

VARIANCE OR APPEAL APPLICATION



TOWN OF CHAPEL HILL
Planning & Development Services
405 Martin Luther King Jr. Blvd.
phone (919) 969-5066 fax (919) 969-2014
www.townofchapelhill.org

Parcel Identifier Number (PIN): 9798175081 Date: 30 September, 2019

Section A: Project Information

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

Project Name: Reyes Well
Property Address: 811 Old Mill Road Zip Code: 27514
Existing Zoning District: Greenwood Neighborhood Conservation
Description of Request: Request for variance to setback from neighboring property for well that was inadvertently dug within the NCD-defined setback.

Applicant Information (to whom correspondence will be mailed):

Name: Conrad Reyes
Address: 811 Old Mill Road
City: Chapel Hill State: NC Zip Code: 27514
Phone: (919)490-8985 (home) (919)641-2560 (cell) Email: conradreyes@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: [Signature] Date: 30-SEP-2019

Owner/Contract Purchaser Information:

☒ Owner

☐ Contract Purchaser

Name: Conrad and Rebecca Reyes
Address: 811 Old Mill Road
City: Chapel Hill State: NC Zip Code: 27514

Phone: (919)490-8985(home) (919)641-2560(cell)

Email: conradreyes@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: 30-SEPT-2019



**VARIANCE OR APPEAL APPLICATION
SUBMITTAL REQUIREMENTS
TOWN OF CHAPEL HILL
Planning & Development Services**

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.

	Application fee (refer to fee schedule)	Amount Paid \$	
x	Digital Files – provide digital files of all plans and documents		
x	Mailing list of owners of property within 1,000 foot perimeter of subject property (see GIS notification tool)		
	Mailing fee for above mailing list	Amount Paid \$	
x	Written Narrative describing the proposal		
x	Statement of Justification – Respond to subsection 4.12.2(a)(1-4) of the Land Use Management Ordinance.		
x	Recorded Plat or Deed of Property		
x	Stream Determination – necessary for all submittals		
	Jurisdictional Wetland Determination – if applicable		
x	Reduced Site Plan Set (reduced to 8.5" x 11")		

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

- ☒ **Dimensional Variance** ☐ **Water and Sewer Variance** ☐ **Steep Slope Variance**
- ☐ **House Size Variance**
- ☐ **Resource Conservation District Variance**
- ☐ **Jordan Watershed Riparian Buffer Variance**
- ☐ **Watershed Protection District Variance**
- ☐ **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 & Development Services

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

Conrad Reyes

811 Old Mill Rd
Chapel Hill, NC 27514
(919)490-8985

September 30, 2019

Town of Chapel Hill

Planning Department

Project: Reyes Well

Re: Written Narrative Describing Proposal

The request for variance is to permit a well to be within the setback stipulated in the Greenwood NCD.

The well has already been dug. The project was undertaken in good faith after obtaining a valid permit from the Orange County Environmental Health Division.

The well meets all of the setbacks required by the county for health and safety reasons, including distance from road, sewer lines, structures etc. However, the county only required the well to be more than 10ft away from the adjoining property line, and more than 50 ft from the sewer in the middle of the road; and did not identify the additional setbacks required by the Greenwood NCD.

The final location of the well is approximately 14ft away from the adjoining property instead of the required 20ft and is 48 feet from the road instead of the required 50 ft.

To allow for a minimal structure to cover and protect the well, we are requesting a variance allowing the well and structure to be no closer than 11 feet from the adjoining property line and no closer than 45 feet from the road.

Sincerely,

Conrad Reyes

Conrad Reyes

811 Old Mill Rd
Chapel Hill, NC 27514
(919)490-8985

May 31, 2019

Town of Chapel Hill**Planning Department****Project: Reyes Well****Re: Statement of Justification**

- (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.
 - a. The well has already been dug and cannot be moved or altered to meet the required setback.
 - b. It would be prohibitively expensive to fill, re-survey, and re-dig the well
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography.
 - a. After meeting all of the county environmental health setbacks, there was only a relatively small square on the property where the well could be located
 - b. After reviewing the additional setback requirements, it is unlikely that a more suitable location could be found that would not violate the county health requirements
- (3) The hardship did not result from actions taken by the applicant or the property owner.
 - a. The well was dug after obtaining the necessary permit from the Orange County Environmental Health department.
 - b. We were assured multiple times by the county throughout the process that we had fulfilled all of the necessary requirements
- (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.
 - a. The location of the well has been approved by the Orange County Environmental Health department as a location that will not negatively affect the natural resources of the neighborhood.
 - b. The well presents only a minimal visible structure above ground. And the intention is for any visible structure to be enclosed in a manner consistent with the architecture character of the existing house. and obscured by landscaping. As such, the presence of the well will not alter the character of the property or the neighborhood.

