Environmental Quality

PAT McCRORY
Governor

DONALD R. VAN DER VAART
Secretary

TO: The Coastal Resources Commission

FROM: Christine A. Goebel, Assistant General Counsel

DATE: June 28, 2016 (for the July 12-13, 2016 CRC Meeting)

RE: **Variance Request by Sidney L. Wade (CRC-VR-16-03)**

Petitioner Sidney L. Wade ("Petitioner") owns property in Sneads Ferry, Onslow County, North Carolina. The property is adjacent to an unnamed creek which is part of the New River. The property is within the Coastal Shorelines AEC, and so the first 30' landward from normal high water is subject to the Commission's 30-foot buffer rule, which limits impervious surfaces and development within the buffer. In September 2015, Petitioner applied for a CAMA minor permit to construct a larger sunroom on the waterward side of his home, where a smaller porch currently exists. On October 5, 2015, the Onslow County CAMA LPO denied Petitioner's CAMA permit application as a portion of the proposed and expanded development extended into the 30-foot buffer contrary to 15A NCAC 7H .0209(f)(10). Petitioner now seeks a variance from the 30-foot buffer rule in order to develop the sunroom on his property as proposed.

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.): Sidney L. Wade, Pro-se Petitioner, electronically
Mary Lucasse, Special Deputy AG and CRC Counsel, electronically
Sammie Rogers, Onslow County CAMA LPO, electronically

RELEVANT STATUTES OR RULES **APPENDIX A**

15A NCAC 07H .0209 COASTAL SHORELINES

(a) Description. The Coastal Shorelines category includes estuarine shorelines and public trust shorelines. Estuarine shorelines AEC are those non-ocean shorelines extending from the normal high water level or normal water level along the estuarine waters, estuaries, sounds, bays, fresh and brackish waters, and public trust areas as set forth in an agreement adopted by the Wildlife Resources Commission and the Department of Environment and Natural Resources [described in Rule .0206(a) of this Section] for a distance of 75 feet landward. For those estuarine shorelines immediately contiguous to waters classified as Outstanding Resource Waters by the Environmental Management Commission, the estuarine shoreline AEC shall extend to 575 feet landward from the normal high water level or normal water level, unless the Coastal Resources Commission establishes the boundary at a greater or lesser extent following required public hearing(s) within the affected county or counties. Public trust shorelines AEC are those non-ocean shorelines immediately contiguous to public trust areas, as defined in Rule 07H .0207(a) of this Section, located inland of the dividing line between coastal fishing waters and inland fishing waters as set forth in that agreement and extending 30 feet landward of the normal high water level or normal water level.

(b) Significance. Development within coastal shorelines influences the quality of estuarine and ocean life and is subject to the damaging processes of shore front erosion and flooding. The coastal shorelines and wetlands contained within them serve as barriers against flood damage and control erosion between the estuary and the uplands. Coastal shorelines are the intersection of the upland and aquatic elements of the estuarine and ocean system, often integrating influences from both the land and the sea in wetland areas. Some of these wetlands are among the most productive natural environments of North Carolina and they support the functions of and habitat for many valuable commercial and sport fisheries of the coastal area. Many land-based activities influence the quality and productivity of estuarine waters. Some important features of the coastal shoreline include wetlands, flood plains, bluff shorelines, mud and sand flats, forested shorelines and other important habitat areas for fish and wildlife.

(c) Management Objective. The management objective is to ensure that shoreline development is compatible with the dynamic nature of coastal shorelines as well as the values and the management objectives of the estuarine and ocean system. Other objectives are to conserve and manage the important natural features of the estuarine and ocean system 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 these shorelines so as to maximize their benefits to the estuarine and ocean system and the people of North Carolina.

(d) Use Standards. Acceptable uses shall be those consistent with the management objectives in Paragraph (c) of this Rule. These uses shall be limited to those types of development activities that will not be detrimental to the public trust rights and the biological and physical functions of the estuarine and ocean system. Every effort shall be made by the permit applicant to avoid, mitigate or reduce adverse impacts of development to estuarine and coastal systems through the planning and design of the development project. In every instance, the particular location, use, and design characteristics shall comply with the general use and specific use standards for coastal shorelines, and where applicable, the general use and specific use standards for coastal wetlands, estuarine waters, and public trust areas described in Rule .0208 of this Section. Development shall be compatible with the following standards:

(10) Within the Coastal Shorelines category (estuarine and public trust shoreline AECs), new development shall be located a distance of 30 feet landward of the normal water level or normal high water level, with the exception of the following:

***

(F) Decks/Observation Decks limited to slatted, wooden, elevated and unroofed decks that shall not singularly or collectively exceed 200 square feet;

***

(I) Where application of the buffer requirement would preclude placement of a residential structure with a footprint of 1,200 square feet or less on lots, parcels and tracts platted prior to June 1, 1999, development may be permitted within the buffer as required in Subparagraph (d)(10) of this Rule, providing the following criteria are met:

(i) Development shall minimize the impacts to the buffer and reduce runoff by limiting land disturbance to only so much as is necessary to construct and provide access to the residence and to allow installation or connection of utilities such as water and sewer; and

(ii) The residential structure development shall be located a distance landward of the normal high water or normal water level equal to 20 percent of the greatest depth of the lot. Existing structures that encroach into the applicable buffer area may be replaced or repaired consistent with the criteria set out in Rules .0201 and .0211 in Subchapter 07J of this Chapter; and

STIPULATED FACTS **ATTACHMENT B**

1. Petitioner, Sidney L. Wade, Jr. ("Petitioner"), owns property with his wife located at 205 Swan Point Rd. in Sneads Ferry, Onslow County, North Carolina (the "Site"). Mr. Wade has owned the Site since 2002 according to a deed recorded at Book 1858, Page 465 in the Onslow County Registry, a copy of which is attached as a stipulated exhibit.

2. The Site is located adjacent to a man-made tributary of the New River, which at this location is part of the Atlantic Intracoastal Waterway. At this location, the New River is classified as SA waters by the Environmental Management Commission and is open to the harvest of shellfish.

3. The Site is located within the Coastal Shorelines Area of Environmental Concern ("AEC") as it is located within 75' of an estuarine water body. Pursuant to N.C.G.S. § 113A-118, any development on the Site required a CAMA permit.

4. The lot is approximately 110' by 166' or 18,260 square feet (0.42 acres) in area, according to the site plan submitted with the CAMA minor permit application, a copy of which is attached as a stipulated exhibit. As seen on the site plan submitted with the CAMA minor permit application, approximately half of the property within the meets and bound description of Petitioner's deed is the creek and the marsh east of the creek.

5. Assuming that the creek and marsh cover 60% of the lot, this lot does not meet the Commission's definition of a "small lot" defined as 5,000 square feet or less at 15A NCAC 7H .0209(d)(10)(J).

6. The current development on the Site includes an 864 square foot single-story home built in 1949 with a 6' x 12' rear porch and a 7' by 20' covered porch facing the creek per the tax card, a copy of which is attached as a stipulated exhibit. There is also a new bulkhead along the shoreline which was constructed in 2014 pursuant to CAMA Major Permit No. 180-07, issued to Petitioner by DCM on November 29, 2007, a copy of which is attached. In connection with the bulkhead installation, a shed which can be seen in historic photos, was removed.

7. On or about September 5, 2015, Petitioner, through his authorized agent Terry Gillette, applied for a CAMA Minor Permit with the Onslow County LPO. A copy of the permit application materials is attached as a stipulated exhibit, including a site plan.

8. Petitioner's CAMA Minor Permit application proposed the replacement of the "poorly constructed" 7' by 20' screened in porch with a new 30' by 16' sunroom. The site plan indicates that the waterward corners of the proposed sunroom would be located 22'9" and 23'6" from the existing bulkhead and location of normal high water. This impervious area within the buffer is approximately 23' by 30' or 690 square feet.

9. Local setbacks applicable to the lot include a front setback of 40', side setbacks of 8' and a rear setback of 15'.

10. The existing home is serviced by a septic system. The drain field for the system is shown on the site plan as being south of the home.

11. Pursuant to the Commission's rules for minor permit applications, notice of the proposed development and CAMA minor permit application was posted on-site, and was sent to the two adjacent riparian owners, Mr. Fulcher and Ms. Lucas. Both acknowledged receiving notice and made written statements of no objection, copies of which are attached as stipulated exhibits.

12. On May 11, 2016, the Onslow County CAMA LPO denied Petitioner's CAMA Minor Permit application due to its inconsistency with the Commission's 30-foot buffer rule. While the LPO cited15A NCAC 7H .0102(e), the parties stipulate that the correct cite for the 30-foot buffer rule is 15A NCAC 7H .0209(d)(10).

13. On May 25, 2016, Petitioner submitted this variance petition seeking a variance from the Commission's 30-foot buffer rule in order to construct the porch as proposed in the application.

14. Petitioners indicate that they are willing to construct a stormwater system which conforms to the specifications in 15A NCAC 07H .0209(d)(10)(J)(4).

15. Without a variance from the Commission, Petitioner could redevelop within the footprint of the existing covered porch pursuant to 15A NCAC 07H.0209(d)(10)(H), could build an addition approximately 9' deep which does not intrude into the buffer, or could construct an open slatted wooden deck up to 200 square feet within the 30-foot buffer.

16. In this matter, the Division of Coastal Management is represented by Christine Goebel, Assistant General Counsel for DEQ. The Petitioner is representing himself.

Stipulated Exhibits:

1. 2002 Deed to Petitioner recorded at 1858/465
2. Onslow County Property tax card
3. CAMA minor permit application materials, including site plan
4. No objection letters from adjacent riparian neighbors
5. May 11, 2016 denial letter
6. CAMA Major Permit No. 180-07 for bulkhead
7. Powerpoint presentation with aerial and ground level site photos

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.

The 30ft rule poses a tremendous problem with the building of our sunroom. Our existing house is approximately 888 sq. ft. In order to accommodate comfortable living conditions it is imperative that we have at least a 30' by 16' addition. Without it we have no dining area. We only have 2 bedrooms which already leaves us with cramped quarters for any visiting family and friends. We hoped to at least acquire space for a table and chairs and extra seating and sleeping accommodations (example: a sleeper sofa). This has been our dream to make this our permanent retirement home where we would like guests to feel comfortable. We have already put in a $40,000 seawall. We have invested in siding, replacement windows, metal roofing and electrical upgrades. With a house that we bought for the magnificent view, without the sunroom, we cannot even view the water.

