Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

WILLIAM F. LANE
General Counsel

TO: The Coastal Resources Commission

FROM: Christine A. Goebel, DEQ Assistant General Counsel

DATE: October 25, 2017 (for the November 7-8, 2017 CRC Meeting)

RE: **Variance Request by Michael & Mary Drummond (CRC-VR-17-06)**

Petitioners Michael & Mary Drummond ("Petitioners") own oceanfront property at 1924 South Shore Drive in Surf City, Pender County (the "Site"). The Site is developed with a two-story 6-bedroom home. The location of the 60' setback from the current first line falls at the back third of the existing house, and so approximately 2/3rds of the house is within the setback area. In August of 2017, Petitioners applied for a CAMA Minor Permit in order to enclose part of the entry deck area, increasing the Total Floor Area by 37 square feet. Additionally, Petitioner propose to re-work the existing decks and stairways, resulting in a net increase of decking, for an approximate total of 753 square feet of decking (all that oceanward of a line between the northwest corner of the house/covered stairwell and the guesthouse). On August 23, 2017, DCM denied Petitioner's CAMA Minor Permit application as the proposed development does not comply with the ocean erosion setback at 15A NCAC 7H .0306(a)(9), and because the decking is in excess of the 500 square feet already allowed by 7H.0309(a)(3). Petitioner now seeks a variance in order to convert the covered decking into 37 square feet of enclosed Total Floor Area as proposed, and to re-work the deck as proposed which result in a net total of decking of approximately 753 square feet.

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, minus draft facts/exhibits
Attachment E:	Stipulated Exhibits including powerpoint

cc(w/enc.): Clark Wright, Petitioner's Counsel, electronically
Mary Lucasse, Special Deputy AG and CRC Counsel, electronically

RELEVANT STATUTES OR RULES **APPENDIX A**

15A NCAC 07H .0301 OCEAN HAZARD CATEGORIES

The next broad grouping is composed of those AECs that are considered natural hazard areas along the Atlantic Ocean shoreline where, because of their special vulnerability to erosion or other adverse effects of sand, wind, and water, uncontrolled or incompatible development could unreasonably endanger life or property. **Ocean hazard areas include beaches,** frontal dunes, inlet lands, and other areas in which geologic, vegetative and soil conditions indicate a substantial possibility of excessive erosion or flood damage.

15A NCAC 07H .0302 SIGNIFICANCE OF THE OCEAN HAZARD CATEGORY

(a) The primary causes of the hazards peculiar to the Atlantic shoreline are the constant forces exerted by waves, winds, and currents upon the unstable sands that form the shore. During storms, these forces are intensified and can cause significant changes in the bordering landforms and to structures located on them. Ocean hazard area property is in the ownership of a large number of private individuals as well as several public agencies and is used by a vast number of visitors to the coast. Ocean hazard areas are critical, therefore, because of both the severity of the hazards and the intensity of interest in the areas.

(b) The location and form of the various hazard area landforms, in particular the beaches, dunes, and inlets, are in a permanent state of flux, responding to meteorologically induced changes in the wave climate. For this reason, **the appropriate location of structures on and near these landforms must be reviewed carefully in order to avoid their loss or damage. As a whole, the same flexible nature of these landforms which presents hazards to development situated immediately on them offers protection to the land, water, and structures located landward of them.** The value of each landform lies in the particular role it plays in affording protection to life and property. (The role of each landform is described in detail in Technical Appendix 2 in terms of the physical processes most important to each.) Overall, however, the energy dissipation and sand storage capacities of the landforms are most essential for the maintenance of the landforms' protective function.

15A NCAC 07H .0303 MANAGEMENT OBJECTIVE OF OCEAN HAZARD AREAS

(a) The CRC recognizes that absolute safety from the destructive forces indigenous to the Atlantic shoreline is an impossibility for development located adjacent to the coast. The loss of life and property to these forces, however, can be greatly reduced by the proper location and design of structures and by care taken in prevention of damage to natural protective features particularly primary and frontal dunes. Therefore, it is the CRC's objective to provide management policies and standards for ocean hazard areas that serve to eliminate unreasonable danger to life and property and achieve a balance between the financial, safety, and social factors that are involved in hazard area development.

(b) **The purpose of these Rules shall be to further the goals set out in G.S. 113A-102(b), with particular attention to minimizing losses to life and property resulting from storms and long-term erosion, preventing encroachment of permanent structures on public beach areas, preserving the natural ecological conditions of the barrier dune and beach systems, and reducing the public costs of inappropriately sited development. Furthermore, it is the objective of the Coastal Resources Commission to protect present common-law and statutory public rights of access to and use of the lands and waters of the coastal area.**

15A NCAC 07H .0304 AECS WITHIN OCEAN HAZARD AREAS

The ocean hazard AECs contain all of the following areas:

(1) Ocean Erodible Area. This is the area where there exists a substantial possibility of excessive erosion and significant shoreline fluctuation. The oceanward boundary of this area is the mean low water line. The landward extent of this area is determined as follows:

(a) a distance landward from the first line of stable and natural vegetation as defined in 15A NCAC 07H .0305(a)(5) to the recession line established by multiplying the long-term annual erosion rate times 60; provided that, where there has been no long-term erosion or the rate is less than two feet per year, this distance shall be set at 120 feet landward from the first line of stable natural vegetation. For the purposes of this Rule, the erosion rates are the long-term average based on available historical data. The current long-term average erosion rate data for each segment of the North Carolina coast is depicted on maps entitled “2011 Long-Term Average Annual Shoreline Rate Update” and approved by the Coastal Resources Commission on May 5, 2011 (except as such rates may be varied in individual contested cases, declaratory, or interpretive rulings). In all cases, the rate of shoreline change shall be no less than two feet of erosion per year. The maps are available without cost from any Local Permit Officer or the Division of Coastal Management on the internet at http://www.nccoastalmanagement.net; and (b) a distance landward from the recession line established in Sub-Item (1)(a) of this Rule to the recession line that would be generated by a storm having a one percent chance of being equaled or exceeded in any given year.

15A NCAC 07H .0306 GENERAL USE STANDARDS FOR OCEAN HAZARD AREAS

(a) In order to protect life and property, all development not otherwise specifically exempted or allowed by law or elsewhere in the Coastal Resources Commission's rules shall be located according to whichever of the following is applicable:

(1) The ocean hazard setback for development is measured in a landward direction from the vegetation line, the static vegetation line, or the measurement line, whichever is applicable.

(2) In areas with a development line, the ocean hazard setback line shall be set at a distance in accordance with Subparagraphs (a)(3) through (9) of this Rule. In no case shall new development be sited seaward of the development line.

(3) In no case shall a development line be created or established below the mean high water line.

(4) The setback distance shall be determined by both the size of development and the shoreline long term erosion rate as defined in Rule .0304 of this Section. "Development size" is defined by total floor area for structures and buildings or total area of footprint for development other than structures and buildings. Total floor area includes the following:

(A) The total square footage of heated or air-conditioned living space;

(B) The total square footage of parking elevated above ground level; and

(C) The total square footage of non-heated or non-air-conditioned areas elevated above ground level, excluding attic space that is not designed to be load-bearing.

Decks, roof-covered porches, and walkways are not included in the total floor area unless they are enclosed with material other than screen mesh or are being converted into an enclosed space with material other than screen mesh.

(5) With the exception of those types of development defined in 15A NCAC 07H .0309, no development, including any portion of a building or structure, shall extend oceanward of the ocean hazard setback distance. This includes roof overhangs and elevated structural components that are cantilevered, knee braced, or otherwise extended beyond the support of pilings or footings. The ocean hazard setback is established based on the following criteria:

(A) A building or other structure less than 5,000 square feet requires a minimum setback of 60 feet or 30 times the shoreline erosion rate, whichever is greater;

15A NCAC 07H .0309 USE STANDARDS FOR OCEAN HAZARD AREAS: EXCEPTIONS

(a) The following types of development shall be permitted seaward of the oceanfront setback requirements of Rule .0306(a) of the Subchapter if all other provisions of this Subchapter and other state and local regulations are met:

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(3) elevated decks not exceeding a footprint of 500 square feet;

In all cases, this development shall be permitted only if it is landward of the vegetation line or static vegetation line, whichever is applicable; involves no alteration or removal of primary or frontal dunes which would compromise the integrity of the dune as a protective landform or the dune vegetation; has overwalks to protect any existing dunes; is not essential to the continued existence or use of an associated principal development; is not required to satisfy minimum requirements

STIPULATED FACTS **ATTACHMENT B**

1. Petitioners are Mary and Michael Drummond. Petitioners own property located at 1924 South Shore Drive, Surf City, in Pender County, North Carolina (the "Site"). The Site consists of Lots 22, 23, 24 and 25, Block B, White Hills Beach, Surf City, North Carolina.

2. Petitioner Mary Drummond's family has owned, used and enjoyed the Site since her father's purchase of the Site on June 30, 1970. During her childhood and continuing into her adulthood, Petitioner Mary Drummond used and enjoyed the family beach home located on this Site several times each year, on average. More recently, Petitioner Michael Drummond has used and enjoyed the Site twice per year on average since his marriage to Petitioner Mary Drummond in 1989. A copy of the 1970 deed is attached as a stipulated exhibit.

3. Petitioner Mary Drummond first acquired legal interest in the Site by inheritance in 2008, upon the passing of her Father. BB&T managed the estate upon Mr. Herring's passing, and over time, Petitioners became dissatisfied with BB&T's management.

4. Between 2008 and 2016, Petitioners unsuccessfully sought approval from BB&T as Trustee of the Site for repairs, including repairing storm damage to foundation pilings, addressing general wear and tear, and funding enclosure of the small area of the beach house that is the subject of the current variance request.

5. Petitioners and Staff disagree on where the setback would have been located between 2008 and 2014 had Petitioners sought a CAMA permit during that Period. It is Petitioners' contention that if BB&T as Trustee had approved these needed repairs between 2008 and 2014, the FLSNV would have been more than 60 feet from the footprint of Petitioner's beach home and no CAMA permit authorization would have been required. DCM Staff contends that, based on a review of aerial imagery and using the measuring tools to measure 60' landward of the FLSNV, the area of the house where the 37-square foot addition was located within the setback since 2008.

6. On February 15, 2017, Petitioners purchased the Site outright because of their dissatisfaction with BB&T's management of the Site. This purchase was through an Executor's Deed, recorded on February 15, 2017 in Book 4637, beginning at Page 1751, Pender County Register of Deeds. A copy of this deed is attached as a stipulated exhibit.

7. The Pender County Tax Card shows that the first home on the Site was built in 1972 and the current home was renovated after Hurricane Fran in 1996. The current building footprint has existed since 1982. A copy of the tax card is attached as a stipulated exhibit.

8. The Site is located within the Ocean Erodible portion of the Ocean Hazard Area of Environmental Concern ("AEC"), adjacent to the Atlantic Ocean. The applicable erosion rate at the Site is 2'/year, and so the setback for this proposed development under 5,000 square feet is 60' landward of the first line of stable and natural vegetation. There have been no large-scale nourishment projects at the Site, and so the actual first line is used, as there is no static line or development line. Surf City has no long-term nourishment project permitted or planned.

9. Pursuant to N.C.G.S. 113A-118, the proposed development requires the issuance of a CAMA permit.

10. At the Site, the waters of the Atlantic Ocean are classified as SB waters, open to the harvest of shellfish. The portion of the Site where development is proposed is located within a VE 14 Flood Zone. The landward portion of the Site near the road is located within a VE 12 Flood Zone. This Site is not located in a COBRA zone.

11. On or about August 3, 2017, Petitioners applied for a CAMA Minor Development Permit proposing to convert 37 square feet of currently roof-covered decking into enclosed "Total Floor Area" as defined by the Commission's rules. Petitioners also propose to re-work the existing decking which has approximately 665 square feet waterward of the 60' setback, including the removal of approximately 49 square feet of existing decking, the addition of approximately 137 square feet of new decking for a total of 753 net square feet. Petitioners also propose interior renovations and replacement of some pilings which are not part of this variance. A copy of Petitioners' CAMA Minor Development Permit Application with site plans is attached as a stipulated exhibit.

12. The adjacent riparian property owners are The Shapiros to the northeast at 1920 South Shore Drive, and the Benedicts to the southwest at 1926 South Shore Drive. Both adjacent riparian property owners received certified mail notice of Petitioners' Minor Development CAMA permit application. Copies of the certified mail receipts are attached as a stipulated exhibit.

13. Surf City does not have an authorized CAMA Minor Development Permit program, so Petitioners' application was processed by DCM's Wilmington Regional Office Staff.

14. DCM received no objections from adjacent property owners or any member of the public.

15. Most of Petitioners' existing beach home is located oceanward of the 60 foot CAMA setback line based on the location of the FLSNV flagged by DCM staff on April 18, 2017, and shown on Petitioners' site plans. The proposed 37 square foot addition is located within the setback, approximately 45 feet landward of the FLSNV. This addition to the Total Floor Area is required by the Commission's rules at 15A NCAC 7H .0306(a)(9) to be landward of the 60' setback, and it falls about 15' short of the setback line.

16. Petitioners have approximately 665 square feet of existing decking on the Site within the setback. Petitioners propose to re-work the decking by removing approximately 49 square feet and then adding approximately 137 square feet of new decking, for a net total of about 753 square feet of decking (253 square feet over the 500 square foot limit). However, Petitioners' are limited by the Commission's rules at 15A NCAC 7H .0306 and .0309, to no more than 500 square feet of elevated decking per 07H.0309(a)(3).

17. By letter dated August 23, 2017, DCM denied Petitioners' CAMA minor permit application, based on the proposed development of the house addition and the decking conflicting with 15A NCAC 07H.0306(a)(9) as the proposed development was not landward of the 60'

setback, and because the decking exceeds the 500 square feet of decking exception of 7H.0309(a)(3). A copy of the DCM denial letter is attached as a stipulated exhibit.

18. Both adjacent riparian property owners received certified mail notice of Petitioners' request for variance. Copies of these certified mail receipts are attached as a stipulated exhibit. Both adjacent property owners have communicated to Petitioners that they do not object to this variance. Copies of their correspondence are attached. Additionally, the neighbor across the street to the north, Mrs. Teachey, has communicated to Petitioners she does not object to the variance. A copy of her correspondence is attached.

19. For purposes of this Variance Request, Petitioners stipulate that their proposed 37 square foot addition constitutes development that is inconsistent with the CAMA setback specified in 15 NCAC 7H .0306(a)(9), and that the (existing and) proposed decking exceeds the 500 square feet allowed by 7H.0309(a)(3).

20. Petitioners' proposed improvements call for enclosing 37 square feet of deck area as additional heated/cooled "Total Floor Area" per the applicable CAMA use standard. This area of decking currently is covered by the roof line of the existing home and Petitioners' building plans do not show any increase in impervious surface area on Petitioners' lot.

21. As shown in the Site plans, no portion of Petitioners' proposed 37 square foot addition extends beyond the home's existing roof line and eaves.

22. On October 4, 2017, Petitioners filed this Variance Request requesting a variance from the 60-foot setback requirement defined in 07H.0306(a)(9) with regard to the 37 square foot addition, and from 07H.0306 and 07H.0309(a)(3) in order to re-work the decking which exceeds the 500 square foot limit by approximately 253 square feet. These proposed development changes are shown on Petitioners' CAMA permit application materials.

23. Petitioners are represented by Clark Wright of Davis Hartman Wright PLLC of New Bern. Respondent is represented by DEQ Assistant General Counsel Christine Goebel.

24. A power point presentation agreed to by DCM and Petitioners will be presented to the Members of The Commission and is attached as a stipulated exhibit.

PETITIONERS' 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.

Petitioners' Position: Yes.

