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TO: The Coastal Resources Commission

FROM: Christine A. Goebel, DEQ Assistant General Counsel

DATE: April 6, 2026 (for the April 15-16, 2026 CRC Meeting)

RE: **Variance Request by Winslow & Sgambati (CRC-VR-26-23)**

Petitioners own property at 9149 Schuyler Drive SW in Calabash, Brunswick County. Petitioners propose to develop the Site with a 480 foot long, one-slip pier and gazebo. Petitioners proposed that the pier extend to the Corps AIWW Setback line, which exceeds the Commission's quarter-width pier length limitation at 7H .0208(G)(iii). The site plan submitted with the major permit application was not designed to meet the quarter-width rule. Petitioners planned to seek this variance. On October 22, 2025, DCM issued CAMA Major Permit No. 120-25 authorizing the proposed pier but conditioning the authorized pier to not exceed the quarter width distance as required by 7H.0208(G)(iii). Petitioners now seek a variance to waive the quarter-width limitation in order to develop their revised site plan design.

The following additional information is attached to this memorandum:

Attachment A: Relevant Rules
Attachment B: Stipulated Facts
Attachment C: Petitioner's Positions and Staff's Responses to Variance Criteria
Attachment D: Petitioner's Variance Request Materials
Attachment E: Stipulated Exhibits including powerpoint

cc(w/enc.): I. Clark Wright, Jr., Esq., Petitioner's Attorney, electronically
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ATTACHMENT A**RELEVANT RULES****15A NCAC 07H .0203 MANAGEMENT OBJECTIVE OF THE ESTUARINE AND OCEAN SYSTEM**

It is the objective of the Coastal Resources Commission to conserve and manage estuarine waters, coastal wetlands, public trust areas, and estuarine and public trust shorelines, as an interrelated group of AECs, so as to safeguard and perpetuate their biological, social, economic, and aesthetic values and to ensure that development occurring within these AECs is compatible with natural characteristics so as to minimize the likelihood of significant loss of private property and public resources. Furthermore, it is the objective of the Coastal Resources Commission to protect present common law and statutory public rights of access to the lands and waters of the coastal area.

15A NCAC 07H .0206 ESTUARINE WATERS

(a) Definition. "Estuarine Waters" are defined in G.S. 113A-113(b)(2) to include all the waters of the Atlantic Ocean within the boundary of North Carolina and all the waters of the bays, sounds, rivers and tributaries thereto seaward of the dividing line between coastal fishing waters and inland fishing waters. The boundaries between inland and coastal fishing waters are set forth in an agreement adopted by the Wildlife Resources Commission and the Department of Environment and Natural Resources and in the most current revision of the North Carolina Marine Fisheries Regulations for Coastal Waters, codified at 15A NCAC 3Q .0200.

(b) Significance. Estuarine waters are the dominant component and bonding element of the entire estuarine and ocean system, integrating aquatic influences from both the land and the sea. Estuaries are among the most productive natural environments of North Carolina. They support the valuable commercial and sports fisheries of the coastal area which are comprised of estuarine dependent species such as menhaden, flounder, shrimp, crabs, and oysters. These species must spend all or some part of their life cycle within the estuarine waters to mature and reproduce. Of the 10 leading species in the commercial catch, all but one are dependent on the estuary. This high productivity associated with the estuary results from its unique circulation patterns caused by tidal energy, fresh water flow, and shallow depth; nutrient trapping mechanisms; and protection to the many organisms. The circulation of estuarine waters transports nutrients, propels plankton, spreads seed stages of fish and shellfish, flushes wastes from animal and plant life, cleanses the system of pollutants, controls salinity, shifts sediments, and mixes the water to create a multitude of habitats. Some important features of the estuary include mud and sand flats, eel grass beds, salt marshes, submerged vegetation flats, clam and oyster beds, and important nursery areas. Secondary benefits include the stimulation of the coastal economy from the spin off operations required to service commercial and sports fisheries, waterfowl hunting, marinas, boatyards, repairs and supplies, processing operations, and tourist related industries. In addition, there is considerable nonmonetary value associated with aesthetics, recreation, and education.

(c) Management Objective. To conserve and manage the important features of estuarine waters so as to safeguard and perpetuate their biological, social, aesthetic, and economic values; to coordinate and establish a management system capable of conserving and utilizing estuarine waters so as to maximize their benefits to man and the estuarine and ocean system.

(d) Use Standards. Suitable land and water uses shall be those consistent with the management objectives in this Rule. Highest priority of use shall be allocated to the conservation of estuarine waters and their vital components. Second priority of estuarine waters use shall be given to those types of development activities that require water access and use which cannot function elsewhere such as simple access channels; structures to prevent erosion; navigation channels; boat docks, marinas, piers, wharfs, and mooring pilings. In every instance, the particular location, use, and design characteristics shall be in accord with the general use standards for coastal wetlands, estuarine waters, and public trust areas described in Rule .0208 of this Section.

15A NCAC 07H .0207 PUBLIC TRUST AREAS

(a) Definition. "Public trust areas" are all waters of the Atlantic Ocean and the lands thereunder from the mean high water mark to the seaward limit of state jurisdiction; all natural bodies of water subject to measurable lunar tides and lands thereunder to the normal high water or normal water level; all navigable natural bodies of water and lands thereunder to the normal high water or normal water level as the case may be, except privately-owned lakes to which the public has no right of access; all water in artificially created bodies of water containing public fishing resources or other public resources which are accessible to the public by navigation from bodies of water in which the public has rights of navigation; and all waters in artificially created bodies of water in which the public has acquired rights by prescription, custom, usage, dedication, or any other means. In determining whether the public has acquired rights in artificially created bodies of water, the following factors shall be considered: (1) the use of the body of water by the public; (2) the length of time the public has used the area; (3) the value of public resources in the body of water; (4) whether the public resources in the body of water are mobile to the extent that they can move into natural bodies of water; (5) whether the creation of the artificial body of water required permission from the state; and (6) the value of the body of water to the public for navigation from one public area to another public area.

(b) Significance. The public has rights in these areas, including navigation and recreation. In addition, these areas support commercial and sports fisheries, have aesthetic value, and are important resources for economic development.

(c) Management Objective. To protect public rights for navigation and recreation and to conserve and manage the public trust areas so as to safeguard and perpetuate their biological, economic and aesthetic value.

(d) Use Standards. Acceptable uses shall be those consistent with the management objectives in Paragraph (c) of this Rule. In the absence of overriding public benefit, any use which jeopardizes the capability of the waters to be used by the public for navigation or other public trust rights

which the public may be found to have in these areas shall not be allowed. The development of navigational channels or drainage ditches, the use of bulkheads to prevent erosion, and the building of piers, wharfs, or marinas are examples of uses that may be acceptable within public trust areas, provided that such uses shall not be detrimental to the public trust rights and the biological and physical functions of the estuary. Projects which would directly or indirectly block or impair existing navigation channels, increase shoreline erosion, deposit spoils below normal high water, cause adverse water circulation patterns, violate water quality standards, or cause degradation of shellfish waters are considered incompatible with the management policies of public trust areas. In every instance, the particular location, use, and design characteristics shall be in accord with the general use standards for coastal wetlands, estuarine waters, and public trust areas described in Rule .0208 of this Section.

15A NCAC 07H .0208 USE STANDARDS

(b) Specific Use Standards

(6) Piers and Docking Facilities.

(A) Piers shall not exceed six feet in width. Piers greater than six feet in width shall be permitted only if the greater width is necessary for safe use, to improve public access, or to support a water dependent use that cannot otherwise occur;

(B) The total square footage of shaded impact for docks and mooring facilities (excluding the pier) allowed shall be eight square feet per linear foot of shoreline with a maximum of 2,000 square feet. In calculating the shaded impact, uncovered open water slips shall not be counted in the total. Projects requiring dimensions greater than those stated in this Rule shall be permitted only if the greater dimensions are necessary for safe use, to improve public access, or to support a water dependent use that cannot otherwise occur. Size restrictions shall not apply to marinas;

(C) Piers and docking facilities over coastal wetlands shall be no wider than six feet and shall be elevated at least three feet above any coastal wetland substrate as measured from the bottom of the decking;

(D) A boathouse shall not exceed 400 square feet except to accommodate a documented need for a larger boathouse and shall have sides extending no farther than one-half the height of the walls and covering only the top half of the walls. Measurements of square footage shall be taken of the greatest exterior dimensions. Boathouses shall not be allowed on lots with less than 75 linear feet of shoreline. Size restrictions do not apply to marinas;

(E) The total area enclosed by an individual boat lift shall not exceed 400 square feet except to accommodate a documented need for a larger boat lift;

(F) Piers and docking facilities shall be single story. They may be roofed but shall not be designed to allow second story use;

(G) Pier and docking facility length shall be limited by:

(i) not extending beyond the established pier or docking facility length along the same shoreline for similar use; (This restriction does not apply to piers 100 feet or less in length unless necessary to avoid unreasonable interference with navigation or other uses of the waters by the public);

(ii) not extending into the channel portion of the water body; and

(iii) not extending more than one-fourth the width of a natural water body, or human-made canal or basin. Measurements to determine widths of the water body, canals or basins shall be made from the waterward edge of any coastal wetland vegetation that borders the water body. The one-fourth length limitation does not apply in areas where the U.S. Army Corps of Engineers, or a local government in consultation with the Corps of Engineers, has established an official pier head line. The one-fourth length limitation shall not apply when the proposed pier is located between longer piers or docking facilities within 200 feet of the applicant's property. However, the proposed pier or docking facility shall not be longer than the pier head line established by the adjacent piers or docking facilities, nor longer than one-third the width of the water body.

(H) Piers or docking facilities longer than 400 feet shall be permitted only if the proposed length gives access to deeper water at a rate of at least 1 foot each 100 foot increment of length longer than 400 feet, or, if the additional length is necessary to span some obstruction to navigation. Measurements to determine lengths shall be made from the waterward edge of any coastal wetland vegetation that borders the water body;

(I) Piers and docking facilities shall not interfere with the access to any riparian property and shall have a minimum setback of 15 feet between any part of the pier or docking facility and the adjacent property owner's areas of riparian access. The line of division of areas of riparian access shall be established by drawing a line along the channel or deep water in front of the properties, then drawing a line perpendicular to the line of the channel so that it intersects with the shore at the point the upland property line meets the water's edge. The minimum setback provided in the rule may be waived by the written agreement of the adjacent riparian owner(s) or when two adjoining riparian owners are co applicants. If the adjacent property is sold before construction of the pier or docking facility commences, the applicant shall obtain a written agreement with the new owner waiving the minimum setback and submit it to the permitting agency prior to initiating any development of the pier. Application of this Rule may be aided by reference to the approved diagram in 15A NCAC 07H .1205(t) illustrating the rule as applied to various shoreline configurations. Copies of the diagram may be obtained from the Division of Coastal Management. When shoreline configuration is such that a perpendicular alignment cannot be achieved, the pier shall be aligned to meet the intent of this Rule to the maximum extent practicable as determined by the Director of the Division of Coastal Management; and

(J) Applicants for authorization to construct a pier or docking facility shall provide notice of the permit application to the owner of any part of a shellfish franchise or lease over which the proposed dock or pier would extend. The applicant shall allow the lease holder the opportunity to mark a navigation route from the pier to the edge of the lease.

STIPULATED FACTS**ATTACHMENT B**

1. Petitioners Joseph Winslow and wife Jacquelyn Sgambati own riparian property at 9149 Schuyler Drive SW in Calabash, Brunswick County (the “Site”). The Site is within the Sunset Beach ETJ, according to the Brunswick County GIS. They took title to this property through a quitclaim deed on July 5, 2022 and recorded at Book 4881, Page 76 of the Brunswick County Registry, a copy of which is attached. Petitioners took title from a related family trust and there were no revenue stamps on the quitclaim deed.
2. The Site is shown on a survey map recorded at Map Book S, Page 388 of the Brunswick County Registry, a copy of which is attached.
3. The Site is approximately 2.2 acres (containing 1.62 acres of marsh) in size based on the recorded survey. The Site is listed as being an acre of vacant land on the Brunswick County tax card, a copy of which is attached. The Site has an approximate shoreline length of 150 feet along the AIWW.
4. The Site and surrounding area can be seen in photographs contained in the attached PowerPoint presentation.
5. The Petitioner’s property is located adjacent to the U.S. Army Corps of Engineers (USACE) Atlantic Intracoastal Waterway (AIWW). The distance between the normal high water level of the Site and the Corps’ 80-foot setback line is approximately 420 feet. The Site is approximately 0.9 miles east of the state line where the line crosses the AIWW.
6. On Petitioner’s property, there is an area of coastal wetlands extending outward approximately 300 feet in width, part of which the proposed pier would pass over.
7. The AIWW is approximately 590 feet wide from the waterward edges of the coastal wetlands bordering each side of the water body at the location of the Project. 15A NCAC 7H .0208(b)(6)(H) of the rules of the Coastal Resources Commission (CRC) provides, in part, that “measurements to determine lengths shall be made from the waterward edge of any coastal wetland vegetation that borders the water body . . .”
8. The surrounding waters are classified as SA, HQW by North Carolina Environmental Management Commission rule, and a Primary Nursery Area (PNA) by North Carolina Marine Fisheries Commission rule. These waters are closed to shellfish harvesting.
9. 15A NCAC 07H .0208(a)(4) of the rules of the CRC further define PNA's as "Primary nursery areas are those areas in the estuarine and ocean system where initial post larval

development of finfish and crustaceans takes place. They are usually located in the uppermost sections of a system where populations are uniformly early juvenile stages. They are designated and described by the N.C. Marine Fisheries Commission and by the N.C. Wildlife Resources Commission (WRC)."

10. The proposed Project would involve development within the Estuarine Waters, the Coastal Wetlands, and the Estuarine Shoreline sub-category of the Coastal Shorelines Areas of Environmental Concern (AECs). G.S. 113A-118 requires CAMA permit authorization for any development within these AECs.

11. Petitioners were represented by their authorized agent Brendan Brock of Tidal Creek Permitting.

12. A Field Investigation Report was completed by DCM Field Representative Austin Turbitt on July 15, 2025, a copy of which is attached.

13. Petitioners submitted a Coastal Area Management Act (CAMA) Major Permit application on or about July 3, 2025 to construct a one-slip 480' pier, with an 18' x 20' gazebo, an 18' x 38' boatlift within the riparian corridor of the Site. A copy of the CAMA Major Permit Application is attached. Petitioners proposed that the pier width would be 4' wide instead of the 6' wide allowed by the rules. Of the 480', the first 78' would be landward of NHW, and the next 242' would be over coastal wetlands, followed by 160' over open water extending to the AIWW channel setback. Petitioners proposed the use of a "low profile" boat lift where the boat sits over a platform with an open area in the middle of the platform.

14. Depths in the vicinity of the authorized boatlift location were noted in the application as approximately -1.4 feet normal low water at the landward pilings while the waterward pilings at the one-quarter width were noted in the application as approximately -2.1 feet at normal low water. Depths in the vicinity of the proposed boatlift location were noted in the application as approximately -2.0 - 2.1 feet normal low water at the landward boatlift pilings and approximately -2.8 feet normal low water at the waterward boatlift pilings, located at the edge of the USACE Setback.

15. Depths located at the 80-foot USACE setback were noted in the application at -2.3 feet to -2.8 feet at normal low water.

16. The opposite shoreline is owned by the State of North Carolina and is part of a vast salt marsh complex that extends to Little River Inlet, known as the Bird Island Nature Preserve, which precludes construction of piers extending from the shoreline opposite the project.

17. There are existing private piers located to the southwest and northeast of the property on Peakwood Drive and Schuyler Drive, some of which extend to the Corps AIWW Channel Setback line. The property at 9269 Peakwood (Walters) received a variance from the Commission from the quarter-width rule and the pier head line rule in 2020. Petitioners' agent compiled an aerial photograph depicting several nearby riparian properties and showing their relative distance to the AIWW 80' Setback line on Google Earth, a copy of which is attached.

18. The waterbody at the Site (measured from waterward edges of coastal wetlands) is 590 feet and so the one-quarter distance is 147.5 feet. The Petitioner's proposed docking facility would extend 160 feet beyond the waterward edge of the adjacent coastal wetland into the AIWW and approximately 20 feet beyond the one-quarter width of the AIWW, to approximately 27% of the width of the waterbody.

19. CRC rule 15A NCAC 07H .0208 (G)(iii) ("Specific Use Standards") provides, in part, that a pier and docking facility length shall be limited by, "not extending more than one-fourth the width of a natural water body." While the Commission's rules limiting pier length do have some allowance to go to the 1/3 width, those "exceptions" do not apply here where there are not longer piers within 200' of the Site.

