

ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
WILLIAM F. LANE
General Counsel



MEMORANDUM

TO: Renee Cahoon, CRC Chair, via CRC Counsel
Mary Lucasse, Special Deputy AG and CRC Counsel, via email
Braxton Davis, DCM Director, via email
Mike Lopazanski, DCM Deputy Director, via email
Ron Renaldi & Yvonne Carver, DCM EC, via email
KD Jackson, Dare Co. LPO, by email to kd.jackson@darenc.com
Angela Wills, DCM Director's Assistant, via email

CC: Bianca & Edward Aniski, Petitioner, by email to biancaaniski@gmail.com
Joanne Porter, Permittee, by email to her attorney
David Dixon, Esq. to ddixon@hatteraslaw.com

FROM: Christine A. Goebel, DEQ Assistant General Counsel

DATE: August 24, 2022

RE: Staff Recommendation: Third Party Hearing Request by
Edward & Bianca Aniski (CMT-2022-09)

Please find enclosed: The Staff's Recommendation in the above referenced Third Party Hearing Request. The Chair's decision is due by September 1, 2022. The Chair's decision will come from Special Deputy AG Mary Lucasse, who is counsel for the Commission.

Enclosure



North Carolina Department of Environmental Quality | General Counsel
217 West Jones Street | 1601 Mail Service Center | Raleigh, North Carolina 27699-1601
919.707.8600

STATE OF NORTH CAROLINA
COUNTY OF DARE

BEFORE THE CHAIR
COASTAL RESOURCES COMMISSION
CMT-22-09

IN THE MATTER OF THE THIRD-PARTY
HEARING REQUEST BY:
BIANCA & EDWARD ANISKI

RECOMMENDATION OF THE
DIVISION OF COASTAL
MANAGEMENT

I. BACKGROUND

Petitioners Bianca & Edward Aniski (“Petitioners”) request permission to file a petition for a contested case hearing as third parties pursuant to N.C.G.S. § 113A-121.1 (b). Petitioners seek to challenge the July 15, 2022 issuance of a Coastal Area Management Act (“CAMA”) Minor Permit No. HI-18-2022 (“Permit”) to Joanne Porter (“Permittee”). The Permit authorized the development of a house and associated parking and driveway at 40165A C.C. Gray Road in Avon, Dare County, North Carolina (the “Site”).

Under the CAMA, a third party may file a contested case hearing petition to challenge the granting or denial of a CAMA permit to someone else only if the Coastal Resources Commission (CRC) first determines that a contested case hearing is appropriate. Section 113A-121.1 (b) of the North Carolina General Statutes provides that along with being timely filed, the determination as to whether a hearing is appropriate should be based upon a consideration of whether the petitioner:

1. Has alleged that the decision is contrary to a statute or rule;
2. Is directly affected by the decision; and
3. Has alleged facts or made legal arguments that demonstrate that the hearing request is not frivolous.

The CRC has delegated the authority to its Chair to determine within the 30-day deadline following receipt of an appeal, whether a third-party request for a hearing should be granted or

denied. Rule 15A NCAC 7J.0301 (b). A third party whose hearing request is granted may file a contested case hearing petition with the Office of Administrative Hearings. N.C.G.S. § 113A-121.1 (b). A third party whose hearing request is denied may seek judicial review. Id.

Pursuant to Session Law 2014-120 and N.C.G.S. § 113A-121.1, the Permit remains active during this third-party hearing request process, though a Permittee works at their own risk.

II. FACTS

A. Joanne Porter (Permittee) owns the property at 40165A C.C. Gray Roads in Avon, Dare County (the “Site”). The Permittee has owned this property since May 19, 2021, when she received a one-quarter undivided interest through a deed from the Smiths recorded at Book 2507, Page 645 of the Dare County Registry, a copy of which is attached. The Permittee also took a one-half undivided interest in the Site from the Bennetts on February 18, 2021 through a deed recorded at Book 2470, Page 304 of the Dare County Registry, a copy of which is attached.

B. The Site is approximately 0.48 acres in size and is developed with a bulkhead and a utility shed according to the attached tax card. Also attached is a county GIS image with the parcel boundaries overlain on a 2020 aerial photograph showing the Site and surrounding area, as well as several years of Google Earth images.

C. Petitioners Edward & Bianka Aniski (“Petitioners”) co-own two adjacent lots located on OCC Gray Road¹. The larger lot fronts ONeal Road and is developed with a 1550 square foot two-story house, while the smaller lot fronts OCC Gray Road and is developed with a 500 square foot detached garage. Petitioners have owned both properties since 2017, based on the deed recorded at Book 2211, Page 184 of the Dare County Registry, a copy of which is attached.

¹ Dare County Tax Office lists both parcels being on OCC Gray Road, though this larger parcel actually fronts the dead-end of ONeal Lane. The smaller parcel is also listed as being on OCC Gray Road and does have a driveway which connects to OCC Gray Road.

Petitioners' lots are located to the east of the Site, and are adjacent property owners to the Site, though are not riparian owners.

D. The adjacent riparian owner to the north of the Site is Lonnie and Joyce Cahoon. This lot is developed with a house.

E. The adjacent riparian owner to the southeast is listed by the Dare County Tax Office as "Unknown Owner – Conflict Henderson S. Scarborough Heirs Primary Owner" but then lists the mailing address as "Alton T Williams Heirs - Edward G. Aniski Bianca F.L." indicating the Petitioners are the contact for the property. This lot is undeveloped.

F. The Site is adjacent to Pamlico Sound. At this Site, Pamlico Sound is classified as SA, High Quality Waters (HQW) by the Environmental Management Commission. It is closed to shellfish harvesting and is not a Primary Nursery Area (PNA).

G. The area where the development was authorized is within the Estuarine Shoreline sub-category of the Coastal Shorelines Areas of Environmental Concern (AEC). N.C.G.S. § 113A-118 requires that the permit applicant obtain a CAMA permit before work on the proposed project takes place.

H. On April 20, 2022, the Permittee received a septic permit from the Dare County Department of Public Health, a copy of which is attached. It authorizes a system with capacity for four bedrooms/8 occupants and requires further approval once the 22' x 60' x 12" slab foundation for the house is poured.

I. On or about June 6, 2022, the Permittee, through her authorized CAMA Agent Coastal Engineering & Surveying, Inc., submitted a CAMA Minor Permit Application to KD Jackson, the Dare County CAMA Local Permitting Officer ("LPO"), a copy of which is attached. The Permittee proposed the development of a 1,204 square foot footprint two-story piling-

supported house on a 12” thick slab foundation, with screened and un-screened porches, a septic system landward of the house, a gravel driveway and a two-car gravel parking area (as well as space for two cars under the structure). The total impervious surfaces within the 75’ AEC are 2,788 square feet. A copy of the site plan is attached with the application materials.

J. As part of the application materials, the Permittee indicated there were three “adjacent riparian property owners” and sent them each notice. Sharon Miller who is not a riparian owner, received notice on June 10, 2022. The Cahoons, adjacent riparian owners to the north, received notice on June 9, 2022. The Petitioners, who are adjacent but not riparian owners for their own lots and are also the mailing contact for the disputed Scarborough Heirs lot (the adjacent riparian lot to the south), received the certified letter on June 10, 2022. Copies of the certified mail tracking receipts are attached.

K. On or about June 17, 2022, the LPO received a letter from Ms. Joyce Cahoon indicating they were objecting to the proposal—not to the home construction but to how some of the parcel lines were drawn. A copy of this letter and the envelope are attached.

L. The LPO received a letter and the completed notice form from Petitioners dated June 13, 2022, copies of which are attached. Petitioners raised similar objections to those made in this third-party hearing request.

M. On July 15, 2022, the LPO issued CAMA Minor Permit No. Hi-18-2022 to the Permittee, authorizing the construction of the house and associated development as shown on the site plan referenced in the Permit. A copy of the Permit is attached.

N. On August 2, 2022, DCM received Petitioners’ third-party hearing request, a copy of which is attached. Notice of this hearing request was also sent to the Permittee, a copy of which is attached. The Permittee is represented by David Dixon, Esq.

O. The Site Plan indicates that the Permittee’s agent, CE&S observed the shoreline and edge of water on February 21, 2022. Records from Weather.com indicate that the weather in the Cape Hatteras area on Monday, February 21, 2022 was a high of 71, low of 43, with 0.13” of rainfall. Timeanddate.com² indicates that the wind speed that day at Cape Hatteras Seashore was 12 mph at 6am and 23 mph at noon blowing from the SSW, and then 3 mph from the west at 6pm. DCM Staff would characterize this as not atypical weather for the Hatteras area in February.

P. Dare County CAMA LPO KD Jackson indicated that he “went out to the site awhile back with the survey and looked around but couldn’t see anything that shows different than what there [sic] survey map showed for the site” when asked if he ground truthed the site plan.

Q. In order to gather more information about the shoreline shown on the site plan, the undersigned reached out to the Permittee’s attorney to see if the Permittee/CE&S could provide more information about the shoreline. On August 23, 2022, the Permittee’s counsel provided an affidavit of the surveyor, Mr. Gomez, as well as a sealed survey of the Site, copies of which are attached.

III. DCM’S RECOMMENDATIONS

A. Have the Petitioners Alleged that the Decision is Contrary to a Statute or Rule?

Yes. On the final page of their Petition, Petitioners list the following rules which they cite to:

- 15A NCAC 02C.0107(a)(2)(A)- There is no such rule.
- 15A NCAC 07B.0702- this rule lists requirements of elements to be included in a CAMA LUP and is not applicable to a CAMA permit challenge.

² [Weather in February 2021 in Cape Hatteras National Seashore, North Carolina, USA \(timeanddate.com\)](https://www.timeanddate.com/weather/nc/cape-hatteras-national-seashore)

- 15A NCAC 07H.0106- This section of the rules contains definitions of terms used throughout the coastal management rules. The definitions alone would not be a rule the Permit was issued contrary to and are not applicable to a CAMA permit challenge.
- 15A NCAC 07H.0203- this is the general management objective for the Estuarine and Ocean System AEC. It is not evident to DCM Staff which portion of this objective Petitioners assert the permit was issued contrary to.
- 15A NCAC 07H.0206-this is the description of the Estuarine Waters AEC. No development was authorized within this AEC under the Permit.
- 15A NCAC 07H.0208, .0209, .0210- these are the Use Standards for several AECs including the Estuarine Shoreline AEC. Without further citation, it is not evident to DCM Staff which of these many provisions (10+ pages of rules) Petitioners may be claiming the Permit was issued contrary to.
- 15A NCAC 07H.0502, .0503, 0504, 0506, .0507, .0508, .0510- These are rules describing the AEC category for Natural and Cultural Resources, and how to nominate specific AECs in this category. No development authorized by the Permit is within any of the designated AECs in this category.
- 15A NCAC 07H.0601-states that development cannot be permitted which would result in a contravention of any rules, regulations or laws of the state or of local government. It is not clear to DCM Staff what outside rule/law Petitioners contend is violated by the permitted development.
- 15A NCAC 07H.1104, 1105- these rules are part of the General Permit Authority for bulkheads and revetments. No such structures were authorized by the Permit as there is an existing bulkhead and the authorized “landscape wall” or retaining wall is a different

structure from a bulkhead/revetment and is located landward of the water line. These rules are not applicable to the Permit.

- 15A NCAC 07I.0702- provides that when an LPO authorizes development beyond the scope of a CAMA Minor Permit, the permit action is void, and authorizes the Commission to make this determination. No such determination has been made in this case, nor is there any indication the permitted development exceeds a minor permit authority.
- 15A NCAC 07J.0203- This rule describes the information needed on work plans.
- 15A NCAC 07J.0210, 0211- These rules are for the replacement of existing structures and non-conforming development. Neither of these rules was part of the authorization of the Permit and are not applicable here.
- 15A NCAC 07M.0301- was a declaration of general policy for shorefront access and was repealed on August 1, 2022. It was related to beach accesses grants and site acquisition and is not applicable to the Permit.
- 15A NCAC 07M.0801- This is a declaration of general policy for coastal water quality and is not a standard which applied to the Permit.
- 15A NCAC 07M.1101-This is a declaration of general policy for beneficial use of dredge spoils. No such dredging or deposition of spoils was authorized under the Permit, and so this is not a standard which applied to the Permit.
- 15A NCAC 18.A.1939, 40, 45- These appear to be references to Subchapter 18A which area Division of Environmental Health regulations, not within the authority of the LPO, DCM or the CRC.
- NCGS 146-64 This statute defines different terms regulated to state lands. It is not a law which applies to this Permit.

- NCGS 1-45.1 Provides that no person may adversely possess public trust property of the state. In this case, the state owns all submerged land west of the Site below mean high water. No development is proposed on submerged lands and so this law does not apply to this Permit.
- NCGS 132-6 is a public records law. There have been no allegations that records were requested and not provided in this case, and so this law does not apply to this Permit.

While Petitioners may cite to these rules, most do not apply to the Permit at issue for the reasons noted above. Petitioner's arguments as to how the Permit was issued contrary to the Commission's rules as DCM Staff understand them are:

1. Petitioners contend the site plan submitted with the application does not accurately depict the bounds of the property Permittee claims to own. (Petition, pp. 1-4)
2. Petitioners contend that the "edge of water" shown on the site plan is not in the location of the normal water level ("NWL") as they observe it, where they believe it is located at the bulkhead. Petitioners do not have a NWL survey, but describe their observations of the water line, wrack line, and escarpment further landward. Petitioners indicate that they are "attempting to the shoreline resurveyed...however, the surveyors called are backed up 6 to 8 months." Petitioners correctly note that the location of the NWL is tied to the Commission's 30' buffer and the 75' AEC, as well as the Division of Environmental Health's 50' septic setback. The location of this line would also impact the area of the lot used for the Commission's 30% impervious surface limit within the AEC. (Petition, pp. 5, 7-14).
3. Petitioners contend that the area of the Site is eroding at a high rate along Pamlico Sound. (Petition, pp. 6-14).

4. Petitioners contend that the Site is home to flora and fauna and is a certified wildlife habitat. (Petition, pp. 6-7).
5. Petitioners raise concerns about the septic tank permitted separately by Dare County. (Petition, pp. 14-17).
6. Petitioners raise concerns about stormwater runoff onto their property from the Site. (Petition, pp. 17-18).
7. Petitioners raise concerns about the historic and cultural value of the Site. Petition, pp. 18-19).

As to issue 2, Staff agrees that Petitioners have “alleged that the agency has made a decision that is contrary to a statute or rule” (does the site plan accurately reflect the normal water line as required, and then the 30’ buffer and 75’ AEC line as well) which is relevant to the Permit’s issuance, and therefore meets the requirements of N.C.G.S. § 113A-121.1(b)(1).

As to issues 1 and 3-7, Staff believes that Petitioners have failed to “allege[] that the agency has made a decision that is contrary to a statute or rule” which is relevant to the Permit issuance and does not meet the requirements of N.C.G.S. § 113A-121.1(b)(1). Staff’s arguments on these points follow.

In their first argument, Petitioners make claims related to ownership and boundary lines of the Permittee’s parcel. In this case, Petitioner provided a site plan showing the bounds of the property (though not a sealed survey) which appeared to match the bounds of the property shown on the Dare County GIS. The Permittee also indicated ownership of property based on the document recorded at Book 2507, Page 645 of the Dare County Registry. That document is a deed which transferred a one-quarter undivided interest to the Permittee, to be combined with her other partial interest in the Site. It is DCM Staff’s opinion that these documents satisfy the requirement

of an applicant to provide “a deed or other instrument under which they claim title” under 7J .0204. Once that burden is satisfied, it is DCM’s belief that any further title or boundary disputes are properly determined in the general courts of justice where a Superior Court judge has jurisdiction to make such ownership determinations which are outside the authority of the LPO, DCM and the CRC. As this issue is outside of the authority of these entities, DCM contend that the Petitioners failed to meet the burden of N.C.G.S. § 113A-121.1(b)(1).

In their third argument, Petitioners raise the issue of the eroding shoreline of the Pamlico Sounds at the Site. DCM Staff note that while it’s oceanfront shoreline rules in 7H .0300 et seq do require setbacks from the ocean shorelines, there are not similar rules for estuarine shorelines like that of Pamlico Sound. While Staff understand Petitioners’ concern about erosion on the Site, there are no setback rules other than the Commission’s limitations on development within the 30’ buffer (15A NCAC 7H .0209) which limit development in this area to water dependent structures with several exceptions. Therefore, DCM contends that the Petitioners failed to meet the burden of N.C.G.S. § 113A-121.1(b)(1).

In their fourth argument, Petitioners indicate that this Site is home to some specific flora and fauna, and that the site has been “designated” as wildlife habitat. While that may be the case, the presence of the species noted by Petitioners is not a basis for a CAMA permit denial and Petitioners have not identified a specific rule of the Commission that would require permit denial. DCM contends that the Petitioners failed to meet the burden of N.C.G.S. § 113A-121.1(b)(1).

In their fifth argument, Petitioners raise issues with the septic permit issued by Dare County in April. Petitioners do not indicate that they appealed that permit decision or that there is a basis to do so. As the septic permit is issued under separate rules over which the LPO, DCM and the

CRC lack jurisdiction, DCM contends that the Petitioners failed to meet the burden of N.C.G.S. § 113A-121.1(b)(1).

In their sixth argument, Petitioners raise concerns about stormwater running off the Site onto their property. The controlling legal precedent in North Carolina holds that stormwater is a “common enemy” and allows property owners take reasonable steps to address stormwater. If in the future Petitioners wish to contend that the Permittee has taken unreasonable steps or is alleging hydraulic trespass, such cases are outside the jurisdiction of the LPO, DCM and the CRC, and are properly brought in the courts of general jurisdiction. For that reason, DCM contends that the Petitioners failed to meet the burden of N.C.G.S. § 113A-121.1(b)(1).

In their seventh argument, Petitioners raise concerns about the permit allowing development harmful to cultural and historic resources. While there is the opportunity for AECs to be developed to protect cultural and historic resources, no such AECs are present on the Site. Accordingly, there are no rules of the Commission specific to such resources which the Permit was issued contrary to. For that reason, DCM contends that the Petitioners failed to meet the burden of N.C.G.S. § 113A-121.1(b)(1).

B. Are the Petitioners Directly Affected by the Decision?

Yes. Petitioners’ own property described in the facts above, which is adjacent to and east of the Site. Petitioners make the following claims about how the permitted development will directly affect them:

- The fill and wall will direct “the flow of stormwater onto our parcel and under our house, which is the lowest point.” Petition, pp.14, 17-18.
- The proposed septic tank is in a low area and “is unacceptable and will effect our home.” Petition, p.14.

- The proposed septic is in a low area of the Site which connected to a low area on Petitioners' site where "water collects" during rain and storm surge and will "turn our parcel into a swale of storm and wastewater seepage; where these waters will migrate and mix with an elevated water table, and eventually combine with the ground water flow direction to the area underneath our house" impacting Petitioners' quality of life and water quality. Petition, pp. 14-15.
- Concerns for wildlife, plant species, and cultural resources. Petition, pp. 18-19

For these reasons and for the limited purpose of this third-party hearing request, Staff agree that the Permittee's authorized development may directly affect Petitioners, and so Petitioners therefore meet the requirement of N.C.G.S. § 113A-121.1(b)(2).

C. Has the Petitioner Demonstrated that the Hearing Request is not Frivolous?

No. Petitioners' arguments consist of the seven issues noted in Section A above, and will be discussed separately below.

On issues 1 (property ownership/boundary lines), 5 (septic permit) and 6 (stormwater), Petitioners raise issues which are not within the jurisdiction of the LPO, DCM, the CRC and possibly OAH to determine. Staff contend that it would be frivolous to have a contested case in OAH on these issues outside of CAMA jurisdiction. Staff contend that on these three issues, Petitioner fails to meet the requirements of N.C.G.S. § 113A-121.1(b)(3).

On issues 3 (eroding estuarine shoreline), 4 (flora and fauna) and 7 (historic & cultural), Petitioners raise issues generally but without indicating a specific rule of the Commission related to that issue which they contend the Permit was issued to the contrary. While there is general language regarding these topics in the Commission's rules, Petitioners have not identified any rules which the Permit was issued contrary to, and none are evident to Staff. DCM Staff

contend it would be frivolous to have a contested case on these issues raised by Petitioner without identifying any specific rules applicable to the Permit concerning eroding estuarine shorelines, flora & fauna, or historic or cultural resources). Staff contend that on these three issues, Petitioner fails to meet the requirements of N.C.G.S. § 113A-121.1(b)(3).

On issue 2, Staff notes that in addition to the site plan, DCM is now in possession of a sealed survey of the site showing the surveyed shoreline, as well as an affidavit of the surveyor, Mr. Gomez, of CE&S. While these provide superior evidence of the shoreline location, a sealed survey of the NWL is not required. 15A NCAC 7J .0203(b)(1) requires in part that an average water level (vs. mean high/low water) must be indicated on the site plan, as the Site here has a difference in daily low and high tides of less than six inches. This line is determined by the LPO and based on natural indicators on a site as allowed by 15A NCAC 7H .0106(2), though the rule does not require an LPO or DCM to flag the line if they can confirm a line proposed by a Permittee as was the case here. LPO Jackson indicated that he did visit the Site with the site plan for ground truthing and did not note any significant differences between the site plan and his observations. A review of basic weather data indicate that February 21, 2022 was not an unusual weather event that would significantly alter the water line. Finally, Staff note that the shoreline is near the toe of the existing rip-rap structure for much of the shoreline, which would be typical for such structures.

There is a 2003 sealed survey by Coastal Surveying noted by Petitioners (and Petitioners indicate another from 2003 by Rankin) of this area recorded at Plat Cabinet F, Slide 111, but the shoreline has eroded significantly in the ensuing 19 years and is unhelpful on this issue of the current normal water level. Additionally, while Google Earth and other aerial photographs overlain with parcel lines can be generally helpful, they are not accurate to the scale at issue here.

As both the Gomez sealed survey the site plan depict the shoreline on February 21, 2022, an apparently normal weather day, that shoreline was ground-truthed by LPO Jackson, and the shoreline is in a typical location relative to the rip-rap structure on a shoreline with some elevation, DCM believe that the Permit was issued in accordance with the Commission's rules. DCM Staff contend that it would be frivolous to have a contested case about whether the Permit was issued contrary to these rules regarding including the NWL on the site plan with the application where the facts indicate the appropriate process was followed (and exceeded with a sealed survey of NWL). As such, Staff contend that on this issue, Petitioner fails to meet the requirements of N.C.G.S. § 113A-121.1(b)(3).

IV. CONCLUSION

For the reasons stated herein, the DCM, through its undersigned attorney, recommends that Petitioner's Third-Party Hearing Request be DENIED by the Chair.

This the 24th day of August, 2022.

FOR THE DIVISION OF COASTAL MANAGEMENT

 /s/ Christine A. Goebel
Christine A. Goebel
Assistant General Counsel
North Carolina Department of Environmental Quality
1601 Mail Service Center
Raleigh, NC 27699-1601
(919) 707-8554
Christine.goebel@ncdenr.gov

CERTIFICATE OF SERVICE

This is to certify that I have served a copy of the attached Recommendation of the Division of Coastal Management on following people:

Bianca & Edward Aniski, Petitioners By email to: biancaaniski@gmail.com

Joanne Porter, Permittee
c/o David Dixon, Permittee's legal counsel By email to: ddixon@hatteraslaw.com

KD Jackson,
Dare County CAMA LPO By email to: kd.jackson@darenc.com

This the 24th day of August, 2022.

_____/s/ Christine A. Goebel_____
Christine A. Goebel
DEQ Assistant General Counsel

LIST OF ATTACHMENTS

1. Porter Deeds 2507/645 and 2407/304
2. Porter tax card
3. Aniski Deed at 2211/184
4. Septic Permit for Porter
5. CAMA permit application materials and Site Plan
6. Notice letter receipts
7. Cahoon letter and envelope
8. Petitioners' objection letter
9. CAMA Minor Permit No. Hi-18-2022
10. Third Party Hearing Request Petition
11. Goomez Affidavit and Sealed Survey
12. Site photos, including GIS parcels overlain on aerials from Dare County GIS, and Google Earth aerial photographs of the Site

BK 2470 PG 304 - 306 (3)

This Document eRecorded:

Fee: \$26.00

Dare County, North Carolina

Cheryl L. House, REGISTER OF DEEDS

DOC# 700093132

02/18/2021 08:41:42 AM

Excise Tax: \$166.00

Transfer Tax: \$830.00

Dare County Land Transfer No.: 778-21 Land Transfer Tax: 830.00 1985 Sessions Law Chapter 670 (HB 215)

LT # _____

Land Transfer \$ _____

Excise Tax: \$ _____

This instrument should be mailed to the preparer:

Dixon & Dixon Law Offices, PLLC; P.O. Box 750, Avon, NC 27915

Delinquent taxes, if any, are to be paid by the closing attorney to the County Tax Collector upon disbursement of closing proceeds.