Petitioner respectfully contends "Yes." Some configuration of the family beach home currently located on The Property has been in Petitioner Mary Drummond's family for over 45 years. At the time the home first was built in 1972 by Mary Drummond's Father, it complied with then-applicable setback and building requirements. After Hurricane Fran in 1996, the beach home was renovated into its current configuration. The small amount of additional living space (37 sq. ft.) sought to be authorized by this variance request is located on the street side of the house, furthest from the ocean, and under existing roof line. Petitioners estimate that this area is approximately 40-45 feet landward of the FLSNV as flagged by Jason Dail of DCM. Additionally, due to Mary's ongoing medical challenges (she currently is in remission, but recently faced additional invasive surgery to assure this), an inability to make her long standing family beach home more accommodating to her needs constitutes an additional, uniquely personal hardship. Relative to the beach home layout and lack of any impact on total impervious surface area, and lack of any stormwater runoff impacts, and given the very small number of additional square footage sought to be enclosed on the landward most side of the existing home, Petitioners respectfully request that the Commission find in their favor by voting "Yes" on Factor 1.

Staff's Position: Addition Yes, Deck No.

Staff agrees that a strict application of the oceanfront erosion setback causes Petitioners an unnecessary hardship where Petitioner has an existing structure and in a larger renovation to re-work the entrance, wishes to add 37 square feet of Total Floor Area. The proposed addition is de minimis in nature as to the amount of possible additional structure that could become storm debris, and is located on the landward side of the existing house, away from the ocean hazard, and under an existing roofline.

Staff disagrees that the strict application of the oceanfront erosion setbacks and the setback exceptions at 7H.0309, which already allow 500 square feet of elevated decking within the setback, causes Petitioners any hardships. Petitioner does not state the reasons for needing to re-work the oceanfront portion of the existing deck. Staff notes that the Commission's rule already allows a generous exception authorizing 500 square feet of elevated decking within the setback. In this case, Petitioner, who currently have 665 square feet of decking, likely permitted while it met the setback, propose 137 additional square feet of decking. While they also remove 49 square feet, their overall plan results in a net gain of 88 square feet within the setback. This additional decking is proposed to be added to the oceanward side of the home, closest to the ocean hazard and most

susceptible to both long-term oceanfront erosion and storm-related erosion. Additionally, this Site has not received nourishement in the past, and Surf City has no long-term nourishment plan. On this eroding shoreline, it is certainly possible that in a short period of time, this new decking, which would be located less than 30' from the FLSNV, could be encroaching on the public trust beach. The Commission's rules regarding the Ocean Hazard AEC acknowledge that shoreline erosion is part of the oceanfront system, and the intent of the rules is "minimizing losses to life and property resulting from storms and long-term erosion, preventing encroachment of permanent structures on public beach areas, preserving the natural ecological conditions of the barrier dune and beach systems, and reducing the public costs of inappropriately sited development" (15A NCAC 07H .0303(b)). Staff see no unnecessary hardships from not being able to add additional decking within the setback given the oceanfront erosion on the Site, the proximity to the vegetation line, on a beach that has never received nourishment and with no long-term nourishment plan. Finally, Staff notes that Petitioners can re-work their decking in other ways to a more desirable configuration without a variance as long as they do not exceed 500 square feet of decking within the oceanfront setback.

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

Petitioners' Position: Yes.

Petitioner respectfully contends "Yes." See Factor 1 discussion above. The fact that Petitioners' family has owned The Property for 45 years, long before CAMA was enacted into law, and thus the location and topography of The Property was uniquely suited for construction and use/enjoyment of a beach home, and has remained in its current configuration since renovation after Hurricane Fran in 1996, and with essentially the same impervious surface area footprint since the mid-1980s. Moreover, the fact that the proposed addition will be located 100% under the existing roof line and drip line means that The Property is peculiarly suited to the granting of the requested variance in that there will be no additional stormwater runoff generated, no additional impervious surface area generated, and little or no additional potential for storm debris to be a greater concern due to the added living space.

Staff's Position: Addition No, Deck No.

Staff find no peculiarities of this property, such as size, location or topography, which cause any hardships to Petitioners. Petitioner's period of family ownership or the circumstances of her father's estate are not conditions which can be considered under this statutory factor. Earlier damage and repair from Hurricane Fran is also not unique to Petitioners. Petitioners' argument regarding stormwater is irrelevant as that is a concern in the Coastal Shoreline AEC, whereas the concerns in the Ocean Hazard AECs are with "minimizing losses to life and property resulting from storms and long-term erosion, preventing encroachment of permanent structures on public beach areas, preserving the natural ecological conditions of the barrier dune and beach systems,

and reducing the public costs of inappropriately sited development" (15A NCAC 07H .0303(b)). Staff identify no peculiar conditions on the property which cause Petitioners' hardship.

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

Petitioners' Position: No.

Petitioners respectfully contends "Yes." See all prior discussion of all prior variance factors. Petitioners have not taken any action to create the hardship they now seek relief from. In its simplest form, the hardship facing Petitioners relative to their continued use and enjoyment of their long-owned family beach home is due to continued erosion along the beach, resulting in landward movement of the FLSNV. Such movement is not the result of any actions by Petitioners. Petitioner Mary Drummond's medical challenges similarly are not the result of any actions taken by her. In fact, just the opposite. Petitioner Mary Drummond has been taking every action possible to remain in remission and otherwise keep her health up. Petitioners respectfully contend that opening up the living space in their long-standing family beach home will provide meaningful improvements to both of their ability to continue to use and enjoy their family beach home – but especially to Mary.

For these and other facts and reasons as documented in the attached Variance Request Materials, Petitioners respectfully requests that the Commission answer this variance factor question in the affirmative – in other words Petitioners respectfully request that the Commission affirmatively find that they have NOT taken any actions to create the hardship from which they now seek relief in the form of this Variance Request.

Staff's Position: Addition Yes, Deck Yes.

While Staff agree that Petitioners did not cause the erosion of the vegetation line and dune system on their lot, and did not cause the deck to be located within the 60' setback, shoreline erosion is not uncommon for an ocean shoreline, and is contemplated in the Commission's rules for the Ocean Hazard AECs. Staff contend that the addition of 137 square feet of new decking on the oceanward side of the house/deck structure, in excess of the Commission's 500 square feet exception, is a hardship caused by Petitioners' choice of design. Staff contend that the additions are not required in order to enjoy the oceanfront residence.

As to the addition on the landward side of the house, Staff believes that while 37 additional square feet of Total Floor Area is "de minimis" in nature, it is still based on Petitioners' choice of design in their proposed renovation of the main entrance.

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 substantial justice? Explain.**

Petitioners' Position: Yes.

Petitioner respectfully contends "Yes." See Petitioners' responses to all variance factors above. Simply put, Petitioners ask the Commission to agree with them that their proposal to add 37 square feet of additional living space on the street side of their long-owned family beach home, with the addition not adding any additional impervious surface area or increased stormwater runoff, and with negligible impacts on total storm debris associated with any future major storm destruction, and with no adverse impact to any other resource protection goal of CAMA (such as dune protection; water quality protection; habitat protection, etc.), and with a substantial POSITIVE impact on the value of their family beach home, and their ability to use and enjoy it for many years to come – all support a positive determination on Factor 4.

Based on all materials in this Variance Request record, Petitioners respectfully request that the Commission find in their favor on all four variance factors and grant their variance request such that they will be authorized to enclose 37 additional square feet of living space in their long-existing family beach home with no adverse impacts on any of the resource protection goals of the CAMA program.

Staff's Position: Addition Yes, Deck No.

While Staff disagrees that the oceanfront erosion setback rules have anything to do with impervious surfaces and stormwater runoff, Staff agrees that the proposed 37 square foot addition of Total Floor Area will have only a de minimis impact on storm debris. The proposed addition is on the street-side of the existing house further away from the ocean hazard, and is small in size. Staff contend that this small addition will have no impact on public safety and welfare, or on preserving substantial justice.

As to the deck addition, Staff has significant concerns that adding additional new deck on the oceanside of the existing home and deck is not at all in the spirit of the oceanfront erosion setback rules. The Commission's rules have provided an oceanfront erosion setback since 1979, and while most structures are required to meet a setback landward of the FLSNV (in this case, 60-feet), the Commission has made exceptions to allow limited development within the setback area (See the nine structures listed in 07H.0309, above) including 500 square feet of elevated decking. Petitioners already have 665 square feet of decking, and proposed a net increase of 88 square feet of deck within the oceanfront setback. The proposed deck additions are located oceanward of the existing deck, less than 30' waterward of the FLSNV and are located on an eroding beach with no history of large-scale nourishment and no long-term nourishment plan. The likelihood of the new deck becoming a cost to the public as future post-storm debris removal is significant. Likewise, Staff believes the new decking located on the oceanfront side of the home likely becoming storm debris would not secure public safety and welfare. Staff contend that allowing a variance for 753 square feet of decking, 253 square feet more than the Commission's existing exception would not preserve substantial justice where other oceanfront owners are limited to 500 square feet.

ATTACHMENT D:

PETITIONERS' VARIANCE REQUEST MATERIALS

DAVIS HARTMAN WRIGHT PLLC
ATTORNEYS AT LAW

ASHEVILLE NEW BERN RALEIGH WILMINGTON

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October 4, 2017

VIA ELECTRONIC MAIL
VIA U.S. MAIL

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

RE: CAMA Variance Request – Michael and Mary Drummond

Dear ~~Mr. Davis~~ Braxton:

Enclosed and attached are the documents comprising the Variance Request Package for Mary and Michael Drummond. The Drummonds seek to be heard at the November 7-8, 2017 CRC Meeting to request that the CRC grant them a variance from the 60-foot CAMA setback requirement set out in 15A NCAC 07H.0309(a) as to their proposal to enclose 37 square feet of current roof covered decking as additional living space in their family beach home, which has been in their family for 45 years.

Many thanks for scheduling this Variance Request to be heard at the upcoming CRC November Meeting scheduled to be held in Atlantic Beach. Should you have any questions or need additional information, please do not hesitate to let me know.

In that regard, I remain

Yours very truly,

I. CLARK WRIGHT, JR.
ICWjr:pdg
Enclosures
xc: Christine A. Goebel, Esq. (via email)
Mary Lucasse, Esq. (via email)
Client (via email)

CAMA VARIANCE REQUEST FORM **DCM FORM 11**
DCM FILE No.:_____

PETITIONER'S NAME: Michael and Mary Drummond

COUNTY WHERE THE DEVELOPMENT IS PROPOSED: Pender

Pursuant to N.C.G.S. § 113A-120.1 and 15A N.C.A.C. 07J .0700 *et seq.,* the above named Petitioner hereby applies to the Coastal Resources Commission (CRC) for a variance.

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);

_N/A_ Proof that a variance was sought from the local government per 15A N.C.A.C. 07J .0701(a), if applicable;

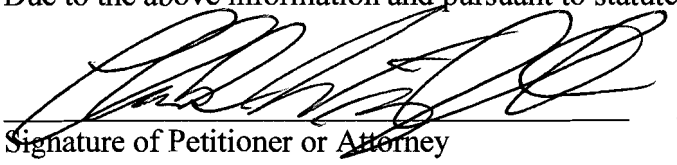
_√_ Petitioner's written reasons and arguments about why the Petitioner meets the four variance criteria, listed above;

_√_ 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 hereby requests a variance.



Signature of Petitioner or Attorney

10-4-17
Date

I. Clark Wright, Jr.
Printed Name of Petitioner or Attorney

icw@dhwlegal.com
Email address of Petitioner or Attorney

209 Pollock Street
Mailing Address

(252) 514-2828, Ext. 1
Telephone Number of Petitioner or Attorney

New Bern, NC 28560
City State Zip

(252) 514-9878
Fax Number of Petitioner or Attorney

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

By Fax:
(252) 247-3330

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

Contact Information for Attorney General's Office:

By mail:
Environmental Division
9001 Mail Service Center
Raleigh, NC 27699-9001

By express mail:
Environmental Division
114 W. Edenton Street
Raleigh, NC 27603

By Fax:
(919) 716-6767

Revised: July 2014

Mary and Michael Drummond Variance Request

October 4, 2017

Stipulation re Non-compliance with CAMA Rules

For purposes of this variance request only, Petitioners stipulate that the structural additions described in their previously submitted application for a CAMA minor development do not comply with 15A NCAC 07H.0309(a) as cited in DCM's August 23, 2017 denial letter.

This the 4th day of October, 2017.

Clark Wright, Esq. – Attorney for Petitioners

ATTACHMENT E:

STIPULATED EXHIBITS INCLUDING POWERPOINT

1. 1970 Deed to Petitioner's Father
2. Tax Card for Site
3. Aerial images from 2008-2016 from Google Earth 2008-2016 provided by Petitioners
4. Aerial images from 2008-2016 from DCM- with measurements
5. 2017 Deed to Petitioners
6. CAMA Minor Permit Application with Site plans and survey
7. Notice of application to adjacent riparian owners, with green card info
8. August 23, 2017 Denial letter
9. Notice of variance to adjacent riparian owners, with replies in support
10. Written support of variance by across-the-street neighbor

60

Prepared by: Moore & Biberstein

Form 211½—WARRANTY DEED—Pender County — Edwards & Broughton Co., Raleigh—67945—11-69

STATE OF NORTH CAROLINA—Pender County

THIS DEED, Made this 29 day of June, A.D. 19 70, by James Bradford Wiggins and wife, Patricia K. Wiggins

of Wake County and State of North Carolina of the first part, to Otha Edwin Herring and wife, Jeanette Lewis Herring

of Lenoir County and State of North Carolina of the second part:

WITNESSETH, That said parties of the first part, in consideration of Ten ($10.00) Dollars and other valuable considerations to them paid by parties of the second part, the receipt of which is hereby acknowledged, have bargained and sold; and by these presents do grant, bargain, sell and convey to said parties of the second part, their heirs and assigns, subject to the covenants, conditions and restrictions referred to below a certain tract or parcel of land in Topsail Township, Pender County, State of North Carolina adjoining the lands of and others, and bounded as follows, viz:

Lying and being on Topsail Island, Pender County, North Carolina, and being more particularly described as follows: All of Lots Nos. 22, 23, 24 and 25 in Block B, according to the official plan of subdivision No. 2 of White Hills Beach on Topsail Island, North Carolina, a map of which subdivision was prepared by R. E. Koonce, Civil Engineer of Registered Surveyor, and recorded in the office of the Register of Deeds of Pender County, North Carolina, in Map Book 6, Page 38.

This conveyance is made subject to those certain covenants, conditions and restrictions as set forth in an instrument recorded in Book 331 at Page 720 in the Pender County Registry.

This conveyance is made subject to those certain easements or rights of way in favor of Jones-Onslow Electric Membership Corporation and Surf City Water Works for the erection and maintenance of power and water supply systems.

The parties of the second part expressly assume that certain deed of trust covering the above property and the note which it secures, said deed of trust being dated July 1, 1968 and recorded in Book 423 at Page 81 of the Pender County Registry.

$10.50 in N. C. Excise Tax Stamps and same cancelled.

TO HAVE AND TO HOLD the foresaid tract or parcel of land and all privileges and appurtenances thereunto belonging, to the said parties of the second part and their heirs and assigns, forever. Subject to the restrictions referred to above. And the said parties of the first part do covenant; for themselves and their heirs, executors and administrators, covenant with said heirs and assigns that they is/are seized of said premises in fee and have the right to convey the same in fee simple; that the same are free and clear from all encumbrances, and that they will hereby forever warrant and defend the said title to the same against the claims of all persons whatsoever.

IN TESTIMONY WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Attest:

James Bradford Wiggins (Seal)

Patricia K. Wiggins (Seal)

(Seal)

(Seal)

STATE OF NORTH CAROLINA, Wake County.

I, Shirley Bruton, Notary Public, do hereby certify that James Bradford Wiggins and wife, Patricia K. Wiggins personally appeared before me this day and acknowledged the due execution of the annexed Deed of Conveyance.

Witness my hand and notarial seal, this 30th day of June, A.D., 19 70.

My Commission expires 2-13-75

Shirley Bruton, N.P. (SEAL) N.P. (SEAL)

STATE OF NORTH CAROLINA, Pender County.