20. As part of the CAMA Major Permit review process, DCM circulated the application materials to other state and federal resource agencies for review and comment.

21. On August 12, 2025, the Division of Marine Fisheries (DMF) responded that while the depths are -2.1' and -2.8' currently, the Site is in a PNA and as such, DMF will object to any future excavation that may result from shoaling that may take place. A copy of the DMF comments is attached.

22. The N.C. Division of Water Resources approved the Project as proposed under a 401 Water Quality General Certification 4501 on August 28, 2025.

23. In anticipation of the Petitioners seeking a variance from the Commission to construct a pier longer than the quarter-width distance, on October 21, 2025, the Corps placed the Petitioners' application on a "soft withdraw" in their review to stop their review clock until after a variance could be heard. If the Commission were to grant a variance, Petitioners would still need to apply for and receive authorization from the Corps for their desired design.

24. During the CAMA Major Permit review process, no other state or federal agency objected to the proposed Project.

25. As part of the CAMA Major Permit review process, notice was given to the public through on-site posting and notice in the local newspaper. Notice was also sent to the adjacent riparian property owners (Spanglers of Lawndale, NC and Harris/Templeton of Michigan). USPS tracking indicates that Harris/Templeton's notice was delivered on February 12, 2025 and Spanglers' notice was delivered on February 11, 2025. DCM received no comments from the adjacent riparian owners or other members of the public in connection with the permit application.

26. On October 22, 2025, DCM issued CAMA Major Permit No. 120-25 (the "Permit"), a copy of which is attached. The Permit authorized the development of the proposed docking structure but limited the authorized length to the one-quarter width distance as required by 7H .0208(b)(6)(G). The quarter-width limitation was the only basis for permit denial.

27. As required by the variance rules of the Commission, Petitioner stipulates that his request as submitted to DCM does not comply with strict application of the quarter width rule in 15A NCAC 07H .0208(b)(6)(G)(iii).

28. As required by the variance rules of the Commission, Petitioners sent notice of the variance petition to the adjacent riparian owners, copies of which are attached. DCM has not received any responses from them but if any are received, they will be shared with the Commission.

29. Petitioners seek a variance from the Commission of the quarter-width pier length limitation found in its rules at 7H .0208(b)(6)(G) to build the permitted pier to the length proposed in their permit application, being 480' measured from NHWL and not extending past the Corps' 80' Channel Setback Line.

STIPULATED EXHIBITS

1. Deed in 4881-76
2. Map S-388
3. 2025 Tax Card for Site
4. DCM Field Investigation Report
5. Application and Site Plans
6. Neighboring Piers Exhibit from Petitioners' agent
7. DMF Comments 8-12-25
8. CAMA Major Permit 120-25, issued 10-22-25 with condition
9. Notice of Variance petition to neighbors
10. Powerpoint

PETITIONER'S and STAFF'S POSITIONS**ATTACHMENT C**

- I. Will strict application of the applicable development rules, standards, or orders issued by the Commission cause the petitioner unnecessary hardships? If so, the petitioner must identify the hardships.**

Petitioner's Position: Yes.

Introduction

Petitioners' variance request is narrowly targeted. Last Fall Petitioners received Major Development CAMA Permit No. 120-25, authorizing construction of all of their proposed water dependent structures but limiting the location to no further waterward than allowed under the ¼ width rule. Petitioners' application materials contained five drawings (Sheets 1-5) depicting their proposed docking facilities extending slightly (27% versus 25%) beyond the ¼ width line to the AIWW Setback Line. Many of the existing riparian properties in the vicinity of Petitioners' vacant lot contain previously authorized access piers and docking facilities that – just as with Petitioners' requested docking facilities - extend slightly beyond the ¼ width of the water body, often up to the AIWW Channel Setback. Seeing these existing docking facilities, Petitioners and their CAMA consultant believed that DCM would issue a CAMA Permit authorizing their essentially identical proposed pier and docking facilities.

However, under strict application of the use standards contained in 15A NCAC 07H.0208(b)(6)G(ii), depending on where within Petitioners' slightly undulating shoreline one measures the width of the water body, approximately 13 (east side) to 20 feet (west side) of Petitioners' riparian property and proposed docking facilities would exceed the ¼ width limit as defined in the governing CAMA Use Standard. No portions of Petitioners' proposed docking facilities would exceed 1/3 the width of the waterbody. Sheets 1 through 5, attached as Stipulated Exhibits, show these relevant lines and measurements. The shoreline on the far side of the relevant water body is both irregular and a formally protected natural area owned by the State of North Carolina (Bird Island Coastal Reserve). Construction of any piers, docks, gazebos, or boatlifts is very unlikely along this shoreline, and no such structures currently exist.

During the CAMA permit application review process associated with Petitioners' proposed access pier and docking facilities, no state or federal agency raised any concerns about the length or breadth of Petitioners' proposed docking facilities, or any other aspects of navigation. DMF did submit comments noting the PNA/HQW nature of the productive natural aquatic resources in this area and stating that if the bottom areas underneath Petitioners' proposed docking facilities were to shoal or fill in, DMF would oppose any efforts to dredge such areas to restore water depths to the levels documented in Petitioners' application materials. It appears from the agency's comments that DMF assumed Petitioners would receive a CAMA permit authorizing construction of the access pier and related docking facilities beyond the ¼ width of the waterbody, as proposed (see Sheets 1 through 5, attached as a Stipulated Exhibit).

In summary, Petitioners seek a variance from the Commission allowing them to exceed the ¼ width of the relevant water body by a distance that varies from approximately 13 feet at the eastern side boundary of Petitioners' riparian property to approximately 20 feet at the western

boundary. While of course not binding on the Commission for purposes of this variance request, several years ago the Commission approved an almost identical variance request by the Walters for an access pier and associated docking facilities located approximately 1,000 linear feet westward on the same shoreline. Petitioners' CAMA consultant was aware of this variance, as well as the multiple other similar structures authorized by means of issued CAMA permits. As noted, the prior granting by the Commission of a similar variance request is not binding on the Commission in its consideration of Petitioners pending variance request. However, Petitioners believe that the extensive prior permitting history along the same shoreline is relevant to a proper evaluation of the "hardship" and "uniqueness" factors as applied to Petitioners' pending variance request.

"YES" See the information discussed in the Introduction. Additionally, while outside of (i.e. more than 200 feet away) any "pierhead line" as defined in 15A NCAC 07H.0208(b)(6)(G)(ii), Petitioners' proposed access pier and associated docking facilities are essentially identical to a half dozen or more access piers and docking facilities previously permitted by DCM along the same shoreline. See Brendan Brock aerial, Sheets 1-5, and other aerial photographs attached to Petitioners' variance request and contained in the Stipulated Exhibits. Perhaps more importantly, allowing Petitioners to extend their docking facilities waterward by approximately 13 feet (east side) and up to 20 feet (west side) beyond the $\frac{1}{4}$ width of the water body resolves the unique hardship facing Petitioners related to water depths. If limited to the $\frac{1}{4}$ water body width as currently required by the terms of CAMA Permit No. 120-25, water depths at Petitioners' proposed docking facilities would average approximately 2.1 feet. At that depth (low tides), significant adverse impacts would occur to valuable PNA/HQW waters and substrate, whereas extending the proposed docking facilities waterward by 13 to 20 feet would give Petitioners viable low tide water depths of 2.8 feet. Additionally, Petitioners face a unique hardship in that the docking facilities located on the immediately adjacent eastern riparian property is shorter in length than almost all other existing, authorized access piers and docking facilities within several thousand linear feet to the west and east. It also is an unnecessary hardship to be hemmed in between the shorter eastern side docking facilities and no docking facilities of any kind along the western adjacent riparian property. This unique combination of hardships means that – unlike many nearby riparian neighbors – Petitioners are not eligible to use the pierhead line provisions of 15A NCAC 07H.0208(b)(6)(G)(ii). It also is a unique hardship that the shoreline on the other side is very irregular.

Staff's Position: Yes.

Petitioners seek a variance from the condition on the permit limiting the petitioners pier length to compliance with quarter-width pier length limitation rule. Staff agrees that a strict application of the quarter-width rule would result in unnecessary hardships for the Petitioners where strict compliance of the rule would result in water depths of approximately -2.1 at MLW, which could result in impacts to the substrate and shallow bottom habitat in an area designated as a Primary Nursery Area (PNA) by the N.C. Marine Fisheries Commission. Staff agrees that strict application of the quarter-width rule in this area is not essential to protect public navigation, in part due to the presence of the state-owned Bird Island Coastal Reserve located across the AIWW, which is unlikely to be developed with a pier.

II. Do such hardships result from conditions peculiar to the petitioner's property such as the location, size, or topography of the property? Explain.

Petitioner's Position: Yes.

YES – see the discussions above in the Introduction and for Factor One. Petitioners are in a unique predicament due to their property being “hemmed in” by an unusually shorter access pier and docking facility to the east, and no pier or docking facilities of any kind on the western adjacent riparian property – even though that parcel is developed with a single-family residence. The unusually irregular shoreline on the opposite side likewise represents a peculiar or unique circumstance – especially when combined with the undulating nature of the coastal marsh and MHW line applicable to Petitioners' riparian property.

Staff's Position: Yes.

Staff disagree that Petitioners are “hemmed in” by a shorter pier to the east and no pier to the west. The Commission's pier length limitation rules generally limit piers to one-quarter of the waterbody but do have exceptions for piers proposed to be located between nearby longer piers (typically built when earlier Commission rules limited piers to one-third of the waterbody until 1998 when the current one-quarter limitation was codified). There is no “right” or expectation in the rules to a one-third waterbody pier length, and in this case, Petitioners' property does not meet this exception.

However, Staff agree that Petitioners' hardship is a result from conditions peculiar to the Petitioners' property. The location on the AIWW across from the state-owned Bird Island Coastal Reserve, which is unlikely to be developed, reduces the need for strict application of the quarter-width rule to protect public navigation. Strict application of the quarter-width rule would result in Petitioner's pier being located in shallow PNA habitat and could lead to significant resource impacts, limiting riparian use. The Corps Channel Setback will ultimately restrain the Petitioners' pier length and will allow for increased water depth with a relatively small extension past the Commission's quarter-width distance while still keeping the pier more in line with the established pier length along this shoreline. Staff contend that the large marsh fringes and mud-flat areas on both sides of the AIWW in this area between the Sunset Beach Bridge and the state line are not peculiar, as can be seen in the aerial photographs in the powerpoint.

III. Do the hardships result from actions taken by the Petitioner? Explain.

Petitioner's Position: No.

NO – see discussions in the Introduction and for Factors One and Two above. Petitioners certainly have not caused any of the unique hardships that they face due – especially the unique and peculiar combination of the fact that their riparian property is hemmed in by a uniquely shorter pier and docking facility to the east and a developed residence to the west with no pier or docks of any kind – and that yet almost everywhere else along this same shoreline property owners have been authorized to exceed the ¼ width of the water body to obtain reasonably deep navigable water depths at low tides. Unlike with some of their riparian neighbors, Petitioners are only extending 13-20 feet beyond the ¼ water body width, and are proposing only a four foot wide access pier, along with use of a low profile boatlift with a single defined boat slip. In short, Petitioners' permit

application materials serving as the basis for this Variance Request demonstrate respect and sensitivity to resource protection goals that they share with DCM, DMF, and other resource protection agencies.

Staff's Position: No.

Staff again makes the point as in Factor 2, above, that we disagree that Petitioners' property is "hemmed in" by other piers. Staff also note that while one of the nearby piers was granted a variance from the quarter-width limitation, other piers in the area longer than one-quarter the width of the waterbody were likely permitted before the rule change or result from coastal marsh erosion altering the overall waterbody width.

Staff agree that Petitioners' hardships do not result from Petitioners' actions where they seek to extend past the quarter-width limitation by approximately 20' to the Army Corps of Engineers' 80' AIWW Setback line in order to gain additional depth to avoid PNA impacts.

IV. Will the variance requested by the petitioner (1) be consistent with the spirit, purpose and intent of the rules, standards or orders issued by the Commission; (2) secure the public safety and welfare; and (3) preserve justice? Explain.

Petitioner's Position: Yes.

YES – Petitioners and their experienced CAMA consultant have worked hard to respect all applicable resource protection, navigation, and public trust management objectives, rules and criteria. The unique positioning of Petitioners' riparian property along a shoreline replete with similar access piers and docking facilities assures minimal potential impacts to navigation and vessel safety. Allowing Petitioners to incrementally exceed the ¼ water body width rule will result in substantial benefits to protection of aquatic and substrate resources. Petitioners proposal to limit access pier width to four feet will minimize shading impacts to coastal wetlands and other aquatic resources. Seeking only a single boat slip will further minimize potential adverse impacts. Substantial justice will be served by allowing Petitioners to align their proposed access pier and related docking facilities with the vast majority of the similar structures already permitted and present along the same shoreline.

Conclusion

Based on the information contained in their previously submitted CAMA Permit Application Materials and as set forth in this Variance Request (including the proposed stipulated facts and exhibits), Petitioners respectfully request that the Commission find in their favor on all four variance factors, and based on such issue an order granting the requested variance – a variance designed to minimize potential adverse impacts to marine and aquatic resources, protect public trust navigation rights, and to assure Petitioners reasonable riparian access to navigable water. The drawings contained in Petitioners previously submitted CAMA Permit Application Materials (see especially Sheets 1 through 5) provide the Commission with a straightforward blueprint to define the parameters of its order granting variance. Respectfully submitted this 6th day of March 2026.

Staff's Position: Yes.

Staff agrees that the requested variance is consistent with the spirit, purpose and intent of the quarter-width rule where a proposed pier 20 feet longer than the quarter-width avoids significant impacts to the shallow-bottom PNA habitat.

In 1998, the Commission changed its one-third width pier length restriction to the current quarter-width rule to better protect public navigation by ensuring that, if both sides of the waterbody were developed, at least half the width of the waterbody would be unobstructed by piers. Staff are comfortable with piers up to a third-width where there are not impacts to public navigation, but there is no automatic right to a third-width pier or a pier extending to the edge of the Corps' 80-foot AIWW channel setback.

The DMF comments evaluated the current proposal and were comfortable with the water depths in the PNA and were also comfortable with the depths at the quarter-width location approximately 20 feet landward which is what the Permit authorized.

In this case, Staff agree that the Commission varying the quarter-width limitation and allowing the pier to extend 20 feet more up to the Corps Channel Setback in order to achieve 0.8' in additional depth aligns with the purpose of the Commission's rules where there will not be any significant impacts to navigation.

ATTACHMENT D

Petitioner's Petition Materials
(without initial proposed facts or duplicative exhibits)

VIA ELECTRONIC MAIL
tancred.miller@deq.nc.gov

Mr. Tancred Miller, Director
N.C. Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557

RE: Variance Request for Joseph Winslow and Jacquelyn Sgambati
Property Located at 9149 Schuyler Drive, Calabash, NC – Brunswick County

Dear Director Miller:

Please find attached the Variance Request Package for our clients, Joseph Winslow and Jacquelyn Sgambati, regarding the property they own located at 9149 Schuyler Drive, Calabash, NC in Brunswick County. Pursuant to the email decision of CRC Chair Renee Cahoon, this Variance Request is deemed timely to be heard at the CRC's April 16-17, 2026 meeting scheduled to take place in the Ocean Isle Beach Town Hall.

Please let me know if you or DCM staff have any questions or concerns, or believe that additional information is needed.

It was good to see you recently at the CRC meeting held at the Dunes Club.

Best regards,

/s Clark Wright

I. Clark Wright, Jr.
ICW/icw

Enclosures (Variance Request Package)

cc: DCM Counsel (via email)
CRC Counsel (via email)
Clients (via email)

CAMA VARIANCE REQUEST FORM**DCM FORM 11****DCM FILE No.:** _____PETITIONER'S NAME **Joseph Winslow and Jacquelyn Sgambati** _____COUNTY WHERE THE DEVELOPMENT IS PROPOSED: **Brunswick** _____

Pursuant to N.C.G.S. § 113A-120.1 and 15A N.C.A.C. 07J .0700 *et seq.*, the above named Petitioners apply to the Coastal Resources Commission (CRC) for a variance regarding the ¼ width Use Standard contained in 15A NCAC 07H.0208(b)(6)(G)(iii).