Brief Index Description: 40165 A C C Gray Road, Avon

Parcel Identifier Number: 014542000

File Number: PORBEN01-0121

NORTH CAROLINA GENERAL WARRANTY DEED

THIS WARRANTY DEED is made this 18th day of February, 2021 by and between:

and Wife,

JACK MILLER BENNETT

DONNA LEE BENNETT

211 Halls Harbor Road

Harbinger, NC 27941

(hereinafter referred to in the neuter singular as "the Grantor") and

JOANNE MARIE PORTER

160 Scotland Lane

Salisbury, NC 28146

(hereinafter referred to in the neuter singular as "the Grantee"):

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 hereby give, grant, bargain, sell and convey unto the Grantee, its heirs, successors, administrators and assigns, all of the Grantor's interest, being a one-half undivided interest, in that certain lot or parcel of land situated in the Village of Avon, Kinnakeet Township of said Dare County, North Carolina, and more particularly described as follows: See attached Exhibit A.

The property herein described was acquired by the Grantor by deed recorded in Book 2241 at Page 184, in the Public Registry of Dare County.

submitted electronically by "Dixon & Dixon Law Offices"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Dare County Register of Deeds.

A map showing the above described property is recorded in Plat Cabinet I, Slide 351, in the Public Registry of Dare County.

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.

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 of all persons whomsoever except for the following exceptions:

1. Ad Valorem taxes for 2021 and all subsequent years.
2. Subject to any easements and restrictive covenants as may appear of record in the Public Registry of Dare County.

This property does not include the primary residence of the Grantor. (*per NC GS § 105-317.2*)

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

Jack Miller Bennett (SEAL)
JACK MILLER BENNETT

Donna Lee Bennett (SEAL)
DONNA LEE BENNETT

STATE OF North Carolina, Dare COUNTY

I, a Notary Public of the County and State aforesaid, certify that JACK MILLER BENNETT AND DONNA LEE BENNETT, Grantor personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 12 day of February, 2021.

My Commission Expires: 9-21-21

Teresa Hartleben
Notary Public

TERESA HARTLEBEN
Notary Public, North Carolina
Dare County
My Commission Expires
September 21, 2021

Exhibit A

Beginning at an existing iron pipe located within the southern right of way line of C.C. Gray Road (30' R/W - S.R. 1244), said existing iron pipe being the northeastern corner of that parcel now or formerly of Edward & Bianca F.L. Aniski (D.B. 228, Pg. 395; D.B. 226, pg. 764 & 767) and being further located South $33^{\circ} 02' 11''$ West 7109.54 feet from N.C.G.S. "Colony", having NC Grid Coordinates (NAD 83) of N: 607044.1993 ft. and E: 3043450.3500 ft. (Scale Factor 0.9998746); thence along the northern line of Aniski and running with the right of way of C.C. Gray Road, South $84^{\circ} 51' 32''$ West 46.44 feet to an existing iron pipe being a common corner with the land of Aniski and the land now or formerly of Jack Miller Bennett & Thomas Alfred Bennett, Jr. (D.B. 182, page 305); thence along the northern line of the land of Bennett and continuing along the right of way of C.C. Gray Road, South $85^{\circ} 51' 56''$ West 77.93 feet to an existing concrete monument located in the southern right of way of C.C. Gray Road and being a common corner with Bennett and the land now or formerly of Williams (D.B. 1005, Pg. 543; D.B. 216, Pg. 820; D.B. 216, Pg. 818); thence with the line of Williams South $21^{\circ} 26' 21''$ East 59.13 feet to an existing iron pipe, being a common corner with the land of Bennett (D.B. 182, Pg. 305) and the land of Williams, and being the true Point and Place of Beginning; thence from said Beginning Point, South $20^{\circ} 06' 48''$ East 12.57 feet to an existing iron rod and being a common corner with the land of Bennett (D.B. 182, Page 305); thence with the common line of the aforementioned Bennett parcel, North $77^{\circ} 29' 19''$ East 38.65 feet to an existing iron pipe and being a common corner with the lands now or formerly of Bennett (D.B. 182, Pg. 305) and Edward Aniski and Bianca F.L. Aniski (D.B. 1957, Page 463; D.B. 608, Pg. 893; D.B. 544, Pg. 751; DB. 127, Pg. 430; D.B. 38, Pg. 388; D.B. 11, Pg. 379; and D.B. C, Pg. 429); thence along the common line of Aniski, South $16^{\circ} 56' 17''$ East 211.54 feet to a calculated point in the Harbor Easement (Army Corps of Engineers - Avon Harbor Project 152); thence South $16^{\circ} 56' 17''$ East 40.35 feet to a set iron rod, said point being further located South $40^{\circ} 33' 02''$ East 298.30 feet from a PK Nail set in the existing bulkhead common between the subject property and the land now or formerly of Williams (D.B. 1005, Pg. 543; D.B. 216, Pg. 820; and D.B. 216, Pg. 818); thence South $16^{\circ} 56' 17''$ East 25.96 feet to a calculated point in the Avon Harbor Shoreline by CE&S October, 2016; thence meandering along the Avon Harbor shoreline in a northwesterly direction to a point in an existing bulkhead, thence continuing along the bulkhead in a northwesterly direction to a PK nail set in the existing bulkhead common between the subject property and land now or formerly of aforementioned Williams; thence North $77^{\circ} 16' 04''$ East 80.48 feet to the point and place of Beginning containing a total area of 0.478 acres (20,853. sq. ft.) as shown on the survey entitled "Survey For: Elliott/Miller Parcel, Aniski Parcels, Bennett Parcels", prepared by Coastal Engineering & Surveying, Inc., dated July 25, 2017.

Together with a 10 foot access easement from C.C. Gray Road along the west line of the lands of J. Bennett and T. Bennett.

BK 2507 PG 645 - 647 (3)

This Document eRecorded:

Fee: \$26.00

Dare County, North Carolina

Cheryl L. House, REGISTER OF DEEDS

DOC# 700099309

05/19/2021 04:39:41 PM

Excise Tax: \$70.00

Transfer Tax: \$350.00

Dare County Land Transfer No.: 2483-21 Land Transfer Tax: 350.00 1985 Sessions Law Chapter 670 (HB 215)

LT # 2483-21

Land Transfer \$ 350.00

Excise Tax: \$ 70.00

This instrument should be mailed to the preparer:

Dixon & Dixon Law Offices, PLLC; P.O. Box 750, Avon, NC 27915

Delinquent taxes, if any, are to be paid by the closing attorney to the County Tax Collector upon disbursement of closing proceeds.

Brief Index Description: 40165 A C C Gray Road

Parcel Identifier Number: 014542000

File Number: PORSMI01-0521

NORTH CAROLINA GENERAL WARRANTY DEED

THIS WARRANTY DEED is made this 18th day of May, 2021 by and between:

SHARON LYNN SMITH

and Husband, **RICKI ALLEN SMITH**

3 Valiant Road

Abingdon, MD 21009

(hereinafter referred to in the neuter singular as "the Grantor") and

JOANNE MARIE PORTER

160 Scotland Lane

Salisbury, NC 28146

(hereinafter referred to in the neuter singular as "the Grantee"):

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 hereby give, grant, bargain, sell and convey unto the Grantee, its heirs, successors, administrators and assigns, **all of the Grantor's interest, being a one-quarter undivided interest**, in that certain lot or parcel of land situated in the Village of Avon, Kinnakeet Township of said Dare County, North Carolina, and more particularly, described as follows: See attached Exhibit A.

submitted electronically by "Dixon & Dixon Law Offices"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Dare County Register of Deeds.

The property herein described was acquired by the Grantor by deed recorded in Book 2211 at Page 184, in the Public Registry of Dare County.

A map showing the above described property is recorded in Plat Cabinet I, Slide 351, in the Public Registry of Dare County.

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.

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 of all persons whomsoever except for the following exceptions:

1. Ad Valorem taxes for 2021 and all subsequent years.
2. Subject to any easements and restrictive covenants as may appear of record in the Public Registry of Dare County.

This property does not include the primary residence of the Grantor. (*per NC GS § 105-317.2*)

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

Sharon Lynn Smith (SEAL)
SHARON LYNN SMITH

Rick Allen Smith (SEAL)
RICKI ALLEN SMITH

STATE OF Maryland, Cecil COUNTY

I, a Notary Public of the County and State aforesaid, certify that SHARON LYNN SMITH AND RICKI ALLEN SMITH, Grantor personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 18th day of May, 2021.

My Commission Expires: June 18 2022

CHERYL L. WEBSTER
NOTARY PUBLIC STATE OF MARYLAND
MY COMMISSION EXPIRES: June 18 2022

Notary Public

Exhibit A

Beginning at an existing iron pipe located within the southern right of way line of C.C. Gray Road (30' R/W - S.R. 1244), said existing iron pipe being the northeastern corner of that parcel now or formerly of Edward & Bianca F.L. Aniski (D.B. 228, Pg. 395; D.B. 226, pg. 764 & 767) and being further located South $33^{\circ} 02' 11''$ West 7109.54 feet from N.C.G.S. "Colony", having NC Grid Coordinates (NAD 83) of N: 607044.1993 ft. and E: 3043450.3500 ft. (Scale Factor 0.9998746); thence along the northern line of Aniski and running with the right of way of C.C. Gray Road, South $84^{\circ} 51' 32''$ West 46.44 feet to an existing iron pipe being a common corner with the land of Aniski and the land now or formerly of Jack Miller Bennett & Thomas Alfred Bennett, Jr. (D.B. 182, page 305); thence along the northern line of the land of Bennett and continuing along the right of way of C.C. Gray Road, South $85^{\circ} 51' 56''$ West 77.93 feet to an existing concrete monument located in the southern right of way of C.C. Gray Road and being a common corner with Bennett and the land now or formerly of Williams (D.B. 1005, Pg. 543; D.B. 216, Pg. 820; D.B. 216, Pg. 818); thence with the line of Williams South $21^{\circ} 26' 21''$ East 59.13 feet to an existing iron pipe, being a common corner with the land of Bennett (D.B. 182, Pg. 305) and the land of Williams, and being the true Point and Place of Beginning; thence from said Beginning Point, South $20^{\circ} 06' 48''$ East 12.57 feet to an existing iron rod and being a common corner with the land of Bennett (D.B. 182, Page 305); thence with the common line of the aforementioned Bennett parcel, North $77^{\circ} 29' 19''$ East 38.65 feet to an existing iron pipe and being a common corner with the lands now or formerly of Bennett (D.B. 182, Pg. 305) and Edward Aniski and Bianca F.L. Aniski (D.B. 1957, Page 463; D.B. 608, Pg. 893; D.B. 544, Pg. 751; DB. 127, Pg. 430; D.B. 38, Pg. 388; D.B. 11, Pg. 379; and D.B. C, Pg. 429); thence along the common line of Aniski, South $16^{\circ} 56' 17''$ East 211.54 feet to a calculated point in the Harbor Easement (Army Corps of Engineers - Avon Harbor Project 152); thence South $16^{\circ} 56' 17''$ East 40.35 feet to a set iron rod, said point being further located South $40^{\circ} 33' 02''$ East 298.30 feet from a PK Nail set in the existing bulkhead common between the subject property and the land now or formerly of Williams (D.B. 1005, Pg. 543; D.B. 216, Pg. 820; and D.B. 216, Pg. 818); thence South $16^{\circ} 56' 17''$ East 25.96 feet to a calculated point in the Avon Harbor Shoreline by CE&S October, 2016; thence meandering along the Avon Harbor shoreline in a northwesterly direction to a point in an existing bulkhead, thence continuing along the bulkhead in a northwesterly direction to a PK nail set in the existing bulkhead common between the subject property and land now or formerly of aforementioned Williams; thence North $77^{\circ} 16' 04''$ East 80.48 feet to the point and place of Beginning containing a total area of 0.478 acres (20,853. sq. ft.) as shown on the survey entitled "Survey For: Elliott/Miller Parcel, Aniski Parcels, Bennett Parcels", prepared by Coastal Engineering & Surveying, Inc., dated July 25, 2017.

Together with a 10 foot access easement from C.C. Gray Road along the west line of the lands of J. Bennett and T. Bennett.



Dare County - Property Records

014542000
40165 A C C GRAY RD, AVON, NC, 27915

PORTER, JOANNE MARIE
-
160 SCOTLAND LN
SALISBURY, NC,28146, USA

Assessed Value
\$244,700

PARCEL INFORMATION

Parcel ID	014542000	PIN	063020904977
Land Use Code	9900	Land Use Description	SECONDARY IMPROVEMENT
District	AVON	Neighborhood	01170011
Zoning Code	R-2A	Zoning Desc.	ALT MED DENSITY RESIDENTIAL
Subdivision	SUBDIVISION - NONE		
Legal Desc.	LOT: BLK: SEC:		
Plat Cab Slide	PL: I SL: 351		
Deed Date	05/19/2021	Book / Page	2507 / 0645
Tax Status	Taxable		

SECONDARY OWNERS

No data to display

ASSESSMENT DETAILS

REAL ESTATE ASSESSED VALUE

Land Value	\$227,300
Building Value	\$0
Other Improvements	\$17,400
Total Assessed	\$244,700

BILLING VALUE

Land Value	\$227,300
Building Value	\$0
Other Improvements	\$17,400
Total Value	\$244,700

LAND

LAND DESCRIPTION	SQFT	ACRES	LAND VALUE
1 A17-01-Sound Front	21,000	0.4821	\$227,300
Total Assessed	21,000	0.4821	\$227,300

BUILDINGS

No data to display

OTHER IMPROVEMENTS

BUILDING #	DESCRIPTION	YEAR BUILT	QTY	SIZE / COUNT
1	PCH - CVD PCH - ATCHD TO MH OR OTHER	1920	1	60
2	RS1 - FRAME UTILITY SHED	1920	1	168
3	BK1 - BULKHEAD	2012	1	100

RECENT SALES HISTORY

024

The sales history includes only qualified sales made since January 1, 2016. A sale is qualified when it has been verified, by the appraiser, as an arm's length transaction for fair market value. Only qualified sales are considered in the appraisal process.

No data to display

VALUE CHANGES

The value change history shows only changes in appraised value; it does not show exemptions, exclusions or deferrals that could reduce a property's taxable value. If any of these are in effect for a particular tax year, it will be shown on the property tax bill for that year. It is also possible that some previous value changes might be missing from this list or listed in the wrong order.

REVALUATION EFFECTIVE DATE	ASSESSED VALUE
01/01/2020	\$244,700
01/01/2013	\$251,800
01/01/2005	\$334,200

PERMITS

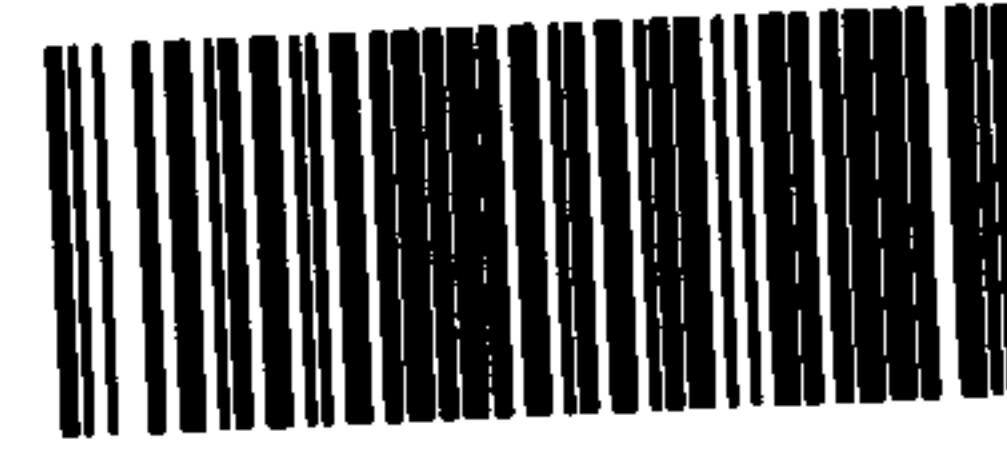
Permits issued in the past 6 years. All information deemed reliable but not guaranteed. For more information, please visit Dare County's [searchable permit site](#).

No data to display



BOOK 2211 PAGE 184 (16)

700047156



Prepared by and Return to:
Norman W. Shearin, Esq.
NEXSEN PRUET
4141 Parklake Avenue, Suite 200
Raleigh, NC 27612

NORTH CAROLINA

DARE COUNTY

AGREEMENT

THIS AGREEMENT AND QUITCLAIM DEED ("Agreement"), made this 18th day of September, 2017, by and between **PATRICIA H. ELLIOTT** and husband, **IVIE A. ELLIOTT, JR.** ("Elliott"), **EDWARD G. ANISKI**, and wife, **BIANCA F. L. ANISKI** ("Aniski"), **JACK MILLER BENNETT**, and wife, **DONNA LEE BENNETT** ("J. Bennett"), **JOANNE MARIE PORTER**, and husband, **MICHAEL PORTER** ("Porter"), **SHARON LYNN SMITH**, and husband, **RICKI SMITH** ("Smith"), and **THOMAS ALFRED BENNETT, JR.**, and wife, **KAREN BENNETT** ("T. Bennett").

WITNESSETH:

THAT WHEREAS, the parties hereto are the owners of adjoining lands situated on Avon Harbor in the Village of Avon, on Hatteras Island, Kinnakeet Township, Dare County, North Carolina,

AND WHEREAS, the lands of the parties hereto are shown on that certain map or plat thereof entitled "Survey for: Elliott/Miller Parcel, Aniski Parcels, Bennett Parcels, and Cemetery Parcel" and recorded in Plat Cabinet I, Slide 351, Dare County Registry, and incorporated herein by reference.

AND WHEREAS, the lands of J. Bennett, Porter, and Smith are bounded on the south by

Avon Harbor, on the west by Pamlico Sound, on the north by lands of Bennett and Williams, and on the east by Aniski, and are more particularly described as follows:

Being that certain parcel or tract of land located in the Village of Avon, Kinnakeet Township, Dare County, North Carolina, and more particularly described as follows:

Beginning at an existing iron pipe located within the southern right of way line of C.C. Gray Road (30' R/W - S.R. 1244), said existing iron pipe being the northeastern corner of that parcel now or formerly of Edward & Bianca F.L. Aniski (D.B. 228, Pg. 395; D.B. 226, Pg. 764 & 767), and being further located South 33° 02' 11" West 7109.54 feet from N.C.G.S. "Colony", having NC Grid Coordinates (NAD 83) of N: 607044.1993 ft. and E: 3043450.3500 ft. (Scale Factor 0.9998746); thence along the northern line of Aniski and running with the right of way of C.C. Gray Road, South 84° 51' 32" West 46.44 feet to an existing iron pipe being a common corner with the land of Aniski and the land now or formerly of Jack Miller Bennett & Thomas Alfred Bennett, Jr. (D.B. 182, Page 305); thence along the northern line of the land of Bennett and continuing along the right of way of C.C. Gray Road, South 85° 51' 56" West 77.93 feet to an existing concrete monument located in the southern right of way of C.C. Gray Road and being a common corner with Bennett and the land now or formerly of Williams (D.B. 1005, Pg. 543; D.B. 216, Pg. 820; D.B. 216, Pg. 818); thence with the line of Williams South 21° 26' 21" East 59.13 feet to an existing iron pipe, being a common corner with the land of Bennett (D.B. 182, Pg. 305) and the land of Williams, and being the true Point and Place of Beginning; thence from said Beginning Point, South 20° 06' 48" East 12.57 feet to an existing iron rod and being a common corner with the land of Bennett (D.B. 182, Page 305); thence with the common line of the aforementioned Bennett parcel, North 77° 29' 19" East 38.65 feet to an existing iron pipe and being a common corner with the lands now or formerly of Bennett (D.B. 182, Pg. 305) and Edward Aniski and Bianca F.L. Aniski (D.B. 1957, Page 463; D.B. 608, Pg. 893; D.B. 544, Pg. 751; D.B. 127, Pg. 430; D.B. 38, Pg. 388; D.B. 11, Pg. 379; and D.B. C, Pg. 429); thence along the common line of Aniski, South 16° 56' 17" East 211.54 feet to a calculated point in the Harbor Easement (Army Corps of Engineers - Avon Harbor Project 152); thence South 16° 56' 17" East 40.35 feet to a set iron rod, said point being further located South 40° 33' 02" East 298.30 feet from a PK Nail set in the existing bulkhead common between the subject property and the land now or formerly of Williams (D.B. 1005, Pg. 543; D.B. 216, Pg. 820; and D.B. 216, Pg. 818); thence South 16° 56' 17" East 25.96 feet to a calculated point in the Avon Harbor Shoreline by CE&S October, 2016; thence meandering along the Avon Harbor shoreline in a northwesterly direction to a point in an existing bulkhead, thence continuing along the bulkhead in a northwesterly direction to a PK nail set in the existing bulkhead common between the subject property and land now or formerly of aforementioned Williams; thence North 77° 16' 04" East 80.48 feet to the point and place of Beginning containing a total area of 0.478 acres (20,853. sq. ft.) as shown on the survey entitled "Survey For: Elliott/Miller

Parcel, Aniski Parcels, Bennett Parcels", prepared by Coastal Engineering & Surveying, Inc., dated July 25, 2017.

Together with a 10 foot access easement from C.C. Gray Road along the west line of the lands of J. Bennett and T. Bennett.

AND WHEREAS, the lands of J. Bennett and T. Bennett are bounded on the north by C. C. Gray Road, on the east by Aniski, on the south by J. Bennett, Porter and Smith, on the west by Williams, and are more particularly described as follows:

Being that certain parcel or tract of land located in located in the Village of Avon, Kinnakeet Township, Dare County, North Carolina, and more particularly described as follows:

Beginning at an existing iron pipe located within the southern right of way line of C.C. Gray Road (30' R/W - S.R. 1244), said existing iron pipe being the northeastern corner of that parcel now or formerly of Edward & Bianca F.L. Aniski (D.B. 228, Pg. 395; D.B. 226, Pg. 764 & 767), and being further located South $33^{\circ} 02' 11''$ West 7109.54 feet from N.C.G.S. "Colony", having NC Grid Coordinates (NAD 83) of N: 607044.1993 ft. and E: 3043450.3500 ft. (Scale Factor 0.9998746); thence along the northern line of Aniski and running with the right of way of C.C. Gray Road, South $84^{\circ} 51' 32''$ West 46.44 feet to an existing iron pipe being a common corner with the land of Aniski and the land now or formerly of Jack Miller Bennett & Thomas Alfred Bennett, Jr. (D.B. 182, Page 305) and being the Point and Place of Beginning; thence from said Beginning Point, South $14^{\circ} 42' 01''$ East 50.19 feet to an existing iron rod and a common corner with the lands of Aniski (D.B. 1957, Pg. 463; D.B. 608, Pg. 893; D.B. 544, Pg. 751; D.B. 127, Pg. 430; D.B. 38, Pg. 388; D.B. 11, Pg. 379; and D.B. C, Pg. 429); thence along the common line of Aniski, South $59^{\circ} 53' 24''$ West 30.98 feet to an existing iron pipe being a common corner with the lands of Aniski (D.B. 1957, Pg. 463; D.B. 608, Pg. 893; D.B. 544, Pg. 751; D.B. 127, Pg. 430; D.B. 38, Pg. 388; D.B. 11, Pg. 379; and D.B. C, Pg. 429) and the land now or formerly of Jack Miller Bennett, Joanne Marie Porter & Sharon Lynn Smith (D.B. 2190, Pg. 14; D.B. 1735, Pg. 459; D.B. 1118, Pg. 227; D.B. 328, Pg. 721 & 726; D.B. 5, Page 180, and D.B. D, Pg. 54); thence along the lines of Bennett, South $77^{\circ} 29' 19''$ West 38.65 feet to an existing iron rod being a common corner with the lands of Jack Miller Bennett & Thomas Alfred Bennett (D.B. 182, Page 305); thence along the common boundary of the Bennett parcels, North $20^{\circ} 06' 48''$ West 12.57 feet to an existing iron pipe being a common corner with the lands of Bennett and the property now or formerly of Williams (D.B. 1005, Page 543; D.B. 216, Pg. 820; and D.B. 216, Page 818); thence along the line of Williams, North $21^{\circ} 26' 21''$ West 59.13 feet to an existing concrete monument; thence leaving the line of Williams and with the southern boundary of the right of way of C.C. Gray Road, North $85^{\circ} 51' 56''$ East 77.93 feet to the point and place of Beginning containing a total area of 0.104 acres (4,561 sq. ft.) as shown on the survey entitled "Survey For: Elliott/Miller Parcel, Aniski Parcels, Bennett

Parcels", prepared by Coastal Engineering & Surveying, Inc., dated July 25, 2017.

Subject to a 10 foot access easement from C.C. Gray Road along the west line hereof to the lands of J. Bennett, Porter and Smith.

AND WHEREAS, the lands of Aniski are bounded by CC Gray Road on the north, Elliott on the east, Avon Harbor on the south, and J. Bennett, Porter and Smith on the west, and are more particularly described as follows:

First Aniski Parcel (0.463 acres/20,166.52 sq. ft.)