The foregoing certificate of Shirley Bruton a Notary Public of Wake County, State of North Carolina, is certified to be correct, This instrument was presented for registration this day and hour and duly recorded in the office of the Register of Deeds of Pender County, N. C. in Book 430, Page 260

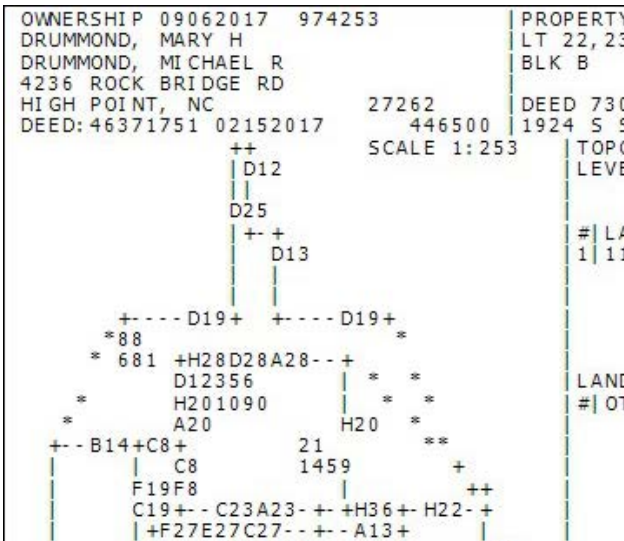
This 28 day of July, A.D., 1970 at 11:40 o'clock A. M.

Hugh Overstreet Jr.
Register of Deeds.

By Emma M. Winborne
Assisant Register of Deeds.

021

OWNERSHIP 09062017 974253	PROPERTY DESCRIPTION	TAX SUBDIVISIONS	PIN CARD NO 1
DRUMMOND, MARY H	LT 22,23,24,25 PB 6/38 WHITE H	TWP TOPSAIL	4224-91-4568-0000
DRUMMOND, MICHAEL R	BLK B	TOWN OF SURF CITY	RECORD NUMBER: 07821
4236 ROCK BRIDGE RD			ROUTE 8600.0
HIGH POINT, NC 27262	DEED 730 119	PENDER EMS	LISTER: CW 010710 - E
DEED: 46371751 02152017 446500	1924 S SHORE DR	S99	REVIEW: DM 081694



TOPO	STREET	UTILITY	ZONING
LEVEL	EXCELLEN	ALL PUB	R5

NOTES: DWLNG HAS 2 HEAT PUMPS

#	LAND CLASS	SIZE	BASERATE*FRNT*DPTH*ADJ	=ADJRATE*UNITS	=LND-VALUE
1	11KRESD PRI	100F 189D	6000 | 0.99 | 1.11	6593 | 100	659300

LAND VALUE: 659300

#	OTHER FEAT	SIZE	BASERATE*COND	=ADJRATE*UNITS	=RCNOB-VAL

OTHER VALUE: RCN: 0 RCNLD: 0 DPRT: C MAP: 00060038

FNDATION	XTRFNISH	ROOFTYPE	ROOFMTRL	SIZE/QTY
FINISHED	WD PANEL	HIP	COMP SHI	1.0 STHT
WALLFNSH	FLOORS	HEAT&AIR	HEATFUEL	
DRY WALL	CARPET	HEATPUMP	ELECT	
PLY WOOD	SHEET VI			6 BDRM 10 ROOM

DWELLING CONTEMPORC B1973 E1982 AVERAGE CONDITION ADJ: 0% BLDG DEPR: 0.61 %

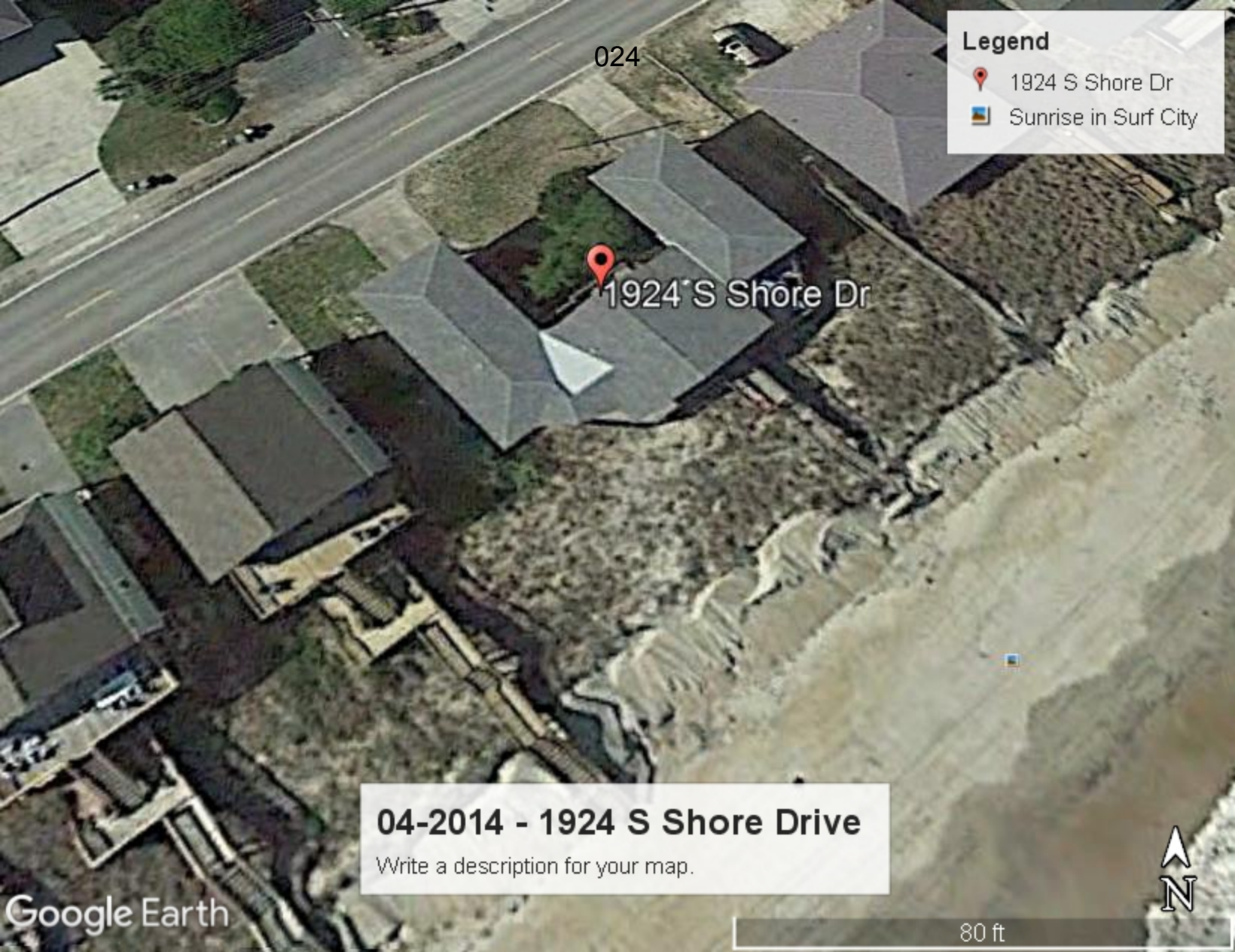
DIMENSIONS: A-CU20R28XD13R18XXR3D4XR1D20R4D10L4D12L14U35L13U4L23 B-U8L8CL14D36R14U36 C-CU8L8D19R4U7R27U4L23 D-U8CL22XU18R12XR19U25R3D12R3D13R19XR12D19XXL18U13XL28D12 E-R23D4CR13D13L4U11L36U2R27 F-CU8L8D19R4U7R27U4L23 G-R23D4CR13D13L4U11L36U2R27 H-CU20R28D20R22D20R4D10L4D5L14U35L36

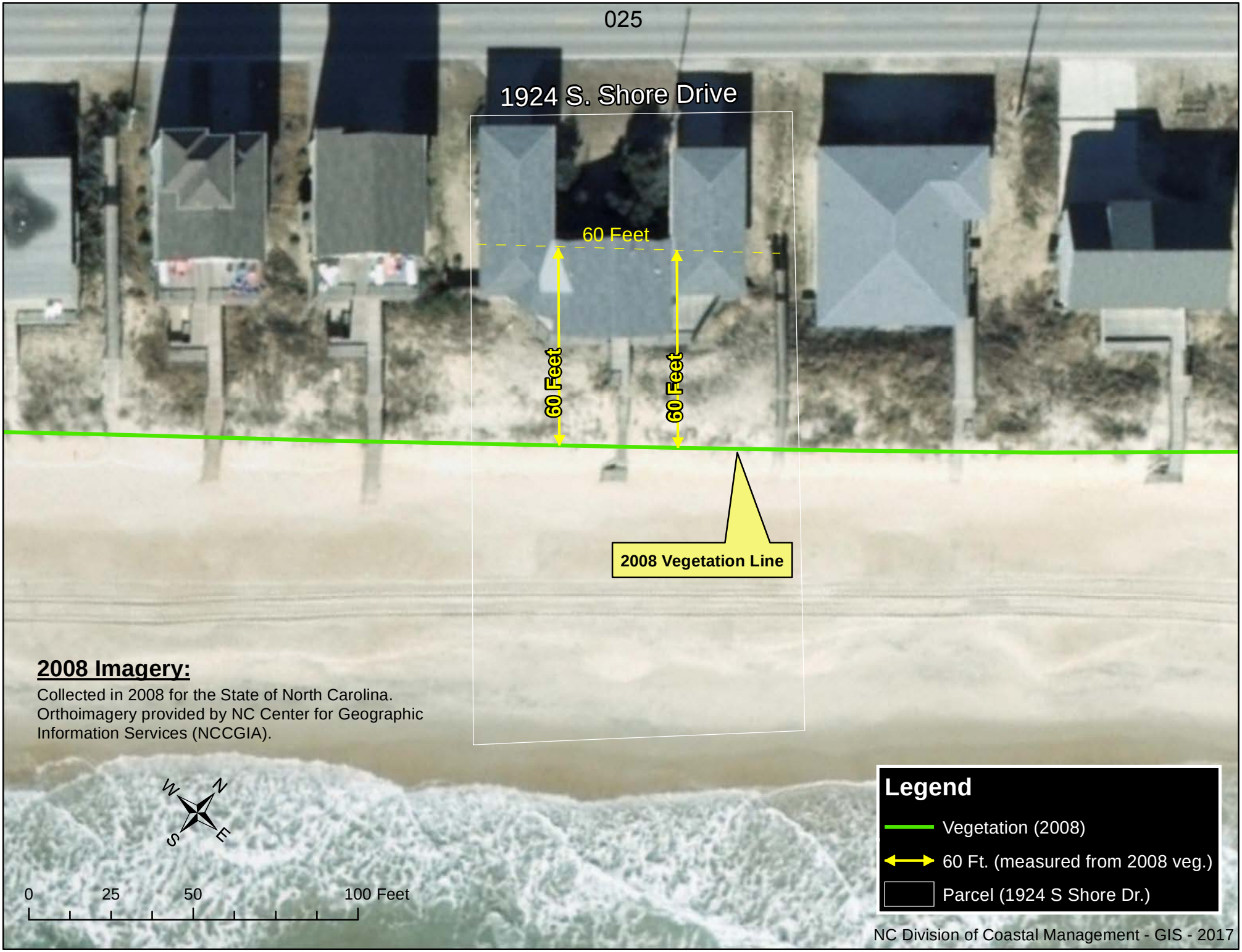
#	STRUCTURE	SKTCH	SF*STHT=	AREA	RATE*GRDF+HEAT+EXWL*WLHT=ADJRAT*	AREA=	RPCN*	DEPF*CNDF=STR-VALUE
A	21CCOTTAGE	1459	1.0	1459	67.08 / / / / 64.85	1459	94616	/ / 94616
	3 BATHS				5852 / / / /		5852	/ / 5852
	1 HALFBATHS				2060 / / / /		2060	/ / 2060
B	21CCOTTAGE	504	0.0	504	67.08 / / 3.19 / 70.27	504	35416	/ / 35416
C	80CPORCH	216	0.0	216	22.44 / / / / 22.44	216	4847	/ / 4847
D	88CDECK	681	0.0	681	9.17 / / / / 9.17	681	6245	/ / 6245
E	88CDECK	124	0.0	124	14.73 / / / / 14.73	124	1827	/ / 1827
F	79CPATIO	216	0.0	216	4.87 / / / / 4.87	216	1052	/ / 1052
G	79CPATIO	124	0.0	124	5.02 / / / / 5.02	124	622	/ / 622
H	35CUNFIN PI	1090		1090	9.01 / / / / 9.01	1090	9821	/ / 9821
PRIOR VALUE		1963HSE		4414TSE		RPCN-82,71/HSE	162358 VALU-	50,45/HSE 99038

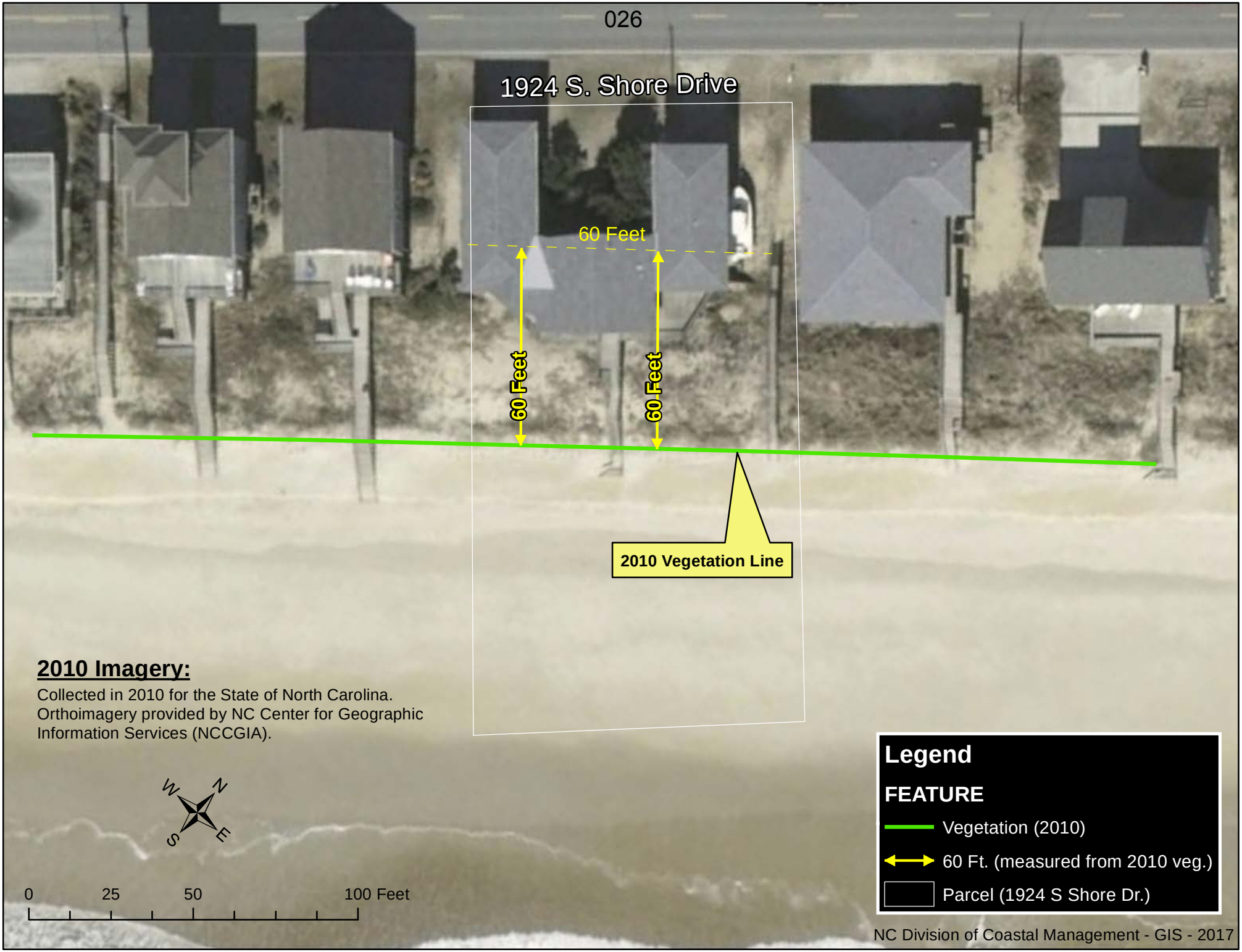
022

LAND	758338	|					STRUCTURE VALUE:		99038
BLDG	0	|	NBHD-ADJ: 2068	CAVB:	99038 *	1= 99038	TOTAL APPRAISED-VALUE:		758338


Legend
1924 S Shore Dr
Sunrise in Surf City
1924 S Shore Dr
10-2012 - 1924 S Shore Drive
Write a description for your map.
Google Earth
N
80 ft