Staff's Position: No.

Staff disagrees that Petitioner will suffer an unnecessary hardship from strict application of the Commission's 30-foot buffer rule to Petitioner's property. Staff acknowledges that finding space on the lot to accommodate an addition is limited because of the location of the existing structure, the existing septic field, the 30-foot buffer, and local setbacks. However, Staff notes that Petitioner purchased the lot in 2002, after the buffer rule was in place. Petitioner could modify his plans for an addition that would not require a buffer variance, as outlined in Stipulated Fact 15. Accordingly, Staff believe that the strict application of the 30-foot buffer rule would not cause Petitioner an unnecessary hardship.

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

Petitioner's Position: Yes.

Our lot is limited in space due to a considerable amount of it actually being in the water. We have no room to expand on the sides or street side of the house because of the septic tank and proximity to the street.

Staff's Position: No.

Staff doesn't believe any hardships alleged by Petitioner result from conditions peculiar to the property, such as location, size or topography. While part of the platted lot area is submerged creek and marsh, it has been so since Petitioner purchased the property in 2002 and so there would not have been any expectation to build on it. Staff agrees that the local setbacks, septic field placement, and the 30-foot buffer constrain the building envelope on this lot, but the upland portion of the lot still exceeds the definition of a "small lot" defined by the Commission's rules, as noted in Stipulated Fact 5. In addition, Petitioner could expand on each side of the home instead of into the buffer. Therefore, Staff concludes that there are no physical characteristics of the property which causes any alleged hardship.

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

Petitioner's Position: No.

By no action of petitioners do we contribute to this dilemma. The house was on the lot as it now exists with the poorly constructed sun porch when we purchased it. The porch cannot be repaired.

Staff's Position: Yes.

Petitioner took title to this property in 2002 after the 30-foot buffer rules were in place as well as the existing structure size and layout/design. While Petitioner's proposed development is modest in size, it is Petitioner's design choice which fails to account for the 30-foot buffer limitations. Accordingly, any hardship alleged by Petitioner is a result of its design choice of layout for the proposed sunroom within the buffer.

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.

Petitioner's Position: Yes.

Construction of said sun porch will be built to N.C. coastal building codes in compliance with all requirements for construction in order to protect our environment. We have researched our marsh area and it is not considered a hatchery. We are prepared if needed to provide for any water run off to be carried underground and distributed into a one ton water filtration bed that would keep it away from the 30ft buffer. We will do everything possible to ensure that our coastal waters are protected.

Staff's Position: No.

Staff does not believe that the variance requested by Petitioner is consistent with the spirit, purpose, and intent of the Commission's buffer rule, because Petitioner is able to put an addition on the existing house with minor design changes and without intruding into the buffer, as outlined in Stipulated Fact 15. Such alternative buffer-avoiding designs could be permitted. While the square foot area of the structure proposed by Petitioner to be enlarged beyond the existing porch footprint is relatively small, the fact that the same square footage can be designed to avoid the buffer is not in the spirit of protecting the buffer, which is intended to conserve and manage the important natural features of the estuarine and ocean system so as to safeguard and perpetuate their biological, social, aesthetic, and economic value. Additionally, it would not preserve public safety and welfare to have additional impervious surface and structures in the buffer without addressing the additional stormwater and impacts to the buffer. Substantial Justice will be preserved by requiring Petitioner to design around the buffer.

****

As requested by the Commission in the past for buffer variances, Staff includes the stormwater management-related conditions which have been placed on some prior variances issued by the Commission below.

(1) The permittee shall obtain a stormwater management plan meeting the requirements of 15A NCAC 7H .0209(d)(10)(J)(iv), which requires that the first one and one-half inches of rainfall from all impervious surfaces on the lot shall be collected and contained on-site in accordance with the design standards for stormwater management for coastal counties as specified in 15A NCAC 02H .1005. The stormwater management system shall be designed and certified by an individual who meets applicable State occupational licensing requirements for the type of system proposed, and approved by the appropriate governmental authority during the permit application process.

(2) Prior to occupancy and use of the sunroom addition and the issuance of a final Certificate of Occupancy (CO) by the local permitting authority, the permittee shall provide a certification from the design professional that the stormwater system has been inspected and installed in accordance with this permit, the approved plans and specification and other supporting documentation.

(3) The permittee shall provide for the operation and maintenance necessary to insure that the engineered stormwater management system functions at optimum efficiency and within the design specifications for the life of the project.

(4) The permittee shall insure that the obligation for operation and maintenance of the stormwater management system becomes a permanent obligation of future property owners.

ATTACHMENT D:

PETITIONERS' VARIANCE REQUEST MATERIALS

CAMA VARIANCE REQUEST

Sidney L Wade, Jr.

205 Swan Point Rd.

Snead's Ferry, N.C. 28460

RECEIVED

MAY 25 2016

DCM- MHD CITY

May 17,2016

Director

Division of Coastal Management

400 Commerce Avenue

Morehead City, N.C. 28557

To Whom It May Concern,

This is a CAMA VARIANCE REQUEST FORM in response to a denial from the Onslow County Planning & Development Department. We are asking for a variance to construct a sun porch in place of a poorly constructed screened-in porch on our house. Thank you for your consideration to this matter.

Sincerely,

Sidney L. Wade, Jr.

Sidney L Wade Jr

VARIANCE CRITERIA

(a) The 30ft rule poses a tremendous problem with the building of our sunroom. Our existing house is approximately 888 sq ft. In order to accommodate comfortable living conditions it is imperative that we have at least a 30' x 16' addition. Without it we have no dining area. We only have 2 bedrooms which already leaves us with cramped quarters for any visiting family and friends. We hoped to at least acquire space for a table and chairs and extra seating and sleeping accommodations (example: a sleeper sofa). This has been our dream to make this our permanent retirement home where we would like guests to feel comfortable. We have already put in a $40,000 seawall. We have invested in siding, replacement windows, metal roofing and electrical upgrades. With a house that we bought for the magnificent view, without the sunroom, we cannot even view the water.

(b) Our lot is limited in space due to a considerable amount of it actually being in the water. We have no room to expand on the sides or street side of the house because of the septic tank and proximity to the street.

(c) By no action of petitioners do we contribute to this dilemma. The house was on the lot as it now exists with the poorly constructed sun porch when we purchased it. The porch cannot be repaired.

(d) Construction of said sun porch will be built to N.C. coastal building codes in compliance with all requirements for construction in order to protect our environment. We have researched our marsh area and it is not considered a hatchery. We are familiar with the N.C. Coast *A*Syst stormwater management for coastal homeowners. We are prepared if needed to provide for any water run off to be carried underground and distributed into a one ton water filtration bed that would keep it away from the 30ft buffer. We will do everything possible to ensure that our coastal waters are protected.

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

Sidney L. Wade Jr.	5/17/16
Signature of Petitioner or Attorney	Date
Sidney L. Wade Jr.	Swade2154@embarqmail.com
Printed Name of Petitioner or Attorney	Email address of Petitioner or Attorney
2234 Robinson Rd.	(252) 560-9643
Mailing Address	Telephone Number of Petitioner or Attorney
Kinston NC 28504	(252) 527-8107
City State Zip	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: February 2011

(1)

May 17 , 2016

Environmental Division

9001 Mail Service Center

Raleigh, N.C. 27699-9001

To Whom It May Concern,

This is a CAMA VARIANCE REQUEST FORM in response to a denial from the Onslow County Planning & Development Department. We are asking for a variance to construct a sun porch in place of a poorly constructed screened-in porch on our house. Thank you for your consideration in this matter.

Sincerely, Sidney Wade

Sidney L. Wade, Jr.

stipulated facts

I Sidney Wade stipulates that

(1) I agree with NCGS 113A-120.

(2) There is no other recourse to improve except for Variance requested.

(3) We do lye in the 30 ft Buffer but have stated our resolve to carry all water run off back beyond 30' ft buffer.

(4) This is our dream home not 2nd home we plan to move after work is completed

(5) Most of land is in MARSH. Cannot Build either side because of Septic Tank and Lines. We will only have 2 bedrooms so less input on septic system

(6) The little Variance will help for a sofa bed for grand Children

(2)

May 17 , 2016

I thought this was stipulation we sent first

VARIANCE CRITERIA

(a) The 30ft rule poses a tremendous problem with the building of our sunroom. Our existing house is approximately 888 sq ft. In order to accommodate comfortable living conditions it is imperative that we have at least a 30' x 16' addition. Without it we have no dining area. We only have 2 bedrooms which already leaves us with cramped quarters for any visiting family and friends. We hoped to at least acquire space for a table and chairs and extra seating and sleeping accommodations (example: a sleeper sofa). This has been our dream to make this our permanent retirement home where we would like guests to feel comfortable. We have already put in a $40,000 seawall. We have invested in siding, replacement windows, metal roofing and electrical upgrades. With a house that we bought for the magnificent view, without the sunroom, we cannot even view the water.

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(c) By no action of petitioners do we contribute to this dilemma. The house was on the lot as it now exists with the poorly constructed sun porch when we purchased it. The porch cannot be repaired.

(d) Construction of said sun porch will be built to N.C. coastal building codes in compliance with all requirements for construction in order to protect our environment. We have researched our marsh area and it is not considered a hatchery. We are familiar with the N.C. Coast *A*Syst stormwater management for coastal homeowners. We are prepared if needed to provide for any water run off to be carried underground and distributed into a one ton water filtration bed that would keep it away from the 30ft buffer. We will do everything possible to ensure that our coastal waters are protected.

e property purchased 2002
& I agree with denial

Sidney Wade

ATTACHMENT E:

STIPULATED EXHIBITS INCLUDING POWERPOINT

BOOK 1858 PAGE 465

23
FOP

2002 JUN 13 PM 2:46

ONSLOW COUNTY
10

06/13/2002
$100.00

STATE OF NORTH CAROLINA

Real Estate
Excise Tax

Excise Tax $ 100.00

THIS DOCUMENT PRESENTED TO
THE ONSLOW COUNTY TAX OFFICE
DATE 6-13-02 CLERK KW
Recording Time, Book and Page

Tax Lot No. ..... Parcel Identifier No. 778A 3

Verified by ..... County on the ..... day of .....,.....

by .....