Being that certain parcel or tract of land located in the Village of Avon, Kinnakeet Township, Dare County, North Carolina, and more particularly described as follows:

Beginning at an existing iron pipe located within the southern right of way line of C.C. Gray Road (30' R/W - S.R. 1244), said existing iron pipe being further located South 33° 02' 11" West 7109.54 feet from N.C.G.S. "Colony", having NC Grid Coordinates (NAD 83) of N: 607044.1993 ft. and E: 3043450.3500 ft. (Scale Factor 0.9998746); thence South 13° 36' 53" East 47.88 feet to an existing iron rod, the Point and Place of Beginning and located at the northeastern corner of that parcel now or formerly of Edward Aniski and Bianca F.L. Aniski (D.B. 1957, Pg. 453; D.B. 608, Pg. 893; D.B. 544, Pg. 751; D.B. 127, Pg. 430; D.B. 38, Pg. 388; D.B. 11; Pg. 379; and D.B. C, Pg. 429); and also being a common corner with that parcel now or formerly of Edward and Bianca F.L. Aniski (D.B. 228, Pg. 395 and D.B. 226, Pg. 764 & 767); thence from said Beginning Point South 13° 36' 53" East 121.85 feet to an existing iron pipe located in the line of Harbor Easement (Army Corps of Engineers – Avon Harbor Project 152); thence South 13° 36' 53" East 171.57 feet to a set iron rod, said point being located South 37° 39' 57" West 169.18 feet from an existing iron pipe located in the western line of that property now or formerly of Patricia H. Elliott & Ivie A. Elliott Jr. (WB16E0, Pg. 146; D.B. 1862, Pg. 265; D.B. 1055, Pg. 785; D.B. E, Pg. 623); thence continuing along the eastern boundary line of said property, South 13° 36' 53" East 33.00 feet to a calculated point in the Avon Harbor Shoreline by CE&S October, 2016; thence meandering along the shoreline in a northwesterly direction to a point where it meets with the western line of said property, and also being a common line with that property now or formerly of Jack Miller Bennett, Joanne Marie Porter & Sharon Lynn Smith (D.B. 2190, Pg. 14; D.B. 1735, Pg. 459; D.B. 1118, Pg. 227; D.B. 328, Pg. 721 & 726; D.B. 5, Pg. 180; and D.B. D, Pg. 54); thence along the eastern line of the aforesaid Bennett Parcel, North 16° 56' 17" West. 25.96 feet to a set iron rod, said point being further located North 71° 30' 51" West 70.92 feet from a set iron rod located in the eastern boundary line of the subject property; thence North 16° 56' 17" West 40.35 feet to an existing iron pipe located in the line of Harbor Easement; thence North 16° 56' 17" West 211.54 feet to an existing iron pipe and being a common corner with two parcels; namely, the aforesaid Bennett parcel and that 0.104 acre parcel now or formerly

of Jack Miller Bennett and Thomas Alfred Bennett, Jr. (D.B. 182, Pg. 305); thence North 59° 53' 24" East 30.98 feet to an existing iron rod being a common corner with the parcels now or formerly of Jack Miller Bennett and Thomas Alfred Bennett, Jr. (D.B. 182, Pg. 305) and Edward & Bianca F.L. Aniski (D.B. 228, Pg 395 and D.B. 226, Pg. 764 & 767); thence North 82° 08' 45" East 45.21 feet to the point and place of Beginning containing a total area of 0.463 acres (20,166.52 sq. ft.), as shown on the survey entitled "Survey For: Elliott/Miller Parcel, Aniski Parcels, Bennett Parcels", prepared by Coastal Engineering & Surveying, Inc., dated July 25, 2017.

Together with a 10 foot access easement from C.C. Gray Road along the east line of the second Aniski Parcel.

Second Aniski Parcel (2,225.96 sq. ft.)

Being that certain parcel or tract of land located in the Village of Avon, Kinnakeet Township, Dare County, North Carolina, and more particularly described as follows:

Beginning at an existing iron pipe located within the southern right of way line of C.C. Gray Road (30' R/W - S.R. 1244), said existing iron pipe being further located South 33° 02' 11" West 7109.54 feet from N.C.G.S. "Colony", having NC Grid Coordinates (NAD 83) of N: 607044.1993 ft. and E: 3043450.3500 ft. (Scale Factor 0.9998746); thence from said beginning point South 13° 36' 53" East 47.88 feet to an existing iron rod located in a common boundary line between the land now or formerly of Patricia H. Elliott and Ivie A. Elliott Jr. (D.B. WB16EO, Pg. 146; D.B. 1882, Pg. 265; D.B. 1055, Pg. 785; D.B. E, Pg. 623) and Aniski; thence along the common boundary line of Aniski (D.B. 1957, Pg. 463; D.B. 608, Pg. 893; D.B. 544, Pg. 751; D.B. 127, Pg. 430; D.B. 38, Pg. 388; D.B. 11, Pg. 379; and D.B. C, Pg. 429), South 82° 08' 45" West 45.21 feet to an existing iron rod located at a common corner with the lands of Aniski and Jack Miller Bennett and Thomas Alfred Bennett, Jr. (D.B. 182, Pg. 305); thence along the common boundary line of Aniski and Bennett, North 14° 42' 01" West 50.19 feet to an existing iron pipe located at the southern right of way of C.C. Gray Road (30' R/W - S.R. 1244); thence with the right of way of C.C. Gray Road, North 84° 51' 32" East 46.44 feet to the point and place of Beginning containing a total area of 0.051 acres (2,226 sq. ft.) as shown on the survey entitled "Survey For: Elliott/Miller Parcel, Aniski Parcels, Bennett Parcels", prepared by Coastal Engineering & Surveying, Inc., dated July 25, 2017.

Subject to a 10 foot access easement from C.C. Gray Road to the First Aniski Parcel along the east line hereof.

AND WHEREAS, the lands of Elliott are bounded on the north by C. C. Gray Road, on the east by a cemetery, on the south by Avon Harbor, and on the west by Aniski, and are more particularly described as follows:

Being that certain parcel or tract of land located in the Village of Avon, Kinnakeet Township, Dare County, North Carolina, and more particularly described as follows:

Beginning at an existing iron pipe located within the southern right of way line of C.C. Gray Road (30' R/W - S.R. 1244), said existing iron pipe being further located South 33° 02' 11" West 7109.54 feet from N.C.G.S. "Colony", having NC Grid Coordinates (NAD 83) of N: 607044.1993 ft. and E: 3043450.3500 ft. (Scale Factor 0.9998746); thence from said beginning point along the southern boundary of C.C. Gray Road (30' R/W - S.R. 1244), North 78° 45' 27" East 103.17 feet to an calculated point; thence continuing along the southern boundary of C.C. Gray Road (30' R/W - S.R. 1244) North 78° 45' 27" East 28.94 feet to a set iron rod, said point being the northern corner of that parcel now or formerly of W.B. Miller (D.B. 5, Pg. 580, 1911 Conveyance by R.W. Gray to W.B. Miller); thence along a property line established per D.B. E, Pg. 623 dated September 1, 1897, South 13° 36' 53" East 239.18 feet to a set iron rod; thence South 13° 36' 53" East 9.18 feet to a calculated point in the Avon Harbor Shoreline by CE&S October 2016; thence meandering with the shoreline of Avon Harbor to a point in the shoreline where it meets with the western line of the subject property, said line also being the eastern boundary line of that property now or formerly of Edward Aniski and Bianca F.L. Aniski (D.B. 1957, Page 463; D.B. 608, Pg. 893; D.B. 544, Pg. 751; D.B. 127, Pg. 430; D.B. 38, Pg. 388; D.B. 11, Pg. 379; D.B. C, Pg. 429); thence along the western boundary line North 13° 36' 53" West 33.00 feet to a set iron rod, said point being located South 37° 39' 57" West 169.18 feet from a set iron rod located in the eastern line of that property now or formerly of Patricia H. Elliott and Ivie A. Elliott Jr. (WB16EO, Pg. 146; D.B. 1862, Pg. 265; D.B. 1055, Pg. 785; and D.B. E, Pg. 623); thence North 13° 36' 53" West 171.57 feet to a calculated point located in the Harbor Easement (Army Corp of Engineers - Avon Harbor Project 152); thence North 13° 36' 53" West 121.85 feet to an existing iron rod, said point being a common corner with the southern corner of that property now or formerly of Edward and Bianca F.L. Aniski (D.B. 228, Pg. 395 and D.B. 226, Pg. 764 and 767); thence North 13° 36' 53" West 47.88 feet to an existing iron pipe located in the right of way of C.C. Gray Road (30' R/W - S.R. 1244) and also being the common corner with the northeastern corner of the property now or formerly of Edward and Bianca F.L. Aniski (D.B. 228, Pg. 395 and D.B. 226, Pg. 764 and 767), the point and place of Beginning, containing a total area of 0.912 acres (39,746 sq. ft. including the cemetery), as shown on the survey entitled "Survey For: Elliott/Miller Parcel, Aniski Parcels, Bennett Parcels", prepared by Coastal Engineering & Surveying, Inc., dated July 25, 2017.

The above-described property includes a portion of the Miller and Gray Family Cemetery consisting of 0.121 acres (5,280 sq. ft.) as shown on the survey entitled "Survey For: Elliott/Miller Parcel, Aniski Parcels, Bennett Parcels", prepared by Coastal Engineering & Surveying, Inc., dated July 25, 2017. The said cemetery is accessed from C.C. Gray Road.

Together with a private access easement from Harbor Road to the lands of Elliott as shown on the said survey prepared by Coastal Engineering & Surveying, Inc., dated July 25, 2017.

AND WHEREAS, the Miller and Gray Cemetery adjoins the lands of Elliott on the east, is accessed from C.C. Gray Road, and is more particularly described as follows:

Beginning at an existing iron pipe located within the southern right of way line of C.C. Gray Road (30' R/W - S.R. 1244), said existing iron pipe being further located South 33° 02' 11" West 7109.54 feet from N.C.G.S. "Colony", having NAD 83 Grid Coordinates (NAD 83) of N: 607044.1993 ft. and E: 3043450.3500 ft. (Scale Factor 0.9998746); thence from said point along the southern boundary of C.C. Gray Road (30' R/W - S.R. 1244), North 78° 45' 27" East 103.17 feet to an existing iron pipe; thence continuing along the southern boundary of C.C. Gray Road (30' R/W - S.R. 1244) North 78° 45' 27" East 28.94 feet to a set iron rod, said point being the northern corner of that parcel now or formerly of W.B. Miller (D.B. 5, Pg. 580, 1911 Conveyance by R.W. Gray to W.B. Miller) and being the Point and Place of Beginning; thence from said Beginning Point, North 78° 45' 27" East 43.95 feet to an existing iron rod, and being a common corner with the property now or formerly of Scarboro (Plat Per K.R. Sinclair, D.B. 162, Pg. 448 (1964); thence along the agreed boundary line between the subject property and Scarboro, South 08° 00' 30" East 72.44 feet to an existing iron rod being a common corner with Scarboro and the property now or formerly of Tilman Gray and Bonnie Gray (D.B. 1487, Pg. 88; D.B. 844, Pg. 335; D.B. 663, Pg. 1; D.B. 162, Pg. 446; D.B. 104, Pg. 508; and D.B. 49, Pg. 532); thence continuing along the agreed boundary line between the subject property and Gray, South 08° 00' 30" East 97.08 feet to an existing iron rod; thence South 74° 03' 46" West 9.47 feet to an existing iron rod located in the southern boundary of a private access easement and being a common corner with the property now or formerly of Basil H. Hooper, Jr. and Linda H. Hooper (D.B. 54, Pg. 320; D.B. 1586, Pg. 186; P.C. A. SL 351); thence the following three calls along the line of Hooper, South 02° 17' 07" East 10.22 feet to an existing concrete monument located on the line of the Harbor Easement (Army Corps of Engineers - Avon Harbor Project 152); thence South 02° 17' 07" East 54.32 feet to an existing concrete monument located at the bulkhead of the Hooper property, and being located North 85° 26' 55" West 30.02 feet from a Tidal Bench Mark; thence South 02° 17' 07" East 6.32 feet to a calculated point located in the Avon Harbor Shoreline by CE&S October, 2016; thence along and with the shoreline in a westerly direction to a calculated point located in the shoreline, said point being a common corner with the property now or formerly of Patricia H. Elliott and Ivie A. Elliott Jr. (WB16E), Pg. 146; D.B. 1862, Pg. 265; D.B. 1055, Pg. 785; D.B. E, Pg. 623); thence along the western boundary of the subject property, and being the property line established per D.B. E. Pg. 623 (September 1, 1897), North 13° 36' 53" West 9.18 feet to a set iron rod; thence North 13° 36' 53" West 58.36 feet to a calculated point, said point being located South 74° 03' 46" West 17.91 feet from an existing iron rod, said point being a common corner with the property now or

032

formerly of Basil H. Hooper, Jr. and Linda H. Hooper (D.B. 54, Pg 320; D.B. 1486, Pg. 186; P.C. 'A', SL 351) and with the property now or formerly of W.B. Miller (D.B. '5', Pg. 580; 1911 Conveyance by R.W. Gray to W.B. Miller); thence continuing along the agreed property line, North 13° 36' 53" West 171.64 feet to a set iron rod located in the southern right of way C.C. Gray Road (S.R. 1244), the point and place of Beginning, containing a total area of 0.139 acres (6,065 sq. ft.), as shown on the survey entitled "Survey For: Elliott/Miller Parcel, Aniski Parcels, Bennett Parcels", prepared by Coastal Engineering & Surveying, Inc., dated July 25, 2017.

AND WHEREAS, some question has arisen concerning the location on the ground of the boundaries of said lands;

AND WHEREAS, the parties hereto desire to fix and establish the boundaries of their said lands;

NOW, THEREFORE, the parties, in consideration of the mutual covenants contained herein, and the sum of ONE DOLLAR (\$1.00), each to the other in hand paid, the receipt of which is hereby acknowledged, do hereby covenant and agree that the boundaries of their said respective parcels of land shall be as shown on the plat thereof referenced herein and recorded in Plat Cabinet I, Slide 351, Dare County Registry.

J. Bennett and T. Bennett do hereby remise, release and quitclaim unto Elliott all right title and interest in the Miller and Gray Cemetery described herein.

Elliott does hereby remise, release and quitclaim unto Aniski all right, title and interest in the lands of Aniski described herein.

Aniski does hereby remise, release and quitclaim unto Elliott, J. Bennett, Porter, Smith, and T. Bennett all right, title and interest in the lands of Elliott, J. Bennett, Porter, Smith, and T. Bennett described herein.

J. Bennett does hereby remise, release and quitclaim unto Aniski, all right, title and interest in the lands of Aniski described herein.

Porter does hereby remise, release and quitclaim unto Aniski all right, title and interest in the lands of Aniski described herein.

Smith does hereby remise, release and quitclaim unto Aniski all right, title and interest in the lands of Aniski described herein.

T. Bennett does hereby remise, release and quitclaim unto Aniski all right, title and interest in the lands of Aniski described herein.

TO HAVE AND TO HOLD the aforesaid parcels of land and all privileges and appurtenances thereto belonging to Elliott, Aniski, J. Bennett, Porter, Smith and T. Bennett.

Unofficial Document

Unofficial Document

ELLIOTT:

PATRICIA H. ELLIOTT

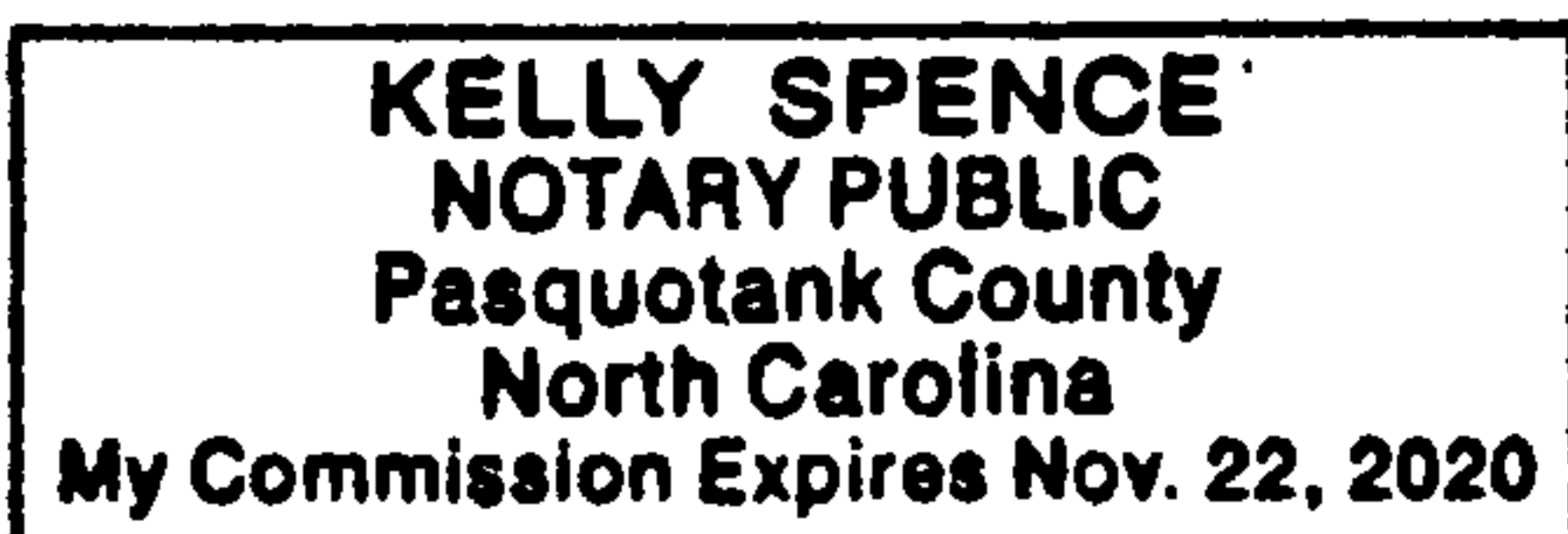
Patricia H. Elliott (SEAL)
PATRICIA H. ELLIOTT

STATE OF North Carolina
CITY/COUNTY OF Pasquotank

I, Kelly Spence, the undersigned Notary Public of the
aforesaid City/County and State, do hereby certify that **PATRICIA H. ELLIOTT** personally
appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the 5 day of October,
2017.

My Commission Expires: 11/22/2020



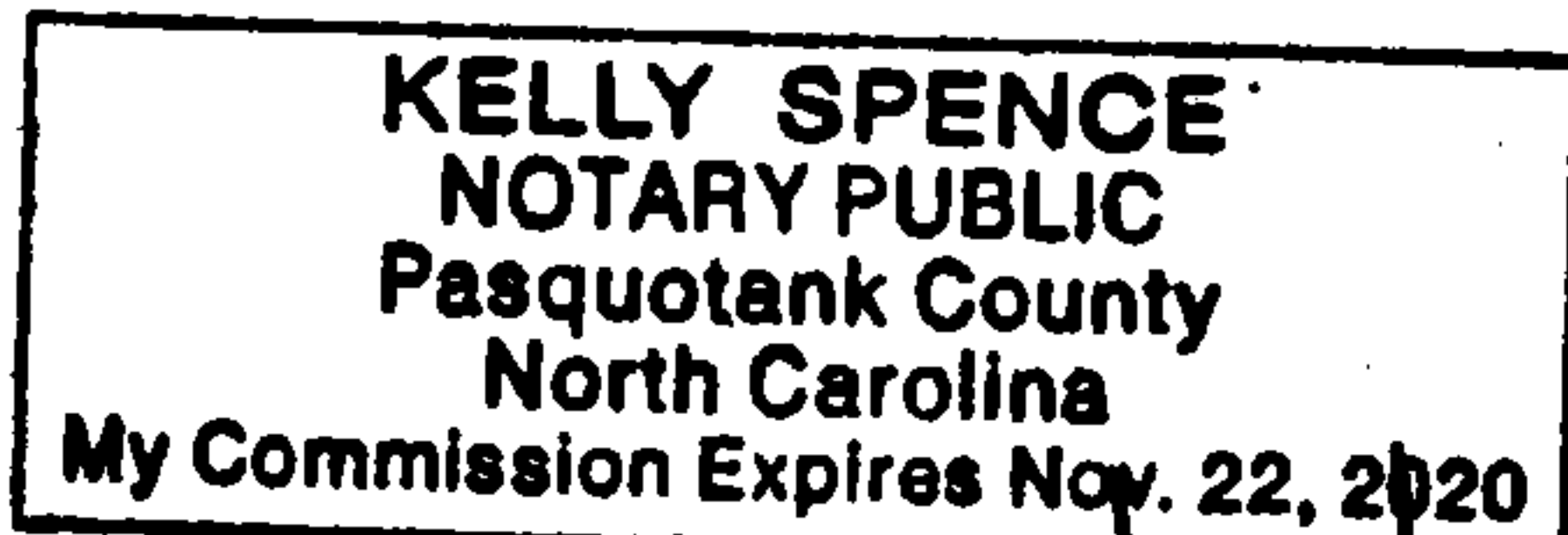
IVIE A. ELLIOTT, JR.

Ivie A. Elliott, Jr. (SEAL)
IVIE A. ELLIOTT, JR.

STATE OF North Carolina
CITY/COUNTY OF Pasquotank

I, Kelly Spence, the undersigned Notary Public of the
aforesaid City/County and State, do hereby certify that **IVIE A. ELLIOTT, JR.** personally
appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the 05 day of October,
2017.



My Commission Expires: 11/22/2020

Unofficial

ANISKI:

EDWARD G. ANISKI

Edward G. Aniski (SEAL)
EDWARD G. ANISKI

STATE OF New Jersey
CITY/COUNTY OF Ocean

I, Kathleen Wells, the undersigned Notary Public of the aforesaid City/County and State, do hereby certify that **EDWARD G. ANISKI** personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the 3rd day of October, 2017.

KATHLEEN WELLS

ID # 2313572
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires April 13, 2019

My Commission Expires: _____

Kathleen Wells
Notary Public

BIANCA F. L. ANISKI

Bianca F. L. Aniski (SEAL)
BIANCA F. L. ANISKI

STATE OF New Jersey
CITY/COUNTY OF Ocean

I, Kathleen Wells, the undersigned Notary Public of the aforesaid City/County and State, do hereby certify that **BIANCA F. L. ANISKI** personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the 3rd day of October, 2017.

KATHLEEN WELLS

ID # 2313572
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires April 13, 2019

My Commission Expires: _____

Kathleen Wells
Notary Public

Unofficial

J. BENNETT:

JACK MILLER BENNETT

Jack Miller Bennett (SEAL)
JACK MILLER BENNETT

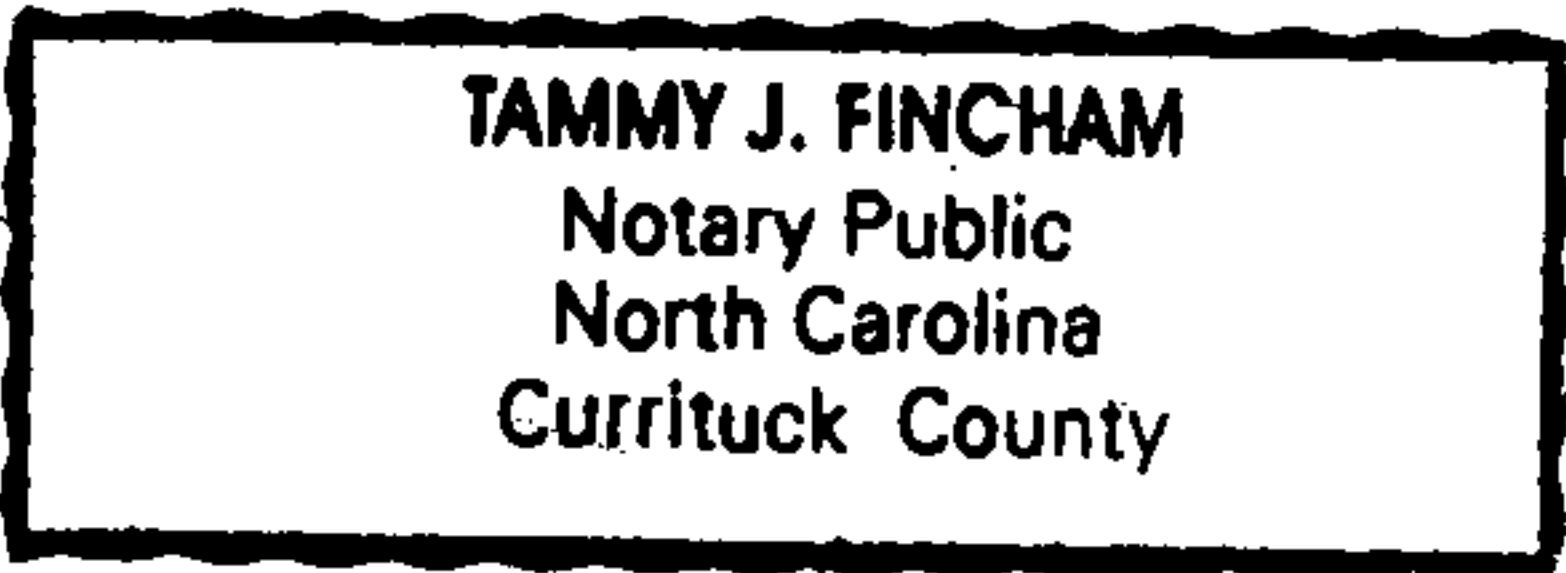
STATE OF North Carolina
CITY/COUNTY OF Currituck

I, Tammy J. Fincham, the undersigned Notary Public
of the aforesaid City/County and State, do hereby certify that **JACK MILLER BENNETT**
personally appeared before me this day and acknowledged the due execution of the foregoing
instrument.

