	Marked	
DPC14*	DUKE ENERGY	
	POWER	10/23/17 11:20 AM 20
	Marked	
OWS01	ORANGE WATER AND SEWER AUTHORITY	
	WATER AND SEWER	10/09/17 03:02 PM 10
	No conflict, utility is outside of stated work area	
PSG02	PSNC ENERGY	
	GAS	10/09/17 12:31 PM 10
	No conflict, utility is outside of stated work area	

Member	Type	Contact	Phone
ATT322*	Field	DISPATCH	800-778-9140
	Damage	ATT REPRESENTATIVE	877-737-2478
CVI04*	Field	DISPATCH	800-778-9140
	Damage	CAROLINAS REGIONAL OPERATIONS	855-272-2862
DPC14*	Field	DISPATCH	800-778-9140
	Damage	DUKE ENERGY REPRESENTATIVE	800-769-3766
OWS01	Field	JOSH LEONARD	919-369-1780
	Damage	JOSH LEONARD	919-369-1780
PSG02	Field	CUSTOMER SERVICE REP	877-776-2427
	Damage	PSNC REPRESENTATIVE	877-776-2427

If any damage involves a release of product or injury, please call 911 before contacting the owner.

Water, sewer and storm drain lines are marked within the right of way or to the meter, and not on private property. Lines from the right of way or meter to the residence or business are private lines and you will need to contact a private line locator to have these lines located. Member facility owners are not responsible for marking private lines. For a listing of private line locators, please visit our website, www.nc811.org. You must contact any non-member facility owners not listed on your location request directly to request their facilities to be located and marked.

Delivery and timely delivery of electronic mail are not assured. Franklin Street Partners, therefore, recommends that you do not send time-sensitive or action-oriented messages to us via electronic mail, including authorization to "buy" or "sell" a security or instructions to conduct any other financial business. Such requests, orders or instructions will not be processed until Franklin Street Partners can confirm your instructions or obtain appropriate written documentation where necessary.

This message is intended only for the personal and confidential use of the designated recipient(s) named above. If you are not the intended recipient of this message you are hereby notified that any dissemination, distribution or copying of this message is strictly prohibited and that you should notify us immediately at 877-489-2600.

Please note that the contents of this email should not be construed as financial advice unless explicitly stated as such in the text of the email. Further, it should be noted that this email (and any attachments) should not be regarded as an offer to sell or as a solicitation of an offer to buy any financial product, an official confirmation of any activity, or as an official statement of Franklin Street Partners. Finally, please note that (to the extent that any financial information is contained in this email) - past returns are not necessarily indicative of future returns.

VARIANCE APPLICATION

Applicant owner

Name: Chris Diplock, Carol Manzon
Address: 108 Timberlyne Ct
Chapel Hill
NC 27514

Written narrative describing the proposal

To our neighbors,

We propose on allowing the existing gazebo structure, which backs onto our rear western property line to be allowed to stay.

The building setback line is 14 ft. However the Gazebo is an 11ft encroachment of the building setback line.

We request a variance to allow the structure to stay where it presently stands

Yours sincerely
Chris Diplock
Carol Manzon

Date

2009 Home Improvement Challenge: Outdoor Improvements Winner and More Favorites

Projects like these turn the great outdoors into living spaces you don't want to leave.



More Ideas: An Outdoor Oasis

Carol Manzon and her husband, Chris Diplock, wanted an outdoor living and entertaining space that enhanced the natural beauty of their property and included a water feature that could be heard inside the house. Their solution included a screened gazebo for family dinners, a pond with waterfalls, and a fire pit. As the project progressed, the couple added a workshop (on the left) that matches the house in color and details.

2009 Home Improvement Challenge: Outdoor Improvements Winner and More Favorites

Projects like these turn the great outdoors into living spaces you don't want to leave.



An Outdoor Oasis

Decking and wooden steps provide a transition in levels from the brick patio that surrounds the 12-foot-square gazebo to brick paths that lead to the house and front yard. Keeping the mature azalea in place was a priority for Carol, so the gazebo and water feature were built around it. The azalea helps tie the new structure into the landscape and provides a beautiful focal point.

2009 Home Improvement Challenge: Outdoor Improvements Winner and More Favorites

Projects like these turn the great outdoors into living spaces you don't want to leave.