Mail after recording to Fuss and Fairley, Attorneys, Post Office Box 2550, Surf City, NC 28445

This instrument was prepared by Fuss and Fairley, Attorneys, Post Office Box 2550, Surf City, NC 28445

Brief description for the Index

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 13th day of June, 2002, by and between

GRANTOR	GRANTEE
John Wilkins and wife, Carolyn Wilkins Jesse Ray Wilkins and wife, Linda D. Wilkins 2439 Redwood Road Durham, NC 27704	Sidney Wade and wife, Charlene Wade 2234 Robinson Road Kinston, NC 28504

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

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 the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Sneads Ferry, ... Township, Onslow County, North Carolina and more particularly described as follows:

Please see Exhibit "A" attached hereto and incorporated herein by reference.

The property hereinabove described was acquired by Grantor by instrument recorded in 02 E 202

A map showing the above described property is recorded in Plat Book ..... page .....

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.
Title to the property hereinabove described is subject to the following exceptions:
-2002 Onslow County Ad Valorem taxes
-Restrictions of record
-Utility easements of record

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

(Corporate Name)

By: ---

---**President**

ATTEST:

---**Secretary (Corporate Seal)**

USE BLACK INK ONLY

John Wilkins ---**(SEAL)**

Carolyn Wilkins ---**(SEAL)**

Jesse Ray Wilkins ---**(SEAL)**

Linda D. Wilkins ---**(SEAL)**

---**(SEAL)**

(Corporate Name)

By: ---

---**President**

ATTEST:

---**Secretary (Corporate Seal)**

USE BLACK INK ONLY

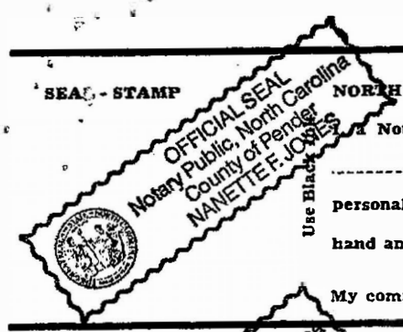
---**(SEAL)**

---**(SEAL)**

---**(SEAL)**

---**(SEAL)**

SEAL - STAMP



Use Black Ink

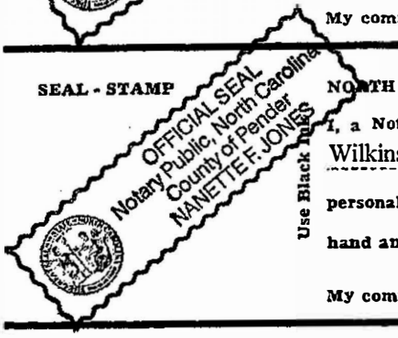
NORTH CAROLINA, Pender County.

I, a Notary Public of the County and State aforesaid, certify that John Wilkins and wife, Carolyn Wilkins Grantor,

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 13 day of June 2002

My commission expires: 08/03/2003 Nanette F. Jones Notary Public

SEAL - STAMP



Use Black Ink

NORTH CAROLINA, Pender County.

I, a Notary Public of the County and State aforesaid, certify that Jesse Ray Wilkins and wife, Linda D. Wilkins Grantor,

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 13 day of June 2002.

My commission expires: 08/03/2003 Nanette F. Jones Notary Public

SEAL - STAMP

Use Black Ink

NORTH CAROLINA, _____ County.

I, a Notary Public of the County and State aforesaid, certify that _____ Grantor,

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this _____ day of _____,_____.

My commission expires: _____ _____ Notary Public

SEAL - STAMP

Use Black Ink

NORTH CAROLINA, _____ County.

I, a Notary Public of the County and State aforesaid, certify that _____ Grantor,

RECEIVED
MAY 25 2016
DCM-MHD CITY

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this _____ day of _____,_____.

My commission expires: _____ _____ Notary Public

SEAL - STAMP

Use Black Ink

NORTH CAROLINA, _____ County.

I, a Notary Public of the County and State aforesaid, certify that _____,

personally came before me this day and acknowledged that ____ he is _____ Secretary of _____ a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its _____ President, sealed with its corporate seal and attested by _____ as its _____ Secretary.

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

My commission expires: _____ _____ Notary Public

SEAL - STAMP

Use Black Ink

NORTH CAROLINA, _____ County.

I, a Notary Public of the County and State aforesaid, certify that _____,

personally came before me this day and acknowledged that ____ he is _____ Secretary of _____ a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its _____ President, sealed with its corporate seal and attested by _____ as its _____ Secretary.

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

My commission expires: _____ _____ Notary Public

The foregoing Certificate(s) of Nanette F. Jones

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

Mildred M. Thomas REGISTER OF DEEDS FOR Onslow COUNTY

By _____ Deputy/Assistant-Register of Deeds.

Exhibit "A"

BEGINNING at an iron stake in the eastern right of way of State Road 1523 (Known as the Swanney Point Road), at Mary Fulcher's new corner, said iron stake being located north 74 degrees 35 minutes east 30.26 feet from a point in the center line of State Road 1523, said point in the center line being 547 feet from a 24-inch culvert when measured along the center line of State Road 1523 in a southwardly direction and said culvert being located approximately 0.4 miles southwardly from North Carolina State Road 1515; thence from the described beginning and with Mary Fulcher's new line north 74 degrees 35 minutes east 166.17 feet to an iron stake in the edge of marsh land; thence with the edge of marsh land south 22 degrees 59 minutes east 110.08 feet to an iron stake Joe Lucas northeast corner; thence with Lucas' line south 74 degrees 34 minutes west 165.78 feet to an iron stake in the aforementioned eastern right of way of North Carolina State Road 1523; thence with said right of way north 23 degrees 13 minutes west 110.00 feet to the point of beginning, containing 0.42 acres.

WARNING: THIS IS NOT A SURVEY

Parcel Information

Map #:	778A-3	**Assessed Value:**	$152,810.00
PARID:	028787	**Total Taxable Value:**	$152,810.00
NC PIN:	429914236346	**Building Value:**	$37,410.00
Owner Name:	WADE SIDNEY & CHARLENE	**Land Value:**	$115,400.00
Property Address:	205 SWAN POINT RD	**Heated Living Sq Ft:**	864.00
Property Description:	SR 1523	**Year Built:**	1949.00
Subdivision:	NO SUBDIVISION RECORDED	**Adjusted Acres:**	0.42000000
Neighborhood Code:	3146	**Legal Acres:**	0.42
City Limit:	UNINCORPORATED ONSLOW	**Improvement Code:**	D
Township:	STUMP SOUND	**Book:**	1858
Mailing Address:	2234 ROBINSON RD	**Page:**	465
Mailing City, State, Zip:	KINSTON NC 28504	**Deed Date:**	13-JUN-02
Sale Code:	00	**Deed Stamp Amount:**	50000.00
Number of Bedrooms	3.00	**Plat Book & Plat Page:**	NO-SUBDIV

Onslow County
Geographic Information Systems
(GIS)
39 Tallman Street
Jacksonville, NC 28540

Profile
Sales
Residential
Commercial
OBY
Permits
Land
Sketch
Full Legal
Agricultural
Photos
Values
Onslow County GIS

Parcel ID: 028787 | **Map #: 778A-3** | **Tax Year: 2016**
Luc: Waterfront ICW | **Class: Dwelling** | **NBHD: LEWIS ACRES/SWAN POINT RD**
WADE SIDNEY & CHARLENE | **205 SWAN POINT RD**

1 of 1

Actions
Printable Summary
Printable Version

Reports
Property Record Card
Go

Parcel

Parcel	028787
Tax Year	2016
Property Addess	205 SWAN POINT RD
Unit Desc	
Unit #	
NBHD	3146 - LEWIS ACRES/SWAN POINT RD
Class	Dwelling
Land Use Code	11 - Waterfront ICW
Living Units	
Mapping Acres	.42
CAMA Acres	.42
Location	
Fronting	
Zoning	R-8M-R-8M
Map #	778A-3
PIN Number	429914236346
Total Cards	1
Record Type	R

Legal

Legal Description	SR 1523
Township	114 - STUMP SOUND
City Code	00 - UNINCORPORATED ONSLOW
Jurisdiction	1400 - STUMP SOUND UNINCORPORATED
Plat Book-Page/Subd #	NO-SUBDIV

Owner Details

Owner 1	WADE SIDNEY & CHARLENE
Owner 2	
Customer ID	111524000
% Ownership	100
Nature of Ownership	-
Address	2234 ROBINSON RD KINSTON, NC 28504

Owner Mailing

Owner 1	WADE SIDNEY & CHARLENE

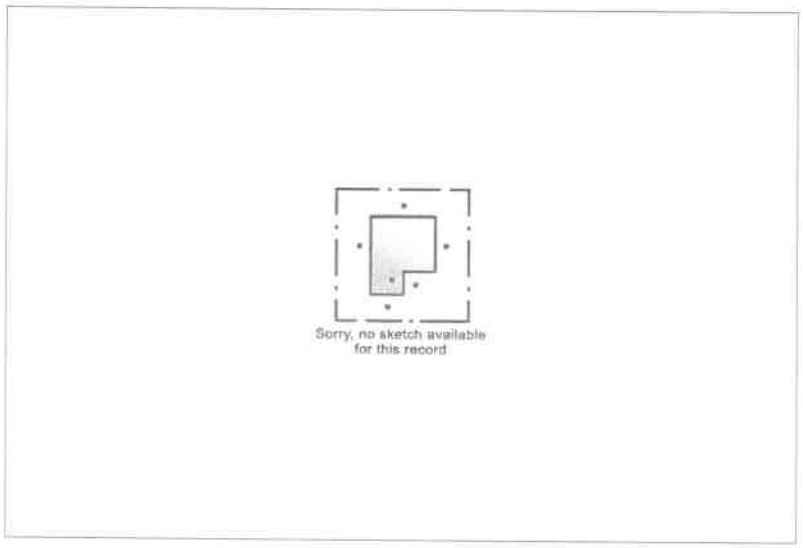
Owner 2
Mailing Address

2234 ROBINSON RD

KINSTON NC 28504

Public Comments

Line #	Dept	Comment
1	CONV	SHED IS PP N/V



Locality ONSLOW Permit Number LCP2015-00015

GENERAL INFORMATION

LAND OWNER

Name Sidney L. Wade Jr. swade2154@embarqmail.com

Address 2234 Robinson Road

City Kinston State NC Zip 28504 Phone 252-560-9643
FAX 252-527-8107

AUTHORIZED AGENT

Name Terry Gillette

Address 388 John Green Smith Road

City Kinston State NC Zip 28504 Phone 252-361-0781

LOCATION OF PROJECT 205 Swan Point Road
Sneads Ferry, NC

(If not oceanfront, is waterbody natural or manmade?) _____

DESCRIPTION OF PROJECT Replace poorly constructed screen porch with new sunroom porch

AREAS OF ENVIRONMENTAL CONCERN (AEC) CLASSIFICATION

(To be filled in by the Local Permit Officer prior to completing application.)