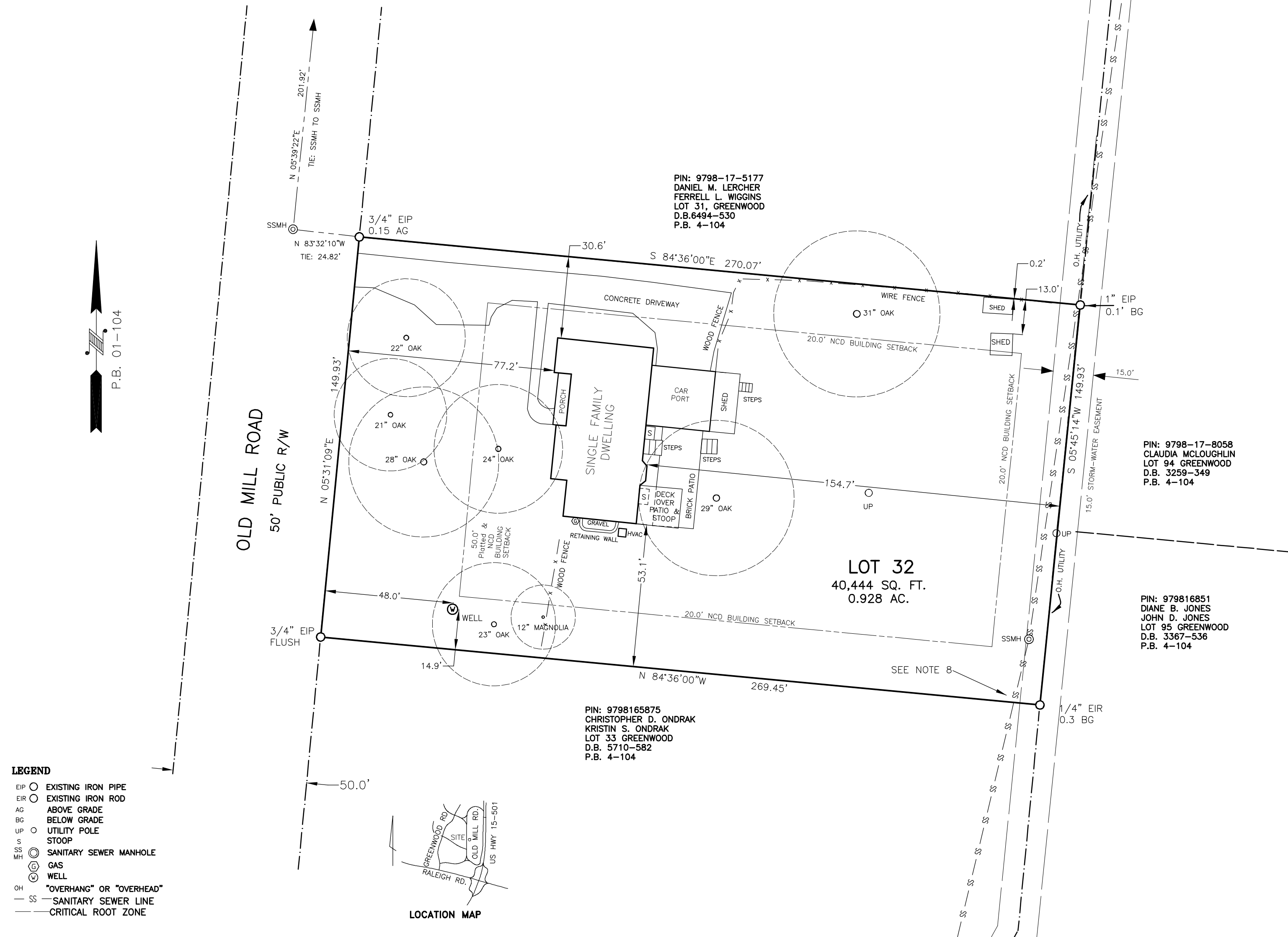
Sincerely,

Conrad Reyes

Notes

- 1) This survey was performed without the benefit of a title report. This survey is subject to any facts and easements which may be disclosed by a full and accurate title search.
- 2) This property is subject to all easements, buffers and restrictions shown hereon and all others of record not shown hereon.
- 3) This property may be subject to restrictive covenants in D.B. 128-234 & 129-598
- 4) This property is not in a Flood Hazard Area per FRIS panel 9798, map number 3710979800L, effective 10/19/2018
- 5) This property is located in Chapel Hill neighborhood conservation district CD-2. Minimum Setbacks:
50' Street
20' Interior
20' Solar
Maximum building height: 25' primary, 35' secondary
- 6) This property is located in Chapel Hill zoning district R-LD1 (Low Density Residential-1) Minimum Setbacks:
30' Street
16' Interior
19' Solar
Maximum building height: 29' primary, 35' secondary
- 7) No evidence of intermittent stream found in rear of property. Stream determination recommended
- 8) OWASA presumes a 30' easement centered on the sanitary sewer line. However no record of easement has been found

Impervious Surfaces	
SHEDS	340 S.F.
CONCRETE DRIVE & WALK	2,657 S.F.
CARPORT	532 S.F.
HOUSE & PORCH	2,187 S.F.
STEPS, GRAVEL, RETAINING WALL, BRICK PATIO, STOOPS	742 S.F.
HVAC	9 S.F.
TOTAL	6,467 S.F.



I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 5994, PAGE 316); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM SOURCES NOTED HEREON; THAT THE RATIO OF PRECISION IS A MAXIMUM OF 1:10,000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600). WITNESS MY SIGNATURE, LICENSE NUMBER, AND SEAL THIS 4TH DAY OF NOVEMBER, 2019.



WELL AS-BUILT
PROPERTY OF
CONRAD S. REYES
REBECCA G. REYES

811 OLD MILL ROAD
LOT 32, GREENWOOD DEVELOPMENT
PIN REFERENCE: 9798-17-5081
DEED REFERENCE: 5994-316
PLAT REFERENCE: 4-104

CHapel Hill Township
ORANGE COUNTY
NORTH CAROLINA

SCALE: 1" = 30'

Rev. November 4, 2019
Rev. OCTOBER 17, 2019
OCTOBER 3, 2019

FREEHOLD LAND SURVEYS, INC. c-165

mailing address: P.O. BOX 188, CARRBORO, NC 27510
office address: 1777 FORDHAM BLVD. SUITE 104
CHAPEL HILL, NC 27514
phone: 919-929-8090
website: www.freeholdlandsurveys.com

STEPHEN M. HALLSTROM PROFESSIONAL LAND SURVEYOR L-5083

J15060



Orange County Health Department

Environmental Health Division
P.O. Box 8181, 131 West Margaret Lane, Suite 100
Hillsborough, NC 27278
Phone 245-2360 Fax 644-3006

www.co.orange.nc.us

WELL PERMIT

Pin: 9798175081
Application Date: 04/27/2018

TMBL: 7
Permit number: W18-00118

APPLICANT: REYES CONRAD
ADDRESS: 811 OLD MILL RD
CHAPEL HILL NC
27514
PHONE: 919-490-8985 /
EMAIL: conradreyes@gmail.com

OWNER: REYES CONRAD
ADDRESS: 811 OLD MILL RD
CHAPEL HILL NC,
27514
PHONE: 919-490-8985 /
EMAIL: conradreyes@gmail.com

Property Desc: 32 GREENWOOD DEVELOPMENT P4/104 Lot Size: 0.93
Property Address: 811 OLD MILL RD CHPL
Well Type: IRRIGATION WW System: Sewer System
NEW WELL

Comments/Conditions:

- 1: Due to proximity to remediaded leaking fuel tank, strongly recommend sampling for VOCs (volatile organic compounds)
- 2: Setback to side property line reduced to 10', neighbor well and sewer connection is over 100' away
- 3: Irrigation Well

ISSUED: 05/22/2018

ENVIRONMENTAL HEALTH SPECIALIST
Kathryn Hobby

EXPIRES: 05/22/2023

PERMIT CONDITIONS:

- * REFER TO THE ATTACHED SITE PLAN SHOWING THE WELL AND FACILITY LOCATIONS AND OTHER SPECIFICATIONS
- * THIS PERMIT MAY BECOME INVALID AND MAY BE REVOKED IF:
 - * The information submitted on the application is incorrect, falsified or changes,
 - * The site is altered, or
 - * The well is not completed before the expiration date.
- * THE WELL SHALL BE CONSTRUCTED OR REPAIRED IN ACCORDANCE WITH:
 - Orange County Groundwater Protection Rules as adopted by the Orange County Board of Health.
 - NC Well Construction Standards, as applicable and
 - Orange County Environmental Health Division Policies
- * THE WELL SITING IS BASED ON SETBACK DISTANCES FROM KNOWN FEATURES AND DOES NOT INDICATE NOR GUARANTEE THAT ANY QUANTITY OR QUALITY OF WATER WILL BE PROVIDED BY A WELL CONSTRUCTED IN THAT AREA.
- * The well must be located in well-drained areas that are not subject to flooding. Some of the setback distances include:
 - 40 feet from any property line,
 - 50 feet from any building foundation; sewer line; swimming pool, pump room, or storage area; or storage building,
 - 100 feet from A septic system or repair area or other potential source of contamination.
- If it is not possible to achieve these distances, a reduced setback may be granted provided specific conditions are met.
- * Ground surface should be maintained to direct surface water away from the well.
- * Setbacks for Public Water Supplies may be increased.
- * All new or repaired wells must be thoroughly disinfected after construction. All traces of chlorine must be flushed out of the system at least 48 hours prior to sampling.
- * Water samples may be taken upon request by submitting a proper application and appropriate fees. The Orange County Health Department does not provide water sampling for use as a condition of purchase, loan approval, or a property transaction. These services are provided by the private sector.
- * Any changes to the proposed plans must be approved by the OCHD
- * Wells must be constructed, repaired, and abandoned by a person who holds a valid certification from the State and who is also registered in Orange County for well construction.
- * A list of registered well drillers is available upon request.
- * The well construction must be inspected by OCHD at certain stages during the installation.
- * The permittee is responsible for obtaining the appropriate permits for the wiring of pump installations from the Orange County Building Inspections Office.
- * It is the responsibility of the well contractor to call the OCHD to schedule the installation inspections.
- * After the installation is completed, some settling of the grout material may take place. If it has settled substantially, please call the well contractor to complete the grouting -otherwise, the void can be filled with cement grout when a slab is poured.