Witness my hand and official stamp or seal, this the 20th day of October,
2017.

Tammy J. Fincham
Notary Public

My Commission Expires: 7-26-2021



DONNA LEE BENNETT

Donna Lee Bennett (SEAL)
DONNA LEE BENNETT

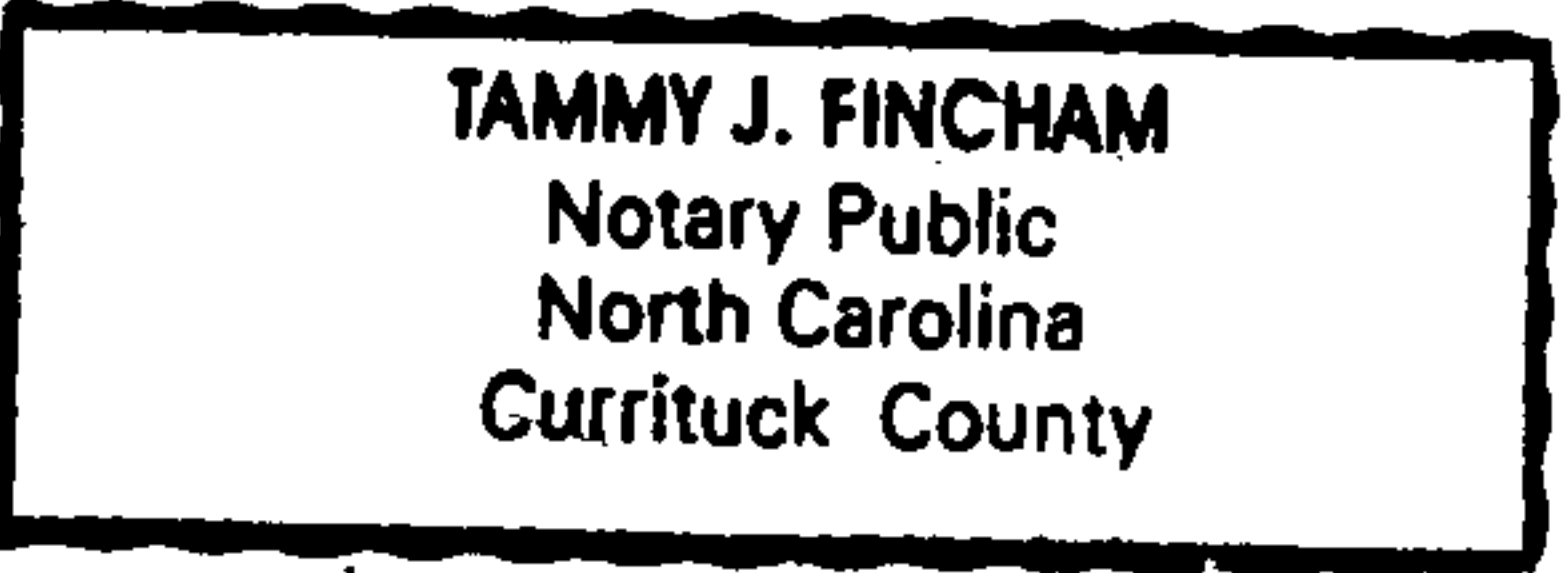
STATE OF North Carolina
CITY/COUNTY OF Currituck

I, Tammy J. Fincham, the undersigned Notary Public
of the aforesaid City/County and State, do hereby certify that **DONNA LEE BENNETT**
personally appeared before me this day and acknowledged the due execution of the foregoing
instrument.

Witness my hand and official stamp or seal, this the 20th day of October,
2017.

Tammy J. Fincham
Notary Public

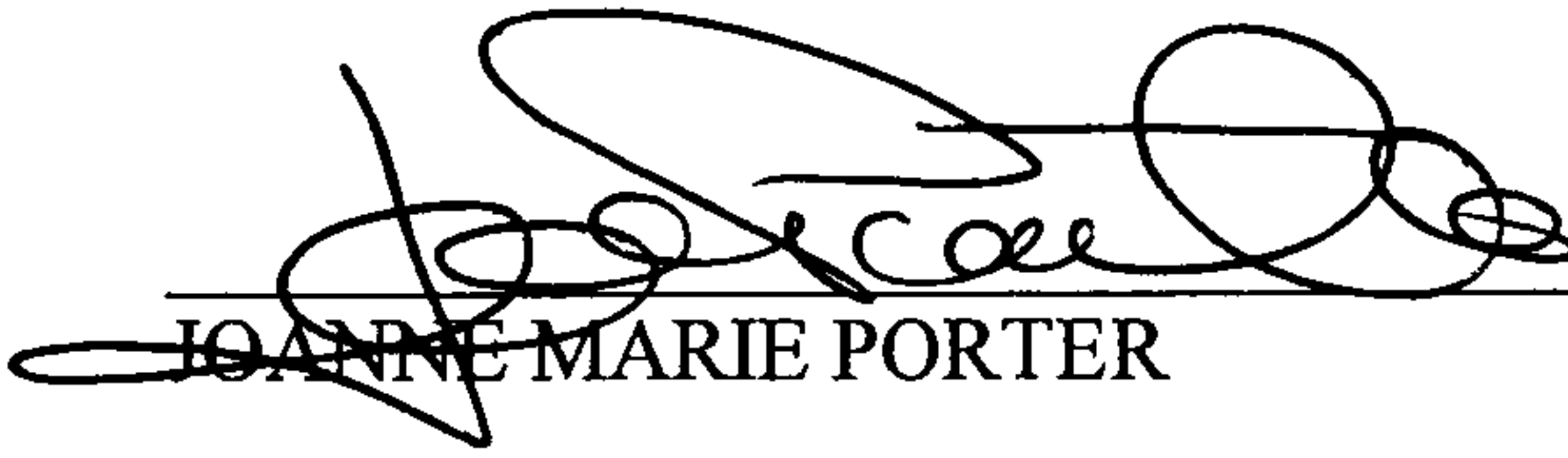
My Commission Expires: 7-26-2021



Unofficial

PORTER:

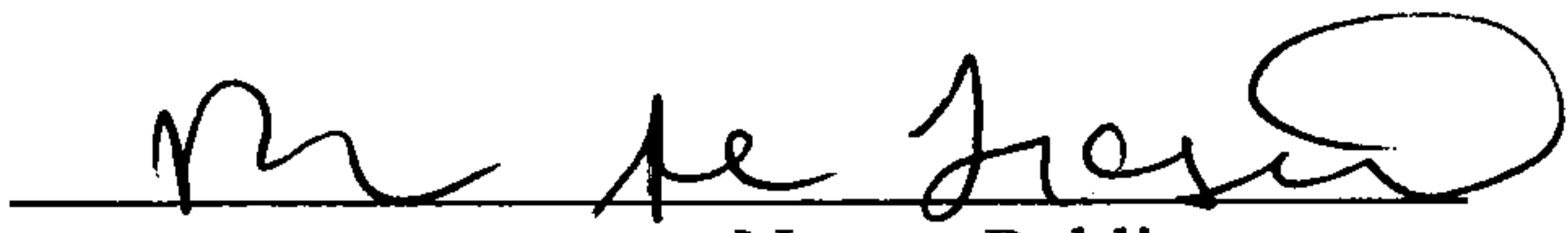
JOANNE MARIE PORTER

 (SEAL)
JOANNE MARIE PORTER

STATE OF North Carolina
CITY/COUNTY OF Salisbury Rowan

I, Beverly Anne Hartsell, the undersigned Notary Public
of the aforesaid City/County and State, do hereby certify that **JOANNE MARIE PORTER**
personally appeared before me this day and acknowledged the due execution of the foregoing
instrument.

Witness my hand and official stamp or seal, this the 7 day of December,
2017.


Notary Public

My Commission Expires: Oct 6, 2022

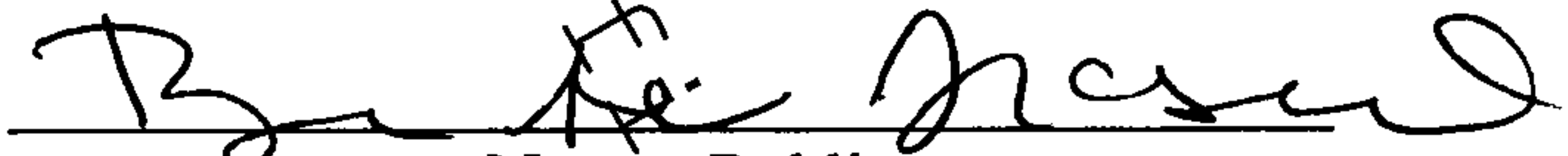
MICHAEL PORTER


MICHAEL PORTER

STATE OF North Carolina
CITY/COUNTY OF Salisbury Rowan

I, Beverly Anne Hartsell, the undersigned Notary Public
of the aforesaid City/County and State, do hereby certify that **MICHAEL PORTER** personally
appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the 7 day of December,
2017.


Notary Public

My Commission Expires: Oct 6, 2022



Unofficial Document

PORTER:

JOANNE MARIE PORTER

 (SEAL)
JOANNE MARIE PORTER

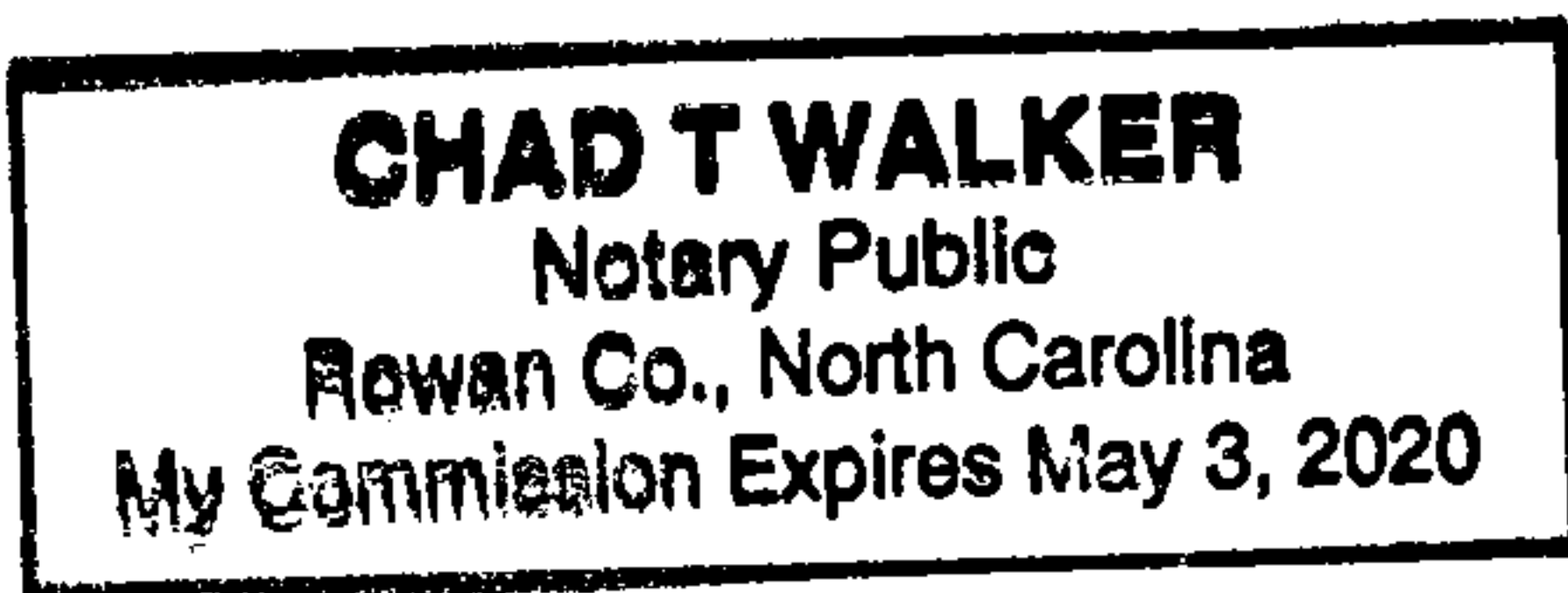
STATE OF North Carolina
CITY/COUNTY OF Rowan

I, Chad T. Walker, the undersigned Notary Public
of the aforesaid City/County and State, do hereby certify that **JOANNE MARIE PORTER**
personally appeared before me this day and acknowledged the due execution of the foregoing
instrument.

Witness my hand and official stamp or seal, this the 22nd day of November,
2017.


Notary Public

My Commission Expires: May 3, 2020



MICHAEL PORTER

JOANNE MARIE PORTER (SEAL)

STATE OF _____
CITY/COUNTY OF _____

I, _____, the undersigned Notary Public
of the aforesaid City/County and State, do hereby certify that **JOANNE MARIE PORTER**
personally appeared before me this day and acknowledged the due execution of the foregoing
instrument.

Witness my hand and official stamp or seal, this the _____ day of _____,
2017.

Notary Public

My Commission Expires: _____

SMITH:

SHARON LYNN SMITH

Sharon Lynn Smith (SEAL)
SHARON LYNN SMITH

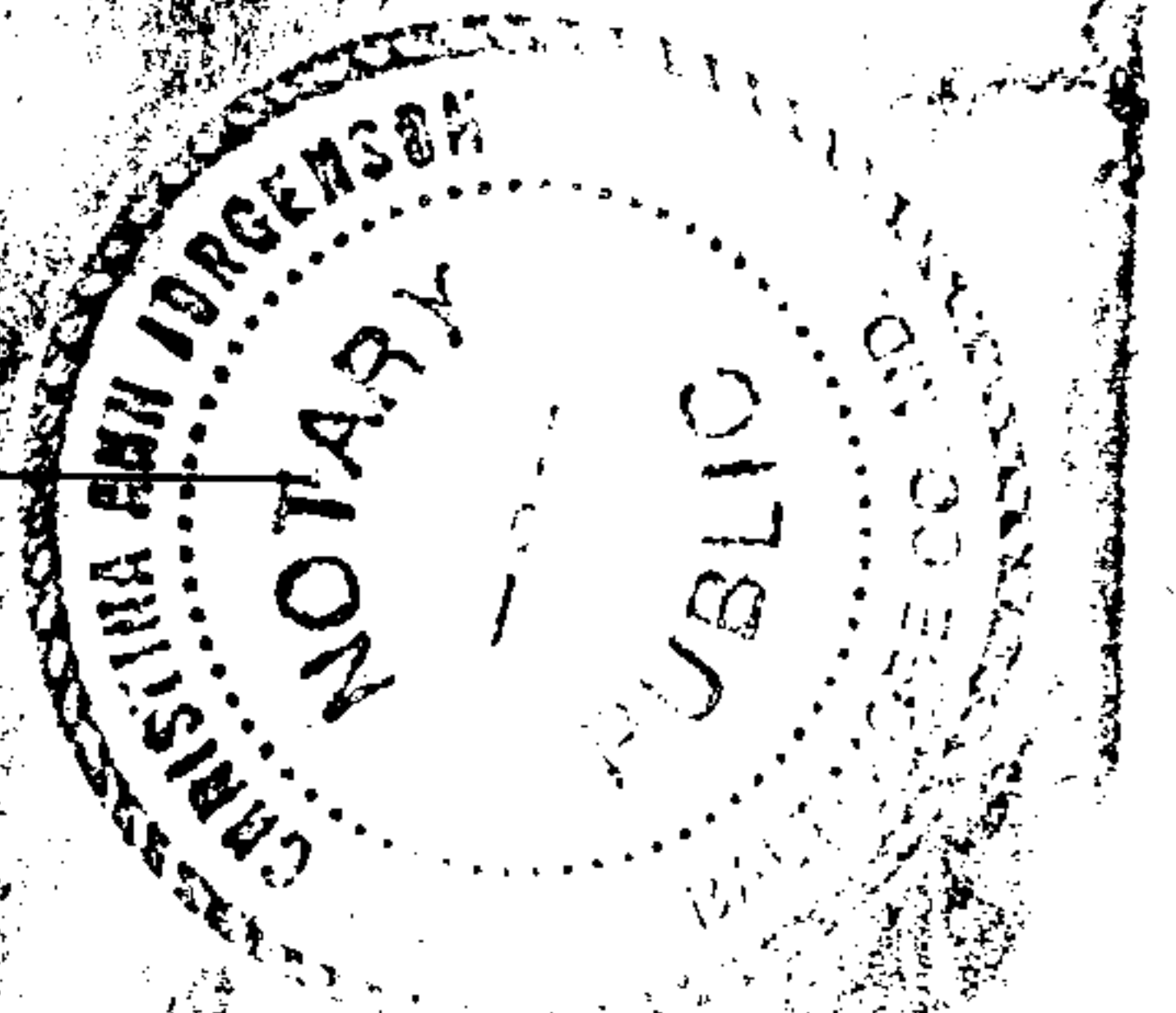
STATE OF Maryland
CITY/COUNTY OF Harford

I, Christina Jorgenson, the undersigned Notary Public of the aforesaid City/County and State, do hereby certify that **SHARON LYNN SMITH** personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the 18th day of November, 2017.

My Commission Expires: 10/12/2020

Notary Public



RICKI SMITH

Ricki Smith (SEAL)
RICKI SMITH

STATE OF Maryland
CITY/COUNTY OF Harford

I, Christina Jorgenson, the undersigned Notary Public of the aforesaid City/County and State, do hereby certify that **RICKI SMITH** personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the 18th day of November, 2017.

My Commission Expires: 10/12/2020

Notary Public



040
T. BENNETT:

THOMAS ALFRED BENNETT, JR.

Thomas Alfred Bennett Jr. (SEAL)
THOMAS ALFRED BENNETT, JR.

STATE OF California
CITY/COUNTY OF Ventura

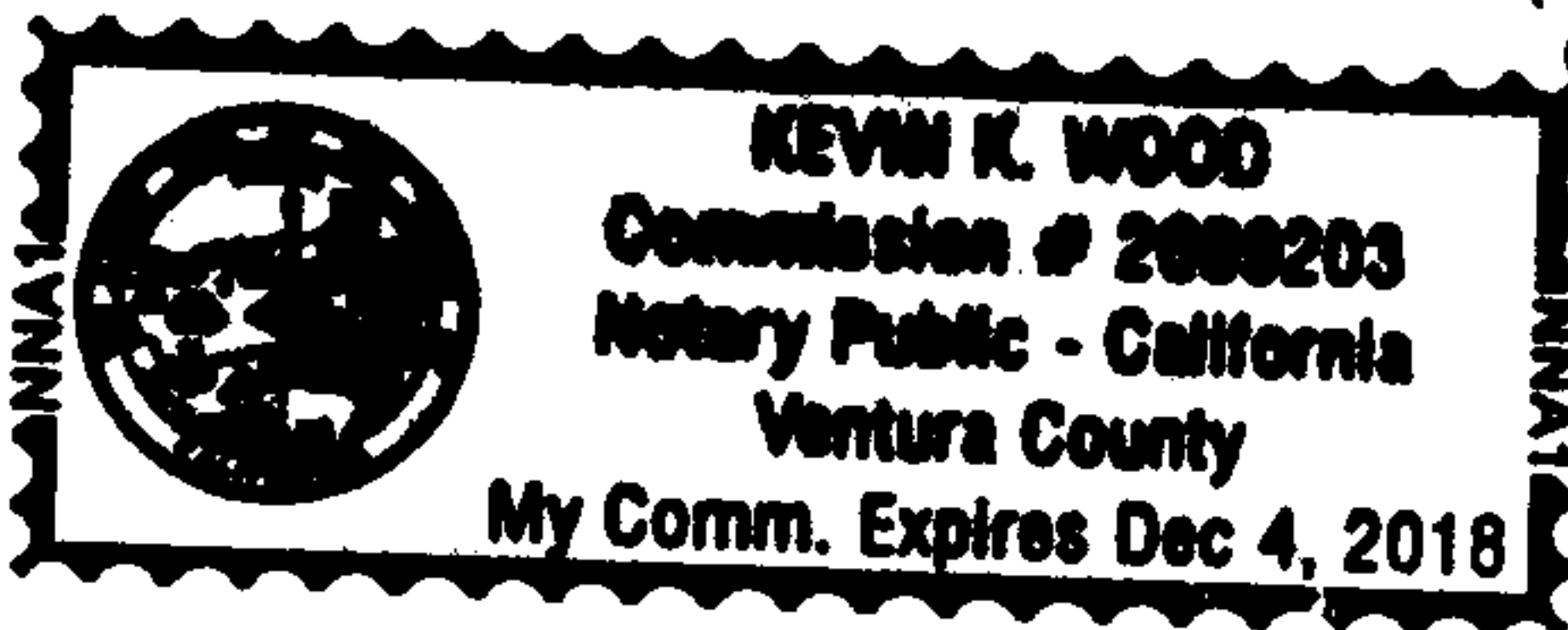
I, Kevin K. Wood, the undersigned Notary Public
of the aforesaid City/County and State, do hereby certify that **THOMAS ALFRED BENNETT, JR.** personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the 26th day of October,
2017.

K K Wood

Notary Public

My Commission Expires: December 4th, 2018



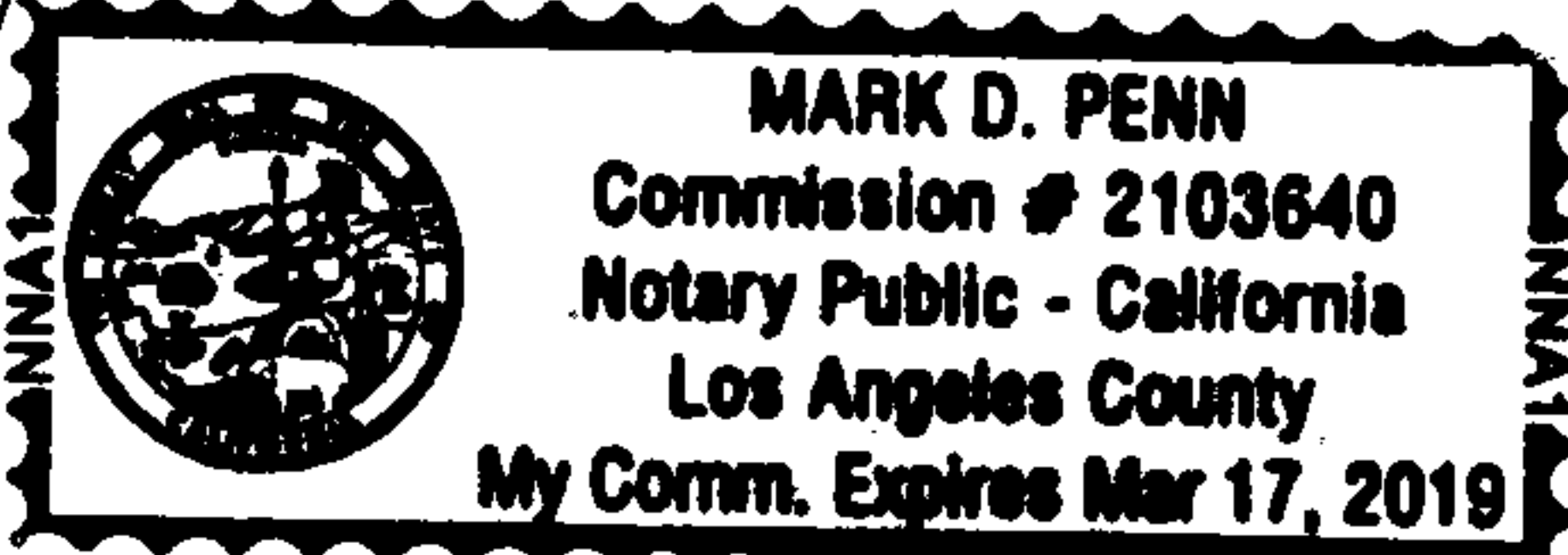
KAREN BENNETT

Karen Bennett (SEAL)
KAREN BENNETT

STATE OF California
CITY/COUNTY OF Los Angeles

I, Mark D Penn, the undersigned Notary Public
of the aforesaid City/County and State, do hereby certify that **KAREN BENNETT** personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the 31st day of October,
2017.



Mark D Penn

Notary Public

My Commission Expires: march 17, 2019

Improvement Permit
County of Dare
PO Box 669
Manteo NC 27954



S4-10261

Phone: (252) 475-5080

DARE COUNTY DEPARTMENT OF PUBLIC HEALTH

An Improvement Permit (IP) issued pursuant to this application is not affected by change in ownership provided the site and wastewater characteristics remain unchanged. An IP issued with a plat is valid without expiration. An IP issued with a site plan is valid for 60 months from the date of issuance.