____ Ocean Hazard X Estuarine Shoreline ____ ORW Shoreline ____ Other

PROPOSED USE

X Residential ____ Commercial/Industrial ____ Other ____

SIZE OF BUILDING IN SQUARE FEET 895 sf

Size of other impervious or built upon surfaces (such as driveways, etc.) within 75 feet of the shoreline (575 feet of an ORW shoreline) _____

SIZE OF SITE IN SQUARE FEET ~ 10,830 sf

OTHER PERMITS MAY BE REQUIRED . . .

The activity which you are planning may require permits other than the CAMA minor permit you are applying for here. As a service we have complied a listing of the kinds of permits which might be required. We suggest that you check over this list with your Local Permit Officer to determine which, if any, of these may apply to your project. This is not a requirement of CAMA, only a suggestion to help you complete your project as quickly as possible.

Zoning, Drinking Water Well, Septic Tank (or other sanitary waste treatment system), Burning, Electrical, Plumbing, Heating and Air Conditioning, Insulation and Energy Conservation, FIA Certification, Sand Dune, Sediment Control, Subdivision Approval, Mobile Home Park Approval, Highway Connection, Others:

STATEMENT OF OWNERSHIP

I, the undersigned, an applicant for a CAMA minor development permit, begin either the owner of property in an area of environmental concern 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 follows: (check one)

X an owner of record title, Title is vested in Sidney Lawson Wade Jr & wife Charlene Wade, see Deed Book 1858, page 465 in the Onslow 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 contact or lease, explain below or use a separate sheet and attach to this application.

_____

_____

_____

NOTIFICATION OF ADJACENT 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) William Dale Fulcher, 201 Swan Point Road, Sneads Ferry, NC

(2) Minnie F. Lucas, 213 Swan Point Road, Sneads Ferry, NC

(3) _____

(4) _____

FOR DEVELOPERS IN OCEAN HAZARD AND ESTUARINE HAZARD AREAS:

I 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.

PERMISSION TO ENTER ON LAND

I furthermore certify that I am authorized to grant and do in fact grant permission to the local permit officer and his agents to enter on the aforementioned lands in connection with evaluating information related to this permit application.

This application includes: general information (this form), a site drawing as described on the back of this application, the ownership statement, the AEC hazard notice where necessary, a check for $50.00 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 a permit is subject to civil, criminal and administrative action.

This the 29 day of September, ~~19~~ 2015

Terry Gillette

Land owner or person authorized to act as his agent for purposes of filing a CAMA permit application.

NCDENR

North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

John E. Skvarla, III
Secretary

N.C. Division of Coastal Management

AGENT AUTHORIZATION FORM

Date: 10/5/15

Name of **Property Owner** Applying for Permit:

Sidney L. Wade, Jr.

Owner's ***Mailing*** Address:

2234 Robinson Road,

Kinston, NC 28504

Email: swade2154@embarqmail.com

Phone (252) 560-9643

Name of **Authorized Agent** for this project:

Terry Gillette

Agent's ***Mailing*** Address:

388 John Green Smith Road,

Kinston, NC 28504

Email: gilletteterry@gmail.com

Phone (252) 361-0781

I certify that I have authorized the agent listed above to act on my behalf, for the purpose of applying for, and obtaining all CAMA Permits necessary to install or construct the following (activity):

To replace poorly constructed back screen porch with new sunroom porch.

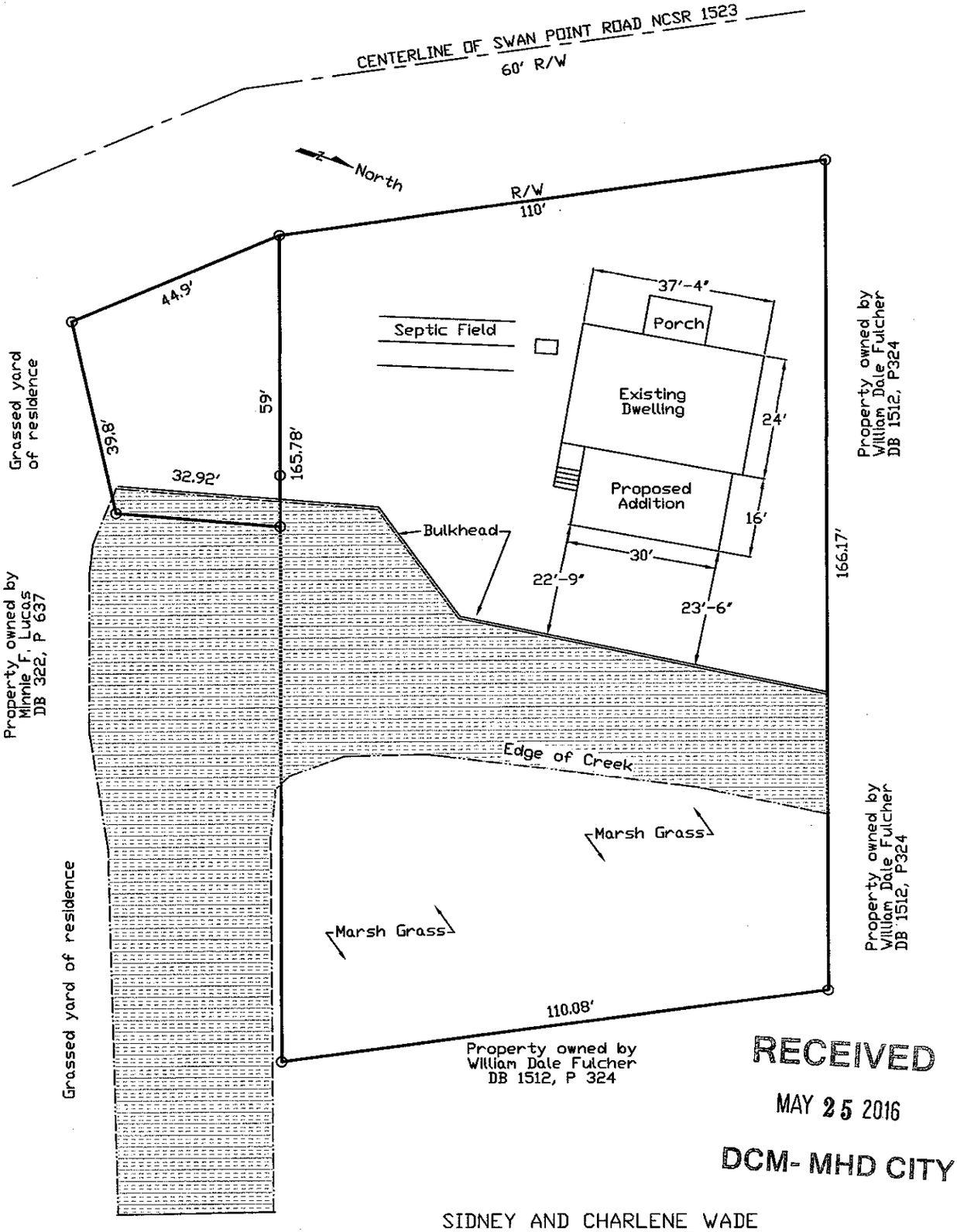
For my property located at 205 Swan Point Road,
Sneads Ferry, NC 28460