EH WP 4/30/02

Pick up _____

Mail _____ File _____

Reviewed



W18-00118 Irrigation Well Only
 PIN 9798175081
 811 Old Mill Road
 5-22-18

Setback to side property line reduced to 10', neighbor well and sewer connection is over 100' away

Due to proximity to remediating leaking fuel tank, strongly recommend sampling for both VOCs (volatile organic compounds) & SVOCs (semivolatile organic compounds)



1 inch = 60 feet

0 15 30 60 Feet

Orange County Environmental Health

This map contains parcels prepared for the inventory of real property within Orange County, and is compiled from recorded deeds, plats and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The county and its mapping companies assume no legal responsibility for the information on this map.

2/3
m



20150731000152480 DEED
Bk:RB5994 Pg:316
07/31/2015 01:58:26 PM 1/3

FILED Mark Chilton
Register of Deeds, Orange Co, NC
Recording Fee: \$26.00
NC Real Estate TX: \$1240.00
NA

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 1,240.00

Parcel Identifier No. 9798-17-5081 Verified by _____ County on the _____ day of _____, 20____

This instrument was prepared by: BAGWELL HOLT SMITH P.A.

Grantee's address (return to): 811 Old Mill Road, Chapel Hill, NC 27514

THIS DEED is made this 10th day of July, 2015, by and between

GRANTOR	GRANTEE
BREANA LAI , unmarried	REBECCA G. REYES and spouse, CONRAD S. REYES

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the Orange County, North Carolina and more particularly described as follows:

See Attached Exhibit A

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

Submitted electronically by "Bagwell Holt Smith-SV" in compliance with North Carolina statutes governing recordable documents of Deeds and the terms of the submitter agreement with the Orange County Register of Deeds.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims, excepting ad valorem taxes for the current year, restrictive covenants of record affecting the property, utility easements and rights of way of record, of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Breana Lai (SEAL)
BREANA LAI

Address: 253 Pine Haven Shores
Shelburne, VT 05482

_____ (SEAL)

Address: _____

(SEAL)

Address: _____


Pursuant to N.C.G.S. §105-317.2, the Seller/Grantor states as follows:

The property conveyed herein ____ includes ____ does not include (initial one) the primary residence of one or more of the Grantors. Each Grantor's address is provided above.

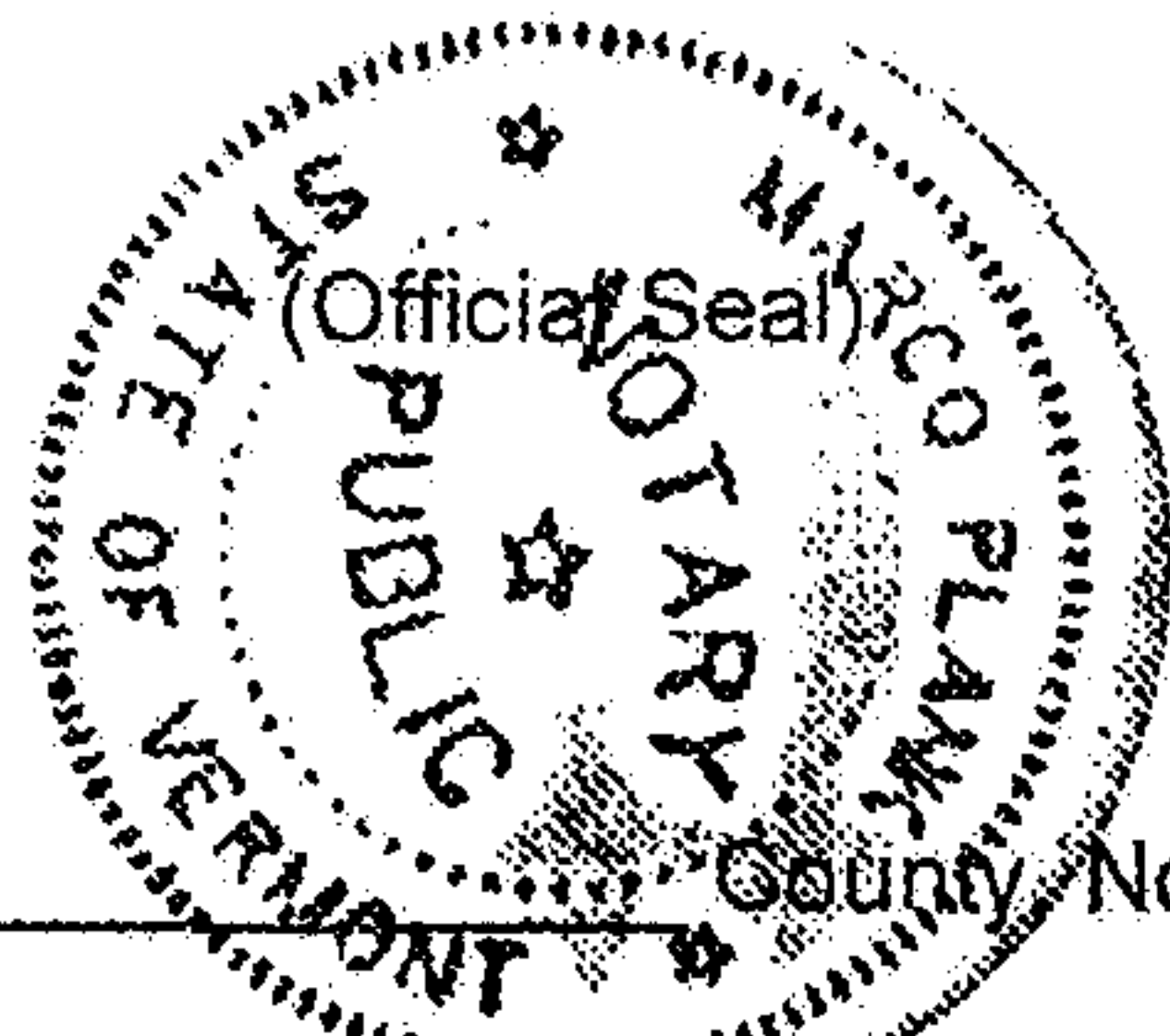
Chittenden County, ^{Vermont}~~North Carolina~~

I hereby certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: **BREANA LAI**

Date: 7-10-2015


_____, Notary Public
Printed Name of Notary Public

My commission expires: _____



MARGO PLANK
Notary Public, State of Vermont
My Commission Expires Feb. 10, 2010

I hereby certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Date: _____

_____, Notary Public
Printed Name of Notary Public

My commission expires: _____

(Official Seal)



EXHIBIT A

BEING all that certain lot or parcel of land situated, lying and being on the east side of Old Mill Road and known and designated as Lot No. 32 of GREENWOOD DEVELOPMENT, as surveyed and plotted by E.C. Leonard, Registered Surveyor, December 1948, plot of which is on file in the Office of the Register of Deeds of Orange County in Plat Book 4, at Page 104, and more particularly described as BEGINNING at a stake in the east property line of the said road, the southwest corner of Lot No. 31; running thence with the line of the said lot South 84 degrees 36' East 270 feet to a stake in the line of Lot No. 94; running thence with the lines of Lots No. 94 and 95 South 5 degrees 24' West 150 feet to a stake, the northeast corner of Lot No. 33; running thence with the line of the said lot North 84 degrees 36' West 270 feet to a stake in the east property line of Old Mill Road; running thence along the east property line of the said road North 5 degrees 24' East 150 feet to the BEGINNING.

There is reserved along the eastern boundary of the property herein conveyed a storm water easement as designed on the said plot, which easement covers a strip of land 7 ½ feet wide along the eastern boundary of the said lot.