VARIANCE HEARING PROCEDURES

A variance petition will be considered by the CRC at a regularly scheduled meeting, heard in chronological order based upon the date of receipt of a complete petition. 15A N.C.A.C. 07J .0701(e). A complete variance petition, as described below, must be *received* by the Division of Coastal Management (DCM) a minimum of six (6) weeks in advance of the first day of a regularly scheduled CRC meeting to be eligible for consideration by the CRC at that meeting. 15A N.C.A.C. 07J .0701(e). The final set of stipulated facts must be agreed to at least four (4) weeks prior to the first day of a regularly scheduled meeting. 15A N.C.A.C. 07J .0701(e). The dates of CRC meetings can be found at DCM's website: **www.nccoastalmanagement.net**

If there are controverted facts that are significant in determining the propriety of a variance, or if the Commission determines that more facts are necessary, the facts will be determined in an administrative hearing. 15A N.C.A.C. 07J .0701(b).

VARIANCE CRITERIA

The petitioner has the burden of convincing the CRC that it meets the following criteria:

- (a) Will strict application of the applicable development rules, standards, or orders issued by the Commission cause the petitioner unnecessary hardships? Explain the hardships.
- (b) Do such hardships result from conditions peculiar to the petitioner's property such as the location, size, or topography of the property? Explain.
- (c) Do the hardships result from actions taken by the petitioner? Explain.
- (d) Will the variance requested by the petitioner (1) be consistent with the spirit, purpose, and intent of the rules, standards or orders issued by the Commission; (2) secure the public safety and welfare; and (3) preserve substantial justice? Explain.

Please make your written arguments that Petitioner meets these criteria on a separate piece of paper. 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 a variance hearing before the

Commission. These opinions note that the practice of professionals, such as engineers, surveyors or contractors, representing others in quasi-judicial proceedings through written or oral argument, may be considered the practice of law. Before you proceed with this variance request, you may wish to seek the advice of counsel before having a non-lawyer represent your interests through preparation of this Petition.

For this variance request to be complete, the petitioner must provide the information listed below. The undersigned petitioner verifies that this variance request is complete and includes:

- _____ The name and location of the development as identified on the permit application;
- _____ A copy of the permit decision for the development in question;
- _____ A copy of the deed to the property on which the proposed development would be located;
- _____ A complete description of the proposed development including a site plan;
- _____ A stipulation that the proposed development is inconsistent with the rule at issue;
- _____ Proof that notice was sent to adjacent owners and objectors*, as required by 15A N.C.A.C. 07J .0701(c)(7);
- _____ Proof that a variance was sought from the local government per 15A N.C.A.C. 07J .0701(a), if applicable;
- _____ Petitioner's written reasons and arguments about why the Petitioner meets the four variance criteria, listed above;
- _____ A draft set of proposed stipulated facts and stipulated exhibits. Please make these verifiable facts free from argument. Arguments or characterizations about the facts should be included in the written responses to the four variance criteria instead of being included in the facts.
- _____ This form completed, dated, and signed by the Petitioner or Petitioner's Attorney.

**Please contact DCM or the local permit officer for a full list of comments received on your permit application. Please note, for CAMA Major Permits, the complete permit file is kept in the DCM Morehead City Office.*

Due to the above information and pursuant to statute, the undersigned requests a variance.

/Clark Wright, Attorney for Petitioners

Signature of Petitioner or Attorney

Date: 02-28-26

Printed Name of Petitioners' Attorney

I. Clark Wright Jr.

Davis Hartman Wright LLP

209 Pollock Street

New Bern, NC 28560

Email: clark.wright@dhwlegal.com

Telephone: 252-229-5900 (cell – preferred)

252-514-2828 (office)

252-514-9878 (fax)

DELIVERY OF THIS HEARING REQUEST

This variance petition must be **received** by the Division of Coastal Management at least six (6) weeks before the first day of the regularly scheduled Commission meeting at which it is heard. A copy of this request must also be sent to the Attorney General's Office, Environmental Division, 15A N.C.A.C. 07J .0701(e).

Contact Information for DCM:

By mail, express mail or hand delivery:

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

By Fax: 252-247-3330

114 W. Edenton Street

By Email: tancred.miller@deq.nc.gov

By Fax: (919) 716-6767

Contact Information for Attorney General's Office:

By mail:

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

By express mail:

Environmental Division

Raleigh, NC 27603

ATTACHMENT E

Stipulated Exhibits

1. Deed in to Petitioners 4881-76
2. Map S-388
3. 2025 Tax Card for Site
4. DCM Field Investigation Report, 7-15-25
5. Application and Site Plans
6. Neighboring Piers Exhibit from Petitioners' agent
7. DMF Comments, 8-12-25
8. CAMA Major Permit 120-25, issued 10-22-25
9. Notice of Variance petition to neighbors
10. Powerpoint

This certifies that there are no delinquent ad valorem taxes, fees, assessments or other liens which the Brunswick County Tax Collector is charged with collecting, that are a lien on: Parcel Number 255 000 220 as noted by the Brunswick County Assessor's Office. This is not a certification that the parcel number matches the deed description.

JUL 11 2022 [Signature]
Date (Asst) Tax Col. / Del. Tax Spec.



Return to Webster Type POP
Total 76 Rev int.
Ck \$ 1084 Ck # 7657 Cash \$
Refund _____ Cash \$ _____ Finance _____

- Portions of document are illegible due to condition of original.
 Document contains seals verified by original instrument that cannot be reproduced or copied.

Revenue Stamps: \$0.00
Parcel No. 2550002201

This Instrument prepared by: The Webster Law Firm, PC, Without a Title Search or Opinion on Title. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds.

Brief Description: Lot containing 2.2309 acres, more or less as described on the map recorded in Map Cabinet S, Page 399 of the Brunswick County Registry.

NORTH CAROLINA QUITCLAIM DEED

THIS DEED, Made this 5th day of July 2022, by and between

GRANTOR

GRANTEE

PATRICIA E. HARRIS, AS TRUSTEE OF THE REVOCABLE TRUST AGREEMENT OF PATRICIA E. HARRIS DATED SEPTEMBER 2, 2004, and MAUREEN TEMPLETON-ADAMS, AS TRUSTEE OF THE FAMILY TRUST OF MAUREEN TEMPLETON-ADAMS DATED MARCH 21, 2005, AMENDED AND RESTATED ON AUGUST 30, 2011 AND FURTHER AMENDED AND RESTATED ON DECEMBER 3, 2018

JOSEPH R. WINSLOW and wife, JACQUELYN A. SGAMBATI

312 Shoreline Drive W
Sunset Beach, NC 28468

2361 Mulberry Square, Unit 79
Bloomfield Hills, MI 48302-0674

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

**WITNESSETH:**

That said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) to them in hand paid by the Grantee, the receipt of which is hereby acknowledged, has remised and released and by these presents does remise, release, convey, and forever quitclaim unto the Grantee, and their heirs, successors and assigns, all right, title, claim and interest of the Grantor in and to that certain tract or parcel of land lying and being in Shallotte Township, Brunswick County, North Carolina, more particularly described as follows:

All of the right, title and interest which may be owned by the Grantor in that tract marked "1.62 AC Marsh" as shown on the map recorded in Plat Book S, Page 388, in the Office of the Register of Deed for Brunswick County, North Carolina and any property located between said "1.62 AC Marsh" and the centerline of the Atlantic Intra Coastal Waterway. This property is conveyed subject to all CAMA, Corp. of Engineers or governmental rights of way, easements or restrictions applicable thereto.

For back reference see Book 2457, Page 880, Book 2021, Page 63, Book 791, Page 18 and Book 736, Page 328 of the Brunswick County Registry.

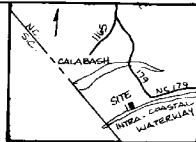
The above-described lot or parcel of land is a portion of Brunswick County Tax Parcel No. 2550002201, which is also known as 9149 Schuyler Drive SW, Calabash, North Carolina.

The above-described tract or parcel of land does not include the Grantors primary residence.

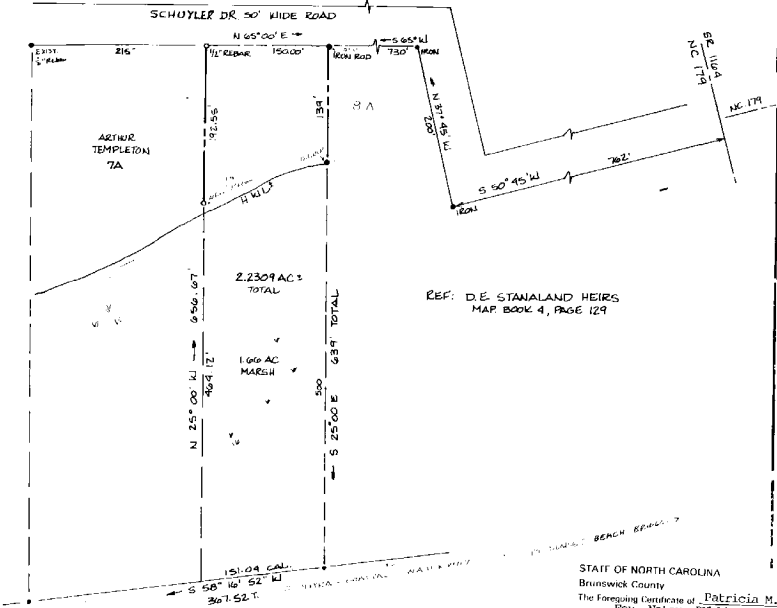
TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges thereunto belonging to it, the Grantee, free and discharged from all right, title, claim or interest of the Grantor or anyone claiming by, through or under them.

IN WITNESS WHEREOF, the Grantor has hereunto set their hand and seal on the day and year first above written.

[Signatures and Notary Acknowledgments on following pages]



VICINITY MAP SCALE: 1" = 2 MI



REF: D.E. STANLAND HEIRS MAP BOOK 4, PAGE 129

STATE OF NORTH CAROLINA Brunswick County The foregoing Certificate of Patricia M. Fox, Notary Public

is certified to be correct Recorded at 1:15 o'clock P.M. This the 24 day of June 1980

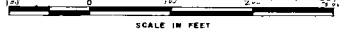
Cabinet 9 Page 388

ROBERT J. ROBINSON, Register of Deeds

THE UNDERSIGNED HERE BY ACKNOWLEDGES THAT THE LAND SHOWN ON THIS PLAT IS WITHIN THE SURVEYOR REGULATION AND JURISDICTION OF BRUNSWICK COUNTY AND THAT THIS PLAT ALLOTMENT IS BY FREE ACT AND DEED.

OWNER'S SIGNATURE APPROVED BRUNSWICK COUNTY PLANNING BOARD CHAIRMAN

MAP OF SURVEY FOR MAUREEN TEMPLETON & PATRICIA HARRIS PART OF LOT 7A BRUNSWICK COUNTY, N.C. SCALE: 1" = 100'



I, JAMES DALE, CERTIFY THAT THIS PLAT WAS DRAWN BY ME FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION... WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 30 DAY OF MAY, A.D. 1980.

JAMES DALE, Notary Public, My Commission Expires 10-31-90

BRUNSWICK COUNTY, NORTH CAROLINA. I, PATRICIA M. FOX, NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT JAMES DALE, A REGISTERED LAND SURVEYOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT WITNESS MY HAND AND OFFICIAL STAMP OR SEAL, THIS 28 DAY OF MAY, 1980.



PATRICIA M. FOX, Notary Public, My Commission Expires 10-31-90

BRUNSWICK COUNTY

WINSLOW JOSEPH R ETUX SGAMBATI JACQUELYN A
 9149 SCHUYLER DR SW CALABASH 28467 COUNTY
 80129572
 BRUNSWICK COUNTY (100), SUNSET BEACH FIRE (20)
 Reval Year: 2023 Tax Year: 2025 L-P/O 7 A 0.58 AC PLAT S/388
 Appraised by 10 on 05/20/2014 604B OCEAN HARBOUR/SUNSET

Return/Appeal Notes: **Parcel: 2550002201**
 ID NO: 103412758926
 CARD NO. 1 of 1
 1.0000 LT
 TW-06 CI-00FR-16EX- AT- LAST ACTION 20220823
 SRC=

CONSTRUCTION DETAIL		MARKET VALUE						DEPRECIATION			CORRELATION OF VALUE				
TOTAL POINT VALUE	USE	MOD	Eff. Area	QUAL	BASE RATE	RCN	EYB	AYB	CREDENCE TO						
TOTAL ADJUSTMENT FACTOR	98	00							% GOOD						
TOTAL QUALITY INDEX	TYPE: VACANT LAND								DEPR. BUILDING VALUE - CARD						
	STYLE:								DEPR. OB/XF VALUE - CARD						
									MARKET LAND VALUE - CARD						
									TOTAL MARKET VALUE - CARD						
									TOTAL APPRAISED VALUE - CARD						
									TOTAL APPRAISED VALUE - PARCEL						
									TOTAL PRESENT USE VALUE - PARCEL						
									TOTAL VALUE DEFERRED - PARCEL						
									TOTAL TAXABLE VALUE - PARCEL \$						
PERMIT															
CODE		DATE		NOTE		NUMBER		AMOUNT							
ROUT: WTRSHD:															
SALES DATA															
OFF. RECORD		DATE		DEED TYPE		Q/U/V/I		INDICATE SALES PRICE							
BOOK	PAGE	MOYR													
04881	0076	7	2022	QC	C	V		0							
04881	0059	7	2022	GW*	Q	V		490000							
02457	0880	8	2006	WD	U	V		0							
02021	0063	10	2004	WD	U	V		0							
00791	0018	12	1989	WD	U	V		0							
HEATED AREA															
NOTES															

SUBAREA			CODE	QUALITY	DESCRIPTION	COUNT	LTH	WTH	UNITS	UNIT PRICE	ORIG % COND	BLDG#	SIZE FACT	AYB	EYB	ANN DEP RATE	OVR	% COND	OB/XF DEPR. VALUE
TYPE	GS AREA	RPL CS	TOTAL OB/XF VALUE																
FIREPLACE																			
SUBAREA																			
TOTALS																			

BUILDING DIMENSIONS

LAND INFORMATION																				
HIGHEST AND BEST USE	USE CODE	LOCAL ZONING	FRON TAGE	DEPTH	DEPTH / SIZE	LND MOD	COND FACT	OTHER ADJUSTMENTS AND NOTES			ROAD TYPE	LAND UNIT PRICE	TOTAL LAND UNITS	UNT TYP	TOTAL ADJST	ADJUSTED UNIT PRICE	LAND VALUE	OVERRIDE VALUE	LAND NOTES	
SFR	0104	AF1	150	170	1.0000	0	1.0000	RF	AC	LC	TO	OT	PW	500,000.00	1.000	LT	1.000	500,000.00	500000	
WATERW	SIZE																			

TOTAL MARKET LAND DATA	TOTAL PRESENT USE DATA



**DIVISION OF COASTAL MANAGEMENT
FIELD INVESTIGATION REPORT**

1. **APPLICANT'S NAME:** Joseph Winslow
2. **LOCATION OF PROJECT SITE:** 9149 Schuyler Dr SW Calabash, NC 28467
Longitude: -78.54643 **Latitude:** 33.87565
3. **INVESTIGATION TYPE:** CAMA
4. **INVESTIGATIVE PROCEDURE:**

Date of Visit	Purpose of Visit	Applicant Present?
7/3/2025	Site Visit	No

5. **PROCESSING PROCEDURE:**

Application Received	Application Complete	Regional Office
7/15/2025	7/3/2025	DCM - Wilmington Regional Office

6. **SITE DESCRIPTION:**

- (A) **Local Land Use Plan:** Town of Calabash
Land Classification from LUP: Land Classification From LUPs
- (B) **AEC(s) Involved:** Coastal Wetlands, Public Trust Areas, Estuarine Waters
- (C) **Water Dependent:** Yes
- (D) **Intended Use:** Private/Community
- (E) **Wastewater Treatment:**
Existing:
Planned:
- (F) **Type of Structures:**
Existing:
Planned: Boat lift, Gazebo, Pier or dock
- (G) **Estimated Annual Rate of Erosion:**
Erosion Information Source: Annual Erosion Source

7. **HABITAT DESCRIPTION:**

	DREDGED (ft ²)	FILLED (ft ²)	OTHER (ft ²)
(A) Open Water			1684
(B) CW's above NHW			
(C) CW's below NHW			968
(D) Shallow Bottom			
(E) High Ground			312
(F) Non-Coastal WL			

- (E) **Total Area Disturbed:** 2652 ft²
- (F) **Primary Nursery Area:** Yes
- (G) **Water Classification:** HQW: High Quality Waters; SA: Market Shellfishing, Tidal Salt Water
Open to Shellfishing: No

8. PROJECT SUMMARY:

The applicant proposes constructing a 1-slip private docking facility past the ¼ width to the USACE Setback along the AIWW.

