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ATTACHMENT 1

AGENDA #3(a)3

**Petition to The Chapel Hill Town Council
made by**

**Matthew Robbins and Kendra Millis
736 Williams Circle
Chapel Hill, NC 27516
919-967-1309**

to be presented to the Council Meeting on October 8, 2003

Petition for Consideration of an Ordinance Amending the Land Use Management Ordinance to Allow Development of Existing Lots within the Urban Services Boundary where Connection to Public Water and Sewer Service is not Readily Available

Presented to the The Chapel Hill Town Council, October 8, 2003

Facts and Background

On October 30, 2002, the petitioners entered into a Contract to Purchase a lot off Arboretum Drive (TMBL 7.131..5) which is a 1.185 acre lot created around 1965. (Exhibit A)

After meeting Phil Mason of the Chapel Hill Planning Board, the petitioners submitted a Wastewater System Construction Authorization Application to the Orange County Health Department. This Authorization was granted on January 31, 2003 for a 4 bedroom Septic System. (Attachment B)

Shortly thereafter, the petitioners submitted an application to the Town of Chapel Hill for a Building Permit for the construction of a single family home on the lot. As part of the approval process, Matthew Robbins met with J.B. Culpepper of the Chapel Hill Planning Department to review the plans, etc. At this meeting it was “discovered” that the lot in question lies just within the Urban Services Boundary (Attachment C) and per the Land Use Ordinance enacted on January 27, 2003, would require connection to city services for a building permit to be issued. Roger Waldon, head of the Chapel Hill Planning Board, confirmed this via phone.

Shortly thereafter, the city services provider, OWASA, was contacted and Ted Blake, an engineering assistant at OWASA, confirmed by letter that city water and sewer were not available to the lot. (Attachment D) Mr. Blake, per a phone conversation with Matthew Robbins, further confirmed that OWASA had no plans to “run” water and sewer to the area where the lot is located and this area also does not fall within the 45 year plan for extension of services.

Basis for the Petition

The petitioners understand the intent of the Town Council for including the Urban Service Boundary requirements into the current Land Use Ordinance, namely to require connection to city services for new development thus limiting septic systems within the city limits. However, they believe the Council did not intend to prevent development of existing lots that are outside the current scope of city services, though fall with the Urban Services Boundary.

Deeming this lot unbuildable, as it is under the current Land Use Ordinance, is an unfair consequence of the Council’s action. Consideration should be given to the fact that the current tax value of this lot is \$34, 773 and taxes have been paid for nearly 40 years.

②

Requested Action

The petitioners request the Town Council take the following action, to the extent it is empowered, and through the offices of the appropriate authorities:

Amend the Land Use Management Ordinance to Allow an Exception (for the lot identified as TMBL 7.131..5) to the Provision Regarding Connection to City Services within the Urban Services Boundary as a Requirement for Issuance of a Building Permit for said lot

and/or

Amend the Land Use Management Ordinance to Allow Development of Existing Lots within the Urban Services Boundary where Connection to Public Water and Sewer Service is not Readily Available