This deed is also executed, delivered and accepted subject to the restrictive covenants and conditions as set out by written instrument executed by Paul Green and wife, on May 22, 1947, and recorded in the Office of the Register of Deeds of Orange County in Book 128, at Page 234, and as corrected by written instrument dated July 1, 1948, and recorded in Book 129, at Page 598.

PIN: 9798-17-5081



NORTH CAROLINA
ORANGE COUNTY

PAUL GREEN AND WIFE, ELIZABETH LAY GREEN ---- DECLARATION OF RESTRICTIVE AND PROTECTIVE
COVENANTS ---- GREENWOOD DEVELOPMENT

KNOW ALL MEN BY THESE PRESENTS that Paul Green and wife, Elizabeth Lay Green do hereby covenant and agree with all other persons, firms or corporations who may hereafter acquire title to any property in the area hereinafter described that all of the lots shown upon the map of the Greenwood Development which is recorded in the office of the Register of Deeds of Orange County in Plot Book 4, at page 43, and now owned by the parties hereto are hereby subject to the following restrictions as to the use thereof, running with the said properties by whomsoever owned, to-wit:

A. The minimum area of any lot or building site shall be 0.75 of an acre; provided, however where for topographical or other natural reasons it appears desirable to deviate slightly from this area, and such deviation may be made in accordance with the provisions of Paragraph "E" of this instrument.

B. The minimum frontage of any lot upon a street or public road shall be 150 feet, except in such cases where topograph or landscaping reasons make it desirable to deviate therefrom. (See sub-division plan, Greenwood, drawn by Edwin G. Thurlow, Landscape Architect, Raleigh, North Carolina, March 25, 1947, and surveyed and plotted by E. C. Leonard, Surveyor, Chapel Hill, North Carolina.)

C. No building shall be located on any lot or building site nearer the front of the lot than the building line as shown on said map, nor nearer than 25 feet to any side or rear lines, except in accordance with the provisions of Paragraph "G" of this instrument.

D. Prior to any construction on any lot or building site, plans for all proposed buildings shall be submitted to and approved by the owners herein named or their survivors or any trustee or person designated by them as to the exterior design, adaptability to site, and harmony with the general plan of development.

E. Only one residential structure shall be placed upon each lot as described in Paragraph "A", and no lot or property as sub-divided and sold in accordance with the plat of this development, as aforementioned, shall be further subdivided by future owners for the purpose of accommodating additional buildings. This clause shall not be interpreted as denying contiguous property owners the right to exchange or sell to each other small strips or areas of their land for the purpose of improving the shape or dimensions of their lots, provided the area restriction of Paragraph "A" is not violated. Buildings constructed in this area shall be limited to ownership and occupancy by members of the Caucasian race. No duplex houses, apartment buildings, commercial or industrial buildings shall be permitted. This shall not be interpreted to preclude the provision of servants' quarters or rooms incidental to residential or garage structures, nor does it preclude the inclusion of rooms or one small light-housekeeping apartment within the residential structure.

F. No trailer, tent, garage (except a mentioned in Paragraph "E" or other outbuilding erected within this area shall be used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence.

G. An easement is reserved over the rear 10 feet of each lot for utility installation and maintenance; also an easement is reserved over the side 10 feet of any such lots where right of way is needed for utility installations and maintenance necessary for the Development.

H. Until such time as municipal sewer is available, sewage disposal shall be by septic tank which shall meet the approval and requirements of the North Carolina Board of Health, and as soon as municipal sewer is available no more septic tanks shall be installed, and connection with the municipal sewer shall be made as soon as practicable.

I. Livestock and fowls may be kept by the owners or occupants in the Development subject to the following regulations:

(a) Domestic fowles (not to exceed 50 adults and 50 growing stock) may be kept in securely and sanitarly penned or housed on the premises of the owner not less than 75 feet from the dwelling of the owner and not less than 100 feet from any other dwelling.

(b) One horse may be kept on any lot in the Development if securely and sanitarly corralled or stabled not less than 100 feet from the dwelling of the owner and not less than 150 feet from any other dwelling.

(c) Any other livestock may be kept in compliance with ordinances adopted by the governing body of the Town of Chapel Hill.

(d) Required quarters for permitted livestock or fowls described above, shall be placed behind the dwelling and as near the rear of the lot as the topography of the lot renders practical.

J. Each property owner shall construct, maintain and operate an adequate incinerator for the burning of any garbage, trash or rubbish and no burning shall be permitted on the lot except in such incinerator.

K. No building or structures of any kind shall be located within 50 feet of the property line adjoining the Raleigh Road (present North Carolina Highway 54). There shall be no driveways or entrances built on any of these lots leading to or from the said highway, it being the purpose of the owners that this 50 foot strip area shall be kept inviolate for natural growth or screen planting by the owners of each of any of the said lots for the beautification and general protection of the Development.

L. No dwelling shall be erected or allowed to remain on any of said lots that costs less than \$8,000.00; however, in view of the present inflated cost of construction (1947) the owners

reserve the right to require a house costing more ^{than} this minimum if such is deemed necessary to make the said house comply with and conform to the general scheme and harmony of the Development, as per the requirements in Paragraph "D" hereof.

M. These restrictions or any changes herein, made as herein provided, are to run with the land and shall be binding on all parties or persons claiming under them until January 1, 1975, at which time the said covenants and restrictions shall terminate. However, the restrictions herein contained may be extended in whole or in part for any definite additional period of time by a written declaration of the owners of two thirds of the lots within the area restricted hereby, and provided such declaration is recorded in the Office of the Register of Deeds for Orange County, North Carolina, within six months prior to January 1, 1975. Any of the restrictions herein contained may at any time be changed by mutual consent in writing of:

(a) The owners of all the lots adjoining the lot upon which the restrictions are to be changed; and

(b) The owners of two thirds of all of the lots within the area covered by these restrictions; and

(c) The parties herein named, their survivors or any Trustee named by them or his successor; and

(d) The Federal Housing Administration, if at the time there is an outstanding mortgage insured by the Federal Housing Administration on any property within the restricted area. Provided, further, that if the State Office of the Federal Housing Administration, having jurisdiction, fails to approve or disapprove the proposed change in restrictions within thirty days after the request for such removal, by United State Registered Mail, such approval shall not be required.

N. Any person, firm, or corporation owning or having a legal or equitable interest in any property situated within this restricted area shall be entitled to prosecute any proceeding in law or equity against any person or persons violating or attempting to violate any restriction contained herein, and either prevent him or them from so doing or to recover damages or other dues for such violation.

O. All deeds to lots or properties covered by these restrictions shall refer to this instrument by Book and Page number as recorded in the Office of the Register of Deeds for Orange County, North Carolina, and all persons, firms or corporations accepting deeds to properties located within this restricted area shall take such properties subject to these restrictions.

P. Invalidation of any of these restrictions by court order of judgment shall in no wise affect any of the other provisions which shall remain in full force and effect.

Q. Nothing herein contained shall be construed as imposing any covenants and restrictions on any property of the owner of this sub-division other than those properties to which these restrictive covenants specifically apply.

IN WITNESS WHEREOF, Paul Green and wife, Elizabeth Lay Green, have hereunto set their hands and seals, this the 22nd day of May, 1947.

Paul Green (SEAL)

Elizabeth Lay Green (SEAL)

NORTH CAROLINA
ORANGE COUNTY

This day personally appeared before me Paul Green and wife, Elizabeth Lay Green and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal this 16 day of October, 1947.

Maria C. Brandon (N. P. Seal) Notary Public
My Commission expires: June 4, 1949.

NORTH CAROLINA, ORANGE COUNTY.