An Outdoor Oasis, Waterfalls

The rock-lined water feature looks like a natural pool with two levels, one a small pond that continuously flows over rock ledges into the larger pool below. Chris excavated at least 3 feet to create the pond bed, piling some of the soil on the pond's edge to create more height for the top pool. A recirculating pump hidden by soil and rock keeps the water moving from the bottom pool back up to the top one. The top pool is about 10 feet in circumference, and the lower one about 34 feet around.

2009 Home Improvement Challenge: Outdoor Improvements Winner and More Favorites

Projects like these turn the great outdoors into living spaces you don't want to leave.



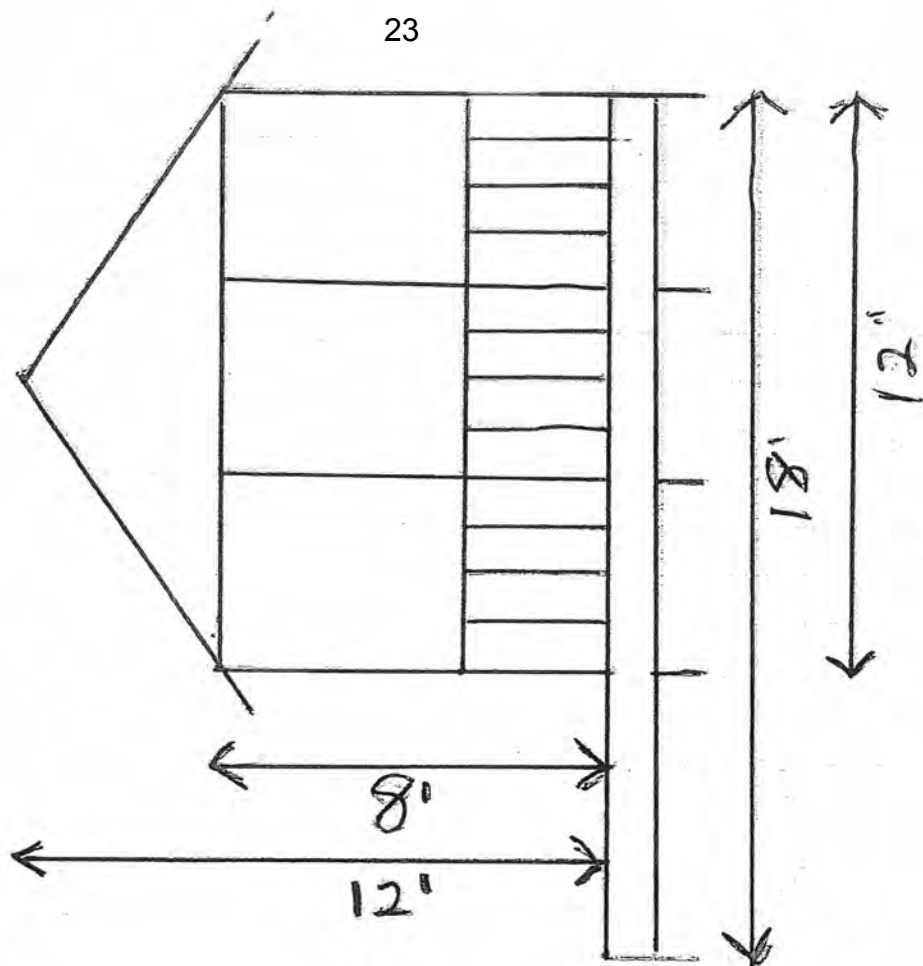
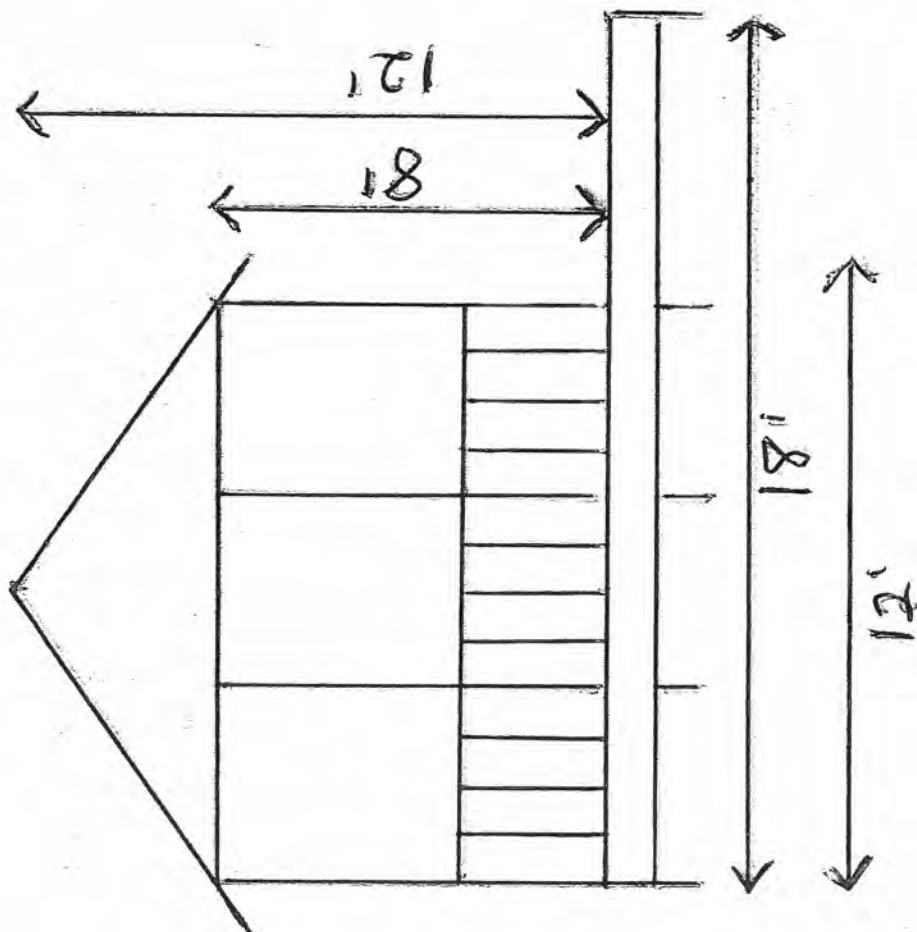
An Outdoor Oasis, Waterfall Detail