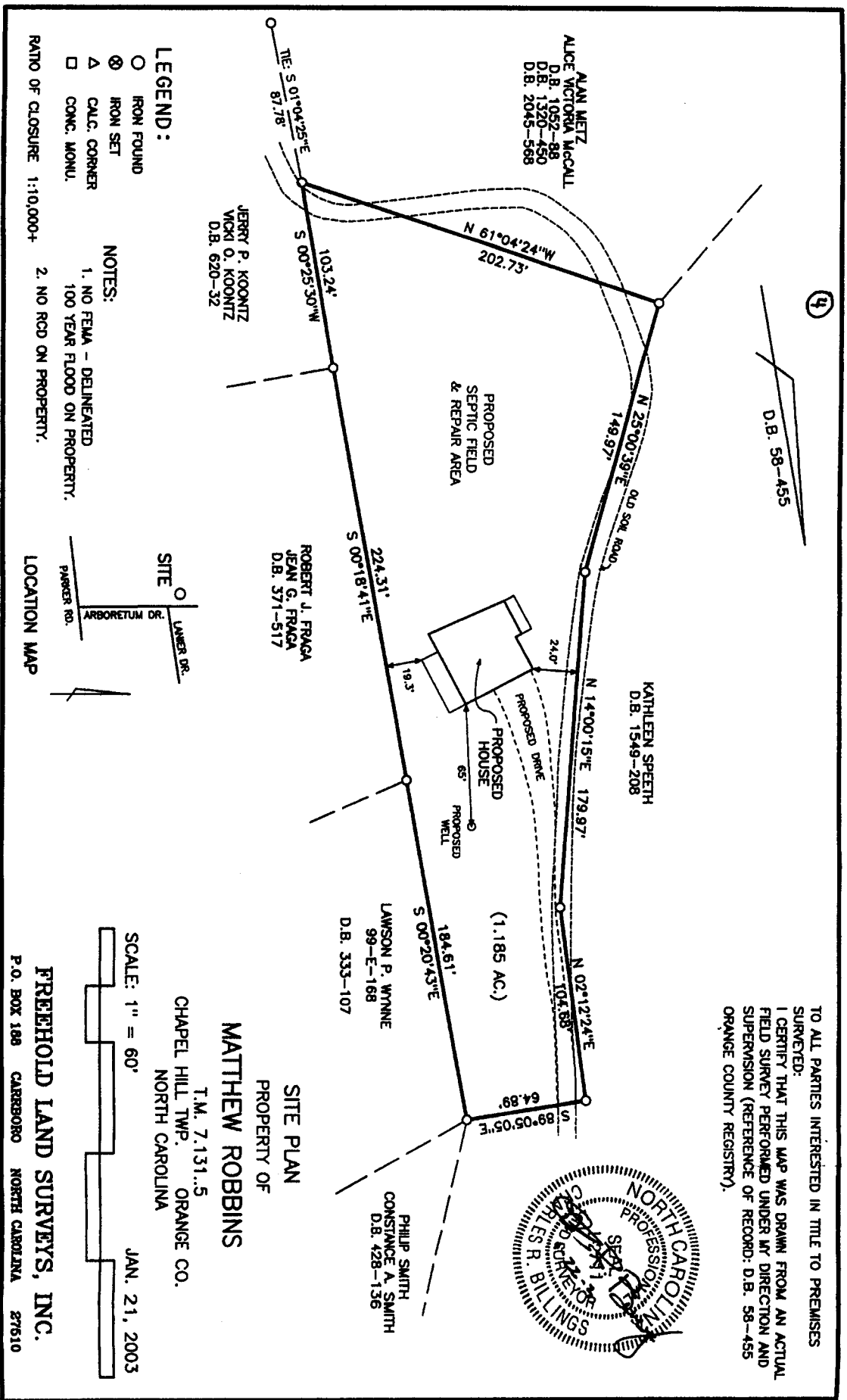
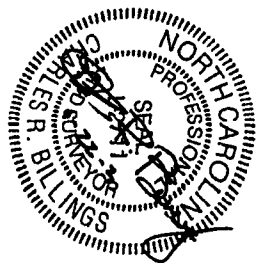
We respectfully implore the council's intervention in this matter.

Chapel Hill, September 26, 2003

The Petitioners:
Matthew Robbins and Kendra Millis
736 Williams Circle
Chapel Hill, NC 27516
967-1309

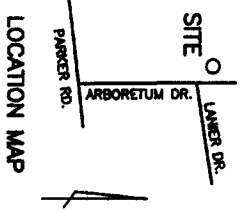
ATTACHMENT A

TO ALL PARTIES INTERESTED IN TITLE TO PREMISES SURVEYED:
 I CERTIFY THAT THIS MAP WAS DRAWN FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY DIRECTION AND SUPERVISION (REFERENCE OF RECORD: D.B. 58-455 ORANGE COUNTY REGISTRY).



- LEGEND:**
- IRON FOUND
 - ⊗ IRON SET
 - △ CALC. CORNER
 - CONC. MONU.

- NOTES:**
1. NO FEMA - DELINEATED
 - 100 YEAR FLOOD ON PROPERTY.
 2. NO RCD ON PROPERTY.