This certification is valid 1 year from (date) _____

Sidney L. Wade Jr. — **Property Owner Signature**

10/6/15 — **Date**

400 Commerce Ave., Morehead City, NC 28557
Phone: 252-808-2808 Fax: 252-247-3330 Internet: www.nccoastalmanagement.net



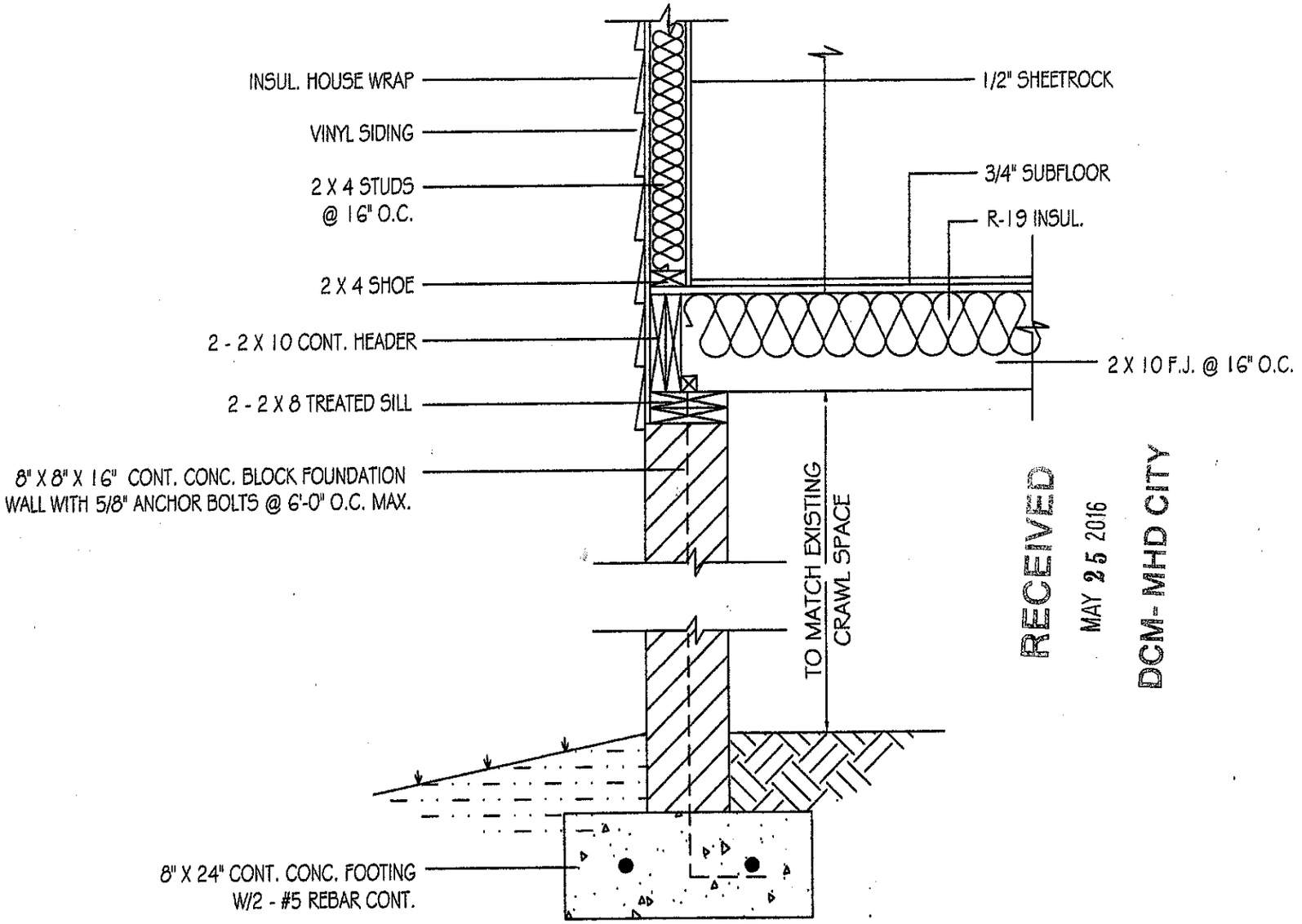
RECEIVED

MAY 25 2016

DCM- MHD CITY

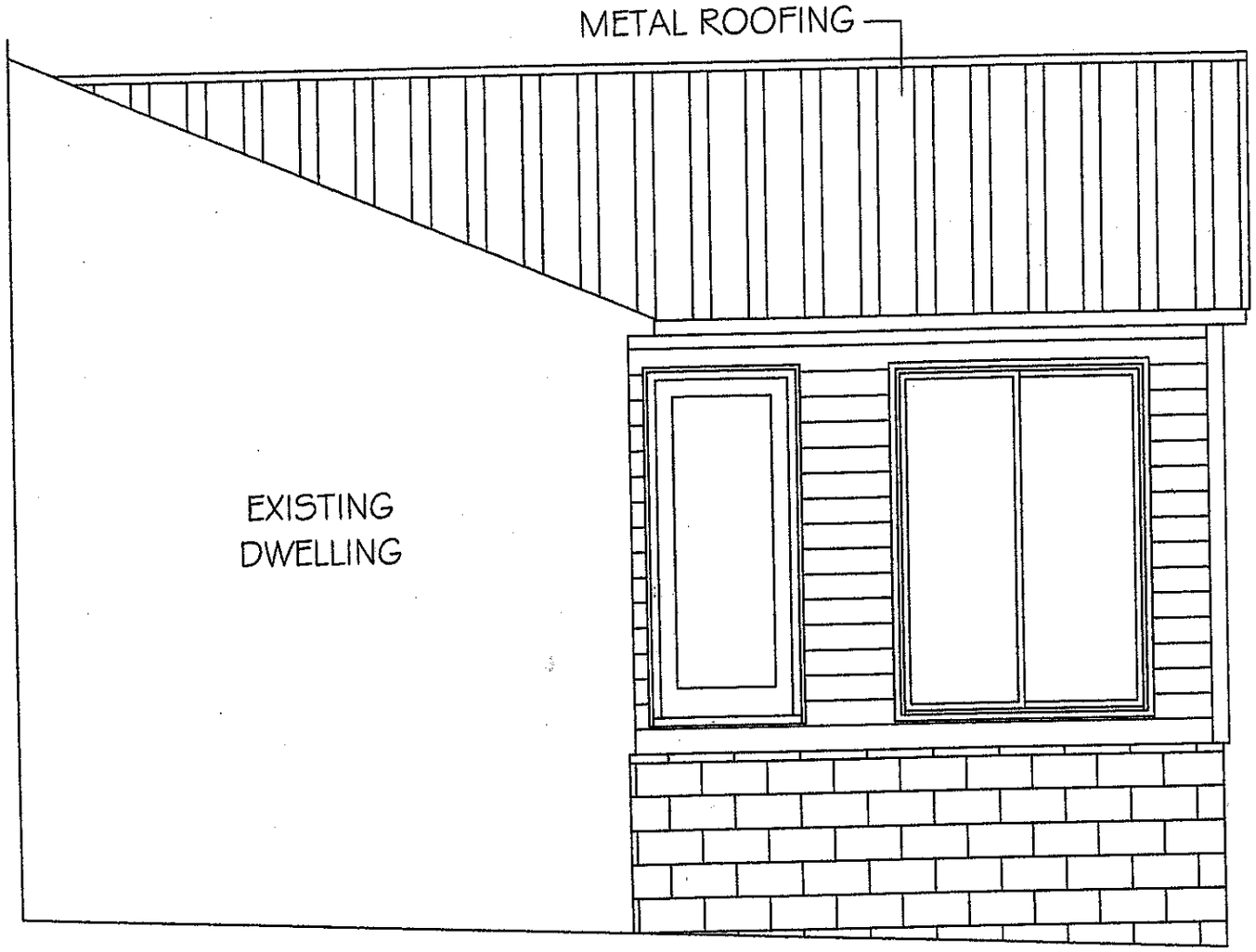
SIDNEY AND CHARLENE WADE
205 SWAN POINT ROAD,
SNEADS FERRY NC

Scale: N/A Date: 7/27/2015 Page 1 of 1



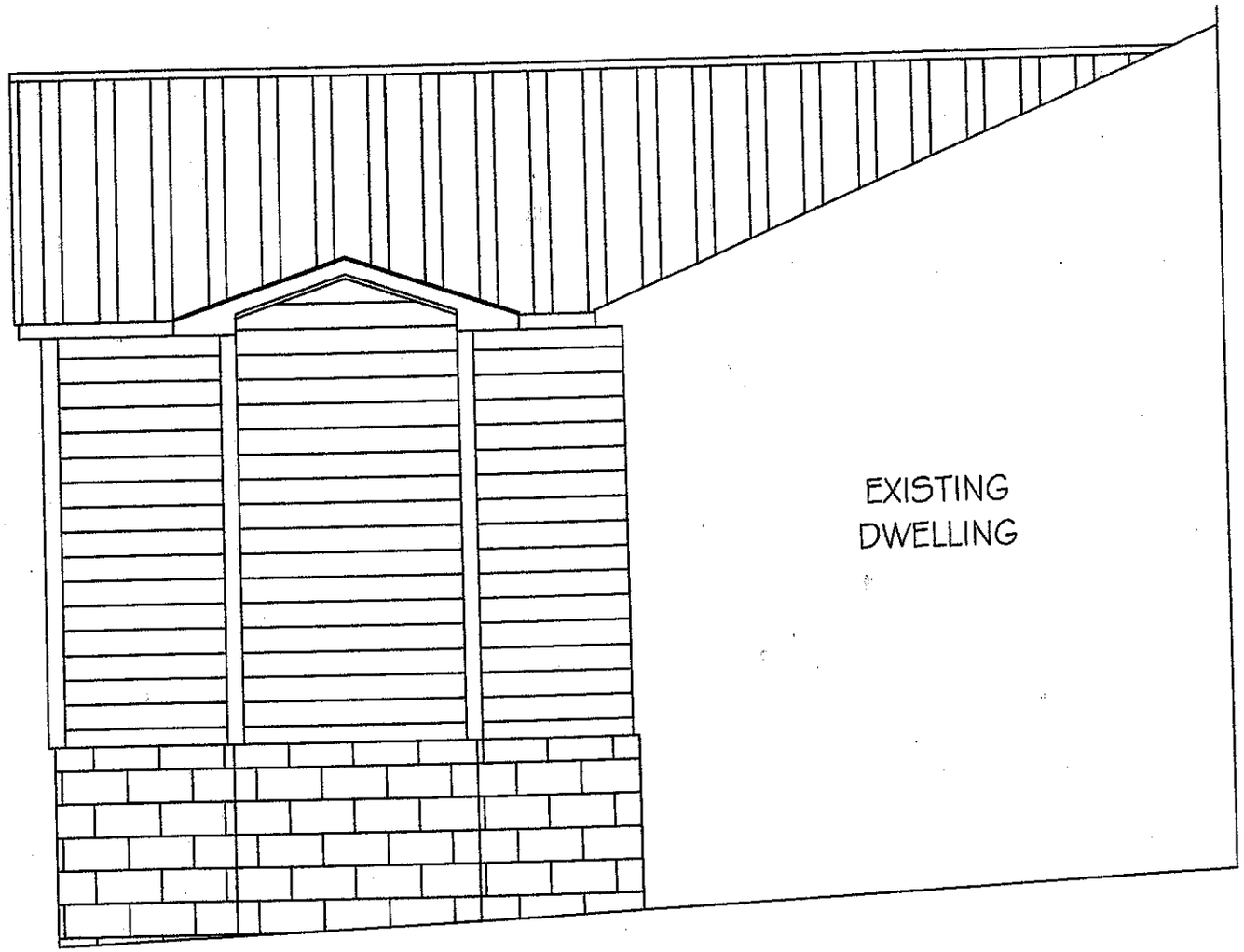
FOUNDATION DETAIL

NO SCALE



RIGHT SIDE ELEV.