Parcel: 014542000	LOT: BLK: SEC:	Permit: S4-10261
Location:	40165A C C GRAY RD -- AVON	
Subdivision:	SUBDIVISION - NONE	
Owner Name:	JOANNE MARIE PORTER	Permit Date: 04/20/2022
Owner Address:	160 SCOTLAND LN SALISBURY, NC 28146	Permit Type: WW RESIDENTIAL NEW
Number of bedrooms:	4	Gallons per day: 480
Occupancy:	8	Tank type: PRECAST
Water Supply:	PUBLIC	Tank size: 1000
Nitrific field size sqft:	240	Pump tank size: 0
Number of lines:	8	Grease trap size: 0
Trench length (feet):	30	Septic type: Type III-C - Gravity Fill Syst
Trench width (inches):	36	Septic code: RESIDENTIAL
Trench depth (inches):	12	Distribution: DISTRIBUTION BOX
Gravel depth (inches):	12	Distance from building: 5
Rock Under (inches):	6	Distance from water supply: 10
Rock Above (inches):	2	Distance from property line: 10
Bed system dimensions:	12X60	Distance from open water: 50

Design Specifications:

— Permit for 4BR sleeping 8. Install fill pad with dimensions 22'X60'X12" with a 1:3 side slope. Once installed call for inspection. Must be approved before AWSC can be issued. Once approved install 1000 gallon tank in manner where it can gravity feed new fill system. Install eight lines 30ft long on 3ft centers with center distribution as shown on site plan. Trench depth no deeper than 18" below top of fill. Must meet setbacks to property lines, water line, home and appurtenances. Repair area exempt with no additional room to claim.

Note: This Permit is subject to all provisions of the 15A NCAC .1900 rules governing the installation of septic systems. The person making the installation must notify the Health Department when the septic tank system is ready for inspection. If any septic tank system or part thereof is covered before being inspected and approved, it shall be uncovered at the direction of the Health Officer at the expense of the one responsible for making the installation.
Issued 04/20/2022

Permit Fee: \$ 400.00

Environmental Health Specialist

Applicant signature here

Applicant Signature: COASTAL ENGINEERING & SURVEYING INC.

DOCUMENTATION TO AUTHORIZE AN OWNER'S LEGAL REPRESENTATIVE

Applications for permits require the "signature of the owner or owner's legal representative" (15A NCAC 18A .1937). If the owner does not sign the application himself or herself, they can submit any one of the following documents to designate their legal representative:

1. Power of Attorney
2. Real Estate Contract
3. Estate executor
4. Bankruptcy trustee
5. Court ordered guardianship

In the absence of the above documentation, the property owner may provide the local health department with documentation that designates a legal representative. A property owner may:

1. Complete this form to document his or her legal representative, or
2. Provide his or her own form that contains the information in this form.

If there are multiple property owners, then all property owners must sign the form that designates a legal representative.

By signing a form that designates a legal representative for purposes of 15A NCAC 18A .1937, the property owner authorizes that representative to act on their behalf in matters pertaining to the application and permitting process, including signing or receiving any application, document or permit. The owner retains full responsibility to meet all permit conditions specified by the local health department.

I, JOANNE PORTER, am the legal owner(s) of the property located at 6016 S CURRY RD, AVON, NC, identified as Parcel Number 014542000, located in Dare County, North Carolina.

I do hereby authorize (print legal representative/company name) COASTAL ENGINEERING & SURVEYING, INC., to act as an agent on my behalf in applying for/signing/obtaining any of the documents described below.

- Application for Improvement Permit (IP) / Authorization to Construct (AC)
- Improvement Permit (IP) / Authorization to Construct (AC)
- Application for soil-site evaluation (new/repair)
- Application/permit for private drinking water well/well abandonment
- Application for Compliance Inspection

I agree to abide by all decisions and/or conditions between the legal representative acting on my behalf and the Dare County Public Health Division, Environmental Health Unit.

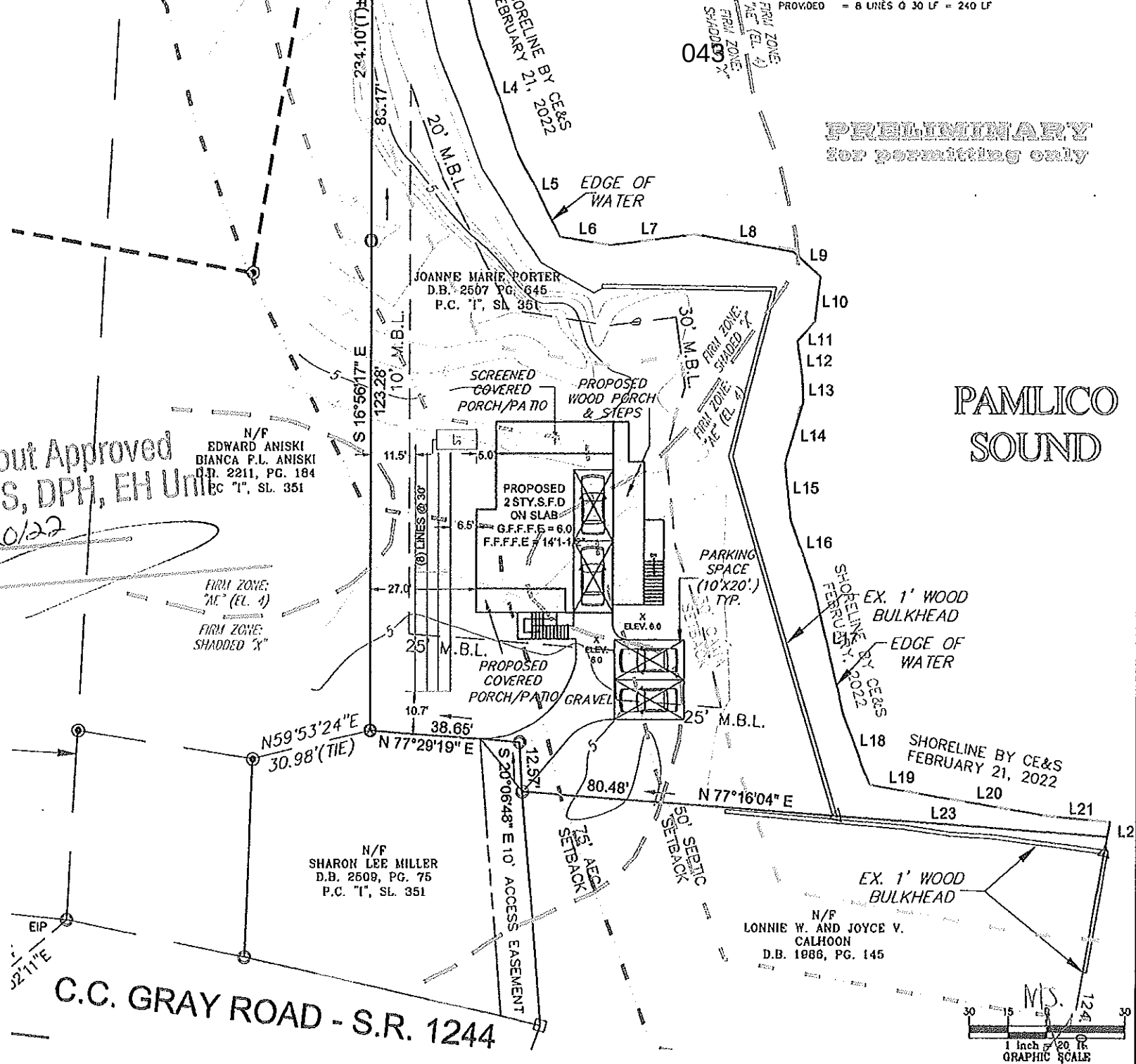
Signature of Owner(s) [Signature] Date 4/4/22 Signature of Witness [Signature] Date 4-4-2022

1G
8'E
5'E
2'E
6'E
1'E
9'E
6'E
5'E
9'E
0'E
3'W
9'E
2'E
5'E
8'E
13'E
8'E
9'E
1'W
4'E

ONS:
 - 1192
 - 824
 - 811
 - 2,972
 - 15.5%
 - 30%

C GRAY ROAD
 0304977
 (COMMERCIAL)
 ACRES, AS
 THOUT THE
 AND THE
 ITS NOT SHOWN
 DARE CURRENT
 OR MAKES NO
 ENVIRONMENTAL
 Y BE REQUIRED.
 1", SL. 351,
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 O.
 SE OF LAND
 AND FLOOD
 FEMA
 ARE BASED ON
 DATED
 PER NAVD 88

Septic Layout Approved
 by DCDHHS, DPH, EH Unit
 On 4/20/22
 BY



PRELIMINARY
 for permitting only

PAMLICO
 SOUND

ENGINEERING & SURVEYING, INC.	
PRELIMINARY SITE PLAN OPTIONS G FOR: JOANNE MARIE PORTER NORTH CAROLINA AVON KENDALET TWP.	
40165 A C GRAY ROAD	
DATE: 02/21/22	SCALE: 1"=30'
CHECKED: JCB	DRAWN: AKM
PROJECT NO: S3777.22	
CAD FILE: S37771LS	
SHEET: 1 of 1	



Coastal Management
ENVIRONMENTAL QUALITY

APPLICATION FOR CAMA MINOR DEVELOPMENT PERMIT

In 1974, the North Carolina General Assembly passed the Coastal Area Management Act (CAMA) and set the stage for guiding development in fragile and productive areas that border the state's sounds and oceanfront. Along with requiring special care by those who build and develop, the General Assembly directed the Coastal Resources Commission (CRC) to implement clear regulations that minimize the burden on the applicant.

This application for a minor development permit under CAMA is part of the Commission's effort to meet the spirit and intent of the General Assembly. It has been designed to be straightforward and require no more time or effort than necessary from the applicant. Please go over this folder with the Local Permit Officer (LPO) for the locality in which you plan to build to be certain that you understand what information he or she needs before you apply.

Under CAMA regulations, the minor permit is to be issued within 25 days once a complete application is in hand. Often less time is needed if the project is simple. The process generally takes about 18 days. You can speed the approval process by making certain that your application is complete and signed, that your drawing meets the specifications given inside and that your application fee is attached.

Other permits are sometimes required for development in the coastal area. While these are not CAMA-related, we urge you to check with the Local Permit Officer to determine which of these you may need. A list is included on page two of this folder.

We appreciate your cooperation with the North Carolina Coastal Management Program and your willingness to build in a way that protects the resources of our beautiful and productive coast.

Coastal Resources Commission
Division of Coastal Management

APPLICATION: Doane Marie Porter

LOCALITY: 4015A C.C. Gray Rd, Avon, N.C. 27915

H: 18-22

PERMIT ISSUED USING
STATIC LINE EXCEPTION?
YES ☐ NO ☐

Locality 40165A C.C. Gray Rd, Avon, N.C. 27915 Permit Number Hi-18-22
 Ocean Hazard _____ Estuarine Shoreline ☒ ORW Shoreline _____ Public Trust Shoreline _____ Other _____
 (For official use only)

GENERAL INFORMATION

LAND OWNER - MAILING ADDRESS

Name Joanne Marie Porter
 Address 160 Scotland Lane
 City Salisbury State NC Zip 28146 Phone _____
 Email soundsunjmp@gmail.com

AUTHORIZED AGENT

Name Coastal Engineering & Surveying, Inc.
 Address P.O. BOX 1129
 City Kitty Hawk State NC Zip 27949 Phone 252-261-4151
 Email natalie@coastales.com

LOCATION OF PROJECT: (Address, street name and/or directions to site; name of the adjacent waterbody.)
40165 A CC Gray Rd, Avon, NC adjacent to the Pamlico Sound

DESCRIPTION OF PROJECT: (List all proposed construction and land disturbance.) Construction of single family dwelling, septic and parking with driveway

SIZE OF LOT/PARCEL: 18,882 square feet 0.432 acres

PROPOSED USE: Residential ☒ (Single-family ☒ Multi-family ☐) Commercial/Industrial ☐ Other ☐

COMPLETE EITHER (1) OR (2) BELOW (Contact your Local Permit Officer if you are not sure which AEC applies to your property):

(1) OCEAN HAZARD AECs: TOTAL FLOOR AREA OF PROPOSED STRUCTURE: 2788 square feet (includes air conditioned living space, parking elevated above ground level, non-conditioned space elevated above ground level but excluding non-load-bearing attic space)

(2) COASTAL SHORELINE AECs: SIZE OF BUILDING FOOTPRINT AND OTHER IMPERVIOUS OR BUILT UPON SURFACES: 2788 square feet (includes the area of the foundation of all buildings, driveways, covered decks, concrete or masonry patios, etc. that are within the applicable AEC. Attach your calculations with the project drawing.)

STATE STORMWATER MANAGEMENT PERMIT: Is the project located in an area subject to a State Stormwater Management Permit issued by the NC Division of Energy, Mineral and Land Resources (DEMLR)?
 YES _____ NO X

If yes, list the total built upon area/impervious surface allowed for your lot or parcel: _____ square feet.

OTHER PERMITS MAY BE REQUIRED: The activity you are planning may require permits other than the CAMA minor development permit, including, but not limited to: Drinking Water Well, Septic Tank (or other sanitary waste treatment system), Building, Electrical, Plumbing, Heating and Air Conditioning, Insulation and Energy Conservation, FIA Certification, Sand Dune, Sediment Control, Subdivision Approval, Mobile Home Park Approval, Highway Connection, and others. Check with your Local Permit Officer for more information.

STATEMENT OF OWNERSHIP:

The undersigned, an applicant for a CAMA minor development permit, being either the owner of property in an AEC or a person authorized to act as an agent for purposes of applying for a CAMA minor development permit, certify that the person listed as landowner on this application has a significant interest in the real property described therein. This interest can be described as: (check one)

☒ an owner or record title, Title is vested in name of JOANNE MADIE PETER
Deed Book 2507 page 0645 in the Dare County Registry of Deeds.

☐ an owner by virtue of inheritance. Applicant is an heir to the estate of _____
_____; probate was in _____ County.

☐ if other interest, such as written contract or lease, explain below or use a separate sheet & attach to this application.

NOTIFICATION OF ADJACENT RIPARIAN PROPERTY OWNERS:

Furthermore certify that the following persons are owners of properties adjoining this property. I affirm that I have given **NOTICE** to each of them concerning my intent to develop this property and to apply for a CAMA permit.

(Name)	(Address)
Lonnie and Joyce Cahoon	21540 NC Hwy 94, Fairfield NC 27826
Edward and Bianca Aniski	206 W. 14th Street, Beach Haven, NJ 08008
Sharron Miller	160 Scotland Lane, Salisbury, NC 28146

KNOWLEDGEMENTS:

The undersigned, acknowledge that the land owner is aware that the proposed development is planned for an area which may be susceptible to erosion and/or flooding. I acknowledge that the Local Permit Officer has explained to me the particular hazard problems associated with this lot. This explanation was accompanied by recommendations concerning stabilization and floodproofing techniques.

Furthermore certify that I am authorized to grant, and do in fact grant, permission to Division of Coastal Management staff, Local Permit Officer and their agents to enter on the aforementioned lands in connection with evaluating information submitted to this permit application.

This the 07th day of JUNE, 2022

W. Scott
owner or person authorized to act as his/her agent for purpose of filing a CAMA permit application

Application includes: general information (this form), a site drawing as described on the back of this application, the ownership statement, the Ocean Hazard AEC Notice where necessary, a check for \$100.00 made payable to the locality, and information as may be provided orally by the applicant. The details of the application as described by these sources are incorporated without reference in any permit which may be issued. Deviation from these details will constitute a violation of permit. Any person developing in an AEC without permit is subject to civil, criminal and administrative action.

Dare County
 Planning Hatteras Island
 50347 NC Highway 12
 Frisco, NC 27936
 252-475-5878
 Welcome

068712-0007 Colleen F 07/15/2022 04:21PM

MISCELLANEOUS

Description: CAMA MINOR

PERMIT (CAMA)

CAMA MINOR PERMIT (CAMA)

2023 Item: CAMA

CAMA MINOR PERMIT
 (CAMA)

100.00

010000-100002-

100.00D

103560-430030-

100.00C

 100.00

Subtotal

100.00

Total

100.00

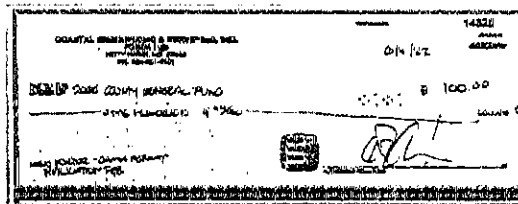
CHECK

100.00

Check Number 014325

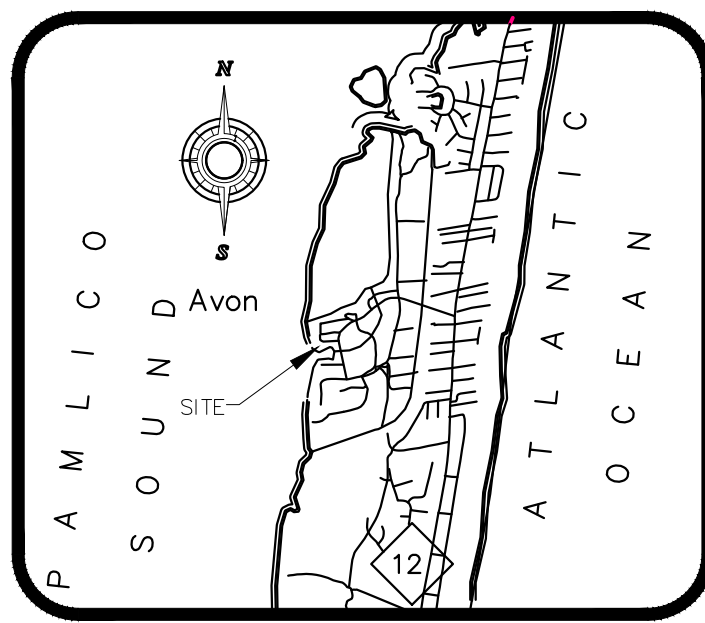
Change due

 0.00



Thank you for your payment

CUSTOMER COPY

VICINITY MAP
N.T.S.

LINE TABLE		
LINE	LENGTH	BEARING
L1	8.89	S73°15'38"E
L2	21.89	S45°44'25"E
L3	36.35	S31°14'22"E
L4	30.66	S36°47'06"E
L5	24.28	S43°43'41"E
L6	13.08	N82°00'39"E
L7	21.80	N65°57'46"E
L8	25.51	N82°39'05"E
L9	9.25	S64°52'29"E
L10	11.49	S10°00'20"E
L11	6.44	S25°06'49"W
L12	9.84	S24°25'53"E
L13	5.81	S18°55'59"E
L14	16.16	S00°12'42"E
L15	14.12	S23°16'45"E
L16	17.02	S36°11'06"E
L17	33.84	S30°24'58"E
L18	18.99	S37°30'43"E
L19	16.25	N83°05'28"E
L20	15.84	N78°10'49"E
L21	3.78	N05°47'24"W
L22	69.63	N77°16'04"E

COVERAGE CALCULATIONS:

BUILDING	= 1,204SF
COVERED PORCHES/DECKS/STEPS	= 992SF
GRAVEL DRIVE	= 1,070SF
TOTAL	= 3,266SF
TOTAL COVERAGE	= 17.4%
MAX. COVERAGE	= 30%

LEGEND:

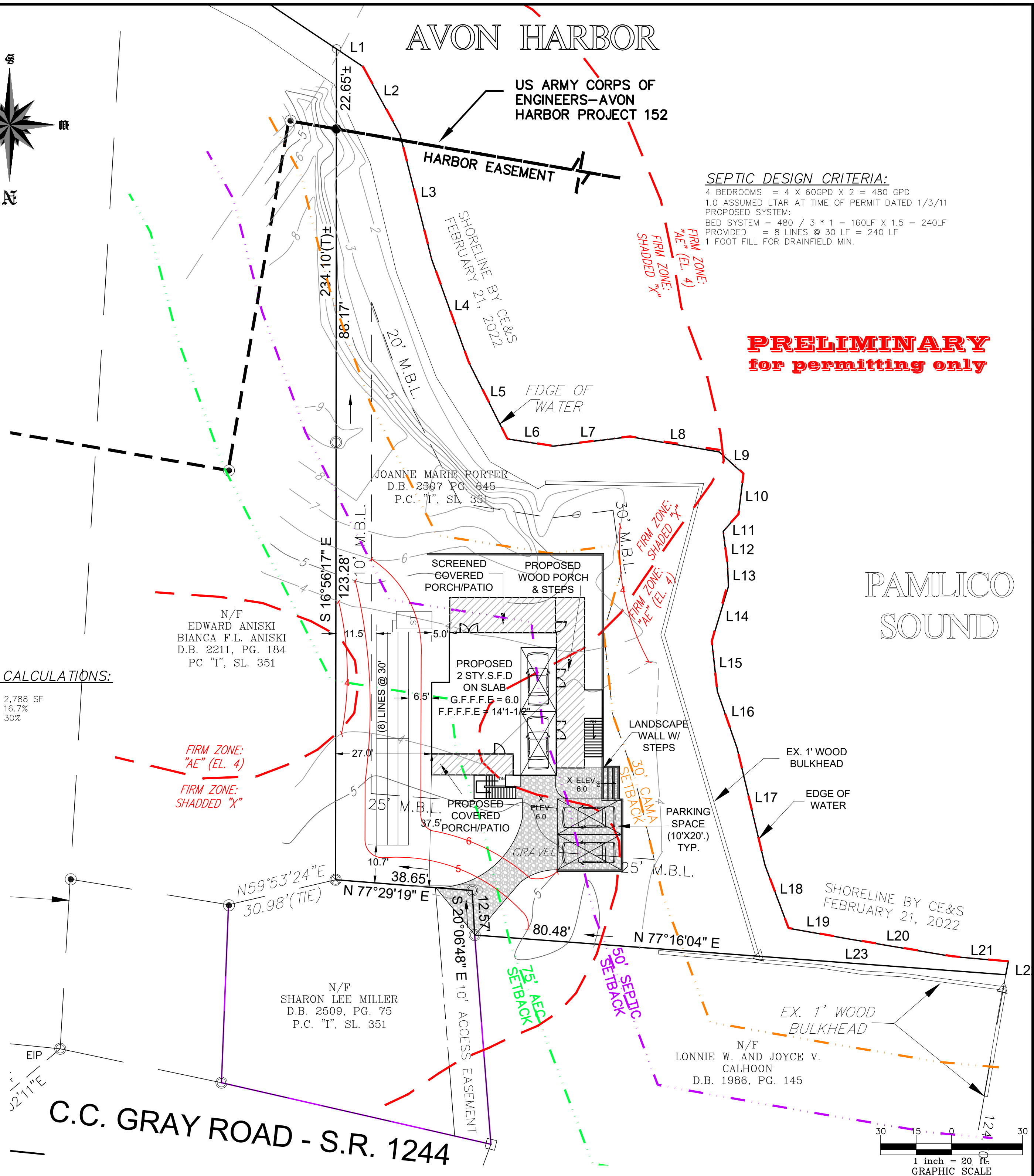
- - CALCULATED POINT
- ⊙ - EXISTING IRON ROD
- ⊗ - EXISTING IRON PIPE
- ⊕ - EXISTING IRON OPEN PIPE
- ▲ - PK NAIL
- - SET IRON ROD
- X.O.0 - ELEVATION SPOT SHOT
- M.B.L. - MINIMUM BUILDING LINE

NOTES:

- PROPERTY ADDRESS: 40165 A C C GRAY ROAD
- PARCEL: 014542000, PIN: 063020904977
- LOT ZONING: R-2A (GENERAL COMMERCIAL)
- AREA = 18,822 SQ. FT. = 0.432 ACRES, AS CALCULATED BY COORDINATE METHOD.
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND THE PARCEL MAY BE SUBJECT TO EASEMENTS NOT SHOWN HEREON.
- SETBACKS ARE PER COUNTY OF DARE CURRENT CODE AND MUST BE VERIFIED. SURVEYOR MAKES NO CERTIFICATION AS TO SET BACKS.
- LOT MAY BE IN AN AREA OF ENVIRONMENTAL CONCERN AND INDIVIDUAL PERMITS MAY BE REQUIRED.
- SUBDIVISION AS RECORDED IN P.C."I", SL. 351, PER DARE COUNTY REGISTRY.
- THE PROPERTY SHOWN HEREON IS LOCATED IN F.I.R.M. ZONES AS SHOWN, PER MAP NO. 3730063000K, DATED 06/19/2020. USE OF LAND WITHIN THE FLOODWAY OR FLOODPLAIN AND FLOOD ZONES ARE SUBJECT TO CHANGE BY FEMA.
- ALL BEARINGS SHOWN HEREON ARE BASED ON NC GRID NORTH UNLESS OTHERWISE NOTED.
- ELEVATIONS SHOWN HEREON ARE PER NAVD 88 DATUM.

CAMA/AEC COVERAGE CALCULATIONS:

BUILDING, COVERED PORCHES,	= 2,788 SF
GRAVEL DRIVE IN AN AEC ZONE	= 16.7%
TOTAL COVERAGE	= 30%
MAX. COVERAGE	= 30%

SEPTIC DESIGN CRITERIA:

4 BEDROOMS = 4 X 60GPD X 2 = 480 GPD
 1.0 ASSUMED LTAR AT TIME OF PERMIT DATED 1/3/11
 PROPOSED SYSTEM:
 BED SYSTEM = 480 / 3 * 1 = 160LF X 1.5 = 240LF
 PROVIDED = 8 LINES @ 30 LF = 240 LF
 1' FOOT FILL FOR DRAINFIELD MIN.