Many of the stones were unearthed in the process of digging out the hole for the pool and fountain. The couple carefully selected flat stones from Winston-Salem and Rhode Island river stones for the pool bottom to create a natural look.



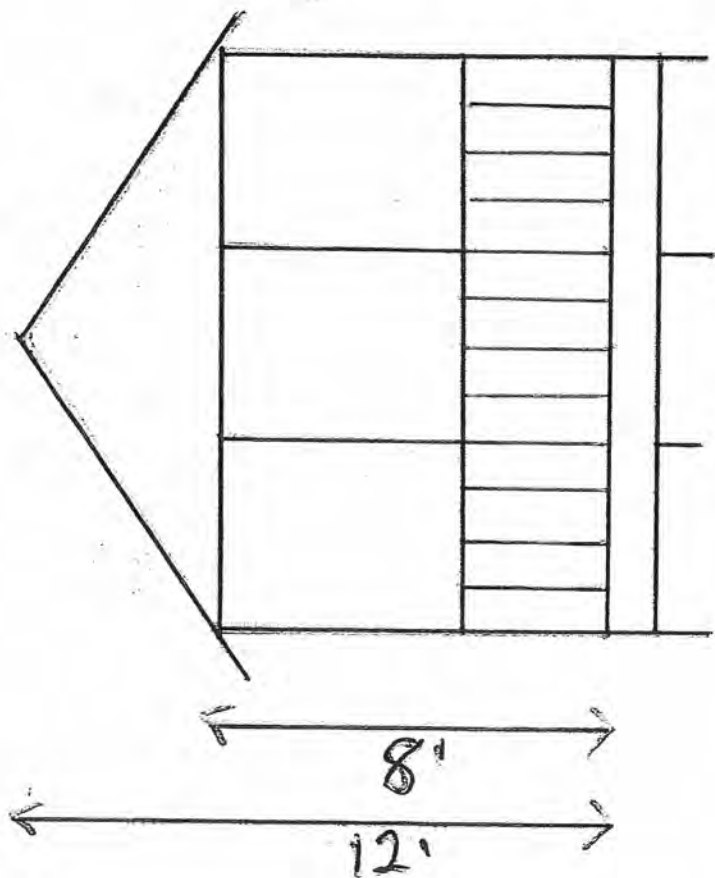


GAZEBO

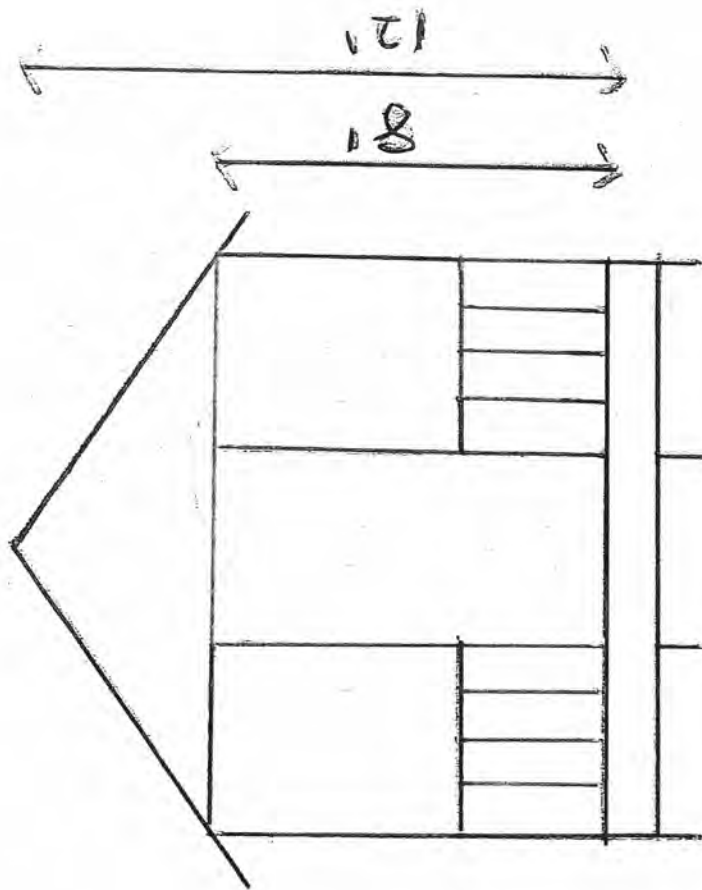


* Please refer to Engineers report

GAZERO



South East
Elevation



North West
Elevation
* Please refer to Engineers report



Address	City	State	Zip	Adult_Last_Name_2	Adult_First_Name_2
5 Balsam Court	Chapel Hill	NC	27514	Margolese-Malin	Larry & Rebecca
9 Balsam Court	Chapel Hill	NC	27514	Likins	Gretchen
12 Balsam Court	Chapel Hill	NC	27514	Whitt	Sam & Irene
18 Balsam Court	Chapel Hill	NC	27514	Krueger	Kevin & Jennifer
22 Balsam Court	Chapel Hill	NC	27514	Handfinger	Dave & Sherry
100 Balsam Court	Chapel Hill	NC	27514	Lei/Wei	GangJun & Junping
101 Balsam Court	Chapel Hill	NC	27514	Bay	Carrie
108 Balsam Court	Chapel Hill	NC	27514	Edgington	Ian & Elizabeth
113 Balsam Court	Chapel Hill	NC	27514	Britt	Peggy
114 Balsam Court	Chapel Hill	NC	27514	Mihalcescu	Ondin & Monica
117 Balsam Court	Chapel Hill	NC	27514	Everhart	Gabe & Amanda
119 Balsam Court	Chapel Hill	NC	27514	Dunmire/Jacobson	David & Willow
121 Balsam Court	Chapel Hill	NC	27514	Brannon	Chris & Mandy
123 Balsam Court	Chapel Hill	NC	27514	Hudson	Ashley & Devlin
100 Basswood Court	Chapel Hill	NC	27514	Ashman/Hicks	Linda & Jack
101 Basswood Court	Chapel Hill	NC	27514	Grossman	Steve & Gail
104 Basswood Court	Chapel Hill	NC	27514	Nolting	Mark & Mavis
105 Basswood Court	Chapel Hill	NC	27514	Kohn	Zachariah & Jill
108 Basswood Court	Chapel Hill	NC	27514	Mizobuchi/Shirey	Toshikazu & Beth
109 Basswood Court	Chapel Hill	NC	27514	Wurzelmann/Finnel	John & Alice