SITE PLAN
 PROPERTY OF
MATTHEW ROBBINS
 T.M. 7.131.5
 CHAPEL HILL TWP. ORANGE CO.
 NORTH CAROLINA

SCALE: 1" = 60'

JAN. 21, 2003

FREEHOLD LAND SURVEYS, INC.
 P.O. BOX 188 CARBORO NORTH CAROLINA 27510

Orange County Health Department

ATTACHMENT B

Environmental Health Division
P.O. Box 8181, 306-C Revere Road
Hillsborough, NC 27278
Phone 245-2360 Fax 644-3006
www.co.orange.nc.us



WASTEWATER SYSTEM CONSTRUCTION AUTHORIZATION

Parcel Pin: 9787751510
Application Date: 01/10/2003

TMBL: 7.131..5
Permit #: CA03-00015

Applicant: ROBBINS MATTHEW
Address: 736 WILLIAMS CIRCLE
CHAPEL HILL NC
27516
Phone: 260-0114 /

Owner: BERKSTRESSER BARBARA R ETAL
Address: 616 PINETREE DR
VIRGINIA BEACH VA
23452
Phone: /

Property Desc.: FARRINGTON RD
Prop Address:
Permit Type: RESIDENTIAL NEW SYSTEM
Facility Type: RES SFD

Lot Size: 1.1

IP Number: ip02-00352
Water Supply: Private Well
Expires: 01/30/2008

SYSTEM SPECIFICATIONS

Wasteflow: 480 GPD
No. of Bedrooms: 4
Septic Tank: 1200 GAL
Pump Tank: 1200 GAL
Other: Repair-exempt under .1945(c)
Primary System Type: Pump-Other Trench
Nitrification: 440 Ft. X 3Ft. Wide
Maximum Trench Depth: 20 In.
Horiz. Trench Separation: 9 Ft.
System Class: IIIbg

Repair System Type:
System Class:

COMMENTS:

- 1: PRECONSTRUCTION CONFERENCE REQUIRED
2: PRESSURE MANIFOLD REQUIRED-see attached design
3: NOT DESIGNED FOR GARBAGE DISPOSAL
4: Install 70 chambers per layout flagged on site by OCEH.

PERMIT CONDITIONS

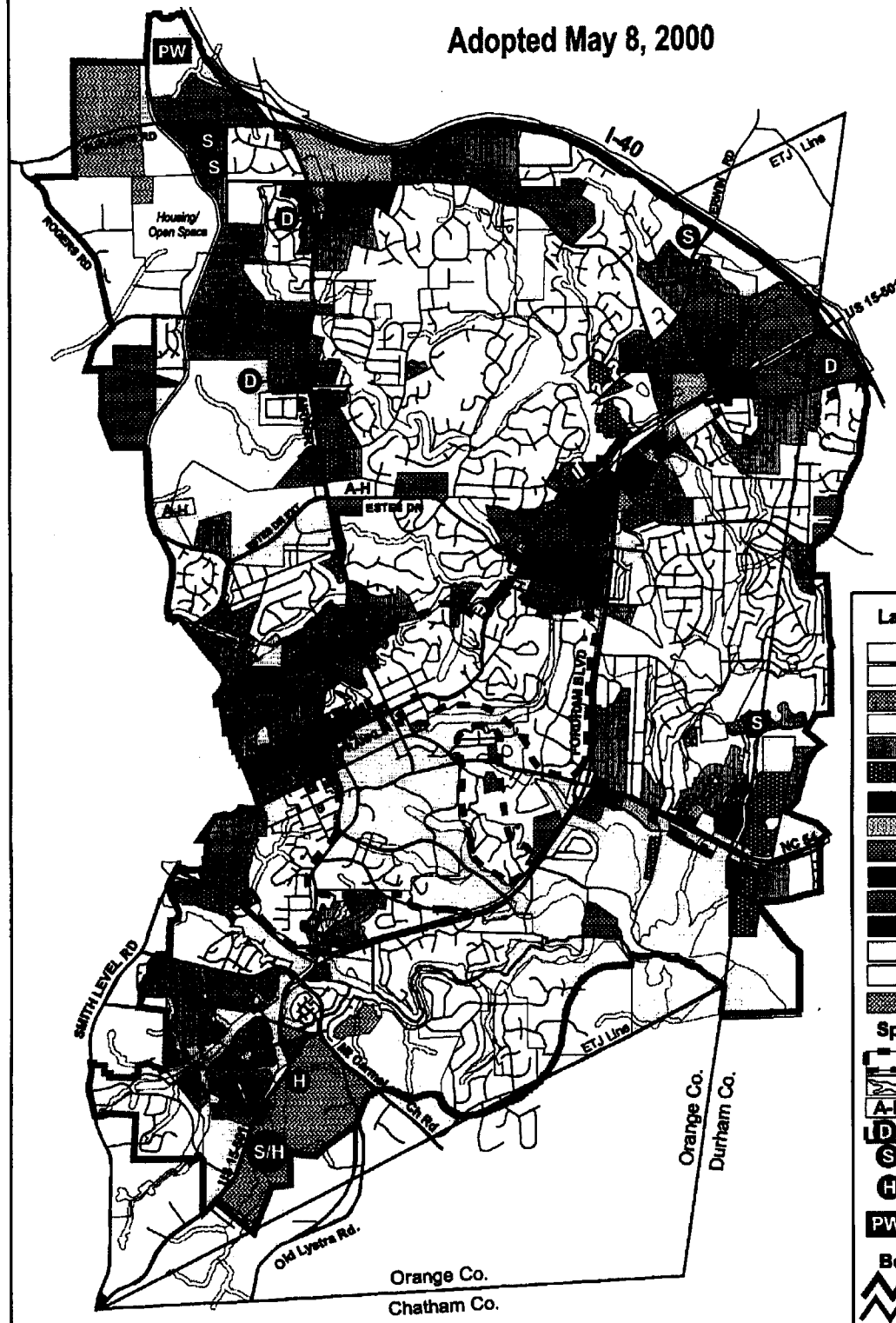
- * REFER TO THE ATTACHED SITE PLAN SHOWING THE SYSTEM AND FACILITY LOCATIONS AND OTHER SYSTEM SPECIFICATIONS
* THIS AUTHORIZATION SHALL BECOME INVALID AND MAY BE REVOKED IF:
- THE INFORMATION SUBMITTED ON THE APPLICATION IS INCORRECT, FALSIFIED, OR CHANGES.
- THE SITE IS ALTERED, OR
- THE SYSTEM INSTALLATION IS NOT COMPLETED BEFORE THE EXPIRATION DATE.
* THE SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH:
- ORANGE COUNTY RULES FOR WASTEWATER TREATMENT AND DISPOSAL SYSTEMS AS ADOPTED BY THE ORANGE COUNTY BOARD OF HEALTH
- ORANGE COUNTY WASTEWATER SYSTEM SPECIFICATIONS, AND
- ORANGE COUNTY ENVIRONMENTAL HEALTH DIVISION POLICIES.
* SYSTEMS WITH A CLASSIFICATION OF III OR HIGHER WILL REQUIRE PERIODIC INSPECTIONS BY THE O.C. HEALTH DEPARTMENT