024
Legend
1924 S Shore Dr
Sunrise in Surf City
1924 S Shore Dr
04-2014 - 1924 S Shore Drive
Write a description for your map.
Google Earth
N
80 ft


025
1924 S. Shore Drive
60 Feet
60 Feet
60 Feet
2008 Vegetation Line
2008 Imagery:
Collected in 2008 for the State of North Carolina. Orthoimagery provided by NC Center for Geographic Information Services (NCCGIA).
N
W
E
S
0
25
50
100 Feet
Legend
Vegetation (2008)
60 Ft. (measured from 2008 veg.)
Parcel (1924 S Shore Dr.)
NC Division of Coastal Management - GIS - 2017


026
1924 S. Shore Drive
60 Feet
60 Feet
60 Feet
2010 Vegetation Line
2010 Imagery:
Collected in 2010 for the State of North Carolina. Orthoimagery provided by NC Center for Geographic Information Services (NCCGIA).
W
N
S
E
0
25
50
100 Feet
Legend
FEATURE
Vegetation (2010)
60 Ft. (measured from 2010 veg.)
Parcel (1924 S Shore Dr.)
NC Division of Coastal Management - GIS - 2017


027
1924 S. Shore Drive
60 Feet
60 Feet
60 Feet
2012 Vegetation Line
2012 Imagery:
Collected in 2012 for the State of North Carolina. Orthoimagery provided by NC Center for Geographic Information Services (NCCGIA).
N
W
E
S
0
25
50
100 Feet
Legend
FEATURE
Vegetation (2012)
60 Ft. (measured from 2012 veg.)
Parcel (1924 S Shore Dr.)
NC Division of Coastal Management - GIS - 2017


028
1924 S. Shore Drive
60 Feet
60 Feet
60 Feet
2016 Vegetation Line
2016 Imagery:
Collected in 2016 for the State of North Carolina. Orthoimagery provided by NC Center for Geographic Information Services (NCCGIA).
N
W
E
S
0
25
50
100 Feet
Legend
FEATURE
Vegetation (2016)
60 Ft. (measured from 2016 veg.)
Parcel (1924 S Shore Dr.)
NC Division of Coastal Management - GIS - 2017

Doc No: 20020356
Recorded: 02/15/2017 11:56:02 AM
Fee Amt: $26.00 Page 1 of 4
Excise Tax: $893.00
Pender County North Carolina
Sharon Lear Willoughby, Register of Deeds
BK **4637** PG **1751 - 1754 (4)**

EXECUTOR'S DEED

Parcel: 4224-91-4568-0000

Revenue Stamps: $ 893.00

☐ If checked, the property includes the primary residence of at least one of the parties depicted as party of the first part. (N.C. Gen. Stat. § 105-317.2)

STATE OF NORTH CAROLINA

COUNTY OF PENDER

THIS EXECUTOR'S DEED, made and entered into this the 13 day of February, 2017, by and between BRANCH BANKING AND TRUST COMPANY, AS EXECUTOR OF THE ESTATE OF OTHA E. HERRING, referred to herein as "Executor" (the address of the Executor is: PO Box 2907, Wilson, NC 27894-2907); and

MARY H. DRUMMOND and husband, MICHAEL R. DRUMMOND, collectively party of the second part (the address of the party of the second part is: 4236 Rock Bridge Road, High Point, NC 27262-8466)

W I T N E S S E T H :

WHEREAS, Otha E. Herring died testate on November 18, 2008; and,

WHEREAS, the Last Will and Testament of Otha E. Herring (the "Will") was duly probated and filed in the office of the Clerk of Superior Court of New Hanover County in

---

Prepared by Ward and Smith, P.A., 1001 College Court (28562), Post Office Box 867, New Bern, NC 28563-0867

Please return to Roberson Haworth & Reese, P.O. Box 1550, High Point, N.C. 27261 ✓

No opinion on title is rendered by Ward and Smith, P.A., without a separate written opinion on title from Ward and Smith, P.A.

Estate File No. 08-E-1220, and a copy filed in Clerk of Superior Court of Pender County in Estate File No. 09-E-148; and,

WHEREAS, the above-named Executor qualified as Executor of the Estate of Otha E. Herring on December 12, 2008; and,

WHEREAS, the Notice to Creditors of the Estate of Otha E. Herring was first published on December 29, 2008; and,

WHEREAS, at the time of his death, Otha E. Herring owned the real property in Pender County described herein (the "Property"); and,

WHEREAS, pursuant to Article V of the Will, the Executor is authorized to sell the Property.

NOW, THEREFORE, the Executor, in consideration of the sum of Ten and No/100 Dollars ($10.00) and other good and valuable considerations paid to the Executor by the party of the second part, the receipt and sufficiency of which hereby are acknowledged, has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell and convey unto the party of the second part, said party's heirs and assigns, the following described Property to wit:

> All those certain tracts or parcels of land lying and being situate in Pender County, North Carolina, and being more particularly described as follows:
>
> Being Lots 22, 23, 24, and 25, Block No. "B," according to the official plan of subdivision No. 2, of White Hills Beach, on Topsail Island, North Carolina, a map of which subdivision was prepared by R. E. Koonce, Civil Engineer or Registered Surveyor; and recorded in the office of the Register of Deeds of Pender County in Map Book 6, Page 38.

Bk 4637
Pg 1753

This conveyance is made subject to utility easements and unviolated restrictive covenants that do not materially affect the value of the property and ad valorem taxes for the current year, which taxes the party of the second part, by acceptance of this deed, assumes and agrees to pay.

TO HAVE AND TO HOLD said property and all privileges and appurtenances thereunto belonging to the party of the second part, said party's heirs and assigns, in fee simple, forever.

And the Executor covenants that the Executor has done nothing to affect such title to the aforesaid property as was received by Branch Banking and Trust Company as Executor of the Estate of Otha E. Herring and agrees to warrant and defend the title to said property against the lawful claims of all persons claiming by, through or under Branch Banking and Trust Company as Executor, but no further.

IN TESTIMONY WHEREOF, the Executor has caused this instrument to be executed in such form as to be binding this the day and year first above written.

Branch Banking and Trust Company,
as Executor of the
Estate of Otha E. Herring

By: _____
David R. Lundquist
Vice President

Bk 4637
Pg 1754

STATE OF NORTH CAROLINA
COUNTY OF Guilford

I certify that the following person personally appeared before me this day, acknowledging to me that he signed the foregoing document for the purpose(s) stated therein, in the capacity indicated therein: DAVID R. LUNDQUIST.

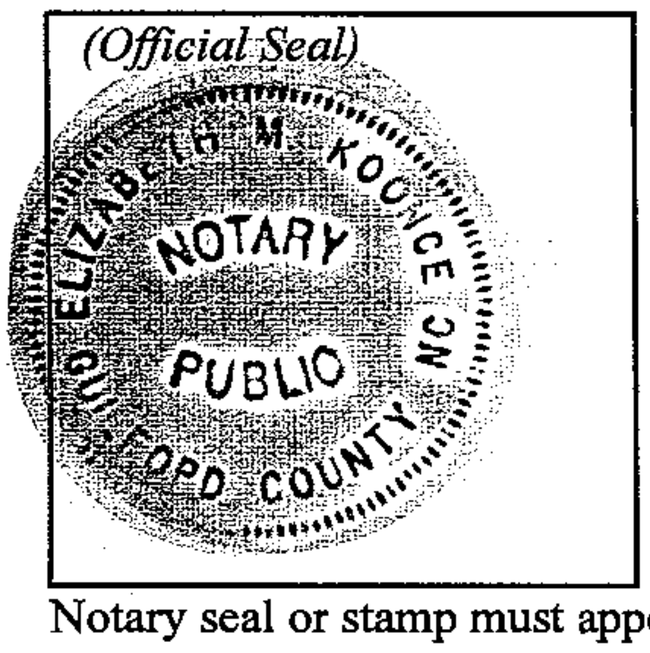
Date: 2/13/2017

Elizabeth M. Koonce
Signature of Notary Public

Elicabeth M. Koonce
Notary's printed or typed name

My commission expires: 9-13-2021

(Official Seal)



Notary seal or stamp must appear within this box.

ND: 4853-1832-4034, v. 2

Locality Surf City Permit Number SC17-10

Ocean Hazard _____ Estuarine Shoreline _____ ORW Shoreline _____ Public Trust Shoreline _____ Other _____

(For official use only)

GENERAL INFORMATION

LAND OWNER - MAILING ADDRESS

Name Mary & Michael Drummond

Address 4236 Rock Bridge Rd.

City High Point State NC Zip 27262 Phone (336) 255-4009 // 336 210-2785 // 336 240-2785

Email mary@packrite.net // michael@packrite.net

AUTHORIZED AGENT

Name Owner

Address _____

City _____ State _____ Zip _____ Phone _____

Email _____

LOCATION OF PROJECT: (Address, street name and/or directions to site; name of the adjacent waterbody.)

1924 South Shore Drive, Surf City, NC 28445

Atlantic Ocean

DESCRIPTION OF PROJECT: (List all proposed construction and land disturbance.) No new foot print added. 37 square feet heat + cooling area under existing roof & overhang on existing deck.

SIZE OF LOT/PARCEL: 11,215 square feet — acres

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

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

(1) OCEAN HAZARD AECs: TOTAL FLOOR AREA OF PROPOSED STRUCTURE: [redacted] 2561 square feet (includes air conditioned living space, parking elevated above ground level, non-conditioned space elevated above ground level but excluding non-load-bearing attic space)

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

STATE STORMWATER MANAGEMENT PERMIT: Is the project located in an area subject to a State Stormwater Management Permit issued by the NC Division of Energy, Mineral and Land Resources (DEMLR)?
YES_____ NO_____

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

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

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

✓ an owner or record title, Title is vested in name of Margot Michael Drummond, see Deed Book 4637 page 1751 in the Pender County Registry of Deeds.

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

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

NOTIFICATION OF ADJACENT RIPARIAN PROPERTY OWNERS:
I furthermore certify that the following persons are owners of properties adjoining this property. I affirm that I have given **ACTUAL NOTICE** to each of them concerning my intent to develop this property and to apply for a CAMA permit.

	(Name)	(Address)
(1)	Daniel Shapiro	1926 South Shore Drive, Surf City, NC 28445
(2)	Robin Benedict	1920 South Shore Drive, Surf City, NC 28445
(3)		
(4)		

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

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

This the 2 day of Aug., 20 17

Landowner or person authorized to act as his/her agent for purpose of filing a CAMA permit application

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

OCEAN HAZARD AEC NOTICE

Project is in an: ✓ **Ocean Erodible Area** ____ **High Hazard Flood Area** ____ **Inlet Hazard Area**

Property Owner: Mary + Michael Drummond

Property Address: 1924 South Shore Drive, Surf City, NC 28445

Date Lot Was Platted: July 12, 1952

This notice is intended to make you, the applicant, aware of the special risks and conditions associated with development in this area, which is subject to natural hazards such as storms, erosion and currents. The rules of the Coastal Resources Commission require that you receive an AEC Hazard Notice and acknowledge that notice in writing before a permit for development can be issued.

The Commission's rules on building standards, oceanfront setbacks and dune alterations are designed to minimize, but not eliminate, property loss from hazards. By granting permits, the Coastal Resources Commission does not guarantee the safety of the development and assumes no liability for future damage to the development. Permits issued in the Ocean Hazard Area of Environmental Concern include the condition that structures be relocated or dismantled if they become imminently threatened by changes in shoreline configuration. The structure(s) must be relocated or dismantled within two (2) years of becoming imminently threatened, and in any case upon its collapse or subsidence.

The best available information, as accepted by the Coastal Resources Commission, indicates that the annual long-term average ocean erosion rate for the area where your property is located is 2 feet per year.

The rate was established by careful analysis of aerial photographs of the coastline taken over the past 50 years.

Studies also indicate that the shoreline could move as much as 135 feet landward in a major storm.

The flood waters in a major storm are predicted to be about 14 feet deep in this area.

Preferred oceanfront protection measures are beach nourishment and relocation of threatened structures. Hard erosion control structures such as bulkheads, seawalls, revetments, groins, jetties and breakwaters are prohibited. Temporary sand bags may be authorized under certain conditions.

The applicant must acknowledge this information and requirements by signing this notice in the space below. Without the proper signature, the application will not be complete.

8/2/17

Property Owner Signature *Date*

SPECIAL NOTE: This hazard notice is required for development in areas subject to sudden and massive storms and erosion. Permits issued for development in this area expire on December 31 of the third year following the year in which the permit was issued. Shortly before work begins on the project site, the Local Permit Officer must be contacted to determine the vegetation line and setback distance at your site. If the property has seen little change since the time of permit issuance, and the proposed development can still meet the setback requirement, the LPO will inform you that you may begin work. Substantial progress on the project must be made within 60 days of this setback determination, or the setback must be re-measured. Also, the occurrence of a major shoreline change as the result of a storm within the 60-day period will necessitate re-measurement of the setback. It is important that you check with the LPO before the permit expires for official approval to continue the work after the permit has expired. Generally, if foundation pilings have been placed and substantial progress is continuing, permit renewal can be authorized. It is unlawful to continue work after permit expiration.

For more information, contact:

JASON DAIL

Local Permit Officer

N.C. Dept. of Environmental Quality
Division of Coastal Management
127 Cardinal Drive Extension
Wilmington, NC 28405-3845

910-796-7271

Phone Number

Revised May 2010

AGENT AUTHORIZATION FOR CAMA PERMIT APPLICATION

Name of Property Owner Requesting Permit: (owner) Mary + Michael Drummond

Mailing Address: 4236 Rock Bridge Road
High Point, NC 27262

Phone Number: (336) 255-4009 // (336) 210-2785

Email Address: mary@packrite.net // michael@packrite.net

I certify that I have authorized —
Agent / Contractor

to act on my behalf, for the purpose of applying for and obtaining all CAMA permits necessary for the following proposed development: _____

at my property located at 1924 South Shore Drive Surf City, NC 28445

in Pender County.