9. NARRATIVE DESCRIPTION:

The proposed project is located at 9149 Schuyler Dr. SW in Calabash, Brunswick County (Sunset Beach jurisdiction). The existing lot is undeveloped and contains trees and shrubs. The adjacent riparian lot to the east has a single-family residence with an existing docking facility. The adjacent riparian lot to the west has a single-family residence. The project site has approximately 150 linear feet of shoreline that is naturally stabilized by existing Coastal Wetlands. The existing Coastal Wetlands consist primarily of Smooth Cordgrass (*Spartina alterniflora*) and the width of the marsh is approximately 320 ft. DCM staff verified the upper boundaries of Coastal Wetlands and NHW on 07/03/2025.

The adjacent waters of the AIWW are classified as SA;HQW by the Division of Water Quality and ARE designated as a Primary Nursery Area (PNA) by the N.C. Division of Marine Fisheries. They are CLOSED to the harvest of shellfish.

10. PROJECT DESCRIPTION:

The applicant proposes constructing a 1-slip private docking facility past the ¼ width up to the USACE Setback along the AIWW.

The applicant proposes to construct a 480'x4' access pier that would extend in a southeast direction towards the AIWW. The first approximately 78' of the access pier would be located above Mean High Water, in which it would cross both 404 and high marsh coastal wetlands, respectively. The next approximately 242 ft of access pier would be located over a dense stand of Smooth Cordgrass (*Spartina alterniflora*) before spanning approximately 160 ft of open water to the Federal Channel Setback. The entire structure would extend approximately 420 ft. below NHW. The proposed access pier would continue southeast, terminating at an 18' x 20' gazebo. The applicant has proposed an approximately 18' x 38' No-Profile boatlift, which would be oriented parallel to the shoreline. The docking facility would extend 160' from edge of marsh past the ¼ width of the AIWW in this location, but landward of the 1/3 width, (see Sheets 2 and 3 of 5). According to the applicant, although the No-Profile boatlift would not sit on the bottom substrate locating the proposed boatlift approximately 20' waterward of the 1/4 width would provide sufficient water depths for access throughout the tidal cycle within a shallow PNA area (see Sheet 4 of 5 and Narrative). The applicant has included the registration for his 34 ft. vessel in the application materials. Water depths would increase from less than -2 ft. of water at NLW to -2.8 ft. at NLW. DCM staff were unable to verify water depths onsite due to site conditions, but water depths in the application are typical for this area of the AIWW based on previous permitting. (Approximately -2.1' to -2.8' at NLW, (Sheet 3 of 5)).

The property has approximately 150 linear feet of shoreline and the proposed design appears to remain within the applicant's area of riparian access, as proposed; no waivers would be required for the proposed project. The proposed riparian corridor is based upon previous recorded corridors and appears to align with the adjacent docking facility to the east. No objections to the proposed project were received at the time this report was submitted.

The AIWW appears to be 590 ft. wide in this area, the applicant proposes to extend approximately 160 ft. beyond edge of marsh (27% of waterbody) which would be beyond the 1/4 width (but not the 1/3 width), out to the established pierhead line at the USACE 80ft Setback. According to the application, extending the new docking facility to the Federal Channel Setback would allow the structure to reach navigable water depths throughout the tidal range and would minimize soft-bottom impacts to the Primary Nursery Area (PNA). The application states that the USACE 80ft Setback has been established as the pierhead line along this shoreline (consisting of Harbour Watch Dr SW, Peakwood Dr SW, and Schuyler Dr SW) using numerous recently authorized docking facilities; including 9229 Peakwood Dr SW (State Permit 80-22) and 9219 Peakwood Dr SW (State Permit 75-22), both of which used adjacent piers at the USACE setback that were greater than 200 linear ft from the proposed docking facility (see measurements in Image 1 and Image 2 taken from previous Major Permit applications).

As proposed, the docking facility would extend approximately 160' from the edge of Coastal Wetlands, which would exceed the 1/4 width but remain landward of the 1/3 width (approximately 27% of the waterbody width).

No upland work is proposed at this time.

11. ANTICIPATED IMPACTS:

The proposed docking facility would result in the incorporation of approximately 2,652 square feet of Estuarine Waters and Public Trust Area below NHW and the shading of 968 sq. ft. of vegetated coastal wetlands. As proposed, the docking facility would be located in an area with water depths ranging from -2.1' NLW to -2.8' NLW within a Primary Nursery Area.

The proposed development would be located outside of the adjacent 15' riparian corridor setbacks on both sides and would be constructed outside of the USACE Federal Channel 80- ft. Setback requirement. Extending the existing docking facility past the 1/4 width of the waterbody would have negligible impacts on navigation since the shoreline opposite from 9285 Peakwood Dr. SW consists entirely of Bird Island Reserve, owned by the State of North Carolina. The docking facility would be located between other piers located on Schuyler Drive and Peakwood Drive that already extend to the USACE Federal Channel Setback beyond the 1/4 width of the waterbody, but these structures are not directly adjacent to the subject development.

Name: Austin Turbitt

Date: 07-15-2025

Office: DCM - Wilmington Regional Office

Permit Application Report

Application ID	Application Type	Submitted	App Complete	Deadline	Decision	Expiration
PA-2199	DCM Major Permit	07-03-2025	07-03-2025	09-16-2025		

Primary Applicant Information							
Applicant Type	Title	Business Name	Name	Email	Business Phone	Mobile Phone	
Individual	Mr.		Joseph Winslow	joewinslow@live.com		910-228-3746	
Physical Address				Mailing Address			
Street 1	City	State	Zip	Street 1	City	State	Zip
312 Shoreline Dr W	Sunset Beach	NC	28468	312 Shoreline Dr W	Sunset Beach	NC	28468

Additional Applicant Information							
Applicant Type	Title	Business Name	Name	Email	Business Phone	Mobile Phone	
Individual	Mrs.		Jacquelyn Sgambati	sgambati@live.com		808-518-1130	
Physical Address				Mailing Address			
Street 1	City	State	Zip	Street 1	City	State	Zip
312 Shoreline Dr	Sunset Beach	NC	28468	312 Shoreline Dr	Sunset Beach	NC	28468

Registered Agent Information							
Agent Type	Title	Business Name	Name	Email	Business Phone	Mobile Phone	
Business/Company		Tidal Creek Permitting	Tidal Creek Permitting	Brendan@tidalcreekpermitting.com	910-380-6282		
Physical Address				Mailing Address			
Street 1	City	State	Zip	Street 1	City	State	Zip
7820 Chip Shot Way	Wilmington	NC	28412	7820 Chip Shot Way	Wilmington	NC	28412

Project Information						
Project Name	Project Type	Disturbed Land Area (Sq Ft/Acres)				
Winslow & Sgambati Private Docking Facility	Private/Community	2964 Sq. Ft. / 0.07 Acres				
Is proposed project located in national registered historic district or national register listed/eligible: False						
List of previous state or federal permits for work on project tract: NWP 18 SAW-2022-00072 issued on May 16, 2022 for authorized 404 wetland fill.						
Project Location Information						
Address	County	River Basin	Subdivision	County Parcel ID	Latitude	Longitude
9149 Schuyler Dr SW Calabash, NC 28467	Brunswick	Lumber		2550002201	33.87565	-78.54643
Project Discharges to State Waters						
Discharge Type	Surface Runoff	Sanitary Wastewater	Industry/Commercial Effluent	Vessel Wash Down	Residential	Other
Wastewater/Stormwater Discharged Into Wetland?	Discharge Same Salinity as Receiving Waters			Is There Any Mitigation Proposed		
False	False			False		

Detailed Description of the Existing Development Located on the Property

Existing Man-Made Features:

No existing man made features exist on parcel. Fill material was brought in to level low portions of lot for future SFR.

Existing Land Uses:

Vacant private lot

Existing Wastewater Treatment/Disposal:

Septic (not installed yet)

Solid Waste/Fish Offal/Trash Disposal:

n/a

Use and Daily Operations of the Project When Complete**Proposed Development Purpose:**

The purpose of the docking facility for use private residential use. Extending it to the established pierhead line at the USACE 80ft Setback will allow greater use throughout the tidal cycle.

Buildings/Facilities/Units/Structures:

n/a

Use & Daily Operations:

Private Residential

Construction Methodology & Equipment:

Marine-grade pilings will be installed using a vibratory hammer. Standard electrical power tools will be used for the construction of the docking facility. All equipment will be stored on site during construction. Standard electrical power tools will be used for the construction of the docking facility.

Development Activities Narrative Specifics:

A proposed 480x4 access pier would originate from high ground and lead to a proposed 18x20 gazebo and 18x38 boat lift on a platform for a total of 1 proposed slip. The applicant proposes to extend beyond the 1/4 width to the established pierhead line at the USACE 80ft setback to access deeper water throughout the tidal cycle. Proposed dock will not exceed the 1/3 width. The area is PNA and the water is classified as SA:HQW. The project area is closed to the harvest of shellfish. No SAV or oyster beds were observed in the vicinity of the project area.

Application Narrative:

Tidal Creek Permitting has been retained by the property owner, Joe Winslow, to secure a NC Division of Coastal Management CAMA Major Permit, for a new private docking facility at 9149 Schuyler Dr SW (Lot 7A, PID# 2550002201). The docking facility is proposed to extend greater than 400 linear feet waterward of Mean High Water line along the AIWW in Calabash, out to the USACE Federal Channel Setback Line. As proposed, a 480'x4' access pier would originate from a high ground point, and extend southeast out to the AIWW. The first approximately 78ft of the access pier would be located above MHW, crossing both 404 and high marsh coastal wetlands, consisting of *Limonium* sp, *Distichlis spicata*, and *Juncus roemerianus*. The next approximately 260 ft of access pier would be located over a dense stand of *Spartina alterniflora* before spanning approximately 142ft of open water. The proposed access pier would terminate at a proposed 18x20 gazebo. To the east of the proposed gazebo, a proposed 18x38 No Profile boatlift (boatlift on a platform) would be oriented parallel to the shoreline (slip 1). The applicant has supplied the vessel registration as proof that he has a documented need for an oversized boatlift platform. The applicant is proposing to extend beyond the 1/4 width to protect soft bottom habitat and reach deeper water for his boat that drafts approximately 3ft of water. The applicant proposes to extend approximately 160ft beyond edge of marsh (27% of waterbody) which would be beyond the 1/4 width (but not the 1/3 width), out to the USACE 80ft Setback. The USACE 80ft Setback has been established as the pierhead line along this shoreline (consisting of Harbour Watch Dr SW, Peakwood Dr SW, and Schuyler Dr SW) using numerous recently authorized docking facilities including 9229 Peakwood Dr SW (State Permit 80-22) and 9219 Peakwood Dr SW (State Permit 75-22), both of which used adjacent piers at the USACE setback that were greater than 200 linear ft from the proposed docking facility (see measurements in Image 1 and Image 2 taken from previous Major Permit applications).

Extending the proposed docking facility to the USACE 80ft Setback should not present additional navigation concerns from boat traffic since the opposite side of the AIWW is Bird Island Coastal Reserve and will not have docking facilities extending into the AIWW. Normal Low Water depths were taken by Tidal Creek Permitting on 6/7/25 at 11:40am and show approximately -1.8' NLW at the 1/4 waterbody width. Extending out to the USACE 80ft Setback would give the applicant approximately -2.8' NLW at the waterward side of the proposed

boatlift and -2.1' NLW on the landward side of the proposed boatlift, after adjusting measurements based on NOAA water levels at Springmaid Pier. The applicant wants maximum water depths at NLW as he states his 34ft vessel drafts 2ft of water and the bunks of a boatlift cradle would sit approximately 14in above the bottom of the boatlift cradle. The proposed 1-slip docking facility would be located within a riparian corridor that was previously established and recorded in Map Book 4, Page 129. The applicant's parcel has approximately 150 linear feet of shoreline. The proposed docking facility would not encroach into either adjacent riparian setback. The western edge of the proposed docking facility would be located approximately 48' from the western riparian corridor line. The eastern edge of the proposed docking facility would be located approximately 44' from the eastern riparian corridor line. No objections were submitted to the applicant during the notification process and no riparian waivers were granted to encroach into the 15ft setbacks. The project area is located in waters classified SA;HQW and are designated as Primary Nursery Area. The project area is closed to the harvest of shellfish. No SAV or oyster beds were observed in the vicinity of the project area.

Boat Ramp Development Activity Included: False

Boat Ramp Dimensions				
Length	Width	Avg Existing Depth	Final Project Depth	Distance Waterward of NHW/NWL

Will Fill Material Be Placed In Any Of The Following Areas		
Area	Sq. Ft. Affected	Purpose of Fill in This Area
Coastal Wetland/Marsh (CW)		
Submerged Aquatic Vegetation (SAV)		
Shell Bottom (SB)		
Other Non-Coastal Wetlands (WL)		

Boat Ramp Structures			
Structure Type	Length	Width	Quantity

Shoreline Stabilization Development Activity Included: False

Living Shoreline Development Activity Included: False

Piers & Docking Facilities Development Activity Included: True

Docking Facilities Details			
Facility Use	# of Tie Pilings	Existing Slips	New Slips
Private/Community	0	0	1

Piers & Docking Facility Structures			
Structure Type	Length	Width	Quantity
Fixed Piers	480	4	1
Fixed Platforms	18	20	1
Boatlift	18	38	1

Freestanding Moorings & Buoys Associated With This Docking Facility		
Structures Consistent With Water Use Plan	Existing Freestanding Moorings & Buoys Slips	New Freestanding Moorings & Buoys Slips
False		
Buoy Details:		

Moorings & Buoys Details			
Mooring or Buoy	Distance From Shoreline	Arc of Swing	Water Depth

Excavation Development Activity Included: False

Bridges & Culverts Development Activity Included: False

Oceanfront Erosion Control Development Activity Included: False

Temporary Structures Development Activity Included: False

Utility Crossings Development Activity Included: False

Freestanding Moorings, Buoys & Bird Nesting Poles Development Activity Included: False

Log Removal/Marine Debris Development Activity Included: Yes/No

Navigational Aids Development Activity Included: False

Other Fill Below Water Level Development Activity Included: False

Stormwater Structures Development Activity Included: False

“Upland Development” Development Activity Included: False

Energy Facilities Development Activity Included: False

Aquaculture Development Activity Included: False

Submerged Lands Mining Development Activity Included: False

General Development Activity Details Required

General Development Activity Questions				
These questions are applicable if 1 of the following development activities are included in the project (Boat Ramps, Freestanding Moorings, Buoys & Bird Nesting Poles, Piers & Docking Facilities, Temporary Structures, Living Shorelines, Shoreline Stabilization Submerged Lands Mining)				
Boat Type(s)		Typical Boat Length		Other Boat Type (Describe)
Open runabout		34		
Adj Riparian Property Line #1 (Proximity of Structure Nearest to Property Line)		Adj Riparian Property Line #2 (Proximity of Structure Nearest to Property Line)		Adj Riparian Property Line #3 (Proximity of Structure Nearest to Property Line)
48		44		
Width of Water Body		Water Depth @ Waterward End of Structure (NLW or NWL)		Water Depth @ Most Landward Boat Slip (NLW or NWL)
590		-2.8		-2.1
Water Depth @ Most Waterward Boat Slip (NLW or NWL)		Min Distance of Each Aid Placed Beyond Shoreline		Max Distance of Each Aid Placed Beyond Shoreline
-2.8				
Navigational Aids Required		Number of Buoys		Number of Day Markers
False				

Marina Development Activity Details Required

Acknowledgements

I understand that any permit issued in response to this application will allow only the development described in the application. The project will be subject to the conditions and restrictions contained in the permit

I certify that I am authorized to grant, and do in fact grant permission to representatives of state and federal review agencies to enter on the aforementioned lands in connection with evaluating information related to this permit application and follow-up monitoring of the project

I further certify that the information provided in this application is truthful to the best of my knowledge

I certify that by clicking the submit button on this NC Division of Coastal Management application I acknowledge that I am signing and dating the application submitted therein



Legend

- Property Line —
- Riparian Line —
- 15' Riparian Setback - - - -
- USACE 80' Setback —
- Coastal Wetlands - - - -
- 404 Wetlands - - - -
- MHW - - - -
- NLW - - - -

Proposed Structures

- Shoreline Length: 150'
- Pier Length: 480'x4'
- Fixed Platform(s): 18'x20'
- Gazebo
- Boatlift (w/ platform): 18'x38'
- Total Platform Area
- Proposed: 1,044 SF

Vicinity Map



Notes:

1. Not a surveyed or engineered drawing. For environmental permitting only.
2. Riparian corridor per Map Book 4 Page 129
3. Waterbody width is 590ft per survey.
4. Shoreline length is ~ 150 ft.
5. 404 Line and MHW flagged by LMG and located on survey dated 2.1.22



Project Address: 9149 Schuyler Dr SW, Calabash 28467

Project Name: Winslow & Sgambati Private Docking Facility

Date: 7/15/2025

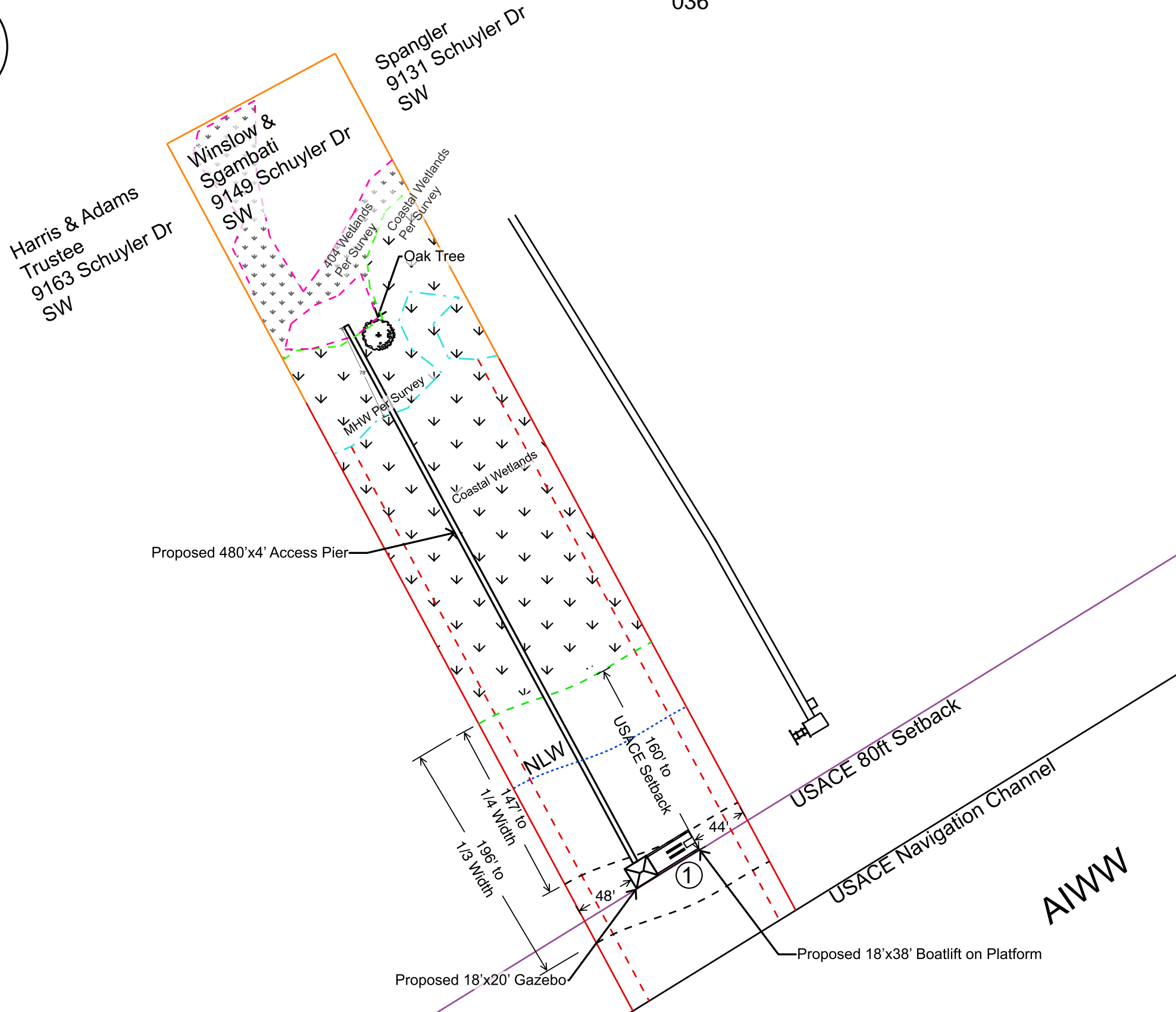
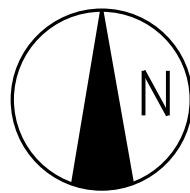
Scale: 1" = 75'

Drawn By: B. Brock

Title: Existing Conditions - Overview

Map Source: Bruns Co GIS

Sheet Number: 1 of 5



Legend

- Property Line —
- Riparian Line —
- 15' Riparian Setback - - - -
- USACE 80' Setback —
- Coastal Wetlands ⌵
- 404 Wetlands ⌵
- MHW - - - -
- NLW ⋯⋯⋯
- Slip Count #

Proposed Structures

- Shoreline Length: 150'
- Pier Length: 480'x4'
- Fixed Platform(s): 18'x20' Gazebo
- Boatlift on Platform: 18'x38'
- Total Platform Area - Proposed: 1,044 SF

Vicinity Map



Notes:

1. Not a surveyed or engineered drawing. For environmental permitting only.
2. Riparian corridor per Map Book 4 Page 129
3. Waterbody width is 590ft per survey.
4. Shoreline length is ~ 150 ft.
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Project Address: 9149 Schuyler Dr SW, Calabash 28467

Project Name: Winslow & Sgambati Private Docking Facility

Date: 7/15/2025

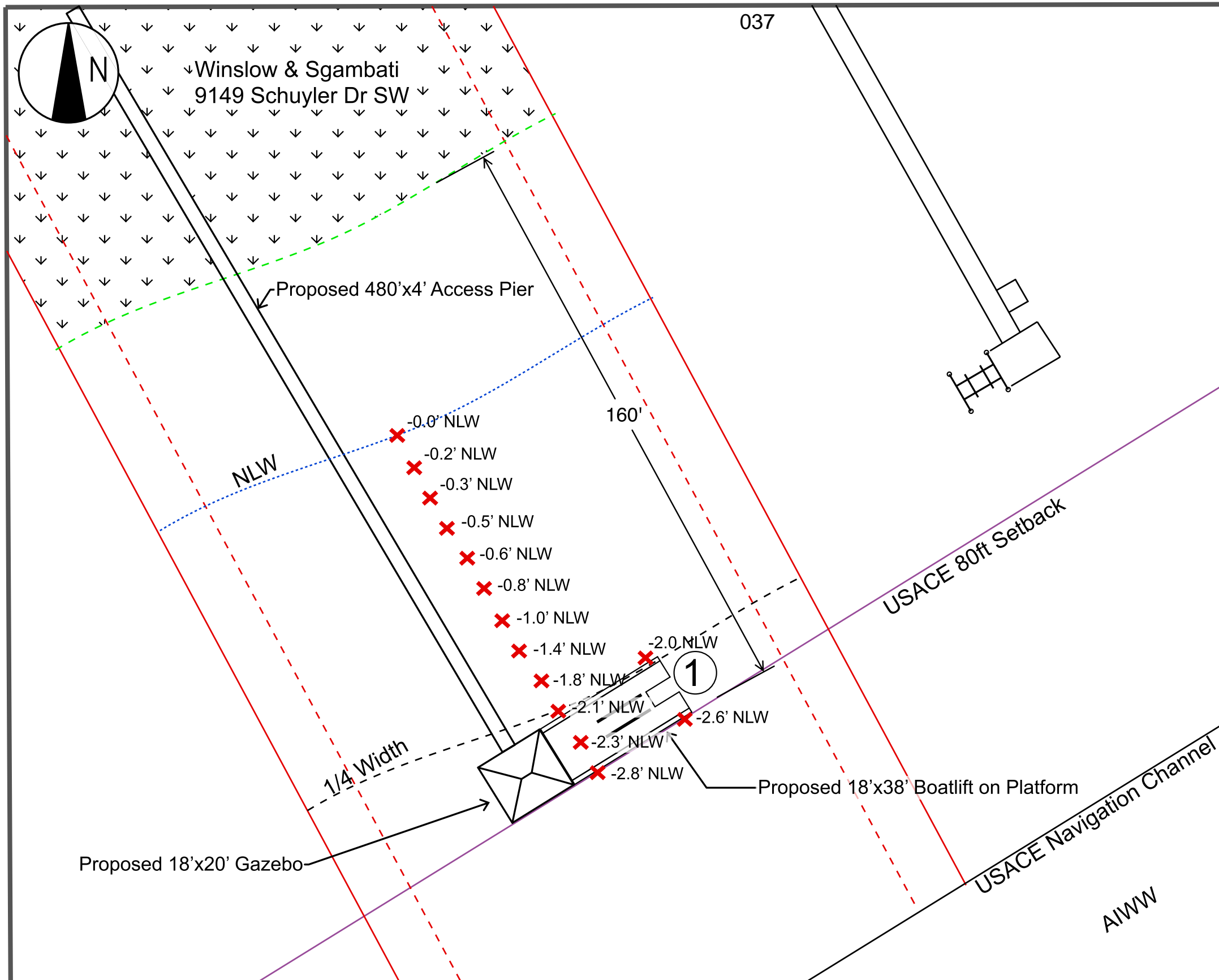
Scale: 1" = 90'

Drawn By: B. Brock

Title: Proposed Conditions - Overview

Map Source: Bruns Co GIS

Sheet Number: 2 of 5



Legend

- Property Line —
- Riparian Line —
- 15' Riparian Setback - - -
- USACE 80' Setback —
- Coastal Wetlands - - - ↓
- NLW - - - - -
- Slip Count #

Proposed Structures

- Shoreline Length: 150'
- Pier Length: 480'x4'
- Fixed Platform(s): 18'x20' Gazebo
- Boatlift on Platform: 18'x38'
- Total Platform Area
- Proposed: 1,044 SF

Vicinity Map

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Project Address: 9149 Schuyler Dr SW, Calabash 28467

Project Name: Winslow & Sgambati Private Docking Facility

Date: 7/15/2025

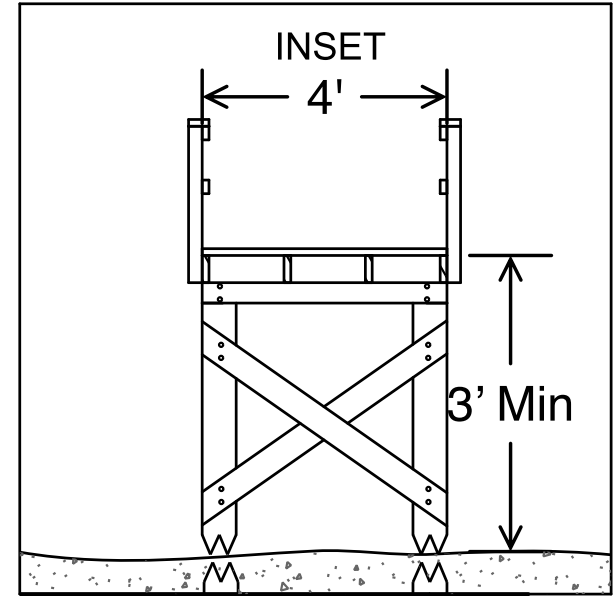
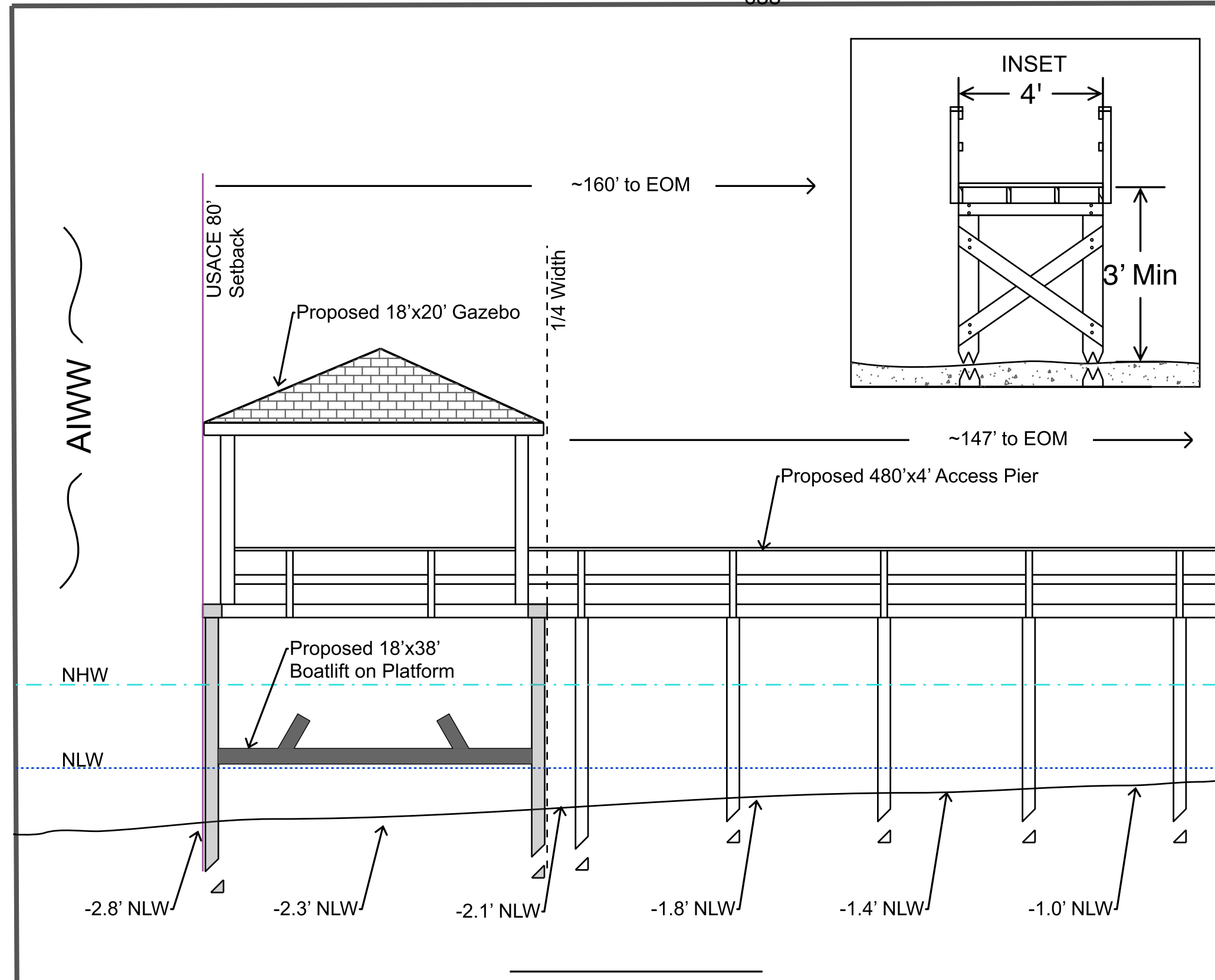
Scale: 1" = 30'

Drawn By: B. Brock

Title: Proposed Conditions - Zoom

Map Source: n/a

Sheet Number: 3 of 5



Legend

- USACE 80' Setback —
- NHW - - -
- NLW · · · · ·

Proposed Structures

Shoreline Length: 150'
 Pier Length: 480'x4'
 Fixed Platform(s): 18'x20'
 Gazebo
 Boatlift on Platform: 18'x38'
 Total Platform Area
 - Proposed: 1,044 SF

Vicinity Map



Notes:

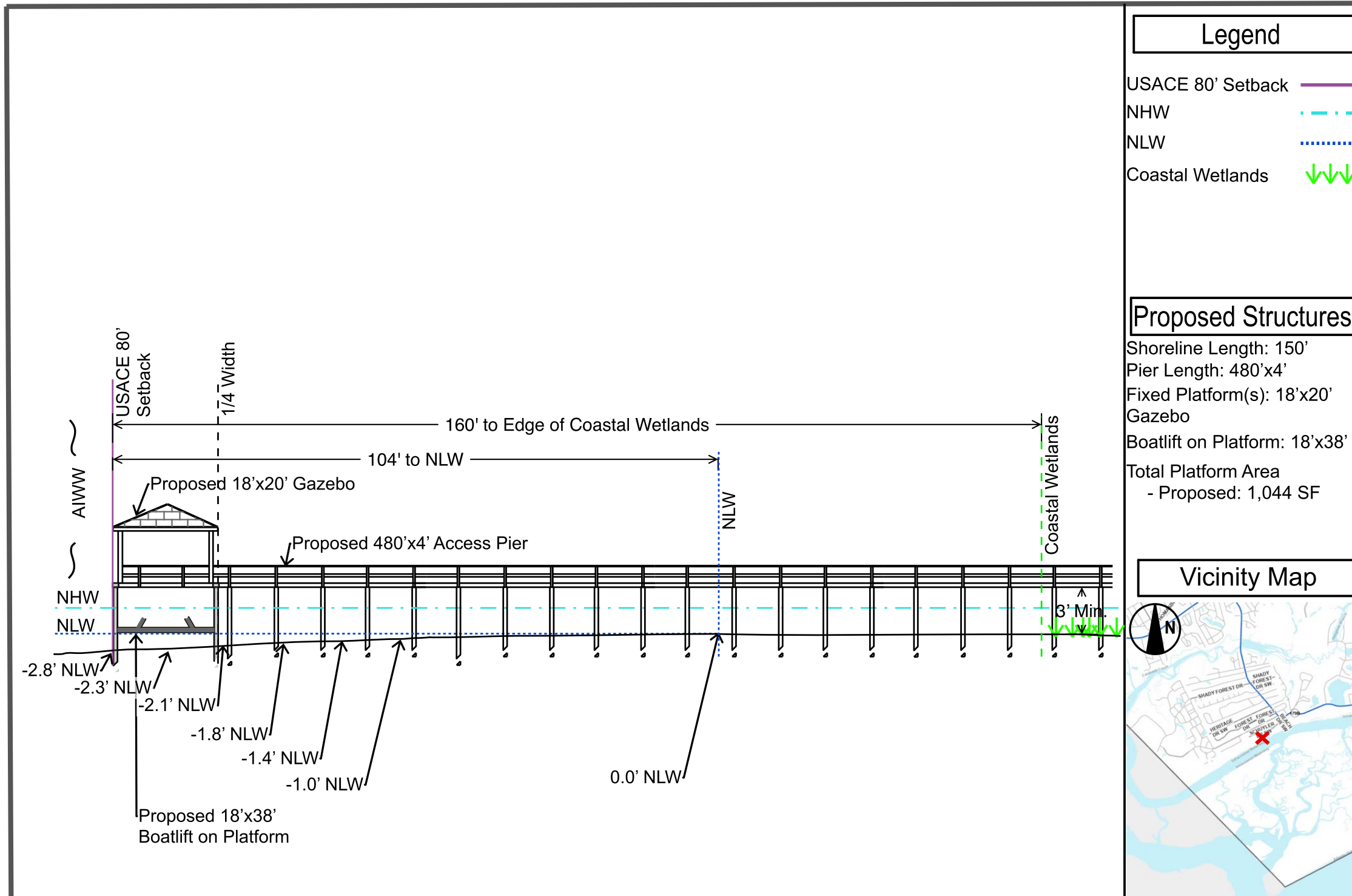
1. Not a surveyed or engineered drawing. For environmental permitting only.
2. Riparian corridor per Map Book 4 Page 129
3. Waterbody width is 590ft per survey.
4. Shoreline length is ~ 150 ft.
5. 404 Line and MHW flagged by LMG and located on survey dated 2.1.22



Project Address: 9149 Schuyler Dr SW, Calabash 28467
 Project Name: Winslow & Sgambati Private Docking Facility

Date: 7/15/2025
 Scale: 1" = 6'
 Drawn By: B. Brock

Title: Proposed Conditions - Profile Zoom
 Map Source: n/a
 Sheet Number: 4 of 5



Legend

- USACE 80' Setback —
- NHW - - -
- NLW
- Coastal Wetlands ↓↓↓

Proposed Structures

Shoreline Length: 150'
 Pier Length: 480'x4'
 Fixed Platform(s): 18'x20'
 Gazebo
 Boatlift on Platform: 18'x38'
 Total Platform Area
 - Proposed: 1,044 SF

Vicinity Map



- Notes:**
1. Not a surveyed or engineered drawing. For environmental permitting only.
 2. Riparian corridor per Map Book 4 Page 129
 3. Waterbody width is 590ft per survey.
 4. Shoreline length is ~ 150 ft.
 5. 404 Line and MHW flagged by LMG and located on survey dated 2.1.22

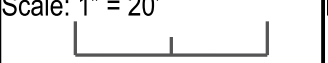


Project Address: 9149 Schuyler Dr SW, Calabash 28467

Project Name: Winslow & Sgambati Private Docking Facility

Date: 7/15/2025

Scale: 1" = 20'



Drawn By: B. Brock

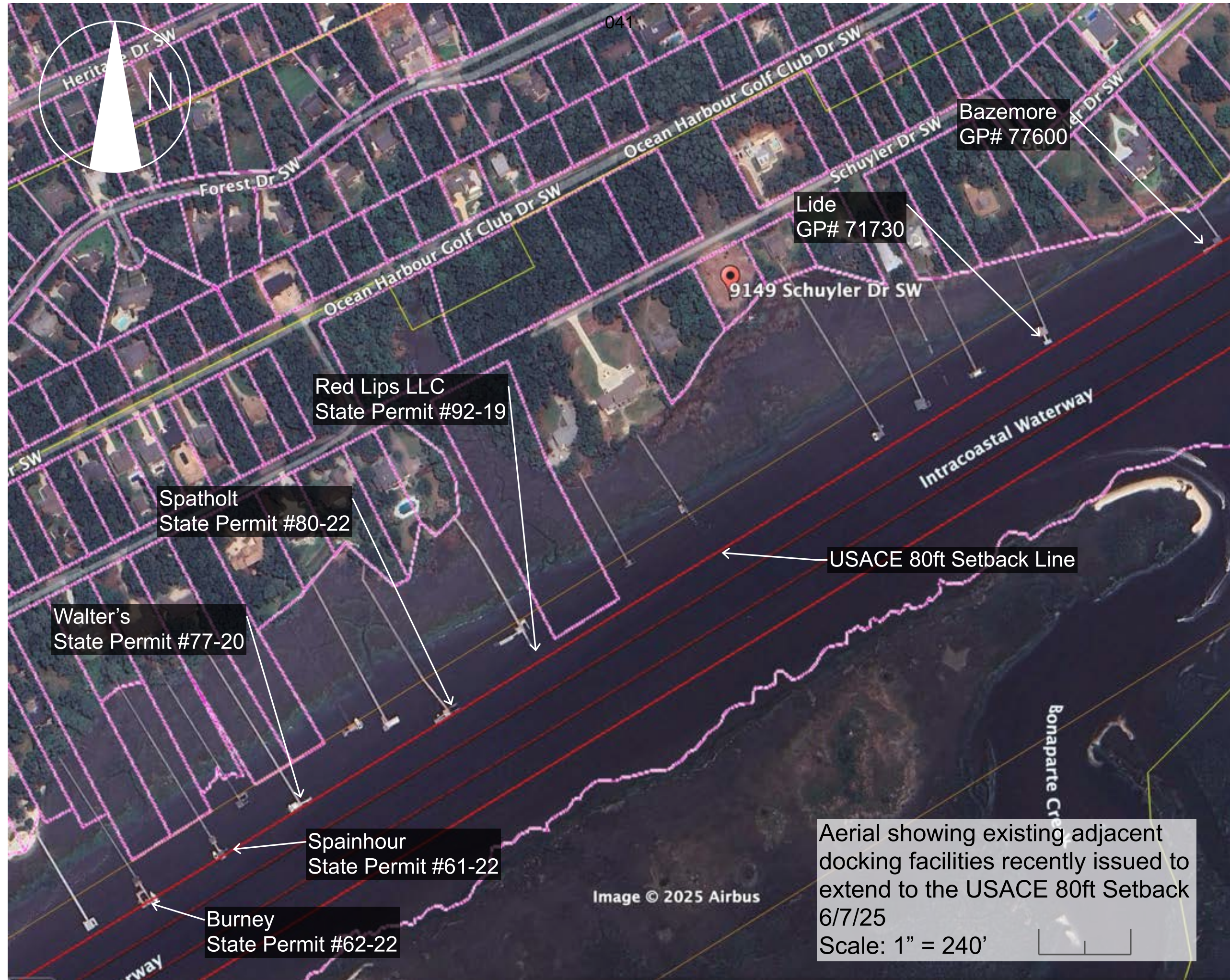
Title: Proposed Conditions - Profile

Map Source: n/a

Sheet Number: 5 of 5

040





041

Heritage Dr SW

Forest Dr SW

Ocean Harbour Golf Club Dr SW

Ocean Harbour Golf Club Dr SW

Schuyler Dr SW

Bazemore
GP# 77600

Lide
GP# 71730

9149 Schuyler Dr SW

Red Lips LLC
State Permit #92-19

Spatholt
State Permit #80-22

Walter's
State Permit #77-20

USACE 80ft Setback Line

Intracoastal Waterway

Bonaparte Cr

Spainhour
State Permit #61-22

Burney
State Permit #62-22

Image © 2025 Airbus

Aerial showing existing adjacent docking facilities recently issued to extend to the USACE 80ft Setback 6/7/25
Scale: 1" = 240'



JOSH STEIN
Governor

D. REID WILSON
Secretary

KATHY B. RAWLS
Director

MEMORANDUM

TO: Kelsey Beachman, NC DCM Asst. Major Permits & Infrastructure Coordinator
FROM: Derek Detweiler, NC DMF Fisheries Resource Specialist
SUBJECT: PA-2199; Winslow and Sgambati Docking Facility, Calabash, Brunswick County
DATE: August 12, 2025

A Fisheries Resource Specialist with the North Carolina Division of Marine Fisheries (DMF) has reviewed the subject CAMA Major Permit Application (PA-2199) for actions that may impact fish and fish habitat pursuant to 15A NCAC 07J.0207. Specifically, the applicant has proposed to construct a one-slip docking facility that includes a fixed access pier, covered gazebo, and no-profile boatlift in water depths between approximately -2.1 ft. and -2.8 ft. Normal Low Water (NLW). The project is located along the Intracoastal Waterway at 9149 Schuyler Dr. SW in the Town of Calabash, Brunswick County, NC.

The project location is designated by DMF as Primary Nursery Area (PNA). PNAs are characterized by estuarine waters that support the early post-larval and juvenile development of many valuable ecologically and economically finfish and shellfish species. PNAs provide food, protection, and optimal environmental conditions during vulnerable life history stages and are therefore highly sensitive to physical disturbances. The protection and preservation of PNAs is critical for the long-term growth and survival of these organisms. In-water activities (e.g., pile-driving) and vessel traffic associated with the proposed docking facility can negatively impact PNAs by increasing turbidity, reducing water quality and clarity, scarring and smothering shallow water habitat, and elevating the likelihood of larval and post-larval burial and mortality.

While current water depths around the proposed docking facility are generally adequate for avoiding impacts to PNA, the applicant should be advised that future shoaling can decrease these depths and increase the likelihood that boats and boat lifts negatively impact bottom substrate and critical fisheries resources within the PNA. As such, the applicant should also be advised that DMF will object to any future requests to excavate areas within and around the proposed docking facility as this would constitute new dredging.

Because the proposed docking facility cannot be extended any further waterward due to United States Army Corps of Engineers (USACE) setback requirements, DMF recommends the installation of physical stops or limit switches on the proposed boat lift so that any vessel remains at least 18 in. above the bottom substrate at all times, especially in the event of future shoaling or lower-

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than-normal water levels (e.g., during a neap tide). The applicant should also agree to avoid disturbing bottom substrate (e.g., 'kicking' with boat propellers) when operating within shallow waters.

Thank you for the opportunity to comment. Please contact Derek Detweiler at (910) 796-7286 or derek.detweiler@deq.nc.gov with further questions or concerns.

Permit Class
NEW

044

Permit Number
120-25

STATE OF NORTH CAROLINA
Department of Environmental Quality
and
Coastal Resources Commission

Permit

for

Major Development in an Area of Environmental Concern
pursuant to NCGS 113A-118

Excavation and/or filling pursuant to NCGS 113-229

Issued to Joseph Winslow & Jacquelyn Sgambati, 225 Sabre Pointe Dr., Bath, NC 27808

Authorizing development in Brunswick County adj. to the AIWW, at 9149 Schuyler Drive, in Calabash, as requested in the permittee's application (PA-2199) submitted 7/3/25, including attached workplan drawings (5), Sheets 1-5 all dated 7/15/25.

This permit, issued on October 22, 2025, is subject to compliance with the application (where consistent with the permit), all applicable regulations, special conditions and notes set forth below. Any violation of these terms may be subject to civil or criminal penalties; or may cause the permit to be null and void.

Docking Facility

- 1) In order to comply with 15A NCAC 07H .0208(b)(6)(G), no portion of the authorized docking facility, including tie piles, shall extend more than one quarter of the width of the water body. Measurements to determine width of the water body shall be made from the normal high-water line or the waterward edge of any coastal wetland vegetation which borders the water body, whichever is more restrictive.

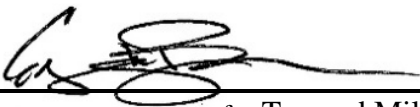
(See attached sheets for Additional Notes and Conditions)

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date.

Signed by the authority of the Secretary of DEQ and the Chair of the Coastal Resources Commission.

This permit must be accessible on-site to Department personnel when the project is inspected for compliance.

Any maintenance work or project modification not covered hereunder requires further Division approval.


for Tancred Miller, Director
Division of Coastal Management

All work must cease when the permit expires on

October 22, 2030

This permit and its conditions are hereby accepted.

In issuing this permit, the State of North Carolina agrees that your project is consistent with the North Carolina Coastal Management Program.

Signature of Permittee

ADDITIONAL NOTES AND CONDITIONS

- 2) This permit authorizes only the docks, piers, and other structures and uses located in or over the water that are expressly and specifically set forth in the permit application, as altered in Condition No. 1 of this permit. No other structure, whether floating or stationary, shall become a permanent part of this docking facility without permit modification. No non-water dependent uses of structures shall be conducted on, in or over Public Trust waters without permit modification. [07J .0202(c); 07H .0208(a)(1)]
- 3) No sewage, whether treated or untreated, shall be discharged at any time from any boats using the docking facility. Any sewage discharged at the docking facility shall be considered a violation of this permit for which the permittee is responsible. This prohibition shall be applied and enforced throughout the entire existence of the permitted structure. [07H .0208(a)(2)(B)]
- 4) In accordance with commitments made by the permittee, any portion of the permitted access pier and docking facilities built over wetlands shall not exceed four feet in width and shall be elevated a minimum of three feet above the wetland substrate as measured from the bottom of the decking. [07H .0208(b)(6)(C)]
- 5) The permittee shall install and maintain at their expense any signal lights or signals prescribed by the U.S. Coast Guard, through regulation or otherwise, on the authorized facilities. At minimum, permanent reflectors shall be attached to the structure in order to make it more visible during hours of darkness or inclement weather. [07H .0208(a)(2)(G); 07J .0209(a); G.S. 113-229(a)]
- 6) This permit authorizes a maximum of one (1) formalized boat slip. [07J .0202(c)]
- 7) In order to satisfy concerns of the Division of Coastal Management, physical stops or limit switches shall be placed on the platform lift at a minimum height of 18" above the bottom substrate to prevent the platform lift from disturbing the bottom substrate. The physical stops or limit switches shall remain in place and operational for the life of the permitted docking facility. [07H .0208(a)(2); 07J .0209(a); 07J .0208(a)]
- 8) The authorized covered gazebo shall not be enclosed. Any material used on the sides shall not obstruct view and shall be permeable to air and water. Screen or wire on the sides along with benches are permitted. Lattice is specifically excluded from being used under this authorization. [07H .0208(a)(2)(G)]
- 9) The roof of the gazebo shall not be designed for second story use. [07H .0208(b)(6)(F)]
- 10) The authorized structure and associated activity shall not cause an unacceptable interference with navigation. No attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the authorized work. [07H .0208(a)(2)(G)]
- 11) The authorized project is located within a primary nursery area (PNA). Dredging in any manner, including "kicking" with boat propellers, is not authorized under this permit. Any request to carry out dredging shall require a major modification to this permit. [07H .0208]

ADDITIONAL NOTES AND CONDITIONS**Sedimentation and Erosion Control**

- 12) In order to protect water quality, runoff from construction shall not visibly increase the amount of suspended sediments in adjacent waters. [07H .0208(a)(2)(B); 07H .0209(d)(4)]
- 13) Appropriate sedimentation and erosion control devices, measures or structures shall be implemented to ensure that eroded materials do not enter adjacent wetlands, watercourses or properties. [07H .0208(a)(2)(B); 07H .0209(d)(4)]

General

- 14) If the crossing of wetlands with mechanized construction equipment is necessary, temporary construction mats shall be utilized for the areas to be crossed. The temporary mats shall be removed immediately upon completion of construction. [07H .0205]
- 15) All mechanized equipment will be regularly inspected and maintained to prevent contamination of waters and wetlands from fuels, lubricants, hydraulic fluids, or other toxic materials. In the event of a spill of petroleum products or any other hazardous waste, the permittee shall immediately report it to the National Response Center at (800) 424-8802 and provisions of the North Carolina Oil Pollution and Hazardous Substances Control Act will be followed. [07H .0208(a)(2)(A); 07H .0208(a)(2)(B)]
- 16) This permit shall not be assigned, transferred, sold, or otherwise disposed of to a third party without the written approval of the Division of Coastal Management. [07J .0406(b)]
- 17) All construction debris associated with the removal or construction of the permitted development shall be contained within the authorized project area and disposed of in an approved upland location. [07J .0209(a); G.S. 113A-120(b)]
- 18) The permittee and/or their contractor shall meet with a representative of the Division prior to project initiation. [07J .0209(a)]

NOTE: A CAMA/Dredge and Fill Permit is a determination that the proposed development meets the CAMA/Dredge and Fill laws and CRC's rules for coastal development. It is not a determination of private property ownership or an authorization to trespass onto property owned by someone other than the Permittee.