The foregoing certificate of Maria C. Brandon, a Notary Public of Orange County, N. C., attested by her notarial seal is adjudged to be correct. Let the foregoing instrument with all certificates be registered.

Witness my hand this 17 day of November, 1947.

E. M. Lynch, Clerk Superior Court

NORTH CAROLINA
ORANGE COUNTY

Filed for registration November 17, 1947 at 11 o'clock A. M. and registered in book 128, page 234.

J. E. Laws, Register of Deeds

Fee \$ 1.50

NORTH CAROLINA

ORANGE COUNTY

KNOW ALL MEN BY THESE PRESENTS that Paul Green and wife, Elizabeth Lay Green under date of May 27, 1947 executed and had recorded a Declaration of Restrictive and Protective Covenants applicable to Greenwood Development in which reference was made to a plot recorded in the office of the Register of Deeds of Orange County in Plot Book 5, at Page 43, and which Declaration is recorded in the office of the Register of Deeds of Orange County in Book 128, at Page 234 and it now appears that the plot of the said property to which reference in the said Declaration is made is recorded in the office of the Register of Deeds of Orange County in Plot Book 4, at Page 43 and that there is no plot recorded that covers the Greenwood Development in Plot Book 5, at Page 43 and therefore, the said Paul Green and wife, Elizabeth Lay Green do hereby covenant and agree with all other persons, firms or corporations who have since the recording of the said Declaration and who may hereafter acquire title to any property in the area described in the said Declaration and shown upon the map of Greenwood Development which is recorded in the Office of the Register of Deeds of Orange County in Book 4, at Page 43 that such property shall be subject to the restrictive and protective covenants as set out in the Declaration as recorded in deed Book 128, at Page 234.

IN WITNESS WHEREOF, Paul Green and wife, Elizabeth Lay Green have hereunto set their hands and seals, this the 1st day of July, 1948.

- Paul Green (SEAL)

- Elizabeth Lay Green (SEAL)

NORTH CAROLINA

ORANGE COUNTY

This day personally appeared before me Paul Green and wife, Elizabeth Lay Green and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal this 8 day of July, 1948.

Maria C. Brandon (N.P. SEAL)

My commission expires: June 4, 1949

Notary Public

NORTH CAROLINA

ORANGE COUNTY

The foregoing certificate of Maria C. Brandon, a Notary Public of Orange attested by her notarial seal is adjudged to be correct. Let the foregoing instrument with all certificates be registered.

Witness my hand this 9 day of July, 1948.

Lucius M. Cheshire, Deputy
Clerk Superior Court

NORTH CAROLINA

ORANGE COUNTY

Filed for registration July 9, 1948, at 9 o'clock A. M. and registered in book 129 page 598.

J. E. Laws

Register of Deeds

Fee \$.75



**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

February 26, 2018

Ms. McKenzie Olmsted
Loyd Builders, LLC
2501 Reliance Avenue
Apex, NC 27539
mckenzie@loydbuilders.com

RE: Stream Determination for 807 Old Mill Road, Chapel Hill, NC (PIN 9798-17-5393)

Dear Ms. Olmsted:

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 black ink that reads "Allison Schwarz Weakley". The signature is written in a cursive, flowing style.

Allison Schwarz Weakley
Stormwater Analyst



**PUBLIC WORKS DEPARTMENT
STORMWATER MANAGEMENT DIVISION**

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STREAM DETERMINATION SITE VISIT RESULTS

Property Information	
Parcel ID Number (PIN)	Address / Location Description
9798-17-5393	807 Old Mill Road

These are the results of a site visit to the properties listed above for a stream determination conducted on 2/21/2018 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 likely.

Allison Weasley

Town Staff Signature

2/26/2018

Date

Stream Determination Area Map

- Ephemeral Stream
- - - Intermittent Stream
- ▤ Culverts
- 2-foot Contours
- 10-foot Contours
- Buildings
- Parcels

Subject Property

Address: 807 Old Mill Road, Chapel Hill, NC

Parcel ID: 9798-17-5393

0 55 110 220 Feet




1 inch = 117 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: 807 Old Mill Road, Chapel Hill, NC