112 Basswood Court	Chapel Hill	NC	27514	Munday	Sheila & Sean
113 Basswood Court	Chapel Hill	NC	27514	Dorn	Spencer & Emily
116 Basswood Court	Chapel Hill	NC	27514	Jones/Mahalek	John & Regina
117 Basswood Court	Chapel Hill	NC	27514	Henning	Cara & Reyco
119 Basswood Court	Chapel Hill	NC	27514	Chi/Chu	Jen-Tsan & Ting-Ting
101 Butternut Drive	Chapel Hill	NC	27514	Kostin/Wasilewski	Joel & Yvonne
104 Butternut Drive	Chapel Hill	NC	27514	DeSpirito	Mike & Jan
107 Butternut Drive	Chapel Hill	NC	27514	Busby	Todd & Courtney
108 Butternut Drive	Chapel Hill	NC	27514	Kempton	Rob & Nicole
111 Butternut Drive	Chapel Hill	NC	27514	Klein/Gellin	David & Mindy
115 Butternut Drive	Chapel Hill	NC	27514	Janken/Puglisi	Kenneth & Patricia
119 Butternut Drive	Chapel Hill	NC	27514	Maha	George & Ruth
100 Cottonwood Court	Chapel Hill	NC	27514	Su/Cheng	Hsun-Cheng (Sean) & MinFu(Mindy)
101 Cottonwood Court	Chapel Hill	NC	27514	Mills-Koonce/Propper	Roger & Cathi
103 Cottonwood Court	Chapel Hill	NC	27514	Putt	Ron
107 Cottonwood Court	Chapel Hill	NC	27514	Wooden	Stacey
108 Cottonwood Court	Chapel Hill	NC	27514	Andrews	Bill & Charron
109 Cottonwood Court	Chapel Hill	NC	27514	Ahn/Kang	Joo Hee & Joon
126 Kingston Drive	Chapel Hill	NC	27514	Ware	Burwell & Michele
132 Kingston Drive	Chapel Hill	NC	27514	Ward	Bob & Ann
133 Kingston Drive	Chapel Hill	NC	27514	Streko	Patrick & Genevieve
134 Kingston Drive	Chapel Hill	NC	27514	Purepong	Nithima & Wichit
135 Kingston Drive	Chapel Hill	NC	27514	Crane	Bob & Mary
136 Kingston Drive	Chapel Hill	NC	27514	Sielken/Sielken	Bob & Kaselehlia
137 Kingston Drive	Chapel Hill	NC	27514	Dowdy	Richard & Elaine
139 Kingston Drive	Chapel Hill	NC	27514	Dudzik	Gerry
140 Kingston Drive	Chapel Hill	NC	27514	Peterson	Kristina