NOTE: This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date. Any development authorized under this permit that occurs prior to the expiration of the twenty (20) day appeal period or completion of an appeal process, shall be done at the permittee's risk.

NOTE: This permit does not eliminate the need to obtain any additional state, federal or local permits, approvals or authorizations that may be required.

ADDITIONAL NOTES AND CONDITIONS

- NOTE:** The permittee is strongly advised to review and understand all additional permits, approvals or authorizations that may be required, including but not limited to any permits, approvals or authorizations provided by the N.C Division of Water Resources, U.S. Army Corps of Engineers and other state and local regulatory agencies.
- NOTE:** The N.C. Division of Water Resources has authorized the project proposed by the permittee under General Water Quality Certification No. 4501 (DWR Project No. 2025-1021). The water quality certification shall expire on the same day as the expiration date of the corresponding federal permit that is current at the time the certification was issued.
- NOTE:** This permit does not constitute authorization from the U.S. Army Corps of Engineers. Authorization should be received from the U.S. Army Corps of Engineers prior to the commencement of any operations authorized under this permit.
- NOTE:** Future development of the permittee's property may require a modification of this permit. Contact a representative of the Division at (910) 796-7215 prior to the commencement of any such activity for this determination. The permittee is further advised that many non-water dependent activities are not authorized within 30 feet of the normal high-water level.
- NOTE:** An application processing fee of \$250 was received by DCM for this project.

9589 0710 5270 3405 3036 05

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Lawndale, NC 28090

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\$	\$0.00	05
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input checked="" type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$1.07	
Total Postage and Fees	\$6.37	03/04/2026

Sent To: **Robert + Cora Spangler**
 Street and Apt. No., or PO Box No.: **803 W Double Shoals Rd**
 City, State, ZIP+4®: **Lawndale, NC 28090**

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

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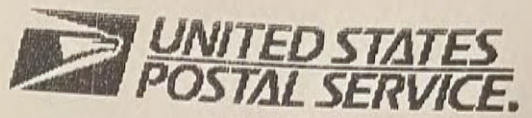
Bloomfield Hills, MI 48302

OFFICIAL USE

Certified Mail Fee	\$5.30	0462
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Postage	\$1.36	
Total Postage and Fees	\$6.66	03/04/2026

Sent To: **Harris + Adam's Trustees**
 Street and Apt. No., or PO Box No.: **Apt U-79 2361 Mulberry Sq.**
 City, State, ZIP+4®: **Bloomfield Hills, MI 48302-0674**

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions



SUPPLY
 25 BLANTON RD SE
 SUPPLY, NC 28462-3590
www.usps.com

03/04/2026

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TRACKING NUMBERS
 9589 0710 5270 3405 3036 12
 9589 0710 5270 3405 3036 05

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PURCHASE DETAILS

Product	Qty	Unit Price	Price
First-Class Mail® Letter	1		\$1.36
Bloomfield Hills, MI 48302 Weight: 0 lb 2.10 oz Estimated Delivery Date Mon 03/09/2026			
Certified Mail®			\$5.30
Tracking #:	9589 0710 5270 3405 3036 12		
Total			\$6.66
First-Class Mail® Letter	1		\$1.07
Lawndale, NC 28090 Weight: 0 lb 2.00 oz Estimated Delivery Date Sat 03/07/2026			
Certified Mail®			\$5.30
Tracking #:	9589 0710 5270 3405 3036 05		
Total			\$6.37



3/4/2026

PATRICIA HARRIS TRUSTEE & TEMPLETON ADAMS TRUSTEE

APT U-79 2361 MULBERRY SQ, BLOOMFLD HLS, MI 48302-0674

**** (Sent via Certified Mail – Return Receipt Requested Tracking # 9589 0710 5270 3405 3036 12) ****

Re: Proposed Docking Facility – Variance Request

Applicant: Joseph Winslow & Jacquelyn Sgambati

Property Address: 9149 Schuyler Dr SW, Calabash, NC 28467

Parcel ID: 2550002201

Dear Harris & Templeton Trustee:

This letter serves as formal notice that the undersigned has applied to the North Carolina Division of Coastal Management for a variance pursuant to 15A N.C.A.C. 07J .0701(c)(7) for the above-referenced property.

The applicant proposes to construct a private docking facility in the same footprint as was previously presented to you via certified mail in February 2025. The permit was approved by Division of Coastal Management; however, the rules limit the length of the docking facility. A variance is requested to allow the pier to exceed the one-quarter ($\frac{1}{4}$) waterbody width limitation in order to extend waterward to the 80-foot setback from the federally maintained navigation channel regulated by the U.S. Army Corps of Engineers, thereby reaching sufficient water depths throughout the tidal cycle.

The proposed structure will match the waterward distance of numerous docking facilities along this stretch of the shoreline that have been authorized via CAMA permits and/or CRC variance, and will not create additional navigation concerns.

As an adjacent riparian property owner, you have the opportunity to submit written comments regarding this request to:

North Carolina Division of Coastal Management
Wilmington District Office
127 Cardinal Drive Extension
Wilmington, NC 28405

Please reference the property address and applicant name in any correspondence.

Sincerely,

A handwritten signature in black ink that reads "Brendan Brock". The signature is written in a cursive, flowing style.

BRENDAN BROCK (AUTHORIZED AGENT)



3/4/2026

ROBERT & CORA SPANGLER

803 W DOUBLE SHOALS RD, LAWNSDALE, NC 28090

**** (Sent via Certified Mail – Return Receipt Requested Tracking # 9589 0710 5270 3405 3036 05) ****

Re: Proposed Docking Facility – Variance Request

Applicant: Joseph Winslow & Jacquelyn Sgambati

Property Address: 9149 Schuyler Dr SW, Calabash, NC 28467

Parcel ID: 2550002201

Dear Mr & Mrs Spangler:

This letter serves as formal notice that the undersigned has applied to the North Carolina Division of Coastal Management for a variance pursuant to 15A N.C.A.C. 07J .0701(c)(7) for the above-referenced property.

The applicant proposes to construct a private docking facility in the same footprint as was previously presented to you via certified mail in February 2025. The permit was approved by Division of Coastal Management; however, the rules limit the length of the docking facility. A variance is requested to allow the pier to exceed the one-quarter ($\frac{1}{4}$) waterbody width limitation in order to extend waterward to the 80-foot setback from the federally maintained navigation channel regulated by the U.S. Army Corps of Engineers, thereby reaching sufficient water depths throughout the tidal cycle.

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BRENDAN BROCK (AUTHORIZED AGENT)



Variance Request for:
Joseph Winslow
Jacquelyn Sgambati

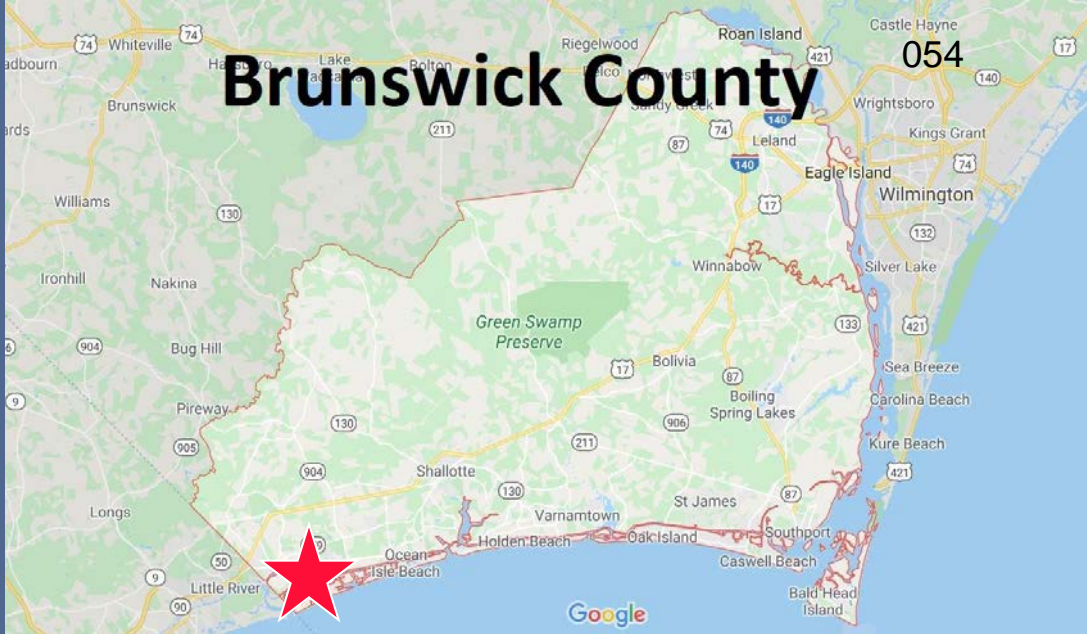
Project Location:
9149 Schuyler Drive SW
Calabash, NC 28467
Brunswick County, NC
April 16-15, 2026