**PRELIMINARY
for permitting only**

REVISIONS

NO.	DATE	DESCRIPTION	BY	NDG
1	3/24/22	DRIVEWAY ADJUSTMENTS	NDG	NDG
2	5/9/22	GRADING/LANDSCAPE WALL ADDED	NDG	NDG
3	5/23/22	ARCHITECTURAL UPDATES / COVERAGE	NDG	NDG

SITE PLAN FOR:

JOANNE MARIE PORTER

NORTH CAROLINA

AVON

KINNAKEET TWP.

40165 A C C GRAY ROADDATE:
02/21/22SCALE:
1"=30'CHECKED:
JCBDRAWN:
AKMPROJECT NO:
S3777.22CAD FILE:
S3777VLSSHEET:
1 OF 1

Coastal
 ENGINEERING & SURVEYING, INC.
 P.O. Box 1129
 4425 N. CROATAN HWY.
 Kitty Hawk, N.C. 27949
 (252)-261-4151
 (252)-261-1333
 Civil - Structural
 Site Development



CERTIFIED MAIL : RETURN RECEIPT REQUESTED

June 6th, 2022

Sharron Miller
160 Scotland Lane
Salisbury, NC 28146

RE: CAMA Minor Permitting

Sir/Madam:

We are writing to you today as an adjacent property owner to 40165 A CC Gray Road, Avon, NC as required by NCDEQ, Division of Coastal Management (NCDCM). NCDEQ, Division of Coastal Management (NCDCM) requires this notification for CAMA Minor permitting.

Please find, included with the letter, an application and site plan for the proposed project, which includes the construction of a Single family residential home and Septic with Driveway and Parking.

Should you not have any objections to this proposal, please check the appropriate statement on the attached form, sign, date and return the attached form at your earliest convenience. This may be mailed to: Coastal Engineering & Surveying, Inc., Attn: Natalie Garrett, PLA, ASLA, P.O. Box 1129, Kitty Hawk, NC 27949.

If you do have any comments regarding this project and proposal, please mail them to Dare County CAMA Minor Permit Review Officer, Mr. KD Jackson, P.O. Box 859, Buxton, NC 27920. Written comments must be received within 10 days of receipt of this notice. If comments are not received within 10 days of receipt of written notice, it will be interpreted as no objection.

Thank you,
Coastal Engineering & Surveying, Inc.

Natalie Garrett, PLA, ASLA for
Carlos F. Gomez, PE, PLS



CERTIFIED MAIL : RETURN RECEIPT REQUESTED

June 6th, 2022

Lonnie and Joyce Cahoon
21540 NC Hwy 94
Fairfield, NC 27826

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Thank you,
Coastal Engineering & Surveying, Inc.

Natalie Garrett, PLA, ASLA for
Carlos F. Gomez, PE, PLS



CERTIFIED MAIL : RETURN RECEIPT REQUESTED

June 6th, 2022

Edward Aniski
Bianca Aniski
206 W 14th Street
Beach Haven, NJ 08008

RE: CAMA Minor Permitting

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Thank you,
Coastal Engineering & Surveying, Inc.

Natalie Garrett, PLA, ASLA for
Carlos F. Gomez, PE, PLS

ADJACENT RIPARIAN PROPERTY OWNER STATEMENT FOR CAMA MINOR PERMITS

I hereby certify that I own property adjacent to _____'s
(Name of Property Owner)
property located at _____,
Address, Lot, Block, Road, etc.)
on _____, in _____, N.C.
(Waterbody) (Town and/or County)

He has described to me as shown in the attached application and project drawing(s), the development he is proposing at that location, and, I have no objections to his proposal.

(APPLICATION AND DRAWING OF PROPOSED DEVELOPMENT ATTACHED)

Signature

Print or Type Name

Telephone Number

Date

7022 0410 0000 5532 2557

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☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	
Sent To SHARRON MILLER	
Street and Apt. No., or PO Box No. 1100 SCOTLAND LANE	
City, State, ZIP+4® SALISBURY NC 28146	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7022 0410 0000 5532 2552

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☐ Return Receipt (electronic) \$	
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☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	
Sent To CONNIE & JOYCE CAHOON	
Street and Apt. No., or PO Box No. 21540 NC HWY 94	
City, State, ZIP+4® FAIRFIELD NC 27826	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7022 0410 0000 5532 2540

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☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	
Sent To EDWARD & BIANCA ANSKI	
Street and Apt. No., or PO Box No. 200 W. 14th ST	
City, State, ZIP+4® BEACH HAVEN, NJ 08008	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

Lonnie W. & Joyce V. Cahoon
21540 NC Highway 94
Fairfield, NC 27826

Mr. KD Jackson
Dare County CAMA Minor Permit Review Officer
PO Box 859
Buxton, NC 27920

RE: CAMA Minor Permitting

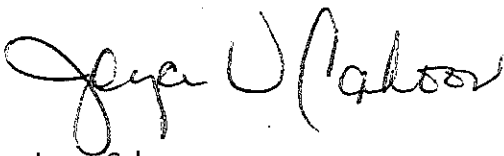
Dear Mr. Jackson

We are writing to notify you that we have received the proposal for Ms. Joanne Marie Porter in which she wants to build a home, driveway, and parking space. We have looked at the drawing that was sent to us and it appears that she is also wanting us to release to her some of our property for the purpose of ingress and regress. We have no problem with the construction of the home. She should have the right to do with her property as she pleases.

However, we do have a problem with releasing land. Our survey map shows the property line at an angle and it is drawn straight on the map. Your clients have also mistakenly cut one of our trees because they were unaware of where the line is. This is another reason that we feel that she is unaware of the property lines. We have such a small lot anyway and are not willing to give property away. Please check the property lines prior to construction so that it doesn't interfere with our property. You can contact us at 252-796-2461 (home) or 252-394-5391 (cell).

CC : Natalie Garrett, PLA, ASLA

Thank You,

A handwritten signature in black ink, appearing to read "Joyce V. Cahoon". The signature is fluid and cursive, with the first name "Joyce" being more prominent.

Joyce Cahoon

Mr. KD Jackson
Dare County CAMA Minor Permit Review Officer
PO Box 859
Buxton, NC 27920

055

RE: CAMA Minor Permitting

Dear Mr. Jackson

We are writing to notify you that we have received the proposal for Ms. Joanne Marie Porter in which she wants to build a home, driveway, and parking space. We have looked at the drawing that was sent to us and it appears that she is also wanting us to release to her some of our property for the purpose of

LONNIE W & JOYCE V CAHOON
21540 NC HIGHWAY 94
FAIRFIELD NC 27826

CERTIFIED MAIL



7020 2450 0000 8744 5037

RALEIGH NC

14 JUN 2007



**RETURN RECEIPT
REQUESTED**

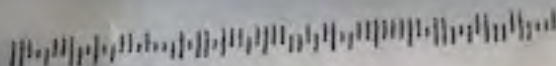
1st NOTICE
2nd NOTICE
RETURNED

6/17

MR KD JACKSON
DARE COUNTY CAMA MINOR PERMIT OFFICER
PO BOX 859
BUXTON NC 27920

US POSTAGE PAID
DARE COUNTY, NC
\$6.85
R2304N118047-03

27920-085959



KD Jackson, Dare County CAMA LPO
PO Box 859
Buxton, NC 27949
Re: CAMA Minor Permitting

June 13, 2022

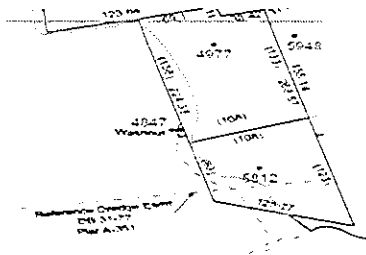
Good Morning Mr. Jackson-

We are in receipt of a Coastal Engineering letter dated 6/6/22, which was received on 6/11/22 discussing a CAMA notification requirement for 40165A CC Gray Road in Avon, NC. Our address is incorrectly written and has our New Jersey residence in Beach Haven, NJ. We reside in Ship Bottom, NJ. We are writing to inform you that we object to this application. The letter notes that there is an appropriate statement to check off when objecting to a CAMA permit. The document is attached; however there are no statement choices to "check." We have lined through the statement to reflect our objection to this project.

The letter states, if we have any comments that they should be sent to you. It is unclear how this is to be outlined and in what format. The site plan received is very difficult for us to read as it contains many abbreviations that we are unfamiliar with and important information is printed in a very light colored font, making it difficult to find and read. We do understand that a Minor CAMA permit is for a single-family home and they are designed to minimize the burden of a permit for the applicants. However, we believe that there are issues with the application information, concerns with the plat drawing, zoning/mapping/set back concerns, and other areas inconsistent with the stewardship of this area in Avon as a fragile, natural and cultural coastal resource in an Area of Environmental Concern. We believe that the application needs to be reviewed by multiple State and Federal agencies.

In reviewing the application, the size of the lot is not 18,882 sq. ft. The application is combining 2 lots into 1 calculation to arrive at this number. The proposed site plan's structures are placed on the north parcel. The south parcel has been mostly lost to the sound by multiple flooding events. The statement of ownership surreptitiously lists a single document outlining one parcel and the property is actually 2 separate parcels. In addition to the singular deed listed from a sibling, omissions on the site plan and application are: D.B. 2190, PG. 14; D.B. 1735, PG. 459; D.B. 1118, PG. 227; D.B. 328 PG. 721-726 and D.B. "5", PG. 180 and D.B. "D", PG. 54. These deeds outline the need for 2 parcels to be drawn for this site plan. This will affect the square footage being reported, its coverage percent, minimum lot size, building lines, septic placement and ALL setbacks making the parcel not buildable in an R-2A zone within an Area of Environmental concern.

In reviewing the site plan, the plat incorrectly shows the waters' edge. The edge of the water is *directly* against the riprap and against the bulkhead at all tides and the storm surge exceeds both hard structures during these types of events. The riprap placement is not shown anywhere on the site plan legend, appearing to be non-existent. These 2 projects were installed in an attempt to slow the rate of erosion for both of the Porter parcels. When making a site visit, please note the height of the landward bulkhead and compare where the bulkheading ends and the hill begins. The bulkhead had ended into a high sandy hill. This area was scoured, including the area behind the bulkhead, by the Pamlico Sound during an unnamed storm event. In this and many other weather hazard events, much of the shoreline was lost including the missing portion of the hill. The missing portion of the hill is the erosion escarpment and is clearly visible. The area where the bulk head ends is a washout area noted below and labeled # 4847.



For many, many named and unnamed storms this particular area erodes at a rate that defies the imagination. Neither the CAMA application nor the site plan calculate the erosion rate and no information is provided to accurately show the changing shoreline. At a minimum, there has been 40 feet lost since 2018 and chronological GIS imagery clearly shows the area as - rapidly eroding. The area has yet to recover in far greater than 4 years. The land lost from these events has created a spit in the harbor basin, which completely closes off the north basin. This spit with basin closure and the south Porter parcel fall under the Army Corps of Engineers authority. Kindly take note, historically, 2 parcels have been lost to the Pamilco Sound on the Porter's westside of the property. Equally important is taking the time to compare the shoreline measurements of PC "I", SL. 351 with this site plan. The comparison in shoreline measurements is nothing less than stunning because the rate of erosion is astronomical. This area is subject to severe erosion and should not be developed.

Note on the proposed site plan, there is the construction of a 4 ft. wall around the west and south building perimeter which appear to be an attempt to keep the Pamlico Sound from entering the slabbed parking area under the proposed house. This is a feeble attempt to remedy storm surge and we understand structures like this are not permitted under the rules and regulations. This wall will direct storm surge waters into the depression area, onto our parcel and under our house, which will be explained in the next paragraph. Also, the drawings for all parking spaces are drawn to be undersized using their measurements of 1"= 20 ft. Development on the north Porter parcel would endanger life and property. The parcel does not qualify for an exemption and would best be donated to public acquisition for shorefront access. The parcels are best suited for a minor public fishing access for a kayak launch.

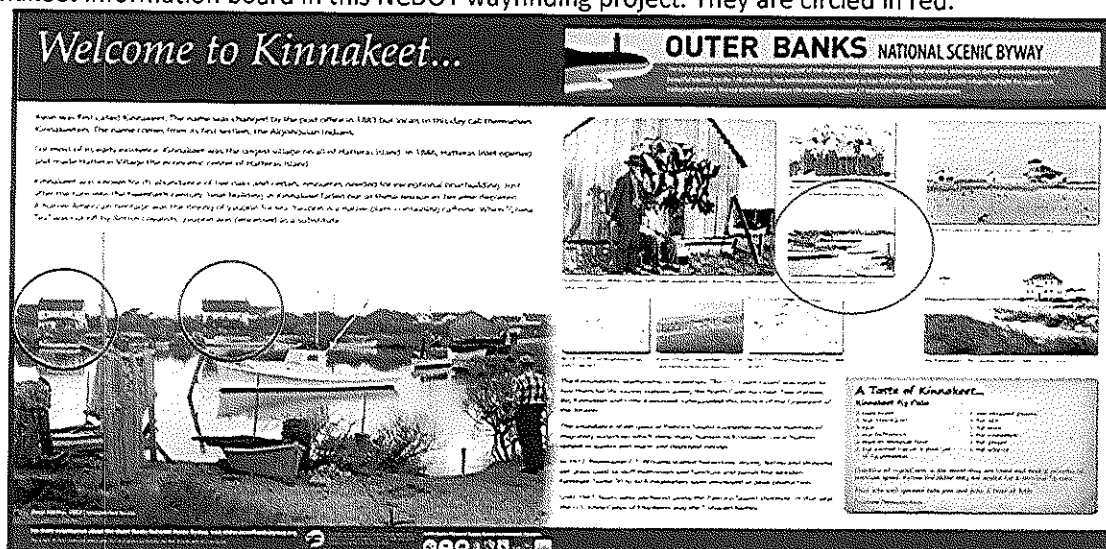
Continuing with the plat review, the septic tank placement is unacceptable and will effect our home. The location of our home and drainfield have been excluded in the submitted site plan. The Porter septic tank placement area is in a very low depression. This low topography connects to our side yard and continues to an area under our house. Rainwater and storm surge water collect and converge in this area, where water sits until it eventually perks. By raising Porter's north parcel to accommodate a drainfield next to our westerly side yard, will turn our parcel into a swale of waste water seepage; where the waste water will migrate, mix with an elevated water table, and then combine with the ground water flow direction to the area underneath our house. This is a potential public health hazard. We have no interest in accomodating the needs of someone else's drainfield and believe water quality will be impacted, as well as our quality of life.

As previously outlined, the septic tank on the proposed site plan is sitting in a hollow and defies gravity in its ability to drain properly. This depression area had 2 septs in the past and both failed. The topography appears to be unsuitable and there is no information on soil structure, texture, wettness or mineralogy. The proposed septic placement will also prevent us from installing a well in the future as we intend to become self-sufficient in terms of potable water on our parcel. Our neighbor's are reporting that a well had been in place in the past. This was before our tenure. The north Porter parcel also had a well and a septic site but the site plan fails to show these structures and does not show a shed.

There is a note on the site plan that the septic permit is dated 1/3/11 and being utilized for calculations. It is over a decade old. Can you help us understand how this is applicable in 2022 especially in light of rising soundside water levels? We understood permit validity cannot exceed 60 days. It appears that an innovative engineered septic system *may* be required *if* building is permitted in this Area of Environmental Concern for a much smaller project. It is also our understanding that an area equal to the drainfield must exist for septic repair work. A quick internet search found that a 4 bedroom home would require a drainfield of 3200 sq. ft. *if* the LITAR was 120 gal/day/bedroom and would require a repair area of another 3200 sq. ft. totaling 6400 sq. ft. This proposal plat does not show a 6400 sq. ft. area. Depending on the system installed, the NC Sanitation document we reviewed for environmental health lists the gallons per day to be 250 gallons/bedroom not 120 gallons. At this point, combined with incorrect square footage, incorrect set backs, a depressed hollow, swale formation, and undocumented soil composition and water table specifics, a septic system is not possible.

Additionally, Ms. Porter has reported that her intention is to "move Earth" by pushing the small portion of the hill to become level on the area that sits between the Porter south and north parcel and our parcel. This activity will collapse and erode the hill. The proposed leveling will occur adjacent to the wash out area previously described, as does the proposed covered porch and surrounding 4 ft. wall. This sandy hill protects our home from storms and this activity cannot occur. This hill is also home to many mammals, reptiles and birds; it is an animal community. It has become a unique conservation area and has been recognized by Dare County Soil and Water Conservation as being in need of stabilization. We have been awarded a state approved grant to help preserve this area by planting appropriate stabilizing vegetation, which is in progress. The area found on the northside of the harbor is best defined as a Fragile Coastal Natural Resource and a Coastal Complex Natural Area. It is important to safeguard its biological relationships, educational and scientific values, and aesthetic qualities.

With respect to conservation, it is also important to take time to analyze the area on the basis of history, aesthetics, and as a natural and cultural resource beyond local interest. As already mentioned, this area is home to a great deal of wildlife. It is also imperative to recognize the area is featured on the Outer Banks National Scenic By-way for Kinnakeet. The signage image is below and features the area as being historically significant by State and Federal agencies. Our homes are featured in two images found on the Kinnakeet information board in this NCDOT wayfinding project. They are circled in red.



To destroy the cultural value, heritage and history of the harbor area by placing an over-sized building can only be described as illicit and is opposite the values set by the Coastal Resources Commission. The damage would be permanent and the northside of the harbor needs to be nominated as a Natural & Cultural Resource. We are seeking information on how this can be accomplished.

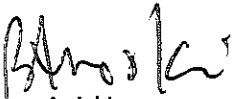
The north side of the harbor is also featured in Gary Dunbar's "Historical Geography of The North Carolina Outer Banks." The Dunbar image below shows the north side of the harbor and includes the Porter house that was torn down on Porter's north parcel. The house was torn down due to extensive damage from multiple flood and wind events. It was our understanding that the ability to rebuild within a non-conforming Area of Environmental Concern had expired in June of 2021. Currently, there is only a small shed on the property on the most northern area of the north Porter parcel. This lot is not buildable, unless the shed is simply being replaced – like structure for like structure.



As outlined above, the north side of Avon Harbor is of aesthetic, environmental, conservation, biological, educational, cultural and historical significance and must be maintained as such in an Area of Environmental Concern. Our understanding is that this site plan proposal is inconsistent with current Coastal Resources Commission rules. Again, the house was torn down and had been built prior to the effective date of Coastal Resources Commission rules and it would be inconsistent if it were still standing. Replacement of such structures could be possible with certain criteria being met but the house is gone and only a small shed remains. The proposed structure is being enlarged beyond a shed and clearly will not be serving a similar purpose. The shed is not shown on the proposed site plan. The image above beautifully details the north side of the harbor as an area needing stewardship. In this image, moving from left to right, the homes shown are Porter, Aniski and Elliott. The Porter home no longer exists. It was destroyed due to its location and should not be rebuilt in this Natural Hazard area.

Thank you for taking the time to read our objection to this CAMA Permit and the proposed site plan in detail. If there is further information needed please feel free to contact us.

Respectfully Submitted –



Bianca Aniski



Edward Aniski

1 enclosure: CAMA Permit Objection form

ADJACENT RIPARIAN PROPERTY OWNER STATEMENT FOR CAMA MINOR PERMITS

I hereby certify that I own property adjacent to Joanne Porter's
(Name of Property Owner)
 property located at 40165A CC Gray Rd
Address, Lot, Block, Road, etc.)
 on Pamlico Sound, in Avon, N.C.
(Waterbody) (Town and/or County)

He has described to me as shown in the attached application and project drawing(s), the development he is proposing at that location, and, ~~I have no objections to his proposal.~~

⊗ we object to this proposal! ⊗

(APPLICATION AND DRAWING OF PROPOSED DEVELOPMENT ATTACHED)

Aniski / Edward G. Aniski
Signature
BIANCA ANISKI / EDWARD G. ANISKI
Print or Type Name
601 414 5101
Telephone Number
6/13/2022
Date

Dare County
Local Government

Hi-18-2022
Permit Number

CAMA MINOR DEVELOPMENT PERMIT



as authorized by the State of North Carolina, Department of Environmental Quality and the Coastal Resources Commission for development in an Area of Environmental Concern pursuant to the Coastal Area Management Act, Section 113A-118 of the General Statutes.

Issued to Joanne Porter, authorizing development in the Estuarine Shoreline (AEC) at 40165A C.C.Gray Rd, in Avon, N.C. 27915, as requested in the permittee's application, dated 6-6-2022, and received complete on 6-13-2022. This permit, issued on 7-15-2022, is subject to compliance with the application and site drawing (where consistent with the permit), all applicable regulations and special conditions and notes set forth below. Any violation of these terms may subject permittee to a fine, imprisonment or civil action, or may cause the permit to be null and void.

This permit authorizes: Construct New House with septic, parking and driveway.

- (1) All proposed development and associated construction must be done in accordance with the permitted work plat drawings(s) dated 05/23/22 received from Coastal Engineering & Surveying INC on 6-13-2022.
- (2) All construction must conform to the N.C. Building Code requirements and all other local, State and Federal regulations, applicable local ordinances and FEMA Flood Regulations.
- (3) Any change or changes in the plans for development, construction, or land use activities will require a re-evaluation and modification of this permit.
- (4) A copy of this permit shall be posted or available on site. Contact this office at 252-475-5879 for a final inspection at completion of work.

(Additional Permit Conditions on Page 2)

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date. This permit must be on the project site and accessible to the permit officer when the project is inspected for compliance. Any maintenance work or project modification not covered under this permit, require further written permit approval. All work must cease when this permit expires on: **DECEMBER 31, 2025**

In issuing this permit it is agreed that this project is consistent with the local Land Use Plan and all applicable ordinances. This permit may not be transferred to another party without the written approval of the Division of Coastal Management.

Check # 14325, in the amount of \$100, was received on 6-13-22 for the permit fee.


K.D. Jackson
CAMA LOCAL PERMIT OFFICIAL

P.O. Box 858
Buxton, N.C. 27920

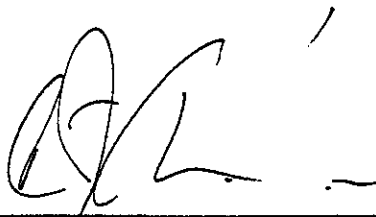

PERMITTEE AGENT

(Signature required if conditions above apply to permit)

Name: Joanne Porter
Minor Permit # Hi-18-2022
Date: 7/19/22
Page 2

- (5) The amount of impervious surface shall not exceed 30% of the lot area within 75 feet of Normal High Water (Estuarine Shoreline Area of Environmental Concern), in this case, 2788 square feet is authorized.
- (6) Unless specifically allowed in 15A NCAC 07H. 0209(d)(10), and shown on the permitted plan drawing, all development/construction shall be located a distance of 30 feet landward of Normal Water level. No portion of the roof overhang shall encroach into the 30 ft. buffer.
- (7) All unconsolidated material resulting from associated grading and landscaping shall be retained on site by effective sedimentation and erosion control measures. Prior to any land-disturbing activities, a barrier line of filter cloth must be installed between the land disturbing activity and the adjacent marsh or water areas, until such time as the area has been properly stabilized with a vegetative cover.
- (8) Any proposal for grading within the 30' buffer from the Normal Water level to prevent additional storm water runoff to the adjacent Waterbody. This area shall be immediately vegetatively stabilized, and must remain in a vegetated state.
- (9) All other disturbed areas shall be vegetatively stabilized (planted and mulched) within 14 days of construction completion.

SIGNATURE: _____


PERMITTEE / AGENT

DATE: _____

7/22/22

**CAMA THIRD PARTY
HEARING REQUEST FORM**

DCM FORM 5
DCM FILE No: _____

PETITIONER'S NAME Edward and Bianca Aniski

COUNTY WHERE THE DEVELOPMENT IS PROPOSED DARE

PLEASE TAKE NOTE that the undersigned, a person affected by the decision of (check one):

X a Local Permit Officer acting on a CAMA Minor Development Permit application; or
_____ the Division of Coastal Management acting on a CAMA Permit application

hereby requests permission from the Coastal Resources Commission (CRC) to file an appeal pursuant to N.C.G.S. § 113A-121.1(b) and 15A N.C.A.C. 07J .0301. *(Please attach a copy of the permit. If you cannot obtain a copy of the permit, please provide the name of the permittee, the project location, and the permit number.)* Requests are reviewed and determined by the chairman of the CRC to determine whether a hearing should be granted. 15A N.C.A.C. 07J .0301(b). Approval of a Third Party Hearing Request allows a petitioner to file a contested case petition with the Office of Administrative Hearings within twenty (20) days of receipt of the CRC's Order. N.C.G.S. § 113A-121.1(b). Denial of a Third Party Hearing Request is a final agency decision which may be appealed to Superior Court under N.C.G.S. § 113A-121.1(b) and Chapter 150B, Article 4.