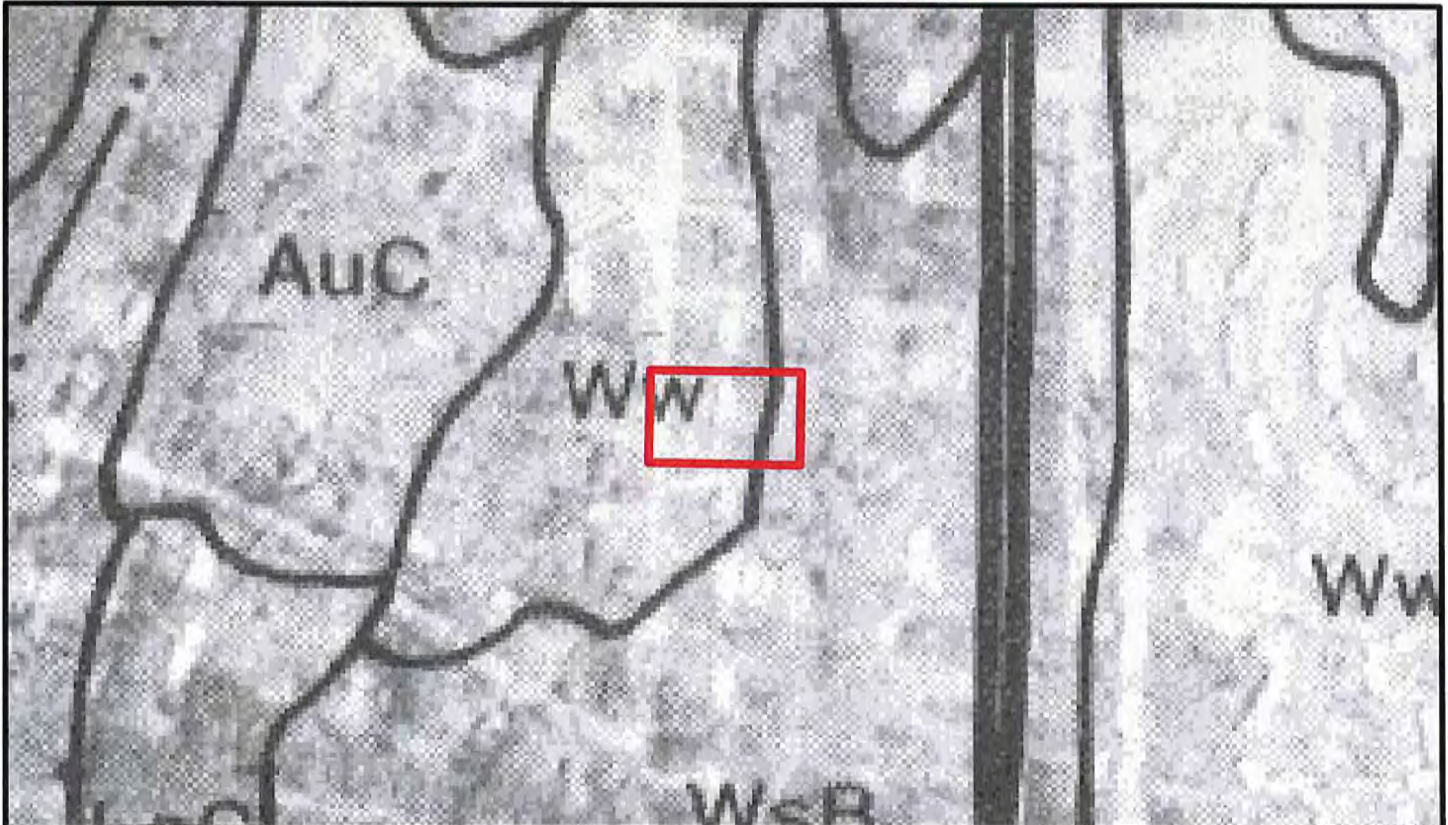
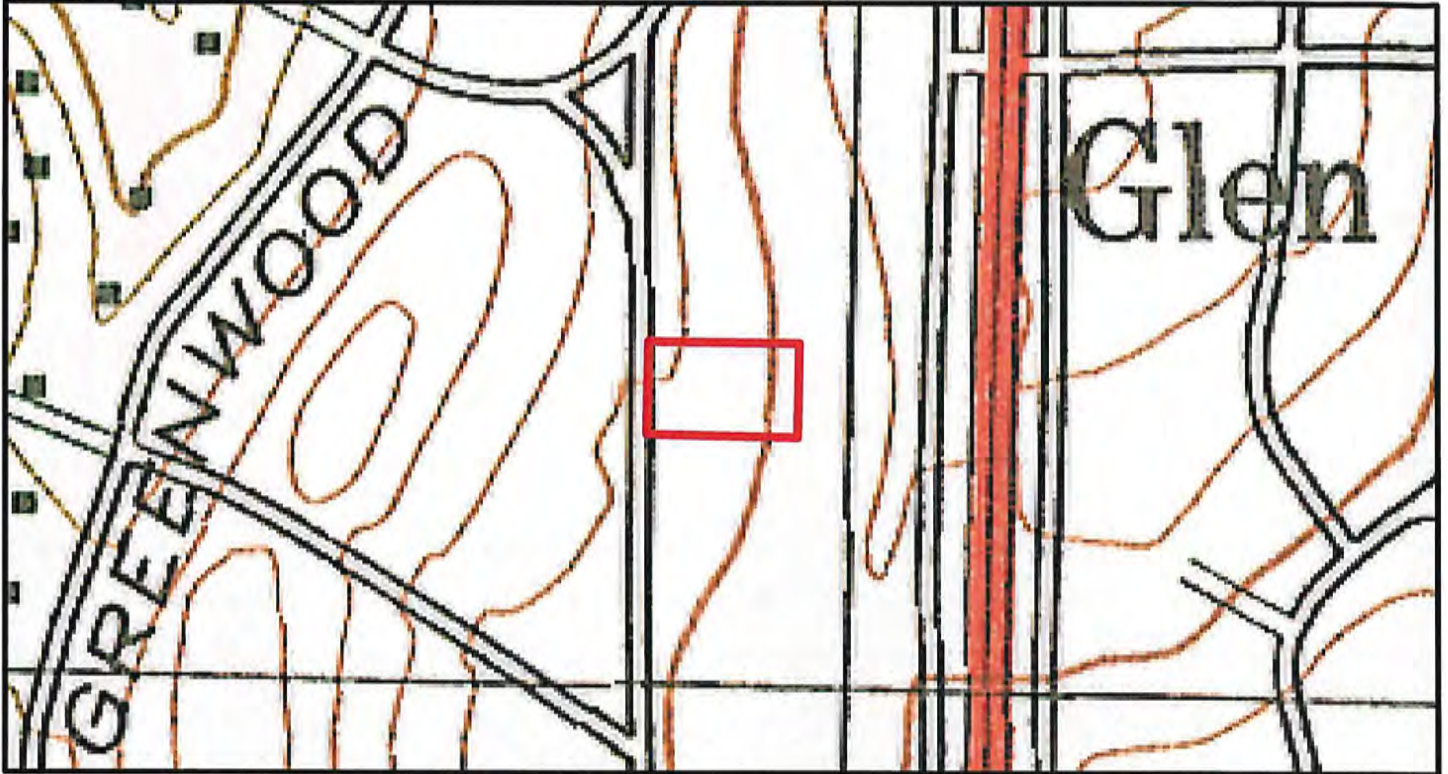
0 100 200 300 400 Feet

Parcel ID: 9798-17-5393



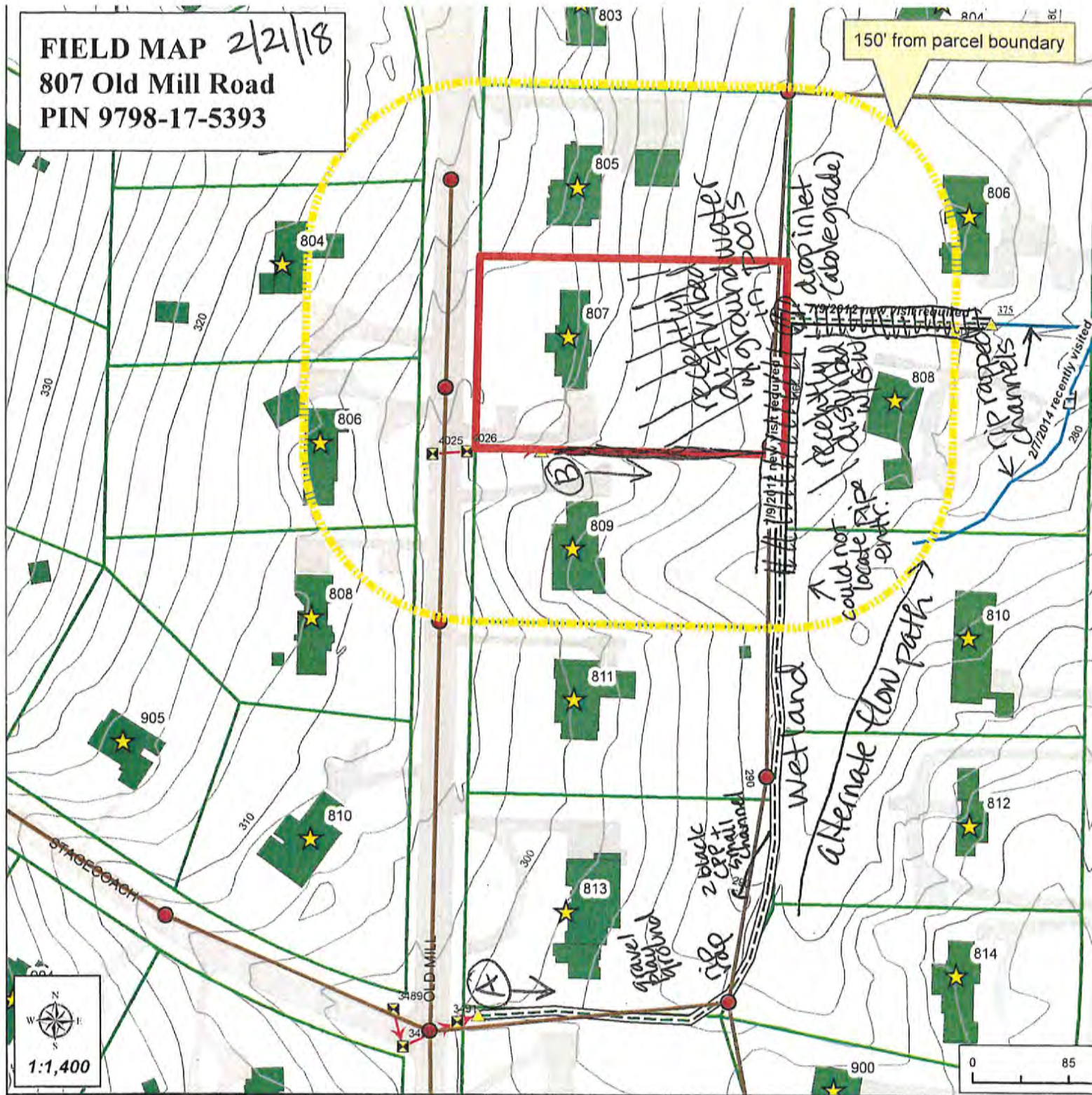
1 inch = 342 feet

Created by Town of Chapel Hill Public Works Department - Stormwater Management Division- 2/26/2018