Address	City	State	Zip	Adult_Last_Name_2	Adult_First_Name_2
142 Kingston Drive	Chapel Hill	NC	27514	Pecaut	Bob & Karin
143 Kingston Drive	Chapel Hill	NC	27514	Heck/Hamm	Dan & Jill
145 Kingston Drive	Chapel Hill	NC	27514	McCarthy/Dudziak	Michael & Denise
146 Kingston Drive	Chapel Hill	NC	27514	Wallace	Scott & Debbie
149 Kingston Drive	Chapel Hill	NC	27514	Calloway	Gail
152 Kingston Drive	Chapel Hill	NC	27514	Shackelford/Whitley	Ray & Randah
154 Kingston Drive	Chapel Hill	NC	27514	Diamond-Williams	David & Michelle
105 Pinoak Court	Chapel Hill	NC	27514	Boone/Boone	Daniel & Rebecca
106 Pinoak Court	Chapel Hill	NC	27514	Chisholm	Richard & Lisa
114 Pinoak Court	Chapel Hill	NC	27514	Arneson	Ken & Judy
117 Pinoak Court	Chapel Hill	NC	27514	Sharp-Dale	Deborah
118 Pinoak Court	Chapel Hill	NC	27514	Hall/Gaddis	David & Susanne
119 Pinoak Court	Chapel Hill	NC	27514	Stough	Bryan & Eileen
104 Silver Cedar Lane	Chapel Hill	NC	27514	Eversole	Jesse & Susan
105 Silver Cedar Lane	Chapel Hill	NC	27514	Hird	Amy & Geoff
108 Silver Cedar Lane	Chapel Hill	NC	27514	Carpenter	Pat
110 Silver Cedar Lane	Chapel Hill	NC	27514	Wildermuth/Brubaker	Barbara & Gaylen
102 Timberlyne Court	Chapel Hill	NC	27514	Smith/Worth	Mark & Julie
103 Timberlyne Court	Chapel Hill	NC	27514	Walling/Lee	Leslie & Adam
104 Timberlyne Court	Chapel Hill	NC	27514	Adams	George & Hannah
105 Timberlyne Court	Chapel Hill	NC	27514	Elder	Gove & Barbara
109 Timberlyne Court	Chapel Hill	NC	27514	Roettig	Mayme Lou
110 Timberlyne Court	Chapel Hill	NC	27514	Rosen	Norm & Maureen
111 Timberlyne Court	Chapel Hill	NC	27514	Connaughton	John &
112 Timberlyne Court	Chapel Hill	NC	27514	Leitner	Carl & Ofri
113 Timberlyne Court	Chapel Hill	NC	27514	Stutts	Ron & Beverly
114 Timberlyne Court	Chapel Hill	NC	27514	Fried	Howard & Elizabeth
115 Timberlyne Court	Chapel Hill	NC	27514	Knox	Dick & Joanne
1 Timberlyne Road	Chapel Hill	NC	27514	Riley	Cathy
2 Timberlyne Road	Chapel Hill	NC	27514	Zagami	Edwina
3 Timberlyne Road	Chapel Hill	NC	27514	Pressley	Tim & Patricia
4 Timberlyne Road	Chapel Hill	NC	27514	Palmer	Bill & Rosemary
5 Timberlyne Road	Chapel Hill	NC	27514	Sha/Lin	Yonggang & Liwen
6 Timberlyne Road	Chapel Hill	NC	27514	Roscoe	Sara
7 Timberlyne Road	Chapel Hill	NC	27514	Brown	James &
8 Timberlyne Road	Chapel Hill	NC	27514	Buchanan	Ian & Marianne
9 Timberlyne Road	Chapel Hill	NC	27514	Sweezy	Don & Sue
10 Timberlyne Road	Chapel Hill	NC	27514	Gush	Sara & Bill
11 Timberlyne Road	Chapel Hill	NC	27514	Dominguez	Jose & Terry
12 Timberlyne Road	Chapel Hill	NC	27514	Cox	Scott & Sheri
14 Timberlyne Road	Chapel Hill	NC	27514	Cloud/Cloud	Bill & Margaret
15 Timberlyne Road	Chapel Hill	NC	27514	Dunbar/Cusick	Jay & Kathleen
16 Timberlyne Road	Chapel Hill	NC	27514	Tibbo	Helen & Helen
18 Timberlyne Road	Chapel Hill	NC	27514	Gerda	Gregg & Veronica
20 Timberlyne Road	Chapel Hill	NC	27514	Walden	Scott
22 Timberlyne Road	Chapel Hill	NC	27514	Kelm	Matt & Katie
1 Tupelo Lane	Chapel Hill	NC	27514	Haines	Nate & Melissa
100 Tupelo Lane	Chapel Hill	NC	27514	Walters	Tyler & Julie