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

Property Owner Information:

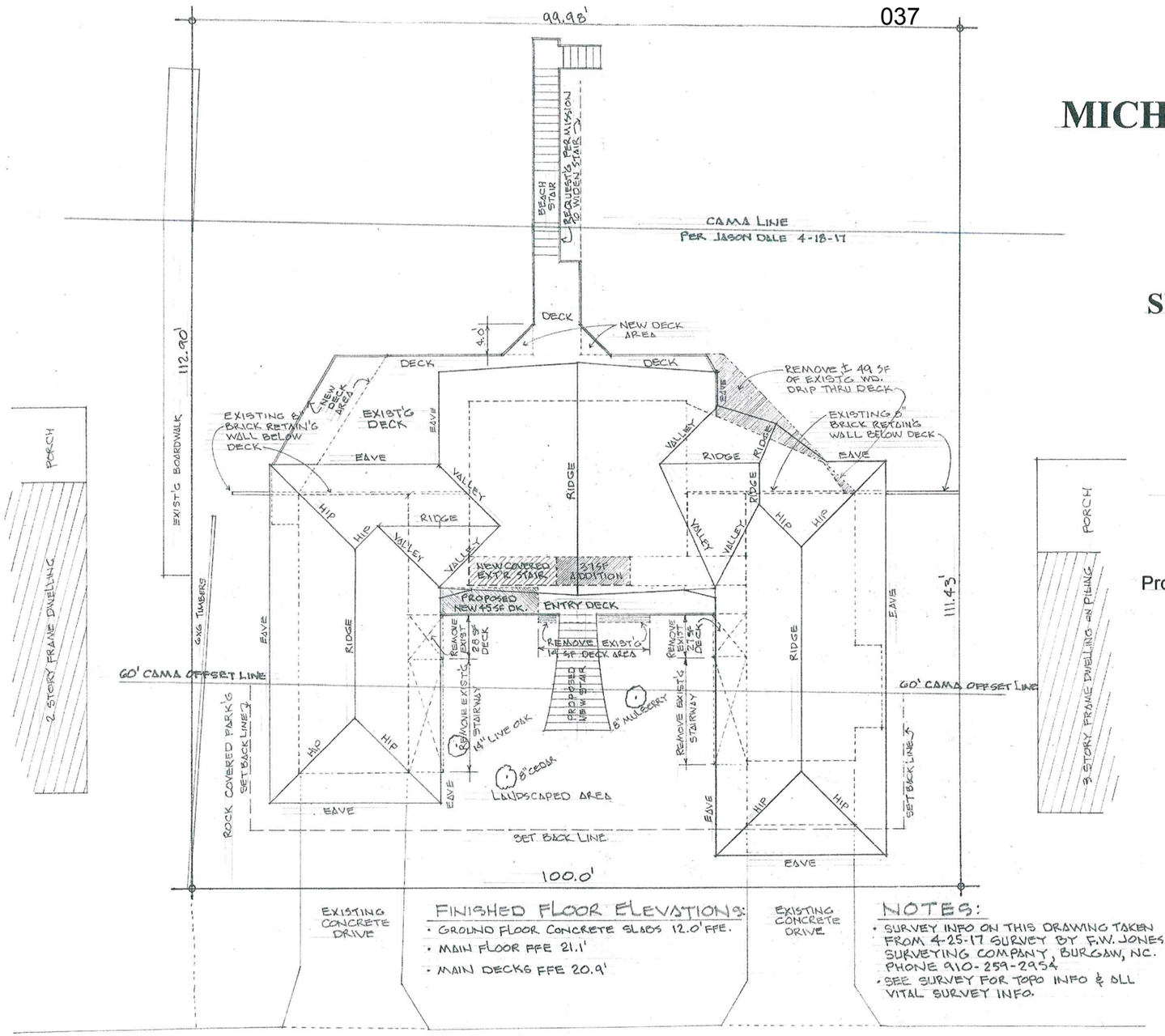
Signature

Mary + Michael Drummond
Print or Type Name

owner
Title

8 / 21 / 2017
Date

This certification is valid through ____/____/____



FINISHED FLOOR ELEVATIONS:

- GROUND FLOOR CONCRETE SLABS 12.0' FFE.
- MAIN FLOOR FFE 21.1'
- MAIN DECKS FFE 20.9'

NOTES:

- SURVEY INFO ON THIS DRAWING TAKEN FROM 4-25-17 SURVEY BY F.W. JONES SURVEYING COMPANY, BURGAW, NC. PHONE 910-259-2954
- SEE SURVEY FOR TOPO INFO & ALL VITAL SURVEY INFO.

SOUTH SHORE DRIVE 60' R/W

SITE PLAN

SCALE 1" = 10'

RENOVATION FOR

MICHAEL & MARY DRUMMOND

1924 SOUTH SHORE DRIVE
SURF CITY, NORTH CAROLINA

Designed By:

J W Dalrymple

Residential Design Associates, Inc.

J. William Dalrymple, FAIBD, CPBD©2017
Certified Professional Building Designer
Professional Member ~ American Institute of Building Design

10248 South Olde Towne Wynd
Leland, North Carolina 28451
Phone: 910-371-6948

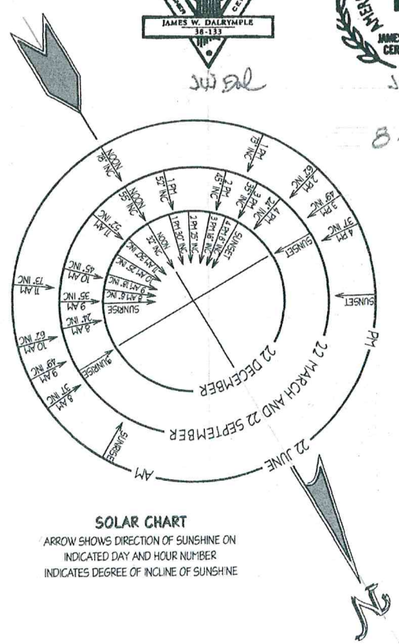
CERTIFIED PROFESSIONAL BUILDING DESIGNER
NATIONAL COUNCIL OF BUILDING DESIGN CERTIFICATION
JAMES W. DALRYMPE
NC-133

AMERICAN INSTITUTE OF BUILDING DESIGN
AIBD.
JAMES W. DALRYMPLE
CERT. BD. NC-133

JW Dal

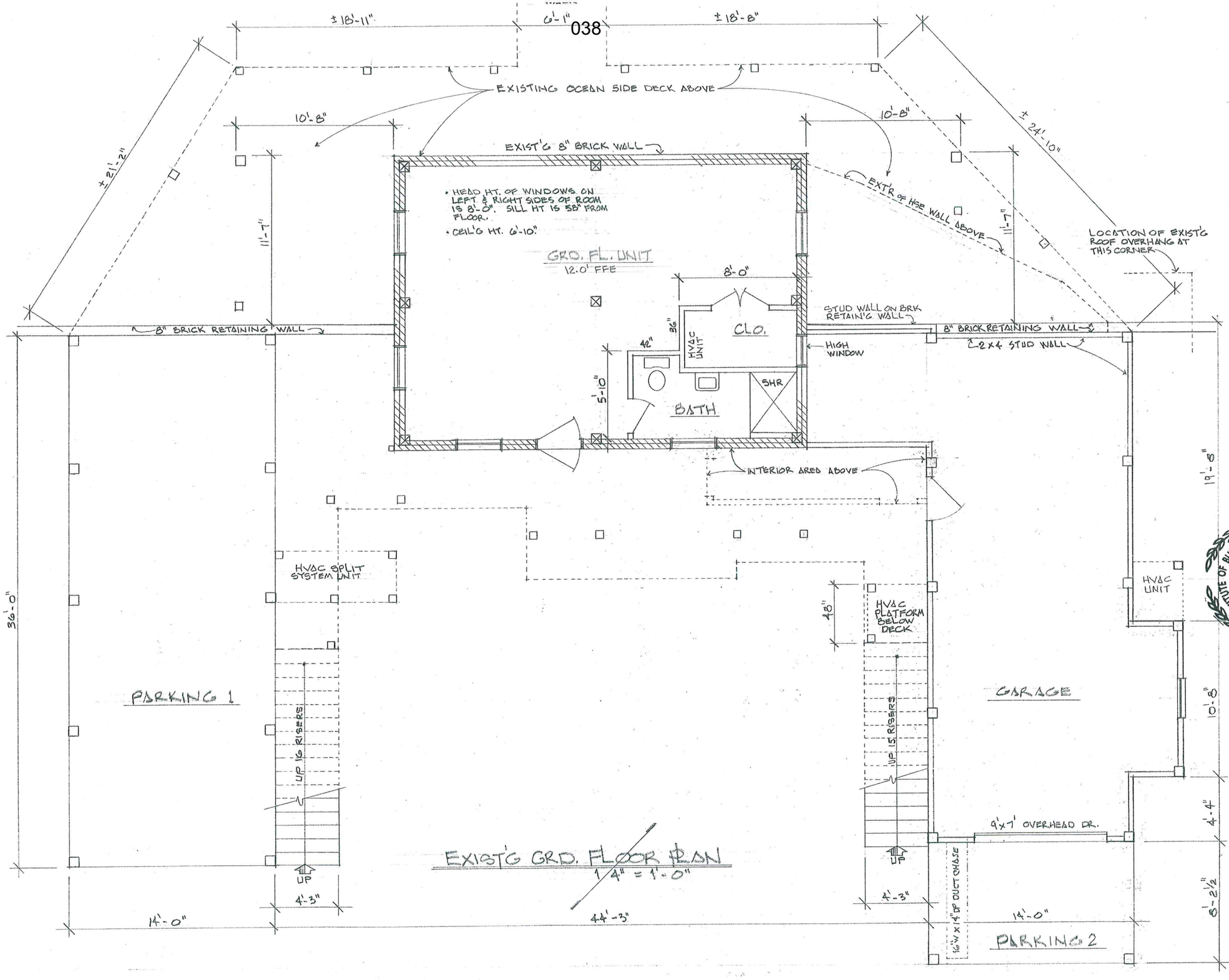
JW Dal

8-2-17



SOLAR CHART

ARROW SHOWS DIRECTION OF SUNSHINE ON INDICATED DAY AND HOUR NUMBER
INDICATES DEGREE OF INCLINE OF SUNSHINE



EXIST'G GRD. FLOOR PLAN
1/4" = 1'-0"

JW Dalrymple Residential Design Associates, In
10248 S. Olde Towne Wynd
Leland, North Carolina 28451
Phone: 910-371-6948
J. William Dalrymple, AIBD, CPBD
Certified Professional Building Designer
Professional Member: American Institute of Building Design

Renovation for
Michael & Mary Drummond
1924 South Shore Drive
Surf City, North Carolina

8-2-17

039

± 18'-11"

6'-1" WALL

± 18'-8"

RAIL'G

48" ROOF OVERHANG TO CO" @ ℄

± 28'-3"

± 24'-10"

± 21'-2"

MAIN BEACH DECK
20.9' FFE

MBR. BCH DK.
20.9' FFE

ROOF OVERHANG

27'-3"

EATING

LIVING
21.1' FFE

19'-3"

48" ROOF OVERHANG

ROOF OVERHG

20'-13¾"

COVERED BREEZEWAY

KITCHEN

BAR

GUEST BR. 1

8'-1"

PDR

M. CLO.

MBR.

STOR.

W-D

ENTRY

M. BATH

3'-9"

CO" ROOF OVERHANGS TO 48"

ENTRY DECK
20.9' FFE

RAIL'G

SHR

HALL BATH

SHR

CLO. 1

SHR

G. BATH

G. HALL
21.1' FFE

13'-3"

CLO. 2

DN. 10 R

DN 15R

BR HALL
21.1' FFE

BR. 2

36'-0"

48" ROOF OVERHANG

GUEST BR. 2

CLO. 3

CLO. 2

10'-8"

BR. 3

10'-8"

± 12'-9"

14'-4"

± 8'-8"

NOTES:

1) ·TOTAL NON-COVERED DRIP THRU DECK AREA 365 S.F.

2) ·TOTAL MAIN FLOOR HTO~COOLED AREA 1933 S.F.
·GUEST WING 504 S.F.
·MBR WING 869 S.F.
·CENTER BOX 560 S.F.

EXIST'G MAIN FLOOR PLAN

1/4" = 1'-0"

48" ROOF OVERHANG

14'-0"

44'-3"

14'-0"

48" ROOF OVERHANG

JW Dalrymple Residential Design Associates, In

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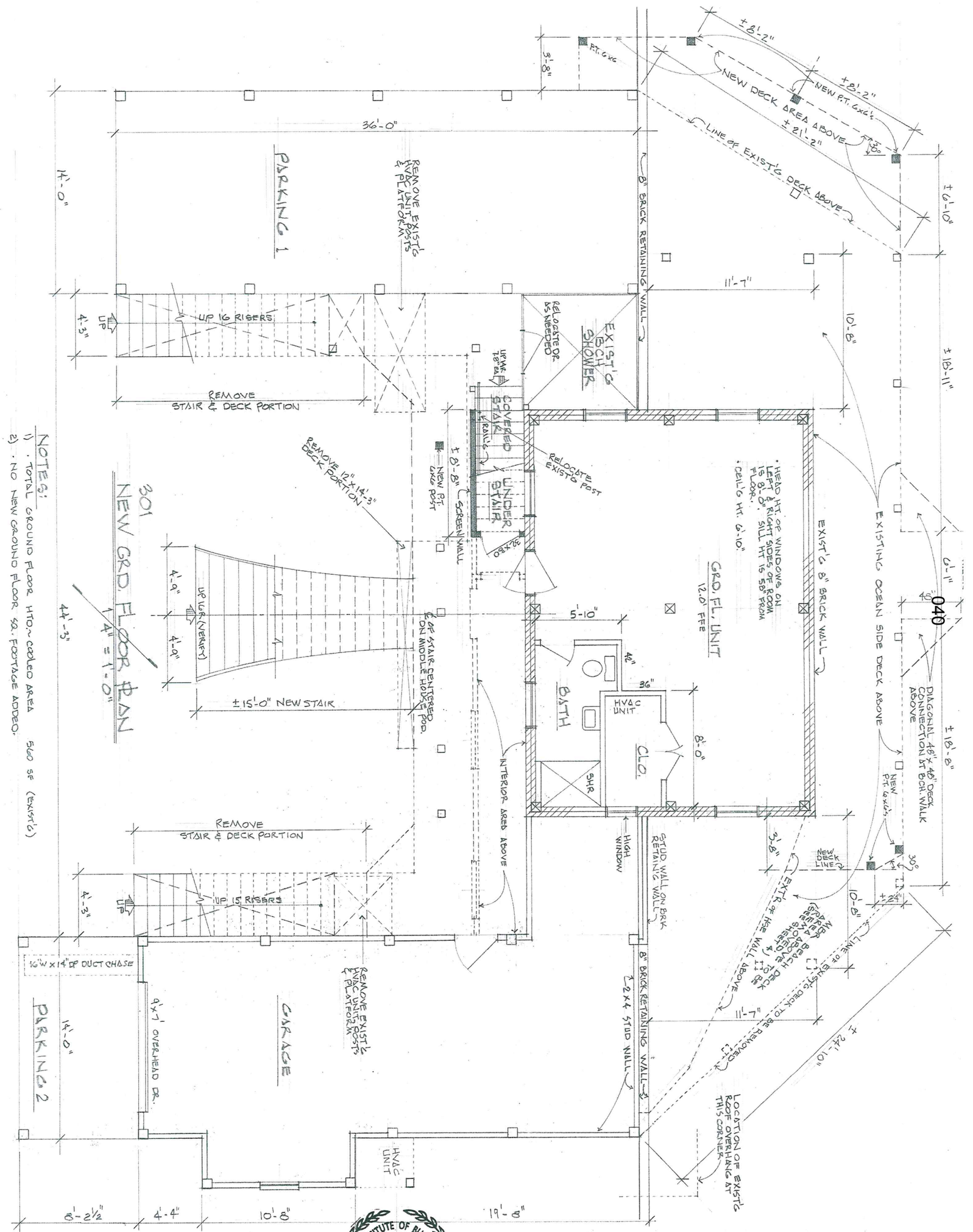
Renovation for
Michael & Mary Drummond
1924 South Shore Drive
Surf City, North Carolina

8-2-17

2



Renovation for
Michael & Mary Drummond
1924 South Shore Drive
Surf City, North Carolina