FIELD MAP 2/21/18
807 Old Mill Road
PIN 9798-17-5393

150' from parcel boundary



201802211508

NC DWQ Stream Identification Form Version 4.11

Feature (A)

Date: 2/21/18	Project/Site: 609 Old Mill	Latitude: 35.912
Evaluator: Weakley & Salat	County: Orange	Longitude: -79.029
Total Points: Stream is at least intermittent if ≥ 19 or perennial if ≥ 30 * 26.75	Stream Determination (circle one) Ephemeral (intermittent) Perennial	Other e.g. Quad Name:

A. Geomorphology (Subtotal = 12)

	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, step-pool, ripple-pool sequence	0	(1)	2	3
4. Particle size of stream substrate road gravel + clay, silt	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	

^a artificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 8.5)

12. Presence of Baseflow water through out till pipe	0	1	(2)	3
13. Iron oxidizing bacteria strong in upper reach	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 = 6.25)

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 @ pipe outfall on east side of Old Mill Rd. Channel strong in upper reach, but splays out significantly in OWASA easement. See field map. OWASA easement affects hydrology throughout.

201802211533

NC DWQ Stream Identification Form Version 4.11

Feature (B)

Date: 2/21/18	Project/Site: 807 Old Mill Rd	Latitude: 35.913
Evaluator: Weakley & Salat	County: Orange	Longitude: -79.028
Total Points: Stream is at least intermittent if ≥ 19 or perennial if $\geq 30^*$ 23	Stream Determination (circle one) Ephemeral <u>Intermittent</u> Perennial	Other e.g. Quad Name:

A. Geomorphology (Subtotal = 9.5)

	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, step-pool, ripple-pool sequence	0	1	2	3
4. Particle size of stream substrate gravel, silt sand	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	

^a artificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 8)

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? gleyed	No = 0		Yes = 3	

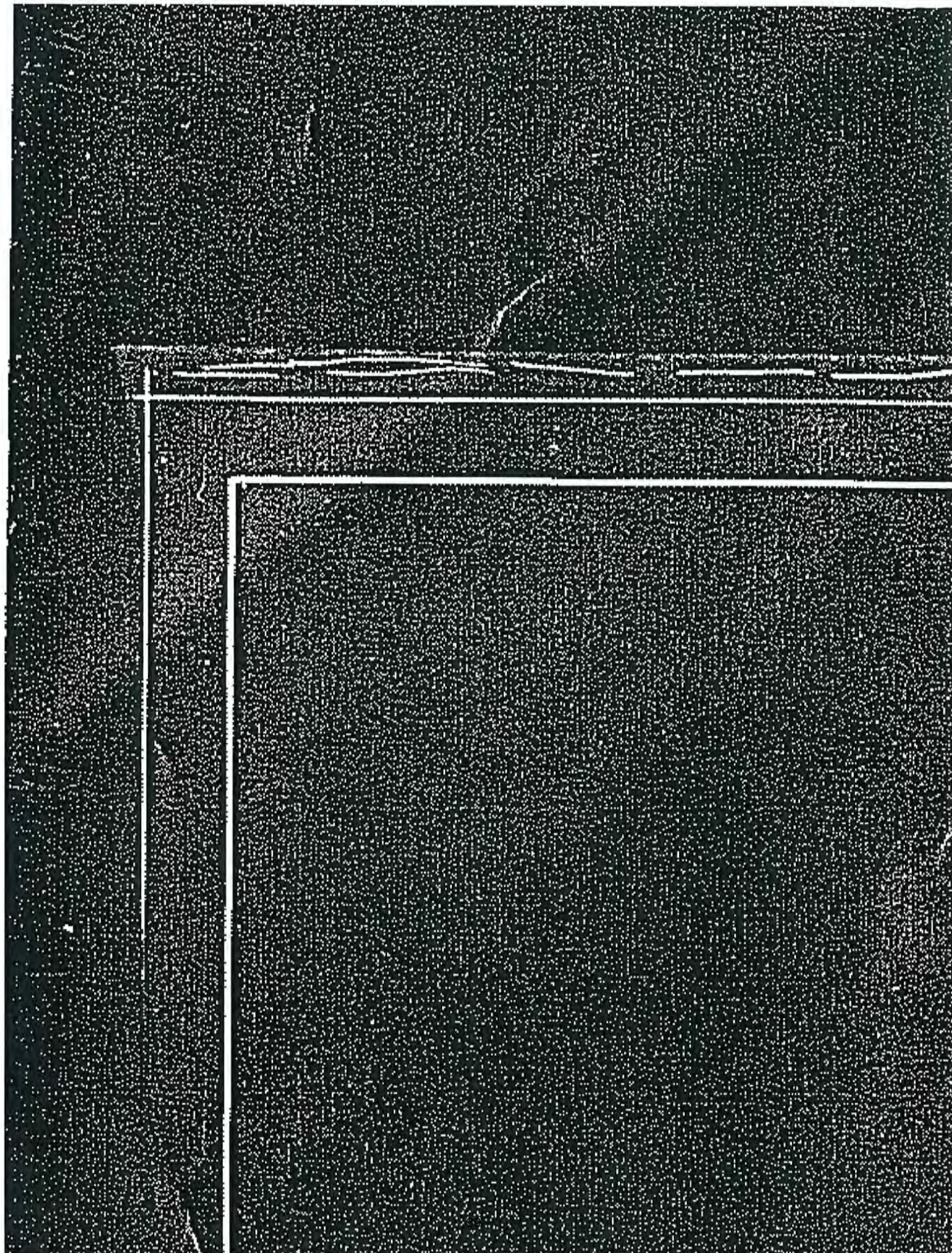
C. Biology (Subtotal = 5.5)

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 none	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 @ pipe outfall & flows east along property lines of 803 & 807 Old Mill Rd. Channel ends at OWASA easement where flow is blocked. Groundwater present w/in easement during site visit in many locations. OWASA easement recently disturbed to repair sewer lateral @ 808 Christopher Rd.





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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: Loyd Builders, LLC
Mailing Address: 2501 Reliance Ave.
City, State, ZIP: Apex, NC 27539
Phone / FAX / Email: 919/387-1455 mckenzie@loydbuilders.com
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:

[Signature] 1-24-2018
(Signature) (Date)

Owner Name(s): Charles M. and Julie A. Hammer
(Please print)

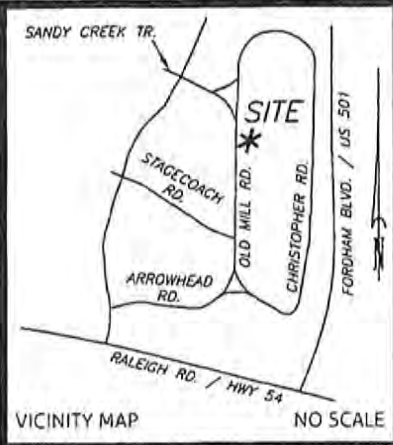
Company Name (if applicable): _____

Property Information

Fill in both columns, or fill in Parcel ID Number (PIN) and attach a site map indicating location.