NO SCALE

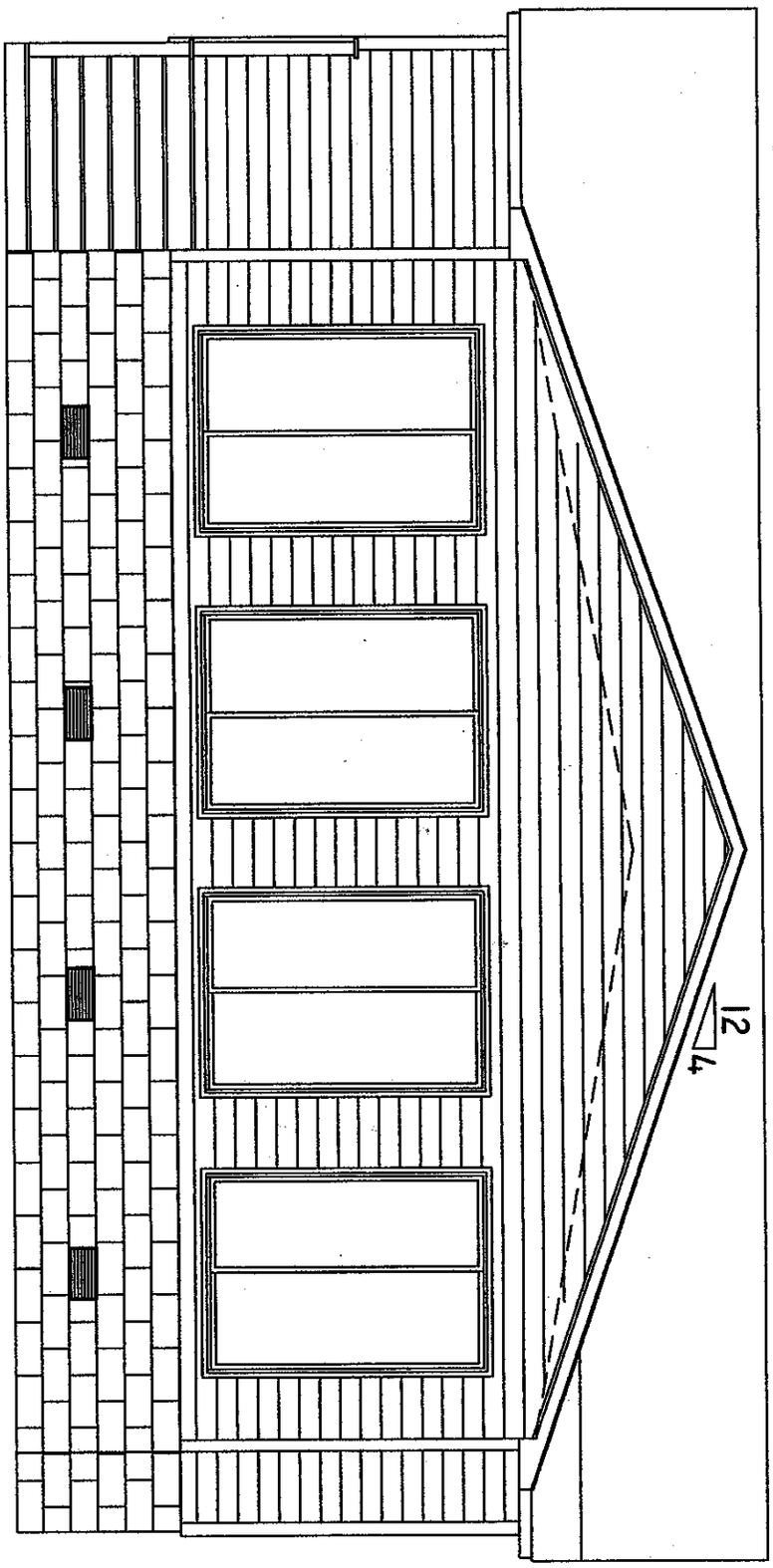


LEFT SIDE ELEV.

NO SCALE

REAR ELEVATION

NO SCALE



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:

William Dale Fulcher Sr
201 Swan Pt Rd
Sneads Ferry NC 28460

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) W D F C. Date of Delivery 5/18

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

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) 7015 1520 0000 7229 6360

PS Form 3811, July 2013 Domestic Return Receipt

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®

OFFICIAL USE

Certified Mail Fee $ 3.30
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) $ 2.70
☐ Return Receipt (electronic) $
☐ Certified Mail Restricted Delivery $
☐ Adult Signature Required $
☐ Adult Signature Restricted Delivery $
Postage $ .68
Total Postage and Fees $ 6.68

Postmark Here
MAY 18 2016
28501

Sent To: Mr. William Dale Fulcher Sr
Street and Apt. No., or PO Box No.: 201 Swan Pt. Rd.
City, State, ZIP+4®: Sneads Ferry N.C. 28460

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 1520 0000 7229 6360

RECEIVED
MAY 25 2016
DCM- MHD CITY

May 14, 2016

I, William Dale Fulcher, Sr., neighbor of Mr. Sidney L. Wade, Jr. and Mrs. Charlene Wade, residing at 201 Swan Point Rd., do declare that I have been fully informed of their plans to improve their property at 205 Swan Point Rd., to build an enclosed sunroom on the waterfront side of their residence in place of existing dilapidated screened-in porch. I do declare that I have no objections to this construction as it will in no way compromise my property, but will add to the beautification of our neighborhood.

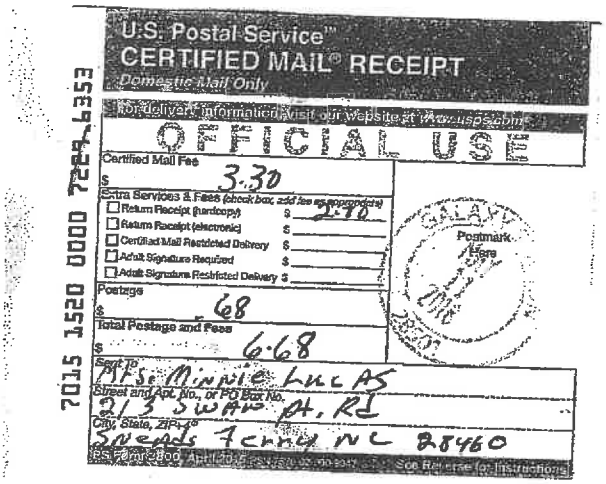
William Dale Fulcher, Sr.

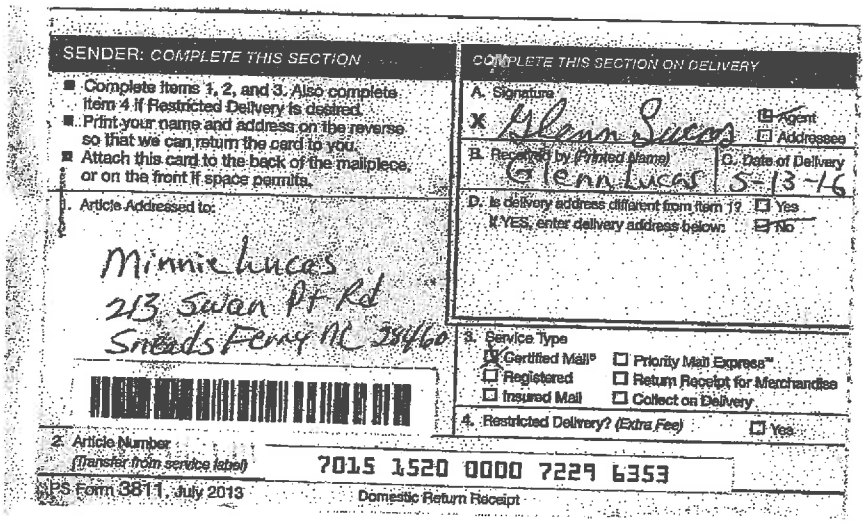
William Dale Fulcher Sr.

May 14, 2016

I, Minnie F. Lucas, neighbor of Mr Sidney L. Wade, Jr. and Mrs. Charlene Wade, residing at 213 Swan Point Rd., do declare that I have been fully informed of their plans to improve their property at 205 Swan Point Rd. to build an enclosed sunroom on the waterfront side of his residence in place of existing dilapidated screened-in porch. I do declare that I have no objections to this construction as it will in no way compromise my property, but will add to the beautification of our neighborhood.

Minnie F. Lucas





RECEIVED
MAY 25 2016
DCM- MHD CITY

I, Minnie F. Lucas, neighbor of Mr Sidney L. Wade, Jr. and Mrs. Charlene Wade, residing at 213 Swan Point Rd., do declare that I have been fully informed of their plans to improve their property at 205 Swan Point Rd. to build an enclosed sunroom on the waterfront side of his residence in place of existing dilapidated screened-in porch. I do declare that I have no objections to this construction as it will in no way compromise my property, but will add to the beautification of our neighborhood.

Minnie F. Lucas

Minnie F. Lucas

October 5, 2015

CERTIFIED MAIL – 91 7199 9991 7032 1412 9009
RETURN RECEIPT REQUESTED

Sidney L. Wade Jr.
2234 Robinson Road
Kinston, NC 28504

RE: DENIAL OF CAMA MINOR DEVELOPMENT PERMIT

APPLICATION NUMBER- LCP2015-15
PROJECT ADDRESS- 205 Swan Point Road, Sneads Ferry, NC

Dear Mr. Wade:

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. You have applied to replace a poorly constructed screen porch with a new sunroom porch which will expand into the thirty (30) foot buffer which is inconsistent with 15 NCAC 7H .0102 (e), which states that: To prevent this destruction, the act charges the Coastal Resources Commission with the responsibility for identifying types of areas – water as well as land – in which uncontrolled or incompatible development activities might result in irreversible damage. It further instructs the Commission to determine what types of development activities are appropriate within such areas, and it calls on local government to give special attention to these environmentally fragile and important areas in developing their land use plans. Also, the act provides that upon establishing the types of development activities appropriate within areas of environmental concern, the CRC should implement a permit program capable of controlling any inappropriate or damaging development activities with the AECs. The intent of this authority is not to stop development, but rather to ensure the compatibility of development with the continued productivity and value of certain critical land and water area. I have concluded that your request also violates NCGS 113A-120(a)(8), which requires that all applications be denied which are inconsistent with our Local Land Use Plan. On page 51 Section V. B(g) of the Onslow County CAMA Core Land Use Plan, you will find that Onslow County will abide by NCDENR rules.

Should you wish to appeal my decision to the Coastal Resource Commission or request a variance from that group, 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 Raleigh must receive appeal notices within twenty (20) days of the date of this letter in order to be considered.

Respectfully yours,

Sammie Rogers

Sammie Rogers, LPO
Onslow County
234 NW Corridor Blvd.
Jacksonville, NC 28540

cc: DCM FIELD REP/FIELD OFFICE
Jason Dail

Permit Class
NEW

Permit Number
180-07

STATE OF NORTH CAROLINA
Department of Environment and Natural Resources
and
Coastal Resources Commission

Permit

for

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

X Excavation and/or filling pursuant to NCGS 113-229

Issued to **Sidney Wade, Jr., 2234 Robinson Road, Kinston, NC 28504**

Authorizing development in Onslow County at adj. to AIWW, 205 Swan Point Rd., Sneads Ferry, as requested in the permittee's application dated 6/6/07 (MP-1), and 9/17/07 (MP-2), including the attached workplan drawings (2), 1 of 2 dated 10/22/07, and 2 of 2 dated 6/4/07.