For this application to be complete, the Petitioner must address each of the three factors listed below. The CRC's chairman's decision to grant a hearing will be based on whether the Petitioner:

- (1) **Has alleged that the decision is contrary to a statute or rule** [N.C.G.S. § 113A-121.1(b)(1)]; *(Please cite the statute or regulation allegedly violated by the permit decision.)*
- (2) **Is directly affected by the decision** [N.C.G.S. § 113A-121.1(b)(2)]; and *(Please describe how you are directly affected by the permit decision. Persons directly affected by a decision often include, but are not limited to, owners of real property in the vicinity of the proposed development who can show that it is likely to have a significant adverse effect on the value and enjoyment of their property, or persons who can demonstrate a history of substantial use of public resources in the area directly affected by the development.)*
- (3) **Has alleged facts or made legal arguments that demonstrate that the request for the hearing is not frivolous** [N.C.G.S. § 113A-121.1(b)(3)]. *(Summarize the evidence and arguments you would present at a hearing in support of your appeal explaining why the permit was improperly issued.)*

Please answer these questions on a separate piece of paper and attach it to this form.

Attached (22 pages)

The Commission notes that there are some opinions of the State Bar which indicate that non-attorneys may not represent others at quasi-judicial proceedings such as this Third Party Hearing Request before the Commission. These opinions note that the practice of non-lawyer professionals, such as engineers, surveyors or contractors, representing others in quasi-judicial proceedings through written argument may be considered the practice of law. Before you proceed with this hearing request, you may wish to seek the advice of counsel before having a non-lawyer represent your interests through preparation of this Petition.

DELIVERY OF THIS HEARING REQUEST

This request must be **received** by the Division of Coastal Management (DCM) within twenty (20) days of the date of the disputed permit decision. N.C.G.S. § 113A-121.1(b). Failure to do so constitutes waiver of the right to request a hearing. A copy of this request must also be sent to the Attorney General's Office, Environmental Division. 15A N.C.A.C. 07J .0301(b).

Contact Information for DCM:

By mail, express mail or hand delivery:

Director
Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557

By Fax:

(252) 247-3330

By Email:

Check DCM website for the email
address of the current DCM Director
www.nccoastalmanagement.net

Contact Information for Attorney General's Office:

By U.S. mail:

Environmental Division
9001 Mail Service Center
Raleigh, NC 27699-9001

By express mail:

Environmental Division
114 W. Edenton Street
Raleigh, NC 27603

By Fax:

(919) 716-6767

Based on the attached responses to the above factors, the undersigned hereby requests a third party hearing.

Edward Aniski Bianca Aniski

8/1/2022

~~Signature of Petitioner or Attorney~~

Edward & Bianca Aniski

~~Date~~

biancaaniski@gmail.com

~~Printed Name of Petitioner or Attorney~~

206 W 14th St

~~Email address of Petitioner or Attorney~~

(609) 618 4470

~~Mailing Address~~

Ship Bottom NJ 08008

~~Telephone number of Petitioner or Attorney~~

City State Zip

()

~~Fax number of Petitioner or Attorney~~

Updated: February 2011

Edward and Bianca Aniski
 206 W. 14th St
 Ship Bottom, NJ 08008

Re: CAMA Third Party Hearing Request
 Sent via email & Certified USPS

7/29/2022

Dear Coastal Resource Commission Director Braxton Davis -

This correspondence is a request for a CAMA Third Party Hearing for Permit Number Hi-18-2022 for Joanne Porter seeking to develop a parcel within a CAMA Area of Environment Concern (AEC) located in Avon in the County of Dare. This permit was submitted on 6/6/22 and approved on 7/15/22. We received notification via email on 7/22/23 and are grateful KD Jackson emailed the notice and thankful for his diligence because we would have never received it in time in NJ because we are in NC for the summer. We trust that the Commission will find the application complete as we outline and address the factors requested on the CAMA Third Party Request Form. The statutes and rules requested on the form appear on the last page as a reference. We are directly affected by the CAMA decision to approve Hi-18-2022 and the development of this parcel will have a significant adverse effect on the value and enjoyment of our property. We believe that any type of development on this parcel will require a review by multiple agencies. In speaking with Angela Willis on 7/28/22, we understand that this request can be submitted to you only, via email, where it will be distributed to all necessary parties.

We would like to begin with the Porter application which utilized a DB 2507, PG. 645 with a references to DB 2211, PG. 184 and the 2017 Coastal Engineering plat (P.C. "I", SL. 351), which was employed for the creation of the proposed site plan; each contain clerical and platting errors. This information was provided to the Local Permitting Officer (LPO) and we understand that this type of review is beyond the LPO's scope of work. These errors were not known to us until we began reviewing Porter's CAMA application. The errors unfortunately create ambiguity and doubt in the submitted proposed site plan and permit. These errors will change the 30 foot CAMA setback, the 50 foot septic setback, the 75 foot AEC setback, percent covered and the minimum building lines. We have reached out to both the attorney and surveyor who created the boundary agreement and plat to have these issues resolved pursuant to G.S. 47-36.1 "Notice of errors in recorded instruments of title." We have been advised the surveyor is currently in South America tending to family members. As well, we have been advised the attorney has retired and we have been assigned a new attorney who is currently on vacation. At this writing, we are waiting for responses from Coastal Engineering and NexenPruett.

As noted above, the Porter application utilizes DB 2507, PG. 645 which references DB 2211, PG. 184 and P.C. "I", SL. 351. In both documents there is a chain of title listed for each parcel. It is important to understand that DB 2211, PG. 184 is a Boundary Line Agreement (BLA) *and does not convey any property*. The BLA and Plat, have 6 errors. The first error on the plat reads DB "D", PG. 54, which should read DB "P", PG 54. The second error is DB 5, PG. 180, which should read DB 25, PG. 623. The second error also appears at the top of the plat under the Surveyor's Certification. These two (2) deeds describe 2 (2) different portions of the Porter parcel found on the proposed site plan.

The first error (DB "D", PG. 54) is describing a lease in Croatan Township. The correction (DB "P", PG 54 recorded in 1903) outlines the Porter parcel with a north boundary of 14 yards (42 feet) and a west

boundary being a parcel owned by B.B. Gray (1892). For this parcel, the southern boundary is along the landing road another 14 yards (42 feet) with our parcel being located to the east. The Porter parcel had no soundfront access in 1903. It is through 119 years of wind and water erosion that the Porter parcel gains sound access on the west and the creation of Avon Harbor on the south. B.B. Gray's parcel becomes the U.G. O'Neal (1912) parcel that is eventually lost to the sound, becoming submerged lands. Over a period of time, natural elements gradually destroy the home, which in due course renders the structure uninhabitable, requiring demolition.

The second clerical error (DB 5, PG. 180) describes the Culpepper Nash Co. The correction (DB 25, PG. 623 recorded in 1944) outlines a poorly described $\frac{1}{4}$ acre parcel in Kinnakeet being returned to the owner, Dorcas Miller, for \$63.34 that had previously been taken from Dorcas Miller by Dare County in a prior 1938 Tax Sale (DB 19, PG. 532). This deed appears to outline the more southerly portion of the Porter parcel, beyond the landing road, clarifying the area platted for Porter (then Bennett/Porter/Smith)) on P.C. "I", SL. 351. In reviewing the correction found in DB 25, PG. 623, it is very difficult to place the parcel on the ground because the description is vague. With respect to these two platting errors, the deed referenced in Porter's application indicates that DB 2211, PG. 184 and P.C. "I", SL. 351 are incorporated into DB 2507, PG. 645 which will perpetuate the errors noted above.

The third clerical error is found when describing the northern portion of Porter's parcel on the BLA. The plat references do not completely carry over to the BLA description for the then Bennett/Porter/Smith (now Porter) parcel. DB "D", PG 54 (which should read DB "P", PG 54) is omitted from the Bennett/Porter/Smith description and found only in the description for the first Aniski parcel and the description for Bennett/Bennett parcel. The fourth error on the plat shows no measurements for the bulkhead and is not described in the BLA in any detail as following a certain course in a specific direction with specific measurements like the rest of all the boundary lines nor does any of this information appear on the proposed site plan. In fact, there are no measurements or document references for the entire western boundary on either document with the exception of the water line, which has its own issues and will be discussed further. The fifth error is found for the year of recordation for DB 328, PG. 721. The correct date is 7/16/1982 not 1977. The date will affect the septic requirements. The sixth error on the plat shows 45.21 feet for the southern boundary for our barn. DB 226, PG. 764 (recorded in 1975) calls for 48.60 feet. The 3 feet will affect the easement and driveway placement.

The BLA (DB 2211, PG. 184) and plat (P.C. "I", SL. 351) with errors and the proposed site plan for the Porter CAMA permit utilizing DB 2507, PG. 645 with errors nearly double the north boundary line by platting 80 feet instead of the 42 feet found in DB "P", PG. 54. The 2017 Coastal Engineering plat (P.C. "I", SL. 351) references their own 2003 Coastal Engineering plat (P.C. F, SL. 111) that shows 2 parcels for Porter (then Bennett/Miller) and plats the northern parcel's north boundary at 69 feet but includes the correct DB "P", PG. 54 calling for 14 yards (42 ft.). In 1982 (DB 328, PG. 721) we see the first increase in length from 42 feet to 69 *without any land conveyances*. It appears that submerged lands (B.B. Gray in 1903 to U.G. O'Neal in 1912) were added to this parcel on the west side. The addition adds distance on the north line and adds square footage to the parcel. The course of the north line also reads differently in terms of its bearing moving from 1982 to 2022 without explanation.

The two corrected deeds (DB "P", PG 54 and DB 25, PG. 623) demonstrate that the parcel platted on P.C. "I", SL. 351 for Bennett/Porter/Smith are two (2) separate parcels. The proposed site plan that we received with our adjacent riparian notification also notes 2 different parcel addresses from Coastal Engineering work performed for Porter. The addresses listed are for 40165A C.C. Gray Rd and 40185 O'Neal Lane. The 2011 CAMA permit for bulkheading shows 2 separate parcels. This further

14 yards = 42 feet

Page 5 of 22

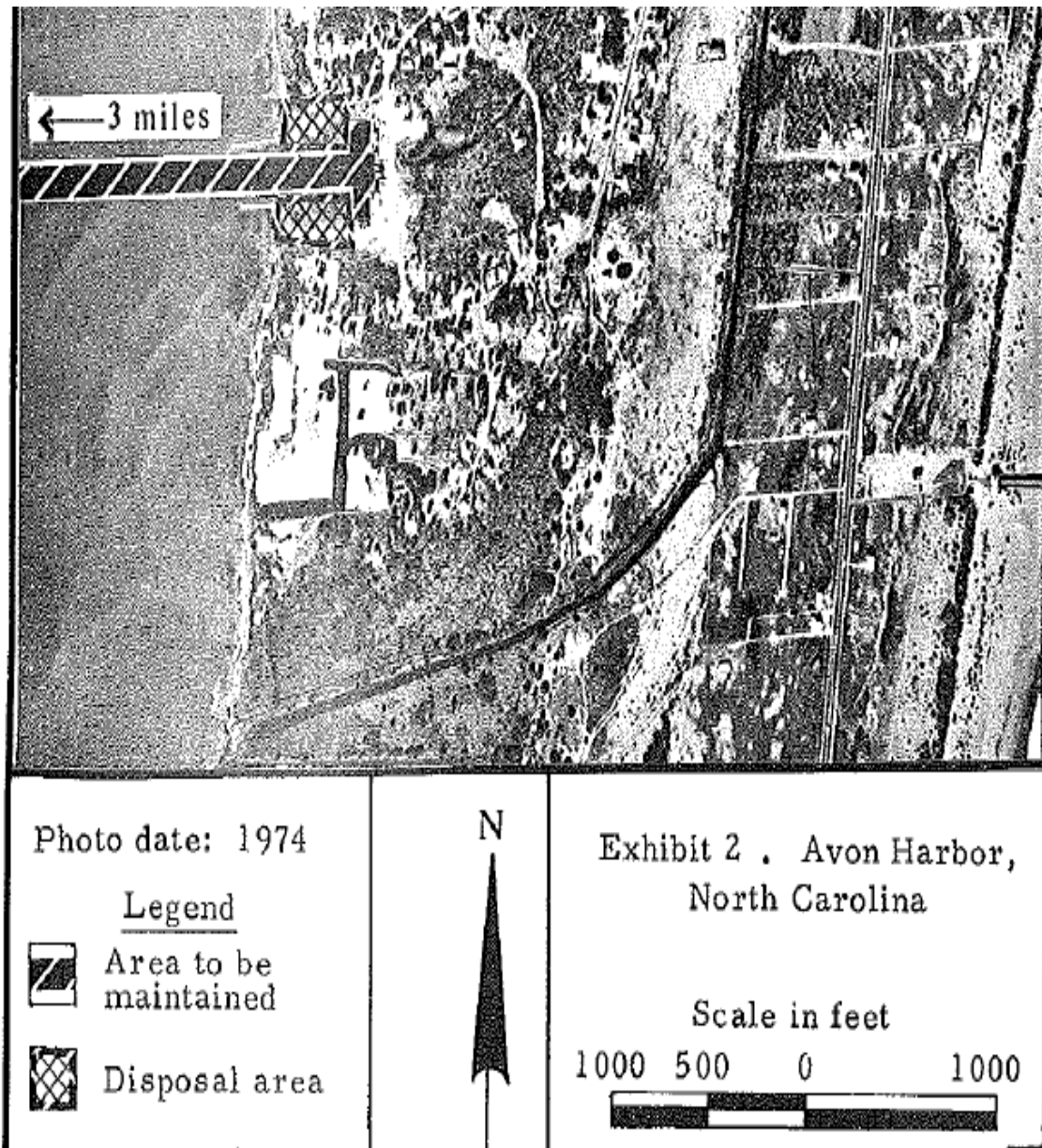
bulkhead at all tides and storm surge exceeds both hard structures. There is a patch of spartina grass in this area. The riprap placement is not shown anywhere on the site plan legend, appearing to be non-existent. These 2 projects were installed to slow the rate of erosion for both of the Porter parcels located at 40165A C.C. Gray Rd and 40185 O'Neal Lane. If a site visit is made, please note the vertical height of the landward bulkhead on the southern section of the north Porter parcel and compare the height where the bulkheading ends, with the height of the sandy hill to the east. Imagine a line extending from the bulkhead height, across the washed out area to where the hill begins. When first installed, the bulkhead had ended into the high sandy hill (USACE spoils site). Also note, the bulkhead needed to turn hard to the east after running from north to south because this is the outline for Porter's north parcel. The 2011 CAMA permit shows the same information. This area continues to be and has been repeatedly scoured over the years, including the area behind the bulkhead, by the the Pamlico Sound and includes the loss of the entire of western front of the high sandy hill.

The missing portion of the hill is the erosion escarpment and is clearly visible with the high water line. being beyond the riprap placement. The high water line is evidenced by debris, the wrackline, and the escarpment. The area where the bulk head ends is a washout area noted below and labeled # 4847 by Dare County. The eroded land has been slowly drifting into the harbor basin and has now cut off the entire north basin from accessing the channel. Recent Federal infrastructure funding in the amount of \$1,603,000 has been awarded to the U.S. Army Corp of Enginneers to remedy the problem by dredging tons and tons of sand out of the basin and channel, from the hill, from this parcel. The county map below shows the washout area and 2 parcels.



Neither the CAMA application nor the proposed site plan calculate the erosion rate and the proposed site plan information provided does not accurately portray the shoreline for the Porter parcels. The comparison in shoreline measurements is nothing less than stunning because the rate of erosion is astronomical. This area is subject to severe erosion and should not be developed as proposed. At a best, the proposed site plan information is misrepresented. We are attempting to have the shoreline resurveyed. However, the surveyors called are backed-up 6 to 8 months. Minimally, there has been 40 feet lost and chronological GIS imagery will show the area as rapidly eroding, as do serial US Army Corps of Engineer surveys for Avon Harbor. These surveys can be obtained from the Dare County Waterways Commission, as well. The eroded area has yet to recover. It is important to note that the south Porter parcel does fall under the U.S. Army Corps of Engineers authority due to a perpetual easement. The southern section of our parcel and the southern Porter parcel serve as a dredging spoils site. The site had been at capacity for a long time and is currently habitat for a variety of flora and fauna life. We have taken the time to designate all three parcels (with owner permission), including Elliott and Porter (then

Bennett) as a Certified Wildlife Habitat with the National Wildlife Federation and the North Carolina Wildlife Federation. This means that the properties are recognized for its commitment to sustainably provide the essential elements of a wildlife habitat – food, water, cover and a place to raise their young.



USACE 1976 Final ES

The following images show the Porter bulkhead and riprap structures, the washout area and waters' edge against the hard structures as previously discussed. The bulkhead was embedded into the sandy hill (dredging spoils site) and this image is included as well.



RipRap looking north to the Williams Parcel (now Cahoon) showing the wrack line well beyond the riprap placement.



RipRap looking south to the Harbor Basin. Water is beyond the riprap as evidenced by the wrack line. This is not shown on the proposed site plan for Porter.

The next images show before and after the area washed out. There is an embedded telephone pole in the sandy hill and the same pole is shown lying on the shoreline. The last image shows the area with erosion just starting behind the bulkhead before the erosion exposed the pole. The rate of erosion from wind, waves, tides and storms is very difficult to imagine.







Spartina Grass
location is here.

This image shows
the Porter
shoreline with the
wrack line to the
middle of the riprap
on the south parcel.
Previous image
(p.6) had shown the
wrack line past the
riprap. The riprap is
not shown on the
proposed site map.



This image shows the Porter wrack line to the middle of the riprap on the north parcel. The riprap is not shown on the proposed site plan.



Next, please note on the proposed site plan, there is the construction of a landscaped wall around the west and south building perimeter that requires 4 steps to access the proposed parking area under the proposed house after the addition of 2 feet of fill. This wall placement appears to be an attempt to keep the Pamlico Sound from entering the proposed slabbed parking area under the proposed house. A wall remedy for storm surge, we understood, to not be permitted. We understood that hardened structures, intended to protect buildings, actually increase erosion. Furthermore, this wall will direct storm surge waters into the depression area noted on the proposed site plan, directing the flow of stormwater onto our parcel and under our house, which is the lowest point. The topography of the area is not being taken into consideration by the developer. This low area on the proposed site plan is also where the proposed septic tank is to be installed. The septic tank placement is unacceptable and will effect our home.

The location of our home and drainfield are not shown on the proposed site plan submitted; both are on the east side of Porter's north parcel. The Porter parcel's low depression connects to a depression in our side yard and the depression continues to an area under our house with an elevation of barely over 3 feet (elevation certificate is available). Water collects here (both rain and storm surge) and converges into this area, where water sits until it eventually perks. By raising Porter's north parcel to accommodate a drainfield next to our westerly side yard, will turn our parcel into a swale of storm and waste water

seepage; where these waters will migrate and mix with an elevated water table, and eventually combine with the ground water flow direction to the area underneath our house. This is a potential public health hazard. We have no interest in accomodating the needs of someone else's drainfield or participate in someone else's stormwater management. We believe water quality will be impacted, as well as, our quality of life.

It is important to realize that this depression area had 2 septic tanks in the past and both failed due to their inability to drain. The topography appears to be unsuitable and there is no information provided on soil structure, texture, wetness or mineralogy. The proposed septic placement will also prevent us from installing a well in the future as we intend to become self-sufficient in terms of potable water on our parcel and solar energy as it becomes available. Our neighbor's are reporting that a well had been in place in the past. This was before our tenure. The north Porter parcel also had a well and a septic site but the proposed site plan fails to show these structures and does not show the existing shed located on the Porter parcel. Following, are 2 clips from 2 separate surveys completed in 2003 that show the location of structures and septic tanks, 2 separate parcels and a north boundary of 69 feet.



Rankin 2003

Note the square footage above is 15,600.99 sq.ft.. Close to 1/2 of this parcel erodes on the west and is submerged before the bulkhead is installed 2011. The high water line was just before the septic tank location and at times would enter the home. The CAMA permit, for reasons unknown, allow 20 feet of backfill on to what was the U. G. O'Neal parcel that was lost to the sound becoming submerged lands by the time we reach 2011. Bulkheading can only recover land lost in the last year not decades worth of loss. The next clip is from a 2003 Coastal Engineering Survey (the same surveying firm that submitted the proposed site plan for Porter and the 2017 plat). This clip shows the correct DB "P", PG. 54, which calls for 42 feet, but the survey plats 69 feet without the inclusion of any deed conveying land to clarify how an extra 27 feet is tacked on to the west boundary line for the parcel being developed. A brief search for Cahoon (Porter's neighbor to the north west) also calls for 69 feet as a boundary measurement and shows Porter's west boundary as U.G. O'Neal (DB 216, PG.823). Keep in mind, DB 228; PG. 724 expands the northline for Porter's north parcel without any land conveyance. These deeds are listed on the references page found at the end of this document. It remains unknown how the north boundary grows from 42 feet to 69 feet then to 80 feet in 2022.



Coastal Engineering 2003

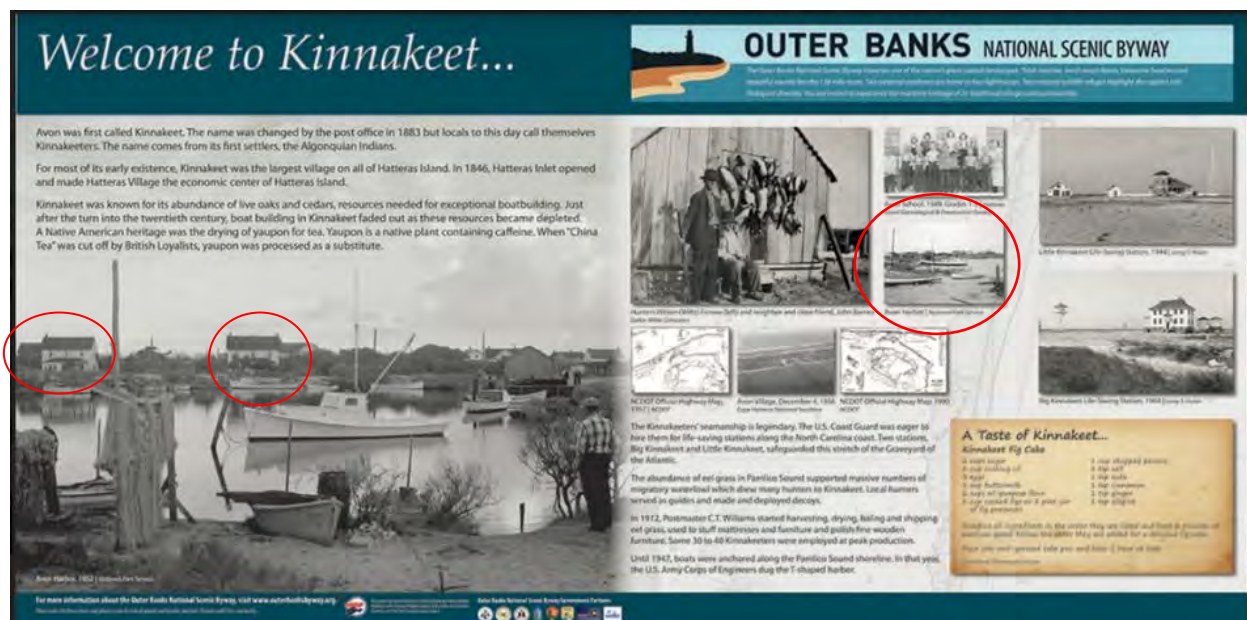
Continuing with the septic tank information, there is a note on the site plan that the septic permit is dated 1/3/11 and being utilized for calculations. It is over a decade old. Can you help us understand how this is applicable in 2022 especially in light of rising water levels and no soil information? We understood permit validity could not exceed 60 months. It is also our understanding that an area equal to the drainfield must exist for septic repair work. A quick internet search found that a 4 bedroom home would require a drainfield of 3200 sq. ft. *if* the LTAR was 120 gal/day/bedroom and would require a repair area of another 3200 sq. ft. totaling 6400 sq. ft. This proposed site plan does not show any square footage for a repair area. The NC Sanitation document reviewed sets the minimum liquid capacity for a 4 bedroom home to be 250 gallons per bedroom (1000 gallon tank). The proposed site plan Septic Design Criteria has suggested 480 gallons/day with a drainfield calculated to be less than what may be needed for a 4 bedroom home, no allocation for a repair area and there is no discussion of tank size. It appears that an innovative engineered septic system or an alternative system or a non-ground absorbing system is required *if* building is permitted in this Area of Environmental Concern or the area calls for a much smaller project. At this point, combined with incorrect parcel square footage, incorrect set backs, a depressed hollow, swale formation between the sandy hill and the proposed wall directing stormwater to our parcel, undocumented soil composition and undocumented water table specifics, a septic system is not possible due to the severe parcel limitations. On the proposed site plan the 2011 CAMA fill area is not shown.

The proposed site plan also has 2 different scales listed where 1 inch = 20 feet or 1 inch = 30 feet. The parking areas for all 4 - 10' x 20' parking spaces are shown undersized on the proposed site plan and boldly missing from the proposed site plan is the size of the home being built. There are no dimensions for width or length and with 2 different scales being listed on the site plan there is not a way to understand the size of the structure. There are no measurements for the parcel's width and western boundary. There is also no cross-section shown on the plat for this project. Structure size and parcel width are important in determining all setbacks. A 4 bedroom home simply does not fit on the parcel using either scale with the correct setbacks, required areas for parking 4 vehicles and a drainfield for 4 bedrooms not to mention the other issues previously discussed. In reading through the notes on the survey, #4 calculates that the area is 18,822 sq. ft. which includes square footage from the adjacent parcel, omits losses due to erosion, omits the dredging spoils site, omits the Spartina Grass and does not show the high water mark. The lot size is being over estimated. #5 reports that the survey was performed without the benefit of a title commitment. This is not surprising considering the omission of DB"P" PG. 54 describing 14 yards (42 feet) as a north boundary. Also not surprising is that the #6 note does not certify the setbacks. In the line table L 22 is not shown on the map but is listed as *69.63 feet* and L 23 is not listed in the table at all.