Parcel ID Number (PIN)	Address / Location Description
9798175393	807 Old Mill Road - Chapel Hill

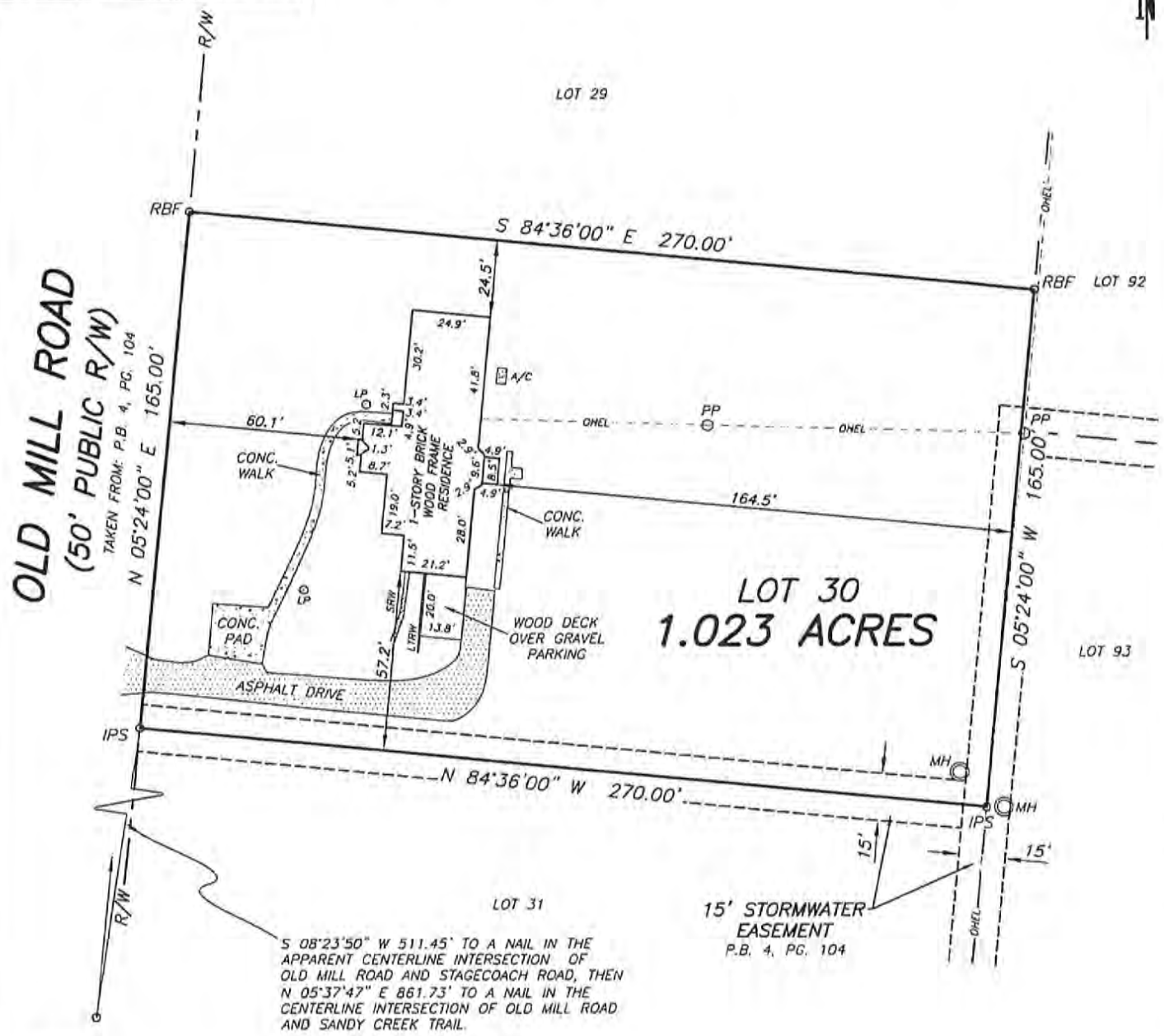
Where the **total area** of the property(ies) to visit is **over 3 acres**, please attach an as-built drawing or a topographic map with current landmarks.



I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION USING THE REFERENCES SHOWN HEREON; THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM SAID REFERENCES; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1:10,000+; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).
 THIS 14th DAY OF NOVEMBER, 2017.
Marshall Wight
 PROFESSIONAL LAND SURVEYOR L-5034



FROM: P.B. 4, PG. 104



- LEGEND**
- (IPF) IRON PIPE FOUND
 - (IPS) IRON PIPE SET
 - (RBF) REBAR FOUND
 - (R/W) RIGHT OF WAY
 - (A/C) AIR CONDITIONING
 - (MH) MANHOLE
 - (LP) LAMP POST
 - (PP) POWER POLE



Investors Title Insurance Company

A Stock Company

P.O. Drawer 2687

Chapel Hill, North Carolina 27515-2687

Telephone: (919) 968-2200 - WATS: (800) 326-4842

FAX: (919) 942-4686

SURVEYOR'S REPORT FORM

To: INVESTORS TITLE INSURANCE COMPANY

THIS IS TO CERTIFY, that on NOVEMBER 3, 2017 I made an accurate survey of the premises standing in the name of MAC AND JULIE HAMMER situated at CHAPEL HILL ORANGE NORTH CAROLINA briefly described as 807 OLD MILL ROAD and shown on the accompanying survey entitled: LOT 30 GREENWOOD

I made a careful inspection of said premises and of the buildings located thereon at the time of making such survey, and again on _____, and at the time of such latter inspection I found _____ to be in possession of said premises as _____

(TENANT OR OWNER)

I further certify as to the existence or non-existence of the following at the time of my last inspection:

1. Rights of way, old highways, or abandoned roads, lanes or driveways, drains, sewer, water, gas or oil pipe lines across said premises: STORMWATER EASEMENT, AS SHOWN ON SURVEY
2. Springs, streams, rivers, ponds, or lakes located, bordering on or running through said premises. NONE OBSERVED
3. Cemeteries or family burying grounds located on said premises. (Show location on plat): NONE OBSERVED
4. Telephone, telegraph or electric power poles, wires or lines overhanging or crossing or located on said premises and serving said premises or other property or properties: OVERHEAD ELECTRICAL LINES, AS SHOWN ON SURVEY
5. Joint driveways or walkways; party walls or rights of support; porches, steps or roofs used in common or joint garages: NONE OBSERVED
6. Encroachments, or overhanging projections. (If the buildings, projections or cornices thereof, or signs affixed thereto, fences or other indications of occupancy encroach upon or overhang adjoining properties, or the like encroach upon or overhang surveyed premises, specify all such) NONE OBSERVED
7. Building or possession lines. (In case of city or town property specify definitely as to whether or not walls are independent walls or party walls and as to all easements of support or "beam rights." In case of country property report specifically how boundary lines are evidenced, that is, whether by fences or otherwise). IRON PIPE AT CORNERS, REBAR AT CORNERS
8. Is property improved? YES
9. Indications of building construction, alterations or repairs within recent months:
 - (a) If new improvements under construction, how far have they progressed? COMPLETE
10. Changes in street lines either completed or ⁴²officially proposed:



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Stream Determination Request
AUTHORIZED AGENT FOR LEGAL REPRESENTATION FORM

PROPERTY LEGAL DESCRIPTION:

PARCEL ID (PIN) 9798175393

STREET ADDRESS: 807 Old Mill Road

Please print:
Property Owner: Charles M. Hammer

Property Owner: Julie A. Hammer

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

McKenzie Olmsted, of Loyd Builders, LLC
(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):

14003 Reynolds Court - Chapel Hill, NC 27517

Owner Telephone: 919/448-4439 Email: machammer9@yahoo.com

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

Mae Hammer
Owner Authorized Signature

1-24-18
Date

Owner Authorized Signature

Date

[Signature]
Contractor/Agent Authorized Signature

1-24-2018
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.