Brunswick County

054

Photos courtesy of Google Maps 2024

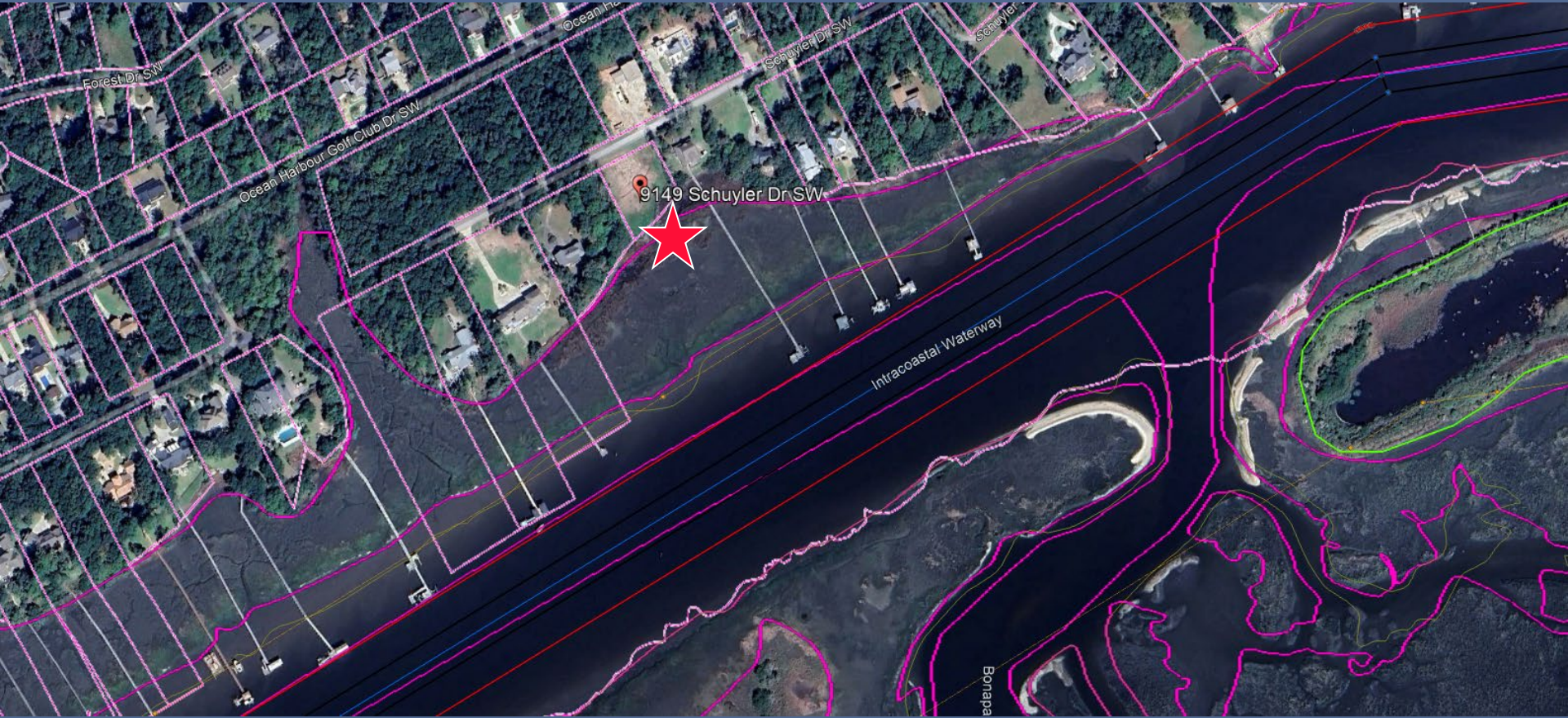


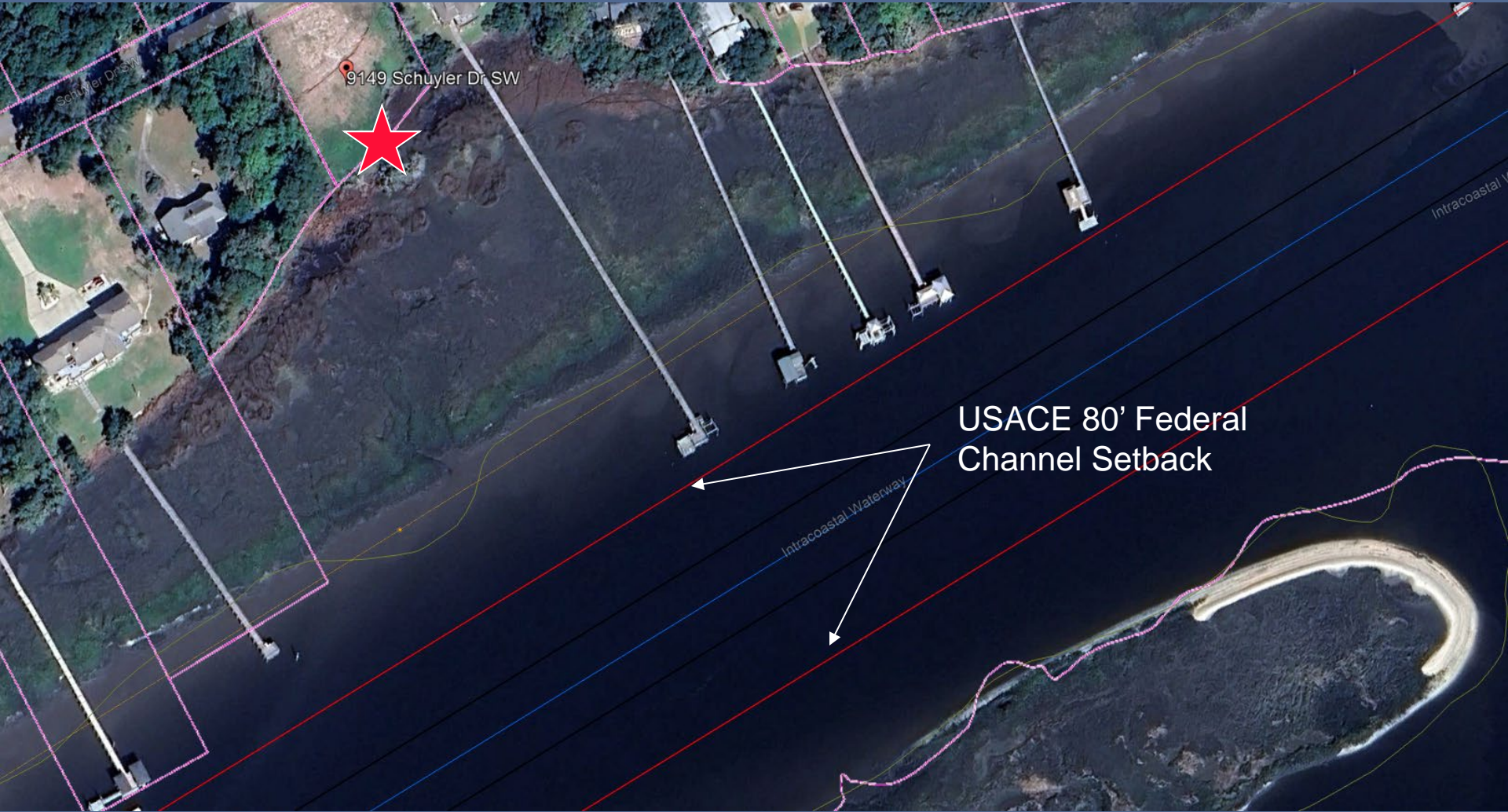
★ = 9149 Schuyler Dr. SW



Photo courtesy of Google Earth 2025 with DMF PNA designation

055





9149 Schuyler Dr SW

USACE 80' Federal Channel Setback

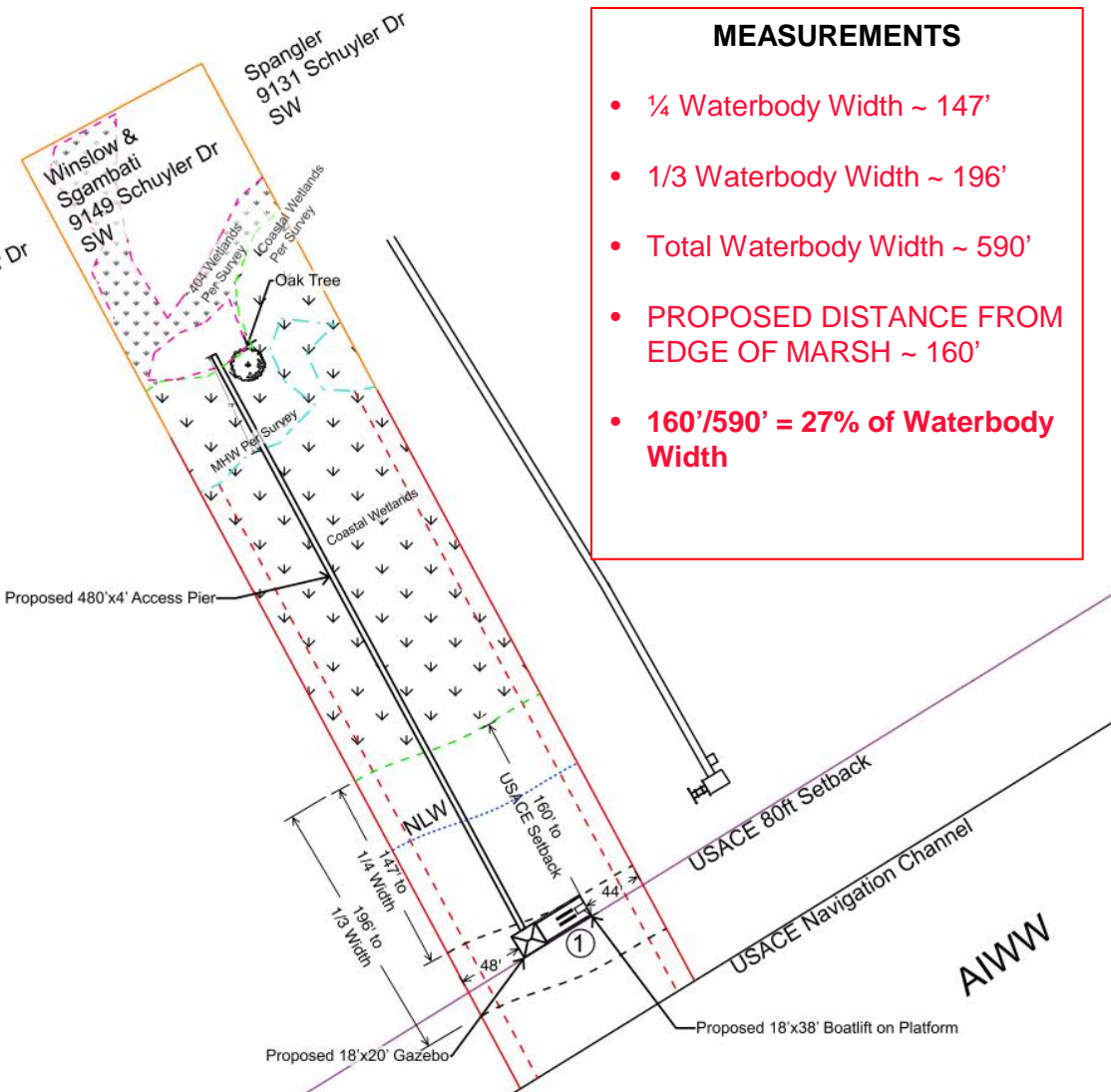
Intracoastal Waterway

Intracoastal Waterway

057

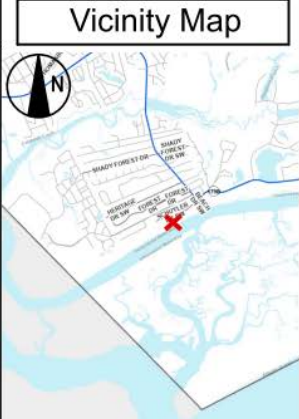
Staff Photos 4.2.26





Legend	
Property Line	
Riparian Line	
15' Riparian Setback	
USACE 80' Setback	
Coastal Wetlands	
404 Wetlands	
MHW	
NLW	
Slip Count	

Proposed Structures	
Shoreline Length:	150'
Pier Length:	480'x4'
Fixed Platform(s):	18'x20'
Gazebo	
Boatlift on Platform:	18'x38'
Total Platform Area	- Proposed: 1,044 SF



Notes:

1. Not a surveyed or engineered drawing. For environmental permitting only.
2. Riparian corridor per Map Book 4 Page 129
3. Waterbody width is 590ft per survey.
4. Shoreline length is ~ 150 ft.
5. 404 Line and MHW flagged by LMG and located on survey dated 2.1.22



Project Address: 9149 Schuyler Dr SW, Calabash 28467

Project Name: Winslow & Sgambati Private Docking Facility

Date: 7/15/2025

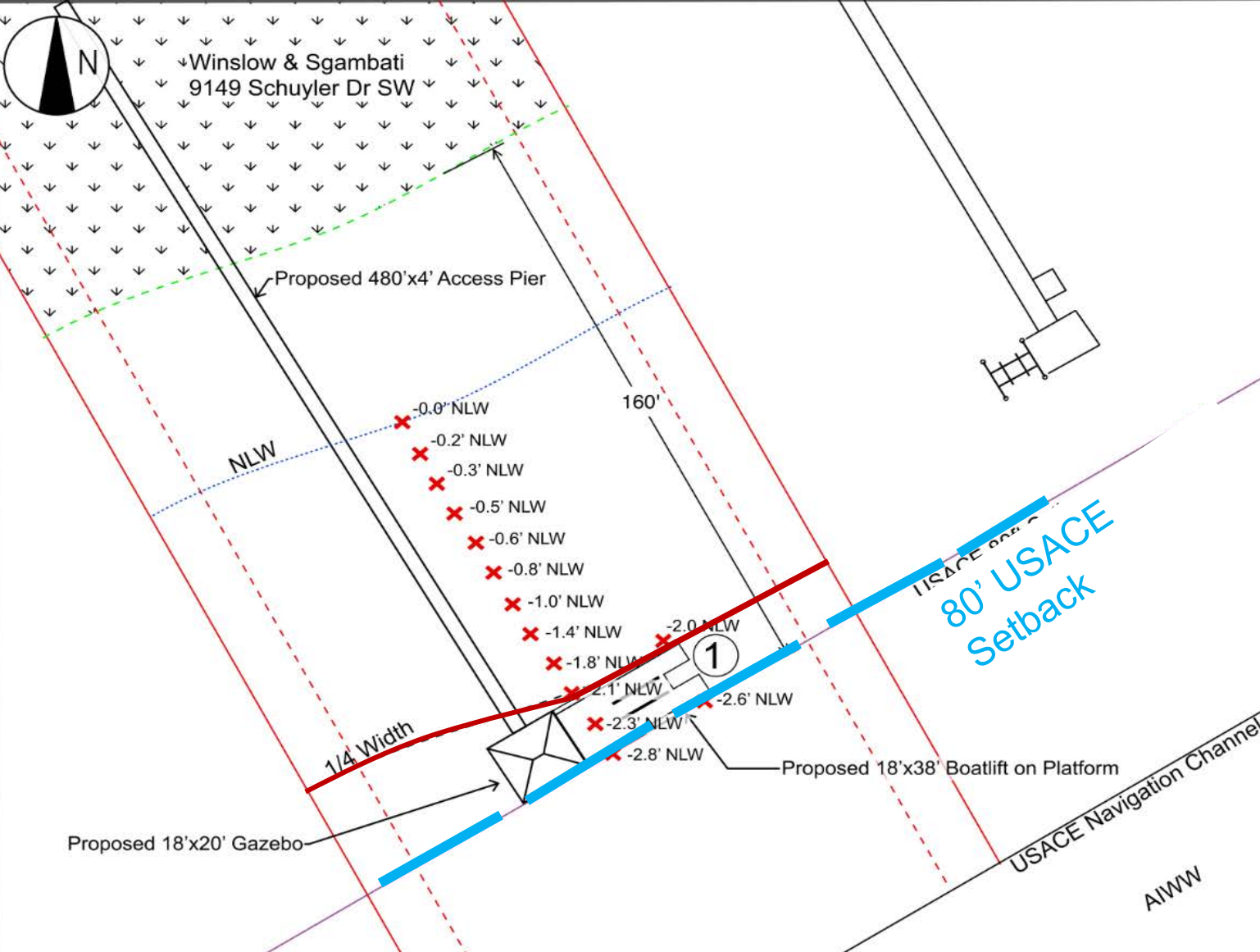
Scale: 1" = 90'

Drawn By: B. Brock

Title: Proposed Conditions - Overview

Map Source: Bruns Co GIS

Sheet Number: 2 of 5



Legend

- Property Line —
- Riparian Line —
- 15' Riparian Setback - - -
- USACE 80' Setback —
- Coastal Wetlands ⬇
- NLW ⋯
- Slip Count #

Proposed Structures

- Shoreline Length: 150'
- Pier Length: 480'x4'
- Fixed Platform(s): 18'x20' Gazebo
- Boatlift on Platform: 18'x38'
- Total Platform Area - Proposed: 1,044 SF

Vicinity Map

- Notes:
1. Not a surveyed or engineered drawing. For environmental permitting only.
 2. Riparian corridor per Map Book 4 Page 129
 3. Waterbody width is 590ft per survey.
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Project Address: 9149 Schuyler Dr SW, Calabash 28467

Project Name: Winslow & Sgambati Private Docking Facility

Date: 7/15/2025

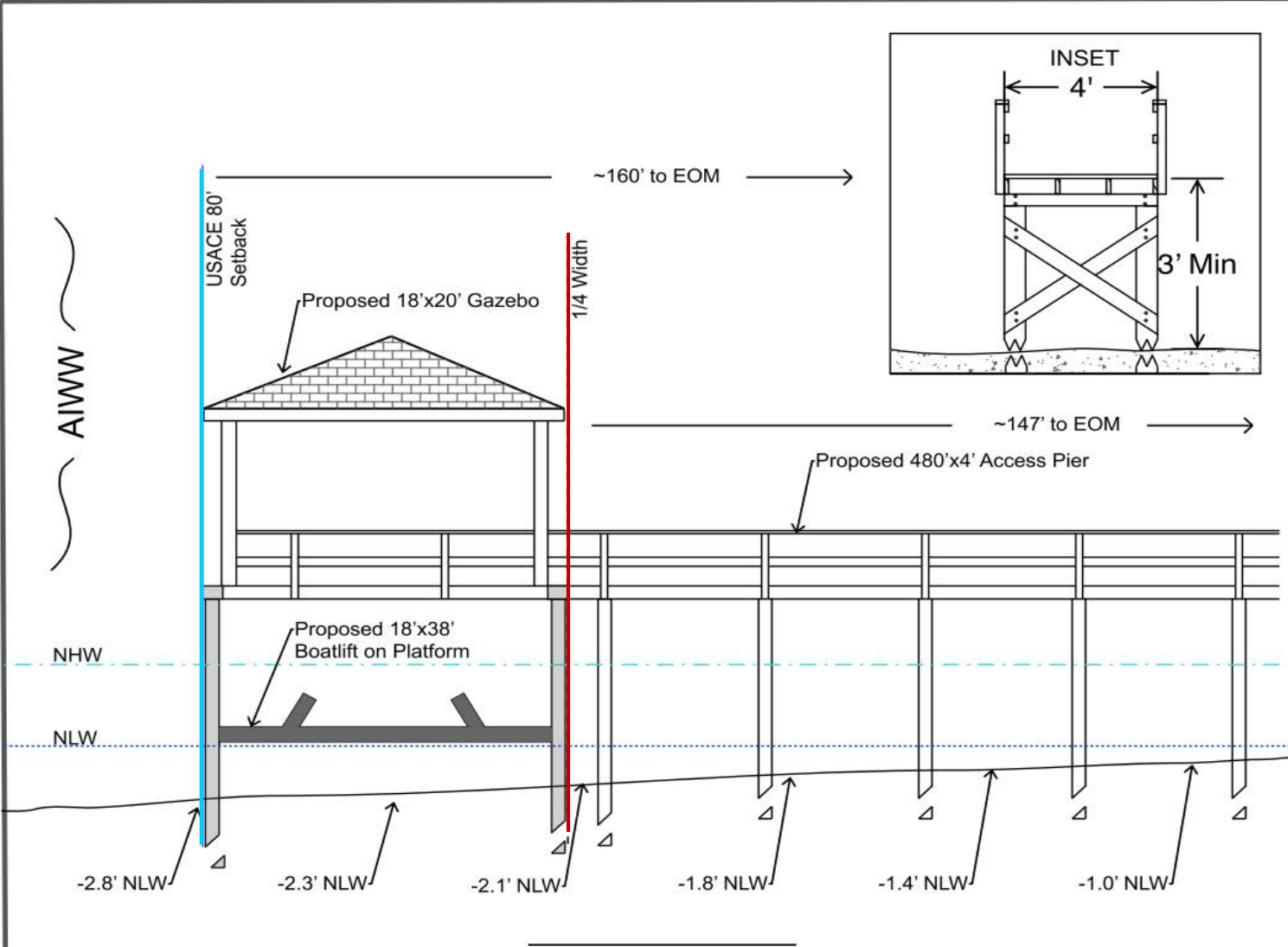
Scale: 1" = 30'

Drawn By: B. Brock

Title: Proposed Conditions - Zoom

Map Source: n/a

Sheet Number: 3 of 5



Legend

- USACE 80' Setback ————
- NHW - - - - -
- NLW ······

Proposed Structures

- Shoreline Length: 150'
- Pier Length: 480'x4'
- Fixed Platform(s): 18'x20' Gazebo
- Boatlift on Platform: 18'x38'
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Vicinity Map



- Notes:
1. Not a surveyed or engineered drawing. For environmental permitting only.
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 3. Waterbody width is 590ft per survey.
 4. Shoreline length is ~ 150 ft.
 5. 404 Line and MHW flagged by LMG and located on survey dated 2.1.22



Project Address: 9149 Schuyler Dr SW, Calabash 28467
Project Name: Winslow & Sgambati Private Docking Facility

Date: 7/15/2025
Scale: 1" = 6'
Drawn By: B. Brock

Title: Proposed Conditions - Profile Zoom
Map Source: n/a
Sheet Number: 4 of 5



G.S. 113A-120.1

To grant a variance, the Commission must affirmatively find Petitioner must show each of the four factors listed in G.S. 113A-120.1(a).

- (1) that unnecessary hardships would result from strict application of the development rules, standards, or orders issued by the Commission;**
- (2) that such hardships result from conditions peculiar to the petitioner's property such as location, size, or topography;**
- (3) that such hardships did not result from actions taken by the petitioner; and**
- (4) that the requested variance is consistent with the spirit, purpose and intent of the Commission's rules, standards or orders; will secure the public safety and welfare; and will preserve substantial justice.**

(b) The Commission may impose reasonable and appropriate conditions and safeguards upon any variance it grants.