This permit, issued on **November 28, 2007**, 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 fines, imprisonment or civil action; or may cause the permit to be null and void.

Shoreline Stabilization

1) The alignment of the authorized bulkhead shall be staked by the permittee and approved by a representative of the Division of Coastal Management within a maximum of 30 days prior to the start of any construction. Failure to initiate construction within 30 days, or erosion of the shoreline by adverse weather conditions shall require the alignment to be restaked by the permittee or the permittee's authorized agent and re-approved by DCM within a maximum of 30 days prior to the new expected start of construction.

2) The authorized bulkhead shall be located landward of any Coastal Wetlands.

(See attached sheets for Additional Conditions)

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date. An appeal requires resolution prior to work initiation or continuance as the case may be.

This permit shall 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.

All work shall cease when the permit expires on

December 31, 2010

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

Signed by the authority of the Secretary of DENR and the Chairman of the Coastal Resources Commission.

Douglas V. Huggett

for James H. Gregson, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.

Sidney Wade Jr.

Signature of Permittee

ADDITIONAL CONDITIONS

3) The bulkhead shall be constructed prior to any backfilling activities.

4) The bulkhead shall be structurally tight so as to prevent seepage of backfill materials through the structure.

5) The bulkhead shall be solid and constructed of treated wood, concrete slabs, metal or vinyl sheet piles or other suitable materials approved by Division personnel.

6) The backfill material shall be clean and free of any pollutants except in trace quantities.

7) All backfill material shall be obtained from a high ground source and confined behind the permitted bulkhead.

Excavation

8) Unless specifically altered herein, the dimensions of the area to be dredged shall not exceed the area that is expressly and specifically set forth in the attached permit application and workplan drawings. Any proposal to change the area to be dredged shall require permit modification.

9) Excavation shall not exceed -2 feet below the normal low water level. In no case shall the depth of excavation exceed the depth of connecting waters.

10) No excavation shall take place within 10 feet of any Coastal Wetlands.

11) No vegetated wetlands shall be excavated or filled.

12) The temporary placement or double handling of fill materials within waters or vegetated wetlands is not authorized.

Spoil Disposal

13) All excavated materials shall be confined to the area indicated on the attached workplan drawing behind adequate dikes or other retaining structures to prevent spillover of solids into any wetlands or surrounding waters.

14) No spoil material is to be placed within 30 feet of the normal high water line, except that which will be used to backfill the area behind the bulkhead.

Sedimentation and Erosion Control

15) Appropriate sedimentation and erosion control devices, measures or structures shall be implemented to ensure that eroded materials do not enter adjacent wetlands, watercourses and property (e.g. silt fence, diversion swales or berms, etc.). At a minimum, a silt fence shall be properly installed immediately landward of the bulkhead cap immediately following completion of backfilling activities.

16) All disturbed areas shall be properly graded and provided a ground cover sufficient to restrain erosion within thirty days of project completion.

ADDITIONAL CONDITIONS

General

17) The permittee understands and agrees that, if future operations by the United States requires the removal, relocation, or other alteration of the structure or work authorized by this permit, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to free navigation of the navigable waters, the permittee shall be required, upon due notice from the Corps of Engineers, to remove, relocate or alter the structural work or obstructions caused thereby, without expense to the United States or the state of North Carolina. No claim shall be made against the United States or the state of North Carolina on account of any such removal or alteration.

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

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: The N.C. Division of Water Quality has assigned the proposed project DWQ Project No. 071745.

NOTE: The U.S. Army Corps of Engineers authorized the proposed project under General Permit Nos. 198200277 and 197800080 (COE Action Id. No. SAW-2007-03575-067) which was issued on 11/1/07.

VARIANCE REQUEST

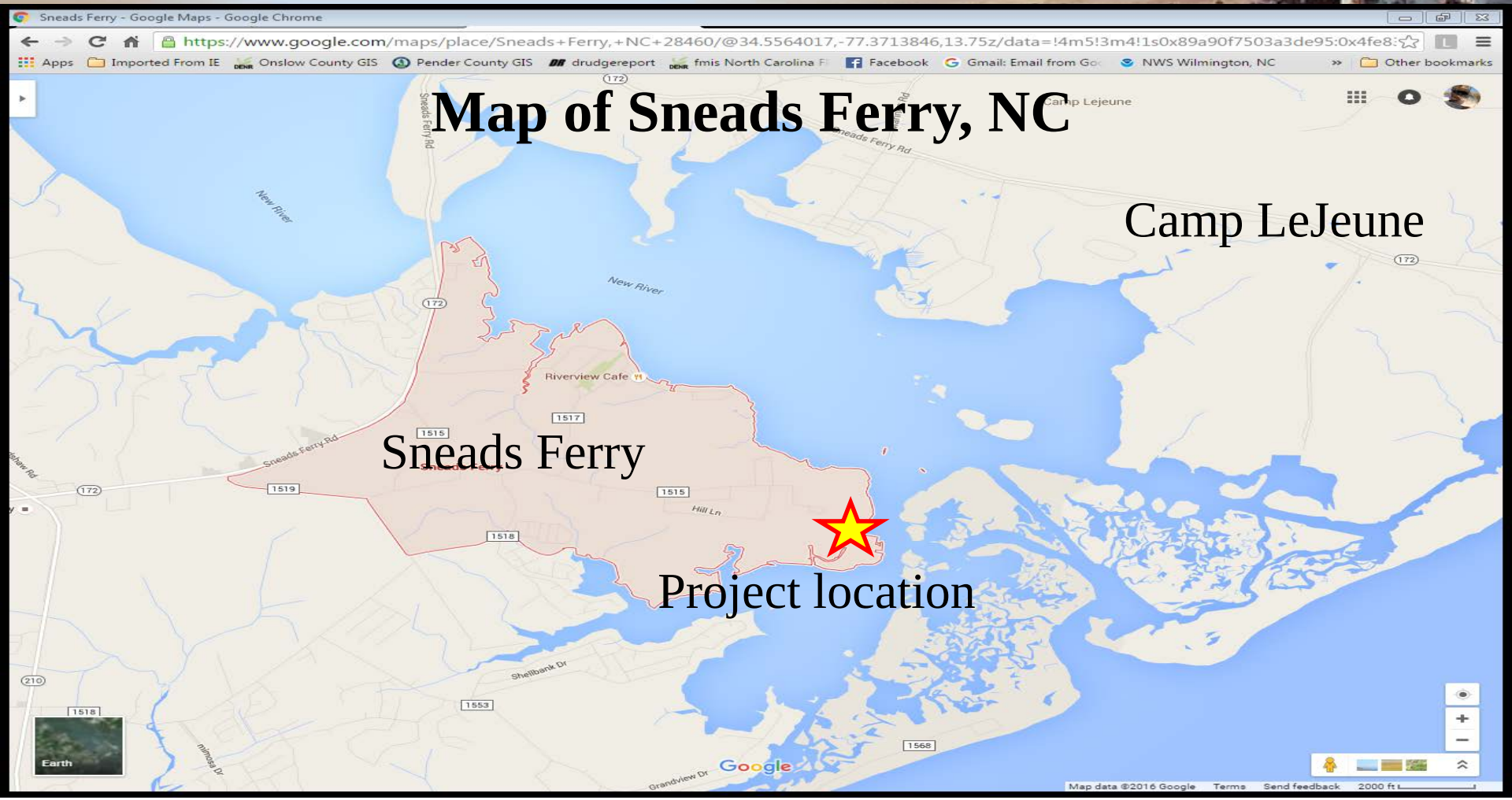
Petitioner – Dowell T. Gray, Jr.

Sydney L. Wade, Jr., 205 Swan Point Road, Sneads Ferry, NC, Onslow County

Presentation prepared and presented by: Debra Wilson

Date: July 12, 2016

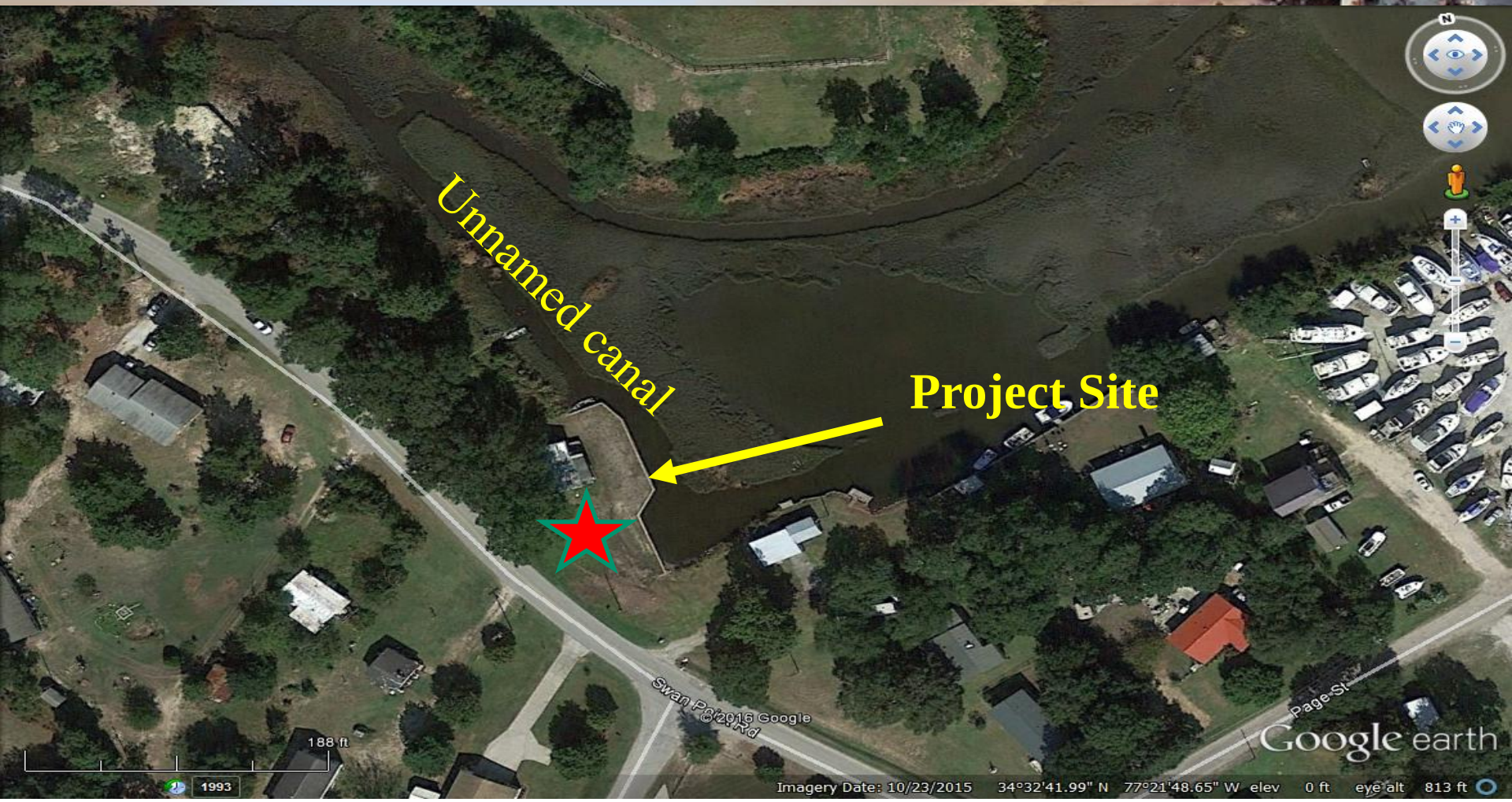
Petitioner – Sydney L. Wade, Jr. – Variance Request
July 12, 2016