AMERICAN INSTITUTE OF BUILDING DESIGN
JAMES W. DALRYMPLE
CERT. NO. NC-133

JW Dalrymple Residential Design Associates, In
10248 S. Olde Towne Wynd
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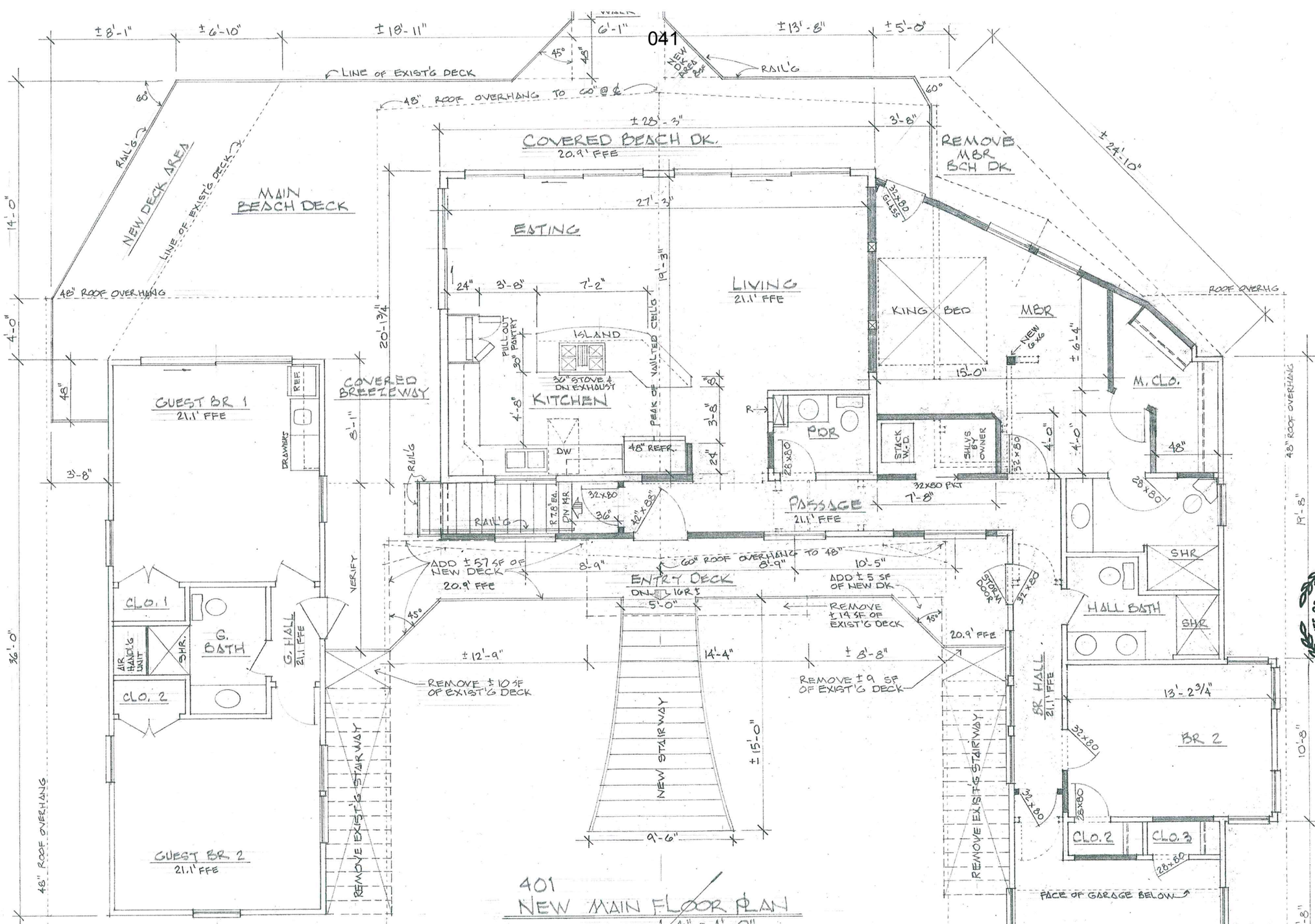
3
8-2-17



401
NEW MAIN FLOOR PLAN
1/4" = 1'-0"

NOTES:

1)	·EXIST'G MAIN FLOOR HTD.~COOLED AREA	1924 S.F.
2)	·NEW MAIN FLOOR HTD.~COOLED AREA	37 S.F.
3)	·TOTAL MAIN FLOOR HTD.~COOLED AREA	1961 S.F.

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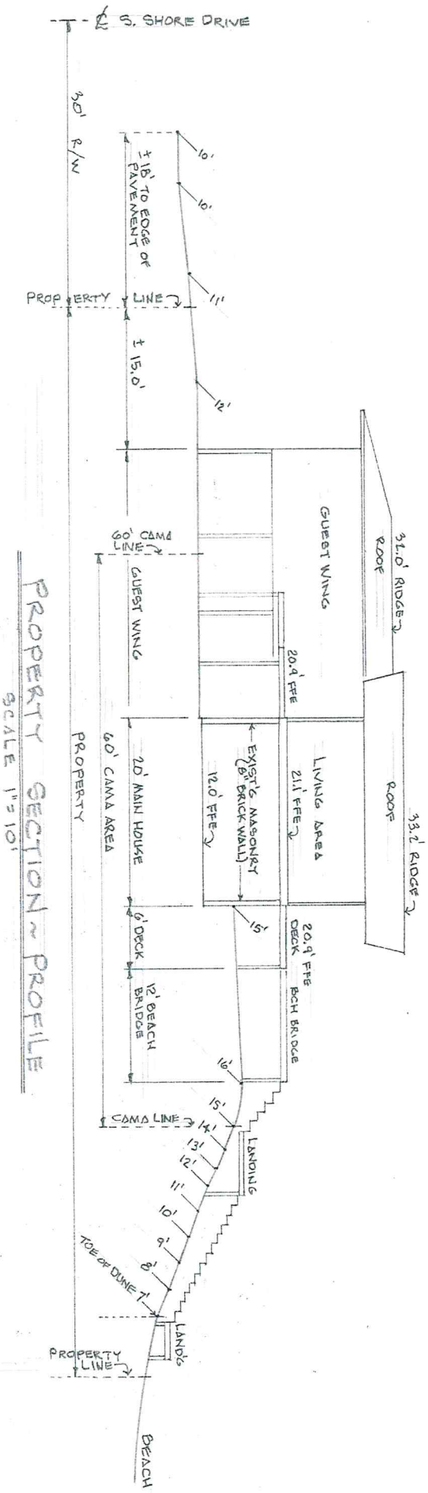
Renovation for
Michael & Mary Drummond
1924 South Shore Drive
Surf City, North Carolina

8-2-17



PROPERTY SECTION ~ PROFILE

SCALE 1" = 10'

042

Renovation for
Michael & Mary Drummond
1924 South Shore Drive
Surf City, North Carolina

5

8-2-11

JW Dalrymple Residential Design Associates, In

10248 S. Olde Towne Wynd
Leland, North Carolina 28451
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J. William Dalrymple, FAIBD, CPBD
Certified Professional Building Designer
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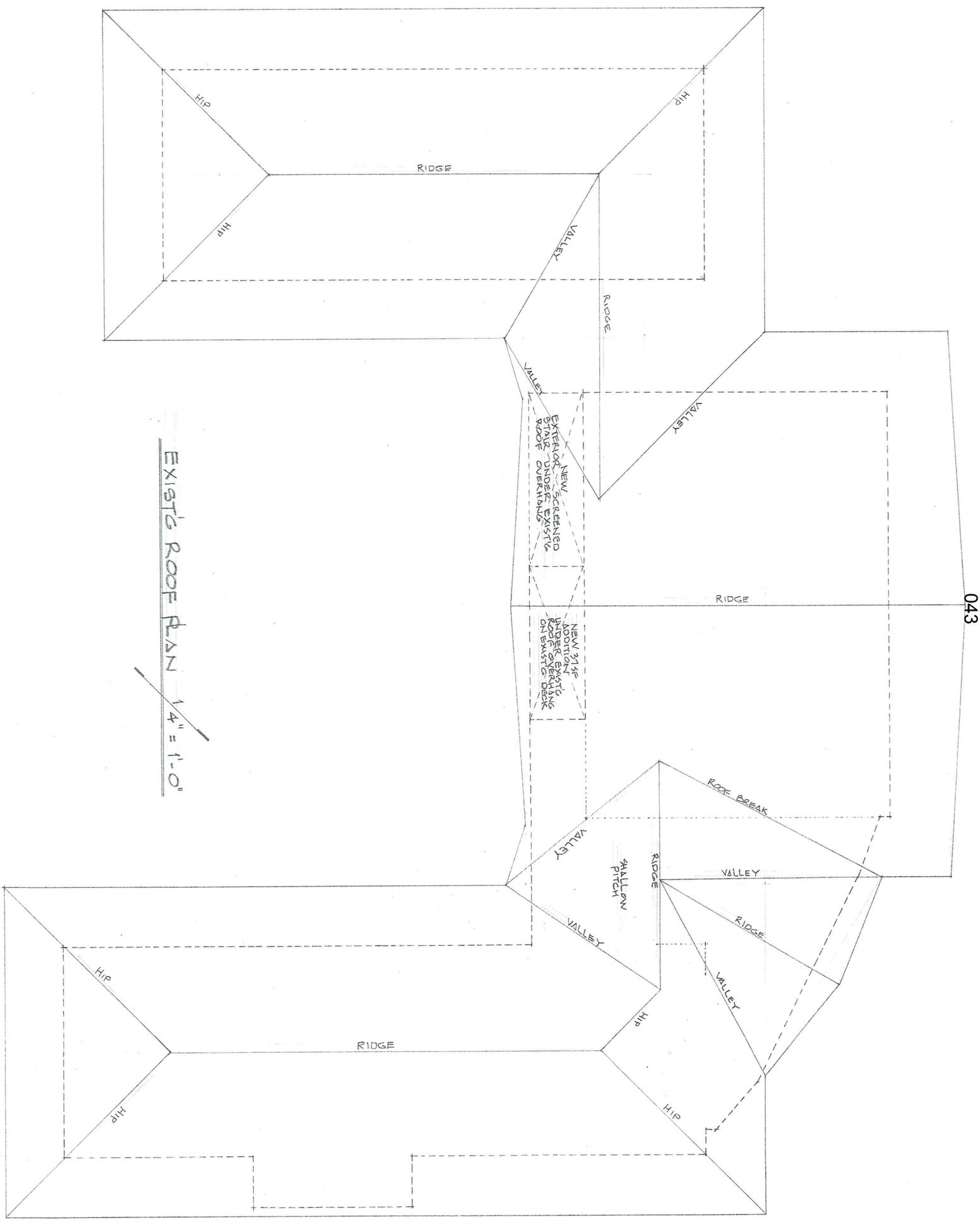

EXISTG ROOF PLAN 1/4" = 1'-0"

043

Renovation for
Michael & Mary Drummond
1924 South Shore Drive
Surf City, North Carolina

6
8-2-11

JW Dalrymple Residential Design Associates, In
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Leland, North Carolina 28451
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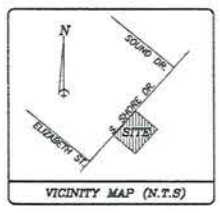
Certified Professional Building Designer
Professional Member: American Institute of Building Design

NOTES:

1. CORNERS ARE MARKED AS NOTED ON MAP.
2. ALL DISTANCES ARE HORIZONTAL FIELD MEASUREMENTS.
3. AREA COMPUTED BY THE COORDINATE METHOD.
4. 40% OF LOT AREA INCLUDING OVERHANG CAN BE USED FOR BUILDING.
5. THIS PROPERTY DOES LIE WITHIN A FLOOD HAZARDOUS AREA.
   PER F.I.R.M. MAP #4224-91-4568-0000 TOWN OF SURF CITY DATED 2/16/07
   FLOOD ZONE VE ELEVATION 14.0' (N.C. REQUIRES A 1' FREEBOARD)
6. NO KNOWN HORIZONTAL CONTROL WITHIN 2,000'.
7. BUILDING SET BACKS REQUIRED TO BE IN ACCORD WITH THE TOWN OF SURF CITY ZONING ORDINANCE. (FRONT 7.5' // SIDE 7.5' // C.A.M.A OFFSET 60')



VICINITY MAP (N.T.S)

ATLANTIC OCEAN

N 58°39'26"W 99.98'

APPROXIMATE HIGH WATER LINE

C.A.M.A. LINE
PER JASON DALE 4/18/17

60' C.A.M.A. OFFSET LINE

S 30°30'00"W 12.90'

N 30°29'10"E 111.43'

39.77' ±

71.66'

S 59°30'00"E 100.00'

EIP

EIS

R/W

MBL

EOP

PORCH

2 STORY FRAME DWELLING

3 STORY FRAME DWELLING ON PILINGS

DECK

EAVE

BRICK WALL

1st. FLOOR
BRICK & FRAMED
ELEV. 12.0'

1 st. FLOOR CONCRETE

ELEV. 20.9
2nd. FLOOR DECK

ELEV. 12.0'
1st. FLOOR CONCRETE

2nd. FLOOR FRAME
ELEV. 24.1

ELEV. 21.1'
2nd. FLOOR FRAME

ROOF RIDGE 32'

ROOF RIDGE 33.2'

ROOF RIDGE 30.5'

SHOWER 1st. FLOOR
DECK 2nd. FLOOR

AIR HANDLER

H.V.A.C.

LANDSCAPE AREA

6" MULBERRY

14" LIVE OAK

8" CEDAR

FISH POND
WITH
ROCK BORDER

6"x6" TIMBERS

GRAVEL

CONCRETE

FENCE

CONCRETE DRIVE

T.B.M.
NAIL SET IN
UTILITY POLE
ELEVATION = 15.0'

AREA
11,215 SQ. FT.
40% = 4,486 SQ. FT.

WATER METER

MAGNETIC

MB 6, PG 38

SOUTH SHORE DRIVE (60' PUBLIC R/W)

N.C. HWY. No. 50

LEGEND:

- EIP (EXISTING IRON PIPE) OR EIS (EXISTING IRON STAKE)
- Pt. (POINT)
- POWER/UTILITY POLE
- PROPERTY LINE
- ℄ (CENTER LINE)
- R/W (RIGHT OF WAY)
- FENCE
- OVERHEAD UTILITY LINE
- CONCRETE LINE
- EVE LINE
- DECK LINE
- EOP (EDGE OF PAVEMENT)
- MBL (MINIMUM BUILDING LINE)

NORTH CAROLINA PROFESSIONAL SEAL L-4503 LAND SURVEYOR FREDERICK W. JONES

MAP OF SURVEY
FOR

MARY & MICHAEL DRUMMOND

1924 SOUTH SHORE DRIVE
SURF CITY NC 28445

TOWN OF SURF CITY

TOPSAIL TOWNSHIP – PENDER COUNTY – NORTH CAROLINA
SCALE: 1" = 10' APRIL 25, 2017

10 0 10 20 30
GRAPHIC SCALE – FEET

SURVEY REFERENCE:
LOTS 22-23-24-25 WHITE HILLS BEACH BLOCK B
MAP BOOK 6 AT PAGE 38
DEED BOOK 4637 AT PAGE 1751
PENDER COUNTY REGISTRY

F.W. JONES
Surveying Company
N.C. LICENSE No. F-1036
P.O. Box 1471
111 East Fremont Street
Burgaw, NC 28425
Ph: (910) 259-2954
Fx: (910) 259-9040
Em: jonessurveying@bellsouth.net
Dwg. No.: PL 21
DRUMMOND MICHAEL 1924

11 9

ADJACENT RIPARIAN PROPERTY OWNER STATEMENT FOR CAMA MINOR PERMITS

I hereby certify that I own property adjacent to Mary & Michael Drummond
(Name of Property Owner)

property located at 1920 South Shore Drive Surf City, NC 28445
Address, Lot, Block, Road, etc.)

on Atlantic Ocean, in Pender, N.C.
(Waterbody) (Town and/or County)

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

(APPLICATION AND DRAWING OF PROPOSED DEVELOPMENT ATTACHED)

Signature

Robin Benedict
Print or Type Name

917-596-8158
Telephone Number

8/2/17
Date

1920 S SHORE DR
SURF CITY NC 28445

4

ADJACENT RIPARIAN PROPERTY OWNER STATEMENT FOR CAMA MINOR PERMITS

I hereby certify that I own property adjacent to Mary & Michael Drummonds
(Name of Property Owner)

property located at 1926 South Shore Drive Surf City, NC. 28445
(Address, Lot, Block, Road, etc.)

on Atlantic Ocean (Waterbody), in Pender (Town and/or County), N.C.

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

(APPLICATION AND DRAWING OF PROPOSED DEVELOPMENT ATTACHED)

Daniel S Shapiro
Signature

Daniel S Shapiro
Print or Type Name

703 624-0571
Telephone Number

8/2/2017
Date

Shapiro
3662 Westminster Ct
Falls Church VA 22042

AUG 7 2017

Coastal Management
ENVIRONMENTAL QUALITY

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

BRAXTON DAVIS
Director

August 23, 2017

CERTIFIED MAIL – 7014 2120 0000 8055 4638
RETURN RECEIPT REQUESTED

Mary and Michael Drummond
4236 Rock Bridge Road
High Point, NC 27262

RE: DENIAL OF CAMA MINOR DEVELOPMENT
PERMITAPPLICATION NUMBER- SC17-10
PROJECT ADDRESS- 1924 South Shore Drive, Surf City, NC

Dear Mr. and Mrs. Drummond:

After reviewing your application in conjunction with the development standards required by the Coastal Area Management Act (CAMA) and our locally adopted Land Use Plan and Ordinances, it is my determination that no permit may be granted for the project which you have proposed.

