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NORTH CAROLINA
Environmental Quality

CRC-26-85

October 19, 2026

MEMORANDUM

TO: Coastal Resources Commission

FROM: Daniel Govoni

SUBJECT: General Use Standard for Ocean Hazard Areas 15A NCAC 07H .0306(a)(6)

The rules for building residential and commercial structures in the Ocean Hazard Area of Environmental Concern require structures to be located behind a setback line which is based on erosion rates and building size. Structures shall be setback a minimum of 30 times the erosion rate unless otherwise exempted or allowed by other CRC rule. The intent of these setback rules is to ensure that development is sited to protect life and property and does not harm dunes, public access, or coastal resources. Furthermore, 15A NCAC 07H .0306(a)(6) specifically states that:

> *Structural additions or increases in the footprint or total floor area of a building or structure represent expansions to the total floor area and shall meet the setback requirements established in this Rule and 15A NCAC 07H .0309(a). New development landward of the applicable setback may be cosmetically but not be structurally attached to an existing structure that does not conform with current setback requirements.*

At a recent meeting, The Coastal Resources Commission (CRC) heard a variance request related to 15A NCAC 07H .0306(a)(6) following the Town of Oak Island CAMA LPO's denial of a CAMA minor permit application. The denial was based on a proposed addition (which did meet the setback) being structurally attached to a non-conforming house (most of which did not meet the setback). The CRC granted the variance but asked Division staff to provide additional clarification on implementation of this rule.

The "enlargement of a structure" is considered development under G.S. 113A-103(5). In accordance with 15A NCAC 7H.0306(a) if a portion of a non-conforming structure is located within the setback, any addition to the total area of either structure must be structurally detached from the existing dwelling in such a fashion that it could independently stand or be removed without structural modifications occurring to either structure.

15A NCAC 07H .0306(a)(6) allows cosmetic attachments between buildings, provided they do not rely on the structural integrity of the other structure. Since 1999, the CRC has not allowed expansion of nonconforming structures within the Ocean Hazard Area or Inlet Hazard Area. Allowing structural enlargement in these areas is inconsistent with the longstanding intent to ensure development is placed safely inland and does not adversely affect dunes, public access, or coastal resources. Staff sees this structurally detached/cosmetically attached approach most often with larger structures, where 5000 sq ft. total floor area structures are sited adjacent to one another at a 30x setback, but are connected with breezeways, stairwells, or other connecting structures.

Much of the Coastal Area Management Act (CAMA) and the Commission's rules have their roots in land use law concepts. As acknowledged in "Land Use Law in North Carolina" by former DCM Director and UNC School of Government professor David Owens, in the zoning context, limitations on expanding non-conformities is a common principle in real estate and local ordinances. While a non-conformity won't be required to be removed, authorization to expand the non-conformity is not usually allowed.

CRC rules do, however, allow resilient improvements to existing structures, such as reinforcement or modernization to reduce impacts from ocean hazards, provided these improvements do not increase the structure's total floor area. Increasing building size in these high-risk areas elevates exposure and the likelihood of structural failure. Enlarging a nonconforming structure also reduces feasible relocation options when ocean hazard processes render a structure unsafe.

Division staff will present this topic for further discussion at your October meeting.