ISSUED: 01/31/2003

Handwritten signature of Environmental Health Specialist

EXPIRES: 01/30/2008

Adopted May 8, 2000



Legend

Land Use Categories

- Rural Residential, 1 unit /5 ac.
- Rural Residential, 1 unit /2 to 5 ac.
- Low Residential, 1 unit /ac.
- Low Residential, 1-4 units /ac.
- Medium Residential, 4-8 units /ac.
- High Residential, 8-15 units /ac.

- Commercial
- Mixed Use, Office/Com. Emphasis
- Mixed Use, Office Emphasis
- Town/Village Center
- Institutional
- Office

- University
- Parks/Open Space
- Landfill Activities

Special Areas

- Residential Conservation Area
- Floodplain with RCD
- A-H: Airport Hazard
- Development Opportunity Area
- Potential School Site
- Potential Affordable Housing Site
- Potential Public Works Facility Site

Boundaries

- Urban Service Boundary
- City Limits, 1999



0.5 0 0.5 1 Miles

The Land Use Plan

Comprehensive Plan

Chapel Hill, North Carolina

Revised Nov. 13, 2000



⑪
ORANGE WATER & SEWER AUTHORITY

Quality Service Since 1977

ATTACHMENT D

February 11, 2003

Mr. Matthew Robbins
Chapel Hill Realty Group, Inc.
214 West Rosemary Street
Chapel Hill, NC 27514

Re: TMBL 7.131..5

Dear Mr. Robbins

In reference to the parcel off Arboretum Drive identified as TMBL 7.131..5, water and sewer are not currently available.

If you have any questions or concerns regarding the availability of water and sewer service for this property, please contact this office. **This letter is to advise of the availability of water and sewer and in no way indicates approval of any project.**

Sincerely,

Ted Blake
Engineering Assistant

c: Todd Spencer – OWASA
Gene Poveromo – Chapel Hill Planning Dept.