This decision is based on my findings that your request violates NCGS 113A-120(a)(8) which requires that all applications be denied which are inconsistent with CAMA guidelines. Specifically, the development for which you applied consisted of expansion of a structure within the minimum development setback (measured 60 feet from the First Line of Stable Natural Vegetation (FLSNV), or 30 times the shoreline erosion rate of 2 feet/year, whichever is greater).

Your proposal is inconsistent with 15 NCAC 7H .0306(a)(9), which states that: ***"Structural additions or increases in the footprint or total floor area of a building or structure represent expansions to the total floor area and shall meet the setback requirements established in this Rule and 15A NCAC 07H .0309(a). New development landward of the applicable setback may be cosmetically, but shall not be structurally, attached to an existing structure that does not conform with current setback requirements".***

Should you wish to appeal my decision to the Coastal Resource Commission or request a variance from the Commission, please contact me so I can provide you with the proper forms and any other information you may require. The Division of Coastal Management in Morehead City must receive appeal notices within twenty (20) days of the date of this letter in order to be considered.

Respectfully yours,

Jason Dail
DCM Field Representative and Local Permit Officer

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mary + Michael Drummond
4236 Rock Bridge Rd.
High Point, NC
27262

CAMA

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X SM Thomas ☐ Agent ☐ Addressee

B. Received by (Printed Name) | C. Date of Delivery: 8-25-17

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

RECEIVED
DCM WILMINGTON, NC
AUG 28 2017

SC17-10

3. Service Type
☑ Certified Mail® ☐ Priority Mail Express™
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7014 2120 0000 8055 4638

PS Form 3811, July 2013 Domestic Return Receipt

Peggy Garvick

From: Clark - Office [icw@dhwlegal.com]
Sent: Sunday, September 24, 2017 7:59 PM
To: Garvick, Peggy
Subject: Fwd: Certified letter for 1924 South Shore Drive Surf City

Clark -- Sent from my iPhone

Begin forwarded message:

From: Mary Drummond <mary@packrite.net>
Date: September 22, 2017 at 4:14:36 PM EDT
To: "icw@dhwlegal.com" <icw@dhwlegal.com>, Michael Drummond <michael@packrite.net>
Subject: Fwd: Certified letter for 1924 South Shore Drive Surf City

Sent from my iPhone

Begin forwarded message:

From: RobinHuntBenedict <robinhuntbenedict@gmail.com>
Date: September 22, 2017 at 3:31:44 PM EDT
To: "'Mary Drummond'" <mary@packrite.net>
Cc: "'Michael Drummond'" <michael@packrite.net>
Subject: RE: Certified letter for 1924 South Shore Drive Surf City
Reply-To: <RobinHuntBenedict@gmail.com>

22 September 2017

Dear Mary and Michael:

Corky and I received your 20 September 2017 certified letter about your request to obtain a variance for proposed work on your house at 1924 S Shore Dr, Surf City, NC.

We have no objections whatsoever to this proposed work.

We hope you receive the variance you are requesting.

Yours,

Robin & Corky Benedict
1920 S Shore Dr
Surf City, NC 28445
917-596-8158 - Robin's cell

-----Original Message-----
From: Mary Drummond [mailto:mary@packrite.net]
Sent: Friday, September 22, 2017 11:20 AM
To: Robinhuntbenedict@gmail.com
Cc: Michael Drummond; Mary Drummond
Subject: Certified letter for 1924 South Shore Drive Surf City

Thanks!
Mary & Michael

Peggy Garvick

From: Clark - Office [icw@dhwlegal.com]
Sent: Sunday, September 24, 2017 7:59 PM
To: Garvick, Peggy
Subject: Fwd: Certified letter for 1924 South Shore Drive Surf City, NC

Clark -- Sent from my iPhone

Begin forwarded message:

> **From:** Mary Drummond <mary@packrite.net>
> **Date:** September 22, 2017 at 3:06:24 PM EDT
> **To:** "icw@dhwlegal.com" <icw@dhwlegal.com>, Michael Drummond <michael@packrite.net>
> **Subject: Fwd: Certified letter for 1924 South Shore Drive Surf City, NC**
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** "Shapiro, Dan" <DShapiro@ESNCC.com>
> > **Date:** September 22, 2017 at 2:08:56 PM EDT
> > **To:** Mary Drummond <mary@packrite.net>
> > **Subject: RE: Certified letter for 1924 South Shore Drive Surf City, NC**
> >
> > Mary,
> > We do not have any problem with you moving forward with your project.
> > Thanks,
> > Dan
> >
> > ---
> >
> > **From:** Mary Drummond [mailto:mary@packrite.net]
> > **Sent:** Friday, September 22, 2017 2:05 PM
> > **To:** Shapiro, Dan <DShapiro@ESNCC.com>
> > **Subject:** Re: Certified letter for 1924 South Shore Drive Surf City, NC
> >
> > Dan,
> > Can you state whether you support our decision to remodel?
> > Thanks,
> > Mary
> >
> > Sent from my iPhone
> >
> > On Sep 22, 2017, at 1:50 PM, Shapiro, Dan <DShapiro@ESNCC.com> wrote:
> >
> > > Mary,
> > > Patricia and I received your letter notification about your variance. Please accept this email as our acknowledgement. Let me know if you need anything else.

Thanks,
Dan and Tricia Shapiro

Sent from my iPad

On Sep 22, 2017, at 1:04 PM, Mary Drummond <mary@packrite.net> wrote:

> Dan,
> Can you resend I can't open the letter.
> Thanks,
> Mary
>
> Sent from my iPhone
>
> On Sep 22, 2017, at 12:51 PM, Shapiro, Dan <DShapiro@ESNCC.com> wrote:
>
> > Mary
> > Please take this email as notification received. Let me know if you need anything else. Safe travels.
> > Thanks
> > Dan
> >
> > Daniel Shapiro
> > Sent from my iPhone
> >
> > On Sep 22, 2017, at 11:27 AM, Mary Drummond <mary@packrite.net> wrote:
> >
> > > Good luck at the dentist!
> > >
> > > Thanks,
> > > Mary and Michael Drummond
> > >
> > > <Scan0098.pdf>

September 24, 2017

To: Mary & Michael Drummond

4236 Rock Bridge

High Point, NC 27262

RE: CRC Variance

Dear Mary,

This letter is in response to the CRC requirement for obtaining a variance to add 37 square feet of additional space under existing roof overhang.

Virginia and I have no objections concerning this request.

Respectfully,

Gary Teachey

Virginia Teachey

VARIANCE REQUEST
For
Michael and Mary Drummond

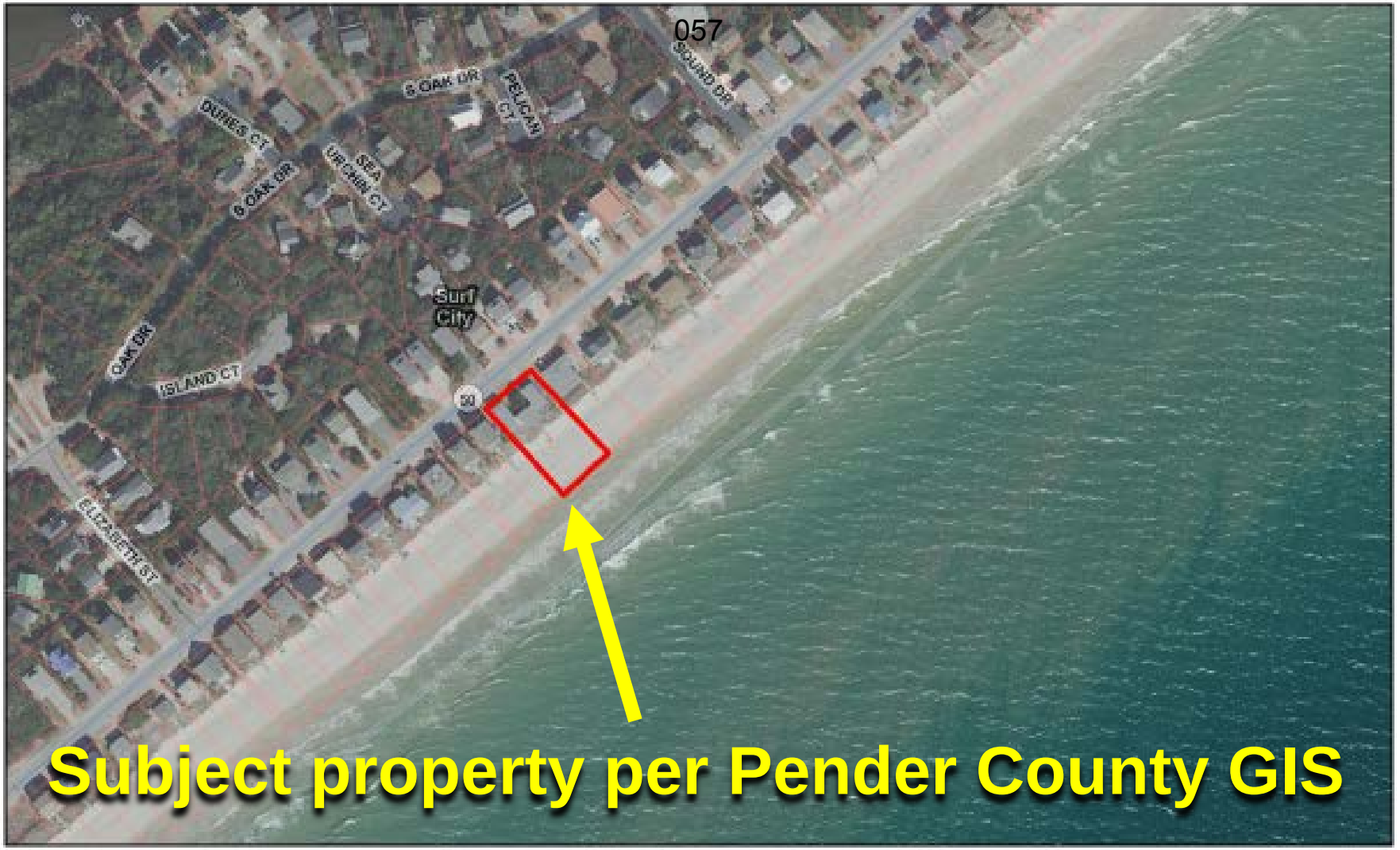
Project Location: 1924 S. Shore Drive, Surf City, NC

November 7-8, 2017

Michael and Mary Drummond Variance Request

November 7-8, 2017

General Vicinity map, Google Earth 2017



Subject property per Pender County GIS

PIN: 4224-91-4368-0000
Owner: DRUMMOND MARY H et al
4236 ROCK BRIDGE RD
HIGH POINT, NC 27262
Deed Ref: 4637/1751

Property Address: 1924 S SHORE DR
Description: LT 22 23 24 25 PB 6/38 WHITE HILLS BCH BLK B DEED 730 119

Sale Price: $446,500
Sale Date: 2017-02-15
Plat: 00060038
Account No: 974253
Township: TOP SAIL
Subdivision: WHITE HILLS BEACH
Tax Codes: G01 C53 R40

Acres: 0.43
Land Value: $659,300
Building Value: $99,038
Total value: $758,338
Deferred Value: $
Exempt Amount:
PCL Class: R
Heated Sq Feet: 1963

Pender County

1:2,713
0 0.02 0.04 0.08 mi
0 0.03 0.06 0.12 km

1 inch = 226 feet

October 12, 2017

October 12, 2017

1:678
0 0.005 0.01 0.02 mi
0 0.0075 0.015 0.03 km


Untitled Map
Write a description for your map.
059
Legend
1924 S Shore Dr
Surf City
Surf City Pier
1924 S Shore Dr
S Shore Dr
Overview of Subject Property courtesy of Google Earth. Imagery Date 10/23/2015
Google earth
© 2017 Google
N
90 ft

View of property looking east from NC Highway 50, Surf City, NC. Photo taken by DCM staff on 10/12/17.

View looking south from frontal dune. Photo taken by DCM staff on 10/12/17.

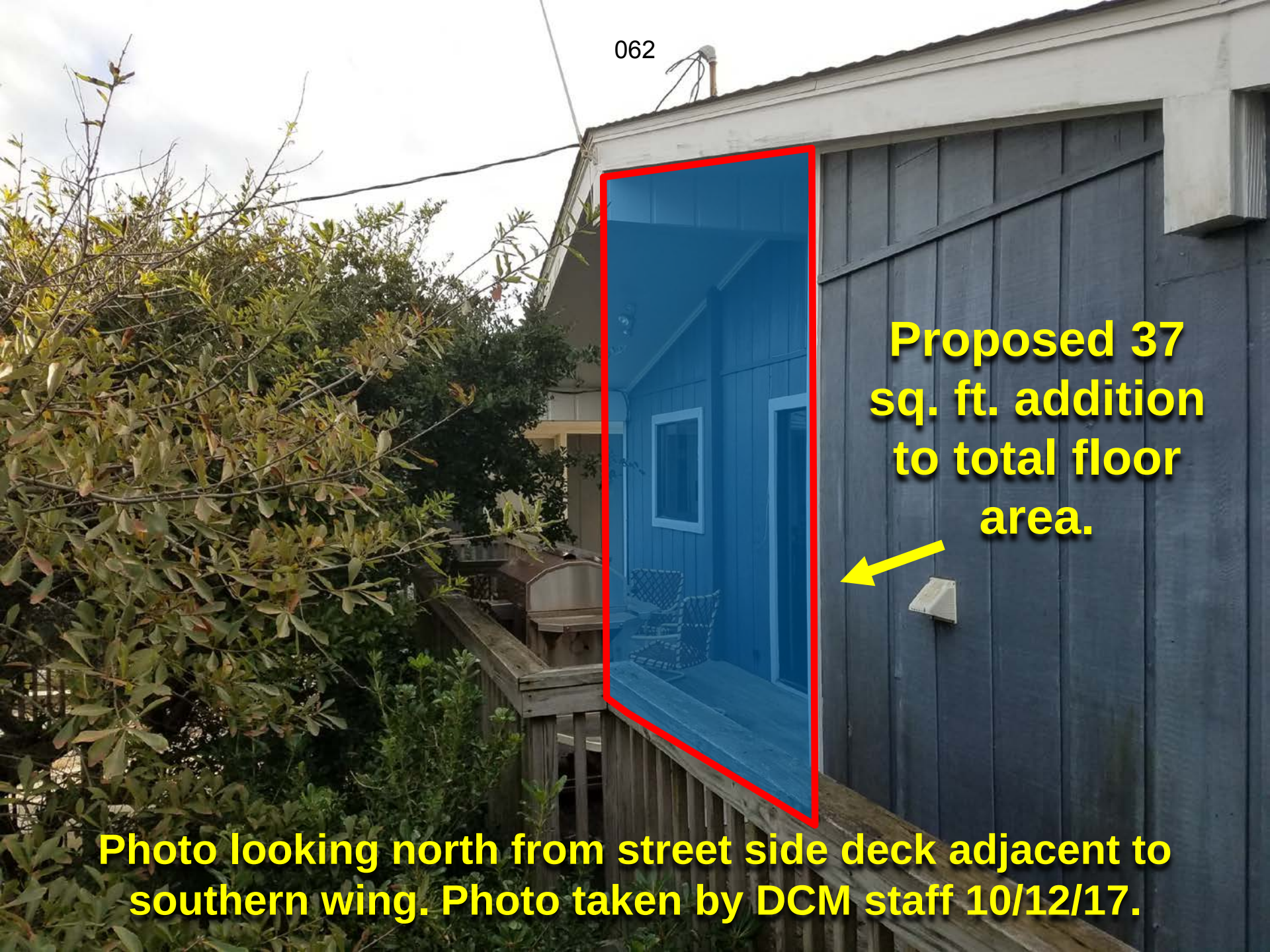
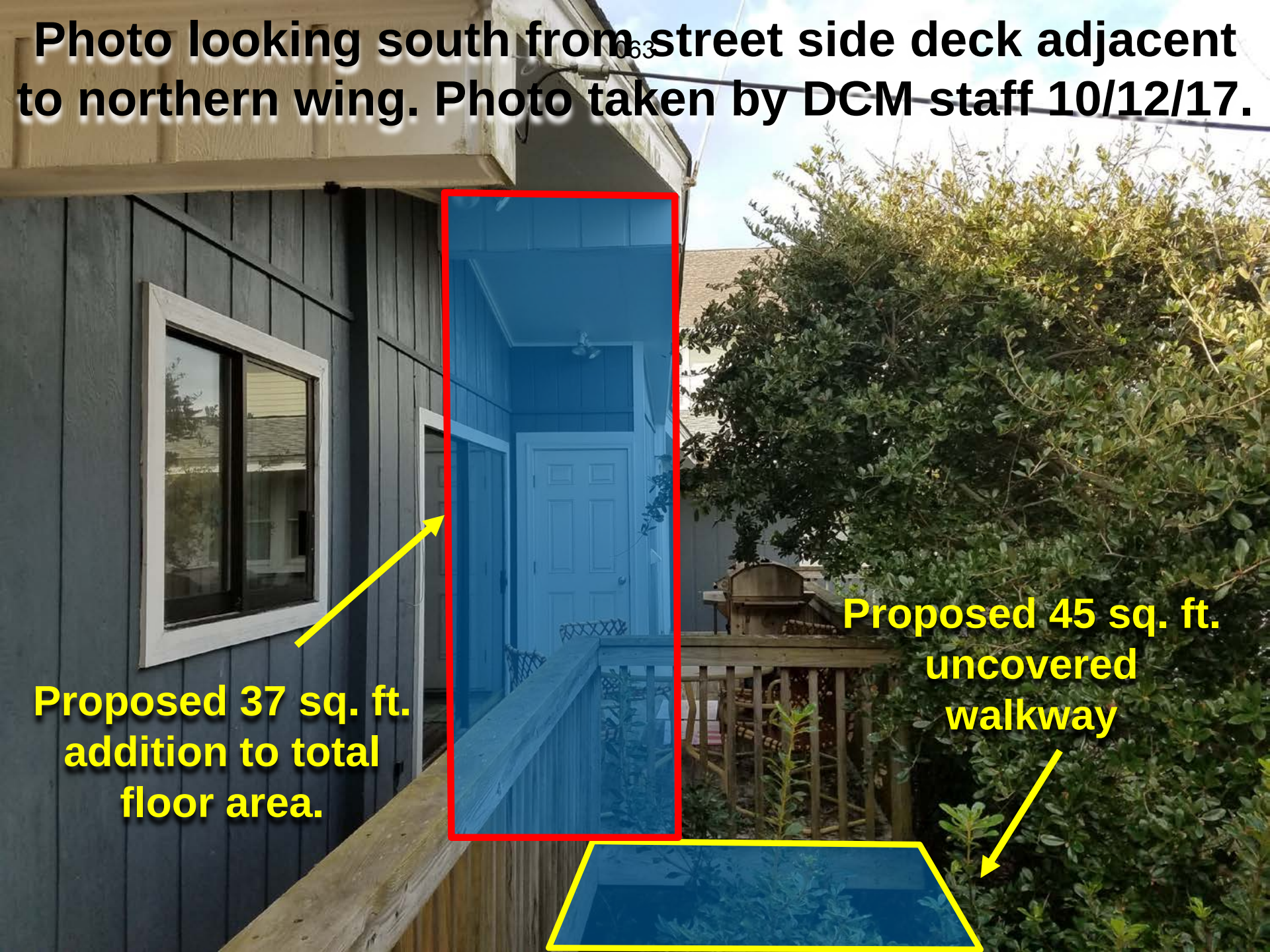