Department of Environmental Quality

Petitioner – Sydney L. Wade, Jr. – Variance Request
July 12, 2016

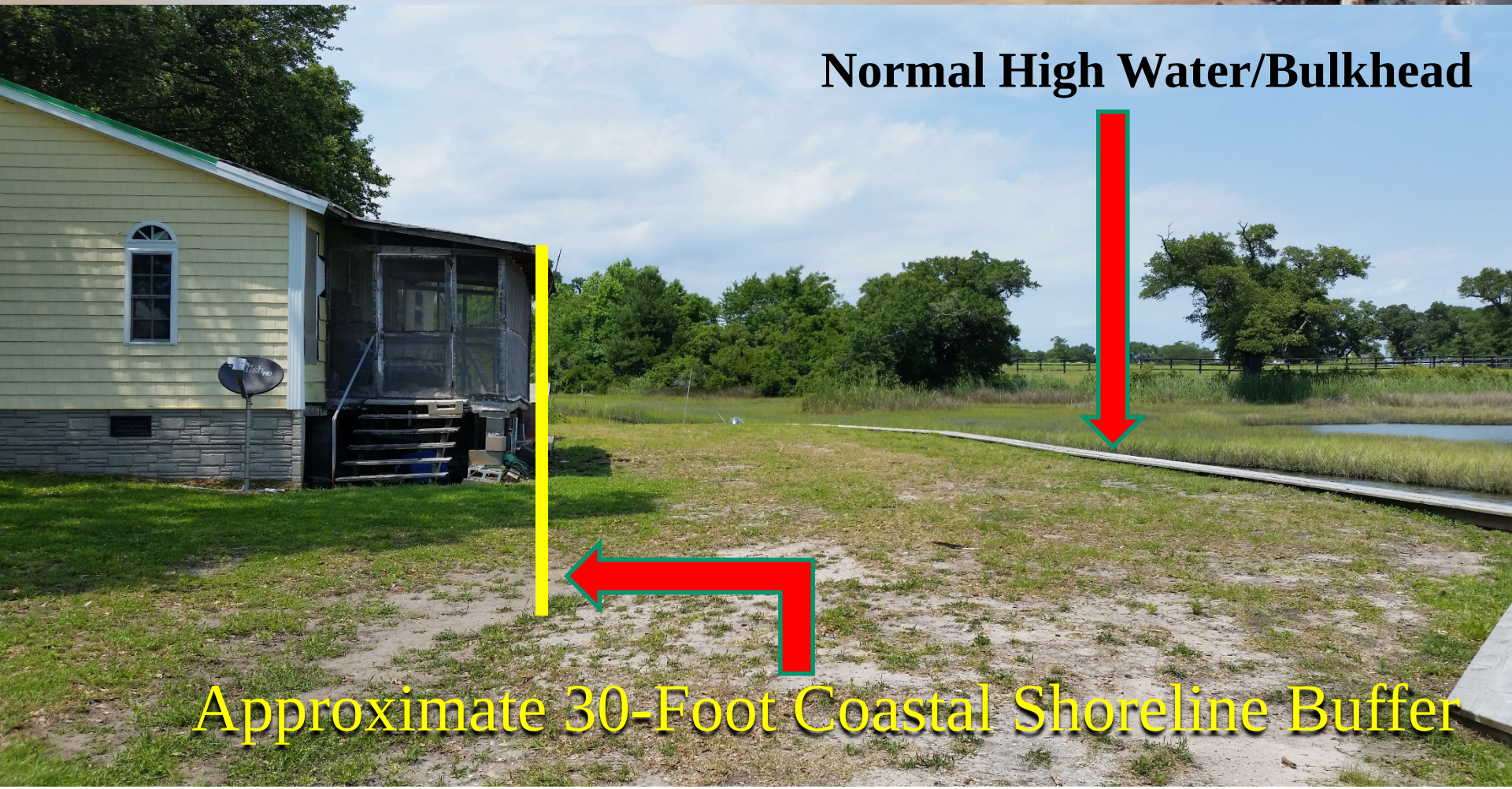
Petitioner – Sydney L. Wade, Jr. – Variance Request
July 12, 2016



Department of Environmental Quality

Petitioner – Sydney L. Wade, Jr. - Variance Request
July 12, 2016

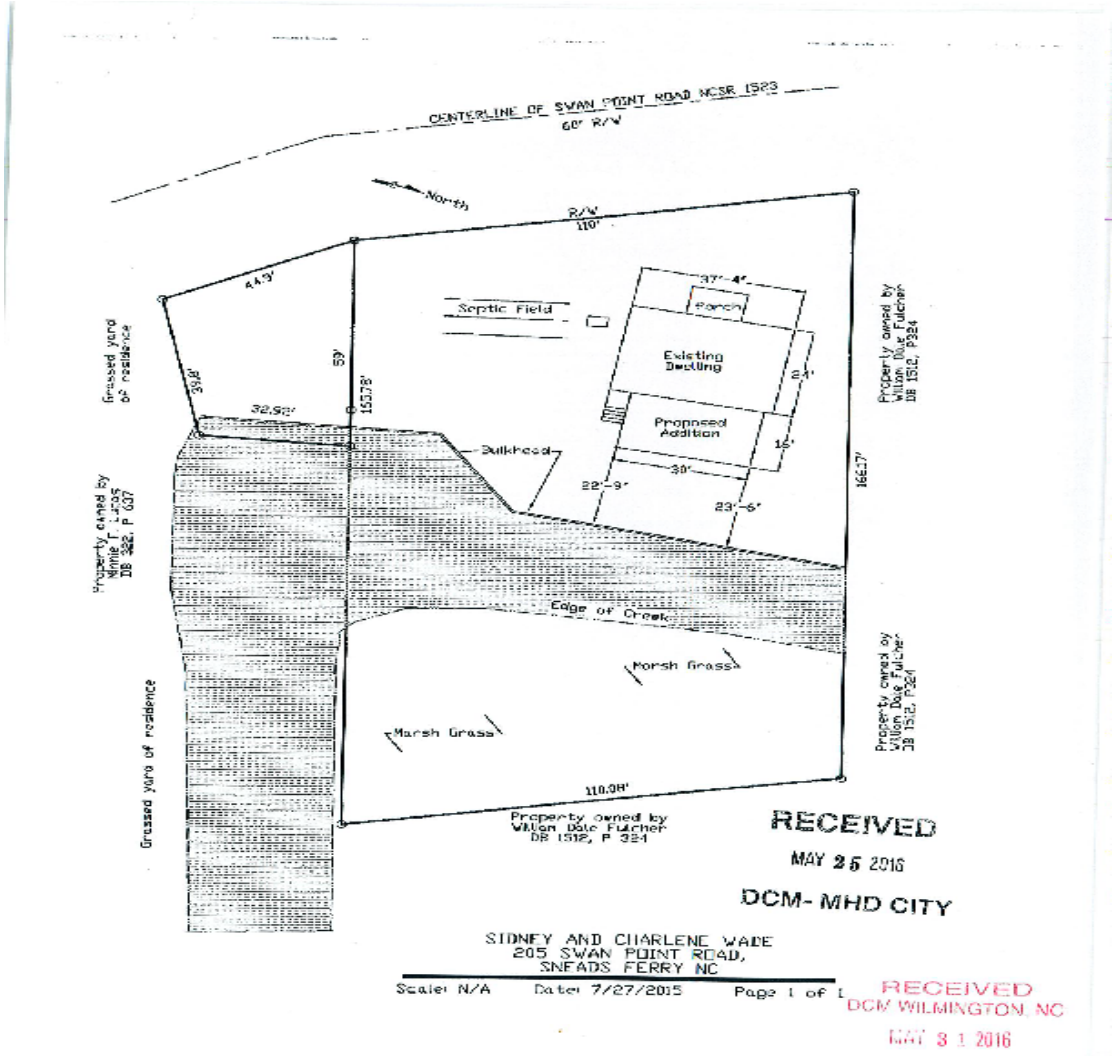
Petitioner – Sydney L. Wade, Jr. - Variance Request
July 12, 2016



Petitioner – Sydney L. Wade, Jr. - Variance Request
July 12, 2016

Petitioner – Sydney L. Wade, Jr. - Variance Request
July 12, 2016

Petitioner – Sydney L. Wade, Jr. – Variance Request
July 12, 2016



Sydney L. Wade proposed development plan

Petitioner – Sydney L. Wade, Jr. – Variance Request
July 12, 2016

Division of
Coastal Management

VARIANCE CRITERIA

15A NCAC 07J.0703(f)
To grant a variance, the Commission must affirmatively find 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.