Address	City	State	Zip	Adult_Last_Name_2	Adult_First_Name_2
10510 Springboro Pike	Miamisburg	OH	45352	Chapel Hill at the Pointe Villager LLC	
16102 Goodman Court	Laurel	MD	20707	Daston	Melissa
PO Box 3591	Chapel Hill	NC	27514	AMINCO LTD	
205 Galway Drive	Chapel Hill	NC	27514	Costello	Jack M
111 Silver Cedar Court	Chapel Hill	NC	27514	American Board of Pediatrics	
2903 NC HWY 86 North	Hillsborough	NC	27278	Datiles	Uldarico
3860 Haywood Road	Hendersonville	NC	28791	Elmore Jr	Frank
3 Colton Court L0004	Durham	NC	27713	Wang	Benhao
35 Abington Drive	Pinehurst	NC	28374	Swanson Trust	Arthur
1098 Burning Tree Dr.	Chapel Hill	NC	27517	Kingston A & B LLC	
72 Cedar Hills Circle	Chapel Hill	NC	27514	Butta	Jan
68 Cedar Hills Circle	Chapel Hill	NC	27514	Madden	John
64 Cedar Hills Circle	Chapel Hill	NC	27514	Sturm	Brian
60 Cedar Hills Circle	Chapel Hill	NC	27514	Jones	Kenneth
56 Cedar Hills Circle	Chapel Hill	NC	27514	Byrd	Catherine
52 Cedar Hills Circle	Chapel Hill	NC	27514	Vermilya	Robert
48 Cedar Hills Circle	Chapel Hill	NC	27514	Sturgill	Amanda
252 Camelback Ridge Ave	Henderson	NC	89012	Kim	Robert
104 Half Moon Point	Chapel Hill	NC	27514	Clark	Thomas
121 Cross Creek Drive	Chapel Hill	NC	27514	Stoll	Debra
112 Cross Creek Drive	Chapel Hill	NC	27514	Smith	Mary
110 Cross Creek Drive	Chapel Hill	NC	27514	Moussa	Khalil
108 Cross Creek Drive	Chapel Hill	NC	27514	Pomerantz	Phyllis
104 Cross Creek Drive	Chapel Hill	NC	27514	Wright	Richard
119 Cross Creek Drive	Chapel Hill	NC	27514	Juel	Vern
117 Cross Creek Drive	Chapel Hill	NC	27514	Xu	Weidong
921 Weaver Dairy Rd	Chapel Hill	NC	27514	Moore	Victoria
240 Third Ave West	Hendersonville	NC	28739	Moore	Victoria
PO Box 685	Durham	NC	27702	Bergman	Leah
178 River View Dr	Pittsboro	NC	27312	Osborne Jr.	Robert V
125 Kingston Dr	Chapel Hill	NC	27514	Friedman	Daniel
Bldg C Suite 206	Chapel Hill	NC	27514	Snow	Paul
514 South Duke St	Durham	NC	27701	Triangle Land Conservancy	
300 Silver Cedar Ct	Chapel Hill	NC	27514	SAAG LLC	
400 Silver Cedar Ct	Chapel Hill	NC	27514	American Board of Orthopaedic Surgery	



Needs all by
Sept 6 for
Appeals on Oct 5 or 6

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

Rec'd
8/22/17
AEW

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:

Chris Diplock

Mailing Address:

108 Timberlyne CT

City, State, ZIP:

Chapel Hill NC 27518

Phone / FAX / Email:

919 942 2153 CWDIPLOCK@GMAIL.COM
C 919 415 3286

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:

Carol Manzoni C. Diplock

(Signature)

08-22-17

(Date)

Owner Name(s):

Carol Manzoni

Chris Diplock

(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
9880547497	108 Timberlyne CT
	Chapel Hill NC 27518

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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August 31, 2017

Mr. Chris Diplock
108 Timberlyne Court
Chapel Hill, NC 27514
cwdiplock@gmail.com

RE: Stream Determination for 108 Timberlyne Court (PIN 9880-54-7497)

Dear Mr. Diplock:

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. 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 cursive script that reads "Allison Schwarz Weakley".

Allison Schwarz Weakley
Stormwater Analyst



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STREAM DETERMINATION SITE VISIT RESULTS

Property Information	
Parcel ID Number (PIN)	Address / Location Description
9880-54-7497	108 Timberlyne Court

These are the results of a site visit to the properties listed above for a stream determination conducted on 8/31/2017 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 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.