Additionally, Ms. Porter has reported that her intention is to "move Earth" by pushing the highest portion of the hill to become level with the area that sits between the Porter south and north parcel and our parcel (the washout area in front of the spoils site). Can the sand from the spoils site be used for personal gain? Using the topography on the submitted site plan, this would alter the high sandy hill from 9 feet to 4 feet. Although the CAMA permit calls for vegetatively stabilizing any proposed grading within 14 days, it would be impossible to stabilize this assault with a 5 foot change in topography. This leveling activity will begin collapsing the hill (spoils site) on our parcel and begin a new cycle of hill erosion. The hill is just beginning to stabilize after our installation of a CAMA permitted riprap project. Please keep in mind that the "hill" is a spoils site for the harbor and it is the spoils site that has eroded and filled the north basin previously mentioned. The proposed leveling will occur adjacent to the wash out area previously described, as does the proposed covered porch and surrounding storm surge wall. This sandy hill protects our home from storms and this leveling activity cannot occur. It is upon this hill that we park

our cars for flooding events, without vegetation being disturbed. A portion of the hill (our parcel) is home to 5 cedars, 3 will topple down the proposed hill leveling activity onto the Porter parcel. This area has become a unique conservation area and has been recognized by Dare County Soil and Water Conservation as being in need of stabilization. We have been awarded a state approved grant to help stabilize this area by planting appropriate stabilizing vegetation, which is in progress. The project is currently stalled as the harbor awaits the finalization of Federal funding to the U.S. Army Corp of Engineers to remedy the problem of tons and tons of dredging spoils, from this parcel, having filled the Avon Harbor's north basin. As mentioned, the funding also includes channel dredging. The area found on the northside of the harbor is best defined as fragile. It is important to safeguard its biological relationships, potential educational and scientific values, and aesthetic qualities found in its wild beauty and natural surroundings. The spoils site had been at capacity for a long time and is currently habitat for a variety of flora and fauna life. The hill and surrounding area needs to be evaluated for the potential existence of North Carolina protected species and maintenance of their habitat. More specifically, this would be the Mimic glass lizard and the Henslow's sparrow. Snakes are plentiful, as are deer who nibble their way through the sandy hill, our parcels, the Elliott parcel and the Porter parcels. Additionally, it appears that spartina grasses are along a portion of the Porter shoreline, which we understood to be a wetland species

With respect to conservation, it is also important to take time to analyze the area on the basis of history, aesthetics, and as a natural and cultural resource beyond local interest. As already mentioned, this area is home to a great deal of wildlife. It is also imperative to recognize the area is featured on the Outer Banks National Scenic By-way for Kinnakeet. The signage image is below and features the area as being historically significant by State and Federal agencies, beyond local interest. Our homes are featured in two images found on the Kinnakeet information board in this NCDOT wayfinding project. They are circled in red below. The signage is located on Highway 12 in Avon just beyond MP 56 heading south.



Courtesy of NCDOT

To destroy the cultural value, heritage and history of the harbor area by placing an over-sized building on an undersized lot in a natural hazard area can only be described as illicit and is opposite the values

set by the Coastal Resources Commission. The damage would be permanent and the northside of the harbor needs further recognition as a natural and cultural resource. We are seeking information on how this is can be accomplished.

The north side of the harbor is also featured in Gary Dunbar's "Historical Geography of The North Carolina Outer Banks." The Dunbar image below shows the north side of the harbor in 1952 and includes the Porter house that was torn down on Porter's north parcel. Keep in mind, the house was torn down due to extensive damage from multiple flooding, tide, storm and wind events. It was our understanding that the ability to rebuild the same structure in the same location within a non-conforming Area of Environmental Concern has expired. Currently, there is only a small shed on the property on the most northern area of the north Porter parcel. This lot is not buildable, unless the shed is simply being repaired – like structure for like structure. A width of 42 feet does not work with a 30 foot setback, unless one has adversely possessed submerged lands to bulkhead and fill.



Dunbar 1952

As outlined above, the north side of Avon Harbor is of aesthetic, environmental, conservation, biological, educational, cultural and historical significance and must be maintained as such in an Area of Environmental Concern. Our understanding is that this site plan proposal is inconsistent with current Coastal Resources Commission rules listed in the references. Again, the house was torn down and had been built prior to the effective date of Coastal Resources Commission rules and it would be inconsistent if it were still standing. Replacement of such structures could be possible with certain criteria being met but the house is gone and only a small shed remains. The proposed structure is being enlarged beyond a shed and clearly will not be serving a similar purpose. Again, the shed is not shown on the proposed site plan. The image above beautifully details the north side of the harbor as an area in need of stewardship. In this image, moving from left to right, the homes shown are Porter, Aniski and Elliott. The Porter home no longer exists. It was destroyed due to its location and should not be rebuilt in this Natural Hazard area subjected to tide, wave, wind and storm over wash.

At this point we stress, DB 2211, PG. 184 and P.C. "I", SL. 351 were created to resolve issues on the southern boundary for 3 parcels: Elliott, Aniski, and Bennett/Porter/Smith (now Porter) by correctly placing the landing road lost to the harbor's creation in 1946 with the landing road appearing in all 3 parcels' title chain as a southern boundary. The 3 parcels' owners are listed as 6 individuals of the 18 original owners who dedicated their land to create the harbor. In fact, U.G. O'Neal and his spouse Lizzie, also signed the perpetual harbor easement. The O'Neal parcel easement was for the harbor and NOT for Porter (then Miller/Bennett) to expand the west line from 42 to 69 then to 80 feet.

These 3 parcels are an interrelated group of AECs. The errors found in DB 2211, PG. 184 and P.C. "I", SL. 351 are currently being drawn on the proposed site plan and are being exploited to expand the needed area for the Porter parcel to be developed. This application, as written, should not be honored by the Coastal Resource Commission for CAMA permitting purposes. Porter's CAMA application, with the discovery of ambiguities found in the boundary agreement and its accompanied plat ambiguities and ambiguities found on the proposed site plat work with its short comings are attempting to secure a CAMA permit by wrongfully expanding the north line from 42 feet to 80 feet to gain the square footage, and misrepresenting the shoreline for the needed for setbacks and coverage percent needed. The proposed site plan ignores the erosion rates for the proposed area of development, alters the true placement of high water line and places the new home deeper into the washout area, and beyond the original home site of 1920. Development on the north Porter parcel would endanger life and property.

There are no land conveyances to explain how the Porter parcel's north boundary begins at 42 feet in 1903 and then expands to 80.48 feet for the 2022 site plan proposal. A possible explanation is found with a 2011 CAMA permit. On this permit there is 20 feet of backfill added to the west boundary starting on submerged lands. It would appear that Porter (then Miller/Bennett) is attempting to adversely possess submerged that had belonged to U.G. O'Neal (previously B.B. Gray). Our understanding of submerged lands is that they belong to the State of North Carolina and cannot be adversely possessed. A good portion of the wrongfully taken area belongs to the State of North Carolina. The parcel does not qualify for an exemption and would best be donated to public acquisition for shorefront access.

Thank you for taking the time and effort to review our concerns.

Respectfully Submitted

Bianca Aniski

Bianca Aniski

Edward Aniski

Edward Aniski

References follow

Deeds reference were accessed via Dare County Registrar of Deeds webpage include:

DB 2507, PG. 645; DB 2211, PG. 184; PC "I", SL 351; DB "D", PG. 54; DB "P", PG. 54;
DB 25, PG. 623; DB 5, PG. 180; PC "F", SL 111; DB 1986; PG. 145; DB 1534, PG. 187;
DB 216, PG. 823, DB 1118 P 227; DB 328, PG. 724; DB 31, PG. 77; DB "S" PG. 180; DB "D" PG. 85

Statute or Regulation citations include:

15A NCAC 02C.0107 (a)(2)(A); 15A NCAC 07B.0702; 15A NCAC 07H.0106; 15A NCAC 07H.0203;
15A NCAC 07H.0206; 15A NCAC 07H.0208-10; 15A NCAC 07H.0502-8 & 10; 15A NCAC 07H.0601;
15A NCAC 07H.1104 & 5; 15A NCAC 07I.0702; 15A NCAC 07J.0203; 15A NCAC 07J.0210-11;
15A NCAC 07M.0301; 15A NCAC 07M.0801; 15A NCAC 07M.01101; 15A NCAC 18A.1939, 40, 45;
NCGS 146-64; NCGS 1-45.1; NCGS 132-6.

Available upon request:

Elevation Certificate
2003 Rankin Survey
2003 Coastal Survey

In progress at this writing:

Corrective Affidavit from Coastal Engineering and NexenPruet 7/26/22 via email

Copy of Permit:

Next page

Deane County
Local Government

HI-18-2022
Permit Number

CAMA MINOR DEVELOPMENT PERMIT



as authorized by the State of North Carolina, Department of Environmental Quality and the Coastal Resource Commission for development in an Area of Environmental Concern pursuant to the Coastal Area Management Act, Section 113A-118 of the General Statutes.

Revised to Joanne Porter authorizing development in the Estuarine Shoreline (AEC) at 40165A C.C. Gray Rd. in Ayva, N.C. 27915, as requested in the permittee's application, dated 5-6-2022, and received complete on 6-13-2022. This permit, issued on 7-15-2022, is subject to compliance with the application and site drawing (where consistent with the permit), all applicable regulations and special conditions and notes set forth below. Any violation of these terms may subject permittee to a fine, imprisonment or civil action, or may cause the permit to be null and void.

This permit authorizes Construct New House with septic, septic and driveway.

- (1) All proposed development and associated construction must be done in accordance with the permitted work plan drawings dated 06/23/22 received from Coastal Engineering & Surveying LLC on 6-13-2022.
- (2) All construction must conform to the N.C. Building Code requirements and all other local, State and Federal regulations, applicable local ordinances and FEMA Flood Regulations.
- (3) Any change or changes in the plans for development, construction, or land use activities will require a revision and modification of this permit.
- (4) A copy of this permit shall be posted or available on site. Contact this office at 252-475-5819 for a final inspection at completion of work.

(Additional Permit Conditions on Page 2)

This permit action may be subject to the provisions of state and federal laws and rules, and any other applicable laws, rules, regulations, and orders. This permit must be in the project site and accessible to the permit office when the project is initiated by the permittee. Any construction work or project modification not covered under this permit, must be done within permit terms. All work must meet state and federal permit codes or standards.

K.D. Jackson
CAMA LOCAL PERMIT OFFICIAL
P.O. Box 2619
Burlington, N.C. 27920

Check # 14125, in the amount of \$100, was received on 6-13-22, for the permit fee.

PERMITTEE
Signature required if copy of this permit is given to permittee.

Name: Joanne Porter
Minor Permit # HI-18-2022
Date: 7/19/22
Page 2

- (5) The amount of impervious surface shall not exceed 30% of the lot area within 75 feet of Normal High Water (Estuarine Shoreline Area of Environmental Concern). In this case, 2708 square feet is authorized.
- (6) Unless specifically allowed in 15A NCAC 07H .0009(a)(10), and shown on the permitted plan drawing, all development/construction shall be located a distance of 30 feet landward of Normal Water level. No portion of the roof overhang shall encroach into the 30 ft. buffer.
- (7) All unconsolidated material resulting from associated grading and landscaping shall be retained on site by effective sedimentation and erosion control measures. Prior to any land-disturbing activities, a barrier line of fiber cloth must be installed between the land disturbing activity and the adjacent marsh or water areas, until such time as the area has been properly stabilized with a vegetative cover.
- (8) Any proposal for grading within the 30' buffer from the Normal Water level to prevent additional storm water runoff to the adjacent Waterbody. This area shall be immediately vegetatively stabilized, and must remain in a vegetated state.
- (9) All other disturbed areas shall be vegetatively stabilized (planted and mulched) within 14 days of construction completion.

SIGNATURE: _____ PERMITTEE _____ DATE: _____

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

BRAXTON DAVIS
Director



August 4, 2022

**CERTIFIED MAIL 7018 0360 0001 5710 8311
RETURN RECEIPT REQUESTED**

Joanne Porter
160 Scotland Lane
Salisbury, NC 28146

Re: Appeal of CAMA Permit Decision

Ms. Porter,

The Division of Coastal Management has received a request for an administrative hearing to challenge CAMA Minor Permit Hi-18-2022 authorizing development at 40165A C.C. Gray Road in Avon, Dare County. A copy of the Third Party Hearing Request, filed by Edward and Bianca Aniski on August 2, 2022 is enclosed. Pursuant to Senate Bill 734 (Regulatory Reform Act) which amended N.C.G.S. §113A-121.1 (the Coastal Area Management Act), a permit challenged under subsection (b) of this section, such as yours, remains in effect unless a stay is issued by the administrative law judge as set forth in G.S. 150B-3, or by a reviewing court as set forth in G.S. 150B-48. Please be advised that any work authorized by this permit is undertaken at your own risk until a final agency decision.

The Division of Coastal Management will prepare a recommendation for the Chair of the Coastal Resources Commission, who is authorized to decide the matter on behalf of the Commission. The Chair must make a decision within 30 days after receipt of the hearing request. If you wish to submit any materials for the Chair's consideration in ruling on the request for contested case hearing, please send them to me as soon as possible. If you have any questions about this process, please contact me or DEQ's counsel, Assistant General Counsel Christine Goebel at 919-707-8554.

Sincerely,

Braxton C. Davis, Director

cc: Christine Goebel, Assistant General Counsel DEQ
Coastal Engineering & Surveying, Inc
P.O. Box 1129, Kitty Hawk, NC 27949



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.515.5400

IN THE MATTER OF THE THIRD	)	
PARTY HEARING REQUEST BY	)	AFFIRDAVIT OF
EDWARD and BIANCA ANISKI	)	CARLOS F. GOMEZ, PE, PLS
FOR THE MINOR CAMA PERMIT	)	
ISSUED TO JOANNE PORTER	)	

1. My name is Carlos F. Gomez and I have been a resident of the Outer Banks Since 1986. I have been a North Carolina licensed Professional Engineer for 36 years and a North Carolina Professional Land Surveyor for 34 years. I am also a registered Professional Engineer in Virginia and West Virginia.
2. I am the president of Coastal Engineering & Surveying, Inc. (hereinafter, "Coastal"), a consulting engineering and surveying firm founded in 1989. We are an environmental considerate company assisting our clients on mindful and conscientious development of our the delicate environment in the Outer Banks. Our services encompass land surveying, civil and structural engineering, environmental consultations, and building designs.
3. My company and I have done a very large number of surveys in the Outer Banks from the North Carolina-Virginia line down to Ocracoke Village on Ocracoke Island, from the sound front to the ocean front as well as various surveys across North Carolina, from Manteo to Boone.
4. My company and I have completed surveys for development under the eye of various reviewing agencies including the US Corps of Engineers, CAMA, NC Division of Environment and Natural Resources, NC Department of Environmental Health, National and State Park Services, NCDOT and various local and state agencies including most local municipal planning offices in Northeastern NC.
5. I have been designated as an expert witness in North Carolina Superior Court cases and have been appointed as the court surveyor in boundary dispute instances.
6. In regards to the Porter's property, and the subject of the permit, my company and I have been surveying the subject property since as early as 2002. The property was the subject of a court case, and I understand that the settlement was forwarded to you by the attorney for the Porters.
7. We provided a preliminary survey marked as such, without seal, and noted as "for permitting only" because that is the normal, customary way such surveys are made. In

light of the scrutiny, I have attached an amended survey, properly sealed, and finalized as one can see from the survey.

8. Both I and my company utilized the accepted methods for the shoreline designation of this property. We are professional surveyors and engineers and enjoy an outstanding reputation in our community and the agencies we work with and I have 100% confidence in the survey provided to obtain the permit, as well as the more complete survey attached and sealed with this affidavit.

This, the 23rd day of August, 2022.

A handwritten signature in black ink, appearing to read "C. Gomez", with a stylized flourish underneath.

(seal)

Carl F. Gomez, PE, PLS

President of Coastal Engineering & Surveying, Inc.

COVERAGE CALCULATIONS:

BUILDING	= 1,204SF
COVERED PORCHES/DECKS/STEPS	= 992SF
GRAVEL DRIVE	= 1,150SF
TOTAL	= 3,346SF
TOTAL COVERAGE	= 17.8%
MAX. COVERAGE	= 30%

CAMA/AEC COVERAGE CALCULATIONS:

BUILDING, COVERED PORCHES, GRAVEL DRIVE IN AN AEC ZONE	=3,077SF/16,622SF OF AEC ZONE
TOTAL COVERAGE	= 18.5%
MAX. COVERAGE	= 30%

LEGEND:

- CALCULATED POINT
 - EXISTING IRON ROD
 - EXISTING IRON PIPE
 - EXISTING IRON OPEN PIPE
 - PK NAIL
 - SET IRON ROD
 - MINIMUM BUILDING LINE
 - EXISTING CONTOUR
 - PROPOSED CONTOUR
 - TOP OF WALL
 - BOTTOM OF WALL
 - PROPOSED DRAINAGE FLOW ARROW
- R/W
- EOP
- +6.0
- SE

NOTES:

1. PROPERTY ADDRESS: 40165 A
C C GRAY ROAD
2. PARCEL: 014542000,
PIN: 063020904977
3. LOT ZONING: R-2A (ALT.
MEDIUM DENSITY RESIDENTIAL)
AREA = 18.822 SQ. FT. = 0.432
ACRES, AS CALCULATED BY
COORDINATE METHOD.
5. THIS SURVEY WAS PERFORMED
WITHOUT THE BENEFIT OF A
TITLE COMMITMENT AND THE
PARCEL MAY BE SUBJECT TO
EASEMENTS NOT SHOWN HEREON.
6. SETBACKS ARE PER COUNTY OF
DARE CURRENT CODE AND MUST
BE VERIFIED. SURVEYOR MAKES NO
CERTIFICATION AS TO SET BACKS.
7. LOT MAY BE IN AN AREA OF
ENVIRONMENTAL CONCERN AND
INDIVIDUAL PERMITS MAY BE
REQUIRED.
8. SUBDIVISION AS RECORDED IN
P.C."", SL 351, PER DARE COUNTY
REGISTRY.
9. THE PROPERTY SHOWN HEREON
IS LOCATED IN F.I.R.M. ZONES AS
SHOWN, PER MAP NO. 3730063000K,
DATED 06/19/2020. USE OF LAND
WITHIN THE FLOODWAY OR
FLOODPLAIN AND FLOOD ZONES
ARE SUBJECT TO CHANGE BY
FEMA.
10. ALL BEARINGS SHOWN HEREON
ARE BASED ON NC GRID NORTH
UNLESS OTHERWISE NOTED.
11. ELEVATIONS SHOWN HEREON ARE
PER NAVD 88 DATUM.

1. CARLOS F. GOMEZ CERTIFY THAT THIS
MAP WAS DRAWN UNDER SUPERVISION
FROM AN AERIAL PHOTOGRAPH UNDER MY
SUPERVISION FROM MEASURED INSTRUMENTS
REFERENCING CORNER POINT BOUNDARIES
NOT ADEQUATELY SURVEYED OR SHOWN AS
BROKEN LINES PLOTTED FROM INFORMATION
FOUND IN EXISTING RECORDS AND THAT THIS
MAP WAS NOT PREPARED TO BE RECORDED.
THE RATIO OF CLOSURE IS 1:60000 BY LAT.
& DEP. WITH A 1/2" HAND AND A 1" SCALE THIS
23RD DAY OF JULY 1962.

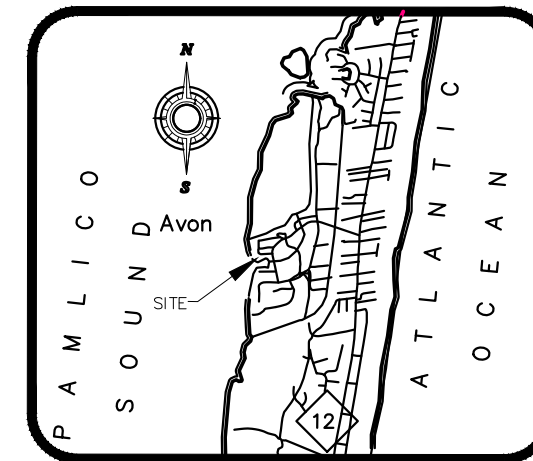
8-22-22

N/F
EDWARD ANISKI
BIANCA F.L. ANISKI
D.B. 2211, PG. 184
PC "I", SL. 351

SHARON LEE MILLER
D.B. 2509, PG. 75
P.C. "I", SL. 351

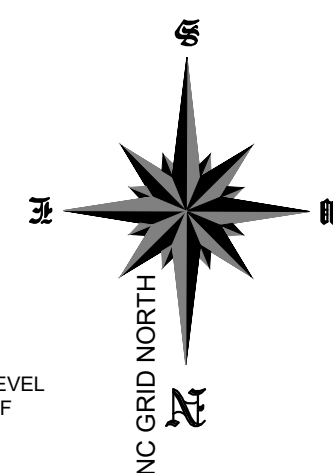
SEPTIC DESIGN CRITERIA:

4 BEDROOMS = 4 X 60GPD X 2 = 480 GPD
1.0 ASSUMED LTAR AT TIME OF PERMIT DATED 1/3/11
PROPOSED SYSTEM:
BED SYSTEM = $480 / 3' \times 1' = 160\text{LF} \times 1.5 = 240\text{LF}$
PROVIDED = 8 LINES @ 3' O.C. X 30 LF = 240 LF
1 FOOT FILL FOR DRAINFIELD MIN.

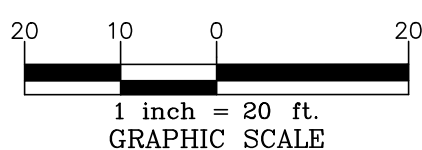


LINE TABLE		
LINE	LENGTH	BEARING
L1	8.89	S73°15'38"E
L2	21.89	S45°44'25"E
L3	36.35	S31°14'22"E
L4	30.66	S36°47'06"E
L5	24.28	S43°43'41"E
L6	13.08	N82°00'39"E
L7	21.80	N65°57'46"E
L8	25.51	N82°39'05"E
L9	9.25	S64°52'29"E
L10	11.49	S10°00'20"E
L11	6.44	S25°06'49"W
L12	9.84	S24°25'53"E
L13	5.81	S18°55'59"E
L14	16.16	S00°12'42"E
L15	14.12	S23°16'45"E
L16	17.02	S36°11'06"E
L17	33.84	S30°24'58"E
L18	18.99	S37°30'43"E
L19	16.29	N83°05'28"E
L20	30.55	N78°10'49"E
L21	15.07	N05°47'24"W
L22	3.84	N77°16'04"E
L23	69.63	N77°16'04"E

PAMILICO
SOUND



NCGS COLONY
NC GRID COORDINATE
NAD 83
N 607044.1993 FT.
E 3043450.3500 FT.
SCALE FACTOR
0.9998746



SITE PLAN FOR:

JOANNE MARIE PORTER

KINNAKEET TWSP.

AVON

NORTH CAROLINA

40165 A C C GRAY ROAD

REVISIONS

NO.	DATE	DESCRIPTION	BY
1	3.24.22	DRIVEWAY ADJUSTMENTS	NDG
2	5.9.22	GRADING/LANDSCAPE WALL ADDED	NDG
3	5.23.22	ARCHITECTURAL UPDATES /COVERAGE	NDG
4	8.10.22	FOR PERMITTING REV.	NDG
4	8.22.22	NWL NOTE ADDED	NDG

Coas a

ENGINEERING &
SURVEYING, INC.

al P.O. Box 1129
4425 N. CROATAN HWY.
Kitty Hawk, N.C. 27949
(252)-261-4151
(252)-261-1333

C-0836 Civil – Structural
Site Development



This map is prepared from data used for the inventory of the real property for tax purposes. Primary information sources such as recorded deeds, plats, wills, and other primary public records should be consulted for verification of the information contained in this map.

40165 A C C Gray RD
Avon NC, 27915
Parcel: 014542000
Pin: 063020904977

Owners: Porter, Joanne Marie -Primary
Owner

Building Value: \$0
Land Value: \$227,300
Misc Value: \$17,400
Total Value: \$244,700

Tax District: Avon
Subdivision: Subdivision - None
Lot BLK-Sec: Lot: Blk: Sec:
Property Use: Secondary Improvement
Building Type:
Year Built:



Site area ownership

2019 aerial with parcel lines

Legend

-  Faith Life Worship Center
-  Feature 1

 Cahoon

 Miller

 Aniski

 Site

 Aniski

 Scarborough Heirs

O'Neal Rd

091

Google Earth

Image © 2022 Maxar Technologies

100 ft



Site

2013 aerial with parcel lines

Legend

-  Faith Life Worship Center
-  Feature 1



Google Earth

Site

2017 aerial with parcel lines

Legend

-  Faith Life Worship Center
-  Feature 1