Photo looking north from street side deck adjacent to southern wing. Photo taken by DCM staff 10/12/17.

Photo looking south from street side deck adjacent to northern wing. Photo taken by DCM staff 10/12/17.



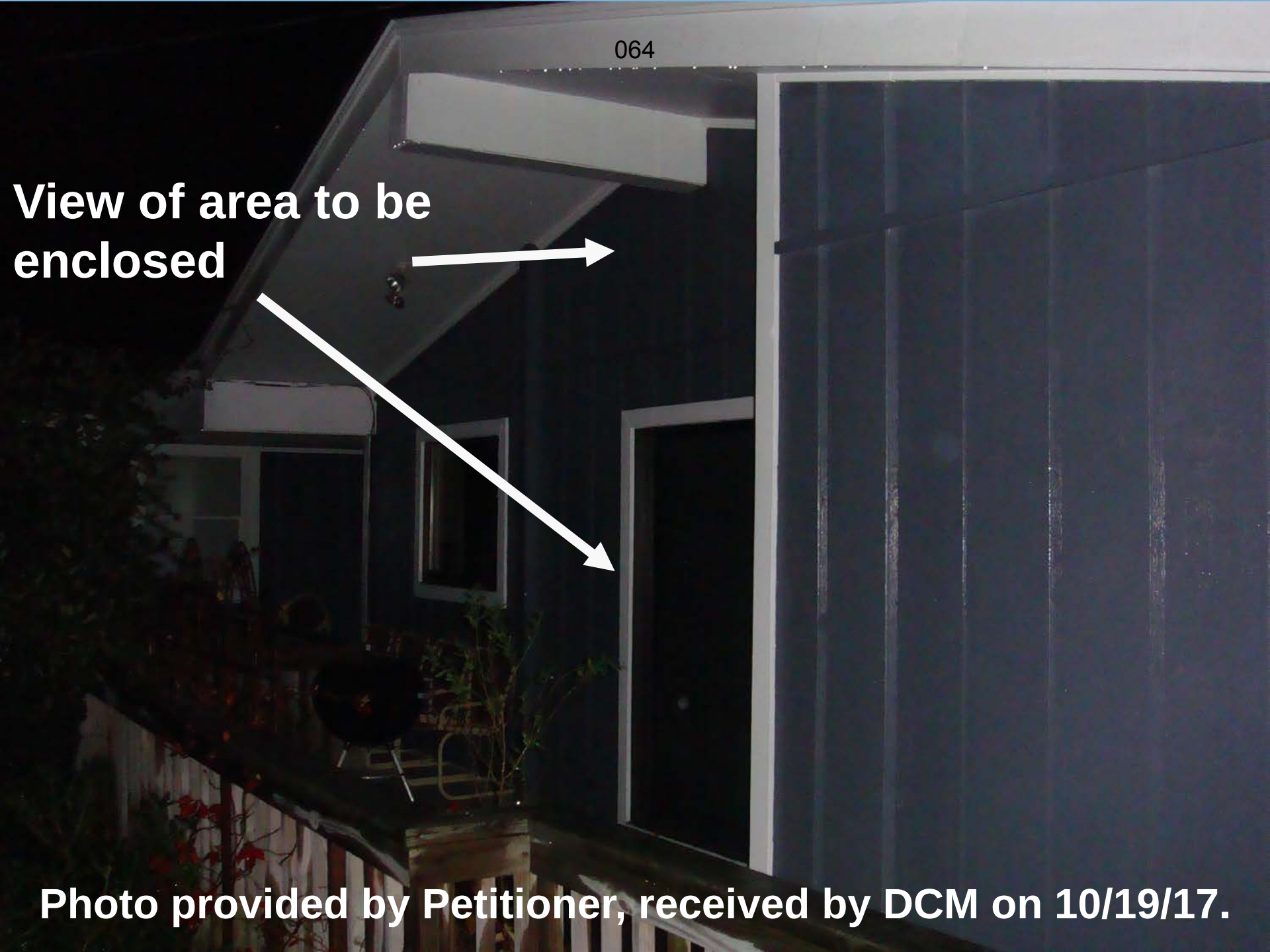


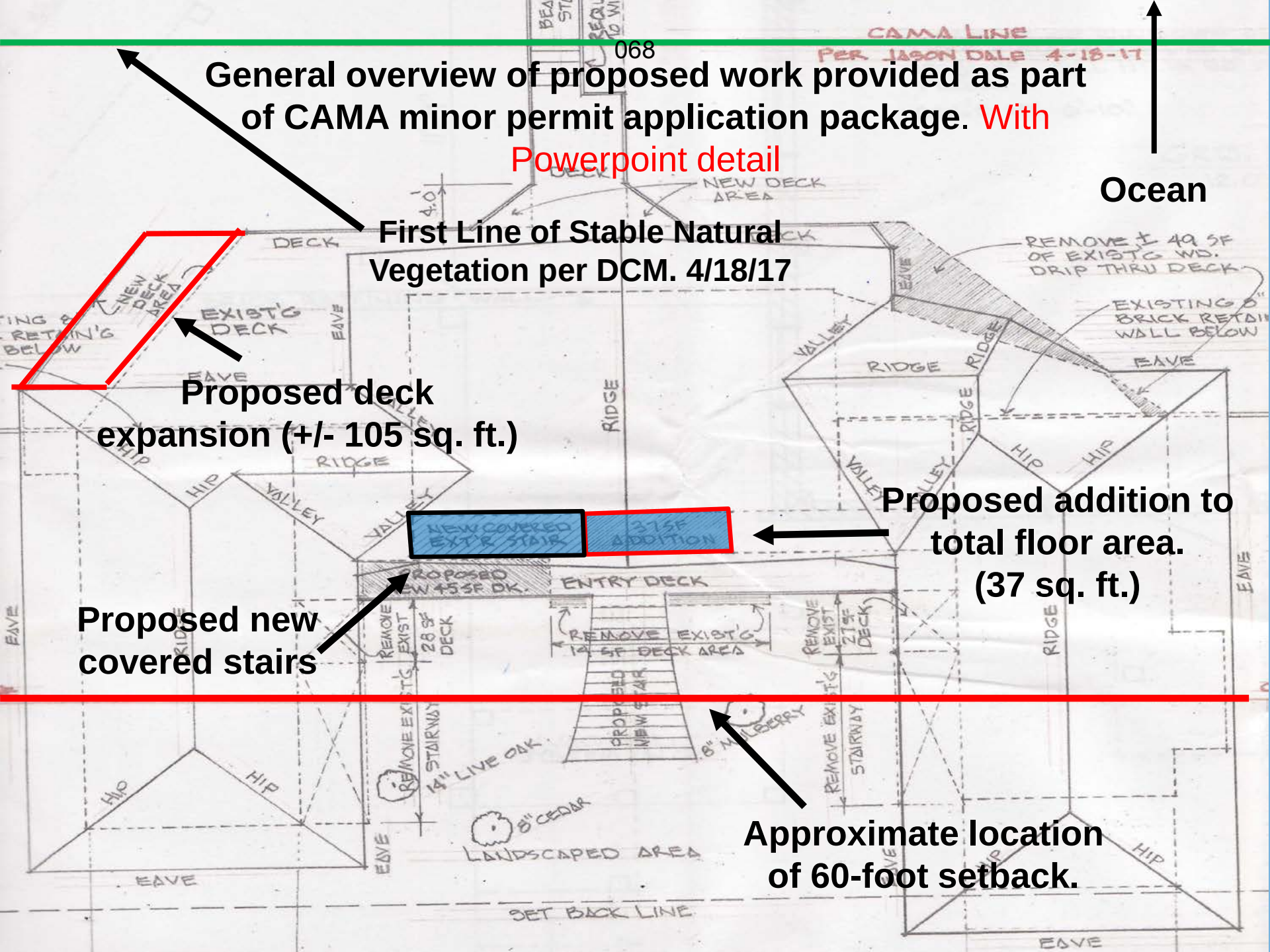
Photo provided by Petitioner, received by DCM on 10/19/17.

View looking east from S. Shore Drive showing area to be enclosed. Photo was provided by the Petitioner and received by DCM on 10/19/2017.


View looking south from existing deck showing proposed enclosure location (i.e. below drip line).
Photo provided by Petitioner and received by DCM on 10/19/2017.

View of Petitioner's property looking west from beach.

Photo provided by Petitioner, date uncertain.



General overview of proposed work provided as part of CAMA minor permit application package. With Powerpoint detail

Ocean

First Line of Stable Natural Vegetation per DCM. 4/18/17

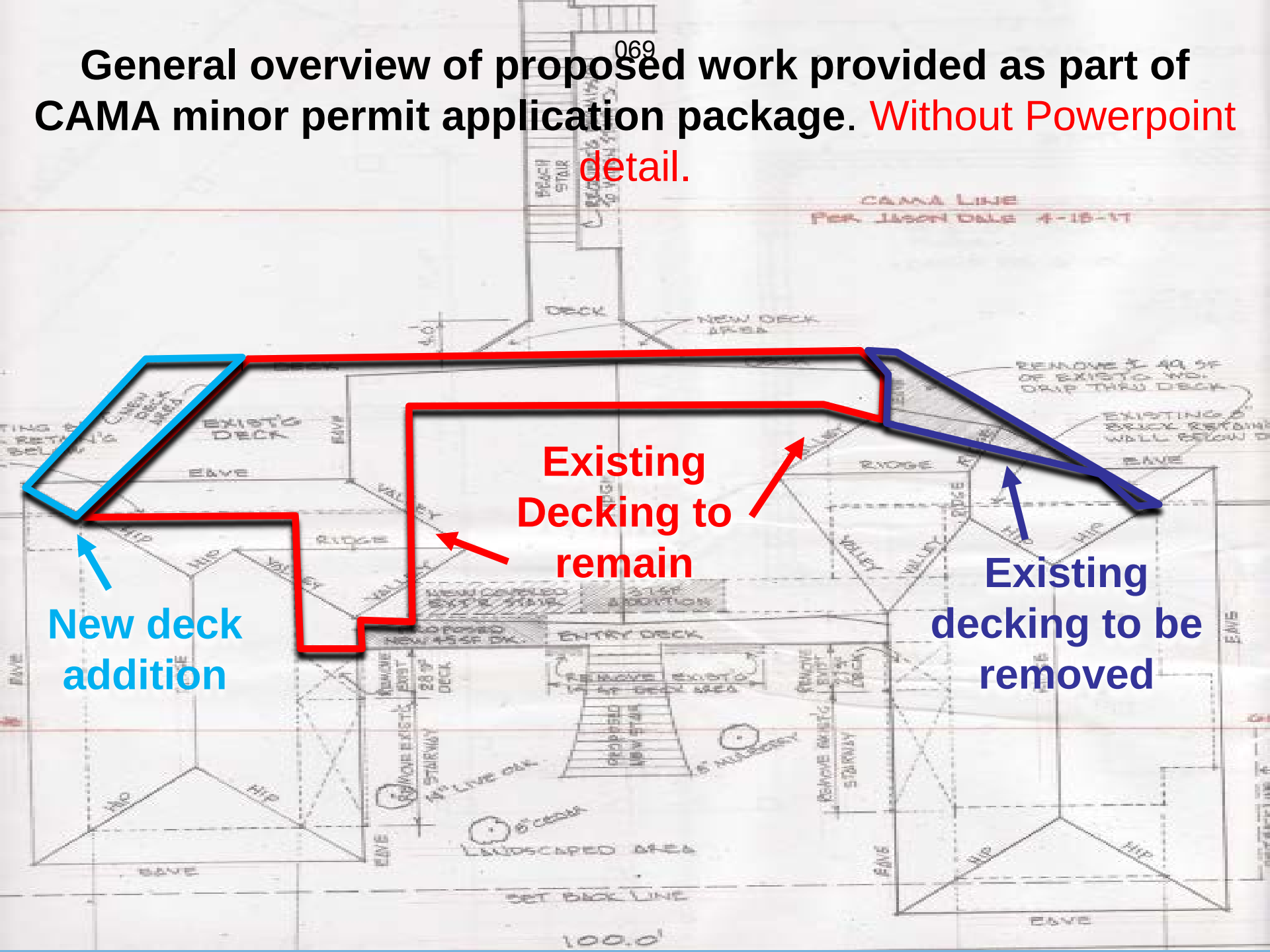
Proposed deck expansion (+/- 105 sq. ft.)

Proposed addition to total floor area. (37 sq. ft.)

Proposed new covered stairs

Approximate location of 60-foot setback.

General overview of proposed work provided as part of CAMA minor permit application package. Without Powerpoint detail.



VARIANCE CRITERIA 15A NCAC 07J.0703 (f)

-to grant a variance, the Commission must affirmatively find each of the following factors listed in G.S. 113A-120.1(a).

(A) that unnecessary hardships would result from strict application of the development rules, standards, or orders issued by the Commission;

(B) that such hardships result from conditions peculiar to the petitioner's property such as the location, size, or topography of the property;

(C) that such hardships did not result from actions taken by the petitioner; and

(D) 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.