Allison Neasley

Town Staff Signature

8/31/2017

Date

Stream Determination Area Map

--- Ephemeral Stream

|||| Culverts

— 2-foot Contours

— 10-foot Contours

■ Buildings

□ Parcels

Approximate Jordan Buffer

□ Site visited

Address: 108 Timberlyne Court, Chapel Hill, NC

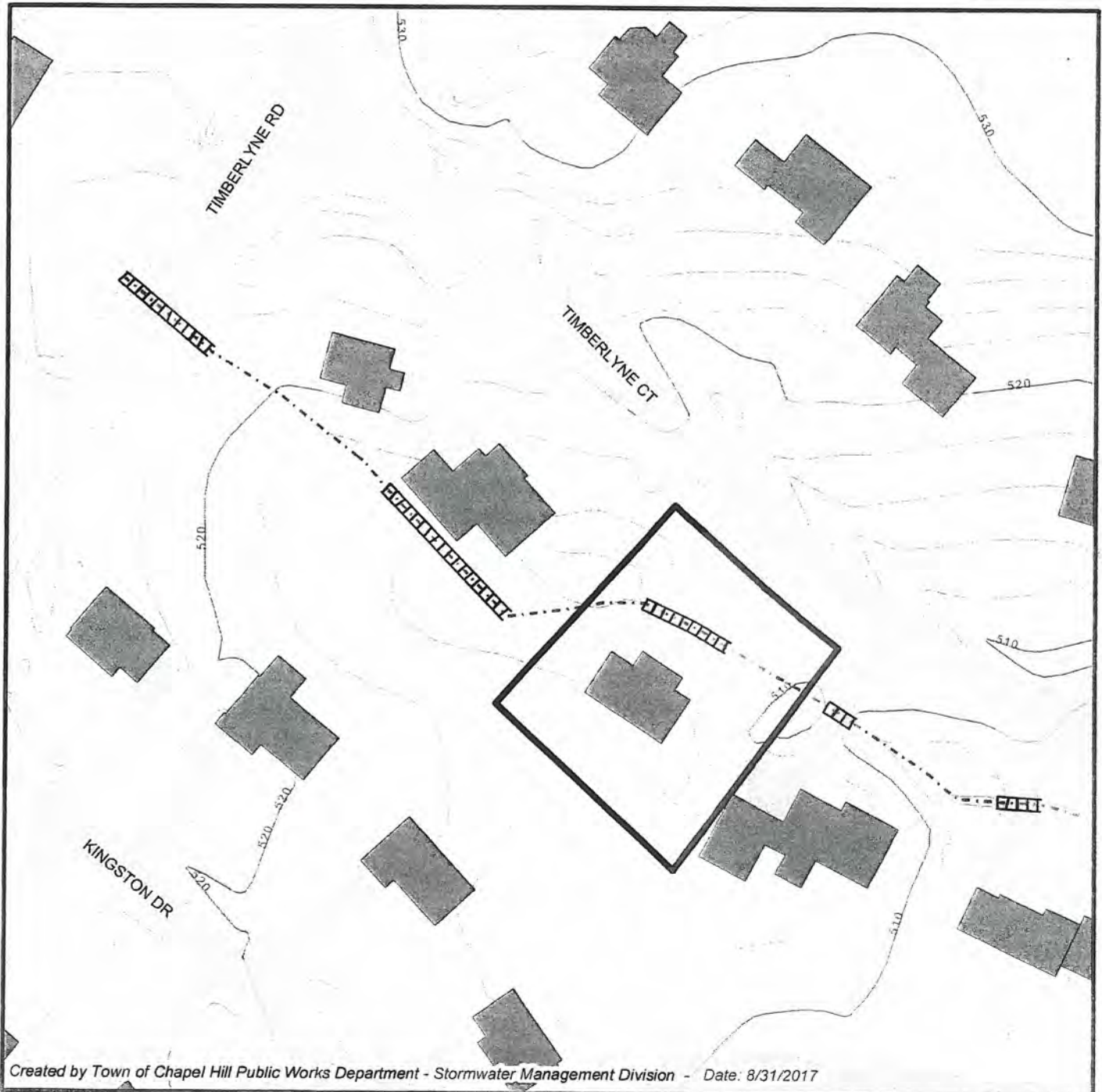
Parcel ID: 9880-54-7497

0 40 80 160 Feet




1 inch = 83 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

 Site Parcel Boundary**Address:** 108 Timberlyne Court, Chapel Hill, NC

0 80 160 240 320 Feet

Parcel ID: 9880-54-7497

1 inch = 267 feet

Created by Town of Chapel Hill Public Works Department - Stormwater Management Division- 8/31/2017



20170831112

Feature (A)

NC DWQ Stream Identification Form Version 4.11

Date: 8/31/17	Project/Site: 108 timberlyne ct	Latitude: 35.961
Evaluator: Weakley & Salat	County: Orange	Longitude: -79.048
Total Points: Stream is at least intermittent if ≥ 19 or perennial if $\geq 30^*$	Stream Determination (circle one) Ephemeral Intermittent Perennial	Other e.g. Quad Name:

A. Geomorphology (Subtotal = 8.5)

	Absent	Weak	Moderate	Strong
1 ^a . Continuity of channel bed and bank	0	1	2	3
2. Sinuosity of channel along thalweg	0	1	2	3
3. In-channel structure: ex. riffle-pool, <u>step-pool</u> , 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	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	

^aartificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 2)

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 = 5.5)

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 <u>none</u>	FACW = 0.75; OBL = 1.5 Other = 0			

^aperennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch: See field map

FIELD MAP
108 Timberlyne Court
PIN 9880-54-7497
8/31/17

