

# Briarcliff Flooding Issues

created on January 18, 2019 by Ken Larsen in support of a petition initiated by Ann Loftin

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## 1.0 Problem statement

Sections of the Briarcliff neighborhood in Chapel Hill are beset with increasingly frequent and widespread flooding. We attribute this to unbridled development that the Town approves.

[\[pictures\]](#)

[\[video of flooding on Grove Street – June 30, 2013\]](#)

## 2.0 Petition

On January 18, 2019 Ann Loftin submitted a petition to the Chapel Hill Town Council asking for help to address flooding issues in the Briarcliff neighborhood.

[\[text of petition\]](#)

[\[Signees\]](#)

[\[video of petition submittal\]](#)

[\[text of speech\]](#)

[\[list of flood prone homes\]](#)

## Contact information

Petition Submitter + owner of 907 Emory Drive:	Ann Loftin 308 Barclay Road Chapel Hill (919) 903-8165 home (860) 248-0505 cell Email: ajloftin@sbcglobal.net
Author of this document:  (Note: Ken is not a member of the Town staff or a flood victim. He is simply helping a fellow neighbor document the problems and possible solutions.)	Ken Larsen 919-942-8635 807 Emory Drive Chapel Hill Email: KLarsen1@nc.rr.com

## 3.0 History

The Briarcliff subdivision was built in the late 1960s and early 1970s. It has 429 houses [Ken's count based on a map.] Bruce Crompton was the developer. At least 60 houses lie entirely or partially in what now is defined as a flood plain.

Prohibitions against building in flood plains did not become law until after Briarcliff had been completed. Some of the 60 houses were built on concrete slabs.

Ann Loftin bought 907 Emory Drive in 2010. It's a two level 3000 square foot house that rests on a concrete slab. The original owner was Jim Ott.

In the 8 years that Ann has owned 907 Emory, it's been flooded twice. Each time, several feet of stormwater has entered the 1500 square foot ground floor. The water pours out of Little Creek and flows downhill towards her house and surrounds the house on three sides like a moat. Then, water seeps in through the bricks and cement blocks. A \$ 1000 flood door only protected one thing during Hurricane Florence: the door! Even during heavy rain, water penetrates the exterior walls, and sewer water comes up through the shower and floods the bathroom. Ann has spent at least \$ 30,000 [that she does not have] on repairs. She says that "Home Depot owns her."

The burden has grown far heavier than individual owners can bear, and this mess is not the fault of the homeowners.

The Town approved the subdivision, the Town gets our property taxes, and the Town continues to approve imperious surface development at higher elevations.

#### 4.0 Possible solutions

#	Proposed solution	Comments (opinions of various people; some who prefer to be unnamed)
1	<a href="#">Diluvium flood barriers</a>	Not available until 2020 at the earliest, because it hasn't been approved for sale yet. Cost likely will be the same as sandbags.  Ken: I can't envision the Town being the owner of the barriers. It would have to be the property owner, but if an owner happens to be out of town when a storm hit, then the house will get flooded.
2	FEMA buyout of flooded homes	Would be great for the owner, but the buyout likely would drive down the property values of nearby homes as the buyout price would be well below market value of non-flood zone properties.
3	Moratorium on upstream development	Ken: We need to at least slow down the development ... to buy time to evaluate the efficacy of any flood control measures.
4	Levy impact fees on new development to pay for downstream flooding	In October of 2013, this was promised by the Town's Economic Development Officer, Dwight Bassett, but later was ruled illegal by the Town's attorney. <a href="#">[details]</a> State legislators prohibit the levying of impact fees except in rare cases.  <b>[Ken's comment: Town officials should strive to get this N.C. law reversed. It prevents towns from controlling growth and the ravages of growth.]</b>
5	Periodic dredging of Booker and Bolin Creeks	
6	Elevate house using <a href="#">Ram Jack</a>	Ram Jack said that elevating it was not possible. They said "Briarcliff slab construction was built for the ages."
7	Waterproof the walls.	Contractors have told Ann that this is not possible, because concrete slabs of that era are porous.

## 5.0 Proposed action items

[\[Proposed action items\]](#)

## 6.0 Status update – February 15, 2019

Annie reports: I have spoken to a great many engineers and builders and the consensus is this:

At least in the case of those of us with floodplain & flood-prone houses, the situation is quite hopeless.

The town is entirely responsible for the flooding, and should not have approved construction upstream without making sure that water didn't flow downstream. Now the horse is out of the barn, and you cannot sue a municipality.

The town continues to approve floodplain development that will make our lives even more hellish and flooding even more regular.

According to builders & engineers, there are only two ways to rescue a floodplain house built on a slab.

1. Spend \$100-\$200K to elevate it.
2. Replace the entire ground floor with tile floors and cement-block walls, so when it floods it can dry out. Estimate for my house, according to builder Travis Blake: \$150K.

I have contacted everyone on town staff and council since submitting our petition. I have tried to interest the stormwater staff in hearing presentations from companies making stormwater barriers. I have asked the town's chief engineer to schedule a site visit, which is my legal right. Nada. I have asked the town's emergency manager to run down the possibility of state funding for buyouts, since FEMA does nothing. He said someone is "researching that" and that he would get back to me. Nada. I suspect it would take anyone else 10 minutes to do that research, but I've been working 12-hour days putting my house back together after Florence. Clearly I'm not insane because I don't expect a different result. The situation is insane.

I believe NOTHING will happen unless residents kick up a MAJOR FUSS at the state level. If anyone knows anyone in the governor's office, that is likely our best chance. Roy Cooper is attuned to the flooding problems on the coast and he should be made enlightened to the problems inland. Anyone care to take that on?

I will keep rowing against the current.

Annie

## Appendix A – Flood map of Briarcliff and surrounding area



Emory Drive is shown as a black line. Ann Loftin's rental house (907 Emory) is marked as a small X near the bottom of the map. Blue identifies areas that are likely to get flooded every 100 years. That assessment needs to be reassessed, because these "100 year floods" have been occurring far more frequently than once every 100 years:

Severe floods have struck Chapel Hill eight times since 1972:

- June 21, 1972 (Hurricane Agnes)
- September 6, 1996 (Hurricane Fran) - 24 years later
- September 6, 2008 (Hurricane Hanna remnants) - 12 years later
- September 21, 2011 - 3 years later
- June 30, 2013 - 2 years later
- December 23-30, 2015 (2 years later) Almost continuous rain during this week. Booker Creek overflowed its banks. Some apartment complexes had to be evacuated.
- October 8, 2016 Rains from Hurricane Matthew strike North Carolina and cause severe flooding.
- September 17, 2018 - Hurricane Florence

**Appendix B – Aerial photos of Orange County for 1938, 1955, 1966, 1972, 1984, and 1998**

<https://www.orangecountync.gov/779/Aerial-Photography> <===This website explains how you can see aerial photos of Orange County for the following years: 1938, 1955, 1966, 1972, 1984, and 1998.

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